Liberty

"Where Liberty dwells, there is my country." —Benjamin Franklin

The Films of Ayn Rand
by Stephen Cox

Ron Paul and His Critics
by Murray N. Rothbard

The Mystery Man of the Libertarian Movement
articles by Benjamin Best, R. W. Bradford and Tom Marshall

Witch-Bashing, Book-Burning and Professor Harold Hill's Lessons in Practical Politics
by Butler D. Shaffer

Also: Reviews by *Ida Walters, William P. Moulton, Ross Overbeek, and Timothy Virkkala;* and a short story by *Jo McIntyre*

August 1987 $4.00 Volume 1, Number 1

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UNDER EXECUTIVE ORDER OF THE PRESIDENT

issued April 5, 1933

all persons are required to deliver

ON OR BEFORE MAY 1, 1933

all GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES now owned by them to a Federal Reserve Bank, branch or agency, or to any member bank of the Federal Reserve System.

Executive Order

FORBIDDING THE HOARDING OF GOLD COIN, GOLD BULLION AND GOLD CERTIFICATES.

By virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933, entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", in which amendatory Act Congress declared that a serious emergency exists, I, Franklin D. Roosevelt, President of the United States of America, do declare that said national emergency still continues to exist and pursuant to said section do hereby prohibit the hoarding of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations and hereby prescribe the following regulations for carrying out the purposes of this order:

Section 1. For the purposes of this regulation, the term "hoarding" means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term "person" means any individual, partnership, association or corporation.

Section 2. All persons are hereby required to deliver on or before May 1, 1933, to a Federal reserve bank or a branch or agency thereof or to any member bank of the Federal Reserve System all gold coin, gold bullion and gold certificates now owned by them or coming into their ownership on or before April 28, 1933, except the following:

(a) Such amount of gold as may be required for legitimate and customary use in industry, profession or art within a reasonable time, including gold prior to refining and stocks of gold in reasonable amounts for the usual trade requirements of owners mining and refining such gold.

(b) Gold coin and gold certificates in an amount not exceeding in the aggregate $100.00 belonging to any one person; and gold coins having a recognized special value to collectors of rare and unusual coins.

(c) Gold coin and bullion earmarked or held in trust for a recognized foreign government or foreign central bank or the Bank for International Settlements.

(d) Gold coin and bullion licensed for other proper transactions (not involving hoarding) including gold coin and bullion imported for reexport or held pending action on applications for export licenses.

Section 3. Until otherwise ordered any person becoming the owner of any gold coin, gold bullion, or gold certificates after April 28, 1933, shall, within three days after receipt thereof, deliver the same in the manner prescribed in Section 2; unless such gold coin, gold bullion or gold certificates are held for any of the purposes specified in paragraphs (a), (b) or (c) of Section 2; or unless such gold coin or gold bullion is held for purposes specified in paragraph (d) of Section 2 and the person holding it is, with respect to such gold coin or bullion, a licensee or applicant for license pending action thereon.

Section 4. Upon receipt of gold coin, gold bullion or gold certificates delivered to it in accordance with Sections 2 or 3, the Federal reserve bank or member bank will pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States.

Section 5. Member banks shall deliver all gold coin, gold bullion and gold certificates owned or received by them (other than as exempted under the provisions of Section 2) to the Federal reserve banks of their respective districts and receive credit or payment therefor.

Section 6. The Secretary of the Treasury, out of the sum made available to the President by Section 501 of the Act of March 9, 1933, will in all proper cases pay the reasonable costs of transportation of gold coin, gold bullion or gold certificates delivered to a member bank or Federal reserve bank in accordance with Sections 2, 3, or 5 hereof, including the cost of insurance, protection, and such other incidental costs as may be necessary, upon production of satisfactory evidence of such costs. Voucher forms for this purpose may be procured from Federal reserve banks.

Section 7. In cases where the delivery of gold coin, gold bullion or gold certificates by the owners thereof within the time set forth above will involve extraordinary hardship or difficulty, the Secretary of the Treasury may, in his discretion, extend the time within which such delivery must be made. Applications for such extensions must be made in writing under oath, addressed to the Secretary of the Treasury and filed with a Federal reserve bank. Each application must state the date to which the extension is desired, the amount and location of the gold coin, gold bullion and gold certificates in respect of which such application is made and the facts showing extension to be necessary to avoid extraordinary hardship or difficulty.

Section 8. The Secretary of the Treasury is hereby authorized and empowered to issue such further regulations as he may deem necessary to carry out the purposes of this order and to issue licenses thereunder, through such officers or agencies as he may designate, including licenses permitting the Federal reserve banks and member banks of the Federal Reserve System, in return for an equivalent amount of other coin, currency or credit, to deliver, earmark or hold in trust gold coin and bullion to or for persons showing the need for the same for any of the purposes specified in paragraphs (a), (c) and (d) of Section 2 of these regulations.

Section 9. Whoever willfully violates any provision of this Executive Order or of these regulations or of any rule, regulation or license issued thereunder may be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisonment, or both.

This order and these regulations may be modified or revoked at any time.

THE WHITE HOUSE
April 5, 1933.

FRANKLIN D ROOSEVELT

For Further Information Consult Your Local Bank

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W. H. Woodin
Secretary of the Treasury.

A Great Moment in American Monetary Policy: April 5, 1933

Liberty

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Contents

"It Couldn't Be Made Into a *Really* Good Movie"
The Films of Ayn Rand
Stephen Cox, page 5

The Mystery Man of the Libertarian Movement
R. W. Bradford, page 11
Benjamin Best, page 12
Tom Marshall, page 15

Witch-Bashing, Book-Burning, and Professor Harold Hill's Lessons in Practical Politics
Butler D. Shaffer, page 17

Options
a story by
Jo McIntyre, page 21

Departments

Reviews

Ross Overbeek on the computer revolution, page 26
Ida Walters on pop-management analysis, page 27
Timothy Virkkala on Thomas Sowell, page 29
Booknotes, page 31
William P. Moulton on the tediousness of conservatism, page 33

Politics

The Libertarians' Quandary, *by Chester Alan Arthur*, page 36
Life or Death in Seattle, *by Murray N. Rothbard*, page 39
The Matter of America, *by David Sheldon*, page 42

Editorial, page 4

Contributors, page 45

Terra Incognita, page 46

Cartoons, pages 27 & 41

Editorial

Why Liberty?

Does the world really need another libertarian magazine?

There already exists a variety of libertarian periodicals, ranging from local newsletters to national magazines, from personal "zines" to scholarly journals. Given the limited resources of the libertarian movement, the number of libertarian publications is impressive, and the quality of most is remarkably good.

Yet it seems to us that nearly all libertarian periodicals fit into one of three categories: outreach periodicals, house organs or scholarly journals.

In efforts to gain influence or convince others of the correctness of their positions, a considerable amount of libertarian intellectual energy is aimed outside the movement via outreach periodicals. While converting others may be an important and worthwhile activity, outreach periodicals are sometimes rather boring to the intelligent libertarian. Who needs another article on free market garbage collection?

Other libertarian periodicals attempt to expound a certain vision of liberty to the exclusion of other libertarian visions. These house organs usually do a good job as standard bearers of their particular faction, but they often suffer from their narrow scope and perspective. They generally discuss only issues of particular interest to their faction; to the extent they discuss other issues, they do so from a very narrow perspective.

Libertarian scholarly journals offer a wider scope and broader perspectives; they often explore the frontiers of libertarian thinking. But the strictures of scholarly writing limit their content both in scope and style.

Neither outreach periodicals nor house organs nor scholarly journals can offer the kind of lively, provocative analysis that the intelligent libertarian craves.

The Nature of *Liberty*

We propose to publish **Liberty** as a journal produced by libertarians for libertarians, a journal with the space and inclination to discuss issues that interest libertarians, written from an unapologetically libertarian perspective.

We propose to publish lively discussions of these sorts of issues:

- the intellectual and psychological roots of libertarianism and of the hostility to liberty.
- the sort of society that libertarianism entails.
- cultural, social and historical matters from a libertarian perspective.
- the tactics and strategies of those libertarians seeking to libertarianize the world, as well as the strategy and tactics of those who believe in allowing the world to go its own way.
- the origin and history of the libertarian movement.

We seek to publish uninhibited discussions of these issues, without feeling any need to soft pedal libertarianism or to outline or defend the precepts of libertarianism (except for challenges from within).

We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate non-libertarians.

We seek a periodical that does not soft-pedal libertarianism one whit.

Who We Are

The editors of **Liberty** are a diverse lot.

Two of us (Rothbard and Cox) are professional academics; two of us (Bradford and Casey) are entrepreneurs and financial advisory writers; one of us (Overbeek) is an academic-researcher, scientist-entrepreneur.

One of us (Rothbard) has long been intimately involved in the Libertarian Party; two of us (Cox and Bradford) have supported the LP since its inception but only recently joined the party; another (Overbeek) has refused to join the Party because of his disagreement over its loyalty oath requirement; one of us (Casey) eschews political activity altogether, refusing even to register to vote.

The bases of our libertarianisms vary as well: One of us (Rothbard) is a leading advocate of Natural Rights philosophy, three of us (Cox, Overbeek and Bradford) are Classical Liberals more or less in the utilitarian tradition, and one of us (Casey) is an anarchist in the neo-Objectivist tradition of the Tannehills.

We acknowledge our differences of experience, of orientation, of approach. In the pages of **Liberty** we expect we will often disagree, and sometimes disagree with vigor.

But all of us agree on two points:

1) We believe that the role of government in people's lives should be radically reduced or eliminated altogether (thus we are libertarians);

2) We believe that libertarians need an "inreach" journal—a periodical in which to sort out their differences, share their thinking, etc.

That is why we publish **Liberty**.

R. W. Bradford
Douglas Casey
Stephen Cox
Ross Overbeek
Murray Rothbard

Criticism

"It Couldn't Be Made Into a *Really* Good Movie"
The Films of Ayn Rand
by Stephen Cox

Film is a popular art and a cooperative one. It appeals to a mass audience, and its creation requires the collaboration of many artists. The novelist, even the novelist afflicted with editors, has an easier time maintaining control over his work than does the writer of films, whose scripts must be brought to life by producers, directors, cinematographers, and actors. It is partly because film is a collaborative art that it is so often the art of situations rather than of ideas or characters. A basic situation—boy meets girl, bank robber meets bank, Godzilla meets Tokyo—may survive the process of film-making, and may even be intensified by that process, while subtle character analysis and complex ideas perish. Basic dramatic situations have more obvious appeal to a mass audience than do carefully developed philosophical theses. This helps to account for the fact that film is so often sentimental, in the sense that it presents situations that exploit and confirm common emotional responses rather than suggesting ideas that might challenge them.

As a novelist, Ayn Rand was a devoted anti-sentimentalist, continually challenging commonplace reactions. She did so by writing fiction that attempts to explain why those reactions are philosophically inappropriate. Fiction of her kind requires scope: the arguments of *The Fountainhead* could never be encapsulated in a two-hour, or a twenty-hour, movie. And, of course, Rand was an individualist artist who aspired to total control of her work. When Bennett Cerf, the head of Random House, wanted her to cut *Atlas Shrugged*, she asked him, "Would you cut the Bible?"[1] Rand seems a very unpromising candidate for film-maker—yet she wrote three films.[2]

Most readers of Rand are familiar with only one of these films, *The Fountainhead*. But to get a sense of her struggles with the Hollywood movie, one must consider all three.

You Came Along
Paramount, 1945
Producer: Hal B. Wallis
Director: John Farrow
Cast: Robert Cummings, Lizabeth Scott, Don DeFore, Charles Drake, Kim Hunter

You Came Along is the weakest of her films, and probably the most collaborative; Rand's screenplay was a revision of an original story by Robert Smith. The script is dominated by a basic, sentimental situation: a heroic World War II pilot is dying of some rare disease, he meets a heroic woman who marries him despite her knowledge of his impending doom, he succumbs bravely, she reacts bravely. In order to throw the grim events of the plot into sharpest emotional relief, or perhaps in order to keep the audience awake, the leading characters are forced to be comedians as well as heroes. The pilot and two happy-go-lucky buddies are travelling around the country selling war bonds, and his destined mate is assigned to travel with them as a representative of the Treasury Department. This in itself evokes humor: what a surprise that the Treasury agent is a woman! But travel provides further opportunities for comedy. The pilot arrives late at night in the wrong hotel room; he takes off his pants before discovering that his Treasury Department guide, not yet his wife, is occupying the bed; confusion reigns, etc.

Rand's humor, when evident at all—and it is frequently evident in the satirical parts of her novels—was not of this kind. It's easy to attribute the "comedy" in *You Came Along* to Robert Smith, who during his career got credits for seventeen not very distinguished pictures, of which *You Came Along* was his first.[3] It's also easy to imagine that Smith, rather than Rand, was the source of the scenes in churches and chapels and of the religious epigraph (some pretty verses from Longfellow) that comes on the screen after

the movie's titles. It was Rand, however, who apparently decided to include rather than exclude these elements.

Whatever trouble she may have had with them, she clearly had no trouble with the ideology of heroic love that is implicit in the plot. That ideology becomes an ideology of heroic joy; the heroine resembles the positive characters in Rand's novels when she declares that she will never grieve for her husband or feel sorry that she married him. All this conforms to Rand's idea that individuals are ultimately responsible for their emotions and that life need not be painful even if its circumstances are.

Rand's heroine is understood as rising above the very situation from which the film derives its pathos—yet this hardly acquits the script of the charge of easy, situational sentiment. *You Came Along* is a formula picture that arouses highly predictable emotions, and there is nothing in the thought process of the characters that would trouble the audience with thinking. What makes the film endurable is Lizabeth Scott's portrayal of the heroine. Scott is so poised and luminous an actress that she can make the predictable seem, for the moment, meaningful—and perhaps there is a kind of meaningfulness in this. As for Rand's other collaborator, Robert Cummings, who plays the pilot: he was apparently so pleased with his role that he used the name of his character, Robert Collins, as the name of the comic protagonist of his 1955-59 television series *The Bob Cummings Show* (syndicated as *Love That Bob*), about a fly-boy turned photographer. Popular culture, like an archaeological site, exhibits many strata of debris.

So formidable did Rand make herself while her film was being created that she was allowed more influence on production than any other Hollywood writer has ever acquired.

Love Letters
Paramount, 1945
Producer: Hal B. Wallis
Director: William Dieterle
Cast: Joseph Cotten,
Jennifer Jones, Ann Richards,
Gladys Cooper, Robert Sully

Love Letters is a much more interesting film, if only because its central situation is more complex than the rudimentary disease-death-emotional transcendence situation in *You Came Along*. The plot involves an English officer, Alan Quinton (played by Joseph Cotten), who ghost-writes love letters to another soldier's girl back home. It's essentially the Peter Keating-Howard Roark, parasite-host relationship, and Quinton's buddy even says the Keatingish things that one would expect from a Randian second-hander:

> Quinton: She's in love with these letters that you didn't write. With my letters.
> Parasite: What's the difference?
> Quinton: She's in love with a man who doesn't exist.
> Parasite: Oh well, I'll make a good substitute.

The woman is indeed in love. According to her letters, she is seeking "a man who would look at life, not as a burden or a punishment, but as a dream of beauty which we can make real." Quinton's ghost-written letters are so eloquent, so lyrical, so individual, that she thinks she has found her man. She marries the purported author, not knowing that he is a cad. When he returns from the war, she gradually realizes that his character does not match his words—and then he is killed, knifed to death, supposedly by his disappointed spouse, who loses her memory and cannot furnish testimony about the crime.

I need not belabor all the typically Randian concepts for which this situation provides a vehicle. They include the uniqueness of real character, the sanctity of joy and beauty, and the alacrity with which joy and beauty are despoiled by the emotional exploiters of this world. There is the possibility, too, of a typically Randian plot development designed to challenge sentimental assumptions: the development in which an act that appears "obviously" wrong (Roark's destruction of Cortlandt Homes, for instance, or in this case the murder of the offending husband) is eventually justified as proper in the terms of an unorthodox moral philosophy.

The framework of *Love Letters* is not, however, entirely of Rand's devising. While working for producer Hal Wallis, she found it difficult to discover properties to adapt for the screen. Finally she chose "out of sheer desperation" a novel in which she saw "at least the possibility of a dramatic situation."[4] The novel was *The Love Letters*, by a prolific but now totally forgotten author, Chris Massie. Massie's writing is a curious mixture of the spiritual and the clinical, of allusions to the Bible and talk of "sex starvation."[5] His manner exaggerates the worst features of, say, H.G. Wells'—the manner of the tough village atheist who has suddenly gotten his own kind of religion. Beneath it all is an uncouth sincerity, a desire to break the quarantine on every sort of emotional sickness. As his autobiography, *Confessions of a Vagabond*, makes clear, Massie had been deeply traumatized by World War I.[6] His protagonist in *The Love Letters* returns from war unfit for civilian life, and finds that he has "a nostalgia for... well, among other things... the smell of the dead. War stinks to high heaven, but it is the stink of something terribly real..."[7]

Observations of this sort might lead to serious analysis of psychology, but Massie drifts in a less fortunate direction. He is not concerned with the individuality of character that Quinton's letters express: this is Rand's theme. In the novel, the heroine's marriage to the "author" of the letters fails to work because he accidentally dies, not because of his psychological flaws. She loses her memory and returns to what we are assured is a delightful state of innocence (actually of pure banality), in which she happens to meet Quinton and marries him. In the meantime, oddly enough, she is thought to have murdered an old lady whom Massie drags into the plot for no other reason than for his heroine to be accused of murdering her. Eventually, a second old lady confesses to the killing; just at that moment, however, the innocent

heroine drowns in a failed attempt to save a drowning lamb (that's right, an innocent lamb). This bizarre plot provides Massie with evidence for his final judgment that beauty is born to die, that "life is travail and disappointment and tears."[8] If one wishes to criticize Rand's movie, one should first read Massie's book.

Rand does well to consolidate the plot, so that the killing acquires some significance, even seems poetically appropriate, and so that it becomes the direct result of the misleading letters and therefore of a denial of true identity. She does still better by removing the maudlin ending. Ever the foe of pessimism, she arranges for Quinton and the heroine not only to meet and marry but also to continue enjoying happiness after the heroine's memory is restored and she discovers that it was her adoptive mother, not she, who did away with her husband. But here one suspects a concession to conventional notions of innocence, a concession that deforms Rand's story. Her plot is about the individual self and its aspirations, not about legal innocence. From the judicial standpoint, it may be interesting to wonder if a certain amnesia victim actually slew her husband, but from the artistic standpoint it adds nothing to the script to prolong the mystery of who killed him, only to reveal that it wasn't the heroine who did so. Nothing is added, that is, but predictable sentiments. One is not unhappy when this film finally ends.

Love Letters is competently acted, despite the fact that Joseph Cotten does none of the special things that he could sometimes do, and Jennifer Jones (playing the heroine) has to represent too cloyingly sweet a character ever to be represented in an interesting way. Jones does not really act as if she were "hearing voices and being tickled at one and the same time,"[9] but you get tired of her anyway. The director, William Dieterle, was a prominent practitioner of *film noir*. He could also practice other modes; he had worked with Max Reinhardt, for instance, on the wonderful film version of *A Midsummers Night's Dream*. *Love Letters*, however, is very *noir*, or at least very shadowy, and the sets are small and few and cheap. But the camera work is exacting; the shots are well planned and framed, and camera angles are properly expressive of emotional tones. What damages the movie is the empty sentiment of the amnesia-murder plot, a plot that Rand did not or could not make intellectually challenging.

The Fountainhead

Warner Brothers, 1949
Producer: Henry Blanke
Director: King Vidor
Musical Score: Max Steiner
Cast: Gary Cooper,
Raymond Massey,
Patricia Neal, Kent Smith,
Henry Hull, Robert Douglas, Ray Collins, Jerome Cowan

In *The Fountainhead*, Rand is a much more independent creator of her own film. She was working from her own book, she was attempting to realize her own ideas—not fix up someone else's—and she had every inclination to pester and cajole other people into producing her script in precisely the way she wanted it produced. In this she had a large measure of success; she was no pathetic Peter Keating being "pushed from office to office" while artistic control was lost, bit by bit.

The film's director, King Vidor, was a figure of no small importance in Hollywood, and he did not take Rand's philosophy and mythology with complete seriousness. Discussing the film's centrally important episode, Roark's dynamiting of Cortlandt Homes, Vidor wrote:

> [Roark] tried in every way to restore the construction to his original idea [this isn't the way the movie goes, incidently] but was unsuccessful. It was then that he decided to dynamite the face of each building.
>
> To me this seemed a preposterous and impractical solution. I went to Jack Warner, the head of the studio, with the argument that if, when the picture was completed, anyone changed or edited some part of the film and I retaliated by destroying that part of the film, would he forgive my rash action. He replied that he would not but that a court judge might.[10]

Nevertheless, Vidor goes on to say that he admired Roark's artistic integrity.

Rand, of course, had none of her director's ambivalence, and so formidable did she make herself while her film was being created that she was allowed more influence on production than any other Hollywood writer has ever acquired. Vidor reported that "when actors wanted to change lines we had to telephone her and ask her to come over quickly and that helped stop a lot of actors changing lines."[11] Rand was even permitted to coach Gary Cooper (Howard Roark) for his performance in the impressive courtroom scene. Impressive, but perhaps not impressive enough; Cooper and Rand agreed that "he didn't quite get it."[12] *The Fountainhead* remained, inevitably, a collaboration—yet Rand bears most of the responsibility for its outcome.

Critics have been evaluating her achievement for the past forty years, but it is remarkable how often they seem to have been watching some movie besides *The Fountainhead*. I'm not worried here about hostile treatments, such as Bosley Crowther gave the film in the New York *Times*. Crowther's review does sound as if it should appear in Ellsworth Toohey's "One Small Voice," but he is right about some things; for example, he correctly perceives that Gary Cooper's architecture is "trash."[13] I am mainly concerned with misperceptions to which friendly as well as hostile critics have succumbed.

Charles Derry, who likes the book, likes the movie, and views it as an example of successfully "collaborative art," emphasizes its visual subtlety by asserting that "Ellsworth Toohey's first appearance is as a black silhouetted figure looming large in the foreground... Toohey, a man of shadowy ideas, is ready to try to dominate when the time is right."[14] In fact, Toohey first appears as a figure walking unobtrusively across the set behind Roark. This image captures not only Toohey's sinister quality, but also the fact that Roark does not—prefers not to—notice people like Toohey.

A small misperception—there are larger ones. Kevin McGann pictures the movie's Roark as "fight[ing] to con-

vert the public and the architectural world to his thinking." In reality, of course, Roark says that he doesn't care what anyone else thinks about architecture; he engages in ideological warfare only when he needs to gain acquittal in court. McGann also reads Dominique Francon's fake attempt at suicide as a real attempt.[15] Derry and Stuart Kaminsky insist on the presence of a certain pattern of imagery, in accordance with which Roark seems to ascend in the camera's eye. "Throughout the first part of the film," Kaminsky says, Dominique "is shown physically above" Roark; "only when she becomes sexually vulnerable does she appear in a lower position on the screen." According to Derry, "Throughout the movie Roark was constantly shown close to the earth.... The camera was often placed above his head, emphasizing his striving to rise." In the final sequence, Derry notes, the camera angle is reversed: Roark has conquered.[16] The truth is, however, that the camera normally takes a level view of Roark; even in scenes in which other characters are understood as looking down on him, literally or figuratively, the lens is normally aligned to him, not them.

About the film's ideas there are many misperceptions. Richard Combs believes that Rand's script "continually declaims against the grovelling mediocrity of the masses and their envious egalitarianism." But neither the script nor the direction has much to say about the "masses," their envies, or their isms; there may be more analysis of their apparent mediocrity in *It's a Wonderful Life* than in *The Fountainhead*. When mediocrity is criticized, it is mainly the mediocrity of the intellectuals and the upper classes that Rand and Vidor seem to have in mind, and that we see on the screen. Combs also claims that the script's political philosophy, which is principally vulnerable, one would think, to the charge of single-minded rationalism, actually "conflates and confuses so many political attitudes in its drive to exalt the Superman that the narrative result is a kind of *Wizard of Oz* nonsensicality."[17] All one can say about this is that Combs didn't like whatever movie he saw. Raymond Durgnat, a generally sympathetic analyst, also has difficulty in classifying the film's ideas. Although he fails to specify any very immediate influence of Vidor's populist or mystical tendencies, he nevertheless argues that "it remains unclear where Miss Rand's [ideas] end and Vidor's begin."[18] This is a curious remark to make about a film whose concept was so thoroughly Rand's own.

The Art of Cooperation

Collaboration, however, had to take place, and it did. Fortunately, Rand and Vidor agreed on the usefulness of a non-naturalistic technique. Rand liked expressionist film, and in her novels she found plenty of uses for the mythic and the mythological.[19] *The Fountainhead* comes as close to mythic expressionism as a film about a rationalist architect could ever come. The mythic atmosphere is partly a matter of the directness and "urgency"[20] of Rand's script, which was required to reduce a very long book to its stark fundamentals. Rand was always good with an aphorism, even in her late, tedious years, and the aphoristic style helps her here: "I don't build in order to have clients; I have clients in order to build," Roark declares—succinctly establishing himself as the archetypal creator.

But myth can never be achieved simply by collecting aphorisms. The mythic is a matter of universal problems, essential conflicts, and symbolic acts of sudden, intense significance. It is Henry Cameron (played by Henry Hull) seizing a stack of copies of the New York *Banner*—"the foulest newspaper on earth"—and ripping them to shreds; around him, a crowd gathers and, somewhere above, the camera inspects the scene, as if from a judgment seat. It is Dominique Francon (Patricia Neal) holding a desperate Gail Wynand (Raymond Massey) in her arms and begging him, at his hour of climactic decision, "Don't give in to them, don't give in"; there is a dissolve to his boardroom, where his directors tell him, "You'd better give in"—and he gives in. And of course it is Vidor's close-up of Roark working in the quarry, seeming to express all the creative and destructive energy in the Randian world in the way in which he holds his drill.

In scenes like this last, of course, the director's insight into the script is more important than the script itself. Throughout the film, Vidor's camera almost unerringly selects the faces, gestures, and objects that are of real thematic or symbolic importance. He lights his sets dramatically so as to emphasize (as if emphasis were necessary) Rand's black-and-white moral contrasts, and he generally places the camera far enough from the actors to convey an impression of reserve and deep seriousness that is suitable to Rand's own seriousness.

The mythic quality of the movie, as I earlier implied, depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming. In this respect, the movie is much starker than the novel. Until the last shot, Roark is never shown working at a construction site; after he gets out of the quarry and achieves his proper station, his work is presented as if it were entirely intellectual, a triumph of mind over matter. The sets are usually stripped of everything that lacks symbolic significance. Roark's offices and the buildings that he designs seem to consist of unnaturally large, unnaturally empty rooms, as if a mythic space were being created by the clearance of all messy, mundane detail. Roark's spaces are in sharp contrast to those of villainous or equivocal people. Toohey's office has plenty of furniture and is well decorated with eighteenth-century portrait prints and a picture of Greek ruins; the boardroom in which Roark is denied a commission displays "decadent" Hubert Robert-like architectural paintings; Dominique's bedroom, a pre-Roark structure, is elaborately baroque; Wynand's pre-Roark dining room is decorated in a heavy neoclassical style and overshadowed by an immense baroque picture; on the facade of the Banner building, a metal sign hangs from Corinthian columns—the architectural banner of decadence and equivocation.

One would like to say that all aspects of script and production were adequate to the goal of mythic expressionism. Regrettably, they are not. Rand's dialogue is sometimes much too "urgent" for its own good. It's not mythic but gratingly obvious for the board of directors of the Security Bank to try to make Roark compromise by

telling him, "You realize, of course, your whole future is at stake. This may be your last chance." And the expressionist sets are often not mythically stark but vacant or dull or shockingly bad. Rand failed to get Frank Lloyd Wright as designer of Roark's buildings; he wanted too much money and too much control.[21] The studio's designer, Edward Carrere, took over, with fear-inspiring results. The film does well at showing the various ways in which bad architects can ruin buildings; the Cortlandt project that Roark blows up richly deserves to be blown up, as discontented mutterings from the audience normally testify. But the Cortlandt that Roark designs looks like nothing more than a typical government project. The house he builds for Wynand is even worse; it's a hard, ugly, moronic lump—something like a square space-ship filled with cement. Its principal interior embellishment is a lamp with goldfish swimming inside it, lovingly placed in the foreground by King Vidor. In general, Roark's buildings go out of their way to deny his doctrine that "form must follow function."

The film's musical decoration is slightly more successful than its architectural decoration. The score is by Max Steiner, usually regarded as one of the best Hollywood composers; he provided music for *Gone with the Wind* and *Casablanca*. Steiner's *Fountainhead* music tries to be romantic and sparely modern at the same time; it ends up being over-stylized and repetitive, a theme without real variation. It's simple enough to avoid serious embarrassment, however, and the final few bars provide a climax of what must be called religious feeling.

The cast, of course, is more than decoration; its members are, perhaps, Rand's most important collaborators, and it has to be said that as a group they fail to attain mythic status. One can hardly object to the presence of actors as talented as Gary Cooper, Raymond Massey, and Patricia Neal, but their talents are not necessarily in Rand's line. Only Massey is capable of realizing the compelling strangeness, the uncanniness of myth, and Massey seriously mars his performance by overacting, as Rand recognized.[22] His arresting voice and manner make him, potentially, the right man for the part, and he skillfully captures the sardonic quality of Wynand's personality. But he is too often on stilts; he neglects Wynand's toughness in favor of his self-conscious theatricality. Neal overacts much more flagrantly; she plays her part with an hysterical intensity that fits the character of Dominique all too well and exaggerates the movie's expressionist style to the point of absurdity. She constantly appears to be posing for some slightly deranged portrait-painter residing in the Berlin of 1925. Her interpretation of Dominique merely deepens the mystery of why Dominique is considered a heroine.

Fiction of Rand's kind requires scope: the arguments of The Fountainhead *could never be encapsulated in a two-hour, or a twenty-hour, movie. The process of condensation that helped bring the mythic elements into sharp focus also helped to deprive them of meaning.*

Another mystery is Rand's curious idea that Gary Cooper was Howard Roark: "From the time she had begun writing *The Fountainhead*, when she had first considered the possibility that it might one day be made into a movie, Gary Cooper was the one actor she wanted for the role of Howard Roark. His physical appearance strongly suggested Roark to her; she saw him as the archetype of the American hero."[23] Like other people who have gotten their wishes, Rand lived to regret it. Cooper wasn't entirely up to the role, though not being up to it allowed him to mold Roark a little in his own attractive image, "humanizing" him, as many people have said. For examples of good acting, one should look at Cooper's sensitive treatment of Roark's shifting feelings in his scenes with Massey, or in his fine little scene or two with Ray Collins, who plays Roger Enright. (Collins, who had performed as Boss Jim W. Gettys in *Citizen Kane*, is himself an excellent actor, as is Jerome Cowan, perfect in the role of Alvah Scarret.) The crucial objection to Cooper is his age; he is much too old to play Roark the beginner—just as Kent Smith is much too old to play the neophyte Keating. It is very surprising that Rand thought of Smith (who does turn in a memorable performance of Keating the has-been) as the right "physical type" for his part.[24] Is this the "pale, dark haired, and beautiful" Keating of the novel, the Keating who has a "classical perfection" in his looks, whose eyes are "dark, alert, intelligent?"[25] Not exactly.

Surprising also is Rand's judgment that Robert Douglas, playing Toohey, "was too forceful," not "slippery and snide" enough.[26] The splendidly developed Toohey of the novel is powerful as well as conniving. He is both a small, twisted figure and an immensely forceful presence. And who wrote the script in which Toohey says to Keating with disgust, "Of course I'm your friend. I'm everybody's friend. I'm a friend of humanity. Now, why did you come here? What do you want?" Rand herself made Toohey forceful, as he should be if he is to enact his prominent part in the myth. Perhaps no actor could capture Toohey's complexity, but Douglas does a striking, more-than-naturalistic job with one side of him. The fact that Rand wanted the other side to be emphasized probably reflects her embarrassment at having created a splendid villain who acts as more than a "foil" or "contrast" to the good people—the role in which her later aesthetic theory would cast a villain.[27]

The Authorized, Abridged Version

The major problem in *The Fountainhead*, however, lies not in its cast, its direction, or its production; it lies in a conflict of media. Rand's great difficulty was that of transforming a complex philosophical novel into a series of mythic scenes, scenes that nevertheless depend on a certain amount of philosophical elaboration if they are to be understood. The process of condensation that helps to bring the mythic elements into sharp focus also helps to deprive them of meaning. Rand was thinking of the conflict of

media when she told Barbara Branden that she was "certain that it couldn't be made into a really good movie"; she had already "told the story in the proper form in the book". [28]

It is this problem that makes some of the movie absurd. The romantic scenes of the book, for instance, are supposed to symbolize and develop the relations among certain complicated ideas. The romantic scenes of the movie are just romantic scenes, rendered with an intensity which they do not seem to deserve. True, Rand is willing to compromise by getting rid of some of the sexual intensities: Dominique gets married twice, not thrice (thank God—three times would look simply terrible on film), and Roark's role in wrecking the Wynands' marriage is somewhat obscured, as McGann notes. [29] But the scene in which Roark conquers Dominique in her bedroom remains, and it is a ridiculous scene. Certain elements of myth defy naturalism so boldly as to make literal versions of them appear grotesque. No one wants to see Homer's battles represented literally, and no one wants to see Daphne literally transformed into a tree while she is trying to escape from Apollo. An elaborately philosophical treatment may, perhaps, demonstrate that the Roark-Dominique romance is human and explicable, but without this treatment, it all looks like a dance of rather awkward bodies. To represent a myth is often to diminish it.

Other parts of *The Fountainhead* are a great deal better than the scenes to which I refer. But the ironic thing is that this "controversial" film is really not capable of stirring up much significant controversy. It can confirm and enhance pre-existing values—or, when viewed by unsympathetic audiences, it can leave these values quite untouched. But it has relatively little power to advocate new values, because it lacks the ability to argue very effectively for them. Compare the laughter that usually greets the romantic scenes with the disgust usually produced by the shots of Cortlandt Homes as redesigned by Toohey's friends. Rand's script is insufficient to convince people that they ought to dislike Cortlandt: how much does the script actually say about architecture, or even about Rand's opinions on the subject? Cortlandt just looks bad. Rand's script is also insufficient to teach anyone not predisposed to such a view that Roark and Dominique's heroic love ought to be respected. It just looks bad. Rand, we are told, arranged for the first preview of the movie to be held in a working-class community, and she was delighted by its enthusiastic reception. She felt that the audience understood all her ideas: "That's why I like the common man." Yet she herself said, "I didn't even like the script; they wanted the movie to be under two hours, so the script was too short, it wasn't right." [30] So how much did her audiences understand?

The Fountainhead is not an intellectually challenging film, though it is certainly better in this respect than Rand's other efforts in the medium. Neither individualists nor anti-individualists are likely to be set thinking by an evening spent with *The Fountainhead* cooking in the VCR. Further, knowledge of the movie's intention to be intellectually challenging, and of its failure to achieve this purpose, detracts even from a purely aesthetic appreciation of its technique. If easy sentiment is one danger to the art of film, unrealizable philosophic ambition is another. But at least *The Fountainhead* has ambition, and its ambition involves not just an attempt to present iconoclastic ideas but an attempt to affect its audience's perceptions in daring and distinctive ways. As Stuart Kaminsky says, its anti-naturalistic method makes it "one of the most noteworthy of American films... a strange and courageous effort, rather like a building by Howard Roark." [31] Rand's courageous strangeness deserves a large share of the credit. ❑

Endnotes

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20. Durgnat, p. 31.
21. Branden, pp. 208-209.
22. Ibid., p. 208.
23. Ibid., p. 206.
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25. Ayn Rand, *The Fountainhead.* (New York: New American Library, 1971), pp. 28-29.
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29. McGann, pp. 229-30.
30. Branden, pp. 211-12.
31. Kaminsky, p. 156.

Retrospective

The Mystery Man of the Libertarian Movement

by R.W. Bradford

In February 1964, Tom Marshall began publication of *Innovator*, "a newsletter of applied philosophy."

Each month, *Innovator's* four pages of tiny type contained an astonishing array of ideas and information about freedom: its meaning, its implications, how it works, how to get it. *Innovator* was more than simply a monthly forum for the nascent libertarian movement, more than a calendar of news and events, more than a place for libertarians to strut their stuff: it was a lifeline to isolated libertarians.

And we were *all* isolated then. There was no libertarian movement: only isolated individuals who had rejected the statist world view. Most of those who were to become part of the libertarian movement were acting in isolation or small pockets within the left or right or the academy.

Many spent their intellectual energy defending libertarianism's more extreme positions. "What! Do you actually mean that we should sell the Post Office? Then who'd deliver the mail?" Others who were to become libertarians accepted most libertarian ideas but feared the idea of total freedom, or feared the expression of that idea.

The dominant libertarian activity, it seemed, was apologizing for libertarianism.

Innovator changed all that. I remember the first issue of *Innovator* I read. It's headline was "Sell The Roads!" It made its case in a logical and sensible way. It didn't apologize for its "extremist" position; it held it high like a banner. It was at that moment that I first began to realize that the future of freedom did not lie in compromise or apology, it did not lie within the conservative movement. It lay in the proud assertion of our own libertarian ideas and arguments.

Innovator was the first modern libertarian periodical: it did more than simply record the birth of modern libertarianism; it midwifed it.

A fair amount of *Innovator* was Tom Marshall's writing. He wrote a few articles under his own name and a variety of pseudonyms, but favored the pseudonym "El Ray." Marshall chose this peculiar name, it is said, because it refered to "the ray" as in "the ray of light." Many thought his name meant "the king", as though it were a Spanish pun. He eventually changed it to "Rayo."

Tom Marshall was always convinced of the merit of maintaining a low profile, warning his friends to keep his pseudonyms secret, maintaining a nondescript office, keeping his residence secret from movement friends.

By 1968, his interests were turning away from organized educational activity toward escaping from the control of the state. "Life in the interstices" had always been one of his favorite strategies, and he had always urged self-reliance in such practical forms as guns and alternative identification.

As the Vietnam War escalated, the civil rights and anti-war movements flourished and the world's states responded by constantly increasing their political power and constantly building even more powerful engines of destruction, Tom Marshall grew more and more convinced that the world of organized society and government was the problem.

To him, the solution to the problem of government was simple: abandon it.

He chose the sparsely populated Siskiyou region of southern Oregon as his habitat. At first he lived in a camper-pickup truck combination with no permanent address, gradually learning wilderness skills and weaning himself and his "freemate" from the social world.

He called his way of living "vonu" (as in "VOluntary Not vUlnerable"). Always the logical engineer, he pursued his vonu freedom methodically. He researched and experimented, writing up his findings and quietly publishing them in his underground newsletter *Vonu Life*.

For a time, he also quietly campaigned for other libertarians to join him in his new way of life. He even offered a sort of "on-the-vonu" training program, complete with coded maps and secret rendezvous.

So far as is known, "vonuism" did

→ *page 44*

Memoir

Tom Marshall: Innovator

A Week in the Wilderness

by Benjamin Best

I first met Tom Marshall in Los Angeles in 1967. A tall, slender and bespectacled electrical engineer, he was in many ways a picture of what is commonly recognized as a "nerd." He was what you might call inhibited and at a loss for "small talk." He had an element of formality about him, even in casual social situations, but it wasn't severe. He was much more at ease exchanging information or making plans for action.

He spoke in what sounded like a dialect he made-up himself. Every word was carefully articulated, but spoken with unusual inflection and variation in rate of speech. It was contagious: I have occasionally found myself speaking "the dialect" without intending to. I remember he once used the phrase "sort of" somewhat inapropriately, in a way I thought was an effort to conform to what he saw as my "hip" orientation. Imprecision was not a part of Tom's natural self-expression.

He lived in a run-down part of the city in a shack that looked as if it were about to be condemned. The furnishing was sparse and the grass was long. Yet he was not poor. A more pleasing esthetic environment would have been a waste of money, in his view.

Tom was born and reared in New England. He once told me that one of the great resentments of his youth was that his father (whom he held in high esteem) spent years trying to establish a local public school rather than expending his time and energy on giving Tom a private education .

After working as an engineer in the Bahamas, Tom arrived in the ideologically seminal atmosphere of Los Angeles in the early 1960s. Harry Browne was at the Henry George School, Joseph Galambos was promoting concepts of competing governments with an emphasis on deference to intellectual property, and the Nathaniel Branden Institute (NBI) was teaching Ayn Rand's Objectivist philosophy to a wide audience.

Tom enrolled in an NBI course, but his prime interest was in applying ideas—in achieving personal freedom through experimentation and direct action outside of the political process. His initial effort, Preform, was the first instance of someone attempting to form a new libertarian country. He attracted many intelligent, capable and creative people to the project.

To expand his base of human resources, Tom established The Institute for Social Progress and began to publish *Liberal Innovator*, which was intended to document instances of people achieving economic, social, political and sexual freedom. Although the word "liberal" was soon dropped from the title, *Innovator* continued monthly publication from 1964 until 1968. It was fresh, exciting and creative.

But Tom's urgent desire for freedom was drawing him away from Los Angeles. He published *Preform/Inform* to document his gypsy lifestyle as a camper nomad. Then he published *Vonu Life* when he and his freemate moved off the roads and into the wilderness of Oregon.

In the spring of 1972, I visited Tom again, this time attending his "Vonu Week" program in Oregon. What follows is an attempt to reconstruct my memories of that week. I must admit that personal and psychological factors stand out in my mind more strongly than technical details.

My companion for the trip was a woman named Lynn, an attractive person in her early twenties whose orientation was back-to-nature, healthful living, simplicity and "austerity". I had met her at a Free University encounter group and had been favorably impressed when she spontaneously offered a story describing her attempt to build on her own a shelter/retreat in the woods.

Tom mailed a list of code names corresponding to actual names of creeks, roads, and other geographical features of the area where I was to meet him. He later sent a description of how to find his rendezvous spot which made reference to the code names. I had some trouble finding the initial turn-off and considered inquiring at a local store. Lynn suggested

that that would not be a very vonu thing to do. So we ended up driving around a bit more until we convinced ourselves of the correct turn. Later, when I mentioned my difficulty to Tom, he made reference to the store where I could have inquired.

I also had trouble driving "1.6 miles" down the road with a car whose odometer had no tenths of miles. I ended up driving in circles to zero the thing and then trying to estimate. By following a treasure-map-type series of pacings and turns at various code-named landmarks, we managed to be at the rendezvous spot at the pre-arranged time. Tom whistled a pre-arranged tune from the bushes and I whistled a pre-arranged tune in reply.

The rest of "Day 1" was as described in the "Programme". Both Lynn and I were impressed to the point of being awe-struck with the speed and efficiency with which Tom went about building our shelter. It was basically a horizontal bed-frame built on the side of a slope, with a polyethylene top and mosquito net. Tom spoke quickly describing what he was doing, but I'm not sure I learned very much. After Vonu Week I was to express the criticism that I probably would have learned more if there had been more "guided doing" rather than just watching and listening.

I will interrupt the story here for some background. I had barely been on a "date" with Lynn, despite the rapid intimacy that develops during an encounter group. In fact, my main interest in the group had been another woman. But at the end of April I asked Lynn to go with me to Vonu Week and she agreed. I then spent the month of May at "Outward Bound," which I had hoped would complement Vonu Week. The emphasis of Outward Bound was almost entirely on building stamina— on pushing a person to the "breaking point". I didn't break, but I may have been too exhausted to use Vonu Week to full advantage.

In any case, the situation was that Lynn and I had just assisted in building the frame for a double bed. Tom left. Lynn had come with me to spend the night alone in a remote section of the wilderness. She was a very sexually attractive young woman. Yet she let me know that while we could sleep together, she did not want to have sex.

On Day 2 Roberta, Tom's free-mate, came to tell us about foods. Tom and Roberta used a division of labor to some extent in the cultivation of their vonu skills. Tom worked on the construction of shelters while Roberta worked on nutrition and the preparation of foods. Although they recognized that this was in keeping with stereotypical social roles, it was nonetheless quite satisfactory for both of them. Lynn, too, seemed to like the idea despite my desire to obtain personal mastery of everything. This is perhaps the ultimate vonu. A desire not even to be dependent on—or feel obliged to—a "free-mate". Lynn took over the sprouting.

Lynn and Roberta seemed to have a lot in common in their nutritional interests. Both had done ten-day fasts. For Roberta it was all associated with overweight and her desire to economize on food. With Lynn it was more a matter of practicing religious austerities and occultistic health ideas with the hope of ameliorating physical problems.

I suggested that slugs might be good high-protein vonu-food. Though we found the idea grossly unappetizing, I have, nevertheless, since heard of people who do eat slugs.

We set up a grinder and there was discussion of ways to prepare hard red wheat for eating. I never did adjust to that diet. I got diarrhea and it was evident to me that my meals were exiting my bowels in the same form as they entered my stomach. This may have been one explanation for my listlessness during the week. I have never had digestive problems with any other food before or since.

At one point a tick crawled onto Roberta during our discussion. When Roberta went to kill it, I taunted Lynn about her religious ideas concerning respect for life. Lynn was annoyed that I brought the issue up, and Roberta still thought the best thing to do was to kill the insect so it wouldn't crawl back. Lynn didn't want to take responsibility for the decision. I believe that Roberta killed it.

Later, by the creek, I made the suggestion that slugs might be a good high-protein vonu-food. Roberta found the idea grossly unappetizing and I admit to the same response myself. Nonetheless, I have since heard of people who do eat slugs.

We were left with a pile of survival books. Many were checked out of the local library, which I thought was distinctly unvonu. I regret to say that I spent my free time on Day 3 and Day 5 plodding through these books in the listless heat.

On Day 4 Tom came to tell us about camouflage. This involved a lengthy and insufferably boring (for both Lynn and me) lecture-demonstration of camouflaging our polyethylene tent by covering it with a tarry substance and then sprinkling pine needles, leaves, small sticks, etc. on top. I had a sense of Tom lusting over Lynn, as I was doing, which I found a bit amusing and which I thought made him self-conscious, though we didn't discuss it.

Our campsite was on the borderline between public and private land. Tom suggested that in the event of being discovered by park rangers or private owners one could say he/she had intended to camp on the opposite side of the border. Tom also had a very sharp eye for private planes—when one passed overhead he would tell us to hit the cover. He suggested that we go for nude walks to help develop vonu self-consciousness about planes and possible confrontations with people from "that society". Lynn seemed to like the idea and I now curse myself for not having done it. It would have been a good way to help Lynn get over some of her hang-ups and to help me get over some of my hang-ups about her hang-ups.

Tom also gave us a few cock-and-bull stories which we could give to park rangers if they came upon us. They seemed so ridiculous I didn't bother to remember them. I don't think he had much ability to identify with the psychology of park rangers.

I commented to Tom about the fantastic weather and the beauty of outdoor life, but he said "it's not that

great". Later, there must have been some overcast or light rain. I was startled to see a circular rainbow over our heads. It almost seemed like a supernatural halo, a "sign." But Tom was unimpressed and had no interest in the physics of the phenomenon despite the fact that he had never seen it before.

Tom also mentioned the possibility of letting me use a rifle with a silencer with which to shoot a deer. Lynn, being a vegetarian, would not eat it, but she did not want to be responsible for influencing my choice or conduct in the matter. I decided against shooting a deer.

I asked Tom many theoretical questions. These were matters he dealt with only in print, he said. Meeting with libertarians almost always dealt with questions of "nuts and bolts". I remember asking him about the problem of the vanishing wilderness. I also asked him why a person who avoids human contact should have such high ideals for social relations. He replied that in a big city people can move from one person to another until all of these persons get wise to his/her "game". But vonuans value their relationships, which are necessarily few. He said the ultimate basis for his libertarian morality was his desire for the best possible relationship with Roberta. I asked about him and Roberta having children. He said it would be too dangerous in a community of only two, but in a community of four, one person could safely be pregnant.

I wasted Day 5 much as I had wasted Day 3. Lynn went off by herself for a long while which gave me cause for worry. But it was just a long walk and a swim. Lynn was thoroughly enjoying herself. I am certain she would have lived there if I had chosen to. She indicated as much.

Day 6 proved to be more social than the schedule implied, probably because of Tom and Roberta's great trust and affection for us. And Lynn seemed more positive about them than she was about anyone she had known in "that society".

We went for a swim in the local swimming hole. We all stripped naked. Roberta was the first in the water. Tom bragged about the high durability and comfort of his shirt which he had found in a public dump. He also made remarks about libertarians and hippies being alike in their practice of nudism. Tom had practiced "social nudism" prior to meeting Roberta or breaking with "that society".

We were allowed to visit Tom and Roberta's base camp—something definitely not in the schedule. It was a large polyethylene tent on flat ground. I only vaguely recall their "famous" foam bed. Roberta outdid herself by the preparation of a variety of tasty "vonu foods", including forms of candy. Tom conceded that one of the hardships of wilderness vonu is the absence of ice cream. Considering that they ate a great deal of stored food, I asked Tom if they had enough money to live in the woods indefinitely. "It's getting to be that way," was his reply.

I asked Tom if they had enough money to live in the woods indefinitely. "It's getting to be that way," was his reply.

For some reason, the day ended in Tom's camper. We all sat at a kitchenette table where I talked about Outward Bound and Lynn mentioned her negative first impressions of me, which amused Tom and Roberta. Tom said that we could remain at our campsite for several days if we wished, but I replied that I was scheduled to begin a welding course. After Lynn and I had left the camper, Lynn commented about what an "empty" feeling she had gotten when leaving.

Lynn never really understood the "libertarian" aspect of the discussions Tom and I had, and insisted on classifying it as "political". I think that Lynn felt threatened by the intelligence of her associates. She made comments about the "slowness" of Tom and Roberta, which I took to be a cheap attempt to impress me. I was also resentful of my own sexual frustration and her religious excuses which removed the matter of sex from the field of discourse. When we got back to town I parted company with her permanently. I admit I didn't even discuss it with her—I left it for her to figure out. As shamefully, I included many negative references to her in my letters to Tom and Roberta.

I got back to town a day earlier than I needed to. Somehow, a mere week away from "that society" had thrown my awareness of time off a day. Of course, Vonu Week was only six days, but I just hadn't thought about it. I never thought, "this is Day 3". I had asked Tom how he would be aware if there was a nuclear war. He said something about having radio.

That was the last time I saw Tom Marshall.

Tom Marshall was an acutely fear-filled individual who lived in constant expectation of nuclear war, economic collapse, social chaos and a totalitarian state. He was also an intensely and minutely conscientious and trustworthy person. By his own admission, he had little interest in—or understanding of—humor.

I can't say what relationship existed between Tom's political paranoia and his inhibitions in social situations, but I'm sure the two were related. He wrote under his own name, as well as "El Ray" and a number of other pseudonyms. I saw no pattern behind the choice of names. He gave me a stern warning that he did not want references to the fact that "El Ray" was not a real name—yet why did he choose such an unlikely appellation, and later alter it to "Rayo"?

Tom had been expecting a nuclear war from the time of the Cuban Missile Crisis when he told his employer he was heading for the hills and promptly did so. In 1967 he was convinced that complete economic collapse would occur within five years. He would be safely entrenched in the woods while others were dying in a bloodbath or suffering famine and totalitarianism.

Tom seemed to find the "status games" in "that society" intolerable and was unable to relate to most people very fruitfully. Roberta found the same to be true. Relating to people in "that society" only made them feel lonelier. Tom later wrote to me expressing interest in the "psychological

➡ page 44

Essay

Libertarians and Coercivists

by El Ray

A Libertarian is a person who holds (for whatever reason) that no one has a right to use coercion (initiate the use of physical force or threat thereof).

Most libertarians hold that one may use physical force in self-defense and/or retaliation *against* coercion; distinguishing between coercion and *non*-initiated force appropriate to a situation.

The opposite of a Libertarian is a Coercivist, a generic term for persons who inflict or advocate coercion.

Two main subcategories of coercivists are:

Felons who personally coerce others;

Statists who seek organized coercion by a State.

Most "conventional" political categories are simply different varieties of Statism—"rival gangs of looters" who fight over who has the right to coerce and for what purposes coercion may be used. These include:

Socialists who advocate government ownership of major industries;

Fascists who advocate government regulation and taxation of private business;

Conservatives who advocate government regulation in accordance with tradition;

Liberals (not to be confused with *Classical Liberals*) who advocate economic "equalization" through coercion;

"States-rights" advocates who prefer coercion by small States at a local level;

"One-world" advocates who prefer coercive control of the entire earth by a single government;

Nationalists who advocate coercion which increases the "power" of a particular State; and

Racists who advocate coercive subjugation of certain races.

These categories are by no means mutually exclusive. Thus the American government might be described as predominately fascist-liberal-nationalist.

Most States make a determined effort to indoctrinate their subjects (and especially children) to support the present State policies (whatever these may be) through direct and indirect control of education, information, and entertainment media. So, until very recently, almost all persons have been coercivists, and differed with their rulers (when they differed at all) only on petty details. This has been the case not only in Communist Russia and China, but in America as well; the American government has been a "pioneer" in socialized education and mass propaganda.

The best known divergent bodies of opinion in America—the "radical right" and the "radical left"—are unfortunately not very radical. The "right-left" polarization has reflected not so much a genuine desire for liberty (at least on the part of the leaders) as class special interests. While many persons on both the "right" and the "left" claim to want freedom, their advocacy is only partial and inconsistent. Thus the "radical left" tends to oppose censorship and conscription, but endorses coercively-financed "welfare programs". Similarly, the "radical right" opposes "medicare" and income taxes, but demands tougher laws against "pornography".

Libertarian opinion, however, takes the best of both "left" and "right" and goes far beyond—to a consistent advocacy of freedom; the total separation of State from all voluntary activities. Since only the libertarian is genuinely radical—only the libertarian truly seeks liberty, only the libertarian can provide a durable and effective opposition to the welfare-warfare state.

Libertarians can be subcategorized according to methods advocated for achieving and/or preserving liberty. Libertarians include:

Limited government advocates who seek a non-coercive central

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government, financed by voluntary means, and having as its principle functions national defense and appellate judiciary. Such a government is hypothetically achieved by ideological education, culminating in legal transformation of the existing government.

"Autarchists" who desire to be left alone by the government but otherwise do not especially care about it (and believe that those who want it should be allowed to have it). Autarchy is hypothetically achieved as individuals discover ways to "opt out". More and more persons cease supporting and "sanctioning" the State, and it gradually atrophies. Most autarchists differ from competitive government advocates (below) in opposing retaliatory force and/or in opposing the delegation of self-defense. And most autarchists differ from communitarians (below) in advocating market trade between individuals.

Competitive government advocates who envision private police companies which competitively offer defense services to customers. Such protection agencies might hypothetically begin in relatively chaotic areas where no State is able to maintain "order", gradually growing and expanding their services to residents of States—offering protection against the State.

Communitarians who seek voluntary collectivism in small (usually agrarian) communities or cooperatives; trade (or barter) being predominantly between communities. Many communitarians base their ideas on fundamentalist religious beliefs. Examples of existing (and economically quite succesful) "voluntary communist" communities are the Hutterite *bruderhofs*. Existing communes exploit "legal interstices" within the State. Most communitarians, like autarchists, believe the State will whither away as more and more persons "opt out" by forming cooperatives.

Decentralists who advocate partitionment of large States into many smaller States; culminating in a world of thousands of independent City-States. The decentralist would have relatively little concern regarding the form of government of any particular ministate, counting on direct and indirect competition to keep most of them rather free most of the time and on personal mobility to assure *his* freedom, "Iron Curtains" being impossible for ministates. Many decentralists expect a catastrophic economic collapse to so severely weaken the central governments of large States (such as America and Russia) to permit regions and political subdivisions to establish autonomy.

Anarchists who advocate destruction of coercive States through retaliatory force against the rulers. In the hypothetical anarchic society which follows, criminals are discouraged and the growth of new States is discouraged by intensive personal cultivation of self-defense. Not all historical anarchists have been libertarians. A libertarian anarchist might advocate rioting, but only against the State and state-held property; he would not (intentionally) seize or destroy non-coercively acquired property. Most other libertarians oppose rioting for tactical reasons. The Watts riots were not "anarchy"—both the rioters *and* the police were coercivists.

Many libertarians favor multiple approaches to liberation.

Since a durable completely-free society has not existed on earth, there is no proof that *any* of the hypothesized libertarian societies can be established and endure. However, the existing States—especially the larger nations—are so utterly immoral and rampantly destructive that fear of unforeseen consequences could hardly deter one from seeking freedom.

States have been by far the biggest thieves and most brutal murderers throughout history. Beside the murder of millions of Jews by the Nazi State, the murder of millions of kulaks by the Russian State, and the murder of millions of innocent residents of Dresden, Hiroshima, and Nagasaki (without even the excuse of military expediency) by the American State, the most depraved of private felons pale in significance.

Most of the economic/technological progress has been the result of free enterprise; notable private inventions include the steam engine, the cotton gin, electric generator, telephone, internal combustion engine, airplane radio, and antibiotics. The history of States is a chronicle of death and destruction; *their* most notable "inventions" have been the cross, the rack, the guillotine, the gas chamber, and the atomic bomb!

Every major coercive State has used the threat of "foreign" States to distract the attention of subjects from its own violence; this is a Statist con game as old as recorded history. Thus the American rulers try to justify domestic totalitarianism as a "defense against communist totalitarianism" even as they aid communist governments in the enslavement of their own people, and even as the communist States, in turn, exhort *their* subjects with fear of "American imperialism." But when, as in the present case, States are merely quarreling over who shall rule the slaves, it is seldom worthwhile to aid or abet *either* side. Rather one should regard *both* as mortal enemies and develop means of personal defense. ❑

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Lecture

Witch-Bashing, Book-Burning, and Professor Harold Hill's Lessons in Practical Politics

by Butler D. Shaffer

I have long considered Meredith Willson to be one of the most astute political commentators of this century. You no doubt remember him as the composer of *The Music Man*. If you do, you will recall the scene in which Prof. Harold Hill—a fast talking salesman newly arrived in River City, intent on selling band instruments and uniforms to the local booboisie—runs into an old friend and begins to inquire of him: "what do people talk about in this town; what gets 'em stirred up; what's new in town?" As Hill's friend is informing him of the new pool table that has generated a good deal of interest among River Citians, the wheels begin to spin and whirl inside Hill's head. In another moment or two, Harold has corraled many of the locals in the town square, singing to them of the dangers of "pool halls" "right here in River City." "That's Trouble, with a capital 'T', and that rhymes with 'P', and that stands for 'Pool'!" He and his rather witless friend later play the roles of *agents provocateur* to repeat—as voices from the crowd at a town meeting—the dangers of undisciplined youth frittering away their time at the local pool hall. After they have succeeded in whooping up the crowd into frenzy of action, Prof. Harold Hill emerges with an offer to form a "River City Boy's Band"—with instruments and uniforms to be supplied at a handsome price—and the boobs quickly line up to be fleeced.

I have wondered, as I watched Harold bilking the bumpkins, how different the rest of us really are from these River City denizens who so eagerly parted with their money and enrolled their sons in a scheme concocted out of fears generated by those who stood to profit from assuaging those fears. Astute observers will quickly see the parallel, here, to the national defense racket. "We got Trouble, with a capital 'T', and that rhymes with 'C', and that stands for 'Communism,'" the politicians have been warning us for nearly forty years now. In getting people stirred up over the very fears he helped plant within the minds of his victims, and then offering—for a price—protection against those fears, Harold Hill was playing the consummate political or religious leader. Meredith Willson—through this snake-oil peddler Harold Hill—has updated Machiavelli for us, bringing realpolitic to Main Street America.

In my book, *Calculated Chaos: Institutional Threats to Peace and Human Survival*—I sell books, not band instruments!—I develop the idea that institutions not only create conflict, but require conflict for their success in organizing and controlling people. Violence, social discord, economic dislocations, and wars are not inadvertent consequences of institutional behavior: they are, like pool halls in small towns, the means by which institutions generate and demand "services." If institutions are to succeed, they must carefully nurture and manage these sources of human conflict,... to "keep the game going," so to speak. While my book addresses institutions generally—carefully distinguishing those non-institutional forms of social organization that do not generally produce conflict—here I shall simply focus on the ways in which political and religious institutions generate and sustain social conflict; fostering and exploiting the fears of men and women who are then only too happy to turn over everything they have—including their children—and submit to the authority of political leaders. Those who understand economics will, of course, quickly see the logic of all this: the more fears we have, the greater the demand we will generate for the services of those who promise to protect us from what we fear.

Let us begin by examining one of the oldest of these protection rackets, the "national defense" game. Ever since tribal leaders learned how much more obedient their fellow tribesmen were when faced with the threat—real or imagined—of the "Nine Bows" who lived on the other side of the mountain, organizing for "mutual protection" against foreign invaders has been the keystone for all political power and authority. Consider the advice given by Machiavelli in 1513: "A prince

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should therefore have no other aim or thought, nor take up any other thing for his study, but war and its organization and discipline, for that is the only art that is necessary to one who commands." That things haven't changed any in the intervening years is reflected in the twentieth-century observation of the late Randolph Bourne:

> "War is the health of the State. It automatically sets in motion throughout society those irresistable forces for uniformity, for passionate cooperation with the Government in coercing into obedience the minority groups and individuals which lack the larger herd sense....(I)n general, the nation in war-time attains a uniformity of feeling, a hierarchy of values culminating at the undisputed apex of the State ideal, which could not possibly be produced through any other agency than war."

When we fear other people or conditions, in other words, we become like children who submit themselves to the unquestioned authority of parents. It has long been the function of institutions—largely through government and religious schools—to see to it that we do, indeed, remain as children.

There are many times, of course, when institutions face significant threats to either their established position, or to the carefully-nurtured mindset that keeps their followers docile and obedient. When that happens—as, indeed it is happening throughout the world today—those institutions often respond with a frenzied fury that intensifies violence and human suffering. When the early Christian church was endeavoring to solidify its power under the Emperor Constantine, it began destroying competing religions—including what has been one of the more decent and intelligently-based Christian groups, the gnostics—actions that included the burning of heretical texts. During the age of science, when the doctrines of the Catholic Church were called into question by such men as Copernicus, Galileo, and others, the church began persecuting free-thinking individuals as heretics. This persecution had a tremendous chilling effect on the thinking and expressing of views regarding the nature of life and the universe that conflicted with established church opinion. At about the same time, the Catholic Church was faced with the liberating influences of the Reformation movement, and responded with bloody, vicious, and depraved practices of the Inquisition to crush—or burn at the stake—those who dared to have an opinion that deviated from that of the priesthood. When these Protestant churches managed to get established, they, too, responded with terrorizing campaigns to root out and persecute "witches" and "sorcerors".

American history is also represented in this exercise of tyranny over the human mind and soul. The institutional order of Massachusetts—left in a state of uncertainty by the restoration of the English monarchy in 1660 (replacing Cromwell's Puritan Commonwealth), as well as the Court of Chancery's 1684 annulment of the Massachusetts charter (which left land titles in doubt) and restoration in 1689—responded by trying and hanging "witches."

More recently, when the depression and the consequences of World War I befell Germany in the 1930's, Adolph Hitler and his Nazi party were able to persuade many—perhaps most—Germans that Jews, gypsies, communists, and homosexuals were to blame, and that only by purifying the Aryan race could Germany reclaim her "greatness" in the world. When the post-World War II American Nation-State was left without any viable "enemies" around which to organize the American public, Senator Joseph McCarthy and the House Un-American Activities Committee helped to identify a "threat" in the "international communist conspiracy." The power and wealth-consuming capacity of the American government was not about to recede!

If you will observe with an energized awareness the behavior of institutional leaders, you will see this pattern being repeated over and over again: when institutional power and authority is threatened in any way, institutional spokesmen will respond by identifying "others"—be they foreign or domestic—as "threats" to us all. In this way, institutional leaders play the game of "divide and conquer," separating one person or group from another, and getting us accustomed to looking upon our neighbors—and not the State—as a danger to our well-being.

Few will deny that recent decades have produced a continuing decline of respect for and interest in political and religious institutions. Even our last two presidents have had to campaign as "outsiders" who would come in to dismantle the power of the federal government, and to "get the government off our backs." That the Carter and Reagan administrations have both contributed to enlarging the powers of the Nation-State at far faster rates than any of their predecessors is another matter. What is of central concern to the political state is the fact that more and more people are disinterested in, distrust, and disrespect political institutions. In the face of this waning popular sanction for the State, how have political leaders responded? How have they tried to overcome the "sales resistance" to further aggrandizement of State power? By following the example of Prof. Harold Hill. Just look at the record:

1. In an effort to find some plausible "threat" that will cause us to submit to more policing and regulation of our lives, a campaign has been afoot—and kept active by a most compliant news media—to convince us of the threat of illegal drugs. ("That's Trouble with a capital 'T' and that rhymes with 'D' and that stands for 'Drugs.'") Trusting that we have become sufficiently conditioned to accept this as a major "threat" to our well-being, one institution after another—from professional sports to government agencies to business institutions—have lined up to announce mandatory drug-testing to which we are expected to submit;

2. As a result of airline hijackings, we long ago accepted the so-called "terrorist" as a threat to our lives and safety. ("That's Trouble with a capital 'T' and that rhymes with 'T' and that stands for 'Terrorist.'") Forget that these "terrorists" are only emulating the butchering practices of other nation-States—and often of the American government to which these groups respond; and forget, as well, that some of these "terrorist" groups have been supplied by former C.I.A. employ-

ees—not unlike the U.S. and Russian governments each arming both sides in international conflicts: the point is that, in accepting the State's designations of others as "terrorist threats," most of us have been willing to submit to having our bodies and personal belongings searched at airport and public buildings;

3. Fearful that new religious organizations might effect a substantial change in human consciousness—much in the same way that earlier societies feared the rise of Christianity, and later of Protestantism, and then Puritanism, Mormonism, etc.—the established order has been telling us of the "threat" we face from those religious groups which are not members of the National Council of Churches (ie., the so-called cults). ("That's Trouble with a capital 'T' and that rhymes with 'C' and that stands for 'Cults!'") Though we enjoy babbling our bromides about the nation's commitment to "religious freedom," we carefully ignore the religious oppression practiced by (a) the F.B.I.—in raiding the offices of various newly-emerging religious organizations; (b) the I.R.S.—in charging such groups with violations of the Internal Revenue Code (I have long maintained that if Jesus were to show up today, he would experience the same statist tyranny as before, except that he would be crucified by the I.R.S., not the military); and (c) courts—awarding tens of millions of dollars in damages to disgruntled former church members who charge that they have been "brainwashed" or subjected to "mind control" by methods which, on the surface, differ not one whit from those practiced by established religions. Is an adult who continues to participate in the activities of a so-called "cult" any worse off than a child who has been dragged off, by his or her parents, for a lifetime of indoctrination and humiliation at the hands of Catholic, Lutheran, or orthodox Jewish church leaders? Where are the anguished cries against Baptists holding children under water until they confess "I believe"; or the revulsion against the mutilating torture of circumcision practiced upon babies by Jews; or the righteous indignation directed against Catholic churches for isolating young men and women from their families in distant convents and monasteries?

Those who see the "cults" as instrumentalities of "brainwashing," but fail to recognize the conditioning practiced by other religions, do no more than state a preference for certain poisons. This notion of "brainwashing" is but a variant of the centuries-old proposition that men and women can lose volition over their own minds; that, somehow or other, people can become "possessed" by sinister forces and need to be "freed" by others in order that their "true" wills can emerge.

Substitute the words "poverty" or "racism" for "pornography" in the Meese Commission Report and it would read like a 1960's Ph.D thesis in Sociology!

It is no idle coincidence that this current persecution of "cults" is also wrapped up in new campaigns against "witchcraft." For a generation that has sent men to the moon, and discovered the keys (i.e., quantum mechanics, the theory of relativity, DNA, etc.) that may unlock the long-hidden secrets of the nature of matter and life itself, the spectacle of grown men and women giving serious attention to fears of "witchcraft" and "Satanic worship" must raise doubts about how advanced we really are. People who have learned to master the tools of a technology that were produced not by adherence to articles of faith, but by the employment of intelligence and reason, will nevertheless crowd into churches to hear neo-medieval minds inform them how playing rock music backwards—they never inquire as to how or why a teenager would play such a recording backwards!—will reveal hidden Satanic messages. The remedy sought by these devil-dowsers is a predictable one: get the government into the business of supervising the lyrics of rock music and the sale of the recordings;

4. A more recent example of this fear-peddling syndrome is to be found in the recently-announced report of the Meese Commission on pornography. A front-page newspaper photograph showing Attorney General Edwin Meese—standing before a bare-breasted statue of a woman—briefing reporters on a report he had admittedly not read, attests to the intellectually dishonest nature of this so-called "study." I can imagine Mr. Meese breaking out into song: "That's Trouble with a capital 'T' and that rhymes with 'P' and that stands for 'Pornography.'" What the commission — and those who support this puritanical Pecksniffery—want, of course, is for governments—be they state, federal, or municipal—to exercise greater control over what people are permitted to think about, read about, and talk about. The State's enemy is what it has always been: the free minds of free people. The remedy is, once again, to shackle those minds under the guise of "protecting" us from having us become aware that other people enjoy sex. (I am reminded, in this connection, of H.L. Mencken's classic definition of a "puritan: one who lives with the haunting fear that someone, somewhere, may be happy.")

I suppose the institutional order has Gutenberg to blame for all of this. After all, his invention of the printing press made possible the free expression and exchange of ideas and information, a process that necessarily dilutes the authority of both Church and State. When men and women were able to read the Bible, or the theories of Copernicus, Galileo, or Servetus, it was inevitable that most would become attracted to the sentiment that they, as individuals, were as capable of discovering the truth as a Pope, and that they need not rely on the authority of priests or the holy nature of emperors in order to live well. It is this inherent tendency for rational and scientific processes to remind men and women of their own capacities for intellectual judgment that has always been the religionists' principal objection to free thought and the sciences.

It should also be noted that a puri-

tanical sentiment is not confined to Christianity: the communist government of Russia has long enforced very prudish moral standards, as does that contemporary butcherous religious tyrant, the Ayatollah Khomeini. That the feminist movement has also embraced these puritanical sentiments is, again, evidence of the fear any institutional order—including ideologies—have with free minds engaging in free, self-directed activity.

I must admit to having been amused by the methodology employed by today's fundamentalist conservatives in creating the Meese Commission report. This report is, after all, riddled with the very social premises that have given right-wing politicians and clergymen much fodder for speeches and sermons. Conservatives who, in the 1950's and 1960's, were berating the "social sciences" for their advocacy of social change, now rely on their own stable of social scientists for "evidence" that pornography causes social problems. Substitute the words "poverty" or "racism" for "pornography" in this report, and it would read like a 1960's Ph.D thesis in Sociology! Conservatives have also been critical of "behaviorism"—the idea that people can be reconditioned by changing their environments, a practice that gave conservatives one of their pet epithetical phrases, "social engineering"—but here are the same conservatives proposing a little "social engineering" of their own: "if only we could put an end to 'pornography,'" they suggest with the same self-assurance of a liberal attacking "poverty" or "racism," "all will be well in America."

But what, above all else, I find most disturbing in this report is its underlying assumption that books, movies, records, and magazines can "cause" people to commit criminal acts. Apparently the Commission heard from some violent types who said that they went out and raped after reading a sexually explicit magazine. I am not surprised by this admission on the part of criminals: since the social scientists first proposed to them that poverty, or racism, or a broken home explains the "cause" of their criminal acts, criminals have always been willing to embrace any excuse to absolve them from a sense of personal responsibility for their actions. I do wonder, however, if the Commission thought about asking any of these same witnesses if they might also have read what was, for me at least, my first introduction into sexually-explicit writing: the Bible. Perhaps this book should also be included in a proposed list of books to be banned, particularly considering the propensity for many killers to argue that God had ordered them to murder an entire family.

Violence, social discord, economic dislocations, and wars on not the inadvertant consequences of institutional behavior: they are, instead, the means by which institutions generate and demand "services."

But as an intellectual proposition, the idea that printed ink causes crime is about as absurd as the previously-mentioned notion that playing rock music backwards will produce Satanic messages. The entire proposition, in fact, runs contrary to my admittedly limited understanding of Christian beliefs in "free will." I have ruminated, at length, for a fitting parallel for the Meese Commission Report and have concluded that, in conferring upon such inanimate objects as books, films, and records, the power to cause evil events to happen, the Commission has embraced the doctrine of "witchcraft!" I will not know for certain, however, until I have had the opportunity of reading the Report—backwards, of course—to see if it contains any hidden Satanic messages!

5. There have been other persons and groups running about identifying various other alleged "threats" to our well-being, threats that can only be alleviated by expanding State authority over our lives and restricting our freedom of choice and action. *Jerry Falwell* tells us of the "Trouble with a capital 'T' and that rhymes with 'G' and that stands for 'Gays.'" The *feminists* inform us of the "Trouble with a capital 'T' and that rhymes with 'D' and that stands for 'Discrimination.'" Not to be left out are the misanthropic followers of *Lyndon LaRouche* who sought, in California, a ballot measure requiring the incarceration of all persons with AIDS.

Nor would our inquiry be complete without mentioning those various groups that have sought to identify illegal aliens as the source of any number of "threats." At first it was argued that these aliens were "taking away" jobs that somehow or other "belonged" to people who did not have them, and that the only solution was to increase the policing of America's borders, to institute INS gestapo-like raids on work places, and, further, the requirement for every American to carry a domestic passport! When this bit of fascist rot failed to drum up much enthusiasm, the arguments on behalf of these remedies were amended. Next it was said that illegal aliens were the source of the illegal drugs that were coming into this country, and that the only solution was for an increased policing of America's borders. Now, Reagan administration officials and other public nuisances are trying to hype this proposal even further. Now we are told that illegal aliens are the source of illegal drugs, communist infiltration of America, and terrorist groups in America—all of this in addition to the aliens taking away the jobs of people who do work only aliens will perform! And what is the latest remedy for all of this? Having the United States military patrolling America's borders and "assisting" local law enforcement officials! If such a proposal should become law, American citizens could—like their counterparts in Nazi Germany and the Soviet Union—know the full benefits of "being protected" by a system of "law and order." Soldiers patrolling the streets of America, stopping any of us on the streets and demanding that we present our "identification papers" or face arrest. And in support of such

➡ *page* 25

Fiction

Options

by Jo McIntyre

It was just a few minutes before lights out, they knew, but the girls were reluctant to break the cozy mood. This atmosphere of warmth and solidarity were rare at the Woman Training School. Rose felt it, too, and knew she had to make one last try. Her visit would be over at the end of the week and she hadn't made any contacts yet.

"Did your grandmother tell you stories?" she said, casually. "Mine did. She always started by saying, 'Not so long ago, my dear, when I was just your age...'"

Several girls looked up and caught her eye. They blinked once and looked down again. "Ah ha! Not a totally dry well," Rose thought, as she formulated the theme for her grandmother story.

"In the days before Stabilization, Grandmother told me, her grandmother had a little candy store on Third Street." Rose paused to make sure her audience was with her, then went on. "Grandmother said she always interrupted at that point to ask about the candy. She craved those luscious descriptions of dark and light chocolates, parti-colored hard candies, chewy taffy caramels, jelly beans and marzipan in fantastic shapes."

"Stop, stop," the girls cried. "Get on with the story. Tell us about the candies when we have had a better dinner."

Rose looked at them with compassion. Dinner had been skimpy again and sweets were scarce now, anyway. How little they know about the abundant pleasures we once had. No one had protested the detail about a woman having a store, perhaps a good sign.

"One day an elegant woman of about 40 came into the shop. She seemed so self-contained and confident, she must have been an opera singer or a factory owner." There was a stir of disapproval and a murmur of protest.

"Girls, girls! Remember this was 200 years ago!" Rose reassured the uncomfortable ones, while looking for signs of interest.

"The woman had on a huge red scarf, a long sweeping earth-orange skirt, knee-high burnished brown leather boots and thick, richly embroidered jacket. Under the jacket, as she moved, I caught a glimpse of a small-ivory handled pistol."

A collective gasp stopped Rose in mid-story. An armed woman was unheard of now. She looked at the girls who had blinked earlier. They nodded a warning that she had gone as far as she could go.

"Oh, my goodness," Rose said, hastily, with a little laugh. "Look how late it has gotten. Perhaps I can finish the story tomorrow."

"I hope so," said one girl. "That was just getting exciting. Your grandmother must have been a wonderful story-teller."

"Humph," grumped another girl. "She probably wanted to be an independent woman."

"No, indeed," corrected Rose, quickly.

She knew that an adverse report could be submitted to the State Compliance Office by anonymous informants. She could lose her job as a roaming lecturer, and even spend some time in a remote re-education center, on far less evidence than the suspicion that she harbored notions of independence, or possessed relatives who had. She had to remain free to act in coming weeks as the day of the option approached.

"My grandmother relied completely on her husband and her sons her entire life," she said, firmly. "Before that, of course, her father looked after her. The candy store her grandmother had was just a plaything, a reward from her husband for producing five sons in just six years."

There, that should keep them quiet. With that many sons and the authority in her voice, a potential informer would be warned that she was dealing with an important personage. The girl who had liked the story looked a little disappointed, and over in the back another student looked up with a sign of irritation in her eyes. Pay dirt!

Just then the lights-out bell rang. The girls scrambled to be in bed before the dormitory matron came through on inspection rounds. By midnight, the entire building was quiet. The night duty guard in the downstairs lobby dozed.

In far-off corners of the world, in what had once been national capitals and now were called regional urban centers, computers hummed busily in vain attempts to plan the world's econ-

omy. They tried to bring order into commercial, manufacturing, and basic resource production activities carried on by millions of people all over the earth. In other corners of the world, printing presses clattered and radio and television broadcasts droned, spinning out hundreds of thousands of words, accusing, excusing, and protesting that things were not going as expected.

The scapegoats chosen to take the blame for the failures were: women. Women were continuing to resist orders, laws, and regulations designed to make them stop being independent. "Being independent" was never defined, even after the Ruling Council adopted a law making it illegal.

A bystander would have seen a huddle of women gathered around the man and child, and then drift quickly apart. The man lay lifeless on the asphalt.

It was an understood concept, just as "anti-trust" or "social justice" had been understood two centuries earlier by other ruling councils. That had been in the days when there had been legislatures, parliaments and congresses. Then the world peace that so many people had sought had come. Now there was one Ruling Council, the World Stabilization Council, devoted to creating and maintaining stability, certainty, and security in a world with an infinite number of variables.

One way to reduce the number of variables they would have to deal with and make achievements of stability possible, world leaders decided, was to remove half of the population from the question. Hence the effort to eliminate independence in women and independent women. Women were forbidden direct participation in the economy. Their every move had to approved by a Protector. The Ruling Council's law was called the Family Protection Act.

Putting the Act into effect hadn't been as hard as world leaders had feared. All they had to do was build on two attitudes that already existed before they began. In fact, the attitudes existed since time began.

One was the idea that women were alien and different and, therefore, to be feared; the other was the idea that women bring forth life and, therefore, are to be revered. Independent women were a clear threat to either attitude. An unexpected ally had been women themselves. Even as The Group was forming, many other women were supporting the Family Protection Act.

The women of Rose's family had not supported the Act. Unlike many women of her generation, Rose knew their story and many other stories as well. Since history was not taught in government schools anymore, hadn't been since the 1930's, decades before Stabilization had begun, Rose's mission, first of all, was to pass on the knowledge that things could be different.

Her pupils had to know that there could be abundance: enough food to eat, clothes to wear, and fuel for heat, light, and transportation. Now, of course, was added the second, earthshaking mission. She and the other honored members of The Group were presenting the Options to Inner Circles all over the world this month.

"But first I have to find them," she mumbled to herself, as she rolled over in bed and checked her watch. "I have to find the ones who will listen and understand." Close to 1 A.M. It's time to go.

She sat up and glanced around. There was no sign of motion anywhere among the sleeping forms in the long, open dorm room. she arose and walked toward the community bathroom. She wasn't worried for herself. The extra water she had drunk before lights out would provide an alibi if a snooping matron or guard questioned her presence in the bathroom at this hour. She passed from the dimly-lit hallway into the bright, tiled room and glanced at herself in the wall of mirrors over the long row of sinks.

"You look magnificent for a 60-year-old woman, Rose," she said to herself. Iron-gray hair; trim, sturdy body; wide-apart, unafraid eyes, when not discreetly hooded by heavily-lashed lids. She stared at her image with approval. There was a woman who knew her own mind!

She peeked into the shower stalls ranged along the walls next to the sink. No one there, either. A minute or two more now. Rose glanced at her watch again. The fifty-ninth minute clicked by. The hall door opened and in walked one of the girls who had blinked at the story-telling session.

"I am not a doll," she said softly, pressing her palms together and bowing slightly.

"I have no leader," Rose replied, with an answering bow. She and the girl looked up at the same time and smiled at each other.

"I'm Zallie," the girl said. "I'm pleased to meet another member of The Group, especially an honored member." Only Honored Members, she knew, initiated storytelling sessions with the phrase, "Not so long ago, my dear, when I was just your age..."

"Is it safe to talk here, or should we take more precautions?" Rose asked.

Zallie was assuring her the room was safe, when suddenly the door opened again. They both jumped and faced the intruder, ready to take drastic steps if necessary.

"I am not a doll," the newcomer said, softly, bowing. It was one of the other girls who had blinked during the storytelling. Rose had not expected her, but knew the Guidelines provided for a meeting of three members of The Group in unfavorable surroundings under "certain circumstances."

"We have no leader," Rose and Zallie replied, returning the bow. Rose didn't want to waste any time, knowing they had only a few minutes. She put her arms around the girls' shoulders and their heads came together in a triangular huddle.

"I would like to visit a meeting of your Circle," she said. "Are you an Inner Circle or an Outer Circle?"

"We are an Inner Circle, but there is an Outer Circle nearing completion within the dormitory," Zallie replied. "Marda here just joined us."

"I only want talk to the Inner Circle with its established members," Rose said. "The matter I have to bring up is not for newer members who have not

completed their training in self-leadership and instruction in how free insititutions operate. I did notice two likely recruits for your Outer Circle at the storytelling session tonight."

Zallie nodded. "I think I know who you mean," she said. "We have had our eyes on them for some time." She and Rose made sure they were both talking about the same girls, then turned to Marda.

"I've only been a member of The Group for a few months," Marda said, nervously. "I'm still processing the information I have gotten. But this summer between terms I was shown to several prospective Protectors. The time of my Promising can't be far off. Can you help me get away?" She looked pleadingly at Rose.

"Well, that certainly qualifies as a 'certain circumstance,'" Rose thought. Aloud, she said, "I'm sure we can arrange something, dear. We can talk about it tomorrow. Maybe you belong at the Alpine retreat, hm? Now, Zallie, is Friday night too soon for a meeting? My lecture series ends Thursday, so the officials here will think I have left."

"That would work very well," Zallie said. "Everyone in our circle lives right here on campus."

I'll slip back into town in disguise Friday night to join you then," Rose said. "Until then– for Freedom!"

"For Freedom!" both girls answered, then they all slipped away to bed again.

The First Mother certainly knew what she was doing when she established the Guidelines for the Group, Rose thought, as she snuggled up back in bed. Even if one of us is caught, she cannot betray the others, for she doesn't know who they are. The Present Mother seems to be following in her footsteps. I wonder how the women will greet her proposal?

So much has happened since the eve of Stabilization, when the First Mother and twelve of her closest friends saw what was coming. They established a company of women who would be able to offer protection and comfort to their sisters right under the noses of their official Protectors, yet would be invisible to them. They set guidelines, signs, and principles, the litany and the protective secrecy for The Group.

The secrecy could be breached under two "certain circumstances," Rose recalled. One: an Honored Member, such as Rose, could make a meeting possible or permit a meeting; Two: an extraordinary circumstance could force a member to reveal herself in the outside world.

The second case occurred rarely. Rose had been present at one such event when she was twenty, shortly after she had been initiated into an Inner Circle. A young girl, about 10 or 11 years old, was being brutally beaten in the parking lot of a hige shopping mall in a Chicago suburb, in what was once the Unitited States.

A short, weak-looking, middle-aged woman stood watching for a moment, then did something Rose had only practiced before. The woman quickly took a large, heavy black shawl out her handbag and draped it over her head like a monk's hood, at the same time giving a loud, shrill whistle.

Instantly, four other women materialized within 50 feet of the disturbance with their own shawls already in their hands. Rose's whistling joined theirs as she reached into her large handbag for her headcovering. As the women raced toward the weeping, struggling child, they tossed the shawls over their heads and shoulders, leaving their hands and arms free.

For just a moment, a bystander would have seen a huddle of hooded women gathered around the man and child. Then the group broke up and drifted quickly apart. It was over in a few seconds. The man lay lifeless on the asphalt. The child was pushed into the nearest vehicle and told to keep her head down. The car began to move before the doors were closed all the way.

Rose jumped into the passenger seat, taking off her scarf as she closed the door. "I am not a doll," she said, breathlessly.

"I have no leader," the woman replied, grimly. Then she smiled, to break the tense mood. "What Circle are you from?" They exchanged information and took turns comforting the abused child. The girl would be sent to one of The Group's strongholds abroad.

"Judging by the way the tyke was resisting her 'Protector's' educational efforts, I'd say she'll make a fierce Warrior Member," the woman said. Funny how things work out, Rose mused. Forty years later that girl became The Group's Present Mother, by unanimous acclamation. She is certainly one of the strongest-willed, most intelligent P.M.s we have ever had.

Rose's lecture today was the next to last in her series, "How to Keep the Living Space Comfortable for Your Protector." The series was her cover and enabled her to travel freely, a rare privilege for a woman, even a widow with many sons.

"If they didn't take the girls from their mothers so soon," she thought, not for the first time, "they wouldn't have to teach home economics in school. Of course, it is all part of the indoctrination process, instilling the idea that everything has to be taught by an expert. The worst thing, I suppose, is that men are caught in this web of dependence, too."

"Hunh? Wh-what?" Rose started as a voice intruded on her reverie.

"Would you like a little more coffee, Mrs. Kohlman?" There was Zallie, with a coffee pot in her hand and a twinkle in her eye. She could see that Rose was a million miles away, but she needed to let her know where the meeting would be. They had agreed the cafeteria on campus where Zallie worked was the best place to meet to avoid arousing suspicion.

Rose accepted the coffee refill and considered where the best place on the circle meeting agenda would be for the P.M.'s announcement of the coming choice. In the usual format, meetings began with the opening ritual, continued with the listing and disposition of emergencies and the lesson for the night, and ended with the closing song. Guess I'll substitute her announcement for the lesson, Rose decided. It certainly will be something for everyone to think about.

That Friday night, in a basement recreation room, a crowd of giggling, chattering women waved sweet goodbyes to two departing men: the husbands and Protectors as well as owners of the basement and building above.

"Now don't you girls go spending too much of our money," one of the

men admonished with a coarse guffaw.

"We won't," said his wife, submissively, covering her eyes with thickly mascaraed lashes. She trailed him up the stairs to the entrance hall to answer the doorbell. "We can only spend what you authorize us to spend," she reminded him.

"Glenda!" she cried, as she opened the door. Her meek expression changed for a moment and was replaced with surprise. The men brushed past Glenda, hardly noticing her. Why should they, thought Beelah, the hostess, she is the perfect picture of dependent womanhood, as I hope I am. What is she doing here? Is she one of us?

Glenda read the expressions crossing Beelah's face and as soon as the men departed she said, quickly and quietly, "I am not a doll."

Beelah solemnly met her eyes, blinked once, then smiled her surprise.

"I entered this Inner Circle last month when you were out of town," Glenda explained. Just then, Zallie came rushing up the stairs. "Did you hear the doorbell?" she asked, excitedly. The responsibility of taking care of the intricacies of setting up the meeting had weighed heavily on her young, untested shoulders.

"Yes, but it was just Glenda," Beelah replied. "Why don't you wait here for the H.M.?" A few moments later, Rose arrived. As Zallie took her cloak, they stepped down into the rec room, which suddenly became quiet when the two women appeared at the top of the stairs.

Rose surveyed the women in the room. There were young and old, slender and plump, ugly and beautiful. The only common bond, now that they were alone with one another was the look in their wide-open eyes: free, determined, intelligent.

"I am not a doll," she intoned, beginning the litany. "I am not a doll," the assembled women replied together.

"I have no leader," she continued. "I have no leader," they answered.

"Service to myself is my highest duty," she said, and heard it echoed.

"Service to my Sisters is service to my Self." Statement. Echo.

"Freedom is my goal; independence is the path I choose to reach it."

"To gain independence, I dedicate my Self to learning and cooperation."

"For Freedom!" Rose's voice rang out, clear and confident.

"For Freedom!" the women answered, giving a cheer and then settling down to hear Rose's message.

"Emergencies?" she asked. There were only a few. Someone wanted an auto repair manual; another needed help getting and hiding a computer; and finally, someone needed the services of an abortionist, fast.

One way to achieve stability, world leaders decided, was to remove half the population from the equation. Hence the effort to eliminate independence in women and independent women.

Members of The Group had access to all of that information and more; the pleas came from women who were not members. All women knew about The Group and many used their services, but few had the courage or stamina to join.

The next item was messages from the Circle to the P.M.

"I think I can speak for all of us," Beelah said. "Our message for the P.M. is a simple thank you for developing the technique for managing abusive men. The problem had threatened to get out of hand recently, but we haven't had to spirit a bruised child or wife out of here since we instituted the program. The subliminal suggestions administered during sleep have all but cured the problem."

"Thank you, I'm so glad to hear that," Rose said. "I'm particularly pleased since I worked on that project. It may interest you to know that we have done dozens of translations. There has been a drop in all kinds of physical violence all over the world since we began to distribute the package. Any other comments?" Rose waited, but there were none.

"I'm so glad you mentioned that program, because it reminds me to tell you we have other, equally sophisticated, non-coercive, but even more powerful tools for restoring or instituting a sense of self-control and responsibility in the minds of brainwashed people everywhere. These tools, in fact, will be used if one of the options is chosen..." She paused.

"First let me back up a bit. We've reached the core of the Circle meeting. As you know, we usually have a lesson in self-defense, medicine, history, economics, or math at this point. Tonight, the P.M. message encompasses all those subjects. Like a major conjunction of the planets, the world itself is now approaching a critical point that may well be unrepeatable and irretrievable, at least for the next few centuries.

"The Ruling Council is on the point of achieving total control of every action. For one moment, a day at the most, the condition the Councilors think is what they want forever will exist. The condition that will finally be achieved is the Stablitiy they have been seeking.

"However, like land-use planners, or other religious people, who always think that no testing of their theories is needed, the Ruling Council's theories about what is a desirable, attainable, and maintainable situation haven't been tested. The Group has made those tests."

Rose outlined in detail the carefully-controlled experiments of varying sizes and the results that were so unexpected that The Group's experimenters repeated them many times before they believed the outcomes.

"We learned that total stability cannot last," she said. "The Equilibrium Point is like a mountain peak that has a giant ball on top. The tiniest natural breeze, or a little push, can set it rolling without hindrance back down the mountain.

"The Ruling Council thinks its efforts will create an end point, not an equilibrium point. While they have spent almost two centuries pushing the ball up the mountain, we have been studying both the ball and the mountain. We now know exactly when the equilibrium point will be reached and what can happen when the ball begins the descent."

She suggested that women who were interested in more specifics should

learn more at The Group's Alpine retreat, but said that essentially there were two ways the ball could roll: toward freedom, or back toward tyranny.

"We can supply the push to freedom's side," she said. "The fall toward tyranny won't need any help."

"Surely you don't intend to overthrow the present rulers and substitute our own women in a ruling matriarchy?" cried Zallie, in dismay.

"Oh no," replied Rose. "There is an order that arises when all individuals are free to act according to their own needs and wants that is called spontaneous order. One name for that kind of order is the free market, and where it has existed cooperation and prosperity have existed side by side. Our studies indicate there is a 70 percent probability of succeeding in establishing a free market throughout the world during this very vulnerable period we are entering. That is the Reform Option.

"But wait," she said, raising her hands to forestall any more questions. "There is more. Not everyone in The Group favors this option. There are two others for you to consider.

"Remember the space programs of the mid-1900s? Most people today think the programs stopped before the year 2000, when Stabilization became the primary goal of world leaders. But even at that time private efforts to build space vehicles had been going on, largely unreported as far as the public was concerned. so when government space programs halted, it was easy for the private efforts to go underground, since nobody was paying any attention to them anyway."

As The Group began to grow in numbers, wealth, and knowledge, one of the main areas of concentration had been space exploration, Rose explained. Scientists and engineers, disillusioned with Ruling Council policies, had quietly relocated to the Alpine retreat, which had become a haven for dissidents. The Group now had the capability of sending a large number of colonists into space.

"Not too long ago, one of our exploratory parties found an uninhabited, but habitable, planet, far, far away," Rose said, softly. "There is just one problem. We need a certain minimum number of people to guarantee at least a 70 percent chance of success in settling the New World. But given limitations on space-ship size and on the materials we can carry out with us, there will not be enough fuel to get back anytime in the next 100 or so years."

"Why can't we do both?" asked Beelah. "Have a free society here and set up a free society on the New World?"

"We all wish we could do that, I'm sure," Rose said. "But if enough people choose to resettle, there won't be enough people here on earth left to apply the right amount of pressure to that ball to reform our present system. We only have enough people and resources for one of those options."

There was a soft groan from the group, then Glenda spoke up.

"I think I can guess what the third option is," she said. Some of the other women nodded soberly, but a few of the younger ones looked puzzled.

"Yes, the moment of truth is fast approaching," Rose answered. "Those of you who want to have an effect on your own and the world's future are invited to come to The Group's Alpine retreat within the next month, where the options of Reform or Resettlement will be chosen.

"The third option? You can do nothing at all. If enough of us do nothing the moment for change will pass and we will continue as we are now, gradually sinking into poverty and barbarism as renewed efforts to create Stability simply and slowly destroy civilization.

"What will it be, Sisters?" Rose challenged. "It's up to each one of you." ❑

→ *from page 18* *Professor Harold Hill's Lessons in Practical Politics*

measures, the State would be able to count on the lobotomized conservatives who, long ago, learned their social catechisms: "how else are we gonna protect our freedoms," and "if ya' ain't got nothing to hide, why would you be afraid?"

Well, if you haven't learned by this point in your life that the State does not exist to protect you, but that you exist to protect the State, there may be little hope of your comprehending what it means to be free. We should be able to see—if we will have the courage and intellectual honesty to look—that the police and military work not to protect you and me, but to protect the State from you and me. Ever since we were dragged into our first school or church, we have been fed the consistent lie that the institutionalized world in which we live exists for no other purpose than "to serve and protect" us (words taken from a slogan painted on the sides of police cars in many major cities). When someone comes along to challenge this big lie, it is the challenger who is charged with being in error—in fact, with being unpatriotic or heretical or a public enemy—and not the system that feeds on this lie.

But you need not—and ought not—take my word for anything I have said. You have already had enough "believing" fed into your mind by the schools, the churches, and other inculcators of the faith in institutionalism. All that you need to determine whether I am speaking the truth or not is a mind that is open, that is free to question anything and everything,... particularly to ask those questions we are not supposed to ask. If you begin confronting all the managed news that is fed to you each day by an electronic priesthood; if you are willing to dig beneath the superficialities of its presentation and to ask the questions that are implicit in the news stories—but are never asked—you, too, will discover the sham that passes for fundamental truth in our institutionalized world. For when you begin to ask: "cui bono" ("who benefits?") from this system of contrived and managed social conflict, you should be able to see how the "trickle down" theory really works: that there are a lot of upstream hogs who are getting more out of the trough than you are, and that their priorities—at your expense—are dependent upon your believing that the trough has been put there for your benefit and, further, that you are controlling the flow. ❑

Reviews

Hackers: Heroes of the Computer Revolution
by Stephen Levy, Dell, 1985 $4.50
The Micro Millenium
by Christopher Evans, Telecom Library, 1980 $3.95

Parallax

Ross Overbeek

Parallax refers to a shift that occurs when viewing a scene from two different perspectives. It's what allows depth perception. I have picked these two books as somewhat differing perspectives on the computer revolution. Together, they offer some wonderful insights, as well as entertainment.

Hackers covers three main aspects of the computer revolution: the early artificial intelligence groups at MIT and Stanford, the early hardware hackers, and the game hackers. These groups included some of the wildest, most imaginative individuals that have graced this planet during the last century. It is a powerful, fascinating chronicle, the story of inventors, entrepreneurs, and gifted geniuses—those who started a revolution that will ultimately be more profound than the industrial revolution.

The Micro Millenium, on the other hand, is an attempt to offer an assessment of computing technology for the intelligent layman. Occasionally, Evans moves into a less-than-sober outlook characteristic of those who have seen the vision and are trying to communicate it to heathens, but his optimism is infectious and his insights are worth considering.

It is the juxtaposition of these two works that offers such a compelling view of what has happened and what might be coming. Let me offer an example. In 1975, a reckless entrepreneur named Ed Roberts decided that the world was ready for cheap, home-built computers. He coauthored (with his designer Bill Yates) an article in *Popular Electronics* describing the Altair, a computer that could be built from a $397 kit supplied by Roberts' firm, Model Instrumentation Telemetry Systems. Roberts gambled on the hope of selling at least 400 of the units. MITS got over 400 orders in one day, and the micro revolution was off and running. This is the background that is offered in exquisite detail by Levy. Evans points out that the computer revolution might reasonably be dated from this period in 1975 when computers became accessible. Before then, computers were expensive and only a fairly limited number of people had access to their capabilities. Certainly, they were of major significance, but 1975 was when the revolution really started (or, if you prefer, when it moved into high gear). It has been 12 years since Roberts and Yates wrote that article describing a system that didn't even completely exist at the time the article appeared. Here's how Evans describes this rate of progress:

> "But suppose for a moment that the automobile industry had developed at the same rate as computers and over the same period: how much cheaper and more efficient would the current models be? If you have not already heard the analogy the answer is shattering. Today you would be able to buy a Rolls-Royce for $2.75, it would do three million miles per gallon, and it would deliver enough power to drive the Queen Elizabeth II. And, if you were interested in miniaturization, you could place half a dozen of them on the head of a pin.

This may seem overdone to some, but let me point out that Cray Research plans to sell a machine next year that will have over 8 gigabytes of main memory (that's 8 billion characters of main memory) and 16 processors (each a little over 6 times as fast as a Cray I). The processors and main memory of this machine will fit into a volume slightly larger than a loaf of bread. That's more memory than existed in the world when I was a graduate student.

The term "hacker" sometimes draws savage attacks from some of my friends in business. To them it connotes someone who is not particularly serious, is somewhat "bent", and may have destructive tendencies. To avoid reading "Hackers" because of this antipathy to the very term would be a mistake. The book is a fascinating history of real people performing acts that can only be described as heroic. True, some of them were stupid, much of their folk wisdom is just "silly", and aspects of their culture were counterproductive. But look what they did. Look what they are doing. It's not over yet; it's just beginning.

About two years ago, I read in the *Wall Street Journal* that the internal circuitry for a VAX 11/780 (a computer which, at the time, was worth over $100,000) would be available by 1990 for about $1. Clearly, anyone designing a new coffeepot will have to include one of these computers into the product. For an extra cost of, perhaps, $5 you will be able to tell your coffeepot to start your car, set your alarm clock for the next day, or even indicate when you actually want coffee at some point

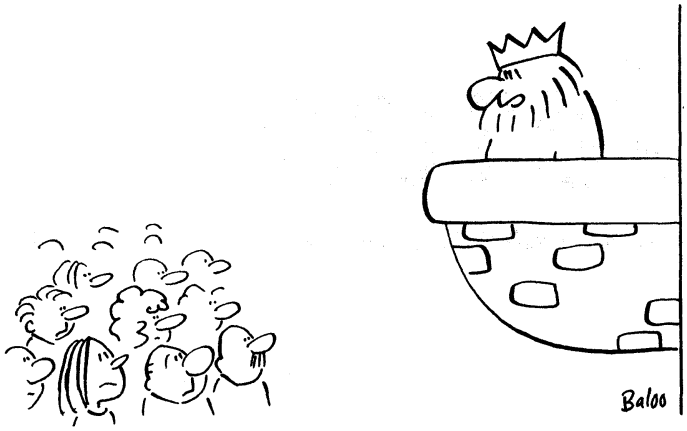

"I'm afraid you'll have to pay your taxes again—Some 13-year-old kid broke into our computer and erased everything."

in the future. Sound flippant? Wait and see.

In any event, the computer revolution may be carried a great deal further than most people realize. Currently, there is an amorphous set of ideas grouped into a technology called "expert systems." These systems are designed to replace human experts for specific, well-delimited tasks such as medical diagnosis or circuit layout. While there is a great deal of hype (with few accomplishments), there have been enough successes to cause tempered optimism. The idea behind these systems is actually to encode some of an expert human's knowledge in a form that can be manipulated by a machine. This basic notion has been understood from the earliest days of computing. In some limited areas the tools now exist to make it a reality. Suppose this technology continues to grow over the next decade until gradually human experts really do learn how to build expert systems for computers. Then we could talk about building an expert system for the construction of expert systems. In this way a machine could play an active role in extending the spheres of its own expertise. This rather intriguing idea is described in some detail by Evans (although in slightly different terms) in his discussion of the "ultra-intelligent machine".

There is a great deal of material in these books that cannot help but stimulate anyone with an active mind. On the other hand, there is also a great deal of nonsense. I cannot help but shudder at the reaction of libertarians to the explicit attacks on property that were made in the early hacker culture at MIT. Indeed, the attitude that software should be "free like the air" lives on within remnants of that culture. The potential to run major bureaucracies using massive databases may well be a threat that dampens some of the enthusiasm that these books naturally engender. These issues are repeatedly brought up by my libertarian friends, but I confess that they leave me cold. It's not that the threats are not real; no, it's just that they are so relatively minor when compared to the dreams. We are watching the development of an extremely significant technology at explosive rates. People in the research labs are seriously considering problems that would have been considered science fiction only a few years ago. These people are dreaming; they are building. Heroes have emerged and others certainly will. It is a period of transition, excitement, and potential. I urge you to take the time to enjoy studying history that would make great fiction, if it were not real. ❑

Vanguard Management **by James O' Toole, Doubleday, 1985 $19.95**

Sic Transit Excellence

Ida Walters

Management "excellence" is the key to corporate financial success, according to the collective wisdom of a number of best-selling business books. Excellent companies are entrepreneurial and innovative, respect employees and customers, offer high-quality products and services, and are good citizens of the realm. Other companies may succeed at the expense of all these things—but never, it is always hinted, for long.

Put that way, it is hardly surprising that the word "excellence" has animated the corporate body like no other in memory, emblazoning and ennobling all to which it is applied. The idea that financial success results from a principled corporate existence elevates body-rubbing mercantilism to the sublimity of enterprise, indicates "higher" commitment. Anybody can cut deals, talk bottom line, get the product out the door. But such people are clerks compared to those who speak of excellence. *In Search of Excellence* (Thomas J. Peters and Robert H. Waterman, Jr., Harper & Row, 1982), the book that gave the corporate world this elevating image—which has been aggressively kept alive by sequels, clones, and *Businessweek* magazine,—is still selling briskly after five years. A man not usually given to buying pop-management books said to me recently, upon finally succumbing: "It has stood the test of time."

What has not stood the test of time is the companies the book touts as excellent. In fact, none of the many recent books on management excellence has been able to produce a list of companies that endures for very long. The companies in *Search*, for example, "had a half-life of about six months," according to James O'Toole, a man you can count on to keep track of such things.

O'Toole, professor of management at USC's graduate school of business, spent four years searching for "excellent" companies for his own book, *Vanguard Management*. He found eight which he believed could serve as future models for all large,

publicly held corporations. By the time the book reached bookstores, however, three of them—Atlantic Richfield, Levi Strauss, and Control Data—were no longer in the vanguard.

Some critics actually noticed this and leaped on *Vanguard's* less fortunate corporate examples, citing them as proof that the principles espoused in the book were misguided. O'Toole responded, quite correctly, that one cannot logically disprove a proposition simply by discrediting the examples used to illustrate it.

Nice try, but still on the hook. Unlike the authors of *Search* and similar books, most of whom had gone into the highly lucrative "advice" business and taken to the lecture circuit, O'Toole is an academic with an embarrassingly "popular" book on his hands and a reputation to worry about.

Also, unlike the others, he seems actually to have been curious about why so many companies touted as excellent suddenly found themselves, in his words: "up to their collective crotches in crocodiles." (This is O'Toole's cleaned-up way of ending the currently popular business joke that begins: It's hard to remember that your job is to drain the swamp when you're up to your...)

At any rate, the results of O'Toole's curiosity were published in a magazine he edits called *New Management*, and later excerpted in a magazine called *Across the Board*, where I happened to catch it. I was rather hoping he'd help lower the excellence rhetoric a notch or two, but no. He had something entirely different in mind.

O'Toole first attempts to rescue the whole concept of excellence by jettisoning a pesky group of once-excellent companies that have fallen into disrepute, or at least into disarray. These are, of course, many of the high-tech firms that boomed in the early 1980's when the various lists of excellent companies were being compiled. At the time, these companies appeared for all the world to be captained by managerial geniuses, but O'Toole believes a prima facie case can be made against the once-fabled "right brain" style of management, which favors intuition, informality, hugging, white wine busts, and the like.

He also notes that a trip to Silicon Valley today would reveal, with a few remarkable exceptions, that yesterday's "progressive" managers have turned into get-tough, left-brain clones of garden-variety tyrants commonly observed in non-Aquarian corporations. In hindsight, he says, "we now see that their hot-tubs-and-sabbaticals approach was more a consequence than a cause of being on the ascent side of the product cycle."

Little insight here. Plenty of people (even though *Businessweek* didn't see fit to quote them) had the foresight to see that high-tech start-ups were in clover while demand exceeded supply and out of clover when the opposite occurred—and that the lack of neckties, executive parking spaces, and a hierarchical organizational structure had little to do with either.

In dispensing with the denizens of Lotus Land, O'Toole can't resist a few

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parting (and quite gratuitous) shots. He calls them "charismatic, splashy, larger-than-life, obsessive characters,"and contrasts them with the leaders at Motorola, one of his (as yet unfallen) vanguard companies. Motorola's leaders, he says, are "thoughtful, careful, analytical types who are dedicated to institutionalizing the structures, systems, and habits that empower all employees to do their own jobs without constant coercion and direction." He also says that the egotistical stars of high-tech companies appeared to have trouble recognizing, much less sharing, the real currencies of organizational life—money and power.

What I find interesting is this: whatever made O'Toole imagine that a 19-year-old starting a computer business in his garage would have a management style even remotely resembling that of a 55-year-old who had spent 30 years climbing the pyramid of a $2 billion corporation.

O'Toole next deals with those companies that stumbled off his own vanguard list. He totally rejects the cynical conclusion he claims Wall Street and other critics drew: that these companies slipped because they were intent on doing well by doing good. In fact, O'Toole claims the opposite—that faced with a crisis, these companies didn't stay the course, didn't remember that management is a moral undertaking. Control Data, for example, "violated the very principles on which its philosophy rested." Levi Strauss "aborted its historical principles" by "succumbing to short-term amorality." Atlantic Richfield's reaction when the price of oil plummeted "was to abandon the very characteristics that had led to its distinction." (He doesn't mention Herman Miller and John Deere, two others on his list who appear to have stayed the course, but have recently become lackluster performers because of weak demand for their products.)

O'Toole asserts that "no company ever got into financial hot water by taking the high road, by behaving ethically, by respecting employees, or by putting something back in the community." To his credit, he admits that this doesn't guarantee financial success and, moreover, that companies that do none of these things often succeed. In effect, he is confirming, as it were, what those who run companies have always known, though they would go to the rack before ever publicly saying it. The inflexible rhetoric of most corporations is the warm and fuzzy stuff of which pop-management books are made.

O'Toole says, by way of getting to his main point, that most managers have been "led to believe that success is made possible only by taking the low road, by pursuing the quick buck." But thanks to the excellent companies that he and others like him have profiled and publicized, the world at long last knows that excellence is not the enemy of profits.

His main point: people now know they "can choose to conduct their work lives by the same high principles with which they conduct their private lives."

My reaction to this, and possibly yours too, is: Oh, please! But O'Toole really believes it, really believes that the existence of companies such as Motorola, Dayton Hudson, and W.T. Gore "dispels the myth that the only way to succeed in business is at the expense of employees, customers, and society."

Remember as you read this that this trio are the only stars still shining brightly in a cluster that just three years ago contained eight. Also remember that O'Toole has described the leaders of one of them, Motorola, as "thoughtful, careful, analytical types who are dedicated to institutionalizing the structures, systems, and habits..." Something about this makes me think of the kind of people you would look for to handle mental patients.

O'Toole ends his article with: "If managers come to see that they can succeed by taking either the high road or the low road, won't many of them choose the higher course, even if it is more difficult? If some of these managers should then fail, as many must in a capitalist economy, won't they at least have the comfort of knowing that they gave the effort the best of everything that was in them."

O'Toole, who is neither scholar nor charlatan, reverts in the end to Sunday School teacher. He tried selling principles by tying them to profits. He found, however, that doing good is not always correlated with doing well, that is, not always correlated with having the right product, at the right time, and at the right price, which is what financial success in business is really all about.

O'Toole doesn't much like this; it isn't sufficiently "high road" to satisfy his weakness for saving souls. He thus fails to recognize that it is the only thing of value he has to say in a business culture dominated by pop-management pap that says excellence, per se, is always rewarded. ❑

A Conflict of Visions: Ideological Origins of Political Struggles
by Thomas Sowell, William Morrow & Co., 1987 $15.95

On The Shoulders of Hayek

Timothy Virkkala

In the world of ideas, there are few things quite so neat as a discrete dichotomy. Good and evil, us and them, moral and immoral, sacred and profane—the list goes on and on.

In *A Conflict of Visions,* Thomas Sowell offers yet another such distinction, one involving the kinds of "social visions" that play a large part in our world of conflicting ideologies. Like most dichotomies, it is not without its problems, but it does shed a good deal of light on an area of much confusion.

"One of the curious things about political opinions," Sowell begins, "is how often the same people line up on opposite sides of different issues." This, he claims, is because these perennial opponents differ on the most basic level, ie. in their views on the nature of social causation. This outlook is often a "gut-feeling" or a "precognitive act," and is rarely abandoned by the demonstration of a conflicting fact.

Now, conveniently for Sowell, the realm of social visions is not crowded with the multitude one might expect, but is limited to two. They are the

constrained and *unconstrained* views of human nature.

Those who think in terms of the constrained vision stress the inherent limitations of human nature, and tend to deal with social problems in terms of trade-offs, not in all-or-nothing attacks on the status quo. This does not mean that these people are necessarily conservatives. On the contrary, nearly every example Sowell gives of thinkers with this sort of vision has an extensive agenda for reform. It does mean that their view of the ways in which human beings can change emphasizes the "moral limitations of man," and they tend to place their trust not in lofty ideals, moral suasion, or sweeping legislative programs, but in the structure of incentives that individual human beings actually face in their daily lives. Laws, morals, and "reason" (or Reason) only form a part of that structure.

Thinkers with the unconstrained vision, on the other hand, seek solutions to social problems, not trade-offs. They tend to scorn compromise, and they abhor social systems that emphasize it. Human beings are seen as *potentially* capable of acting with the utmost degree of care and breadth of vision; human frailties, vices and narrowness of vision are ascribed to perverse traditions, laws and ideologies—not to the nature of man.

Sowell's "paradigm cases" of the two visions are Adam Smith and William Godwin. Two better examples could hardly be found: not only do they provide straight-forward statements of their respective visions, they also prove to be ideal catalysts for libertarians to confront their own visions, as well as their reservations about Sowell's discussion of the problem.

His exposition is both clear and concise—something we have come to expect from this author. Nevertheless, there are some problems with the work, and several areas of possible confusion.

First, it is somewhat ironic that though Sowell's stated intention is to explain the persistent differences in political philosophy, Smith and Godwin arrive at very similar political conclusions, despite their radically different ways of looking at the world. Both are part of the libertarian tradition.

So the use of Smith and Godwin as archetypes is more likely to confuse libertarians than non-libertarians; which might limit his book's appeal to Sowell's libertarian brothers. Still, there may be an advantage in this seemingly infelicitous choice of examples: it highlights the limitations of the explanation and the anomalous position of libertarianism within the spectrum of political ideologies.

And Sowell recognizes this. Neither Karl Marx and John Stuart Mill fit very well into one camp or the other, and his discussions of them are very interesting. His discussion of libertarianism also explicitly recognizes the limitations of his dichotomy:

> "Inconsistent and hybrid visions make it impossible to equate constrained and unconstrained visions simply with the political left or right. Marxism epitomizes the political left, but not the unconstrained vision which is dominant in the non-Marxist left. Groups such as the libertarians also defy easy categorization, either on a left-right continuum or in terms of the constrained and unconstrained visions. While contemporary libertarians are identified with the tradition exemplified by F.A. Hayek and going back to Adam Smith, they are in another sense closer to William Godwin's atomistic vision of society and decision-making dominated by rationalistic individual conscience than to the more organic conceptions of society found in Smith and Hayek...
>
> "Logically, one can be a thorough libertarian... and yet believe that private decision-making should, as a matter of morality, be directed toward altruistic purposes [as did Godwin]. It is equally consistent to see this atomistic freedom as the means to pursue purely personal well-being. In these senses, both William Godwin and Ayn Rand could be included among the contributors to libertarianism."

I suppose this sort of explanation will not sit well with many libertarians, particularly those influenced chiefly

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by Rand, but I find it extremely compelling. I believe that the chief thing wrong with contemporary libertarian thought is that it does not strike a proper balance between the egoistic and altruistic extremes, and that what constitutes a "proper balance" is a constrained vision, not the unconstrained visions all too common in the movement. Unfortunately, the thinkers who I believe best made this balance, Herbert Spencer and Gustave de Molinari, are not discussed by Sowell.

Far more controversial, however, are his discussions of the "Visions of Power" in Chapter Seven. He argues that "much more of what happens in society is explained by the deliberate exertion of power—whether political, military, or economic—when the world is conceived in terms of the unconstrained vision [rather than in terms of the constrained vision]"—a statement that I admit makes me a bit uncomfortable. Much worse, however, are the discussions of war and crime under the section "Force and Violence" within that chapter. Like a mainstream economist who considers Macroeconomics before Microeconomics, Sowell treats war before crime, and his discussion of the typically constrained vision of war is essentially Reaganite. It is here that a discussion of Molinari would have been most helpful, for Molinari also believed that "wars are a perfectly rational activity from the standpoint of those who anticipate [some] gain," but his response is considerably more ingenious than Sowell's standard conservative rationale for a military build-up.

Of course, a "purely" constrained vision is impossible. Sowell admits that almost no one has a pure vision on either side, and I certainly do not wish to sound as though I support a rigidly "constrained" viewpoint. But I do think that one of the chief problems with so much of libertarian theorizing is that it tends to be so "unrestrained"—so dogmatic and uncompromising on all levels, including its basic view of the world. A healthy dose of the constrained *Weltanschauung* would do the movement a world of good.

And there is probably no better place to begin than with Sowell's introduction to the problem. Aside from the section on power, I detected only one misjudging of the quintessentially constrained vision: his labeling of the vision as a "tragic" one. The vision is not necessarily any more tragic than it is "comic"; it is simply "unromantic." Of his characterizations of the unconstrained vision, I am quite content—though less qualified to comment, I suppose.

Students of F.A. Hayek will certainly notice that it was from Hayek that Sowell took the idea, but, I submit, it has gained something in the taking. In Hayek's terminology, the dichotomy was between constructive and critical rationalism, but his exposition was marred by a number of problems, including straightforward advocacy of the critical, non-"constructivist" (unconstrained) vision. In *A Conflict of Visions* Sowell never argues for his (elsewhere declared) preference for the constrained (Hayekian) vision, but instead simply demonstrates the differences between the two visions. This contrast will, I suspect, convince more people of the Hayekian vision's superiority than Hayek's own arguments ever did.

Which all goes to prove at least one thing: Thomas Sowell is a first-rate thinker. His lack of pure originality is more than made up for by his consumate ability to rework the ideas of other men. "If I have seen further than others," said Sir Isaac Newton, "it is because I stand upon the shoulders of giants." It does not denigrate Sowell to notice just on whose shoulders he sits: what counts is the clarity with which he sees the "conflict of visions." ❑

Booknotes

Winning at Zoning
by Dudley S. Hinds, Neil G. Carn, and O. Nicholas Ordway
McGraw-Hill, NYC, 1979
(and subsequent eds.) $25.00

Although not written from a libertarian perspective, this book does proceed from a strong pro-property viewpoint, and the authors are cynical and jaundiced toward zoning, though stopping short of outright rejection. The main virtue of the book lies in its wealth of information on how to cope with all varieties of property-use restrictions. Virtually every recourse which has ever been used to overcome such regulations—zoning-board hearings, judicial appeal, the electoral process, public pressure—is spelled out in detail, complete with success/failure ratios. If you've just bought a parcel of land only to discover that it is zoned B-21/A162 (poodle clipping service only) you need this book. —WPM

Lucifer's Lexicon
by L.A. Rollins
Loompanics, 1987, $5.95

Those who developed a taste for the L. A. Rollins' joke definitions that at one time or another graced the pages of *Reason* and *New Libertarian* will welcome this compilation of neo-Biercisms.

Most of Rollin's definitions are characterized by wit and clevernesss; many are tinged with sexism or racism; some are nasty or peurile; a few are simply lame old jokes.

But all reflect the peculiar idiosyncrasies of Rollins' peculiar mind. Where else can one find such definitions as:

"Censor, *n.* One who enlightens the world by burning books...

"Freedom, *n.* One's preferred form of slavery.

"Full-figured girl, *n.* An aging actress with big boobs.

"Good Citizen, *n.* An obedient slave.

"Libertarian Movement, *n.* A herd of individualists stampeding toward freedom."

The aphoristic impact is occasionally weakened by Rollin's digressions (sometimes running pages), often for no reason other than to introduce a related joke or to introduce the reader to the phantasmagora of holocaust revisionism.

Even so, *Lucifer's Lexicon* is a joy to read. —EOW

Do You Believe In Magic: The Second Coming of the 60s Generation
Anne Gottlieb
Random House/Times Books, 1987
$19.95

If you're the type of reader who just can't resist grabbing any tome dealing

with "The Sixties," then by all means buy this one, for that is indeed its subject. If not, don't bother. A more maudlin, clichéd, self-congratulatory piece of tripe would be hard to envision. The book's thesis is simple to summarize: We of the Sixties generation (that is, of course, those of us who had the politically and culturally correct viewpoints) were the most, well, *wonderful* peop;e who ever lived. There just wasn't anybody who had ever been as educated and knowing and caring and compassionate and laid-back and with-it as we. The reader is given a long succession of mini-biographies of (mostly non-famous) Sixties people more or less known to the author. Needless to say, no anomalous lives are sketched—no Republicans, no industrial workers, no servicemen, no farmers, no stenographers—just upper-middle-class people who were and are so very caring and compassionate and open and with-it and.... Excuse me, I fell asleep. —WPM

The Book of America: Inside Fifty StatesToday
Neal R Pierce and Jerry Hagstrom
W.W. Norton & Co., 1983
(and subsequant revisions) $25.00

Older readers will remember the late John Gunther's interminable "Inside" series of books—*Inside U.S.A., Inside Europe, South America, Africa,* and so on, each of them updated every few years. The above book is self-consciously in the Gunther tradition, and the authors display both the virtues and the shortcomings of their mentor.

On the one hand, *The Book of America* is a cornucopia of information about each state—historical, political, demographic, economic, cultural, and sociological. It avoids the graph and chart, almanac-like format with which other state by state surveys have bored or intimidated the reader. All the facts are presented in a lucid and intelligent narrative style. If you are thinking of moving to some distant state, read the relevent section in this book first.

Now for the bad news. The authors' knee-jerk, unreflective "progressivism" (their term) is absolute, their value-judgments relentless and shrill. In their eyes, everything is obvious. Republicans are bad. Democrats are good (except for southern, white dems—they're bad, too). Massachusetts and Hawaaii are progressive, the sunbelt is reactionary. The higher a state's residents "tax themselves" the better. The more laws and regulations the better. Only governmental actions really count. States are rated almost soley by the percent of the "social product" which is relegated to "the public sector."

It is in this respect most of all that the authors have succeeded in continuing in Gunther's footsteps, for the latter was the sort of glassy-eyed left-liberal who always gave the impressionof a perfect serenity of thought, undisturbed by any distant imaginings of a possible alternative viewpoint—a mind truly at rest. If Pierce and Hagstrom could have adopted only *some* of Gunther's legacy, they would have turned out a better product. —WPM

Soldier of the Mist
Gene Wolfe
Tom Doherty Associates,
New York, 1986, $15.95

Gene Wolfe is the author of several books that fall loosely within the science-fiction category, including one with the provocative title *Free Live Free.* His latest work, *Soldier of the Mist* relates the diary of Latro, a head-wounded soldier in Greece of 479 B.C. Each morning Latro's injury causes all conscious memory of the previous day to fade to oblivion by noon, leaving him a timeless life mitigated only by the promptings of his companions and his own record (inscribed upon the scroll that Wolfe has recovered for the modern reader).

Accompanying this loss of memory was a gain in perception, for Latro enjoys regular converse with various avatars from the Greek pantheon—all the while they remain imperceptible to his fellows. Latro's psychological condition is reminiscent for me of Julian Jaynes' depiction of ancient man as lacking "consciousness" (narrowly defined) but possessing communion with and direction from internal deities arising through the intercourse of his twin cerebral hemispheres.

Wolfe's narrator moves within a mileu that provides interesting perspectives on today's social preconceptions. Compare the case for panarchy or competing agencies of retaliatory force to the following exchange conderning Sparta:

> Io interrupted. "Is Pausanias one of your kings? And do you really have two?"
>
> "Sure we've got two," Basias told her. "It's the only system that works."
>
> "I'd think they'd fight."
>
> "That's it. Suppose there was just one. A lot of people have tried that. If he's strong, he takes every man's wife, and the sons, too. He does whatever he likes. But look at us. If one of ours tried that, we'd side with the other. So they don't..."

Such occasional observations sidelight the main appeal of the novel's unique setting within pre-Socratic Greece and Latro's eternal now. *Soldier of the Mist* is a memorable reading experience. —*SS*

A History of Private Life From Pagan Rome to Byzantium
Paul Veyne, editor
Arthur Goldhammer, Translator
Belknap/Harvard $29.50

History is much more than the record of "great men" and their deeds, as this book clearly demonstrates. The several authors vividly describe what everyday life was like in "pagan" Rome, "Christian" Rome, Roman North Africa, etc., and explain the customs, mores, economies, and laws that constituted the style of human interaction in those civilizations.

And, aside from their intrinsic interest, these sorts of concerns are absolutely necessary to deal with if one wishes to understand the political goings-on of ancient times. And considering how ancient history is "used" by many conservatives, a book such as this one is a good tool in the hands of the libertarian. I defy any reader of this work to find any evidence that Rome "fell" because of a detioration of morals: by almost any modern standard Romans were grossly "immoral" from the very beginning, and, if anything, improved somewhat over time.

A History of Private Life is a joy to read and not in the least bit tedious. I look forward to the next volume in the series. —TWV

The problem with conservatives is not merely that they are against liberty, but that they haven't had a new idea since the Regency.

Conservatism Redux

William P. Moulton

Most libertarians enjoy an occasional bout of conservative-bashing. It can be amusing to respond to the more cretinous assaults on liberty from that quarter, even if one's responses are merely verbal. It is difficult to resist a smirk when some *National Review* staffer warns that "anarchists" and "nihilists" are "infiltrating the freedom movement," or when Russell Kirk, in the pages of *Modern Age*, links us to Italy's Red Brigades, or when yet another pseudo-psychiatric "expose" of libertarianism emanates from the Randian cultists.

There are times, though, when conservative attacks must be taken seriously, not because they seriously wound, but because they illuminate the antiquity and staying power of some of the intellectual and emotional barriers which we must eventually overcome. Is this important? I think so, because there is a solid core of statist belief which is anchored in what can be described as a right, rather than left, mindset. It is my belief that this set of views constitutes libertarianism's most fundamental and long-lasting intellectual opposition. What I will examine here is one recent, and unusually explicit, presentation of old-time anti-liberalism.

The specimen I am trotting out for review is an article by William Hawkins in the January '87 issue of *Chronicles* magazine. It is an important contribution, one which harkens to an earlier age of the liberal-conservative dichotomy when the line separating these value systems was more clearly drawn. The content and method of Hawkin's arguments are, in fact, redolent of the polemical wars of the days of the Regency. This engagement of fundamental issues casts light on the nature of modern conservatism, and that gives Hawkin's essay an importance that should be addressed. But first, a slight digression.

The reader will be familiar with the generalities of the conservative attack on modern libertarianism. From William Buckley's seminal article "Some Conservatives and the Real World" and Mrs. Frank O'Connor's exposure of libertarians as whim-worshipping Kantian hippies, through Russell Kirk's dismissal of us as "chirping sectaries" nihilistically devoted to destruction (re: Red Brigades) and Ernest Van Den Haag's statement that we "went to Stalin's school" (ah, but did we pass?), the allegations—except for a few oddball Birchite and Randian emendations—have been fairly standard.

Libertarians are against tradition, of course, and traditional values. (The Randians add "against any values, against values as such.") They reject the cement that holds civilization together, making the practice of "true" liberty impossible. They are of course anarchists, every one of them, and would bring on social chaos followed by totalitarian repression. They are rationalists, and wish to impose utopian dreams on the rest of mankind. (Here again the Randians diverge, maintaining that the central darkness of libertarianism is intellectual nihilism, its hostility to the very existance of thought.) Out of the real fever swamps comes the idea that libertarians are consciously working for the communists, or—for readers of *The Spotlight*— that they are part of the Zionist-Capitalist-Communist free trade axis, striving to set up a one-world dictatorship under the hegemony of the Mossad. Despite differences, nearly all on the right are agreed that libertarianism is utterly bad, and that any notion of cooperation is akin, in Russell Kirk's phrase, to mixing fire and ice.

However, the mainline conservative commentators, at least, have usually held to one claim which might serve to ameliorate the wretchedness of their argument. They have at least claimed to be the true heirs of the liberal tradition, and therefore the custodians of the ideal of liberty in its modern expression. (Again, a few reject such a claim, but we're dealing with generalizations.) But the Buckleys, Rushers, Buchanans, and Kristols have never been totally comfortable with the classical liberal *Zeitgeist*, and the result is a conflict which remains unresolved. This tension is apparent in the strange one-foot-in one-foot-out ambivalence toward freedom that pervades conservative journals and that results in well-known anomalies of the "sales-tax bad, conscription good" variety.

All of which brings me again to the essay in *Chronicles*. For those of you not enrolled among its readers, this is the monthly magazine published by the Rockford Institute, a conservative think tank centered in the Illinois town and college of the same name. The journal is mainstream conservative in outlook, with mild High Tory leanings, literate, and relatively scholarly. Its enthusiasm for the free market is definitely under control, and while it features excellent articles on such subjects as the failure of socialism and the bureaucratization of modern life, these are balanced with warnings against succumbing to the siren song of libertarianism or against putting undue emphasis on mere matters of liberty. The latter, while not actually denounced, is seen as a possible distraction from such essential issues as manners, religion, and the preservation of national culture. The attitudes of at least some of *Chronicles*' contributors might be stated as: "Bureaucratic tyranny is bad enough but it's not as bad as actually being free."

Hawkins' piece is called "Economic Ideology and the Conservative Dilemma." Its author is the research director of The South Foundation, which is not unlike the institute which publishes *Chronicles*. I can say without diffidence or irony that reading this essay was by no means an unenjoyable task. There is something gratifying in seeing arguments, even distasteful ones, presented without cant and without that camouflage born of mere convention which gives an air of evasion to so

much modern political discourse. What Hawkins gives us is the voice of true conservatism, colored to its roots by its origin as a reaction to the industrial revolution, the rise of the middle class, and the decline of the European *ancien regime* following the French Revolution.

Now it is a commonplace that American conservatism is different from European conservatism. If Hawkins were merely an anomaly, a European in an American body, so to speak, this review would not be necessary. It is my belief, however, that Hawkin's views are really close to the heart of conservative thought even in America, and that he is doing a service by presenting in fundamental form the real arguments against the liberal order insofar as they emanate from the right.

Hawkins argues that "If conservatism is to establish itself as the dominant philosophy of government and society, it must jettison classical liberalism. This means rediscovering a conservative view of economics, for it is only the prevalence of 'free market' economic theory that permits libertarians to exercise influence on the right." The alliance between classical liberals and conservatives, he says, is completely artificial and untenable, an unnatural development arising from the growth of socialism during the latter half of the nineteenth century. This coalition "has never been more comfortable than the coalition between the West and the USSR during World War II." He then proceeds to a denunciation of liberalism. Every known error regarding free market economics and the nature of the liberal order is paraded before us, together with a few that were unknown, at least to me. (I do not recall any previous acquaintance with the notion that classical liberalism literally *impoverished* Britain and therefore set the stage for its decline.)

Hawkins constantly, and correctly, reminds his readers that conservatism's first enemy was liberalism, not socialism, and he regrets that the fires of that early battle have cooled. "Is modern conservatism fit to rule...? To the extent that modern conservatism is dominated by classical liberal ideas, the answer is no." He sees not only the conservative movement but society itself as corrupted *primarily* (this is important) by liberal values, and only secondarily by collectivism and statism. Indeed, to him the modern left is simply a nuance of liberalism. "The arguments used in public by the left have stressed libertarian more than socialist themes and have more often echoed the speeches of Paine and Cobden than those of Marx and Lenin.... To the extent that the right has been infected with the same ideas, it has been inhibited in the fight against the left."

> *"The arguments used in public by the left have stressed libertarian more than socialist themes and have more often echoed the speeches of Paine and Cobden than those of Marx and Lenin."*

After raising this spectre of anarchy and chaos, Hawkins goes further: "But the state has a larger role to play in the economy than just the protection of property." He quotes favorably the justification of mercantilism by the historian Robert Reynolds: "It was a great asset that European governments put their whole strength behind mercantilist enterprise, and considered the devising of ways and means for making their merchants richer and stronger a valid activity..." Hawkins also believes that Japan's success was caused by a centrally planned economy under the auspices of MITI. He imagines that in some unspecified manner classical liberalism ruined Britain, that the "England of Mill and Bentham, Cobden and Gladstone slid quickly into decline [and] liberalism better explains England's fall than does its rise." We are also presented with the hoary statist cliche that "Conservatism and socialism each have positive theories of government, but liberalism has only a negative theory." In every way, in short, the liberal order is seen as a plague that descended upon the people of the western world, blighting their communities and their lives, eviscerating the social order, and leaving behind wasted lands ripe for totalitarian repression in the succeeding century.

Still more economic and social indictments are presented, but it seems unnecessary to list them. My purpose is not to savage William Hawkins or *Chronicles* magazine, but to reach an understanding of the attitudes that mobilize so much of right wing thought in our time. There is no need to resort to the sort of "research" typified by the Randian Peter Schwartz in his booklet *Libertarianism—The Perversion of Liberty*. This practice consists of "shopping for quotes" by scouring every imaginable printed word that could conceivably be said to originate among one's ideological enemies, picking out the most dubious or controversial or, for that matter, stupid examples regardless of context or source, and then stating that each quotation represents the essential values and ideas of the targeted group. What I wish to emphasize is not my belief that most of Hawkins' analysis of classical liberalism is wrong, but that the ideas he articulates still possess great power on the American right.

What is the value system that animates Hawkins' writing and his brand of conservatism? It is in every respect that of the early post-Burke conservatives (Burke was in so many ways a liberal, especially in his economic thinking, that his role in conservative thought, though profound, is also ambivalent). I am thinking of such writings as those of the Regency-era Poet Laureate Robert Southey (1774-1843), especially his *Colloquies of Thomas More*.

What sort of society do Southey and his modern counterparts defend? Essentially, the *ancien regime*, the European social order which antedated the French Revolution—a society characterized by a semi-feudal hierarchical social structure, in which property in land is relatively secure but seldom bought or sold outside of a small proprietor class; in which avocations and professional status are generally hereditary and there is little social mobility; in which rights are neither general in application nor even fully conceptualized, but are merely specific adjuncts to one's role in life. (There are other important aspects of the *ancien regime*, such as absolute monarchy and a state church, but these are not usually advocated by modern Ameri-

can conservatives.)

Now such a vision of the social order is not wholly unattractive if one is wallowing in nostalgia or indulging in the romantic antiquarianism of the dilettante. As a prescription for the modern world, and especially for the United States, it is a disaster. To the extent that one can even imagine it being reinstated, it would mean the end of our still considerable economic dynamism and social mobility and their replacement by a hierarchical, stagnant, caste-ridden polity, guided by "positive theories of government."

Such a vision is also a prescription for tactical disaster. For although the conservative movement is extremely diverse, the motif that unites its many factions is not so much a formal set of ideas as a general feeling of animosity toward the power of the state over people's lives. This feeling is usually diffuse, unfocused, and inconsistent, but it unites on a loose tactical basis the Christian parents who want to run their own schools, the young businessman trying to operate under a deluge of regulatory harassment, and the gun-owner who doesn't like being treated as a criminal. This attitude, however feebly it may be articulated by many conservatives, is part of the classical liberal tradition. In no sense do its roots lie in the old European right. To cast off this legacy would be to reduce the American right to a coalition of single-interest pressure groups sustained by little more than some vague sense of a shared common enemy— e.g., godless communism or "secular humanism." Such a coalition might hold together for a time, but it is not clear how distinctly "conservative" it would be. After all, many of the so-called social issues, notably anti-abortion and anti-drug concerns, cut across both party and liberal-conservative lines.

For conservatism to jettison its classical liberal aspect would be to render it a drifting hulk, intellectually dead and strategically confused.

What is the lesson that we, as libertarians, should draw from the persistence of strong anti-liberal ideals on the right? To note that many conservatives wouldn't recognize freedom if they stumbled across a barrel of it on the sidewalk is to merely grasp the obvious. To realize that some conservative intellectuals reject libertarianism with a malign hatred, and that no cooperation (let alone "fusion") with such a person is possible, is no surprise to those of us who were raised on planet Earth.

"If conservatism is to establish itself as the dominant philosophy of government and society, it must jettison classical liberalism. This means rediscovering a conservative view of economics, for it is only the prevalence of 'free market' economic theory that permits libertarians to exercise influence on the right."

The importance of all this is strategic only in the sense that in assessing alternative modes for the spread of any set of ideas it is necessary to understand the manner in which others think. Proselytizing is, after all, an entrepreneurial activity, and one of the keys to it is market research. Those who hold traditional conservative views are one of the groups targeted by libertarians, so the examination of such ideas as Hawkins' is useful.

But the greater importance of an analysis of the conservative movement lies in the conceptual realm. Libertarians are very gradually being given enough information, from both friends and enemies, to answer the question "Who are we?" Even after our two decades as a coherent movement, there is not yet a consensus on this matter. Are we simply "conservatives with a difference?" Are we classical liberals, or possibly, as some argue, the desendants of a quirky, radical element that existed on the fringe of nineteenth century liberalism? Are we perhaps, as the media tend to view us, a mix or "fusion" of right and left?

There are those who believe that the question is meaningless, that libertarianism is vital and diverse enough to encompass all of the above and more. This is probably close, at least, to the truth. Yet there is a reason to be concerned about our general relationship to the conservative movement. Many libertarians, including me, believe that the left, however much harm it has caused and however vital it may appear to be in some segments of society, is well past its peak of intellectual potency and is rapidly exhausting the wellsprings of its life. To paraphrase Matthew Arnold, whereas once leftist thought dominated the western world, today we hear only its "melancholy, long, withdrawing roar." If this prognosis is accurate, and the collectivist left does in fact recede gradually from the intellectual shore, the primeval liberal-conservative rift will inevitably come back into focus. In such a scenario our libertarian sentiments may come to be represented by a more general classical liberalism.

When that time comes, the principal stumbling block on the path to a free society will be that same movement which, having lost its libertarian elements during the past fifteen years, is forever telling Americans that they have too much freedom and not enough authority in their lives, and that they must be protected by the state from the ravages of drugs, sex, internationalism, divorce, irreligion, free trade, pornography and assorted other manifestations of Satan in the modern world.

So what, really, should we do regarding our relationship with the conservatives? The answer is: the same as we should regarding our relationship with the left. We must exercise prudence, temperance, common sense. Both conflicts and alliances ought to be chosen with clear understanding, and in light of clear goals. Finally, in the matter of exposition and apologetics, it is not necessary to engage in the sort of invective that characterizes some of our opponents. It is well to heed the advice of Salah-ah-Din and not invite the enemy to our tent merely to spit on him. And we must keep in mind, even when engaging an ancient foe, that in the fullness of time there are no fortresses which Liberty cannot storm. ❑

Politics

The Libertarians' Quandary

Chester Alan Arthur

Four years ago, as the Libertarian Party's presidential nominating convention approached, the nomination and the future of the Party were in serious doubt. Only one person—a radio talk show host from Florida—had declared an interest in the nomination. Then, just before the convention, he withdrew his candidacy and disappeared mysteriously.

Two candidates emerged: longtime party activist David Bergland and scholar Earl Ravenal. Attorney Bergland was known mainly for his vice presidential candidacy in 1976, when he had been the compromise candidate of a deadlocked convention. Professor Ravenal has long been a sort of kept scholar of the Koch-financed Cato Institute.

Both were familiar with libertarian theory. Both were intelligent. Both could think on their feet. But neither was very exciting.

In an act of rebellion against the Koch largesse and the control it brought, party members nominated the longtime party activist Bergland over Koch minion Ravenal. The Ravenal/Koch forces immediately walked out of the convention and the party, taking Koch's millions with them.

The rest is history. Bergland's campaign barely made a ripple. The Party nominee's vote plummeted from the Koch-financed 1980 totals. Before long, libertarians were talking about the implosion or collapse of the movement.

Things looked worse and worse as the 1988 election approached. The 1985 convention in the awful heat of Phoenix was poorly attended. The National Committee chose Reno as the location and the California Party as host for the 1987 nominating convention. Then the California Party withdrew its bid, and NatCom selected second choice Seattle as the location and the tiny Washington State Party as host.

In the 1986 elections, the Party's highest elected official, Rep Andre Marrou of Alaska, lost his re-election bid. Shortly thereafter, he moved to Nevada.

At year's end many libertarians feared the 1987 nominating convention would be a financial disaster and fiasco. No one showed interest in the Presidential nomination. Some doubted the nominating convention would take place at all.

Things began to change in early 1987. Former Congressman Ron Paul and Indian activist Russell Means expressed an interest in the LP nomination. Each had a significant national reputation and following. Neither had ever been a Libertarian Party member.

Ron Paul had been a Republican member of the House of Representatives for 6 years before giving up his seat in a futile campaign for the Republican nomination for the U.S. Senate in 1984. He had gained a reputation in Congress as an opponent of just about all government spending. He also gained considerable following for his anti-paper-money, pro-gold views. After his electoral loss in 1984, Paul began to publish a hard-money investment letter and went into the gold and rare coin business.

Russell Means had gained fame by leading an armed Indian insurrection against the U.S. government at Wounded Knee, South Dakota, in 1970, and had since remained at least peripherally in the public eye by befriending controversial black leader Louis Farrakhan, approaching Muamar Qaddafi of Libya for aid to American Indians and supporting the Indians along the Atlantic Coast of Nicaragua in their revolt against the Marxist central government of that tiny backwater.

Suddenly, Libertarians no longer faced the problem of no prospective candidate for the 1988 election. Now they had two nationally known figures vying for the nomination.

"The Implosion is Over!", headlined the *American Libertarian*.

The interest of two major national figures in the LP nomination is certainly a novelty—a novelty that most activists interpret as a genuine opportunity for the LP to play a major role in American politics. How times have changed!

Whether these developments will prove to be a stimulus to the Libertarian Party or to libertarianism or to liberty remains to be seen. In the meantime, LP members are asking themselves a lot of questions: Are these guys really libertarians? Who would make the better candidate? Does the LP have an opportunity to play a significant role in the 1988 election?

"Are These Guys Really Libertarians?"

In the past, LP Presidential nominees were long-term libertarian activists. John Hospers, the 1972 nominee, had long promoted libertarian ideas

both academically and politically and had published an introductory book on libertarianism (imaginatively titled "Libertarianism") a few years prior to his nomination. Roger MacBride, the 1976 nominee, had been a long time libertarian writer and had proved his loyalty to the LP by jumping the Republican Party and casting an Electoral College vote for the Hospers-Nathan ticket in 1972. Ed Clark, the 1980 nominee, had done yeoman's service to the Party as its candidate for governor of California in 1978. And David Bergland, the 1984 nominee, had been the Party's VP nominee in 1976 and had a long record of party activism.

But Paul and Means are clearly different.

Ron Paul has been interested in libertarian ideas since he read Mises in medical school in the 1960s, but his party affiliation was Republican until early this year. He had been elected to the House of Representatives on four occasions, where he had time and time again raised libertarian points of view in Congress and used the power of his office to raise libertarian objections to a wide variety of government programs.

But along the way, Paul had occasionally offered support to his Republican Party colleagues, including some who had LP opposition. And in the course of establishing the most libertarian voting record in Congress, he had occasionally supported measures that included provisions that most libertarians dislike. And he has consistently taken one position that most (though not all) libertarians disagree with: he has argued that abortion is wrong and that the states should be free to regulate or outlaw it.

In sum, Ron Paul spent the past decade acting as a crypto-libertarian, using his energy to promote libertarian ideas and objectives within the framework of conventional politics.

Russell Means' relationship to libertarianism and his support for libertarian ideas is far more tenuous.

Hardly anyone even suspected Russell Means was a libertarian until *Reason* published an interview with him in its November 1986 issue. The interview, conducted by long-time LP activist (now Means campaign chairman) Larry Dodge, concentrated on Means' views on the plight of Indians in the world.

The ideological content of the interview was just about nil, so far as libertarians were concerned. Yes, Means did speak about "self-determination for our people": That could be considered libertarian, I suppose; but it could also be considered Marxist. And he did advocate the elimination of "every federal and state agency on this reservation." But he did not advocate any of the broad anti-government measures that characterize libertarian thinking. The closest he came to advocating any specifically libertarian ideas that I could find in the interview was his advocacy of "a continuation of our ages-old system—individual entrepreneurship based on the good of all."

It is easy for Libertarian Party activists to sell short the appeal of the LP to outsiders.

But the interview did demonstrate at least that Means had heard of libertarianism and was not openly hostile to it.

Since LP activists Honey Lanham and Larry Dodge approached Means early this year with the suggestion he run for the LP Vice Presidential nomination (Means quickly advised that he was only interested in the top of the ticket), Means has explored (so he says) libertarian theory and found an ideological home. Without even knowing it, he has explained, he has been a libertarian all along.

But still, many LP members have doubts about the sincerity and depth of both Paul's and Means' libertarianism.

Given the libertarian-come-lately status of both candidates (especially Means), it is perfectly reasonable to ask why either would want the LP nomination if he is not really a libertarian. But it is impossible for anyone to look into another man's soul. Maybe both men actually are highly motivated by the love of liberty... but the question remains.

What could possibly motivate a person to seek the LP nomination aside from a profound belief in the importance of human liberty?

It is easy for LP activists to sell short the appeal of the LP to outsiders. For all its shortcomings as an electoral machine (3 state legislators elected in Alaska in 16 years of party activity is not terribly impressive) the LP offers an aspiring politician at least one very valuable asset. The LP has demonstrated that it has the financial resources and dedicated cadre to put its Presidential nominee on the ballot in most states.

The LP nomination is just about the only way to get on the presidential election ballot, aside from capturing the Republican or Democratic nomination. Sure, one could try to organize his own new party or mount an independent campaign. But the LP is virtually the only third party to obtain widespread ballot status in recent years. And the only successful independent candidacy (John Anderson's exercise in megalomania in 1980) began with some impressive showings in a major party's primaries.

It is plain that neither Paul nor Means has the personal popularity or the financial means to mount a serious campaign for a major party's nomination or to launch a new third party. That leaves the LP route.

What's more, Paul and Means are both jobless politicians. The LP nomination offers each a chance to appear on the national news and an outside shot at appearing in televised presidential debates-- in short an opportunity for the same sort of ego-trip that John Anderson enjoyed in 1980.

The nomination offers both men a chance to improve their professional status. A losing campaign would increase Means exposure and improve his lecture fees, or futher improve Paul's reputation among hard money types and stimulate his coin business.

"Who would be the better candidate?"

Whatever the depth of Paul's and Means' commitments to libertarianism or the LP, most LP members are delighted to have figures of their stature and ability seeking the nomination. For many LP activists, the sincerity of the candidates belief is irrelevant.

What the LP is looking for, they argue, is a salesman for liberty and for the LP. And it is well-known that some of the best salesmen do not fall for their own sales pitches. And it is undeniable that both Means and Paul have significant strenths that would help promote libertarian ideas and strengthen the Libertarian Party.

Let us, therefore, examine each candidate in terms of what he can do for libertarianism and the LP. A good candidate must have the ability to sell his ideas, to get the media to give him (and his ideas) extensive free coverage, to raise money to finance the campaign, to attract new members to the party, and to crash the major parties' presidential debates.

Paul and Means are both well equipped to handle these chores.

And if the candidate has the charisma to lead America into a a new libertarian era, so much the better.

Salesmanship

Russell Means has established that he is an intelligent, quick-witted and powerful speaker. He is able to think on his feet, to respond powerfully to attacks on his views and disarm his critics, and to diffuse hostility directed toward his positions.

Since his association with the LP began a few months ago, he has quickly assimilated enough libertarian insights (or cliches) to handle himself very well in debate—better than many long time LP member/candidates.

Those who have followed Ron Paul's career had doubts at first about his ability to explain the libertarian vision. Paul has been an adequate public speaker, but in adversarial situations has shown an unfortunate tendency to stumble, mumble and put his feet in his mouth.

His appearance a few years ago on PBS Late Night, for example, was an outright embarrassment. His press conference at the California LP Convention earlier this year was better, but still not up to the standard of glibness that most libertarians expect of their spokesmen.

But Paul has continued to polish his skills; his recent performances have shown considerably better forensics. And there is no doubt he is an intelligent man whose forensic abilities will continue to improve.

Advantage: Means by a small margin.

Mediagenicity

Means has a long record of capturing media attention as an Indian leader; there is no reason to believe he would do worse as a libertarian. His costume is photogenic, his manner imperial, his style dramatic. His notoriety as a leader of a criminal insurrection should serve him well.

Paul may have more trouble infatuating the media thanks to his right wing image. But his substantial positions, plus his record in Congress and as a member of the Gold Commission make him a figure of genuinely national importance who will be difficult to ignore.

Advantage: Means, again by a small margin.

Fund-raising

As a member of congress, Ron Paul's energetic opposition to just about all government spending, his strong advocacy of sound money and his criticism of the elitist conspiracies that control much of international finance gained him a large following among a substantial element of the American right. Paul went to this national following to raise funds—some $2.5 million—in his abortive race for the Senate in 1984.

He kept his mailing list of 120,000 names intact after he left office, using it as a sales list for his coin business. Paul's campaign staff includes several people with impressive track records in mail order fund-raising. The Paul campaign is confident that it can raise substantial amounts of funds from its own mailing list.

Means ability to raise funds for sources outside the Libertarian Party is unknown and probably negligible.

Advantage: Paul by a wide margin.

Ability to build the Party

Despite the fact that most past growth of the Libertarian Party has come from the political right, the LP chose to direct its primary marketing effort in 1980 (its last major national campaign) toward the left. Now may be a good time to change that strategy.

As American conservatives have become convinced that the election of Ronald Reagan did not signal a reverse of the growth of government, the right is more and more susceptible to libertarian arguments. Not all of the Reagan right, of course: the religious crazies and freedom haters have no use for libertarians. But much of the Reagan right has never been comfortable with Reagan's infatuation with so-called "social issues." Hard-money conservatives are especially upset with Reagan's attacks on financial privacy in the name of "the war on drugs."

This is precisely the segment of the American public with whom Ron Paul is most popular. His mailing list—already more than 5 times the size of the LP's mailing list—would be a fertile ground for recruiting new LP members. If only 2 people out of every 100 on the Paul list joined the Party, its membership would increase by 46%.

Russell Means' ability to build the party remains highly speculative. He has said that he can recruit large numbers of Indians into the Party, but to date there has been no evidence of his actual ability to do so.

Advantage: Paul by a wide margin.

The Presidential Debates

Means has made a big deal of his ability to crash the major parties' presidential debates. "I can assure you," he told the California LP convention," I will be in the Presidential debates. Can you imagine them turning me down? the League of Women Voters—nobody—can turn me down." At the Washington State LP convention, Means bragged "I have excellent contacts with the League of Women Voters," and reportedly promised "to break down the doors" at the debates if denied participation.

Paul has made no such claims or promises.

But realistically, Paul probably has as good a chance as Means. For one thing, as a convicted felon, Means gives his major party opponents a built in excuse to refuse to appear with him. I can hear the major party candidates now: "Do we want to sanction his criminal actions—to dignify his criminal record—by appearing on the same platform with him?"

Paul may not be able to morally blackmail the liberal bimbos of the League of Women Voters as effectively as Means. And he may not be willing to "break down the doors" if denied participation. But his mainstream credentials as a former member of Congress and his greater credibility (thanks to his better-financed, more visible campaign) should compensate for his lack of moral suasion.

But realistically, whether the LP nominee can crash the debates will depend largely on factors beyond his control. Can the major candidates agree to debate? Will both major party nominees be willing to debate the LP nominee? The answers to these questions will likely be determined by considerations of political expediency: what each major candidate views as his potential gain or loss from agreeing to debate at all and to include the LP candidate in the debate.

Advantage: None for either candidate.

Charisma

Much of what Means has said in his campaign to date could most charitably be characterized as political poetry. It may not make much sense literally, but is surely sounds good. When Means speaks of forsaking the debating society mentality, of reaching out to people's pride, of taking the battle to the streets, he strikes a resonant chord with many libertarians.

But what sense do these notions actually make? Libertarianism is fundamentally a rational ("debating society") response to the problems engendered by the growth of the state: foresaking our "debating society mentality" is to abandon our greatest weapon. "Reaching out to people's pride"-- isn't that a favorite slogan of statists? "Taking to the streets"? C'mon, let's get serious.

On the other hand, these notions have a lot of appeal as poetry. When Means says them these words somehow sound inspiring.

In short, Means has that ineffable quality called charisma—that ability to stir emotions, to inspire, to lead.

Ron Paul, on the other hand, has the charisma of a baked potato.

Whether charisma is a desirable attribute for libertarians is a moot point, however. Do libertarians want a leader who inspires us to action by appealing to irrational notions? I for one have my doubts.

At any rate, whether charisma is a plus or minus, two facts are apparent: Russell Means has charisma. Ron Paul doesn't.

Does anybody care what the LP does?

Whether Paul or Means is ultimately the LP nominee, one thing appears certain: the LP has a chance to gain a far wider audience and get far more votes in 1988 than in the past.

If Ron Paul is the LP candidate, most of the votes he gets will come from the political right, votes that would otherwise likely be cast for the Republican nominee. If Russell Means is the LP candidate, most of the votes he attracts will come from the political left, votes that would otherwise go to the Democratic nominee.

If the 1988 election is close and the LP nominee runs an effective campaign, the outcome may be determined by whom the LP nominates. A Ron Paul campaign could take enough votes to swing the election to the Democrats; a Russell Means nomination could take enough votes to swing the election to the Republicans.

In at least two recent elections in which it appeared the LP would gain most of its votes from the right, supporters of the Democratic candidate have attempted to help the LP candidate by contributing funds to his race. In California in 1984, the LP Senate candidate turned down contributions from supporters of Alan Cranston, the Democratic incumbent. In Illinois in 1982, the LP Senate candidate accepted contributions from supporters of Democrat challenger Paul Simon.

All this raises an interesting question: have either of the two major parties (or its supporters) made contributions to either campaign? It seems it would be in the Democrat's interest to support Ron Paul, and in the GOP's interest to support Russell Means.

Hmmm... ❑

Life or Death in Seattle

Murray N. Rothbard

The libertarian movement, and the Libertarian Party, face a unique opportunity in the elections of 1988. After six long, dreary years, the miasma of Reaganism has suddenly been lifted from the American scene. The glorious light is suddenly here, and the dark "tunnel" is over, thanks to the joyous revelations of Iran/contra gate. Reaganism is ended, and the Reaganites are in shock and disarray.

Until the end of 1986, the Great Communicator had all too neatly performed his historic task of transforming the anti-tax and anti-government sentiment of the late 1970s that helped bring him to power into a statist regime that led the bemused public into an orgy of flag-waving and "feeling good about America (i.e. the American government)." The Administration that had promised to get government off our backs, not only added to back-breaking burdens, but also brought government in unprecedented fashion into our bedrooms and even bathrooms.

And all the while countless people who should have known better kept hailing Ronnie as some sort of libertarian hero. The worst of all Reagan's sins was to bring back with a bang what we all thought had been exorcised in the 1970s: trust and devotion in the government, and particularly in our Maximum Leader in the Oval Office.

But with Iran/contra gate, or Gippergate, the carefully crafted return to trust in government lies in shambles. For this reason alone, for the first time since 1980 there is hope that libertarianism can flourish once more.

Surely it is no accident that the "takeoff" period for libertarianism was the era of rising hostility to govern-

ment in the 1970s: in particular the late-1970s eruption of public sentiment against high taxes, inflationary recession, the Vietnam War, and Watergate. It was this anti-government climate that fueled the exponential growth of the Libertarian Party from the first national MacBride for President campaign in 1975-76, to the Clark campaign for governor of California in 1978 (coinciding with the glorious and unexpected victory of Proposition 13), and onto the Presidential campaign of 1979-80. It is also no accident that the decline of libertarian institutions and of the Libertarian Party coincided with the blight of the Reagan Era.

But now, with the sudden death of Reaganism, there is a plastic juncture in American history. No charismatic leader has appeared in either major party, and the field consists of a lot of turkeys who are scarcely known to the American electorate. This unique window of opportunity perhaps accounts for the unprecedented competition for the 1987 Presidential nomination of the Libertarian Party.

But this also means that Libertarians have a particular obligation to think carefully about their choice of candidate, and to make sure that this rare golden opportunity is not muffed. For we have an unprecedented chance to leap into the mainstream of American history, to have a strong and even decisive influence on American politics.

Fortunately, one of the announced candidates for President is uniquely positioned for making libertarianism a permanent and burning issue in American politics. Former Republican Congressman Ron Paul of Texas began his four terms in Congress as a dedicated and principled free-market spokesman. Over these eight years, and in the three years since he left Congress, Ron Paul's libertarian commitment has deepened and radicalized, until now he embraces the entire gamut of libertarian principles from personal freedom to non-intervention abroad. A deeply honest man, Ron Paul always scorned the typical Congressional path of logrolling, compromise, and "going along to get along." He never went along, but he won the respect of many of his colleagues who hailed him in private for having the courage to stick to truth and principle.

In the course of his libertarian crusades in and after Congress, Ron Paul also won the respect and admiration of a huge number of men and women throughout the country. With a high national profile, and a mailing list of 120,000 supporters, Ron Paul can bring an enormous amount of credible publicity to his views. He makes his impact by speaking for the principles of liberty, and for their application to the crucial issues of the day—not by stunts or his personal mystique. He can also bring in a great deal of money from thousands of grassroots supporters, attract a huge and unprecedented number of votes, and increase membership in a Party that has fallen by 20 percent in the last few years.

Marginal movements attract marginal people—what the Germans call luftmenschen, *people with no steady jobs, incomes, or visible means of support. In short, the sort of people who instinctively alienate the mainstream, bourgeois Americans.*

In short, a Ron Paul candidacy would bring votes, money, recruits to the cause, and would enormously increase the awareness of libertarian views and principles among the American public. Why, then, is there any contest? Why isn't Ron Paul nominated virtually by acclamation?

To answer this important question we have to face up to some hard if unpleasant facts. Even though libertarianism was very much the dominant political movement during much of the eighteenth and nineteenth centuries, today it is the movement of only a radical minority. For liberty to triumph in the United States (and eventually throughout the world) libertarianism must become a mainstream movement, converting if not a majority, at least a large, critical minority of Americans.

But here we face an inner problem and a paradox not only for libertarians, but for any radical, minority ideological movement. For marginal movements attract marginal people. Such movements are filled with what Germans call *luftmenschen*, people with no steady jobs, incomes, or visible means of support; the sort of people who instinctively alienate the mainstream, bourgeois Americans, not so much by the content of their ideas, but by their style, lack of moorings, and "counterculture." But that means that if a serious opportunity should arise, as it arises this year, for the movement to make a great leap into Middle America, into genuine influence in our society, that Libertarian *luftmenschen* will react not with enthusiasm but in fear and trembling. For far greater than their professed love of liberty is their hostility to bourgeois America. As one critical observer of the party has harshly charged: "they want the Party to be a social club for crazies."

Ron Paul and his wife Carol are the sort of Americans to set the crazies' teeth immediately on edge. Ron is a physician, has a steady income, and Ron and Carol are heads of a large and happy family. They are "just folks," and would be welcomed with open arms—except for their ideology—as candidates in either of the two mainstream parties.

Even though Ron is a new LP member, there is no clash of ideology whatever between Ron and long-term party members. The problem is not ideology; it is culture. Unlike ideological differences, culture clashes cannot be fought out through argument or discussion. Since the *luftmenschen* constitute a large group of articulate Party activists, what is needed is for them to search their souls, and to ask themselves: "OK, do we want libertarianism to win, to make a big dent in America, or do we not? If we don't want to win, why be in a political party at all? Why not simply form a social club and forget victory? And if we're really devoted to liberty, how can we not do our best for liberty to win? Are we really libertarians, or are we just playing around?"

Ron Paul has been faced with an intense and often hostile grilling since he has announced for the presidency, and

that is perfectly proper. Newcomers to the Party, especially those running for President, should always be scrutinized carefully. But it has become clear that there are no ideological differences.

Ron Paul's one disagreement with the radical and principled LP platform—his view on abortion—has been run into the ground as a mask for the savage cultural hostility of the crazies to bourgeois America. As a notorious ideological "purist" myself, how can I countenance Ron's "deviation" on the abortion issue, especially since I myself am a dedicated pro-choicer who believes that *Roe vs Wade* is a namby-pamby sellout of the pro-choice position? One answer is that surely 99 $^{44}/_{100}$ percent is pure enough, even for Ivory Soap. Surely purists can be rational and not be fanatics, or are we going to go the Randian route and excommunicate someone for preferring Bach to Rachmaninoff? Abortion is one issue where I consider the wrong position is not self-evidently absurd or unlibertarian. Although I believe the idea that a fetus is human and deserves the protection of human rights to be wrong, it is surely not self-evidently absurd or evil. Therefore we should agree to disagree instead of going to war to the ideological knife.

The critical point for Libertarians is that Ron Paul has no intention whatever to bring up the abortion issue during his campaign. He does not intend to turn the campaign into a crusade against abortion, since he regards abortion as a state and local—not a federal—issue. If the pro-choicers were rational, one would think that they would be happy with this settlement of the problem.

If Ron Paul doesn't intend to make abortion an issue in his campaign, why in the world should his pro-choice opponents keep harping on it? All the yowlings of his opponents, insisting on knowing his precise views on various bills or amendments, what penalties he would impose on abortion (this in a movement and a Party that has never reached a consensus on any punishment theory whatever!) and even who Ron would appoint to the Supreme Court (!) are manifestly idiotic and beside the point. It makes no sense for Paul's opponents to keep yammering about the abortion question, unless it is to stress the one ideological ploy that they can possibly raise as a camouflage for their bitter cultural hostility to a middle-class person with a steady income and a real-world job.

If Ron Paul is not going to crusade against abortion, then what among the panoply of libertarian themes does he intend to stress? Here is one of the most exciting aspects of the Ron Paul campaign. In contrast to some Libertarian campaigns of the past, Paul will not waffle and will not equivocate on libertarian issues. He will not cozy up either to the liberal or to the conservative Establishment. He will not fly under false colors. What Ron Paul will do is to resurrect a libertarian "populist" coalition in the best sense, stressing instinctive libertarian themes that awake a resounding echo in the breasts of Americans. Here are the issues he promises to raise:

- Opposition to taxes and the IRS, and calling for adoption of the Liberty Amendment and repeal of the income tax.
- The separation of money from the state, and consequently the abolition of the Federal Reserve and a return to a gold-standard.
- Purely free markets and free trade.
- Personal liberty: which means opposition to the draft, draft registration, drug laws, sodomy laws, and gun control.
- Opposition to all foreign intervention, which means abolition of all foreign aid as well as military meddling. In short: "bring the boys back home."

Here is an exciting vision, not only of pure libertarian principle, but for activating millions of Americans, in at last providing them with credible leadership for opposition to taxes, paper money, bank manipulation, invasions of liberty, and foreign wars that they instinctively hate, but where no leadership has been offered from either major party.

If not Ron Paul, *consider the alternative*. The opponents of Ron Paul are latching on to his major opponent, Russell Means, American Indian leader. I maintain that the promoters of Russell Means are being grossly irresponsible to the Party and to the libertarian cause to which we all owe overriding allegiance.

Let us assume for a moment that Russell Means is a sound, tried and true libertarian, a man of libertarian principle. It would still be grossly inappropriate to support Means because of the direction and the constituency that he would naturally and inevitably attract. If Ron Paul's constituency is the oppressed mainstream of America, Mean's constituency is the Sioux Nation. By nominating Russell Means we would be making a complete laughing stock of the Libertarian Party. We would be announcing to the world what it had already suspected: that we don't want success, that we don't want to win the hearts and minds of the American people, but that we want to advertise ourselves as a marginal collection of crazies. To nominate an Indian leader for President would mean the death of the Libertarian Party.

But Russell Means has a genius for getting publicity, say his supporters.

"Effie and I broke up -- couldn't agree about Coolidge."

Sure, but what kind of publicity? We don't, or shouldn't, want publicity for its own sake; in that case we could simply rob banks, or streak at high noon in the town square. We want credible publicity for our ideas. We want to bring people to libertarianism, not convince them of what they suspected already—that we're all a bunch of screwballs.

How do we know that Means is a principled libertarian? In contrast to Ron Paul, who has a long public record, Mean's views and background are murky. And, most abominably of all, a palpable double standard has been at work in LP state conventions where Paul and Means have appeared. While Paul has been grilled harshly and repeatedly, Means has been treated with kid gloves. Why is this? I fear that a double standard, a reverse racism is at work, here as in much of American society, that since Means is a member of an oppressed minority, it would be shameful to ask him the tough questions. At Atlanta, when for once Means was asked some tough questions—about his reputed opposition to private landed property and his possible tie-in with U.S. imperialism in Latin America—the questioner was (falsely) denounced from the floor in a brazen argument *ad hominem* that allowed Means to slide out of really answering these questions.

And so libertarians should ask Mr Means tough questions, and are entitled to thorough and candid answers. For example:

Is Means opposed to private property in land?

Is Means opposed to modern technology? (If so, it would be strange for a Party of computer mavens to select him as their spokesman.)

Where does Means stand on U. S. imperialism in Central America? Did the CIA, or Colonel Oliver North, or Elliot Abrams, support Mean's trip to the Miskito Indian country of Nicaragua?

The choice for the Libertarian Party at Seattle this Labor Day weekend is crystal-clear. It is hardly popular or fashionable to say this, but it is not true that there are two (or possibly more) worthy candidates in the race, each of whom would make a fine candidate for President. To say that would be to play the role of a mindless Party hack, for whom public relations has overwhelmed far more vital considerations. Instead, the choice is a deeply moral one, a striking contrast of good and evil.

On the one hand, if the party selects Ron Paul as its nominee, it will vote for deeply held principle and for an exciting anti-Establishment campaign that can and will make libertarianism a powerful force in American politics.

On the other hand, if it selects Russell Means, it openly rejects mainstream America, it chooses a shadowy figure whose libertarian credentials are dubious at best, and it advertises itself as a laughing-stock.

We must put it in the starkest possible terms: if the Libertarian Party selects Ron Paul, it votes for growth, for prosperity, for life itself, and for setting out on the road to victory for liberty. If it chooses Russell Means, it commits *hari-kari* in full public view in Seattle.

For the Libertarian Party, the choice between Paul and Means is a choice between life and death. ❑

The Matter of America

David Sheldon

Russell Means has been described as a wild card, a cipher, an enigma. But, for all his charisma, despite his mystique, there is no mystery about him. He is simply what he says he is: a leader of an oppressed people.

What is striking about him is his sense of poetry, his intensely mythological imagination. He begins each speech to libertarians by speaking in his Sioux language, declaring that he has at last found his true allies. He speaks of his place of birth as a traditionally sacred place of his people.

What separates him from other candidates for the Libertarian Party presidential ticket is that he is the first publicly religious leader that has dared offer himself to the Libertarian Party. So what needs to be explained is not so much Russell Means, but, instead, his many libertarian supporters—people well known, for the most part, as intensely non- (and even anti-) religious.

Myths for Libertarians

Of the several definitions for myth, the most popular is the least interesting. "An untrue belief or story!" In this usage, "myth" is merely a weapon for polemicists. It merely provides a tool for argument, not inquiry.

The anthropological and literary definitions have much richer meanings. What is important to the anthropologist and the literary critic is not the truth or falsity of a belief or story, but how the story is used. Myths, in anthropological terminology, are experienced in a particular way. They have an important place in the culture of which they are a part: they impart a sense of awe, or reverence in their listeners, and influence how the people behave. They are integral with the religion or customs of their culture, and have an ethical import. They help make up the mores and morals of the culture.

The literary critic, on the other hand, takes a step back from this view of the myth. He is not concerned with how the myth affects the behavior of the people who created it, but merely how it can be experienced by the lone appreciator.

"Myth" can be legitimately used in a value-free sense. Furthermore, it is possible that there might be true myths. C.S. Lewis, the Christian apologist and literary critic understood this very well, and insisted not only on the aesthetic value of the mythopoeic, but also on the actual truth of his Christian mythology—all the while insisting that

it was, indeed, mythology.

Myths are not limited to religions, however. Science, in Karl Popper's words, "must begin with myths and the criticism of myths." But it often ends with them too: even today the accounts of long ages of slow change and monstrous beasts are often experienced as mythology, as hoards of dinosaur-crazed third graders should attest.

And politics, of course, is filled with myths. Ideologues tend to use history as a sacred text to defend their positions, and the fact that they do so does not necessarily invalidate either the history so used or their arguments (no matter how our suspicions are aroused).

In the United States, the place of the Constitution in the life of the nation has led more than one observer to characterize the Constitutional process as the "secular religion" of the people. Constitution-worship is not limited to right-wingers such as the Birchers. The stories surrounding it and our experience of it are heavily mythological. Ronald Dworkin, the well known "liberal" legal theorist, believes that this mythological/religious aspect is part of the genius of the American Constitution.

Toward this religion, as so many others, the libertarian must be considered a heretic. We have our own myths, and place our respect elsewhere. Our tales of American history do not often mesh well with the more traditional American approach. Our history runs a slightly different course.

We tell how colonists threw off an imperial rule, justifying their actions by recourse to the idea of "certain inalienable rights... to life, liberty and the pursuit of happiness." We go on to relate how those same revolutionaries turned back on their official justification, and avoided granting that same liberty and sovereignty to African slaves and the Indian nations. In the crises that inevitably followed, America gave up the ideal of a Republic of free men, and became an empire.

Of course, we tend to keep our emotions low-keyed. We are the children of the Enlightenment, and are inexperienced in the use of myth. To us, a myth is untrue. Just like Marxists, we like to think that every argument we use, every story we tell is backed up by science.

The libertarian ideologue calls himself a philosopher, and says: Mythology: Who Needs It?

The Noble Savage

There is something a little pathetic in all this: it is born out of narrow-minded thinking and a lack of self-reflection. One suspects that many libertarians have fooled themselves, and do not really know why they are libertarians.

Many libertarians, during their formative years, undergo a period when they feel an intense alienation from the rest of society. Libertarianism (especially in its Objectivist variants) meets a specific psychological need: a justification for this alienation, for not belonging. Egoism becomes the explicit doctrine of many libertarians not only because of its sheer simplicity and elegance, but also because it provides a foundation for the intransigence of the libertarian loner. It justifies what is felt to be the commonly understood "unforgiveable" sin: uniquity.

But most libertarians are not really egoists: many embrace libertarianism not simply as a way to justify their differences with the rest of society, but also to reach out on terms that are respectable. Few libertarians join the Libertarian Party because they really believe it is in their self-interest, understood in the usual egoistic fashion. Most, one suspects, join out of a desire to be a part of a movement to help humanity. Libertarianism rests not on a theory of rational self-interest, but on rational other-interest.

This explains much better the psychology of the Libertarian Party joiners than does the dominant theory of egoism. It also explains why the arguments of Erwin Strauss's *The Case Against a Libertarian Political Party* have had little impact. Its arguments simply do not apply to those who are dedicated to the Party. "Big L" Libertarians are instead closet "altruists," of a moderate sort.

And it also explains why so many of them have become so enamored with Russell Means. These latter day Noble Savages with their State-of-Nature theories, their feelings of alienation and their repressed desires to belong, are easily attracted to the poetic mythology of Russell Means.

And his myths fit easily into the libertarian mythology. It is easy to agree with Means when he claims that the European-American treatment of the Indians was a fatal flaw in their efforts to build a good society: what good could come of not respecting the rights of a whole race?

And when Means claims that the American Indian, is, by his culture, an anarchist, what could be more thrilling? The Noble Savage is no longer a point of theory, it is a living... myth, right in front of us.

Reasonable Doubts

Libertarians, as a number of surveys have shown—though we hardly need a survey to tell us the obvious!—are remarkably "irreligious." They seem to be as godless as the proverbial commies. What religions they do represent are statistically out of sync with the rest of the nation: More "new religions" than Jews, more Jews than Mainline Protestants, more Catholics than Conservative Protestants. And whatever religion a libertarian may believe, among other libertarians, it is very private.

The avoidance of religious rhetoric within the movement is a result of the underlying distrust of the standard rhetoric: religious rhetoric is seen as traditionally an influence against, rather than for, the pluralistic social order libertarians want.

And this also explains why Russell Means is the exception to this prejudice: his religiosity is not threatening. When he speaks of the "sacred colors of man," (referring to the various races) it is interpreted as a poeticism, as part of a non-threatening piety that truly does respect human diversity. We can get into that.

Still, there are doubts. The biggest doubt about the advisability of running Means as a Libertarian (aside from the obvious question as to whether he is actually a Libertarian, something more than just an ally) should probably be whether other Americans would buy his mythology, whether the average American would be inspired by his religiosity, or turned off by it, find it ridiculous. Libertarians, so out of sync with the mainstream of American culture, are probably unqualified to decide.

Other doubts also arise. Though his mythology may be infectious, our ra-

➟ *from previous page*

tionalism persists. On the face of it, his myths are often myths in the common sense of the term: simple untruths.

He speaks of a monolithic Indian culture, but the historical evidence is all against such a notion: customs varied from tribe to tribe, and there were thousands upon thousands of tribes. Perhaps over the several centuries of opression they have converged, but that is not his line of argument.

He has also insisted on the idea of an American genesis for man: a notion that most anthropologists find ridiculous. But he seems to actually believe it, and believe it with the same conviction with which he holds all his other mythical notions.

How can libertarians tolerate such nonsense? Because, I suppose, they are deemed harmless. They do not threaten. They are tolerated as poetic license. And the poetry is appreciated as far better—and perhaps far more effective—than any of the libertarians' feeble attempts at stirring the heartstrings. It surely has more beauty than the standard libertarian rationalism.

And it feels so good. Russell Means may, or may not, "speak American"—but he does speak to many libertarians. He speaks to the libertarians who want to belong to a movement that will do good, will "save mankind"—a movement that will be as noble as their dreams.

As any reader can guess, I, too, am tempted to support Russell Means. I can easily imagine myself as a delegate at the Seattle Nominating Convention, casting my vote for this remarkable man. I can almost hear the crowds... I can imagine myself—for the first time in my life—actually enjoying this sort of thing. I can imagine believing that my vote is significant, important in a way it has never before been. But even in my dream I feel a vague discomfort, a nagging doubt. I am sure that most libertarian would call this feeling "the voice of reason," but I beg to differ: a better word would be guilt, a sense of sin.

Not, perhaps, an unreasonble feeling to have, upon entering the realm of mythology. ❑

➟ *from page 12*

Tom Marshall: Innovator

adaptation" skills which allowed me to live in "that society".

My own "subthreshold" impulse toward vonu living in the wilderness was related to a sense of people offending me, boring me, hurting me, or being too dishonest. Also, I have long had a deep sense of alienation from others which I don't understand very well. I found it hard pretending to like people when I didn't (there were few people I liked) and felt this was a reason why I would not be able to sustain a job and survive in "that society". And I had doubts about politico-economic and military stability. I suspect Lynn's sexual problems and her view of men as wolves had a lot to do with her search for a way out. Unfortunately, the path she chose seemed to incorporate the wishful thinking of religious evasion.

Tom's intense rationality and integrity are what inspired those who knew him. Even his seemingly irrational fears had substance in the later 1960s when nearly everyone had a sense that the world was changing radically and quickly in unpredictable ways. America was at war and the hostility of China and the USSR made nuclear holocaust a real possibility. Many were looking for A Way Out.

Tom stopped publishing *Vonu Life* in 1972, evidently (in part) because he was tired of "libertarian bullshitters" who were all talk and no action. I continued to correspond with him until early 1974.

In his last letter, he wrote: "My thinking has undergone major changes in the last several months on interfacing, 'alternate economics,' interrelations in general... I, too, am becoming very dubious as to the value of all 'libertarian club' involvements... We do not intend to use the 'libertarian club' in the future as an avenue for gaining non-anonymous friends or associates."

If Tom is still alive, he would be in his mid-fifties, but not the life-style pioneer he saw himself—for where are his followers? If self-sufficiency is to be a tool for self-liberation, I believe it must be combined with the kind of invisibility Tom sought to cultivate. Otherwise, it is, at best, a fair-weather freedom.

If Tom found an escape hatch, it was evidently to his liking. He never returned. ❑

➟ *from page 9*

The Mystery Man of the Libertarian Movement

not grow. His trainees returned to civilization, unwilling to abandon their Big Macs for pine needle sandwiches. As his survival skills increased, he moved deeper and deeper into the woods. And he got tired of publicizing vonu.

No one has heard from Tom Marshall since early 1974.

Some people speculate that he grew weary of his paranoid lifestyle and returned to straight society to live an "ordinary life." Others speculate that his increasing alienation and desire for isolation led him deeper into the wilderness, where he died a cold death in the rains of the Siskiyou Mountains, miles from civilization.

But others—those who knew him most intimately—believe he succeeded in achieving vonu, that he continues to live today, deep in the mountains of Southern Oregon, living a fulfilling life as a hunter-gatherer, free at last of the oppression of the state.

A few hundred miles north of the Siskiyou National Forest where Tom Marshall was last seen, in a small town on the edge of another National Forest, the Sheriff spoke to a reporter from a big city newpaper.

Sheriff Robert Holder told the man from the Seattle *Times* that he plans to trade his police car for a four-wheel drive vehicle.

His county, it seems, contains some of the most inaccessable land in the West. "I've heard stories that we may have a subculture, clusters of people who live in a very primitive way in remote wooded parts," he said. "But it's hard to evaluate what's really going on there." ❑

Contributors

Chester Alan Arthur is the pseudonym for an observer of the political scene who agreed to write on the condition that his anonymity be maintained.

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including the *Wall Street Journal* and *National Review*. Mr May is the editor of *The Trout in the Milk*.

Benjamin Best was editor and publisher of the pioneer libertarian weekly *Idea Catalyst* in 1966.

R.W. Bradford, publisher and associate editor of *Liberty*, is also the publisher and editor of the investment newsletter *Analysis and Outlook*.

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"El Ray " is a pseudonym of Tom Marshall, who is the subject of a retrospective and a memoir that are featured in this issue of *Liberty*.

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Timothy Virkkala is assistant editor of *Liberty*.

Ida Walters is a writer living in Detroit, Michigan.

Ethan O. Waters is a voracious reader and a collector of aphorisms.

Coming in the next issue of *Liberty*:

- Associate Editor Douglas Casey's account of his travels as "hobo" in **I Ride the Rails.**
- A libertarian defense of Robert Nozick's use of rent control laws in his dispute with Erich Segal.
- The outlook for the Libertarian Party is examined in **Re-arranging the Deck Chairs on the Titanic.**

"Available by subscription and wherever extremely obscure libertarian publications are sold."

Terra Incognita

United States

In a dispatch from the U.S., the London *Economist* reports the widespread American awareness of the Constitution during its Bicentennial Year:

> 45% of the American public identified the phrase "From each according to his ability, to each according to his need," as a direct quote from the U.S. Constitition, according to a recent Hearst opinion poll.

San Francisco

An insight into why some Americans subscribe to the dictum, "I do not choose to be a Common Man," as reported in the *Wall St Journal*:

> In an effort to become more "entrepreneurial," Levi Strauss & Co developed a fashion line called Common Man Apparel. "These clothes are for the young guy who lives fast and hot because he thinks he'll be nuked tomorrow," said a Levi manager.

Union of Soviet Socialist Republics

A Soviet citizen re-affirms his faith, after nine years of living in America, as reported in the Seattle *Times*:

> "I got fed up with all those freedoms, which actually mean the liberty to be of no use to anybody," said Alexander Belikin.

Tacoma, Washington

A libertarian's vision of a better tomorrow, from a letter from Richard Shephard, director of the 1987 Libertarian Party Convention:

> "No kidding, this is our chance to make a big difference in the Libertarian movement. I say let's grab it. Let's show the rest of America what true commitment to freedom and liberty looks like! Let's set the standard for third party conventions, and put the Libertarians on the map once and for all! We can do it through our commitment, and I am committed to your commitment."

Somebody ought to be committed.

Israel

Evidence of the progress of science under the protection of the Zionist State, as reported in the Omaha *World-Herald*:

> Israeli researchers using a computer say they have found encoded messages in the Bible. They said that this gives new support to the beleif that every word of the Bible is divinely inspired.
>
> The researchers said that in the Book of Esther they found a reference to the hanging of 10 Nazi war criminals on Oct. 16, 1946, and in the Book of Deuteronomy the word "Holocaust" was hidden.

Las Vegas

Latest entertainment sensation from America's Sodom and Gomorrah, as reported in *The Wall St Journal:*

> At a conference on urology in Las Vegas, a British researcher astonished an audience of doctors and their wives by interrupting his talk to exhibit an erection he had induced in himself by the use of a new drug. Commented Dr Irwin Goldstein of Boston, "It was really impressive."

When Jim Morrison did this, he was arrested...

Wyandotte, Mich

Evidence that the culinary arts are flourishing in the backwaters of southern Michigan, despite efforts of government officials to censor it, as gleaned from *The Wall St Journal*:

> Val Vangieson, chief food director of Wayne County, has banned the sale of a regional favorite at a popular local restaurant. The Indian Lanes offered its clientele a dinner of muskrat, cooked with tomatoes, onions, Liebfraumilch, pepper, garlic and soy sauce until Mr Vangieson interfered.
>
> Restaurant patron Henry LeBlanc protested, "I've been eating 'rat for years. It's a very vegetarian animal, you know. Whether it's a rodent or not is arguable." Johnny Kalakowski, proprietor of the restaurant, vowed to take the battle to the streets. "I'm fighting for tradition," he said.

Little Creek, Delaware

An anarcho-capitalist's dream came true, as reported by *alr*, magazine of Americans for Legal Reform:

> Mayor Wesley Kuhns and four commissioners resigned from their municipal offices after learning how much liability insurance for their small town would cost. A special election was ordered to fill the vacancies. No one filed as a candidate for any of the positions. The election was never held.

Paris, France

Fond memories of the Stalinist era, as recalled by Jacques Verges, attorney for Klaus Barbie, former Gestapo chief known as "The Butcher of Lyon":

> "People always talk about Stalinist terrorism. They forget the lyricism and friendship."

Manila, The Philippines

Evidence of the commitment to liberal Western values by Mrs Corazon Aquino, in sharp contrast to the brutality of the Marcos dictatorship she replaced, as reported in The London *Economist*:

> "A church organisation, the Canada-Asia Working Group, has reported that during the first seven months of the Aquino administration, there have been 238 cases of torture, 43 kidnappings (and presumed killings) and 38 arbitrary executions."

Union of Soviet Socialist Republics

Evidence of how socialism elevates the spirits of mankind, as reported in the London *Economist*:

> In 1984, alcoholic beverages accounted for 17% of all retail sales in the Soviet Union.

Alton, Illinois

Announcement of interest to adulterers and homosexuals from conservative philosopher Phyllis Schafly:

> "We're not going to let homosexuals come in and dictate to us laws or make us accept them or recognize them as someone entitled to just as much respect as a family. I do not feel that they are just like ordinary people.
>
> "If they had stayed in the closet like adulterers do, nobody would bother them."

Proof Gold Bargain!

Suppose someone told you that there is a gold coin, that is relatively scarce, available in stunning Proof condition; the coin is a genuine Commemorative coin of one of the world's great nations; and that the coin is available at a price about 35% above its melt value.

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1 The Canada $20 is genuinely scarce: only 377,688 were minted. See the chart below comparing it with other coins.*

2 The Canada $20 is a relative bargain, priced far cheaper than other, comparably rare gold coins. As you can see from the chart, the Canada $20 is trading at a price per ounce more than 50% lower than the Statue of Liberty $5—despite the Statue's much higher mintage. The $20's premium is more than 45% lower than the Canada $100 1980, despite their similar mintages. It's also far cheaper than MS-60+ specimens of U.S. issues, despite their significantly higher mintages.

3 Since the introduction of the $100 commemorative gold coin in 1976 and Maple Leaf in 1979, Canada has moved into the forefront of the world's gold coin producers. More and more collectors, especially in the U.S., are seeking the coins of our neighbor to the north.

4 The Canada $20 was issued in 1967, at which time it was illegal for Americans to acquire gold coins. Consequently, very few Americans acquired specimens at the time of issue. Most of the mintage was sold to Canadian collectors, but a very substantial portion was sold to European collectors. As more and more Americans seek the Canada $20, its price is likely to rise.

** Data as of 5/6/87*

5 The Canada $20 is Canada's first modern gold issue, and is required by collectors seeking a complete set of Canada's modern gold coins.

6 The Canada $20 is a commemorative coin of genuine importance, issued to help celebrate Canada's 100th birthday.

7 The Canada $20 is unique among Canada's gold coins: the $5, $10, $50 and $100 gold coins have each been issued for at least 6 different years, and all are still being produced. The $20 was issued only in 1967. It is a one year type coin!

8 The Canada $20 is a Proof coin: a specimen of the pinnacle of the mintmaster's art.

9 Because the Canada $20 was issued without protective packaging, relatively few survive in choice condition in comparison with other modern issues.

10 The Canada $20 is a legal tender coin, with established markets worldwide.

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Canada $100 1980	300,000	Proof	375	750.00	65%
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Liberty

"Liberty is the sovereignty of the individual." —Josiah Warren

The Sociology of Libertarians
by John C. Green & James L. Guth

The Rise of the American State
by Murray N. Rothbard

Understanding Anti-Corporatism
by Tibor R. Machan

Living With The State
essays by Nathan Wollstein and Ethan Waters

Fatal Patterns:
The Libertarian Party in Historical Perspective
by William P. Moulton

Also: Reviews by *Michael Townshend, Mike Holmes, Ross Overbeek, Stephen Cox,* and *Jonathan Saville;* and fiction by *Franklin Sanders*

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Contents

The Sociology of Libertarians
John C. Green & James L. Guth, page 5

Living With The State
Dilemma of the Gladiators
Nathan Wollstein, page 13
The Apostasy of Robert Nozick
Ethan O. Waters, page 14

Fatal Patterns
The Libertarian Party in Historical Perspective
William P. Moulton, page 18

Understanding Anti-Corporatism
Tibor R. Machan, page 21

Going Home
a story by
Franklin Sanders, page 25

Departments

Reviews

Murray N. Rothbard on the rise of the American State, page 31
Michael Townshend on American culture, page 32
Mike Holmes on Australian history, page 35
Ross Overbeek on the puzzles of philosophy, page 37
Booknotes, page 38
Stephen Cox on Film, page 40
Jonathan Saville on Oliver North as Actor, page 42

Letters, page 4

Contributors, page 45

Terra Incognita, pages 45 & 46

Cartoons, pages 17 & 32

Poetry, by *Stephen Cox*, page 24

Letters

A Dangerous Animal?

William Moulton is your best provocatuer. His remarks on conservatism ("Conservatism Redux") is powerful stuff. Even so, one wonders how starry-eyed libertarians would respond if they faced the same pragmatic considerations as the conservative Reaganites. How would Moulton cope with real-world problems like Tip O'Neal House, a shaky Senate, Soviet Imperialism, and the teeter/totter Supreme Court? Would he, in this situation, hang on like the pit-bull he so resembles as a writer? Would his bite be as effective as his bark?

W.D.Conrad
Lansing, Mich.

A Vote Against Politics

Thanks for the Tom Marshall/Rayo coverage. While his specific program would not suit me personally at all, it does illustrate that freedom is something that each individual creates for himself, not the product of some movement or other communitarian endeavor.

Moulton's review of Hawkins' article was an eye-opener for me. I'd had the impression that, as different as libertarians and conservatives are, they at least shared an approval of free market economics. Now that's in question. It would be interesting to see a rebuttal by one whose claims to speaking for conservatism are at least as strong as Hawkin's, provided this doesn't lead to an endless analysis of conservatism in the pages of *Liberty*.

It looks like no matter what happens at the convention in Seattle, there will be many disappointed people. The main benefit may turn out to be a whole new population awakened to the fundamental incongruity of libertarianism and politics, especially state politics. Maybe they'll begin to redirect energies now squandered on politics instead to insulating themselves from the depradations of politics. A consonant side effect would be that if enough people did this, politics (and the state) would dry up and blow away! (What if they held an election and nobody came!)

John E. Kreznar
Los Angeles, Cal.

Constrained Revisions

I completely disagree with Timothy Virkkala in his review, "On the Shoulders of Hayek," that "Sowell is a first-rate thinker." *A Conflict of Visions* displays a mind full of mental blocks, in fact the very sort of mental blocks that earlier led Sowell to ardent Marxism.

The funny thing about reading *A Conflict of Visions* as a libertarian is you find yourself rooting for the unconstrained vision of Man throughout the first half of the book and then rooting for the "constrained" vision in the second half. Sowell concludes, in the middle of the book, that libertarianism is an inconsistent vision. He admits that there is another possibility, but dismisses it as unworthy of consideration.

The problem is that the book itself is inconsistent. In the first half of the book, the object of constraint is the Individual, but only noneconomic, moral issues are discussed. The unconstrained view holds that the Individual should not be constrained by the State to a particular moral code.

Then in the second half of the book Sowell flip-flops and the object of constraint becomes the State. Now that we are dealing with economic issues, the "unconstrained" vision holds that the State should not be constrained in its constraining of individuals!

Sowell reluctantly admits in the middle of the book that if someone were to approach the issue as an "atomistic" individualist and continue to focus on the individual, rather than on the group, when dealing with economic issues, then libertarians could be seen as a consistent unconstrained vision. His attitude is clearly, though, that that would be a ridiculous approach to take.

The fact is, though, that this is the approach libertarians *do* take. Sowell's refusal to examine this approach demonstrates a giant mental block, not first-rate thinking. Sowell could only overcome the economics of Marxism by viewing the market as a collective in itself that individuals must submit to. He is playing psychological gymnastics in an attempt to rationalize what he finds emotionally uncomfortable about the free market.

Sowell sidesteps the real conflict of visions. As a collectivist, when he sees people, he focuses on the group. Individualists, on the other hand, focus on the individuals. To collectivists, individuals only have significance through their relation to "their" group. To individualists, individuals are important in themselves and are in fact *ends* in themselves.

With George Sarton, "I believe one can divide men into two principal categories: those who suffer the tormenting desire for unity and those who do not." My visions of "the good society" is a bunch of free autonomous agents running around doing as they please. This vision terrifies Sowell.

Terry Inman,
Florissant, Mo.

Debunking Anti-Dunking

"Where," Butler Shaffer asks, "are the anguished cries against Baptists holding children under water until they confess 'I believe'?" Well, as one who has unashamedly called himself a Baptist, I can give the obvious reply: there is no outcry against this sort of abominable behavior because it does not exist! Baptism is something that is freely entered into—as freely as anything can be, and Shaffer's little lie is so ludicrously out of order that, well, it deserves nothing more than a laugh and a *nay*.

Of course, I realize that Shaffer was exaggerating, trying to make a point. I'll go with him only half way, though, and am glad that all libertarians are not so anti-religious as he.

John Reilly
Portland, Ore.

➟ *more letters on page 30*

The Sociology of Libertarians

by John C. Green & James L. Guth

A truism of political socialization research is that party identification is one of the earliest-formed and most resilient attachments developed by American citizens, comparable in durability to religious ones (Niemi and Jennings, 1981). Children learn their partisan ties from their parents and, with surprising regularity, maintain them into their adult life. When a citizen abandons this early identification, it is usually in favor of independent status, rather than a "conversion" to another party. This parental transmission mechanism is obviously a "conservative" one, tending to maintain existing party alignments over long periods of time.

Although socialization research in the past few years has increasingly concerned itself with post-adolescent political learning, it has not yet come to firm conclusions about the mechanisms of adult change. Nor does the focus of this research extend far beyond "conventional" changes, from partisanship to independence or from attachment to one party to identification with the other major party. Little attention has been devoted to a "deviant" form of change—the choice of a third party identification.

The emergence of an important third party obviously can not be explained by the predominant socialization model. Without parental example and family tradition to constantly fill and renew its ranks, a third party must depend on conversion. Given the absence of any sustained third party movement since the advent of modern socialization research, we have very little understanding of this process. Yet, the frequent conjunction of third parties with party realignments in the American past and the emergence of potential third party groups such as the 1980 Anderson campaign, the Citizens Party, and the Libertarian Party indicates that such a study might have important implications for the problem of party realignment (Mazmanian, 1978).

This paper will focus upon the political socialization of a third party elite: financial contributors to the growing Libertarian Party, in existence only since the early 1970s. The party hopes that its doctrinal combination of laissez-faire and devotion to civil liberties and personal freedom will enable it to replace the Republicans as America's "second" party. The Libertarians garnered respectable presidential votes in 1976 and 1980, ran numerous congressional candidates in 1982, and appear to enjoy considerable organizational vigor. Unlike most notable American third parties, the Libertarians are a "grass roots" movement, rather than an ideological or regional faction of a major party led by a renegade partisan leader. This suggests the existence of true party identification among Libertarian activists.

The data from this paper are derived from a random sample of 100 contributors to the Libertarian National Committee, drawn from Federal Election Commission records. (This is a subsample of a larger group of 4000 contributors to party, ideological, and third party PACS presently under study by the authors.) Although the survey is still in progress, to this point 67 Libertarian activists have answered the extensive 350-item questionnaire and reflected upon their political experience in a number of additional open-ended responses. Given the high educational level of the respondents, their ideological enthusiasm and convert's zeal, the quality of the responses is extremely good. A substantial minority also sent us lengthy additional accounts of their political pilgrimage, often several densely typed pages long.

The present paper is a preliminary analysis of some of the information generated by the survey. Obviously, such a study must be exploratory, but we will consider three possible "explanations" for the deviant party choice by these activists.

The first explanation for the rise of third party identification involves what might be called a "weak socialization" model. Explicitly, we would expect libertarians (or other third party identifiers) to be drawn from among previously "independent" young voters or from among those with only nominal party allegiances. Such recent entrants into the political system should be "available" for third party mobilization. In addition, we would anticipate that most such recruits would have been politically apathetic prior to their conversion.

Another explanation would focus less on psychological identification and more on the social location of third party activists. Adherence to a new party may be a function of the individual's life experience: high levels of geographical or social mobility, distinctive class status, or particular types of educational and work environments. Such an argument is behind

This paper was presented at the annual meeting of the South Carolina Political Science Association, College of Charleston, April 2, 1983. Copyright © 1983 by the authors.

the often made assertion that American party politics (as well as that of other Western nations) is being remolded, or perhaps entirely transformed, by the social developments of "post-industrial" society, especially the emergence of a "New Class" of symbol manipulators. These men and women have a characteristic set of "post-materialist" values which has led to considerable dissatisfaction with the old party alignments and a search for new attachments more in line with "post-bourgeois" values.

A final possibility is that a third party may result from distinctive "period effects." A major issue or combination of issues drives political activists from their old political moorings into the relatively uncharted seas of third party politics. The Libertarians' appearance during the Vietnam War and the Watergate scandal hints that certain activists might be driven to a major change in allegiance as a result of disenchantment with the results of the political process.

Of course, these explanations are not necessarily mutually exclusive. Changes in the party system may result from interaction of all three factors: new, weakly-socialized entrants into the political process often represent newly-created social groups, which in turn are often especially sensitive to certain political issues. Nevertheless, there is no assurance that these developments occur in concert, and, in fact, each hypothesis represents an alternative emphasis in the political socialization and party realignment literature.

The Weak Socialization Model

Most scholars attempting to connect party realignments with socialization research suggest that realignment becomes possible only with the second or third generation after the previous party system change. The apparent periodicity of realignments every forty years or so makes sense if large numbers of weakly-socialized new voters are available to realigning forces at these intervals. Although the parental transmission mechanism does pass on party identification to some extent, it does not imbue second-generation partisans with the same warmth of feeling that characterizes their parents (Cf. Beck, 1974).

We have no direct way of testing this explanation, but we can determine whether some of the predicted conditions are met by these converts. As Table 1 indicates, most Libertarian activists are quite young, recent entrants into the political system, with well over half being under 39.

Table 1
Age Distribution of Libertarian Activists

25-29	10%	(7)
30-34	22%	(15)
35-39	21%	(14)
40-44	10%	(7)
45-49	6%	(4)
50-54	10%	(7)
55-59	7%	(5)
60-64	5%	(4)
65+	6%	(4)

Most Libertarian activists, then, are clearly not part of the New Deal and World War II political generation. Also bear in mind that these activists are drawn from FEC contributor lists of those donating more than $100 to a political committee. Most such contributors are middle-aged or older; thus, the predominance of younger contributors here is significant.

The relative youthfulness of Libertarian activists is consistent with a "weak socialization" model, but is hardly definitive. We can also look more directly at the question of party history. After asking respondents a standard question on party identification, we asked if they would ever have answered the question differently, and if so, how. If the weak socialization model is correct, we should expect large numbers of former independents among these Libertarians. In fact, as Table 2 indicates, only 13% of the activists once considered themselves independents, with a majority having previously identified with one of the two major parties, most with th GOP.

Table 2
Previous Party Identification Of Libertarian Activists

Republican	48%	(32)
Independent		
(leaning to Republicans)	3%	(2)
(Leaning to Neither)	9%	(6)
(Leaning to Democrats)	1%	(1)
Democrat	7%	(5)
Other	13%	(9)
No answer	18%	(12)
	99%	(67)

Of course, some of these were no doubt weak partisans, but much evidence from comments suggests that many others had been very strong Republicans. The remaining respondents include a few young voters who were either socialized into Libertarian identification by parental activists or had been previously apathetic. But for many Libertarians, conversion from one strong, serious identification to another is characteristic.

The impression that many Libertarians are true "converts" from another strongly-held identification is solidified by their willingness to identify their former ideological position. Our respondents often explained to us at great length that our liberal-conservative continuum was outdated and should be replaced by a more sophisticated two dimensional scale emphasizing both classic "New Deal" economic issues and newer questions of "personal freedom." (Libertarians, of course, are opposed to state intervention in either area.) Nevertheless, most explained at length their former ideological position.

Table 3
Previous Ideological Identificaton

IDEOLOGY	(N)	(%)
Liberal	13	19
Moderate	16	24
Conservative	23	34
No Information	15	22
	67	100

As Table 3 indicates, Libertarians come from a wide range of ideological backgrounds. The largest single group is former conservatives, but substantial groups of former political moderates and liberals also appear.

There are some bits of evidence, however, that do support the weak socialization model. Only 15% of these activists mention parental influence as a major factor in getting them interested in politics; nor are parents and other family members listed as important sources of political information and analysis. Although comprehensive data is not available from other groups in our study, preliminary analysis indicates that family is much more important in both respects among strong Republican and Democratic identifiers. If many of these Libertarians were once strong partisans

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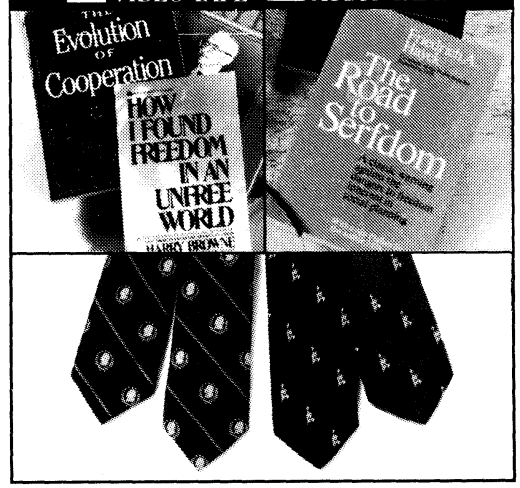

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of a major party, that identification probably had other sources than inculcation of family tradition. If those theorists who stress the importance of early childhood association are correct, the lack of such early partisan ties here may explain the willingness of these activists to make a momentous political move. As we shall indicate below, for Libertarians party choice is a particularly intellectual one, not based on pre-rational or a-rational factors.

The Postindustrial Society or "New Class" Model

In recent years, political analysts have focused on the rise of new social groups as a possible source of party realignment in Western societies. Many observers have seen "postindustrial" societies giving birth to new classes, whose occupants share social and political values different from those of "old class" members (Ingelhart, 1971; Bruce-Briggs, 1979). Although the specification of "New Class" membership varies by author, most agree that these new occupations include "idea workers" of many sorts. Irving Kristol lists scientists, teachers, educational administrators, journalists and other comunications specialists, psychologists, social workers, city planners, lawyers and doctors in the public sector, social scientists, scholars in general, government regulatory officials, high-level government bureaucrats, and intellectuals. These groups share high levels of education, often from prestigious institutions. They also tend toward liberal social political values and do not generally claim traditional religious values.

Most accounts of the "New Class" have stressed its affinity for the political left (Inglehart, 1971). Only recently have some observers begun to argue that elements of the New Class might have a tendency toward poltical conservatism or, perhaps, for a more unorthodox political orientation. Perhaps the Libertarians are one issue of the development of a new sector of the American voting population. If this is so, we should expect these activists to share certain characteristics identified with New Class themes: they should resemble New Class groups in status background, educational achievement, current occupation, "postmaterial" values, and national—rather than local—orientation. If Libertarian activists represent a vanguard of new political forces, we may be able to gauge the nature of that movement.

One persistent theme in this literature emphasizes that the social and political values of "New Class" groups are shaped by "post -material" orientations. New status groups not only represent the cutting edge of economic developments, but they come from a generation in which mere survival and personal comfort are taken for granted because of postwar prosperity. As we noted earlier, Libertarian activists are part of the post-war generation. And, as Table 4 indicates, Libertarian activists are drawn overwhelmingly from comfortable family backgrounds.

Table 4
Social Class Background of Libertarian Activists

Father's Occupation:		
Farmer	12%	(8)
Manual laborer	9%	(6)
Skilled trades	7%	(5)
Clerical, Sales	7%	(5)
Professional	28%	(19)
Business	30%	(20)
No Information	6%	(4)
	99%	(67)

Their families' relative affluence, according to Inglehart, means that these activists are free to pursue social and political goals which "no longer have a direct relationship to the imperatives of economic security" (1971, 991).

At first glance, the current income of these activists might seem to contradict this picture of freedom from material concerns. As Table 5 suggests, Libertarians are generally above the poverty line, but in comparison with most PAC contributors they appear virtually inpoverished.

Table 5
Income of Libertarian Activists

Less than $20,000	6%	(4)
$20,000 to $29,999	18%	(12)
$30,000 to $39,999	24%	(16)
$40,000 to $49,999	9%	(6)
$50,000 to $74,999	9%	(6)
$75,000 to $99,999	6%	(4)
Over $100,000	22%	(15)
No information	6%	(4)
	100%	(67)

Still, it should be kept in mind that most of these activiests are young, just beginning their careers. Hence, their relatively modest incomes may not influence their perceptions about their personal economic situation. In fact, that seems to be the case. Fully 78% of the respondents said that their personal and financial situation has improved over the past decade; only 6% said that it had declined. Few other groups of respondents demonstrate such an overwhelming positive assessment. They are also overwhelmingly optimistic about prospects for the country.

If these Libertarians come from comfortable backgrounds, do they also represent the "modern middle class" (Inglehart), the "New Class" of knowledge workers? Or are they found in more traditional middle-class occupations? Are they, in other words, part of a new or old social stratum? If we look at their educational backgrounds, we find that they do exhibit very imposing absolute levels of education.

Table 6
Education of Libertarian Activists

	(%)	(N)
Less than 12 years	0	0
High school graduate	3	2
Some college or trade school	13	9
College graduate	36	24
Some Graduate work	48	32
	100	67

Of course, political activists are generally well-educated, but the fact that one-half of these activists have done at least some graduate work is quite impressive. Almost a quarter have Ph.D.s. Quite obviously, these individuals share many of the educational characteristics of the New Class. Indeed, this finding is consistent with those of Lillie and Maddox (1981), whose secondary analysis of CPS election data reveals that those voters sharing "Libertarian" values (in favor of both civil liberties and economic laissez-faire) are drawn disproportionately from among the highly-educated.

One aspect of education that has received less attention is the type of education possessed by New Class members. Following some hints from Ladd & Lipset's (1975) study of the politics of American academics, we hypothesized that not all higher education

would orient New Class members toward the Left or (in the American context) toward the Democratic Party. (Cf. Inglehart, 1971, 1009-1115). If students in particular majors emulate their professors—or at least replicate their poltical values—the sciences, technology, business, and perhaps other areas might incline some members of the new Class in a conservative or, perhaps, other unconventional direction.

As Table 7 reveals, libertarians are drawn disproportionately from certain types of educational environments.

Table 7
College Majors of Libertarian Activists

Major	(%)	(N)
Science	20	13
Mathematics	18	12
Humanities	17	11
Engineering, Electronics	15	10
Economics and Business	14	9
Social Sciences	9	6
Education	3	2
"General"	3	2
	100	67

Libertarians are drawn primarily from scientific, mathemantical, and technical fields, with a sprinkling of business and economics majors. Humanists and social science majors are fairly rare. (These latter groups, it should be noted, bulk very large among John Anderson's 1980 supporters and among Citizen party activists—often considered harbingers of the political New Class in America.)

The attraction of Libertarianism to graduates in scientific and technical fields is rather intriguing. There are several possible explanations for this relationship. First, the economic "conservatism" of such graduates has often been explained by selective recruitment of scientists, engineeers and technical personnel from essentially middle-class homes. Furthermore, both scientific academics and their students are likely to have more contact with the business community, even during training, and thus might be more influeced by business values of entrepreneurial freedom (Cf, Ladd and Lipset, 1975, 55-92). At the same time, the inherently critical scientific worldview might lead to a similar emphasis on personal autonomy and freedom in thinking about social values. Indeed, Libertarian thought is influenced not only by classical liberal ideas, but by the "scientific" rationalism of Ayn Rand's "Objectivist" philosophy. Although such speculation is really beyond the purview of this paper, we may note that social scientists have just begun to explore the implications of educational background for poltical ideologies. (See, for a good example, Wuthnow, 1976, 112-123.)

Given their choices of academic majors, the occupations of Libertarian activists should come as no surprise. As Table 8 indicates, Libertarians are located primarily in new scientific and technical jobs, with a considerable number in small business enterprises—most of which are "new technology" firms. Notably absent are the other "half" of the New Class: government workers, media people, academic specialists, and other intellectuals. (These latter types do, however, show up heavily in the Anderson and Citizen Party subsamples.)

Table 8
Occupations of Libertarian Activists

Occupation	(%)	(N)
Computer-related	18	12
Engineering	10	7
Managerial	10	7
Small Business Owners	9	6
Scientific and Technical	9	6
Medical Professionals	9	6
Law	9	6
Teachers	6	4
Farm Owners	3	2
Factory Workers	3	2
Nonprofit Institutions	3	2
Commercial Pilots	3	2
Sales	1	1
Investor	1	1
Federal Worker	1	1
	100	67

Thus, Libertarians do represent one part of a developing social stratum of "knowledge workers."

The Libertarian activists also exhibit the sort of information search to be expected of New Class members. Not only are reported sources of information dominated heavily by books and periodicals, rather than by the mass media, but Libertarian literature is very prominent. As the general political environment is full of "signals" from a two-party communications process, third-party activists come to rely on a communications network comprised of specialized "Libertarian" sources. Table 9 illustrates this graphically.

Table 9
Sources of Information on Politics
"How important are the following sources of information in helping you make up your mind on political issues?"

Source	% "Very Important
Books	63
Opinion Magazines	46
Political Newsletters	33
Friends	13
Family	10
Newspapers	7
Work Associates	1
News Magazines	1
Clergymen, TV News, Radio News, Trade Associations, Union or Professional Publications	0
No source "Very Important"	18
Missing Case	1

As befits "New Class" intellectuals, Libertarians derive information from Party newsletters, books and journals such as *Inquiry* and *Reason*. Also, some Libertarians report relying at times on the understandings and expertise of friends—but only if they are Libertarians.

Do these activists have an affinity for a new set of "post materialist" values? One frequently noted characteristic of New Class values systems is secularism, evidenced by the lack of traditional religious beliefs and affiliation (Cf. Inglehart, 1971; Kirkpatrick, 1979). We asked our respondents for their religious preference. Table 10 reveals the responses of Libertarians.

Table 10
Religious Identification of Libertarian Activists

Preference	%
None	58
"New Religions"	13
Unitarian/Reform Jew	12
Mainline Protestant	10
Roman Catholic	4
Conservative Protestant	1

Libertarians are overwhelmingly unconventional in their religious identifications. Although some Libertarian thinkers insist that orthodox Christian belief is compatible with Libertarian Party identification (Rothbard, 1980), the Party has certainly not done well in attracting such supporters, at least at the activist level. Indeed, many Libertarians are not only areligious, but militantly antireligious, as indicated by extensive write-in comments. At least in this respect, Libertarian values differ from those of the Old (Middle) Class. Indeed, Libertarian values are distinctive. We asked respondents a modified version of a Gallup question about what aspects of life are impor-

tant. The resulting comparisons between Libertarians and the American public as a whole ar revealing.

Table 11
Libertarian Values

Value	% Answering "Very Important		
	Lib	Public (10,9)	Public (10,9,8)
Freedom to do what I want	97	73	86
Good physical health	84	81	92
Good family life	82	82	93
Living up to potential	78	71	86
Interesting job	72	68	83
Strict moral code	47	47	63
Working to better America	46	51	71
Personal security	40	--	--
Having enough leisure	19	36	58
Having many friends	18	54	69
Having a high income	18	37	58
Nice car, home, belongings	15	39	58
Following God's will	10	61	73
Social recognition	1	22	37

Note: public attitudes are drawn from the Gallup Poll (Princeton Religion Center, *Religion In America*, 1982, pp. 141-159). The first Public column represents scores of 10 or 9 on Gallup's 10 point scale; the second represents scores of 10, 9, or 8. To us the latter grouping would seem to be more comparable to our "very important" category.

Whether one looks at the first or second column of public responses to these questions, the Libertarians still come out being more concerned with the value of personal freedom and less concerned with material well-being, doing God's will, friendship and social recognition, and working to better America. For the most part, Libertarians prefer an individualistic version of "postmaterial" values.

Two other pieces of evidence support the general picture thus far presented. Libertarian activists are very mobile, in line with the usual picture of the "New Class," Despite their relative youth, they had lived in an average of 3 different states since age 21. This mobility, together with their high level of education suggests that Libertarians are largely "cosmopolitan" rather than "locals," to use Robert Merton's classic distinction. To test this possibility, we looked at Libertarians' responses to a question on local community involvement. Table 12 compares Libertarians with two New Right groups, contributors to the National Conservative Political Action Committee and to Christian Right groups.

Table 12
Community Involvement
"How active are you in local community affairs?"

	Very Active	Occasionally	Rarely
Libertarian	6%	39%	55%
NCPAC	21%	41%	37%
Christian Right	46%	36%	18%

Libertarians are much less active in local affairs than adherents of the two New Right groups. Although part of the difference is no doubt due to the youth of the Libertarians, not all of it is. In fact, virtually all are very active in national elections and other forms of political activity.

In reviewing the data on the Libertarians' social characteristics one is impressed with the degree to which they do represent a special set of New Class traits. Whether the growing numbers of other members of this class will join them in a new party to express these status concerns and value orientations is not clear. But it should be noted that the values of these enthusiasts differ only in degree from those of many other American who share their social and demographic characteristics (Cf. Princeton Religion Center, 1982).

The Period Effects or "New Issues" Model

Another explanation for the rise of the Libertarian Party looks to the political agenda of the period in which the new movement appeared. Perhaps disenchantment with particular national policies of one or both major parties, or disillusionment with the course of American politics prompted many individuals to seek a political vehicle in a third party.

The standard CPS political cynicism questions might be useful in tapping generalized discontent. As Table 13 demonstrates, political activists generally have relatively high levels of cynicism (as does the contemporary public), but Libertarians are unequalled in their distrust of the government in Washington.

Table 13
Political Cynicism
"How much of the time do you think you can trust the government in Washington to do what is right?"

	most of the time	only some of the time	seldom or never
Libertarians	0%	60%	40%
Republicans	39%	61%	0%
Democrats	39%	61%	0%

Note: none of the respndents answered "always."

Fully four in every ten Libertarians wrote in a response that you could seldom or never trust government to do what is right. (None of our first hundred Republicans or Democrats felt impelled to modify our closed-ended question in this way.) Ironically, Libertarians are very trusting of people, with an overwhelming 87% saying that you can trust ordinary people "most of the time," perhaps supporting the contention that Libertarians have an excessively optimistic view of human nature (Rothbard, 1980).

In any case, Libertarians have developed a great distrust of government. As a partial measure of the impact of recent political issues on the activation of these Libertarians, we asked our respondents the source of their initial political involvement. As noted above, most Libertarians became active during their early twenties and seem not to have been motivated by family tradition of involvement. Their age and the timing of this activism suggests that the great issues of the 1960s and 1970s may have had a special effect. Table 14 shows the reasons Libertarians give for becoming interested in politics.

Table 14
Source of Interest in Politics

Source of interest	Mentions	% of Mentions	% of Smple
Economic Situation	31	25	46
War	24	20	30
Civil liberties	14	11	21
Libertarian literature	12	10	18
Family member	10	8	15
Friends	10	8	15
Candidate	9	7	13
Teacher	6	5	9
Domestic political issue	3	2	4
Foreign policy issue	2	2	3
Government program	2	2	3

Both the tabulated responses and many write-in comments demonstrate that the Vietnam War and the economic crises of the past two decades were the prime sources of Libertarian involvement and dissatisfaction with the two major parties, both of which were perceived as too ready to undertake imperialistic foreign adventures and interventionist domestic policies. Furthermore, many Libertarians indicated some personal experience as the basis of their involvement: either a confrontation with the draft or with Federal regulatory agencies. Obviously, issues had the effect of dislodging these activists from not only their political apathy, but from their previous (and in some cases, nominal) partisan identification.

Conclusion

Although this preliminary analysis can not eliminate any of the three possible explanations for the develop-

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- ***Can these differences ever be resolved?***
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- ***How does evidence influence vision?***
- ***Are visions stronger than self-interest?***
- ***How do those with one vision regard those with another?***

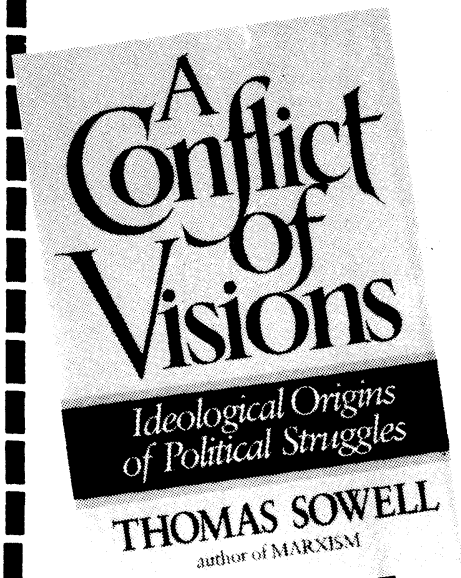

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ment of Libertarian Party identification in these activists, the data does offer intriguing hints. Libertarians are young, relatively recent entrants into the political process. Most seem to have acquired some degree of conventional party identification during their youths—most were not part of the growing wave of independents—but other evidence suggests that their partisanship was not always deep-seated. This, then, indicates some support for the "weak socialization" model.

The evidence points more clearly to the Libertarian activists as a part of the much-heralded New Class of "knowledge workers," characterized by high levels of specialized education and possessing distinct sets of "postmaterial" social and personal values. Although much more work needs to be done to specify the relationship between these background traits and libertarian ideas, the distinctiveness of these activists suggests that New Class theorists may be on to something, but that New Class values may be creating pressures on the Right side of the party system as well as on the Left.

Finally, the times and issues also seem to have their influence. Libertarians were especially activated by the war, the economic crises of the past fifteen years, and, in some cases, by concerns over civil liberties. Of course, Libertarians react to these issues in ways influenced by their social and intellectual history. For this portion of the New Class, at least, the experiences of the Vietnam War and economic dislocations led to the conclusion that government itself, in all forms, was the chief danger to both free individuals and free society. Why certain individuals were predisposed to accept the Libertarian answer for these questions raised by the sixties and seventies remains to be answered. ❑

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Problems

Living With The State

Two essays on moral difficulties encountered by libertarians living in a statist society.

The Dilemma of the Gladiators

Nathan Wollstein

How should a libertarian live and act in a non-libertarian world? Can he live up to his moral standards and avoid the charge of hypocrisy?

Nearly every libertarian has faced a charge something like this: "You say you're a libertarian, but you use the public libraries, the roads, the utilities, and so forth. Aren't you yourself indirectly benefiting from the coercion of many people?"

These accusations should make every libertarian who takes morality seriously pause and feel at a least little uneasy. How can one answer them?

What about the libertarian attending or teaching at a public school or university? I often see that a libertarian author teaches at some public university and wonder whether he feels any qualms about getting paid out of public funds raised through taxation, an inherently coercive process.

What about the libertarian businessman or employee working for a company that's partially subsidized by the government? Maybe his company has tariffs that stifle its competition. Maybe some zoning laws work in its favor. Maybe the government pays half the wages of its handicapped employees. Maybe there are entry restrictions or required licenses that prohibit others from entering the same field and competing. Should the libertarian businessman feel uncomfortable about any of this? What's the proper thing for him to do?

These questions are difficult to answer because our world is so full of coercion. Almost every good or service that we come in contact with is tainted by some degree of coercion.

The pen I write with might have been made by a company that's protected by tariffs. The airline I patronize has possible competitors stifled by protective entrance requirements. The car I drive is made by a company that was bailed out by the government. The food I eat is produced with the help of government money.

Such "ill-gotten" goods and services are everywhere. I can easily eschew some of them, but others aren't so easy to avoid. In fact, avoidance can be quite costly.

Suppose I go to college. I don't want my education paid for by other people, and so I don't attend a public university. I look into private universities but find that they're much more expensive. In fact, I can't afford them at all. What am I supposed to do?

If the government hadn't been taxing me, I would have had enough money to pay for the private school. Further, if the government hadn't disrupted the whole economy in the first place, there would presumably be more universities at a lower cost. And so, since the government has taken my money from me and crowded out free market alternatives, if I want to go to college at all, it will have to be at a public university—a university funded coercively.

Does this mean that I must forego college entirely, if I'm to be a consistent libertarian? If so, this is yet another huge cost that the government is imposing on me.

And surely there are many other cases where avoiding "ill-gotten" benefits will be very, very costly.

But does this even matter? Perhaps one should avoid benefiting from coercion entirely, regardless of the costs. Perhaps morality dictates that one must always avoid benefiting from, or participating in coercion, even indirectly.

Another Approach

Everyone has time, money and effort consumed, disrupted and interfered with by the state. But the same government that destroys our freedom and steals our property also passes out benefits.

We can attend a public university. We can use the fire department, the roads and the post office. We can take out a small business loan. We can ask for public money to be spent for some project in our state, city or community.

All of this can be viewed as merely getting back what the government has previously stolen from us. It steals from us, and so we now get some of the booty back.

But this is an uncomfortable way to look at the situation. It leaves something out: namely, that when we take something from the state, we are indirectly taking it from some other poor guy who's being robbed by the state to

finance our project. The government takes his money to give to us.

I'm reminded here of the metaphor of the two gladiators thrown into the coliseum. Neither of them has chosen to be there; neither wants to hack at the other. But if either doesn't, he may get killed. Each must fight or perish, and so they fight. Are they responsible for their actions?

In a similar way, a libertarian doesn't want to force others to work for him, to live their precious lives for his sake. Yet if he doesn't accept, or even go after, benefits that the government offers, he is doubly used.

First, like the gladiator's, his available alternatives have been restricted by the state's regulations, its tendency to crowd out market activity, by virtually all its redistributive laws. Second, the libertarian can't even freely use the resources he has left. If the gladiator wants to live, he can't just dig down and refuse to fight. But neither can he hack away at his opponent without feeling any moral reservations or regrets. Surely he will feel bad about fighting and trying to kill another innocent man, even if he recognizes that that is his best (or only) option for self-preservation. Similarly, the libertarian can't freely expend his money and efforts in a world tainted by, if not filled with, coercion. He must choose very carefully.

The costs of maintaining a good conscience by avoiding all areas that are tainted by coercion are enormous. If a consistent libertarian is one who never participates in or benefits from coercion, even indirectly, then you'd never see a consistent libertarian. They would all be living as hermits in caves somewhere.

And so when I'm accused of hypocrisy I can only answer that I feel like a gladiator. I'd rather not receive anything that was derived from coercion, but I didn't choose to be here. I'm getting robbed by the government anyway, and if I don't take the benefits the government does sometimes offer, I'll never come close to recouping my losses.

The state already imposes huge costs on me, and trying to live completely non-coercively would increase those costs exponentially. I refuse to bear those costs.

Is this just a rationalization? Am I betraying my values and principles?

And what of the consequences of this sort of thinking? If I argue this way, aren't I on a slippery slope? Doesn't this sort of logic justify just about any type of coercion? If I operate by this logic, how can I criticize any form of coercive redistribution?

These are challenging and important issues. Libertarians don't often speak of these problems. I recall only two brief discussions of them: one by Nozick, another by Rand. Maybe there's a good reason for this—they are challenging and important issues, and there seem to be no easy answers. But one thing is certain.

Silence won't make them go away.

Reflections on the Apostasy of Robert Nozick

Ethan O. Waters

In September 1983, Robert Nozick, the prominent libertarian philosopher and author of *Anarchy, State, and Utopia* (Basic Books, 1974), signed a one-year lease on a condominium apartment in Cambridge, Massachusetts, owned by Eric Segal, author of *Love Story*. The mutually agreed upon rent was $1900 per month. A year later, Segal bumped the rent up to $2400 per month. Nozick signed on for another year.

Less than a month after his renewal, Nozick showed up at the Cambridge Rent Control Board to ask whether the local rent control law applied to his apartment. "We told him it certainly did," said rent control enforcer Buddy Packer. "The final legal maximum rent on that apartment should have been $1900." Nozick got his rent reduced to $1900 and a refund of the $500 he had already "overpaid." That finished the matter, so far as the rent control board was concerned.

But Nozick pursued the matter further. He discovered that condos were brought under control on March 31, 1976, and that the maximum rentals allowed since then were determined by the first rent charged after that date. With further investigation, Nozick learned that later in 1976, Segal had rented the apartment to a house-sitter for $675 per month.

When Nozick's second lease expired in September 1985, he neither renegotiated nor moved out. (Nozick was within his legal rights: the stringent local law prohibits evictions unless the owner wants to move into his own property, and Segal was living in England.) In October, Nozick sued Segal in District Court, arguing that Segal had illegally overcharged him during his two years' use of the condo, and demanding a $25,000 "refund" plus another $75,000 in damages.

The Rent Control Board hemmed and hawed and in May 1986 decided the maximum legal rent should be $1303 per month. (The monthly property tax, maintenance, and mortgage costs to Segal were more than $2000.)

In September 1986, Nozick agreed to vacate the apartment, in exchange for $31,000 cash from Segal. The amount of back rent that Segal owed Nozick amounted to $21,000. The extra $10,000 was intended "to pay off Nozick to get rid of him. Otherwise he might have been there forever", according to Segal's attorney.

All these facts were reported by William Tucker in the December 22, 1986, *New Republic*. Tucker noted that as a libertarian philosopher Nozick had strongly criticized contemporary liberals for being "willing to tolerate every kind of behavior except capitalistic acts between consenting adults."

Nozick the Apostate

The response from libertarians was swift and emphatic. By employing local rent control laws to reduce the cost of his housing, Nozick had "used the state to screw his landlord," the head of a libertarian think tank responded. "It is outrageous."

Jorge Amador wrote in *Individual Liberty* that Nozick has "embarrass(ed) libertarians and endanger(ed) the hard-won progress libertarianism has made as an intellectual movement... I

am hurt. All of us are. Our own integrity is now in question because of somebody else, a famous somebody, who calls himself a libertarian... I had thought that libertarians' commitment to the free market was more than just a rhetorical device or an angle to make a living from..."

Every single libertarian I have heard from on the matter was upset, angry and outraged: the view was that Nozick's use of the rent control laws constituted a crime so great that he must be ostracized from libertarian society.

Clearly, the depth of indignation aroused indicates more than simple disagreement.

The episode brings to the fore an issue that is crucial for libertarians: Just what sort of belief is libertarianism?

Clearly, libertarianism is a belief about the role that the state should play in human life. Some libertarians ("limited government advocates") believe its role should be reduced to a nearly negligible minimum. Other libertarians ("anarchists") believe the state should be elminated altogether.

But just what sort of belief is this?

Most libertarians would say that libertarianism is a "philosophical" or "scientific" belief; that is, libertarianism is the conclusion of a systematic and rational analysis of the nature of man, of society, of reality— an intellectual discipline of the same kind as Euclidean geometry.

The visceral reaction to Nozick's "crime" offers evidence to the contrary: libertarianism is not a philosophical or scientific belief at all.

Is moral outrage the response of one scientist to another who disagrees with the conclusions of his research? Is passionate condemnation the reaction of one philosopher to another who disputes his conclusions?

To those who claim that libertarianism is a "philosophical" belief, I ask: does philosophical disagreement (as demonstrated by Nozick's action) justify the virtually universal condemnation that Nozick has faced? Is this the philosophical response to Nozick's philosophical disagreement?

To those who argue that libertarianism is a "scientific" or "economic" belief, based on analysis of human society and optimalization of human values, I ask: does disagreement over matters of science or economics justify the universal castigation of those who disagree? Is this the scientific response to a controversial view?

Clearly, the outrage expressed by the libertarian community has more in common with the response of a church toward a member who is discovered to be a practicing Satan worshipper, pederast or advocate of mass murder. By using rent control laws to pay less rent, Nozick has, it seems, forever cut himself off from the body of believers. The libertarian response to Nozick's action is religious in character. There is a word for the crime that libertarians have accused Nozick of committing. That word is apostasy.

The libertarian response to Nozick's action is religious in character. The outrage expressed by the libertarian community is not unlike the response of a church toward a member who is discovered to be a practicing Satan worshipper, pederast or advocate of mass murder.

The episode illustrates libertarianism's similarity to Marxism in one important respect: despite each belief's insistence that it is "scientific" or "philosophical" in nature, each is actually religious.

For most libertarians, apparently, libertarianism is not a philosophical or scientific belief at all. It is a religious belief, a devoutly held moralistic belief to be employed in the condemnation, persecution and exile of those with whom one disagrees.

A Hypothetical Contract

Let us consider the issue from another angle. Consider a hypothesis about a social situation and the libertarian response to it.

Consider a society identical in every way to current American society, except that 200 years ago, every inhabitant of the continent agreed to vest all ownership of real estate in a corporate body, which would be governed according to the same rules that are encoded in U.S. law today. Nominal private ownership was allowed, subject to periodic payment of fees (called "real estate taxes") and various other controls (called "laws and regulations") on the behavior of those who might live on the corporately owned land. The original corporate agreement specified that the taxes, laws and regulations might be changed according to certain specific procedures.

Let us suppose further that the city of Cambridge (a wholly owned subsidiary of the corporation) has established rules by which "reasonable" rents for the use of the nominal property within its boundaries are to be determined, and a means of adjudicating of any disputes between tenant and nominal owner over the "reasonableness" of the rent.

Let us further hypothesize that the contract has been amended in Cambridge to establish bizarrely convoluted rules for determining what constitutes "reasonable" rent and to erect a board of arbitrators to adjudicate disputes between renters and landlords.

Let us suppose further that there lived in this corporate subsidiary (Cambridge) an individual named Robert Nozick, employed as teacher of philosophy by the local university. This fellow rents a condo from a writer of trash novels. He studies the byzantine regulations which define "reasonableness" and concludes that the rent charged by the nominal owner (to which he had agreed) is an absolute violation of the requirement that all rents be "reasonable", and that under the terms of the contract he is entitled to substantial monetary damages provided he can convince the arbitration board of the correctness of his position.

In these circumstances, what libertarian could object to the "screwing of the landlord" by this Nozick? Surely no libertarian whose position is based on the sanctity of private property and voluntary contract could object: in this society, all property is indeed private (although subject to a substantial level of joint ownership) and voluntary contracts are respected (except when they conflict with earlier voluntary contracts.)

It may be pointed out that neither hypothetical Nozick nor hypothetical Segal entered into the original voluntarily. But this is plainly irrelevant. After all, the original contract was signed by

all residents of the continent 200 years ago. From the perspective of the moralistic libertarian and his belief in the sanctity of private property and voluntary contract, hypotheticals Nozick and Segal are not parties to the contract at all, and therefore have no rights under it. The contract was among their predecessors, who owned the land and had the right to enter into whatever voluntary contract about its disposition and use that they pleased. They freely chose to transfer the land to the corporation and to establish rules by which the land could be used in the future. Hypotheticals Nozick and Segal are third parties: unless they inherited their predecessors' rights to amend the contract as per the original contract's terms, they have no more right to make side deals in violation of the contract than two employees of a corporation have to sell corporate property to each other at a discount.

Of course, a contract for joint ownership and administration could specify that such bilateral side deals are permissible. But our hypothetical contract does not.

The hypothetical Nozick must be considered a just man acting on his just perogatives by the same libertarian moralists outraged by the real Nozick. Hypothetical Nozick is simply a free man acting in his rational self-interest.

The libertarian who bases his belief on a moral imperative prohibiting the initiation of force could not object: the dispute between the philosopher and his landlord is simply a contractual dispute to be resolved by the courts according to the terms of the contract.

Just how is this example different from the actual case that has subjected Nozick to universal approbation?

There is only one difference between the two cases. In our hypothetical case, the cumbersome rental framework with its arbitration process by meddlesome bureaucrats was established by ancient contract; in the actual case, it was established by coercion.

Establishment by contract versus establishment by coercion is a vital distinction, the moralistic libertarian responds. It is the difference between liberty and slavery.

Contract versus coercion—a fundamental distinction. It makes all the difference in the world.

It is not only the distinction between a private arbitration service and the governmental judiciary; it is the difference between the U.S. Post Office and a private message delivery service. It is also the difference a government financed school and a private school, the difference between government built streets and private streets... bread made from government subsidized wheat and bread from privately grown wheat...

The same logic that forces the moralistic libertarian to condemn Nozick for using a government-owned and operated arbitration service forces him to condemn the person who teaches (or studies) in a government school, who walks or drives on a government road, who eats bread made from government-subsidized wheat.

Which brings up several new questions:

If Nozick is to be condemned for using an arbitration service that had its origin in coercion rather than contract, then what of the person who teaches in a school that has its origin in coercion rather than contract? What of the person who uses a message-delivery service whose origin is in coercion rather than contract? The person who eats bread produced coercively rather than contractually?

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Plainly, the moralistic libertarian has a problem. He must support any government that is based on contract, including those that greatly restrict human liberty. Furthermore, his evaluation of any social system must be based on its origin, not on the content of the laws or customed by which its members regulate their affairs.

It is equally possible to hypothesize a virtually totalitarian state having its origin in contract. Suppose that all the landowners in a given area agree that they will vest ownership of their land in a corporation, and then choose by lot an individual who will have total life and death control over anyone who voluntarily lives on that land... And so the moralistic libertarian can be forced to defend a totalitarian state.

This is all part of the broader problem the moralist libertarian must face: the problem of dealing with coercion in his own life. Under exactly what conditions is it proper to use the services of coercive institutions? Under what conditions can one morally be the beneficiary of coercion?

It can be argued that there is no good reason for people to agree to the contractural relationship that I have hypothesized: after all, who would want an arrangement that subjected its makers to byzantine regulations and capricious adjudication of disputes?

But as an advocate of individual sovereignty, what libertarian can object to the sovereign individual freely entering any contract he wants?

Ah, but this convoluted example is not relevant to the real Nozick, the real city of Cambridge, the real condo and the real Segal. After all, they exist in a world where the crucial hypothesized condition is not met: there was no contract universally agreed to 200 years ago and amended since.

But this objection also fails: the purpose of the example is not to demonstrate that such a contract does exist, only that it can exist in a way consistent with libertarian moralistic principles. If the moralistic libertarian claims his moral system is universal, then it must apply in all situations that are possible, whether or not he has actually had to face those situations.

It can be argued that certain liberties of individuals cannot be given up by contract. Such Lockean arguments typically attempt to demonstrate that some individual perogatives (e.g. the right to dispose of one's own life) are inherently inalienable. Without considering the merits of such arguments, we should note that they are not relevant to this hypothetical situation, which rests on the idea that it is possible for an individual to give up some of his rights by contract.

Would those who argue that many rights are inalienable object to the spe-

cific conditions of our hypothesis? Would they argue individuals could form a voluntary association in which they vest the control of all real estate and its regulation?

Of course, if it can be ineluctably proven that "no man has the right to initiate the use of physical force against others" and that coercion is universally opprobrious, all that the foregoing analysis implies is:

1) that it is no more wrong to use the state to "screw your landlord" (or otherwise coerce your fellow man) than it is to walk on the public sidewalks;

2) that the actual customs, laws and actions of a social arrangement are of relatively little import in evaluating its morality: what really counts is whether the social arrangement had its origin in voluntary contract of all landowners.

If these propositions seem absurd or amoral, then all I can suggest is that you follow the advice of Ayn Rand: "Check your premises!" Perhaps it's time to think about divorcing the notions of sin, guilt and condemnation from the ethics of libertarianism. Perhaps it's time to consider a libertarianism based not on the morality of non-initiation of force, but based instead on the superiority the way of life free men and a free society over the way of life of slaves and a slave society.

The Moralist Response

The only libertarian moralist to address this problem, to my knowledge, is Rand in her essay, "The Question of Scholarships" (*The Objectivist*, June 1966, pp 11-15.) She argues that one can accept government booty so long as one "regards it as restitution and opposes all forms of welfare statism." She bases her argument on "the right of the victims to the property (or some part of it) which was taken from them by force."

Rand goes on to argue that the recipient of such stolen property "is morally justified *only so long as he regards it as restitution and opposes all forms of welfare statism*... It does not matter, in this context, whether a given individual has or has not paid an amount of taxes equal to the amount" of the booty he receives from the government.

"The issue," Rand concludes, "is primarily *ideological*, not financial. Minimizing the financial injury inflicted on you by the welfare state laws, does not constitute support of welfare statism (since the purpose of such laws *is* to injure you) and is not morally reprehensible. Initiating, advocating or expanding such laws, is."

Does Rand's solution solve the problem that the moralist libertarian faces in the real world? How does it apply to the actions of Nozick and hypothetical Nozick?

It seems to me that provided Nozick had systematically opposed the ideas and policies of statism, he would be perfectly justified in Rand's scheme to "screw his landlord": what he did plainly falls into the category of using a government service to his benefit while opposing all forms of welfare statism and regarding the arbitration service as restitution. And certainly Rand would support the legitimacy of hypothetical Nozick's actions.

Even so, I think there are problems with Rand's solution to the problem. The spectacle of opponents of statism competing for its booty seems a bit silly. And I am not convinced that it is psychologically possible for an individual to oppose statism fervently while living off its benefits. Over the past twenty years, I have known a lot of libertarians (including some good friends) who have taken jobs or other forms of booty from the state, only to have their commitment to liberty gradually ooze away. Perhaps this is a reflection of the lack of moral fiber of the individuals involved. But I suspect it is rather normal and natural for any person to feel favorably toward the source of his livelihood or prosperity.

To her credit, Rand specifically warned of this problem: "The ultimate danger is psychological: the danger of letting yourself be bribed, the danger of a gradual, imperceptible, subconscious deterioration leading to compromise, evasion, resignation, submission."

The Second Libertarianism

It is worth noting that not all libertarians share the moralistic vision of those who condemn Nozick. There are libertarians (Ludwig von Mises comes to mind) who advocate liberty as the most expeditious and utilitarian arrangement for human interaction. They advocate liberty because they belief the consequences of liberty are preferable to the consequences of illiberty.

Of course, these libertarians do not employ their energy condemning in high dudgeon those who disagree with them or take actions that imply disagreement. They do not sign oaths that they "do not believe in the initiation of force."

Unlike the moralistic libertarian, this other sort of libertarian is not forced by the logic of his position to sanctify the actions of the hypothetical Nozick while condemning the actions of the real Nozick. Nor is he required to judge a coercive state on its origin.

This other sort of libertarian has the same thing to say to both Nozicks and their neighborss.

To both Nozicks, he says: "You have acted against your own avowed principles, against those principles by which, you argue, people should regulate their relations with their fellow men. Perhaps you should rethink your position..."

To both Nozicks' neighbors, he says: "The rules by which you regulate relationships between individuals in your community do not achieve their stated ends; in fact, they make it harder for all people to succeed in achieving their goals. Perhaps you should change those rules...

"Have you ever thought of a system of Liberty, in which each man respects the property of others?" ❑

"Get the lead out, you two — I want that bomb on my desk the first thing tomorrow morning!"

Fatal Patterns

The Libertarian Party in Perspective

by William P. Moulton

Around 1970, an obscure left-wing publisher in Detroit issued a small book titled *Detroit—I Do Mind Dying*. The author was a member of some long-forgotten Maoist "party." This little tome was ultra-sectarian in tone, and went on at considerable length concerning the issue of whether the working class was truly represented by China (in which the Cultural Revolution of 1966-70 was cooling off) or by Albania (then ruled by hyper-Stalinist Enver Hoxha). Mind you, the author was talking about the working class *in Detroit*, and he maintained that up and down the assembly lines, at GM, Ford, Fisher Body, and all the other plants, workers were arguing over this momentous question.

Now it is easy for us to say, "What a deluded fool. Probably not one worker in a hundred even knew what or where Albania is, and certainly not one in ten thousand had ever heard of Enver Hoxha and his Three Worlds Strategy." The issues raised by the author were of concern only to an absolutely miniscule group of marginal intellectuals. And that outlook is undoubtedly correct.

In a way, the Paul/Means fight (and other controversies within the Libertarian Party) remind me of the Albania/China debate: each side seems to agree on nearly all issues, but the relatively minor differences that divide them are deemed so important by their partisans that the ideological movement they inhabit could be torn apart—which indeed was the fate of Detroit's radical left of the early 1970s.

One context in which the LP can be viewed and judged is within the history of American political parties. It is not the only such viewpoint, and it may not even be the most vital one, but it is important, and it has been generally neglected by libertarian writers.

Part of the reason for this neglect might be a fact which must be stated at the outset, lest a certain sense of perspective be lost. Among all democratic countries, minor political parties have their most dismal track record in the United States. Now, read that sentence over again, because if you don't grasp it, you won't really understand the remainder of this article. The record of minor parties is worse here than in the other two-party states such as England, Canada, West Germany and Sweden, and worse than in the multi-party republics such as Italy, France and Switzerland. It is not feasible, in this article, to analyze exhaustively the reasons for this state of affairs. Let us simply observe that it certainly bears some relation to the relative calmness of American politics, at least since the War Between the States. (Please note that I use the term *relatively calm*. We have not had, for example, situations in which an important political party threatened, should it win, to dissolve the opposition parties, or to cancel all future elections, or to treat opposition party leaders as criminals. These things have occurred in many other countries.)

Schismatics and Ideologues

Let's look a little more closely at the record of minor political parties in this country. By way of background, it must be said that we have always had, at least to date, a two-party system. There have been times when this situation seemed, and probably was, threatened: the Era of Good Feeling around 1820, the breakup of the Whig Party in 1854, and the meteoric rise of the Progressive Party in 1912. But each time, the system has reasserted itself.

(Of course, every minor party dreams of displacing one of the major parties. A few have dreamed of overthrowing both of them. This is not surprising: no founder or leader of a political party thinks, "I hope we can keep this outfit small and marginal indefinitely.")

There are two major types of third parties: the charismatic/schismatic party and the ideological/institutional party.

The first of these is characterized by a leader already fairly well known to the public and, secondly, by the sudden mass movement of a large bloc of supporters from a major party (sometimes, from both major parties) to the new party. There have been several historical examples of this kind of party in American history. The Free Soil Democratic party of 1848, whose ticket was headed by former president Martin Van Buren and which received 10% of the popular vote, was the first. Next came the American Party, sometimes called the Know-Nothing Party, in 1856, featuring former chief executive Millard Fillmore. This was largely a by-product of the disintegration of the old Whig Party, but it qualified as an independent unit for a brief historical moment. In 1860, as the nation was approaching disintegration because of the presence of Abraham Lincoln on the Republican line, Southern Demo-

crats broke away from the national party and ran the sitting vice-president, John C. Breckinridge, as their candidate. This was a unique case, but the bolting delegates did forsee a permanent Southern Democratic Party, and it should be kept on the list. (The Constitutional Union Party of the same year, which represented a last-ditch attempt by some Border State politicians to hold the Union together, is a less certain case.)

No more parties of this type appeared until 1912, when ex-president Theodore Roosevelt did something that all minor parties lust for: his "Bull Moose" Progressive's finished ahead of one of the major parties (the GOP) and did so in both popular and electoral votes. Robert LaFollette's Progressive Party in 1924, Henry Wallace's party of the same name in 1948 (none of the three had any relation to the others) continue the examples, the list of which is rounded off by Strom Thurmond's 1948 State's Rights Democratic Party (the so-called Dixiecrats) and George Wallace's 1968 American Independent Party, which has been the most successful since 1912.

In addition to the properties inherent in the definition, these parties all had a few significant things in common. They were nearly devoid of institutional continuity and depth, being overwhelmingly concentrated around the person of the presidential candidate. In every case (leaving aside LaFollette, who died only months after his campaign) the charismatic leader soon returned to his parent party. Thus Van Buren, Thurmond, and both Wallaces rejoined the Democrats, Roosevelt went back to the GOP, and so on. Finally, in every case, with the defection of the leader the party either collapsed immediately or, at most, lingered on for one more election as a pathetic remnant. The lesson seems to be that this kind of party is not a workable proposition, unless, of course, it were to actually capture the presidency on its first attempt, which has never happened, although Teddy Roosevelt had an outside chance to do in 1912.

There are far more examples of the ideological/institutional variety of third party: the Prohibition Party (the champion in terms of longevity), the Socialist Labor Party, the Socialist Party (a split-off from the preceding SLP which was much more successful than its parent), the Communist party, the Socialist Workers Party and the innumerable smaller Trotskyist groups, the confusing array of American/American Independent/Constitution Parties of the last twenty years and (of course) the Libertarian Party. There were and are many more.

These parties are characterized by the importance they attach to their ideas and platforms. They don't rely on a charismatic or "name" leader to achieve publicity and other goals. Indeed, they almost never have such a leader. When one does come along, as in the case of Eugene Debs' long association with the Socialist Party, he may help the party's fortunes, but his leadership does not generally become "personalized."

These parties tend to organize for the long haul. Their organizational machinery may be miniscule and woefully underfinanced, but there is some appreciation of its necessary function. There is an emphasis on party, rather than personal, loyalty. There are often long-term accoutrements of party life such as cells or sections, internal bulletins, and a formal, rather than merely associational, conception of membership. As a rule, such parties do not take a "quick victory or nothing" approach, if only because it would be so ridiculously unrealistic.

We have already seen that the end of a charismatic/schismatic party occurs with, or shortly after, its abandonment by its presidential candidate. What is the fate of the ideological/institutional parties? Many of them, of course, sustain themselves as organizations for years, even decades. They struggle along at a low level of activity, scarcely known to the general public. Many of these are themselves the products of the normal process of disintegration of this type of party, which is to say, of the Ideological Split.

A few small parties have formally dissolved, with the members being told to return to one or both of the major parties. Sometimes several small groups have merged, as in 1958 when several miniscule racist parties joined to form the (slightly less miniscule) National States Rights Party. The most common fate, however, is for factional in-fighting to reach such a level of intensity that the party cannot hold together.

There are all sorts of ways a party can split, and we need not concern ourselves with every variety. The Socialist Party may briefly serve as a case in point. By 1912, at the height of its influence, it could no longer contain within its ranks those who favored "direct action"—i.e., sabotage, direct expropriation, and even assassination. These people left and formed tiny organizations. In 1919, the SP could no longer suppress the divergent attitudes toward the Bolsheviks in Russia. Two warring communist factions split away to form the Communist Party and the Communist Labor Party. After 1923, many members in the northern plains areas left to form Farmer-Labor Parties, of which the one in Minnesota was most successful. Finally, in the 1970's, the tiny remnant of the party split still further into three formal parties, and in the rump SP headquartered in Milwaukee a Debs Caucus emerged, charging the leadership with going soft on true socialist principle.

Things of this sort happen because the people in such groups take ideas and values seriously. (It is not surprising that ideological parties attract people motivated by a concern with ideas and values. It would be difficult to imagine someone joining, for example, the Socialist Labor Party in order to achieve societal power.) For many minor-party activists, politics is an arena of acute struggle. For some, it is the most important thing in life. As a result, the frustrations felt by failure or at least mediocre performance in the public sphere stimulate a turning inward of political passions. In extreme cases, it may lead to the delusion that this failure is caused by imperfections within the party: to unworthy mem-

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bers, for example, or to having the incorrect "line" on some issue. This is especially endemic in the Marxist parties.

Members react to these institutional stresses in various ways. There seems to be almost an "iron rule of factions" which dictates that certain tactical groups will occur in every ideological organization. I would describe these factions in the following manner:

First, there are the *liquidationists*, who believe, for whatever reason, that the party should dissolve and continue to pursue its goals by other means. Some may take this position because they believe that continued independent operation is dangerous and counter-productive (this was a major issue in the communist groups of the 1920s). In other cases, party activists may come to believe that the original rationale for the party no longer holds, that there is now some viable alternative within one of the major parties. (Thus many, in fact, most, Socialist voters gradually defected to FDR and the Democrats after 1933.) Then again, people sometimes come to the conclusion that the third-party alternative is simply not viable, that it isolates the members' views from the public and wastes too much time, energy and money on such tasks as ballot drives and attainment of name-recognition. There is currently such a faction in the Libertarian Party.

Second, there are the *purists*, for whom concern with the correct party "line" on all issues and with the policing of ideological deviation is paramount. In any organization, this is the faction which tends to promote splits, sometimes as a deliberate policy, sometimes not. The motives of the purists vary. A strong concern with ideas in and of themselves is usually present, but it is often accompanied by a desire for manipulative power, or a love of denunciation as a tactic for ensuring party discipline. Finally, as mentioned above, in many cases there is an absurdly exaggerated conception of the role of policy stands in winning support from the general public. In such cases, we are back to the Albania vs China syndrome.

Finally, there are the *gradualists* or *accomodationists*. They are the backbone and largest component of most minor ideological parties. They are the ones who hold a party together, especially for the long haul. Their ideological commitment sometimes leads them to the liquidationist or purist camp. When the liquidationists or purists get the upper hand, the party splits, as witness the multiple schisms of the Socialist Party cited above.

The Fate of the LP

Now the time has come to relate this historical analysis to the Libertarian Party. I can't pronounce judgment as a founder of the LP, or as a candidate, or as an activist, or even as a person who has always voted the LP ticket since its arrival on the scene. Instead I offer my prognosis as a serious student of the history of American political movements.

What I see is a party which grew very quickly from 1972 until 1980 (much as the Socialist Party did from 1904 until 1912) and then went into steep decline, thanks in large part to the exodus of the accomodationists to the Reagan camp. The constant statements by party officials that the decline has been arrested may or may not prove to be accurate, but they remain unconvincing at present.

I also see a party with a lot of intellectuals and activists as a proportion of total membership. Anything wrong with that? No, not at all, but such a membership pattern, in conjunction with a decline in political fortunes, can give rise to a volatile situation, specifically to the more unpleasant kinds of factionalism.

Already something is happening that I find ominous. The battle for the LP presidential nomination between Ron Paul and Russell Means, which commenced in February 1987, is galvanizing passions in some very unhealthy ways. Nobody seems to be viewing this contest as an invigorating contest between two libertarians, except for party newsletter writers whose job is to say such things. Rather, the partisans of each candidate are bombarding us with apocalyptic rule-or-ruin rhetoric. Formal factions have been organized with the express purpose of keeping one or another candidates off the ticket (I am not including in this category , of course, the normal committees formed to nominate one's own candidate).

The most famous living libertarian, Murray Rothbard, writes that the choice between Paul and Means is a choice between life and death. Some ex-LP members have publicly stated that they have temporarily rejoined the LP for the sole purpose of preventing Ron Paul from obtaining the nomination. Meanwhile, hardcore pro-abortionists threaten to leave the Party if Paul is nominated. And former radical caucus members Eric Garris and Justin Raimondo, who abandoned the futility of LP for the greener pastures of the Republican Party in 1986, are returning for the express purpose of liquidating the party. And so it goes.

My wish? A reinvigorated and confident LP marching on to success in 1988 of a magnitude that will shame the 1980 Clark totals. My prognosis? Factionalism and exhaustion, with an actual split probably after the 1988 election.

The task at Seattle and in the months ahead?

Prove me to be wrong. ❑

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Essay

Understanding Anti-Corporatism

by Tibor R. Machan

Many Americans, among them vocal and influential ones, abhor corporate commerce. Even some who vehemently defend the free society voice suspicions about corporations. They are concerned that corporations possess unfair legal privileges accorded to them by way of limited liability for any harms they cause in the course of their various operations.

Catastrophes such as those that occurred at the Union-Carbide plant in Bhopal, India, the scandals on Wall Street, the corporate involvement with environmental mismanagement, the limits on the liability of nuclear power plants, and many less notorious matters, would all appear to lend support to the anti-corporation mentality. It does not seem to matter that professionals and institutions in other fields are just as frequently found guilty of various vices and crimes.

The Hollywood writing community banks on widespread suspiciousness toward men and women in business. Ben Stein's penetrating book *The View from Sunset Boulevard* and the PBS documentary, *Hollywood's Heavies*, aired in March, 1987, confirm the point. So does the booklet, *Video Villains* published by the Center for Media and Public Affairs in Washington, D.C. It is not just the Ralph Naders and Tom Haydens who contribute to the climate. Ironically, there is plenty of corporate backing for the corporate bashing of the entertainment industry. And of course the anti-corporation mentality is dominant in academe and throughout the artistic community.

One disturbing thing about this is that in an atmosphere of wholesale condmnation genuine failings of corporate commerce will not be focused upon. When corporations are held in uniform distrust, when the profession of business is virtually synonymous with thievery—so that a prominent journalist such as Diane Sawyer of *60 Minutes* can refer to the loot taken by gangs of Italian pickpockets as "profit"—then genuine criticism gets devoured by uniform cynicism. And if the charges against corporations in general are as unjust as they are these days, those who manage corporations will stop listening. When the Ralph Nader brigade of corporation hecklers dismisses all business as evil, how can those in the corporate community begin to take him and his ilk seriously?

There could be considerable merit to discussing the way corporations ought to be managed in modern societies—morally, not just from the point of view of efficiency. Virtually all so-called business ethics texts used in the academic community—including business schools—are hostile to business. (For more on this see Tibor R. Machan and Douglas J. Den Uyl, "Recent Work in Business Ethics," American Philosophical Quarterly, April 1987.) They encourage moral numbness in students preparing for careers in business. Not that they will decide against a business career—they will carry on but will be unable to cope with the barrage of sophistic "moral" harangue and become pragmatists.

History

What is the background to the hatred of corporations? Why has it developed despite the evident benefit of the institution to almost every faction in society?

First, there was a time when corporations were creatures of the state. It was during the mercantilist era that governments established some of the great joint stock companies with an eye to improving their nations' economic posture. In those days the legal and moral foundations of free enterprise had not yet been developed. Political individualism, whereby not the state but the citizen is considered sovereign, was just emerging in the intellectual and political arena. Corporate commerce had begun prior to when such individualism, with its doctrine of individual rights, had taken root in Western culture.

What was the purpose of government-created corporate commerce? Strengthening the wealth of nations. When Adam Smith published his *The Wealth of Nations* in 1776—mainly to refute the belief that nations could be made wealthy by means of governmentally managed commerce—the point of corporate commerce was not to benefit individuals but to serve the government. Smith argued the then paradoxical thesis that it is by governments *not* managing commerce that nations become wealthy. Laissez-faire would make the best sense for purposes of enhancing the wealth of a community.

The legal status of corporations has never clearly changed. Even as the United States of America was born, corporations were seen to be between the citizenry and the state, somewhere

in limbo.

The U. S. government has always acted somewhat schizophrenically vis-a-vis corporate commerce. On the one hand the government began with the view that individual rights should be protected and beyond that people ought to be left to their own resources. Largely, this individualism governed America for about a hundred years, albeit with major contradictions—e.g., slavery. Yet, oddly, even by 1867, the free trade association of America had complained about excessive government intervention. (For more, see Jonathan R. T. Hughes, *The Governmental Habit*, Basic Books, 1977.)

In addition to gaining unfair governmental support, corporations had achieved limited legal liability by legislation, something they might have but did not attain through contractual negotiations. (For how the provision of limited liability might be secured by contract, see Robert Hessen, *In Defense of the Corporation*, Hoover Press, 1976.) Even today corporations are not fully liable for damages they cause. Strict (or even less than absolutely strict) liability does not apply. This is one of the reasons why some are very critical of nuclear power generating firms. The harm they might cause could exceed by a considerable amount the limits placed on their liability.

In general, corporations had received extensive government protection, which many small businesses, farms, and other interest did not. This in itself is a justly infuriating aspect of corporate commerce, although the reasons behind it are complex, involving historical, political, and legal factors, and not just greed on the part of those involved in corporate commerce.

Corporations and the Public Interest

Nevertheless, corporations are also extremely useful. They are the best means by which large enterprises can be conducted. Individuals must combine in order to fund the risky massive ventures which corporations undertake. Only by getting the government involved in economic life, in a way intolerable to a free society, would these endeavors be manageable without corporations. The cost of a plant such as that which Union Carbide built in Bhopal could not be born by individuals. Furthermore, the responsibility for mishaps could not be borne by individuals either, judging by what is now the well publicized figure of the first lawsuit filed against Union Carbide Corp., namely $15 million. Governments, which enjoy immunity from such suits, would not be very accommodating entrepreneurs, given the objectives and responsibilities of corporate commerce. And when governments do take on such tasks, they often turn their societies into slave labor camps, since if the prospect of prosperity does not motivate people to combine to achieve what are the usual corporate feats, fear is made to do the trick.

The proliferation of corporations is also caused, in part, by the onset of substantial economic equality that follows the abolition of special legal class privileges. Without massive, legally protected private wealth to carry out the gigantic economic projects needed to achieve what an abundant society requires for its well being and enjoyment, wealth needs to be pooled. And corporations are the most efficient way for pooling wealth without letting the state—the agent of legally organized force within a society—have this power as well.

Indeed, it is partly because of corporations' usefulness that the politicians have been eager to support corporations with extra legal privileges. You and I might like to be bailed out of our financial troubles, but Chrysler Corporation could go to Washington and obtain bailout money, even from an administration rhetorically committed to free enterprise. The reason is that a lot depends on corporations, for a lot of people, and politicians are always sensitive to that fact. So how could they refuse, without an explicit legal, constitutional prohibition? And in our constitution there is no such prohibition. Government can't aid religion, but it may help commerce. It may, then, also regulate commerce, while it may not regulate church.

Despite their obvious beneficial impact, corporations are often despised, and the most important reason is that they represent a concern for something that even in our time very few people are comfortable admitting they have a concern for: earthy pleasure and satisfaction. Attorney Melvin Belli, who filed the first major lawsuit against Union Carbide, stated the point baldly. He said, "The American Businessman is . . . concerned with the profit and that's all. . . . I think we should be more concerned with safety than the dollar."

People may sing the praises of altruism, the joys of spirituality, the nobility of self-sacrifice—but they also want to live well. They want to have a decent, prosperous, enjoyable life. And corporate business is there to do this for them in a very big and efficient way.

But it is one thing for people to seek pleasure and satisfaction; it is another for them to be happy about doing so. Many people tend to be schizophrenic—they want to live well, seek joys and delights, but also claim to honor and respect those who care very little for such trivial things and express disdain for people and institutions who unabashedly pursue the satisfaction of desires—or make a living off such pursuits. Praise Mother Theresa and then go shopping.

Corporations, oddly enough, treat us as adults. We want Michael Jackson gloves, we get them. We want pornographic books, we get them. We want Disney Land and Disney World, and pet rocks and cabbage patch dolls, and Nehru jackets, and Pac-Man software, and we get them all, usually at a reasonable price. We are the boss, the corporation says, and we must decide what we will have. They just try to entice us, but if we change our minds, they will change their product and service lines, unless unions or government stop them.

The Philosophical Source of Anti-Corporatism

But why would all this be resented, even while encouraged at another level? The reason goes back many centuries, to ancient Greece.

From the time of Socrates human beings have been struggling to reconcile what they have believed to be opposite elements of their nature—the spiritual and the material.

This fight is simply a version of what we so often experience when we talk about how our better judgment was defeated by our urges and drives and instincts. When people think we ought to do such and such but end up doing the opposite, they tend to explain it as a battle between mind and

body, spirit and matter, our intellectual and appetitive sides. Indeed, many characterize this conflict as the conflict between good and evil—the body is base, the mind or spirit is noble.

I suggest that the anti-corporate mentality is an outgrowth of the view that what satisfies our bodies, our earthly, base nature, is in cahoots with the devil or our lower instincts, while what guides us toward otherworldliness is indeed spiritual.

Corporations, we should notice, mainly concentrate on serving our earthly needs. And the few which do serve our spiritual ones are rarely under attack—the major orchestras and opera houses, the large private universities, the think tanks, the newspapers, magazines and networks tend to be exempt. But when there is a combination—as with the major movie companies which produce the more popular forms of "art" may be construed as serving sheer, crass pleasure—the fact that the organization makes money by suiting our immediate, earthly needs serves to condemn it for certain.

This all may strike some as odd, and for good reason. The most fervent ideological opposition to corporate commerce, comes, after all, from a fundamentally materialist source: Marxism.

Marxism regards capitalism as the adolescent phase of humanity's development. As with adolescence in general, so with capitalism, what is lamentable is its recklessness, anarchy, irrationality. Marxist would point to the incredible productive energy consumed for such trivial purposes as I have already mentioned—pet rocks, Michael Jackson gloves, horror films, the Gong Show. But for Marxists this reckless production is explainable, just as the wildness of adolescence is. It all has a vital function, namely, to build muscle which the next, more rational phase of the growth process will put to good use.

For the Marxist the future here on earth should usher in the more spiritual life for us all, while for most religious viewpoints that spiritual life awaits us elsewhere. In either case, the life which satisfies our material, physical, earthly or contemporary demands is inferior to one seeking spiritual or intellectual fulfillment.

So what is notorious about corporate commerce is that it unabashedly regards the satisfaction of our "mundane" desires as perfectly worthwhile. And what is more, corporations, as they now exist, tend to make it possible for everyone just to jump right in there and pursue prosperity without apology.

Whereas in its inception, corporate commerce was under the jurisdiction of the state, in a near-capitalist society it is not. In a near-capitalist or capitalist society corporations are creatures of individuals who wish to prosper.

This makes of the profit motive, or, as some might rather refer to it, of greed or of ambition, a respectable trait. It gives it a legitimate role in human community life. It is, for many (even among those who participate in the institution), a kind of legitimation of sin.

Our Dilemma:
Corporations, Moral or Amoral?

So the point can be put simply. Corporations were born of the state and received privileges from it. That is one count against them. They flourish by satisfying people's wants, regardless of the quality of these wants. That is another count against them, at least by some people's measure. They serve people's economic aspirations, their desire to prosper in life. That is yet another lamentable fact.

Corporations would not be despised if people did not have the belief that there is something lowly about attaining worldly satisfaction. If people held their earthly life in high esteem, if they could in good conscience accept their own desires for pleasure, fun, and happiness as these are available here on earth, then perhaps corporations would begin to gain a standing and Ralph Nader, their arch enemy, would not be the saint he is today.

Whenever some institution or practice is regarded with total disdain, yet also felt to be indispensable, it remains outside the scope of morality. This is well illustrated by the underground economy, for example, in drugs. When a business is driven outside the law, it begins to be conducted in a criminal fashion. During prohibition, the business of making wine, beer, and other alcoholic beverages became thoroughly demoralized. Those associated with it were placed outside the law and thus no distinction could be made between those who participated in the business and acted decently and those who were crooks. In any underground economy we find this to be the case. Institutional support for doing business decently is lacking and then the entire industry tends to get corrupted.

A somewhat milder version of this phenomenon occurs in connection with corporate business and, indeed, business itself. In the eyes of many who discuss moral issues in our society, business is regarded as wholly base or, at best, tolerable because necessary. Even those in the business world often reinforce this picture when they talk about the need for realism and the lack of room for naive idealism in business. In short, people in business, managers, executives, and employees of corporations often accept the view that they see depicted on television, in the novel, and by the verbalists in our community. They see their profession as amoral, virtually immoral.

When this happens, is it surprising that business would not behave itself very decently? Is it any wonder that every-one is suspicious of corporations? Since they are in fact indispensable yet are held in contempt by those who forge the moral opinions in the land, the very idea that there could be decent corporate conduct, that we should in fact discover standards for corporate behavior, vanishes.

Not long ago I had a conversation with one of our major corporation's anti-trust attorneys. I was shown an internal booklet in which the firm discusses its policy on foreign business conduct. One item in this booklet struck me as tragic yet understandable. It was the declaration that the firm regards any conduct vis-a-vis foreign countries permissible unless legally forbidden. Legality alone, not morality or ethics, is of primary concern. But, of course, the law is itself impure and often the source of moral failure.

Those who wonder why many firms simply do what is legally permissible when it comes to trading with the Soviet Union, Chile, South Africa, or other foreign countries or firms in those countries, should know this. When a society tends to hold an institution as inherently amoral and even immoral, that institution begins to accept that picture and refuses to bother itself about questions which are relevant only for people and institutions which could be decent, which could act ethi-

cally, morally.

It is not my purpose here to develop the case for the proper moral standards of corporate commerce, although I believe that there is such a case. I am simply interested in presenting a picture, one that I think is disturbing and worth thinking about: An institution in our society that seems to be vitally necessary is also widely held in contempt — that's tragic.

There is a particularly notable area where this tragedy appears, namely, in business's role in environmental pollution. Business is supposed to produce for us efficiently, so that what we want we can get at the lowest price. But in doing this business will make use of the public realm. Making use of the public realm requires political permission. How much soot may go into the skies over New York and Los Angeles is something politicians and their bureaucrats decide. Business just does not do this on its own. The government determines or helps determine the limits.

Of course, people don't blame the regulators, they don't sue the government—which, at any rate, enjoys sovereign immunity and cannot be sued even if it contributes to pollution—but turn on the irresponsible, immoral corporations.

It is not as if corporations do everything right but that it is almost impossible—some argue entirely impossible—to determine what is the right thing for them to do. If we want to appreciate the problem, we can begin with these two matters: corporations are held in contempt, yet everyone helps make them rich; they are blamed for ruining the environment, yet everyone wants them to charge lower prices.

Marx railed against capitalism in his early writings, when he still believed in morality, saying that "The right of man to property [the fundamental principles underlying capitalism and corporate commerce] is the right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently from society, the right of selfishness." (Never mind that no capitalist could survive if he or she disposed of property "arbitrarily, without regard for other men, independently from society.") It is true that in a capitalist system one has the *right* to do this. And, more importantly, in many relationships in such a society one is concerned not primarily with whether others will in fact benefit, even if one has to be concerned with whether others believe that they are being benefited. The claim made by George Gilder that capitalism is ultimately altruistic is obviously strained, even if there lurks something important behind it, namely, that others do benefit first when capitalist make their move to seek profit! But they clearly do not make those moves with the primary aim to benefit others.

So the charge that capitalism and its most visible institutions, corporate commerce, is selfish rings quite true. One of this century's most ardent defenders of capitalism, novelist-philosopher Ayn Rand, proudly defended this system by observing that it accommodates the ethics of rational self-interest. But by this she did not mean a reckless disregard for others, only a sensible, prudent concern with one's life as a human being, including one's economic welfare; an idea not very different from that of Xenophon's *Oeconomicus*, a Socratic dialogue concerned with the importance of seeking prosperity in the course of household management.

In the end, corporate commerce does rest, ultimately, on the view that human beings are most often doing the right thing when they concern themselves with their own well being, with the welfare of those whom they love (more than with the welfare of strangers), and with their own community before the communities of others. If this be morally offensive, capitalism and corporate commerce must plead guilty. In a moral climate dominated by praise for self-sacrifice (though not necessarily acts of benevolence), it is no wonder that corporations receive a bad press. ❑

In Memoriam J. P.

Late report: into the tomb of Juan Perón
a gang of robbers found its way, and from that stone
labyrinth of symbols stole: a hat,
a ceremonial sword, a touching letter that
his third wife sent, an Argentinian flag,
and both his mouldering hands. Surrealistic gag!
that merits a surreal response. When hands
escape the grave for life renewed in upper lands,
what will they do? Hop like disconsolate
frogs toward the palace, wait quietly in late
cafés for followers seeking autographs?
Repress impatience, fear young couples' laughs,
start counting up imaginary votes,
and fold discreetly on imaginary throats?
Perhaps write verses, rent a compact car,
or play old sit-coms on the VCR.

—*Stephen Cox*

Fiction

Going Home

by Franklin Sanders

Heiland first noticed the smell of clean sheets. His back felt gigantic and swollen, but numb. He twisted slightly and felt bandages. Must've taken three acres of gauze, he thought. He turned his head, opened his eyes, his gaze swept the room. One side of the room held a stainless-steel topped counter, above which were more glass-doored cabinets. At the far end of the room were a desk and several chairs. Behind the desk was a woman in white. Two male guards in green lounged in the chairs. Heiland drew his hands up under his shoulders, pushed away from the bed, and with a twisting motion sat up on the edge of the bed. The woman looked up, stood, and walked over to him.

"How're we doing?" Heiland noted precisely and with a touch of resentment that "we" had not both received the stripes. His self-control took over as he lowered the fog over his eyes.

"Rough," was his only reply.

"It'll feel better soon. You're all bandaged up. Keep it clean for the next few days and in a couple of weeks you'll be as good as new." She turned to one of the guards. "J.D., go get this man some breakfast, then take him up to Number Assignment, get him a tattoo, and let him go."

Heiland again lay face down on the sheets. His empty mind drifted between waking and sleep. J.D.'s voice woke him. "Got your breakfast." Heiland sat up as J.D. rolled a table to the side of his bed. Mechanically he ate the contents of the tray. As soon as he had finished, J.D. rose from his vantage point across the room and walked over to the bed. "Ready?" Heiland answered with a grunt and a nod.

Heiland rose shakily and followed J.D. out of the room and down a cement corridor, then into another white room. Heiland looked without interest at a machine that resembled some sort of small industrial stamping machine. The attendant motioned him to sit down in front of the machine, then sprayed his right hand with a pungent, sticky substance. She lifted Heiland's forearm and inserted his hand into the slot in the front of the machine. After opening Heiland's file, she punched nine settings on the machine, then a red button. Heiland felt a slight sting. The attendant drew his hand out, glanced at the result. Heiland could see only a barely bleeding spot, about one inch square. He held his hand closer to his face and noticed that the square was composed of vertical lines.

"Don't worry," the attendant said. "It's only machine readable. After a week you won't even know it's there."

After a week I'll have it off *or my hand*, Heiland answered silently. The attendant picked up Heiland's file, checked off a box, and handed the file to J.D. Heiland stood and followed J.D. down the hall to the last room. As he entered Heiland noticed windows behind the desks. "One for release," J.D. said to the woman behind the desk, handing over the file folder.

J.D. turned to Heiland. "She'll get your duds and they'll let you go in a little while. Have a seat over there." Heiland sat down in one of the plastic chairs that faced the counter while the woman disappeared into another room. A dull throb from his back had taken over his body. He closed his eyes, yielding to the waiting and the pain.

A brisk "Hey, you!" startled Heiland back to wakefulness. The woman had returned with a brown paper bag and was pushing it across the counter at him. She jerked her head to the door at his right and said, "These are yours. Take 'em in there and change. Bring your grays back out here to me."

Go now before they change their minds, Heiland's wits urged on him. He entered the rest room, changed into his own clothes as quickly as possible, and returned to the waiting area. He shoved the prison uniform back across the desk to the attendant. "Which way's out?"

"Out that door behind you and to the left. It opens right out on the street. You have to sign here for your things and you'll need this sheet to get out." She shoved a piece of paper at Heiland. Heiland picked it up, opened the door behind him, and walked into a small anteroom with two guards. Without speaking one guard held out his hand. Heiland passed the paper over to him. The guard noted down the time and Heiland's name and number in a log and motioned him to a small reader to the left. Heiland stuck his right hand into the reader, a small light flashed green, somewhere in the bowels of the counter a recorder whirred, and the guard motioned Heiland out through the two glass doors. Once through the doors Heiland did not pause to breathe, but set out at an energetic pace down the street. Don't run, he cautioned himself. Just get away.

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In the fresh air Heiland's mind began to function again. He ran down the possibilities of his situation. Perhaps Tettamairde had been fooled. Perhaps they had taken him for a "useless eater", an offdoler not worth fooling with. But perhaps also they had identified him and let him go only to tail him. He ran over the possibility that they had inserted a bug under his skin for radio location, then discounted it. It could only have happened while he was unconscious, and besides, he would just have to take the chance that they didn't consider him big enough game for such measures. Anyway, once he got back into the network they could de-bug him.

But the tail was almost a routine certainty, and his misgivings on that score must be settled before he went further. Heiland came to an alleyway that opened through to the next cross street, ran quickly down it, turned back to his left and changed directions. He dodged into a bar, took a seat in the smoky twilight, and ordered a beer. "Where's the john?"

The waitress jerked her head toward the back of the bar. Heiland waited a full ten minutes after she had fetched his beer, then walked to the back. One short hall led to the bathrooms on his right, straight ahead was another piled with boxes. At the end of the hall Heiland could see light under a door. He passed easily out of the back door into the alley, paused long enough to look both ways, then headed back south.

Heiland spent the rest of the day in downtown Nashville, lounging through public places. He admitted no hurry, loafing patiently from place to place, to all outward appearances a man with no purpose and no goal. Toward the end of the day he was fairly certain he was not being followed. As the darkness grew his direction took more purpose. He wandered through the nasty streets, stepping over the drunks, his glance immunizing him from the appeals of streetwalkers and dope dealer alike. At last he turned into N------ Street and ahead of him saw the green and brown oak on the neon sign of the Root & Branch Tavern. He went in, eased through the crowd, and took a seat at the empty end of the bar, head down. The bartender strolled down to him. "What'll it be?"

Heiland looked up. The bartender's jaw dropped slightly as he recognized Heiland, then he quickly recovered his bored aplomb. Heiland whispered, "God greet you, William."

Heiland had known William Esmond since they had fought together in the Patriot Revolution of 1993. All his later prosperity had failed to add any meat to William's 6 foot three inches. At 45 William's small head and loose-jointed frame still deserved his nickname, "Daddy Long Legs."

"And keep you in his mercy, Heiland," came the low reply. "We thought you were dead."

"Case of mistaken identity," Heiland grinned warmly, "theirs, not mine. How about a drink?" William moved down the bar, patiently drew a beer, walked back to Heiland's spot, placed the mug in front of him. Heiland lifted the glass and drank deeply. William watched closely, hardly concealing his satisfaction at seeing Heiland again, alive.

"D'you move the House?" Heiland asked.

"Had to, Heiland, when they took you. Didn't know what would happen, I mean, even you..." William's voice trailed off in embarrassment at what he had almost said but Heiland had taken no offense. Who did know what he would say in their hands? Heiland's taste of their tender mercies had fixed that question more firmly in his mind. People died. The Free State lived on. Heiland would have been the first to bring charges if they hadn't moved the House.

"Anybody here who can take me to the House? I need to get out of Nashville as soon as I can."

William grimaced. "I'm the only one here tonight, unless somebody else comes in. Have to wait till the bar closes."

"Easy enough," Heiland replied. "I'll take a nap in the booth." Heiland took his beer glass, left the bar and walked to the back of the room to one of the booths against the wall. His mind was still unsettled from the pain and he hadn't eaten. The drink began to throw a pleasant drowsiness over him. He stretched out on his side, and in spite of the country decibels from the juke box, gave in to sleep.

"Heiland!" A large hand gently shook his shoulder. Heiland noticed that the music had stopped. He opened his eyes and looked up at William. "Time to go. It's two o'clock."

Heiland sat up and tried to shake the sleepiness out of his head. His body was soaked in dull pain from his back; sharp stitches jerked at him every time he moved as the protesting skin pulled away from the bandages. Heiland stood up and followed William down the hall at the back of the room. "Stay here a minute," he threw over his shoulder at Heiland. Through the open door Heiland watched as William manhandled a garbage can to its position in the alley. Once it was in place William stood up, wiped his hands on his apron, drew out a cigarette, lit it, and slowly smoked in the darkness, to all appearances a man enjoying a minute's rest after work. Heiland waited patiently while he checked out the alley. After a few minutes William came back, shutting the door behind him.

"Looks okay. My van's on the other side of the door. Let's go."

Without further comment William walked out and Heiland whisked past him to the right, around the door, and into the van. As he climbed into the seat behind the driver's seat, Heiland watched William lock up. Two quick steps brought him to the van and into the driver's seat. William started the van and rolled down the alley and onto the main street.

"We'll have to take a little detour, Heiland, just to make sure you weren't followed." Heiland relaxed back into the seat, content to empty his mind and watch the light patterns changing on the van floor as William drove through the city. Fifteen minutes of doubling back in the empty streets,

The billboard read:

"From the Beginning to the End."

Below this motto was the corporate name:

United States Abortion & Euthanasia Corporation

then William parked the van. Neither man spoke as they sat in the darkness a full ten minutes by the clock. No traffic broke the silence. Finally William started the van again and drove with considerably more purpose than before. Heiland silently noted the street signs, tucking them away in his memory. Fifteen more minutes brought them into a middle class residential area. William picked out a driveway, pulled around to the back of the house and into a garage. Heiland waited until he had pulled down the garage door behind the van before he got out.

At the left side of the garage was a door. Heiland followed William as he opened it and walked down a flight of steps into the basement. The steps opened onto what looked like a living room with a door on the far side. Heiland knew the equipment would be behind that door. He also knew that anyone who tried to open it without the key would find a roomful of cinders.

Heiland lowered himself gingerly onto the couch as William took the chair opposite him. William couldn't stifle his curiosity any longer. "What happened, Heiland?"

"They caught me in a street sweep," Heiland answered with disgust. "No cards, no tattoo, no nothing. Pure stupidity."

"How'd you get out?"

"CID agent figured me for a PLD * migrant worker. Out of his concern for my welfare I got off with BM and a tattoo."

"BM?"

"Behavior Modification."

"That's a new one on me."

"Nice words for twenty-five lashes."

William grimaced. "Do you want me to get a doctor now or wait till in the morning?"

Heiland considered a moment, decided the pain of re-dressing overmatched his exhaustion. "No, it'll keep. I need to sleep and get away in the morning. Can you arrange it?"

"Sure. I'll call Josh Lee in the morning. He can take care of the tattoo as well. D'you want me to take a look at your back now?" Heiland shook his head. "MacDonald makes a regular run to Clifton tomorrow about noon. I can catch him before then. Come on, I'll make up the bed and get you some pain-killers. The couch folds out."

Heiland stood up and moved aside as William pulled out the couch. He was almost asleep by the time William returned with three red pain-killers and a glass of water. Heiland propped himself up on his right elbow, tossed back the painkillers and half the glass of water. "Call Sara, would you, William?" By the time William had turned off the light, Heiland was out.

He brought me forth also into a large place; He delivered me, because He delighted in me.

Heiland woke up and looked up into William's eyes. Beside William stood another man Heiland did not know. "Heiland, this is Dr. Lee. Call him Josh." Heiland nodded, the newcomer nodded back.

"Let me have a look at your back, Mr. Heiland." Heiland rolled over obediently, turning crosswise on the bed. Lee pulled up his shirt and Heiland heard William hiss as he tried to pull off the bandages. "William, make up about a gallon of saline so we can soak these bandages off." William left and returned downstairs shortly with a full basin. Heiland hugged the pillow as the doctor gently soaked the bandages.

"What I don't understand, Heiland, is why they let you go," William began.

"Couldn't see through the pattern, William," Heiland muttered through clinched teeth. "CID agent just filled out all the boxes in his mind and I came out a loser. He just figured I was an offdoler, not even worth snuffing out with a trip to a FURT. ** Give him a whipping to teach him a lesson, brand him, and turn him loose."

"What if they did know who you were? What if it was all planned, once they found out who they'd swept up?" William answered.

"That's the hard part, William. We just don't know how much they know about us. But I really don't think they're as smart as we give them credit for. Fact is, I think they're stupid. Yeah, I know, a stupid man can still kill you, but I think for the most part they believe their own propaganda. They really think they control the country. They really believe everyone thinks the way they do. Sure, they've got an intelligence service, but that's mostly limited to the cities. The country is ours already, not just in the Free State, but all over North America."

"Besides," Heiland continued, "what do the cities have that we want anyway? What do they make that we don't make better already?"

"Okay, Heiland, but what if they *did* know who you were and turned you loose on purpose, bait for bigger fish?"

"That's just the chance I have to take, William, but I think this time they just blew it. Anyway, that's where their centralized mindset cripples them. So what if they get me, or a hundred others like me? We don't have any 'head' to cut off. If they get the 'bigger fish', we'll just choose some more. They'd have to uncover and find and kill every one of us.

"Ouch!" Heiland barked as the doctor pulled away the bandages. William's face darkened as he looked at Heiland's back. He sighed impatiently. "Where are you headed next, Heiland?"

"Home," Heiland responded with relief, "back to the real world. Doesn't look like I'd better chance Nashville again for a while."

William watched in silence as the doctor salved and re-bandaged Heiland's back. Once he had finished, William opened the door at the far side of the room and all three men entered. Heiland barely noticed the layout, he'd seen it a hundred times in a hundred different places: miniature infirmary, small computer, arms rack, radio, two large suitcases for minicopters, washing machine-sized Newman generator. Heiland took a seat at a stainless steel table, his right arm resting next to a small hand scanner. Lee took a few minutes to dig out his instruments then sat down opposite Heiland.

He plugged in a small tool about the size of a fountain pen, but thicker and corded. The business end carried a wicked flat needle. From a vial in his bag he soaked a cotton sponge and wiped it over the new tattoo on Heiland's right hand. He put on what looked like battery powered sun glasses (Heiland grinned at the thought), adjusted a knob on the temple piece, and picked up Heiland's hand. Shortly Heiland could feel the pressure of the work on the back of his hand, but not the sharp pain he had expected. Lee worked quickly and expertly with the humming needle, slicing up and down on Heiland's new tattoo. In five minutes he was finished and the hand hardly looked worse for the wear. Finally he placed Heiland's hand under

* permanent learning disability

** Federal Unemployment & Retrainng Camp

the scanner, snapped it on, and grunted with satisfaction when the red light blinked.

"Okay, William, it's all gone, but you'd better get him a plastic one to cover that up." William rummaged through the tiny drawers of a small organizing cabinet and fished out several packaged flesh colored patches, complete with hair. He set them down in a row on Heiland's wrist to match the color. At length satisfied, he opened his choice and carefully applied it to Heiland's hand, tediously smoothing it down to conceal the edges. He made another trip to the cabinet, pulled out several tubes, matched those colors against Heiland's skin, and applied what looked like flesh-colored glue around the patch. It dried quickly and William sanded down the sides with superfine steel wool. When he was finished Heiland himself couldn't see the edges.

As Josh Lee packed up, William rummaged through several more drawers, pulling out several plastic cards. "The tattoo is coded with a person number that will give you access to a bank account as you need it. Be reasonably cautious. The account is controlled by a worm in the FirstNat computer, so don't charge enough to draw attention, say, less than 200,000 ferns * at any one time." William busied himself at a small heat-embosser as he spoke, incising numbers into the four plastic cards he had chosen. "The number on these will match the FirstNat account, same worm takes care of all four. Here's Mastercard, Visa, Exxon/Gulf, and WordFood. Save 'em after your trip back for your next visit to Nashville. If they're discovered they'll turn up on the your hot list within four hours, so check before you use them again."

William dug into yet another drawer, drew out what looked like a thin blue address book. "Here's your pass." Heiland knew that without that he couldn't get out of the city. "It shows an address in Huntsville, same direction you're headed. Let me take a picture for it and you can study it out for yourself."

* fern: Federal Reserve Note, formerly known as "dollar."

William pulled down a green backdrop against the far wall while Heiland took a stool and sat in front of it patiently while William took the picture. William deftly stuck the adhesive photo down to the front page of the pass, laminated it, and embossed it with an official seal. When he was through, he tossed it to Heiland. Heiland flipped it open and noted his new name was "Smithson", occupation "A/E technologist". He winced. William's sense of humor sometimes took a bizarre twist.

It was a trip through a mortuary: mile after mile of abandoned shops, buildings, and shopping malls, a few boarded up with sheets of plywood, most just leering at him like a corpse's head.

Just as William finished, an LED on a control panel by the door began to flash red. William snapped on the closed circuit TV and flipped through several views, the last revealing a large man in a baseball cap and overalls standing on a porch: MacDonald. William hit another switch, spoke quietly into a flat speaker: "Robert! Come around to the garage door." MacDonald had already disappeared from the porch as William flicked the view selector to reveal the garage door. About the same time MacDonald's hand touched the knob on the inset door, William hit another switch and the door popped open. Two minutes later MacDonald was clumpng down the stairs. From his muddy boots to the "Liva-gro" patch on his cap, every inch of him shouted pig farmer. MacDonald's broad red face split into a wide-eyed grin when he saw Heiland.

"God greet you, Heiland!" he rumbled in a deep country voice. He strode across the room and grabbed Heiland's hand in a fist the size of a basketball.

"And keep you in his mercy, Robert MacDonald."

MacDonald drew off his cap to reveal white-sidewalls beneath a short pelt of red curls, wiped his brow with the back of his hand. "We thought the CID had you."

Heiland smiled wryly. "I just wasn't a big enough fish for them to fool with, Robert. They threw me back." From deep within his chest MacDonald's laughter rumbled his disbelief and approval.

Heiland turned to William. "Take care, William." Heiland shook William's right hand, pulled him closer, threw his left arm around his back and hugged him tight. "God keep you." Heiland turned to Dr. Lee, shook hands, and wheeled up the stairs behind MacDonald's denim bulk.

Heiland blinked in the bright May sunlight as he followed MacDonald to a rusted red Chevy pickup parked in the drive.

"Is this thing standard?"

"Standard but retrofitted," MacDonald replied. "I'm in the cities too much to run a Jamison drive naked, so we left in the Detroit engine. Even your idiot CID agent could tell the difference between the standard Detroit motor and a Jamison. You're sitting on the Jamison, Newman generator's under the tool box in back."

Heiland ran over the specs in his mind. Newman generator coupled to the Jamison drive would last as long as the batteries would take the charge or until the bearings wore out. The DC Jamison drive with converter would push MacDonald's old Chevy pickup at about 160 mph. Nothing the government had on the road could outrun them.

"Who built it?"

"Leonhart, in Tarpley."

Heiland whistled appreciatively. His own Leonhart package had run him close to two ounces.

Heiland gazed out the window. They were in the middle of Nashville now, headed south on Eighth. He frowned as they pulled up to a stoplight. Across the street on a baby-blue billboard he saw the US A&E logo: stylized white dove in a circle, crossed stem extending downwards. "From the beginning to the end," the billboard read. Heiland glanced back at the thirteen story building across the crowded parking lot.

"From the beginning to the end." Right, Heiland thought, reading the motto off the billboard, but mostly the end. United States Abortion and Euthanasia Corporation. Yearly turn in the neighborhood of two trillion ferns.

Since 2006 US A&E had held the US monopoly on abortions and euthanasia, with a string of death hostels in every city in the US. Federal WERE-TRAP * to the mother-not-to-be ran 3,000 ferns, about two months earnings for the average secretary.

Heiland saw a lone black in the crowd and realized how few they were now. He remembered the old days, when downtown Nashville had been crowded with them, their laughter filling the air. No more. Even according to official statistics, the US black and hispanic population, formerly about 18% of the national total, had been reduced to around 5%. US A&E was efficient.

The federal government paid US A&E for the job, and US A&E got to keep what they discreetly called the "by-products". No one had a clear idea of what US A&E made on the processing and sale of "by-products", mostly to the cosmetic industry, but one thing was clear: next to the bank and government buildings, the US A&E tower was always the newest, most expensive building in town, from New York to L.A.

Without much interest Heiland read the billboards as they passed down Eighth Avenue. There was a deadening imbecility and sameness about them all. With only only 15 major *zaibats* in America, each with its own market share meticulously defined and controlled by the Fair Trade Authority, competitive advertising had been reduced to taste-preference promotion. Heiland could name every corporation effortlessly: GM-Ford, Exxon/Gulf, IBM-Mobil, Sears-AT&T, DuPont, GE-Salomon, CitiCorp-KMart, Chrysler-Safeway, US Steel, Kroger-Phillips, GTE-United Technologies, Travellers-Cigna, Occidental, Bank America-Chemical, and Proctor and Gamble. A small market share was reserved for independents, but their turnover was minor. About half the ads Heiland saw were for government agencies.

In form the Fair Trade Authority was a quasi-governmental agency. In fact, it was the gargantuan tail that wagged the government dog. Led by the Federal Reserve, the FTA made policy. What the FTA proposed, the Congress approved, and the Service enforced.

Heiland poked Robert in the ribs with his finger, then pointed to a billboard. A robust sun-tanned face about 35, benevolent and concerned, stared into the viewer's eyes. There was something strange about that face. Heiland realized at last that he couldn't tell whether it was male or female. The short hair and fine features could belong to either. It was a man just a bit too pretty, or a woman just a bit too mannish. But it was an hypnotic face, a face you could trust. The headline read, "Big Sib is watching, and needs to know!" Beneath that headline in smaller letters ran, "Drop a dime, pick up a grand." At the end of the tag line there was a telephone, and underneath, "Tax and documentation fraud rob YOU!" Inflation had outrun the antiquated idiom: the phone call was 10 ferns now, the reward 25,000.

Heiland squirmed easily in his seat as they reached the outskirts of Nashville. This part of the trip always bothered him. It was a trip through a mortuary: mile after mile of abandoned shops, buildings, and shopping malls, a few boarded up with sheets of plywood, most just leering at him from black, broken windows like gaping caves, acres of empty parking lots where wisps of weeds and young trees pushed up through the cracks, like the leavings of stringy hair on a corpse's head. It was the triumph of death, and Heiland loathed it with a hatred beyond rationality.

All that hate me, love death.

They weren't needed anymore, those shopping centers and suburban stores and offices. The official US population had been reduced from 226 million in 1980 to around 106 million at the 2010 census. The massive immigrations in the wake of the fall of Mexico in 1992 had been more than overbalanced by US A&E's efficiency, homosexuality, a suicide rate of 340 per 100,000, and the final blow, the AIDS plague of the middle '90s. Almost a quarter of the city population had died in those waves of epidemics alone. The death wish cult had done its work well, but with its victory had gone the prosperity of population. By 2020 the trees were safe: it was the humans who were endangered.

Economy was their watchword, Heiland thought. If you want to conquer a people, surely war is a costly and wasteful way to do the job. How much more economical and efficient than raining bombs and fiery nukes it was merely to convince the victim to kill himself. It's much cleaner and it doesn't disturb the real estate.

But Heiland knew the gap between the official statistics and the real ones. The Freeman counties were avoided by government agents of every stripe, most especially census takers. The boxes on the census forms were filled out by imagination, not count. The only concern on the part of their bosses was that the boxes were all filled.

The Church did not take a census, but Free State Intelligence offered quite a different picture from government statistics. Government numbers showed a population of 1.1 million in the Freeman counties in Tennessee alone, about 45% of the 1980 figures. Freeman Intelligence estimated 3.8 million, a 55% increase, and growing. Average family size was 7.3, and the trend was up. Two more generations and the cities would be hopelessly outnumbered.

The lack of effective administrative officers and the hostility and uncooperativeness of the country population had attenuated central government control over the countryside, finally limiting it to those counties immediately surrounding the cities. Regardless of what the Service and the government may think, beyond the limits of the city there was no federal government: there was only the Tennessee Free State.

At Berry Hill Route 31 widened out into what looked like toll plaza. The road branched into ten strips passing between booths. Armed men in khaki uniforms with the red, white and blue shoulder patches of the National Drug Enforcement Corporation lounged around the booths. Several cars were stopped with open trunks. MacDonald pulled in line behind two cars and waited. Slowly the line advanced.

One uniformed man approached the pickup from each side. On Heiland's side the enforcer carried an assault rifle slung over his shoulder, the other wore a .38 on his hip. In their hands they held what looked like plastic pistols, but on closer inspection proved to be merely hand held scanners. Long extension cords trailed from the butt end of the scanners and disappeared into the booth. The officer on MacDonald's side said, "Papers!", and both MacDonald and Heiland reached their blue passes

* Welfare Roll Reduction Transfer Payment

through the window. The officers perused the passbooks without comment, then the one on MacDonald's side barked, "Right hands!" Both Heiland and MacDonald reached their right hands out the window. The officer passed the point of the scanner over the backs of their hands, waited while the yellow LED showed that the central computer was processing the reading. On MacDonald's side the yellow LED winked out as a green light came on. Shortly afterward the scanner used on Heiland flashed green as well. Using the scanner as a pointer, the officer waved MacDonald on. He weaved through the cement maze on the other side of the checkpoint plaza. The two foot thick walls four feet high showed inner steel I-beams at the top, festooned with razor tape concertina. Machine gun towers stood on either side of the plaza at both ends. Not a place to forget your papers.

Heiland's dark mood left him as the checkpoint vanished around a curve in the road and MacDonald reached more open countryside. This close to the city there was little foretaste of the prosperity farther back in the countryside. Here were only corporate farms. Still Heiland felt the goodness of God overcoming him as he watched the swiftly passing countryside. The air whipping past his face brought to him all the sweet pungency of late spring, moist and damp and big with all the swelling blessing of the earth.

Heiland tried to sort out the odors: honeysuckle, green hay, willow, oak, a suggestion of sweet gum, or was that cottonwood? Before he spotted the dairy barn he could smell cow manure, he noted with more delight than disgust. That smell was *home*. The countryside rolled away from him on either side: gray wooden barn with collapsing wounds in their foreheads, broken barbed wire fences, and green and tan meadows stretching away to welcoming walls of woods, a witness to what had once been well-tended farmland. The farmer in him protested at the waste. He longed without envy to own those lands, to see them flourish under his own hand.

Low passes in the ridges opened onto new, hidden valleys, green walled about by rounded hills. Occasionally a hill rose improbably straight up from a flat valley floor to end in a high dome: huge, high-walled cauldrons overturned and left to dry by a lost race of giants. At the tops of the hills Heiland could see for miles until the hazy air turned the woods from green to blue green then to a pale gray, the farthest hills like cardboard backdrops. Even their speed and the whipping air could not stop the shrill penetration of a meadowlark's whistling song. Heiland looked up: curly masses of bright white clouds hung in the sky.

O Lord our Lord, how excellent is thy name in all the earth! Who hast set thy glory above the heavens. When I consider the heavens, the work of thy fingers, the moon and the stars, which thou hast ordained, what is man, that thou art mindful of him? And the son of man, that thou visitest him? For thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of thy hands; thou has put all things under his feet: all sheep and oxen, yea, and the beasts of the field; the fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas. O Lord our Lord, how excellent is thy name in all the earth!

Mine in Him, Heiland thought. Heiland became a giant, skipping across the land, his hand upstretched to brush the clouds. The land was His, but in him, too, from his father's fathers for three hundred years. If he left it he knew he would cease to be Heiland, cease to be a father and a man, cease to be even a part of the world, would shrivel and become like the dry, rotted husk of a walnut, empty of all the worth and goodness inside him. By God's good grace, no one would ever take this freedom or this land from him. Heiland threw back his head and let loose a steep howl of the purest joy: "Eeeeeeeeeeee-yaaaah!"

MacDonald turned in surprise as Heiland burst into laughter. His mind must have been following Heiland's trail, because he, too, began to laugh and the two of them sped down the road like two adolescent fugitives from Bedlam, laughing and howling until their sides ached.

Heiland was home. ❑

➡ *from page 4*

Letters to the Editors

Antipathy

I am cancelling my subscription.

All of the articles printed under *Politics* aggregated a repetitiously lengthy diatribe against Ron Paul and Russell Means that serves no real purpose. Those Libertarians who oppose either man as the national candidate have beaten the subject to death; all apparently missing a truism: "there is no person who doesn't rapidly become a non-person by losing an election." In lieu of the candidacy of either Paul or Means, who has stepped up to fight for the non-position of National Libertarian Candidate? Shirt tail candidates? There is apparently no Libertarian who would carry anyone into a congressional seat.

The Cox "criticism" of the Randian background in the films that Rand was associated with is not as much elucidative of the stated purpose of the articles as being a means to be unnecessarily critical of her. When the comments on her could be favorable, why the damning with faint praise?

I firmly believe that the Rothbards and the Coxes do a great disservice to libertarians with their needless nitpicking and disruptive criticism of people who have helped or are helping to formulate a common general policy to improve humanity and human relationships.

Robert L. Hyman
Center Barnstead,
New Hampshire

Lüftmenschen über alles!

Murray's analysis of politics and culture, entitled: "Life or Death in Seattle" is so wrongheaded that were it not for his eloquent prose, so full of characteristic Rothbardian flourish and bombast, anyone would see at once the almost self-evident nonsense of his argument. In the first place, the *luftmenschen*, the socially and economically marginal men, have been anything but politically marginal figures in American history. A cursory examination of the Jacksonian revolution in the 1830's and the Populist phenomenon of the 1890's illustrate how poor, illiterate, even ignorant voters can

➡ *to page 39*

Reviews

Crisis and Leviathan, by Robert Higgs,
Oxford University Press, 1987, 350pp., $24.95

The Rise of Statism

Murray N. Rothbard

Crisis and Leviathan is a blockbuster of a book, one of the most important of the last decade. It is that rare and wondrous combination: scholarly and hard-hitting, lucidly written and libertarian as well. To Professor Higgs, being thorough and erudite does not mean timorously qualifying every statement, or torpidly and "judiciously" picking one's way through the minefields of ideology. Higgs's depth and breadth of learning has only intensified his commitment to truth, liberty and the identification its enemies.

Robert Higgs, a noted economic historian, set about to answer a long-standing and vital question: why has the State grown so ominously in power in the United States during the twentieth century? Why did we begin as a quasi-*laissez-faire* country in the nineteenth century and end up in our current mess? What were the processes of change?

The orthodox answer, the answer given by statist apologists, is all too simple: the world grew more complex, the increasing need for statism was perceived by intellectuals, statesmen, and far-sighted businessmen; hence government expanded in response to those needs. Of course, no one who is not a naive apologist for the status quo will fall for such pap.

Robert Higgs was a student of the Chicagoite school of "Cliometrics" fathered by Douglass North, of the University of Washington. The Northian approach to economic history is marked by several features: (a) a roughly free market approach, but strongly tempered by the "Whig" notion that whatever existed in the past had to exist; (b) a strict economic determinism that everyone is only out for his own economic self-interest; and (c) the view that all of economic history can be encompassed by a few mathematical equations. It should be pointed out that (c) is totally fallacious on its own, but only gaings seeming plausibility if you hold (b), and then add whopping assumptions about measurement of determined behavior. It is patently impossible, even for Cliometricians, to embody ideology, people's values and ideas into mathematical equations.

We can also see that (a) — the Whig determinism that no status quo can be changed, combined with (b), strict economic determinism, leads to total pessimism about changing any situation, past or present, in behalf of liberty. If ideas or principles are unimportant and can have no influence on history, as the public choice wing of Chicagoites has emphasized, then there is no hope to overcome the more pointed and intense economic interest of groups clamoring for special privileges from the State.

The special delight of *Crisis and Leviathan* is that Higgs has worked himself loose from Northian Cliometrics. Much of the beginning of the book is a knowledgeable and trenchant assault on its assumptions and procedures. The key to historical change, and specifically to the growth of statism, North points out, was a change in ideology, in the ruling set of ideas in society. The crucial watershed was the adoption of statism by the American intellectuals during the Progressive period. As a result, any economic or political crisis could give a major thrust to statism that it could not do before.

One great accomplishment of Professor Higgs is to vindicate the role of ideas in history; more specifically, the role of ideology in bringing about statism in the twentieth century. He has rescued the discipline of economic history from the Chicago variant of economic determinism.

But this is scarcely all. For in virtually every free-market economist of our time, there is one great big hole, one big gap in his critique of statism: war. War is sacrosanct, considered necessary, inevitable, and good, and so while free-market economists will devote a great deal of energy to the evils of government intervention in oil, or forestry, or the retail trade, there is little or nothing said about the horrors and distortions imposed by the Pentagon and the war-making Leviathan State.

In *Crisis and Leviathan* , Higgs identifies war as the critical key to the growth of statism, making his achievement all the more remarkable. World Wars I and II, coming on top of the adoption of statist ideology, were the critical thrusts for the triumph of statism, in economic and social affairs. Higgs points out that World War I, in contrast to previous American wars, was used to impose a collectivism that became a cherished model for all statists as a permanent feature of American life; and that World War II completed the job.

Usually, free-market economists, ever wary of making value judgments, restrict their critique of conscription to a mere argument that it is an inefficient way of mobilizing manpower: hence their call for a volunteer army as a more efficient means of allocating labor and imposing social costs. Robert Higgs, in contrast, argues that the draft is central to the development of statism in the twentieth century. In an important contribution, Higgs points out that once conscription was adopted, the statists were able to use the draft as a powerful weapon for the control of the economy and society. Essentially, they argued that "if our boys are drafted, then surely property must be controlled and conscripted as well."

Already, alert conservatives have

denounced *Crisis and Leviathan* for its pinpointing of war and militarism as a key to statism. The reviewer for the *American Spectator* denounced Higgs for his "libertarian" leanings. When conservatives are faced with a choice between war and freedom, we all know which they invariably choose.

Not the least of the joys of *Crisis and Leviathan* is the love of liberty and the hatred of its enemies that shines through the scholarly apparatus of the book. In Yeat's famous phrase, "The best lack all conviction, while the worst / Are full of passionate intensity." What a treasure, then, when an erudite scholar and distinguished economic historian such as Robert Higgs, conveys a passionate intensity in favor of liberty and against the depredations of the State!

We live in an age of outrageous hype, when publishers and book-dealers tout every other book in print as "the greatest of all time." So what are we to do when a book of genuine greatness comes along? I say this about very few books: make this your top priority this year; rush out and read the book. And then proclaim it throughout the land. ❑

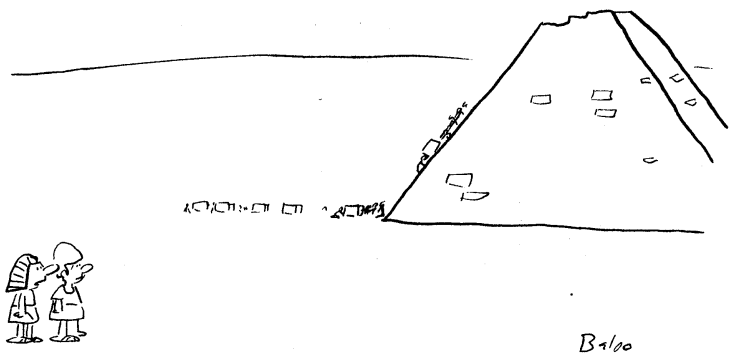

"I think it's part of the New Deal."

***The Closing of the American Mind*, by Allan Bloom, Simon & Schuster, 1987, 392 pp., $22.50**

The Wasteland of Traditionalism

Michael Townshend

It is rare when a deliberately controversial book about serious ideas sells well in America, and rarer still when one becomes a "best-seller." *The Closing of the American Mind*, by Allan Bloom, is one such anomaly. Despite its focus on weighty matters— education, moral philosophy, history— it is selling not just well, but phenomenally. As of this writing, it tops all non-fiction best-seller lists in the United States.

Just about everyone seems to have something good to say about this book. From *National Review* to *The New Republic*, from the *New York Times* to *USA Today*, the rave reviews roll on and on. If there has been an unfavorable review of this book from a major source, I have yet to see it.

That it has achieved this fantastic reception is, I think, truly amazing, considering what it is—an intellectualized right-wing screed. All the stock elements are there: hatred of young people and of sexuality; the scapegoating of changes in taste; hysterical denunciation of rock music; even an attack on computer literacy— "The full cheapness of which is evident only to those who think a bit about what literacy might mean." Bloom is apparently not much keener on science: "Science, in freeing men, destroys the natural conditions that make them human."

The book deals with two issues which strike a deep chord within literate America: the nature of American culture, and the quality of higher education in this country. Its thesis is pretty well summed up by the front-cover blurb: "How higher education has failed democracy and impoverished the souls of today's students."

Although the issues covered go well beyond the field of education, Bloom returns repeatedly to the concept of the university as the repository of a culture's essential values. He argues that the democratization of education and of American life has lowered standards and stimulated the growth of a pervasive nihilism in our universities. As part of this process, values and truth have been declared to be relative or merely subjective. Tolerance and open-mindedness, in reality, disguised forms of indifference, are now the intellectual norm. The faculties of education are over-specialized and over-compartmentalized; they lack contact with any broader tradition and viewpoint. Today's students are confused and directionless, cut off from the best of the western tradition and from any guiding principles in their lives.

Bloom deals more with broad issues of philosophy and morality, especially in relation to young people, than with formal education. His main problem seems to be that he cannot quite cope with the change in college life brought about by recent demographic and cultural changes. After World War II, there developed a consensus in America which regarded mass higher education as a good thing. This attitude, totally new in history, coincided with the post-war baby boom. As the mid-sixties arrived, there was a huge increase in student population, most notably in junior colleges and in the enormous state universities, of which the University of California complex is an example.

There is little doubt that there are many who "shouldn't be in college"— that is, that lack many of the skills, both intellectual and psychological, which used to be associated with the idea of a successful college life. I remember vividly a scene at Western Michigan University in 1969, in which an elderly and inoffensive right-wing speaker who had been invited to address the student body was continually drowned out by shouted obscenities and mass screamings and cat-calls. I remember, too, the question-and-answer session that followed, in which, without exception, the questions from the floor were mixtures

of puerile sarcasm and profanities. I couldn't help thinking at the time that, in terms of skills and potential, many of the students assembled there would, if they had been born ten years earlier, be working the night shift at the local beanery, or be in trade school, or hanging around street corners whistling at girls. They weren't really "college material."

What can be done about this? The optimal course of action, it seems to me, is what is in fact happening. Universities are increasingly offering specialized programs of study, including many which would formerly have fallen into the "trades" category. There are, after all, people who can handle computer programming proficiently and creatively, but who are lost in boredom and bewilderment when asked to read William Blake. And there are also those who easily master *Macbeth*, but are stymied by the mysteries of *Macintosh*.

I don't see this as all that much of a problem. People have differing talents and interests, and differing expectations in regard to their own college careers. Certainly it is desirable that students master certain abilities, but I doubt the situation is as critical as Bloom sees it. After all there are, at this moment, more scholarly associations, *among students*, than at any time before. There is no field of study, however obscure, that does not have little groupings and newsletters here and there on the larger campuses. (And I do mean *obscure*. There is an Assyriology Club with sections at several colleges.)

Thus things sort themselves out. In the natural order of things, the really marginal students, those who simply can't cope with the life of the mind at even the simplest level, usually drop out of college fairly quickly; those who remain are choosing disciplines and careers in a much more systematic and coherent way than was usual twenty years ago.

Bloom's solution, force-feeding students the Great Books series with an emphasis on Plato and Rousseau, is as fatuous and unrealistic as the fundamentalists' dream that mandating "prayer in the schools" will produce a generation of young Christians and eliminate drugs, promiscuity and secular humanism among the country's students.

Some of Bloom's fulminations may reflect the unhappiness of a man who is stuck in the wrong profession. I say that not to be waspish, but simply to point out that a person who seems to find students so repulsive might be more comfortable in a position other than that of college professor. At the very least, I would think he might be more content in a small liberal arts college than in a major multi-purpose university.

His hatred of rock music is obsessive and corrosive, bringing to mind such 1960s nut-right classics as *The Marxist Minstrels* and *The Beatles, Communism and Hypnotism*. But Bloom is no primitive. He does not argue that rock music is composed in Moscow or that the Beatles songs played backward reveal Satanic lyrics. Instead, he says rock's "antinomianism and its longing for a world without constraint might seem to be the clarion of the proletarian revolution, and Marxists certainly do see that rock music dissolves the beliefs and morals necessary for liberal society." The reader is told that the result of the proliferation of such music is "nothing less than parents' loss of control over their children's moral education." We are told that rock music makes civic virtue impossible, that the music is merely "grunted" by "drag queens," that it leads to "anarchism [and the] mining of the irra-

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tional unconsciousness." It is the "junk food of the soul."

Looming over all of this empire of evil, Bloom imagines, stands the horrific figure of Mick Jagger. His view of Jagger as a mythic symbol of evil is so goofy that one hesitates to take him seriously. He believes, for example, that Jagger "plays the same role in their [i.e., the students'] lives that Napolean played in the lives of Frenchmen throughout the nineteenth century."

What is disturbing is that all this goshawful foolishness, and much more that I will not detail here, emanates from a man who has been a professor at York, Cornell, the University of Chicago and the University of Paris. Bloom is not unintelligent, but he seems to be suffering from what the Thomists call a "deformation of the imagination." He is simply unable to imagine the value, the legitimacy, or even the authentic identity of any tastes and styles of life which differ from his own.

Uncomfortable with pluralism, it is not surprising to discover that Bloom worries about freedom, about "bourgeois rights." He is not really against them, but he frets that they are "sad to say, enjoyed by people who want to see dirty movies." He takes the common conservative view that freedom is merely a snare to make virtue more difficult. In Bloom's burlesqued version, liberty consists of "merely acting as one pleases," guided by the "merely negative freedom of satisfying brutish impulsion."

Like most right-wing writers, he is at his best when describing and denouncing the Left, especially, in Bloom's case, the New Left crazies who were so influential at Cornell in the late 1960s. But this is pretty conventional stuff, covered endlessly by other writers.

There are two political themes, though, which give me pause. Both are important to Bloom, and references to them keep coming back into the text regardless of the subject at hand.

The first of these concerns the gradual decline of the intellectual underpinnings of Marxism within the academic and intellectual worlds of most Western nations during the past thirty years. Bloom attributes this decline exclusively to the process by which Marx's views have come to be accepted, even by his followers, as merely a way of looking at history and politics and society, rather than a science of revolutionary change followed by an end to further historical development. Bloom refers to this process as the "historicization" of Marxism, and he attributes its origin to Lenin's practice, begun in his writings after the 1905 revolution, of referring to Marxism as an "ideology." According to Bloom, this term carried the implication that Leninists no longer regarded Marxist doctrine as true in a suprahistorical sense.

This thesis is very weak. The retreat from rigid Marxian positions, even among hard-core socialists, has been a long and steady process dating back to the nineteenth century. One by one the master's dicta have been weakened or cast aside. Today most people who call themselves Marxists do not believe that armed revolution is inevitable in all societies, or that all capitalist countries will quickly reach an identical stage of economic development, or that the industrial working class is the sole mover of history in its final stages, or that the labor theory of value explains economic phenemena. Bloom's odd insistence that some rather trivial matters of definition and terminology are the root causes of all this is difficult to explain, but it seems to be related in some way to his second major political theme: the Nietzscheanization of the Left.

Bloom's interpretation of Nietzsche and Nietzsche's intellectual influence is, for me, the murkiest aspect of the entire book. Nietzsche is brought into every discussion, every denunciation, every clash of values, yet the author's own view of Nietzsche remains elusive. He says that the German philosopher feared that "an evaporation of the soul's boiling blood [was] taking place," that the "spirit's bow was being unbent and risked being permanently unstrung." Much of Bloom's very extended discussion of Nietzsche is conducted on this kind of metaphorical and recondite level. Even so, his thesis that Nietzsche furnished the political Left with a "passion" that came to fill the void left by the intellectual decay of Marxism is at least an issue of scholarly interest. That alone places his treatment of it on a higher plane than most of the remainder of his book. But, like Lenin-"ideology" question, the Nietzsche question seems to make political history revolve around literary history.

Bloom's views on sex are illiberal indeed. In a lifetime of reading, I don't believe I have ever come accross a serious book in which the author's anti-sexualism was so shrill and relentless.

Most of Bloom's views on the contemporary sexual scene are sinister. Some of his statements on the subject are merely silly and fatuous. He believes that modern Americans, and especially the young, are not capable of true *eros*, or even of romantic love, but merely of the act of copulation.

He doubts, for example, that young people ever say "I love you" anymore, and he believes they cannot possibly understand the theme of *Othello* because they are unable to imagine romantic jealousy. Strangely, he regards, for instance, the neurotic, repressed, guilt-ridden figures of Hester Prynne and Anna Karenina as "ennobling exemplars" of womanhood.

He also argues that sexual repression is the *source* of the West's prodigious productivity and success. This is a fairly common view in some circles, and seems to derive from some half-understood views of Max Weber and some modern historians of Calvinism. I don't know whether Bloom believes that the Roman Empire fell because of sexual "immorality"—the issue is not discussed in the book—but it would not surprise me if he did.

Regarding sexual desire, he remarks "that one does not die from not satisfying this hunger, and that even great seducers' lusts can be calmed by the certainty of the death penalty." What, precisely, is his point? That a person can survive a lack of sexual outlet is undoubtedly true, but hardly constitutes a recommendation. Many persons have lived long lives in abject poverty, but that's not a plug for the virtue of poverty. The second part of the statement is stranger still. There is no follow up, and no explanation. What is Bloom really suggesting? Is he advocating some draconian solution to the "problem" of extra-marital sex? I'm not sure, but the rest of his treatment of the issue does not leave me particularly sanguine.

He endlessly bemoans what he sees as the lack of guilt in modern sex. He longs for the days in which "coupling [was] a very dark and complicated business." What is annoying about all this is what Bloom leaves out. In his extensive discussion of sexual mores, he offers no hint of any awareness of the dark side of traditional Christian views concerning sex. Bloom says nothing about the pathological cult of virginity practiced by the Catholic Church for many centu-

ries. He makes no mention of the terrible effects of sexual repression, the hatred of the body and the simple refusal to communicate the facts of sexuality, which have blighted the lives of millions of people.

The Closing of the American Mind is not well written. Its prose is mushy and squishy. Bloom is the sort of fellow one could imagine taking five minutes giving directions to the men's room. And clarity often suffers. We are told that "God is the highest value, on which the others depend. God is not creative, for God *is not*. But God as made by man reflects what man is... so man makes God out of nothing." [emphasis in original] Far too much of Bloom's writing comes out looking like this.

But the chief fault of *The Closing of the American Mind* is not its style. It is that Bloom is simply unable to cope with recent changes in behavior. That perfectly decent and thoughtful people have come to prefer a more relaxed kind of relation between the sexes; that women might have careers and still be loving mothers; that some people simply like rock music, just as others prefer country or jazz or classical—or, as in my case, no music of any kind—all this is lost on Bloom. For him, such changes in values are the result of moral depravity, the decay of civilization, and the rejection of tradition.

There is no hint that Bloom perceives the right to make one's own choices about one's own life as an essential element in the western tradition. Instead he gives us neo-Puritanism cloaked in academic garb.

The Fatal Shore: The Epic of Australia's Founding,
by Robert Hughes, Alfred A. Knopf, New York, 1987, 688 pp., $24.95

The Gulag Down Under

Mike Holmes

The very day we landed upon the Fatal Shore,
The planters stood around us, full twenty score or more,
They ranked us up like horses to pull the plough, upon Van Diemen's Land.
—convict ballad, c. 1825-30

Between Olivia Newton-John, Mel Gibson of "Mad Max" fame, and Crocodile Dundee's affable Paul Hogan, there's been something of an Australian chic fad come over America in recent years.

Australians seem friendly, outgoing, sports-loving, and enthusiastic imbibers of their half-gallon cans of Foster's lager. It is a romantic sort of place in the imagination, at the very bottom of the tropical South Seas Pacific. We envision it, like America, being pioneered by yeoman-like citizenry, people who could brave the hazards of the outback and the ubiquitous kangaroos.

We tend also to see Australia as something like an antipodal Canada: a nice, pleasant, somewhat sleepy British outpost that eventually turned into a real country, although one we needn't take too seriously.

These quaint notions about Australian history are rudely shattered by Robert Hughes' surprising American best seller *The Fatal Shore*. Hughes, an Australian expatriate who lives in London and New York, describes early Australia as the Gulag of the British Empire. Modern Australians take a schizophrenic pride in their roots, and *The Fatal Shore* appears to be a major step forward in Australian historical revisionism.

In the mellow afterglow of our own American heritage, British colonial rule is often whitewashed into a benevolent aristocratic guardianship. But the colonization of the arid Australian continent was for the most part a by-product of the British desire to rid the homeland of surplus disenfranchised peasants, who were made redundant by the much hated enclosure laws and the early dislocations of industrialization. While some libertarians may view this industrialization process as inevitable and desirable, it is hard to overlook the human suffering involved, especially when legal individual rights were barely recognized for ordinary people. Twenty years prior to Australia's first colony, voting rights in freer America were usually available only to white, property-owning males. This was the most radical libertarian recognition of legal individual rights then extant. Hughes makes abundantly clear that the world of the Australian convict settler was vastly worse than the early American world.

Australian colonization began when the semi-feudal English Tory establishment found its urban areas overrun with gin-soaked ex-farmers. All previous notions of crime and punishment were sorely tested. In the rural village society, most criminals had been known locally and were either exiled or physically punished by local magistrates and courts.

"Victimless criminals" were over-represented in the annals of 18th century English crime. Every person who did not live by strict upper-class standards of morality (in other word, most of the population of England) was subject to harsh punishment for petty crimes, like poaching from government forests—virtually the only means of survival for many—and trespassing against the established standards of propriety.

You lecherous whore-masters who practice vile arts,
To ruin young virgins and break parents hearts,
Or from the found husband the wife led astray—
Let such debauch'd stallions be sent to the Bay.

There's whores, pimps and bastards, a large costly crew,
Maintain'd by the seat of a labouring few,
They should have no commission, place, pension or pay,
Such locusts should all go to Botany Bay.
—convict ballad "Botany Bay"

Although Hughes carefully demolishes the cherished Australian myth that most early convict prisoners were heroic freedom fighters instead of petty criminals, political criminals were also in abundant supply. Aside from the large Irish contingent with their proud tradition of fighting British hegemony, most early Australian convicts were simply poor, unlucky petty criminals, few of whom would see the inside of a jail in today's legal climate.

As displaced peasants moved to the cities, particularly London, the government reacted by imposing capital pun-

ishment for an astonishing variety of crimes. But mass hangings failed to deter what were inevitable sociological and economic "crimes." During the politically tenuous times, when wars with France and the Americas sorely strained the authority of a semi-democratic Parliament, the forces of law and order found there was more political favor to be gained by pardoning capital offenders than by hanging them. As Hughes persuasively argues, too many ordinary people felt the noose slipping around their own necks. Authorities had to find something else.

As the modern notion of prison had not yet developed, and few offenders were worth putting up in dungeons, old ships called "hulks" were enlisted to serve as makeshift prisons. These were anchored in rivers and harbors and crammed to the gunwales with prisoners who were often insolvent debtors or otherwise under financial obligation to win their freedom. People were effectively marooned on these old, rotting ships in extremely unpleasant and unsanitary conditions. But far worse from the government viewpoint was the rising cost of keeping these poor souls alive.

Captain James Cook had previously charted a huge, empty land (not yet known in its geographical entirety) in a remote part of the world. The British had no real interest in the region other than to keep the French and Dutch out. So Whitehall planners hit upon the idea of dumping surplus prisoners into the new Terra Incognita to fend for themselves, thereby securing remote lands from geopolitical enemies and ridding the homeland of undesirables.

One of the most intriguing aspects of *The Fatal Shore* (it constantly leaves you hungry for more digressions on various subjects—the mark of a superior book) is the parallel early Australia presents with modern problems of space colonization and otherworldly science fiction scenarios. Australia was a land barely known. The accounts of early explorers drew little attention from military-minded governments more interested in conventional trade routes and easier places to loot. It may as well have been the moon—at least you could see that from England.

The book quotes many first person accounts by original convicts, their families, and the authorities. Also cited are numerous folksongs and drinking ballads (many still popular in Australian pubs) detailing the terror experienced by those being shipped off to the other side of the world.

How wretched is an Exile's state of mind
When not one gleam of hope on earth remain
Through grief worn down, with servile chains confined,
And not one friend to soothe his heartfelt pain.

Too true I know that man was made to mourn,
A heavy portion's fallen to my lot
With anguish full my heart is torn
Far from my friends, by all the world forgot.

—verses by convict James Porter, who escaped Tasmania in 1833 by stealing a brig and sailing to Chile, where he was eventually recaptured and returned.

Voyages around Cape Horn and the Cape of Good Hope took months and ships often failed to arrive in Australia at all. On some voyages over half the transportees perished en route. Those who survived ended up in a land popularly believed to be inhabited by semi-mythological beasts and strange barbarians. And based on the differences between Britain and Australia in flora and fauna, these beliefs weren't so far off the mark.

As Hughes shows, the British "criminal class" problem was solved by dumping people on shore and letting them fend for themselves. Dried kangaroo meat became symbolic of the early privations. The Australian coastline looked deceptively like the cherished English countryside, with rolling green hills dotted with large trees. But the harsh reality was that in most places the soil was poor, it was too hot to farm, there were few edible animals, and water was scarce. Until sheep farming became established, there was no real economic development. Because of the vast distances between Australia and possible trading partners, and the lack of readily exploitable natural resources, foreign trade for many decades was virtually nonexistent.

The native "abbos" marauded isolated farms and often returned escaped convicts for rewards. This laid the groundwork for later Australian racial hatred and outright genocide. In Van Dieman's land (now called Tasmania) the entire aboriginal population was ruthlessly hunted to extinction. The miserable gang of rag-tag military convict overseers Hughes describes became known as the "Rum Corps" and much worse. Survival depended on thriving black markets in rum, women, and anything else that was scarce.

While not entirely succumbing to the once-popular Marxist "people's history" approach, Hughes devotes considerable attention to the details of everyday life. His discussion ranges from primitive farming methods to the "infamous crimes" of sodomy and promiscuity.

Country yokels were housed with hardened criminals and were held in semi- or total servitude by military wardens or private masters to whom they were "assigned." The Australian continent needed few walls since there was no place to escape except the dusty outback, which was incapable of sustaining life. At first deluded convicts tried to escape inland "to China" as rumor had it, or to imaginary white tribes living hidden in the interior. The hundreds of bleached bones of would-be freedom seekers encountered as settlers slowly pushed in from the coast eventually dissuaded the prisoners from "bolting." Hughes notes fewer than a dozen successful escapes (mostly by piracy) to South America or other Pacific islands during the 80-year history of convict transport.

The savage and inhuman punishments meted out routinely in the notorious hell holes like Norfolk Island and Macquarie Harbor are fully comparable to Solzhenitsyn's depiction of life in the modern day Soviet Gulag. A generous application of the "cat o'nine tails" was the routine, often fatal punishment. If there are any parts of this book that are painful to read, they are the repeated accounts of torture and violence inflicted on the hapless convicts by their keepers.

Hughes describes the Irish transportees as perhaps the most stubborn, rebellious and cohesive segment of convict society, and certainly the most feared. The early classical liberal and proto-libertarian political prisoners, mostly Scottish heirs to the Adam Smith individualist heritage, were more educated and affluent than average and tended to become collaborators with authority, Hughes suggests. (One hopes Australian libertarians will research the point and confirm or deny this offhand observation.) But the liberating winds of the mid-nineteenth century that were generated by classical liberal forces in the British government finally ended this experiment in social exile. Also important was the economic impact of the early Australian gold

rush: having gold nuggets in one's pockets suggests the importance of freedom. The gradual introduction of free settlers, and the gradual freeing of convicts and their children provided political interest in destroying the convict transport system.

Hughes notes that there is a modern Australian tendency to both mock and ignore "duly constituted authority" with Crocodile Dundee cheekiness, coupled with a cap-tugging obsequiousness towards authority best suited to survival in a country run like a vast military prison. Australia's convict legacy has left a curious psychic imprint. As Hughes oints out, this era of Australian history has largely been ignored until recently, since an unofficial bias against the early inhabitants reflected the Victorian "tainted seed" theory that the "criminal classes" were some kind of biological mutation rather than individuals reacting to specific circumstances.

The book gives us much to ponder: questions of crime and punishment, law and order, civilization and colonization. And it puts a human face on the victims of imperialism. ❑

5000 B. C. and Other Philosphical Fantasies,
by Raymond Smullyan, St. Martin's Press, 1983

The Puzzler's Guide to Philosophy

Ross Overbeek

This book should be read once just to appreciate Smullyan's wit and charm. Then it should be reread to appreciate the subtle insights that are somewhat hidden by a deceptively readable style. I hesitate to even describe the contents of this remarkable volume; I cannot help but feel that many readers might fail to experience enthusiasm at the idea of yet another work on ethics, metaphysics, epistomology, and ontology. Few books on these subjects could honestly be referred to as "readable"; this one is not only readable — it is also humorous.

Smullyan is an anomaly. I first encountered his books during graduate school when I was studying formal logic. He gained a reputation for writing with outstanding clarity. His works on first-order logic and formal systems are still considered classics. However, he also has a playful side. He is a professional magician. Indeed, I remember with deep gratitude the evening that he successfully extricated a number of us from a terrible discussion by hauling out a pack of cards and performing some marvelous tricks. He seems committed to the idea of enjoying life. Complex ideas are meant to be savored, played with, and discussed.

There has been a great deal written on Gödel's theorem, a result that shook the foundations of mathematics. For years, the very statement of the proof (let alone the technical details) was inaccessible to anyone lacking an extensive training in mathematical logic. A number of tracts have been written to explain the result to those with minimal background. Smullyan offers a two-page description of the essential idea in the form of a relatively straightforward puzzle. Any reader willing to devote up to an hour of honest effort can achieve a reasonably clear insight into the problem. I consider such a pedagogical achievement to be wonderful.

A surprising number of libertarian friends have asked me about the significance (or lack of it) and even the correctness of Gödel's work. There seems to be a strange perception that it somehow violates the epistemological framework required to deal with reality. I now have a suitable response: "Go read Smullyan's discussion in miscellaneous fragment #65 in Chapter 3."

Chapter 10 offers a treatment of the ontological proofs of the existence of God. I have never read such a brilliant, concise statement of the results. I remember reading Anselm and Decartes on this topic. I always felt that there was more more than a little legerdemain in those works, but I have never seen the essential arguments laid bare the way Smullyan does it. He achieves this feat by posing puzzles, formulating postulates and lemmas that imply different theologically imposing theorems. Nowhere will you find attacks or exhortations; the chapter is just a collection of puzzles, answers and observations that together offer a pleasant and amusing intellectual experience. There is none of the intimidation, pomposity, and reverence normally associated with philosophy; it is just fun. I cannot restrain myself from listing his first development of the ontological argument:

"Axiom 1. The property of existence is a perfection.

"Axiom 2. (the ontological axiom).. Given any perfection P, if all things having Property P also have the property of existence, then there is at least one entity having the Property P."

From these, he proves:

"Theorem 1. (the ontological theorem). Something exists; that is, there is at least one entity that has the property of existence."

Then, by adding:

"Axiom 3. Given any class C of perfections, the property of having all the perfections in C is again a perfection."

and

"Axiom 4. There is a class of perfections that contains all perfections."

he is able to prove:

"Theorem 2. (the weak Bible theorem). There is, at least, one god — moreover, an existant one."

By then adding:

"Axiom 5. For any god g, the property of being identical to g is a perfection."

he finally shows:

"Theorem 3 (the strong Bible theorem). There is exactly one God."

After proving the existence of God, he proceeds to prove that there is no devil. By carefully varying axioms, he makes it obvious exactly how such arguments are crafted. If you have never seen the relatively opaque attempts at this style of reasoning that were given

by Anselm and Spinoza, then this might just be amusing. If you have, reading such a beautifully wrought chapter cannot help but leave the bittersweet feeling that one gets looking at pyramids. Such effort expended in the construction of such edifices—and to what end? " The first time that I read this book, I treated it as light, amusing reading. The true depth escaped me—probably because of a subconscious belief that wisdom can only be bought with pain (or at least effort). Later, I reread sections to refresh my memory, and started to appreciate the thought that went into the construction of this short volume. The book requires absolutely no background in philosophy, other than a general interest in what life's all about. It offers amusement, pleasure, and (with a little effort) insight.

It's a gem. ❑

Booknotes

That's Not Funny, That's *Graphic*

Donald Duck could get by with just being funny. More recent protagonists of graphic fiction (i.e., comic books) are encouraged to become deadly serious or (by a further turn of the screw) to become seriously ironic about seriousness. This can all be done well or badly.

A reprint of Steve Ditko's comics from 1966 to 1973 has been issued: *The Ditko Collection*, vol. 1, ed. by Robin Snyder (Thousand Oaks, CA: Fantagraphics). It's available from Laissez-Faire Books. Ditko's protagonist—no his hero in every possible way—is Mr. A, as in Ayn Rand's "A is A." Mr. A is in constant, violent warfare against moral evil, which Ditko constantly reminds you never, never to get mixed up with moral good. A is A, and A is *not* not-A. This lecture can get on your nerves. In the Mr. A pieces, Ditko is as good a story-teller as the people you meet at family reunions; his drawing is as good as the drawing in "Little Orphan Annie." A quaint collector's item.

Much more fun is Kevin Eastman and Peter Laird's *Teenage Mutant Ninja Turtles* (Chicago: First Comics), available from your local comic store. This 1986 collection reprints the first three issues of the Turtles series and includes two previously unpublished stories. The Turtles are, of course, a satire on other action comics (though a very gentle satire). These four turtles, see, get mutated and grow about five feet tall—also tough and talkative. They're discovered by a rat who understands martial arts. He forms them into a gang bound by ties of traditional loyalty to him, and full of the heroic lust of battle. I need say no more than that Splinter, the rat had been reading Janson's art history while he raised the Turtles, and he named them Raphael (Raph), Leonardo (Leo), Michaelangelo (Mike), and Donatello (Don). Raphael is the toughest one of the four.

If you have a reactionary longing to go back to *fun*, you should know that the first few months of Bill Waterson's *Calvin and Hobbes* have now been reprinted in a book from Andrews, McMeel and Parker (Kansas City)—it's sold in all the bookstores, though they have trouble keeping it in stock. Calvin, as you may already know, is an imaginative little boy, and Hobbes is a toy tiger who becomes a real tiger when he and Calvin are alone. They're named after John Calvin and Thomas Hobbes, though there is little similarity, if any, between their belief systems and those of the two philosphers. The jokes come mainly from new ways of looking at things. Calvin (experimenting with a toaster): "Wanna see something weird? Watch. You put bread in this slot and push down this lever...Then in a few minutes, toast pops up!" Hobbes, holding the toaster between his paws and squinting curiously at it: "Wow. Where does the bread go?" Calvin: "Beats me. Isn't that weird?" —Judith Petersen

The Jehovah Contract
by Victor Koman
$16.95

You're just an ordinary hitman—except, you have a libertarian streak. You only knock off people who deserve it. A television evangelist announces that he is setting out to do battle with God for control of the world. He wants to get the world *back!*

He hires you to kill God. What? You don't believe in God? That's what Dell said. But the evangelist replies, "You don't have to. Just assassinate Him." In return you get $500 a day plus expenses and, appropriately, eternal life. Turn the offer down, and you die in three months. What do you do?

Dell, Koman's hero, sets out to kill a concept. Not expecting people to take him seriously, he soon finds that many people are indeed quite serious about stopping him. He is also surprised to find equally serious allies. One is a gorgeous blond, but only those with pure souls—like our hitman—can see her. The other is a pre-adolescent virgin prostitute. They set out to deprogram the world, but Dell runs into more than he bargained for....

Koman is a libertarian, and his book helps fill a cultural void Rand used to complain about. When "liberals" read Rand's *Atlas Shrugged*, they felt like they were being cussed out on each and every one of its 1,168 pages—and indeed they were. They defended themselves by attacking Rand's heroes and villians as "paper" characters. Rand's and Koman's characters are "paper" in the sense that they are comprehensible. The good guys are well-developed, identifiable characters who make the kind of decisions we would make.

Koman's characters, unlike Rand's, display an ability to take a hard look at themselves, a ploy which probably leaves the uninitiated readers more vulnerable to his ideas. He has overcome many of Rand's excesses and finishes his story in fewer pages than it took Rand to get started. Thus, my biggest disappointment with both *Atlas Shrugged* and the *Jehovah Contract* hits Koman's book some 800 pages sooner. It ends. —Terry Inman

Empire: A Novel
by Gore Vidal
Random House, 1987 $22.50

"Politics in a novel," wrote Stendahl, "is like a gunshot in a crowded theater: something crude from which it is impossible to withhold one's attention." Gore Vidal has made an art out this sort of crudity, and he stands out as the premier historical novelist of our time.

His "American chronicle" is here continued, this time dealing with the McKinley and Roosevelt administrations, and their making of an Imperial America.

The story centers on Catherine Sanford, the grandaughter of Charles Schemerhorn-Schuyler (the protagonist of *Burr* and *1876)*, and her half-brother

Blaise Sanford, as they battle over an inheritance and enter the world American politics and Yellow Journalism. True to Vidal's method, they are friends of all the most interesting public figures of the time: John Hay, William Randolph Hearst, Henry Adams, Henry James, and the presidents. They are all presented to the readers with the usual Vidal wit and accuracy.

Though Vidal is by no means a libertarian (he would fit somewhere on the extreme "liberal" corner of the Nolan Chart), he does know what politics is all about (power), and has a revisionist's sense of the flow of American history. No other contemporary novelist approaches Vidal's ability to deal with politics and history in such an entertaining way. I strongly recommend this book.

—Timothy Virkkala

Death On Demand
Kim Hill and Owen Dale
Thomas Horton & Daughters, 1985

Even though the wittiest words in this book are probably in Gordon Tullock's back-cover blurb, this is still an amusing mystery novel. "Hill and Dale" (the "Marshall Jevons" who wrote *Murder at the Margin*) have once again delivered a novel where economics is used as the tool to solve a murder. This time there are *two* economist-detectives, one a Keynesian and the other a Monetarist, and their bantering provides most of the book's humor.

The book is written with economics students in mind, and is definitely *not* for those who have no interest in the subjext. Those who do find economics fascinating may very well enjoy it as an amusing diversion. Mystery fans might want to check it out for its a novelty value. I bought it at a discount, and hesitate to advise anyone to pay the "full" price. Plot *that* on an indifference curve. —TWV

The Story of A = A
by A. Olivetti
Deuce Science Fiction, 1987

The *Story of A = A* is a speculative autobiographical novel of passionate reason (or rationalistic passion) of much significance to the ultra-right wing of the Glibertarian movement. It tells the story of a naive young girl from the Schwein-Holstein region of the Central Asian Pripet Marshes, who becomes the passionate love-slave of the obscene triad of Max Stirner, Fred Nietzsche, and Jack London. While in their thrall, young Alicia learns many kinky philosophical twists, and more than a few literary devices which she later puts to use in such masterworks as *The Spurt* and *Hercules Flinched*.

Alicia escapes the domination of the three dirty old men, moves to Hollywood, and becomes wealthy by thinking up reasons for Charlton Heston to have his clothes torn in movies. She also works as an extra in a few television and film productions. In "Arena," she almost mashes Captain Kirk with a rock.

Finally, as we all know, Alicia went on to set up a salon of her own, and with her loyal (loyalty is our honor) followers set up the philosophy of "Obnoxiousism," driving millions into the arms of just about any other philosophy available. I don't want to give away the exciting ending here, but it will suffice it to say that it's based on Alicia's famous maxim, "The essence of femininity is fooling around." Alicia never lets a good story get in the way of an Obnoxiousist sermon. This book is currently not available anywhere, due to the fact that nobody qualifies as moral enough to read it. —R. Beitmachtfrei

➟ *from page 30*

Letters to the Editors

change the complexion of the political debate—and not in a transitory way but profoundly, for all time.

If the nineteenth century seems too remote, consider Al Smith's campaign for President in 1928. He was able to bring into electoral politics for the first time vast numbers of first and second generation immigrants—*luftmenschen*. Smith lost the election only because he lost the base of his party's strength. Southern voters could not stomach the thought of a Roman Catholic or of an end to Prohibition. But four years later Franklin Roosevelt managed to retain the ethnic vote while adding to it the traditional twin sources of Democratic strength, labor and the South. Thus, a historical coalition was forged whose outlines are still visible today.

If this is not evidence enough of *luftmenschen* significance, consider cultural developments of the last twenty-five years. Ideologically, Americans of 1987 are essentially no different from Americans of 1960. Looking beneath the labels people use to identify themselves, liberals, conservatives and libertarians can be found in about the same proportions. Yet over the same period there can be seen a veritable revolution in popular attitudes regarding sex, the family, and the role of women, a revolution whose impetus owes as much to those dirty, unshaven and profane New Leftists as to anything else. So, it is folly to think that "savage cultural hostility of the crazies to bourgeois America" is likely to sink our Libertarian ship. Indeed, the fact that we are at or at least astride the cultural vanguard probably makes the ideology we espouse more palatable to the public than it would otherwise be. (And I speak as a cultural conservative, whose position on abortion is closer to Paul's than it is to Rothbard's) From a marketing standpoint, the Libertarian Party has more to gain by going with the cultural flow than it does by resisting it in an ultimately vain attempt to appear respectable.

But the larger point is that whether one thinks of cultural or ideological revolutions, one can hardly discount the importance of the *luftmenschen*, let alone believe it to be a hindrance to the revolution we seek. If libertarianism succeeds in changing the American political climate, probably it will be as a result of the coalescence of marginal men.

Bruce Earnheart
Athens, Georgia

The ultimate result of shielding men from the effects of their folly is to fill the world with fools.
—Herbert Spencer

If I want to be free from any other man's dictation, I must understand that I can have no other man under my control.
—William Graham Sumner

Film

Kurtz, Kids and Kael

Stephen Cox

The new film *River's Edge* is not a libertarian movie, and for this reason, libertarians ought to see it.

I don't mean that it's an attack on libertarian principles, either implicitly or explicitly. It's an attack, instead, on an assumption that we often make about libertarian principles—the assumption that the freedom we advocate is the final solution to all moral and social problems.

We don't usually put this assumption in so many words, of course. But we act as if it were true when we fail to consider the fact that there are issues in human life that are not addressed by expanding the area of personal freedom. I'm not suggesting that freedom should not be expanded! I am suggesting that we recognize and try to deal with problems that its expansion does not eliminate.

River's Edge is useful in bringing these problems to mind. But before considering the concrete form the film gives them, let's think about them for a moment in the abstract.

Moralists in the libertarian tradition are almost self-evidently right when they assert that no ethical value comes from acting as one is coerced into acting. And utilitarians in the libertarian tradition have good empirical evidence for asserting that people who have freedom to choose their values will generally choose them wisely. What "wisely" means to most libertarians (this one included) is something like "intelligently, with moderation, with respect for self and others." If this sounds like a fairly traditional concept of virtue, it is. Libertarians and conservatives are often mistaken for each other because their lists of virtues often seem so similar. At any rate, the normal libertarian doctrine about "values" is that a free society allows people to be responsible for their own conduct and thereby encourages them to construct for themselves the kind of a moral order that coercion could never consistently or effectively impose.

But there are costs as well as benefits in every social system, and free societies are certainly not exempt from this rule. A free society may permit—and quite possibly encourage—some of its citizens to measure their freedom by the extent of their liberation from all constraints, moral as well as social. Of course, the material rewards that a free society offers to even a modest degree of self-respect and moderation will considerably lessen the threat of nihilism. But they will not end it. No social system will end it. We can worry about this or not, as we choose. I choose to worry, and I am pleased when other people do. I take it as a sign that they are concerned with individual problems of meaning and not merely with political problems of social organization.

The classic analysis of the costs of freedom remains Joseph Conrad's novel Heart of Darkness. Whatever this novel says about political exploitation, whatever its political satire became when reworked (read "deformed") into the film Apocalypse Now, it is preeminently an exploration of the darkness at the heart of individuals, not societies. Suppose that a man were as free of internal values as he was of social constraints—what would he be like? Perhaps he would be like Kurtz, who has the power of a god and also a god's capacity to see through all human codes of value. This is a creature who degenerates into a hollow, faithless shell, a skull contemplating only "The horror! The horror!"

Still, there may be grandeur of a kind in Kurtz's final awareness of his plight; as Conrad's narrator says, Kurtz "had summed up—he had judged. 'The horror!' He was a remarkable man. After all, this was the expression of some sort of belief; it had conviction, it had a vibrating note of revolt in its whisper." But times have changed; nihilism has been thoroughly democratized. No grandeur remains for the characters who reside in the heart of darkness sketched in *River's Edge*.

The story is simple. A high-school student strangles his girl-friend because "she was talkin' shit." He abandons her naked body on the riverbank where he killed her. He frankly proclaims his guilt to his teenage friends. They come out to inspect the body but do not know what to make of it. One of the kids, acting from a desire to participate in the drama rather than any genuine desire to help the murderer, tries to hide the evidence; when the murderer rewards him with a six-pack, he gripes, "You'd think I'd at least rate a Michelob." The teenagers' hold on values is so weak as to render them nearly incapable of moral thought, much less of moral action. Only a struggling intuition that something is wrong finally prompts one boy to report the incident to the police—and he has a great difficulty deciding if he has done a good thing or a bad thing or any kind of a thing at all.

Well, so what? It's just a movie. I might reply to this objection by noting that the film is based on an incident that took place in California six years ago.But why should I? Will anyone put his hand on his heart and deny that the story has the ring of contemporary reality? The circumstances of the little drama are tritely familiar. The teenagers' families exert no control over them; parents are either absent or involved in their own nihilistic dramas. School exerts no control; the only system of values that enlarges itself there is conveyed in the ranting sermons of a teacher who preaches a revival of '60s rebelliousness as an answer to every problem. The kids carry a testbook called We the People, but when a nerdy student speaks in favor of traditional public values, claiming that the murder "points up a fundamental moral breakdown in our society," the teacher is pleased to rebuff his moralistic "self-righteousness." Certainly this is a satire on the contemporary state of public education—and certainly a private educational system would do a better job. But the problem lies deeper than public education.

The recognizable reality presented in *River's Edge* is that of a community environment that has lost virtually all its systems of coercive supervision and has failed to replace them with even the rudiments of a self-controlled individualism. In these conditions, the teenagers evolve a surrogate society that gives them feeble, surrogate identities as the followers of a charismatic boy who is brighter than the rest and even more

"radical" (i.e., confused). Most of the kids are neither overtly violent nor avid for illicit material rewards; this is not the comparatively beneficent world of *Public Enemy* or *Angels with Dirty Faces*. Passions—even the murderer's passions—normally run cold; the kids' usual problem, indeed, is how to excite them. In a world without values, what sources of ego-satisfaction are there? what is there to be passionate about? Some of the film's most chilling scenes involve attempts by the nicer kids in the group to feel something definite about the girl who was killed. She was a "friend," they repeat to themselves, but what exactly does that word mean?

Almost anything, one would think, would be better than this soulless nihilism. If there is a spokesman for values in the film, it is an aging biker (played by Dennis Hopper) who twenty years ago killed for love and who has a sense of guilt about it. This is the film's way of suggesting the existence of a world of significance that its teenage characters have lost, but it is not offered as a solution to their problems. The biker's values are real, but he is as lost in his obsessions (perfectly realized by Hopper) as the other people in the movie are in theirs.

In keeping with its obvious aim of refusing to suggest final solutions to the problems it considers, *River's Edge* is carefully objective in its manner. (This type of objectivity seems to account for its mixed reception by audiences, some of which, apparently, have had trouble distinguishing an objective treatment of nihilism from nihilism itself.) The question of responsibility is brought up in such a way as to fend off simple-minded answers. the most honorable of the teenagers asks two twelve-year-old rowdies, "Why are you such delinquents?", and the answer comes back, "Because of our fucked-up childhood." Well, their home life is morally fucked up, but some of their siblings manage not to be—and the junior delinquents are so particularly mean that the clichéd charge of societal guilt doesn't really stick.

The film ordinarily handles its characters in an objectively distanced way, presenting them with a minimum of moral commentary, either in speeches or in camera movements. The cast does an impressive job of giving them intense portrayals without also giving them a phony James Deanish romance. Crispin Glover, who plays Layne, the group's leader, has the most difficult job in this respect; his performance is full of black humor and freaky liveliness that he does not quite permit to become endearing. Well worth mentioning, in addition, are the performances of Keanu Reeves as the mixed-up protagonist Matt (who is allowed, at least for the sake of balance, his endearing moments) and of Joshua Miller as a diabolical pre-teen. Also worth mentioning is the fact that this movie was made for a bargain-basement $1.7 million.

River's Edge
Hemdale Film Corporation
Producers: *Sarah Pillsbury* and *Midge Sanford*
Director: *Tim Hunter*
Screenplay: *Neal Jimenez*
Music: *Juergen Knieper*
Cast: *Crispin Glover, Dennis Hopper, Keanu Reaves, Ione Skye, Joshua Miller,* and *Daniel Roebuck*

In the June 15 *New Yorker*, Pauline Kael published an intemperate but interesting review of *River's Edge*. Kael apparently labors under the delusion that the film insinuates the idea that "kids can only trust other kids," and that it reproves the "materialistic" world of adults. Wrong on both counts. Kael also demonstrates her distance from the current facts of middle- and working-class life by claiming that the parents in the movie are "cartoon figures. Matt's mother isn't worried about his smoking pot; she just wants to be sure that he doesn't swipe any of hers. And she's too involved with her lout of a lover to care about what her kids do. She says feebly, 'Where do my kids go at night?' (That's a thesis question.)"

Indeed it is. The thesis is that a moral anomie, a failure of personal responsibility, exists to a significant degree in middle- and working-class American life. (The upper classes, which are no doubt just as vulnerable to the charge, do not happen to lie within this movie's purview.) Probably Kael has never visited an attractive suburban split-level home in which parents and children spend Sunday morning fighting over their dope supplies, while the voices of real cartoon figures shriek over from the television. Kael concedes enough of the film's realism to refer to its "fuzzy naturalistic approach," which "creates a blur that viewers can project onto." Let me put this in a positive way: the movie doesn't tell us how we must react to its thesis. It leaves for us the interesting task of inspecting our reactions.

Kael's reactions define a pattern typical of too many of those people that the admen and politicians call "opinion leaders." She is skeptical about any show of intuitive moral feeling, the sort of feeling that it is hard for even the most unhealthy society to keep completely out of individual life. When the movie shows one young punk turning from maliciousness out of love for his older brother, Kael sneers at the idea that he can "be saved by love.... If ever there was an unconvincing change of heart..." But Kael is anxious to apologize for the kids' failure to respond to even the murder of their friend: "Jamie's death is sudden and unreal; reactions to it...come slowly." I seriously doubt that Kael would be slow to feel an explicit moral revulsion at the strangling of a friend; I attribute her remark to a modern "liberal" willingness to relieve other people of moral responsibility.

How would—or how ought—libertarians to react to the situation portrayed in this film? We might revive the eighteenth-century metaphysical debate about whether people's moral feelings are innate or ultimately derived from social influences. We might decide that social coercion is after all the only way to instill traditional values, and simply become fundamentalists. We might fall back on libertarian legalism and reassert the view that John Doe's nihilism is no responsibility of mine unless it starts exerting force and fraud; then it may be punished or repelled.

Obviously, I think that none of these reactions would help us to understand the ways in which individuals can work to encourage not just moral autonomy but also moral respect for self and others. Getting to a libertarian society, as well as living in a libertarian society, seems to depend to some extent on the existence of this moral attitude among the greatest possible number of people. We should, therefore, think more seriously than we usually do about the means by which a healthy society could promote it. ❑

Theater

Acting Colonel

Jonathan Saville

The most striking theatrical event of recent months was Lieutenant Colonel Oliver North's appearance at the Iran-contra hearings. A great deal has been—and will be—written about the political implications of North's testimony before the joint congressional committee. But what I would like to do is to explore these televised sessions from a purely theatrical point of view. What really interests me is what North's performance can tell us about theatre.

If I suggest that Oliver North is a consummate actor, it will inevitably appear that I am satirizing this political figure. The trouble lies in a general misunderstanding of what acting is. To many people, "acting" means "faking": an actor is somebody who pretends, deceives, lies. Since North, by his own admission, was quite successful in deceiving various congressional committees about his activities in the National Security Council, he would seem to be an expert actor in this pejorative sense. But I mean something quite different. The fact is that a real actor does not fake his emotions or his self-identity. He experiences them as real. He lives within the character he is playing, he sees himself as that person, his desires and fears are (while he is on stage) authentically those of the fictional character, and his laughter and his tears rise from the heart.

An actor who imitates the outward signs of emotion rather than undergoing the emotional experiences in his own person is said to be "indicating." This is bad acting, for it does not work; the spectators invariably (if not always consciously) detect the fakery and refuse to respond with authentic feelings of their own. To say that Oliver North is a good actor, indeed a superb actor, is not to say that he deceived his audience with an artful pretense, but—quite the contrary—that his emotions and convictions were intense and true, and that an intuitive theatrical talent enabled him to convey this authentic personal reality to his audience. A liar is one thing, and North has certainly had practice in that unpleasant (by his own assessment) role. But real acting is not lying; it is a special, powerful, and concentrated species of truth telling. It was real acting that we saw and heard when North took the witness stand.

One of the prime abilities of the trained actor is something quite independent of emotionalism and the embodiment of character, but no less important. This is the ability to delineate the shape of thoughts, a complex activity achieved through a subtle and precise deployment of diction, intonation, tone color, vocal dynamics, rhythm, and the accompanying supportive motions of face and body. North showed himself a master of this rhetorical component of acting, and his mastery was all the more impressive in that while he was speaking his lines so lucidly and with such balance of emphasis and nuance, he was at the same time providing his own script and composing it *ex tempore*.

North's rhetorical abilities were notably superior to those of almost all his interlocutors: senators, congressmen, and the lawyers representing the committee. For listeners used to the bumbling illiteracies and infelicities of so many political speakers (George Bush or Alexander Haig, for example), it was wonderful to hear the way North could create and deliver lengthy periodic sentences, filled with qualifying parentheses, with each clause perfectly in place, and with the supplely inflected arguments proceeding with perfect clarity from point to point, each stage appropriately underlined, and the whole characterized by a firm architectronic form impeccably mirroring the movement of thought—and all this at a deliberate but by no means sluggish pace, without hesitations, without gropings for words, without extraneous vocal noises, and with only a modicum of concurrent revision. To these virtues one must add a liveliness and accuracy of vocabulary, as well as the speaker's command of effective sound patterns, sometimes bold and crude ("lives versus lies"), and sometimes of extended orchestral richness.

These articulations of thought were accompanied, as is always the case in good acting (as opposed to mere recitation), with a continual coloration of suitable feeling, the thoughts justifying the emotions, and the emotions dramatizing the thoughts. I have already spoken of the intensity and truth of this current of emotional discourse in North's performance. It is also instructive to point out the techniques through which the feelings were communicated. North has a mobile face, over which waves of emotion pass with tremendous vividness. His voice is expressive, with a characteristic catch in it that is exceptionally eloquent of strong feelings. Every actor, in a particular role, has a fairly limited repertoire of looks and sounds, which, in their repetition and their variation, create a specific, firmly contoured emotional world—and that of course was the case with Colonel North. After a while one became familiar with the facial movements and vocal intonations employed for the series of emotions North used again and again throughout his testimony. There were the signs of alert respect; there was the look of hurt anger and tense self-containment, North's reaction to a line of questioning that he took to be unfairly accusatory; there were the reverential tones and looks of humble adoration when the colonel spoke of superiors and associates he deeply admired, such as William Casey of the CIA , the president, and the members of the " democratic national resistance" in Nicaragua; there was the mask of tragic pain, the tears glistening in the eyes, and the voice quavering with compassion during references to people who had suffered in the causes North believes in, such as the hostages in Lebanon, the tortured CIA agent William Buckley, and American pilots shot down while flying equipment to the contras; there was, with thrilling effect, the occasional smile of self-directed irony, engagingly innocent, and functioning to relax the emotional tension of the other expres-

sive routines.

The fact that there is such a repertoire of expressions, and that they may be enumerated and described, in no way impugns the sincerity of the emotions they convey. Indeed, the limited and repetitive nature of the facial-vocabulary in an actor's performance enhances our conviction of his sincerity, because it helps to build up a picture of a consistently structured character unifying all the various emotions—the specific instance of a particular type, in part defined by the kind of emotion it favors.

The character type, in North's case, is immediately identifiable. Although he is forty-three years old, the type projected by his mannerisms, his emotions, his appearance, and his speech patterns is that of an adolescent—an ardent, idealistic teenager, respectful of his elders and of traditional value systems, energized by the enthusiasms of youth, sturdy, passionate, and naive. North's smile has been aptly described as boyish; his voice still has the qualities of midadolescence, with the charming scrape of the vocal chords during the transformation from pre-adolescent tenor to manly baritone; and he relentlessly refers to himself, in the typical American infantalizing manner, as "Ollie." It is impossible to overlook the similarity to Jimmy Stewart, whose acting career, even into old age, has been given its special quality by his perpetual adolescent traits.

The characters projected by North and Stewart share another significant trait: these are not only adolescents, but rustic adolescents. They carry with them the atmosphere of the small town (North comes from such a town near Albany, New York), with all the conventional theatrical associations of honesty, decency, simplicity, closeness to fundamental human institutions, and connection with the preindustrial past of the nation. Mrs. North, who sat behind her husband at several sessions, reinforced the effect of this kind of casting, for in her unadorned beauty (so different from the sultry gorgeousness of North's secretary, Fawn Hall), her modesty of demeanor, and her fresh, neat, little-girl dresses, she too seemed like a small-town teen-ager of 1950, or perhaps 1900.

No one, I think, would maintain that any of this was put on: the North's, all the evidence suggests, are exactly what they appear. But the effectiveness of North's performance, like that of any actor, was based to a large extent on the familiar external signs of the character type, signs that define the character for the audience with irresistible persuasiveness. North has received overwhelming acclaim from his audience (which includes the members of the congressional committee and the millions of television viewers). But with exactly the same dialogue, how much of this theatrical success would have been acheived by (for example) a small, dark, hook-nosed, harsh-voiced, nervous man from Brooklyn, with a bleached-blond, heavily painted wife in a sleek, low-cut gown? What a wretched piece of casting that would have been!

Thought, emotion, and character are the elements the actor, in his role, brings with him to the dramatic situation; but the situation itself necessarily determines how those elements will be exposed and deployed. In the Iran-contra hearings, the situation was a simple one, constantly repeated: the juvenile lead, supported by a few faithful helpers (his lawyer, his wife), being attacked by a massive phalanx of "heavies." Prominent among these antagonists, and also well cast for an intense "courtroom" drama, were the awkward, angry, humorless John Nields (chief counsel for the House committee), the smug, sly, sophisticated big-city lawyer that is the character projected by Arthur Liman (chief counsel for the Senate committee), and the stolid, unsmiling, impassive, and coldly unsympathetic chairman, Senator Daniel Inouye. As actors, these gentlemen scarcely belonged on the same stage—or on the same planet—with Oliver North. In comparison with North's mastery of rhetoric and of the magisterially constructed periodic sentence, poor Nields seemed to be pushing his way through the intractable English language like an icebreaker in the Antarctic. If North's face and voice were exquisitely sensitive instruments to indicate every nuance of emotion, Inouye resembled a stone statue of one of the less animated bodhisattvas.

North's theatrical triumph radically altered the dramatic situation. Suddenly, committee members started smiling at him, praising him for his integrity and his courage, declaring him to be a splendid witness...

As for Liman, an immensely successful trial attorney, he showed himself indisputably as an experienced actor, with a large repertoire of histrionic tricks (the gentle smile with the stiletto behind it, the sudden switch to contemptuous severity, the skeptical cocking of the head). But that these were tricks was always perfectly evident, for Liman, as any theatergoer could see, was a *bad* actor. It was clear that he was "indicating" rather than authentically feeling emotion, that the friendliness or the hostility were merely external devices used to make an effect and obtain a reaction. This kind of acting may work in the courtroom, but when confronted with a truly good actor like Oliver North, Mr. Liman was simply wiped away. Theatrical experience has proved time and again that an actor who fakes emotion can get away with it only so long as he is not on a stage with an actor who is really moved; the truth of good acting immediately exposes the artificiality of insincere acting and undermines even the most polished of tricksters.

The simple dramatic situation of the hearings may be anatomized, like any dramatic situation, into a conflict of wills, desires, "objectives" (to use the Stanislavskian term). Each side had a number of more or less articulate objectives, some explicit, others implied. The chief counsels and many prominent members of the committee (not all members are of one mind, obviously) wanted to find the truth, punish North, embarrass the president, undermine support for the contras, assert the prerogatives of the legislative branch as against the administration, maximize the advantages to the Democratic Party, and obtain beneficial public exposure for themselves. North, in contrast, wanted to defend himself, protect the administration, advance the claims of the executive branch, do what he considers his duty as a marine and as a former member of the president's staff, stir up public and congressional support for the political and military movement in Nicaragua he so ardently abetted when he was in power, garner public

support for himself that might be of use in his defense against the criminal case the special prosecutor is preparing against him, and justify himself in his own regard and in that of people he respects.

Beneath all these strong and sincere motives on both sides, and fueling them, there was a fundamental conflict of objectives, what Stanislavsky would have called a "subtext" to the explicit dialogue—namely, a struggle for power. It was this subtext that provided the dramatic energy of virtually every moment of North's testimony. What we saw, in any of the confrontations between questioner and witness, was two dramatic wills, each attempting to assert its dominance over the other. It soon became evident that the battle would always be an unequal one, that North, with his power of rhetoric, his sincerity of feeling, and his character, was bound to win. Arthur Liman, with a canny sense of where North's power lay, made some futile attempts to ruin the witness's scenes. He would interrupt, in an impatient, down-to-earth voice, right in the middle of one of North's emotional moments—just about the worst thing one can do to an actor.

With almost any other witness, this nasty but cogent technique would have worked. But Oliver North let it be known immediately that he was one of those rare actors who are absolutely invulnerable to attacks of this sort. At times, he would simply go on speaking, raising his voice so as to be heard over the interruption—a familiar reaction in conversation, when a speaker insists on his dominance by refusing to allow interruptions. At other moments, when even more confident of his supremacy, North would fall silent; he would allow Liman to complete the potentially devastating intervention; and then he would continue from the point where he had stopped, without the slightest loss of his train of thought or of his emotional concentration, and as though there had been no interruption at all. Liman quickly found out that, no matter how hard you try, you cannot upstage Jimmy Stewart.

In his potent demonstration of what magnificent acting can accomplish, perhaps the most extreme episode was that centering on North's home-security system, which he allowed to be purchased with funds that were not properly his, subsequently faking documents to conceal his delinquency. Decent and thoughful people may properly differ over the moral and political legitimacy of many of North's other enterprises: the arms-for-hostages deal, the diversion of funds to the contras, the misleading of Congress in order to protect a "full service covert operation," and so forth. About the financing of the security system, there can be no argument. It was wrong, and concealing the deal was even worse; Colonel North himself admitted, indeed proclaimed, the iniquity of these deeds.

Although he is forty-three years old, the type projected by his mannerisms, his emotions, his appearance, and his speech patterns is that of an adolescent—an ardent, idealistic teenager, respectful of his elders and of traditional value systems.

Yet what was the dramatic impression left with the audience after the discussion of this subject? We heard North's confession, witnessed his pain in admitting his moral weakness, heard him speak about the threats that had purportedly been made against him and his family by Arab terrorists, listened as he invoked the memory of the eleven-year-old girl killed by terrorists and as he connected that brutal slaying with his fears for the safety of his own daughter of the same age. We saw the tears in his eyes, heard the break in his voice. Who knows what the legal implications of this confession are? But emotionally, the result was that Colonel North emerged with the audience's total sympathy, and the questioner, John Nields, left the impression—theatrically speaking—of being a collaborator with Arab terrorists and himself a murderer of innocent girls. Our reason, of course, told us how preposterous such a judgment was. But theater works on a level much deeper than reason; at that level, the guilty party played the role of the heroic victor, and his accuser, the upholder of legality, was forced to play the role of defeated villain.

Once they had seen this demonstration of North's power as an actor, his opponents evidently realized that there was no possible way of defeating him. Whatever the legal content of their accusations, his talent (and their lack of it) guaranteed that theatrically his will, his objective, his interpretation, would inevitably prevail. In a court of law, where a disinterested determination of the facts is meticulously aimed at, North's acting superiority would have been minimized. But these public hearings are, in their very nature, a form of theater; the objectives of most of the participants are principally political, and politics is itself closely allied with the theatrical; so that North's theatrical triumph radically altered the dramatic situation. Suddenly, committee members who had denounced him even before his appearance, and who had initially reacted to him with overt hostility, started smiling at him, praising him for his integrity and his courage, declaring him a splendid witness, and making an effort to associate themselves publicly with him and with his political attitudes. Recognizing what the roles of the witness and his interrogators had unexpectedly turned out to be, various senators and congresssmen even began to denounce Liman and Nields, their own counsels, for being so insensitively hostile toward a man whom the American audience was ecstatically acclaiming as a star.

It was something amazing to watch—not because of any cynical conclusions one might draw about politics in a democracy, but because of the proof these events offered as to the centrality of theater in human consciousness. I doubt very much whether, ten years from now (perhaps one year from now), the Iran-contra hearings will have produced any permanent change in the way the American government is run, or whether they will have exerted any noticeable influence on American foreign policy toward Iran, terrorism, or Nicaragua. But those who watched Oliver North testify will remember how dramatically invigorating it was to see a politically inspired Marine practice the actor's art as brilliantly as the most able of theater professionals. ❑

Contributors

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Timothy Virkkala is assistant editor of *Liberty*.

Ethan O. Waters is a writer living in Southern California.

Nathan Wollstein lives in Charlottesville, Virginia.

Terra Incognita

Ferrol, Spain

How public art elevates public consciousness in the land of Cervantes, as reported by the *Associated Press*:

> Mayor Jaime Quintanilla Ulla explained why his city had erected a granite sculpture of a human liver. "The liver is the silent and unselfish organ... tortured by cocktails, wine, tranquilizers and other medications. But every day, the poor little liver is at work neutralizing and purifying everything we take in."

Will it one day develop liver spots? Will it need an organ transplant from another statue?

Miami, Florida

Remarks of one critic, about the new video game, *Contra*, now the nation's 7th most popular, as reported by *Knight-Ridder Newspapers:*

> "You hear about the contra rebels on the news," said Jim Kusin, 14. "The one thing that confuses me about this game: These dudes doing the fighting, Lance and Bill, they look American. I thought the contras were, like, foreign dudes."

➡ *to next page*

Terra Incognita

Detroit, Mich

How an American entrepreneur helps celebrate the upcoming visit from His Holiness. As reported in the Los Angeles *Times*:

"I wouldn't want to be making ashtrays and seeing people putting butts out in the Pope's face," said Robert Lebow of the Fun Co. in Detroit, explaining why his firm is marketing a 30-inch high 'Pope John Paul II' lawn sprinkler. "We cut them out of plywood and paint them ourselves. We're all Popies now."

Tokyo

Evidence that Japanese sexual mores are different from those of America, as reported in the *Wall St Journal*:

What television is in America, manga (or comic books) is in Japan. "In a typical story, a young girl goes to a dance with her boyfriend but then dances with other boys. The boyfriend gets angry and hires RapeMan. After a rape scene that goes on for pages, the distraught girl goes to her boyfriend's house to tell him what has happened: 'It's you I love; I just danced with the other boys to make you jealous,' she tells him. Shocked, he confesses that he hired the rapist. She sheds a tear, and they embrace. 'That shows how much you love me,' she says."

United States of America

Evidence that democracy is able to attract the highest quality men to its highest office, from the television show *Firing Line*:

When asked whose pictures he would hang on his office wall if elected President, Sen Albert Gore mentioned "President James K. Knox." Frontrunner for the nomination, Jesse Jackson, blamed the infamous "Palmer raids" of 1919 on "President Herbert Hoover," who was not elected until 1928.

Boston, Mass.

Extraordinary method of kicking on the re-election campaign, by Mayor Ray Flynn of the Hub City, as reported in the Los Angeles*Times*:

"What in the hell are you doing here?" asked Manuel Rose, as Mayor Flynn crashed through the front door of Rose's home. Flynn, who had announced for relection earlier that day, was there to rescue Rose, whose house was reported on fire. After the mayor hauled the protesting Rose from his home, Rose told reporters,"Somebody told him I have an artificial leg. So I'm telling him, 'Let me walk. I can walk. Give me a chance.'"

Sarasota, Fla

Further evidence of the ability of a free economy to satisfy the wants of consumers, as reported in the *Wall St Journal*:

Praise Toys has announced the production of Grace, the talking "pro-life doll," that coos "I used to be a little tiny person inside my mommy's tummy" and "God knew me even before I was born."

Washington, D.C.

Evidence of the superiority of mass democracy, in which every citizen, no matter how public spirited, has an equal vote, as reported in the London *Economist*:

Senator Paul Simon... may be getting a bit more than his share of the poll because of a temporary confusion with his namesake, the singer, Paul Simon.

U. S. Army

The Army runs into a few stumbling blocks in its campaign to improve the diet of America's fighting men:

When Sgt First Class Jerry Rhea, a 16 year veteran cook, was ordered to steam vegetables, he reacted with "stark terror", he told the *Wall St Journal*. "For years, I just put them in a pot with a pound of butter."

United Kingdom

Insight from H.R.H. Princess Diana into the psychological and physiological differences between men and women,as reported in the Seattle *Times*:

"Princess Diana asked us, 'Don't you think women are more efficient at fiddly work than men?'" said a worker at a factory that the Princess had toured. "We all agreed."

Panama

Dramatic evidence of the progress of democracy n Latin America, as reported in the *Wall St Journal*:

Colonel Roberto Diaz Herrera was removed from his his position as number 2 man in the Panama military government when his superiors decided they could no longer tolerate his following the mystical teachings of Indian holy man Satya Sai Baba. The Colonel has never met the guru, but learned of his teachings from a singer in Argentina and a mystic in Los Angeles. "I have no doubt that he [the guru], not I, is in command of everything," the Colonel said.

Meanwhile. the Colonel continues to receive direct psychic commands from the guru. The Colonel lives under heavy guard in his powder blue chateau, which features four Grecian columns and two sphinxes. The mansion is surrounded by high white walls, festooned with banners calling for justice and "military dignity," and topped with iron spikes. The Colonel and his retenue get their meals from their neighborhood McDonald's. According to the Colonel, he made the money to pay for the mansion by illegally selling Panamanian visas to Cubans.

Philadelphia, Pa.

Evidence of the sincerity with which public guardians took their oath to support the U.S. Constitution in this year of its bicentennial, as reported in the London *Economist*:

U.S. Park Service officials and local police arrrested demonstraters at Independence Hall in Philadelphia on July 4. The demonstrators were trying to distribute copies of the U.S. Constitution and Bill of Rights, decorated with the American flag.

Moscow

Evidence of the success of the Gorbachev plan to reduce hard drink in the Soviet Union"

The sale of vodka declined 12% in 1985 and another 39% last year, according to official statistics. The London *Economist* notes: "Official statistics do not take into account consumption of *samogon*, (usually explosive) home-brewed liquor. Its main consituent is sugar, which may help explain why retail sales of sugar in Russia jumped 10% last year.

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— George Washington, 1787

"Formerly the price of Liberty was Eternal Vigilance, but now it can be had for 50¢ per year."

— Benjamin Tucker, 1887

"The price of Liberty is now up to $18 per year thanks to another 100 years of inflation"

— Murray Rothbard, 1987

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The editors of **Liberty** are Murray Rothbard, economist and theoretician; Douglas Casey, bestselling author of financial advisory books; Stephen Cox, associate professor of Literature at the University of California at San Diego; Ross Overbeek, computer scientist at Argonne National Laboratory; and R. W. Bradford, majority owner of Liberty Coin Service and publisher of the economic advisory letter, *Analysis & Outlook* .

We editors reflect the diversity of libertarian experience and approach. We disagree on many issues. But we are united in two convictions:

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- July 1985: While nearly every hard money newsletter recommends silver in preference to gold, *Analysis & Outlook* concludes a detailed discussion: "Gold will outperform silver by a substantial margin." A year later, gold has increased 20.4%; silver is down 14.9%
- June 1986: *Analysis & Outlook* concludes an analysis of silver investments by recommending swapping silver dollars for other forms of silver; at the time other advisory letters recommend dollars. Fourteen months later, dollars are down 7.9%. The forms of silver recommended are up an average of 41.7%.

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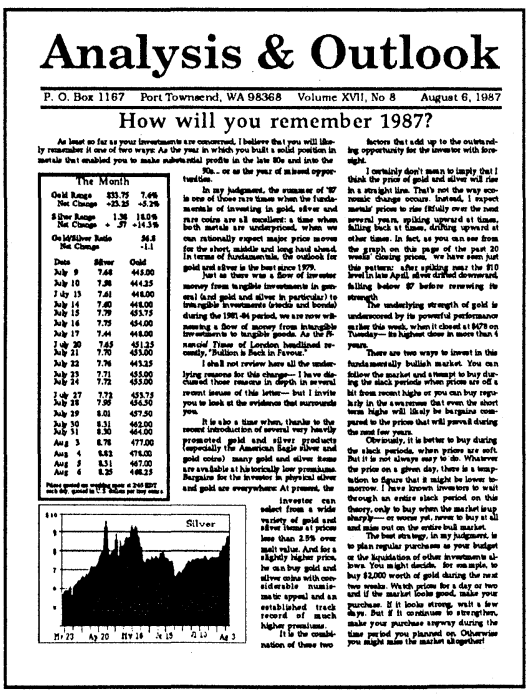

Analysis & Outlook

P. O. Box 1167 Port Townsend, WA 98368 Volume XVII, No 8 August 6, 1987

How will you remember 1987?

As least so far as your investments are concerned, I believe that you will likely remember it one of two ways: As the year in which you built a solid position in metals that enabled you to make substantial profits in the late 80s and into the 90s... or as the year of missed opportunities.

In my judgment, the summer of '87 is one of those rare times when the fundamentals of investing in gold, silver and rare coins are all excellent: a time when both metals are underpriced, when we can rationally expect major price moves for the short, middle and long haul ahead. In terms of fundamentals, the outlook for gold and silver is the best since 1979.

Just as there was a flow of investor money from tangible investments in general (and gold and silver in particular) to intangible investments (stocks and bonds) during the 1981-84 period, we are now witnessing a flow of money from intangible investments to tangible goods. As the financial Times of London headlined recently, "Bullion is Back in Favour."

I shall not review here all the underlying reasons for this change— I have discussed those reasons in depth in several recent issues of this letter— but I invite you to look at the evidence that surrounds you.

It is also a time when, thanks to the recent introduction of several very heavily promoted gold and silver products (especially the American Eagle silver and gold coins) many gold and silver items are available at historically low premiums. Bargains for the investor in physical silver and gold are everywhere: At present, the investor can select from a wide variety of gold and silver items at prices less than 2.5% over melt value. And for a slightly higher price, he can buy gold and silver coins with considerable numismatic appeal and an established track record of much higher premiums.

It is the combination of these two factors that add up to the outstanding opportunity for the investor with foresight.

I certainly don't mean to imply that I think the price of gold and silver will rise in a straight line. That's not the way economic change occurs. Instead, I expect metals' prices to rise fitfully over the next several years, spiking upward at times, falling back at times, drifting upward at other times. In fact, as you can see from the graph on this page of the past 20 weeks' closing prices, we have seen just this pattern: after spiking near the $10 level in late April, silver drifted downward, falling below $7 before renewing its strength.

The underlying strength of gold is underscored by its powerful performance earlier this week, when it closed at $478 on Tuesday— its highest close in more than 5 years.

There are two ways to invest in this fundamentally bullish market. You can follow the market and attempt to buy during the slack periods when prices are off a bit from recent highs or you can buy regularly in the awareness that even the short term highs will likely be bargains compared to the prices that will prevail during the next few years.

Obviously, it is better to buy during the slack periods, when prices are soft. But it is not always easy to do. Whatever the price on a given day, there is a temptation to figure that it might be lower tomorrow. I have known investors to wait through an entire slack period on this theory, only to buy when the market leaps sharply— or worse yet, never to buy at all and miss out on the entire bull market.

The best strategy, in my judgment, is to plan regular purchases as your budget or the liquidation of other investments allows. You might decide, for example, to buy $2,000 worth of gold during the next two weeks. Watch prices for a day or two and if the market looks good, make your purchase. If it looks strong, wait a few days. But if it continues to strengthen, make your purchase anyway during the time period you planned on. Otherwise you might miss the market altogether!

The Month

Gold Range	$33.75	7.4%
Net Change	+25.25	+5.2%
Silver Range	1.38	18.0%
Net Change	+ .37	+14.3%
Gold/Silver Ratio		56.8
Net Change		-1.1

Date	Silver	Gold
July 9	7.64	445.00
July 10	7.28	444.25
July 13	7.61	448.00
July 14	7.60	448.00
July 15	7.79	453.75
July 16	7.75	454.00
July 17	7.44	448.00
July 20	7.65	451.25
July 21	7.70	453.00
July 22	7.76	453.25
July 23	7.71	455.00
July 24	7.72	455.00
July 27	7.72	455.75
July 28	7.92	456.50
July 29	8.01	457.50
July 30	8.31	462.00
July 31	8.36	464.00
Aug 3	8.78	477.00
Aug 4	8.83	476.00
Aug 5	8.51	467.00
Aug 6	8.25	466.25

Prices quoted are cash/check prices at 2:00 EDT each day, quoted in U.S. dollars per troy ounce.

Silver

$10
9
8
7
6
5

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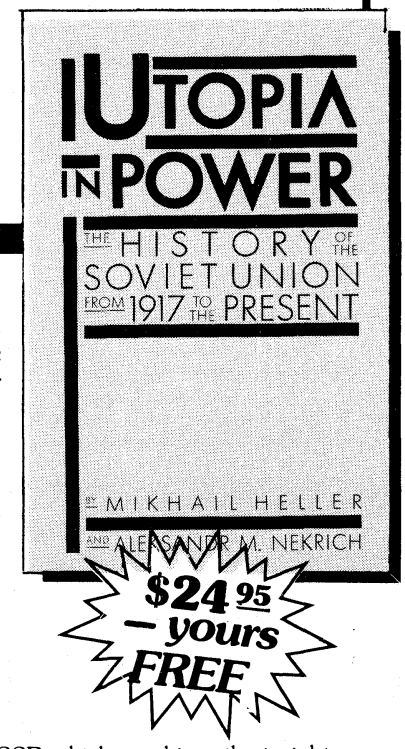

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Contents

The Most Unforgettable Libertarian I Ever Knew
Karl Hess, page 5

The Culture of Freedom:
Reportage on The 1987 National Libertarian Party Convention
Brian Wright, page 8
Chester Allan Arthur, page 9

Easy Living in the Bahamas
Mark Skousen, page 15

Libertarians in a State-Run World
Murray N. Rothbard, page 23

What if There was a Millenium, And No One Came?
Skye d'Aureous & Natalee Hall, page 25

Samaritanism: Good & Bad
Walter Block, page 27

The Dynamics of Voluntary Tyranny
Stephen Cox, page 29

Flight
a story by
David W. Galland, page 37

Departments

Reviews

William P. Moulton on "Bubble-gum Liberalism," page 41
R. W. Bradford on "Capitalism for Kids," page 44
Mike Holmes on libertarian "samizdat," page 46
Booknotes, page 47
Timothy W. Henderson on Film, page 49
Erika Holzer on Gift-Giving, page 51

Letters, page 4

Contributors, page 52

Terra Incognita, pages 53 & 54

Letters

Though I enjoyed your first issue very much, particularly the article by William P. Moulton, I do have some concerns about Jo McIntyre's "Options":

She writes, "Service to my Sisters is service to my Self." This sounds curiously like socialist doctrine to me; surely she means, "Service to my self is service to my Sisters."

And she calls the use of subliminal suggestions to alter the behavior of abusive men "non-coercive." The control of another's mind is certainly coercive and would lead to (more) forced abuses.

All in all an excellent first issue. Congratulations.

—*J. Butler*
The Philippines

Michael Townshend dismisses (*Liberty* Sept/Oct) "The Closing of the American Mind" by Allan Bloom as "right wing screed," because of its attack on sex and drugs and rock and roll.

Last week my new *Rolling Stone* arrived. It contained William Greider's dismissal of the same book as "right wing screed" because of its attacks on sex and drugs and rock and roll.

I put it to you: did your Michael Townshend get his ideas from *Rolling Stone*?

—*James Reynolds*
Houston, TX

Note: *Liberty* went to press in early August; the Grieder review was published in mid-September. Whether William Greider got his ideas from *Liberty* we do not know. Michael Townshend advises us that he does not often read *Rolling Stone*, but that in his opinion, the writing of William Grieder is "left wing screed." —The Editors

When a friend told me that you had published an essay defending Robert Nozick's comtemptible use of rent control laws to harass and swindle his landlord, I was shocked and surprised.

I had expected some sort of crazy Stirnerite diatribe, or worse yet totally subjectivistic sophistry. I was pleasantly surprised to find that Ethan Waters instead used the Nozick affair as an excuse to open debate on the broader issue of how a theory based on the moralism of Rand or Rothbard can make any judgments about the morality of any action without first examining the origins of the institutions involved.

Admittedly, Waters' hypothetical model for the origin of the state is a bit far-fetched. But so what? A state that did have its origin in voluntary contract could engage in virtually any tyrannical act without violating anyone's rights. Indeed, the "moralistic libertarian" would actually have to defend the depredations of such a state!

I hope you will publish more on this issue. While Waters' argument against a purely moralistic libertarianism seems pretty convincing, I am not sure that the alternative he mentions ("utilitarian libertarianism") is any better.

—*Ralph Martin*
Miami, Fla.

I think that Ethan O. Waters missed the boat in his article, "Reflections on the Apostasy of Robert Nozick" (Sept/Oct 1987 issue).

It is true that we all use government "services" of one type or another, and I don't believe that I am guilty of violating my libertarian principles by doing so.

There is a point, however, when using a service ends and encouraging state intervention begins. The latter is the situation with Mr. Nozick's rent control case.

The line should be drawn like this: if a "service" now provided by the government would still exist, though privately operated, in a free society, it is alright to use it. Good examples would be roads, schools, and parks. If a "service" is merely coercive *per se* and would automatically disappear in a free society, then it is wrong to use it. The Internal Revenue Service and the Cambridge, Mass. Rent Control Board are good examples.

Mr. Nozick voluntarily entered into an agreement to pay Mr. Segal $1900 per month. When the period was over and Mr. Segal wanted $2400 per month for the next year, Mr. Nozick should have either paid it or moved. Going to an agency run by bureaucratic parasites to force Mr. Segal to charge less is blatant coercion.

I have lived in rent controlled apartments in Los Angeles, and so do a large number of libertarians. I took advantage of the relatively low rent, but I would not have gone to the government if my landlord had started charging above the "legal rate." I would either have paid it or moved.

In just about any libertarian theory one wants to examine, the owner of a property has absolute rights over it. Mr. Nozick stepped way out of bounds and deserves condemnation. Since libertarianism is not a religion, there is no reason to "excommunicate" him. After all, we need all the support we can get. However, if Mr. Nozick wants to publicly identify himself as a libertarian, he should offer the truly principled position of property rights before digressing to his own unfortunate view of the subject.

—*Ted Brown*
Los Angeles, Calif.

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—*Elizabeth Wells*
Seattle, Wash.

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Answer: Socialism, just a short step from communism. An effort by non-thinkers to abolish all ethical and moral standards not acceptable to the Party.

Drop Dead.

—*W. A. Friend*
Morgantown, W. V.

Portrait

The Most Unforgettable Libertarian I Ever Knew

by Karl Hess

My mother, without ever having heard the term so far as I know, raised me to be a libertarian. And in every job, or political or social cause in which I have been involved since 1938, when I turned 15 and went to work, it has been my libertarian urge, mother-taught, that has kept me reasonably 'sane,' self-esteeming, and secure enough to live my life on my own terms and not on someone else's ideological or managerial leash.

Had my mother ever paused practicing libertarianism long enough to ponder it, I think she would have defined it in stern (Stirnerite?) terms of individualism. Liberty, to her, was simply being human to the hilt; being absolutely responsible for your own choices in life, questioning authority, being honest in all dealing with others, and never initiating force to get your way or condoning it for someone else to get their way.

I never once saw her defer or bow to any other person because of that person's status or authority. I never heard her express a feeling of guilt for anything she had done. Apology, openly and without qualms, but never any guilt. Regrets for some things undone; never guilt. Nor, since the time that I could argue reasonably and, if necessary make my own way away from home, did she ever pull maternal rank on me.

I did, with her tacit blessing, anything and everything that I could be personally responsible for. When, in my early teens, I got riotously drunk, she let the hangover—instead of a harangue—make all of the arguments necessary to sober me up and keep me that way. When, also in my early teens, I asked her advice in regard to the bedding of a sweetheart, she told me about the implied and demanding contracts of parenthood and not one word about morality. Like virtually any young person you will meet, the morals would have deferred to the hormones but the financial obligations would not. I was impressed.

I suppose, come to think of it, that my mother was a great and gifted teacher and that all of her lessons were about being absolutely and uncompromisingly an individual. When, as many parents do, she derided statements that began with "aw, but all the other kids are doing it" she did it in a way that left no mistake that she meant that not only did she not care about what the other kids were doing, she also did not give a fig for what the entire rest of the human race was doing.

She said there was only one of her and only one of me on the planet and that the rest of the people on earth would have to take care of themslves since she was too busy taking care of herself—and would I please do the same!

How did she get the way that she was so that she could help me become the way that I am?

I honestly don't know. I have only a few clues.

Her family, genteel and once well off, had come upon very hard times by the time she was in high school. She dropped out of high school (she later supported me in my decision to do the same) and she went to work as an office clerk and, with her younger brother, took on the entire support of her own mother.

She was beautiful. At about twenty she attracted the young, aristocratic scion of a German-Spanish family living in the Philippines. He was in America to play gentleman's tennis (at a world class level). He and she married, begat me, and headed back to the islands where it became immediately apparent that my father was adept at games of love off the court as well as on.

Prior to my mother's full discovery of her husband's extra-marital athleticism, she gave a powerful evidence of the spirit that was to illuminate her life and which, inherited or learned, has done the same for me.

My grandmother, a patrician Spanish lady who refused to speak English because she considered it an inferior language, also considered her servants to be chattels and was forever getting in trouble with the police for having them flogged for derelict performances of her imperious bidding. One result of that attitude was that she flatly forbade any member of her family from ever associating with the servants or with other natives or even entering the quarters or work areas of such people. That included, of course, the kitchen.

Mother, being an American with a not unfamiliar kitchen fixation, made a bee line, of course, for the cooking area as soon as she was quartered in the house, along with my father (whose attention to his mother's strictures about associating with natives wandered rather badly in at least a half dozen cases of imputed paterni-

ty). Mother's reported presence in the kitchen produced a crisis which must clearly have foreshadowed the end of the honeymoon.

(When my paternal uncle married a native lady, whose native daddy just happened to be one of the major bankers in Manila, my grandmother made a rule, never breached, I am told, that when the couple came to visit, the wife would eat with the servants.)

Between the kitchen incident and the increasingly obvious philandering of her husband (16 women made "intimate" claims upon his estate) my mother decided to depart or, as the natives now say, split.

A digression. My father was adventurous not only sexually but politically. Flung into prison by the Japanese when they occupied the Philippines, he got out by shedding his US citizenship and becoming, mirabile dictu, a native of the islands. But, alas, when the Japanese were evacuating Manila under the pressure of American bombardment, he happened to be playing poker in his club. A Japanese squad burst in; my father, by reliable accounts, told them to go on about their business and please leave him alone to play a superb hand. He lost his head over that one. The soldiers yanked him off to a nearby killing ground and decapitated him. I have, ever since, had a profound respect for Japanese cutlery and an equally profound determination to hold my tongue when dealing with heavily armed people.

Back to happier times. When, in the mid-1920's, my mother determined to leave my father, taking me with her, of course, she refused to go to court over the matter and she also refused to be beholden to her husband. No alimony. No support. She just left. Out. Finito. Zoom. And away.

Back with her brother and her aging mother, she took a job as a switchboard operator, first in an office setting, later in several upscale apartment buildings. She also taught me how to read. How? By reading to me constantly from infancy on and, when I could speak, having me follow along with pauses to explain letter sounds. She also began using what, it seems to me, was her most powerful tutelary tool: a steadfast refusal ever to answer a question, no matter how innocuous, if I could be goaded or led into finding the answer for myself.

As a result, we spent a considerable amount of our time walking to and from the Mount Pleasant branch of the public library in Washington, DC. I hasten to add, for those poised to accuse me of errant and immoral use of state-owned facilities, that she also was a devoted customer of the many rental libraries which, in those days, abounded.

Had my mother ever paused practicing libertarianism long enough to ponder it, I think she would have defined it in stern (Stirnerite?) terms of individualism.

We had to go many other places for answers, of course. I once asked her what her first name was and she shuffled me off to the bureau of vital statistics where she taught me to look up birth certificates.

We spent time, also, at the Army's medical museum obtaining answers to various intestinal and glandular inquiries. In addition, she supplied an amazingly varied group of men friends and lovers of whom I could ask questions ranging from oxidation (a chemical engineer) to navigation (a rear admiral) to internal combustion (an auto mechanic) to geography (a bus driver) to ballistics (a virtually professional hunter). And always, we read together, discussed things together, listened to music (some of it hers on the piano) and walked about observing the natural history, architecture, and social mores of a great city.

Interrupting some of this, for a time, was my rash and uninformed decision to go to school. My mother objected strenuously, feeling that the time I was spending sitting underneath the switchboard that she was operating—both of us always with a book—was more useful.

When, at 15, I finally decided to quit and go to work at a radio station, having been offered a job by a resident in the apartment house which she now was managing, my mother had only one concern. She wondered how I was going to manage to escape school without arousing a swarm of truant officers.

My successful plan, which she applauded, was to register at every school in town and then, one by one, transfer, transfer, transfer. For all that I know, the paperwork is still being processed some 49 years later.

Mother was good at lessons other than academic, however. Once, while abroad on one of our interminable week-end walks through the city, we took an excursion through the lobby of one of the most fashionable hotels in Washington. Because I was shabbily, if neatly, dressed, I expressed a sense of reluctance to be seen there and a desire to get out. We were in the center of the great lobby when my embarrassment overcame me.

Mother, taking no care to whisper, there and then lectured me Socratically about the source of my discomfort.

"Do you feel that what these people [grand sweep of the arm] think is of any importance to you?

"Do you feel that you are inferior to these people because you are dressed differently from them?

"If you were standing here stark naked would you not be just as fine a person as though you had on a tuxedo?

"Do you think that your clothes are more important than you are?"

My embarrassment, at least at the moment, did not disappear. But I have never forgotten the lesson or the penetrating significance of the questions.

I've been trying to live up to the answers, which my mother inspired, ever since.

And I have never had much difficulty in taking both sides of the old nature versus nurture question. That marvelous woman is part of my genetic makeup and just as powerfully the nurturer of my character.

While she was waiting for the ambulance to take her to the hospital where she died of a heart ailment, she wrote a series of notes. They did not try to pass along profound last words. They just asked that her newspaper subscription be cancelled, that the laundryman be informed that there would be no pick-up, and the eggman told she would need no more. I cry now when I think of those notes. But then I think of the walks and the talks and I am happy again. And free. ❑

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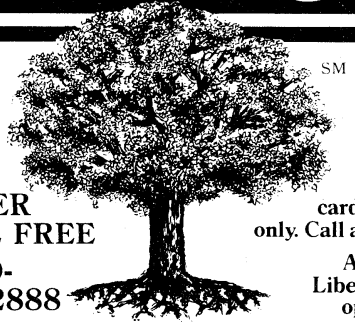

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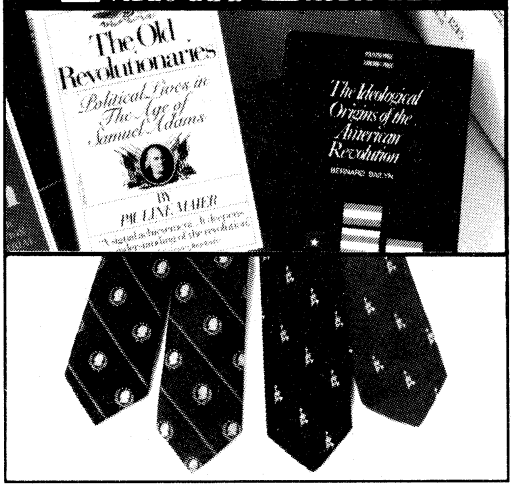

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Narrative

Don Quixote in the Emerald City

by Brian Wright

I did this once before, in 1979. Eight years later and I'm still tilting at windmills, still seeing the state advancing like my forehead.

Eight years ago I was 30 and married, bogging down at a job in the "cannon" (war) business, discontent in the real world while optimistically pursuing an ideal one. Pollyanna in a K-Mart corduroy suit, I actually believed that liberty was around the corner. There was such incredible energy, such boyish enthusiasm, such intellectual drive. Eight libertarian years is a long time for Don Quixote in a statist world.

A veteran now, I can claim some little victories. There are some scars. I abandoned super-volunteerism: this year as a mercenary for the Libertarian Party of Michigan I almost duplicated the 6000 unremunerated signatures personally gathered during the 1983-84 ballot drive. We're going to be on the ballot again. High hopes strike once again.

I use my signature gathering income to pay my way to the LP Convention. And so I spend my Labor Day weekend in Seattle, "The Emerald City," as the Chamber of Commerce calls it.

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My sinuses are acting up as we descend to Seattle; the inside of my head stays at about 10,000 feet. Nevertheless, I march bravely along with my compatriots to the baggage claim area where we figure our chances of retrieving what we checked are close to 50/50. We wait patiently, then not so patiently, memorizing the colors and shapes of about 10 separate items permanently affixed to the conveyor belt. Thank you for flying Northwest.

I say, "Hey, Emily, isn't that white golf bag a new one?" She replies, "No, Brian, it's been around maybe 50 times now. I think all this stuff belongs to one of the illicit substance kingpins in Seattle. It's probably all full of drugs and the cops have it staked out, waiting for some bald-headed guy driving a Porsche and wearing a Hawaiian shirt." Mark was wearing a Hawaiian shirt. I hail over, "Hey, Mark, let's forget that ad hoc golf outing, OK?"

Turns out there *is* a stake-out of sorts going on. A couple of Seattle's finest—one big fat cop and a guy about my size only bigger on account of his badge and gun—are wandering around behind the conveyor curtains with a dope-sniffing Rin-Tin-Tin. Before I figure out what's going on, these brave young men and dog sequester a couple of bags. After some poking around, they pull out a baggie containing what appears to be a leafy item currently on the government's list of unacceptable material.

Clearly the guns, badges and sniffer dog have no effect on the marijuana. It just sort of sits there in the officer's hand making no false moves, declining to attack anyone in the vicinity. But one mustn't forget, the Eggplant that ate Chicago was once just a harmless little veggie in somebody's backyard; these guys weren't about to take any chances with the Evil Weed, especially here in their own home town. They promptly locate its traveling companion, a fairly normal looking guy in his early 30s, and give him the third degree.

"So, how'd this societal menace come to be in your suitcase, pal?"

"You know how it is, sir. The Weed has a mind of its own. Jumped in there when I wasn't looking, back in the Murder City. I've been doing my best to fight it off. But it's been a long day. Tonight, I think it planned to wrap itself in a few Zig Zags, thrust its mad vapors into my lungs and take shameless advantage of me. Glad you guys got here when you did."

"Don't worry, son. You're looking at two of the toughest hombres in the city, and we ain't afraid of no dead leaves. Why, my partner here gunned down a dozen tea bags just yesterday. Sure, they were decaffeinated, but they drew first."

"Geez. But have you all heard about Project HEMP back in Michigan? Well, back there the federales are sending our state boys out into the woods with axes, mind you, just axes. Seems these 13-feet-tall marijuana plants are sneaking into Detroit's neighborhoods and stalking winos, preachers, high school dropouts and other pillars of the community. Someone has to go out there in the boonies and cut down these giant weeds so others can live and raise their families."

"Couldn't ya get Rambo?"

"Afraid not. In Nicaragua."

"Whheeww doggies! Then I guess them troopers of yours hasta be some kinda brave dudes and dudettes. No Rambo, no national guard and no cruise missiles. No wonder we're losin' the battle 'gainst drugs!"

Actually, I couldn't overhear the

➟ *continued on page 10*

Report

Conventional Notes

by Chester Alan Arthur

Liberty's political correspondent reports on the Libertarian Party's Presidential Nominating Convention in Seattle in early September.

"How did I first learn about libertarianism?" the attractive middle aged woman repeated my question.

"It was on my honeymoon. My new husband and I were crossing the country by train, and he had a copy of *Atlas Shrugged* which we got as a wedding present.

"He was enthralled. He paid no attention to me... And he wouldn't leave our room, even for meals.

"We got off the train in Chicago and madly dashed to the newstand so we could get a copy for me to read. We couldn't find one. But we got a copy of *The Fountainhead*.

"So the rest of the way to New York, I read *Fountainhead* while he read *Atlas*. We stopped reading from time to time to discuss the philosophy. It was really better than if we were reading the same book, because we discussed the ideas, not just the story.

"By the time we reached New York, we were Objectivists."

* * * *

A Canadian attending the convention described his conversation with U.S. Immigration at the border:

"Where are you going?" the official asked.

"To Seattle," the Canadian answered.

"What for?"

"The Libertarian Party Convention."

"What is that? A Canadian organization?"

"No, it's your third largest political party."

"Libertarian?!? ... "

"You know, 'Liberty'... like on your sleeve," the Canadian replied, pointing to the Statue of Liberty patch on the border guard's sleeve.

The confused official waved him through.

* * * *

The term *lüftmensch* ("air person" in German) that Murray Rothbard suggested to characterize the non-coat-and-tie libertarians has apparently entered the libertarian political vocabulary.

Members of two different delegations offered *Lüftmenschen* political buttons: a Texan offered a button with a hot air balloon emblazoned with the word; a Michiganian offered a button with the slogan *"Küss Mich, Ich Bin Ein Lüftmensch."*

The organization of *"Lüftmenschen* for Paul" was the object of considerable speculation and rumor, but no tangible signs were seen.

* * * *

The Convention got off to a fun start with the *"American Libertarian* Salutes the LP" party. The champagne flowed like water, while waiters brought tray after tray of oysters on the half shell, salmon and shrimp to the hungry libertarians.

Matt Monroe, publisher of the independent libertarian monthly newspaper, was pleased with the turnout, which nicely illustrated the classic libertarian maxim, "Free food and booze draws a big crowd."

* * * *

The award for tastelessness went to the Libertarian Republican Organizing Committee, which distributed campaign buttons reading "Gay Nazis For Paul" and "Paul-LaRouche in '88," and a sophomoric pastiche of Ron Paul's response to a Cable News Network questionaire filled out in crayon, complete with misspellings and cruder remarks.

* * * *

Just what did a participant get for his $50 Basic registration fee? According to an advertisement for the Convention, he got the "keynote address, convention floor access and exhibits."

Access to the keynote address, along with all other Convention business, is guaranteed by the party By'Laws to all LP members. And the exhibit area was in a public area of the hotel.

Apparently, the $50 Basic registration fee bought one a name tag, a convention program, and coupons good for admission to two speakers or panels.

* * * *

The Paul Campaign was not happy with the Convention Service Corp, which ran the Convention. It seems that the Paul people wanted to distribute signs and dump balloons from the ceiling during a celebration to follow the nominating speech, but the CSC would not have any of it at first. "It isn't fair to other candidates," they said. "Socialism!" the Paul campaign re-

➡ *continued on page 11*

Brian Wright, *Don Quixote in the Emerald City*
➟ continued from page 8

conversation, but the foregoing probably makes about as much sense as any. The incident disturbed me. I wanted to intervene on behalf of the harrassee, to scream obscenities at the fascist idiots in blue who were so intent on busting him, to demand they get the hell out of there and go do their FRIGGIN' JOBS for Chrissake. After all, as it turned out, a serial killer was on the loose in Seattle-Tacoma. Why weren't they staking out him?!

As my anger rises, so too does my anxiety over consequences of any impulsive move. I walk closer to the scene. I'm just within earshot when I chicken out.

I'd like to think I made the rational choice, but it won't square with my feelings. On the do-something side: 1) I was dressed in a suit and tie. 2) There was a sense that other passengers might have supported me. 3) The PR value of an LP delegate coming to town and resisting immoral police acts could have been substantial. 4) I would probably have been in no physical danger even if I had lost my cool (which was likely). 5) It might have given moral support to the guy being hassled.

On the do-nothing side: 1) My head felt as thick as stale pudding and, despite the suit and tie, I looked like I'd "been rid hard and put away wet." 2) The victim might not have considered my intervention helpful. 3) Those guys were wearing real guns and badges. 4) The ensuing confrontation might have affected others in my entourage, particularly Tim who had grown strangely quiet and preoccupied upon seeing Rin-Tin-Tin and colleagues checking things out.

Afterwards, we figured out a lot of ways we might have handled it. For example, the three or four of us could have approached the cops together and let Emily do all the talking. At just over 5 feet tall and hardly 100 lbs, she would certainly have presented a non-threat to the cops' macho cretinism. Then snap a picture. That kind of thing. There were plenty of witnesses, and chances are the cops would not have acted out any Neanderthal fantasies.

Well, we all walked away from that one.

❄ ❄ ❄ ❄ ❄

As I proceed to the convention floor to hear the keynote speaker and take up credentials and bylaws, I find I can't shake the image of those two cops at the airport rousting that guy for marijuana possession. Achieving liberty isn't only a matter of deftly convincing people of the ideas, it's also resisting those who would just as soon step on your idealistic faces.

A couple of Seattle's finest —one big fat cop and a guy about my size only bigger on account of his badge and gun —are wandering around ...

Thought *and* action. I wish I had a dime for every libertarian whose thinking is pretty damned good but whose actions aren't worth a bucket of warm spit. I don't mean standing up to a couple of armed fascists in a strange airport (as much as I reproach myself, that might have been a bad move). I mean all the talkers who can't or won't petition, who can't or won't write letters to the editor, who can't or won't hand out literature, join tax protests, make phone calls, or even lick stamps...

Have we figured out how to install a set of spark plugs in our converts, or do we just rely on the statistical probability that a huge influx of new libertarians will provide some activists, not to mention a leader or two?! The bitterness of an ex-super-volunteer?

A super-volunteer, especially in libertarian organizations where higher order goals prevail, will necessarily feel deserted by the majority of his ostensible compatriots. There's no reason to expect a higher percentage of such psychologically independent people among libertarians than what exists in society at large. A super-volunteer, by continually kicking the weak ones in the ass, only exacerbates the problem: a) the others never learn to do things on their own, b) resentment is compounded on both sides, and c) the super-volunteer tends to redouble his efforts to the point of exhaustion. At this point the organization tailspins only to be reinvented by the next SV.

Nor is the SV totally bereft of psychological problems: usually a peculiar mixture of altruism, egomania and a need to dominate. Ironically, with all the Randism in the party, it has been my observation that altruism is usually the largest component of this killer trio. Mea culpa.

So what's a mother to do? First, get the cart and horse in their proper relative positions by recognizing that thought necessarily precedes action, that culturally we are squarely in the educational phase of libertarianization. Party politics definitely resides in a later phase, i.e. popularization, where action tells and we snap pictures and take names.

In a sense, the LP is ahead of its time; those who are active in it have to realize it's going to take time (education) for most people to catch up. I like the LP. It's something to do. It adds credibility and motion to our ideas. As for how far to get involved in action vs. education, that's a tough, individual call.

Okay, no need to be a super-volunteer. But when a Paul Jacob goes to jail for defying draft registration or when a Jim Lewis goes to some kangaroo Connecticut court to fight the evil income tax or a bunch of libertarians from Michigan menace a couple of Seattle vice cops, some of us would shout: "If this be out of phase, make the most of it!"

I'm getting away from the business at hand. Let's face it, though, credentials and bylaws don't rank very high on the list of Fun Things to do on my Summer Vacation.

Before we start cranking, Don Ernsberger delivers a fine keynote address: "...1988 will be a crucial year for the Libertarian Party. The powers of the state are arrayed against us. We will have to petition. We will have to gain media attention. We will have to raise money. But, dammit, we will be heard!"

Credentials is fairly straightforward. California has a couple of problems and is denied expansion of their

➟ *continued on page 12*

Chester Alan Arthur, *Conventional Notes*

➟ continued from page 9

sponded. CSG finally gave in and allowed the balloons and signs.

But CSG wasn't very happy with the Paul people. When the baloons refused at first to fall upon release, one CSG person muttered under his breath, "We told them not to use balloons..."

The Paul people also objected when the Convention director told them they would have to allow her to preview the Paul video before it could be shown to the Convention as part of Paul's nominating speech. Again, CSG gave in...

But the hostility remained.

* * * *

Karl Hess was in fine form at the convention.

At a reception Thursday evening, the LP News editor and longtime intellectual entrepreneur responded to questions and phrases from the audience with wit and charm, showing the ribald libertarianism that moves him.

At a breakfast the following morning, his words inspired those present to greater commitment to liberty.

And at a noon press conference, he did some firefighting for the LP, quietly distancing libertarians from the threatened campaign of genocide against IRS agents that the goofy candidate Harry ("Music Man Turned Law Man") Glenn had announced during the debate.

* * * *

The LP's other spiritual leader, Murray Rothbard, did not arrive until Friday afternoon. Rothbard had been busy raising the flag of liberty at a scholarly conference in Chicago.

Five minutes after he arrived, Mike Holmes of *American Libertarain* presented him with a *Lüftmenschen* button. Ten minutes later, Bill Bradford of *Liberty* presented him with a *"Küss Mich, Ich Bin Ein Lüftmensch"* button. (At no time during the proceedings was Rothbard observed wearing either button.)

Rothbard was merry upon his arrival. The Convention had followed a course he liked in his absence, and he spent the balance of the Con immersed in its caucuses, voting, parties and camaraderie.

* * * *

"Keep Karl" said the button most in demand at the convention. It also featured a sketched portrait of Karl Hess.

They seemed to sprout mysteriously on the lapels of many delegates. Just why they were wearing them was some mystery. Was it to show support for Karl as Editor of *LP News*? Or to show support for Karl as dark horse VP candidate? The half dozen or so people I questioned didn't know: they just wore them because "Karl is a great guy..."

The demand for "Keep Karl" buttons quickly exceeded supply. By Saturday night one Texan delegate refused all offers to trade for his "Keep Karl" button, saying, "By tomorrow they will be circulating as money."

* * * *

"Professor Rothbard," the young man said approaching his hero outside the Turney hospitality suite in Sunday's early hours. "Could you autograph my address book?" Rothbard looked dubiously at the address book. "Usually I autograph copies of my books...." he said, as he applied pen to paper.

* * * *

On Thursday, Andre Marrou announced he might enter the race if it looked like a deadlock were developing. Was he acting on the widespread notion that the Paul people didn't want him for VP, and trying to get some publicity by contesting the presidential nomination? Or trying to get some leverage over Paul, whose people were in dread of a second ballot, when the crazy libertarians might do anything?

At the debate that afternoon, Andre begged off a foreign policy question, noting that his experience was limited to the Alaska legislature. "But we have a four term U.S. Congressman here who is eminently qualified to answer that question," he said, handing the mike to Paul. Had the Paul forces cut a deal with Andre to avoid a second ballot?

That night there were no campaign principals at the Paul suite. "They're probably cutting a deal right now," a well connected observer surmised. "If they haven't already made one. Andre will be on the ticket."

When the deal was made is not known. But the next day Andre was the only candidate placed in nomination.

* * * *

One potential problem for the campaign: VP candidate Marrou's loose grasp on the facts. He should learn that Jefferson did not "write half the Constitution." (Jefferson was Ambassador to France during the Constitutional Convention.)

And he might restrict saying that he is a "practicing heterosexual" to once a speech.

* * * *

"When I think of gun control," Presidential candidate Harry Glenn said, "I think about what if an unborn baby had a gun... Just what would he do to

➟ *continued on page 13*

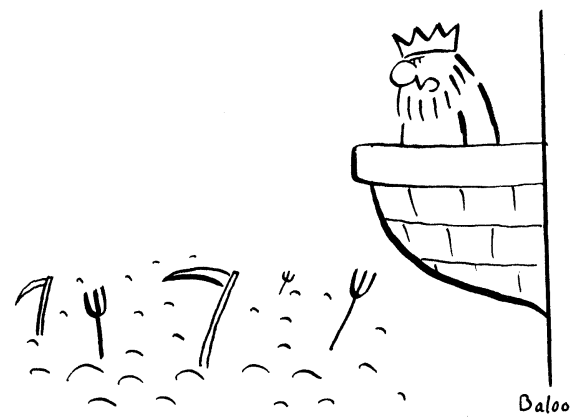

"Do I tell you how to run *your* businesses?"

Brian Wright, *Don Quixote in the Emerald City*
➡ continued from page 10

delegation. OK, now everything's legal. Total delegate count: approximately 385.

Rather than proceed to consideration of bylaws changes, the floor hosts an eagerly awaited candidates' forum. No need to suspend the rules, because as far as anyone can tell, no orders of the day have been established.

In strut the hopefuls, four of 'em: Ron Paul and Russell Means, of course, then Jim Lewis (who ran with Bergland as VP candidate in '84) and Harry Glenn of Indiana. Russell is wearing his customary braids and full regalia. Ron, perhaps to tone down his establishment image, is decked out like the Prez returning from Rancho Santa Barbara: large plaid shirt, boots, Levi slacks. And ol' Harry, with cowboy hat and bolo tie, looks like a high plains drifter whose Greyhound missed the turn to New Mexico.

For a minute we expect to be treated to an unscheduled Wild West Show, but Lewis dispels that prospect by walking to the microphone sporting a simple gray suit and announcing, "Hi. I'm Jim Lewis, and I'm the only presidential candidate who decided not to dress up today." He lambastes the IRS and stresses the need for the LP to quit meekly going to the back of the bus, especially with respect to IRS thugs and the Federal Elections Commission. Civil disobedience? You betcha. Read your Constitution and stand up for it, people.

Ron Paul is next. He emphasizes his libertarian record in Congress and his ability to run a successful, well financed, well organized campaign. He excoriates the IRS, its incarceration of Representative George Hansen of Idaho, the income tax, the Federal Reserve funny money system, military intervention abroad and government's interference in our private lives. He claims the time is right for his candidacy and we can have significant effect in '88.

Russell Means begins with his vintage Lakota greeting, as always. He points out that freedom is for everyone. Forget the Demopublicans. Attract the major victims of the onrushing tyranny, get them to the voting booth, blitzkrieg the media between now and the major party primaries, and we can be running 15% in the opinion polls by February.

It's a little premature for comic relief, so let's just call Harry Glenn's harangues something you'd want to relieve yourself about in general. Like the militarist rube who insisted on cluttering up our presidential field in '83 (I forget the man's name; most just knew him as the Wacko from Waco), Harry decided we were his kind of people and set out to save us. He's also loud and he lacks the courtesy to dispense with voice amplification. He's a charmer all right:

"I'M THE COUNTRY BOY FOR THIS COUNTRY!"

"WE'RE GONNA HUNT DOWN THE IRS AGENTS AND GIT RID OF 'EM!"

"NO MORE OF THIS 'MEET, EAT AND RETREAT'!"

Throw in a couple of barnyard similes and some guitar pickin' and what we have here is a perfect media salient. The news folks positively drool over this guy: concrete-bound, Red-White-and-Blue, cracker-barrel eccentric with some clever lines, catchy tunes and no discernible input circuitry. Great PR. Footage at eleven.

Hey, I know this is the LP and we're a tolerant bunch. And I ain't sayin' bozos shouldn't be allowed to run. But I sure as hell don't have to like it. After today's exposure, I walk off the floor every time he gets close to the mike. I don't find him cute, and my eardrums are still sensitive.

> *Achieving liberty isn't only a matter of deftly convincing people of the ideas, it's also resisting those who would just as soon step on your idealistic faces.*

In the question period each serious candidate presents himself well. Lewis is asked what effect he feels his upcoming court case will have on his campaign. ("could be positive, especially with media.") Paul is queried on his disagreement with the platform's position allowing abortion. ("Yes, I disagree, but would not make it a campaign issue or a federal law.") Means is asked which area of the government spending he would cut first as President. ("Cut all, but adopt specific sequence from LP staff experts.") Even if one doesn't like all the answers, each man comes across as sincere, thoughtful and competent. No Demopublicans here.

Several questions are put to all candidates, e.g. what will you do if you lose the nomination, would you consider the VP slot (which former Alaska LP legislator, Andre Marrou, has a lock on anyhow), how much money does your campaign have now, what Presidential candidates have you voted for since 1972, will you contribute your mailing list to the cause, and how many luftmenschen can dance on the head of a pin?

A warm round of applause, the candidates leave and we all get back to the next order of business.

For me that's a siesta. Since the bylaws debate will probably put me to sleep anyway, I decide to wander on back to my room where the pillows are.

My nap lasts until about 5:30 when I just happen to flip on the TV, curious if we'll be covered. Sure enough, one of the major locals is making us "Top Story". Using a team of reporters to cover the politics, culture and public reception of the Libertarians, the station gives us the longest coverage I've ever seen on commercial television. It's generally fair but often flip and patronizing. As the "Rodney Dangerfield" of politics, the LP takes what it can get. ❑

The Dream Never Dies: A Convention Diary
(complete)
by Brian Wright
available for $6.00 from: Wayword, Inc.
6689 Orchard Lake Rd., #249
W. Bloomfield, MI 48322

Chester Alan Arthur, *Conventional Notes*
➡ continued from page 11

the abortionist..."

Perhaps the LP is not ready for such genuinely original thinking: Glenn received only three votes from the delegates.

* * * *

The best campaign speech came from Matt Monroe, who simply said, "If you elect me Membership Chair, I will triple LP membership by 1988."

* * * *

Perhaps Harry Glenn's easy access to the presidential debate, where his ridiculous sloganeering and bizarre behavior easily grabbed the headlines, touched off suggestions that LPers should consider some sort of requirement for participation in debates... maybe support from 10% of the delegates.

* * * *

The cruise Friday night started out like a dream, as guests crowded the top deck and looked at the skyline of Seattle beneath the glorious symmetry of Mt Rainier and the rising moon. As the suit-and-tie crowd sipped their drinks and the *lüftmenchen* smoked their peculiar tobacco, the mood was laid back and merry.

As the sun set the crowd ebbed inside for dinner. The boat was dreadfully overcrowded, with lines quickly forming at the restrooms, the bar and the serving area. Most guests waited a half hour or more in a long snaky line through three floors of the boat for dinner. The fruit and cheese ran out before half were served; the salmon ran out 2/3 of the way through. Those late in line got only taco chips and chicken.

The food, all served at about room temperature, was indifferent at best. There were tables for perhaps fifty, so most of the 500 guests had to eat with napkins resting on their shoulders and styrofoam plates balanced on their knees while sitting in straight back chairs in the dining room, or on deck chairs outside in the dark and rather cold sea air.

By its return to the pier at 10 pm, everyone was glad to be back.

* * * *

The Paul Campaign used a 5 minute TV campaign ad as part of its nominating speech, and repeated it at the banquet after the nomination.

It seemed pretty slick, but many libertarians weren't too happy about it. "It was strongly 'anti-government', but it didn't mention 'liberty' once," one activist told me. "Why the religious scene? It seemed pretty contrived..." asked another. "Lew Rockwell as a 'man-on-the-street,'" one NatCom member complained. "It reminds me of Chris Hocker in the 1980 Clark ads."

"Calling Bernard Goetz a 'hero'," said another. "I mean, don't a lot of people think he was a murderer? And though most people may sympathize with him, they still understand he is disturbed. Why alienate so many people, when the same point could be made by calling Goetz 'a man who had to resort to violence to defend himself' or something else less laudatory than 'hero'?"

One delegate who happens to produce TV commercials was surprised at its length and the diversity of its subject. "It jumped from subject to subject."

According to Ed Clark, speaking from the podium at the banquet, the whole spot was the work of Lew Rockwell, whose reputation in political advertising had been gained entirely in the print medium.

* * * *

Russell Means' moving speech withdrawing his name from consideration as a Vice Presidential candidate and his pledge to contribute $1,000 to the Paul campaign showed him to be a class act.

But his campaign pledge caused complications. It came during Paul fund raising at the banquet, which Ed Clark had told the crowd would be followed by some fund-raising to help pay the Means campaign debt. With Means promising a gift to Paul, it seemed inappropriate for the Paul people to raise funds for Means at that moment.

But Ed Clark and Burt Blumert, both early and influential Paul backers, said they planned to help Means raise funds to pay his debt.

* * * *

When the delegate from Oregon gave Russell Means a check to help pay his campaign debt, Means responded with a dignified "Thank you."

Andre Marrou rewarded her for the check she gave him with a kiss on the cheek. And a campaign aide thanked her grandiloquently, kissed her hand and continued to kiss up her arm.

"Wow," the delegate said. "All this for $50. What can I get for $500?"

* * * *

There was an error in tabulating the vote count on the Presidential ballot. After announcing that Paul had won by a four vote margin, a late recount revealed that the margin had been only a single vote.

"God, I'm glad they didn't screw it up worse," one Paul operative said. "I hate to think what might have happened if we had to do another ballot tomorrow." ❑

"I wish you'd stop making election bets!"

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Memoir

Easy Living: My Two Years in the Bahamas

by Mark Skousen

The Island of June

If you're feeling the need of real relaxation,
In a climate that's lazy, a perfect vacation,
Away from the snow and the slush that annoys you,
Away from the worries and cares that destroy you,
Try Nassau, the Island of June.

There are bluest of seas at your door to enthral you,
With no sudden temperature changes to gall you,
And laziness comes on you, quietly stealing
Along with a cheerful, a 'world's all right' feeling,
In Nassau, the Island of June.
—"A Song of Nassau" by Fred Winslow Rust

I am near the end of a two-year adventure in the Bahamas, and I am finally getting a chance to put down my thoughts about this marvelous "island of June"....But before I get into that, will you excuse me? It's Saturday in late November, and the sky is a cloudless blue and the temperature is 80 degrees, and my family is beckoning me to take them to Cabbage Beach on Paradise Island. Be back in a couple of hours....

Well, I'm back. The turquoise blue water and white sand are beautiful and refreshing. After living in the Bahamas for two years (1984-85), I have gotten tired of a few things, but I have never tired of the sparkling beauty of blue skies, warm breeze and turquoise waters calling me when I awake. It really makes the day pass quickly.

Most Frequently Asked Questions

As a financial writer, perhaps the most frequent question I have heard for the past two years is, "Why did you move to the Bahamas?"

The answer is not as simple as saying, "To relax on a boat every day," to quote an acquaintance from England who moved to the Bahamas some time ago. That's not what I want out of life anyway. I didn't move to run away from work and responsibility, although I've been accused of that. If life was always carefree relaxation, how could you really enjoy relaxing? You can't rest if all you do is rest every day.

Bertrand Russell wrote a little essay called "In Praise of Idleness," in which he says that the "morality of work is the morality of slaves, and the modern world has no need of slavery." There is some virtue to his vice. I think he really means to be in praise of "leisure," for the "wise use of leisure...is a product of civilization and education...The modern man thinks that everything ought to be done for the sake of something else, and never for its own sake." If you break out of the workaholic syndrome, you can achieve "happiness and joy of life, instead of frayed nerves, weariness, and dyspepsia."

You can rejuvenate your life if you want to. I'm convinced that there is a deep clandestine desire inside everyone to break out of the day-to-day routine of modern society, the nine to five job, the same old television shows and football games, the same friends, relatives and acquaintances. Something is missing in your life, and you feel it. Most people never do anything about it, but it remains a mystique.

My wife Jo Ann and I decided to make a change, hoping for the better. We had lived in Washington, D. C. for a dozen years, and we were tired of the same old routines. It's hard to put my finger on the problem. But we felt we were in the rut of city living, the rut people get into no matter what their career. Looking back, I think one of the problems was Washington itself—I don't think it's a real city. It's just a political city, like Brasilia. Financial colleague Doug Casey calls Washington the "Death Star." He too has left Washington.

We thought that it was extremely important for us and our children to experience new cultures and peoples. Having lived outside the U.S. before, I had come to the realization that Americans often live sheltered and provincial lives, with little exposure to other languages, musical forms, and philosophies. We also wanted to move for reasons of health. Our 4-year old daughter, Lee Ann, had caught pneumonia the past year during one of those bitter

cold winters in the East, and our youngest son, Todd, was chronically ill, partly because of the cold. We wanted to move to a warmer climate.

Financial and Tax Advantages

There was of course a financial motivation. I wanted to give an international flavor to my financial writings, and I knew that the best way to achieve it was by moving abroad. Nassau, the capital of the Bahamas, is a major financial center, with hundreds of international banks.

What about taxes? They, too, were an important consideration, but I certainly didn't leave the country because I had to. The tax burden was becoming a real drain on me, as it is for every financially successful American. Taxes were running (ruining?) my life. It seemed that no matter what financial decision I made, whether buying a new home or investing in the stock market or some new venture, the overriding concern was the tax implications. By Christmas-time every year I would have spent my last dime on tax shelters. I was always broke by the end of the year. I'm sure you know the feeling.

Then, I started realizing that I was digging a hole that was getting deeper and deeper. I found myself writing checks this year for last year's pension contributions or last year's income taxes! I figured that sooner or later it was going to catch up with me. And most of the tax shelters I had invested in turned sour—they were far riskier than I had bargained for. Putting more money down the tax shelter rathole wasn't the answer. Working longer hours, being more "productive," and therefore earning more money was one solution, but I could only determine that it would result in bad health, a workaholic attitude, and a detrimental family life.

Fortunately Congress came to the rescue. In 1980, it passed enlightened and long-overdue tax relief for Americans working abroad. It exempted the first $80,000 in earned income from Federal income taxes and permitted further deductions for housing expenses. This still meant filing U.S. tax forms, but at least expatriates could be free from most U.S. taxes, unless they earned more than $80,000 (the exemption was reduced to $70,000 in 1986). This is not to say that Americans living abroad can live "tax free." Not at all. They are still subject to foreign levies, which are sometimes worse than those of the U.S. That was the primary reason for the legislation in the first place, to avoid "double taxation."

The Bahamas offered an intriguing alternative. They have no income tax at all, or any tax on investments. This is especially advantageous to foreigners, because it means they have no disincentives to make more money. In fact, the British, Canadians, Germans and other nationalities I met there not only don't pay any income tax to the Bahamas or their native land, but also don't have to file any tax forms in their home country. They had complete financial freedom! Only Americans are subject to taxation (above $70,000 a year) and filing based on their worldwide income. I looked with great envy upon my fellow expatriates in the Bahamas.

This is not to say that nobody pays any taxes at all in the Bahamas. Far from it—there are huge import duties (averaging 42%), making the cost of living there at least 50% higher than in the U.S. or Europe. Overall, I would say that I saved some money, but it would be grossly inaccurate to say that I lived "tax free" in the Bahamas. From a financial point of view, I wouldn't recommend that people move to the Bahamas unless they can make at least $50,000 a year in earned income. (And it has to be "earned" income in order to qualify—you have to be working abroad, not retired and living on your investments and "unearned" income. Needless to say, I don't agree with the odd and wrong-headed distinction between "earned" and "unearned" income. Obviously, congressmen making this idiotic distinction have no idea of the work involved in earning "unearned" income.)

One of the most important lessons I learned in the Bahamas was to enjoy the present. I don't think I could have learned the value of true relaxation in Washington, D.C., or any other busy metropolis.

After realizing the financial advantages of working abroad, I was surprised not to see more Americans living in the Bahamas, especially writers, who don't need a work permit. The Americans I did meet usually worked for a bank or U.S. company. I also met a fair share of tax exiles, who were there because they couldn't go back to the U.S. without facing criminal or tax fraud charges.

Nassau, the capital city of the Bahamas, has a population of nearly 200,000. Its climate is practically ideal year round, except perhaps in the summer when it's too hot and humid. It is a major financial center, with many Swiss, Canadian and British banks downtown. People from Canada, Britain, and the United States come to live there. The school for our children appeared to be excellent. The airport has a half dozen flights daily to Miami, or to other destinations—New York, Atlanta, Chicago, or London. Within half an hour, I could be in Miami, thence taking off to Los Angeles, or some other destination.

We considered several locations before we decided on the Bahamas. Canada was intriguing and culturally attractive, but its weather was worse than Washington's and its taxes perhaps more burdensome. Although many Americans had chosen Mexico in the past because of its low cost of living and ideal climate, it was out of the question because of safety, both personal and financial.

We strongly considered England as a home base. London is the greatest city in the world, with its cultural, social, financial and historical background. With proper planning, British income taxes could be avoided. If it weren't for England's poor weather and the long distance from the United States, we probably would have moved there.

We finally chose the Bahamas.

New Year's Eve Arrival!

We arrived in Nassau on December 31, 1983. I've never been more welcomed to a new home in my entire life. When we arrived at the Nassau airport, we were escorted to our newly rented house by Mike Lightbourn, our real estate agent and one of the finest

people I have met. He loaned us his second car for two weeks while we got settled. Within a matter of minutes of arriving at our new home, we were greeted by two Americans who knew we were coming. Then we were invited to have dinner by some other newly found friends. In fact, that week we must have had a half-dozen invitations for dinner.

At 3 a.m. on the first night, we went downtown to view the famous annual New Year's "Junkanoo" celebration. We saw hundreds of black Bahamians dressed up in colorful costumes dancing to the heavy beat of "Goombay" and "Reggae" music. It's similar to Mardi Gras in New Orleans or Rio, except that it occurs on the mornings of Christmas and New Year's, the only two days of the year that the Bahamian slaves were allowed to take holidays. The festival lasts for hours, but we stayed for about 90 minutes.

Relaxing in the sun and walking along the sandy beaches were almost heaven. It was an incredible feeling to know that this new warmth was ours, not for a week, as with most American vacationers, but for months, or years.

Our home, called *Far Cry*, was a refreshing change. Everyone in the family found it exciting. It was an estate on the beach with a large old house, a guest cottage, and gardens and fence surrounding. The main house was an old Bahamian-style two-story home. Each room was spacious and had high ceilings. The house was right on the seashore, so the breeze was constantly blowing and kept the place cool. Each room had a ceiling fan, which we ran during the day and at night when sleeping. We were concerned at first when we found out it didn't have air conditioning, but we soon discovered that we didn't need it, as long as the breeze and fans were going. The only time we felt we needed air conditioning was when the electricity went off (which happened all too often) or when we were in the car (which fortunately was air conditioned).

The main house upstairs had four large bedrooms and a spacious balcony overlooking the sea. Jo Ann and I spent many hours on the balcony, together or separately, watching the sailboats and the moods of the sea and the clouds above. I bought a hammock when I was in Costa Rica and set it up on the balcony—the kids liked it, and Jo Ann used to read books while swinging in it.

Downstairs, there were a large living room and dining room, and an old-fashioned kitchen (too old fashioned for Jo Ann's taste—no dishwasher, no electric disposal, etc.).

The living room looked out onto the beach and the dock. The outside of the house was decorated with palm trees and fruit trees (including bananas that taste better than you will ever taste in the states, and a special kind of cherry tree that was a natural treat throughout the year). Gardens bore a wide variety of tropical flowers, and dozens of harmless lizards that entertained the kids for hours. Our Haitian gardener did a marvelous job (almost all the gardeners and maids on the island are illegal immigrants who are generally known to be better workers than the Bahamians).

We had a small but adequate swimming pool—so refreshing and alluring that we must have spent hours poolside throughout the day. We were at first afraid of having a pool because Todd was not yet two and couldn't swim, but after a few months, it became clear to us that the Bahamas would be only half the fun if you didn't have a cool, refreshing pool. Todd was in danger twice, once when he fell into the pool and once when he fell off the dock into the ocean, but both times we were close enough at hand to save him. My only recurring nightmare was the possibility of Todd somehow drowning. (Since then he has become a good swimmer.)

In addition to the main house, we had a guest cottage, fully furnished with two bedrooms, a kitchen, maid's quarters, and a two-car garage. We used it for company and for my office. The guest house also had a nice view of both the ocean and the swimming pool, so I could write, read and research and still take a peek at the beauty around me. It was the perfect set-up for the creative writer as long as you didn't feel like working! Leisure was at my fingertips, and I found myself succumbing to the whim of jumping into my swimming suit (actually most of the time I wore my swimming suit to the office!) and going out sailing

One Day in the Bahamas

To give you an idea of how I enjoyed living in the Bahamas, I thought I would describe a typical challenging day in the Bahamas:

8:00 — arise, take kids to school
9:00 — exercise, such as basketball, tennis, or running, following by a swim in the pool or ocean.
10:00 — breakfast on the beach terrace with Jo Ann
11:00 — go sailing
12:00 — go downtown and pick up mail, newspapers
1:00 — lunch at poolside with Jo Ann
2:00 — open mail, read newspapers, take nap
3:00 — write newsletter
4:00 — pick up kids from school, play with children
5:00 — call broker, write letters, make telephone calls
6:00 — dinner with family in dining room
7:00 — play cards or other games with family or friends, or rehearse play
8:00 — put children to bed
9:00 — free time to read a book, go to a movie, dancing or to the casino
10:00 — retire exhausted after a rough day

I guess I'm being a bit flippant, though Jo Ann would probably suggest there's more truth in it than error. One man's relaxation is another man's laziness.

Be that as it may, I was able to produce some things: I wrote thirty issues of my newsletter, a 150-page biography of my father, a major updating of one of my books, and a dozen articles for other publications. I also made over a hundred speeches in the United States and around the world, and I wrote hundreds of personal letters. I also appeared, along with other members of our family, in two musical productions for the Nassau Operatic Society. I may give the appearance of leisure, but appearances can be deceiving!

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or engaging in some other aquatic endeavor.

No Television

Before we came to the Bahamas, we decided that we were going to enjoy the benefits of outdoor living and the relaxed atmosphere of the islands. One of the first things we decided was not to have a television. Television is not only a mindless diversion that minimizes physical and mental activity, but also a bad influence on adults as well as children. We left our TV at home, with no regrets.

When something interesting was to appear on TV—the World Series or a special show—we would go on a social outing and visit friends (like Mike Lightbourn's family) who had a set. It made television much more enjoyable. The Bahamians, of course, are hooked on TV like everyone else, although the national station, channel 13, is awful stuff. You can get the U.S. stations from Miami on a clear day, but most Bahamians buy satellite dishes to catch the hundreds of programs in the States. For a time, it was tempting to get a satellite dish, but I believe you can waste the rest of your life watching other people do exciting things—I wanted to do these things myself and make my own contribution to life.

But you can't deny children something without offering a good substitute. Fortunately, *Far Cry* provided tremendous diversions, and the kids often went exploring along the dock, the seashore and a neighboring island they called "Narnia." We also became avid bookworms. The selections of books available in the Bahamas is not good. I must have bought hundreds of fiction and non-fiction books, usually in the states when I was traveling. Jo Ann would also buy books for herself and the children. The children devoured them at incredible speed. All of us found our interest in reading greatly heightened by the lack of television. I don't think our "no TV" plan would have worked if we hadn't had a decent substitute. We hungered for good novels and history and for up-to-date information.

There were quite a few books left in the house when we arrived, but we didn't find any we wanted to read. Curiously, we found three books right next to each other: *The Joy of Sex*, then *Open Marriage*, and finally, *Creative Divorce*. An appropriate order, we thought.

I thoroughly enjoyed the most famous Bahamian novel, *Winds from the Carolinas*, by Robert Wilder, a highly thought-provoking story. I recommend that you pick up a copy if you want a novel to read while lounging on the beach in the Bahamas.

My attitude regarding sports changed. I was no longer comfortable with sitting down for several hours and watching a game. I used to spend hours at home watching baseball, football or basketball. But now I would rather be out playing the game myself.

The Bahamas, like most tropical paradises, is conducive to year-around sports activity. I tried a variety of sports to keep in physical shape. I participated in swimming, golf, tennis, water skiing, fishing, skindiving, parasailing, basketball, softball, soccer, and weightlifting. I played basketball more than anything else. I improved quite a bit, and used to play with some blacks at St. Andrews. I was once asked to join the team as the only white player, but my travel schedule kept me from joining. And for the life of me, I couldn't understand what the coach was saying. Black Bahamians speak English, but the accent is so strong that sometimes it's difficult to understand.

To keep in shape, I prefer team games rather than individual activity. Rugby and squash are popular in Nassau, but unfamiliar to me, and rugby looked downright dangerous. Many foreigners are runners, but the roads in Nassau are narrow and threatening (I've seen runners hit by cars). I would rather run up and down an outdoor basketball court. Sports facilities are antiquated, to say the least. But you can find what you're looking for if you really want to.

I took up sailing. I bought a used boat—a Force 5 single sail boat built by AMF, a vessel not much larger than a sunfish but much speedier. Jo Ann and I spent hours out sailing in it two or three times a week—the convenience of having a boat that could be in the water in five minutes made it all worthwhile. (I know millionaires who own big boats, but because of lack of time and convenience, hardly ever use them.) I never became expert in sailing, but I learned to feel the hum of the hull, the warm breeze, the hot sun, and the cool water as I dipped down into the sea and pulled at the rig. I don't see how others can pass up the small sailboat in favor of the large yachts— there's such a thrill when you're sailing so close to the sea. Now that I'm moving away, I often feel the urge to return to the sea on a small sailboat and sail away....

Slow Down, You Move Too Fast

One of the most important lessons I learned in the Bahamas was to enjoy the present. I don't think I could have learned the value of true relaxation in Washington, D. C., or any other busy metropolis. It's so easy to get caught up in events, people and places to go—it's all part of the business ethic. You can't enjoy the "now," you have no time to unwind, you have to look to the future, and what happens next.

We had a number of friends visit us. One of Jo Ann's friends brought her husband down from Washington. He was constantly on the go—he couldn't just sit there and relax, play a game with us, read a book, or put his feet in the ocean. He had to talk business, he had to make a deal. Finally, after one night, he contacted someone at a local hotel and took off. I think he cut his "vacation" short and headed home. Needless to say, the Bahamas wasn't his style. But I wouldn't be surprised if this man died an early death. I suppose his motto was, "Life is too short—I don't have time to relax."

Then there are those who boast, "I work hard and I play hard." These are the super-competitive types. Whether it's business or a game, it's push, push, push, and win, win, win. They can't relax and just let someone else win. No, they have to do their best every time. I had the same problem, and believe me, it's difficult to overcome. But the Bahamas set the stage for me.

Some famous people have moved to the Bahamas. The "mutual fund king," John Templeton, lives there. I had a chance to meet with him for several hours, and he is still very sharp, despite his age (in the seventies). He lives modestly. He told me that he and his wife moved to the Bahamas in the mid-1960s, and his investment record actually improved because he was able to see investment trends more clearly by being away from New York and other financial centers. I think my own investment record improved as well—during 1984-85, I turned bullish

on the stock market when many analysts and colleagues were timid, and I was also bearish on gold while many gold bugs were bullish.

We also met Arthur Hailey (author of *Hotel, Airport*, etc.) Unfortunately, the meeting was largely superficial. We learned the lesson that Ernest Hemingway taught, "Never get to know the author of your favorite books."

Like most of the rich, Templeton and Hailey live on Lyford Cay on the western end of the island. We took a look at it when we first arrived but decided against it because it was too far away from the children's school and city activity. We didn't want to be a part of a millionaires' retirement haven uninvolved in the community.

Easy Living: for Whom?

Jo Ann, I suppose, would disagree with the title of this little essay. "Easy Living for Whom?" she would ask. I think I started relying too heavily on Jo Ann to do all the domestic chores. She was doing most of the hard work while I was basking in the sun. By the summer of 1984, she had had enough of my "relaxing," and let me know it. I think it had a beneficial effect on our relationship—it became more of a partnership.

Jo Ann had some problems adjusting to the Bahamas. Sure, they spoke the same language, but not necessarily the same social language. It takes time to get involved with friends and acquaintances, especially when I didn't have a regular salaried job with a local company. Gradually, over two years, we developed friendships, but it was tough initially. Mike Lightbourn helped by inviting us to some family events, and the local church helped out. We also became friends with the U.S. ambassador and his wife, Mr. & Mrs. Lev Dobriansky. After a year, we were being invited to many social events in the Bahamas.

Jo Ann had trouble writing her financial newsletter, *Jo Ann Skousen's Money Letter for Women*. I confess it was mostly my idea to get her to write it, and that was part of the problem. It was more my field than hers. She felt she was always getting involved in my world, but I wasn't getting involved in her world. Her first loves are music, dance and fiction—far from the world of Wall Street! I had shown some interest in her areas, but not enough.

That was another thing that changed in the summer of 1984. I became involved in many of her interests. I took ballroom dancing lessons in Miami (they weren't available in Nassau), and we went dancing many times, especially when we traveled together to investment seminars. She has a natural talent for dancing, having danced since a teenager, while I struggled with my steps. I also became a member of the Nassau Operatic Society and acted in two plays, *Annie* and *The Music Man*. Jo Ann had previously joined and performed in *Oklahoma!* Jo Ann encouraged me to participate in the next play, *Annie*, which stared our 11-year-old daughter, Valerie. She received rave reviews by the local papers, one of which said "she carried the show."

I even went to "jazz dance" for six weeks—I really felt awkward. I wasn't too successful at any of these, and it was frustrating. But at least I was learning new things, which is something I did a lot of in the Bahamas. It's good for the soul— and a marriage!

> ***Smuggling is highly profitable and popular, and you see it occurring everywhere—even in front of customs officials at the airport. Bribery of customs officers is frequent.***

The Kids at St. Andrews

I think our four children will miss the Bahamas. I don't think any of them ever came up to me and said, "Dad, I'm bored." There was so much going on. At home, they could go swimming, fishing, exploring, play badminton, soccer, basketball or other sports, play cards and other games, read, help with the dishes or other chores, and so on.

School was one of our main concerns before we left, but we were luckily able to get into the private St. Andrews School, regarded by most people as the best school in the Bahamas. It had an excellent facility, and all four of our children seemed to enjoy it. Discipline was very good, and the teachers, primarily British, emphasized handwriting far more than American schools do. In practically every way, I considered St. Andrews a better primary school than most I had seen in the United States.

Economic Life

Like any country, the Bahamas has its pluses and minuses. Its standard of living is high compared to that of most Caribbean countries, though it is certainly lower than that of the United States. The roads were constantly in need of repair, the power went out frequently (at least once a week, and often more), and the telephone system left much to be desired. While we lived at *Far Cry*, it went out a dozen times a year; heavy rain was especially bad for it.

Nothing was cheap on the islands. Rent was high by U.S. standards. A simple three bedroom house in a middle class neighborhood away from the ocean might run $1,000 to $2,000 per month; a nice place on the ocean might run $3,000 to $4,000. Utilities were also expensive, especially for water, which has to be brought to Nassau from Andros Island by barge. Phone calls to the states are about one dollar per minute, and to other countries as much as $4 per minute. But, remember, rent and utilities are tax deductible for expatriates, making the high cost seem more affordable.

You could get virtually anything you could get in the states—for a price. Fresh food, imported from the states, usually cost double or more. Milk was over $4 a gallon! Other food products were usually 50% higher than stateside.

The reason for this is not just transportation costs, which could explain perhaps 10-15% higher prices. The rest was caused by extremely high import duties imposed by the Bahamian government. Because it has no income, investment or sales tax, customs duties are its primary source of revenue (the rest coming from banking fees, a $5 departure tax, etc.) The average import duty is 42%. No wonder the Cus-

toms House is the biggest business in the Bahamas! A less competitive environment also means higher prices. For example, even though the duty on clothing is 40%, clothing prices are often 200% higher than in the States. Because of these high prices, many Bahamians go to Miami to do their shopping.

Smuggling is highly profitable and popular, and you see it occurring everywhere—even in front of customs officials at the airport. Bribery of customs officers is frequent.

Five Point Economic Plan for the Bahamas

This economic debacle could be cured if the Bahamian government would adopt a policy of gradually reducing customs duties across the board. They have already done this on a number of items, always with great success. The result would be a tremendous business boom. Competition would increase, prices would drop significantly, and locals would not try to do all their shopping in Miami. Government revenues may not even drop if the increased business means a sharp increase in imports from the United States.

Second, the Bahamas should privatize its public utilities. The standard of living could be greatly improved by having a reliable telephone system, decent roads, uninterrupted electricity, reliable garbage pick-up, competent hospitals, responsive police department, etc. All of these public facilities are state-run at the present time, and run badly. Creating private corporations through the issuance of public shares would go a long ways to relieve declining economic standards in the Bahamas.

The biggest concern we had in the Bahamas was for our safety and health in the case of a personal attack or accident. Our daughter was bitten on the nose by a Doberman pinscher, and we learned first hand how incompetent the public hospitals are—people in the "emergency" section can wait several hours to get help. Our "doctor" told us that surgery was unnecessary—the nose would simply grow back on its own! Finally, in desperation, we flew to Miami, which everyone else does in a real emergency. There's no reason for this violation of the public trust.

The bus system in Nassau is an excellent example of what could be done. It is private, with several competing companies. It is reliable and cheap, only 50 cents anywhere on the island. Similar efficiencies could be realized in garbage collection, road maintenance, telephones and electricity.

Third, the Bahamian government should rescind its anti-foreign investment rules. The Bahamas desperately needs foreign capital, but it can't seem to understand why little is forthcoming. Miami is booming, while Nassau is left behind. There are thousands of acres, some with excellent views of the ocean, left empty and undeveloped—by government edict. The Bahamas should do away with laws requiring government approval for foreigners to set up business or buy real estate (laws which have seriously hurt the real estate market). Some industries, such as the hotels, have certain exemptions, but the exemptions should be expanded to stimulate all business activity, not just tourism. The key to getting foreign capital is to establish long-term political stability, a free market atmosphere, and most importantly, the right to own and control business property without government authorization.

Fourth, the Bahamas would be wise to drop its work permit requirements. Work permits, like closed union shops, provide benefits to those who have jobs at the expense of the rest of the country. Efforts to protect some Bahamians only backfire and hurt Bahamians in general. Guaranteeing that jobs are only filled by Bahamians encourages inefficient work—and the Bahamian laborer has a reputation of slothfulness. Waiters are slow and unresponsive. But I don't blame them—it's the fault of the work permit law that prohibits foreigners from coming in and competing with them. If this competition were allowed, Bahamians would have to be responsive and efficient or lose their jobs. At the same time, the unit cost of labor would fall, bringing prices down and encouraging an expansion of business activity in other areas.

Fortunately, the Bahamas is still fairly open as far as illegal aliens are concerned. Immigration occasionally engages in a crackdown, but it's never very effective. Most of the gardeners and construction workers are Haitian, illegally resident. Maids come from all over the Caribbean. Because of the competition, Bahamian maids can hold their own although, admittedly, we went through five maids (from the Bahamas as well as other countries) trying to find a decent worker.

I was happy to learn that writers aren't required to get work permits in the Bahamas—residency is required if you stay longer than six months, but it's easy to come and go in the Bahamas as a tourist. (Yes, writers, like the rich, are different! But being a writer doesn't automatically make you rich.)

I travelled frequently while residing in the Bahamas—probably once a month, either to Europe or the U.S. Getting in and out of the Bahamas and the United States was no problem. I didn't need a visa, or even a passport just a birth certificate. Bahamas immigration is easy for most foreigners, except perhaps for people from the Caribbean.

The biggest complaint I heard was not about Bahamian immigration, but U.S. immigration. You can't believe how much the United States is "hated" (a commonly used word by foreigners and Bahamians) because of the power-hungry, arbitrary, abusive, and insulting immigration officers. U.S. Customs and Immigration is located at the Nassau airport, which is quite convenient. But Bahamians and other foreigners are often delayed for lengthy interviews at the airport to make sure they come into the U.S. legally and don't plan to stay longer than permitted. (Over-heard conversation between a U.S. officer and Bahamian: "What is the purpose of your visit?" "To see my relatives." "How long will you be in the U.S.?" "Four weeks." "Do you really need four weeks to see your relatives?") Immigration policy is giving a bad name to America.

Fifth, the Bahamas should adopt the U.S. dollar as its national currency, anti-American feelings notwithstanding. And it should do away with exchange controls. Panama has such a policy, with favorable consequences. The Bahamian dollar is on par with the U.S. dollar (though it sells at a discount in Miami), so the transition would not be difficult. The U.S. is the Bahamas' major trading partner, and the vast majority of tourists come from the U.S. There are plenty of dollars circulating and really no need for Bahamian dollars.

Of course, adopting a U.S. dollar

standard would eliminate the Bahamian government's exchange control power, but there's no reason for exchange controls anyway except as a counterproductive economic policy. Bahamians are virtually prohibited from investing outside the Bahamas (for example, investing in the stock market in the United States and other countries)—surely a silly policy that even Britain abolished several years ago. Why should the Bahamian government fear its own citizens investing in the United States—doesn't that say something about the stability of its leaders? Besides, intelligent Bahamians already know how to circumvent the law. The exchange control law should be abolished. It serves no purpose other than to enhance the power of government officials and let the central bank play games with the local currency.

One thing I commend the Bahamas for is establishing Nassau as a major financial center. Having major banks from Canada, the United States, and Europe has tremendously increased the Bahamas' prestige and economic power. Having branches of major Swiss banks has done a great deal to create a stable, favorable atmosphere for international business and private banking in Nassau.

Political Crisis in Nassau

It's sometimes hard for Americans to understand that the history, culture and background of the Bahamians are different from, though in some ways dependent on, our own. The Bahamas is known as a haven for the drug trade. During the American civil war, Bahamians were gun-runners to the rebel South. During Prohibition, they were bootleggers. The illegalities of popular substances and products in the U.S. have made business good in the Bahamas, and that story will never end—despite the best efforts of the Federal bureaucrats in Washington.

While we lived in the Bahamas, the Bahamian government went through a political crisis not unlike Watergate. The Prime Minster, Sir Lynden Pindling, whom we never met personally but saw driving around in his chauffeured Rolls Royce, was accused of protecting drug dealers, taking bribes, and failing to disclose hundreds of thousands of dollars in income. He built a $2 million mansion on a $100,000 salary. The whole affair cast a cloud over the economic and political future of the Bahamas, but so far, Pindling and his majority party, the Progressive Liberal Party (PLP), have weathered the storm. I think there was a lot of truth to the charges, but the Commission of Inquiry set up to examine the evidence concluded in December, 1984, that it was circumstantial and the accusations unprovable. The Pindling government won another 5-year term in 1987.

Nothing was cheap on the islands. Rent was high by U.S. standards. Utilities were also expensive, especially for water, which has to be brought to Nassau by barge.

In the United States, such bad publicity would surely result in resignation, as it did with Richard Nixon. But the Bahamas is not the United States. The PLP will survive, at least for now. Probably it's not going to make much difference who runs the government, which is likely to remain middle-of-the-road. As one Swiss banker in Nassau told me, "It doesn't matter which political party is in office—both parties strongly support this country as a tax haven....without the tax and privacy advantages, the banks would disappear overnight."

I don't think there's much chance of a radical takeover. Such possibilities are just not in the make-up or history of the Bahamian people. Radical communist influence is very small—the socialist Vanguard Party received only 1% of the vote in the last election. The Bahamians are too worldly wise for that to happen. The Bahamas have no generals, no secret police, no political prisoners. The government submits to a general election every five years, and the courts, modeled after the British system, are open to all citizens (although they may not work as well as the British courts).

I highly recommend the Bahamas, from Nassau to the "out islands," for their ideal climate, aquatic delights, and private bank accounts. I don't generally recommend getting involved in business or real estate ventures. The business climate still isn't what it should be. The investment climate is favorable and relatively safe—I recommend particularly the Swiss banks. Foreign banks are prohibited from domestic investing in the Bahamas. Your funds are actually in Europe or the United States under the name of the bank. Foreign banks just act as middle men, and that they do very well, as efficiently as the banks in New York, London or Zurich. Until economic policy changes in Nassau, I don't recommend putting your money in the Bahamas, just have it go through the Bahamas.

Why We Left Paradise

If I have painted a rosy picture of the Bahamas, you may be wondering why we left. There are several reasons why we decided not to make Nassau our permanent home. We felt that the medical facilities were inadequate. With 4 young children who loved exploring, medical care was a constant concern. The Bahamian doctors are fine for routine illnesses, checkups and minor accidents. But in my opinion the hospital facilities are a (high) risk in case of a major threat to life. Frankly, we were extremely wary of the hospital facilities in Nassau, based on our own experience and the horror stories of others.

At times, we were concerned about our safety. Crime is a constant problem in Nassau, especially with the high level of drug use by many Bahamians. So is safety on the roads, which are often narrow, winding, and full of potholes. Traffic accidents are often fatal.

We felt that the Bahamas did not offer adequate education in the upper level high school. When children reach 13 or 14, the Bahamian system concentrates entirely on preparing the teenager for "O levels" and "A levels", the strict exams which determine whether British students will be allowed to attend college. American parents face a difficult decision. Many parents send their children away to boarding school when they turn twelve, and there are few classmates

➡ *continued on page 51*

Essay

Libertarians in a State-Run World

by Murray N. Rothbard

The articles by Messrs. Waters and Wollstein (*Liberty*, Sept./Oct. 1987) highlight a vitally important question for libertarians: How can we act, and act morally, in a State-controlled and dominated world? It seems to me that the most important concern is to avoid the twin, and equally destructive, traps: of ultra-purist sectarianism, where indeed we would not permit ourselves to walk on government-owned streets; and sellout opportunism, in which we could become supervisors of concentration camps while still claiming we were "libertarians" in some far off, ideal world. Opportunists are people who severely split theory from practice; whose ideals are tucked away in some closet or trophy room and have no bearing on their daily lives. Sectarians, on the other hand, suffer from what the Catholics would call the error of "scrupulosity," and are always in danger of boxing themselves in to become hermits and virtual martyrs. All well and good; but to avoid both pitfalls, we need some criteria to guide us.

Morality As Relgion

For Mr. Waters the problem is simple; instead of trying to avoid the trap, he rushes to embrace it. For him the answer is to throw away moral principle, which means throwing away passion, commitment, and hostility to renegades from liberty. Instead, we are to be cool and detached "scientists," proposing liberty on utilitarian and unemotional grounds. Then, presumably, we wouldn't worry about betrayal, or about any other actions, regardless how odious, libertarians might perform. So, bring on the concentration camp supervisor, and let us talk to him sweetly about the pragmatic benefits of the price system and the division of labor!

In the first place, the fact that religious people are hostile to traitors and apostates does not make their views incorrect. Mr. Waters adopts an old canard by lumping in moral principles as "religious," thereby indicting hostility to immoral actions with the dread stamp of "religion." You don't have to be religious to detest immorality or hypocrisy, or to be angry and indignant at backstabbing by friends or lovers. Mr. Waters's ideal of the passionless scientist is, as far as I am concerned, totally off the wall. I have known many scientists, and I have never known any who were not passionately indignant against what they considered the promotion of quackery or the betrayal of the ideals [e.g., truth-seeking] of science. I confess also to be annoyed at Mr. Waters invoking of my dear mentor, Ludwig von Mises, in his argument. It is true that Mises was a utilitarian, but it is also true that he was passionately devoted to liberty, and equally passionately opposed to all forms of statism, and to those who purvey it. Scientist he was; bloodless he was not.

Parenthetically, I am getting tired of the offhanded smearing of religion that has long been endemic to the libertrian movement. Religion is generally dismissed as imbecilic at best, inherently evil at worst. The greatest and most creative minds in the history of mankind have been deeply and profoundly religious, most of them Christian. It is not necessary to be religious to come to grips with that fact. Speaking in Mr. Water's pragmatic bailiwick, we libertarians will never win the hearts and minds of Americans or of the rest of the world if we persist in wrongly identifying libertarianism with atheism. If even Stalin couldn't stamp out religion, libertarians are not going to succeed with a few Randian syllogisms.

The Nozick Question

Mr. Waters says that for us moralist ("religious") libertarians, the word for Robert Nozick is "apostasy." Rubbish. The word for Nozick is "hypocrisy," since he has never recanted his libertarian views. He apparently just doesn't live by them. Waters also says that every libertarian he knows "was upset, angry, and outraged" at Nozick's actions. I was not, although I agree that was their proper reaction. As a long time Nozickologist, his actions didn't surprise me at all. It did not surprise me that he held the time-honored Northeastern urban tradition of "screwing your landlord" higher on his value-scale than the abstract principle of liberty and non-aggression. Even more amusing was Water's complaint that libertarians have gone so far as to "ostracize [Nozick] from libertarians society." Come, come, how often has anyone seen Nozick in "libertarian society?" Essentially, he abandoned libertarian society himself after his one flashy role at the LP national convention in 1975, where he was lionized soon after *Anarchy, State, and Utopia* had hit the streets. After that, the polymathic Nozick went on to

other concerns and other books, and *lost interest* in libertarian questions.

For those of us who are passionately committed to libertarian principle, and consider it of supreme importance [especially if we are moralist/ "religious"], such loss of interest is very difficult to understand. But that's the way it is. My own view of Nozick, based both on his personality and on the way he writes his books, is that he is considerably less interested in the content of his books than he is in the coruscating brilliance of his own thought-processes as he works his way through them. That sort of person is surely the sort of person who loses interest in the content of his previous books, and who would happily screw a landlord he dislikes without giving much thought to libertarian principle.

To get to the screwing itself, and to the main substantive question raised by the Waters article: is being indignant at Nozick's screwing his landlord equivalent to upbraiding him (or anyone else) for walking on government-owned streets or flying from government-owned airports?

I think not. Waters's fundamental error is to confuse accepting a situation none of your making, with actively making that situation worse. In short, there is nothing wrong with a libertarian living in a rent-controlled apartment, and therefore paying a rent below the market. Nozick (or myself) is not responsible for the rent-control law; he or we have to live within the matrix of such laws. So there is nothing wrong with him living in a rent-controlled apartment, just as there is nothing wrong with him walking on government streets, flying from government airports, eating price-supported bread, etc. None of this is of Nozick's (or our) making. It would be therefore foolish and martyrish for us to renounce such apartments if available, to refuse to eat any food grown under government regulation, to refuse to use the Post Office, etc. Our responsibility is to agitate and work to remove this statist situation; apart from that, that is all we can rationally do. I live in a rent-controlled apartment, but I have also written and agitated for many years against the rent-control system, and urged its repeal. That is not hypocrisy or betrayal, but simply rationality and good sense.

It seems to me that there is a world of difference between living your life within a State-created matrix, while trying to work against the system and, on the other hand, actively using the State to benefit yourself and screw your fellow-man.

Nozick's moral error [let's call it "sin" to provoke the Waters' of this world] was to go much further than simply living under rent control. His immoral action was to *pursue* the landlord actively, to go to the State to agitate, time and again, to get the State to force his rent even lower. It seems to me that there is a world of difference between these actions. One is living your life within a State-created matrix, while trying to work against the system; the other is actively using the State to benefit yourself and screw your fellow-man, which means initiating and abetting aggression and theft.

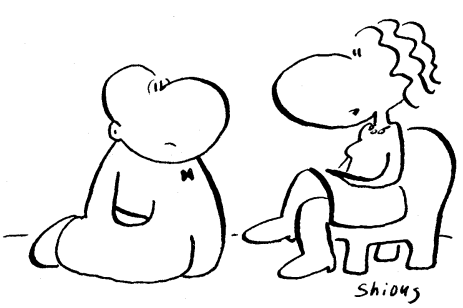

"I'd like to marry you, Eddie, but I've got rent control."

Working For Government

The criterion we should use in the Nozick case is, I believe, an easy one. There are far more difficult questions. What about working as a government employee? It is true that, other things being equal, it is far better, on libertarian as well as pragmatic grounds, to work for a private employer rather than government. But suppose that the government has monopolized, or virtually monopolized, your occupation, so that there is no practical alternative to working for the government?

Take, for example, the Soviet Union, where the government has, in effect, nationalized all occupations, and where there are no, or virtually no, private employers. Are we to condemn all Russians whatsoever as "criminals" because they are government employees? Is it the only moral act of every Russian to commit suicide? But that would be idiotic. Surely there are no moral systems that *require* people to be martyrs.

But the United States, while scarcely as far gone as Russia, has had many occupations virtually monopolized by the government. It is impossible to practice medicine without becoming part of a highly regulated and cartelized profession. If one's vocation is university teaching, it is almost impossible to find a university that is not owned, economically if not legally, by the government. If one's criterion of government ownership is the receipt of over 50% of one's income from the government, then there are virtually no universities, and only one or two small colleges, that can be called "private." During the riots of the late 1960's, students at Columbia discovered that far more than 50% of the income of that allegedly "private" university came from the government. In such a situation, it is foolish and sectarian to condemn teachers for being located in a government university.

There is nothing wrong, and everything rational, then, about accepting

the matrix in one's daily life. What's wrong is working to aggravate, to add to, the statist matrix. To give an example from my own career. For many years I taught at a "private" university (although I would not be surprised to find that more than half its income came from the government). The university has long teetered on the edge of bankruptcy, and years ago it tried to correct that condition by getting itself "statized" through merging with the State University of New York system, in those halcyon days rolling in dough. For a while, it looked as if this merger would occur, and there was a great deal of pressure on every member of the faculty to show up in Albany and lobby for merger into the State system. This I refused to do, since I believed it to be immoral to agitate to *add to* the statism around me.

Does that mean that all libertarians can cheerfully work for the government, apart from not lobbying for statism, and forget about conscience in this area? Certainly not. For here it is vital to distinguish between two kinds of State activities: (a) those actions that would be perfectly legitimate if performed by private firms on the market; and (b) those actions that are *per se* immoral and criminal, and that would be illicit in a libertarian society. The latter must not be performed by libertarians in any circumstances. Thus, a libertarian must not be: a concentration camp director or guard; an official of the IRS; an official of the Selective Service System; or a controller or regulator of society or the economy.

Let us take a concrete case, and see how our proffered criterion works. An old friend of mine, an anarcho-libertarian and Austrian economist, accepted an important post as an economist in the Federal Reserve System. Licit or illicit? Moral or immoral? Well, what are the functions of the Fed? It is the monopoly counterfeiter, the creator of State money; it cartelizes, privileges and bails out banks; it regulates—or attempts to regulate—money and credit, price levels, and the economy itself. It should be abolished not simply because it is governmental, but also because its functions are *per se* immoral. It is not surprising, of course, that this fellow did not see the moral problem the same way.

It seems to me, then, that the criterion, the ground on which we must stand, to be moral and rational in a state-run world, is to: (1) work and agitate as best we can, in behalf of liberty; (2) while working in the matrix of our given world, to refuse to *add* to its statism; and (3) to refuse absolutely to participate in State activities that are immoral and criminal *per se.* ❑

What if there was a Millenium... And No One Came?

Or, *Don't Wait for the Engraved Invitation*

by Skye d'Aureous and Natalee Hall

The actions of the State have had a very strong negative effect on your material possessions. As a libertarian, you understand how statism has impoverished you by taxation, regulation, and interference. You recognize that statist coercion has directly and indirectly caused the waste of a large portion of your productive activities.

Have they captured most of your spirit and many of your unconscious premises as well as much of your material prosperity? There is a lot more to liberty than knowing why schools and roads ought to be run privately and that taxes are theft. You can be thoroughly familiar with the theory of laissez faire and still be victimized by statist premises on the *unconscious* level. You can desire freedom, have studied laissez faire , but still suffer from what El Ray terms the "servile mentality." You will immediately think that this does not apply to you. But, being "against" the coercive State doesn't tell you what you can do to maximize your own freedom. You know a lot "about" freedom, but not a lot about *how* you can do it and *when* you can do it. The millenium—if it comes—will come gradually, without an engraved invitation, and you will have to recognize its symptoms and act accordingly.

We were born, educated, and have lived all of our lives in a society which is psychotically out of touch with reality in many respects. Do not be so naive as to think that this total immersion in the surrounding near universally-accepted fantasy-world has left your unconscious mind untouched. We *now* know enough of laissez faire to interpret incoming data within a rational framework. What of the years in the past that we spent filling our minds with improperly comprehended data? We were born among sheep, raised by sheep, educated as, by, and for sheep—and before we knew better, some of it got through. Conscious recognition, re-evaluation, and correction of unconscious attitudes is necessary if a theoretical knowledge of laissez faire is to lead you to actual concrete liberty rather than sterile word games.

Your conscious mind will find the following statements obvious. It is very unlikely that your unconscious mind fully accepts and works with all these premises, i.e., these premises have not been fully *integrated* into your mind. Liberate more of your mental faculties from unconsciously accepting servitude by seeing how many interesting consequences you can develop from each of the following statements. These are heuristic tools; they are useful guiding principles for self-liberation—they are not a blue-print.

This essay originally appeared in *The Libertarian Connection,* and is reprinted with the permission of the authors.

Play around with them enough so that you gain an unconscious familiarity and facility in using them. You won't accomplish much by just reading through a list. Merely reading a list of the rules of logic, for example, is not enough to cause you to think logically as a matter of course. using guides to thought in actual thinking through of problems is the way to learn them.

A more fully freedom-oriented mental set (unconscious, as well as conscious) will prepare you for more effective practical freedom-increasing action.

1. The general population does not know what freedom is.

2. The activities of the general public are not good indications of when and how *you* can be free and at what cost.

3. An overall decrease in freedom for the general population does not necessarily mean a decrease in freedom for you unless your actions are essentially the same as those of the general population.

Comments:

You can't watch most people to determine when *you* are free. Most people will not take advantage of freedom—this has been true in the past and will continue to be true for quite some time into the future. Regardless of the opportunities, their lives will continue as usual. Don't be conceptually blinded by paying too much attention to the general populace; freedom's initial manifestations will be more subtle than that.

4. A rational person is only interested in freedom he can obtain in his own time.

5. A rational person does not count upon gaining freedom at some vague time in the future by means of sweeping social changes of other means which are beyond his control.

Comment:

This is not to claim that a general condition of laissez faire cannot be wrought in our lifetime—just don't bet your life on it.

There is a lot more to liberty than knowing why schools and roads ought to be run privately and that taxes are theft.

6. Freedom is not a monolithic indivisible entity. It is not a word. You are free when you can do what you want without coercive interference.

Comment:

Before you can decide how free you are and how to become freer, you have to determine what you want to do. What do *you* (not the general population) want to do?

7. Freedom is not free. It would be nice if it were, but there are people willing to coerce. Making some freedom for yourself requires purposeful action. You must know what you want to be free to do, and you must organize your resources toward the end of creating that freedom for yourself.

8. Your desire for freedom does not imply an effective ability to choose between 100% or 0% freedom. your effective range of choice—i.e., what you can get—depends on your desired actions, your resources, and how you can use them.

9. You will not suddenly become 10% free! You will have to do it yourself, a carefully planned step at a time.

10. Your present condition of freedom is probably far from optimum for your most desired range of actions and your present resources. Your approach to this optimum must be discovered by careful planning and investigation. you do not have automatic knowledge of this subject, and living your life like the general populace will get you what they get.

11. The State and its agencies will *never* proclaim themselves abolished, offed, impotent, or irrelevant.

12. There are not pigs *everywhere* and they are at very few places all the time.

13. What the State claims to control is not the same as what it does control. *You* will have to investigate and decide for yourself. This is a corollary of 11 and 12.

Whether or not there is a sweeping general move toward laissez faire:

14. The State will not become impotent in all geographical areas at the same time.

15. The State will not become impotent in all areas of human action at the same time. You will see the effects of growing freedom in particular specific activities before you see it in larger areas of action.

16. You will see the effects of progressive freedom among small numbers of people and in small groups before you'll see it in larger areas of action.

17. People who have gained relative freedom from State coercion for a particular range of actions will usually not loudly advertise to the minions of the State. You either have to think it up and do it yourself or with your group or you have to become skilled at reading between the lines and knowledgeable about less widely read material—but you still have to do it yourself. If you are successfully doing it, chances are that you will meet others who are successfully doing it, and you can then do it better together. What's the "it"? That is up to *you*. ❑

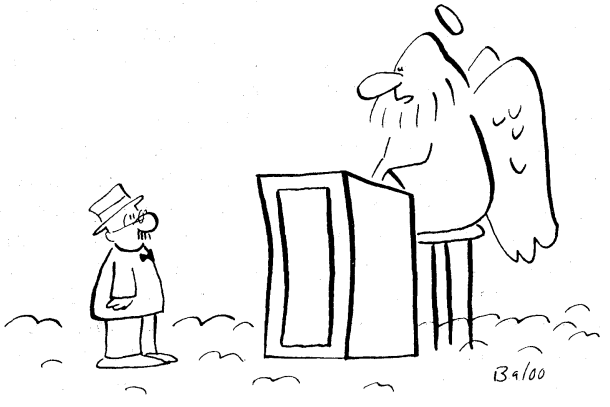

"Yes, you meek guys *were* supposed to inherit the Earth... Unfortunately, however, the assertive guys just blew it up."

Essay

Samaritanism: Good and Bad

by Walter Block

The Biblical tale of the Good Samaritan is dramatic. After other travellers have passed by the man lying at the side of the road in need of aid, the Good Samaritan alone stops to succor him.

The moral of the story is clear: if you help the less fortunate, you will be rewarded.

So far, there is nothing amiss for the libertarian. The code of nonaggression certainly does not prohibit the provision of aid to people in need.

But this edifying story was rudely revised by the 1983 enactment of "Good Samaritan" legislation in Minnesota. This law requires that witnesses come to the aid of anyone in "grave physical danger," or face misdemeanor charges and a fine of up to $200. (The statute does not demand that passersby undertake acts of heroism by thrusting themselves into violent or potentially violent situations. In such instances only "reasonable assistance" is mandated, such as summoning help from the police.)

The law was prompted by the New Bedford, Massachusetts case in which a woman was raped on a pool table in front of several onlookers, and by the famous Kitty Genovese episode, in which a woman was brutally and fatally stabbed in a street in Queens, New York, in the clear sight of dozens of people who watched from windows in nearby high-rises.

According to Minnesota State Representative Randy Staben, the author of the measure, "Previously, an expert lifeguard could watch a six-month-old baby crawl into the river and drown and sit by or do nothing about it and nothing would happen... That is totally unacceptable conduct for civilized society."

But this will not do. Any lifeguard who sat idly by while a six-month-old baby (or anyone else for that matter) drowned in front of his very eyes, would at the very least be guilty of contract violation. The lifeguard was hired, presumably, to obviate this very occurrence. That he lifted not a finger to prevent it most certainly would have been penalized—long before the passage of the Minnesota Good Samaritan Act.

Of course, if an off-duty lifeguard, or any other private citizen not contractually obligated to engage in rescue operations, saw a drowning, he would be under no legal requirement to come to the aid of the victim.

This is the nub of the dispute. According to the Minnesota code, the observer must either rescue the victim or at the very least notify the authorities of the problem. But in the libertarian law code one is bound only to refrain from the commission of aggression. In the libertarian view, there are no positive responsibilities incumbent upon the moral agent apart from those he takes upon himself, through contractual agreement.

We can perhaps judge between these polar ethical world views by considering human action in two different aspects: the practical and the logical.

What practical considerations argue against compulsory Good Samaritanism? Given that the goal is to promote mutual aid among members of our species, is legal coercion the best, or even a reasonable means toward this end?

There are several types of evidence that weigh against such an hypothesis. First of all, the Genovese killing and the pool table rape are so newsworthy precisely because it is so exceedingly rare for people to stand by and see their fellow creatures harmed. For every such event there are literally hundreds if not thousands of cases in which people pluck little girls out of the paths of on-rushing trucks, rescue the elderly from burning buildings, beat the woods for lost children, and extricate victims from mine cave-ins, ocean mishaps, etc., often at great personal risk. Certainly, none of this activity has been motivated by a fear of running afoul of the law. Heroic events have been taking place since the dawn

of recorded history; the Minnesota enactment was a product only of the 1980s.

More to the point, were this legislation copied elsewhere, and as prominently enforced as its adherents might wish, how many heroic rescuers might *refrain* from such good deeds as the law invites, resenting the fact that these deeds were required by law? Lack of heroism might also result from a fear of becoming involved, for the Minnesota law also provides victims with a further avenue of relief: the right to launch a civil suit against the "Bad Samaritan," the person who could come to the rescue or notify the authorities but refuses to do so.

Another practical problem: in many cases of distress (e.g. drowning) an actual personal rescue is the only response that is of any help. By the time a witness can inform anyone else, the possibility of effecting aid may be long past. But the Minnesota law specifically exempts from culpability those who seek help from third parties instead of attempting an extrication of the sufferer. Presumably, it would not have been politically feasible to visit punishment on citizens unwilling to risk their own lives in Samaritan ventures. This half way measure, then, falls short of compelling the act that might be of sufficient help.

Even in a case in which mere notification can be of some use (rape, robbery in process) there is a practical difficulty. In order to get help, the onlooker will often have to travel *away* from the scene of the crime. If he is really unwilling to perform the required deed, it is easy for him to evade it under such circumstances, and it is difficult to prove otherwise.

But the impediments to this legislation run far deeper than mere practicality. There are also philosophical dilemmas.

A quandary arises with regard to causal antecedents. In the cases of flood, fire, drowning, willful infliction of violence, etc., it is rather straightforward to identify the reason for the problem. But there are thousands of people who die, and are therefore ready for some form of deliverance from a would-be Good Samaritan, because of antecedents which are unclear, at least to some people.

Consider Ethiopian starvation. Numerous hypotheses have been advanced to explain this phenomenon: drought, civil war, imperialism, lack of foreign aid, socialism, capitalism, etc.

Suppose that a person were hauled into court by a starving Ethiopian under the civil suit provisions of a statute similar to the Minnesota law. What kind of defense would be open to him?

He could reply that he had contributed to foreign aid to Ethiopia. But this justification could founder on at least two grounds. First, it might fail on the ground that foreign aid, far from being a solution to the problem of starvation, was actually a cause. Secondly, it might be unsuccessful on the ground that although contributing to foreign aid was indeed the appropriate response, the defendant did not donate sufficient funds.

This leads to the question: How much effort must a Good Samaritan put out in order to save a life?

The present Minnesota law is incomplete in the sense that it leaves open the question of how much "society," or the "authorities," are to do for the victim. If all that need be done is to notify the government of a needy person, and then the government can sit on its hands and do nothing, then the whole process is morally and practically pointless.

So we ask again of this "brother's keeper" philosophy: How much must the Good Samaritan do for others, whether "collectively"—through government—or on an individual basis?

There are really only two responses, all others are merely variants of them. One is that the Good Samaritan weigh the lives of all other people on a par with his own and continue to give of himself and his wealth until the problem is solved or his wealth is exhausted. At any point short of this, say, after the Minnesotan has given away *virtually* all of his treasure, but still has about ten times as much as the Ethiopian, the problem will yet remain: the Ethiopian will still be starving, although perhaps more slowly, and the Minnesotan will still have the wherewithal with which to save him.

The second response represents the only real alternative. It is the polar opposite to "brother's keeperism": the complete renunciation of the Good Samaritan philosophy, and the embracing of the libertarian option of no *positive* obligation at all.

But we have not yet concluded the case against the Good Samaritan law.

Suppose the Minnesotan charged with the violation of the Good Samaritan law claimed he was a research scientist, hurrying to his laboratory to find a cure for cancer, or for AIDS, or for the aging process. He would have to concede that one person in trouble would have to make do without his good offices. But surely, it would be contended, more "Good Samaritan credits" should be garnered by a researcher who saves 10 million lives in 10 years than by a person who saves or helps to save one life today. What, in other words, is the proper discount rate for life saving?

This problem is of course as silly as it is intractable. It is impossible to determine any proper rate of exchange aiding the troubled in the present and doing so in the future. Any attempted solution to this problem is bound to founder on the question of interpersonal comparison of utilities.

The Good Samaritan law of Minnesota is arbitrary and capricious. It leads down a slippery slope toward massive income redistribution, which may not have been foreseen by its adherents. Moreover, the burden of proof would appear to lie with the proponents of any doctrine, and as yet no proof has been offered for the contention which underlies this statute: the brothers' keeper argument. ❑

The Genovese killing and the pool table rape are so newsworthy precisely because it is so exceedingly rare for people to stand by and see their fellow creatures harmed. For every such event there are literally hundreds if not thousands of heroic rescues.

Essay

The Dynamics of Voluntary Tyranny

by Stephen Cox

The most obvious and undoubtedly the most dangerous threat to liberty is the authoritarian political state. But private, voluntary organizations may also be authoritarian or even totalitarian. Such voluntary tyrannies are well worth studying, whether or not they seek state power.

The modern state is, of course, very far from operating only by means of physical coercion. It relies on psychological conditioning and on its ability to offer social rewards that people sometimes value more than liberty or material progress. When one analyzes a national state, it is often difficult to distinguish the effects of conditioning from the effects of coercion or threatened coercion. By examining voluntary tyrannies—some of the purest examples of which are to be found among religious sects that strive to make themselves independent of normal political life—we can isolate psychosocial structures of authoritarianism and discover the extent to which they promote or restrict the success of organizations that employ them.

It's all too easy, however, to create an *a priori* model of authoritarian behavior and then impose it on the religious or political phenomena one is studying. People often assume that both the cult of the state and the cult of the authoritarian religious group result from a fairly simple reversal of libertarian values and behavior. If the liberal tradition values reason and knowledge, the cult values ignorance and irrationalism; if the liberal tradition encourages individual choice, which can make society a messy, often apparently aimless thing, the cult thrives on collective planning and scheming.

A counterargument to such ideas is supplied by the example of a separatist religious group of remarkable size and energy, the Jehovah's Witnesses. Everyone has had some contact with this group of door-to-door proselytizers, who turn up on Saturday mornings to offer one the chance to buy a *Watchtower* magazine. But the Witnesses have made themselves so independent from the mainstream of society that few people know anything very specific about their beliefs, their history, or their organizational structure. Few people know how closely their organization resembles that of a political state. The Witnesses are, in fact, one of the most authoritarian of voluntary "states," and one of the least "religious" of religions.

If we think of religion as a matter of faith and spontaneous emotion, as opposed to ratiocination and objective "proof," Jehovah's Witnesses may seem no more religious than the village atheist. Their belief is entirely based on severely "rational" study of the Bible, which is thought to be fully explicable by reason and Witness exegesis. There are no revival meetings, no communications from God directly to the heart, no special revelations or personal confrontations with the great metaphysical questions. By applying to Scripture a certain complicated interpretive "logic," the Witnesses can show you proof positive, no mystic faith required, that we are living in the "last days" of this "present system"; that Christ's second coming took place in 1914, since which time he has been preparing to bring the Witnesses eternal life on a paradise earth and to visit destruction on all unbelievers and their God-substitutes (churches, commercial powers, governments, and especially that super-government, the United Nations); that blood transfusions, steeples, crosses, hymns not written by Jehovah's Witnesses, prayers for peace, service in the armed forces, flag-salutes, national anthems, and the celebration of Christmas, Easter, birthdays, and Mother's Day are sheer sin and paganism; that the only organization on earth that has legitimate claim to people's allegiance is the Watchtower Bible and Tract Society, the bureaucracy in Brooklyn, New York, that publishes all Witness literature, appoints all officials in all 52,000 Witness congregations, and makes all moral decisions of any consequence for the millions of Witnesses worldwide. The religious sanction for all of this is right there in your Bible, if you're just rational enough to read it right. Of course, no one is that rational, unless he or she is instructed by the WBTS, and that's why it sends its missionaries to your door on Saturday morning.

A drearier group than the Witnesses can scarcely be imagined. They attend five congregational meetings a week (not counting meetings convened for door-to-door preaching). On any given day, the order of worship is the same in kingdom halls (not "churches": too worldly a term) all over the earth. Even the selection of songs is decided upon by the WBTS. Services consist largely of reading and discussion of articles in Watchtower publications, and most of these consist of admonitions about the moral authority of

the WBTS and ideas about how to make converts to its doctrine. Any show of doctrinal or procedural originality, private religious fervor, or purely personal examination of the Bible is sharply discouraged. Even the Society's own literature has been published anonymously for the past 45 years, so as to forestall cults of personality. Any deviation, however small, from the doctrine thus anonymously announced is punished by excommunication and shunning. In their devotion to a strong and strict central organization and their rejection of allegiance to any other power, Jehovah's Witnesses more closely resemble a voluntary state than a religion. Since the 1930's, their literature has been full of allusions to themselves as "the new nation" and "the theocratic government."

In the years following the turmoil of World War II, the Witnesses grew with a rapidity that any movement would envy, sometimes increasing their membership by more than 20% a year. Their primary appeal has always been to the social group from which communism and fascism have derived their most numerous adherents, the undereducated lower middle class, and the Witnesses' growth bears some relation to patterns of disaffection and insecurity in that class. In the 1960's, when prosperity and confidence had returned to the lower middle class of the First World, Witness expansion slowed; later, it accelerated in the troubled Third World, where most of the organization's increases are now reported. Like many other twentieth-century fanaticisms, the Witness movement has established dominance over its adherents by institutionalizing both the outer world of history and the inner world of personality, using the first type of institutionalization as a means to the second.

The Institutionalization of History

Although they reject the affiliation, Jehovah's Witnesses are one of many adventist groups that originated amid the expectations of Christ's return that were widespread in nineteenth-century America. The founder of the Witnesses (or Bible Students, as they were once known) was Charles Taze Russell (1852-1916), a wealthy Pittsburgh businessman who in 1879 started publication of the *Watchtower*, now the largest-selling religious magazine in the world. Russell had great personal charm, a good prose style, and a determined but sadly unreliable rationalism. He got himself in trouble with orthodox folk by popularizing the idea that if God was benevolent, he would not punish sinners with an eternity of hell-fire; he also popularized the idea that the dimensions of the Great Pyramid are a symbolic guide to the history of the world.

Russell enabled adventists to recover from the fact that Christ had not visibly returned in the mid-nineteenth century, as they had predicted, by "proving" that He had returned *in*visibly in 1874 and would bring the world's current arrangements to an end in 1914. Russell got lucky on the second prediction; something did happen in 1914. In apparent confirmation of Jesus' prophecy in Matthew 24:7, World War I broke out. But neither Armageddon nor the millenium ensued, so Russell's followers revised his chronology. 1874 was completely dropped, Christ's second "presence" was brought up to 1914, and the end of the world was predicted for sometime during the lifespan of people who were alive during the events of 1914.[1]

> *Authoritarian organizations that aspire to total control exist in a state of deadly competition with everything in their environments.*

The Watchtower Society has actually predicted the end more specifically on several occasions (e.g., 1925, 1942), thereby showing a striking indifference to the importance of effective scheming. Timothy White, author of a thoughtful history of the Witnesses, speculated in the mid-1960's that their leaders were "far too careful" to try it again.[2] But old habits are hard to break, especially when they are associated with an organization's legitimacy: the main thing that gives the Watchtower sect an advantage over competing groups is its one quasi-successful prediction, that regarding 1914. In 1966, the Society began leading its followers to expect that 1975 would be the end of everything. When it wasn't, the movement went into a two-year slump, suffering a painful loss of followers. Since then, it has succeeded in repairing and even increasing its membership. During each of the past three years the number of active Witnesses grew by about 7%; it now stands at 3,200,000.[3] Adherents—no longer including Michael Jackson, who disassociated himself from the movement last spring—may be estimated at somewhere between five and eight million, all believing that the end of the world is still *very soon to come.*

Clearly, it is not a specific understanding of history, precise knowledge about what has or will happen, that attracts and keeps members. It is instead a general idea of history, an idea that history is something that has a pattern and can be intellectually mastered. The twentieth century has acquired more *felt* history than any other age. Most of the world's adult population has experienced revolutionary changes in its everyday life—unsettling, unprecedented, and seemingly unpredictable changes. In recent decades the process of change has been particularly dramatic in the Third World. Under these circumstances, what is consoling and inspiring is not so much the prediction of a day and an hour as the assurance that someone understands the basic process. Prophecies flourish—prophecies of a Great Leap Forward, a climactic victory of the Five-Year Plan, a New Age, a Great Banking Collapse, an Harmonic Convergence—and disconfirmation of prophecy's specifics often does not matter. If necessary, leaders who *know history* can reinterpret specifics so as to provide unexpected support for prophecy.

The Witnesses' many failures have not prevented them from developing a line of interpretation on the many historical events that they did not dream of predicting but that they can nevertheless use to reinforce their institutional legitimacy. For example, in the Watchtower Society's tortured interpretation of Revelation 12:15-16, World War II is analyzed as the result of Satan's attempt to destroy, not democracy or peace, but the Watchtow-

er Society.[4] Like political radicals who imagine themselves as constantly acting in a spotlight "on the stage of history," the Witnesses believe that all the various episodes of their denominational adventures—conventions, campaigns for converts, changes in doctrine—are spotlighted by Bible prophecies, whose application is discovered by the Witnesses *after* the prophesied events take place.

The analogy with radicals is not the only one that should be made, however. *Most* people in modern, progress-oriented countries have a sense, which is encouraged by political leaders of every ideological coloration, that if the standard of living increases or the risk of war decreases, their political organization must have had something very directly to do with it, either causing it or predicting it; history is thus appropriated by all sorts of political groups as a source of legitimacy. Despite the Witnesses' self-imposed distance from the "secular" world, they imagine that they exist in a peculiarly intimate relationship to its *history:* the chief significance of World War I was that it signalled the beginning of Christ's reign (invisible to anyone but the Witnesses), the chief significance of World War II was that it was a fascist-religious conspiracy to eliminate the Witnesses' organization, and so forth.

People who are interested in the empirical details of history are not, of course, very likely to form such one-dimensional views of it. The Witnesses are not interested in the details—and even if they were, such specifics are notoriously malleable by authoritarian organizations. It doesn't take a police state to make them so. Many Witnesses collect the works of Russell, especially the six volumes of his *Studies in the Scriptures*. These texts have not been dumped down the memory hole, but they are read (when they are read at all) from the institutional rather than from the empirical point of view. Though the early Watchtower literature is filled with failed prophecies and obsolete doctrines, it is regarded not as evidence of mistaken historical speculation but as a token of the movement's historical continuity, its own triumph over time. Watchtower publications frequently quote Proverbs 4:18: "The path of the just is as the shining light, that shineth more and more unto the perfect day."[5]

Like political radicals who imagine themselves as constantly acting in a spotlight "on the stage of history," Jehovah's Witnesses believe that all the various episodes of their denominational adventures are spotlighted by Bible prophecies—prophecies which are interpreted by the Witnesses only after *the prophesied events take place.*

The second charismatic President of the Watchtower Society was Joseph Franklin Rutherford (1869-1942), an attorney and at one time a temporary judge in his native Missouri. Judge Rutherford was one of the most visible figures of the 1920's and 1930's, although he is almost never mentioned in histories of the time and has never been the subject of a biography or monograph. He was a prolific writer, a man with a liking for 16-cylinder Cadillacs, a fire-breathing orator in the manner of William Jennings Bryan (whom he admired) and Father Coughlin (whom he detested), and a first-rate American crank who advertised himself as an "international authority on Bible and government questions." He was "absolutely not controlled by any part of the Devil's political-commercial-religious organization."[6] The Judge renamed the Bible Students "Jehovah's Witnesses" and turned them away from the mild pieties of Pastor Russell, who had been unwilling to form a definite denomination and had imagined that there were Christians in all the churches, not just his own. Rutherford sent his followers out on the streets with picket signs reading "Religion Is a Snare and a Racket."

He first made himself famous by writing a work called *Millions Now Living Will Never Die,* thus demonstrating his genius for naming things, and for flamboyant press agentry. The Witnesses' belief in his authority was never shaken by the failure of his stupendous prediction. On Braeburn Road in San Diego there stands a villa where Rutherford nursed his health and hid from the insalubrious weather at Watchtower headquarters in Brooklyn. This sunny house he called Beth Sarim, the House of Princes, and deeded it to Abraham, Isaac, Jacob, and other Biblical figures whom he expected to be resurrected any day and reign as "princes in all the earth." They would of course repair to San Diego to enjoy the Judge's hospitality. They never appeared, and the Judge himself died at Beth Sarim in 1942. A few years later, the Watchtower Society sold off the house. Did large numbers of followers secede because of this obvious historical disconfirmation? Seemingly not. Specific historical misunderstandings cannot destroy belief in an organization that has made itself the master and embodiment of

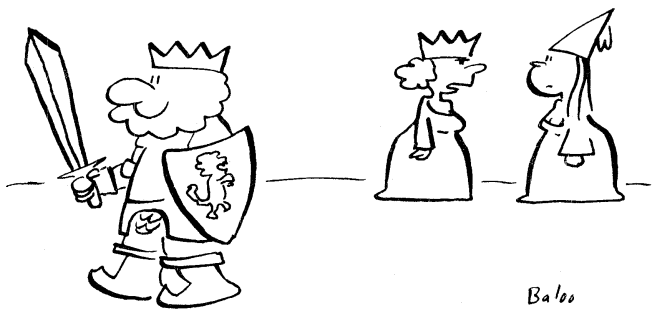

"He says he's going to rescue the Holy Land from the usurping Saracens — *I* say he's going to ogle the belly dancers!"

history.

The Institutionalization of Personality

Such desperate beliefs, originating in the profound disorientations of our century, lead people to prefer an "understanding" of the history of the universe to an understanding of their own history of hope and belief and disappointment.

Judge Rutherford, who seems to have had an unhappy marriage, devoted his last book, *Children* (1941), to an attempt to reason young people into postponing marriage so that they could spend all their energy spreading the Watchtower message. The time before Armageddon was simply too short for people to do anything but preach. A decade after the Judge's death, Nathan Homer Knorr (1905-1977), third President of the Watchtower Society, ended all this nonsense by getting married himself. No great protest was initiated by those whose personal lives had been deformed by Rutherford's miscalculation, and of whom no notice was taken in Watchtower publications.

When the self becomes institutionally anesthetized to the significance of its personal history, it is prepared for other types of institutionalization. In anonymous modern society, a major source of in-group activism is simply the quest for friends. A recent anthropological researcher has determined that a major reason for people's becoming Jehovah's Witnesses is appreciation for the Witnesses' close ties of friendship. But she reports that even friendship becomes institutionalized: "Strong ties with specific members are not as common as would be expected, but rather, friendship ties with people as representatives of the group are the ideal."[7] Barbara Grizzuti Harrison, author of an interesting account of life at Witness headquarters during the 1950's, tells the story of a man dying of a heart attack at a Witness gathering. While waiting for help to come, his friends spiffed up the room and congratulated themselves on their opportunity to "give a good witness" to the police—almost ignoring their dying brother.[8] Witnesses call the Watchtower Society "our mother," and it's not an idle metaphor. While the authoritarian group masters the confusion of the external world by institutionalizing history, it masters the difficult world of personal events by institutionalizing the self's primary relationships. A lively book about the Witnesses calls their organization "a classic example of Orwellian oligarchical collectivism...Individuals may come and individuals may go, but the society will continue; like Orwell's Ingsoc Party, it is 'immortal.'"[9]

> *The twentieth century has acquired more felt history than any other age. Most of the world's adult population has experienced revolutionary changes in its everyday life. What attracts and keeps members is a general idea of history, an idea that history is something that has a pattern.*

Everyone has known people who were led to join a political group by a desire to promote freedom, only to identify themselves so firmly with the group as to support almost any authoritarian practice or position. Jehovah's Witnesses illustrate this institutionalized domestication of the desire for liberty. As a group, they have won many important judicial victories for civil rights—for freedom of speech, freedom of publication, freedom of assembly, and freedom from harassment by school authorities. Judge Rutherford was imprisoned in 1918 by a government incensed at his antiwar propaganda; in the 1930's and 1940's, hundreds of Witnesses were the victims of mob attacks whipped up by rival political and religious authorities enraged by the Witnesses' refusal to salute the American flag. They suffered small-town bigotry at its worst. In 1935, the New Jersey legislature attempted to get at the Witnesses with a purported anti-Nazi law. Because the Witnesses constantly fulminated against other religions, New Jersey unconstitutionally moved to outlaw speeches or literature that counselled "hatred, violence, or hostility against any group or groups residing in this state, by reason of race, color, religion or manner of worship."[10] Bigotry in the service of toleration! The Witnesses were helped out of their various legal problems by the ACLU, the Supreme Court, and such sympathetic individuals as Eleanor Roosevelt. During the Viet Nam War, a strange phenomenon developed in which some U. S. draft boards tried to save themselves from legal annoyances by exempting *only* Witnesses from military service.

None of these experiences, however, made the Witnesses conceive any better opinion of this Satanic world. People who were originally attracted to the organization by its battles for freedom and its generally anti-establishment attitude did not consider agitating for freedom in their own organization—which, like many radical groups, encouraged its members to define "true freedom" as serving "the truth." Even the self's desire for freedom can be institutionalized, if that desire can be identified with a restricting formula for freedom.

An amusing (and pathetic) anecdote about Watchtower President Knorr indicates something about the underlying humanity and yet the grotesqueness of the institutionalized personality. Knorr was a hard-bitten, efficiency-conscious corporate manager. He was also a stern upholder of Witness orthodoxy against the claims of all competing religious groups—about which, apparently, he knew very little. As I have indicated, the most distinctive thing about Witness theology is its interpretation of twentieth-century history, an interpretation that is focused on the importance of 1914. But according to a former associate of Knorr, he remarked to a meeting of the Witnesses' Governing Body that "There are some things I know—that Jehovah is God, that Christ Jesus is his Son, that he gave his life as a ransom for us, that there is a resurrection. Other things I'm not so certain about. 1914—I don't know. We have talked about 1914 for a long time. We may be right and I hope we are."[11] The supreme leader of this supremely separatist organization had full confidence only in the beliefs he shared with virtually all other Christians; concerning the Witnesses' distinctive ideology, he was *not* certain. He did not suggest any revision of views; neither did he advise his colleagues to continue con-

spiring to fool the membership. He merely engaged in a stray moment of self-revelation that did not stop him for a moment from believing and enforcing the institutional doctrine that had become his own reason for existence.

How Well Does All This Work?

Not everyone stays as institutionalized as Knorr. Like any other group that insists upon its ideological uniqueness and purity, the Witnesses have suffered from a number of purges, schisms, and defections.[12] Sometimes members have left or have been thrown out because they want the organization to be still more "separate from the world" than it is. Trouble has also come from people who want to reestablish ties with the non-Witness world. These people are usually second- or third-generation Witnesses who are better educated than their parents and are therefore equipped to mount an intellectual challenge to their views; one of the self-limiting features of authoritarianism is its tendency to alienate the intellectuals whom it needs—and may, in fact, have trained. An organization that demands tight discipline develops certain positive characteristics in its converts: they work hard, they show up on time for meetings, they learn how to process information, they conserve the money they might otherwise spend on momentary pleasures. The convert generation usually passes many of its positive characteristics along to its children—but it usually does not pass along its naive sense of "intellectual" discovery. A third-generation Bolshevik is virtually a contradiction in terms.

I will return to the problem of the intellectuals. It must be admitted, however, that even the great disappointment of 1975 produced only a brief depletion of the Witness ranks, so well institutionalized were the majority of members and so persuasively did the Society's literature harp on the importance of loyalty to God's "ark of salvation" (i.e., itself). This does not mean, however, that authoritarianism is an enormous success, even in its own terms. The Witnesses are a laboratory experiment, not just in people's ability to oppress themselves, but also in the self-limitations of authoritarian structures. By reviewing the results of this experiment, we can codify at least six general laws of diminishing success for modern authoritarian bodies that control their members in large part through ideological and social conditioning. The term "laws" should be taken, of course, with a grain of salt: no historical "laws" have thus far turned out to be universal or infallible. But these six are, I think, fairly reliable.

"I'm not *either* a single-issue nut!"

According to the carefully marshalled statistics of organizational progress in the Witnesses' recent *Yearbooks*, during 1984, 1985, and 1986 the group spent an almost incredible 1,776,965,284 hours proselytizing, and during the same period it baptized 595,089 new members. This means that the acquisition of a convert required an average of 2986 hours of labor—a figure never listed by the otherwise statistics-loving Watchtower Society. M. James Penton, author of the most complete history of the Witnesses, very accurately observes that they are wedded to an "extremely inefficient" method of preaching.[13] But the Society refuses to employ electronic media or mass-market advertising. To move away from door-to-door preaching would mean an unsettling break with institutional tradition. The Witnesses' whole existence is centered on the door-to-door work; if the Society abandoned it, millions of people would have nothing to do. Success defined as growth competes against success defined as control and continuity. To keep its hold on itself, the organization must resist even productive types of accommodation to mainstream society's ways of doing things. Operating here is the Law of Competitive Histories: the more an organization historicizes itself, determining all its actions by some idea of loyalty to its own history, the less able it is to adapt to historical change. Organizations that initially prosper by offering a source of stability to people lost in the maelstrom of change eventually ossify in their fixed beliefs about history.

A second law, which is related to the first, is the Law of Necessary Expansion. Authoritarian organizations that aspire to total control exist in a state of deadly competition with everything in their environments. Even a totalitarian state that permitted no communication with the outside world would still have to compete with the joys of laziness and frivolity for control of its citizens' lives. But the more an authoritarian organization attempts to deny and negate all the aspects of life with which it must compete, the less contact with life it preserves, and the less equipped for competition it becomes. Members who have become highly conditioned by the organization may find their existence so empty and static that they begin insensibly to withdraw, absenting themselves either physically or spiritually. The organization has to add zealous new members faster and faster just to maintain its position. Sophisticated statistical analysis indicates that the Witnesses lost over 1,200,000 active adherents between 1967 and 1983, a huge mass that simply melted away.[14] The Society must run faster and faster just to stay in the same place. Given its antiquated methods, this is a difficult task. Faced with similar problems in maintaining a zealous body of partisans,

the Chinese Communist Party seems to have nearly given up, the Polish party has collapsed, and the Russian party may be reaching its moment of truth.

After more than a century of concentrated effort, the Witnesses have yet to become a significant proportion of any country's population. Only in Guadeloupe, St. Helena, and Zambia do they approximate so much as 1% of the populace, and in Zambia their membership has been static for a long time. In the United States, which has been more witnessed to than any other part of the globe, only one person in 318 is a Jehovah's Witness. Better results might perhaps be expected from a group that promises people eternal life if they join and imminent destruction if they don't. The Witnesses have notably failed to make a deep impact upon the world.

Clear evidence of failure often causes authoritarian organizations to resort to compromise and accommodation. The Witnesses have so far resisted this temptation, at the cost of limiting their potential membership. But even an authoritarianism that is determined never to compromise can do curious things to its own institutions. A classic instance appears in the recent history of the Watchtower movement as it is narrated in a memoir by Raymond Franz, a nephew of Frederick Franz (1893-), the current Watchtower President.[15] Until his departure in 1980, Raymond Franz was a leading member of the group's inner councils. His account of events at Brooklyn headquarters is a fascinating case-study in relations between ideological and bureaucratic structures in an authoritarian group.

Like any other state, the Watchtower organization can only affirm its existence by denying the authority of all other states. Yet the Watchtower Society is a state-chartered corporation. Rutherford achieved dictatorial control over the Witnesses by exerting the power of his office as President of a corporation deriving its legal existence from the state. In order to argue that the power of the presidency came not at all from a secular source, Watchtower doctrine held that the Witnesses have a Governing Body that was appointed by God, that this Governing Body existed in some form or other even in the days of the Apostles, and that in the twentieth century it merely used the Watchtower Society's corporate structure for business purposes. In Frederick Franz's homespun phrase, the Governing Body was the dog, and the corporation was the tail. The only problem with this historical analysis, as Raymond Franz explains, is that until the 1970's no Governing Body existed. For the first ninety years of the Witnesses' existence, all important decisions were simply made by the corporation President.

One of the self-limiting features of authoritarianism is its tendency to alienate the intellectuals whom it needs—and may, in fact, have trained.

By the mid-1970's, however, the Witnesses had become so institutionalized, and they had begun to take their own institutional propaganda so seriously, that most of the high officials of the Society decided to make themselves the Governing Body that had thitherto existed only in doctrinal fantasy. One of them remarked, "I say if we are going to be a Governing Body, then let's get to governing! I haven't been doing any governing till now."[16] This momentary contact with empirical reality produced a bureaucratic upheaval. When the Governing Body actually started to get the idea of making its own decisions about doctrine and policy, major changes began to be seriously considered. The palace shake-up came close to ruining the Witnesses' authoritarian character. Only when conservatives on the Governing Body succeeded in removing all identifiable liberals from Witness headquarters was the organization's continued "purity" ensured. This near-revolution illustrates the negative effects of the Law of Diminishing Cynicism: the more an organization succeeds in institutionalizing personalities, the more its hard-core members will tend to believe their own propaganda and attempt to live up to it—often with disruptive or even disastrous results.

Any change is dangerous to an authoritarian organization, even change designed to make it conform more fully to its own ideology. Total conformity can never be achieved; there is always room for insiders to insist that changes must be made for the purpose of achieving it. A Law of Competitive Purities begins to operate. Varying ideas develop about the best way to pursue the unattainable goal, and since no purist can tolerate a different sort of purist, confusion is virtually unavoidable.

The operative principle of authoritarianism is, of course, centralization: because power is concentrated in a small group, that group must make all important decisions. This virtually eliminates the possibility of *coherent* Machiavellianism. An authoritarian body that takes its responsibilities seriously is likely to make decisions on a harried, ad hoc basis. Raymond Franz's descriptions of the hapless, Politburo-like Governing body make this point well. "I would liken the Governing Body," he observes, "to a group of men backed up against a wall with numerous persons tossing balls at them for them to catch and throw back. The balls come so frequently and in such number that there is little time for anything else. Indeed, it seemed that every ruling made and sent out only brought additional questions thrown at us from new angles, leaving little time for truly positive, constructive thought, study, discussion and action."[17] A Law of Diminishing Competence is a danger to every authoritarian organization.

The more decisions a power-group appropriates to itself, the less chance it has of making them with some appearance of intelligence and consistency, and the more chance it has of alienating people who have any regard for these qualities. The Watchtower Society has, by all accounts, succeeded in alienating almost every intellectual in its ranks—and this suggests a sixth and final law, the Law of Diminishing Intelligence. The phrase is by now self-explanatory.

What all of this indicates is not that authoritarianism isn't really dangerous, but that it has certain limiting mechanisms built into it, mechanisms

that do their best to cripple its development. In national states, these mechanisms are harder to isolate than they are in voluntary "states," and they may be inhibited to some degree by the state's ability to coerce where it cannot persuade. This is no consolation to people living under the world's 150 or so authoritarian governments, even though most of those governments are fragile and changeable, lacking support from mass movements with enough ideological power to institutionalize the populace decisively. But some consolation may be provided to observers who fear that authoritarianism easily succeeds and easily preserves itself. It is consoling that authoritarian groups must suffer the psychosocial consequences of their psychosocial innovations. And it is consoling that human beings have many needs, desires, and priorities, and that these constitute a variety of competitive forces that cannot be satisfactorily accommodated by structures that remain authoritarian. Only brute force is really dependable in keeping people under control, and the continuous and determined application of force requires the kind of organization that is likely to be subverted by the mechanisms I have been discussing.

Fifty years ago, Sinclair Lewis published a novel called *It Can't Happen Here.* Lewis's protagonist argues for the thesis that America is fertile ground for authoritarianism. "Look how Huey Long became absolute monarch over Louisiana," he says. "Remember the Kuklux Klan? Remember our war hysteria, when we called sauerkraut 'Liberty cabbage' and somebody actually proposed calling German measles 'Liberty measles'? And wartime censorship of honest papers? Bad as Russia! Remember our kissing the—well, the feet of Billy Sunday, the million dollar evangelist...Remember when the hick legislators in certain states, in obedience to William Jennings Bryan, who learned his biology from his pious old grandma, set up shop as scientific experts and made the whole world laugh itself sick by forbidding the teaching of evolution?...Not happen here? Prohibition—shooting down people just because they *might* be transporting liquor—no, that couldn't happen in *America!* Why, where in all history has there ever been a people so ripe for a dictatorship as ours!"[18]

This is the perennial libertarian nightmare—and it's not a mere fantasy; America, like most other developed, "progressive" countries, has far too often shown a willingness to identify progress with some authoritarian movement. But the nightmare isn't quite reality, either. The Huey Longs and the Father Coughlins and the moral majorities and the Watchtower Societies go their ways, victims of people's wise dislike of dwelling too long and too intently on any one psychological need or moral imperative. ❑

Endnotes

1. On the relation of the Watchtower organization to the prophetic and millenarian tradition, see Carl Olof Jonsson, *The Gentile Times Reconsidered* (Lethbridge, Alberta: Hart, 1983); and M. James Penton, *Apocalypse Delayed: The Story of Jehovah's Witnesses* (Toronto: Univ. of Toronto Press, 1985).
2. White, *A People for his Name: A History of Jehovah's Witnesses and an Evaluation* (New York: Vantage Press, 1967), p. 399.
3. Figures derived from reports in the statistical tables of the 1985, 1986, and 1987 *Yearbooks of Jehovah's Witnesses* (Brooklyn: Watchtower, 1984, 1985, 1986).
4. Anon. [Frederick Franz?], "Then Is Finished the Mystery of God: (Brooklyn: Watchtower, 1969), pp. 318-22.
5. This scripture is, for instance, posted as an admonition in the preface of the *Watchtower Publications Index 1930-1985* (Brooklyn: Watchtower, 1986), p. 5.
6. Advertising copy appended to Rutherford's book *Riches* (Brooklyn: Watchtower, 1936).
7. Alberta Jeanne Brose, "Jehovah's Witnesses: Recruitment and Enculturation in a Millenial Sect," Diss., Univ. of California, Riverside, 1982, p. 109.
8. Harrison, *Visions of Glory: A History and a Memory of Jehovah's Witnesses* (New York: Simon and Schuster, 1978), pp. 346-47.
9. Heather and Gary Botting, *The Orwellian World of Jehovah's Witnesses* (Toronto: Univ. of Toronto Press, 1984), p. 186.
10. White, p. 318.
11. Raymond Franz, *Crisis of Conscience* (Atlanta: Commentary Press, 1983), p. 217.
12. Picturesque accounts of Watchtower schisms are given in Jerry Bergman's valuable *Jehovah's Witnesses and Kindred Groups: A Historical Compendium and Bibliography* (New York: Garland, 1984)—an important contribution to the study of what might be called "vernacular" religious culture.
13. Penton, pp. 242-45.
14. Penton, pp. 292-95.
15. Raymond Franz, pp. 39-94.
16. Raymond Franz, p. 73.
17. Raymond Franz, pp. 95-96.
18. Lewis, *It Can't Happen Here* (New York: Sun Dial Press, 1935), pp. 21-22.

"Do some jokes about how fat Liz Taylor is."

U.S. POSTAL SERVICE A LOSER

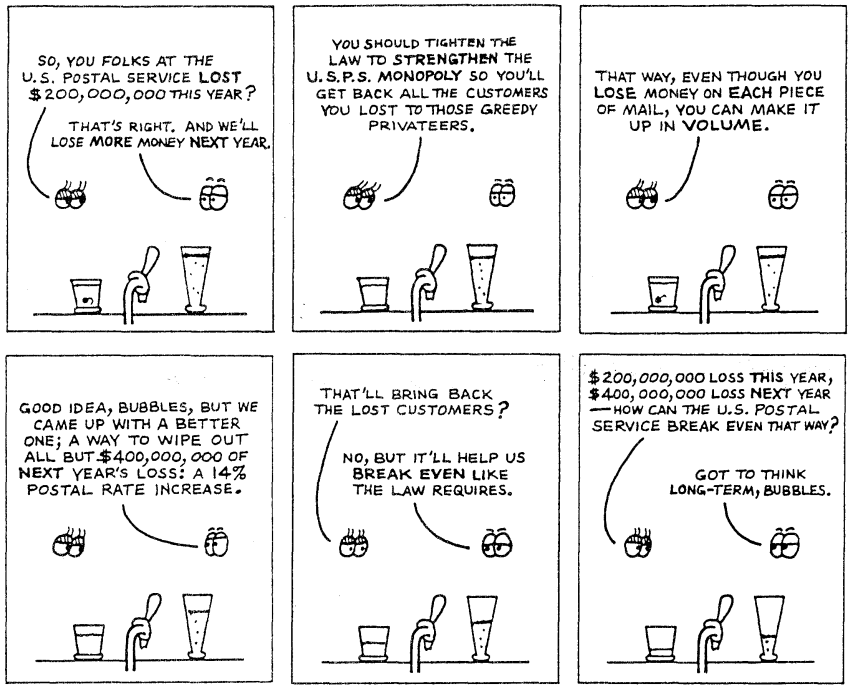

A NEW BOOK ON THE CIA

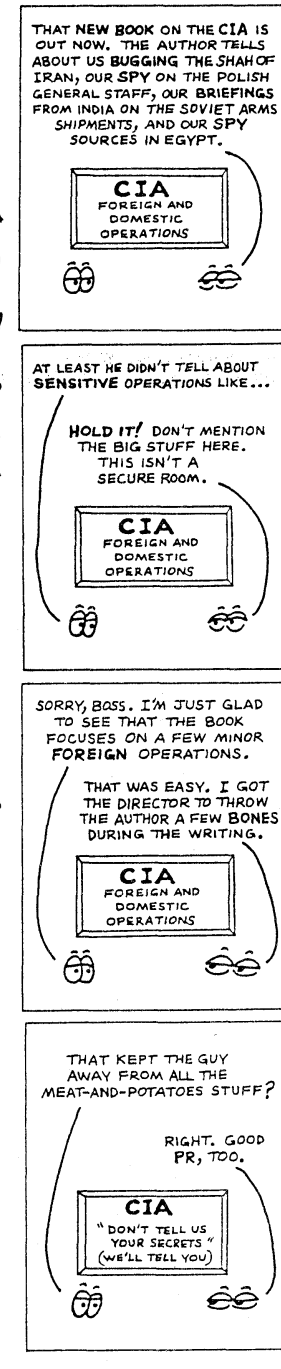

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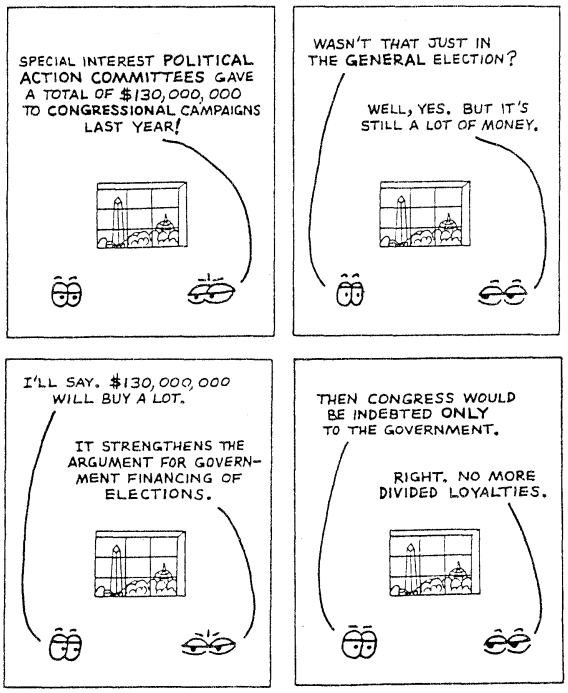

BURONIC EPISODES

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"BOSS" "BUBBLES" "BONG"

...AND MORE PAC'S THAT EVENING

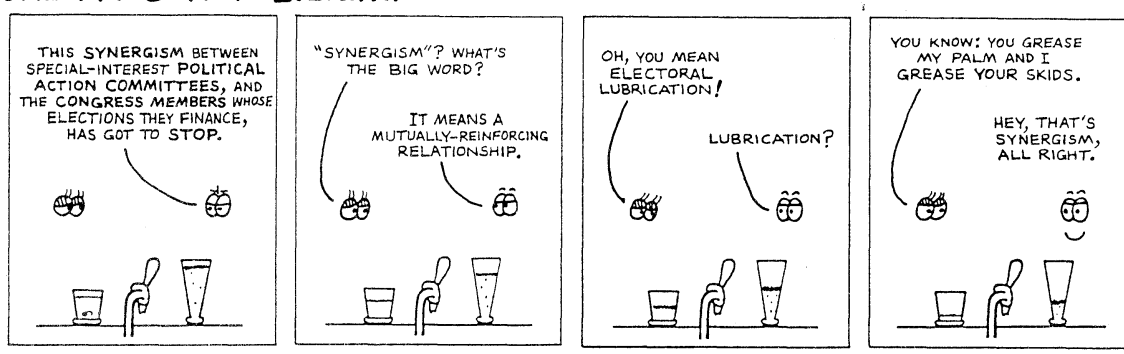

Fiction

Flight

by David Waldron Galland

He knew he was in trouble as soon as the plane touched down. Out of the scratched and faded window of the Antigua Air DC-10 he spotted two men. Both wore cheap suits and unfashionable dark glasses. The plane taxied past them, air brakes rattling. He sat heavily back in his seat and let out an audible sigh. The game was over. The flight had inevitably ended.

The passengers gathered their belongings. The man sat still, his eyes closed.

"Sir—we have reached St. John," said the stewardess.

He pushed to his feet and retrieved his oversized briefcase from the overhead bin. The stewardess watched him carefully, for he did not look well. He shrugged, smiled, and shook his head as he searched for a way to accept his fate.

His legs felt like lead as he stepped down the metal stairs. The sun was all too typically tropical. Before he reached the bottom, beads of nervous sweat turned into a torrent, that he vainly tried to wipe away.

He moved towards the gate, where the two other Americans stood close, their arms folded across their chests. They were standing next to the immigration official.

"Passport, if you please."

Without setting the briefcase down, he reached into his jacket for the falsified Peruvian document.

" So sorry sir. We have orders not to allow the entrance of Peruvian nationals today. You will have to depart on the next available flight."

He did not try to argue. He only asked a question he already knew the answer to. "Where is the next flight to?"

"Miami. The departure gate is just there and the plane is scheduled to depart in..." the agent consulted his watch, "...fifteen minutes. You may board now."

The trap had closed.

The two other Americans followed him to the gate. They made sure that he went up the stairs. They waited in the shade while the plane took off.

The flight would last fifty-five minutes. In Miami, they would take his briefcase. Then they would take his freedom.

The plane climbed into cloudless sky. He was forty-two years old. He had been a commodities trader for the past twelve years. In the beginning, he had played by the rules. Then, four years ago, at the pinnacle of his career, he had completely and totally misread the markets and had lost a majority of the funds entrusted to his small firm.

Out of pride, more than anything else, he had tried to cover his losses by transferring funds from non-discretionary accounts. Within a week, he had lost another million dollars—money he had no right to trade. After a sleepless, hopeless night, he had made a decision to run. He transferred another million into a numbered account in the Bahamas, left his twenty-room house and his wife, and drove his Rolls Royce to the airport.

Since then, he had remained a step ahead of the government by skipping from one Third World country to another, bribing his way when necessary. When the U.S. had begun to pressure Venezuela, a country where there was a weak but potentially serviceable extradition treaty, he had climbed aboard the plane for Antigua. Now, it was all over. He was on the last flight he would take for a long time. The next stop was a U.S. jail.

Sitting next to him on his last flight was a middle-aged woman wearing an ill-fitted brown wig. Across the aisle, a British-looking man was reading a *Time* magazine. In front of him sat a young boy—probably around eight years old—and his father, Americans. He studied the faces of them; soaking in every detail of their features as if trying to store away memories for the day when the humans who surrounded him would be cut from a considerably different cloth.

He ordered a double Vodka martini on the rocks and took a long sip. The alcohol brought his heartbeat down; his mind began to unfreeze from the stress of the airport encounter. Accepting the inevitable, he tried to savor the last minutes of his freedom.

He had cherished his freedom, even if it required that he remain constantly on the run. Acceptance vanished. He ordered another martini, questing for the peace of a minute before. He touched the briefcase, wedged under the seat in front of him. All that money—still well over $600,000 left—and it couldn't buy him another hour of freedom. Or could it?

He was staring at the woman's head. Why not? What did he have to lose?

He opened the briefcase carefully, and retrieved a yellow note pad and a

pen. He began to scribble; slowly at first, then more rapidly as the ideas solidified.

He was a methodical man. He never did anything without first working it through. He glanced at his watch. He had a little less than thirty minutes before the plane would touch down in Miami. He finished off his second drink, tucked the note pad into the seat pocket, took the briefcase out again and reopened it. He reached inside and removed a packet of the crisp green bills. He stashed the $10,000 packet into his coat pocket and stood up.

He moved slowly up the aisle to the front of the plane. He casually perused the magazine selection, grabbed an old copy of *Newsweek*, then walked slowly back, surveying the passengers carefully. As he approached his seat, his eyes riveted on the man and his son in the seats in front of his.

The boy was fidgeting with a toy car—a replica Rolls Royce—on the service table. It was the father, though, who interested him. He had brown curly hair and wore glasses. He looked to be about the same height. The bone structure was just about right. The father, feeling himself under intense observation, looked up from his book. The boy looked up, too.

"Can I help you?" the father asked.

"Oh, yes—perhaps. May I sit?"

The father looked discomforted. As a typical American, he felt strangers were to be avoided; their motives to be suspected until proven honorable.

"Sure, why not?"

He slipped into the aisle seat next to the boy.

"I am in a bit of a fix—I need some help, and am willing to pay for it."

The father shifted uncomfortably. The boy sank back in his seat, his large brown eyes focused on the stranger's face.

"You see," the man continued, "I am in the middle of a rather nasty divorce case. I am afraid the authorities will be waiting in Miami to hand me a subpoena."

He could see the father relax somewhat. This man was also divorced, he thought.

"I understand. I am only recently divorced myself. But I really don't know how I could help..."

"I know this may sound a bit off the wall—but, I'd like to rent your passport...and, uh, your eyeglasses."

The father's warning signals went off again.

"I don't think that's a very good idea. I'm sure there are penalties for that. A passport is a very important thing. Sorry, I don't think I will be able to help you." He was already turning to his book.

"Wait a minute—just hear me out. All I need is a five-minute head start. Once I'm through immigration, you can merely tell them you lost your passport—that it must have been stolen. As I said, I'm willing to pay." He threw the packet of one hundred dollar bills on the service table in front of the Rolls Royce. The boy sat bolt upright in his seat, his eyes fixed on the stack of bills.

He had remained a step ahead of the government by skipping from one Third World country to another, bribing his way when necessary.

"I... that's quite generous. But I don't..."

"It's ten thousand dollars. For five minutes' work," the stranger insisted.

"No really. This is pretty strange. We don't look anything alike. My hair is brown and curly, yours is blond and straight. It would never work." The father was studying the stranger's face.

"That's my problem," the stranger answered. " I have a way around that. Are you interested? Five minutes for ten thousand dollars. What do you say?"

"Never work. My passport is stamped for two travellers—my son and me."

The man was right. He leaned back, trying to come up with another angle.

"I could go with him." The boy had spoken.

The stranger looked down at him.

"Yes—that would work."

The father's face flushed again.

"Are you crazy? It's out of the question! Now I think you'd better return to your seat," he whispered angrily.

He stood up and returned to his seat, but he reappeared a minute later with the briefcase. He sat down again and opened it cautiously. Despite his precautions, the boy saw the contents. His mouth fell open.

Another two packets of money dropped on the serving table.

"Now it's twenty-five thousand for five minutes' work." He played his hand and watched the man's face.

"I'll leave your son outside the arrival gate."

The father was terribly uncomfortable. The money would make all the difference in his life right now. He would be able to buy a house and move his son out of the dingy ground floor apartment they now lived in.

"That's very generous. But really, I would have to be crazy to let some stranger walk off with my son."

"I'll double the offer." Time was running out. They would land in Miami in fifteen minutes—the money was becoming increasingly worthless to him as each second passed.

The father leaned back in his seat. His breathing grew erratic. He was struggling to resist temptation.

"Daddy, I can go with him. It will be o.k. If anything happens I can yell and the cops will grab him."

"A good point. I sure as hell wouldn't try anything. Then I'd be out of my $50,000 and end up getting the subpoena just the same. What's your name, son?"

"George."

"You're a smart boy, George. Well, what do you say?"

The man's face twitched. His voice was barely audible when he answered.

"What do you want me to do?"

"First, put the money in your carry-on bag. Give me your passport—and your glasses. Right before we land, go into the plane's bathroom. Once we're down, and the door is open, stay in there for five minutes—then walk out. If anyone stops you on the way off, tell them you misplaced your passport and were looking for it on the plane—that you thought you dropped it in the bathroom. They will have to believe you. If the customs agents get too pushy, just tell them that some stranger had been sitting next to

you—that when you went to the bathroom, maybe he stole the passport from your carry-on bag."

"But what about George? I'll have to make a scene about his being missing when I return to my seat."

"Right. But I have a better idea. Go to the bathroom. Leave it unlocked, but pretend you're unconscious. Wait in the bathroom until somebody finds you. Tell them that somebody hit you when you were coming out. Then you can raise all kinds of hell about George being missing. By that time I will be safely away. Once I'm gone he can run back into the terminal and tell them that I threatened him so he would keep his mouth shut while we went through immigration."

"I don't know—this is getting pretty complicated..."

"Look, I know it's not the best plan... but it will work. Especially if you hit yourself on the head when you are in the bathroom. There is no way they can implicate you in the plan."

"What about the money—what if they find the $60,000?"

"George can carry it. If they catch me, then I can say I gave some of the money to George to get it through customs for me. It will work. It has to."

The fasten seat belt sign came on. He got up hurriedly and returned to his own seat before the father could raise any other objections.

He leaned over and whispered in the ear of the woman who sat next to him. She gave him a shocked look, and he handed her something. She quietly tucked the packet into her purse, meekly slid off her wig, and placed it into his hand.

He got back to his feet, and returned to the seat next to George.

"O.K., you'd better get going."

"The rest of the money?"

The man fished out three more packets and slipped them into the carry-on bag at George's feet.

"I must be crazy," the father said in a resigned tone and then slowly pushed himself out of his seat. He walked carefully down the aisle and into the restroom.

The stranger slipped into the seat the father had occupied, crouched down and pulled the wig over his head. He put the glasses on and turned to George.

"What do you think?"

"There's some hair sticking out of the side." The boy's small fingers reached up and tucked the errant hairs back inside the wig.

"You're a good kid George. We're going to be fine."

"Sure... Daddy." said boy with a wink. He loved a good adventure.

The stranger pulled the handkerchief out and wiped the sweat off of his palms.

"All I need is a five minute head start. Once I'm through immigration, you can merely tell them you lost your passport..."

"What do you want to be when you grow up?" he asked. It was the only question he knew to ask a kid.

"Rich," George answered without hesitation. The man chuckled.

"Is that so?"

"Yup. I want one of these," he said, holding up the toy Rolls Royce.

"How are you going to get rich?"

"I got some ideas. I want to be a businessman."

"Good for you. Money is a good thing... just don't ever let it run your life."

He felt a tinge of regret. He knew he had hurt a lot of people with his own particular business activities. If he had to do it over again, he would have never ventured into the dark side of business. But it was too late now. The no smoking sign came on; the pilot announced their imminent arrival at Miami International.

The plane landed and the doors were opened. He checked his watch, reached down, and grabbed the briefcase. George picked up his father's carry-on bag, stood and stepped into the aisle. The man followed closely behind.

At the air-conditioned arrival ramp, three men were waiting, clones of those who had put him on the plane in Antigua. George and the man walked by, hand in hand. It was as if the physical connection between the two made them invisible.

"Almost home free," the man whispered to George as they approached the immigration counters. A line from a previously arrived flight had formed. The man glanced nervously at his watch. Three minutes had passed since they had deplaned. It could only be three, maybe four more minutes before they discovered the boy's father in the bathroom. After that, he would have maybe a minute.

An old couple who had just arrived from Mexico dickered endlessly with the immigration official. Then came a Latin man whose papers the cool immigration officer carefully surveyed. Three others stood between them and the immigration desk. Two minutes had been lost waiting in the line. Sweat began to form on the man's forehead and his hand became wet in George's.

The man felt George's hand slip from his. Before he could say anything, George had walked to the head of the line, speaking to the people in front of him with a sad look on his face. The man thought about making a run for it. Then George waved to him. He walked forward as if the small boy were his puppet master. Those ahead of him in line wore looks of concern on their faces.

"Thanks," George told the line.

"Better get the boy to a doctor," said the plump lady who had relinquished her place at the head of the line. "You never know what terrible germs the Caribbean countries have that can cause diarrhea."

"Yes, yes. Of course," said the man with relief.

The immigration official waved them forward. He looked over the passport.

"How long have you been out of the country?"

"About a week."

"How're you doing sonny?"

The sad look returned to George's face. " Not too good sir. I have diarrhea."

The immigration official looked non-plussed.

"Yes, of course. Everything's fine. Go ahead."

The man looked at his watch. Seven minutes had passed since they had walked off the plane.

They stepped quickly through a pair of pneumatic doors and into the

baggage claim area. The only obstacle to his freedom was a line of stainless steel counters with bored looking customs officers standing behind them. Beyond them, another set of pneumatic doors. Sunlight could be seen as the doors opened letting an elderly couple, struggling with their bags, through.

Not having any bags was suspicious—but he would have to take a chance. Time had almost certainly run out.

They walked up to the counter. A black woman, her hair in a net, asked them for their declaration forms.

She looked the two over, trying to judge if they were worth having searched.

"Daddy, I have to go to the bathroom again," George whined.

"My son has a case of Montezuma's revenge," the man said, doing his best to play the role of the distressed parent.

"Uh huh. Don't you folks have any suitcases?"

"No...they got stolen from the hotel last night."

She perked an eyebrow. George began to shift from foot to foot and pulled on the man's sleeve.

"Oh...okay. Go ahead," said the Customs officer.

The man reached for George's hand, but it did not reach up to meet his. The small hand had come to rest firmly on the handle of the man's briefcase. With the other hand he clutched the carry-on bag firmly. The man started to pull away and the boy followed, attached by one small limb to the briefcase.

All they had to do was walk through the pneumatic doors and they would be free. The customs official went on to the next couple. The man began to step towards the door. Twenty steps were all it would take.

After four steps it dawned on him that the boy was beginning to slow him down. He looked back. George had both feet planted firmly on the floor and was letting the man drag him.

"Wha..what the hell are you doing?" the man whispered fiercely with out stopping his impeded stride towards the door.

"I'm not going any further," George said, rather too loudly, the man thought. He looked around quickly to see if anyone had noticed, then turned his attention back to the boy.

"Fine—then I'll see you around." He started to pull away, but the boy still clung to the briefcase grip.

Awareness, then disbelief came over the man." Let go of the briefcase!"

"NO!" the boy said, this time loud enough to cause the man to wince. The doors between the customs and immigration area swung open for a brief moment. Down the hall leading to the immigration counters, he could see the two men in suits shoving their way through the crowd in his direction.

He tugged hard at the briefcase, but George held fast.

"You little bastard," he growled.

George made a face and opened his mouth wide, an unspoken threat to yell; his eyes stared at the man, daring him to try pulling the briefcase away again.

The man's hand slipped from the briefcase. He walked quickly to the doors leading to sunlight and freedom. He turned, looked back at the boy and shook his head in dismay. With a heavy shrug, he walked straight through the doors and disappeared into the crowd which was waiting for arriving passengers. The boy followed tentatively, walked out to the curb, and climbed into a waiting taxi.

George's father got home three hours later in a police cruiser. George was standing at the door, a grim look on his face. The father rushed to him, knelt down and gave him a warm hug.

"George...oh, George... I thought he had kidnapped you. Thank God."

The policemen stayed for thirty minutes, took down a description of the stranger, phoned in their report, then drove off. As soon as they were gone, the father turned to George.

"The money, son....do you have the money?" His voice was thick with anticipation.

George smiled broadly. He ran to the small closet near the door and came back with the carry-on bag. His father's face lit up.

"It's all here, Daddy. All sixty-thousand." ❑

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Reviews

The End of the Conservative Era,
by Robert S. McElvaine, Arbor House, 338 pp., $18.95

Bubble-Gum Liberalism

William P. Moulton

Lord knows I have never been an enthusiast for the type of regulatory harassment perpetrated on the public by such agencies as the EPA and OSHA. I don't do handsprings when one of these bureaucratic satrapies orders—in the name of public safety, of course—that training wheels be placed on horses or that kitchen knives be equipped with NeverSharp® blades. However, in the case of *The End of the Conservative Era* by Robert S. McElvaine, I would be inclined to permit myself a small exception. The inclusion of a barf bag would have been a definite measure for the public convenience. It need only have been a small one, discretely tucked under the front cover, but it would have been a generous gesture, and probably a useful one.

Harsh words, perhaps, but just. What we have been seeing recently is a collective licking of the polemical and journalistic chops of the left. The prospect of a post-Reagan America has engendered a great revival of fundamentalist liberalism, in the modern debased usage of the word. Aided by the current administration's own self-inflicted wounds, the denizens of the Order of Indignation and Concern are loudly braying that the long dark night is nearly over. I use the term fundamentalist advisedly, for the general line we are hearing is that the partial, trimming of the wings of the welfare state which has occurred is a bizarre aberration in our history, a sort of fever which, having reached crisis, will now abate. The litany goes something like this: the American people are leaving an age of greed and individualism, and will soon be safely back in the house of compassion. The New Deal and Great Society coalitions will rise from the ashes, and we will all dwell in the valley of affirmative government forever.

Many journals and more than a few books are presenting these themes. So, why do I select McElvaine's book for consideration? I did consider others in this genre, especially Robert Lekachman's *Vision and Nightmare: America After Reagan*. I chose the McElvaine book because it is heavily promoted, it is apparently widely read, and the starkness and simplicity of its author's thought and style make it an archetype of contemporary left-liberal advocacy.

And some things are too good to pass up. Consider the following passage:

> "If we could understand the workings of nature and begin to harness it for our own benefit, could not the same be done with society and the economy? If humans were prepared to intervene where the hand of Mother Nature had previously gone unchallenged, why should they allow the 'invisible hand' of Adam Smith to control the economy without human guidance? Social scientists ought to be able to do in society what natural scientists seemed to be doing in their realm: discover the ways in which things operate, and engineer improvements."

McElvaine's thesis is straightforward. The American electorate and American society itself swings back and forth, forth and back, between progressive moods or "eras" and reactionary periods. He terms this process "a sort of Newton's Third Law of Political Attitudes." Needless to say, progressive eras are good and reactionary eras are bad. McElvaine believes that the country is starting, in the late 1980's, on a swing toward a new progressive epoch. This swing is inexorable but it could end as simply an historical spasm with no lasting results unless the Democratic Party is willing and able to channel these historical forces into a comprehensive progressive agenda. Finally, and this is the central motif of the book, McElvaine believes that the term "liberal" has acquired too many negative connotations and should be scrapped by the left. In its place he advocates the term "New Progressivism." Boy, does he advocate it: the words NEW PROGRESSIVE /S /ISM [McElvaine's caps] appear endlessly in the text. It is clear that the author intends that this phrase replace the word "liberal" in political discourse—a development which most libertarians would welcome, since it might provide us with a chance of reclaiming a banner that statists stole from us years ago. After all this, the reader is given a rather laborious scenario, involving state-by-state analysis of recent voting trends, of what the author assumes will be an electoral sweep by New Progressive candidates in 1988 and through the 1990's.

What is one to make of this book? Well, not much, really. There are two problems with McElvaine's work—his ideas, and his method of political analysis. Normally, the ideas would be discussed first, but in this case the manner in which ideological trends are discerned and analyzed is central. So much so, in fact, that the methodology short-circuits any serious consideration of the ideas presented. For this reason, we'll look at the book's political epistemology first.

The key point is that, even if McElvaine's theory of an impending swing to the left turns out to be accurate, he could hardly be called a prognosticator,

since the evidence he presents is so trivial. I can't recall an approach to political thought as Philistine as McElvaine's.

His number one exhibit is current rock lyrics. An obsession with rock lyrics is pandemic in the right-wing fever swamps, but I have never before encountered such madness on the left. Every chapter begins with lines from one or more rock songs, and countless others are analyzed in the text. We are treated to excerpted segments of the *oevre* of such political philosophers as Brian Wilson, Mark Knopfler, Sting, Don Henley, Roger Hodgson, John Cougar Mellencamp, Billy Joel, Jackson Browne, Kris Kristofferson, Elvis Costello, Richard Page, Cory Hart, Peter Gabriel, Bruce Hornsby, Stevie Wonder, and, above all others, Bruce Springsteen. Chapter 8 is titled "The Springsteen Coalition," and McElvaine is not trying to be funny.

Now, I have never heard of half these people. Admittedly, this may demonstrate only that I don't listen to rock music, but it does hint at a more fundamental matter, namely, that such things as rock lyrics are ephemeral and transistory. That is, they are of little import at the time of their popularity (how many young people do you imagine listen to a rock group because of the political implications of its lyrics?), and they are quickly forgotten. Trying to discern political trends from such fluff would be akin to searching for signs of economic ups and downs during the Eisenhower era by analyzing the plots and dialogue of *The Honeymooners* and *I Love Lucy*.

In many of McElvaine's examples it is doubtful that the political implications are even there to be analyzed. Like the right-wing crazies of twenty years ago who found drug and commie propaganda in every line of pop music, McElvaine may be hearing messages that exist only in his mind. Of course, there are always a few songs around with political themes. I certainly won't deny that the words in Stevie Wonder's song "It's Wrong" are about apartheid. No argument there—although it is fair to observe that since almost everyone in this country is more or less opposed to apartheid, it's not clear how much of a "shift to progressivism" is being demonstrated.

Many more of the lyrics quoted by the author—and he quotes a lot of them—seem to be nearly devoid of meaning, certainly political meaning, and definitely of political meaning that would be obvious to or in any way motivate a casual listener.

After his exhaustive (and exhausting) analyses of musical lyrics, McElvaine turns to movies. This approach might have some possibilities. At least it could be argued that it is more likely that real political themes would be packaged into a movie than into three-minute song. I shouldn't have gotten my hopes up. We are, once more, given very little. Most of the productions reviewed are of the teen-exploitation variety. The centerpiece is *Pretty in Pink.* For those of you unfamiliar with this pleasant little piece, the plot is: poor girl meets rich boy, they overcome class barriers and the objections of friends and finally fall in love. McElvaine sees all sorts of satire and attacks on the American class structure in this. But consider: this plot has been used (sometimes with reversed sex roles) in—how many movies? Perhaps five hundred? How many novels? Perhaps five thousand? Whatever the exact figures, none of the others seem to have heralded the dawning of a new age of class warfare, and it seems ludicrous to assume that *Pretty in Pink* will do so. The same goes for the author's other examples. Who, ten years from now, is going to remember, let alone be influenced by, such cinematic gems as *Back to the Future, Footloose, Desperately Seeking Susan, St. Elmo's Fire, Lost in America,* and *Down and Out in Beverly Hills?* There is nothing wrong with these movies. They're just not very important, and eventually this whole pop-sociology approach to political analysis becomes tedious. Would it really be too much to ask to be given an occasional reference to some person or book or even thought that possesses some proven staying power?

McElvaine believes that the term "liberal" has acquired too many negative connotations and should be scrapped by the Left—a development which most libertarians would welcome, since it might provide us with a chance of reclaiming a banner which statists stole from us years ago.

Such superficiality is also apparent in the author's analysis of voting patterns. Since McElvaine is mostly concerned that the Democrats recapture the White House, he places more emphasis on presidential than on congressional voting. Therefore, although he rejoices at the good Democratic showing in the 1986 elections, he is more involved in trying to place the 1984 presidential election in an optimistic perspective—a formidable challenge for a member of his party. The chapter about this centers on the fact that, if every state that gave Walter Mondale at least 39% (!) of its popular vote were to end up in the Democratic column in 1988, the party's candidate would have 368 electoral votes—enough for victory. Yes, indeed, and if every state that gave Hubert Humphrey at least 39% of the vote in 1968 had gone Democratic in the next election, George McGovern would have won handily. Aside from the fact that, in the American context, getting 39% of the vote in a two-way race means one has lost by a landslide, the entire approach is simply one of dreaming, not of political analysis.

Now for the book's ideas, which are very simple, to say the least (I doubt even Robert McElvaine's best friends would claim the he is a deep philosophical thinker). We are dealing here with a very stripped-down, almost comic-strip version of the contemporary moderate-left agenda. I would go so far as to say that McElvaine, who is a professor of history at Hillside College in Jackson, Mississippi, would probably make a very successful junior high school teacher. He present his views clearly, simply, without the untidiness and loose ends (like thought and critical perspective) which often accompany such things.

McElvaine's specific agenda? Well, basically, McGovernism, with an odd twist here and there. Higher taxes, more social spending, more regulation of almost everything in economic life, a polity based on community and compassion and responsibility (the terms New Community and New Responsibil-

ity are thrown in occasionally, along with the ubiquitous New Progressivism). Crime and poverty and drug abuse will be wiped out by a larger gush of federal dollars, of course. Labor unions must be strengthened. The family farm must be protected at all cost. Foreign policy must be centered on solidarity with progressive forces throughout the world. (In fairness, McElvaine is not as mesmerized by left-leaning Third World despots as most "progressives" are.) The buzzwords here are "affirmative government."

In two crucial respects he departs from the policy groupings which were once characterized as left-liberalism. In both of these issues, however, support is growing among "progressive elements."

First, McElvaine advocates a National Service Program. As he observes, "nothing could more clearly show a commitment to reversing the self-centered individualism of our times and the building of a New Community." Such a program, "particularly a required one," would "embody the return of service, idealism, cooperation, community, character and responsibility." Yes, and also, of course, regimentation, docility, submission, tyranny, and similar virtues. But, as Mrs. O'Connor would say—blank out. As part of his service ethic, the author also recommends the drawing up of a Bill of Responsibilities to "complement" the Bill of Rights.

The second major policy area in which "New Progressivism" departs from what was seen as left-liberal ideology until quite recently is that of foreign trade. Simply put, McElvaine is a protectionist. True, he wants a careful, fine-tuned wall of tariffs. Indeed, he prefers the term "promotionism." The bottom line, however, is that "we" must be protected from "excessive foreign competition."

There are several themes that thread their way throughout this book and that I find especially galling. Since they are not peculiar to McElvaine but are endemic in modern liberalism, they are worth identifying:

Only leftists are idealistic. On every page, the motives of those on the left are identified as compassion (the word parades endlessly before the reader), caring, concern, decency, the desire to help the less fortunate, the wish to live in—help to create—a better world, and, in general, to improve both individuals and society. The left is also said to exhibit courage, candor, humanity, wisdom, and fair-mindedness. In contrast, those on the starboard side of the spectrum are portrayed as motivated by greed and selfishness. Their mindset is one of ignorance, hedonism, and "apathy."

This idea that only those on the left are "concerned" and "caring" about anything other than immediate personal concerns is central to the polemical style of so-called progressives, and its effects go far beyond the confines of one rather silly book. I invite readers to ask themselves when was the last time they saw or heard, in a major media outlet, a conservative or libertarian described as "concerned" or "compassionate" or "thoughtful."

This type of canard is so offensive that, if McElvaine were to call me on the phone and tell me that he would listen to anything I had to say for sixty seconds, I would respond in this manner: "It may shock you to discover this, but there are people in the limited government, free-market camp who are actually motivated by a concern for the fate of the society in which they and their fellows live. They are even worried about the rights and conditions of so-called 'ordinary people' who are being victimized by the state. Many of them are so worried that they are willing to subject themselves to the ridicule, hostility and subtle ostracism that are, especially in the academic world, so often the price that one pays for violating the prevailing statist orthodoxy. Their ideals, in short, are not a function of the morning stock reports."

Fear of governmental power makes no sense in a democracy. This belief has been a staple of left-liberals for sixty years, and was typified by the statements of the late pop-sociologist John Gunther, whose oft-repeated dictum was, "I have never understood those who say they don't trust government; what they are really saying is that they don't trust themselves." McElvaine puts it in his own way: "By the 1890's liberals were coming to understand that many of the fears of government developed under monarchy and aristocracy need no longer apply under a democratic government." And: "In a democracy, liberals reasoned, government ought to be an instrument of the people, not their enemy."

It seems almost pointless to comment upon such a myopic misunderstanding of history. Though the crimes of states that have a representative republican form of government may not be of the same magnitude as those of totalitarian states, they are considerable. What would a list of crimes committed by democratic states include? Aggressive wars, of course. Plenty of those. Conscription of lives, wealth, and property. Sentencing of people to life in prison for possession of a bottle or two of whiskey (U.S.A, 1927-1931) or for voluntary drug transactions (U.S.A, since 1983); hanging young men for purchasing a small quantity of heroin (Malaysia, 1986); herding innocent and dependable persons, mostly native-born citizens, into concentration camps (Western United States, 1942). The list could be extended considerably. The point is that it would be ludicrous to assert that in these cases the state was the friend or "instrument" of its hapless victims.

Only governmental and "public service" activity has meaning—private actions are without significance. This is

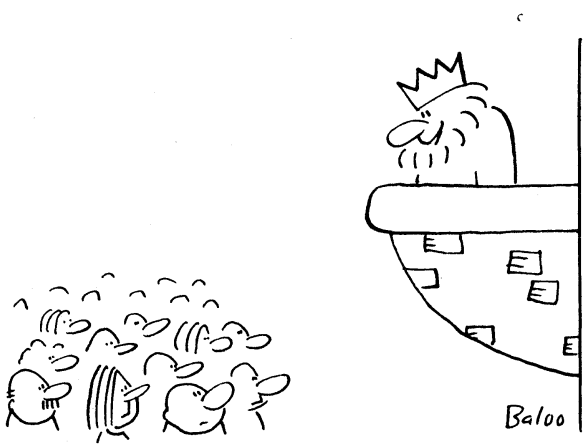

"True, we're 156 billion over budget, but I want only the *best* for you guys!"

one of those attitudes—not really a doctrine—that permeate so much left-wing writing. McElvaine constantly tells us that, after the widespread activism of the 1960's, the students of the following decade "merely" pursued education and careers. Wallowing in selfishness and careerism, they became doctors and engineers and inventors and nurses and cosmetologists and accountants. They married and raised children. And some, of course, undoubtedly went to the bad and added to the population of our prisons, mental hospitals, and potter's fields. All of these people made their own career decisions, at least in some sense of the term, and lived by them.

To McElvaine, all these men and women are invisible, irrelevant. The only human activity worth recounting, and certainly the only kind worth praising, is of the left-activist variety. Naderite activists, Peace Corps volunteers, anti-nuclear demonstrators, the strikers of fashionable political poses regarding South Africa—these alone are vital, real, authentic. Merely being a decent and productive citizen is, McElvaine implies, pretty boring and tawdry compared to shutting down a nuclear power plant or teaching Nicaraguans how to drive tractors.

What, when all is read and done, is one to make of a book such as *The End of the Conservative Era?* Certainly as a work of political analysis it doesn't add up to much. It gives the reader a hodgepodge of allegedly encouraging signs culled from pop lyrics, teeny-bopper movie plots, and snippets from surveys of (mostly) college students. Together these are said to herald the dawning of a new age of liberal activism demanding even more massive government intervention in the economy and our lives. But really there isn't much meat on McElvaine's plate. The approach is bubble-gum liberalism. There is no awareness of the fact that significant ideas might underlie politcal issues. A look at the index sets the tone. We have citations for Bruce Springsteen (lots of them), Sting, Linda Ronstadt, and other entertainers; for Bruce Babbitt, Mario Cuomo, Joseph Biden, Gary Hart, Edward Kennedy, and other Democratic leaders, with a few socialist writers such as John Kenneth Galbraith and Michael Harrington. What about John Locke? The authors of the Cato Letters? Montesquieu? Thomas Jefferson? Forget it! They're all dead, after all, and never once had a hit record. ❑

Capitalism for Kids from 9 to 90:
***How to Grow Up to Be Your Own Boss,* by Karl Hess,**
Enterprise Publishing, 1987, $14.95 hb, $9.95 pb

The ABC's of Fun and Profit

R. W. Bradford

The usual defense of capitalism is that capitalism delivers the goods: it is, essentially, a consumer's view of capitalism. This is, of course, correct. Unfortunately, this line of defense does not encourage a very deep understanding and certainly no great degree of loyalty to the capitalist system. Instead it seems to encourage a "gimme, gimme" attitude, and this attitude scuttles understanding of—and sympathy for—real "capitalistic" activity, or the people who carry it out. It is a style of argument that easily plays into the hands of capitalism's enemies.

Karl Hess understands this very well. *Capitalism for Kids* introduces its readers to capitalism by way of an understanding for *entrepreneurial* activity. It is not a textbook geared to impart scholastic knowledge, but a guidebook for living well in a capitalist society. It is a "how to" book designed to aid kids (of all ages, but particularly those in their second decade of life) in taking responsibility for their own lives. It offers advice, encouragement, and inspiration. And it gives the work ethic more glamour than most kids will find elsewhere.

Capitalism for Kids is an important book, not only for kids and their parents. It celebrates capitalism like no other book I can recall. For Hess, capitalism is not an economic system in which every dog has his day, provided he can eat enough other dogs. Rather, capitalism is a milieu in which every individual can pursue his own ends and seek his own fulfillment.

Other libertarian thinkers have argued the same point, but few so elegantly. It is written simply, so the target audience should have no difficulties understanding the message. But it is a joy for readers of all ages, thanks to Hess' almost poetic exposition.

Hess accomplishes much with this book. He gives support to the *very idea* of kids working. There is much cultural influence to the contrary, and this might be the most important service he provides for many readers. And it is just one of the many ways Hess encourages kids to stand apart from the crowd.

Hess celebrates the opportunities kids have in entering the world of business. Contemporary American culture and education does not expect kids to work; so logically enough, kids are not directed towards even thinking about it. The very least *Capitalism for Kids* will do for each one of its readers is suggest the possibilities, the many possibilities open to every kid in choosing his career. This support for the *very idea* of kids working is, by itself worth the price of the book.

Hess insists that work can be *fun,* as well as profitable. Though we have all heard (or voiced) this idea time and time again, Hess is a good deal more convincing on this score than most of the rest of us. He puts this idea at the front of the book, in chapter 1. "I hope," he writes, "that you will never have to do things that bore you or that you hate, just to make money. A lot of people do. One of the reasons you may enjoy starting a business of your own...is that you can choose something that you want to do rather than something you feel you have to do." And later, tying it to self-esteem: "Money is just a way to keep track of how well you're doing. It's just one way. The way you feel about yourself is the bottom line." I suspect that other kids reading this book will find it persuasive as well. *Yes, work can be fun!*

Capitalism for Kids teems with ideas, hints, and pointers on the problems

involved in working on your own and setting up your own business. Chapter 5, "Your Friend the Computer" gives some important advice and suggestions on the uses of this device in ways other than computer games, with which most kids are now familiar. Chapter 7, "Investing Time and Dollars," and Chapter 10, "Laws, Liability, and Licenses" cover everything from law to accounting, savings to investment.

All the discussions relate back to the most important aspect of most kids lives: their families. The sixth chapter ("The Family That Works Together") continues his descriptions of successful businesses in which kids participate, only this time within the family. Kids will find this interesting, of course, but it is adults who will take the suggestions to action. And the final chapter, "This Part is for Your Parents," will be read by every bright kid with as much interest as the rest of the book, simply because it is addressed to their overlords. It will certainly do kids no harm, and perhaps a lot of good. Hess stresses the importance of developing the right attitudes and values within the family itself, and on the superiority of "process education" to "content education." He includes many suggestions for parents to provide the right sort of education for their kids. And by reading this chapter, those kids whose parents do not follow Hess' advice will have some inkling, at least, how to learn to deal with this failure.

Hess lends truly *moral support* to kids. He does not portray capitalism as a game to get rich and beggar-thy-neighbor. He quite successfully explains the importance of moral behavior without ever seeming to preach or condemn. Here he succeeds where many other libertarian writers have failed: he neither rams morality down the reader's throat, nor makes it seem like a matter of cold calculation and cunning. Hess—no matter how he might label his own moral philosophy—seems to be in the same camp as Adam Smith, the author of *The Theory of Moral Sentiments.*

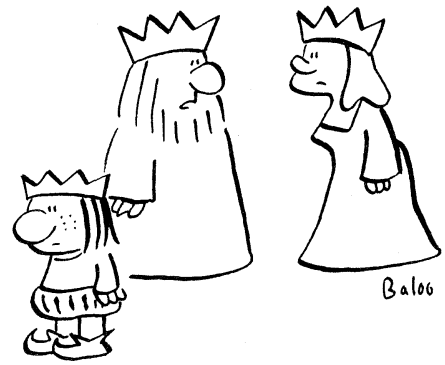

"How on earth are we ever going to teach him the value of money?"

Almost incidentally, Hess makes a good case for the politics of liberty. It is all the more convincing because it is tied in with his other purposes. By making *entrepreneurial* activity so attractive, the political system which gives it the most room to operate seems simple and natural. And, even more amazing, his eighth chapter, on volunteerism, ties philanthropic activity with career goals and libertarianism all in one very neat package. What more could you ask for?

And *Capitalism for Kids* is a celebration of bright kids. I can think of no other book that offers more encouragement to those kids who might feel lonely because they are a bit different. The most entertaining parts are those that describe the various exploits of kid-entrepreneurs. Hess holds these savvy and industrious youngsters up as models and heroes, which they certainly are.

The only section that might present problems is the third chapter, "Capitalism and Other Isms," where Hess discusses broader political and economic issues. An important word or two is introduced without definition ("totalitarianism" and "demand"), and this might confuse some of the younger readers. But the meanings of these words will most likely be gleaned from the context—or maybe already known by the kids most likely to read the book: the bright ones.

Capitalism for Kids concludes with the stories of several adults whom Hess asked to write about their lives as business-people and "go-getters." They are an interesting and varied lot, ranging from the founders of large corporations to professional people and small entrepreneurs. Their stories are interesting and inspiring.

The range of advice to kid-capitalists is refreshing. This is not one of those books which claim to have found "the one true way." The expert advice ranges from the trite ("Remember that we all climb the ladder of success one step at a time") to the peculiar ("I strongly believe that the pursuit of money is the root of most misery in our lives, because we end up doing things we hate in order to get what we think we want, namely, money.")

Over and over again, in both exposition and anecdote, Hess celebrates the diversity of life under capitalism. For Hess, the wonder of capitalism is its ability to accommodate the differences among human beings: it offers more opportunities for a greater variety of people than any other system.

Capitalism for Kids isn't just for kids. But by introducing kids to capitalism and to the responsibilities and joys of self-reliance and individual action, it has the potential of being the most important book most kids will read. ❑

The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.
—John Stuart Mill
On Liberty

There is no art which one government sooner learns of another, than that of draining money from the pockets of the people.
—Adam Smith
The Wealth of Nations

Libertarian Cartoons and Assorted Quotations, Volume I,
by Mike Timko, with illustrations by Mike Hill, Dax Hunter and Robert Leet, Libertarian Mutual Press, Box 25908, Los Angeles, CA 90025, 67 pp., softcover, $9.00.
Free Market Yellow Pages,
Dagny Enterprises, PO Box 224, Long Beach, CA 90801, 1987-88, 102 pp., $4.00.

Libertariana

Mike Holmes

Mike Timko's *Libertarian Cartoons* is an example of libertarian *samizdat* (self-published) literature; thus it requires the warning that it is highly personal and idiosyncratic in style and content.

In fact, this book has some of the weirdest cartoons ever seen in a libertarian publication, including a few (such as one with two Christs on crosses) that are totally incomprehensible.

The book begins with an extensive index of the subjects and authors of short, one- or two-paragraph-length quotations, undoubtedly the product of a handy word processing program. The remainder consists of left-hand pages of quotations, grouped roughly by subject, with one-line headings and right-hand pages of cartoons "published here for the first time."

The cartoons are apparently intended to relate to the quotations, though many readers may only discover this halfway through the book, as I did. At their best, these cartoons are genuinely funny or ironic (Gerry Ferraro and Phyllis Schlafly in fatigues poised over the body of Lady Liberty arguing about abortion and social welfare, with a portrait of Stalin floating above, captioned "Say it ain't so, Joe"). Most, however, are old-fashioned and crude, with lots of balloons full of talk and panels of action, accompanied by obvious labelled symbols. Imagine a typical libertarian computer programmer who smoked pot while penning Thomas Nast-type cartoons and you've got the idea.

A new libertarian cartoon symbol—Michele the Mongoose—makes its appearance in many of these cartoons, looking more like an overgrown rat or squirrel, and making moralistic libertarian comments about the action in the panels. If these samples are any indication, I'm afraid Michele, like the fanged "libertarian" don't-tread-on-me rattlesnake, is best relegated to the dustbin of history.

A few of them are borderline outrageous. A school principal talks to a parent on the phone and denounces sex education, then humps his secretary on his desk while discussing contraceptives; the "moral" is spelled out (in case you didn't get it): Disband the public school system. Where is Marshall Fritz when you need him?

The final two cartoons, tributes to the late Elvis and Groucho, respectively, are strangely out of context. A number of cartoons feature Mondale and Ferraro—rather dated for 1987. A couple of the ones with Reagan are gems, such as his famous joke about "bombing the Russians" with Pentagon generals in the following panel taking it seriously. Well, ya just gotta see it...

The quotations are eclectic: mostly about philosophy, war and peace, natural rights, history, education, and so on. A few are original Timko-isms (and the only copyrighted element of the book, oddly enough) but most are unexceptionable in content. But the disjointed style is distracting after a while, and a lot of the quotations are of the "so what" or "huh?" variety. There is a large section on cooperatives and mutualism, leading me to suspect this is partially Georgist propaganda.

There are a few gems here, and Mike Timko is a nice guy and a great used book merchant. But perhaps this book is best reserved for those with very complete libertarian libraries.

A similar conclusion may hold for the *Free Market Yellow Pages*. This year's edition is twice as long as last year's, but the price has also doubled. A product of the indefatigable Dagny Sharon and her mini-conglomerate of enterprises, the *FMYP* brings to mind the old joke about the talking dog: the miracle is not how well it talks, but that it talks at all.

The book is slickly produced with an authentic Ma Bell-type yellow cover and yellow pages with phone listings and ads. Lots of ads, including about 10 pages or so touting various affiliated Dagny Enterprise ventures and products.

The listings are indexed by name but not category, although it would appear to be heavy with computer, alternative health and publishing services-related listings. There is a wide variety of other listings, including a few from products and services you probably never heard of.

Most of the listings are from the Southern California area, where the book is published. The political orientation is heavy with romantic neo-Objectivist and science fiction allusions and the decidedly anti-political LeFevrean and "agorist" libertarianism popular in Orange County. Judging from the listings, you would never know there was a Libertarian Party or any political libertarian activity whatsoever.

The ads are also heavy on "Durk & Sandy" food supplements, various smaller libertarian organizations, and "P-I" (per inquiry) ads from various investment and libertarian booksellers. It is hard to believe these ads draw customers, but they must since this is the second edition and Dagny isn't a philanthropist.

The "Dagny Personals" are a refreshing if bizarre change from the run-of-the-mill Yellow Page listings, with lots of would-be "John Galts" and "Dagny Taggarts" looking for mates. As Dagny says, "Life is lovelier with a libertarian lovemate!"

Overall, this is not a product I would give to the uninitiated as an introduction to the libertarian movement. It comes off too kooky, quirky and a bit silly. Hard-core Rothbardians, who view libertarianism as strictly an intellectual and philosophical movement, will be horrified at the "space cadet" Randian overtones of this project. After all, the real free market produces much better "yellow pages" of businesses and services in the real free market—and gives them away!

But, if you're into libertarian subculture and science fiction agorism, the *FMYP* is sure to put you in touch with like-minded souls. (And if anyone knows what ALHCo Gold Transfer Orders are, it is worth noting that several of the businesses, including Dagny herself, accept them.) ❑

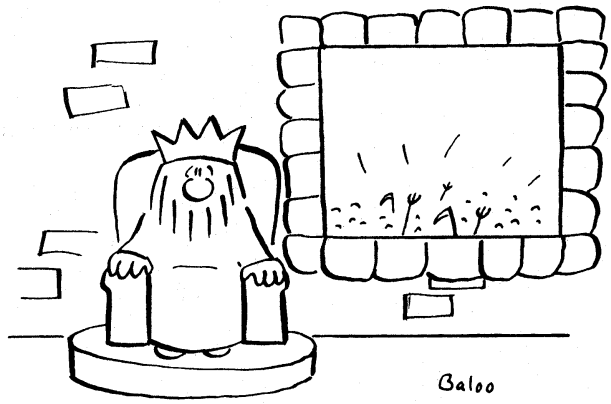

"I...AM...PEASANT...HEAR...ME...ROAR...IN...NUMBERS...TOO...BIG...TO...IGNORE..."

Booknotes

Libertarian Cooking:
Rabble-Rousing Recipes from Assorted Libertarian Luminaries
Marty Zupan and Lou Villadsen, eds.
Santa Monica, CA: Marty Zupan, 1987, 96pp., $8.95

This delightful booklet reveals far more about the personalities of the various leading libertarians than it adds to the applied science of cookery; but whether a stroll through this little book is worth the steep price depends on the conscience, and the pocketbook, of each potential reader.

Examples: Milton Friedman, contributing a veteran Jewish recipe for stuffed cabbage, praises his wife's cooking as compared to his mother's. David Friedman follows his passion, contributing several recipes for medieval cooking (Yechh!). Leonard Liggio, a historian who claims Albanian and Sicilian ancestry, contributes several brief recipes, prefaced by lengthy historical disquisitions about the greatness of both the Sicilians and the Albanians, whom, we are all astonished to find, are the oldest and noblest people in Europe, contributing kings and statesmen everywhere. James Buchanan, determined to be a southern redneck to the last, provides a recipe for "the best dish in the world," which turns out to be, *mirabile dictu*, Middle Tennessee *field* corn [fit for cattle, that is] which takes an hour to cook. At least! Karl Hess's favorite dish, which he mysteriously calls "Untitled," turns out, to even the minimally discerning, to be not very esoteric peanut butter cookies. —MNR

Arslan
by M.J. Engh
Arbor House, 1987, $17.95

This is a book that got a second chance. It first appeared in paperback in 1976, and died a quiet death. But it is not unlamented. Over the years it became the darling of several science-fiction critics, and a few "mainstream" critics as well. Now it is in hardback, and once again the critics are heaping praise on the book.

It is the story of the end of civilization as we know it, and of the possible end to the human race; the world has been conquered. The conquerer is a charismatic tyrant from Turkistan (Arslan), and his method is a very clever form of terrorism. He understands people, and he knows how to rule them, but where he differs from most previous tyrants is that he has no great desire to *rule* the whole world: the end he seeks is the complete destruction of humanity.

Just as *Brave New World* was most unsettling to utilitarians, *Arslan* might have been a great challenge to "Earth Firster" types: but the author had other themes in mind. What Ms. Engh seems to have attempted is an analysis of tyranny and of the choices the subjects of tyranny must make in order to survive. The theme is resistance and accomodation.

Unfortunately, the author seems to have been the chief victim of Arslan's charm, for she fails to imbue the work with the proper degree of "catastrophic moral horror" which the story cries out for. The unwary reader might wind up like the people of Kraftsville, U.S.A., and accept the tyrant as a neighbor and friend.

The most unsettling thing about the book, then, is that it is not very unsettling. As a work of art it falls short not because it lacks an aesthetic sense (though it does have several problems along these lines), but because its moral sense is so perversely weak. A tragedy of a work, not a work of tragedy.

—TWV

The U.S. Bishops and Their Critics:
An Economic and Ethical Perspective
by Walter Block
The Fraser Institute, 1986, 127 pp., $5.00

In 1984, the Catholic Bishops of the United States published a detailed Pastoral Letter analyzing and criticizing the American economic system. The Pastoral Letter argued that modern capitalism, as practiced in the U.S., fails to provide adequate housing, food, opportunities—or much of anything else—for the poor.

The response was immediate—hails and bravos from some quarters, criticism from others.

In *The U.S. Bishops and Their Critics*, Walter Block scrutinizes both the Pastoral Letter and the criticisms of it. In a fundamental sense, Block argues, the Bishops have failed to take a global view. The "poor" in the U.S. are poor only in relation to the American middle class and rich; in the context of so-called Third World countries, the American poor are very well off indeed.

The Bishops have failed to provide any argument for enriching America's so-called poor while doing little or nothing for the much poorer people in the non-developing world. Block finds this failure especially puzzling within a church whose largest membership is within these poor countries.

While Block sympathizes with the goals of the Bishops, he is not convinced that the policy recommendations would achieve those goals. He patiently shows that most of the policies the Bishops advocate cannot achieve their goals. Block goes further: he argues that in many cases their policy recommendations (if followed) would produce results contrary to their stated intent.

But Block is not simply criticizing the Bishops' analysis; he posits alternative policies that would better achieve those goals. Perhaps the outstanding value of the book are these alternative solutions to social problems. Block's scenarios convincingly show how people acting within the free market can solve the very problems that the Bishops decry. The "failures" of the marketplace, according to Block, lie not from any inadequacy of the free market, but rather from the damage done to the free market by state coercion. And the solutions to those problems lie in eliminating government intervention so that the market process can work.

In addition Mr. Block takes on the critics of the Pastoral Letter. He argues they are often inconsistent within their own frameworks and fail to identify the underlying errors of the Pastoral Letter.

The U.S. Bishops and Their Critics, is consistent, well-reasoned, and concise. Maybe it is too concise: I found myself wanting more discussion on some topics. Nevertheless, it is a book of interest to anyone concerned with social justice... and perhaps the perfect book to give to that friend or relative infected with contemporary liberal Christian social views.

—KRB

The Law of Power
(Das Gesetz der Macht, 1926)
Friedrich von Wieser
translated by W.E. Kuhn
Bureau of Business Research,
University of Nebraska-Lincoln, 1983,
402 pp., $15.00

Friedrich von Wieser is the Austrian economist that libertarians don't talk much about. Despite his influence in the development of marginal utility theory—he coined the term, for one thing—and despite the influence he had during his life, he is virtually ignored by the contemporary libertarian crowd of Austrian economists. This is partly because he seems so far outside of the mainstream of Austrian theory as we Americans see it: Menger, Böhm-Bawerk, Mises, Rothbard, Kirzner, et. al. His handling of methodological individualism is very odd by our "state-of-nature" standards, and his sympathies with twentieth century "progressivism" beyond the pale.

Still, his writings are worth reading: not only for the good ideas—some of them quite lost on the contemporary Austrian readership—but also for his poor ones. Some of his ideas are distinctly "unlibertarian" and there is no better place to come to terms with your enemies' errors than in the writings of someone with whom you have much in common.

In this book the author stepped out of the realm of economic theory and into the realm of sociology. The problem he set for himself is the problem of power. And by this the author did *not* mean what libertarians normally mean: the ability to coerce. Instead, Wieser investigated "social power," which he defined as the *"command over the minds of the members of society."* Coming to terms with his notions on the subject is all important to developing a thorough understanding of a line of reasoning often used to support the notion of the "unworkability" of laissez faire.

Friedrich Hayek, his most famous student, called him a "puzzler," a thinker who took his own, very distinct path, a path not always easy to follow. Nevertheless, this "road less travelled" can be rewarding.

—TWV

The Man and Woman Relationship:
A New Center for the Universe
by C.A. Anderson
Anderson's Publications, 238 pp., $25.00

Libertarians are neither universally nor uniformly savvy and sane. Nutty ideas can be found in abundance, and if you doubt it, you might want to examine *The Man And Woman Relationship* and test your opinion—a more ludicrous work of "philosophy" can hardly be imagined.

The author's thesis is simple: "The man and woman relationship represents an essential expression of the order and nature of life....this expression is viewed philosophically as a system, or more precisely a thought-system." Unfortunately, he does not explore the nature of sex in a scientific way, but, instead, in the manner of a pop-philosopher. There is much talk of "individualization" and "unification," and most of this talk is balderdash. But judge for yourself:

"The two sexes [are] intrinsic to the two-way process of existence... All division is sexual division. All individualization is sexual individualization. There are no non-sexed entities. Everything so formed is sexually formed." Or, "A surrender to homosexuality then is defined as not coming to terms with one's true attraction, but a succumbing to life's sexual demand resulting in a state of non-attraction, of non-sexuality, of non-life... In essence, the result of homosexuality is death, not a balanced renewal of life as exists within the capacity of the man and woman relationship. With this in mind, we may now call homosexuality by a name more appropriate to its nature: homo-nonsexuality."

What is embarassing in all of this is that he is, indeed, a libertarian. The last third of the book is devoted to political and moral theory. Thankfully, I doubt if this self-published book will be widely read. But perhaps it has a future in the libertarian movement as a source of amusement: pick a sentence at random and laugh.

—TWV

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Watch for this feature in future issues of *Liberty*.

Film

The Road From Dystopia

Timothy W. Henderson

Most dystopian visions are so powerfully bleak that their creators seem to have been blinded by the darkness of their own creations and therefore unable to see and suggest a course which might lead away from the nightmarish worlds they've envisaged. It is as though humans are considered by these artists to be somehow foredoomed by their natures to seek and acquire the requisite scientific knowledge to make possible their own enslavement and destruction, but to be unable to cultivate the social wisdom and personal ethos which would empower them to purposefully utilize that knowledge and yet also live peaceably and respectfully with one another.

There are, however, at least three theatrically-released feature films belonging to the dystopian genre which stand apart from their fatalistic peers because each, in some way, suggests an alternative to the dystopian possibility. Not coincidently—indeed, logically—in all three cases the metaphorical journey on the road from dystopia begins with an explicit recognition of the individual as not merely a subordinate element of some state "entity," but an absolute end in himself, and leads, implicitly, to the suggestion that the proper political principles for such individuals are libertarian.

THX 1138
Universal, 1971
Screenplay: *George Lucas & Walter Murch*
Director: *George Lucas*
Music: *Lalo Schifrin*
Cast: *Robert Duvall, Donald Pleasance, Maggie McOmie, Don Pedro Colley, Ian Wolfe*

George Lucas' relatively little-known first feature, *THX 1138*, is by far his lowest-budgeted and least commercially-successful film. It it also his most poetic, resourceful and, arguably, his best. Certainly, it is the only theatrical film of his with substantial ideational content. This is unfortunate, because, with *THX 1138*, Lucas demonstrated an uncommon ability to author a film confronting profoundly important issues with both eloquence and elegance of expression

The basic plot *THX 1138* is simple. Set in a futuristic, subterranean, hi-tech industrial society, conceptually (but not stylistically) suggestive of the worker's realm in *Metropolis*, the eponymous protagonist (portrayed by Robert Duvall) is, like each member of the populace, just another number, an economic unit, a replaceable cog in the state's production machine. When, in a plot development reminiscent of *1984*, THX is weaned from his state-mandated sedatives by LUH, his female roomate, he awakens to an awareness of his ultra-regulated, ultra-routinized, and ultra-homogenized state-controlled existence. Unlike the kiss-on- (and tongue-in-) cheek affections of Lucas' later megahits, the love which develops between THX and LUH is passionately felt and physically expressed (until, of course, the state intervenes). Lucas' treatment of this action is deft and tasteful, and its inclusion is artistically integral because it provides the character of THX with an essential motivation and supplies the impetus which sets the plot-mechanism in motion. It is rare and fine to witness how this love relationship—which is at once realistic and imaginative, matter-of-fact and romantic—deepens THX's sense of self and emboldens him to strive for his liberation.

THX's subsequent efforts to regain his identity and reclaim his being become a struggle to divest himself of the statist tyranny which straight-jackets his life. From here, the underlying course of the plot advances straightforwardly, as THX crusades to win his freedom on both the inner and outer fronts. Superficially, however, the terrain covered is wide ranging, and Lucas, through THX, explores a small atlas-full of topical areas. Beside sex and love, he also examines violence, drugs, media, law, science, religion, and philosophy. These micro-manifestations of THX's macro-conflict constitute the most original and intriguing aspects of the narrative, and I will forego discussing these aspects so as not to dilute the potency of the film for those who have yet to see it. But no description can diminish the impact of the film's final shot, wherein THX emerges victorious, having escaped from the claustrophobic, stupefying, growth-inhibiting confines of dystopia, to stand upright on a boundless plain, his silhouette shimmering, as though vibrant with glorious energy, like the awesome, blazing, depth-compressed sun behind him.

Although we learn no more of THX's story—now *there's* a sequel that would *really* be worth seeing!—it is clear that the ending of the film is but the beginning of a new chapter in his life. He has set his first footstep upon the road from dystopia.

Logan's Run
Metro-Goldwyn-Mayer, 1976
Screenplay: *David Zelag Goodman*
Director: *Michael Anderson*
Music: *Jerry Goldsmith*
Cast: *Michael York, Jenny Agutter, Peter Ustinov, Richard Jordan, Farrah Fawcett-Majors, Roscoe Lee Browne*

Based on a taut and interesting, though pulpy book by William F. Nolan and George Clayton Jones, *Logan's Run*, the movie, is nothing more than a big-budget bagatelle. But it is worth watching for the few inadvertent virtues unexcised by whoever was responsible (maybe some committee in MGM's Box Office Demographics Department) for apparently deleting any material that may have been deemed controversial.

Set in a dystopia principled like a PG-rated version of *Brave New World*, residents are provided for and governed by the state, but are otherwise encouraged to lead pointless, hedonistic lives (the superficiality of which is unintendedly enhanced by the film's tacky, Vegas/disco production values). The gimmick of the story is that each individual, upon his or her twenty-first birthday, must participate in a ceremony called Carousel, wherein, as pre-

scribed by the compulsory state-religion, he or she stands at the center of an arena, forming a circle with his of her birthmates, surrounded by cheering thirty-five-year-olds posing as teenagers. Then, after some preliminary mumbo-jumbo, he or she must (inexplicably) ascend into the air and burst into flame. The official government explanation for this procedure is that participants will be reincarnated as babies in the government's industrial nurseries, but this is so preposterous that even some of the characters in the movie can't suspend their disbelief. These free-thinkers generally become Runners who try to escape through the "glass curtain" (i.e., the dome that surrounds the city) into the wilds which lie beyond, in search of a fabled place named Sanctuary. Runners are pursued by well-trained, well-equipped, and very effective state assassins called Sandmen. The only explanation for the perpetuation of this state of affairs is tradition, i.e., things are the way they are now because that's the way they've been in the past (an explanation which is not dissimilar to the "reasoning" underlying the opinions of some real-world conservatives).

The viewer's lagging interest becomes piqued when Logan, a former Sandman turned Runner, and Jessica, a member of the Sanctuary underground, escape from the dome to seek Sanctuary. After enduring some generic cliffhangers and brief gratuitous nudity, the heroic couple discover to their dismay that Sanctuary is just a myth. The best they actually encounter is a desolated, overgrown Washington, D.C. (Not bad, considering the implied absence of regulators, tax collectors, and subsidy-seeking special interest lobbyists, but it's no Galt's Gulch.) They do, however, discover one lone old man, who verifies their thesis that there is indeed life after twenty-one. Armed with this knowledge, and with specimen in tow, they return from their excursion on the road from dystopia, to enlighten the amazed population regarding the possibilities of wrinkles and senility, a happy ending which, though perhaps somewhat wanting in profundity, at least hints at one important libertarian precept: Every individual is the sole property of him or her self, and insofar as it is humanly determinable, if that individual does not attempt to wield the power of life and death over others, then no other individual (or group, or sentient computer, or whatever) has the moral right to wield such power over him or her.

The Last Chase
Universal, 1981
Script: *C.R. O'Christopher, Roy Moore, and Martyn Burke*
Director: *Martyn Burke*
Music: *Gil Melle*
Cast: *Lee Majors, Burgess Meredith, Chris Makepeace, Alexandra Stewart, Diana D'Aquila, Harvey Atkin*

When released in 1981, *The Last Chase* received slight notice, critical or otherwise. Lacking both the visionary flash of *THX 1138* and the mega-budget of *Logan's Run*, it's not surprising that this film passed with scant acknowledgement. What's unusual, however, is that virtually all the criticisms the film did receive addressed neither its merits nor its shortcomings, but curtly dismissed it on misunderstood ideological grounds, a critical approach which served no end other than fostering the common perception of the critics themselves as short-sighted and narrow-minded elitists. Then, as now, with so much unoriginal work of negligible worth being touted as daring and new, it's a shame that a film like *The Last Chase*, which actually attempts to present a libertarian theme from a heroic standpoint—and, honestly, how many of *those* have you seen?—is relegated to obscurity.

Though *The Last Chase* is a production of decidedly modest means, director Martyn Burke depicts, through judicious selection of locations and a matte shot or two, a dystopic eastern America which incorporates elements of both the *1984* and *Brave New World* with modern real-world referents, thereby creating an environment which might just as well be an alternative now as a possible near-future. As the story unfolds, we learn that, twenty years ago, America's oil supply either ran out or was cut off. A subsequent plague, possibly the result of germ warfare, claimed much of the population, including the wife and son of the protagonist, Franklyn Hart (Lee Majors). Now, all non-government motor vehicles have been outlawed and destroyed, and the totalitarian bureaucracy which rules the country has ironically assigned Hart, a former race car driver, the job of appearing before young audiences to speak in praise of the Mass Transit Authority. One day, Ring, a computer-whiz, teen-age outcast whose pastimes include jamming the state communications system and blowing up things (not people) in symbolic protest and retaliation, hears Hart stop mid-way into one of his prepared speeches and start extemporizing on the good old days of fast cars, competition and privacy. Naturally, Hart's reward for speaking his own mind is to be sentenced without trial to incarceration in a Rehabilitation Center, so he decides to escape in a super-charged Porsche that he'd hidden years ago. Concurrently, Ring's secret computer lair is discovered and he runs to Hart, the only person he knows to be sympathetic with his views. One step ahead of the police, Ring arrives just in time to roar off with Hart across the post-disaster wilderness of the central U.S. toward a burgeoning west-coast community alleged to exist by Radio Free California.

Hawkins (the state personified, in an effectively modulated performance by George Touliatos) knows that he must nullify Hart to prevent news of Hart's escape from "disturbing the balance, order and tranquility of the most perfectly worked-out system," or, less euphemistically, undermining the repressive state hierarchy of which Hawkins is a highly place member. Hawkins' two-fold strategy is to monitor Hart's progress (employing one of those extraordinary television tracking systems, possessed by all tyrants of cinematic dystopias, which utilizes a technology bordering on the magical in its ability to see any action from any angle, anytime, anywhere), then send a refurbished Sabre fighter jet piloted by former ace Captain J. G. Williams (Burgess Meredith) to search out Hart and destroy him. Hart and Williams do meet up eventually, but not before Hart and Ring encounter a variety of other obstacles and diversions, including a romantic interlude shared by Hart and Eudora, a pioneer woman living on a rustic Indian settlement.

Despite the drawbacks of some plot implausibilities, an unevenness of tone which vacillates between the adult and the juvenile, and some misconceived character touches in Williams' airborn behavior, *The Last Chase* generally succeeds in its delineation of contrasts between the neurotic, cold, gray domain of the powercrats, and the color, vitality and harmonizing of nature and technology evinced by the peaceful, self-

Hint

Buy a Good Book and Save a Poor Soul

by Erika Holzer

All right, so we preach too much to the converted. In the magazines and newsletters we subscribe to and pass back and forth. At the autograph parties where we buy each other's books. In those op ed pieces and letters to the editor that end up on the pages of "friendly" publications. Unlike the "other side," we forget, some of us, that there's a war going on out there!

A few years ago, I stumbled on a new weapon I'd like to share with you. My nephew's birthday loomed and all he could talk about, the football nut, was Roger Staubach. Now Staubach just happened to have a book out and his accomodating publisher passed on my copy for autographing. My birthday gift scored a touchdown. That left nephew number two, whose birthday loomed. The kid was into mysteries and Mickey Spillane had just launched a line of juvenile suspense. I tracked down the elusive fellow's address, made my pitch, and got my birthday inscription.

Here were two concretes to make the abstraction: Personally autographed books make great gifts. But it wasn't until I began interviewing authors of consciousness-raising books (and collecting a few autographed copies in the process) that the final connection snapped into place: What a way to preach to the *un*converted!

Time out while we open the closet to let out a skeleton called "Liberals in Our Lives." Who says they're limited to inlaws and fifth cousins? Some of us—dare I say it? Count them as...friends. And for that lapse in political purity if not in judgement, we pay the price of a nagging need to proselytize. Hence my autographed-books-as-gifts idea.

I decided to test-market it on some longtime libertarian pals, making them a Christmas gift of *To Build A Castle*—personally inscribed by Vladimir Bukovsky, the Russian dissident author I had just interviewed. And lo!—suddenly SDI was no longer a madcap idea whose time would never come.

Flush with success, I planned my next Xmas assault. With gleeful premeditation I purchased a dozen *Economics in One Lesson* and sent off autographed copies, along with tear sheets of my Hazlitt interview—in case my liberal friends hadn't read H.L. Mencken on Henry Hazlitt; to wit: "one of the few economists in human history who could really write." That got to them.

I jumped into the fray after that with birthday gifts, courtesy, you might say, of interviewees Barbara Branden (*The Passion of Ayn Rand*) and Thomas Sowell. (The liberals seem particularly susceptible to *Ethnic America*—a good way to hook them on the author and his entire mind-boggling array of titles.)

Are you beginning to grasp the possibilities? A double whammy consisting of George Gilder's *The Spirit of Enterprise* and Sobel and Sicilia's *The Entrepreneurs: An American Adventure* for that otherwise charming couple in your social circle who at the mere mention of "businessman" break out in hives and bleat "robber baron." Richard Epstein's *Takings* for the old college chum who used to invade your clothes closet and who was all set to vote for Gary Hart. Howard Dickman's *Industrial Democracy in America* for the lovable drinking buddy who, now that the unions have called off their boycott, *still* won't reach for a Coors.

Great idea! you're thinking, but it doesn't go far back enough—it can't. How do you get de Toqueville's signature on a birthday or Christmas gift of *Democracy in America* or, for that matter, Isabel Paterson's on *The God of the Machine*?

In this era of Shirley (another life) MacLaine, you can ask? You think her legions of fans (among them, no doubt, your liberal friends) will question the authenticity of, say, a mere 200-year-old autograph? However you manage it, rest easy in the knowledge that you bring a subtle new weapon to the ideological wars—all for the price of a book. ❑

➡ *continued from previous page*

directed lifestyles of those few rugged souls living apart from the state. And if, despite the heroes' climactic triumph, the film's ending disappoints, perhaps it is because the viewer, having been transported along the entire length of the road from dystopia to the virtual edge of a new society and way of life, is abruptly left to employ his ingenuity in imagining what the nature of that nascent civilization might be. But probably that's for the best. If the viewer is encouraged to think and invent, to conceive a better world and to reason how to reach it, then maybe that which is only a dreamed-of destination today may become an attainable objective tomorrow.

After all, it is not as if the maps and guidelines to such a world do not exist. ❑

Easy Living in the Bahamas

by Mark Skousen

➡ *continued from page 22*

remaining in the upper school. This was one of our chief reasons for returning to the States when our oldest daughter turned 12—we didn't want to send her to boarding school!

These caveats aside, our experience in the Bahamas was enchanting, enriching, and unforgettable. I will always look back on my two years in paradise with tremendous nostalgia. And someday I may even return to the island of June. ❑

Mark Skousen is offering his manual *How to Open a Swiss Bank Account in the Bahamas* in its newly revised edition to readers of *Liberty* for $20.00 per copy.

Send cash or check to "Mark Skousen," Bahamas Banking, Box 2488, Winter Park, FL 32790.

Contributors

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

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including the *Wall Street Journal* and *National Review*. Mr May is the editor of *The Trout in the Milk*.

Walter Block is Director of The Centre for the Study of Economics and Religion, a division of the Fraser Institute, Vancouver, B.C., Canada.

R. W. Bradford is publisher of *Liberty* and editor and publisher of the investment newsletter *Analysis & Outlook*.

Stephen Cox, an associate editor of *Liberty*, is Associate Professor of Literature, University of California, San Diego.

Skye d'Aureous & Natalee Hall began one of the earliest libertarian publications, the freewheeling *Libertarian Connection*, in 1968. Filthy Pierre, one of the original LCers, became its publisher in 1978, when Skye and Natalee dropped out of the libertarian "movement."

David W. Galland is Associate Publisher of *The Gold Newsletter* and lives in Stowe, Vermont. He telecommutes to New Orleans from a 150 year old barn.

Timothy W. Henderson is a musician living in Los Angeles, California, with numerous studio, stage and screen credits. He is currently composing material for a libertarian-themed musical project.

Karl Hess is a welder who lives in Kearneysville, West Virginia. He is also the editor of the *LP News* and an associate editor of *Liberty*.

Mike Holmes lives in the western suburbs of Houston, Texas and is a practicing Certified Public Accountant. He is the editor of the *American Libertarian* newspaper, and is a contributing editor of *Liberty*.

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William P. Moulton, a contributing editor of *Liberty*, lives in Traverse City, Michigan and collects Ancient Egyptian artifacts..

Bob Ortin has a degree in applied math and physics from the University of Wisconsin. He lives in southern Oregon where his "Burons" political cartoons are regularly featured in a local newspaper.

Murray N. Rothbard is an associate editor of *Liberty* and editor of *The Review of Austrian Economics*. He is vice president for academic affairs at the Ludwig von Mises Institute, and S.J. Hall Distinguished Professor of Economics at the University of Nevada, Las Vegas.

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Timothy Virkkala is assistant editor of *Liberty*.

Brian Wright is a writer living in West Bloomfield, Michigan.

CORRECTION: In the last issue of *Liberty* we neglected to note that Jonathan Saville's theatrical review of Oliver North's performance at the Iran/Contra congressional hearing, *Acting Colonel*, had previously been published, in a somewhat different form, in the *San Diego Reader*, and was reprinted with permission.

Terra Incognita

Central Africa

Folk medicine and the sexual magic practices of people inhabiting the Great Lakes region of Central Africa may account for the origin of AIDS, according to an article in London *Economist*:

> "To stimulate a man or a woman and induce them to intense sexual activity, monkey blood [for a man] and she-monkey blood [for a woman] was inoculated into the thighs, pubic area and back." The AIDS virus is very similar to a virus that infects African green monkeys, and the consensus among researchers is that it jumped from monkey to man sometime during the early 1970's.

Texas

The battle against alcohol abuse never ends, as reported by NBC's *Entertainment Tonight*:

> A Texas school district banned tee-shirts with pictures of "Spuds MacKenzie, the party animal," mascot of a St Louis brewer. Students responded by wearing Spuds tee-shirts inside out.

St Louis Park, Minn.

America's cities struggle to enforce building codes, to protect the consumer from substandard or unsafe housing, as reported by *The Associated Press*:

> Officials of this Minneapolis suburb have ordered Mark Tucker to either tear down the tree house he built for his children, or make extensive structural changes within one week to bring the building in line with the city's building code.

Ann Arbor, Mich.

An attractive alternative to those who love culture but do not have the means to endow a chair on the faculty of a university has been developed in America's hinterlands, according to this dispatch from *The Wall St Journal*:

> To raise money, the Michigan Theatre in Ann Arbor has solicited doners to endow six toilet and two urinals at a cost of $600 each.

Fairfax, Va.

A long overdue suggestion that the U.S. Government honor one of its most eloquent and vociferous critics, by declaring his birthday a national holiday, thereby allowing an additional day off with pay to the Congressmen and bureaucrats that so often were targets of his opprobrium, as suggested by David Boonin of the Institute for Humane Studies, in *Daily News Digest*:

> "Mencken Our Hero–'The only remedy,' Mencken realized, 'is to make government weak, and to keep it weak.' It seems appropriate to suggest that we honor H.L. Mencken by declaring his birthday a national holiday."

Traverse City, Mich.

Evidence that the tradition of tolerance has not yet taken root in America's hinterlands, as reported in the Traverse City *Record-Eagle*:

> City Councilman John Markl noted that medical authorities consider homosexuals to be "the filthiest, dirtiest, human beings on the face of the Earth," and suggested that the proper was to eradicate Aids is a "few snips of the scalpel."

Paramus, N.J.

Nightmarish possibility resulting from local legislation in Paramus, NJ, as reported in *The Wall St Journal*:

> Ed Abbruzzese, manager of a Pontiac dealership, has appealed a fine for displaying too large an American flag. "I have kids, school-age," he said, "and they ask, 'Daddy, why can't you fly the flag?' Can you imagine if Russia found out about this?"

The United Kingdom

Alarming evidence of the consequences of Britain's failure to ban Spuds MacKenzie tee-shirtsm, as reported in the London *Economist*:

> A survey by the Royal College of Psychiatrists found that one-third of 13-year-olds drink alcohol every other day.

Beijung, China

Shameful ignorance of economics and political theory, from the mouth of Bao Yu, a young woman who left her home in China's rural Liaoning province to go to Beijung to study accounting, and sought a part-time job to help with expense, as reported in *The Wall St Journal*:

> After police repeatedly stopped Bao Yu, a young woman who left her home in China's rural Liaoning province to go to Beijung to study accounting, from seeking a part-time job to help with expenses, Ms Bao said, "I can't understand it. I just want a job. Lots of people want workers. What's the problem in that?"

Coming in the Next Issue of *Liberty:*

- Sandy Shaw & Durk Pearson: **The First Amendment and the Future of Medicine**
- Ross Overbeek: **Can Computers Save the World?**
- Ethan O. Waters: **The Two Libertarianisms**

Terra Incognita

The Federal Republic of Germany

Proof of the respect for civil liberties, in the modern democratic state of West Germany, as reported in *The Wall St Journal*:

"West Germany prohibits the sale of three MicroProse Inc computer games to children—for glorifying war. F-15 Strike Eagle, for example, simulates air combat missions."

South Carolina

Evidence of how intellectual and physical health go hand in hand, as reported in *The Detroit Free Press:*

The quintessential miniature golf course is Moby Dick Golf, located on Highway 17 in South Carolina. An artificial stone mountain spouts gushing waterfalls and each hold offers a literary quote from *Moby Dick.*

San Diego, Cal.

"If soy sauce is banned, only criminals will have soy sauce": How advances in medical research help explain violent behavior, as reported in *The Los Angeles Times:*

The widow of James Huberty, who gained fame as the perpetrator of the McDonald's Massacre in San Diego in 1984, has sued McDonald's for damages. After admitting in her deposition that her husband had been abused as a child and abandoned by his mother, and had long displayed a violent temper and a fascination with guns, she cited the research of psychologist Robert W. Hall, publihed in his definitive paper. "MSG Massacre?," and argued that his murder of 21 people had been caused by eating Chicken McNuggets that had been spiced with monosodium glutimate (the prime ingredient of soy sauce).

The Socialist Republic of Burma

A recent advance in the control of crime and control of the undergound economy, undertaken by the Hon. Ne Win, President of the Socialist Republic of Burma, as reported in the London *Economist*:

On Sept 15, Burma demonitized all bank notes with a face value higher than75 kyats (about 10¢ American), thereby wiping out 80% of all the currency circulating in the country. University students reacted by stoning buses, taxis and soldiers.

The Burmese government reacted by devaluing the calandar, and declaring a Bhuddist holiday scheduled for Oct 7.

The United Kingdom

Evidence of the respect for human rights by Britain's Conservative Party, as reported in the London *Economist*:

Delegates to this year's Conservative Party conference will consider 102 measures to support law and order. A third of them provide for the return to corporal and capital punishment including one measure that calls for the castration of rapists. Party leadership favors a more moderate measure that would enable courts to interpret the refusal of a person to answer police questions as evidence of guilt.

United States of America

"A well informed electorate is the cornerstone of democracy": How Americans spend their leisure time, aside from watching television, according to a study by John Robinson of the sociology department of the University of Maryland:

The average American adult spends six hours per week shopping and one hour per week reading books.

United States of America

How the public schools prepare young people for the responsibilities of citizenship, as reported in the London *Economist*:

"If common knowledge is defined as what 90% of a given group know, then for high-school juniors only two historic facts meet the test: the invention of the light bulb by Thomas Edison and the invention of the telephone by Alexander Graham Bell."

Los Angeles, Cal.

The real importance of "The Color of Money," as reported in the *Los Angeles Times:*

An unemployed printer turned to counterfeiting to make ends meet, but his colorblindness led to a costly error—he used black ink instead of green for the serial numbers and Treasury Seal, making his phony bills look distinctly phony.

Tacoma, Wash.

Emergency operators for the 911 system in Tacoma, Wash., recently found themselves in an emergency situation of their own, when raw sewage deluged their basement switchboard center, according to *The Seattle Times.*

"There's not much we can do," one operator said of the comunications workers' predicament. "We can't call 911."

Tacoma, Wash.

Evidence that bureaucrats have unique perspectives on such tragedies was provided by Ron Skaggs, director of Communications for the Pierce County Sheriff Department which ran the facility:

When asked what he thought when he saw the sewage coming through the ceiling, he said, "I was disappointed."

German Democratic Republic

Proof that consumer protectionism is more advanced in East Germany, as reported in an article in the London *Economist.*

Even hair styles are reviewed by a state commission, which meets in East Berlin each year to set fashion standards.

(Readers of *Liberty* are invited to forward newsclippings or other documents for publication in *Terra Incognita.*)

"Give Me Liberty or Give Me Death." — Patrick Henry, 1776

Old Pat really was an extremist. Especially when it came to Christmas presents.

The odds are overwhelming that those on your Christmas list are not as fussy as Pat Henry. But even so, the chances are excellent that any intelligent libertarian friend would genuinely appreciate a subscription to Liberty as a gift.

In its first three issues, Liberty has published the writing of Murray Rothbard, Karl Hess, Mark Skousen, Stephen Cox, Tibor Machan, Mike Holmes, Ross Overbeek, William Moulton, Ethan Waters... published the first sociological study of libertarians, a complete survey of the films of Ayn Rand, memoirs of the early days of the libertarian movement, and reviews of more than 19 books and 7 films.

You don't have to be Patrick Henry to appreciate Liberty! And neither will your libertarian friends and colleagues.

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Can You Afford to be Without These Insights?

- January 1983: *Analysis & Outlook* is the first investment newsletter to discuss changes in rare coin grading and to analyze the implications for investors.
- June 1983: *Analysis & Outlook* is the first newsletter to report new IRS regulations making it difficult (but not impossible) for you to maintain your financial privacy, and to discuss how you can protect your privacy despite these regulations.
- March 1985: *Analysis & Outlook* predicts "a major increase in prices for MS-63 gold coins during the next six months." Six months later, the wholesale price of MS-63 gold coins was up an average of 49.3%.
- July 1985: While nearly every hard money newsletter recommends silver in preference to gold, *Analysis & Outlook* concludes a detailed discussion: "Gold will outperform silver by a substantial margin." A year later, gold has increased 20.4%; silver is down 14.9%
- June 1986: *Analysis & Outlook* concludes an analysis of silver investments by recommending swapping silver dollars for other forms of silver; at the time other advisory letters recommend dollars. Fourteen months later, dollars are down 7.9%. The forms of silver recommended are up an average of 41.7%.

R. W. Bradford writes *Analysis & Outlook* to help you with your *own* analysis of current events and to develop your *own* outlook for the future.

"I can't guarantee that I will always scoop the competition on major stories or that all my the advice will be as profitable as these examples," Bradford says. "But I can guarantee to pull no punches, to tell you the truth as I see it, to interpret events from my own perspective as an active participant in gold, silver and rare coin markets for more than 15 years."

Analysis & Outlook is published each month and mailed via first class mail, so that you receive it when its contents are still news. And your subscription is fully guaranteed: at any time during your subscription, we will refund upon demand your payment for all unmailed issues.

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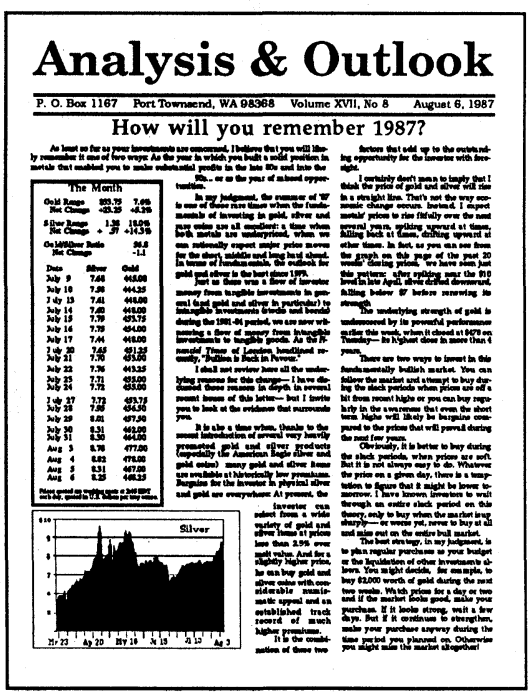

Analysis & Outlook

P. O. Box 1167 Port Townsend, WA 98368 Volume XVII, No 8 August 6, 1987

How will you remember 1987?

The Month

Gold Range	522.75	7.05
Net Change	-25.35	-0.35
Silver Range	1.35	15.05
Net Change	+ 1.35	+14.35
Gold/Silver Ratio		50.5
Net Change		-1.1

Date	Silver	Gold
July 9	7.65	445.00
July 10	7.20	444.25
July 13	7.41	446.00
July 14	7.60	445.00
July 15	7.79	453.75
July 16	7.75	454.00
July 17	7.44	448.00
July 20	7.55	451.25
July 21	7.70	453.50
July 22	7.76	443.25
July 23	7.71	453.00
July 24	7.75	455.00
July 27	7.73	453.75
July 28	7.80	454.50
July 29	8.01	457.50
July 30	8.31	463.00
July 31	8.50	464.00
Aug 3	8.76	477.00
Aug 4	8.65	474.00
Aug 5	8.51	467.00
Aug 6	8.25	466.25

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Liberty

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

The Crash of '87
Eight Perspectives

The Majority *vs.* the Majoritarian
Robert Bork on Trial
by Sheldon Richman

Free Speech and the Future of Medicine
by Sandy Shaw and Durk Pearson

Libertarians and Conservatives: Allies or Enemies?
by John Dentinger and Murray Rothbard

Also: Articles and Reviews by *Ross Overbeek, Ethan Waters, Timothy Henderson, Mike Holmes, R. W. Bradford, William Cate* and others

March 1987 $4.00 Volume 1, Number 4

How Your Child Could Be a Millionaire by Age 21

—Karl Hess

Capitalism for Kids by Karl Hess is unlike any book you have ever read. For the very first time, free market economics is presented simply and clearly. And, it teaches the most practical skill of all—how to make money.

The book is aimed at teaching business to kids in the 9 to 19 age group. Any young person you know who has entrepreneurial ambitions should read this book. It presents why and how you can earn a profit in business while still maintaining the highest possible standards of honesty and integrity.

Capitalism for Kids is fun to read and the ideas it presents are truly unique. It is written in a lively style with lots of useful examples.

Here are a few highlights revealed:

- A self test to help determine how enterprising the young reader really is.
- A special section for parents to show how you can help your child become financially successful.
- What young people need to know about working for themselves.
- How to make any product or service really stand out.
- How managing money and time is crucial.
- All about taking risks.
- How to get the most from an education.
- Setting up a family company.
- What type of college education is the most useful.
- Improving the education received at home.
- Using computers as handy business and financial aids.
- Where high school entrepreneur clubs are located.
- Why doing volunteer work can often be one of the best ways to start a business career.
- A practical review of laws, licenses and liabilities.
- Three common types of liability in business.
- Which fields hold the greatest money making potential for young people.
- Special advice to the reader from famous entrepreneurs contacted during the preparation of the book including David Packard, Chairman, Hewlett Packard, Inc.; Lillian Katz, Founder Lillian Vernon Inc.; and William Deardon, Former Chairman, Hershey Foods Corporation.

Attention Readers 19 or Under

To any reader of this message who is age 19 or under, you are eligible to participate in a contest that will help us capture the youth market. Your task is to create a full page ad, aimed at your age group, on why you like the book **Capitalism for Kids.** The grand prize is an opportunity to star in an upcoming commercial about the book. **Deadline for contest entry is June 1, 1988.**

What Readers Say:

"I don't want to just half heartedly recommend this book among the thousands of others out there that are worth reading. I want to urge you, as strongly and sincerely as possible, to buy it and read it first for yourself. Only then give it to a kid you like.

Karl's book crystallizes thoughts that most people have had, but haven't thought out fully. It washes away the foundations upon which fears and guilt are constructed over a lifetime; it replaces them with ideas you always believed in intuitively but weren't quite sure how to defend.

This book is really great. Make sure it is available to your kids and yourself."

Douglas Casey
***Author of* Investing in Crisis**

"Karl is one of the best writers I have ever come across. He worked for me in my Presidential Campaign, has written any number of papers and articles for me, and I can find no fault with him.

I think *Capitalism For Kids* will make very interesting reading, not just for young people, but for people of all ages. I say that, because Karl understands capitalism, he understands socialism, and he's quick to tell you which is the better of the two."

Barry Goldwater
Former U.S. Senator

"Author Karl Hess does a brilliant job presenting capitalism in a style that is both clear and entertaining to young people. But adults will be fascinated by it as well. I certainly learned much, particularly about the practical aspects of starting a small business.

Capitalism For Kids is bound to become a classic as well as inspire and encourage many new entrepreneurs young and old. And because it shows you how to become independent, make money, and even become rich, it's the most valuable gift book I've ever seen for any young person."

Roy A. Childs, Jr.
Laissez Faire Books, Inc.

"Karl Hess, one of the most interesting free thinkers I know, has written a marvelous book. It explains what making money is all about, in simple readable fashion that anyone nine or older can understand.

I found it delightful reading, especially the chapter on government intervention in business.

Capitalism For Kids can really get your child or grandchild excited about the free enterprise system."

Mark Skousen, Editor
Forecasts & Strategies

Kids Success Stories

Heather Brackeen and Stacey Smit, both 11, of Albuquerque, New Mexico opened their own shop called the Weaving Loom. They specialized in hand woven items such as scarves, placemats, purses, and pot holders.

Javier Corral Jurado, of Ciudad Juarez, Mexico, at the age of 13 was the founder, reporter, photographer, editor, ad salesman and publisher of *El Chisme,* "The Gossip". His newspaper is published every 2 weeks for 1500 readers.

At 15, Robert Lewis Dean borrowed $1,500 from his parents, bought a 1972 Cadillac and fixed it up then sold it at a profit. That was the beginning of his career that has included starting a business at age 16, selling it for $100,000 and starting other businesses dealing with limousines.

Special Note From The Publisher

"It is with special pleasure that I am offering **Capitalism For Kids** to you and your family.

From my personal experience at a young age, I remember how much I always wanted to be in business for myself. Yet, in school, virtually all I was taught was how to become someone else's employee. When I asked my teachers where I could get information about being my own boss, they couldn't recommend any books on the practical aspects of running a successful small business.

That's why this book is so unique. The "how to" ideas it presents are rarely taught in any schools.

I feel sure that this book will undoubtedly make a big difference in the future development and financial success of anyone who reads it, and I am proud to be its publisher."

Ted Nicholas
Publisher

About The Author

Karl Hess is an entrepreneur, former editor at *Newsweek* and author of six books. He writes with conviction about how and why applying the principles of free enterprise leads to independence and success.

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Enterprise Publishing, Inc. ensures your complete satisfaction. Review **Capitalism For Kids** for up to 30 days, and if you are not completely satisfied for any reason, you may return it for a prompt and courteous refund.

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Liberty

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Contents

Freedom For the Adventurous
William Cate, page 7

The Majority *vs.* The Majoritarian
Robert Bork on Trial
Sheldon Richman, page 9

Libertarians, Moralism, and Absurdity
Ethan O. Waters, page 14
The Readers on Waters (A Disputation), page 16

Free Speech & The Future of Medicine
Sandy Shaw and Durk Pearson, page 20

Game *vs.* Game
a story by Raul Santana, page 23

The Crash of 1987
Eight Perspectives, page 25

Strange Bedfellows
The Libertarian/Conservative Misalliance
John Dentinger, page 37

Freedom is for Everyone
Murray N. Rothbard, page 43

Can Computers Save the World?
Ross Overbeek, page 45

Me and the Eiger
an observation by Murray N. Rothbard, page 60

Departments

Reviews

R. W. Bradford on "Blood in the Streets," page 49
Mike Holmes on "In Search of Melancholy Baby," page 51
Terry Inman on Murray Bookchin, page 54
Stephen Cox on Going Beyond Gideons, page 55
Booknotes, page 56
Timothy W. Henderson on Film, page 57

Buronic Episodes, page 36

Letters, page 4

Contributors, page 61

Terra Incognita, pages 61 & 62

Classified Advertisements, page 60

Letters

Brownian Movement

I enjoyed reading your initial issue—especially the interesting articles about Tom Marshall. However, I was a little surprised to read:

"Tom arrived in the ideologically seminal atmosphere of Los Angeles in the early 1960s. Harry Browne was at the Henry George School..."

I'm afraid I've never been to the Henry George School, nor would I even know where it is. I mention this only so that no one will get the idea that I'm a Georgist. I have always been, and will continue to be, a card carrying, dyed in the wool, unrepentant, unreconstructed Brownist.

I mean Browneist.

Harry Browne
Austin, Tex.

Reflections on the Apostasies of Wollstein and Waters

Liberty is everything you advertised and well worth its price. Why it is, then, that I have chosen to write a complaint instead of praise I don't know. But the silly little piece by Nathan Wollstein ("The Dilemma of the Gladiators," *Liberty*, Oct. 1987) was just more than I could stand. I mean, I knew that academic libertarians still pondered over normative ethics from the leisure of scholarship stipends and tenure, but I had no idea that the agony had reached this intensity. And were it not for the quickly following antidote of Ethan Waters ("Reflections on the Apostasy of Robert Nozick") in the same issue, I think I would have swooned.

When I first began reading and thinking about libertarian sorts of things about five years ago, I was struck by the conspicuous neglect of the ideas of Ayn Rand in both popular and orthodox academic philosophy. Her notions of atheistic morality and her writing style both seemed the perfect contribution for what I considered to be the long-standing search for an appropriate alternative to conventional religious morality. Well, I've since worked my way past the initial seduction of her prose and on through what I consider some of her faulted ideas. And so now I think I understand why Ayn Rand has not carried the day.

I suppose, then, that I should now be careful how I apply similar questions about the same lack of influence of Max Stirner. I've been thinking on *The Ego and Its Own* for quite a while now, and have nearly come to view Stirner's ideas as the logical conclusion of careful reflection in normative morality. And as a result, I just cannot understand the overall neglect of old Max's ideas in libertarian literature. Oh, I can understand the strategic or political difficulties that would face the Libertarian Party when accused of amorality, but I don't understand how the subject just never seems to come up at all. Even Ethan Waters doesn't quite cut the cord with normative ethics in his comments on Robert Nozick, though he comes very close.

And so I ask, what's so hard to accept in faulting Robert Nozick, his neighbors, or anyone else, for that matter, for perhaps being short-sighted in evaluating personal interests? Why not recognize and admit to mistakes in personal judgment without getting all twisted up in the convoluting details of normative ethics? (Let's see, now was that a logically false morality or the misapplication of what we think is a logically true morality? And have you *really* stayed awake during most comments in *Critical Review*?)

As I said, I know that I should have learned prudence in knee-jerk accusations that whole groups of people are ignoring a particular idea that seems compelling to me, and I'm trying to keep my balance. But my goodness; dilemma of the gladiators! Please Mr Wollstein, share your reflections on Max Stirner.

Jim Smith
Shrewsbury, Mass.

Note: Additional letters on Ethan Waters' "Reflections on the Apostasy of Robert Nozick" appear on page 14 of this issue.—Editor

Correction

I read with great enjoyment your "Conventional Notes" (Dec. 1987). The Membership Committee of the Libertarian National Committee is involved in membership drives at different levels at this time, trying to double or triple membership by the time of the National Convention in 1989.

During my campaign I did promise to try to double or triple membership within a two year span. It would require a miracle to triple membership by 1988 (as you quoted me) since we are in it.

Matt Monroe
Houston, Tex.

A Matter of Style

Bruce Earnheart (Letters, *Liberty*, Oct. 1987) is correct in noting how reformist or charismatic politicians are capable of bringing marginal groups into politics. The strongest claim of the Means campaign was that Means would bring into our fold many nonvoters, especially minorities. His experience in the civil-rights left was cited. For reasons too complex to go into here, I was not convinced, and am glad that the nod in Seattle went to Paul. However, it is (or rather was) a debatable point; and I can quite understand those who were convinced.

But the *lüftmenschen* that Dr. Rothbard refers to are not significant blocs of potential voters. They are rather "those dirty, unshaven, and profane New Leftists" and their ilk. To say that liberal attitudes toward the family are a result of their efforts is ridiculous. Traditional morality was changed by the automobile, penicillin, and the Pill. Similarly, opposition to the quagmire in Vietnam was inevitable, given the nature of the conflict.

As the latter movement was political, its history is relevant to Libertarians. And I think it can be safely said that the prominence in the anti-war movement of *lüftmenschen* like Abbie Hoffman and Tom Hayden was disastrous. There was no inherent reason why Middle America should have been opposed to an anti-war movement, given America's traditional isolationism. One of the things that kept them away, perhaps the main thing, was the prominence of radical crazies to whom Nixon and Agnew could always point to as Horrible Examples. Late in his life, Norman Thomas urged the New Left to clean the flag, not burn it. That his advice was not heeded cost America twenty thousand lives.

But, Mr. Earnheart points out, the generation of the sixties has grown up. True, and they aren't the type of people who would reject a Russell Means for his nonconformity. But neither will they reject Ron Paul because of his conformity.

More Letters

These were, after all, the people who backed Gene McCarthy in '68, and he wasn't exactly what you call a hippie. In any case, the image that appeals most to these people is that of a JFK clone; and on that test, both a Means and a Paul flunk. On the other hand, there remains a significant bloc of conservative voters who are turned off by someone like Means. That's bigotry, and I don't like it, but it exists. The *lüftmenschen,* as I understand Rothbard's use of the term, are minuscule in number.

My conclusion is that while substance must remain radical until enough people agree with us to make it the status quo, there is no reason why we should not make the style as palatable as possible.

Jeff Schneier
Chestertown, Md.

Unholier Than Thou

I thoroughly enjoyed the statistical analysis of Libertarians ("The Sociology of Libertarians" by John C. Green and James L. Guth, *Liberty,* Oct. 1987), particularly the section on religious affiliation. The article corroborates research which I have done with atheists. Libertarians, as a general rule, are methodological individualists, taking their own reasoning power as the primary means of analysis, rather than accepting the dogma of some religious authority. While *atheists* are, as a general statistical rule, left of center, this leaves me with an interesting question.

On the *political* left-right spectrum, non-libertarian atheists and libertarians are normally placed in opposite corners. On the *religious* left-right spectrum, however, they reside, as they always have, on the far left. Historically, libertarians were associated with the political left (indeed, the extreme left), and it has only been since the political upheavals associated with the rise of Franklinstein (FDR) of the 30's that libertarians (i.e., the non-Marxist, anti-Stalinist leftists—who did not fit well in the simplistic notion of leftist/commie/bomb-thrower) were merged with the disgraced reactionaries of the traditionalist right wing in American politics. This is where American libertarians have been pigeon-holed ever since.

Might this article on libertarian values lead us to conclude that we, as libertarians, have a natural place on the left, rather than on the right? Certainly libertarian concerns with Church-state separation and civil liberties are concerns more common to the left than the right. Certainly atheism and the basic grounds (pro-reason, pro-science) behind atheism are common to both libertarians and the left in general, however good or ill those reasoning powers are applied by either libertarians or leftists. It is something to consider.

Kenneth R. Gregg, Jr.
editor, *Atheists United Newsletter*
Sherman Oaks, Cal.

The Dynamics of the Inappropriate

I question the essay "The Dynamics of Voluntary Tyranny" (*Liberty,* Dec. 1987) not for its contents, but for its appropriateness. To what good end is the inclusion of an essay so critical of a religious group? Particularly one that is so well organized and centered on a very well read publication that can quickly alert its members to your attack on their beliefs. It seems to me no matter how valid the author's essay may be, it is certain to alienate a group of several million people within our society who might otherwise be disposed towards Libertarianism. As the Jehovah's Witnesses are both anti-government and pro freedom of religion, I would think they provide fertile ground for the growth of Libertarianism, and a prime source of votes in elections. So, why attack them?

On page 23 of the same issue, Murray Rothbard says he is getting tired of "the offhanded smearing of religion..." I fully agree. Let's spend our time attacking government and making our beliefs as attractive as possible. If we don't think harder about the consequences of what we are doing and saying, there will be no votes, no elected libertarians, and no progress toward true freedom.

Richard Geyer
New York, N. Y.

What Correlatives Imply

The point I sought to develop in my book, *The Man and Woman Relationship* ("Booknotes," Dec. 1987) had to do with the fundamental nature of relationship, that without relationship meaning cannot be given to something. Without the intrinsic nature of relationship we could not singularize one part of anything in its relation to something else.

This idea of relationship is not anything new. What I did was relate it to our sexuality. Without both male and female, neither sex would hold any meaning. Sexuality only has meaning in terms of male as to female. That is fundamental. My comment that homosexuality is not a sexuality follows by definition; there is no sexuality without the fundamentalness of the opposite sex included

Publisher's Notes:

Launching a new periodical, especially an explicitly ideological one, is always a difficult venture. During *Liberty*'s first six months, we have made significant progress.

Liberty continues to grow and prosper. The paid circulation for our December issue was more than 2,100—which gives *Liberty* the second highest paid circulation of any libertarian periodical based on the most accurate figures we can assemble. Our circulation remains well behind *Reason* (paid circulation is about 28,000) but significantly ahead of *The Pragmatist* (paid circulation about 1100), the only other libertarian periodical we know of whose paid circulation exceeds 1,000.

We have conducted two surveys of our readership. The results were very encouraging: on average, each article published in the *Liberty* is read by an astonishing 86% of respondents, and 95% of respondents indicated they would renew if their subscriptions expired at this time.

The cover date on this issue is March. This does not reflect our falling behind schedule, an all too frequent problem of libertarian publications. Our newsstand distributors have asked us to push back the date to give our magazine a longer shelf life.

You will note our December issue was expanded to 56 pages, and this issue to 64 pages. Increasing the length of these issues has meant additional work and expense, but we think it has been worth it. We realize that we are still getting glitches out of our publication, and appreciate any comments or suggestions.

More Letters

in the relationship. I also develop the idea that it is the interaction of opposites that makes for the creative.

What, one may ask, does this have to do with liberty? Simply, that if one is holding himself as part of a relationship that is not balanced, where one side is held to be intrinsically superior or inferior to the other metaphysically, that a master/slave situation will result. Master/slave equals relationship out of balance.

Christopher A. Anderson
Santa Rosa, Cal.

Kneecap Rights...

Although Murray Rothbard's remarks about abortion ("Life or Death in Seattle," *Liberty*, Aug. 1987) are tangential to his evaluation of Ron Paul's candidacy, I feel obliged to comment on a common error that he perpetuates, namely confusing the issue of whether a human fetus is a human being with the non-issue of whether it is human.

Human earlobes, human kneecaps, and human pancreases are human but are not human beings. A human fetus is unquestionably human, indeed, every bit as human as a human earlobe, kneecap, or pancreas, but that says nothing about whether it is a human *being*, which is a question not about its biological species but about its status as an individual in its own right, rather than as a part of another individual. The two best-known sides in the dispute agree that there is a sharp distinction between a human being and a human non-being, but differ with regard to which of the two landmark events in the developmental history of a human being provides the distinction: conception or birth. Each side is correct in dismissing as ridiculous the other side's way of drawing the distinction: there is in fact no event that marks a distinction between a separate individual and a mere part of the mother's body—there is rather a continuous development that begins with a single cell that is joined to and biologically totally dependent on the mother's body and ends with an organism capable of survival separate from the body of a (real or surrogate) mother.

I am delighted that the *Roe vs. Wade* decision avoided the regrettable legal tradition of arbitrarily imposing sharp boundaries on concepts that are inherently imprecise. *Roe vs. Wade* rather provided rough distinctions among one class of cases where a fetus is enough of a human being to be granted limited status as a person, a second where a fetus is clearly not enough of a human being to be granted even that limited status as a person, and a third class of cases in which the grounds for granting or withholding any status as a person are so weak that the Court is not competent to make any general decision for that class of cases. My only disappointment with the *Roe vs. Wade* decision is that it has not led to any re-evaluation of laws and legal precedents in which arbitrary precision has been imposed on imprecise concepts such as that of "adult." I would have liked to see courts and legal theorists taking the "fuzzy areas" at the borders of such concepts as a fact of life that must be lived with rather than as an inconvenience that must be legislated or adjudicated out of existence. I am especially sorry that libertarians have not explored a particularly libertarian way of living with imprecision in those concepts: that of allowing persons to decide how the concepts apply to them in the "fuzzy" cases, e.g., of allowing a woman to classify her 5-month fetus as a non-person if she wants to abort it and to classify it as a person if she seeks legal redress for injuries that have resulted in the fetus's death.

James D. McCawley
Chicago, Ill.

Something Fishy

Murray Rothbard offers some very simple advice ("Libertarians in a State-Run World," *Liberty*, Dec. 1987) on the subject of government employment: government jobs whose functions are otherwise legitimate are morally permissible, while jobs whose functions are intrinsically rights-violating are not.

Unfortunately, the real world is not that simple. Many government jobs that are largely legitimate have illegitimate aspects. For example, a judge or policeman will, in the course of his duties, have to enforce laws that are unjust from a libertarian standpoint. Does this mean that no libertarian should become a judge or a policeman? If so, libertarians should not become legislators either (so much for the Libertarian Party!), for—let's face it—any effective Libertarian legislator is going to have to make *some* deals and compromises, support *some* mildly unjust bills, in order to get any support from his non-Libertarian colleagues for the bills he favors. Rothbard's demand that libertarians refrain from participating in coercive state activity "in any circumstances" would effectively bar libertarians from government entirely.

There may still be a case for libertarians taking jobs whose functions are completely illicit. A libertarian, arguably, may justifiably work for the Fed, the FCC, or some agency of that ilk, *provided that* his post is a policy-making one, enabling him to influence and restrict the agency's operation. Rothbardian prohibitions would lock libertarians out of the very positions where they're most needed. Libertarians are not going to take the government by storm; we will have to settle for a gradual infiltration, and that means working within the system.

Nothing I've said endorses Nozick's or anyone else's working to *increase* the sum-total of coercion in our society. Nor would I deny that there are *some* cases in which a libertarian is obligated to refrain from participating in coercive activities, even when such participation would lead to a net reduction in coercion. For example, if a kidnapper threatened to kill his 12 hostages unless a bystander killed an innocent person, it would be wrong for the bystander to accede to the request. We must, as Rothbard himself notes, walk the fine line between the two extremes of dogmatic martyrdom and utilitarian expediency. But I'm not sure he realizes just how close his own principles takes him to the martyrdom pole.

A final question: I'm curious how Rothbard would (and why he didn't) respond to the central argument of Ethan Waters' article ("Reflections on the Apostasy of Robert Nozick," *Liberty*, Oct. 1987). Even granting Rothbard's distinction between legitimate and illegitimate government activities, Waters claims that the Cambridge Rent Control Board passes the legitimacy test because a non-government analogue of it *could* have arisen non-coercively (putting it in the same category as the Post Office or the Fire Department). There's certainly something fishy about Waters' argument, but I haven't quite got my finger on it yet.

Roderick T. Long
Ithaca, N.Y.

Advice

Freedom for the Adventurous

by William Cate

Liberty's *correspondent from "somewhere in Latin America" offers some practical advice to those considering opportunities in the "Third World."*

A few years ago I was having coffee in the Upper Amazon Basin, when two Germans joined me. They wanted me to collect insects for shipment to Europe. This was during the late 1970's; inflation had made hard asset investing look good and anything that had kept pace with the inflation rate could be sold as an investment. These men realized that the value of specimen insects had more than doubled annually for the past couple of years and felt they could create a European market for "Investment Insects."

The result was an agreement that put me in the jungle with a few Indians collecting insects, preserving them and shipping them to Europe. I made good money for a few months until the local government decided that my operation was harming the environment. They were unmoved by my objection that their annual spraying of tons of DDT killed a thousand more insects in an hour than I could collect in a year. Put out of the business, I noted that the locals could not make it work, primarily because they did not understand the concept of a perfect insect. In due course, the inflation rate reportedly leveled out, investment insects became passé and I went on to other things.

An aversion to regular employment, a desire for travel and adventure, and a need for money can enable anyone to pursue profitable adventure, ranging from buying gem rough from miners to exporting "investment" insects.

It is possible to maximize your own economic freedom by following the time-honored formula: maintaining citizenship in one country, while earning a living in a second, banking in a third and living in a fourth. You can't build that sort of international diversification and invulnerability without venturing abroad.

In fact, profitable adventure can be found by anyone willing to desert his television and the security of his hotel. A few days in a library and a visit to a couple of local Third World museums can provide the seeds of an entrepreneurial adventure.

Where to Start

What do you look for in your library? Read the footnotes in national histories. Bone up on the development of Colonial Empires during the past five centuries. Study population migrations. Learn about minerals and gemstones, or plants and animals.

If you read the footnotes in a history of Mexico, you may come across the curious fact that there was a Ukrainian enclave in Baja California during the 19th Century. The question you ask yourself is what are the chances that Ukrainian artifacts, such as icons, can be found in the area? If you think the odds are good and you want to visit Baja you have the basic plan for an economic expedition.

The only remaining question is whether or not the present Mexican government prohibits the export of 19th Century Ukrainian artifacts. Since no one has exported Ukrainian artifacts from Mexico the odds are there is no law against it. Plus the odds are that even if someone passed such a law, no one working with the Mexican government would recognize an antique icon. (Footnote: If you were to go to the Russia and find an authentic icon, it would be impossible to export. The Soviets have laws against it and their employees at airports recognize icons and other Russian antiques.)

This type of approach can be multiplied hundreds of times for almost any Third World country. The British, French, Germans, Spanish, and Portuguese have all held sway over much of the world in the recent past. In each case they sent out nationals to rule the country and develop trade and commerce. These nationals brought artifacts from their home countries. Rich nationals brought valuable artifacts; in places where the percentage of rich nationals was high, such as India under the British, the potential for English artifacts is high.

The ideal situation is where there was a significant number of rich foreign nationals in an emerging country which totally rejects the Colonial power. That situation exists in many areas of Africa today. There are valuable antiques whose values are not known by locals in all of these places. Knowing what artifacts of a European power might have been imported a hundred or more years ago can give you good leads on what to seek out during your travels.

During the Ming Dynasty, the Chinese Empire was expanding. A significant number of Chinese migrated to the Philippines. In due course, they died and were buried with their pottery. For a couple of years in the last decade, Manila was a major source of authentic Ming porcelain. (In this fashion, the German migration to Argentina in this century has made that Spanish-speaking country a major source of German antiques.) As Manila became better known as a source of Ming pottery, fakes became more common. Today, the odds of buying an

authentic Ming vase in Manila are no better than finding an authentic Inca necklace in Lima.

The government of Colombia owns the emerald mines at Muzo. In their hundred year ownership, the government has yet to have a single profitable year. The emerald rough moves through independent business channels to markets in North America and Europe. To buy the rough at the source is dangerous, but there are other, smaller Latin American sources for emerald rough. An adventurous entrepreneur need not sit in Muzo bartering with a miner's patron to get a good price.

Other mineral specimens have good markets in North America and even more so in Europe. Exploring 16th and 17th Century Spanish mines for vugs of perfect mineral specimens is not dull work. And the profits can be very satisfying: profits of fifty to one hundred times cost are not unknown.

Or consider other government intervention resulting economic dislocations. New Zealand, for example, has long imposed high tariffs on automobiles. The cost of cars has been so high that Kiwis have been very careful about maintaining them. As a consequence, in recent years New Zealand has been a major source of antique cars for American collectors.

Guidelines for Succesful Adventure

Ignore the common wisdom. You cannot make your fortune by exporting something closely associated with the country. Pre-Columbian art from Latin America is impossible to acquire and sell. Even experts have difficulty distinguishing the real from the fake. Some experts estimate that twenty five percent of the Pre-Columbian art in U.S. museums is "fake." What's worse, Congress has passed laws outlawing importation of pre-Columbian arts, so even if you manage find genuine specimens and smuggle them into the country, you cannot advertise your wares. The FBI shows more interest in stopping the sale of Mayan art than in breaking up a drug ring—perhaps because the latter is somewhat more dangerous.

Don't get involved with products that can have a mass market in North America or Europe. Back in the 1960s, a number of adventure travellers began to export hand made Indian woolens to the U.S. It was a profitable business until the handwoven goods became popular in the U.S. Then buyers for Wards, Penneys, and Sears arrived in the Indian villages. The market was ruined in less than two years.

I know it's hard to pass the opportunity when you see a parrot in a jungle village that you can buy for two dollars and know you can sell it in the U.S. for a thousand dollars. But don't buy it. The problem is the Government.

Don't export live animals. I know it's hard to pass the opportunity when you see a parrot in a jungle village that you can buy for two dollars and know you can sell in the U.S. for a thousand dollars. But don't buy it. The problem is the Government, which requires a 30 day quarantine period (at the cost of $998) on live parrots. I exported reptiles for awhile, until new regulations by the Department of Fish and Game made it necessary to smuggle the specimens. I never lost a live reptile in legal shipment, but smuggled reptiles typically have a fifty percent death rate.

Don't expect to make a living as an adventure writer: the market is too small and the competition too great. When I began my wanderings there were many adventure magazines like *True* and *Argosy* that accepted manuscripts from adventure travellers. They have disappeared, along with the majority of their writers, many of whom limited their adventures to the New York city library or a bar in Belém. I've never seen an adventurer's newsletter. Jack Wheeler in "The Adventurer's Guide" may have started in that direction, but the tide of history was against success.

Don't get involved in the drug business. The U.S. government spends hundreds of millions—perhaps billions— of dollars to stamp out the drug trade. Political and economic pressure is exerted against all Third World governments to insure their cooperation with the "War on Drugs." Despite this massive effort, drug prices have dropped in the States as the supply has steadily increased. Obviously, the millions or billions spent have had little affect on the major traffic.

But there is always constant pressure to catch someone smuggling drugs. The ideal someone is a U.S. citizen doing it for the first time. You get caught, the DEA shows it's doing its job, and the drug trade continues. Meanwhile you rot in a rat-infested jail.

Almost everyone stuck in an office or on an assembly line thinks life would be great, if only it were more interesting. But actually becoming an entrepreneurial adventurer is not for everyone. The fact of the matter is very few people find long term happiness in unusual lifestyles.

The reason is that if you can make it as an adventurer, you probably have the ability to make a lot of money in any environment. Most of the people I explored with a quarter century ago are now part of the economic and political power elite.

And it takes hard work and ability to make anything work. The further you are from the mainstream of life the more work and ability it takes to maintain a comfortable living.

If you are interested in exploring the opportunities for adventure entrepreneurship, I suggest you begin by visiting your library. You might want to start with these three books:

Mary & Gillmar S. Green, *"How to be an Importer and Pay for Your World Travel,"* Celestial Arts Publishing, Millbrae, Cal, 1979.

Sylvia Dorn, *"The Insider's Guide to Antiques, Art, and Collectibles,"* Cornerstone Library, NY, 1977. (Originally published by Doubleday in '74)

Daniel & K. Leab, *"The Auction Companion,"* Harper & Row, NY, 1981.

You should start out from your current base by taking a long vacation. In the long run, it is uneconomic to work from a U.S. base. It is not just the taxes: the cost of living in the States or maintaining a U.S. base far exceeds the cost of living and maintaining a base in the Third World. I recently moved back to Latin America for just this reason. I am comfortable living there, and I know I will find opportunities.

If your library time proves fruitful, maybe someday I'll meet you over coffee in the Upper Amazon Basin. ❑

Essay

The Majority *vs.* the Majoritarian
Robert Bork on Trial

by Sheldon Richman

The failure of Robert Bork to be confirmed for the U.S. Supreme Court is by far the best political event of the Reagan years. When, for instance, did you last hear the Ninth Amendment discussed on television, even if it was being defended by the buffoon Joe Biden? When did you last witness a debate about what right of privacy may be possessed by the people—even if no one got it quite right? And when did you last watch government officials talk about the purpose of the Constitution?

The point isn't that the pompous usurpers in the committee room knew what they were talking about. But at least they were blathering about something interesting for a change. And because of this, most of the press was clearly out of its league.

Robert Bork, let it be said, is a fascinating figure. Articulate and bright, he represents a view that is so widely held, usually implicitly, that it is important for libertarians to understand and answer it. Bork is all the more interesting because he was a libertarian of sorts in the 1960s—not a natural-rights libertarian, but a Chicagoite, utilitarian with a commitment to private property and the free market. In this, Bork stands as the latest illustration of what weak reed utilitarianism is for libertarianism. Without a commitment to rights and the justice of individual liberty, one should not expect a long-term commitment to a free society. And so it was with Bork, who migrated from libertarianism to a variant of Burkeanism, with touches of Rousseauianism, under the influence of the late Yale legal scholar Alexander Bickel. More on this later.

Before proceeding to an analysis of the Bork phenomenon, I should explain that the following is what we can call an "intraconstitutional" discussion; that is to say, for the purposes of discussion I will take the authority of the U.S. Constitution for granted and focus only on how we should regard that document. The issue in the context of the Bork nomination was not whether the Constitution was binding on anyone (I said the discussion was interesting, but not *that* interesting). The issue rather was what does the Constitution mean. There is nothing wrong with an individualist anarchist who denies the authority of the Constitution to nonetheless argue for an interpretation as consistent with natural law and justice as can be made out.

My authority on this is none other than Lysander Spooner. Spooner, of course, was the author of *The Constitution of No Authority,* in which he argued incontrovertibly that the Constitution was morally binding on no one. Yet Spooner also wrote *The Unconstitutionality of Slavery,* in which he challenged his fellow abolitionists who readily conceded that the Constitution sanctioned slavery. (This book will be discussed in due course.) Spooner's seeming acceptance of the Constitution in this book is usually taken as evidence that he had not yet arrived at his "no authority" position. But this is not the case. According to his friend and fellow anarchist Benjamin Tucker, Spooner was willing to argue that slavery was unconstitutional even though he also believed that the Constitution was not binding. He did so because he saw that the text did not sanction slavery and because he thought he could deny the proslavery forces the high legal ground by making his case.

As Tucker wrote in his Spooner obituary, "Our Nestor Taken From Us," "It should be borne in mind that the question [at issue between Spooner and abolitionists such as William Lloyd Garrison] was one of interpretation simply; the authority of the Constitution as such was not under discussion; if it had been, Spooner's opposition to it would have been far more radical than Garrison's."[1]

It is interesting that for all of the opposition to Bork, no mainstream figure disagreed with Reagan's judgment that Bork is a great constitutional scholar. Every opponent, however virulent in his opposition, felt obliged to say that Bork is a prodigious thinker and jurisprudential theorist. Maybe this is protocol, but it is by no means self-evident. One could make a persuasive case that Bork, however clever (as opposed to wise), is a mere dilettante who flits from subject to subject, shooting from the hip, turning a phrase here and there, but no intellectual heavyweight.

The Anti-American Spirit

Heavyweight or not, Bork's ideas about government are easily assailed and just as easily shown to be contrary to the spirit of the American revolution and its Lockean backdrop.

First, let's look at some of Bork's fundamental ideas about politics. As Stephen Macedo pointed out so well in his recent book on the jurisprudence of the New Right, [2] Bork is a moral skeptic who, for lack of a better guide to political decision-making, defers to

the majority of the body politic. (Macedo notes that majoritarianism is itself a moral principle, however dubious, and thus that Bork's moral skepticism is self-contradictory.) For Bork, "the people," which means 50 percent plus one, is authorized under the Constitution to establish a "public morality" in all areas except where it is specifically prohibited by the Constitution.

In a 1984 lecture at the American Enterprise Institute, Bork quoted G. K. Chesterton approvingly, "What is the good of telling a community that it has every liberty except the liberty to make laws? The liberty to make laws is what constitutes a free people."

To this Bork added, "The makers of our Constitution thought so too, for they provided wide powers to representative assemblies and ruled only a few subjects off limits by the Constitution."

Now this is interesting. Here is a conservative defending nearly pure democracy. All of a sudden, populist majoritarianism is the central faith of American conservatism. I can recall conservatives in the 1960s telling liberals, "The United States is not a democracy; it is a constitutional republic." I can also recall when a "strict constructionist" was someone who strictly construed the enumerated powers of government and expansively construed liberty. Today conservatism stands for the opposite; a strict constructionist narrowly construes liberty and defers to the powers of the state—all in the name of the people.

Ironically, the New Right, of which Bork must be counted a cardinal member and favorite son, says it despises Rousseau. But the Chesterton quotation has a heavily Rosseauian and even Hegelian flavor. Freedom is seen not as liberty for the individual to pursue his own ends unmolested by his fellows. Rather it is the holistic freedom of the collective, the enactment of the "general will." Thus, if the courts stop the majority, acting through the legislature, from prohibiting the use of contraceptives, the freedom of the collective "to make laws" has been infringed. It counts for nothing that the freedom of concrete individuals is upheld. This is not the original notion of liberty. Bork and his intellectual mates, such as Chief Justice William Rehnquist and Justice Antonin Scalia, and his mentor Bickel, see the judiciary as an institution out of place in a democracy. "Judicial review is a deviant institution in the American democracy," wrote Bickel.

The exact constitutional status of judicial review is a complex topic that would take us far afield. Suffice it to say that Bork distrusts it because it can too easily become an infringement on the "freedom" of the majority to make law.

Sham Neutrality

Bork presents his jurisprudence of judicial restraint and deference to the legislature as a "neutral" principle. In other words, as he told the Senate Judiciary Committee so many times, his philosophy is neither liberal nor conservative; he as a judge does not take substantive positions on the issues at hand. He merely defers to the people's legislature, unless the matter is concretely addressed in the Constitution. But this supposed neutrality is a sham. We know from work of Public Choice theorists and their precursors that the government has a tendency to grow because, among other reasons, legislatures serve concentrated interests at the expense of diffused taxpayers. Thus, deference to the legislature facilitates the growth of the state. Strictly limited government cannot be the result of the Borkian philosophy.

If the courts stop the majority from prohibiting the use of contraceptives, the freedom of the collective "to make laws" has been infringed. It counts for nothing that the freedom of concrete individuals is upheld...

The strange thing is that Bork claims to be a disciple of James Madison, the chief author of the Constitution. Bork invokes Madison repeatedly. Yet it was Madison who feared the tyranny of the majority that he felt would grow in the legislature unless checked. As he wrote in Federalist 10, "Measures are too often decided not according to the rules of justice and the right of the minor party, but by the superior force of an interested and overbearing majority." Bork has no such fear.

For Bork all authority comes from an interpretation of the Constitution as informed by the original intent of the framers and ratifiers. As he said in his AEI lecture, "The Framers' intentions with respect to freedoms [note that he doesn't speak of powers here —SR] are the sole legitimate premise from which constitutional analysis may proceed." Macedo has dealt this view a devastating blow. Whose intentions? Why the framers and not the ratifiers? Which intentions? Those stated in public speeches or in private letters and diaries? And how do you reconcile intentions with compromises made by the many people who framed and ratified the final document? In fact, original intent is no guide at all.

Moreover, original intent is a self-subverting philosophy, since it requires "judicial activism" to invoke it. Nowhere in the Constitution does it say that future generations should be guided by the intentions of anyone. Alexander Hamilton, in an essay he wrote in 1791, specifically denied that the authors' subjective intent was to be a guide:

> Whatever may have been the intention of the framers of a constitution, or of a law, that intention is to be sought for in the instrument itself, according to the usual and established rules of construction. Nothing is more common than for laws to express and effect, more or less than was intended.

All Hamilton was saying is that if you want to know what the law says, you read it. You don't delve into the minds of the authors. If the 14th Amendment says "No state shall deny any person *the equal protection of the laws*" you do not investigate to see if by "any person" the authors meant only black people or former slaves. The authors were perfectly capable of writing "black people" or "former slaves" if that's what they wanted us to read.

Spooner discussed constitutional interpretation at length in *The Unconstitutionality of Slavery*. He was concerned with answering the argument that the Constitution was intended to sanction slavery, despite the fact that the word slave appears nowhere in the document. He went after this argument with his characteristically sharp

mind:

> Why, then, do not men say distinctly, that the constitution did sanction slavery, instead of saying that it intended to sanction it? We are not accustomed to use the word "intention," when speaking of other grants and sanctions of the constitution. We do not say, for example, that the constitution intended to authorize congress "to coin money," but that it did authorize them to coin it. Why, then, in the case of slavery, do men say merely that the constitution intended to sanction it? The reason is obvious. If they were to say unequivocally that it did sanction it, they would lay themselves under the necessity of pointing to the words that sanction it; and they are aware that the words alone of the constitution do not come up to that point.[3]

For Spooner, then, you have to find the meaning in the words. You must not invest the words with meaning drawn only from elsewhere, such as the subjective intention of the authors.

> The constitution itself contains no designation, description, or necessary admission of the existence of such a thing as slavery, servitude, or the right of property in man. We are obliged to go out of the instrument, and grope among the records of oppression, lawlessness and crime—records unmentioned, and of course unsanctioned by the constitution—to find the thing, to which it is said that the words of the constitution apply.[4]

Spooner emphasized that when interpreting legal language, one must not ascribe meaning contrary to fundamental natural law unless no other reading was possible. Echoing generally accepted canons of construction, he wrote,

> Where words are susceptible of two meanings, one consistent, and the other inconsistent, with justice and natural right, that meaning, and only that meaning, which is consistent with right, shall be attributed to them—unless other parts of the instrument overrule that interpretation.
>
> Another rule is, that no extraneous or historical evidence shall be admitted to fix upon a statute an unjust or immoral meaning, when the words themselves of the act are susceptible of an innocent one.

I'm sure we could come up with an argument showing that pornography in fact does contribute to the democratic process. But this would miss the point. The perniciousness of Bork's view is that to be protected speech has to have such a connection.

Without a doubt one of the reasons for these stringent and inflexible rules is that judges have always known that, in point of fact, natural justice was itself law, and that nothing inconsistent with it could be made law, even by the most explicit and peremptory language that legislatures could employ.[5]

Bork's approach is precisely opposite of Spooner's because he believes one must derive meaning not from a common-sense reading of the language, but from knowledge of the framers' or ratifiers' subjective intentions. This method is far closer to that used by Chief Justice Roger B. Taney in the infamous Dred Scott decision of 1857. Taney ruled that the Constitution forbade blacks from being citizens and the Congress from outlawing slavery in the territories. Yet he could not find such language in the document. His opinion at one point says we must not read into the Constitution meaning not intended by the authors. Yet it is he who refuses to simply grasp the language. Whatever may have been in the minds of the framers, they wrote only of "persons" and never referred to any other living being. Even where they were supposed to have referred to slaves, they used the term "other persons."[6] *Dred Scott* was the work of an Original Intentionalist.

Observe the perverse results of Bork's approach. Let's start with the First Amendment. "Congress shall make no law *abridging the freedom of speech, or of the press.*" That is about as straightforward as English can be, wouldn't you say? So why, we may ask, does Bork hold the position that "political speech" is what was in the minds of the framers or ratifiers? In the 1970s Bork in fact argued that only political speech was constitutionally protected. He later broadened his view to include scientific and moral speech; he broadened it still more during the hearings. But do not be misled by his broadening. A particular form of speech gains protection only if it somehow contributes, however, indirectly, to the democratic process. Speech that can be shown to have no relationship to that process is not protected in Bork's view. He now puts only one form of expression in that category—pornography.

Now I'm sure we could come up with an argument showing that pornography in fact does contribute to the democratic process. But this would miss the point. The perniciousness of Bork's view is that to be protected speech has to have such a connection. Where does it say that in the Constitution? During the hearings Bork said that "everyone" agrees that political speech is the core of the amendment and that other protected forms must ripple out from the core.[7] Lots of people may believe that, but that does not make it so. The fact is that the text of the amendment does not qualify the word speech with the word political. Even if you could show that political speech is what every framer and ratifier had in mind, that would not warrant such an interpretation. They wrote speech—period. There is no need to refer to anyone's subjective intent. The language is crystal clear.

We find this sort of thing over and over in Bork. He has become famous for his criticism of the opinion in *Griswold v. Connecticut,* in which the Supreme Court struck down a law that forbade the use of contraceptives. The majority opinion, written by Justice William O. Douglas, held that, based on several provisions of the Bill of Rights, we can properly infer a right to privacy that protects people in their use of contraceptives. Bork accused the court of inventing a free-floating

right of privacy that could have pernicious effects.

The issue is not clear-cut, in this sense: There is in natural law no free-floating right of privacy. Privacy is not a fundamental right, but rather a right derived from self-ownership and the right to property. If you are a self-owner and if you therefore have a right to justly acquired property, you have a right to be left alone, which means a right to keep people off your property. But since the right to privacy is rooted in self-ownership, it cannot protect all activities. It cannot protect activities that themselves violate rights. For example, a parent cannot rationally invoke the right to privacy when he beats his child. On the other hand, Bork can show the left-liberals that they don't really believe in a full right of privacy by asking if this right protects competing businessmen when they discuss prices. (This is obviously not a problem for libertarians. But it is not primarily the right to privacy that protects the businessmen; it is the right to property.)

Bork is wrong, however, in arguing that *Griswold* "invented" a right with respect to the use of contraceptives. The Fourth Amendment protects "The right of the people to be secure in their persons [and] houses"; the Fifth Amendment says "No person shall be...deprived of life, liberty, or property, without due process of law"; the Ninth Amendment says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and the Fourteenth Amendment says, "No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law."

It should be noted that Bork never said that the freedom to use contraceptives could not be found in the Constitution; he merely said the method used by the court was unfounded. When asked at the hearings how such a freedom might be validated, he said he never thought about the issue. I recite this only to show that Bork's interest in individual liberty is, shall we say, hard to locate.

Let's turn to the Ninth Amendment. Again, it says, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Why is it in the Constitution? During the Constitutional Convention, the delegates declined to include a bill of rights, over the objections of the Antifederalists. During the ratification debates in the 13 states, this became a big issue. Some states ratified the Constitution only on the condition that the first Congress include a bill of rights.

Bork compared the Ninth Amendment to an inkblot covering up a phrase, his point being that since we can make no sense of the amendment we should not imagine what it might mean.

The Federalists (more precisely, nationalists) rebutted the Antifederalists by arguing that a bill of rights was both unnecessary and dangerous. It was unnecessary because the national government could do only what was specifically allowed in the Constitution. It was dangerous because to list a limited number of rights would imply that those were the only rights the people had. Anything not listed would be construed as not being among the people's rights. (Whether the Federalists, such as Hamilton, really meant this is not the point here. They said it and it made sense.)

The Federalist James Madison, the chief framer of the Constitution, was persuaded of the need for a bill of rights by Thomas Jefferson. But he saw the danger in a limited enumeration. So he decided to have the best of both sides: a bill of rights with a caveat that the bill was not exhaustive. Hence, the Ninth Amendment.

Unfortunately, the Ninth Amendment has never played a central role in any Supreme Court opinion. It was mentioned, however, in the Griswold case, both by Douglas and by Justice Goldberg in a concurring opinion.

For Bork and his allies in the New Right, the Ninth Amendment is an irrelevant, inconvenient nuisance. Bork compared it to an inkblot covering up a phrase, his point being that since we can make no sense of the amendment we should not imagine what it might mean. He said he is sure that it does not refer to a body of natural rights because the framers would have said so.

Now it is bizarre indeed that a devotee of original intent and "historical materials" would be so woefully ignorant of the history of the Ninth Amendment. When he was asked at the hearings if he had read the book *The Forgotten Ninth Amendment* by Bennett B. Patterson, Bork said he had not because the Ninth Amendment hadn't been a central concern of his. You would think that someone writing the kinds of things Bork was writing would be interested in this amendment in particular. What does that tell us about his intellectual integrity or courage?

Might *vs.* Right

Let us turn to another issue now, that of "substantive due process." This doctrine was used widely, though not consistently, before 1937 to protect freedom in the economic realm. The most famous case was *Lochner v. New York* in 1905, in which the Supreme Court struck down a New York State law that prohibited bakery employees from working shifts longer than 10 hours. As any libertarian might suspect, and as Richard Epstein of the University of Chicago Law School has pointed out, this law was blatant special-interest legislation. At the large, union bakeries employees worked nine-hour shifts. At smaller, nonunion bakeries, they worked 14 hours. Actually, what they did was report to work late in the afternoon, put the bread in the ovens, and then sleep until morning, when they removed the bread. The law was clearly a way for the union bakeries to drive the smaller bakeries out of business.

The Supreme Court, in a split decision, struck down the law as violative of freedom of contract and substantive due process as embodied in the 14th Amendment. It was in this case that Justice Oliver Wendell Holmes, a dissenter, wrote that the "14th Amendment did not enact Mr. Herbert Spencer's *Social Statics*."

Isn't substantive due process a strange idea, even a contradiction in terms? Not at all. Consider: Let us say that the Congress, following regular legislative procedure, passes a law compelling everyone to shave his head and that the bill is signed by the president. There is no question that the regular procedures were followed in enacting this law. But such a law would nonetheless be out of spirit with the Constitution and its philosophical underpinnings of natural rights and natural law. Because of these underpinnings, mere compliance with formal procedures is not enough to make a law legitimate. The substance must be taken into account when judging the validity of any law. This is implicit, but clear, in the Constitution. Thus, a law that interferes with freedom of contract was held to be unconstitutional despite the fact that it was enacted by the specified procedures.

Bork and nearly every mainstream legal thinker believe that substantive due process is illegitimate, at least when applied to economic matters. *Lochner* for most is a dirty word. Bork disparaged it during his confirmation hearings.

But, then, Bork has disparaged the idea of individual liberty on many occasions. Here is his quintessential statement: "Every clash between a minority claiming freedom and a majority claiming power to regulate involves a choice between the gratifications of two groups." In the same article he wrote, "Where constitutional materials do not clearly specify the value to be preferred, there is no principled way to prefer any claimed human value to any other."[8]

This takes us back to Bork's moral skepticism. When a thief wishes to steal your silverware and you wish to keep it, there is nothing but a clash of competing gratifications. When a killer wants to take your life and you want to keep it, it is the same clash. Since for Bork there is no principled way to mediate between gratifications, he would leave the decision to the majority. But, as noted above and as others have pointed out, Bork is using a principle even if he wishes to evade it. The principle is: Might makes Right.

That Bork once advocated individual liberty (though from a utilitarian justification) is now an embarrassment for him. In 1963 he wrote in the *New Republic* that the principle underlying the Civil Rights Act's "public accommodations" provision—the principle of compulsory association—was one of "unsurpassed ugliness." During the hearings he several times conceded that his opposition to forced association was a mistake, attributable to what he derisively called his "libertarianism." He explained that early in his career he thought that political questions could be judged on the libertarian principle and that libertarianism could be read into the Constitution. He said that under the influence of Alexander Bickel he came to realize that he was wrong. Political questions, he said, could not be neatly decided on the basis of whether or not they were consistent with individual liberty. One should ask, as Edmund Burke did, whether a law does more good than harm and if so it is a good law, Bork said. The state's dictating to property owners whom they must associate with "worked" and thus was good, he added.

And so Judge Bork bashed libertarianism whenever his opposition to the Civil Rights Act came up. He sat before the likes of Ted Kennedy, Howard Metzenbaum, Orrin Hatch, and Strom Thurmond—scoundrels through and through—and said individual liberty is not a principle for judging laws. You could almost hear them thinking, "So what else is new?" This is conservatism laid bare.

The Bork nomination has posed anew the question, *What is the Constitution?* Bork says it is simply the document setting up the machinery of democracy. Oddly, this is not what the framers said it was. They said it was a barrier between the people and the government. In particular, the courts, according to Madison, were to be "an impenetrable bulwark against every assumption of power in the legislative and executive" branches. Government powers were limited and enumerated; individual rights were expansive. Government could do only what it was specifically allowed to do.

Bork has turned this topsy-turvy. As Macedo vividly writes, Bork treats "rights as islands surrounded by a sea of government powers, precisely revers[ing] the view of the Founders as enshrined in the Constitution, wherein government powers are limited and specified and rendered as islands surrounded by a sea of individual rights."

There have been many dark moments in the Reagan years that libertarians can point to. There are few bright ones. I believe that the brightest moment of all is the resounding defeat of Robert Bork. It was inspiring most of all because much of the public opposition to Bork seemed to stem from his callous and crabbed view of individual rights, especially that of privacy in one's own home. How ironic that the conservatives, who rail at the judiciary's supposed insulation from majority opinion, were so livid at the Senate's apparent responsiveness to public opinion when it cast a big thumbs down on Robert Bork. ❑

Endnotes

1 The obituary was reprinted in Lysander Spooner, *Vices Are Not Crimes: A Vindication of Moral Liberty* [Cupertino, California: TANSTAAFL, 1977].

2 Stephen Macedo, *The New Right v. The Constitution* (Washington: Cato Institute, 1987).

3 Lysander Spooner, *The Unconstitutionality of Slavery*, in Charles Shively, ed., *The Collected Works of Lysander Spooner, Vol. 4*, "Anti-Slavery Writings," (Weston: Mass., M&S Press, 1971), p. 57.

4 Ibid., p. 59.

5 Ibid., p. 62. Spooner proceeds to show that the three allegedly slavery-sanctioning provisions of the Constitution cannot be reasonably construed as such.

6 In this connection, see the excellent article "Why Blacks, Women & Jews Are Not Mentioned in the Constitution" by Robert A. Goldwin, *Commentary*, May 1987, pp. 28-33.

7 I apologize for not having direct quotations from the hearings. The transcript had not been published at the time of this writing.

8 These remarkable statements were in Bork's article "Neutral Principles and Some First Amendment Problems," *Indiana Law Journal* 47 (1971):6.

The author wishes to express his thanks to David N. Mayer of the Institute for Humane Studies for his helpful comments.

Libertarians, Moralism, and Absurdity

by Ethan O. Waters

My essay "Reflections on the Apostasy of Robert Nozick" (*Liberty*, October 1987) has touched off considerable controversy: it has provoked a record number of letters-to-the-editor and has drawn the attention of such leading libertarian moral philosophers as Murray Rothbard and Tibor Machan.

Nearly all of the responses, as I make them out, missed the point of the essay: namely, that moralistic libertarianism position implies two silly and untenable propositions. By "moralistic libertarianism," I mean the notion that the proper basis of social theory is the "nonagression axiom," the proposition that "no man has the right to initiate the use of physical force against another." First, the nonagression axiom implies that any action, no matter how contrary to liberty, must be sanctioned if it is the consequence of a voluntary contract. Secondly, the same sort of logic based on the absolutism of the nonaggression axiom that condemns an individual like Nozick who uses the power of the state to gain at the expense of others, also condemns the individual who uses other state services. For these reasons (among others) I believe libertarians must either reformulate or abandon the moral theory implied by the nonaggression axiom.

My essay was, admittedly, journalistic rather than scholarly. My starting point for this discussion of moral theory was Robert Nozick's use of local rent control laws to extort a substantial sum of money from his landlord. I argued that for the moralistic libertarian, the case is not so simple as it first seems. My argument was mistaken by many as a defense of Nozick's action rather than a criticism of moralistic libertarianism.

My criticism of moralistic libertarianism is one that I think should be addressed by all libertarians. Therefore, in this brief essay, I shall restate my argument, with a greater eye toward clarity and less concern for journalistic conventions.

A Problem with the Nonaggression Axiom

The moralistic libertarian attack on Robert Nozick's legal harassment of his landlord is based in part on the proposition that the origin of the laws employed by Nozick lies in coercion.* If individuals living in an area ever agreed to such idiotic rules of conduct as rent or land control laws, even if that agreement laid in the distant past, then the moralistic libertarian would have to defend Nozick's actions (and any others sanctioned by the statist status quo).

All who have read Spooner are certainly aware that the Constitution of the United States is not a contract among free people. It was imposed by coercion upon many individuals who never agreed to it. From the perspective of the moralistic libertarian, the Constitution is certainly not a valid contract.

But what if a valid contract had been made? Suppose that some two hundred years ago, every single person in the geographical area that is now the United States agreed to vest control of all their own real property to the corporation created by their voluntary contract, in exchange for the right to lease the same land back in exchange for annual fees. Suppose also that they agree that the administration of the land and rules over the conduct of those who inhabit the land can be changed by certain methods prescribed by the contract. Suppose further that they called this contract the U.S. Constitution, and the corporation it created the United States of America.

Suppose that since the Constitution had been agreed to the course of history had followed exactly the same path as it in fact did follow: that the system had developed in every other way identical to our current political system, arriving at the same situation that we have today—the only difference being that the system had its origin in contract rather than coercion.

The individuals who live under the jurisdiction of the Constitution live there by choice, and agree to subject themselves to the rules and regulations of this government made pursuant to the contract, just as those who live in an apartment complex live there by choice, and agree to subject themselves to the rules and regulations of the landlord made pursuant to their lease.

When this government takes a man who has failed to obey one of its rules or regulations and punishes him it is not initiating force. Just as a church has the right to prohibit a visitor from standing up during the administration of a sacrament and screaming anti-religious obscenities, and a cinema has the right to prohibit a visitor from standing up and screaming "Fire!," so the government has the right to prohibit violation of its rules, and to subject the violator to the agreed upon consequences of his violating their rules, contractually agreed to. The person punished by the government is simply getting his just deserts.

What does the moralistic libertarian who is born into such a situation do? He knows (from his reading of Mises, Hayek, Rothbard, and Rand) that the system destroys human initiative, fails to satisfy human needs, encourages strife among its constituents, destroys wealth, and ultimately works toward the destruction of human life itself. On the other hand, his criterion for evaluating human behavior is whether it initiates the use of force, and this institution certainly does not.

Indeed, by the logic of the moralistic libertarian position, every good man should actively defend the government he lives under, no matter how perfidious its nature, provided its origin lays in contract.

Consider another hypothetical society, identical to the government of the Soviet Union in every way but one: in 1917, all those who owned land in the part of the world previously known as the Russian Empire vested ownership of their land into a single corporation, which they called the Soviet Union. They granted this corporation the right to make whatever rules governing them and their relationships with one another by whatever rules those initially appoint-

* In this essay, I am using the term coercion as a synonym for *initiated force*.

ed prefer, etc...

This corporation proceeds to centralize ownership of all property; it denies the inhabitants of the land it owns what most libertarians see as fundamental rights: to own property, to speak freely, to refuse service in the armed forces, as well as other commonly accepted rights like the right to vote for one's rulers. The corporation creates a system that not only insures its subjects lives are tightly monitored and controlled, but that they will be relatively poor materially as well; it murders millions of people who disagree with it and millions more for no discernible reason at all. In short it acts in precisely the same manner as the actual, historic Soviet government, with one exception: it allows those born later who wish to leave its jurisdiction to go, provided they can find the means of leaving while still obeying all its rules and regulations.

Like our hypothetical U.S. government, this hypothetical Soviet government is not initiating force when it takes its horrible actions, since those who signed a contract granting those powers to the government did so voluntarily. And just as the moralistic libertarian must defend the relatively benign U.S. government from charges against it, so must he defend the monstrous Soviet government.

Another Problem...

The moralistic libertarian must condemn the individual who uses a service like arbitration of rental disputes if the arbitration has its origin in coercion, but praises the individual if the arbitration has its origin in contract. What of the individual who uses other government services whose origin is in coercion?

What about the person who uses the governmental postal monopoly? government roads? government schools? Who buys food whose production is subsidized by tax money? What of the person who does virtually anything in our statist world? Aren't all these individuals (i.e., practically every person in the world) just as guilty as the person who uses an arbitration service whose origin is coercive?

It can be argued that the use of rent control regulations is inherently coercive, but that the act of walking on a governmental sidewalk is not. After all, when one turns to the bureaucracy of his local rent control board, he is requesting the state to unleash its police power against his landlord. Certainly walking on a sidewalk is only accidentally involved with government: if the sidewalk were privately owned, then government would not be involved at all.

The problem with this argument is that *no act is inherently coercive.* An act becomes coercive only in a particular context. Shooting a man is coercive if it is unprovoked; shooting a man who is attempting to murder you is *not* coercive. And using an arbitration service to settle a rental dispute is not coercive, unless one party is subjected to the process against his will. If both parties agreed to accept the decision of the arbiter, or inherited their rights as landlord or tenant from individuals who agreed to binding arbitration, then *no coercion is involved.*

Using an arbitration service can be coercive in some circumstances; in others it is not. Using a government sidewalk can be coercive in some circumstances; in others it is not.

But because the moralistic libertarian holds the nonaggression axiom absolutely, if he wishes to condemn the individual (like Nozick) who uses a government arbitration service to resolve his rental dispute, by the same logic he must condemn the individual who uses other government services.

Implications for Libertarians

I posed my hypothetical contract, not out of any desire to defend Nozick's action or to argue that anyone who walks on a public road is evil, but to argue that a social philosophy based on the absolutism of the nonaggression axiom has serious problems.

Condemning Nozick's on grounds that it violates the "no-man-has-the-right-to-initiate-force" principle is foolishly puerile. The libertarian who accepts the absolutism of the nonaggression axiom as a standard for judging the actions of others is logically required to defend political institutions and laws that he knows are destructive to human prosperity and liberty provided that such institutions and laws had their origin in contract. Further, he is logically compelled to condemn anyone who uses any government service. Worst of all, he must make his acquiescence or opposition to any invasive law or institution contingent on the origin of that law, rather than on the content of the law or the nature of the institution themselves.

To me, it is ridiculous to base one's view of any government on its origin. I think the actual actions taken by a government are far more relevant in evaluating it. I favor a society in which individuals respect each other's person and property, whether that society's government (if any) had its origin in coercion or in contract; I oppose a society in which certain people systematically rob, enslave, torture or murder other people, even if the robbery, slavery, torture or murder is the result of a voluntary contract.

While I am not completely convinced that anyone has discovered a perfectly satisfactory alternative to the nonaggression axiom as a standard of value, I am convinced that it is inadequate. I suspect the more appropriate standard of value can be found in another variety of libertarianism: the consequentialism of classical liberals like Mises and Hazlitt, who value the way of life of free men in a free society over the way of life of slaves in a slave society.

About Rothbard's Response

Murray Rothbard ("Libertarians in a State-Run World," *Liberty*, December 1987) suggests that I would "throw away moral principles altogether." While it may be true that I wish to throw away Rothbard's moral principles altogether, I am certainly not seeking to dispense with morality. To the contrary, I seek to delineate moral principles that make sense and to avoid uncritical acceptance of moral principles that lead to ridiculous positions.

Prof Rothbard does not address my central argument that the nonaggression axiom is unsatisfactory as a basis for libertarian theory. Instead, he argues that libertarians should "(1) work and agitate as best we can, in behalf of liberty; (2) while working in the matrix of our given world, to refuse to *add* to its statism; and (3) to refuse absolutely to participate in State activities that are immoral and criminal *per se*."

The first two of these principles seem to me to be much more coherent with the sort of commonsensical moral thinking I advocate. But I cannot see how Rothbard derives these from the nonaggression axiom. He gives no indication, and frankly I cannot see how they can be derived.

Of course, I can see how the third principle he proposes follows from the nonaggression axiom. It also follows from just about any moral theory... Can you imagine a moral theory that advocates taking actions "that are immoral and criminal *per se*"? If you can, then you have a better imagination than I do. ❑

Readers on Waters....

Ethan O. Waters' essay "Reflections on the Apostasy of Robert Nozick" (*Liberty*, October, 1987) touched off a maelstrom of criticism from our readers. Below we print a sampling of that criticism, along with Waters' response.

Fervor and Complicity

Ethan O. Waters finds it silly for libertarians to accept the state's booty and is "not convinced that it is psychologically possible for an individual to oppose statism while living off its benefits." I don't know Mr Waters's conception of silliness but I don't find what he finds silly at all if one never supports the taking of the booty and opposes it whenever possible. And I don't know how Mr. Waters might achieve conviction in some area of concern, but I can testify to and report on others' fervent anti-statism "while living off its benefits," e.g., as we teach in state universitities, make use of the post-office, drive on state roads, etc.

To help understand this stance, imagine a community ruled by a group of thieves and robbers who now and then conduct a raffle at which victims gain a rare chance to have some of their takings returned. In the absence of any other way of rectifying the group's criminal conduct, the victims take advantage of the raffle and use much of their recovered property to mount a resistance to the group. I fail to see anything silly in the behavior of these victims. Am I alone? Will this be dismissed as the ravings of someone with a vested interest in statism? Or is there an argument against this—and how will it be mailed to me (perhaps by hiring a private party to bring it to me via private aircraft)?

Tibor Machan
Auburn, Ala.

The Oldest Scam in the Book

Mr Waters argues "a hypothetical contract" using the oldest scam in the philosophical book. Like proving the existence of God using some indirect, but underlying, assumption that God exists, Mr Waters has engaged in circular reasoning.

His assertion is that it is not relevant that the hypothetical contract probably wouldn't exist; only that it could exist. Assuming he would stay true to the philosophical law of cause and effect, then to discuss this hypothesis, he is assuming certain causes to exist. Under any imaginable scenario, in order for so many individuals to become a party to this "hypothetical contract," the acceptability of initiated force *must*, not just could have, but *must* have existed.

To prove that immorality is acceptable using an argument built on a premise that immorality is acceptable is to prove nothing whatsoever.

Then, he attacks Ms Rand's acceptable argument with the intellectual retort: "It seems a bit silly to me."

As Mr Waters quotes Rand: "Check your premises."

Randy Paulsen
Phoenix, Ariz.

The Contract is Not Valid: I

The issues involved in Robert Nozick's rent dispute, raised by Ethan O. Waters, were anticipated by the 19th century libertarian lawyer Lysander Spooner.

Waters argues that Nozick's dispute with his landlord, conducted through the Cambridge Rent Control Board, was possibily legitimate, by libertarian standards, given the U.S. Con-

Waters

Tibor Machan begins by claiming that I "find it silly for libertarians to accept the state's booty." Such a view is so far from my thinking that I had to reread my essay closely to find what he was talking about. What I had written was "The spectacle of opponents of statism competing for its booty seems a bit silly." Certainly the distinction between "accepting" the state's booty and "competing for" the state's booty should be plain even to professors of philosophy.

He criticizes me further for failing to appreciate how "it is psychologically possible for an individual to oppose statism while living off its benefits" and goes on to regale me with tales of "fervent" anti-statists teaching in state universities, using the post office and roads, etc.

I suppose that I may have overstated my case a bit here: I certainly do not believe that it is literally *impossible* for an individual to oppose statism while living off its benefits. As I said in my essay, I have observed that many individuals who become state employees gradually lose their anti-statist fervor. I am delighted that Dr Machan's fervor

stitution. Waters argues that the Constitution would be a form of contract if all property owners had agreed to it.

As Spooner explained, regardless of whether a constitution is agreed to by all, it is different from a contract. Contracts do not allow individuals to give away their inalienable rights. Unlike constitutions, contracts do not give open-ended, blank check authority to any person or group over another. Each person always remains the moral authority over his or her life.

For example, five people cannot sign a blank check contract which could allow a majority to vote to appropriate the house of one of the five without consent. For a constitution to be a contract, it must specify the limits upon obligations of citizens and governments to each other.

Waters is wrong for apologizing for Nozick. There *are* grey areas for libertarians living in a non-libertarian world. But the issues raised by Waters aren't among them!

Clifford F. Thies
Baltimore, Md.

Waters Supports Rape!

What Mr Waters has done, ultimately is provide a libertarian justification for rape. The distinction between rape and making love is coercion versus contract—which Waters acknowledges "makes all the difference in the world." But we can hypothesize that the victim might have consented, and afterwards falsely made the accusation— and, unlike Waters' hypotheticals, that *has* actually happened, however rarely. If we follow his argument that we need not "demonstrate that such a contract does exist, only that it can exist in a way consistent with libertarian moralistic principles," the fact of coercion is rendered irrelevant—as Waters would render it with the Nozick affair. Our victim is really screwed.

If a libertarian rapes a woman, and then convinces a jury to acquit him on the grounds that she "asked for it," then clearly he's "simply a free man acting in his own self-interest" to the same extent as Nozick: he manipulated the state's rules and got away with it. To the "utilitarian" libertarian reproach proposed by Waters, that our rapist had contravened his "own avowed principles," our rapist could respond, "Hey, I got what I was after." As could Robert Nozick, real or hypothetical.

Victor Milan
Albuquerque, N. M.

False Analogy

Nozick's simple use of government roads is not wrong because, as Rand might have put it, he would not be "initiating, advocating or expanding" Welfare Statism. Nozick is forced to participate in a "market for road services" that is hopelessly distorted (obliterated) by the state. His walking or driving on them has absolutely no influence on whether the state will maintain or expand the road system (both financed by increased robbery of citizens).

Now, say Nozick owns an out-of-

➡ *continued next page*

Responds

(and the fervor of the "others" he cites) is intact. I am inclined to think that Dr Machan's skill as a philosopher and teacher is such that his employment by the state is a purely accidental result of the state's oligopoly of education, and thus does not constitute "living off state benefits."

On the other hand, how he can equate mailing letters or driving one's car with "living off the state's benefits" I do not know. Most people who use the state postal monopoly and road monopoly use them because they are the only sensible and available means of communication and travel.

Of course, I did argue that the moralistic libertarian who consistently follows the logic of his position must condemn all individuals who accept state benefits. But I hope that it is abundantly clear that I am not a moralistic libertarian.

Randy Paulsen argues that the hypothetical contract could exist only in an environment in which "the acceptability of initiated force" must exist.

I haven't the vaguest idea where he comes up with this notion. The contract in my hypothesis was entered into freely by individual land owners, in which for valuable consideration, they transfer title to their land to a corporation, and agree to joint control of the land.

The fact that as a consequence of this contract, an individual loses the nominal title to his land for failure to pay various fees (called "taxes") or for failing to follow conditions about how he uses the land, provided for in the contract, does not constitute a case of initiation of force. His loss is analogous to the loss of use of an apartment for failing to pay the rent or for for violating restrictions on the use of the apartment that are specified in the lease.

Mr Paulsen's claim that I "attack Ms Rand" is just plain silly. I respectfully note that she is virtually the only libertarian moralist to address the issue, summarize her views and then explain why I disagree with them. Why Mr Paulsen would see this as an "attack" is a mystery to me.

Clifford Thies argues that the hypothetical contract is not a contract at all, because it confers "open-ended, blank check authority" to the corporation.

I am not convinced that any agreement that gives "blank check" authority is *ipso facto* not a valid contract, whatever Spooner may have said on the issue. But that issue is not relevant to the hypothesis.

The hypothetical contract does not give any such authority to the corporation, any more than any other corporate contract does. The hypothetical contract gives the corporation control over the land given to it by the landowners and provides for a way to administer that land and its use and to adjudicate disputes among its users, plus a provision to amend the contract in the future if the need is felt. The individuals who live on the land that is controlled by the corporation in the hypothesis remain their own moral authority. The only actions the contract covers are those that relate directly to its land and to the behavior of those who lease land from the corporation.

Victor Milan suggests that I have inadvertently made a case for rape. He overlooks a very important distinction.

Making love without coercion is not rape, but rent control without coercion (as in my hypothesis) is still rent control. The logic of the moralistic libertarian position leads to support for government interference with all aspects of people's lives, provided that interference is the result of contract, no matter how distant.

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Readers on Waters

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the-way plot of land with no access to a main road, but he now wants a paved road to his property. He has two choices, either...

1) pay for the road himself or build it in partnership with other property owners between his plot of land and the main road, by whatever voluntary bargain he can work out (Good!)...or;

2) lobby the government to "provide" him with "decent" access—meaning rob more money from the populace to finance the new road, and, if the other land owners are uncooperative, then rob enough land from them to make way for it (Bad!).

This example, not simply "walking or driving on government roads," is a proper analogy to the real Nozick and the Rent Board.

Like the example, Real Nozick was forced to participate in a rental market that was very distorted by the state, and like the example, it was still possible for Nozick to participate in a voluntary manner, without the expansion of state intervention. He demonstrated this by his first negotiations and lease, corresponding to choice 1. Nozick's lobbying the Rent Board after the second lease is precisely analagous to choice 2. That is, Nozick's actions directly resulted in another increment of force being added to the situation. This action is of a completely different character than Nozick walking or driving on government roads.

The outrage really was justified.

Sam Deasy
Ephrata, Wash.

The Contract is Not Valid: II

I see one major problem in Waters' hypothetical contract: neither hypothetical Nozick nor his hypothetical landlord ever signed the hypothetical contract. Indeed, neither was even alive when it was signed. Therefore they cannot be bound by it.

Russell Wingate
Chicago, Illinois

Waste of Space

Come on. Did four pages of *Liberty* really have to be devoted to an analysis of whether it is reasonable to respond with anger to somebody using rent control laws to rip off his landlord? Contrary to the author's insinuations, it is not just a "disagreement" when somebody sticks a gun in your face. If the story about Nozick is true (and I have not read about it anywhere else), he is a thief.

Is being opposed to people sticking guns in your face and stealing your property a religion? I think it has more to do with wanting to keep what one has invested time and effort in creating. Perhaps people were especially angry because Nozick represented himself as a libertarian.

Here's the good news. The Supreme Court, in a decision in the 10 June 1987 *Los Angeles Times*, determined that property owners must be paid compensation if zoning boards or other agencies impose rules that prevent or drastically restrict them from developing their land. this applies to rent controls. So, I would like to suggest that Nozick's landlord sue the rent control board for compensation. And I hope the rent control board, to recover their payment, will sue the pants off the son-of-a-bitch Nozick!

Sandy Shaw
Los Angeles, Calif.

Rand's Name Invoked Falsely

There are two aspects to Nozick's crime: 1) he "screwed" the landlord, and 2) he used the state to do it.

Waters emphasizes the second aspect, concluding in a slippery-slope argument "that it is no more wrong to use the state to 'screw your landlord' (or otherwise coerce your fellow man) than it is to walk on public sidewalks."

He even invokes Ayn Rand to support his conclusion. If she were alive today (hypothetical Rand?) would anyone want to be in the same room with her when she heard how she was being used?

I should think that most libertarians are outraged more by the first aspect of Nozick's lack of integrity. I am. Not only as a libertarian, but also as a person who reveres the commitment to truth and integrity displayed by most philosophers, I am disappointed by the philosopher who "screwed his landlord."

Jim Metheny
Springdale, Ark.

Nozick Betrayed Me, but I'm No Moralist!

I am amused that Ethan Waters appears to lump me in the "moralistic" libertarian camp on the basis of my critique of Robert Nozick's actions.

Readers are welcome to check for themselves my *Individual Liberty* critique of Nozick. I make not a single moralistic statement in the whole thing! Like Waters, I point out that Nozick acted against his own avowed principles, and analyze how this activity harms the movement for liberty: "How can we keep our credibility if our spokesmen themselves contradict their own vaunted 'principles'?" Because we have accepted the description of Nozick as a "libertarian," actions like Nozick's make it harder for other libertarians to successfully advocate freedom"

My article didn't condemn Nozick anywhere. I deliberately avoided condemnatory language. But the article does express my deep disappointment at the spectacle of a famous fellow libertarian opening himself up to the sort of ridicule William Tucker provided. As a particle-theory physi-

Waters Responds...

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Making love without coercion is fine. Governmental control over all aspects of our lives is not. And the inability of moralistic libertarianism to oppose that system of governmental control is one of the reasons I have serious doubts about moralistic libertarianism.

Sam Deasy ignores the argument I make. Instead, he cites Ayn Rand's ethical dicta, points out that both the real Nozick and a hypothetical Nozick of his own invention had the opportunity to act in accordance with Rand's rules, and that the real Nozick, by failing to obey Rand's rules, was wrong. I can't really disagree with any of this, but I fail to see its relevance to the argument that I made.

He also asserts that his hypothesis is more appropriate than my example of "walking or driving on government roads." He is comparing apples to oranges: my reference to roads is not made in the context of any hypothesis, but as an element in the conclusion of a much more complicated argument.

The situation I hypothesized was identical in all respects to the actual case except one: the state by which Mr Nozick sought to exploit his landlord

cist, wouldn't you feel at all puzzled—yes, even betrayed—if you suddenly discovered one of your longtime co-researchers lecturing on "Waves as the Future of Physics"? It's not a peculiarly "religious" sentiment, it's a human reaction.

Jorge Amador
Forest Grove, Penn.

Nozick Made His Point?

Nozick actually had to initiate an action (going to the Rent Control Board) with the intention, and the result, of paying less than he had already agreed to pay. The action of going to an outside arbritor in order to break one's own agreement, for the purpose of financial gain, is, it seems to me, in and of itself morally wrong. (I don't mean to sound self-righteous here; there are lots of degrees of "wrongness," and this one is a mild "sin" indeed.) The distinction I'm trying to make might be clearer in an analogy: it would not be morally wrong to move into a house after the state has forcible evicted its owners. It would, however, be wrong to inform on the owners in order to get them evicted. (I'm assuming that one is "informing" in a matter which is merely illegal, not morally wrong.)

This brings us to Waters' point that we can fancifully construct a libertarian society in which a theoretical Nozick could use arbitration to force a theoretical Segal to change their agreement. Interesting. But, to me, this just points out that some unethical actions would be legal in a libertarian society. Yes, that's very true. Some immoral actions, too. Just because a society is libertarian is no guarantee that that society is necessarily just, rational, or compassionate, or even moral. I think that many libertarians falsely believe that "libertarian" equals "good," and that's where the religious quality to their outrage comes from. The world is a lot more complex than that. I would make the more modest claim that a libertarian society would be *as* good, wise, moral, etc. as the individuals who make it up, while statist societies can be, and tend to be, worse.

So, yes, some libertarians seem to think that morality begins and ends with libertarianism. Not so. But admitting this does not imply that the utilitarian approach is the right one. It does mean that libertarianism is just one aspect of morality. The fact that utilitarian arguments for libertarianism seem so compelling is simply an instance of the general truth that the moral thing to do and the enlightened self-interested thing to do are so often one and the same. But it is both easier and more inspiring to concentrate on morality first.

Is it possible that Nozick was forcefully making a political point, that of the absurdity of rent control, to his liberal colleague? A kind of "You asked for it you got it" tit for tat? I wouldn't put it past him. And I must admit, I would look on it much differently if that were the case. I wonder what that says about my morality?

James McEwan
Lakeville, Conn.

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had its origin in contract rather than coercion. Since that distinction was precisely the difference I addressed, the hypothesis was precisely appropriate.

Russell Wingate's argument that the hypothetical contract cannot be binding on Nozick and his landlord because they did not sign it also misses the mark.

In both practice and common sense, contracts frequently bind nonsigners. Consider what happens when the owner of a leased building dies. Does his heir have the right to cancel the leases with all tenants on grounds that "he did not sign" the rental contract? If the leaseholder dies, does his heir have the right to get out of the lease?

Occasionally a lease will have a specific provision allowing a right to cancel in the event of the death of the lessor or leaseholder. But in the absence of such a provision, the heirs must honor the terms of the contract.

Even heirs that didn't sign the contract. **Sandy Shaw**, on the other hand, completely missed the point of my essay. She is content to denounce me for characterizing opposition to "people sticking guns in your face" as a religious view and to argue that *Liberty* ought not publish writing like mine.

I suppose that any belief that is held with great enthusiasm on faith as part of a more or less coherent world view might be characterized as "religious" rather than "scientific," and that the belief in the nonaggression "axiom" which characterizes most of the attacks on Nozick thus qualifies as a "religious" belief.

On the other hand, I think equating Nozick's action with "sticking guns in your face" is an oversimplification of the issue, all too frequently typical of those who hold the nonaggression axiom as a panaceatic absolute.

Jim Metheny quotes me as writing that "it is no more wrong to use the state to 'screw your landlord' (or otherwise coerce your fellow man) than it is to walk on public sidewalks." This is about as blatant an example of context dropping as I can imagine. The sentence in question actually states: "If it can be ineluctably proven that 'no man has the right to initiate the use of physical force against others' and that coercion is universally opprobrious, then "it is no more wrong to use the state to 'screw your landlord' (or otherwise coerce your fellow man) than it is to walk on public sidewalks."

He also accuses me of taking the name of Ayn Rand in vain, wondering how she would react to my "using" her. I am not sure how Rand would react to my quoting her; she may in fact be quite angry. But my quotation and summary of her views was accurate, and I continue to admire the way she (alone among libertarians, to my knowledge) addressed the problem.

I am grateful to **Jorge Amador** for correcting any misimpression I may have left by quoting verbatim his reaction to Nozick's "crime," which I thought had the flavor of an ingenuous bride spurned at the altar. My apologies.

The distinction **James McEwan** makes between passive and active participation in state activities seems sensible to me, although I cannot see how this distinction can be inferred from the nonaggression axiom.) Likewise, I appreciate Mr McEwan's thoughts on the limits of libertarian morality.

I suspect Mr McEwan shares some of my concerns with the implications of the nonaggression axiom.

Mr McEwan's fanciful suggestion that perhaps Nozick was just kidding, that he was only trying to "screw his landlord" to make a point, is charming. Hope springs eternal in the libertarian breast.

Essay

Free Speech and The Future of Medicine

by Sandy Shaw & Durk Pearson

The purpose of the First Amendment was not simply to protect the rights of citizens to discuss the weather; no protection from government action was needed for that. It *was* needed to protect the rights of Americans to talk about "unpopular" subjects or subjects where there were strongly felt differences of opinion. That includes not only politics, but the effects of drugs, food, and the component nutrients of foods upon health. The freedom to make truthful statements about legal biomedical products has been severely curtailed during this century, despite the existence of the First Amendment.

Today, much health information and scientific research is funded and, hence directed, controlled, and made public by the government. Political factors, rather than matters of scientific fact, often determine what work shall be done, when results are announced, and in what context they are placed.

The free speech rights of commercial speech is on a par with political speech. Why? Because, in the marketplace, in a real sense, you vote every time you purchase company A's product rather than company B's or Z's. There are ideologies in commercial speech just as in overtly political speech. Free expression of these ideologies, values, or economic and scientific worldviews has a great deal to do with whether the marketplace is to be a place of informed freedom of choice or of government imposed censorship of truthful statements about products.

As biomedical research scientists familiar with legal restrictions on advertising copy for pharmaceuticals, heavily regulated products such as tobacco, and in quasi-medical areas such as foods and nutrient supplements, we realize how fully this nation has departed from the freedom of speech supposedly "guaranteed" in the Constitution.

The label of a vitamin C supplement is so heavily regulated, you can hardly say more than that it prevents scurvy. If you mention, for example, that it stimulates healing (recognized since at least the early 1940's), you may be accused of selling a drug, which requires FDA approval taking 8-10 years and an average of $125 million dollars.

You cannot say on a bottle of a health food store niacin supplement "Ask your doctor about niacin" even though niacin is being prescribed by doctors to reduce serum lipids,[1] for which purpose it was declared a drug of choice by the Expert Comittee on Coronary Drugs of the American Heart Association, and has been approved for this purpose by the FDA as a prescription drug. Once again, providing information turns a nutrient into a drug. And then the FDA prohibits your saying anything about it except what they consider to be approprate. What happened to freedom of speech here?

Early in this century, people became so concerned about phony claims for poorly formulated, even dangerous, pharmaceuticals that Congress took from drug manufacturers much of their freedom of speech. Not only was the freedom of speech of fraudulent drug manufacturers taken away, but so was the freedom of speech of the majority of drug manufacturers who were making scientifically justified claims. It was a case of a cure much worse than the disease.

Today there are very strict legal limitations to the information you can provide about drugs, nutrient supplements, and even foods (which are increasingly being recognized as important to the maintenance of health) because the FDA has been given the unconstitutional power by Congress to forbid manufacturers and sellers of vitamins and other nutrients from saying anything, no matter how truthful, that the FDA has not approved about these products. Scientific research is running years ahead of the FDA's censorship.

For example, low dose phenylalanine (100 to 500 mg. per day) has been found to be effective in relieving depression in many depressed individuals in clinical trials.[2] Yet, an American could not include a citation to the scientific publicaton containing this information about the use of phenylalanine for the widespread problem of depression on the label of a phenylalanine supplement or advertisement or company statement about such a product. Why? Because the FDA says that would make the essential nutrient amino acid phenylalanine an illegal unapproved drug. To obtain its approval to market phenylalanine as a drug would require the spending of $125 million dollars and take 8-10 years, if approval were forthcoming at all. Even then, no patent could be obtained for phenylalanine, so that there would be no way to recover these huge approval costs by having a market monopoly for the period of time granted in a patent.

The FDA's regulations on new

drugs are also a severe barrier to the widespread use of new medical technologies. These restrictions, based upon the idea of reducing the risks to drug consumers, are so stringent that many valuable drugs have been used by millions of people in Europe for ten years or more before they are permitted for use by sick people in the U.S. For example, the FDA's infamous beta blocker approval delay resulted in the otherwise avoidable deaths of literally *hundreds of thousands* of hypertensive Americans. While waiting for the approval that may never come, many people die. The costs of unnecessary illness and death during these long delays are not included in the FDA's analysis.[3] Pharmaceutical companies are forbidden to supply information on the proposed new drug to physicians, including bibliographic data. In most cases, even terminally ill patients are denied access to experimental drugs.

An FDA spokesman admitted in a recent interview that they did not want widespread distribution of experimental drugs to AIDS victims because, then, how could they do a placebo controlled study, since nobody would take a placebo![4] Please re-read that last sentence, so that you fully realize the extent to which a well intended government agency can end up looking like a Nazi concentration camp "medical experimentation" unit! However, it should be remembered that the FDA has not *chosen* the laws it enforces; that responsibility lies with a Congress comprised almost entirely of lawyers having negligible knowledge of science!

Of the 72 new drugs approved by the FDA during the period of 1984-1986, 55 (76%) were already approved or available in one or more major foreign markets and more than half of those 55 drugs were available in at least four countries at the time of FDA approval. The average lag between first foreign marketing and FDA approval for the 55 products was 6.2 years.[5]

A current example of the FDA's high costs to Americans with serious disease is the unavailability of the Parkinson's disease drug, deprenyl. A patient with Parkinson's disease typically becomes refractory to L-Dopa therapy after two years or so. Deprenyl is widely used in Europe (and was first used in humans as early as 1967) to restore the responsiveness of Parkinson's disease patients to L-Dopa. In fact, patients receiving standard therapy (L-Dopa and a decarboxylase inhibitor) plus deprenyl lived 25% longer than patients receiving only the standard therapy available in the U.S.[6] As people age, the dopaminergic activity in the brain declines sharply. In one critical area of the brain, dopaminergic activity declines by about 13% for every decade past 45 years of age.[7] Researchers now suggest that deprenyl be taken as a prophylactic against this natural loss of dopaminergic activity which can eventually result in Parkinson's disease.[8] Yet, Parkinson's disease patients in this country are doomed to a shorter average lifespan and greater disability from their disease because the FDA will not permit marketing here of a relatively safe drug used by Europeans for close to 20 years! A drug company attempting to offer the drug would have to go through the FDA's usual approval process and, while spending huge sums of money, they would be forbidden to tell the public about the drug. Unfortunately for American Parkinson patients and their friends and families (to say nothing of the overburdened taxpayers), the small British pharmaceutical company that developed deprenyl could never have afforded the astronomical approval costs, and the patents have now expired.

Freedom of speech is a necessary prerequisite for a free market, since no one can buy or sell your product if they don't know it is there or what it does.

Lethal Regulation

Freedom of speech is a necessary prerequisite for a free market, since no one can buy or sell your product if they don't know it is there or what it does. There are always going to be controversial products which some people wish to use and others don't. Birth control pills were extremely controversial when they were introduced and many people tried to get them banned.[9] Some people still disapprove of them. There are certain health risks associated with birth control pills, too, though research has recently produced versions that are much safer than pregnancy.[10]

Another lethal example of government regulatory ineptitude is its handling of a product in common use for thousands of years—tobacco—which has been associated with some severe health risks (e.g., lung cancer, cardiovascular disease). New research is discovering how to markedly reduce those risks. For example, increased dietary beta carotene reduced the risk of lung cancer to smokers to the same level as nonsmokers who get below average amounts of beta carotene in a 19 year study of 2000 men.[11] In Japan recently, patents were granted for treatments for tobacco products that remove the harmful carbon monoxide and benzoalphapyrene (tars) from cigarette smoke.

But in America, politicized bureaucratic government agencies, not scientists, control creation of safer tobacco products. Tobacco companies are not permitted to make health claims for safer tobacco (such as smokeless varieties). It is no surprise therefore that tobacco companies do not invest a great deal to develop such products.

But the FDA cannot eliminate all risks. No product is perfectly safe. People persist in cutting themselves with knives, drowning in swimming pools, choking to death on chicken pie, crashing in automobiles, falling down roller skating, crashing in airplanes, slipping in bathtubs, poisoning themselves by taking too much of common household drugs... But the FDA costs the American public billions of dollars and hundreds of thousands of lives in its futile attempt to eliminate risk.

Recent reports that the FDA is attempting to streamline its procedures are, so far, little more than talk. Powerful politicians (such as Rep. Henry Waxman) oppose attempts to make experimental drugs available to people with terminal or serious illnesses. There is practically no discussion of re-

storing free speech to the health market.

The government now controls provision of much health advice and directs much scientific research. Modern politics has a much broader scope than it did back in the days of the Founding Fathers. The government has grown, and vigilance is needed now more than ever. However, most people do not notice government actions that they think only affect other people. Freedom of commercial speech is felt to be of concern to relatively few people and it's problems of little interest to the general public, which does not know what it is not allowed to hear. The future of medicine must not be limited to research; it must also include commercial availability of both information and products based on that information.

Informed freedom of choice makes sense to us.[12] The Constitution didn't give the government the power to dictate to Americans what health regimen they must follow. The clear disclosure of risk on labels of drugs can enable people to make informed choices. The disclosure of risk should reduce the legal liability of drug manufacturers. Such a policy is entirely consistent with freedom of speech. And it serves people's health needs better, save millions of lives, and billions of tax dollars. (Today, ironically, the disclosure of risk often *increases* a manufacturer's legal liability [by alerting people to potential problems], thus discouraging companies from supplying the information.)

We suggest that the FDA should become an advisory agency, pending its abolition, and that the labels of drugs, approved or unapproved, be divided in half. Allow the FDA one half of the label to say whatever it wants. But the manufacturer gets the other half and can say what it wants. And may the best science win!

Government agencies, especially the FDA, have an entrenched deliberate policy of reducing the flow of information to potential users of drugs, foods, and nutrients, as well as severely curtailing the availability of new drugs. In the future, it will be as important to put a stop to this censorship as it will be to produce new biomedical technology because new therapies will do no good until they are applied to real people with real health problems.

As J. D. Ratcliff said in *Yellow Magic: The Story of Penicillin*, "So long as a medical discovery remains in the laboratory stage it is of little value to anyone. It cures no disease, saves no lives. It is a scientific curio. It is only when a manufacturing company starts producing the material in large quantity that the product can find its way into the stock rooms of hospitals and the handbags of physicians. ...In giving our research men the great credit due them, we often forget to pay tribute to the manufacturers who make the fruits of this discovery available to all of us."[13]

Regulations can never cure anybody of disease. The FDA's approval delays have killed more Americans than have all wars since the Civil War. ❑

Endnotes

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Game Versus Game

A story by Raul Santana

"Philosophy is like a game, sir. You are right."

Tanned and hard, the young man's face reminded the professor more of soldiering than philosophy.

"And, yes, in some important ways it resembles the game of chess. But, in another way—in a way you've spent half your life refusing to face—philosophy is more like Russian roulette."

Like the face of a bronze statue now, it waited—passive in the fact of its cold strength.

A beautiful face, the professor thought, beautiful in the same austere way that mathematics is. So certain. And so certainly wrong.

Silence continued for some minutes before the professor remembered it was his turn to speak. No, he thought, I am not, for a change, being accorded a respectful silence. Not in the sense of the meek before the wise. More, this silence is like—is like the kind of respect one is accorded after being challenged to a duel.

Very well, he thought—with an inward twinkle, as he parted his dry lips to speak—a duel. I will choose my weapon. "Having some knowledge of your political convictions, young man, I assume you are not proposing that the Russians invented philosophy."

"No, sir." White teeth set behind dark face made the grin vivid. "But I'm afraid the Russians do understand the practical importance of philosophy—even though they are damned sure wrong in their premises."

"Nothing is for sure—damned or not."

"Are you sure of that, sir?"

"Young man, you are the first person to ever ask me that question."

"And the answer is?"

"A question no one ever asks doesn't merit an answer."

"Well, I shan't waste any more of your time, sir. Thank you for granting me the interview." Grabbing his brief case, he stood and extended his hand.

"But you said you wanted to discuss something about politics. A movement of some kind. A political demonstration. Isn't that what you said?"

"I'm afraid, sir, you would not want to get mixed up in this. It is an unpopular idea."

"But I've spent my life advocating unpopular ideas. World peace. Free love. Why, many books you see in this study are banned."

"Yes, and the other half of your life you've spent ignoring unpopular questions. Philosophical questions."

"One can afford to ignore those, because—"

"I know. I know, sir. 'Because philosophy is just a game of chess.' And, if you remember, that is where I came in. All right," the young man sighed, putting down his brief case. "For the sake of argument we'll forget philosophy. May I speak sir, to the political half of your personality?"

This story originally appeared in the March, 1966 issue of *Innovator*.

Chuckling at the impatience of the young, the professor nodded. "The half of me that would rather be Red than dead is now ready to talk politics with the man who would rather be dead than have a Red in the same hemisphere with him. You may proceed."

"You misunderstand my position, sir. I don't think those are the alternatives."

"From what I gather of your philosophy, though—in which you maintain politics has a place—everything must be *either* one thing *or* another."

"Yes. In this case, *not* surrender or death. *Either* defeat—*or* victory."

"No, son. Victory is impossible in an atomic age."

"Impossible for the West, but possible for the Reds. I see, sir. We are talking in circles again."

"Perhaps we can avoid all this if we come to the point. What was this unpopular political action for which you came to solicit my support? *Nothing as violent as your previous endeavor I trust.*" The professor frowned as he emphasized each word of his last sentence.

"No, sir. In fact, this is entirely a matter of passive resistance, which is why I came to you. Your experience in the technique would be of great value."

Opening his brief case, the young man put a pamphlet on the professor's desk. "I want you to organize a passive rebellion against income taxes in this country. Next year, I want to persuade every citizen opposed to compulsory taxation—to refuse to pay!"

The pamphlet was entitled: *Shah Mat!*

"What is *Shah Mat?*" As if the small, white booklet were a hot iron—the professor drew back.

"The name of my movement, sir."

Again came the silence of respect accorded upon a challenge.

No—thought the professor. Not this time.

"Why," the professor said, softly, with a strange kind of anger turned more against himself than against the level, brown eyes meeting his gaze, "you are morally irresponsible!"

"Not according to the morality that is mine, and should be yours, sir." A long, narrow hand fell on the pamphlet and lifted it off the desk into the brief case. A hand that reminded the professor more of art than politics. "Tell me, sir, is it morally irresponsible to insist upon the abolition of force between nations?"

"Of course not."

"Then please tell me why you think—if 'think' is the right word—that to insist upon the abolition of force by a nation against its own unarmed citizens is morally irresponsible. Is it not the same issue? Are not the same principles involved? Is it not a contradiction to uphold one view and damn the other?"

"Oh my." A resigned sigh issued from the professor; he spoke in a voice that seemed tired and old. "Contradiction is not a political word. It is a philosophical word. And the capitol of a nation is not an ivory tower."

"Is that your answer, sir?"

"That, I feel, is the only answer I can give you."

Picking up his brief case again, he turned and walked to the door, opened it, stepped out—and closed the door quietly behind him.

That, thought the professor, was the quality of his face. The quality of a closed door. A door locked against compromise.

One thing still puzzled the professor. Something he saw. And did not understand. Or had forgotten many years ago. The meaning of those two words: *Shah Mat!* An Arabic phrase. Ah! Now he remembered. *Checkmate!* The root of that was *Shah Mat!* Meaning: *The King is Dead!*

Well, the professor thought, I certainly am having a difficult time keeping from admiring that young man. So certain of himself! And so certainly wrong. Nobody will join his crusade. Nobody feels the way he does about politics.

Relaxing in his comfortable chair, he thought: Nobody would have expected a young man like that—a man with the face of soldier, the mind of a philosopher, and the hand of an artist—nobody in the world would have expected him, of all people, to smuggle himself into a Latin-American country, past the dictator's own guards and—

A loud knock broke into his thoughts.

Opening the door, the professor saw a uniformed policeman. And a search warrant.

"Sorry to disturb you, professor. We just got a report that you are keeping obscene reading material in your study, and I've been assigned to check it out."

"Some of the world's greatest literature is currently considered obscene, officer. And, to save us both embarrassment, I'll tell you now that I pride myself on having a good deal of great literature in this room that happens to fall in that category. I do not, however, see how the contents of my library can be rightfully subjected to police regulations. Good day, officer."

"I'm sorry, professor. You are under arrest."

"I refuse to be placed under arrest!" Returning to his chair the professor sat down and folded his arms. "It is not the concern of this—or any other—community that I choose to read whatever I wish to read!"

"Your attitude, professor, is morally irresponsible."

The professor stared. Before him stood a man with the fine, impractical face of a philosopher, the mind of a minister, and the hand... the hand rested on a gun. ❑

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The Crash of '87

Liberty interviews six leading libertarian-oriented market analysts: Douglas Casey, Adrian Day, Harry Browne, Mark Skousen, R. W. Bradford and Ron Paul, plus two of Liberty's Editors: economist Murray Rothbard and social philosopher Karl Hess. What they say may surprise you.

On October 19, 1987, the Dow Jones Industrial Average fell 508 points. It was the largest single day decline in history—amounting to some 22.6%. In an effort to put the dramatic events of that day in perspective, *Liberty* surveyed the thinking of eight leading economists and market analysts in early December, after the dust had settled.

Douglas Casey is author of *Crisis Investing*, the best-selling investment advisory book of all time, as well as several other books. He is founder of the Eris Society, and editor of *Investing in Crisis*,* a monthly investment advisory letter. Mr Casey is also an editor of *Liberty*.

Liberty: What caused the crash?

Casey: The fact that stocks were bid much too high, they were bid up beyond all sight of reality. They were selling at historically high prices, relative to earnings, relative to book value, relative to dividends. They were selling at 1929 levels.

Liberty: Do you think there were any external causes? The causes you list are basically internal causes...

Casey: I discredit the theories that it was caused by computers, for example. If you believe it was computerized selling that crashed the market, then you have to believe it was computerized buying that drove it up.

What drove the market up was a huge expansion of the money supply over the last five years, especially as a reaction to the last recession.

Liberty: What do you think of the idea that the crisis was touched off by restrictive monetary policies by the Fed during the early part of this year?

Casey: I think there is something to that. Stocks were driven up to unreasonable levels and at that point it was just a question what would touch off a decline. Of course, money makes the mare go: they restricted the money supply, that tended to put prices in reverse, then one thing led to another.

Liberty: What do you recommend to investors today?

Casey: I suggest they invest one third in gold coins, one third in gold stocks, and one third in cash. I suggest those assets be held partly in this country and partly abroad.

Liberty: What foreign countries would you recommend?

Casey: I would suggest holding some in the Orient and some in Europe. In the Orient, I think Hong Kong is the best place to be. In Europe I think Switzerland is best .

Liberty: You mentioned cash. What specifically do you mean? Money market funds... T-bills... or greenbacks...

Casey: T-bills or money market funds that invest exclusively in T-bills. And I would certainly have some greenback cash. Although I am more confident than ever that the long run fate of the dollar is to vanish, to turn into toilet paper, in the short run we could have a 1929 style deflation.

Liberty: Where is the stock market headed?

Casey: A lot of that will depend on what the government does next. My suspicion is that the Japanese market is going to crash next, and when it crashes it's going to make what happened on Oct 19 seem trivial by comparison. Then you will see real estate markets all over the world crash and the stock market fall much further.

By the time it bottoms, the stock market will be far beneath its fair value. If I was going to take a guess—and it's strictly a guess—I would say the Dow will fall to 500 or 600 by the time it ultimately bottoms. That's 500 or 600 in terms of today's dollars.

The U.S. dollar could collapse next, like in the 1982 movie *Rollover*. That would be the perfect whipsaw: people have been panicking out of stocks to get into cash... maybe next they will panic out of cash and the dollar will be wiped out.

Liberty: Where do you think interest rates are headed?

Casey: I think in the short run the Fed will be able to drive interest rates down. But in the long run if inflation is increasing, interest rates are going to have to follow. I think we will see massive corporate bankruptcies, especially among the corporations that have done leveraged buyouts.

We will see defaults on debt, so rather than predict the direction of interest rates, I am much more comfortable predicting that there will be a huge spread in quality among interest rates. As people panic out of junk paper like Euro-

* 1101 King St, Suite 400, Alexandria, VA 22314, $195/year (12 issues).

dollars and into T-bills, the difference in their interest rates may increase to 5% or more. The same is true of Treasury bonds versus junk bonds.

Liberty: Where do you think gold is going?

Casey: I think it's going to go through the roof, but not necessarily because of inflation. It will go through the roof because in a panic situation it is the only financial asset that is not simultaneously somebody else's liability.

I think that if you buy gold and gold stocks you can make back whatever money you may have lost in the last few months, and more.

Liberty: Why do you think that gold coin and bullion has outperformed gold stocks by such a wide margin since the crash?

Casey: Gold stocks got caught up in the stock market mania on the way up, and got caught in the downdraft on the way down. A lot of gold stocks were sold just because there was a market for them, and people had to sell to generate cash to meet margin calls. But gold stocks are going to come back soon, I think—I am not sure industrial stocks will for many years.

> *"The Depression will be worse than even I thought it would be. A lot of yuppies will be grubbing for roots and berries in a few years."*

Liberty: What about taxes in the United States?

Casey: I think the U.S. government is dumb enough to raise taxes at this point.

Liberty: Do you have any feel about when we will see higher taxes?

Casey: No, I don't have any feeling on the timing, but I am very confident that they will raise taxes. If they don't raise the income tax directly, they will get it through a value added tax or something else. I don't have to tell you how counterproductive and destructive that is.

Liberty: What do you think will happen to the budget deficit?

Casey: I think it will widen tremendously.

Liberty: Do you have a number that you think we will see within the next 2 or 3 years?

Casey: It's pure conjecture right now, but I wouldn't be surprised to see it at $300 to $500 billion dollars within the next 2 or 3 years. Tax receipts will go down, despite any forthcoming tax increases, because as the economy craters income will fall much worse.

"Of course it will — it ends *every* Monday."

Liberty: Then I guess you foresee a recession?

Casey: Oh! I see something much worse than a recession. A recession is where the business cycle starts to climax, but the government stimulates the thing to keep the ball rolling. A depression is something where it gets entirely out of hand, where the chewing gum and bailing wire can't keep the rotten structure propped up any longer.

Liberty: What do you see over the next couple years for the CPI rate?

Casey: That's hard to figure. It's still unclear whether we will get a devastating inflation due to a default of bonds, the closure of banks, the further drop in the stock market, and the collapse of real estate. All these things could make the dollar worth more and the CPI could actually decline.

But that's a short run phenomenon. In the long run I think the cost of living will go through the roof, because the government will respond to these crises by printing money.

Liberty: What do you think would happen to gold in this short term deflationary scenario that you consider to be a possibility?

Casey: I think gold will go up even during a deflation. The reason for that is that people will want an asset that cannot be defaulted upon, that is completely liquid and negotiable, and that is private. Gold is not just an inflation hedge—gold is a chaos hedge, a crisis hedge. And we will have plenty of crises and chaos, so I think gold will go up.

Liberty: Do you see the crash as an isolated phenomenon that won't seem important in a few years, or do you see it as part of a much broader crisis of the Western economies or the American economy?

Casey: I think it's going to change the way people perceive things. It will change the social and political structure. In a way it's a good thing that the crash happened, it will serve as a warning to people to take this last opportunity to put their houses in order.

Liberty: How do you think you will describe the crash of '87 when you look back at it ten years from now?

Casey: That's a good question... I don't know... I suspect it will mean the end of an era. I think a lot of yuppies will be grubbing for roots and berries in a few years. I think survivalism will come back in vogue. The going is really going to get tough. Society is much more urban than during the 1930s; people are much less self-sufficient. It has a lot further to fall.

The government safety nets that everyone thinks will prevent a depression are part of the cause of the depression and discouraging people from taking action to protect themselves.

I think the depression will traumatize a whole generation. I think this thing will be terrifying. It will be worse than even I thought it was going to be.

Liberty: Is there any good news here?

Casey: Yes. The good news is that all the real wealth of the world is still going to be here. It's just going to change ownership. And if you can keep your assets together over the next several years you will have the opportunity to pick up assets at prices that are the equivalent to prices in the 1930s.

Liberty: What do you think of the notion that the crash marks

the end of a period of American economic dominance of the world and that Americans are going to have to accustom themselves to a long period of economic decline of the sort that citizens of Britain experienced during the past 70 years?

Casey: I think a lot depends on what the government does, whether they really stomp on the country and institute a lot of welfare programs like Britain did.

I doubt they will abolish these welfare programs—which were largely responsible for Britain's collapse—voluntarily. But they may have to let them die because there is no wealth to fund them.

Adrian Day left his studies at the London School of Economics in 1974 to offer his assistance to the libertarian revolutionaries in Abaco in the Bahamas. The revolution ultimately failed, and Mr Day moved to the U.S 18 months later. He is editor of *Investment Analyst** and author of several books on personal investing.

Liberty: What caused the crash?

Day: Fundamentally, the crash was caused by the fact that stocks were grossly overvalued. Of course, that doesn't explain why it happened exactly when it did. Nor does it explain the severity of the crash. But it certainly explains why stocks came down. They were simply grossly overvalued.

The restrictive money policy of the Fed earlier this year accounts for the timing. Over the past several years, the Fed was very loose with the money supply. About April they started tightening, or at least leveling off, the money supply. They continued this somewhat restrictive policy through October. As a result of this tightening, interest rates moved up, which touched off the crash. Fundamentally, on a value basis, this collapse could have come in March or April, May, June or July or, indeed, stocks could have continued to rise for another six months.

Liberty: What does the crash mean to investors? What are the consequences for investors?

Day: The Dow today is about where it was in January. So the only losers are those who invested this year. This has been a very salutary warning for investors. It demonstrated to investors—especially new investors who have never really seen prices fall significantly—that prices can go down as well as up. The crash has awakened them to the fact that a sharp decline can happen.

Liberty: Do you think investors should be out of the stock market right now?

Day: Yes. I am a value oriented investor. In the long run, I think things return to their true value. Things that are undervalued have less risk and more potential than things that are overvalued. That is a pretty simplistic statement, but worth bearing in mind. Right now, most U.S. stocks are clearly overvalued, not so much as three months ago, perhaps, but still overvalued in terms of price/earnings ratio, or price to book value or the yield rate. Those that hold stocks should look for an opportunity to get out.

Liberty: Where should they be?

Day: I recommend investors go to three main areas.

The first is gold and other precious metals. I would buy gold on price dips, followed by palladium, then platinum, and silver. Silver I think is more a short-term trading vehicle right now. It offers greater potential for the short term investor. For the long term, I think gold is far and away the primary metal to buy.

Secondly, I would be a very aggressive buyer of good quality, producing North American gold companies. I would also buy some of the top quality, long life South Africans and Australians. I would avoid the short-life South Africans and the non-producing Australians.

And thirdly, I would begin to nibble a little bit at some of the bargains available in good quality, undervalued, cash rich, blue chip companies in undervalued markets. I am looking not just for undervalued stocks, but also undervalued markets.

Liberty: What is an example of such a stock?

Day: Hongkong & Shanghai Banking Corporation. It is selling at less than ten times earnings, about 15% over book value, and yields about 6% cash and 12% stock dividends per year. All those are indications of fundamental value. And Hongkong & Shanghai is very aggressive but still a very substantial and conservative institution.

Liberty: You recommend some South African gold stocks. Are you concerned about the morality of investing in firms involved in South Africa's racial system?

Day: Yes I am. I am a morality investor. There are certain companies that I will not invest in, whose business revolves around doing things that I morally object to. So I think it is a legitimate issue.

> *"I am a morality investor: there are companies that I will not invest in, whose business revolves around doing things I morally object to. But I think investment in South Africa is good for the population, in that it helps raise its standard of living. And many gold companies are among the most liberal elements in South Africa."*

But I take a contrary view to most people about South Africa. I think investment in South Africa is good for the population, in that it helps raise its standard of living. Not investing in South Africa doesn't do the people any good at all. It only hurts them. In addition, many of the gold companies are among the most liberal elements in South Africa. In fact, Anglo-American, the largest mining house, has just issued about 15% of their total stock to the black workers.

Liberty: Where are interest rates headed?

Day: Compared with historical levels, real interest rates in this country are very high right now. (Real interest rates are the difference between nominal rates and the rate of inflation.) Even so, on a risk/reward basis, investing in bonds doesn't look like a good bet to me.

As the dollar continues to lose value, I doubt foreign investors will continue to pour money into our debt—particularly our government debt—simply to prop up a bankrupt government. If they're losing 20% or 30% or 40% a year on their money

*Box 3217, Silver Spring, MD 20901, $49 per year (12 issues, plus special reports).

because of the decline of the dollar, it seems to me they are not going to want to do that forever. So interest rates will have to rise to attract bond investors and stem the decline of the dollar. (I say continue to rise because it seems to me that they bottomed in March or April, and we are now in a long term upward trend. This last month or two is only a temporary aberration in that trend.)

Liberty: What is your outlook for taxes? Will they go up?

Day: I get very depressed about taxes. I haven't seen lower taxes during the last five years, personally, and I don't know who has. Social security taxes continue to rise, other taxes keep on going up. Already to decrease the deficit, they're raising taxes by $9 billion. I think Reagan should listen to Winston Churchill, who said, " There's no such thing as a good tax." All this talk about some taxes are good and some are bad is just nonsense.

Liberty: Do you think they will get the budget deficit under some kind of control?

Day: No. Not at all. The deficit has shrunk considerably during the past few years, although it remains enormous compared to what it was before 1980. But that hasn't been the result of any government action; it's simply because the economy has been growing at a moderately healthy rate, driving up tax receipts.

What the politicians do to reduce the deficit is mostly a game with mirrors: postponing expenditures for a couple of weeks to move them into the next fiscal year and then telling us they have closed the budget by that amount. I don't know who they think they're fooling. They're not fooling *us*.

Liberty: What sort of cost of living rate do you think we'll see during the coming year?

Day: During the next 6-12 months, we will likely have a rate of increase in the Consumer Price Index that is fairly subdued, probably in the 4%-5% range, as a result of lower consumer demand because of recessionary fears.

But after that, I think we will have significantly higher increase rate—somewhere in the 8%-10% range. Whether the onset of the faster growth in the cost of living will be in 3 months or 9 months I find very difficult to gauge. But we're sowing the seeds for double digit inflation now; I'm not exactly sure when we will reap the harvest.

Liberty: How do you think the Crash of '87 will look from the perspective of 1997?

Day: I don't think the Crash is an aberration. The crash is by no means finished yet; we're going to see a lot more decline.

Liberty: Will we have another depression?

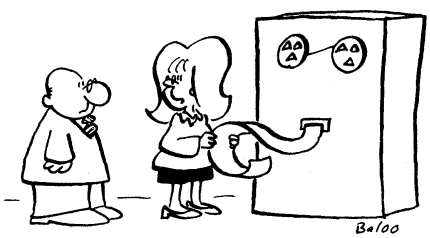

"You're right — the economy *does* pick up whenever Johnny Carson gets married."

Day: To a large degree what will happen will be the result of the government action. At the time of the crash, the Fed moved to lower interest rates and pump money into the system. But in the last couple weeks, the money supply started coming down again. All I can say with certainty is that we have huge fundamental misallocations in the economy that in the longer term are building up tremendous problems that cannot be staved off.

Harry Browne is the author of several best-selling books of investment advice, beginning with *How You Can Profit from the Coming Devaluation* in 1971. His most recent book of investment advice is *How the Best Laid Investment Plans Usually Go Wrong*. He also publishes a monthly investment advisory letter *Harry Browne's Special Reports.** His book *How I Found Freedom in an Unfree World* is a classic (and controversial) interpretation of libertarian ethics.

Liberty: What caused the crash?

Browne: The most likely explanation was the sharp slowdown in the money supply after a year of very strong monetary growth. But that's just my number one choice.

I think there is an unlimited demand for explanations of things, so the supply will always be there to meet it. But I don't think even in retrospect that many of these things are capable of absolute explanations.

Liberty: What would you recommend to investors today?

Browne: My "forever" position is that an investor should separate his capital between that which he can afford to lose and that which he cannot afford to lose, to set up two different portfolios, though he may decide not to have the portfolio of the money he can afford to lose, even if he does actually have some he can afford to lose.

I call the money he can't afford to lose the "permanent portfolio." I believe he should set up a portfolio once and for all that he keeps forever and only adjusts to restore the original percentages.

The percentages that I've arrived at evolved over a period of time: they are 25% in stocks, 25% in bonds, 25% in gold and 25% in either T-bills or in a mutual fund invested entirely in T-bills. There are details as to what kind of stocks best fill the stock list, but it is not a question of picking those that will beat the market or do best next year or anything of that sort, and what kind of long term treasury bonds are best, and so on. That's all in my book.

The only question between one investor and the next is how much to have in the "Permanent Portfolio" and how much one is to have in the other portfolio, which I call the "Variable Portfolio." Though questions such as whether one is retired or young or has a big income would dictate the split between the two portfolios, they do not change my view of what the Permanent Portfolio should consist of.

Obviously I don't argue with anyone who says "I'd rather have 30% in gold" or wants to have 5% in Swiss Francs or something of this sort. More diversification is not a sin in my eyes, although it can be overdone. I have found that simplicity is almost essential because otherwise an investor with the best of intentions will never carry out the program when it is more diversified and complicated.

I believe that my simplified portfolio provides about 90% of the protection I had when I possessed a more complicated version.

* PO Box 5586, Austin, TX 78763.

Liberty: What would you do with your variable portion today?

Browne: Right now it's 50% in gold and 50% in cash. I went 40% in stocks in August of 1984 and we stayed there until we were stopped out in the dip in the fall of 1986. We got back in 50% into stocks in January 1987, but were stopped out at the time of the crash. The signal was given Thursday before the crash. I got my managed accounts out the next day. For purposes of the newsletter's " model portfolio" we sold on the day of the crash. But we're still a little bit ahead on the year.

We got into gold when it dropped to $300 at the end of 1984 and were stopped out at the end of 86 and got back in around January of 1987. So we've been in gold and stocks almost continually for the last two years. The gains have not been exciting, but they've been all right. For 1986, I think the gains were about 16% or 18%. For 1987, figuring we sold our stocks the day of the crash, we are up about 3%.

> *"Before October somebody might have said something like, there are two things that could never happen in this country: the Fed will never let a large bank fail, and there could never be a 500 point crash in one day in the stock market."*

Liberty: When you say right now you are 50% in gold, do you mean gold stocks or physical gold?

Browne: Definitely physical gold. Whether bullion or coin is up to the individual. But not gold stocks.

Liberty: Where do you think the stock market is headed?

Browne: I have no idea. I really don't.

Liberty: Interest rates?

Browne: I have no idea. I really don't.

Liberty: Gold?

Browne: I have no idea. I really don't.

Liberty: Should I put that down for everything?

Browne: Sure...

Liberty: Taxes?

Browne: The only time it is worth talking about a personal expectation is when you believe you are noticing something that other people are not noticing. That doesn't mean that you know what will happen, but maybe you are noticing some factor bearing on the future that other people do not, and it might help them. For one thing, it might keep them from going too far in the other direction.

With regard to taxes, I think my opinion is a little different from others. I really don't know what is going to happen to anything, but I feel a little more confident with regard to taxes than I do with the outlook for gold or stocks. For all I know gold may have hit its top this week, and we may be in a long downward trend now. I don't know... the stop loss we have is at $430, but I may change it before the weekend is over.

I think that people are too cavalier when they say that now that deductions are gone that tax rates will be raised.

I think we are sure to have all of 1988 without an increase over the 28% rate. Reagan would veto any such increase and the veto would be sustained. If Reagan died, I think George Bush *undoubtedly* would veto any raise. If he got elected President, he might be persuaded to do otherwise, but he certainly won't do it in 1988. So I think the chances are overwhelming that we will have one complete year at the 28% maximum rate.

1989 will bring a new president and a new Congress and the question becomes much more iffy. But I think few people appreciate just how much the terms of debate have changed during the Reagan era. I don't think Reagan is responsible for this change, though he does deserve part of the credit.

If there is a tax increase in 1989, what we will get is a 32% rate or something like that. They're not going to just raise it back to 50%. It would take many years to get it back up to 50%, and I really doubt that that will happen.

I think it is more likely that it will be lowered to 25% or even 20% in 1989. I'm not predicting that, but I think that it is at least as likely and probably more likely than an increase.

Liberty: What about the budget deficit?

Browne: I think it will slowly but surely go down, especially if the line is held on taxes. It isn't novel to realize that raising taxes is a sure way to increase spending, probably by more than the taxes are increased, and to increase the deficit. I don't know whether the deficit will fall to zero in the next five years, but I think the trend is downward.

Liberty: Do you have a feel for what the changes in the cost of living will be in the next few years?

Browne: No. But I think that the chances are greater that it will be up next year than down. I doubt it will be over 10% by 1988, however. So that really dampens my enthusiasm for gold, but we've done all right being in gold with our variable portfolio. Because I don't believe in fortune telling, I would never say this is the top and sell. I would just raise the stop loss until it was finally triggered.

Liberty: What do you think the Crash of '87 will look like from the perspective of 1997?

Browne: That depends on what follows. If there is nothing similar to it, even if there's a long decline, it will always stand out because it was a record breaker. But if there are one or two more, people will look back at the whole picture rather than just the crash of '87. As far as I know tomorrow morning there could be another 500 point crash. I am not saying that it will happen, but it is foolish for anyone to say it cannot.

I think investors had a wonderful opportunity to learn from this crash. Before October somebody might have said something like, "there are two things that could never happen in this country: the Fed will never let a large bank fail, and there could never be a 500 point crash in one day in the stock market."

I hope that people will learn from this that anything can happen and that there is nothing that absolutely *has* to happen. To rely on such a fixed belief is a mistake. I hope the crash will teach people some humility about what they know about the future.

Liberty: What do you think are the prospects for deflation during the next 3 or 4 years?

Browne: I think it is very possible. And I'm talking about real deflation, not mere disinflation like we had in the early '80s. I think deflation is possible, but that the crash makes deflation less likely than it was, because the Fed will for at least a while be very much afraid of erring on the side of deflation. But that doesn't mean they will have that same viewpoint a year from now.

Mark Skousen is adjunct professor of economics at

Rollins College, author of ten books on investment and economic topics, and editor of a monthly advisory newsletter, *Forecasts & Strategies.* *

Liberty: What caused the crash?

Skousen: The crash was primarily caused by the Federal Reserve's switching policies from fighting recession to fighting inflation...The Federal Reserve System under Paul Volcker—and then under Alan Greenspan—sharply reduced the expansion of the money supply in the beginning of 1987. The money supply (M1) growth rate declined from 16% to less than 6% in less than a year... M2 fell from 8% to about 2%—its lowest rate in about 25 years. The result was a rise in interest rates while inflation as measured by rising commodity and consumer prices continued to move back up. So basically the stock market which had gone through a 5 year massive bull market simply ran out of steam as the liquidity was taken out of the system. Expectations for fantastic earnings and profits by major corporations turned out to be illusory.

> *"There will be a strong effort to raise tax rates, especially when the deficit expands rapidly as the recession sets in. The deficit will baloon to perhaps $300 billion. I think we will see a tax increase in 1989. 1988 will be the lowest tax year for a long time."*

Liberty: What would you recommend to investors today?

Skousen: My advice depends on government response to the crash. Our economy and financial instruments are heavily determined by government policy these days. So far it appears that the Fed is not responding to this crisis by flooding the markets with money; to the contrary, it appears they are continuing a relatively tight money policy. If this trend continues, investors would be wise to head for the hills, build a strong cash position, get out of debt, and unload any assets that they are relying on to preserve their capital. We could be entering a deflationary phase.

On the other hand, if the Fed panics, as they have in the past, we could see a massive influx of new money in the system which would be highly favorable to a recovery of the stock market, at least temporarily. But so far I see no indications of this happening.

Liberty: You have seen no indication that the Fed is flooding the market with money, other than the immediate reaction after the crash?

Skousen: That wasn't as spectacular as I expected. It's very similar to the Continental Illinois bailout, which I thought would cause a massive increase in inflation. It did eventually, but initially there was no indication that they had reversed policy.

Liberty: As of this moment, how do you feel about stocks?

Skousen: I am entirely out of stocks, and I have been since early September. I expect stocks to head lower.

Liberty: How about gold?

Skousen: I have only a survival position of 10% of my portfolio in precious metals, primarily in the form of coins, although it could include some gold stocks.

Liberty: What about bonds?

Skousen: I recommend a small position—no more than 20%—in high grade bonds, not junk bonds, as a deflationary hedge.

Liberty: I take it you recommend holding the balance of your portfolio in cash and cash substitutes?

Skousen: Yes. I recommend keeping 60% to 70% of holdings in money market funds.

Liberty: What about interest rates?

Skousen: Right now my outlook is for interest rates to decline a bit over the next year.

Liberty: Why? From credit expansion by the Fed?

Skousen: Initially, I think it will come from the fact that the Fed's policies are causing a recession. It is hard to say what would happen if they flood the market again. It might be an initial decline, then a rise, depending on what happens with economic activity.

Liberty: What about taxes? the deficit?

Skousen: There will be a very strong effort to raise tax rates, especially when the deficit expands rapidly as the recession sets in. The deficit will balloon, to perhaps $300 billion. I think we will see a tax increase in 1989, so for individuals, 1988 will be the lowest tax year for a long time.

Liberty: Where do you think consumer prices are headed?

Skousen: I think they will level out with this recession. I don't think price inflation will be as serious a problem as the fact that people will be thrown out of work and businesses will be hurting.

Liberty: Did you prepare your clients for the crash?

Skousen: In my September 8 special alert, I advised selling all stocks when the Dow was at 2600. In my Oct 1 issue, I advised that the credit crunch by the Fed could devastate the stock market, and that if the Dow fell 500 points in short order it would be a full scale bear market, not a correction. I told subscribers that gold shares were a high risk and that I had personally sold most of my gold stocks in September. But I did not give an all out sell to my subscribers, unfortunately, though I continued to recommend gold bullion coins.

R. W. Bradford publishes *Analysis & Outlook,** a monthly newsletter oriented toward gold and silver investment. He founded Liberty Coin Service, a pioneer gold and silver brokerage firm, in 1971, and retired from active management in 1981. He is also publisher of *Liberty.*

Liberty: What caused the crash?

Bradford: Investors finally noticed that stocks were ridiculously overvalued.

Liberty: What would you recommend to investors today?

Bradford: It all depends on the nature of the investor, his net worth, his age, his goals and his outlook on life. My own inclination is to see investing more as a way of maintaining wealth than gaining wealth, so the advice I give tends to be rather conservative.

I recommend holding 30% to 50% of one's investments in the form of gold, for two reasons: as a hedge against inflation and as a hedge against social chaos.

* 7811 Montrose Rd, Potomac, MD 20854, $95 per year (12 issues).

* PO Box 1167, Port Townsend, WA 98368, $36 per year (12 issues, plus special reports.)

In my judgment, a significant increase in inflation during the next 2-4 years is overwhelmingly likely. I expect gold will rise significantly faster than the inflation rate, so gold bugs will profit substantially.

But gold is also the best hedge against social chaos. If the market collapse touches off a depression (which I think is a strong possibility), I think most people will react by demanding more benefits from the state, and there is a good chance that such demands will not be able to be met from government's current resources. The result could be a violent reaction, either from those demanding more benefits from government, or from those demanding government tax them less. Social violence is not likely, but there is a real potential for it, and I want to be prepared for that possibility. And gold has long been the best hedge against revolution and social chaos: its purchasing power has survived the rise and fall of governments, nations and even entire civilizations.

Because I think there is also a small but significant possibility of deflation, I recommend holding 10% or so of one's holdings in top quality bonds with maturities of about 5 years, which should provide protection if deflation comes.

I would keep the balance of my holdings in cash: preferably T-Bills or a money market fund invested in T-Bills. Cash is something of a hedge against deflation. And cash allows maximum flexibility, since I want to let markets sort themselves out a bit.

Liberty: You mention both inflation and deflation as possibilities. It seems to me that with the Fed inflating constantly trying to avoid a depression, inflation is as near to a sure thing as you can get.

Bradford: Whether we have inflation or deflation is a matter of individual people's perception of reality, of how each person evaluates the situation. More than anything else it is a matter of expectations. The Fed can control the money supply; it can increase it or decrease it at will. But human perceptions are in the control of individual human beings.

I think inflation is much more likely than deflation because I think the incentives are there for the Fed to increase the supply of money, in part to try to stave off a depression, in part to finance the gigantic budget deficits I foresee as people demand more of their governments.

I suspect most people will react to this growth of the money supply by figuring that money is not a good commodity to hold. But it is always possible that this increase in the money supply will come at a time when people are increasing their demand for cash for some other reason.

Liberty: Like what?

Bradford: Well, people might panic out of everything and go into cash which they perceive as a safe haven. That is essentially what happened to the metals' markets in the few days after the crash when gold and silver prices fell badly. Since then, of course, people have changed their perceptions, and gold and silver have risen considerably.

As I said before, it ultimately comes down to how people perceive things.

Liberty: How do you feel about stocks?

Bradford: The stock market is really beyond my area of expertise, but I believe that most stocks are still overpriced in terms of fundamentals. Stocks are already overpriced in terms of corporate earnings, and I don't think the outlook for corporate earnings is very good. So I believe the stock market still has a long way to fall. I would not be surprised to see the Dow fall to 600 or 700 before any significant new bull market starts.

Liberty: How about gold?

Bradford: Right now I think the outlook for gold is outstanding. At the most fundamental level, gold is money; not because governments make it money, but because individuals acting in the marketplace make it money. In times of extreme uncertainty, like the present, people will increase their demand for gold.

In the most likely scenario—inflation—gold should do tremendously well. But even if we have deflation, I expect gold to do fairly well.

Liberty: What form of gold do you recommend?

Bradford: I favor gold coin or bullion, rather than certificates or gold stocks. The rationale for buying gold is that it is the most fundamentally liquid investment available, the commodity that retains its value through all the vicissitudes of human history. Gold certificates or stocks have some of the advantages of gold. But they also have some of the disadvantages of paper investments...

> *"Gold certificates or stocks have some of the advantages of gold. But they also have some of the disadvantages of paper investments: Their value ultimately depends on the financial integrity of their issuer. They aren't as liquid. And they are much easier for the authorities to tax."*

Liberty: Like what?

Bradford: Their value ultimately depends on the financial integrity of their issuer. They aren't as liquid. And they are much easier for the authorities to tax.

Incidentally, I should warn you that as a substantial owner of a gold coin brokerage firm, my answer may not be entirely disinterested... Although it might be more accurate to say that I got interested in gold coin brokerage twenty years ago because I believed physical gold investments had a great future.

Liberty: What do you think of bonds?

Bradford: I see them mainly as a hedging device against deflation. If interest rates fall, the value of bonds will rise. Of course, if interest rates rise, the value of bonds will decline.

Liberty: What about interest rates? Do you expect them to rise?

Bradford: They will most likely fall in the short term as the Fed tries to stave off depression. In the long term, they are difficult to predict, since they depend so much on the decisions of the government.

Liberty: You say that you expect interest rates will probably fall in the short term, and you recommend bonds as a way to take advantage of rising interest rates. This seems contradictory...

Bradford: I recommend bonds as a medium term hedge against the possibility that people will react to events differently than I expect.

Liberty: What about taxes? the deficit?

Bradford: I think the deficit will continue to grow as citizens demand more from their governments. I expect taxes to be raised significantly, though probably not until after the 1988 elections.

Ron Paul was a member of the U.S. Congress from 1976 to 1984, during which time he earned a reputation as a leading advocate of the gold standard and reducing the size of government. He is publisher of the *Ron Paul Investment Letter.* *

Liberty: What do you think caused the market crash?

Paul: The crash is the consequence of the monetary inflation created by the Federal Reserve System over the past four or five years. It was the natural, expected, predictable consequence of the central bank pursuit of a policy of sustained monetary inflation.

Liberty: How does inflation cause stock prices to fall?

Paul: When the Federal Reserve creates money out of thin air, those funds distort markets by lowering interest rates, causing people to take actions that they would not have otherwise done. Sometimes it goes into running up prices of commodities, sometimes it goes into running up prices in the financial markets. In the past five years, the excess credit has been used to run up the financial markets. All the markets needed was an excuse to make the correction that was necessary.

Liberty: Do you think the crash was the result of specific actions by the Fed in mid-1987?

Paul: Well, it happened that way, so people can argue that way. But the basic cause was monetary inflation. The precipitating event can be anything. In this case it was probably the Fed's slight tightening of the money supply, which the market interpreted as a lot of tightening. It was just an excuse for the market to do what it had to do.

Liberty: What are the implications of the crash for investors? What should the investor do now?

Paul: Stay out of the stock market. Stay out of the bond market. Hedge your bets by holding gold and silver.

*1120 NASA Rd, #1, Houston, TX 77058, $99 per year (12 issues).

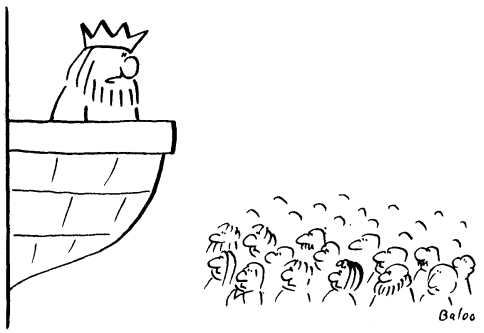

"You have to realize that a little famine is good for the economy."

Liberty: Then you don't think there is much chance of deflation?

Paul: No. There's not much chance of deflation. But there's a big, big chance of a continued, sustained, accelerated inflation. This means we can still have a recession or depression along with inflation.

Liberty: You advise avoiding stocks. Does this mean you think the stock market has some distance to fall?

> *"The crash is worse than the crash of 1929. Unless we as libertarians are successful, there will be another quantum leap in government control of our lives and in our loss of privacy. I hope than in 20 or 30 years we don't look back and see this is the case."*

Paul: Yes. I believe it will go down a lot further.

Liberty: Would you care to estimate how much further it will fall?

Paul: One important insight of Austrian economics is that it is impossible to make accurate predictions of the future. We know directions but we don't know precise numbers or the exact date in which a market will turn. But my guess is the Dow will fall during the next two years as low as 1000.

Liberty: You recommend investors buy gold and silver. Am I safe in inferring that you think the price of gold and silver will rise?

Paul: I don't see it as a matter of the price of gold rising. But investors always measure everything in terms of dollars. I interpret things in terms of gold. The value of the dollar will decline; so the price of gold will rise. Silver will also rise in the long term. Eventually people will rush out of dollars, and the price of gold and silver will skyrocket.

Liberty: How much gold or silver should investors buy?

Paul: I think investors should put half their holdings in gold and silver.

Liberty: Do you mean physical gold, in coin or bullion form?

Paul: Physical gold, fully paid for, no leveraging. But I would include gold shares in that.

Liberty: What is your outlook for taxes?

Paul: They're going up. Ronald Reagan has fooled the people for a long time, but he is one of the biggest tax increasers we've ever had. He has raised taxes four times for a total of over a half trillion dollars already, and he has conceded that he will raise them once again. I will not be surprised if they cancel next years tax break which is already in place.

Liberty: Will the crash affect the budget deficit? Will it be brought under control?

Paul: Just the opposite. The stock market crash was telling us that there is a recession ahead. When a recession hits, expenditures explode and revenues go down. Every attempt in Congress to cut spending in normal times is full of loopholes. In a recession, no one even makes the attempt to cut spending or balance the budget. So there is no way the deficit will be reduced. I predict a record deficit for the 1988 budget.

Liberty: Do you expect another depression?

Paul: Yes.

Liberty: When?

Paul: Two or three years.

Liberty: What is the outlook for the CPI rate?

Paul: It will accelerate. In 1988 it will be up to to the 7-9% level. Eventually double digit inflation will return.

Liberty: When do you think we will see double digit inflation again?

Paul: Probably by 1989.

Liberty: What do you think is the long term significance of the crash? How will the crash look when we look back at it from the year 2000?

Paul: The thing I fear most is that it will prompt this country to take another giant leap toward totalitarianism. After the last great crash, in 1929, the defense of capitalism and the gold standard was easily rejected and the nation embraced the New Deal. We have since learned to live with a lot more government.

This crash is worse than the crash of 1929. Unless we as libertarians are successful, there will be another quantum leap in government control of our lives and in our loss of privacy. I hope that in 20 or 30 years we don't look back and see this is the case.

But everything depends on what we do from this point on. The fact that we've had a stock market crash means that the economic correction is inevitable. How we react to that correction is up to us.

The big question is: how much freedom are we going to sacrifice before it's over?

Liberty: Will the fact that the crash occurred under a Republican Administration that is generally perceived as an advocate of free markets result in the idea that free markets cause depressions?

Paul: Yes, that's one of the worst aspects to this. One of the reasons I left the Republican Party a year ago was to make sure I wasn't identified with this. The Ronald Reagan rhetoric will be blamed, instead of the Ronald Reagan policies of big government.

Murray N. Rothbard is an economist and historian, and author of *America's Great Depression* and *The Panic of 1819*. He is S. J. Hall Distinguished Professor of Economics at the University of Nevada at Las Vegas, and vice president for academic affairs of the Ludwig von Mises Institute. He is also an editor of *Liberty*.

Liberty: Why did the market crash?

Rothbard: The market crashed because it was runup artificially after several years of Federal Reserve expansion of money and credit, and for various reasons consumer prices hadn't responded to the expansion for quite a while. By the end of 1986, prices started to go up. Prices rose about 1% in 1986 but 5% this year. That's a 400% increase in the rate of inflation. So even though 5% doesn't seem like much, it was a big increase from before.

This increase re-activated people's sensitivity to inflation and interest rates started going up. At the same time, stock prices were very high. But dividends weren't growing. When you have high interest rates, and low dividend-to-price ratios, the crash is inevitable.

As a matter of fact, some guy on Wall Street has compiled the average dividend ratios of the Standard and Poor Index, and he says that during the past sixty years, whenever the rate has fallen below 3% a crash is imminent. By mid-August the ratio had fallen to 2.5%. The combination of interest rates going up while earnings to price ratios were going down made the crash inevitable. Another significant factor was the recent behavior of the Fed. After expanding the money supply for several years, the Fed stopped the expansion in late April. The flat money supply almost insured a recession, which the stock market was anticipating.

Liberty: Why do you think the crash happened in mid-October rather than, say August or September?

Rothbard: What triggers a crash on any given day no one can know. But those two underlying factors made the crash inevitable.

Liberty: What are the implications for investors?

Rothbard: It forecasts a recession. It also means accelerated inflation. The Fed poured in something like $8 billion that week.

There is also an international aspect: the dollar has been falling since early 1986. Treasury Secretary Baker decided in February 1987 that the dollar had fallen enough. Somehow he decided in all his wisdom that the dollar was at its ideal rate in terms of other countries, and he managed to bludgeon the other industrial countries to stabilize the dollar at those rates. This meant our allies central banks had to buy about $70 to $90 billion dollars from February to October to prop up the dollar. They can't keep doing this forever. So the dollar is bound to collapse. At some point foreign support will end because the real rate of interest will go down. To attract capital the nominal interest rates will have to rise. The Fed is caught in a bind: if they allow the interest rates to rise, the recession will be deeper and the stock market will fall further; on the other hand, if they push rates down, the dollar will collapse even further.

So the Fed is really screwed. They are in a total bind. It's a beautiful thing to see. Whatever happens they are in a total mess.

Liberty: What will happen next?

Rothbard: What I forecast for 1988 is what Maxwell Newton, the financial editor of the New York *Post*, calls the "nightmare scenario": a stiff recession, accelerated inflation, a falling dollar, and rising interest rates.

> *"I forecast for 1988 a stiff recession, accelerated inflation, a falling dollar and rising interest rates. The average person will get the worst of all worlds. He gets a recession, which means bankruptcies and unemployment. And he gets an increase in the cost of living. It won't be like the last depression, in which the cost of living fell."*

Liberty: Isn't this what was called "stagflation" in the mid-1970s?

Rothbard: Yes, it's very much like stagflation, except that this time we have a falling dollar as a sort of added treat, a special bonus. It's a lovely thing shaping up. It will come just about in time for the election, and will mean a smashing defeat of the Republicans.

Liberty: What can investors do to protect themselves from this?

Rothbard: Unless you have a really special situation in some particular, the stock market is no place to be. The bond market will be crushed. The best investments will be gold or collectibles.

Liberty: When you say gold are you talking gold stocks or physical gold?

Rothbard: When you buy gold stocks you have to be an expert in the individual stocks, what's going on in the individual stocks, in South Africa. The best investment is actual gold bullion or, better yet, coins.

Liberty: You mentioned very traditional hard money investments, gold and collectibles. What do you think about so-called hard currencies, like the Deutsche Mark, the Swiss Franc or the Yen?

Rothbard: I am not sure how much the market has discounted the stronger fundamentals of these other currencies.

Liberty: Another traditional hard money investment is silver. What do you think of silver?

Rothbard: I don't think silver is a monetary metal anymore. I think it's nostalgia from the past. It's been a long time since it has been used as money. I think silver is a mistake on the part of many hard money people. All this nonsense about the gold/silver ratio seems foolish to me. There has never been any reason to expect the ratio to remain constant.

Liberty: You think bonds will be crushed. I take it you don't think there's much chance of deflation?

Rothbard: There is not going to be any deflation, that I am sure of. *There ain't going to be no deflation.* By deflation I mean the substantial decline in the cost of living. I do not mean a decline in the prices of commodities: they have fallen in every recession. But consumer prices have not fallen in any recession since World War II.

The consumer—the average person—will get the worst of all worlds. He gets a recession, which means bankruptcies and unemployment. And he gets an increase in the cost of living. It won't be like the last depression, in which the cost of living fell, so those people who were employed were much better off.

Liberty: And the bonus you mentioned earlier—the falling dollar—will come into play...

Rothbard: Exactly. As the dollar declines, the cost of imported goods will increase, which will raise the cost of living even more. We are just beginning to see the effects of this. For the first year or so of the falling dollar, foreign firms were trying to keep their market share, so they cut their prices in order to maintain their market share. But this price cutting can only go on so long: further dollar declines will be reflected almost immediately in import prices.

> *"I hope the raising of capital will more sensibly return to individual enterprises rather than the stock market. I think people should invest directly in enterprises, in usable tools, landscapes, skills, and things like that."*

Karl Hess is a welder from Kearneysville, West Virginia. His ideological odyssey has taken him through the labyrinths of left and right in his search for liberty. He has been an editor of Newsweek, and is now editor of *Libertarian Party News*, and has written many books. He is also the only editor of *Liberty* who is quoted in "Bartlett's Familiar Quotations."

Liberty: What caused the crash?

Hess: I have absolutely no idea.

Liberty: What does the crash signify to investors?

Hess: I think it will remind people to consider financing specifically as the backing of productive enterprises instead of gambling on the stock market. I hope the raising of capital will more sensibly return to individual enterprises rather than the stock market. I think people should invest directly in enterprises, in usable tools, landscapes, skills, things like that.

I have never believed that the stock market was crucial in funding new enterprises anyway. But some people want to simply gamble their money. Maybe the best advice for them is to go to Las Vegas. Gambling is gambling.

Liberty: Do you mean that what one should invest is not money, but perhaps energy and effort?

Hess: No, I think investing money is important. But I think it should be invested directly in a productive enterprise with which you are familiar and with which you have some involvement. In the long term, I think this is the most productive way to deploy your money.

I think having your own business or developing your entrepreneurial skills is a very good investment. But gambling in the stock market as the basis of your wealth strikes me as being too iffy to be dependable. I do not know why anybody would put all their eggs in that basket. I can't sympathize with people who turn their money over to stockbrokers or investment advisors and expect some sort of magic to be worked on their behalf.

Liberty: What long term implications do you think the crash has for life in the rest of this century?

Hess: I don't think it was a crash. The Dow today stands higher than it did a couple years ago. I think Sam Walton was as sensible as anybody. When somebody asked him how it felt to lose—I forget what the exact figure was... I think it was $3 billion—and he said it didn't bother him. It was just paper. That's a healthy attitude.

I hope that the implications for the future are that capital markets will become more personalized, that people who invest in things will take a closer interest in them, and the stock market... people have tried to explain the stock market to me but they have never convinced me that it is a good way to produce new capital for new enterprises. It's a roulette game.

Liberty: What do you think is the outlook for bonds?

Hess: I don't know. I don't have enough money to worry about it, so I think in other terms. But if I had a lot of money, I don't think I'd put it to work that way. I'd put it to work buying more tools, to produce real wealth which you can convert to money if you need money. But wealth is composed of so many other things, such as vegetables and knowledge and...

Liberty: Are you suggesting that money is not wealth?

Hess: Money is only part of wealth. Money as a way of keeping accounts and deferring purchase is greatly useful. But once it goes beyond those roles, money can get to be a sort of magic. People believe in it as having some sort of intrinsic value. It

has value only as a statement of account. These accounts always have to be cleared. Just piling up IOUs from something called the Federal Reserve is useful only so long as everyone else is practicing the same magic. But if they ever stop.... then I would like to have my turnip patch and a 45 ACP.

Liberty: What's a 45 ACP?

Hess: Automatic Colt Pistol.

Liberty: Now there is a hard core, survival investment! What do you think of the notion that the stock market crash was caused by the trade deficit or the budget deficit?

Hess: If either of those explained the crash, then why did it happen on a single day instead of a slow slide? Something happened, and people just started selling stuff. I don't know why. I remember Johnny Carson once made a joke on television about toilet paper shortages. Within a week there wasn't any toilet paper at any store in the area. Who knows? Some chance remark. Magic is a fragile thing. People believed these things were worth so much. Then somebody started believing they weren't worth so much... then *poof!* the bottom dropped out. Or, at least, prices fell suddenly. But prices of things fall constantly, and we don't consider it a great disaster.

Liberty: Do you think as a consequence of the crash we will see some significant changes in public policy?

Hess: Oh, yes! And all for the worse. It occurred to me that the crash was caused by people making sensible decisions about what their stocks were worth. If you try to interfere with these decisions, you destroy the ability of the market to function, to be productive.

It would be like saying once you buy an automobile the price has to remain constant. Automobile prices crash constantly, as anybody who owns a five year old car knows. We don't take that as a sign of instability. I know there is a difference between the automobile and the stock market... I tell you, I have to fall back on this: I do not understand the stock market as anything more than a place to gamble. If I thought it was important to the production of wealth, I would be disturbed. But I see wealth production going on rather merrily.

Liberty: What do you think about investments in commodities, in tangible assets, assets that are "non-producing," heavily ballyhooed commodities like gold and silver?

Hess: I think gold and silver *are* productive. Gold is very productive if you are building certain electric circuits. Silver is vital to various industrial processes. The fact that people attach a certain magical value to gold is interesting, but I think its artistic value and its chemical value would assure it a high place in a productive economy anyway.

Liberty: How do you think the Crash of '87 will look from the perspective of 1997? Will the crash be viewed as part of some significant historical change, in the way that the 1929 crash is seen as the start of the Great Depression? Or will it be forgotten?

Hess: One thing that was lacking in 1929 was the proliferation of inventions that there are today. It was a period of doldrums. But today, I don't see how anything can collapse because too many people are thinking of too many new things to make and sell and there are the tools available to make them.

I have a long range feeling that we're switching away from the mass economy. I think we're heading toward a more individualistic type of production.

> *"The urge for people to have things of tangible and particular value is so great that they will overthrow any system that stands in the way of their having those things, as those idiots in the Soviet Union are beginning to find out. They may not have thought that blue jeans and CD players are important, but that's simply because they are idiots."*

Liberty: How so?

Hess: The tools are so much more flexible than before. There is no reason to invest millions of dollars in some huge die that will punch out the roofs of General Motors automobiles for the next seven years when there are plastics and molding processes available that enable you to change designs according to a customer's desires or whims. A confederation of cybernated machine tool companies could build automobiles, but they could build them exactly the way each customer wants them. The U.S. government and Ralph Nader stand in the way, of course, but I don't think they will prevail forever. The urge for people to have things of tangible and particular value is so great that they will overthrow any system that stands in the way of their having those things, as those idiots in the Soviet Union are beginning to find out. They may not have thought that blue jeans and CD players are important, but that's simply because they *are* idiots. Blue jeans and CD players are *incredibly* important to people and people want things and by golly they *will* have them.

And the system that denies them things will collapse and the system that encourages them will flourish. The system that encourages it is the free market. The new tools are conducive to this: these new small highly flexible tools mean that people in the next generation or two will be able to design all the artifacts of their lives to fit their personal lives. People are designing their personal lives already. For the first time, people are designing their families, their relationships with other people in idiosyncratic and highly individualistic ways. That's one reason why the big corporate and state bureaucracies will have to go. It's not ideological. It's just that people want too much. And the big institutions can't provide it. The only people that can provide it are entrepreneurs.

Liberty: How did these corporate bureacracies—say the GM bureaucracy—come about? Are they products of the market? Or of anti-market forces?

Hess: I think these bureaucracies came about because of the mechanics involved. It used to be that to produce a lot of automobiles, you had to make them all the same. That is what's changed.

The development of the information revolution and the cybernetic revolution has changed manufacturing forever. All General Motors has going for it now is the U.S. government. If you strike down regulations, people in Fairfield, Connecticut, would be making their own automobiles.

Look to the tools. I don't know how anybody can look at a Macintosh and not realize that the world has changed. ❑

BURONIC EPISODES

AIRLINE SUBSIDIES

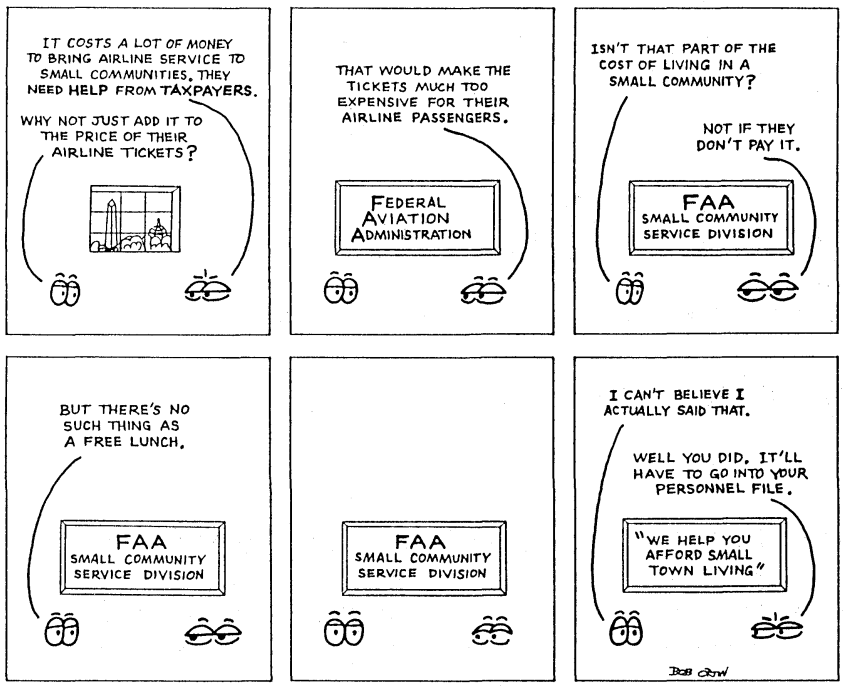

SUE THE B*ST*RDS!

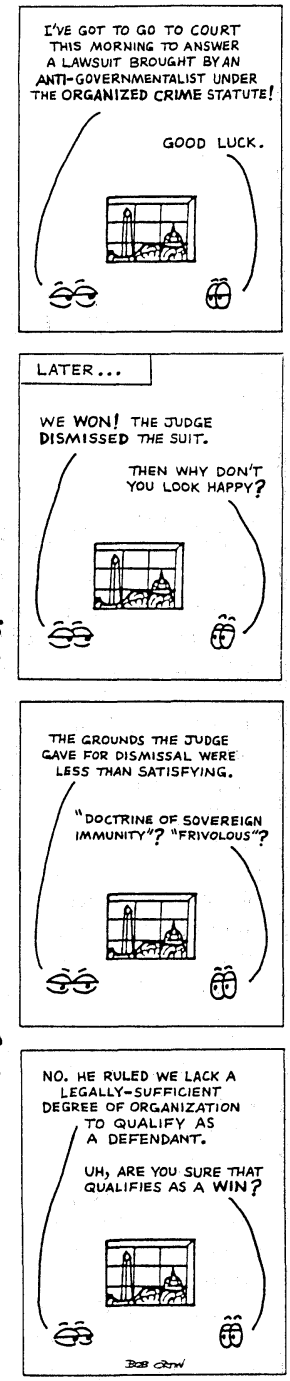

STOCK MARKET CRASH

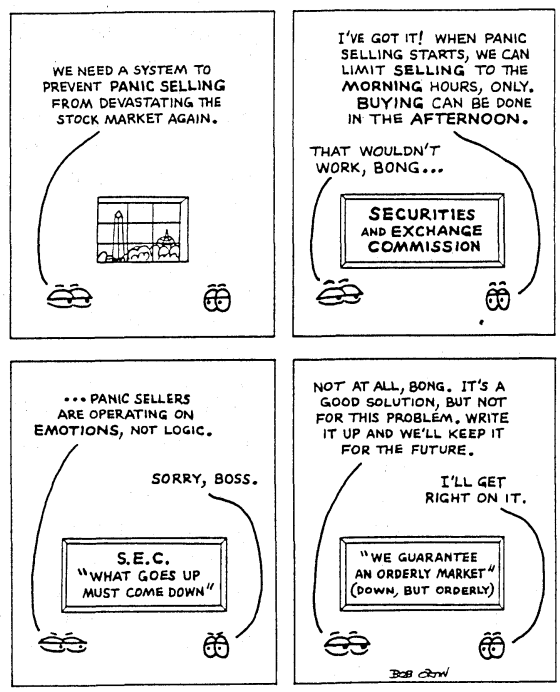

"BOSS" "BONG"

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BOB ORTIN

YOUR INTEREST IS OUR INTEREST

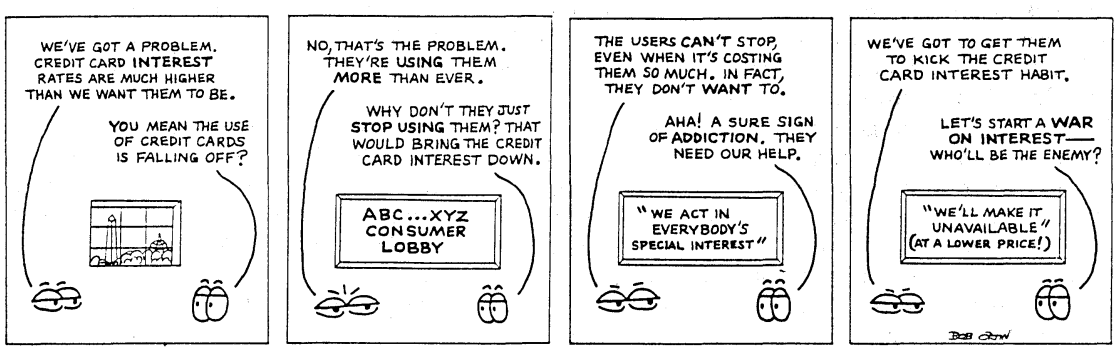

Strange Bedfellows

The Libertarian/Conservative Misalliance

by John Dentinger

We libertarians are agreed that our philosophy differs greatly from both liberalism and conservatism. We hold up a Nolan Chart to prove we are ninety degrees away from each. But the media and the public, to the extent they perceive us at all, perceive us as conservatives.

Recently the syndicated columnist Richard Reeves, in discussing Robert Bork, wrote, "The libertarian Cato Institute, which might be expected to stand on the right with Bork, has, in fact, attacked his fundamental majoritarianism...." The accompanying box "Perceptions of Libertarianism" presents dozens of other recent examples of major media seeing libertarianism as an ally or a species of conservatism. These are comments from people with more than the average amount of interest in and knowledge of politics—viz., people who are paid to write about it. We may reasonably infer that the general public is no better informed.

Why?

In the first place, information is costly even to those who get it "free." It takes time and mental effort to absorb information, so its recipients must estimate its probable value to them, based on proxy information. For example, the maxim that a person is known by the company he keeps is a good first approximation to the truth; and often it is the last approximation.

Politics is a little more forgiving; the "strange bedfellows" maxim is well-known, so a person or movement may be forgiven an occasional liaison with an unsavory political crowd. But when a clear pattern of association develops, such as libertarians socializing and sympathizing almost exclusively with conservatives, the civil libertarians reasonably dismiss without further expenditure of valuable time the idea that we are good on civil liberties issues—all because we have raised the cost of that information for civil libertarians. Liberals then do not come into our movement to provide the needed fresh and hot blood on civil liberties issues, making the movement more socially comfortable for conservative semi-converts, thus further justifying our conservative image and completing the vicious circle.

Libertarian party and movement insensitivity on civil liberties

Our appearance of insensitivity on civil liberties issues cannot just be chalked up to media bias: the appearance simply reflects an all too common reality.

In 1978 one well-meaning LP activist in California decided to rate the libertarianism of the state legislators, based on a selection of their votes. But the votes he selected happened to be weighted toward economic matters, and the few civil liberties issues were conservative ones like gun control. His widely distributed conclusion: that the most libertarian state legislator was John Briggs.

Briggs was an Orange County fever-swamp right-winger, one of the loudest hatemongers against drugs, prostitution, gays, etc. He was running for governor and was known statewide at the time for only two things: a death penalty initiative, and what became the Briggs Initiative. The latter would have barred from teaching in public schools not only all gay people, but also anyone who ever spoke out publicly for the rights of gay people, in the classroom or out—a proposal so vicious and bigoted that even Ronald Reagan opposed it. Gay libertarian activists picketed the state convention (and some later quit the party in disgust), which generated additional publicity for the hapless activist's conclusion that this demagogic thug was "libertarian." A typical media coup for us.

The 1982 California state LP convention provided another litmus test of which issues were significant and which could be slighted. The convention featured Ron Paul as its banquet speaker right after Paul had voted to reinstate the Washington, D.C. sodomy law (which had been repealed by the D.C. city council). Very little upset was evident at the banquet, and there was even less scrutiny of his stated reason for so voting; but you can bet he would have been treated very frostily had he merely voted to repeal a tax cut.

In 1984, there was substantial heated opposition to the candidacy for California Lieutenant Governor of Norma Jean Almodovar, a former call girl. Self-styled radicals expressed horror that someone so disreputable as a prostitute would represent us, although they (rightly) welcomed tax resister Jim Lewis as a vice-presidential candidate, and had (rightly) made a hero of IRS foe, convicted felon, and federal prisoner Karl Bray. There is a Karl Bray Award, but there will not likely soon be a Norma Jean Almodovar Award.

Reason's outreach to civil libertarians: Reach out and slap someone...

The outreach of the Reason Foundation is becoming increasingly conservative. Members of the committee for its November, 1987 fundraising banquet included Bible-thumping, smut-stomping L. A. County Supervisor Michael Antonovich, and right-wing commentator Bruce Herschenson, both of whom had run for U.S. Senate in 1986 on far right anti-civil liberties platforms.

The Reason Foundation customarily hands out copies of *Reason* magazine at this banquet, and the cover story of this, the December, 1987 issue, tells us "How the Government Is Quietly Stealing Religious Liberty." (How? By refusing to give churches exemptions from all instead of just some of the economic regulations which strangle the rest of us. Just the sort of heart-rending injustice bound to appeal to right-wing donors.)

Civil libertarians find it a great deal more unjust that the state is still breaking into people's bedrooms and arresting people for unapproved sex. Even conservative newspapers denounced the Supreme Court's 1986 *Bowers v. Hardwick* decision, which upheld the sodomy laws which exist in 24 states (and in Washington, D.C.) The only article on the subject published in *Reason*, America's premiere libertarian magazine, concludes that "the Court reached the right decision—albeit for the wrong reason."

Other specimens of *Reason's* sensitivity on civil liberties issues include editorials in February, 1986 and July, 1986. Both use the old libertarian device of criticizing both liberals and conservatives—but in these two cases, liberals deserve next to no criticism. In the first, liberals are attacked for wishing "to force dial-a-porn on one business (the phone company)... in the name of freedom of expression." In the second, liberals are criticized for "frothing at the mouth" over the decision of a number of chain stores, such as 7-Eleven, to drop *Playboy* and *Penthouse*.

In each case, however, there was state action: local phone monopolies are instruments of the state, and as such, subject to the First Amendment. 7-Eleven's action was influenced by the Meese Commission's threatening letter—which even a federal judge called state action—and by threats from state legislators. Here was an opportunity to reach out to civil libertarians by explaining that it was the state, not the marketplace, that yanked *Playboy* from 7-Eleven; to give a passing, token thank-you to *Playboy* magazine and the Playboy Foundation for their valuable civil liberties work over the years. Reason reached out, all right—and slapped them. Even the pre-deregulation AT&T was never so gratuitously rude.

In fairness, *Reason* has printed some good articles on civil liberties: criticizing the Meese Commission and the Drug Enforcement Administration, for example. But the context makes these articles appear as a meal provided by a dutiful wife to an unwanted stepchild.

How some libertarians helped put Paul Jacob and Norma Jean Almodovar in Prison

All this "fusionism" is not just harmless playing in the mud. Libertarian collaboration with the right has helped do observable damage.

In California in 1986 a lot of libertarians moved with the conservative herd to trample at the ballot box the arch-demon Rose Bird, then chief justice of the state Supreme Court, and her liberal colleagues. What most of these libertarians did not recognize was that Bird was sometimes better on property rights cases than conservative Justice Malcolm Lucas.

Moreover, the real alternative to the liberals on the court was several appointments by Governor George Deukmejian, a right-winger who had such open contempt for civil liberties that while running for California Attorney General—speaking to a group of libertarian lawyers—he said he regretted the repeal of the state's sodomy law, and that he even philosophically favored the prohibition of alcohol.

Granted that Rose Bird was a mixed bag, libertarians still should have been leery of giving a blank check to this governor. Yet a number of them worked actively—even going on speaking engagements—to get rid of the liberals on the court. Curiously, other than myself, no libertarian urged people to vote against the two existing conservatives on the court. Some LP candidates for public office even made anti-Bird literature part of their official

Here are some recent and representative samples of the way "libertarian" and its derivative terms are used in the press.

Birds flocking together

"The participants at the July gathering work for *conservatives* throughout the city—in the Reagan Administration, on Capitol Hill and in policy study groups including the Eagle Forum, *the Cato Institute* and Accuracy in Media. Some are strict Christian fundamentalists. *Some are* anti-Communist neo-conservatives. Still others are free-wheeling *libertarians*." *

—*N.Y. Times*, 8/11/87

"... several fringe conservative-libertarian research groups ... have gained prominence in recent years: IHS, the Cato Institute (a Washington, D.C., libertarian think tank ...) and the Federalist Society (a conservative-libertarian group for law students)...." —*National Law Journal*, 12/29/86

"[T]he Cato Institute ... an organization with conservative credentials...."

—*N.Y. Times*, 5/19/87

"The [Federalist Society] is a broad grouping of conservatives, ranging from libertarians to religious fundamentalists...." —*Washington Post*, 2/1/87

"Mr. Epstein, Mr. Siegan and other 'free-market *libertarians*,' ... are far less known and less numerous than the *traditional conservative* advocates of judicial restraint, such as Justice Scalia.... *Libertarian conservative ... Edward H. Crane*, president of the Cato Institute ... wrote recently that the brand of 'judicial restraint' or 'majoritarianism' deferring to elected officials departs from 'the individualist, free market tradition that is the best of *conservative* thought." * —*N.Y. Times*, 2/8/87

"There is scant ideological coherence to the new legal conservatism. Some

* *An asterisk after the selection means "emphasis added."*

Libertarian campaign materials.

And they got what they wanted. The seven-member court now has five Deukmejian appointees. Some of its decisions have been better than the Bird court's would have been. But others have been worse.

Libertarian Norma Jean Almodovar had been convicted of a (possibly trumped up) charge of pandering. This felony consists of "encouraging a person to commit an act of prostitution." The judge sentenced her to probation, but the Los Angeles District Attorney, infuriated by Norma Jean's public appearances promoting a book she had written exposing corruption in the Los Angeles Police Department, appealed the judge's sentence under the "mandatory minimum" sentence provision of the law (which is in fact seldom applied). Of the three-judge appeals panel, the two right-wingers (including Malcolm Lucas's brother) voted to imprison Norma Jean. The State Supreme Court, now packed with right-wingers, refused to hear the appeal.

Rose Bird and the other liberals had consistently ruled that judges have discretion under so-called mandatory sentencing laws. There is no question but that they would have overturned the decision of the appeals panel—they would have turned Norma Jean free. Instead, she is right now serving a three-year prison sentence for this victimless crime—and some libertarians helped put her there.

A number of libertarians are also proud to tell us that they voted for Ronald Reagan in 1980, because Ed Clark wasn't sufficiently hawkish on defense. Let's look at one accomplishment of the candidate of these libertarians. Ronald Reagan said he would put an end to Jimmy Carter's draft registration. He did not. He put Paul Jacob, libertarian draft registration resister, in federal prison.

I'm certain libertarians intended no complicity in this; perhaps they believed Ronald Reagan's promises, despite his string of broken promises as governor. But are these libertarians proud to tell Paul Jacob they voted for Ronald Reagan? That they handed Reagan some of the rope to hang Paul with? Probably not. Yet these libertarians, who would have felt a visceral revulsion at voting for any Democrat, felt comfortable voting for Ronald Reagan.

"Neutral principles"

Conservatives and liberals both like to pretend to "neutral principles," but it is only the conservative ones libertarians are apt to fall for, such as that "judicial selection should be nonpolitical." Translation: out with liberal Rose Bird, in with majoritarian-statist Robert Bork.

Other favorites are "federalism" and "judicial restraint." The first sounds fine until you realize "federalism" means the Ed Meese ideal of the Bill of Rights not applying to the states. It means states (absent a provision in their state constitutions) can outlaw private schools, force Christian prayers on Jews and atheists in public schools, and ban abortion, interracial marriage, birth control, cohabitation, sodomy—the whole conservative package deal. And "judicial restraint" means that judges will restrain themselves from performing their duty of interfering while duly elected thugs carry out this (or any other) agenda, short-circuiting the separation of powers.

Conservatives such as Rehnquist,* Bork, and Scalia (the finest legal minds

* See "Mr. Justice Rehnquist: A Preliminary View" by David L. Shapiro, 90 *Harvard Law Review* 293-357, Dec 1976; "Justice Rehnquist and Constitutional Interpretation" by John Denvir, 34 *Hastings Law Journal* 1011-1053, May-July 1983.

of its fans are *economic libertarians,* who would like to undo the New Deal. Some are *social libertarians,* who believe that what they put into or take out of their body is their business, not the state's. Others are more *authoritarian conservatives....*"* —*The Economist,* 2/7/87

" ... there was considerable disagreement even among the conservatives, who included Reagan supporters, Tory traditionalists, libertarians...." —*N.Y. Times,* 2/1/87

"[T]he typical mold ... generally views libertarians as Republicans and populists as Democrats."
—*National Journal,* 3/21/87

Political science researchers found Republican contributors "to be split into *'hard right,' traditional conservative,* moderate and *libertarian* factions, but among these competing groups *'there is significant overlapping'* in ideology and political style...." * —*Washington Post,* 9/5/87

Bork was "A *conservative* law professor who stated his beliefs—first as a *libertarian* believer in judicial activism...." *
—*L.A. Times,* 9/13/87

"Many *conservatives are closet libertarians.* For example, ... *most Reagan judges (including Bork)* take a dim view of libel actions ... by public figures...." *
—*Washington Post,* 8/9/87

For Robert Bork, "Libertarianism eventually gave way to a *more conventional conservatism* tracing its roots to the writings of Edmund Burke." *
—David Broder, *Washington Post,* 9/20/87

"Bork is widely regarded as more *conventionally* conservative, while [Bernard] Siegan is distinguished by his strongly libertarian views on economic and property rights." *
—*L.A. Times,* 7/10/87

"Liberals need all the help they can get these days—but they don't need, don't want, and don't have any alliance with the libertarians. ... the libertarians support the liberal [jurisprudential] agenda because they 'are willing to tolerate the activism of the left if they can have their own activism *of the right.*'" * —Commentary by the Rev. Robert Drinan, a former Democratic congressman from Massachusetts;
Legal Times, 5/11/87

We ought to be in Scriptures

"The American and Libertarian parties [of Wyoming] attempted to forge an alliance last year.... [An American Party spokesman] said the American Party creed is 'based on constitutional principles tied to traditional Americanism and scriptural truth.'" —*UPI,* 6/29/87

Ideas flocking together

From a review of *The Solution:* "Louw... and Kendall, editor of a conservative newsletter, offer a libertarian plan...."
—*Time,* 3/23/87

"Mr. Hoiles [of Freedom Newspapers, whose flagship paper is the Orange County Register] ... wants to control his own newspapers to spread the conservative political philosophy

➡ *continued on next page*

of the 13th century), hold to these "neutral principles" mainly when it's convenient, i.e., when it supports the results they want. Libertarians should not help the Right to pretend that its principles are neutral or are applied neutrally. Instead, we should be (like the Right) clear-minded enough to know, and (unlike the Right) honest enough to say, that we too subordinate means to ends, procedure to substance. And the end—the substance—is liberty.

Judges are supposed to protect our liberty; and states don't have rights—individuals do. Rather than being morally disarmed by a mendacious right, we should say that (within the very broad limits of constitutional interpretation) judicial restraint and state autonomy should be respected when they enhance liberty, and not when they don't.

Ron Paul

If some libertarians are suckers for right-wing personalities and rhetoric, Ron Paul put it all together for them. They felt comfortable selecting Paul, actually a conservative in both style and substance, to be the leading Libertarian spokesman for the coming year.

At the Seattle convention, Libertarians had a chance to distinguish themselves from conservatives by nominating Russell Means as our presidential candidate. Whatever Means's flaws, at least his nomination would have posed a puzzle that people would trouble to read a newspaper article to solve. People would have had to try to get an overview of the elephant—instead of just getting another look at the elephant's trunk and inferring that they're dealing with a snake.

Even during his campaign for the nomination, when Ron Paul was as libertarian as he was ever going to be, he slighted civil liberties. His campaign video, shown in Seattle, featured two lingering, admiring shots of a little girl praying at a school desk (something he voted for in Congress). Other than the draft, the video mentioned civil liberties only once, with almost subliminal brevity—a mere fig leaf of libertarianism.

The press has already noticed Paul's connection with the John Birch Society (see accompanying box). Then there's Paul's penchant for right-wing conspiracy theories (the government is conspiring to hide from us how serious AIDS is; the Trilateral Commission and the Council on Foreign Relations are out to get us; etc.). And there's his egregious congressional voting record on abortion, church/state separation, freedom of the press, victimless crimes, and other civil liberties issues.

This wouldn't harm us if Paul would simply offer apologies for these things. Instead, he offers dishonest rationalizations. He claims he voted to overturn Washington, D.C.'s repeal of its anti-sodomy/adultery/fornication law because the same D.C. reform had lowered the penalty for rape. So it had: but prosecutors and women's organizations had requested the decrease because penalties were so stiff they were getting no convictions. It seems Paul really felt that if extra rapists went free, it was a small price to pay to make adulterers, fornicators, and faggots felons.

This fits in with Paul's current continuing use of the right-wing code word "family values," and with his pride in announcing in a November, 1987 campaign mailer that "Congressman Bob Dornan, admiring Ron's hard-money position, insisted on wearing Ron's campaign button...."—Dornan being one of the most virulent anti-civil libertarians in the country.

Yet many libertarians are sanguine about being associated with the Right in this manner. Let us speculate why.

Why libertarians often identify with conservatives

When the question arises as to whether the left or the right is the greater enemy of liberty and libertarianism, the answer is very simple: whichever is in power. But when one party has been in power for a long time, it is easy to forget this.

Murray Rothbard, in his 1965 essay, "Left and Right: the Prospects for Liberty," gives us an example of the problem: "It is always the tendency, in ideological and political life, to center one's attentions on the main enemy of the day, and the main enemy of [Albert J. Nock's] day was the conservative statism of the Coolidge-Hoover Administration; it was natural, therefore, for Nock, his friend and fellow-libertarian Mencken and other radicals to form a united front against FDR with the old-

he inherited from his late father.... The philosophy is a form of libertarianism...."
—*New York Times*, 2/19/87

Who is John Birch?

"The more extreme anti-government advocates range from the anarchists, who have been floundering around for many decades on the political left, to *the John Birch Society and the Libertarian Party on the right.*" *
—*LA Times*, 8/20/86

Who is Ron Paul?

"[Ron] Paul, when questioned by a convention delegate about the appearance of his name under the masthead on a publication of the right-wing [John Birch Society] as a contributing editor, drew applause when he said he didn't believe in 'guilt by association.'" —*UPI*, 9/4/87

"Of Idaho's Libertarian Party ... delegates ... two ... support former Texas Congressman Ron Paul, a fiscal conservative." —*UPI*, 6/28/87

"[Ron] Paul, a conservative who quit the Republican Party earlier this year and is now a Libertarian...." —*AP*, 6/6/87

"Also seeking the Libertarian nomination is Ron Paul, a conservative Republican from Texas...." —*N.Y. Times*, 5/31/87

"... Rep. Ron Paul, a Republican whose conservatism is so extreme that he is the darling of the libertarians...." —*Christian Science Monitor*, 2/9/84

"Newly-nominated Libertarian Party presidential candidate Ron Paul, a former Texas congressman who left the Republican Party because he disagreed with its *economic* policies...." * —*UPI*, 9/6/87

So that's what we've been working for!

"If elected to lead the Libertarians, Paul said he would be different from Reagan by bringing to the presidency a 'restoration of trust in government.'"
—*UPI*, 9/3/87

er Hoover and Al Smith conservatives.... But the problem was that Nock and his fellow radicals, at first scornful of their new-found allies, soon began to accept them and even don cheerfully the formerly despised label of 'Conservative.'"

Likewise, most of us came to political consciousness when the greatest enemies of freedom were on the left—because they were in power. Internationally, the great enemy was Communism; domestically, it was the New Deal, the New Frontier, the Great Society. Even during the Eisenhower years, the liberals held power on the courts. Here, they have sacrificed unpopular economic rights in the name of spurious civil rights.

When the question arises as to whether the left or the right is the greater enemy of liberty and libertarianism, the answer is very simple: whichever is in power.

Many of us often found ourselves allied with conservatives, and began to have a reflexive identification with them. Conservatives seemed to have much of our ideological coloration. Sincerely or otherwise, they used libertarian rhetoric against the depredations of the left.

Friedrich Hayek notes that the principled defenders of liberty have always and everywhere been a distinct minority, able to influence events only by perilous alliances with those of other, often disreputable, motives. A postscript contained in his 1959 book *The Constitution of Liberty* is his excellent essay, "Why I Am Not A Conservative." There he says, "In a country like the United States, which on the whole still has free institutions and where, therefore, the defense of the existing is often a defense of freedom, it might not make ... much difference if the defenders of freedom call themselves conservatives, although even here the association with the conservatives by disposition will often be embarrassing. Even where men approve of the same arrangements, it must be asked whether they approve of them because they exist or because they are desirable in themselves." Hayek wrote that 28 years ago, and the occasional coincidences of interests have become fewer and fewer—yet they were there during our formative years.

Also, our intellectual and moral leaders consorted with conservatives. Even when they heaped contempt on them, like Ayn Rand did, they urged us to hold our nose and vote for them. In 1972, on the recommendation of Ayn Rand, I voted for Richard Nixon. I didn't know there was a libertarian alternative. I didn't even know the word "libertarian." Rand knew, but she wasn't telling.

For years the people who were saying libertarian things, and quoting libertarian culture heroes like Hayek and von Mises, and claiming them as their own, were people like William F. Buckley, Jr., founder of YAF, Young Americans for Freedom. Freedom—that was a noble-sounding word. But in 1969 was the great schism over which libertarians were expelled from YAF. What was the schism over? The draft. The traditionalists, or trads, favored the draft. That was their idea of freedom. They called "laissez-faire" advocates "lazy fairies," and drummed them out.

We expected great things of the class of '69, the first libertarians expelled from the troglodytic YAF. And where are they now?

One of them works in the White House as a speechwriter for Ronald Reagan—helping, in effect, to identify the language and ideas of libertarianism with the repressive social agenda of the religious right. Another is a high-level bureaucrat in the U.S. Department of Education, which Ronald Reagan promised to abolish. Still another is a closet homosexual and a hard-working campaigner and fundraiser for right-wing politicians who are notorious homophobic bigots.

Even though they were kicked out of YAF, they still maintained their basic identification with the right—to the extent that when the right got in power, they were able to devote their energies to promoting, not liberty, but the agenda of the right.

As if all this hasn't made the dubiousness of our continuing affection for the right clear enough, Ronald Reagan has been taking our rhetoric in vain for six and a half years, and has been appointing mainly statists and religious Neanderthals to the federal bench. The liberals may still not be our friends. But it is certain that the conservatives are the enemy to be confronted now.

To the tiny extent that a few conservatives are sincere about adopting our ideas, and draw to themselves votes and support we might otherwise get, we must continue to differentiate our ideological product from their watered-down version, by being radical—not by succumbing to the tiny buy-off of the "respectability" of being associated with those in power—at this stage of all our hard work. More, we must divorce ourselves in the public mind from the meddling, hate-filled religious right, or the incipiently libertarian subset of liberals will never see us as a serious rival to liberalism.

The invasion of the word snatchers

We must be wary of the invasion of the conservative concept-snatchers. They are even now stealing our word, our people, our accomplishments, merely by persuasive definition—that is to say, merely by lying.

People like William Buckley sloppily apply the adjective "libertarian" to Robert Bork, a description Bork specifically denies. (Buckley and Reagan have applied the term to themselves, as well—a description *I* specifically deny.) Conversely, writers of the right like Buckley and John Chamberlain refer to libertarian Nobel Prize-winning economists Friedrich Hayek, Milton Friedman, and James Buchanan as "conservative," though all three explicitly repudiate this description. Conservatives are, in a word, appropriating the most prestigious libertarians as "theirs," and denominating the most soiled conservatives as libertarians, as a magpie might return a lump of lead for a stolen coin of gold.

Hayek elucidates the differences and their evolution. The partisans of liberty, two hundred years ago, were called Whigs. Later they were called "old Whigs," since the later Whigs betrayed the principles which the move-

ment stood for. Partisans of liberty began to call themselves "liberals," a term which they have had to abandon in its turn as it became largely appropriated by their ideological opposites, the socialists. Now, those who favor free markets and free minds are calling themselves "libertarians." Those who favor "tradition"—however counterproductive or idiotic—are properly called conservatives. Buckley once put it something like this: his proud goal was "to stand athwart history yelling, 'Stop!'"

Since America (compared to Europe) has fairly libertarian traditions, "traditionalists" have some common goals with libertarians. Their motives are entirely different, however, hence they diverge on a host of important issues. Libertarians loathe victimless crime laws, whereas conservatives simply have multiple orgasms over them. We face the danger of another linguistic hijacking of the sort which stole the noble word "liberal" from the partisans of liberty.

Conclusion

I have endeavored here to stand athwart linguistic history yelling, "Stop, thief!"

The same must be done for intellectual history. To the extent that conservatism is a philosophy, it is an essentially parasitical one. So far as the status quo contains institutions worth defending and preserving, it is because of centuries of arduous labor by defenders of liberty, against the unrelenting opposition of conservatives. These little magpies sit atop the shoulders of giants, and claim them as their own—even while shitting on them.

Conservatives claim to admire the beneficial effects of the evolution of social institutions, but they always wish the evolution to stop now, if not yesterday. The conservatives claim that the product of social evolution is the fittest culture for us. This begs a number of questions, such as why there is more than one culture at the moment, or how we happened to be the lucky ones to be at the exact moment of history when it reached perfection.

Conservatives are even now stealing our word, our people, and our accomplishments, merely by "persuasive definition"—that is to say, merely by lying.

Hayek notes, "As has often been acknowledged by conservative writers, one of the fundamental traits of the conservative attitude is a fear of change, a timid distrust of the new as such.... This fear of trusting uncontrolled social forces is closely related to two other characteristics of conservatism: its fondness for authority and its lack of understanding of economic forces. Since it distrusts both abstract theories and general principles, it neither understands those spontaneous forces on which a policy of freedom relies nor possesses a basis for formulating principles of policy. Order appears to the conservatives as the result of the continuous attention of authority, which, for this purpose, must be allowed to do what is required by the particular circumstances and not be tied to rigid rule."

"Judicial restraint," by the way, is an example of this unprincipled nature of conservatism. What it really means is: doing as little as possible to tie the representatives of the mob to the "rigid rule" of the Constitution.

Hayek goes on, "A commitment to principles presupposes an understanding of the general forces by which the efforts of society are co-ordinated, but it is such a theory of society and especially of the economic mechanism that conservatism conspicuously lacks. So unproductive has conservatism been in producing a general conception of how a social order is maintained that its modern votaries, in trying to construct a theoretical foundation, invariably find themselves appealing almost exclusively to authors who regarded themselves as liberal. Macauley, Tocqueville, Lord Acton, and Lecky certainly considered themselves liberals, and with justice; and even Edmund Burke remained an Old Whig to the end and would have shuddered at the thought of being regarded as a Tory."

These, then, are the conservatives: the liars and frauds and parasites with whom so many libertarians have fellow-feeling, because of historical accident and wishful thinking. These are the power-lusters, by association with whom some libertarians hope to achieve respectability. But conservatives are not respected, exactly. They are in power, to be sure. But the feeling this engenders is not respect: it's the Patty Hearst Syndrome, or the Stockholm Syndrome, or the love that Winston Smith came to feel for Big Brother at the end of 1984. But it isn't respect, and what rubs off in one's association with them is not respectability.

A few years ago, the staffers of the libertarian magazine *Inquiry* were accused of "being in bed with the left." Jeff Riggenbach responded by saying, "That's because the left is better in bed." That's something for us to consider when we're tempted to get into bed with the right. It's a lousy lay ... and when you lie down with conservatives, you get up with sleaze. ❑

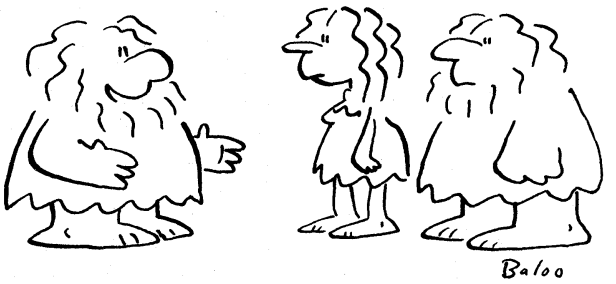

"It's a new idea called 'government' — if it doesn't work, we can always drop it and try something else."

Freedom is for Everyone
(Including the despised "Rightists")

by Murray N. Rothbard

John Dentinger's essay on libertarianism and the right suffers from two major problems. It frequently distorts matters of fact, which is bad enough. But worse yet, it suffers from a wrongheaded perspective.

One would never know from Dentinger's account that the Brigg's Initiative of 1978 was opposed by the Libertarian Party of California, was vociferously denounced by the LP, and that in my recollection not a single Libertarian supported it. One would never know from Dentinger's raking over the old bones of the Ron Paul DC sodomy law vote in 1982 that this issue has been discussed *ad nauseum*, and that the issue was a complex one, with Paul reluctant to accept a package deal that would have substantially lowered the penalty for rape. (Or perhaps Dentinger considers rape a "victimless crime"...) And Dentinger's reference to "substantial heated opposition" to Norma Jean Almodovar's candidacy for Lieutenant Governor willfully ignores the fact that Norma Jean had no opposition in the LP primary. Indeed, almost every issue since then of such leading libertarian periodicals as *LP News* and the *American Libertarian* have included warm messages of support for Norma Jean in her battle against the state, with not a single voice to the contrary.

I have yet to figure out why it was a Rightist sin for Libertarians to oppose the reelection of Rose Bird. Or is Dentinger maintaining that it is a libertarian duty to rush to the support of all beleaguered leftists?

In his discussion of *Reason* magazine, Dentinger is on slightly firmer ground. *Reason* unfortunately does have Reaganite tendencies; its views may well be characterized as "Reagan-ism-in-favor-of-atheism-and-abortion." (I have elsewhere referred to them as the "left wing" of the Reagan movement.) But Henry Mark Holzer's defense of the *Bowers v Hardwick* decision, which upheld Georgia's barbaric anti-sodomy law, must have been as surprising to *Reason*'s editors as it was to me: several *Reason*-connected writers protested Holzer's desertion of the libertarian position.

Even worse than Dentinger's egregious errors of fact is his appalling intellectual perspective.

First of all, he fails to recognize that the words "conservative" and "Rightist" cover a multitude of diverse positions. In particular, the right wing we all know and detest—the Reagan-Buckley-Kirkpatrick-CIA-*National Review*-*Human Events* Right Wing is very different from the Old Right that predominated conservative ranks from the mid-1930s to the mid-1950s. The current Right is indeed power-hungry, war-mongering, dictatorial, and theocratic. But it is very different from the Old Right.

The Old Right is very libertarian. Yes, it is populist, Christian, and anti-Establishment. The Old Right of Albert Jay Nock, John T. Flynn, Frank Chodorov, Felix Morley, Colonel McCormick, and Robert Taft was strongly opposed to war and militarism. It fought conscription and strongly supported civil liberties. It defended free enterprise, the free market and the gold standard. It was profoundly hostile to the Establishment and to State power.

It is true that the Old Right was not anarchist. But neither was it a part of the Right that Dentinger denounces. Should Nock, Flynn, Chodorov, Morley and Mencken be eliminated from the libertarian movement because they are not anarchists? If so, it would seem to follow that all minarchists, no matter how hard core, must also be purged. Is this what Dentinger wants us to do?

Dentinger, moreover, writes of a "number of libertarians" who supported Reagan over Ed Clark for President in 1980, in a way that almost makes libertarians as a class responsible for the eight years of Ronald Reagan. It is clear that Dentinger and I, fortunately, do not travel in the same libertarian circles. I don't know of any libertarians who voted for Reagan, and I don't know how you could call them "libertarians" if they did. Ed Clark got 920,000 votes for President in 1980, and I gather that this legion included virtually all the libertarians who voted that year. As for myself, I have attacked Ronald Reagan, consistently and bitterly, day in and day out, from the beginning of his reign until the end. Somehow, I missed seeing John Dentinger in the libertarian anti-Reagan ranks until this essay for *Liberty*.

Dentinger mentions a few benighted libertarian ex-YAFers from the 1969 split who later backslid into the conservative ranks. But the majority of those

who didn't drop out altogether, have remained libertarian. Karl Hess, Jr., Sam Konkin, Ralph Fucetola, Dave Walter, and Don Ernsberger, for example, have remained firmly libertarian.

Yes, indeed, Ayn Rand usually backed conservative Republican politicians. But, even though her philosophy influenced many libertarians, it is ludicrous to refer to her as a "libertarian" when she herself, passionately and caustically, kept denouncing libertarians as the quintessence of evil—a line continued by her dimwit and robotic followers to this day. Surely, then, libertarians can in no way be held responsible for Rand's aberrant political views.

On Bork and "judicial restraint," once again, there are surely no more than one or two misguided libertarians who support the Frankfurter-Bork doctrine that the duty of the courts is to place the stamp of constitutional approval on any and all exercises of power by the Congress and the Executive Branch. At the Seattle convention, the Libertarian Party overwhelmingly registered its opposition to Judge Bork and everything he stands for.

Dentinger's sneering reference to "conspiracy analysis" as "right-wing" is even less excusable. Anti-Trilateralist "conspiracy" analysis—or what I prefer to call "power elite" or "interest group" analysis—is neither right-wing nor left-wing. As a matter of fact, the best scholars who are Anti-Trilateralist are leftists: Holly Sklar, Carl Oglesby, and Lawrence Shoup. What anti-Trilateralism is is anti-*Establishment*,. Dentinger is not alone among libertarians in viewing the Paul campaign's anti-Trilateralism as not being "respectable." But this misses the point: it is damn sure *not* respectable, but it *is* correct. The importance of "conspiracy analysis" is that, to the discussion of which policies are right or wrong, it adds an important dimension: that statism is *not just* intellectual error on the part of statists; it is a bunch of special privilege groups ripping us off and in the name of the general welfare.

I do not want to dwell on the Ron Paul campaign here. The importance of this campaign is that Paul is an Old Right libertarian in the best sense, and that his 1988 campaign has the wonderful potential of reactivating a large number of instinctively libertarian and anti-Establishment Americans, men and women who, for thirty years have been deprived of articulate libertarian leadership. The Paul campaign can rouse these numerous Americans from their frustration and torpor and bring them into the libertarian movement, at the same time enlarging the ranks of libertarianism to make it a powerful force in American life. To fail to see the profound difference between, say, Ron Paul and Jack Kemp, is to throw away one of the great opportunities for libertarians to have a significant impact on American politics. It is an opportunity that might not come again.

The bell has tolled for the old comfortable days when libertarians were only a small group of marginal people cut off from American life. Freedom is for Everyone, including mainstream Americans...

But I wonder if John Dentinger *wants* such an opportunity. He appears to be a spiritual comrade of the Meansians who have organized FIFE ("Freedom is for Everyone"). But for Dentinger and the Fifeniks, it seems that Freedom is not *really* for Everyone, but only for hippies, *lüftmenschen*, and special-interest minority groups. For Dentinger and the Fifeniks, is Freedom *also* for Anti-Establishment rightists? Is Freedom for the average middle-class American? Is Freedom for people who wear suits, ties, or dresses?

And, in particular, is Freedom for Christians? The libertarian movement, and the Libertarian Party, will get nowhere in America—or throughout the world—so long as it is perceived, as it generally is, as a movement dedicated to atheism. Nock, Morley, Chodorov, Flynn et. al. were not atheists, but for various accidental reasons of history, the libertarian movement after the 1950's consisted almost exclusively of atheists. There is nothing inherently wrong with this, except that many libertarians have habitually and wrongly acted as if religious people in general and Christians in particular are pariahs and equivalent to statists. This pernicious attitude, combined with aggressive *lüftmensch*ship, has managed to turn off a huge number of middle-class Americans. I remember one time when my magazine, the *Libertarian Forum*, included an article about Protestants and liberty. One libertarian asked my publisher, in bewilderment, "why does Murray have an article about *Protestants?*" "For one thing," my publisher replied, "there are a lot more Protestants in the United States than there are libertarians." Indeed.

In all the talk about "outreach" among libertarians, I never hear a word about outreach to Christians. In keeping with this hostility, the *only* reference John Dentinger has to Christians in his article is to the "hate-filled religious right." *Of course*, we have to strongly oppose the theocracy of the Moral Majoritarians. But the religious right is not the sum and substance of Christianity in America. And I have yet to see Dentinger or the Fifeniks roll out the welcome mat to libertarian-minded Christians. I think that the hostility to Ron Paul by Meansians such as Dentinger reflects their dim perception that the bell has tolled for the old comfortable days when libertarians were only a small group of marginal people cut off from American life. Yes, Freedom is indeed for Everyone, including the large number of Americans scorned by Dentinger and company, and this is precisely what they are complaining about.

Finally, he concludes his astonishing defense of guilt by association, with the tacky charge that "when you lie down with conservatives, you get up with sleaze." John Dentinger carefully omits one crucial fact. In the course of pillorying *Reason* magazine as one of the worst of these conservatives, Dentinger somehow forgets to point out that he himself is a regular columnist for that self-same *Reason* magazine.

How about it: Why don't you speak for *yourself*, John? ❑

Essay

Can Computers Save the World?

by Ross Overbeek

Last year, at the annual meeting of the Eris Society, one of the more-or-less libertarian conclaves I occasionally attend, a gentleman claiming to be a financial expert explained that the concerted effort to raise the cost of Japanese chips would have little impact, since computers already had enough memory and power. I recently heard a friend express the view that the main effect of the computer revolution was to introduce word processing and spreadsheets.

These short-sighted statements on the potential role computers will play in our society caused me to reflect. I realized that there is an explicit "vision" shared by many computer scientists that is not commonly understood. While many people do experience a somewhat diffused "rush" at the idea of millions of computations per second, few except for computer scientists really appreciate just how much the quality of life will be altered by computers during the next few decades.

As I see it, the continued growth in the power of computer technology will result in more significant changes in the way we live than even the Industrial Revolution did. It will fundamentally change the way we earn our livings, the way we get along with one another, the way we deal with reality.

I have asked myself repeatedly why, as a scientist, I am willing to display unadulterated optimism. Obviously there is a possibility that the technological paradise I project may never actually exist. But there is a genuine possibility that such a quantum advance will happen, and people should come to appreciate its beauty. This realization can induce an elevated euphoria resembling a religious experience. Upon reflection you may well wish to temper your optimism, but you should for at least some brief period experience its pure pleasure. It's like seeing the Grand Canyon for the first time: the experience cannot really be expressed in words, it may not save you from mistakes, but it can change you in subtle ways.

In this essay I will attempt to share with you this vision of the future.

I will first discuss certain commonly known technical facts relating to projected improvements in computing hardware. Although these facts form only the background for the sources of real excitement, they are so breathtaking in themselves that they require a few comments.

Then I will turn my attention to the real cause of the excitement: the use of the computer as an "intelligence amplifier." It is this role of the computer that is so revolutionary and fascinating.

Finally, I will discuss the late-night dreams that haunt an increasing number of researchers.

The Background

It is widely known that computers have substantially increased in power over the last two decades, but most people lack a sense of just how much they have improved or how rapidly the technology is now progressing. To reach a basic estimate, it is useful to understand that performance is often measured in "millions of instructions per second," or "mips" in the parlance of computer scientists. (This leads to the peculiar linguistic construct of a 1 mip machine [try saying a "1 mips machine"]). A machine manufactured by DEC called a VAX 11/780 delivers about 1 mip. The VAX is powerful—powerful enough that during the early 1980s, many schools and research institutions used a single VAX as their sole computing resource.

In an article in the *Wall Street Journal* in 1984, a DEC engineer commented that the set of chips required to construct a VAX was valued at about $30,000. However, he added that DEC would probably be able to produce the set for about $1 by 1990.

Think about that for a minute. Think what one could do with a $1 Vax. If you are manufacturing a $20 clock radio, and if for a marginal cost of $5 you could add the computational capabilities of a Vax to it, could you really afford not to? It would transform an isolated appliance into a component in a network. You could communicate with your clock radio, viewing it as an integral component of a machine that included your car, your TV, and a central computational resource. You could ask your clock radio to give you stock quotations, and it would answer within a second or two. On a cold day, you could ask it to start warming up your car and schedule a meeting at 9:45 at your office. Would such gadgets really benefit you significantly? Maybe not, but even so, wouldn't you be tempted to put up the extra $5?

One of the new supercomputers that will be released in 1988 or 1989, the Cray 3, will have about 100 times the computational capacity of the Cray 1, the machine that dominated the supercomputing market in the early 1980s. It will have 8 gigabytes of main memory. That means that it can store about 8 billion characters in its high-

speed main memory. The essential heart of the machine (including its processors and memory) will occupy a space roughly the size of a loaf of bread. One Cray 3 will have more main memory than the sum of all the machines that existed in the world in 1972, just fifteen years ago.

The Cray 3 is the work of Seymour Cray, a legendary figure in high-performance computing. His machines have consistently delivered the highest available performance. At a talk in 1986, the president of Cray Research mentioned that Dr. Cray had been able to build a new system every 10 years, and that every new system had offered roughly 5 times the performance of the previous generation. Now Dr. Cray believes that he will be able to design a new generation every 3 years, and each new generation will offer roughly 10 times the performance of the previous generation.

This shortening of the time between generations has some rather dramatic implications. It means that we can expect improvements in speed of about 1000 per decade. Of course, it may not be possible to continue this rate of improvement indefinitely. But even if it is sustained through the 1990s, we will see machines offering 10,000 times the performance of current systems by the year 2000.

Computing is now going through a fundamental transformation, which in many ways is analogous to the transition from small shops to factories. Until recently most computers contained a single processor, and formulating instructions for the machine was similar to planning the schedule for a single human worker. Now, we are entering an era in which single machines will have thousands of processors. These machines will offer staggering performances, but successful use of such capabilities will require a framework in which the distinct processors productively cooperate. This task is similar to the problem of setting up a large company in which many humans must cooperate to achieve a single goal. It is not a trivial task, but it can be done; and, when it has been done, the impact will be most impressive.

Machines will become much cheaper and faster. What is really important is the magnitude of the improvements. Let me illustrate. To cross the USA by foot, travelling about 20 miles per day, takes about 150 days. To cross by car, averaging 600 miles per day, takes about 5 days. To fly from coast to coast takes about 6 hours. The difference in walking and flying, according to these figures, is about 600. Consider the implications of faster transportation. The reduction in time from 150 days to 6 hours occurred over a period of about 90 years. The reduction of transportation delays and costs made a major impact on the world. In regard to computing, we are talking about a change in magnitude that is roughly 16 times as great (600 versus 10,000) occurring over a much shorter time span (13 years versus 90 years).

Computing is now going through a fundamental transformation, which in many ways is analogous to the transition from small shops to factories.

It can be argued that transportation is far more fundamental to the way we live (and will live) than computing, but this argument is wrongheaded, as I will argue in the next section.

Intelligence Amplification

Introducing the term "artificial intelligence" in a conversation is to invite a negative reaction. For the computer scientist, "artificial intelligence" is jargon for using computers to emulate the thought processes of a learning and thinking being. But for most people, "intelligence" is inherently an ability of cognitive beings, not machines. "Intelligence amplification" better expresses the concept involved; it does not presuppose that machines will develop any real degree of intelligence.

In *Waldo & Magic, Inc.*, Robert Heinlein introduced the notion of "Waldos," sophisticated machines that amplified the physical capabilities of a human operator. A Waldo is a device that uses "mechanical gloves" to monitor its operator's motions and sends this encoded information to a robot arm or hand, which does the physical "work." The mechanical arms may be huge and capable of performing incredible acts requiring great strength, or they may be tiny, capable of subtle manipulations at the microscopic level. What the Waldo provides that the normal interface of a human pushing buttons or grasping levers does not, is a sensitive interface allowing an especially accurate amplification of the human's desires.

The problem of amplifying intelligence is analogous in some respects to the problem of amplifying dexterity. The overall goal of intelligence amplification is to encode some aspect of human intelligence in a way that will allow a machine to reproduce an expert's behavior.

It is widely accepted that we can do this for some types of intelligence. For example, a human programmer can encode exactly how a payroll should be computed, and the resulting program can be used to reproduce the behavior of thousands of humans busily writing payroll checks. This type of encoding corresponds to a human's pushing buttons or moving levers to alter the motion of mechanical equipment; it works well for some tasks, but for most types of activity a much more "sensitive" or "complete" mechanism is required.

But the ambitions of computer scientists working on intelligence amplification go far beyond the computation of payroll deductions. Already, computer scientists have developed programs (called "expert systems") that substantially duplicate the diagnostic abilities of certain specialized medical doctors and petroleum geologists.

Chess is one area where expert systems have shown remarkable success. Although chess is not an activity of much economic significance, in complexity it is similar to many other areas of human endeavor. I remember vividly that as a graduate student in computer science fifteen years ago, I believed that no machine would ever be able to beat me. It seemed perfectly obvious that the type of mental activity required to play serious chess was well beyond any computing technology that I would live to see. Now I can buy games for $29.95 that consistently outplay me.

Consider the advantages of expert systems over human experts:

1. They don't die. Unlike human experts that go through an extended training period, a relatively brief period of peak performance, and then gradual decay of abilities, these pro-

grams consistently reproduce their peak performance indefinitely.

2. Their expertise is "cumulative." If one program can play exceptionally good openings, while another excels at endgames, it is relatively straightforward to merge the approaches into a single product.

3. They can be reproduced for pennies. This is a staggering fact: once some level of expertise is successfully encoded, the costs for reproducing it can be almost arbitrarily lowered.

The last point sheds light on the economic incentives of producing such systems. I used to think that time spent developing chess programs was a total waste. However, the hours spent during the last year by humans attempting to reach levels of play that are well below the better computer programs far exceeds the total time spent creating these systems. What would it be worth to be able to deliver a program that consistently made reasonably accurate medical diagnoses, marketing decisions, or trading recommendations?

Considering what has already occurred in chess programs and in a variety of commercially interesting areas, it seems probable that the potential for revolutionizing techniques of production is quite real. The central problem facing the new technology is to determine means of more easily encoding, enhancing, and maintaining expertise. The approach that has been used extensively since the early days of the computer revolution is based on the use of a "computer programmer" skilled in communicating algorithms by means of fairly arcane languages. This will have to go. We need to create a far more intelligible means of communicating expertise to machines.

The potential for successfully encoding human expertise has led to the creation of "knowledge engineering," a whole new discipline. One objective of this field is to create a medium of human-machine communication that will allow knowledge to be encoded by human experts directly. Early work has made it clear that, while symbolic logic is not (at least in its current form) the perfect medium, the final medium will be directly based on symbolic logic. The ultimate effect will be to elevate the study of logic and its applications from a discipline hidden in philosophy and mathematics departments to a field of central importance in almost all areas of human expertise. Some form of symbolic logic will likely turn out to be the "Waldo" of intelligence amplification.

A genuinely workable medium for effectively communicating expertise to a machine does not yet exist (it is also arguable that the means of communicating expertise among humans still work quite poorly, too). However, there will almost certainly be gradual, constant advances. These will result in an expanding sphere of applications. Many people feel that most forms of human expertise simply cannot be codified. But what type of expertise definitely cannot be encoded? Pessimists almost inevitably suggest the areas of art, literature, and sex. It seems to me that conceding these areas to humans still leaves a lot of territory for the machines.

Logic

The evidence that logic, in some form, will be the key to how we eventually represent knowledge is rapidly accumulating. It is therefore peculiar that most colleges do not even offer it in their mathematics curriculum. In some cases, this simply reflects the inability of educational institutions to react to change. In others, it reflects a strange turf struggle: since some form of logic is frequently taught within a philosophy department, it is considered inappropriate that a mathematics department duplicate the effort. What is shocking in these cases is that the aspects of symbolic logic being used within the computer revolution have almost nothing to do with the topics taught in logic courses within most philosophy departments.

This transition has already begun, and the impact of automation is altering the industrial landscape in every developed country. What is interesting and, perhaps, terrifying is the magnitude and speed of the transition.

The quarrel about "What is logic and how should it be taught?" has even penetrated the libertarian movement. It is always painful to hear people you respect make silly comments. It is even more troubling when they are technical enough to mislead intelligent listeners. Consider remarks of the following kind, which are typical of what many libertarian theoreticians think about logic:

> Aristotle laid the foundation for logic, as he did for so many other areas of science. In the case of logic, current researchers have perverted this work by introducing excessive formalism to disguise an attack upon rational thought. In extreme cases this has even taken the form of rejecting the law of the excluded middle ("A or not A"). To combat this tendency I urge you to study some obscure, pedantic book written by a scholastic in the Aristotelian tradition. It will teach you how to think better.

If the only effect of such an argument were to enhance sales of a few mediocre texts in logic, no real damage would be done. But that is not the only effect. Such arguments direct people away from studying an area that will be the source of one of the most exciting advances in scientific history.

The fact is that to understand modern logic at the level required to discuss issues relating to specific axioms like the law of the excluded middle requires substantial effort. Before plunging into waters that deep, a person should build a background in the fundamentals of symbolic logic. For a person with some background or interest in computer science, I recommend *The Logical Basis for Computer Programming* by Zohar Manna and Richard Waldinger; it is a demanding text, but it does relate symbolic logic directly to topics that are central to computer science. After reading a few chapters, a person can begin to determine whether the original goals of Aristotle are really being subverted by such work.

Why Is This Stuff Important?

If these musings have any basis in reality, the computer revolution will reshape society over the next fifty years.

The forces created by this event will cause massive reallocation of economic resources. This transition has already begun, and the impact of automation is altering the industrial landscape in every developed country. What is interesting and, perhaps, terrifying is the magnitude and speed of the transition. While the computer revolution offers means for providing consumer goods at ever dropping prices, it also will inevitably affect people and companies in ways that are far from pleasant.

As the economic value of specific skills drops, many workers (blue collar, white collar, and professional) will be displaced. As their number increases, the rather natural view that "the market has failed" will spread. There will be at least three distinct types of attacks launched against the market:

1. A very limited number of citizens will advocate the Luddite position of limiting the extent of automation. It is commonly understood that such a position is counterproductive, and no serious movement based on it is likely to arise.

2. Protectionism and subsidies to support industries affected by the transition will increasingly be proposed. Again, the danger of such measures is widely recognized and discussed in the popular press. While it is impossible for me to predict the degree to which our government will extend existing subsidies, it seems likely that the wide recognition that such efforts are almost always the result of powermongering will tend to restrain our public servants.

3. A third, far more intellectually appealing tendency is already beginning to appear. The essence of this argument is that: almost any economically significant activity that a human can do computers will be able to do better; while Ricardo's law of comparative advantage may indicate that there will still be room in the labor market for humans, it is likely that the value of human labor will be almost arbitrarily depressed; a development capable of producing unlimited wealth should not produce widespread misery, so we must begin considering "suggestions for dissociating income from employment."

One of the more cogent versions of this argument was recently advanced by Nils Nilsson, a widely respected member of the Artificial Intelligence community. Since he is head of the Stanford computer science department and a former head of the American Association of Artificial Intelligence, his views will certainly be taken seriously.

The argument may well form the kernel of a powerful attack on liberty.

Where will it all end? Will machines ever produce anything resembling the adaptive intelligence exhibited by humans? How fast and how small can machines become?

To give it the appropriate visceral appeal, Nilsson quotes Wassily Leontief, the 1973 Nobel laurate in Economics:

> We are beginning a gradual process whereby over the next 30-40 years many people will be displaced, creating massive problems of unemployment and dislocation... In the last century, there was an analogous problem with horses. They became unnecessary with the advent of tractors, automobiles, and trucks... So what happened to horses will happen to people, unless the government can redistribute the fruits of the new technology.

I suppose that one could point out that most horses now have a more leisurely existence than those of the last century, but somehow I doubt that such an observation would end the debate.

Late Night Projections

Where will it all end? The increasing power of computers, coupled with advances in our ability actually to encode the way human experts arrive at decisions, is leading to a rapidly expanding set of applications. Will machines ever produce anything resembling the adaptive intelligence exhibited by humans? How fast and how small can machines become?

While there are certainly limits to the speed of future machines and to how far we will be able to shrink their size, we may be far from reaching them. I have only discussed events that will take place during the next 5-15 years. The speculations about advances beyond that point make my comments above seem tame.

K. Eric Drexler's proposals for "nanotechnology" in *Engines of Creation* are hard to distinguish from good science fiction. ("Nanotechnology" is the use of incredibly tiny machines; "nano-" is the prefix for one billionth.) Drexler speculates about machines built by molecular engineering that operate billions of times faster than machines of today and are many billions of times smaller. And Drexler is not alone. Scientists of the caliber of Richard Feynman (the winner of the Nobel prize for physics in 1965) have also talked openly about the possibilities of machine built nanomachines.

Most of the major advances that will occur during the next 15 years have very little to do with anything that resembles human intelligence. But when I think about what might happen over longer periods of time, I reflect on the evolution of *natural* intelligence, which took place over an incredibly long period, progressing at an extremely slow rate. As scientists and engineers build more and more advanced machines, what will prevent their developing genuinely human-like intelligence?

The real issues involve the prospects of engineering intelligence, as opposed to evolving intelligence. Evolution produced an adaptable organism capable of many forms of behavior that advanced its chances of survival. Is it possible that human engineers, reflecting on the characteristics of the solution produced by evolution, can gradually borrow aspects that have utility to craft an intelligence that far surpasses that of humans?

When I think of the subject in these terms and allow the engineers working on these problems an extended period of time (say, several centuries), it seems clear to me that engineered intelligence will eventually surpass evolved intelligence. The breakthroughs in chemistry, biology, and physics required to understand how humans function may seem fortuitious when viewed from the perspective of 10 or 20 years, but when viewed from a somewhat longer perspective they seem almost inevitable. ❑

Reviews

Blood in the Streets: Investment Profits in a World Gone Mad,
by James Dale Davidson and Sir William Rees-Mogg.
Summit Books, 386 pp., $19.95.

"Blood in the Streets"

R. W. Bradford

Blood in the Streets is offered to the world as an investment book, and that may be too bad. It's better than most, but investment books are an ephemeral lot. If they sell well, thanks to the cleverness of their marketing plan and the panache of their authors on the talk show circuit, they can become best sellers. But they rarely are remembered a year after their publication. And they are practically never taken seriously, except by investors who lose their savings by following the advice. Those investment books that fail to reach that magic "best-seller" status are forgotten even sooner.

Blood in the Streets deserves more attention than that. Its authors, James Dale Davidson and William Rees-Mogg, offer their readers far more than advice on how to get rich or richer. Davidson and Rees-Mogg offer a re-interpretation of recent history in the guise of an investment book. Their investment advice is ephemeral, but their re-interpretation is powerful. And unless the investor can understand how the world's economy got the way it is, he cannot understand how it really functions, much less have any hope to speculate intelligently about the future.

The book has three parts: a discussion of the authors' approach to historical analysis, a re-interpretation of recent history, and a discussion of the implications of this analysis for investors. (Its title comes from the famous maxim of Nathan Rothschild, "The time to buy is when blood is running in the streets.")

Davidson and Rees-Mogg argue that recent history is best understood in terms of what they call "megapolitics," a neologism they credit to themselves. Megapolitics is "politics in the largest sense... an attempt to analyze the most basic factors that govern the uses of power in the world." Megapolitical analysis focuses on factors that change the ability of people to impose their will on others and the ability of others to resist that imposition.

The most important of these factors, they argue, is technological change. For example, the development of automatic weapons made it possible for European powers to build world-wide empires in the late 19th century by lowering the cost of political domination of less developed countries, foreordaining the loss of political independence and destruction of the social systems of much of the world. Similarly, the development of the tank changed forever the value of infantry. Or so it seemed, until the development of cheap anti-tank missiles light enough to be carried by a single infantryman. Curiously, after specifying technology as the most important factor, Davidson and Rees-Mogg never specify any others.

The most intriguing element of the book is the interpretation of recent international political and economic history, which I will try to summarize briefly.

World prosperity depends on freedom to produce and trade, they argue, and such economic freedom appears only when a single political entity has the means to prevent other states from effectively limiting that freedom. During the 19th century, Britain had the power needed to convince other countries to accept free trade.

After defeating Napoleon at the Battle of Waterloo in 1814, Britain was militarily and economically the most powerful nation on earth. It used that power to impose on the world an international order based on freedom of the seas and free trade, while accumulating for itself a huge overseas empire. As time wore on, the technological advantage enjoyed by Britain eroded and it gradually became less capable of imposing its will on others. As the 19th century came to its close, Britain was growing weaker and weaker in comparison to its competitors for world power. Britain lost its economic advantages over the United States and Germany, and at the same time found the cost of maintaining military supremacy by means of sea power to be increasingly beyond its means.

The European wars of 1914 and 1939 marked the collapse of Britain as a world power; although Britain was on the winning side, the trends that began in the late 19th century continued: Britain's economic and military power continued to erode. The defeat of Germany left the field open for the strongest competitor, the United States, to move onto center stage. Because Americans share a common language with Britain and profess similar policy goals, Britain's collapse was not immediately apparent.

In the meantime, the other potential competitor for world dominance, Russia, shot itself in the foot. With its vast land area, huge population base, and immense supply of natural resources, Russia had the ability to become a tremendously productive economic power. But the Russians adopted a authoritarian economic system which stifled its economic development, reducing Russia to merely a military competitor.

As the period of American dominance continued, the U.S. was subjected to the same sorts of problems that began shifting Britain into the shadows a century earlier. The cost of defensive

military competition declined (remember the cheap anti-missile tanks) and the cost of maintaining a powerful offensive military establishment for the U.S. increased. As the 20th century nears its end, the U.S. is on the verge of falling from supremacy. What the future holds is uncertain: perhaps Japan will take center stage (it has the economic means but eschews military activity); perhaps we will enter a period of international anarchy with no great power imposing its order on the world.

Neither this interpretation of recent history nor their approach is entirely novel, of course. This interpretation of the past 200 years is quite well known in classical liberal circles; a very similar view is popularized by the *Economist*, for example. The identification of technology as a major determinant of historic change is a theme Karl Hess (among others) has promulgated for years. And their interpretation of how political decisions are made in response to the incentives faced by the decision makers has a great deal in common with the "public choice" approach developed by James Buchanan and Gordon Tullock.

But for the first time in a popular book, the historic interpretation is presented in a fairly comprehensive manner, richly illustrated with historic fact and anecdote.

Madness or Method

There are, of course, problems with this "megapolitical" method. It can lead to a facile historical determinism. The danger that Davidson's and Rees-Mogg's "megapolitics" will degenerate into a variant of material determinism is increased by their failure to identify any "major variables" except technological change in determining megapolitical trends. They show a proclivity to reduce very complicated issues to rather simplistic terms and narrow dimensions. For example, they tell us that Britain pursued a policy of free trade simply as a matter of national interest: free trade enabled Britain to prosper and to maintain its economic domination of the world.

They dismiss without consideration the argument that free trade is a policy that enables all participants to prosper. If free trade is in the interest of an ascending world power, then why haven't other ascending world powers adopted such a policy? It was this argument, after all, that ostensibly convinced Britain to adopt free trade.

Did Britain advance free trade to gain an economic advantage over others, or did Britain gain an economic advantage over others because it followed a policy of free trade? The two events—Britain's pursuit of free trade and Britain's relative prosperity—were simultaneous; simple observation and historical analysis cannot determine which phenomenon caused the other (or indeed, whether the two events were related causally.)

The United States is on the verge of falling from supremacy. What the future holds is uncertain: perhaps Japan will take center stage, or perhaps we will enter a period of international anarchy.

It is this problem of sorting out cause and effect in human history that makes the social sciences so confusing. In the physical sciences, experiments can be constructed and repeated to isolate different factors for the purpose of determining cause-and-effect relationships. But in studying human action, we are never in a position to repeat a experiment changing one element only. So human history must be interpreted in terms of antecedent theory, though the historian often does so unconsciously.

Theory is necessary to the understanding of human action, but it cannot be developed from observation and experimentation. That is why Mises developed the praxeological method of understanding human action. Underlying all the data of human history is one undeniable fact: man acts. Mises develops his entire theory from this single proposition. He calls his theory "praxeology," which he defines as "the formal implications of the fact that men use means to attain various chosen ends." Theory, as such, is a tool of human cognition; the development of such theory enables us to comprehend the otherwise bewildering complexity of human history.

Amusingly, Davidson's and Rees-Mogg's treatment of imperialism and their obsession with technology bear considerable similarity to Marxian economic analysis. The way in which technology is integrated into "the capitalist means of production" in Marxian thought is analogous to the way in which Davidson and Rees-Mogg portray technology as a tool of political "structures," though these are not "super-structures" in the Marxian sense. Of course, Davidson and Rees-Mogg are not advocates of a Marxist "sociology of knowledge" and do not labor under illusions as silly as the labor theory of value.

Blood in the Streets is intended for a broad market, and it is certainly not difficult reading. But its readability is lessened by some stylistic peculiarities. The flow of the book is broken up by an incredible number of interruptions. The 22 page Introduction, for example, is interrupted by twenty-five different subheads set in three different typestyles plus three lists and three inset quotations. The first chapter begins with the words, "Let us tell you a story," followed by a two and a half pages of discussion of the story and its significance, including two lists of conclusions we should draw from the story—all before telling the story itself.

All caveats aside, I am convinced that Davidson's and Rees-Mogg's "megapolitics" offers a valuable technique for understanding the world we live in. The fact that it is not a perfectly comprehensive tool does not mean that it is not a useful one.

I am reminded of an Aristotelian college professor with whom I studied. He explained the value of reading Wilhelm Windelband's *A History of Philosophy*, even though Windelband advocated Hegelianism, which is anathema to Aristotelian rationalism. The Hegelian model of change as a mechanism of thesis, antithesis, and synthesis is nonsense, he told me; that is not the way change occurs. But it is very similar to the way in which philosophical thought develops, and thus a study of the history of philosophy by means of the Hegelian model can be quite edifying.

Like the Hegelian model of change as seen by my Aristotelian professor, the "megapolitical" method of interpreting history may ultimately be wrongheaded, at least if it is reduced to materialistic determinism. But it still offers valuable tools for understanding human history. ❑

In Search of Melancholy Baby,
by Vassily Aksyonov. Random House, 227 pp., $15.95

Stranger in a Strange Land

Mike Holmes

Being a stranger in a strange land has never been easy. It is even harder when the stranger was once a member of the *nomenklatura,* the intelligentsia of a country with an ideologically opposite view of the world from the country in which he now finds himself living. But as exiled Russian writer Vassily Aksyonov aptly demonstrates in this slim but insightful book, being a member of the Russian literary elite may uniquely qualify one as an especially appreciative observer of American life.

In Search of Melancholy Baby hasn't hit the best seller lists, but has been favorably reviewed in places like the *Wall Street Journal* and the *American Spectator.* And rightly it should, for in the tradition of de Tocqueville and numerous others in the past two hundred years, Aksyonov the foreigner captures the unique elements that make the American experiment special.

The 58-year-old Aksyonov was trained as a medical doctor, but became famous and honored as an author of novels, short stories, plays and films. He flourished in the post-Stalin "thaw" as an intellectual rebel against the stultifying dogma of the party line. As a member of the closely knit world of celebrated Soviet writers, Aksyonov led a privileged though sometimes precarious life. He was no backwoods "Soviet realist" hack. He travelled many times outside of Russia and even published an account of his first visit to America. His father was a Communist official; his mother became a well known historian of the *gulag.* She wrote memoirs of a Siberian exile that Aksyonov shared for a time in remote Magadan, "farther from Moscow than California," as he put it. His novelistic re-creation of this experience *(The Burn)* became the proverbial straw on the camel's back when it was published in Italy in 1980 without official approval. The Russian authorities stripped him and his wife of Soviet citizenship while he was on a U.S. speaking tour. Aksyonov replied (admittedly from the safety of pleasant California surrounding): "To hell with them!"

Aksyonov's book describes the shock of actually living in the society he had admired from afar, a society that treats intellectuals both better and worse than Russia does.

In Russia, and Europe in general, the intelligentsia is a distinct class that is often honored and privileged above similar groups in more unstructured dog-eat-dog America. In the States, *Herr Doktor* is grudgingly given a small measure of extra respect only if he is believed to be a member of the medical profession. If a mere physicist, philosopher, sociologist or—lowest of the low—a "professor of literature," goes around calling himself "Dr. So-and-so," the act is considered a sign of ego inflation by most commonsense citizens.

In Europe state-certified intellectuals are often invited to join one or more prestigious "academies" sponsored by the government. They are given pensions and stipends and even such perks as free train passes and special legal treatment. In the West pampered intellectuals of all stripes have long proved sympathetic to statist ideologies.

What is surprising about Russia is the extent to which contempt, disgust, indifference or outright hostility to prevailing political orthodoxy is tolerated among the *intelligentsia,* and even allow to flourish, in the name of artistic license. Certain hot-house intellectuals are recognized as such by the state apparatus. And the intellectuals value themselves at least as much as the State does. To the educated Russian, Stalin is not disliked because he murdered millions of peasants, but because he murdered or exiled hundreds of Russian artists and intellectuals, people of near mythic significance in a society where virtually the sole opening for a creative mind lies in the arts—music, literature, poetry.

In Russia, a true term of contempt is to call someone *nekultura,* uncultured or unlettered. In many places in the States, to be ignorant and disdainful of anything resembling "high culture" is a mark of honor, not insult. So, what does a Russian literary light do when the All-Union Academy of Special Privilege tells him to never darken the dacha door again and he finds himself stranded in the land of Dr. Pepper and *Wheel of Fortune?*

Well, it helps if you had been a member of the *stilyagi,* a name given to the disaffected, Western-looking Soviet youth of the 1950's. In fact, Aksyonov's crowd thought that term didn't go far enough. "We're not *stilyagi;* we're Stateniks!" *Stateniks* were sort of Russian beatniks who believed that everything American was better than anything Russian. It is astonishing to read to what degree these (usually) elite Russian youth bought the utopian *Leave It To Beaver* image and worshipped the be-bop jazz music that a mere decade later American youth would reject.

In Search of Melancholy Baby is full of odd vignettes of this youthful America-worship by hep Red youngsters: a daring boogie-woogie dance in the 50's led by the flying skirts of the daughter of a KGB officer, the widespread clandestine taping of a popular Voice of America jazz show on X-ray plates (apparently a decent substitute for vinyl if you know how to do it), the melancholy poetry of a Soviet air force general, whose huge collection of American jazz (all purchased on the black market) was the main joy in his life. The title of Aksyonov's book alludes to the mythic land behind the jazz records worshipped by the youthful *stateniks.*

The sense of American cultural dominance is both a pervasive subtext in the book and, perhaps, its most important insight for libertarians. It emphasizes the virtue of encouraging greater cultural contact with the USSR. Like their small-town US counterparts longing for the good times and bright lights depicted on *American Bandstand* and *Hullabaloo* ("we wouldn't be bored if we lived in California..."), culturally backward but struggling-to-be-hip *Stateniks* hanging around Gorky Park listen to their smug-

gled-in American jazz (or these days, heavy metal) favorites and long to be zipping along the Venice Beach boardwalk, grooving with the brothers and sporting purple mohawks to attract blonde American goddesses. As a libertarian friend of mine once observed, "the US *is* the world's Disneyland, where the lights are brighter and everything imaginable seems possible."

Aksyonov relates a story about the late Ernesto "Che" Guevara, long lionized by anti-American leftists here and abroad. According to the story, Che was once an Argentinian version of a *Statenik,* "wild about Hollywood westerns and the latest jazz." One day he stowed away on a plane shipping horses to Georgia. Unfortunately, when arriving at the land of peanuts and rednecks he was beaten black and blue and baked and starved for three days in an empty airplane before being sent home. "I'll never forgive them that airplane," Che supposedly told a poet friend of Aksyonov's. "I hate all gringos, their easygoing voices, insolent struts, confident leers, obscene smiles..." Well, how would *you* feel if Mickey and Minnie beat the stuffing out of you for sneaking into Disneyland...?

But this odd worship of things American by people brainwashed to think otherwise crops up in many places in *Melancholy Baby,* as when a Soviet officer along the Chinese border in 1969 drunkenly weeps about what will happen to his imported Czech motorcycle if war breaks out with the Chinese:

"What about the Americans, Lieutenant? Are you scared of them?" Whereupon he sobered up for a moment and said in a firm voice, "Americans respect private property."

Critical Overkill

In fact, this odd way of thinking about America can turn strangely indiscriminate, or "critical":

> Soviet propaganda has piled up so many lies in its lifetime that it now gives reverse results: a certain brand of "critically thinking" Soviet citizen—and most of the new emigrés fall into the pattern—no longer believes a word of it; the critically thinking Soviet rejects both the lies of Soviet propaganda and the scraps of truth the propaganda machine needs to make the lies appear true. ...When the Soviet press runs stories about the American crime rate or the American drug scene, the CST (critically thinking Soviet) brushes them aside.
>
> "The crap *they* dish up to us. Anything to discredit America." And making fun of television coverage of America has become a cliche. "All we see is fires, explosions, and plane accidents. If we're lucky, we get a natural disaster." What they don't realize is that American television shows much the same thing and that there is little or no attempt to put any "positive" news on the screen.
>
> In any case, as a direct result of anti-American propaganda the CTS forms a picture of America as an ideal society, prosperous and romantic. America is the country of "Stardust" and "Serenade in Blue." Thousands of Soviet emigrés were cruelly disappointed with what they found instead.

Aksyonov's long and exasperating encounters with the Immigration and Naturalization Service can only make those of us native born breathe a sigh of relief at not having to deal with possibly the single worst bureaucracy in government.

Aksyonov's experiences in becoming American (and eventually a citizen) after being excommunicated by Mother Russia are entertaining.

On his first trip across the country by car, he hands over his Russian driver's license to an Arizona Highway Patrolmen and bluffs his way out of a ticket (he claims there is no speed limit in Russia), observing that Arizona cops are a lot like those in Kiev. His long and exasperating encounters with the Immigration and Naturalization Service can only make those of us native born breathe a sigh of relief at not having to deal with possibly the single worst bureaucracy in government. His experience in paying taxes was new, since one of the few apparent advantages of working in a totally socialist country is that they don't bother you with income taxes: "I was even so naive as to inquire why the paychecks sent to me by the university amounted to only half the sum the university had agreed to pay me." The first tax audit was instructive, though perhaps Aksyonov learned only part of his lesson:

> I received many threatening letters from Sacramento. Clearly the computer had me where it wanted me. Pay up or lockup. I could feel the bars striping my face. Wouldn't the KGB rejoice!
>
> I went to see my accountant. "You've got to save me, Charles!" I told him.
>
> Charles Adams cast a practiced eye over the documents, smiled, and said, "I'll do my best."
>
> A week later the manhunt came to a most unexpected end: the State of California sent me a check for $680. Not only did I not owe a penny; I had a refund coming to me. And you know, it never occurred to me to threaten *the state* with the cooler.

Also instructive is his visit to the Revolutionary Bookstore in Washington, D.C. Reminded (by a recent Russian story) of the alleged American repression of "progressive ideas," Aksyonov asks for a book about Trotsky:

> "Well..." said one, hesitantly.
>
> "Actually..."said the other, playing for time.
>
> "You see, Trotsky's view of the revolution was rather one-sided," said the first.
>
> "But we do have an excellent study by a professor at Havana University," said the second, perking up. "Here it is. *The Vicious Essence of Trotskyism.*"
>
> "Not today, thank you," I said, "but perhaps you can help me with something else." I pointed to the portraits of men like Stalin, Mao Tse-tung, and Ho Chi Minh.
>
> "Which do you think is most attractive?"
>
> "In what way?" they asked, confused.
>
> "Well, in terms of male beauty."
>
> They exchanged a look, frowned, and said disapprovingly, "An irrelevant issue..."

But along with these cut clips of Americana viewed through fresh eyes a

la *Moscow on the Hudson* (a movie that, surprisingly, Aksyonov thinks stinks), there are more trenchant observations. Like the fact that, as most well travelled Americans learn once away from home, the US is a remarkably provincial place, just as New York City, that glittering queen of the night, is far more self-absorbed than any rural Hicksville would ever dream of being.

> But my greatest surprise was American provinciality... We had the feeling that the TV weather report would give the temperature of the water at Nice, and the depth of the snow cover on Kilimanjaro, that the news would report on King Carlos's new shoes, the latest intrigues in the central committee of the Chinese Communist Party, and the penetration of Marxism into the depths of New Guinea. What we find is that if important international events do make it on the evening news, they are relegated to the end of the program and are glossed over as quickly as possible. The feature of the day is more likely to be a prim young miss telling the world that she was sexually molested twelve years before by the principal of her elementary school, a middle-aged cauliflower-eared dolt, who categorically denies the accusation.

Later the situation is summed up nicely:

> Is it this *a priori* feeling of superiority that so isolates America from Europe, or is it America's isolation that keeps the feeling alive? In any case, it grates on America's well-wishers, even us new Americans. In the Soviet Union we pictured Americans as "citizens of the world," cosmopolitans; here we find them to be detached, withdrawn, sequestered in their American planet.

But Aksyonov also has insights on Soviet provincialism, especially on a cultural movement known as the National Bolsheviks (Natsbols, for short), a term which he describes as a self-contradiction. "The Natsbols combine Russian chauvinism with hard-line totalitarian tactics. Following the time-honored Russian tradition, they use works of literature as springboards for philosophizing." He describes the Natsbols as sort of a Russian version of Nazis, complete with a misguided view of the importance of military strength and a pervasive view of modern moral decay. Aksyonov notes that American Neo-Cons, who otherwise fit the Natsbols' version of "true American nationalists," and thus are the "good guys," end up being part of the "bad guys" because many of them are Jewish. Anti-Semitism, long a Russian nationalist proclivity, is an overriding theme of this movement. A concocted theory of "stages" of decay is constructed to fit the NeoCons into the same boat as reviled "postmodernists" like Allen Ginsberg, Norman Mailer, Karl Shapiro, John Updike and J. D. Salinger. Even the unorthodox Soviet *intelligentsia* plays games with itself, lumping apples and oranges together for the greater glory of their misguided "theory" of national greatness. It is sad but hardly surprising to libertarians that one of the first new tendencies to emerge from the smothering embrace of totalitarian Marxism in Russia is a form of National Socialism.

> *To the educated Russian, Stalin is not disliked because he murdered millions of peasants, but because he murdered or exiled hundreds of Russian artists and intellectuals.*

The Romance of Inequality

What is heartening in all of this is Aksyonov's response to the political and cultural landscape he surveys.

He recognizes the importance of diversity and inequality, the latter a decidedly unfashionable quality:

> ...American society is based on the principle of "benevolent inequality." Yes, I've turned so "reactionary" that I now sing the praises of inequality! If you think about it, though, you'll see that all moves in the direction of socialism here have come to naught: they run contrary to the basic American idea of romantic inequality. True, inequality must be benevolent: it must ensure all members of society the means to maintain their humanity. But once it has done so, inequality is passionate, creative, dynamic.
>
> Equality is static; it squelches all hope for a new and different life. In the Soviet Union you are doomed to the life of a state employee, and unless you turn thief, nothing in your life will change. After all, everyone is equal (except, of course, for those who are more equal). In America, the land of inequality, your chance—the chance for you to change your life—is waiting for you somewhere in the chaos of economic freedom. You may never find it, but the fact that it is there gives your life an entirely different perspective.

One wonders why it takes a Russian novelist to give us this kind of message. Aksyonov says later on that:

> If there was such a thing as an American Millionaires' Club, it would represent the heart and soul of the country. Social demagoguery has no place in a society where everyone wants to be a millionaire, where inequality encourages people to pull themselves up by their own bootstraps and earn more, spend more. The consumer society offers a new kind of equality, an equality based on the marketplace rather than on Marxism or other social theories.

Our stranger in this very strange land has reached some valid and refreshing conclusions. Given the melancholic despair of our own home-grown *intelligentsia,* so seemingly anxious to trade the inequality of the marketplace for a guaranteed place at the government-sponsored trough, perhaps libertarians should advocate mandatory (just this once) cultural exchanges with the Soviets: we'll send them all the NeoCons we can find (and throw in everyone published in the last decade in the *New York Review of Books)* for a five year stint at the All Union Institute for Overfed Intellectuals, in exchange for every one of their *Stateniks* and they can throw in the Natsbols to boot. Both countries would undoubtedly benefit from the experience, and we might find some new-found respect for dog-eat-dog capitalism in the process.

At one point, Aksyonov notes that "it is hard for us to understand that as pa-

triotic as the great majority of Americans are, they do not identify their country with its government." If that sentiment is so readily obvious, why does the "democratic socialist" wing of the Democratic party (or its spiritual counterpart on the right, the Bismarckian imperialist wing of the Republican party) lay claim to nearly all the intellectual and cultural leaders in the US? Aside from a few heretical economists, nearly every political utterance by our home-grown *intelligentsia* ultimately defaults to the notion that "government is the people" and thus required to intrude more and more into the people's lives.

The theme of the recent Libertarian Party national convention hit on an important subject, the Culture of Freedom. But having no recognized cultural representatives in attendance in Seattle supporting libertarian ideas in politics, the convention theme ironically demonstrated just how bankrupt the US culture is of pro-freedom sentiment. If libertarians hope to rely upon the stray Russian emigré novelist (a lá Rand or Aksyonov) to pass along libertarian values during the process of artistic creation, any hope of establishing a permanent bulwark against the cancer of statism (in its myriad forms and disguises) is going to be very slow going.

But, for a cheerier note, let Aksyonov have the final word:

> What the Soviets cannot fathom is that America's "fragmentation" (in other words, its diversity) is the source of its magnetic strength. If America was unified along Soviet or Iranian lines, it would no longer be America. It must therefore instill in its population a passionate desire to defend its multiplicity, its ferment, its intellectual and aesthetic waverings, its hedonism, its morality, its ecumenism, its ethnic variety, its Anglo-Saxon foundations, its generosity, its technology, its elemental counterrevolutionary spirit, its hope for a new liberal era, and all its capitalists, tramps, super-stars, farmers, union members, journalists, politicians, feminists, priests, ministers, homosexuals, lesbians, sectarians, fortune-tellers, postmodernists, wrestlers, street musicians, gamblers, refugees, punks, models, film-makers, stockbrokers, go-go girls, tax inspectors, yes, even its real estate agents...
>
> Let me call a spade a spade: the anti-Americans of this world—[Nobel Prize winner] Gabriel Garcia Marquez included—are enemies of freedom and friends of a global concentration camp. The paradox of it all is that to remain what it is, America must defend even its own anti-Americans.

Amen to that, Brother Aksyonov, amen. And welcome home, stranger. ❑

The Rise of Urbanization and the Decline of Citizenship, **by Murray Bookchin. Sierra Club Books, 1987, $22.95**

Left-Anarchism at Wit's End

Terry Inman

"The Rise of Urbanization and the Decline of Citizenship," a new book by Russell Kirk? George Will? Or, perhaps Allan Bloom? No, Murray Bookchin, the leading "left-anarchist" intellectual of our time. Yet there is little here that is either "left" *or* "anarchist." This is a reactionary book by a well-intentioned elderly man, whose heart and mind are hopelessly stuck in the middle ages.

Socialists once managed to present themselves as the "left" by advocating a socialism that would transcend capitalism, either through revolution or evolution. Bookchin, however, expressly calls for a return to pre-capitalist societies and values. And rather than calling for genuine anarchism here, Bookchin calls for a form of limited government—governments limited to the rule of cities.

Bookchin makes some interesting distinctions. We are reminded that "citizen" did not originally mean person of the nation, but person of the city. This is a person *loyal* to his city, mind you. Loyalty is as important a virtue to Bookchin as it is to other social conservatives. We are also told that a true city is more than an urbanized piece of land. True cities, virtuous cities, are seen as "distinctive cultural and physical entities." The true purpose of cities is to serve as "ethical arenas with a uniquely civilized form of consociation, free of all blood ties and family loyalties."

We are also told that "traditional conservatives and anarchists" are misguided in calling for the "outright abolition of 'political power.'" Just as the state is to be distinguished from society, so politics is to be distinguished from the state. "Politics" refers to the body-politic's decision-making process and the policies which are developed. "The state" simply refers to the organization that administers these policies. This is a proper distinction. But Bookchin does not address the question why anarchists would want to continue a political process without a state to carry out its decisions.

The central problem with Bookchin's work, however, is its misrepresentation of capitalism. Bookchin usually attacks capitalism for isolating individuals in the social sphere, but early on he attacks it for bringing people together economically, quoting Claude Mosse: "To build one's own house, one's own ship, or to spin and weave the material which is used to clothe the members of one's own household is in no way shameful... But to work for another man, in return for a wage of any kind, is degrading... there is really no difference between the artisan who sells his own products and the workman who hires out his services. Both work to satisfy the needs of others, not their own. They depend on others for their livelihood. For that reason they are no longer free."

Bookchin says that it is merely an "entrenched bourgeois myth that the free man is an atomized buyer and seller whose choices are constrained by his own psychological and physical infirmities." The Athenian citizen "would have seen beyond the arrogance of this self-deception into the pathos of the bourgeois citizen's clientage to the powerful, his aimless pursuit of wealth, his reduction of life to the acquisition of things." We are deceiving ourselves! Bookchin says so! Apparently, jibes like this are

what he expects to convince intelligent people.

He tells us that in pre-capitalist times, man was "communized," but capitalism "leads to privatization of the self and its disintegration into mere egoism. The city, in turn, is no longer united by any sort of ethical bond. It becomes a marketplace, a destructured and formless economic unit, a realm in which the Hobbesian war of 'all against all' becomes a virtual reality."

Things get still more exciting as the book comes to a close. We learn that capitalism is engulfing the world like a cancer and that urbanization is invading neighborhoods, villages and small towns; it is thrusting itself into the recesses of domestic and familial relationships and is subverting the "social bond" itself. The Roaring Twenties with their "socially devitalizing selfishness" let "morality go to the devil." "Mercifully," we are told, "the Great Depression of the 1930s froze this development for a decade." The Roaring Twenties, "with [their] naive imagery of personal greed and vice," were bad enough, but the Fifties brought "corporate greed and commercialized vice, the marketing of managerialism and suburban self-indulgence (material as well as sexual) as a new way of life and a new set of values...Social justice, idealism, and agrarian values of community gave way to privatization, self-indulgence, and suburban cookouts."

Despite the hysterical tone, much of this analysis is accurate—and very encouraging. Bookchin's attitude toward it reflects an uncritical adoption of Judeo-Christian-altruistic ethics. It never occurs to Bookchin that anyone might question these values or imagine other forms of "idealism." He writes his books to show that capitalism is in conflict with them. Okay, it is. But in failing to present any defense of what he takes for granted as virtuous, he misses the whole point. He has no answer to the decadent among us who view egoism as a virtue and altruism as a vice.

In Bookchin's suggestion for an agenda for the future, he lets collectivism and statism roam unhindered. According to Bookchin, to have a community context and overcome "the vacuity and triviality of life today," we must municipalize our entire economy. All businesses are to be owned by the body politic and administered by the city-state. We are told that "the individual, left to his or her own destiny in the name of autonomy and independence, becomes a seemingly asocial being whose very freedom is denuded of vital traits that provide the necessary flesh and blood for genuine individuality... the 'autonomous individual,' lacking any community context, support systems, and organic intercourse, is disengaged from the character-building process..."

We may take Bookchin's word for it that he feels he lacks a community context. The reader is left to wonder, though, why the people we work with, the people we play with and the people we love, do not count as a community context.

Bookchin's tongue is loaded with *ex cathedra* pronouncements. He often speaks of "morality" as opposed to egoism, and a "moral" economy as opposed to a market economy. Yet, we are presented with no philosophical system of ethics, or even a definition of "morality." Bookchin is talking to himself. Despite all his spiteful jibes at the bourgeoisie and bourgeois society, he never makes any attempts to refute bourgeois ethics or defend his own. His left-anarchism and socialism are apparently at wit's end. ❑

Who Wrote the Bible?
by Richard Elliott Friedman. Simon and Schuster-Summit, 1987.
The New Testament and Early Christianity,
by Joseph B. Tyson. Macmillan, 1984.

Going Beyond the Gideons

Stephen Cox

This is an age in which vociferous supporters of paternalistic government often deduce their political and moral views from what they are pleased to think is a literal reading of the Bible—and friends of liberty are often unprepared to reply except with an invocation of the First Amendment and a joke or two cribbed from *Inherit the Wind.* Some objective examination of Scripture might be helpful, and I have two books to recommend on the subject.

But to whom shall I make this recommendation? I imagine a group of people locked in a hotel room with a Gideon Bible. One person is a fundamentalist. He believes that the Bible contains within itself everything that is necessary to explain its doctrine and history. He will not be interested in reading either of the books I want to mention—although, curiously enough, he has in his pockets a quantity of his own commentaries, pamphlets, and printed sermons, all of them written to explain the document that supposedly explains itself. A second person is a New Age aspirant to spirituality. He has never read Second Corinthians but is convinced that anything said by so stodgy a figure as St. Paul could not possibly merit explanation. A third person is a modern mainstream Christian who is trying to escape from the room so that he can attend a demonstration against aid to the Contras. Certain that the social gospel is the only gospel that was ever preached, or ever mattered, he remembers only one line from St. Paul: "The letter killeth, but the spirit giveth life." Nothing in the Biblical text or its history concerns him further. And finally there is the atheist, who claims to be totally uninterested in reading about the *falsehoods* of Scripture, but is full of his own explanatory theories about those falsehoods.

These four people fight like cats over and around the Bible, but none is curious to learn anything new about it—to explore the historical contexts in which its major books were written (or even to find out their approximate dates), to analyze the political and social pressures under which its writers and editors struggled, or to understand the processes by which a wide variety of documents came to be accepted as canonical and incorporated into something called the Bible.

Yet there is a fascinating and dramatic story in every aspect of this subject, and one of the most fascinating stories is that of the effort to put together the thousands of textual clues that the

Biblical books offer about their own composition and produce an explanation of what happened. This detective story, as Richard Elliott Friedman says in his new book, *Who Wrote the Bible?*, has been in progress since people first "noticed that the Five Books of Moses included things that Moses could not have known or was not likely to have said." The work of detection has occupied some of the most ingenious minds of the past few centuries, and no final explanation has emerged. Friedman, however, makes a major contribution to the history of the Old Testament's composition, announcing important discoveries and at the same time supplying a highly accessible introduction to what has been done in the past. Friedman is especially concerned with the OT's central historical narrative. He reveals the ways in which its writers responded both to the events of their times and to the earlier writings with which they were acquainted. He shows how the political trials of the kingdoms of Israel and Judah influenced Biblical writers, and he explores in careful detail the manner in which the Scriptures were complicated and enriched by attempts to combine different accounts of history that were available in different documents. Friedman writes with a truly admirable clarity and zest. Still better, at every point he explains the reasoning that leads him to advance his interpretations.

A companion book to Friedman's Old Testament study might well be Joseph B. Tyson's *The New Testament and Early Christianity*. Not so innovative or so lively as Friedman, Tyson nevertheless ranks high in clarity, objectivity, and the ability to take the reader through his process of reasoning. Like Friedman, he supplies a good account of the various attempts to understand the history of Biblical authorship, and his annotated bibliographies are an excellent guide to alternative ways of putting the puzzle together. He is sensitive, also, to the ideological implications of various ways of understanding Christian literature. Our conception of the way in which this literature was produced—the degree to which it was influenced, for example, by the oral tradition of certain communities, or by the requirements of evangelism, or by doctrinal or political controversy—can make a very big difference to our interpretation of what Christianity was (and is) about. A reading of Tyson's book, and Friedman's, would go a long way toward correcting the facile dogmatism that appears on all sides whenever the Judeo-Christian literary tradition is discussed. ❑

Booknotes

Religion, Economics, and Social Thought
Proceedings of an International Symposium
Walter Block & Irving Hexham, eds.
The Fraser Institute, 1986.

This is a perfect book for those libertarians (who must number in the dozens, at least) who are very concerned with the place of religion in society, and in the various cases made both for and against liberty on religious grounds. The essays are scholarly but generally well written, and several of them can only be described as fascinating. I found A.M.C. Waterman's essay "Christian Political Economy: Malthus to Margaret Thatcher" and Imad Ahmad's explanation of "Islamic Social Thought" especially interesting. Though all of the essays are basically attempts at historical interpretation, this does not prevent the authors—or the many commentators and discussants—from advocating and arguing for particular political and philosophical positions. Indeed, it is amusing to witness the same sort of philosophical controversies among religious thinkers as are found among libertarian thinkers (mostly agnostic) in such tomes as Machan's *Libertarian Reader*.

Lastly, I should confess: I did not read every word of this book. But there is absolution: one advantage of books such as these is that you need not feel guilty if you do not read every single contribution; the utility of the volume can be gained by picking and choosing. Thank God. —David Sheldon

The Conquest of America
Tzvetan Todorov
Richard Howard, trans.
Harper & Row, 1984, 274 pp. $17.95

The title is perhaps a little misleading: this book is not about the European conquest of *all* of the American continent, nor even about the conquest of the peoples of the landmass now known as North America, and certainly not of the area popularly known as "America," e.g., the "United States of America." It is, instead, primarily about the Spanish conquest of the Aztec nation, and secondarily about the conquest of those neighboring peoples who were not a part of the Aztec hegemony but did became a part of the Spanish Empire. And it is about the dead, who did not survive the change of rulership.

But what makes this book special is not that it is a history, a narrative of facts, but that it is an analysis—an interpretation—of one of the most momentous of one particular series of historical events. Todorov, a respected European literary critic and semiotic theorist, has chosen to look at the Spanish discovery and conquest of the New World with a special eye to the clash of cultures, ideologies, and *"Weltanshaaungen."* He states his theme as the "discovery *self* makes of the *other*," and it is this very moral concern which informs the whole work.

Like any historian he retells many tales; like any good historian he has pored over all sorts of primary sources; and he is familiar with most of the secondary literature on the subject. But the virtue of the work is his moral (and interpretive) purpose, which is, I think, an exemplary success.

I recommend this work to libertarians concerned with the "Indian question" (or, better yet, *questions*—which have recently been brought out of neglect and into mind); to *anyone* who wants a fascinating and never boring account of what Todorov rightly calls the events that "mark the beginning of the modern era"; and to every self-described "egoist" who still believes that "rational self-interest" is the most important sort of interest to come to terms with in order to deal with social, political and moral issues. Concerning this last point, I think this study of human values directs attention to where it is most deserved: interpersonal understanding and valuation. —DS

➟ *continued on page 59*

Film

Natural Lawman

Timothy W. Henderson

Imagine you are Morgan Hickman, bounty hunter, protagonist of *The Tin Star*. You're "not the law," but you "work inside it, for money." Yesterday, you brought in the carcass of Luke Jamerson, murderer, to collect your reward. Mayor Kane made it clear to you that men of your profession are disdained by his "decent folk." Refused a room at the hotel, you spent last night outside of town at the home of two other outcasts: a half-breed boy you befriended, and his widowed mother, whose proud Indian husband had been killed by racists. Now, with the autopsy completed, confirming your report that Jamerson had been killed by only one frontal shot in a fair fight, you enter the office of young Sheriff Owens to sign the claim that he must also endorse and send to the freight company that posted the reward. You make your mark, then hand the pen to Owens, but before he can sign, Bogardus, the town's tough guy and Owens' chief competitor for the sheriff job, shoots an Indian in the back, gunning him down in the street. Owens, still a tinhorn "law mule," tentatively approaches Bogardus to arrest him. Bogardus lulls Owens with his talk, while slyly taking hat in hand and lowering it to his side. Just as Bogardus, his gun concealed by his hat, moves to draw on Owens, you fire a single shot from across the street and blast the gun from Bogardus hand. You explain your actions to the surprised sheriff by saying which of the following?

Choose one:

a.) "Too bad I stole your glory, Sheriff, but it's my policy to shoot anybody who draws a gun, whether they're aimin' at me or not. A man's got a reputation to maintain." Or,

b.) "Please pardon my intrusion, Sheriff. I didn't mean to interfere. I was only trying to draw his fire toward me, so you wouldn't be hurt." Or,

c.) "'Scuse me, Sheriff, but you forgot to sign my claim."

Days pass, and your five hundred dollars of reward money arrive. In the time you've spent boarding with Norma Mayfield and her son, Kip, you've grown affectionate toward her and the boy. Kip is an energetic, enterprising youngster who's been raising pigeons to earn the money to buy a horse and "maybe a dog." But despite Kip's determination, the Mayfields are of such modest means that it's apparent his dream of ownership is only that. So, you spend a couple of bucks on an old paint named Dinky and give it to Kip. Kip's eyes light up like the Fourth of July when you hand him the reins, and he leaps into the saddle, shouting for joy as he gallops off. By way of apology, Norma says, "He didn't even thank you!" "He sure did," you reply. "Didn't you see his face?" Mock-reprimanding you, Norma says, "You're too generous." Which of the following is your reply?

Choose one:

a.) "Hah! From now on that kid'll worship the ground I walk on. If I ever decide he's getting too uppity, I'll just remind him how beholden he is to me, and that oughta slap him down good." Or,

b.) "Oh, no, quite the contrary. It is I who should be grateful that he would accept a gift from one whose soul is as tainted as mine." Or,

c.) "Don't fool yourself. A man lives alone like me, he gets kinda selfish. If he gives you anything, you can be sure he's gettin' his money's worth."

Before you move on, Doc McCord, the town's most beloved citizen, is shot and killed by the McGaffey brothers. The mayor promptly flip-flops on the bounty hunter issue and, at Bogardus' urging, offers a huge reward for the capture, dead or alive, of the killers. Bogardus and a riled-up "posse" gallop past the Mayfield house and Kip, playing sheriff, chases after them. At the McGaffey place, the mob gets involved in burning down the house and forgets about pursuing the brothers. The fire leaves the McGaffey's dog homeless, so it decides to run after its masters, who are hiding in the hills. Kip chases after the dog, and you, concerned about Kip's welfare, chase after him. Sheriff Owens, who has learned from you that it's better to "hunt alone, not with the pack," also arrives at the McGaffey's hiding place, a mountain cave. Using fire for a somewhat more useful purpose than Bogardus did, you cleverly smoke the boys out and deftly take them alive. Which of the following do you then do?

Choose one:

a.) You render the McGaffeys helpless by tying them up, then blow their brains out. When Sheriff Owens protests, you quell his objections by explaining that they'll be easier to handle dead. When Kip recoils from your violent act, you blow the dog's brains out too, then laughingly explain that "life's like that" and that he'd "better get used to it." Or,

b.) You tie up Sheriff Owens and give his horse, along with your own, to the McGaffeys. You explain that the boys aren't responsible for their actions, but that society is; therefore, the guilty party is not they, but mankind. In a coup de grace of social justice, you give Kip's horse to the dog, so it can comfortably accompany the McGaffeys on their getaway. Or,

c.) You take the McGaffeys, alive, back to town to be jailed until they can stand a fair trial. When Bogardus and his mob come to hang the brothers, you advise Sheriff Owens on how to prevent the lynching. Kip, having been the first to locate the McGaffeys gets to keep not only the reward money, which he gives to his mom, but the dog as well.

If you chose the "c" answers to the foregoing questions, then you and the "reel" Morgan Hickman see eye-to-eye. This (admittedly rather contrived) introduction is intended to acquaint you with *The Tin Star* by employing the method by which we apprehend a work of the story-telling arts, i.e., through identification with the tale's characters. Our understanding of ourselves gives rise to what we choose to seek in them, but in turn, the act of discovering those charac-

ters, of knowing them by being them, affords us opportunities to reaffirm and, through the revelation of hitherto unacknowledged intra-personal dimensions, to redefine ourselves.

In the case of *The Tin Star*, this approach is particularly apt because the film is, in essence, the portrait of a man, Morgan Hickman. Its form accords with its function. All the cinematic elements that constitute the film—narrative content, dramatic direction, pictorial composition, musical score (which is delightful), editing and so forth—are supportive of this end. Critics who have rediscovered director Anthony Mann's *oeuvre* have noted that *The Tin Star* stands apart from those films for which Mann is most highly regarded, five westerns starring James Stewart. Because *The Tin Star* is different, they brand it a failure, but it is not. Actually, the dissimilarities deemed flaws by critical consensus are those elements of *The Tin Star* which, rather than diminishing the film's effectiveness, most cogently elucidate Hickman's personality. Often, Hickman himself, as realized by Mann and actor Henry Fonda, is considered one of the film's chief liabilities. In fact, his character is the film's primary virtue.

The Stewart films tend to be sprawling and turbulent because the protagonist, though generally worthy and admirable, is conceived as a man in conflict with nature; his struggles with the wilderness and other men are both outward manifestations and symbolic representations of his inner grapplings with desire and obsession. *The Tin Star*, by distinction, is self-contained and coolly composed because Hickman is a man who has achieved, to a significantly greater degree, mastery of self and of the skills requisite to frontier living. From his core radiates a serenity that pervades his involvements, including occasions of heightened action or emotion.

As the protagonists differ, so do the films. All of the Stewart films, except the earliest, *Winchester '73*, were shot in color, a sensible choice considering their vintage ('fifties), setting (outdoors), and emotional tones (vivid). But *The Tin Star*, though it was made just a year or two after these very successful pictures, was shot in black-and-white, for which it is ideally appropriate. It complements both Dudley Nichols' screenplay of fundamental forces and Mann's clear, sure, nuance-sensitive visual plan. Black-and-white (even when deeply, finely edged by cinematographer Loyal Griggs) downplays the eye-catching scenery, rendering it less of an "adversary" and returning it to the background, which in turn "enlarges" character in relation to it. Further, since *The Tin Star* incorporates a greater number of interiors than the Stewart films, black-and-white, being the medium of contrast, serves best to implement expressive chiaroscuro effects in low-light conditions. A good example of this is the subtle, touching, scenes in which Norma Mayfield (played with wholesome vibrancy by Betsy Palmer) hands Hickman a lighted candle. Better still is a somewhat Manichaean scene-ending, hearteningly antithetical to Mann's powerful early *film noir* efforts, in which the camera, situated in a hotel lobby, gazes straightforwardly at Hickman as he is turned away by the desk clerk and walks, with easy, self-possessed gait, out of the shadowy room, through its open door, into a sun-filled street, pausing for a perfect moment, backlit, centered, in the luminous rectangle of the doorframe.

Gunplay is no game, no way to glory, no mere opportunity for showing off fancy moves.

The feeling conveyed in this fragment is of an inner calm, an unshakeable sense of balance that Hickman possesses, which keeps him unaffected by the gawking and scorn of the townspeople. The inescapable comparison here is to Ethan Edwards, the John Wayne character in John Ford's monument to the door-as-cinematic-metaphorical-device, *The Searchers*. In that film, Edwards is separated from the fellowship beyond the portal, and therefore socially alienated, perhaps at times even existentially isolated. Similarly, Hickman is set apart from the community, and yet (as played by Fonda with understated sublimity) he is content, if not fully happy, with his aloneness. Furthermore, unlike Edwards, Hickman is able to relate to the townspeople, but is rejected by them.

But Hickman is not transcendent; he realizes that the mundane and the spiritual are one. Mann deftly depicts this with a few, spare, rudimentary strokes in a scene exhibiting the essence of motion picture expression. The first shot is medium close on Hickman's knee-to-shoulder area, as he demonstrates how to draw and cock a gun in one fluid motion; in the background, a river's currents sweep along in the same direction as Hickman's smooth action, echoing the energy and grace of Hickman's movement, and suggesting the harmonious relationship with nature. Next, in a similar composition, when Owens (Anthony Perkins) draws his gun with some awkwardness, the camera is angled to capture his action going "against the grain" of the river's flow, thereby conveying impressions contrary to those of Hickman in the previous shot.

As this scene continues, Hickman responds with a brief, elementary discourse on the Inner Game of Gunfighting. "Be fast when you go into action," he says. "Be fast with your muscles, but..." He pauses, pointing to his head, "deliberate here." Hickman's spirituality is not muddle-headedly mystical. He indicates that being in congruence with life necessitates an awareness of the immutability of death. (The idea of the unity of life and death is underscored later by the Doc McCord plot-thread: McCord is unexpectedly killed on his ninetieth birthday, but just after delivering a baby boy christened with his name.) Hickman admonishes Owens, "No decent man wants to kill. But if you shoot, shoot to kill." And yet earlier, with Owens as prime witness, he acted contrary to this advice when he shot and disarmed the established villain rather than killing him. Hickman simply wants Owens to understand that gunplay is no game, no way to glory, no mere opportunity for showing off fancy moves. Death is an ultimate fact of life; it is real and it is final. Don't flirt with it.

Though morally exemplary, Hickman is no quasi-religious figure, by western or eastern standards. If he turns from a confrontation, it is to avoid the folly of unnecessary violence, not to turn the other cheek. And if he respects and lives in agreement with nature, it is because doing so has the utility of furthering his life. He does not attempt to lose his identity by merging with some elusive ineffableness.

And Hickman, being human, has his

dark side. He is caustic in response to hostility and foolhardiness, though his rejoinders often function as veiled invitations to discourse. And sometimes he is bitter, especially when longing for his wife and son, who years ago had taken sick and died while he was away tracking an outlaw for bounty money, having been unable to procure a loan from his fair-weather friends. Many of Mann's protagonists, in the Stewart films and others, have experienced some similar trauma, but for them, pain still affects their actions. For Hickman, it is receding toward memory's horizon as his life's course moves him further from it. He even recounts it in the third person, as though it had happened to someone else.

Hickman has evolved sufficiently to let go of the middle third of his life and enter, clear-eyed and resolute, into the last, a concluding age symbolized by Doc McCord. Included in the legacy he will leave is the wisdom he imparts through word and deed to Owens, who is just passing into adulthood, and to Kip (Michel Ray), who is still a youngster, barely embarked on the first third of his life's journey. They, it is intimated, will pass on this knowledge to people like the new born infant.

Sadly, the type of character of which Hickman was such a splendid example, the honest, intelligent, compassionate, independent, capable, self-assured man, is almost absent from contemporary cinema—as is the western itself. Fortunately, one of the benefits of the enduring arts (and film must be considered among them) is that works incorporating ageless values can be turned to again and again. As we have increased our desire for proper nourishment and exercise of our bodies, the market has responded by supplying products to meet our demand. Undoubtedly, if we promote the awareness that minds also require more than junkfood, the market will again respond. ❑

The Tin Star
Studio: *Paramount*, 1957
Producers: *Perlberg-Seaton*
Director: *Anthony Mann*
Cinematographer: *Loyal Griggs*
Story: *Barney Slater & Joel Kane*
Screenplay: *Dudley Nichols*
Music: *Elmer Bernstein*
Cast: *Henry Fonda, Anthony Perkins, Betsy Palmer, Lee Van Cleef, Neville Brand, John McIntire, and Michel Ray.*

Booknotes

➟ *continued from page 56*

The Methods of Ethics
Henry Sidgwick
Seventh Edition (1907)
Hackett Publishing Company,
528 pp., $12.50

As John *("A Theory of Justice")* Rawls states in his introduction to this edition of Sidgwick's classic work, *The Methods of Ethics* "is the first truly academic work in moral philosophy which undertakes to provide a systematic comparative study of moral conceptions, starting with those which historically and by present assessment are the most significant." It is also the best exposition of the classic form of utilitarianism, presented "warts and all," in a prose style that not only meets "academic" standards, but surpasses most similar efforts (including Rawls').

Sidgwick had a brilliant analytical mind, and this work is unduly neglected by contemporary students of ethical theory. Because Sidgwick discussed not only the classic form of utilitarianism, but also the several forms of egoism and intuitionism, this work is especially helpful for those libertarians who reject—or are considering rejecting—the various "natural law" approaches to moral philosophy. Though far from perfect, it is one of those books (such as Brand Blanshard's *Reason and Goodness)* that is on my list of "required reading." —TWV

The Politics of Procrustes
Contradictions of Enforced Equality
Antony Flew, Prometheus Books, 1981

Antony Flew has one of the more peculiar literary styles among contemporary libertarians: like Nozick, there is an element of quirkiness in his approach to the problems of philosophy and in his manner of presenting his ideas. In this book, however, his stylistic oddity is likely to cause the American reader few problems, though his British orientation and examples may.

The title and subtitle delineate his subject very well: the author has mounted a sustained attack on those who find it admirable and moral to put humanity on the "rack of equality" in order to make a better society. With wit and learning he explains, argues, demonstrates, and cajoles the reader into rejecting the egalitarian "ideal."

Flew is not content to demolish egalitarianism, but goes after socialism as well, and with great success. His chapter on "unintended consequences" is better than most such examples of "invisible hand" arguments (which are becoming ubiquitous, and are often presented with little real explanation).

This is not light reading, but is, nevertheless, a good curative for those (few?) "unthinking" egalitarians still capable of thought. —TWV

Coming Next Issue

The Critics of Barbara Branden, *by David Brown*

I Go To Jail, *by Franklin Sanders*

Why Libertarians Should Support the Contras
by Gary Alexander

From Russia With Love, *by Benjamin Best*

Plus: Writings *by David Ramsay Steele, William P. Moulton, Murray N. Rothbard* and others.

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Ethnocultural Observation

Me and the Eiger

by Murray N. Rothbard

There are ethnocultural gaps between people that go far beyond ideology. I was forcibly reminded of this truth when I recently attended a scholarly conference at a beautiful rural spot. The twenty or so conferees were all intelligent, amiable, and scholarly, but I soon realized that there was an unbridgeable gulf between them and me. I'm not talking about the content of the conference, which was...a conference. I'm talking about the conversation that permeated the place outside of the formal sessions, over meals and over drinks. I soon realized, to my chagrin, that none of their conversation held the slightest interest for me. Not a word, not a thought, did they devote to human *culture*—to ideas, books, movies, politics, gossip. Nothing. Instead, they only talked about *nature*. They talked about the contents of the local soil, about the winds, about why it is that the grass freezes overnight more quickly if the climate is dry (or is it when humid?), about the ozone layer, and the eco-system. Yecch!

At one point, I perked up. Two of my colleagues were talking about the "Eiger Sanction." At last! I piped up: "Yes, that was a great Clint Eastwood movie." They looked at me as if I were crazy, and I realized, with mounting horror, that they were talking about the *real* Eiger, and how they had each lost several friends and relatives in their attempt to climb the dread south face (or is it the north face?) of the Eiger.

Let's face it: the difference is ethnic. I am willing to assert that there is not a single Jew who has ever climbed the Eiger, of whatever face, or had the slightest inclination to do so. Any Jew worth his salt regards any yen to climb the Eiger as *mashuggah* (crazy) and the famous answer of Sir Edmond Hillary to why he climbed mountains, "because they are there," as scarcely compelling. So why not swallow a big dose of cyanide because "it is there"? Climbing the Eiger is a striking example of what a friend of mine calls *goyim-nachas* (gentile-happiness). Note what I am not saying: I am not saying that every single WASP talks about nothing but winds and the soil and the ozone layer, and is about to set out to challenge the Eiger. But I *am* saying that in a gathering of Jewish scholars, everyone would be conversing about ideas, books, movies, politics and gossip. And not a single one would have any friends or relatives who died on the Eiger.

If one were needed, empirical confirmation of this great truth was provided at this conference by the one other urban Jew in this gathering of WASPs. While in other contexts we might have been at swords' point, here we were comrades-in-arms. During breaks between sessions, the WASPs, all thin and hardy, climbed neighboring mountains. I happily reclined in my plush hotel room, watching the baseball playoffs (there is nothing more soul-satisfying than watching *other* people engage in strenuous sport), while my fellow Jewish-ethnic, fat and wheezing at forty, ate double meals and fell into a snooze. God bless him, he's the sort of person who made America great.

For those who have lived on another planet and have never been introducd to this form of ethno-cultural analysis, read Philip Roth and watch Woody Allen movies. *That's* what they are all about. ❑

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Books

Imagine Freedom from Governments and Churches; a libertarian introduction. stormy MON, editor. 188 pages, illustrated. Controversial. $4. Libertarian Library, Box 24269, Denver, CO 80224.

"Alongside Night" —J. Neil Schulman's exciting account of a libertarian revolution in 1999. Hardback copies. $5 each, postage paid! *Liberty* Bookshelf, PO Box 1167, Port Townsend, WA 98368.

"The Dream Never Dies: A Convention Diary" by Brian Wright. An account of the 1987 National Libertarian Party Presidential Nominating Convention. $6. Wayword, Inc., 6689 Orchard Lake Rd., #249, W. Bloomfield, MI 48322.

How to Open A Swiss Bank Account in the Bahamas —Mark Skousen's revised edition. $20. Send cash or check to "Mark Skousen," Bahamas Banking, Box 2488, Winter Park, FL 32790.

"Heiland" —Franklin Sander's novel of a future dystopia...and an emerging utopia. $7 postpaid. *Moneychanger*, Box 341753, Memphis, TN 38184.

Periodicals

"I am the first to admit I am no stock market expert. But I know an overbought market when I see one. In my judgment, there is no doubt that a broad and steep decline will hit the market."—from *Analysis & Outlook*, Oct 8, 1987, mailed to subscribers by first class mail Oct 9, ten days before the stock market crash. For subscription, send $36 for one year, or $10 for 3 month trial to *Analysis & Outlook*, Dept L, PO Box 1167, Port Townsend, WA 98368. Pro rata refund upon request guaranteed.

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Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including the *Wall Street Journal* and *National Review*. Mr May is the editor of *The Trout in the Milk*.

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Sandy Shaw and *Durk Pearson* are research scientists who have written three best-selling books on nutrition, aging processes, and health. They publish *The Durk Pearson & Sandy Shaw Life Extension Newsletter*.

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Timothy Virkkala is assistant editor of *Liberty*.

Ethan O. Waters is a writer who lives in Southern California.

Terra Incognita

Los Angeles, Calif.

The dangers that police face in protecting the public, from the testimony of Officer Kurt G. Karz in Los Angeles Superior Court, accused of "wrongful death" in the death of a suspect:

> "I was in absolute fear that he was going to take my gun away from me and use it against me. I fired my weapon to protect myself." The record showed the Officer fired six bullets at his victim, who was nude at the time of his arrest.

Washington, D.C.

Evidence of the personal sacrifices public officials make in pursuing high office, as reported in the University of Michigan *Res Gestae*:

> While job hunting at a reception for losing Democratic candidates for the U.S. Senate, Walter Mondale confided that his next job "would have to pay at least $500,000 and involve little work."

Los Angeles, Calif.

How the Department of Agriculture protects consumers from fraud, as reported in *The Wall St Journal*:

> Wolfgang Puck, owner and chef at Spago, the famous Los Angeles restaurant, was prohibited from fraudulently offering the public pizza by the Department of Agriculture. "What he didn't realize is that these regulations have the force of law," said Judith Quick of the Department. Chef Puck had offered the public pizza made entirely from fresh ingredients. Regulations specify that pizza be topped with "tomato sauce," and the fresh tomatoes Chef Puck tried to substitute did not qualify.

The Malagasy Republic

How the government sponsored vanilla cartel prevents capitalist exploitation of the farmers of this island nation, as reported in the London *Economist*:

> Vanilla growers are paid less than $1 per pound for raw vanilla pods. Taxes raise the export price to $72 per pound, and bring in over $60 million per year to the Malagasy government's treasury.

Houston, Texas

Evidence of the contemplative life of the man "a heartbeat away" from leadership of the free world, as reported in *The Wall St Journal*:

> George Bush's residence in Houston, Texas, has 101 different volumes of Reader's Digest Condensed Books.

Terra Incognita

Washington, D.C.

Another victory in the War Against Tax Fraud, conducted by the public servants of the Internal Revenue Service, as reported in *Accounting Today*:

A businessman was fined $10,000 for using a typewriter that prints 12 characters per inch when filing his 1986 tax return. The businessman had failed to notice in the 16 pages of instructions on filling in form 1099 that "All forms 1096, 1098, 1099 and 5498 must be prepared in accordance with the following instructions... Type or machine print data using a carbon-based black ribbon. Print must be in 10-pitch black type. Any other print is not acceptable."

New Delhi, India

Proof that publicly owned telephone companies are responsive to consumer needs while protecting the public from the abuses of private enterprise, as reported in *The Wall St Journal*:

A former cabinet minister brandished a pistol at the state-owned Mahanagar Telephone Company demanding that they complete a long-delayed telephone call to Bombay.

Washington, D.C.

Three good reasons to support Sen Robert Dole for President, as reported in *The Seattle Times*:

Lynda Carter, Joan Collins and actor-Mayor Clint Eastwood have endorsed Robert Dole's bid for the Presidency.

Irvine, Calif.

The sacrifices law enforcement officers endure in the pursuit of crime, as reported in the *Orange Coast Daily Pilot*:

Pamela Weston was found guilty of prostitution, after agreeing to perform a topless dance for $300 at a party organized by police officers at the Marriott Hotel. By doing so, the woman had implied a willingness to have sex with the party goers.

The party was organized by undercover police officers from three cities. A total of 19 officers participated in the arrest of Weston and another woman at the hotel. The officers did not explain why so many officers were needed for the arrest, or why the officers needed a "bathtub full of beer" at the party, or why the officers photographed the naked hand-cuffed women, or why the undercover officer who convinced another woman to perform oral sex on him forgot to call the other officers so she could be arrested.

Chief of Police Arb Campbell commented on the conviction of the dancer, "Justice prevailed."

Turin, Italy

Food for thought for Americans considering leaving the country in search of opportunities in other nations, as reported in *USA Today*:

"I miss McDonald's," said former National Basketball Association star Dan Roundfield. "We have food shipped in from the U.S. It takes two months for the boxes to arrive, but we have things like canned corn, tuna fish, canned peaches, peanut butter and junk food."

Gansu, People's Republic of China

Evidence of the prosperity that scientific socialism brings, as reported in the London *Economist*:

The official poverty line in China is 200 yuan (about U.S. $38) per year. About 100 million Chinese live below it.

Cleburne, Texas

The repute in which the youngest aspirant to the Nation's highest office holds the Bill of Rights, as reported by Molly Ivins in the Houston *Post* :

"A young man who approached Sen. Albert Gore of Tennessee and asked him to sign a Dead Kennedys record album (if unfamiliar with the Dead Kennedys, ask the nearest teenager) was promptly arrested and hustled off to the hoosegow.

"Gore mistakenly thought the Dead Kennedys were one of the rock groups his wife Tipper has been trying to have warning labeled for dirty lyrics and that the episode was a plot to embarrass him. The kid just wanted an autograph."

Gyangste, Tibet

Further evidence of the liberalization in the People's Republic of China, as reported in the *Los Angeles Times*:

Kris Tait, a 25-year-old English tourist was stopped by a Chinese soldier, who attempted to pull off her T-shirt, which featured a picture of Phil Silvers, who starred as "Sgt Bilko" on a U.S. television show in the 1950s. The soldier believed the picture was a likeness of Tibet's exiled religious leader, the Dalai Lama. Ms Tait crossed her arms over her chest in resistance and eventually managed to escape, after a crowd of Tibetans gathered in her defense.

Washington, D.C.

Proof that spending millions on intelligence has been a good investment for the citizens of the United States, offered in this dispatch from *The Wall St Journal*:

"U.S. officials were shocked to learn that more than 90% of the CIA's agents in Cuba had been taken over and controlled for years by the Cuban Intelligence Service, the DGI. The Cubans, intelligence sources say, 'doubled' most of the CIA's agents and put them to work against their CIA controllers. They also fed bogus information to almost all the agents who weren't actually working for them.

"Although what happend in Cuba was an embarrassing setback to U.S. intelligence operations, it wasn't as damaging as other failures.'We have had a decade of counterintelligence failures,' says an intelligence official. 'There is nothing the Soviets don't know about our most basic methods.'"

Ohio

Further reports of the battle against canine alcoholism, from the Buckeye State, as reported in *The Wall St Journal*:

Posters and cardboard boxes featuring pictures of Spuds MacKenzie, the "party animal" wearing a Santa Claus suit have been banned in Ohio.

Kelso, Washington

Evidence of judicial progress in the wilderness of Washington State, as reported in *The Seattle Times:*

A recall petition based on charges that city councilwoman Diana Johnson, 29, bared her breasts in a bar was thrown out of court by a Cowlitz County judge on grounds that the charge concerned Councilwoman Johnson's private life, and could not be the

(Readers are invited to forward newsclippings and other documents for publication in *Terra Incognita.*)

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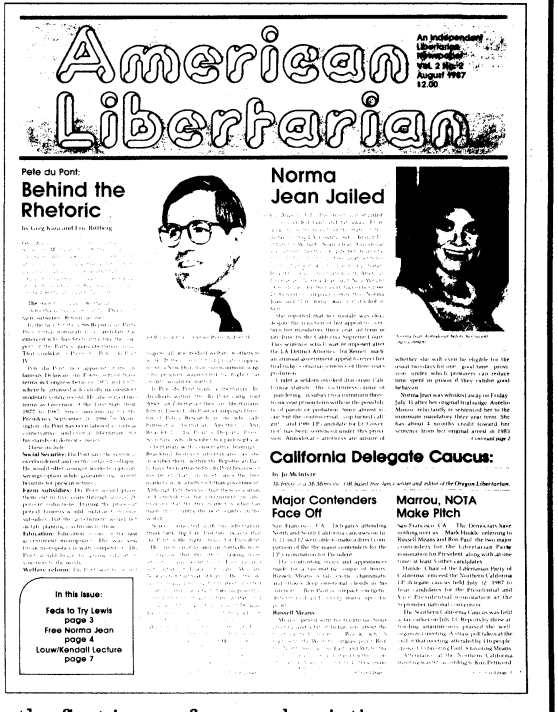
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Pete du Pont:
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Feds to Try Lewis page 3
Free Norma Jean page 4
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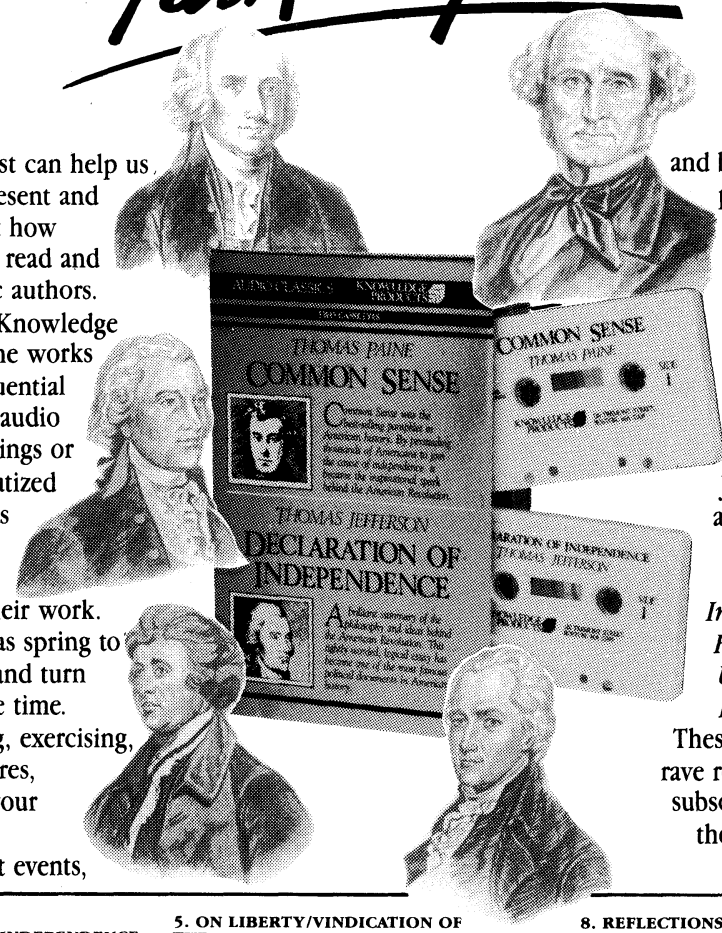

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Contents

May 1988 Volume 1, Number 5

The Two Libertarianisms
Ethan O. Waters, page 7

Liberty In Nicaragua:
An Impossible Dream?
Gary Alexander, page 13

Et Tu, ABA?
Erika and Henry Mark Holzer, page 18

I Go To Jail
Franklin Sanders, page 19

I Go To Russia
Benjamin Best, page 25

The ACLU:
Suspicious Principles, Salutary Effects
William P. Moulton, page 29

Ayn Rand:
Still Controversial After All These Years
David Ramsay Steele, page 35
David M. Brown, page 44

Departments

Reviews

Stephen Cox on Tom Wolfe's *Bonfire*, page 48
Nathaniel Branden on the darker side of Objectivism, page 50
Jeffrey Rogers Hummel on *Quantum Reality*, page 51
William P. Moulton on Thomas Sowell, page 53
Timothy Henderson on the wild remainder, page 54
Sheldon Richman on English vs the educators, page 56
Videonotes, page 59
Buronic Episodes, page 12
Letters, page 4
Classified Advertisements, page 60
Contributors, page 61
Terra Incognita, pages 62

Letters

Dentinger Doodle Dandy

Congratulations for publishing John Dentinger's essay decrying the conservative leanings of many libertarians ("Strange Bedfellows," *Liberty*, March 1988). It not only makes a point that needs to be listened to, but does so with wit and style. While I am supporting Ron Paul's candidacy, I find it distressing that his performance so far will do little to draw women, gays, peace advocates, or civil libertarians from outside the party. Economic issues must be our movement's drumbeat, but let's not forget the melody. Amidst the background noises of theocracy and nuclear Armageddon, and the shrill piping of anti-drug and anti-sex crusaders, Peace and Civil Liberties is an election-year tune America could be dancing to.

Scott Semans
Seattle, Wash.

Academic Irresponsibility

I would like to express concern with a few of Murray Rothard's remarks in the seminar on the "Crash of '87" (*Liberty*, March 1988). There is a real insensitivity displayed on his part when he uses terms such as "a beautiful thing to see" when predicting an economic collapse and "a lovely thing" when forseeing "a smashing defeat" for the Republicans this November. This might not be worth mentioning were it not for the fact that it is a part of a long pattern of such statements. I recall Rothbard's glee when the South Vietnamese government collapsed in 1975, at which time he used similar terms of celebration.

What bothers me is that these remarks are academic in the worst sense of the term. They are divorced from the actual meaning of the events being described, and yanked so totally out of context as to become irresponsible. After all, the collapse of South Vietnam was caused by an invasion by communist North Vietnam, not by a libertarian revolt against the state. Similarly, a GOP defeat this year would, in the real world, simply mean Michael Dukakis or some other left-liberal as President with a compliant Democratic congress. Is this really something libertarians should yearn for?

The left is much better and more experienced at such evasions and context-dropping. They are good at saying such things as "the elimination of a socially regressive pattern of ownership and production," instead of "mass murder." Let's leave such linguistic crimes to them.

Michael Townshend
Chicago, Ill.

Un-Reasonable Purism

The only nagging bitch I have about an otherwise enjoyable issue (*Liberty*, March 1988) is that *Reason* magazine is again pointed out as the hopelessly heretical ex-libertarian scum they supposedly are. And this bothers me.

Reason's contribution to a *laissez-faire* environment over the years has been invaluable. And now, when the "purists" don't represent a big enough market to keep the magazine afloat, they scream about back-stabbing because the magazine is attempting to broaden its subscription base by appealing to libertarians *and* conservatives. Sorry, but I can't dredge up much sympathy.

In fact, I feel that *Reason* may have a much broader social impact by adopting the strategy they have. Publications still exist that are not tainted with the cancer of compromise, but to me, getting a hard core Op-Ed piece in *The Wall Street Journal*, with a readership of 3 million, or *Reason*, which might some day reach 500,000 fans, is a numerical superiority that could result in real progress. When the alternative seems to be pounding on doors for ballot access, I'll take the publishing industry, warts and all . . .

D. R. Blackmon
Etiwanda, Cal.

Leaving the Choir

I'm leaving the libertarian movement. That may shock some people. You may as well know Mike Holmes review of my *Free Market Yellow Pages* ("Libertariana," *Liberty*, Dec. 1987) was the proverbial straw.

During my 3 years in California, I published two issues of the *Free Market Yellow Pages*, produced 6 conferences, 5 half hour tv shows, organized supper clubs and other social events, and participated in numerous other libertarian activities. I'm finally convinced I've "only been preaching to the choir" (with the implied criticism that I shouldn't have been doing so).

I moved to California because of its large libertarian population. I was seeking the appreciation from "family" my own family denied me *because of my libertarian activism* in Florida. One of my biggest disappointments in life was the realization that libertarians enjoy tearing down others just like the average statist. But what is it about libertarians that take such glee in *provoking* disharmony instead of harmony? I wouldn't have minded Holmes' review so much if it had been balanced with at least a few suggestions for improvement. I'm tired of being criticized by armchair libertarians (who I ignore) and dumped on by those who should know better (which I take personally).

. . . Am I really leaving the libertarian movement? And miss all this fun?

Dagny Sharon
Orange County, Calif.

Positive Rights

In "Samaritanism: Good and Bad," (*Liberty*, Dec. 1987) Walter Block wrote, "In the libertarian view, there are no positive responsibilities incumbent upon the moral agent apart from those he takes upon himself, through contractual agreement." This is not accurate. Yes, the distinction he noted between good and bad Samaritanism is not only valid, it is critical to the understanding of libertarianism. But there are positive responsibilities that are not necessarily contractual in origin; for example, compensation, restitution, and stepping on the brakes to avoid hitting another car.

The parent-child relationship does not arise out of contract, yet providing for one's own dependent children is also a positive responsibility. Given the way he has argued elsewhere, Block would respond: Feeding one's own starving children is, like giving charity, optional; parents who choose not to are, at worse, bad Samaritans.

This is simply not so, for we are responsible to others for the consequences of our voluntary actions which we have imposed, or threaten to impose, upon them without their consent. We can have positive obligations to protect from harm anyone we endanger without his or her consent—even though no aggression may have yet taken place.

No aggression is committed by caus-

➡ *continued on page 6*

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More Letters

ing children to be. Nevertheless, parents owe their children care and protection because dependent children are in their parents' power because of the parents' voluntary actions. If they get harmed because their parents have intentionally or negligently abandoned them, the parents have caused the harm; i.e., have initiated force. Because we have the obligation never to initiate force, we can have positive obligations to others for this reason alone.

Doris Gordon
Wheaton, Md.

Kudos

The question brought up by Waters was the reason I first subscribed, so keep this debate going! Now I am renewing because of Dentinger's essay ("Strange Bedfellow's," *Liberty*, March 1988)—it was great! He could have said much more, maybe he will . . . In order for me to get my usual dose of anti-state civil rights stories I have had to find them in *Penthouse* and *Playboy*. I certainly do not get much in *Reason!*(What's the difference between *National Review* and *Reason?* Answer: One step to the Right!)

Treg D. Loyden
Temple, Ariz.

Can You Spell Ultrapedantic?

I write to advise you of the correct spelling of *luftmensh*, which is not a German word at all, but a Yiddish one.

The word *luftmensh* is a very common Yiddish word that refers to someone with no visible income, one who seems literally to draw his sustenance from the air. Unlike other Yiddish words (such as *Tinnef* and *Ganeff*), it is not in current German usage, nor does it appear in the Grimms' *Wörterbuch*, the *OED* of German, and I doubt that any German who is not familiar with Yiddish has even heard it. Thinking *luftmensh* is a German word is, of course, an honest mistake, since Yiddish started out as a variety of German. Since the Middle Ages, however, Yiddish has gone its own way, has had its own literary tradition, and is customarily written in the Hebrew alphabet. This brings up the point of spelling, or transliteration. There is a standard system, but for nonscholarly purposes the system used by Leo Rosten in *The Joys of Yiddish* and *Hooray for Yiddish!* is just fine.

If the "l-word" were German, it would have to be spelled *Luftmensch*, with capital "l" and NO diaresis; it is, after all, *Lufthansa* and not *Lüfthansa*. In any case, the spelling *"lüftmensch"* is wrong and should not be used.

Watch your spelling of foreign words. Liberals can be ultrapedantic. Let's not give them any reason to snort at us, especially when we have lots of reasons to snort at them.

Norman R. Spencer
Champaign, Ill.

Quit Rents, By George!

For a long time I have clashed with many of my libertarian friends over my view that one cannot own land and natural resources in the same way that one owns other kinds of property. I have tended to see the basic logic of Thomas Paine's position that a tax or "social rent" on land might possibly be legitimate.

Ethan O. Waters in "Libertarians, Moralism and Absurdity" (*Liberty*, March 1988) has given me the best ammunition for my beleaguered position that I have yet discovered. Mr Waters takes for granted in his essay the commonly received notion of land rights—i.e., that a mystical concept called "titles" (which is transferable at will) confers rights over land. From this premise he has developed a logically compelling scenario in which libertarians could be cornered into choosing between defending the oppressive practices of a vicious dictatorship or renouncing non-aggression.

The only escape I see from this dilemma is to abandon the wrong-headed notion of property rights upon which Waters' argument rests.

If everybody in a country voluntarily signed over to government their property rights to the air over their land, would that give the government the right to prohibit breathing by undesirables? The blue sky above (and the earth below) are not owned in the same way as is a hammer you bought at Sears. But that does not mean that the concept of property is in itself inapplicable to air or land: industrial polluters do not have a right to make adjacent neighborhoods uninhabitable by fouling the atmosphere—and feudal lords (or small landowners) do not have a right to look around and lay claim to chunks of the planet in perpetuity just by taking out "title." Those who disagree may want to back up their position by giving up their houses to the nearest Indian and going back to the Old World.

Exactly what property rights are legitimate with respect to our biosphere, and exactly how they function, is too complex a subject for a simple letter. But such rights definitely consist in more than a claim—or quitclaim—registered with some governmental authority by somebody's great grandpa. The non-aggression axiom is saved! but, alas! at the cost of the rights of land speculators to exercise eminent domain over God.

Michael Lee
Salt Lake City, Utah

Constitution of Some Authority

I was glad to read Sheldon Richman's critique of the Bork nomination to the Supreme Court ("The Majority *vs* The Majoritarian," *Liberty*, March 1988), for the turmoil in the media was so slanted as to be useless for evaluation. Richman illuminated with chilling clarity Bork's essential rejection of the 9th Amendment. I can only hope that Richman is correct in thinking that this event has stimulated/will stimulate greater public consciousness of the Constitution and its meaning.

As an interesting reflection on this meaning, Richman brings up the perennial anarchist question, "On whom is the Constitution binding?" I don't know why they continue to frame the question, in view of the fact that an answer is established within the Constitution itself, contrary to the "authority" of Lysander Spooner. (See Art. II, Sect. 1, para. 7 and the entirety of Article VI.)

Simply put, the Constitution is binding on *all* holders of legislative, executive, or judicial office in federal *or* state capacity, on the strength of mandatory affirmation by each individual officeholder. Or, in other words, the Constitution is the supreme law of the land binding on the *actions of government*.

Thus, we come to the crucial problem of our time: the public has grown so ignorant of the nature of the Constitution that it has come to accept as normal a rogue government whose officers operate in an extra-Constitutional manner . . . at all levels. We seem to have lost (or are in dire danger of losing) the concept of a government of laws, not of men. I think we can all agree that a restoration of the Constitution would be infinitely preferable to the festering fascism surrounding us.

Michael J. Dunn
Auburn, Wash.

Essay

The Two Libertarianisms

by Ethan O. Waters

There are two varieties of libertarian theory current today. The difference between the two libertarianisms lies in their reason for advocating liberty. The libertarian moralist advocates liberty because he believes liberty is the condition that results from men acting under the moral law of nonaggression. The libertarian consequentialist advocates liberty because he believes liberty is the optimal arrangement for human society, a way of life under which human beings thrive.[1]

In this essay I will explore further the relationships between these two libertarianisms. It is my belief that although these two approaches to liberty have different philosophical roots, they are actually quite compatible; indeed, they co-exist in the psyches of most libertarians.

Libertarian Moralism and Consequentialism

Libertarian moralism is typified by Ayn Rand: "There is only *one* fundamental right (all the others are its consequences or corollaries): a man's right to his own life. Life is a process of self-sustaining and self-generated action; the right to life means the right to engage in self-sustaining and self-generated action—which means: the freedom to take all the actions required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment of his own life."[2]

To the moralist, recognition of others' property is inherent to recognition of their right to life: "The right to life is the source of all rights—and the right to property its only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has no right to the product of his effort has no means to sustain his life," Rand wrote.[3]

The leading advocate of this moralistic theory of liberty today is Murray Rothbard, whose defense of natural rights in *For a New Liberty* seems almost to be cribbed from Rand: "the nature of man is such that each individual person must, in order to act, choose his own ends and employ his own means in order to attain them . . . Since men can think, feel, evaluate, and act only as individuals, it becomes vitally necessary for each man's survival and prosperity that he be free to learn, choose, develop his faculties, and act upon his knowledge of value. This is the necessary path of human nature; to interfere with and cripple this process by using violence goes profoundly against what is necessary by man's nature for his life and prosperity. Violent interference with a man's learning and choices is therefore profoundly 'antihuman'; it violates the natural law of man's needs."[4]

Ludwig von Mises, on the other hand, typifies the consequentialist libertarianism. For him, liberty is valued because it enables men to optimize their wealth and happiness. He described his political philosophy thus: "Liberalism is a doctrine directed entirely towards the conduct of men in this world. In the last analysis, it has nothing else in view than the advancement of their outward, material welfare."[5]

Property is just as important to Mises as it is to Rand. "The program of liberalism . . . if condensed to a single word, would have to read: *property*."[6] But Mises values property for its consequences: "In seeking to demonstrate the social function and necessity of private ownership of the means of production and of the concomitant inequality in the distribution of income and wealth, we are at the same time providing proof of the moral justification of private property."[7]

For the consequentialist, property is good because it maximizes human well being. For the moralist, property is good because it is in harmony with fundamental moral principles.

Nonsense on Stilts?

As developed by Rand, Rothbard and others, moralistic libertarianism claims to provide its adherents with a logically compelling, objective moral theory. This morality has implications for all men in their social behavior.

Libertarian moralism can be understood as the belief that it is always wrong to initiate the use of physical force against another human being. When Rand first states this moral imperative she writes it in ALL CAPITAL letters, and for good reason. Rothbard concurs, "The central axiom of the libertarian creed is nonaggression against anyone's person or property."[8] It is this "nonaggression axiom" that implies the positions that distinguish libertarian moralism from other political beliefs. The universal opposition to taxes, to conscription, and ultimately to the institution of the state is the immediate consequence of this proposition.

The ultimate meaning of the non-

aggression axiom is: All men have an obligation to refrain from using force or fraud against the life or property of another. This obligation cannot have its origin in contract, for the validity of contract depends on the validity of the nonaggression axiom itself. From what else can an obligation be derived?

For the libertarian moralist, the nonaggression axiom is a consequence of the position that men possess inalienable rights. It was Rand who first formulated the nonaggression axiom, and she formulated it as a corollary to the right to life: "A right cannot be violated except by physical force. One man cannot deprive another of his life, nor enslave him, nor forbid him to pursue his happiness, except by using force against him . . . Therefore we can draw a clear-cut division between the rights of one man and those of another. It is an objective decision—not subject to differences of opinion, nor to majority decision, nor to the arbitrary decree of society. NO MAN HAS THE RIGHT TO INITIATE THE USE OF PHYSICAL FORCE AGAINST ANOTHER MAN." [9]

The first problem with this theory is the derivation of the nonaggression axiom from the notion of inalienable rights. Even if one grants that nature or objective morality confers certain inalienable rights on all men, one can argue that the nonaggression axiom does not follow. For example, nature or objective morality could sanction two individuals to try to possess the same piece of property, in which case one or the other would either have to initiate the use of force or simply abandon the property whose pursuit has been sanctioned.

In response to this sort of thinking, the libertarian moralist has generally proposed that objective morality can never sanction such a conflict because, as Rand argues, "there are no conflicts of interest among rational men."[10] This universal has not satisfied the critics, who have spent considerable energy contriving hypothetical situations, some realistic, others fanciful, in which the interests of rational men conflict. These critics generally argue along the following lines: "Suppose you are on a ship which sinks. You and another rational man come upon a lifeboat, which only has room for one person. Both of you are on the verge of exhaustion. Is this not a genuine conflict of interest between rational men?"

Rand's response to the better contrived of these situations is that they are emergencies, and that normal rules do not apply, and men should act appropriately for the emergency: "An emergency is an unchosen, unexpected event, limited in time, that creates conditions under which human survival is impossible . . . In an emergency situation, men's primary goal is to combat the disaster, escape the danger and restore normal conditions . . . . By 'normal' conditions, I mean *metaphysically* normal, normal in the nature of things, and appropriate to human existence . . . The fact is that we do not live in lifeboats—and that a lifeboat is not the place on which to base one's metaphysics." [11]

The problem with this definition is that it destroys the universality of the nonaggression axiom: if one dispenses with observing the nonaggression axiom in any situation in which conditions "appropriate to human existence" do not prevail, as a practical matter one may dispense with it whenever one doesn't like his circumstances. One should always obey the nonaggression axiom, it is argued, except in emergencies. What is to keep an individual from declaring a personal state of emergency whenever it seems expeditious to initiate the use of force?

To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really need to initiate force."

But more importantly, in granting the validity of certain emergencies (however limited and tightly defined) the libertarian moralists have given up on the universality of the nonaggression axiom. To the question,"When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really *need* to initiate force . . ."

In challenging the sensibleness and universality of the nonaggression axiom, the critics are not getting to the heart of the matter. For practically every libertarian moralist, the nonaggression axiom is the logical consequence of the inalienable rights of the individual. Whether or not the nonaggression axiom can be formulated in a reasonable and universal way is clearly secondary to the issue of whether inalienable rights exist; if the concept of inalienable rights is not rational, the formulation and defense of the nonaggression axiom is an irrelevant intellectual exercise.

Just what are these "natural rights" or "moral rights" upon which the nonaggression axiom is based? Perhaps natural rights can be understood in the same way as legal rights: just as one's legal rights are those rights conferred by law, so natural rights are rights conferred by nature or by objective morality.

At first inspection, there is much to be said for this understanding of rights. The notion of legal rights is widely understood and makes perfect sense. We all speak fluently of legal rights in a variety of contexts: rights to manufacture a certain item, rights to use exclusively a certain piece of property, rights to produce a certain play, etc. Legal rights are the products of declarations by the state that it will defend an individual's taking certain actions against other individuals who might interfere. When one says, "I have a legal right to do this," one means "the state will defend me against anyone's preventing my doing this."

Can we understand natural or moral rights in this same fashion? Perhaps we can understand natural rights to be rights conferred by nature, rather than the state; and "moral rights" to be rights conferred by morality. Just as it is meaningful to say that a trespasser is violating one's legal rights (i.e. is invading the property that the state guarantees one's exclusive control of), so we can argue that the trespasser violates moral law or natural law.

Alas, neither natural rights nor moral rights can be understood by this analogy. When we talk about legal rights we necessarily talk about the ability of the state to enforce them. When we talk about natural or moral right, do we imagine that nature or morality mobilizes some kind of police power to enforce these rights? Of course not. Legal rights are nugatory

unless people enforce them.

In *Textbook of Americanism*, Rand defines a right as "a sanction of independent action." But this definition has a problem. The word sanction is a bit obscure: in some cases sanction is a synonym for "support, encouragement, approval"; in others, sanction is a synonym for "provision of law that secures obedience."[12]

If Rand means sanction in the sense of "support, encouragement, approval," her notion of rights will obviously not result in anything akin to the nonaggression axiom. At most it might imply lack of support, discouragement or disapproval of initiated force—not the prohibition of initiated force.

On the other hand, if Rand means sanction in the sense of "provision securing obedience," her definition has the same problem as have rights understood by legal analogy have: obedience must be secured by an agent. For a sanction to have meaning in this sense, it must be enforced, and this enforcement requires an agent (e.g. the state). Neither nature nor morality is an enforcer.[13]

If natural or moral rights are not to be understood by analogy with legal rights, or as sanctions, then how are they to be understood? What is the "stuff" of rights? What are rights made of?

Some 17 years after publication of her definition of rights as "sanctions" Rand offered another definition. Perhaps she recognized some of the problems of considering rights to be a particular type of sanction. In her essay "Man's Rights" she defines a right as "a moral principle defining and sanctioning a man's freedom of action in a social context." But this definition is hardly any improvement: even when defining rights as a particular type of "principle," Rand cannot avoid the concept of sanction (and all its concomitant problems).[14]

In view of the murkiness of the concept of inalienable rights, it is not surprising that supporting arguments often depend on outright obfuscation rather than logic. Rand's argument in *Atlas Shrugged* is typical:

> "*Rights* are conditions of existence required by man's nature for his proper survival. If man is to live on earth, it is *right* for him to use his mind, it is *right* to act on his own free judgment, it is *right* to work for his values and to keep the product of his work. If life on this earth is his purpose, he has a *right* to live as a rational being: nature forbids him the irrational. Any group, any gang, any nation that attempt to negate man's rights is *wrong*, which means: is evil, which means: is anti-life."[15]

This may be powerful as rhetoric, but it is no argument at all. By repeating the term *right* five times in italics and once otherwise, Rand may create a parallel in some reader's minds. But certainly *right* as a synonym for "morally proper" and *right* as a synonym for "sanction" are two different terms, and she has failed to demonstrate how any objective moral sanction against initiation of force follows from the moral propriety of taking certain actions.

Perhaps libertarians are aware of the theoretical weakness of their position and are anxious to hide it from the light of day.

The concept of rights makes perfect sense in a legal context. But legal rights are always alienable: they are enjoyed as a product of the state, and cease to exist when the state defining them ceases to exist. In the end, inalienable rights theory fails because it appears entirely chimerical.

Somehow, the various arguments for absolute natural rights seem to most people to be a bit like the actions of a three-card-monte artist: it is impressive to watch, and you seem be following it, but you know the artist is a skilled manipulator and in the end you aren't really surprised that you have been fooled.

It is this chimerical nature of natural rights theory that causes it to lead to the absurd consequences that I mentioned at the beginning of this essay. If natural rights theory makes no sense at its foundation, should we be surprised that it leads to silly consequences? If the concept of inalienable rights is nonsense, then the consequences are indeed, to use Bentham's delightful phrase, nonsense on stilts.

In my previous essays in *Liberty* [16] I demonstrated that the libertarian moralist must logically defend political institutions and laws that he knows are destructive to human prosperity, liberty and life provided that such institutions and laws have their origin in contract, and that libertarian moralism ultimately implies either that (a) a good person cannot use any government services whatsoever, including such benign services as the post office or government roads; or that (b) a good person can use virtually any government service whatever, including the use of the police to take the property of his neighbors for his own benefit.

These are, of course, patently absurd propositions. The fact that these patently absurd propositions are the logical consequences of libertarian moralist theory is not an argument against that theory. If the theory is objectively true, then the fault lies in our notion of absurdity. Any valid attack on it must challenge its logical antecedents: either the propositions that underlie it or the specific argument by which it is defended.

I have discussed some of the problems that exist in the development of that theory, but I have not systematically attacked it. Such an attack is beyond the scope of this paper, for it would be required to address each variation of the derivation of the moralistic libertarian position. I have, however, indicated the problems exhibited by most formulations of the moralistic libertarian position.

The Road to Slavery?

Consequentialist libertarianism provides its adherents with a cohesive, rational approach to political theory. As developed by its leading theorists (e.g. Mises, Hayek, Donisthorpe) it provides the intellectual tools to understand human action. Because the consequentialist libertarian has developed a systematic way to study human interaction, he can make public policy recommendations, even in the context of the real world.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments. Indeed, one of the leading libertarian moralists, Murray Rothbard, by training an economist, is happy to defend the truth of the core belief of

consequentialist libertarianism—that a free society is far more productive and conducive to human happiness than an unfree society.

The moralist critics take two lines of attack against consequentialism. On a theoretical level, they argue that consequentialism is wrong because it denies the propriety of an objective moral theory, inalienable rights and the universal prohibition against aggression. The other moralist criticism of the consequentialist position has nothing to do with its truth or falsity. It is that consequentialism fails to inspire moral fervor. This criticism grows out of its ability and willingness to make policy recommendations within the context of a non-libertarian society; somehow this requires that the consequentialist abandon the moral high ground. "The utilitarian . . . will rarely adopt a principle as an absolute and consistent yardstick to apply to the varied concrete situations of the real world," writes Murray Rothbard. "To say that a utilitarian cannot be 'trusted' to maintain libertarian principle in every specific application may sound harsh, but it puts the case fairly."[17]

Even if one concedes that consequentialism's theory is rational, logical, and scientifically sound, it does a poor job of advancing liberty. "Who in hell would join a radical minority movement, and commit him- or herself for life to social obloquy and a marginal existence, for the sake of 20% more bathtubs or 15% more candy bars? Who will man the barricades, either physically or spiritually, for more peanuts or Pepsi?" asks Murray Rothbard. "Look at all the radical or revolutionary movements of the 20th century, whether they be Communist or fascist or Khomeiniite. Did they struggle and move mountains for a few more goods and services, for what we used to call 'bathtub economics'? Hell no, they moved mountains and made history out of a deep moral passion and would not be denied. What moves men and women and changes history is ideology, moral values, deep beliefs and principles."[18] This criticism is clearly *ad hominem*: it portrays the consequentialist as coldly making calculations in exclusively material terms, assuming that consequentialists do not ever consider valuing anything outside the money nexus.

Is Synthesis Possible?

Given the theoretical divergences between libertarian moralists and consequentialists, it is surprising that the two groups get along so well. Most radical political or religious groups fragment over matters of far less importance to their central beliefs. Given the fervor of many advocates of both moralism and consequentialism, one might expect the libertarian movement to be split into irreconcilably bitter, hostile factions over the matter.

> *It is not surprising that arguments for rights often depend on outright obfuscation rather than logic.*

In actual fact, aside from an occasional argument in an academic journal or other obscure place, the issue is hardly noticeable. What accounts for this peculiar phenomenon?

One might be tempted to think that the absence of acrimony over the issue is the product of people's rationality and good manners. But libertarians have long shown a willingness to argue over points far less significant. Battles over the presidential nominations of the Libertarian Party, for example, often move members to tears; the nomination of David Bergland in 1984, touched off a mass exodus of many longtime party activists, including most of those who had managed the 1980 presidential campaign.

A more cynical hypothesis is that libertarians are aware of the theoretical weakness of their position and are anxious to hide it from the light of day. There may be some truth to this, I suppose, though most libertarians' willingness to consider and accept so radical and unpopular a view as libertarianism indicates that they are open to peculiar ideas and willing to stand on their own judgment.

There is, I believe, a better explanation for the remarkable lack of controversy on the issue. I am convinced that most libertarians have little interest in the controversy because they find elements of both beliefs within themselves.

This hypothesis first occurred to me almost a decade ago after a conversation with a friend, a fairly prominent libertarian. On a lark, I asked him if he would consent to my interviewing him about his beliefs as though I was a non-libertarian journalist. He consented and the game was on.

"Why do you advocate freedom?" I asked.

"Because men have moral rights to life, liberty and property," he replied. He was confident, almost brash.

As I questioned him further, leading him along the same critical lines of thought about rights theory that I summarized above, his demeanor gradually changed. His air of certainty receded; he grew defensive. After an hour or so, he admitted with a little exasperation that he was quite aware of the problems in rights theory. In fact, he went on, he did not believe that rights theory was defendable. "It's just that I think everyone should be free. The world would be a far better place if all men were free."

He had admitted that rights theory is wrong, and that consequentialism is right. What an extraordinary turn of events, I thought. My friend advocated moralism only because he thought it more rigorous, more respectable, more defensible. His advocacy of libertarianism was moralistic; his defense of libertarianism was consequentialist. Perhaps other advocates of rights are actually closet consequentialists.

A few days later, I was involved in a similar discussion with another natural rights advocate. But he could see where my line of thinking was leading. He cut me short and took the lead. Before long he was asking me questions like the following: Would you violate another man's rights if doing so had little risk and would likely mean substantial wealth for you?

I shall not bore you with details . . . Suffice it to say that within a few minutes I admitted I would not steal under such circumstances, and that in an important sense, I was a libertarian because libertarianism seemed morally right, though I could not rigorously defend that morality.

It occurred to me that I wasn't much different from my moralist friend. Just as he had a moralist ideological offense but a consequentialist defense, I had a consequentialist offense, but could not dispense with my

own moral sensibilities. Both of us had psychologically synthesized our beliefs.

We agreed that the consequentialist position made good sense and neither of us could dispense with our own moral views. He considered the moralist element of his thinking to be more acceptable to others, so his offense was moralist, but deep in his secret heart, he realized that the moralist argument was lacking.

I remain convinced that the moralism of inalienable rights and the nonaggression axiom is just plain wrong: its derivation is fallacious and its logical consequences sometimes silly. But I have not dispensed with morality altogether.

So I suggest before we conclude that the two libertarianisms are mutually exclusive that we reflect on their psychological compatibility and consider the possibility of philosophical synthesis. Perhaps we should consider the two libertarianisms to be two aspects of the same belief, or different emphases of the same basic belief. If libertarianism is a proper theory there is no reason to doubt that it is both morally right and eminently practical. ❑

Endnotes

1 There is also another school of libertarian thought. Certain libertarians, S.E. Parker, for example, defend liberty on strictly personal, egoist grounds. For them liberty is good because they want it. This rather idiosyncratic school of thought is relatively uninfluential within the libertarian movement at present.

2 Ayn Rand, *The Virture of Selfishness* (New York: New American Library, 1964), p. 93. It is impossible to understand the modern libertarian movement without coming to grips with Ayn Rand. Indeed, the development of libertarianism in many ways can be understood as the development of the implications of the nonaggression axiom and reactions of other thinkers to it.

Although Rand eschewed the radical libertarian theory that the nonaggression axiom implied, those who admired her thinking did not. If no man or group of men has the right to initiate force, how can a group of men form a government, that is, form an institution that claims a monopoly on the use of force within a given area? This sort of thinking was apparent to Rand's followers, and led to the birth of the modern libertarian movement.

3 Ibid., p. 94.

4 Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1973), p. 26. Rothbard acknowledges his agreement with Rand and his debt to her. In *The Passion of Ayn Rand* (Garden City, N.Y.: Doubleday, 1986) Barbara Branden writes: ". . . Rothbard has stated that he 'is in agreement basically with all her philosophy,' and that it was she who convinced him of the theory of natural rights which his books uphold."(p. 413)

5 Ludwig von Mises, *Liberalism* (Princeton, N.J.: D. Van Nostrand & Co., 1962), p. 4.

It should be noted that Mises used the term "liberalism" as it was understood everywhere in the 19th Century and is generally understood in Europe today: as a belief in a maximum individual freedom and a minimal state. The term "libertarianism" in its present meaning did not come into common use until the 1960s. Cf "The Decline of Classical Liberalism: 1860-1940" by Stephen Davies, *Humane Studies Review*, 5 (Winter 1987), 1-2, 15-19.

6 *Liberalism*, p. 26.

7 Ibid., p. 33.

8 Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1973), p. 23.

9 Ayn Rand, "The Textbook of Americanism," (New York: Nathaniel Branden Institute (n.d.), p. 6. Reprinted from *The Vigil*, 1946, a publication of The Motion Picture Alliance for the Preservation of American Ideals, of Beverly Hills, Calif.

10 Rand, *The Virtue of Selfishness*, p. 56.

11 Ibid., p. 47.

12 So, at least, says *Webster's New World Dictionary*.

13 In actual fact, the enforcement need not take the form of punishment by aggressive violence. In primitive hunter gatherer cultures, the enforcement frequently takes some form of ostracism. The threat of ostracism is usually effective only in a small society where survival and well being are dependent on remaining in good standing of that society. The use of ostracism as punishment in a highly civilized society is rarely effective except within families and cults, where conditions parallel primitive society in many ways.

14 Rand, *The Virtue of Selfishness*, p. 93.

15 Ayn Rand, *Atlas Shrugged* (New York: Random House, 1957), p. 1061.

16 Ethan O. Waters, "Reflections on the Apostasy of Robert Nozick," *Liberty* (Oct. 1987), pp. 14; and "Libertarianism, Moralism and Absurdity," *Liberty* (March 1988), pp. 14-15.

17 Rothbard, *For a New Liberty*, p. 24.

18 Murray N. Rothbard, "On the Duty of Natural Outlaws to Shut Up," *New Libertarian*, No. 13 (April 1985), pp. 10-11.

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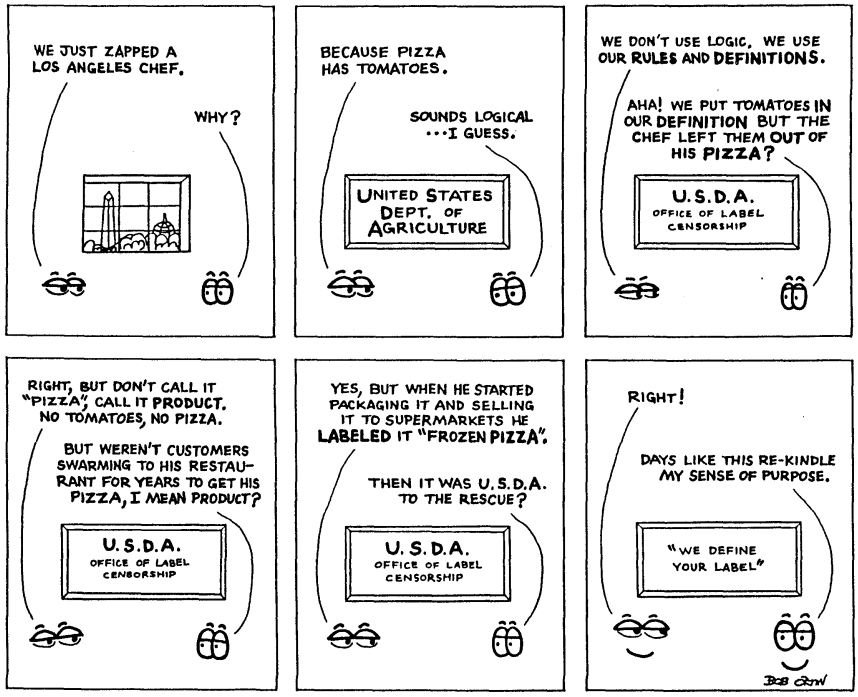

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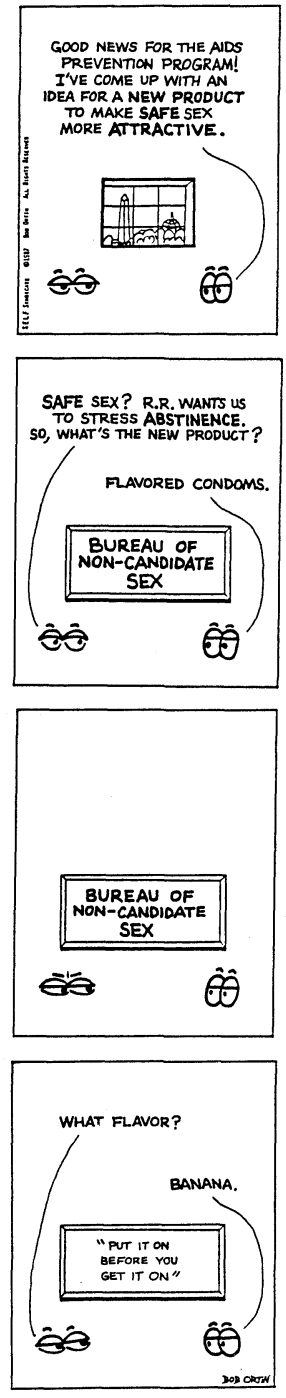

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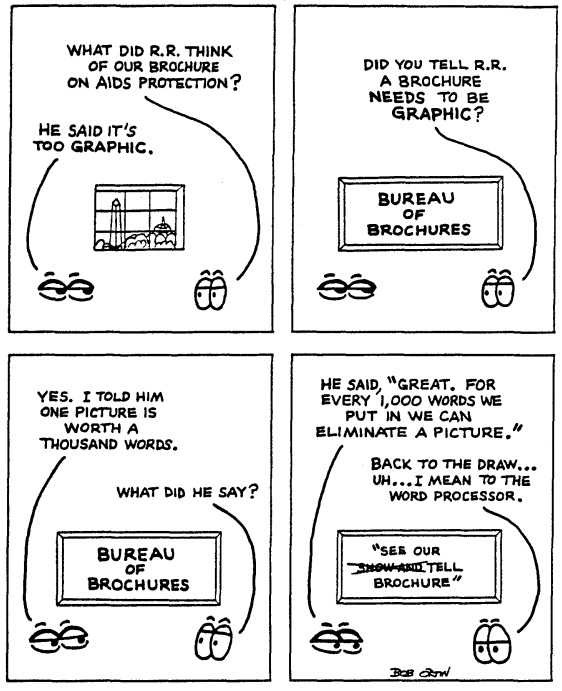

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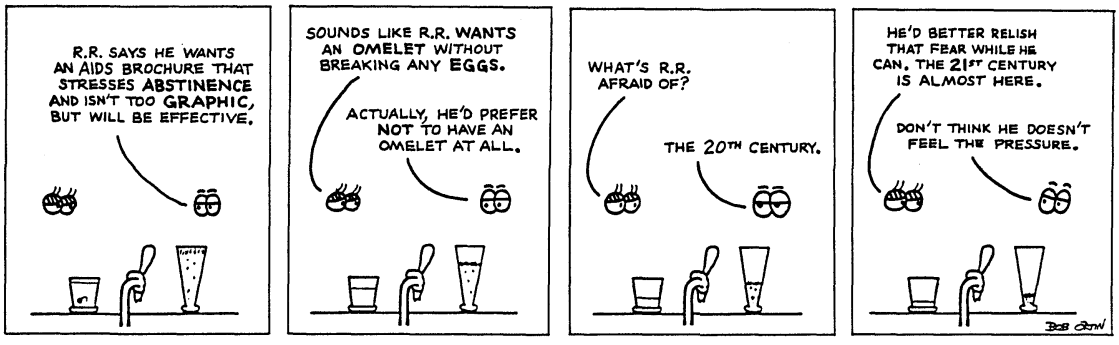

Liberty in Nicaragua: An Impossible Dream?

by Gary Alexander

As I edit this Central American travel journal for the umpteenth time, I see from this morning's paper that violence has flared up again in Nicaragua, while riots in Haiti have disrupted the first elections held there in 30 years. Meanwhile, violence from the "right wing death squads" in El Salvador seems to be on the rise again, and terrible stories are coming out of Panama, Chile, Argentina, Cuba and several other Latin American nations. Meanwhile, in my own back yard, the Cuban Marielitos, who are held captive in federal prisons in Atlanta and Oakwood, Louisiana, are rioting to defend their most viable option—to stay in a squalid prison rather than to be shipped back to Castro's Cuba.

In other words, the situation in Latin America is normal: all fouled up. As I fold up this morning's paper and turn my attention back to this Nicaraguan journal, I have to ask myself, "Am I crazy trying to support the cause of freedom in Nicaragua? Will Latin America *ever* grow out of this violent pre-revolutionary stage and enjoy even the simplest rudiments of liberty—or is freedom another impossible dream in the Third World?"

While nobody knows the answer to the first question, I now know from direct experience that liberty is no longer an impossible dream for everyone in Latin America. Hundreds of thousands of them are voting with their feet for freedom. Asia had its "boat people," but Latin America has millions of "feet people" who don't face the watery barrier holding back most Asians, or even Cubans and Haitians, for that matter. As a result, we're seeing a mass exodus of Latins into North America, and the stream will escalate unless we help provide those Latin American nations with a fighting chance for liberty.

While libertarians in North America dot the "i" or cross the "t" on their own personal crusades for liberty, the majority of the rest of the world hasn't even mastered the capital letter "L" of Liberty yet—Life itself. For the bulk of Latin America, and most of the rest of the Third World, our noble crusade toward minarchy or anarchy must seem light years away from their elemental struggle simply to stay alive in order to make those choices. Their goal is to avoid bullets, torture or starvation.

Like many libertarians, I have been a closet crusader over the years. I fought the draft in the 1960s and taxes in the 1970s and 1980s. I hope to live to fight another day, but the focus of freedom has definitely shifted for me since I took a trip to the Soviet Union in 1986, and then to Nicaragua and Honduras last fall. During the last week of the 90-day "Arias Peace Plan," I visited those war weary nations, along with fellow libertarian activist Jim Blanchard and several others. The highlight of our trip was witnessing the last refugee border crossing at Las Manos, Honduras, on October 31, 1987. (As far as we could tell, we were the only Americans who filmed that historic final border crossing.) The Honduras portion of our trip was by far the most moving, and that's what I'll concentrate on in this article. First, we paid a visit to a clandestine Contra hospital camp, then to the border, and finally we saw where many runaway Nicaraguans end up—at a squalid United Nations-run refugee camp. Meet the "Feet People" of Nicaragua . . . .

Freedom Feet

On Friday, October 30, 1987, we visited a hidden hospital camp treating wounded Contras, situated midway between Tegucigalpa and Danli, in southeast Honduras. These young soldiers were recovering from the loss of their various extremities in battle. The "Freedom Feet" camp is sponsored by Dr. Alton Ochsner's Caribbean Commission (see Appendix 1). For just a few hundred dollars of tax-deductible donations, the Freedom Feet can send volunteer American doctors to Honduras to fit prosthetic devices to young legs and arms blown away by Sandinista land mines, bullet wounds and Soviet-made Hind-24 attack helicopters. Amazingly, we found these boys (mostly teenagers) were walking, even running, within a few minutes of strapping on their new legs. There was tremendous *esprit de corps* among the 100 young men there, plus a handful of women fighters, like Delores . . .

Delores, 20, has been fighting with the Contras since she was 14, usually working as a courier.* About 18 months ago, she was trying to save a platoon commander who had been hit badly in a skirmish. However, the two of them

* *Noms de guerre* are frequently used, to protect the identity of those who may return to Nicaragua).

were surrounded and cut down by heavy automatic fire. They were "executed" point blank by Sandinistas firing a machine gun blast into their bodies. Left for dead, Delores had 11 bullet wounds in her body—in both her legs, both arms and shoulders and over the periphery of her torso, but no mortal wounds. The commander died, but Delores was rescued the next day by her comrades. It took her 12 days to get out to a makeshift hospital. Now she is recovering, but still limps badly. To help give her the best care possible, some private U.S. citizens are paying for her trip to New Orleans to receive volunteer medical care in Baton Rouge. (This is but one example of how private sector aid can help. More on that later.)

Another Contra is called "Dr. Don," about 30, a tall, strong medical doctor, fluent in both Spanish and English. He did our translating at the Freedom Feet base camp. He is one of only 19 medical doctors serving with the Contras in Nicaragua. He grew up in Bluefields, on the Atlantic coast, was educated in Mexico and has been fighting deep inside Nicaragua with the Contras for over four years. At the time we met him, he had been fighting and healing broken bodies for so long that he needed a 20-day tour of "rest and recreation" but despite being on a tour of R & R, he was working eight hour days helping the volunteer doctors fit patients for prostheses, and translating between patient and doctor.

Dr. Don was discouraged about the United States' on again, off again support of the Contras. Don told us he desperately needs basic medical supplies from the outside world: especially antibiotics, surgical equipment and pain killers. We asked, "What do you think's going to happen if aid fails to come?" At first he couldn't answer. A few minutes later he said, "Big question. If the money keeps coming in at a pittance, we'll never win the war. The Sandinistas are getting $600 million a year from the Soviets, but we get $27 million one year, nothing the next, then $3.2 million. With you people, it's yes, then no, then yes, then no. We need friends we can trust."

Then we met "Coyote," 14, who had stepped on a land mine a few months back and was being fitted with an artificial leg at the Freedom Feet facility when we met him. By now, he was chomping at the bit to get back inside Nicaragua. He had been fighting for three and half years, since turning age 11. Asked why he was going back, he said his family was there—oppressed and fighting for freedom. He said he was fighting for freedom of speech, freedom to move about without Sandinista control, and freedom of religion. (How many 14-year-olds do you know who can talk that intelligently about freedom, much less fight for it?) Dr. Don said some of these young ones are the most dedicated to the Contra cause, and it showed: Little Coyote had the hard glint of a seasoned fighter in his eyes.

We interviewed several more freedom fighters. We saw one boy with both arms blown off, by a rocket launcher, and another with both legs blown off by a land mine, but these boys were uniformly desirous of getting back into Nicaragua. In fact, the doctors couldn't keep some of them down. There's no barbed wire keeping them in. A lot of them walk off into the sunrise, never to be seen again. After all, it gets pretty boring there. While we talked, some of the boys were playing baseball on their artificial legs.

Coyote, who had stepped on a land mine and was being fitted with an artificial leg, was chomping at the bit to get back into Nicaragua. He had been fighting since he turned 11. His family was there—oppressed and fighting for freedom.

Also present at the Freedom Feet camp were a couple of private American citizens who were considering donating helicopters and other light aircraft to the Contra cause. It struck me as bizarre that the Soviets donated over 50 Hind-24 attack helicopters and 40 Mi-8/17 transport helicopters to the Sandinistas, but the freedom fighters had to ask private American citizens for a single humanitarian helicopter! The "Lady Ellen" helicopter, donated by Ellen Garwood, has evacuated hundreds of wounded freedom fighters, who would normally need to walk two weeks to find an aid camp. (This is yet another example of successful, though minuscule, private aid at work.)

The Last Great Escape

October 31 marked the sixth and final Saturday exchange of refugees and their families in a narrow, two-kilometer "neutral zone" on each side of the Honduras/Nicaragua border at Las Manos. The previous week, 500 refugees had escaped the confines of the border, and another 1,200 crossed near the Costa Rican border before the border guards fired into the air, and bashed a few heads, in order to try to slow the tide of Nicaraguans pouring out of the socialist worker's paradise there.

As we drove the last 20 miles south of Danli toward the border, there were two military checkpoints—they checked our passports at the first one, and waved us through the second. Then we saw a mile of parked cars leading up to the border. Our guide, a missionary who works primarily among the Miskito Indians for Friends of the Americas, had missionary license plates which got us all the way up to the front, where one coil of barbed wire was all that held back maybe 10,000 Nicaraguans, looking north toward freedom.

As we parked and walked the final yards leading up to the border, we noticed a truck at the side of the road, serving as a radio broadcast base. At first, loudspeakers blared forth some spirited Latin music, but this din was soon replaced by some impassioned speeches about "Libertad." Our translator said this was a remote transmission base for Radio Liberacion, the pro- freedom Contra radio station that reached into all of Nicaragua, except Managua, where it is jammed. Their rhetoric was hard-core libertarian, talking about the *"criminales Sandinistas"* and inviting people to defect. Jim Blanchard then gave the radio speaker a shirt, which he had prepared for this trip, with the inscription, "Contras Para Libertad." To our delight, the speaker ripped off his other shirt and put on Jim's "Libertad" shirt.

Soon we noticed that there was a non-stop stream of paper scraps being

passed through the crowd to the radio truck to be read over the air. In fact, the Honduran soldiers transmitted most of the messages to the radio truck. A mother climbed up on the radio truck and pleaded in impassioned tones to bring down the Sandinistas, whom she said had killed her one son and then imprisoned the other. The front row of refugees was almost entirely made up of mothers, just like her, no doubt looking for their children, in hopes they would be free to come to see them. Knowing that this rugged outpost was in the midst of a mountain range, far away from any city, we realized that these mothers had to travel two or three days to get up to the front of the line. We found out later that most of these people travelled two days in overcrowded buses to be there that day, and each Saturday.

On this Saturday, 278 Nicaraguans were to escape across the border, at right about the point where we were standing, but that took place about an hour or two after we left. Behind these 278, were thousands more wishing they had the courage to do the same thing. Of course, we've yet to see a mass exodus *into* a communist or totalitarian regime. On this day, all eyes looked north, toward freedom. Because of the volatility of "Los Encuentros Familiares," the border was only open for four hours, 10:00 am to 2:00 pm. We were there only from 11:00 am to noon. Being so close to the border, we weren't very well protected in case there was a surge over the barbed wire, so we got all the pictures and interviews we needed, then made our own bolt toward safety.

As we turned the van around, preparing to go back to Danli, a number of young men begged for a ride back with us. We invited one of them in, who was thankful for the ride even though he had to sit on the floor of the van. The young man, Mario, is a Nicaraguan whose father had been a general in the Somoza Guard; the Sandinistas had murdered him. Mario himself had been in jail 20 times in the last eight years and had resisted conscription into the Army several times, despite death threats and one attempted execution which misfired. (He had a deep wound in his skull, which he showed us.) The day before he met us, he had witnessed two youths trying to avoid forced conscription in the Sandinista army by running away from their recruiters. The two boys were promptly shot in the back and killed.

Another man we met at the border was Omar Rubio, an Assembly of God pastor. Rubio and several others joined us for lunch in Danli, where we learned his story, documented by Stan Patrick in "Central America: The Cancer Within." Rubio had been arrested in his Assembly of God church in Ocotal in 1983, on charges of fomenting anti-Sandinista propaganda in his church (which he's proud to say is true). He was then tortured brutally—beatings with wooden clubs, breaking three of his ribs, electrical shocks and prods to his genitals and buttocks. Then he was force-fed salt water, which makes the body more sensitive to electrical prods, stripped, laid in water, and then electrical charges were pumped into the water. The Sandinistas then jumped on his face and testicles and shoved a loaded M-16 into his mouth and fired six times. It misfired each time. Then they put the same bullets into another rifle, fired them into the air and the bullets discharged. After that trauma, they put him in prison on bread and water.

After 15 days in prison, the Sandinista guards tied Rubio's hands behind his back, drew his arms over his head on a pulley system, which yanked his arms out of their shoulder sockets. While in that painful position, they bayoneted him in the stomach. Rubio was ready to die by that time, calling out to his God and leaning into the bayonet, accepting death, but suddenly there was no more torture. Rubio was taken to a hospital, from which he eventually escaped over the border. When we caught up with him, he was working with missionaries in Danli, the same people who later that day helped us gain access to the United Nations refugee center at Jacaleapa . . . .

The United Nations ought to be ashamed of allowing such filthy, disease-breeding conditions. When confronted on this point, the representatives merely said, "It's better than what they come from."

The Refugee Camp . . . and Cemetery

There are presently 16 refugee camps and reception centers in Honduras. The official number of Nicaraguan refugees is about 40,000, including 16,000 Miskitos and 24,000 others. The number is swelling daily and could reach 50,000 officially (and 100,000 in the shadows) by the end of 1987. Conditions at the refugee camps are deplorable. In the United Nations-run camp at Jacaleapa, over 6,600 refugees were cramped into a few acres. The living quarters were made of rough lumber, covering a single 16-foot square room, often housing up to 15 people. The floors were dirt. There was no electricity, no safe water and only 15 or 20 operational latrines. Once these latrines were filled, they were simply boarded over.

During October, approximately one infant per day was dying of diarrhea, as a result of the diseased water, which in turn was a direct result of placing the source for their well water directly downstream from the crude latrines. We visited a cemetery, just across the street from the refugee camp, and we saw a number of small, shallow, relatively new graves, which could be those of the children who were dying across the street. Whether or not this is true, the United Nations ought to be ashamed of allowing such filthy, disease-breeding conditions. When confronted on this point, the representatives merely said, "It's better than what they come from."

In the refugee camp, we saw dozens of children (maybe 50 to 75 of them) swarm around Jim Blanchard and his wheelchair as he made his way around the camp. They didn't want to let go of him, as if this man and his chair were some sort of a lifeline of hope for them. We saw malnourished and infected children near death, but we also saw a lot of those same children smiling and playing. Children are children, even in such a living hell. Hope springs eternal, especially in children.

The Best Hope—Private Business

While in Nicaragua, we spent a morning in the offices of COSEP, which stands for the Consejo Superior de la Empresa Privada, a kind of Chamber of Commerce of Nicaraguan businessmen. Several COSEP leaders have been brutally murdered or imprisoned over the years. In fact, nearly the entire leadership of COSEP was imprisoned for four months in late 1981 and early 1982 for writing a letter to the Ortega brothers protesting their thinly veiled death threats against COSEP leaders. As a result of this, we noted something of a siege mentality among those businessmen who were still brave enough to show allegiance to freedom against such terrible odds.

William Quan, the Vice President of COSEP, was arrested on August 19, 1986, for a traffic violation and hasn't seen freedom since. He spent time in the dreaded "tiger cages" of Tipitapa and has endured unspeakable torture for the crime of making a profit. After being imprisoned, Quan's fleet of trucks was commandeered by the Sandinistas, his bank accounts were seized, and his precious stockpile of gas and diesel was stolen. After all this was accomplished, there needed to be legal justification for it, so Quan was sentenced to 30 years in prison for treason and espionage. Later, all charges of treason and espionage were dropped, but his sentence was only reduced to 22 years. He is 55, so this may be a life sentence.

COSEP's leader is Enrique Bolanos, who also has several brothers in the movement. One of them, Alejandro, has moved to St. Charles, Missouri to open up a Nicaraguan Information Center. He has just finished a biography of William Walker, the first North American invader of this fair land. Another Bolanos brother, Nicholas, spent several hours with us during this trip telling us his story in more detail. Nick owns one of the largest farms in Nicaragua, about 35 miles southeast of Managua, in the cooler coastal mountains. In 1985, the Sandinistas sent in several trucks, with armed soldiers to seize over $3 million worth of land and equipment. In that first wave of seizures, the government took eight airplanes, 20 tractors, over 50 trailers and most of his farm implements.

Then, Nick was forced to sell his coffee crop for about one-sixth the world market price, so he took a loss on each sale. Then, in 1987, his cotton gin was confiscated, so he planted 1,000 acres of sorghum instead of cotton. "So far, I haven't been wiped out," he says, "but on a number of occasions they have come to me and wanted me to sell the farm for Cordobas (the hyperinflated Nicaraguan currency). I said my farm is not for sale. The second time, they even offered me U.S. dollars, but I told them I'm still not selling. I told them, 'I want to live here. I want to work here. If you want to take my farm, go ahead and take it, but I'm not selling it.'"

Amidst all this depressing news, I got the strong feeling of permanence from both the fighting boys and the businessmen. No matter what the fickle U.S. government may do, or not do, the various freedom fighter groups are here to stay. They're in the battle for the duration, and they have an ally far stronger than the Soviet military might or the U.S. government. They have a love for freedom, and they have the vast support of the populace of their native Nicaragua. Whether you want to talk about the controversial "U.S.-backed contras" (as the press invariably calls them, whether or not the U.S. supports them) or the more peaceful free market businessmen of Managua, the forces for freedom are always more powerful than the physical force of the tyrant.

Love of freedom is more powerful than any government—freedom is too important to leave to those in the State Department and Congress.

Liberty in Latin America? Yes, there's hope. Liberty already exists—as well as could be expected in this statist world—in neighboring Costa Rica, a land which serves as a role model for what Nicaragua could be, without despots like Somoza and the Sandinistas. I've been to Costa Rica twice this year, and stopping through there on the way home from Nicaragua and Honduras this time I found the contrast was quite astonishing. Costa Rica, true to its name, is a Rich Coast—but uniquely rich in the midst of dire poverty in the region. As a result of such freedoms, over 20,000 Americans have retired there. One can only hope that the Costa Rican example catches on.

In the meantime, before the flower of freedom truly blooms down south, there are plenty of things we can do to help promote freedom in Central America and around the world. After all, our nation was founded on something like private aid—volunteer soldiers plus foreign financial aid. If it weren't for private citizens of Europe, like the Marquis de Lafayette of France, Baron von Steuben of Prussia or Thaddeus Kosciusko of Poland, the American Revolution might have ended up in a crushing defeat by the British.

What Private Citizens Can Do

It is illegal to conduct foreign policy without a state license—it's illegal to ship guns or other lethal aid. (I'm glad those laws weren't in effect in Europe when Lafayette, von Steuben and Kosciusko came over.) Until some brave civil libertarians test the power of those laws, I imagine it's more practical to talk about humanitarian and financial aid. I feel that the libertarian solution to Central America's war is to support those groups from the private sector which, upon close examination, deserve support. Today, as in the 1770s, it is mainly private American citizens, not the central government, that are providing the most consistent aid to freedom fighters worldwide. Congress can't decide whether or not to support the Contras from one week to the next.

In the private sector, I know of at least a dozen organizations giving private humanitarian aid to the refugees fighting or escaping Afghanistan, Nicaragua, Mozambique, Angola, Cambodia and other areas of brutal Communist occupation. (By the way, I'm not against just the Communists. I'm against any occupying imperialistic police state. It's only that the Soviet Union is the greatest such empire still in existence, and they represent the

source of the bulk of oppression in the world today.)

I hope libertarians become more vocally pro-freedom for the entire world, not just for America. While few libertarians would advocate sending the Marines into Nicaragua, or even sending tax dollars for military aid, there are several peaceful and private options that are immediately available:

(1) Libertarians could insist that Daniel Ortega remove the entire Soviet military presence from Nicaragua, as Sadat did in Egypt in 1972. This could be added to the Libertarian Party platform. Instead of condemning only U.S. involvement abroad, we should condemn the far more oppressive and pervasive Soviet involvement around the world.

(2) Libertarians can send private humanitarian aid to the businessmen of COSEP and the agencies that do the best work in the U.S. (see Appendix 1)—and advise others to support them.

(3) Those with Spanish language skills can send translated versions of the classic works of liberty into Nicaragua, including works by Hazlitt, Bastiat and von Mises. (A list of existing Spanish translations of libertarian books is available from the Libertarian International, 9308 Farmington, Richmond, Virginia.)

There are other ways to support freedom in the private sector, such as those mentioned earlier in this article. Your help will be deeply appreciated. The Nicaraguan people don't want the Marxists there. They have a good chance to root the rascals out, if we have the courage to help.

Love of freedom is more powerful than any government—our own or the Sandinistas—but freedom is too important to leave to those in the State Department and Congress who have too often shown their disdain for human lives and freedom around the world. If the freedom fighters are the equivalent of our founding fathers—and *some* of them are—then some few free Americans are the equivalent of Lafayette, Steuben and Kosciusko. Maybe you're one of them. ❑

Appendices

Appendix I

Recommended Humanitarian Organizations and Personal Contacts

Caribbean Commission
c/o Dr. Alton Ochsner
1407 State St.
New Orleans, LA 70118

COSEP
Partado 5430
Managua, Nicaragua, CA

Friends of the Americas
c/o Woody and Diane Jenkins
912 North Foster Drive
Baton Rouge, LA 70806

United States Council for World Freedom
c/o Maj. Gen. (ret.) John K. Singlaub
2621 E. Camelback Road, Suite #145
Phoenix, AZ 85016

Nicaraguan Information Center
c/o Dr. Alejandro Bolanos
P.O. Box 607, St. Charles, MO 63302

Appendix II

A Gallup International Poll, August 7, 1987:

1. Do you think the Sandinistas represent a majority or a minority in Nigaragua?

	Minority	Majority – or no answer
Costa Rica	79%	21%
Honduras	75%	25%
El Salvador	64%	36%
Guatemala	64%	36%

2. Do you think a majority of Nicaraguans support the Contras or the Sandinistas?

	Contras	Sandinistas	Don't Know
Honduras	75%	15%	10%
Costa Rica	72%	12%	16%
Guatemala	60%	23%	17%
El Salvador	46%	20%	34%

3. Who treats civilians better in the war zones, Contras or Sandinistas?

	Contras	Sandinistas	No Answer
Honduras	74%	6%	20%
Costa Rica	72%	6%	22%
Guatemala	60%	18%	22%
El Salvador	45%	10%	45%

4. Do you approve or disapprove of U.S. military aid to the Contras?

	Approve	Disapprove	No Answer
Honduras	81%	9%	10%
Costa Rica	70%	21%	9%
El Salvador	69%	23%	8%
Guatemala	68%	28%	4%

Appendix III

An Unofficial Survey:

The Man on the Street in Managua

Public opinion polls are illegal in Nicaragua, but my associate Larry Reed conducted one anyway. Larry talked with dozens of people in gas lines, where 60 to 80 cars routinely line up for gas, many cars being pushed by their drivers. These gas lines are a hotbed of resentment, with drivers talking revolution without even being asked. "Only another revolution will cure this," spitted one. "Tell Americans we love Reagan, we love America."

Continuing Larry's public opinion poll, he met several "Mothers of Political Prisoners" and interviewed them on video. He also went into the mountains around Jinotega, etc., and talked with people who hear the battles at night, quietly rooting for the Contras. He also attended an opposition demonstration in a Managua meeting hall, where free speech got this free: Somebody yelled, "Tell the Sandinistas to go to fucking hell."

Larry visited a grocery store, where everyone had ration cards—limiting them, for instance, to two rolls of toilet paper per month, one pound of butter and one pound of rice per month. Soldiers with guns were stationed at the door, checking each ration card and food basket. The ladies who were shopping were angry about this, blaming the Sandinistas for the shortages, because right across the street, in full view, was the luxury store for the party officials, with no lines and plenty of food, but barred to the public.

Perhaps the most tragic interviews Larry conducted were at the city dump, near the eastern market, where trucks dump garbage each morning, and hundreds of people converge on it like flies, looking for scraps of food. Even by mid-afternoon, when the garbage was mostly picked over, there were several mothers with their children who would put half-eaten fruit in their plastic bag for dinner that night. One mother looked up at Larry and said, "This is what we have come to . . ."

Would you do business with the Nazis?

Et tu, ABA?

by Erika and Henry Mark Holzer

If, 50 years ago, an association of Nazi lawyers had proposed to enter into a "Declaration of Cooperation" with the American Bar Association—mutually pledging to advance the rule of law and work for human rights—the revulsion of most lawyers would have been palpable.

To the "practical" arguments—that open doors are preferable to closed ones, that Nazis can be talked out of their "excesses," that to this end a continuing "dialogue" should exist even as victims of the Nazi regime suffer and perish in Buchenwald and Auschwitz—American lawyers would have protested—loudly—that to sit down with thinly disguised agents of the Third Reich was to sanction that regime. That to shake the hands of its "legal" representatives was to bloody their own. That for lawyers to cooperate with men who had helped destroy the rule of law in their own country was obscene.

Yet the American Bar Association, in a flagrant assault on its own Canons of Professional Responsibility and their professed commitment to individual rights and the rule of law, has entered into such a declaration of cooperation.

Not with the Nazis. With another totalitarian regime whose *substantiated* record of human rights violations—from mass murder to an institutionalized system of slave labor to systematized persecution of dissenters—surpasses in numbers and duration, if not in horror and bloodshed, even the Nazis.

In May 1986, the ABA agreed to sit down with thinly disguised agents of the Soviet secret police. It entered into a "Declaration of Cooperation" with a group that, in brazen parody of the ABA, chose the label "Association of Soviet Lawyers." It pledged to advance the rule of law with puppet lawyers who, in their own country, take part in rigged trials, uphold censorship, and regard public protests, teaching Hebrew, and attempting to exercise one's right to emigrate, as "crimes" against the state.

Just recently, at its national convention in San Francisco, the ABA defeated a proposal to end its cooperation with the Soviets. The watered-down proposal, aimed at abrogating only "formal" ABA/Soviet dialogue, was voted down, 156 to 32 (out of a total non-attending ABA membership of roughly 340,000).

What did a small but entrenched minority of the ABA achieve by its dubious victory in San Francisco?

It will continue to discuss human rights with KGB functionaries even after hearing firsthand evidence of torture and death in the gulag from dissident psychiatrist Anatoly Koryagin, whose credentials include six years in the camps—four of them spent in solitary isolation and on hunger strikes—and who traveled from Switzerland to deliver an eloquent message and an impassioned appeal, which the ABA chose to ignore.

It will continue its "open dialogue" with a Soviet group that, as Nicholas Daniloff (the American journalist arrested in Moscow last year) pointed out to ABA members, is *not* the ABA's equivalent but was created by the Communist Party's Department of Agitation and Propaganda to promote Soviet foreign policy.

It will go on fraternizing with the legal arm of a regime that slaughtered 50 million of its own people, subjugated Eastern Europe and much of the Far East, and today ravages and depopulates Afganistan while pursuing a *government policy* of blowing off the limbs of children with "toys" that explode.

Most ominous of all, the ABA's irresponsible dabbling in a kind of "legal detente" will cloak a group of pseudo lawyers in a mantle of legitimacy, even as the legal system they represent can boast that it has *never*, in its 70 year history, permitted the rule of law within its own Soviet-dominated borders.

Why should all Americans object? Because the ABA, in the eyes of the world, is this country's most prestigious legal organization—the self-appointed guardian of our liberties.

But the problem obviously doesn't begin and end with the American Bar Association or even with lawyers making unholy alliances with the Soviet Union. Unfortunately, too many American businessmen are—and it seems always have been—only too eager to do business with totalitarian regimes, often donating good-old-Yankee-ingenuity and technological expertise at the precise time when regimes like the Soviet Union are in dire economic straits and need bolstering by the West.

It's happening right now. Experts at analyzing the domestic Soviet scene, such as Russian dissident Vladimir Bukovsky, have been telling us that Gorbachev's vaunted *glasnost* strategy is calculated to buy time while he digs his regime out of critical economic difficulties—with desperately needed Western help, of course—after which this new spirit of detente will revert to the old spirit of confrontation and hostility. And while unprincipled lawyers and businessmen need no encouragement from on high, it must be said that President Reagan's lovefest with Gorbachev and his current revisionism (from "Evil Empire" to "Afganistan? He didn't know the gun was loaded!" in a few short years) have unquestionably encouraged these people to make their deals with all deliberate speed.

The question today's entrepreneurs must ask themselves is: If they wouldn't have sold Eichmann the trucks with which to convey millions of Jews to gas chambers, why would they sell the Soviet Union the equipment for an "Alaskan" pipeline built by slave labor? And if today's lawyers wouldn't have sat with the Nazis on tribunals which sentenced innocent men to concentration camps, why would they sanction the KGB's rigged trials which send innocent men to the Gulag?

The question every American must ask is: Can one give aid and comfort, of whatever kind, to totalitarian regimes without losing one's soul? ❑

This essay is based on a November 27, 1987 article in the Washington *Times*.

Memoir

I Go to Jail

by Franklin Sanders

It is about 8:30 p.m. on Tuesday, September 1, 1987. I am at home ready to do a bit of work, the children are almost in bed. I hear a car out front. The doorbell rings, I open the door, and two Bartlett city policemen are standing there with a warrant for my arrest. Since I have been in my office in Bartlett all day, it seems curious to me that they would wait until almost 9:00 p.m. to arrest me.

I go out onto the front porch. My wife Susan and three of my children watch through the glass door. One of the policemen says, "Send your children back in—you don't want them to see this."

"Oh, no," I reply, "I do want them to see. I want them to see and remember." I am in shorts, so I ask permission to change into other clothes, which the policeman, now inside, courteously grants. In the bedroom I change and exchange brief words with Susan, then ask for a moment alone with my family. I try to calm down my 4-year-old who is tuning up to cry. My oldest daughter comes into the room. "Have a good time, Daddy." I look at her and smile.

We go back into the other room and I ask if the policemen object to my taking my Bible with me. No problem. We leave and get into their car, headed for the Bartlett city jail.

At the jail I am led back to a room with a desk and a cage built into a corner of the room, complete with a sleeping resident. The policemen are friendly. They want to know why I am there. They get ready to fingerprint me, and I refuse on the basis that fingerprinting is an act of testimony, and a violation of my Fifth Amendment rights. Oh, they tell me, the law says you have to stay here until you give us your fingerprints and sign this card. Since I am alone and they are armed, I cannot keep them from taking my hands and fingerprinting me. I still refuse to sign. Does this mean they will keep me here forever, I ask? They laugh. Will you raise my children, I ask? They guffaw.

Finally they realize I am not going to post bond, since posting bond would at this point sanction my arrest. Through a steel door I am led back to the cells. They take away my glasses and shoes, and frisk me. It's cold as a meat locker. The poor fellow in the cell with me is trying to sleep and shivering under two blankets. He has been arrested for DWI and is very confused, apparently under some sort of medication.

The surroundings are grim: a 10'x10' steel cage with bars across the front and a glaring light bulb in the back behind wire and a pane of glass. There are two steel shelves fixed to the wall that serve as bunks. There is also a stainless steel toilet-basin. I eventually get the jailer, a boy of about 22, to bring me a blanket. Although interrupted frequently by my roommate, who is trying to figure a way out, I settle down to read my Bible.

My name is called: there's a visitor. By now I have lost all sense of time and am half frozen. There are no windows anywhere. The jailer ushers me back outside to the cage, I wait a moment, and my pastor comes in. We talk for a few moments, and I discuss with him how to file a petition for a writ of habeas corpus the next morning. Only much later do I find out that it must have been around midnight or 1:00 a.m. when he came.

How has all this come about? I have lived a long time in peaceful coexistence with the City of Bartlett: I didn't bother them and they didn't bother me. On July 10th I had gotten a letter from one Stephen C. Smith, Director of Finance for the city of Bartlett, informing me that I must get a business license, cost $18.50, and pay gross receipts tax. This pre-emptory letter demanded I secure the license by July 27th and threatened legal action.

On July 13th I responded with a two page letter in which I demanded to know all the facts and the law that had led Smith to the legal conclusion that I was a "person doing business" and required to have a license.

Mr. Smith's response was another threatening letter demanding that I get a license. He refused to answer the demands for facts and law I made in my letter to him. I answered with another letter informing him that I had no desire to enter into any contract with the city for any privilege, license, or franchise, and that I was only "pursuing the activities which my righteous God has appointed me to pursue." Later I followed this up with another letter pointing out that after careful perusal of the statutes (which I had to dig out myself), I concluded that I was not engaged in any of the activities enumerated therein.

His response on August 3rd was to serve me with a summons to municipal court for August 31st. I decided that I should pay a visit on Mr. Smith so he could see in person that I was not a

wild-eyed madman. I also worked up a jurisdictional challenge explaining my position.

On Wednesday, August 26th my pastor and I went to see Stephen Smith and presented him with a copy of my pleading. I explained to him that I was there in the same spirit of humility that moved my Lord Jesus Christ, and that I did not consider him or the city my enemies, but wanted to be a friend and neighbor to him. He persisted that I must have a license. In the course of the conversation I told him of my concern about the libels spread about me, and he admitted that he had heard these things third hand, and that I had been before a grand jury for writing a threatening letter to an IRS agent. I asked him: If there were any truth to that, would not the grand jury have indicted me? My pastor and I left cordially.

When Monday, August 31st rolled around, court was held without me. Although that day the warrant for my arrest for "failure to appear" was issued, I heard nothing else from the city until the police came to arrest me the night of September 1st.

So there I was in jail, trying to explain to my pastor about a petition for a writ of habeas corpus to get me out. He asked if Susan and the children could come visit. I gritted my teeth. My composure evaporated and tears burned my eyes as I looked at him: "Yes, I want them to see me. I want them to see and remember." He read from his small Bible, we prayed, and then he left. I went back to the meat locker.

It was hard to sleep in the biting cold. Underneath me was a plastic covered mattress; sleeping on it was like sleeping on a baggie. The blanket must have been made from pressed dust bunnies and old string. The lights never went out. My roommate was a world-class snorer, and occasionally my steel-shelf bed thumped and bumped as the inmate on the other side of the steel wall turned on his steel shelf. Whenever I tried to sleep I woke up drenched with sweat from my own body heat coming back from the plastic mattress. If I threw off the blanket I froze in my own sweat. Now and then there was an enormous explosion as one of the other inmates flushed a toilet.

In the morning I awoke to the cheerful voice of the daytime jailer offering a cup of coffee. Gratefully I accepted a styrofoam cup of the hot brew. Here was some warmth at least. A short time later the jailer announced one of the two meals of the day (10 a.m. and 4 p.m), and brought out pancakes with sausage. Apparently they were using *imitation,* imitation maple syrup, and the smell brought a wrenching wave to my innards. I tried to plunge the plastic spoon into the pancakes, but it only bent double. Must be my imagination. Again I tried. Finally I sawed through the pancake and ate a bite. Then another. Then gave up. Maybe fasting was a better idea.

It must have been almost noon when my pastor showed up for another visit. He grimly explained that since 8 that morning he had been trying to get a judge downtown to sign my petition for habeas corpus, but one flatly refused and the only other one was leaving town that day and wouldn't be holding court again until the following Tuesday. I felt sorrier for his evident suffering than I did for myself.

On September 3rd, Thursday, I am awakened by the loud voice of the city attorney, talking to the inmates next door. Apparently court was to be held at 6:30 a.m. Finally he gets to me. He has a copy of the pleading I filed last Wednesday. "Do you have a lawyer? You're way off base with all this." The psy war has started, I thought. There is to be a bond hearing, he informs me. Later the jailer comes in and takes me through the outer room into the courtroom. This is a large, brightly-lit room. I am dazed, only half awake. I am trying to hold on for that habeas corpus hearing, but I want out, out, OUT! I see Susan, an angel dressed in white. I ask to talk to her to learn what my counselor has advised. She has notes which say I am to stand on the higher jurisdiction of the court where the habeas corpus petition has been filed. I am *very* confused. The prosecutor is ranting about how I refused to appear and he wants a bond set "that will get my attention" and the judge is demanding that I agree to appear in court. The prosecutor demands a high bond, I am trying to talk sensibly but failing completely, trying to hold on to the need for waiting for that hearing. Finally the judge sets bond at $750 (the fine for my supposed offense is $5 to $50—I have really hit some nerves somewhere), I am trying to tell him that it's not that I refuse to appear, but that I can't without granting him jurisdiction and must wait for the habeas corpus hearing. Hustled off to my cell, I flash one last glance at Susan.

Back in the cell, I try to read but can't concentrate. I am falling, falling, falling, and there is no one to catch me. I will be here forever. Three sheet steel walls and bars and no sunlight, no sunlight! What if there's a fire in here? God has forgotten me. He won't hear my prayers. Perhaps he can't hear. Perhaps I am wrong and he won't help. Am I right? That prosecutor said I was hopelessly off base. I could be outside and free instead of here, here for a principle that few people know, let alone support.

Then words came to me from a letter a friend had written just a few days before. We were praying about your situation, she wrote, and afterwards these words were pressed on me: "Having done all, to stand." With all my might, I clung to those words. "Stand." I had done all I could do.

One tall black looks over at me, takes in my Bible, and says with a laugh,"Hey, main man, wat they got you in here fo', street preachin'?" I must look a bit strange in my blue oxford cloth button-down shirt and khaki trousers, my great white plastic bag tucked safely at my feet.

The jailer brings supper: a beanie-weenie TV dinner. I decline and request the package Susan had left: gum and fruit rollups. I am not hungry—a fast from God—take away my hunger, Lord!—but oh! how clean that chewing gum tastes! Finally that afternoon I get a shower, and after my repeated entreaties the jailer eases off on the air conditioning and it becomes bearably warm. My pastor comes and brings new books. Susan can't come because her car broke down. I read and read and read. Sleep comes.

Awake again. Somewhere I can hear a crow cawing. Thank you, Lord! What a winsome, beautiful sound, full

of sunlight and pine trees! The jailer comes in with hot coffee and lets me call Susan.

"Sanders. Get your things. You're going downtown to the Shelby County Jail." My heart stops. It's about 11:30 a.m. now. I am handcuffed but hold onto my Bible. My things are loaded into a big white plastic bag and we go outside to a car. In the back, I sit blinking in the sunshine.

At the Shelby County "Justice" complex (the "glamour slammer") we drive to a below-ground garage door. At long last it opens and we enter something like a garage, but with a bullet-proof teller's window at one side. I am thumbprinted and pointed to a door that says "male." It opens onto a 12'x12' room with bars on one side. There is a control center across the hall, behind more bulletproof glass. For a long time I stand reading my Bible. Finally the bars open from the hall and a small, thin black man enters. He nods wordlessly and sits down on the floor amidst the cigarette butts. I reach for my gum, pitch him half a piece, take a half for myself. The outside door opens. Another black in handcuffs and leg-irons steps in, the door stays open. He is surly and untalkative. I read. The bars open again: one white and 3 more blacks enter. The bars close. This last crowd is all about the size of my own 6' 3", but rather stouter. One tall black looks over at me, takes in my Bible, and says with a laugh,"Hey, main man, wat they got you in here fo', street preachin'?" I must look a bit strange in my blue oxford cloth button-down shirt and khaki trousers, my great white plastic bag tucked safely at my feet and my big zippered black Bible in my hands. "No, I'm in here because I don't worship the same gods as the City of Bartlett." This quells all conversation in embarrassed confusion, and the crowd falls to begging cigarettes off each other. The outside door opens, and in slouches what looks like a walking corpse with a cane, upwards of 70. Beneath his open shirt I can see 4 plastic cups stuck to his chest, the kind they use for EKGs. He is a mite tipsy. He surveys me from head to foot, and then to the world in general announces with conviction "Man, when they gotcha, they gotcha." I am afraid he will die on the spot. A jailer walks by the bars, sees me reading, and says without malice, "Now that man's got the right idea—yeah, read that Bible."

The bars open again, I have lost count of the men. Twelve, no 13. The black jailer comes back and begins handing out long clear plastic sacks. A foolish need comes over me to get one of those sacks, like being in the Army when you're afraid they'll forget to call your name. I catch myself: I'm going to be here a while.

The woman from ID appears and says, "This one is sort of a reject." Without comment the guard leads me across the hall to one of the holding cells, opens the steel door, and ushers me in.

I have arrived: in solitary.

Finally we are called out by twos, put our valuables in the plastic bags (my wedding ring and chewing gum), and are frisked. The guard takes away my Bible. At my protest, he tells me I'll get it back when I get to my cell. Then they put us in another cell, this one 7'x12' with stainless steel benches on either side, and behind a blind wall in the back, a john. The room fills up. There are ten blacks, two whites besides me, and everybody but me is smoking. With no air conditioning in the tiny room, it's about 90 degrees. Relaxing I listen as they swap tales of why they are here.

Down the bench a short, gray-bearded black is loudly protesting his arrest. Dressed in very dirty work clothes and steel toed boots, he looks like the kind of man you want to hire, a man accustomed to hard work. The police arrested him at the scrap metal yard where he works as a welder. He had just bought two giant hamburgers for lunch and a quart of Coke, and the cops wouldn't let him eat it when they arrested him. They ate it, he complains, reasonably it seems to me. They have arrested him for a "strong arm robbery" that occurred while he was in prison serving a sentence for murder. His third, as it happens.

Across the way a jail house lawyer is expounding the law. Attentively I listen; he shows a great deal of experience. The corpse is still yelling for the jailers, who must be deaf. I change seats again, possible only when someone else vacates one. Next to me is a small black in a baseball cap who looks like a construction worker. He is very depressed. Never before in all his life has he been in jail.

The stories go on and on: non-payment of child support, armed robbery, burglary, failure to appear (that struck a chord!), assault and battery, public drunkeness, drugs, suspicion of suspicion. The welder had been arrested 23 times.

What idiocy! This is hopeless. The liberal "justice" system will never rehabilitate these people. What has been created here is a whole class like a giant milch cow, to be milked for the benefit of the courts and lawyers and bailbondsmen and social workers. Whatever the right system is, it *can't* be this! I know there will always be criminals, even a criminal class, but this is insane. What earthly good can all this do?

But have you ever been five days without the sunlight? Five days without even being able to *see* the light of the day? It makes you crazy, insane, ready to do anything. Have you ever spent day after day in a sheet steel room, 6'x9', unable to move out of it? It makes you crazy. What cruelty is there more inhuman and obscene than to lock a man up in a cage?

At last I get to make a phone call. As fast as I can I ring Susan, tell her what has happened, tell her to try to get me out of here and back to Bartlett. This is Friday afternoon before Labor Day, and if something isn't done quickly I am going to stay here until next Tuesday. I call my pastor and urge the same to him. They're doing all they can. With the phone calls I get a plastic bracelet, like a hospital bracelet, with my name and color and booking number on it. Now I am the last four digits of that eight digit booking number, 7057. I go back to my surrealistic cell.

By twos we are called out of the cell for "processing." Across the hall our pictures are taken and forms are filled out. Pointed down a long hall, I head that way. Once around the corner I see the men from my cell sitting on the

floor, waiting for the bars at the end of the hall to open. Through the bars is another glass-enclosed control room. There are more barred doorways to the right and left. I cannot see around the corners, but there is a terrific noise coming from there, like water running and the sound of many voices. I sit down next to the plumber, and we try to make conversation.

A meal cart is rolled through the bars and past us, laden with trays. There is also a great bucket of sandwiches. I am not interested.

A jailer calls my name, hands me a slip of paper and tells me to go back to ID. In ID a black woman asks me if I've ever been arrested before and wants to take my fingerprints. Reasonably, calmly, and graciously I reply, "Before you do that, I want you to know that I claim all my rights at all times and waive none of my rights at any time. This is an act of testimony and I do not choose to waive my Fifth Amendment rights." The clock reads 5:00 p.m. She tells me to call the guard. A young jailer with skin tightly pulled over his face like a pit bull comes up the hall. The woman from ID appears and says, "This one is sort of a reject." Without comment the guard leads me across the hall to one of the holding cells, opens the steel door, and ushers me in.

I have arrived: in solitary.

The cell is not wide enough for me to stretch my arms completely out. I estimate 5-1/2 feet wide. Later I count the cement blocks: 3-3/4 blocks wide, 9-1/2 blocks long, 13 blocks high. On one side is a stainless steel bench, at the end a stainless toilet/basin. The door has a tiny window and a speaking grate. I can see almost nothing of the hall. Outside I can occasionally hear rattling keys and slamming doors. Why do you think they call it the slammer?

I am alone, and strangely it is more oppressive than that crowded cell next door. I hear my name called outside. I yell that I'm in here! I try to get the guards' attention. My name is called again. No one will listen!

Time passes. My name is called again. I try frantically to get attention, but the guards are all deaf. Why won't they look? Finally I fall asleep. I wake up hearing my name again, and the whole bitter charade plays itself out a third time. There is loud shouting next door and pounding on the wall and other door. Even through the steel door and concrete blocks I can hear the cursing.

When the shift changed at 10:00 p.m., they finally opened my door and put me into the cell next door, the one I had been in before. But now there was a difference to my wondering eyes. Where before it was crowded with 13 men, now there were—23, no, there was another, sleeping up under the bench, make that 24. There were men all over the floor, sleeping in the cigarette butts, men standing, men wound under the benches, men everywhere, and no breath of ventilation. Everyone awake was smoking. My "class" was all gone: I had a new set of roommates.

Had I been raised in a vacuum? All my life I've been living alongside blacks, and I never knew anything of what was going on, how they live, how they think, what all this means to them. I had traveled all over the world, yet I had more in common with a Frenchman or a German than with these blacks from my own city. Nor were they unkind to me, or even indifferent. I was just there, listening and getting my education. As long as I was in jail, no one ever offered me the first sign of violence, not even the first word of disrespect. At least, not on my side of the bars.

Through the bars I see a middle-aged white man in a baseball cap, can hear his conversation. "Oh, Mama, please come and get me out. You can't leave me in here," he pleads. He begins to cry. I turn away.

Toward midnight I was called out and led to ID again. Another shot at fingerprints. I yield and sign the card "under duress." At a desk a bored black woman behind a typewriter fills out a form with impertinent and irrational questions. Why do they care if my mother is alive and where she lives?

The guard motions me across the hall to the same cell where I had been in isolation. But now there is a difference. Now there are five men, counting myself. At the far end of the bench sleeps an old man. Someone scoots over for me. A young white boy in tennis shoes and swimming trunks and no shirt says, "You'd better watch it. Pop said to leave him alone." The others laugh in a way that informs me that Pop, shrunken up on the end of the bench asleep, had better be left asleep.

They are all smoking (except Pop, who is comatose). I am choking. The swimmer is in for squealing his tires in a parking lot. He is philosophical, unconcerned. One man lies down amidst the butts, his arms on his face, practical and ready for sleep. My rear is aching from sitting on stainless steel for 13 hours.

Finally the keys rattle at the door. We are led out, down the hall. Through a doorway we turn to the right and I try to comprehend. There is a very large tiled room, 30'x30' or larger, with the ubiquitous stainless steel benches. At the far right is a window through which I see what looks like a laundry. To the left through the other wall is a large bay with 6 showers. To the far left—I can't believe this—there are two large holding cells. Peering in I can see only massed humanity. We are put into the cell on the far left. We can barely squeeze in. I try to count the men but give up. There are too many bodies on the floor and jammed under the benches. The room is divided by a wall that partitions off about a third. I stand since there is room for nothing else. The cell might accommodate 20 people. At 45 I stop counting, unable to disentangle them all. The benches are occupied by stretched out sleepers, but no stander protests. I talk to another prisoner, then I listen to the conversations around me. I learn quickly. The stay in this holding tank is three days, before you get a cell. Public drunks are supposed to be held for 5 hours, then released. Some have been here 20 hours. Someone says he heard that one guy stayed here two months. They just lost track of him. This is cheerful news.

Time passes quickly. The company is lively. I finally get a seat. This is a painful pleasure. Unsuccessfully I assay sleeping with my head on my knees. From time to time more men are crowded in with us. Labor Day weekend will be fun—it will *really* get

crowded soon, I am told. I can't wait.

Around 4:30 both cells are opened up and we are all led out into the big room. We line up around the walls and after the cells are swept out and mopped we file past the food. I am handed a peanut butter sandwich and a styrofoam cup of black fluid. Having served in the Army, I know that you take whatever they hand you. My sandwich goes to one man, my coffee to another.

Sometime during the day a cart with one telephone is wheeled up to the bars. The other cell gets first crack. My chances of reaching the phone look very dim. Crowding close to the bars I get my name on the list. There is a trustee taking names. He is advising those without bond which bondsman to call. This goes on forever. Through the bars I see a middle-aged white man in a baseball cap, can hear his conversation. "Oh, Mama, please come and get me out. You can't leave me in here," he pleads. He begins to cry. I turn away.

Had I been raised in a vacuum? All my life I've been living alongside blacks, and I never knew anything of what was going on, how they live, how they think, what all this means to them.

Later I notice an older, well-dressed white man clinging to the bars. What's he doing in here? He is begging the guard to let him see the medic. The guard is deaf, acts as if no one were speaking. The man continues to plead, the guard ignores. After 20 minutes or so, he collapses backward into the cell. Not near enough to reach him, I can still see from his ashy color that he is having a heart attack. "See if he has any nitroglycerin in his pocket!" someone shouts. Eager hands reach into his pockets, find the pills, while someone shouts out instructions: "Put it under his tongue." The guard finally pays attention, the medic comes, and six men carry out the victim.

There is a short, fat and very loud black in the back of the cell conversing urgently with his seatmate. I listen attentively; the man is talking sensibly. He understands that as long as drugs are illegal, their use will flourish. He advocates legalizing everything and putting it all into a red-light district so the rest of them can get some peace. He has bright, glittering eyes and an air of leadership. He engages another young black. They begin discussing business: the cocaine business. Cocaine, the fat man says, is his thing. Some people like beer, some whiskey, some marijuana. Me, my recreation is cocaine. Not a lot, not all the time, but that's just my thing when I want to get high.

Cocaine is a fine business, I learn. You can make $30,000 a week trafficking. I am not disgusted, not irate, just listening. They talk about the folks who really handle big lots, who they are . . . $30,000 a week! How in the world can anybody think they can keep a man who makes at most 8 bucks an hour at manual labor from selling dope for $30,000 a week? Who's crazy here? He'd be a fool if he didn't.

The fat man complains that when he was arrested there was a half-track of cocaine on his dresser. The cop walked over to it, picked up the spoon, and snuffed it all up. He looks at me with a smile. "This is all new to you, isn't it? Now you got to understand that this is just the way it is, we're just talking about what we know."

I nod, not judging, just listening.

"You ever try cocaine? Naw, I bet you're scared of it."

No, I assure him, just never felt the need for it. He doesn't challenge me, there's no malice. I am fascinated. He informs me that I am "cold as ice," which I take for a compliment. The Fat Man has a business on the outside, a legitimate business, and it's just beginning to pay off. He has all the pride in his accomplishment you'd expect. I try to put this side of him together with his reasons for being in jail, and decide that it's all hopelessly insane, that it can't be understood, not just him but the whole system. This is his third day in here, waiting for a cell, eating peanut butter sandwiches and drinking Kool-Aid.

What day is it? Must be Saturday. There is a commotion in the cell next door. The medic returns. The sad man in the baseball cap is carried out. Heart attack number two.

We are led out for lunch, then supper. I take my food and give it away. By now I am getting dry. I pinch my skin to see if I am dehydrating. The pinch of skin slowly recedes. That's not good. I nudge my way back to the bars, get the deaf guard's attention, and tell him I have to see the medic. This is purely *pro forma* on my part as I do not expect any reaction. The guard says he will tell the medic. Later, much later, I ask him again. He's called the medic, he says, but the medic hasn't called back. The phones come back, this time two of them. While I am waiting, they call my name: a visitor.

Along one side of the visiting room are booths with inch thick windows. At Number 10, where I see my pastor through the glass, I sit down and pick up the telephone receiver. The discomfort disappears I am so glad to see him. Susan is coming to see me, he says. I tell him what is going on, ask him not to tell her. I'm getting an education. Surprised by my own joy and cheerfulness, I want to say a thousand things. Time is passing quickly.

With a bemused look he tells me, "No one is in charge here." We laugh at the obvious truth of that, at a system that is no system but some maniac, malevolent, driverless Greyhound bus somehow lurching down the road. He had stayed there 5 hours Friday night trying to see me. That was why they were calling my name. The disembodied voice says something about leaving. Does that mean me? I leave the room and am called back. More time, but can't be enough time. Finally I must leave, but it isn't bad.

At one point there is excitement amongst the guards. There's another riot upstairs. Upstairs. Where every kind of criminal is held. Some of them with "life on life" sentences, I'm told. Where they're sleeping on the floors. Where the guards won't intervene in a fight. Where there are riots, on the 3rd floor. Like playful boys the guards run out, ready for a scrap.

At the 10 p.m. shift change we're called out into the big room. A guard with a clipboard calls out names. Two Sanders—is the booking number right? 7057. That's me. I am led to the other side, where the cell blocks are. I am frisked and led to the A-block. Down the hall past hands begging through the bars for cigarettes. A-10.

This one's mine. The guard asks if anyone wants a shower. I do—very much, but I have no towel. It's all right, I can dry off on my shirt. Okay with the guard, if I can find some soap. The shower is between two cells about halfway up the block. While another inmate undresses and showers, I stand there in my underwear, holding my blue oxford cloth button down shirt. Finally he exits, I enter, happy to find a bar of soap. There is one (1) button in the shower. You push it and for a minute or so there is hot water. I turn it on and bask in the heat and steam. Helpless before my thirst, I open my mouth and swallow a large mouthful of hot water. It's enough. I keep on soaping and showering. Push the button again. The waiting inmates are as patient as I am. I climb out and dry off with my shirt, return to my cell.

My cell is 6'x9'. Stainless toilet/basin, the basin is stopped up with murky water. Steel shelf for a bed. No mattress, no blanket, no sheets, no hope of any. My rear is now very sore, and the sides of my hips. The steel doesn't give very much. I hang up my shirt on a hook. Over my head is a faithful light, never to be turned out. Thank God for this tee shirt. Thank God it's not cold in here.

"Ten!" I go to the bars at the steel door. Across the way in 16 is a young black man. "Do you work with animals? With that beard you look like some kind of farmer that works with animals. You know about animals? You been to the zoo lately?" This is all friendly curiosity. "You ever read *National Geographic?*" We talk.

Finally I turn in. Over my head is a radio. It gets three stations, whose common point is a loud, throbbing beat. Evidently I am the only person in the cell block who has discovered that this radio can be turned off. Enough. I try to sleep.

The Lord's Day morning. Food comes. Through the bars they slide in a tray. I had already decided that if God gave me something decent, I would break my fast. There are several things on the tray I don't recognize. However, four items I have seen before: three stewed prunes and a styrofoam cup of milk. With grateful heart I eat the prunes. I meditate on whether or not I can eat the pits, too, then reluctantly decide against it and drop them on the tray, drink the milk.

Monday evening I get a visit from my counselor. He has papers for my habeas corpus hearing the next morning. These I take back to my cell and read over and over and over, trying to memorize them since I will have to speak for myself.

"Ten!" My cell door opens, I am instructed to get my things. This doesn't take long. Out in the hall when I find a clock I see that it is 2:45 a.m. They are moving me to a cell upstairs. Why at 2:45 a.m.? Why not at 4:30? 6:30? Doesn't matter—nobody's in charge. Before I go upstairs, they give me a mattress.

I've made it this far, God willing I'll last a few more hours. Upstairs I am put into a cell block much like the one downstairs, except the hall is about twice as wide. There is a long stainless steel picnic table, and at the back of the room, two stainless steel pews for the worshipers of the one-eyed idol which hangs from the ceiling. The cell doors are open, but the bars to the hall are locked. There are two or three men playing cards, and about seven sleeping on the floor. I spread out a mattress on one of the pews and try to read my legal papers. I drift off to sleep, wake up again when the cell block is called out to "breakfast." When they file out, I stay behind.

When they come back, they bring more surrealistic adventures. A young black sits down to my right and begins to chant the Edda of his life, at least that's what it seems to be. There is a heavy rhythm to his chant, but the words don't make much sense. I try to read. An old duffer comes and sits down on the other side. He tries to engage me in conversation, wants to know what I am studying. I try to explain, and he launches into a diatribe about how none of it will do any good and I will probably remain in jail forever. By now I have enough of both him and the chanter. Before I can tell him to BUZZ OFF, in front of me a stout black sweeping the floor falls down in an epileptic fit. Several others try to help him, finally his twitching stops and he shakily stands up. They lead him back to his cell. Will 10 o'clock never come?

Shortly before 10 I am called out and taken back downstairs. Two very large white guards handcuff me behind my back and lead me out, into the sunshine (!) and across the street to the courthouse. As we climb the stairs inside and round the corner—Bless God!—there is the crowd from my church with heads bowed, praying in the hall. In the courtroom there is standing room only, and I am seated in the jury box, where they take off the handcuffs. The judge enters. The Bartlett City prosecutor is there and begins. When he finishes his opening statement, in my jailhouse pajamas and with cottonmouth, I begin to read and explain from my papers.

The judge refuses my petition for a writ of habeas corpus. I am remanded back to the custody of the Bartlett Jailer. Again, I am handcuffed behind my back and returned to my cell block. Shortly I am called forth and taken back to the Bartlett jail, seventeen pounds lighter.

In Bartlett I am allowed to make a phone call and talk to my counselor. I have exhausted my every legal remedy for release. It is the eighth of

➡ *continued on page 34*

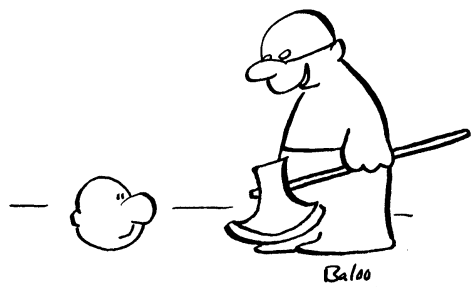

"There now—that wasn't so bad, was it?"

I Go To Russia

by Benjamin Best

My tour group had an afternoon free in Berlin before we were scheduled to leave for the Soviet Union, so I decided to visit East Berlin.

Not long before, a young West German named Mathias Rust had landed his Cessna airplane in Red Square. He had become something of a folk hero in West Germany. I bought a T-shirt in West Berlin that read: "International Airport, Rotor Platz" (Red Square). Somewhat carelessly I wore it as an undershirt that afternoon.

Getting into East Berlin means first standing in line for East German currency. A tourist cannot enter East Germany without getting at least 25 East German marks which must be spent completely (i.e., cannot be brought back to West Germany or changed back into Western currency). The tourist must pay one West German mark for each East German mark bought. Although there is no exchange market for Warsaw Pact countries, I was told that the market rate would be closer to 6 Eastmarks per Westmark. I had also heard that there is little or nothing in East Germany that a Western tourist would want to buy.

After getting my money, my person and my passport were inspected by an East German border guard. He called me into a room and had me empty my pockets onto a table. I suspected something was wrong when he told me to take off my shirt. He told me that my T-shirt was not permitted in East Germany. The guard had apparently recognized my seditious souvenir T-shirt from the lettering visible at the open collar. We left the room and I was told to wait at a nearby seat.

The guards had my passport and I was on the East German side of the wall. Between me and West Berlin was a double set of concrete walls capped with barbed wire and some of the 1,800 shooting towers surrounding Berlin. I didn't really see a point in getting melodramatic about the matter. And I didn't think the guards would do anything to me. But the longer I sat, the more uncomfortable I became.

The first guard was joined by another who quizzed me on where I had gotten the T-shirt, what my intentions were in buying it, why I had come to East Berlin, what I do for a living, etc. Then I was told to sit and wait again. More guards came, one of whom looked like a well-decorated officer. They talked, examined my passport and conferred privately. I figured I hadn't done anything that couldn't be corrected by an apology and giving up my T-shirt. But on the other hand, I am not used to intense censorship or being surrounded by shooting towers. These people look at life very differently from the way I do and they are deadly serious about it. Left alone with my thoughts, I had a few moments of real panic.

I was joined for a short time by a young woman from my tour group. She had bought a book about the Berlin Wall in one of the shops on the West side. She was dwelling on the irony that she, an ardent socialist, was being held. The guards eventually decided to keep her book and allow her into East Berlin.

I also saw another tourist in an altercation with a guard over the fact that he was leaving East Berlin but still had his Eastmarks. He said there was nothing there he wanted to buy, but the guard insisted that he go back and spend the money.

After an hour and a half of delay and hassle, a guard told me I could go to East Berlin, but would have to leave the T-shirt behind. When I told him I would just as soon return to West Berlin, he immediately agreed. I was even allowed to change my Eastmarks back to Westmarks, which is normally prohibited.

The core of the problem was the intensely paranoid bureaucratism of the East German guards. I experienced little real malice; I suspect they nurtured an ethnic pride that a German, Mathias Rust, had tweaked the nose of the Russian bear.

But the experience made me very circumspect and overcautious in traveling to the USSR. Because of my experience with the East Germans, I took the advice that "the lighter you travel in the USSR, the less hassle." I packed a tote-bag with shirt, pants, several pairs of underclothing, toilet paper, towel and my electric shaver.

Leningrad

We flew to Leningrad on a Soviet plane, where I had my first taste of the Russian diet and its effects: our meal was heavy with greasy meat and starch, and most of the Russian passengers were considerably overweight.

The city looks as if it hadn't changed since Ayn Rand was born there. I saw no skyscrapers at all and very few modern-looking buildings. There were no colorful signs, neon lights or eye-catching architecture . . .

just drab old buildings.

Our Soviet tour guide was a stocky 19-year-old female. I expected her to be a hardline Marxist, but she wasn't even a member of the Communist Party. (She said that it was too much work to belong and that there were no advantages to being a member—because of careful Soviet efforts preventing petty opportunism.) Our tour guide told me that rather than having people discussing ideology, the government prefers for them to be doing things more economically beneficial for the country. The complete absence of revolutionary zeal in the Soviet Union—here and elsewhere—came as a complete surprise to me.

We were free to come and go as we pleased in Leningrad, as we later were in Moscow. And at no time in my wanderings did I notice being tailed by the KGB or anyone else.

Wandering Leningrad the first night, we were soon approached by young men wanting to trade. The traders wanted jeans, T-shirts, watches, calculators and Western currency. I had already declared my watch and my shaver, so I didn't trade them. I hadn't brought any jeans and I had left my Cessna-Red-Square T-shirt in Berlin. Some traders only had lacquered boxes for trade, but many offered fur hats, military garb, flags and Rubles.

As an ardent pro-capitalist, I'm almost embarrassed to admit that I was less involved with the traders than most of the other (non-ideological) people on my tour. For one thing, I don't like bartering. For another, almost all the traders constantly smoked cigarettes and I prefer not to deal with smokers. I only traded currency. I didn't even attempt to bargain, partly out of concern over being hassled by customs. Our tour guide told me that the currency traders were the only ones who could be sent to jail.

The others on my tour, however, traded their jeans, T-shirts, and watches. Much of their motivation was the romance of dealing in the black market. One of the traders told a fellow in our group that it was illegal to take a Soviet Flag outside the USSR. Of course, this made the fellow eager to obtain a Soviet Flag and try to "smuggle" it out.

I have heard repeatedly that the traders want our currency for the Western currency shops. I saw only one such shop and was not impressed with its selection or prices—even compared to the Soviet department stores. In fact, the largest department store in Leningrad had Lee-brand jeans and digital watches for sale. The traders evidently figured they could get a better deal from the tourists.

Although I began to think of the traders as pesky high-pressure salesmen, they were among the few people to be found who could speak English. (There are far fewer people who know any English in the USSR than in any other European country that I visited.) Some people used trading as a way to get to know Russians and a few even visited them at their homes. One trader, who said that his father was a physician, told me that through his dad he had gone to a special school to learn English and gotten a medical deferment from the draft.

As an ardent pro-capitalist, I'm almost embarrassed to admit that I was less involved with the traders than most of the other (non-ideological) people on my tour.

Our city tour of Leningrad included the Peter and Paul Fortress as well as the Hermitage, an exercise in czarist opulence intended to outdo the Palace of Versailles. The Hermitage is now an art museum, housing one of the world's greatest art collections. Soviet citizens lined up for hours to get in, but we tourists were admitted without waiting.

Later I visited St. Isaac's Cathedral with a few others from my tour. There was a long line waiting to get in, but one of the women in our group had the audacity to go to the front of the line and get tickets. No one complained. St. Isaac's is the third largest Cathedral in the world, and possibly the most awesomely beautiful. Its exterior was undergoing reconstruction, so apparently the Soviets were concerned about preserving the artistic masterpiece. I never learned whether or not St. Isaac's is currently used for worship, but I was told that another large Leningrad church had been converted into the Museum of Religion and Atheism.

We later visited the Museum of the History of Leningrad. It was difficult to find because it was in the middle of a block of similar buildings and was in no way distinctive. Although there were many staffers and a guard inside, none of them spoke English. After about 45 minutes we saw a group of Outer Mongolians accompanied by a tour guide—but otherwise we had the museum to ourselves. Unfortunately, all the legends were in Russian only.

I walked through the sculpture filled park adjoining the Summer Palace and as I left I was approached by a fiftyish Russian fellow whose English was quite good. He said he was entirely self taught. He said he worked for the streets and sewers department. His ambition in life was to be a street musician ("amateur vagrant," he called himself), but had been arrested and given a fifty-Ruble fine when he had tried playing in the park. He thought the new liberalism was mostly a sham, except for a more open dialogue on booze and drugs.

I was surprised to learn that he had never heard of the World's Fair or the Eiffel Tower. I later learned that our tour guide had never heard of them either. I suspect that this is indicative of a Soviet government attempt to keep the people ignorant of temptations to go abroad.

We were scheduled to meet with some Soviet students to "exchange views." I was expecting a group of glib Young Communists who were practiced in the dialectics of attacking the American Point of View. Instead, we met with a group of young workers only one of whom had any grasp of English. Another fellow and myself were paired with a couple of giggling women in their early twenties. As we tried to communicate by sign-language, the laughter proved to be very contagious. We gave them some coins from different European countries and they gave us pins. Oddly, one pin depicted the Museum of the History of Leningrad. The other pin depicted Lenin, although it had about as much ideological significance as if I had given a pin depicting George Washington. (Images of Lenin are common in the USSR,

whereas images of Marx are very hard to find.)

We did some disco dancing to Russian rock music and to a tape of American rock music belonging to a member of our tour. When it was time to go, I was quite touched by the amount of regret our companions displayed at parting. They insisted upon an exchange of addresses.

Everywhere else I went in Europe (even Hungary) the discos played American rock almost exclusively. Everywhere else in Europe I saw American movies and American TV programs with European-language subtitles. English is becoming an international language because so much of the world is fascinated by American cultural goodies.

This was not the case in Russia. I watched a TV show of a Russian rock concert, complete with all the usual props: strobe-lights, smoke, mosaics of mirror, etc. Apparently the Soviet government tries to reduce Western influence by copying much of it. I was reminded of Mises' claim that socialists can only set prices and do economic calculation by "peeking at the market."

Moscow

We rode a train from Leningrad to Moscow. I was surprised at how old and poor the farmhouses seemed. Except for their metal roofs, they looked like they were shabby remnants of the 19th Century.

Moscow looks a lot like Leningrad, except there are skyscrapers and new apartment buildings. The apartments all look alike—one architect was evidently all that was needed. I had the impression that much of the wealth from the rest of the country has gone into the development of Moscow. The Metro subway is the nicest I have seen anywhere in Europe or North America. Each station has a unique character, often quite artistic. One has mosaics, another large incongruous-looking chandeliers. I bought a book of glossy color pictures of Metro stations and their surroundings. (This was sold in my hotel's shop—which quoted the price in Rubles, but refused to accept anything but Western currency.) Since a subway ride is only 5 Kopeks (about three cents at the market rate), I was tempted to spend all my time just riding from station to station, and walking around outside each one.

Red Square, of course, is the center of Moscow—and it is ironic how much the czarist influence still dominates it. On one side is the Kremlin, the fortress whose ancient brick walls now surround the Soviet seat of government. On the opposite side of the square is the GUM department store (built in the 1890s), reputedly the largest in the world. Despite its huge size, its selection is inferior to that of an average K-Mart. To the side is St. Basil's Cathedral, built by Ivan the Terrible. It is as symbolic of Moscow as the Eiffel Tower is of Paris.

Lenin's mausoleum sits up against the Kremlin wall. I waited two hours to see Lenin's body, but came away convinced that what I saw was a wax effigy (or, at least, a body covered with very thick wax); the features were too smooth and flawless.

Our tour guide showed us the spot where Mathias Rust had landed his Cessna. Rust had flown in on a Sunday and caught too many high-level officers having a day off and too many underlings unwilling to take the responsibility to do anything. The Russian guide thought the whole episode was hilarious—quite a contrast to the East

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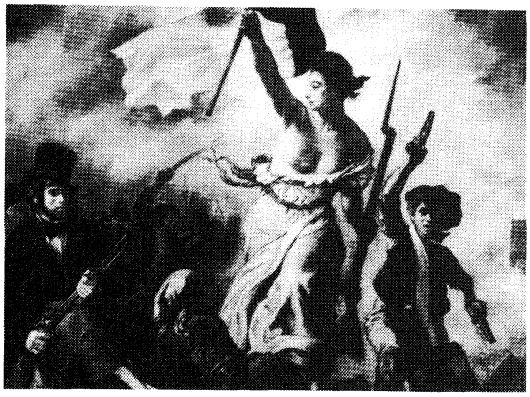

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German border guards. (Having spent a day in Moscow on a Sunday, I was rather struck by how this atheistic country observes the Lord's Day more consistently than do most Christian countries—by *not working*.)

We went to the National Economic Achievements Exhibition, which is probably the closest thing to Disneyland in the Soviet Union. The fountains and architecture were breathtaking—but the contents of most of the buildings were unimpressive. The best by far was the space exhibition.

I expected the kiosks to offer mostly fast-foods, and was surprised to see they sold rather banal consumer items. One sold nothing but socks. I had bought more Rubles than I could possibly spend (and possessed more than I had bought legally) so I disposed of them by buying a Russian umbrella, which was an incredible struggle to open and close. Our tour-guide had a good laugh and said Russians never buy Russian umbrellas—only Japanese umbrellas.

Once, near Red Square, while crossing a wide street on which there were no people and few cars, a car started driving towards me as if it were trying to hit me. I began running, but it sped up and continued to head directly toward me. I just managed to leap to the curb when a policeman rushed out of the car and motioned for me to get in the back seat. I couldn't understand what the cops were saying to me so I started talking English. One cop said "English?" I nodded my head and said"Yes." He said "3 Rubles" and handed me a ticket for jaywalking. I paid him, took the ticket and got out.

One evening I found myself quite lost in Moscow. I could have retraced my steps, but that would have taken a long time. I tried to find a taxi, but they all rushed by me. After a while a beat-up car with a cracked windshield stopped and an old Russian pushed open the door. I was a bit desperate, so I got in and showed him my card with the name of my hotel on it. After he started driving he took out a cassette and plugged it into his cheap old cassette player. It played some corny English-language music. When he arrived at the hotel I handed him a 5 Ruble note. He nodded his head with satisfaction and I got out.

On my last night in Moscow I attended the Circus with my tour-group. As tourists, we were given front-row seats. There was an act in which one of the clowns pretended to be a drunk walking a straight line for a mock-policeman. I was a bit surprised to see this kind of humor at the expense of a symbol of authority. The performances by the trained horses, monkeys, elephants and tigers reminded me of the intense effort put into discipline that I came to associate with Russian character. And every time the audience clapped, they quickly assumed a cadence whereby all hands came together at once—signifying to me a spontaneous desire for conformity, group participation and discipline.

The complete absence of revolutionary zeal in the Soviet Union—here and elsewhere—came as a complete surprise to me.

We were scheduled to return by air to Copenhagen, but were taken to Berlin instead. The Soviets have no qualms about altering their agreements when it is convenient for them to do so. When you tour the Soviet Union, you take what they give you or you take nothing.

In leaving the Soviet Union our baggage was not subjected to the same kind of scrupulous inspection it had been on entry, which came as a relief, I am sure, to those members of the group who had acquired Soviet contraband.

Touring Soviet Russia

The Soviets monitor currency in particular. They try to see that much Western currency is brought into the USSR and not much taken out. We were required to exchange money at a $1.70 per Ruble, far above the black market rate of fifty cents per Ruble on the streets of Leningrad and Moscow. The Soviets do not allow Rubles to be taken out of their country and will buy back their Rubles at roughly $1.70 plus a little gouging (giving only bills in return, and rounding off in their favor).

Most of the people in my tour-group found Soviet food to be marginally tolerable. All meals were included in the tour and alternatives (restaurants, groceries or fast-food outlets) were not readily available. The meals were prosaic at best: I recall breakfasts consisting of plates of frankfurters and glasses of buttermilk.

I saw a few kiosks selling ice cream, one flavor only, either vanilla or a caramel-like flavor. This ice cream has a wonderful taste and is unlike ice cream I have had anywhere else. In Moscow I found only one example of a fast-food outlet; it was selling sausages wrapped in deep-fried bread.

There were pop machines on the streets of both Leningrad and Moscow. They were quite different from those in the West. First the user had to rinse off the glass tumbler that was provided with the machine; then place the glass in a little window and push a button to dispense the pop. The glasses were to stay with the machines, and it is a comment on Russian character that they were not stolen. The drinks were cheap: 1 Kopek for soda water and 3 Kopeks for a 7-Up like drink. One machine by Red Square gave apple juice for 20 Kopeks.

There are also some kiosks (particularly near tourist attractions) selling Pepsi. There are no "cola wars" here: Pepsi has a monopoly courtesy of the Soviet government.

Soviet shopping and Soviet life have a lot to do with spending a great deal of time standing in very long lines. Considering that the pop machines entrust their glasses to the anonymous citizen, it is remarkable that I saw no other self-service in the USSR.

Imagine going to a store to buy some shampoo, thread and stationery. Then picture having to stand in three lines, one for each item, for 10-15 minutes each. Before standing in line you must pay a cashier who gives you a receipt to exchange for the item, so once in line you are somewhat trapped. Lines for meat, vegetables and fruit seemed to be longer (30-40 minutes) and some items required waiting well over an hour. I was amazed to see people in stores using an abacus—the hand-held calculator revolution has not yet hit the USSR.

One last point: Don't expect to find toilet paper in the Soviet Union. Instead most public restrooms have torn-up copies of *Pravda* sitting by the toilets. ❑

The ACLU: Suspicious Principles, Salutary Effects

A Libertarian Looks at the ACLU and Likes (Most of) What He Sees

by William P. Moulton

Consider the fact that you can perform the following activities without interference or punishment by government, simply "as a matter of course":

Use the first-class mails to send your spouse a letter of an "indiscreetly passionate" nature without facing federal prosecution.

Import into the U.S. photographic reproductions of the ceiling of the Sistine Chapel.

Wear a black armband in opposition to some aspect of public policy while attending public school classes.

Circulate printed matter designed to "Interfere with the success of any federal loan."

Sell copies of James Joyce's *Ulysses*.

Publicly express a desire that the United States Supreme Court will rule that conscription is unconstitutional.

Receive "foreign propaganda" through the mail without registering as either a foreign agent or a "person willing to receive" such propaganda.

"Burn, deface, mutilate or otherwise desecrate a cross" in New Jersey.

Doing any of these things was once sufficient cause to subject a person to fine or imprisonment in the United States. Each of these activities (along with all the examples listed in the box beginning on page 30) was at one time or another against the law.

The laws against these activities were struck down by the courts, winning these freedoms for Americans and enhancing the scope of the freedom all Americans enjoy.

In every case, the law was done away with because of action by the American Civil Liberties Union.

A complete citing of such cases is impossible. The cases cited are not of equal importance. They took place at different times. Not all were national in scope: some concerned state or local laws or merely the eccentric judicial interpretation of one person. Some—though by no means all—would probably have been eventually overturned without the aid of the ACLU (although "eventually" can be a very long time). But the fact remains that it is because of the actions of the ACLU that the freedoms listed—and many others—are enjoyed by Americans.

Salutary Effects

It is inevitable that an organization such as the American Civil Liberties Union will be controversial. Indeed, in a very real sense it invites controversy, and it would be failing in its mission of it did not do so. What may not be quite so obvious is the fact that the ACLU is just as inevitably going to be widely misperceived and misunderstood. Probably no other group of comparable size and influence has suffered from such a consistent failure to effectively communicate its motives and

values to the American public. (There is also the problem that a large segment of the populace *does* understand the ACLU's views, but angrily rejects them.)

It is not necessary to give a great number of examples of the ways in which the ACLU inadvertantly generates enemies, for the general pattern is quite consistent. If the Union supports the right of some offbeat religion—say, the Hare Krishnas—to proselytize, or if it upholds the separation of church and state by fighting against government-mandated prayers in schools, it finds itself roundly accused of promoting "secular humanism" and of desiring to destroy Christianity. If some of its members defend the right of a high school librarian to keep *Huckleberry Finn* on the shelf in spite of the book's frequent use of the "N-word," they are accused by many on the left of giving aid and comfort to racism. To cite an even more sensitive case, the ACLU's spirited and courageous defense of the right of the National Socialist Party of America, a Nazi group, to engage in a march through the heavily Jewish enclave of Skokie, Illinois, brought charges from both sides of the political spectrum that the Union was brutally insensitive to the feelings of the Jewish people, that it preferred Nazi thugs to "decent citizens," and the like. Indeed, the Skokie case, which led to the striking down of a number of ordinances that were merely legalized harassment, cost the ACLU dearly. The Union estimates that between 15 and 20 percent of its approximately quarter-million members resigned in protest, including about 30 percent of its 8,000 Illinois members.

As might be expected, some of the most egregious misdescriptions of the American Civil Liberties Union are those that emanate from the wacko right. To most of the far right, the ACLU is simply beyond the pale—an utterly evil organization. A typical article which appeared in the Bircher organ *American Opinion* in 1985 stated, "For sixty-five years the American Civil Liberties Union has employed radical attorneys to increase the power of the state, especially the courts, over the lives and property of the American people." To *Conservative Digest* the Union is the "best friend of communists and subversives everywhere." In the anti-Semitic fever swamps it is sometimes referred to as the "Jew-merican Civil Liberties Union" or similar illiteracies. The present Attorney General of the United States, who ought to know better, has publicly called the ACLU the "criminals' lobby."

What is the ACLU *really* doing in all the cases I have cited, and in the thousands of others that have engaged its energies? Well, for the most part it is simply being consistent in giving support to what it conceives to be civil liberties, and most especially to those which involve freedom of expression. (Sometimes, to be sure, it has slipped a bit from its high standards—we'll go into that later.) There is no doubt that most hostility to the group's activities is engendered by its adherence to principles rather than by an occasional anomaly or inconsistency.

The problem the ACLU keeps running up against is simply this: most people neither accept nor fully understand the classical liberal concept of tolerance. The idea that the freedom to pursue non-coercive goals is both an individual and a social good, that society is actually better off when nutty racists, communists, Nazis and silly but unobtrusive religious cultists are allowed freedom of expression and of peaceful action probably seems utterly persuasive to the readers of *Liberty*, but unfortunately it goes over like a lead balloon when presented to most people. If this were not the case the ACLU would have little to do.

One of the most intractable problems connected with the lack of enthusiasm for civil liberties in this country is the fact that the principles involved are never conceptualized by most people. They remain at the level of unintegrated attitudes and feelings. The mythical "average person's" views on civil liberties is, I think, something like this: "Sure I believe in freedom. This is a free country. But there have to be limits on people who abuse these freedoms. Obviously we can't give the same rights decent people possess to troublemakers and subversives and those who tear down everything that made this country great. And you can't have people running off at the mouth and insulting other people's religious and political beliefs and stirring things up." Some left-liberals (not all) would add that we shouldn't allow expression which will tend to perpet-

In America, courtesy of the ACLU, you can:

- Teach in a school in the District of Columbia even though heard to utter "disrespect of the Holy Bible" in public.
- Organize a chapter of Young Americans for Freedom on the University of Minnesota campus.
- Live in Johnstown, Pennsylvania if you are a Negro or Mexican, even if you have not previously dwelled there for at least seven years.
- If a juror, be reasonably certain that the jury room is not "bugged" under pretense of making a "scientific study" of jury deliberations.
- Hold a poetry-reading in New York City without a license.
- Perform electrical work in Philadelphia even if you live outside the city.
- Refuse to salute the flag in public in Indiana without being prosecuted for "riotous conspiracy."
- Advocate the practice of polygamy in material sent through the U.S. mails.
- Sell, in Georgia, merchandise manufactured in a Communist nation without buying an expensive license to do so.
- Advocate the social equality of the races in Mississippi.
- Organize, in the state of Alabama, a branch of an organization headquartered outside of the state without registering with the Attorney General. (An NAACP chapter was fined $100,000 for violating this one.)
- Print anonymous political pamphlets in California.
- If a foreign national, enter the U.S. as a visitor even if you have been accused of adultery in a divorce judgment in your home country.
- Suggest to conscripts about to be inducted that they ask about their constitutional rights.
- Possess and use a press card in Detroit without taking a loyalty oath.
- Teach a foreign language in Iowa (this was an extreme example of World War I xenophobic hysteria).
- Show a newsreel depicting "industrial unrest" in Chicago and Detroit.
- Marry, if you are white, a person of 1/64 or more Negro blood in Georgia. (About half the states had such laws, but Georgia was the most vigilant in seeking out tiny traces of "colored" ancestry.)
- Vote in New Mexico if you are an Indian.
- Publicly support the doctrine of pacifism in Colorado without being legally liable for commitment to a mental institution for "observation."
- Establish or teach at a private religious-oriented school in Oregon.
- Pass out pamphlets dealing with public issues without being arrested for "littering." (In some localities this battle has not been entirely won.)

uate racism, sexism, poverty and exploitation. Many on the right would add that we have to decide where discussion of ideas ends and sedition and treason begin. (I have heard these exact phrases used during conversations with each of the described types.)

The depressing thing about all this is that these long series of "buts," exceptions and exclusions slowly and remorselessly add up to a brutally authoritarian society. (Just as, in the economic sphere, an endless series of "I believe in the free market, but . . ." judgments add up to a totally controlled economy.) Try to imagine for a moment that all of the abridgments on free expression I have catalogued in this article—and thousands of others not mentioned in my sampling—had gone unchallenged by "outside agitators" of the type who form the bulk of ACLU membership. Not only would we be struck with all these monstrosities, but legislative bodies at all levels would be emboldened to proceed further. After all, the knowledge that laws are being struck down by the courts does act as a brake, even if an imperfect one. (A minor example: the small northern Michigan town in which I reside recently repealed its anti-condom ordinance after the city attorney reported that an identical one in Cincinnati had been declared unconstitutional.)

If neither the ACLU nor any similar force had challenged the aforementioned manifestations of statism, the list of tyrannies great and small would proceed to grow unchecked. Every new assault on liberty would be presented as a minor adjustment or rearrangement of behavior that in no way alters the basic nature of our free country. Perhaps on occasion such claims would even be made sincerely. The end result of such a process—after a long series of interest groups had ensured that each one's pet complaints had been attended to—would be no freedom at all.

Because the cultural factors which stand in opposition to the classical liberal ideal are so strong, the need for a group such as the Union is undeniable. I do not believe it is hyperbole to state that in a very real sense most of the freedoms which Americans still enjoy are sustained by the broad and willing shoulders of the ACLU.

Glaring Imperfections

It is because of its great importance that it is disturbing when the ACLU occasionally falters. Of course, no institution is perfect, and none is unchanging. like any outfit which has been around for seven decades, the ACLU has progressed through various periods. There is no doubt that during some stages—especially the 1930s—many members were only concerned with defending the rights of those on the left side of the political spectrum. There is also no denying that at times the ACLU has interested itself in affairs that have no relation to civil liberties or Constitutional protections in any reasonable sense—for example, opposition to nuclear power or support for higher welfare payments. There have also been cases in which the ACLU was simply on the wrong side.

The most notable example in recent times has been the Polovchak case, in which a Soviet citizen was able to emi-

- Publish a book in Massachusetts stating that "Jesus Christ was immoral."
- Publicly state, in speech or writing, opposition to military conscription. (This was a federal law, courtesy of Woodrow Wilson and cohorts.)
- Utter "scurrilous or abusive language" about the federal governmental or its officers. (Another Wilson contribution.)
- Advise people to refrain from purchasing Liberty bonds. (One man was sentenced to ten years for violating this gem.)
- Allege that the federal government favors "profiteers" over "the people." (Another case, same sentence—ten years.)
- Be eligible to join the Baltimore police force even though, in your spare time, you occasionally spend time at a nudist colony.
- "Discuss, expound, advocate or oppose" the principles of any "religious denomination or sect" in any "speech, lecture or discourse" within the confines of Los Angeles. (This kind of ordinance was usually, though not always, aimed at the Jehovah's Witnesses.)
- Teach in a public school in New York state even if you are a member of any of a long (and outdated and inaccurate) list of "subversive" organizations.
- Give a speech or write an article that tends to bring the president of the United States into "contempt or disrepute." (Another Wilson law, which could have been used against almost any candidate for high office who was not a Wilson loyalist.)
- Utter "opprobrious words" in public in Georgia.
- Accept advertising from persons and groups trying to raise money for the defense of "subversives" without losing your periodical's second-class mailing permit.
- Allow, if you own a building in California, "subversive" groups to rent a meeting hall without forfeiting any tax exemptions or refunds which might ordinarily be your due.
- Apply(!) for a passport if one is a "Communist or sympathizer."
- Defend, if you are a lawyer, IWW members in the state of Washington without being disbarred.
- Attempt to unionize workers in New York City without registering with the Police Commisioner's office.
- Have a street number assigned to your new house in Bensalem Township, Pennsylvania, even if you refuse to state your religious preference.
- Distribute Jehovah's Witnesses literature in Massachusetts, California and New Jersey. (Although in some communities door-to-door solicitations is still in a state of legal limbo.)
- Enter into a business partnership with a white person in Arizona if you are of Japanese ancestry.
- Deny the existence of God in public parks in San Francisco.
- "Embarrass" the government in time of war. (Wilson, of course)
- Laugh at, ridicule, jeer at, or show disrespect for men in military uniform, the uniform itself, or persons engaged in military maneuvres. (There was at least one arrest and criminal prosecution for laughing at the clumsy antics of newly inducted recruits who were drilling in a public park.)
- Utter a speech in Chicago that "stirs the public to anger; invites dispute; brings about a condition of unrest, or creates a disturbance." (One wonders what subject, other than a lecture on the multiplication table, could not be banned under such a law.)
- Publishing an article, derived entirely from publicly released government documents, dealing with the construction of a hydrogen bomb. (In this instance the government withdrew its challenge before final judicial resolution.)
- Place a peace symbol on an American flag. (This case was won on very narrow grounds, the Supreme Court ruling that the combination of the stars and stripes and the peace symbol was not a "United States flag" within the meaning of the various state and federal laws.)
- Refuse (or forget) to doff your hat when Charles Lindbergh passes by in a parade in New York City. (Okay, I didn't say all the issues were up to date and relevant. The fact remains that a man was arrested for this and was saved from prosecution by the intervention of the ACLU.)
- Vote in Mississippi without proving one's "good moral character" to the satisfaction of the registrar.
- Ask for a change of venue in a criminal case in Virginia without being given a summary contempt-of-court conviction .(This was used against civil-rights lawyers in the 1950s and 1960s.)
- Be an officer in the NYPD even if you belong to the John Birch Society.

yet more, page 32

grate to the United States with his entire family, and then, after a couple of years here, decided to return to the socialist motherland. His twelve-year-old son Walter had become thoroughly Americanized and refused to return. His parents sought to have him forcibly repatriated, thus beginning a six-year struggle. With the help of sympathizers in the Reagan administration, young Polovchak was able to stall the issue until he turned eighteen and could become a naturalized citizen on his own. Although this case had a happy ending, it was not because of the ACLU. For no good reason the ACLU took the elder Polovchak's side, and labored for six years to send the young boy to a life under totalitarian rule. It seems certain that political inclinations played a role in this decision, for it was obvious at the time that many ACLU leaders did not sympathize with the anti-Soviet motivations and rhetoric that characterized young Polavchak's supporters. It is probably safe to assume that the organization would not have striven so mightily to help deport a child to Chile or South Africa.

The most disruptive issue within the ACLU at the present time is, without qualification, the case of Professor Randall Kennedy of the Harvard Law School. Kennedy explicitly adheres to the view, always popular among some leftists, that "reactionaries" have no rights, or at least far fewer than do decent, progressive people. This view, of course, goes back to Lenin and even to Robespierre. Its most strident exponent in more recent times was the late philosopher Herbert Marcuse, who referred to actual tolerance as "repressive tolerance" (because it allowed people to come to incorrect, i.e., non-Marxist and non-Marcusian, conclusions) and called for a new "liberating tolerance." What, exactly, is this creature? In Marcuse's own words "Liberating tolerance, then would mean intolerance against movements from the Right, and toleration of movements from the Left . . . [I]t would extend to the stage of action as well as of discussion and propaganda, of deed as well as of word." More precisely, he demanded "the withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies . . . or which oppose the extension of public services, social security, medical care, etc." In point of fact, what Marcuse did was simply to say to the assorted little groups of Stalinoids that litter the political landscape: "Your vindictive desire to punish and annihilate those who oppose you is perfectly legitimate. There is no need to be ashamed of these desires. Let me, however, cloak them in philosophical and academic garb for you, and blunt their cutting edges a little." In doing so, Marcuse helped to impart an atmosphere of repression, hysteria and paranoia to the New Left, qualities which grew ever more shrill as the movement disintegrated into oblivion in the early seventies.

It is not clear from his public statements whether or not Randall Kennedy is consciously in debt to Marcuse's legacy. But there is no doubt that his outlook is similar. Kennedy has been a leader in the attempts, often successful, to block persons with unacceptable views from speaking at Harvard. The special objects of his attention are representatives of South Africa and of the Nicaraguan Contras. In a speech given in late April 1987, catchily titled "In Defense of Dis-

American Freedoms, Courtesy of the ACLU (continued)

- Run for District Attorney in Los Angeles County without swearing that one had never represented a "criminal."
- Distribute a movie in Ohio without demonstrating to the satisfaction of a board of censors that it is "of a moral, educational or amusingly harmless nature."
- Teach in a public school in California without shaving off one's beard.
- Place a political sign or sticker on one's residential property in California.
- Speak in public at the University of West Virginia without prior approval of the local American Legion. (Yes, at one time you really had to get their formal prior OK.)
- If a teacher at a public school in Iowa, keep your job even if your own children attend a private school.
- Affix political-message stickers to the outside of first-class mail.
- Teach at the University of Pittsburgh while belonging to the ACLU.
- Receive "subversive" literature in the mail without having to specifically request that the Postal Service deliver it.
- Mail pamphlets to young men explaining to them the ways in which they can apply for the status of conscientious objector.
- Become a naturalized United States citizen even though you are a religious pacifist.
- Run a children's summer camp in New York state without flying the American flag.
- "Predict" an American defeat in a war. (Wilson again.)
- If an employer, criticize a union in front of your employees, providing it is not done "in association with coercion."
- Work in a night-club in Maryland without being fingerprinted.
- Travel abroad without having to provide the Passport Division with prior evidence of one's "loyalty."
- Work as a barber in California even if you have pleaded the Fifth Amendment before a Congressional investigating committee.
- Give evidence in a court in Alabama even if one is an atheist.
- Fictionally(!) portray interracial marriage in novels and movies in Atlanta.
- Mail a first-class letter knowing that, at least in law, it will not be opened at random by a postal inspector to see whether it "might" contain obscenity.
- Teach evolution in Arkansas and Mississippi. (The more famous Tennessee law was never overturned judicially but was repealed by the legislature in 1967.)
- Mail a magazine via second-class postage even if it is "not of a public character contributing to the arts, literature and the sciences." (In arguing in favor of this vague concept, Postmaster General James Farley stated in 1943 that magazines and newspapers must not simply avoid pornography and obscenity, but are "under a positive duty to contribute to the public good and the public welfare."
- Import medical films showing actual childbirth.
- Fly a flag upside down in New York state.
- Publicly show the classic but very racist 1915 movie "Birth of a Nation" in Boston.
- Organize and maintain a Jehovah's Witnesses congregation in Kansas.
- Engage in "seditious" speech against individual states (but not against the federal government).
- Become a barber in Indiana if you are an ex-convict.
- Hold an anti-war meeting at a private home in Minnesota and serve beer for a small donation to the cause without being arrested for "running a disorderly house." (Vietnam era this time.)
- Buy, sell, advertise, and even wear condoms in the state of Connecticut.
- Sew a flag to the roof of your car in the state of Washington.
- Accept employment in the International Red Cross or other trans-national public agencies without prior clearance by the Attorney General.
- If a California lawyer, be "disrespectful" to a Congressional committee without being disbarred.
- March in public in Skokie, Illinois, without posting an enormous bond and agreeing to a lengthy list of "No-Nos" in advance.

rupting Speech by South African Government Officials," Professor Kennedy stated that "toleration has its limits," and that suppression is justified if the audience feels "it is a strain on humanity if certain persons speak without disruption." In response to questions from the audience, Kennedy elaborated upon his list of those who should not be allowed civil liberties: racists, Contras, Caspar Weinberger, Republican cabinet ministers generally, and certain others judged to be beyond the bounds of civil society.

When asked whether the killing of a lecturer from one of his *verboten* categories might be justified, Kennedy replied "It's a close call, something I'd have to think deeply about." Apparently murder is not, in his value system, necessarily to be ruled out as a response to speakers who depart from progressive orthodoxy.

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What we are describing here is simply a left-wing mirror image of the most brutally vile elements on the primitive right, a sort of Robert Shelton or Jesse Stoner with table manners. The difference seems to be that the yahoos who shout that "colored agitators and communists" have no rights aren't given faculty posts at Harvard.

Given the state of the modern left, none of this would be particularly surprising were it not for the fact that Randall Kennedy is not merely a member, but is also on the board of directors, of the Massachusetts Civil Liberties Union, and was, in fact, re-elected to that post by the membership as recently as last October.

All of this has raised a few eyebrows, both within and outside of the ACLU. But—and this is the depressing thing—there has been no real outrage from the ACLU membership. The truth is simply that there is sufficient sympathy among the members for Kennedy's repressive left-wing views to blunt any substantial outcry.

As California civil liberties activist Randy Grindle pointed out in an interview with this writer, "One problem with the ACLU is that it neither receives nor particularly wants input from the right. Its values, priorities, and outlook, as well as the members themselves, enter mostly from the left. In some ACLU affiliates, and most especially the venerable Northern California chapter, the leadership governs along left-sectarian and even Stalinist lines. They know the type of members they want, and they recruit that type. *Mother Jones* magazine, incidentally, has its headquarters directly below the regional ACLU office in San Francisco, and a lot of cross-fertilization of ideas goes on. There is definitely a true, consistent, radical civil liberties viewpoint within the national leadership of the ACLU, typified by Ira Glasser and and Norman Dorsen. Unfortunately, they have to placate and keep the loyalty, both institutional and financial, of a lot of members who regard the ACLU as just another left-liberal activist group."

At this point, it would appear that the Kennedy Affair has served more to provide ammunition to right-wing opponents of the ACLU than to lead to a serious examination of the Union's values and purpose.

Suspicious Principles

Is there a root problem—a seminal error—in the outlook of the American Civil Liberties Union that tends to give rise to these sorts of problems? There doesn't necessarily have to be, of course. After all, an organization with tens of thousands of members is going to have some who blunder in their understanding of things, and in a certain number of cases their errors are bound to carry over into the working operations of a group that tends to govern itself by consensus.

In truth, there does appear to be a problem with the general outlook of the ACLU. The simplest way to describe it is thus: the ACLU does not operate in accordance with any coherent theory of rights. That is, it does not define "rights." Many of its members think about rights, of course, but their conclusions on the subject tend to be weak and superficial, and not well integrated with a broader system of values.

I am sure that the reaction of many readers will be, in effect, so what? All modern left-liberal groups share this flaw. It's part of the whole package of nonsense about human *versus* property rights, that you can't apply economic laws to human beings, that we need to produce for use, not for profit, and so on and on and on. To insist on a formal philosophical framework for every value or position is to fall into the Randian trap of delusionally elevating every issue into a titanic clash of philosophies.

This reaction is not without some merit. Certainly it is true, as mentioned above, that the ACLU draws most of its members from what today passes as the liberal side of politics. It is also a fact that the most one can generally expect from such persons is a very partial, we might even say *schizoid*, defense of liberties. All of us are familiar with the type of person who believes that censorship of high-school newspapers is an intolerable tyranny, but who supports brutal one-man rule by tinhorn Third World despots on the grounds that the latter represents a progressive and anticolonialist force. Like it or not, such specimens abound, as do their counterparts on the right. We have to live with the situation.

So why should we attach so much importance to the confusions and inconsistencies of the ACLU membership? Let's call it a combination of lover's quarrel and genuine concern. They're so good in so many ways, and it would be nice if they would get their act together. Furthermore, the errors we're dealing with could result in another Polovchak fiasco in the future, and the next one might have a more sinister *denouement*.

The Heart of the Matter

The question poses itself—if the ACLU does not have a conscious philosophy of rights, what does it have? Perhaps the clearest way to characterize the Union's ambiance is to contrast it with the radical Whig, classical liberal conception, one which is today represented primarily by our small libertarian movement. I will especially refer to the matter of freedom of expression, since that is the Union's special field of interest.

The strong classical liberal (or, if you prefer, libertarian) position can be summarized as follows: "There are certain areas of life in which people must be allowed freedom if they are going to live a human existence. The necessity of this freedom is not dependent on the specif-

ic goals and values of those who claim and use it. It makes no difference whether the practice of liberty in any particular case contributes to the democratic ethos, or widens people's horizons, or prepares them for citizenship in a complex world, or, in fact, whether it advances any identifiable purpose. We claim certain rights as a natural condition of our lives, and damned be the authority which tries to take them away."

Now there are probably some members of the American Civil Liberties Union who hold to this view, at least in the case of certain freedoms. But, for better or worse, the general viewpoint of the ACLU is neither as clear nor as feisty as this. What we are offered instead is a kind of well-meaning goo. There is no single manifesto from which to quote, for the ACLU, as mentioned above, proceeds more from consensus than from formal statements of purpose. The following phrases are all, however, lifted from statements in ACLU publications and from books and letters of ACLU supporters. Let us take a look at some of them (all refer to the subject of freedom of expression): "essential for citizen participation in the governmental process;" "healthy balance between stability and change"; "citizenship in a modern democracy"; "broadest possible dissemination of ideas"; "the balance of freedom and social obligation that is the mark of a democratic state"; "the function of privacy in a democratic society"; "the free flow of information necessary to an enlightened citizenry."

These phrases don't sound quite right, do they? It's not that they're wrong really—who, after all, wants an unenlightened citizenry?—but they are weak reeds on which to support a concept of civil liberties. They give far too much away, and concede too many points to the enemies of freedom. It is simply too easy, given the premises of the ACLU, for an advocate of censorship to say, as many have, "Come, now, do you really think that democratic values are enhanced by allowing Nazis to march and give public speeches? Is preparation for citizenship really furthered by protecting the right of racist hate sheets to advocate sending blacks to Africa?" There are legitimate answers to these objections, of course, but they are not readily forthcoming from the amorphous social-utility analysis which underlies so much ACLU thinking. The fact that ACLU members resist the arguments of would-be censors even in the case of highly sensitive examples of free expression is more of a tribute to the members' courage and passion than to the logic of their formal principles.

Perhaps I am being slightly too harsh to the ACLU. After all, most of its members are denizens of the upper middle class left-liberal milieu, and they bring with them certain rather overblown assumptions concerning the democratic *mythos*. But, as conservative intellectuals are always reminding us, ideas have consequences. Libertarians as well as run-of-the-mill ACLU members should keep in mind the fact that there is an alternative, and very sinister, tradition on the left which takes a very different view of civil liberties. This is the Marcusian ethos, described above, which has as its operational roots in the Leninist state and which makes only the shallowest pretense of recognizing the rights of dissent and free expression. In this frame of values, liberty of any sort is viewed as a mere bourgeois prejudice that has no place in the revolutionary order. In most of the world, this viewpoint is that of the political left. The American Civil Liberties Union, despite its faults, has helped to keep alive an alternative conception of human activity within the ranks of left intellectuals, and has been a significant factor in keeping the American left from becoming completely totalitarianized. For that, and the resulting freeing up of political debate, it deserves our thanks.

Besides, someday I might want to mutilate a cross in New Jersey. ❑

➡ *Continued from page 24*

September, and I can see no further point in staying in here another 20 days waiting for my court date. I have been unlawfully arrested and imprisoned for seven days.

There is nothing else to do but pay the ransom. At long last the jailer comes, gets me out of the cell. A clerk hands me a receipt for the $750 bond, and I walk out. My pastor, an elder, and my counselor are waiting. "Welcome to the world of unreality!" my counselor laughs at me. Blinking in the bright sunshine, I look at the trees, the asphalt. It is all unreal. I hug them all and we leave.

On September 28, 1987 a trial was held in the Bartlett City Court, Judge Robert Rose presiding, on the charge of "no business license". My motion for a jury trial, and all my other motions, were denied. It was revealed in sworn testimony that a Tennessee Department of Revenue agent, working with the IRS agent investigating me, had sicced the City of Bartlett on me. I was found guilty. On October 1, 1987 a trial was held in the Bartlett City Court, Judge Freeman Marr presiding, on the charge of "failure to appear." I was found guilty and fined a total of $150. Both convictions have been appealed, and under Tennessee law I will get a new trial in the Circuit Court.

Was it worth it, worth seven days in jail to fight an $18.50 business license and an unlawful arrest? Worth it to discomfort and upset my family and friends? Worth the loss of time, worth the anguish? Was it a godly act of standing for the rights My God has given me, or was it just a stupid, pointless, bull-headed, quixotic, Pickett's charge against unthinking municipal totalitarianism and government conspiracy?

God forgive us, we've been a nation of cowardly sheep, myself included. I'm tired of people telling me to give up, that there's no hope, that nothing can be changed. I'm ashamed of living scared, of waiting for somebody else to be first, ashamed of yielding where I ought to stand like a man, for my rights and for my children's.

What do you do when you look around and realize that, sorry and frightened and incapable as you are, nobody else is going to move?

Going to jail did something to me: it left me very pensive and borderline depressed for quite some time. Perhaps "searching for direction" is a better description. For about a month the shock of garlic, pepper, beer, fresh fruit, meat, sunlight, and the laughter of my children, after the sensory deprivation of the slammer, just left me reeling in enjoyment every day—like a drunk turned loose in a brewery.

As far as I'm concerned, God willing, no mothers' son will ever see me darken the door of a jail again as long as I live. ❑

Alice in Wonderland

by David Ramsay Steele

Walk into any decent bookshop in any part of the English-speaking world, and you are liable to find a shelf or two entirely taken up with the works of Ayn Rand. Week in, week out; year in, year out. If you're a bookseller, this is a sight better than Erich von Däniken or Leo Buscaglia.

Some of Rand's books are novels, some are on esthetics, some on political philosophy, some on epistemology and metaphysics. These are books which, in the words of the old sixties ads for *Catch-22*, "will change your life." They make converts. Typically, the future Randist begins with that bulky mega-seller, *The Fountainhead*. Reading *The Fountainhead* is an overpowering emotional experience. It is a spellbinding story with a certain amount of preaching sprinkled in. The reader may find the ideas, and even more, the hints of ideas, alluring. The novice moves on to *Atlas Shrugged*, even bulkier (1,084 pages) but still phenomenally popular. The story is less spellbinding, indeed, less than spellbinding, and there is much, much more preaching sprinkled in, but by this time the reader has acquired a taste for Rand's distinctive form of rhetoric, and is ready to graduate to her nonfiction works, *For the New Intellectual*, *The Romantic Manifesto*, *The Virtue of Selfishness*, even *Introduction to Objectivist Epistemology*. Here the budding Randist finds, declaimed in strident, bad-tempered prose, a new gospel, a system of ideas, a creed applicable to all aspects of life. Among the articles of this creed are: that there is no God; that laissez-faire capitalism is the best possible economic system; that limited government is the only correct political order; that the United States of America is the best society in human history and virtually always in the right in its conflicts with other powers; that cigarette smoking is both harmless and morally virtuous; that Hume and Kant are loathsome villains, whilst Aristotle, Aquinas, and Ayn Rand are the great heroes of philosophy; that Rachmaninoff is a hero of music while J. S. Bach and Richard Wagner are among the villains, with their "malevolent sense of life"; that Dostoievsky and Hugo are great novelists; that, in more recent times, Ian Fleming and Mickey Spillane are also outstanding writers—and, of course, Ayn Rand; that a photograph can never be a work of art; that liking horror stories always indicates a mystical outlook and therefore mental sickness. And, most famously, that altruism or self-sacrifice is the great vice and source of all vices, whilst egoism or selfishness is the great virtue and source of all virtues.

There are many readers of Rand who graduate in this way, just by reading the books, without authoritative guidance, and they will perhaps tell you that the above is a caricature, that there is no creed, that some of these items are just Rand's personal opinions, with which they (the readers) happen to disagree. But in the old days there was an organized Randian church. It was called the Nathaniel Branden Institute. It lasted from 1958 until 1968, when it terminated due to the messy and spiteful falling out of Rand and Nathaniel, the rock upon which she had hoped to found her church.

When the Nathaniel Branden Institute (NBI) was in operation, there could never be any doubt in the minds of its apostles, adherents, apostates, or excommunicatees that Randism or Objectivism was indeed a creed. If you didn't smoke, you had better have a damned good reason—a certificate signed by several Objectivist physicians might be safest. If you were married to a theist, you had better get a divorce. If you were depraved enough to enjoy Bach, better change your musical tastes pronto.

Like many cults, the Randist network of NBI (which existed only in North America) used group pressure, scorn, and contempt to humiliate and degrade those individuals who betrayed wretchedness by signs of deviance—in this case, by liking Tolstoy, feeling a duty to help one's relatives, growing a moustache, entertaining the thought that there might be a God, feeling tolerant towards homosexuality, or being concerned about the disappearance of living species due to industrial pollution.

Ayn Rand is, on many counts, a remarkable figure. The mere sales of her books constitute an outstanding achievement, but I cannot think of any historical parallels for someone who used a popular art form to successfully promote an all-encompassing doctrine, especially one that was so eccentric a mix of disparate elements, and one that was so out of fashion when she began to propound it. We have to imagine something like Ferdinand Lassalle writing Jack London's novels, but even this does not come near the strange prodigiousness of Rand's accomplishments. She has had a significant impact upon the world, but there

are unmistakable signs that the impact is only beginning. She has had a traceable influence upon the Reagan administration, which might have pleased her (she died in 1982) even though she fiercely opposed Reagan, because—and if you don't know already, shut your eyes and see if you can guess—he was anti-abortion, a clear demonstration that he was evil and sick, even though he might be posing as an anti-communist.

It is often claimed that Rand gave birth to the modern libertarian movement. This is an exaggeration, but it is true that the overwhelming majority of leading lights in the early libertarian movement of the 1960s had earlier gone through a Randist phase, and even today the peculiar quirks of Randist jargon ("facts of reality," "whim worshipper," "Robin Hood ethics," "blank out") pop up occasionally.

A Rivetting Tale

The tale told by Barbara Branden* is absolutely rivetting. It is considered high praise to say of a book that, having once begun it, you can't put it down, but for me the more significant accolade is that *having finished it* you can't put it down, and that is certainly true of this amazing and fascinating story. It recounts Rand's life, partly on the basis of personal recollection and partly on the basis of detailed research. The portrait of Rand is outrageously vivid, yet patchy. There was something abnormally potent and enthralling about Rand, and although those who never met her can hardly reconstruct exactly what it was, Branden's book is impressive testimony to its existence and approximate contours. Yet there are puzzling gaps and murky areas.

The organism which was later to denote itself as "Ayn Rand" was born in St Petersburg during the abortive Russian Revolution of 1905, and given the name Alice Rosenbaum. The daughter of a self-made chemist, she emerged as a distant, precocious child. By the age of 10 she was already making snap judgments about everything and everybody in the world, turning these judgments into unshakeable dogmas, demanding as the price of nonbelligerence that people accept these dogmas, and seething with violent indignation against anyone who denied, or for that matter, failed to personify, these dogmas. In one of the taped interviews which Rand gave Branden decades later, Rand says: "By fifteen, my sex theory was fully formed." (34) As the context makes clear, the 15-year-old's theory of sex incorporated views she had held passionately since at least the age of 10.

Alice and her family suffered hardships during the civil war following the Bolshevik *putsch.* Bolshevik repression served only to encourage in her young breast precisely those counter-revolutionary feelings the persecution was designed to extirpate. By chance, Alice avoided the liquidation which the heroine of her first novel, *We the Living,* could not escape, and in 1926 she contrived to visit relatives in Chicago. Like droves of others before and since, Alice had to lie to get into the US, pretending her visit was intended to be temporary. Despite this, immigration controls were not prominent among the state interventions later denounced by Rand.

On the boat over, Alice changed her name to Ayn (rhymes with MINE!). In one of Branden's many infuriating omissions, she explains that "Ayn" was taken from the name of a Finnish writer whom Alice had not read, but says nothing more about this writer, or whether Rand subsequently read her—or him. It goes without saying that the Finnish Ayn was a ferociously evil, mentally sick, whim-worshipping mystic, like everyone else, but readers need to be told how this discovery was made, and any little details associated with it. Some years later, Ayn Rosenbaum selected the name "Rand" from her Remington-Rand typewriter. As Rand remarked, criminals and writers usually keep their initials when they change their names.

From Chicago, Rand moved to Hollywood in search of fame as a screen writer. Awkward, pathetic, and still far from fluent in English, she seems to have aroused feelings of warm altruism and Christian charity in many people, who went to great lengths to help her. In Russia she had admired De Mille's pictures, so she went to the De Mille studio, to be given the usual polite brush-off. In the street she spotted De Mille in the flesh, and stood gawping at him, provoking his curiosity. De Mille got her a job, and the De Milles took the little Russian waif under their protective wings. Working as an extra on "King of Kings," she instantly fell in love with, and later married, another extra, Frank O'Connor, who was to spend most of his life boozing and living off her books, the epitome of the "mooching bum" she was always cursing in her apopleptic writings. With De Mille's help again, she got a job summarizing and adapting screenplay proposals. During the thirties she became aware of the strong Bolshevik sympathies of Western intellectuals, and worked on her first novel and her play, *Penthouse Legend* (better known as *Night of January 16th)* which introduced the gimmick, since imitated several times, of having more than one ending, with the choice made by the audience or, as in this case, by a jury selected from the audience. Both novel and play were modest successes, and Rand became known as that then-freakish creature, a writer and intellectual who was a strong anti-communist and in no way sympathetic to socialism.

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In the late thirties and early forties she worked on her second novel, *The Fountainhead,* and worked for the Willkie campaign against the re-election of Roosevelt. She met many of the leading figures of American conservatism, which in those pre-Buckley days still contained strong elements of classical liberalism. She was later to fall out with all these conservative acquaintances. With the sale of the movie rights to *The Fountainhead* for fifty thousand dollars, Rand moved from obscurity to fame and from poverty to comfort. In 1947 she appeared as a

* In *The Passion of Ayn Rand,* by Barbara Branden, Garden City, N.Y.: Doubleday, 1986.

"friendly witness" before the House Un-American Activities Committee, investigating Communist infiltration of Hollywood. Branden makes some gestures towards defending Rand for this discreditable activity.

As *the Fountainhead* was beginning its delayed success, and while working on *Atlas Shrugged,* Rand heard from two young admirers, who were to change their names to Nathaniel and Barbara Branden. (It has been contended that the name "Branden" is derived from "ben-Rand," but Branden doesn't confirm this.) They both became worshippers of Rand, and introduced her to other acolytes. In 1958, NBI was formed to indoctrinate enquirers and followers into the complete system of Ayn Rand: her opinions on art, politics, and metaphysics were presented to the "students of Objectivism" as sacred truths. But even before the formation of NBI, Nathaniel had first married Barbara on Rand's recommendation, then commenced a once-a-week sexual arrangement with Rand, 20 years his senior, with the full knowledge and consent of his and Rand's spouses. This "rational" affair continued for a decade, as NBI expanded, Rand's fame grew, and Rand and Nathaniel lectured together to the unsuspecting flock. The great break between Rand and Nathaniel came after an interregnum in the affair, following which Nathaniel refused to recommence it because of his involvement with another woman, an involvement which he had kept from Rand's knowledge. Rand's discovery of how she had been deceived led to the expulsion and anathematizing of Nathaniel, the break-up of NBI, and the demand that all true followers of Objectivism should join Rand in pouring scorn, hatred, and lies upon the Brandens. Apparently, Rand's theory was that since Nathaniel had behaved so immorally, he had forfeited any right to decent treatment, so any kind of stories could be fabricated about him—including the charge that he had misappropriated the funds of NBI. The question was even raised at an Objectivist discussion of whether it would be moral to have Nathaniel assassinated. (Bear in mind that these "rational" people were kept in the dark about what Nathaniel was supposed to have done, and were expected to follow Rand blindly in attacking Nathaniel.) Much, one supposes, to Rand's vast annoyance, her denunciations of Nathaniel and intrigues against him did not halt his extraordinary success as a pop psychologist. His fame as both writer and therapist has grown remarkably. His *Psychology of Self-Esteem* (21 impressions since 1969) deals at length with problems of insufficient self-esteem, but says nothing about the problem of excessive self-esteem.

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Libertarians, on the other hand, have always been frank and over-generous about what they owed to Rand.

The soap opera continues. Some of it you can catch up on by reading *The Passion of Ayn Rand.* The orthodox Randists, led by Leonard Peikoff, have put it about that anyone who utters a word in praise of the book is to be shunned, boycotted, and cut off root and branch. Outside the ranks of the Elect, voices have been raised that Branden's omissions and misleading emphases call for correction, and we can expect numerous memoirs and polemical commentaries. I very much doubt that any of them will be half as well-written or gripping as this one.

A Selective Picture

I am not one of those blessed by past personal contact with any of the original Randist apostles. I cannot pronounce on the numerous allegations and counter-allegations which Branden's book has stirred up. But it is clear from a modest amount of background knowledge, plus a careful examination of *The Passion of Ayn Rand,* that it is a piece of special pleading. The author is, I am sure, telling the truth and nothing but the truth, as she remembers it, but she is not telling the whole truth. She places facts in that light which best suits her purposes. On my first reading, I concluded that Rand had treated Branden very badly, and Branden had responded with continued adoration, despite some criticisms. On my second reading, I concluded that the author was all the time working very hard to give me exactly that impression—which by no means implies that it is untrue, but does put it in a very different perspective. The attitude Branden has towards Rand is one that individuals generally hold only towards their parents: a burning anger, a rage for self-justification, contained by a rigid insistence that the parent is good and worthy. In Branden's case, this seems to be bound up with her urgent need to deny the patent fact that Rand had a blighting effect upon her (Branden's) life, as Rand did on the lives of most of those she knew.

This book contains many statements describing Rand as an extraordinary intellect—"the brilliance and intricacy of her mind" (173), "her astonishing intellectual powers . . . vast intelligence" (303)—yet it contains no evidence for these statements. It is asserted that Rand's conversation was tremendously high-powered and persuasive, but no attempt is made, by this veteran of hundreds of these conversations, to reproduce any of the searing insights or masterly analyses. I conclude, on the evidence of Rand's writings, that this is because there were none: undoubtedly Rand possessed an uncommon personal magnetism, especially for docile souls who craved for someone to tell them what was what, but she was no great thinker in any field. (There are two or three isolated witticisms. Asked who, in her proposed kind of society, would "look after the janitors," Rand replied ". . . the janitors.")

Branden does mention Rand's "series of angry ruptures with people who had been her friends" (153) but somewhat plays this down. Rand fell out nastily with almost everyone, a propensity which some Randists have inherited. There is no mention here, for instance, of Rand's breaks with Rose Wilder Lane or Edith Efron.

Branden's angry worship of Rand is revealed in her constant desire to catch Rand out in mistakes, and yet defend Rand strenuously against the unpleasant inferences which might be drawn from these mistakes, though such inferences are often all too obviously warranted. Branden's apology for Rand's behavior over the alterations to

We the Living (114-15) is noteworthy. The first edition of *We the Living* reflects Rand's political ideas shortly after her arrival in the U.S., including her Nietzschean contempt for the fate of the common herd. Some time later, Rand brought her views more into conformity with Anglo-Saxon liberalism. She removed from later editions the passages praising ruthless elitism, but stated in her foreword: "I have not added or eliminated to or from [sic] the content of the novel . . . all the changes are merely editorial line-changes." Branden tries to defend this by a soft-focus exegesis of the shrill anti-common man message of the first edition. This not only glosses over Rand's lack of candor about the change; it leaves unexamined the broader question, Rand's reticence about her own change of views and therefore about the sources of that change of views. For any non-Randist with an interest in fiction there is also something quaint about the assumption, undoubtedly made by Rand and shared by Branden, that a speech by a "good" character must coincide with the author's own opinions.

Rand had a very poorly developed sense of humor, which she defended by being almost opposed on principle to humor. She had great scorn for the notion that one should be able to laugh at oneself. By taking up this position, she deprived herself of many long hours of rich amusement. Rand and all her circle were people who took themselves too seriously. Her laissez-faire liberal views aside, she is typical of a certain kind of left-wing intellectual who tries to subject her whole life, including her sexual relationships, to "rationality." Rand's affair with Nathaniel was supposed to be rational. According to Rand, the person one loves represents one's highest values. Since Rand was the noblest person Nathaniel knew, as well as being the most rational person in human history, it was right and proper for them to go to bed once a week. When it came out that Nathaniel no longer wanted an intimate physical involvement with his intellectual mentor, because she was too old and he had found someone else, Rand's sexual jealousy was rationalized in the verdict that Nathaniel was morally depraved. This sort of thing would be merely comical, if it were not that the personal misery was magnified by everyone's determination to be, as they thought, rational.

Human sexual impulses are largely the outcome of past competition among genes. Human feelings and responses are those which have tended in the past to cause some genes to reproduce themselves more rapidly than others. Our endowment of sexual emotions did not come about in order to enhance the happiness of individuals or the well-being of society, but in order (as it were) to enhance the copyability of little bits of DNA. If you try to make something rational out of that, you make a fool of yourself. Behavior may be legitimately described as "rational" or "irrational" insofar as the means chosen are well or badly suited to achieve the ends sought. It makes no sense to speak of ultimate ends (like whether or not you wish to stay alive or to avoid suffering) as rational or irrational.

The Randist Legacy

Branden tries to defend Rand's humorlessness by relating it to her singularly logical mind (172), but this must be wrong because Rand did not possess a singularly logical mind. She was inclined to sloppy thinking. She took herself too seriously, partly because she was humored by the likes of the Brandens, who tolerated her cantankerousness on the mistaken grounds that she was a great thinker—though even great thinkers should not be humored when they take themselves too seriously. This did a disservice to Rand, as such humoring generally does, because it enabled her to live increasingly within her own world of fantasy, unchallenged by effective criticism. Perhaps she was too set by her twenties for any criticism to be effective. Be that as it may, gullible followers are never scarce.

Branden's desire to place Rand's tantrums in a favorable light often leads her to make dubious judgments. Branden remarks upon "how rare it had been in her life that a hand was held out to her in simple human kindness." (169) On the evidence of Branden's own book, this is far from the case. In her 1957 autobiographical note to *Atlas Shrugged* ("About the Author"), Rand asserts: "I had a difficult struggle, . . . No one helped me . . ." It appears from Branden's account that Rand was a constant beneficiary of charity and kindness until she started making money from *The Fountainhead*. When she arrived in Chicago, she was looked after by the relatives who had made it possible for her to get out of Russia. She declared then that when she became rich, she would buy her aunt a Rolls-Royce. When she did become rich, she didn't even reply to these relative's letters. On arrival in Los Angeles, Rand stayed at the Studio Club, a philanthropically-subsidized home for young women seeking their fortunes in Hollywood. She was often behind with her rent, but was not evicted. After *We the Living* was published, Rand gratefully sent an autographed copy to the Studio Club director. The Studio Club subsequently had to close for lack of funds. At every turn, people went out of their ways to help Rand by recommending her writings and finding her jobs and contacts. She habitually repaid kindness with indifference or with venom.

The most unsuccessful part of Branden's book is the final chapter, a listing of numerous people of prominence in many fields who have been influenced by Rand. Many of these people are prominent and avowed libertarians. Surely Branden should have mentioned the fact that Rand despised and detested libertarianism? (She does mention Rand's hostility specifically to the Libertarian Party, attributing this to the fact that some LP members were anarchists.) Rand always denounced the libertarian movement, its philosophy, its methods, its goals, and its personalities. Among other things, she castigated it for "plagiarism" of her ideas, an instance of her colossal presumptuousness, since a political movement is free to be influenced by any published writer, libertarians have always been frank or overgenerous about what they owe to Rand, and Rand herself took the ideas from others.

Although Rand's influence is indeed enormous and still growing, Branden overstates it. This is part and parcel of the *ostinato* "rooting for Rand" theme in Branden's book. It only spoils the absorbing account of an intrinsically fascinating figure to keep insisting implausibly that she is a world-shaking genius.

The method of listing people prepared to say "Rand changed my life" is not convincing. The majority of confirmed meat-eaters in the U.S. had some early contact with McDonald's, but this doesn't mean we can confi-

dently attribute the prevalence of meat-eating to the influence of McDonald's. People with an appetite for certain kinds of ideas will gravitate to the purveyors of those ideas. Alan Greenspan does not appear to owe any of his economic ideas to Rand—economic theory was apparently the one area where she did not personally hand down the total truth. Murray Rothbard was a libertarian before he met Rand, and would have been a prodigious free market propagandist aside from his brief association with Rand. The fact that Billie Jean King was inspired by reading *Atlas Shrugged* is not of great consequence for anyone else. Some of the most effective proponents of libertarian ideas, like Ludwig von Mises and Milton Friedman, do not show evidence of the slightest Randist influence. (Mises met and admired Rand, but there is no taint of Randism in his writings.) As for the relationship between Randism and Reaganite conservatism, it should be obvious which is the flea and which is the dog.

The major effect of Rand upon libertarians has been to favor the doctrine of natural rights, though most libertarian writers who do accept natural rights (Rothbard, Nozick, David Friedman, for example) adhere to forms of the doctrine which aren't particularly close to Rand's, and to date this preoccupation with natural rights has not borne any fruit in the shape of a coherent explanation or defense of the doctrine (that is any advance upon Spencer). I doubt that Randism will ever have any appreciable direct impact on philosophy or politics, though it may perhaps have some small impact on literature, by helping to rehabilitate the supreme importance of a good story.

The Randist influence on the libertarian movement has slumped in the past 10 years, a thoroughly healthy development, but also an inevitable one, as young people first captivated by Rand find the dogmas beginning to chafe. Randism will never have any influence on *National Review, American Spectator* conservatism, enmired as it is in its own equally threadbare, but more popular and more intelligently-argued dogmas, associated with religion, traditionalism, and state-worship. Randism's influence within the libertarian movement will continue to dwindle away: Rand is becoming to libertarianism something like Fourier is to socialism. The only home for born-again Randists will be in the narrow church of Peikoff and Schwartz, The Ayn Rand Institute and *The Intellectual Activist*. While pouring abuse on libertarianism (mainly because it permits a wide range of philosophic and strategic views, encompassing approval of God, anarchy, sexual and chemical deviation, and the natural rights of dispossessed Palestinians) the Objectivist cult offers a warm embrace only to those who swallow the Randist creed in every detail. After all, how could a rational person co-operate politically with anyone who didn't like Rachmaninoff? Given the vast readership of Rand's writings, and the dazzling appeal of a creed which offers a solution to all intellectual, personal, and social problems by learning to mouth a few catch-phrases, I expect that the cult will achieve a very large membership during the next few years, comparable to Scientology or La Rouchism—with about the same intellectual level, the same deleterious effects on the minds and lives of the cult members, and the same, absolutely negligible, amount of influence on political thought.

> *The true plot of* Atlas Shrugged *is: how some good looking individuals were saved by coming to agree in every particular with Rand, and how everyone else was eternally damned.*

Atlas Winced

Rand's best work by far is *The Fountainhead*, an extraordinarily gripping story based on the idea that a person who knows what he wants and strives for it without being afraid of other people's reactions is admirable, while a person who is continually taking his bearings from other people's evaluations is sadly warped. Rand's original title was *Second-Hand Lives*. The characters are stylized, diagrammatic representations of notions from Rand's ethical and psychological theories, but she has taken some pains to make them different from each other, internally consistent, and believable. The book is especially attractive for readers who know nothing of Rand's ideas, for the characters' bizarre motivations then seem to be sometimes inexplicable, and this adds an intriguing air of mystery to an otherwise cut-and-dried narrative. Judging from Branden's account, it is an enormous pity that Rand was made to shorten the novel by eliminating one major character. Inclusion of Roark's first cohabitee, the film star Vesta Dunning, would have made Roark less conventionally well-behaved and his egoism more of a challenge. (Rand, who never fully mastered English, mistakenly used the term "egotism" in *The Fountainhead*. Instead of correcting this in later editions, she attached a note explaining that she had been misled by a faulty dictionary—and to prove it, citing the dictionary in question!) In this work Rand displays an extremely astute dramatic sense—inclined to run to crude melodrama, but there is a welcome niche in fiction for crude melodrama. Somehow this talent of Rand's was largely lost when she came to perpetrate that crashing failure, *Atlas Shrugged*.

In *The Fountainhead*, the preaching is kept within bounds, and is generally not too jarringly inauthentic. The one bad lapse here is the long speech in which Ellsworth Toohey lays bare his own motivations—but Rand had put herself in an impossible position with her ethical theory. For Rand, a villain must be a completely self-sacrificing person. Toohey is an intelligent villain who wants power, but somehow it has to come across that in wanting power he is not being selfish—which would be virtuous! If Toohey had been dedicated to a mistaken ideal—based on the theory that everyone would be happier in a world of self-sacrifice—it would be convincing, but we would have no reason to hate him. If Toohey had known that universal self-sacrifice would lead to universal misery, but wanted it for the selfish motive of getting power for himself, this would have been detestable, but dangerous to Rand's egoistic message. Toohey has to want to do his bit towards a goal which (it is made clear) can arrive only after his death, to *know* that the goal will make everyone completely wretched, and to want it for

that reason. But this just makes him an unbelievable loony, bereft of any plausible link to real persons like Lewis Mumford and Harold Laski (who were among Rand's models for Toohey).

The film of *The Fountainhead* retains enough of the book that it must deeply puzzle any reflective person who sees it, unaware of the ethical and political baggage. Gary Cooper is a disaster as Roark. Branden claims that the film was shot nearly unchanged from Rand's script, but surely this must be wrong. As I recall, the film plays down or conceals altogether the crucial fact that the building dynamited by Roark is a government housing project. Surely Rand would never have willingly permitted that.

The Fountainhead illustrates Rand's disgust for people she called "second-handers." There is a strange oversight in the treatment of this subject by Rand and her followers. The second-hander is someone who thinks relationships are more important than ideas. The heroic or independent person is someone who thinks ideas are valuable in themselves and that relationships are merely instrumental. Neither Rand nor Branden ever seem to have noticed that the first is virtually a definition of a woman's personality, and the second, of a man's personality. Branden does note that Rand had problems with her own femininity, that when she was young she had a fierce crush on a beautiful female tennis-player, that Rand wore short hair and a cape, chain-smoked, and for a while even carried a cane, that she was always strangely drawn to beautiful women. Naively or wisely, Branden, who psychologizes a lot on other matters, does not speculate about this. Perhaps sub-conscious perception of Rand's gender ambiguity helps to account for her otherwise inexplicable spell, as, according to W. W. Bartley III, was the case with Wittgenstein.

The Fountainhead continues to be a huge commercial success, but Branden cannot resist her usual extravagant overstatement. She refers to "the odyssey of *The Fountainhead*, unique in publishing history . . ." (180) Literally this is correct: the career of every book published is unique. But Branden makes clear that what she means is that Rand's novels are unmatched in their contrast between a slow start and subsequent multi-million sales. There have actually been much more extreme contrasts, for example *The Great Gatsby*, *Steppenwolf*, and *Lord of the Rings*.

In *Atlas Shrugged* a future United States is sinking into interventionist chaos, with more and more government controls causing more and more disorganization. The rest of the world has long since collapsed into the barbarism of starving "people's states." One by one, all the most brilliant intellects in the U. S.—businessmen, artists, scientists, businessmen, philosophers, businessmen, businessmen, and businessmen—mysteriously disappear. The heroine, who manages a large railroad corporation, becomes aware that there is a conspiracy behind the disappearances. The plot is that of a mystery story, but there is no mystery: the solution is obvious before page 50, and is hammered into the reader's head on each of the next few hundred pages. The great achievers are going on strike, because they are fed up with the way everyone else is living off their achievements whilst maligning and persecuting them. The achievers have disappeared into obscurity, and every year they all take a holiday together in Galt's Gulch, a utopian haven in the mountains, based on gold coinage and the mutual respect born of rational greed.

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The book has many virtues, including a fundamentally sound plot and a lucid, unpretentious narrative style. It was the first major work I read connected with twentieth-century free market ideas, and I was at first dazzled by its seeming audacity and its eerie, anachronistic, dreamlike quality. I was also inspired by its hints of a fully-worked-out theoretical system, a metaphysical, epistemological, and ethical structure which somehow supported the author's political conclusions. It was a great disappointment to find later that this system did not exist. The various speeches and allusions in *Atlas Shrugged*—so obviously far-fetched and logically slipshod, but perhaps defensible as rhetoric within a novel—are themselves quoted at length in Rand's non-fiction essays on philosophy, art, and politics. The horrible, pitiful truth finally dawned: *this is all there is to Rand.* She really believes that this mouth-frothing sloganeering is philosophy, is reasoning, is the way to persuade rational people.

All the faults of *The Fountainhead* have become horribly magnified, and most of its saving features have been lost. *Atlas Shrugged* doesn't contain any convincing characters, only cardboard cut-outs which move jerkily this way and that, while the ventriloquist-author has them spouting her doctrines. The good characters all agree exactly with the author's views on sex, business, music, philosophy, politics, and architecture—the only exception is that sometimes one of the good characters hasn't quite grasped a significant point, and when the penny drops and he comes into full conformity with Rand's opinions, this is a highly dramatic development. The bad guys all agree with what the author says all her ideological opponents must believe (almost entirely different from what these opponents actually do believe, outside fiction). Both goodies and baddies continually expound their incredibly shallow *Weltanshauungen* in Rand's stilted jargon. Unlike Toohey in *The Fountainhead*, none of the villains is intelligent or effective. (Stadler doesn't count; he is *stated* to be a genius, but this never affects his described behavior.)

Just as in real life Rand surrounded herself with yes-persons, hanging on her words and reciting them anxiously back to her, so in *Atlas Shrugged* she creates a world of zombies mouthing her patented terminology and going into the zombie equivalent of convulsions of delight whenever they hit upon another of her conceptual gems. Galt's Gulch is indeed Rand's Utopia: a society where everyone makes speeches all the time expounding Rand's opinions, the listeners all blissfully nodding their heads in agreement. The true plot of *Atlas Shrugged* is: how some good-looking individuals were saved by coming to agree in every particular with Rand, and how everyone else was eternally damned. The book has often

been described as nightmarish; it has something of the unnerving quality of a delusional system made real which we find in some of Philip K. Dick's novels, notably *Eye in the Sky*. (But Dick could really write, and he was doing it on purpose.)

Of all modern tendencies in fiction, Rand's novels are closest in spirit to the socialist realist works favored by the Stalinist regime. Stalin said: "Artists are engineers of the soul." Rand said: "Art is the technology of the soul."

One of the climactic points of *Atlas Shrugged* is Galt's long speech, which explains Rand's theories, in Rand's language, over all radio and TV channels simultaneously, and helps to bring about the downfall of "the looters." Actually, airing this tedious drivel over all stations would speedily lead to a revolutionary overthrow of the government which permitted such lax regulation of the airwaves, followed by the guillotining of Galt. With cretins like Rand's villains running the U. S., I reckon I could take over within a week, given a handful of Marines and a few rock 'n' roll tapes, except that plenty of others would get in ahead of me. Galt's speech is 58 pages long, and I suppose 90 percent of readers skip most of it, as I did on my first reading. Branden claims that it took Rand "two full years" to write. (266) It feels like two full years reading it.

In Branden's judgment, part of Galt's speech takes "a major step toward solving the problem that haunted philosophers since the time of Aristotle and Plato: the relationship of 'ought' to 'is'—the question of in what manner moral values can be derived from facts." No such problem has haunted philosophers since the times of Plato or Aristotle. In the eighteenth century, David Hume raised a different question: whether values could be derived from facts (alone) *at all*, but this attracted no attention at the time, and didn't haunt anyone until the twentieth century.

According to Galt's speech, in a passage singled out by Branden, "There is only one fundamental alternative in the universe: existence of non-existence—and it pertains to a single class of entities: to living organisms." This is false. Any class of matter (atoms, crystals, stars, etc.), not just living organisms, may exist or not exist. Galt (Rand) also emphasizes that: "to think is an act of choice . . . *man is a being of volitional consciousness.*" This also is false. Thinking is involuntary, like digestion or blood-clotting. If you don't believe this, try to stop thinking for a few seconds. Galt (Rand) also keeps insisting that "existence exists." This seems to be of momentous importance to Galt (Rand), but in the only sense I can make of it (that "existence" is something which exists in addition to all the things which exist) it is not evident, and I believe it is false. (If what is meant is that "Things which exist exist"—existents exist—then that is trite and has never been denied by anyone.) And so it goes on, 58 pages of it, one pompous vacuity after another.

There is the possibility that *Atlas Shrugged* may be produced as a TV miniseries. This would probably be its most favorable incarnation. The characterization is not up to the level of *Falcon Crest*, but the plot is a lot more interesting, and thankfully most of the pedantic dialogue would have to be cut. Galt's speech could be eliminated altogether, and something should be done about the fact that Rand's "future" is now impossible, since she did not forsee such developments as the eclipse of rail by air travel. Maybe Dagny Taggart should run an airline instead of a railroad.

The Randist influence on the libertarian movement has slumped in the past 10 years, a thoroughly healthy development, but also an inevitable one, as young people first captivated by Rand find the dogmas beginning to chafe.

Some of Branden's misjudgments are astounding. On *Atlas Shrugged* she refers to "the faint sado-masochistic overtones of its love scenes, the troubling violence of the sexual encounters." (299) Nearly all of Rand's romantic scenes in all her works are loudly and obviously sadistic. She was into domination. There is much grabbing of wrists, yanking of arms, ripping of cloth, and brusque insertion. Both *Penthouse Legend* and *The Fountainhead* contain rapes, performed by the heroes and presented as entirely admirable. (It is true that in both cases it is made clear that the rapees "really want it.")

It is amusing also to have Branden discussing Rand's early penchant for "understatement." The only understatement of which Rand was capable was to stamp on the reader's toes instead of booting him in the groin. Rand was a primitive. Any kind of subtlety was beyond her.

Randolatry

The disciples of Ayn Rand were second-handers *par excellence*. They quavered at the thought of her disapproval. They humored her outbursts and reverently went along with the make-believe that she was a towering intellect. Mrs Branden, for example, could have walked away from it all. Potentially, she seems to have been a better writer than Rand, but she gave that up for the sake of her submission before the cult. All this was done in the name of reason and self-interest. It is a familiar spectacle to see individuals suffering the cruel and vindictive humiliation reserved for sinners within a religious cult, but it is appallingly ironic when this deliberate humiliation is done in the name of that person's self-interest. Rand and her circle—including the Brandens—helped to introduce a lot of entirely pointless misery into the lives of their followers, and I am afraid that Branden is insufficiently clear about expressing her regrets for the harm that she participated in doing, even though she was also one of the victims.

Randism was and is a religious cult. ("Religion" is "a system of faith and worship.") Branden has often described Objectivism as a cult, but in this book she withdraws this label. She now states that although Objectivism has some of the features of a cult, it cannot be a cult because of its commitment to reason and individualism. (352) Well, there is a lot of *talk* about reason and individualism, just as among Bolsheviks there is a lot of talk about science. But reason does not consist in shrieking the word "reason" all the time. It consists, as Socrates put it, in "following the argument wherever it leads," especially, of course, if it leads where you don't want to go. There is no evidence that the Randists understood the most elementary re-

quirements of rational discourse. Branden quotes Sidney Hook, from his review of Rand's *For the New Intellectual:* "Despite the great play with the word 'reason,' one is struck by the absence of any serious argument in this unique combination of tautology and extravagant absurdity." (321) That is exactly right. The Objectivists, no less than the devotees of a theistic sect, are engaged in abusing their minds by reiterating articles of faith. As for their individualism, it reminds me of the individualism of the mob in *The Life of Brian.* Trying to get the crowd to stop worshipping him, Brian shouts: "You are all individuals." The crowd drones back ecstatically: "We are individuals." Unlike Brian, Rand was addicted to the idolatry of her besotted admirers.

Rand wrote an article called "The Argument from Intimidation" (included in *The Virtue of Selfishness)* in which she describes the kind of *ad hominem* argument which says that only those who are in some way deficient can hold a particular point of view. In the heyday of socialism, this kind of argument was commonly employed against any voices dissenting from socialist dogma. However, there is one writer who resorts to this kind of argument more than any other, and that writer is Ayn Rand. The Argument form Intimidation is her stock-in-trade. (For example, the essay "Collectivist Ethics," in *The Virtue of Selfishness,* opens: "Certain questions, which one frequently hears, are not philosophical queries, but psychological confessions . . ." Again, on the first page of the introduction to that book, we are told that to raise doubts about the advisability of Rand's use of the word "selfishness" implies "moral cowardice.")

As Branden points out, although Rand in principle conceded the possibility of honest disagreement or honest error, in practice she tended always to conclude that disagreement with her opinions was a symptom of sickness and therefore of evil. Rand herself announced that she had "long ago" lost interest in debates with critics.

Egoistic Ethics

Rand asserts that ethics is entirely based on reason, and that the supreme moral virtue is selfishness, or rational self-interest. This is developed at times (See "The Objectivist Ethics" in *The Virtue of Selfishness)* by biological, or biological-sounding, arguments. What is good for an organism is what contributes to that organism's survival and well-being. This seems clear enough: it is moral to do what is to one's advantage and immoral to do what is against one's advantage. It follows that it is moral to cheat, murder, and steal, on those occasions where a rational analysis shows this to be to one's advantage. But no such conclusion is drawn by Rand. Respecting other people's lives and property, even when this hurts one's bank balance or survival prospects, is stated to be in one's rational self-interest. From a biological point of view—maximizing one's chances of survival, good health, or reproduction—this is obviously not always the case. Rand explains that the standard of ethics is not the individual's bodily or biological survival, but the survival of "man *qua* man," or man as a rational being. Thus, all Rand's biological-sounding arguments go by the board: it may even be "selfish," in her redefinition of the term, to court death for the sake of a "cherished value." But there is no clear stipulation of how the nature of man as a rational being, or the values which it is permissible for a rational egoist to cherish, are to be determined. The outcome is that Rand appears to be urging egoism, but is actually urging unselfish sacrifice of one's own interests to what she tells us is the life proper to a rational being. All this terrible confusion and double-talk arises because Rand cannot stomach the manifest truth that it can be to a person's advantage to violate the rights of another person. If ethics is to tell us that people's rights may not be violated, it must tell us that we ought sometimes to do things against our own interests.

Rand's main weapon against the above point is to imply (Argument from Intimidation) that anyone who makes it must believe that "man is a sacrificial animal." Here she overlooks two points: 1) that it is generally held that many decisions are morally neutral: ethically, you may do one thing or the other; and 2) that moralists have focussed on cases where individuals ought to sacrifice their interests, not because sacrifice of one's interests *per se* is held to be necessarily good, but because it is assumed that there is comparatively little problem about getting individuals to do what is right when that happens to be also to their advantage.

In talking to various Randists, I have been offered two sorts of elaborations of Rand's argument. 1) It is claimed that to violate someone's rights when this appears to be to one's own benefit will always in fact be to one's own net disadvantage because of the psychological repercussions, to wit, the loss of one's self-respect. This, however, throws the justification of morality onto something which is either an "irrational whim," or some other principle of morality (what forms one's standards of self-respect) which in turn requires justification. It is not true that everyone's self-respect will suffer if they violate someone else's rights (or suffer enough to outweigh the gains). I have met people who would never be able to live with themselves if they passed up the chance to gyp some poor sucker, especially by violating his rights, the more violations the better. One might say that they ought not to be like this, but in that case one is appealing to a moral standard not deriva-

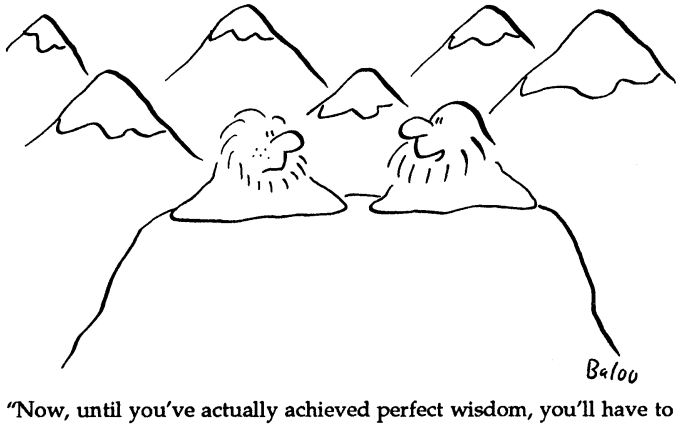

"Now, until you've actually achieved perfect wisdom, you'll have to learn to evade questions."

ble from that person's self-interest. (Rand holds that *all* morality is self-interest alone.) 2) It is claimed that violations of rights wouldn't work out well for everyone in the long run. One version of this is to claim that, for instance, if everyone were a thief, wealth would be greatly reduced, and there would be a lot less to steal—which is no doubt true. However, this is not an argument from self-interest. It is an argument from the welfare of society. A rationally-minded person will weigh the consequences of his actions—if he is a pure egoist, the consequences for just his welfare. Any one act of theft, or even any one person dedicating his life to theft, is not going to make the difference between a society in which rights are generally respected and a society of interminable pillage. A rational egoist will scoff at appeals to the long-term consequences for society, especially if he is getting on in years. The rational egoist will be a free rider on other people's unselfish respect for rights. (It is even perfectly reasonable for an egoist to support laws against theft whilst himself practicing theft: there is nothing contradictory about this position.)

The Gospel of Spleen

In one respect, the tragedy of Rand is like the tragedy of the Beatles: because she could do one or two things very well, she became surrounded by a lot of admirers who were prepared to encourage her to believe she could do any number of things superbly. By sticking to fiction, she could have become a sort of minor right-wing Jack London. As it was, she didn't write much fiction, and most of it is not outstanding.

But the tragedy, in Rand's case, begins earlier. If Branden's reconstruction of Alice's early life is at all reliable, it seems that she had the makings of a good mind, but lacked any training in critical thought. She was more intelligent than almost everyone she met, and soon formed the theory that other people's inane and unsystematic defenses of conventional thinking were the only alternatives to her own half-baked notions. Since she was quick-witted, she was always able to improvise new elaborations to these notions, without ever wondering whether some of them might be radically mistaken. By the time she was able to read arguments by people cleverer than she was, it was too late for her to learn the elements of rational enquiry: she was a messiah who announced the truth and cursed all who rejected it.

Recalling what she said to a Nathaniel after their first meeting with Rand, Branden reports: "I feel as if, intellectually, I've always stood on a leaking life raft in the ocean, and as I jump to cover one leak with my foot, another spurts forth—and I leap to cover it—and then there's another . . . . But now I have the sense that it might be possible to stand on solid ground . . . as if for the first time the earth is firm under my feet." (236) Rand fed the appetite for certainty. She spoke as if she had a fully worked-out system which accounted for everything. Such a system, if it could exist at all, would be a vast structure made up of minutely-reasoned segments. Rand's theories, such as they are, do not form a vast structure, and she had no talent for minute reasoning. The impression of all-encompassing explanation is given by bold, broad, sweeping, imprecise assertions. An unrelenting covering fire of vituperation and demeaning is maintained against anyone who might point to any of the difficulties with these assertions. Presumably some of the brighter disciples are able to keep the faith by telling themselves that these assertions can be interpreted as gestures indicating the general lines upon which a more rigorous argument might one day be built—but this is an unwarranted attitude, a kind of faith, because (apart from Randism's demonstrable errors at the broadest level) surprising refutations often spring from fine details. The doctrinal structure of Randism is bluff, buttressed by abuse of all critics.

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In every sect there is an official and an unofficial doctrine. The official doctrine is formulated, written down, and recited. The unofficial doctrine is conveyed more indirectly. It is a set of attitudes and responses. It may even be denied if an outsider detects it and tries to formulate it. In the case of Randism, part of the unofficial doctrine is that rational people can discern the truth about things at a glance, by a swift act of "integration."(Enemies of Randism are described as "unfocussed"; correct thinking is characterized as "focussing." The impression conveyed by this questionable metaphor is that the more rational you are, the more you will focus, and if you are very rational, you will be able to discern the truth just by looking because, you see, everything will be sharply in focus.) Another part of the unofficial doctrine is that it is fine and laudable to be a spiteful person, to nurse spiteful feelings and express spiteful sentiments against everything evil and sick—everything that is not Randist. Three-quarters of Rand's essays are exercises in unremitting spitefulness. (In a review of Barbara Branden's book, Peter Schwartz declares: "Ayn Rand does not need me to defend her against lice." Circular letter to readers of *The Intellectual Activist*, 20th August 1986. To appreciate that sort of remark, you need to understand, not merely that he pats himself on the head for having written it, but that he pats himself on the head because it is such a very *rational* thing to write. He abandons all intelligent discrimination to let loose his infantile rage, and is able to feel that this is a worthy and heroic, because supremely rational, way to behave.)

"The virtue of selfishness" sounds like a serious challenge to conventional thinking, or at least an echo of Stirner, but because "selfishness" is redefined, most of traditional bourgeois morality comes out unscathed. What Randism adds is the denigration of common decencies. Randism excoriates "whims," but since the reasoning performed by Randism is so slovenly, it amounts to a rationalization of whims, usually nasty ones. Randism is a Gospel of Spleen. ❑

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The Critics of Barbara Branden

by David M. Brown

The publication of Barbara Branden's *The Passion of Ayn Rand* in May of 1986 was an Event.

Ever since libertarians and Objectivists first learned that the project was underway, the biography had been awaited with growing anticipation. The book was bound to attract interest—and controversy. Intense controversy had dogged Ayn Rand and her work all her life, and both admirers and critics had arrived at certain strong opinions about her. Barbara Branden's 19-year association with Rand and subsequent extensive research into her past were bound to yield both fascinating new material and a challenging reassessment of an enigmatic figure. Since Branden's task was to reveal Rand as neither a goddess nor a sinner, but as a vulnerable human being whose virtues *and* flaws achieved epic proportions, three basic reactions to Branden's perspective were possible.

The first view, which I and many other Rand admirers take, is that Branden is pretty much right. While she properly lauds Ayn Rand for her virtues, flaws are not ignored, as they could not be in a biography that honestly attempts to evaluate and understand its subject; yet Branden's ultimate assessment is strongly positive. The second position is that Branden is too hard on Rand, that she is struggling to besmirch Rand's character and achievement at all costs (to find "feet of clay,") and that her "attacks" on Rand are "interlarded with protestations of adulation" merely as a diversion from her actual motive, presumably hatred of the good for being the good. The third view is that Rand was really a moral monster with little if any redeeming virtue, and that Branden's account is shamelessly tipped in Rand's favor at the expense of truth, justice, and the Rothbardian way.

Most libertarians with at least a passing interest in the roots of their beliefs are acquainted with Rand's name and achievement. Her primary concern was to articulate and defend a heroic vision of man. She was a novelist, and her Promethean heroes were men and woman of intransigent moral integrity and idealism who fought for their ambitious values in the face of tremendous opposition. Her two major works of fiction are *The Fountainhead*, published in 1943 when Rand was 38, and *Atlas Shrugged* (1957). *Atlas Shrugged*, because of its greater philosophic breadth and explicit defense of capitalism in terms of rational self-interest, has had the biggest impact on advocates of liberty.

Rand followed up the novels with numerous essays that spelled out even more fully her case for reason, self-interest and capitalism. She brilliantly dissected false intellectual alternatives like faith versus skepticism, or liberalism versus conservatism, and proposed a new, objective view of man's nature and the requirements of his survival. "My philosophy, in essence, is the concept of man as a heroic being, with his own happiness as the moral purpose of his life, with productive achievement as his noblest activity, and reason as his only absolute."

The problem, however, for many of Rand's followers has been that although she was in many respects an exemplar of her philosophy, her actions sometimes contradicted it. She advocated independence, a first-hand look at reality, but was often impatient with the slightest deviation from her views—even when the disagreement was an honest one. She stated that there were fundamentally two kinds of errors human beings can make, "errors of knowledge" and "errors of morality," but too often she treated honest mistakes as willful sins, often to the bewilderment and psychological detriment of those whom she excoriated. Even a different response to art than her own could excite a seemingly inexplicable wrath. "Ayn Rand was a woman with a powerful need for control," Branden writes, "control of her own life, of her own destiny, and of the belief system of those she chose as her friends."

In writing *The Passion of Ayn Rand*, one of Branden's goals was to "separate the person from the philosophical system," as she told an interviewer. "Nobody decides, when reading about Aristotle, that they have to know about how he treated his wife to understand his theories. But with Ayn, the personality and philosophy were accepted as one package." Rand *did* practice her own philosophy, but she did not always practice it consistently. And one can't blame a philosophy for the inconsistencies of its practitioner, though some have tried to do just that.

Branden does a good job of showing that other factors besides Rand's explicitly held ideas were important contributors to the unhappiness she suffered. These include Rand's inattention to psychological subtleties, her own repression of suffering, and various personal disappointments, primarily her inability to find in life the "ideal man" she was able to project effectively in fiction. So, to conclude, as did Tim Ferguson of *The Wall Street Journal*

(July 17, 1986), that "Rand's abstraction of unremitting egoism, played out, failed its creator," is vastly to misconstrue the complexity of what actually happened.

Most reviews of *The Passion of Ayn Rand* had at least a few good things to say about the book. Reviewers were fascinated by the drama of Rand's life, which began in the sordid squalor of Soviet Russia. And they were often surprised by Branden's apparent objectivity and magnanimity, considering the book's most startling revelation: Ayn Rand's fourteen-year affair with Nathaniel Branden, Barbara's husband at the time, an affair undertaken with the knowledge of both Barbara Branden and Rand's husband Frank O'Connor. Despite the snickering that this news inspired in some quarters, reviewers were for the most part fair-minded about both the biography and its subject. This comes as a surprise only by contrast with the grossly unfair treatment critics frequently gave Rand during her lifetime.

One of the most interesting analyses of the biography was written by George Gilder, a neo-rightist who claims that capitalists succeed by means of faith and self-sacrifice. "She was in some ways a monster as well as a prodigy," Gilder wrote in the Washington *Post*. "Yet by relentlessly attacking the 'unspeakable evil' and creative impotence of socialism at the time of its greatest ascendancy and by celebrating the moral and practical imperative of capitalism at its nadir—she was one of the great benefactors of the modern world." Barbara Branden's biography is "written with much of the sweep, drama and narrative momentum of the great works of Ayn Rand herself—and with the psychological insight and sensitivity that forever eluded her . . . . Rand's life story is one of the great sagas in the history of literature" (Washington *Post*, June 29, 1986).

But Gilder misunderstands Rand's concept of rational self-interest. He asserts, for example, that family life depends on altruism and that "she also misses the essential altruism, the orientation toward the needs of others, that is crucial to production for the marketplace." Rand, of course, always stressed that altruism as a moral code meant *self-sacrifice*, an actual and self-destructive exchange of a greater value for a lesser value; *not* merely help to others *per se*, which may be directed by benevolence, good will or some other valid selfish motive (including the desire for profit).

Misunderstanding of Rand's philosophy is rampant among libertarians too. Many libertarians are hostile both to Rand's person and to many of her ideas. One such is Dr. Murray Rothbard, whose learned treatise on "The Sociology of the Ayn Rand Cult" you may have seen; it was published by *Liberty* as a supplement to its first issue. Rothbard spent a few months in Ayn Rand's circle and never recovered; since then he has rarely missed an opportunity to make clear his distaste for "Randroids" and the "Rand Cult." To be sure, Rothbard has reportedly defended Rand against some of her more virulent critics, and acknowledged his intellectual debt to Rand to Barbara Branden for use in her biography. But you sure won't find Ayn Rand footnoted in any of his books.

The so-called "cult" of Objectivism could not survive for more than a few tortured years precisely because Objectivism upholds reason as an absolute.

I find some of Rothbard's writings very instructive. I just read his review of Higgs' *Crisis and Leviathan*, for example, which appeared in the second issue of *Liberty*. Excellent book review. I only wish the same objectivity and respect for greatness were evident in his discussion of *The Passion of Ayn Rand* (which appeared in *American Libertarian*, July 1986). Though Rothbard readily hails evidence of Rand's tyrannical control over others, his reading of the biography seems to have missed the evidence of her virtues. Without an understanding of those virtues, Rand's extraordinary influence remains inexplicable.

Branden writes that "In Ayn's presence, and in her work, one felt that command: a command to function at one's best, to be the most that one could be, to drive oneself constantly harder, never to disappoint one's own highest ideals." That's unconvincing to Rothbard, who ascribes Branden's long relationship with Rand to "unquenchable masochism."

Nor does Rothbard respect Branden's touching account of her eventual reconciliation with Rand, which he dismisses as a "pathetic claim." His view of the biography's main flaw, in fact, is that it functions as a biography, insufficiently dwelling on the horrors of the 1960s Rand cult, the rigidified intellectual movement that arose out of the lecture courses on Objectivism taught primarily by Nathaniel Branden. Rothbard claims that "Barbara overlooks her own high role in the cult," but Branden admits her guilt without wallowing in it.

Curiously, Rothbard emerges as an epistemological and ethical cohort of Drs. Leonard Peikoff and Peter Schwartz, inheritors of the official Objectivist mantle. Schwartz denounced Branden's book in a rapid epistle to the readers of his *Intellectual Activist*(August 20, 1986), Peikoff has not even deigned to read the biography—"it's noncognitive," he says—but that hasn't prevented him from declaiming publicly on how awful it is, and on how "immoral" its author. (Keep this distinction in mind, pupils of Objectivism: to present evidence and evaluate it, as Barbara Branden does, is "noncognitive"; but to close one's eyes to the evidence and yet pronounce judgment on it, á la Peikoff, represents cognition at its best.) Peikoff's statement (published in both *The Intellectual Activist* and in Harry Binswanger's *Objectivist Forum)* ran as follows:

"The forthcoming biography of Ayn Rand by Barbara Branden was undertaken against Miss Rand's wishes. Miss Rand severed relations with Mrs. Branden in 1968, regarding her as immoral and an enemy of Objectivism. Being aware of Mrs. Branden's long-time hostility to Ayn Rand, including her public attacks on Miss Rand after her death—attacks interlarded with protestations of adulation—I have refused for years to meet with Mrs. Branden or to cooperate on this project. I had no reason to believe that the book would be either a truthful presentation of Ayn Rand's life or an accurate statement of her ideas. Advance reports from several readers of the book in galley form have confirmed my expectations. Therefore, I certainly do not rec-

ommend this book. As for myself, I have not read it and do not intend to do so."

Can you imagine what Dr. Peikoff's response would be to someone who would publicly condemn *Atlas Shrugged* without reading it? The principle is the same in both cases.

Given the patent preposterousness of Peikoff's declaration, one might wonder why I bother bringing it up at all, especially since Randians are not allowed to read libertarian publications like *Liberty*. Very simply, my appeal is to the margin. There are always a few marginal folks out there who might yet choose to proceed on an independent path despite the risk of an authority's disapproval . . . which is, after all, what the Objectivist philosophy counsels.

In April of 1987 Peikoff delivered a Ford Hall Forum talk on "My Thirty Years With Ayn Rand," obviously a response to the Branden biography; which he still had not read. By now, a great number of former official, semi-official and thoroughly unofficial Objectivists had been booted out of the movement for daring to admit that they liked the book, or at least that they didn't regard it as competing with *The Critique of Pure Reason* for the status of most evil tome ever written. (Rand always hated Kant.) And people were wondering how Peikoff would justify his novel application of the Objectivist epistemology and theory of justice, which in the past at least, had always counseled that cognition should precede evaluation. This speech would make or break Peikoff, whose credibility was at stake. He just might salvage his reputation with a stunning display of triple logical somersaults, or he could be obliterated by an onslaught of catcalls, literacy volunteers, and gentle suggestions that he check his premises. In sum, it was win or lose, conquer or be destroyed.

Or at least, that was the expectation. As it turned out, Peikoff (who is, incidentally, the most articulate and precise of the official Randians) didn't have much that was intelligible to say about the biography—he spent most of his lecture discussing Rand's mental methodology, merely alluding to the book toward the end of his talk—and certainly none of his questioners tried very hard to challenge him on any of his contradictions.

But somebody did ask Peikoff what he thought about the book, and about Rand's alleged affair with Nathaniel Branden. In a rambling ten-minute reply, Peikoff admitted the existence of the affair, which he said was confirmed by Rand's private papers (Peikoff is the executor of Rand's estate). He also said the affair was justified, choosing not to discuss Barbara Branden's account of the havoc it wrought. (But let's be fair about this; Peikoff was hardly in a position to discuss Branden's account of anything, having not yet read her book.)

Prominent admirers of Ayn Rand who have refused to accept unthinkingly the dictates of the Peikoff-Binswanger-Schwartz axis are treated far more shabbily by the groupies of that axis than the typical Joe Altruist off the street.

As for Barbara Branden herself, Peikoff said: "I happen to know the author of that book extremely well, being related to her and having known her for a long time, and also Nathaniel Branden, and many of these other people that I alluded to in my talk. I know entirely what they are capable of, and I would not put any credence in anything that they say. So I did not refrain from reading the book because of being afraid to face facts. On the contrary, by my best definition of fact I would have no means whatever, including the fact that something was in quotes, of determining whether it ever occurred."

Did you get that? What?

Okay, so Peikoff doesn't trust Barbara Branden, and therefore distrusts her book, and therefore refuses to read it. Fine. But why should that affect *our* view of the book, in the absence of any argument from Leonard Peikoff as to why *we* should distrust Barbara Branden, whom he has refused to speak to for almost two decades now, and whose side of the story he has never bothered to consider? Why should we as readers deny the evidence of our own senses and the conclusions of our own reason, based on Peikoff's say-so? Barbara Branden's honesty and sincerity, and her love and admiration of Ayn Rand, are evident thoughout *The Passion of Ayn Rand*. Why should we evade what we see? Are facts irrelevant?

The so-called "cult" of Objectivism could not survive for more than a few tortured years precisely because Objectivism upholds reason as an absolute. Only a few cultists remain, but they effectively manage to make royal pains-in-the-asses of themselves. Today, prominent admirers of Ayn Rand who have refused to accept unthinkingly the dictates of the Peikoff-Binswanger-Schwartz axis are treated far more shabbily by the groupies of that axis than the typical Joe Altruist off the street. Why? For the same reason "apostates" are shunned by the Jehovah's Witnesses: once a True Believer has deviated from "the truth" and started to think for himself, he becomes a danger to the cause, and must be shunned and ostracized as a matter of course so that the racket may be preserved. As Rothbard points out, what's at stake is power; what is desired is blind obedience. Peikoff had been moving away from that sort of thing since Rand's death, but he could not silently abide an honest assessment of Rand's life by an apostate.

Many good people who had been involved in the official movement are waving goodbye now, to lead their own independent lives and to think their own independent thoughts, which is a good thing. But libertarians should not be complacent about their own position. *The Passion of Ayn Rand* is a challenge to them to reevaluate *their* perspective also. Too many libertarians treat their "nonaggression principle" as a self-evident axiom requiring no particular philosophical proof, while using the dogmatism of *some* advocates of Objectivism as an excuse for ignoring Objectivism itself.

If you want to read an insightful review of *The Passion of Ayn Rand*, try Robert James Bidinotto's review in *On Principle*, or Louis Torres essay "Boswell's Johnson—Branden's Rand," in *Aristos* (May 1987). If all else fails, you can read the book and judge for yourself.

Ayn Rand's life is a story of courage; her achievements as a novelist and philosopher are an index of the power of an intransigently independent mind. Her story has important lessons for all of us. ❑

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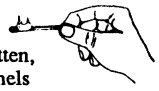

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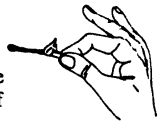

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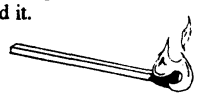

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Reviews

The Bonfire of the Vanities, by Tom Wolfe
New York: Farrar, Straus, Giroux, 659 pp., $19.95

Bonfires and Meteorites

Stephen Cox

At the New Year's parties I attended, Tom Wolfe's novel was the hot topic of conversation. Everyone seemed to be reading it, but everyone seemed at a loss about what to call it. The word "tragicomedy" was the most frequently suggested solution to this problem. "Tragicomedy" is a good enough word, if you don't expect either the "tragedy" or the "comedy" to appear in a familiar form. Wolfe's comedy is more unsettling than funny; it is much more likely to make you wince than to make you laugh. And his tragedy is made out of ingredients somewhat different from those specified in the traditional formula.

That formula, which is ultimately derived from Aristotle's *Poetics,* makes excellent sense. Because bad things that happen to perfectly good people shock and dismay us, and bad things that happen to perfectly bad people make us feel happy, the formula stipulates that the bad things that happen in tragedy should be visited upon people who are sufficiently admirable to evoke our sympathy but sufficiently flawed to deserve their fate. The tragic hero must have dignity and worth; otherwise, we would not be interested in his misfortunes. But misfortunes must not come to him simply by accident; they must be caused by his own defects. We would learn nothing from *King Lear* if the tragedy resulted from factors unrelated to Lear's flaws and limitations. It would be unfortunate, but not tragic, if Lear were flattened by a meteorite or ambushed by a shipload of Vikings, rather than destroyed by the consequences of something amiss inside him.

Wolfe's protagonist is not the traditional tragic hero whose fall evokes profound feeling because it is the fall of dignity and worth. Wolfe's protagonist is Sherman McCoy, a bond salesman who lives in a stylish apartment in Manhattan, hobnobs with socialites, thinks of himself as a "Master of the Universe," keeps a dachshund named Marshall, and worries about his mysterious difficulty in making ends meet on yearly earnings of $980,000. When Sherman meets a stranger, his most heartfelt reaction is *"I want to impress her!"*—even if he regards her as a perfect "nonentity." (p. 347) His lack of dignity is measured by his constant, microscopically petty status-seeking and *thing*-seeking.

One of the *things* he seeks is an extra-marital relationship with a woman named Maria, who is an equally petty thing-seeker. He sneaks away from his wife one evening to pick Maria up at the airport. On their way back to Manhattan, they get lost in a dangerous section of the Bronx. Sherman's Mercedes is stopped by what appears to be a man-made obstruction in the road. Two black youths approach; Sherman concludes he is about to be robbed. There is a struggle, and Sherman and Maria try to escape. As their car takes off wildly into the night, they hear a slight *thok* from the rear end, a *thok* that indicates they may have struck one of the two young men.

Sherman decides not to report the incident. One of the youths, however, is hospitalized with a brain injury; he later dies. It is never demonstrated that the McCoy Mercedes was responsible for the injury. Nevertheless, the car is traced, and McCoy becomes the object of protests by scandal-mongering newspapers and demagogic "community leaders." He is arrested, physically and mentally brutalized, and stripped of his family, job, and possessions. One of Wolfe's grim little jokes is that Sherman wasn't even driving—Maria was. Sherman's life is full of flaws, but it's never clear that his punishment addresses those particular flaws. Perhaps he and the black youth have simply been hit by a meteorite. This is the sort of "comedy," or "tragedy," that makes people look absurdly small and weak, and their lives absurdly accidental.

It's hard to read this book without recalling the best of American tragicomedies, F. Scott Fitzgerald's *The Great Gatsby.* Indeed, Wolfe seems to have designed his story to invite comparisons between his hero and Fitzgerald's, comparisons that would emphasize the former's lack of dignity. You remember that Gatsby, who is a social climber and a status-seeker, is destroyed by his mistress's bad driving. Daisy Buchanan's auto accident is obviously, even ostentatiously, a result of Fitzgerald's complex plot-manipulations; but Gatsby has been such a recklessly daring adventurer in pursuing his love for Daisy that the final *accident* is made to seem an inevitable result of his overreaching character. Whatever flaws Gatsby has, pettiness is not among them. He is a romantic hero, "a son of God," an aspiring inventor of his own self, a hero meant to "suck on the pap of life, gulp down the incomparable milk of wonder." There is a ridiculous side of Gatsby and his fate, but if Gatsby errs, it is in trying to become a god, not in trying to become a real swinger. Something is bound to happen to Gatsby because he tries to become so great; if something is bound to happen to McCoy, it can only be because he tries to become so little.

In both novels, much of the comedy results from a many-leveled satire of the America that surrounds the tragic hero. America, in each case, is a society of symbolic *bad drivers,* people who have

lost track of authentic goals and values and even of practical means to the accomplishment of their ends. The difference is that Gatsby stands taller than his surroundings, while Sherman is a statistical representative of them. In fact, the more or less tragic plot of *The Bonfire* is just a string on which Wolfe hangs a series of descriptions of the way people live at one or another social layer of a city rotten with moral and intellectual diseases: descriptions of the poor consumed with envy and the rich swelled and bloated with ignorant complacency; of liberalism putrefying in stupidity, and conservatism frothing into mindless vengefulness; of men and women who trade individual thought and character for an almost demonic possession by the habits of their social groups.

This sounds as if Wolfe had merely written one more depressing guidebook to the underside of modern life. I am sure that a major reason for *The Bonfire's* large sales is the sick thrill of recognition that some readers feel when the conditions of their own existence are realistically described. But what redeems this book, what distinguishes it from any number of other books that have surveyed the same territory, is the brilliant style and insight with which Wolfe writes.

Satirical brilliance is what we expect from Wolfe. For twenty years—from his wry account of alliances between self-righteous social revolutionaries and self-satisfied plutocrats in *Radical Chic* (1970), to his devastating analysis of New Age religious and political movements in *The Me Decade* (in *Mauve Gloves and Madmen*, 1976), to his shrewd diagnosis of the ills of modern art and architecture in *The Painted Word* (1975) and *From Bauhaus to Our House* (1981)—Wolfe has wielded a more powerful style than that of any other contemporary student of social and artistic trends. He is a critic who achieves flamboyant satirical effects by describing his objects with exhaustive accuracy.

At one point in *The Me Decade* Wolfe refers to household decorations "such as baffled all description." This is one of the few times in his career when his descriptive talents have not risen to the occasion. In *The Bonfire*, Sherman McCoy looks out his father's window and sees an imagistic projection of his own sadness and insignificance: "In a window of the new glass-and-aluminum building across the street, a young white woman was staring at the street below and probing the intertragian notch of her left ear with a Q-tip . . . a very plain young woman with tight curly hair, staring at the street and cleaning her ears . . . How very sad . . . The street was so narrow he felt as if he could reach out and rap on the plate glass where she stood . . . The new building had cast his father's little office into a perpetual gloom." (p. 429)

Wolfe's vise-like grip on concrete detail gives him the capacity to represent the minutest movements of his characters' minds (what's left of their minds, anyway) as they select and process perceptions of the world around them. And it gives him the capacity to render that world in all its bizarre multiplications of reality. It is a world where newspapers that are published and written by snobs carry banner headlines like

> **SCALP GRANDMA, THEN ROB HER.**

It is a world where the snobs have dinner in rooms "painted with so many coats of burnt-apricot lacquer, fourteen in all, they had the glassy brilliance of a pond reflecting a campfire at night." It is a world where the middle-class Assistant DA who prosecutes the scalpers and the diners contemplates "the power of the government over the freedom of its subjects" and revels in the ecstasy of seeing

> *that little swallow of fright* in a perfect neck worth millions—well, the poet has never sung of that ecstasy or even dreamed of it, and no prosecutor, no judge, no cop, no income-tax auditor will ever enlighten him, for we dare not even mention it to one another, do we?—and yet we *feel* it and we *know* it every time they look at us with those eyes that beg for mercy or, if not mercy, Lord, dumb luck or capricious generosity. (Just one break!)
> (pp. 162, 344, 591)

Wolfe's triumph is his ability to submerge the reader in the speech, the perceptions, the thoughts, the wayward images of his characters, until one knows them intimately: from their tendency to say that people wait "on line" rather than "in line" (New York dialect) to the Dantesque visions that assail them in their moments of peril: "In this sad moldering little room were seven other men, seven other organisms, hundreds of pounds of tissue and bone, breathing, pumping blood, burning calories, processing nutrients, filtering out contaminants and toxins, transmitting neural impulses, seven warm grisly unpleasant animals rooting about, for pay, in the entirely public cavity he used to think of as his soul." (p. 640)

Such visions rely, perhaps, on the Swift of *Gulliver's Travels* and on the darker passages of satire in Blake's *Marriage of Heaven and Hell*, but they are also wholly of the here and now. Wolfe's minute accuracy of description and evocation gains him entrance, again and again, to the lives and motives of people from all strata and subdivisions of American society. But because what is discovered there is almost entirely mean and sordid, one may well ask what good purpose all this serves. Part of the answer may be supplied by the title of Wolfe's book.

During the last decade of the fifteenth century, the reformer Girolamo Savonarola preached in the church of Santa Maria del Fiore in Florence, inciting his audience against paganism and sordid materialism. As an expression of their zeal, his followers publicly burned their "vanities," their pretty but distracting possessions. Wolfe refers to the Florentine episode in his title and nowhere else. We are left with two possibilities for the title's application. One possibility is that Sherman McCoy's life is a bonfire of vanities. In the course of the book, he loses all the spiritually valueless possessions and status-relationships that are his gods; they are burnt up, destroyed by publicity, prosecutors, jailers, and legal fees. Without them, his soul becomes a "public cavity" (which probably it always

I am sure that a major reason for The Bonfire's *large sales is the sick thrill of recognition that some readers feel when the conditions of their own existence are realistically described.*

was, without his knowing it), and he begins a struggle to protect himself from invasion by the outside world. But no Savonarola enlightens him with an improved system of values, and he is no Savonarola himself. We pity rather than admire him, and we pity him as we would pity a mouse harried by a cat.

The second possibility, of course, is that the bonfire is the book itself. Wolfe the satirist is burning the vanities of contemporary life, exposing the corruptions of self and society that turn his characters into mere public cavities. He is his own Savonarola. But his system of values fails to emerge clearly. He shows that people can change, yet he shows them changing not because they learn some conceptually-identifiable values, but because accidents happen to them. This is probably sufficient for his satirical purposes. *Babbitt* is a good novel, even though Sinclair Lewis had little more to teach us than the folly of the characters he satirized. But there are indications that Wolfe wants to do more and does not quite know how to do it.

In the middle of his book, a poet dying of AIDS is asked to give a little speech in the course of a dinner party, and he astonishes his audience by talking about matters of life and death. He reproves the ceaseless, valueless whirl of life in which his listeners are involved, but he refers to his own inability to make something enduringly valuable out of it:

> The United States deserve an epic poem. At various times in my career I considered writing an epic, but I didn't do that . . . Poets are also not supposed to write epics any longer, despite the fact that the only poets who have endured and will endure are poets who have written epics . . . I cannot be the epic poet you deserve. I am too old and far too tired, too weary of the fever called "Living," and I value your company too much, your company and the whirl, the whirl, the whirl.

After this speech, "the intruder the [hosts] dreaded most, silence, now commanded the room. The diners looked at one another in embarrassment. . . . there was always the possibility that the old man had said something profound and they had failed to get it."(pp. 354-56)

Wolfe is not tired. He is not weary. He has written vividly and at epic length. What is lacking in his novel is the epic writer's ability to lift his material far enough above "the whirl" to exemplify positive values, values that give the epic strength and substance. Perhaps Wolfe doubts his audience's capacity to "get it" if he should happen to utter something profound in his own voice. I think such doubts would be misplaced. We are not all Sherman McCoy's, are we?

Read this book, and hope that Wolfe completes his progress from satire through tragicomedy to the epic of America. ❑

***Therapist*, by Ellen Plasil**
New York: St. Martin's/Marek, 1985, 224 pp., $13.95 hb., $3.95 pb.

The Dark Side of Objectivism

Nathaniel Branden

Therapist is Ellen Plasil's account of her four and a half years of treatment by a prominent New York "Objectivist" psychiatrist. Her book is of special interest to me because of my past association with Ayn Rand and the Objectivist subculture.

The author was raised by Objectivist parents. Almost from the day she was born they abused her physically and mentally in an appalling number of ways, including sexually, and at the same time lectured her on "reason," "independence," and all the other routine clichés used by Ayn Rand's professed admirers without any true appreciation of their meaning.

In 1972, at twenty-one, Plasil found herself in an unhappy marriage and suffering from depression, so she moved to New York City in search of psychiatric treatment. She put herself in the hands of Dr. Lonnie Leonard, who had been recommended by Dr. Allen Blumenthal, a leading objectivist psychiatrist.

In the course of her treatment, Leonard informed her that he was the "healthiest" man he had ever known and that an important indicator of a woman's own "health" was whether or not she responded to him "romantically." From there it was only a short step to insisting that Plasil satisfy him sexually. But she was merely to satisfy him and thereby be fulfilled. It would be proof of her femininity. Using the authority of his position, Leonard intimidated, threatened, and abused her. He called her "scum," and, for all practical purposes, he raped her. In other words, he recreated the nightmare of her childhood, while telling her repeatedly that he was her only hope for salvation. (This is quite different from the more familiar story of a psychotherapist who becomes infatuated with his client and has an affair with her.) Plasil's dependency on Leonard made her submissive and compliant.

The author by this time had left her husband. Her social contacts in New York were limited almost entirely to fellow patients of Leonard, and they all apparently worshipped him. She moved in a world where a person's most insignificant actions and preferences were scrutinized to determine whether he or she was a "good objectivist." Tastes in art, novels, and films were evaluated from the standpoint of Ayn Rand's personal likes and dislikes. In Objectivist circles, Leonard enjoyed a God-like status. Plasil did not feel safe in discussing her growing anxiety and doubts. She would have been accused of treason.

Of course not all enthusiasts of Objectivism manifest this foolishness; the majority of them are independent, decent, clear-thinking human beings. But there is an irrational, cultish tendency in many intellectual movements, and Objectivism, alas, is no exception. Ayn Rand's personal obsession with loyalty did little to discourage this trend, even though she doubtless would have been horrified by Dr. Leonard's practices. Rand had often protested, "Protect me from my followers!"

Finally, after many months of struggling with the question of whether Leonard had a legitimate purpose for his bizarre behavior at the therapy sessions

This review originally appeared in the Summer, 1987 issue of *Free Inquiry* and is reprinted with permission.

(for example, greeting her stark naked, video-taping her in a similar state, spread-eagled on the floor, and so on), Plasil telephoned Dr. Blumenthal. When she attempted to discuss her misgivings with him, he said he could not talk to her while she was Leonard's client. Besides, he insisted, he already knew what she wanted to say. When she tried to verify what he claimed to know, he hung up. The nightmare grew worse. But Plasil's doubt and anger also grew when she discovered that Leonard's other female clients had had similar experiences. After four and a half years of therapy, with outrage piled upon outrage, she decided to fight back. She terminated her therapy, and, with several other of Leonard's victims, she initiated legal action against him. Not surprisingly, shortly afterward Leonard announced that he was giving up his practice. Plasil was then accused by his other clients of causing irreparable harm to a great man.

I had a similar experience when I broke with Ayn Rand. I had left the New York circle of Objectivists in the late 1960s, years before the events in this book took place. I did not know Dr. Leonard, but I did help to launch Dr. Blumenthal's career. Although I repudiated him many years ago (we repudiated each other, you might say), I confess I read this story with embarrassment and sadness for having played even a small part in it. But perhaps, from one perspective, my part was not really so small. Did I not, together with Ayn Rand, help to create the kind of subculture in which irrationality and inhumanity could exist (even if, to repeat, we would have been horrified at this particular manifestation)? Blumenthal may protest that Leonard is not his creature, but I am not quite comfortable in protesting that Blumenthal is not mine. The bad judgments of our past do come back to haunt us.

Plasil won her case, and Dr. Leonard settled out of court. He is now working as a beekeeper in Florida. She has remarried happily and is working on a law degree.

Therapist is written with great simplicity, clarity, and dignity, and I recommend it to anyone interested in the psychology of cultism and how individuals can be led to suspend their moral judgment and their common sense in the name of idealism and loyalty—and out of an overzealous desire to belong *somewhere.* Plasil has something important to say to all of us. ❑

***Quantum Reality: Beyond the New Physics,* Nick Herbert**
Garden City, NY: Doubleday, 1985, 268 pp., $16.95 hb., $9.95 pb.

Quantum Mysticism and Quantum Reality

Jeffrey Rogers Hummel

Each significant scientific advance inevitably seems to impinge upon political philosophy. The classical physics of Sir Isaac Newton reinforced the universal natural laws of Enlightenment liberalism. Charles Darwin's theory of evolution spawned a litter of social analogs. Later the cocktail party circuit transformed Albert Einstein's relativity into moral relativism. And most recently the devotees of subjectivism, Eastern religions, and even the occult have invoked the esoteric insights of quantum mechanics.

This "quantum mysticism" is not merely the intoxicating brew of such popular books as Fritjof Capra's *Tao of Physics,* Gary Zukav's *Dancing Wu Li Masters,* and Michael Talbot's *Beyond the Quantum.* It has also made inroads into libertarian circles. We encounter it through the outlandish works of discordian Robert Anton Wilson, on the posturing pages of *Critical Review* compliments of Gus DiZerega, and in the strident rhetoric of arch-decentralist Carol Moore.

Almost none of the quantum mystics, whether libertarian or otherwise, are scientists. But that ironically puts non-scientists who dispute their philosophical conclusions at a distinct disadvantage. Those of us who scrupulously withhold opinions on subjects we do not fully understand hesitate to challenge the sweeping and intimidating appeal to scientific authority of the quantum mystics. Thus, they can abruptly shift a comfortable philosophical or political exchange into unfamiliar territory. We suspect that quantum mysticism is pseudo-science, but we cannot prove our suspicion.

Fortunately, with the publication of Nick Herbert's *Quantum Reality,* we need be intimidated no longer. Herbert is a professional scientist who has written a book that stands squarely at the intersection of physics and philosophy. In simple and straightforward prose, without mathematics, he introduces the non-scientist to quantum physics. But in the process, he carefully distinguishes between the hard experimental evidence and the overarching theoretical interpretation, that is, between quantum facts and quantum theory. This makes it finally possible for the non-scientist to ponder informatively the philosophical implications of quantum mechanics.

The quantum facts by themselves appear almost mundane at first glance. But when physicists attempted to explain these concrete data, beginning in the 1920s, they came up with divergent and paradoxical interpretations. Herbert vividly recounts the intellectual history of this ongoing debate. For a while, despite Einstein's assertion that God does not "play dice" with the universe, the Copenhagen interpretation of Niels Bohr, with its assumption of irreducible metaphysical randomness, became dominant among physicists. Within recent years, it has lost much of its following to Hugh Everett's "many worlds" interpretation, which dispenses with metaphysical indeterminism by asserting that all probable quantum outcomes are in fact realized in parallel universes.

Herbert ends up presenting not a single, nor just two, but no less than eight unique quantum realities. The Copenhagen interpretation generates two possible realities, the many-worlds interpretation offers another, and there are five more. Every one of the eight is entirely consistent with the quantum facts. "For all presently conceivable experiments," states Herbert, "each of these realities predicts exactly the same observable phenomena." (p. 28) They differ only in their philosophical presuppositions.

These eight alternatives contain both bad and good news for objective reality.

The bad news is that they do provide some theoretical basis for quantum mysticism. The quantum mystics often just extrapolate from the models of certain prominent physicists. The fact that most practicing physicists would rather concentrate upon quantum theory's experimental predictions has lent further credence to these extrapolations. Herbert emphasizes the widespread neglect of the theory's philosophical underpinnings:

"Quantum theory resembles an elaborate tower whose middle stories are complete and occupied. Most of the workmen are crowded together on top, making plans and pouring forms for the next stories. Meanwhile the building's foundation consists of the same temporary scaffolding that was rigged up to get the project started. Although he must pass through them to get to the rest of the city, the average physicist shuns these lower floors with a kind of superstitious dread." (p. 158)

Physicists must therefore share responsibility for quantum mysticism. It is not blatant pseudo-science. The good news, however, is that the very same philosophical laxity that has allowed quantum mysticism to flourish simultaneously undermines the mystic's claim to an exclusive scientific imprimatur. The quantum facts by themselves do not impose any single solution to this intriguing metaphysical puzzle.

I have my own favorite among the eight quantum realities. Herbert refers to it as neorealism. In my opinion, it is the only one of the eight truly congruent with objective reality. It treats electrons, photons, and other subatomic particles as ordinary objects, with definite attributes whose quantities are determined whether or not they are being observed. Although endorsed by such renegades as Einstein, Max Planck, Irwin Shrödinger, and Prince Louis de Broglie, the neorealist interpretation has never been popular in the physics community.

John Von Neumann supposedly proved neorealism mathematically incompatible with the quantum facts in 1932. In 1952 David Bohm constructed a neorealist model that successfully refuted Neumann's proof, but Bohm's model contained a feature that most physicists found preposterous. It required the existence of a hitherto unobserved "pilot wave" that could transmit information between subatomic particles instantaneously, even if the particles were at opposite ends of the universe. Such a non-local reality contradicts the special theory of relativity, which denies that anything can ever exceed the speed of light. Then in 1964, John Bell suggested a test for this superluminal wave. Not until 1972 were physicists physically able to conduct the test, but the results confirmed what has become known as Bell's interconnectedness theorem.

Many physicists have interpreted Bell's theorem as applying only to the neorealist interpretation. But as Herbert points out, Bell's theorem is utterly independent of quantum theory. Even if all the myriad interpretations of quantum should fall, Bell's theorem would still hold. It shows that *any* model of reality must be non-local. It applies just as strongly to the dominant Copenhagen interpretation.

Reason Papers

A Journal of Interdisciplinary Normative Studies

Articles

Liberty, Virtue, and Self-Development
A Eudaimonistic Perspective ..... ***David L. Norton*** **3**

Marxism: Religious Faith and Bad Faith ..... ***Antony Flew*** **16**

Marxism as Pseudo-Science ..... ***Ernest Van Den Haag*** **26**

The Ethics of Hunting:
Killing as Life-Sustaining ..... ***Theodore Vitali*** **33**

Discussion Notes

Exploitation ..... ***John Ahrens*** **42**

How the Jacksonians Opposed Industrialization:
Lessons of Democratic Banking Policies .... ***Larry Schweikart*** **47**

Book Section

Review Essay:

David Kelley's *The Evidence of the Senses: A Realist Theory of Perception* ..... ***Randall R. Dipert*** **57**

Reviews:

Daniel C. Dennett's *Elbow Room: Varieties of Free Will Worth Wanting* ..... ***Joseph Boyle*** **71**

John Gray's *Liberalism* ..... ***David L. Norton*** **77**

Steven Cahn's *Saints and Scamps: Ethics in Academia* ..... ***Delos B. McKown*** **83**

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No. 12 **SPRING 1987**

If all quantum realities require the superluminal transmission of information, then physicists no longer have scientific grounds for rejecting neorealism. In other words, Bell's theorem eliminates the only serious objection to the neorealist interpretation. Although Herbert does not draw out this inescapable conclusion, the quantum facts appear to contradict relativity, regardless of how they are interpreted. Einstein was right about quantum theory, but only because he was somehow wrong about relativity.

This poses few intellectual difficulties for non-scientists. Most people's common sense can deal more easily with faster than light travel than with, say, Everett's parallel universes. But physicists have become wedded to relativity's elegance. Quantum theory, in contrast, is messier, but nevertheless its repeated experimental verification is unsurpassed. "Quantum theory works like a charm," explains Herbert; "it correctly predicts all the quantum facts we can measure plus plenty we can't or do not care to. This theory has passed every test human ingenuity can devise, down to the last decimal point. However, like a magician who has inherited a wonderful magic wand that works every time without his knowing why, the physicist is at a loss to explain quantum theory's marvelous success." (p. 157)

For half a century physicists have stubbornly tried to evade the inherent tension between quantum theory and the theory of relativity. The futile quest to reconcile the two is what accounts for all the bizarre gyrations in the alternative quantum realities and their mystical spinoffs. But Bell's theorem now makes the contradiction between the quantum facts and relativity so clear that it should inspire a major theoretical reformulation. that at least is my own tentative judgment, as an interested outsider.

Herbert himself is more cautious. He plays no favorites among the eight quantum realities. Indeed, he is quite open to the possibility that all eight are wrong, that another as yet unknown interpretation best fits the quantum facts. Unlike the quantum mystics, whose dim comprehension of the physics does not in any way inhibit their philosophical pronouncements, Herbert lets the reader make up his own mind. But the defenders of objective reality should be able to find all the ammunition they need between the book's covers. ❑

Compassion Versus Guilt and Other Essays, by Thomas Sowell
New York: William Morrow & Co., 1987, 246 pp., $14.95

High Standards, not Double Standards

William P. Moulton

I'm not certain whether Thomas Sowell is a conservative or a libertarian. Probably one would have to call him a conservative (he is, after all, senior fellow at the Hoover Institution) with very strong free-market and free-society commitments. But there is really no need to worry about categorizing him. The man is a brilliant writer, and definitely not only on the side of those who love liberty, but of those who love intellectual honesty, clarity of thought and expression, and simple decency.

Those who have read Sowell's earlier works, of which *Knowledge and Decisions, Marxism: Philosophy and Economics* and *A Conflict of Visions* are perhaps the most seminal, will understand the type of literary and intellectual values to which I refer. Sowell writes with a lucidity and directness that are so compelling that they produce an almost irresistible impression of pure objectivity.

And this impression is, by and large, deserved. He gets to the point of his topic as quickly and with as little flopdoodlery as any essayist I have read. He pegs his issues to the ground and dissects them. With people, however, he is generally tolerant in his treatment, even when they might not deserve it. Verbal muggings are not his style.

Sowell's new book consists of eighty-one short essays arranged into topics such as social policy, foreign policy, economics, law, education, and race. The title essay "Compassion versus Guilt," deals with a fairly traditional topic for conservative intellectuals—namely, the fact that in a free (or even just normal) social polity the fortune of some is not the cause of the misfortune of others, and that to attempt to help the latter by crippling the former will destroy the well-being of both groups. His approach is a little different from the usual, however, and centers more on the concept of standards than on rewards and merit. "Standards do not exist for no reason. We are not just being fussy when we expect a medical student to have mastered much complex knowledge before he becomes a doctor. . . . Mathematics and physics are not mere hurdles placed capriciously in the path of aspiring engineers. . . . to ignore standards is not to share benefits, but to destroy benefits." Even when tackling old issues, Sowell is never routine. He makes you think.

Sowell proceeds to his other topics with wit and acumen. He dissects the "green bigots" of the environmental movement ("These lobbyists proposed a plan to save fish from acid rain. The cost worked out to about $16,000 per fish.") He tackles the double standards regarding "good" and "bad" dictators, the reasons why tiny Hong Kong imports and exports more goods than huge India, the continual bureaucratic and academic redefinition of "the poor."

And, probably best of all, he gives us a "Political Glossary." I just have to include a few samples from this lexicon:

- equal opportunity: preferential treatment
- compassion: use of tax money to buy votes
- insensitivity: objections to the use of tax money to buy votes
- demonstration: a riot by people you agree with
- mob violence: a riot by people you disagree with
- special interest lobby: politically organized conservatives
- public interest group: politically organized liberals
- private greed: making money selling people what they want
- public service: gaining power to make people do what you want them to
- a proud people: chauvinists like you
- bigots: chauvinists you don't like
- bilingual: unable to speak English

He writes at length about the leftists and feminist and "anti-racist" goon

squads which infest so many American campuses. We are given an analysis not only of the ways in which such groups and their tactics disrupt academic life—that much is, after all, rather obvious—but of the way in which the left itself is subtly corrupted by its own intolerance, shrillness, and narrowness of intellectual vision. The result, all too often, is that "[t]he left does not have to think on campus, just chant and demonstrate and feel morally superior."

The author looks deeply into the matter of personal responsibility and the consequences of its decline as an ideal. Sowell does not resort to the rather superficial conservative exhortation to a "return to values," but rather surveys the real results that the erosion of such responsibility has had in the readings of criminal jurisprudence, civil litigation, penology, education, welfare, and the electoral process.

The essays on foreign policy reflect a fairly standard conservative outlook, and may be less than satisfying to many libertarians. Even here, however, he is thoughtful, sensible and at times bitingly ironic. (For example, he explains that Greece cannot be held to any standards, since, after all, "what would you expect from a country headed by a former Berkeley professor?")

Sowell is at his best in writing about South Africa. He belongs to that small group of writers who resist the temptation to strike a fashionably moral pose on this issue. However, he is also in no sense a *Human Events*-type uncritical supporter of the Pretoria regime. He is rather living evidence that one can be simultaneously opposed to apartheid, Nelson Mandela, P. W. Botha, the ANC, the leftist blatherings of Desmond Tutu, and the empty posings of the Amy Carters of the world, *and* can also offer constructive insights on this very complex issue.

His other topics? Well, I'm not going to tell about all of them; you should read the book. Are there any issues on which I personally disagree with Sowell? Sure there are. Robert Bork. Prayer in schools. Maybe one or two others. But these disputes do not detract from the book, or from its author. He is, once more, not a knee-jerk conservative. His case is presented logically, fairly, without cant. Many libertarians will think he is wrong concerning some issues. No sweat. Read him anyway.

One of the most prescient essays in this collection does not deal with politics at all, but with something much more important—baseball. I especially enjoyed this piece because it helps to demolish a particularly insidious viewpoint (heresy, actually) which continues to pop up in various disguises—namely the notion that Ty Cobb (or, more rarely, some other player) was greater than Babe Ruth. It simply isn't so, and Sowell demolishes the claims made on behalf of others. As he states and proves, "Ruth was in a class by himself."

In spite of the great variety of issues covered by the author, there is a common theme which weaves its way through all of his polemics and his erudition and his charm. It is the observation that life is ultimately redeemed from its never-ending crises by the common sense and innate justice of ordinary people. This is neither mushy, sentimental populism nor Rousseauian patronizing. It is simply a recognition of the fact that "opinion makers" can be appallingly shallow, faddish, herd-like and venal, and that being an "intellectual" is no guarantee of integrity or clear-thinking or morality. "Deep thinkers" is the ironic term which Sowell uses to describe a certain type of nitwit—the self-styled intellectual or expert, trendy, superficial, authoritarian, politicized, and convinced that all that society really needs is a transfer of power to people just like himself.

The point Sowell returns to so often is simply this: A person doesn't have to be a "deep thinker" to make the decisions affecting one's life. The fact that people make choices based on their total life experiences seems natural to almost everyone except their self-appointed betters. No doubt certain patterns of group behavior and values will contribute to such choices. Quite probably Japanese-Americans will always be "over-represented" among mathematicians and engineers and women will always be "under-represented" among steeplejacks and barrel-scrapers. So what? Why should the cultivation of individual interests and the free choice of a career be regarded as a "problem"? What Sowell is saying and demonstrating is that it isn't, except to a small coterie of coercive egalitarians who are very definitely "over-represented" in terms of the influence they wield.

Sowell says all these things, and much more, and says them perfectly. Read this book. ❑

Hunting the Wild Remainder

Timothy Henderson

You can't judge a book by its price, either in terms of its meaningfulness to any given reader, or insofar as its potential for appreciation in resale market value. This is especially true regarding remainders, i.e., those books which have "remained" with, or been returned to the publisher after initial sales have slackened, and are then sold, usually through a specialty dealer, at a discount.

For instance, a few years ago I picked up a fine condition first American trade edition of J. G. Ballard's *Love and Napalm: Export U. S. A.* at Pic-N-Save for 59¢. Recently I've seen more than one asking-price quoted in the 35-40 dollar range. Now, I admit the book market is not all that liquid, and the bid-and-ask price spread can be wide. Still, the difference between my investment cost and the book's current value, even allowing for inflation and hard bargaining, is more than sufficient to guarantee a profit should I choose to sell. (I probably won't, though. I get too much of a kick relishing the irony of Ballard's book being such an extraordinary market performer, while he himself is the quintessence of anticapitalist curmudgeonry.)

Of course, most remainders will never increase in real-term price. But those few that do are likely to make major percentage gains for a couple of reasons. One, a remainder is generally priced at such a deep discount that even if it only recoups its original cover price, that could easily mean a 300-500% increase or more. Two, the very fact that a title

was remaindered suggests a low total print run for that edtion, which translates into built-in scarcity.

A diversified portfolio of remainders, then, can be built with very little capital (five books might cost around 20 bucks), so if only one book in the group "takes off," the odds for a profit being made are good, with very little downside risk. Furthermore, through trial and error I've formulated four guidelines which will significantly enhance the chances for investment success. First, buy only a first edition, first printing, and make sure that both book and dust jacket are in fine or better condition. Second, as a rule avoid the work of a "name" author. It may seem that an author's reputation would enhance the book's desirability, but most likely the book garnered a fair amount of critical and consumer attention when first released and was consensually judged to be minor compared with the author's best work. Whether this evaluation is deserved or not, it probably will stick, effecting a ceiling on profit potential. What is more, print runs of established authors tend to be relatively large. Third, select judiciously from first or early works of new or young talent. Your assessment is as good as anybody's in discerning which of these books were overlooked by the buying public, not because of their quality, but because of poor promotion or the average reader's unwillingness to risk the unknown. Finally, weight your portfolio with books of libertarian content. This is an ideological play. If I were to trade the aforementioned Ballard book, I'd do so now, before the socio-cultural surge it presaged (ultra-sensationalism, bleached, for that respectable, quasi-intellectual "grown-up" look, with clinical detachment) has ebbed. Then I'd buy into the next major wave which, swollen by the current renaissance of deeply-reasoned values, will be libertarianism. When it washes over the globe, interest in "earlier" libertarian stuff will be broad and strong.

Three currently available volumes which are obvious Best Buys are J. Neil Schulman's *The Rainbow Cadenza*, Vernor Vinge's *The Peace War*, and Ellen Plasil's *Therapist* [see the review on p. 50]. As the first two authors increase their progeny, win some more awards, and gain wider reader recognition, their books are virtually assured to increase in value. And the lesson of Plasil's testament presents a value beyond price.

Following are two more books that essentially meet the above criteria. While neither are sure things like the Smith and the Vinge, I feel they are worth your consideration.

***Lightsource* by Bari Wood**

The epigraph is from Ayn Rand, and so is the plot concept: A brilliant inventor harnesses an energy source that could power the planet for negligible cost. Stylistically, however, Wood eschews Rand's near-mythic grandiosity for a more conventional approach. Interestingly, this non-style sometimes works to Wood's advantage, lending an accessibility to her characters not always present in Rand's work. More often, though, the absence of a trenchant artistic, authorial voice allows the somewhat predictable narrative to sink into the blandness of a TV-movie chase thriller, R-rated dialog notwithstanding. Still, the battle lines between Wood's individualist heroine and the villains (a gang of immoral big businessmen in collusion with government agents) are clearly drawn, and their personalities supported by a fair amount of psychological underpinning. And when one worrisomely wishy-washy character, the do-gooder President of the United States, finally takes a strong stand for property rights, Wood's ideological subtext emerges out of the murk of ambiguity into the lightsource of liberty.

All Wood's other novels appear to be of the horror genre, so this '84 book is an anomaly. Too bad. We need all the pro-freedom fiction we can get, whether of lofty or modest aesthetic intentions. Since one of Wood's novels (her second, *Twins*, co-written with Jack Geasland) now commands an asking price of $45.00, maybe the carry-over effect will stimulate interest in her other work. Maybe her regular readers will become aware of the real-life monster that threatens to devour us all. Maybe Wood will write an even better, more clear-cut, hard-hitting novel.

Maybe.

***The Commissar's Report* by Martyn Burke**

The through-line of the plot is a nifty idea: Dimitri, a wily Soviet bureaucrat, having landed a plum assignment as a functionary in Russia's U. S. embassy, comes by chance into possession of some American cash (his wife wins it in a supermarket contest), and fearing he'll be caught holding it and consequently accused of taking bribes (a capital offense), he tries to "lose" the money by investing in the stock market . . . and inadvertantly begins building a financial empire.

Dimitri, a wily Soviet functionary in Russia's U. S. embassy, comes by chance into possession of some American cash. Fearing he'll be caught and accused of taking bribes, he tries to "lose" the money by investing in the stock market . . . and inadvertently begins building a financial empire.

Dimitri eventually does become, albeit secretly, one of the richest men in the U. S., but this ongoing development serves primarily as a backdrop against which he engages in an unending series of skirmishes with both the Russians and the Americans, somehow managing to stay one step ahead of the ever-encroaching state(s). In this sense, Dimitri is a sort of transcendent figure, motivated at times by both Soviet fear and American greed, yet never losing his individual identity to either. And though the book's bawdy and darkly comic tone sometimes seems a little too much an attempt at capturing the collegiate audience, this is counter-balanced by its ultimate reward which, being written in the first person, is the sense of Dimitri himself, his wit, intelligence and energy, his *elán vital*, which cumulatively gathers and enriches the reader's consciousness.

Author Martyn Burke is surprisingly unknown in libertarian circles. His oeuvre, which includes directing and co-writing a feature film *(The Last Chase)*, a documentary on the KGB, and this, his 2nd novel, offers something for everyone, from the hard-money agorist to the hard-defense think-tanker. Though the free market may be volatile, over time its direction is rising. With the next major uptrend, Burke's stock may be a leader. ❑

"Invent a secret code, and send messages in it . . ."

English vs the Educators

Sheldon L. Richman

The reason we no longer see those bumper stickers that say, "If you can read this, thank a teacher," is that they performed the surely unintended public service of identifying whom we should blame for all those illiterate high-school graduates in the United States.

But we shouldn't rush to put "If you can't read this, *blame* a teacher" bumper stickers on our cars. The illiteracy isn't really the teachers' fault: The fault is with those who *teach* the teachers.

This admittedly mischievous thought came as I read an article in the Spring, 1987, issue of the *Virginia English Bulletin,* which is published by the Virginia Association of Teachers of English. This upstanding group was treated in that issue to the truly interesting thoughts, entitled "What Should Language Arts Teachers Teach About Language?", of one Colin Harrison. Professor Harrison is *"a member of the faculty* of the School of Education at Nottingham University in Nottingham, England, where he *prepares* Language Arts teachers." My emphasis, but that's how the article's biographical note puts it; why the word "teaches" is avoided I can only guess.

Professor Harrison begins with a complaint: it seems "there is an enormous weight . . . which presses down upon teachers of language arts . . . in favor of teaching grammar as the central focus of the language arts curriculum." This pressure comes from "received opinion, public pressure, and tradition." Professor Harrison is here to save the teachers from this pressure and to set the rest of us straight: "What I wish to argue is that, for most children in school, at least before they reach the eleventh grade, a study of grammar is irrelevant and potentially counterproductive. They can't understand it, even if they acquire some automated procedures which make it look as if they do. Worse than that, it has two very damaging effects: it turns children off English, and it teaches them to feel negatively about their own culture and language."

Got that? We surely don't want to turn children off English. And of all the things that could make children feel negatively about their culture and language, the No. 1 culprit has to be grammar exercises in school. Besides, writes the professor, teaching grammar doesn't work and "fosters cultural elitism."

In place of *mere formalisms* like subjects, predicates, objects, punctuation, and the like, Professor Harrison proposes the "systematic study of language": "What I would argue [then why doesn't he, by the way?] is that, instead of teaching the social conventions of our language in a divisive way as part of what we incorrectly call teaching 'grammar,' we should have language study as a central focus for our teaching, but approach it in ways very different from those which are rooted in cultural elitism."

What is the systematic study of language? "Consider what would happen," writes Professor Harrison, "if the object of language study becomes the relationship between language and the world. . . ." Now there's something I'm sure no one has ever thought of. The systematic study of language takes "the student's own language experience [as] the starting point." That is to say, instead of correcting children's grammatical mistakes, "we might consider investigating the ways in which native language users spontaneously demonstrate a sophisticated knowledge of the language system. . . ."

Professor Harrison writes that by age five almost all children "have acquired a *perfect command* of the grammar of their language." (My emphasis.) This is either dead wrong or tautological, though it is true that children acquire a wealth of tacit knowledge before they start school. He is impressed that children can discuss grammar "without ever using the technical terms and without being in the least inhibited by the fact that they do not know them." He implies, though, that if we let the kids know that there *are* such terms, they might make mistakes and become inhibited. But on these grounds we should not teach kids any terms (which means any language) because we wouldn't want them to develop inhibitions. I think Professor Harrison is wrong, though. Children like to know the names of things, and there is no reason to think they make an exception for grammar.

Aside from this, has it ever occurred to Professor Harrison and his colleagues that the parents of these children might like them to have more than a tacit command of the language? That maybe the parents regret that they themselves have only a tacit command and want something better for their kids?

But that's enough about inconvenient details such as parents who only pay the teacher's salaries.

How does one teach the systematic study of language? Professor Harrison has several activities, "which will get into some of the educationally valuable possibilities connected with this area," for teachers to try on their students. Here is a sample:

- "Invent a new body language, including your own signals for 'yes,' 'no,' greeting—and kissing."
- "Invent a secret code, and send messages in it."
- "Choose five nations and draw a picture of their national flag [sic]; try to find out whether the colors and design of the flag [sic] have a special meaning."
- "Try communicating only with sign language for fifteen minutes. . . ."
- "Imagine you lived at the bottom of the sea. What would the world sound like?"
- "Start a rumor. Did it work?"
- "As a birthday present, your aunt, who works at CIA headquarters, has bugged the staff room at school. Write a transcript of the conversation."
- "In Pumpkin County, communication is difficult, because the word 'pumpkin' is the only one anyone is permitted to use. . . . Working with a friend, prepare a three-minute play in which you either (a) get arrested by a pumpkin for riding your pumpkin on the pump-

kin, or (b) have an argument with your pumpkins about whether or not you should be allowed to pumpkin on Saturday night. Remember, the only word you can use in this script is 'pumpkin.' Good luck!"

The children will need more than luck if their teachers are taking the advice of Professor Harrison. But let's have a closer examination of his ideas.

Professor Harrison believes that children will learn to write by writing. Now wait before you nod your heads and think, "Well, what's wrong with that?" Of course one learns to write, in part, by writing. But why Professor Harrison thinks the schools must choose between writing and exercises in grammar puzzles me. His position is just as bad as, perhaps worse than, that of people (if there are any) who would choose the other way round. But let's get back to the professor.

You'll recall that he thinks that teaching grammar "turns children off English" and "teaches them to feel negatively about their own culture and language." To void such calamities, he favors what he calls the "systematic study of language, which includes such innovative teaching methods as starting rumors, inventing secret codes, and contemplating that in the eighteenth century some people spelled "old" "owd." The teacher is exhorted to "simultaneously celebrate [dialect] variations and give students the opportunity to make choices between alternative forms of expression."

Professor Harrison also favors less bold methods, such as having the children write. He was shocked when a colleague "observed to me" (you can't *tell* him anything) that his son, who goes to school in Virginia, is hardly ever allowed to write more than an occasional paragraph. "All of his other writing was in single sentences, phrases, or single words," Professor Harrison wrote. "Do you believe that this is possible? Could it happen in your school? If it could, then the implicatiions are serious indeed, for if we learn to write by writing, rather than by doing grammar exercises, then this child and others like him are unlikely to learn to write, no matter how many grammar exercises they complete, and how many grammatical skills they reach criterion on." Then Professor Harrison adds parenthetically and in a cutesy, militantly antigrammatical way, "By the way, I think I'll leave that dangling participle in!"

I must digress: I have read that long sentence beginning "If it could" about a hundred times, and I cannot find a dangling participle anywhere in it. This suggests two possibilities: either Professor Harrison doesn't know what a dangling participle is, or the editor of the *Bulletin* had the good sense to remove it, but was too careless also to remove the parenthetical asininity. Come to think of it, possibility No. 1 is the likely explanation. Could it be that this preparer of Language Arts teachers might have been referring to the *preposition* (on) that ended the sentence? And if so, should it surprise anyone that Professor Harrison doesn't know a preposition from a participle?

It would be culturally elitist and damaging to the child's self-esteem to point out, for instance, that a preposition and a participle are two different things.

But back to the main thrust, as the social scientists like to say. When Professor Harrison says children learn to write by writing, he doesn't mean what you and I mean. Remember, the key thing is not to turn children off English or to make them feel negatively about their own culture and language. If we are to avoid this, we must be careful about what we do once a child has written something. Professor Harrison is all for "a great deal of emphasis on drafting, discussion, collaboration, and seeking real audiences for students' writing." (Artificial audiences just aren't the same.) Notice that there is no notion of *correcting* the writing. It would be culturally elitist and damaging to the child's self-esteem to point out, for instance, that a preposition and a participle are two different things. (Presumably, it would *not* undermine anyone's self-esteem if the *teacher* doesn't know the difference.) In fact, Professor Harrison praises schools that "believe that, generally speaking, it is damaging and counterproductive to 'correct' the errors in a piece of creative writing . . . instead the teacher will respond to the piece as we would if a friend had written a story and asked us to comment on it." (Does the friend want just a perfunctory pat on the back or, presumably a contradiction in terms for the education profession, constructive criticism?)

Professor Harrison allows that if the writing is to be "shared with a wider audience . . . the teacher might put the students in a conference with others who would make suggestions concerning accuracy and expression. The teacher would probably, but not necessarily, be the final person to offer comment on possible changes." Note that these conferences, in which nothing but *suggestions* about accuracy are allowed, are held only when a piece of writing is for a wider audience. Is this to say that accuracy and expression are unimportant when a child writes for himself alone? This reminds me of the kid who doesn't wash behind his ears because no one is going to see back there anyway. Finally, Professor Harrison says that if a teacher sees a "general weakness on some aspect of technical accuracy, he or she might have a twenty-minute blitz on it during class time." Frankly, I don't understand this. Won't it confuse the children to play down *mere* technical accuracy all the way and then have a blitz (whatever that may be) about it all of a sudden?

You may be wondering what the general principle beneath all of this is. If so, you're being charitable by assuming that people such as Professor Harrison are even concerned about general principles. But there is something that serves more or less the same purpose. Writes Professor Harrison, "What is enjoyable about undertaking this type of language study is that . . . [i]t recognizes their [the children's] expertise and puts the teacher in the role of neutral chair of a discussion in which the students are the true experts, since they, and not the instructor, are the native users of that dialect and are able to speak with authority about its usage and connotations."

Now we see what we're up against: the "rap" model of education. No one knows more than anyone else (unless it's the children, who know more than the teacher). We sit and rap, clarifying our values, enhancing our self-esteem, sharing our input and generally facilitating the integration of our emotional, in-

tellectual, physical, and transpersonal aspects. The teacher becomes Hugh Downs. And by the way, whoever said education could be value-free?

You're probably thinking, "What a racket for the teachers!" Fear not: "What I would wish to emphasize is that there is nothing sentimental or sloppy about the procedures outlined above. The teachers work just as hard as they would if they were marking grammar exercises and correcting punctuation errors." Hmm. Somehow moderating student raps about however they happen to speak and write doesn't strike me as terribly hard work. But maybe Professor Harrison means that *thinking up* such tripe is as hard as marking papers. That I may believe. At any rate, his defensiveness is remarkable. But remember that we education outsiders were not supposed to read this. The professional pedagogues don't talk this way at PTA meetings.

By the way, if you think this is the only bit of defensiveness, you're not paying close enough attention. The whole article is a maneuver to deflect attention from the indisputable fact that many teachers and most teacher teachers are notoriously illiterate. There are few people in the general population as good at constructing bad sentences.

The professor can't resist pushing his point about hard work: "I would go so far as to say that correcting students' writing, unless it is for some purpose such as preparing it for another audience, is a monumental waste of the English teacher's professional talent."

Well, gee . . . if the teacher didn't have to waste time correcting grammatical mistakes, he could be doing creative things like generating innovative systematic language study activities such as this one from Professor Harrison: "Make a survey of the colors of the cars of a group of people you know; what can you learn from this?" (Besides that the teacher is a boob.)

All that is bad enough, but the offense is compounded by Professor Harrison's completely unsupported and stupendously fatuous claim that the "systematic study of language" will "give them [children] more power to use language effectively and to see it as a tool over which they have control in their own lives . . . ." His method, he says, will "produce adults who can use their understanding of language to do such things as to question explanations that are inadequate, to spot bias, to run a meeting confidently, to criticize advertisements thoughtfully, and to handle relationships skillfully."

Yes, and the pedagogues who hawked the look-say method as a replacement for phonics promised that our kids would read better too. Forgive my skepticism, but I have trouble believing that a study of language in which nothing is *taught*, in which there is no right and wrong, in which "correction" is a dirty word, in which accuracy is merely a "technical matter," in which "inventing body language" is a bold and innovative education method, in which grammar is declared taboo in order not to turn children off English, in which *language*, to be blunt, is barely studied at all—I have trouble believing that any such "study" will lead to anything but generations of sheep, suitable for shearing by educationists, politicians, and professional snake-oil salesmen of all other stripes.

Children who are never taught that there is a standard English will be in no position as adults to "question explanations that are inadequate." They will be unable to tell flatulent sophistry from careful, precise language because the distinction between these things was never taught when they were in school. Why shouldn't they assume that demagogues are merely speaking another dialect that deserves tolerance and respect?

People like Professor Harrison always say that teaching grammar and standard English is a conservative strategy for supporting the status quo. As he puts it, "Teaching formal grammar is in most respects uncontentious: grammarians may quibble about the adequacy of descriptive systems, but politicians and administrators will not feel that their territory is threatened." He goes on to say that "The question now becomes, not 'Why teach grammar?' but 'Why teach children to become more skilled language users?'" (My question is, How can we do the second without doing the first?) His answer is: "to empower students to change the world."

But contrary to Professor Harrison's view, it is he and his colleagues who have a stake in the status quo, namely, the educational monopolies; and his philosophy of teaching language is part of a conspiracy to cripple students' power to change it. For the last sixty years this monopoly has seen to it that children learn almost nothing in school. Every discipline has been corrupted (the transmogrification of history into "social studies" is but one well-known example) in the name of holisticism and addressing children's "affective domain." The assault on grammar and standard English is merely part of the program. (For an enlightening discussion of how the education profession pulled this off, see Richard Mitchell's *The Graves of Academe*.)

Professor Harrison is correct when he writes, "the teaching of language is in a broad sense a political activity." If people are unable to see through cant and expose it to their fellow citizens, they will be helpless before and dependent on the ruling elites, political and educational, and their bureaucratic obtrusion. But if they can recognize insidious grandiloquence when they see and hear it, and if they can arouse a national audience through the thoughtful use of language, they will have some chance of disestablishing the elites. ❑

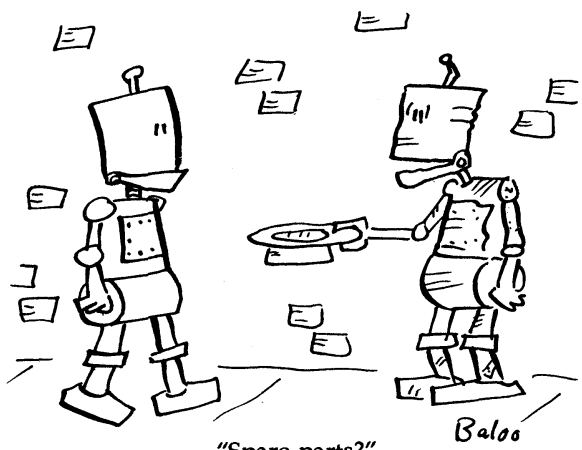

"Spare parts?"

Videonotes

Stand Up and Cheer
(1934) directed by Hamilton McFadden
released on videotape by Fox Video.

It is the height of the Great Depression. Lawrence Cromwell, a great Broadway producer, is summoned to the President's office. The President speaks. "Our country is bravely passing through a serious crisis. But any people blessed with a sense of humor can achieve success and victory. We are endeavoring to pilot the ship past the most treacherous of all rocks: fear. The government now proposes to dissolve that destructive rock in a gale of laughter. To that end it has created a new cabinet office, the Secretary of Amusement, whose duty it shall be to amuse and entertain the people, to make them forget their troubles. Mr Cromwell, we are drafting you and your splendid talents into public service . . ."

Cromwell's task is a difficult one, but he tackles it with incredible energy, breaking the nation into amusement districts and ordering entertainers around the country. He barks: "Zone 36—one gross chorus girls. Zone 18—send two dozen blues singers, four dozen torch singers. Zone 21, two dozen mammy singers . . ."

But the battle is tough and the opposition is strong. As the leading bloated plutocrat tells his henchmen: "We've got to see to it that this Department of Amusement is a failure. We've made millions of dollars worth of contracts based on the continuance of the Depression. If Cromwell succeeds, if the mood and temperament of the people become optimistic, prosperity will arrive with a bang! And that will ruin us. We must attack Cromwell from every source. The printing press, political forums, the radio . . . the world is full of pussyfoots, bluenoses and killjoys. Laughter and gaiety are their archenemies. It shouldn't be hard to see the hand of the devil in Cromwell's program. We'll put up millions, in cash . . ."

The film succeeds in delivering all the absurdity that one would expect from a film whose theme is, "Let's sing and dance the Great Depression away!" The laughs (mostly unintentional) come fast and furious. And along the way the viewer can see Shirley Temple in her film debut, enjoy a hilarious parody of the U.S. Senate in action, and learn why black Americans are so disgusted by Stepin Fetchit. (Fechit is so abysmally servile and stupid that it's difficult to watch him without vomiting. That's why fast forward buttons are on VCRs.) As Lawrence Cromwell, Warner Baxter essentially reprises his portrayal of Julian Marsh in *42nd Street*, infusing the role with the same surrealistic hyper-kineticism.

Just as the Depression seems at its worst and Cromwell is about to resign thinking he has failed, an aid rushes into his office. "I've got great news! The Depression is over! Factories are opening up, men are going back to work by the thousands! Our farm products are being sold the world over! Savings accounts are heaping up! The banks are pouring out new loans! There is no unemployment! Fear has been banished, confidence reborn! Poverty has been wiped out! Laughter resounds throughout the nation! People are happy again!" The film closes with a coast-to-coast musical number that might be best described as the musical embodiment of Mussolini's fascism. —RWB

The New Englightenment
(1986) released on videotape by the
Reason Foundation

The recent rebirth of classical liberal thought is examined in this six-part British television series, offered on videotape by the Reason Foundation.

The series has much to offer: an overview of the rationale for human liberty, a libertarian interpretation of the past half century, even a look at the more radical implications of libertarian thought. The story is told in a fairly lively style, illustrated with appropriate film clips and brief interviews with libertarians and classical liberals.

In terms of both style and production values, the series is similar to the usual sort of British documentary you might see on PBS, which explains both its strength and weakness. As entertainment, it is likely to be a bit dull except to those with an interest in political and economic thought. And the series is plainly oriented toward the British situation.

And in places it is a bit facile. "The father of this tradition," the narrator tells us, "is John Locke," as though liberalism were such a narrow tradition that it could be traced to a single individual thinker. Several of its comments on labor unions imply that unions are inherently criminal in nature.

Worst of all, in a lengthy segment on competition, the program argues that competition among entrepreneurs is analogous to competition among professional hockey teams. This flies in the face of a very important insight of classical liberal thought: entrepreneurial competition differs from game competition in that in the market many competing entrepreneurs can make a profit, thus making victory and defeat a matter of degree, while in game competition there is always one winner and one loser. The market economy is *not* a zero sum game.

These caveats aside, *The New Enlightenment* offers a worthwhile introduction to the liberal tradition. Though not as interesting or as amusing as Milton Friedman's polemical PBS series *Free To Choose,* it does provide local libertarian groups the opportunity to mimic the best part of that show—the lively debates that followed the presentation of each segment of the series. Watch *The New Enlightenment* in a group, and then hold your own discussion. —RWB

Brazil
(1985) directed by Terry Gilliam
released on videotape by
MCA Home Video

Brazil is a darkly comic vision of a *cacotopian* future. It's a bizarre cross between Orwell's *1984* and the farcical humor of "Monty Python." In my judgment, it is also one of the best films ever made with individual liberty as its central theme.

The hero of the story (Jonathan Pryce) is an uncommonly competent bureaucrat working in the Ministry of Information in a Superstate of the future. Unlike his boss (Ian Holm) and many of his co-workers, he understands how things work—or, more accurately, don't work. The plot is mostly concerned with the unravelling of a mistake that has caused an innocent man to be taken by the Department of Information Retrieval and, our hero soon finds, "deleted."

In the course of the film he meets the man (Robert De Niro) who was supposed to have been interrogated (that is, tortured), and also the girl of his dreams (Kim Greist), who might be a terrorist. The former illegally fixes his apartment heating and cooling system (which had gone extravagantly, comically haywire) and the latter unintentionally entices him to rebel against the system of which he is a part.

None of this captures the spirit of the film. I have no means by which to do that: the essential looniness of the film mixes so well with the serious subject matter that it has to be seen to be grasped. Ostensibly, *Brazil* is a satire, but the elements of romance, farce and tragedy are so strong that pigeon-holing the work is well-nigh impossible. It is also ostensibly science-fiction, but the interiors, costumes, and manners, etc., are overstated with both comic and symbolic effects, making the film more of an example of *fabulism* rather than the more straightforward science fiction of, say, *2001*, or even *E. T.*

Because it satirizes bureaucracy, and because its vision of positive humanity (in the wondrously fantastic dream sequences and in the character of the hero) is so compelling, this film qualifies, in my humble opinion, not only as one of the greatest *libertarian* films of all times, but as one of the greatest films *ever*. —TWV

The Devils,
(1971) directed by Ken Russell
released on videotape by
Warner Home Video

As any film buff knows, a Ken Russell film equals a *very peculiar* film. As the old rhyme goes, when they are good, they are very, very good, but when they are bad they are horrid. *The Devils* is one of the good ones—truly horrifying, but not horrid.

The setting is the French city of Loudon during the 17th Century. The tale centers on a priest (Oliver Reed) who attempts to keep the walls of the city intact—thus insuring the city's freedom from the imperial encroachments of the evil Cardinal Richelieu and the bizarre Louis XIII. When we first meet the priest, we have no reason to empathize with him, and no suspicion that he will become the hero.

During the course of the tale the priest grows up; we come to like him, respect his ideas (which are heretical from both Catholic and mainstream political points of view) and desire his success. Unfortunately for these developing desires (and for our comfort) he does *not* succeed: the story follows the historical record at least to the extent that the story has a tragic outcome. But the tragedy is not of the classic variety, and though we can play casuist and show how it was because of his "tragic flaws"*(sins)* witnessed in the film's opening scenes that set the stage for his downfall, we know very well that the (extremely brutal) punishment does not fit the crime. And this lack of fitness is the whole point: *The Devils* is first and foremost a biting piece of social criticism.

The attention to detail is as strange and surreal as that in *Brazil*, but its wit is intended to make you gasp, not smile. The vision is a vision of a hell on earth, a hell raised by human perversity, cruelty, and stifled passion breaking the binding of all constraint. It is a masterpiece, though most people find it hard to watch. Not for those with a low (or even normal) tolerance for sex and violence, and not for light viewing, but recommended—nay, *prescribed*—for every person, regardless of tolerance level, who has even the *tiniest* respect for that practical chimera, theocracy.

The quality of the cinematography is very high, and the sets imaginative and just realistic enough. Yes, all the gore, disfigurement, and pain is believably depicted. The acting is superb. But even more importantly, the film's subject matter is reinforced to perfection by a musical score consisting of Renaissance music directed by the late David Munrow and an a-melodic, dissonant modern score composed by Peter Maxwell Davies. This contrast captures the essence of this very strange example of the horror genre. Ken Russell has yet to find another subject that matches his peculiar talents as well as this.

The film is based, by the way, on the Aldous Huxley historical novel *The Devils of Loudon*, and on a play also adapted from that novel. —TWV

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"I am the first to admit I am no stock market expert. But I know an overbought market when I see one. In my judgment, there is no doubt that a broad and steep decline will hit the market."—from *Analysis & Outlook*, Oct 8, 1987, mailed to subscribers by first class mail Oct 9, ten days before the stock market crash. For subscription, send $49 for one year, or $10 for 3 month trial to *Analysis & Outlook*, Dept L, PO Box 1167, Port Townsend, WA 98368. Pro rata refund upon request guaranteed.

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Personals

Gay libertarian man, 27, interested in writing to other gay libertarians. Mark Fulwiler, 231 Sanchez St., #4, San Francisco, CA 94114.

Brilliant libertarian egoist (19) seeks correspondence and possible long-term relationship with woman of similar philosophical outlook. Interests include computers, history, philosophy, music, and anarchism. Write: 450 Memorial Drive, H312, Cambridge MA 02139.

Notes on Contributors

Gary Alexander is a writer living in Metairie, Louisiana, and is managing editor of *Gold Newsletter.*

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including *The Wall Street Journal* and *National Review*. Mr May is the editor of *The Trout in the Milk.*

Benjamin Best is a computer programmer and free lance writer living in Toronto. In 1966, he was editor and publisher of the pioneer libertarian weekly *Idea Catalyst.*

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

Nathaniel Branden was a close associate of Ayn Rand from 1950 to 1968. He is a practicing psychotherapist and author of several books on psychology.

David M. Brown is a freelance writer living in New Jersey. Until its recent demise, Mr Brown was Assistant Editor of *Oasis* Magazine.

Stephen Cox, an associate editor of *Liberty,* is Associate Professor of Literature, University of California, San Diego.

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William P. Moulton, a contributing editor of *Liberty,* lives in northern Michigan.

Bob Ortin has a degree in applied mathematics and physics from the University of Wisconsin. He lives in southern Oregon where his political cartoons are regularly featured in a local newspaper.

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Ethan O. Waters is a writer who lives in Southern California.

In the Next Issue of **Liberty:**

"Rand Bashing: Enough is Enough" Ross Overbeek thinks it's time to put the life and work of Ayn Rand in perspective. He finds her work impressive and her contributions to libertarianism massive. In the course of his thought provoking essay, he argues that many of the excesses attributed to Rand are nearly inevitable in any successful ideological movement; illustrating his thesis with developments elsewhere in the libertarian movement.

"Nicaragua: The Case for Non-intervention" Bill Kelsey visited Nicaragua with a "pro-peace" group, and has learned a lot about how foreign visitors to war-torn countries are manipulated by their hosts. But he came away more convinced than ever that Americans should not involve themselves with the Contras, either publicly or privately.

"The Liberty Poll" Late last year, we conducted a poll of libertarians about life, God, government, sex, heroes . . . and how they would solve some serious moral problems. A fascinating profile of the Libertarians and their beliefs emerged.

"Taking Libertarianism Seriously" Murray Rothbard reviews *On Classical Liberalism and Libertarianism* by Norman Barry and other recent discussions of libertarianism by British philosophers, and wonders: Why do British thinkers take libertarian ideas so much more seriously than do American philosophers?

Terra Incognita

Harrison, Ark.

Investment advice from Kurt Saxon, pioneer "survivalist," as quoted in *The Wall St Journal*:

"In 1980, if you had taken your money and bought a case of sewing needles, they'd be worth double now. And when the collapse comes, you'll be able to get a pig for a needle."

Sacramento, Calif.

Evidence of the seriousness with which the U.S. Armed Forces ("We're not a company; we're your country") views national security risks, as reported in the Orange County *Register*:

Captain James Etheridge was sentenced to a year in prison and fined $12,000 for an adulterous romance with an Air Force woman of lesser rank. Captain Etheridge, a career officer of some 21 years and a married man, was convicted of adultery, fraternization with an enlisted person, and conspiracy.

Honolulu, Hawaii

How the metropolis of the Island Paradise fights immorality, as reported in the University of Michigan *Res Gestai*:

A 26-year-old hotel night clerk assisted police in the battle against prostitution, by using $70 provided by police to pay a prostitute for sex in his car, and then testifying in court against her. He testified in court that he was motivated by a sense of "civic pride."

Washington, D. C.

Demonstration of the harassment that patriots suffer at the hands of federal officials of dubious loyalty, as reported in *The Wall St Journal:*

Fawn Hall was ticketed for eating a banana on the subway in Washington, D.C.

Hollywood, Calif.

Good news for mail-order clients from the glamour capital of the world, as reported in *The Wall St Journal*:

Frederick's of Hollywood has "de-sleazed its catalog," according to a company spokesman.

Springfield, Ill.

An imaginative alternative to Social Security was shut down by Federal authorities, perhaps concerned about potential competition, as reported in the Seattle *Post-Intelligencer*:

More than 31,000 men sent millons of dollars, plus clothing, sewing machines, jewelry and food to the Church of Love, which promised them retirement in a "valley paradise," attended by beautiful nude women, "Mother Maria and the Angels of Love" in which "all their wishes and dreams would be fulfilled."

Washington, D. C.

Why certain individuals do not have any constitutional right to be protected from warrantless searches, as explained by the U.S. Supreme Court, as reported in *The Wall Street Journal*:

People who engage in highly regulated business activities, like junkyard operators, have less expectation of privacy than others. Therefore there is no need for authorities to obtain a warrant before conducting searches of their premises.

Ottawa, Canada

How the Dominion of Canada protects its subjects from confusion and misinformation, as reported in *Communiqué*, a publication of Revenue Canada, Canada's tax enforcement agency:

"Goods with some or all of the following characteristics may be subject to prohibition: Goods alleging that an identifiable group is manipulating media, trade and finance, government or world politics to the detriment of society as a whole."

Washington, D. C.

How one generation of political leader prepares an appeal to the nation's great middle class, as reported in *The Wall St Journal*:

Democratic Presidential hopeful Sen. Albert Gore, Jr, grew up living in a suite in a luxury hotel in Washington, D.C., where his father was a member of the U.S. Senate, except during summers when Gore the Younger lived with a poverty stricken sharecropper family.

Ramona, Calif.

How a businessman can aid the First Lady in her War on Drugs, as evidenced by the advertising slogan of Dave's United States Coins (The Collectors' Friend), from an advertisement in *Coin World*:

"Get High On Coins, Not Drugs."

Union of Soviet Socialist Republics

Evidence of artistic and technical progress in the most progressive socialist state, as reported in *The Wall St Journal*:

Mezhdunarodniya Kniga, the principal trading company for records in the Soviet Union, announced the release of the first compact disk in the Workers' Paradise: a series of speeches made by V. I. Lenin between 1919 and 1921. The compact disk was manufactured in the United Kingdom.

Bucharest, Rom.

Evidence of a softening attitude toward Communist dictators by constitutional monarchs, as reported in *Lumea*, a Foreign Ministry international affairs weekly:

In a statement congratulating Nicolae Ceausescu on his 70th birthday, Her Royal Highness Queen Elizabeth II said: "We in Great Britain are impressed with the determination with which you affirm your independence and the consistent way in which Romania has maintained a distinct position and plays an important role in world affairs. You personally, Mr President, are a statesman of world stature with widely recognized excellence, experience and influence."

London

Inability of the British Crown to take a joke, as reported in the Los Angeles *Times:*

The British Foreign Office denied that Queen Elizabeth II had congratulated Romanian dictator Ceausescu on his 70th birthday.

The Foreign Office summoned the Romanian Ambassador to a meeting to advise him: "The message was false and the government considers it an insult to Her Majesty."

(Readers of *Liberty* are invited to forward newsclippings or other documents for publication in *Terra Incognita*.)

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Liberty

"Liberty is a Glorious Feast." —Robert Burns

Rebel Without a Clue: Lessons From the Mecham Experience

by Matt Kesler

Confessions of an Intractable Individualist

by Jerome Tuccille

Nicaragua: An End to Intervention

by William Kelsey

Rand-Bashing: Enough is Enough

by Ross Overbeek

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Contents

July 1988 Volume 1, Number 6

Rebel Without a Clue
Lessons from the Mecham Affair
by Matt Kesler, page 15

Confessions of an Intractable Individualist
by Jerome Tuccille, page 19

L. Neil Smith *Interviewed*
by D. R. Blackmon, page 23

Ivan the Terrible
by William P. Moulton, page 27

Nicaragua: The Case for Non-Intervention
by William Kelsey, page 31

special section
The Liberty Poll:
Who We Are, What We Think, page 37
What the Poll Means: The Editors Comment, page 49

What If It's Publish *and* Perish?
by Tibor R. Machan, page 54

Rand Bashing: Enough is Enough
by Ross Overbeek, page 56

Departments

Reflections
The Editors "Editorialize," page 9

Reviews
Stephen Cox on the Polovchak Affair, page 59
David Ramsay Steele on Natural Rights, page 61
Jeffrey A. Tucker on the Fed, page 64
David Hudson on Film, page 72
Booknotes, page 68
Videonotes, page 70

Buronic Episodes, page 14
Letters, page 4
Classified Advertisements, page 71
Contributors, page 77
Terra Incognita, pages 78

Letters

Anti-Anti-Objectivism

I enjoy reading your excellent publication, but I am disturbed by what appears to be a commonly held belief among quite a few of your writers: the notion that all Objectivists are pea-brained zealots who fulminate at anyone who challenges their beliefs. While I acknowledge that there are Objectivists who fit this description, it is simply not an accurate generalization.

To me, to be an Objectivist is not to accept Ayn Rand's beliefs and opinions as gospel; one who accepts the philosophy places value on individual thought and achievement. To judge an entire philosophy by the actions of a few idiots who turned it into a pseudo-religion is wrong. And as for the libertarians who criticize some of the remarks made by certain prominent Objectivists, I hope they can realize that not everyone who calls himself an Objectivist necessarily agrees with these statements, just as not all Libertarians necessarily agree with all the statements made by another Libertarian. Also, if a person is to judge the beliefs of people he considers to be dimwitted and robotic, he should be careful not to resort to dimwitted and robotic tactics himself by making cheap shots and indiscriminate attacks.

No matter what one thinks of Ayn Rand personally, one should not automatically assume that everyone who values her work is stupid. Yes, I am an Objectivist, but I hope you can understand me when I say that *both* sides of the Objectivist/Libertarian conflict could do with a little more objectivity, in the truest sense of the word, and a lot less forejudgment and intolerance.

Lisa M. Jones
Bethany, Okla.

The Matter of Rand

The organism which denotes itself as David Ramsay Steele makes a few accurate observations in its "appraisal" of Ayn Rand's personality and achievement ("Alice in Wonderland," *Liberty*, May 1988). Unfortunately, it shows little true care in its understanding of Rand. To understand another individual requires an honest attempt to treat that individual, as much as possible, in his or her own terms. I see no such fairmindedness in Steele.

From about the time of the Rand-Branden split in the late '60s, it became obvious to any individual who valued psychological independence (which is actually a proper offshoot of Objectivism) that there was big trouble in Galt's Gulch. Many Objectivists were young and in one way or another struck out on their own. Arguments for free-market anarchy were developed then. One also saw beginnings of the human potential movement, life-extension, space colonization and a host of other ideas/lifestyles which would leave all doctrinaire people from commies to Randians on their butts in the dust. That's just the way it happened.

But one must be careful of terms here. A doctrinaire person is someone who substitutes another's thinking for his own. Contrary to Steele's assertions, most admirers of Rand and Objectivism think quite freely and expect infallibility of neither. That Rand could be authoritarian and vindictive has been well established; that she could be brilliantly original and inspiring is more generally the case.

David Brown's perspective is fair. David Steele's article not only teeters on the brink of hysteria, it is also cruel. Rand advocated reason, egoism and liberty. She be friend. Her arguments were extensive, impressive, heartfelt, honest and unique. Any kindred libertarian soul who would cavalierly brush off these arguments and assassinate the entire personality of their author sacrifices the spirit of rational enquiry and raises questions as to his own base motives. This goes for David Ramsay Steele as much as it goes for Alice Rosenbaum.

Brian Wright
West Bloomfield, Mich.

Brighter Than Aristotle

David Steele's polemic was fairly shallow but long and funny. David Brown ("Barbara Branden and Her Critics," *Liberty*, May 1988) was right on the mark.

I think we can now see that Ayn Rand's choice of fiction to promulgate her new philosophy of the individual, totally from outside the intellectual job shop of America, was a brilliant stroke. Unfortunately she had to pay the costs that all geniuses who mix it up with the public have to pay. She valiantly tried to avoid the syndromes of the cult (and succeeded to a large extent) and maintain control of her work, but it wasn't possible. Ultimately she had to trust other fallible humans, and some betrayed her—but her magnificent accomplishments far overshadow the costs.

In the centuries ahead she will be recognized as one of the seminal thinkers of the Western world, possibly even shining brighter than her beloved Aristotle. I feel fortunate to have lived in her time.

Scott Pearson
El Paso, Tex.

Protecting the Iconoclast

I don't know where David Ramsay Steele was coming from in his article about Ayn Rand. It is full of half-truths, misinformation and malevolence. I had several conversations with Miss Rand over the years, read most of what she wrote, and heard her lecture several

continued on page 6

Publisher's Note

This issue is a milestone of sorts for *Liberty*: it marks the end of our first year's publication. During this time *Liberty* has shown considerable growth and progress. This issue has 80 pages, making it our biggest issue ever, almost twice the length of our first issue. And it will be read by more than 2500 paid subscribers—an increase of almost 20% in the last three months.

Our charter subscriptions expire with this issue. This is a critical time for new publications like *Liberty*, a time when they learn just how much their subscribers really value them. Happily, the results of our renewal mailing have been encouraging—not only are subscribers renewing at a rate that magazine experts tell us is outstanding, but almost 40% have chosen to renew for 2 years or more.

This issue also includes a special research project that we have been working on for more than six months—The Liberty Poll, which surveys our readers about their lives, their beliefs, their heroes and their values. We report the results in a special 17 page section beginning on page 37.

We also introduce a new feature in this issue. *Reflections* are lively, brief comments by our Editors on the passing scene. It begins on page 9.

— R. W. Bradford

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California Party Elects New Leadership

An Eyewitness Account

Jim Lewis on Trial

In this issue:
"Secrets of the Temple" page 5
LP Fundraising page 6
Lib Freezer Faction? page 7

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More Letters

times. As a great iconoclast she had and still has much to offer a society that is superstitious, mediocre and self-destructive to the core.

MacDonald Eaton
New York City

Acknowledging a Skyscraper

The article "Alice in Wonderland" by David Ramsay Steele in your May issue was neither an evaluation nor a valid criticism of Ayn Rand and her works, but a smear job. For example, Steele writes, "The organism which was later to denote itself as 'Ayn Rand' was born in St Petersburg . . ." Note that use of the word "organism" instead of "person," "woman," or "individual," etc.

There is more, but it is only necessary to comment that anyone who uses such tactics has removed himself from the realm of intelligent discussion.

The author has two deficiencies: (1) he does not understand the ideas of Ayn Rand, and (2) he misinterprets his false conceptions as proof of Rand's ignorance rather than his own.

Steele asserts that Rand did not achieve success through her own efforts but was altruistically helped by others. Now, did anyone help Ayn Rand write *The Fountainhead*, or *Atlas Shrugged?* Did anyone offer her encouragement through years of suffering and grinding poverty? The fact that someone invites you to dinner or gives you bus fare to work is not a valid claim on one's achievements.

Steele's charge that Rand had a poor sense of humor is a confession of his own preferences. Some people laugh every time a four-letter work is said, as an evening at the movies will easily reveal. Rand believed that humor should be used as a spice—to enhance the flavor of what one hears, not serve as the main course.

The achievement of Ayn Rand may be compared to a skyscraper built in the midst of a primitive village of mud-thatched huts. Some people never look up to see that it is there, others refuse to acknowledge its presence or do so with scorn because it is a contrast to their own living conditions, while others gaze in astonishment and wonder that such is humanly possible to man. Or woman.

Wallace Hoffman
Sunnyvale, Calif.

continued on page 8

Vacuous Venom

This letter aims at dispelling some of the misimpressions that may be created by taking David Ramsay Steele's opinions of Ayn Rand's philosophical abilities too seriously. I have shown Rand's philosophical creativity elsewhere ("Ayn Rand: A Contemporary Heretic," *The Occasional Review*, No. 4, Winter 1976). And the paper written by Douglas Den Uyl and Douglas Rasmussen, "Nozick on the Randian Argument," in Jeffrey Paul, ed., *Reading Nozick* (Totawa, NJ: Rowman and Littlefield, 1981), should further help to demonstrate that Rand's ideas are not what Steele claims they are, "one pompous vacuity after another."

If we used Steele's method of dismissing someone's ideas as nonsense—a method Rand, too, unfortunately employed now and then—we could do in Socrates, Plato, Aristotle, Descartes, Hobbes, Hume and a great many more thinkers without much trouble. After all, Socrates claimed one cannot do what one believes to be wrong, which, on its face, seems nonsense. With Steele, we could just assert, "This is false." And so with many others, including Hume, who discredited the objectivity of causality only to invoke it in the very alternative he gave to that account, namely, in his theory of the human mind. What about Russell's crazy notions about ultimate simples that last a moment or so and then disappear into thin air? What about that brilliant 20th century philosopher, Ludwig Wittgenstein, whose ideas, while extremely stimulating and great stuff for graduate school exercises, changed from year to year, but who was every bit the monster that Rand was?

In short, Steele gives us his opinion of Rand without any hint as to what standard he is using, other than his distaste, by which to judge her philosophical contribution. I have tried to stack up Rand against all the major historical and contemporary figures and my own assessment has been very different from Steele's. Of course, this does not prove anything conclusively, but then there is little argument in Steele's essay to pick on.

He simply asserts, for example, that "thinking is involuntary," an idea that would certainly make shambles of the notion of scientific objectivity, but gives only the most pitiful reason for why this should be so—"try stop thinking for a few seconds." The sense in which thinking is volitional is complicated, and Rand was aware of this—as was Kant, incidentally, who also held the view and whom Steele presumably regards as a fine thinker.

What about "existence exists"? Sure, this is not something that is plainly clear to everyone and one can obfuscate it by being entirely unsympathetic toward the task that Rand was trying to accomplish with it. But what of C. I. Lewis's view that there is something called "qualia" that underlies everything? Or Hume's hopelessly muddled view about sense impressions, or Russell's or Ayer's or anyone else's attempt to find some ground for choosing between truth and falsity? I am sure that Steele would regard all these other efforts to be quite respectable, yet they are certainly as vulnerable to ridicule as is Rand, and perhaps more so. ("Existence exists" can be understood easily enough if one is not embarking on a torpedo mission of Rand's reputation. Certainly it is not that different from "being qua being" as a topic for analysis, or even "cogito ergo sum." But philosophical exchanges have always presupposed a bit of good will, even in the face of some of the more repugnant traits of those who took part in them. Consider Paul Feyerabend, reputedly the highest paid philosopher in the world, who claims that there are no standards of rationality or, rather, that those standards are mere biases, and calls some of those who disagree with him fascists. Yet he is respectfully discussed throughout the philosophical community!)

Rand was someone who did lay out very general ideas—somewhat as an architect might, giving some initial direction to those who find his or her design promising. Steele discounts the merits of such a procedure by noting that "surprising refutations often spring from fine details." But what of this? Sometimes they don't and then we praise the person for his or her genius! Indeed, it is supposed to be the mark of such a person that he or she can take it in all at once. There are risks with this. Yet in all disciplines there are those who give a quick initial sketch of a grand vision and later it is shown that this vision makes good sense or runs aground some place.

Well, Mr. Steele has had his venom published and I am sure a great many libertarians will find this a joy. But those who want to know whether Rand's philosophical ideas have merit will find little help in the clever debunking Mr. Steele has produced.

Tibor Machan
Auburn University
Auburn, Ala.

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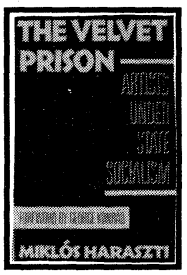

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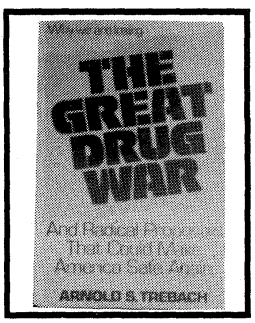

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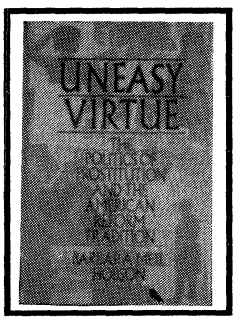

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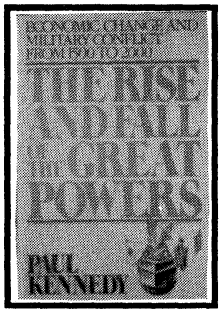

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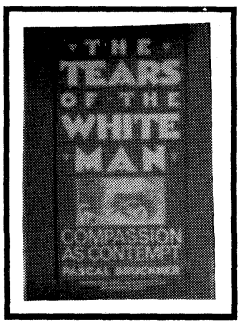

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The Right Questions

David Ramsay Steele's evaluation of the "orthodox objectivism" of Peikoff and Schwartz hits the nail on the head. Those who prefer to accept the judgment of Ayn Rand on every issue, in lieu of making their own judgments are the real lice, trying to live by Rand's thinking, rather than thinking for themselves. It is ironic that her most fervent followers fail to grasp her most important principle, namely, that one should accept no authority over one's own judgment.

But Mr Steele's criticism of Rand is unsound.

Rand asked all the right questions at a time when the questions needed to be asked. She not only asked the questions but attempted to answer them, while continuing to scream the questions at professional philosophers. Ms Rand may not be the only writer of the 1940s, 50s and 60s to challenge consistently the philosophical premises of our culture in a radical way, but I believe she was the only writer with an enormous audience to do so.

J. David Pittman
Santa Ana, Calif.

Divisive Attacks

In the March Viewpoint by John Dentinger and the Counterpoint by Murray Rothbard ("Strange Bedfellows," by John Dentinger and "Freedom is for Everyone," by Murray N. Rothbard, *Liberty*, March 1988) there was more of the continuing attacks on Ron Paul and Russell Means. I'm getting awfully tired of these needless attacks that serve only to split the LP.

I'm an anarchocapitalist with a Goldwater-YAF-WASP background so I believe I understand where Paul has been and where I hope he is going. Not many of us were born libertarian or joined the LP 100% pure. As for the attack on Means, I wish Rothbard would read *Bury My Heart At Wounded Knee*, and for added emphasis, *Black Elk Speaks* and *Lame Deer, Seeker of Visions*. Maybe then he would understand why the LP is a natural home for Indians and other minorities, and why Means is who he is.

There was no perfect candidate for the LP nomination for president. Recent converts can often be the most passionate members so let's take advantage of that. We need some passion rather than relying on the same party activists that are burning out. The purpose of the campaign is not to win the election but to educate the masses and expand the party base.

Shame on you Dentinger. You made some good points but you are a sore loser. Shame on you Rothbard. You made some good points but you are a sore winner. Let's hang together or be hanged (taxed to death) separately.

Dick Crow
Woodland Park, Colo.

Strange Libfellows

I find it easy to sympathize with John Dentinger's frustration over the conservative-libertarian connection as he expressed it in his article "Strange Bedfellows." Despite my persistent explanations to the contrary, my liberal friends continue to view libertarianism as conservatism run amok. Although I felt lower vote totals would be the result, I secretly hoped for a Russell Means nomination, in order to, as Mr. Dentinger says, "pose a puzzle" that my liberal friends would have to abandon their misconceptions in order to solve.

However, for reasons Mr. Dentinger takes a stab at, yet remain not entirely understood, conservatives are much more likely than liberals to fall from grace and land in the lap of libertarianism. This does not and should not disqualify them from being welcome converts or, for that matter, presidential candidates. At this point in the life of our movement, no matter how ugly are the faces of both liberal and conservative, if they are willing to renounce the initiation of the use of force and follow this principle's logical political conclusions, I wouldn't kick either out of bed.

J. Powers Potter
Oneonta, N.Y.

Play Murray For Me

What happened to Murray Rothbard between page 43 of the March 1988 issue and page 60? On page 43 he began his usual attack upon a libertarian with a different perspective on the movement ("Freedom is for Everyone"). On page 60 he wrote one of the most entertaining and humorous pieces I've ever read in a libertarian publication ("Me and the Eiger").

The description of his fellow Jewish-ethnic at a conference made me wonder if he was talking about me, and I'd somehow forgotten being there! And, just knowing Murray enjoys Clint Eastwood movies makes me see him in a whole new light.

Steve Buckstein
Portland, Ore.

Smug Intolerance

As a mid-forties individual who has worked his way through a life-long menu with Eisenhower as appetizer, John Birch as entree, Ayn Rand as dessert, and now Max Stirner as sweet mint, I commiserate intensely with the personal disillusionment that John Dentinger seems to have experienced after the loss of so many philosophical soul-mates. It is indeed difficult to consider that the world is, in the end, full of people just going their way as best they see fit, and that their fit way changes with the certainty of time and circumstance.

It's just a shame that Murray Rothbard doesn't have a little more patience with Mr. Dentinger's present circumstance. But then I am coming to understand that Mr. Rothbard has little patience for anyone not sharing his particular enthusiasm for philosophical play (cf. "Me and the Eiger," March 1988). He is a very clear example of the sort of person Max Stirner described who could speak comfortably of Man, but uncomfortably of John, Sally or Jim. For example, Mr. Rothbard seems philanthropic enough when talking of the Christians, the Old-Right, and the Jews, but he is most unphilanthropic with John Dentinger the person or any of those several individual WASPs at the "Eiger" conference. I wouldn't have enjoyed that conference either, from the sound of it, but I don't think I would have appeared quite so comfortable putting down individuals on page 60 when I had preached tolerance and hoped for broadly-based political support on page 43.

Mind you, I am not trying to lay fault on Mr. Rothbard for his correction of Mr. Dentinger's being so fast and loose with facts; and I am not even suggesting that rigor is not useful in philosophical analysis. If John Dentinger was sloppy and inaccurate, I'm glad someone is around with the vigilance to notice. But there is an awfully smug attitude lurking in most of Murray Rothbard's journalistic writing, and it is very unbecoming—especially for a libertarian. How can there be a convincing case for liberty of individuals without a sincere consideration for actual individuals?

It is an irony of politics that even libertarians start thinking of groups and issues instead of individuals and personal views whenever it comes to winning elections. And if the mental expedience of groups and issues is required for running

continued on page 74

Reflections

No flag burning please—Every week it appears that somewhere, somehow, the Reagan administration is trying to get us in a war. The eye is now on Central America. Apparently there is a little known clause in the Constitution which enables the State Department to select the ruling generals in each banana republic. Call it the Elliot Abrams Doctrine, after the Gipper's chief apologist for U. S. interventionism in that region.

During the recent war scare (in March) when U. S. paratroops were dropping down to make Honduras safe for the current military junta, there were protests in several major cities across the country.

One which particularly caught my eye was held in Minneapolis. Most of these anti-intervention demonstrations were sponsored by the usual wimpy gang of leftists and Sandinista apologists, but the demonstration in the Twin Cities had something else. Right there, in a wire service photo, was a demonstrator holding a burning flag. That's right, Stars and Stripes flambé.

There are many reasons why I felt anger and sadness at this photo, but I note only one of the more practical here: no halfway rational, intelligent American could possibly think that burning an American flag could in any way positively influence anyone—politician, citizen, business leader, or apathetic Joe Six Pack—to believe that non-intervention in Central America is a proper U.S. foreign policy. Most Americans, regardless of their political beliefs, consider burning the American flag a grievous insult. It is a gesture that serves only to convince others that the flag burners are advancing an un-American, unpatriotic, undoubtedly subversive and probably pro-communist cause.

Sorry if this sounds like something out of *National Review*. But as the odds for convenient little wars increase, sooner or later we as libertarians may be involved in non-interventionist agitation. And we'll likely run into flag burners. It would be a real tragedy if this time, God forbid, the non-interventionist forces become polluted by anti-Americanism and pro-communist idiocy, or, as in the 1960s, get overrun with various brands of Trotskyites seeking to "lead" the opposition.

With the image of the burning flag still in mind, I wonder why any of the good citizens of Minneapolis would burn the flag to protest a bad policy. Who are these guys? FBI or CIA agents provocateur? Incredibly stupid leftists? Smart aleck punks?

Non-interventionism is as American as apple pie. Maybe more. Holding hands with flag burners will do the cause of liberty no good. In the 60s, libertarians were few and far between and we had to make do with others of similar viewpoints regarding U.S. foreign policy. This time, we can lead, not follow.

We should remember that opposing a bad U.S. policy doesn't imply we have to support left or right wing dictators in return. Libertarians have principled reason for their actions. Flag burners we can do without. —MH

Conservative & libertarian monsters—It has been said before, but bears repeating: libertarians and conservatives are different, and that difference is marked even in the one area where they have the most in common—opposition to "big government." While conservatives talk (or used to talk) of "trimming the fat off the government," libertarians take a much more radical approach: we do not merely want to "trim" government "fat," but muscle and bone, too.

The metaphor of the State as an Obese Servant in Need of Diet is much too benign. Government is not merely overweight, it is a *Monster*. It has altogether *too many* arms (or Tentacles) with which it constricts, holds down, or otherwise strangles people. Of course, it does provide some necessary services, but it always manages to provide some unnecessary *disservices* in the bargain.

If we are to look to literature for a model for this monster, we should probably avoid *Beowulf's* Grendel, and consider, instead, *Frankenstein's* creation—except that our present situation is not the product of one single person, but of many people, whose motives range from stark egoism to robust altruism; the result is beyond anyone's intention. Perhaps there are science fiction writers more modern than Mary Shelley who can provide us with the perfect archetype.

In any case, the monster of the State must be put through a major operation, at the very least. And it seems to me that we cannot expect conservatives to do this, at least so long as they regard the government as if it was a lovable, if unhealthy, servant. Libertarians must persuade the public at large of the *real* situation. —TWV

The Libertarian family and entrepreneurship—In the letter column of *Liberty* (May 1988), Dagny Sharon threatens (albeit somewhat ironically) to leave the libertarian movement. Now, certainly everyone has the moral right to leave the movement, and I'm sure that most of us, in moments of despair or disgust, have been tempted to do the same. But I am interested in her stated reasons, which I think are typical of many who have suffered from similar "burnout." The trigger was a gently ironic review by Mike Holmes of her *Free Market Yellow Pages* ("Libertariana," *Liberty*, Dec 1987), which actually pulled the punches of the criticisms he might have levelled at the publication. But apparently the very fact that criticism of Ms. Sharon was made was almost enough to send her reeling "out of the movement."

Ms. Sharon revealingly states that the reason for her distress is that she joined the libertarian movement and moved to California in the expectation that she would find in it the "family" to replace the biological family which had failed to give her moral support. Not surprisingly, she was disappointed when her expectations in the libertarian movement were dashed.

I think the problem with Ms. Sharon, and with many other

activists, is the nature of their goal. The libertarian movement is a political and ideological movement, period; it is neither a "family" nor an encounter or therapy group. One hopes that within the movement, because of common interests and principles, we can find lifelong friends and soul-mates; but to expect or demand this result from everyone is sheer folly. Perhaps among family or close friends or therapy groups one can expect or give "unconditional love" and emotional support, but it is absurd to seek such a result from libertarians in general.

In the movement, as in the "real world," each of us is free and responsible for his or her own actions, and we must expect to be held accountable for those actions according to the general principles and standards we adopt in the rest of society; just as our libertarian colleagues must expect the same sort of accountability from us. To be exempt from ordinary standards and accountability, is to foster incompetence on a grand scale, and to exempt virtually everyone from criticism. In fact, for many libertarians, the only ground on which to criticize anyone is that the person is critical, divisive, and disruptive of the organic harmony of the libertarian movement.

Libertarianism is a political and ideological movement, period; it is neither a "family" nor an encounter or therapy group.

There is another, related syndrome evident in Ms. Sharon's letter. She proudly lists the record of three years of libertarian activism, as if she deserved unstinted praise for this resumé of the activities themselves. Perhaps so; but there is a labor-theory-of-value attitude here, that people somehow deserve praise for the number of labor-hours put into the activity, with no discussion of the output. Were the conferences valuable? Did they make or lose money, etc.? It was precisely Mike Holmes' attempt to evaluate one of those products—the *Free Market Yellow Pages*—that has ostensibly driven her out of the movement.

I myself would have been much tougher on the *Yellow Pages*, for this reason. It makes the fatal mistake of assuming that if one has a job to get done (say, plumbing, or gardening, or dentistry) that one is impelled to seek out fellow libertarians to hire or employ. In my decades in the libertarian movement, I have seen no positive correlation whatever between honesty or ability in business and the degree of a person's commitment to libertarian doctrine. To the contrary, the facts cut the other way, and in general, in seeking out business or consumer services, I would tend to go out of my way to *avoid* libertarian dentists, plumbers, carpenters, etc. My experience, and it is not unique, is that the proportion of incompetents, moochers, hustlers, and quasi-crooks in the libertarian movement is far higher than in the general business population. The only use, therefore, I personally would have for the *Free Market Yellow Pages* is to find out whom to avoid. If you operate as a consumer or in business by assuming that every libertarian is a member of your "family," you are going to get fleeced.

A final general observation, which may or may not be applicable to Ms. Sharon. I find that all too many libertarians are seduced by the glamor of being an "entrepreneur," as though being an entrepreneur is a valuable good in itself. One difference between our movement and the real world is, that if you ask a real world businessman about his occupation, he or she will say: "I am a shoe manufacturer," or, "I am a commodity broker." In the libertarian movement the response is, "I am an entrepreneur." What most libertarians fail to realize is that the purpose of entrepreneurship is not to" be an entrepreneur" but to make profits, and that making profits is not at all easy. To be a *real* entrepreneur you have to know a lot about specific areas and markets of the real world (e.g. shoes or commodity markets), you have to work hard, you have to be competent, and you have to be able to forecast successfully demands and costs in the area of your business. None of this makes for an easy life. The great bulk of entrepreneurs in the world lose money rather than make profits. To be a successful entrepreneur requires just as much talent, in its way, as it does to be a nuclear physicist. In short, there is in life a division of labor, and only a relatively small number of people are cut out to be successful (that is, profitable) entrepreneurs. But that means that only a small number of people are cut out to be entrepreneurs period. If libertarian entrepreneurs suffer a consistent string of business losses, they should not expect support, admiration, or subsidy from the ranks of the libertarian movement. It would be far better for themselves and for the rest of us if they faced reality, realized that they are no more cut out to be entrepreneurs than they are to be nuclear physicists, and rejoined the rest of us in the ranks of the proletariat. —MNR

Good News for the faithful—Although the official residue of the Ayn Rand movement, as typified by Rand's intellectual and financial heir Leonard Peikoff, has refused even to read Barbara Branden's *The Passion of Ayn Rand*, one "true believer" Randian has taken the trouble of reading *Passion* and written an impassioned defense of Rand against what she considers to be Barbara Branden's deceitful portrait of her.

Virginia L. L. Hamel's *In Defense of Ayn Rand* is, so far as I know, the only criticism of the Branden book by a dyed-in-the-wool Objectivist, and it is an interesting document. It concludes, "Barbara Branden is an admitted liar, concealer and deceiver. This book indicates she has not changed a bit. She appealed her case to the court of public opinion with new information, but the verdict remains the same. She is, therefore, self-condemned for life to the posturing world of the pretentious, the anxious world of the unethical, the pedantic world of the mediocre and the meaningless world of the flatterers. Court is adjourned on Barbara Branden."

If this sort of writing appeals to you, you can receive the full essay by writing Hamel at "The Foundation for the New Freeman," 1909 Beacon St, Brookline, MA 02146. (Maybe you shouldn't mention that you read about it in *Liberty*, though. Hamel testily canceled her subscription to *Liberty* after receiving a single issue, advising us, "Your magazine turns out to be just another Rand-exploiting, Rand-bashing Libertarian publication with nothing of value to those of us who are Objectivists, non-cultist variety.")

Incidentally, although I hope this won't cause Ms Hamel to be "condemned in the court of public opinion," she makes one error of fact in her defense of Rand. She writes that Branden's book "has emboldened other old enemies to come forth and publish their own verbal kicks (e.g. Murray Rothbard's 'The Sociology of the Ayn Rand Cult')." In point of fact, Rothbard's essay was not published by *Liberty* at Rothbard's instigation; he agreed to allow *Liberty* to publish it at *my* instigation. And I can assure you that neither I nor Rothbard was "emboldened" by publication of Branden's book. —RWB

Silly out of season—Traditionally, the dog days of August are supposed to be the "silly season," but libertarians have an unchallenged capacity for extending that season through the entire year.

Thus: Jim Peron, in his Gay and Lesbian Caucus newsletter, writes a lengthy attack on Ron Paul's AIDS position as set forth in the *Ron Paul Political Report*. The position is unimpeachably libertarian, but also tough on AIDS. In his philippic, Peron states that he has heard from "his sources" that I am the author of Ron's statement. One of Peron's arguments is that since I am clearly not a certified physician, my views on the medical status of AIDS should be disregarded. Carried away on the wings of his rhetoric, however, Peron overlooks two ironic points. One is that he, too, is not a certified physician, so why should anyone listen to *him?* Even more delicious is the second irony: that if *anyone* is a certified medical authority in this debate, it is most assuredly Dr. Ron Paul, a medical doctor of long standing, and the *actual* author of the article in question.

Another wacko example: Carol Moore, of Southern California, has apparently made it her life's work to attack Ron Paul—on any and all grounds, hoping against hope that something will stick. Recently, she quoted from a statement critical of Israel and America's devotion to that state in the *Ron Paul Political Report*. Although she herself pioneered in criticism of Israel in the libertarian movement, and even repeats that criticism, she maintains that Ron only keeps "harping" on Israel for anti-Semitic reasons. In other words, she knows in her heart that *her* motives for criticizing Israel are pure, whereas anyone else's (or is it just Ron's?) must be *a priori* suspect. It is typical of Ms. Moore's astute sense of timing that she levels the charge of picking on Israel precisely at the time when the media, and even much of the American Jewish community, are reacting in horror at the barbarous treatment of the Palestinian natives by the Israeli occupation troops. Leave it to libertarians to jump on the wrong horse at the wrong time.

In general, the Meansians and other critics of Ron Paul are busily poring over every statement or press release of Ron's trying desperately to find *something* anti-libertarian. They have not been able to do so. What they are complaining about, and vociferously, is the *tone* of his campaign statements. "Yes, the *content* is libertarian all right, but the tone . . . it's so . . . Old Right." Precisely. We of the Paul campaign laid it on the line before Seattle. If Ron is nominated he will of course be purely libertarian, we said, but the stress, the emphasis, the tone, will be geared to attract the millions of quasi-libertarian Old Rightists who have been cast in the shade for three decades by the theocratic, warmongering post-*National Review* right-wing. The stress, we proposed, would be outreach to the average Old Right middle-class American. Why is the Paul campaign being dumped on for doing *precisely* what we said we were going to do? —MNR

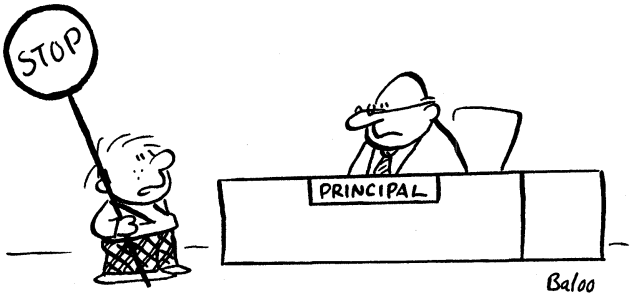

"I could do this job a lot better if you'd authorize me some cash to pay informers."

No time for celebration—Many conservatives and classical liberals are pleased that the Democratic Party is down to two men of the far left: Jesse Jackson and Michael Dukakis. The Democratic Party will probably succeed in electing a Republican president and a Republican Senate; it may succeed in producing a lot of votes for the Libertarian Party. But this is no time for libertarians to rejoice. There is not a more terrible event in electoral politics than the intellectual dissolution of a major party.

The Democrats will probably succeed in electing a Republican president and a Republican Senate; they may succeed in producing a lot of votes for the Libertarian Party. But this is no time for libertarians to rejoice. . . .

The party may discredit itself in the eyes of thinking people, but non-thinking people may happen to be a more numerous group, and even a severe electoral loss may not remove the offending ideologues from the positions of power from which they can set the terms of public debate. McGovern's severe loss in 1972 did not succeed in discrediting his followers, who now command the most influential positions in his party (although they are, perhaps, preparing to yield them to even sillier people).

Supporters of the Libertarian Party should not become euphoric over the votes they may gain from the Democratic debacle, imagining that the election will put them one step closer to electoral victory. The Libertarian Party will never win a significant election, because politics is a business that politicians run, and the Libertarian Party is not made up of politicians. Its role is educational. More votes mean more impact and more respectability for libertarian ideas, so I hope that the Party picks up some votes. If it does so, however, I hope that these will be (as the old saying goes) votes that cheer yet not inebriate. Friends of liberty should spend this lamentable election year soberly pointing out the adverse consequences of the major parties' ideas, and thereby making it more likely that those parties will come to their senses. —SC

Postal rumination—As I walked briskly to the post office clutching my income tax returns, I reflected on the *manner* in which I was walking. Usually when I walk this particular route I take my time, sauntering. But April 15 was an exception.

I thought again about my favorite essay of Henry David Thoreau, "Walking." In that elegant work he celebrates not civilization but "wildness." He opens with a discussion of the

meaning of the word "saunter." He considers whether it came from the the French *sans terre*—without a homeland—or from a *"Sainte-Terrer"* [saunterer]—a wanderer who collects alms under the pretense of going to the "Holy Land," and he implies that the only *real* way to saunter is to walk in the wilderness. I disagree. I saunter all the time, but it has been years since I have had access, on a regular basis, to anything approaching "wilderness."

Usually when I walk around the quaint city of Port Townsend, Washington, I take my time, watch (and watch out for) the seagulls, gaze across the bay and at Marrowstone Island, do *not* think about the nuclear bombs on nearby Indian Island, and repeatedly glance up at the snowcapped mountains. This is *sauntering* pure and simple. And, on April 15, rushing to meet the requirement of the State, I came up with the perfect definition:

saunter *v.* To walk as if the State did not exist, and as if civilization were merely a trifle.

I think even Thoreau, a tough judge of words and actions, would have approved. —TWV

Dancing with Joy in Saigon and Washington—

Michael Townshend comes forth with a brand new principle for the libertarian movement: an attack on "glee," or what we might call *killjoyism* (Letters, *Liberty*, May 1988). Mr Townshend strongly objects to my enthusiasm at envisioning a "smashing defeat" for the Republican Party in November, and darkly likens it to my "glee" at the collapse of the South Vietnamese government in 1975, in both cases allegedly forgetting the evils that came after: the establishment of a Communist Vietnam and the putative ascendancy of Michael Dukakis to the American throne.

Much as I admire the diligence with which clearly Mr Townshend has pored over my writing, and hoping against hope that he really does *not* mean to liken Mike Dukakis to Ho Chi Minh, I take strong exception to the new Puritanism with which he wishes to infect the libertarian movement. Now that sex, alcohol, smoking, tasty food, drugs and pornography have been systematically excised from our society, Mr Townshend proposes to rob us of the last form of enjoyment left: delight in the defeat of our enemies. God knows that libertarians have little enough to crow about in today's state-ridden world, so why can't we delight in our occasional triumphs and in our enemies' defeats?

It is far more odious to spout libertarian rhetoric in order to bamboozle the public than it is to be a statist without sham or pretense. At least, political life is clearer, and the air is not befouled by repellent mendacity. Far better an open statist than a mendacious and fake libertarian!

In 1975, I wrote "The Death of a State," which has given the Right Wing of our movement heartburn ever since. I expressed jubilation, *not* at the victory of the Communists in Vietnam, but in various other aspects of that notable event. There was, first the resounding final defeat administered to a long, bloody campaign of mass murder waged by U.S. imperialists in Vietnam. But above all, and this is what I was celebrating in the article, there was the glorious epiphany of the sudden death of a State. How often, in our lifetimes, are we privileged to experience the actual death of a State? It is truly a rare event, and one to be savored, regardless of what kind of State it was and what kind of State followed. For a brief, resplendent moment, a state crumbled; executives or legislatures met in a room, issued decrees, and *no one paid any attention*. As the State's infrastructure crumbled, this mighty force, only a few days before absolute ruler of its territory, became a chaos of scattered men, issuing edicts into the wind. To me, steeped in the history of the American Revolution, this was reminiscent of early British-dominated colonial legislatures (as in Pennsylvania) passing august laws but learning that no one cared, and finding themselves just a bunch of guys beating the air. For quasi-governmental authority had devolved, by general social action, onto alternative institutions outside the legal structure of government. To libertarians, in short, there can be nothing quite so rare or inspiring as the sudden collapse of a State apparatus.

What about the possibility of a Republican defeat this November? It is a consummation that I devoutly wish. I say flatly that if there were no Libertarian Party in the field, I would vote Democratic, not out of a great love for the Democratic Party, but out of bitter hostility to the Republicans.

In the first place, to fend off Mr Townshend's spectre of Dukakis, I can see no effective and substantial difference between Bush and Dukakis, and certainly nothing to motivate any libertarian to rush to the polls to save George Bush. But more profoundly, I see several clear reasons to prefer Dukakis over Bush in November. First, on the overriding question of war and peace, the Republicans in general and Bush in particular are significantly more warmongering than the Democrats, even though the latter are hardly doves of peace. On Nicaragua and the Contras, missile brandishing against the Russians, on the Persian Gulf, Afghanistan and virtually every other trouble spot, the hawks and the war ultras are almost all in the Republican ranks—this even though the Democrats have gone along with U.S. aggression against Grenada, Libya, Iran and now Panama. (The bipartisan argument that the U.S. must swiftly overthrow Noriega because he is a dictator and a drug-runner, founders on the basic fact that almost every *other* government shares the same features. So why the hysteria against poor Noriega, who only wants his cut of the action?)

Secondly, if the pro-Republicans retort that their favorite party employs far more libertarian rhetoric than the Democrats, my response is that that is precisely why we must revile the Republicans. For it is far more odious to spout libertarian rhetoric merely to bamboozle the public than it is to be a statist without sham or pretense. At least, political life is clearer, and the air is not befouled by repellent mendacity. Far better an open statist than a mendacious and fake libertarian!

And thirdly, and far from least, whatever happened to the good old tradition of "throw the rascals out"? Instead of focussing on the bad guys in the wings, how about punishing and getting rid of the bad guys who have been deceiving and looting us for eight long years? Kick them out! Specifically, by doing so you destroy an entrenched Republican machine, and it will take time for the Democrates to reconstruct a machine of

their own. And more importantly, the "ins" must be *punished*. When do libertarians ever get a chance to punish state-crimes, and levy justice upon the state-criminals? The only thing we can do to punish the rascals, the only thing that is legal and will not get us into deep trouble, is to defeat the SOBs at the polls, to throw them out. Let us exercise and *enjoy* the only power to punish that we have.

As an added esthetic note coming under the rubric of the second and third reasons discussed above, we should kick out the Republicans in order to rid ourselves of those leeches, those slimy opportunists, those con-men, those former and so-called "libertarains" who rush to shed their principles and join the Reagan Administration, wriggling happily along the corridors of power. What joy it will be to throw these bums out, to stop them, at least for four years, from feeding their allegedly libertarian selves at the public trough! Wow!

"Glee," Mr Townshend? You're damn tootin'! And since I seem to be pioneering adding German terms to our political lexicon, I would offer a wonderful word for this experience: *Shadenfreude* ("shameful joy")—except there should be no shame or guilt in this elation, but unalloyed enthusiasm in getting rid of a pack of repellent poltroons, and returning them forcibly to the bracing air of the private sector.

There is one final arrow in Mr Townshend's quiver: the currently fashionable "I" word with which he tars me: "insensitive." "Insensitivity" has been the favorite word used to silence all critics of sham, cant and hypocrisy, and to get right down to it, of the rulers of the social order. Stuff it, Mr Townshend, and all the Townshends of this world! Mencken once wrote that he was dramatic and provocative because he engaged in heaving dead cats into the temples of social idolatry, thereby demonstrating to the benumbed citizens that he had not been struck dead by lightning on the spot. —MNR

The political circus—1. First prize for Political Tactics of the Year goes to the George Bush team: head honcho Lee Atwater and media maven Roger Ailes. Atwater & Co. had only one week after Iowa to save Bush's bacon in New Hampshire. Things looked bleak. Atwater and team started moving on all cylinders. They had two tasks. The first was to "humanize" George Bush. And so they stuck him onto 18-wheelers, put him into a farmer's hat, and had him photographed by TV cameras wolfing down MacDonald's hamburgers *as if he enjoyed them.* The brilliant Reaganaut speech writer, Mrs. Peggy Noonan, was brought out of retirement for one week and whisked up to New Hampshire, where she wrote excellent speeches giving Bush "warmth." The second task was to desanctify Bob Dole. And so the great Ailes whipped together a dynamite TV commercial exposing Dole's high-tax record, and sprung it in the last 48 hours of the New Hampshire campaign, just when Dole, advised by the revered Bill Brock, was sitting back and being "presidential." If there is one thing New Hampshire Republicans don't like, it's high taxes, so the TV commercial worked like a charm.

2. Second prize goes to the same Bush team for understanding that, in politics, Governors beat Senators. In the crucial pre-Super Tuesday states of New Hampshire and South Carolina, Bush relied on the governors: John Sununu and Carroll Campbell, Jr. In Illinois he relied on Governor Big Jim Thompson. Thus, in South Carolina, Dole might have had the support of his Senate colleague, the venerable and beloved Strom Thurmond, but it was Governor Campbell who had the organization and got out the votes. The equally beloved Jeanne Kirkpatrick got Dole no votes either.

3. Why did Kemp never catch on as leader of the conservative *ultras*? For two reasons, I think. One is image. The American masses don't like to vote for a President with a squeaky, rheumy voice. He also has the muscle-bound look of the prototypical jock. Now Americans like jocks, of course, but the jock look is not "presidential" enough to place in an office that Americans take very—in fact, much too—seriously. The press complained that Kemp "talked too much." That's not quite it, since *all* politicians talk too much. Kemp failed to talk pithily, in the famous 30-second "bites" that are needed for TV summary. He droned on.

Pat Robertson self-destructed when his paranoia was let loose in a series of whoppers that he alone saw nothing wrong with. Of course, when God sends us Armageddon, Pat will be redeemed, but one hopes not until then.

But second, and most important, was the *content* of the Kempian message. Conservatives are bitter, frustrated; they feel that they have lost control of the Reagan presidency, and power is slipping away from them. To them, it is no longer "morning in America" but twilight. Yet Kemp had only the sunny Reaganite soft-soap to hand out: cheery optimism. To make things worse, Kemp talked constantly of "compassion," and of "reaching out" to all oppressed groups, promising care and subsidy and no reduction in welfare state spending. Conservatives don't *want* the soft-soap; besides, Kemp does not have the creamy Gipper voice and beloved Gipper smile to carry it off. Moreover, conservatives are sick and tired of compassion and of reaching out to the "oppressed." Conservatives want some good old-fashioned bitterness and hate, some reaching *in* to the middle-class and to reducing at least the welfare end of the welfare-warfare State. So why Kemp when everyone else is offering the "compassionate" package?

4. On the other hand, Pat Robertson self-destructed when his paranoia was let loose in a series of whoppers that he alone (with his hard-core followers) saw nothing wrong with. Of course, when God sends us Armageddon, Pat will be redeemed, but one hopes not until then. In addition, Pat's moral standing was not improved by the well-publicized fact that Pete McCloskey got the goods on his Korean peccadilloes. Why did Pat sue? Maybe he jumped the gun on Armageddon.

5. Libertarians of course take heart at the demise of all the Democratic and Republican turkeys, but we should add an extra heartfelt cheer at the departure of Dick Gephardt. If you like all-out protectionism and 2000% farm price support programs, Dick is your man. Third tactical prize of the year goes to whoever in the Dukakis camp thought up that great last minute New Hampshire commercial that called the phony "populism" that Gephardt had been pushing in Iowa. As the scroll of one big corporate contributor to Gephardt after another went rolling, a dry-voiced commentator declared: "Dick Gephardt says he's one of *us*. But this looks like he's one of *theirs*."

Beautiful: caught him at his own game. —MNR

AFTER REAGAN, THEN WHAT?

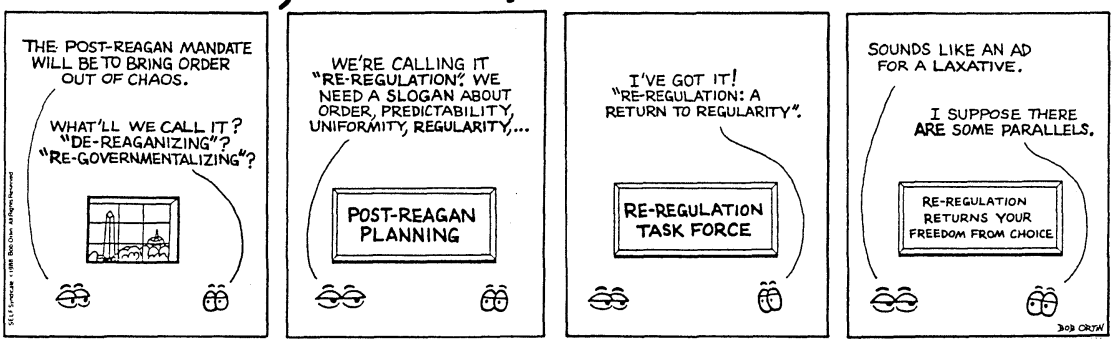

SAM WANTS YOU — SOBER & STRAIGHT

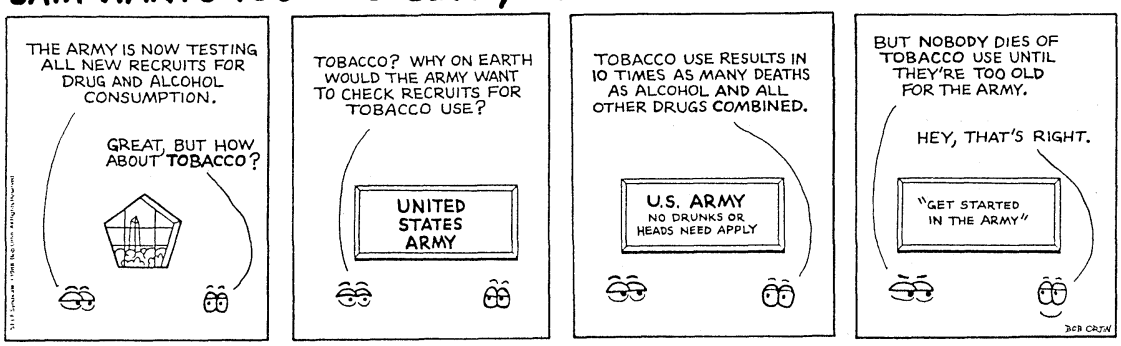

BURONIC EPISODES

A speculation on the source of headlines by Bob Ortin

"BOSS" "BONG"

GOVT. FINANCING ELECTIONS

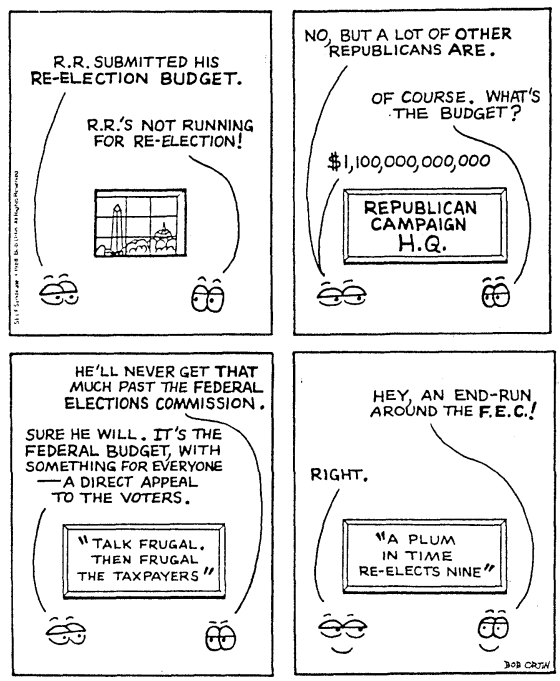

AND, ON THE DRUG WAR FRONT...

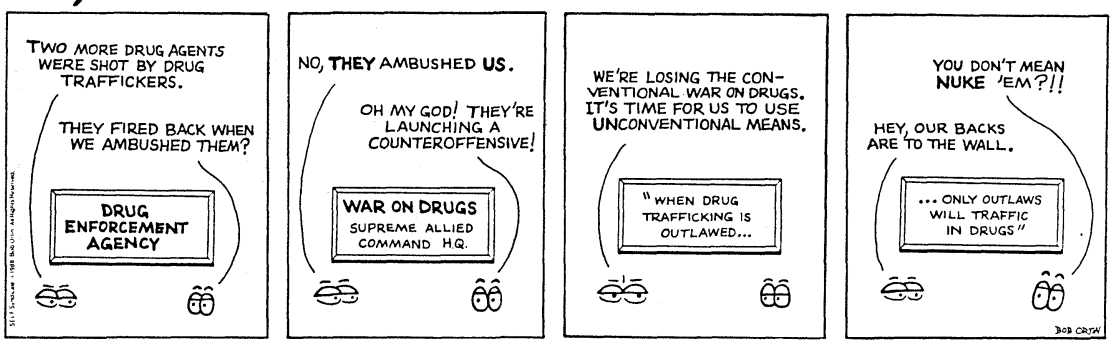

Rebel Without a Clue

Lessons from the Mecham Experience

by Matt Kesler

He is the most famous Pontiac dealer in America.

"Doonesbury" spent a week attacking him. *The Wall Street Journal* devoted an editorial to his defense. Ted Koppel ran long to talk to him. Jesse Jackson mispronounced his name.

Evan Mecham is the most famous governor in the history of Arizona. He was the most radical governor since Arizona's admission to the Union in 1912; as of April fourth, he is also the first to be impeached and removed from office by the state legislature.

And his election and aborted term in office may be the most intensive course in political reality offered for the education of American political radicals since the socialist adventure early this century.

The political events in Arizona over the last two years rival anything in the annals of American politics. The complexity and unpredictability of events, the variety and absurdity of the personalities, and above all the hostility of the leaders of the major factions toward each other almost defy description. A complete recounting of the events would read like the most intricately-plotted Ludlum novel; a rounded depiction of the characters would be a feat fit for Dickens.

Evan Mecham had already lost four races for governor when he ran again in 1986. His 1986 campaign hinged on honesty in government and conservative ethics. His ideology was primitive conservatism: low taxes and state spending, opposition to drugs and pornography, loyalty to God and country. He promised to "make Arizona drug-free" in his first term.

Once elected, Mecham made good his ideological commitment. His only year in office was the first year in almost a decade during which state taxes were not increased. Personal use of state vehicles by public employees was curbed. Mecham worked with the legislature to fund an anti-drug program. He lobbied successfully for an increase in the speed limit on interstate highways.

Early in 1987, Mecham became nationally famous for his rescission of the state holiday honoring Martin Luther King. His awkward defense of the action prompted the founding of a campaign to recall him from office, and numerous gaffes fueled the political fire. By late 1987 over 200,000 Arizonans had signed petitions calling for his removal, and a new election was set for May of 1988.

Later in 1987, Mecham had been charged with the failure to report correctly a $350,000 loan to his campaign. Legislative leaders initiated an investigation which resulted in two additional charges: that Mecham had instructed the head of the state police not to investigate an alleged death threat by one Mecham appointee against another, and that he had authorized the loan of $80,000 from an inaugural ball ticket-sales fund to his auto dealership.

In February 1988, Mecham was impeached on all three charges. The vote in the Republican-dominated legislature was overwhelming. Just days later, Mecham and his campaign finance chairman, his brother Willard, were indicted on a charge of willful failure to report the $350,000 campaign loan. (The indictment was achieved only after a state grand jury failed to return an indictment and a second grand jury was empaneled by Mecham opponent and Attorney General Bob Corbin. Corbin has been charged with "grand jury shopping" and is now the subject of a recall attempt.)

Upon Mecham's conviction of two impeachment charges by the Arizona Senate on April fourth, Secretary of State Rose Mofford, a Democrat, succeeded to the office. On April sixth, Mecham was declared ineligible to run in the May 17 recall election. A court challenge was anticipated. Meanwhile, Mofford is the heavy favorite in the six-candidate non-partisan field.

But, you ask, what's the point? Why should anyone outside Arizona care?

Because of the lessons the Mecham episode provides us.

History's great political fiascos are often the foundation for the folk wisdom of ensuing decades. The Bay of Pigs, Vietnam, and Watergate are cited weekly in *Newsweek* and on "Meet the Press," and the conclusions drawn—correctly or not—from the popular memory of these relatively recent events form the backdrop for discussions of analogous current events.

Any libertarian worth his salt is better at this game than the statist next door. We can laugh when the Depression is used as an excuse for today's welfare state, or roll our eyes when the Watergate scandal is used to

justify taxpayer financing of election campaigns. So the present shenanigans in Arizona politics are a challenge. These unique events provide information never before available regarding the response of the political system to new types of behavior by a candidate and an elected executive. Radicals of all stripes will do well to learn the lessons being taught in this very special classroom.

In an attempt to begin this process, I present some of my own tentative conclusions.

Lesson One: *Taxpayers Vote.*

In the September 1986 Republican gubernatorial primary, Mecham was opposed by veteran legislative leader Burton Barr. Barr, the ultimate Arizona insider, was best known for his support of a "temporary" increase in the state sales tax; when the one-half per cent increase was due to expire in early 1986, Barr orchestrated an unlimited extension.

Barr had excellent name recognition, was supported by the state's major newspapers, and had the endorsement of President Reagan. Polls showed Barr a ten to twenty per cent favorite in the week prior to balloting.

Surprising virtually everyone, Mecham won a narrow victory. Exit polls suggested that distrust for Barr and heavy turnout among tax-conscious retirees were important factors.

Subsequent events have confirmed this hypothesis. A November 1987 bond election in Maricopa County, home to half the state's voters, would have raised taxes to fund development of riverbeds. Polls showed public support exceeded seventy per cent. The proposal was supported by the Republican daily papers and the leftist weekly *New Times*. Every one. Evan Mecham opposed the bond, which failed two-to-one. His opposition probably didn't influence the vote significantly, but it demonstrated that he alone shared with most Arizona voters an unintellectual but consistent opposition to tax increases.

The conclusion: anyone can respond to a poll, but people who pay taxes are more likely to show up on election day.

Lesson Two: *Control the Medium.*

Not the "media." Perhaps a talented political radical can charm the local broadcasters and newspapermen, but that's not how Evan Mecham did it. He chose a single medium that he could completely control: direct mail. He used it heavily, he used it repeatedly, and he used it effectively.

About a week before the primary, over eighty per cent of Arizona's Republican voters received a tabloid outlining Mecham's positions and experience and sharply attacking opponent Barr. The tabloid received more publicity than any other event of the campaign. When asked about the publication's charge that he had promised the tax increase would be temporary, Barr replied simply, "I lied." Reporters present laughed, but the state's taxpayers didn't get the joke.

Mecham's tabloid campaign was reprised prior to the general election. By using inexpensive newsprint, Mecham was able to reach virtually every voting household in the state; he didn't need an abnormally large budget. His name recognition was improved, and his message reached voters without the "filter" of interpretation by television and broadcast reporters.

> *Rules are tools—tools that can be used as weapons. And supporters of the status quo know the rules and are willing to use them to defend themselves against a political insurrection.*

Mecham had controlled the medium; his message got through.

Lesson Three:
Choose Your Race Carefully.

Or get lucky. Either will do.

In 1986, Arizona Democrats nominated Carolyn Warner, the incumbent Superintendent of Public Instruction, for governor. She was aesthetically and politically unattractive, and fellow Democrat Bill Schultz entered the general election race as an Independent, diluting Democratic voting strength. Mecham won with forty-two percent.

Subsequent polling has failed to definitively determine who would have won a two-candidate race between Mecham and Warner. It is, however, quite evident that most Mecham supporters were strong Mecham supporters; that is, Mecham's vote total would have been relatively unaffected by the number or appeal of his opponents. It is quite clear that a single attractive, moderate Democratic candidate would almost certainly have defeated Mecham.

The three-candidate race was tailor-made for a maverick.

Lesson Four: *The Voters May Choose the Government, But They Don't Run It.*

Mecham won despite his failure to gain endorsement of a single daily newspaper in the state. Some prominent Republicans reluctantly supported him after the primary. But his lack of experience in government and his repeated charges that the legislature was "corrupt" and controlled by "organized crime" made him *persona non grata* at the capitol.

After his inauguration, he showed neither the ability nor the inclination to make peace with legislators and the press. The press quoted his statements out of context. Legislators leaked private communications. The Senate delayed confirmation of appointees. When the new Governor threatened to cut the budget of the state Attorney General, Bob Corbin, he was subjected to punitive investigations and, eventually, criminal charges.

Former Libertarian gubernatorial candidate Sam Steiger, himself a top Mecham aide until October 1987, summed it up by pointing out that Mecham was elected without the support of the local news media, but never realized he needed the help of the media to govern effectively.

Lesson Five: *Communicate or Die.*

Mecham eventually committed political suicide by repeatedly firing an uncontrolled weapon: his mouth. A conservative in arguably the most conservative state in the union, Mecham is an extreme contrast to his counterpart at the federal level; Ronald Reagan, labelled an "archconservative" and an "extremist" by the media in 1980, succeeded by communicating directly and effectively to the voting public. Evan Mecham, by contrast, may be the weakest communicator in modern political history.

With the exception of the use of

campaign tabloids, Mecham failed to find any successful means of communication. He barely survived a televised debate prior to the general election, he fumbled badly in press conferences, and his appearances on televised interview programs were awkward and embarassing; some were actually introduced as evidence by the prosecution in his impeachment trial.

Shortly after his inauguration, Mecham made good on a campaign pledge and rescinded the executive order by which his predecessor, Democrat Bruce Babbitt, had proclaimed a state holiday in honor of Martin Luther King. Mecham's supporters were not surprised when the local media attacked his action. What amazed many was the revelation, over a year later, that Republican Attorney General Corbin had informed all the candidates prior to the 1986 election that Babbitt's executive order had been illegal, and that any future governor who failed to rescind it might be held personally liable for the wages paid to state employees on the King holiday.

In other words, Mecham was *obligated* to rescind the holiday. Corbin had been responsible for the controversy surrounding Mecham's action, but for over a year Mecham failed to explain the situation effectively. It took a team of defense lawyers to pull the information out of him when he took the witness stand in his impeachment trial.

Mecham didn't withhold that information out of loyalty to Corbin, a longtime opponent. He didn't forget it, and he wasn't the victim of a media conspiracy designed to block his access to the airwaves. He had spoken about the King holiday issue many times and in several venues. He simply lacked the communications skills necessary to formulate his position and state it in a way that the public could understand.

This pathetic inability to communicate in plain English was illustrated by his first words to the state House of Representatives impeachment committee. The chair's first question was the obligatory oath beginning, "Do you, Evan Mecham, swear to tell the truth, . . .?" Mecham's response: "That is correct." He was unable to connect the phrase "Do you . . .?" with the obvious corresponding response, "I do."

From then on, it was all downhill. His testimony before the House committee, and subsequently before the state Senate sitting as a Court of Impeachment, bordered on the ludicrous. The charges were simple, the testimony of other witnesses surprisingly consistent, and applicable law quite clear. Both houses were dominated by Republicans, albeit not Mecham supporters. The prosecution clearly showed that Mecham's judgment had sometimes been faulty, but evidence of the violation of law was tenuous, and criminal intent on his part was alleged but not proved. Prosecution witnesses clearly had ulterior motives.

But Mecham's complete inability to express himself in simple declaratory sentences convinced many that he was obfuscating—or lying outright. Despite the lack of contradictory evidence, his testimony was believed by only his most ardent supporters.

In short, Mecham needed to do three things in order to make his tenure in office, if not successful, at least uneventful. First, he needed to show at least a minimal level of concern for the fuzzy opinions and self-serving politics of the ninety poorly-paid and under-educated members of the state legislature. Second, he needed to find a way to use the massive machine of the state's executive branch to achieve his ends. Third, and probably most important, he needed to maintain a level of popular support at least as high as the lowest enjoyed by any of his predecessors.

That is, he needed to be taken seriously. When he became a joke, he became fair game. To the legislature, it was fair to oppose his personnel appointments for reasons which would have been considered trivial in another administration. To the Attorney General, it was fair to convene not just one grand jury to investigate allegations of impropriety, but a second grand jury when the first failed to return any indictments. And to the public at large, it was fair to sign petitions to recall the governor from office in response, not to his policies, but to his verbal gaffes.

To ascribe all Evan Mecham's political problems to poor communications would be an exaggeration. But only a slight one.

Lesson Six:
Follow the Damned Rules.

Political radicals generally have a deep-seated contempt for many of the rules, written and unwritten, which govern the political process. Anyone who runs for political office in order to

"The best-spent week of my life. An intellectual feast!"

– Mary Saucier, W. Roxbury, Mass.

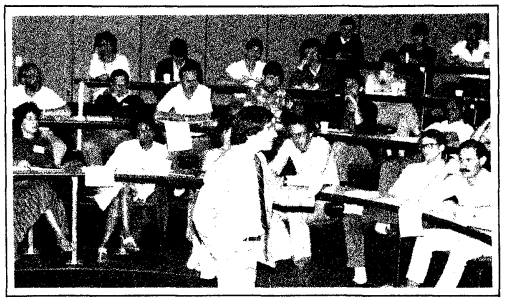

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advance a radical ideological agenda is likely to view campaign-finance laws, state personnel codes, and legislative protocol with little respect when they threaten the achievement of that agenda. A radical candidate who lets a piece of paper stop him from bringing his concept of freedom—or justice, or morality—to his constituents might seem a failure and a wimp.

But rules are tools—tools that can be used as weapons. And supporters of the status quo know the rules and are willing to use them to defend themselves against a political insurrection. Radicals assaulting the status quo, with the intention of using the political system to achieve their ends, had better be ready to play the game by the rules as established. After power has been gained and consolidated, a savvy radical (that is, a leader) may effect change in the rules in order to maintain power and establish a legacy.

Mecham and company knew little and, presumably, cared less about the rules. A campaign finance reporting requirement was not met, resulting in one count of impeachment and the indictment of Mecham and his campaign finance committee chairman, his brother Willard (giving birth to a new catchphrase: when accused of a mistake or a rule violation, Arizonans now shrug and claim, "Willard did it"). Lax observation of customary personnel practices led to a second impeachment charge. Failure to follow unwritten rules of propriety led to a third impeachment charge. At Mecham's impeachment trial, at least two of the impeachment charges were based not on evidence of illegality but on impressions of impropriety resulting from the failure to pay obeisance to established procedures which have little ideological substance.

Mecham's ideological agenda was more important to him than the rules. He didn't respect the rules, he didn't care about them, and he didn't take the time to become familiar with them.

And each time he broke a rule he put a weapon in the hands of his political opponents.

Lesson Seven:
Choose Your Candidates Carefully. They Might Win.

On the witness stand, Governor Mecham was an embarrassment to his few intelligent supporters. His grammar testified to his ignorance, his countenance testified to his insincerity, and the contradictory substance of his answers upon cross-examination testified to his lack of respect for the truth. Whether guilty or not, he seemed guilty, and he continues to inspire loyalty only from the undiscriminating. His reputation with the general public has sunk very low indeed.

And so it is that the low-tax message is left without a champion. At this point, Mecham's continued presence on the scene will provide a whipping-boy for the advocates of increased taxes and state spending. His departure would leave the state without a prominent advocate of free enterprise.

> *Mecham needed to show at least a minimal level of concern for the fuzzy opinions and self-serving politics of the ninety poorly-paid and under-educated members of the state legislature.*

Principled opponents of statism, like former congressman and 1982 Libertarian gubernatorial candidate Sam Steiger, supported Mecham because he was the only game in town. But the man they followed was unworthy of leadership. When Mecham was attacked, they were unable to portray him as an individual worthy of respect and were reduced to the use of the type of ideological arguments that rarely sway a crowd.

The failure to field a candidate in the 1986 election would have cost radical conservatives a chance to win that election. The selection of an unworthy individual may have cost them much more.

In this election year, numerous radical candidates will enter contested races. The above lessons can be applied to arrive at some suggestions for strategies and tactics.

Lesson One suggests that economic issues be targeted. It suggests the use of slogans of the form: "Smith for Congress—Because Taxes are Too Damned High."

Lesson Two suggests that telegenic candidates concentrate on free or paid television, that candidates with effective voices concentrate on free or paid radio, and that candidates with a strong message use signs or bumper stickers. Newsprint tabloids should be recognized as an inexpensive, efficient means of communicating directly to the voters.

Lesson Three suggests that radical candidates, like Mecham, can benefit from the selection of multi-candidate races and races against unattractive candidates.

Lesson Four suggests that a radical candidate who is actually elected to office has two choices on the morning after the election: prepare for political martyrdom, or get on the phone and start mending fences.

Lesson Five suggests that the ability to communicate is an essential characteristic for radical candidates. I believe this is by far the most important principle demonstrated by the Mecham fiasco. This principle, incidently, is violated by at least ninety per cent of Libertarian Party campaigns.

For obvious reasons, Lesson Six may be the hardest for some radicals to learn. If you tickle a rattlesnake you had better be ready to jump. Assaults on the political status quo will be opposed by those familiar with the laws, rules, and customs that govern political behavior. An aspiring political leader will hoist, if not a sword, at least a shield.

Lesson Seven suggests a requirement for an effective campaign: a good candidate. The proper ideology is not enough. Communication skills, the appearance of class, and a bankroll may make for a good candidate, but surviving the inevitable post-election assault from the status quo requires management and negotiation skills, an attention to strategy and tactics, and an ability to inspire good will among the press and the public.

Political radicals of all stripes owe a debt to Evan Mecham. He achieved electoral success through the use of innovative tactics, from which we can learn positive lessons. And he made errors that radicals are susceptible to making as they approach political success.

If we're smart, we'll learn from his mistakes. If we don't, we will delay the day when the libertarian movement achieves its ends through the use of the political system. ❑

Confessions of an Intractable Individualist

by Jerome Tuccille

Sometime in the early part of 1975 I began to wonder if there were any sane libertarians left in the country. This was no small concern of mine since I was convinced I had lost my own sanity somewhere along the campaign trail in 1974.

The New York gubernatorial campaign of 1974 started off promisingly enough. At that point I had three books to my credit—*Radical Libertarianism, It Usually Begins With Ayn Rand,* and *Here Comes Immortality*—and I was enticed to enter the race for governor by several New York libertarians who shattered the libertarian stereotype in that they (a) worked for a living, and (b) had something to show for it. Until this time, the so-called libertarian movement consisted of champions of capitalism with no visible means of support; self-styled anarchists whose conventions smelled like an acre of unwashed laundry; Randian Objectivists whose dogma was as rigid as the Church of Rome's and as humorless as Joseph Stalin's; and assorted advocates of individualism and freedom who had yet to master the mysteries of the knife and fork.

And then, all of a sudden, in the late spring of 1974 there materialized before my eyes a group of businessmen with money who looked and acted like everyone else, and who also called themselves libertarians. Needless to say, I was instantly overcome with a euphoric seizure. Not only would I get a chance to run for Governor of New York, but I would have a real campaign staff and war chest to back me up.

The goal from the beginning was the attainment of 50,000 votes which would have given the Free Libertarian Party of New York a permanent berth on the ballot along with the Republican, Democratic, Conservative, and Liberal parties. We were warned from the start by a Republican Party operative, who claimed to have libertarian sympathies, that if we wanted to get 50,000 votes we would have to raise $300,000.

"It costs six dollars a vote," he said.

Such naked cynicism was dismissed at once by me and the campaign. (In the end we raised $75,000, $60,000 of which went into the campaign, and we rang up 12,000 votes which works out to five dollars a vote; the son of a bitch lied to us, but not by much.) We started out by doing all the normal things a political candidate does: we mailed out press releases and position papers, which were ignored by the media; we called press conferences that nobody came to; we racked our brains, in short, for some way to get our message out and let the world know our campaign existed. We were almost reduced to taking the most expensive route of all: paying for air time with advertising dollars, a tactic that would have wiped out our campaign chest in short order.

And then somebody came up with a brilliant idea. "The media loves events," this person said. "We've got to stage media events that get the message across. Then maybe they'll pay attention to us."

Well, why not? Let's try one at least and see if it works. So, on a balmy afternoon in early summer, yours truly went "fishing" for votes—literally fishing, complete with a rod and reel—on Lexington Avenue in Manhattan. This "event" was staged in front of President Chester A. Arthur's house to honor the heroic leader who was accused, in his time, of spending more time fishing than he did governing the country.

God bless Chester A. Arthur!

Lo and behold, the strategy worked. A reporter from the *New York Times* was the first one on the scene, followed quickly by journalists from the other New York dailies, as well as camera crews and reporters from the networks. The "Fishing for Votes" event earned us a feature story in the *Times* and other newspapers, complete with pictures, plus coverage on the evening television news—a first for the campaign.

We followed this up with a "Lady Godiva Demonstration" along Central Park South on a Sunday afternoon to dramatize the libertarian position on taxation. We rented a real live horse and adorned the lucky beast with a gorgeous brunette decked out in a flesh-colored body stocking, and led the unlikely twosome past the Plaza Hotel while the cameras clicked away and reporters scribbled in their notebooks. This event resulted in full-page coverage in *Newsweek,* and thousands of dollars worth of free newspaper and television coverage. The campaign also picked up the endorsements of Nicholas von Hoffman, a voice from the New

Left, and George Will, who was not such a prickly Tory in those days. Other events were staged with varying degrees of success throughout the campaign, most of which resulted in precious print and media coverage that would have bankrupted us in no time had we been obliged to pay for it.

It appeared as though the Tuccille for Governor campaign was finally rolling along smoothly, building its own momentum—until, inexplicably, we were halted in our tracks by a barrage of criticism. In a twinkling of an eye, as it were, a new word was grafted onto the English language: *stuntism.*

Tuccille was trivializing the libertarian philosophy, cheapening its precepts and premises with *stuntism,* the critics complained. Where was most of the invective coming from? Largely from the would-be kingmakers of the national LP, apparently, who were concerned from the beginning that the New York effort would divert money and interest from other libertarian campaigns across the country. To be fair about it, this much was true. Other campaigns *did* go begging for money as well as warm-blooded workers who were needed to stuff envelopes and collect signatures on petitions because of the attention focused on New York. But none of this would have mattered had we succeeded in accomplishing our main goal: the attainment of 50,000 votes in November.

In the end we failed, and we failed badly, coming up short by nearly 40,000 votes. So it came to pass that all the pent-up anger and resentment was vented and a suitable scapegoat created over the issue of *stuntism.* The fact that the campaign was suffering the fate of most third-party efforts—terminal obscurity—beforehand, seemed not to matter. *Stuntism* was the villain, pure and simple. Trivialization of the issues. Whatever you wanted to call it. It had a nice ring to it.

This was frustrating enough to deal with, but hypocrisy reared its ugly head when all the magazine and news articles, all the free publicity that had been generated by evil stuntism in the New York arena in 1974 were used by the national LP for its own purposes afterward—without any mention of the campaign that created it. While I could understand the fury of party leaders who had seen money and labor funneled into an admittedly eccentric and quirky campaign that failed to achieve its main objective, I was dismayed by their expropriation of our media successes and their simultaneous denunciation of the strategy that made them possible.

If you needed a scapegoat for the failure of Campaign 1974 in New York, you should have placed the blame where it really belonged: you didn't send me *enough* money! Didn't you know it cost five or six dollars a vote in New York?

> *"Can't you do anything with him?" a campaign aide asked my wife. "He doesn't smile enough. Sometimes he almost snarls at people."*

Also, I was a reluctant candidate for public office to begin with and an indifferent campaigner at best—a fact I can accept now with a great deal of pride. I had very little desire to push through shopping mall crowds on Saturday afternoons, smiling and shaking hands and otherwise being agreeable to people suffering from advanced stages of brain rot. I once passed Senator Jacob Javits doing just that somewhere in Westchester County, and I stood aside in awe of the man. The ease with which he oiled his way among the throngs with a plastic smile on his lips, shaking one hand after another, dispensing an inanity here and another one there without ever really *saying* anything was truly impressive. The fact that he was so successful doing it was nothing less than horrifying.

The talents of a Jacob Javits epitomized more than words ever could the frailties of western-style democracy. I had no desire to emulate him in any way.

"Can't you *do* anything with him?" a campaign aide once asked my wife. "He doesn't smile enough. Sometimes he almost snarls at people."

My wife, who had lived with me for nine years at that point, shrugged her shoulders. She had seen me in *really* bad moods and tried to explain that this was good behavior for me.

In any event, my one attempt at public politicking is history now. It cost me dearly both personally and financially, although like most of life's experiences it was an adventure I would not be without today. I learned a lot from it. What I think I learned most is that I don't want to do it again.

All my life I have been driven by two major goals: becoming a successful and creative writer and achieving personal freedom and its corollary of living my life in a free society. My writing career during the past fourteen years since Campaign 1974 has continued apace. Today I have fourteen books behind me including a recent novel and a biography of Donald Trump. I am happy with what I have accomplished so far and I fully expect to create even better work in the future.

My other goal of personal freedom within a free and just society is less clearly realized. Freedom to me means many things. Certainly, freedom to write and publish as I please is paramount on the list. Without First Amendment guarantees there can be no true freedom. Economic freedom is crucial, as is philosophical freedom including religious and spiritual freedom. My life has been a fight against orthodoxy, the orthodoxy of the Roman Catholic Church into which I was born, and even the orthodoxy of certain "libertarian credos" which alarmed me eighteen years ago. I continue to be struck by the ease with which some libertarians can shuck off one constraining orthodoxy, let's say a particularly nasty strain of organized religion, only to adopt so readily another one purporting to champion the freedom of individual thought.

As I look around me today, I see a greater threat to the First Amendment than this country has witnessed in decades. Thanks to Ronald Reagan's legal henchman, Ed Meese, writers and publishers throughout the country have begun to worry about just what they can and cannot get away with in their books. How much explicit sex is acceptable? Is it only juvenile sex that's being targeted, or all "prurient sex?" If only juvenile sex is involved, at what age does a juvenile become an adult from the censor's viewpoint?

Ed Meese can't go to jail fast enough to suit me. In jail he'll find out what prurient sex is all about.

Aside from Ed Meese and the other disasters of the Reagan years, the presidential campaign of 1988 does not offer any hope for libertarians. As I am writing this in the spring before the election, the prospect of deciding among George Bush, Robert Dole, Michael Dukakis, Jesse Jackson, or possibly even Mario Cuomo or Bill Bradley is too depressing to contemplate. It's hard to remember when a crop of candidates from both major parties has inspired such all-consuming surges of bleakness and despair. I would hope that George Bush gets indicted along with Oliver North and John Poindexter over his role in the Iran-Contra scandal if Robert Dole weren't waiting in the wings to fill in the void. Or Jack Kemp, God help us, with his despicable cozying-up to Pat Robertson and the so-called Moral Majority on social issues.

Having said all this, why am I not out there vocally supporting libertarian candidates and writing position papers for libertarian publications? In 1976 I was accused of having turned back into a conservative because I wrote an article for *National Review*. I don't know how many times I pointed out that I also wrote articles for *The Nation* and the New York *Times*—but that didn't make me a liberal; and I have since been published by the New York *Post*, *Woman*, and other periodicals without anyone questioning my political orientation. It's true that I did criticize the foreign policy perspective of some libertarians in my *National Review* piece, but I also disagree with many libertarians on such issues as abortion (I'm in favor of it); psychic phenomena (I think they are real); reincarnation (I believe in it); religion (I think we're doomed if we fail to understand our spiritual nature); astrology (I've always had an open mind on the subject); and probably a dozen more subjects I could enumerate.

In fact I strenuously object to any libertarian orthodoxy that claims you can't be a libertarian unless you: reject altruism (what's wrong with helping one's neighbors voluntarily or donating blood to the Red Cross?); worship at the altar of gold (those who did so blindly missed the greatest bull market in stock market history between 1982 and 1987; now I think it's over and gold may indeed be the best investment during the inflationary times ahead); subscribe to the notion that Russian communism is less of a threat to world peace than the CIA (I don't have much regard for either institution); read science fiction with fanatical devotion (neither Ayn Rand nor Robert Heinlein at their best can measure up to Tom Wolfe's *Bonfire of the Vanities* in my estimation). I'm sure this will raise the hackles of some diehard fans, but so be it. I don't like libertarians—or any other people for that matter—who are intolerant of contrary opinions.

The truth is, my philosophy and ideas have not changed substantively in twenty years. I am no more conservative today than I was in 1969 or 1970. If you can convince William Buckley that someone who believes the Reagan administration has been a near disaster for this country, that drugs ought to be decriminalized and abortion remain legal, that Ed Meese belongs in jail and all attempts at censorship must be resisted—

LIBERAL SOCIAL THOUGHT

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if you can convince him and George Will and Pat Buchanan that someone holding these views is a conservative, then I will accept the label.

The reason why I dropped out of the libertarian world I was so much a part of during the early and mid-1970s is that I found as much orthodoxy and intolerance among advocates of "individual freedom" as I had among the religious bigots of my youth. The Objectivists were intolerant of anarchists who were intolerant of classical liberals who were intolerant of converts from the New Left. Followers of von Mises were intolerant of Friedman and his Chicago School economists. Everybody professed to believe in freedom of thought and expression, but nobody was willing to grant it to anyone who disagreed with his particular claque.

I was denounced as a "heretic" by the dean of Manhattan College (a Catholic institution) when I was twenty years old; I didn't need to be damned as a "deviationist" or a "stuntist" by an ungainly collection of squabbling "individualists."

Today, I'm afraid, I cannot work up any degree of enthusiasm for the presidential campaign of Ron Paul. He may be the most decent and broad-minded fellow in the world; I have no idea. I don't know whether he's an Objectivist, a Galambosian, a LeFevrian, a Friedmanite, a gold bug, or an Episcopalian. As long as he believes in a very small amount of government at most and a whole lot of freedom for everybody, that's good enough for me. I'd vote for him in a minute if I thought it would do any good, and I may vote for him anyway when I step into the polling booth in November, 1988.

Then again, I may not. I may not vote at all.

I would be more inclined to vote for Libertarian Party candidates if we had a parlimentary system in the United States. If we did and it were possible for third (and fourth and fifth) parties to gain some sort of proportional representation in our congress the way the Free Democrats have in West Germany, the whole political process would make more sense to me. As it is today with two-party rule, and not all that much difference between the major parties, the exercise seems futile and pointless.

As far as intellectual activism is concerned, I admire tremendously the strides that have been made by people like Robert Poole and the Reason Foundation, the Institute for Humane Studies, the Hoover Institute, and a few other "think tanks" with libertarian leanings. They seem to be having an impact and to be reaching an audience that extends beyond the already converted.

The ease with which Jacob Javits oiled his way among the throngs with a plastic smile on his lips, shaking one hand after another, dispensing an inanity here and another one there without ever really saying anything was truly impressive.

Aside from an occasional book review for *Reason*, I have not contributed to libertarian publications during the past thirteen years or so because most of my writing efforts have gone into books. The ideas I get seem to run about 80,000 words, too long for any periodical I know of. I also confess to a certain reluctance to be drawn back into the old squabbling, the old philosophical nit-picking that characterized libertarian activities through the mid-1970s, and still does today as far as I can determine. I simply don't have time for it. I'm too busy trying to make a living as a writer and create new books that are better each time than the ones preceding them. I don't really care anymore whether free market anarchism or a strictly limited government is the morally correct political system. I'm more concerned about keeping Ed Meese from confiscating my word processor. *Any reduction at all* in the size of government would be a miracle given today's political climate.

There are many things I miss about the libertarian world I helped create during the early 1970s. I miss seeing people like Karl Hess who was then and remains today one of the most decent and good-hearted human beings I've ever met. So what if I disagreed with some of his rose-colored views of the New Left?

I also miss the friendship of Murray Rothbard and his wife Joey. Murray and I had our differences in the past, over foreign policy mostly, but I'm not interested in stirring up old disputes. Murray was one of the few libertarians with whom I could discuss books and movies, and I remember the great laugh I enjoyed when he told me that Ayn Rand had once proclaimed tap dancing to be the only rational dance form.

And I think fondly of others like Leonard Liggio, Walter Block, and Joe Peden. Leonard in particular tried hard to indoctrinate me in his theories of revisionist history which I could never swallow whole. Sorry about that, but I still relish those evening we spent around heaping platters of mooshoo pork.

Others come to mind: Lee Schubert, Howie and Andrea Rich, Fran Youngstein who was a far better political candidate than I (though I'm not sure that's a compliment), Gary Greenburg, Tibor Machan, Marty Zupan, and dozens more who were truly open-minded individualists who understood that Christians, Jews, and Buddhists had as much right to call themselves libertarians as atheists did.

Libertarianism would be a far more palatable alternative to the prevailing mores if people like these constituted the majority of those wearing the mantle of libertarianism. Unfortunately, they were too few and far between. The movement attracted too many people with a vested interest in remaining on the fringe, too many super-intellectualized underachievers whose weirdness and asocial behavior somehow compensated (in their own minds) for their apparent failures. The "freak show" atmosphere that characterized so many libertarian gatherings detracted considerably from the validity of the underlying philosophy and repelled many who were otherwise sympathetic to the principles of freedom.

Too bad. It's really almost tragic.

I'm not sure what the answer is. I think I'm still enough of an optimist to believe that reason and sanity and justice prevail in the long run—but I wouldn't stake my life on it. ❑

L. Neil Smith on Science Fiction:
The State of the (Anti-Statist) Art

by D. R. Blackmon

L. Neil Smith *is one of the best known—and most prolific—contemporary libertarian authors of science fiction. In this conversation with Mr. Blackmon, he discusses the nature of libertarian science-fiction, why it is important, what is being written, and who is writing it. . . .*

Liberty: Libertarian science fiction has evolved from a book most people call straight fiction—*Atlas Shrugged*—would you agree?

Smith: I think *Atlas Shrugged* meets the criteria for science fiction in every respect. In fact, if it weren't for Rand wobbling in and out of science fiction, I doubt if I'd have become a libertarian. I picked up *Anthem,* definitely science fiction of the dystopian type, which led me, with a little detour to *The Fountainhead,* to *Atlas Shrugged.*

Liberty: There are lots of SF props in *Atlas Shrugged.* How come people see it as just fiction?

Smith: Well, it performs a mainstream mission. And I noticed a long time ago that when "serious" writers want to say "important" things, or "important" writers want to say "serious" things, even if they've never written science fiction before, that's where they turn. Look at *1984* or *Brave New World.* Norman Mailer's work contains science fiction elements, and there's always Kurt Vonnegut.

Liberty: What about H. Beam Piper? Scuttlebutt has it that he shot himself just as an agent was coming to his door with a check. He died thinking he was a failure, while right on the verge of popularity.

Smith: Actually, it was another decade before Piper became as popular as he is, and that's a *long* time in the life of a writer. I think it's important to say that libertarian science fiction rests on the shoulders of two giants—Ayn Rand and Robert Heinlein. Each was indispensible: Rand gave us the philosophical rigor, and Heinlein gave us the humanity. He's more human, and has a sense of humor. If we lacked either of those elements, I don't think there'd be a libertarian school of science fiction. In addition, there are what I think of as proto-libertarian writers. Certainly, foremost of those is H. Beam Piper.

Liberty: So what's the truth about his death?

Smith: Like all of us, he had a tough time with publishers, getting paid promptly and so forth, which contributed to his death by his own hand in 1965. I don't know about the timing, someone almost showing up with a check—I'm inclined to doubt it. *How* he did it says a lot about his character. He'd been shooting pigeons from his window with an air rifle in order to eat. Welfare was unthinkable, and he didn't want to be a burden to his friends. The alternative, if he really believed in reincarnation as some of his stories imply, wasn't quite as drastic to him as it may seem to us. When he decided to shoot himself, he hung canvas along one wall of his apartment so he wouldn't leave a mess behind. Let's follow his example: next question?

Liberty: Okay, what can libertarian science fiction do for readers that no other form of fiction, or for that matter, non-fiction, can do?

Smith: Concretizing what was formerly abstract.

Liberty: In other words, presenting alternative worlds that a reader can actually live in. A *de facto* libertarian society that he or she can explore.

Smith: *De ficto.* You have the North American Confederacy, in *The Probability Broach,* which I created and am still exploring, F. Paul Wilson's worlds, J. Neil Schulman's, Vic Koman's and others. A reader can go anywhere he wants, explore any social or economic set-up, simply by picking different writers. More importantly, libertarian science fiction is positive, rather than negative. By that I mean a non-fiction writer can discuss the effects of the minimum wage or what's wrong with the FDA, but that's merely pointing out flaws in a statist system. A science fiction writer can show the positive results in a society where those things have been abolished or never existed.

Liberty: Why the blossoming of so many libertarian science fiction writers now?

Smith: For years, in addition to floundering and foundering on the important issues, the Libertarian Party failed, in my estimation, to make the kind of promises only it was entitled to

make—promises that had to do with people keeping their own wealth and being left unmolested. I *specifically* began writing to fill that gap—to make those promises. And it's interesting to me that now, many other writers are trying to do it, too.

Liberty: How many are there?

Smith: Presently, by my count, there are an even dozen science fiction novelists, including yours truly, whom I know, firsthand, to be self-conscious libertarians. Half a dozen more are on the way, about to be published. The worst thing about an interview like this is that I'm probably short-changing others I *don't* know about, people I've missed somehow, or who stick with short stories. I don't read any SF magazines. If that's true, I hope they forgive me, and let me know who and where they are. It's kind of fun, keeping track of what I think of as the "Raffles Club," a libertarian counterpart to the left-liberal group of writers who met at New York's Algonquin Hotel in the 20s and 30s. The Hotel Raffles, of course, is on the moon, and it was put there by Robert Heinlein. We can't meet there now, but tomorrow. . . .

Liberty: Let's talk about some of them. Specifically, the radicals. In addition to yourself, certainly Robert Shea and Robert Anton Wilson qualify.

Smith: The "two Bobs" are the best example I can think of regarding the need for Heinleinian humanity *and* Randian rigor. Both Bobs are decent guys, fiendishly good writers, and unquestionable libertarians. They're a bit older than the rest of us who grew up in the movement, however, and lack the benefit of certain things it had to teach us. For example, both have doubts about the free market system, and seem unable to distinguish it from the mercantile fascism we presently labor under. Bob Shea has even written that freedom is an issue separate from property considerations. If he'd give five minutes thought to the way books get produced, he'd see that he's dead wrong. *There.* I've needed to get that off my chest for quite a while. On the other appendage, the *Illuminatus!* trilogy may be the most therapeutic work ever written. My life would certainly be sadder and scarier without it. It's an achievement fully comparable with *Atlas Shrugged*, and I owe Shea and Wilson the same unpayable debt for having written it that I owe Rand and Heinlein.

Liberty: What about Vic Koman? *The Jehovah Contract* is in a class by itself, isn't it?

Smith: Unclassifiable, eclectic—by which I mean there's something there to offend everyone. . . .

Liberty: You praised the book. . . .

Smith: You can't help but praise it. Any reader who shares certain values we all do must praise it. Books that are adventurous and funny, serious—even gloomy—and cheerful at the same time are hard to come by.

Liberty: Vic broke some rules didn't he?

Smith: Vic also has the distinction of being the author of the world's first libertarian-science-fiction-porno novel, *Starship Women*. His working title was *Saucer Sluts*. It had a press-run of three or four thousand copies by Hustler Press, then disappeared. Everybody, including Vic, keeps promising to find me a copy, but. . . .

Liberty: You're also excited about Brian Daley.

Smith: Brian began shortly before I did with the *Coramonde* novels, not specifically libertarian, but containing one element essential to good libertarian science fiction—the ethical warrior. Brian's books all contain a hard, unmistakable core of what you might call gut-level libertarianism. He and I are members of the *Fraternity of the "Falcon,"* since my three Lando Calrissian books followed his three Han Solo books.

Liberty: What about F. Paul Wilson?

Smith: *Wheels Within Wheels* won the first Prometheus Award for best libertarian science fiction. He also wrote a novella, *The Tery*, that's worth trying to find, and has done many good, extremely libertarian short stories. Since I was introduced to his work, I've read everything he's written. I only wish he'd write a non-horror novel which might be called *Repairman Jack: The Early Years*. Jack was the hero of *The Tomb*. Wilson also had a movie made from *The Keep*, for which I envy him.

> *A non-fiction writer can discuss the effects of the minimum wage or what's wrong with the FDA, but that's merely pointing out flaws in a statist system. A science fiction writer can show the positive results in a society where those things have been abolished or never existed.*

Liberty: What about Melinda Snodgrass with *Circuit* and *Circuit Breaker?*

Smith: I picked up *Circuit* in the grocery store because the jacket-blurb made it sound libertarian, took it home and found it was dedicated to Vic Milan, author of *The Cybernetic Samurai* . . .

Liberty: . . . a Prometheus Award winner.

Smith: Right. *Circuit* was a delightful book, and it turned out that Melinda and I had the same editor at Ace, Ginger Buchanan, who told me, "If you like *Circuit*, you'll love *Circuit Breaker*." She sent me the manuscript. Now, I'm eagerly looking forward to Melinda's third book, *Final Circuit*.

Liberty: Since Vic Milan's name has come up, let's talk about *Cybernetic Samurai*.

Smith: I was impressed with *Cybernetic Samurai*. Arbor sent me bound galleys to comment on. I usually hate that, because if the book is no good, what the hell am I going to say? But *Samurai* knocked me out. . . .

Liberty: Vic used to write westerns. Is he still doing that?

Smith: I don't know. They were collaborations, as is *Runespear*, with Melinda Snodgrass—a great adventure-fantasy with some very different points and twists. I recommend it highly. If you read it and think it resembles Indiana Jones, you'll be interested to learn it took a while to sell, and predates the movie. One more thing about Vic, he gives great weapon.

Liberty: Coming from the original interplanetary commando, that's quite a compliment. What do you think of *Moon of Ice* by Brad Linaweaver?

Smith: I read it in short-story form and Brad sent me notes toward its expansion to novel length. In some ways, I think he's chosen the most difficult task of all, writing about the rediscovery of freedom once the world's lost it—something like Ira Levin in *This Perfect Day*. He's gotten away with it too, magnificently.

continued on page 26

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Liberty: Okay . . . We haven't talked about J. Neil Schulman yet, but *Alongside Night* and *The Rainbow Cadenza* were pretty successful books.

Smith: Neil is a very good writer. *Alongside Night* is a terrific book and *The Rainbow Cadenza* offers some really fresh and bizarre ideas. Neil has the same problem as Vic Koman, in that publishers who are supposedly familiar with the innovative nature of science fiction are actually conservatives at heart and at a loss to know what to do with either of them. Also, Neil writes everything in a "white-heat" and exhausts himself, so that he has to wait a long time before he can tackle the next project. If he can ever learn to pace himself, I'll have a lot more good reading to look forward to.

Liberty: Let's talk about Neil Smith for a while. Your first book, *The Probability Broach*, won a Prometheus Award. It looks like you were thinking more of Raymond Chandler than Ayn Rand.

Smith: Definitely. And following behind Chandler, Rex Stout. But even more than Chandler's beautiful writing, his character Phillip Marlow has principles. You may not agree with them, but you've got to admire the way he follows through. Also, Chandler was full of good advice for writers. I have several of his quotes above my desk. One says, "When in doubt, bring a man with a gun through the door." In one of my Lando books I was so badly stuck I brought a man named Jandler through the door with a gun in his hand.

Liberty: But you've gone way beyond that. Each book in the North American Confederacy series stands alone. For example, *Tom Paine Maru* concerns a band of libertarians hell-bent on freeing enslaved planets. *The Nagasaki Vector* is a comedic soap-opera, with its bumbling hero in love with his time machine. *The Gallatin Divergence* takes us back to the Whiskey Rebellion in an attempt to tidy up a few historical problems, and in the meantime, produces a new Declaration of Independence. Raymond Chandler didn't do that.

Smith: I'm convinced that self-styled critics don't—or can't—read. If they could, they'd find I've tried hard to make each book different and fresh. My readers don't have any problem seeing that, and each of my books, such as *The Venus Belt, The Wardove* and *The Crystal Empire*, have their own very vocal partisans.

Libertarian Science Fiction

A partial list that is bound to cause disagreement and cries that valuable writers and works were excluded.

(P) Prometheus Award Winner (PHF) Prometheus Hall of Fame winner

Proto

Poul Anderson—*The Star Fox, Orbit Unlimited, Shield, Trader to the Stars* (PHF)

Alfred Bester—*The Stars My Destination*

Ray Bradbury—*Fahrenheit 451* (PHF)

Algis Budrys—*The Falling Torch*

A. Bertram Chandler—Any of the John Grimes series.

Glen Cook—*A Matter of Time*

Phillip K. Dick—*Radio Free Abelmuth, The Man in the High Castle*

Gordon R. Dickson—The *Dorsai* books

Randall Garrett—*Too Many Magicians, Anything You Can Do*

Donna Henderson—*Pilgrimage, No Different Flesh*

Frank Herbert—The *Dune* cycle taken as a whole.

Aldous Huxley—*Brave New World*

C. M. Kornbluth—*The Syndic* (PHF)

Ira Levin—*This Perfect Day*

George Orwell—*1984* (PHF), *Animal Farm*

H. Beam Piper—*Federation, Fuzzy Sapiens, A Planet for Texans, Lord Kalvan of Otherwhen, Last Enemy, Space Vikings, The Cosmic Computer*

Eric Frank Russell—*W.A.S.P., Three to Conquer, Metamorphosite, The Great Explosion* (PHF)

Early

Robert Heinlein—*The Moon is a Harsh Mistress* (PHF), *Double Star, Mistress, Stranger in a Strange Land* (PHF), *The Juvies, Assignment in Eternity, Between Planets, Beyond This Horizon, Citizen of the Galaxy, The Door Into Summer, Time Enough for Love, The Man Who Sold the Moon, The Day After Tomorrow* (sometimes printed as *Sixth Column), Glory Road, Tunnel in the Sky*

Ayn Rand—*Anthem*(PHF), *Atlas Shrugged* (PHF)

Modern

Brian Daley—*Requiem for a Ruler of Worlds, Jinx on a Terran Inheritance, Fall of the White Ship Avatar*, 2 *Coramonde* novels, *A Tapestry of Magic*, the Han Solo Trilogy

James P. Hogan—*Voyage From Yesteryear* (P), *Inherit the Stars, Gentle Giants of Ganymeade, The Code of the Lifemaker*

Victor Koman—*The Jehovah Contract, Starship Women*

Brad Linaweaver—*Moon of Ice*

Vic Milan—*The Cybernetic Samurai* (P), also co-author of *Runespear* with Melinda Snodgrass.

J. Neil Schulman—*Alongside Night* (P), *The Rainbow Cadenza*

Robert Shea & Robert Anton Wilson—*Illuminatus!* (PHF) Both have written other books. Shea's include *All Things Are Light* and the two volume Japanese *Shike* epic. Wilson has written *The Earth Will Shake, Right Where You Are Sitting Now*, and others.

L. Neil Smith—*The Probability Broach* (P), *The Nagasaki Vector, The Venus Belt, Their Majesties' Bucketeers, Tom Paine Maru, The Gallatin Divergence, The Mindharp of Sharu, The Flamewind of Oseon, The Starcave of Thomboka, The Wardove, The Crystal Empire, Brightsuit MacBear, Henry Martyn, Taflak Lysandra*

Melinda Snodgrass—*Circuit, Circuit Breaker, Final Circuit*, and collaborated with Vic Milan on *Runespear*.

Vernor Vinge—*True Names, The Peace War, Marooned in Realtime* (P)

F. Paul Wilson—*Healer, Wheels Within Wheels* (P), *An Enemy of the State*. Horror: *The Keep, The Tomb, The Touch.*

Ivan the Terrible

Political Culture and Individual Evil

by William P. Moulton

A short time ago I was viewing one of my favorite movies, *Ivan the Terrible.* This somber, brooding masterpiece is rightly regarded by many students of the cinema as one of the greatest films ever produced. With its wild and haunting music, its stark scenes which look as if they might have been animated from a Doré canvas, its gothic plot of murder, betrayal, cruelty and vengeance, and its superhuman portrayal of Ivan by the great Nikolai Cherkassov, it is not a film one soon forgets.

The work does have its detractors. Some critics find the acting style histrionic, and there are substantial historical inaccuracies in the story line. Produced in two parts in the Soviet Union between 1942 and 1946, it reflects Josef Stalin's view of Ivan as the heroic molder of the Russian state and of himself as the all but literal reincarnation of the famous Tsar—although the director, Sergei Eisenstein, was roundly abused by Stalin for not getting Ivan's characterization quite "right" in the first few scenes. In an unusual display of tolerance, Stalin allowed Eisenstein—who by being Jewish already had two strikes against him—not only to live but also to continue with the production of the movie. After his initial intervention, however, the Father of Peoples exercised such a tight control over the film—often having the day's rushes taken directly to him for editing—as to become in effect the co-director.

Whatever else might be said of the movie that emerged from this strange collaboration, there is no doubt that an American-made film on the same subject would have been an entirely different, and perhaps inferior, product. In *Ivan the Terrible,* horror and drama are unrelenting, and the portrayal of emotions is savage and remorseless. Watching it is somewhat akin to watching *Macbeth* (with the porter's scene left out) followed directly by *King Lear.* Of course the particular genius of Eisenstein as a director—he also was responsible for *Battleship Potemkin* and *Alexander Nevsky*—is a major cause of the film's significance. But there is more to it than this. The movie is distinctively Russian in a way that goes beyond the obvious. Only a country that had experienced the reign of an actual Ivan the Terrible could have produced such a movie.

Russian Political Culture

The reign of the historical Ivan was made possible by the existence of a certain type of political culture. The persistence of this culture made it more likely that in good time a Lenin and a Stalin would have the opportunity to inflict their madness upon the country. And this is the reason why *Ivan the Terrible* has never been very popular in America, even among people favorably inclined toward it for Sovietophilic reasons. It is the product of a political culture different from ours.

The phrase "political culture" appears from time to time in the position papers of political activists as some ineffable quality that must be changed before one can really "get something done." Beyond such conventional usages there is a tendency to avoid the topic and allow it to recede beyond the horizon of political discourse. Some analysts avoid it out of optimism—out of a belief that the political culture of their country is so favorable to the development of the best possible institutions that one need only plant a few seeds and prepare to reap the harvest. Others avoid it because they are profoundly pessimistic about their nation's heritage and tend to imagine their ideals as capable of introduction only in small increments and by Machiavellian stratagems.

Americans often have problems analyzing "political culture" because they imagine that other peoples are basically just Americans who dress funny and don't speak quite right. A classic expression of this belief was the ludicrous performance of Woodrow Wilson during the First World War and the succeeding peace conference. Totally ignorant of European affairs, and secure in his simple-minded belief that everyone in the world wanted the abolition of monarchy and the establishment of American-style democracy, convinced that war is merely the result of machinations of wicked rulers, Wilson was eaten alive by the Europeans, who represented culture more cynical and more knowledgeable, though not necessarily any wiser, than his own.

The reign of Ivan was a paradigm of the relationship between political culture and political possibility. He was born in 1530, the son of Vassily III, Grand Duke of Muscovy, the most important component of the area known as "Rus." Since the early 1300s the princes of this state had been expanding their domain by various means, and by the time of Ivan's birth Muscovy, with Moscow as its capital, ruled about half of what is now European Russia. When

his father died in 1533, Ivan ascended the throne as Ivan IV. After a dangerous intrigue-filled childhood, at the age of sixteen he began to rule in his own right. He took the title Tsar (the Russian word for Caesar). This title, borne by all subsequent Russian monarchs, meant that Ivan was now an Emperor. It symbolized the growing Russian belief that Moscow was destined to be the Third Rome (the second being Constantinople). During the remainder of his reign, which lasted until his death from natural causes in 1584, Muscovy continued its military expansion, especially in the east, where for the first time Russians ventured into the mostly empty vastness of Siberia. By his later years his realm was generally called, not Muscovy, but Russia. By that time, also, he was generally known as Ivan Grozny, "The Terrible."

These aspects of his life would, in themselves, make Ivan a relatively important figure in European history, though less important than, for example, Peter the Great or Metternich, to say nothing of Napoleon or Marx. It is not his status as the first Tsar, however, or as the creator of the modern Russian state, that has guaranteed Ivan's fame. Rather, it is his reputation as one of the most evil men in history. He is the Platonic image, the *vera icona*, of the "wicked prince." Indeed, the very conception of personal evil, as it applies to a monarch or other chief of state, has been heavily influenced by the memory of Ivan's reign. It is only in the twentieth century, with the coming of mass propaganda and of the modern totalitarian type of despot, that his image as the ultimate *typus* of evil tyrant has begun to fade.

The Nature of Ivan's Evil

Ivan was a member of that (fortunately rather small) subset of political chieftains who have treated power mainly as an opportunity to murder people. The most productive way of looking at Ivan is as a psychotic mass murderer who happened to be absolute monarch of a large and important country. There can be no real doubt of this fact. Although he naturally had to deal with some of the normal business of the state, and he gave some thought to the direction of military operations in the endless wars involving Russia, Livonia, Poland, Sweden, and Turkey, his real enjoyment of power was manifest in the forty-year orgy of torture, murder and desolation which he visited upon the Russian people. Unlike modern technocrats of death such as Stalin and Hitler, Ivan took a personal interest and delight in the annihilation of his victims. He possessed a sensual fascination, not just with murder, but with the actual physical process of death, and especially with death by fiendish torture. He loved the sight and sound and smell of it. On countless occasions he would personally assist in these grisly matters. His search for new and interesting victims was endless—he liked variety in all things. Thus the destruction of human lives went on. Year after year those whose names wound up on Ivan's list—and those added on the spur of the moment—were roasted, hanged, shot, impaled, boiled, beheaded, drowned, speared, burned alive, strangled, trampled, flayed, torn apart by dogs. When the killing of individuals palled, he had whole families butchered, then districts, then towns and cities. The ancient commercial city of Novgorod, possibly the wealthiest community in Ivan's empire, was destroyed, its inhabitants exterminated, for disloyalty, a crime which, as far as we can judge, existed only in the diseased mind of the sovereign.

For a parallel one would have to fantasize an American president who routinely invited congressmen to the White House to murder them and whose normal entertainment for foreign ambassadors was to have a cabinet secretary tortured to death during a state dinner.

The names of even his most prominent victims would not be recognized in the West except by a specialist in Russian history. Suffice it to say that there is nothing in the English-speaking world—and only a few reigns in world history prior to the twentieth century—that can even remotely be compared to his butchery. For a parallel one would have to fantasize an American president who routinely invited congressmen to the White House to murder them, often with his own hands, who killed everyone who had in any way helped him to attain office, and whose normal entertainment for foreign ambassadors was to have a cabinet secretary tortured to death during a state dinner.

Put in this way, the usual response will be, "But this is ridiculous. Nothing like that could happen in this country." That is true. It is also true that such things could not have happened during Ivan's time in, for example, England or France. Elizabeth I was a strong-willed and powerful queen, sometimes imperious and unjust. But can anyone with even the most superficial knowledge of history imagine the great queen inviting the Duke of Westminster to St. James to partake of a feast while they watched the Archbishop of Canterbury being roasted to death on a spit? Of course not. The idea is absurd. My point is not that Ivan was mad and cruel and Elizabeth basically wise and good, though this is surely the case. The much more important point is that there were in England institutions and attitudes and a consensus about what is permissible which made such things utterly impossible. A monarch who attempted to rule as a demented murderer would be made to desist or, more likely, be removed from the throne. (Several Western monarchies had had kings who were deposed for misconduct substantially less grievous than Ivan's.)

It is useless to attempt an analysis of the personal psychology of Ivan the Terrible. One assumes he was a psychopath, but obviously that is not the whole story. The concept of "sadist" is certainly applicable, but seems to fall short of an explanation. As mentioned above, Ivan's love of torture and death, of screams and torment and despair, was erotic and sensuous. In his daily routine he went from scenes of torture and execution to the bedroom and back again. The link between sex and murder was for him unbreakable.

The inner demons that drove Ivan are probably incomprehensible to a sane person. The only real clue he left posterity was his frequent statement to his courtiers (unlike some tyrants, he loved to talk) that there were degrees of torment and anguish beyond which no dignity was possible. He would muse to his audience, "Remember old Bishop so-and-so who was here yesterday, with his beautiful robes and long white

beard. How elegant do you suppose he would look if he were being flayed alive with chains?" The reality would quickly follow the reflection. With the passage of time and the remoteness of the civilization involved, the mad Tsar's motives have become shadowy and fiction-like, resembling those of an evil character in a mediocre fantasy novel. What is more relevant to our purpose is an examination of several lessons that can be learned from a study of this bizarre reign. In Russia there were no powerful countervailing institutions to the throne. The church was subservient, and became more so during Ivan's reign. Landowners held their estates at the pleasure of the Tsar, and he frequently switched people and landholders around. There was no liberal concept of landholding, except to a very small degree in the cities. Merchants were considered necessary, but were held in low esteem. If it were decided, say, that Yaroslavl needed more saddlemakers and fewer silversmiths, the former would be moved from Moscow or Smolensk while silversmiths would be marched off to Kazan or Pskov. The notion that the persons involved might have a claim on their own lives and careers was not formally rejected—it simply did not exist in that political culture. The relation of the Russian populace to the Tsar was one of submission and silence.

Role of the Individual in History

Although extra-personal factors determine the limits of what is possible, the nature of Ivan's reign was determined by the Tsar himself, and the motive force was his own personality. There is not the remotest sense in which Ivan's crimes were the result of the material productive forces of society. To apply this nostrum to Ivan would be an obscene insult to the memory of his countless victims. But apart from the extreme Marxist view just mentioned, it is not even correct to say that Ivan was part of a historical trend. Russia was backward and ignorant in many ways. It was definitely not a liberal society. But it did not have a tradition of cruel rulers. Despite attempts since the mid-nineteenth century to rewrite history as merely the working and clashing of impersonal forces, the fact remains that actual people are the ones who make decisions, and some have literally changed the course of history by doing so. Individuals in different political cultures from our own are not necessarily amenable to those personal influences that we might consider likely to condition them.

Education and Intelligence Do Not Guarantee Decency and Mercy

Ivan the Terrible was not a barbarian or a witless primitive. He was intelligent and had displayed genuine intellectual curiosity from an early age. Although his education was unsystematic it was thorough by sixteenth-century standards, and he remained a voracious reader throughout his life. While not a Westernizer in the sense that Peter the Great was, he desired to absorb those portions of Western learning that would be of use to him. He was especially fascinated with England, which he regarded as a miraculous and exotic land filled with clever people and inventions. He was always writing letters to Elizabeth, and even preposterously suggested marriage. He imported large numbers of books from western Europe, and read as many as possible himself. He established the first printing press in Russia. In all probability he was the best-read man in his empire. Did this learning moderate his brutality or distract him from his crimes? Not in the least.

Year after year, those whose names wound up on Ivan's list were roasted, hanged, shot, impaled, boiled, beheaded, drowned, speared, burned alive, strangled, trampled, flayed, torn apart by dogs. . . .

Neither Does Religion . . .

It no doubt pains conservatives to contemplate the fact, but history provides no evidence whatever for the idea that a religiously-minded ruler is more likely to be moral or humane or decent than a non-religious one. Nor does the particular religion involved seem to bear on such matters. Nor does the extent of religious observance among the populace. The humanity and honesty of a society, or lack thereof, are rooted in a great number of habits and attitudes, of which religious belief is only one among many, and seldom dominant.

That Ivan the Terrible was sincerely religious, a devout communicant of the Russian Orthodox Church, is beyond doubt. He was, in fact, a religion junkie. His various domiciles were awash with icons. On even the shortest trip he would stop at every monastery, church and shrine. It is reliably attested that he developed a callus on his forehead from constant *proskynesis* before icons. His every project, and especially those of a military nature, was blessed by bishop or metropolitan in a solemn ceremony. Even his dread murder squad, the *oprichniki*, were dragged constantly to church by their Godfearing master. Ivan seemed genuinely to enjoy Orthodox services, and would sometimes stand for hours chanting responses and then kneel for more hours in prayer before an icon of some favorite saint. He took theology seriously enough to make a personal study of Lutheranism, inviting German scholars to Moscow for the purpose of questioning them concerning the Augsburg Confession. Although he ultimately rejected the arguments of the Lutherans, he allowed them to build a church in his capital city so he would have someone to ask if he came up with more questions.

Did this excessive, hothouse religiosity have a salutary effect on Ivan's personal morality? Not in the slightest. He went from church to torture chamber to orgy to brutal execution and back to church, week in and week out. Of course this was related to his notion of himself as a sort of partner of God, and more precisely of the vengeful God of the Old Testament.

People and Civilizations Don't Always Act in the Way We Assume We Would Act If In the Same Position

This point may seem obvious. After all, who has ever maintained that an Arabian sheik is going to have the same ambitions and values as the governor of Ohio? And yet there is a tendency on the part of Americans to assume that other regimes will at least function according to basic rules of common sense. As I hope this article has demonstrated, such is not necessarily the case. The

"common sense" thing for Hitler to have done around 1942 would have been to put his racial and anti-Semitic fantasies on the back burner, adopt a merely defensive posture toward the Western allies, and proclaim a war of anti-Bolshevik liberation in the East. Had he done these things, he might have won World War II. He doesn't seem to have even considered them. The "common sense" thing for Stalin to have done around 1938 would have been to strengthen the Red Army by downplaying political criteria for advancement, ending the morale-destroying system of dual authority (with a military and a political officer in each post) and moderating the atmosphere of denunciation, hysteria and treason-hunting that put everyone in a position of paranoid defensiveness. Instead, he fell on his armed forces like a wolf on the fold, destroying almost the entire officer corps—in effect saying to his country's enemies "attack when ready!"

In the first case, one has to assume either that Hitler was simply stupid—which he was not—or that his prime goal by 1942 was to exterminate the Jews of Europe regardless of the military consequences. This doesn't mean that he didn't want to win the war also. It just wasn't his first priority, although it seems to us that it "should" have been. Similarly, Stalin was willing greatly to weaken the Soviet Union, and risk his own position as absolute master of that country, in order to satisfy his paranoid lust for vengeance against his mostly imaginary enemies. No doubt he "should" have acted differently. But what of it? The famous miser Hetty Green "should" have enjoyed her vast fortune instead of living in squalor, sleeping in the basements of buildings she owned, and rationing herself to a little oatmeal each morning. But of course she *was* enjoying her fortune, by holding onto it and contemplating its growth. What we really mean is that *we* would spend her money, if we suddenly had it, on all sorts of fun things. Again, what of it? People don't act the way we would, or think as we would.

It is also true that cultures filter artistic and historical perceptions in different ways. Values, a sense of continuity (or its lack), and appeals to mythic symbols—all these form a sort of conceptual shorthand that facilitate appreciation and criticism in both the academic and the vulgar sense. And emotional responses change over both time and distance.

The values of societies and the motives of individuals are complex and sometimes mysterious things. Though it may be possible to unlock their mysteries, it takes time, and there is no master key.

When the actual Duncan III of Scotland was killed by his cousin Macbeth in 1040, probably few people were actually outraged. Duncan was only an exalted clan chieftain, and the office frequently changed hands (usually with violence) among the warrior chiefs of the ruling clique. By the time Shakespeare presented the deed on the stage in 1604, the concept of the divine right of kings was in full flower, and the murder of a monarch was seen as a hellish crime, an obscenity and blasphemy against God and the entire social order.

Similarly, there is an inevitable gap between the ways in which a Russian and an American audience view *Ivan the Terrible*. For us the film is a sort of exotic and brutal fairy tale, though based on actual events. For the Russians, the film is much closer to the wellsprings of life, nation, and the individual soul.

What conclusion should be drawn from contrasts between cultures and between people? Certainly I'm not claiming that there is any biological obstacle to the adoption by someone, or even a whole society, of values and folkways that originate in another civilization. After all, it has happened. Although the change or adaptation may not be as total as it might seem at first glance, Japan is far more westernized now than at the time of its opening to the outside world in 1854. But is it more Western than it is Japanese? Probably not.

The point is *not* that we should become pessimistic about promoting whatever change we desire in non-western nations, or that we should be intimidated by the presence of cultural traditions that seem hostile to our goals. After all, not all of our own traditions are friendly, nor are all foreign ones inimical. What I am saying is that we need a certain patience and a sense of perspective and of the possible. The values of societies, and the motives of individuals, are complex and sometimes mysterious things. It may be possible to unlock the mysteries, but it takes time, and there is no master key. ❑

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Nicaragua:
The Case for Non-Intervention

by William Kelsey

In the May *Liberty*, Gary Alexander reported on his visit to war-torn Nicaragua and argued for libertarian support for the *Contras*. Bill Kelsey also visited Nicaragua, but came away with a very different conclusion.

In the fall of 1984, I went to Nicaragua, to see what I could for myself. I travelled for two weeks under the auspices of Witness for Peace, a religious pacifist organization dedicated to educating the American public on the situation there. Its stated goal is to work for a cutoff of aid to the Contras and to allow Nicaragua to rebuild from war and earthquake without the threat of foreign intervention. Knowing that I'd be confronted with, "But they showed you what they wanted you to see . . ." I stayed an extra two weeks on my own.

During the two weeks with WFP I spent time in Managua, Leon, and Somotillo with excursions to various small villages. I visited politicians of the Sandinista FSLN and the opposition Liberal Independent Party (PLI), attended services in Baptist and Catholic churches, and spent a fair amount of time on my own mixing with the local people. During my extra two weeks I travelled—hitch-hiking and by bus—to San Juan del Sur, then to Costa Rica and back to Managua and down to Corinto during the MIG crisis. I had the opportunity to participate with a journalist in interviews with Archbishop Obando y Bravo and Arturo Cruz, the presidential candidate who was boycotting the election process, and with a number of individuals both supportive and opposed to the Sandinista regime.

First, let's deal with the problem of "seeing only what they want you to see." In a sense, this is always a problem: No host shows a visitor what that host doesn't want the visitor to see. A more relevant issue is, "Were you prevented from seeing something you wanted to see?"

As a practical matter for getting around in a foreign country, it is helpful to have a host who will handle logistics in order to get one to the greatest possible number of interviews and appointments in a particular amount of time. But whoever that host might be—the government, Witness for Peace, the opposition Coordinadora, the Catholic hierarchy, or Pentecostal missionaries, one will see and hear roughly what the host wants to have seen or heard. I belabor this point to shed some light on why it is possible for visitors to return from Nicaragua with vastly differing conclusions.

A Persian folk tale tells of a wise old Sufi who while travelling met a man who asked about the people in the town ahead of him. "What were the people like in the town from which you came?" asked the Sufi.

"They were hostile, rude, and inhospitable," replied the man.

"The town ahead of you is full of the same kind of people," said the Sufi. A short while later the wise man met another traveller who asked the same question. Again, he responded with the question, "What were the people like in the town from which you came?"

"They were generous, friendly, and hospitable," he replied.

Again came the answer, "The town ahead is full of the same kind of people."

The moral of this little tale holds true in varying degrees wherever one travels. When one is on a political fact-finding tour the facts uncovered will usually reinforce the investigator's world view. Visitors unconsciously give off signals that reveal what their views might be. Those who do not support those views tend to avoid prolonged discussion with the visitor, except for a few who might enjoy argument. Those in general agreement with the visitor will come forward, engage in long conversations, invite him or her to meet others with similar views, and so on. As if led by an invisible hand, prejudgments are confirmed.

The phenomenon is further developed in dependent Third World countries where hosts stand a chance of receiving a subsequent contribution from the visitor. There is an understandable reluctance to offend the rich tourist with facts that might disturb his sensibilities, thus tightening the purse-strings. (North Yemeni politicians, for example, have become skilled at knowing what American and Soviet diplomats like to hear, and regularly swindle them both).

A traveller dependent on local translators should expect this effect to be in-

tensified. A translator may pick out respondents who will do the fact-finder the "favor" of producing the desired information, appropriate anecdotes, or worthy quotes. In this case the "invisible hand" is hardly invisible at all.

Finally, the mind is a self-reinforcing mechanism. It is possible for the mind to disregard small sights, sounds, and hints that would disturb a preconceived notion. Larger dissonant sights and sounds can be dealt with by the process of denial. A researcher will be understandably less diligent in going out of the way to discover facts that would shoot holes in a carefully prepared construct. In this matter, a valid question would be: "Did you want to see enough?"

Doing my best to be on guard against such self-deception I was able to come up with anecdotal evidence to support any number of views on Nicaragua. This may be a perplexing situation, but it is not a conclusion.

Any conclusion made must take into account these—and other—inherent limitations on knowledge. Travelling in a country for one month with an intermediate fluency in the language does not qualify anyone as an expert. When I lived in the Middle East, I was constantly amused to witness the number of visitors who felt themselves equipped to write articles or even books after spending a few weeks in the area.

I have spent significant portions of my life in war zones, in military service, and in amateur and academic research into the causes of war and the motivations of those who participate. Having acknowledged a certain lack of expertise on Nicaragua itself, I will submit that I am nevertheless justified in advocating non-intervention *for reasons of ignorance* alone. Individuals with similar—or even superior—levels of knowledge and experience who claim to have figured out exactly who deserves to die and who should do the killing are threats to themselves and to others.

Think of it as Democracy in Action

Our group was fortunate enough to be present at preparations for and observation of actual voting in the Nicaraguan elections. We met with the leadership of the electoral commission for an explanation of the electoral process and of the myriad details necessary to ensure fairness. Six parties were on the ballot besides the Sandinista FSLN—three Communist parties on the left and three free-market oriented parties on the right. A bewildering set of recriminations and accusations were made regarding the fact that Arturo Cruz and his Coordinadora group were not on the ballot. Cruz had withdrawn after initially supporting registration for the vote. Additionally Virgil Godoy of PLI withdrew from the race after a visit to the U.S. Ambassador. But ballots had already been printed with a space for PLI and when it won a few seats in the National Assembly, PLI reversed its position and accepted them.

The situation in Nicaragua was the reverse of that here in the United States. While Democrats and Republicans do their best to keep small parties off the ballot, the Sandinistas were doing their best to persuade opposition parties to join. Efforts were made to ensure that each party received air time and advertising space in the newspapers. On one day a newspaper simultaneously carried an ad by the Communist Party promising to topple the "bourgeois capitalist Sandinistas" and another by the Conservative Democratic Party promising to bring down the "communistic Sandinista dictatorship." I found out more about the opposition parties and their candidates from the mass media and their own literature than Americans here learn about Libertarians.

Meanwhile, the U.S. Embassy did its best to persuade opposition parties to boycott the election on the grounds that it was a sham. When Arturo Cruz withdrew, his withdrawal was presented by Reagan as proof that it was indeed a sham. I had the opportunity to speak personally to Cruz about the matter. Again the accusations were complex, but I came away wishing that we Libertarians had the same ballot access problems he did. It appears that both he and the U.S. Embassy recognized that he would receive about 5% of the vote and thus forfeit his claim to be the main contender for power. After the elections Cruz left for Miami and Washington for a brief career with the Contra leadership. When he resigned from the Contra Directorate after a power struggle, his erstwhile supporters, Elliot Abrams and Jeanne Kirkpatrick, both dismissed him as irrelevant to the Nicaraguan scene. In a recent television interview he said that it was a mistake for him to have boycotted the elections.

The electoral system combines an American presidential system with a European parliamentary system. Seats in the 99 person Assembly are apportioned according to the percentage of votes received by the respective parties. Additionally, every losing presidential candidate is guaranteed a seat. If the United States had the Nicaraguan electoral system, David Bergland and several other Libertarians would have seats in Congress today.

The election and the ballot counting was watched by a flood of non-Communist observers, both friendly and hostile, from around the world. The consensus was that it was fair, honest, and open. Reagan and his allies have continued, like broken records, to denounce the elections as a sham, without ever really explaining what made them so. Meanwhile, back in Texas, we had Republicans and Democrats on the ballot, but no Libertarians. Anyone anxious to criticize Nicaragua's election would do well to take a closer look at our own.

On Targets

Nicaragua is a war zone, and visitors to war zones inevitably encounter orphans, the bereaved, and the maimed. Civilian casualties are the consequences of war technology in the hands of fallible human beings. It is impossible to target artillery or mortars with precision, and it is impossible to predict who might actually drive over a mine set for a tank. People make mistakes when typing, when driving, and when repairing cars. Combat is no exception. Mistakes are made and the innocent die. But in war, killing is the rule, not the exception, and the death of innocent people is multiplied far beyond the errors evident in risky activities during peace-time.

Friends of the Contras have written much of Sandinista atrocities while managing to ignore the Contra record on the matter. Deliberate executions are not only documented by foreign observers, but defended by Contras and their backers on the grounds that the victims are Sandinistas or their sympathizers. A U.S. Embassy spokesman justified this policy in Managua in 1984. When I asked him about the recent disembowling of a schoolteacher in front of her students in Ocotal, he answered that since she was an FSLN party member she was a legitimate target.

In 1985 the Contras were advised by the State Department to define their targets more discriminately. The legitimate targets were to include FSLN party

members, members of unions sympathetic to the Sandinistas, all government workers—including teachers, postal workers, and health workers, peasants who had organized into Sandinista-sponsored cooperatives, and so on—for a total of what would be half the population of the country.

Supporters of the Contras should be aware of this; if they agree with this policy, I think they owe us an explanation. The insistence of Reagan, the TV evangelists, and the reactionary right that these atrocities are committed by disguised Sandinistas is the most fantastic case of denial since the 1930s when American Communists refused to believe that Stalin was executing his opponents.

It would be a mistake to draw the conclusion, as some on the left do, that these atrocities provide good reason for a more thorough prosecution of the war against the Contras. No doubt supporters of the Contras can visit camps in Honduras and record reports of atrocities by the Nicaraguan army. They likewise might feel tempted to use these events to justify further armed struggle against the Sandinistas. But at fault is the war itself: any encouragement of that war will produce further horror.

Those who would like to see a free market develop in Nicaragua would do well to introduce the concept by some means other than a protracted and bloody civil war.

Making Comparisons

The situation in nearby Guatemala offers a striking contrast. While in Nicaragua it is possible—even likely—for two people to visit the same city and come away with diametrically opposed views, in Guatemala the lessons do not appear to be so clear. There the damning evidence and the dissident testimony are suppressed: those who say the wrong things die. So an investigator with a right-wing outlook will likely miss hearing about the thousands of Indians slaughtered by the troops of General Rios Montt in Guatemala, but can visit Nicaragua and talk openly to Miskitos about their grievances against the Sandinistas, none of which approach the magnitude of the horror in Guatemala. His impression would be skewed beyond recognition.

I believe that Nicaragua has more openness and freedom of speech and expression than most Third World countries I have visited or lived in and certainly more than any other country engaged in a civil war. Although it is not honest to justify one society's shortcomings by comparing it to a worse one, it is still worth noting that Taiwan, Singapore, Indonesia, Thailand, Pakistan, Oman, Saudi Arabia, Bahrain, and Jordan—all countries in which I have experience, and all U. S. allies—do not allow the expression of opposition one finds in Nicaragua. Those who have positive feelings towards Reagan say so—in restaurants in front of waiters. Politicians who do not like the Sandinistas hold court in Managua's Intercontinental Hotel, denouncing their government to the foreign media. Whatever the grievances of dissidents, a lack of freedom of expression is not one of them. Consequently, it is especially easy for a North American to fly into Managua and to meet up with members of COSEP or the Coordinadora, be driven to homes and offices where particular points of view will be heard, and return to the United States with an impression of a Nicaragua in rebellion and repression.

Critics of the Sandinistas have made much of the fact that there are political prisoners in Managua. Among those in jail are prisoners of war and captured agents of the Contras. A few are what we would consider prisoners of conscience—folks who have been locked up for saying the wrong thing. I do not have a breakdown of what numbers of prisoners are in each category. As for the total number, Contra sympathizers in the United States bandy about a figure of 10,000, while the Contras themselves, in the most recent negotiations, are giving a figure of 3,000. Whatever the figures, they represent *prisoners who are alive*. We hope they will all be free someday. But what we should remember—and what Contra advocates tend to forget—is that in El Salvador such dissidents die. They can be found in dumps and at roadsides, with thumbs tied together and heads missing. I have the videos—fresh bodies, decomposed bodies, and dog-chewed bodies. The president of that sad country visits the White House and kisses the American flag. Those who diligently list the sins of the Sandinistas, the virtues of the Contras ("founding fathers," no less!) and attempt to rally support for a crusade against the Soviet Empire while turning a blind eye to events in Guatemala or El Salvador are either naive or have a suspect agenda, to say the least.

Americans who travel to Nicaragua with Witness for Peace, on the other hand, generally return more convinced than ever to work against aid to the Contras and express varying degrees of moral support for the "process," as it is called. This is not surprising. But it should be noted that their moral support of the Sandinistas does not extend to the military draft. Nor are they comfortable with the Nicaraguan military. WFP vehicles do not give rides to anyone in the army or to anyone carrying a weapon. WFP lobbies the American government against aid to the Contras and they lobby the Sandinistas against the draft and militarism. They do not share the Contra fan's enthusiasm for armed struggle.

Witness for Peace did take us to visit opposition politicians. We also had time to talk to the people in the streets, although I did observe occasional lapses into the deceptive mechanisms described. I have not determined the extent to which I might have misled myself in the process, though clearly I reinforced my view that one finds what one looks for. The long-term members of WFP, all of whom were Americans or Canadians fluent in Spanish, stayed in the country for terms of six months to several years, researching and documenting the war and political developments. Politically they ranged from liberal Democrats to Catholic Worker anarchists, and there was at least one "small l" libertarian. They seemed to be honest and thorough in their research. With the exception of economic matters they do not hesitate to investigate and record human-rights violations on the part of the Sandinistas. Much of my current information comes from their newsletters. *

A source of my own frustration with Witness for Peace is the inability of most of its members to discuss econom-

* To receive this newsletter, write: Witness for Peace Newsletter, PO Box 567 Durham, NC 27702.

ic issues intelligently—if at all. Economic failures are blamed on the war and little effort goes into analysis beyond that. Naturally, a black market exists in Nicaragua which WFP does not patronize—to the great disadvantage of its staff. We had to agree not to change our dollars on the black market, lest we harm the economy of the country further. I did my best to make the case that the desires of people who wanted the dollars should take precedence over the desire of the government to have the same dollars at a much lower cost. As foreigners from a country hostile to Nicaragua, it was of course pragmatic for WFP members to try to avoid breaking local laws. However, it seemed to me that most of them believed in the controls. They were unable to perceive crackdowns on the free market as violations of human rights. Confiscations of merchandise from "speculators" were not recognized as theft.

Perhaps they feel that economics is a pedantic matter, in contrast to the powerful and emotionally draining evidence of atrocities they gather in the field. On February 6 of this year, Erik Nicholson, a long term member, travelled to Quilali to investigate a massacre which had taken place when three Claymore mines blasted a civilian truck, instantly killing sixteen individuals and injuring another nineteen, of whom three later died. No sooner had he recorded the eyewitness accounts and attended the funerals than a U.S.-made hand grenade was thrown into a crowd of 200 who were protesting the mining incident. Six of the ten dead and twenty-one of the thirty-two injured were under sixteen years of age. In case anyone should wonder, he did gather pieces of the grenade to investigate its origin. After attending the burials of victims of the second incident I suspect he was not in a mood to discuss free market economics. The subject would be better addressed in a less violent atmosphere.

The Health of the State

The most obvious failure of the Sandinistas, and the source of our greatest difference with them, lies in their efforts to socialize their economy. They have made a well-publicized mess of it. The Nicaraguan attempt at socialism is a reason for scrupulously avoiding armed conflict with the Sandinistas—not an excuse for developing one.

Those who would like to see a free market develop in Nicaragua would do well to introduce the concept by some means other than a protracted and bloody civil war. Socialist societies at peace have been recognizing their failures and liberalizing their economies as quickly as they can get away with it. War, on the other hand, provides socialists with a great excuse: in a society at war it is difficult to determine the extent to which, say, a gasoline shortage is due to government mismanagement or to enemy destruction of fuel storage tanks. Precisely because the Nicaraguan government can blame economic failures on the Contras it will never be clear to what degree socialist controls are at fault. War is the health of the state, as Randolph Bourne pointed out. And war is particularly the health of socialist states.

Just what is the society envisioned by the Contras? Have they come up with a Bill of Rights, a statement of principles, a Magna Carta, a proposed Constitution, or even a poem?

Libertarians who stand for free enterprise should scrupulously avoid any action on which Sandinistas could blame their failures. A true libertarian does not call for sabotage—government or private—against a competitor's enterprise; a *savvy* libertarian does not take action in the political "market" that actually reinforces his opponents. How ironic it is that in this situation it is socialist Nicaragua that desires free trade with the United States and supposedly capitalist Reagan who forbids such trade.

The idea that a prosperous nation of 230 million should feel threatened by a dirt-poor socialist nation of three million shows a puzzling lack of self-confidence on the part of conservatives in America. It is even more baffling that some libertarians share this insecurity.

The Logic of Violence

The horrors of the long Somoza dynasty and the degree to which his family controlled the land and the wealth is well known and well documented. It is a common expression to refer to a dictator selling the blood of his people, but in Nicaragua it was no metaphor: the Somoza family owned a company named Plasmafereria that sold Nicaraguan blood to North America. His National Guard Officers owned brothels where kidnapped young girls were held against their will. In 1952 an "agrarian reform" program subsidized by the American taxpayer had thousands of peasants evicted from their land at bayonet point. The lands were consolidated into cotton plantations, and controlled by Guardia officers. U.S. Aid funds sent after the 1972 earthquake for housing reconstruction were used to build large luxury villas for Guardia officers. (These villas came into possession of the Sandinistas after the insurrection and have been used as guest houses for foreign dignitaries and journalists. Some of these guests, such as *New Republic*'s Leiken, ever intent on finding facts to fit preconceived notions, have written that the villas were a sign of Sandinista decadence.)

The history of Nicaragua for the past century has been one of U.S. intervention, occupation, and manipulation. Highlights include the destruction of Greytown in 1854 by the USS Cyane after an American diplomat was roughed up in town; the aerial terror bombing of Ocotal by Marines on June 16, 1927, at a cost of 300 civilian lives—eleven years before the Nazis did the same to Guernica, Spain; the Marine occupation from 1912 to 1933; the murder in 1934 of nationalist hero Sandino during truce talks at the order of U.S. Ambassador Arthur Bliss Lane; the installation and support of the Somoza dynasty from 1936 to 1979; and now—since 1980—the Contra war.

Somoza committed his crimes against the Nicaraguan people in the name of capitalism. Never mind that his definition of the word was different from ours—the young teenagers who took to the hills and the streets to overthrow him can be forgiven for not realizing that. But we must recognize that U. S. complicity in the Somoza regime further reinforced this impression. This suggests important lessons for those who seek to spread freedom throughout the world. More importantly, it says something about the limitations of violence in leading to successful reform.

These lessons can also be learned by studying the Sandinista revolution. It may be that the greatest historical error on the part of the Sandinista revolution was the choice to use armed force. As with all people who resort to armed struggle, there is convincing argument that they had no other choice. Once the choice was made, however, the tragedy unfolded.

Armed conflict does not train its participants for future peaceful resolution of conflict. Those who rise to leadership tend to be those most skilled in combat and least prepared for future conciliation: military organization is almost of necessity *authoritarian* organization. Furthermore, when there are winners there are losers and the losers may seek revenge (and have the common sentiments of "justice" to back them up). The more often internal contradictions are met with by coercive measures, the greater the potential for violent reaction—and so the cycle continues.

After the American Revolution, we threw out the Tories, purged Tom Paine, kept blacks in actual slavery, and pursued a policy of genocide against the Indians. And we congratulate ourselves on our revolution; we hold it up as a model of how revolutions can succeed. The question we should ask ourselves is: what would have happened to the young republic or the Bill of Rights if a foreign power, noting the extensive "human rights violations," had decided to subsidize the Tory exiles in a campaign of violence and mayhem?

The historical error of the Sandinistas is also the error of the Contras and their backers. In the improbable event of a Contra victory there would be Sandinista losers. Dare we ask what their fate would be in a Contra Nicaragua? Would they have the rights Contras claim are denied them? Would that victory produce a society of which Contra backers would be proud? Just what is the society envisioned by the Contras? Have they come up with a Bill of Rights, a statement of principles, a Magna Carta, a proposed Constitution, or even a poem?

Many Americans have internalized the lessons of Western movies: problems will disappear if shot at. Few have had the experience of being in combat or living in a war zone. It is no accident that the leading opponents of America's wars abroad are veterans of past wars; while prominent among those who have pushed the Contra case are folks like Ronald Reagan, Newt Gengrich, Elliot Abrams, Pat Robertson, and Pat Buchanan who compulsively urge others to risk their lives in combat, although they never risked their own lives. Apparently they do not feel strongly enough about their adopted cause to encourage other North Americans to volunteer—the blood of Latin *campesinos* will do.

It requires a tremendous leap of faith and imagination to believe that either the government or private citizens of America are in a moral position to participate in violent intervention with Nicaragua's destiny. Problems if shot at do not disappear, they multiply. Whatever society develops must come as a result of the internal processes of Nicaragua itself. The best thing

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"The *contra* cause as defined in Washington," Chamorro writes, "has been an effort aimed at convincing Americans to believe in a fantasy which has very little to do with Nicaragua. My story will, I hope, demonstrate the vast reaches of this disinformation and propaganda effort, by a behind-the-scenes account of its inception."

Since 1982 the merchandising, or "packaging," of the *contras* has been central to the Reagan administration's success in securing the appropriation of hundreds of millions of dollars to support the *contra* war, according to Chamorro.

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foreigners can do is to provide the example and share the knowledge of the art of peace.

The Logic of Sympathy

Tens of thousands of Americans have travelled to Nicaragua in various capacities. Of those who speak Spanish and have lived with the people for any length of time, the overwhelming majority are outraged by the perpetuation of the war. Many are refusing to pay Federal taxes. Many are engaged in non-violent rebellion against the Federal government. Some have even lain in front of ammunition trains; Vietnam veteran Brian Willson lost his legs during one such protest. These dissidents have raised more than $100 million in voluntary contributions—not for guns and mines, but for schools, health projects, and reconstruction programs in Nicaragua. Most such projects are privately undertaken and administered.

The constituency of North Americans emotionally bonded to Nicaragua is open to hearing about a political movement that respects voluntarism, believes in free trade with all, opposes foreign intervention, and respects tax resistance. These folk would be attracted to a movement that did not advocate the continued killing of their Nicaraguan friends and repelled by one which did. It would be a tragedy if the opportunity to reach these admirable people were lost because libertarians were perceived as being in collusion with an unpopular CIA agenda or as sharing the senile obsessions of Ronald Reagan.

Peace in Nicaragua: A Possible Dream

The great danger when discussing "foreign entanglements" is to fall into dualistic hyperbole: to say that any force opposing an evil institution must itself be just. English writers who objected to British participation in the Crimean War felt it necessary to praise the virtues of the Tsar. Opponents of the war in Vietnam often endorsed the Vietnamese Communists. This rhetorical strategy is dangerous. It was no more necessary to prove the goodness of the NLF in order to denounce an imperial technology gone berserk against the people, land, foliage, and wildlife of the unfortunate country of Vietnam than it was to apologise for the Tsar in order to oppose the disastrous war in Crimea.

This dualistic trap is in place regarding the Nicaragua controversy. Opponents of aid to the Contras often find it necessary to paint a positive picture of the Sandinistas; those opposing the Sandinistas find themselves supporting either public or private aid to the Contras. It is essential to take an honest look at what both the Sandinistas and Contras are and what they are not. More importantly, it is imperative that we have a profound understanding of what the war is, what it does, and what it is likely to do in the future.

> *The question is whether libertarians should be principled non-interventionists or whether we should act as a cheering section for various armed factions in the Third World.*

A traveller in search of Truth, in search of Decency, long betrayed by states, by military forces, organizations and the frailties of leaders, finds in libertarianism a movement that will not choose his enemies or compel him to participate in the killing of his friends. The Libertarian Party will not espouse intervention by the state in foreign conflicts which might violate the conscience and sensibilities of any citizen. While politicians of other parties fall all over each other making excuses for favored foreign nations (such as Israel), libertarians will only call for a total, complete, and unconditional cessation of government aid.

Under libertarian policy, those enamored of any particular state remain free to contribute to it out of their own pockets, of course. Most libertarians believe in the right of an individual to fight in a foreign army, or to donate funds to a foreign government or to a foreign fighting organization. There is good reason, however, for us to avoid the temptation to identify our cause with—or to endorse private contributions to—any armed forces abroad. The tendency in some libertarian circles to make propaganda and raise money for the Nicaraguan Contras is a case in point.

When one writes about matters involving life and death one should be very sure that one is right. No one will likely die as a result of a bad analysis of a local municipal issue. When proven wrong by events, one can acknowledge them, apologize, write another article, and go on with life. In the case of warfare we cannot resurrect the dead who are lost as a consequence of our mistakes. Nor is it fair to slink quietly away from a position after discovering that we were wrong and that many have died as a result of following our advice or accepting our support. Americans will send or not send money to the Contras based on what they read and hear. Contras will kill and die based on what funds and weaponry they receive. It cannot be emphasized enough that those who write on the subject be sure of the implications and consequences of their statements and be prepared to take historical responsibility.

As I write these words, the news reports that a truce has been signed between the Nicaraguan government and the Contras. If the breakthrough turns out to be real and long-lasting, this essay may only seem relevant to the history of the debate on the issue. We may be able to put the Nicaragua/Contra argument behind us. But the question of whether libertarians should be principled non-interventionists or whether we should act as a cheering section for various armed factions in the Third World will be with us for some time.

Let us wish all Nicaraguans well and hope for a lasting ceasefire, a release of prisoners, amnesty, and a quick demilitarization of all the parties involved. Meanwhile, we must continue to exercise caution and judgment when approaching similar situations abroad—now and in the future.

This world is filled with people at war, and all factions have more than enough supporters. Our homes should be open to deserters and draft dodgers from any and all armed forces in the world. A rewarding experience for my family over the years has been the opportunity to house or employ political exiles, draft dodgers, torture victims, former soldiers, and former guerrillas from Palestine, Eritrea, Guatemala, the United States, Honduras, El Salvador, Nicaragua, and Chile. I encourage all libertarians to consider doing likewise. War will end when men refuse to fight. Our duty is to make it easy for them to do so. ❑

The Liberty Poll: Who We Are and What We Think

Liberty surveyed its readers in an attempt to learn what libertarians think about life, government, God, sex, heroes... and how they would solve some serious moral problems. A fascinating profile of the Libertarian movement emerged.

At a *Liberty* editorial meeting last August, the conversation turned to *The Sociology of Libertarians,* a survey conducted by two non-libertarian social scientists that we published in the October 1987 issue of *Liberty*. While the results were quite fascinating, we agreed the poll lacked something. While it faithfully surveyed libertarian backgrounds and beliefs, we felt that it failed to address some of the issues that vex libertarians. This is not surprising, since many such issues are rather esoteric and obscure to non-libertarians.

The Libertarian Party's national convention was at hand, so we decided to poll those attending. We sought to design a poll that would address some of the "hard" issues.

Four editors of *Liberty* (Stephen Cox, Mike Holmes, R. W. Bradford and Timothy Virkkala) helped write the poll. In addition to a variety of personal data, subjects would be asked questions about their intellectual development and their values and beliefs. A group of moral dilemmas that had been formulated in bull sessions and compiled by another editor, Ross Overbeek, were incorporated into the poll.

During the convention, we distributed approximately 350 polls to those attending. About 90 were filled in and returned to us.

Although the results were quite interesting there were problems. For one thing, the Polls were distributed only to those who visited our exhibit at the convention, and thus were not random. In addition, we wanted to add a few questions.

So we made some minor revisions and sent it in November to 200 subscribers of *Liberty* chosen entirely at random. No incentive to return the poll was provided, aside from a postage paid envelope. A total of 62 were returned to us. Respondents were invited to "answer whichever questions you wish," and "to attach a sheet of paper and expand or explain any answers."

The results of the poll follow.

Beliefs

Respondents were presented with a list of propositions and instructed, "Please check the following statements if you believe them to be true, or express your own values or opinions."

Below we list the propositions, the percentage agreeing with each proposition, and a pie chart illustrating that percentage. For convenience sake, the propositions are arranged into categories; in the poll itself, the propositions were in no particular order.

Political Theory

We offered two propositions of fundamental importance to political theory. One is the limited governmentalist answer to the question, "What is the proper role of government?"; the other is the anarchist answer.

"The proper role of government is finite, but much smaller than at present."

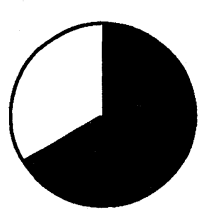

Agree: 66%

Government should be eliminated altogether.

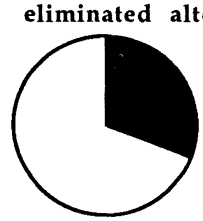

Agree: 31%

Comment: The "anarchism vs. limited government" controversy is one of libertarianism's oldest. Despite the attempts of one side or the other to declare victory in the controversy, it is apparent that the disagreement persists.

Moral Opinions

Abortion is wrong.

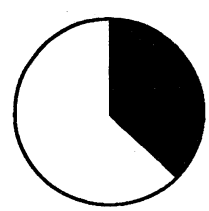

Agree: 37%

Abortion should be made illegal.

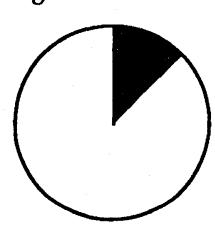

Agree: 13%

A person should have a legal obligation to support

his or her offspring.

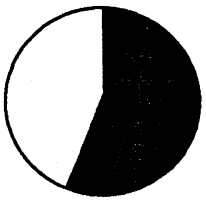

Agree: 56%

Comment: These last three propositions indicate considerable disagreement on the subject of abortion. A surprisingly large minority believe that abortions are wrong, though relatively few of those (about 1/3) believe abortions should be made illegal. And most libertarians agree that persons have an obligation to support their offspring, which can be construed to support an anti-abortion position, and creates a positive right that contradicts the conventional libertarian understanding of the right to liberty.

Political action is an appropriate method of advancing liberty.

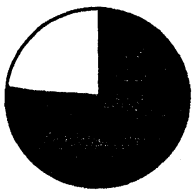

Agree: 77%

People have a responsibility to vote.

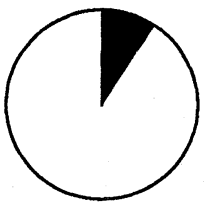

Agree: 10%

Comment: On the subject of voting and political action there was some consensus: most agreed that political action is appropriate but that no one has an obligation to vote. Significant minorities (24% and 10% respectively) disagree.

An employee of the state is a receiver of stolen goods and therefore is committing an improper act.

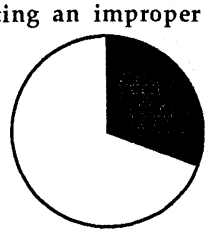

Agree: 31%

One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.

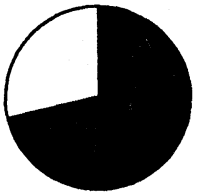

Agree: 71%

Comment: These last two propositions relate to the issue of accepting the benefits of government intervention. Most respondents believe that it is proper under certain conditons to accept government benefits, but there is considerable support for the alternate proposition.

Human Rights

No person has the right to initiate physical force against another human being.

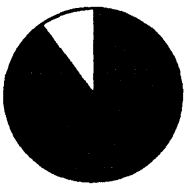

Agree: 90%

All men by their nature have a right to life.

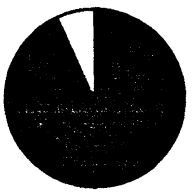

Agree: 94%

All men by their nature have a right to liberty.

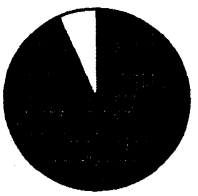

Agree: 94%

All men by their nature have a right to property.

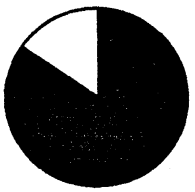

Agree: 87%

All men by their nature have a right to the pursuit of happiness.

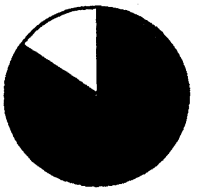

Agree: 87%

Comment: Respondents showed a remarkable degree of agreement on the matter of rights, at least as posited in these propositions. Based on some of the responses to the questions about "Moral Problems" (see p. 39), we suspect that there is considerable disagreement about the meaning of rights, and that if the propositions had been posed differently this apparent consensus would not have emerged.

Public Policy

The U.S. should remove all restrictions on immigration.

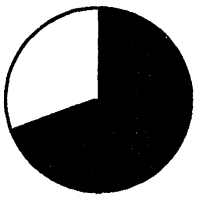

Agree: 69%

The U.S. should remove all tariffs immediately.

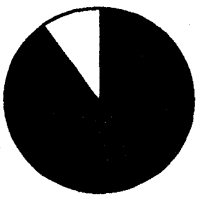

Agree: 90%

A proper government would have an absolutely isolationist foreign policy.

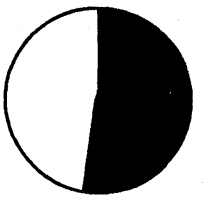

Agree: 53%

Comment: Although respondents agreed that borders should be open to the flow of goods, a considerable number did not agree that borders should be open to the flow of people. And respondents were widely split on the issue of isolationism.

Miscellaneous

There is a god.

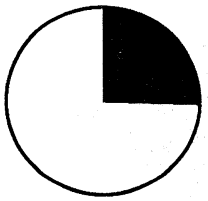

Agree: 26%

Communism is the greatest threat to human liberty.

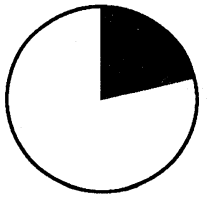

Agree: 21%

Comment: Apparently the common perception that libertarians are almost all atheistic is no more accurate than the perception that libertarians are nearly all anarchists. Libertarians are evidently not as concerned about communism as most American right wingers.

Moral Problems

Given the universal moral character of some libertarian precepts, it is not surprising that many are concerned about their implications for human behavior.

The Liberty Poll posed six moral problems addressing the issue of whether there are circumstances in which it is morally proper to use force against innocent individuals, which would apparently violate such widely accepted libertarian principles like, "no person has the right to initiate the use of physical force against another human being" or "one should always respect the rights and property of others."

Problem 1: The Terrorist in the Mall

The problem:

"Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd. He is moving toward the balcony's railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react.

"Which of the following most accurately reflects the action you consider appropriate?"

You should fire a gun at the terrorist only if you are certain that you will miss the hostage.

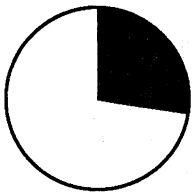

27%

You should fire at the terrorist if there is a reasonable chance that you will miss the hostage.

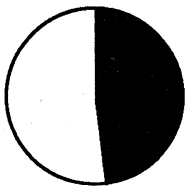

47%

You should fire through the hostage, if necessary.

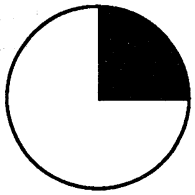

25%

Comment: Only 27% of respondents chose to refrain from firing if it endangered the hostage—the position that seems implicit in libertarian moral thinking. Nearly as many (25%) were willing to kill the innocent hostage if necessary to prevent the much greater loss of life. The remaining 48% would fire only if they had a "reasonable chance" of missing the hostage—apparently willing to allow the deaths of hundreds of people rather than risking violation of their moral principles.

Problem 2: How much is that baby in the window?

The problem:

"Suppose that a parent of a new-born baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.

"Would you cross the lawn and help the child?"

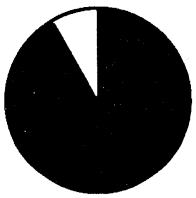

Yes: 89%

No: 11%

"Would helping the child violate the parent's rights?"

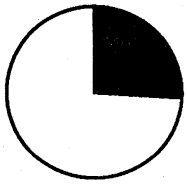

Yes: 26%

No: 74%

Comment: Nearly all respondents chose to do the decent thing: cross the lawn and help the child, although 26% believe that entering the parent's property against their wishes violates the parent's rights.

Problem 3: Starving Baby, the Sequel

"Suppose that a parent decides to experiment with a radical new diet for his new-born child.

"Should you prevent the parent from trying the diet, if you had good evidence that it would endanger the child's health?"

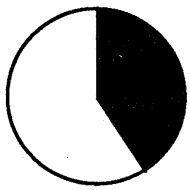

Yes: 41%

No: 59%

"Suppose that you had good evidence that the diet would endanger the child's life?"

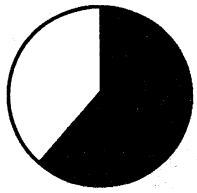

Yes: 62%

No: 38%

Comment: On both these issues respondents were split, with most willing to interfere with a parentally imposed diet if they saw a risk to the child's life, but not if they saw only a risk to the child's health.

Problem 4: Trespass or Die!

"Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.

"Which of the following statements reflects your beliefs?"

You should enter the owner's residence against the owner's wishes.

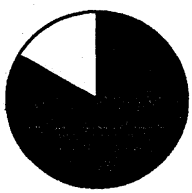

84%

You should hang on to the flagpole until a rope can be thrown down from above.

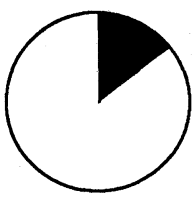

15%

You should drop.

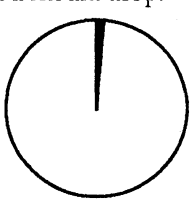

2%

Comment: The issue in this problem is simple: would you be willing to trespass on another person's property if that were the only means of saving your own life? Only one person (2%) chose certain death. But 14% preferred clinging to the flagpole, still trespassing against the explicit wishes of the owner, in hopes a rope might be dropped.

Even so, 84% would violate the owner's rights to save their own life.

Problem 5: The Unexpected Blizzard

"Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she has no phone, so asking her to telephone for help is pointless).

"Which of the following statements reflects your beliefs?"

You should force entrance, but in this case it would not constitute an act of aggression.

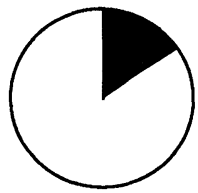

16%

You should force entrance, even though it would be an act of aggression.

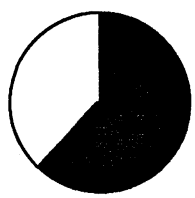

62%

You should not attempt to enter the house.

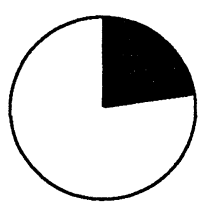

22%

Comment: This problem is identical in essential respects to problem 4 ("Trespass or Die"), except that the refusal of the property owner to allow you egress is less capricious and the death of the person denied egress is less immediately certain.

Perhaps for these reasons, the response was different: far more (22%) were unwilling to force entrance. In addition, 16% believed that forcing entrance under these circumstances would not constitute "aggression."

Problem 6: The Nuclear Blackmailer

"Suppose that you live in a large city. Your neighbor constructs an atomic weapon. He assures you that he would detonate it only as an act of defense. You believe that he intends to commit an act of extortion ("The city must pay $1 million, or I will detonate it.").

"What statement most clearly reflects your beliefs?"

You (and your neighbors) should prevent the construction of the device.

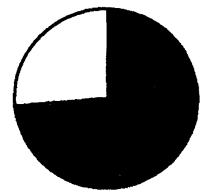

73%

You should put up your house for sale and move. You should not interfere with his actions.

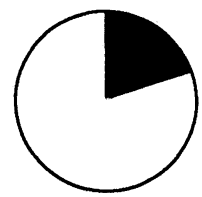

20%

You would feel obligated to tell prospective buyers about the situation. (This question was given only to those who chose to move in response to the problem.)

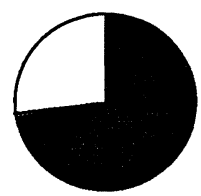

73%

You should do nothing, since such a situation is unthinkable and, therefore, is not happening.

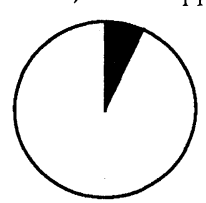

7%

Comment: This problem is about gun control with bigger guns. When the ante is raised from the risk of "Saturday night specials" to the risk of nuclear annihilation, most (73%) respondents abandoned their opposition to gun control. Another 20% would move away. 7% chose the final alternative, which is gibberish, apparently in an attempt to evade the issue or perhaps out of an appreciation of its silliness.

Would you buy a house from a libertarian? 27% of those who preferred to move away would not feel obligated to tell prospective buyers about the nuclear bomb in the basement next door.

Intellectual Development

Just how did libertarians get that way? What thinkers influenced them? What do they base their beliefs on? The Liberty Poll asked a variety of questions intended to explore these issues.

"What are your political beliefs based on?"

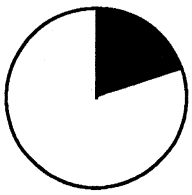

my religious beliefs: 19%

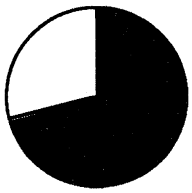

my life experiences: 71%

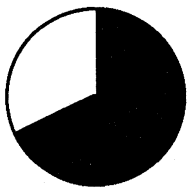

my understanding of history: 68%

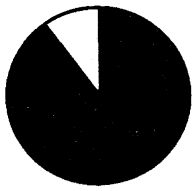

my understanding of economics: 89%

rational, philosophical analysis: 90%

Comment: Respondents were invited to select as many of the five responses as they felt appropriate.

The most widespread basis claimed for political belief was "rational, philosophical analysis," perhaps as a result of Ayn Rand's influence. But economics was a very close second, and history and life experience were also very important.

"Before becoming a libertarian, how would you characterize your political beliefs?"

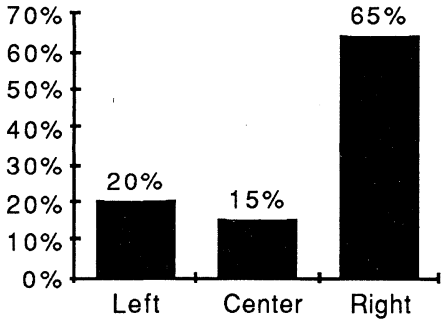

"Who introduced you to libertarian ideas?"

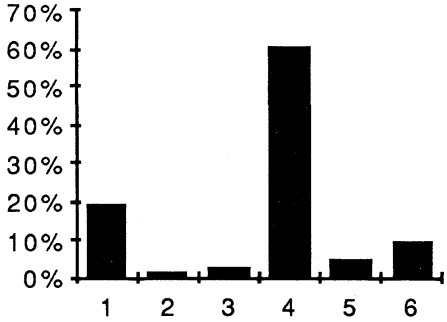

1: friend	20%
2: parent	2%
3: teacher	3%
4: writer	61%
5: advertiser	3%
6: other	10%

Who Influences Libertarians' Thought?

In an effort to discover who has most influenced libertarians' political thinking, we asked readers to rate the influence of a number of thinkers:

"Please rank on a scale of 1 to 5 the degree to which the following thinkers influenced your intellectual development. (5 = substantial importance . . . 1 = little or no importance.)

"We are *not* asking you to report the degree you agree with these individuals' thought— what we seek to know is how important each figure was in the growth of *your* thinking, especially with regard to social and political matters."

This was followed with a list of names in alphabetical order, along with numbered boxes, and two lines for write-in names.

The names were chosen during the editorial meeting attended by Cox, Bradford, Holmes and Virkkala. An attempt was made to include on the list the most important contributors to libertarian thought, as well as figures believed by the editors to be influential among libertarians, and some individuals about whose influence that the editors were simply curious.

The table below lists the names of the individuals whose influence we asked our readers to evaluate, along with their average ratings.

Aristotle	1.93
Frederic Bastiat	2.28
David Friedman	1.91
Milton Friedman	2.95
Barry Goldwater	2.39
F. A. Hayek	3.02
Robert A. Heinlein	2.11
Karl Hess	2.23
Thomas Hobbes	1.33
John Hospers	1.85
Thomas Jefferson	3.10
Immanuel Kant	1.48
Samuel Konkin III	1.22
Robert LeFevre	1.78
John Locke	2.32
H. L. Mencken	2.49
John Stuart Mill	2.05
Ludwig von Mises	3.65
Albert J. Nock	2.19
Robert Nozick	1.79
Ayn Rand	4.02
Murray Rothbard	3.93
Herbert Spencer	2.09
Lysander Spooner	2.34
William G. Sumner	1.49
Morris & Linda Tannehill	1.75
Benjamin Tucker	1.29

A total of 68 write-ins were added by readers, including nine individuals named by two or more respondents. Given the frequency and high ratings of some of the write-in names, it is apparent that some important names were omitted from the list. Henry Hazlitt was written in by five different respondents; Friedrich Nietzsche and Robert Ringer by four. If their names had been included and all the remaining subjects had given him the lowest rating possible Hazlitt and Nietzsche would have finished ahead of both Tucker and Konkin; Ringer and Branden would have also finished higher than Konkin.

On the following page we list the individuals whose names were written in by more than one respondent, along with the ratings:

Henry Hazlitt	34555
Friedrich Nietzsche	4555
Robert Ringer	3345
Nathaniel Branden	555
Thomas Szasz	255
Harry Browne	345
Leonard E. Read	55
Gordon Tullock	55
Thomas Sowell	34

The average ratings in the table on the previous page reveal only a part of the picture. The pattern of influence varies considerably. Consider the two front-runners: Ayn Rand and Murray Rothbard. Although their average scores are very similar, Rand received far more "little or no importance" ratings than Rothbard (12% vs 3%) as well as far more "substantial importance" (60% vs 44%).

Therefore we list below each individual, in order of influence, along with his mean rating and a chart showing the distribution of his rating.

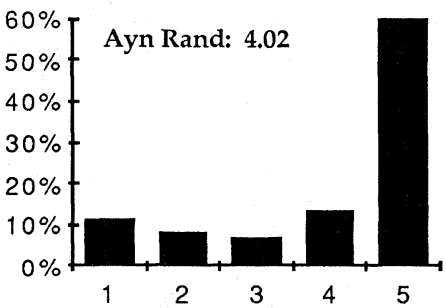

The thinker who most influenced our respondents' intellectual development was Ayn Rand (1905–1982), the novelist-philosopher, author of *Atlas Shrugged, The Fountainhead, For the New Intellectual, The Virtue of Selfishness, Capitalism the Unknown Ideal* and other works. Rand advocated a political philosophy based on the absolutism of individual rights, but eschewed anarchism.

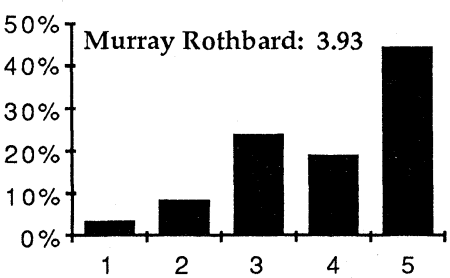

Murray Rothbard (1926–) ranks a close second behind Rand, and is the most influential living figure among our respondents. Rothbard is an economist, historian and social philosopher. His works include *Man, Economy and State; Power and Market; The Ethics of Liberty*; and *For a New Liberty*. Dr. Rothbard is also a prolific journalist and an active figure in Libertarian Party politics. He also is an editor of *Liberty*.

Rothbard advocates an anarchistic society based on the absolutism of individual rights.

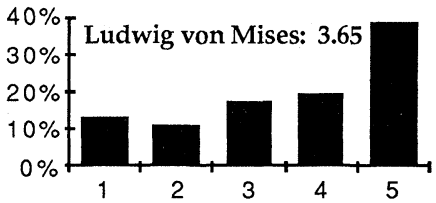

Ludwig von Mises (1880–1972) was a leading social philosopher and economist of the Austrian School, most famous for his development of praxeology, an approach to economics based on *a priori*, deductive reasoning from certain fundamental axioms. *Human Action*, his *magnum opus*, is his best known work. He also wrote numerous other books and articles, including *Liberalism, Socialism, Theory of Money and Credit*, and *Epistemological Problems of Economics*.

Although a rigorous advocate of *laissez faire* capitalism, Mises saw a role for government. His political thinking was based on utilitarian concepts.

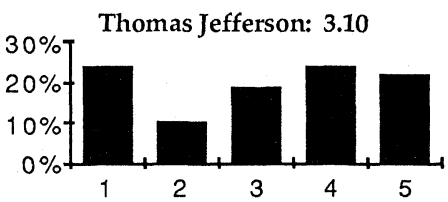

Thomas Jefferson (1743–1826) was the third president of the United States and author of the Declaration of Independence of the United States. He is most admired by libertarians for the advocacy of a natural rights philosophy and the right of revolution that is expressed in that declaration.

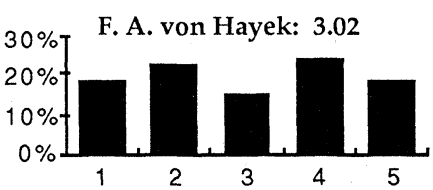

F. A. von Hayek (1899–) is a social philosopher and Nobel Prize winning economist. His book *The Road to Serfdom* (1944) challenged orthodox statist thinking and helped stimulate the post-World War II resurgence of libertarian ideas. He is the author of many works, including *Law, Legislation and Liberty, The Counter-Revolution of Science*, and others.

Like Mises, Hayek avoids the language of "natural law and natural rights," but Hayek is less narrowly utilitarian in approach. He rests much of his case for a free society on a complicated "evolutionary ethics" that emphasizes the "natural selection" of rules and societies. Hayek emphasizes the importance of tradition more than most other libertarian thinkers.

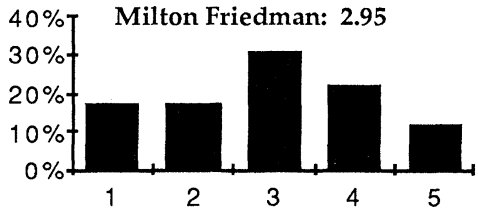

Milton Friedman (1912–) is the leading exponent of the Chicago School of Economics and winner of the 1976 Nobel Prize in Economics. His writings in defense of capitalism and the free society—*Capitalism and Freedom* and *Free to Choose*, for example—have been very influential, which is evident from our reader's response to our poll.

Friedman is less radical than many libertarians, however, and his advocacy of "monetarism" rather than the gold standard or Hayek's controversial notion of "denationalized money" has been a source of many heated debates in the libertarian movement.

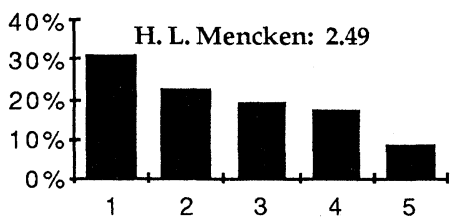

H. L. Mencken (1880–1956) was the author of many books and countless articles. He is best known for his literary and social criticism—and for his brilliant, witty style.

He was an early proponent of Nietzsche in America, and although he wrote frequently on political topics, Mencken's political thinking was not rigorous. He might best be termed a classical liberal in the tradition of Sumner or Mill.

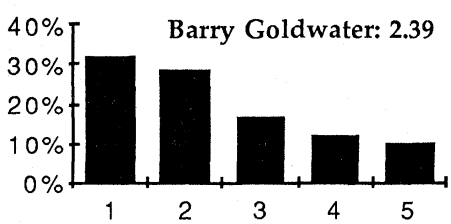

Barry M. Goldwater (1909–) was a

member of the U.S. Senate from 1953 to 1964 and again from 1968 to 1987. In the late 1950s he became a spokesman for political conservatism. He espoused his rather libertarian version of conservatism in several books and numerous newspaper columns and speeches. Although an advocate of a rather belligerent foreign policy, Goldwater strongly supported the notion of human liberty.

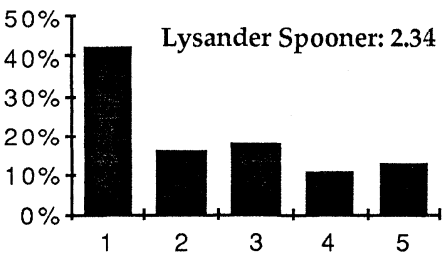

Lysander Spooner (1808–1887) was a writer and pamphleteer and perhaps the most eloquent 19th century American anarchist. His fully developed political philosophy is best summed up in his brilliant pamphlet *No Treason, The Constitution of No Authority*. Writing from within the natural law tradition and with an extensive knowledge of the common law, Spooner argued not only that the Constitution of the United States was binding on no one, but that *all* government, taxation, laws, etc. were inherently unjust.

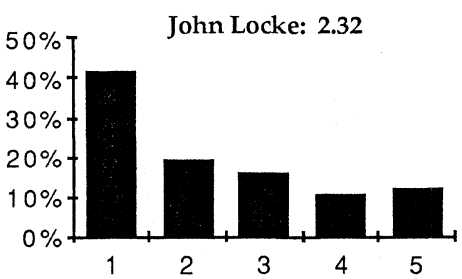

John Locke (1632–1704) is widely regarded as one of the most influential British philosophers. Though his *Second Treatise on Civil Government* has been subject to contradictory interpretations, libertarians have followed a long line of classical liberal and anarchist thinkers in taking from it a methodogically individualistic understanding of society and a powerful conception of natural rights. His writing was particularly influential on America's founding fathers, especially Jefferson, which probably accounts for his high rating in this poll. Given the obscurity and length of his major works, we doubt that very many respondents have actually read much Locke.

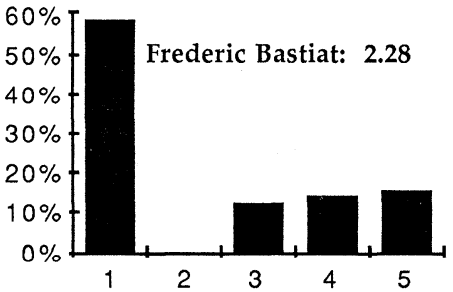

Frederic Bastiat (1801-1850) was one of the most accomplished stylists who has ever argued for liberty. Though he was more a popularizer than an original thinker, his importance should not be underestimated: his ranking over many contemporary libertarian writers in this poll serves as reminder of this fact.

He is best remembered for his brilliant attacks on the fallacies of state intervention in the economy (his *Economic Sophisms* was the model for Hazlitt's *Economics in One Lesson*) and his powerful defense of natural rights and limited government in his pamphlet, *The Law*.

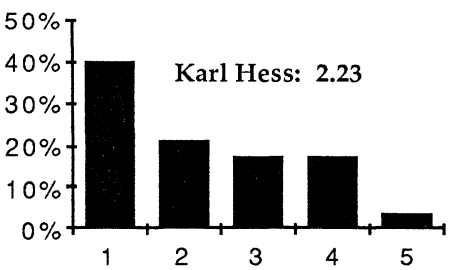

Karl Hess (1923–) was a speech writer for Barry Goldwater who became an anarchist in the late '60s. He is now the editor of the *Libertarian Party News* and associate editor of *Liberty*.

Hess has been most influential as a proponent of the importance of community life and a "back to nature" simplicity. Though he is the author of several books, he is best known among libertarians as a speaker. His political thinking is discursive and lyrical; he explicitly eschews ideology.

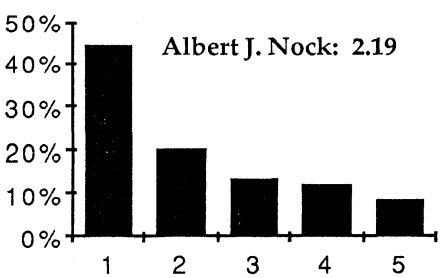

Albert J. Nock (1870–1945) was one of the most important writers to have been influenced by the economic theories of Henry George, and his own anti-statist views developed into something very close to anarchism. His classic work in political thought is *Our Enemy, the State*.

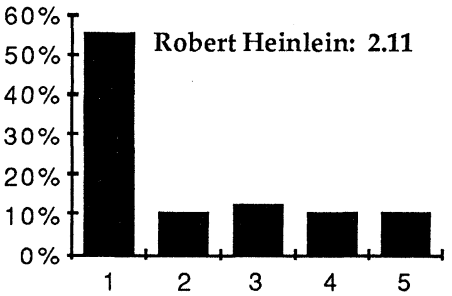

Robert Heinlein (1916–) is one of the most influential science fiction writers of all time. Both his life and his writings exemplify the ideal of the "competent man," and a lively streak of rugged individualism runs through all his writings.

Libertarians are especially fond of his several attempts to deal with political revolution, most notably in his fascinating account of a colonial revolt in *The Moon Is a Harsh Mistress*.

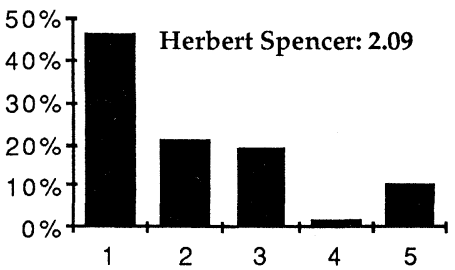

Herbert Spencer (1820–1903) was an ambitious philosophical systemizer who advocated extremely limited government. He described his own ethical philosophy as utilitarian "in a broad sense," but it is not easy to classify. Many of his arguments against political intervention in society bear remarkable resemblance to Hayek's use of the notion of the limitations of human knowledge. His most familiar work today is probably *Man vs. the State*.

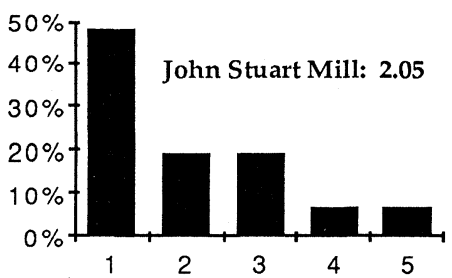

John Stuart Mill (1806–1873), the leading British philosopher and economist of his time, wrote many influential

works, including *On Liberty* and *Utilitarianism.* His utilitarian moral philosophy has been widely discussed and subjected to a great variety of interpretations, as has his defense of individual liberty. *On Liberty* was about the only nineteenth century work of classical liberalism to maintain a "good press" throughout the ideologically dark years of the twentieth century.

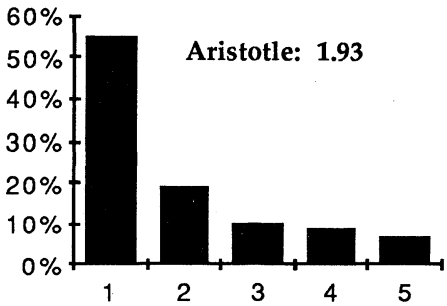

Aristotle (384-322 B. C.) was not a libertarian in any way, but he was a powerful advocate of human reason. We suspect his popularity and respect is largely due to the influence of Ayn Rand, who considered Aristotle one of the world's greatest minds (right up there with herself).

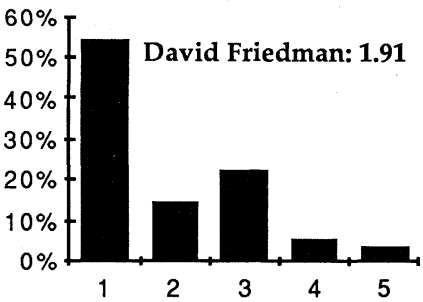

David Friedman (1945–) argued his case for "a radical capitalism" with force and vigor in *The Machinery of Freedom.* Though he has claimed to be an upholder of a doctrine of natural law and natural rights, in this his only book on libertarian theory he seems more a "pragmatist" (that is, he does not discuss moral theory, limiting his arguments to practical and economic considerations), and so has had little impact on this tradition.

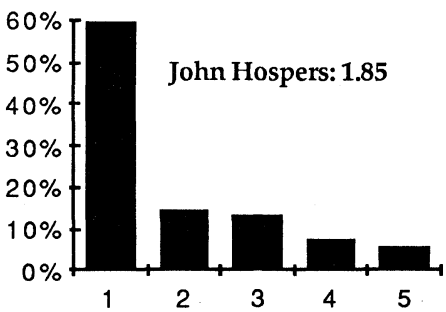

John Hospers (1918–) is a Professor of Philosophy at the University of California at Los Angeles. Though his academic reputation largely rests on his work as an editor and in the field of aesthetics, he has also contributed to libertarian thought with many articles and his book *Libertarianism,* which advocated a more-or-less Randian political theory, though his thinking has developed considerably since.

He was the Libertarian Party's first presidential candidate and wrote the party's "Statement of Principles."

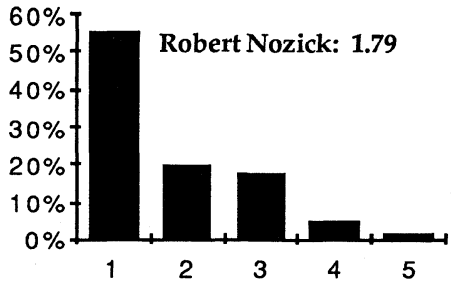

Robert Nozick (1938–) is a Professor of Philosophy at Harvard and the author of the National Book Award winning treatise in libertarian political philosophy, *Anarchy, State and Utopia,* which gained academic attention to libertarian ideas like no book before or since. Nozick used Lockean state-of-nature theory and a Lockean conception of moral rights as the foundation for an argument that purports to show how a State could arise out of an anarchistic society without violating anyone's rights; that this minimal state is the most extensive state that can be justified; and that this conception of a minimal state is inspiring as well morally proper. Though the classic work on minarchist theory, it is generally considered more successful at discussing its many, brilliant secondary points than at demonstrating the validity of its main thesis.

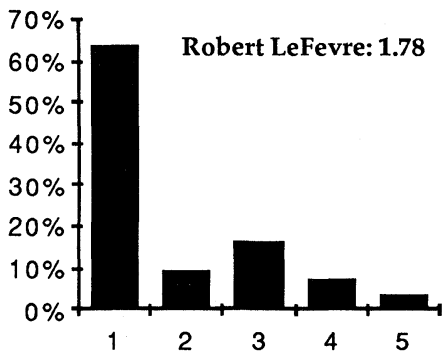

Robert LeFevre (1911–1986) was a writer and teacher who inspired and instructed a whole generation of libertarians. He wrote numerous books including *This Bread is Mine, The Philosophy of Ownership,* and *The Nature of Man and His Government.* He was what is now (once again) called a *voluntaryist,* a libertarian who refuses to practice politics, and was an anarchist in everything but name (he strenuously objected to the term, prefering his own understanding of "autarchy"). His relatively low showing in our poll is surprising to us, considering his reputation in the 1960s and 70s.

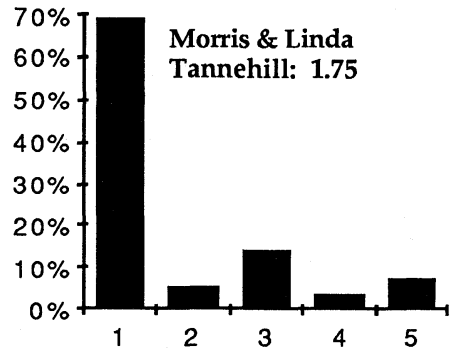

Morris and Linda Tannehill (1926–, 1939–) collaborated to write *The Market for Liberty,* a powerful defense of natural rights-based anarchism which was influential among libertarians in the 1970s.

Libertarianism was only one stop in the ideological odyssey of the Tannehills, who earlier were associated (in chronological order) with the Minutemen, the American Nazi Party, and the Foundation for Economic Education, and have since managed a psychotherapeutic cult.

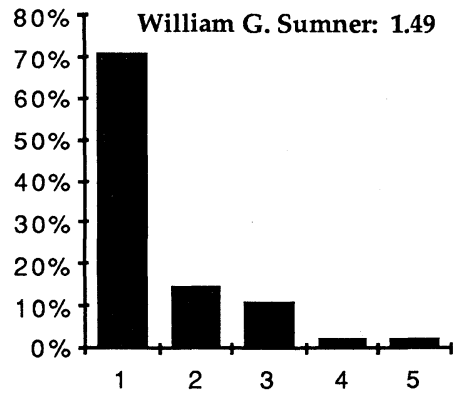

William Graham Sumner (1840–1910) was one of the leading American sociologists of the 19th century and also one of the more vigorous advocates of *laissez faire.* Today known chiefly as a Social Darwinist and as the author of the sociological masterpiece *Folkways,* in his time he was respected for his polished essays and his dedication as a teacher. Probably his best known work to contemporary

libertarians is his essay *What Social Classes Owe to Each Other.*

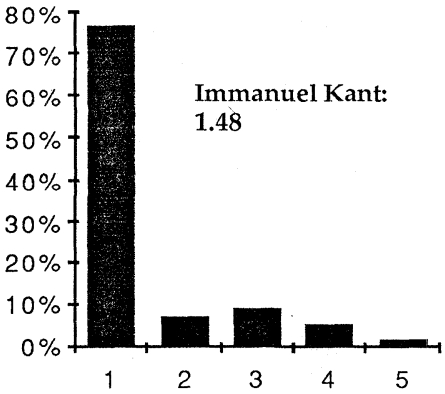

Immanuel Kant (1724-1804) was not only one of the most important German philosophers, he is widely considered to be the one of the greatest philsosphers ever. He wrote numerous works, including *The Critique of Pure Reason, The Groundwork for the Metaphysics of Morals,* and *Religion Within the Bounds of Reason Alone.*

Though he is probably best known among libertarians as—according to Ayn Rand—the chief source of evil in modern times, he was actually a classical liberal. A number of libertarian philosophers have recently written about the advantages of a "Kantian reconstruction of Utilitarianism," and both Mises and Hayek were neo-Kantians in fundamental philosophy.

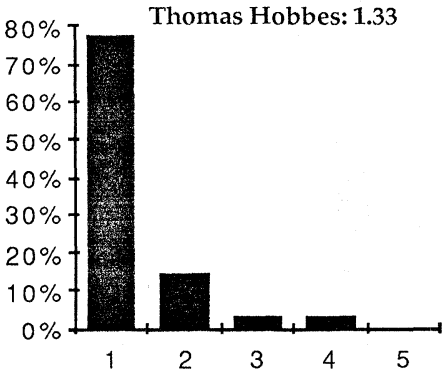

Thomas Hobbes (1588-1679) was the first British political philosopher of repute, and is still considered one of the major figures in the history of political philosophy. Hobbes' *Leviathan* is a pioneer work in social contract theory.

Though most classical liberals and libertarians—beginning with Locke—have used Hobbes mainly as a jumping off point and as a target, there is a strong *realpolitik* strain in some libertarians' social philosophy that bears remarkable resemblance to Hobbes. His weak showing in this poll is no surprise, however.

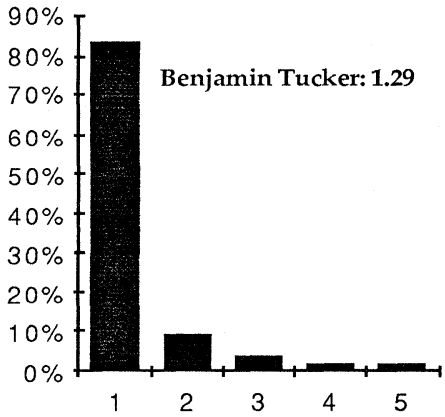

Benjamin Tucker (1854-1939) edited *Liberty,* the 19th century anarchist newspaper. Though not an original thinker, he was a fine stylist and an expert synthesizer of other's thinking. He articulated what was later called "anarchocapitalism," but what he called "individualist anarchism." Though a favorite subject of contemporary libertarian scholars, his effect upon contemporary libertarianism is apparently slight.

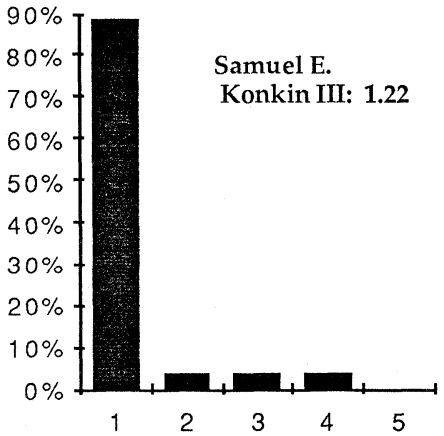

Samuel E. Konkin III (1947–), the youngest person whose influence readers were asked to report, is a prolific writer and publisher. He strongly defends natural rights anarchism, though he prefers to call his particular form of anti-statism *agorism* (he is all for the term "anarchism"—he flaunts the word—but uses the term "agorism" to distinguish his own, anti-political approach to activism).

He did poorly among both groups of libertarians who took our poll (LP Conventioneers and *Liberty* readers). More than one respondent wrote in the margin "Who the Hell is Sam Konkin?"

We also asked readers to report the influence their family had on their intellectual development:

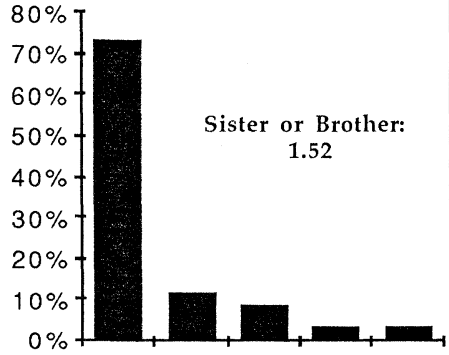

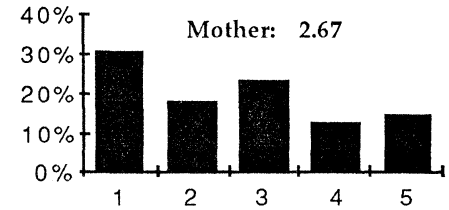

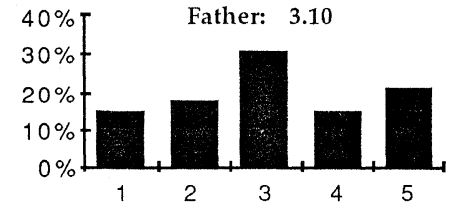

"They're in force whether you ratify them or not!"

Personal

The Liberty Poll also asked a variety of personal questions. We learned that libertarians are overwhelmingly male, overwhelmingly white, well educated individuals with fairly high levels of both income and education. We also learned that libertarians are likely to be first-born, were likely raised in a religious context, but are not likely to be practicing any religion today. Most libertarians are heterosexual monogamists whose spouses do not share their enthusiasm for libertarianism. Although they are employed in a wide variety of occupations, they are much more likely than others either to own their own small business or be employed in computer science.

Here are the questions we asked, along with the responses:

What is your age?

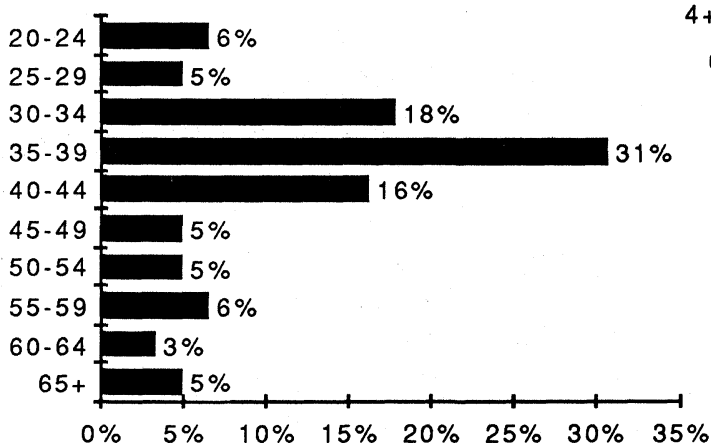

Ages of respondents range from 23 to 87. The mean age is 40.37 years.

Are you male or female?

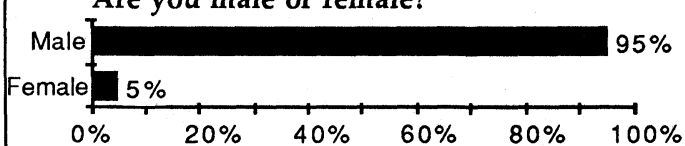

What is your race?

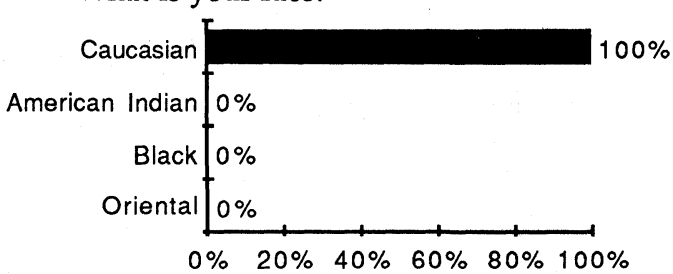

Are You Married?

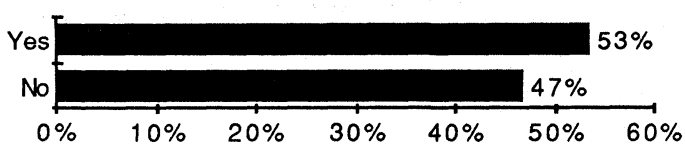

How many divorces have you had?

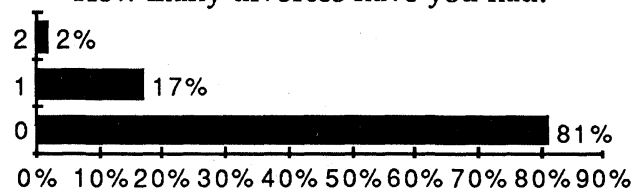

How many children have you had?

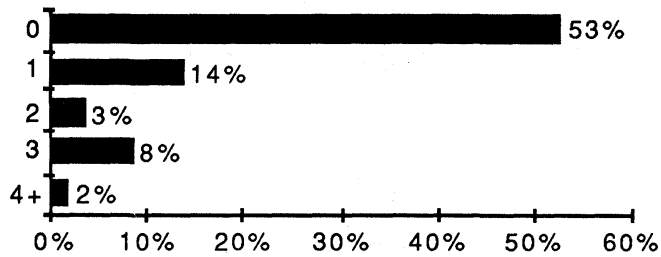

Responses ranged from 0 to 5. The mean number of offspring is .90. Given the age distribution (59% aged below 40 years), it is likely that the numbers here will increase.

Are you first born in your family, second born, third born, or later?

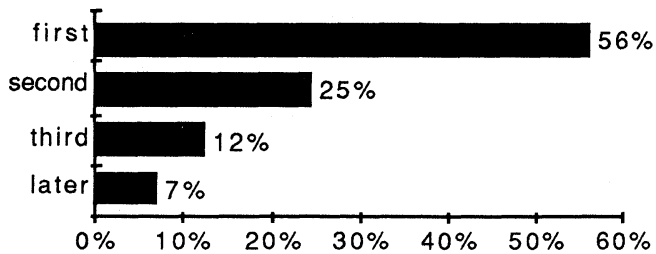

This is one area where respondents varied considerably from the normal. If the respondents had been chosen at random from families of the same sizes as the families from which the respondents came (average: 3.35 siblings), approximately 31% would have been first born. In actual fact, 56% were first born—a variation of more than 80%.

Here is the actual distribution of birth rank compared with the distribution that would be predicted by a random sampling of a group of families of the same size:

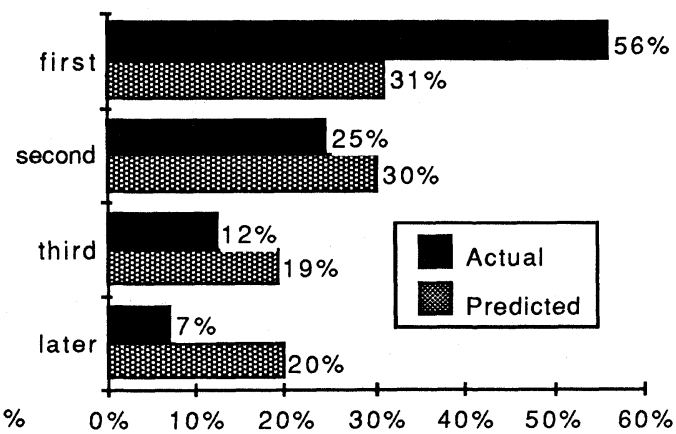

What is the highest level of schooling you have completed?

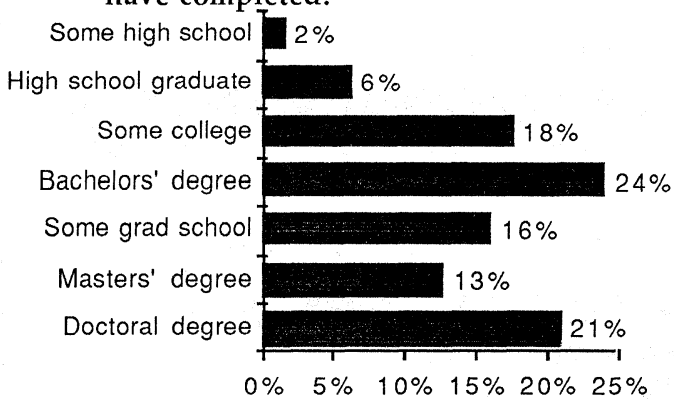

Which of the following best describes your religious training as a child?

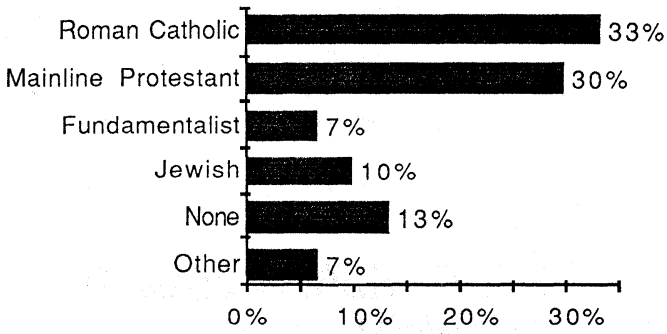

Do you consider yourself a follower of any religion today?

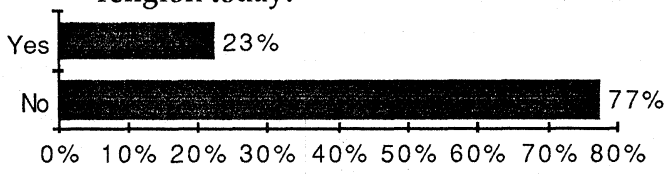

How long ago did you most recently attend a church or other form of worship?

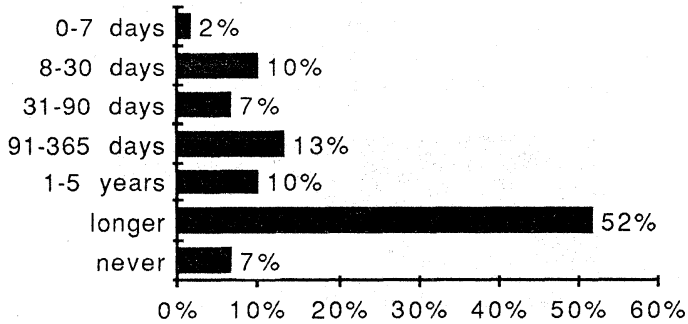

Comment: Note that more respondents (26% [see "Moral Opinions" above]) believe there is a god than consider themselves to be religious. Whichever figure better reflects the religiousity of respondents, it is apparently a mistake to assume, as is often done, that libertarians are nonbelievers. Even so, it is interesting to note that most libertarians have not attended a form of worship in more than 5 years.

What is your occupation? (Check as many as apply.)

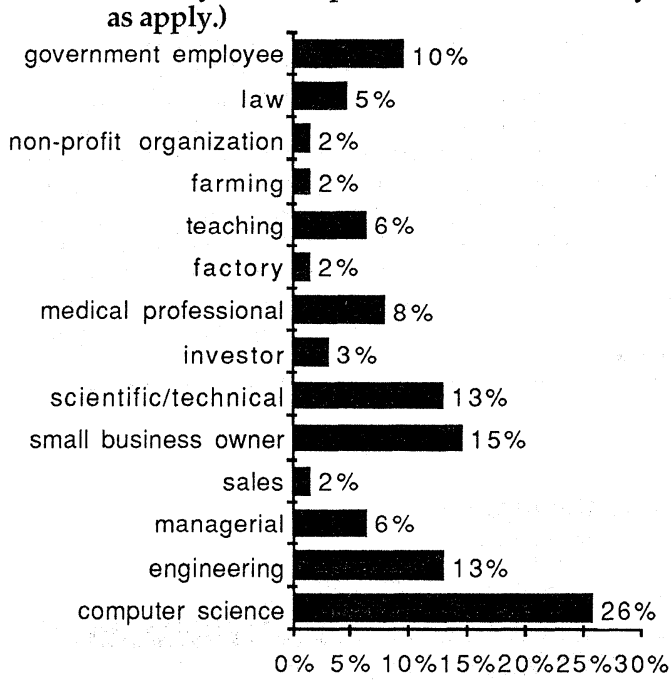

How many years (if any) were you in the military?

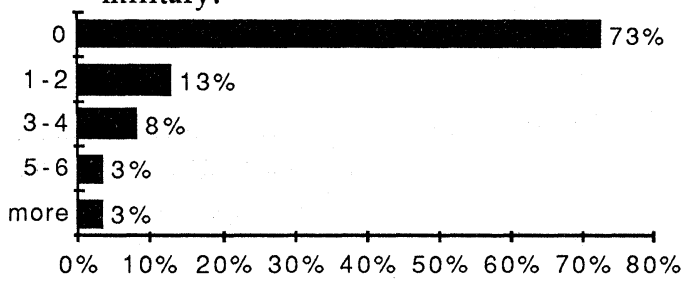

Was your highest rank enlisted or officer? (question only asked to those with military experience.)

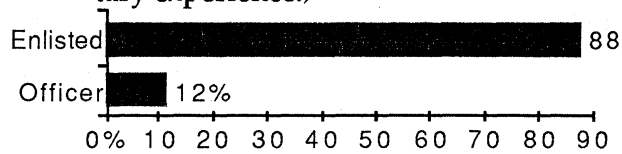

What is your sexual orientation?

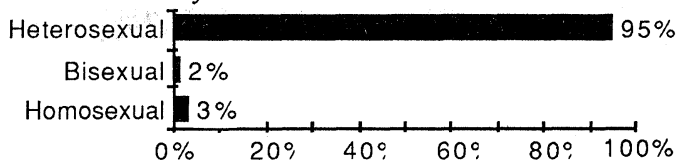

What is the predominant form of sexual activity that you engage in?

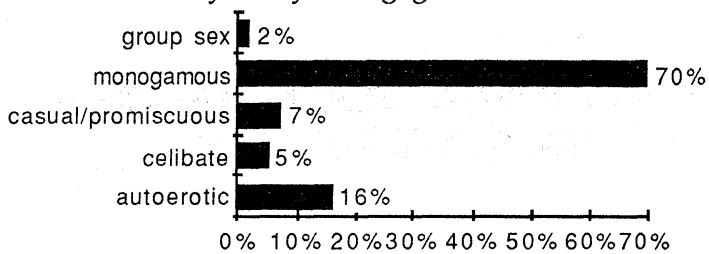

If monogamous, how long have you been with your current partner?

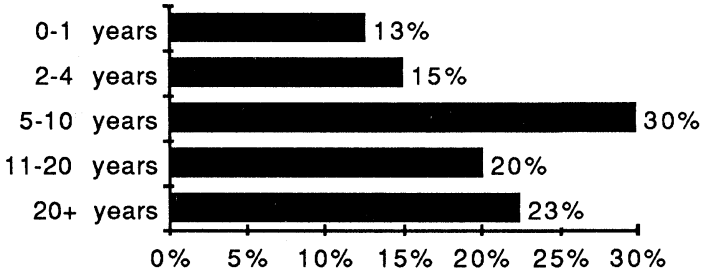

What are the political beliefs of your current partner?

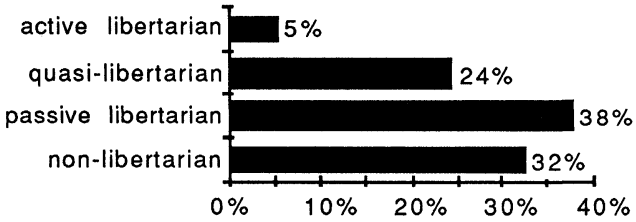

What is your annual income? (thousands)

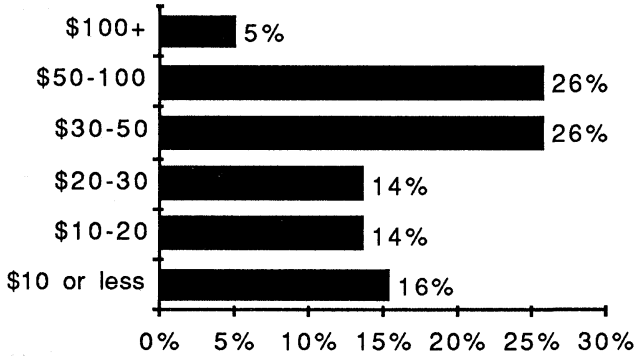

Activism

Do you belong to any community groups?

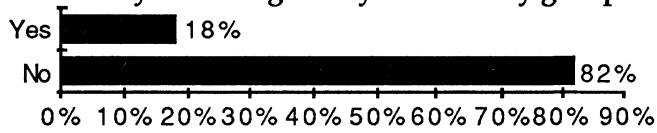

Do you belong to any political organizations?

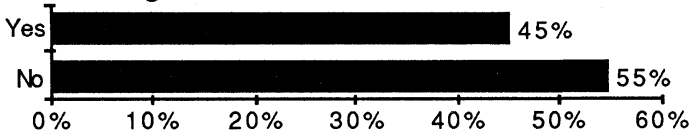

Do you give money to libertarian causes? Humanitarian causes? Cultural causes? Religious organizations?

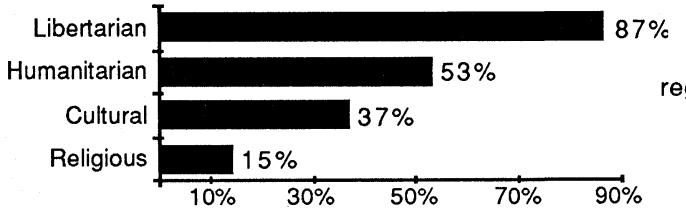

Do you talk to acquaintances about libertarianism?

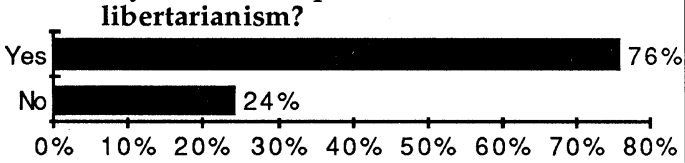

What percentage, if any, respond favorably?

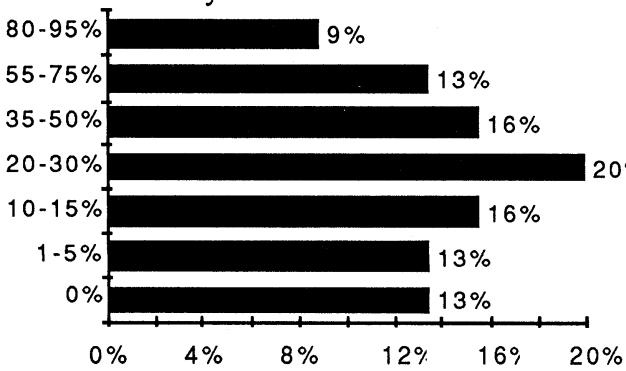

Do you speak in public about libertarian ideas?

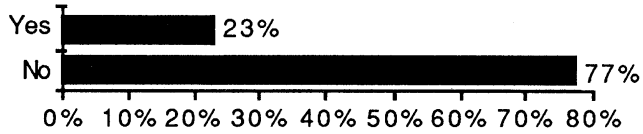

Have you given money to any of the following libertarian organizations?

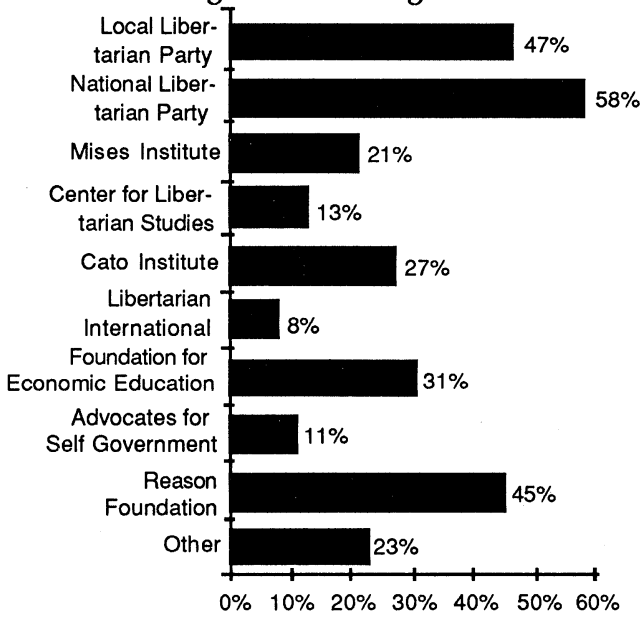

Are you a registered voter? Have you ever run for political office?

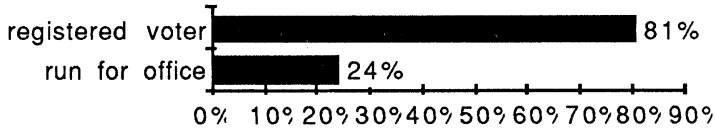

Our Editors Comment . . .

The Meaning of the Liberty Poll

Editors Holmes, Bradford, Cox, Waters, Richman, Overbeek and Rothbard have read the results of the *Liberty Poll*. Not surprisingly, they disagree about its significance . . .

Who Are These Nuts?

by Mike Holmes

I found the poll results interesting and worthwhile, although I harbor reservations about how widely reflective they are of general libertarian sentiments. First, because of the relatively small sample size (one respondent can amount to 2%) and also because *Liberty* readers may differ in some important ways from the general libertarian audience (roughly 20,000 or so hard core). Of course the main difference is that *Liberty* readers are willing to shell out $18.00 per year or so for in-depth articles of theory and analysis, whereas the typical libertarian is perhaps more intuitive, less intellectual, perhaps less absorbed in details of philosophy or less concerned about sometimes troubling theoretical distinctions.

That said, I found relatively little surprising in the section entitled "Moral Opinions." Perhaps it makes sense to say, as the comment in the article does, that the high percentage of people (56%) who believe that parents should have a legal obligation to support their offspring implies that it "can be construed to support an anti-abortion position." But to me, if anything, the opposite is true: if you have an obligation to support your offspring you had better take care about whether or not you are creating such dependents in the first place; strong belief in parental responsibility also implies a belief in the need for full choice regarding matters of producing offspring.

Who are these so-called libertarians, breeding like flies and abandoning offspring like turtles heading out to sea?

As to the 44% who believe there is no parental responsibility, who are these nuts? It's a feeling I kept having as I ran down various categories and questions in which the commonsense or intuitive answer was rejected by a significant percentage of respondents. Who are these so-called libertarians, breeding like flies and abandoning offspring like turtles heading out to sea? Haven't they heard of individual responsibility? This reinforces the commonsense view that libertarians should be good neighbors (as Karl Hess reminds us). For one reason or another, many libertarians may not be good neighbors to have. Don't dump your progeny on me!

The fact that some commonly held libertarian beliefs were rejected by a fair number of respondents ("all men . . . have a right to life") indicates that some respondents (and hence *Liberty* readers) probably aren't libertarians at all in the conventionally understood sense of the term.

The small affirmative response to the questions about God and the danger of communism (God is feared by 5% more than the Reds, a small comfort perhaps) is undoubtedly an indication of how markedly different libertarians are from "normal" people, among whom the Almighty and Karl Marx have proven to be more popular and unpopular respectively.

In the Moral Problems section, the Nuts are clearly visible. Letting babies starve (11%) or become seriously endangered for transparently foolish reasons (38%) is disturbing, to say the least. It would be interesting to determine if any of these nutty propertarians are parents, or more likely, are socially underdeveloped single males for whom issues of parenting and children are usually taken more casually than by the rest of humanity. The 2% who would drop from the balcony or the 22% who would starve in the cold may be nutty, stupid or just cute (it's easy to be a smart aleck on a blind questionnaire) but if they practice what they preach, their ranks will surely dwindle in the face of the cruel realities of life, such as gravity.

The nuclear weapon question had about one-fifth "nut" response (e.g., neighbor owning a home nuke is no problem). Yecch. Maybe this is why the Ft. Collins project (i.e., getting libertarians to all move to Ft. Collins, Colorado) is so slow to catch on. Who wants to live around a bunch of nutty libertarians?

Maybe Libertarians are better lifeboat companions than neighbors, since if you owned the lifeboat, about 20% would jump overboard when ordered out for trespassing.

The problem, of course, is that "lifeboat ethics" are difficult to judge abstractly ("hard cases make bad law"), and it is difficult to generalize from extremes. On the other hand, maybe libertarians are better lifeboat companions than neighbors, since if you owned the lifeboat about 20% would jump overboard when ordered out for trespassing. Good riddance to the nut faction. . . .

Not a lot was surprising in the Influence section or Personal Data section. Unfortunately, all too many of us are white (100% in the survey, not quite that extreme in fact), male, single, childless, unbelievers and in general unrepresentative of the population at large. Lack of family and perceived moral obligations may partially explain some of the nutty answers. Libertarians appear to be far better read and educated than the norm, above average in income (al-

though 16% live near or at poverty levels). Few belong to "community groups," but most apparently feel free to bore their mates and friends with their libertarian opinions, despite the relatively small percentage of friends who respond favorably (only 38% report a success rate of over 35% in such endeavors).

The relatively high percentages who belong to political groups (45%), have run for office (24%) are registered to vote (81%) and who donate money to libertarian organizations (85%) and to the Libertarian Party (58% national, 47% local) are also atypical of the general public and belie the notion that libertarians are overwhelmingly anti-political or anti-LP in nature.

The poll has done libertarians a service. We know now that roughly one out of five of us holds nutty views on at least one subject, perhaps more, though given other data, perhaps this needn't be taken too seriously. One word of warning: beware of any "ism," libertarian or otherwise, which requires its adherents to abandon common sense and intuitive logic about daily living choices or dramatic moral behavior. The sign of a truly dangerous movement or idea is one in which normal human values are drummed out of believers on the basis of artificial abstractions.

We are all old enough to know that there are plenty of gray areas in libertarian theory. Let us not give safe harbor to those who advocate foolish ideas. Or, put another way, let us not seriously consider throwing out the baby with the bathwater, no matter whose baby it is, or who paid for the soap.

Who The "Nuts" Are

by R. W. Bradford

Mike Holmes wonders if there are any parents among the "nutty propertarians" who would let "babies starve (11%) or become seriously endangered (39%) for transparently foolish reasons." He hypothesizes that such people were "more likely socially underdeveloped single males . . ."

To check out Holmes' hypothesis, I divided the respondents into two groups: those who met his working definition of a "nut" (i.e. those who would let a baby starve or die of malnutrition rather than violate the property rights of parents) and those who did not. Out of 62 respondents to the Poll, 21 (34%) qualify as "nuts" by Holmes' definitions. Here are the results:

Question:	"nut"	"non-nut"
Are you married?	59%	47%
Do you have children?	59%	41%
How many? (mean)	1.19	0.90

Holmes' hypothesis was wrong: the "nuts" on these children's issues are 21% more likely to be married and 44% more likely to have children than those who gave "non-nutty" responses. This is exactly the opposite of Holmes' expectations, and of mine. I have no explanation for it, except that perhaps our expectations of the stereotypical "socially underdeveloped single males" of the libertarian movement are wrong.

My curiosity aroused, I wondered what other differences might exist between the two groups. What about their intellectual backgrounds? I checked the respondents' ratings of four major influences on libertarian thought, Rand, Rothbard, Mises and Hayek, selecting these four because they ranked high in our poll and because two of them (Rand and Rothbard) are within the natural rights (my colleague Ethan O. Waters would say the "moralistic") tradition and two (Mises and Hayek) are within the utilitarian (Waters would say "consequentialist") tradition. Here are the results:

The "nuts," by Holmes' definition, are more likely to be married men with children, more likely anarchist, and more likely heavily influenced by Ayn Rand than other libertarians.

Influence	"nut"	"non-nut"
Rand	4.43	3.79
Rothbard	3.80	3.97
Mises	3.83	3.53
Hayek	3.33	2.88

The "nuts" were influenced 17% more by Rand, 8% more by Mises, and 16% more by Hayek than were the "non-nuts." But "nuts" are influenced 4% less by Rothbard. I can't see any pattern here, at least in terms of the rights vs utilitarianism issue, although I can think of two explanations why I could find no correlation: (1) the issue of natural rights vs utilitarianism is not relevant to the the starving baby problems; or (2) the respondents were influenced by the Rand, Rothbard, Mises and Hayek in ways that do not reflect the natural rights vs utilitarianism issue.

Are the "nuts" more likely come to libertarianism from one particular political milieu? Here is the breakdown: "nuts" are 20% left, 70% right and 10% center; "non-nuts" are 20% left, 62% right, and 18% center. The "nuts" were slightly less likely to come from a centrist background and slightly more likely to have a rightwing background. But the breakdowns are so similar that there is probably no significance here.

How do the "nuts" and "non-nuts" characterize the roots of their political thinking? The Poll asked respondents to select as many as they wished of five ways to complete the sentence, "My political beliefs are based on . . ."

Response	"nut"	"non-nut"
my religious beliefs	10%	28%
my understanding of history	67%	69%
my life experience	70%	72%
rational, phil sophical analysis	93%	84%
my understanding of economics	80%	94%

Here we see some significant differences: the "nuts" are much less influenced by religion but more by rational, philosophical analysis. They are, however, less influenced by economics. This may explain why the "nuts" ranked the influence of philosopher Rand higher than that of economist Rothbard, even though both are natural rights theorists.

Finally, there is that great libertarian controversy, anarchism vs limited government. Respondents who agreed with the proposition "Government should be eliminated altogether" I classified as "anarchists"; those who agreed with the proposition "The proper role of government is finite, but much smaller than present" I classified as "limited governmentalists," Here is the breakdown:

Category	"nut"	"non-nut"
limited government	55%	77%
anarchist	45%	23%

Here at last we have a clear difference between Holmes' "nuts" and "non-nuts": the "nuts" are much more likely to be anarchists.

As we go to press, we are arranging the data into an elaborate database which will allow us to make queries of these sorts more easily. We plan to explore the data further. If we find anything that is really interesting, we will report it in a future issue of *Liberty*.

Poll Observations

by Stephen Cox

When I received the results of our survey, my eye fell on our readers' response to the proposition, "Communism is the greatest threat to human liberty." Only 21% agreed. My initial reaction was, If they don't think communism is the greatest threat, what in the world do they think *is?* My second reaction was, We should have asked that question another way. Perhaps our readers draw a distinction between the *fiercest* and most *extreme* threat (communism?), and the most *proximate* threat, the one most *likely to do us in* (McGovern liberalism? Bush conservatism?). Our "greatest threat" formulation leaves too much to the imagination.

Libertarians make their own decisions about ideology, basing them on reading and not on social suasion. Early Christians were people of the book par excellence, but libertarians greatly outperform them in this area. Does this mean that we libertarians do not preach as effectively to our friends as the early Christains did to theirs?

Apparently, one doesn't understand the questions one has asked until one sees the results of one's survey.

More second thoughts arose concerning the responses to "There is a god" (26% agreed). When I suggested this formulation (while I was sitting on a rickety balcony overlooking Puget Sound, drinking a beer, and thinking perhaps more about the view and the beer than about scientific accuracy), it didn't occur to me that everyone who felt hesitant about roundly affirming that "There is a god" would probably answer in the negative. People in theological doubt could, of course, just as easily have responded in the affirmative, but what often seems to be the prevailing climate of libertarian opinion might tilt their hand toward the "No" column. In any event, we left no room for agnostics, of whom to my certain knowledge there are many in the libertarian movement.

The poll that we took at the Libertarian Party National Convention in late 1987 returned about the same proportion of religious feeling as the current poll of subscribers, but the percentage of non-white respondents was higher in the convention poll, and the percentage of non-heterosexual respondents was much higher. Are gays and members of "racial"minority groups less likely to return survey-forms through the mail than in person, or are our subscribers more heterosexual and more Caucasian than delegates and guests of the Libertarian Party—though not more or less religious?

Perhaps the most interesting datum for me was the response to "Who introduced you to libertarian ideas?" 61% said "a writer" had introduced them; only 20% said "a friend." Since I was introduced to libertarianism by a friend (who is, in fact, a fellow-editor of this journal), the datum initially made me feel alienated from my fellow-libertarians who prize the written word so much more highly than the spoken. But then I considered that I myself as a college professor have invested heavily in the written word, and I became unalienated. It is remarkable, however, that libertarians exemplify what they preach: they make their own decisions about ideology, basing them on reading (the most individual of activities) and not on social suasion. It is said that early Christians were people of the book par excellence, but libertarians greatly outperform them in this area. Or does this mean that most libertarians do not preach as effectively to their friends as the early Christains did to theirs?

Controversies Persist

by R. W. Bradford

The main conclusion that I draw from the Poll is that libertarianism is much less a doctrine than an ideological tendency. The great controversies of libertarianism (limited government vs anarchy, isolationism vs national defense, absolutism of rights vs tempering of rights by utilitarian considerations) remain controversial.

The widespread belief that libertarians eschew altruism seems dubious: at least 87% of respondents give money to charity and fully 24% have contributed time to run for public office.

It comes as no surprise that Rand exerts more influence on libertarian thought than anyone else and that she is followed closely by Rothbard. But even in ranking intellectual influences libertarians are eclectic: While three of the top six influences (Rand, Rothbard and Jefferson) are advocates of natural rights, the other three (Mises, Hayek and Friedman) are better characterized as utilitarians. I was surprised at the relatively low rankings of LeFevre, Tucker and Konkin.

Aside from the high proportion of libertarians who are first-born, I see little surprising in the "personal" section. Anyone who has ever attended a libertarian meeting knows that libertarians are overwhelmingly well educated, male and Caucasian.

Is there a Libertarian Doctrine?

by Ross Overbeek

There have been several attempts within the libertarian movement to forge a precise, well-articulated philosophy; the best known examples are Objectivism (directed by Rand and Branden) and anarcho-capitalism. However, the current movement is far from a single philosophical position. Many current members have attempted to retain the more central notions, while openly admitting deviation (or just plain confusion) on many critical details.

This a desirable and proper state of affairs. There was a time when the central dogma of the libertarian movement would have explicitly excluded almost all of the more interesting thinkers who have contributed to modern libertarian literature. Remember:

- Mises described himself as a determinist;
- Leonard Read defended the draft;
- Robert Heinlein is not an isolationist;
- Henry Hazlitt is an explicit utilitarian; and
- Hayek has defended public education.

The libertarian movement can most usefully be viewed as a growing body of people exploring the meaning and utility of freedom, not as a group adhering to a single well-understood doctrine.

No Conclusions

by Sheldon Richman

With only 31 percent—and a small absolute number, at that—responding to the survey, we can draw no serious conclusions. I would warn against relying on the reults for anything important.

Another problem is that the respon-

dents were not asked how long they have considered themselves libertarians. This might have shed some light on the answer about intellectual influences. The profile of the average libertarian in the period 1969–1972 is bound to be different from that of 1973–1980 and from 1981 to date. Many things have changed over the last twenty years. For example, the campaign of Ed Clark brought people into the movement who, unlike earlier movement people, were not originally "conservatives" who discovered Rand and then Rothbard.

The height of the anarchist-minarchist debate was some time ago, so it is understandable that newer libertarians are not up on it. Most libertarians do not start as anarchists, and many will not take up the issue if they do not come across it in the course of an active debate. If the debate is not going on, in a magazine, for example, many will not come across it. The results on the anarchist issue do suggest that *Liberty* could profitably publish articles in this area, perhaps a head-to-head debate.

I would draw no conclusions from the "problems" section of the poll. By their very nature and by the narrowness of their focus, they do not lend themselves to yes-no answers. Two people giving the same answer to a question could have very different things to say about the problem. I am not convinced that such questions are worthwhile in a survey of libertarians.

Rights Issues Unresolved

by Ethan O. Waters

To me, the most salient finding of the Poll is that libertarian moral thinking is not very rigorous. How else can one understand the fact that 11% believe a parent should be allowed to starve his kid to death, but 39% believe a parent should be allowed to kill his kid by malnutrition? Or explain why only 2% would face death by dropping from the 49th story of a building rather than violate property rights, but fully 22% would face freezing to death in a situation identical in other respects?

Although nearly all libertarians (89%) agree with the non-aggression axiom, a great many are willing to dispense with it when convenient: 47% will risk killing an innocent hostage to save a greater number of people in an emergency, and another 25% will kill the hostage outright if necessary; 89% will trespass to prevent a parent from starving his child for the fun of it; 98% would rather trespass than die in the flagpole question, including 14% who would restrict their trespassing to his flagpole and 84% who would go so far as to enter another's residence; 78% would force their way into an occupied building rather than face freezing to death; 73% would interfere with a neighbor's right to keep and bear arms if those arms were powerful enough.

It is apparent that many of those willing to dispense with the non-aggression axiom have no clear or consistent criterion for deciding when to dispense with it.

The Poll's Validity

by R. W. Bradford

One vexing aspect of the Liberty Poll is the issue of whether its results are valid, and who the results are valid about.

The Poll randomly surveyed *Liberty*'s subscribers. Are these subscribers typical libertarians? Put another way: in what ways are *Liberty*'s readers atypical? *Liberty*'s advertising has sought readers interested in "essays that challenge and expand libertarian thinking, lively book reviews, articles analyzing current trends in political and social thought, essays exploring the sort of society that libertarianism entails, discussions of the strategy and tactics of social change . . ." Presumably, such advertising has little appeal to people who are not libertarian and to libertarians who are not interested in the rather intellectual bill-of-fare we offer. And of course, such advertising does not appeal to those unwilling to pay $18 for a year's worth of such material.

Just how typical is this subset of libertarians? Libertarian is a rather abstract intellectual proposition, so most libertarians are presumably quite interested in the sorts of writing that *Liberty* publishes, so I suspect that *Liberty* appeals to most libertarians. At $18 per year, *Liberty* costs about the same as a large pizza or two tickets to the movies, with a soda and popcorn, which makes *Liberty* something of a luxury good. Even so, the Poll indicated that 16% of respondents live below the poverty level yet managed to throw down $18 for *Liberty*.

What about the validity of the sample? Is it reasonable to generalize from a 62 responses, constituting 31% of those polled?

Alas, I do not know. None of *Liberty*'s editors has a background in statistics or polling and we did not want to hire outside experts. We decided to do the Poll after reading the study of libertarians by social scientists John C. Green and James L. Guth. A higher percentage of those who were sent the Green-Guth poll responded than did those who were sent our poll. (Green-Guth had a 67% response rate vs a 31% response rate for the Liberty Poll). I suspect this reflects the greater ideological fervor of those studied by Green and Guth: their study surveyed people who had made gifts of $100 or more to the Libertarian Party according to Federal Election Commission records; ours surveyed people who had purchased a subscription to *Liberty* at a cost of $18. The Liberty Poll had almost the same response in absolute terms as the Green-Guth study: 62 responses to the Liberty Poll vs 67 responses to the Green-Guth study.

One thing seems clear: since the Liberty Poll's database is about the same absolute size as the Green-Guth survey's database, it likely has comparable validity.

Libertarians and Minorities

by Ross Overbeek

The respondents make it appear that the libertarian movement consists of middle-class, middle-aged, heterosexual, male Caucasians. While the movement does include articulate members of minorities, it certainly does not appear to be a movement of the disenfranchised. While I am aware of the arguments supporting the position that increases in liberty advance the welfare of all members of society, it seems likely that members of minoritites are not "buying this pitch." Why not? I believe that intelligent members of these minorities would argue that libertarian positions are being used as tools of oppression. We might do well to listen carefully.

What's Wrong with the Liberty Poll; or, How I Became a Libertarian

by Murray N. Rothbard

Less and less do I have any use for questionnaires, and unfortunately the *Liberty Poll* is no exception. By squeezing the complexities of thought into multiple choice and quantitative scales they provide distortion instead of illumination. Hence, I found it impossible to answer all too many of the questions.

Just two examples illustrate what I mean.

How in hell could I hope to squeeze into multiple choice the process by which I became a libertarian? My father? A writer? Which one, on a scale from one to five? What impudence! My becoming a libertarian was a lengthy process, beginning perhaps when I reacted badly against the dimwits and hooligans amongst whom I found myself in public school (and this was long before the New York City school system became the open sewer it is now!) I found surcease and happiness in private school. Did I make the full connection then, in the fourth grade? Of course not, but I was on my way. Growing up in the 1930s in New York, I was surrounded by friends, relatives and neighbors ranging from left-liberals to fellow travellers and full-fledged members of the Communist Party. The big moral and spiritual dilemma in those days was: should I or should I not make the full commitment and join the Communist Party? In this atmosphere, I became a free-market conservative very early, strongly influenced, no doubt, by my father's instinctive libertarianism. In the eighth grade, as a middle-class scholarship student, I became the only champion of free enterprise in a private school of affluent Park Avenue left-liberals.

I argued against the New Deal's vicious introduction of a capital gains tax in the eighth grade, and from then on was the school's sole conservative. In family gatherings whooping it up for the Communist side in the Spanish Civil War (spearheaded by two sets of Communist Party aunts and uncles), I piped up from the peanut gallery wondering what was so terrible about Franco (the answer was stunned silence).

At Columbia College, it was more of the same. Amidst the great fight between Stalinists and Trotskyists on campus, I was one of only two Republicans on the entire campus, and the other guy was a literary type with whom I had little in common. Engaging in debates, formal and informal, with professors and students, I moved inexorably to the right, becoming a free-market economist, though not a very consistent one.

My becoming a libertarian was a lengthy process, beginning perhaps when I reacted badly against the dimwits and hooligans amongst whom I found myself in public school.

After years of a steady shift rightward, I encountered the fledgling Foundation on Economic Education (FEE) when I was in graduate school. Inspired by consistent and radical thinkers and writers I discovered through FEE (notably Frank Chodorov, Albert Jay Nock, and H.L.Mencken) I very rapidly moved toward a pure, consistent minarchist position. Although I had never thought about foreign policy, blindly adopting New York *Times* internationalism, I now quickly saw that individual liberty and ultra-minimal government implied an anti-militarist and non-interventionist foreign policy. So, discovering FEE in the winter of 1946-47, I was a 100% minarchist and non-interventionist within a year or so. But I'll be damned if I can remember the exact sequence or the precise weight of influence by different persons or writers. I do know that in 1946 I was writing issue papers attacking price control for the Young Republican Club and in 1948 was the only non-Southern member of the minuscule Students for Thurmond at Columbia University, an object of great puzzlement on the part of Henry Wallace intellectuals as they saw me delivering an impassioned stump speech on behalf of "states' rights."

The next two great conversions completing my journey to pure libertarianism—Misesian economics and anarcho-capitalism—were sudden epiphanies, based, however, on years, even decades of slow preparation.

Even though I was a devoted free-market person, I was unhappy with such problems as monopoly, antitrust, unemployment, and business cycles. Hearing about Ludwig von Mises's seminar at New York University, I began attending in the fall of 1949, coincidentally just at the point when his monumental *Human Action* was published. *Human Action* was my great conversion experience in economics. All the problems I had had with economic theory—e.g. the fact that each school of thought seemed vulnerable to the criticisms of its rivals—were speedily cleared up. I read this massive tome at fever pitch; all of a sudden, all of economics made sense, and fit together into a mighty and coherent system, all leading to individualism and human liberty.

My second great conversion experience happened only a few months later, in the winter of 1949-50. I had one of a series of nearly all-night sessions of friendly argument with a few left-liberal friends in graduate school, concerning my bizarre views. In the course of the argument, I didn't think that anything significant was going on; it seemed like the same old controversy over laissez-faire. But after they had left, at about 3:00 AM, I realized that something very significant had occurred that night. As I remembered, my friends had put the case to me this way: "You favor private enterprise and competition in every area, yet you favor government police. Right?"

I realized that there were only two logical possibilities: socialism or anarchism. Since it was out of the question for me to become a socialist, I found myself, pushed by the irresistible logic of the case, a private property anarchist.

"Yes," I replied.

"On what basis do you favor government police and courts?"

I began to fumble. I had never really considered this question in depth. "Well," I said, "the people get together and voluntarily decide to delegate their power to protect themselves to a government."

"But then," they said triumphantly, "if the people can get together to decide *that*, why can't they *also* get together and decide to build steel plants, dams, etc.?"

I honestly don't remember, and didn't even remember that night at 3:00 AM, what I answered. But I realized that, whatever it was, it was not enough: that if the people could get together to decide on a government police force, they could similarly get together to establish *any other* government operation, that my whole position was inconsistent, and that there were only two logical possibilities: socialism, or anarchism. Since it was out of the question for me to become a socialist, I found myself, pushed by the irresistible logic of the case, a private property anarchist, or, as I would later dub it, an "anarcho-capitalist." Having become an anarchist, I decided to read up as much as

continued on page 55

Journalistic Ethics . . .

What if it's Publish *and* Perish?

by Tibor R. Machan

Most people know of the standard charge leveled against commercial newspapers and magazines. If they accept advertising, how could they ever be objective in their reporting and discussion of the business community? But do we fully realize that non-commercial—educational, scholarly, scientific—enterprises are just as vulnerable to a similar problem: If they accept subsidies how can they report objectively and critically on matters relating to them?

Journalistic ethics normally requires that one report objectively on matters of significance to members of the community one has chosen to serve. Anything else would seem to be an evasion of professional responsibilities. Scholarship faces a similar task. Of course, there are obvious cases in which the journalistic posture is mere sham, as in trade publications, e.g., the education profession's *Chronicles of Higher Education*, IBM's *Think* inhouse magazine, etc. But these publications are so obviously partisan that no one expects adherence to the normal standards of journalism. Nor do we usually think of government publications—even those of the United States Information Agency, which is supposedly dedicated to informing the deceived of the truth about America—as paragons of objectivity.

But most journalistic media are owned by corporations and financed by advertisers. For this reason, people defending censorship in various countries—in the Soviet Union, Israel, Mozambique, etc.—usually claim that the idea of a free Western press is a myth, since corporate ownership and support subverts journalistic objectivity.

Yet nonprofit publications face the possibility of similar conflicts of interest. Consider that many such publications rely on the support of foundations, among which are well established and influential organizations. (When these are government bodies such as the Navy or the National Endowment for the Humanities, ethical problems multiply.) The Ford, Rockefeller, Earhart, Olin or Carnegie Foundation is not some neutral body. It is presided over by prominent individuals whose ideological and business commitments are far-reaching.

A news item or topic of concern can easily emerge involving some foundation vital to the support of a magazine or broadcast project. *Firing Line* is sponsored by several major corporations; Mr. Buckley could well find himself with a guest whose book is a sustained, serious, and telling attack on one of these. *Ms.* magazine is the recipient of foundation support. Various progressive, libertarian, conservative and other publications, programs, or projects are in the same position. And virtually all those little centers or institutes preoccupied with the study of professional ethics, business ethics, values and society, or whatnot receive support not just from foundations and corporations but also, very often, from the government. Innumerable scholarly papers devote their first footnote to thanking the Lilly Fund, the Rand Corporation, the National Science Foundation, the National Endowment for the Humanities, or some other private or government body for research funds. In these instances it might be problematic, unsettling, or even devastating if the scholar were to focus his or her attention upon the source of the support. Not surprisingly, it is rare to find anything along those lines.

Of course there is a clear distinction between obtaining private funding and obtaining support from the government, mainly because the presumption in the former case is that the support is voluntarily given and was not stolen from anyone, while the presumption in the latter is just the opposite. But even private support can create ethically insurmountable problems in the shape of conflicts of interest.

The main response to this charge has two parts. First, as far as the consumer of publishing—in journalism or in scholarship—is concerned, the most important thing for him or her is the existence of a free, competitive market. There is no doubt that the practitioners of these professions will often refuse to cut their own necks just to scrutinize and perhaps expose the misdeeds of their funders. So the consumer has to rely on the existence of an open market that will multiply perspectives. It is true, as the rationalizers of government censorship argue, that the Western style free press is not altogether at liberty to do just anything, if it wishes to stay alive. I can imagine that even that impeccable organ, *The Wall Street Journal*, would have some trouble directly attacking Dow Jones, even if the editors felt it journalistically justified. A former employee of the *Journal* reports that the publication is required to print all of the parent company's news releases—verbatim! One might have thought that with such eminent and secure publications there is little likelihood of acquiescence to pressure of that kind. In any case, however, the consumer is best off in a free, capitalist society because competition ensures a variety of sources. The main danger to the consumer is monopoly or oligopoly. As anyone not wholly ignorant of economics knows, those are more likely within an economy that enjoys extensive government intervention than in free markets.

Second, professional ethics is certainly not on the same level of fundamentality as are the basic ethical principles that everyone should invoke in life. A principle of professional ethics is not anything on the order of an absolute moral principle. Rather, it is contingent on adherence to other moral principles. This may be illustrated with business ethics, in which it is a moral responsibility of an executive to further the economic well-being of the firm. But since the executive may also be a citizen, a friend, a parent, a spouse, etc., other moral responsibilities will also guide his or her conduct. Total devotion to work will appear irresponsible, since other relationships require attention.

In journalism or scholarship, one

may find an interesting story about some major supporter, but because it would be suicidal to run it, choose some other topic. If the story is vital, however, it may be wise to point it out to some competitor. Total silence could be immoral, especially if the story itself involves immorality—if, for instance, the funder is violating some ethical precept or breaking a just law. And there is a point at which one may have to forego the benefits of financial support—if, for instance, the funder is stealing the funds contributed or is making demands on journalists or scholars that would require betraying professional ethics.

As with most ethical problems, the difficulties one faces in a conflict of interest situation can only be hinted at in abstract discussions. They must ultimately be dealt with in concrete situations. One needs to consider the details. The principles involved are not the very general ones that a sound ethical theory will propose for virtually every situation faced by human beings. Rather these are hypotheticals: If you face such-and-such situation, then act in such-and-such a way. Principles of journalistic ethics are not similar to the prohibition against murder or theft but more like edicts about therapist-client or doctor-patient relations. In too many cases, outside the most basic and simple ones, the right thing to do will have to be determined from a very rich context of background information. But it is wrong to argue that because there is the potential of conflict of interest, there is something inherently problematic in the practice of the profession itself. Unfortunately, this is precisely the argument made by some reckless idealists whenever economic interests are involved in some undertaking—that is, in virtually any aspect of human life.

The idea that martyrdom is noble belongs to a very dubious ethical system, one that certainly was not developed with an eye to making people successful at living human lives.

Conflict of interest situations may be handled in a variety of ways, including simply shelving them or passing the problem on to those who can discuss it more effectively, with less risk of severe costs. The idea that martyrdom is noble belongs to a very dubious ethical system, one that certainly was not developed with an eye to making people successful at living human lives. The point was, rather, to attain success in another world. From a saner ethical viewpoint, it would be wrong to seek out actions for oneself that lead to the destruction of one's values and projects, unless there is something very fundamental at stake. In this case one is still preserving what counts most for oneself: integrity.

Journalistic or scholarly ethics requires no suicide. Courage, of course, requires taking some risks, weighing values, choosing sides when conflicts occur. But courage is not the only virtue—honesty, prudence, and moderation are also virtues. Each must be attended to, and being reasonable in this task is the ultimate virtue. This reasonableness is the primary ethical responsibility of every human being, one that is prior to the more specialized ethical responsibilities related to one's profession, including journalism. ❑

Continued from page 53, Rothbard

possible, and quickly devoured Spooner, Tucker, Auberon Herbert et. al. It was a busy and remarkably fruitful winter. In the fall of 1949 I was a free-market minarchist of no particular school of thought; by the spring of 1950 I was a hard-core Misesian and anarcho-capitalist, as well as an "isolationist." The first "Rothbardian" had been born. Now I ask you: how the hell could I squeeze all this into the compass of that narrow questionnaire?

The arcane and esoteric problems in libertarian theory mainly miss the boat, and I say this as someone who cut his eyeteeth in the movement debating even more recondite puzzles.

Take for example the question of the shopping center guard. A criminal takes someone as a hostage, uses him or her as a shield, and brandishes a gun, threatening the rest of the public. Does a guard, employed by the shopping center, have the right to plug the hostage (assuming, of course, that he has no clear shot at the kidnapper?) The confusion comes from forgetting the rights of the innocent hostage. The question should be countered by another: namely, assume another bodyguard, *hired by the hostage* for defense. Assume, once again, that the hostage's bodyguard has no clear shot at the kidnapper. The bodyguard looks around and sees the shopping center guard take aim and be about to shoot the hostage. The bodyguard, pledged above all to defend the person and property of the hostage, has only one justifiable course of action: *to shoot the shopping center guard*, who constitutes the most direct and immediate threat to the person and life of the hostage. By putting the case in terms of someone employed by the shopping center, the framers of the question have silently pushed the rights and defense *of the hostage* out of public view.

Everyone's rights are absolute, pragmatism is inconsistent as well as pernicious, and everyone is obligated to defend every innocent person's rights.

The moral of this story is *not* that all rights are relative, and that no firm position can be taken. The moral of this story is that everyone's rights are absolute, that pragmatism is inconsistent as well as pernicious, and that everyone is obligated to defend every innocent person's rights: in short, that no aggression may ever be waged against an innocent victim regardless of excuse or alibi. And that the putative shopping center guard who shot and killed the hostage was a murderer, and should be treated accordingly. ❑

Rand-Bashing: Enough is Enough

by Ross Overbeek

First we were treated to Murray Rothbard arguing that the "guiding spirit of the Randian movement was not individual liberty — as it seemed to many young members— but rather personal power for Ayn Rand and her leading disciples." [1] Now David Ramsay Steele, in an attempt to purge his soul of his early error of actually being "dazzled" by Rand's writing, feels compelled to pen a tirade that goes well beyond anything remotely resembling a search for the truth.[2]

Parts of this story get lost in the telling.

Was Rand a Bad Novelist?

There are two types of attacks on Ayn Rand's reputation as a writer. The first type emanates from people who, having developed within the culture of the left, simply fail to comprehend the appeal of Rand. The second is the work of those who experienced strong emotional reactions to Rand's novels, looked to her for guidance or intellectual support, and were finally disillusioned. The criticisms of the first type—typified by Granville Hicks' review of *Atlas Shrugged* in the New York *Times*, or, for that matter Whittaker Chambers' review in *National Review*—are much less interesting than those of the second.

The most bitter attacks on Rand have been initiated by individuals who were fairly deeply involved in the Objectivist experience. Some were familiar with Austrian economics, classical liberalism, and intellectual conservatism before they encountered Rand. They were thoughtful people who struggled with difficult issues and were already forming basic sentiments of them. When they encountered Rand, they experienced ecstasy. They stayed up all night just walking the streets thinking about what she had written. Later, they talked with others, but initially it was a very private, very intense experience. Eventually, as such people got deeper into the Objectivist movement, they came to feel betrayed. They grew disenchanted with certain aspects of Rand's philosophy, and they objected to being pressured to conform to these positions. But their bitterness has led them to make flawed judgments about the quality of Rand's novels.

Typical first reactions to Rand's novels make a *prima facie* case for her skill. How many novels does one read that stimulate such pronounced responses of interest, curiosity, and enthusiasm? Although some people experienced deep disappointment on a second or third reading, most libertarians initially felt a deeply positive sympathy with Rand's heroes. It is hard for me to reconcile that powerful reaction with claims that her characters are merely "wooden," "posturing," "cardboard cut-outs." It is one thing to question the ideas they embody, it is quite another to deny the skill and power with which she presents them.

Disagreement with specific doctrines of Objectivism can result in an incredible lack of fairness. Let me illustrate with just two examples from Steele's criticism:

1. "Potentially, [Barbara Branden] seems to have been a better writer than Rand, but she gave that up for the sake of her submission before the cult," writes David Ramsay Steele. This is ludicrous. It is no more meaningful than the speculation that I might potentially have been a better scientist than Einstein: had I from an early age committed all my energies to science, I might have achieved superior competence.

2. "By sticking to fiction, [Rand] could have become a sort of minor right-wing Jack London. As it was she didn't write much fiction, and most of it is not outstanding," Steele writes. I am a fan of Jack London, but I believe that anyone who takes the time to read his major "ideological" works (e.g., *The Iron Heel, Martin Eden,* or *The People of the Abyss)* will find them quite inferior to Rand's. Although London's novels are well worth reading, the idea that Rand never measured up to London is ludicrous.

Did Rand Retard the Libertarian Movement?

A recent poll taken by *Liberty*[3] asked questions about the influence of a variety of thinkers. It revealed that Rand has been the most important intellectual influence on an entire generation of libertarians. Of course, one can quite properly point out that many of her ideas were articulated by earlier writers. But that really doesn't matter; Rand made the ideas popular. It was her power as a novelist that brought the ideas to a wide audience. It was not the Libertarian Party's TV advertising, the Cato Institute, the Foundation for Economic Education, or any other individual or institution.

Had Rand not published her novels, and had the Nathaniel Branden Institute failed to spread her ideas sys-

tematically, I consider it quite likely that no modern libertarian movement would exist. The impetus created by Goldwater Republicanism would have pulled many current members directly into mainstream politics, leaving an intellectual few holding seminars on hard money and Austrian economics. Rand was the main stimulus that produced the movement, including the elements that most successfully launched attacks on her doctrines.

On the face of it, the assertion that Rand has arrested the growth of libertarianism is silly: Rand is the single greatest stimulus to libertarian thinking ever.

Some might argue that although Rand presented her ideas forcefully and seductively, many of the elements of her thinking were simply incorrect, leaving her followers with beliefs that could not be defended. Rand promised too much. Faced with a growing number of questions from her inquisitive followers, Rand created a highly restricted intellectual atmosphere. This exacerbated the feelings of betrayal among those who criticized aspects of her philosophy and led to charges that Rand had "blighted" the existence of her followers. Precisely because she was such a powerful personality and writer, her attacks on various individuals and organizations (such as the Libertarian Party) had dramatic consequences. She expressed too much certainty in support of questionable theses, and responded to criticisms by trying to force her followers to adhere to her ideas.

But from my perspective, the following events occurred:

1. Rand became aware of some significant philosophical themes. She integrated these themes into what became Objectivism. This was a strikingly original performance.

2. Convinced that she was correct, Rand used her substantial abilities as a novelist to articulate her philosophy. Her powerful fictional manifestoes gained the interest of other intellectuals.

3. Many of these people accepted the emerging set of ideas as fundamentally sound. Compared with the popular wisdom of the time (think back to the fifties and sixties), Rand's platform inspired numerous bright young people to try to live up to her values and spread the word about them.

Such a pattern has occurred over and over again in the history of ideas and I can find nothing objectionable in it. Indeed, one significant reward of sustained intellectual effort is enthusiasm. Mistakes may be made, but mistakes are likely to occur in any difficult, challenging intellectual task. Getting excited about successes and overstating what has actually been accomplished seem to me almost inevitable in pioneering efforts.

On the face of it, the assertion that Rand has arrested the growth of the libertarian movement is silly: Rand is the single greatest stimulus to libertarian thinking ever.

The charge that Rand misled followers is distinct from the charge that Rand failed to respond to criticism appropriately. The libertarian movement is in no position to attack leaders who have advanced highly questionable positions with vigor. Of the movement's major figures, only those who have explicitly sidestepped the truly difficult issues associated with ethics have avoided damaging criticism.

Rothbard, for example, takes some very advanced positions in *The Ethics of Liberty*. If some of these turn out to be flawed, shall we charge him with misleading his followers? Then why make such charges about Rand simply out of disappointment with her imperfect reactions to criticism?

Was NBI Merely a Cult?

Perhaps the most damaging attacks against Rand are those charging that the intellectual environment cultivated by the leadership of the Rand movement was weirdly restrictive, that this environment was carefully created and maintained at NBI in a way totally inappropriate to any attempt at educating young Howard Roarks. This atmosphere, it is said, reflected the actual beliefs of Rand, Branden, and the other leaders of the Objectivist movement. In short, Objectivist leaders were a bunch of power-hungry manipulators.

Let's examine the process by which a "culture" like that exhibited by NBI arises. Rothbard attempted such an examination in "The Sociology of the Ayn Rand Cult," but his outlook reflects too vividly his own personal experiences. While many of his comments seem reasonable, there are aspects of the story that I believe deserve a more dispassionate analysis.

A movement based solidly on principles of individualism clearly requires an atmosphere in which people can explore ideas, conflicts among positions are tolerated, and the common goal is the pursuit of truth. NBI and the Objectivist movement failed to meet these requirements. It does not follow, however, that their failure resulted from a conscious desire to build a cult, with the associated personal benefits. Minor errors in decision-making may have produced a distinctly undesirable cumulative effect.

One way to illustrate this is to compare the activities of the Objectivists working through NBI with the activities of the Cato Institute in the 1970s. Though the two efforts were very different, both in the personalities of the central players and in the tactics they employed, there are, nevertheless, several important parallels. Like the Objectivists, the libertarians in the Cato Institute had agreed upon a central, core doctrine, and one major goal was to disseminate that doctrine. While the core doctrine was explicit within the Rand movement, within Cato far less energy was expended in maintaining ideologi-

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cal purity. True, Rothbard had dropped his "plumb line," but the limits placed on disagreement were far more flexible at Cato than in the Rand movement. Even so, Cato's goals included spreading their core ideas, and the desire to spread those ideas led to a variety of strange incidents.

Having gradually come to reject most aspects of the natural rights defense of liberty, I tried to consult the four or five leading libertarian intellectuals at a Cato Institute Seminar in 1980. All but one reacted with an NBI-like rigidity. Either they referred me to an obscure Thomistic work, with which they were so unfamiliar that they were unable even to present its essential arguments, or they said they would have to talk to other speakers and get back to me. They all obviously dreaded any open questioning of the core doctrine or contradiction of the central figure laying down that official doctrine. (The one person who expressed himself honestly and openly on the topic was, ironically, also this central figure, Murray Rothbard.)

The seminar participants wrote essays, from which the best few would be selected by representatives of Cato. A few of the participants (including me) began to view themselves as well-meaning dissidents, but since we all admired the accomplishments of the speakers (men like Rothbard, Liggio, Childs and Grinder), there was a tremendous desire to "behave." A document written by Rothbard was circulated arguing the need for a cadre of trusted members of the inner circle. Not surprisingly, many participants began to feel that, "I am bright and talented, and it would sure be interesting to be included in the ruling cadre." The outcome of all of these essentially unobjectionable actions by the organizers was to produce an atmosphere in which there were strong incentives for people to try to predict what the leaders wanted and to try to give it to them.

One evening at a party at the Cato seminar, I got into a discussion with one of the Institute's leading lights. Recalling that Henry Hazlitt[4] and Ludwig von Mises[5] based their advocacy of libertarian ideas on utilitarianism, I expressed concern that the "official" Cato doctrine seemed to attack utilitarianism as if it were anathema to liberty and suggested that perhaps libertarians should at least consider utilitarian arguments. The leading light responded that "utilitarianism vitiates the cause of liberty," as if vitiation or enhancement of the libertarian cause were somehow relevant to the truth or falsity of an idea.

A short time later this same speaker tipped a glass of liquor off the railing on the mezzanine in the plush hotel where we were gathered. Almost immediately, we heard an outburst below from a woman who got hit with the contents. The next thing I knew, the avid moral defender of property rights was denying to a representative of the hotel that he had caused the disturbance.

The failure of Objectivists to create an atmosphere conducive to the pursuit of truth does not make Rand a bad novelist, nor does it diminish her contributions to libertarian theory and the growth of the libertarian movement.

Neither this personal act of cowardice nor the development of an atmosphere of conformity reflects on the Cato Institute's ideas, any more than the occasional intimidating actions by Rand's leading disciples reflect on Rand's philosophy.

My reflections upon this Cato experience have led me to suspect that any attempt to organize a movement to promulgate an ideology and systematically influence public opinion has inherent tendencies to lead to these sorts of problems. You end up hearing leaders declare that there are fundamental conflicts between the core position (e.g., libertarian ideals justified through natural rights) and other philosophical positions (e.g., libertarian ideals justified through utilitarianism), and, hence, that people advocating such positions are (at best) misguided proponents of liberty. And no one laughs.

As far as I can see, these tendencies grew vicious in the Objectivist setting because the Objectivists were successful in creating a focused movement that maintained forward momentum. Should the Libertarian Party ever achieve even a modicum of actual success and power, similar incidents will be commonplace. They would be objectionable, and even avoidable, but they would occur.

Rand and Branden did not set out to create a cult that emphasized their personal positions of power. They set out to build a movement to spread ideas. Analysis of these ideas led to the creation of a tightly managed doctrine and careful control over those representing the movement. This gradually produced competition for acceptance by the ruling cadre, with all of the concomitant ugliness. There can be no excuse for some of the bizarre pettiness that occurred, but as groups "circle the wagons" under increasing attack, they tend to introduce excessive control and punish questioning within the ranks. Heroes should have avoided the pitfalls. The fact that they didn't justifies a good round of criticism. It does not justify deprecation of their actual, substantial accomplishments.

The inability of NBI and the Objectivist movement to create an atmosphere conducive to the exploration of ideas in the pursuit of truth is certainly a failure. But that, rather obviously, does not make Rand a bad novelist. And it does not diminish her important contributions to libertarian theory and to the growth of the libertarian movement. ❑

Endnotes

1. Murray N. Rothbard, "The Sociology of the Ayn Rand Cult" (Port Townsend, Wash.: Liberty Publishing, 1987), p. 11.
2. David Ramsay Steele, "Alice In Wonderland," *Liberty* (May 1988). This article was reprinted from *Free Life, Journal of the Libertarian Alliance*, Vol 5, Nos. 1–2.
3. Analyzed in "The Liberty Poll: Who We Are and What What We Think," pp. 37–53 in this issue.
4. Cf. *The Foundations of Morality* (Los Angeles: Nash Publishing, 1972, Second Printing).
5. Cf. *Human Action* (Chicago: Henry Regnery, 1966, 3rd rev. ed.), pp. 175-6; *The Ultimate Foundation of Economic Science* (Princeton, NJ: D. Van Nostrand, 1962) p. 105, *Theory and History* (Yale University Press, 1957), pp. 55-61, *Omnipotent Government* (Yale University Press, 1944), pp. 50-51.

Reviews

Freedom's Child
Walter Polovchak with Kevin Klose, Random House, 1988, 246 pp., $17.95

Free At Last

Stephen Cox

In 1980, Walter Polovchak, aged 12, arrived in Chicago with his family—his father, Michael, his mother, Anna, his sister, Natalie, aged 17, and his brother Michael Jr., aged 5. They were Ukrainian emigrants from the Soviet Union. Michael Polovchak got a job cleaning things up in a valve factory, Anna Polovchak got a job cleaning things up in a hospital. Within six months, Michael had grown so tired of his job and the other aspects of his new life in Chicago that he decided to return to the USSR and to take his family with him. He found, to his dismay and disgust, that his two older children had no intention of allowing themselves to be removed from the United States.

Walter and Natalie sought refuge in the home of a cousin who had come to America some years before. Michael realized that Natalie was too old to be successfully coerced, but he sent the police after Walter. Walter's cousin called in legal help from the local Ukrainian community; the Illinois American Civil Liberties Union intervened on the father's side. Walter's lawyer won the first round, blocking attempts to return the boy to his father's custody. The ACLU won most of the later rounds; it did not, however, achieve a final resolution of the case, which continued to creep through the courts. Long after Michael had taken himself and the compliant Anna back to the socialist paradise, they were still attempting, with the help of the Civil Liberties Union, to secure control of their disobedient son. In 1985 the calendar emerged victorious: Walter turned 18 and was immediately granted citizenship. Safe at last.

That's what happened to Walter Polovchak, and it's a good story: it has drama, suspense, human interest, and—from Walter's point of view—a very happy ending. But this vivid and absorbing book is more than a Sunday-supplement account of a nice kid who struggles against the odds and finally gets his wish. The "human interest" that it generates is more than an interest in what finally becomes of Walter. Its subject is many people, not just one. Walter and his assistant Kevin Klose (formerly Moscow bureau chief of the Washington *Post)* are careful to allow the other actors in the drama to have their say. Some of the book is narrated by Walter, but the rest is given over to the narrations, explanations, declarations, and self-exculpations of Walter's large and various family, the lawyers on both sides of the case, the social workers, cops, and reporters dragged in at one time or another—an extraordinarily wide spectrum of character and opinion to be represented in a "first-person" book of an inescapably polemical nature. The narrative method helps us to understand the reasons why each person decided to help or hurt Walter's cause, and in the process to study a cross-section of contemporary values and contemporary ways of responding to a moral emergency.

That so many people recognized Walter's situation as a moral emergency is in itself significant; *Freedom's Child* demonstrates that moral sensitivity has not leaked completely out of American life. This does not mean, however, that "moral sensitivity" is omnipresent—or that it always takes a healthy form.

On the one hand, the story reveals the continued existence of a reservoir of spontaneous libertarian feeling in this country. It shows that Americans are interested in freedom, that the struggle for freedom seems highly newsworthy to them. The moment that Walter's resistance to his parents became known, he was surrounded by representatives of the media. He was a hot story, and the story would not be allowed to play itself out in the shadows. His case would not be lost for want of public interest. But public interest is too large and vague to *win* anyone's battle; the cause is lost if public interest fails to transform itself into the interest of individual minds and pocketbooks. Walter Polovchak, a child who could barely speak English, could never have kept his case in court and his residence in America without the help immediately and unswervingly offered to him by others—not just by relatives but by officials of the State Department and the Immigration Service and by people like Erika and Henry Mark Holzer, lawyers and activists for liberty who heard of his plight and volunteered their services. Often libertarian sentiments remain just that—libertarian *sentiments.* They are expressed in conversation, in print, or—once in four years—at the ballot box. They are purely intellectual convictions, sources of personal identity or self-esteem. Walter Polovchak's friends were able to transform the sentiment of individualism into the reality of freedom for one individual.

On the other hand, however, the Polovchak story demonstrates that enthusiasm for liberty is far from universally felt, and that the mere concept of individual liberty is far from clearly understood, even by many of its professional advocates and protectors. Walter's well-publicized case obtained little support from America's intellectual elite, so willing to help in more questionable campaigns for "freedom." Henry Mark Holzer observes that "no lawyer in this nation of lawyers ever offered to help" (p. 201). This reflection must have caused Holzer a good deal of bitterness while he was considering how, if things got really

rough, he could hide Walter from the government and the ACLU (p. 201). Of course, a number of lawyers helped out on the *other* side, and they apparently did so with alacrity. It is remarkable that the Illinois ACLU never seems to have hesitated about enlisting itself in an effort that might be expected to make any civil libertarian hesitate, if not leap backward. Jay Miller, the Illinois ACLU's Executive Director, says that "for us, it was an easy case to consider taking. We had no problem with the policy on this" (p. 129).

The ACLU set itself to vindicate every particle of the right of Polovchak *pére* to exercise custody of Polovchak *fils*, and it regarded legal attempts to prevent Walter's forcible repatriation to the land of the total state as an unwarrantable extension of state power. The ACLU even convinced itself that if Walter were not returned to his parents, then "Walter's rights [would be] violated as much as the family's"; more credulously still, it convinced itself that the issue of whether a violently anti-Communist youth should be forced to live in a Communist dictatorship is "not an issue of welfare or safety of the child" (pp. 159, 161). One reads these arguments and stares: is this what one would expect from an organization that prides itself on protecting children's rights, that prides itself, for instance, on protecting a child's right to have an abortion without the consent of her parents?

Please don't write to me and complain. I'm not attacking abortion. I'm not even attacking the ACLU, as an idea or as a national institution. I am sympathetic to the argument made by William P. Moulton in the last issue of *Liberty:* the historic services that the ACLU has rendered to freedom may well overbalance the organization's attacks on freedom in the Polovchak case and others. And the ACLU is not a homogeneous group. It is to be noted (Polovchak, p. 212), that the New Jersey ACLU wrote to Walter's lawyers dissenting from the position taken by the Illinois ACLU.

Nothing is more common, however, than for organizations that support freedom to lose their grip on the principles they support—and it is this phenomenon that interests me at the moment. The grip on principle may be lost because the membership confuses support for liberty with antipathy toward certain political tendencies, whether left-wing or right-wing. Confusion may run especially deep in organizations that define themselves as "non-political," since the assumption of their own non-partisanship may lead them to see every position they dislike as basely "political." The representatives of the non-political ACLU believed that Walter's case was animated by *political* considerations—i.e., by a dislike of communism and the Soviet Union. This notion probably manifests a typical left-wing anti-anti-communism, a desire to see the USSR as something other than a country that systematically deprives its citizens of rights, and an antipathy toward people who take a more pessimistic view of it.

The story reveals the continued existence of a reservoir of spontaneous libertarian feeling in this country. It shows that Americans are interested in freedom, that the struggle for freedom seems highly newsworthy to them.

The double standard seems obvious. The ACLU does not regard itself as politicizing legal issues when it protests violations of right in the United States, but when someone protests against communism, with its constant, inherent, structural violations of right, the objection is dismissed as political. Does not the ACLU defend the right of El Salvadoran refugees—refugees from a democratic country (albeit shakily democratic)—to political asylum in this country? But even the Salvadoran issue finds its place in the self-justifications of ACLU officials:

> Here you had two federal agencies, State and Immigration, participating for political reasons in a conspiracy to deprive people of their rights. The political reasons were that the parents were Soviet citizens and they weren't happy here. . . . Yet here is our government forcing Salvadorans to go back home who come to ask for political asylum, who claim that they might be killed if they are sent back.

And now, to drain nonsense to its dregs:

> Originally, when folks said Walter would be hurt if he returned, that was pretty silly. It's true that after [Walter's case] went on for some months, it was not likely the Soviets would give him favored citizen status. His application to join the Communist Party, if he wanted to join, would not have been looked on with great favor and he would not have gone to Moscow State University, but Walter couldn't have gone into Moscow State University anyway, no matter what, just as he would not have the score to get into a top American university (Miller in Polovchak, pp. 131-32).

Well, how about Lvov Tech? Could he get into there?

This is a strange spectacle, is it not? An official of the organization that (thank God!) contests Alabama's right to force school children to pray in their classrooms cracks little jokes to himself about a Ukrainian boy's ability even to get into a classroom. The tone reeks of elitism, of a consciousness of superiority that left-wing political opinion is perhaps unlikely to generate all by itself. Elitism of this sort results, perhaps, less from politics than from a curious kind of professionalism—from the awareness of how many clever arguments can be made on any side of a case, and a pride in one's ability to make them. The ACLU people who opposed Walter's case were and are very well aware of the reasoning that might from a libertarian perspective be brought against them—and they have their rebuttals well prepared. In reply, for instance, to the don't-you-support-a-child's-right-to-an-abortion argument, the ACLU's Miller notes that a decision about the custody of Walter Polovchak would affect many areas of his life for many years, but that abortion is "a relatively minor surgical procedure, an act that, depending on circumstances, is likely to involve a very short period of time—a matter of days—in the life of a child" (pp. 129-30).

One might ask, If the wishes of parents can be overridden in the case of so *minor* an issue as abortion, why may they not be overridden in the case of so major an issue as total deprivation of freedom for the rest of one's life? But my point is that libertarian principles may be lost in the midst of intellectual game-playing. In his essay "Of the Original Contract," David Hume wisely remarks that "there is no virtue or moral duty, but what may, with facility, be refined away, if we indulge a false philosophy, in sifting and scrutinizing it, by every captious rule of

logic, in every light or position, in which it may be placed."

But by dwelling so long on the preplexities of the ACLU, by dwelling so long, indeed, on Walter's legal problems, and on who helped him and who did not, I am neglecting another aspect of this book, and this may be the most interesting of all. Walter's book provides a vista on America in the 1980's. But it also provides a vista on the twentieth century as a whole. The history of the Polovchak family is a history of the "common man" in this era, an era shadowed, as none other, by tyranny and deprivation, and enlightened, as none other, by the hope of freedom and abundance.

During World War I, Walter Polovchak's grandfather served in the Austro-Hungarian army. This was fortunate, because when Hitler invaded the Ukraine and survival became a desperate gamble in the no-man's land between two rapacious empires, the German language that the grandfather had brought home with him from the first war enabled part of the family to survive. An uncle vanished. An aunt was taken away to work as a slave laborer—and after Hitler's defeat, made her way to America. The relatives who remained back home inhabited a country pillaged by war and crippled by totalitarianism. They lived hard and colorless lives. Grandmother tended her garden and her orchard, and maintained the Christian faith for her offspring. Michael, the father, lived well, comparatively speaking, on earnings from the sale of goods shipped to him by relatives in the West. Knowing absurdly little about life beyond the borders, but hearing that things were better there, Michael plotted to move. After many hazy adventures he obtained the necessary permissions. But so naive was he that he didn't bother to learn English before getting on the plane to make a new life in America. Certainly he was unprepared for what he found in a West where, as Walter says, the restaurants actually don't mind having customers (p. 102). Michael Polovchak was chiefly unprepared for the idea that he would have to work for a living. Capitalism quickly lost its charms. His wife found adjustments easier, and probably would have preferred to stay in America rather than go back to Russia with her embittered husband; yet she never managed to assimilate the new idea of *women's* right to self-determination. Doomed by her old country upbringing, convinced that she must hang on to her husband even at the loss of her children, she returned to the USSR.

Natalie and Walter, however, enacted another role, one that the twentieth century, for all its horrors, has permitted millions of other people to enact. Seeing that the accidents of history had given them the chance to choose their fate, they chose to make themselves, not the children of dictatorship and deprivation, but the children of progressive capitalism—adaptive, ingenuous, rebellious, none too historically minded, but determined to make the best of their opportunity to escape from an immediate past with which they were grimly familiar. May that opportunity come to all the children of the twentieth century. ❑

Natural Law, or, Don't Put a Rubber on Your Willy
by Robert Anton Wilson, Loompanics Unlimited, 1986, 74pp., $4.95

Certain Uncertainties

David Ramsay Steele

This little book by Robert Anton Wilson is the latest blow in a vigorous polemic for and against Natural Law and Natural Rights, which has been going on, mainly in the pages of *New Libertarian*, for the past three years. The Natural Lawyers have been represented by Murray N. Rothbard, George H. Smith, and Samuel Edward Konkin III. The Natural Outlaws include Robert Anton Wilson and L.A. Rollins, whose pamphlet, *The Myth of Natural Rights*, sparked off the debate.

Both sides seem to have become enraged with the failure of the other side to agree with them. In his contribution to the debate (*New Libertarian* 4:13, April 1985), Rothbard did not present any arguments against the Rollins-Wilson position, but instead contended warmly that Rollins and Wilson ought to "shut up" about their criticisms of Natural Law, and *pretend* to believe in it, apparently because, whether or not it's correct, it's good for the libertarian movement.

In this book, Wilson waxes morally indignant against Konkin for printing Wilson's earlier contribution to the debate with numerous critical footnotes added. Wilson calls this behavior by editor Konkin "heckling."

I sympathize with both sides, for they are each right to conclude that the other side is muddled and unfair. However, there is no need for either of them to be so touchy, and they both need to rethink their somewhat simple-minded positions.

On the key point, the fact that no one has produced a good argument to demonstrate the existence of Natural (Moral) Law or Natural Rights, as these are conceived by Rothbard, Smith, Machan, and their ilk, the Outlaws are right and the Lawyers are wrong. Rothbard, for example, has carelessly, or perhaps carefully, ignored the fact that in *The Myth of Natural Rights* Rollins presented a refutation of Rothbard's argument for Natural Rights. That refutation is sound, and Rothbard is without a serviceable argument for his main tenet. So he really ought to "shut up" until he can produce a replacement (for the argument or the tenet).

Unfortunately, Rollins spoiled his case by arguing not only against Natural Law, but against all morality, calling his own position "amoralist," even though he moralizes quite a bit. I exposed Rollins's confusion on that score in my review of *The Myth of Natural Rights* (in *Free Life* 4:4).

Turning now to *Natural Law, or, Don't Put a Rubber on Your Willy*, does Wilson share Rollins's bogus-amoralist position? At first he indeed seems to. Some passages, like the middle paragraph on page 42, seem to dismiss all morality out of hand, and incidentally to associate all morality with religion. But elsewhere Wilson comes out strongly in favor of morality. He contends that "because morality appears to be a human in-

vention, we should esteem it as we esteem such inventions as language, art, and science" (p. 52).

Is morality a human invention? This issue exercises both Natural Outlaws and Natural Lawyers. Konkin gives his opinion that "if morality is a human invention, *some human will be enslaved to others.* And that heresy is what we rightly fear." Wilson quotes this (p. 49) and comments that he "cannot understand a word of it." Presumably Konkin means that without a supra-human morality to prevent it, slavery is irresistible, like the Lorelei.

Wilson takes for granted that "language, art, and science" are inventions, but that doesn't seem to be the best word for them. Language, art, science, and morality evolved. These processes of cultural evolution encompassed numerous inventions, but it doesn't seem quite accurate to call the whole process an invention (though G. A. Wells does exactly that in his recent, extremely persuasive book on *The Origin of Language).*

Although Wilson heatedly insists that morality is an invention like science, he seems to have overlooked that, if the truth or falsity of morality is on a par with that of scientific laws, then he concedes his opponents' case. But the argument between Lawyers and Outlaws seems to be like some other domestic fights: you pick up whatever's lying around to throw at the other person. It's difficult to be sure whether Wilson thinks that scientific law is utterly different to ethics, because more objective, or whether he thinks that science is utterly relativistic, subjective, and lawless too, as some of his remarks imply. Wilson's espousal of such metaphysical doctrines as the Copenhagen Interpretation of Quantum Mechanics is really beside the point. The question is whether Natural Law theorists can offer us anything, in the realm of morality, somehow like scientific laws. It seems that they cannot offer us anything like this, so questions such as whether scientific laws ultimately presuppose causality, or are never more than probabilities, are not relevant to the dispute.

The idea of Natural Law seems to be that what we ought to do is what conforms to some tendencies in nature (but not to others). The over-riding tendency in nature seems to be Entropy, which suggests the moral rule: Always act so as to increase disorganization.

Wilson makes very heavy weather of the fact that Natural Law doesn't, as scientific laws do, merely attempt to explain what actually occurs. Konkin is the only one who possibly seems to have got this wrong. Presumably, Rothbard, Smith, and others do realize that Natural Law doesn't describe what happens in nature, but prescribes what ought to happen. In a scientific sense, something that contravenes Natural Law is just as "natural" as something that conforms to Natural Law. Robbery and murder are no less natural than respecting people's rights. The idea of Natural Law seems to be that what we ought to do is what conforms to some tendencies in nature (but not to others). The over-riding tendency in nature seems to be Entropy, which suggests the moral rule: Always act so as

The Dogs of Capitalism, by Mitchell Jones, extols the virtues of the unconventional person

A "normal" person is a person who "fits in"—a person whose beliefs, in all important respects, conform to the cultural mainstream in his society. When the cultural mainstream is irrational, one must abandon reason if one is to fit in. In such societies, to be normal is to be *evil.* In Nazi Germany, normal people believed in Aryan superiority and participated in violent acts against the Jews. In Russia under Stalin, they believed in the collectivization of agriculture, and supported the mass starvation of the kulaks. In medieval Spain, they believed that heretics ought to be tortured until they confessed and then be burned at the stake.

The good man stubbornly clings to reason, even at the risk of his life. He relentlessly culls out beliefs which are contradicted by facts, even if those beliefs are central to the mainstream culture in his society. If he must abandon reason in order to fit in, he chooses to become a "social deviant." Such a man will despise Nazism even while living in Germany under Hitler. He will despise Communism, even while living in Russia under Stalin. And he will despise the Inquisition, even while living in Spain during the time of Torquemada.

The Dogs of Capitalism views human history in moral terms —i.e., as a war between good and evil. It is history with all the elements of drama: important values at stake, heroes and villains, struggle and crisis, victory and defeat.

Is such history interesting? Read *The Dogs of Capitalism* and find out.

* * *

The Dogs of Capitalism, hardcover, 336 pages, 44 illustrations. Price in the U.S. is $24.95 postpaid. Limit one copy per order. (We will explain why.) Texas residents add $1.50 sales tax. Send order to:

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to increase disorganization. Doesn't appeal to me.

Rothbard, Konkin, and Smith, like most libertarians who talk a lot about Natural Rights or Natural Law, believe that fundamental moral propositions are factual propositions, objectively true or false. They therefore insist that it is possible to validly deduce an "ought" from an "is," though they have not yet actually been able to accomplish this feat. This position of theirs makes their doctrine unlike those of some historically important "Natural Law" philosophers such as Pufendorf or Locke, whose arguments, or modifications thereof, may still stand up. There is nothing to indicate that Wilson (or Rollins, despite his "amoralist" pose) has to be against all elements of this older Natural Law tradition.

It is hopeless to expect, by analyzing ethics, ever to be able to demonstrate that any fundamental moral rule or judgment is right. But you can find out what follows from the decision to apply certain fundamental moral rules, and this may be interesting. If Natural Law meant no more than the critical discussion of suitable fundamental rules and the investigation of what objectively followed from them, than I would have no objection to it, and I don't suppose that Wilson would have any objection either.

Wilson sometimes falls into the habit of writing as if laws can only come from states. Stateless societies always have laws too. We can't do without law, any more than we can do without language.

Wilson's own philosophical standpoint is slippery and jumbled. In some places he speaks favorably of "Logical Positivism" and berates all "Metaphysics." However, it was in part recognition of the fact that we cannot get along without metaphysics that led all philosophers to abandon logical positivism before 1950. He refers to "Wittgenstein, P. W. Bridgman, and Karl Popper" (p. 11) in support of his view that theological propositions are meaningless, when in fact Wittgenstein abandoned that view in the 1920s, and Popper has always attacked it. Wilson refers favorably to "pragmatism," but you mustn't think he means anything whatever to do with Pierce, James, or Dewey, and he obviously doesn't know that pragmatism is quite incompatible with logical positivism. It's easy to make a career out of blinding people with science; blinding people with philosophy is more tricky.

At times Wilson comes across as a sort of commonsense or naive realist. He talks about "sensory-sensual 'reality' or ordinary experience, which is the only 'reality' that most of us know anything about" (pp. 17–18). He doesn't seem to appreciate how distant from this ordinary reality is the reality of scientific theories, and toward the end of the book he starts attacking this ordinary reality by advancing the theory that most people are hypnotized most of the time. If this is true, then how can we trust anyone's experience?

Wilson, who makes such a show of hard-headed skepticism about some things, is highly credulous in other departments. Apart from the theory that we're all in a hypnotic trance most of the time, which he got from his namesake, that high priest of credulity, Colin Wilson, he endorses General Semantics, Transactional Analysis, and, as mentioned, Copenhagen subjectivism. Wilson is unshakeably convinced that nothing is certain, and when he comes across any doctrine which lends support to that opinion, he instantly swallows it whole.

Aside from his sins of commission, Wilson is guilty of one major sin of omission—I use the theological metaphor only for the sheer pleasure of annoying him. He offers no reply to the natural Lawyers' favorite ploy: "Whether or not we can produce any good argument for what we call Natural Law (and as a matter of fact, ahem, we have been totally, miserably, and wretchedly unable to produce the faintest glimmering of such an argument, but don't assume that we never will!), we need Natural Law in order to promote libertarianism. Whether it's true or not, Natural Law is a vitally necessary sales pitch."

There are three important counterarguments. 1. Some of us are incorrigibly interested in what's true, regardless of whether it suits our purposes. 2. Very few people believe in Natural Law, so, as well as convincing people of Libertarianism, we are taking on the additional task of convincing people of Natural Law, which is particularly difficult because no one has ever managed to find a good argument in its favor. 3. Most of the time, the Natural Law libertarians, just like the rest of us, argue that libertarianism will lead to peace and prosperity, will satisfy people's aspirations for a good life more effectively than any alternative strategy of social reform. What's the matter? Don't they really believe this? ❑

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VOTING: Some may wish to consider, the more there are of us, the more diluted. Is that a reminder of past assertions that voting is a privilege granted by our rulers and that our vote may count not at all, or only at the moment same is cast (one more digit is added to the total)? May we then be ignored? ---------- #369.

The "CUP OF HEMLOCK" is out! Today, such work is secretly hire-out-to-the bureau's physical assassins psychologically referred to with a grotesque sense of humor — as "intelligence agencies"! Is that a fair appraisal of the modern efficient Police State? #382.

Have we been "PRINGLIZED"? Few or none of us dare step to the beat of a different drummer? Treated and taxed, Taxed and Treated, as cradle-to-grave automatons in service to our rulers? ----- #386.

IS YOUR INSURANCE AGENT, your bank, your landlord, working hand-in-hand with "the bureau" to make sure you "Do as you are told?" ----- #387.

QUESTION: Is there a sense of general discontent with the Welfare State and the necessary evil that must be a natural part of it, The Police State? - #390.

TARGETED TO SERVE THE STATE: Is that the prognosis for Americans? -- #395.

YOUR LICENSE TO EXIST - issued by your friendly legislature - Blessing or Curse? ------- #397.

IS ~~WISCONSIN~~ YOURS a Police State? Your perception? When any entity must utilize violent methods to subordinate individuals to strict control of all aspects of life by coercion, is that a clear signal that that system is running out-of-control? ---------- #399.

1913 : 1984 - DID THE FRAMERS of the 16th Amendment (income tax) "see" what same would do to America? One might argue, politically, that the Amendment effectively metamorphosed the American political State into something foreign, for, surely, the intent of the Founding Fathers of the Constitution was to create justice and freedom, not a Police State. #404.

THE UNITED STATES OF AMERICA began life as a REPUBLIC. Today, our rulers style our "experiment," a Democracy. Why has "Republic" now fallen into disrespect & dishonor? ---------- circle— #412.

NOTE: See 1929 U. S. Army Manual for definition of "Democracy."

WITHOUT JUSTICE, THERE IS NO FREEDOM

Secrets of the Temple: How the Federal Reserve Runs the Country
by William Greider, Simon & Schuster, 1987, $24.95

A Crank's Case Against the Fed

Jeffrey A. Tucker

"Fed is Expected To Ease Its Grasp on Credit Slightly," said the lead front page headline in the January 30th edition of the Washington *Post*. Unnamed sources within the Federal Reserve had leaked that the Fed "will probably act to loosen credit slightly so that interest rates continue to fall." The *Post* said that the Fed is trying to avoid a recession in 1988, even though Alan Greenspan, chairman of the Fed, doesn't want to be accused of trying to insure a Republican victory in November.

By the old standards, the *Post*'s op-ed article would not have been newsworthy, except to a few Wall Street Fed watchers. A year ago, the article would have appeared on page 2 or 3 of the *Post's* usually-scrawny business section. But reporters and editors have rearranged their priorities. The actions of the Board of Governors of the Federal Reserve—and especially those of its Chairman—have begun to take on new importance, equal to the latest Administration scandal.

This may be temporary, but it illustrates how Washington journalism has changed after the release of William Greider's 800 page tome *Secrets of the Temple*. His in-depth analysis of Fed actions and politics—the most comprehensive in the Fed's seventy-four years—is credible to the mainstream news media. It was written by a respected Washington journalist, not by a member of a small sect of dissident "extremists" talking about a conspiracy of bankers or a return to the gold standard. *Secrets* may help to restore the "money question" to popular debate, and because of this we should be grateful to Greider.

The Fed is the most influential policy-making institution in America—and maybe the world. Greider sets out to show that it is unaccountable to the electorate (which he does) and that it is undemocratic (which he does). Though his thesis may sound radical, Greider manages to blunt its sharp edge with an incredible array of economic blunders and topsy-turvy logic.

Greider is a "monetary crank," someone who thinks endless prosperity and perfect justice can be created through the printing press. He is also a die-hard Keynesian and a reactionary in the real sense: a true believer in the various faiths of the welfare state, price controls, State interventionism, economic regulation, and egalitarianism.

The book's framework is conflict analysis, primarily between the forces of democracy and capitalism, and secondarily between the rich and the poor. The force of democracy represents the chance for the masses to participate on an equal footing with the rich and powerful in the affairs of state. The other force is that of capitalism, consisting of private capital and high concentrations of wealth (as in: "at the top were the 10 percent of American families that owned 86 percent of the net financial . . ." etc.).

It is between the cracks of capitalism and democracy that Greider places the Federal Reserve System: "an uncomfortable contradiction," an "odd arrangement of public supervision and private interest," a "crucial anomaly at the very core of representative democracy."

Most of the book is a simply written account of how the Fed does its job of increasing and decreasing the money supply. Greider is mainly concerned with the period between the inflation of the late 1970s and the stock market crash of October 1987. He writes fascinating accounts of two Fed bailouts, provides some evidence that Fed chairman Arthur Burns helped put Nixon in the White House, and presents excerpts from the hundreds of interviews he conducted with former and present Fed and administration officials. He elicits interesting statements from Fed Governors about their policies, and shows how Paul Volcker deflected criticism with a masterful use of the art of obfuscation.

Greider explains the Fed through the eyes of his ideological predecessors, Veblen, Freud, and Keynes, whom he cites *ad nauseam*, in their original prose. The definitive account of cultural corruption, Greider thinks, is in Thorstein Veblen's *Theory of the Leisure Class*; nothing can be added to the economic revelation contained in Keynes' *General Theory*; and the whole of psychology is in *The Complete Works of Sigmund Freud*. With Freud comes the nausea of "ad nauseam"; in ten loathsome pages, Greider regurgitates Freud's anal-erotic analysis of money. That Freud viewed "interest as excrement" and connected "gold with feces" qualifies as "pioneering research" in Greider's mind.

The Purpose of the Fed

On the founding of the Fed in 1913, Greider takes the wholly naive view that the Federal Reserve Act was a compromise between three factions: a populist movement that wanted higher prices and no banking panics, the government which was trying to satisfy the voters, and members of the banking industry who "were still not reconciled to the abandonment of laissez-faire economics."

Though no subject is better suited toward power-elite analysis than the Fed, Greider avoids a rigorous treatment along these lines. He seems unaware of Gabriel Kolko's extraordinary 1963 study of the progressive years, *The Triumph of Conservatism*. In that work Kolko related how a small group of powerful bankers lobbied intensely for the Fed with the intention of using the government as a tool for cartelization and the gaining of profits through inflation. The bankers' rhetoric was a cover for a power-grab. Other historians—from left, right, and libertarian points of view—have confirmed Kolko's account.

In this sense, the banks who fought for the Fed were not unlike the railroads and other industries during the Progressive Era: they were taking advantage of an ideology that justified the granting of special monopoly privileges. Though the Progressive era has been heralded for institutionalizing "cooperation"

between private and "public" interests, all this really meant is that certain private interests gained a towering advantage over the public.

The best framework for an exposé of the Fed would take count of these power elite questions and ask: how does the Fed benefit the government and the banking industry at the expense of the rest of the public through the policy of inflation?

Greider, on the other hand, follows a long line of social-credit theorists and populists, arguing that the Fed *resists* inflating the money supply because it wants to promote sound money and monetary deregulation. Thus when he recounts the monetary experience of the early eighties, he finds that the Fed successfully accomplished "what it took to be its highest purpose, the virtual elimination of dollar inflation."

Contrary to what Greider thinks, the Fed's purpose is not to "control the overall expansion of credit." Nowhere does it operate with the "singular objective of 'hard money.'" These assertions run contrary to the mountains of empirical evidence and logical explanations demonstrating that it is not sound money but inflation which benefits the banks. The Fed is like the counterfeiter who discreetly prints as much money as possible, always being on guard not to get caught.

Greider's thesis is not a new one, but, as Ludwig von Mises wrote in *Human Action*, "it is a fable that governments interfered with banking in order to restrict the issue of fiduciary media and to prevent credit expansion. The idea that guided government was, on the contrary, the lust for inflation and credit expansion."

It is perhaps ironic that Greider has unwittingly adopted his own theory of money from the social credit populists, whom he ridicules for their "febrile anti-Semitism" and their "demented" conspiracy theories about the Fed's goal of "world domination." The populists—Wickliffe B. Vennrd, Major Douglas, Father Charles Coughlin, the *Spotlight*, etc.—have wanted to nationalize the banking industry, put it into the hands of Congress, abolish interest, and have unlimited monetary inflation. Greider too wants to have Congress take over the Fed, he attacks usury as "self-devouring" and a "sin," and he wants a "return to inflation." Greider embraces populism's crack-pot economics but throws out its power elite analysis.

Crack-Pot Economics

Greider doesn't take into account the effect that inflationary expecations have on interest rates and the incentives to save and invest. Interest rates are not "the price of money," as Greider says many times. No one borrows money in order to hoard it; consumers take out loans in order to purchase specific goods and services. Because they choose to borrow instead of save, the interest rates reflect the degree to which individuals prefer goods and services sooner rather than later. And if interest rates reflect time preferences, they are subject to individual's expectations of the future.

> *The Fed has been defiling the dollar for seventy years, and that's not because we, the victims of the system, want it that way. It has remained secure because we are powerless to do anything about it.*

The book contains one completely erroneous chapter on the "money illusion." The money illusion occurs during inflationary times when workers' wages increase along with consumer prices, thus making illusory the apparent increase in purchasing power. Keynesians celebrate this effect because they believe that declining labor costs will lead businesses to expand outputs. Austrian economists point out that inflation-induced investment cannot pan out in the long run because it is based on truly illusory expectations: when people catch on to the illusion, the investments based on it fall to ruin. Greider, however, is completely outside the loop, saying the money illusion occurs when "the mind confers real value and elaborate power on these mere scraps of paper." That's an interesting point, but it has nothing to do with the money illusion. It has to do with Mises's regression theorem, but Greider is a long way from that.

Greider's head is so deeply buried in the *General Theory* that he can't understand how the money supply and interest rates can go up at the same time. And he fails to mention how new injections of credit distort interest rates, hinder economic calculation, elicit malinvestments, rearrange the structure of production, and produce economic booms and busts. The 1970s seems to have taught everyone but Greider that high inflation isn't good. He says, for example:

> A social philosopher, searching for a progressive theory of justice, might contemplate the underlying consequences of inflation and conclude that this system was a promising model for social equity. Inflation, after all, discreetly redistributed wealth from creditors to debtors, from those who had an excess to those who had none.

But there is a subtlety in this argument that should not be missed. Greider argues that specific groups benefit from inflation, primarily the poor and elderly. They do so because "government benefit programs for low-income families" shelter the "poor from rising costs" through "Medicaid and public housing." Similarly, the "elderly" are "partially protected" because Social Security is "indexed to the inflation rate, automatically increasing the monthly checks periodically to catch up with prices."

Thus Greider argues that inflation's beneficiaries are not the poor and elderly in general, but only those whose incomes are statutorily indexed to increase with prices or are given free housing. The argument would then presumably apply to union workers, and of course politicians, bureaucrats, and central bankers. Greider's argument can therefore be restated: it is only the State-connected who get a boon from inflation. The ordinary taxpayer loses through diminution of his savings, a debased currency, and higher taxes required to pay for more government benefits.

(It should be noted, however, that it is precisely this aspect of inflation—the Cost of Living Adjustments—that keeps the poor from leaving their state of dependence on the government and working toward one of independence. Even if a poor person wanted to drop welfare, he is not very likely to leave a system that protects him from the ravages of inflation to one where inflation ravages him.)

If the inflationary bias of the book infected only its policy conclusions, we could ignore it. But it permeates the entire book, so that Fed governors become good

guys when they vote for super-loose money and selfish when they only want a moderate amount. The inflation of 1978-80 is granted only a few pages but the recession of 1981-1983 gets 250 detailed pages.

The reader of *Secrets* is led to believe that Volcker is the king of tight money and root canal economics, but the opposite is true. He presided over enormous monetary inflation during Reagan's presidency. The money supply, as measured by M-2, grew an average of 11.4% from 1981-86 (compared with 9% from 1975-1980). And while much of it occurred after 1982, the Fed pumped money into the economy at a pace of 9% per year from 1979 to 1981. No tight money here. Good grief, Mr. Greider, why didn't you mention this in your book?

In typical Keynesian fashion, the book lumps together complex individual economic relationships into huge piles. For example, he says "the fundamental weakness of the 1920's prosperity . . . was not that Americans were profligate, spending too much and saving too little, but the opposite." Updating this phony analysis, he says "the fundamental disorder of the 1980s was essentially the same one that Keynes and the New Deal liberals had identified—there was already too much supply and not enough demand."

This kind of thinking leads to New Deal schemes in which the government spends more money to increase "aggregate demand." And even worse, it leads to central planning. Perhaps that's why Greider calls the World War II economy a "model of the possible," and laments that "no one, including the most ardent Keynesian planners, has ever figured out how to re-create a comparable combination of creative sacrifices in peacetime or how to sell it to a free society."

This analysis is hopelessly wrong and destructive. Economic problems can only be understood and solved when we understand that economics means analyzing the actions of individuals in the market, not huge and phony agglomerations.

Greider is a "monetary crank," someone who thinks endless prosperity and perfect justice can be created through the printing press. He is also a reactionary in the real sense: a true believer in the various faiths of the welfare state, price controls, State interventionism, economic regulation, and egalitarianism.

The Solution

Since its founding, says Greider, the Fed's "basic design probably changed less than any other important operating arm of the federal government." That's because "it somehow 'worked'— that is, the Federal Reserve seemed to provide what the American system wanted. Otherwise, surely, it would have been changed." The Fed has been defiling the dollar for seventy years, and that's not because we, the victims of the system, want it that way. It has remained secure because we are powerless to do anything about it. Milton Friedman was right: "the U.S. would have been far better off if the Federal Reserve System had never been established."

Greider's solution—having Congress print unlimited amounts of money—would be as bad, or worse, as having the Fed Cartel do it. Under both conditions, the government controls the lifeblood of the economy. The point is to break up the State's money monopoly which means abolishing central banking and fiat money, and erecting a wall of separation between money and the State. Money should be put back into the hands of the free market, which was responsible for its development in the first place.

Greider argues that this can't be done because the market has a fundamental flaw: there is "no natural stop valve to control its appetites." Nothing in the market allows for people to distinguish between the "normal desire for profit and the destructiveness of greed."

On the contrary, one desirable aspect of the market is that it directs the greed of a capitalist toward the service of others in society. To feed his greed, the capitalist must provide goods and services others want and need.

Of course, no social order can insure that men always strive for virtue. But only capitalism can turn an unintrusive vice into a net social benefit. The government has no such built-in check on vice, yet Greider is counting on it to correct the market's shortcomings. Success in the government—its agencies run by interest-seeking individuals—is best won through the cunning use of the very vices Greider derides. Contrary to Greider, there is no natural valve to control the State's appetite when it has a monopoly on money and credit.

Secrets of the Temple has brought attention to the Fed, and attention is just what the central bankers try so hard to avoid. The Fed governors have good reason to fear the public eye, considering the damage they have wrought on the American economy.

Let's hope this new interest in monetary policy leads not only to the abolition of Fed, but also to the abandonment of the politics of inflation—which is just the opposite of Greider's intention. ❑

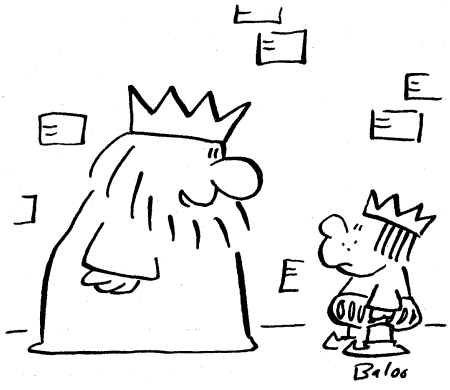

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Booknotes

Forty-Eight Minutes
A Night in the Life of the N.B.A.
by Bob Ryan and Terry Pluto
Macmillan, 1987, $16.95

At first glance, basketball and libertarianism might seem totally unrelated. Professional basketball, for instance, is played by extremely tall black men paid more than the average Fortune 500 CEO, to the thunderous cheers of packed houses. The libertarian movement, on the other hand, is heavily populated with medium sized white people, mostly male, making considerably less money for their labors, and usually nothing for their political/intellectual crusading.

However, of all major pro sports, basketball may be the most "libertarian." In contrast to baseball and football, most teams are profitable and play in non-government owned facilities. The rarified world of the 200+ plus NBA players is full of true entrepreneurs, who are paid top dollar according to their individual talents and contributions. They recently dissolved their own union when it seemed it was getting in the way of business. Basketball also boasts what is surely the most libertarian moniker of any pro sports player, the Houston Rockets' World B. Free, (neé Lloyd Free), who puts even James Libertarian Burns to shame.

Finally, and most importantly, several of *Liberty's* editors are big fans of the game, which surely must say something for its importance.

And they won't be disappointed with *Forty-Eight Minutes*, co-written by sportswriters for the Boston *Globe* and Akron *Beacon*. In an easy to read treatment, the authors detail a basket-by-basket account of an action packed game played on January 16, 1987 between the young and vigorous Cleveland Cavaliers and the venerable champs of the sport, the Boston Celtics. The authors provide considerable background and insight into not only this single game (which was played at historical Boston Garden into overtime) but the entire sport of basketball.

Key coaching decisions are analyzed, suspicions about referees confirmed, and players and coaches profiled. A snapshot of one night in the life of two NBA teams is provided in an entertaining, crisply done narrative. —MH

Jury Nullification
Volume 1
compiled by Mike Timko
Libertarian Press, 1987, $9.00

Jury nullification, for those unfamiliar with the term, is the notion that trial juries can and should decide issue of law as well as fact. Jury nullifcation is discouraged and officially forbidden in most jurisdictions in the U. S., although a few states do recognize its validity. But once understood and practiced by individual citizens, it is virtually impossible to prevent. It is one way government-manufactured injustice can be peacefully stopped by ordinary citizens in the performance of their civic duties. It is also a hot topic in the tax protest movement, whose challenges on constitutional grounds have met with countless courtroom defeats.

Mike Timko's self-published book has three major sections: an essay by Timko on "Jury Nullification Through the Initiative Process"; a reprint, from the sociological journal *Social Problems*, of Steven Barkan's article "Jury Nullification in Political Trials"; and a reprint of Lysander Spooner's classic work on the subject, "An Essay on the Trial by Jury."

Timko's own essay suggests an intriguing political tactic: petitioning for a statewide initiative in favor of explicit recognition for the right of jurors to decide the law. Even if such intiatives don't succeed, he argues, at least the educational process will be advanced. He even suggests petitioning on the courthouse steps, in front of prospective jurors, which is a clever idea all on its own.

Barkan's 1983 essay, which includes an extensive bibliography, is alone worth the price of the book. Although Barkan is sympathetic to jury nullification, he points out its pitfalls as well as its benefits. Suppose juries fail to enforce good laws because they want to protect evil-doers, express racial prejudice, or enforce political bias. Barkan also provides a history of nullification, tracing its roots in English and American common law, and early Supreme Court decisions. His own political leaning is evident in his sympathy for the use of nullification during protest trials over the Vietnam War, and in a section of his essay that is stuffed with jargon and Marxist sociological analysis. This seems forced and is mercifully brief. It doesn't greatly mar the essay.

By far the largest portion of the book is occupied by the Spooner essay, directly reprinted (in small, dark archaic typestyle) from the original 1852 booklet. Spooner's work is largely based upon British common law and his own legal philosophy.

While Spooner's style is occasionally pedantic, his pedantry leads him to provide enough citations to make this essay the point of departure for modern libertarian jury nullification advocates. —MH

City of Nets
A Portrait of Hollywood in the 1940s
Otto Friedrich
Harper & Row, 1986, $10.95

In 1926, former *New Yorker* theater critic Herman Mankiewicz wired his friend Ben Hecht suggesting that Hecht move to Hollywood to write for the movies: "Millions are to be grabbed out here, and your only competition is idiots!" Hecht came, and so did others. Mankiewicz was right: before long, Hecht was demanding $1,000 a day, in cash payable at the end of each day's work.

By the late 1930s, Hollywood money had drawn a remarkable number of writers and other members of the intelligentsia to the California Babylon: F. Scott Fitzgerald, William Faulkner, Thomas Mann, Bertold Brecht, Igor Stravinsky, Arnold Shoenberg . . . So Hollywood became not only the center of the world's most prosperous industry but also something of an intellectual hub.

In *City of Nets*, Otto Friedrich tries to weave into some sort of coherent fabric the cultural and historic threads that came together in Hollywood during the 1940s. As in *Before the Deluge*, his book about Weimar Berlin, Friedrich is not altogether successful, but that may be more because of the grandiosity of his ambition

than any lack of skill as a history writer.

For he accomplishes much: in the course of about 500 pages he manages to chronicle the rise of the film industry to its pinnacle in the war years to its ruin during the early days of television, all the time integrating the ephemeral world of the movies into the political world of fascism, Stalinism, and war and the broader intellectual and artistic worlds. His discussion of Ayn Rand's Hollywood years and of the rise and fall of communist influence in films will be of special interest to libertarians. —RWB

Cultural Conservatism
Toward a New National Agenda
Institute for Cultural Conservatism
Free Congress Research and Education Foundation, Washington, D.C., 1987

Capitol Hill conservatives are finally at peace with Washington's permanent government. For raising funds outside the beltway, though, they still sell government bashing and free market rhetoric. Distributed on the Hill as a political tract, *Cultural Conservatism* unwittingly exposes their esoteric creed, and that's why Capitol Hill conservatives may be sorry it was ever written. The book argues that conservatives should quit talking about trimming the size of government; instead they should take it over and use its coercive power to implement "values." They intend to "revive one of the central tenets of President Roosevelt's New Deal: experimentalism" with an "activist government."

Paul Weyrich—who runs the Institute for Cultural Conservatism and Free Congress and a zillion other conservative organizations—is the most influential conservative activist on the Hill. But the blatent statism of this 146 page book embarassed even the Washington *Times*.. "Sometimes they sound like socialists," the right-wing paper said.

The welfare state shouldn't be cut. "Instead of leading the fight against welfare, conservatives will help lead the fight for it," says Weyrich's Institute. "We will make cultural welfare our top priority in the competition for Federal funds, equal in our view to defense." The government should implement pro-family policies, like giving special breaks to "traditional" families, encouraging businesses to pay a "family wage," and outlawing no-fault divorce. And the Institute wants to "expand the current, broad-based 'Say no' campaign, now focused on drug use, to include premarital sex." Cultural Conservatives should also support tariffs, new government retirement benefits, and "government funds" that are "available only to provide homes for families." On and on it goes.

In one ridiculous proposal, they suggest reforming bureaucracies so the employees will have the right "values" and "believe" in what they are doing. Of course, nobody thinks this plan will actually work. More likely, *Cultural Conservatism* is the cover for a jobs program for right-wingers worried about their post-Reagan careers. What could be more secure than a government job?

If this book does reach the grass roots level, one can only hope that the pro-freedom masses will realize that the New Right is not the Old Right and has no relation to the principled individualism of Felix Morley, Frank Chodorov, and Robert Taft. Then the masses will unify under the banner of "Get Weyrich Off Our Back." —JAT

The Secret Kingdom
Pat Robertson
Nelson, 1983 [Bantam 1984] $3.50
Answers to 200 of Life's Most Probing Questions
Pat Robertson
Nelson, 1984 [Bantam 1987] $3.95

Libertarians may disagree with Pat Robertson's social and foreign policy, but doesn't Pat believe in free markets? Not if we can judge from what he has written. Capitalism is okay and profits aren't evil, he says, but to correct capitalism's "abuses" the government should follow Biblical principles. That means the government should redistribute all "wealth," "means of production," and "money" after every seventh sabbatical year. And usury, i.e. charging interest, should be outlawed.

These are some of the surprises that can be found in two books written before he started his failed bid for the presidency. In *Answers* we also find Robertson's views on industrial organization: "the unfettered laissez-faire concept of Adam Smith led to the free-booting robber barons of the nineteenth century." The story of these "monopolists" is "not a pretty one."

Why didn't the media follow up on Robertson's proposal for a Federal Sunday School program? He writes that under his "ideal taxation system . . . 10 percent of everyone's income would go toward religious instruction, teaching, and worship so that the whole population could be instructed in the Word of God. Then, another 10 percent could go for welfare, roads, harbors, various social projects, old age relief, and any other social needs."

In *Answers* you will find out how the world will end and why Pat believes that Israel was created to be a sign that the Last Days are on schedule (in theological terminology, Robertson is a post-tribulation premillenialist). You will also find out whether or not you should learn to speak in tongues (the answer is yes), and how to lose weight (eat right, excercise, and pray).

The Secret Kingdom is not quite so down-to-earth ans *Answsers*. It is directed toward convincing Pat's cadre that miracles can happen and that God has a plan for their lives, if they would only follow His laws. But like *Answers*, it contains the recommendation that all wealth be redistributed and all debts canceled every fifty years. He must mean it.

Both books are fascinating reading, and both serve as wonderful cultural studies. There is, of course, no reason to be intolerant of someone's religious views. That goes for views that are theologically rigorous as well as for Robertson's pop apologetics. But Robertson's ideas take on new significance when we realize that this guy wants to rule us. —JAT

Before the Revolution
A View of Russia Under the Last Tsar
Kyril FitzLyon and Tatiana Browning
Overlook Press, 1978, $19.95

This book, which was originally published a decade ago, is now showing up on remainder tables, often at a great deal less than $19.95. It's worth a great deal more. The first 50 pages contain a tightly condensed but learned and informative account of the Tsarist political, social, and cultural order. After these pages comes the book's reason for being—photographs, more than 300 photographs, at least 100 of which are magically compelling views of a world so far removed from our own as to seem almost extra-planetary, yet so close to our own (only a few miles, only a few years) as to inspire an intense sympathy and nostalgia.

Sympathy and nostalgia may be felt even when approval is not. In this book the ugliness, restrictiveness, and mere silliness of Tsarist society are plainly evident: who could approve of it? Sympathy and nostalgia need not originate in regret for some tragic loss. The Tsarist instinct for self-destruction was tragic enough in

its stupid way, but the loss of Tsarism itself was hardly tragic. Sympathy may arise merely from the impression of other people (somewhat like ourselves, we imagine) doing the best they can in a tough situation. It may arise from a picture of two peasants in a little horse-cart struggling through a sea of mud toward a tiny village lost in infinite rolling fields. Sympathy may arise from a picture of crew-cut students in the Emperor's corps of pages grinning at each other as they form couples for a dancing lesson. It is 1894: how many of these 16-year-olds will die in the pointless conflict of 1914? These people, too, lost in an overpowering landscape—not endless fertile fields, this time, but a vast cold ballroom dominated by gargantuan portraits of dictators Nicholas I and Nicholas II. It is the landscape of history.

Nostalgia may arise merely from an inspection of landscapes that are understandable to us but forever inaccessible. Here on p. 145 is a view of the last Tsar's coronation procession entering Moscow through (heavy irony) the Triumphal Gate. The next two pages present a panorama of the Moscow river as it flows past a medieval wall and a dozen churches of fantastic shapes, while over the river and along the quays pass hundreds of human beings (all long dead), and in the foreground a tree just struggles into leaf beside a pile of wood neatly stacked for burning. Of that time and place, only some momentary shafts of light endure, preserved by the camera. But from them any willing imagination can recreate a world. —SC

Videonotes

The Little Girl Who Lived Down the Lane

released on videotape by
Vestron Video

This film is often labeled Horror or Suspense in the video stores, though it is certainly *not* the former, and barely qualifies as the latter. In truth, it is a unique film, comparable only to Hitchcock's *Shadow of a Doubt*, which it resembles chiefly for being a story of a girl's rite of passage into adulthood, under somewhat macabre circumstances.

The girl of the title (played brilliantly by Jodie Foster) lives alone in a house that her father leased for her before he died. Her father (who died before the action of the film takes place) also prepared her for more than just the average hassles of life. A poet, he knew good and well how little respect she would get as a 13 year-old "child." He knew that the only way she could succeed in her independent life was by subterfuge: by making her neighbors (and the police) believe that her father is still alive. The element of suspense in the film results from the ever-present possibility of her being found out by her meddlesome, sometimes threatening, neighbors.

Her landlord's son (Martin Sheen) is her chief threat: a ne'er-do-well child molester, he won't take no—"no, my father is not home," and "no, you can't get in touch with him"—for an answer. But her life is not totally devoid of human companionship, as she befriends (and takes as a lover and co-conspirator) a clever, but physically handicapped neighborhood boy (Scott Jacoby).

This film was recommended to me by an Objectivist, which is not surprising. It is about individual autonomy, or self-government, and the struggle young people have in obtaining sanction from the community for acting freely and responsibly. It is also about taking the ultimate step in self-government: self-protection—even to the point of killing to maintain independence. Partisans of alienation can only delight in an exploration of this theme.

Though I suppose the film can be viewed as a subtle revenge thriller, I think it is much too sophisticated to be pigeon-holed as *merely* this sort of knee-jerk egoist entertainment. The situation and the characters are treated with an extraordinarily well-developed moral imagination, and the situation and the choices the girl makes are recognized as complex (and irrevocable). The film's moral perspective is appropriately ambiguous. I doubt if many viewers will come away from the film with the feeling that they have been preached at—or dragged through a morass of immorality.

—TWV

PRC Forum: Barbara Branden

$14.95, Video-Sig *

The anonymous interviewer who questions Barbara Branden in this videotaped interview does more than just ask the simple questions that we expect. He asks her about her life B.R. (before Rand), about her intellectual development and about the rump Objectivist movement that operates in Rand's name today.

What would Rand have thought of Branden's biography *The Passion of Ayn Rand*? "I believe she would not have liked my book," Branden tell us, though she doubts that Rand would have reacted by denouncing the book in the fashion of her more slavish followers. "Ayn would not have denounced a book that she hadn't read."

What does Branden think of the Ayn Rand Institute? "It is a very small group of people, who mostly talk to each other, which appears to me to have taken Ayn's sense of being in a hostile universe to an incredible extreme and seem determined to prove . . . that they are lonely martyrs fighting for a lost cause."

In this videotape, the camera never moves from Barbara Branden. The interviewer is never seen or credited, which is too bad: it is his questions that put this interview a cut above the other recordings of Branden available today. The video quality is reasonably good, and the intellectual quality exceeds expectations for this sort of thing. —RWB

PRC Forum: Ed Crane

$14.95, Video-Sig *

Those who are curious about what Ed Crane is up to, now that he has left his high-visibility position as Libertarian Party boss and confined his energies to the Cato Institute, "a two million dollar think tank, a small think tank" that he heads, might want to monitor this video

* For information, write: Video-Sig, 1030 East Duane Ave., Suite C, Sunnyvale, CA 94086

interview with him.

When Crane advises that Cato's proposal for a semi-voluntary, semi-private alternative to Social Security was its finest hour, it doesn't sound quite consistent with his earlier admonition "Never trust anybody who was even elected to his high school student council." This advice may be laudable, but one wonders how well such frankness equips one to lobby politicians.

> "The great achievement of Ronald Reagan was to bring back some interest in political philosophy. He was able to articulate a vision of getting the government off our backs, a respect for rights, the efficacy of the free market, that America should be proud of its history and its social institutions. That is a major achievement, because he did it in a context of a series of presidents from Carter to Ford to Nixon to Johnson—people who were not interested in political philosophy. It had got to the point where it was considered somewhat naive to raise the issues that Reagan raised. It turned out that people responded very, very enthusiastically to these ideas."

What went wrong with the Reagan presidency? "The problem with Reagan, in my view, is that he turned out to be not a very good administrator . . . What we need is a combination of Reagan's vision—the basic idea of the goodness of our society, of respect for individual rights, and a minimal role for government—with a more hardnosed, sophisticated approach dealing with the entrenched bureaucracy and the nature of politics."

Crane comes across as an articulate advocate of his brand of "real world" libertarianism. Although many libertarians retain a hostility toward Crane's abandonment of the Libertarian Party after his candidate failed to obtain the 1984 nomination and toward what they perceive as Crane's if-I-can't-run-the-movement-it-can-go-to-hell attitude, it is plain that Crane and Cato remain in the libertarian camp, even if they live in Washington, D.C., and expend their energy trying to influence public policy.

As in the Barbara Branden interview reviewed above, the camera never moves from its subject. This interview is a "talking head" video in the most literal sense. —RWB

Into the Homeland
HBO Pictures, 1988
starring Powers Boothe, C. Thomas Howell, Paul LeMat, Lesli Linda Glatter, Cindy Pickett, Ayre Gross

This made for cable-TV movie is up to the usual made-for-television standards. In other words, it's not very good. While the acting ranges from fair to pretty good, and the premise involving an Aryan-Nation type neo-Nazi cult should be rich territory, this effort fails to overcome a confused and messy plotline that is riddled with more holes than the dogma spouted by the "American Libertarian Movement" bully boys who serve as the villains.

Powers Boothe puts in a likeable and strong performance as the ex-cop turned surfboard manufacturer looking for a missing daughter who may have been snatched up for reasons unknown by the sinister ALM in the middle of Wyoming (see what I mean about the plot?), but his talents are not enough to overcome the continual implausibilities put forth by the scriptwriters. More than once the story appears to be heading off into some semi-reasonable territory, especially during the first half of the film. Eventually, however, it falls victim to a "let's get this thing over with quick and under budget" mentality that ruins any substance or coherence the movie might have had.

There are real right-wing loonies out there who really look and act like some the jokers in the film, with their populist messages and militant organization preying on the gullible and desperate. An interesting film could be done. But this isn't it.

These movie Nazis look more clean cut and wholesome than most of my suburban neighbors, but are conveniently so stupid and weak minded that the only danger they seem to pose is shooting each other with their barns full of M-16s. The heir apparent Führer is de-programmed instantly when he learns that the kidnapped daughter, a/k/a his girlfriend, is half Hispanic.

The daughter gets rescued (although why she was kidnapped and what happened to her are scarcely explained) and the bad guys mostly get killed (by the feds, who mysteriously arrive just in time for a full assault). By the end, even Boothe seems hard put to believe his own lines.

Into the Homeland rates 1/2 star as HBO's contribution to the "terrorist threat of the week" offerings. —MH

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A Taxing Woman. **A Juzo Itami film.**
Starring Nobuko Miyamoto as Kyoko Itakura
and Tsutomu Yamazaki as Hideki Gondo. 1987. 127 minutes. English subtitles.

Compelling Payment, Compelling Film

David Hudson

A Taxing Woman is a Japanese film intended for Japanese audiences, but it's importance goes beyond Japanese context. Its theme, the modern State's compulsion to extract tax revenues forcibly from the self-employed and the small businessman, is one that American popular culture—novels, movies and TV shows—almost completely ignores.

Most books about taxes are the work of people protesting the income tax, technical guides intended primarily for lawyers and accountants, or popular guides that tell the layman what deductions he may take and still be in "compliance" with the whims of the IRS. The only novel on this theme I know about is *Heiland,** by tax resister Franklin Sanders(1986). This novel has an excellent premise, a strong and convincing main character and a beginning that is worthy of Orwell's *1984*. Alas, the secondary characters are poorly developed, and the appeal of the book is severely limited by its constant references to and quotations from the Bible.

The only American movie I am aware of on the tax issue is the disappointing *Harry's War* (1981), in which the Casper Milquetoast Harry suddenly and uncharacteristically becomes an anti-tax tiger when the IRS mercilessly harasses his aunt (Geraldine Page) for a wholly unreasonable assessment on her antique store, driving her to an early grave. This movie features weak characters, and degenerates into a formula chase and shoot-em-up ending, where nobody really gets hurt.

Why is this? I suspect the creative community is simply afraid of the IRS. Authors and publishers, producers and directors are just as subject to audit as anyone else. Who would be a more inviting target than one who dared to tweak the bill of the most feared and despised agency of the American government? Even the flagship libertarian publication, *Reason*, soft-pedals the tax issue. Their tax columnist, Warren Solomon, is a compliance junkie who would fit right in as a speechwriter for Mike Dukakis, who wants to balance the Federal budget by increasing tax compliance.

So, we must look abroad for a serious cinematic study of the issue of the microeconomic effect of taxation on the individual tax slave. Fortunately, director Juzo Itami gives us one, in a movie that at least should get a showing in repertory theaters in larger urban areas.

Kyoko Itakura is a Tokyo-based auditor for the Japanese IRS. *A Taxing Woman* introduces her having lunch with a rookie tax auditor in a restaurant where all the tabs are not rung up on the cash register. Ryoko—her nickname to her colleagues in the auditor's office—soon moves on to a small grocery store operated by an elderly couple.

The couple is "diverting" ¥80,000 worth of inventory per month for their personal use. Ryoko explains to the couple that, since their store is incorporated, they must pay the store this amount, which of course is additional taxable income to the business. She is "lenient." Since the business has only been operating for eight months, she multiplies ¥80,000 times eight, for an additional ¥640,000 on which tax must be paid. "You act so polite, but you're just a bloodsucker," the wife rages at Ryoko.

Lest we become too sympathetic with these "taxpayers," we are next introduced to the owner of a video game arcade who is skimming from each day's receipts. Ryoko discovers his transgression when she orders him to empty the contents of an airline flight bag. There she finds over ¥330,000 in cash, including a marked ¥10,000 note she had spend there the previous day. In the twinkling of an eye, assisted only by a pocket calculator, Ryoko computes a potential tax liability for the hapless businessman in excess of ¥4 million over the preceding five years. The arcade owner gets no sympathy or help from his accountant, who is present at the interview. "Anything you hid is taxable," this faithless retainer tells his client. The arcade owner goes berserk.

But Ryoko is a crack auditor after bigger fish than these. She is soon assigned to audit Hideki Gondo, the 46-year old owner of a string of five "love motels," and a real estate speculator. When we are introduced to Gondo, we are told in no uncertain terms that he is a real no-goodnik.

A "love motel" is a no-questions-asked motel where Japanese men take their mistresses or prostitutes for a few hours of pleasure. There are no check-in procedures, and all payments are in cash. The rates are high and overhead is low. Profits are 60–65% of gross receipts. All in all, this is an ideal set-up for tax evasion. With tax rates as high as 56–65% if you include local taxes—there's no wonder the Japanese government wants to be fully cut in as Gondo's "partner" in these enterprises.

Gondo is a widower with a common-law wife and a mistress on the side. He is chauffeured around Tokyo in a white Rolls-Royce. He has secret bank accounts, hidden safe deposit boxes and a floor-to-ceiling, walk-in safe in his luxurious Tokyo home that is literally crammed full of gold bars and neatly-bound stacks of ¥10,000 banknotes. In an early scene, Gondo mutters to himself as he locks his safe for the night, "To hell with the taxman. Catch me if you can."

Ryoko gives Gondo a thorough going-over. She audits his books and records, the records of his suppliers, and his bank accounts. She is suspicious but finds no evidence of wrong-doing, and the case is closed—but not for long.

After closing out her audit of Gondo, Ryoko is promoted to the elite investigative staff of the Tokyo Metropolitan Tax Investigation Office, the shock troops of the Japanese IRS. They show no mercy to anyone. In a series of raids on suspected tax evaders, tax inspectors dig up flowerbeds, ransack homes and offices, confiscate books and records, paw through carrying cases, women's purses, a schoolboy's knapsack, and even conduct strip searches of women, all in the search for undeclared cash and incriminating records. And they always find it—Director Juzo Itami never shows these Japanese KGB making a mistake.

The tax inspectors treat all third-party

* Excerpted in *Liberty*, Vol. 1, No. 3 (Dec 1987), under the title "Going Home."

records and taxpayer records as extensions of their own files, as Gondo finds out to his dismay. A former mistress—cruelly cast aside by Gondo early in the film—makes an anonymous call to the tax inspectors, and tips them off to the fact that Gondo's daily records from his hotels are torn up and put out with the garbage each morning. The case is reopened, and assigned to Ryoko.

This tip is all Ryoko needs. With a colleague, she stakes out Gondo's home, and follows the garbage truck that picks up his trash to the dump. There, our heroine and her sidekick paw through the day's refuse, until they find the incriminating records. Taped together and examined by the green-eyeshade boys back at the office, the tax inspector's office determines that Gondo has undeclared income of ¥250 million per year, or ¥1.25 billion over the preceding five years. That's just under $10 million at today's exchange rates ($1.00 =¥128.00).

A task force of 100 agents is assembled to raid Gondo's home, five hotels, bank, suppliers, his mistress' apartment—33 locations in all. The raid is carried off with clockwork precision, and almost everything is discovered—Gondo's secret safe, his hidden safe deposit boxes, his secret bank account and the "real" records of his love hotels. Gondo's accountant and book-keeper try to "hide" in one of the hotel rooms with the records, but this does not stop the tax collectors. They just barge in on unsuspecting couples until they corner their prey.

Six months go by, with Gondo interrogated in court almost every day. The movie ends as Ryoko confronts Gondo after a long court session. Give it up, she counsels. Gondo counters by asking Ryoko to give up "this tax business" and move in with him. She slowly shakes her head no, and then Gondo gives up. He writes, in his own blood from a cut he makes on his index finger, the number of the safe deposit box containing his last ¥300 million. Then he walks off into the grim Tokyo evening, thoroughly beaten.

This film treats the tax collector—not the tax slave—as the hero. The villain is portrayed as a sleazy owner of a disreputable business; if Ryoko and her pals went only after elderly owners of grocery stores it would be a lot harder to portray the tax collectors in a sympathetic manner.

The tax officials are portrayed as grim, efficient and honest; none more so than Kyoko Itakura herself. Ryoko is a divorced single parent of a 5-year old son whom she neglects so she can better pursue her career. She is one of the best and the brightest, seeking approval from her peers and superiors above all else. Her success comes as much from her dedication to her job and capacity for hard work as from her native ability. Her targets are all knowingly guilty, none-too-clever liars despite their best efforts, and are always undone in the end.

Japan, much more than the United States, is the home of the "salaryman," whose taxes are withheld at the source and has no opportunity to defend himself from the foragings of his government. Japanese, we are told, have a higher degree of civic responsibility than Americans, including a more "positive" attitude towards paying taxes.

It should not be surprising that a mainstream Japanese director portrayed the tax collector as the hero in a film whose theme is taxation. Japan, much more than the United States, is the home of the "salaryman," whose taxes are withheld at the source and has no opportunity to defend himself from the foragings of his government. Japanese, we are told, have a higher degree of civic responsibility than Americans, including a more "positive" attitude towards paying taxes. Thus tax "cheating" is much more socially unacceptable there than here.

What is surprising is that Gondo is treated in a fairly sympathetic manner, given the enormity of his "crime." We are told, through the actions of his troubled teen-aged son, that his unacceptable actions towards the tax collector stem from the trauma following the death of his wife, many years earlier. Ryoko clearly demonstrates that she empathizes with Gondo's problems as a father, and even defends Gondo to his son, as she and her colleagues are rooting through Gondo's home.

A Taxing Woman is a breath-taking triumph. Nobuko Miyamota as Ryoko and Tsutomu Yamazaki as Gondo give brilliant, Oscar-caliber performances. But the real strength of the film is in Director Itami's pacing. Scene follows scene in a logical manner, the main characters and secondary characters are fully developed, and the photography, especially the outdoor scenes of Tokyo, is exquisite without dominating the story line or acting.

Ultimately, the film succeeds because of its brutally realistic treatment of the tax collector at her work. No trick or degradation of their victims is beneath their "dignity." Long hours and lost weekends are routine; Ryoko has no personal life whatever. Nothing, absolutely nothing, is more important than making Gondo and other tax cheats pay their "fair share."

This film, alas, is one that all too many American small businessmen will be able to fundamentally relate to their lives; it is a tragedy precisely because it is so true. ❑

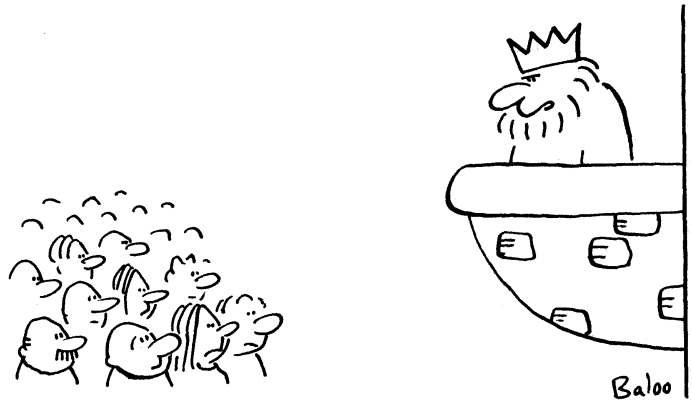

"If you're so worried about taxes, just remember—every time somebody takes a shot at me, my insurance rates go up!"

continued from page 8

a campaign—as I agree it is—what sort of expedience would follow a victory? It no longer surprises me that so many sincere people don't trust the anti-government promises of even a Libertarian politician, but instead look only to themselves for consistent individualism and personal protection.

James B. Smith
Shrewsbury, Mass.

No Tolerance for the Intolerant

Although both Dentinger and Rothbard make good points in their articles, they both show conspicuous signs of intolerance for members of our movement: Dentinger for the conservative leaning members and Rothbard toward the more uninhibited members of our movement. Intolerance has no place in the libertarian movement. The Party of non-intervention was conceived with the idea of live and let live.

Jerome T. Shockley
Cusseta, Ala.

Shouting Match

In "The Majority *vs* The Majoritarian: Robert Bork on Trial" (*Liberty*, March 1988), Sheldon Richman writes that "Bork stands as the latest illustration of what a weak reed utilitarianism is for libertarianism. Without a commitment to rights and the justice of individual liberty, one should not expect a long-term commitment to a free society." He seems to be saying that liberty is contrary to self-interest, and that only self-sacrifice to an ideology can achieve freedom.

Natural-rights ideology is insufficient to change other peoples' commitment to the anti-freedom ideologies they already hold. The resulting ideological debate is a shouting match in which each side essentially keeps asserting over and over, "You're *evil* and I'm right!"

Fortunately, libertarians don't always go into this dead end. Libertarians frequently rely on utilitarian arguments to promote freedom. Richman's own successful Institute for Humane Studies program overwhelmingly relies on articles that make a practical case for freedom.

Hans G. Schroeder
Publisher, *The Pragmatist*

The Forgotten 10th

Sheldon Richman's essay on Robert Bork refers to the forgotten 9th Amendment, but doesn't mention the even more forgotten 10th Amendment. A pity, because the 10th is the ideal entry point for a libertarian who wants to understand the Constitution.

Twice Richman states: "the national government could do only what it was specifically allowed to do in the Constitution," but gives the impression that this "strict construction" rule is only the opinion of the Federalists or of James Madison. It's much more than that. It's the law. That, in fact, is the gist of the 10th Amendment, which states that the federal government may do *only* what the Constitution specifically allows, but State governments may do *anything* that the Federal Constitution does not specifically prohibit.

Unfortunately, no one, it seems, is reading or paying any attention to the 10th Amendment these days. We libertarians at least should be familiar with the 10th because, if it was enforced, it would take us a long way toward the libertarian society of our dreams, since it absolutely outlaws the biggest part of what the Federal Government is now doing.

Jim Stumm
Buffalo, N.Y.

The Unknown Consequentialist

I find myself wanting to respond to at least a third of your articles, but obviously one cannot flood your mailroom with so many letters!

I do wish to make a brief comment and one query. First, Franklin Sanders' article ("I Go To Jail," *Liberty* May 1988) has the resonance of history being made, and moved me to tears. It goes beyond mere reporting to enter the domain of literature. Secondly, who is/was "Donisthorpe"(cited by Ethan O. Waters in his article in the same issue)? I have, of course, heard of Mises, Hayek, Rand, et. al., but never of this person. What am I missing?

W. Luther Jett
Buckeystown, Md.

Wordsworth Donsithorpe was a "critical" disciple of Herbert Spencer, with whom he differed chiefly by rejecting all use of the language of ethical naturalism (natural law and natural rights). He wrote several interesting works, including *Law in a Free State, Individualism,* and *Principles of Plutology.* —EOW

Anti-Libertarianism Without Foundations

Ethan Waters has made me think more than any other libertarian in the last five years. May I suggest a possible synthesis of the "two libertarianisms" (utilitarian vs. moralistic) he has identified?

Perhaps the problem with finding a coherent defense of rights has been in trying to find a defense in the first place: let's go on the offense and ask the statists, What have you got *against* the whole idea of human rights? Their answer is "You can't force other people to do stuff for you or act right if you respect their rights." In fact, the only time the question of rights comes up is when two human beings are disagreeing over whether one of them (or which of them) should be treated as expendable in the service of the other's desires, rather than as a valuable human being.

Borrowing from Kant, every human being is a moral end in him or herself, and that is the real basis for respecting human rights. (My apologies to the offended ghost of Ayn Rand, who probably still believes she was the very first to make this point, and will now haunt me for my hubris. . . . I wonder if the ghost of Ayn Rand believes in ghosts? Probably not. . . .)

Looking at it from a moral standpoint, human rights simply codify and explicate the real-world implications of and rules for treating human beings as ends in themselves. Rights violations are simply real-world instances of treating others as objects of only utilitarian value or lack thereof.

Looking at it from a utilitarian standpoint, why should each and every one of us treat each and every other of us as ends in ourselves? No reason, unless we wish to live as neighbors rather than as enemies.

In a world without rights, the natural state of human beings is necessarily one of enmity—"the war of all against all." It is absurd to prefer a natural state of war to a natural state of peace.

So, we have a righteously defensible moral principle (people are ends in themselves) with an unshakeable utilitarian defense (peace is better than war). As Jackson Browne says, "If you want peace, work for justice." And whether you start from peace or you start from justice, you end up with human rights. As Ayn might say, it's a package deal.

Michael Lee
Salt Lake City, Utah

S/N

In the May 1988 *Liberty* Ethan Waters presents yet another intriguing look at libertarianism. While reading it, however, it occurred to me that there may be one additional option beyond the traditional moralist approach and the consequentialist approach: the information theory approach.

We know that there are two basic forces at work in the universe: entropy and information. Entropy is always attempting to increase our supply of chaos while information is always at work to provide more structure. What if libertarianism was defined as the system that provided the most structure to our environment?

Note that "structure" does not mean rules and regulations. Rather, structure as used in this context refers more closely to syntax. To give a simple example, no English speaking person would be very likely to utter the sentence "Map poetic furniture read handy fragile ouch," not because the words themselves are strange or wrong but because the syntax is. Given all the words in the English language there are billions of possible sentences. Syntax—the rules that govern the assembly of those words—reduces the actual number of possible sentences to a much smaller number, yet without restricting the expression of new and original thoughts through new and original sentences. In fact, it can be seen that syntax enhances freedom by allowing the expression of new thoughts in a form that is guaranteed to have an audience of others familiar with the syntax and thus ready and able to understand (if not accept) the new thought.

Looking at conventional political processes in this light, we see a lot of the ad hoc decisions that are made as having a poor signal-to-noise (s/n) ratio. They may provide some structure, but not enough for them to be applicable in other situations (whether similar or not). Examples of this include our support of Israel at the expense of the Arabs, and our actions in Korea, Vietnam, and Nicaragua.

An information-based solution would be one that is applicable to the widest number of cases, whether the actual application of that solution be moralistic, consequentialistic, contractual, or legal in execution. This, to me, describes what I perceive as the goal of libertarianism: to provide an objective, structured system against which stimuli and responses can be measured, freeing us from much of the ad hoc thrashing about that we as a nation currently enjoy in our decision-making processes.

This is a brand new concept for me, so excuse me for thinking out loud, but I can see all kinds of possibilities in an information-theory approach. Looking at market economics, for instance, we see that any rigid system of regulation cannot possibly take into account the millions of variables. The libertarian solution—free markets—provides a syntax within which all these transactions can take place quickly and efficiently. Government ownership of property turns out to have a low signal-to-noise ratio, as does governmental control of everything from airports to business licenses. Foreign policy would become more equitable and military adventurism eliminated. Without going too deeply into it, I also feel that this approach works on a personal level.

For whatever it is worth, this approach is a polar opposite to anarchy, which some libertarians find attractive.

Alas, it does have one flaw that it shares with consequential libertarianism, and that is a certain lack of emotionalism. Ah, well.

Greg Raven
Los Angeles, Calif.

What a Country

I'm not sure that Gary Alexander visited the same country that my wife and I did last fall. Our two-week tour through western Nicaragua did not reveal the bleak "socialist worker's paradise" conjured up in his article.

The tour included the requisite visits to governmental and quasi-governmental agencies, a representative of an opposition political party (the Popular Social Christian Party), a literacy campaign museum, a state-run fruit juice bottling plant (using loud, aging American equipment), a small, privately-owned farm cooperative of about twenty families, a farm co-op of Salvadoran refugees, and many privately-owned restaurants with excellent food and slow service. But there was also ample time to wander on our own, talking to Nicaraguans on the street, in shops, and in their houses, from San Juan del Sur in the south to Matagalpa in the north. These conversations, predominantly with my Peruvian-born wife, and often with American pop music playing over Radio Sandino in the background, showed a way-weary but friendly, hopeful, and determined people who surprisingly bore no grudge against American citizens. In several discussions, women commented on the new rights and opportunities they now enjoyed. As regards the Contras, we heard not praise, but condemnation for "los hijos de Reagan" and their atrocities.

To be sure, there were plenty of complaints about the state of the economy, as might be expected with continued shortages of basic goods, the unavailability of North American luxury items, machines and their replacement parts, and with 20% a month inflation. Many government measures, such as extensive wage and price controls applying even to the private sector and strictly enforced artificial exchange rates, would make any libertarian cringe. While one could choose to blame government mismanagement for Nicaragua's present dire straits, we really don't know what policies would have been adopted or how well the economy would be functioning in the absence of a full court press of trade embargo and low-intensity warfare from "El Norte." The Nicaraguan government's official policy is that of a "mixed" economy, and at present about 60%–70% is in private hands. Some fifty-four trans-national companies with names like Phillips, Siemens, Toyota, and Coca-Cola are presently doing business in Nicaragua. It may not be Hong-Kong, but it's certainly not Albania.

Stephen D. Julstrom
Chicago, Ill.

Et Tu, Hank & Erika?

Erika and Henry Mark Holzer ("Et Tu, ABA," *Liberty*, May 1988) attack the American Bar Association for its continued official links with the Association of Soviet Lawyers, and they do so by drawing an explicit analogy between Gorbachev's U.S.S.R. and Hitler's Germany. If this is a fair comparison, their attack is certainly justified, but for those who doubt its cogency I would like to suggest a different analogy.

Imagine that the 1944 Bomb Plot against Hitler had been successful, that the Nazis had been overthrown and a moderate government installed in Germany. Such a government would still have left much to be desired: it would probably not have prosecuted the Nazi criminals, it would be unlikely to have granted civil rights to the Jews, it may have tried to keep some of Hitler's territorial conquests. But it would at least have halted the extermination program, restored the rule of law, and been prepared to negotiate for an end to the war.

Suppose now that such a government had wanted to open trade and professional contacts with the West. Would we have welcomed such an opportunity, as a means of leading Germany further along the road to democracy and freedom? Or would we have been purists like the Holzers, and refused to recognize any

difference between the new government and the Nazis?

Surely it would be obvious that despite its imperfections it was the *change* represented by the new government that was the important thing, and that our involvement would be a way to continue and accelerate that change. The alternative view, which the Holzers embrace, implies that every government is responsible for the crimes of its predecessors—but isn't this just the sort of statist presumption that libertarians should oppose?

None of us can foretell the future, so I cannot claim that my analogy is the correct one. It seems to me that Gorbachev is closer to von Stauffenberg than to Bormann, but I could be wrong. But shouldn't we treat this as a legitimate difference of opinion, rather than the good libertarians versus the immoral collaborators in the ABA?

Charles Richardson
New Brunswick, N.J.

Vaster Than Empires, And More Quick

As an engineer employed in the factory automation field, I agreed with most of Ross Overbeek's observations in "Can Computers Save the World?" (*Liberty*, March 1988). But I think he focused too much on the gee-whiz aspects of the ongoing high-tech revolution and glossed over the vast amounts of software development needed to take us from here to there.

New products aren't developed just because the technology exists to implement them. The economy is driven by consumers and bounded by the allocation of scarce resources. Predictions of a high-tech future that fail to consider the scarcity of human talent will likely be wrong.

In my experience with automating "factories of the future" the problem isn't the lack of computational resources available for the task. The problem is figuring out how to implement such a large system. There are a tremendous number of design problems that need to be solved, and no amount of computing can shorten the process because it's not a computational problem.

Consider the task of designing a skyscraper. All the computing resources in the world save some time in the design, but an awful lot of time would still be spent finding out what was wanted and figuring out how to build it: time and information will always remain scarce resources (in this universe at least).

In the final analysis, all that we'll ever get out of computational abundance is a larger and more sophisticated set of tools that can be used to solve the entrepreneurial problem of building the "better mousetrap."

Jim Voris
Hunt Valley, Md.

Corrections from the House of Corrections

I was amused to see that even though I am safely locked away from society I still find a way to be involved in controversy—in this case, in the two articles by John Dentinger and Murray Rothbard (*Liberty*, March 1988). As the articles relate to me, I would like to refute the inaccuracies each contained.

Dentinger writes that my campaign was in 1984. Actually, it was in 1986. I have serious doubts about his argument that if Rose Bird had not been removed from the California Supreme Court by the voters I might not have been sent to prison. Even though she "consistently ruled that judges have discretion under so called mandatory sentencing laws," I doubt she would have ruled in my favor. Rose Bird was ardently supported by liberal State Senator David Roberti (D-Hollywood), who sponsored the repressive pandering laws under which I was prosecuted.

Senator Roberti has been the prime moving force behind several appallingly anti-civil rights laws regarding prostitution. Thanks to his efforts, California ranks number one in laws and sentencing capabilities against private consenting adult acts.

Knowing human nature as I think I do, I am afraid Ms. Bird would not have bitten the hand that fed her (Roberti was the major source of her campaign fund raising effort during her battle to retain her seat).

I am afraid the conservatives are no better either, and until we have a state and U. S. Supreme Court filled with libertarian minded jurists, personal liberty issues will never be satisfactorily addressed by either the conservative closet johns (most of my clientele were conservative) or the closet conservative (on personal freedom) liberals.

Mr. Rothbard writes, "Dentinger's reference to 'substantial heated opposition' to Norma Jean Almodovar's candidacy for Lt. Governor willfully ignores the fact that Norma Jean had no opposition in the LP primary . . ."

That surprises the heck out of me! I first learned of the opposition during a lengthy telephone conversation with Harry Pendary, a northern California physician who had planned to run for Governor. Mr. Pendary strongly discouraged my candidacy, arguing that it was "not within the goal of the Libertarian Party to wave a pair of red panties underneath the American Flag." Mr. Pendary could not dissuade me, and he withdrew from the race (as he could not run with a whore), and ran for Congress instead.

At the convention , I was confronted by strong opposition. Alicia Clark talked to me, presumably on a "woman to woman" basis, suggesting I would not be a suitable candidate for office, although she did not offer any reasons why not. Susan Bell announced her intentions to run in opposition to my campaign. (I had never met the woman, nor she me.) Eventually, she dropped out of the race, but not before endorsing a "none of the above candidacy" instead of me.

"None of the Above" was also endorsed by Mike Hall, Laurel Fest (who gave it a tear-jerking speech at the nominating convention), and a few very vocal others. The delegates asked for a secret ballot. I won the nomination by a wide margin, although the exact vote count now escapes me (perhaps I have been too long incarcerated).

Even though I was a novice candidate, and knew nothing about party infighting between the liberal faction and the conservative faction (in my naive mind we were all libertarians, and all believed in freedom . . . didn't we?), I was well aware that my candidacy was not popular with some libertarians until they were convinced that I was not a gum chewing airhead who would damage the credibility of the Libertarian Party and it's principles.

Thanks to my many public appearances on radio and TV (exposure gained, ironically, because I was a prostitute) I was able to convince most of my opponents that I meant business, and that my issue was freedom, not just prostitution.

News of my fight against the state has been widely publicized in the libertarian movement, and I am deeply grateful for the support and concern I have received from libertarians all over the world. This support has given me great consolation during my confinement as a political prisoner.

I'll tell John Dentinger personally of the error of his reasoning on the issue of Rose Bird when he comes to visit me in prison. I'd tell Mr. Rothbard of his error, too, if he ever came to visit me. . . .

Norma Jean Almodovar
Norco, Calif.

Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including *The Wall Street Journal* and *National Review*. Mr May is the editor of *The Trout in the Milk*.

D. R. Blackmon is a free-lance writer and syndicated columnist. He has had other interviews and profiles published in *Oasis* magazine.

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

Stephen Cox, an associate editor of *Liberty*, is Associate Professor of Literature, University of California, San Diego.

Mike Holmes, a contributing editor of *Liberty*, is also the editor of *American Libertarian*, a monthly newspaper of the libertarian movement.

David Hudson is a free-lance writer and teacher of contract bridge. In 1982 he dropped out of the rat race in Washington, D.C. and moved to Hilo, Hawaii, where he has found true love and lives happily ever after.

William Kelsey spent his childhood in Jordan and Lebanon, and lived and worked in the Far and the Middle East for three years, 1977–1980. He has settled in Texas, where he ran for U.S. Congress on the Libertarian ticket in 1982.

Matt Kesler is a physicist and founder of the Haines Solar Energy Corporation, a manufacturer of solar battery chargers. He is presently working to further develop his theory that Jesse Jackson has invented a new dialect.

Tibor Machan teaches philosophy at Auburn University, Alabama, and is Senior Editor of *Reason*.

William P. Moulton, a contributing editor of *Liberty*, lives in northern Michigan, and is a collector of trilobites.

Bob Ortin has a degree in applied mathematics and physics from the University of Wisconsin. He lives in southern Oregon where his political cartoons are regularly featured in a local newspaper.

Ross Overbeek, an associate editor of *Liberty*, is a computer scientist at the Argonne National Laboratory.

Sheldon Richman is director of public affairs at the Institute for Humane Studies at George Mason University.

Murray N. Rothbard, an associate editor of *Liberty*, is S.J. Hall Distinguished Professor of Economics at the University of Nevada at Las Vegas and Vice President for Academic Affairs of the Ludwig von Mises Institute.

David Ramsay Steele is Editorial Director of the General Books Division of Open Court Publishing Co.

Jerome Tuccille is author of many books, including: *Trump, It Usually Begins With Ayn Rand, Wall Street Blues, Kingdom*, and others. He taught a course on anarchism at the New School in New York City during the early-1970s. He lives with his family in Greenwich, Connecticut, where he runs an investment firm.

Jeffrey A. Tucker lives in Washington, D.C., is a graduate student in economics at George Mason University, and is managing editor of *The Free Market*, the monthly publication of the Ludwig von Mises Institute.

Timothy Virkkala is assistant editor of *Liberty*. In his spare time, he composes pandiatonic music.

Ethan O. Waters is a writer who lives in Southern California.

Coming in the September **Liberty:**

"Rights as a Praxeological Imperative" Prof. Hans-Hermann Hoppe challenges the claim that the notion of rights must be imported from ethics into discussion of political theory, thus positing an alternative to natural rights theory and utilitarianism. In what Murray Rothbard calls "an extraordinary breakthrough," Hoppe derives human rights from what he calls "argumentation ethics"; he argues that the mere fact that an individual argues presupposes that he owns himself and has a right to his own life and property.

"My Dinner with Gus" One day in 1972, William Moulton heard American Communist Party leader Gus Hall was coming to town, and decided it would be fun to meet him. So he crashed a Communist Party bash and introduced himself to the Party chieftain. He isn't sure what he learned about communism, but he did find out there is nothing more inhibited or less fun than a Party party. And before the evening was over, Gus Hall had taken Moulton out to dinner . . .

"Young Money" Karl Hess compares the stereotype of kids who earn money and real kids who earn real money. He finds that real kid entrepreneurs are a long way from Alex Keaton.

"Taking Liberty Seriously" Murray Rothbard surveys contemporary political philosophical writing in Britain and America and wonders: why is it that British philosophers take liberty so much more seriously than do American philosophers?

Terra Incognita

Washington D.C.

How the Bureau of National Affairs promotes a drug-free workplace (or is it a free-drug workplace?), according to a dispatch in the *Wall St Journal*:

> The Bureau will celebrate its new publication "Drug Free Workplace" by serving champagne and high tea at a book-signing party.

Germany

A new perspective on *glasnost* for Petra Kelly, head of West Germany's Green Party, as reported by Ms Kelly in the leftist *New Perspectives Quarterly*:

> "Perhaps the most shocking thing is the planned joint venture between the Soviet Union and McDonald's to build a hamburger stand on Red Square. When I heard about this I thought, 'Are people going to eat Big Macs and sip Coca-Cola in front of Lenin's tomb?' For years, we Greens have fought against the spread of that kind of cheap food chain in Germany.
>
> But when I expressed my disgust with the plan to a Soviet friend, she said, 'For us, it is a sign of change in the quality of life.'"

Washington, D.C.

Evidence of the dedication of the freedom-loving allies of Lt Col Oliver North, from the concluding statement of "Oliver North's Fight for Freedom," a television documentary prepared by the American Freedom Caucus:

> "Your gift will help broadcast this program in other cities across the country. We need to let people know the truth, so please call now. If the lines are busy, write this number down and keep trying. We will still be here even after this program ends.
>
> "In fact, with your help and continued support, we will be here until Lt Col Oliver North helps raises the flag of freedom over free men and women, boys and girls, in nation after nation around the world."

Atlanta, Georgia

A setback in the battle against drugs is a never-ending one, as reported in the Grand Rapids, Michigan, *Press:*

> As part of a nationwide campaign against drugs, Georgia State Police stopped a car from South Florida because it was engaging in suspicious behavior: namely, it was "scrupulously obeying all traffic laws."
>
> Alfredo Lopez, the driver of the car, refused a request that he allow officers to search the trunk of his car and was taken to a Sheriff's office, where a police dog nosed around his car and barked. On this evidence, the police obtained a warrant to search the trunk of Lopez' car.
>
> The search of the car did not find any illegal drugs. Instead it discovered a videotape of the driver and another man carefully vacuuming out the trunk of the rental car to remove any possible residue of drugs from a past renter and explaining that they were investigating how police arbitrarily stop and harass cars with Florida plates driven by Latin American appearing men.
>
> In settlement of the lawsuit broght by Lopez, the Georgia State Police released copies of the confidential drug dealer profile prepared by the Reagan Administration's Drug Enforcement Agency. The profile urged local police to watch for "rental cars, particularly those from south Florida," and to be especially suspicious if the cars are being driven in "scrupulous obedience to traffic laws," or the driver is a member of an "ethnic group associated with the drug trade," or is "wearing lots of gold."

South Bend, Indiana

The Leader of the Free World stirs men's souls, in a dramatic announcement at the dedication of the postage stamp commemorating Knute Rockne, the famous football coach at Notre Dame University, as reported in the Los Angeles *Times*:

> "Reagan's association with Notre Dame dates back to his 1940 movie role as the Gipper, the young football player George Gipp whose death from pneumonia is the dramatic centerpiece of the film *Knute Rockne—All American.*
>
> "In a field house packed with students and local residents, Reagan said that Americans must stand firm, even when it is uncomfortable to do so. Lowering his voice to a throaty whisper as he recited Gipps's deathbed lines from the movied: 'sometime when the team is up against it and the breaks are beating the boys, tell them to go out there with all they got and win just one for the Gipper. I don't know where I'll be then, but I'll know about it, and I'll be happy.'"
>
> "But, apparently misreading the text from the Teleprompter, Reagan said, 'Win just one for the Gippet.'"

New York

In a "no holds barred" interview with Barbar Walters on ABC-TV's *20/20*, presidential aspirant Jackson answers the question, "Do you have a philosophy by which you live? What is it?"

> "I am driven by, I appreciate, the power of the love ethic. We as human beings, no matter what policies have been, we must forgive each other, redeem each other and move on. That drives me as a philosophy."

Salt Lake City, Utah

How the security forces at airports are effectively employed in the fight for a drug-free America, as reported in the Detroit *News:*

> Dennis Barney of Denver was stopped by authorities at Denver's Stapleton airport because he met the criteria of the Drug Enforcement Agency's "typical suspect profile"; that is, he was traveling with little baggage, had a full beard and shoulder-length hair, and dressed casually. He agreed to a search by authorities, he says, because "I felt intimidated. I felt if I said 'no,' they would search anyway."
>
> The search revealed $4,000 in cash. Mr Barney was carrying the cash because he intended to buy a motorcycle in Salt Lake City. He also carried little baggage because of the limited baggage capacity of the motorcycle, which he intended to drive home.
>
> At last report, Mr Barney is suing for the return of his $4,000.

Stockholm

Evidence of the self-sacrificing nature of the public servants attracted to the zoo keeping profession in this Scandinavian country, as reported in the San Francisco *Examiner*:

> When zoo officials failed to find another home for Molly the bear cub, one of last year's biggest attractions, they butchered the cute little creature and raffled off the meat among the zoo's staff.

Washington, DC.

Presidential hopeful Jesse Jackson explained his thinking on the economy, as quoted by Fred Barnes in the *New Republic*:

> "Right now Congress can merge and then purge workers and then submerge the economy. A process called merging, purging and submerging. Merge corporations, leveraged buy-outs, paper wealth, purge workers, and submerge our economy. This must shift."

(Readers are invited to forward newsclippings or other documents for publication in *Terra Incognita.*)

Throughout six decades, this man challenged and changed the way economists think.

Ludwig von Mises (1881-1973)

In sixty years of teaching and writing, Professor Ludwig von Mises rebuilt the science of economics—as well as the defense of the free market and honest money—on a foundation of individual human action.

Professor Mises, the greatest economist and champion of liberty of our time, was the author of hundreds of articles and books including *Human Action*, *Socialism*, and *The Theory of Money and Credit*.

The Ludwig von Mises Institute is a unique educational organization supported by contributions and dedicated to the work of Ludwig von Mises and the advancement of Austrian economics, the free market, and the gold standard.

Ludwig von Mises dedicated his life to scholarship and freedom. The Mises Institute pursues the same goals through a program of:

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- Scholarships for Misesian graduate students.
- Student study centers on or near the campuses of Auburn University, George Mason University, Stanford University, and the University of Nevada, Las Vegas.
- Instructional seminars in introductory and advanced Austrian economics.
- National conferences on the gold standard, the Federal Reserve, the income tax, sound banking, and the work of Ludwig von Mises and Murray N. Rothbard.
- The O.P. Alford, III, Center for Advanced Studies in Austrian Economics.
- Public policy work in Washington, D.C., on the free market and gold standard.

For more information on the Institute's work, and free samples of its publications, please write our academic headquarters:

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Liberty... the Back Issues

All back issues of Liberty are available. at $4 each, plus $1 per order for shipping and handling. (All are original printings, except issue 1, which is in its second printing.)

Here are a few of the highlights of past issues:

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- "The Films of Ayn Rand," Stephen Cox
- "Witch-Bashing, Book Burning, and Prof. Harold Hill's Lessons in Practical Politics," by Butler Shaffer
- "Ron Paul and His Critics," by Murray N. Rothbard

Plus reviews and articles by Chester Alan Arthur, Ida Walters, Ross Overbeek,Timothy Virkkala and others; and a short story by Jo McIntyre. (48 pages)

Issue 2:

- "The Sociology of Libertarians," by John C. Green and James L. Guth
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- "The Rise of the Statism," by Murray N. Rothbard
- "The Apostasy of Robert Nozick," by Ethan O. Waters

Plus reviews and articles by Nathan Wollstein, Mike Holmes, William P. Moulton, Michael Townshend and others; and a short story by Franklin Sanders. (48 pages)

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- "The Most Unforgettable Libertarian I Ever Knew," by Karl Hess
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Liberty

"It is a strange desire to seek power and to lose liberty." —Francis Bacon

Scrooge McDuck: Hero for Our Times
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Kids and Money
by Karl Hess

Also: Articles and Reviews by *Douglas Casey, Stephen Cox, Sandy Shaw, L. Neil Smith, Douglas Rasmussen, Sheldon Richman, Murray N. Rothbard,* and others; and a new Short Story by *Erika Holzer.*

September 1988 $4.00 Volume 2, Number 1

WHY YOU PROBABLY WILL LOSE EVERYTHING IN THE COMING DEPRESSION

Of course, you *could* be the exception. Even in the Great Depression a handful of people actually made fortunes—the ones who heeded the advice of economic realists like Bernard Baruch, famed "Wizard of Wall Street."

Baruch tried to warn the public of the coming economic disaster, but most ignored him. As a result, most of the population failed to escape the ravages of the Great Depression.

Throughout the centuries, a three-step scenario has unfolded:

First, the public is assured that some imminent cataclysmic event "could never happen here" or "could never happen today."

Second, the masses regurgitate these assurances, and anyone who calls attention to obvious realities is simply dismissed as a "doomsayer."

Third, the cataclysmic event *comes to pass!*

This scenario was clearly followed in ancient Rome, in pre-Napoleonic France, in Russia prior to the Bolshevik Revolution, in Germany under Hitler's early rule, and in the U. S. in the 1920s.

Now, bureaucrats and establishment economists are again almost frantic in their efforts to assure us that there is no reason for concern. History tells us this is a bad sign; the third step is practically upon us!

In every age "experts" have insisted, right up to the final collapse, that "it could never happen today," and those who claim otherwise are irresponsible "prophets of doom."

The "prophets of doom," of course, are usually the *true* prophets. Unfortunately, these are the ones most people rarely hear about.

Today there is a growing feeling among those prophets that James Dale Davidson is perhaps the brightest new economic mind to enter their ranks in years. Like the late Bernard Baruch, Davidson is endowed with a prodigious talent for forecasting economic events.

Davidson's first book, *The Squeeze*, won praise from Frederick A. von Hayek, Nobel Prizewinner in Economics, as "one of the really significant contributions to its field."

Now, Davidson has written a prophetic—and frightening—new book, ***Blood in the Streets,*** with his friend and colleague Sir William Rees-Mogg, former editor of *The Times* of London. Lee Euler, publisher of *Predictions*, says of ***Blood in the Streets*** that "a hundred years from now, Davidson and Rees-Mogg may well be remembered as the great prophets of our time."

How has Davidson earned this awesome reputation at so young an age? It is due not only to his genius, but to his unusual approach to domestic economic analysis—through firsthand experience on the *international scene.* His worldwide travels and contacts allow him to analyze the U.S. economy from a truly unique perspective.

And what does that perspective reveal? In *Blood in the Streets,* Davidson offers virtually irrefutable evidence that the U.S. will soon enter a depression far greater than that of the 1930s—probably by 1990 *at the latest.*

If Davidson is correct, then prudent, thrifty Americans who have prepared for the future in traditional ways will be completely wiped out. He warns that "many people never plan properly for the future, because they're afraid they'll discover they have built their hopes and dreams on foundations of quicksand."

Don't make the mistake of being caught unprepared because those who "ought to know" keep insisting that "it could never happen today."

A Second Chance to Heed the Warnings of Bernard Baruch

Those who ignored Bernard Baruch lived to regret it. Now investors of the '80s can heed James Dale Davidson, who is rapidly emerging as "the new Bernard Baruch."

In *Blood in the Streets,* Davidson provides specific advice on how to prepare for the coming economic collapse, advice which he says will actually produce *profits* for the prudent investor. In this book he makes practical use of his talent by examining:

The World Economy at the Brink
- The declining power of the U.S. will lead to financial upheaval.
- The plunging U.S. dollar *exactly parallels* the Smoot-Hawley trade bill that preceded the Crash of '29.

Stocks
- The major reasons why the stock market is *still* due to fall up to another thousand points!
- 2 factors that could cause the stock market to experience a phenomenal, *temporary* rise before plunging again.

Gold
- Why gold is your insurance against inflation *and* deflation.
- The shocks to the system that will increase demand for gold.

Banks
- Leaving large amounts of money in a bank, *regardless* of its size, is like playing Russian roulette.
- Why the failure of even *one* major bank can bring the whole rotten system tumbling down.
- The banking crisis that took years to develop in the last Depression could happen overnight this time.

Credit
- It is now all but impossible for the U.S. to avoid a complete credit collapse.

Currencies
- The advantages of holding certain foreign currencies.
- Why you should keep substantial funds in Switzerland, Germany, Austria, other selected countries.

Inflation
- Inflation is no longer the main danger. Your investment adviser may be "fighting the last war."

Real Estate
- Renting is better than owning.
- Million dollar homes for $50,000? Why real estate prices may eventually nosedive.

Speculative Opportunities
- Why Finland will be the Hong Kong of Russia, and which are the three hottest stocks in Helsinki for long term growth.

High Technology
- Fiber optics will doom every copper mine in the United States.
- Genetic engineering and computer science will create super machines smarter than humans.

...and much, *much* more.

Do the following events seem "impossible" to you?

Then remember that *Blood in the Streets* was published nearly six months before the Crash. You can profit from its incredible insights ...it's not too late to avoid:

- Strict controls on wages, prices and profits, with jail sentences for those who do not comply.
- Restrictions on travel abroad, severe limitations on your rights to take money out of the country.
- Massive bankruptcy of corporations, and governments.
- Chaos and riots in cities *and* suburbs, plummeting real estate values, the remnants of the middle class fleeing to rural areas.
- Painful shortages resulting in rationing, black markets, searches, seizures, and confiscation.

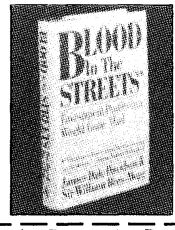

If you don't believe these events will occur, or don't know how to protect yourself when they do, you need to read *Blood in the Streets.*

"There's a Rothschild principle from which the title of this book is taken: 'The best time to buy is when blood is running in the streets.' It is a principle that is true today. The greatest profits can always be had by buying when prices are most depressed by pessimism. 'Blood in the streets,' however, is more than just the name for an investment principle. It is also a prediction about the world to come...

"The coming years will be a bad time to be ill-advised. A time fraught with snares for anyone who is unprepared. We could be on the verge of financial upheaval when blood will, indeed, 'run in the streets.' Many people will suffer staggering losses. Others, who take the right investment steps, at the right time, will earn handsome profits."

—James Dale Davidson with Sir William Rees-Mogg

Please send me ___ copies of *Blood in the Streets* by James Dale Davidson. I enclose $19.95 plus $3 postage and handling for each book ordered. I wish to pay as follows:

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Liberty

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Contents

September 1988 Volume 2, Number 1

My Dinner With Gus
by William P. Moulton, page 15

The Ultimate Justification of the Private Property Ethic
by Hans-Hermann Hoppe, page 20

Liberty and Ecology
by John Hospers, page 23

AIDS: More Than Just a Virus
by Sandy Shaw, page 33

Taking Libertarianism Seriously
by Murray N. Rothbard, page 34

Scrooge McDuck and His Creator
by Phillip Salin, page 37

Young Money: Curse or Blessing?
by Karl Hess, page 42

The *Liberty Poll*: More on What It Means
by James Robbins, page 45

Looking a Gift Horse in the Mouth
by Ann Weiss, page 47

Eyewitness
a story by Erika Holzer, page 49

The One Libertarianism
by Sheldon Richman, page 53
and a response by Ethan O. Waters, page 56

Departments

◆

Reflections

The Editors "Editorialize," page 7
Obituaries, page 12

Reviews

Stephen Cox on Roy Cohn, page 59
Douglas Rasmussen on Individual Rights, page 64
William P. Moulton on Alger Hiss, page 67

Booknotes, page 68

Buronic Episodes, page 32

Letters, page 4

Poetry by David Friedman, page 48

Classified Advertisements, page 70

Contributors, page 77

Terra Incognita, page 78

Letters

Contra Kelsey

William Kelsey's article in the July *Liberty*, "Nicaragua: The Case for Non-Intervention," advanced a number of factual errors, none more egregious than the discredited claim that the 1984 national election in Nicaragua was "fair, honest and open."

Kelsey could hardly have gotten such an impression from opposition party leaders, whom he says he visited but neither named nor quoted. The fact is that the balloting as well as the campaign process were both thoroughly rigged from the very beginning. Opponents of the Sandinistas were denied all but minimal access to the media. Their rallies were often intimidated or broken up by Sandinista "divine mobs." In many cases, the food rationing system was turned into a political tool to influence the vote.

The only Latin American leader to attend Ortega's inauguration was Fidel Castro. Leaders such as Venezuala's Carlos Andres Perez (who had actually supported the Sandinistas against Somoza) refused to lend the charade the respectability of their presence. Of the undemocratic character of the election, Perez said he felt "cheated" and his Foreign Minister declared, "These were not elections in the sense that we understand them, and they lack any democratic validity. Their objective is to consolidate power. Elections without opposition and without liberty are not elections."

In a post-election editorial, the Washington *Post* stated that Ortega's "Marxist-Leninist side showed through, and the democratic opposition, faced with a measure of harassment that prevented fair campaigning, withdrew." Simultaneously, the New York *Times* declared, "Only the naive believe that Sunday's election was democratic or legitimizing proof of the Sandinistas' popularity." Count Kelsey as among those to whom the *Times* was referring.

At another point in his article, Kelsey rightly stated that "it is not honest to justify one society's shortcomings by comparing it to a worse one" then, in no less than one paragraph later, he dismissed the Sandinistas' policy on political prisoners with a flippant white-wash, namely, that political prisoners fare worse in El Salvador.

Some libertarians seem to possess a mysterious, irrational, compelling desire to cover up for brutal governments if doing so puts them at odds with our own. Such breast-beating strategies may make them feel good, but they do nothing to advance the cause of liberty.

Lawrence W. Reed
Midland, Mich.

Kelsey Responds: Perhaps I was naive in visiting Nicaragua and believing my eyes and ears rather than relying on the editorial opinions of the Washington *Post* or the New York *Times* for my information. I did my best to take an honest look and to call the shots as I saw them, giving credit and criticism where due. The main points of my article do not stand or fall on the Nicaraguan elections, so I did not go into a detailed examination of the charges and counterchanges concerning its legitimacy. I stand by my observation that the ballot access was much better than in the United States; opposition figures had adequate opportunity to express themselves in the media; and voters could vote against the Sandinistas without fear of reprisal.

My impression that the elections were essentially sound does not lead me to endorse military activity on the part of the Sandinistas or to encourage any Nicaraguan to join his country's army. Nor does it lead me to support sending military aid or subsidy to the Sandinistas. I have no quarrel with anyone who prefers to place his faith in the *Post*'s or *Times*'s editors unless that faith leads him to endorse military activity on the part of the Contras. I'd hope that no Libertarian would punish a government for having a sham election by killing the people who live under it. And it would be a shame to participate in the killing process only to discover that the editorial writers of the *Post* and *Times* were wrong.

I did not compare the situation in Nicaragua to that in other countries in order to dismiss Sandinista shortcomings. It

continued on page 6

From the Publisher . . .

Robert Heinlein, Morris Tannehill and W. H. Hutt contributed in very different ways to modern libertarianism, and their recent deaths leave us poorer. L. Neil Smith, Douglas Casey and Timothy Virkkala pay tribute to them in remembrances beginning on page 11.

Do all persons possess inalienable rights? Do all persons likewise have an obligation to refrain from aggression? What are the implications of these rights and obligations?

The issue of rights and their concomitant obligations has been controversial in libertarian circles for years, so it is not surprising that the pages of *Liberty* have featured very lively discussions and disputes on the subject.

It is generally agreed that the notion of rights is imported into political theory from ethics. Prof. Hans-Hermann Hoppe challenges this view. In his startling essay, Prof. Hoppe argues that the mere fact that an individual argues presupposes that he owns himself and has a right to his own life and property. Murray Rothbard has called Hoppe's thesis "an extraordinary breakthrough." You can read Hoppe's essay, beginning on page 20, and decide for yourself. (Next month, we will publish criticisms of Hoppe's thesis by a number of leading libertarian social philosophers.)

Ethan O. Waters criticized the conventional libertarian view of rights in the May issue of *Liberty*. In a lively essay beginning on page 55, Sheldon Richman attacks Waters' criticism. Waters responds briefly on page 58.

And Douglas Rasmussen reviews Loren Lomasky's *Persons, Rights, and the Moral Community*, beginning on page 64.

Lest you think that we should change the name of this publication to *The Journal of Rights Theory*, be advised that also in this issue John Hospers criticizes libertarian views of ecology, Sandy Shaw blames the state for the AIDS epidemic, Bill Moulton reminisces about the day in 1972 when he was Communist Party boss Gus Hall's dinner guest, Phil Salin explains why Uncle Scrooge is a hero to libertarians, Murray Rothbard reports on his recent adventure in Italy, Steve Cox reflects on the peculiar career of Roy Cohn . . . plus an exciting new short story from novelist Erika Holzer.

—R. W. Bradford

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was a comment on the phenomenon of examining every Nicaraguan wart under a microscope and using every shortcoming as an excuse to wage war against its people, while turning a blind eye to the brutality of U.S. taxpayer-subsidized regimes in Honduras, Guatemala, and El Salvador. I expect this from the CIA and other sinister forces in our society, but am troubled that there are Libertarians who would have us join the process.

Government in Chaos

Matt Kesler's analysis of Evan Mecham's disastrous governorship ("Rebel Without a Clue," *Liberty*, July 1988) is very instructive. He fails, though, to point out the benefits of an officeholder like Mecham.

Arizona's state government was tied in knots for months, with the Legislature and governor unable to perform the usual business of violating people's rights. Libertarians should encourage this kind of self-inflicted wound among statists. After all, they can't implement their rotten agendas if their attentions are diverted to trivialities like Evan Mecham's inarticulateness!

California has a similar situation where five disgruntled Democratic legislators (dubbed the "Gang of Five") have been opposing the "leadership" of Assembly Speaker Willie Brown. This is merely a power struggle, with little to do with ideology, but at least it sometimes prevents the legislators from legislating.

Libertarians should encourage this kind of behavior. It's a strategy of "divide and conquer," and it works two ways: 1) government officials look moronic. We know they are, but media barrages can easily convince the public of the truth, and 2) They yell and scream so often about their adversary's mother wearing army shoes, that they (thank God) don't get their jobs done.

I hope that Mecham comes back again in 1990 to win the Arizona governorship. Or maybe he can come to California and run here instead. Either way, liberty-loving people will win.

Ted Brown
Los Angeles, Cal.

A Christian, Not Libertarian, Witness

Thanks for publishing my account of my imprisonment ("I Go To Jail," May 1988). However, this letter is necessary to correct any misapprehension your readers might have.

continued on page 40

Et Three, ABA

Since I believe one's energies are better spent on creative work than on answering critics, especially if the meaning of the criticized work is clear, I would not be replying to Charles Richardson's letter ("Et Tu, Hank and Erika?" *Liberty*, July 1988) concerning my and Henry Mark Holzer's article ("Et Tu, ABA,"*Liberty*, May 1988) if Richardson had not raised, inadvertently, an issue about which I feel strongly and which needs airing.

I can state the principle in a sentence: *Don't ask others to do your research for you.* Or put another way: It is the height of intellectual irresponsibility to take or attack positions (especially serious ethical ones) based on unfounded, non-fact-based opinions—an irresponsibility compounded by the ready availability of the facts and, this being a free country (unlike the Soviet Union), our easy access to them.

My and my husband's comparison of the Soviet Union with Nazi Germany is dismissed out of hand, its "cogency" doubted by a man who rambles on for three paragraphs about what he perceives as Gorbachev's "new" Soviet Union, a regime presumably patterned after some mythical post-Nazi "moderate" German government; to wit: a regime which would boast a "restored rule of law" and an end to "extermination," with a hopeful eye on reopening trade with free countries while admittedly holding back on war criminals, "civil rights for Jews," and "territorial conquests."

The Soviet Gulag continues to bring agony and death to untold numbers of human beings . . .

How dare he—or anyone who purports to care about inalienable individual rights, anyone who claims an ounce of compassion for the unjust suffering of others—simply obliterate from his consciousness that enduring Soviet institution, the Gulag, which continues to bring agony and death to untold numbers of human beings?

Fact: Studies using *Soviet* data reveal that the population of the Gulag went down under Khrushchev—to 3 million—rose under Brezhnev—to 9.4 million—and is even higher these days, because slave labor is needed in places where free men would not consent to go; the Soviet economy, now more than ever, depends on it (facts reported by William Buckley and compiled by Michael Makarenko, an ex-member of the Gulag population who did 8 years for political dissent).

Fact: Rigged trials have not disappeared—and won't. Check out the one in Natan Scharansky's book, hot off the press.

Fact: Closed borders are a Soviet way of life; ever seen one, Mr. Richardson? Ever been in some border guard's submachine gun sights? Don't you realize that the iron curtain around Soviet-style borders is the inevitable product of their so-called legal system and that to talk about a "restored rule of law" is to talk utter nonsense? Thousands of dissidents, millions of slave laborers, would laugh you off the page if only they weren't crying so hard.

What "civil rights" are we talking about, Mr. Richardson, and why single out Jews? To Jews, Christians and atheists alike, civil rights are, *by definition*, non-existent in a rightless society. Try reading the New York *Times'* A.M. Rosenthal; ponder his knowledgeable description of "the Gorbachev regime: a one-party Communist dictatorship that is in the process of reform but intends to remain a one-party Communist dictatorship." Read the monthly reports put out by Freedom House, a non-partisan organization that monitors human rights violations around the world. Ask their Soviet specialist Ludmilla Thorne if the Soviets have stopped "exterminating" their own citizens. While you're at it, ask her for an eyewitness account of her four trips into Afghanistan before you cavalierly dismiss the consequences of Soviet-style "territorial conquests." I only wrote about toys that blew off the limbs of children; she saw the children.

I could go on and on. The point is, why should I? It's not my job to do your homework for you. But I'll tell you this much: Your naiveté about the Soviet system, which has stayed on course for 70-odd years, is appalling. It is also not uncommon among the general population in this country. But that it should emanate from a libertarian, to whom freedom, justice and individual rights are not buzz words but meaningful concepts, I find hard to fathom.

And if my refusal to compromise fundamental principles makes me a "purist," so be it.

Erika Holzer
Mt. Kisco, N.Y.

Reflections

"Twelve men, good and true"— On June 17, a jury of twelve Arizonans took 3 hours to find former governor Evan Mecham innocent of fraud and perjury, the same charges on which the Arizona legislature had impeached Mecham. Apparently it is easier to convince a two thirds majority of politically sensitive state senators of a man's guilt than it is to convince a single member of a jury drawn from ordinary men and women. —EOW

Time heals all wounds?— "For The Record—We the undersigned, wish the following to be on record: Because Nathaniel Branden and Barbara Branden, in a series of actions, have betrayed fundamental principles of Objectivism, we condemn and repudiate these two persons irrevocably. . . ." (*The Objectivist*, September 1968)

So reads the statement signed by four former colleagues of the Brandens following their break with Ayn Rand. Among the signatories of this public notice was Alan Greenspan, the economist in Rand's inner circle who afterward served as an advisor to Presidents Nixon, Ford, and Reagan, engineered the "fix" of the Social Security system, and is currently the powerful chairman of the Federal Reserve System.

"Fascinating reading," is how Greenspan now describes Barbara Branden's *The Passion of Ayn Rand*, the distinctly non-hagiographic biography.

Apparently even the hardest Objectivist heart can soften over time. Or perhaps, like so many others, Greenspan finds criticism easier now that the Master has passed from this scene. —RWB

Their hearts aren't young and gay— In a superficial attack on libertarianism published by the Heritage Foundation, Russell Kirk denounces libertarianism because of the "unusually high proportion of professed libertarians [who] are homosexuals." This despicable act of openness and tolerance does not occur among Kirk's conservatives, whose homosexual members customarily deny their sexual orientation until they die of AIDS, as witness the sad endings of the public careers of Roy Cohn and Terry Dolan. —RWB

New Bush for old— If you're like me, you may be confused about the New George Bush. You know, the one gushed over by Cato's David Boaz in the pages of *Reason* magazine as a great free marketeer for the young libertarian generation and defended by Libertarian Republican Organizing Committee financier Colin Hunter as the "true heir" of Ronald Reagan.

Who is this New Bush? The only Bush I'm familiar with was congressman (I live in what used to be his district, though hardly anyone around here seems to know or care), UN Ambassador, CIA chief, GOP chair, Vice President and head of the federal government's numerous task forces to solve this and that social evil, including the Problem of Drugs. Yes, the Old Bush had an impressive resumé: the perfect establishment spokesman, a true gentleman who never turned away a call for help or declined a powerful political appointment, a man who never once evidenced any interest whatsoever in anything resembling a philosophical or principled stand or original idea.

In short, the Old Bush was the perfect stand-up guy for the Tri-Lateralists, the Council on Foreign Relations, the Power Elite, the Powers That Be, the Eastern Establishment, the Ivy League elite (he was Skull & Bones, you know) and all the others who "know what's best for us." Yes, we knew the Old George Bush, who he was and who he wasn't.

But who is this New Guy? This quasi-libertarian defender of the market and individual liberty? Has anyone ever read anything faintly libertarian by this New Bush (the Old Bush only wrote memos, I think). This New Bush has some impressive defenders, but I think we need to know more about him first-hand.

My theory is that the New Bush has actually been toiling away on free market policy studies in some obscure libertarian think tank for the past few years, secretly and powerfully demonstrating his deep commitment to individual liberty and property rights. Maybe using a false name (who are those guys at Cato, anyway?) and churning out privatization studies for *Reason*. That must be the explanation. Otherwise, we would have heard of the New Bush long before now.

Well, there you have it, a real scoop. —MH

Behind the Irony Curtain— Heine said that "the tips of the mountains see one another." Politicians are clear-sighted too. Without the benefit of much more intelligence and learning than a mountain range has, they are able to recognize and appreciate their fellows.

President Reagan, returning "triumphantly" from his summit meeting with Gorbachev, revelled in the clear-sightedness of the two leaders, and invited everyone else to share their visionary state. "Imagine the President of the United States and the General Secretary of the Soviet Union walking together in Red Square, talking about a growing political relationship and meeting, together, average citizens, realizing how much our people have in common. It was a special moment in a week of special moments."

I can readily *imagine* the President's week—after all, it *happened*. What staggers my imagination is (1) the pretense that Reagan and Gorbachev are or have to do with "average citizens"; (2) the startling, and undoubtedly false, naiveté about finally realizing that Russians and Americans have much in common, as if normal opinion held that they originated on different planets; (3) the bizarre suggestion that an

elderly gentleman's walk through Red Square has some inherent meaning; (4) my own realization that some people may be deluded enough to think that it does have some inherent meaning.

What else but delusion can explain the ceaseless appetite of the press—admittedly the most ignorant, therefore the most frightened and credulous, element of our population—for this sort of imposture? A few years ago President Reagan characterized the Soviet system in terms that even die-hard leftists had difficulty arguing were not accurate in the most literal sense. He said it was an "evil empire." It was an empire, and it was evil. The press was terrified by this *surprising*

Reagan, reporters said, had "mellowed." Well, perhaps he had. Or perhaps he, like Gorbachev, had finally, definitively learned that the press will swallow any symbolic gesture as a real public act—even if the gesture is nothing more than the kissing of babies in Red Square.

statement of what everyone else already knew. The Tolkienian cadence of the words "evil empire" seemed (as far as the press was concerned) to raise Reagan's truism to special symbolic status. It was almost as significant, perhaps, as Bobby Kennedy's frequent declaration (cribbed from Tennyson) that "it is not too late to seek a newer world"—a phrase that in Kennedy's speeches retained no discernible meaning but seemed full of saving power to media operatives self-harried by thoughts of "apocalypse" and the "fall of American civilization."

Because the press is to a remarkable degree ignorant and terrified, it convinced itself that the political world had changed when Reagan the tourist, noting that conditions in Rus have lately changed for the better, "repented" of his "evil empire" remark. Reagan, reporters said, had "mellowed." Well, perhaps he had. Or perhaps he, like Gorbachev, had finally, definitively learned that the press will swallow any symbolic gesture as a real public act—even if the gesture is nothing more than the kissing of babies in Red Square.

Neither Reagan nor Gorbachev believed that anything was learned or accomplished by their circumambulation of Red Square, but both of them apparently believed that something could be accomplished by convincing the press that something was accomplished. They probably reflected that politics seems somehow to be influenced by what the average citizen thinks that the media think about what Reagan and Gorbachev are doing, even though Reagan, Gorbachev, and the average citizen are all in on the obvious fact that Reagan and Gorbachev are doing nothing but letting the media think they are doing something.

Reagan and Gorbachev had no need to conspire together to concoct their little drama for the press. Any fool could see, without being told, how to carry it off. But, practiced politicians that they are, the two summiteers must have achieved a sense of mutual satisfaction, a sense of camaraderie. Anthony Summers and Tom Mangold, in their book *The File on the Tsar* (New York: Harcourt, Brace, Jovanovich, 1978, p.209), discuss two people who in the 1960s claimed—quite independently of each other—to be children of the last Russian Emperor. One of these absurd claimants asserted himself to be the Grand Duke Alexei; the other said she was the Grand Duchess Anastasia. Each claimant had supporters among the press. One supporter, more credulous than the rest, believed both "Duke" and "Duchess" and (logically enough, given his premises) arranged for them to meet. They did so, and just as you might expect, there was "a moving recognition scene." —SC

A time for candor— Murray Rothbard and Mike Holmes have been attacked in the letters section of this magazine and elsewhere for criticizing other libertarians. I wonder: does their crime consist merely of subjecing other libertarians to the same sort of critical analysis that we inflict on nonlibertarians? Or does the crime lie in the candor of their comments? Although I disagree with some of the criticisms offered by Messrs Rothbard and Holmes, I am delighted to see that they have lost their inhibitions about criticizing other libertarians. They are helping to achieve the day when libertarianism has matured to the point where the need to treat other libertarians with kid gloves is no longer a moral imperative. And what a grand day that shall be! —EOW

Let the seller beware!— In 1984, *Soldier of Fortune*, a bizarre magazine dedicated to entertaining assholes who have fantasies about being professional mercenaries ran the following ad under "employment" in its classifieds:

"EX-MARINES— 67–69 'Nam Vets, Ex-DI, weapons specialist-jungle warfare, pilot, M.E., high risk assignments, U.S. or overseas. (404) 991-2861 (86)"

In October of that year, Robert Black of Bryan, Texas, wrote to the men who had placed the ad and offered to sell one of them a collection of firearms. So John Wayne (!) Hearn traveled to Texas to look at the guns. No sale transpired, but Black did let slip to Hearn that he and a friend planned to kill Black's wife. Hearn told him he didn't want to know anything about it.

A month later Hearn returned to Texas, and Black again talked to Hearn about murdering his wife. This time Hearn and Black came to terms, and proceeded to murder Mrs Black. Both were caught and convicted. Hearn was sentenced to life imprisonment and Black was sentenced to death.

That's not where the story ended. Mrs Black's surviving son and mother sued *Soldier of Fortune*, arguing that one could "infer criminal intent" from the ad's wording. Although it suggested no illegal activity and the contact made through the ad was at first entirely legal and innocuous, and even though *SOF* had not the slightest inkling that any illegal activity was proposed or was taking place, the jury awarded Mrs. Black's heirs (and their attorneys) $9,400,000. "We wanted to arrive at a total that would set an example for other publications, other magazines," the jury foreman said.

The implications are so ominous that they are apparent even to the editorial writers of the Los Angeles *Times*: "If a publication is to be held liable for the criminal acts undertaken by its readers, using products or services advertised in its pages, then what about those menacing ads for steak knives? And ant poison? And gin?"

While I applaud the *Times'* editorial artists for their perspicacity, I think their fears are without foundation. The viciously punitive act of the Texas jury is acceptable only

because it is directed at a disreputable publication. The *Times* is safe.

Soldier of Fortune is a sleazy periodical that appeals primarily to the moronic and the morally vile. This in no way implies that it should be denied the same freedoms as other, more respectable periodicals. Maybe one day, Americans will feel secure enough in their beliefs not to feel the need to strike out irrationally at those who do not share them. But for now, apparently, many Americans are willing to lash out without rationality or common sense at anyone who offends their sensibilities. —EOW

Iran and Korea: The Ominous Parallels—

On the morning of July 3, a United States Navy warship in the Persian Gulf shot down an Iranian civilian jet airliner, Iran Air Flight 655, murdering 290 innocent people, including the crew and 66 children. The jet was on a regularly scheduled half-hour commuter flight from Iran to Dubai.

There is an uncanny resemblance between this "barbaric massacre of innocent passengers," as the Iranian Foreign Minister properly called it, and the Soviet shootdown of Korean Airline civilian jet 007 over Soviet airspace on September 1, 1983. In both cases, the defense of the shooters is that the plane failed to respond to warning messages sent by the Soviet/U.S. military installation. The number of civilians murdered was similar, 290 as against 269 in the earlier shooting.

But let us pay attention to the fantastic difference in response, in attitude, of the U.S. press in general, and of conservatives-libertarians in particular over the two incidents. In the current U.S. shootdown, the American government grudgingly "regretted the accident" but scarcely apologized for its barbaric act. In the Soviet shootdown, the U.S. government, press, and the conservative movement rushed immediately to judgment, brushing aside questions of warning signals not being heard as irrelevant, denouncing Soviet excuses, squelching any indications that the Korean jet was spying on the Soviets, and condemning the shootdown of a civilian jet as an action that could only emanate from a rotten and despicable social system. A Randian group took the trouble to buy full-page ads throughout the country trumpeting its conclusion that the shootdown demonstrated the ineradicably evil nature of the Communist system, and claiming that the Soviet government should be treated the way local police treat murderers. My own column on the subject for *Reason* pointing out that the Soviets were within their rights in international law defending their airspace, was angrily rejected by Bob Poole, leading to my immediate departure from *Reason*'s ranks.

OK Randians, Pooleans, rightist libertarians, and conservatives: I'm waiting. I'm waiting for you to denounce the United States as an "evil empire," and its murdering destruction of a civilian airliner as demonstrating the horrible nature of U.S. imperialism. I'm waiting, fellas.

Instead, of course, the U.S. press and government have been sympathizing, *not* with the innocent Iranian victims and their relatives, but with the anguish of the poor commander of the U.S. warship, pointing out that he could have shot down the airliner earlier than he did. Well, bully for him! The government and press have also contended that the KAL and Iran Air shootdowns are not analagous because the Iran jetliner flew into a "combat situation" between the U.S. warship and two Iranian gunboats. So what? This was a regularly scheduled airliner. The crucial and overlooked point is: what the hell are U.S. warships *doing* in the Persian Gulf anyway? The *real* difference between the two incidents is that the KAL ship invaded Soviet territory in a sensitive area near crucial military installations; whereas U.S. warships are in an area close to Iran and other countries where they have *no business*! When the Reagan Administration steamed into the Persian Gulf, its excuse was that it was simply "keeping the peace," and that no escalation of violence could occur. How many more brutal and violent incidents are needed before the American people rise up and demand: "U.S. Out of the Gulf!"? —MNR

The real difference between the two incidents is that the KAL ship invaded Soviet territory in a sensitive area near crucial military installations; whereas U.S. warships are in an area close to Iran and other countries where they have no business.

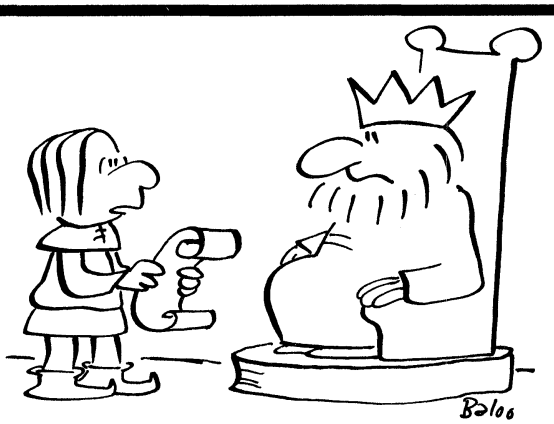

"The good news is that the famine is over — the bad news is that the garbage collectors have gone on strike."

"I survived the drought of '88."—

Many libertarians may think that Congress has at last found a task that it is capable of bringing to completion: seeing to it that "no one will profit from the current drought" now bringing ruin upon farmers (and others) throughout the South, Midwest and East of this country. Surely Congress can do only one thing well, and that is *destroy profits*.

The expectation that government intervention will only make a bad situation worse is sensible, but the idea that Congress will actually succeed in preventing entrepreneurs from making a profit from the drought is wrong. Governments have only a limited ability to accomplish the tasks set for them. They are not omnipotent; they are not even close. Just as they cannot make their own monopoly enterprises run well, so their attempts to regulate the profits of farmers and others will fail. Even *as destroyers* they have limited power. No matter how hard Congress tries to prevent profitable investment during the drought, profits will still be made, and for this we should be thankful. (I am asuming readers of *Lib-*

erty do not need a lecture on the advantages of unregulated markets or a listing of the many reasons why profits are not only not evil, but necessary.)

Congress is sure to concentrate most of its efforts to achieve the "noble" goal by modifying already existing farm programs or by dumping the huge stockpiles of foodstuffs onto the market. But, if members of Congress really want to stop profit taking, they must not stop there. We can expect something like a "Windfall Profits Tax" to be applied. Perhaps they will name it the "Rainfall Profit Tax."

What we should wonder, though, is how far Congress is willing to press for Zero Tolerance for those who profit while others lose? Will the Rainfall Profit Tax be applied to people who profit from selling T-Shirts emblazoned with the words "I Survived the 1988 Drought," "Government Bail-Outs Only Run the Economy Further Into the Ground" or "Congress Is All Wet"?

However far Congress is willing to go, we can expect only two things: that it will not succeed at what it is trying to accomplish, and that this failure will not compensate for the harm it does manage to inflict on the American economy. —TWV

Carl "Make My Day" Rowan— In 1981, when Nancy Reagan mentioned to the press that she sometimes sleeps with a .25 caliber pistol close at hand, syndicated columnist Carl Rowan wrote, "We must reverse this psychology. We can do it by passing a law that says *anyone* found in possession of a handgun except a legitimate officer of the law goes to jail—period" [Emphasis in original]. Two years later he quoted with approval Jimmy Breslin's statement that, when it comes to gun confiscation, no excuse should avail: "I don't care if you live in a tough neighborhood. I don't care if you're a little old lady who has to walk out at night to get groceries. I've heard all the excuses." Once more Rowan saw mandatory imprisonment as the only solution to the "problem" of gun ownership.

Rowan misses the entire point. His excuses for possessing the gun and for his specific use of it are valid, at least in general terms. But, Mr Rowan, these are the same reasons given by millions of ordinary people who keep guns for protection. Many of these humble citizens live in far less safe neighborhoods than you, and have to face greater perils than strangers taking a wee-hour dip in the pool.

In 1986 Rowan opined in his column "The gun lobby continues to work the White House and Congress to the point of guaranteeing that almost any nut in any neighborhood can turn his house into an arsenal." One year later, following Bernhard Goetz's acquittal on all but one minor charge, Rowan stated "New York's 'subway vigilante' is getting away with a vicious shooting spree because those he shot [were] characterized by his defense attorney as a 'wolf pack' and 'savages.' God spare us all a . . . spell of lawlessness in which self-styled vigilantes may decide what you and I deserve." These snippets are just samples. A researcher employed by the National Rifle Association has found 15 columns written by Rowan that advocate banning private ownership of handguns.

By now the reader knows the *denouement* of all this. At about 2 a.m. on June 14, Rowan was awakened by the noise of teenagers frolicking in his pool. He called the police and, as he heard them arrive, he opened the sliding glass door to his yard and was planning to open an exterior gate to let the cops in the yard. One of the youths approached him in a fashion Rowan considered to be menacing. Rowan told him to freeze. The young man continued to advance. Rowan told him again. Then Rowan shot at him, wounding him in the wrist. The teenager and his companions fled but were picked up by police in short order. At least, that is more or less what happened. The kids give a slightly different version. They will have their day in court, and we need not concern ourselves with all the details here.

The real issues here are hypocrisy, and arrogance, and the dismissal of the concerns of ordinary people. Unfortunately, such observations have tended to become lost in much of the public commentary of the past few weeks. What does Rowan himself say? For the most part, he has aimed his remarks at fellow leftists and anti-gun advocates. He seems less concerned with criticisms from pro-gun groups and the political right. His statements concerning the affair include: "I am appalled that so many [of my critics] ignored the . . . fact that my home was violated, my family was threatened by strangers who came in darkness. Who dares to ignore the fact that I . . . was awakened at 1:55 a.m. by someone testing my bedroom window?" Further: "A lot of what is theoretical, ideological is being written by people who have not been threatened [at] 2 a.m. and have not been confronted by a doped-up intruder just outside their door." Plus: "As long as the authorities leave this society awash in drugs and guns I will protect my family." And more of the same.

When asked if he saw any comparison between his case and that of Bernhard Goetz, Rowan replied that the notion is "so stupid I won't even talk about it." Now, Carl Rowan is black and the intruders are white. The columnist insists that race had nothing to do with the incident. I have no doubt that this is true. But it is also certainly true that race was not a relevant factor in the Goetz case, and Rowan was never willing to give Goetz even the tiniest morsel of the sympathy he now demands for himself.

Rowan misses the entire point. His excuses for possessing the gun and for his specific use of it are valid, at least in general terms. But, Mr Rowan, these are the same reasons given by millions of ordinary people who keep guns for protection. Many of these humble citizens live in far less safe neighborhoods than you, and have to face greater perils than strangers taking a wee-hour dip in the pool. None of those faceless gun-owners has a syndicated column in which to present his case. If involved in an incident similar to yours, he is not going to have prominent people rallying to his defense. In your writings, you have always dismissed the claims of these millions with brutal contempt. You have claimed that their concern for safety was really paranoia and racism in disguise. Instead of complaining that you're being misunderstood, and that you would be treated more leniently by the media if you were white—both dubious propositions—how about engaging in a little common-sense reflection. Just maybe, you might

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have to concede that second-amendment advocates have a point when they talk about the right of citizens to protect themselves. —WPM

If this be killjoyism, let us make the most of it!— Murray Rothbard has discovered yet another new libertarian heresy, "killjoyism" (Reflections, July, 1988). He accuses reader Michael Townshend of trying to take from Rothbard his "last form of enjoyment" by deriding Rothbard's glee in the destruction of the South Vietnamese puppet state in 1974.

I believe that I oppose puritanism as much as the next fellow, but I think that Rothbard misses the point. The collapse of the Saigon government did not occur in a vacuum; nor was it replaced with anything akin to an anarchocapitalist utopia.

The government of South Vietnam was destroyed by another state, a state arguably worse (that is, more destructive to human liberty) than the government it replaced. The replacement of one tyranny by another was not accidental; the new tyranny was inherent to the removal of the old. Indeed, during the entire Vietnamese Civil War, the entire country was under the despotism of one or the other state—often under the despotism of both at the same time. The destruction of the South Vietnamese government only marked the victory of one state over another.

It is a great danger to our movement—and to our souls—to become so fixated on the defeat of our enemies that we forget why we advocate liberty and oppose statism in the first place. We advocate liberty because liberty is good for people; we oppose statism because it hurts people. The destruction of the South Vietnamese state resulted in the deaths of many innocent people. Individual human beings. *Persons*. The simultaneous imposition of an even worse state hurt far more innocent people. To gloat over the destruction of one particular state and lose sight of the context is to forget the reasons why we oppose statism in the first place.

It is the destruction of governmental power over which libertarians rejoice, not the removal from office of a few scoundrels by blackguards even more foul. So I won't dance in the streets with Rothbard—at least not for news of this sort. —RWB

Rest in Peace . . .

Robert A. Heinlein: Science Fiction Pioneer (1916–1988)

". . . these actions are deemed to be in accordance with the tradition of the Patrol."—Robert A. Heinlein, *Space Cadet*

On May 9, 1988, Neil Schulman and Vic Koman phoned with bad news: Robert Heinlein had died. Robert Heinlein and his remarkable partner Virginia were continuously in my thoughts, but his death, not unexpected given his age and state of health, couldn't have hit harder if it had been my own father's. I may never be able altogether to absorb the fact that Heinlein is gone. I'll be grateful the rest of my life that I managed before he died to convey to him a little of what his work means to me. I regret that I never had a chance to tell him in person, as I'd always thought I would.

I don't suppose a day's gone by in thirty years that I haven't thought about him. I was a lonely kid, undersized and overbright, living on an air base overseas, who read anything that fell under his eyes, when I found *Red Planet* and *Tunnel In The Sky*. The author's name was unfamiliar. As would be the case much later with a certain Russian lady's name, I didn't even know how to pronounce it.

Tunnel In The Sky was about kids not much older than I, slung across the galaxy as a graduation exercise, to survive or die in a world not even described to them beforehand. The hero's big sister, a tough Marine, gives him her favorite fighting knife, a gift both practical and sentimental. (In time I'd learn that Heinlein didn't see much difference between the two.) In *Red Planet*, even younger kids revolt on colonial Mars when their headmaster seizes the personal weapons it had always been their right to carry.

This was powerful stuff which bent my head severely. I looked for more books by this guy Heinlein. What they were about, besides science and space, was individual human competence, and the suicidal insanity of weighting it with political chains. Without knowing it, Heinlein became advisor, confidant, often the only friend of my childhood. The lessons I learned from him were endless, as they were bound to be, coming from a man of his pragmatic wisdom. Above all, he taught me to accept his wisdom without becoming a follower, to become, to remain, an individual. He set standards against which I came to measure all of my adult conduct and achievements.

It's hard now to recapitulate the second chance he gave my generation, condemned as we were to suffer the dubious benefits of public education in the most collective milieu of American history. Most of what Heinlein taught me I've long ago absorbed as self-evident, but it wasn't when I learned it. It was often painful and confusing, but it was sorely needed because American methods of rearing the young fail to produce organisms fit for—or worthy of—survival.

Centuries hence, when the dangerous age we're living through is written of, what historians will say about these Crazy Years will resemble what Heinlein wrote about them four decades ago, before they began. The bright spot in this otherwise disastrous era may turn out to be the Libertarian movement—although it must still prove itself—over which the shadows of two great minds cast themselves, those of Ayn Rand and Robert Heinlein. What's astonishing isn't that Rand and Heinlein differed from one another, but that, coming from such different directions, they agreed so often. Neither of these giants was very happy being called Libertarian, yet the monument Rand left us can't be effaced, no matter how many pests pay it pigeon-respects. She gave the move-

ment a philosophic discipline to serve as its brain and backbone. What Heinlein gave was heart and guts.

Both gifts were needed. Maybe the idea of Libertarianism, the unique concept of the non-aggression principle, should have been enough. But with origins in this culture at this particular time, it was bound to succumb, soon or late, to cancerous factionalism among its proponents or to a paralysis of liberaloid self-doubt. We've had occasion to observe that brain and backbone by themselves create a strain of humorless puppets, wrenching ineffectually at their own strings. Heart and guts, undisciplined, result in the directionless unethical flailing we're used to lamenting among conservatives. Combined, the unique idea, aided by suitable amounts of brain, heart, guts, and backbone, may give us a surfer's ten-toe hold on an unstoppable wave of the future.

Rand told us what freedom is. Heinlein showed us how to use it, that it's the duty of anyone who wishes to be a whole human being to re-make the world the way he wants it, that the struggle never ends while one good man or woman is left alive. But none of this scratches the surface of a lifetime's education. Because Heinlein lived individual liberty will survive long enough to spread to the stars, where it will endure forever. That is his lasting legacy. —L. Neil Smith

Morris Tannehill: Anarchist Visionary (1926-1988)

Morris Tannehill died at Veterans Administration Hospital in Ann Arbor, Michigan, on May 21. His death resulted from chronic liver and kidney disease, which led to failure of both systems. It was complicated by episodes of gastro-intestinal bleeding. That's the information Bill Bradford passed to me when he asked me to write an obituary.

Maybe it's odd that I'm the one writing Morris Tannehill's obituary, since I never met the man.

It's true that I had several telephone conversations with him, and corresponded with him a bit. My recollections of both letters and conversations are hazy. That's unimportant, though, because, whatever else he had to say, he said enough in the book he wrote 20 years ago to have as big an effect on me as anything else I've read, before or since.

My relationship with Tannehill started in a somewhat "Back to the Future" kind of way, with things that should have happened first actually happening last. In 1970, when I was just emerging from the cocoon of Objectivism, I asked Jarrett Wollstein, who ran the Washington, DC chapter of the Society for Individual Liberty, for a good book to take along on a three month treasure hunting expedition I was just leaving for. He sold me a copy of *The Market for Liberty*. For all I know, Wollstein may have seen me as a mark on whom to unload some spare inventory in the little bookstore he was running, but I owe him an intellectual debt for selecting Tannehill's book from a bunch of others that didn't really mean much to me. The volume was one of only about 1000 copies printed, so it was a longshot that I ever should have heard of Tannehill, much less be writing this piece eulogizing him, two decades later.

I read the volume on the boat, and it changed—but a much better word is augmented, or, better yet, crystallized—my personal, political, and economic philosophy. I was compelled, by the force of its logic, to become an anarchist. That's a big step for an otherwise normal kid from a middle-class background to make; they put people in jail for being an anarchist. Even if you're a communist it doesn't hit their hot buttons nearly as hard, because communists at least believe in the State. And without the State, we'd have . . . Anarchy! And, after all, both Gorbachev and Jesse Jackson are communists, and darlings of the media either in spite of it or because of it. But anarchists all dress in black, skulking about with those little round bombs.

Randites think (or are programmed to believe) that it's a big deal to become a true believer after reading *Atlas Shrugged*. Christians think (surely that's not the right word) that finding Jesus in the Bible makes them part of a born-again elect. But I can tell them that becoming an anarchist is tougher, and far lonelier. You'll get more respect at your next Rotary Club meeting if you tell them you're a devil worshipper.

It makes me a little self-conscious to admit that Tannehill's book changed the way I think, especially since that had already occurred at least twice before—when I read Goldwater's *Conscience of a Conservative*, and, more importantly, Rand's *The Virtue of Selfishness*. But maybe it's not really possible to change anyone's mind, or convince anyone, on philosophical subjects. Everyone either already falls on one side of the barricades or the other, and clubbing people over the head with all the intellectual arguments in the world won't change someone's worldview. That's how I know that reading the Bible won't turn me into a Holy Roller, or a snake handler, or even an upstanding citizen who goes to church on Sunday. Anyway, since becoming an anarchist I've started worshipping at the altar of the goddess Eris, and there's no turning back once you've reached that point. But that's another story.

I lost my copy of Tannehill's book when the treasure hunting boat was accidentally sunk off the coast of Florida. But although that source of (what were to me) cosmic breakthrough ideas slept with the fishes, the ideas themselves stayed in my mind, and served as ammunition for countless arguments with those who didn't share them.

The Market for Liberty is basically an explanation of how the world would work if there were no government. Who would build the roads? Run the schools? Provide for the common defense? Police, courts, and prisons? It evaporates all the usual bugaboos brought forth by the sort of people who say "Yes, that's true, but Mussolini got the trains to run on time." I liked its case for anarchy much more than the Randite case for some sort of limited government; it had a lot more shock value, and I wasn't as likely to be mistaken for a Republican. Incidentally, I rarely argue this stuff with people any more, certainly never in hope of convincing them of anything. When I argue, it's to amuse myself, not to try to change the world. We all wind up like Tannehill eventually, and when we do, the world ceases to exist. I find it hard enough to care what liberals, conservatives, Democrats, Republicans, communists, socialists, fascists, and what-have-you think now; it's hard to see how I could care less after checking out.

In any event, I missed my copy of Tannehill's book, and kept an eye out for another over the next ten years. But, even though I knew it was long out of print, when each of my three books was published, I included *The Market for Liberty* in the bibliography, with a strong acknowledgement and recommendation, saying it was one of the two most important books I'd ever read. I also listed Laissez Faire Books in New York as

a source for obscure volumes of that nature, and, as a result, the bookstore got hundreds of requests for the Tannehill book.

Now here's the "Back to the Future" part. Howie and Andrea Rich, who run Laissez Faire, couldn't help but notice a demand for the book, and (something that's perversely unusual in libertarians) not only decided to profit from it but succeeded in performing all the mechanics necessary to actually do so. They got hold of the rights to *Market*, and republished it. Because I was the volume's major promoter they asked me to write a foreword to the new edition, which I did. It's rare that anyone can go back, and introduce a book that had a seminal effect on his own thinking. The wheel of Karma was fully rounded when I proposed, and Karl Hess accepted, an invitation to write the book's introduction. Karl had some influence on Goldwater back when you could use the word "conscience" in the same sentence as "conservative" without creating an oxymoron. My philosophic *Pilgrim's Progress* had followed a path similar to his, so it was fitting he come to the party too.

As for Morris Tannehill himself, I gather he was what is known as a strange dude. Sex, drugs, goofy cults, and flaky schemes to gain wealth and fame seem to be part of the story, but a part that someone else will have to regale you with. For me, what Tannehill was like personally is irrelevant. The ideas he put across in *Market* stand on their own merit. And the fact that he wrote them down in that book will always accrue to his credit, as far as I'm concerned. —Douglas Casey

W. H. Hutt: The Last Classical Economist (1899–1988)

It used to be a rule of thumb that economists defended free trade, free markets, and the political institutions of a free society. Individual liberty was *orthodox*. But this state of affairs changed in the twentieth century.

The change can be explained in many ways. You can apply a sort of "public choice" analysis to the problem, noting the growth of the state, and wonder if perhaps economists didn't come to see some opportunities in supporting that growth. Or you can take a less cynical attitude and simply explain the change as a necessary emendation of ideas that were seen as inadequate in light of new conditions and developments in theory.

However you explain it, it is hard to resist the temptation to speak in terms of heroes and villains. In the role of villain, John Maynard Keynes seems to be the name most often selected by advocates of free markets. After all, it was he who enticed several generations of economists down the dead-end alley of thinking in terms of "macroeconomic aggregates," and he who argued that the best cure for the woes of "boom and bust" was government intervention. It should therefore follow that we treat as heroes those who dared oppose the Keynesian orthodoxy by defending and developing the "older orthodoxy" that it replaced.

William Harold Hutt was one of those heroes. He was, in fact, one of the most courageous and persistent of them, repeatedly writing against the arguments and influence of Keynes's *General Theory of Employment, Interest and Money*. He wrote numerous essays and several major works challenging Keynesian error; the most memorable are *The Theory of Idle Resources* (1939), *A Rehabilitation of Say's Law* (1974), and *The Keynesian Episode: A Reassessment* (1979).

His services in defense of capitalism were not limited to tearing down the edifice of Keynesianism, however. He made important contributions to revising the history of the "horrors of early capitalism" in his fascinating essay "The Factory System of the Early Nineteenth Century" (in F. A. Hayek, ed., *Capitalism and the Historians*, 1954). He also dared to take on the theory and practice of the legal cartelization of labor in *The Theory of Collective Bargaining* (1930). And most importantly, he turned his classical liberal analysis to the system of *apartheid* in his native country of South Africa (in *The Economics of the Colour Bar*, 1964), thus preparing the way for the many works of Thomas Sowell on the economics of racial issue; and to Leon Louw's and Frances Kendall's hopeful work on resolving the conflicts of that torn country (see *After Apartheid: The Solution for South Africa*, by Louw and Kendall).

Hutt claimed little originality in these works. He saw his task as merely restating, clarifying and defending the orthodoxy that he had learned from his teachers at the London School of Economics after the first World War. He thought of himself as a "classical" economist, a rubric he accepted largely because it was against "classical economic theory" that Keynes argued. The term is more than a little inaccurate, since it was coined by Karl Marx to describe the writers leading up to David Ricardo, who established the first "orthodoxy." Keynes had broadened its meaning to include not only Ricardo's immediate followers, such as James and John Stuart Mill and Cairnes, but also the post-marginalist orthodoxy of Marshall, Pigou and others. Whereas most Austrian economists would make a good deal of hay about the differences among these economists, Hutt emphasized their similarities, and worked to promote a synthesis of their ideas. He was no Austrian, but the realistic perspective of his thinking—influenced also by such French Liberal School writers as Say and Bastiat—was very close to the Austrians'. It was blissfully free of model-building and mathematics and distant from neo-classical (and, of course, neo-Keynesian) formalism.

But his dedication to freedom and to the welfare of common people was most evident, though he was too orthodox to be a consistent libertarian. He fought against the dominant notions of our century because he believed them to be not only wrong, but dangerous. Though he did some important work that has little to do with ideological conflict (his essay expanding Misesian monetary theory, "The Yield from Money Held," comes quickly to mind), it is appropriate that we honor him chiefly for his battles in defense of freedom.

In his first book, *Economists and the Public* (1936), Hutt had discussed the problems of influences on opinion. He would have occasion to reconsider this subject many times throughout his life. Most distressing to him was how little influence on public opinion his writings had. But his influence within the ranks of free market advocates was immense. We hope that through our actions, Hutt's valiant efforts will at last bear public results, results that will be commonly recognized as just and beneficent.

William H. Hutt died on June 19, 1988.

—Timothy Virkkala

Memoir

My Dinner With Gus

by William P. Moulton

What would *you* do if you had the head of the Communist Party in your reach? Condemn, listen, preach? Well, if you were Bill Moulton, you would pull up a chair, order two cheesburgers, and have dinner with him.

On a balmy evening in June, 1972, I sat down to a dinner with a half-dozen fellow citizens in the dining room of a motel. Opposite me sat the host of our little soirée—a tall, blond Swedish-American in his early sixties, with a bland, friendly face and rather shy mannerisms. He might have been a claims adjuster, a real estate salesman or a small-town Lutheran minister. He was in fact Gus Hall, the long-time General Secretary of the Communist Party of the United States.

As I listened to his account of a recent visit to Democratic (i.e., North) Vietnam, my attention began to wander. It meandered first to the two cheeseburgers which constituted my repast (whatever my other faults, I am no gourmet), then to the essential strangeness of the whole setting. Here I was, a scion of the small town, Republican, vaguely McCarthyite upper Midwest, breaking bread with the supreme mandarin of the Godless Communist Conspiracy in this land.

Yet, as I listened to the anecdotes pour forth from this man who, whatever else one might say of him, had led an interesting life, I was reminded that I was being entertained not by a symbol or an archetype but by a human being with his own personality and attributes, by no means all of which were negative. This obvious contrast between the dual identities of Mr. Hall, the world-travelled gentleman, and Comrade Gus, the old Stalinist *apparatchik*, filled the tableau with contradiction.

What brought the innocent and unblemished youth from Traverse City to sup with the Smith Act felon from Iron, Minnesota? How had this, er, dialectic come about?

The Education of a Right Wing Intellectual

I was not reared in a particularly political family, I learned about things such as Communism and the Bomb by the usual process of osmosis. I am referring not so much to communism as a political or historical reality—though I learned about that as well—as to communism as a mythos. Early in the fifties, I knew that Uncle Sam was fighting the commies in Korea, a place which, I imagined, must lie somewhere on the other side of the hills near Silver Lake Road, that being the *ultima Thule* of my geographical imagination. There was a brief rash of anti-communist films, of varying quality; the only one I can remember seeing was *Big Jim McLain*, a poorly scripted flick featuring James Arness and John Wayne investigating Communism in Hawaii for the House Committee on Un-American Activities.

Communists, I deduced, were not nice. In fact, they were Bad. After a while, an ideological element began to round out the image. Father Kohler explained to us that communism was, in addition to its other odious qualities, Godless. In 1988, as I look back from the vantage of older age and greater knowledge, Godlessness doesn't seem to be that big a deal, especially since it is an epithet that could justly be applied to me. But three decades ago, as I sat in a classroom at St. Francis Elementary School, surrounded by nuns, priests and altar boys, such a thought was truly horrific. Communists were the godless enemies of my church, my country, and civilization itself. In addition, some of these enemies were invisible. There were spies and traitors in the land.

As individuals—Hiss, Coplon, Fuchs, the Rosenbergs, and others—they were little more than names to me. But we all knew there were plenty of them and we figured that for everyone caught many more were not. We each had a favorite local candidate for Probable Communist Spy. Old Mr. Kolchek had a foreign accent. Grandma Tafelsky received mail from relatives Over There. Old Man Nelson on Ninth Street kept to himself a lot—doubtless in order to receive short-wave transmissions from Moscow.

In time, I developed a more serious and, I hope, more accurate knowledge of the communist movement. By the time I was fifteen I could give a reasonably scholarly presentation of Marxist-Leninist doctrine, and I had a fairly se-

cure grasp of the historical, political, and demographic roots and setting of this phenomenon, which I despised (and continue to despise). But the mythic element in my perception remained strong. I found myself, to some degree, coming under the spell of such Birchite writers as Robert Welch and the classics professor Revilo P. Oliver. In my case, at least, the influence was more rhetorical than political. I never accepted the more bizarre features of their obsessive conspiratorial *Weltanschauung*. My thinking and occasional classroom writing on this subject of the reds, however, began to sport phrases such as "unutterably evil and indescribably brilliant" (Oliver) and "a boot stomping on the human face forever" (Welch). I even flirted—very briefly—with far-right notions of "Force X" and "The Insiders," but I rejected these as historically improbable and based on mere speculation. (The idea of the Illuminati, which was being massively pushed by the John Birch Society as the Ur-Conspiracy, was too ridiculous for second thought.) Anyway, by the age of twenty, or thereabouts, I had successfully shaken off my slight contamination with the crackpottery of the primitive right. My acquaintance with communism was scholarly, but also scholastic and impersonal. As far as actual, breathing communists were concerned, I was still under the thrall of Father Kohler and Big Jim McLain. The human component of the Red empire was surrounded by myth, symbol, and mystery.

By now the reader is undoubtedly thinking, "Gee, I hope Mr. Moulton will tell us more about his ideological growth. I'd like to know what he read, what he thought, his hopes, his dreams, his introduction to libertarianism, and more. I just can't get enough of this guy." Well, Mr. Moulton understands this natural desire, but he's afraid most of you will just have to wait for the movie version. We have to get a move on.

The Real Thing

Finally, it came—my first contact with an actual commie, and a well-known one at that. The time—late June, 1972; the place—Grand Rapids, Michigan. The Communist Party, kept off the ballot by various stratagems, didn't run a presidential campaign from 1944 through 1964. In 1968 the Communists cautiously crept back into electoral politics, but their ticket attained ballot status only in two or three states. By '72, however, public tolerance had grown and ballot access made easier. The party had responded by nominating its boss, General Secretary Gus Hall, for the presidency. For the first time since 1940, an openly Communist candidate was putting on a genuine political campaign. The ticket attained ballot status in Michigan in May, motivating Hall to make a swing through the state early the following month.

We have now arrived at the *Cena Hallensis*.* Hall's appearance was advertised a wee bit in the local media, but I learned of it earlier through the informal local network of "political extremists." I was in those days laboring in the vineyards for G***** W******, the Governor of A*******, and it seemed that the crew at the W****** headquarters always knew what the Communists and the Socialist Labor Party and the American Party and to some degree even the McGovernites, were up to, while none of us had the foggiest idea about what the Muskie or Humphrey or Scoop Jackson people were doing. Anyway, I knew two or three of the reds in the area, particularly one Alan Maki, a young man who at the time headed the Grand Rapids branch of the Young Workers Liberation League (the CP youth brigade, which has its name changed every few years). Apart from his ideology, his political and rhetorical style, which was often that of a redneck rabble-rouser, put me off. He had, however, a quixotic streak in his personality that caused him to be more tolerant of reptile reactionaries like me than of the undifferentiated bourgeoisie. He was willing to insinuate me into the little group that would meet with Comrade Gus after the public appearance.

> *We each had a favorite local candidate for Probable Communist Spy. Old Mr. Kolchek had a foreign accent. Grandma Tafelsky received mail from relatives Over There. Old Man Nelson on Ninth Street kept to himself a lot—doubtless in order to receive short-wave transmissions from Moscow.*

On the appointed night, I collected a friend who shared my interest in political ephemera, but was a little more strait-laced when it came to consorting with the enemy, and had agreed to come only for the bare speech, *sans* the projected hobnobbing.

The Devil

We descend to the basement and enter the meeting room. Hall is seated at the back, talking to two reporters. I catch snatches of the interview—Hall mentions his two sons, but declines to reveal what they do and whether they share his politics.

A small literature table offers, in addition to the usual boring Marxist drivel, political buttons. They are yellow, red and black, very large and attractive, featuring jugate portraits of Gus Hall and Jarvis Tyner, the Vice Presidential nominee. The price is only fifty cents each, which seems to me ridiculously low, when one considers that a principal purpose of this type of third-party gathering is fund-raising. I collect political buttons. I offer to buy ten. The young comrade staffing the table tells me that five is "enough." I try to decide if this is some new twist to Marxist economic doctrine, perhaps the Law of the Misdistributed Surplus. Visions of a journal article dance in my head.

As we take our seats in the front row, I notice that Hall has finished speaking to reporters. Impulsively, I walk over and ask for his autograph, holding out a small shirt-pocket pad and a Bic pen. He graciously obliges. I notice that he expresses no surprise. Do CP general secretaries frequently get autograph requests?

By now the hall is filling up. I try to obtain an exact count, but something always manages to distract me before I finish. The next day the Grand Rapids *Press* will report an attendance of 100, which seems about right. I learn as the night wears on that the attendees are Alan Maki's YWLL group (about ten), older party members from western Michigan (another fifteen), assorted locals from the SLP and other left-sectarian groups (maybe ten), some students from Calvin College who were apparently assigned to attend the

* This is a high-grade literary allusion to the *Cena Trimalchaionis*, the vulgar banquet scene in the *Satyricon* of C. Petronius Arbiter. Probably most readers won't get it, hence this footnote.

speech as part of a course (five or six), the media (five), a group of about ten McGovern campaign workers, two infiltrators from the Reactionary Right, and forty-odd which I lump under the categories of Gawkers, Curiosity-seekers and Miscellaneous As Hall is being introduced by a dapper black man whom I later discover to be the CP state chairman, one of the YWLL contingent, a tall young blond man attempts to lead us all in a standing ovation. He keeps glancing at the audience with ever more beseeching expressions. The rest of us clap politely but no one else stands, and he gives up. Why his comrades didn't join him, I don't know. Obviously, his gesture was personal and spontaneous, what Lenin would call ultra-left adventurism.

As Hall steps to the podium, I am struck by his resemblance to fellow Minnesota native Billy Graham. His speech begins bumpily for a man who has been in public life (in a certain sense) for so many years. He seems surprisingly ill at ease at the podium. He is aware of this, and incorporates his awkwardness into his pitch. "This is something new for me. I'm not used to asking people for their votes." I stifle a wild temptation to yell, "Neither is Brezhnev!"

Hall stumbles on in this way for a couple of minutes, then begins to hit his stride. Once he starts to talk about subjects in which he has a personal interest, he comes across as relaxed and articulate. Little of his speech deals with the current election. There is scarcely a mention of Nixon or McGovern.

The Gospel According to Gus

Mainly, he talks about Vietnam. Most of his discourse on the war would be boring Marxist cant were it not for the fact that he skillfully ties all of it in with an account of his recent visit to North Vietnam. I am compelled to admit that, although my views on communism and the war were not altered, I did gain a feel for the way ordinary people in that distant country were experiencing the conflict. Hall is an excellent storyteller. He tells of an official tour being interrupted by an American bombing raid, with all and sundry dashing into fox-sized shelters, pulling manhole covers over the top, listening to the muffled explosions in the distance, and feeling the shock waves pass through the bowels of the earth.

During the talk, a local comrade passes a coffee can for donations. I am one of the first to be hit up, so I have no idea what others are giving. I put in a fiver. Pharisaically, I hold it up high enough so that all can witness my liberality. My friend scowls and won't give a red cent.

Hall's speech winds to a close, and he asks for questions. I hold up my hand first. I preface my query by asking if he minds discussing topics not specifically covered in his talk. (I am a very polite person, even to communists). No problem, he says. I ask whether he sees any irony in the fact that the Communist Party, which considers itself to be a classic Marxist working-class organization, consists almost entirely of middle-class intellectuals. I realize it is a rather weak question, and suddenly wish that I had asked something about how the Party has been weakened by slavishly having to follow the Soviet line in all matters, but it is too late.

"This is something new for me. I'm not used to asking people for their votes," Hall says. I stifle a wild temptation to yell, "Neither is Brezhnev!"

Hall's reply is also weak. He says something about "building the Party among the working class." I reflect privately that a building process which starts out at point X in 1919 (when the American party was formed) and is at considerably less than point X fifty-odd years later, might fall into the category of Mistaken Strategy.

Most of the other questions are uninspired. "What would you do with Richard Nixon?"—"Nothing. We would just make him work for a living." "In how many states will you be on the ballot"—"About twenty." One is a little more substantial: "What does the party tell its young male members to do if they are drafted and sent to Vietnam?" Hall states that there has been a recent change in orders regarding that contingency. Formerly, the comrades were told to go to Vietnam willingly and agitate among the troops. Now, they are supposed to refuse, and to fight it out in the military courts, using them as propaganda sounding-boards. I can't recall ever hearing about an actual case in which this happened.

The McGovernites sit as a group, bedecked with buttons and other paraphernalia of the South Dakotan. They sit rapt and attentive throughout. Whatever their purpose, it certainly isn't to heckle. I notice that most are around twenty, but there is a fortyish man in their midst, whose air of authority leads me to assume he is their leader. I remember his question vividly. "Gus," he begins, a little familiarly, in my opinion, "we agree with your goals, but we have a man who can actually win in November. Isn't it just a wasted vote if someone votes for you?" Hall replies that there ain't a dime's worth of diff'rance between the two parties. No, wait a minute, sorry, that's that other fellow. Actually, Hall's response is just the type of thing that any minor-party candidate says. Not as interesting as the question. "The same goals"? Ye gods! Does this joker have any idea what the Communist Party is? Probably he is lost in some anachronistic Popular Front mindset, in which communists are simply progressives and New Dealers who take their views more seriously than most. In the words of some nitwit in the thirties, "I guess the communists mean it"! Were I of a conspiracy-theory bent, I could easily convince myself that the incident proves that McGovernites are thinly-disguised communists. (Come to think of it, most of the conspiracy buffs I know shy away from such simple conclusions. They would probably maintain that the question was meant to

Terra Incognita

Key West, Florida

How the Reagan Administration pursues its policies of fighting the criminal importation of hard drugs, as reported by KOMO-TV, Seattle:

> The Coast Guard has confiscated a $2.5 million yacht because it found 1/10 gram of marijuana on board. The Coast Guard found a single marijuana cigarette butt containing about 1/300 ounce of the illegal substance (estimated street value 35¢) after boarding the 133 foot long yacht in international waters between Cuba and the U.S. The confiscation, carried out under a law designed to prevent organized crime figures from keeping the profits from their criminal activities, is part of the Reagan Administration's "Zero Tolerance" program.

discredit the McGovern cause so that patriots would vote for the real communist, Nixon.)

The questioning peters out, the media people take a few more snapshots, and things begin to break up. My friend and I head for the exit. A comrade asks us to sign a petition. My companion brusquely refuses. I glance at it. It is childish and vague—something about spending more money on "the people" and less on the military. I figure, what the heck, I'm here under semi-false pretenses anyway. I sign. (Will this signature get me into trouble at some future date? Probably. I can imagine it is the year 2002. I have just been appointed ambassador to Upper Malaria. Senator Fonebone glowers at me. "Mr. Moulton, you would have this committee believe that you will bring the principles of Americanism to the Upper Malarians. Yet I hold in my hand . . .")

Finally we make it to the outside, and breathe once more the pure fresh air of freedom, unpolluted by alien ideology. My friend has absolutely no interest in Phase II of my plan, so I drive him home and return.

By now the crowd has dwindled to a hard core of comrades and sympathizers. And entertainment has been brought in—a local black band. An exquisitely lovely and petite young black woman is the vocalist. She sings beautifully. Most of the band's repertoire consists of dance tunes. No one is dancing. Twenty or thirty people are standing stiffly and conversing or remaining seated. The singer notices this, too. Between vocals she leaves the dais and tries to prod those present into dancing, or least moving their feet. With a warm smile, she grabs someone at random and tries to lead him into a few steps. No go. Then another or two. Ditto. She even approaches Hall. He politely declines, saying something about having learned to dance in the twenties and not knowing the new steps.

She continues her efforts, but she would have more success at a convention of Mormon bishops. Against the granite edifice of Marxist-Leninist puritanism, beauty, charm, enticement and simple goodness are impotent. The comrades are not Fun People. At last she gives up with a look of real chagrin. I hope she doesn't take it as a reflection on herself. I almost say something to her, but it is time to move to the dining room, where a small group of the chosen will enjoy the company of the General Secretary. I speak briefly with an old man, who proves to be a surviving member of the Toledo Soviet of Workers, Peasants, and Sailors. He is astonished that I have heard of this obscure group, and know a few facts about its brief 1917 existence. I explain that I am a connoisseur of political history, with special emphasis on arcana of the sort with which he had been associated. For some reason he becomes a little testy upon hearing this, and terminates the conversation.

Alan Maki introduces me to Gus Hall. I am introduced as a northern Michigan resident who is attending college in Grand Rapids. I assume the others take it for granted that I am a, er, progressive. The others order steaks. I, a simple son of the soil, order cheeseburgers wit' everything.

Gus does most of the talking. We are given more anecdotes about his recent Vietnam trip, accounts of his underground period in the early 1950s and subsequent prison term as a Smith Act violator, and stories of the years of having to use a chauffeur because the State of New York preposterously refused to issue him a driver's license. He speaks of his love for Arabian horses, which he breeds (not a particularly Marxist type of hobby, it seems to me) and of the home in Yonkers, that he bought for a song years ago, and has now greatly increased in value. Somebody brings up the subject of age, and Hall remarks that it has both the advantages and disadvantages of increased knowledge. He says that after giving a speech in Detroit earlier in the day, he had been loaned a car by a local party member so that several young comrades could drive him on the three hour trip to Grand Rapids. Unfortunately, the car had a stick shift; among those present, only Hall knew how to operate it, so he had to drive the entire round trip. There are more stories in this vein but not much talk concerning the presidential campaign, only one or two invidious remarks about President Nixon. Gus is charming and polite. His vocabulary is free of argot, cant, and expletives.

Our little salon breaks up. Hall has to get back to Detroit and doesn't want to drive unfamiliar roads while tired. We shake hands with our host, he picks up the tab, and we depart. I try to nod conspiratorially to Alan, but he doesn't notice.

Most of the band's repertoire consists of dance tunes. No one is dancing. Between vocals the singer leaves the dais and tries to prod those present into dancing. With a warm smile, she grabs someone at random and tries to lead him into a few steps. No go. The comrades are not Fun People.

Reflections of a Right Wing Intellectual

Did my dinner with Gus change my attitudes? In some respects, yes. It would be clichéd to say that I learned that Communists are human beings with personalities and characters, and not mere abstract symbols. I knew this, at least on an intellectual level, before I ever met them; and such a statement is a mere truism, applicable to any group of people with whom one has not previously associated, whether Amish farmers or convicted murderers. So I probably didn't learn anything of a general nature concerning Communist Party members. On the other hand, I was forced to reflect on some aspects of the nature of evil.

I just mentioned clichés, and what I just wrote probably reads like one. But bear with me.

I am referring to the fact that Hall is a long-time exponent and active supporter of an unspeakably evil movement, the crimes of which are as numberless as the sands of the sea. He is also a gracious older man with a flair for interesting anecdotes, courteous and considerate, a gentleman. It would be fatuous to ask which of these manifestations is the "real" Gus Hall. Of course, they both are. But this fact leads us to two tentative conclusions.

The more superficial of these is the simple observation that one's emotional reaction to someone is not merely a function of the degree to which a person's beliefs and values correspond to one's own. Of at least equal importance is the degree to which an actual threat is seen to exist, and this is in turn related to an individual's power and influence. If it had been Senator Edward Kennedy

beguiling the table with, let us say, admonitions about safe driving and swimming, I do not think I would have felt as relaxed and comfortable as I did in the presence of Comrade Gus. This is not because of the respective ideologies of the two men—for all his odiousness, I would still rather live in a Ted Kennedy America than in a Gus Hall America. Kennedy has actual political power, while Hall doesn't have and won't have. When Hall talks about abolishing private property, the notion, while abhorrent, has no more emotional impact than it would if I were reading it in some dry Marxist journal with a minuscule circulation. It is little more than what Mrs. O'Connor used to call a floating abstraction. On the other hand, when Ted Kennedy talks about abolishing handgun ownership or outlawing plant closings, he is projecting a real threat. He can introduce legislation and perhaps shepherd it all the way to the Federal Register. Hall is advocacy, Kennedy is performance.

If it had been Senator Edward Kennedy beguiling the table with, let us say, admonitions about safe driving and swimming, I do not think I would have felt as relaxed and comfortable as I did in the presence of Comrade Gus.

On a deeper level, *l'affaire Gus* sheds light on an issue that seems to cause confusion to many members of the minority of humankind who think conceptually. I refer to the relation of personality to character, morality and ideas. My empirical observation, for what it is worth, is that there is no connection, or at least no discernible pattern of relationship. Understand that I use the word "personality" in a conventional middle-brow sense, with no clinical nuances. I have known people who are pleasant and affable, but deeply deceitful and even evil. Perhaps such persons are merely hypocrites, but I have seen nothing to convince me that this is necessarily the case, if by "hypocrisy" we mean conscious role-playing. I also know people who are gruff and repellent, but possessed of real character and honesty.

In postulating a link between personality and *belief* one is on even weaker ground. Much as it might please libertarians or socialists, let us say, to imagine that their ideological fellows are of better stuff than those with opposing values, this is a mere conceit, analogous to the puerile Objectivist notion that devotees of Herself will just naturally be better at their professions or skills than benighted outsiders.

Yet a great many—perhaps most—people would reject what I have just written. There is a widespread assumption that strong corollaries exist between personality, character and values. There is a general notion, for example, that a burglar or an atheist or a communist or a person motivated by "greed" is more likely to be nasty, abrasive and unpleasant than is a haberdasher, Episcopalian, Republican or Trappist monk. I would be willing to bet my last *sestertius* that no such supposition would stand up to investigative analysis. The prevalence of such naive psychological views in our culture inhibits the understanding of human belief structure that is vital to any outreach group, political or otherwise. One can't hope to change people's minds if one begins by telling potential recruits that they are motivated by evil.

Given all this, what should my "proper" reaction to Gus Hall have been? I'm not dogmatic about that sort of thing, but I guess I'm inclined to follow two complementary maxims. One is that judgments on people should be based as much as possible on the most central and significant facts concerning those judged. Hall's role as head of the Communist Party is objectively more significant than the fact that he is an amiable host and enjoyable anecdotalist. The additional fact that he is devoid of real political power, although not a function of his moral standing, will legitimately influence one's judgment.

Does all this mean that, since Hall is a committed Communist, one is obligated to hate him? I would answer no, because my second maxim holds that taking the measure of a person is primarily an intellectual, not an emotional, exercise. True, one will usually have some emotional reaction to people upon whom one pronounces an evaluation, but it is well to remember that the emotions are not themselves the judgment, and are not cognitive in nature.

I'm not making a Pollyannaish argument that one can always be friendly with those with whom one is in conflict. If the conflict is severe, then indeed "friendly" is not even a relevant term. Civility may not even be possible, though my own inclination is to follow the Gentleman's Code and "never be rude unless you intend to be." But all this is really beside the point. There is no need to cultivate a programmed emotional response to every contingency. I knew Arvo Michael Hallberg, a.k.a. Gus Hall, to be an official, though minor, representative of an evil totalitarian ideology. I also found him to be a gracious and considerate person. I see no necessity, and little possibility, of a formulaic integration of my two different responses. As always, I am left with a profound appreciation of the complexity of human nature. For that, as well as for the cheeseburgers, I thank Gus Hall. ❑

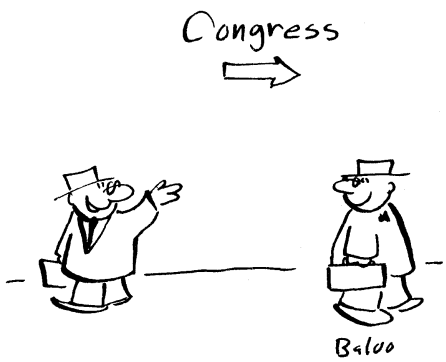

"See you later, Ed — Don't enact anything I wouldn't enact."

Thesis

The Ultimate Justification of the Private Property Ethic

by Hans-Hermann Hoppe

The mere fact that an individual argues presupposes that he owns himself and has a right to his own life and property. This provides a basis for libertarian theory radically different from both natural rights theory and utilitarianism.

Ludwig von Mises, in his masterpiece *Human Action*, explains the entire body of economic theory as implied in, and deducible from, a conceptual understanding of the meaning of action, plus a few general, explicitly introduced assumptions about the empirical reality in which action is taking place. He calls this conceptual knowledge the "axiom of action," and he demonstrates how the meaning of action from which economic theory sets out, i.e., of values, ends, means, choice, preference, profit, loss, and cost, must be considered *a priori* knowledge: it is not derived from sense impressions but from reflection (one does not see actions, but rather interprets certain physical phenomena as actions!); and, most importantly, it cannot possibly be invalidated by any experience whatsoever, because any attempt to do so would already presuppose an action (after all, experiencing something is itself an intentional action!).

Thus having reconstructed economics as, in the last resort, derived from an *a priori* true proposition, Mises can claim to have provided the ultimate foundation for economics. He calls such economics "praxeology," the logic of action, in order to emphasize the fact that its propositions can be definitely proven by virtue of the indisputable action-axiom and the equally indisputable laws of logical reasoning (such as the laws of identity and contradiction)—completely independent, that is, of any kind of empirical testing (as employed, for instance, in physics).

The idea of praxeology and his construction of an entire body of praxeological thought earns Mises a place among the greats of the modern Western tradition of rationalism in its search for certainty. But Mises does not think it is possible to provide a similarly apodictically certain foundation for ethics. To be sure, economics can inform us whether or not certain means are appropriate for bringing about certain ends, yet whether or not the ends can be regarded as just can be decided neither by economics nor by any other science. There is no justification for choosing one rather than another end. What end is ultimately chosen is arbitrary from a scientific point of view. It is a matter of subjective whim, void of any justification beyond the mere fact of being liked.

Many libertarians (not to speak here of non-libertarians) agree with Mises on this point. Like Mises, they have given up the idea of a rational foundation of ethics. As does Mises, they make the most of the economic proposition that the libertarian private property ethic produces a higher general standard of living than any other, that most people actually prefer higher over lower standards of living, and hence that libertarianism should prove highly popular. But ultimately, as Mises certainly knew, such considerations can only convince someone of libertarianism who has already accepted the "utilitarian" goal of general wealth maximization. For those who do not share this goal, these considerations have no compelling force at all. And thus, in the final analysis, libertarianism is based on nothing but an arbitrary belief, however widespread.

In the following I will outline an argument that demonstrates why this position is untenable, and how, in fact, the essentially Lockean private property ethic of libertarianism can ultimately be justified. In effect, this argument supports the natural rights position of libertarianism as espoused by the other master-thinker of the modern libertarian movement, Murray N. Rothbard—foremost in his *Ethics of Liberty*. Yet the argument is different from the one typically offered by the natural rights tradition. Rather than this tradition, it is Mises, with his idea of praxeology and praxeological proofs, who provides the model.

I want to demonstrate that the libertarian private property ethic, and *only* the libertarian private property ethic, can be justified argumentatively, because it is the praxeological presupposition of argumentation. Many alternatives to a private property ethic can be proposed, of course, but their propositional content must contradict the ethic inherent in the demonstrated preference of the proposer's own act of proposition making, i.e., by the act of engaging in argumentation.

One can say "people are, and always shall be indifferent towards doing things," but this proposition would contradict and be belied by the act of proposition-making, which, in fact, would demonstrate subjective preference (of saying this rather than something else, or not saying anything at all). In the same way, non-libertarian ethical proposals are falsified by the reality of actually proposing them.

To reach this conclusion and to understand properly its importance and logical force, two insights are essential.

First, it must be noted that the question of what is just or unjust—or, for that matter, the more general question of what is or is not a valid proposition—only arises insofar as one is capable of propositional exchanges, i.e. of argumentation. The question does not arise vis-a-vis a stone or fish, because they are incapable of engaging in such exchanges and of producing validity-claiming propositions. Yet if this is so—and one cannot deny that it is without contradicting oneself, as one cannot argue a case that one cannot argue—then any ethical proposal, as well as any other proposition, must be assumed to claim that it can be validated by propositional or argumentative means. (Insofar as Mises formulates economic propositions, one must assume that he, too, claims this.)

In fact, in asserting *any* proposition, overtly or as an internal thought, one demonstrates one's preference for the willingness to rely on argumentative means in convincing oneself or others of something. There is then, trivially enough, no way of justifying anything, unless it is a justification by means of propositional exchanges and arguments. But then it must be considered the ultimate defeat for an ethical proposal if one can demonstrate that its content is logically incompatible with the proponent's claim that its validity is ascertainable by argumentative means. To demonstrate any such incompatibility would amount to an impossibility proof, and such proof would constitute the most deadly defeat possible in the realm of intellectual inquiry.

Second, it must be noted that argumentation does not consist of free-floating propositions but is a form of action requiring the employment of scarce means; and furthermore that the means, which a person demonstrates by preferring to engage in propositional exchange are those of private property.

No one could possibly propose anything, and no one could become convinced of any proposition by argumentative means, if one's right to make exclusive use of one's physical body were not already presupposed. It is one's recognition of another's mutually exclusive control over his own body which explains the distinctive characteristic of propositional exchanges: while one may disagree about what has been said, it is still possible to agree at least on the fact that there is disagreement. And it is obvious, too, that such a property right in one's own body must be said to be justified *a priori*. Anyone who would try to justify any norm of whatever content must already presuppose an exclusive right of control over his body simply in order to say "I propose such and such." And anyone disputing such a right, then, would become caught up in a practical contradiction, since in arguing so one would already implicitly have accepted the very norm that one was disputing.

> *If no one had the right to control anything at all, except his own body, then we would all cease to exist and the problem of justifying norms—as well as all other human problems—simply would not exist.*

Furthermore, it would be equally impossible to sustain argumentation for any length of time and rely on the propositional force of one's arguments, if one were not allowed to appropriate in addition to one's body other scarce means through homesteading action, i.e., by putting them to use before someone else does, or if such means, and the rights of exclusive control regarding them, were not defined in objective, physical terms.

For if no one had the right to control anything at all, except his own body, then we would all cease to exist and the problem of justifying norms—as well as all other human problems—simply would not exist. Thus, the fact that one is alive presupposes the validity of property rights to other things. No one who is alive could argue otherwise.

And if a person did not acquire the right of exclusive control over such goods by homesteading, by establishing some objective link between a particular person and a particular scarce resource before anyone else had done so, but instead late-comers were assumed to have ownership claims to things, then literally *no one would be allowed to do anything with anything* unless he had the prior consent of all late-comers. Neither we nor our forefathers nor our progeny could survive, do survive or will survive if we were to follow this rule. Yet in order for any person—past, present or future—to argue anything it must evidently be possible to survive. And in order for us to do just this, property rights cannot be conceived as "timeless" and non-specific regarding the number of people concerned. Rather, property rights must necessarily originate through action at definite times for specific acting individuals. Otherwise, it would be impossible for anyone to say anything at a definite time and for someone else to be able to reply. To assert that the first-user-first-owner rule of libertarianism can be ignored or is unjustified implies a contradiction. One's assertion of this proposition presupposes one's existence as an independent decision-making unit at a given point in time.

Lastly, acting and proposition-making would also be impossible, if the things acquired through homesteading were not defined in objective, physical terms (or if, correspondingly, aggression were not defined as an invasion of physical integrity of another person's property), but instead in terms of subjective values and evaluations. For while every person can have control over whether or not his actions cause the *physical* integrity of something to change, control over whether or not one's actions affect the *value* of someone's property rests with other people and their evaluations. One would have to interrogate and come to an agreement with every person in the population to make sure that one's planned actions would not change another person's evaluations regarding his property. This is an absurd proposition: everyone would be long dead before this was accomplished. Moreover, the idea that only subjective values in property should be protected, rather than physical (objective) property itself, is argumentatively indefensible. Even to make such an argument, one must pre-

suppose that actions must be allowed *prior* to the actual agreement, because if they were not one could not even assert this proposition. The assertion of any proposition is possible only because property has objective borders, borders which every person can recognize as such on his own, without having to agree first with anyone else with respect to one's system of values and evaluations.

By being alive and formulating any proposition, then, one demonstrates that any ethic except the libertarian ethic is invalid. If this were not so and latecomers supposedly had legitimate claims to things, or things owned were defined in subjective terms, no one could possibly survive as a physically independent decision-making unit at any given point in time, and hence no one could ever raise any validity claiming proposition whatsoever.

By being alive and formulating any proposition, then, one demonstrates that any ethic except the libertarian ethic is invalid.

This concludes my *a priori* justification of the private property ethic.* A few comments regarding a topic already touched upon earlier—the relationship of this "praxeological" proof of libertarianism to the utilitarian and to the natural rights position—will complete the discussion.

The justification of the private property ethic outlined above contains the ultimate refutation of the utilitarian position. In order to propose the utilitarian position, the validity of exclusive rights of control over one's own body and one's homesteaded goods must already be presupposed.

More specifically, the praxeological proof of the private property ethic shows the praxeological impossibility of the consequentialist libertarian position: the assignment of rights of exclusive control cannot be dependent on the *outcome* ("beneficial" or otherwise) of certain actions; one could never act and propose anything, unless private property rights already existed *prior* to any later outcome. A consequentialist ethic is a praxeological absurdity. Any ethic must, instead, be "aprioristic" or "instantaneous," in order to make it possible that one can act here and now, proposing this or that, rather than having to suspend acting until later. An advocate of a "wait-for-the-outcome" ethic could not survive long enough to say anything if he were to take his own advice seriously. And to the extent that utilitarian proponents are still around, then, they demonstrate through their actions that their consequentialist doctrine is false. Acting and proposition-making requires private property rights *now*, and cannot wait for them to be assigned only later.

Although the praxeological proof of the private property ethic generally supports the natural rights position concerning the possibility of a rational ethic and fully agrees with the specific conclusions reached within the natural rights tradition (specifically by Murray N. Rothbard), it has at least two distinctive advantages.

It has been a common quarrel with the natural rights position, even on the part of otherwise sympathetic observers, that the concept of human nature is far too diffuse to allow the derivation of a determinate set of rules of conduct. The praxeological approach solves this problem by recognizing that it is not the wider concept of human nature, but the narrower one of propositional exchanges and argumentation, which must serve as the starting point in deriving an ethic.

Moreover, it shows that an *a priori* justification for this approach exists insofar as the problem of true and false, or right and wrong, does not arise outside and apart from propositional exchanges; that no one could then possibly challenge such a starting point without a contradiction; and finally, that it is argumentation, then, which requires the recognition of private property, and that an argumentative challenge of the validity of the private property ethic is thus praxeologically impossible.

Secondly, there is the logical gap between "is" and "ought" statements which natural rights proponents, at least according to wide-spread opinion, have failed to bridge successfully, except for advancing some general critical remarks regarding the ultimate validity of the fact-value dichotomy. Here the praxeological proof of libertarianism has the advantage of offering a completely value-free justification of private property. It remains entirely in the realm of is-statements, and nowhere tries to derive an ought from an is. The structure of the argument is this: (a) justification is propositional justification (an *a priori* true "is-statement"); (b) argumentation presupposes property in one's body and the homesteading principle (another *a priori* true "is-statement"); and thus (c) no deviation from this ethic can be justified argumentatively (another *a priori* true "is-statement").

The praxeological proof also offers a key to an understanding of the nature of the fact-value dichotomy: ought-statements, it is often said, cannot be derived from is-statements; they belong to different logical realms. But one could not even state that there *are* facts and values if there were no propositional exchanges. This practice of propositional exchanges in turn already presupposes the prior acceptance of the private property ethic as valid. Cognition and truth-seeking as such have a value foundation. And the normative foundation on which cognition and truth rest is the recognition of private property rights. ❑

* For a more extended and detailed presentation of the argument developed here see in particular my *Eigentum, Anarchie und Staat* (Opladen: Westdeutscher Verlag, 1987); also *A Theory of Socialism and Capitalism* (Boston: Kluwer, forthcoming, 1988); "From the Economics of Laissez Faire to the Ethics of Libertarianism," in W. Block and L. Rockwell, eds., *Man, Economy, and Liberty: Festschrift in Honor of the 60th Birthday of Murray N. Rothbard* (Auburn: Mises Institute, forthcoming, 1988); and "The Justice of Economic Efficiency" and "Demonstrated Preference and Private Property," *Austrian Economics Newsletter*, nos. 1 and 2 (1988).

Errata

Despite the best efforts of our contributors, proof-readers and fact checkers, three errors were published in the July issue of *Liberty*:

John Hospers is a Professor at the University of Southern California, not at the University of California at Los Angeles, as reported on page 44.

The "bad guys" in the HBO film "Into the Homeland" were the "American Liberation Movement", not the "American Libertarian Movement" as reported on page 71.

And the Cato Institute seminar that Ross Overbeek discussed occurred in 1978, not 1980 as stated on page 58.

Our apologies to all concerned.

Essay

Ecology and Liberty

by John Hospers

Although some libertarians have applied free market insights to ecological problems, they have failed to address many of the legitimate concerns of environmentalists. Prof Hospers discusses problems not easily resolved within the libertarian paradigm.

Libertarians have not often concerned themselves with environmental problems: the tacit assumption seems to be that as long as human beings deal with one another non-coercively the environment will pretty much take care of itself. Nor have they devoted much thought to the relation of human beings to animals (themselves a part of the human environment)—how human beings should conduct themselves in relation to animals. In this paper I shall consider, in a preliminary way, these and related issues. Let me begin with the animals.

Ethics and the Animal Kingdom

We are surrounded by millions of living organisms, both plants and animals. Are there any things we should or should not do vis-a-vis these creatures? Do we have any duties toward them?

1. *The dominion theory.* According to the Book of Genesis, after God created Adam and Eve he said to them, "Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth."

If animals were placed on the earth for human use, presumably we can kill them, eat them, hunt them, indeed do about anything we please to them, including maiming and torturing them. Like inanimate objects, they are *utensils.*

2. *The "greatest good" theory* (utilitarianism). Moral philosophers have long been dissatisfied with the dominion theory. Animals, though probably not plants, are *sentient beings*: they feel pain when they are injured; they can enjoy life—for example, when running about freely; they feel distress—for example, when cooped up in cages. They may not be capable of the heights of human experience, such as scientific discovery or artistic creation, but they do have a diversity of pleasant and unpleasant experiences. If it is wrong to inflict needless pain on human beings, it is also wrong to do so to animals. The same consideration that condemns the one—that pain and suffering are intrinsically bad—also condemns the other.

It is not always wrong, in this view, to inflict suffering on animals. The Indian kills a deer in order to keep himself and his family alive; he uses the hides of animals to protect himself from the cold. When there is a conflict of interest between human beings and animals, the interests of human beings take precedence, because human beings are the repositories of greater value than animals. (Some say this is because human beings are not only conscious but self-conscious—they not only feel pain but *know that* they are in pain. Others say it is because human beings are capable of "higher" achievements. Still others say that only human beings can make judgments of value, and that this shows that human beings possess greater value. A more cynical view simply points out that it is human beings who are making the judgment.) Experiments on animals to discover cures for human (and animal) diseases would be similarly approved. What is *not* approved is wanton, needless, pointless cruelty to animals—such as shooting birds for ego-satisfaction; conducting uselessly repetitive experiments on animals, causing them pain for no good reason; and raising chickens and cattle in crowded and unsanitary conditions, again bringing them discomfort and pain that could have been avoided by taking proper precautions.

There is some dissension among the advocates of this view about the permissibility of killing animals for food. Some, such as Peter Singer in his popular book *Animal Liberation,* believes that killing animals for food would be wrong even if there were no suffering in slaughterhouses and chicken-pens, because people don't *need* the flesh of animals as food—they can become vegetarians without damage to their health. Others say that only animals provide people with complete proteins, and that the killing of animals is therefore necessary in order to preserve human life, just as in regard to hides and medical experiments. The issue hinges on the unresolved controversy about human need for animal protein: if we don't need it we shouldn't kill animals to get it.

There are many complexities in the argument, of which I shall mention just one. One could say that we *should* eat beef, because if we didn't we wouldn't raise cows—and that if the cows are given a happy (or at least contented) life, and then are killed without our inflicting pain on them, then by raising them we are adding that much good to the world, which would not exist if we didn't raise the cows.

3. *Animal rights theory*. According to the animal rights view, abstaining from cruelty to animals is not enough. Even if the cow spends its entire life grazing enjoyably and wanting for nothing, we should not kill it for market—not even if we kill it painlessly—any more than we would be justified in killing other human beings painlessly. Just as human beings have a right to their own lives, so animals have a right to theirs; humans and animals are equally "subjects of a life." Just as it is wrong to kill a human being, it is wrong to kill a cow: the act of killing puts an end to the "good experiences" it *could* have had if we had not killed it.

Would we be justified in killing it if it were mortally wounded or terminally ill? Yes, for then the possibility of a good life no longer exists for it. We would be similarly justified in killing another human being if the person was in pain and hopelessly ill. Of course, in the case of a human being we can *ask* whether he wants his life terminated, and refrain if he says no. Since animals cannot give their consent or non-consent, we have to make this decision for them (as we do in the case of infants who are born malformed). What guides us in making such a decision is "Would I want to remain alive under these circumstances?"—a question to which different persons will surely give different answers.

There are many questions to be asked about this view,[1] such as: (1) What if the creature—a puppy, for example—is not malformed or diseased, but you know that it won't have enough food to survive? Apparently this doesn't constitute a reason for terminating its existence (according to animal rights theory); but if not, why not? Should one release the creature into an impossible environment where it would only starve or die of cold? Or is one obliged to assist it in its battle for life? And if one must feed one stray dog, how about a hundred stray dogs? What exactly does their right to life require of us? (2) Animals appear to have little or no sense of the future, and hence no dread of death. The cow grazes contentedly, unaware that it will be taken to the slaughterhouse the next day. If we went around killing people, great dread would quickly spread through the populace; not so with animals. Animal rights advocates say this fact makes no difference; their opponents consider the difference vital to the issue of the humane treatment of animals. I shall not stop to consider these and many other questions that have been raised, restricting myself here to ecological problems.

Animals kill other animals in order to sustain their own lives: life lives on other life—this is "nature's way." Animal rights advocates do not deny this but they deny that it has any relevance to what we should do.

The Web of Life

Animals kill other animals in order to sustain their own lives: life lives on other life—this is "nature's way." Animal rights advocates do not deny this, of course, but they deny that it has any relevance to what we should do. Animals are not moral agents, they have no concept of right and wrong, they only do as they are genetically programed to do. It is not immoral of the lion to kill the antelope; morality simply has no place in this event. But human beings have a moral sense, and they can *choose* what they are going to do. They can choose to kill animals or not to kill them. The animal rights view is that the choice to kill them is an immoral choice (except in special circumstances already described).

What can one say of such a view? It seems from its very inception to "go against nature." In nature, only a small percentage of the animals that are born survive to maturity. If you see some motherless puppies and cannot adopt them all, what are you to do? Aside from other adoptions, nature will soon kill most of them through starvation. Why is it wrong for you to put an end to their existence mercifully when nature does so without mercy? (To make the point more telling, change the example from puppies to a kind of creature you *don't* like.)

It might also be less than merciful to help creatures stay alive. An old lady puts food on her window sill in winter so that the birds can have food and not starve during the snow storms. But if many thousands of old ladies across the country did this, there would be such an overproduction of young birds the next spring that there wouldn't be enough food for them all, and most of the newly hatched birds would soon die. Seen in this light, the "good deed" was of dubious merit after all—it only caused the slow death of the offspring birds.

Each adult elephant consumes hundreds of pounds of vegetation per day. During a severe drought, African park rangers shoot those that are weakest and least likely to survive, so that the majority that remains can have a better chance of living on the available vegetation. They "thin the herd," not only to ward off starvation, but to stop the spread of communicable diseases, and for other reasons designed to preserve healthy specimens for posterity. Are such acts of killing wrong, as the animal rights proponents assert? Yes, they say, each animal is the subject-of-a-life with which we must not interfere, however much nature interferes. But it is far from clear why. If such preventive killings were done to human beings, people's lives would be filled with dread of being the next victim—but this dread apparently does not exist in non-human animals.

If each animal life is sacred, it wouldn't matter (and doesn't for animal rights advocates)whether the life we take is that of the last member of an endangered species or that of a common pest—both creatures are equally subjects-of-a-life. One wonders how consistently they will practice what they preach. Would they also consider it wrong to exterminate rats when one's neighborhood is infested with them? Rats are subjects-of-a-life too, conscious and more intelligent than most. If puppies have a right to their lives, so do rats. Yet few animal rights advocates, confronted by an infestation of rats, would hesitate to find ways of getting rid of them, rather than move elsewhere and try to sell a rat-infested house to

someone else.

One suspects that the rule against animal killing, which started as a humane rule prohibiting cruelty to animals, ended up—as so many rules do—as hopelessly inapplicable to the real world. "The ecological order of nature is premised on one fundamental principle: all life depends upon death. Death and often pain are at the heart of nature's economy. To the extent that animal rights ethics condemns the taking of life (as a violation of the rights of a subject-of-a-life) or the infliction of pain on a sentient being, they are irreconcilably at odds with the ecological 'facts of life.'"[2]

What are these ecological "facts of life"? *One* is the interdependence of all living things. "Each living thing is embedded in a matrix of vital relationships, a *web of life*. A species' specific complex of characteristics is inconceivable apart from such a matrix. Each species is what it is because of its relationships with other kinds. We are the kind of beings that we are—psychologically and mentally as well as physically and physiologically—because of our relationships with other species. Human nature is inconceivable in isolation from the living matrix that has shaped it."[3]

The earth is in this respect like a living organism: each part is essential to the operation of the whole. Perhaps not every single part is indispensable to the working of *every* other part, but the connections are so widespread that one is never safe in assuming that no damage has been done: if you eradicate one species of organism, or cause some alteration in the environment, ill effects of this are likely to turn up somewhere else in the system, usually where you least expect it. If we get rid of bees, the flowers will not be pollinated and no more will develop. If we kill the snakes, we shall have an increasing profusion of rodents.

The *second* ecological "fact of life" is that all living things on this planet possess a tremendous potential to reproduce their own kind, and if not checked they would quickly swamp their environments. "There is a single-celled animal, Paramecium, which divides into two when it is about 22 hours old. In another 22 hours each of these two animals will have grown to full size and is ready to divide again; and so on. If a solitary Paramecium begins to divide on January 1, by March 7 its descendants would occupy a volume of a cubic mile. By April 12, their combined volume would be as large as that of the earth. Obviously no such population explosion could take place in nature. Yet every species possesses a similar potential to grow and multiply fantastically."[4]

How is this explosive growth kept in check? Several related factors are at work. First, every organism is a potential victim of *predators*, who kill it and thus keep it from reproducing. Even among its own kind, each animal is in constant *competition* with others for a limited food supply. The more competitors an animal has, the less likely it is to get the food it needs to survive. When it does not, *starvation* is the result; starvation is an extremely effective agent of limitation on growth. And besides all this, there is *disease*: every organism is beset by countless other organisms which work toward its death by inhabiting it—death from the inside, so to speak. With all these factors together, most individual living things never reach maturity.

> *Starvation has always been a most effective method of limiting human numbers; it was so common in all ages prior to our own that historians and dramatists simply took it for granted as an irremediable fact about the human situation.*

Exactly the same factors apply also to the human species. Early man was beset by powerful predators, though these are far less of a danger than they once were; our weapons are more powerful than they are, and besides we have already killed most of them off. But there is still great competition for the available food supply, and when population increases without a proportional increase in the food supply, starvation kills off those that the food supply is not sufficient to maintain. Starvation has always been a most effective method of limiting human numbers; it was so common in all ages prior to our own that historians and dramatists simply took it for granted as an irremediable fact about the human situation, no more worthy of comment in books than the fact that we sometimes cough or sneeze. The earth simply did not produce enough to feed all those who were born into it, and that was that. Disease too has ravaged entire nations and cultures, and emptied of people lands that formerly flourished—particularly when disease germs were borne by travelers to a distant place. Most American Indians were wiped out by smallpox, not by force of arms. Countless wars were lost not because of inferior numbers or strategy, but because of epidemics of typhus or the black death.[5]

Technology and the Environment

"But hasn't technology solved the problem, as far as human beings are concerned? We no longer need fear predators; most (though not all) diseases have cures, saving lots of lives and prolonging our life-span; and starvation, though it still occurs, is rare today compared with any other age in human history."

Two hundred years ago Thomas Malthus predicted that the human population would always increase faster than the food supply—hence starvation would be a permanent phenomenon of the human race. Modern technology surely appears to have shown him to be mistaken. "The maximum worldwide human population during paleolithic times probably did not exceed 10 million; this number started to rise with the coming of the neolithic revolution, when agriculture made it possible for the land to support a higher population. When Jesus was born there were probably between 250 and 350 million people on earth. It was not until 1650 that this number doubled; in only 200 years after that it doubled again; and in the mere hundred years between 1850 and 1950 it doubled once more."[6] Today the world's population exceeds 5 billion. "If the world's population continues to expand at the present rate, it will double itself every 35 to 40 years, and this means that within 120 years the current production of foodstuffs will have to be increased eightfold if the standards of today are to be maintained."[7]

This tremendous increase in the human population, however, has been achieved at a price. The air in all our major cities is polluted to such an extent

that it is a hazard to health. The Mississippi, the Hudson, and other rivers are so polluted with toxic chemicals that swimming is dangerous and the fish are inedible. The safe disposal of toxic wastes has become a major problem. Pesticides such as DDT have killed off many species of wild life: the eggs of peregrine falcons and California condors have, within recent memory and thanks to DDT, become so fragile that they cannot hatch chicks; and the poison spreads throughout the food chain—the non-degradable chemical persists in fish, in gulls that scavenge fish, and even in Antarctic seals and penguins. The breaks in the delicate ozone layer of the earth's upper atmosphere, which keeps out the sun's lethal ultra-violet rays, have exposed human beings to grave danger, thanks to the fluorocarbons used in refrigeration and other technological processes. The list goes on and on.

Even the miracles of agricultural production, which have kept many thousands of people alive who would otherwise have died, have come at a cost. When American agronomists bred new disease-resistant strains of rice and wheat and planted them in Asia, the first effect was remarkable: more grain was grown and starvation from repeated crop-failures was often prevented.[8] But usually the new crops required much more fertilizer than before; phosphates had to be imported, and as the world supply of phosphates declined, the price skyrocketed, and their use became prohibitively expensive. Some substitutes were found, but the future is still precarious.

In the process of increasing production to sustain an ever larger human population, much of the animal kingdom has been destroyed. Many species that have not been destroyed are endangered, and may, like the passenger pigeon whose flight once darked the skies, be extinguished entirely, living only in the memory of those who once saw it. "From the year 1600 the rate of species extinction has been roughly one every four years. From 1900 to the mid-twentieth century, the rate of species extinction has been one per year, and if present patterns of exploitation persist, the rate of extinction during the last decade of the twentieth century may be something over a hundred species per day."[9]

We laugh today at the superstitions that once led people to kill cats on a massive scale, as instruments of the devil, unleashing hordes of rats and mice. But the same kind of practice continues today: the sea-cow, or manatee, has been relentlessly hunted. Its fat yields oil for cooking and eating, and its hide is used by Indians for shields and by Europeans for engine belts. It lives on water plants (canarana, or high grass) which choke the lakes and often make it impossible for boats to get through. "It thrives on the insidious water hyacinth that has begun to invade the Amazon . . . Already both the Nile and the Congo are choked with it in some areas. The plant has blocked shipping, irrigation canals, and drainage ditches; and it has menaced almost every hydro-electric project built in the tropics since the end of the Second World War. Millions of pounds are spent on herbicides every year to combat it, but with very little success. The manatee is one of the few creatures on earth which will clear the waterways for nothing; moreover, if manatees were well husbanded, they would produce meat from what they eat."[10] Again, examples could be multiplied indefinitely.

> *Each time a species is exterminated human beings are playing Russian roulette with nature. We do not know how these destroyed species may be interlinked with other ones on whom their existence or welfare depends.*

Each time a species is exterminated human beings are playing Russian roulette with nature. We do not know how these destroyed species may be interlinked with other ones on whom their existence or welfare depends. The parts of the earth's ecosystem are interdependent. Quinine was discovered among the flora of the Amazon; but many of the species being destroyed today, in cutting down the jungle, have properties that may be as life-saving as quinine; probably we shall never know. At any rate, "the biological impoverishment of the earth—the end-result of massive species extinction—is the folly posterity is least likely to forgive us."[11]

The rise of technology, the destruction of species, and the spoliation of the environment, are all related. I would like to present a few concrete illustrations of this before trying to draw any conclusions.

1. *The Amazon basin*. The Amazon rain forest contains the largest concentration of plant and animal species in the world; it also controls much of the climate of the hemisphere. With increasing urban population, the Brazilian government decided that the Amazon should be developed agriculturally. The Amazon Highway was begun in the 1960s, and communities of people were resettled from the ghettos of northeast Brazil into the midst of the jungle, in the hope that clearing the forest would enable them to develop rich farm land and overcome their poverty.

But food crops did not grow like the forest vegetation they replaced. The rain forest is not suitable for agriculture, at least not without investment in fertilizers on an economically ruinous scale. The soil is very thin, and once the trees are uprooted the topsoil disappears in the next hard rain. The substances needed for plant life circulate through the plants themselves, not the soil. The native Indians did far better: they have used, from time immemorial, the "slash and burn" method—a plot is chosen, trees are cut and burnt. The ash serves as a fertilizer for a few years, then the farmer moves on to another location. This method is suited to the environment, *if* the farming population remains at a very low level (the Indian population is less than 1 person per square mile in the Amazon basin).

The Brazilian policy has been catastrophic. The jungle was cut down and crops planted. In a year or two these lands were exhausted. But, of course, there was always more: the axes bit deeper and deeper into the jungle. But always the thin topsoil soon disappeared through erosion. Finally the settlers had to import their food from outside. The farms were gradually abandoned as hopeless; the government is now moving people out, not in. The owners of cattle farms got their profit from tax relief and capital gains, but the land under them is no longer of any use to them nor their posterity. When the trees go, the topsoil goes, and when the topsoil is gone no crops can be grown until more soil is formed, which takes

many thousands of years.

This was, indeed, a *government* policy, with all the typical foolishness of government projects. But the effect would have been the same if individuals without government subsidy had homesteaded in the jungle. The environment is the worse for such projects, regardless of how they were inspired or financed.

When the Amazon rain forest is gone, the hemispheric weather is likely to turn freakish. The forest is the environment's main moisture-preserver. When it goes, deserts will spring up in unexpected places. Perhaps rain will no longer fall in the American Midwest, just as it no longer falls in parts of Africa.

2. *The African veldt*. The African veldt contains more large land animals than exist anywhere else in the world. But today human beings have come to dominate the landscape, and the multiplication of human beings has caused most of the native animals to be destroyed—not so much through mass killing (which of course has occurred) but through the destruction of the animals' *habitat*. Even if only a few animals remain, they can reproduce, but when the habitat is destroyed, the environmental conditions necessary for the animals' continued existence are gone, and once gone it is very difficult to bring them back again.

Thanks largely to Western medicine, the native population has vastly increased. In Rhodesia, where there were half a million native Africans in 1900, there are now more than six million (today's Zimbabwe and Zambia). Hunting requires lots of space per person; they now live by farming. Typically, they raise cattle for export (they have to export in order to repay Third World loans). For cattle farming you need fences. Where there are fences, native animals cannot roam. Lions and elephants encounter these fences on the way to their water holes. They cannot cross the high fences, and they die of thirst by the thousands on the way to the rivers. The fences destroy the ability to roam and forage for food and water—an essential condition of the animals' habitat. The fences are a death sentence.

The cattle are not immune, as the native animals are, to the tsetse fly, which carries cattle diseases as well as sleeping sickness. For 20 years the cattle-producing areas have been sprayed for the tsetse fly, in order that cattle may safely graze in the alien environment. But the cattle graze the grasses to the root; together with sheep or goats, they ruin the land completely for grazing by native animals. Faced by this new competitor introduced by man, the antelope and the wildebeest must starve; and so too must the carnivores who prey upon them. "In Botswana, twenty years of spraying for the tsetse fly has turned great areas of prime wilderness into an African demilitarized zone. Hundreds of kilometers of fences have interrupted the grazing patterns of the great herds of wildlife."[12] But the cattle will continue to be grown: the survival of the ever-expanding human population depends on making a living. There is more of a market for beef than for venison.

The environment in which giraffes, leopards, and zebras can continue to exist is already in a terminal stage of destruction. The only hope left for these animals is to be contained in national parks, to which tourists pay to come and take pictures of them.

Even if only a few animals remain, they can reproduce, but when the habitat is destroyed, the environmental conditions necessary for the animals' continued existence are gone, and once gone it is very difficult to bring them back again.

I shall give one more example—less dramatic but equally telling:

3. *American agriculture*. During my boyhood in Iowa, a great variety of crops was typically grown on a single farm: corn, wheat, clover, soybeans, oats—some for sale, some for cattle and pigs, some to enrich the soil for later crops. There were orchards with a profusion of fruit trees such as few people today have ever heard of (only a few species of apples are grown commercially on a large scale); and an equally diverse array of vegetables was grown in a typical farmer's garden. The usual soil-nutrient was manure, occasionally supplemented by feed-store fertilizer. The farms were what is sometimes called "ecologically sound."

But agricultural technology became ever more refined: tractors, threshing combines, mechanical weed-pullers, and other expensive equipment enabled farmers to grow large acreages efficiently. "Small farming" became unprofitable. The profitable procedure was to devote large acreages to a single crop ("monoculture"), and to spray the entire acreage with chemical fertilizers. However, in the absence of mixed crops, which provide the support that comes with mixed populations of plants and animals,

> Benign insects become pests because their natural controls—birds and small mammals—have been removed. The soil then lacks earthworms, nitrogen-fixing bacteria, and green manure, and is reduced to mere sand—a mineral medium for absorbing enormous quantities of inorganic nitrogen salts, which were originally supplied more cyclically and timed more appropriately for crop growth in the ecosystem. In reckless disregard for the complexity of nature and the subtle requirements of plant and animal life, the agricultural situation is crudely simplified; its needs must now be satisfied by highly soluble synthetic fertilizers that percolate into drinking water and by dangerous pesticides that reside in food. A high standard of food cultivation that was once achieved by a diversity of crops and animals, free of toxic agents and more healthful nutritionally, is now barely approximated by single crops whose main supports are toxic chemicals.[13]

The situation is one of "ecological simplicity." It is seen most dramatically in today's cities:

> In urban centers man has virtually suppressed all life that ever existed there and has substituted a community of little variety that repeats itself around the world. Instead of soil, natural water systems, plant and animal communities, there exist concrete surfaces, sewage pipes, and parks composed largely of alien plants and animals. Usually the only animals that live intimately with man in this synthetic environment are his domesticated dogs, cats, goldfish, turtles, canaries, and a few

other pets. The birds found in North American cities are either aliens—street pigeons, starlings, house sparrows—or the few natives that have been able to adapt to urban living in parks of foreign vegetation. But in cities there also live man's unwelcome—and potentially dangerous—cohabitants: rats, house flies, cockroaches, lice, and numerous micro-organisms bringing disease to the human population.[14]

Simplification leads to great vulnerability. Living things together compose a global ecosystem of tremendous order and complexity. People keep pulling out threads from this tightly woven fabric. But a simplified ecological community is much more easily upset when something happens to one of its parts, than is a diversified community. "Wheat stretching to the horizon undoubtedly can be harvested efficiently by machines; but a single crop of wheat is also susceptible to sudden onslaughts of insects and micro-organisms, which can build up their numbers catastrophically in a short time . . . . Scientists have been able to ensure successful wheat crops only by breeding ever-new varieties of fungus-resistant wheat faster than the fungi can adapt to them."[15]

Too Many People

One learns not to attribute all ills to a single cause. Some of the situations just described result from stupid government policies, some from equally stupid decisions by individuals; but a common thread in all of them seems to be an ever-increasing human population, which has skewered the environment and erased from the book of life an endless array of non-human organisms.

Most ecologists unhesitatingly draw the conclusion that there are "just too many people in the world." But it is difficult to know what to make of such a remark as it stands. It is most easily construed as a statement of *preference*. If one person says "This movie is too long," and another says "No, it's just right," one can conclude how each speaker feels about the film, but not much else. Some persons may consider the world too crowded, others may find it too empty. Some of us would prefer to have inhabited an earlier America, as it was a century or more ago; we regret that the bison no longer roam the plains, and we think it a matter for sorrow that a highly evolved species such as the wolf, so misrepresented in popular belief, has virtually been exterminated from its former habitat and remains only in remote regions of Alaska and Canada. We realize that when you have 240 million people you can't have wolves, bison, and other creatures roaming all over the place; it's just that we would gladly vote for more animals and fewer people. For my taste the optimum number of people on this planet had already been exceeded by the turn of the century.

It's not that a much more numerous human population could not be sustained in a capitalistic economy; it's that the vehicle in which we ride our planet will increasingly bend and groan under the strain.

But others prefer things more crowded, or should I say less empty. "Nevada and Montana are almost entirely empty of people—we could fill them up, we could easily have ten times the population there that we have now." If you asked them, "Would you *want* to have a land crowded with people? Would you want to see the plains and mountains populated as densely by people as New York City is? Is that your idea of a beautiful land?" They would unhesitatingly say Yes. There doesn't seem to be much future in pursuing such a controversy.

I do not believe that the opposing parties are merely indulging their aesthetic preferences. Those who don't mind increasing the human population often feel this way because they see that capitalism is an efficient production-machine, that in socialist economies people starve, but with capitalism production will usually meet: if people want something badly, someone will usually have the ingenuity to supply it. People have a far higher standard of living today with 240 million Americans than they did when there were only half as many. We shall find new sources of energy, unsuspected only a few years ago. Superconductors are about to transform technology without making anything dirtier or noisier. Libertarians of course believe in capitalism, and they resent hearing doomsayers endlessly talking about the dangers of overpopulation when we seem to be better off economically with every population increase. Economically, Nevada could indeed have ten times as many people and still not be in want—if ecologists don't see this it's because most of them are collectivists who have no comprehension of how the incredible bread-machine called capitalism really works.[16]

Ecologists, for their part, however socialistic or collectivistic they may be, and however mistaken in decrying capitalism, are not simply indulging in personal preferences about a beautiful country, nor are they *merely* being mistaken about the possibilities of capitalism. They are saying, I think, that these constant increases in human population are ecologically dangerous, *unsafe*—that the more the human population increases, the greater the risk of something in the environment going beserk and killing us all. It's not that a much more numerous human population *could not* be sustained in a capitalistic economy; it's that the vehicle in which we ride (our planet) will increasingly bend and groan under the strain. Two recent examples will illustrate the point:

1. Thanks largely to modern medicine, the population of the Himalayan kingdom of Nepal has expanded enormously in the last fifty years. But the increased populations need food, and some of it comes from tourists who want to go sightseeing in their mountaintop country. The forests have been gradually cut down to be replaced by farms and roads. But the forests hold the topsoil, and when they are gone the soil washes down from the mountains and descends into the plains of India—there are not enough forests left to absorb the impact of the spring floods. From Nepal's technological development comes India's loss of topsoil, which it needs to feed an ever-increasing population.

And there, say ecologists, is the problem: if the population of Nepal had not expanded, they would feel no need to cut down the forests. If the population of Peru had not expanded, the Indians wouldn't have had to resettle higher and higher on the mountain

slopes, and open to the plow lands that should have been used only for grazing. If the population of Brazil had not expanded, there would have been no overflow from Belem to attempt settling the jungle. Isn't population always the bottom line?

2. The Bengal tiger is among the strongest, more graceful, and most beautiful of creatures. But it is now an endangered species—people increase in number, expand into new territories, and kill the tigers. The few that are left are preserved in large wild-life parks in northern India. But the human population covets that land. The parks contain tigers and animals such as water-buffalo which they prey on. The buffalo live on vegetation, and the tigers live on the buffalo. But when there is a drought or for some other reason the human population gets hungry, they point to the park's buffalo. They appeal to the political authority: surely people are more important than buffalo. So an exception is made, "for just this one time"—the park is opened to people with guns, for one week only. Hordes of people move in and slaughter the buffalo. The people are now fed—for that week. A week later they are hungry again.[17] Meanwhile, the buffalo have been exterminated, and now the tiger is also doomed: it cannot live without food, and its principal food-source is gone. What can these creatures do against a rapidly expanding human population?

"Well, when it comes to the survival of people versus the survival of buffalo, I vote for people." But voting for people doesn't mean that people will survive—even if one grants that people *are* the most important beings in the world. People too have to live in an environment that has enough food-sources, enough water, enough warmth, to keep them alive and well. Ecologists are merely pointing out that if people aren't careful about tending their environment, catastrophe will not be far off: one big change in the atmosphere or climate and perhaps they will all go down the tubes together. Just as many people keep abusing the only bodies they'll ever have, they unthinkingly despoil the only environment they'll ever have; like the body, it doesn't carry any replacements, or even come with spare parts.

"Is it safe to walk on this plank?" That depends on how strong it is, how well placed, how well you can balance yourself, how deep the chasm below. There is no simple answer. Is it safe to double the human population yet again? Well, perhaps—if you are *very* careful about retaining a free economy so that people won't lack for food, and if you are *ever* so careful not to bite the environment that feeds you; but remember, the weaker the plank, and the more weight it must bear, and the deeper the chasm below. . . .

Ecologists declare with one voice that we absolutely must limit population growth. Is it safe to keep on increasing it? We *may* come out of it all right, but at the same time, the weaker the plank, and the deeper the chasm . . .

We could diminish the number of people at once by killing them on a massive scale. But, other than in war, this is not a policy we condone. We don't consider it a live option to kill people once they are born, but most of us have no similar disapproval of *preventing* them from coming into existence in the first place. This could be done through *compulsory* measures, such as are used in China, with draconian deprivations for a woman who conceives a second child. Libertarians do not approve coercive actions of this kind. They would have no opposition, however, to *voluntary* methods such as birth control.

The practical problem with voluntary methods is whether they would succeed. Populations in the advanced industrial nations have not markedly increased in the last few decades; but in the Third World they have increased by leaps and

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bounds, and the Third World is least equipped to handle such increases. The prospects of voluntary compliance there are not bright. A man relies on his children for his immortality; never mind that if he has twelve acres, his four sons will have three acres each, and their sons much less than that and soon there is not enough to live on. Is it any more likely that people will forswear having children than that Botswanans will voluntarily stop destroying the habitat of wild animals by raising cattle?

Property Rights and the Environment

Libertarians are second to none in their support of property rights—not only the right to use the crop you've grown, but the right to own the land on which it grows. Ownership of land not only has a high utility (if it's yours you'll take better care of it) but also is a human right (if the land is mine, I can eject trespassers from it, even if others might make better use of it than I do).

There has always been a condition attached, however, implied or stated: you must not use your land in a way that harms others. You may not pollute the stream that enters your neighbor's land downstream, for you are thereby harming him. The same applies to air pollution—as when smoke from a factory endangers your health—though the culprits in this case are not always easy to identify. It also applies to using your land in such a way as to place others in considerable danger: constructing a house on a hill above his, causing mudslides in the rainy season; raising poisonous snakes in your back yard; even maintaining "attractive nuisances" such as unfenced water holes or patches of quicksand.

But the word "harm" is vague. If the market value of property in your neighborhood goes down, have you been harmed? It would surely seem so. If someone sets up a competing drug store across the street from yours, and excels you at your own trade, have you been harmed? But libertarians exclude economic harm, as being essential to a free market. Usually they mean physical harm—not all physical harm, but physical harm caused by other human beings (not by floods or tornadoes).

The problem we now confront is this: Don't the Brazilians have a right to chop down their forests and make farms? (The farms are theirs, not ours.) And don't Tibetans have the same right? And don't Botswanans have a right to raise cattle on their land and put fences around it to keep out wild animals? Environmentalists may not like this, but don't the Botswanans have a right to do it just the same? (There is, to be sure, a kind of collective "we" hovering over this scene: was it the Brazilian farmer's land? or the government's land? or the native Indians' land—who of course did *not* consent to give or sell it to any Brazilians? But this question is simply a diversion as far as the issue before us is concerned: *whoever* owns the land, doesn't he/she/they have a right to cut down the trees on it?—*that* is the question.)

"Ah, but surely we have the answer right before us. When people cut down the rain forest and convert the land to agriculture, they are *harming others* by their use of the land (whatever else they may be doing to *themselves*). They are, for example, harming future North American farmers whose lands (we don't yet know which) will no longer be productive because of the absence of those forests. So they do *not* have a right to cut the trees down, any more than the farmer has the right to pollute his neighbor's stream."

In that case, however, how can *any* use of land be justified? Isn't there always some danger that your use of your land may now or later harm someone else here or elsewhere? It's the ecological interconnectedness of everything that is the problem. Who knows what ecological disasters may result from even the most well-intentioned use of one's land? Unless we can qualify our rule with some vague clause like "if there are no reasonable grounds for believing that . . .", it would seem that a rigorous application of this criterion would end up prohibiting the human use of land entirely—and *that* would be self-destructive and suicidal.

May it not be that any destruction of primeval forest, such as Europeans did in the Ohio Valley in 1800, will have catastrophic results? If there are fewer forests, there will be fewer plants to absorb carbon dioxide, followed perhaps by a "greenhouse effect," the warming of the earth's atmosphere, changing the earth's climate, melting the Arctic icecaps, inundating the earth's coasts, and so on. *Your* use of the land is negligible in contributing to such catastrophes, but *everyone's* use of their land in such a way may well cause such catastrophes to happen. And (here's the rub) if *you* have the right to use your land thus, why doesn't everyone else have the same right with regard to their land? Yet if they all do, catastrophe will ensue. Am I permitted to cut down my forest because my land is "such a little bit of the total picture"? (Analogous case: The store won't miss the little bit that *I* steal. But if it's all right for me to steal, why not others? And if everyone did it, business would be impossible to conduct.)

If you apply the rule strictly, it would seem that *all* property rights are in jeopardy all over the earth. Many persons have alleged that this is indeed the case—and therefore, that no individual should be permitted to have property in land. Someone, however, must own it and control its use. This is the task of *society*. But who is society? All the people acting together? But that is an impossibility. What "society" comes to in practice, of course, is *government*. Yet if individuals may not own land, neither, for the same reason, may gov-

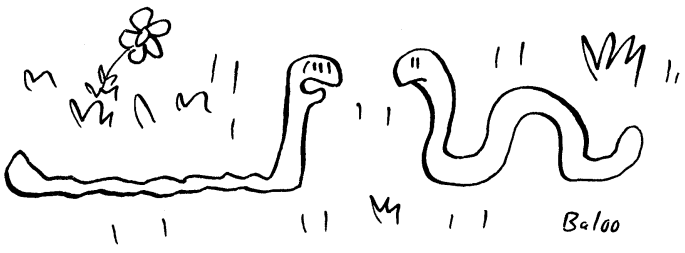

"An environmentalist stepped on me!"

ernments. In whatever way governments (that is, people employed by governments) use land, they too are endangering others by that use. Nor is there any evidence that governments are any more careful in their use of land than individuals are; quite the contrary, of course.

In view of the ever-present risks to others in one's use of land, it is not surprising that so many ecologists have opted for a "one world government." They are correct on one point: what Brazilians do with the rain forest has vast implications for people outside of Brazil. Ecological considerations transcend our arbitrary national boundaries. Thus they feel that there must be some supra-national regulatory authority that considers not only this individual or that, this nation or that, but *all* persons and nations—a global regulatory authority set up to preserve the environment and adjudicate environmental disputes all over the world.

But the considerations against world government regulating the environment are the same as those against world government in any other aspect, and they are already familiar to libertarians. How could it keep from being infected by the disease of all governments—becoming wasteful, inefficient, corrupt, bureaucratic, allied with special interests each seeking to influence those in power? The greater the scope of such a government, the worse it would become. If a national government in Washington suffers from these maladies, wouldn't it be still worse with a world government? And what can you do when a *world* government becomes autocratic and dictatorial—go to Mars? At least victims of tyrannies have sometimes been able to emigrate to freer places but what happens when there is a monopoly of terrestrial control? The cure is surely worse than the disease. Environmentalists are attracted by it because they see so clearly the ecological interdependence of all parts of the earth; what they do not see as clearly are the inherent defects of a regulatory authority that spans the globe. Unless, that is, they themselves are in charge of it. That is the bottom line. If others who disagreed with them were in charge, they might be somewhat less enthusiastic.

Proponents of liberty do best in considering the relation between individuals and other individuals. They do not do as well, and are constantly at odds with each other, in considering international affairs—nations dealing with other nations. And for the same reason, they do not do well in ecological issues. It's not that individuals don't count at all in these areas, but that what one individual does is less than a drop in the bucket when it comes to achieving any goals. It may be noble of you to do X, but your nobility will count for nothing unless masses of other people, whom you don't know and surely cannot control, also cooperate in doing X. The philosophy of freedom is geared to do one thing, and then it is asked to do quite another thing. Little wonder that so few care to talk about ecology, that they try to sweep it under the rug, or to arrange their "facts" in such a way that the problems aren't really there. But the difficulty of the task is no excuse for falsification or evasion. ❑

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A speculation on the source of headlines by Bob Ortin

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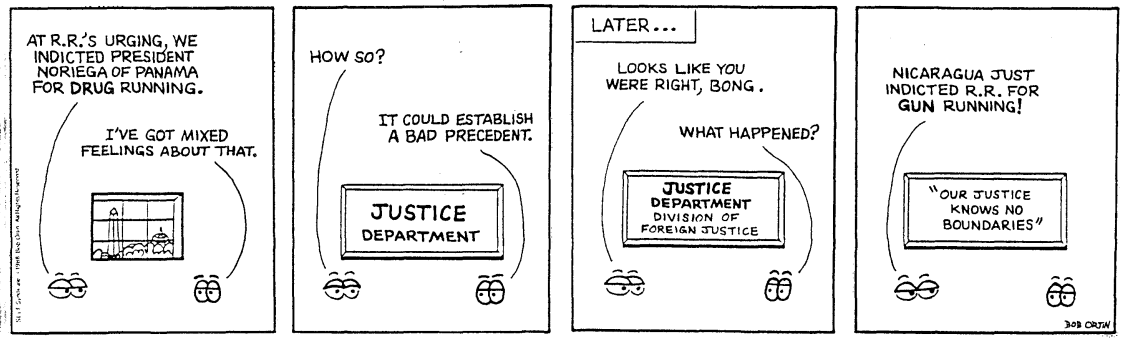

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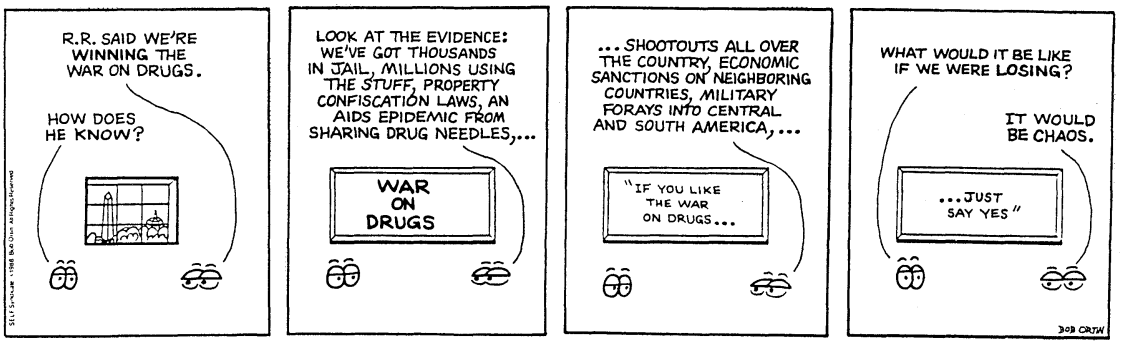

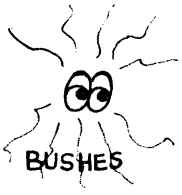

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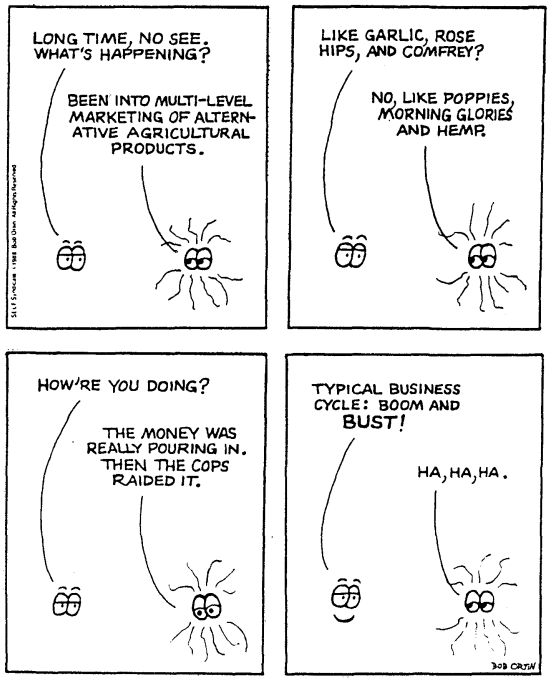

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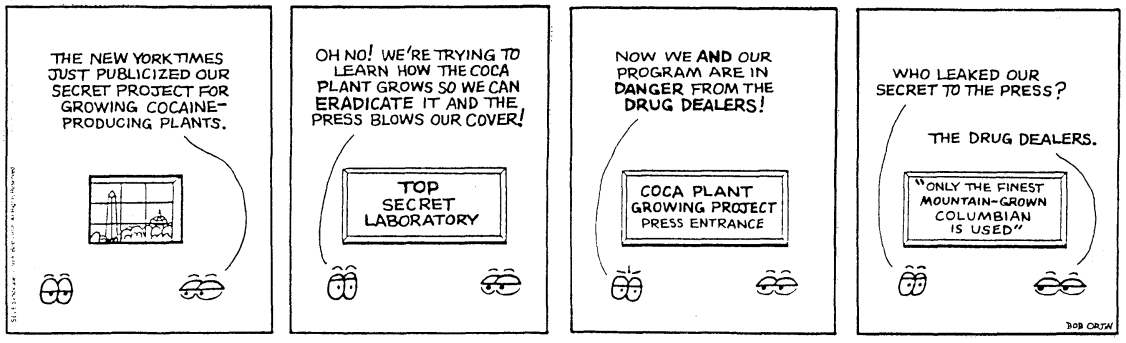

AIDS: More Than Just a Virus

by Sandy Shaw

The AIDS problem may have started as a virus, but it continues largely because of government regulations, especially those of the Food and Drug Administration. The AIDS epidemic could be stopped right now by a fast home (or singles or gay bar) test for HIV (Human Immunodeficiency Virus) infection. If prospective sex partners could check each other for HIV virus infection as easily, quickly, and inexpensively as the early pregnancy tests do their job, the rapid spread of AIDS would end.

But the FDA will not permit the sale of do-it-yourself AIDS test kits. The April 2, 1988 *Science News* reports that several companies are developing either mail-in or do-it-yourself AIDS test kits, but that FDA approval is not likely to come soon. The FDA's blood products advisory committee is requiring that these tests meet a generally long and expensive formal pre-market approval process. According to *Nature* (April 14 1988), "In a letter sent out to potential manufacturers of the kits last week, FDA stopped short of a ban on home testing. But such stringent criteria for pre-marketing research of home test kits are laid out in the letter that it is unlikely that anyone will persist in seeking approval."

The FDA has many objections to the tests. For example, it claims that if the test detected HIV infection, there might be a lack of face-to-face counseling, confirmatory testing, and physician follow-up. But these actions will never occur if the victims do not know they are infected. The FDA worries that the single-use disposable lancets used to prick fingers to obtain blood for the test might not be properly discarded. What about the knives of infected persons slicing tomatoes at home? Or their used razor blades? These seem to pose a much greater hazard to the uninfected than the spurious problem of shared lancets.

There is no scientific or medical need for a lengthy formal pre-market approval process. Kits could be tested in about a week by using AIDS patients and known infected individuals as test subjects. The FDA's supposed concerns sound more like authoritarian excuses for yet more delays in approving AIDS home test kits. DuPont, one of the companies developing such a kit, is planning to offer theirs in England.

Many states and cities have laws prohibiting the uncontrolled sale of sterile empty disposable hypodermic syringes. The legislators who passed these laws are probably not stupid enough to believe that these laws really prevent anybody from injecting himself with heroin, speed, or cocaine, but they apparently believe that their constituents are dumb enough to fall for it. What really happens is that drug users share their needles—and their HIV. Many prostitutes use drugs by injection and, in the areas where there are laws strictly controlling hypo sales, their HIV infection rate is 60% and climbing. The infection rate is generally much lower among prostitutes who ply their trade in areas where sterile disposable hypodermic syringes can be readily purchased.

An average drug costs $125 million and takes 8–12 years to obtain FDA drug approval. The supposed speed-up of drug approval promised by the FDA has not occurred. This is the main reason for the lack of AIDS treatments in this country. Even the approved AIDS drug, AZT, is not available for infants with AIDS, for whom the drug is not approved. Dying AIDS victims (or terminal patients of any kind) cannot gain access to experimental drugs in the U.S. or legally import drugs used to treat the disease in other countries. The FDA acts as if it preferred people to die rather than use unapproved drugs. Until a drug has obtained final FDA approval, its manufacturers cannot legally communicate information about it to physicians or the public. They can't even legally send doctors copies of scientific papers on experimental drugs! Whatever happened to freedom of speech?

An excellent first step to alleviating AIDS is to get the FDA off our backs. See Appendix E of *Life Extension, a Practical Scientific Approach* and also *Life Extension, the Video* for an attack on the FDA's policies by Dr. Milton

continued on page 36

Bibliography

Taking Libertarianism Seriously

by Murray N. Rothbard

Why is it that British scholars take liberty so much more seriously than do Americans?

Visiting England these days is a genuinely nostalgic experience. Despite the Thatcher ascendancy, all intellectuals to the right of the Labor Party huddle together in small groups, feeling themselves, with considerable justice, a beleaguered minority. As a result, rightist intellectuals, ranging from anarcho-capitalists to minarchists, conservative pragmatists, Hayekians, Hobbesian contractarians, Humean skeptics, and High Tories, cluster together in friendly fashion, swapping horror stories of the "loony Left"—Trotskyite local government councils, crazed egalitarian school teachers, Marxoid union thugs, etc. Britain is in this way strongly reminiscent of the U. S. in the 1950s, when anarchists, minarchists, laissez-fairists, traditionalists, opportunists, McCarthyites, global warmongers and various brands of monarchists banded together in reasonably good fellowship against the dominant attitudes and institutions of the New Deal. Since then, all brands of rightism on these shores have grown and flourished, and as they prospered they were able to split off into their own, often antagonistic movements.

Not only is libertarian political action and social organizing far greater and more impressive in the U. S. than in Britain, but the extent of libertarian intellectual and scholarly activity is far greater, both absolutely and proportionally, in the United States. Austrian economics, the most consistently libertarian of the schools of free-market economics, has been developing rapidly in the last few years. Libertarian political philosophy, while much less developed, has also been making its mark, particularly in departments of philosophy and in scholarly think tanks. And yet, in the United States, libertarian scholarly activity gets little or no respect. There are precious few books or journal articles that take libertarianism or Austrianism seriously. Although Austrian economics has become increasingly well-known in recent years, it is just now beginning to break out of its confined status, only recently becoming recognized as a respectable and important school of thought. But libertarianism is still dismissed by political philosophers as a kooky fringe sect.

It is therefore remarkable that in Britain, despite the small numbers of libertarians and the beleaguered status of libertarianism, both Austrian economics and libertarian political theory are treated with great respect. Although agreement with the doctrine is still highly limited, these disciplines get a fair shake in Britain.

In the U. S., for example, introductions to Austrian economics consist of two pamphlets written by Thomas Taylor[1] and Lawrence White.[2] British introductions to Austrianism include one pamphlet (by Stephen Littlechild[3]) and two substantial books (by W. Duncan Reekie[4] and Alexander Shand[5]). The Institute for Economics Affairs (IEA), the British counterpart to such American public policy think-tanks as the American Enterprise Institute or the Heritage Foundation, is far more scholarly, far more hard-hitting than these sister institutions in the U.S. Arthur Seldon, the intellectual leader of the IEA, does full justice to the Austrian and anarchist, as well as the monetarist-Chicagoite, wings of free-market thought.

There is no counterpart in the States to the work of Sheila Dow's *Macroeconomic Thought: A Methodological Approach*[6] which treats Austrian macroeconomic theory as a fully respectable alternative to mainstream theories, and is even rather sympathetic to the Austrian view.

A particularly striking example of British fair play in scholarly assessment is *The New Palgrave: A Dictionary of Economics*,[7] a massive four-volume encyclopedia of economics recently published by Macmillan in London. *The New Palgrave* will serve as the fundamental reference work in economics for decades. Remarkable for such a project, there was no Editorial Board to lend it balance; there are only three editors, with absolute power to select articles and contributors, and to ride herd over the articles if they so desired. The first editor is John Eatwell, professor at Cambridge, and a leader of the left

Keynesian-quasi-Marxist Cambridge School; and a second editor is Murray Milgate, a student and disciple of Eatwell's. Indeed, cursory reading, backed by a more systematic critique by Seldon,[8] demonstrates that far more space—and almost all space in *New Palgrave* is favorable space—is devoted to Keynesianism and Marxism than to any other school of thought. And crucial articles, such as the one on "Capitalism," were given to the third-rate Marxoid Robert Heilbroner rather than to any defender of capitalism.

There is no doubt about *The New Palgrave*'s left-wing bias. And yet . . . despite that bias, there is no question that Austrianism is well represented in the *Palgrave*, all the articles in this area being written by such leading Austrian adherents and sympathizers as Israel M. Kirzner, Klaus H. Hennings, Roger W. Garrison, Paul McNulty, Karen Vaughn and the present writer. I venture to guess that no left Keynesian-Marxist-controlled encyclopedia in the U. S. would give Austrians as good a break, and I strongly doubt that Austrians would fare as well in a Chicagoite-monetarist-controlled encyclopedia published here, either.

Not only that, but mainstream British scholarship is even fair to libertarianism, a school of political thought that is barely acknowledged in the U. S., let alone treated as a serious movement to be reckoned with by orthodox political theorists. (Arthur Seldon goes so far as to chide *The New Palgrave* for not including any articles on "anarcho-capitalism" or "libertarianism," for whom Seldon suggests David Friedman and myself respectively.) In the United States, during the New Left era of the late 1960s and early 1970s, anthologies included individualist anarchist writings[9] or libertarianism alongside Marxist ideologies.[10] But there has been virtually nothing since.[11]

The big exception, of course, was the exhaustive comment and analysis accorded Robert Nozick's *Anarchy, State and Utopia*, but Nozick's work was treated as an isolated text rather than as a leading volume in a broad movement, so that the nature of libertarianism, or indeed, any libertarian outside of Nozick himself, was totally ignored. And while the existence and stature of *Anarchy, State and Utopia* happily made the very *discussion* of such themes as "liberty" and "rights" at long last respectable in dissertations and articles in philosophy journals, its impact was dissipated after a few years by Nozick's stubborn refusal to respond publicly to any of his host of critics.[12]

There are encouraging recent signs, however, that attention to libertarianism in mainstream political science might be making a comeback. Larry Arnhart, a Straussian political scientist of libertarian sympathies at Northern Illinois University, has a reasonably favorable discussion of libertarianism in his recent textbook[13] on contemporary political thought, while there is a fair discussion of individualist anarchism, anarcho-capitalism, and the Libertarian Party in the seventh edition of Lyman Tower Sargent's text, *Contemporary Political Ideologies: A Comparative Analysis*.[14]

> *Mainstream British scholarship is fair to libertarianism, a school of political thought that is barely acknowledged in the U. S., let alone treated as a serious movement to be reckoned with by orthodox political theorists.*

U. S. coverage, however, pales beside the treatment accorded to libertarian scholarship in Great Britain. There is Professor David Miller's book on *Anarchism*.[15] Also, a fair and intelligent discussion of both Austrian free-market economics and libertarian anarcho-capitalism has been provided by Peter Wynarczyk.[16] After discussing the various schools of free-market thought, Wynarczyk concluded that my own anarcho-capitalist arguments "are extremely consistent and persuasive," but he then draws back from the precipice at the last minute, telling himself and the reader that there are historical problems getting from here to there [no doubt!] and that we must abandon the Utopian extremism of laissez faire, which *must*, he says, be "fallible," since man is fallible. [Did anyone promise omniscience and perfection?] No, no he reminds himself, in a world of uncertainty "we must be pragmatic, eclectic and pluralistic." [Is he certain about that statement?] These final paragraphs, however, constitute a remarkably feeble coda to a thorough and generally excellent discussion. Were they tacked on, perhaps, to get himself off the hook?

The two most comprehensive and recent British works on libertarianism have, unfortunately, not even remote analog in the U. S. One is a book by David G. Green, a research fellow at the IEA, on *The New Conservatism: The Counter-Revolution in Political, Economic and Social Thought*.[17] I should hasten to add that such current terms as "the New Right" or "New Conservatism" in Britain have nothing to do with such American doctrines as Kirkian traditionalism, right-wing populism, or Moral Majoritarianism. To Green, for example, the "New Conservatism" is identical to the "new [Classical] Liberalism," and his chapters on ideology are confined to the Classical Liberalism of previous centuries;

"Tell me, Morton — Are you in some kind of trouble?"

"Anarcho-Capitalism or the Minimal State?" which includes discussions of my own "anarcho-libertarianism," David Friedman's anarcho-capitalism, Nozick's minimal state, and Rand's Objectivism; "Friedman and the Chicago School"; The Public Choice School" [of Buchanan and Tullock]; and Hayekian doctrine: "Hayek and the Austrian School."

The most important new British work on libertarian theory is *On Classical Liberalism and Libertarianism*,[18] by Norman Barry, Professor of Politics at the University of Buckingham. Similar to Green, Barry has chapters devoted to classical liberalism, the Chicago School, Mises and the Austrian School, Buchanan and "Contractarian Liberalism," Ayn Rand and "Egoism," Nozick and the Minimal State, and myself and Anarcho-Capitalism. It is a subtle work deserving a substantial review on its own, but here suffice it to say that Barry's is a highly intelligent treatment that appreciates the power and the consistency of anarcho-libertarianism, a little like Wynarczyk, but on a much higher level, finally tilting toward the seemingly greater practicalities of some form of Buchananite constitutionalism.

We are left with the conundrum: why is British treatment of American libertarian and Austrian scholarship so much more appreciative, and on such a far higher level, than it is accorded in the United States of America? Who knows? Is it the old story of someone being a prophet abroad but scorned at home? Or are the British simply more civilized? ❑

Endnotes

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2. Lawrence White, *The Methodology of the Austrian School*, 2nd edition (Auburn, Ala.: Ludwig von Mises Institute, 1984).
3. Stephen Littlechild, *The Fallacy of the Mixed Economy: An "Austrian" Critique of Conventional Economics and Government Policy* (London: The Institute for Economic Affairs, Hobart Paper #80, 1978); fortunately, a revised edition was prepared for American readers, and published by Cato (San Francisco: Cato Institute, Cato Paper #2, 1978).
4. W. Duncan Reekie, *Markets, Entrepreneurs, and Liberty* (New York: St Martin's Press, 1985).
5. Alexander Shand, *The Capitalist Alternative: An Introduction to Neo-Austrian Economics* (New York: New York University Press, 1984).
6. Sheila Dow, *Macroeconomic Thought: A Methodological Approach* (UK: Basil Blackwell, 1985).
7. John Eatwell, Murray Milgate, Peter K. Newman, eds., *The New Palgrave: A Dictionary of Economics* (UK: Basil Blackwell, 1987; New York: Stockton Press, 1987).
8. Arthur Seldon, "Enlightenment or Ideology? Part II: Assessment," *Economic Affairs* (April/May 1988), pp. 42–46.
9. Leonard I. Krimerman and Lewis Perry, *Patterns of Anarchy* (Garden City, NY: Anchor Books, Doubleday & Company, Inc., 1966).
10. Dorothy James, *Outside, Looking In* (New York: Harper & Row, 1972).
11. For a few years after the Clark campaign for the presidency on the Libertarian Party ticket in 1980, which garnered 920,000 votes, several free-market oriented basic economic textbooks, such as those by Roger LeRoy Miller [*Economics Today: The Micro View* (New York: Harper & Row, 1985)] and Edwin G. Dolan [*Basic Microeconomics* (Hinsdale, Ill.: Dryden Press, 1983)] mentioned libertarianism as an alternative extreme ideology along with Marxism. After the falling off of votes in 1984, however, all references to libertarianism in later editions were dropped. Let us hope that 1990 will see a comeback!
12. Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974). See Jeffrey Paul, ed., *Reading Nozick* (Totowa, NJ: Rowman and Littlefield, 1981), pp. 206–231, wherein Nozick's contribution is not a comment on any of his critics, but an earlier essay on Ayn Rand!
13. Larry Arnhart, *Political Questions* (New York: Macmillan, 1987).
14. Lyman Tower Sargent, *Contemporary Political Ideologies: A Comparative Analysis* (Chicago, Ill.: The Dorsey Press, 1987).
15. David Miller, *Anarchism* (UK: J. M. Dent, 1984).
16. Peter Wynarczyk, "Is a Pure Market System Feasible?" in B. Roper and B. Snowdon, eds., *Markets, Intervention and Planning* (London: Longmans, 1987), pp. 61–62.
17. David G. Green, *The New Conservatism: The Counter-Revolution in Political, Economic and Social Thought* (New York: St. Martin's Press, 1987).
18. Norman Barry, *On Classical Liberalism and Libertarianism* (New York: St. Martin's Press, 1987). This book is an expansion of his notable journal article on "The New Liberalism," *The British Journal of Political Science*, 13 (1983), pp. 93–123.

AIDS: More Than just a Virus, continued from page 33

Friedman, Durk Pearson and I, and suggestions for reform.* In the Pearson-Shaw proposal (the split label) drugs can be sold without FDA approval and be marked prominently as such. The manufacturers get half the label and can say whatever they want; the FDA gets the other half and says what it wants. You consult with your doctor and your pharmacist and make the decision about whether you will use the drug. May the best scientific studies win!

A difficulty with communicating information about AIDS that cannot be blamed on the government arises from widespread puritanical attitudes. Surgeon-General C. Everett Koop has offered his message on prevention of AIDS to cable and network television. He says that, in the absence of celibacy or strict monogamy, a condom lubricated with a spermicide containing nonoxynol-9 should be used from start to finish of the sex act. Until very recently the networks have refused to run his message because it contains the word "condom." This is incredibly hypocritical, since they show many programs of licit and illicit sex calculated to titillate viewers. Nonoxynol-9 is generally regarded as a spermicide, a contraceptive. This is its stated purpose in products containing it. Many people in danger of getting AIDS (such as gays, prostitutes and their patrons, and sexually active sterilized heterosexuals) may not think they need it. But nonoxynol-9, in addition to killing sperm, has been shown to inactivate AIDS, other viruses, and microbes, including those that cause syphillis and gonorrhea, too. Koop has had the audacity to go against the Administration and others who have said, in effect, "Sex: Just Say NO."

The only way to fight AIDS is through practical, scientific measures. "Puritanism" and the regulation of medicine are the chief stumbling blocks to controlling this epidemic. As always, reason and freedom is the answer. ❑

* Co-authored by Durk Pearson and Sandy Shaw. For further information write to *Durk Pearson & Sandy Shaw Life Extension Newsletter*, PO Box 92996, Los Angeles, CA 90009. Source material on AIDS: Aids Treatment News published biweekly by John S. James, PO Box 411256, San Francisco, CA 94141 ($25 per quarter, all 50 back issues for $30; excellent reviews of experimental treatments, where to obtain supplies, provides references to scientific studies, etc.); AIDS/HIV Experimental Treatment Directory, one year subscription including directory and updates, $30, call 800-992-2873; I have not seen this one but it is highly recommended by John S. James.

Scrooge McDuck and his Creator

by Phillip Salin

"Who is Carl Barks?" In the future that question may seem just as silly as "Who is Æsop?" Phil Salin brings us up to date on the importance of the man who created Uncle Scrooge . . .

Once upon a time there was a wonderfully inventive storyteller and artist whose works were loved by millions, yet whose name was known by no one. Roughly twice a month, for over twenty years, the unknown storyteller wrote and illustrated a brand new humorous tale or action adventure for millions of loyal readers, who lived in many countries and spoke many different languages.

The settings of the stories were as wide as the world, indeed wider: stories were set in mythological and historic places, in addition to the most exotic of foreign locales. As well as elements of the past, elements of present and future technology frequently played a critical role.

Most of the stories centered around themes such as the importance of individual initiative; the virtues of hard work; the dangers of incompetence; the need to resist thieves, bullies and tyrants. Yet somehow, the stories were never didactic or boring; somehow, these truisms were made fresh and entertaining. These stories were full of libertarian values, yet were never advertised as such.

All this lay hidden from the awareness of most parents, lurking within the pages of mere comic books. I am talking, of course, about the Uncle Scrooge and Donald Duck stories of Carl Barks.

From 1943 to 1963, Barks wrote and drew over 500 humorous stories which were published under someone else's name: "Walt Disney." Approximately every two weeks throughout this period he created a story starring either "Walt Disney's" Donald Duck or "Walt Disney's" Uncle Scrooge. Yet it was Barks, not Walt Disney, who defined the unique comic book Donald—as different from the cartoon or newspaper strip versions as butter is from margarine, or as Hans Christian Andersen is from Fractured Fairy Tales. It was Barks, not Disney, who created and fleshed out the satiric world of "Duckburg" and populated it with an enduring set of humorous new characters including two central, remarkably non-"Mickey Mouse" heroes: Uncle Scrooge, the "richest duck on earth," and Gyro Gearloose, the world's greatest inventor. It was Barks, not Disney, who invented these and other Duckburg characters and plot devices used without attribution by the Disney organization ever since, both in print and on the TV screen: Scrooge's Money Bin, the Junior Woodchucks and their all-encompassing Manual, Gladstone Gander, Magica DeSpell, Flintheart Glomgold, and the Beagle Boys. It was Barks, not Disney, who wrote and drew those marvellous, memorable stories, month after month, year after year, and gave them substance.

A Taste for Feathers

I started reading Barks' stories as a kid in the mid-1950s. As I got older, one by one, I gave away or sold most of my other comics; but not the Donald Ducks. Somehow they seemed to stay amusing when other comics faded. There was something refreshing about them that I never seemed to grow tired of; nor was I alone. Starting in college, I found that an alarmingly large percentage of my friends seemed to be acquiring a taste for spending an occasional hour sprawled in the living room, chuckling at Duck tales, reading and rereading the best ones, just as I had always done. Perhaps there was more to this than mere nostalgia.Perhaps I had fallen in with a bad lot. Or perhaps I had discovered a new communicable disease.

Naturally, it had never occurred to me to wonder who created these stories—the answer was printed prominently in large, cursive letters on the cover and at the beginning of every story: *Walt Disney*. If I had thought about it, I would have realized that Walt probably had other things to do besides drawing and writing 15-30 pages of comic books each month. I would have thought about the implications of the fact that some Duck stories were obviously drawn and written by crude artists, while others were just as obviously "good stuff." I would have noticed that it was only the Duck stories, not "Walt Disney's" Mickey Mouse, or "Walt Disney's" Chip and Dale, that were ever interesting. And, of course, most strik-

ingly, I would have noticed that I wasn't interested in Donald Duck film or newspaper cartoons. Just the comic books.

None of these thoughts crossed my mind until the mid-70s, after I had graduated from college, traveled a bit, and returned to my home town. The local comics store in San Rafael at that time consisted of a couple of boxes kept next to the counter at "The Record King," owned and managed by Mr. Joe Colabella. I would occasionally drop in and browse through these boxes, more out of nostalgia than any acute interest. One day I noticed Joe had begun pinning copies of old Duck comics up on the wall, right next to the well-known superhero favorites: Superman, Spiderman, the Spirit, and the Justice League of America. So I asked about them. It turned out Joe was aggressively buying up all he could find—he was actively "accumulating" Ducks, so to speak! It was Joe who finally explained to me that there had been several authors and artists of the Duck comics, but only one who did all the really great stories: Carl Barks.

Joe passed on a few additional tidbits of information that I find disquieting to this day. For many years, Barks was not told how many people read his work (the answer was: millions, every month). He had no idea that whenever the folks at Western Publishing used a Duck story by some other writer or artist, they received large quantities of angry mail protesting the change. He had no idea that people saved his stories, reread them, and showed them to friends. For almost twenty years, the people he worked for neglected to give him copies of fan mail (presumably, there was quite a lot of it). Finally, in 1961, by accident, a fan letter happened to make it through; Barks found the praise in this letter so embarrassing he was convinced it was a hoax.

Moreover, Joe explained, Barks' Duck comics were rapidly becoming widely collected and even valuable, in spite of the fact that they had always been printed in very large numbers. Slowly I came to realize that my continuing enjoyment of these stories was not some kind of lamentable lapse of taste or idiosyncrasy, but a common and justifiable response. It somewhat restored my confidence, and not just in myself. It was mighty nice to know that there were a lot of others out there who knew good fun when they saw it, and weren't too stuffy to say so.

But, granted that Barks' comics were great fun, could there be more to them than that?

In Defense of (Some) Comic Books

Nowadays I find most comic books unreadable; but as a kid, I loved them, all of them. One of my brothers swears he learned to enjoy reading books from reading comics, not from the public school system. At any rate, let's agree that most comics are junk. Sturgeon's Law—"90% of everything is crud"—certainly applies to comic books, as it applies to science fiction, television, sculpture, paintings, popular and classical music, and libertarian tracts.

What about the other 10% of comic books? These are the ones that use the form to its best advantage. Judging from the marketplace, comics are especially useful at portraying "larger than life" battles between good guys and bad guys, i.e., super-heroes and super-villains. The artwork is often appealing, sometimes innovative and exciting. I can't say I've ever read a super-hero series whose stories struck me as particularly strong on insights about life, but I don't find the possibility inconceivable.

Perhaps there was more to this. Perhaps I had fallen in with a bad lot. Or perhaps I had discovered a new communicable disease.

Besides super-hero adventures, comic books have also long been used as vehicles of satiric, occasionally instructive tales, often involving a bunch of "funny animals." It is a childish mistake to think that these stories are about animals. From Æsop's *Fables* to Orwell's *Animal Farm* and Adams' *Watership Down*, many stories conveying mature insights about human life have been dressed in animal's clothing. The idea that animal stories are only for kids is for the birds.

Whereas super-heroes tend to have uncommon, stylized physical characteristics (the Flash has uncommon speed; Superman is uncommonly strong), funny animals may have uncommon, stylized personal characteristics. This creates a great potential for amusing conflicts and broad satiric humor. So it is with Barks' ducks. Uncle Scrooge is uncommonly industrious and acquisitive. Gyro Gearloose is uncommonly inventive. Uncle Donald is uncommonly stubborn. Huey, Dewey and Louie are uncommonly independent and resourceful. All are uncommonly enthusiastic and inclined to take the initiative.

Now, in the hands of a typical comic book hack, Uncle Scrooge would have been treated like any stereotypical miser; but in Barks' hands, Scrooge's uncommon thriftiness becomes not only tolerable, but (for the most part) actually appealing. When Donald is stubbornly wrongheaded, Barks plays tricks on him without mercy; but when Donald is steadfast in a good cause, Barks makes sure our sympathies are on his side. Here is where we begin to see the heart of Barks' enduring appeal. It is not just that Barks is in the upper 10% of comic book artists and storytellers in terms of mere competence; it is that Barks is perceptive about human nature and values. When we read Barks' fables, unlike Aesop's, or "Walt Disney's," we are reading stories that express a consistently upbeat, adventuresome, intensely individualistic sense of life.

Capitalist Adventures for All Ages

Most of Barks' stories contain elements extolling the virtues of initiative and entrepreneurship. One of my favorites is *Maharajah Donald*.* It begins with Donald unfairly paying the nephews with only "an old stub pencil" after they have cleaned his garage. The irrepressible kids then initiate a series of clever, voluntary, and mutually beneficial exchanges until they are the proud owners of a steamship ticket to India. When they and Donald arrive there, Donald gets into deep trouble. He is held captive by a local prince and is about to be fed to ravenous royal tigers. The kids are rupeeless and desperate, wandering the streets outside the palace, searching for a way to get Donald out of his predicament. Walking along, they spot an object lying unclaimed and unwanted in the middle of the road. As only an entrepreneur could understand, the kids immediately exclaim, "An old stub pencil! We're rich!." And in not too long, they are, and use their resources to bail

* included in *Walt Disney—Donald Duck*, listed below.

Donald out of trouble.

Huey, Dewey and Louie would make great employees or great business partners. Never just along for the ride, their eyes are always open to new needs and opportunities. When in *Land of the Totem Poles** Donald gets a job selling an unknown product (steam calliopes) in a brand new, exclusive territory (the Kickmiquick River, which is located, according to the map, "way up in the wildest country there is"), the kids' immediate response is: "Say! That outghta be good country to sell something in! Why don't *we* be salesmen, too? Sure! We'll get a line of goods and clean up right along with Unca' Donald." Naturally, selling turns out to be a bit harder than anyone suspected; but not impossible. By the end of the story, as a result of paying special attention to customer demand, the kids have learned how to sell even such a white elephant as a steam calliope.

Although a number of Barks' stories play with some aspect or other of business or economics, there is one in which economic theory plays the central role. This amazing story, *Money from Heaven* [my title—most of the stories had no titles] manages to address inflation, income redistribution, and the creation and maintenance of wealth. Its beginning is a meteorological version of wealth redistribution: a tornado picks up all the money from Uncle Scrooge's famous money bin and randomly rains five billion quintuplatillion umptuplatillion multuplatillion impossibidillion fantasticatrillion dollars across the countryside. Uncle Scrooge is now a pauper and everyone else is a multimillionaire. Most people immediately quit their jobs and hang out signs saying "gone to see the world." Scrooge, however, simply keeps farming (even handing out guns to Huey, Dewey and Louie, to protect the property he is creating). In the finale, the wandering populace finds that goods have become scarce, since almost everyone has stopped producing them. When people get hungry, food is available at Scrooge's farm—but for amazing prices: hams for $1,000,000,000, cabbages for $2,000,000, etc, etc. It's not long before the Money Bin is full again. Life, and then prices, return to normal. "Easy money" is shown to be illusory, and the true fountainhead of wealth is shown to be focused, productive work.

To enterprise, hard work and ingenuity, Scrooge McDuck adds a love and appreciation of the dollar that borders on romance. This is how Barks' Uncle Scrooge explains where his money came from, in *Only a Poor Rich Man*:* "I made it on the seas, and in the mines, and in the cattle wars of the old frontier! I made it by being tougher than the toughies, and smarter than the smarties! And I made it SQUARE! This silver dollar—1898! . . . I got that in the Klondike! Froze my fingers to the bone digging nuggets out of the creeks! And I brought a fortune OUT, instead of spending it in the honkytonks! And this dollar—1882! I got that in Montana where I punched cows while I looked for a homestead! . . . You'd love your money, too, boys, if you got it the way I did—by thinking a little harder than the other guy—by jumping a little quicker."

> *In the hands of a typical comic book hack, Uncle Scrooge would have been treated like any stereotypical miser; but in Barks' hands, Scrooge's uncommon thriftiness becomes not only tolerable, but (for the most part) actually appealing.*

Tales of Judgment and Responsibility

One of the main Barksian norms is individual responsibility for exercising reason and judgment, combined with a ready ability to learn better, from experience, and from others.

Barks' usually chooses Scrooge or the nephews as role models, as when Scooge recounts how in the old days during the gold rush, "the other waddies laughed at me when I filed on a claim that was all mountains and rocks! But I'd poked around and I knew that under that scrubby grass was one-third of the world's known copper!" Someone is always telling the kids what they can, can't, or shouldn't do; sometimes the kids obey, but not if they believe they know better. In *Frozen Gold*,* Donald and the kids have flown a plane into a desolate arctic town. Shortly thereafter, Donald is kidnapped. When the kids ready the plane to go search for him, the local sheriff stops them: "Hold on, there! You lads are *too small* to fly that plane! Go back to the hotel before you hurt yourselves!" They protest that they do "know how to fly the plane! *Honest*, we do!" The sheriff decides: "You're stubborn little fellers! I better lock you in your room! It's for your own good!" Do they just stay put and do as the benevolent, all knowing (but wrong) authority figure says? Nope. And as a result of taking initiative, they manage to rescue Donald before he comes to harm.

Barks often treats Donald as the ultimate straight man, providing wonderfully ironic examples of how not to act. For example, in *Flipism*, Donald becomes an adherent of the fatalistic philosophy of flipism, which says that you should live your life by making all decisions with a coin flip. The story then shows what kinds of consequences would result from trying to avoid life's responsibilities in such a way. In the climactic panel of this story, one of my great favorites, Donald and the kids drive their car over a hill and are suddenly presented with a surrealistic version of the LA freeway system. Donald exclaims, "Oh my Heavenly days," while the kids' caption reads, "We can see that here is where flipism gets the acid test!" Following a series of decisions made in devout adherence to the tenets of flipism, Donald ends up in court. The following dialog between the judge and Donald says it all:

Judge: So you drove the wrong way on a one-way road?

Donald: Yes, your honor. It was like this—I'm a flippist. I tossed a dime to see which way I'd go.

Judge: You did! . . . Well, that makes these charges against you seem rather silly! I'm not going to fine you the usual $5.00 for wrong-way driving, nor the usual $10.00 for disrupting traffic!

Donald: Thanks Judge.

Judge: But I am going to fine you $50.00 for letting a dime do your thinking for you!

The Golden Helmet: A Libertarian Classic

*The Golden Helmet** is one of the best libertarian stories I know of, but I have never seen it mentioned in any libertari-

* included in *Walt Disney—Donald Duck.*

an magazine.

As the story opens, Donald is a guard in the Duckburg museum, making his rounds. He spots a suspicious character snooping around an old viking ship, unsuccessfully looking for something. Later, Donald discovers an old map, which he gives to the museum's curator. The map describes the location of a golden helmet buried by a viking named Olaf the Blue on the coast of Labrador to prove himself the discoverer of the new land. Barks' plot now begins to thicken.

It seems that during the reign of Charlemagne, in 792 AD the rulers of all the nations gathered in Rome and drafted a law which read: "any man who discovers a new land beyond the seas shall be the Owner of that land, unless he claims it for his King! Since "Olaf the Blue claimed North America for his own, it now belongs to his nearest of Kin!"

As the curator exclaims, "Great Caesar's ghost! That is the law! And it has never been repealed!"

The suspicious character turns out to be Azure Blue, the direct descendant and legal heir of Olaf the Blue. His attorney (Lawyer Sharky) now threatens: "Will you hand my client his map or must he have you and everyone in America arrested for trespassing on his property!" Blue intends to "return and exact tribute from you—my slaves!"

The rest of the story involves a race to find Olaf's golden helmet, for he who possesses it is the rightful owner of all of North America!

The *Golden Helmet* delightfully satirizes bad laws, lawyers, museums, modern art, and even naive interpretations of property rights theory. But to my mind the most significant aspect of this story is its ending: in turn, each character obtains the golden helmet, *including the good guys.*

Azure Blue grabs it so that all the inhabitants of North America will become his slaves. When the museum curator gets the golden helmet, he announces that "I'll run the country for the benefit of the Museums! Everybody will have to go to a museum twice a day!"

Donald starts out by announcing that he'll "throw this thing so doggoned far the fish won't even find it!" but then, egged on by Lawyer Sharky, he begins to fantasize: "I'll let people go on just as they are. I won't take a thing away from them! Let em have all the land and oil wells and mines they want [but I'll own] the air! I'll own the one thing that nobody can do without. I'll make people wear meters on their chests. And every breath they take will cost 'em money!"

Eventually Donald comes to his senses and renounces power. But now Lawyer Sharkey makes his own grab for the helmet and begins proclaiming what life will be like with him as Emperor.

> *In one amazing story, "Money from Heaven," economic theory plays the central role. Barks manages to address inflation, income redistribution, and the creation and maintenance of wealth.*

Luckily, Huey, Dewey and Louie have not fallen prey to authoritarian fantasies. They pelt Sharkey with dead fish, knocking the helmet off his head and into the ocean depths. As Huey announces "There goes the Golden Helmet! Now nobody will own North America!"

I challenge anyone to find a more libertarian tale than this.

Fun Beyond Ideology (Further Reading)

I have emphasized Barks' strengths as an individualist and libertarian moralist. However, many of Barks' finest stories are simply very funny. I especially recommend the following:

Omelet (in which Donald & the kids outrageously mismanage a chicken farm)

Stranger than Fiction (pokes fun at literary snobs)

The Second Richest Duck (aka "The Great Ball of String Contest")**

The Land Beneath the Ground (A treatise on where earthquakes come from, really)**

Christmas for Santa (memorable Holiday silliness)

Lost in the Andes (Where do square eggs come from? Square chickens!)*

Tralla La (in which Scrooge accidentally initiates a money-economy in Shangri-La)**

Most of Barks' stories are fun reading at least once, though a few are weak, particularly some he wrote in the last few years before he retired. (Incidently, Barks makes his home in Santa Barbara, California.) His best stories seem to stand reading and rereading extraordinarily well, much like a favorite song, book, or movie. From personal experience, and that of my friends and family, they are an excellent tonic for low spirits.

Obtaining copies of Barks' best work takes a bit of attention and involves trade-offs. The problem is, even though it is continually being reprinted, at any given point in time most of Barks' work is out of print. Even very large used-comic stores rarely have more than 5% of Barks' works in stock. And, of course, prices for used comics are sometimes

* included in *Walt Disney—Donald Duck.*

** included in *Walt Disney—Uncle Scrooge McDuck.*

More Letters

(continued from page 6)

My imprisonment was a Christian, not a libertarian, witness. The city of Bartlett was trying to force me into a contract of privilege (business "license") against my will. They were trying to forbid me to engage in a lawful calling the freedom of which I have directly from God, and not at the sufferance of any government or constitution.

The progress of human freedom, has been indissolubly bound to the progress of the Gospel of Jesus Christ. Your readers may find that astonishing. So does much of the Church, yet it is the historical fact which our present messianic state, at all levels, wants to suppress.

"The Lord is our judge, the Lord is our lawgiver, the Lord is our King; He will save us." Isaiah 33:22.

Franklin Sanders
Memphis, Tenn.

Not Silly

I was surprised to see that Murray Rothbard decided to attack me for being "silly" because I disagree with his views on public policy concerning AIDS. I was surprised that he used *Liberty* to respond to my article especially since almost none of the readers of *Liberty* actually saw what I wrote and only have Rothbard's distorted view on which to make a judgment.

continued on page 57

rather high. (An original copy of *Maharajah Donald*, for example, currently costs more than $1000!). Also, quality of reproduction has varied tremendously since the early 1940s (mostly going downhill).

I recommend starting by obtaining a copy of *Uncle $crooge McDuck : His Life and Times*. This beautiflly produced giant trade paperback was originally available only in an expensive, limited edition. It contains an Appreciation by George Lucas, an "Introducktion" by Carl Barks, reprints of eleven classic Scrooge stories, and background information by Mike Barrier.

A good companion collection is *Walt Disney—Donald Duck* from Abbeville Press. Although the stories have been reprinted with all the frames re-sized to small scale (obscuring somewhat Barks' careful attention to pacing and emphasis), the color is excellent, the price is affordable, the binding is durable, the distribution is wide (bookstores as well as comic stores), and the selection of stories is quite good. (The book contains *The Golden Helmet*, and is the only place where *Maharajah Donald* has ever been reprinted since its first printing, 1947.) Abbeville also publishes a volume of "Uncle Scrooge" stories, as well as a volume of "Huey, Dewey & Louie" stories, both due to be reprinted soon.

As a next step, consider asking your local comics store to begin saving copies of each month's crop of new reprints from Gladstone Publishing. Gladstone is an excellent publisher which is doing a great job of reprinting the stories with good quality reproduction, together with notes about their history. However, Gladstone is also reprinting for American audiences duck stories which were written in Europe by other people after Barks retired. Normally, each Gladstone comic contains at least one story by Barks. Be careful when reading the reprints to notice which stories were written and drawn by Barks and which ones were done by someone else. Although many of the European stories attempt to duplicate Barks' style, humor, and values, few succeed.

Also, you might see if your local store has inexpensive used copies of some of the better stories. If you can find a salesman who is knowledgeable, he may be willing to point you towards the "classics."

The best source of information about Barks and his work is *Carl Barks and the Art of the Comic Book* by Michael Barrier, available through comic stores.

You may wonder why I haven't suggested libraries. Most libraries won't carry anything to do with comic books. What do kids know, after all, about what's worth paying good cash money for, reading and re-reading, loaning to their friends so they'll read them too? It's quite an irony: even though customer demand has resulted in perhaps a billion copies of Barks' stories being printed world-wide so far—a figure equalled by mighty few artists of any medium—neither the literati nor the librerati have any idea who is Carl Barks. ❑

Collections:

Barks, Carl. *Uncle $crooge McDuck—His Life and Times*. Berkeley: Celestial Arts, 1987.

Barrier, Michael. *Carl Barks and the Art of the Comic Book*. Forest Hils, N. Y.: M. Lillien, 1981

Walt Disney—Donald Duck. New York: Abbeville Press, 1978. Introduction by Carl Barks.

Walt Disney—Uncle Scrooge McDuck. New York: Abbeville Press, 1979. Foreward by Carl Barks.

Walt Disney—Donald Duck and his Nephews. New York: Abbeville Press, 1983. Foreward by Carl Barks.

Individual Duck Stories *not* reprinted in the collections listed above:

Flipism, Walt Disney's *Comics & Stories*, #149, February 1953 (reprinted #365)

Money from Heaven. Walt Disney's *Comics & Stories*, #126, March 1951 (reprinted #363).

Omelet, Walt Disney's *Comics & Stories*, #146, November 1952 (reprinted #358).

Stranger than Fiction, Walt Disney's *Comics & Stories*, #249, June 1961 (reprinted #409).

The Dogs of Capitalism, by Mitchell Jones, is a reasoned investigation of the history of dogfighting.

According to the dogfighters, heroism in dogs is a trait that is inherited. If they are correct and if you want a protection dog, then you should buy a puppy whose parents were heroic. But how can you find such a puppy? The dogfighter's answer: buy from a breeder who tests the courage of his dogs before he breeds them. The idea is that a dog who will repeatedly attack a bear, or a lion, or a badger, or a man with a club, or a fighting bull, or a powerful canine opponent, will never fear to come to the defense of his master. Thus if you purchase a puppy from parents who have been tested in this way, the odds are high that he will grow up to be precisely the kind of animal that you had hoped for.

The Dogs of Capitalism traces out the history of man's attempts to apply this idea. It examines in detail the various tests which were employed to find heroic dogs, including lion and elephant baiting, bear baiting, bull baiting, badger drawing, ratting, and dogfighting. It explores the resulting political controversies and their psychological, moral, economic and philosophical implications. Because the author accepted no limits to his investigation other than those imposed by logical relevance, the theme of this book became a lever for prying open all sorts of surprising secrets. The result is a treasure trove of insights in a multitude of fields—a spectacular, shocking *tour de force*, utterly unlike anything you have ever read before. For the advocate of liberty who wants to be able to defend his position, *The Dogs of Capitalism* is must reading.

* * *

The Dogs of Capitalism, hardcover, 336 pages, 44 illustrations. Price in the U.S. is $24.95 postpaid. Limit one copy per order. (We will explain why.) Texas residents add $1.50 sales tax. Send order to:

21st Century Logic, Dept. A26 • P.O. Box 12963• Austin, TX 78711

Young Money:
Curse or Blessing?

by Karl Hess

Real kids who earn real money are a long way from Alex Keaton. If you want to learn what capitalism can do for kids—or what kids can do for capitalism—you must look beyond the stereotypes presented on television.

What happens to a teenager when making money becomes as important as "having a good time" or getting good grades in school?

Two examples come to mind.

There is, for example, Alex P. Keaton, the cuddly, conservative super-WASP star of TV's *Family Ties*. His obsession with money is comic. He is stuffy, compulsive, condescending. He is pure fiction. And, rather like some libertarians, it is his opinions, rather than his actions, that set him apart. He talks a good game of commerce but he doesn't do much about it.

There is, for another example, Jonathan Eilian. He enjoys making money. He's been doing it since he was 15, when he started a business using his *bar mitzvah* money. Now he's 20, in college and still at it—with grace, style, warmth, and a balanced good nature that makes friends as easily as his businesses make money. He is pure reality.

The fact is that, during the course of writing my book, *Capitalism for Kids*, I didn't meet any Alex P. Keatons but I did meet a lot of Jonathan Eilians—and Debbie Myers, about whom more later.

An early interest in making money, even if some people might call it an obsession, is probably a lot less distorting than an equal obsession with sports, an obsession that often takes over a young person's life—and the life of the family as well—completely and fanatically.

For the sports-obsessed, the world becomes narrowed to a white-hot focus of cups and championships, competitions, and statistics, the endless statistics of winning and ranking and ribbons.The money-making young people that I've met do not spout statistics at all. They don't badger you into listening to a recitation of their balance sheet. They will, to be sure, tell you all about their business but in virtually every recitation there is evident a rich sense of doing things that, for the young entrepreneur, are a part of everyone's life, they are involved in just the sort of everyday projects that are likely to touch anyone's life—and be generally interesting.

Young people who make money—often a lot of it—are compelled by the very nature of their interest to be a vital part of the community around them rather than a zealot participant only in a specialized part of it, as with sports fixated gold and goal seekers.

Young people who excel in sports attract cheering audiences (and in a very few cases, professional contracts which turn them into full-time entertainers). But there is a vicarious separation. The youngster is on stage performing. The spectators are a relatively passive audience, sitting and cheering but not involved in the actual performance.

There is no such separation in making money. The young entrepreneur is out there, with the customer audience. The customer audience is a very active participant, choosing to pay or not pay for the things or services offered. Money is made by doing things that people want done. It is an intensely social activity.

Jonathan Eilian is a prime, fine example.

Tall, movie-star attractive and bursting with enthusiasm for whatever he's doing at the moment, from greeting an interviewer to bantering with fellow students at the University of Pennsylvania's Wharton School of Business and Economics, Jonathan could have been sent from central casting to play the part of the ideal son, boy-next-door, good friend, local hero—you name it.

His interest in being his own boss and earning money began as soon as he got into a Chicago high school and witnessed the annual fund raising efforts of students selling candies. Like every other young entrepreneur that I've met, Jonathan's reaction was one of sheer intelligent interest: he wondered how much the fund raising was costing, how much it was actually earning, and whether it could be done more effectively.

The candies, he discovered, came from a supplier specializing in selling to schools. To find out what actual rock-bottom prices might be he went directly

to the company that made the candies. if he bought in great quantity, he was told, he could become a distributor himself. The price at which he could sell, on the basis of direct dealing, would be substantially under what his school, and as he found out, other schools in the area were paying.

With his *bar mitzvah* money and some other savings, he plunged, buying several *thousand* cases of candy. Then he got busy on the phone. He offered schools in the area an irresistible deal: lower cost, prompt delivery, guaranteed freshness—and credit! ("I felt safe in doing that," he says. "Who ever heard of a high school class defaulting on a bill?") Within months, he was the Chicago area's newest big dealer in candies for school fund drives. Now that he has moved on to the Wharton school, his younger sister has taken over the candy business.

Willingness to take risks is, of course, an entrepreneuerial hallmark. When Jonathan first looked at the seemingly endless rows of cartons of candy that he had bought for resale, he had only a moment's doubt—then he was on the phone and the doubt and the candies disappeared quickly.

After the risk-taking candy deal, Jonathan displayed another entrepreneurial characteristic—the identification of unfilled needs.

In the Chicago area, he reasoned, kids had few choices when it came to night-time entertainment. They could go to the movies, hang out, roam around, or watch TV. But they had nothing of the sort of thing that their parents enjoyed—night clubs, unless they lied their way into a regular one.

What was needed, he concluded, was an alcohol-free night club just for teen-agers. To fill the need he took another risk, renting the huge ballroom of Chicago's Navy Pier. Then, with fellow students hired to do leafletting, he spread the word. The result has been an unbroken string of successful events with as many as 2700 teen-agers (at $7 per) in attendance at each.

When Jonathan left for college he took on an associate to keep the night clubs going.

Jonathan is interested in his college work, does well at it, but doesn't display any of the grade anxiety that plagues so many of his peers. He is interested in college for what he can learn—not in getting a paper credential. If what he can learn will help his business and his life, he'll be satisfied. If he felt that it wouldn't, he'd be inclined to leave. If that isn't a pleasant relief from the angst of so many students!

Effort, Satisfaction —and Bubble Baths!

Debbie Myers is another example. She, like Jonathan, is a student in Philadelphia. She'a at Temple. She, like Jonathan, came from a fairly conventional upper middle class family background. As a child in New Jersey, Debbie noted that bubble gum was a hot item on the bus going to school each morning but that, inevitably, there were kids who had none to chew.

She was five years old and her reaction was just exactly what it is today at 22. She spotted a need, she figured out a way to satisfy it, and she proceeded to do it—at a profit. She bought a good bunch of gum and sold it each day on the bus. By the time she was in high school she had graduated from bubble gum to jewelry, art work, and T-shirts, all of her own design.

While the other kids were worrying about their allowances, she was making a few hundred dollars a week on her own.

When she got to the University of Florida at Gainesville, she immediately sensed a need. Noone seemed to have all of the answers to all of the questions that freshmen, including Debbie, kept asking. Shortly, with a friend, she had scoured the campus for information ranging from the best pizzas to the availability of student loans. Pooling and borrowing money, they soon came out with the definitive *Gator Guide*, an immediate campus bestseller and a money-machine, for Debbie, that keeps going through updated editions for new generations of students.

So what's this Debbie like? A little grind with sensible shoes and a man's suit, ledger tucked under arm? Well, not exactly. She's beautiful, charming, and luminously intelligent. She joins in campus social activities whenever she can and she has a business credo that is as far from the Alex P. Keaton stereotype, or any other stereotype, as you could get. "I work for personal satisfaction," she says. "I love to think of things that really will help people or make them happy. That makes me happy. And I get money too." Where does she get her best ideas? "Taking bubble baths."

Now that the *Gator Guide* is being handled by associates and since she is at Temple University, she's started a new business: a consulting service for businesses who want to appeal to college students. And she's already planning ahead for when she completes her college work. What will be next? "I like to think of things that don't exist yet, something that I'd like doing." Again, that focus that I found so typical of young entrepreneurs: think first of what you want to do rather than thinking about making money. The money is more likely to follow that way than from some obsessed, do-anything greed for stacks of dollar bills which end up being, in effect, mere statistics.

Against the Grain

Youngsters who set out to make money for themselves, however, run up against a rigid set of misconceptions and prejudices. First there is the notion that childhood is a time in which young people should simply enjoy themselves since they face an entire lifetime of work after they grow up. The notion that there is a gulf between enjoyment and work is the sad concept, of course, of grown-ups whose own work isn't enjoyable. Children, on the other hand, often find their greatest enjoyments in being independently active, in doing things that are part of the larger world and *not* just part of the childish world. (The notably successful Montessori method of education takes full advantage of that childish urge to "work" and constantly relates learning to such activities.)

> *The notion that there is a gulf between enjoyment and work is the sad concept of grown-ups whose own work isn't enjoyable.*

Children will labor endlessly building things. They often are just champing at the bit to get at adult chores, such as operating lawn mowers, sewing, cooking, using tools, or selling things. (It is a grown-up misconception and not a natural thing at all to think that boys and

girls are greatly different in these matters. Both boys and girls like to cook, sew, use tools, take risks, do grown-up things.)

Then there is the curious reluctance of many parents ever to discuss money with their children. Small wonder that so many children grow up with a totally careless attitude toward money and personal responsibility or with an obsession about money for money's sake. Money is something that has been kept a mystery throughout their lives and is, therefore, as attractive as any other forbidden fruit but, still, just as mysterious.

The parent who is willing to spend a small fortune on sporting equipment and lessons, for instance, may never discuss the cost or the ways in which the money was earned. The child who may know the arcana of batting averages down to the last decimal place thus may never have any idea of the cost of a catcher's mitt or the economics of even a Little League team.

One child may be encouraged or even driven to play the piano but what if the same child developed an alternative interest in music such as booking musicians for local entertainment? How many parents would take a commercial interest in music as seriously as they do a performing interest?

Yet, the truth is that without someone taking a commercial interest in music or any of the arts, those arts would remain cloistered and generally unavailable.

The arts of commerce are as vital to the fine arts as they are to anything else. And a child with an early commercial interest should be as encouraged as one with a wholly artistic interest. The same goes for a child whose interest in science or technology, or anything else, takes a commercial turn.

Ironically, many parents who want to "protect" their children from work and commerce are quite successful in exactly those areas. They would do better to respect their children's interests along the same lines. There is simply nothing dishonorable or second rate about entrepreneurial activity. Without it, no art, no science, no technology, no culture could effectively work its way into everyday life. Without it, only the whims, say, of an all-powerful autocracy would move society. The marketplace, in fact, is the most democratic institution in all of society, a place where people vote constantly and voluntarily.

There are, it goes without saying, cultural slurs aplenty that are used to discourage entrepreneurial activity. Youngsters who are hard at work making money are often said to be pushy or not taking advantage of being children. If they work as hard at a sport, of course, they are said to be healthy and well-adjusted. They are said to be enjoying childhood, despite the obvious anguish, nervousness, fear of failure, and often fatigue of competitive sports.

Money is something that has been kept a mystery throughout most children's lives and is, therefore, as attractive as any other forbidden fruit—but, still, just as mysterious.

From my own experience with many young entrepreneurs I can testify that they are very happy. They aren't missing the pleasures of childhood, they are innovating those pleasures. They are not nervous and fearful. They understand risk taking but they also understand that failures are as much learning experiences as occasions for guilt and gloom. They like what they are doing and making money while they're at it is a joyful bonus for most of them.

(Three memorable little siblings that I met, 8 to 11 years old, started a recycling business in order to earn enough money to go to Disneyland. They love their very profitable little business so much, however, that they prefer it to an amusement park.)

The Discipline of Responsibility

For parenting without money guilt, I urge the following guidelines.

Discuss family finances openly and completely with your children. They should not be barred from the information and they will be more responsible participants in the family if they have it. If confidentiality of income is a problem, you might want to discuss only a family budget, but that budget should be an open spreadsheet for all in the family to see, abide by and contribute to.

Children should be encouraged, realistically, whenever they propose a business venture even as small a one as mowing lawns, having a paper route, or opening the classic kiddy lemonade stand.

If they need capital, they should borrow it at going interest rates; ideally from a commercial lender, if not, from a family member. They should not be subsidized with free rides or use of family facilities, resources, or equipment. There should be charges for usage just as in the outside world. Protecting a child from fiscal and personal responsibility and reality is no favor but can inflict, instead, a long-term injury.

Children should do some chores in the house as part of family responsibility. They should be paid for other chores, however, so that as soon as possible they understand that there is a healthy connection between work, human action, and the creation of wealth. The money they earn, in the house or outside it, should be taken seriously as their own money and parents should be prepared to suffer through the youthful mistakes that may be made with it. It may come as a pleasant surprise, however, that the more young people are expected to be responsible for their own actions, the more seriously they may take those actions.

Children should take personal responsibility for buying at least some of the necessities of their life as well as the luxuries. A child who is earning money in or out of the house might be expected to buy their own socks, for instance, or underwear. When children pay for such things they are likely to have more respect for all the appurtenances of their lives and not be quite as frivolous or wasteful with them as they might if the cost of such things never entered their minds. Again, what is so terrible about children knowing something of cost at a very early age? They should know the devastating personal cost of drugs, of casual sex, of obsessive TV watching—why not the cost of a pair of socks or a gallon of gasoline?

All of the kids that I have met who understand these things rank high for balance, self-esteem, creativity, and a profound sense of the good richness of life and its possibilities. They are happy. And some are quite rich in money terms. They are all rich in human terms. ❑

Analysis

The Liberty Poll

More on What it Means

by James Robbins

In our last issue, we presented a poll of *Liberty*'s readers. There were still some unanswered questions and problems, however, so we asked a specialist for some help . . .

Several of the commentators on the poll results that ran in the last issue of *Liberty* raised questions about the poll's validity and its applicability to the libertarian population as a whole. R.W. Bradford detailed some of the poll's structural drawbacks (e. g., the fact that the sample was drawn from the magazine's subscription list), yet because none of the editors had expertise in this area they could not estimate the range of statistical error. Since I have been trained in the methodology of opinion research, I offered my services both to assess the validity of the poll and to run further, more detailed analyses of the data. In so doing I found the poll to be more accurate than I had expected, and quite surprising in other ways as well.

In ordinary circumstances, the level of error is determined before a poll is taken. One establishes the desired confidence level and accuracy, estimates the standard deviation of the prospective sample, and from these figures determines the necessary sample size.* The authors of the *Liberty Poll* did not do this. However, even if they had they would have encountered major problems. The population standard deviation is not a number which can be identified precisely without extensive prior sampling, and this raises the question of which population was being sampled. The subjects were drawn from the *Liberty* subscription list, so we must conclude that it is a poll of *Liberty* readers, not libertarians *per se*. (While most *Liberty* readers are libertarians, not all libertarians read *Liberty*, unfortunately.)† A standard deviation taken from a sample statistic (say, income) would not give a satisfactory datum, in part because a normal distribution around a mean cannot be assumed. The libertarian profile is not that of the American population.†† What all this amounts to is that a definitive statistical measure of accuracy is not possible. However, using an estimated standard deviation figure, really an educated guess, I found that only differences in responses between sub-groups greater than 10% were significant; any lesser differences amounted to no difference, strictly speaking.

Another problem is that when one divides a sample into subgroups and sub-subgroups, error figures inflate because of underrepresentation in various group cells. This problem made consideration of some questions impossible; a breakdown of sex by marriage by sexual preference by sexual activity to test the question of whether *Liberty* readers have a good time was fruitless. For this reason, I restricted my investigation to subgroups.

The poll had some design flaws, though none was fatal. The most odious were the phrasing of the question concerning the blizzard and the house containing the "frightened woman" whose husband was absent. A married but nonetheless self-sufficient female friend of mine who reads *Liberty* found the question obnoxious, and this might explain in part why only 5% of the sample was female. Another problem was the way in which some of the "issue" questions were presented. Asking people to mark statements with which they agree will bring different responses than presenting alternatives and having respondents choose among them. A poll is always more accurate when a respondent is allowed to see the position he is endorsing. Furthermore, the method used in the *Liberty Poll* does not allow for missing cases. One who did not mark "There is a God" is coded as an atheist when in fact he may be undecided, or perhaps simply have overlooked the question. A person must respond to a question in some manner to validate

* The formula is accuracy=confidence level times the population standard deviation divided by the square-root of the sample size. The response rate mentioned by several commentators is not relevant for this consideration; a low response rate usually implies a difficult series of questions, or an unmotivated sample population.

† Because of this the poll has more relevance to the *Liberty* audience than the Green-Guth study (John C. Green and James L. Guth, "The Sociology of Libertarians," *Liberty*, Sept. 1987), which looked at a very select group, those Libertarians (not libertarians) who gave $100 or more to the National Libertarian Party in 1980. Their study may have had high accuracy within this group, but would have little applicability to libertarians in general.

†† Incidentally, if one assumes normality, the error figure was +/- 38%.

it; no question should ever be left blank by design. Given these caveats, I will move on to my findings.

The differences between anarchists (those who said government should be eliminated) and minarchists were surprisingly few, but interesting. Anarchists were more likely to have been introduced to libertarianism through a writer (75% vs. 54%). Anarchists were less likely to be married, but as likely to be legally married, despite their extreme anti-state viewpoint. In that same vein, 30% (vs. 15%) have run for office, and 40% believed in legal obligations to support offspring. One wonders who would enforce such prescriptions in their ideal world. For influence of authors the only average difference greater than 1.0 was on Bastiat (1.5 for anarchists, 2.6 for minarchists). 10% of anarchists believed in God vs. 31% of minarchists, and 80% of anarchists would remove immigration restrictions, against 60% of minarchists.

The differences between naturalists (those who agreed that unspecified natural laws exist) and utilitarians were also few. Utilitarians were significantly more influenced by Bastiat, Milton Friedman, Locke, Nock and especially Spencer (4.0 average vs. 2.0). No utilitarian said there was a God, nor that Communism was the greatest threat to liberty. Yet the utilitarians also offered the puzzling figure of 40% agreeing that the various specific rights mentioned in the poll existed, and that the non-aggression axiom was true. In the moral dimension, utilitarians were less likely to come to the aid of the imperiled baby by any measure, and the flagpole-dropper was a utilitarian.

Because of the high rating gained by Ayn Rand in the "author's influence" section, I examined some Rand-related questions. Note that those listing Rand as a five are not *a priori* Randists. The poll measured influence, not the positive or negative effect thereof, and on that basis I could rate Lenin as a five. Furthermore, history has shown that real Objectivists don't read a supposedly anti-Rand rag like *Liberty*, so an investigation into that psychology will have to await future data. As it turned out, in almost every category those giving Rand a five did not differ significantly from anyone else. However, I tested the notion presented in the first article that those who claimed "rational, philosophical analysis" as a basis for political beliefs may have been more heavily influenced by Rand, and found that of those who listed rationality as a basis, 61% gave Rand a five. The next highest rated author was Murray Rothbard, who received a five from 44%, and even this number was unusually high, suggesting a Rand-rationality relationship. It does not infer causality, however; these people may have been rational before reading Rand, and were influenced by her because they were rational, not made rational by reading Rand.*

Life is complex, and the ability of polls to understand it is necessarily limited. They can answer some questions well, especially reasonably objective concerns such as age and income, but on other matters they may be less satisfactory.

I ran a correlation of all the influences by every other to see if those heavily influenced by one author or family member were consistently influenced by another, positively or negatively. This investigation did not turn up any armed camps, or many significant positive correlations. Mises and Rothbard had a positive association (r=.57), as did Locke and Spencer (.5) and Mom and Dad (.46). There was no evidence of any Hobbes/Locke conflict (.29) or of Aristotle/Rand affinity (.08). I further correlated age with influence to find possible generational effects, and only two significant figures resulted: LeFevre showed strength among older respondents (.56); and Locke was significantly stronger among the younger libertarians (-.35, the negative sign showing that Locke's influence waned as the age variable increased).

The initial article indicated that a positive response to the statement "A person should have a legal obligation to support his or her offspring" "can be construed to support an anti-abortion position." Mike Holmes countered that "strong belief in parental responsibility also implies a belief in the need for full choice regarding matters of producing offspring," thus presenting an ideal pair of conflicting hypotheses to be examined. As it turns out, neither position is correct. Of those who would mandate child support, the split was about even whether abortion was right or wrong, showing that attitudes on parental responsibility do not necessarily have any relationship to attitudes on abortion. Yet among those who thought abortion was wrong, 74% said that children must be supported, perhaps indicating a relationship in the other direction, i.e. that those who would have every pregnancy come to term would then see the child cared for. Note in addition that one cannot conclude that "most libertarians agree that persons have an obligation to support their offspring," because that is not what the question asked. Rather, it specified "legal obligation," making the results somewhat more alarming than if they had affirmed a responsibility assumed voluntarily for personal reasons. As noted above, even 40% of the anarchists endorsed the "legalistic" position, making the situation entirely bizarre. Still, this need not connote the creation of "a positive right that contradicts the conventional libertarian understanding of the right to liberty," because one may argue that if one freely chooses to breed one assumes obligations through that choice, and one of them is supporting the issue. In essence, one contracts with the child to support it, and in return one gets the child, which, presumably, one wants. The child has no choice in the matter, but this might strengthen the argument that the child should be supported. Taken in this light, child-support is not a legal but a moral obligation, but respondents may not have noted or fully appreciated the difference.

Ethan O. Waters claimed that "it is apparent that many of those willing to dispense with the non-aggression axiom have no clear or consistent criterion for deciding when to dispense with it." In fact it is not apparent from the aggregate data, but when the data are broken down it becomes clear that Waters was on the right track. Taking all the responses to moral questions, those who accept the axiom differ from those who do not in four areas. Those who accept are more cautious about endangering a hostage's life; 51% would fire only if they had a reasonable chance of missing

continued on page 74

* On the other end of the scale, 77% of the rationalists gave a one to both Hobbes and Kant.

Looking a Gift Horse in the Mouth

by Ann Weiss

Should a kidnap victim strapped to an easy chair in front of a television set and given three meals daily be criticized for being lazy or for trying to benefit from his kidnapping?

In fact, he often is. That is, he is when the kidnapper is the government, and the victim *is someone else.* But perhaps an example will explain my point better. Let me introduce you to some friends of mine.

There is No Such Thing as a Free Lunch

At a Rogers family gathering the talk is not much different from that of other families. The conversation covers current events and, lately, the farm situation. Yet at this table no one complains about the preferential price support programs that farmers get, presumably at everyone else's expense. The consensus here is that the government is making everyone else rich at the farmer's expense. But then, there are many farmers in the Rogers family.

In the United States, some of the agricultural programs pay farmers not to do certain work. For example, the PIK (payment-in-kind) program involves paying farmers to idle their land. Being paid not to work—sounds pretty good, right?

L. D. Rogers, a grain farmer, idled 35 of his 300 acres. Under the PIK program, his return is based on the acreage idled and the average corn yield per acre. The expected price of his corn was calculated, and he received half of that calculated amount immediately. He will get the remainder of his money when the corn is actually sold.

But the price of corn went up after the PIK program was instituted. When L. D.'s corn fetched more money than was originally calculated, the government demanded a refund. After all, the agreement stipulated that L. D.'s payment was based on a certain price of corn. Yet L. D. got paid much more because the corn price increased. So L. D. owed the government the extra money he made. In other words, L. D. would have made more money by simply planting corn and selling it himself. Well OK, you may say, you shouldn't look a gift horse in the mouth. But that's the question. Is there any gift horse to look at?

On L. D.'s tillable farm in Pickaway County, Ohio, the property tax is $12 an acre. On a 300 acre farm, that tax amounts to $3600 per year. There is also a building tax. His shed, his grain storage building, his equipment building, each of these facilities is assessed and taxed. L. D. must pay these taxes whether or not his land or his equipment make him a cent that year. If his entire crop is destroyed by heavy rains or a tornado, as it has been, he must still pay that tax.

L. D. is not rich. Most years he makes enough from his grain farming to survive moderately well (under $15,000 each year). But he is surviving *despite* the government, hoping each year that another grain embargo won't be imposed against the Soviet Union (or some other country), and hoping that no other detrimental legislation will be passed that would further limit his markets.

No matter how little he makes or even whether he makes nothing, the government never walks away empty handed. He has owned those 300 acres for ten years now so he has paid $36,000 in property taxes. He has received less than one thousand dollars from PIK. So how much of a free ride was PIK for L. D. Rogers?

If It Sounds Too Good To Be True, It Usually Is

Everyone knows now that the small family farm is dying. It's dying because the government isn't helping small farmers out, right? Or is it dying because the government helps too often?

Out of L. D.'s four boys, only one, Randy, chose to go into farming. Randy had wanted to be a farmer since he was a boy. He belonged to Future Farmers of America when he was in high school and he owned his own hog farm when he was in his early 20's. Now, 32 years old, he is out of farming for good—and glad to be. So what happened?

Randy started his hog operation with FHA money since there were few private lending institutions remaining

that offered equally low rates. Getting an FHA loan was a tedious process. It took Randy a year to get his. Although every citizen is required to give money to the government with no strings attached on how that money may or may not be spent, it doesn't work that way when citizens try to get money from the government. There are always many, many strings attached. Along with the FHA farm loan, Randy discovered that he was getting another business partner. When he sold a hog, for instance, the check he was getting for payment was supposed to be made out to both him and the FHA. So he was unable to cash that check until someone at the FHA co-signed it.

Further, having a loan with the FHA places a blanket mortgage on all your possessions. You can't get another loan because you have no assets with which to guarantee it. Randy discovered this when he tried to get a loan from a private lending institution to circumvent the disaster he expected PIK to be. PIK, which was intended to help grain farmers, was an absolute nightmare for livestock farmers because it caused the price of their feed corn to skyrocket. Feed corn increased 40 cents per bushel. Before the rise, Randy had requested an additional loan from the FHA to stock up on feed. They refused. And, with the FHA's blanket mortgage in place, he had no other recourse.

The profit margin on hog farming is slim at best. A forty cent increase in feed cost can not only eliminate the hog farmer's profit, but can make his livelihood seem like a rather expensive hobby. Now, how great a deal is a low interest loan from the FHA?

Bite The Hand That Feeds You

What becomes evident from listening to farmers—or any other group of people in the same occupation—is that they believe government programs do, in fact, benefit someone. They think that someone somewhere is enjoying an easier and better life than they, all because of the benefits of government assistance—either from gifts of money or favorable laws. And though people complain about the government, they don't blame it for making socialist programs of any kind legal. They blame instead the people who supposedly benefit from the programs. But do they benefit? Does anyone?

In capitalism, all exchanges occur voluntarily, which is to everyone's advantage. In socialism, there is force imposed on at least one side of the exchange, which is to everyone's detriment. The proof is that in the last two hundred years of capitalism's dominance, technological improvements have occurred so dramatically that even a poor person lives better today than the wealthiest man could have two hundred years ago. And the average man in the United States—where even a modest apartment includes indoor plumbing, electricity, central heating and cooling, a kitchen, wall to wall carpeting and a cable TV hook-up—lives as well as do the wealthy in socialist countries.

Under capitalism, ideas proliferate because there is money to be made from good ones. And with the advent of a good idea, everyone benefits. The idea's creator benefits by making money and everyone else benefits by getting the good idea.

The government programs that attempt to aid or benefit any one group of people cannot possibly compensate their intended benefactors for everything the government deprives them of. In the farmers' case, the government not only taxes them, it also controls their market and regulates most aspects of their work.

And what is true for farming is true for every other livelihood, with only the degree varying. Consequently there are few people, very few, getting rich at anyone else's expense. Looking for scapegoats only dissipates the focus on the real problem: the government. It is the government—its Constitution and laws permitting these ruinous, socialist programs—that is at fault. And we are, all of us, its victims. ❑

The Second Edition of *The Machinery of Freedom*

Don't write a book; my friends on either hand
Know more than I about my deepest views.
Van den Haag believes it's simply grand
I'm a utilitarian. That's news;
I didn't know I was. Some libertairs
Can spot sheep's clothing at a thousand yards.
I do not use right arguments (read "theirs")
Nor cheer them loudly as they stack the cards.

Assuming your conclusions is a game
That two can play at. So's a bomb or gun.
Preaching to the converted leads to fame
In narrow circles. I've found better fun
In search of something that might change a mind;
The stake's my own—and yours if so inclined.

—David Friedman

Eyewitness

"A car pulled up with its headlights turned off. That's what made me duck down—there's a hedge all around the front and sides of the restaurant. Two men got out and I saw what they were carrying—I saw the silhouettes. Shotguns.

"They came up the steps like a couple of cat burglars. The one nearest me stepped into the light—there's this big globe over the entrance—and I saw his face just before he pulled on a stocking mask, I saw his tattoo. It ran the whole length of his neck down the left side: a stiletto. Black handle, silver blade, red on the tip, with spots, some red spots, like...like dripping blood. They rippled with the muscles of his neck.

"I couldn't move, couldn't open my mouth, just stayed crouched in the hedge until it was over: gunfire, screaming, sirens . . ."

A story by Erika Holzer

She allowed herself to breathe normally, to let it wash over her: the relief of sharing a nightmare with a roomful of strangers. The questions rolled on—the Assistant DA didn't believe in breathers, apparently—but the worst was over and they both knew it. What could they ask her on cross-examination? She'd seen what she'd seen, God help her.

"Thank you, Miss Loman. Your witness."

Her eyes followed blue pinstripe to the prosecution table and stayed there, reluctant to shift to the figure moving in on her. She looked, finally, into pale, unfriendly eyes and a thin twist of a smile—a trump-card smile.

"Miss . . . Loman, Frances Loman?" said the defense attorney.

A question, not a statement. She straightened her spine, knowing she could control her posture, her breathing—but not the color draining from her face. The ADA looked puzzled, the defense attorney, triumphant. And Detective Pat Callahan, parked in front-row center? She dared not look at him. Every other face was smudged, a blur. "That's what I go by," she said lamely, knowing she'd hesitated too long. Worried about perjury.

"Do you deny your *real* name is Francesca Lombardo? Why have you hidden your true identity from this jury?"

She read the message in the ADA's eyes, the incredulity: Why have you hidden it from me? Not just from you, she thought; from the world. What had given her away: a mass of dark unruly curls and her father's onyx eyes? A good private investigator, more likely. "I haven't used that name for years," she told the lawyer. "What difference does it make? I was there that night. I saw what I saw." *I'm here to identify one of the murderers.*

But it made all the difference. She knew it and pretty soon the whole courtroom knew it . . . . The whole world, she amended with a glance at a press section come to sudden life.

He was lobbing questions at her like a basketball star sure of his shots, and she tried to answer calmly, tried to salvage the ADA's case by keeping a lid on the anger rising up to choke her. Tried not to focus on what she was doing in the witness chair—the hot seat, her father would call it.

Sunday and spaghetti dinner out went hand in hand in her old Columbus Court neighborhood of Queens. Innocent people, along with Mob targets, had died that night in the crossfire, and a contract killer was about to get away with murder! All because of—of who she was.

Daughter of Franco Lombardo—he pulled it out of her like a guilty secret. Yes, he's my father. No, I don't deny changing my name but—No, not because I wanted to help him. His enemies are not my enemies! I don't even know—No, he didn't "suggest" I testify. Oh yes, I'm aware of who he is. It's why I spent the last five years on the West Coast, trying to—

He kept cutting her off. She looked from the Bible on the court clerk's desk to the judge's impassive features. *The whole truth?* she wanted to scream at him. *Why won't you let it in?*

The ADA made a half-hearted attempt on re-direct. It was a rout, a steamroller of objections. Irrelevant. Inadmissible.

She sat through a summation that might have been titled: How to Discredit a Key Prosecution Witness. Sat with head bowed like a criminal while they made her out to be one: her father's alleged co-conspirator in a gang war she'd had no inkling of; Mafia princess "pretending" she'd been at the murder scene, then dutifully pointing the finger at a soldier in the rival Mob faction of Rocco Santini. She sat in trembling anticipation of the verdict while a Santini goon who answered to the name of Anthony (Stiletto) Fascia relaxed at the defense table.

Not guilty. Justice triumphs. By the time she looked up, the ADA, disgust in every line of his lanky body, was halfway out the door. And Detective Callahan? Gone with the wind. She couldn't even remember his face.

She remembered the feel of his arms . . . she had run into them like a haven. She remembered his quicksilver hands when, later at the station house, he'd gone through his amateur magic routine, making her laugh, pushing back the terror of what she'd seen. And what she had to do about it. Then she remembered his eyes. Not just their startling shade of blue; the respect in them. Because she'd cared about justice, cared enough to risk her neck. Did he think, now, that she'd done it for her *father*?

Had she . . . subconsciously? Great way to get back in the old man's good graces, she thought with a wry shrug as she ducked out of the courtroom one step ahead of reporters.

She took an elevator up to the ADA's office and found him, chair pushed back from his desk, tie askew, arms gesticulating wildly at a wiry man half his size who sat opposite him with blank-faced calm. Pat Callahan . . . taking the flak for *her*.

"I'm sorry!" she cried to them both from the doorway.

"Are you, now, *Frances*?" Cutting sarcasm from the ADA.

And from Detective Callahan? No respect in those azure-blue eyes. But no contempt either; a question mark.

It blew the lid off five years'worth of painful, lonely silence. "I wasn't taking orders from my father," she told them fiercely. "I left home to get away from him."

They let her talk and she tried to anticipate their questions. Why Los Angeles? To get as far from the padrone of one of New York's Five Families as her meager resources would take her. Why the name change? She'd had some dumb idea about trying out for the LA police force ("I was on a real guilt trip") but chickened out for fear the Family ("with a capital 'F'") connection would catch up with her anyway. She had become a Hollywood stuntwoman ("Less risky than living in Queens!"). What was she doing in her old neighborhood on the night of the shootings? She had quit her job ("back injury—an occupational hazard") and was thinking about R and R, rest and rehabilitation, in Europe, and wanting to see New York before another five years went by. Wanting, also, to catch a glimpse of her mother. Maybe even arrange to meet.

So why *that* restaurant? Franco Lombardo territory; used to be, anyway. The owner's an old friend. Hell, the name of the restaurant was a private family joke. "Eat, eat," her mom would urge on anyone who sat at her dinner table, so they'd ended up calling the place "Mangia, Mangia." Why did she hang around outside, why not go right in? Fear. ("I was afraid to start something I couldn't finish.")

Full circle, she thought, knowing she had started something she couldn't finish, after all—something "the law" in the form of one cold-eyed assistant district attorney and one skeptical-looking Irish detective couldn't finish either! So when they asked her if, after the shooting, she'd known—suspected, even—that her own father was involved, maybe the intended victim of a rival gang, she snapped, "I *should* have known, is that what you're suggesting? And that's why I played eyewitness afterward—to help him?"

Silence. She read suspicion into it, and hostility. She took an automatic step backward and Callahan said, "Francesca—"

A vote of confidence . . . or a slap in the face? She fled.

And on her way out of the building, still flushed with defiance—and something else she didn't care to name—found herself thinking about the other goon, the one she *hadn't* been able to identify. But her father probably could. Her father, whom she hadn't spoken to for five long years.

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Outside, reporters clustered on the courthouse steps; she'd figured on that. As she stood pondering what to say to them, she spotted a still-familiar black Chrysler with opaque windows crouched at the curb; she sure as hell hadn't figured on *that*.

Spine-straightening time again. She marched down the steps through a flurry of questions and raised cameras, no longer worried about what to say. Or do.

She stopped before the Chrysler. Hesitated as the back door opened. Stepped away tentatively when she saw her parents inside and, between them, Carlo, her father's consiglieri.

It wasn't hard to look at her mother with longing, five years' worth, or to distill the longing with a slightly downward curve of her mouth—the same stubbornness that had propelled her three thousand miles away. But the expression she turned on her father was part fearful (she couldn't keep it out of her eyes!), part timid welcome (would he read it in her half-smile?).

Innocent people, along with Mob targets, had died that night in the crossfire, and a contract killer was about to get away with murder! All because of—of who she was.

Then with a backward glance at the courthouse, a shrug that was pure eloquence, and the fleeting appearance in her brain of a Latin phrase she'd memorized in the eighth grade—*potius mori quam foedari*—she said, "That was for you in there, papa—a kind of homecoming present. Sorry I wasn't able to pull it off. It's been a long time," she added softly.

That did it. The press was treated to a family reunion on the sidewalks of New York and the spectacle of a Mafia princess being whisked away into the bosom of her family.

Trust and loyalty, loyalty and trust. Her father was big on both. The fact that she had testified against Rocco Santini's tattooed enforcer, albeit unsuccessfully, was construed as a show of loyalty that took the sting out of past disloyalty—what he derisively referred to as her five-year disappearing act.

But earning his trust was harder—his and Carlo's. A consiglieri is less lawyer than troubleshooting personal advisor, and suspicious by nature. Francesca found herself wooing both her father and the ever-watchful Carlo (he had a mouthful of picture-perfect teeth; a case of bite worse than bark, ol' Carlo!) with all the concentration she'd have put into coaxing a Maserati around a tricky hairpin turn. She made progress. She even learned the name of goon number two—no big deal, really. She'd need much more than a name, she thought, frustration turning her edgy and impatient.

Then her wildest dream came true—or maybe her most colorful nightmare—and she lost all interest in the goon, intent on bigger game.

A Mob truce was in the offing. "Too much publicity lately. That trial of yours didn't help," Carlo had said peevishly in an unguarded moment. "Too damn costly," her father had admitted about a colorful Mafia activity known as "hitting the mattresses," and she couldn't be sure whether he was alluding to body count, finances, or both.

She waited until the Santini/Lombardo truce talk turned serious.

"You what!?" her father exclaimed when she told him.

"I got a good look at the other goon's face, I'm telling you," she lied. "From under the globe, same as Tony Stiletto. I swear I could've picked him out of a lineup if anybody'd asked."

"So how come they didn't? You never told the cops?"

"What if I'd gotten tripped up on the stand trying to describe him? Better I should play it safe with Mr. Tattoo."

Which meant Rocco Santini's goon—the one who *hadn't* been indicted for murder—was vulnerable. Her father got the point.

"Rocco hears about this, he ain't going to like it," he said, frowning. "They been asking about you as it is."

"He thinks I'd go to court *again*? I make a lousy witness!"

"It's a loose end. Nobody in this business can afford loose ends, capeesh? I gotta talk to Carlo about it."

This business. "What's to talk about? Santini's asking questions? Let's sit down together and I'll give him what he wants to hear. Think I'm afraid?"

"Not you, kid."

Said with a mock punch and a note of fatherly pride. She smiled back.

It was three whole days before she dared venture into Manhattan to make her purchase. Risky business if she did it too soon, or if she did it in Queens.

Think I'm afraid?

She took a cab, instead of the subway, telling herself it was for sheer convenience; she was *not* watching her back.

She watched it downtown, walking around, making a show of window shopping, even buying a white beret from a street vendor. By the time she entered an electronics store, she had to fight the urge to swing around.

And confront whom—the toothy Carlo, hot on her trail? One of Santini's boys? Or just plain paranoia? she thought, sheepishly acknowledging her addiction to the kind of movies she'd made her living at, the ones featuring high-speed chases and hand-to-hand combat on darkened big-city streets and clambering up the sheer cliffs of highrise buildings with the bad guy in relentless, menacing pursuit. She laughed at herself then, bought what she'd come for, and took the subway home.

Countdown. She dressed carefully that night. Simple black wool dress with a white collar. Look like a nun and you inspire confidence. Easy on the makeup in case Rocco Santini was as old-fashioned as her father. Curly hair brushed back to emphasize the family resemblance. "Franco's dark, dancing eyes," according to her mother. Black vinyl raincoat to ward off the late-October chill. Her purse, containing all the usual things—

A tape recorder the size of a pack of Marlboros, strapped to her body, tucked beneath one breast (hiding place courtesy of her last foreign intrigue film).

She wore the white beret for luck.

She had never liked the Chrysler—too damn long and lethal-looking, like a predatory animal; why was she suddenly reluctant to leave it? Walking up the front steps to "Mangia, Mangia" she was flanked by her father, without the telltale bulge under his well-cut charcoal grey, and by Carlo, with his inevitable black briefcase. They were preceded and followed by solid rows of beef: the inevitable bodyguards, hardly calculated to improve her digestion. She looked at the light over

the entrance and at her father's thoughtful frown as he glanced from the globe to a sign over the door that said "Private Party." She told herself to act natural—

And walked inside with a shaky smile and a stiff neck.

The place had been cleaned up since the shootings; she'd figured on that. It had also been checked out in advance and pronounced "clean" by Rocco's boys (hallelujah—she hadn't dared hope for that). "Why should I be insulted?" her father had told her. "I'da done the same in Santini territory." She spotted more beef at the bar (the just-in-case boys from both sides?) and noticed that every table in the room was empty—

Except for the round one in the corner. As they approached, she was a knife-thrower's dummy, pinned to the wall by Rocco Santini's eyes. They were diamond-sharp and fathomless and they caught and held her until she got to the table. Suddenly they shifted into a slow-moving glance, the kind that suggests not so much see-through-your-clothes presumption as x-ray vision. (Either way she'd be dead!)

Because she'd cared about justice, cared enough to risk her neck. Did he think, now, that she'd done it for her father? Had she . . . subconsciously?

She noticed the two men flanking him only when they got to their feet (out of "respect" for Don Lombardo?). One was twisting his neck—that awful tattoo. The other goon tallied with the size and shape of the man whose form she had seen—his form but not his face. She took a calculated risk and went up to him, pointing a finger at his chest.

"*You* I've never seen before in my life," she said with an easy I-can-play-your-game smile. Then she put her smile on high beam and turned it on the man who'd literally called the shots that night, on the padrone who had ordered a bloodbath. "Anything else I can do for you, Mr. Santini?"

After that the dinner, as they used to say in old Hollywood, went swimmingly. She managed the antipasto and got through the pasta without choking on her food, let alone her words. Managed, at irregular intervals, to thrust herself into innocuous conversation. When they were used to the sound of her voice, she managed to turn the talk back to her testimony.

In different circles her show of embarrassment, with a dash of contrition and a mumbled, almost apologetic concern for the innocent victims, would have earned her the lead in a second-rate movie. Here, it earned her something much, much better.

"So you testified, not against *me*, but for your old man. That I can understand, Francesca. That's loyalty. Like my boys, here, are loyal to me—hey, Tony, a-buffalo?! Who told you to go get carried away like that and take down strangers, huh? What I told you was—"

It went off in her head: the ringing bell and flashing lights of a slot machine with all the right symbols showing. She clammed up after that and counted agonizing seconds, minutes—

Time to go; all rise . . . All *what*? She tensed, turned to Carlo, to her father, expecting one or the other to mouth the objection she dared not utter without arousing suspicion.

An after-dinner search!

Carlo was annoyed but not insulted. Her father's expression seemed to say: "After a dinner conversation like *that*, what can you expect?"

She hadn't expected it. Not after her winning performance! So let them, she told herself. What would they find in her purse besides lipstick and a comb with missing teeth? What would it get them to pat her up and down besides a cheap feel? They wouldn't dare go near her breasts—not Franco Lombardo's little girl. . . . Would they? It flashed through her mind again, in English, this time, instead of Latin: Death Before Dishonor. Had the gods taken her literally?

She put on her white beret and braced herself. But not enough. In that one automatic step backward, she felt it oozing out of her pores: fear. Santini would sense it; these guys had the self-preservation instincts of cornered rats.

Was it simultaneous—the car horn going off outside like the blast of a trumpet? Was it calculated to pierce her paralyzed brain like a dentist's drill or a vicious alarm clock? Why wouldn't it stop?!

A knock on the locked front door, persisting until the owner opens it, points to his "Private Party" sign, gets a curt reply.

That voice! She stood pulling her face into blankness as Callahan thrust his head in first, then his whole body.

"Well, well," he quipped, eyes sweeping the room, stopping on her for a moment—that question mark again!—as he took in, what? Her fear? Her silent prayer? Eyes on Santini, now. "Mario, here, says this is a private party," Callahan said cheerfully. "He's talking search warrants while I'm telling him to relax. What drove me in here, folks, was neighborhood complaints. Who belongs to the black Chrysler out front with the stuck horn?"

"Carlo, for Chrissake!" said her father, gesturing.

The dutiful Carlo, briefcase in hand, headed for the door.

Callahan didn't move out of his way, eyes still on Santini. "Say Rocco," he said with insolent familiarity, "you weren't by any chance looking for something? Something incriminating?"

Quicksilver hands! Even as he dipped into Carlo's briefcase, she knew what he was about to slip in and whip out again: a tape recorder just like the one she was wearing.

Attention snapped to Carlo, who looked comical with all his teeth showing. She caught on fast. In the shocked silence broken only by Carlo's frenzied disclaimers, hers was the first coherent voice: "What are you up to, Carlo?" Then whirling on Santini, indignant, "I came here in good faith, Mr. Santini."

Callahan was gone with the wind. In the ensuing chaos, she slipped away—but not before she'd sniffed the air and smelled the prelude to renewed hostilities between the Families Lombardo and Santini. The truce was off.

In the intimacy of a darkened booth in a Manhattan bistro, she passed the *really* incriminating tape to Detective Callahan, relieved beyond words that it would lead to a fresh indictment without any more help from her. (Poor Carlo.) And it wasn't some hired goon she'd delivered, but Santini himself!

She sat staring at her beer, wanting it but not wanting to move her hands, just inches from Callahan's on the tabletop.

She was savoring the knowledge that it was Callahan, not paranoia, that had dogged her footsteps; he'd had her tailed ever since the trial. ("You believed me! Almost," she added,

continued on page 74

The One Libertarianism:
What's Wrong With Waters

by Sheldon Richman

There are two problems with Ethan O. Waters's criticism of rights. First, it is based on a misinterpretation of rights theory. Second, it is muddled beyond comprehension.

Ethan O. Waters's article "The Two Libertarianisms" (*Liberty*, May 1988) presumes to show that the ideas of natural rights and an objective moral basis for libertarianism are without foundation. Has he made his case?

Waters begins by attacking the natural rights, or, as he calls it, the "moralist," position, proceeds to say some favorable things about *consequentialism* (by which he presumably means utilitarianism, since he invokes Ludwig von Mises), then ends in something of a muddle by concluding that all moralists have consequentialist beliefs and vice versa.

"I was a libertarian," he writes, "because libertarianism seemed morally right, though I could not rigorously defend that morality." This is a far cry from how Mr. Waters opened his article, guns ablazing and mowing down, at least in his own eyes, libertarian *moralists* everywhere. By the end of Mr. Waters's article, any reader would be excused for not knowing at all what the author thinks about these issues.

Let's try to work through this tangle, beginning with the attack on rights. Mr. Waters cites Jeremy Bentham's famous statement that the idea of natural rights is "nonsense upon stilts." Mr. Waters does not mention that Bentham wrote this, not while refuting any known case for rights, but while expressing alarm that the idea of natural rights leads to the right of revolution. Bentham's essay was entitled "Anarchical Fallacies." If that is Mr. Waters's chief case against rights, that there is no room left for the state, so be it.

But he does have more to say. First, he charges that the nonaggression principle (he quotes Ayn Rand: "No man has the right to initiate the use of physical force against another man") does not follow from the notion of inalienable rights. For example, he writes, if nature granted two individuals the right to "try to possess the same piece of property," one or the other would have to initiate force or abandon the property. How this proves Mr. Waters's point is a mystery. The logically paramount natural right is self ownership. Two people can have the right to try to homestead the same piece of unowned land, but neither may use force against the person of the other. Where is the problem? Mr. Waters forgets that something comes before the right to acquire land. It is this something that provides the ground rules for what may and may not be done in acquiring land. To say that nonaggression cannot be derived from natural rights is like saying that three angles cannot be inferred from the fact of a triangle.

At this point, Waters argues spuriously that Rand would reply that "there are no conflicts of interest among rational men." But this is not the context in which Rand mounts this argument. (Mr. Waters primarily, though superficially, discusses Rand's view of rights, then presumes he has "indicated the problem exhibited by most formulations of the moralistic libertarian position." He has done nothing of the sort. There are advocates of natural rights who have elaborated on, and filled some gaps in, Rand's system and others who have formulated different approaches. So even if Mr. Waters has found problems in Rand, he has much more work to do on these others.

Next Mr. Waters attacks Rand for holding that in emergencies people may morally do things that they cannot do in normal conditions. He says that this destroys the universality of the nonaggression principle and permits people to define any situation as an emergency whenever it is convenient.

But (as he seems to concede later) Waters misses Rand's point. First, she never called the principle of nonaggression an axiom because for her the obligation to refrain from aggression is not self-evident or irreducible, as Mr. Waters's presumes throughout his article. It is derived from a system of ethics and individual rights. She would scoff at an attempt to drop the foundation and still make sense of what was built on it.

Whether you agree that rights obtain only in the "metaphysically normal" conditions of life (Rothbard seems to disagree), it is not ridiculous on its face. Context is important in the formulation of principles. If objects were not

scarce—if any object could be reproduced costlessly simply by wishing it—our view of property rights might be far different from what it is today. To succeed, criticism of Rand's view would have to be much more careful than Mr. Waters's sloppy treatment.

A Chimera on Stilts

Mr. Waters then moves to what is apparently the meat of the matter. He makes the startling discovery that the analogy of moral and legal rights is imperfect because "the concept of legal rights depends on the state to defend them . . . . Neither nature nor morality has the power or force with which to defend the exclusive use of any natural or moral right."

Again, I don't see how this advances Mr. Waters's case. If we wish to maintain an analogy between natural and legal rights, all we need point out is that in each case persons are somehow "entitled" to take certain actions. It is no argument to say that the analogy eventually breaks down. All analogies do, or else they would not be analogies but rather identities. So what's the point?

As a matter of fact, the analogy goes further than Mr. Waters realizes. He is right, of course, that natural rights are not automatically enforced by nature. But neither are legal rights automatically defended by the legal institution that grants them—even after the fact. If you are robbed in any big city, you can be sure that your legal right against robbery will not be defended. The police usually won't even try.

On the other hand, natural rights can be enforced as "easily" as legal rights can be, either by the rights holder or by his agent. To some extent, the moral force of natural rights can defend the rights holder. Many people refrain from molesting others because they believe it is wrong to do so; their belief that people have the right to be left alone stays their hands. Ideology can be a powerful protector of rights.

Rand called a right a "sanction of independent action." Although Mr. Waters seems to have some trouble with this description (contrary to what he claims, it is not a definition), it is perfectly clear. It means that one's nonaggressive actions are, at the level of political ethics, or politics, morally approved. Mr. Waters's confusion on this point leads to further confusion. Indeed, Mr. Waters has misconstrued Rand's entire case. Perhaps there is fault to be found with it. But Mr. Waters has not found it.

So it is at best premature and at worst presumptuous for Mr. Waters to call rights "chimerical."

Truth or Consequentialism

What does Mr. Waters prefer to the alleged silliness of rights? He prefers what he calls "consequentialism." "The libertarian consequentialist," he writes, "advocates liberty because he believes liberty is the optimal arrangement for human society, a way of life under which human beings thrive." I don't blame you if you are confused. Isn't the libertarian "moralist,"or rights theorist, interested in what makes human beings thrive? One would think so. But for Mr. Waters a moralist "advocates liberty because he believes liberty is the condition that results from men acting under the moral law of nonaggression." This is a peculiar description, indeed.

> *Mr. Waters seems to think that anyone espousing moral principles must be a Kantian believing that only actions performed out of duty and without regard for self interest qualify as moral actions.*

Mr. Waters, it appears, has stacked the definitions to suit his purposes. Why did he not define "libertarian moralism" simply as "the belief that there is an objective moral justification for individual liberty" and the opposing view as the belief that though there is no such moral case, liberty nevertheless brings beneficial results and so should be respected?

His definition of "libertarian moralism" is just plain wrong. Libertarians who espouse objective ethics and natural rights do not do so because "liberty is the condition that results from men acting under the moral law of nonaggression." On the contrary, they endorse the nonaggression principle because it follows from the right to liberty (which is in turn derived from something else). If Mr. Waters can't even define his opposition correctly, how can he claim to have subverted its position?

His definition of consequentialism fares no better. First, it is not exclusive to utilitarianism, as he implies. Rights theorists have always been concerned to discover the conditions under which human being thrive. Rand, whom Mr. Waters pins so much of his case on, believed rights were conditions of man's "proper existence." She derived man's rights from an objective ethics that held the life of "man qua rational being" as the "standard of value." This is nothing if not a concern with what enables man to survive. Is Rand a "moralist" or a consequentialist?

Mr. Waters thinks he's revealed a fallacy in the rights advocate's position when he points out that "even libertarian moralists grant the truth of its [consequentialism's] arguments." But it is no compromise of the "moralist's" position to point out that liberty makes human life possible! Only the premise that morality has nothing to do with the requirements of living can lead to this conclusion. Mr. Waters has been caught putting the rabbit in the hat.

Mr. Waters shows his confusion when he writes, "For the consequentialist, property is good because it maximizes human well being. For the moralist, property is good because it is in harmony with fundamental moral principles." What he misses is that for (at least some) "moralists" these fundamental principles are moral principles because they are what makes *human* life possible. Mr. Waters seems to think that anyone espousing moral principles must be a Kantian believing that only actions performed out of duty and without regard for self interest qualify as moral actions.

Mr. Waters is guilty of major question-begging. He labels his opposition "moralism," but his position is no less a moral theory (albeit a flawed one).The good for Mr. Waters is what promotes human well-being. Human well-being is a moral objective. It just happens to be vague as he states it. Does he mean the welfare of each individual or (Bentham's position) the greatest happiness for the greatest number? Should this objective be pursued regardless of other consequences? Why this objective and not others?

And what does he mean by maximize? Has he found a unit of well-being that he can total up? If we were to abolish all laws interfering with property, some people's well-being (that of those who live off the loot) would decline. If the New York City taxi industry were deregulated, drivers who hold valuable medallions would lose a capital asset. When American slaves were freed, the slaveholders lost what they had come to rely on as "property." Many people in the Soviet Union fear liberalization because it means they can be fired from their jobs. In such predicaments, Mr. Waters's principle offers no guidance.

Basic Rights

What is wrong with the statement that people ought to be free and that others ought not to interfere—that is, with the statement that people have rights? We would expect Mr. Waters to reject ought statements as meaningless, were it not for the fact that he seems to believe we ought to promote human well being. But even if he rejects all ought statements, he is not out of trouble: he has contradicted himself. The very act of making an argument for his position implies that he believes that his readers ought to take valid arguments seriously and adopt conclusions that follow from them. As Frank Van Dun has written, there is a fundamental, self-evident moral obligation: the obligation to be reasonable. "If it were not for the fact that we ought to be reasonable, it would not be unreasonable to deny that anything ought to be believed because it is a 'fact.'" Imagine trying to construct a persuasive argument against the obligation to respect argument. This would be as much a contradiction as trying to refute the law of noncontradiction. By the same token, one cannot construct an argument about anything else without implicitly endorsing this ought. "That we ought to be reasonable is the most fundamental, the most indubitable fact of all—the fact without which nothing else can be a fact."

It might come as surprise to Mr. Waters, but before Bentham, there was no split between rights advocacy and consequentialism. As George Smith has pointed out, natural rights philosophers have always been interested in the consequences of rights for human welfare or happiness. The connection between living according to one's nature and positive consequences is not a lucky coincidence. We would expect just such a connection. The split that Mr. Waters makes so much of is a relatively recent contrivance.

In sum, Mr. Waters has misunderstood the issues and has taken up a position that is as subject to the same questions he puts to the position he opposes.

We can briefly sketch an answer to the question, how do rights arise? The *subject* of rights arises—indeed, any moral issue arises—only because life is conditional on the fulfillment of certain requirements. If we wish to die, we need do nothing. Life is the source of choice, the source of action, and thus the source of value. As Rand wrote, it is only the concept *life* that makes the concept *value* possible. The only reason moral issues such as rights exist is that living beings want to continue living and need guidance to do so, since they are beings of a particular kind (that is, beings of volitional, conceptual consciousness).

> *Rights are the method of making society fit for human life. Rights establish a protective boundary and post notice against trespass. They make a fully human life possible.*

We also note that life comes in units known as individuals. So our focus in moral political issues should be on individual human beings. In light of all this, we can say that it is good and right that people assume control over, and engage in activity aimed at sustaining and advancing, their lives. The initiation of force entails a contradiction because the initiator is asserting control over his person but denying it to another without legitimate grounds. The propriety of living one's life by one's judgment is but another way of saying that each person has a property right in himself, that is, self-ownership.

Rights are the method of making society fit for human life. For a person to make the most of his entire life, he must have a way of knowing what he may do when and where and with what objects. Rights establish a protective boundary and post notice against trespass. They make a fully human life possible. Why should one respect rights? Because anyone interested in living as a human being must be interested in the truth, which includes the fact that other people's lives are not his to dispose of.

Talking in terms of rights emphasizes that one is *entitled* to use one's person and justly acquired material objects. Conversely, the denial of rights is the denial of such entitlement. One who rejects natural rights is in the position of denying that anyone is entitled to do anything, including continuing to live.

As Lysander Spooner wrote in *Natural Law, or the Science of Justice*, "If justice is not a natural principle, then there is no such thing as injustice; and all the crimes of which the world has been the scene, have been no crimes at all; but only simple events, like the falling of the rain, or the setting of the sun; events which the victims had no more reason to complain of than they had to complain of the running of the streams, or the growth of vegetation."

This is not a full case for natural rights. Among other treatments I recommend Tibor Machan's *Human Rights and Human Liberties*; Douglas Den Uyl and Douglas Rasmussen's "Nozick on the Randian Argument" in *Reading Nozick*; Ellen Frankel Paul's *Property Rights and Eminent Domain*; Douglas Rasmussen's "A Groundwork for Rights: Man's Natural End," in *The Journal of Libertarian Studies* (Winter 1980); Henry Veatch's *Human Rights: Fact or Fancy*; and Loren Lomasky's *Persons, Rights, and the Moral Community*. Rand's works should not be neglected; see especially "The Objectivist Ethics" in *The Virtue of Selfishness* and "Man's Rights," in *Capitalism: The Unknown Ideal*. All of these works operate in an Aristotelian framework that spells out human nature and envisions the good life. For a different and complementary approach, see the works of Hans-Hermann Hoppe (a sample is elsewhere in this issue); Frank Van Dun's seminal article "Economics and the Limits of Value Free Science" in *Reason Papers* (Spring 1986); and Roger Pilon's "Ordering Rights Consistently: Or What We Do and Do Not Have Right To," in the *Georgia Law Review* (Summer 1979). ❑

Response

The Two Libertarianisms, Again:
What's Wrong With Richman

by Ethan O. Waters

There is one problem with Sheldon Richman's criticism of Waters' discussion of libertarian theory. It doesn't criticize any Waters who actually exists. Even so, it does raise an interesting point . . .

Sheldon Richman has responded to "The Two Libertarianisms" in a peculiar manner. He systematically misrepresents its thesis and then ridicules his caricature of it, tossing off unsupported assertions and gratuitous insults. He attributes to me views entirely foreign to my thinking, using my supposed opinions on rights as a foil to his own.

A response to his theory will have to wait. I shall limit my observations to identifying his most egregious errors and misrepresentations.

First there's the Jeremy Bentham problem. "Mr Waters cites Jeremy Bentham's famous statement that the idea of natural rights is 'nonsense upon stilts,'" Richman says. "Mr Waters does not mention that Bentham wrote this not while refuting any known case for rights, but while expressing alarm that the idea of natural rights leads to the right of revolution. Bentham's essay was entitled 'Anarchical Fallacies.' If that is Mr Waters' chief case against rights, that there is no room left for the state, so be it."

It is absurd to suggest that my "case against rights" is identical to Bentham's argument that the notion of rights is fundamentally anti-statist and therefore untenable. At no point do I cite Bentham's argument. At no point do I make any argument similar to it, or at any rate similar to Mr Richman's summary of it. I mentioned Bentham only once in the essay, in the concluding sentence of a paragraph about the consequences of some varieties of rights theory: "If the concept of inalienable rights is nonsense, then the consequences are indeed, to use Bentham's delightful phrase, nonsense on stilts." How Mr Richman manages to construe this single mention of Bentham into a claim that Bentham's argument is my "chief case against rights" is beyond me. I don't agree with Bentham's argument as Mr Richman states it, though I fear Mr Richman may be caricaturing it in the same fashion as he caricatures my argument.

"It might surprise Mr Waters," Mr Richman notes, "but before Bentham, there was no split between rights advocacy and consequentialism . . ." It might surprise Mr Richman, but before the American Revolution, the thirteen colonies were part of the British Empire. Then again he may be no more surprised by that revelation than I was by his.

But according to Mr Richman, my philosophical incompetence is almost omnipresent. "Waters misses [Ayn] Rand's point," he writes. "Rand never called the principle of nonaggression an *axiom*. She wouldn't have because for her the obligation to refrain from aggression is not self-evident or irreducible, as Mr Waters presumes throughout his article."

At no point did I argue that Rand considered the nonaggression principle an axiom. I explicitly noted that she treated it as a "corollary to the right to life." I summarized in some detail her derivation of that right. I noted that characterizing the nonaggression principle as an axiom is the work of Murray Rothbard. I referred to the nonaggression principle as the nonaggression axiom only because I believe that Rothbardian phrase is more widely used than Rand's by libertarians discussing the issue.

But Mr Richman charges ahead: "At this point, Waters argues spuriously that Rand would reply that 'there are no conflicts of interest among rational men. But this is not the context in which she mounts this argument.'" What I wrote was: "In response to this sort of thinking, the libertarian moralist has generally proposed that objective morality can never sanction such a conflict because, as Rand argues, 'there are no conflicts of interest among rational men.'" And I meant exactly what I wrote: that libertarian moralists frequently make this argument at this point. At no time did I argue ("spuriously" or otherwise) that Rand herself made this argument in this form.

"Rand called a right a 'sanction of independent action.' . . . Mr Waters seems to have some trouble with the description (contrary to what he claims, it is not a definition)" asserts Mr Richman, without a shred of evidence."A definition," Ayn Rand wrote in *Introduction to Objectivist Epistemology*, "is a statement that identifies the nature of the units

subsumed under a concept." According to my dictionary, a definition is "a statement of the meaning of a word." In the passage I cited in my essay, Rand wrote: "What is a right? A right is the sanction of independent action." By either Rand's or the dictionary's definition of a definition, this is a definition. The "trouble" here appears to be Mr Richman's.

Considering this dispute over what is and is not, properly, a definition, it is somewhat ironical that Mr Richman later asserts that my "definition of 'libertarian moralism' is just plain wrong," and that my "definition of consequentialism fares no better." Astute readers will certainly notice that my suggestive descriptions of the two concepts have less of the character of a definition than does Ayn Rand's definition of a "right"—though they are, of course, definitions anyway. That Richman should object to them is not surprising: by dismissing the validity of the dichotomy he is able to deal not with my arguments, but with his own reconstruction of them.

"Mr Waters thinks he's revealed a fallacy in the rights advocate's position when he points out that 'even libertarian moralists grant the truth of its [consequentialism's] arguments'" I made this perfectly unsurprising observation while discussing the moralist view of the consequentialist position, without any suggestion that I viewed it as a "fallacy" that I had "revealed." Why Mr Richman would want to assert that I think such a commonplace idea is a "fallacy" I cannot fathom.

Mr Richman notes that I "say some favorable things about 'consequentialism' (by which he presumably means utilitarianism, since he invokes Ludwig von Mises)." What curious logic: does Mr Richman mean that anyone who "invokes" Mises believes that consequentialism and utilitarianism are identical? Nor did I imply that consequentialism "is exclusive to utilitarianism," as Mr Richman says I did. In fact, the only time the term "utilitarian" is used in my entire essay is in a quotation from Murray N. Rothbard criticizing utilitarianism.

At this point I shall call a halt to citing Mr Richman's string of misrepresentations and condescending remarks. By now, I think the pattern is clear and I fear overburdening the reader with more examples. Those who enjoys hunting down fallacy and misrepresentation, or who revels in churlish insults, will find a rich quarry in Mr Richman's attack. Mr Richman refused to address my arguments and chose instead to attack a burlesque of them.

Richman does raise one important point in the course of his polemic. He points out that "rights theorists have always been concerned to discover the conditions under which human beings thrive . . . that for (at least some) 'moralists' these fundamental principles are moral principles because they are what makes *human* life possible."

I am well aware of these approaches to rights theory: it seems to me that these are attempts at precisely the same synthesis of libertarian moralism and libertarian consequentialism that I propose in the conclusion of my essay.

As a praxeologist, I am convinced that acceptance of the non-aggression principle is nearly always the optimal arrangement for human life, so of course I have no quarrel with non-aggression as a general principle. But what of those occasions when it is not optimal? What of those rare situations when life requires aggression?

Such situations are seldom encountered in ordinary life, but they are easily hypothesized. In fact, "The Liberty Poll," published in these pages last month, proposes several such situations, including one in which 98% of those polled indicated they would violate the non-aggression principle.

For this synthesis to work, it seems to me, it must abandon the notion that the non-aggression axiom is an absolute, unconditional, universal moral commandment which can be played as a trump card in virtually any social dispute. But if it does abandon this absolutism, it will no longer be moralistic in the narrow sense that I use the term. ❑

More Letters

(continued from page 40)

All I can say is that Rothbard ignored the vast substance of my arguments to focus in on the fact that neither he nor I are medical doctors. He makes it sound as if my whole article were based on this fact. As a matter of fact my article focused on Rothbard's positions and never attacked him for not being a medical doctor. The one sentence that mentioned his credentials said: "Rothbard, whose doctorate is in economics, does not know what the medical facts are." This does not mean what Rothbard claims it means. I said he has a doctorate in economics, because I was concerned that some of my non-libertarian readers might assume that Dr. Rothbard holds a medical doctorate. All I said was that he didn't understand the medical facts about AIDS. Murray spent his entire rebuttal to my article responding to a statement that he thinks I made but which I didn't.

Why do I claim that he doesn't understand the medical facts about AIDS? First because he said that condoms "do not prevent transmission of the AIDS virus." Condoms do overwhelmingly prevent the transmission of the virus. Rothbard seems to feel comfortable saying condoms don't prevent AIDS transmission because in a small percentage of cases they fail to work. He wants to take the exceptions and make them the rule. Rothbard also proposed throwing children out of public schools if they test positive to the AIDS virus because they might casually spread the disease to another student. *There is not one single case of casual transmission of AIDS on record* but Rothbard wants to establish public policy based on the assumption that it might be possible.

Rothbard contended that his article in the *Ron Paul Political Report* is "unimpeachably libertarian." Murray has always been very good at praising himself as the criterion by which all other libertarians must be judged. But the article he wrote was only an expansion of the platform plank he wrote for the Libertarian Party. At the Seattle convention the Party overwhelmingly rejected Rothbard's "unimpeachably libertarian" plank for the one I wrote. It seems that Murray's fellow libertarians didn't hold his plank in as high a regard as he did.

People who would like to read my article can send me 50¢ and I will send them a copy of it so they may judge it for themselves.

Jim Peron
1800 Market Street
San Francisco, CA 94102

Religious Influences

I greatly enjoyed William P. Moulton's lively article on Ivan the Terrible in *Liberty* (July 1988).

But Moulton is too good a scholar to believe, as he indicates that he believes, that religion makes little or no difference to the moral behavior of societies.

continued on page 75

Un-common policy sense.

Economic Liberties and the Judiciary edited by James A. Dorn and Henry G. Manne. The major question addressed in this volume is whether or not the judiciary will restore its protection of economic liberties or continue to allow majority rule to subvert individual rights. Contributors include Antonin Scalia, Richard Epstein, Alex Kozinski, Bernard H. Siegan, and Stephen Macedo. 1987/392 pp./$28 cloth/$15.95 paper

The Rule of Experts by S. David Young. In this highly readable book, Young argues that licensing serves to protect those already in a particular occupation from competition. It delivers monopoly profits to practitioners at the expense of consumers and freezes minorities and the poor out of many occupations. 1987/99 pp./$7.95 paper

The Search for Stable Money edited by James A. Dorn and Anna J. Schwartz. Perhaps no issue is more basic to the workings of a free economy than monetary policy. In this classic volume, distinguished economists such as F. A. Hayek, Milton Friedman, James M. Buchanan, Karl Brunner, and Allan H. Meltzer debate how policymakers can bring about a more stable, less inflationary monetary system. 1987/408 pp./$13.95 paper

The Suicidal Corporation by Paul H. Weaver. This searing critique—by a strong supporter of the free market—shows how big business preaches free enterprise but practices big government by lobbying for subsidies and protection from foreign competition. 1988/224 pp./$18.95 cloth

Making America Poorer by Morgan O. Reynolds. This professor of economics has carefully studied the legal and economic costs of federal labor law and has uncovered some shocking facts. Readers will be astounded when Reynolds adds up the lost GNP attributable to above-market wages, wage inflexibility, work rules, delay of new technology, and strikes. 1987/218 pp./$9.95 paper

The Financial Services Revolution edited by Catherine England and Thomas Huertas. Outmoded regulations limit the international competitiveness of U.S. banks and deprive consumers of high-quality services. Contributors include George G. Kaufman, Richard H. Timberlake, James R. Barth, Gillian Garcia, Robert E. Litan, and Robert A. Eisenbeis. 1988/361 pp./$17.95 paper

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Reviews

Citizen Cohn,
by Nicholas von Hoffman. Doubleday, 1988, 484 pp., $19.95

Character and Conspiracy in Roy Cohn's America

Stephen Cox

Roy Cohn (1927-1986) was put on this earth to create confusion. In the 1950s, when he was Chief Counsel for Joe McCarthy's Senate committee, Cohn's major accomplishment was to embarrass the anti-communist cause by wild accusations and absurd "investigations" of communist influence in America. In the 1960s, Cohn turned the tables on the government; highly placed officials, intent on crucifying a citizen who had proven himself personally obnoxious to them, put him on trial for rigging a grand jury, and he won acquittal after exposing the government's abuse of official process. In the 1970s, he acted as both a right-wing political fixer and a leader of some of the more Petronian circles of homosexual society. In the 1980s, when he was stricken with AIDS, he declined to play either the repentant victim or the activist crusader. Although he had unembarrassedly introduced his working-class male lovers at the Reagan White House, he refused to concede that he had AIDS or even that he was gay; among his last acts were a secret effort to raise money for AIDS research and a trip to Israel with his male lover and (of all people) Senator Jesse Helms. "I always enjoyed his company," one of Cohn's relations told biographer Nicholas von Hoffman, "because he was full of laughter"(p.253).

Anyone not politically or ethically schizophrenic will find Cohn's life hard to judge in any robustly simple way. I will try: Cohn was not a mysterious person; he was not even a complex person; he was just a person who lacked a restraining sense of civilized morality. Cohn's friends appear to have seen him as something akin to the leader of a warlike tribe—and for good reason. Behavior like his would have been wholly unremarkable in the chief of an ancient Germanic raiding party. He was not a modern *citizen*, and he bore little resemblance to the enigmatic Charles Foster Kane of the title allusion to Orson Welles's film. No evidence exists of a mysterious Rosebud secreted in Roy Cohn's life. To paraphrase a remark by one of the characters in *Citizen Kane*, Roy Cohn wasn't a complicated man; he just did complicated things. And because of his peculiar simplicity, he had complicated effects on other people.

If these simple judgments don't render full justice in the matter of Cohn—and undoubtedly they do not—you will get no more elaborate speculations from Nicholas von Hoffman, at least about Cohn's ethical dimension. Perhaps this is just as well. It reminds us that biography is neither hagiography nor diablerie nor judicial determination. Biography need not respond to anyone's need for heroes or villains, or to anyone's practical need for a decision about who did something wrong, exactly how wrong it was, and exactly what should be done to remedy it. Biography may, of course, aim to clarify what is ethically obscure, but its first priority is to make a unique human character emerge as itself, in whatever moral clarity or obscurity it may have possessed.

"I was his oldest friend, and as far as I was concerned, he behaved like a swine." — *Citizen Kane*

The basic requirements of biography have been understood in remarkably similar ways by every literary generation since the eighteenth century, when authors first discovered a mass audience for the re-creation of individual character. Biography must, to state the most obvious requirement, contain a mass of concrete and significant detail. In his seminal essay on biography (*The Rambler*, October 13, 1750), Samuel Johnson observed how useful it is that the historian of Catiline's conspiracy notes a minute detail about Catiline's *walk*; it was *"now quick, and again slow,"* the symptom of "a mind revolving something with violent commotion." As Johnson says, such revelatory details are more likely to be discovered in private memories than in the public record: "More knowledge may be gained of a man's real character, by a short conversation with one of his servants, than from a formal and studied narrative, begun with his pedigree, and ended with his funeral."

Citizen Cohn would delight Johnson's heart by its loving attention to the stories of Cohn's servants and friends and relatives and colleagues, of everyone willing to empty the contents of memory into the biographer's tape machine. In these stories Cohn's private world takes shape, detail by detail, as a place very different from the world that most of us inhabit. As viewed from the perspective of civilized morality, it is a surreal world, stalked by giant whims. One of the secrets of Cohn's success seems to have been the failure of many of his contemporaries to notice how individual his mental world really was. A friend tells a characteristic anecdote about Cohn coming to him and announcing that he's in "a desperate jam" and has to borrow "ten thousand bucks right away." The money is lent. Shortly afterward, the creditor and his son are walking down Cohn's street and see a huge Lincoln parked in front of

his office, with a chauffeur standing next to it. The chauffeur reveals the fact that Cohn has just purchased the car.

> My kid meanwhile is looking at the car, admiring it, a television set, a bar and all that shit, and my boy says to me, "I wish we could afford a car like this." I said, "You know, Johnnie, I think we did." . . . It took me months to get my money back (p. 259).

Cohn's horrible mother was a zany too, and zaniness did not hinder her from getting her way. She once invited friends over for Passover but refused to let them go into the kitchen to say hello to her cook.

> Later, when they came to the part of the Passover service where the question is posed, "Why is this night different from other nights?" [Cohn's mother] answered: Because the serving girl is dead in the kitchen. "She had slumped over the table," Aunt Libby said, "and the coroner had had to come. It was quite a different night"(p. 70).

Von Hoffman's book provides a wealth of detail on a particular kind of alienated behavior, the behavior of people who are driven to advertise their contempt for others and who, because of other people's naivete or good humor or incomprehension, are seldom, if ever, forced to pay for their ruthless indulgence of their whims.

"I profess to write, not his panegyrick . . . but his Life." Thus James Boswell, introducing his *Life of Samuel Johnson*. Von Hoffman did not have to struggle to avoid turning his Life of Cohn into a panegyrick. His struggle was to make sure that another sort of biographical necessity was met, the necessity to awaken enough sympathy for the subject to allow him to be understood rather than simply dismissed, enough sympathy to allow his exotic personality really to *emerge* in the reader's mind. The goal of the biographer's art, as Johnson describes it in his *Rambler* essay, is to enable us, by "an act of the imagination," to put ourselves in another person's place. This is hard to do when the person is Roy Cohn, but von Hoffman succeeds surprisingly well in helping us to do it.

"You know, all the same I feel kind of sorry for Mr. Kane." — Citizen Kane

Cohn wanted sympathy, but he never wanted pity. Pity, however, is the principal kind of sympathy that von Hoffman elicits. The most obvious way to tell the story of Cohn's life is in chronological order: birth, childhood ambitions, evil manhood, illness, death. But von Hoffman devotes the first section of his book to Cohn's illness, thus ensuring that the bravest, most painful, and most sympathetic performance goes on stage first. If von Hoffman had begun with Cohn's sometimes nefarious dealings with J. Edgar Hoover, or Cohn's weird business with the Lionel Train company (!), or Cohn's service with McCarthy, or even little Roy's debut as a spoiled child, a different impression of Cohn would result.

When one reads von Hoffman's account of Cohn, McCarthy's chief hunting dog, gorging himself on publicity and power—gorging himself, that is, on seeing his name in the papers and on seeing other people crawl—one wishes that this character, too crude, almost, for daytime television, would meet an early death. But the later episodes of Cohn's life make one reconsider this puritan judgment. After the McCarthy days were over, after it was clear to everyone that McCarthy and Cohn and their friends knew little more about communism than your pet canary, Cohn no longer had a license to steal the public's respect. He had made enemies, especially among the Kennedy crowd, some of whom were ethically and temperamentally indistinguishable from him; and these people were out to get him. Later the microbes would be out to get him, too. So Cohn got tough, and his toughness was gritty but admirable. "There have been days," Cohn remarked,

> when I would actually say, "Is this worth it? Is this fight really worth it?" It is agonizing . . . "And what am I fighting all this for and going through all this agony?" The answer is, because I'm not a quitter. And the answer also comes in with the fact that I wouldn't give my enemies the satisfaction. Every time they think they have me, they suddenly find out they don't have me. And I just want to make this another item on the list (p. 29).

Trite heroics, perhaps, but no longer cheap.

When Bobby Kennedy, who had hated Cohn since the days when both men worked for McCarthy, became Attorney General, he had Cohn put on trial twice for alleged jury-corruption in a complicated stock deal. Cohn undoubtedly committed many crimes, but not this crime, and he was acquitted. Near the end of the first trial, one of the prosecutors extended a minor courtesy to the defense. Cohn's response was, "I'm not talking to you, you shithead" (p. 295). It's hard not to enjoy that reply, even if one dislikes the replier. And it's hard not to take an irresponsible, sheerly aesthetic delight in the comedy of Cohn's irresponsibility. One of his associates recalls him arriving late for a court appearance, sitting still briefly and then demanding, "What time is it? . . . Don't you think it's time we move for dismissal?" His associate replied, "Roy, it's our motion" (p. 429).

"We never lost as much as we made."
"Yes, yes, but your *methods!*"
— *Citizen Kane*

Isn't von Hoffman's method somewhat disreputable? Isn't he merely cadging sympathy for Cohn's moral failure with cheap literary tricks—raising the curtain on Act V, Scene 4 (lingering death), pausing for effect on Cohn's displays of existential defiance or abandoned comedy? Maybe so. But this is a world of cheap tricks, and would one prefer the tricks that can be used to deny the sympathetic imagination?

A few weeks ago the giant quilt that is a memorial to AIDS victims was exhibited in my town. It was a moving spectacle, a tribute to the persistence of love and the variety of human life. Each panel of the quilt bears the name of someone who died of AIDS. The panels, which are usually donated by friends of the deceased men or women, make individuating statements about them, or at least about the best aspects of them. All the messages that I saw were positive—except two: the messages on the *two* panels that someone, clearly *not* a friend, had been permitted or encouraged to devote to Cohn, a person for whom sympathy was not allowed to get out of hand. One of these messages honored him with the titles of "coward," "bully," and "victim";

Roy Cohn was not a mysterious person; he was not even a complex person; he was just a person who lacked a restraining sense of civilized morality.

the other simply smeared his name across a flag of the Soviet Union.

Cohn's great sin was his assault on fairness and common decency. As a political figure and as a lawyer in private practice he fought for his own rights but was willing to deny rights to others. He practiced a double standard, and double standards are the root of all indecency. But some of Cohn's enemies reacted with indecency to him, doing their best to defile him, even after his death, in ways in which they would never think of defiling people who were not their political enemies. Indecency, of course, defiles its practitioners as well as its targets. Perhaps the verb should be "impoverishes" instead of "defiles." To see the world with a double standard means to see it in a self-contradictory way, to deny oneself coherent knowledge of the people with whom one lives—people who are better served, at last, by honest biography than by either diatribe or eulogy. We may be certain that many people memorialized in the AIDS quilt led much better lives than Cohn; we may be reasonably certain that some lived worse lives. If political feeling causes us to see only one side of the picture, it deprives us of our sight and the dead of their real selves.

Von Hoffman has a well-founded suspicion of both conservative and liberal attempts to see individual lives as mere *materia politica*. He senses the threat that moralistic causes of both right and left have posed to liberty and the self's integrity:

> Both Roy's life and his career ask if the nation can maintain itself in health and power while destroying heterodoxy and suppressing individualism. Roy chose, as his Communist adversaries did, to have a public life and another, private, secret one. Roy Cohn feared that society would crush him if society knew what he was; yet Roy himself labored to keep intact the society that would use its power to do so (pp. 84–85).

Of course, there is something missing here. For much of Cohn's life, "society" did know "what he was" and didn't bother to crush him. In the 1950s, persecution of homosexuals was as fervent in the United States as the persecution of "profiteers" (or homosexuals, for that matter) in Marxist societies. But America changed for the better, and Cohn never really caught up with it. He was publicly hiding his homosexuality long after there was any point in doing so except to display the courage of his own consistency.

Von Hoffman's account of Cohn's machinations may all too easily lead the unsophisticated into believing that he was a major figure in a political culture operated by a small group of perverts and plutocrats, establishmentarians rejoicing in Babylonian splendor in their East Coast compounds, immobilizing society so that only they might profit from its riches, conspiring—limousine liberals and fascists together—to keep anyone else from getting a snout in the trough.

Von Hoffman's biography performs a valuable service in illustrating the fact that the cunning and the wicked can be just as slow on the uptake as other men and women.

Unfortunately, there are several ways in which von Hoffman's book is not valuable at all. The classical biography does not merely present character; it recreates character through the vividness of its style. In von Hoffman's book, however, Cohn's flamboyant vigor must force its way, like some primitive monster, through swamps of dull prose. Von Hoffman's literary tricks are not inexhaustible. One of his book's few witty passages is a quoted remark of Murray Kempton, who describes an interview with the young Roy as

> my last encounter with the Terror, such of it as could sensibly be conceived as incarnate in a figure that even then was commencing to look like a priapic statue rashly bought at the flea market and incautiously left out too long in the garden rains (p. 165).

It's not really sinful for von Hoffman to avoid working up elaborate images of this sort. What is sinful is the frequent shoddiness of his writing. The book was undoubtedly rushed to publication. Verbal errors abound. People are "hung," facts are "layed out," citizens "espouse" rather than "expound" their views, and a "memory" (what else could it do, after all?) "remembers." A great encouragement to perplexity is von Hoffman's practice of putting quotation marks at the beginning of quoted passages, but neglecting to put them at the end. And there is a kind of von Hoffman sentence that seems to chew its own guts: "Gallagher said it was such an easy [case] he didn't send Roy a bill for his services and thereby made himself a friend who often threw law business Gallagher's way"(p. 260).

But the verbal and typographical sins are venial compared to the historical ones. Biography requires more than a narrowly accurate view of individual character. It requires accurate judgment of—and, if you will, sympathy for—the historical context in which individuals live. The great biographies (Johnson's *Lives of the Poets*, Boswell's *Life of Johnson*) place their leading characters on a large stage, fully lit. This is not the effect produced by von Hoffman's haste, which leads him simply to omit large sections even of the history that bears most directly on Cohn. It would be interesting to learn, for instance, why Cohn eventually resigned from his Chief Counselship for McCarthy—admittedly, things were getting hot for him in 1954, when the anti-McCarthyites finally learned that the Congressional hunt for communists was mainly bluster; but one would like to know whether Cohn was pushed out of his job or jumped. Von Hoffman devotes a solitary seven lines (p. 245) to speculation on this issue. The next thing we know, it's 1957, and no attempt is made to fill in the intervening years.

When von Hoffman tries to tell a story in his own voice, rather than relying on interviews or newspaper clippings (to which he is much addicted), he sometimes loses track of time and setting and fails to identify characters clearly and promptly. His notes are obviously in a state of some confusion, a confusion that leads him to cite John Rechy's notorious novel *City of Night* as *"City of the Night"* (p. 425) and to refer learnedly to "Vidal's book," and to the time "when Vidal wrote his novel"(p.133), without telling anyone that he means Gore Vidal's homosexual novel *The City and the Pillar* (1948).

Von Hoffman's historical errors come in three varieties—mere errors, silly errors, and truths left incomplete. He states

that Cohn made his famous "investigative" trip to Europe for McCarthy in 1952 (p. 144); actually he did so in 1953. Von Hoffman believes that in the 1950s "America had the same policy as the Russians continue to have in regard to dissidents leaving the country" (p. 176), as if all restrictive policies were necessarily the same. He believes that "American trade unionism lost its dynamism" and "lapsed into . . . somnambulant listlessness" as a direct result of the anti-Communist purges of the early '50s (p. 137)—a simplistic claim that takes little account of the organizing and strike activity of the '50s, '60s, and '70s, or of historical statistics on trade-union membership. Equally surprising are his bewildered musings, during a comparison between Huey Long and Joe McCarthy, about "whether or not Long was a demagogue" (p. 166). Von Hoffman says, in his peculiar style, that the fact of this matter "depends, even today, on the speaker's politics." But if Huey Long was not a demagogue, where are demagogues to be found?

"He said all kinds of things that didn't mean anything."— *Citizen Kane*

We have now drifted from the mere to the silly. It is silly for von Hoffman to declare, as confidently (nay, dogmatically) as if he had a statistical table at hand, that "there were never more than twenty-five thousand [communists] in the country, and of that number only a fraction worked for the government, did war research, or were connected to anything concerned with public policy or national defense" (p.193). I have no idea how many "communists" there *ever* were in the United States, and neither does von Hoffman, and neither does anyone else—and *this* should be the minimal moral that we gather from Joe McCarthy's ludicrous attempts at counting communists. Of course, we might get closer to guessing what von Hoffman has in mind if he would define what he means when he talks about "communists." While he's at it, he might also get busy at defining "a fraction," "worked for the government," and "anything concerned with public policy."

Perhaps the silliest of von Hoffman's errata, in view of the research he has done on the vicissitudes of homosexuality in this country, is his uncritical treatment of Ben Bradlee's preposterous claim that the anti-McCarthyites he knew in the early '50s never entertained "the thought a man like Roy might be a homosexual," not to mention von Hoffman's equally uncritical treatment of Murray Kempton's slippery declaration that Cohn's homosexuality was "a deviance, that no respectable anti-McCarthyite would have thought all that disreputable in anyone else" (pp. 188, 190). If such statements mean anything, they mean that the left side of the intellectual spectrum either dwelt in sublime ignorance of sexual "deviance" or exercised an exemplary tolerance of it. But von Hoffman's book documents the fact that highly respectable anti-McCarthyites did their best to alert the nation to the possibility that Cohn and McCarthy were "fairies," "pixies," and other grotesquely disreputable things to be. Are we supposed to believe that this was mere ad hoc homophobia, a mere political strategy that manifested nothing but good will for all fairies and pixies except McCarthy and Cohn?

And the facts that von Hoffman does *not* document are available in profusion. Until recently, leftists were just as willing as rightists to take a dim view of homosexuality. In *Perjury: The Hiss-Chambers Case* (New York: Knopf, 1978), Allen Weinstein shows how willing Alger Hiss's defenders were to exploit the issue, providing it was not likely to be used against *their* side. During the campus revolutions of the '60s and '70s, leftist students at Columbia baited their "establishment" enemies as "faggots"; leftist students at Michigan threw out leaders whom they discovered to be gay; Huey Newton, although seeking at least a limited alliance between homosexuals and black-power advocates, wondered publicly if homosexuality was ultimately a product of capitalist decadence; and people who admired the Cuban revolution suffered little loss of faith because of its persecution of homosexuals (hardly a trace of this persecution remains in the left-liberal memory).

Friedrich Engels, of course, in *The Origin of the Family, Private Property and the State* (1884), had described homosexuality as "degraded"; and hard-left journals of the '60s such as New York's *Guardian* still fulminated against it. Left-liberal opinion showed signs of a change, but *Ramparts* magazine was still capable of picturing homosexuals as bent on controlling American culture and shutting everyone else out: "I'm getting damned tired of all the art being campy and all the plays being queer and all the clothes being West Fourth Street and the whole bit. *Some* I don't mind, but it's getting too close to *all*, and I have the feeling that there are healthier bases for a culture" (Gene Marine, "Who's Afraid of Little Annie Fanny?", *Ramparts*, 5, no. 8 [February, 1967], 27). The *Ramparts* theory continued a long line of conspiracy or dominance theories about homosexuals, such as the theory recorded in 1935 by that admirable painter Thomas Hart Benton, who suggested that the homosexual conspiracy was as dangerous to culture as doctrinaire Stalinism or conservatism: "By ingratiation or subtle connivance, precious fairies get into positions of power . . . A very real danger to the cultural institutions of the country lies in the homosexuals' control of policy" (*An Artist in America*, 2nd ed. [Kansas City, Mo.: Univ. of Kansas City Press, 1951], pp. 265–66).

Von Hoffman never comes to analytical terms with the peculiarly virulent homophobia expressed by such conspiracy theories, which were and remain widespread. The closest he gets are Delphic utterances like the following remark about the "lavender Mafia" that "straight people with an inside knowledge of Washington politics, particularly Democrats," believe is lurking "in important positions in the Reagan administration": "Whether a 'ring' of such men, bound together by power, politics, and sexual preference, exists depends as much on semantics as observed behavior"(p. 423). Sounds like a conspiracy to me.

"Get in touch with everybody that ever knew him . . . Everybody who ever loved him, who ever hated his guts. I don't mean go through the city directory, of course."— *Citizen Kane*

It must be admitted that although von Hoffman's analytical attention span is lamentably short, his research does provide some interesting facts about the homosexual environment of the '50s, '60s, and '70s. Of particular interest are his discussions of Cohn's relationship with Cardinal Spellman and of Cohn's helpfulness to J. Edgar Hoover in keeping criticism of the latter's sexual affinities from creeping into the public consciousness. The value of von Hoffman's research is not limited to the history of homosexuality. His information—when it consists of facts and not mere factoids—adds important subplots to the big, bizarre story of modern America. Cohn figured in many of that

story's chapters. His influence was exerted on the Democratic as well as the Republican party. He worked for Hoover; he also worked for organized crime. He was a friend and benefactor of Norman Mailer, world-class liberal homophobe. Geraldine Ferraro was on tap to testify for Cohn in his disbarment hearings. He had influence with newspapers, and at one point even used his power to swing support behind a candidate of the hated Kennedy administration.

But von Hoffman's aversion to historical *study*, as opposed to historical *investigation*, narrowly considered, keeps him from accomplishing the task that separates the biographer from the gossip. Biography, as Dr. Johnson says, "enchain[s] the heart by irresistible interest"; gossip, at least good gossip, does this, too. *Citizen Cohn* is good gossip; it's a *real page-turner*. But biography goes further, says Dr. Johnson; it "diffuse[s] instruction to every diversity of condition." This *Citizen Cohn* does not do. It tells us the people Cohn knew and what they said and what they may have done, but it does little to instruct us about what their living meant, what kind of world it was a part of. The book's incomplete truths are in some ways worse than no truths at all. They can be dangerous.

Von Hoffman's narrow account of Cohn's machinations may all too easily lead the historically unsophisticated into believing that he was a major figure in a political culture operated by a small group of perverts and plutocrats, establishmentarians rejoicing in Babylonian splendor in their East Coast compounds, immobilizing society so that only they might profit from its riches, conspiring—limousine liberals and fascists together—to keep anyone else from getting a snout in the trough. Granted, Roy finally got disbarred for failing to repay a loan of $100,000 from a wealthy widow, but he was nearly dead by the time the disbarment happened, and anyone not part of the power elite would have been sent to jail a long time before for the things he did.

In fact, modern American society is beyond the ability of any conspiracy or dominance theory to explain—but the feature that makes it inexplicable by any such theory may also be the feature that makes these theories popular.

That feature, as David Brion Davis has argued in an elegant historical essay (*The Slave Power Conspiracy and the Paranoid Style* [Baton Rouge: Louisiana State Univ. Press,1969]), is the sheer unplanned, ungraphable mobility of the American people, whom the nature of our society encourages to migrate constantly from one job, one location, one status-group to another. Each move that a person makes acquaints him or her with the language and customs of a new set of people. Outsiders learn the secrets of insiders; they learn how the latter consort to present a favorable image of themselves and acquire power; they become "self-consciously aware of aspects of role-playing which are taken for granted in tradition oriented societies" (Davis, p. 27). Learning the differences in perspective between outsiders and insiders would be an amusing hobby if it were not for the fact that social migrations do not lead most people to the inside of truly powerful groups. Mobility may, indeed, lead them to little more than a conviction that the power they lack, idealized as the ultimate power, must be held by people who are successful at hiding themselves inside some "network" more cohesive, specialized, and duplicitous than anything likely to be encountered by the average mobile Joe. The fact that the network keeps itself hidden is only a sign of its success. The populist fancy envies and fears this network trembling with conspiracies, this construction of the "Homintern" or the Council on Foreign Relations or the good Eastern colleges, this alliance of politicians who disguise their collusion behind separate party labels, of literary personalities who merely pander to community values, of bankers who rationalize their plunder with the doubletalk of their profession, of educators who know the secret of concealing their ideological and sexual perversions. This is the fantasy that a superficial view of Cohn's web of friendships may feed. Cohn, as von Hoffman's collocutors constantly inform us, knew everybody.

Von Hoffman's biography performs a valuable service in illustrating the fact that the cunning and the wicked can be just as slow on the uptake as other men and women.

But a closer, more analytical, look at the same information (the sort of look that I hope the numerous audience of this biography will take) reveals no grand network of conspirators, no coherent group of homosexuals or lawyers or financial manipulators or fascists or all of the above. A more wildly mixed and variegated "group" could hardly be imagined than the people Roy knew and relied upon: male prostitutes and crusaders against vice, idle rich and struggling poor, newswomen and boxing promoters, princes of the church and felons rotting in jail—the whole mob united by loves, riven by hatreds, riven by loves, united by hatreds, consulting one another, suing one another, constantly misunderstanding one another, secretive, insanely self-revelatory, miserly, spendthrift, plotting conscientiously and losing everything, gambling recklessly and winning their hearts' desires, conspiring to manipulate the public, failing utterly to manipulate the public, imagining that they knew how to run a law office or the economy or Western civilization or the gay bars in Manhattan and being proven wrong even to their own satisfaction, groups and subgroups and isolated individuals thrown together by the mobility of hard work or an uncle's "pull" or a political cause or a beautiful physique or brains or blank stupidity, making the best they could of things according to no one law or scheme or class imperative but according to the separate and changing priorities of desire and circumstance and conviction, too.

It's quite a picture. Von Hoffman is not a good enough biographer to paint it, but it can be deduced from the clues his anecdotes provide. It's a more disorderly, but an infinitely more interesting picture than readers burdened with populist theories of social dominance (and there is some of the stern and naive populist in most of us) will derive from von Hoffman's book. They will probably see his account only as evidence that Roy was on the top of the pyramid, at the head of the table, behind the steering wheel, that he had reached the place that normal people are never allowed to reach. The truth is that there is no top of the pyramid, no head of the table, and that no one—no one yet, anyway—is steering the car. That is why American society, in its general state of healthy confusion, survives the particular confusions produced by people like Cohn. ❑

Persons, Rights and the Moral Community,
by Loren B. Lomasky. Oxford University Press, 1987, 283 pp., $29.95

Objective Value, Rights, and Individualism

Douglas Rasmussen

A century that has witnessed the Holocaust and the Gulag is not one which can aptly be characterized as paying too much heed to basic rights. Normative debate that deemphasizes the importance of rights does not necessarily lead to such enormities, but by enlarging the boundaries of moral permissibility it tends to deemphasize individualism in favor of large-scale social reconstruction.

Amen. At a time when moral theorists from both left and right are criticizing individualism, Loren E. Lomasky—Professor of Philosophy, University of Minnesota, Duluth—has written an important defense of it. *Persons, Rights, and the Moral Community* offers an argument for basic rights. It is clearly written and reveals a thinker who has wit as well as depth.

As odd as it may seem, the best way to begin an evaluation of this entertaining and sometimes eloquent defense of individualism is with the last chapter,"Beyond Basic Rights." In this chapter Lomasky addresses the question: "Is X valuable because it is desired or is X to be desired because it is valuable?" He argues most forcefully that desire is not sufficient to make X valuable. Lomasky states that "should it be maintained that all value is posterior to desire, an infinite regress beckons. One will desire that one's desires be fulfilled, desire the fulfillment of the desire for the fulfillment of the desire that . . . ." and "if there is no value antecedent to desire, then desire for X is desire for the valueless, and satisfaction for the desire of X is valueless satisfaction." Not all values are reducible to desires or preferences.

Lomasky argues for the objectivity of values and notes that the agnosticism by liberals, be they classical or contemporary, regarding such objectivity is a two-edged sword. While the claim to know nothing of objective value might protect liberty on one flank, it leaves the other vulnerable; for if all value is reduced to preference, then there can be no reason, fundamentally speaking, to prefer one thing to another. This even includes the liberal's preference for people being at liberty to pursue their own preferences—their own conceptions of the good. "If the good for a person just is, definitionally, his getting whatever he happens to desire, then to assert that satisfaction of desires is good (and dissatisfaction of desire is bad) is logically equivalent to saying that getting what one desires is getting what one desires (and not getting what one desires is not getting what one desires). Arid tautologies can do no justificatory work."

The reason Lomasky defends value objectivism in a book whose primary purpose is to defend individualism and basic rights—basic rights which even involve the right to do what is morally wrong—is that "implicit . . . in the theory of basic rights is the proposition that it is possible to construct a life that has meaning and worth." The claim that people have rights cannot be maintained if all value is reduced to preference. If there can be no objective meaning and worth, what does it matter if the preferences of some people to live in peace and liberty are not respected, and, as we think of it, what do the words "peace" and "liberty" mean in a world in which all value is nothing more than preference?

Lomasky knows the importance of value objectivism for the cause of individualism. Yet, he also knows something else—namely, if there is objective value in the world, and if basic rights are tied to objective value, how can there be a place for the idea that a society's legal system should be tolerant of activities that do not violate rights but are not in accord with what is truly valuable? In other words, does not liberalism's traditional view of the state as being neutral to different conceptions of the good become problematic once it is admitted that there is objective value and this value is what supports basic rights? Add to this the realization that the concept of objective value is easily reified and thus made into an abstraction to which individuals can and have been sacrificed, and one begins to appreciate the tension, both theoretical and political, between the acknowledgements that there must needs be objective value and that human beings have basic rights.

Though there are many other important and intriguing issues (e.g., the rights of fetuses, children, the mentally defective, and animals, as well as the numerous difficulties faced by any theory of property rights) addressed by Lomasky in novel ways, it is the tension between the claim that there is objective value and the claim that people have basic rights that is the motivating force of this work and its central concern.

According to Lomasky, basic rights are necessary because human beings are individuals, and a crucial feature of being an individual is that one pursues personal projects. Personal projects are a special type of end. They are characterized by persistence, centrality, and structure and are special because they are crucial to determining the identity of an individual over time. A personal project is not something that is just recognized and then accomplished in one particular action. Instead, a personal project persists throughout large stretches of the lifetime of an individual and structures the actions that a person takes. It is through personal projects that an individual creates his unique identity.

From the standpoint of ethical theory, the two most important features of personal projects are that they provide a uniquely personal reason for doing something—a reason that is not transmissible to anyone else—and that the value of personal projects is created by the commitment of the person—it is not intrinsic to the project itself. According to Lomasky, the fact that E_1 is *my end*, that it is bound up in my very conception of myself, a self I create, that it is what I most of all care for and thus provides me with a unique reason for pursuing E_1, makes the recognition of basic rights necessary. Basic rights are needed in order

to protect human beings in the course of pursuing projects. Moral space is what every human being as a project pursuer needs most, and rights are entitlements to moral space that obligate others to noninterference.

An ethics that recognizes the legitimacy of personal projects and the rights that are needed to protect them is in conflict with the position Lomasky labels "the Foil." The Foil is characterized by three assumptions: (1) there is some objective standard of moral value in terms of which actions are to be evaluated; (2) the test of whether an action, as compared to some other action, ought to be done is whether it produces more good—viz., a consequentialist theory of moral obligation; and (3) practical reasoning is divided into two types—prudential and moral—and the latter differs from the former in terms of its impartiality regarding whose ends are being served.

Moral space is what every human being as a project pursuer needs most, and rights are entitlements to moral space that obligate others to noninterference.

Though Lomasky combines all three assumptions together into one package, it is the third assumption—the idea that when one adopts "the moral point of view" one should, strictly speaking, be impartial between one's own preferences and that of someone else's—that is Lomasky's central target. According to the Foil, the fact that "E_1 is *my end* . . . it is *what I most of all care for*" provides no *moral* reason for my choosing E_1—the only moral reason to choose E_1 is one in which everyone else could share. It is this feature of the Foil that Lomasky finds most objectionable and fundamentally at odds with the individualism he seeks to defend.

The Foil renders ends perfectly socialized, the completely common property of all active individuals. The price paid for this evaluational socialism is far more extreme, though, than that occasioned by economic socialism: it is the metaphysical breakdown of the person. The Foil endorses a view that entails the impossibility of individuating agents by reference to what each has a reason to bring about. If all ends *qua* ends are impersonally determined and impinge on agents equally, then no agent is individuated as the particular purposive being with just those projects to pursue. Agents are dissociated from their ends because the ends are no longer, in any significant sense, theirs.

Accordingly, one could not adopt the "moral point of view" and claim that either there is some end, some project, that is absolutely untouchable or some moral side constraint (viz., a right) on attempts to do good and avoid evil.

Lomasky considers, of course, the reply by the defenders of the Foil to his criticism. Put simply, their reply is that unless one becomes an impartial evaluator and considers ends in terms of their objective worth and not as they relate to one personally, there is no way one can take moral reasoning seriously. One will be faced with a world in which all values are strictly personal and thus have to "countenance an incessant Hobbesian war of all against all." The point of this objection is that if morality is to let the individual count in the way that Lomasky seeks, viz., make room for people as project pursuers, it means that morality breaks down. Individualism, the primacy of project pursuit, ultimately means nihilism!

Lomasky decides to meet this objection by showing that a compromise with the Foil is possible. It is not true, he claims, "that project pursuit insulates one from all reason to consider the well-being of others and take another person's good as providing reasons that bear on one's choice of conduct." Lomasky does not seek, then, to replace the Foil *in toto*. Instead he seeks to show that both the impersonal and personal elements of practical reasoning can be incorporated into an adequate account of moral reasoning and thereby avoid both evaluational socialism and the Hobbesian jungle. How Lomasky seeks to incorporate these two elements can be revealed by considering how he answers two questions: (1) What is so wrong with someone not having their project pursuit protected—why is it better that individuality be protected and people not be used as a mere means? (2) In a world of project pursuers what reason would one project pursuer have to value others having the right to pursue their projects? I will consider Lomasky's answer to each question.

Lomasky's answer to the first question is: "The value to me of *this* project is consequent upon my commitment to it and not to some other end, but the personal value that accrues to me as I pursue the project that is *mine* presupposes the impersonal value of project pursuit. . . . Rational beings/project pursuers have value in themselves, impersonal value, so to regard them merely as means to one's own ends is, irrationally, to act toward them as if their only value was personal value conferred (or denied) through one's own volition." The impersonal value of being a project pursuer underlies, grounds, and ultimately legitimates a project pursuers demand of noninterference from others.

Lomasky's answer to the second question is: Psychological egoism is false. People are capable of empathizing with others and can understand what it is for

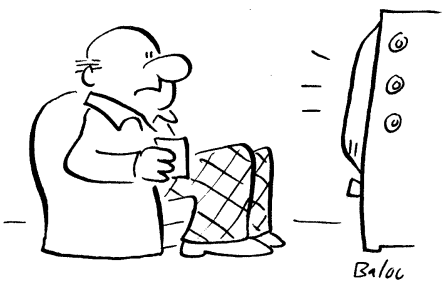

"In a surprise move, the Senate and the House today certified each other okay on human rights . . ."

someone else to have a reason to promote an end. Yet, the ability to recognize evaluative grounds that have not been created by oneself for oneself allows for the transmissibility of practical reason from one person to another. "A acknowledges that B has reason (understood personally) to act in order to bring about E_2; thus there is (impersonal) reason to bring about E_2; thus A has some reason to advance B's attainment of E_2." Lomasky admits that the reason that A has to advance B's attainment of E_2 can be "vanishingly small" and nonexistent when it conflicts with A's own projects, but it nonetheless allows an opening out of the Hobbesian jungle. Lomasky argues that "it is a mistake to commence political analysis with a state-of-nature scenario in which each individual is consumed by his conceptions of value-for-himself and regards others only as obstacles to his own designs." He maintains that through the exercise of practical reason that involves both personal and impersonal value basic rights will emerge as an equilibrium position—the unintended product of rational accommodations among countless numbers of project pursuers.

Lomasky's answers to both questions (1) and (2) are not, however, adequate, and he does not succeed in incorporating the personal and impersonal elements of practical reasoning into a coherent account of moral reasoning. This in turn undermines his argument for basic rights. The reasons for his lack of success are instructive.

Regarding the answer to question (1), it seems that Lomasky has given away everything he has worked so hard to establish and based his justification of rights on a claim that stands in dire need of justification. If the value of my personal projects ultimately rests on the impersonal value of being a project pursuer, then how can I be secure in my claim to have a *right* to pursue a project which has the consequence of not promoting the impersonal value of my or others continuing to be project pursuers? Further, all project pursuits may not be equal, what if there are other projects which if pursued would be conducive to more project pursuers existing? It seems quite consistent with the promotion of the impersonal value of being a project pursuer to direct people into certain projects and to prohibit their pursuit of others. Finally, and most fundamentally, Lomasky needs to explain just what is it about being a project pursuer that gives one value, impersonal value, in oneself? Why is the world better with project pursuers than without them?

Regarding the answer to question (2), even if one rejects psychological egoism, accepts that human beings have the ability to empathize, and grants that people can act on the basis of moral principle or rational desire, it still does not follow from the fact that I know that someone else has a reason to pursue some end that I "therefore" have some reason to advance that person's attainment of their end. Yes, there are reasons other than my own for something to be done. Yes, I am not the only project pursuer in the universe, but how does this imply that I have some reason to advance your attainment of your end? Lomasky claims

Reason Papers

A Journal of Interdisciplinary Normative Studies

The Free and Noble Spirit: A Festschrift for John Hospers

Preface ..... *Tibor R. Machan* 2
Appreciation ..... *Douglas B. Rasmussen* 3

Articles

Libertarianism, Welfare Rights and the Welfare State .... *Jan Wilbanks* 8
Brothers in Chains: Emerson and Fitzhugh on Economic and Political Liberty ..... *Larry Schweikart* 19
Hospers' "Ultimate Moral Equality" ..... *John O. Nelson* 35
On the Foundation of Natural Rights ..... *Jeffrey Paul* 48
Liberty, Equality and Neutrality ..... *Donald Wacome* 67
Brainwashing, Deprogramming and Mental Health ..... *Antony Flew* 84
Moore: the Liberator ..... *Tom Regan* 94
Judging Without Justice ..... *Randall E. Barnett* 109
Preference Utilitarianism, Prior Existence and Moral Replaceability ..... *Eric Mack* 120
Assassination ..... *Joseph Margolis* 132
Hospers on the Artist's Intentions ..... *Mary Sirridge* 143
Self ..... *J. Roger Lee* 152
Aristotle and the Natural Rights Tradition ..... *Fred D. Miller* 166
Toward a Genuine Philosophy of the Performing Arts ..... *Randall R. Dipert* 182

Discussion Notes

Notes on Dipert's Review of *The Evidence of the Senses* ..... *Robert E. Knapp* 201
Knapp on Kelley ..... *Randall R. Dipert* 206

Book Reviews

David Gauthier's, *Moral by Agreement* and Loren Lomasky *Persons, Rights and the Moral Community* ..... *Mark C. Phillips* 208
John D. Barrow and Frank J. Tippler's *The Anthropic Cosmological Principle* ..... *Charles D. Brown* 217
Allan Bloom's *Closing of the American Mind* ..... *Douglas J. Den Uyl* 224
Douglas Den Uyl's *Power, State and Freedom* ..... *Wallace I. Matson* 229
Michael Fox's *The Case for Animal Experimentation* ..... *John Hospers* 233

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No. 13 **SPRING 1988**

that the argument here is not moral but semantic. In other words, what it means for someone to have a "reason" to pursue some end requires that I, as a being who is capable of having a "reason" for pursuing his own ends and who can recognize that others have their "reasons" to pursue their ends, not be indifferent to whether someone else attains their end. The assumption here is that since a "reason" shows why some end ought to be sought that it must obligate in some way everyone to whom reasons can be a motivation for action to seek that end. This assumption is false. It is perfectly possible for someone to show why E_2 is valu*able* for them to pursue without implying that E_2 is valu*able* for me or that I should seek to advance E_2.

Though Lomasky says he does not wish to deny either that moral consideration can apply to Robinson Crusoe before he meets Friday or that it is meaningful to speak of self-regarding duties, he never really considers what this admission could mean for his argument. By and large, he accepts the Foil's characterization of prudence and morality. Prudence is seen as the maximization of one person's good over the course of a lifetime. "The prudent man is, if not entirely indistinguishable from *Homo economicus*, then at least his twin." Morality involves the maximization of the good for many persons and involves treating all persons alike. This "impartiality involves weighing all ends by some standard of value and striving to maximize the sum of this value irrespective of whose particular interests turn out to be favored." Regrettably, Lomasky does not attempt to rethink either account of prudence or morality and integrate the two into a new whole; rather, he just lumps them together. As a result, Lomasky does not consider the possibilities that value can be objective without being impersonal and personal without being merely a matter of preference. Put in terms those familiar with Rand's thought will easily recognize, Lomasky fails to consider that there is a difference between an intrinsic and objective view of the good—the latter is necessarily related to a human agent while the former is not—and that there is a difference between a subjective and objective view of the good—the latter is based on how certain aspects of reality relate to a human being and is more than a mere expression of preference while the former is not.

As Eric Mack has noted, the conflation of the objective with the impersonal and the personal with the subjective vitiates Lomasky's entire work. This is most unfortunate; for Lomasky's argument for basic rights is clearly on to something crucial. Though the moral concept of "rights" is ultimately dependent on objective value and implies duties on the part of others, rights are not reducible without remainder to either goodness or duty, and this is so precisely because human beings both are and ought to be self-directed individuals. Lomasky realizes this, but not clearly, and tries, but not consistently, to reconcile objectivity of value and the legitimacy of basic rights.

In this review I have concentrated on the central tension in *Persons, Rights, and the Moral Community* and have not begun to do justice to its insight, power, and—yes—passion. This work is required reading for anyone who is seriously concerned about individualism, rights, and the nature of morality. ❑

Recollections of a Life
by Alger Hiss. Henry Holt, 1988, $19.95

Still Lying, At His Age!

William P. Moulton

Whittaker Chambers testified before a congressional committee that as an communist agent in the 1930s, he had known Alger Hiss to be a fellow agent of Soviet Russia. This was big news: Hiss had been an advisor of President Roosevelt at Yalta and President of the Carnegie Endowment for International Peace. Hiss eventually testified before the same committee and denied all, claiming that he had never even known Chambers. A vast amount of evidence was accumulated to the contrary, and Hiss was indicted for perjury. On January 21, 1950, a jury found Hiss guilty of perjury. Hiss was sentenced to prison in disgrace and served his time, but always maintained that the evidence against him was an incredibly convoluted conspiracy mounted by the FBI.

The Alger Hiss affair (known to its principals and devotees simply as The Case) goes on and on. For forty years it has been wrenching and draining the emotions of a large number of people on both sides of the issue. One of the strangest aspects of the matter during all these years has been the paucity, the strange lack of substance, of Hiss's efforts at self-exoneration. After his nemesis Whittaker Chambers came out with his confession-cum-autobiography *Witness* while Hiss was a guest of the United States government, the latter's supporters were in high hopes of a rejoinder from the accused. It was assumed that he would lay out the whole story of his (alleged) acquaintance with "George Crosley," his theory about how a number of State Department documents journeyed from his office and eventually penetrated Chambers's pumpkin, and his innermost views concerning communism, the New Deal, the House Committee on Un-American Activities, and the like.

Instead, what came forth in 1957 was an anemic volume titled *In the Court of Public Opinion*. It was simply a glorified appeal brief, detailing allegations of improper trial decisions by court and prosecutor, and very lightly touching on the supposedly evil motives of Chambers, J. Edgar Hoover, and Richard Nixon. Just the bare bones of the case. Compared to the intellect and depth and passion of Chambers'*opus*, it was a buttered cracker next to a seven-course meal.

I realize that some readers will think they spot a logical fallacy here. A character on the old *Ironsides* show remarked, "I don't know what happened! That's the trouble with being innocent—you don't *know* what happened!" And it is true that an innocent person has no obligation to supply a convincing explanation of a crime. However, in writing this review I am taking judicial notice of the fact that the guilt of Alger Hiss is established be-

yond, well, even *un*reasonable doubt. There is not space to argue the matter here. For those who may have doubts, or who are simply not very familiar with the case, I make reference to Allen Weinstein's *Perjury* (New York: Knopf, 1978) and the many subsequent articles in major periodicals dealing with the evidence he presented. No, the question is not, Is Hiss guilty?, but rather, Why hasn't he at least tried to produce a coherent alternative theory that would plausibly explain the facts? *In the Court of Public Opinion* sank without a trace, even among the author's supporters.

During the next thirty years, Hiss cooperated with other writers on a couple of "friendly" accounts (*Friendship and Fratricide, Alger Hiss: The True Story*) and dropped frequent hints that he was working on his own definitive autobiography. At one time, he passed the word to his intimates that it was to be called *The Beginning of My Love Affair with America.* This strange moniker was, apparently, consigned to the memory hole.

At long last, Alger Hiss's second *apologia, Recollections of a Life,* arrived on the nation's waiting shelves in May of this year. Alas, it is worse than the first one. There is a little more information on Hiss' early life, true, but the market for this is, one suspects, on the sluggish side. The case is dealt with only sporadically. There are throwaway references to Chambers, Nixon and others. Nothing is tied together. Probably ninety per cent of the evidence against the author is not even mentioned, let alone refuted. (For an analogy, imagine a biography of Al Capone that discussed his conviction in Philadelphia in 1928 for carrying a concealed weapon, but mentioned no other criminal allegation.) To attempt to refute Hiss point by point would be impossible—the book is simply not structured enough to permit such a task. It fails in every respect.

Hiss at 83 is a pathetic creature, an embittered old man clinging to a threadbare lie and looking defensively over his shoulder, hoping that he is still surrounded by a dwindling corps of elderly leftists who have accumulated so much emotional baggage in his defense that they can never desert the cause. Alger Hiss is the archetype of the man who has sold his soul and gained—nothing. ❑

Booknotes

Paranoia a la Mode

"The Time is the future . . .
"The battle is for man's most precious possession . . .
"The defender is . . . RANKIN: Enemy of the State!"

So proclaims the cover copy (John Osier, ***Rankin: Enemy of the State***, Penguin Books, 1987, 160pp., $3.50), but actually this short novel is nowhere near so melodramatic. Rankin is no speech-making freedom-fighter, no belligerent Schwartzenegger action figure, but a desperate man on the run, devoid of ideology or long-term goals.

He is detached from the herd through no major fault or merit of his own. An accidental encounter with another sad "enemy of the state," a teacher condemned for posting a copy of the Bill of Rights, evokes from Rankin no sympathy for the teacher's "lunatic" action but some for his plight. The Security Police descend upon the pair: the teacher is killed and Rankin escapes with the contagious "enemy of the state" status.

Rankin flees for his life through a totalitarian near-future America, the result of a military coup during a prolonged wartime National Emergency. "The July Decrees were passed—anyone who opposed the new government was a subversive—guilty of treason and, therefore, an 'enemy of the state.' It was not only the right, but the duty of all loyal citizens to destroy such enemies. The government would officially declare who these enemies were and, after that, it was open season on them" (p. 24). After the squelching of some early resistance, America quickly (and, for me, unconvincingly) turned into a depressed and depressing range of Police, bounty hunters, and informers.

Rankin as an individual barely stands above his group; he falls almost without thought or qualm into a routine of theft and violence in order to survive. His atomistic environment neither connected him with others nor inculcated inhibitions. Ironically, though never a serious threat to the state, his "enemy" label triggered Rankin's change into a real enemy of ordinary society, a rogue looter. Indeed, such manufactured enemies serve the state by adding to the spectacle and justifying its role as protector.

When Rankin runs into some would-be revolutionaries, he wonders why he should bother fighting for those trying to kill him. "They're free now to shoot at me, and let me tell you something—they like it. That's the kind of freedom they can understand. So talk to me some more about helping free the people. I can't wait to join your revolution" (p. 144).

Rankin's cynicism, inertia, and justified paranoia are offset by gratitude for occasional kindness, pity for fellow sufferers, hatred for the state's hypocrisy, identification with some prohibited Russian literature, and growing despair over his own futile course. The balance is nice enough that the reader is left until the end in suspense whether and how Rankin will live up to the novel's hopeful cover blurbs.

This pervasive low-key unexpectedness is in itself surprising in a story that from the outside and outset portended the banal formula of a TV "Fugitive" or "Incredible Hulk" episode. One of my favorite sections details Rankin's long vigil beside a hardware store, waiting to break in and steal a gun. The outcome is neither violence nor success; instead, the tension fizzles into an anticlimax of intensifying futility.

Osier's writing is tight and hard-edged, maintaining the paranoid mood throughout. *Rankin: Enemy of the State* is a depressing read, with some lapses of credibility, never reaching for any great aesthetic heights, but well done given its theme. —SMS

The Cat as Hero — I have discovered what I suspect may become a classic in animal literature (which is no undistinguished genre). Certainly, cat lovers of the world will unite over Joy Smith

Aiken's first novel, ***Solo's Journey*** (New York: Putnam, 1987, $19.95, 255 pp.). This adventure story with a moral (several morals, in fact) is as sweetly benevolent in tone as it is painfully revealing about man's inhumanity to animals. Told from the perspective of an endearing cast of characters who belong to an intricate network of feral cats, the novel boasts intrigue, feats of bravery, stark conflict, a boldly imaginative use of language, and a high-spirited, ingenuous little cat-hero. His courage and foresight as he grapples with large issues in the universal struggle for dignity and freedom make this tale an inspiring one for adults and children alike. —EH

Anarchists, Unite! — You are no doubt familiar with the science fiction novella *True Names.* You are aware that it is regarded as a precursor to cyberpunk, that it is widely considered a classic, and that it has benefited from a loyal following. You have seen the book on science fiction racks; you have noticed that it has gone through several printings. But like me, you may have put off buying the book, and may have had no idea that its author, Vernor Vinge, is a libertarian.

I suggest you break the pattern and pick up the latest edition, ***True Names . . . and Other Dangers*** (New York: Baen, 1987) and actually read it. You will have nothing to regret.

You will also not regret reading "The Ungoverned," one of the several short stories (or "Other Dangers") included in this edition. It is a tale of how an anarchocapitalist society copes with the invasion of a "well-meaning" army from a nearby republic. Though the story is not as good as *True Names,* it is nevertheless amusing, and fills an unfortunate gap in the contemporary literature: after all, how many *explicitly anarchocapitalist* stories have you read recently? —TWV

A Reader on Writers — There is no other book even remotely like ***The 1988 Media Guide*** (Morristown, NJ: Polyconomics, Inc, 1988), in which Jude Wanniski takes on the herculean task of evaluating and commenting on the totality of American journalism. Happily, lack of competition has not narrowed the scope of his ambition.

The *Media Guide* leads with a review of what happened in journalism in 1987, discussing the "big stories" (AIDS, the Crash, Iran-Contra, etc), and picking its favorites. But the meat of the book is its discussion of what Wanniski considers the 39 most important periodicals and its evaluations of about 650 journalists.

Wanniski begins by reviewing what he considers to be the "pacesetter" publications (viz, the Washington *Post*, the New York *Times*, the Washington *Times* and *The Wall St Journal*), followed by brief critical remarks on 34 other periodicals that he considers to be "national" importance. But the bulk of the book consists of critical reviews of the work of more than 600 individual journalists.

The periodicals reviewed range in circulation from 3,700 (*The National Interest*) to 4,698,325 (*Time*); in ideological orientation from the witless right (*Human Events*) to the idiotic left (*Mother Jones*); from the pop cultural (*USA Today*) to the arcane (*Defense Journal*).

Wanniski, formerly of *The Wall St Journal,* views all this with a vaguely classical-liberal, vaguely conservative perspective, largely unsullied by his trip into the intellectual swamp of "supply side economics" (a term he originated, by the way). He praises many of the better conservative journalists but is not afraid to step on the toes of some of the really dreadful ones; and he shows a genuine appreciation of those left-liberal journalists who have demonstrated an actual ability to think and to write.

In all, Wanniski, his colleagues at Polyconomics and his "about 50 media gourmets" claim to have read more than 100,000 by-lined pieces by some 1,300 journalists.

So far as I noticed,Wanniski ignores every libertarian journalist and journal including *Reason,* which seems strange, given *Reason*'s consistent quality and general palatability to the more rational elements of the right, and the fact that old *Reason* hand Alan Reynolds is "chief economist" of Polyconomics.

Amazingly, Wanniski & Co praise P.J. O'Rourke for his "belly-laugh quotient" but complain that they "saw only two pieces by him in the mainstream press." How they missed his frequent pieces for *Rolling Stone,* which by themselves are good reason to sort through the news of Madonna and the imbecilic twaddle of William Grieder, is mysterious to me. Or perhaps they think *Human Events* and *Commentary* are more mainstream than *Rolling Stone.*

Even so, *The Media Guide* is good reading and a handy reference. And, as I said before, it's in a class by itself. —RWB

THE MARKET FOR LIBERTY

by Morris & Linda Tannehill

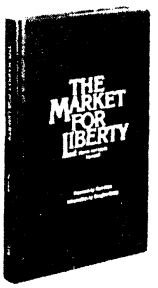

"*The Market for Liberty* is, on the face of it, about politics, but it is really much more. In the past most political writing, has dealt with government as a noble and ennobling, if somewhat flawed, institution that should be nurtured and cherished. Morris and Linda Tannehill point their fingers at government *per se* as the problem. They demonstrate that it is the institution itself, not just a few bad men who occasionally take its reins, or a few mistaken laws which alter its direction, which needs to be done away with. *The Market for Liberty* explains that government is not what keeps human beings from reverting to the jungle, as most think, but is rather what keeps them from advancing to the stars.

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--From the introduction by **Doug Casey**

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It Usually Begins With Jeremy Bentham — What Judas Iscariot is to Christianity, Jeremy Bentham is to libertarianism—or so some libertarians would have it. But ritual condemnation of Bentham and utilitarianism ignores much that is good and important, while misunderstanding their failings. (For instance: utilitarians are often blamed for the retreat from liberalism in Britain during the latter half of the nineteenth century. The blamers forget that it was these same Benthamites, or "Philosophical Radicals," who were largely responsible for the ascendancy of liberalism in the first place!)

So just what is utilitarianism?

It is usually thought of as a species of normative doctrine, as an ethical or political philosophy. But the impression one gets from reading H. L. A. Hart's ***Essays on Bentham: Jurisprudence and Political Theory*** (Oxford: Oxford University Press, 1982, £4.95) is that the thinker most closely associated with utilitarianism regarded it as something much more than that. To him utilitarianism was a great and noble intellectual enterprise, an approach that encompassed both positive and normative elements of social theory, and much more.

The "Utilitarian Enterprise," to translate it into terms contemporary libertarians might feel more comfortable with, was to try to understand human behavior and social institutions in terms of purposiveness (what Bentham and the early utilitarians referred to as action motivated by desire for pleasure and avoidance of pain). This attempt to explain social behavior by means of "utilitarian calculus" was also directed with varying degrees of success at ethical doctrines, first as an explanatory device, and then as a normative criterion. The idea was to "demystify" ethics and to come up with an ethical system that did not try to hide ulterior motives. Bentham was trying to come up with a universal morality that everyone would have practical reasons to accept.

The problems with Bentham's attempt are legion, and H. L. A. Hart provides some very telling criticisms. He provides chapters on Bentham's "demystification" agenda, on his and J. S. Mill's different notions of natural rights (this is especially interesting, and very important for contemporary libertarian debate), and on the ramifications of his "positivistic" analysis of law, and on his schizoid attitude to the United States.

This book is valuable not only as an introduction to Benthamic utilitarianism, but also as a guide to how it can be improved. —TWV

Anti-Statist, By George! — I had never heard of Bolton Hall before I picked up ***Selections from "Free America" and Other Works*** (Port Townsend: Loompanics Unlimited, 1987, $8.95). Being an avid reader of turn-of-the-century anti-statist writings, I assumed that Hall was a very, *very* minor figure. But, after reading Mark Sullivan's excellent introduction, I began to have doubts, and as I read through the various chapters of this collection, I had my doubts confirmed and disconfirmed with every other chapter. Though I still have no very sure idea just how influential the man was in the (decaying) libertarian movement of his day, after reading almost all of the book, I do have some grasp of his intellectual stature.

The best and the worst that can be said of him is that he was a Georgist. But he was a rather interesting Georgist, a Georgist of both pious and practical bent. His pious nature comes through in his sympathies and manner of expression. His practical nature found chief expression in his activities as an organizer (and theoretician of) "intentional communities."

His mentor Henry George was the influential American journalist, economist, and social reformer who tried to integrate some of the leading ideas of the French Liberal School with those of the British Ricardian School. The attempt was pre- (and counter-) marginalist, however, and thus an intellectual failure; further, it was egregiously bent to serve his own peculiar brand of liberal populism; and worse yet, some of its twists and turns were purely and wholly nutball.

All these things can be seen in Hall's writings. Hall strains under the attempts to make liberty the insurer of equality, and to see lack of freedom as the source of all major social problems (inequality and poverty being his predominant obsession). As with Benjamin Tucker, "monopoly" is the ultimate word of opprobrium, and the word is used in the manner of one who has more than a few crackpot notions. Hall's disgust with those who succeed because of "monopoly privileges" is so great that he expresses inordinate sympathy with those who clamor for socialism, reserving only antipathy for Herbert Spencer's fulminations in *The Man vs the State* against the rise of socialistic legislation.

But there are good things in this book, such as the chapters on "Over Production" and "Political Corruption," and students of anti-statism will find reading here that is at least of historical interest. Those who see in Georgism important truth and those who see in it a still unsettled thorn in the side of classical liberal

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Personals

Gay Libertarian man, 27, would like to correspond with other gay libertarians. M. D. Fulwiler, 231 Sanchez St. #4, San Francisco, CA 94114.

(libertarian) orthodoxy (can there be such a thing?) will find ideas of some theoretical interest, as well. —TWV

Bully for Capitalism — Does the world need an Objectivist defense of pit bulls? Mitchell Jones thinks so. He spent considerable energy writing and publishing ***The Dogs of Capitalism, Book 1*** (Austin: 21st Century Logic, 1987, $24.95), a philosophical defense of "heroic" dogs bred to fight to the death.

This classic from the "Objectivists From Hell" series, in which followers of the late Ayn Rand commit amazingly silly and downright foolish ideas to print, wrapped in the mantle of pseudo-philosophical righteousness rates very high on the weirdness index, at least 9.5 out of a possible 10. Hey, get out that checkbook now!

Yes, you read that correctly. *The Dogs of Capitalism* is not about mercenaries, robber barons, smugglers, appropriately selfish businessmen or anything else most purchasers probably thought it was going to be about. It is really about four legged dogs with very powerful jaws, trained to fight.

This is a peculiar book in other ways as well. It comes equipped with irritating schoolmarmish directions, such as the pink paper slip inserted inside the book instructing "How to Read This Book," warning the reader not to skim, speed read or jump ahead. "If you engage in such practices, you will quickly encounter passages which seem to be both outlandish and unsupported," the notice warns. Another extraordinary feature is Jones's offer to argue with readers who disagree with him and to help readers select sound pit bull pups for their own purchase.

Jones lectures his potential readers in the forward and footnote sections. Apparently doubtful that his readers are bright enough to understand him, he includes an essay about "learning from books." He also sternly warns that footnotes should be read separately after reading the book, not during such reading. Only a few of the voluminous footnotes contain citations, those mostly references to a handful of books on wolves, dogs and British history. Most of the rest are just digressions about unsupported theorizing on other topics. It is in the notes, for instance (note #3 for page 78), that the only outright plug for the works of Ayn Rand emerges, giving this reviewer the much needed relief of a long-overdue "A ha!"

The first mention of the word "pit bull" occurs only after 281 long pages of meandering discussion about wolves, the evolution of domestic dogs, the evolution of tribal organization and ancient governments, "dogs of war" (e.g., dogs used in ancient warfare), the fall of Rome, the rise of feudalism, the rise of the British monarchy, the evolution of justice in feudal England, how breeds of dogs were raised to do practical things (chase hares, kill rats, kill badgers and guard estates, etc.). Finally, we come to an account of how the pit bull terrier evolved from bull dogs and mastiffs, supposedly in order to provide "personal protection dogs" for the rising urban proletariat, made possible by the triumph of capitalism in England. Whew!

Jones manages to fit in arguments against slavery and for legal abortion (in footnotes, of course), spends a suspiciously long time detailing the agonies of ancient torture practices—all to highlight how evil they were, of course—and provides an interesting argument in favor of getting rid of wild wolves, which alone seemed pretty convincing on humane grounds. (Being torn to pieces by a pack of hungry wolves is not a pleasant way for Bambi to meet her maker, if you get the gist.)

The whole book seems hopelessly unscientific, even to this non-scientist reader. Its whole case is Anglo-centric, as Jones bases his case for pit bulls on a long and tenuous chain of reasoning having to do with the rise of impartial justice and free trade in England. Weren't there dogs in ancient China? In virtually the entire rest of the world? Doesn't that matter?

Elsewhere, poor Jones goes on a rant about the evils of "social intellectuals" who supposedly twist ideas and words for their own evil purposes, as opposed to those honest folk (like dog breeders) who work with tools and hands. He claims that these "social intellectuals" are at heart anti-capitalists, and "that 'word men' may succeed by catering to emotions and values that are both evil and irrational, if large numbers of persons feel those emotions and hold those values." He asserts that these evil "word men" (who, natch, oppose dogfighting and seek to ban it) can successfully put out a lousy newspaper because the public is brainwashed to like lousy ideas.

Underneath all that anger and frustration probably lurks an intelligent man who cares about the world and the people in it, but for some reason chose to write a book about "heroic" dogs bred to fight to the death. Too bad Jones can't distinguish between heroism and mindless killing by inbred dogs, trained and encouraged by those who view death contests between animals as "sport."

I don't know if owning a pit bull is a victimless crime or not. But anyone who thinks pit bulls are "dogs of capitalism" is way off base. Is heroin the "drug of capitalism" just because it is legally suppressed? After all, heroin addicts like their fixes as much or more than pit bull owners like their dogs. Does this make drug addicts "capitalist heroes"? I don't think so.

The Dogs of Capitalism is likely to have a small readership, since the ranks of book-buying Objectivist pit bull fanciers are pretty small. But it has considerable interest for fans of the unusual—although as I write this I tremble at the thought of my remark being lifted and used to tout Vol. 2. —MH

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Travel

An American in Italy

by Murray N. Rothbard

In which the author continues his guided tour in ethnocultural insensitivity.

In my sojourns in Europe I used to stick stubbornly to areas north of the Alps. Southward, I was convinced, lay darkness and savagery, corruption, gross inefficiency, crime, disease, pollution of food and water. In short, south of the Alps were none of the cherished attributes of civilization. I had only trusted myself to Italian soil for one night, driving from Yugoslavia (from its most northern, *freest*, and most capitalist part, Slovenia) and up the Brenner Pass to Austria, and I was singularly unimpressed.

No, no, my friends remonstrated, you have not seen the true Italy, the art, the buildings, the noble soul of the people! Finally, in a moment of weakness (others, I suppose, might call it "flexibility" or "maturity"), I agreed to spend a week there this spring. But I would avoid the dreaded *Mezzogiorno*; I would confine myself to northern Italy, the land of alleged civilization. Even Rome was too far south. I would avoid tourist traps like Venice and Florence, and use Bologna as home base, taking day trips to nearby cities, to Florence and to the great Emilian cities of Parma, Ferrara, and Modena.

A huge exhibit of Emilian art that I had seen in Washington and New York had attracted me to Bologna. It was correctly noted in the press that while the two-thousandth exhibit of King Tut or the Impressionists packs them in like sardines, this glorious exhibit went virtually unattended. It was a rare experience to roam through the National Gallery and a few months later through the Metropolitan as if it were virtually a private showing for my benefit. Because there was no "Big Name" here, the *booboisie*, and the corporate donors, had quickly lost interest.* *My* interest was both esthetic and ideological. It was in Bologna and then the rest of Emilia that the great Carracci family, brothers Annibale and Agostino and their cousin Ludovico, set up their studio in the 1580s in a deliberate attempt to take back the world of art from the proto-modern, self-indulgent, art-for-art's sake of mannerism, and to restore the realism and representational truth of the high renaissance. The studio of the Carraccis founded the Baroque, which was to triumph in Emilia and the rest of Italy.†

The trip was all worked out. My wife and I would fly from Budapest, where I was participating in a conference on Austrian Economics and Investing, to Milan, transfer to the nearby railroad station, and then on to Bologna, from which we would make quick day trips to the art and architecture of the other cities. And in Bologna itself we would visit the Pinocateca Nazionale, a major sponsor of the Emilian exhibit, and the great University, the major center of constitutional and canon law in Europe for centuries during the medieval and renaissance eras.

Out of the Frying Pan . . .

The first snag in the plan took place no more than a half hour after alighting in this benighted country. After the porter heaved our suitcases onto the overhead racks of a railroad compartment, and about five minutes before the train was scheduled to take off, an excited, thuggish lout of a fellow rushed into the compartment. He babbled incomprehensibly in Italian, seemingly mad at the world, and particularly, for some reason, at me, though I had never set eyes on him in my life. The two other people in the compartment explained that he was claiming that he had reserved several seats (how many was unclear)—he muttered several things about *"bambini"*—and insisted that I help him move my luggage from one overhead rack to the other across the compartment. Being allergic to heaving, I resisted doing so, but as he laid hand on my stuff I grudgingly went over to help, after which he stormed out of the compartment. As the train pulled out of the station a minute or so later, we were all relieved to see that this bozo hadn't returned and that his luggage and *bambini* were settled elsewhere. A half hour or so later, however, I discovered that my wallet was gone, disappeared.

It was easy to reconstruct what had happened. The swine had engineered a diversion, racing around, yelling like a lunatic; and while I lifted my reluctant arms to help heave the luggage, the *batardo* had cunningly slipped my wallet out of my pocket, thoughtfully leaving me my passport. "Welcome to *Italia*, sucker!"

It was a hell of a way to begin my Italian excursion, a souring experience. The sweet young lady in the compartment knew English very well, unlike almost all the hotel employees, taxi drivers, and restaurant people I met in Italy. She had been puzzled, she told me, how the fellow could have reserved seats when no *"reservato"* stickers had been placed on them. She said she hoped that this experience would not sour me on the Italian people, and I gallantly replied that I came from New York, where my wallet had been stolen twice, but my heart wasn't really in it. I knew down deep that, henceforth, as far as I was concerned, the Italian people, no matter how far north they might be, had had it; they were unsalvageable.

The rest of my journey did nothing to soften my view. The week turned out to be a nightmare. The modern air-conditioned hotel showed no sign of air-conditioning; even though it was only early June, the temperature was in the 80s, and it was humid. And, of course, in Europe no windows are ever opened, anywhere, at any time (except, from time to time, by crazy Americans). When I asked the "friendly," "thoughtful," hotel employees about the air-conditioning, they airily muttered something about "tomorrow, *signore*," which soon became "next week, *signore*," but these *scumbagos* (as I began privately to refer to the Italian masses) were clearly lying through their teeth, since there were no dials, controls, or other paraphernalia essential to the air-

* I recommend the exhibit catalog highly: *The Age of Correggio and the Carracci: Emilian Painting of the Sixteenth and Seventeenth Centuries* (Washington: National Gallery of Art, 1986).

† See, in particular, Charles Dempsey, "The Carracci Reform of Painting," in *The Age of Correggio*, pp. 237–54.

conditioning process. Not only were these people a bunch of churls, their service could hardly have been "thoughtful," since the *batardos* knew no English whatever, though of course they wouldn't acknowledge this grim fact. So that whatever question you asked them, they would reply "yes, *signore*," uncomprehendingly and with no intention of doing anything except shutting up the customer.

After frantically calling American Express (which of course has no office in Bologna) and my travel agent in the U.S. to start the credit card replacement process working, we bravely set out the next morning on our first day trip—to Florence, to pick up the American Express card, and to see great art. The first hitch was that Italian museums insist on closing at 2 P.M., more or less the hour I like to arise. Since I was touring I was prepared to make concessions, but even when you stagger up at 9 A.M. you *have* to eat breakfast, since breakfast is the only time in Italy (or in Europe generally) where an American can get anything even remotely resembling a cup of coffee. For the rest of the day, all you get is a teeny cup of dense grounds that would curdle rhinoceros hide. Well, by the time we ate breakfast, found the train schedule, got the train to Florence, took a taxi to the museum, and got the all-important American Express card, it was about one o'clock, time to see one painting—more specifically, Michelangelo's *David*, which we happily gaped at for about three-quarters of an hour. Closing time.

Returning to the Florence railroad station about three, having seen our one piece of art for the day, we experienced to our horror that another great Italian custom (in addition to thievery): a wildcat railroad strike had started at 2 p.m. All the trains back to Bologna were "*Suppresso*," although the thugs would kindly allow the midnight train to Bologna to go through. I was damned if I was going to hang around the *Firenze* train station till midnight, and rely on the graciousness of the commie strikers to get home; I did not propose to wind up sleeping on the floor of the station, alongside the assorted stranded hippie and punker youth spread out on their rugs.

Planes? Naturally the last flight to Bologna had departed—the damned cities are only about 50 miles apart. Finally I decided to take a cab from Florence to Bologna. It was, I admit, a charming experience. The *Firenze* taxi driver was cheerful, despite the fact that I don't believe he had ever been across the Appenines to Bologna before. He asked a flood of directions in Bologna to get to the train station. I could piece together one conversation: "How come you, a taxi driver, don't know the way to the train station?" "Because, my taxi comes from Firenze." "Ahh ," said the other driver with a twinkle, "a Tuscano in Emilia!" Yes, I was back "home" in Bologna, and had done my part to cement interregional Italian amity, but my personal treasury, already thinned considerably by the railroad-compartment theft, was now shortened another $180 or so by the long taxi ride.

> *The swine had engineered a diversion, racing around, yelling like a lunatic; and while I lifted my reluctant arms to help heave the luggage, the batardo had cunningly slipped my wallet out of my pocket, thoughtfully leaving me my passport.*

So now we were in Bologna, with not a damn thing to do. There were to be no more train trips, and so the only thing left to do was to lie panting in our hot, grim Bologna hotel room, watching Italian television, and listening to the loudspeakers from the station across the street announcing in Italian the latest decrees of the wildcat strikers. There had been an English-speaking TV channel in Vienna and even in Budapest, but not of course in good old *Italia*, where on every channel they babbled incessantly in their accursed tongue. When there was no tennis to watch, the only thing left was to watch Lee Marvin or J. R. Ewing spouting improbably in Italian.

And how about the delights of Bologna, the Pinacoteca, the university? The hell with them! By this time, we were so demoralized that our only thought was to escape Italy. We were ready to change our tickets, whatever the penalty, but wouldn't you know, the airlines, even British Airways, are closed in Italy on the weekends, and it is impossible to get ahold of them after Friday at 5—or whatever. For after one o'clock, any given store might be open or closed, nobody can know, because no store puts up times of opening and closing on the door. In Soviet Russia there are very few street signs because it is assumed that those who *deserve* to know where the streets are already know them. So I guess the attitude in Italy is similar: those who patronize the stores *already* know when they will be open. Next to Italy, New York City is a paradise for consumers.

After endless days, we finally made it off to glorious London, where everyone has the good grace to speak English. The dust of *Italia* lay behind us forever. Ironically, we found ourselves in London eating in Italian restaurants, which are now the rage there. But, aha! when the head waiter in London says *"buena sera, signore"* he knows and I know that he's on *my* turf now. ❑

"You tried. That's the important thing."

Holzer, Eyewitness (continued from page 52)

remembering the question marks.) And after the electronics store, Callahan himself had staked out her father's house, then the restaurant ("You were worried about me!"), armed with binoculars and a plan. He had figured she'd be too smart to carry the recorder in her purse ("You had confidence—") but dumb enough to get caught in a final search (sigh) so he'd kept an eye out for her white beret. (Hats on, time to go.)

"And besides," Callahan was saying, "do you know what your life would have been worth if you *had* walked out of there tonight without getting caught? Without Carlo taking the fall? *You* would have had to testify against Santini."

"You'll never get Carlo to testify," she realized, dismayed.

She liked his grin as much as his eyes; almost as much.

"No need," he said, catching her hands in his. "This tape that you—excuse me, that Carlo—went to so much trouble to get for us is all the evidence we'll need. Francesca," he said, looking suddenly like a detective, "you did a very brave thing but you took a terrible risk."

Partly for you, she thought. But mostly for me.

"—will get worse around here before it gets better," he was saying. "How about taking that R and R you talked about?"

Europe. Once it had captured her fancy!

It had lost its appeal. "For how long?" she said flatly.

"I'll let you know."

"You'll—?"

"Keep in touch? Count on it. I'll even answer your question before you go."

He was grinning again. "You're not married?" she said, matching him grin for grin. And not waiting for an answer, realizing they were still holding hands and she hadn't even called him by his first name, she tried it out, savoring the word. "Pat," she said."Okay, Pat." ❑

Robbins, Further Comments on the Liberty Poll (continued from page 46)

the hostage and 22% would fire through the hostage. For those who don't accept the axiom, the numbers are 20% and 60% respectively, consistent with expected results. Secondly, 28% of those who accept the axiom believe that crossing a lawn to help a baby would violate the property rights of the owner, vs. 0% of the non-acceptors: again consistent. 87% of the acceptors would enter an apartment from a flagpole, against 75% of the non-acceptors, a result contrary to what one would expect. Finally, 67% of the non-acceptors would tell a prospective home-buyer of the A-bomb in the neighbor's basement, versus 100% of the non-acceptors, an ambiguous situation in which the message appears to be *caveat emptor.*

On all other issues the two groups show similar figures, very close to the totals presented in the earlier article. Evidently those who accept the non-aggression axiom do so conditionally; however, it would be wrong to conclude that, because we cannot divine their rationales from the variables presented in the poll, such rationales do not exist. Some of the acceptors who decided to take aggressive action may believe that the preservation of one's life takes precedence over all other considerations. Others may have answered on the basis that since one must take responsibility for one's actions, transgressing the axiom is OK so long as one accepts punishment. A moral case can be made for each of the three "breakdown in a blizzard" responses, and I leave it to the reader to sift the wheat from the chaff. Perhaps a future poll could allow the respondent to explain his answer, but this invites a scholastic mire which would be difficult to sort and code, let alone describe.

Questions like these show why Murray Rothbard warns that polls "provide distortion instead of illumination." Life is complex, and the ability of polls to understand it is necessarily limited. They can answer some questions well, especially reasonably objective concerns such as age and income, but on other matters they may be less satisfactory. But they can illuminate threads of thought which may have been obscured previously, they can tell the libertarian elites and philosophers how relevant their doctrinal debates are to the rank and file, and if taken in time-series can let a movement know why people come in, stay, or leave. But survey data cannot tell who is right or wrong, cannot reveal hypocrisy or irrationality, and in no uncertain terms they decline to tell us "who we are." I know who I am, and each reader knows who he is. The *Liberty Poll* tells the reader something about a group of 63 other readers and from this one can extrapolate certain things within strict confines.

I do not think polls are worthless, else I would not be a social scientist. However, I know that polls are by their nature congenial to collectivistic assumptions about the world, and they are a favorite tool of social engineers. This is why I stress their limitations. Given slightly different questions presented in a different style and a different order one may get vastly different answers. Does this make polling futile? No, it only shows that one must keep the context of a poll in mind when assessing the results. Each poll is valid for itself, and I hope this will be the first of many. If further polls, taken over time, reveal consistencies and patterns of opinion, these discoveries can and will become part of the ever-shifting debate over what libertarianism is. They won't decide the debate; figures do not supercede ideas, because there are ideas behind the figures. But, as I have shown in some examples above, poll results can determine the merit of assertions that tie one idea to another, and can set discussion in place of stagnation or confusion.

As always when I code data I reminded myself that the people who filled out the forms I was reading are far more complex than the small field of variables would reveal; that in aspects not covered by the poll, matters of taste, temperament, physiognomy, psychology, they are as different as each individual must be from every other. How could I wilfully break them down into lines of code in an ASCII file? I could do so because I respect the fact that there is more to these people than the data I held, and I would not presume to "explain" their opinions or behavior through the use of positivist modelling or allusions to class origins. I leave that to the engineers who view people as resources to be exploited as one would iron ore. Through the mist of numerals I am certain that each reader retains his own views and identity, and that he is confident that we are, to paraphrase the Prisoner, not numbers but free men. ❑

More Letters

(continued from page 57)

Aztec religion commanded ritual murder. Eighteenth- and nineteenth-century Christianity was a force behind all sorts of humanitarian and libertarian movements: for abolition of slavery, emancipation of women, discouragement of cruelty to animals, etc.

Will Moulton attribute this liberal agitation to the influence of capitalism? He should, for capitalism was a factor, along with religion. But capitalism can have many effects: it can be a force for moral progress, or it can contribute to the moral failure of shrivelled souls like the miser Hetty Green, whom Moulton mentions, while failing to draw the appropriate moral. Just as capitalism should not be discounted as a force for moral progress because it did not save the soul of Hetty Green, so religion should not be discounted because it failed with Ivan Grozny.

Maria Calderon
Dallas, Tex.

Flag Burners, Please

I am an un-American, unpatriotic, undoubtedly subversive and definitely pro-free market libertarian who is quite surprised to find an article condemning flag-burners, even in as diverse a publication as *Liberty* ("No Flag Burning Please," Mike Holmes, July 1988).

The last thing that I worry about would be insulting collectivist-nationalist idol-worshipping stooges, a.k.a. patriotic flag-wavers. Is cradle-to-grave nationalism a given positive value, something that shouldn't be questioned or provoked?

I think it is a false assumption that most potential converts to libertarianism or anti-interventionism would be turned away by a flag-burning episode. On the contrary, it may attract people like myself who welcome its defilement after years of "Ipledgeallegiance. . ." to a symbol of blood, coercion, and insatiable sacrifice in needless wars. It was its anti-nationalist, anti-interventionist ideology that first drew me to libertarianism ten years ago, and I was later enchanted by its logical linking of free market and civil liberties ideology. Nationalism and the roots of war are so intertwined that it would be difficult to promote anti-interventionism and peace and *not* agitate flag-worshippers.

I believe it would be quite helpful to the goal of non-interventionism to work with the left. Indeed, the left is in dire need of the intellectual ammunition, the pragmatic arguments, and the historical foundations for an isolationist foreign policy that libertarians can provide. Is Mike Holmes implying that it is okay to work with the flag-waving warmongering right on economic issues such as taxation, but spurn associating with the left on foreign policy? I assure you, there are many potential converts, like myself, awaiting persuasion.

Finally, I challenge his statement that non-interventionism "is as American as apple pie." Though it has its peaks and valleys, interventionism in the affairs of other nation-states has run rampant throughout U.S. history.

Bill Courtney
Dallas, Tex.

The Only Libertarianism

I am delighted whenever anyone decides to work for the cause of liberty—for any reason whatever. If what turns others on to liberty differs from what appeals most to me, then I will encourage them to work to advance liberty for their reasons. So I am perplexed as to the purpose of Waters' recent three articles ("Nozick the Apostate," Sept. 1987; "Libertarianism, Moralism and Absurdity," March 1988; and "The Two Libertarianisms," May 1988) attacking an argument for liberty that is the prime motivation for many libertarian activists. He obviously feels strongly about this issue, to have devoted so much time and effort to poking holes in so many bizarre straw men. An axiom of Austrian economics, which he admires, is that man acts for a purpose. The purpose of communication is to influence the way others act. What does Waters want us to do? What does he hope to accomplish?

Surely he would not want to discourage readers from working for the cause of liberty by sowing confusion and doubt about the validity of what inspires them. But he must know, from his study of libertarian motivations, that persuading people that their reasons for advocating liberty are irrational will more likely lead to their dropping out than conversion to a different justification for activism.

Waters presumably would maintain that his intention was not to diminish the libertarian movement, but only to combat error and put libertarianism on a firmer foundation. But that interpretation is contradicted by his overwhelming emphasis on attacking the non-aggression principle with only a few sentences about his superior moral theory. It is difficult to avoid the conclusion that his crusade is mainly motivated by a strong emotional aversion to the non-aggression principle and the concept of individual human rights. What is confusing is that he wants it both ways—he favors liberty, i. e., non-aggression, but at the same time rejects non-aggression. Apparently, while generally favoring liberty, he wants to justify the initiation of force for some purposes and therefore finds the libertarian prohibition of aggression to be inconvenient. It seems that he wants to pick and choose when to initiate force as situations arise with a clear conscience and the approval of libertarians. So he remains "convinced that the moralism of inalienable rights and the non-aggression axiom is just plain wrong," and proposes that we instead determine what is right and wrong by interpreting the scriptures of his economic gurus.

If Waters does not seek a moral license for certain aggressions, and would not support any aggressions, why then the harsh attack against the non-aggression principle? But if, as I suspect, he does favor certain aggressions, why not get to the point by listing and defending these aggressions? I think that he chose the back door approach of attacking the moral rule against aggression because he recognizes that the aggressions he favors are indefensible, and that his arguments would be recognized as anti-libertarian.

My opinion is that there is only one libertarianism, not two. Libertarians may disagree on how to derive or justify the non-aggression principle as an axiom or as their personal value. But however arrived at, the non-aggression principle draws the line between what is libertarianism and what is not.

W. Alan Burris
Pittsford, N.Y.

Captivating Arguments

I'm wondering, did many notice that the case of the starving newborn in the window ("The Liberty Poll," *Liberty*, July 1988) is not merely about whether we have the right to not feed our infants? It is also about whether we may stop others from doing so; that is, hold our children captive. As I see it, if a parent won't bring his child to "the church step," then crossing the lawn to rescue it is not "trespass," as Ethan O. Waters and others believe. Trespass implies initiation of force, but if this be trespass, then slaves may not break their chains.

continued on page 76

More Letters

continued from page 75

Mike Holmes wondered who "these nutty propertarians" are. R. W. Bradford believes many may have been "heavily influenced by Ayn Rand." Don't blame her for this, for she was pro-parental obligation. More likely, they were influenced by Murray Rothbard, Walter Block, Williamson Evers, William Howell, etc, who think libertarianism means parenting is optional, like giving to charity. Some libertarians can't decide whether infants are property or consenting adults, so pretending it's "clear that the child is free to leave at any time," was a clever way of noting this.

If a legal obligation to support children, "contradicts the conventional libertarian understanding of the right to liberty," then this understanding is mistaken. There are other positive obligations in libertarian theory besides those which arise from contracts and the initiation of force, and they are incurred when we threaten to initiate force. Many ordinary activities (driving cars, swinging one's fist, building campfire's, etc.) put others at risk. Once a danger gets activated, even if no harm has transpired, potential aggressors incur positive obligations to avoid it, and the right of defense gives potential victims the right to prevent it.

In a sense, all infants are captives of their parents. If they die because the parents intentionally or negligently starved them, the parents caused their death and initiated force. Parental obligation stems from their obligation not to initiate force and their child's right of self-defense.

The Children's Rights plank in the Libertarian Party is of interest here. It says, "Whenever parents or other guardians are unable or unwilling to care for their children, those guardians have the right to seek other persons who are willing to assume guardianship." But what if they don't seek substitutes? Or what if they seek but can't find any? It doesn't say.

The 1987 Platform Committee voted to change "the right to seek" to "the obligation to find." This amendment, which Libertarians for Life had suggested, implicitly confirms the right of children to third party defense. It supports the view that rescuing the infant would not violate the parents' rights. It ultimately failed due to lack of time for consideration on the convention floor. But, if *Liberty*'s poll is indicative, (89% for rescuing the infant, 56% for legal enforcement of parental obligation), it could have passed.

Holmes denied that parental obligation "'can be construed to support an anti-abortion position,'" but it does. It is one-half of the libertarian case against abortion; the other is prenatal personhood. Many of those who agree with prenatal personhood may have voted for abortion only because they fail to understand that parents owe their children care and protection before birth as well as after.

Regarding the poll's results on abortion—abortion is wrong (37%), it should be illegal (13%)—some would interpret this to mean 24% are supporting legalized aggression. But this figure could depend upon how they define "wrong." If you had divided the question into three parts—"abortion is moral"; "abortion is immoral, but it's only a victimless crime"; "abortion is aggression"—and then asked those who said it is aggression whether it should be illegal, the pro-aggression count might have been different.

The "most salient finding of the Poll," Waters observed, "is that libertarian moral thinking is not very rigorous." It has been my opinion for years that if all we accomplish as libertarians in our lifetimes is the laying of a solid intellectual foundation for individual rights, we should feel proud.

Doris Gordon
Wheaton, Md.

Deluded About Morality

When I read the "Liberty Poll" (*Liberty*, July 1988) I was confused to see a legal question (should a person have a *legal* obligation to support his or her offspring) listed under "Moral Opinions." But I was completely flabbergasted by Mike Holmes' remarks. I have been suffering under the delusion that libertarians do not favor applying legal mandates based on certain individuals' moral opinions. I am morally opposed to drugs, therefore they should be outlawed??

Just who is the nut here?

Harry Tolhurst
Cleveland, Ga.

Philosophical Influences

How can a meaningful survey of those influential in libertarian circles not include R. C. Hoiles of the Freedom Newspapers, F.A. Harper, founder of the Institute for Humane Studies, Spencer Heath, author and scholar, and Andrew Galambos, of the Free Enterprise Institute? Shakespeare would have described your survey as "Much Ado About Nothing."

Chuck Estes
Camarillo, Cal.

Waiting for a New Generation

I also attended the Cato Institute conference in 1978 that Ross Overbeek wrote about in his essay "Rand Bashing" (*Liberty*, July 1988).

The incident with the spilled drink occurred at the welcoming cocktail party, when the "leading light" Overbeek refers to knocked a drink off the balcony railing. The drink (which happened to be mine) landed in a crowd of people below and the "leading light" subtly moved us away from the railing while continuing the discussion. He then denied he had spilled it several times to a young man who came up from the group on which he had spilled the drink. The next day he made a point of telling us that he had given money to the woman on whom the drink landed to have her dress cleaned.

It is true that at this conference there was a definite push to conform with certain ideas. At the time, Murray Rothbard was very much enamored of Lenin's success during the Russian Revolution, and wished to emulate his technique. One aspect of that was the elimination of dissenting views on what libertarian policy should be. "The enemy is out there and we should be concentrating on fighting them and not fighting among ourselves," is basically how it was put. Like Overbeek, I found myself in the position of a well-meaning dissident. But unlike Overbeek, I think the "leading light's" lying and Rand's intimidating actions do reflect something of the underlying philosophy. As is the case with religion, a few powerful ideas carry a system that has numerous wrong ideas.

It is difficult to be brilliant in one area of human life, and probably impossible to be brilliant in all areas. In addition, leading a philosophical movement is a very different endeavor from developing a philosophy. It isn't reasonable to expect that those who are capable at one are also capable at the other. Just as in business, the entrepreneur who starts a business and nurses it through its early years probably doesn't have the skills and temperament to guide it through its middle years. Both Objectivism and Libertarianism are being led by their first generation of leaders. Perhaps we won't make the necessary leap until the next generation takes over leadership.

John K. Vogt
Los Angeles, Cal.

Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including *The Wall Street Journal* and *National Review*.

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

Douglas Casey, an associate editor of *Liberty*, is the bestselling author of investment books, the editor of his investment newsletter, *Investing in Crisis*, and founder of the Eris Society.

Stephen Cox, an associate editor of *Liberty*, is Associate Professor of Literature, University of California, San Diego.

David Friedman is a legal philosopher and poet. A new edition of his libertarian classic *The Machinery of Freedom* will be published by Open Court next year.

Karl Hess is the editor of the *Libertarian Party News* and the author of numerous books, including his recent *Capitalism for Kids*.

Mike Holmes, a contributing editor of *Liberty*, is also the editor of *American Libertarian*, a monthly newspaper of the libertarian movement.

Erika Holzer is a lawyer and novelist (*Double Crossing*) whose second novel is a Mafia-flavored courtroom drama.

Hans-Hermann Hoppe is Professor of Economics at the University of Nevada, Las Vegas, and a senior fellow of the Ludwig von Mises Institute.

John Hospers was the first Libertarian Party candidate for the U. S. Presidency (1972), and the author of the L. P. Statement of Principles. He is Professor of Philosophy at the University of Southern California and editor of the international journal *The Monist*. Prentice-Hall published the 3rd edition of his *Introduction to Philosophical Analysis* in January 1988.

William P. Moulton, a contributing editor of *Liberty*, lives in northern Michigan, and is a collector of trilobites.

Bob Ortin has a degree in applied mathematics and physics from the University of Wisconsin. He lives in southern Oregon.

Douglas B. Rasmussen, Associate Professor of Philosophy, St. John's University, is co-editor of *The Philosophical Thought of Ayn Rand* and co-author of *The Catholic Bishops and the Economy: A Debate*.

Sheldon Richman is director of public affairs at the Institute for Humane Studies at George Mason University.

James Robbins is a doctoral candidate at the Fletcher School for International Law and Diplomacy in Medford, Mass., and holds a masters' degree in electoral analysis.

Murray N. Rothbard, an associate editor of *Liberty*, is S. J. Hall Distinguished Professor of Economics at the University of Nevada at Las Vegas and Vice President for Academic Affairs of the Ludwig von Mises Institute.

Phillip Salin is a computer scientist and entrepreneur who lives in Souhern California.

Steven Michael Schumacher is a computer programmer who has had the good fortune never to have attended a public (i. e., government) school.

Sandy Shaw has written several bestselling studies on life extension. With Durk Pearson and Steve Sharon she scripted *The Dead Pool*, Clint Eastwood's new Dirty Harry film. She and Pearson also appear in the film in the cemetery scene.

L. Neil Smith is a Prometheus Award winning science fiction author.

Timothy Virkkala is assistant editor of *Liberty*.

Ethan O. Waters is a writer who lives in Southern California.

Ann Weiss is a writer and an attorney living in Ohio.

Coming in the November **Liberty:**

"Perestroika & Economic Liberty," James Robbins examines official Soviet publications using textual analysis to search for clues to the real purposes of *perestroika*, and compares recent policies to past "liberalizations" of the Soviet system, seeking answers to the questions: Is it real freedom? Will it last?

"Taking Over the Roads," John Semmens argues that not only is it *possible* to privatize the public road system, but that government mismanagement makes it necessary to do so.

"Liberty, Property and the Environment," Jane Shaw examines the environmental problems raised by John Hospers, but arrives at vastly different conclusions: she argues that the optimal solution to environmental quandaries lies in the libertarian tradition of private property.

"The Many Libertarianisms," Like Sheldon Richman, Timothy Virkkala believes that Ethan Waters' distinction between the "two libertarianisms" is a bit muddled; unlike Richman, he believes Waters is on to something important. Determined to "not let Waters have the last word," Virkkala enters the dispute over natural rights and the bases for libertarianism.

"Hoppe's Argumentation Ethics: Major Breakthrough or Blind Alley?" Several leading philosophers and social theorists, including David Ramsay Steele, Leland Yeager, Tibor Machan, David Friedman, Douglas Rasmussen, David Gordon and Murray Rothbard comment on Hans-Hermann Hoppe's remarkable thesis (published in this issue of *Liberty*, p 20.)

Terra Incognita

Bucharest, Romania

How socialism keeps pace with the culinary arts in progressive Romania, as reported in the *The Wall St Journal*:

> In an effort to reduce foreign debt, the government of Romania has increased its food exports, and has officially recommended that its citizens eat tree bark as a dietary supplement.

Sao Paulo, Brazil

How activist democracy keeps pace with the culinary arts in the colossus of South America, as reported in the Los Angeles *Times*:

> When Councilman Antonio Carlos Fernandes brought a cream pie to a City Council meeting to help celebrate passage of a record 107 bills, he was criticized by Councilman Geraldo Blota for being "silly."
>
> The Honorable Mr. Fernandes threw a piece of pie at the Honorable Mr. Blota, touching off a debate characterized by punching, shoving and pie splattering.

Washington, D.C.

How activist democracy keeps pace with the culinary arts in the colossus of North America, as reported in the Los Angeles *Times*:

> "The crisis of obesity in America, which threatens the lives of more than 11 million of our citizens, is a public nightmare that demands immediate federal attention," said former civil rights activist Dick Gregory at a press conference.
>
> Flanked by three grotesquely obese men, Gregory told the story of Walter Hudson of Hempstead, NY. When Mr Hudson tried to leave his bedroom (where he had remained for 17 years) he got his 1200 pound avoirdupois stuck in the doorway. After a rescue team pried the 1200 pound Hudson from the doorway, Gregory helped him lose about 400 pounds.
>
> Mike Parteleno, 30, who has gone from 1,023 pounds to 761 pounds with Gregory's assistance, told reporters: "If it wasn't for Mr Gregory, who knows what would have happened to me? But Mr Gregory can't do it by himself—Congress needs to be aware of it."
>
> Gregory proposed that Congress "establish a hot line, set up an institute for obesity at the National Institutes of Health and hold hearings on the problem."

Toronto

Consequences of American television for Canadian children, explained by journalist Michele Landsburg, in *If You Love This Country* (Toronto: McLelland and Stewart, 1988):

> "Children soaked in American commercial television do not know they are Canadians. They are disinherited of our collectivist tradition. Some of them already think they are entitled to one phone call when arrested, that they have first amendment rights, a sacred right to carry guns.
>
> "As free trade, like a tide washes away our cultural foundations, our political structures will inevitably crumble... When our political structures have gone, what makes us different will be extinguished; Canadians will have Our political culture is what made me a Canadian, made me proud and glad to be one, and what we will surely lose."

Washington, D.C.

Evidence that members of the U.S. Senate are on top of world and national crises, as reported in *USA Today*:

> Commenting on hot weather in his home state of Michigan, Senator Carl Levin said, "I haven't seen a problem this massive since I came to Washington."

London

How President Reagan and Prime Minister Thatcher have forged an alliance to lead the free world, according to "a high-ranking former British diplomat," as reported in the London *Economist*:

> "The president acquiesces when the prime minister hogs the floor. He's probably quite relieved. He can sit back and think of Hollywood or something."

New York

Evidence of Jacksonian concern for the Jeffersonian Party, from Barbara Walters exclusive on ABC-TV with presidential contender Jesse Jackson:

> "Some people believe that if you head the Democratic ticket, not only will the Democratic Party lose the presidency, but that you will take the House and Senate down with you."
>
> "Well, you know, the party has lost before."

New Delhi, India

Progressive new application of the social philosophy of Mahatma Gandhi, in modern, progressive India, as reported in the New York *Times*:

> Because AIDS is a "totally foreign disease and the only way to stop its spread is to stop sexual contacts between Indians and foreigners," Director-General Avtar Singh Paintal, Director-General of the Indian Council for Medical Research, proposed that "Indians should follow the teachings of Mohandas K. Gandhi, who advocated sexual abstinence as a form of birth control."
>
> To encourage Indians to follow the Mahatma's advice, Director-General Paintal proposed that India enact a law punishing individuals who have sex with non-Indians with 90 days in jail or a fine of $800.

Warsaw, Poland

Evidence that Glasnost has reached the publishing industry behind the Iron Curtain, as reported in the Houston *Post*:

> "Body-Sex-Pornography" is the title of a new magazine published in Warsaw. The first issue of the new magazine featured full-page frontal male nudity, explicit letters, articles on sadism and homosexuality, plus a variety of nude photos of both sexes. The first issue sold out "in hours", according to the "official news agency PAP." The magazine is published by Interpress, which is wholly owned by the Central Committee of the Communist Party.

(Readers are invited to forward newsclippings or other documents for publication in *Terra Incognita*.)

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Liberty... the Back Issues

All back issues of Liberty are available. at $4 each, plus $1 per order for shipping and handling. (All are original printings, except issue 1, which is in its second printing.)

Here are a few of the highlights of past issues:

Issue 1 (August 1987):

- "The Films of Ayn Rand," Stephen Cox
- "Witch-Bashing, Book Burning, and Prof. Harold Hill's Lessons in Practical Politics," by Butler Shaffer
- "Ron Paul and His Critics," by Murray N. Rothbard

Plus reviews and articles by Chester Alan Arthur, Ida Walters, Ross Overbeek, Timothy Virkkala and others; and a short story by Jo McIntyre. (48 pages)

Issue 2 (October 1987):

- "The Sociology of Libertarians," by John C. Green and James L. Guth
- "The Rise of the Statism," by Murray N. Rothbard
- "The Apostasy of Robert Nozick," by Ethan O. Waters

Plus reviews and articles by Nathan Wollstein, Mike Holmes, William P. Moulton, Tibor Machan, Michael Townshend and others; and a short story by Franklin Sanders. (48 pages)

Issue 3 (December 1987):

- "Easy Living in the Bahamas," by Mark Skousen
- "Libertarians in a State Run World," by Murray N. Rothbard
- "The Most Unforgettable Libertarian I Ever Knew," by Karl Hess

Plus essays and reviews by Brian Wright, Chester Alan Arthur, Stephen Cox, R. W. Bradford, Walter Block, Erika Holzer and others; and a short story by David Galland. (56 pages)

Issue 4 (March 1988):

- "The Crash of '87," perspectives by Douglas Casey, Ron Paul, Murray Rothbard, Karl Hess, Mark Skousen, R.W. Bradford, Adrian Day and Harry Browne
- "Robert Bork on Trial," by Sheldon Richman
- "Free Speech and the Future of Medicine," by Sandy Shaw & Durk Pearson
- "Libertarians and Conservatives: Allies or Enemies?" by John Dentinger and Murray Rothbard

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Issue 5 (May 1988):

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- "The ACLU: Suspicious Principles, Salutary Effects," by William Moulton
- "Nicaragua: A Front Line Report," by Gary Alexander
- "Ayn Rand: Still Controversial After All These Years," essays by David Ramsay Steele and David M. Brown

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The Search for We The Living, *by R. W. Bradford*

The Final Legacy of Ayn Rand, *by Stephen Cox*

◆

Laissez Faire: The *Only* Environment Fit for Nature

by Jane Shaw

◆

Hoppe's Rights Theory: Breakthrough or Buncombe?

Critical Remarks by *David Friedman, Murray Rothbard, Leland Yeager, David Gordon, Ethan Waters, David Ramsay Steele, Mitchell Jones, Timothy Virkkala, Douglas Rasmussen* and *Tibor Machan*

November 1988 $4.00 Volume 2, Number 2

Shattering the Myths of Marxism

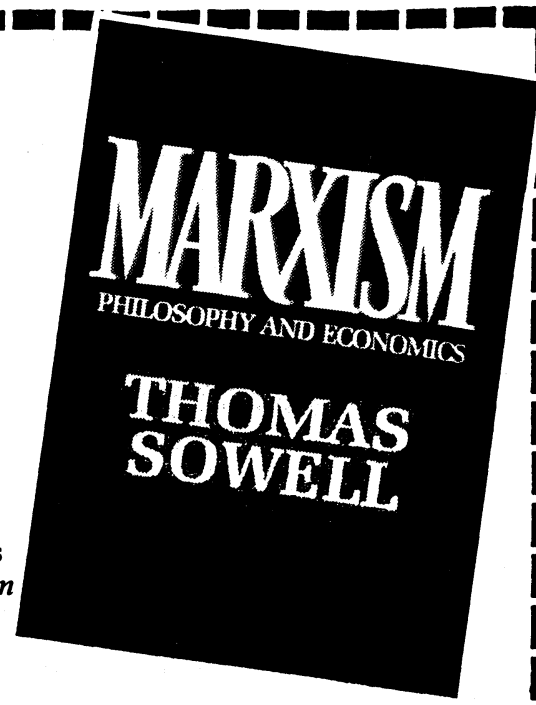

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Contents

November 1988 Volume 2, Number 2

The Search for *We The Living*
by R. W. Bradford, page 17

Eternity in 2 Hours and 50 Minutes
by Stephen Cox, page 30

Taking Over the Roads
by John Semmens, page 34

Motives and Values: Theories That Make Sense
by Allan Levite, page 39

symposium

Hans-Hermann Hoppe's Argumentation Ethics: Breakthrough or Buncombe? page 44
Discussion *by David Friedman, Murray Rothbard, Leland Yeager, David Gordon, Ethan Waters, David Steele, Mitchell Jones, Timothy Virkkala, Douglas Rasmussen, Tibor Machan, and Hans-Hermann Hoppe*

Private Property: Hope for the Environment
by Jane S. Shaw, page 55

***Perestroika* and Economic Liberty**
by James S. Robbins, page 59

Departments

Reflections
The Editors "Editorialize," page 5
The Presidential Election, 1988, page 11

Reviews
John Dentinger on Cooperation and Envy, page 65
Walter Block on Canadian Political Culture, page 71
William P. Moulton on the Nobody's America, page 72
Mike Holmes on Dirty Harry, page 76

Booknotes, page 74

Buronic Episodes, page 58

Letters, page 4

Classified Advertisements, page 74

Contributors, page 77

Terra Incognita, pages 78

Letters

Sports: Curse or Blessing?

I read with interest "Young Money: Curse or Blessing?" by Karl Hess (Sept., 1988) mainly because I am a fifteen year old kid who enjoys making money, also.

My best job, to date, was finding the congressional districts of the signers of the petitions of Missouri Libertarian Party for Ron Paul's Ballot Access Committee. I had a hell of a good time earning the money. This, though, was not very entrepreneurial of me.

I was disturbed by Mr. Hess' contrasting of sports and economics. I play football, not because I want to win trophies, but because I have fun. While I enjoy winning, losing is not devastating, or even disturbing. I think kids can have fun earning money and participating in sports, however I think in both they can go overboard and not find any enjoyment at all.

John LaBeaume
University City, Mo.

Statism, not Communism

Stephen Cox's reaction to the "Threat of Communism"("Poll Observations," July, 1988) was—interesting? It amazes me to observe the extent to which otherwise apparently rational people become entranced by this and other "bogie men" contrived to distract and frighten the unsuspecting and gullible.

Communism has amply demonstrated itself to be a self-defeating exercise and can only be sustained by force of massive governmental oppression. It is government itself, and not only socialist or communist systems, which is the greatest threat to human liberty. Only when the voracious beast of big government is starved down to manageable size and then very tightly leashed and caged, can liberty flourish. Would that we might find a method of starving the beast to death.

Rick Tompkins
Mesa, Ariz.

McDuck Facts

Thanks for running the piece about Scrooge McDuck (Sept., 1988), one of our heroes, and Carl Barks, his creator. Your article didn't mention (perhaps the author didn't know about it) that the entire series of Barks' Scrooge McDuck and Donald Duck comics has been beautifully reprinted and is now available in bound book form from Another Rainbow Publishing, Inc., Box 2206, Scottsdale, AZ 85252. Another Rainbow also offers limited edition prints of Scrooge McDuck that Barks is still painting. We have a wonderful one on our wall ("An embarrassment of riches") that shows Scrooge, Donald, and the nephews attempting to measure the depth of the money bin, which is piled high with jewels, silver and gold coins, a tractor for moving money around, and lots of other stuff.

Sandy Shaw
Durk Pearson
Los Angeles, Calif.

Boycott Polluters!

Bravo to John Hospers ("Liberty and Ecology," Sept. 1988), for bravely confronting ecology!

I agree with Hospers, and with the ecologists, that population density is the key factor in the destruction of the life-supporting environment. Population density is also a philosophical concern, in that it threatens to undermine our closely held concepts of personal freedom. It is much easier to act freely (let's say by swinging one's arms) when one is alone in the wilderness, than when one is in a crowd of people. This seems obvious, but the logical conclusion is that liberty is relative, not absolute. Liberty is relative to the distance to the next person's nose, which is a function of population density.

Just as population density naturally creates restrictive limits on our physical behavior, it puts natural limits on our economic actions. Who is to determine the extent of these limitations? Hospers is correct in his denunciation of one world government, but he offers no alternative. I believe that the power of boycott remains to be effectively exploited. Major polluters and eco-destroyers must be economically chastised, so that it will be cheaper for them to clean up than to pollute. If the environmentalists would focus their attention on education and organizing selective boycotts, rather than trying to influence national legislation, they would be much more effective. Legislation is a totally inefficient (and dangerous) way to accomplish anything in the economic sphere, much less in the complex task of preserving the ecosystem.

Richard A. "Al" Date
Santa Clara, Calif.

Canines & Character

Mike Holmes' rage directed at my book *Dogs of Capitalism* (Sept., 1988) apparently caused his brain to shut down. As one example among many, consider the following: "Only a few of the voluminous footnotes contain citations, those mostly references to a handful of books on wolves, dogs and British history." In reality, there are 129 notes, of which 83 contain

continued on page 64

From the Publisher . . .

The release of the film *We The Living* in November is an important event for all libertarians: it is perhaps the most powerful anti-state film ever produced. It is especially important for those (like myself) who have been heavily influenced by Ayn Rand.

So we decided to publish both a review of the film and an account of the remarkable story of its production, loss and rediscovery. Steve Cox, who wrote "The Films of Ayn Rand" for *Liberty*'s inaugural issue (August 1987) agreed to write the review. I first invited Erika Holzer (co-producer of the subtitled version of the film), but she had other commitments. After asking several others, I reluctantly took on the job myself.

I had no idea of what I was getting myself into: what at first seemed like a simple reporting job turned into a complicated and frustrating task, involving hours of interviews and research. The deeper I got into the story the more mysterious parts of it became. Before long, I had uncovered evidence that some of the most widely repeated "facts" about the film (e.g. that the Fascists banned the film) were almost certainly not true. The resulting story (which begins on p. 17) is far different from what I had anticipated.

This issue also features several vigorous criticisms of Hoppe's revolutionary theory of human rights, which appeared in our September issue, along with Hoppe's response. Elsewhere our editors share their advice about the coming presidential election, Jim Robbins analyzes the apparent liberalization of Soviet Russia, John Semmens argues for privatizing the roads, and Jane Shaw explains why the libertarian approach optimizes the environment.

— R. W. Bradford

Reflections

What the Quayle affair is really about—

Here is what the Dan Quayle and National Guard matter is not:

It is not an issue of whether serving in the Guard is less honorable or patriotic than serving in the regular army.

It is not an issue of whether entering the Guard was better than going to Canada.

It is not an issue, as Sen. Alan Simpson (R-Wyo.) suggests, of whether reporters who never wore uniforms are qualified to cover the story.

It is not even an issue of whether a rich kid exploited family connections to gain a privilege.

It is about hypocrisy. Period.

This episode is the flip side of the Carl Rowen handgun incident. Dan Quayle should embarrass conservatives for the same reason that Carl Rowen embarrasses liberals. Carl Rowen has spent his professional life damning private ownership of handguns and calling for laws to imprison any peaceful citizen found in possession of one. At the same time, Rowen kept a gun at home and used it against a backyard intruder. He said that as long as society is dangerous, he'll do what is necessary to defend his home and family. How does his position differ from the National Rifle Association's?

In Congress, Quayle voted for draft registration. As a student, he was an outspoken supporter of the Vietnam War, and presumably the concommitant military draft. But when he was about to lose his student deferment and had already passed his pre-induction physical, he entered the Indiana National Guard. There are contradictory indications about whether there was a waiting list to get in and whether strings were pulled. These are of secondary importance. What matters is that this 22 year old pro-Vietnam-War, pro-draft fellow took an action he knew would radically diminish, if not eliminate, his chances of being sent to Vietnam and would protect him from the draft entirely.

I am from the same generation as Quayle, and our generation knew that service in the National Guard was safe haven from Vietnam: No one who *wanted* to go to Vietnam would have joined the Guard. Few National Guard units were sent, and among the 58,000 Americans killed in Vietnam, fewer than 100 were Guardsmen. So, frankly, I don't know why Quayle and the Republicans feel the press is being unfair to them.

He has said that when he graduated from college what he had on his mind was law school, marriage, and starting a family. In other words, *he had better things to do than fight and maybe die in Vietnam*. Nothing wrong with that. I suspect that nearly everyone else sent to Vietnam would have said something similar—given the chance.

The Quayle problem is that while he was planning his life, he was supporting a war and a draft that denied the right of others to plan theirs. It is plain hypocrisy for a young, able-bodied guy to support a war and conscription and at the same time avoid them—with or without pull. Don't get me wrong: I'd rather have Quayle be a hypocrite than kill innocent people in a criminal, imperialistic war. But it's hypocrisy just the same.

Quayle advocated then (and continues to advocate) the establishment hokum that the war was noble and in the national security interest of the United States. But here's the question that has gone unanswered: Could the war have been fought if everyone had chosen his own priorities as Quayle did? The answer is plainly "no." This is fine with me, but presumably not with Quayle. His elitist view of the world allowed him to say, *I* should be free to select my priorities, but others should not have that freedom.

Quayle seems to think that he can put the issue to rest by vauntingly declaring his pride in having been in the Guard. That is a smoke screen sent up to save his butt and his place on the GOP ticket. —SLR

One nation, undeliverable

— Robert Kuttner, in a recent column, offers his view of what it is in this land that binds us citizens together, what it is that gives us that inimitable quality of being Americans. Could it be liberty? The immigrant experience? A shared national memory of the frontier or of the War Between the States? Not even close.

It's the U.S. Post Office. Yep, the good old U.S. Snail. Now Kuttner admits that in many ways the Postal Service just doesn't, er, deliver the goods. "And," he continues, "there seems to be good evidence that profit-making companies like Federal Express and United Parcel Service would do the job better. But this column is not anti-Post Office. It is emphatically pro-Post Office. The public Post Office . . . helps knit us together as a society. We need it."

Having admitted most of his opponents' case, at least in terms of economics and efficiency, he does let fly one reserve argument. "It is hard to imagine a private company delivering first-class mail at 25 cents a letter in slum as well as suburb, and small town as well as dense city." Well, I for one can imagine it quite easily, and for less than 25 cents, but at least Kuttner is making an economic and not a mystical argument.

The way to prove Mr Kuttner's claim is to let private companies compete in mail delivery, right? Forget it. According to Mr K, the way to proceed is to forbid such competition, since he knows on *a priori* grounds that it is neither feasible nor desirable. Allow competition, and the "downward spiral of reduced services, reduced confidence and privatization will intensify."

I rejoice that Kuttner's views were not prevalent in, say, 1903. I'm sure plenty of people could have been found in that year who just "knew" that heavier-than-air flight is impossible, and that Mr. Ford couldn't possibly mass-produce a workable auto and sell it for about $300. Why should malcontents such as Henry Ford or the Wright Brothers be allowed to squander scarce resources on impractical dreams, after all?

It seems to me that with Robert Kuttner we are dealing with attitudes that come close to actual evil. I discern a contempt for ordinary people, a belief that their welfare must be sacrificed to the values and visions of their betters, a demand that "expert" opinion be treated as superior to empirical verification. Kuttner makes me shudder. —WPM

The tall and the short of genocide —

William Raspberry, in his syndicated column of August 31, asks why the genocidal massacre of the Hutu majority of Burundi by the Tutsi ruling elite is shrugged off with little protest by the Western world. This summer, the Tutsi, who constitute only 15 percent of the Burundi population, slaughtered over 5,000 Hutu men, women, and children, and drove nearly 40,000 others into neighboring Rwanda. And this is but a sequel to the monstrous massacre of 1972, when the Tutsi annihilated around 200,000 Hutu, including all of that tribe's educated members, thereby ensuring a generation of continued oppression without educated tribesmen able to lead a resistance among the oppressed.

Raspberry wonders whether the casual response to this horror by Americans is best explained by the fact that it is blacks, rather than whites, who are being massacred, or—in contrast to the case of South Africa—because blacks are oppressing other blacks, instead of the more sensational white *vs.* black confrontation. Or maybe because there are no western TV reporters to record the event. The answer is probably all of the above. But there is one causal factor that Raspberry doesn't mention, and that I suspect plays an active role in this double standard of emotional response: aesthetics.

As we remember from Hollywood movies on Africa, the Tutsis (sometimes called "Watutsi") are an extraordinarily handsome and graceful ethnic or racial group: all very tall, very slender, and remarkably elegant dancers and spear-throwers. The Hutu, on the other hand, are a short, clunky, and decidedly undistinguished-looking people. Americans, we should note, are dominated by a simplistic Hollywood culture, in which beauty and grace of shape and outward form invariably reflect nobility of soul beneath. And the reverse for common-looking or the ugly. (Or should we call the latter, the "aesthetically handicapped"?) And we should not forget that the Randian culture, which has helped form the libertarian movement, is very similar: Randian heroines look like Greta Garbo (they should live so long!), and Randian villains are lowering and loose-lipped.

It is true, then, that the American public gives very little thought to Burundi one way or another, and that there is no powerful political constituency to call attention to that tragic land. But I am willing to bet that if the Hutu ever slaughter the Tutsi, even to a small fraction of what the Tutsi have committed, the outcry from Americans would be fierce, and there would be cries that the U. S. should intervene to save the beloved Tutsi. Simply because the Tutsi look more handsome and more noble—and much taller. Part of the ingrained double standard in the American value-system is aesthetic.

Americans are dominated by a simplistic Hollywood culture, in which outward beauty a invariably reflects nobility of soul beneath, and the reverse for common-looking or the ugly. Or should we call the latter, the "aesthetically handicapped"?

I once wrote an article "Short People, Arise!" in which I called attention to the age-long domination of American culture and society by the Tall over the Short, although I stopped short—inveterate libertarian that I am—of calling for affirmative action programs to recompense the Short for centuries of Tallist oppression. In the political campaign of 1988, Tallism continues; one of the "charges" being levied against Dukakis by the Bush forces is that he is "short" (tsk, tsk!) and that he has "no shoulders" (an odious and insensitive attack on the sloping-shouldered). Short people, rise up against Tallist tyranny, before you too meet the fate of the poor Hutu! —MNR

No news is good news —

What passes for news reporting in libertarian circles never ceases to charm and amuse me. In mid-September, I received a copy of *Common Sense: The Newsletter for Libertarians and other friends of Liberty*, along with a suggestion that I might wish to subscribe. It's headline was "Swaziland '88: Libertarianism comes alive." A scheduling conflict prevented my attending the Libertarian International meeting in Swaziland, but I was definitely interested.

"Libertarians from around the world gathered together in Southern Africa in Swaziland at the Royal Swazi Sun Hotel/Spa this past August 7 thru the 13th for the 4th World Conference of Libertarian International . . . " the piece began. I was delighted to read an account of the actual event.

Midway through the report I began reading about a friend and colleague: "Karl Hess is a major pioneer of the modern Libertarian Government. He was a speech writer to Goldwater, Nixon and Ford and a former consultant to the Pentagon and the White House. He is famous for his now classic 'Death of Politics' interview in *Playboy* magazine."

Hmm . . . Karl is a pioneer of "Government"? His piece for *Playboy* was an interview? Then came the clincher: "Hess seminar delt with the topic of Childrens Rights at the conference."

The anonymous reporter had tipped his hand. Not only is he ignorant of the facts of Karl Hess' life and of spelling and of syntax, but he is also ignorant of the event he covered. As you no doubt know but the reporter for *Common Sense* apparently didn't, Karl Hess was stricken with a heart attack in early July and hasn't been able to travel anywhere, let alone to Swaziland to conduct seminars.

The reporter had apparently written his entire story from the advance press releases of Libertarian International, and not bothered to verify the facts. Not surprisingly, I decided not to subscribe to *Common Sense*.

Incidentally, Karl is recovering reasonably well from the heart attack, which struck him on July 17 while visiting Hartford, Conn., to talk to a libertarian supper club. After open heart surgery lasting about ten hours, and three weeks in intensive care, Karl has returned home to Kearneysville, W.Va, where he is recuperating and continuing to work on the Libertarian Party *News* and think up ideas to amuse his fellow editors at *Liberty*. The blow to his heart was a blow also to his pocketbook, which has already suffered from a frivolous remark he once wrote on an income tax return. Readers and friends of Karl are encouraged to send donations to *Friends of Karl Hess*, 8 Peyton Street, Winchester, VA 22601. Like the best things in life, donations are not tax-deductible. —RWB

The test of detestable leadership —

Richard Nixon advises in *The Wall Street Journal* that to test the presidential candidates' capacity to govern, we should examine them on what lessons they have drawn from the Vietnam War. He goes on to advise us that the Vietnam War was a moral crusade by the United States.

Really? The U.S. first entered Vietnam on behalf of the de-

spised French colonialists. When the French were driven out, the U.S. picked up the cudgels of Western imperialism and installed a repressive government suitable to itself. In the ensuing years, the United States maintained a series of harsh puppet governments, always hated by the people, and unleashed a mind-boggling degree of murderous military power that killed, maimed, displaced, and otherwise brutalized untold innocent people—all in order to suppress indigenous, popular anti-colonial forces. It strains all credulity to think that good intentions had any part in this.

How can the callous imposition of such appalling misery be called noble? Because communists in the North had designs on the South? Because they might have perpetrated a bloodbath?

The tragedy of Vietnam is not that "we" did not win it. It is that Truman, Eisenhower, Kennedy, Johnson, Nixon, and their people were so presumptuous as to think that Vietnam was theirs to dispose of.

Even if this happened the way Nixon says (it takes an astonishing degree of self-deception to ignore the actual history of the U.S. intervention and its aftermath), it would not turn U.S. government aggression into something else. Under what moral code is it noble to pound an innocent people into the ground and to scorch their earth in order to "prevent" a feared future bloodbath?

The tragedy of Vietnam is not that "we" did not win it. It is that Truman, Eisenhower, Kennedy, Johnson, Nixon, and their people were so presumptuous as to think that Vietnam was theirs to dispose of. They not only turned Vietnam (and Cambodia) into a living hell; they also accelerated the growth of statism at home and routinely lied to the American people. In other words, they betrayed the classical liberal ideals of the American revolution and disgraced the United States. Watergate places a distant second to Nixon's crimes in Southeast Asia. —SLR

Indiana vs the Indians — A lot of nonsense has been tossed about in the media lately about the origin of the word "Hoosier," meaning inhabitant of Indiana. The truth is astonishingly simple.

Back before Indiana was a state, and William Henry Harrison was the Territorial Governor, the local Indian tribes caused a great deal of trouble by trying to hold on to their lands. In order to combat this insolence, Harrison was forced to raise an army. Most of this army was intended to fight the Indians, but Harrison also planned an elite force of well-born shock troops whose job was to guard the Governor's Mansion, as a "last line of defense." Of course, as the chances were comparatively slim that the elite unit (known as the Indiana Territory National Guard) would actually encounter any Indians, a lot of base-born slackers tried to volunteer for it.

Harrison certainly didn't want any hillbillies in the Guard. Not only were they a vulgar lot, but they were illiterate and incapable of writing press releases. Moreover, they wouldn't have fit in the Guard Golf Team at all.

For these reasons, the Guard recruiters had a simple criterion for acceptance of applicants. "Who's your father?" was the key question, soon corrupted to "Who's yer father?" then "Hoosier father?" and finally just "Hoosier?"

As history has shown us, the strategy worked. The Indians were slaughtered by rednecks who had nothing better to do, and the elite Guard assisted Harrison in his quest for the White House and many accompanied him to his goal. Another puzzle of history cleared up. —RFM

That Cato Seminar — As *Liberty* grows bigger and lustier, it is beginning to take on the dimensions in microcosm of the libertarian movement as a whole: lively, entertaining, cacophonous, and a bit wacky around the edges. The wacko ingredient is, for example, embodied in the recent remarks of Messrs. Overbeek and Vogt on a week-long Cato seminar no less than ten years ago ("Rand-Bashing: Enough is Enough," *Liberty*, July 1988; and Letters, *Liberty*, September, 1988). Both of these gentlemen, it appears, have been independently brooding into their beers for the last ten years, ruminating over assorted evils at that conference. Suddenly, ten years after the fact, they have burst forth with their conclusions on the libertarian movement, all of which are apparently based on that one conference. It must have been a traumatic week!

As a veteran of not only that seminar, but countless week-long seminars since, held by Cato and other libertarian institutions, I must admit to being dumbfounded. I don't remember any of those incidents that have formed the psyches of Overbeek and Vogt—and that have apparently led Mr. Vogt to advocate the extermination (only metaphorically, I hope!) of all libertarian leaders above the age of 60? 50? I don't remember being nice to Mr. Overbeek or not-nice to Mr. Vogt; I don't remember any libertarian leader dropping a drink on anyone's head; all this richness of incident that traumatized Overbeek and Vogt totally passed me by.

I would, however, for the benefit of all past and future conference-attendees, like to put in a plea for the lecturers' point of view. And even—though Lord knows I am no defender of Cato officialdom—a plea for the plight of the poor officials at these gatherings. The officials have a heavy responsibility: to keep every detail of the week-long conference going smoothly—a task that students and lecturers alike tend to pooh-pooh and take for granted. It is therefore no wonder if conference officials are often a tense and preoccupied lot, not given to relaxed glad-handing.

As for the lecturer, consider the strain of being at the beck-and-call of the student body, twenty-four hours a day for an entire week. I, for one, consider this sort of lecturing mainly exhilarating, but concede the moments of strain and exhaustion. And also we have to remember that every lecturer has his or her own personality, and that the degree of strain and exhaustion will

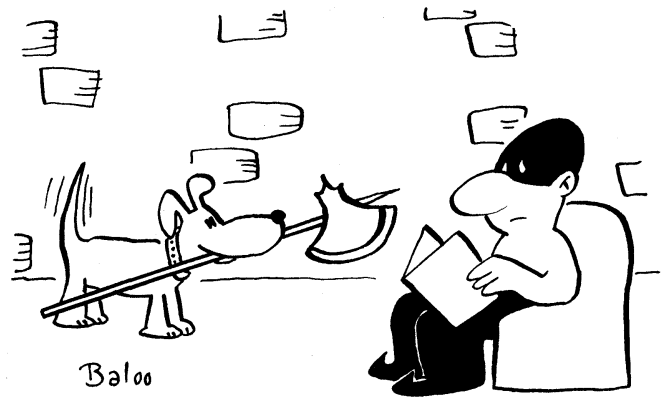

differ from person to person. The peak hours of fatigue come from the lectures themselves and the following question-periods, and even the most enthusiastic lecturer often likes to follow these lecture hours with a couple of hours of quiet meditation. Imagine, then, the following scenario, after one of these lecture sessions, into which the lecturer has poured his soul:

Lecturer is quietly sitting, ruminating into his beer.

Enthusiastic *Young Student* sees lecturer, sits down promptly at his table.

Young Student: "Professor Zilch, I have discovered three glaring contradictions on page 633 of your *'magnum opus,' Steps Toward Liberty*. Here they are . . ."

Or, alternatively, Scenario II, *Young Student* declares:

"Professor Zilch, your position on economics is very interesting, and I accept most of it. But I demand to know what your views are on the Rothbardian Rights question, and how, or if, you would defend it."

Is it any wonder that a lecturer or two, faced with this common scenario, might grow a bit testy and reach, metaphorically at least, for his revolver? —MNR

Guilt by disassociation—In its issue of Sept. 3, *The Economist*, in its review of Alger Hiss' recent book, *Recollections of a Life*, explains why all right-thinking people should consider Hiss innocent of the charges on which he was convicted in 1950. The review cites two reasons to consider Hiss innocent: "the sleaziness of those who brought him down" and "the unamimous decision of the state supreme court of Massachusetts to readmit him to the bar."

Let's consider those charges.

To buttress the claim that his accusers are sleazy, *The Economist* notes: "Mr Richard Nixon had to resign the American presidency in disgrace. J. Edgar Hoover, the long-time head of the FBI, stands revealed as a prurient closet-homosexual. Roy Cohn, another professional patriot who wore the American flag on his sleeve, was disbarred from practising law in New York shortly before his death from AIDS. Even the far right in America now disowns Senator Joseph McCarthy."

The Hiss story first hit the newspapers in 1948, when Whittaker Chambers, a rumpled senior editor of *Time* magazine, testified before the House Committee on Un-American Activities that he had been an espionage agent of the Soviet Union during the 1930s. Among the names of others who had spied for the Soviets, he mentioned Alger Hiss.

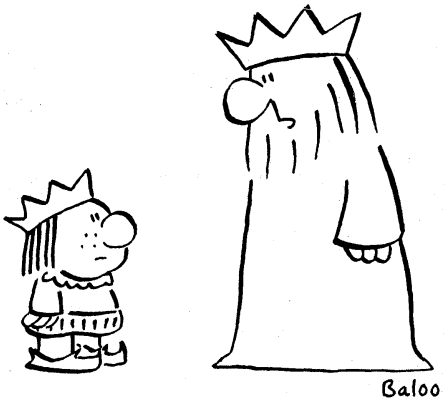

"There's nothing *wrong* with being a cowboy, son, but our family has a long tradition of public service . . ."

It was a sensational revelation. Alger Hiss was an Establishment figure of outstanding reputation. After a distinguished career as a government employee, first as law clerk to Chief Justice Oliver Wendell Holmes, then in a variety of jobs within the New Deal, finally as a close advisor to President Roosevelt in the sensitive negotiations with the Soviets during World War II, Hiss was appointed head of the Carnegie Endowment for International Peace.

For most Americans, Chambers' charge was incredible. Hiss was simply too Establishment, too well-educated, and too well-connected to be a Soviet spy. Hiss denied the charges and threatened to sue Chambers if he ever repeated them outside Congressional testimony, which has legal protection from slander and libel laws. Chambers repeated the charges on a radio program and Hiss sued. At the trial, Chambers produced a vast amount of documentary evidence. The jury found for the defense.

Instead of presuming guilt by the sleaziness of one's supporters, The Economist *presumes innocence by the sleaziness of one's accusers; although in this case, it is more a matter of innocence by the sleaziness of people who in a general way were involved in the same sort of activity as one's accusers.*

Eventually, Hiss was indicted for perjury in denying the charges before a grand jury investigating the same charges. At the long and colorful trials that followed, Chambers' evidence was minutely examined and challenged. In the end, Hiss was convicted and packed off to jail.

What were the roles of Nixon, Hoover, Cohn and McCarthy in "bringing Hiss down"?

Richard Nixon was a member of the House Committee that first heard the charges, and he did his best to milk it for publicity. But he was not involved in the trial that exonerated Chambers' charges against Hiss, or in the trial in which Hiss was convicted of perjury. J. Edgar Hoover, as FBI chief, coordinated some of the investigation that corroborated Chambers' account, but his personal role was minor and remote.

The roles of Nixon and Hoover in "bringing Hiss down" were minor. The roles of McCarthy and Cohn were non-existent. It was ten days after Hiss was convicted that McCarthy made his first speech charging that communist agents had infiltrated the U.S. government. Cohn's first involvement in anti-communist paranoia came in 1953, when he became an aid to McCarthy. Neither had any involvement whatsoever in Hiss' conviction.

Hiss was "brought down" largely by the efforts of a single individual, Whittaker Chambers. He never even expressed rancor toward Hiss, and having done what he felt his duty, retired from public life and lived quietly until his death in 1961. As an editor of *Time* and the author of several books, he never developed any reputation for sleaze.

Perhaps that is why he was not mentioned by *The Economist*. Nixon and Hoover, whose roles in Hiss' conviction were negligible, and McCarthy and Cohn, who played no role at all, did ultimately develop sleazy reputations. Perhaps that is why they were cited.

Ultimately, this defense of Hiss is the flip side of guilt by as-

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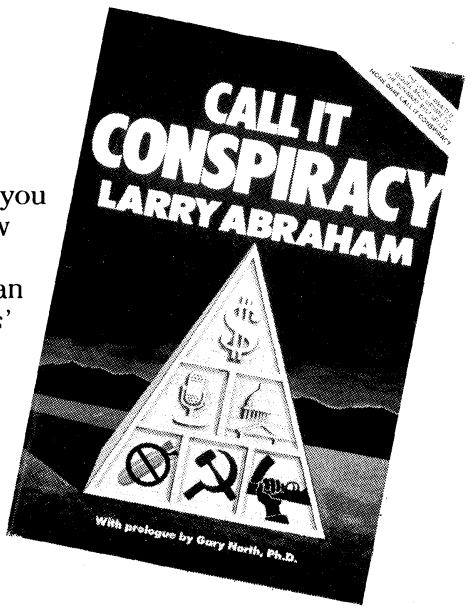

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sociation: instead of presuming guilt by the sleaziness of one's supporters, *The Economist* presumes innocence by the sleaziness of one's accusers; although in this case, it is more a matter of innocence by the sleaziness of people who in a general way were involved in the same sort of activity as one's accusers.

The second reason that we should consider Hiss innocent, *The Economist* advises, is "the unanimous decision of the state supreme court of Massachusetts to readmit him to the bar," leaving the reader to infer that the Court had believed Hiss wrongly convicted.

Not surprisingly, the Supreme Court of Massachusetts was aware that some might draw just such an inference from its decision to readmit Hiss to the bar, so it took pains to make its reasons exceeding clear. Speaking for the court, Chief Justice Joseph Tauro wrote "Hiss comes before us now as a convicted perjurer, whose crime . . . is further tainted by the breach of confidence and trust which underlay his conviction." Moreover, "nothing we have said here should be construed as detracting one iota from the fact that in considering Hiss' petition we consider him to be guilty as charged." (Supreme Judicial Court for the Commonwealth of Mass, "In the matter of Alger Hiss," 269 [1975].)

Why had the Court readmitted Hiss to the bar? Because Hiss possesses the required "competency and learning in law" and had to all appearances led a blameless life since his release from prison. In short, it was an act of mercy to an elderly man who had long since paid his debt to society.

So the second reason cited by *The Economist* for us to believe in the innocence of Hiss rests on a flagrant disregard of the evidence that it cites, the decision of the Massachusetts Supreme Court to allow the old and by then pathetic Hiss to renew his law practice.

I do not go to this trouble to point out the outrageous fallacies published in *The Economist* out of any desire to assail *The Economist*; its status as the most intelligent, most comprehensive, and best-written newsweekly in the world is secure. Nor do I want to prosecute further Hiss for crimes committed long ago.

I do it for one reason: the truth is important. Hiss was a communist spy. He was a perjurer. His conviction was justified by the facts. And *ad hominem* attacks on individuals peripherally involved, or not involved at all, does not change them. Nor does flagrantly misreading a court decision of some 25 years later.

These facts are inconvenient for many of those like myself and like *The Economist* who oppose the contempt for civil liberties that characterized the McCarthy era.

But they are still true. And the truth is important. — RWB

Prophecy & amnesia — Libertarians sometimes think of themselves as hard-nosed, cold-hearted realists, viewing the world around them through the icy clear prism of logic. For some reason, many libertarians are content to view libertarian activities through a different lens altogether. They are often myopic when analyzing their own movement.

A case in point: A few months ago an individual sent out a one-page press release (printed on a dot-matrix printer, poorly xeroxed) boldly announcing the birth of a new libertarian organization, the purposes of which were high-sounding and noble. Money would be raised, letters sent out, speeches prepared and given, and assorted other actions taken.

Nobody ever heard of this individual before; there was no track record by which to judge him. In the months since, nothing further has been heard of him—not even fund-raising letters, which nearly every otherwise crackbrained scheme manages to produce on the first pass.

Just another failed idea? Well, not if you believe what you read. Notices of the "birth" of this "organization" were printed nearly verbatim in at least two libertarian periodicals. It was press-release journalism, of course—not news at all, though you would never know it from what was published.

Another example: a well-known libertarian announced a highly complicated political project that would ultimately involve hundreds of thousands of people and dollars. Of course, the specifics of the project weren't finalized before the pitch for funds was sent out. Thousands of dollars were raised to support this worthy endeaver. But when the specifics were completed, the idea was transformed. No matter! Project backers continued to press on, giving speeches and collecting funds. Great benefits will accrue when the noble project is completed!

Of course, when the effort collapsed a few months later there were no press releases, no explanation of where the money went, no explanation of why the project failed. But hope springs eternal! There is—hallelujah!—just enough funding to keep the idea alive to fight another day. No results, no accountability, no nothing. But just as the ancient prophets foretold, there is resurrection and life after death! The prophecy lives!

One more example: a novelist announces a movement to change the world by getting people to sign a personal declaration based on the premise of one of his science fiction novels. The declaration is very libertarian sounding, of course. And—you guessed it—there is a small fee for "processing" the signed declarations.

Nothing wrong here, although one wonders just what effect the signed declarations will have in the real world. The organizers insist the plan can work. Each year the number of signers will double. They will get two people to sign this year, each of whom will get two more the next year . . . two, four, eight, sixteen, thirty-two, sixty-four . . . by golly, in a mere 27.9 years, the entire U. S. population will have signed! No more messy political work. No more tedious educational efforts. No hopeless struggles to resist the encroachments of statism!

It isn't "news" until it happens. If something doesn't work, it's a "failure."

Libertarianism will not be taken seriously so long as its proponents wear blinders, believe every hyped-up promise and quickly forget the lessons of failure.

With the logic of certainty that only geometry can provide, this painless march towards freedom will deliver us from the wilderness! The ever multiplying hordes of declaration signers will throw off their yokes of oppression at the stroke of a pen. And the great thing about this project is that it's working, according to organizers. In the third year, over 128 people have signed, so the project is well ahead of schedule! Clearly the relentless drumbeat of success can be heard . . .

No one questions the logic of these separate and different projects. And no one remembers them after the high hopes have evaporated in the heat of the reality. Now it might be that amnesia is a good thing in a movement littered with so many hopeless and tiresome defeats, political and otherwise; blocking out painful memories of failure might be a survival trait of the highest order. If libertarians dwelt on the difficulty of effecting

change, or wallowed in the misery of all the numerous failures our movement has spawned, a despair and hopelessness might settle in and doom any further activity.

But libertarians can ill afford to avoid self-criticism either. The razor sharp analysis libertarians apply to many other social and economic problems shouldn't be spared on our own endeavors. How can we hope to gain respect for our ideas when we give safe harbor to every silly idea and proposal, and give equal weight to every vague or well-intentioned utterance regardless of merit, cost or prospects for success?

And while libertarians are often quick to criticize others, why is there so little tolerance for self-criticism? As demon-strated in these pages already, even mild criticism of others is often enough to launch a torrent of self-pitying whining and wailing about how "unfair" it is to dare question the activities of others.

Baloney! Let's look at the histories of both the Left and the Right. The Left in its heyday was a lively place where hundreds of competing ideas, strategies, programs and proposals were all tossed out and mercilessly criticized by various commentators. Much of the vitality of statist and collectivist ideas emerged from this clash of opinion. Bitter feuds in obscure journals in the 1930s gave birth to the modern welfare-warfare state of the 1950s.

The Right had fought a losing war with the Left until the mid-1950s. Then, in the pages of periodicals like *National Review*, ideas were strenuously advocated, strong differences of opinion were hashed and rehashed, and winner and losers went their separate ways. Out of this noisy clash emerged the right-wing American counterrevolution of the 1970s and 1980s. No phony harmony or "thou shalt not criticize thy fellow conservative" mentality at work here. Instead, the resounding clash of idea vs. idea, of sometimes ugly self-criticism and internal rancor.

What emerged from these episodes on both the Right and Left were major political and intellectual movements that were taken seriously by both insiders and outsiders. Unhealthy or unworkable tendencies were rooted out and replaced in the glare of harsh scrutiny, by more successful modes of adaptation and evolution to current political circumstances.

Soporific and stultifying harmony has some attractive features, just as regulated and collectivist economies have an orderly predictability which some find comforting. Nearly any activity is more comfortable when everyone agrees and gets along, when no one observes that his fellow participants may be crazy, foolish, dishonest or just plain wrong.

But libertarian ideas are never going to be taken seriously if their proponents wear blinders, believe every hyped-up promise and quickly forget the lessons of failure. Libertarianism cannot be taken seriously by others until we ourselves take our own movement and its actions seriously.

It isn't "news" until it happens. If something doesn't work, it's a "failure." And sometimes you've got to kick a few sacred cows in the you-know-where to get the herd moving in the right direction. —MH

The Presidential Election

We recently asked our editors to share their thoughts about the coming presidential election. As usual, they disagreed with one another. So we decided to offer brief essays in support of Ron Paul, George Bush, Michael Dukakis and Nobody.

Volunteers stepped forward on behalf of Messrs. Paul, Bush and Nobody. Alas, not one editor would fess up to support for the plucky Massachusetts governor. The day was saved when an editor came up with a piece written by a well-known libertarian who prefers anonymity.

Caveat Lector!

—Timothy Virkkala

Why I Will Vote for George Bush— On November 8 of this year I will walk into the Central Elementary School on Eighth Street in Traverse City and cast my vote for George Bush. I suspect a substantial majority of *Liberty*'s readers will on that day vote instead for the candidate of a rather well-known minor party. They will likely view my vote for Bush as some sort of aberrant, antisocial, or at least anti-libertarian behavior. Therefore, I will try to explain the reasons for my support of Mr Bush.

Reflect for a moment on the meaning of a vote for president. Try to strip away the verbiage that has grown up around the notion of voting as an expression of popular will or the nobility of suffrage. When someone votes for a presidential candidate, the only unambiguous statement that he or she makes is a desire to vote for that candidate for president. A vote does not necessarily say that the voter wants a certain candidate to be president. It certainly does not say that this candidate is the most qualified person for the office, even if we restrict the category of "persons" to that of active presidential candidates. Nor does it give a moral "sanction" to a candidate, a candidate's views, platform, pledges, promises, ideology, likes and dislikes, or the candidate's political party.

Are these observations really necessary as a preliminary to a "vote for X" pitch? I believe they are, for the simple reason that the concept of "sanction" has become endemic in libertarian political thinking. The origin of this concept is pretty well-known and, for those of you who don't know, ask any libertarian between the ages of thirty and fifty. The fruit of this concept is that many people have come to see voting as a deeply moral, symbolic act.

The act of voting, in my judgment, should be viewed as a minor stratagem in each individual's life-long struggle for a little freedom and dignity and peace of mind. Voting is somewhat like the decisions one makes in deciding which career to pursue or which college to attend; it is not at all the mystical experience the proponents of the sanction theory of voting view it as.

Either Michael Dukakis or George Bush is going to be sworn in as president on January 20, 1989. Before you jump to the conclusion that I am advocating the old lesser-of-two-evils line, hear me out. I do not advocate that position, at least not as a matter of principle; in fact, I have frequently voted for people who had no real chance of winning. I am simply observing the fact that either Bush or Dukakis will win the election. And this is not an irrelevant datum.

Within the context of practical desires, I want George Bush to be the next president of this country. Perhaps the fact that I can think of many people whom I would rather have as president is of philosophical significance. But it is of no political significance. Hell, I would like to be the next president. So what?

Cleaning Up The Main Stream

The ascendancy of George Bush is important because it signifies a realignment of forces within the Republican Party. To come to grips with the full implications of this fact, it is necessary for us to rid ourselves of a few prejudices that may cling to us from earlier political activisms.

Like many libertarians, I cut my political teeth in the Goldwater campaign. In those days, the strong free-market, pro-liberty element in the Grand Old Party was indisputably a minority faction, at least at the leadership level. We seemed to be in a permanent state of insurrection, forever pitted against the leftish Rockefeller-Javits-Romney-Scranton establishment within the party. For some years after the 1964 debacle, many of us still viewed right-wing insurgency within the GOP as something basically accruing to our benefit even if we didn't always agree with some aspects of its strategy or programs.

Gradually something happened that wasn't easily integrated into our political consciousness: the old Goldwater Rebellion was becoming the Republican Party. The establishment GOP liberals were becoming a minority wing and, finally, just isolated individuals. During the Reagan era, more-or-less Goldwater-style conservatism came to dominate the Republican Party. This change had many important implications. The one most important for this discussion is that as the reasonably sensible (and proto-libertarian) Goldwater-type conservatives were becoming the establishment within the GOP, they were replaced as a dissident movement by the nut right—theocrats, creationists, conspiracy buffs, Birchers, populists, and various elements tinged with racism, anti-Semitism, and funny-money nostrums.

The rise of George Bush to prominence in the Republican Party represents the return of his party to a secularized, mainstream, American brand of conservatism. The single greatest obstacle to the spread of sensible right-wing policies in America among the *intelligentsia* is the identification in the minds of so many thoughtful people of conservatism with puritanical, anti-intellectual, and just plain stupid ideas.

Bush has a chance to revitalize the Republican Party by bringing its best elements to the fore. He has the ability and the will to make a credible outreach to millions of people who would never feel comfortable in a Republican Party run by the likes of Jerry Falwell.

"Because I decided that when you wear a golden crown and an ermine robe, you're just *looking* for trouble."

The Civilized Choice

Libertarians sometimes forget that a presidential candidate is not simply a repository of ideology and program. Intelligence, competence, and character do matter. Public and private decency do matter. I don't mean that every peccadillo must be held up to scrutiny. But a *pattern* of immorality and deception—among contemporaries the names Hart, Biden, and Kennedy come to mind—does preclude one from being a good president, even if one had committed *Human Action* to memory.

Yes, ideas count, but people count also. And so does character and civility. At least when George Bush speaks of those in the banking profession, he refers to them as bankers, not "banksters," as the Libertarian Party's representative insists on doing. Bush treats those engaged in the profession of arms as honorable men and women, not as war criminals. More importantly, he treats the United States of America not as a sordid empire bloated by aggression and imperialism, but as a civilization that, despite its shortcomings, is worth preserving at almost any cost.

Since this is a personal statement, I will lay my views on the line. On these issues, I agree with Vice-President Bush. I disagree with Ron Paul and Michael Dukakis. I simply cannot agree with the far-right approach of this year's Libertarian Party candidate. My disagreement with Dukakis is too obvious to require elaboration.

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What about the Vice President? I believe George Bush is fit to be president, for reasons of politics and personality. He has led a life of manly virtue. From his outstanding combat record as a young war hero to his forceful and successful confrontation with assorted European leftists during the Pershing missile crisis he has demonstrated not merely competence but a devotion to civic life of a kind typical of an earlier, less theatrical era of our history. His career exemplifies the fact that the true majesty and strength of a republic lie in simplicity and dignity.

I disagree with George Bush on many issues, though it is only fair to add that I agree with him on many more. Most importantly, however, he is the *kind of person* whom I want as president. His opponents are not. As a lover of liberty and of our civilization, I will vote for him in November.

—by William P. Moulton

Better Duke Than Bush—I am getting increasingly bitter at the Republican tinge of the libertarian movement, a tinge demonstrated once again in the election year of 1988. There are plenty of libertarians and pseudo-libertarians who have come out, explicitly or implicitly, for Bush, including the usual suspects—Hospers, the *Reason* crowd, Cato, Citizens for a Sound Economy, Reaganites Anderson and Niskanen—even one editor of *Liberty* itself. But, in all this, who is there to say a good

word for the Duke? Or, not to get carried away completely, for the Duke as compared to George Bush?

I am not trying to take anything away from the noble and magnificent campaign of Ron Paul for President of the United States. But everyone, including Paul, concedes that he will not be elected President in 1988. That being the case, who of the only two realistic possibilities should we hope gets elected?

I believe that we libertarians should hope and pray for the victory of the Dukakis-Bentsen ticket, as very much the lesser of the two evils that confront us.

Whatever the evils of democracy, I think most libertarians would concede that a multi-party state is far better than a one-party state. But if George Bush, with all the charisma of a wet noodle, can defeat the Democrats, this means that we are likely to suffer under a one-party presidency forever—surely an intolerable situation. To save us from a one-party executive branch, the Democrats *must* win in 1988.

The Republicans have built an entrenched machine during the eight years of the Reagan Presidency. It is imperative to kick it out. It would take the Democrats at least eight years to establish and encrust a comparable machine. In the meanwhile, Democratic rule will be tentative and wobbly—all to the good from the point of view of the rights and liberties of the people.

Odious Super-Patriotism

What is the major issue of this campaign—as defined by the Bushies themselves? Clearly, the Pledge of Allegiance, which George recited in the odious epilogue to his big acceptance speech. Contrary to what the boobs think, the Pledge of Allegiance is *not* part of the U. S. Constitution or our American Heritage. It first appeared in the *Youth Companion* in 1892, and was sanctified in an edict of President Benjamin Harrison, who wanted it recited in all the public schools of the nation. President Harrison, as a typical Republican nation-statist of the 19th century, emphasized the Pledge in order to push nationalist super-patriotism as against the two classic enemies of the Republican party: the South and the Roman Catholic Church. Its emphasis on "one nation *indivisible*" was sticking it to the South, and to everyone—including, presumably, every libertarian—who supports the right of secession from the union. Essentially an oath to the Nation-State's bloody battle flag, the Pledge was sticking it to the Catholic Church, which did not believe in any oaths or pledges of allegiance except to God.

During the early part of this century, in the era of the notorious Palmer Raids and Red Scare, the Nation-State increased the stress on the Pledge of Allegiance and on forcing teachers to recite it and kids to repeat it. Like many Americans, Dukakis believes that the Jehovah's Witnesses cases in the Supreme Court in the 1940s settled the matter, outlawing any sort of compulsory salute or pledge. But now the Bushies, latching on to the resurgent super-patriotism of the American booboisie, is making the Pledge the major issue—even though it plainly has nothing to do with the problems facing the next president.

Card-Carrying ACLU Member

In a phrase echoed by his army of flunkies, George Bush accuses Dukakis of being a "card-carrying member of the American Civil Liberties Union." Why "card-carrying"? What in hell does that *mean?* Does the ACLU issue cards to its members, and if so, does Dukakis wear one near his heart at all times, and if it does and he does, so what? Apparently, Bush is trying to revive the McCarthy era, when the charge that one was a "card-carrying Communist" could spell the end of a career, and to imply that the ACLU is somehow commie, subversive, or traitorous. Of course, these charges are balderdash. The ACLU often does good work on behalf of civil liberties, even though it sometimes confuses civil liberties with so-called civil "rights." (William Moulton made this point very well in the May, 1988, *Liberty*.) I, for one, would feel a lot better about George Bush if he were a card-carrying member of the ACLU rather than a card-carrying-member of the militarist, war-mongering Veterans of Foreign Wars.

The Reagan-Bush Administration has been uniformly rotten on civil liberties: on wiretapping and invading the privacy of American citizens, and on restricting their rights according to the Freedom of Information Act to know what their rulers are up to. Remember that Bush once headed the Central Intelligence Agency, our infamous agency of secret thugs.

Peace and Non-Intervention

While hardly a super-dove or a consistent non-interventionist, Michael Dukakis is *far more* non-interventionist than George Bush. Dukakis is more enthusiastic than Bush about the INF treaty, opposes the reckless boondoggle of Star Wars, and is far more enthusiastic about ending the terrible arms race—for all of which he has been wrongly attacked by the Bushies as supporting "unilateral disarmament." Dukakis is firmly opposed to aiding the fascist *contras* and—wonder of wonders!—was virtually the only man in American political life, with the exception of Congressman Ron Paul, to oppose the brutal American invasion and domination of little Grenada. For that alone he should be honored by libertarians when they make a choice between the two political evils.

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Economics

What about the charge that Dukakis is a liberal corporate statist? Of course he is, but so is Bush. But isn't Bush far better on free markets? No. The Reagan-Bush administration gave only lip service to the free market. In fact, it enormously increased regulation of business, engaged in a vicious and hysterical crackdown on allegedly criminal "inside-traders," raised tariffs and import quotas and cartels, and *increased* taxes and government spending, even as a percentage of the GNP. Dukakis would be no worse than Bush, especially considering that Dukakis tends to be a cautious spender. Dukakis' *rhetoric* would be worse, but this is *better* for the cause of liberty, because no one would be misled into thinking that Dukakis' programs are in some way libertarian or are "getting government off our back."

And there is another crucial point: Since becoming the Secretary of the Treasury in 1985, James Baker (big buddy of Bush, and assured Secretary of State in a Bush administration) has unfortunately been very effective in engineering coordinated monetary policies and exchange rates among the large central banks. Baker has been greatly aided in this Keynesian thrust toward a

world central bank and world economic government by his Trilateralist pals in world financial and ruling circles. This is the greatest single economic evil that we face in the near future. A Dukakis administration would be no less Keynesian but, being far more removed from world financial elites, would be far less effective in pushing this sinister world-collectivist program.

So, fellow libertarians, let the slogans for Election Day '88 be: Crush Bush! Roast Quayle! And at least Two Cheers for the Duke! —G. Duncan Williams

Vote for nobody—The most obvious alternatives are George Dukakis and Michael Bush, representing respectively the Tweedle Dee and Tweedle Dum interest factions of the Demopublican Party.

Bush comes from the more conservative Big Business, Warfare State wing of the Eastern Establishment. His views on personal liberty can be inferred from service as director of the CIA, an agency which (like the DEA, NSA, FBI, and IRS) acts as a government within a government answerable to no one.

His service as chief of the War on Drugs offers another clue to his character. It's not simply that this boondoggle is the most damaging assault on individual liberty since Roosevelt set up concentration camps for Japanese-Americans. The War on Drugs actually increases the total amount of both drug traffic and violent crime by increasing the dealers' profits and the consumers' costs. It's simultaneously created numerous permanent new crime syndicates, much as Prohibition gave the Mafia the financing it needed. This sector of government is incredibly corrupt. I'll warrant a substantial percentage of DEA agents, as well as local narcs, will retire in luxury thanks to George. Many of those who don't will just go to work for, with, or among the folks they regulated, a long standing tradition with government employees.

As far as anyone can determine, Bush is totally devoid of any personal philosophy. He might be described as a conservative without an ideology; he'll likely conserve the present direction the Ship of State is being blown just because that's more or less what his backers expect of him. He's simply a preppy who decided to go to work for the government and got lucky. You knew kids like him when you were in school. Affable, yet devious and quick to look out for Number One; not really too bright, but shrewd enough to cultivate favor with his teachers. He probably didn't lie, cheat, or steal, but because doing so was socially unacceptable, not from any ethical considerations.

You knew kids like George Bush when you were in school. Affable, yet devious and quick to look out for Number One; not really too bright, but shrewd enough to cultivate favor with his teachers. He probably didn't lie, cheat, or steal, because it was socially unacceptable, not from any ethical considerations.

The best argument for Bush is that he was associated with Ronald Reagan, and we happen to have had some very good times with Reagan. It's true, Reagan was no rocket scientist, but his heart was more or less in the right place; and people feel better about Bush after two terms with the avuncular Reagan than they did about Ford after (not quite) two terms with a sleazy Nixon. The fact that Ford is probably a much higher-quality human being than Bush is beside the point. Since when did that make a difference in Washington, D.C.?

The wags couldn't come up with an appellation for Reagan and Bush, but they certainly have for Bush and his running mate: the Turkey and the Quail.

Voting compromises your privacy, gets your name into another government computer bank, and entails hanging around government offices.

Dukakis represents the more liberal Big Government, Welfare State wing of the Eastern Establishment. A faceless lifelong party *apparatchik* who somehow makes his way to governor, through successful infighting becomes a member of the Democrats' Politburo-equivalent, and is finally put up for party chairman—the Dukakis success story could have happened in the Soviet Union as easily as in the U.S. Certainly Dukakis seems to be the kind of duplicitous and ruthless character who would do well in that environment.

Unlike Bush, Dukakis clearly has a political philosophy, although it's not one that appeals to those interested in either personal freedom or economic prosperity. The man's record in Massachusetts is one of ballooning bureaucracy, expenditures, and taxes; contrary to his propaganda, the state's economic success was no greater than that of others in the region, and far less than that of neighboring New Hampshire. The Massachusetts "miracle," such as it was, resulted largely from tax cuts made by a more conservative predecessor, largesse financed by debt (which is the next guy's problem), and Federal porkbarrelling (which comes at the expense of the rest of the country). He thinks it's a good idea to foment revolution in South Africa, but a bad idea to foment it in Nicaragua. One suspects he'd like to centrally plan the US economy, and that his problems with Jesse Jackson are no more than a disagreement over which of them should run things. On the positive side, Dukakis looks somewhat more sincere kissing babies and eating ethnic food than does his opponent.

But I'm not telling you anything you don't read in the newspapers.

My guess is that the majority of Bush voters will be voting against Dukakis rather than for Bush. I think they are making a mistake. Consider the consequences of a Bush election. If the economy collapses during the next four years, the Republicans, traditionally (albeit inaccurately) labeled the party of free enterprise, will take the blame. Wouldn't it be better if the Democrats, traditionally (and quite accurately) labeled the party of creeping socialism, took the fall? The reaction of either party to an economic crisis is likely to be about the same, so it's clearly better to have the Greater Depression associated with the Democrats, and discredit their creeping socialist ideology.

But most people don't think beyond the immediate and short-term consequences to their pocketbooks when they vote, and while both candidates promise to be disasters, Bush appears to be the lesser of two evils. But there are a couple of positive alternatives.

None of the Above

I can give you five good reasons why you may not want to "pull the lever and feel the power."

1. Voting in a political election is unethical. The political process is one of institutionalized coercion and force. If you disapprove of these things, you shouldn't participate.

2. Voting compromises your privacy. It just gets your name into another government computer bank.

3. Voting (as well as registering) entails hanging around government offices, and dealing with petty bureaucrats. Most people have something more enjoyable or productive to do.

4. Voting just encourages them. A vote against one candidate is always interpreted as a vote for his opponent, an endorsement for his policies, a mandate for him to enforce his will on society. That's a heavy moral responsibility considering what they're likely to do.

5. Your vote doesn't count. Politicians say it counts because it's to their advantage to get people into busybody mode. But, statistically, one vote in scores of millions makes no more difference than a single grain of sand does to a beach. That's entirely apart from the fact that officials manifestly do what they want, not what you want, once they're in office. And entirely apart from the fact that over 98% of all incumbents are re-elected anyway.

For those overcome with an atavistic urge to join the howling mob on November 8. There is a positive alternative.

A Dark Horse on a White Horse

You might consider Ron Paul, the Libertarian candidate. It's something of an oxymoron to be a libertarian politician, but despite his having served as a Congressman from the Houston area for several terms, Paul is not a professional pol; he voted fairly consistently on the side of individual liberty while he was in office. He advocates dramatic tax reductions, privatization of most government services, abolition of the Federal Reserve and institution of a gold standard, and nonintervention in the affairs of foreign countries. He's a decent human being. And he doesn't have a snowflake's chance in hell of being elected. But he is on the ballot in almost all states, and if you want to give a signal to the powers that be, you might consider Ron Paul.

But as for me, I will spend November 8 doing something more fun than voting. —Douglas Casey

Vote for Ron Paul—There are good reasons for all Americans to vote for Ron Paul. In contrast to the other candidates, Paul promises to act to reverse the growth of government, to reduce its control over individuals' lives, and to lower the cost of government. The accelerating growth of government during the past century is the root of most of the social problems that we face today. The restrictions by the U.S. government on its citizens are an abomination, and are getting worse. And the total cost of government, in terms of dollars and in terms of reduced individual liberty is a burden that approaches the limits of the ability of the citizens to bear. Ron Paul is alone among presidential aspirants in seeking to change these trends.

All Americans should vote for Ron Paul because the election of Ron Paul would be better for America than the election of any other candidate.

The reasons that every libertarian or classical liberal should vote for Ron Paul are even more compelling.

1. A vote for Ron Paul sends a clear message about what we as libertarians want. A vote for Bush, Dukakis or a refusal to vote sends an obscure, essentially meaningless message.

The major party candidates advocate programs that mix the ideas of liberty and the state in odd ways. Bush favors slightly lower taxes than Dukakis, but favors a continuation of the military spending boondoggles begun by Reagan. Dukakis gives greater support to civil liberties, but promises to increase the power of the IRS and the regulation of entrepreneurial enterprise. Both strongly support escalation of the War on Drugs, i.e. stepping up suppression of free market activities in drugs not sanctioned by government.

What's more, both Bush and Dukakis seek to bring together a variety of special interests and ideological groups. A libertarian vote for Bush is likely to be mistaken as a vote for more military spending or for more Federal aid to education; a libertarian vote for Dukakis is likely to be mistaken as a mandate for greater regulation.

Libertarians should remember the motto of the nascent Libertarian Party in 1972: "Say No to Both!"

A vote for Ron Paul conveys a clear and unmistakable message: you are a member of the American polity who supports libertarian policies and actions. A vote for Paul sends a message that stands out. It will not be confused or lumped with the "noise" of non-voting or the lesser-of-two-evils major party voting.

And saying "No" to the growth of the state does not mean boycotting the election, even when that boycott is motivated by a feeling of moral superiority. Non-voters of all stripes are lumped together in the public mind as lazy, uncaring, stupid, poorly educated, unpatriotic, wrapped up in personal matters . . . and adding a few libertarian votes to the already huge group of non-voters will do nothing to change that perception.

To give a libertarian message, you must vote for the candidate who is most libertarian. While many libertarians (ouselves included) may disagree with Ron Paul on one or two issues or on strategic campaign decisions, he is articulating libertarian ideas. No other candidate is even a close second.

A vote for Ron Paul conveys a clear and unmistakable message: you are a member of the American polity who supports *libertarian policies and actions*. A vote for Paul sends a message that stands out. It will not be confused or lumped with the "noise" of non-voting or the lesser-of-two-evils major party voting.

2. Ron Paul is qualified to be President, or at least as quali-

"It's a neat idea, but if I derived my just powers from the consent of the governed, I'd *never* get anything done!"

fied as any man can be.

The President of the U.S. has vast powers. He can make war, make peace, issue executive orders with the force of law, set priorities in law enforcement, veto legislation. He can speak directly to the American people and marshal public opinion. He can appoint members of judicial, regulatory and administrative bodies.

In a certain sense, of course, no man is qualified to be President. As the state has grown, the notion that the state has magical powers has grown. And because the President embodies the state, many people believe that the President can perform magic: he can cure unemployment, raise the standard of living, eliminate injustice, eradicate poverty, reduce ignorance—in short, solve any problem faced by any person.

Americans have the rare opportunity to vote for a libertarian for the most powerful office in the world. At a time when many of the world's people are literally dying under the heel of statism, it would be a shame for libertarians to ignore the opportunity to express their belief in a free and just society.

Of course, Ron Paul cannot perform these miracles. But then neither can George Bush or Michael Dukakis. The difference is that Ron Paul *knows* that he cannot perform miracles. He understands the limits of government.

His intelligence, his honesty, his willingness to work hard, his understanding of libertarian ideas all qualify him to use the Presidency to maximize human liberty. And his humility enables him to be President without letting the power of the office go to his head.

3. Ron Paul is an intelligent advocate of liberty.

It is chic in some circles to denigrate the libertarianism of Ron Paul, to claim that his libertarianism is not particularly intellectually sophisticated. His rejection of libertarian orthodoxy on the issue of abortion is often cited.

Ron Paul became a libertarian the hard way: by studying independently, by grappling with ideas, by critically examining theories, accepting some and rejecting others. He brought with him certain values, which might be characterized as bourgeois or conservative. Not surprisingly, he retained some of these values. This is the normal process of independent, critical learning.

As a self-taught libertarian, he disagrees with most libertarians on one or two issues, most notably abortion. This is the natural consequence of the process of self-education. Although we disagree strongly with him on the matter of abortion, we respect the careful consideration that has gone into the development of his position. We daresay that Paul's statements on the subject of abortion give evidence of far more critical examination of the issue than many libertarian purists who condemn him for his view.

Those who would like to expel Paul from the libertarian movement might do well to recall that libertarianism is not a religious faith, an orthodoxy defended by a priesthood. It is a growing, changing approach to social questions. By today's standards, the libertarian ideas of our founding fathers seem pretty childish compared with the brilliance of, say, Misesian praxeology. A century from now, the ideas of Mises, Rothbard or Rand may seem pretty unsophisticated, simplistic or even embarrassing.

In the meantime, we who advocate human liberty should maintain respect for the thinking of other libertarians, even when they disagree on a particular aspect of libertarian theory or program.

4. Ron Paul is a good and decent man.

He has demonstrated his goodness and decency in the U.S. Congress by advocating policies that he believed right—even when cost was high. At times he took positions that were at odds with his party, even when that cost him the support of his Republican colleagues.

At times, he supported individual liberty in cases that were unpopular in his Congressional district. Rather than pandering to his constituents' wishes, he explained to them why he believed what he did. His opposition to the military draft and to increased Federal drug enforcement may have cost him the support of some constituents. But it earned him the respect of many more, including many of those who disagreed with him.

Ron Paul stood firm when blasted by his critics for being stubborn and single-minded in Congress. He held up the banner of liberty as a Republican congressman, even when asked questions about controversial topics, like victimless crimes and U.S. foreign policy. Even his loudest critics among libertarians have failed to come up with anything other than a few half-baked accusations and muddled interpretations of often complex real world voting decisions.

Like past LP candidates, he has labored in harsh vineyards of ignorance, indifference and outright scorn. He has worked hard, with little prospect of personal reward, to increase our freedom, to build our movement. He has supported libertarian activities, both personally and financially, long before he entered politics. Ron Paul is a man worthy of your vote.

5. A vote for Ron Paul helps the libertarian movement grow.

Election campaigns are the one time that most Americans consider it good manners to discuss political ideas. The Libertarian Party provides a means for libertarians and classical liberals to offer our vision of the future to our fellow citizens. By voting for Ron Paul, you help increase the visibility of the Libertarian Party.

The greatest hurdle that the Libertarian Party must cross in its efforts to promote liberty is to obtain permanent ballot status in as many states as possible. At present, a large part of campaign efforts and expenses are spent on ballot drives. Once the Party gets enough votes, it will be able to channel the funds and energies spent on petition drives into the general election, thereby spreading our message even wider. And the only way the LP can obtain permanent ballot status is by getting more votes.

6. A vote for Ron Paul adds to the credibility of libertarian ideas.

Americans worship success. Whether we like it or not, most Americans are more willing to take libertarian ideas seriously if they perceive the libertarian movement as a growing movement. And for most Americans, the success or failure of the Libertarian Presidential nominee is the most visible sign of the growth (or decline) of the movement.

Americans have the rare opportunity to vote for a libertarian for the most powerful office in the world. At a time when many of the world's people are literally dying under the heel of statism, it would be a shame for libertarians to ignore the opportunity to express their belief in a free and just society.

—Mike Holmes and R. W. Bradford

Report

The Search for *We The Living*

by R. W. Bradford

It began as an obscure, unsuccessful novel by Ayn Rand in 1936. With the aid of Benito Mussolini's son, it was made into two motion pictures in Fascist Italy in 1942. The films were major box office hits, but a few months later Nazi propaganda minister Joseph Goebbels denounced the films for being "soft on communism." Then, according to the producer, the Fascists ordered all prints and negatives of the films turned over so they could be destroyed. For many years it was believed all copies had been lost, but the producer had hidden a single copy of the negative. In 1968, after an elaborate and frustrating search, the negative was found and Rand began to edit the film for re-release. But events intervened, and the film was not shown again publicly for nearly 20 years.

Few films have had such a tortured and tortuous history as *We The Living*. The film scheduled to open in New York in November is more than a historical curiosity, more than a footnote in cinematic history. But to this day, its history is shrouded in mystery; much of its story will never be known with certainty.

What began as a profoundly individualistic novel became a profoundly individualistic film. How it came to be produced in Fascist Italy without the knowledge of its writer, how it was lost but ultimately found, how its literary rights were obtained and the film eventually shown in America is a complicated and sometimes obscure story.

What follows is an account of the production of *We The Living*, its suppression by Fascist authorities, its apparent loss in the aftermath of World War II, its rediscovery some twenty years later, and the editing of the nearly forgotten film into a new version, which will be released to theaters later this year. "There is a folklore growing up around the film," co-producer Henry Mark Holzer has noted, "and there are a lot of stories that are apocryphal." In this account, I have attempted to separate the true from the false, the credible from the uncredible, and to indicate those issues that remain unresolved, mysterious or provocative.

◆

One evening in January 1926, a young man made a remark at a party to a girl he hardly knew. She was moving away, and he wanted her to tell the people she met about the place she was leaving. "If they ask you, in America—tell them that Russia is a huge

cemetery, and that we are all dying slowly." "I'll tell them," she promised.[1]

The city was Petrograd in the Soviet Union. The girl was Alice Rosenbaum, an intensely serious young woman who had just received permission to leave the Soviet Union. These were not happy times in Russia: the Great War and the Revolution that followed had taken a terrible toll in property and life. The "social reforms" of the Revolution had torn society apart, wiping out the westernized, liberal world that had begun to emerge in the Russian metropolis.

In America, Alice Rosenbaum relentlessly pursued her goal to be a writer. She moved to Los Angeles, determined to become a screenwriter. She found work as a movie extra. Gradually she mastered English, and began to write. Four years later, the young woman—by now she had chosen Ayn Rand as her name—began work on a novel, which she called *Air Tight*. By the time she had finished it in 1933, she had renamed it *We The Living*.

"*We The Living* is as near an autobiography as I will ever write," she would later note.[2] Like Ayn Rand, its protagonist, Kira Argounova, is a young woman who has grown to maturity in Russia during the Great War and the Russian Revolution. Like Ayn Rand, Kira comes from a middle-class background. Like Ayn Rand, Kira rejects the morality of Communism, and opposes the Soviet State.

But unlike Ayn Rand, Kira has no relatives in Chicago who could sponsor her visit to America and escape from the Soviet Union. So Kira Argounova has to stay in Petrograd, to try to make a life under the Soviets. She decides to study to become an engineer. She meets and falls in love with Leo Kovalensky, a young aristocrat who is persecuted by the state. "He knew nothing about her present, but she told him about her future; about the steel skeletons she was going to build, about the glass skyscraper and the aluminum bridge" (p 73). He develops tuberculosis, but the Soviets refuse his admittance to a sanitarium and deny him a job so he can pay for private care. Kira discovers that Andrei Taganov, an idealistic communist revolutionary, has fallen in love with her. She becomes Taganov's mistress to obtain money to pay for Leo's medical treatment.

We The Living is the story of the resulting love triangle. And it is Ayn Rand's fulfillment of the promise she had made at the party the eve of her departure.

Three years passed before *We The Living* found a publisher. After printing only 3,000 copies, the publisher destroyed the type. A year later a British edition of *We The Living* was published, without much greater success. Rand continued to work as a junior screenwriter in Hollywood and began work on a new novel.*

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But that was not the end of the publishing history. A few years later, the Italian publishing house Casa Baldini e Castoldi published an Italian translation of the novel as *Noi Vivi*.†

The Fascists were very hostile to Soviet communism, and *We The Living* offered a hideous portrait of life under the Soviets. More importantly, it tells an exciting story involving a melodramatic love triangle. Apparently its publisher knew a good story when it found one. *Noi Vivi* became a best seller.[3]

Ayn Rand knew nothing of the film. Her permission had neither been required nor sought. "We were able to do it only because we stole the rights," explained Assistant Director Anton Majano.

It occurred to Goffredo Alessandrini that *Noi Vivi* might make an interesting film. Alessandrini was a well established film director. In America, he is remembered for his Fascist films. *The Film Encyclopedia* says he "directed several award winning Fascist propaganda films."[4] Edward Tannenbaum, in his authoritative *The Fascist Experience: 1922–1945*, writes of one of Alessandrini's earlier films, "The theme of a freelance, selfish hero redeemed by patriotism was dramatized most effectively in the film *Luciano Serra—Pilota* (1938), directed by Goffredo Alessandrini. . . . A good case can be made for the argument that [this film] had a more specifically Fascist message than any other significant Italian film . . ."[8] § Alessandrini's reputation in Italy is quite different: he is remembered for intimate psychological studies and for allowing his actors considerable freedom to develop their parts.

It is easy to see why filming *Noi Vivi* appealed to Alessandrini: it was a best-selling book, its love story was both fascinating and quite racy for the time, and its anti-communism would get it past the watchful eyes of the Ministry of Popular Culture. And Alessandrini wanted to make an epic film.[9]

The Italian film industry at that time was booming. Beginning in the mid-1930s, Mussolini had placed a high priority on the film industry, employing the usual techniques to stimulate industrial growth: low-cost government loans, protection from foreign competition, establishment of government-financed training institutes, and creation of government-run production enterprises, central planning and coordination of industrial activities. In 1935, Mussolini established the *Centro Sperimentale di Cinematografia* to teach film-making; in 1937 he established *Cinecittá* (literally "Cinema City") as Europe's largest film making complex. (Both these institutions remain in operation today.)

The tactics paid off: by 1939, the Fascist state was in control of the film industry, and the state efforts had increased the quantity (if not the quality) of Italian film production. Ideological control of the films was maintained by the Ministry of Popular Culture.

But this is not to say that Fascist Italy maintained the degree of control that existed in Nazi Germany or Soviet Russia. The control exercised by the Ministry was substantial, but not total. Italians have a long tradition of successfully evading government regulation, and within limits, creative Italian film makers could find ways to make films the way they wanted.

When word of Alessandrini's proposed film of *Noi Vivi* reached the Ministry of Popular Culture, a serious

* *We The Living* was not published again in English for more than 20 years, and only then after Rand had established herself as a best-selling novelist and had gained a huge and enthusiastic following.

† I could not determine the exact date. The director of the film, Goffredo Alessandrini said in a 1973 interview that the novel had been published a few months before production began;[5] Henry Mark Holzer, Rand's attorney who later co-produced the American subtitled version of the film, believed it was authorized by Rand and issued before the war;[6] Duncan Scott, another co-producer of the American subtitled version, believed that it was an unauthorized edition issued during the war.[7]

§ The production of *Luciano Serra—Pilota* was supervised by Vittorio Mussolini, the Duce's son who also played a role in *Noi Vivi*. One of the scriptwriters was Roberto Rossellini, who later gained considerable fame as a director, and whose brother Renzo did the music for *Noi Vivi*.

problem arose: the Ministry forbade its production. At this point, the film's legal counsel Massimo Ferrara interceded. In a statement early in 1988, Ferrara explained:

> When the documentation of the production project was presented to the offices of the Ministry of Culture, I faced an unexpected refusal of the requested authorization for shooting. The Minister, Corrado Pavolini, pointed out to me that I had made a wrong choice of the two well-known writers—two old-fashioned intellectuals outside of the Fascist ideology. I had to ask for the help of Vittorio, the son of Benito Mussolini, who was also a film producer and a friend of mine. He convinced Minister Pavolini to authorize this film production.[10]

(This at least is Ferrara's version*: it may be that Mussolini was involved more deeply in the project. At any rate, we know that he supervised production of Alessandrini's *Luciano Serra—Pilota*. And, as we shall see below, Fosco Giachetti, the lead actor in *Noi Vivi*, remembers a different role for Mussolini.)

Ayn Rand knew nothing of the film. Her permission had been neither required nor sought. Associate Director Anton Majano explained, "We were able to do it only because we stole the rights . . . because of the war. Otherwise it would have been impossible. Ayn Rand would have never sold the rights to us."

Alessandrini hired Fosco Giachetti to star in the film.[11] He played Andrei, the Communist revolutionary and member of the G.P.U. (secret police) who, because of his uncompromising idealism, personified the best the revolution had to offer.

The casting of Giachetti as Andrei was parallel in many ways to the casting of Clark Gable as Rhett Butler in *Gone With The Wind*, made in America a few years earlier. Like Gable, Giachetti at 38 was a bit old for the part—at the beginning of the novel, Andrei was 26—but he was the biggest box-office attraction in Italy, and he specialized in playing virile, romantic and often melancholic loners. "From the beginning, he was the only star not in question," recalls Associate Director Majano. "He guaranteed the success of the film. He was the biggest star in Italy."

To play Kira, Alessandrini chose Alida Valli, a young and strikingly beautiful actress, who had already starred in several films. To play Leo, the third leg of the triangle, Alessandrini chose the youthful Rossano Brazzi, a relative unknown making only his second film.[13]

Corrado Alvaro and Orio Vergani, two well known novelists, were hired to prepare the script, Alessandrini and Majano went off to Africa to shoot another film. Upon their return they had a major crisis: "We came back and found the script was a mess!" recalls Majano. "They didn't think an engineering student would be interesting to the public, so they made [Kira] a ballerina! And she didn't go to bed with Andrei! We threw [the script] out and started from scratch. But we were due to start the film. We had the shooting schedule set, the actors all lined up, we had to begin—absolutely!" Alvaro and Vergani were credited as screenwriters, even though, according to Majano, "they had nothing to do with the final script . . . Not a word they wrote was in there. All their ideas were taken out."

Alessandrini decided to film on schedule, and put Majano to work writing a new script as the film was shot. "I remember sitting on the set writing dialogue for the next day's shooting. My assistant would come in at seven each morning to make copies for the cast. There were no photocopiers."

This lack of a detailed working script has been exaggerated by some. Co-star Brazzi, for example, recalled in a 1986 interview, "We made the picture *without* a script—just following the book. Majano and Alessandrini wrote the day before, what we were going to do the day after." A recent article in *The Intellectual Activist* picked up on this piece of hyperbole: "He [Alessandrini] would work *without* a script . . . It turned out that this unorthodox method, despite the obvious problems it caused, yielded one overwhelming benefit. It left little possibility for making changes and thus forced the film to mirror the novel (which rarely occurs in adaptations)."[14]

The notion of working each day from a script written the previous night is no doubt romantic. It is also absurd. Each day's shooting requires sets, costumes and actors; all must be arranged in advance. And there are divergences from the plot of the novel, some showing up quite early in the film, which could not have been managed unless a script of some sort was prepared in advance. Most likely, the story was outlined in considerable detail, with some of the dialogue left for Majano to prepare at the last moment.

Duncan Scott, who edited the American edition of the film, agrees that the notion of working from the novel with no script has been exaggerated. "What hasn't been mentioned is that not all the script was prepared this way, because it doesn't sound as interesting," he said in a recent interview. "But the fact that *any* of the script was written that way is extraordinary. For pages of dialogue to be written the day before they are shot is very unusual, even if it wasn't done consistently throughout the production, which as you have figured out, didn't happen."

Leonard McCombe, Life Magazine © 1947, 1967

Ayn Rand, author of *We The Living*, 1947.

As the result of the lack of a detailed script, "there was a certain sloppiness to the film," Scott added. "It showed signs of being put together in a big hurry. [In editing it for American exhibition] we

* It should be noted that Ferrara's account of the film's production and subsequent history differs from virtually all the other participants in several important ways: he claims the production was his own idea, that he cast all the stars, that he had foreseen prior to production that the production would result in two films rather than one, and that the film was banned by the Fascists. All these claims were disputed by at least one participant; and, as far as I could discover, not one was substantiated by any other participant. In addition, two other claims by Ferrara—that he was the virtual producer of the film and that he showed the film to Goebbels have no substantiation, although they are not directly contradicted by any other testimony. The only other mention of Ferrara that I came across was from Brazzi, who identifies him simply as Michele Scalera's lawyer.[12] (Scalera was head of Scalera Studios, which produced the film.)

went to considerable lengths to smooth it out and tighten it up."

Even so, as a result of the lack of a detailed script prepared well in advance, "it was quite difficult to change all but a few, small things. Not the conception of the story," as Brazzi pointed out. As Henry Mark Holzer, co-producer of the subtitled version, noted "They made every scene in the book." As a result, the finished film follows the book far more closely than most film versions of novels.[15]

Not surprisingly, the film ran long. "We were writing the film and shooting it at the same time. We kept shooting and shooting and we found ourselves with over five hours of material that had been shot," Anton Majano remembers. "I was called in by the head of Scalera Films. I told him all the material was good and could be edited into the film. Alessandrini suggested that we make it into two films, which were titled *Noi Vivi* and *Addio Kira*." *Noi Vivi* ends at the same point Part I of Rand's novel ends. There is an intermission at this point in the American subtitled version.

At first, the decision to make two films was kept secret from the actors, who were being paid for a single picture and were upset at the long hours and strenuous shooting schedule. "They had a contract for *one* film," Majano recalled, "so the head of the studio said, 'We have to keep it a secret that we're going to release it as two films, because if the actors find out they're going to want to be paid double.'"

But the film took four and a half months to shoot; according to Brazzi, the shooting schedule sometimes lasted from "8:30 in the morning till 11:00 or 11:30 at night." "Somebody in the cutting room finally tipped off the actors," Majano recalls. "So they went to Scalera [the studio head] and asked for more money and he said no. Alida was so furious she walked out and started work on another film." "We ran away from the studio," Brazzi said. "They couldn't find us." Eventually the studio settled with their stars, though not, according to Majano, for the full amount.[16]

There is some controversy over when the decision to exhibit *Noi Vivi* as two separate films was actually made. Alessandrini, in an interview in 1973, claims that the decision was not made until after the Venice Film Festival.[17] Brazzi's 1986 recollection of his and Valli's walkout makes no suggestion that the actors walked out because they were upset by their being conned into doing two films for the price of one, thereby seeming to support Alessandrini's account better than Majano's.[18] In a 1973 interview, Brazzi claims that the decision to exhibit it as two separate films was made midway through shooting, which is supported by Giachetti's claim that with the story not yet half shot and more than two hours of finished film prepared, the studio stopped shooting for 15 days, before it made the decision at his suggestion to exhibit *Noi Vivi* in two parts.[19] And legal counsel Massimo Ferrara claims it was planned as two films from the beginning of the project.[20]

"Look, I am not doing any favors for anyone," Giachetti told Mussolini. "If I don't find in the film the Andrei of the novel as we have already completely established and signed a contract, I won't make the film." Thus ended the first attempt to censor We The Living.

Because of the war, location shooting was out of the question. So the entire film was shot indoors at the Scalera studios. Sets were built to recreate city scenes, the deck of a ship, a train station, a crowded public marketplace, even a snow covered street with a horse-drawn sleigh. "It was quite *robusto*. All the big Russian sets made the budget expensive," Majano recalls.

Shooting indoors in the Roman summer, the heat was a problem. "There was a lot of perspiration because inside it was 140° and you had to show the people that you were cold . . . it was a terrible job for the make-up men, the perspiration," Rossano Brazzi recalls with considerable exaggeration.

Many of the extras used in the film were Russian exiles, adding to the film's realism. "We had nearly the entire White Russian community then living in Rome. Among them were Countesses, Counts and Russian nobility," Anton Majano recalls. "The first day they arrived on the set, the production person was shouting at them, 'Come on, get over here! Stand there! Get that smile off your face!' and all that, and they were Countesses and Princes! I went over to the production man and said, 'I'll handle these people,' because I realized who they were." Later, in a crowded market scene in which Russians were trading their valuables for necessities, the extras enhanced the film's authenticity by providing icons and crosses made of gold and silver.[21]

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The first attempt at substantial censorship of the film occurred before the camera began to roll. The character Andrei was entirely too sympathetic, and the Fascists wanted his role reduced. Giachetti tells the story in a 1973 interview:

> For *Noi Vivi* and *Addio, Kira* I had signed a contract based on the novel because this Andrei interested me to an exceptional degree. But later I was sent for to come to Scalera on Saturday. In addition to Scalera, Vittorio Mussolini was present, whom I did not know in any character, either as organizer or as participant with Scalera. I did not know for what reason, but I was certain that this errand was important.
>
> "We are beginning to shoot this film on Thursday," Mussolini the son said to me. And he asked me as a personal favor to renounce that which Andrei is in the novel because for political reasons they have to reduce his role.
>
> "Your personality is such, artistically," he says to me, "that even participating in a film in which you are not the principal actor will lose you nothing."
>
> And I responded, "Look, I am not doing favors for anyone. My artistic personality I have with me and consequently if I don't find in the film the Andrei of the novel as we have already completely established and signed a contract, I won't make the film." And it was Vittorio Mussolini, mind you, to whom I responded.
>
> I went home and an hour or more later the lawyer Monaco telephoned me. He was then a director of the cinema. He said to me, "You are still crazy. This time you have refused Vittorio Mussolini?" "Listen, please don't worry about me," I said. "I do and say whatever pleases me to do and say and the consequences will affect me and not you, so leave me in peace and don't bother me." And that is just how I answered him—in my way—and I slammed down the

telephone.

An hour and a half or more later he telephoned me and said to me, "Listen, the Minister expects you at the Ministry tomorrow at ten. He needs to talk to you." "All right, I'll be at the Ministry at 10."

In fact, I was at the Ministry at ten precisely. The Minister was Pavolini and he came to greet me cordially. Very gentlemanly he said,"Giachetti, I am going to ask you for a favor." I interrupted him and said, "My dear Excellency, I already know the favor that you need to ask of me. In consequence, in order not to place me in the position of refusing you, I beg you not to ask it of me." He smiled (because he was an intelligent person). And then he said, "But why?" "Because," I responded. "Excellency, I have signed a contract. And Andrei pleases me because he is an idealist and is not only a communist, conceivably he is a Christian, conceivably he respects (and why not?) even your program of 1919." "But look," he said, "I am afraid in a third rate theater, seeing this character, the public will applaud, and that would bother me." I said, "My excellency, if I play Andrei as he is written in the novel, my modest artistic ability will do everything to receive, not to lose this applause." He laughed, then he said to me, "All right, then you're really not agreeable? Then let me think and later I'll tell you something."

In conclusion, the next day they telephoned me from Scalera that I could start to make the film as it was written in the novel.[22]

So ended, apparently, the first attempt to change the story significantly to fit the Fascist view of things. Giachetti's story is significant in other ways as well: it illustrates the influence Giachetti was able to wield as the result of his star status, and it indicates that Vittorio Mussolini played a larger role in the film that might be inferred from Ferrara's account quoted above.

One obvious, though minor, change from Rand's story was incorporated most likely without the slightest controversy. Kira's sister Lydia is portrayed in the film as a rather normal girl who loves the piano.[23] This contrasts sharply with the novel, in which Lydia was portrayed as a devoutly religious person whose religious beliefs were irrelevant to the crisis they all faced; Rand used her character as a direct attack on religion. Needless to say, Rand's anti-religious view was not palatable to Italians of that era.

Anton Majano remembers what happened when the order came to take the unfinished film to the Ministry of Popular Culture for a screening, "We rushed to the editing room and spent all day cutting out the dangerous scenes—all the anti-Fascist scenes—for that screening. That night it looked like an inquisition. They kept asking, 'Is that all there is? Is that it?'" The objectionable scenes were Andrei's denunciation of communism at his purge trial and a scene in which Leo falls into the classic Catch–22 of "No union card, no job. No job, no union card."[24] (Coincidentally, Rand would also object to one of these scenes when editing the film 25 years later, though on vastly different grounds.)

Alida Valli as Kira Argounova, heroine of *Noi Vivi*.

But the scenes were restored and the long and arduous shooting schedule and editing process were completed only one day before their opening at the Venice Film Festival on September 15, 1942. "For five days we had been taking pills to stay awake and when we finally got on the train, it was the last thing I remembered, I was so exhausted," Majano recalls.

At a press screening a few hours before the premiere at the Festival, a Fascist journalist noted the offending scenes and complained to the authorities. Again the two offending scenes were hastily cut. *Noi Vivi* won the Volpe cup at the Venice film festival, and began a very successful theatrical run in November, 1942. The offending scenes had again been restored prior to its theatrical run.[25]

(Interviews published in 1973 with three leading actors and the director of the film make no mention of such ideological cuts or their restoration.[26] It seems a bit absurd to imagine the authorities were fooled by so transparent a ruse, for which we have no evidence aside from Majano's interview.)

Noi Vivi was released in November, 1942. Not surprisingly, it left moviegoers anxious to see *Addio, Kira*, released a few weeks later, to learn how the story ends. "It was an enormous success, an incredible success," according to Majano. "Incredible! It was a *big* hit," Brazzi recalls. "People lined up at the Barbarini [Theatre in Rome] for three months." Brazzi may exaggerate, but it is plain that *Noi Vivi* proved at least sufficiently popular that its run continued past the release of *Addio, Kira*, which enabled film patrons to see the entire story in a day by watching *Noi Vivi* at one theater, followed by *Addio, Kira* at another.[27]

Just as the American public lined up to buy *Atlas Shrugged* in the 1950s while many American critics panned it on ideological grounds, so the wartime Italian public lined up to see the films, while many Italian critics panned them on ideological grounds. According to film historian Gian Piero Brunetta, "The film obtained a good success with the public but the critics did not deign to give it excessive attention. *Cinema* criticized it strongly in a significant manner upon the ground of its contents. In the magazine *Film*, an attempt to make it into a political lecture occurs without any ironic intention: 'In contrast to other hysterical interpretations of the Russian Revolution like *October* by Eisenstein or *The End of Petrograd* by Pudovkin, this film by Alessandrini appears civilized and Latinized. It misses the tension and the spasms of the popular convulsion originated in Asia and of Oriental sadism.' These are the voices of the militant intellectual Fascists that at the last period tried to imitate the style of Nazi propaganda."[28] The criticism of the film for its lack of sadism in its portrayal of the communists would recur later, when the film was shown in Germany.*

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The war continued. The political climate

* The remainder of the review, not quoted by Brunetta, seems neither Fascistic nor critical of the film: "It was theatrically presented, more like the French Revolution and not the Russian. From Alessandrini we get a more modernized interpretation of the subject and his direction is done in a superb manner. The same is true of the acting, musical score and art direction. The film never lacked tension and interest between the first and

(cont next page)

in Rome was changing. The film approved by the Fascists because of its anti-communist message was seen by many Italians as a statement of anti-fascist sentiment, extolling the individual against the state.[29] Whether Mussolini was feeling threatened by growing opposition or simply wised up to the anti-authoritarian nature of the film, sometime in May, according to legal counsel Massimo Ferrara, *Noi Vivi* and *Addio, Kira* were banned:

> Approximately six months after the successful release of Noi Vivi in Italy, I was notified at Scalera Studios of an injunction by the Secretariat of the National Fascist Party ordering the seizure of all materials. He further ordered a representative from Scalera to appear within 48 hours at a hearing before the Director of the Fascist Party at their Rome headquarters.
>
> Mr Michele Scalera (who was still the Chairman of the Board) told me, "Massimo, you are not only the General Manager of the company, but also the author of this film production. You have to answer it."
>
> I appeared at the hearing, where I heard what I already knew—that the two pictures were called by the public, "We the Deceased" and "Goodbye, Lira." I was accused of having intentionally made an anti-totalitarian propaganda film against a Fascist Regime that was responsible for waging a war against the wishes of the majority of Italians.
>
> I stated that I was not responsible for Italian public sentiments. I had imagined *Noi Vivi* as a beautiful story of love. It was concluded, however, that I was guilty of anti-fascist propaganda and not deserving the honor of being a member of the Fascist Party. I was also deemed not worthy of being a university lecturer and a member of Scalera Films management.[30]

Ferrara was ordered to turn in all prints and negatives of the film so that they could be destroyed. Ferrara decided to save the master negative and substitute the negative of a different film, hoping that the authorities wouldn't notice the switch. Franco Magli, the film's production manager, hid the master negative in his home.[31]

This is Ferrara's story, as he told it in 1986.

In his book *Who Is Ayn Rand?* (1961), Nathaniel Branden, Rand's close personal colleague, told a similar story:

> Alida Valli and Rossano Brazzi played the parts of Kira and Leo, and it was they who, years later, in Hollywood related to Ayn Rand the following story: When the picture first appeared in theaters, it was an instantaneous success. People flocked to see it with an interest and enthusiasm far in excess of what the government had expected. Within a few months, the government ordered the picture withdrawn from circulation and forbade its further exhibition. Some official finally had gotten the point . . .[32]

Fosco Giachetti as Andrei Taganov, the idealistic communist secret policeman who falls in love with Kira.

Branden's point in relating this story is to illustrate how profoundly anti-totalitarian Rand's novel was, anti-totalitarian in a way that at first the Fascists could not understand.

As nearly as I can determine, that is all the evidence that exists for the proposition that the film was banned by the Fascist government: the claim of Massimo Ferrara, Scalera's legal counsel, and Branden's hearsay report that he heard of the ban from Rand who had heard of it from Valli and Brazzi.

There is, however, considerable evidence that the films were not banned.

1. Edward Tannenbaum, in *The Fascist Experience: 1922-1945*, claims that "No Italian made film was ever suppressed entirely but many scenes were edited by order of this office [The Ministry of Popular Culture]."[34]

2. In *Cinecittá Anni Trenta*, a three-volume set of interviews with prominent Italian film industry figures during the period, including Alessandrini, Giachetti, Brazzi, and Emilio Cigoli (who played Syerov in the film), there was no mention of any ban, although the interviews were far-reaching and discussed *Noi Vivi* in considerable detail. It seems likely if *Noi Vivi* had been banned, the banning would have been noted, especially considering the fact that such a ban would have been unique (or nearly unique) in Fascist Italy.

3. Nor was there mention of any ban of *Noi Vivi* in any of the approximately two dozen references on Italian cinema consulted in preparation of this article.

4. In contradiction to Branden's report of Rand's account of what Brazzi had told her, Brazzi was emphatic that the films were never banned by the Fascists in his 1986 interview with Duncan Scott:

> Question: We understand the Fascists stopped the movie during its run.
>
> Brazzi: No, no. After the war it was stopped. They never showed it again because of Ayn Rand.
>
> Question: It wasn't stopped by the Fascists?
>
> Brazzi: No.

5. Despite the fact that he left Rome four months after the film was allegedly banned, Majano knew nothing of the ban. In response to Duncan Scott's question about the film's banning, Anton Majano responded, "I don't know that it was pulled from the theaters. I wasn't able to follow what was happening because when the Germans came in to occupy Rome, Alessandrini and I got out. I left in September, 1943."

6. Attempts by Peter Herzog, the distributor of the American subtitled version, to verify that the film was banned came to naught. Herzog called Cinematec, the Italian film archive, and asked about the ban. They told him that the films had not been banned. He asked the son of Renzo Rossellini, who wrote the film's score, to investigate to see whether the films had been banned. Two weeks later the younger Rossellini

second part of this very long story concerning the parallel love affairs of Kira towards the two men. Alessandrini made this film an extremely interesting experience. A drama of love and hate is represented in the most intimate manner in the film, without creating a melodrama. Alida Valli is well photographed as the heroine of this monumental film. She is emotionally controlled, sensual, very cool and highly dramatic. She is perfect for the role of Kira. Fosco Giachetti as Andrei gives a superb interpretation to this difficult role. Rossano Brazzi as Leo gives a human touch to his part."[33]

replied that he had found no indication that the films had been banned.[35]

The preponderance of evidence pretty clearly shows that the films were never banned. Had they been banned, it would have been a highly unusual event, one which would be related by the principals in their discussions of the films, or discussed in at least some of the references to the films in histories of Italian cinema, or known to the Italian film archivists, or remembered by someone other than Ferrara, whose testimony is frequently uncredible.

When I summarized the indications that the film had never been banned and read the foregoing paragraph to Erika Holzer, co-producer of the American subtitled version of the film, she was at first incredulous, then commented:

> I don't think that with the sources you have that you can say [that it is] "overwhelmingly unlikely" [that it was banned]. I think . . . there's evidence on both sides, and that Ayn [Rand] was certainly under the impression [that it was banned] all her life. That's what your readers are more interested in anyway and it... may or may not be true! But a lot of people believe it . . . There's evidence on both sides and after all we've heard it doesn't really make much difference. It certainly created an awful lot of anti-fascist sentiment at the time.

Even so, I remain convinced that the film was never banned by the Fascists. As to the origin of the myth that it was banned, I believe there are three possible explanations:

(1) It was fabricated by Brazzi and Valli, who for some reason decided to tell it to Rand; or

(2) It was fabricated, consciously or unconsciously, by Rand herself, who might benefit from the belief that the novel was so profoundly anti-totalitarian that it could not be tolerated in Fascist Italy; or

(3) It was the result of a misunderstanding between Rand and Brazzi or Valli or both, perhaps aggravated by language difficulties.

I shall leave it to the reader to form his own conclusions, or to make his own speculations.

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Sometime in early 1943, Ferrara says, he took a print of the film to Berlin to show it to Joseph Goebbels, the Nazi minister of propaganda, in hope of obtaining permission to exhibit the film in Nazi Germany:

> In Berlin, I had the opportunity to screen the picture at the house of Dr Goebbels, the German Minister of Propaganda. Goebbel's reaction was negative, because he considered the treatment of the Soviets as "too mild" compared to the German style of filmmaking, depicting the Russians as "outright animals."[36]

"Andrei was downright sympathetic," Duncan Scott comments, "and the other communists were not portrayed as the outright animals as he thought they should always be portrayed. [It was] ironic that an Ayn Rand work should be accused of being soft on communism."

Ferrara's story is supported, to some extent, by a brief mention of the movie in *Film in the Third Reich*, by David S. Hall. After listing films whose import into the Third Reich was banned, and discussing the reasons for the bans, Hall noted, "Some were excluded on more general philosophical grounds, such as the Italian-produced *We The Living*, based on the book by the American novelist Ayn Rand."[37]

Peter Herzog, distributor of the film, finds the story entirely credible:

> It was not shown in Germany because the whole film was not anti-communist enough. I lived in Europe in the time of the Nazi period, and the anti-communist films I saw there were much more brutally done than this. The communists are not represented in this film like animals, they were represented like people. The GPU leader suddenly decided to fall in love with this girl and to leave the country with her for love!

Even so, there is reason to doubt Ferrara's story. Nearly all of Goebbels' unusually detailed diaries from this period have been published, and there is no mention of either *Noi Vivi* or Ferrara in *The Goebbels Diaries: 1942-1943*.[38] However, it should be noted that Goebbels diaries from this period are not complete.

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Alida Valli and Rossano Brazzi dropped out of films shortly after finishing *Noi Vivi* and *Addio, Kira*. Valli married Oscar de Mejo, composer of "All I Want for Christmas Is My Two Front Teeth."[39]

The Allies invaded Sicily on July 10, 1943. Two weeks later Mussolini resigned; a new government formed by Pietro Badoglio ordered Mussolini arrested. When the Allies invaded the Italian mainland on September 3, the new government declared its unconditional surrender. A week later, the German Army took control of Rome; on September 12, Mussolini was rescued by German paratroopers. On September 23, Mussolini, proclaimed a "Republican Fascist" government. Majano and Alessandrini fled the Germans; they feared reprisals from the Germans for their participation in anti-Fascist demonstrations. They returned a year later in the wake of the Allied invasion.

After the war, Majano, Alessandrini and Ferrara renewed their careers in the film industry.[40] Brazzi enjoyed considerable success as a leading man and then a character actor both in the U.S. and Europe; *The Barefoot Contessa* (1954) and *South Pacific* (1958) are among his more memorable films. As recently as 1986, he appeared in a recurring role in the television series *Dynasty*.[41] Valli's career since *Noi Vivi* has been a stormy one: Brazzi says her career in America was ruined by her indulgence in an injudicious love affair which caused her to break an agreement to appear in *Five Fingers* in 1952;[42] *The Film Encyclopedia* reports her career in Italy was set back in 1954 by "her involvement in a drug, sex, and murder scandal of the 'dolce vita' variety."[43] Perhaps her most memorable roles to American audiences are in Alfred Hitchcock's *The Paradine Case* (1948) and in *The Third Man* (1949). Her most recent role in a U.S. film was in *The Cassandra Crossing* (1978). She remains active in films and theater in Italy. Goffredo Alessandrini directed a few films after the war, his last in 1952. He died in Rome in 1978.[44] Fosco Giachetti continued in films, though no longer as a leading man, until his death in 1974.[45]

The overwhelming preponderance of evidence indicates that, contrary to the claims of Ayn Rand and the producers of the subtitled version, We The Living *was never banned by the Fascists.*

The production company, Scalera Films, went bankrupt shortly after the war ended, according to Duncan Scott, and its assets were sold off. Since it did

not own the literary rights to *Noi Vivi* or *Addio, Kira*, prints from the master negative that Ferrara had saved could not be exhibited, so the master negative had no commercial value. Along with other vintage films it was sold; before long its exact whereabouts were lost.[46]

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Ayn Rand first saw *Noi Vivi* and *Addio, Kira* most likely in 1948 or 1949, but certainly sometime between 1948 when she met Brazzi and 1951 when she moved to New York. Rossano Brazzi showed her a print he had brought with him when he came to the United States. "She was very much against Scalera, because he was able to get the rights to the book [without her permission]. But when she saw the picture, she changed her mind. And I know that Massimo Ferrara, his lawyer, started to deal with her. But she was very upset, because she got an offer, I think, from MGM to re-make the picture. Then she didn't know what she wanted to do, make a new version or not."

Brazzi remembers Rand fondly:

> I met her in 1948, when I first got over to the United States . . . She didn't go anyplace. There was an actor, Jack Oakie, I think, and he knew Ayn Rand—they met through his wife. Ayn knew that this Rossano Brazzi was in *Noi Vivi*, because she had already started this fight with Scalera. So she asked [Oakie, to introduce me to her], and one night we went for dinner over there, in the [San Fernando] Valley. And she liked my wife, she liked me. And she loved Italian spaghetti. At that time, the food was terrible in California. One day she called, and she came over for dinner. And we became, I would say, very good friends.
>
> She was a funny woman, very strong. Difficult woman. She was . . . bisexual. She loved women. One night she drank a little . . . [Brazzi laughed] . . . But she looked a little bit like a man, you know, strong. But [a] wonderful woman. What a mind!
>
> She liked me and she used to call me at eight o'clock in the morning. Just to talk and, you know, for dinner: "Are you going to cook spaghetti?" That was the time my wife used to go with Ronald Reagan downtown to buy spaghetti . . . [Brazzi laughed] . . .

Sometime between 1950 and 1955, Ayn Rand received a settlement of $35,000 from the Italian government for the unauthorized use of her literary property. Apparently still angry about the unauthorized use of her story, she decided to spend her settlement as frivolously as she could—buying a mink coat with part of it, for example.[47]

However angry Rand was at the unauthorized use of her story, her hostility did not influence her evaluation of the film. "Ayn was thrilled with it," Rand's friend Erika Holzer said. "She told us that she liked this movie better than *The Fountainhead*, even though she herself had written the screenplay for *The Funtainhead*. She thought that it is a much more stylistically creative picture." Brazzi concurred, according to Majano: "Brazzi told me that . . . he took a copy of the two films to America. There was a screening with Ayn Rand present. Even though she was furious, she said that in Hollywood they would not have done an adaptation that was as good as ours."

"I've done 250 pictures as a leading man," says Rossano Brazzi, sitting in his office in Rome in 1986. "I've saved prints of maybe three or four for myself. Noi Vivi *is one of those pictures. That was a good moment for Italy—for pictures . . ."*

She was also very much impressed by Alida Valli's portrayal of Kira: "She loved Alida in the picture," Brazzi noted. "When Ayn Rand saw the picture, she could not believe the acting job that Alida Valli did." Erika Holzer agrees: "Ayn just loved Valli. She played the part perfectly." Barbara Branden recalls "She was really thrilled with Valli. She was wonderful, both in physical appearance and in her acting." Brazzi could even see Rand's personality in Valli: "But, Alida, she was a little bit like Ayn Rand, you know . . ." "Alida was very much in love with her character," Majano recalls.

In 1951 Rand moved from California to New York, never to return. She lost touch with Brazzi. Rand had obtained a print of the films, either from Brazzi or from the Italian producers as a part of her settlement. But Rand had never been a very well organized person, and somehow she had lost it.[48] Over the next years she made several attempts to locate a print of the film, but none panned out.[49]

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The Fountainhead, published in 1943, had established Rand as a best-selling novelist and gained her a small, but enthusiastic following. *Atlas Shrugged*, published in 1957, was even more successful; its strongly rationalistic and pro-free enterprise views had gained her a large and fanatical following. She had christened her philosophy "Objectivism."

In 1959, Rand published a revised edition of *We The Living*, which not surprisingly sold much better than the first edition. In 1960, a paperback edition was published; more than 400,000 copies were printed during that year alone.[50]

In 1963, two admirers of Rand's novels, Henry Mark Holzer and his wife Erika Holzer, both attorneys, were introduced to Rand by Henry Hazlitt. In 1966 Rand told the Holzers, now her attorneys, about the Italian film version of the novel. Rand was convinced it was lost forever. The Holzers decided to make a concerted effort to find copies of *Noi Vivi* and *Addio, Kira*. They began by asking official Italian agencies. Although no one knew where they could find an actual copy of the films, nearly all had heard of them and many remembered seeing the films.

The Holzers approached Brazzi and Valli, but got nowhere. They tried the State Department, which had negotiated the settlement for the unauthorized use of the novel. That was a dead end as well. Inquiries within the movie industry in Hollywood also failed.[51] Duncan Scott and Erika Holzer describe what happened next:

> It became apparent that the one lead worth pursuing was the labyrinthian aftermath of Scalera's business affairs. Now the search took the Holzers through the byzantine Italian legal system and into World War Two era corporate records, a seemingly endless series of brokers, "finders," "expediters," and just plain con men.
>
> The search ended with two Romans who represented a foreign business entity which owned dozens of vintage Italian films. Among them was Noi Vivi and Addio, Kira. In the summer of 1968, the Holzers flew to Rome, hired an interpreter, and started negotiating for a film which they had not yet had an opportunity to see.[52]

They met with the men who claimed to have a print of the film. "There is just Hank and me and the translator," Erika Holzer recalls. "We don't know at this point whether these guys are full of baloney or not, whether what they say is true, whether what they've got is nothing." So they insisted on seeing a print of the film before proceeding with negotiations.

They were driven through the steamy heat of the Roman summer to a screening room. When they reached their destination, one of the men opened the trunk of the car and produced a reel of film. The Holzers were shocked: they had bounced though Rome's chaotic streets with a reel of nitrate based film—which is highly flammable, almost explosive—in the trunk of their car.

In an interview in August 1988, Erika Holzer describes what happened next:

> We walk into this place, and they put this thing up on the screen. It was the climax for us of years . . . It was the student election scene, with Kira and Andrei . . . I just burst into tears and Hank was stupefied, because the quality of the film was extreme[ly good] . . . the quality of this film was just gorgeous. I couldn't believe it, it was such a dramatic moment . . . here at last was this lost film! I remember we toasted Ayn from our balcony of the Parco de Principe Hotel that night.

The businessmen had both a print and the negative of both *Noi Vivi* and *Addio, Kira*, plus various ancillary materials, including an English translation of the script and trailers for the films. The Holzers bought them all.* They had the nitrate negative copied to safety stock and the nitrate originals destroyed, and headed back to New York. They were hassled by customs because the duplicates still contained the notation from the original film that they were made of nitrate stock.[53] But no matter. They had found the long lost film of *We The Living*!

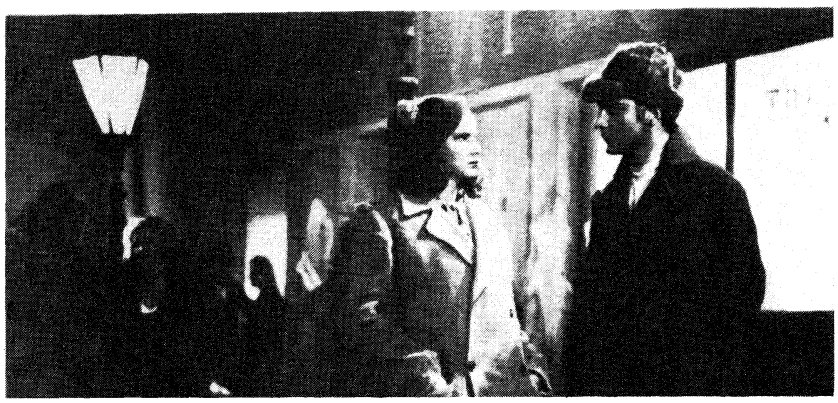

"What is your price?," asks fugitive aristocrat Leo Kovalensky (Rossano Brazzi), who mistakes Kira for a prostitute upon first meeting her.

In the "Objectivist Calendar" published in *The Objectivist* (dated May 1968, but published in September) there appeared a small announcement:

> The film version of Ayn Rand's novel *We The Living*, starring Alida Valli and Rossano Brazzi, produced (without authorization) in Italy in 1942, has been found and purchased by Henry Mark Holzer on behalf of a company soon to be formed. An English-dialogue version of the movie, to be edited under the supervision of Miss Rand, will be released by Mr Holzer late next year.[55]

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The Holzers had obtained the original negative of the film. And Rand was willing to grant them the literary rights, which would enable them to exhibit it.

Erika Holzer and Duncan Scott claim in a press release that the copy the Holzers obtrained was "the only print known to exist," but in this they are clearly mistaken. Other copies are readily available in Italy, despite the apparent difficulty the Holzers had encountered in obtaining a copy.

Brazzi, for one, claims in a 1986 interview to possess a copy, and Francesco Savio, in his 1973 interview with Alessandrini claims to have recently viewed the film.[56] When Peter Herzog asked Cinematec, the Italian film archive, about the films, he was referred to an official who could provide a copy of the films. The public library in Sienna, according to Herzog, has a videotape copy (published by Logos) of the film available to library patrons. Peter Herzog's telephone call to Cinematec revealed another intriguing bit of information: *Noi Vivi*, he was told, was re-released for general exhibition again in 1952.[57]

The information Herzog obtained has not been corroborated by other sources. If it is true, however, it raises an interesting issue. The 1952 re-release and the videotape version would be illegal unless Rand had sold or otherwise assigned literary rights to the story.

"We didn't know if these guys were full of baloney or not," Erika Holzer remembers. "We walked into the place, and they put this thing up on the screen. It was the student election scene, with Kira and Andrei. I just burst into tears." After their long search the Holzers had found We The Living!

According to Henry Mark Holzer, Rand's postwar settlement with the Italian government was only for damages for using her literary property; it did not include any permission to further use the property by further exhibition of the film.[58] Rand's biographer and friend Barbara Branden takes the same view.[59]

Erika Holzer is absolutely convinced that the videotape and any post-1945 release of *Noi Vivi* in Italy are illegal:

> It doesn't matter how many prints are out there. They're bootleg in the sense that no matter how they were acquired . . . nobody has the legal right unless [they acquired the literary rights from Ayn Rand] . . . And believe me, she gave nobody those rights. Hank [Holzer] was her lawyer for a number of years and he knew everything about her legal affairs intimately.

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When Duncan Scott saw that announcement in *The Objectivist*, his heart raced. He had seen Ayn Rand as a guest on the Tonight Show on August 11, 1967, and was fascinated by what she said. The next day, he had purchased a copy of *The Virtue of Selfishness*, a collection of Rand's essays on ethics. He read it and was impressed. Within the year, he had read all Rand's books, enrolled in courses on her thinking at the Nathaniel Branden Institute,

* The Holzers later came to believe, according to Duncan Scott, that they had obtained the same master negative that Ferrara claims to have saved from the Fascists.[54]

and subscribed to *The Objectivist*.[60]

Scott was a film editor, which heightened his interest in the film version of *We The Living*. "I had never met him [Holzer] or talked to him," Scott remembers. "But I [decided to] write him a letter, [telling him] that I'm interested in Objectivism and Ayn Rand's work, and that I'd love to work on the movie if he didn't already have someone for that position. So I sent him a letter expecting it was highly unlikely that anything would come of it. It was some time later that he wrote a letter back to me saying that he was interested in meeting me. We [met and] talked about my background, and sure enough I ended up working on the film with him . . ." Henry Holzer recalls, "He was a very young guy at the lectures and he was just getting into film editing and when he heard I had the film he came and [asked whether] he could be involved in it."

Early in 1969, Scott, the Holzers and Rand met to view the films. In one marathon session, the four of them watched the films on a movieola (an editing device).[61] "We ran the movie with Ayn Rand, with myself and Hank and Erika looking at each scene and making careful notes of any changes or deletions to be made," Duncan Scott recalls. "After viewing each ten-minute reel of film and making notes on the proposed edits, the film was rewound and another reel loaded."

Rand surprised Scott with her skill as an editor. "I was struck [that there was] no time lag at all involved in [her] seeing a scene and knowing exactly what needed to be done with it. That surprised me because being a film editor . . . is a very specialized field [requiring] familiar[ity] with manipulating time, as you can do in film . . . it's not something that [most people can] pick up on right away."

The dialogue caused some problems. The film was adapted from a translation of a novel that Rand had since revised. The translation and adaptation had been done in Fascist Italy, whose authoritarian political values were inimical to Rand's. Not surprisingly, changes—some gross and some subtle—had crept in. Naturally Rand wanted a film that remained as true to her novel as possible.[62]

"There were a few points where she wanted a whole scene cut because she was unhappy with certain dialogue," Scott recalls. "Several times we had conversations where I [told] her that we can eliminate [certain] dialogue without eliminating the whole scene. At that long screening we got the basic agreement of what dialogue, what action or what sequences she wanted removed or changed, but we didn't describe the exact way we would eliminate those things, just the general principle that those particulars would be changed or removed."

Rand wanted to dub the film rather than subtitle it. In the novel, she had been very specific about the kind of music that Kira liked: "The light tunes of casinos and beer gardens sung all over Europe by girls with sparkling eyes and swaying hips had a significance for Kira that no one else ever attached to them. She heard in them a profound joy of life . . ."; "quick fine notes exploded as if the trembling chords could not hold them, as if a pair of defiant legs were kicking crystal goblets." "'Andre, ask them to play something for me, something I like. It's called the *Song of Broken Glass*.' He watched her as the music burst out again, splattering sparks of sound. It was the gayest music he had ever heard . . ."[63] Rand was reflecting her own taste for what she called "tiddlywink" music—American and German light classics like "Yippy Yi Yippy Yi Yay" and "It's a Long Way to Tipperary." So there was no surprise that she was unhappy with Renzo Rossellini's dramatic, serious musical score, with its lush orchestrations and full complement of strings.

The Holzers are clearly mistaken in their claim that they had obtained the "only print known to exist"—other copies exist and are available in Italy.

"There was discussion at the time of several problems with dubbing," Duncan Scott remembers. "The most serious problem with the dubbing is that the separate sound tracks of the music no longer existed. When movies are made, you start out with a separate music track, a separate sound effects track and a separate dialogue track. Only when [the film] is finished do they combine the sound tracks . . . When dubbed movies are made, they [use] the separate music and sound effect tracks and create a new dialogue track which [is] then dubbed in. There is really no way to dub a movie without the separate tracks, [unless you] recreate [all the sound] that was . . . in the movie. The cost of that alone [was prohibitive; it] would mean that the whole project would have to be cancelled."

These considerations convinced Rand that the film should be subtitled rather than dubbed, although Scott had another reason to subtitle rather than dub. He wanted the film to be taken seriously as a work of art. "Dubbed films are not being released in America anymore, and they haven't [been] for a number of years."

The final scene of the novel in which Kira is shot by a border guard and left to bleed to death in the snow ("Just a rabbit, most likely," the guard mutters in the novel) was cut entirely. "We all hated it, starting with Ayn on down," Erika Holzer remembers. "They tried to be true to the book, but it was awkwardly done, it was ugly . . . [Kira] looked awful . . . stumbling around in the snow . . . It seemed abrupt . . . a real downer without being a classy downer, you know?" Duncan Scott concurred: "The ending was a brief, thirty-second scene. You quickly see Kira on a set with a phony-looking snowbank, and then she is abruptly shot. It is a false and senseless ending." So they decided to conclude the film with the previous scene, of Kira returning to the garden where she had first met Leo and remembered the day she had met him.

This pleased Erika Holzer immensely. "Quite frankly, I have never liked that scene in the novel," she recalls, "so I was thrilled when she wanted to cut it. It's just drawn out agony, and I don't like it. It's not that one has to have a happy ending . . . I just can't read it."

Scott proceeded with the bulk of the editing shortly after this single session with Rand. "At least 80% of the changes she wanted were done [shortly] after the screening with her," Scott says. "The movie basically got most of its restructuring done 18-19 years ago." But there remained "a few sequences where it was . . . hard for us to make the changes, because we didn't have any additional material to work with."

But Rand did no more work on the film, perhaps because of the continued unhappiness that characterized her later years. Unable or unwilling to carry on any major work as a creative writer, dissapointed in her romantic affairs, in-

creasgly distrant from friends and colleagues, she may not have had the energy and drive to complete the project. Her personal relationships during this unhappy period continued to deteriorate. In 1970, she broke off relations with the Holzers.[64] Even so, according to Scott, "She had said to the Holzers on a number of occasions that she would [continue] work on this movie at some future point . . . It seemed it was going to be a fairly brief delay when we first discussed it . . . but what started out seeming like a few weeks or a few months turned into a year or two and then it became apparent that this could be indefinite."

Although Scott and the Holzers would have liked to proceed with the project, they viewed Rand's cooperation as essential. "[Henry Mark Holzer] and I discussed this," Scott recalls. "He certainly wasn't going to proceed without her involvement. It would be particularly ironic—not to say immoral—for him to proceed without her, especially given the history of the movie . . . So we sat on it."

It occurred to the Holzers that if they dropped out of active participation in the process, Rand might be willing to continue work. "I approached Hank [Holzer and suggested] this process could be moved along if as a disinterested party—in terms of their falling out—I approached Ayn Rand directly about proceeding with the project . . . And with Hank's permission, I wrote Rand directly, asking her if there was any way we could continue the project, reminding her that she had felt it was worthwhile at the time, telling her that we were very near to having completed all the changes that she was looking for and so forth. She never answered any of the letters."

So the Holzers put the film in storage. And there it stayed.

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Ayn Rand died on March 6, 1982. With her death, the literary rights to *We The Living*, needed to exhibit the film, passed to Leonard Peikoff, Rand's intellectual and material heir.[65]

In April of 1982, the Holzers accidentally met Leonard Peikoff at an investment advisory conference in Bermuda. Peikoff was there promoting his book *The Ominous Parallels*; Henry Mark Holzer was there as a speaker on the changing legal status of gold ownership. Although they had been friends prior to the Holzers' break with Rand, they had not communicated since. Their conversations were amiable. Not long after, Peikoff inquired about the status of the film, and expressed an interest in seeing the film released. A deal was completed. Duncan Scott again began work on the film.[66]

Scott's professional status had grown considerably since the project had begun. He was an assistant director with Woody Allen on *Zelig* and *A Midsummer Night's Sex Comedy*, with Bruce Malmouth on *Nighthawks*, and on the television movie *Bill*, and he had done considerable television documentary work. (He has since won two Emmy's for his work as producer of PBS' highly acclaimed *Innovation* series.) He had progressed from film editor to owner of a production company.[67]

Andrei wonders about Kira's relationship to Leo when the love triangle accidentally meets at a party.

Not surprisingly, Duncan Scott's role on *We The Living* grew as well. The Holzers realized that there were many aspects of the project other than the editing of the film that needed to be handled, so the Holzers formed a partnership with him to finish the film.[68]

There was still much to be done. The dialogue presented a special problem. In the course of translating the novel into Italian and adapting it for the film, much of the impact of Rand's original had been lost. Rather than simply translating the film's dialogue to English, Duncan Scott and Erika Holzer (by now a successful novelist[69]) compared each line of dialogue with the 1959 edition of *We The Living* in preparing the subtitles for the film. It was a big job, requiring more than 2000 subtitles.[70]

And there remained the vexing problem of the peculiar speech that Andrei Taganov gave at his purge trial, which included denunciations of the Soviets for selling out to "foreign capitalists" and other wholly un-Randian remarks. At first, the Holzers and Scott considered eliminating the scene altogether. There was a certain amount of sense to this: it was one of the few scenes in the film that was not in the book. But the scene was important to the plot; cutting it would present more problems than it would solve.

Scott proposed a solution: redubbing the entire scene. This required finding actors skilled in redubbing and fluent in Italian. Happily, such actors were readily available in Italy, where the dialogue of most feature films is dubbed by specialists. So in 1986, Scott went to Italy to take care of the dubbing. (While there, he interviewed several of the principals involved in the original production, including Anton Majano and Rossano Brazzi. Alida Valli rebuffed his approaches.)[71]

The redubbing was done, according to Henry Mark Holzer, "so that people in the audience who speak Italian will not read one thing and hear something else." But there are still problems with audiences bilingual in Italian and English, thanks to the subtitling of the remainder of the film to conform better to Rand's original dialogue. Peter Herzog explains:

> [The subtitling] doesn't correspond with what they say in the film . . . Some journalists, important journalists in New York, who saw the film on screening, who speak Italian were very upset by it, that the English says one thing and the Italian says another.

Incidentally, in at least one case where the subtitles do not reflect the dialogue, the dialogue follows Rand's original (1936) version and the subtitles follow her revised (1959) edition. Andrei says to Kira, "I know what you're going to say. You're going to say that you admire our ideals, but loathe our methods." In the original novel, Kira responds, "I loathe your ideals. I admire your methods."[72] In the revised version of the novel, Kira responds simply, "I loathe your goals," without any

apparent admiration of Communist methods.[73] Kira's response in the soundtrack of the film is almost identical, "I hate your ideals. I respect your methods." But the subtitled reads simply, "I abhor your goals."[74]

As a finishing touch, the soundtrack was cleaned up by Dolby noise suppression and special laboratory processes were used to reduce the picture contrast. The film that the Holzers had found in Rome in 1968 had been trimmed from 260 minutes to 170 minutes, its plot tightened and Fascistic sentiments excised, its sound and picture quality restored.[75]

The film, edited in accordance with Ayn Rand's wishes, was ready for exhibition.

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On Friday, August 29, 1986, at 10:15 pm in the Masonic Hall in Telluride, Colorado, *We The Living* was shown publicly for the first time in America. The Holzers and Scott chose the Telluride Film Festival for its American premiere because it "specializes in rare and special films. There are a lot of festivals around the world, but most of them feature commercial films. *We The Living* might get overlooked somewhere else."

The setting was appropriate in another way as well. Unbeknownst to the producers, Telluride is less than ten miles from Ouray, the location that Ayn Rand had used as the inspiration for "Galt's Gulch," the valley where the individualists who go on strike in *Atlas Shrugged* spend a month together each summer.*

Rand had visited Ouray in the 1940s while planning *Atlas Shrugged*, and had fallen in love with the place. "It was an old mining settlement, circled by mountains; at the time, it had just one street of very old houses and a tiny motel. It was cut off from everything, very difficult of access in the winter. I'll never forget how beautiful it was. I'd like to go back." Ouray remains a beautiful place today, though it now has more than one motel; unlike most other Colorado mining towns, Ouray has never developed into a ski resort: the mountains surrounding the town are too steep.

Scott and the Holzers had another reason for exhibiting the film at the Telluride Festival: they hoped to find a distributor for the film. They were quite particular about the sort of distribution they wanted. "We wanted the same treatment, the same distribution and promotion efforts as a full-fledged foreign film. We did not want the movie to be just slipped into a few revival houses here and there."

Critics and viewers liked the film, but a distribution contract was not forthcoming. So the producers decided to show the film at other festivals. The response at the Miami Film Festival in February, 1987 was even more enthusiastic than at Telluride. "At intermission, the crowd went wild," Erika Holzer says, "coming up and grabbing our hands." The Miami *News* said, "They don't make 'em like this anymore . . . it's a colossal love story within a massive philosophical framework."[76] The Miami *Herald* took a few jabs at Rand, but praised the film as "a grand old Hollywood weeper. Get out the handkerchiefs."[77]

At his purge trial, Andrei Taganov gave a peculiar speech, denouncing the Soviets for selling out to "foreign capitalists" and other wholly un-Randian sentiments.

Scott proposed a radical solution: redubbing the entire scene.

In September 1988, the film was shown at the Boston Film Festival. Again the critics liked the film. Boston critics called it "an absorbing, florid, often entertaining rediscovery . . . It plays like a cross between *Dr Zhivago* and *A Tale of Two Cities*, Italian style. There's nothing half-hearted about its melodrama." "A meaty, moving epic melodrama in the tissue drenching tradition of *Gone With The Wind* . . . one of the most exciting movies to come along in years."[78] *Variety* opined "it's hard not to get caught up in the intense romantic triangle," and described the film as "grand and lavish entertainment, with some real commercial possibilities," an extraordinary comment about a 46-year old, black-and-white, subtitled film.[79]

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In mid-1987, the producers signed a contract with Angelika Films, which agreed to the broad sort of distribution that the producers wanted. Angelika has agreed to show *We The Living* in at least ten of the nation's twenty largest markets. It is scheduled to open in New York in November.†

The dream of Ayn Rand, Henry Mark Holzer, Erika Holzer and Duncan Scott will be fulfilled. After nearly half a century, American audiences will have an opportunity to see *We The Living*, and to see it not as a piece of Fascist wartime propaganda, but in the form that Ayn Rand wanted, complete with subtitles reflecting the meaning that Rand preferred.

At her farewell party the night before she left for America, a young man had told her "If they ask you, in America—tell them that Russia is a huge cemetery, and that we are all dying slowly." "I'll tell them," she promised.§

Note on Sources:

This article would have been impossible without the cooperation of several individuals involved in the production and distribution of the American subtitled version of *We The Living*, who generously provided me with uncommon access to their time. Duncan Scott, Henry Mark Holzer, Erika Holzer and Peter Herzog all graciously and patiently responded to my requests for interviews. I am also grateful to Barbara Branden, Rand's longtime friend and biographer, who offered information and advice that proved helpful. My colleagues at *Liberty*, Stephen Cox and William P. Moulton, also helped with research. Stephen Cox, Duncan Scott and Erika Holzer read various drafts of the manuscript and made many helpful suggestions, although all expressed reservations over some of the interpretarions of events. Of course, the finished product is my responsibility alone.

Much of the information about the film's history comes from interviewsdone 30 to 45 years after the movie was made; not surprisingly such accounts vary with the the memories of the principals.

In order to keep the source notes manageable and to prevent their cluttering the article, I have omitted citing sources of direct quotes from unpublished interviews and have refrained from citing sources for facts that are generally known or easily available.

* In her authoritative biography of Rand, Barbara Branden identifies Rand's inspiration for the valley as "Urey," an error that likely had its origin in the transcriptions of tape recorded interviews with Rand that Branden used as a primary resource for her biography.

† Angelika is yet to announce the remainder of the film's openings. The length of its run and the breadth of its distribution will depend on its success in its first few days. For information, contact: Angelika Films, 1974 Broadway, New York, N.Y., 10023, (212) 769-1400.

§ Hank and Erika Holzer are involved in the struggle for human rights behind the Iron Curtain, and have established contacts with human rights groups there. They have made arrangements to smuggle copies of the film into the Soviet Union, thus completing "a beautiful full circle," in Erika Holzer's words.

In details of Rand's life, I have generally relied on Barbara Branden's *The Passion of Ayn Rand* (Garden City, N.Y.: Doubleday & Co., 1986) but I also consulted other published material. Only in cases where the information about her life has not been previously published have I cited the specific source.

The unpublished interviews from which I quote without specific citation are:

Branden, Barbara, interviews with the author, 27 August, 1, 4, 24, 25, 26 September 1988

Brazzi, Rossano, interview with Duncan Scott, 6 May 1986

Herzog, Peter, interviews with the author, 1,7 September 1988

Holzer, Erika, interviews with the author, 25, 27, 28 August, and 1, 7, 9, 22, 23 September 1988

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Scott, Duncan, interviews with the author, 25, 27, 30 August, and 17, 20, 23, 26 September 1988.

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6. Holzer interview. 7. Scott interview. 8. Edward Tannenbaum, *The Fascist Experience: 1922–1945* (New York: Basic Books, 1972), pp. 235–236. 9. Majano interview. 10. Letter to Duncan Scott, 20 February 1988. 11. Majano interview. 12. Brazzi interview. 13. Majano interview.

14. "We The Living—The Movie," *The Intellectual Activist*, 17 August 1988, p. 2. 15. Scott interview and Henry Mark Holzer interview. 16. Majano interview. 17. Savio, p. 48. 18. Brazzi interview with Duncan Scott, 6 May 1986; interview with Francesco Savio, 16 November 1973, in *Cinecitta Anni Trenta*.

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Film Review

Eternity in 2 Hours 50 Minutes

by Stephen Cox

Lillian Gish, that immutable star of the Hollywood firmament, is fond of quoting William Blake's evocation of romantic vision:

To see a World in a Grain of Sand
And a Heaven in a Wild Flower
Hold Infinity in the palm of your hand
And Eternity in an hour.

This, according to Gish, is what motion pictures allow their audiences to do. Certainly the claim is appropriate to *We The Living*, and it is appropriate in several ways.

"Eternity in an hour": in its most obvious application, the phrase alludes to the ability of film to concentrate events, to transform expanses of history (real or fictional) into bright crystals of imagery, achieving a greater intensity and shapeliness with each crystallization. Of course, "an hour" need not be interpreted over-literally as "*one* hour." *We the Living* is a long novel; its film adaptation is also long , and it used to be longer. In its two-part form—*Noi Vivi* and *Addio, Kira*—it ran 4 hours 20 minutes. The length of the film resulted from the fact that its makers harbored a sense of responsibility to literary sources that is virtually unheard of in the American film industry. Here, no one expects the movie version of a novel to bear the slightest resemblance to the book. But the makers of *We The Living* included in the film nearly every significant scene in the novel. Clearly, they intended their audience to see an entire "world," and they showed great skill in constructing that world as economically as they did.

And yet—a story without the epic machinery of, say, *Gone With The Wind*, a story that is concerned above all with the subtleties of individual feeling, exhausts attention much sooner on the screen than it does on the printed page, especially if its imagery is as intense as cinematic imagery deserves to be, and as the imagery of this film is. The editors of the new, English-subtitled version of *We the Living* cut it to 2 hours, 50 minutes. The length seems just about right, and the cuts were tastefully done. They were made by people who cared deeply about the film's artistic quality, not just about the time it takes to screen. Ayn Rand, a person certainly not given to needless artistic compromises, reviewed the film and decided where major cuts should be made; later, co-producers Duncan Scott and Henry and Erika Holzer implemented and refined these decisions, and made some further edits. The cuts were decided on aesthetic grounds.

Among the portions cut were the original ending of the film and the subplot involving Irina, the cousin of the heroine, Kira. Deeply affecting as are the corresponding passages in the novel, these parts of the film were judged aesthetically unequal to the others, and they were omitted. On this subject, I hesitate to become too specific, because I believe that readers should have the pleasure of seeing and judging the plot development for themselves. I can say, however, that the edits are very smoothly handled; that nothing is felt to be missing as the movie proceeds, and that nothing in the current conclusion is felt as a distortion or an anticlimax. The English subtitles (by Duncan Scott and Erika Holzer) are also smoothly handled; they are of excellent literary quality, and they point the moral of Rand's individualistic philosophy clearly, succinctly, and persuasively.

So Rand's long story has been successfully recrystallized. But an impression of "Infinity" and "Eternity" cannot result merely from concentration of effects, elimination of the non-essential. It can only be achieved when the words and images that are actually used acquire a heightened power of suggestion. The story of *We the Living* concerns one woman's resistance to tyranny, but Rand of course intended it to suggest a meaning of wider scope and more intense significance. She intended it to illustrate what happens when two universes collide: the universe of the private self—Kira's universe—which is the world of necessarily private emotional fulfillment and spiritual progress; and the universe of collective purposes and programs—the Soviet universe—which derives its sanction from "historical law" or "class interest" or some other source remote from individual thought and feeling, and which is therefore antagonistic to authentic human life. By maintaining her integrity of self, Kira wins a victory—a private victory, in the best sense—over a malevolently public universe.

The conflict of the two universes emerges as clearly and strongly in the film as it does in the novel. Indeed, the film focuses even more intently than the novel on the primacy of the private self. The novel contains analyses of historical episodes and trends, descriptions of public events, and brilliant evocations of the life and character of the city of Petrograd in which Kira's story is set (the long description of Petrograd at the beginning of the novel's Part Two is in fact one of Rand's finest pieces of writing). The film cannot and does not attempt to duplicate these effects. Of course, Italians could not film on location in Leningrad during 1942, and even the film's large budget did not allow for the construction of *Cleopatra*-like exteriors. But Director Goffredo Alessandrini turned necessity into a virtue. He didn't just *endure* small sets and limited, interior views, nor did he try to make contracted interiors look like vast exteriors. Instead he *emphasized* intimacy and interiority, using them to suggest that what is most important is the private self and its immediate surroundings.

Alessandrini put his camera unusually close to its principal human subjects, and he rigorously contracted the space around them, even theoretically "open," "exterior" space. A good example of this method appears in the scene in which Kira and Leo first encounter

each other. Their meeting takes place on a busy sidewalk in the open air. But as the camera follows Kira through the scene, the unnaturally small set creates a strange, almost surreal volume that reduces all the other people to mere parts or shadows of bodies looming up around her suddenly and senselessly, and just as suddenly and senselessly disappearing. Leo looms up in this way, too; but when the camera rests on him, incorporating him firmly in the space next to Kira, one knows that she, too, can rest from wandering.

Kira and Andrei argue political philosophy in the black market.

An even better example of Alessandrini's approach is the scene in which Leo and Kira try to escape from Russia. They are in the cabin of a ship that they believe will smuggle them across the border, looking out through a porthole, thinking about the free life toward which they are journeying together. The dark steel cabin resembles a prison, but light streams through the window illuminating the lovers' faces and luring the viewer into thinking that he is about to be allowed to follow their glance and see the bright outside world that they can see. This vision, however, is only for the eyes of love; it is too private to be shared. The position of the camera suddenly changes, and we are looking back through the window at Leo and Kira, who are perfectly framed within its radiance, perfectly at one in their private world. Alessandrini's arrangement of this scene suggests two meanings simultaneously. The first suggestion is that the lovers are literally enclosed by circumstances, that we will never see them escape into the bright world beyond the Soviet system. The second suggestion, however, is that the beauty and intimacy of their love are already victorious over circumstances that confine it in a merely physical sense.

There are double implications, then, of *We The Living*'s emphasis on intimacy; and these double implications produce powerful, though ordinarily subliminal, tensions. Much of *We The Living*'s sense of drama results from the conflict between negative and positive forms of intimacy. On the one hand, Alessandrini's method reinforces Rand's assumption that the self is the primary reality. When his camera moves in for a close-up, nothing seems more important than the passions that shift like clouds and sunlight across Alida Valli's face. On the other hand, the method demonstrates the terrors of an "intimacy" produced by pettiness, narrowness, and obstruction, an intimacy that turns any suggestion of "eternity" and "infinity" into a suggestion of hell.

We The Living has a hundred ways of making such suggestions. Early in the movie, we see Kira waking up in a fairly spacious bedroom, then proceeding down the hallway to a collectivized bathroom, the entrance to which is blocked by six grotesque figures, waiting, waiting, waiting in line. A petty obstruction—but a hell can be created simply by the repetition of petty obstructions. The bathroom scene foreshadows the sequence in which Kira tries to get an official to approve the dying Leo's admission to a state tuberculosis sanitarium; in scene after scene, she fails to keep the attention of the Italian-fascist-style official at the head of an apparently infinite line of petitioners, all in quest of a petty though precious bureaucratic nod.

There is the claustrophobia of queues and there is the claustrophobia of mobs. To make a mob, Alessandrini does not need to increase his cast; he needs only to decrease the space in which he puts it. The novel includes a student election scene, and Alessandrini stages it in a lecture room that is too small to accommodate the relatively few actors present. People stand in the orchestra and sit in the aisles; a leather-clad crowd fills the stage and stares back at the crowd in the seats; the walls are blocked by standing spectators and by giant pictures of Marx and Lenin; the semicircular hall seems bending in upon itself, ready to crush or digest its occupants. Then the bombastic Red leader, Comrade Sonia—one of Rand's finest satiric characters, brilliantly played by Cesarina Gheraldi—gets up to deliver a harangue, and she fills the screen, completing the sense of malevolent intimacy.

Alessandrini's favorite methods of implying enclosure and obstruction involve manipulations of the camera's position. When Kira walks on the street or in the market, the camera is pointed at her, but other people are allowed to cross between her and it, momentarily blocking the audience's view and inducing a subliminal sense of Kira's enclosure by social phenomena. Perhaps the most brilliantly directed scene of enclosure is that in which Kira is being questioned by Pavel Syerov, a Bolshevik official. Both Kira and Pavel (insightfully played by Emilio Cigoli) have some-

We the Living
(Noi Vivi)
Italian with English subtitles

Goffredo Alessandrini
Director
Studio: Scalera, 1942
From the novel of Ayn Rand
Anton Giulio Majano
Screenplay
Renzo Rossellini
Music

Cast
Kira: Alida Valli
Leo: Rossano Brazzi
Andrei: Fosco Giachetti
Pavel: Emilio Cigoli
Sonia: Cesarina Gheraldi

English-subtitled Version
Duncan Scott Productions
in association with
Henry Mark Holzer
and Erika Holzer
Erika Holzer, Duncan Scott
Subtitles

thing to hide. She is concealing valuable information; he is concealing his worthless character. The ethical contrast between these characters could not be clearer, but their battle gives them a momentary psychological similarity: each of them has, just now, an intense interest in obstructing the other's plans. They are locked in apparently permanent conflict: Pavel will not give up on his questions, and Kira will not give up on her resistance. Alessandrini captures the situation by photographing the two participants in the same way, aiming his camera at each person from behind the other's shoulder, alternating from one obstructed view to another as the questions and responses go back and forth. The suggestion is that this hellishly enclosed scene could go on forever; and just when one grasps the implication, a door opens in the background and Andrei—Kira's friend, Pavel's superior—breaks in.

Andrei's view is not impeded: he sees at once what is happening, and he destroys the static symmetry in which Kira is confined. He releases her, tells her to go home. Then he thrusts himself forward until he occupies all the space in Pavel's view, and, with a revelation of his sheer force of personality, he breaks Pavel's will. Now everything is being revealed: Andrei's power, his sense of moral responsibility, the base nature of his opponent, the feeling that Andrei and Kira have for each other. The camera position says it all: for a moment after Andrei enters the room, he and Kira look at each other, and nothing obstructs our view of them, as they share the camera's eye. There is no doubt that Andrei and Kira, like Leo and Kira, belong together.

Of course, one of the primary tensions in the plot is the conflict between Leo and Andrei for the love of Kira. That is the romantic tension. The metaphysical tension, however, arises from the question of whether the self can be effectively obstructed, enclosed, imprisoned by such forces as Marxist (or fascist) societies can bring to bear. (The "communist" officials, especially the GPU "capo," who crack down on the dissident Andrei, are unmistakable *fascisti* and wonderfully characteristic of the species.) The film insists on the importance of this issue by its continual contrasts between the intimacy of private selves and the "intimacy" of social enclosures. But it also decides the issue by breaking the tension at crucial points and revealing the formidable power of the private self.

The first half of the film begins, as Part One of Rand's novel begins, with Kira's journey to Petrograd in a squalidly overcrowded train. It ends, as Rand's Part One ends, with Kira grieving as Leo leaves Petrograd by train, bound for the sanitarium to which she has managed to have him admitted, at enormous sacrifice to herself. The second train scene is naturally suggestive of sickness and deprivation; it enforces the sense that Kira's life is enclosed by malevolent forces. We discover, though, that Kira can never be spiritually enclosed or destroyed. Leo's sickness, it is true, proves worse than physical; it is a sickness of the soul, and it ends with his soul's death. But there is something more intimate to Kira than her intimate relationships with other people: her most intimate relationship is with her self, and hers is a self that survives all adversity. At the end of the story's second half, Kira gets free from Leo. She is the one who takes a definitive leave of sickness and squalor.

Rand told her friends—and told them repeatedly—that she liked We The Living *"much better than* The Fountainhead,*" a film that she had written and whose production she had helped to supervise.*

Plot and direction alone are not enough to reveal the self's intransigent vitality. Superlative acting is required, the kind of acting that makes characters who are supposed to possess enormously rich interior lives actually *look* as if they possessed those lives. As a director of acting, Alessandrini believed that he had done his part when he had given some basic advice and then stepped back: "If there's a method of direction in which I believe, it's this: leave the actor free." He identified Alida Valli as utterly and completely Kira Argounova, saying to her, "I'm not going to tell you anything about how to interpret the part, because you are Kira."[1] His confidence in Valli, and in his other actors, was entirely justified. *We The Living* is much more fortunate in its cast than any of the other movies made from Rand's novels or screenplays;[2] its principal actors are all perfect for their parts.

Valli is an actress of exceptionally varied abilities, capable of portraying, in quick succession, an enormous range of emotions, capable also of the more difficult task of portraying very different emotions simultaneously. This is an ability absolutely necessary for the representation of Kira, who is torn between passion and horror in her relationship with Leo and between respect and aversion in her relationship with Andrei. Also, Rand wished Kira's character to demonstrate that certain characteristics commonly regarded as naturally at odds may in fact be harmonious, that an intense belief in self may be compatible with a worshipful attachment to another person. Valli succeeds better at dramatizing this idea than Rand does. Rand sometimes projects the romantic dream vividly and believably, but she sometimes merely asserts it in romantic formulas. Valli embodies it. There is never any question that Valli's Kira has surrendered passionately to Leo and yet is fully master of herself.

And there is never any question that Valli is one of the most beautiful women in the world. She has a beauty that is so distant from any stereotyped form of attractiveness that one is convinced it is the beauty of a unique soul. Rossano Brazzi and Fosco Giachetti are almost equally striking. Brazzi is the flawless youth, and Giachetti is the weathered man of experience; each is precisely his *type*, but each is much more, because each is unique in appearance and in his way of developing character. These actors, too, have tremendous range and mobility of expression.

One of the most remarkable scenes in any film is the "arrest" episode in the second part of *We The Living*. Here all the conflicts of the three major characters reveal themselves simultaneously or in quick succession. In Kira we see defiance, contempt, vengefulness, sarcastic spite, desperate love for Leo, desperate hatred for Andrei, and a sudden acknowledgement of a love for him that she could have wished were hatred. Andrei displays at first grim determination; then sickening shock, as he discovers the truth about Kira's relationship with Leo; then an embarrassment before Kira, to whom he cannot express his feelings, a moment of rage as she upbraids him, a summoning of his deepest ideals, and a cleansing flow of tenderness. In Leo, whom Alessandrini ena-

bles to contemplate himself respectfully in a mirror, there is a savoring of his rivalry with Andrei, a faint revival of his love for Kira, a narcissistic pleasure in overcoming it, a cynical self-satisfaction in his supposed understanding of the world's malevolence, an awareness of the danger that lies in indulging a sense of values, a real courage in facing adversity.

The richness of this scene creates the sense of an "infinity" and "eternity" of aesthetic effects. The only problem with the episode (as with many others in the film) is that it goes by too quickly for one to study and appreciate its subtleties to one's full satisfaction. (The solution to the problem is, clearly, to see the film more than once; one hopes that it will have an extended run wherever it appears.) Even in passages in which emotions are not so highly wrought or so complexly realized as they are in this one, there is always fine acting to enjoy. The principals, ably supported by secondary players, continually suggest the central paradox of all worthy performances: the actors *become* their characters, and participate fully in their wildest passions, but in so doing they demonstrate their own profound and absolute command of self. Just as the direction of *We The Living* expresses a Randian belief in the self's primacy, so the acting vindicates a Randian optimism about the self's strength and competence.

Rand told her friends—and told them repeatedly[3]—that she liked *We The Living* "much better than *The Fountainhead*," a film that she had written and whose production she had helped to supervise. She thought *We The Living* the greater artistic success. She was right. It is a much more successful translation of Randian concepts from novel to film than is *The Fountainhead*. It is easy to see why the movie's appearance in fascist Italy would give pause to the government and inspiration to oppressed individuals. *Noi Vivi* retains its capacity to move and inspire. Don't miss a chance to see it. And when you do, give some thought, not just to Rand, Alessandrini, and Valli, but also to the producers of the English version of the film. Their long labor of love has restored an important work of individualist art. ❑

Notes

1. Alessandrini, interview of 6, 12, and 16 November, 1973, in Francesco Savio, *Cinecitta Anni Trenta*, ed. Tullio Kezich (Rome: Bulzoni, 1979), I, 50-51.

2. For discussion of these other films, see Stephen Cox, "'It Couldn't Be Made Into a *Really* Good Movie,'" *Liberty*, 1, no. 1 (August, 1987), 5-10.

3. Interview with Erika Holzer, 3 September, 1988.

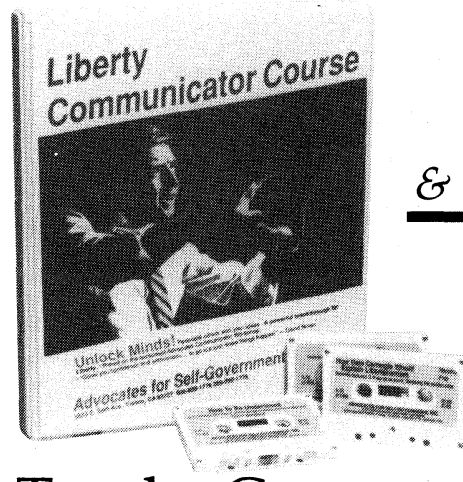

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Proposal

Taking Over the Roads

by John Semmens

The provocative slogan "Sell The Streets!" is usually considered one of the more extreme—and impractical—examples of the libertarian program. But transportation analyst John Semmens says the sloganeers are right: it is the state-run road system that is impractical . . .

Consider one of the nation's largest enterprises. It is a money-losing operation with under-performing capital assets and dinosaur-like management—in other words, an enterprise ripe for a hostile takeover. But that won't happen, at least in the foreseeable future. The enterprise is the nation's highway system.

The only "politically viable" solution ever offered to the problem of under-performance of highway systems is to spend more taxpayers' money. Just exactly how this will resolve the problem remains a mystery. The resources available to meet a multiplicity of competing needs and wants are limited, and politicians apparently can't tell the difference between good and bad uses of funds. The last federal highway funding bill to pass was loaded with items that even the Federal Highway Administration admitted were wasteful. Is this the way it has to be? Must we condone waste as the inevitable cost of obtaining funds for critically needed road repairs and construction?

Whether or not society or the economy can "afford" the waste of scarce resources, the reality is that the existing public highway system does produce waste. Though highway bureaucrats continually demand more money to deal with the infrastucture crisis, the magnitude of the financial difficulties is not readily apparent in the traditional highway agency reports and publications.

Sure, these publications have been portraying dire needs for as long as anyone can remember. But it is the nature of public sector agencies to cry poverty at every opportunity. Assessments of "needs" always exceed forecast revenues in public agency reports. Voters and taxpayers cannot be blamed for being skeptical of these ceaseless pleas for increased funding.

The public debate on highway funding, then, is hopelessly confused. On the one hand, there is plenty of talk about how highways constitute "investments" in infrastructure that generate "returns" amounting to handsome "dividends" for the economy. On the other hand, the bureaucracy's case for funding usually takes the form of begging for charity.

The source of this confusion over whether funds for highways are investments or welfare payments is the fact that highways are publicly owned. The physical attributes and the functional uses of highways support the view that they are investments. The demand for the service provided by roads is strong. Under astute management, highways could generate returns and dividends. Sadly, though, roads are managed under a socialistic monopoly system that disdains the profit motive necessary to make investments pay off.

One might have thought that some 200 years after Adam Smith pointed out the vitality of self-interested actions, the record of success of free enterprise's private sector would have provided sufficient evidence for relying upon the profit motive. Nevertheless, we find ourselves nearing the twenty-first century with one of our most crucial assets managed by primitive and ineffectual public sector methods.

Just how primitive and ineffectual public sector ownership and management of the roads is can be seen from the accompanying graphs. If one were to convert the financial statistics reported by the state and local highway agencies to the Federal Highway Administration into a business-like income statement format, the performance of public sector asset management would be more clearly illustrated. Over the last 20 years, the public road system has seen its financial fortunes plunge from marginally "profitable" to substantially "unprofitable." Assured fuel availability following the termination of some of the ill-conceived energy policies of the 1970s and the Surface Transportation Assistance Act's 125% hike of the federal gasoline tax in 1982 sparked a partial recovery in the 1980-84 period (see Net "Profit" or "Loss" for U.S. Roads graph). But results seem to have resumed their prior dismal course since then.

The reason for such huge losses is that public sector highway agencies make no allowances for depreciation or

obsolescence in their management of, or accounting for, funds used in constructing and operating the road systems. Strange as it may seem to anyone familiar with the operation of a business enterprise, government makes no formal financial provision for the replacement or repair of constructed facilities at the end of their designed life. Consequently, as roads built in past years near the end of their designed life there are no financial reserves available to handle the situation. Further, there is little comprehension of the necessity for retiring obsolete assets. Public sector planning is based on the premise that virtually every road ever built must be preserved and maintained in perpetuity. Thus, between these two factors, as roads wear out or become obsolete, a funding crisis inevitably ensues.

NET "PROFIT OR "LOSS" FOR U.S. ROADS
($ in Billions)

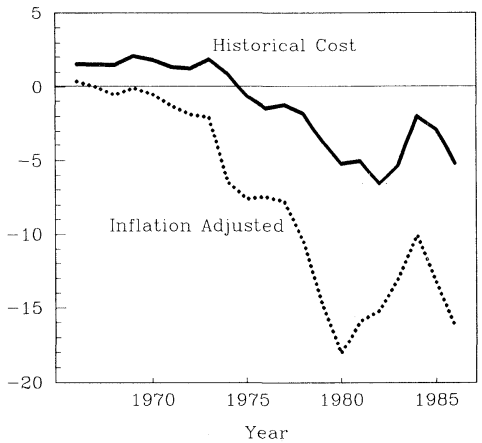

No intelligent businessman would run his company in the manner attempted by the public sector highway officials. Yet, ignoring the predictable and routine costs of repair and replacement is the standard operating procedure in the public sector. Few legislators or administrators give any sign that they are aware of this problem, much less prepared to deal with it. Of course, the more cynical and sinister interpretation of this government behavior is that the neglect of sound asset management is intentional. The recurring crises can serve as means of stampeding the general population into accepting tax increases as their only salvation.

At the same time time that the need to deal with the ultimate replacement costs of facilities has been disregarded, bureaucratic overhead in the highway agencies has soared. As a percentage of construction outlays, administrative costs have risen from under 7% during the 1950s to over 17% today. That is, while construction budgets were rising by a robust 400%, the cost of administering our public highways rose by an incredible 1200%.

A private firm with the sort of record compiled by our public highway agencies would be easy prey for a corporate raider. There are extensive under-performing assets. Public sector management is bloated and overstaffed beyond any semblance of reason. Regrettably, though, the prospect that the market for management control could come to the rescue of the long-suffering taxpayer seems remote. Highways may nominally belong to the people, but they have no effective means of influencing the control of the assets. The ability to vote for the legislators who ultimately supervise the management of the assets is a piffling option compared to the private sector stockholder's right to sell his shares.

Preventing the nation's highways from succumbing to irreversible decay will require one of two things. We could, at great sacrifice of resources, heap so much money onto the public sector highway bureaucracy that, even with massive waste and mismanagement, most of the necessary work would be accomplished. Or, we could privatize the highway system.

Defenders of the status quo have already raised all manner of plausible-sounding objections to the idea of privatization. They scoff at the notion that any private enterprise would want to take on the thankless task of operating loss-making public roadways. However, the mere fact that one group of managers can't make profits out of a given set of assets is no proof that another group won't succeed. Buyers for the assets of bankrupt businesses can usually be found.

Critics of privatization often assert that highways are "public goods." That is, they are services that cannot be withheld from non-paying users, and therefore must be provided at a loss by the government. Superficial analysis might appear to confirm this assertion. Roads give the appearance of being wide-open to anyone with a vehicle. At the same time, though, the public sector does collect "user" taxes and does attempt to exclude non-payers from using the roads. To say that the attempt to exclude non-payers is not 100% successful does not make roads "public goods." Not every shoplifter is caught either, but this hardly makes retail merchandise "public goods."

How Privatization Might Work

As bad as public sector provision of roads is, the fact remains that there are roads. People don't have to conceive of how public roads might work. They can look out the door and see them. This concrete reality can serve as a formidable barrier to change. As advocates of a much needed change, our prospects for success will be enhanced if we can generate some conception of how private roads might be arranged. This conception need not, indeed cannot, encompass much detail. After all, the fundamental advantage of turning roads over to the private sector is that the creative energies of entrepreneurs in a competitive marketplace can supplant the sterile rituals of government planners. We prescribe freedom, not outcomes. Still, a general idea of a privatised system is both possible and necessary.

ADMINISTRATIVE COST TREND
(As a Percentage of Construction Outlays)

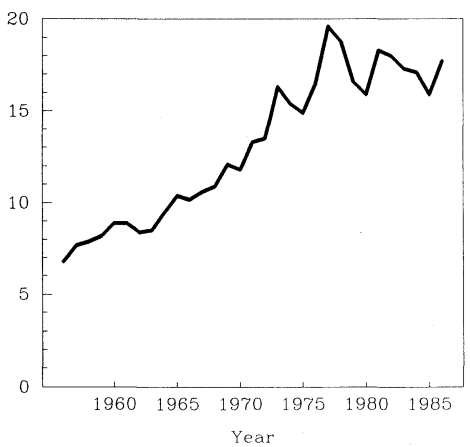

In arranging for private roads there are two questions to be answered. First is the issue of what a privatized system might look like. Who would operate the roads? How would they get paid for their services? Some speculations on

how these questions could be answered will be undertaken. Second, there is the issue of how we get there from here. We aren't starting in a "state of nature." There is an existing system. How do we engineer the transition to a privatized system? I will offer some suggestions.

When the topic of privatized roads is broached, the most frequently cited model for how such a system would work is the toll road. The fact that the private sector built over 8000 miles of toll roads in America in the early 19th century demonstrates that the concept is feasible under some circumstances. The fact that these roads all were turned over to the public sector indicates that there are other circumstances under which private toll roads may not be feasible.

Opponents of privatization relish the opportunity to focus on the presumed infeasibility. Their typical caricature is that of the toll booth on every corner of a busy urban roadway. Heavily congested urban streets could hardly be improved by the addition of cumbersome toll collection procedures to the existing aggravations of bumper-to-bumper traffic jams. However, the infeasibility of traditional toll roads as a universal means of privatization does not rule them out for all potential circumstances. Corner-to-corner air travel is also infeasible, but this does not mean there is no market for commercial air service.

There are already extant numerous toll roads and bridges in the U.S. According to FHWA records, there are over 4600 miles of toll roads in operation. Some of these are privately owned and operated. So, privately run roads are possible.

The conditions conducive to successful toll road operation are relatively simple. Access to the roadway must be controlled. Vehicles must be channeled to enter and exit at points convenient for the collection of tolls. The road must offer a tangible advantage over parallel "free" highways. Usually this advantage is a higher quality of service. Toll roads are typically less congested and better maintained than their "free" counterparts.

At present, there are about 50,000 miles of controlled accesss highways that conceivably could be converted into privately owned and operated toll roads. The 30,000 miles of rural Interstate highways could easily be converted into traditional-type toll roads. Some of the urban sections of these controlled access highways are already toll roads. Others could be made into toll roads. Granted, these roads account for less than 2% of the mileage in the nation's roads systems, but they handle 20% of the traffic. Consequently, the traditional toll road concept could, without new technology or marketing innovations, allow for privatization of 20% of highway travel.

There is no compelling rationale for the road in front of your home to belong to the city or county government. It could just as easily belong to you and your neighbors.

About 69% of the road mileage in America is made up of what are called "local" roads. This classification does not include major arterial highways or county routes. Local roads are basically residential streets serving as access routes to properties, not as thoroughfares for through traffic. Such roads account for only 14% of the vehicle miles of travel. Privatizing these roads should, for the most part, be relatively easy. The obvious solution is for the roads to be transferred to local homeowners' associations.

There is no compelling rationale for the road in front of your home to belong to the city or county government. It could just as easily belong to you and your neighbors. In both condominium complexes and shopping centers it is common for the abutting streets to belong to the property holders. The property owners provide the maintenance and control the access. Other local roads could be handled in the same fashion. As it is now, property developers usually build the streets that provide direct access to residential and commercial buildings. The current practice is for these streets to be ceded to the municipal or county government having political jurisdiction in the area. These local governments then assess taxes on the property in order to fund the roads' upkeep. It would be feasible for the property holders to retain joint title to these local roads, keep the would-be property tax assessment, and contract with some private sector firm for road maintenance and repair. The ongoing maintenance expenses and capital improvements of condominiums and shopping centers are currently handled in this fashion.

Between traditional toll roads and local streets, the private sector could accommodate roads comprising over 70% of the mileage and one-third of the traffic. The remaining two-thirds of highway travel would require more innovative methods of privatization in order to work. One of the possible innovations that could revolutionize the way we pay for roads is electronic road pricing. The transponder system that permits air traffic control to operate is far more sophisticated than what would be necessary for electronic road pricing. At a capital cost of under $50 per vehicle (some have estimated the cost at under $10), each car, bus, and truck could be equipped with transponder devices capable of recording and billing for road use.

An experiment employing electronic road pricing technology was successfully conducted in Hong Kong from 1983 to 1985. Although this test was a triumph in both a technical and economic sense, it was a political failure. The government authorities did little to allay fears that the electronically assessed user fees would simply serve as "revenue enhancers" on top of already high vehicle registration taxes. In fact, the government's willingness to test the new technology may have been at least partially motivated by its revenue enhancement potential. An additional concern was that the electronic monitoring system could be used to invade individual privacy.

Rather than demonstrating that electronic road pricing is impractical, the Hong Kong experience helps to illustrate why privatization would be an improvement. Private firms in a competitive environment cannot blithely impose revenue enhancers on their customers without running the risk of losing them to business rivals. Privatized roads would be exposed to the full rigors of the marketplace. Prices for road use would tend to be driven down to the level of the costs necessarily incurred in meeting consumer demand.

Privatization would also mitigate

the invasion of privacy problems. In a competitive environment, any one road operating firm would have only partial and fragmentary records of the comings and goings of individual road users. The need to guard proprietary information from prying competitors would help to protect user privacy. It is also likely that firms would offer varying options to road users. For example, your local telephone company probably offers its customers the choice between a metered, per-call billing and a flat-fee monthly service charge. Road operators could pursue similar marketing strategies.

Some opponents of privatization imagine that monopoly is necessary for smooth operation of the system. The notion is that some sort of barrier to travel from roads owned by one firm to those owned by another would render a competitive private system infeasible. As it is now, city, county, and state roads interconnect in many locations. The fact that disparate jurisdictions can cooperate would seem to indicate that cooperation is possible. Private firms would have the added incentive of the profit motive to stimulate cooperation. Firms that blocked connections or forced circuitous routings would tend to alienate customers and lose business. Privately owned and operated railroads have worked out agreements for the interlining of traffic from one firm's system to another's. Similar agreements could be achieved by private road firms.

A completely different approach to making privatized roads profitable would draw upon the experiences of the broadcasting industry. Broadcasting is a classic example of how the market can resolve the problem of users gaining "free" access to a vendor's product. Anyone with a receiver can consume a broadcast radio or television program. Producing entertainment for profit via broadcasting would appear impossible where the user cannot be made to pay for his consumption. Nevertheless, broadcasting is a highly profitable industry, with well-paid employees and satisfied stockholders.

Broadcasting succeeds because the programming serves as the medium for transmission of commercial messages. The profit comes from the revenues obtained from the purveyors of these messages. Roadway companies could adopt television as the model for successful private operations. Revenues generated from roadside advertisements or access to roadside businesses could be a means of

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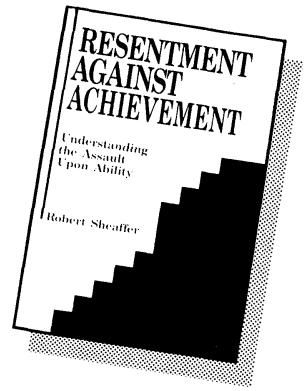

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funding privately owned roads. Since revenues would likely be based on traffic volume, road operators would have an incentive to improve the facility in order to attract higher volume.

Regardless of whether a privatized road system uses high or low-tech approaches, it seems clear that the private operation of roads is both economically and technologically feasible. The fact that we have examined several possible alternatives should not be construed as an exhaustive or complete listing of the options. Obviously, some sort of mixture of traditional toll roads, homeowner association ownership, and more innovative techniques would be likely.

The Case for a Creeping Capitalism

The problem that looms largest in the quest for a more efficient and effective road system is clearly political in nature. The question is, how might we overcome the political problem?

The fiscal voracity of government at all levels may serve as the impetus for a viable privatization strategy. Governments like to spend money. Disposing of roads that are burdensome consumers of public funds would free up money for other uses. The revenues yielded by the sale of more valuable roadways would provide funds for other programs.

If the funds saved or gained through privatization are only going to be converted into other government spending, is there any point to the effort? The answer is yes, for several reasons. Inducing the government to obtain funds from the divestiture of roads will help dampen the lust for tax increases. This has some value in itself.

Second, rescuing an asset as valuable as the road system from the stranglehold of inept government management is also a worthwhile goal. Putting this asset to more productive uses can spur a more efficient economy. More productivity has its own beneficial consequences.

A private firm with the sort of record compiled by our public highway agencies would be easy prey for a corporate raider.

Third, many people are under the delusion that government really provides services. The roads are frequently cited in this context. Pollsters have found majorities of voters willing to accept higher taxes in exchange for more government services. To the extent that government can be more clearly portrayed as merely a parasitic transfer agency, the delusion of government as servant may be undermined. The government's role in taking money from some in order to give it to others has less popular support than its role in providing real things, like roads.

The incentive for the government to sell the roads might be exploited from two different angles. On the one hand, there are many roads that serve little traffic, yet consume scarce resources for upkeep. If the public sector could be rid of these money-losers, it would relieve itself of expense. Therefore, abandoning these roads would be one means of privatizing highways.

Who would buy, or even accept, money-losing roadways? Well, just because a road loses money under government control doesn't mean it cannot be operated economically with private sector management. At the very least, the road almost certainly is necessary for access to abutting properties. These property owners should be willing to take control of the road. If they are not, then there can be no legitimate objection to closing it.

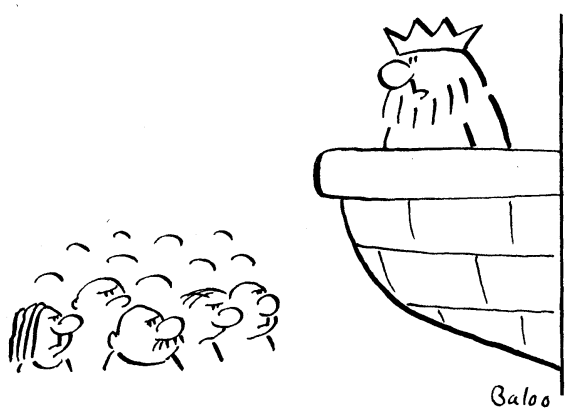

"I know how you feel, but the five mile per hour speed limit conserves horses."

The second angle for exploiting the public sector's lust for money is the sale of high-yielding road facilities. These should bring good prices. Living off such asset sales may enable government officials to maintain payments to favored causes and friends, while still being able to boast of holding the line on taxes.

In either case, the insidious encroachments of piecemeal divestiture should be encouraged. While governments at all levels may raise "principled" objections to a privatized road system, their resistance to incremental, case-by-case inroads is apt to be lower. Any and every abandonment and divestiture should be supported, no matter how partial or incomplete. The battle for freedom and reason will be won by degrees, like any other battle or war. An accumulation of little victories eventually produces overall triumph.

Conclusion

The discussion of road privatization has been fairly theoretical. At this point, it is not imperative that we precisely delineate how a privatized road system would work. It is only necessary that we be aware that it could work. The details can be worked out by the creative forces that regularly shape the markets for the wide variety of freely traded products.

The current public sector ownership and operation of roads is producing huge and continuing losses. The long-term prognosis is financial disaster. The traditional Congressional proclivity for selection of pork-barrel spending over the provision for repairs and replacement of aging facilities is a formula for deterioration and destruction of highway assets.

In contrast, privatization would harness the powerful incentives and disciplines of the competitive marketplace on behalf of vital economic assets. While there is little in the behavior of Congress that is encouraging, we can strive to achieve a wider comprehension of the declining fortunes of highways under public sector management vs. the potential gains to be had from the private alternative.

Who knows, perhaps once the topic becomes more commonplace, corporate raiders like Boone Pickens or Carl Icahn will figure out how to acquire, bust-up, and reinvigorate our road systems. ❑

Essay

Motives and Values

Theories That Make Sense

by Allan Levite

Economists are not the only scientists concerned with productivity. In this essay Allan Levite explores the theories of some prominent psychologists, and then relates their findings to the well-known (to libertarians, anyway) theories of the Austrian School of Economics.

From Reagan to Gorbachev, from Gary Hart to Mike Dukakis, politicians of every kind are obsessed with productivity. And, as management scientist Hirotaka Takeuchi has pointed out, "Everyone seems to agree that something ought to be done about it soon."[1] It is difficult to talk about raising productivity without talking about increasing the motivation of workers.[2] But what *is* work motivation? Is it merely or mainly a response to the worker's paycheck? What methods of motivating workers have been tried? How successful have these methods been? Is there anything to be learned about motivation and productivity that goes beyond the politicians' nostrums?

Quite predictably, there is. Both economic theory and the history of management theories offer important insights.

The Money Motive and What Happened to It in the U. S.

At one time, most American managers seemed to believe that money alone could motivate their subordinates. But the rise of the "Human Relations" school of managerial thought, following the famous Hawthorne Experiments in the early 1930s, caused these earlier ideas to be abandoned. Motivational factors that were deemed more important than money, such as peer group approval, soon took precedence. Actually, in its advocacy of better working conditions and more benevolent and supportive management techniques, the Human Relations school never tried to deny that money could motivate people, and never recommended the abolition of incentives. But some of the school's thinking gradually began to show a prejudice against the money motive.

This aversion intensified after the theories of psychologist Abraham Maslow were applied to work motivation in the postwar era. Maslow arranged human needs in a hierarchy of five levels. At the bottom were basic physiological needs. Next came the need for security, followed by the need for love and "belonging," then the need for self-esteem and the esteem of others. At the top was the "highest" need, the need for self-actualization.[3] Maslow postulated that as each lower-level need becomes temporarily satisfied, it no longer motivates an individual's behavior, which is guided instead by the next-highest need. This process culminates in the drive to fulfill the need for self-actualization, which can be defined as the feeling that one has reached one's fullest potential. For Maslow, the lowest-ranking needs are the physical requirements that money can satisfy (food, shelter, etc.) However, because money has symbolic value to some people as a status symbol, such individuals could presumably satisfy their self-actualization needs by earning or possessing large sums of money. But most observers neglected to take this into account, preferring instead to place overriding emphasis on higher-level needs and trying to devise ways for workers to obtain fulfillment of these needs at the workplace.

Lower-level needs, it was assumed, were relatively easy to satisfy, especially in the affluent, consumer-oriented economy that emerged in the 1950s. Only the higher-level needs seemed to present a real challenge, and only these appeared important. The Human Relations thinkers, deficient in economic theory, forgot that as new kinds of products enter the consumer markets, and as demand for them develops, turning yesterday's luxuries into today's staples, people's uses for money constantly expand. Money might therefore *not* cease to motivate, even if higher-level needs inspire human behavior at the same time.

In the 1950s, psychology professor Frederick Herzberg conducted a series of studies investigating employees' attitudes. These researches led him to formulate his Two-Factor (or "Motivation-Hygiene") theory of job satisfaction. Within this structure, the "motivating" factors were identified as achievement and its recognition, responsibility, the

content of work performed, and advancement—roughly the equivalent of Maslow's higher-level needs. The "hygiene" (or "maintenance") factors, according to Herzberg, were such items as pay, job security, working conditions, and supervision—basically equivalent to Maslow's *lower*-level needs.[4] Herzberg noticed that workers frequently recalled "good" (pleasant) experiences with respect to the motivating factors, but few "bad" experiences if these factors went unsatisfied. And the subjects tended to impute bad experiences to poorly satisfied hygiene factors such as pay, but they related few good experiences when discussing well-satisfied hygiene factors. Herzberg therefore concluded that the path to job satisfaction could be followed only by enhancing the motivators, not the hygiene factors. In his view, the fulfillment of hygiene factors, such as by offering good pay and job security, could lead only to the *absence* of job *dissatisfaction*, not to positive job satisfaction.[5]

To be fair, Herzberg was primarily concerned with "enriching" routine jobs such as assembly-line work with mentally challenging content that would alleviate monotony. He refrained from formally stating that money could not motivate people. But his theory did tend toward that conclusion. As stated in a typical management text: if Herzberg were correct, since "pay is a maintenance factor, we would have to conclude that pay is not a motivator."[6]

Herzberg's theory had a tremendous impact on managerial thought, especially during the 1960s, when the prevailing climate was well-suited to embrace any idea that offered a refutation of the money motive. Others carried the theoretical battle against pecuniary motivation to greater extremes. A notable example is Chris Argyris, whose book *Personality and Organization* argued that the demands of formal organizations, such as corporations, were stifling the fulfillment of the mental or emotional needs of mature individuals. Like Herzberg, he advocated changing job content so that workers could derive real satisfaction from their labor. This was all well and good. But Argyris also maintained that the idea of money motivation is an illusion, and that workers become preoccupied with material gain primarily as a *response* to, and a *rationalization* of, their frustration and lack of job satisfaction.[7] He wrote:

> . . . *It is now clear that an emphasis on monetary rewards may well be a more crucial human problem than no emphasis or a minimal emphasis.* Human relations research does not need to have as one of its reasons for existence "proof" that so-called human factors are more important than material ones.[8]

"Job enrichment" was championed in the belief that if routine work became more mentally stimulating greater job satisfaction and motivation would result. But although "enriched" work was shown to be more satisfying, it did little to improve motivation.

In at least two other instances, Argyris used such terms as "human factors" and "material factors" in the same mutually exclusive way, but did not precede them with "so-called." (Is it animals, vegetables or minerals that want money, or is it human beings? The only thing missing here is a condemnation of "selfishness" and "greed.")

Since Herzberg's theory had implied that job *satisfaction* equals job *motivation* (or that motivation results from satisfaction), it became easy after a while to refute his thesis, and the school of thought that had centered around his and Maslow's ideas came into general disfavor among managerial theorists. Satisfaction and motivation are now known to be separate and distinct, and the latter is not necessarily an outcome of the former. Taxi drivers, for example, tend to be highly *motivated* while affecting little job *satisfaction*. The weight of research and theoretical work does not support Herzberg's theory—most studies, in fact, have refuted it—and some researchers have pointed out that his methodology was faulty. Even Maslow's work came under heavy criticism.[9]

"Job enrichment" suffered a similar fate. Herzberg championed it in the belief that if routine work became more mentally stimulating and employees were allowed greater autonomy and responsibility, greater job satisfaction and motivation would result. But although "enriched" work was shown to be more satisfying, it did little to improve motivation. Studies revealed that enrichment resulted in higher *quality* work, but not in higher output.[10] More importantly, the workers whose attitudes most closely matched Herzberg's theory tended to be white-collar employees, not the blue-collar workers for whom it was mainly intended and who seemed to have a greater need for it.[11]

A recent management text aptly sums up the money motivation issue:

> Some researchers have failed to make the important distinction between motivation to work for money and motivation to work harder in order to earn more money. Others have arrived at the indefensible conclusion that money either is not a motivator or is not an important motivator, and still others have proceeded with little apparent recognition of the fact that money is often just one of many motives that interact in a complex way to produce a given behavior.[12]

Birth of Expectancy Theories

Professor Victor Vroom, who was in the forefront of the theoretical attack on the Herzberg school, proposed a type of work motivation concept that has come to be known as an *expectancy* theory. Vroom's contention was that strength of motivation is a product of two major forces: *valence* and *expectancy*. Valence is the subjectively determined value or attractiveness of an outcome to an individual. Expectancy is the perceived likelihood that a given act will result in a given outcome.[13] For example, *if* a worker highly values monetary rewards (positive valence), and *if* he believes that working hard or harder will yield significantly higher income (positive expectancy), then he will be highly motivated. A piece rate or a commission-pay feature should work this way for those who value money highly. However, a pecuniary reward is only one of a multitude of possible outcomes that a worker might value.[14]

Extensions of this theory include *three* factors, the third being *instrumentality*. This is the degree of perceived likelihood that "first-level" outcomes (such as work performance or output) will result in the attainment of "second-level" outcomes (such as higher pay,

recognition, promotions, etc.)[15] Obviously, extra effort does not always lead to higher output (the expectancy connection), nor does higher output always lead to significantly or proportionately greater rewards (the instrumentality connection). Expectancy theory, however, can still be expressed using the two major factors—valence and expectancy—for instrumentality is really a form, or subset, of expectancy.

Note that this theory makes no attempt to limit or describe which factors motivate people, as Maslow's and Herzberg's doctrines had done. Expectancy theory only provides a framework for the cognitive *process* of motivations, and is therefore called a "process" theory of motivation, in contrast to the "content" theories, such as Herzberg's, that it supplanted. Vroom's thesis reflects the individual differences that affect worker motivation without seeking to identify what they are for each person. This would have been impossible, since everyone has a unique blend of valences and expectancies.[16] For some, performing poorly can have a stronger attractiveness (valence) than performing well, and so such people would not be motivated to do well.

The expectancy idea encompasses those who value maximum leisure or the approval of others most highly. It allows for those who are motivated mainly by money, but there is ample room in it for workers who are highly stimulated by interesting or challenging work. But as we have seen, "enriched" work is much more likely to be *satisfying* than *motivating*, and expectancy theories do not make the mistake of confusing satisfaction with motivation. In fact, refined versions of the expectancy idea later showed that satisfaction can more properly be said to result from performance than vice-versa.[17]

There has been considerable scientific support for expectancy theories, especially relative to the "content" theories.[18] One management text acknowledges that "the expectancy models make the most significant contribution to understanding the complex processes involved in work motivation."[19] Researchers now concede that for most people, money forms a motive—and often an important motive—for working and for working harder. We might think that it would be difficult to overlook something so obvious, but we must remember that many researchers have been judging the money motive by focusing on the many instances where it has appeared not to work.

But researchers should acknowledge that when this happens, it is usually the result of an ineffective *use* or *application* of rewards, rather than because of the rewards themselves. Daniel Katz has delineated three conditions that are necessary if rewards are to operate as intended.[20] First, they must be clearly perceived to be *large* enough to make *worthwhile* the extra effort needed to obtain them. Second, they must be apprehended to be directly *related* to the performance in question: they must be bestowed immediately (or very soon) after the accomplishment of the required performance. Third, the majority of members of the group must believe that the rewards are just and equitable. In Vroom's terminology, all this simply means that both valence *and* expectancy must be sufficiently high if rewards are to succeed.

Many researchers have been judging the money motive by focusing on the many instances where it has appeared not to work. But these cases of failure are usually the result of an ineffective use or application of rewards, rather than because of the rewards themselves.

But many organizations cannot manage to link performance and reward in a direct way. Some incentive programs fail because of the absence or weakness of such connections. This explains why profit-sharing programs, although good for morale and overall efficiency, tend to do little for day-to-day motivation. Their rewards do not follow immediately after the effort, since most profit-sharing plans are of the "deferred" type (payable on retirement or termination). And it is often impossible for individual employees to assess the extent of their own contributions to company profits.

We can see the expectancy idea working in many areas, not the least of which is criminal behavior. Throughout his opus on crime and justice, Charles Silberman takes the liberal view, yet points out that "recent research on deterrence suggests that increasing the *certainty* of punishment has considerably more impact on crime than does increasing its *severity*."[21] Here too, expectancy theory offers a cogent explanation. The abhorrence (negative valence) of punishment carries more weight when there is an increase in the perceived probability that the illegal "performance" will result in eventual punishment. In other words, expectancy (actually, the instrumentality) has risen, affecting the magnitude of the valence (in this case, reverse or negative valence). Similarly, the motivational impact of a given reward will increase when combined with an increase in the likelihood that the required effort will result in obtaining the reward.

Comparisons with the Austrian Theories

Praxeology (the general theory of human action—a term used by libertarian economist Ludwig von Mises, a leading member of the "Austrian" School) is indifferent to the ultimate objectives of action, and is valid for all kinds of action regardless of their goals.[22] The same applies to expectancy theories, since they allow for *any* goals that can be desired or valued, and demonstrate only *how* such desires stimulate action, while refraining from passing judgment on the action.

Both the Austrian and the expectancy theories also assume general hedonism. In fact, detractors have criticized expectancy theories because of their hedonistic assumptions.[23] Mises also made it clear that praxeology rests on the overall principle that human activity always seeks to remove uneasiness or to promote pleasurable or more advantageous conditions.[24] While it is true that some individuals engage in behavior that seems self-punishing, like wearing hair shirts or practicing asceticism, we can still say that they do so to remove some intellectual, emotional, or spiritual uneasiness, and the hedonic generalization still holds true. Even if we were to discard it, we could nevertheless point out that pleasure-seeking individuals by far outnumber those of the opposite inclination. For all practical purposes, then, the hedonic generaliza-

tion remains valid.

Both the Austrian and the expectancy theories also assume rational choice by individuals, as witness the following:

> The theory is a cognitive one based upon a rational-economic view of people. It assumes that people are decision makers who choose among alternative courses of action by selecting the action that, at that time, appears the most advantageous.[25]

This might at first appear to have come from the pen of Mises or Hayek describing their economic theories, but the passage actually appears in a book on managerial psychology, describing expectancy theories. Human action, as Mises would put it, is *purposeful* behavior.

A fundamentally subjective approach is the cornerstone of both Austrian economics and expectancy theories. Both concepts assume *preferences* among goods and outcomes.[26] In addition, each type of theory is dichotomous. Austrian subjective value theory shows that both utility and scarcity must exist for a good to be valued. Expectancy theory, similarly, holds that positive valence and positive expectancy must be present for motivation to occur. And although the basic expectancy proposition is that motivation equals valence multiplied by expectancy, both it and the Austrian theories encompass factors that cannot be measured. Supporters of Austrian economics, in fact, emphasize that value is not subject to quantification or measurement.[27] As Austrian economist Eugen von Böhm-Bawerk explained, an individual maintains a mental ranking of the utilities of various goods—even of different quantities of identical goods[28]—but, as Cuhel, Mises and the later Austrian theorists demonstrated, it would be impossible to express in numbers the degree or magnitude of the satisfactions experienced by possessing or consuming them.[29] What units could possibly be invented to express such a personal thing as satisfaction or pleasure? We can say that activity A is more (or less) satisfying than activity B, but we can never say *how* satisfying in any meaningful way.

One recent management text notes that money often ceases to motivate an individual if he feels comfortable with respect to income. Or, more to the point:

> Whether money will motivate is to some degree a matter of the amount of money involved and the amount an individual is already earning. Generally speaking, the more people earn, the more they must receive to be motivated to work harder or longer. For example, the clerk who earns $7,000 a year may be motivated by the prospect of earning an 8 percent raise, a total of $560. To an executive who is earning $70,000 the prospect of a $560 raise will be considered an insult.[30]

Like beauty, the processes constituting motivation and valuation lie in the mind of the beholder. But the idea that subjective judgments form the keystone of economic behavior and work behavior is upsetting to those who would prefer more simple and unified explanations that would be more compatible with social engineering schemes.

This conclusion is wholly consistent with expectancy formulations about valences, which are totally subjective and always subject to change. Obviously, a wealthy person would not put the same high valence on an expected gain of a few hundred dollars that a blue-collar worker would. But more importantly, the concept that money has diminishing marginal utility, as implied by the preceding quotation, is virtually identical to the marginal utility idea promulgated by the Austrian school. When someone has available to him a very large amount of money (or of a good), the value he places on the use to which the last (marginal) unit would be put shrinks to insignificance. He would not value his 999th hundred-dollar bill nearly as much as his first one, because the use to which he would put this last bill would not be nearly as important to him as the use to which he would put the first one. And in this situation, the value he would place on the next $100 bill to come into his possession (number 1,000) would be small—much less than the value he would place on his first, tenth, or fiftieth "C-note." The prospect of acquiring the thousandth $100 bill would therefore not be important enough to him to stimulate much effort to gain and possess it. Most other people's behavior patterns would be similar, even though their value scales and valences might differ greatly.

I do not know whether the expectancy theorists studied Austrian economics, but I suspect not. This makes all the more remarkable the fact that expectancy theorists independently reached the same conclusions attained by the Austrian economists about human thought and behavior.

Both the Austrian and the expectancy doctrines are "process" theories, and both repudiate any effort to define the *content* of value or of motivation. They explain how processes work, without mandating what is (or what "ought" to be) valued or motivating. Rival theories, like those of Herzberg—and of Marx—attempt to analyze complex cognitive processes in simplistic, all-or-nothing terms. Herzberg is certainly no Marxist, but his naive assumption that workers would be highly motivated by "enriched" or "self-actualizing" labor is unintentionally similar to Marx's utopian idea that once freed from the "capitalistic" money motive, people would work joyously for the sheer pleasure of it. Most astute observers know that people work for specific purposes and that labor possesses a certain onerousness that most people would prefer to avoid if possible. Labor, as Mises put it, has a disutility.

The refusal of the Austrian and the expectancy theories to prescribe what individuals *ought* to value and what *ought* to motivate them, presupposes the philosophical conviction that each person must be presumed competent to decide such matters, and should be left free to do so. This is not to insinuate that Herzberg and Argyris and their followers lacked respect for others, but rather that the Austrian and the expectancy theories are more logically consistent ways of expressing such respect.

Conclusion

Like beauty, the processes constituting motivation and valuation lie in the mind of the beholder. But the idea that subjective judgments form the keystone of economic behavior and work behavior is upsetting to those who would prefer more simple and unified explanations that would conveniently explain everything—and be more com-

patible with social engineering schemes. Those who would prefer to prescribe what people should and should not value, and by what they should be motivated or not motivated, would be on very shaky theoretical grounds if they recognized that only individuals can decide such things. This leaves little room for the "experts."

If national economic planning is ever adopted as the answer to low U. S. productivity, some program to increase worker motivation will be included. If past experience is any guide, planners will no doubt have very clear and simplistic ideas about what kinds of factors *should* motivate workers. And unless they accept the expectancy or the Austrian value theories, it is unlikely that they would allow for any attempt by managers to determine, on an *individual* basis, what each worker values most highly in work. Neither would they be likely to make much use of pecuniary incentives. Social planners, for the most part, have an antipathy to money.

But the fact that each person's values are unique and different makes money a good motivator for the great majority. Money can be used to buy so *many* different things—even leisure time, if one has enough of it—that it can satisfy the demands of most people, whatever their own definitions of how to live "the good life." ❑

Notes

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23. McCormick and Ilgen, p. 287.
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RIGHTS, SCHMIGHTS

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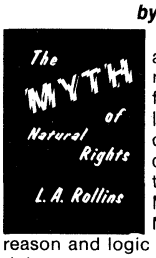

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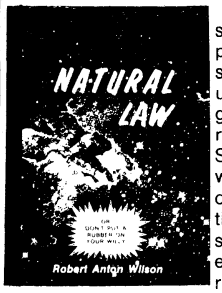

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Symposium

Breakthrough or Buncombe?

In the September issue of *Liberty*, Hans-Hermann Hoppe argued that the mere fact that an individual argues presupposes that he owns himself and has a right to his own life and property. This revolutionary thesis was bound to touch off considerable controversy. Here is some of it.

The Trouble with Hoppe

by David Friedman

The argument, as I understand it, takes the following form.

1. If belief in a proposition is inconsistent with being able to defend it by argument, the proposition is false.
2. In order to argue about the truth of propositions we must have absolute self-ownership of scarce means, defined in objective, physical terms and obtained via homesteading.

Therefore

3. The denial of a libertarian ethic is false.

So far as I can see, both 1 and 2 are false. With regard to 1, consider the proposition "One should never argue about what people should do." Belief in it is inconsistent with defending it argumentatively, but that tells us nothing at all about whether it is true or false. One could even imagine someone who did not believe in the proposition constructing a valid argument proving that it was true, although he would presumable stop speaking as soon as he had completely convinced himself.

As to 2, note that if if is literally true nobody, including Hoppe, has ever argued about the truth of propositions, since there are no completely libertarian societies in which to do so. That is obviously not true—and neither is the proposition from which it follows. One can think of an enormous number of non-libertarian ethics and non-libertarian societies consistent with people being able to argue in their defense.

Consider an ethic according to which people have absolute ownership over half their waking hours, and are obliged to spend the rest working for others—eight hours a day is enough time for quite an extensive philosophical argument. Or consider an ethic according to which we are obliged to spend all our time working for others, but defending that ethic classifies as working for others.

As a final example, consider an ethic according to which there are no rights at all; everyone is morally free to coerce everyone else whenever he can get away with it, but many people succeed in defending themselves well enough so that they control much of their own time. According to their ethic they have no right to self-ownership, or to anything else, but they have physical control over themselves and are therefore able to make arguments. One might plausibly claim that this comes close to describing the world we now live in.

The extension of 2 to cover not only self-ownership but libertarian property rights as well, and even a particular libertarian theory of what property rights are like and how they are acquired, is if anything still less defensible—almost pure assertion, unleavened by argument. One can think of lots of other systems of property rights that would work at least well enough to keep some people alive to argue philosophy. Hoppe has somehow skipped from "your ethic must allow you to live" to "your ethic must do the best possible job of letting people live" to "you must accept Hoppe's preferred form of libertarianism" (via "Hoppe's preferred form of libertarianism does the best possible job of letting people live").

Counter-examples include all societies that have existed for as long as one generation, since in all such societies people did in fact live long enough to grow up and argue philosophy, and none of them were pure libertarian societies.

Beyond Is And Ought

by Murray N. Rothbard

Prof. Hans Hoppe, a fairly recent immigrant from West Germany, has brought an enormous gift to the American libertarian movement. In a dazzling breakthrough for political philosophy in general and for libertarianism in particular, he has managed to transcend the famous is/ought, fact/value dichotomy that has plagued philosophy since the days of the scholastics, and that had brought modern libertarianism into a tiresome deadlock. Not only that: Hans Hoppe has managed to establish the case for anarcho-capitalist-Lockean rights in an unprecedentedly hard-core manner, one that makes my own natural law/natural rights position seem almost wimpy in comparison.

In the modern libertarian movement, only the natural rights libertarians have come to satisfyingly absolute libertarian conclusions. The different wings of "consequentialists"—whether emotivists, utilitarians, Stirnerites, or whatever—have tended to buckle at the seams. If, after all, one has to wait for consequences to make a firm decision, one can hardly adopt a consistent, hard-nosed stance for liberty and private property in every conceivable case.

Hans Hoppe was schooled in the modern (in his case, Kantian) philosophic tradition, rather than in natural law, acquiring a Ph.D. in philosophy at the University of Frankfurt. He then moved to a dissertation in the philosophy of economics for his "second doctoral," or habilitation degree. Here he became an ardent and devoted follower of Ludwig von Mises and his "praxeological" approach, as well as of the system of economic theory Mises built on this approach, which arrives at absolute conclusions derived logically from self-evident axioms. Hans has proven to be a remarkably productive and creative praxeologist, partly because he is the only praxeologist (as far as I know) who arrived at the doctrine originally from philosophy rather than from economics. He therefore brings to the task special philosophic credentials.

Hoppe has proven me wrong. He has done it: he has deduced an anarcho-Lockean rights ethic from self-evident axioms.

Hoppe's most important breakthrough has been to start from standard praxeological axioms (e.g., that every human being *acts*, that is, employs means to arrive at goals), and, remarkably, to arrive at a hard-nosed anarcho-Lockean political ethic. For over thirty years I have been preaching to the economics profession that this cannot be done: that economists *cannot* arrive at any policy conclusions (e.g., that government *should* do X or *should not* do Y) strictly from value-free economics. In order to come to a policy conclusion, I have long maintained, economists *have* to come up with *some* kind of ethical system. Note that all branches of modern "welfare economics" have attempted to do just that: to continue to be "scientific" and therefore value-free, and *yet* to make all sorts of

cherished policy pronouncements (since most economists would like at some point to get beyond their mathematical models and draw politically-relevant conclusions). Most economists would not be caught dead with an ethical system or principle, believing that this would detract from their "scientific" status.

Hoppe has lifted the American movement out of decades of sterile debate and deadlock, and provided us a route for future development of the libertarian discipline.

And yet, remarkably and extraordinarily, Hans Hoppe has proven me wrong. He has done it: he has deduced an anarcho-Lockean rights ethic from self-evident axioms. Not only that: he has demonstrated that, just like the action axiom itself, it is impossible to deny or disagree with the anarcho-Lockean rights ethic without falling immediately into self-contradiction and self-refutation. In other worlds, Hans Hoppe has brought to political ethics what Misesians are familiar with in praxeology and Aristotelian-Randians are familiar with in metaphysics: what we might call "hard-core axiomatics." It is self-contradictory and therefore self-refuting for anyone to deny the Misesian action axiom (that everyone *acts)*, since the very attempt to deny it is *itself* an action. It is self-contradictory and therefore self-refuting to deny the Randian axiom of consciousness, since some consciousness has to be making this attempt at denial. For if someone cannot attempt to deny a proposition without employing it, he is not only caught in an inextricable self-contradiction; he is also granting to that proposition the *status of an axiom.**

Hoppe was a student of the famous neo-Marxist German philosopher Jürgen Habermas, and his approach to political ethics is based on the Habermas-Apel concept of the "ethics of argumentation." According to this theory, the very fact of making an argument, of trying to persuade a reader or listener, implies certain ethical precepts: e.g., recognizing valid points in an argument. In short, the fact/value dichotomy can be transcended: the search for facts logically implies that we adopt certain values or ethical principles.

Many libertarian theorists have recently gotten interested in this kind of ethics (e.g., the Belgian anarchist legal theorist Frank Van Dun, and the British Popperian Jeremy Shearmur.) But theirs is a "soft" kind of argumentation ethics, for the question may always arise why one should want to keep an argument or dialogue going. Hoppe has gone way beyond this by developing a hard-core axiomatic, praxeological twist to the discussion. Hoppe is interested, not so much in keeping the argument going, but in demonstrating that *any* argument whatsoever (including of course anti-anarcho-Lockean ones) must imply self-ownership of the body of both the arguer and the listeners, as well as a homesteading of property right so that the arguers and listeners will be alive to listen to the argument and carry it on.

In a sense, Hoppe's theory is similar to the fascinating Gewirth-Pilon argument, in which Gewirth and Pilon (the former a liberal, the latter a minarchist libertarian) attempted to say the following. The fact that X acts demonstrates that he is asserting that he has the *right* to such action (so far so good!), *and* that X is also implicitly conceding to everyone else the same right. *That* conclusion, though soul-satistfying to libertarians, and similar to praxeology in its stress on *action*, unfortunately didn't make it—for, as natural rights philosopher Henry Veatch pointed out in his critique of Gewirth: why *should* X grant anyone else's rights? But stressing self-contradiction in the *arguments* of non-anarcho-Lockeans, Hoppe has solved the age old problem of generalizing an ethic for mankind.

Nevertheless, by coming out with a genuinely *new* theory (amazing in itself, considering the long history of political philosophy) Hoppe is in danger of offending all the intellectual vested interests of the libertarian camp. Utilitarians, who should be happy that value-freedom was preserved, will be appalled to find that Hoppean rights are even more absolutist and "dogmatic" than natural rights. Natural rightsers, while happy at the "dogmatism" will be unwilling to accept an ethics not grounded in the broad nature of things. Randians will be particularly upset because the Hoppean system is grounded (as was the Misesian) on the Satanic Immanuel Kant and his "synthetic a priori." Randians might be mollified, however, to learn that Hoppe is influenced by a group of German Kantians (headed by mathematician Paul Lorenzen) who interpret Kant as a deeply realistic Aristotelian, in contrast to the Idealist interpretation common in the U. S.

As a natural rightser, I don't see any real contradiction here, or why one cannot hold to both the natural rights and the Hoppean rights ethic at the same time. Both rights ethics, after all, are grounded, like the realist version of Kantianism, in the nature of reality. Natural law, too, provides a personal and social ethic apart from libertarianism; this is an area that Hoppe is not concerned with. A future research program for Hoppe and other libertarian philosophers would be (a) to see how far axiomatics can be extended into other spheres of ethics, or (b) to see if and how this axiomatic could be integrated into the standard natural law approach. These questions provide fascinating philosophical opportunities. Hoppe has lifted the American movement out of decades of sterile debate and deadlock, and provided us a route for future development of the libertarian discipline.

* The Thomist philosopher R. P. Phillips calls this attribute of an axiom a "boomerang principle . . . for even though we cast it away from us, it returns to us again," and illustrates this principle by showing that an attempt to deny the Aristotelian law of noncontradiction must end by assuming it. R. P. Phillips, *Modern Thomistic Philosophy* (2 vols., Westminster, Md.: Newman Bookshop, 1934–35), II, 36–37.

Raw Assertions

by Leland Yeager

Professor Hoppe says he can justify the libertarian private-property ethic without invoking any value judgments. Anyone who proposes any alternative ethic is, in doing so, contradicting what inheres in the very act of engaging in argumentation. Nonlibertarian proposals are falsified by the reality of proposing them. Argumentation is a form of action requiring the employment of scarce means, privately owned. Discussion presupposes that the participants recognize each one's exclusive control over his own body. Furthermore, argumentation could not be sustained for any length of time without private property in things beyond one's own body, property ultimately tracing to Lockean homesteading. Without private property defined in objective, physical terms, life, acting, and proposition-making would be impossible. "By being alive and formulating any proposition, then, one demonstrates that any ethic except the libertarian ethic is invalid."

The foregoing is an honest effort to restate Hoppe's position compactly. If I have not got it exactly right, part of the blame should fall on his loose style of exposition. The remarkable thing about it is that Hoppe or anyone else should take it seriously as an argument. It just is not an argument, not a mustering of factual observations and logical connections. It is a tissue of bald assertions. One cannot pick out fallacies of argument in a jumble of assertions that does not ascend to the level of argument at all, not even of fallacious argument. Instead of feeling humiliated, this is what Denis Diderot should have recognized when, at the court of Catherine the Great, Leonhard Euler approached him and announced, in a tone of perfect conviction: "Monsieur, (a+b^n)/n=x, donc Dieu existe; repondez!" (De Morgan 1872/1954, II, 4, 339).

It just is not an argument, not a mustering of factual observations and logical connections. It is a tissue of bald assertions. One cannot pick out fallacies of argument in a jumble of assertions that does not ascend to the level of argument at all, not even of fallacious argument.

Counterexamples to Hoppe's assertions

are abundantly available. It is perfectly conceivable that a slave-owner and his slave might debate some point of mathematics or of political philosophy, even the desirability of slavery itself, without one or both of their positions standing in logical contradiction with the fact that an argument was taking place. Their discussion does not presuppose either man's recognizing either one's "exclusive control over his own body." (Yet Hoppe makes the remarkably preposterous assertion that "No one could possibly propose anything, and no one could become convinced of any proposition by argumentative means, if one's right to make exclusive use of one's physical body were not already presupposed.")

To engage in discussion, the slave does not need any such exclusive control; all he needs is enough time to listen and to state his points, and perhaps enough time to study and reflect in advance. And the slaveowner might willingly allow this time to his slave. Perhaps he enjoys arguing with him and learning from him. Perhaps the discussions are the by-product of the slave's chief assignment, namely, to serve as tutor to the slaveowner's children.

Over the long span of human history, cases like this one probably have arisen; and other readily conceivable counterexamples puncture Hoppe's assertions. Suppose (contrary to fact, but suppose) that I am a sincere socialist who argues for government ownership of all means of production or at least of the "commanding heights" of the economy. In doing so I would not necessarily be contradicting any presupposition of the mere fact of engaging in controversy with Hoppe. Suppose I say: "I believe that socialism would greatly promote the prosperity and happiness of all the people. I am prepared to argue my case at length, using facts and analysis from economics, political science, sociology, psychology, history, and other fields of learning."

How might Hoppe respond? I can think of three possibilities.

(1) He might maintain that his own principles or argument or dogma required sticking with libertarianism nevertheless, even if socialism did seem likely to bring greater prosperity and happiness. In rejecting such a position, I would not be committing an obvious logical blunder. If I were right and socialism would in fact bring peace, prosperity, good- fellowship, and universal happiness, would Hoppe nevertheless maintain that his argumentation ethic ruled socialism out and required us to stick with laissez-faire capitalism? If so, his alleged arguments would be proving too much. How could a warning against alleged logical incompatibilities with the presuppositions of discourse condemn mankind to forgo the bliss otherwise available?

(2) Hoppe might enter into discussion with me, showing that my supposed facts and reasoning were full of errors and that socialism was in fact likely to bring less, not more, prosperity and happiness than libertarianism. But by embarking on that line of discussion—a broadly utilitarian line—Hoppe would come close to conceding that his own a priori argument is not decisive after all—which is my own point. (If a particular argument really is decisive, then tacking on further, nondecisive, arguments only weakens the case by diverting some attention away from the truly decisive one.)

(3) Hoppe might refuse to enter into discussion with me at all, which refusal would itself suggest something about his own case or method or attitude. So, presumably, would some fourth response that I cannot now imagine.

I might be wrong in my arguments for socialism, just as the slaveowner or the slave or both might be wrong in the particular arguments that one or both of them might make for or against the institution of slavery. But one can be wrong without falling into self-contradiction, without illogically contradicting any implications or presuppositions of the very fact of engaging in argument itself. Anyone who wants to identify certain arguments as wrong has to tackle those arguments themselves, pointing out whatever factual and logical errors they may contain (if they are in fact arguments, as opposed to mere assertions). It does not work simply to assert that the very fact of argumentation implicitly constitutes an endorsement of the objector's (i.e., Hoppe's) contrary position.

Hoppe apparently claims to get an "ought" from an "is." Yet no policy position, no recommendation, can follow purely from factual and logical analysis, without admixture of any conception whatsoever of what is desirable or undesirable.

Beyond the middle of his article, somewhat shifting his ground, Hoppe appeals to what is necessary "to sustain argumentation for any length of time." But presenting an argument does not presuppose being able to sustain it. Consider a fatally ill person who has no hope of being able to continue arguing much longer. He might nevertheless take satisfaction in using his remaining time in the skillful application of his mind, trying to achieve and propagate correct arguments. The truth or fallacy of certain arguments does not hinge on their makers' being able to survive and continue to press them.

In places Hoppe veers close to a utilitarian argument, as when he appeals to the unsatisfactory consequences that would ensue if late-comers were assumed to have ownership claims to resources and if, consequently, no one were allowed to do anything with anything without the prior consent of all late- comers. For these and other broadly utilitarian reasons, I agree with Hoppe on the desirability of a capitalist system and on a broadly libertarian conception of personal rights, including property rights. I am not disagreeing with Hoppe on the substance of the good society, so far as he gets into substance in the particular article under discussion. I am objecting to his presenting assertions under the false label of argumentation.

Hoppe apparently claims to get an "ought" from an "is." Yet no policy position, no recommendation, can follow purely from factual and logical analysis, without admixture of any conception whatsoever of what is desirable or undesirable. I believe that broadly libertarian positions can be derived from positive analysis combined with a tame, not-very-controversial value judgment, namely one against human misery and in favor of survival, flourishing, happiness, fulfillment, Aristotle's eudaimonia, or however exactly one may label such a desirable condition. Even Hoppe himself, in some passages, implicitly appeals to some such broadly utilitarian criterion. One might as well not kid oneself about the dispensability of value judgments.

To summarize, Hoppe is not presenting an argument. He is making a mere bald assertion, namely, that anyone who disagrees with his libertarian conception of human and property rights is committing a logical blooper by contradicting what he must necessarily be asserting in venturing even to disagree. He does not and cannot support this assertion. Is is a pathetic example of the futile old trick (notoriously perpetrated in recent years by Alan Gewirth) of trying to get substantive conclusions out of mere formal or procedural premises. Counterexamples to Hoppe's position are readily available. I am astonished that anyone should take it seriously.

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Radical & Quasi-Kantian

by David Gordon

Hans Hoppe's remarkable argument has already generated a great deal of controversy. In part, this stems from objections to particular steps of his argument; in part, from more general considerations. His startling claim that to deny libertarian rights is self-contradictory rivets one's critical attention, because of its very radical character. Further, the Kantian background of the argument has aroused suspicion, since largely under Randian influence many libertarians think of Kant as an opponent of reason.

I should like briefly to address these two issues. I cannot here undertake an account of each step of Hoppe's argument, but I hope

that the following brief remarks will help those who wish to evaluate the argument for themselves.

Hoppe does not contend that the statement "People have libertarian rights" is a truth of logic: its negation is not self-contradictory. Rather, if one denies the statement, one contradicts oneself. It is *asserting* the statement's negation that Hoppe claims is contradictory. Similarly, the statement "Reagan is dead" is not logically self-contradictory, but if spoken by Reagan its assertion involves paradox, since his saying it implies that he is not dead.

Paradoxes of this sort, often termed performative contradictions, are a lot of fun and have considerable philosophical importance. (A recent discussion is Roy Sorensen, *Blindspots*, Oxford University Press, 1988.) But although the contradiction just mentioned really is part of Hoppe's argument, it is not the whole of it. The vital core of Hoppe's case is that to claim that a statement is true is to claim that the statement can be supported by argumentation: and argumentation by its nature implies libertarian rights. The performative contradiction is just one step in Hoppe's progress.

Thus, it is not right to say that Hoppe's sole conclusion is that those who deny libertarian rights ought rationally to "shut up." However desirable this state of affairs would be, it alone would not suffice to show that anyone has libertarian rights. It is the whole argument, if successful, that demonstrates this, not the contradiction considered in itself.

On the second topic, the argument's Kantian background, one must distinguish between the argument itself and Hoppe's views of epistemology. Hoppe is a Kantian of sorts, although decidedly not a skeptic about our knowledge of the external world. But his argument about rights does not depend on any controversial positions in the theory of knowledge. It is quite compatible with any of the standard options in epistemology, including direct realism.

The argument is also neutral on another Kantian claim. Kant believed, or so, at any rate, he is usually taken to say, that the laws of morality are purely formal and involve no appeal to human nature in their derivation. To appeal to human nature was in Kant's view to rely on particular facts that might have been otherwise. Moral truths, by contrast, apply necessarily to all rational beings. Whatever one thinks of this way of looking at morality, Hoppe's argument does not involve it. To be sure, the argument itself does not appeal to human nature: but nothing in the argument rules out such appeals or requires that one accept a Kantian analysis of morality.

I said that I would leave the task of detailed evaluation of Hoppe's argument to the reader. One suggestion, however—it will be very helpful to consider exactly what Hoppe means by argumentation.

Beyond Is and Nought

by Ethan O. Waters

Prof Hoppe's seductive proof of the libertarian imperative is more limited in scope than he imagines. Hoppe argues that the mere fact of argument proves that the arguer is an owner of self and all the various rights to homestead, to own property, etc. that conventional libertarian rights advocates delineate and defend.

Since people have been arguing through all human experience, it would seem to follow that they have always been self-owners and possessors of rights. In fact, by Hoppe's logic, it is hard to imagine how any idea other than self-ownership could ever have arisen. But plainly there have been slaves through much of human history, and plainly even when some of the rights Hoppe proposes have been recognized, people have never enjoyed the society that Hoppe's view entails.

The problem with his thesis, it seems to me, is that it fails to establish context.

Consider the following argument, similar in form to Hoppes's: Life requires food; to live one must eat. Therefore all living people eat. Does this mean that all living people are constantly eating? Such a conclusion flies in the face of all experience, just as the conclusion that all men are self-owners flies in the face of experience: through much of human history, many humans have been slaves; through virtually all human history, virtually all humans have been no more than partial self-owners.

Hoppe has proven that in order to argue, one must in some sense be a self-owner. But virtually all of argument-filled human history demonstrates that the context of self-ownership can be very limited. An individual who "owns himself" when he is arguing with others (or himself), might in all other respects be a slave. In some sense it is impossible to argue without presuming ownership of oneself. But does this establish the libertarian ethic? No more than my argument about eating proves that one must eat constantly.

Virtually every argument I know that attempts to prove the universal moral imperative to respect others' rights (i.e. the nonaggression axiom) ultimately fails when stripped of verbiage and put into propositional form. Instead of proving that one must always respect rights, such arguments prove that rights must sometimes be respected. This conclusion has no significant impact on social or political theory.

The task of those seeking to establish the libertarian ethic is not simply to show that people possess rights that must be respected at some times and in some ways, but to show that the rights must be respected universally, in all contexts and in all ways. Hoppe fails at this task, as others have failed before him.

What course should libertarian moral thinkers pursue? Instead of attempting to prove that respect for human rights must be absolute and universal, which has been the approach of most contemporary libertarians (e.g. Rand, Hoppe, Rothbard), libertarian thinkers should seek to demonstrate that the respect for rights should be maximized.

This approach has three advantages. First, it can avoid the traps and pitfalls that cause such arguments to fail, either because their conclusions are trivial or because they fail to follow from their premises. Second, it can avoid the silly moral dilemmas that intrude into so many discussions premised on the existence of mysterious "natural rights." And third, it can be pursued by economic and utilitarian arguments, an approach that promises wider acceptance, since it speaks in a vernacular that is comprehensible to most people.

The thinking that results from this approach, as exemplified by the work of such figures as Mises and Buchanan, is not only respectable, but true. And this is the greatest advantage of all.

Consider the following argument, similar in form to Hoppes's: Life requires food; to live one must eat. Therefore all living people eat. Does this mean that all living people are constantly eating?

One Muddle After Another

by David Ramsay Steele

If I have understood Hans-Hermann Hoppe's argument, it is unsound. Maybe I haven't understood it, in which case it is too obscure, and he needs to elucidate it. By pointing out some shortcomings of Hoppe's apparent argument, I may encourage him to explain precisely how his actual argument differs from his apparent argument.

Hoppe claims that "the libertarian private property ethic" is "the praxeological presupposition of argumentation." What does he mean by "praxeological presupposition"? As an illustration, he cites: "people are, and always shall be indifferent towards doing things." Hoppe contends that this proposition is "falsified" by the fact that it is uttered. I think I see his point. He defines "indifferent" so that people cannot do anything if they are indifferent to it, and he defines "doing things" so that it includes "uttering propositions." Hence, the proposition that people are always indifferent towards doing things entails that people never utter propositions, and is therefore, as he aptly puts it, "belied" by the uttering of that proposition (unless the utterer is not a person). "Praxeological presupposition" evidently means the absence of any state of affairs—in this instance, that people are always indifferent towards doing things—whose description contradicts what is being asserted.

A simpler case would be someone saying

"No one ever says anything." This assertion is, loosely speaking, refuted by the act of saying it. If someone says something (anything), he thereby provides good evidence that it is not the case that no one ever says anything. This sort of thing is usually called a "pragmatic paradox" or "performative inconsistency." It owes nothing to Mises or praxeology. One might be tempted to call it a "self-contradiction," but strictly speaking, a proposition can be contradicted only by another proposition, and the person in question has *not* stated: "I am saying something." ("No one ever says anything" could also be interpreted differently, as a claim, perhaps by a Buddhist, that egos or selves are not really the initiators of thoughts and propositions, that propositions are not uttered by persons, but happen to them. To avoid taking sides in that controversy, we could change the sentence "No one ever says anything" to "No proposition ever happens," retaining the self-refutation.)

Note that this "belying" would not arise if someone said: "No one ever *should* say anything." No self-refutation occurs here, since the statement "Someone says something" (tense indeterminate) or "I am saying something" doesn't contradict the statement "No one ever should say anything." (Self-refutation or "belying" would occur if someone wrote a book arguing that no one ever writes books, but no self-refutation or belying occurs if someone writes a book arguing that no one ever should write books. It would seem to follow, of course, that the author of such a book was doing something he, by his own standards, shouldn't do, but this is quite feasible—it happens all the time and there is nothing absurd about it—and even this "inconsistency" could be removed by changing the example so that someone—William Morris? T. S. Eliot? Marshall McLuhan?—writes a book arguing that we ought to create a state of affairs where no one writes books, i.e., "No one should ever write books" in this case means "There should prevail a state of affairs where no one ever writes books." Here there is no inconsistency of any kind—this proposition might even (along with one or two descriptive propositions) imply that a book should be written, if it happened to be the case, for instance, that writing a book was an effective way to bring about a state of affairs where no one wrote books, as voting for Hitler in 1933 was an effective way to bring about a state of affairs where no one voted.)

Self-refutation or "belying" would occur if someone wrote a book arguing that no one ever writes books, but no self-refutation or belying occurs if someone writes a book arguing that no one ever should write books.

Hoppe apparently holds that to say "I favor a non-libertarian ethic" is self-refuting in the same way as "No one ever says anything." But whereas it is clear that by saying something one is providing conclusive evidence for the proposition "Someone says something," which contradicts "No one ever says anything,"it is far from clear that someone who merely utters any proposition is providing evidence for a proposition which contradicts "I favor a non-libertarian ethic."

In the case of "No one ever says anything," the speaker is performing an action the fact of whose performance is denied by what he says, because what he says denies the fact of the performance of an entire class of actions to which the action he is performing belongs. No such relationship holds between "I favor a non-libertarian ethic" and the performance of the action of saying this, since "I favor a non-libertarian ethic" is not a factual statement about a class of actions, and I don't see how a factual statement about a class of actions can be extracted from it.

Hoppe seems to vaguely sketch an argument something like the following. For a person to utter a proposition requires that he has exclusive control over his own body. To have exclusive control over one's body is to have a property right in one's body, and vice versa. To have private property is to be in favor of private property, and vice versa. To have private property is to be in favor of private property, and vice versa. To say "I favor a non-libertarian ethic" is to be against private property, and vice versa. There is a contradiction between being against private property and being in favor of private property. Hence, there is a contradiction between uttering a proposition and being in favor of a non-libertarian ethic. This argument is defective in several ways:

1. To utter a proposition is not to have exclusive control over one's body. Slaves may utter propositions. In many societies the bodies of wives have been in some respects under the control of their husbands, but these wives have been able to utter propositions.

2. It is correct that to have exclusive control over one's body is to have a property right in one's body; at least, I accept this as a good usage of "property right," and I am prepared to set aside the problem of defining "exclusive control" so that when two people collide we can somehow define their respective spheres of control as "exclusive." The converse is wrong, however. One can have a property right in one's body without having exclusive control over it, just as one can have a property right in any resource without exclusive control over it. (One could define property rights so that they were confined to cases of exclusive control, but, apart from the problems of defining "exclusive," this would have unwanted consequences; for instance, taken together with some of Hoppe's other usages, such as the identification of private property with libertarianism, any instance of non-exclusive rights, such as rights of flying over land but not exclusively controlling the airspace, would prevent a society from being libertarian.)

3. It is correct that to have private property in one's body is to have (some amount of) private property, but the converse is wrong. Slaves can have their own private possessions, though they do not own their bodies. (One might want to say that in this case, they must have some element of property right in, or control over, their own bodies—they are not "pure slaves"—but this would reinforce the point that a property right doesn't necessarily or usually mean *exclusive* control.)

If it were really the case that a libertarian ethic were the praxeological presupposition of proposition-making it would follow that all societies in which propositions were uttered, including our existing society, would be libertarian.

4. It is mistaken to hold that having private property is being in favor of private property, or vice versa. Someone who owns private property might be against private property. Someone who owns no private property might be in favor of private property. Acting so as to exercise a right is not necessarily to claim or endorse that right, and does not commit one to favor that right.

If it were true that the implementation of a non-libertarian, anti-private property ethic would somehow prevent anyone's being able to utter any proposition, this would certainly be a devastating argument against a non-libertarian ethic, though it would be an argument of the kind against which Hoppe has some unpleasant things to say, resting as it does on the "matter of subjective whim, void of any justification beyond the mere fact of being liked," to wit, that people prefer a social order in which individuals are able to utter propositions. But in any case, such an argument would be manifestly wrong: most historical and present-day societies were and are non-libertarian, but in *every* society individuals utter propositions. If it were really the case that a libertarian ethic were the praxeological presupposition of proposition-making, in the same sense that non-indifference is the praxeological presupposition of proposition-making, then it would follow that all societies in which propositions were uttered, including our existing society, would be libertarian, just as they are all "non-indifferent."

Hoppe also contends that uttering propositions necessarily involves the appropriation of scarce resources "through homesteading action," because otherwise one could not be alive, and thus could not utter propositions.

But many societies have enabled individuals to survive, without implementing a system of private property, and even where private property exists, it is often not customarily appropriated through homesteading, but, for instance, through a decision of the political rulers. Hoppe says: "For if no one had the right to control anything at all, except his own body, then we would all cease to exist." There are two mistakes here: 1. It is necessary that people control things to be able to continue to exist, but it is not necessary that people have a right to control things in order to control things. (A soldier may control "his" rifle, yet he may have no right to control it; that is, he controls it only as long as his superior officer says he may, and only in the ways permitted by the superior officer. If one calls even this the soldier's "right," then that renders the "right" useless for Hoppe's argument, as well as adding force to my next point.) 2. The right to control something is not necessarily appropriation of private property, let alone appropriation of private property by homesteading. Many of the historical non-private property systems have enabled people to control things, and even given individuals limited rights to control things. Thus, a hunting tribe may survive very well, giving individuals limited rights to control game, without ever permitting any individual to own outright (in the Lockean sense) a piece of land or an animal. Nothing prevents the members of such a tribe from uttering propositions, and when they do, they're not necessarily belying anything they say.

It is of course truistical that, to be able to utter a proposition, a person must have some degree of control over his body, but this degree of control is permitted to him in all historical property systems and in all property systems that have ever been proposed. Even if someone advocated a property system which did not permit all or most of its members to utter propositions, though this would be bizarre, it would not be self-refuting in the sense Hoppe wants, because the advocacy would refer to a possible future system, and not to the system within which the advocacy was being uttered.

Hoppe further claims to use his "praxeological proof" to show the "praxeological absurdity" of any "consequentialist ethic," though in fact he here simply presents a new argument, if an equally unconvincing one. It seems to me that a consequentialist is in a position analogous to that of an advocate of public health measures, such as clean water. At time T1 a certain system of rights is advocated. At time T2 this system is implemented. At time T3 it has the beneficial consequences foreseen at T1. This is, according to Misesian praxeology, the only possible pattern of rational action: the employment of means because it is foreseen that they will lead to a desired end. The idea that consequentialism somehow involves "waiting for the outcome" before assigning rights is just a very elementary misunderstanding.

The argument I have been examining throughout this article is one muddle after another and falls apart rather dramatically in several places. But this argument is perhaps not Hans-Hermann Hoppe's—it is my attempt to guess what his argument might be. However, any such argument must show that "I favor a libertarian ethic" follows from "I am saying something," and it seems obvious to me that this cannot be shown.

A Matter of Degree

by Mitchell Jones

In order to argue you must be alive. And that means you must have sufficient access to property—to food and other necessities—to maintain your life. But having some degree of access to property is not the same as having your property rights respected. Slaves in the Soviet Gulag generally have enough access to property to maintain life and the ability to argue, and they doubtless argue from time to time. Yet few would allege that their property rights are respected.

Moreover, even if being alive *did* require the enjoyment of private property without interference, that would still not be the same as *having a right* to enjoy property without interference. Being alive surely presupposes access to food; but, just as surely, it does not presuppose that you have a *right* to access to food, or even that the particular food to which you have access is yours *by right*. (Consuming *stolen* food can sustain life and the ability to argue.)

Hoppe maintains that, "Anyone who would try to justify any norm of whatever content must already presuppose an exclusive right of control of his body simply in order to say, 'I propose such and such.'" Can he really not see the difference between saying, "To speak you must have control of your vocal apparatus," and saying, "To speak, you must have *a right* to control your vocal apparatus"? Does he really intend to make no distinction between having control of a piece of property and having *the right* to control it? He repeats this error over and over. He says: "If no one had *the rights* to control anything at all, except his own body, then we would cease to exist and the problem of justifying norms—as well as all other human problems—simply would not exist" [emphasis mine].

Some degree of access to and control of property is necessary to human survival, and this applies both to the survival of individuals and to the survival of social groups. Proof of this, however, is quite a different thing from proof that the private property system contained in the theory of natural rights is necessary to human survival and, hence, is necessary to propositional argumentation. The former proof is a simple matter; the latter, most assuredly, is not.

I am a believer in the theory of natural rights. But this does not obligate me to endorse blindly every argument that is offered in its support. The cause of liberty is poorly served when its proponents march into battle with unsound arguments. Natural rights cannot be validated by ethical argument or by economic ("praxeological") argument because they are the product of jurisprudence.

Historically, the doctrine of natural rights goes back to the tradition of English Common Law. This tradition developed over a period of some 600 years, during which English judges had an incentive, in most cases, to maintain a strict impartiality and to attempt the reasoned settlement of disputes. Natural rights are the juridical methodology which resulted from this attempt, and which necessarily must result whenever judges make a sustained attempt to settle disputes on the basis of reason. The same methodology arose independently, from the same cause, in the courts of the Roman Republic. To the Romans, the methodology was known as *jus naturale*, or natural justice.

Can he really not see the difference between saying, "To speak you must have control of your vocal apparatus," and saying, "To speak, you must have a right to control your vocal apparatus"?

A Retreat From Marginalism

by Timothy Virkkala

The striking thing about Hans Hoppe's "praxeological proof" of the libertarian, private-property ethic is not that it is a string of non sequiturs wound around an assumed ideal of "consistency"—after all, certain types of minds enjoy such things, and many libertarians have produced similarly pointless arguments. What is striking about Hoppe's contribution is that such an Un-Misesian thing could be perpetrated by a devotee of Mises, all in the name of Mises and praxeology.

Hoppe has emphasized the most controversial (and least defensible) aspect of the Misesian formulation of praxeology—the so-called "a priorism"—and allowed his obsession with this to derail his understanding of the whole point of praxeology. Praxeology is a philosophical discipline that can be used in a great variety of contexts to help us understand, interpret and explain human action. It cannot prove this or that ethical system, this or that value. Mises was very clear on this: he stated, over and over again, that the praxeologist has no scientific warrant to claim that one value a person has is superior to another value that same person has, even when those values seem to conflict. (When a person makes a long term plan and then spontaneously acts in a way that unsettles the plan, for example, Mises argued that that person, despite his *inconstancy*, has nevertheless acted *consistently* in a praxeological sense.)

Likewise, praxeologists have no warrant to prefer the values of one person over another.

By concentrating on "a priorism" Hoppe has fallen into the error of regarding ethics as *not* primarily made up of values. He has fallen short of a genuinely praxeological understanding of ethics, and has not realized that even "objective" standards must be argued for in terms of values and preferences.

(It may be true that argumentation presupposes a value system, but the normative underpinning of argumentation may be something as humdrum and as minimal as logic [this was C. S. Peirce's opinion]. And logic does not have anything very substantive to offer ethical and political theory.)

Arguing to demonstrate facts and arguing to "demonstrate" values are two very, very different things. Facts can be proven, but values cannot. The fact/value dichotomy is assumed by Mises and lies at the heart of praxeology.

When a person argues with another person for the value of something his effective arguments will resemble an argument about facts only when he is trying to demonstrate instrumental value—for instances, when he tries to show that a thing has a high marginal productivity in a given process of production, or when he expects that a certain person will fetch a good price on a slave market.

Arguing to demonstrate facts and arguing to "demonstrate" values are two very, very different things. Facts can be proven, but values cannot. The fact/value dichotomy is assumed by Mises and lies at the heart of praxeology.

These values are productive of other values, and sometimes their productivity can be measured in an objective sense. But the values which they promote cannot be measured, and arguments for those ultimate (or, for the economist, consumer) values cannot be argued for in the same manner. Values are neither "true" nor "false," but approved of or not. They vary in intensity, and they are subjective. My values are not your values, and you cannot demonstrate by a string of syllogisms that I am wrong and you are right.

People are convinced of ethical systems and values for practical reasons, reasons that are more concerned with pleasure and pain, satisfaction and dissatisfaction, than with the narrower realm of truth and facts. Effective ethical arguments tend to look like this:

"Consider the effects of acting that way—don't you see that it leads to misery?"

"Consider your longer term desires—the plan you now follow does not take into account your likely future desires. Extend your time horizon!"

"How would you like it if someone did that to you? Just imagine what that person feels like now that you have done that!"

"If you do this, I will have no respect for you as a person."

"If you do that, I will feel perfectly justified in coercing you."

These arguments provide practical reasons for a person to act in such and such a way, to avoid this or that consequence. Praxeology can help us understand ethical reasoning, but it cannot help "prove" any particular morality. Of course, those who understand what is going on when people moralize are more apt to make better judgments (according to their own lights) about the ethical and political norms they will support and act upon. I suspect that, just as people who have a praxeological understanding of economic issues tend to support free markets, so will those who gain a praxeological understanding of ethical suasion come to favor libertarianism. But never, ever will libertarianism be "proved."

Most amusing about Hoppe's argument is how it seems to be a retreat from marginalism, the central insight of praxeology and of modern economic thought in general. The error of the classical economists was to think in terms of classes of goods: "labor" and "water" and "diamonds." Because of this, they were very confused by the reality of subjective value. They would say things like, "Surely water is more valuable than diamonds—after all, without water, we would all die of thirst!—but diamonds are nevertheless more highly valued in the marketplace." The solution to this problem that Carl Menger and other economists of the "marginalist revolution" discovered was that people choose—and thus evaluate—discrete, specific goods, not classes of goods. The scarcity of diamonds tended to make individual diamonds more valuable than ubiquitous water; in the desert, however, water becomes scarce and both its subjective value and its price tend to rise.

Hoppe seems not to have realized that theorists attempting to link praxeology with ethics by way of "argumentation" should take the hint from marginalist economics, and avoid falling into the trap of thinking in terms of whole classes of activities instead of discrete acts and particular arguments. The fact that I argue now says no more about other activities I may engage in at other times than the fact that at present I value diamonds greater than water says about how I will evaluate the two when I am dying of thirst in the desert.

A "morality" is a system of norms and ideals that people articulate to influence the behavior of themselves and others. Sometimes their arguments will provide egoistic reasons for acceptance; other times they will try to promote empathy and altruism; still other times they will threaten people with the withholding of respect; other times they will threaten with initiating or retaliating with coercion. These four types of arguments are very different, and all are present in *every* robust system of ethics, including the fairly narrow libertarian political ethics. People choose to argue as they do for reasons that are quite explicable to the praxeologist. But since Hoppe does not consider these forms of argumentation—the only types of arguments in ethics that are really relevent to praxeology—one should question how "praxeological" his reasoning is at all.

Hoppe's use of Mises is a misuse. Had Hoppe not mentioned Mises over and over, I would never thought of Mises as a forerunner to his work. Moreover, the counter-Misesian nature of his enterprise has disastrous effects: his argument for freedom is *ineffective*, unable to persuade normal people who—as every good praxeologist knows—seek advantages and satisfactions. By avoiding any appeal to values he has articulated an argument that is not merely "wrong," but pointless. Of what use is an ethics that can't convince?

Arguing and Y-ing

by Douglas B. Rasmussen

Is Jürgen Habermas really a libertarian?

The question is not exactly accurate or fair to Professor Hoppe. Hoppe's "argumentation ethics" is not exactly the same as the neo-Marxist Jürgen Habermas's famous "discourse ethics," but there can be no doubt that Hoppe is following a strategy similar to that of Habermas. Both claim that certain norms are presupposed by the activity of arguing for the truth or falsehood of propositions and that these norms are crucial to understanding not only what reason is but what indeed facts are. Further, there can be no doubt that the shadow of Kant looms over both; for they each ask in their own way this transcendental question—What are the conditions for the possibility of argumentation?

In many respects Hoppe's views are clearer than Habermas', and that, thank goodness, is all I need say here.

Hoppe seeks to show that the proposition "Lockean private property ethics is without rational foundation" is false, and it is false because the very activity of arguing for this proposition, or for that matter any other proposition, presupposes that the proposition "Every human being has a right to exclusive use of his body and his property" is true. In other words, a necessary condition for the very possibility of the activity of arguing for the truth or falsehood of any proposition is the truth of the Lockean private property ethic. Thus, anyone who engages in the activity of arguing for the truth of the proposition "Lockean private property ethics is without rational foundation" is involved in a performative self-contradiction; for the activity of arguing for this proposition could not exist unless it were true that people had Lockean rights. The contradiction involved is not semantic, but practical—it pertains to the *activity* of arguing for a proposition. The contradiction would be like someone *saying*

"Speech acts do not exist"—the truth of this proposition would be in conflict with the activity which makes its existence as a proposition possible.

Does this argument work? Transcendental arguments are always tricky, especially this one. It is tricky not only because it involves a claim about an ethics that is allegedly inherent to the activity of arguing but also because it holds that the very activity of evaluating Hoppe's argument that I am beginning to engage in here and now presupposes that people have Lockean rights. Thus, if I argue for the truth of the proposition "Hoppe's argument does not provide a rational justification for Lockean rights," he will claim that I am involved in a performative self-contradiction, and thus the claim that people have Lockean rights is justified. So, it seems that his argument is unassailable. Yet, a transcendental argument can nonetheless be evaluated. We ought not accept Hoppe's claim that Lockean rights are necessary for the possibility of argumentation merely on faith. We ought to examine his argument. I will do so by answering three questions concerning his argument: (I) Does Hoppe's transcendental argument meet the conditions that are necessary for such an argument to be successful? (II) Does he uphold his claim to justify Lockean rights without appeal to some normative premise? (III) What difference does his argument make to how someone should act?

Trancendental Meditations

A transcendental argument seeks to show that something, call it X, cannot be rejected and must be accepted as true because the very process of rejecting X depends on something else, call it Y-ing, and Y-ing could not exist unless X were the case. X is necessary for the very possibility of Y-ing. For a transcendental argument to work two things must be the case: (1) Y-ing is something that is unavoidable; and (2) X is indeed necessary for the very possibility of Y-ing. In other words, a universal negative proposition, "No Y-ing is possible unless X is the case," must be true. A transcendental argument is no better than the unavoidability of Y-ing and the truth of the universal negative proposition it implicitly affirms. In Hoppe's case, is argumentation (Y-ing) something which is unavoidable, and is there no possible way to engage in argumentation (Y-ing) other than through the acceptance of the truth of Lockean rights (X)?

Hoppe sees argumentation as the means by which we justify propositions. Argumentation is a cognitive activity. It is how we come to know what the truth is or what the facts are. It is usually an activity that involves others, but it does not have to. One can argue for a proposition in order to convince others or just oneself (in Hoppe's terms, "as an internal thought"). Argumentation does not, however, consist in free-floating propositions. Propositions do not exist unless there is an individual human being who decides to take the time and effort to propose propositions.

Is argumentation something unavoidable? This is hard to say, because Hoppe really says very little about what argumentation is. Is it the case that we only know propositions to be true through argumentation? Are perceptual judgment, known to be true by argumentation? What of so-called "self-evident" truths? Is, for example, "A whole is greater than one of its parts," known to be true because of argumentation? I assume that Hoppe does not confine argumentation to deductive argumentation, but what are the limits on his notion of argumentation? Also, are we to assume that there is no such thing as nonpropositional knowledge? What of perception, conception, intuition, and even revelation? If there is nonpropositional knowledge or if we know some propositions to be true without argumentation, then argumentation seems not to be necessary for knowledge or justifying all truth claims and does appear to be avoidable in those cases.

Even if there is nonpropositional knowledge and nonargumentative means of justifying a proposition's truth, it might, however, be the case that the type of knowledge that is most important is just that which is acquired by argumentative means. We want to know not merely that something is so, but *why* it is so. Giving reasons as to why something is true is what cognitively matters most. Can people avoid doing this? Trying to show why what they believe is true is actually true is something that people do not have to do. My experience has been that it certainly seems possible for people to avoid engaging in any attempt to justify their beliefs. Indeed, many fervently have no desire to engage in argumentation. Further, there are others for whom there is not even a reason why they do not try to investigate the truth or falsehood of their beliefs, they just do not bother. It never enters their mind. To the extent people choose to know the what's and why's of the world, argumentation, broadly conceived, is unavoidable, but to the extent people do not choose to know the what's and why's, it seems something quite avoidable.

It seems that if Hoppe's argument works, it will work for people who care about justifying their beliefs; for those that do not care, then the argument does not succeed. Those that do not care to argue may even have beliefs that amount to a denial of Lockean rights, but since they do not engage in argumentation, they are not caught in any practical inconsistency.

Hoppe claims that no activity of arguing is possible unless people have Lockean rights, because if someone does not have exclusive use and control over his own body, e.g., his brain, mouth, tongue, and vocal cords, then arguments for propositions cannot be made. Moreover, if there is not a human being who can in general use his entire body as he sees fit, there cannot really be any argumentation. The ability exclusively to use and control one's body explains the unique feature of propositional exchanges: the recognition that there are differing views—what Hoppe calls "agreeing on the fact that there is disagreement." A universe in which no one has exclusive control over his body is a universe in which argumentation cannot occur.

It is, however, by no means clear why the ability to exercise exclusive control over one's body is necessary in order to explain the supposedly distinctive feature of propositional exchanges, namely, the agreement that there is disagreement. This claim requires further defense and development. Yet, even if it is granted that exclusive control not only of certain body parts but one's *entire* body is required for argumentation to occur, why is it necessary for everyone to have such control over his body? If one can argue with oneself—assert a proposition as "an internal thought"—why is it necessary that there be others who can exclusively control their bodies? Is not it possible for there to be some philosopher-king who has either absolute or partial control over what others can do with their bodies and nonetheless engages in argumentation with himself regarding what propositions are true and what are false?

It seems by equivocating on the term "rights," Hoppe is guilty of smuggling a normative premise into what he claims is a "value-free" justification of the Lockean private property ethic.

It seems that Hoppe has a suppressed premise—namely, argumentation is necessarily an intersubjective process. If one did not first argue with others, one could not argue with oneself. Yet, it is not at all obvious why this must be the case. Hoppe might contend that argumentation is necessarily intersubjective because it involves language and the function of language is communication with others. This gambit does not, however, work. The primary function of language is not communication but cognition—if one is to communicate with others, one must first have something to communicate. Without language thought would be severely limited; only abstraction for which there was a direct referent would be possible. Yet, there is nothing necessarily intersubjective about cognition.

I do not think it is necessary to become a Cartesian "ego" to claim that determining the "validity" of propositions is not necessarily something intersubjective. Thus, I see no reason why *everyone* must have exclusive use and control over his entire body in order for the activity of argumentation to exist. Why not only one? Or, why not just an elite few? Finally, as I think of it, why would it be impossible for slaves to consider whether the propositions the philosopher-king proposes

are true or false? Admittedly, they might not have much of a motivation to do so, but I don't think it is impossible. But that's what Hoppe has to show. I believe there is much to Hoppe's position that is unstated. Perhaps, it is in his book.

Value-Free Presuppositions?

So far, I have spoken of whether it is necessary for everyone to have exclusive use and control of his body in order for the activity of argumentation to exist, but these are not Professor Hoppe's exact words. He speaks of "one's right to make exclusive use of one's physical body." What does he mean, however, by the term "right"? Does he mean power, ability? Or does he mean a moral entitlement that a human being has that obligates others to respect this right? I assume he means the latter, but I do not see how he justifies this sense of the term "right." Even if it is granted that everyone must have exclusive use and control over his entire body in order for the activity of argumentation to exist, that is still not the same as claiming that everyone has a *right* to have exclusive use and control over his body. The latter claim is normative in character, while the former is not. In other words, there is an equivocation in Hoppe's argument between a conception of rights which is about nothing more than a power that someone has which implies no duties on the part of others—this is a Hobbesian view of rights—and a conception of rights which expresses an entitlement that imposes a moral duty on others to respect a person's decision on how to use his body—this is, *pace* "Strausseans," a Lockean view of rights.

Perhaps Hoppe does not really mean to argue for Lockean rights but for something like Hobbesian rights. Yet, this does not seem to work. Let it be granted that if I choose to argue with others, then they must have control over their bodies; but if I do not so choose or if I no longer choose to continue the argument, why must they have the power to control their bodies? Since there is no moral duty involved and since I no longer wish to argue with them, there is nothing more that can be said on their behalf.

It seems by equivocating on the term "rights," Hoppe is guilty of smuggling a normative premise into what he claims is a "value-free" justification of the Lockean private property ethic.

So What?

Assuming that Hoppe does succeed in showing that there is a practical inconsistency involved for anyone who engages in argumentation and denies Lockean rights, what difference does any of this make to how one acts? Why ought the contradictory character of one's arguing against Lockean rights provide any reason for one to stop arguing against Lockean rights? Why ought one no longer claim that Lockean rights are unjustified? Certainly, one is caught in a performative self-contradiction, and so one cannot justifiably deny Lockean rights, but unless there is some normative premise which states "One ought not conduct oneself in a performatively self-contradictory manner," I do not see how Hoppe's *a priori*, "value-free" argument has provided any reason why one ought to stop arguing that Lockean rights are unjustified. And if this is true at the level of argumentative acts, then I do not see how he has provided any reason why other human actions should be conducted in a manner that respects Lockean rights.

Another way of making this point is to consider the propositional exchanges between Thrasymachus and Socrates in the first book of Plato's *Republic*. If there are no normative truths, if might makes right as Thrasymachus claims, then there is no reason for Thrasymachus to participate in the dialectic and certainly no reason for him to stop advancing his claims because he seems to be defeated by Socrates. Thrasymachus's ultimate point is simply that there is no reason why he should play the argumentation "game." Coercion, violence, and intimidation are among the available options. This is one of the reasons Plato is concerned with ethics. Hoppe needs to show similar concern. Hoppe cannot ignore ethics and hope to provide anyone with a reason why they ought to act differently.

Argumentation, like any other form of human conduct, has normative preconditions. Also, we must already have a moral "must" if we are to have any reason to care about a logical "must." This is, however, a matter of ontology and not *a priori* conditions, but this is not the place to consider these issues.

Finally, I want to make it clear that I have found Professor Hoppe's argument most interesting and hope to see a more detailed presentation of it in the future.

Ethics Without Philosophy

by Tibor M. Machan

Prof. Hoppe takes the necessity of being consistent for granted. But in an age of Feyerabendian nihilists, ontological relativists, existentialist absurdists, and the like, some effort is necessary to ground this demand for consistency. Ultimately the demand has to be granted, lest we dispense with meaningfulness. I do not, however, think it can be taken as a given.

This point is important because Hoppe relies on the alleged self-referential inconsistency of the value-free stance. His own position depends on the idea that (a) one must be consistent, (b) the proposition as to the importance of the value-free stance for certain purposes might be particularized sufficiently not to imply any further truth about anything. Both of these must be demonstrated. Hoppe demonstrates neither.

Neither does he make any clear connection between justice and the making of validity-claiming propositions. By "asserting any proposition" does one in fact demonstrate "one's preference for the willingness to rely on argumentative means in convincing oneself or others of something"? This could only be true if what one did were always a function of a preference. Yet I take medicine not because I prefer it but because, under the circumstances of having an ailment, it is something I ought to do. I definitely don't prefer doing it, except in the sense that I prefer it to having a disease. To claim that I must prefer it since I do it (the sense that is relevant to Hoppe's argument) is to rob the concept "preference" of its distinctive meaning as a type of attitude or disposition of mind.

There is yet another serious problem. The fact that people are caught in the web of proposition-assertion does not show that it has ethical value; it shows only that people treat it, perhaps quite mistakenly, as having value. They could be wrong, as some environmentalists argue, and Hoppe needs to show that they are right. This is why the neo-Aristotelian Objectivist approach to ethics *defends* the value of human life and the morality of living it. It's not enough to take that as implied by the possibly lamentable fact of people's taking actions.

Now let me focus on something Hoppe apparently shares with Ludwig von Mises, *a priorism*. He says that one can rest understanding human action on "reflection ([since] one does not see actions, but rather interprets certain physical phenomena as actions!)" and that "it [von Mises's theory] cannot possible be invalidated by any experience whatsoever, because any attempt to do so would already presuppose an action (after all, experiencing something is itself an intentional action)."

One can certainly "experience something"—a heart attack, an earthquake, or even the sight of an onrushing truck—without one's intending to experience it.

This last is quite implausible. One can certainly "experience something"—a heart attack, an earthquake, or even the sight of an onrushing truck—without one's *intending* to experience it.

All this talk of interpretation is disturbingly loose. Why should one interpret something as action rather than as behavior? Perhaps that interpretation results from an argument that because human action is very complicated and issues in a great variety of kinds and types or results, it *must* take a different form from that of the *behavior* of, say, monkeys. But what role does evidence play in the decision to settle on that interpretation rather than on one that invokes, say, God as puppeteer and persons as His puppets? This would be a deficient interpretation, but the problem here is the need to use evidence for our interpretations. Human *action* is not an *a priori* concept requiring no evidence for its support.

The English philosopher and scholar of

Austrian philosophy, Professor Barry Smith, has clearly shown the mistake that Mises' *a priorism* makes at the epistemological level. Smith directs us to Menger rather than to Mises for the philosophical foundations of the argument for laissez-faire. Hoppe should follow in Menger's footsteps rather than Mises'.

Why do so many people prefer an *a priori* political ethics to the more sensible view that political morality must rest on personal morality? In part, the reason seems to be that *a priorism* helps libertarians evade the bothersome task of not just having to select a sound political viewpoint but actually having to adhere to some sound personal ethics. The phenomenon is yet another aspect of the bane of classical liberalism—the escape from morality and the attempt to forge politics without it. It used to be thought that this escape was necessary so as to rebuff political authoritarianism—if no one had ethical knowledge, it was believed, one could reject regimentation of conduct. This is a mistaken view—one that leaves one without ethical arguments with which to attack authoritarianism.

Human beings require both an ethical standard and a standard of proper political organization. The latter cannot be obtained without paying attention to the former. It is not necessary for the defense of liberty to escape ethics—without liberty, ethics makes no sense; without ethics, liberty has no defense.

. . . and the Author Responds . . .

Utilitarians and Randians *vs* Reason

by Hans-Hermann Hoppe

It is neither possible nor worthwhile to address all of the points brought up in the foregone discussion. I will concentrate on those critics who come out most vehemently against my argument—all of them utilitarians of sorts. I will then comment briefly on the Randian type of reaction.

Amazingly, Friedman, Yeager, Steele, Waters, Virkkala, and Jones believe I must have overlooked the fact that all existing societies are less than fully libertarian (that there is slavery, the gulag, or that husbands own wives, etc.), and that this somehow invalidates my argument. Yet obviously, I would hardly have written this article if it had been my opinion that libertarianism were already prevalent. Thus, it should have been clear that it was precisely this non-libertarian character of reality which motivated me to show something quite different: why such a state of affairs cannot be *justified*. Citing facts like slavery as a counterexample is roughly on a par with refuting the proof that 1+1= 2 by pointing out that someone has just come up with 3 as an answer—and about as ridiculous.

To restate my claim: Whether or not something is true, false, or undecidable; whether or not it has been justified; what is required in order to justify it; whether I, my opponents, or none of us is right—all of this must be decided in the course of argumentation. This proposition is true *a priori*, because it cannot be denied without affirming it in the act of denying it. One cannot argue that one cannot argue, and one cannot dispute knowing what it means to raise a validity claim without implicitly claiming at least the negation of this proposition to be true.

This has been called "the *a priori* of argumentation"—and it was because of the axiomatic status of this proposition, analogous to the "action axiom" of praxeology, that I invoked Mises in my article. (Virkkala's outrage over this disqualifies itself, because I explicitly stated that Mises thought what I was trying to do was impossible. Moreover, it is *his* understanding of Mises that is amusing. For while it is true that praxeology talks *about* marginalism, it is obviously not the case that praxeology as a body of propositions is in any way affected by marginal choices. Praxeology contains universally true propositions, and whether or not we choose to accept them does not affect this at all. It is beyond me why that should be any different when it comes to ethical propositions. Virkkala might just as well attack Mises for a "retreat from marginalism" because of his claim that praxeology is *true*.)

With the *a priori* of argumentation established as an axiomatic starting point, it follows that anything that must be presupposed in the act of proposition-making cannot be propositionally disputed again. It would be meaningless to ask for a justification of presuppositions which make the production of meaningful propositions possible in the first place. Instead, they must be regarded as ultimately justified by every proposition-maker. And any specific propositional content that disputed their validity could be understood as implying a performative contradiction (in the sense explained by David Gordon), and hence, as ultimately falsified.

The law of contradiction is one such presupposition. One cannot deny this law without presupposing its validity in the act of denying it. But there is another such presupposition. Propositions are not free-floating entities. They require a proposition maker who in order to produce any validity-claiming proposition whatsoever must have exclusive control (property) over some scarce means defined in objective terms and appropriated (brought under control) at definite points in time through homesteading action. Thus, any proposition that would dispute the validity of the homesteading principle of property acquisition, or that would assert the validity of a different, incompatible principle, would be falsified by the act of proposition making in the same way as the proposition "the law of contradiction is false" would be contradicted by the very fact of asserting it. As the praxeological presupposition of proposition making, the validity of the homesteading principle cannot be argumentatively disputed without running into a performative contradiction. Any other principle of property acquisition can then be understood—reflectively—by every proposition maker as ultimately incapable of propositional justification. (Note, in particular, that this includes all proposals which claim it is justified to restrict the range of objects which may be homesteaded. They fail because once the exclusive control over *some* homesteaded means is admitted as justified, it becomes impossible to justify any restriction in the homesteading process—except for a self-imposed one—without thereby running into a contradiction. For if the proponent of such a restriction were consistent, he could have justified control only over some physical means which he would not be allowed to employ for any additional homesteading. Obviously, he could not interfere with another's extended homesteading, simply because of his own lack of physical means to justifiably do anything about it. But if he did interfere, he would thereby inconsistently extend *his* ownership claims beyond his own justly homesteaded means. Moreover, in order to justify this extension he would have to invoke a principle of property acquisition incompatible with the homesteading principle whose validity he would already have admitted.)

My entire argument, then, claims to be an impossibility proof. But not, as the mentioned critics seem to think, a proof that means to show the impossibility of certain empirical events so that it could be refuted by empirical evidence. Instead, it is a proof that it is impossible to propositionally justify non-libertarian property principles without falling into contradictions. For whatever such a thing is worth (and I'll come to this shortly), it should be clear that empirical evidence has absolutely no bearing on it. So what if

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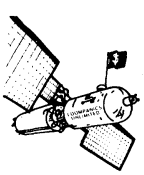

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there is slavery, the Gulag, taxation? The proof concerns the issue that claiming that such institutions can be justified involves a performative contradiction. It is purely intellectual in nature, like logical, mathematical, or praxeological proofs. Its validity—as theirs—can be established independent of any contingent experiences. Nor is its validity in any way affected, as several critics—most notoriously Waters—seem to think, by whether or not people like, favor, understand or come to a consensus regarding it, or whether or not they are actually engaged in argumentation. As considerations such as these are irrelevant in order to judge the validity of a mathematical proof, for instance, so are they beside the point here. And in the same way as the validity of a mathematical proof is not restricted to the moment of proving it, so, then, is the validity of the libertarian property theory not limited to instances of argumentation. If correct, the argument demonstrates its universal justification, arguing or not.

(Of all utilitarian critics only Steele takes up the challenge that I had particularly posed for them: that the assignment of property rights cannot be dependent on any later outcome, because in this case no one could ever know before the outcome what he was or was not justified in doing; and that in advocating a consequentialist position, utilitarianism is strictly speaking no ethic at all when it fails to answer the all-decisive question "what am I justified in doing now?" Steele solves this problem in the same way as he proceeds throughout his comment: by misunderstanding what it is. He misconceives my argument as subject to empirical testing; he misrepresents it as claiming to show that "I favor a libertarian ethic" follows from "I am saying something," while in fact it claims that entirely independent of whatever people happen to favor or utter, "the libertarian ethic can be given an ultimate propositional justification" follows from "I claim such and such to be valid, i.e. capable of propositional justification." His response to the consequentialist problem is yet another stroke of genius: No, says Steele, consequentialism must not involve a praxeologically absurd "waiting for the outcome ethic." His example: Certain rules are advocated first, then implemented, and later adjusted depending on outcomes. While this is indeed an example of consequentialism, I fail to see how it could provide an answer to "what are we justified in doing now?" and so escape the absurdities of a waiting-for-the-outcome-ethic. The starting point is unjustified [Which rules? Not only the outcome depends on this!]; and the consequentialist procedure is unjustified, too. [Why not adopt rules and stick to them regardless of outcome?] Steele's answer to the question "What am I justified in doing?" is: that depends on whatever rules you start out with, then on the outcome of whatever this leads to, and then on whether or not you care about such an outcome. Whatever this is, it is no ethic.)

The reaction from the other—Randian—side, represented by Rasmussen is different. He has fewer difficulties recognizing the nature of my argument, but then asks me in turn "So what?" Why should an *a priori* proof of the libertarian property theory make any difference? Why not engage in aggression anyway? Why indeed?! But then, why should the proof that 1+1=2 make any difference? One certainly can act on the belief

My entire argument is an impossibility proof. It is purely intellectual in nature, like logical, mathematical, or praxeological proofs.

that it was 1+1=3. The obvious answer is "because a propositional justification exists for doing one thing, but not for doing another." But "why should we be reasonable?" is the next come-back. Again, the answer is obvious: For one thing, because it would be impossible to argue against it; and further, because the proponent raising this question would already affirm the use of reason in his act of questioning it. This still might not suffice and everyone knows that it does not: for even if the libertarian ethic and argumentative reasoning must be regarded as ultimately justified, this still does not preclude that people will act on the bases of unjustified beliefs either because they don't know, they don't care, or they prefer not to know. I fail to see why this should be surprising or make the proof somehow defective. More than this cannot be done by propositional argument.

Rasmussen seems to think that if I could get an "ought derived from somewhere (something that Yeager claims I am trying to do, though I explicitly denied this), then things would be improved. But this is simply an illusory hope. For even if Rasmussen had proven the proposition that one *ought* to be reasonable and *ought* to act according to the libertarian property ethic this would still be just another propositional argument. It could no more assure that people will do what they ought to do than my proof can guarantee that they will do what is justified. So where is the difference; and what is all the fuss about? There is and remains a difference between establishing a truth claim and instilling a desire to act upon the truth—with "ought" or without it. It is great, for sure, if a proof can instill this desire. But even if it does not, this can hardly be held against it. And it also does not subtract anything from its merit if in some or even many cases a few raw utilitarian assertions prove to be more successful in persuading of libertarianism than the proof itself. A proof is still a proof; and socio-psychology remains socio-psychology. ❑

Rebuttal

Private Property Rights:
Hope for the Environment

by Jane S. Shaw

In the September *Liberty*, John Hospers challenged libertarians to reconsider their ideas about private property and the environment. In this response, Jane Shaw asks libertarians to reconsider Hospers' challenge.

John Hospers is probably correct in his claim that libertarians do not often concern themselves with environmental problems. One apparent result is that when a prominent libertarian such as Hospers does take up the subject, his work is riddled with misunderstanding and misinformation.

Libertarians, of all people, have the philosophy needed to come to grips with environmental issues: the understanding that the most effective way to protect the environment is to strengthen private property rights. Yet Hospers finds little room in his 9000 word essay to discuss property rights. And when he does consider property rights, he dwells on their presumed limitations rather than the crucial role rights play in protecting the environment.

More than two thousand years ago, Aristotle wrote that "what is common to many is taken least care of, for all men have greater regard for what is their own than for what they possess in common with others." Researchers Richard Stroup, Terry Anderson, and John Baden have spent the past fifteen years exploring the implications of this statement in the environmental area.

Private ownership encourages good stewardship. When property is well taken care of, it increases in value, and its private owner receives the benefit of that increase. Concomitantly, an owner who allows his or her property to decline in value suffers the loss of wealth. Thus, private ownership gives owners an incentive to manage well. It is for this reason that, in the long run, private ownership is an environment in which nature flourishes.

In contrast, government or "public" ownership leads to poor care because, without ownership, government officials lack the incentive to do what they can to enhance the value of the land over time. It would be illegal for them personally to capture the value they help create, and they pay no penalty for land that deteriorates.

Private property encourages good stewardship even when an owner has a short-term view of the future and isn't concerned about his or her grandchildren. The reason is that when well cared for, property increases its value *in the present*, not just in the future. Neglect, by the same logic, lowers the value of property *today*. As soon as the first signs of poor stewardship are seen (such as the first indications of land erosion), an appraiser or potential buyer can project the results into the future, and the value of the property declines immediately. This process—capitalizing future benefits and costs into the current value of a capital good—is the fundamental determinant of the value of property.

A simple but revealing illustration of the power of private property rights in a market system is offered by a cartoon that appeared in *The Wall Street Journal*. A couple is walking out of a home they have just been visiting. The wife says, "Their house looks so nice. They must be getting ready to sell it." Even though the family doesn't care who will live in it ten years or even six months later, they fixed it up to be attractive to a buyer. The point is that owners can capture today the value of improvements that will last many years. And the principle operates in the other direction, too: owners suffer today if they allow their property to deteriorate, because the price of their property goes down.

Problems of Insecure or Nonexistent Property Rights

In nearly every case, environmental problems stem from insecure, unenforceable, or nonexistent property rights. This happens in two important ways.

First, because air and water are inherently difficult to own, individuals can damage them with impunity. Compare the atmosphere with, say, a car. If you damage a car that I own, I can insist that you compensate me (and the courts will uphold that claim). But no one owns air. If you foul the air I breathe, I can do little about it. In theory, a person can sue a smoke-emitting company for damaging health or property, but the elusive nature of air makes it difficult to prove the exact source of the pollution that caused the damage. And the extent of possible long-term

health damages also is difficult to know, let alone prove in a court of law. Thus the atmosphere is treated as a common pool that everyone has access to and no one has much of an incentive to keep clean.

When the absence of private ownership leads to pollution, the government often intervenes. But its ability to deal with the problem in an effective and equitable manner is hampered by the same factors that make it difficult to deal with the problem by civil tort law.

Although streams and rivers can be monitored more easily than air, they too suffer from their "unowned" status. No one has the right to sue for damages or obtain injunctions if the water is polluted; as a result, anyone—private industry, farmers, municipalities, homeowners—can use water as a waste stream until the government steps in. Where private ownership has been established, the situation is quite different. In Great Britain, the right to fish is a private right. To keep the value of their rights high, owners of fishing rights tend to keep streams clean and well-tended. Associations of rights holders have also gone to court successfully to protect streams, and thus their fishing rights, from pollution damage.

Most migratory birds and other wildlife are not owned by anyone. As a result, in many parts of the world animals are hunted to the point of extinction. If individuals, groups, or families owned wild animals, they would have incentives to husband them rather than destroy them. Unlike the buffalo that once roamed the Great Plains, hogs or cattle are not threatened with extinction—because they are owned. (Indeed, during the 17th century, the Montagnais Indians of the Labrador Peninsula divided ownership of beaver among families; as a result, the beaver was preserved rather than trapped to extinction.*)

The second kind of environmental problem originates in government ownership. During its 86-year history, the Bureau of Reclamation has destroyed millions of acres of wetlands and canyons by building giant dams that supply power and water at subsidized rates. Environmental organizations have tried to stop such destruction, but with little success.

As environmental groups have begun to learn, the Forest Service cuts down large numbers of trees in environmentally fragile areas where it's difficult for trees to grow, only to sell the trees at a loss—something no private owner would do for long. Yet environmental activists, for all their political clout, energetic lobbying and legal challenges, have not been able to stop this practice.

In contrast to private ownership, government management is more likely to reflect the short-term goals of powerful special interests than it is to practice conservation.

Government property tends to be poorly managed, especially over the long run. Bureaucrats rarely benefit from increasing the value of the property they manage and are rarely penalized for harm they do. Government management is more likely to reflect the short-term goals of powerful special interests than it is to practice conservation. Unlike private owners, whose current wealth depends on the value of their property rights, government managers have no way to capture the future benefits that would flow from current sacrifices.

Addressing Specific Problems

Let us now look at some of the environmental problems that Hospers discusses.

Hospers seems in a panic. The environmental problems he lists sound like the worst nightmares of wild-eyed Club of Rome zealots. Of course, there are cases of serious environmental damage, but recent scientific evidence indicates that DDT has not "killed off many species of wildlife"; nor is the safe disposal of toxic waste a major health problem (it *is* a public relations problem for those who are trying to site waste facilities); nor has the increased use of fertilizers made availability of phosphates on the world market "precarious" (producers of phosphates regularly lament its oversupply); and I question whether the "air in all our major cities is polluted to such an extent that it is a hazard to health." With these and other statements such as "much of the animal kingdom has been destroyed," and "[p]erhaps rain will no longer fall in the American Midwest, just as it no longer falls in parts of Africa," Hospers strikes a blow for irrationality and fear.

Nevertheless, some environmental problems are quite real and it is important to figure out what can be done about them. Take the problem of the excessive cutting of the Amazon rain forest.

Hospers notes correctly that policies of the Brazilian government to reward fast settlement and stimulate cattle production have spurred the deforestation. But he dismisses the role of government: "the effect would have been the same if individuals without government subsidy had homesteaded the jungle."

Environmental analysts disagree. Without the subsidies, they contend, far less deforestation would have occurred. If the cattle owners had to pay the full cost of converting forests to pasture, they would find it unattractive to destroy as many trees. (And *some* conversion in an area extending 3.4 million square miles, as the Amazon forest does, would not be dismaying.)

If faced with the real costs of conversion, some individuals would undoubtedly prefer to preserve the forests. With unsubsidized development offering low returns, the preservation option would not be costly. In some cases, preservationists would be motivated by the hope that some plants they saved would be wonder drugs of the future. Others would simply want to preserve beautiful acreage.

Environmental organizations protect endangered habitat around the world; some, such as the Nature Conservancy and the World Wildlife fund, are trying to preserve forests in Latin America right now. Of course, since much of the threatened land is still in government hands, they cannot buy it. They must try to persuade cash-short governments and tax-supported institutions such as the World Bank to favor sound conservation rather than short-run, forced-development schemes. Their latest ef-

* In discussing the role of private property rights in protecting the environment, I have introduced a handful of illustrations, without discussing them rigorously. These and many others are discussed in published articles and working papers by me and others at the Political Economy Research Center (502 South 19th Ave., Suite 211, Bozeman, MT 59715). I would be happy to engage in further dialogue on these issues.

forts have taken the form of "debt-for-nature" swaps—reducing Latin American debt in return for land preservation.

Nor would I deny that there are serious environmental problems in the second example Hospers cites, the African veldt. However, Hospers fails to make a coherent case as to just what the problems are! There is no doubt that expansion of farming has reduced the land available for wild animals to roam. But this doesn't necessarily pose an environmental problem if the remaining areas are well managed.

Hospers assumes that reduction of habitat acreage is a disaster and casts about for a culprit. He concludes that the cause is the "multiplication of human beings," thanks partly to the advances of Western medicine. Yet much of the African veldt appears to be underpopulated.

Consider the cases of Zimbabwe and Zambia. These two countries contain about 442,000 square miles of land; taken together they are slightly larger than Arkansas, Louisiana, Oklahoma, and Texas combined. The population of the two countries, Hospers tells us, is about 6 million. (Actually, my figures, from 1979, indicate that the population is about 13 million). But the population of Arkansas, Louisiana, Oklahoma, and Texas—not a particularly densely populated region—is about 26.9 million! Are Zimbabwe and Zambia suffering from severe overpopulation, the "multiplication of human beings"?

Hospers goes on to lament the creation of monocultures—large acreages devoted to a single crop, sprayed with pesticides and fertilizers. He notes correctly that this elimination of ecological balance leads to vulnerability.

But Hospers fails to see that the problems of monoculture are readily corrected by private individuals acting in their own self-interest. In 1964, for example, a corn blight wiped out large tracts of U. S. farmland that had been planted with a single genetic strain of corn. Since then, agricultural scientists have been careful to develop and preserve mixed genetic stocks to retain immunities. It took no ecological Armageddon to teach private owners that genetic diversity in crops is a good idea—they learned it as individuals trying to maximize the profitability of their own property.

When governments are in charge of technical matters, on the other hand, they usually mandate the "best available technology," as judged by the most influential people. Unfortunately, the government's stamp of approval may stifle maverick ideas that would be more productive in the long run. Currently, for example, a method of cattle-grazing developed by Allan Savory has attracted the interest of many ranchers. Savory's approach challenges traditional grazing practices, and no one knows whether it will prove superior in the long run. Clearly, however, private ranchers will determine its value long before government experts even pay serious attention to it.

Toward the end of his essay, Hospers does make an effort to place environmental problems in the context of private property. But he despairs of finding a solution. He even floats the idea of a world government as a way to cope with the problems—stepping back from the precipice, happily, on the ground that it would be "infected by the disease of all governments. . . ."

Even so, his conclusion that "Proponents of liberty . . . do not do well in ecological issues" is simply wrong. To the contrary, *only* proponents of liberty offer solutions that will preserve the environment over the long run. ❑

The Dogs of Capitalism, by Mitchell Jones, is a reasoned investigation of the history of dogfighting.

According to the dogfighters, heroism in dogs is a trait that is inherited. If they are correct and if you want a protection dog, then you should buy a puppy whose parents were heroic. But how can you find such a puppy? The dogfighter's answer: buy from a breeder who tests the courage of his dogs before he breeds them. The idea is that a dog who will repeatedly attack a bear, or a lion, or a badger, or a man with a club, or a fighting bull, or a powerful canine opponent, will never fear to come to the defense of his master. Thus if you purchase a puppy from parents who have been tested in this way, the odds are high that he will grow up to be precisely the kind of animal that you had hoped for.

The Dogs of Capitalism traces out the history of man's attempts to apply this idea. It examines in detail the various tests which were employed to find heroic dogs, including lion and elephant baiting, bear baiting, bull baiting, badger drawing, ratting, and dogfighting. It explores the resulting political controversies and their psychological, moral, economic and philosophical implications. Because the author accepted no limits to his investigation other than those imposed by logical relevance, the theme of this book became a lever for prying open all sorts of surprising secrets. The result is a treasure trove of insights in a multitude of fields—a spectacular, shocking *tour de force*, utterly unlike anything you have ever read before. For the advocate of liberty who wants to be able to defend his position, *The Dogs of Capitalism* is must reading.

* * *

The Dogs of Capitalism, hardcover, 336 pages, 44 illustrations. Price in the U.S. is $24.95 postpaid. Limit one copy per order. (We will explain why.) Texas residents add $1.50 sales tax. Send order to:

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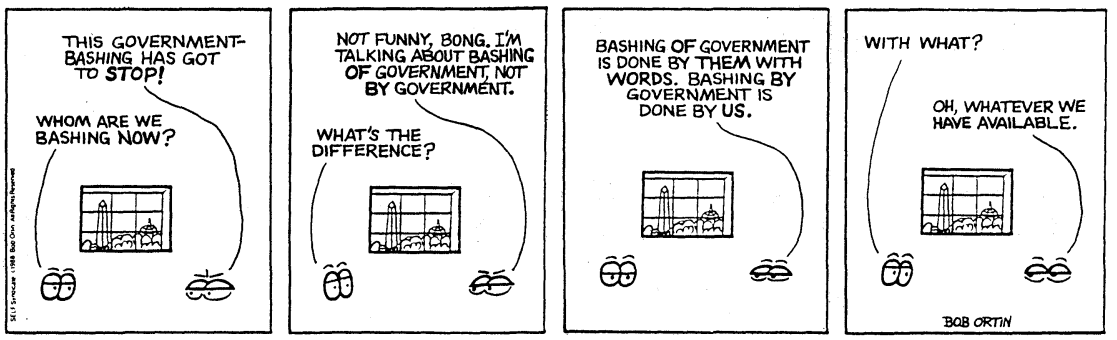

FBI STOPS LIBYAN ATTEMPT ON NORTH

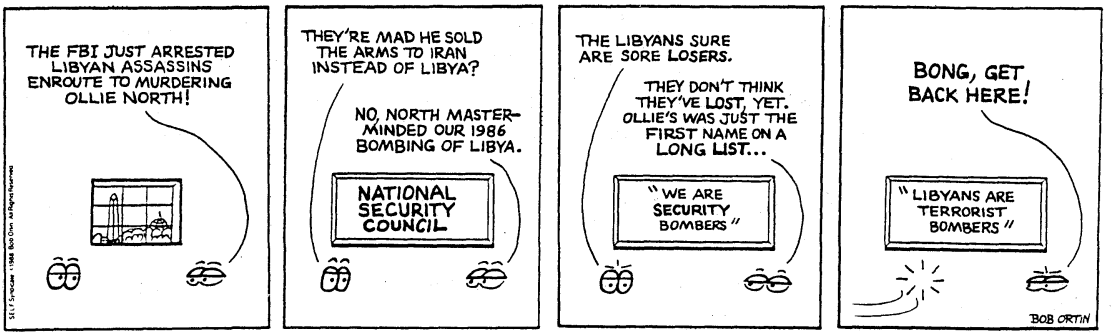

BURONIC EPISODES

A speculation on the source of headlines by Bob Ortin

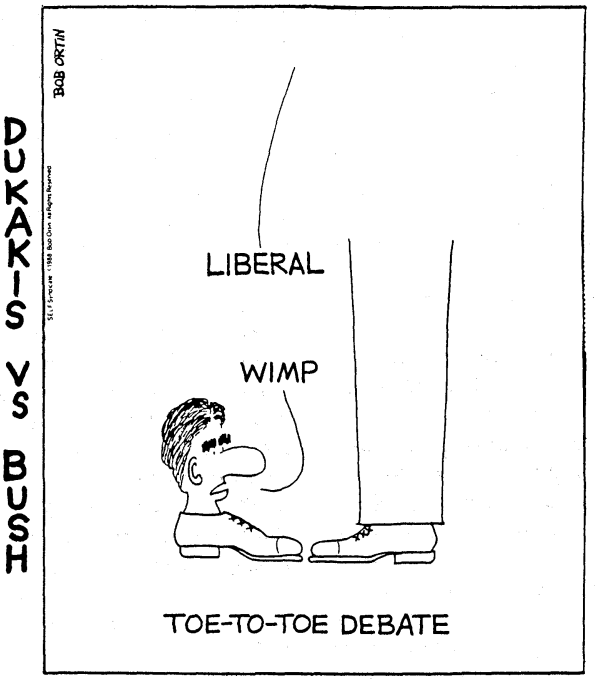

DUKAKIS DEFINES HIS TERMS

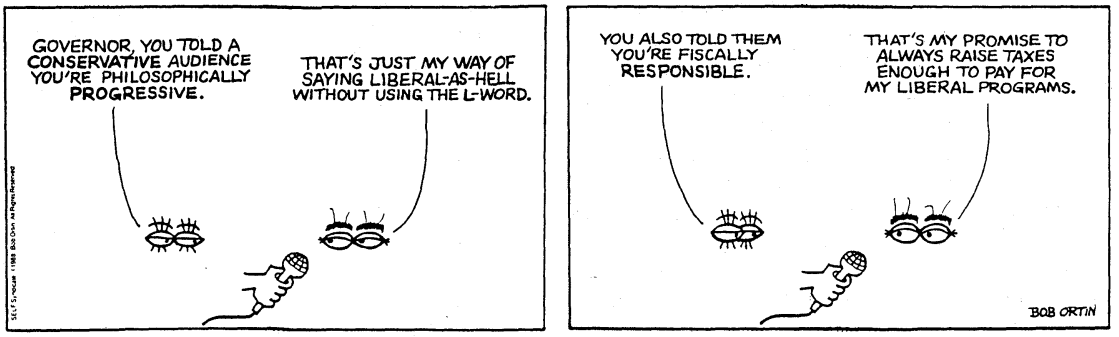

Perestroika and Liberty

by James S. Robbins

"From each according to his ability, to each according to his needs!"
—Karl Marx, *The Critique of the Gotha Program,* 1875

"Whatever a person earns he should receive. At the same time, we should not allow a person to receive what he has not earned." —Mikhail Gorbachev, *Perestroika,* 1987

At first glance, Gorbachev appears to have contradicted one of the most fundamental tenets of Marxism.

In strict ideological terms, however, there is no contradiction. After all, as Gorbachev points out, the Marxist formulation applies only to the historical stage of Communism, not that of Socialism, and until the Soviet Union (or the world) achieves Communism, Marx's couplet may be ignored.

Even so, the policy changes recently initiated by Gorbachev appear to indicate a divergence from the dictates of traditional Marxism. The whole matter raises an important issue: Are there limits beyond which Socialist economics cannot go without turning into something else, something approaching Capitalism? We may yet see. Gorbachev's Soviet Union is now testing these limits under the banner of *perestroika,* or "restructuring."

Is Gorbachev attempting to make fundamental changes? Does *perestroika* signify an unprecedented change of direction in Soviet economic policy? Or is it simply a continuation of Soviet economic policy under a new label? To answer these questions, to come to grips with *perestroika,* it is necessary to have some understanding of how the Soviet economy functions and how it came to be the way it is.

The Dialectics of Soviet Politics

The first truly Bolshevik economic program was "War Communism," instituted in March 1918 in an attempt to institute "pure" Marxist economics and simultaneously to wage a civil war against the White liberal-monarchists and Green anarcho-peasants. The experiment, utilizing both the realism of the Bolshevik leaders trying to consolidate their power and the idealism of many in the Communist rank-and-file, failed to achieve its economic goals. But it did allow the Party to secure control and mobilize industry for war. The Red Army succeeded in its struggle against "reaction," and in the process snuffed out what small amount of economic freedom the Russian people had achieved since the overthrow of the Tsar. The depths of War Communism were reached in 1920, when private trade was abolished, all precious metals expropriated, barter introduced, and remaining private businesses nationalized. Black markets thrived, and food prices soared. Rationing was instituted in most urban areas; it was a cut in the food ration which precipitated massive strikes in Petrograd and the Kronstadt rising of 1921.

Yet already Lenin had recognized that if the regime was to survive and consolidate its power, War Communism would have to be abandoned. At the Tenth Party Congress in March, 1921, Lenin introduced the New Economic Policy (NEP): currency was reintroduced (25% backed by precious metals), private ownership and trade were made legal, agricultural appropriations were eased or abolished, and foreign trade was encouraged. The economy rebounded and the last vestiges of revolt died out. NEP was not a full retreat to private capitalism: its effect were concentrated mainly in the agricultural and small business sectors, and most of the investment capital, large-scale industry and mining remained under state control.

Although under attack in some quarters, NEP persisted until after Lenin's death in 1924. The vicissitudes of the market precipitated the "scissors crisis," in which agricultural prices dropped and industrial prices rose, causing a destabilizing situation in the countryside. At the same time a succession struggle was developing within the Bolshevik leadership. Economic policy became an arena of conflict, with leaders of the various factions modifying their views based not on philosophy but political expediency. Bukharin, a few years earlier a War Communist *par excellence,* believed by 1925 that the Party should indulge the aspirations of the better-off peasantry (or "kulaks"), and subsequently introduced the slogan *obogaschaites,* or "Get Rich." Stalin, who at the time was allied with Bukharin, objected to the slogan, but courted the kulaks with tax concessions. Their "rightist" viewpoint, which emphasized building socialism through the use of market forces, came to be known as the "genetic" position. The "leftist" opposition—Trotsky, Zenoviev and Kamenev (the latter two of whom had been right-

ists in 1923)—believed that a socialist economy should pursue industrial growth, and that the state must control the means of production. Their leading theoretician was the economist E.I. Preobrazhenskii, who argued that the capital necessary for industrialization could come only from the private sector (i.e., the peasantry). Since the peasants could not be counted on to invest in industry voluntarily, the capital would have to be expropriated. This position was known as "teleological," in that it was man, and not the market, who would direct the economy.

The factional split did not last long. By 1927, Stalin had eliminated most of his opponents (and allies), and in the process had adopted the teleological position. The First Five Year Plan was implemented in 1928, as was the collectivization of agriculture. The centralized, industrial Soviet economy was born.

Economic Calculation Under Stalin

Under the Stalinist model the state controls every aspect of (legal) economic activity. Resource allocation, production and distribution are determined through a process known as "balancing" the national economy, using a device known as an input-output table. The state determines production priorities, establishes how much of every commodity each enterprise will manufacture, calculates the amount of raw materials required, sets corresponding quotas for resource production, and tries to make the numbers balance. Of course, establishing quotas for every commodity and at each level of the production process is a mammoth task in itself (one the Soviets have admitted is beyond their ken), and failure to meet quota at a lower level can have dramatic consequences further up the line.

In addition, the system of quotas and bonuses for meeting or exceeding them has a serious fault. Managers know that if they consistently come in over quota, their quotas will likely be raised. This is called the ratchet effect, and to avoid it managers will under-report over-quota production, saving the difference for a rainy day.

The Soviets are well aware that most uprisings in history were precipitated by food shortages. For this reason, cities, the centers of power, are never without food.

Another problem is the fact that the process is non-recursive. For example, if planners want to increase steel production they will need more iron ore, which requires more mining equipment. To produce the equipment more steel will be needed. And so forth.

Not surprisingly, the system has never performed as the planners would have liked; shortages of all kinds are endemic. These shortages have their greatest impact on the citizenry; traditionally resource priorities have been given to the military, then to other state agencies, with consumer needs far down the list.

Wages and prices are also determined by the state, a practice that creates still more problems. The price of any given commodity bears little or no relationship to either its supply or demand, and hence are known as "irrational prices." (The Ruble is an inconvertible currency because of this irrationality in pricing.)

On the positive side, from the Soviet perspective, prices are an effective mechanism for social control; when the State wants to reduce consumption of an item (such as alcohol) it makes it more expensive. Yet the state must make certain that all prices (especially food prices) do not rise too high, lest discontent result. At the same time, wages must rise consistently to improve the standard of living. Unfortunately, because there are shortages of consumer goods and services, workers have nothing on which to spend their money, and when savings accounts grow too large, pay bonuses for meeting quota and other incentives lose their motivational value. To combat this "repressed inflation" Soviet pricing agencies have tried to keep aggregate prices just below aggregate wages, but always rising along with them.

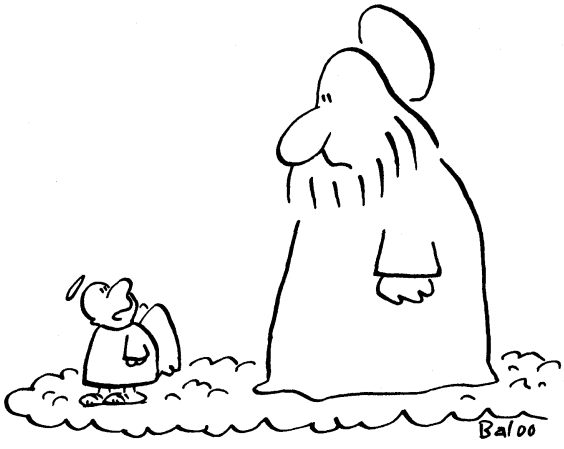

"But what if the manna destroys their incentive?"

Postwar "Reforms"

Since the Stalin era, several reforms have come and gone, but they have not made any significant, lasting contributions. In an attempt to redress imbalances, large-scale wage and price reforms have been undertaken every twenty years or so, but the process became so complex that it takes five years just to plan the reforms.

Khrushchev endeavored to improve the agricultural system but met with little success, despite high expectations in both the East and West. He tried to decentralize production and distribution, but the result was creating several plodding bureaucracies where before there had been one. The Brezhnev period saw some reforms reach the design stage, but few were carried out. Through the 1970s the flaws in central economic planning dragged Soviet production levels downward. Standards of living and life expectancies both fell.

The result of teleological economics has been a slow ride into the dustbin. Developing nations which have copied the Soviet developmental model, with emphasis on gigantic industrial projects (such as the Aswan Dam, or the Polish tractor experiment), have found their economies in a shambles, while other countries with far fewer natural resources (e.g. South Korea, Taiwan, Singapore) have flourished by following capitalistic policies. Soviet world prestige, which in the 1950s was based mainly on the promise of the Socialist economy, is today based solely on the power of Soviet military force. And within the Soviet Union the failure of the Stalin model has finally been admitted; the cosmetic reforms of the past have given way to radical restructuring.

Enter *Perestroika*, Exit Bureaucrats

Perestroika has several goals. One is to vitalize the Soviet economy, to make it strong enough to fulfill Soviet defense needs while supplying a decent standard of living to the citizenry. Another equally important goal is to create an independent, self-sustaining technological base. Most Soviet technological development has come not through domestic ingenuity but through trade and so-called "reverse engineering" from advances in the West (i.e., theft). The third goal of *perestroika* is to increase foreign trade and investment—a general Soviet aspiration, but one pressed with renewed vigor under Gorbachev. Clearly, these goals are interrelated: successes in pursuing one contribute to advances toward others.

The Soviets are pursuing these goals through reform in four areas. The first and most important is the planning process itself. Gorbachev would decentralize planning, placing it in the hands of enterprise managers instead of state bureaucrats. In place of the quota system, enterprises now operate under the "full economic accounting" system—in other words, profit or perish. For the first time, enterprises may go bankrupt, and in this way inefficient management will be weeded out.

At the June Party Conference Gorbachev stated that day-to-day monitoring should be transferred from Moscow to local soviets, allowing a significant reduction in the number of bureaucrats. This is hard talk, yet others would see more drastic change. Leonid Abalkin, director of the Institute of Economics at the USSR Academy of Sciences, said that simply removing bureaucrats is not enough:

> [T]here is something in the very system of management which we cannot get round without an explosion; a complete dismantling of the system.[1]

The Market for Prices

Another key area is price reform. At the Party Conference, Gorbachev hinted that the state should relinquish control of the pricing mechanism to the market. Pricing is currently performed by the State Committee for Prices. The SCP tries to respond to some consumer preferences, but even when it does take cognizance of demand it is slow and inefficient in reacting; by the time it manages to shift prices, consumer tastes may have already changed. In place of this, moderate reformers would allow some state enterprises to set their own prices, monitoring demand through periodic trade fairs. The suggestion shows a misunderstanding of market mechanisms, since consumer tastes can be easily gauged by taking stock, with or without fairs—yet the suggestion has merit in that it removes the state bureaucracy from the pricing process, making it more responsive, and thereby more efficient.

Economist Nikolai Shmelev, a supporter of *perestroika*, has argued that some price controls must be retained since the first reaction to the freeing of prices would be spiraling increases, especially in the agricultural sector. The Soviet state pays billions of rubles in subsidies to make certain that farmers can produce foodstuffs at the official price without starving. An end to pricing would mean an end to subsidies, followed by price hikes, and discontent. The same would be true in the clothing and housing industries.

The result of Soviet economics has been a slow ride into the dustbin. Developing nations which have copied the Soviet developmental model, with emphasis on gigantic industrial projects have found their economies in a shambles, while other countries with far fewer natural resources have flourished by following capitalistic policies.

The third sector undergoing change is the labor market. As noted above, enterprises are now shifting to full economic accounting, and because they must make a profit, they must also be able to "free" (that is, to fire) workers. However, this violates Article 40 of the Constitution of the USSR, guaranteeing the right to work, which the Soviets have long touted as a humane and progressive measure. Some retreat is evident: today Soviet economists talk of achieving "rational full employment," a code phrase indicating that a certain level of unemployment will be tolerated. (In actual fact, because of the process of "overmanning"—assigning more workers to a task than necessary—there has been a great deal of hidden unemployment in the Soviet economy for many years. *Perestroika* simply acknowledges reality.)

Labor reform means more than allowing management to fire incompetent workers; it means allowing management to pay higher wages to competent workers. This differs from the old system of bonuses for passing quota in that it will be an individual reward given to the worker, not to a team, and will come from company profits rather than the state treasury. Right away one recognizes that this might cause inequalities of wealth, something one does not normally associate with socialism. Yet, Gorbachev has written that "[o]n this point we want to be perfectly clear: socialism has nothing to do with equalizing."[2] This information may be news to the reader; it certainly raised my eyebrows.

To help place workers where they are needed, discussion is underway for easing internal travel restrictions. Currently, one needs a passport and permit to travel between Union Republics, and permanent relocation is very difficult. This makes political control easier, but cramps the flow of labor. Evidently the Party believes that the increased risk of instability is more than offset by potential gains in productivity.

Socialist Self-Interest

The fourth area of reform is more abstract. The Soviet economists call it "activating the human factor." Marx mockingly noted the charge of critics of Communism that "upon the abolition of private property all work will cease, and universal laziness will overtake us." Gorbachev, who has to deal with a real economy, has affirmed the importance of harnessing self-interest, stating that "combining personal interests with socialism has still remained the fundamental problem."[3] Furthermore, this reform appears to undermine the socialist nature of the Soviet system. One works for the mass under socialism, not for oneself; *perestroika* seems to encourage people to work for themselves, and to do so without fear of reprisal.

Perestroika has not been implemented consistently in the various sectors of the economy. The most important player in the Soviet strategy remains industry, and it is here that most of the in-

vestment is going. The logic is the same as before: industrialization is good both for its own sake and for the production of weapons for sale or use. Gorbachev, like Stalin, wants industry to expand, although this line of thinking has come under criticism. Economist Vasilii Selyunin has called for shifting investment to the consumer goods market, since growth for its own sake has no meaning. Clinging to the ideal of the heavy industry state is more an exercise in mathematics than economics, and it does not cater to the needs of the society. Selyunin's argument has been bolstered by the fact that, for all the attention paid to the industrial sector, production has lagged behind even the lethargic rates of the Brezhnev era.

Meanwhile, Back on the Farm

In agriculture, substantial private activity existed long before *perestroika*, amounting to 25–30% of total agricultural production and much greater percentages of select "luxury" food items, such as fresh fruit. The Party has tolerated private plots as a means to keep the peasants and the workers happy, but has never let private plot activity interfere with food production on collectives.

Even so, it is becoming increasingly clear that collective agriculture simply will not meet Soviet needs. Food is already rationed in some areas.[4] Yet, as Shmelev points out, radical changes in the availability or price of foodstuffs can have negative consequences.[5]

Instead of freeing the agricultural market completely, the Soviets have moved to extend private plot cultivation to a wider group of people. The new Land Code of July 1, 1988, makes allowances for city dwellers who own rural land to farm it. These so-called *dachniki* had met considerable opposition in the past, to the point of having their rural homes burned. Now they may farm up to 600 square meters (or a plot about 80 feet square, about 1/7 of an acre) for their own consumption, though any additional produce must be sold to state collectives or cooperatives. Private animal husbandry, previously denounced as "anti-state activity," will be encouraged. In addition to these concrete changes, Gorbachev has called for greater independence for collectives and individual farms, as well as leasing land to individual producers and upgrading agricultural technology.

If the reforms in agriculture seem drastic, they do not compare to the changes in the consumer goods and services sector. Here is the true radical den of *perestroika*, the area in which the greatest potential for growth can be found, as well as the widest discussion of economic freedom. In this sector the present leadership has taken a great leap backwards into NEP.

The first concrete steps were taken in February of 1987. A decree on cooperatives was issued, under which a cooperative could be formed to cater to any public market, provided the members of the cooperative (there must be at least two, since private ownership is not allowed) submit to close regulation by local soviets, and do not shirk their regular state duties. After the issuance of the decree, cooperatives quickly sprang up offering many sorely needed services—parcel delivery, carpentry, tailoring, even publishing. This reform has not met universal acclaim. A 1987 study by *Sovetskaya Rossiya* found that public opposition to cooperatives was centered in the 45–75 age cohort (i.e. those who came of age under Stalin), and in that group negative ratings were near 80%. Yet younger and older citizens approved of the cooperative movement and resented the restrictions being placed on them by local Party bosses.

By the strict letter of the law, it is much easier to start a small business in Moscow than it is in New York City.

The intellectual elite (at least some of those in the Gorbachev wing) favor even greater liberalization. Sociologist Gennadii Butygin made the following startling observation:

> Why, if somebody wants to sell and somebody else wants to buy, must we erect a fence between them? I consider that no state body has the right to sanction what is already sanctioned by the Constitution and the law.[6]

In response to the successes of the first experiments with cooperatives, a New Law on Cooperatives was drawn and went into effect July 1, 1988. The provisions of this incredible law are worth examining in some detail. It provides for two types of cooperatives, producer (goods) and consumer (services), which may set their own prices, deal freely and compete with each other, and, most importantly, keep their profits. Article 8, part one, gives the ideological stamp of approval to this activity: "Cooperative ownership as a form of socialist ownership is inviolable and is protected by the state. It enjoys legal ownership on par with state ownership."[7]

The law continues in this vein. Article 10, part 2, states that if the cooperative incurs losses by complying with a state directive that violates the cooperative's rights, it shall be reimbursed by the agency which caused the violation. Article 11, part 1 states "[t]he creation of a cooperative is not contingent on any special permission from soviet, economic or other organs." Cooperatives must pay taxes, but no more than regular income taxes (around 8%, flat rate). Although they must submit a plan of operations to local authorities, those authorities have no power to interfere with its activities. By the strict letter of the law, it is much easier to start a small business in Moscow than it is in New York City.

This is not the most radical proposal. Some critics of the performance of the consumer sector have advocated selling gold abroad to increase imports, cutting defense spending and setting up a stock market.

An Open Society?

Many in the West are impressed with the Soviet reform effort and the attendant openness campaign. Soviet scholar Stephen Cohen has pointed out that today people are allowed, even encouraged, to say and do things that would have put them in prison five years ago. This is true; yet the same was true in the early Khrushchev period, when denouncing Stalin was also fashionable, and in the early Brezhnev period, when Khrushchev was the whipping boy. One should never forget that *perestroika* is the party line, and there is no guarantee that this line will not change when it becomes politically expedient.

Perestroika does not represent the formation of a capitalist economy in the Soviet Union. It is, rather, the grafting of certain capitalistic forms to the socialist economy in an attempt to place it on its feet. The Party is not now suddenly discovering economic truths; the idea that the West has "educated" the Soviets is

ludicrous. The Party has always known that private initiative supplies the dynamism in an economy. It also knows that private initiative, left unchecked, can spark the creation of competing power centers, and this is the one thing the Party has never and will never tolerate. Power is what makes the system run and is the only thing worth having in the Soviet system, at least for the career-minded Party member.

All Power to the *Perestroika* Pushers

Gorbachev is a power-seeker, and the political side of *perestroika* reflects this. Gorbachev wants to create a new office of President with sweeping foreign and domestic policy powers. This is a way for Gorbachev to get out from under the thumb of the Politburo and exert personal, not collective, leadership. At the same time, he retains the post of General-Secretary of the Communist Party, enabling him to make sure the ideological direction of the country suits his ends. He wants to strengthen Party control over state organs at local levels by doing away with state personnel and fusing the local soviets with state organs. I don't want to dwell overmuch on the political aspects of *perestroika*, but suffice it to say that at the same time the economy is being decentralized, political controls are being centralized, and Gorbachev, if successful, will assume more personal power than his current favorite target, Stalin. Economic *perestroika* helps him in this end by dislodging the economic bureaucracy which saps the strength of the Soviet state and hampers Gorbachev's ultimate designs. Once these goals are achieved, *perestroika* may be as temporary as NEP was.

We have an indication of this from Gorbachev himself. In his book *Perestroika*, the General-Secretary draws a historical parallel between the current policies and those followed by Lenin in the closing days of World War I:

> The terms of peace that Germany peremptorily laid down for us were, as Lenin put it, "disgraceful, dirty.". . . Yet Lenin insisted on a peace treaty. Even some members of the Central Committee objected, saying that the workers, too, were demanding that the German invaders be rebuffed. Lenin, however, kept calling for peace because he was guided by vital, not immediate, interests, the interests of the working class as a whole, of the Revolution and the future of socialism. To safeguard them, *the country needed a respite before going ahead.* Few realized that at the time. Only later was it easy to say confidently and unambiguously that Lenin was right. And right he was, because he was looking far ahead; he did not put what was transitory above what was essential. The Revolution was saved. *It is the same with perestroika* [emphases added].[8]

By comparing *perestroika* to the hated Treaty of Brest-Litovsk, which gave over half of European Russia to the Central Powers, and was speedily repudiated two days after the Armistice, Gorbachev gives the world a signal about restructuring. Not only will it be transient, but while it is in place it should be seen as a necessary evil at best.

Today people are allowed, even encouraged, to say and do things that would have put them in prison five years ago. But this was also the case in the early Khrushchev period, when denouncing Stalin was also fashionable, and in the early Brezhnev period, when Khrushchev was the whipping boy.

The Ties That Beguile

At the same time, the Soviets are trying to increase ties to the West through trade. At first glance, this seems to bode tightening bonds with the West, a closer relationship and lasting peace built on free trade. That's wonderful Nineteenth Century rhetoric, but I caution against getting one's hopes up. The same thing took place in the early phases of NEP, when the Soviet Union concluded major trade agreements with Britain and Turkey. Contact with these nations did nothing to ameliorate subsequent Soviet behavior.

The Soviet situation is better understood in the long-term. Current conditions fit a historical pattern. The Soviet state has followed a set dynamic: expand, consolidate, expand again, consolidate again, and so forth. Expansion takes place when the main adversary (currently the United States) is weak and the correlation of forces—a term in no way meant to imply the balance of military power, but the overall geopolitical situation taking into account all factors, economic, political and military—favors the socialist world. When the adversary reacts, or when the Soviet Union is exhausted (or both), peace feelers go out and consolidation begins. The Soviet Union recovers and at the same time attempts to weaken the resolve of the adversary by touting themes like "peaceful coexistence" and "detente." This phase is the "respite before going ahead" of which Gorbachev speaks. It is not peace, as they define it, but the continuation of the class struggle by other means. Peace can *only* come about when all non-socialist states have been subverted or conquered; and that remains the ultimate, long-term aim of Soviet foreign policy.

The Soviets recently ended an expansionist phase, which began with the end of detente and ended sometime during the Reagan Presidency. They made some quick victories in the late 1970s and early 1980s. Faced with a new resolve by its adversary and a collapsing economy at home, the Soviets realized that it was time for rest and reorganization. When the system has geared up, the economy is in good shape and the adversary has weakened or turned its attention elsewhere, the expansionist phase will be renewed.

The Prospects for Genuine Reform

In the meantime, what will be the effects of *perestroika* on the Soviet citizen? The reforms will almost certainly build a consumer sector of a much higher standard than the current decrepit system has produced. Prices will fluctuate, supply and demand will work their wonders, businesses will compete and quality will improve. Worker productivity, tied to self-gain, will rise. Service cooperatives will spring up bringing buyers things undreamt of by the planners and Party technocrats. Most importantly, with the new freedom to profit from inventiveness, suppliers will begin to innovate and bring to consumers things the consumers could not know they wanted because they did not exist beforehand. (The developing computer software industry is one example.) In short, all the glories of free interaction in the marketplace will manifest them-

selves, as they always will when people are allowed to do as they please.

And this is why *perestroika* cannot last. Even assuming that Gorbachev is sincere and truly wants a certain amount of freedom for its own sake, the spirit of this freedom is inimical to the controls of the total state (which the Soviet Union remains to this day). As people exercise their rights, rights now granted by the state but previously suppressed by it, they will sense what it means to be free, and they will want more freedom. As they begin to fulfill their needs through their own actions without state involvement, they will begin to question whether a powerful central state is needed at all. The state, and especially the Party, will come to be seen as a vestigial organ on a healthy body politic. Power centers will develop as wealth increases; the first tentative steps towards organizing political opposition will be taken, both covertly and overtly; and sometime before there is an actual capitalist revolution in the Soviet Union, the Party will come down on the society, take away its freedoms, and again establish order.

Some Party bureaucrats already oppose *perestroika*, seeing it as a threat to their privileged positions. This "bureaucratic inertia" has been much talked of in the West, but public opposition, a more proximate threat, has been largely overlooked. This opposition derives from the radical nature of the reforms and the speed with which they are being introduced. The pillars of the Soviet political culture are order and security. A citizen always has a job, even if one doesn't much like it. One has a wage, which is at least adequate. One has food, even if it is of poor quality. One has a home, even if it is dilapidated. One has shoes, even if they aren't stylish. In the face of *perestroika*, this security is placed in doubt. The Soviet cage may not be gilded, but the Party provides, and, believe it or not, some people prefer it that way. While the Party denounces Stalin and his system, many citizens, young and old, admire Stalin as the man who made the USSR a world power. If enough workers are freed, if prices rise, and if shortages do not end, the citizenry may turn on *perestroika*, giving support to those elements in the Party which would see the "irreversible" experiment end.

Is *perestroika* unprecedented? No. It has not gone as far as NEP. Private ownership is not discussed. There are no plans to go to a hard currency. Agriculture is still mostly in state hands. Most importantly, the apparatus for Party-political control is still in place. If the radicals have their way this will change, and given the volatile history of the Soviet Union I would not discount that possibility totally. However, freedom as we understand it is impossible so long as the Party retains power. Beyond this I will not make any predictions, though I will conclude with a cautionary note.

In declaring the Soviet leader its "Man of the Year," *Time* magazine described his reform efforts: "his methods were tough, but they paid off."

The year was 1943, and the man, Joseph Stalin. ❑

Notes

1. In *Argumenty i fakty*, June 1987.
2. Mikhail Gorbachev, *Perestroika* (New York: Harper and Row Publishers, 1987), p. 100.
3. Ibid., p. 96. This development is of special interest to free market economists, since they believe that it is pursuit of self interest that makes the market economy work so well.
4. Today's sugar rationing is linked not to lagging sugar production so much as to an attempt to squelch "moonshine" production, itself a reaction to government restrictions on alcohol, which were part of a campaign to raise labor output through fighting inebriation.
5. The Soviets and their clients are well aware that most uprisings in history were precipitated by food shortages. For this reason, cities, the centers of power, are never without food. This lesson is not lost on other autocratic regimes: Two years ago, when Ethiopa was undergoing famine, it was the farmers who actually starved, not the city dwellers.
6. From a broadcast on Soviet Central Television, July 29-30, 1987.
7. The text of this law was published in *Pravda*, June 8, 1988. Note the concept of "socialist ownership" as separate from state ownership. This distinction is part of a new doctrine referred to as "People's Socialism," with traditional state ownership called "State Socialism." The term People's Socialism can be seen as an analog to the oxymoronic term State Capitalism. In a capitalist society, those who advocate state ownership often prefer to avoid calling their program "socialism," so they claim it is a new form of capitalism with the state owning business; i.e. "state capitalism."
8. Gorbachev, op. cit., pp. 52–3.

Letters, continued from page 4

citations, referring to 41 books. I submit that 83 of 129, or 64%, is more than a few; and I submit that if 41 books are "a handful," then Holmes has big hands. (Perhaps he should give up journalism and pursue a career in professional basketball.) The correlation between reality and Holmes' description in this example is characteristic of his entire review. Fits of violent outrage, evidently, are not conducive to accuracy.

Liberty's readers must have wondered what triggered the hostility. The answer, in all likelihood, is that Holmes didn't like the message of the book. You see, *The Dogs of Capitalism*, contrary to Holmes' review, is not a book about dogs. It is, in reality, a book about the formation of human character—a book that used the history of fighting dogs to explore the nature of good and evil. Profound moral questions arise when dealing with matters such as bear baiting, bull baiting, dog fighting, etc. The motivations of the men who engaged in such activities, and of the men who crusaded against them, are an ideal vehicle for the reasoned investigation of moral questions.

Mitchell Jones
Austin, Tex.

Felines & Heroism

Readers who follow Erika Holzer's booknote recommendation of *Solo's Journey* (Sept., 1988) are in for a big surprise.

The hero of the novel does display "courage and insight" as Mrs Holzer says. But I can hardly see how his struggle was for "freedom." Solo struggles to become the ruler of his group of cats and along the way becomes its religious leader as well. He embodies the characteristics of what Ayn Rand calls "Attila and the Witch Doctor" as archetypes of mysticism and political force. In fact, by the novel's end he becomes the embodiment of a combined church and state. Not only does he engage in the initiation of force, but he also has a variety of mystical experiences.

I thought that *Liberty* advocated rationality and freedom. Why you would publish such a vile review is beyond me.

Ronald Robinson
San Francisco, Calif.

Reviews

The Evolution of Cooperation, by Robert Axelrod, Basic Books, 1988
Envy: A Theory of Social Behavior, by Helmut Shoeck, Liberty Press, 1987
Resentment Against Achievement: Understanding the Assault Upon Ability, by Robert Sheaffer, Prometheus, 1988

Envy vs. *Cooperation*

John Dentinger

The lessons to be learned from the best books on social theory are not limited to questions of political philosophy and ideology. Some books offer valuable insights to libertarians in advancing not only our ideas, but our careers and personal lives as well.

In *The Evolution of Cooperation,* Robert Axelrod explains, from the perspective of game theory, how cooperation can evolve in a world of self-interested actors in the absence of central authority. He does this by analyzing mathematically[1] a game that occurs quite frequently in real life: the Prisoner's Dilemma.

The name is taken from the most famous formulation of the game. The authorities have nabbed Abel and Baker, collaborators in a crime. The prosecutors have enough evidence to nail either prisoner on a minor charge, yielding a one-year prison sentence. The prosecutor offers each of them the same deal: if you hand us the extra evidence we need and your accomplice doesn't, we'll let you go free and we'll get him a five-year sentence. But if both offer the evidence, the prosecutors will get a three-year sentence for each. Abel and Baker are not allowed to communicate, and face the following dilemma: whatever the other prisoner/player does, he is better off if he defects. If Baker "cooperates" (with Abel) by remaining silent, Abel will get one year if he remains silent, and will go free if he talks. If Baker defects by talking, then Abel will get three years if he talks, and five years if he doesn't. So each player has an incentive to defect—but if they do, they both wind up worse off than if they had cooperated.

In contrast with zero-sum games like chess and poker, in which one player must lose for another to win, a Prisoner's Dilemma can result in a win or a loss for both (or all) players. A classic example is the choice between trade and theft.[2]

Let's imagine that Tom has two tomatoes and Letitia has two heads of lettuce. The law of diminishing marginal utility tells us that the second lettuce is of less utility than the first. Thus the advantage to each of cooperating—swapping one tomato for one head of lettuce—is clear, but there is even greater advantage to each of defecting—promising the exchange and then making off with the other's item without paying for it. But if they both attempt to defect, there is no exchange and they are worse off than if they had cooperated. There is the dilemma: each would be better off if both cooperated, but each has an incentive to do something which, if done by both, results in them both being worse off.

This is one example of many. Any of the classic public goods problems constitutes a (many-player) Prisoner's Dilemma. We are all better off for the existence of national defense (like David Friedman, I define national defense as defense *against* nations, which do exist and sometimes have to be defended against); but each individual would be better off still if everyone else paid for the defense but he alone shirked.[3]

If you don't like that example, here is one which should be dear to all our hearts: everyone is better off if everyone works to create a culture of liberty (by activities ranging from self-education to defying the agents of George III or latter-day equivalents). However, everyone also has an incentive to free-ride: to use the liberty offered by hardworking libertarians and not pay for it. Thus liberty is a public good, also. (It follows, ironically, that if public goods considerations always justify taxation, then the optimal amount of taxation would be the minimum necessary to fund libertarian activism to fight the inevitable attempts to increase taxation.)

Hobbes and others argued that to transcend the Prisoner's Dilemma, a central authority had to be brought in to threaten to bash whoever attempted to defect, thus changing the payoffs of the game. But Axelrod shows that this is not always needed. In real life, there is always the possibility that Letitia and Tom will encounter each other again, and either may retaliate for the dishonesty of the other. If there is a sufficiently high probability that they will meet (an uncertain number of times) again, and if each cares sufficiently what happens in the future, then each may have an incentive to cooperate in the current game. Then the situation is one of an iterated Prisoner's Dilemma.

What is the best strategy in this case? If the time discount factor (which reflects the importance of future events to the players) is sufficiently high, then there is no one best strategy independent of the strategy used by the other player. However, the strategy that tends to be most productive is one called *tit-for-tat,* which consists of cooperating on the first move, and then doing whatever the other

player did on the previous move.

Axelrod gives properties possessed by all of the most successful strategies in a computer tournament of the iterated Prisoner's Dilemma. These include:

1. Don't be envious. (More on this below.)

2. Don't be the first to defect. (This quality defines a "nice" strategy. All the most successful strategies were nice ones.)

3. Reciprocate both cooperation and defection. Interestingly, the optimal timing and amount of reciprocation turned out to be: immediately and proportionally (the proportionality factor depending on the strategies used by other players). This is exactly what *tit-for-tat* does. That is to say, no defection goes unpunished. This is not a permissive modern liberalism here. On the other hand, the strategy forgives as soon as cooperation is reestablished. So this is not a punitive conservative strategy, either. Let's give some real life examples to clarify this.

A promising new employee makes a single costly goof. You, the employer, may (a) ignore the goof, beginning a strategy which eventually turns your employee into a brainless postal worker; or, (b) you may fire the employee, thus incurring retraining costs—again and again and again. Most likely, you will (c) reprimand the employee, with a hint that his future salary will be proportional to his output, and that if he screws up too often or too badly, he'll get the boot. That is to say, you will punish, but forgive. And no central authority is necessary to force this strategy on you.

Now for a harder case. Let us say that through some libertarian coup, victimless crime laws are abolished, and we libertarians get to decide what to do with former vice and narcotics agents. A natural tendency is to say that, in fact, these people are all criminals, and should be punished. At the very least, they should be tossed into a (profit-making) prison and forced to make restitution to their victims. Right?

Perhaps not. For is this not rather like Churchill's World War II demand for Germany's unconditional surrender—and likely to engender similar resistance? It might be more productive in two ways to forgive the statists their trespasses. First, most of them have skills which have some utility in the real marketplace; and suitably encouraged, most would use these skills and develop more of them. Second, this stated strategy makes our philosophy more marketable. It makes us appear magnanimous; the alternative is to be condemned like the French Revolution, which did not stop at mere victory but went on to bloodletting—and did not lead to as free a society as the American Revolution, which did stop with victory.[4]

Axelrod uses the analysis not only to show what is the best strategy for an individual in certain iterated Prisoner's Dilemmas, but goes on to suggest ways to change the dilemmas that face people so as to give them more incentive to cooperate. One way is to increase the frequency of their interactions. An example would be a book publisher making several payments to a writer as his work proceeds, rather than giving him all the money in advance; it breaks one deal into several, each of a shorter time span; it intertwines action and consequence more tightly.

Everyone is better off if everyone works to create a culture of liberty. However, everyone also has an incentive to free-ride: to use the liberty offered by hardworking libertarians and not pay for it. Thus liberty is a public good.

Another social strategy Axelrod suggests is to teach people to care about each other—to teach altruism. It's a mark of the progress of the libertarian movement that one can say the a-word without being anathemized. Eschewing Rand's persuasive definition of the word, libertarian activists are behaving altruistically by helping to create the public good of liberty. Society is as tolerable as it is partly because of this altruism. We've all benefited from it. In its total absence, people would not even be polite to strangers.

A further social strategy is to change the payoffs, such as by bringing in a central authority. One example (mine, not Axelrod's) explains why disability insurance companies have been more dishonest than life insurance firms, and what has been done about it. Beneficiaries of life insurance policies are generally in a good position to sue if they get stiffed. So this tends not to happen. The disabled, however, have lost their incomes and may have mortgage payments to make. If their disability insurers stall, they become desperate and may settle for ten cents on the dollar. They need the money quickly and cannot wait around to sue. One way in which a central authority can change the payoffs of this game is for courts to allow punitive damage awards for bad faith denial of insurance claims; this has proven a very effective deterrent to this kind of behavior.

Axelrod's example of changing the payoffs is this: "No one wants to pay taxes because the benefits are so diffuse and the costs are so direct. But everyone may be better off if each person has to pay so that each can share the benefits of schools, roads, and other collective goods . . . What governments do is to change the effective payoffs. . . . This prospect [of being sent to jail] makes the choice of defection less attractive." Indeed.

Another strategy that Axelrod should consider in this connection is that of internalizing externalities—that is, of holding people responsible for the bad effects of their actions and inactions (i.e., making people liable for polluting, littering, etc.). Many of the problems usually associated with public goods are actually public policy attempts to deal with *private* "bads." And libertarians tend to view most public goods problems in precisely this way: by reducing them to problems of private "bads."

Still, while most libertarians would disagree with Axelrod on just which goods are public, all but the most dogmatic would allow that there remains a residual and unfortunate core of public goods. Perhaps as society (slowly) evolves, a better balance will be struck between selfishness and public-spiritedness, so that more and more public goods will be produced without coercion, even as politeness, liberty, etc., are produced in generally greater quantities as time goes on. Meanwhile libertarians are left with the question of underproducing public goods, while Axelrod is faced with the problems laid out in public choice theory: the overproduction of supposed public goods. The problem is that, in attempting to transcend the Prisoner's Dilemma, the state takes us prisoner. And who will take *it* prisoner to prevent its exceeding its proper bounds? Axelrod, unfortunately, does not offer any suggestions.

The most important strategy Axelrod

proposes is reciprocity (i.e., the *tit-for-tat* strategy). Whether people understand the theory behind it or not, it works. As he points out, cooperation will evolve under suitable circumstances even without verbal communication between the parties (as in informal cease-fires in World War I trench warfare), and even without intelligence (e.g., when two life forms take on a symbiotic relationship). However, cooperation evolves much more quickly and more elaborately among beings that think than among beings (like microbes) that do not. Thinking beings can be persuaded to follow a given strategy so the spread of cooperation can be rapid. For unthinking beings, progress is the result of the deaths of those who do not follow the strategy.

The notion of the noble poor is a romantic myth. Dishonesty, laziness, drunkenness, and gratuitous violence are taken for granted in proletarian neighborhoods. And poverty does not cause these things: rather, they cause poverty.

Evil Eyes and Evil Nays

Axelrod had pairs of his students play the Prisoner's Dilemma game for several dozen moves, telling them that the object was "to score well for themselves, as if they were getting a dollar a point. I also tell them that it should not matter to them whether they score a little better or a little worse than the other player, so long as they can collect as many 'dollars' for themselves as possible.

"These instructions simply do not work. The students look for a standard of comparison to see if they are doing well or poorly. The standard, which is readily available to them, is the comparison of their score with the score of the other player. Sooner or later, one student defects to get ahead. . . . Then the other usually defects so as not to get behind. . . . This standard leads to envy. And envy leads to attempts to rectify any advantage the other player has attained . . . by defection [which] leads to more defection and to mutual punishment. So envy is self-destructive. . . . A better standard of comparison is how well you are doing relative to how well someone else could be doing in your shoes." Life is not a zero sum game; the other player's loss is not necessarily your gain.

Yet it's obvious that most people don't think in those terms. Helmut Schoeck's classic *Envy* devotes over 400 pages to this pervasive phenomenon. He discusses its psychology, its consequences in various cultures, even the taboo against mentioning it (literary scholars have avoided mentioning the e-word while discussing entire novels whose theme is envy).

Envy is a powerful force, capable of destroying societies or preventing them from developing anything that could be destroyed. In one chapter Schoeck discusses "The Envy-barrier of the Developing Countries." (It's ironic that he uses that euphemism for those squalid regimes, for it is the envy-barrier that sees to it that they are non-developing countries.) In poor societies, the egalitarian ideal of near-uniformity in economic status is already realized, and envy is acutely focused on the tiny differences that there are. To appease envy, the more capable give away their goods instead of investing, and they choose to produce less. Thus the culture of poverty perpetuates itself.

He discusses the "evil eye," the envy of the gods or spirits which leads to a general propitiation of envy, an avoidance of displays of wealth or even health. In discussing proscriptions of luxury, he remarks, "it may be seen to what extent sumptuary legislation is at bottom a substitute for the magical propitiation of nature and spirits among primitives. I suspect that those of us who scorn the affluent society are partly governed by these same archaic emotional complexes."

Robert Sheaffer, in *Resentment Against Achievement*, analyzes some of the same territory that Schoeck does, but using the game-theoretical perspective of Axelrod, whom he cites. After a discussion of the *tit-for-tat* strategy, he concludes that

> the emergence of a group pursuing self-advancement through honest behavior on top of every developed society is not due to "exploitation of the masses" or to some bizarre coincidence; it is a predictable consequence of mathematical laws. Similarly, the proletarian's economic failure is not due to a sinister conspiracy or to prejudice against him, but is an inevitable consequence of his fondness for mendacity; he is playing by a script that is a certain loser. Surprisingly, Axelrod found that a group practicing defection (i.e., mendacity) can in some circumstances be successfully "invaded" and bested by a cluster of people as small as 5 percent of the total [illegible] ing *tit-for-tat*, which at first trades primarily among itself [as a family or clan might do], then gradually expands outward. This suggests that aristocracies, at least in relatively developed commercial societies, may not have achieved their position through conquest in war, as is generally supposed; they may have gained their advantageous position by starting out as that original small minority that was truthful enough to practice a winning strategy.

The notion of the noble poor is a romantic myth. Dishonesty, laziness, drunkenness, and gratuitous violence are taken for granted in proletarian neighborhoods. And poverty does not cause these things: rather, they cause poverty. Likewise, upper class people are not honest because they can afford to be, but rather they are (or remain) upper class as a consequence of civilized virtues (successful strategies) such as honesty (and even, I should add, Boy Scout virtues such as punctuality and hygiene, on which more below).

Why has an unproductive strategy like resentment made so much headway in the modern West? Sheaffer suggests one reason: because the different classes judge each other by their own standards. The lower class can only imagine the acquisition of money by dishonest means, so they assume the upper classes are all crooks. Conversely, the achievement-oriented are used to hearing complaints only when they are legitimate, and thus generously but mistakenly impute legitimacy to proletarian complaints of injustice.

In reality, "there is no 'establishment' keeping the poor 'in their place'; the poor do that to each other most effectively through the rigid enforcement of achievement-hating, lower-class values." In particular, he discusses the taunting and violence against successful students, and the social sanctions against being anything but "cool" — i.e., displaying a highly-polished resentment to all the sources and consequences of achievement.

Oddly, Sheaffer never cites Schoeck, whose book is filled with insights from a variety of fields (psychology, anthropology, etc.) which throw light on the phenomenon of envy. Sheaffer's book has the

reverse ratio of analysis to scholarship; he relies mainly on well-known facts, but puts them in a new light. After discussing the liquidation of persons of ability in Cambodia by the dictator Pol Pot, he notes, "Cambodia was attacked and easily overrun by its Communist neighbor Vietnam, whose own assault upon its citizens of ability was less ferocious. (Those who say that war is caused by capitalist greed have never explained the 1979 war between Communist Cambodia and Communist Vietnam.)"

Sheaffer's view of Christianity is less sanguine than Schoeck's. Schoeck sees the development of Christianity as a step away from the ancient fear of divine and earthly envy. "Again and again [in the New Testament] we find parables the tenor of which is quite clearly the immorality, the sin of envy." He does concede, citing another author, that "The envious have succeeded in usurping the New Testament message [which] came to mean a mission to establish an egalitarian society, to achieve a levelling out, a state of uniformity here and now, in this world."

Sheaffer, however, sees the rise of Christianity as resentment triumphant. "Nietzsche describes the ancient 'aristocratic equation' of morality, the concept prevailing through the pagan period of classical antiquity, as 'good = aristocratic = beautiful = happy = loved by the gods.' He contrasts this with the moral equation established by Christianity, which prevails even today: 'The wretched alone are the good; the poor, the weak, the lowly, are alone among the good.' . . . It is probably not a coincidence that learning and civilization collapsed not long after this view became widespread." Elsewhere he remarks, "We are accustomed to seeing the magnificent statues of antiquity in fragments, with arms and legs missing, heads gone, etc. I had always assumed without thinking that these were the ravages of time, earthquakes, etc., until a friend pointed out that the destruction of most of these magnificent works of art was probably quite deliberate, as angry Christian mobs savaged temples and even private homes, destroying anything that was suggestive of 'worldly' culture. Gibbon chronicles some of this destruction. . . . Here we see the consequences of proletarian resentment against the achievements of the ancient world."

He sees Marxism as a secular equivalent of this, and draws a brilliant parallel between the present Soviet regime and the medieval Catholic Church, leading to a suggestion of (very) long-run optimism: "Over time . . . socialism will become as eroded from its initial ferocity as today's tepid Christianity is from the fanaticism of Tertullian and Torquemada. This same erosion—due to the conflict between dogma and reality—is visible in the Soviet Union, China, and other Marxist countries even today. Unfortunately, it operates extremely slowly."[5]

Sheaffer's chapter on politics draws a picture of the standard left-right model of the political spectrum and says, "Clearly, this model is worthless." As an example, "Those on the right today . . . typically are not consistent in demanding anything at all. They say they want to see the generation of wealth through free-market principles, but at the same time they promote a religion which would condemn to everlasting torment anyone who actually did so."

Perhaps as society (slowly) evolves, a better balance will be struck between selfishness and public-spiritedness, so that more and more public goods will be produced without coercion, even as politeness, liberty, etc., are produced in generally greater quantities as time goes on.

He then presents "an obviously more sophisticated two-dimensional model," which is more familiar to libertarians as the Nolan chart, categorizing groups as being for or against economic and civil liberties. Even in this model he finds shortcomings: "For example, many Christian fundamentalists, who clearly cannot be lumped with Marxists or even with conservatives because of their populist, anti-intellectual, anti-business orientation, oppose both personal and economic freedom."

Sheaffer's approach is somewhat broader, incorporating analysis of motivations and attitudes into the libertarian model of freedom and coercion. For instance:

> What is *taxation*? Some people say 'taxation is theft.' Others say taxes are the dues we must pay under 'the social contract.' However, I suggest that, to a first approximation, taxation can be regarded as the financial cost of resentment to achievement. . . . Apart from a certain number of useful services, most of our tax dollars go either to subsidizing resentment, or else to defending against it. The dollars that go into income redistribution programs subsidize nonviolent domestic resentment . . . a bribe intended to keep them placated. Foreign aid is a similar bribe . . . Law enforcement programs and prisons are the price we pay to keep violent domestic resentment in check and our defense establishment exists almost solely to defend our achievement-oriented society against the 'international class struggle' ceaselessly being waged by a profoundly resentful proletarian state.

Unfortunately, the cost doesn't end there. One of the ugly costs of envy and resentment, deserving of an essay in itself, is the existence of long lines for goods and services. The ubiquity of lengthy queues in socialist countries has long been remarked. In our "free" society, many such lines are to be found in socialized operations such as the post office and assorted departments of motor vehicles, staffed almost entirely by those resentful of those who pay their salaries. And rush-hour jams on freeways cannot be ended until we have peak-hour pricing of freeway access; but this rational policy is prevented by fear of arousing the resentment and envy of those whose access at those hours is not economically justified. Likewise, the motivation of so-called anti-scalping laws is nothing but envy. When large numbers of people wait in line but are turned away for lack of tickets to a rock concert, could it be that there weren't enough "scalpers" to balance supply with actual demand, that is, to make up for the fact that the promoters weren't charging enough money? Of course. But no one can say so, because the replacement of queues with higher prices would be an unpleasant reminder to the envious that some people's time is worth more than others'. Most of the time wasted standing in lines is sacrificed on the altar of resentment.

Lessons for Libertarians

All three of these books are valuable, but those with time to read only one

should read Sheaffer's. There is a risk of merely integrating Axelrod's or Schoeck's books into one's parlor chit-chat, without ever seeing oneself in the role of the envious party. But Shaeffer is far more graphic: when one observes in oneself some of the evidence of resentment that Sheaffer discusses, the shock to one's self-concept is alarming enough to effect a change of behavior.

That there is a need for such behavior modification among some members of the libertarian movement may be inferred from the criticism in these pages and elsewhere of *"Luftmenshen"* (i.e., people who have no visible means of support, who seem to "gain their sustenance from the air"[6]). Many *luftmenshen* are quite intelligent; part of the problem may be a schooling system that does not require discipline of intelligent youth; the result is that the more intelligent graduates are more likely to be handicapped by lack of self-discipline—a Procrustean result worthy of Kurt Vonnegut's dystopian story "Harrison Bergeron."[7]

Many *luftmenshen* are similar to what Sheaffer calls urban bohemians, who are "typically found only in major cities . . . tend to be college educated, highly cultivated in their tastes, but not affluent (often downright poor). . . . They live in rented apartments and seldom, if ever, put down deep roots. . . . urban bohemians are nearly always well educated although typically in subjects that seldom offer the prospect for affluence—literature, sociology, and so on. Unfortunately for them, they are sharing a city with some extremely motivated and productive people . . . who bid up the price of all commodities, especially housing." Libertarians of this type do not join their fellow urban bohemians in clamoring for rent control; they just live in anarcho-slum areas, or remain living with their parents into their 30s or 40s. Some highly intelligent people wind up with no jobs or jobs far below (what were once) their capabilities; often they take jobs like proofreading, typesetting, or word processing. If they are doing these things in order to have time for scholarly or other public-spirited activities, more power to them. Even if the spare time is frittered away on riotous living, we are not entitled to nag them—but we are entitled not to listen to their complaints of poverty.

Not to hold myself above my own criticism, my own efficiency has been hampered by a reluctance to finish certain tedious tasks, such as filing clippings and tear sheets. That is, I fail to *defer gratification* long enough to be more organized, and in the long run, more efficient. Phrasing it in those terms makes it embarrassingly clear that this essentially lower-class habit has inhibited my progress.

> *We are being tolerant when we say that the zany, unkempt, and unintelligible should not be institutionalized; we are being fools when we recruit these people as spokesmen for libertarianism and candidates for public office.*

Another unproductive habit I had fallen into was listening to the whining complaints of people who are even less productive than I. It was incredibly wasteful to allow my time to be taken up by people who were not about to take seriously any advice I offered. I have attacked this problem by writing out and adhering to a budget for my time, allotting for this activity only enough time to get the complainers off the phone. After all, are not these time-wasting complaints really the product of an unfocused resentment which no libertarian would dare express directly—and don't the complainers, by wasting time and mental energy, help drag the listener down to the level of themselves, thus providing misery with company? The point of this modest example is merely that the problem is not always a stark one of success and failure; most often it is a matter of degree, of success in place of possible greater success.

But the problem is placed in sharpest relief when it is more exaggerated than most of us experience, and for that reason it is worth examining some extreme cases which are in fact mercifully rare. In these extreme cases, no complex or elaborate analysis is required to see what's wrong; Dear Abby could diagnose (if not cure) these people in twenty seconds. But framing the analysis in the above terms might be more effective in changing the behavior of libertarians. So let us consider the cases of four intelligent, mostly articulate, libertarians.

A is college educated, but lazy. She has had a paid job for 3 days of the four decades of her life. She never even bothered to take care of the formalities she needed to get her college degree, although she did all the necessary course work. She was once a very promising songwriter. But at some point in her 20s, she stopped even giving this as an answer when asked "what she does." Now this question is met only with sullen resentment. Though she has all the time in the world for reading, she gets all her information from the funhouse mirror of television. She is still living in her parents' home, where she is sinking to their level of ignorance and racism. (Sheaffer comments that seldom do persons of achievement succumb to racism; rather, "People who harbor powerful racial prejudices . . . have to keep reminding themselves that they are indeed 'better' than some other group, because there is good reason to suspect otherwise.")

If A is a study in stasis, then B is a study in dynamic stagnation. He is at times full of energy, and pours out reams of fiction and essays, with sparks of brilliance buried in tons of meandering digressions. At the same time he has held down a succession of word processing jobs which were fairly lucrative for that field. That his abilities were impressive was proven by employers' long tolerance of this prima donna. His temper tantrums and witty, vicious memos were legend. He lost the most lucrative of these jobs by having one temper tantrum too many. He appears to measure his worth in part by seeing how much shit people are willing to tolerate to have him around. B complains interminably of his (mainly self-induced) problems, but becomes irate on hearing any suggestion that might actually help.

C's problem is modest next to these. He is a mathematical genius, and fairly successful financially; unlike A and B, he

Errata

On page 65 of the September *Liberty*, we failed to properly indent the last full paragraph in the first column, which was a direct quote from Loren Lomasky's *Persons, Rights, and the Moral Community*, and not part of Douglas Rasmussen's comments on that book. Our apologies to all concerned.

has been a generous donor to libertarian causes. The problem? In his almost unworldly dedication to his work, he neglects such elementary virtues as personal hygiene. I have been in the position of having to assure a prospective employer of C's that with only a small amount of nagging, C can be persuaded to take a bath. This may seem obvious, even silly, but it points out that the lack of any Boy Scout virtue—politeness, cleanliness, etc.—can sabotage the success of considerable talent. C's problem does not stem from envy or resentment, but many of us have met at least one libertarian who could stand to meet a bar of soap, a toothbrush, and more than one set of clothing.

D is a paradigm case of the resentful urban bohemian. He does everything possible to draw attention to himself, and when you look, it's not a pretty picture. Gratuitously fat, a belligerent smoker, with long, usually greasy '60s style hair, D cannot even afford a car. While admonishing others to eschew all statist institutions, he gets about on government-run buses (and by bumming rides from friends). Though D is one of Murray Rothbard's biggest fans, he is a prize example of Rothbard's observation that some libertarians don't want the movement to succeed if it means they will be little fish in a big pond.

Quite often people like B and D manage to have as friends, for a time at any rate, some very bright and capable people. Several of D's associates went on to become successful writers; but I don't think it's entirely coincidental that they were far less frequently seen in D's company after their success than before.They are probably struggling with the question we should all ask ourselves: why encourage these people?

There is a great danger in carrying the virtue of tolerance too far. When I join with Sheaffer in describing certain virtues as aristocratic, I don't claim that they are virtues in all contexts; e.g., honesty to a government employee or thief is not always a virtue. Likewise, we are being tolerant when we say that the zany, unkempt, and unintelligible should not be institutionalized; we are being fools when we recruit these people as spokesmen for libertarianism and candidates for public office. We are being suckers when we tolerate and tacitly encourage unproductive whining by listening and commiserating. Without going along with Sheaffer by claiming that all of the unproductive are resentful, we can paraphrase him thus: "What is the most noble thing that an achiever can do to improve society? To help [the unproductive] to learn to achieve. How can this be done? The key element is to prevent [unproductiveness] from being a profitable strategy."

Those who use human intelligence can learn better strategies instead of merely going bankrupt or dying off from practicing bad ones. As a new strategy, I suggest each of us examine ourselves, and see if there isn't some grain of lower-class values that we could profitably root out of ourselves. And we should encourage others to do likewise, especially young people, who may not yet be set in their ways. And as for those on whom we have spent substantial encouragement with no visible return—both giver and receiver of wasted charity would be better off if the giver simply moved on. ❑

Notes

1. But no special background is required of the reader; the most devoutly mathematophobic Austrian can read the book—with profit.
2. Axelrod, unfortunately, does not give this example. It should interest students of economics that it is precisely the law of diminishing returns which causes the payoffs in choosing between trade and swindling to be arranged as a Prisoner's Dilemma.
3. Because of his poor understanding of economics, Axelrod offers (p. 7) this fallacious example of a PD: either, neither, or both of two nations can erect barriers to trade with the other. He mistakenly says that nation A is worse off dropping its barriers if B refuses to do so, though Adam Smith refuted this canard hundreds of years ago.
4. The following observation is offered for the gratification of the vindictive: many narcotics and vice officers, deprived of legal opportunities to wield power over the innocent, would resort to illegal ones and soon wind up in prison anyway. (This is the moral analog of the observation that if the market were allowed to operate freely after a one-time egalitarianizing of our society, the wealth would before long wind up in pretty much the same hands.)
5. Schoeck notes one aspect of the mechanism of this evolution from ferocious resentment of achievement. A limiting factor to the envy provoked by "luxury" is that the organized movements expressing that resentment, such as Bolshevism and National Socialism, can only come to and remain in power ("at least after an initial phase of plunder and riot") by delegating power to a minority of functionaries who form themselves into a hierarchy of administrators who themselves become the new plutocracy or bourgeoisie. "Each party or group that comes to power creates, of necessity, a new privileged class with an ideology that will again render economic inequality 'tolerable.'" Most of us will find that limit a rather small consolation for the egalitarian subversion of our own culture.
6. Murray Rothbard used this term to describe many of the supporters of Russell Means for his bid for the Presidential spot on the 1988 Libertarian Party ticket, and the term has since gained fairly wide usage among libertarians. See his "Life or Death in Seattle," *Liberty*, August 1987.
7. In *Welcome to the Monkey House* (New York: Dell, 1970).

Keith Hutchinson, Ph.D.
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The Patriot Game, by Peter Brimelow, Hoover Institution, 310 pp., 1988

Nonsense Up North

Walter Block

In the view of many inhabitants of the U.S., Canada is a sort of arctic Nebraska, a country populated by drunken sports fishermen and hockey players who live in igloos. This, at least, is the perspective offered by *National Lampoon,* which goes on to say, "It is very hard to tell a Canadian from an extremely boring white person, unless he is dressed up to go outdoors."

As a result of such stereotypes, and the paucity of Canadian coverage in their news media, many Americans are oblivious of the real Canada. To the extent they think about it at all, they see the nation to the north as an affable nonentity. They might perhaps have heard of Pierre Trudeau and his efforts to bring socialism to Canada, but this is not treated as any great threat.

The reality is rather different. Canada is the most important trading partner of the U.S. It is geographically significant as the single nation that lies between it and the Soviet Union. Perhaps of greater interest to the readers of *Liberty,* its political spectrum is skewed far to the "left," at least compared to what obtains in the U.S. or U.K.

There are three major parties in Canada. On the right are the Progressive Conservatives, roughly equivalent to the liberal or Rockefeller wing of the Republican Party, or to right wing Democrats such as Sam Nunn. In the middle is the Liberal Party, formerly headed by Trudeau. The Grits, as they are called, take a position similar to that staked out by Gephardt, Teddy Kennedy or McGovern. On the left the New Democratic Party takes a stance roughly similar to that of Jesse Jackson or Fidel Castro. There are only a few right-wing Tories, less than a dozen, who occupy political ground comparable to Thatcher, or to what Reaganism once promised to be. But they are vilified by all and sundry—particularly by the leaders of their own party, the Progressive Conservatives—as "dinosaurs" and "neanderthals."

Given this political bifurcation between the two North American neighbors, there is somewhat more reason for concern south of the border than exists at present. Given the global problems it faces, the last thing the U.S. needs is another Cuba—a more civilized and urbane one, to be sure—along its northern border.

It is in this context that Peter Brimelow's book *The Patriot Game* takes on such a vital importance. For it describes Canada realistically, and takes great delight in excoriating false impressions commonly bruited about. In an important sense this is a Canadian and nonfictional version of *Bonfire of the Vanities.* For, like that best selling book by Tom Wolfe, *The Patriot Game* tells it like it is, exactly like it is, let the chips fall where they may. If you want to fully understand Canada, and can read only one book on the subject, this is the book for you.

Brimelow shows that although the Canadian economy does reasonably well by international comparisons, its natural and human resources, the relative homogeneity of its population, and its extremely limited defense spending ought to make its standard of living higher than that enjoyed by the U.S. Instead, to the extent that these things can be calculated, Canadian income and standard of living is only some 70% of that possessed by its southern neighbor. How can this unfortunate circumstance be explained? The main thesis of this book is that this failure comes about because "Canadian politics is embroiled in a tangle of pathologies." It is this skein that the book authoritatively unravels.

Consider the political realm. Canada is not a genuine nation, Brimelow argues, but rather an amalgam of its English and French "solitudes," with only the latter emerging as a genuine nation-state. Its political system is heavily biased toward the central Canadian provinces of Ontario and Quebec, with very little representation for the western or the Atlantic provinces. Because of these deep divisions, an unusually large and powerful "new class" has emerged to fill the power vacuum. Its membership, including virtually all politicians, professors, pundits, priests and public servants, is the intellectual bodyguard that defends a continually expanding role for the government. As in the England depicted by the wildly popular and humorous book and television series *Yes, Minister,* the Ottawa mandarins persevere, more and more deeply imposing their vision of a bureaucratic and centrally organized statist economy onto the mindset of the populace.

The interventionist economic policies which have resulted from this reality have been a disaster for Canada. The Foreign Investment Review Agency has long interfered with capital movements. The National Energy Program has placed a monkey wrench in Alberta's oil development. Canadian law is much more favorable to organized labor than in the U.S., leading to a unionization rate above 40% north of the 49th parallel, compared to less than 20% south of the border. This heavy unionization, combined with a far more liberal unemployment insurance policy, has translated into higher unemployment rates in Canada than in the U.S.

What passes for the intellectual tradition in "the true North, strong and free," is virulently pro-nationalist, which means anti-American. This outlook is embodied in radio and television content laws, which are aimed at eliminating the effects of the outlandish and imperialistic U.S. culture on tender Canadian sensibilities. Were the fate of the U.S.–Canada free trade deal to be determined by the nation's intellectuals, there is little doubt that it would go down to resounding defeat, killed by tne intellectuals' overwhelming fears of the loss of political, cultural, and economic sovereignty.

At the core of the Canadian reality are English-French relations. According to the usually incisive social commentator *The National Lampoon,* "It is reported that Canadians keep pet French people. If true, it is their only interesting trait." But in this case they have for once got it backwards. As Brimelow convincingly shows, if there is any such relation, it is the reverse: the French Canadians keep their English counterparts as pets. Consider bilingualism. This exercise in social engineering has made the use of the French language mandatory even in the nine predominantly English-speaking provinc-

es, at great cost and inconvenience, everything from road signs to cereal boxes to court proceedings to legislative enactments must appear in both "official" languages. And yet in Quebec, the infamous Bill 101 mandates that French alone be used on all storefronts and commercial signs. Any attempt to use both languages, or God forbid, English alone, is severely penalized.

Other Canadian pathologies include a predisposition toward the radical feminist agenda (quotas, affirmative action, equal pay legislation), an uncritical acceptance in some circles of native land claims, and more crown corporations than you can shake a stick at. This includes the major airline (Air Canada), the telecommunications network (Canadian Broadcasting Corporation), the oil company (PetroCanada), and thousands more. These are run in roughly the same manner as the U.S. Postal Service, and with similar efficiency.

What does the future hold? Brimelow's guess is that the country will break up into two parts, Quebec and English Canada—or more, if sectional divisions cannot be resolved.

The long march away from socialism and toward freedom appears to be more likely to take place south of the "world's longest undefended border." Let us consider only one leading indicator of this movement, one with which I happen to be familiar: the quantity and quality of think tanks generating research that supports the case for economic freedom. In the U.S., there are literally dozens of such organizations. They include Heritage, Hoover, American Enterprise, Cato, Manhattan, Mises, Reason, Foundation for Economic Education, National Center for Policy Analysis, Center for Libertarian Studies, Competitive Enterprise, Heartland, Atlas, Humane Studies, Pacific, Independent, Contemporary Studies and the Political Economy Research Center. In Canada, in contrast, there is but one, the Fraser Institute.

Crystal ball gazing is at best an inexact science. But if these trends continue, and the two nations diverge further on the political and economic spectrums, an intelligent understanding of Canada will become ever more important. And if this happens, *The Patriot Game*, the most definitive examination of Canadian political culture now in print, will no doubt prove invaluable. ❑

The Kingdom in the Country,
by James Conaway, Houghton Mifflin, 293 pp., 1988

Nobody's Land

William P. Moulton

The subtitle of *The Kingdom in the Country* tells us that it deals with "the land nobody owns," referring to the vast real estate holding of the federal government. I imagine most readers have seen those maps that indicate the extent of "public" land ownership in this country. Personally, I have to admit that they always give me a slight shiver. In the east there are just little patches—mostly parks and nature preserves—until one comes to the eastern slopes of the Rockies. After this comes the deluge. From the high plains of Colorado west to the Pacific and north to Alaska, the great bulk of the land is owned by Uncle Sam (or by "the people," if one prefers a high school civics book interpretation of our polity).

Perhaps a case can be made for some governmental landholdings, for recreational and conservation purposes (although I am aware that excellent arguments can also be made for the privatization of such lands). No rational argument, however, can be given to justify federal ownership of about 96% of Alaska, 85% of Nevada, 70% of Utah, 45% of California, and half or more of Oregon, Wyoming, Arizona, New Mexico, Colorado and Idaho. At least, I can't think of any decent justification, and the one offered by the author, that "[t]he homogenization of America has been postponed by the existence of public lands, where people can pursue lives truly different from those elsewhere," seems just plain silly.

The figures I give above, incidentally, will not be found in Conaway's book, which contains no graphs or charts and only a handful of statistics. Conaway's approach is that of travel anecdotalist. He spent several months driving through the West, sticking as much as possible to the vast federal domain. The book does not pretend to be particularly orderly or systematic, and were it not for a "here is my route" map in the endpapers it would be difficult to trace his journey in detail.

In spite of this, the casual reader will learn, as I did, quite a lot about the federal empire which sprawls across our western states. The Bureau of Land Management (10,000 employees, administrator of 178 million acres of the Lower 48 and 100 million acres of Alaska) is part of the Department of the Interior, while the Forest Service (27,000 employees, ruler of 146 million acres in the Lower 48 and 23 million in Alaska) is a division of the Agriculture Department. The Forest Service generally has the better land, has a more professional and science-oriented staff, and is more rigid in its land-use regulations. In contrast, the BLM was left mostly with the Land That Nobody Wanted.

This is not to imply that the relatively uncouth acres of the BLM don't have their uses. Under provisions of the Federal Land Policy and Management Act, passed in 1976, the Bureau is obligated to provide for all reasonable uses of its land, from grazing (typical charge to ranchers: $1.35 per month per steer, 27¢ per month per sheep) to timber cutting, from mining to recreation, from wildlife conservation to the preservation of archeological and paleontological sites. Some of these tasks are handled with a certain degree of rationality under something approaching market conditions, while others call to mind the classic tragedy of the commons. Curiously, despite a fair display of erudition concerning the history of the West, Conaway seems to be unaware of the role that lack of property rights in land played in the pattern of violent conflict which periodically erupted into range wars in the preceding century.

Tales of an Obscure Country

The bulk of *The Kingdom in the Country* consists of vignettes ranging from the bittersweet to the cutsie-pie to the (unintentionally) humorous. These sketches are not about the land itself, for the author does not display much interest in geology, ecology or any other relevant discipline. They are, rather, about the people who live near it, or who roam, hide, squat,

camp, poach or prospect on it. The reader is introduced to the Basques who herd sheep in the high ranges of Idaho and Montana (hardly any other people can cope with the cold and the isolation). We are led through some of the remote and forlorn hamlets which squat on the BLM domain (usually the town itself is at least partially in private hands). Colorado City, Arizona, population 2,000, is a polygamous Mormon community ruled by a patriarch who receives his orders directly from God and denounces the parent church in Salt Lake City as having fallen into the apostasy of monogamy. We get a view of Sarpy Creek, Montana, population one (it's a long story). Conaway visited villages which are only seasonally and marginally connected to the outside world by road, or frequently what serves as a road if you have a good pickup and it didn't rain that month.

Conaway spent time with both marijuana growers and their official opponents in the remote wilds of Humboldt County, California. It was a relief to learn that public opinion in the area seems to tilt at least slightly in favor of the growers. The local *Redwood Record* has condemned the Campaign Against Marijuana Planting squads, and cooperation by local civilians and even law officers appears to be minimal. A deputy sheriff, upon being told in Conaway's presence that a group of entrepreneurs were drying large quantities of the forbidden weed at a nearby motel, shrugged and said "We're a poor sheriff's office . . . I would have to stake the place out and drive to Eureka for a warrant. That's five, six hours." When the author left town, bags of the weed were being openly carted into the motel for treatment.

The most repulsive person to appear in this book is the ecology writer Edward Abbey, the Arizonan whose opus *The Monkey Wrench Gang* made him a cult hero and popularized the concept of "ecotage"—sabotage against persons, institutions and things seen as enemies of the environment. Abbey is a Galbraithian type who lives in comfort and adulation while bitching about how greedy and immoral ordinary people are. Some of Abbey's gems of wisdom are classics of the genre: "It's important to resist [development], to slow it down, hoping against hope that people will change their views, or that we'll have an economic collapse. I'm counting on biology to bail us out—famine, plague, anything." To give us a goal for which to aim, he opines that "We should reduce the population of the United States to, say, fifty million." You get the point. The lower orders should go broke or, better yet, die as quickly as possible and make room so the better sort can enjoy the scenery. These progressive humanitarians are a lovely lot.

Edward Abbey argues that "We should reduce the population of the United States to, say, fifty million." You get the point. The lower orders should die as quickly as possible and make room so the better sort can enjoy the scenery. These progressive humanitarians are a lovely lot.

There are other character portrayals ranging from the archetypal (lonely rugged cowboys, Indians cheated by the White Man, whores with hearts of gold) to the unusual (professional Anasazi pottery poachers, a grizzly counter, a Wyoming "range detective" *cum* hired gun who had lost his earlier job as police chief when he shot and killed an unarmed deputy during an argument).

Lost in the Wilderness

Despite the considerable variety in careers and lifestyles, a general miasma of the forlorn, of sadness, of dead-end jobs or dead-end lives seems to hang over much of the author's survey. Many of the people seem to be in remote corners of the West because they've failed everywhere else. I was musing over this fact when something suddenly struck me, although I'm sure it never occurred to the author. If the United States had no private property, at least outside of small urban plots—and this is the situation in many nations—the *whole country* would, economically and socially, enjoy the fractious, decaying and parasitic way of life that exists on the federal lands. Actually, of course, things would be worse in many ways, since the world portrayed in this book is surrounded by a real economy from which to draw sustenance. Without private property, the U.S. would be nothing more than a large nation with great natural resources, a considerable but rather sparsely distributed population, and huge nearly empty spaces. Let's see—what other country does that sound like?

Conaway's account of his travels ends with a huge gathering of radical ecologists on the Uncompahgre Plateau in southwestern Colorado. For the most part, these people are not academic environmentalists, nor yuppies who want to frolic in the wilderness for two weeks each summer. They are, so to speak, the Real Thing. Wilderness people. They live there. Yet the author's account had me yearning for good old-fashioned East Coast elitist snobs. If Conaway's sample is at all representative, these western ecofreaks seem to be nuts, or, at least, unpleasant people—a mixture of nitwit ideologues and rednecks, often combined in the same person.

Some of those camped in this remote corner of the world are loners, others belong to obscure groups such as the Southern Utah Wilderness Alliance and the violence-prone Earth First! organization. Clad in t-shirts and clutching banners with slogans such as "Oppression of Wilderness is the same as Oppression of People," "Deep Ecology," and "Eat the Rich," they begin a chant:

"Fuck Senator Melcher!
Fuck Senator Wallop!
Fuck Senator McClure!
Fuck . . ." well, you get the idea. This is their level of political sophistication. We're not dealing with Aristotle here.

One of the offerings at the encampment is ecological guerrilla theater. As the author left, he observed part of a performance: "I saw [Bill Devall, co-author of *Deep Ecology*] flapping his arms and cawing, and I asked if he was a crow. 'A raven,' he said, and flapped off."

What can I say? ❑

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Booknotes

Puff, the Magic Dragon of Politics — If Michael Dukakis needs an intellectual cover for his plans to nationalize the economy, Robert Reich will be happy to provide it. That's why Reich is one of Dukakis' two economic advisors. But don't look to *Tales of a New America* (Vintage Books, 1987) to find a blueprint for the future. In this tract, we get more political puffery than program.

Reich teaches economics at Harvard's Kennedy School of Government, Dukakis' primary source for brain trusters. But Reich is more than a mere professor; he is a professional pundit who dabbles in the pedantries of partisan politics as if they really mattered and makes himself accessible to the policy world and the media.

He argues that American political and economic history can be explained in terms of "morality tales" acted out through political culture. The American Revolution, the Progressive Era, the New Deal, the Reagan Revolution are based on stories about the "mob at the gates," the "benevolent community," and the "rot at the top." There is a common thread in all of them, Reich says: "our morality tales refer to a *collective* identity. They affirm a *common* destiny."

The groups that are likely to lead in the post-Reagan era, says Reich, are those who tap into a new American theme: cultural and political collectivism. The old themes—conservative greed and "tepid" liberal fiddling—have worn thin and don't express the desires of workers, businessmen, and consumers to cooperate within a coordinated policy framework implemented by an activist government. In clearer terms, Reich wants a Central Plan.

The hook upon which the dull text hangs is the promise that this new collectivism will be politically successful. Could he be right? Maybe so, if our measure is the large number of pressure groups likely to support it and the lack of an organized opposition.

We can't depend on the American right to challenge the Reichian thesis. Rightist Paul Weyrich, the head of the Free Congress Foundation in Washington, D.C., provides the perfect echo with his theory of "cultural conservativism," which turns out to be big government run by right-wing politicos.

Like the left, Weyrich, and his collaborators like the Heritage Foundation and George Will, support government paternalism. They agree that government is, as they say, the *highest* expression of culture and community. We shouldn't be surprised that George Gilder praised Reich's book as "intelligent and original."

But will the business world accept a Reichian program? If it's in their interest. Both *The Wall Street Journal* and *Business Week* offered cheers for *Tales*. Being part of a government-enforced corporate cartel means the lush life for CEOs. Ignore the fickle whims of the buying public, forget potential competitors, and enjoy a secure bottom line.

There already exists a "familiar dynamic between American business and government," Reich points out. There are tariffs, subsidies, bailouts, low-interest loans, regulations, privileges, safety standards, etc. And big business is often the biggest advocate of this "dynamic." Reich then argues that he simply wants to coordinate the intervention, a program he calls "collective entrepreneurialism."

It's snake oil. But the argument illustrates what is wrong within even the tiniest intervention: it provides a reason and excuse for ever more of the same. —JAT

Crime as Art, Art as Crime — The premise of Charles Willeford's *The Burnt Orange Heresy* is striking: James Figueras, art critic on the make, tracks down reclusive superstar painter Jacques Debierue, a man whose work has stimulated the art world for decades.

Debierue's paintings are legendary, even though none are on display and only a handful of celebrated critics have ever seen them! Figueras wants to enter this critical elect by seeing, reporting on, perhaps "liberating" a specimen of Debierue's latest work. Although

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Panarchy—Choose your own government. Ultimate Libertarianism/Newsletter. $6.00 per year—Sample $2.00. LeGrand E. Day, Editor, Panarchy Dialectic, Box 7663-L, Van Nuys, California 91409.

Personal

SWM, 38, handsome business owner, seeks right woman to win travel sweepstakes to my river retreat to explore nature and future involvement. For entry blank, write: Travel, 2979 Mew Cove, Memphis, TN 38119.

Debierue affably agrees to be interviewed, he refuses access to any of his paintings. When Figueras eventually breaks into the locked artist's workshop, what he finds there is a revelation, recasting the past and determining a tragically satisfying conclusion.

Just about everything in this tight novel clicks, but the highlights are the amazing plot and the thematic disclosure of the Janus-faced relationship between artists and their interpreters. As Nietzsche said, we are greater artists than we know.

It may interest Rand-watchers to note how *The Burnt Orange Heresy* counterpoints Rand's aesthetic posture. The novel is structured like *Atlas Shrugged* in three parts, each named after a sentence from a nihilistic quote from Gorgias:

> Nothing exists.
> If anything exists, it is incomprehensible.
> If anything was comprehensible, it would be incommunicable.

In fact, the critical elect who shaped Debierue's reputation includes one Louis Galt, "an avowed purist in his approach to nonobjective art" (p. 50), writing in the Summer, 1958 issue of *The Nonobjectivist*!

Willeford wrote *The Burnt Orange Heresy* back in 1971, but a new paperback edition of this sharp insider's view of the art-criticism world has recently been released (Black Lizard, 1987) and is well worth collecting. —SMS

Black in Tooth and Claw —

Libertarians should take special note of Dave Barry's works. For one thing, he is outrageously funny. For another, he is a libertarian; he was converted to libertarianism by *Liberty* editor Sheldon Richman, who met him when both worked on small suburban newspapers in Pennsylvania.

Dave Barry is a columnist for the Miami *Herald* and his column is carried weekly in major newspapers around the country. He comments on everything: buying a dog, dating, camping, golfing, phone manners, advertising, raising kids, vacations, whatever. His political views are most explicit in his annual history of the previous year, published in late December.

Last year, Dave Barry won the Pulitzer Prize for commentary. It was a huge blow to Washington, D.C.'s opinion industry, which speaks only within the confines of respectability as defined by the U.S. Government. The very idea: a "humorist" receiving the same award won by George Will and Charles Krauthammer!

Claw Your Way to the Top: How to Become the Head of a Major Corporation in Roughly a Week (Rodale, 1986) is a hilarious look at the corporate world and the culture that underlies it. It's the ultimate guide to surviving and prospering in the U.S. corporate bureaucracy by, above all, faking it. His stories and tips will hit home to everyone who has worked for even a medium-sized company.

In addition to historical anecdotes we get: a guide to writing a resume ("Your resume is more than just a piece of paper: it is a piece of paper with lies written all over it"); a guide to the job interview ("One obvious way to remain calm and perspiration-free during an interview, of course, is narcotics, but there you run into the problem of scratching yourself and trying to steal things off the interviewer's desk"); a guide to writing office memos, including using correct diction ("use the word 'transpire' a lot"), and a section on How to Dress Exactly Like Everybody Else. —JAT

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The Dead Pool, ***a film directed by Buddy Van Horn; screenplay by Steve Sharon; story by Steve Sharon, Durk Pearson and Sandy Shaw; produced by David Valdes; a Malpasa production; released by Warner Brothers. Starring Clint Eastwood, Patricia Clarkson, Liam Neeson, Evan Kim.***

Shit Out of Plot

Mike Holmes

As a fan of previous Dirty Harry movies, I looked forward to seeing *The Dead Pool*. I have always liked Clint Eastwood's portrayal of that cool-handed dispenser of justice, Harry Callahan of the San Francisco Police Department. I was also curious about the contributions of sometime *Liberty* writers Durk Pearson and Sandy Shaw, who share story credit for *The Dead Pool* with Steve Sharon.

Some critics, including Chicago newspaper and TV celebrities Siskel & Ebert, have proclaimed *The Dead Pool* the best Dirty Harry film so far. I do not share their enthusiasm.

The Dead Pool suffers from three major flaws. It is packed with gratuitous, unbelievable and irrelevant violence. The tension provided by Harry's hostile relationship with the San Francisco Police Department (by now a tradition) is entirely missing. And worst of all, the plot simply doesn't work.

The film's title refers to a gambling pool over which local celebrity will be the next to die, which is a setup for a serial killer to begin a reign of terror—and for Harry to do his thing.

Now I like exploding red dye packets splattering all over the landscape as much as the next post-adolescent American male. But just what are we to make of repeated 10,000-rounds-per-second Uzi machine gun attacks on Harry & company—including one long attack on Harry in a glass elevator—which fail to leave so much as a nicked thumb on our hero? These episodes not only require a suspension of disbelief, they require the suspension of every known physical law in the universe.

This time, Harry's trademarked menace line ("Go ahead, make my day," "Do you feel lucky, punk?" etc.) is the R-rated "You're shit out of luck." But alas, the story here is shit out of plot. . . .

The failure in plotting is most strikingly evident regarding the antagonist—the villain—who in past Harry movies always provided more than enough visceral justification for Callahan's bang-bang Magnum style of street justice. The sinister horror movie director who seems to be *Pool's* black hat turns out to be a red herring. All of his earnest loathsomeness is totally wasted. In the end, we learn that he isn't such a bad guy after all.

And the local *mafioso* Harry throws into the slammer seems villainous enough. But he quickly disappears from the plot once Harry applies a little creative prison lifestyle leverage of his own. This mafia bad guy ends up providing Harry a set of goon bodyguards, for heaven's sake!

The bad guy turns out to be a psychopath who pops up after two-thirds of the film has passed. He is crazier than a pit bull in a poodle parlor, so darned loony it's hard to feel much outrage over his evil deeds. He's just an uninteresting and unworthy mental case rather than a true villain.

The overdose of misdirection regarding the identity of the villain ultimately turns *Pool* into a no-brainer formula flick. Too much *deus ex machina.*

And poor Harry. He's finally co-opted by the very System he's battled so faithfully in his past films. Although the police department PR honcho tries to manipulate him (Harry resists; who in his right mind wouldn't?), Harry is otherwise treated as a hero by the department. His attempts at skepticism over this hero worship don't come off. The dual-edged structure of his antagonists—the bad guys *and* his own department—present in previous Harry flicks is totally absent. Without a bumbling police bureaucracy and a visible evil menace, Harry's steel-coiled reactions are largely wasted on extraneous set-piece shootouts.

Nevertheless, there are some good parts in *Pool,* some of the best bits of the Harry epics. The car chase, about which so much has been said and written, is a refreshing twist on the old movie cliché. This appears to be the handiwork of Shaw and Pearson, who have for years delighted audiences with discussions of bizarre and novel weapons and tactics. And the squelching of the mafia chieftain in prison, via Harry as "mailman" for the baddest dude in C-block, is delightful.

In the final shootout scene, *Pool* has to top previous films where bad guys get blown to bits with things like anti-tank rockets. This time "justice" is dispensed with a conveniently provided whale harpoon, the arrival of which in one's navel signals the fact that, yes indeed, you really are shit out of luck.

But this incident occurs only after the bad-guy psychopath (whom we scarcely have come to know at all) discovers he's out of bullets. It all comes down to our police detective harpooning an unarmed madman. Hardly very sporting. And not very libertarian, either. Police aren't supposed to execute unarmed suspects, no matter how deserving.

It is unclear how much responsibility Shaw and Pearson bear for this ultimately unsatisfactory venture, particularly when you consider how low down on the totem pole Hollywood story writers usually are. But while their miracle chemical nostrums may have cured Clint of his mumbles (as Shaw and Pearson have broadly hinted), their storyline didn't cure the film, or prevent it from inflicting a seriously strained sense of credulity.

Let's hope the Harry series doesn't become like the Rambo films. Those, if you recall, started out fairly libertarian in storyline and plot but soon degenerated into dumb blood-and-guts hackwork. Harry needs to rely less on plot gimmicks and bullet-proof sneers and more on authentic tension between our hero, his police department, and some villains worthy of his talents. Harry has too much going for him to end up as just another Rambo with a badge.

Go ahead, Clint, and take those food supplements. But next time, don't forget to bring along the plot. ❑

Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous magazines, including *The Wall Street Journal* and *National Review*. Mr May is the editor of *The Trout in the Milk*.

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St Paul, Minnesota

How the political leadership of this progressive state proposes to help solve the "farm crisis," as reported in the Hibbing (Minn.) *Daily Tribune*:

> The Honorable Rudy Perpich, governor of Minnesota, proposed a law to make it illegal to sell in Minnesota any item made of plastic unless the plastic be manufactured from corn. Gov Perpich plans to encourage neighboring states to take the same action.

Moscow

Evidence that philosophy flourishes in the socialist paradise, especially now that *perestroika* is in full flower, as reported by *The Wall St Journal*:

> "The philosophy is lagging behind reality," says Nail Bikkenin, the editor of the Communist Party's theoretical journal, *Kommunist*. "At the moment, we are living under socialist pluralism even though, quite frankly, we don't know what it is."

Princeton, New Jersey

Evidence that philosophy flourishes at Princeton University, as demonstrated in an interview with a recent honors graduate, as reported on *Later* on NBC-TV:

> In response to the question, "How good an actress do you think you are?" Brooke Shields exposited, "I think I'm a lot better than even I think I am."

Detroit, Michigan

The advance of religion in the Motor City, as testified by an advertisement for the Church of Today in the Detroit *Free Press*:

> "You are invited to hear Dr. Dyer share all the wisdom of his 'no limit' way of life as he magically takes you on a most joyous voyage of self discovery. Dr. Dyer will show you how to be the no-limit person you are now . . ."

Moscow

Latest advance in cartography in the birthplace of scientific socialism, as reported in the Los Angeles *Times*:

> Viktor Yashchenko, head of the Soviet Union's Main Administration of Geodetics and Cartography, announced that his department will begin publishing maps that are intended to be accurate. He admitted that for more than 50 years, his department, which has a monopoly of map publishing in the country, has published only maps that were designed to be confusing, deceptive and inaccurate in order to confuse enemies of the Soviet State.
>
> In the past, Soviet cartographers made accurate maps for government use only, but these were classified as secret and protected by armed guards.
>
> One new map has already been published, and another is promised for later in the year. "All places, points, and other information will be shown where they really are," Yashchenko promised.

Colombo, Sri Lanka

How American Foreign Aid helps people in the developing world, as reported by *The Wall St Journal*:

> The U.S. State Department pledged $10,000 to finance the training of mongooses to sniff out illegal substances on deplaning airline passengers, many of whom are Moslem and consider the idea of being sniffed by a dog repulsive.

Hanoi

Probably the best read advice column in this revolutionary socialist country as reported in *The Wall St Journal*:

> Nguyen Van Linh, Secretary General of the Communist Party of Vietnam, writes a front page column for Nhan Dan, the Communist Party's official newspaper. The column is titled "Things Which Must Be Done Immediately."

Ottawa, Canada

Evidence of the resourcefulness of Mackenzie King, who was Prime Minister of Canada for more than 21 years, including the dark days of World War II, as reported in the Grand Rapids (Mich) *Press*:

> According to just-published diaries that Mr King wrote each day from 1893 until his death in 1950, the statesman regularly consulted various dead people for advice and information while leading his nation. King placed his hands on a "little table," and asked questions. The spirits of various dead people identified themselves and answered questions by rapping on the table.
>
> In September 1939, with war clouds gathering in Europe, his dead father advised him that Hitler was dead, "shot by a Pole." After he was interrupted by a phone call from London about a British communication with Hitler, he again consulted his dead friends, whereupon 19th Century British Prime Minister William Gladstone informed him that "war will be averted." When the war broke out a few days later, King concluded that a "lying spirit" had somehow got control of his little table.
>
> In the course of laying the foundations for Canada's welfare state, enacting important laws to control monopoly and guarantee collective bargaining, King frequently consulted a wide variety of dead people, including Queen Victoria, Florence Nightingale and Anne Boleyn. He once delivered a message from Franklin Roosevelt (dead) to Winston Churchill (living).
>
> "The spirits in general did not tell him what to do," wrote C. P. Stacey, biographer of King. "They told him that what he had done or what he had decided to do was right."

Garrison, Iowa

The man chosen by the Grand Old Party to be the next President of the United States tells what he reflected upon while drifting at sea after his plane was shot down in battle in World War II, as reported in *The Wall St Journal:*

> "I thought of my family, my mom and dad, and the strength I got from them. I thought of my faith, the separation of church and state," related George Bush at the Old Creamery Theater in this east Iowa metropolis.

Rancho Santa Fe, California

The advancement of free verse in the Golden State, as excerpted from a cantoby Gus R. Stelzer of this metropolis, and reprinted in the Washington, D.C., *Spotlight*:

> "Reflections"
>
> What is 'Free Trade'?
> It is founded on an immoral double standard.
> It mocks the U.S. Constitution.
> It encourages evasion of U.S. laws.
> It undermines American national sovereignty.
> It erodes the individual's control of his own destiny. . . .

(Readers are invited to forward newsclippings or other documents for publication in *Terra Incognita*.)

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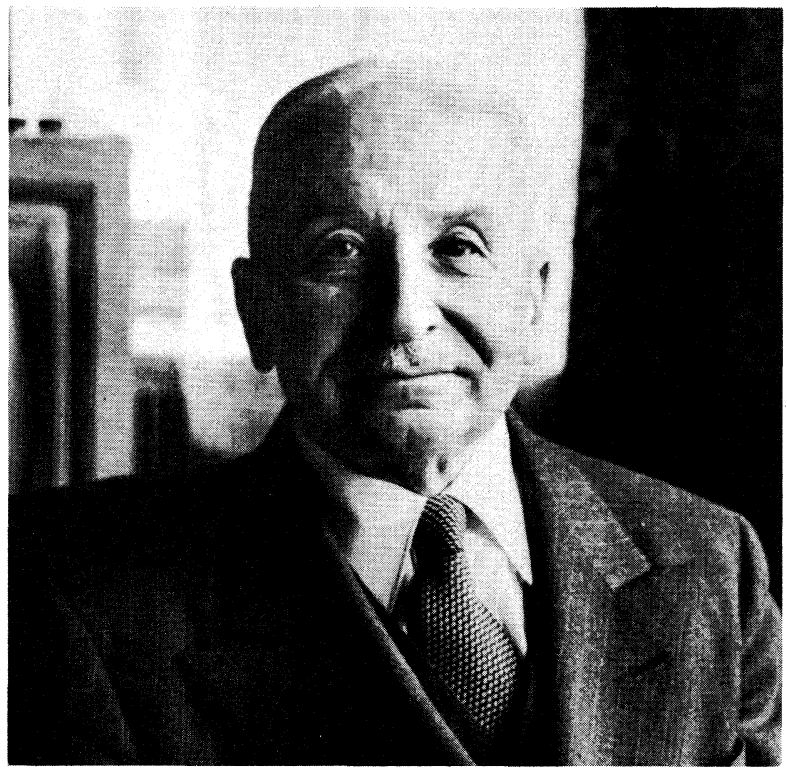

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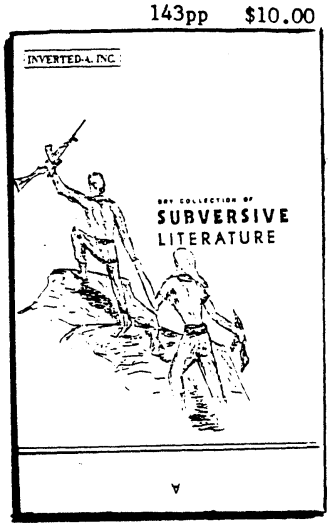

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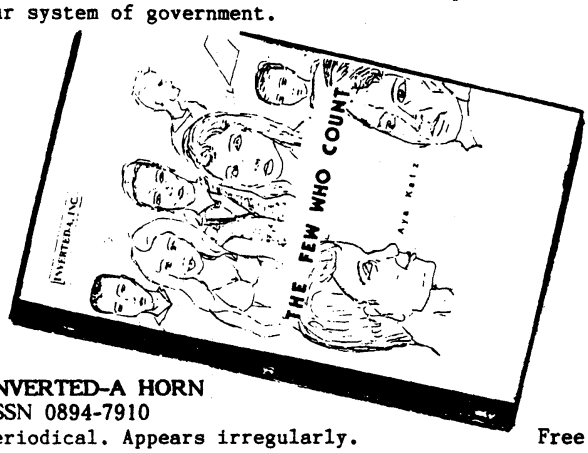

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That some dead mason's trowel laid,
The voice of law and order said:
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Delta Zahner

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Contents

January 1989 Volume 2, Number 3

Public Choice: A Useful Tool
by Jane S. Shaw, page 15

High Noon for the Libertarian Party?
by Chester Alan Arthur, page 18

Assessing Campaign '88
commentary by Ron Paul, Ed Clark, John Hospers, Richard Winger, Larry Dodge, Russell Means, Justin Raimondo and David Bergland, page 27

TV Advertising and Minor Party Campaigns
by R. W. Bradford, page 35

AIDS and the FDA
a controversy featuring Griffin Cupstid, William London and Sandy Shaw, page 40

Random Drug Testing: Mathematics and Morality
by William Wingo, page 42

Property, Population and the Environment
by John Hospers, page 46

The Absurdity of Alienable Rights
by Sheldon Richman, page 50

The Walden Gulch
A Story by Jeffrey Olson, page 53

Departments

Reflections
The Editors "Editorialize," page 9

Reviews
William Niskanen on the Reagan "Revolution," page 59
Leland Yeager on Reaganomics, page 61
Jeffrey Tucker on Christianity and Freedom, page 63
Karen Shabetai on Mary McCarthy, page 64
Nathan Wollstein on the Altruistic Time of Year, page 68

Booknotes, page 66

Burons, page 26

Letters, page 4

Classified Advertisements, page 67

Contributors, page 70

Letters

Naming Which Sacred Cows

In "Prophecy and Amnesia" (Nov. 1988), Mike Holmes passionately argues for the movement's need of self-criticism and kicking "a few [libertarian] sacred cows."

Then why, in the same article, does he make an about face and cloak the specifics of each libertarian "failure" in shadowy descriptions while also avoiding naming names? Just who are "the individual," "the well-known libertarian," and "the novelist"—and why the cover-up?

Since Mr. Holmes is interested in fostering constructive criticism, specifics would better enable those charged to respond and the rest of us to discern what he is alluding to. Otherwise he is doing the movement a disservice.

Michael R. Edelstein
Kingston, N.Y.

Prose, no Cons

Erika Holzer's short story ("Eyewitness," Sept. 1988) sure as hell gets off to a good start . . . "A car pulled up with its headlights turned off" is about as fast as you can get . . . and then went on to set a record, probably, for the number of plot twists in five pages. I especially liked the lean, swift writing. Like Carl Lewis in prose.

Al Ramrus
Pacific Palisades, Calif.

Just Suppose . . .

William P. Moulton apparently feels that voting for Paul would have only philosophical significance and no political significance ("Why I Will Vote for George Bush," Nov. 1988). Sounds like demopublican propaganda to me!

50% of the eligible voters rejected both Bush and Dukakis. Bush only received 27% of eligible voters' votes. Paul could triple Bergland's total. Suppose the 1992 Libertarian candidate triples Paul's total. Suppose the 1996 Libertarian candidate triples the total of the 1992 candidate. Suppose the 2000 libertarian candidate for President triples the 1996 candidate. In other words, Libertarians could be getting 19 million votes by the year 2000. Suppose the demopublicans continue their fantastic trend of losing electorate interest. Suppose the 1992 Presidential winner gets 35 million votes. In 1996 one of the two demopublicans gets 25 million votes. In 2000 the top demopublican gets only 16 and 1/2 million votes. Suppose, too, that the electoral college has been eliminated in the interim. We would have a Libertarian President in the White House in the year 2001 (and Mr. Moulton would not be given any position in the Libertarian Administration).

I would suggest that Mr. Moulton learn the difference between a conservative and a statist pragmatist.

Chip R. Boven
Ft. Lauderdale, Fla.

Which George Bush?

I can hardly contain my surprise at reading in my first issue of *Liberty* the statement of one of your editors, William P. Moulton, that George Bush should be elected President because he is, Mr Moulton says, "the kind of person" he wants to be president. For Mr Bush, he says, "has led a life of manly virtue."

Tell me, Mr Moulton: is this the same George Bush who said to Ferdinand Marcos, "Sir, we love your adherence to democracy"? Is this the same Bush who was director of the CIA, and who during his supervision thereof, found nothing to expose or significantly to change in that esteemed organization? The one who said that over half of "homeless" people are "mentally ill," and then amended that figure to "about a third" in the second debate, and who speculates that "maybe we went too far" in letting "them" out of the mental "hospitals" in which they were incarcerated, drugged, tortured, lobotomized? The Bush who promises me, a 26-year old who pays over one third of his income in taxes, that the Social Security system is now "fiscally sound," and asserts that Social Security is *not* a welfare program? Who made lynchpins of his campaign his desire to compel (let us be realistic) children to recite the Pledge of Allegiance, and to redouble the persecution of drug users and sellers, this time complete with *executions?* Who in the seond debate quite deliberately *lied* about the involvement of previous administrations with General Noriega? Or is there another George Bush, an *honorable man,* whom I don't know about and am confusing with the George Bush of "manly virtue" known to Mr Moulton.

Were Mr Bush speaking about incarcerating Jews, or executing blacks or homosexuals, I doubt that Mr Moulton

continued on page 6

Inside *Liberty* . . .

The election just past captivates the interest of libertarians of all parties. Our analysis centers on the Libertarian Party: the 1988 LP presidential nominee, plus three past nominees and one past candidate, explain what the election meant and where the LP should go from here. Minor party expert Richard Winger advises what went right—and wrong—with the campaign. LP supercandidate Larry Dodge tells what he's learned about running as a Libertarian, and former LP activist Justin Raimondo explains why it's foolish to stand for office as a minor party candidate.

Our pseudonymous political commentator "Chester Alan Arthur" looks at the LP's record in five elections, and argues that the future of both the LP and of liberty is bright. The Kansas election offered an opportunity to provide an answer to the question: How much do TV ads increase vote totals? The answer is "a lot." To find out how much TV helps and how much it costs, see my article on page 35.

Elsewhere in this issue, William Niskanen and Leland Yeager evaluate Reaganomics and the Reagan "Revolution," and Jane Shaw explains how "public choice" economics can help us understand how the world works. William Wingo argues that there are serious and unavoidable flaws in drug testing and Sandy Shaw responds to tough criticism of her views of AIDS.

A strange ecology: Libertarian environmentalist John Hospers responds to criticism (page 46), while Murray Rothbard savages Hospers' views (page 13).

And as usual, our Editors offer their contentions on the passing scene . . .

— R. W. Bradford, Editor

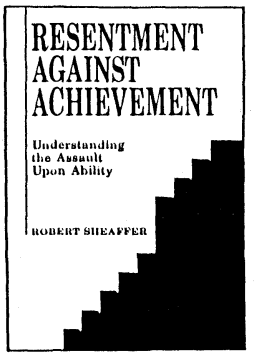

What's Behind The Politics of Envy?

RESENTMENT AGAINST ACHIEVEMENT

Understanding the Assault Upon Ability

by Robert Sheaffer

"Every once in awhile a book is published that is marked by a bold and original thesis that seems to make life more intelligible. Usually it breaks taboos or tacitly agreed-upon silences, and says things that are not 'supposed' to be said with a directness that hits like a slap in the face.

I am thinking of such works as Jose Ortega y Gassset's *The Revolt of the Masses*, Nock's *Our Enemy, the State*, and Schoeck's *Envy*, and of such authors as Nietzsche, Mencken, and Rand.

It is to this company that Robert Sheaffer's new book RESENTMENT AGAINST ACHIEVEMENT belongs. It is a work of cultural interpretation of high courage.

Envy vs. Achievement

The thesis of Sheaffer's book is that there are two opposing moral codes at work in society. One is the morality of achievement, of work, competence, and accomplishment. The other is the morality of resentment against achievement. When the first predominates, we witness human accomplishments in one area after another. It is responsible for the rise of civilization. When the second predominates however, we witness the rise of spite, envy and hostility to achievement. Social parasitism and appeasement of envy and resentment rise until civilizations go into decline.

Sheaffer analyzes the nature of achievement and the benevolent life-force that makes it possible, contrasting it with the nature of resentment, and the roots of both in childhood. His analysis here is especially acute, and it is unusual to find someone at ease in broad historical generalization who also understands anything about individual psychological development on this level. Take, for example, this profoundly simple yet penetrating explanation of why poor children so seldom find success:

> The fact that children of the lower classes are bombarded with lower-class values every day of their lives suffices to explain why so few of them ever accomplish anything. The powerful resentments within the lower classes, which punish deviation from norms with not only verbal abuse but frequently with physical violence, act as exceedingly powerful deterrents to upward mobility.

Then Sheaffer shifts to the broader picture, and the book moves from one outstanding passage and insight to another. The chapter on social classes analyzes resentment as a manifestation of lower-class values, and exposes the rival consequences of young people coming to imitate, alternately, the values of those who value achievement and those who scorn it. Sheaffer turns on a powerful social X-ray here, and the results are penetrating.

Institutionalized Resentment

The book goes on to analyze the political consequences of appeasing resentment, particuluarly the rise of the welfare state and the ideology of collectivism. Socialism in his hands fares about as well as it did at the hands of Ludwig von Mises and Ayn Rand: their special scorn for it is his, also. His defense of science, technology, and economic growth is flamboyant and uninhibited. And his celebration of human achievement and all the glories it makes possible rivals both the poetry of Nietzsche and the passion of Ayn Rand.

Sometimes Sheaffer's reach exceeds his grasp, and there are passages in this book I found embarrassing, such as his ruminations on American foreign policy or his attack on popular and rock music.

But never mind. I admire this book greatly, and am happy to hail it as a wonderful achievement. Reading it is that rarest of pleasures: an exciting experience that doesn't let up from the first page 'till the last. Bravo!"

—Roy A. Childs, Jr.

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Letters, *continued from page 4*

would consider Mr Bush the *kind of person* he, as a "lover of liberty" [sic] wants to be President. Is the imprisonment of the "mentally ill" or the execution, for God's sake, of drug sellers, really any different? Or is the difference merely that Mr Moulton feels confident that *he* will not be incarcerated in a mental hospital, or executed for dealing drugs?

I read apologies by and for political hacks and liars every time I pick up a newspaper. I don't need them from libertarians, or those who posture as libertarians. It is one thing to advocate, as a necessary evil, voting for George Bush whilst holding one's nose. It is another thing altogether to characterize one's support of him as part of a "love of liberty and of our civilization." Even Republican Party reptiles, Mr Moulton, will usually not go that far.

Nathan Crow
Brooklyn, N. Y.

Atlas Drugged

Have you ever come across the rumor that what later came to be known as *We The Living* (the book) was written in the early 1930s by one Elmo Glazunov of Goshen, Indiana with the title *Honeymoon in Irkutsk?* That, while looking for the office of a literary agent, he accidentally left the only manuscript of his *opus* in the backseat of a cab near the corner of Vine and Whitney in LA? That, dejected, he returned home to grow sorgham and okra on his 70-acre spread and never learned that an obscure Russian-American show-biz hanger-on had hailed that same cab?

Bill Jacobsen
West Lafayette, Ind.

Pseudo-Something-or-Other

"Ethan O. Waters" accuses me of systematically misrepresenting him ("The Two Libertarianisms, Again: What Is Wrong With Richman," Sept. 1988). I think he is wrong about this, but I will leave that to the readers. What puzzles me is why someone so concerned with being accurately represented would use a pen name—without letting his readers know this.

Sheldon Richman
Woodbridge, Va.

An Infinite Debate, or Is There a Natural End In Sight?

I read with interest the debate between Prof. Hoppe and his critics in your November issue ("Breakthrough or Buncombe?"). I am sorry to say that I have not yet read Prof. Hoppe's book, so I will not comment on it. I do, however, have something at stake in his reply to Prof. Rasmussen. One of Prof. Hoppe's arguments in rebuttal to Rasmussen is that one cannot get an ought from an is because of an infinite propositional regress. This is a response that Prof. Rasmussen and I have dealt with at length elsewhere (hence my stake in this debate). To simplify matters let me simply cite the reference for anyone interested: *Journal of Libertarian Studies*, Vol. VII, No. 1, Spring 1983.

Secondly, a great deal of Prof. Hoppe's response appears to depend on the distinction between "establishing a truth claim and instilling a desire to act upon the truth." Of course there is this difference, as I believe Plato first pointed out in *Gorgias*. But the issue here is not whether people can act reasonably or not, but whether they ought to. Prof. Hoppe's response amounts to claiming that this question cannot be answered because the gap between ethics and what he calls "socio-psychology" is unbridgeable. Such a response is fine given the rationalist perspective on moral theorizing Hoppe takes. But the real issue, and the one behind Rasmussen's criticism, is whether and why we should adopt this mode of theorizing. It has been a popular—and virtually unquestioned—assumption since Hobbes and Hume that reason is not a motivator and that reason and desire are distinct and separate phenomena (each with their own logic). This approach to ethics, however, is by no means beyond question. An older and longer tradition of natural end ethics denies that such assumptions are foundational. This is the framework from which Rasmussen and I work, and why I believe that Prof. Hoppe's rebuttal simply missed the point. Nevertheless, his reply did bring us to the critical juncture, and perhaps some of your readers will wish to explore classical ethical theory more carefully as a result.

Finally, I could not help but think of John Finnis and Germain Grisez when reading Prof. Hoppe's responses and about his mode of argumentation. Prof. Hoppe's discussion of the gap between "is" and "ought," for example, is the same reading that Finnis gives of Hume's distinction, as is the appeal to "transcendental" truths whose denial leads one to self-refuting contradiction. It may just be that the mode of argumentation Prof. Hoppe prefers, as Finnis-Grisez claim, leads to a longer list of first principles of practical reasoning, not all of which are so compatible with Libertarianism. I will certainly be looking for that when I read Hoppe's book. Others who are ahead of me in that respect may want to check these authors out and make the comparison themselves.

Douglas J. Den Uyl
Louisville, Ky.

Responsibility, not "Rights"

Professor Hoppe opened a "can of worms" with his new look at the basis of "rights" ("The Ultimate Justification of the Private Property Ethic," Sept. 1988). Clearly, judging from the November symposium ("Breakthrough or Buncombe?"), it is not a concept easily agreed upon. I too have been thinking on this subject for a number of years. With regard to the historic justification of "Natural Rights," I find myself in concert with Prof. Mises, who defines the concept as follows:

> An illusory right supposedly conferred upon an individual by natural law. The emptiness of appealing to any "natural" right becomes evident when an opponent claims a contrary or inconsistent "natural" right. Such differences can be resolved only by resort to sound and effective reasoning.

Prof. Rothbard rests his "natural" rights, at least partially, on self-ownership or self-rulership. I believe the concept of "self" ownership to be entirely correct. It becomes confusing when one refers to this as the "right" of self-ownership. Self ownership is not a right, it is a fact. It is part of the nature of Man. Rose Wilder Lane premises her excellent work *Discovery of Freedom* on man's control of his own energy. To her "Freedom" is "self control." She believed that personal freedom comes, and eventually societal freedom will come, with the realization of this fundamental fact. Each of us must rid himself of the notion that we are controlled by some outside force whether it be embodied in our parents, the church, the state or any of a myriad of other foreign entities. Each of us is in control of his own life. Because we are in control, we are responsible for ourselves and for our actions. It is true we are sometimes confronted with very difficult choices. To me this is what the Nuremburg trials were all about. These trials, had they been carried to their ultimate conclusions, would have destroyed the very foundation of the state. Difficult choices do not, cannot, absolve us of

continued on page 8

The Reagan Revolution. Revisited.

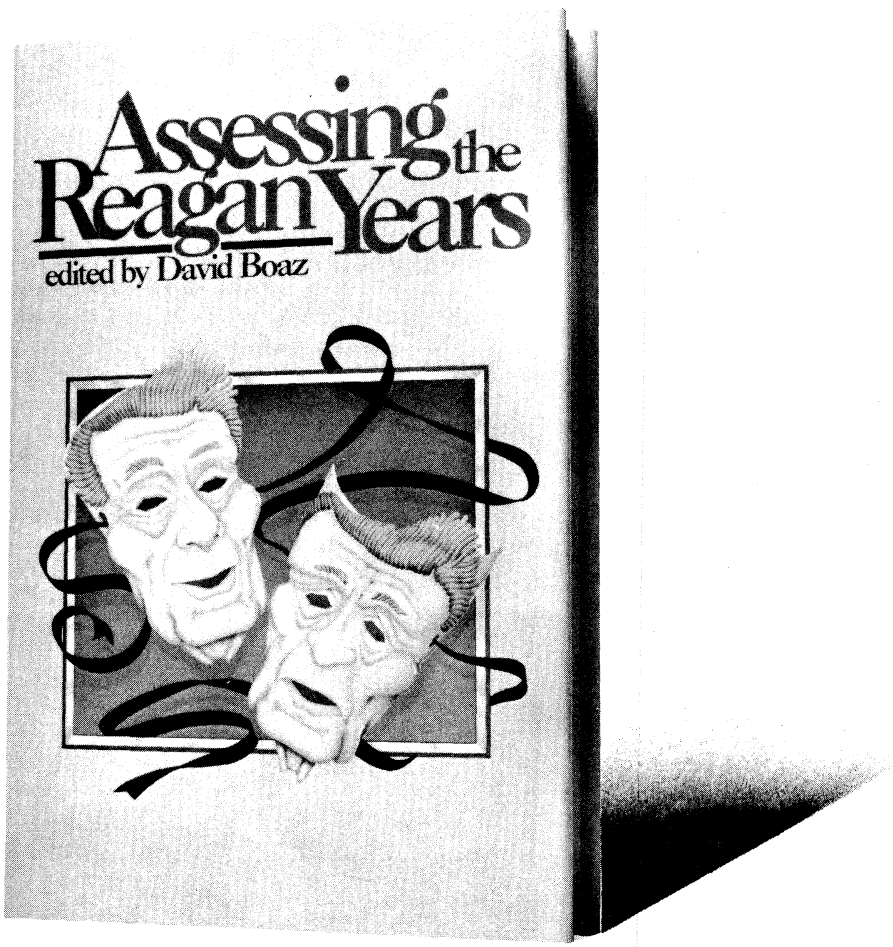

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Letters, *continued from page 6*

responsibility.

Since the most important requirement for ownership is control, we can be said to "own" ourselves. The fundamental fact, however, is that of self control, not ownership. This approach avoids confusion on such questions as the ownership of "slaves." Slave ownership has to do with title, not fact. In a sense, "slave" is a legal, in addition to a philosophical term. The owner of slaves can tie them up, he can imprison them, in some cases he can kill them, but he cannot control them against their will. Try it some time with your kids. This is the basic argument against the state. Individuals acting in the name of the state attempt the impossible through the use of force or fraud, usually a combination of both. Since the state's attempt to control the individual must ultimately fail, tyranny is always the final result.

Since the principle argument against Dr. Rothbard and Dr. Hoppe dealt with the question of ownership, perhaps a different but related approach may be useful. My belief is that the concept of "rights" has been so confused and distorted over time as to be useless in defense of liberty. In many cases "rights' clearly have been destructive of liberty. We do not need some complex logical construct such as Prof. Hoppe's to support a free society. We only need to help ourselves reject the myth of outside control and accept the fundamental fact of "self control." Most of us love freedom, but we try to avoid responsibility.

C. R. Estes
Camarillo, Calif.

The Irrelevance of the Ayn Rand Cult

I recently received my first issue of *Liberty*, which I found quite interesting, accompanied by a free copy of Murray Rothbard's "The Sociology of the Ayn Rand Cult," which I found quite offensive. I assume Rothbard's description of the Randian cult is true, albeit exaggerated in his typical fashion. Even assuming its truth, I question the judgment of those who would distribute such a piece as an enticement to subscribe to a libertarian magazine.

Rothbard describes events of 20 to 30 years ago, events which have long since ceased to be relevant. What is relevant *now* is the content of Rand's philosophy, and for libertarians her powerful ethical grounding of individual rights. In addition, I would ask libertarians to take a fresh look at the remnants of the "Rand Cult." Like most libertarians, I have carried a mental image of Dr Leonard Peikoff as a rigid, negative, logic-chopping, intolerant ideologue. However, that image has undergone a radical revision after I listened to his taped lecture series, "Understanding Objectivism." Peikoff is trying to lead Objectivists away from the very sort of mental processes caricatured by Rothbard.

Clearly, there must be a lot of bad blood between Rothbard and Peikoff, between leading libertarians and Objectivists. As a long-time Objectivist *and* libertarian, I am offended that this small-minded personal squabble continues to divide natural allies into hostile camps. Objectivism provides the best philosophical basis for libertarianism, and libertarianism (*sans* some of its fringe positions) is the natural political derivative of Objectivism. For the sake of *new* libertarians, if not Rothbard's generation, it is time to bury the hatchet and stop taking potshots at targets 20 years out of date.

Frank Bubb
Swarthmore, Penn.

Shot Down Over Facts and Principles

Murray Rothbard ("Iran and Korea: The Ominous Parallels," Sept. 1988) accepts "an uncanny resemblance" between this event and the 1983 destruction of KAL 007, facts to the contrary. KAL 007 was a regularly scheduled flight, whose pattern and appearance was well-known to the Soviet radar operators; Iranair was *delayed* one hour from its scheduled departure, from an airfield that supported simultaneous and frequent operations by Iranian F-14s and other military aircraft. There was a state of peace existing during the KAL 007 event; there was a state of military conflict in effect during the Iranair 655 event. The Soviets had 2 1/2 hours of tracking and visual contact with KAL 007 before ordering it shot down; the *Vincennes* commander had *7 minutes* between first contact and his order to fire, during which time the ship was engaged in surface combat and undertaking maneuvers resulting in 30-degree list and consequent physical commotion in the combat information center. There is absolutely no evidence the Soviets ever attempted to contact KAL 007, including the fact that their interceptors were not equipped with international communications channels; there is incontrovertible evidence that the *Vincennes* attempted numerous messages to Iranair 655, on several international frequencies. The KAL 007 was distinctively identifiable by navigational strobe lights as a commercial airliner; the Iranair 655 was mysteriously indicating a Mode 2 military transponder signal. No possible justification exists for shooting down a visually-identified commercial flight, even if it transited sensitive military installations; given the apparent military identity of the Iranair 655 and the known consequences of delay in the *Stark* event, the decision to engage the airliner was regrettable, but rational under the circumstances.

There is one more point on which Mr. Rothbard seems willfully confused, namely: his statement that U. S. warships "have no business" in the Persian Gulf. He should be well aware that the Persian Gulf is an international body of water, and that free passage by any nation is rightful. Moreover, it is manifestly within the rightful powers of a government to defend sovereign property on the high seas. We can well agree that the U. S. government may have mendacious intent behind its policy in the Persian Gulf, but we cannot suppose that the policy, *on its face*, is violative of accepted international law *and* principles of libertarian foreign policy. I, too, would prefer the U. S. government to get out of the Persian gulf—because the presence is predicated on a sham of flag registry, because nothing of consequence to American citizens is at risk, and because the region is the naval equivalent of a box canyon. The principle of defending sovereign property on the high seas (and self-defense of military forces) is absolutely correct, nevertheless.

Michael J. Dunn
Auburn, Wash.

Unequal Rights

In "Ecology and Liberty" (Sept. 1988), John Hospers raised some important questions for libertarian principles. However, in saying that libertarians have not "devoted much thought to the relation of human beings to animals," Hospers has overlooked the thinking of libertarians such as Nozick, Burris, Riggenbach and Foldvary, none of whom are listed in his endnote references.

An example of a serious attempt to deal with animal rights is Fred Foldvary's book, *The Soul of Liberty*, which has a chapter entitled "Environmental Ethics." In a section

continued on page 52

Reflections

Pourquoi Quayle? — Still at this late date there are contradictory theories. One of my favorites is that in order to keep Pat Robertson followers from defecting to Ron Paul, Bush opted for a running mate with a squeaky-clean voting record on the "social agenda." Maybe. Another notion, rather more far-fetched, is that Bush picked Quayle *because* he would be attacked by the press, taking the heat off Bush himself, and distracting practically all attention from the Democrat ticket. I'm dubious, though, because could anyone have predicted that it'd work that way? More specifically, could *Bush* have?

And then there's the generational idea, that Quayle was chosen to attract people his own age. And of course the pretty-boy theory, that Quayle was likely to get female votes.

All these notions are attractive, and any or all may have a grain of truth in them, but the real truth is much simpler: Why did Bush pick Quayle? For the same reason that Caligula married his horse—to show that he could do anything he wanted and get away with it. —RFM

Election aftermath — I like the horserace aspect of an election as much as the next guy, but I despise the inevitable pish-posh about the sanctity of democracy that the pundits feel compelled to indulge in. Of the late election, Roger Rosenblatt wrote, "Something in the nation's system rises to the occasion. Something about the clean equality of the enterprise, the shared control of a corporate destiny effected by a single decision and a simple gesture." (*U.S. News & World Report*, Nov. 14) Humbug! There's nothing hallowed about an election. Democracy is an opiate dispensed periodically to keep us quiet the rest of the time. Statistically, no one's vote means anything. The choice given the public is meticulously preselected, and no candidate who isn't of the official two-party system has a chance because the system guarantees no one will hear about him. There's nothing high-minded in the entire phony-baloney exercise. Rather, as Mencken said, an election is merely an advance auction on stolen goods. I like the slogan scrawled on a bridge in Boston: "If voting could change anything, it would be against the law." —SLR

Who isn't who — Lloyd Bentsen started something. Let's finish it. True, Dan Quayle is no Jack Kennedy. (Parenthetically, why the hell should that fact *upset* him so?) Lloyd Bentsen is no Lyndon Johnson. (Or is he?) Mike Dukakis is no Socrates, George Bush is no Richard Nixon, Jesse Jackson is no Frederick Douglass (but he *may* be a William Jennings Bryan), *Teddy* Kennedy is no Jack Kennedy. Dan Rather is no Edward R. Murrow (Why wasn't he *there*? Was he afraid of being asked an embarrassing question?), Pat Buchanan is no Westbrook Pegler, Bob Dole is no Elizabeth Dole, Bruce Babbitt is no George F. Babbitt.

Whew! Garry Trudeau is no Walt Kelly, Tammy Bakker is no Aimee Semple McPherson, Kermit the Frog is no Godzilla, Pee-Wee Herman is no Tor Johnson, Jerry Falwell is no Cotton Mather. Mikhail Gorbachev is no Peter the Great, Garfield is no Krazy Kat, and Howard Metzenbaum is no anybody at all.

I'm sorry if the truth hurts. —RFM

In these times — Who would have thought, even as recently as twenty years ago, that the Democratic Party would soon become the party of protectionism and xenophobia? The party that once stood for free trade and was the friend and political representative of newly arrived citizens is now run by the likes of Michael "the Japs are buying up America" Dukakis and Richard "don't buy a Hyundai" Gephardt. —WPM

Television, lawn darts and toy guns — The other day, President Reagan announced that he would not sign a bill regulating the advertising on children's television programs, on grounds that the legislation was unconstitutional. There is nothing in the Constitution empowering government to regulate children's television, the President noted. This raises two issues.

1. Is it or isn't it a proper action for the executive to veto bills he believes unconstitutional? When Reagan's annointed successor, George Bush, attacked the dreaded Michael Dukakis for his veto of a Massachusetts law extracting a flag pledge each day from every public school inmate, Dukakis defended his veto on grounds that he believed the law unconstitutional. The Bush campaign responded that it is function of the judiciary, not the executive branch, to determine constitutionality, and that besides, various courts have ruled the flag pledge constitutional. Well, various courts have ruled regulation of children's television constitutional as well. I wonder, does Bush believe that his sainted predecessor has overstepped his authority in the same way as the evil Dukakis?

2. The same day that President Reagan announced his pocket veto of the kid TV law, he signed laws to outlaw lawn darts and toy guns that look like real guns. Has President Reagan located the passage in the Constitution that empowers government to regulate lawn games and children's toys?

At any rate, we shall have an opportunity to see once and for all whether the opponents of the lawn dart law were right when they predicted, "When lawn darts are outlawed, only outlaws will have lawn darts." —RWB

No comparison — It's somewhat after the fact, but going back to the primary season, I remember a profound sense of irritation with some of the nomenclature. When the Democratic candidates were referred to as the Seven Dwarfs, I thought it was appropriate. But when the Republicans had been winnowed down to, I believe, Bush, Dole and Robertson, I was hor-

rified that some journalists chose to call them the Three Stooges. In the context, the terminology was obviously meant to trivialize the group. What a travesty!

Those of us with a proper grounding in the cultural and political history of America saw right away that the commentators were off base. Let's look at the Three Stooges. Actually, there were six of them—Moe Howard and Larry Fine were the regulars, and the third Stooge was portrayed at different times by Curly Howard, Shemp Howard, Curly Joe DeRita, and Curly Joe Besser. But at the peak of their powers, it was Moe, Larry, and either Curly or Shemp. (Curlyites and Shempians can be thought of as the Bolsheviks and Mensheviks of the movement.)

Now, cast your mind back to those delightful hours spent contemplating the not nearly omnipresent enough Stooge short films on the tube. How did the Stooges live their lives? Thoreau-like, they lived them deliberately. An ad in the paper for three accomplished brain surgeons? Did the Stooges defer, like European peasants? Hell, no—they answered the ad!

When confronted by initiated force, did the Stooges kowtow like Oriental mass-men? No! With an "Oh, superstitious, eh?" or a "Nyuk, nyuk, nyuk," they poked their assailants' eyes or slugged them with shaving-cream pies.

Always ready to participate in the free market, the Stooges readily became greeting-card salesmen, oil prospectors, covered-wagon pioneers, plumbers, auto repairmen, botanists, explorers, restauranteurs, detectives, tailors, physicians, dog-washers, scientists, night-club musicians, and in one very refreshing sequence, even college professors.

George Bush the most qualified man for President this century? Palpable nonsense! Watch Moe Howard in action to refresh your memory. A hands-on manager. A can-do entrepreneur. A practical and philosophical leader of men!

Bush, Dole and Robertson as Three Stooges? Hardly! Three lackluster types, indeed. A preppie, a wheeler-dealer, and a yahoo. What do they teach kids in journalism school these days? To paraphrase Al Haig, not a one of the candidates is fit to tie the shoes of the least of the Stooges. —RFM

Holiday revisions — I've had it with the incessant whining about what "we" owe the military veterans. Every Republican and Democratic candidate panders to this special-interest group, and the toothless tigers of the media regard this shameless prostration as wholly uncontroversial, even commendable. There soon will be a cabinet department for veterans affairs!

Enough! Why should people who were (or are now) in the armed forces be accorded such obeisance? The standard answer is, "they served—even sacrificed for—their country." Nonsense. They did no such thing. Anyone familiar with the revisionist history of America's wars knows that no one in the armed forces ever did anything to defend the American people from danger, because there was no such danger. The American people have been repeatedly lied and tricked into wars by, in Albert Jay Nock's words, "the men who by deviltry and chicane and compromise and all the devious ways of the professional 'statesmen,' get into office and make up governments." The veterans, in other words, did not serve their country, they served the state and its villainous officers. Most veterans—especially the conscripts—did so unwittingly, having been deceived along with the rest of us. But that does not change the fact that what they did was not objectively in the service of the American people.

Veterans Day and Memorial Day are national holidays and that's not going to change any time soon. But libertarians could put these days to good use by devoting them to the promotion of revisionist history—especially regarding World War I, II, the Cold War, and Vietnam. —SLR

Canadians say the darndest things — Driving to Indianapolis late at night recently, I was channel-hopping on the radio, and came in at the middle of a really hair-raising program out of Canada. The subject was Trudeau's constitution, which he wheedled out of the Brits several years ago. I never thought much about it, just assuming that if Trudeau wanted it, there must be something seriously statist about it. Well, I wouldn't have dreamed what it was in this Constitution that would upset these particular Canadians so much. It was the Bill of Rights.

I presume (can't find a copy of it) that their Bill of Rights is roughly equivalent to ours. Everything I heard discussed had a counterpart in ours, at any rate. Everybody on the program rushed to assert that rights were not "absolute," that they conflicted with one another. That was the good part. One fellow explicitly stated that he opposed the Bill of Rights because it "might limit the expansion of government." There you have it. Though we hear that garbage down here, no politician would dare, I think, to put it in those words. Another chap (or maybe the same one—they all say "aboot" for "about") was actually afraid that Canadians would think they really had rights instead of, as he put it, conflicting claims. And another fellow was afraid that corporations might get rights by accident. He said there had been a case where freedom of religion was invoked to strike down a law prohibiting stores from being open on Sundays. He stated that this was a perversion of freedom, and that it conflicted with employees' rights to have the same day off every week. He didn't mention anything about the rights of the stores' customers.

One commentator said that Bill-of-Rights-type rights were in conflict with more important rights, like the rights to a job, education, a certain standard of living, and the "right to be assisted by government."

And the best commentator of all said that Bill-of-Rights-type rights were in conflict with more *important* rights, like the rights to a job, education, a certain standard of living, and the "right to be assisted by government."

A lot of drivel was spewed about how the Bill of Rights was antidemocratic, because a law passed in good faith by Parliament could be overturned by courts if it was in violation of the Bill of Rights. This was said to be a thwarting of the will of the people expressed through their elected representatives. To be fair, another chap said that though democracy was a laudable goal, freedom was also desirable, and that perhaps it was worthwhile to give up some democracy to allow for some freedoms.

Unless I was fooled by a very deadpan NatLampCo produc-

tion, this was an actual Canadian program. Not something coming out of Albania. I'll get a little sentimental here, and say that no matter how exasperated we all get with Ed Meese and the IRS and Gary Hart and the other usual suspects, it is sobering to realize that this is probably the only country on the globe whose politicians are forced by tradition and public opinion to give at least lip service to the Bill of Rights and the basic concept of individual freedom. I mean, when some Yahoo Senator endorses a law to heave Jehovah's Witnesses in the pen for refusing to Pledge Allegiance, he has to say that the law *doesn't* violate the First Amendment. He can't politically, come out *against* the First Amendment.

But up in the land of the Beaver and the bureaucrat, it appears, you can come out against freedom and be taken seriously. Don't anybody tell Lyndon LaRouche about this. —RFM

Silver linings— Few libertarians will greet the election of George Bush with more than one cheer. His defects are obvious. Luckily, however, they are obvious not merely to us. Everyone can see them. Consequently, he may lack the gut-level political strength that can be so dangerous in a national leader.

But Bush does have strengths. He is a decent man, the nicest guy on the board of directors. His campaign, now famous for its "negativity," wasn't half as negative as it could have been. It didn't publicize all the damaging facts about Dukakis and his associates that might have been publicized. Nor was it half as negative as the Dukakis campaign, which featured Carter's charge that Bush was "effeminate," Gephardt's charge that Hitler would be pleased with the Republicans, and Bentsen's, Jackson's, and Dukakis' charge that the Republican effort was "racist." Even this violent negativity, however, was not half as violent as the sort of charges routinely made in campaigns fought before the era of television-imposed blandness.

More heartening than Bush's victory is Dukakis' defeat. He was defeated not just because he was perceived as, psychologically, a Nixon of the left, but because Americans found prosperity better than protectionism, equal opportunity better than preferential entitlements, and peace through strength better than peace through self-castigation. Libertarians should not be displeased by this display of common sense.

They may be displeased, of course, by the usual relatively poor showing of libertarian candidates—those labelled "Libertarian" who were nominated and lost, and those labelled "Republican" or "Democrat" who generally did not achieve nomination. This is no reason for people who have a talent for and an interest in electoral politics to stop fighting the good fight. Much can be accomplished in the use of election campaigns for educational purposes—especially if libertarians (1) avoid ridiculous sectarian battles among themselves and (2) provide positive, constructive views of the advantages of freedom, rather than specializing in self-demeaning and self-isolating attacks on other people as "Demopublicans," "banksters," "phonies," and all the rest of it. We can give people a reason to feel good about voting for libertarian alternatives, not just to feel bad about voting their traditional loyalties.

In any event, electoral politics is merely one specialized area of libertarian life. Libertarian ideas have made remarkable progress during the last twenty years, and most of this progress has come from people working in academic research and teaching, in public-policy institutions, in corporations and community organizations, and in the truly private worlds of family and friendship. We've come a very long way without winning elections. —SC

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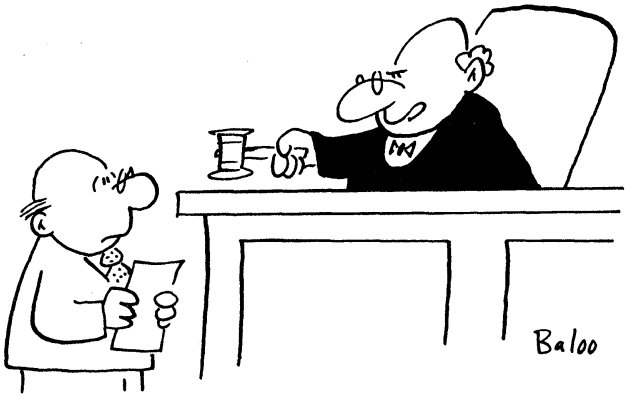

"One more crack about the First Amendment, counselor, and I'm slapping a gag order on you!"

The health hazards of bureaucracy —Having just survived an enormously expensive nine hours of open-heart surgery (and a long hospitalization) to repair a ruptured aorta, I was resting comfortably in the contemplation that my wife's insurance policy, on which she had been paying a goodly extra premium to have me included, would pay the bills.

I reckoned without the pernicious collusion of many large insurance companies with the government's health care program for which my wife, as a dutiful taxpayer, also had been providing funds all along.

As a *practice* of the insurance company, not even mentioned in our policy, when a person is *eligible* for Medicare (not whether a person *has* Medicare, but just when they are eligible for it) then they are kicked off the private policy.

I was eligible for Medicare last May when, innocently, I became 65. My assumption was that I did not need Medicare because I was covered by a private policy—a proper free-market alternative.

Alas, trying to be a responsible individual once again crashed headlong into the Redtape Curtain. I had without knowing it, been kicked off the private policy on my 65th birthday, in May, two months prior to my heart surgery!

When we enquired whether, in simple equity, the insurance company shouldn't refund the extra premiums we had been

paying since May, for a service they had already decided they wouldn't render, we were told, simply, "no."

Bureaucracies all become alike, whether private or public: arrogant, thoughtless, scarcely concerned with their founding purposes but only with their own internal protocols. And when private bureaucracies can collude with the public ones to their own advantage, the results can be—as in our case—an ugly reminder of the unending conflict between individuals and all institutional bureaucracies, whether they are called private *or* public. —KH

Post-election euphoria — Surely the best outcome of the elections on November 8, 1988, was the end of political advertising that the day signalled. Only the miracle of an LP election victory could have matched the bliss occasioned by the cessation of the blatant statist mendacity that has tormented us this election year.

The spectacle of political aspirants selling themselves on television and through the mails like so much laundry detergent is one of the less inspiring aspects of life in a democracy. Actually, this simile is an insult to detergent advertising, which after all meets such standards of truth as consumers (and the FTC) require. The best that can be said for political advertising is that it provides valuable ammunition against those knee-jerk anti-capitalists who see in commercial advertising one of the worst elements in capitalism. "The worst element of capitalism" shines in moral purity when compared to democracy's analogue, political advertising.

Politics is not commerce, and political advertisements are especially grating because no matter what you do at the polls, you are still likely to wind up with a product you despise. When you vote you are not buying a product, like a shopper in a store, you are merely "helping decide" what product will be bought, so to speak. The influence that an individual has on the election of a public official is very negligible indeed. It is possible for a person to go through his whole life without ever casting a vote for a person who gets elected (this is my case, in fact). And during all this time, that same ineffective, uninfluential voter has borne with the most vile of advertisements promoting the most vile of "public servants."

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This last year has been the worst in my memory. It is not that this year's campaigns have been, as the pundits have claimed, especially "dirty"—it is that they have been so purely and clearly anti-liberty. The big issues this year have been anti-drugs, pro-social security, pro-public education. I have seen not one advertisement express a libertarian theme.

It is no wonder, then, that I look forward to evenings spent in front of the TV watching and thinking about commercials that *can have a substantial effect only if I let them.* I can contemplate the truly harmless issues of our time:

Does Schudson's theory of "Capitalist Realism" really best explain the nature of advertising in modern society?

Do the New Surrealistic commercials really sell anything? (Are any of them worse than the programs they interrupt?)

Can the Hamm's bear walk a straight line? —TWV

Does she or doesn't she?— "This country needs," Editor-Publisher Bob Poole opined in an editorial in *Reason*, "the kind of rebirth of freedom that Ronald Reagan promised—but only Margaret Thatcher delivered. The next decade requires a president with moral vision, rooted in the principles of individualism and liberty, and the strength to plan and carry out fundamental, long-term reforms. Margaret Thatcher, we could sure use you."

Things in Britain don't look nearly so rosy to the editors of *The Economist*, the vaguely classical liberal English newsweekly:

> It is a familiar story. Politicians in opposition denounce the government for centralizing power, passing too many laws and exercising excessive patronage. They earnestly promise to do none of these when they are in office. Then they win an election—and start centralizing, legislating and patronizing as if there is no tomorrow. Thus the story up to 1979. But Mrs Thatcher is that rare being, a fiercely anti-government prime minister. Surely she has been different from her predecessors? Far from it.

There follows a disappointing record: more legislation (about twice the quantity, in fact, of the Conservative MacMillan government of 25 years ago) and more centralization of power (e.g., the education minister acquired 415 new powers in one recent bill). Mrs Thatcher had some limited success in cutting the size of the bureaucracy during her first couple years in office; but during the past few years the number of government employees has increased, and presently stands well above the number of bureaucrats under Prime Minister Edward Heath.

In a recent editorial, *The Economist* noted Mrs Thatcher's response to the suggestion (at a seminar a decade ago) that Britain needs a Bill of Rights. "'When,' bridled the future prime minister, 'did a Conservative government ever trample on the liberties of the subject?'" Mrs Thatcher's question was not answered at the seminar, but *The Economist* is willing to answer it now.

> Should the prime minister ever ask her question again, "October 1988" will do as an answer. In this one month the government has banned radio and television from interviewing the representatives of legal organizations in Northern Ireland; sacked workers at GCHQ, its communications-interception station, for refusing to leave a trade union; prepared to reverse the burden of proof in criminal trials for those found with a knife or whose hands have traces of explosives, and to end (at once in Northern Ireland, later in mainland Britain) a suspect's right to stay silent when questioned by the police without having damaging inferences drawn in court as a result.

So . . . under Mrs Thatcher, the number of laws has grown, the power of government has been centralized, and the quantity of government employees is growing. And in a single month, Mrs Thatcher violated the right to association of government employees, the right to free speech of British journalists, proposed violations of the right against self-incrimination, and proposed that the burden of proof in criminal cases be on the defendant. This is the result of what Bob Poole calls a

"moral vision, rooted in the principles of individualism and liberty"?

It is true that Britain had suffered under Socialist rule and that Mrs Thatcher was swept to office on promises to reduce the size and power of government. Somehow, this fact seems more impressive from Los Angeles than it does from London, where people actually have to live under Mrs Thatcher's rule. That may explain why Bob Poole penned this remarkable apology for Margaret Thatcher.

London, home to both Mrs Thatcher and *The Economist*, is more than 5,000 miles from *Reason*'s Los Angeles office. It's easier to be seduced by Mrs Thatcher's rhetoric and look past her record when you are separated by a continent and an ocean from her actions.

In a single month, Mrs Thatcher violated the right to association of government employees, the right to free speech of British journalists, proposed violations of the right against self-incrimination, and proposed that the burden of proof in criminal cases be on the defendant.

The episode is reminiscent of the apologies Western democratic socialists offered for Soviet Russia in the 1920s and 30s. They were so blinded by the excitement of socialistic organization that they could not see the dictatorship.

We who love liberty should not be blinded by any politician's libertarian rhetoric, a few acts of privatization, or the contrast between any government leader and her predecessor.

Moderate statism may be preferable to extreme statism. But statism, moderate or otherwise, remains the enemy of those who value liberty. Statism is the enemy, whether or not accompanied by libertarian-sounding rhetoric, whether it occurs in our own neighborhood or 5,000 miles away.

This is no time for ideological myopia. —RWB

Greenhouse defects — Of all varieties of statists, I find the environmentalists the most annoying, since they take an outrageously anti-human (i.e., pro-animal, pro-insect, pro-tree) position, in the name of a High Moral Stance that everyone else seems ready to grant them. So while the rest of us are selfish, narrow-minded, and pro-human, the environmentalists take the Cosmic (i.e. non-human) View. They speak for the Universe.

Those of us who place human beings over insects, animals, and plants are dismissed by the environmentalists as speciesists. The proper word for us, buster, is human-ist.

Animals that are cute and cuddly have "rights" that man must respect, environmentalists claim, even though other animals never respect them. Even environmentalists do not claim that cockroaches or mosquitos are cuddly; these reviled species are defended by the environmentalist fall-back anti-pesticide stance.

Why must we worry about "endangered species"? Species have become extinct since the world began—before humans had anything to do with it. Why must we worry about the snail darter? What has it ever done for us? Why shouldn't every species on earth stand (or swim, as the case may be) on its own? Why should man grant any species special privileges? Do any of these species worry about man?

Environmentalists try to turn every natural event into a catastrophe: and whatever the problem, the cause is always industrial technology and use of energy (oil, coal, or nuclear), and the solution is always to suppress technology and to adopt some form of socialism.

Take, for example, the "greenhouse effect." So what if the temperature of the earth goes up, or goes down, a few degrees? The earth has been getting either warmer or colder through recorded history. Why is one temperature more optimal than another? Can you imagine the headaches if man were able to push a button and control the weather? Think of the collective decision-making process: urban folks lobby for sunshine, farmers will vote for rain, warm-blooded and cold-blooded types will squabble over temperature . . . chaos will result. Forget it!

Ironically, the same environmentalists who gripe about the "greenhouse effect"—the earth's getting warmer—also warn us of the "icebox effect"—the world's getting colder. They conjure up images of a new Ice Age descending upon us. Well, I am no scientist, but one thing I am pretty sure of: the earth *cannot be getting warmer and colder at the same time.*

And then there is the dread hole in the "ozone layer." Curiously, the solution proposed for this problem is the same as for the dreaded "greenhouse effect": stop using energy and bring in socialism. Okay, if there is too little ozone up there because of air-conditioners and aerosol cans, then why is the hole over the Antarctic where, the last time I looked, there were darn few air-conditioners or other blights of our energy-using civilization? You say the hole blew south from the civilized regions? So why are environmentalists *also* griping about *too much* ozone over such energy-using civilized centers as Los Angeles, New York, etc? We now have governmental restrictions on technology that creates ozone. Don't these very environmentalist regulations deplete the ozone layer up yonder?

Ironically, the same environmentalists who gripe about the "greenhouse effect"—the earth's getting warmer—also warn us of the "icebox effect"—the world's getting colder. They conjure up images of a new Ice Age descending upon us. Well, I am no scientist, but one thing I am pretty sure of: the earth cannot be getting warmer and colder at the same time.

Aren't the environmentalists engaging in the old shell game? *Whatever happens at all*—whether the temperature gets warmer or colder, whether ozone increases or decreases, the answer is always the same: crack down on industrialization and capitalism.

We all revile Lord Keynes's cynical dictum that "in the long run we are all dead." But doesn't he have a point that is relevant here? If the long run is very *very* long, who the hell really cares? Why *should* we care? Why should we care if clearing the rain forest or using aerosol cans changes the climate in

four hundred years? Why not let the future take care of itself? Human beings in the future, after all, will have far greater technological knowledge and—as long as the environmentalists are kept from having their way—more capital equipment. They will be far more able to take care of themselves than we are to take care of them. Besides, what the hell has the future ever done for *us*? What is the proper time-horizon anyway? Why don't we let the market decide on the rate of time discount, and stop griping?

Here, folks, is the bottom line about the dreaded entropy: In 30 billion years, give or take a few million, our sun will burn out . . .

The ultimate absurd nightmare in the environmentalist fantasy world is the fear that "entropy" will do us in—unless (of course) we turn to socialism. Here, folks, is the bottom line about the dreaded entropy: In 30 billion years, give or take a few million, our sun will burn out. So what? Try as I might, I simply can't work up any real emotional concern about mankind thirty billion years in the future. Hell, by that time, men may have found a way to transport themselves to some younger, more hospitable and non-burned out planet, as science fiction writers have suggested for decades.

Why, with plenty of real problems on earth in the here and now, do the environmentalists persist in manufacturing phony ones? And why do the rest of us take them seriously? —MNR

Pop Marxism — The August issue of *American Libertarian* carried a news item reporting that a recently reelected Libertarian Party candidate had been accused by his opponent of having "17th century views" in a nearly 21st century world. I took notice because I have long been an informal collector of such remarks. I recall that when William F. Buckley ran for mayor of New York City in 1965, *Playboy* editorialized that Buckley's "17th century views would hardly be relevant to the New York of even a century ago." A year earlier, the *York* [PA] *Gazette and Daily* called Barry Goldwater "the finest mind of the 14th century." Sometime in 1983 a contributor to *The Nation* accused President Reagan of "applying 18th century nostrums to the 20th century." (One wonders whether the author knew that the idea of a constitutional republic with a bill of rights is an 18th century nostrum.)

Of course, the 19th century is the most common reference point in such accusations. Who among us has not heard that conservatives or libertarians possess 19th century views, outlooks, values, policies, limitations or mindsets?

I wonder, do the authors of such remarks really *mean* anything by them? Or are they just ranting abusively? My inclination is to think that, when a century prior to the 19th is cited, the reference is to nothing specific. Those who use such rhetoric are seldom historical scholars, and it seems doubtful that, if challenged, they would be able to state what attributes of, say, the 16th century are exemplified by the object of their scorn.

To return to the first case cited above, it would be hard to claim that the 17th century, with its savage religious wars in both Britain and the Continent, its mercantilism, its widespread guild monopolies and other trade restrictions, and its periodic outbursts of witch-hysteria, was particularly evident in the views espoused by a rural Libertarian county commissioner from northern California.

When the 19th century is the temporal locus of accusations of reaction, I suspect the promulgator may have something more specific in mind, although in most cases the remark is probably intended to convey a vague motion of being behind the times. To the extent that any real meaning is intended, the reference is usually to an image of the century preceding ours as an era of unrestrained capitalism, sweatshop working conditions, lack of "social consciousness," oppression of women, and other ghastly things.

Why these rhetorical references to past centuries? I suppose hearing that someone is "old-fashioned" is always going to produce negative vibes in some people. But it seems to me that what we are dealing with is a variety of pop Marxism, one that has become so diffused throughout our culture that its intellectual origins are long forgotten. Marxists are not the only ones who believe that things tend to improve over time, but they are

Marxists are not the only ones who believe that things tend to improve over time, but they are the only ones who believe that the economic nexus between mankind and the material forces of production proceed along rigid lines, with our control over these forces constantly increasing and improving. Thus to the Marxist the past is always worse than the present.

the only ones who believe that the economic nexus between mankind and the material forces of production proceed along rigid lines, with our control over these forces constantly increasing and improving. Thus to the Marxist the past is always worse than the present. (Yes, classical liberals had an idea of progress also. It was, however, centered around the idea of a conscious, voluntary modification of institutional relationships, not on alleged iron laws of history.)

The way in which this particular Marxist notion has become a cultural cliché follows a pattern of vulgarization that is common to all mass-media societies.

Before arriving at its final form it has become mixed with a folk belief, which may or may not owe anything to Marxism, to the effect that the farther "back in time" one goes, the more socially and sexually repressive was the society—a totally incorrect historical assumption.

A final question remains. Is it even accurate to maintain that libertarians in some way hearken back to the values of an earlier period? Sure it is, providing one is careful with definitions. We do draw much inspiration from the intellectual heyday of classical liberalism (about 1775–1845) and from its political apogee (roughly 1830–1870), but we also receive sustenance from people and events both earlier and later. The problem lies not with us, but with those nitwits who believe that history is a simple linear progression from worse to better. —WPM

Introduction

Public Choice: A Useful Tool

by Jane S. Shaw

A few years ago, a television journalist interviewed James Buchanan, the recipient of the 1986 Nobel Prize for Economics. Much to the journalist's consternation, the economist objected to the label "conservative," preferring the terms "classical liberal" and "libertarian." In this article, Ms Shaw explains why libertarians should pay attention to the work of Buchanan and *his* school of free-market economics.

Economics traces its origins to the "political economy" of the 18th century. Adam Smith, generally recognized as the father of economics, studied how individuals allocate their resources to obtain scarce goods, and how they used both government and markets to do so. Over the years, however, economists (except for Marxists) gradually abandoned the political side of their enterprise. The subject narrowed to a study of voluntary decision-making in a market setting (microeconomics) and, more recently, the aggregate effects of individual and collective decisions (macroeconomics). Economists left study of the political process itself to political scientists.

But the growth of government—and, perhaps, the failure of political scientists to develop useful theories to explain its operation—has led to a return to the concept of political economy. About thirty years ago, a few scholars started applying economic thinking to the workings of government. Their ideas, labeled the theory of public choice, came of age in 1986 when James Buchanan, their most eminent theorist, was awarded the Nobel Prize.

Public choice analyzes how decisions are made by voters, politicians, and government employees. It supplements traditional economic thinking and offers libertarians something they desperately need if they want to reduce or eliminate government—a clear-eyed view of how government really works.

Public choice "replaces a romantic and illusory set of notions about the workings of governments by a set of notions that embody more skepticism," says Buchanan. Classical liberals can embrace this view of government because it provides good reasons for restraining the power of the state. It is distasteful to mainstream economists and journalists and other opinion-leaders who favor government power. For example, Robert Lekachman wrote in The New York *Times* that the Nobel committee's decision was "far more a testimonial to the fashionable popularity of conservative politics" than a tribute to Buchanan's "rather modest achievements."

In my view, critics of public choice—and that means many mainstream economists and political scientists—dismiss public choice because their own view of politics is unrealistic and they don't want to admit it. The prevailing view of government is the romantic notion that democratic governments can solve society's problems, particularly by correcting the market's failures (unfair competition, unequal distribution of income, and so forth). According to this body of opinion, anything seriously wrong with government is the result of the wrong people being put into office, not of some inherent problem with the system.

Public choice grew out of the economic subdiscipline of public finance (how governments tax and spend) and was given its greatest impetus by Buchanan and his colleague Gordon Tullock, with the publication of their landmark book, *Calculus of Consent*, in 1962. A major contribution of that book was to show (with some mathematics) that simple majority rule does not have any peculiar moral or efficiency justification.

Public choice applies the central tenets of economics—in particular, the recognition that people are self-interested—to people in government. (An early term for public choice was "non-market decision-making.") In other words, the behavior of people in government (voters, politicians, bureaucrats) is studied as if those people are acting in their own self-interest, just as economists assume that people are acting in their self-interest when trading with one another. Of course, economists don't presume that people always act to promote their own goals, but they consider such an assumption as a useful tool in

understanding and predicting human action. Similarly, public choice economists don't deny the existence of public spirit or ideology, but they find that assuming self-interested individuals helps them to analyze government actions.

Thus, public choice economists treat people in a government setting the way they treat people acting privately. Differences in people's behavior in the two settings stem from the incentives and information they receive. In the collective decision-making process, the incentives and information reflect the fact that government, with its coercive power, separates authority from responsibility.

In the private sector, people generally bear the responsibility for their decisions. If they want something, they have to give up something they own—their labor or property—in return, so that if they make a mistake, they pay for it. Thus they have a strong incentive to make wise purchases and intelligent decisions in pursuit of their personal goals.

In the public sector, people in authority do not bear personal responsibility for their decisions the way they do in the private sector. They are not personally rewarded for a good decision (their property does not increase in value) nor do they suffer for a bad decision (their property does not decrease in value). In theory, they are accountable to the people, but the diffuse public is largely ignorant of their activities and unable to communicate its views except indirectly.

When legislators pursue the "public interest," they do so by spending other people's money. They have little personal incentive to make sure that government expenditures are efficient or wise. They may, of course, intend to spend the taxpayers' money wisely. However, they gain no personal reward for doing so—they aren't saving their own money and they won't receive any portion of wealth they create. Since the public is largely ignorant of what the politician does, voters offer little discipline. Finally, the politician's self-interest—it typically includes a strong desire to be re-elected—tends to push in the opposite direction from wise and efficient use of resources. The interests of the overall populace and of future generations are continually rejected in favor of the here and now of the narrow special interests of particular individuals and organizations—individuals and organizations whose campaign support may be critical in the next election. Indeed, when a politician helps a narrow constituency at the expense of the general Treasury, the cost of the project often *is* the benefit.

The Wisdom of Ignorance

This way of looking at people in government—methodological individualism, or the assumption that the individual is the unit of calculus—is a fundamental tenet of public choice.

When legislators pursue the "public interest," they do so by spending other people's money. They have little personal incentive to make sure that government expenditures are efficient or wise.

Another is the rational ignorance of the voter. This discovery was made by Anthony Downs in his 1957 book, *An Economic Theory of Democracy*. After introducing this crucial insight, by the way, Downs largely left public choice to pursue other interests and hasn't been a major actor in the field. Curiously, he favors a strong and sizable government. Yet, he gave public choice an enormously useful idea: the notion that the voter is regularly, routinely ignorant, but rationally so, not from a lack of intelligence.

The typical citizen, Downs found, often has little incentive even to vote. Voting takes time, and obtaining the information about the candidates takes even more time. Furthermore, the reward is elusive. While the outcome of an election may be tremendously important for a nation or city, an individual's vote will rarely be decisive in any election. Gordon Tullock points out that the voter is statistically more apt to be killed in traffic on the way to the polls than to determine the election's outcome. And once the politician is elected, the voter will have virtually no impact on the resolution of the multitude of issues that will be decided legislatively.

Have you ever wondered why more than half of all voting-age Americans do not know the name of their congressman? The explanation is rational ignorance. Economist Richard Stroup points out that people will spend more time and effort finding a place to buy cheap gasoline than they will to learn about a candidate. The reason: they receive the benefit of the cheaper gasoline, but their vote is, to all intents and purposes, largely wasted.

Upon this rock of rational ignorance, much of the framework of public choice is built. Because the voter is largely ignorant, special interest groups can cut deals with legislators on many issues that the voters will never know anything about. Through log-rolling—vote trading—legislators build coalitions for projects that help the special interests that help them. A rural congressman supports housing subsidies in return for support of the farm program. One result is a growing government budget, since money is spent on both farm and housing programs.

Moreover, the ignorance of the voter means that politicians must appeal for votes through "image" and "perceptions" rather than content. With the exception of a few bedrock issues (you have to be against gun control in Montana and have to be for tobacco subsidies in South Carolina) the election will always turn on superficial characteristics—the politician's "image" with the voters. To convey the proper image, politicians need appealing advertising and by and large only special interests (groups that will benefit directly from government expenditures) have an incentive to supply substantial funds for campaigns. They usually supply these funds in exchange for access to the politicians.

Because the voter is ignorant and because politicians have no stake in their decisions (the way they would if they were making decisions about property they owned), government actions are usually shortsighted. Legislation will tend to offer immediate, easily identifiable benefits (Social Security payments, for example) at the expense of future costs that are difficult to identify (such as heavy payroll taxes thirty years hence). In spite of what you read about the short-run outlook of business executives, shortsightedness is more typical of government than business; a company that obtains short-term benefits at the

expense of future costs quickly sees a reduction in its net worth, and thus its stock price.

The Logic of Bureaucracy

Public choice helps us understand civil servants as well as voters and politicians. Think of bureaucrats as no different from people in the private sector. They too believe in the importance of what they are doing and they naturally want to increase their office's impact and prestige. But in the private sector, professional pride and narrow focus are constrained by the marketplace or, more specifically, by the priorities of a company that is restrained by the marketplace.

For example, the timber manager of the major forest products company may want to cut down a lot of trees (that's what they teach you to do in forestry school), but if lumber isn't selling well, he or she cannot do it with abandon. In contrast, the Forest Service will cut down trees because forest managers want to do it and because they gain funds by doing so, even though they often sell these trees below the cost of the harvest. A private timber company will go out of business if it loses hundreds of millions of dollars a year for a long time, but the Forest Service does it every year. The taxpayer (largely ignorant of the whole subject) pays the difference.

This brief summary of the foundations of public choice doesn't really indicate its breadth or depth—it is intended only to illustrate that public choice is a useful tool. Once you get beyond the basics, public choice splits into several schools, most notably the "Virginia" and "Rochester" schools. James Buchanan leads the Virginia School, named after the University of Virginia, where he taught in the 1950s. He and his colleagues are especially concerned with constitutional issues and, under Buchanan's leadership, have moved into normative discussion of the need for constitutions to restrain government power.

Buchanan and his colleagues believe that government can be fair only if it follows rules that everyone agrees to before the process of governing begins. The reasoning is that in any particular vote or negotiation, each person has specific interests motivating him; but before particular issues arise, each person will agree to rules that are universally fair. One of Buchanan's current concerns is the elaboration of rules for the U.S. government (such as a balanced budget amendment) that will make up for constitutional rules and traditions (such as the tradition of balancing the budget) that have eroded over time.

The school that has developed around William Riker of the University of Rochester, on the other hand, is mathematical and statistical. Largely composed of political scientists rather than economists, this school applies game theory to analyze voting (in committees, assemblies, and general elections), party strategies, coalition formations, and agenda manipulation. Adherents can pursue this branch of public choice without taking any position at all about whether more government activity is a good or bad thing.

For those in the Virginia school, however, it's hard to ignore the implications of what they find out—things like the fact that government decisions tend to serve the few rather than the many and accomplish little while costing a lot. Not surprisingly, it is the Virginia school that evokes controversy. And it is the Virginia school that offers libertarians some useful insights that will help them extend their influence as they try to cut back the power of the state. ❑

The Dogs of Capitalism, by Mitchell Jones, proves that natural rights are not a myth.

It is a fact that the natural rights position cannot be validated by ethical or by economic arguments. This, however, does not mean that natural rights are a myth. What it means is that natural rights are the creation of jurisprudence, and are logically derivable only by means of juridical reasoning.

Historically, the doctrine of natural rights traces back to the tradition of the English Common Law. This tradition developed over a period of some 600 years, during which English judges had an incentive, in most cases, to maintain a strict impartiality and to attempt the reasoned settlement of disputes. Natural rights are the juridical methodology which resulted from this attempt, and which necessarily must result whenever judges make a sustained attempt to settle disputes on the basis of reason. The same methodology arose independently, from the same cause, in the courts of the Roman Republic. To the Romans, the methodology was known as *jus naturale*, or natural justice.

The arguments deriving natural rights from jurisprudence are presented in *The Dogs of Capitalism*. The explanation is detailed, yet easy to read and understand. If you want a refutation of the notion that natural rights are a myth, this is it. For the advocate of liberty who wants to be able to defend his position, this is must reading.

* * *

The Dogs of Capitalism, hardcover, 336 pages, 44 illustrations. Price in the U.S. is $24.95 postpaid. Texas residents add $1.50 sales tax. Send order to:

21st Century Logic, Dept. A32 • P.O. Box 12963 • Austin, TX 78711

1988 Libertarian Party Presidential Vote

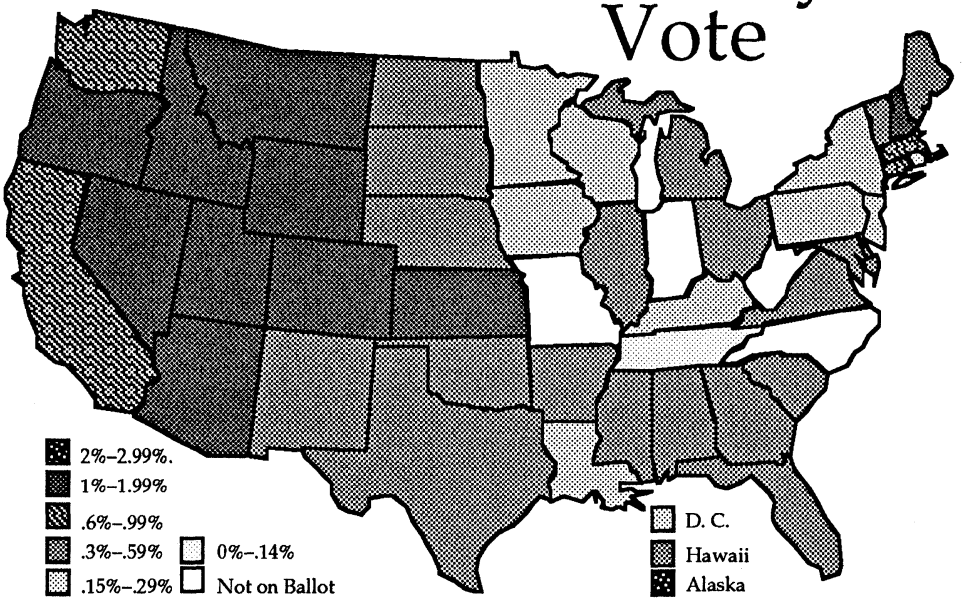

Vote Totals by Party

Republican	48,130,478
Democrat	41,114,068
Libertarian	418,881
New Alliance	201,430
Populist	44,135
Consumers'	30,074
American Independent	26,053
Independent (LaRouche)	23,713
Right to Life	22,560
Workers' League	18,645
Socialist Labor	11,435
Prohibition	7,868
Workers' World	6,628
Peace & Freedom	3,968
American	3,443
Socialist	3,412
Grass Roots	1,949
Independent (Youngkite)	363
Third World Association	229
None of the Above	6,923
Total	90,076,255

America's "Third" Party:

The Libertarian Party finished third in the presidential election, with 51% of the minor party vote. The LP finished third in 38 states. It was beaten by the Populist Party in Arkansas, Mississippi, Louisiana and Kentucky, by the New Alliance Party in Virginia, South Carolina, the District of Columbia and Florida, and by the Consumers' Party in Pennsylvania. It was not on the ballot in Missouri, Indiana, West Virginia and North Carolina.

West vs East . . .

For the fifth time in succession, the LP ticket did at least *twice* as well in the West (states lying west of Texas) as in the East:

Area	1970	1976	1980	1984	1988
West	.11%	.76%	1.89%	.64%	.90%
East	.00%	.20%	.87%	.23%	.37%

Highlights and lowlights . . .

Of the 37 states on whose ballots the LP candidates appeared both in 1984 and 1988, the 1984 ticket outpolled the 1988 ticket in at least 9: Alaska, Hawaii, Montana, New Mexico, Oklahoma, Tennessee, Vermont, Wisconsin, and Wyoming. New York and Massachusetts are too close to call. The 1988 ticket outpolled the 1984 ticket in the remaining 26 states.

There were two states in which the 1988 LP presidential ticket established new records for the highest vote ever:

State	1988 Vote	Old Record
New Hampshire	.99%	.55% (1980)
Connecticut	.86%	.61% (1980)

There were six states in which the LP ticket had its lowest vote ever:

State	1988 Vote	Old Record
Alaska	2.75%	3.05% (1984)
Hawaii	0.56%	0.66% (1984)
Montana	1.350%	1.353% (1984)
Oklahoma	0.53%	0.72% (1984)
Vermont	0.41%	0.43% (1984)
Wyoming	1.14%	1.27% (1984)

In addition, it appears likely that New York and Massachusetts will have their lowest LP vote total ever.

State by State Totals

Alabama	6,500	.48%
Alaska	5,459	2.75%
Arizona	12,662	1.10%
Arkansas	3,164	.38%
California	88,836	.73%
Colorado	15,746	1.14%
Connecticut	12,831	.89%
Delaware	1,156	.46%
Dist. of Columbia	529	.28%
Florida	19,488	.46%
Georgia	8,435	.46%
Hawaii	1,999	.56%
Idaho	4,934	1.20%
Illinois	14,974	.33%
Indiana	not on	ballot
Iowa	1,760	.14%
Kansas	12,464	1.25%
Kentucky	2,237	.16%
Louisiana	4,115	.25%
Maine	2,348	.42%
Maryland	6,799	.41%
Massachusetts	22,625	.86%
Michigan	18,567	.50%
Minnesota	5,109	.24%
Mississippi	3,116	.33%
Missouri	not on	ballot
Montana	4,914	1.35%
Nebraska	2,606	.39%
Nevada	3,520	1.00%
New Hampshire	4,602	.99%
New Jersey	7,208	.23%
New Mexico	2,712	.52%
New York	9,180	.14%
North Carolina	not on	ballot
North Dakota	1,314	.44%
Ohio	13,042	.29%
Oklahoma	6,261	.53%
Oregon	14,723	1.23%
Pennsylvania	11,858	.26%
Rhode Island	649	.17%
South Carolina	4,780	.49%
South Dakota	1,076	.34%
Tennessee	1,959	.12%
Texas	30,317	.55%
Utah	7,394	1.14%
Vermont	1,000	.41%
Virginia	8,414	.38%
Washington	15,211	.90%
West Virginia	not on	ballot
Wisconsin	4,779	.21%
Wyoming	2,206	1.14%

The data reported on this page were gathered from a variety of sources. It is the most reliable data available as we go to press; however, it is *preliminary* data and will likely change as more accurate returns come in. Vote totals for Alabama and New York are estimates based on extrapolations of partial returns

Political Commentary

High Noon for the Libertarian Party?

by Chester Alan Arthur

As usual after a presidential election, many Libertarians are disappointed with their vote totals, and cries of "Abandon Ship!" can be heard. *Liberty*'s political correspondent was not disappointed. He thinks Libertarians should take this opportunity to rationalize their expectations and get about the business of building a free society.

On November 8, for the 50th time since the founding of the Republic, American voters elected a President. Republican nominee George Bush carried 40 states; Democrat Michael Dukakis carried 10 states and the District of Colombia. As usual for the past 160 years, the Presidential race was a two party affair.

The machinations of the Republican and Democratic contestants for the Presidency have been reported and analyzed in such detail by press and television that we are confident that any interested party has formed his own judgments and has no appetite for further advice.

The Republicans and Democrats also monopolized the House of Representatives and the Senate, the state legislatures and governors' offices, even such offices as sheriff and drain commissioner. Races for these positions have also been reported, analyzed and discussed by the "major" media in such detail that interest in them is almost universally exhausted.

There were other parties involved in the elections, though they were practically invisible to the average voter. Foremost among these was the Libertarian Party. Like the editors (and presumably the readers) of *Liberty*, the Libertarian Party favors the radical diminution of the power of the state and the concomitant maximization of human freedom.

For these reasons, this discussion of the 1988 election will concentrate on the Libertarian Party, its performance in the 1988 election, and the directions in which it might develop in the future.

I. "Is that all?"

That was Russell Means' reaction when he heard that the Libertarian Party candidate for the Presidency had received a popular vote of about 420,000.

Most Libertarian Party activists had believed that 1988 might be a breakthrough year. For the first time in its history, the LP had nominated a successful politician for the Presidency. Ron Paul had been elected to Congress four times. He had an independent political following among conservatives, a substantial fund-raising base, and a professional staff experienced in the art of electioneering. Paul promised to raise more money than previous LP candidates, to reach out to new constituencies, to bring new members into the party, to campaign actively on its behalf.

Early in the campaign, the candidate had suggested he might receive as many as 5 million votes. This figure is more than 20 times the LP vote in the 1984 election and more than 5 times the highest vote total the LP had ever achieved. Not surprisingly, most LP members and observers concluded that the 5 million vote figure was hyperbole.

But gradually, the expectations of LP supporters began to rise. The candidate was seen on public television, on cable television and in local newspapers. He reportedly raised (and spent) $3 million, about five times as much money as the 1984 nominee. Spokesmen for the Paul campaign repeatedly told the press that national television advertising would be forthcoming.

Shortly before the election, I asked a number of prominent LP activists and observers to estimate the popular vote. Their estimates ranged from about 650,000 to 1,500,000.

Initial estimates from the partial returns election night indicated that Paul would receive between 425,000 and 475,000 votes. As results continued to drift in, the picture didn't get any better.

As we go to press, the best estimate is that the LP candidate received approximately 420,000 votes.

Many Libertarian Party partisans were shocked and discouraged when they heard the news.

What had gone wrong?

Probably the most important reason that the Paul campaign failed to meet expectations was that the expectations themselves were unrealistic. Libertarians seem to be optimistic by nature; they have a historic tendency to overestimate their appeal to voters.

This tendency to over-estimate is enhanced by two other factors. After the almost invisible campaign in 1984, LP activists wanted substantial growth. There was an auction of sorts during the fight for the nomination between Congressman Paul and Indian activist Russell Means. Both contenders for the nomination and their backers sought to fill this demand by escalating their predicted vote totals.

By the time of nomination, backers of both candidates were predicting vote totals of 5 or 10 million. These were absurd, but in the rarefied atmosphere of the LP Convention, they seemed within reach.

Libertarians were also victimized by the natural tendency to raise expected returns as they increased their efforts. The LP member who thought Paul might get 500,000 votes when the campaign began, thought that he might get 750,000 after six months of work and contributions, and 1 million after another three months of work and cash contributions. This process is accelerated by the campaign itself, which typically escalates expected vote totals to motivate volunteers.

In making their prognostications about the Paul vote total, libertarian pundits failed to take into account a surprising decision by the Paul campaign: the decision to eschew television advertising. They had good reason to believe that the Paul campaign would buy ads: virtually until election day, spokesmen for the Paul campaign intimated that television campaigns would be forthcoming. Shortly before the election, for example, a news item in *American Libertarian* reported: "According to campaign manager Nadia Hayes, the plan is to fund two sets of 3-day 'spurts' the week before the election. 'The goal is to expose viewers to two to six exposures to our message immediately prior to the election, so that voters will remember us,' said Hayes."

But the ads never were run on national television. Instead, a single television ad was prepared. At a cost of about $7,000, a TV spot was edited from the 8 minute campaign video shown at the nominating convention. The ad presented Paul as an opponent of the IRS and a supporter of taxpayer rights. It was made available to local LP groups, a few of whom raised funds and showed the ad on local television stations. But no Paul campaign funds were spent on television advertising.

The Paul campaign's decision to shun television advertising undoubtedly suppressed the vote total. In a post-election interview, Ed Clark, LP presidential candidate in 1980, argued that the lack of television advertising made a tremendous difference: "The reason that we didn't do as well this time as we did in 1980 is national TV ads. I think that national TV ads are required for a substantial vote in order to reach the non-newspaper reading public (at least half the people get all their news from TV and a big majority get most of their news from TV) . . . Most people don't really see the candidates unless they see them on TV. That's probably the reason for roughly half the vote total we had in 1980."

The Paul-Marrou ticket did much better in places where local supporters purchased significant television advertising. This was demonstrated very powerfully in Kansas, where enthusiastic local LP activists purchased TV spots, using both the anti-IRS spot provided by the Paul campaign and a more generic Libertarian ad prepared by the Utah party. In the Wichita market area, where television spots were used, the Paul ticket garnered 4.70 times as many votes as the Bergland ticket in 1984. In counties where no TV spots were used, Paul got 2.58 times the Bergland totals. Put another way, LP vote totals in the counties where TV advertising was used ran 82% ahead of the pace in counties where no television was used. (Cf. "TV Advertising and Minor Party Campaigns," p. 35.)

Why weren't any national television ads purchased? It was a matter of cash, according to Ron Paul. In a post election interview, Paul agreed that national television advertising would have made a big difference: "I'd be the first one to say that. But how do you put it in if you don't have it? You can go only so far with the $3 million or so that we had, and you don't get TV for that. I mean,

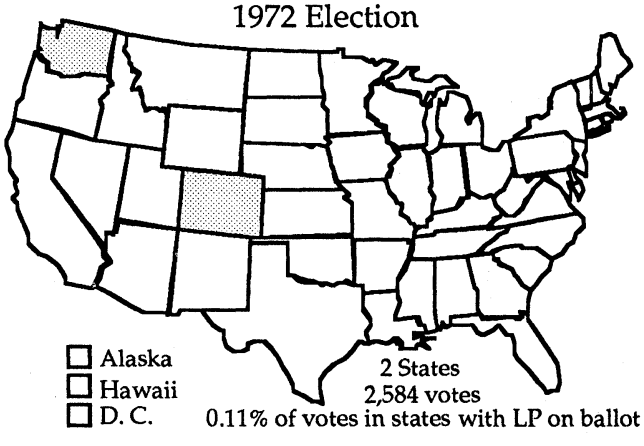

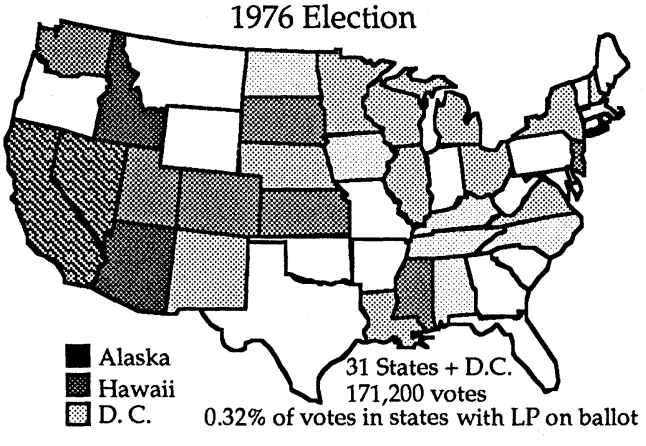

that's travel expenses, overhead and mail. That's what it takes care of. You need $10 million to get on television."

The failure of the Paul campaign to buy ads upset many libertarians. " I was very disappointed," Russell Means told me a few days after the election. "I kept telling people all over the country, 'Well, just wait. You'll see our candidate.' They said they'd never heard of him, you know. I'd say, 'Just wait. You watch TV, his national ads will be coming. They'll be coming... probably in the last two weeks.' Paul didn't fulfill his three major campaign promises at the convention: national TV, fifty states, and he was going to raise $5 million." Some of those in the Paul camp were also upset: Murray Rothbard called the failure of the Paul campaign to buy national television spots "outrageous."

It was not really surprising that on election day, only 420,000 Americans voted for the Libertarian Party's ticket of Ron Paul and Andre Marrou.

II. What it means

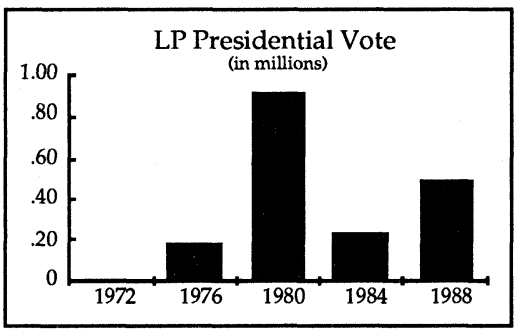

The graph above shows total LP votes in the five elections since the party was organized.

As you can see, the growth seemed tremendous between 1972 and 1980: the 1976 vote topped the 1972 vote by about 6400%; the 1980 vote topped the 1976 vote by 436%. The total LP presidential vote increased from 2,648 to approximately 920,000. The 1984 election showed a strong reversal of that trend: LP vote fell by more than 75%. This year's vote marks an increase of about 90%.

But this is misleading. For one thing, the LP's candidates appeared on the ballots of only two states in 1972. Only voters who lived in Washington or Colorado had the opportunity to vote for the LP ticket of John Hospers and Tonie Nathan. Not surprisingly, the 2658 votes the ticket received does not even show on the graph.

The situation was different in 1976. That year, most Americans could vote for the LP ticket of Roger MacBride and David Bergland, whose names appeared on the ballots of 31 states. Even so, voters in several large states (Texas, Florida, Pennsylvania) could not vote for the LP candidates.

The well-financed Clark campaign of 1980 appeared on the ballot in every state. For the first (and, to date, only) time, voters in every state could cast their ballots for the LP ticket. Not surprisingly, the LP had its best showing ever.

The names of David Bergland and Jim Lewis appeared on ballots in only 38 states in 1984, as the party was rent by internal squabbles and hobbled by inadequate funding. Again, many voters were not able to vote for the ticket. The 1988 ticket of Ron Paul and Andre Marrou appeared on ballots in 46 states. The chart in the next column corrects for the number of voters able to vote for the ticket. It reports the percentage of the total vote the LP candidate received each year of the total votes cast in the states where the LP candidate's names appeared.

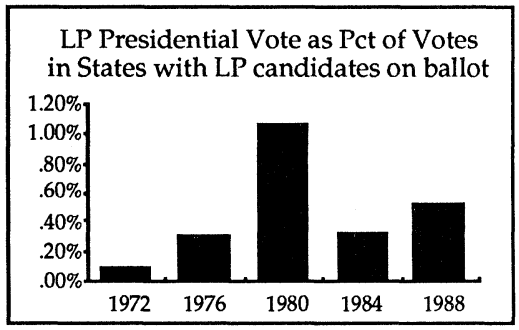

You will note that the variation from one year to the next is much less. The growth of voter support from 1972 to 1980 is still impressive, but it is much less. Similarly, the falloff in the 1984 election is much less pronounced.

But there are problems with these data as well. The LP ticket has considerably more appeal in certain states than in others. The 1976 figures, for example, are held down a bit by the failure to obtain ballot status in Montana, which has consistently been the LP's second strongest state, after Alaska. The LP has obtained ballot status in Oregon, one of its strongest states, only twice, which helped increase the figures for 1980 and 1988. On the other hand, getting on the ballot in Pennsylvania, with a lot of voters but little LP support, in 1980, 1984 and 1988 has driven down the percentage.

There are other variables. The LP's showing in Alaska was driven significantly upward by the political organizing of Dick Randolph in 1976 and 1980, when the LP took over 10% of the vote, but fell sharply after Randolph left the party. (Relative regional strengths of the LP presidential candidates can be

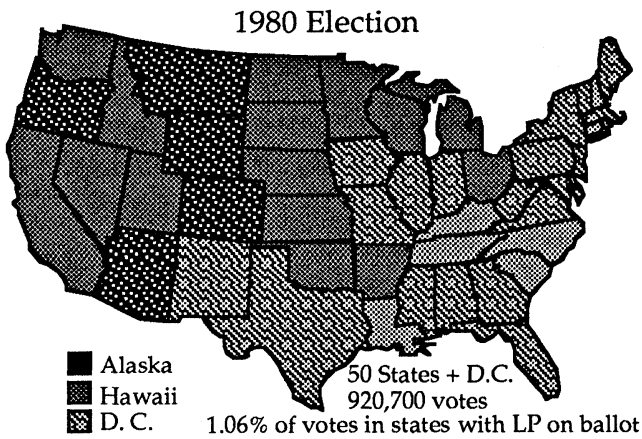

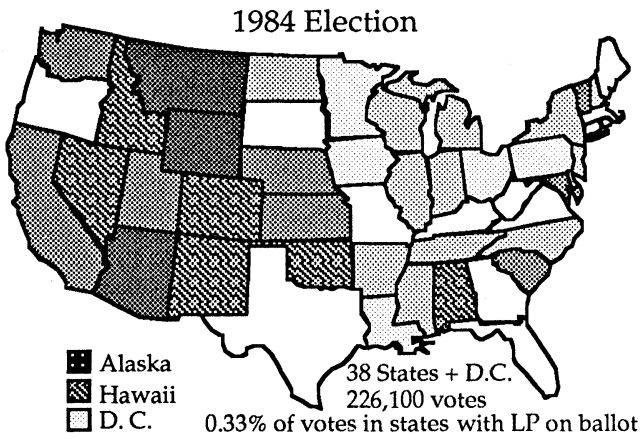

inferred from the maps on pages 18, 20 and 21.)

There are only two states in which the LP's candidates have appeared on the ballot in all five elections: Washington and Colorado. The graph below shows the party's showing in these two states.

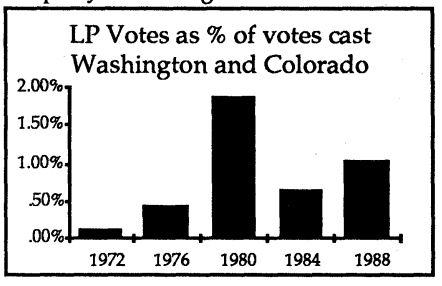

This graph appears very similar to the graph on the previous page. The most important differences are that the growth of the LP vote from 1972 to 1980 is slightly stronger than the national average, the falloff in 1984 is somewhat less, and the increase in 1988 is a bit greater.*

But this graph, like the previous, shows one major anomaly: the tremendous showing in 1980, when the LP captured nearly 2% of the votes cast in Washington and Colorado. Many factors were unique to the 1980 election. For one thing, as David Bergland pointed out in a recent interview, "the media, not caring much either for Carter or Reagan, were real excited by the Anderson campaign. Their steady coverage of [the Anderson campaign] validated voting for alternatives." For one of the few times in American history, there was no particular stigma attached to voting for a third party candidate. The media opened themselves to other third party candidates as well, including not only the LP but also the small leftist Citizens' Party of eco-freak socialist Barry Commoner.

But without a doubt, the biggest difference between the Clark campaign and other LP campaigns was the television advertising. The evidence of the Kansas experience this year indicates that a modest program of television advertising can increase voter response by as much as 80%. The somewhat fanciful graph below shows the LP presidential vote in Colorado and Washington, taking into account the power of television advertising.

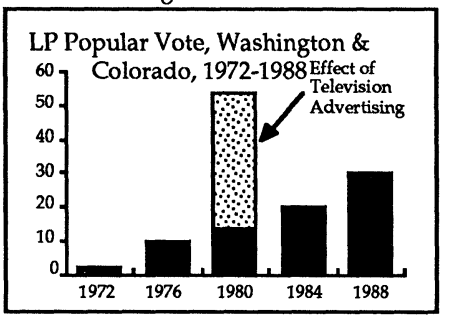

This is a record of steady and substantial growth. Despite its vicissitudes, its internal splits, and its controversies, the LP has continued to show steady growth throughout the first two decades of its existence.

III. No Defeat, No Breakthrough

Approximately 1 voter in 200 voted for Ron Paul. That is up substantially from 1984 when 1 voter in 300 voted for the LP ticket. That is an increase of approximately 50%, which is certainly not "the death rattle of the Libertarian Party," as Eric Garris of the Libertarian Republican Organizing Committee (LROC) argues.

The problem for advocates of the LP is that, once again, the LP has failed to break into the ranks of the major political parties. In the context of past elections, the LP ticket did very well. But in the context of the major-party system, the LP did disastrously.

Almost since the LP's inception, party members have hoped for a breakthrough. Many party members believed that the well-financed campaign of Roger MacBride in 1976 might well put the LP on the national stage. The LP ticket finished third, with 172,000 votes that year, its third place finish achieved as the result of a split in the nutty right-wing American Independent Party.

By 1980, many LP activists were convinced that a breakthrough was imminent. Party activist Ed Crane decided early on to plan an LP campaign committed to ballot-status in all 50 states and a professional campaign, and he secured the financing of the campaign from a wealthy donor. The party had an attractive, articulate and enthusiastic candidate in Ed Clark. Libertarians again hoped for a breakthrough. Their hopes were dashed when Clark got "only" 920,000 votes. And again in 1988, hopes for a breakthrough were dashed on election day.

Why is it that the LP has failed to achieve a breakthrough?

The reason is so obvious that it is hard to understand why so many LP activists fail to grasp it.

The Libertarian Party program is radical. It offers a vision of a very different America: one in which individual freedom is far greater than it is today, one in which government has radically less power or is abolished altogether.

Americans have a long and well established record of dislike for radical solutions. Most Americans are relatively satisfied with their sociopolitical environment. Many are simply indifferent; in fact, approximately half don't even take the trouble to vote. Those who do vote prefer candidates and parties that they feel comfortable with. Those who want social change generally favor relatively slow change, probably to minimize the risk of a radical change affecting their circumstances. Americans do not vote for programs that promise sweeping change except in times of social or economic crisis.

This inherent conservatism of the American voter is the root of the preference most voters have for candidates whom they perceive as moderate or centrist. It also explains why they almost always vote for candidates of the mainline, established parties.

In addition, most Americans believe that the only way change will be effected is through the two major parties. Even most voters who want a radical change, therefore, vote for mainline parties. This is a problem that all third parties face. Radical parties of both left and right tend to get minuscule votes, except when they are the vehicles of well-established politicians (whose reputations were made in major parties) or there is a serious crisis.

"People will vote for one of the two parties," said John Hospers shortly after the 1988 election. "I know people who voted for Bush or Dukakis thinking a vote for Paul would be wasted. They feel that they are wasting their vote if they don't vote for somebody who might win . . . so they wanted to get their vote in for one or the other even

* When analyzed in terms of the 30 states on whose ballot the LP ticket has appeared in the last four elections, the LP's vote-attracting record looks slightly less impressive because the 1984 ticket ran behind the 1976 ticket. Here are the numbers:

1976	0.76%
1980	1.84%
1984	0.62%
1988	0.86%

It should not be surprising that the 1984 campaign fared so poorly: it featured neither the television advertising of 1976 and 1980, nor the aggressive personal campaign of 1988.

though other things being equal they would have preferred the libertarian candidate, Ron Paul." The leading leftist third party in 1988, the New Alliance Party, was on the ballot in all 50 states but got only 200,000 votes; it is certain that many who prefer its radical leftist program voted for Dukakis, who gives lip service to their goals and is preferable to the hated Bush. The largest right-wing third party this year, the Populist Party, got only 40,000 votes; many who prefer its program cast their ballots for Bush, who defended such right-wing programs as mandatory flag pledges and an aggressive, anti-communist foreign policy.

To convince a normal American to cast his vote for an LP candidate is a complicated and difficult process. It usually requires that the voter be convinced of three different propositions:

1) that the radical libertarian program will benefit the country, the voter, or for both;

2) that the radical programs do not risk the voter's or the country's security or well-being; and

3) that by voting for the LP candidate he is likely to help realize that program.

Given the difficulty of this process, the steady growth of LP vote totals during its first 16 years is an impressive achievement. But only a tiny segment of the population votes for LP candidates, and the LP's growth is likely to remain unspectacular. The vision of a breakthrough election victory might help motivate LP activists. But it is simply unrealistic.

It is not surprising that many LP supporters cling to the hope of a breakthrough victory. Libertarians are not like most Americans and often have difficulty understanding them.

Many libertarians see the major parties exclusively as agents of the increase of state power. This profound alienation leaves them with little appreciation of the appeal of the two party system, or of the typical voter's reluctance to "waste his vote." The LP program seems eminently sensible and practical to libertarians, so most have difficulty understanding that voting for the LP is alien to most Americans. Most libertarians tend to believe that if they present their program to their fellow citizens in a rational way, their fellow citizens will see its logic and be quite willing to vote for an LP candidate.

Given the radical nature of the libertarian program and the inherent conservatism of the American voter, the substantial growth of the Libertarian Party to date is an impressive achievement. The prospects of continued growth seem good, provided LP activists continue to pursue their goals with the energy that they have invested to date.

But the prospect of a breakthrough, for the magic campaign that elevates the Libertarian Party to the status of the Republicans and Democrats, is small. If an economic or social crisis should engulf the U.S. the chances would be better. But barring a crisis, the best an LP activist can hope for his party is continued growth.

Despite its vicissitudes, its internal splits, and its controversies, the Libertarian Party has continued to show steady and substantial growth throughout the first two decades of its existence.

An electoral breakthrough is a pipe dream. It's time LP members come to grips with this and lower their expectations. Failure to do so can only result in repeated disappointment, frustration and "burnout."

IV. Time to Abandon the LP?

Some LP activists have concluded that their inability to win elections as LP candidates is good reason to leave the LP and join a major party. In 1986, Eric Garris and Justin Raimondo, two long-time LP activists, left the party and organized LROC. Thanks to their efforts and the generosity of their backer—entrepreneur Colin Hunter has reportedly financed LROC to the tune of $150,000—LROC has sought to convince LP activists to leave their party and join the Republicans.

"The minor party gambit is a *strategic* question, a tactic to be tested by experience and verified over time," Raimondo writes. "By any fair standard of success, the LP has clearly failed the test . . . The evidence is in, and the verdict is clear. Libertarian Republicans are the wave of the future—that is, if libertarianism is to have a future."

In the election just past, Art Pope, an LROC member in North Carolina, was elected to his state legislature as a Republican, and a candidate supported by LROC was elected to the legislature in Vermont. "While LROC does not take credit for these victories—both candidates entered their races on their own, and have their own campaign organizations—we *do* claim that they verify our strategy," Raimondo writes. "There is a way out of the political dead-end in which the LP activists find themselves. Libertarian Republicans are entering the political arena as serious contenders—and they are *winning*."

There is no doubt that LROC *is* attractive to some frustrated LP activists. But most people do not join the LP only to win elections. They join because they want to advance liberty. And it remains to be seen whether campaigning as Republicans will advance liberty.

As I make out the join-the-Republicans argument, it consists of three propositions: 1) Libertarians cannot win elections as LP candidates; 2) Libertarians can win elections as Republican candidates; 3) as Republican office holders, libertarians can effectively advance liberty.

The first of these propositions is fairly convincing: after 16 years of contesting partisan offices, LP candidates can count their victories on their fingers: three state legislators in Alaska, a town council member here, a county commissioner there. I have already discussed the reasons that LP candidates have difficulty winning elections. The prospects for LP electoral victories will remain poor until such time as more people agree with libertarian ideas and are willing to abandon the two party habit.

Can libertarians win elections as Republicans? Certainly, their chances of winning as Republican Party candidates are better than their chances of winning as LP candidates. But the libertarian seeking office as a Republican has

serious problems. First, he must be nominated, either in a primary election or by a convention. Because libertarians disagree with most Republicans on many fundamental issues, winning nomination can be difficult. Libertarians will have to make their views palatable to Republicans to win nominations, either by misrepresenting their views or by soft-pedalling them. (Of course, libertarians will be able to capture Republican nominations more easily in areas where Republicans are greatly outnumbered by Democrats. But in these areas they will be unable to win elections.)

The libertarian running as a Republican has two advantages over the LP candidate: dogmatic, straight-ticket Republicans will vote for him, and he needn't overcome the American prejudice against third parties. Aside from these, his electoral problems are the same as those of the LP candidate. He must convince the electorate that the free society he envisions would be a good place to live, and that the radical change he advocates does not put the comfort, security or well-being of the electorate at risk. Since most Americans dislike and fear libertarian ideas, this is a very formidable task.

Needless to say, the libertarian running as a Republican will face the same sort of incentives that Republicans (and Democrats) face: to get votes he must present a program that the electorate likes. Since the electorate does not like the libertarian program, he will be sorely tempted to downplay his libertarianism or to misrepresent his views.

And what if he is elected? How effective can he be? Only as effective as his constituents allow him to be. If he is elected on a wimpy platform, people are going to expect him to stand on that platform once in office. His ability to make significant changes will be no greater than if a middle-of-the-road Republican had won the election.

Reducing the size and power of government was one of Ronald Reagan's major themes in his 1980 campaign. Yet once in office, he failed to "get government off our backs." In fact, the size and power of government continued to grow. Was this because Ronald Reagan is a dishonest man? I doubt it. I think a much more plausible explanation is that he realized that the electorate liked his rhetoric, but didn't really want the size and power of government reduced. So he merely reduced its growth rate a bit, and changed its priorities in a few small ways.

In 1972, *Reason* magazine reported, "libertarians were on the ballot in several states. Most surprisingly, to almost everyone concerned, was the fact that one of these candidates was elected! Steven Douglas Symms won the Republican primary and then the general election to Idaho's 1st District in the U.S. Congress . . . Symms' campaign was remarkably explicit in its call for cutting back on government, abolishing minimum wage laws and other laws which restrict free entry into the market, breaking the government monopoly in education, etc."

During his first few months in office, he introduced bills enacting two of libertarians' favorite causes: legalization of gold ownership and postal competition. In his first year in office, he hired young libertarians to his staff and put articles by F. A. Harper in the Congressional Record.

Sixteen years have passed since libertarian Republican Steve Symms was elected to Congress. No longer is Symms an idealistic libertarian Congressman. Today he is a pragmatic conservative Republican, distinguished from other right-wingers by the zeal of his military adventurism.

I do not know the circumstances of Symms' metamorphosis; perhaps it was a genuine change of heart. But there is no doubt that he faced powerful incentives to change the programs he advocated. Americans prefer unradical, safe conservatism (or for that matter, unradical, safe liberalism) to radical libertarianism. And candidates who offer the safety of the mainstream prosper.

Consider the political career of Dick Randolph. He was elected to the state legislature in Alaska as a Republican and found it impossible to accomplish anything. He broke with the Republicans and became an energetic and active LP candidate. It was a challenge, but he managed to get elected to the Alaska legislature as a Libertarian. The difficulty of winning elections as a Libertarian and the challenge of building a radical libertarian movement ultimately discouraged Randolph. But his brief career as a Libertarian legislator was much more effective than his Republican tenure: he managed to abolish the state income tax, for example.

Libertarian political activists face a paradox: As LP candidates they cannot be elected; as Republicans they cannot be libertarians. The constraints of holding office as a Republican preclude effective advancement of liberty.

Libertarian political activists face a paradox: As LP candidates they cannot be elected; as Republicans they cannot be libertarians. The constraints of holding office as a Republican preclude effective advancement of liberty.

I am sure that there are individuals who are working to advance liberty within the Republican Party, and I am sure that they are having some positive effect. But they have put themselves in an environment that results in frustration and presents them with incentives to dilute or abandon their libertarianism.

V. What good is the LP, anyway?

The fact that Libertarian Party candidates seldom win elections is not evidence that the party is a failure. Rather it is evidence of how early we are in the struggle for liberty.

The purpose of the Libertarian Party is to advance human liberty. Liberty is an idea; it is advanced whenever a person comes to understand it better. Advancing liberty is a slow and gradual process. The libertarian revolution occurs one person at a time. And it still has a long way to go.

Only when liberty is more widely understood and valued by more people will it be possible to elect libertarians. That day *will* come, I am convinced. But it will come only after much more hard work. Ideological revolutions do not occur overnight.

There is no magical way to advance liberty, no magic wand that we can

wave that will realize liberty in our lifetime, no magic strategy that will break through the hostility to liberty in our culture. In the meantime, the Libertarian Party has proven to be an effective means of advancing liberty by three different, inter-related means:

The LP educates people about liberty. The task faced by those who want to advance liberty is an educational battle. Liberty is advanced when people increase their understanding and appreciation of it.

Most Americans do not have much enthusiasm for political matters; they are much more interested in living their own lives. Only during electoral campaigns will most Americans even consider political issues. By presenting libertarian ideas in the context of electoral campaigns, the LP presents them in the only way that most Americans will even consider.

Have you ever tried to sell liberty in your neighborhood? If you went from door-to-door during an election campaign, offering your neighbors information about liberty, listening to their concerns, answering their questions, and relating to them as human beings, the chances are that some paid attention to what you said and a few increased the esteem in which they held the idea of liberty. If, on the other hand, you approached your neighbors without the context of an electoral campaign, you likely had far more doors slammed in your face, with most of your neighbors suspecting you were a dangerous fanatic of some sort.

The LP gives you a foot in the door, an excuse to discuss the idea of liberty with your neighbors while they are in a receptive mood.

It is argued by some that this is an inefficient means of education. Better to educate the elite—intellectuals, teachers, professionals—and let them educate your neighbors. The problem with this argument was pointed out by Ed Clark:

> I think there are many, many people who wouldn't, or couldn't do anything for libertarianism without the party. They don't write articles, they are not intellectuals, they are not people who are in communications jobs or positions, and the campaigns give them a chance to volunteer their time and their efforts and their money . . . LP campaigns bring forth resources that are not available for any other type of libertarian endeavor. The Libertarian Party is a valuable way to reach the 5 or 10% of the population that is seriously interested.

The Libertarian Party provides the most effective available means of publicizing libertarian ideas. As John Hospers pointed out in a recent interview, "Without the Libertarian Party I think there would be less public knowledge of libertarianism than there is now . . . When I ran in 1972 it provided the public on newspapers and TV with the knowledge that there was such a view as libertarianism, and what it stood for, what the term meant. Most people had never heard of it. At least the word 'libertarianism' is familiar to most Americans now."

Every vote cast for any Libertarian candidate helps advance liberty. Each vote cast for a libertarian is a positive action. No matter how casual his choice of a Libertarian candidate, the act of voting Libertarian leaves an impression on the

continued on page 38

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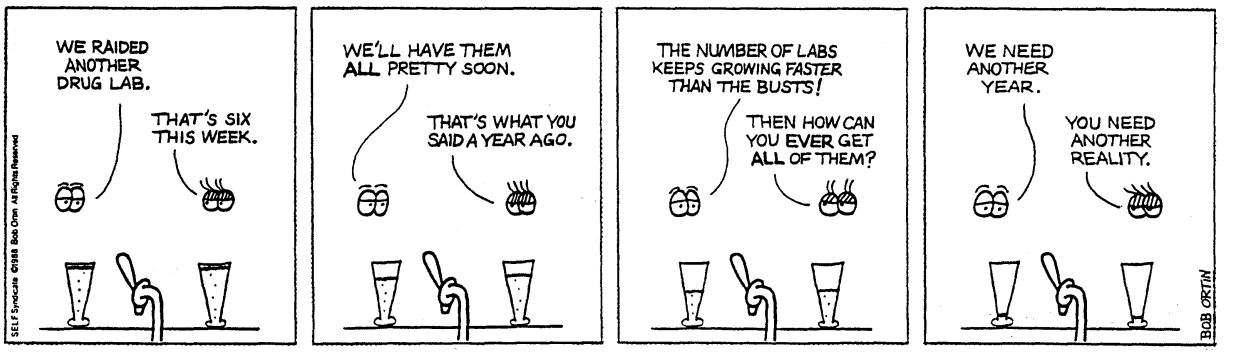

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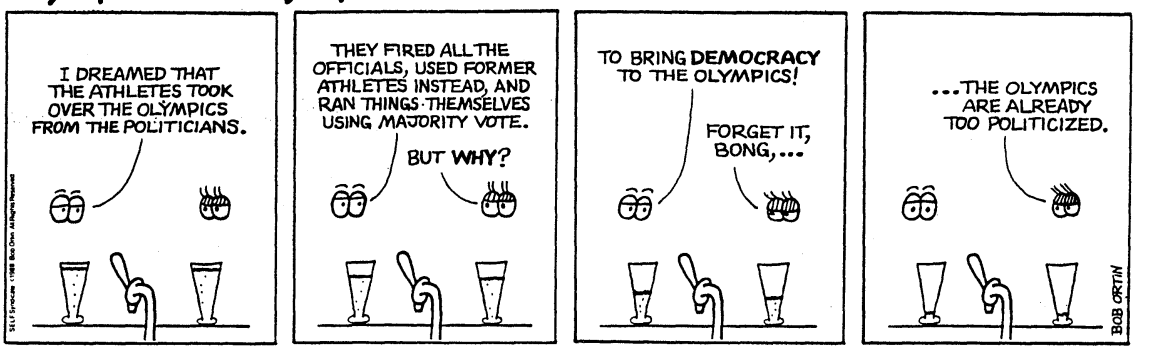

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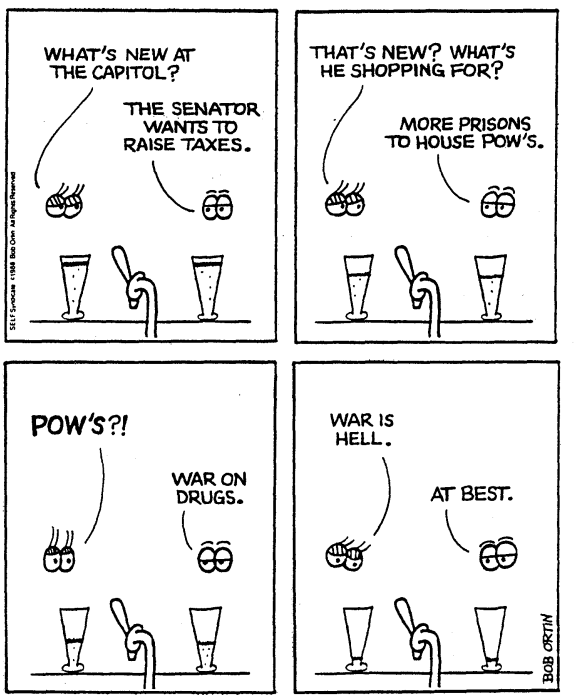

Dukakis and Bush: Capitol punishment

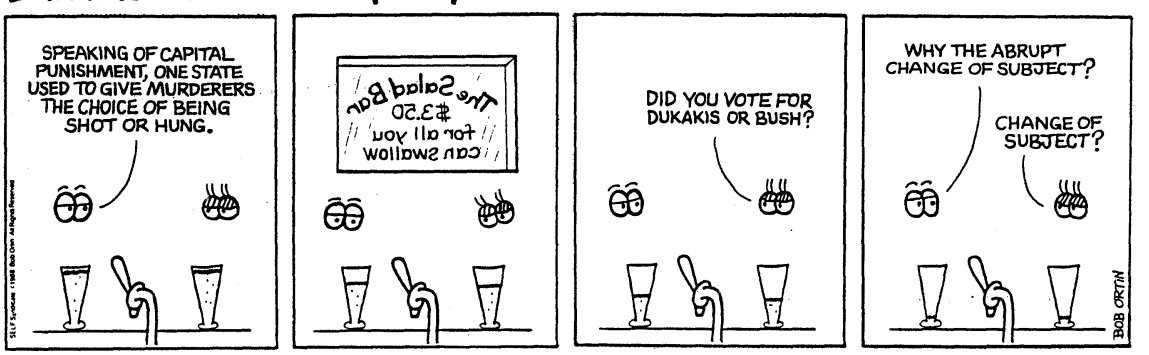

Assessing the 1988 Campaign

comments by Ron Paul, Ed Clark, John Hospers, Larry Dodge, Richard Winger, Justin Raimondo and David Bergland

Libertarians are a contentious lot, especially when discussing strategy for change. Here is what several important Libertarian Party leaders and observers had to say a few days after the election.

Looking Back and Looking Ahead

Ron Paul

Ron Paul was a Republican member of the U.S. Congress from 1976 to 1984, and was the 1988 Libertarian Party candidate for President. The following was excerpted from an interview with him of November 19, 1988.

If anybody should be disappointed or discouraged it should be me. I'm the one who was on the road for 18 months *and I feel good about the whole thing.* The people that called me, the big donors, thought the vote was almost inconsequential. They wanted to know what they could do, how to help the next project, and how to get this program going, how to keep the *Freedom Trail* coming out. They just really loved the *Freedom Trail* and its optimistic approach, so I just ignore people who want to be negative.

I was making some calls the other day to people who had donated a good bit of money to me, and especially to one guy who had donated $5000 to the ballot access plus the campaign. So I called and talked to him and I swear that the guy voted for Bush. But he sent $5,000. In other words there is tremendous support, and sympathy and wishing us well, but this guy perceived Bush as being more libertarian than Dukakis. Now, I sometimes think Republicans are less libertarian than Democrats, and they get away with more, but in his speeches Bush came out for a lot less government than Dukakis. Dukakis was a socialist, and the donor was darn glad that Dukakis didn't get in. And yet he was still willing to send me $5,000. So I think that's a lot of what's happening out there: there's a lot of sympathy and wishing us well, but it has just not translated into a lot of votes.

It's always nice to have more votes. But considering what we did in the campaign and how many places we went and how many people we talked to, I thought it was very successful. I was very pleased; I thought the reception was exceptionally good.

I would say that more than 90 percent of everything that I got in the media was always very, very respectful. One of the articles I disliked the most was the LA *Times* article . . . the one that kind of poked a lot of fun at me, "Yeah he's out there campaigning, but who cares?" That one annoyed me, but that was one of the very few that annoyed me.

Three years ago James J. Kilpatrick wrote an article on libertarians and he just blasted us to Kingdom Come. But I loved the piece he did on my campaign this year, even though some others didn't like it. It was half and half. The title of it was "The Nutty Sanity of Dr Ron Paul." Yet he captured the whole thing, in spite of the difficulties, the practical impossibility of us getting our views down. The other half of the article was, we ought to pay attention to the libertarians and what Ron Paul is saying because it makes a lot of sense.

Actually, it comes down to the votes being irrelevant—although I don't like the totals, I'd like to have 2 million or something—but they're irrelevant as far as whether or not we're having an impact.

I just felt that that was what most people were doing. I was really basically very pleased with all the interviews and the respect.

Matter of fact, this is not firm yet, but I just had a call yesterday from Ran-

dom House to do a book for them—they wanted me to sign a contract with them—on libertarianism. They just think it is marketable, and the time is right. You know, the guy obviously had libertarian understandings . . . he said, "You know, this whole thing with Bush is going to be a disaster." They were very fascinated with this, so I've been working with them and I think maybe in the next week or so I might come up with a deal with them.

That to me is a powerful sign. In spite of the vote totals . . . actually, it comes down to the votes being irrelevant—although I don't like the totals, I'd like to have 2 million or something—but they're irrelevant as far as whether or not we're having an impact.

Looking back, ballot access probably should have been handled by the state parties or the national party rather than the candidate worrying about petitioning and all that. I got one bill from the travel agency for $30,000, and it was just for taking people out of Texas and sending them off to different states around the country at the last minute. That to me was the sad part of it.

Another recommendation that I would like to make would be to move the nominating convention time, for public relations purposes. Picking the candidate in September of the year before the election is less likely to get attention than it would have if it was sandwiched in between—or immediately before or immediately after—the other two. Anywhere in the summer of the election year.

The nominating convention time should be changed for public relations purposes. Picking the candidate in September of the year before the election is less likely to get attention than it would have if it was sandwiched in between the other two.

I get letters every single day arguing that I should have taken federal matching funds. I have given that a lot of thought. Nobody writes me and says, "Hey, hang fast. Don't do it, and thank you for not considering it." I probably got a hundred letters on this subject and every one of the letters I got said, "Take the money." And these are from libertarians.

Of course, the people who feel this way are more motivated to write me than those opposed. But if you go into a libertarian or libertarian-conservative group with, say, 100 people in the room, and poll them—and I've polled those groups maybe 20 times during the campaign—I would say that my rough estimate is that two thirds of those are not in favor of taking the funds. About a third feel very strongly about it, but they're more vocal and outspoken. Personally, I still come down on the side of saying, "No, don't take it." But I still listen to the other arguments. ❑

Summing Up

Ed Clark

Ed Clark was the 1980 Libertarian Party candidate for President. His campaign received more votes than any other LP campaign before or since. The following was excerpted from an interview of November 12, 1988.

A lot of good work, a lot of hard work, campaigning, and ballot access and a good job was done overall. I think it was a good effort, not a great barnburner, but a good effort—and in my view, well worth the trouble.

Ron Paul ran a very good campaign. He worked very, very hard; he worked harder than any other candidate has ever worked. He started campaigning right after the nomination and campaigned very steadily since.

Andre Marrou did more than any Libertarian VP candidate has ever done. He campaigned very hard, he went to a lot of places. He had the nice idea of turning over all the names (that he got) to libertarian organizations. I think that is a nice, building thing.

The ticket did well in New Hampshire because of good coverage from the *Manchester Union Leader*. They gave Paul quite a lot of coverage. They didn't like Bush. They emphasized Ron's more conservative stands. They wanted to make a protest.

Alaska's poor showing is still the Randolph factor. Randolph built the party and it hasn't really come back since he left.

I don't know why California slacked off so much. California is a big media state and it's very hard to crack the media here. Utah and South Carolina, on the other hand, both did better than 1980 because they both have strong local parties. The strength of local parties is a very important factor.

All this shows that building a big party is going to be difficult. We had in 1980 the thought that we might be able to build a big party. Then in 1984 we had a lot of in-fighting and a very bad situation. This time we came back very substantially, with most people in the party supportive, and those who weren't supportive were at least not in opposition. We had good—not fantastic—but good overall support from party people in 1988, we had a pretty well run campaign, we had a candidate who had some support outside libertarian groups, and we got—what was it?—about half of one percent of the vote.

I think the reason that we didn't do as well this time as we did in 1980 is national TV advertising. I think that national TV ads are required for a substantial vote in order to reach the non-newspaper reading public (at least half the people get all their news from TV and a big majority get most of their news from TV) so that most people don't really see the candidates unless they see them on TV. So I think that's probably the reason for roughly half the vote total we had in 1980.

We were able to raise enough funds for national TV in 1980 because we had a vice presidential candidate who had a lot of money. Frankly, election laws being what they are and our numbers being what they are, a well-to-do candidate has an unusually strong appeal. But I don't think it's the only way to raise the necessary money. ❑

The Whys of the Libertarian Party

John Hospers

John Hospers was the Libertarian Party presidential candidate in 1972, the first year Libertarians ran anyone in the United States. The following was excerpted from an interview of November 13, 1988.

In any year when the election is perceived to be anywhere near close, then people will vote for one of the two major candidates, feeling that they are wasting their vote if they don't vote for somebody who might win. Even though this election was not close, many people felt

it was going to be close, so they wanted to get their vote in for one or the other even though other things being equal they would have preferred the libertarian candidate, Ron Paul. I know people who voted for Bush or Dukakis thinking a vote for Paul would be wasted.

The future success of the party depends on infusions of big money. If you've got a 1980 over again, and got 3 or 4 million dollars from Charles Koch, in 1992 you would have a showing like

The issue of accepting or not accepting federal money is one of pure vs impure libertarianism. The so-called pure libertarians will say, "No, you should not accept federal money under any circumstances." But if you follow through with that position, a president should not accept a salary, and you shouldn't use government roads . . .

you did in 1980, when there were television spots and people were aware that the LP was there. Most people when I asked them if they are going to vote libertarian they just say, "Huh?" They didn't know we were around any more. When they go to the California polls they see the LP is on the ticket. Most of them did not see it until that moment. There was virtually no publicity.

I know that Ron Paul appeared on the *Today* show and a late night show and a couple of other ones. But it was very incidental compared to the two major candidates' barrage.

Getting federal money and using it for television advertising would have increased the number of votes, of course. He would have gotten about as many votes as Ed Clark got in 1980, which would have gotten the party more visibility.

The issue of accepting or not accepting federal money is one of pure vs impure libertarianism. The so-called pure libertarians will say, "No, you should not accept federal money under any circumstances." But if you follow through with that position, a president should not accept a salary, you shouldn't use government roads, and so on.

I don't really go along with that. I don't believe in polluting the atmosphere, but if everybody is polluting the atmosphere, and you're the sole, lone holdout, you're not going to do much good. You might as well accept the matching funds.

In any case, America has never been much of a three-party country. I've always had doubts about whether forming a political party was the way to go. Sometimes you start an ideological current which is not represented in a party—the Fabians in England are a famous example, who in a generation dominated Parliament but never floated a party.

When we started the party in 1972, Roger MacBride thought that the LP would become the second party by 1988. Of course, it hasn't happened. I didn't expect it to happen, but I thought it was worth a whirl.

At this point the Libertarian Party doesn't seem to be going anywhere. It could, as I say, with a lot of money. But I just don't see it becoming the second of two major parties. Too bad, but realistically I don't see it happening. Which doesn't mean that it was a bad thing to go the party route. It depends on what the alternative would have been. The alternative would simply have been to develop the ideas. Then where would you get the publicity?

Without the Libertarian Party I think there would be less public knowledge of libertarianism than there is now . . . When I ran in 1972 it provided the public in newspapers and on TV with the knowledge that there was such a view as libertarianism, and what it stood for, what the term meant. Most people had never heard of it. At least the word "libertarianism" is familiar to most Americans now. ❑

Retrospect and Prospect

Larry Dodge

Larry Dodge, an entrepreneur who lives in Helmville, Montana, has run for state-

No Hats in Ring

The 1988 LP Presidential nomination was hotly contested by Congressman Ron Paul and Indian activist Russell Means. Neither seems to anxious to seek the 1992 nomination:

Liberty: Do you expect to be a candidate for the 1992 Presidential nomination?

Means: No, I don't.

Liberty: You won't be a candidate in 1992?

Means: Not unless the LP wants me to be. That's sensible. I will not actively seek it.

Liberty: Do you have an interest in being a candidate again in 1992?

Paul: No. I'll probably stay active, mainly with the goal of . . . the only goal I've had in 15 years, and that's been to spread a message . . . and then second is to enhance the vehicle, which to me is the Libertarian Party. But I don't have any plans to run again.

I'd like to do what I can to make it easier for the next guy. I think we're on more ballots now than we have been, and I hope that's the case and I hope it's easier . . . If anybody wants to do anything to help the next guy, just make sure the ballot access business is less cumbersome. I mean that was just horrendous: all the worry. And we sure could have used that money on advertising.

Liberty: Do you plan to return to your medical practice?

Paul: Well, no not the way it was. For quite a few different reasons. I'm shopping around a little bit. I'd love to do some medicine; I enjoy it and I believe that if you have skills you ought to maintain them. And I wouldn't mind the income from it. So I've been looking around for something. If I do it it's going to be part time, a weekend-type deal. I have a television program I'm working on, and I want to start a political action committee, and now if I add that book onto it I'm going to be really pretty darn busy.

wide office three times, including a race this year for Secretary of State. The following was excerpted from an interview of November 12, 1988.

I was very satisfied with my campaign, but I think I could have got more votes . . . I would have been happier yet with more votes. But I am very happy with the placement or location of those votes. They split the Republican and Democrat so that no one got a majority, and they preserved our ballot status by quite a margin.

I got enough votes that I more than accounted for the difference between winner and loser. The headline reads, "Story blames loss to Cooney on Libertarian Dodge." The Republicans are already paying a lot of attention to libertarian programs. That's probably where my votes went.

My campaign was medium financed, $17,000, which isn't a lot for 16,000 votes, so that's a bargain. I went door to door, distributed about 8,000 pieces of literature by hand and got about another 7,000 pieces distributed by volunteers. I got on TV in almost every town I went to. Good interviews all the way through. Then I bought 214 television spots spread over 11 stations. It's a small state.

It's fine to sit in an armchair and contribute a $50 bill and think that you're educating the world, but until you've gone out and been on the road for 30 days straight, washing your clothes in a laundromat in the middle of the night, and shaking hands until you can't see straight and jumping from bar to bar from school to school and farm to farm trying to keep your shirts pressed will you understand how hard it is. There have got to be more efficient ways to get things done.

This race nobody cared about either the Republican or the Democrat. I banged on 8,000 doors. People would say, "Well, who is in this race? I didn't even know we elected a Secretary of State." I went around the whole state. Everybody loved my presentation, my literature, everything. I had a wonderful time, I got good receptions. And I figured here's my third statewide, I ought to have some name recognition by now. And it's a lowdown middle of the ticket office, and people are going to say, "What the hell, this office doesn't matter so much that we can't try out a libertarian" . . . all those things going for it, you know.

The other LP candidates did not do very well. Ron Paul got 1.35%. It's 4,915 votes, which was less than Bergland. There was no gain.

If this means there has been a diminution of the party, it's a national problem. We supported Paul all the way here. We had nobody resentful of the outcome in Seattle, nobody went away mad or wouldn't support Paul. We all did it. We all went everywhere and arranged things as best we could. He came here three times and we were there. We got him real good media every time.

The Paul campaign could have depended more on local organization rather than running everything from the top. That's not strictly fair. I know they also had some bad experiences when things were left too local. The Clark campaign managed to develop enthusiasm in local areas and managed to get things cooking with longer lead times. Times were probably a little easier then. The nation was a little more unsettled.

It seems like the Clark reception at UM (University of Montana) was terrific. We didn't do so good a job of setting Paul up but I don't think it would have made too big a difference. By now the press has hardened up a lot. They don't want to talk to libertarians any more. We're not new. We're just sort of a persistent pain in the ass. And that's different from being a fresh new option. So it's harder to get big crowds and things lined up.

But you know we were short on materials all the time. We didn't have any posters and they were out of bumper stickers and crap. It was real hard to make a place look like it was excited about him.

I also think that we would have done ten times better had Russell Means been the candidate. I watched the conflict between Dukakis and Bush. There were no issues, it was all emotions, all mud and slime. You need someone who can play that game. The public just loves it and what they elect people on is emotion. And Paul is not an emotional person. So that's not a fair thing. I can't say that the Paul campaign should have been more emotional. He's not. I think we nominated the wrong guy, as wonderful a candidate as he is. He's just too intellectual, and Americans don't care about that.

I think Means will be nominated in 1992. He is more persistent than a lot of people believe. And he really is a libertarian. So I'd say, just guessing, and I'd hate to speak for anyone else, that he'll run a hell of a campaign for that nomination and probably get it.

I think the party should accept federal matching funds. I accepted state matching funds when I was running for governor. That's an additional dollar. If you want to put a dollar voluntarily into the campaign fund in Montana you may and then your taxes go up one dollar. So I didn't mind that, that's what it was for. Everyone knows there is a libertarian party and some of it's going to go to 'em. So I didn't feel bad about that.

At the national level, that's an involuntary dollar. However we are up against so many involuntary problems, such as ballot access. I would be willing to see that money allocated to ballot access fund. That's sort of like using their money against them, you know. It's money that they're going to take anyway, from people who have expressed some concern that it should be allocated to candidates and then they're not getting their full measure's worth because there are candidates who are not going to be able to get on the ballot unless the money is spent to open doors. So I don't have a lot of problem with that. If the money were used some other way, then it would make a big difference in what I say. I wouldn't want it spent willy nilly. But on that problem it is sort of legitimate.

I'm a libertarian and as long there is a party I'll be a member and I'll be supportive. But I think it should be doing other things other than trying to elect candidates.

It's fine to sit around in an armchair and contribute a $50 bill and think that you're educating the world, but until you've gone out and been on the road for 30 days straight, washing your clothes in a laundromat in the middle of the night, and shaking hands until you can't see straight and jumping from bar to bar from

school to school and farm to farm trying to keep your shirts pressed and millions of phone calls and sleepless nights . . . only then will you have an idea of how hard it is. There have got to be more efficient ways to get things done.

I'd like to see the LP turn into a libertarian PAC and just focus on a few people regardless of labels, and get 'em in there. Come up with liberty money that is competitive with special-interest money.

If the national party, which has a lot of well-to-do people in it and has fundraising capabilities, it has spirit, and so forth . . . were to function as a sort of combination caucus and PAC, independent of any party, and then go ahead and have a convention, everybody brings in a list of candidates from his or her own area that they themselves have personally screened through and studied and talked to. Then it's sort of like an NFL draft: who gets the money? You make a case for the candidates in your area, regardless of the ticket. And some fraction of the total PAC money is allocated and everybody goes home. It would be great. We'd get something done.

We're going to find out at the next Libertarian Party convention. I'm not going to suggest that we disband. I'm going to suggest that we change our focus from candidate nominations to candidate support strategies based on the philosophies of what the individuals we are going to support are saying, or have done, what their track record is, regardless of ticket. ❑

Problems With Paul, Problems for Libertarians

Richard Winger

Richard Winger is the editor of *Ballot Access News*, a newsletter devoted to ballot access issues of minor political parties. The following is excerpted from an interview with him on November 12, 1988.

I think Ron Paul's message was muddled. He talked too much about the Federal Reserve Bank and that Gold Standard and how much he hates the IRS. Ed Clark had a more general, positive message. I think the LP presidential candidate needs to explain all the benefits to ordinary people of our policies. I think the only thing that came through clearly was taking troops out of Europe, Japan and Korea. That was the only clarity when I talked to ordinary people who aren't libertarians about Ron Paul. And

I think Ron Paul's message was muddled. He talked too much about the Federal Reserve Bank and that Gold Standard and how much he hates the IRS.

he was excellent on drugs.

But most people that I know who aren't Libertarians just never heard of Ron Paul.

Still, given Ron Paul, I don't think we could have improved our showing this year. He is a very stubborn person who has his own ideas of what he wants to talk about. The Party had no control over him.

I think we have to figure a way to have more integration of the party with the Presidential campaign. We just never have any control over it. I don't know how you do that, but certainly there is no problem with that in other third parties. I mean, the candidate does exactly what he or she is told. There isn't a split.

We'll also have to figure out whether we want to arrange so that our Presidential candidate will qualify for Federal matching funds. That's a huge question.

I also think we are going to have to concentrate much more about tailoring our message to the concerns of people who are worried about the environment. I think that is the coming issue. It's not easy. You just can't say: privatize the ocean. We have to work harder to clarify and maybe add to the theory. ❑

The LP "Loyalty Oath"

"I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals." To join the LP requires an individual must sign this statement. Liberty asked David Bergland and Larry Dodge about the oath.

Liberty: Do you think that the LP's "loyalty oath" should be abandoned? I have heard it claimed that the oath is an impediment to membership growth, and that there are libertarians who will not join the party because of the oath.

Bergland: I think maybe there's four or five of those. I don't see it as any problem. If you read it, what does it say? It isn't an oath. It just says, "I certify that I do not advocate or use the initiation of force to achieve political or social goals." To me the good outweighs the potential negative. I agree that there are some people who say, "Gee, I think I am interested in the Libertarian Party, and I might want to sign up, but wouldn't want to sign something that says that." Those numbers are (1) miniscule, and (2) who cares?

Liberty: What do you see as the positive benefits of the oath?

Bergland: I think the positive benefits, there's one, basically, and that says: we really mean it. This is a party of principle that it's important for people to realize that when push comes to shove we're simply not going to compromise those principles in order to achieve some short term goal that will undermine the basic principle or the purpose for the existence of the organization.

Liberty: You're not troubled by the fact that Ludwig von Mises would not be allowed to be a member of the LP?

Bergland: No.

Liberty: Does the LP "loyalty oath" cause any problems?

Dodge: The oath sure does keep some libertarians from joining the party. It's sort of our own little measure of force. We force you to sign this or you can't be a member. We can always argue that membership is voluntary and if you don't like it you don't have to sign it but you can't become a member.

But I don't think it's in our interest as a party. We hedge it in Montana and we'd love to get out of it. In Montana, the application states that libertarians don't advocate the use of force to achieve social and political goals. It doesn't require you to take an oath.

Setting the Priorities for Freedom

Russell Means

Russell Means, for years active in the American Indian Movement, campaigned in 1987 for the nomination as Libertarian Party candidate for President. The following is excerpted from an interview with him on November 14. 1988.

The only thing we can evaluate is, did we advance individual liberty through this campaign. And with the vote total, it is very . . . self-depreciating.

The low vote total is a big disappointment—especially Alaska's. I know. I was up there. Twice.

I was very disappointed in Andre Marrou's campaign not spending more time in Alaska. Having been there twice with Andre, I think both parties, Ron and Andre, missed the boat by not paying more attention to Alaska, and utilizing TV ads in Alaska. I proposed that to Andre's campaign in July, after we had been up there. I tried to talk Andre into it, but I guess he didn't want to.

It's always confounded me why the LP wants to be the David in a battle with two Goliaths in their arena, and the LP doesn't have a slingshot or any rocks.

I believe that now the LP has to look at itself very seriously, and redesign, restrategize its approach to electoral politics.

I believe that the Libertarian Party is the only rational hope for a nonviolent return to the precepts of the United States Constitution, and therefore, freedom. That's the only reason I'm in the party. I'm in the party naturally to make it grow, but the more important part is it is a revolutionary party.

We should get off trying to reach those people who vote because the people that vote in this country come from the sector that is of the herd mentality. And we should pay attention to people who desire, want, and are willing to listen to the ideas of individual freedom. I do believe that the Libertarian Party and its strategy towards national politics is necessary. However, if you're going to have a policy toward national politics then you have to have emotion. You have to have love. And the Libertarian Party has shown the opposite. In order to advance the cause of freedom, one has to have love.

Unfortunately, the LP is involved in tribal politics. And I don't want to get into the nit-picking, self-destructive modes of tribal politics. As I've said in my campaign, as the American Indian goes, on the reservation, so goes the American people. And for my people to be free, Americans have to be free. I know where my priorities are.

The LP, however, is going the same route that tribal councils have gone, and that is they have their private little world that only feeds into internal squabbling because they don't have the backbone to take on the big boys. It's always confounded me why the LP wants to be the David in a battle with two Goliaths in their arena, and the LP doesn't have a slingshot or any rocks.

The priorities have to change. The amount of monies that libertarians give for the cause of freedom could be better spent electing county commissioners, electing people to city hall.

When I look out specifically at Alaska, California, Colorado, Texas, Florida, Michigan, Vermont, the state of Washington . . . areas where libertarian people are very strong, and I can see that if those people really got together and selected a city, a township, a county that we could begin the groundswell in the fight for liberty by electing people in our local areas.

I think the LP should call for a national convention to determine where it's going. A national convention to reorganize. I really do. I think it's that serious.

When I joined the LP I joined the liberty movement, a freedom movement. I'm not fooling around. Everything I said in my campaign still goes.

I really do think the LP has to suck in its stomach and bite the bullet so to speak, start looking at itself in the mirror. The California Convention will be an excellent place to kick off the new look of the LP. ❑

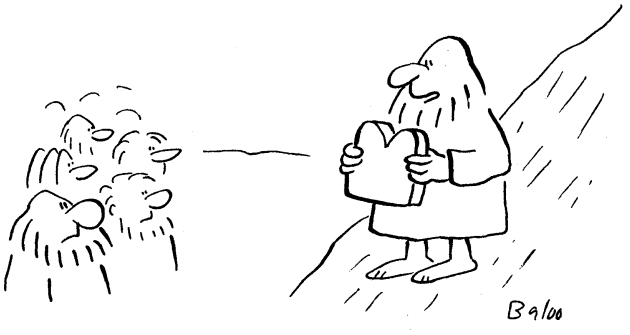

"To make a long story short, these are your new community standards."

Electorate to LP: "Wake Up and Smell the Coffee"

Justin Raimondo

Justin Raimondo is the editor of *The Libertarian Republican,* the magazine of the Libertarian Republican Organizing Committee (LROC). The following is excerpted from an essay he wrote about the 1988 election.

The Paul campaign is the final proof that the third party strategy doesn't work. Paul's poor showing may come as a surprise to those who read the campaign's cheery newsletters, which invariably reported that the candidate received a great reception everywhere he went. But there is no reason to believe that the Paul campaign was being dishonest. At a time when the free market is in vogue and American politics is undergoing a significant generational change, libertarian ideas have never been more popular. How, then, do we account for Paul's poor vote totals?

The chief lesson of the Paul campaign is that it is much easier to sell libertarianism than it is to sell the concept of a third party. Marketed in a third party package, libertarianism is made to appear exactly as what it is not: exotic, removed from the problems of ordinary people, and completely out of the mainstream of American political life.

By taking on this third party baggage, libertarians set up a whole series of unnecessary obstacles to electoral success and succeed only in making their message inaccessible to the voters. First and foremost among these obstacles are restrictive ballot access laws, which make it

so costly and time-consuming to secure ballot access that a relatively small, under-funded ideological movement such as ours has little or no resources left over to mount a real campaign.

Secondly, LP candidates are up against the "wasted vote" syndrome, the not unreasonable argument in the mind of the sympathetic but still hesitant voter that to cast a ballot for a third party candidate with no chance of winning is equivalent to abstaining altogether. In effect, the third party strategy confines libertarians to the "protest vote" and the status of a party of permanent opposition, forever doomed to rail against the political status quo without ever having the slightest opportunity to change it. This further reinforces the idea of libertarianism as a marginal sect rather than a vital and growing movement, and gives the impression that the libertarian program exists only to be enunciated, but never actually implemented.

Thirdly, the failed third party strategy encourages those tendencies in the libertarian movement that are, indeed, marginal. Because American political culture has traditionally relegated third parties to the fringes of the political landscape, the result is that LP activists are constantly having to compensate for the handicap of being a third party. The history of the LP since the 1980 campaign has been a search for a way out of self-imposed isolation, some gimmick that will allow the LP to suddenly break the bi-party barrier and reach the hearts and minds of the American people. The latest example of this was the 1988 presidential candidacy of Ron Paul, widely touted as the Libertarian Moses who would lead the LP out of the desert.

Ron Paul not only failed to lead the LP into the land of milk and honey, he also led his followers even deeper into the political wilderness. Searching for some way to overcome the inherent limitations of a third party presidential campaign, Ron Paul and the LP went off on a somewhat strange and certainly counterproductive ideological tangent. Minor parties are, by their very nature, prone to get-rich-quick schemes, and naturally tend to abandon principle in the interests of making some tangible progress, if only for the sake of retaining their base of dedicated but increasingly burnt-out activists and financial contributors and this is precisely what happened to the Paul campaign.

Frustrated in the task of reaching out to the mainstream, Paul turned to the strategy of making the campaign a pole of attraction for groups perceived as even more marginal than the LP: the followers of the anti-libertarian Pat Robertson, conspiracy theorists, and others for whom the phrase "international banksters" makes perfect sense. As the election results demonstrate beyond the shadow of a doubt, instead of broadening the libertarian movement, this tack succeeded in narrowing the horizons of the LP. In attempting to implement the impossible third party strategy, the LP has ended up doing considerable political damage not only to its credibility as an electoral vehicle, but to the political principles it claims to uphold. The LP will pay a high price for the Ron Paul scam; this will include not only the cost of mounting an expensive and exhausting campaign with very little to show for it, but also the loss of its greatest asset: ideological clarity. In their eagerness to show some results, the architects of the Paul campaign tried to merge the Libertarian Party with followers of Pat Robertson, the New Right, and John Birchers looking for a political home. The result was a monstrous hybrid creature, neither fish nor fowl, a political mutant that could not succeed and cannot be expected to survive more than six months after Election Day.

It is much easier to sell libertarianism than to sell the concept of a third party. Marketed in a third party package, libertarianism is made to appear exactly as what it is not: exotic, removed from the problems of ordinary people, and completely out of the mainstream of American political life.

However long it may linger, the Libertarian Party is finished as a serious political force. Instead of evading political reality, those activists who have labored in the LP vineyards for years must now investigate other options.

What will become of the LP? Its future is not promising. The Paul campaign will color the politics of the Libertarian Party for years to come, quite possibly transforming it into an unrecognizable parody of its former self. The LP is well on its way to becoming an idiosyncratic right-wing sect, a somewhat sanitized version of the old Wallaceite American Independent Party (AIP). ❑

Focus on Growth

David Bergland

David Bergland was the Vice Presidential candidate on the LP ticket in 1976, and the Presidential candidate in 1984. The following was excerpted from an interview with him of November 13, 1988.

I've been playing the Cassandra role for a good many years on this vote count or vote percentage approach to what the LP is trying to do. As I insisted during my campaign, and as I have counselled other libertarian candidates, a focus on vote totals or vote percentages is misplaced—unless you have a specific reason for going after a particular vote total, such as in California when ballot status is at stake. The focus on vote totals is misplaced because it causes you to conduct a campaign differently than if you had your goals set on something more appropriate, such as building membership or getting people elected to offices that are attainable at our present level. But nobody wants to listen.

I think we should measure the efficacy of a campaign by establishing certain objectives for a campaign when you begin, and then measure the success at achieving those objectives. For a presidential campaign, we might ask: how many people have been added to the membership roles of the LP, both national and state? What has been the effect on the growth and effectiveness of state parties? Have campus organizations been created, and will they continue to be viable? These are the kind of measurements that are relevant to the LP at this time, and have been since its beginning.

Errata

G. Duncan Williams, in his essay "Better Duke Than Bush" (*Liberty*, November 1988), inaccurately reported that John Hospers was one of the "usual suspects" of "libertarians and pseudo-libertarians who have come out . . . for Bush." John Hospers supported the Libertarian Party candidate, Ron Paul.

The amount of grassroots libertarian activity in a given state is more relevant to the presidential vote total than anything else.

I would say that until a campaign gets enough money to get on the ballot in all the states and to buy a substantial amount of television advertising, you are not going to cross that threshold where the media begins to pay attention to you. This time, unlike in 1980, I think there was a very clear attempt by the media to exclude consideration of anyone except the Republican or Democratic candidates.

The basic question that the LP has to ask itself is what business it's in. It's a people business. We want as many people as possible to think more along the lines that we do—politically and philosophically. We are in the membership business and I think our strategic goal is to have as many members as possible.

Just as I have told libertarians over the years that focusing on the number of votes you are going to get and designing your campaign to get specific vote totals is wrongheaded, I will say now that to focus on the number of votes that the Presidential campaign receives or that high visibility candidates receive is to get your head aimed in the wrong direction and to ignore the more important work that has to be done at the grass roots level. That's where the foundation we want to grow on is going to have to be created.

The experience that we had with the Clark campaign was—oh, what's the right word?—inconclusive as far as what its effect was on making the party grow. I think there was some opportunity there that the party was not in a position to take advantage of. The organization did not pull together, did not take full advantage of the goodly number of people who inquired to the party—who got interested because they saw Ed Clark, his TV ads, that sort of thing.

What we ought to be talking about is how likely the idea that the LP is promoting will find an audience. I think those prospects are steadily improving, as more and more people process themselves through the LP.

One of the mistakes that people make is thinking that just because someone joins the LP, is active for a while, and then leaves it, that this somehow is evidence that something terrible is happening. But this isn't realistic in light of how most people deal with politics and other interests in their lives. They get involved for a period of time and then they move on to something else. So I can't get nearly as exercised as some people about the fact that some people say, "Oh to heck with it I'm not going to beat my brains out in the LP, I'm going to join the Republicans but still work for libertarian goals," I can't see it as such a tremendous loss.

We shouldn't worry about a mass exodus from the LP to LROC. Whatever exodus means, it sure as hell isn't Eric Garris playing Moses and leading us all to the promised land.

Still, there is no one true way. If a libertarian wants to work for a freer world, a better world, toward the libertarian model, in one kind of context, whether its being Democrat or Republican, being nonpolitical or working with the LP or in some other way, wherever that person feels most comfortable, that is where he is liable to do the most good.

One of the major prospects for us is the Democratic Party, and it has been since the Carter Era, and even more since the Mondale and Dukakis losses. I recommend that libertarians try to promote the idea within Democratic circles that the political philosophy of the founding fathers is the one that will appeal to a whole lot of people and that it is the one the Democratic Party ought to adopt.

The advice I would give to the next LP candidate is that we start out today working for ballot access and that particularly during the nomination period that in as many states as possible that ballot access is obtained as early as possible. Credibility and creating a grass roots context for the development of the party at the grass roots level is the most important thing we can do.

There is no one true way. If a libertarian wants to work for a freer world, a better world, toward the libertarian model, in one kind of context, whether its being Democrat or Republican, being nonpolitical or working with the LP or in some other way, wherever that person feels most comfortable, that is where he is liable to do the most good.

The basic question that the LP has to ask itself is what business it's in. It's a people business. We want as many people as possible to think more along the lines that we do—politically and philosophically. We are in the membership business and I think our strategic goal is to have as many members as possible.

I think every planning session of every LP organizational meeting—whether national or state or local—should start out with the pledge of allegiance to the principle that we are going to build membership. ❑

"That was cruel, telling him that the meaning of life is classified."

Analysis

TV Advertising and Minor Party Campaigns

by R. W. Bradford

In Kansas, partisans of Libertarian Party presidential nominee Ron Paul bought television advertisements in about half the state, leaving the other half unexposed. The election results enable us to measure the impact of television advertising on vote totals—and the cost of each vote gained.

Commercial enterprises have long known that the most efficient (i.e. lowest cost) way to get an advertising message to a broad range of Americans is to use television advertising. In recent years, the people who run the campaigns of America's major political parties have learned this lesson: nowadays, the majority of the funds spent for political campaigning is spent on television advertising.

Because of the huge numbers of people who watch television, television is not as efficient in delivering messages that are targeted to specific segments of the population. If you want to reach motorcyclists, for example, it is more efficient to buy advertisements in motorcycle magazines, or to mail advertising directly to individuals who own motorcycles. Since the major parties try to appeal to all segments of the population—more precisely, to all voters—television works very well for them.

But the question of whether television works for minor parties, whose appeal may be limited to a smaller segment of the population, has remained unsettled. Only two minor parties have used television advertising in recent history: the Libertarian Party and the Lyndon LaRouche party in its various incarnations. The LaRouche parties, however, have never achieved widespread ballot status, and their appeal has been very limited. In addition, the overwhelming bulk of their television advertising has been in the form of 30 minute programs, usually taking the form of lectures by LaRouche. This form of political advertising is not used by the major parties, who learned long ago that most television viewers (and practically all uncommitted voters) either change channels or turn off their television when confronted with a half-hour political program.

The Libertarian Party's use of national television advertising in its 1980 campaign is widely credited with its relatively high vote total that year. (The 1980 LP campaign yielded more than 5 times its 1976 total, about 4 times its 1984 total, and more than twice its 1988 total.) However, the extent to which the 1980 vote total was the result of television advertising rather than other factors remains conjectural.

Ron Paul, the LP nominee in 1988, decided against buying national television advertising. Instead, his campaign produced a single 30 second commercial that stressed Paul's hostility toward the IRS, and made it available to local LP groups for use on local television stations. In making this decision, the LP presidential campaign created an opportunity to arrive at a reasonably accurate evaluation of the impact of television on voting.

Some markets were exposed to Ron Paul television advertising while others were not. By comparing the vote totals in areas with television spots to vote totals in similar areas without television advertising, we can arrive at answers to the following questions:

- How much, if any, impact on vote totals did television advertising on behalf of the LP ticket have in the 1988 election?
- How efficient is television advertising? How much does it cost to obtain a vote by advertising on television?

To answer these questions, we must isolate two areas of the country that are reasonably similar in their past voting habits, in only one of which was television advertising used.

The vote totals from Kansas offer an excellent opportunity. There are 7 different television market areas that are all or partly in Kansas. In two of these, including approximately 58% of the state's voters, local Libertarian Party groups purchased television advertising. No television advertising was used in the remaining markets.

In addition, the variation in other campaign activities between the two areas was minimal, and such other campaign activities can be isolated and taken into account.

Around population centers, party members were fairly active, but in most rural areas, the only impact of the campaign was via television. Both the advertised area and the non-advertised area consist of a mixture of rural and urban areas.

In addition, the two markets which used television advertising chose different approaches: one used the anti-IRS spot provided by the Paul campaign; the other a more generic libertarian ad produced by the Utah LP.

By dividing the state into three areas corresponding to the amount and type of advertising seen in each area, it is possible to get a good idea of the impact of advertising and the relative merits of the two advertising approaches.

The Data

The following analysis is based on a comparison of what happened in each of the three areas, which are determined (with one minor exception) as the television market areas as defined by *TV & Cable Factbook*. With a single exception, every county in the state is included. The excluded county had substantial variables present that made it anomalous with each defined area, as I explain below.

Kansas TV Market areas

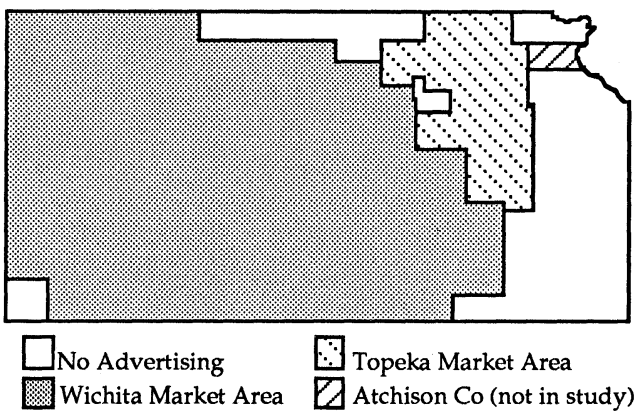

Wichita area: The Wichita market includes 63 of Kansas 105 counties, whose citizens cast 438,729 (44.2% of the state total) votes in the presidential election. In addition to metropolitan Wichita, it serves most of the rural hinterland of western Kansas through a series of repeater transmitters.

Topeka area: The Topeka market area includes 12 counties, whose citizens cast 141,213 votes (14.2% of the state total) for president. Topeka, with 115,266 residents, is the only large city in the market area. Even so, this is the most urban of the areas considered, with 34% of its population living in Topeka, and a total of 51% living in cities of 25,000 or more.

No television area: The remainder of the state lies within television markets centered in other states. The largest by far is the Kansas City (MO) market, which includes 14 Kansas counties (315,626 votes, 32.9% of state total). Several substantial suburbs of Kansas City lie within this market area. The Joplin (MO) market includes eight counties (58,534 votes, 5.9% of state total). The Lincoln (NB) market includes six counties (20,534 votes, 2.1% of state total) along the Nebraska border. The Tulsa (OK) market includes two counties (16,562 votes, 1.7% of state total). The Amarillo (TX) market includes one county (1,667 votes, 0.2% of state total).

Within these television markets there is one county where there was an extraordinary local campaign on behalf of the LP ticket. In Atchison County, LP activist and former Mayor Doug Merritt purchased a full page newspaper ad plus 27 radio spots at a cost of $600 and campaigned extensively for the ticket in his weekly newspaper column. Because these activities were so much more intense than activities elsewhere in the state, I have excluded Atchison County from the "no television market area" category. (It should be noted that Atchison is a very small county—it cast only 1.6% of the votes in the no advertising area— and including it would change the following analysis only very slightly.)

Each of these areas contains a single city of more than 100,000 people. Wichita, population 279,835, contains about 27% of its area's population; Topeka, population 115,266, has about 34% of its area's population; and Kansas City, population 168,213, contains about 17% of its area's population.

The areas are predominantly rural. In the Wichita area, 35% of the population lives in cities of 40,000 or more; in the Topeka area 44% live in cities; and in the no advertising area 31% are city dwellers.

Does TV advertising win votes?

The following table summarizes the campaign activity in each area:

Table 1: LP Advertising in Kansas

Area	Advertising	Cost	Cost per voter
Wichita	40 TVspots	$4,075	
	180 radio spots	$1,625	1.37¢
Topeka	12 TV spots	$1,200	
	40 radio spots	$ 365	1.12¢
No advertising	none	$ 0	0.00¢

As we can see, substantially more money on a per capita basis was spent in the Wichita area than in the Topeka area. It should be noted that the radio advertising did not cover the entire market area: in the Wichita area, radio advertising reached about a third of the electorate; in the Topeka area, about a tenth.

The table below summarizes the voter response in each area:

Table 2: 1988 LP Voting by Market Area

Area	Total Votes	LP Votes	LP %
Wichita	438,729	8,037	1.83%
Topeka	141,213	1,310	0.93%
No Advertising	406,309	2,907	0.72%

It is apparent that the ticket was strongest by a wide margin in the Wichita area. Nearly twice as many Wichita area voters chose the LP ticket than did Topeka voters; about 2.5 times as many did as those voters not exposed to television advertising. Given the greater expenditure in the Wichita area, it is not surprising that it had the highest voter response.

It is a mistake to generalize from these data. Rather than reflecting variations in television advertising, it might reflect the disposition of voters to choose the LP. That is, it might be that voters in the Wichita area are simply more inclined to vote Libertarian than voters in other areas.

This is in fact the case: in past elections, voters in the Wichita area have tended to give a higher percentage of their votes to LP candidates than voters in other areas. Table 3 summarizes voter response by area in the 1984 election.

Table 23 1984 LP Voting by Market Area

Area	Total Votes	LP Votes	LP %
Wichita	455,851	1,778	0.39%
Topeka	146,617	383	0.26%
No Advertising	412,588	1,142	0.28%

Note that the No Advertising area and the Topeka area had approximately

the same LP vote percentage in 1984, and that the Wichita area outvoted the others by only about 50%, much less than the margin by which it outvoted them in the 1988 election.

This suggests a way to project how many voters in the Wichita and Topeka areas would have voted LP if television advertising had not been used in those markets. Since voters in the No Advertising area increased their response rate by a factor of 2.58, it is reasonable to conjecture that voters in the other areas would have increased their response rate by a similar factor.

The table below shows what the projected LP vote would have been if television advertising had not been used:

Table 4: Projected "no advertising" 1988 vote

Area	1984 LP vote Pct	Projected LP 1988 Pct	Projected LP 1988 vote
Wichita	0.39%	1.01%	4,423
Topeka	0.26%	0.68%	953

The difference between these projected vote totals and the actual vote totals in these markets is, presumably, the product of the television advertising in those markets:

Table 5: Projected "no advertising" 1988 vote

Area	Projected LP 1988 Vote	Actual LP 1988 Vote	Votes gained by advertising	Gain as Pct
Wichita	4,423	8,037	3,614	+ 81.7%
Topeka	953	1,310	357	+ 37.5%
Both mkts	5,376	9,347	3,971	+ 73.8%

It is apparent that these relatively small purchases of television spots had a dramatic impact. The schedule of 40 television spots plus 220 radio spots resulted in increasing the LP vote by more than 80%. The 12 television spots run in the Topeka market increased voter response by 37%.

All told, the areas in which television advertising was purchased voted much more strongly for Paul than if no television spots had been used. In fact, the television advertising gained approximately 3,970 votes for the LP ticket. That is an increase of 73.8%.

What does it cost?

What do results like these cost? In terms of raw dollars, the Wichita advertising program was more efficient than the Topeka program, as is evident from Table 6 in the next column.

As you can see, it cost nearly 3 times as much to obtain additional votes in the Topeka market as in the Wichita market.

Table 6: Cost of Votes Obtained

Area	votes gained	Cost	Coxt/Vote
Wichita	3,614	$5700	$1.58
Topeka	357	$1665	$4.66
Both Mkts	3,970	$7365	$1.86

In part, this may be the result of the relatively large expenditure for radio advertising in Emporia, a small city within the Topeka market, well away from population centers. It also may be the result of the variation in the ads used in each market.

But one conclusion is obvious: the marginal cost of obtaining votes by television advertising is less than the average cost of obtaining votes by the means employed by the Paul campaign, which reported it spent approximately $3 million to obtain about 420,000 votes, for an average cost of $7.14 per vote.

National television advertising is much more efficient than buying ads in local markets. That is, the cost to reach each viewer is less for national ads because of economies of scale. It is therefore likely that had the Paul campaign purchased national television spots, it would have acquired additional votes more cheaply than the $1.86 per vote average cost of the Kansas LP.

What about radio advertising?

I attempted to use the same technique to isolate the influence of the radio ads; that is, I isolated the areas where the radio ads were heard, compared the improvement from 1984 to 1988 in both the radio influenced areas and the non-radio areas, projected the vote totals for the radio areas if the radio spots had not been aired. In an effort to maintain the interest of those who have been bored or annoyed by all the tables and projections I have reproduced so far, I shall not reproduce the study step-by-step here.

The study indicated that the cost of votes gained by radio advertising ranged from -$1.05 to $18.25, depending on the definition of radio market area used. The negative vote cost occurs because when using one definition of radio market area, the projected vote total without the spots actually exceeds the actual vote total. (In other words, it showed that the radio ads actually *reduced* votes for the LP ticket.)

This confusing result is the product, I believe, of two factors: 1] radio market areas do not correlate nicely with the voting data (because radio markets are smaller, they do not correspond so closely to county lines); and 2] radio advertising is not nearly as effective a means of reaching voters as television advertising. The major parties, which have studied the effect of radio and television advertising, spend only a tiny proportion of advertising funds on radio, presumably because they know that it doesn't work as well as television advertising. And commercial advertisers have long been convinced that television advertising is the cheapest way to reach a general audience and that radio is better employed for reaching specific target audiences.

But it may be a mistake to conclude that radio advertising is ineffective, or less effective than television advertising, without further study.

Which television spot worked better?

Even when all radio advertising expenditures are excluded from the analysis, the cost per vote gained was much cheaper in Wichita where the generic ad was used than in Topeka where the IRS ad was used. This supports the thesis that the generic ad was more effective.

But in my judgment, it is not conclusive.

The difference in cost per vote received may be entirely the result of the higher cost of advertising in smaller markets, where economies of scale are not available. There are 132,100 television households in the Topeka market area, and the ads there cost an average of $40 each. Thus the average cost per thousand potential households for these ads is 30.3¢. The Wichita market has 413,000 households, and its ads cost an average of $100 each, so the cost per thousand potential households is 24.2¢.

In addition, there were 3.33 times as many spots run in the Wichita market as in the Topeka market, yet Wichita's expenditure was only 22% higher in terms of cost per voter within each market.

A more conclusive answer could be drawn if the ratings of all the ad spots were known, so that cost per exposure

"TV Advertising and Minor Party Campaigns," *continued from previous page*

of each ad to each voter could be estimated.

What does all this mean?

The experience in Kansas clearly demonstrates that the use of television advertising can substantially increase LP vote totals at a low cost. Television advertising can greatly increase voter response to minor party campaigns, just as it increases voter response to major party campaigns.

Television advertising in Kansas increased votes for the LP ticket by 3,970 votes (73.8%) at a cost of $7,265, or about $1.86 per vote.

Given the fact that Kansas is a fairly average state for the LP (in 1976, the LP got .34% in Kansas versus .35% nationally; in 1980 [when Kansan David Koch was on the ticket] the LP got 1.48% in Kansas versus 1.06% nationally; in 1984 the LP got .35% in Kansas versus .34 nationally), it is likely that the effect would be similar in a national campaign.

However, the cost of obtaining the additional votes would likely be lower in a national campaign, since national advertising reaches voters at a lower unit cost.

In addition, the data suggest that radio advertising is not so effective as television advertising and that the generic advertisement produced by the Utah LP was more effective than the IRS spot produced by the Paul campaign.

Further analysis of the relationship between election returns and specific campaign techniques would be very useful for those pursuing electoral politics. ❑

Special thanks to Karl Peterjohn and Douglas Merritt of the Kansas Libertarian Party, who pro-

"High Noon for the Libertarian Party?" *continued from page 25*

voter. The next time he sees an advertisement for a Libertarian candidate, or a book espousing libertarian ideas, or a magazine article about liberty, he will be more inclined to read it and consider what it has to say.

The more votes an LP candidate receives, the less he (and other LP candidates) will be viewed as "extremists" or "oddballs" in future elections. Higher vote totals increase the willingness of the public to listen to the LP message. The more votes any LP candidate receives, the more likely the news media will pay attention to his next campaign, or the next campaign of the LP. This reduces the cost and increases the effectiveness of future campaigns.

And the effect may go further than the news media. It may extend to the academic world. According to Murray Rothbard, who has spent decades advancing the idea of the free market in the academic marketplace, the 920,000 votes for the LP presidential candidate in 1980 is the only explanation for the sudden increase in both the number of economics textbooks presenting free market ideas and the number of universities that used them.

Americans respect success and growth. When the libertarian movement grows or libertarian vote totals grow, it adds to the credibility of libertarian ideas. The more the libertarian movement grows, the less dangerous and radical its program will seem to most Americans. The more it grows, the more receptive Americans are to its ideas.

The LP advances liberty in the political sphere even in elections it loses.

It is not necessary for the LP to win elections—that is, provide its candidates with government jobs—for it to influence public policy.

In the election just past, LP candidate Larry Dodge got only 5% in his race for Secretary of State in Montana. He raised two issues in his campaign: the sale of state lands and freeing up the initiative process. Midway through the campaign, "They copied my initiative plan and claimed it for their own," Dodge says. "Even Story [the Republican candidate] changed his stand on the sale of state land toward the end of the campaign. These things cost us votes."

Dodge is undoubtedly correct: the appropriation of his campaign issues by his major party opponents certainly cost him votes, since it enabled voters to support his program without leaving the comfort of the two party system. On election day, only one Montanan in twenty voted for Dodge. But his campaign goals were advanced when the major party candidates stole his issues.

Dodge ran to promote the idea of advancing liberty by opening up the initiative process and encouraging the sale of government owned lands. These ideas are now advanced by the major parties.

The dedicated and heroic efforts of Larry Dodge, the days he and his volunteers spent talking to voters, the lonely roads he traveled, the sleep he missed, the money his supporters gave him, was wisely spent. It did not result in electoral victory. But it resulted in his ideas being advanced.

VI. Conclusion

The Libertarian Party is not the only way to advance liberty. Election of LP candidates is not the only way the LP wins. Progress sometimes seems agonizingly slow.

But when all is said and done, the Libertarian Party is an effective means of making the world freer, more prosperous, and more humane . ❑

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In this issue:
"Secrets of the Temple" page 5
LP Fundraising page 6
Lib Freezer Faction? page 7

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Disputation

AIDS and the FDA

Some letters-to-the-editors seem especially important, addressing issues or challenging our authors in vital ways. Recently two of our readers took on Sandy Shaw and Durk Pearson, and we thought that their letters and Ms Shaw's reply deserved more prominent display than in our regular letters section: so here they are. *Caveat lector!*

AIDS: Biting the Magic Bullet

H. Griffin Cupstid

The AIDS epidemic would not be "stopped right now" by a home HIV (Human Immunodeficiency Virus) test, as Sandy Shaw argues ("AIDS: More Than Just a Virus," Sept., 1988). Such specious reasoning is the same as that used by right-wing homophobes and paranoid public health advocates who extend this logic to universal testing and mandatory quarantine. HIV testing is not quite as simple as a home pregnancy test and the decisions precipitated by test results are far more complex.

A negative test does not guarantee the absence of HIV infection because many months can elapse between exposure (and presumably infectivity) and a positive test. Another serious consideration is the high number of false-positive tests. A *New England Journal of Medicine* editorial reviewed this problem (1987; 317:238) and reported false-positive rates as high as 6.8%. If we were to assume that a rate of only 0.5% false-positive could be obtained, then for every woman actually infected discovered by widespread testing, 50 women could be falsely identified as HIV carriers.

Of course, in a free society there would be no barriers to wasting your money on indiscriminate testing and possibly destroying your piece of mind with inaccurate results. The FDA's motivation in banning these tests is more of a benign paternalism than a malignant attempt to perpetuate an epidemic.

The contention that the FDA is "the main reason for the lack of AIDS treatment" is an exaggeration which diminishes the credibility of Shaw's argument. This argument was perhaps valid in the cases of some drugs for some diseases. But for AIDS there is no "magic bullet" waiting on the drug shelves of the world but held up at the border by FDA thugs.

The abolition of State regulation is an admirable goal, but it is a mistake to believe that the emancipated self-regulatory mechanisms of Science will magically open the doors to fantastic advancements. Scientific, medical and pharmaceutical institutions behave in many self-regulating ways and State action, like FDA regulation, merely adds another layer (albeit an inflexible and redundant one).

Researchers will continue to adhere to the scientific method, even though this will delay widespread use of promising new drugs; the pharmaceutical industry will continue to restrict the distribution of potentially dangerous drugs in order to limit their legal liability; insurance companies will continue to pay only for "accepted therapy" to minimize their financial risk; and physicians will continue to adhere to a community "standard of care" because their patients will demand it and deserve it. The progress of Science depends on the ordered behavior of its institutions. All of these behaviors would exist independent of State action.

Let the demagogues of the Left and Right abuse the AIDS epidemic to further their political agendas. The argument for Liberty does not require such tactics. AIDS is a tragedy. The FDA at its worst is an inconvenience. Let us keep them both in perspective.

And Now . . . A Word On Behalf of the FDA

William M. London

The argument of Sandy Shaw and Durk Pearson that FDA restrictions on the labeling of drugs costs the American public billions of dollars and hundreds of thousands of lives ("Free Speech and the Future of Medicine," March, 1988) is pure nonsense.

Quite the contrary, what is actually costing the American public billions of dollars annually and inestimable human suffering is the unchecked promotion of scientifically unsupported and disproved health claims made for ineffective and hazardous products. If enacted, the Shaw-Pearson proposal that drug manufacturers be able to say what they want on half of each label of their products (with the FDA having their say on the other half) would serve to further the enrichment of manufacturers' pocketbooks while threatening both the health and freedom of consumers.

Shaw and Pearson argue that FDA regulations on drug labeling violate freedom of speech. However, freedom of speech is not an absolute. To yell "fire!" in a crowded theater when there is no fire threatens the safety of the audience and therefore cannot be protected by freedom of speech. Similarly, making false claims about products to be used for the enhancement of health also threatens the safety of consumers and

cannot be morally justified by freedom of speech. Moreover, consumers have no true freedom of choice unless they are provided with valid information.

Since 1962, the FDA has required manufacturers to provide scientific evidence for both the safety and efficacy of drug products before it grants approval for marketing. Even so, unexpected problems may arise after a drug is on the market for some time.

Shaw and Pearson suggest that the FDA become merely an advisory agency pending its abolition. They conclude their article with the unsupported assertion that "the FDA's approval delays have killed more Americans than have all wars since the Civil War." However, they fail to note that out of 100 investigational new drugs that the FDA approves for experimental testing on humans, about 80 will fail to pass the three phase test required for pre-market approval.

Apparently, Shaw and Pearson would let the seller be free to promote life-threatening nostrums to unsuspecting, gullible, and desperate people, which can include just about anybody, even libertarians. Such a policy is a perversion of the concept of a free market and a threat to life, liberty and the pursuit of happiness.

Contexts and Clarifications

Sandy Shaw

The home AIDS test that Dupont has developed is available in England and has about a 1% error rate (false positives and false negatives), provided the test subject is producing AIDS antibodies (a small number of persons infected with the AIDS virus have been found who don't). The FDA will not allow Americans to buy the test kit nor allow Dupont to inform consumers or physicians of the availability of that test kit in England.

I disagree with Cupstid that the FDA is a mere inconvenience and that its motives are a mere form of "benign paternalism." In my article with Durk Pearson, "Free Speech and the Future of Medicine" (March 1988, *Liberty*), I provide a quote (with reference) by an FDA spokesman that the FDA didn't want widespread distribution of experimental drugs to AIDS victims because then how could they do a placebo controlled study since nobody would take a placebo. This is not "benign paternalism"! It sounds a lot more like Nazi concentration camp doctoring to me. It is a clear example of how people who probably had good intentions to start with were corrupted because they had power coming out of the barrel of a gun.

The class of medical drugs called beta blockers (used to treat high blood pressure and cardiac arrhythmias) were available in Europe for 16 years before they were approved for use in this country. The lowest figure we have seen for the number of lives saved each year by beta blockers is about 25,000 (some estimates are as high as 80,000). During those 16 years, at least 400,000 people died because they did not have access to beta blockers. I wouldn't call this an "inconvenience." Cupstid contends that, in the case of AIDS, there is no effective treatment being held up by the FDA. What he fails to realize is that the FDA is preventing the investment of the large sums of money and time that would be required to find effective treatments by erecting a huge barrier to the marketing of these high tech R & D products. For example, a vaccinia virus could be developed that would produce an antisense RNA strand to the RNA strand that codes for HIV reverse transcriptase. This sequence is highly conserved in HIV, unlike the envelope protein. But why should anybody do this if it is going to cost $125 million and several years plus whatever it takes to develop the new drug entity? And you may never get it approved after doing all that work!

Reader London says that our statement that the FDA's approval delays have killed more Americans than have all wars since the Civil War is an unsupported assertion. He will find several references in our "Free Speech and the Future of Medicine" article that show our statement to be a fact, including economist Dr. Sam Peltzman's outstanding study in "Regulation of Pharmaceutical Innovation" (American Enterprise Institute for Public Policy Research, Washington, D.C.). We devoted an entire section of *Life Extension, A Practical Scientific Approach* to the subject of the costs of government regulation of drugs; Appendix E: "What is the Government Doing About Aging Research" takes up 53 pages of analysis plus an additional several pages of references.

Reader London seems to believe that a heavily regulated market and a free market can be the same thing. As we show in our "Free Speech" article (and in much greater detail in our *Life Extension*), the FDA does not permit free speech in the marketing of health products (drugs, medical devices, and even foods). You cannot legally make *truthful* statements in commercial speech about drugs (or even foods and nutrients) unless the FDA allows you to do so. For example, you cannot legally say that vitamin C is necessary for healing on a bottle of vitamin C supplements. This, according to the FDA, is a health claim and renders your vitamin supplement a drug which must pass their long, expensive drug approval process. That vitamin C is necessary for healing has been known since the 1940s. People have been jailed by the FDA for marketing vitamin E next to books about vitamin E that made unapproved "drug" claims for it (e.g., that vitamin E is useful for more than just the treatment of vitamin E deficiency conditions). Drug companies are not permitted to provide information to the public or even to doctors about new drugs that have not yet received FDA approval, not even about research studies that have already been published about these drugs in peer-reviewed scientific publications! Valuable drugs that have been used safely in other technologically advanced countries for many years (such as deprenyl, an anti-Parkinson's disease drug used in Europe for 20 years) are not available here for sick Americans. The company trying to get deprenyl approved in this country can't talk about it here.

There are a good many false claims being made for health products, but the best defense against that is competitive free market mechanisms, not a government monopoly on "truth."

There are a good many false claims being made for health products, but the best defense against these claims is competitive free market mechanisms, not a government monopoly on "truth." I am amazed that anyone reading *Liberty* would not already know this. I refer reader London to *Free To Choose* by Milton and Rose Friedman and to the works of other free market economists. ❑

Explanation

Random Drug Testing:
Mathematics and Morality

by William H. Wingo

Proposals for mandatory drug testing are ubiquitous these days. Unfortunately, proponents ignore certain fundamental facts about the nature of testing, and in the real world the efficacy of drug testing is questionable . . .

Libertarians object to any aggression against the individual; and surely random drug testing ranks high among such aggressions. Unfortunately, this argument—like many other libertarian arguments—does not impress the uninitiated. In this kind of situation, some advocates of free-markets recommend a flexible approach. If you expect agreement (they say), then you should stress principle; if you expect disagreement, then stress results. Since libertarians are used to disagreement, we will save the constitutional arguments for another article and start out with "pragmatism," although some principle may sneak in later on.

I will present a pragmatic and somewhat technical argument against random drug testing. The mathematical treatment is quite general and applies equally well to other kinds of medical screening such as AIDS testing, cancer screening, or kindergarten eye examinations.*

It should first be pointed out that all medical tests have both false positives and false negatives, no matter what anyone says to the contrary. Every day, laboratories and physicians are sued over bad lab results and the decisions based on them. There will always be sample collection errors, labelling errors, custody errors, storage errors, human errors, instrument errors, computer errors and unknown errors, to mention only a few. Technical problems and errors in drug testing can be reduced; and sometimes some of them can be "traded" for others; but they cannot be completely eliminated.

Next we must define some terms, starting with the epidemiologist's classic "two-by-two" table (figure 1). In this table, the columns indicate the test results (positive or negative); the rows indicate the tested-for condition (drugs, cancer, AIDS, etc.) Thus, "a" represents the number of subjects who test positive and really have the condition (true positives); "b" is the number who test negative, but have the condition anyway (false negatives); "c" is the number who test positive but do not have the condition (false positives); and "d" is the number not having the condition who test negative (true negatives.)

Cond.		Test +	Test −	total
	+	a	b	a + b
	−	c	d	c + d
total		a + c	b + d	a + b + c + d

Figure 1. Epidemiologist's two-by-two table, general form.

The row and column totals are also significant: "a+b" is the total number having the condition, regardless of test results; "b+d" is the total number testing negative, regardless of presence of the condition; and so on. In the lower right corner we find a+b+c+d, the total tested population (tpop).

Now we must review a few terms from introductory epidemiology, referring to the two-by-two table (figure 1):

The *false positive rate* (fpr) of the test is the fraction of persons with positive test results who do not have the tested-for condition. It is equal to the number of false positives divided by the total number of positives: that is, c/(a+c). The false positive rate may be low, but it will never be zero.

The *prevalence* (prev) of the condition is the fraction of the tested population who have the condition. It is equal to the number of affected persons divided by the total number of persons tested; or, (a+b)/(a+b+c+d). Prevalence turns out to be inversely related to the false positive rate, as we shall see below.

The *sensitivity* (sens) of the test is a measure of the test's ability to correctly identify a person who does have the condition. It is equal to the fraction of persons with the condition who test positive, and is given by a/(a+b).

The *specificity* (spec) of the test is a measure of the test's ability to correctly identify a person who *does not* have the condition. It is equal to the fraction of persons not having the

* See any introductory epidemiology or biostatistics text: for example, Mausner and Kramer, 1985, pp 214-238; or Woolson, 1987, pp 59-71.

condition who test negative, and is given by d/(c+d). Like prevalence, specificity is inversely related to the false positive rate.

From these definitions and a little high-school algebra, we can derive the following relations:

a+b = prev x tpop
a = sens x prev x tpop
b = (1-sens) x prev x tpop
c = (1-spec) x (1-prev) x tpop
d = spec x (1-prev) x tpop

Now we can express the false positive rate in terms of the sensitivity, specificity and prevalence, a very important relationship which we will call the false positive rate equation.

We omit the details of the derivation, except to note that the total population figure, tpop, cancels out (see appendix). Algebra students can try it as an exercise.

$$fpr = c/(a+c) = \frac{(1\text{-spec})(1\text{-prev})}{[(\text{sens})(\text{prev})+(1\text{-spec})(1\text{-prev})]}$$

Those who recall their first-year calculus will note that as the prevalence decreases toward zero with all other quantities constant, the false positive rate approaches unity. This means that as the condition being tested for becomes rarer, approaching zero, the false positive rate increases, approaching 100 percent.

To see how this relationship works, let us suppose that the tested population is 100,000 persons; and that the sensitivity and specificity of the test are both fixed at 99 percent. (In real life, sensitivity and specificity are often trade-offs, and it is unlikely that both would be this high for the same test.) We will construct the two-by-two table for various population prevalences, and calculate the corresponding false positive rates. The same figures could be calculated from the false positive rate equation.

For a prevalence of 50 percent (figure 2), the false positive rate is 500/50,000 or 1.0 percent. Thus, even if the condition is very common, one out of 100 positive tests will be incorrect.

As the prevalence falls, the false positive rate rises rapidly. For a prevalence of 20 percent (figure 3), the false positive rate is 800/20,600 or 3.9 percent. For a prevalence of 10 percent (figure 4), the false positive rate is 900/10,800 or 8.3 percent.

As the condition becomes increasingly rare, the false positive rate approaches 100 percent and the test becomes worthless. For a prevalence of 1.0 percent (figure 5), the false positive rate is 990/1,980 or 50 percent. In other words, if only one person in 100 has the condition, one-half of the positive tests will be erroneous. For a prevalence of 0.1 percent (figure 6), the false positive rate is 999/1,098 or 91 percent.

At this point, the drug testing advocate (and perhaps the reader, too) may think of making the test more "accurate" (specific) to avoid this difficulty. It is true that the false positive rate can be reduced (although not to zero) by using a test with higher specificity. However, it seems to be a fact of scientific life that the more specific tests are also more complicated, and often much more expensive. One approach devised to overcome this difficulty is to use a cheap "screening" test with a high sensitivity; and then to retest all positives using a more expensive "confirmatory" test with a high specificity.

Despite all this, the fundamental problem remains: although modern confirmatory tests are good, they are not perfect. If large, low-prevalence populations are tested, *innocent persons are still going to be reported positive.*

Figure 7 shows the relationship between prevalence and false positive rate in graphical form, assuming a constant sensitivity of 99 percent. For each assumed specificity, the false positive rate equation generates a unique curve: we have shown three for simplicity. It is clear that at a constant prevalence, increasing the specificity does reduce the false positive rate; however, a sufficiently low prevalence will overcome this effect and cause the rate to rise again. Even for a specificity of 99.99 percent (one error in 10,000,) as the prevalence declines below two percent, the false positive rate again rises inexorably towards 100 percent.

The false positive rate equation can be used to determine the specificity required to achieve any desired ("acceptable") false positive rate at any given prevalence and sensitivity. For example, if we were willing to accept a single false positive—one person—in our hypothetical population of 100,000 (a false positive rate of 0.001 percent,) we can calculate that the specificity would have to be to achieve it. We will assume that there are 100 affected individuals in the 100,000 (prevalence = 0.1 percent,) and that the sensitivity is still 99 percent.

Rearranging the false positive rate equation and plugging in these figures (see appendix,) we obtain a required specificity of 99.99999901 percent—less than one error in 100 million. At any lower specificity, there will be more than one false positive per hundred thousand tests. Now no one has more respect for

Cond.	Test +	Test −	total
+	49,500	500	50,000
−	500	49,500	50,000
total	50,000	50,000	100,000

Figure 2. Table for 50% prevalence

Cond.	Test +	Test −	total
+	19,800	200	20,000
−	800	79,200	80,000
total	20,600	79,400	100,000

Figure 3. Table for 20% prevalence

Cond.	Test +	Test −	total
+	9,900	100	10,000
−	900	89,100	90,000
total	10,800	89,200	100,000

Figure 4. Table for 10% prevalence

Cond.	Test +	Test −	total
+	990	10	1,000
−	990	98,010	99,000
total	1980	98,020	100,000

Figure 5. Table for 1.0% prevalence

Cond.	Test +	Test −	total
+	99	1	100
−	999	98,901	99,900
total	1,098	98,902	100,000

Figure 6. Table for 0.1% prevalence

modern analytical instrumentation than I, but I do not believe that any technique available today even approaches such a level of accuracy. Even if the instruments were theoretically capable of it, they are constructed, operated, calibrated, and repaired by human beings. Human error becomes the dominant factor, and more improving of the instruments will have little or no effect.

That's probably enough mathematics for one day, so let's talk about the implications. First, of course, *any random drug testing program must falsely incriminate innocent persons*. That single "acceptable" false positive hypothesized above is a human being, whose life will be permanently affected by the erroneous test result—and in practice, it won't be just one.

It is as if an angel (or devil) offered us a proposition: we can have random drug testing, but at the cost of ruining the lives and careers of many innocent persons. We don't know who they are, but they're out there.

An extreme example of this problem is the recent proposal in a southern state to test first-and-second grade "pee-wee" football players—certainly a low-prevalence group. If this program is implemented, innocent seven-year-olds are going to be falsely identified as drug users. (If you're going to ruin people's lives, I guess you might as well start early.) When people advocate testing as a deterrent—"to give the kids a reason to say 'no,'" for example—this is part of what they are advocating. Their own innocent children, or yours, or mine, may be the victims.

The testing phenomenon is not new in American history. In the 1930's there was widespread mass screening for syphilis, motivated by much the same emotions. Persons with no reason to believe they had syphilis were persuaded to take the Wassermann test by government propaganda and social pressure. Those who tested positive suffered both the social stigma of syphilis and the long, painful 1930's-style treatment for it. Today it is clear that those early tests were highly inaccurate, and that many innocent persons were subjected to the ordeal for nothing (Brandt, 1988).

Forty years later, in the early days of military drug testing, there were all kinds of problems. Many military personnel were disciplined or dismissed from the service for drug use, many of whom later turned out to be innocent. To cite only one example, in 1981 the U.S. Navy ". . . had to reverse all positive findings for a certain number of tests, clear the records, and rehire the people it had fired" (Marshall, 1988). No doubt this was a great morale booster for the Navy. Today, of course, the military assures us that the tests are conducted without error, and false positives are no longer a problem.

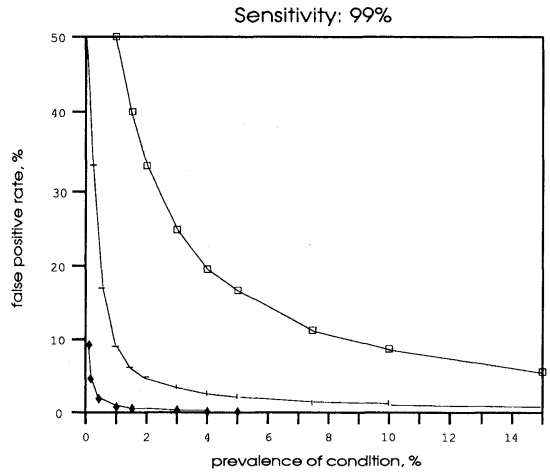

Figure 7. Relationship of prevalence, specificity, and false positive rate. Squares: 99.00% specificity; cross-lines: 99.90% specificity; diamonds: 99.99% specificity.

Despite the problems inherent to any screening program, drug testing has established itself in the United States, and is rapidly developing powerful economic pressure groups. Analytical laboratories, instrument and reagent manufacturers, and suppliers of "laboratory disposables" such as needles and urine cups are only a few of the business interests with a growing stake in mass drug testing. We can expect the pressure for testing to increase for the next few years, at least.

As testing is expanded, the number of innocent victims will increase. Many of them will forfeit their careers, their reputations, and their illusions about a supposedly free society with its supposed presumption of innocence. The possibility of a false positive hangs over us all like the sword of Damocles.

But it's not all bad news. There are a few things the individual can do to fight this trend. One thing is to resist random testing on technical grounds, and I hope this article will provide some ammunition for that part of the struggle.

Before submitting to a random drug test, we should inquire officially as to the test procedure and instruments to be used; the quality control and calibration procedures of the laboratory; the best available estimates of the sensitivity and specificity of the procedure (and whatever the specificity is, it is *not* 100 percent); and the estimated prevalence in the tested population. This would allow us to calculate the false positive rate, which could then be used as further technical grounds for resisting the test.

Individuals can also think twice about *agreeing* to be tested (for example, signing an employment contract with a random drug-test clause; or entering into a situation where this agreement is implicit, as in some high-school athletic programs.) Libertarians have less objection to testing by mutual agreement than to mass random testing; but still, such agreements should certainly not be entered into lightly.

Ideally, a drug testing contract should specify the drugs and metabolites allowed to be tested for; the test procedures and instruments to be used in the analysis; procedures for confirmation of any positive test by a second laboratory before any action is taken based on the test results; and above all, appeal procedures. In the case of a "screening-confirming" sequence, all positive results in the screening test should be destroyed as soon as the confirming test is reported negative, and no records traceable to the individual should be kept of this procedure.

Since the subject runs the risk of dismissal and other heavy penalties for testing positive, but incurs no benefit at all for testing negative, a desirable feature of drug-testing agreements would be a bonus or raise to be paid for each negative test—perhaps equal to the individual's current salary multiplied by the false positive rate of the test. This would bring the expectation closer to even, and would also make it less likely that

repeated testing would be used as a harassment tactic.

Probably few drug-test agreements today will have such features; if not, those asked to sign such agreements should try to get them included—or at least require a higher salary to compensate for the risk of a false positive. As libertarians, we can hope that market forces will eventually result in inclusion of these safeguards. In the meantime, we will at least be *aware* of the risks.

Finally, we should keep drug testing in its proper perspective, both in official policy and in our own minds. In the absence of other evidence, *a positive drug test is just a probability,* and should be regarded as such. There is always the possibility of a false positive.

If we imagine ourselves as jurors in a drug case, in which the *only* evidence was a positive result in a random test conducted without prior suspicion—even ignoring for a moment the libertarian views on drug use in general—we should realize that doubt does not have to be large in order to be reasonable: "Sorry, Mr. Prosecutor—not guilty." This approaches the constitutional argument, of course—but I warned you at the beginning that some principles might sneak in at the end. ❑

Appendix

I. Derivation of the false postive rate equation:

$$fpr = c/(a+c) = \frac{(1\text{-spec})(1\text{-prev})(tpop)}{(sens)(prev)(tpop)+(1\text{-spec})(1\text{-prev})(tpop)}$$

Since tpop appears in every term, it cancels out:

$$fpr = \frac{(1\text{-spec})(1\text{-prev})}{(sens)(prev)+(1\text{-spec})(1\text{-prev})}$$

II. Determination of required specificity from the false positive rate equation.

fpr = (1-spec)(1-prev)/[(sens)(prev)+(1-spec)(1-prev)]

We want specificity in terms of everything else.

fpr[(sens)(prev)+(1-sens)(1-prev)] = (1-spec)(1-prev)

(sens)(prev)(fpr)+(fpr)(1-spec)(1-prev) = (1-spec)(1-prev)

(sens)(prev)(fpr) = (1-fpr)(1-spec)(1-prev)

1-spec = (sens)(prev)(fpr)/[(1-spec)(1-prev)]

spec = 1-(sens)(prev)(fpr)/[(1-fpr)(1-prev)]

Filling in sensitivity = 99%, prevalence = 0.1%, and fpr = 0.001%, we have:

spec = (0.99)(0.001)(0.00001)/[(1-0.00001)(1-0.001)] = 0.9999999901 = 99.99999901%

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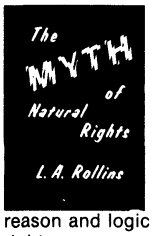

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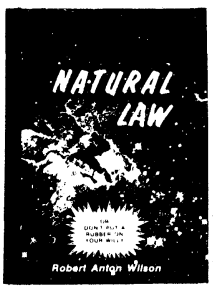

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Reply

Property, Population and the Environment

by John Hospers

Ms Jane Shaw's response (Nov. 1988) to my "Freedom and Ecology" (Sept. 1988) contains a curious collection of misunderstandings of what I was saying. Let me try to clear things up a bit . . .

Property Rights

For a good many years I have defended property rights in land, first of all in my book *Libertarianism* (1971; now published by Cobden Press, San Francisco). I also endorsed Rothbard's advocacy of property rights in areas of the sea. It is a bit strange, after all this, to be told that I "have little room" for property rights.

I do plead guilty, however, to tracing their limitations. Property rights are not a magic wand that can be waved indiscriminately to enable libertarians to solve difficult problems.

I did say in the article that government ownership or management of land is *usually* more wasteful, inefficient, and irresponsible than private ownership and management, because an individual owner is more motivated to make the land serve his or her interest. However, (1) the owner's *long-term* interest may not coincide with his *short-term* interest, just as a garageman's long-term interest (keeping his customers) may not coincide with his short-term interest (making all the money he can and getting out). In the long run it's not in our interest to allow animal species to become extinct, but short-term interest often leads people to do it just the same. If you're tilling the soil for just a few years before selling out, it may not be to your short-term interest to consider ecological factors (the new owner may not care or notice), but if you're going to hold it for your children, you only defeat your own interests by overcultivating and overgrazing. The same is true of a car.

Thus, by preferring short-term to long-term interests, a person may cause a lot of damage. Not only that: (2) it may not serve a person's interests *at all* to help preserve the environment. Is it really in the Nepalese's interest *not* to cut down the forests, since he needs more space for farming and for his children? How could you convince him that he should refrain from a move that is profitable to him, even if it does result in alternating floods and droughts in nearby India? ("Why should I care about India?") It's not in his interest to refrain unless numerous people of various nationalities come to some enforceable agreement about preserving the environment. For him to be a lone martyr preserving an infinitesimally small part of the environment would be pointless—a great sacrifice for him without a favorable outcome for either himself or others.

For both these reasons, then, a person might *not* persevere in the preservation of his own land. And empirically, individual ownership of property is something of a mixed bag. Individuals are more likely to tend land carefully if it is theirs than to do so if the land is communally owned (if they take care and others don't, the usual rewards of care will not occur). At the same time, however, following one's own short-term interest may result in catastrophe. In not one but literally dozens of African nations, the *only* places where lions, leopards, elephants, giraffe, and the numerous species of antelope survive on any large scale is in those areas designated as national parks—and even then only in those national parks in which conservation of wild life is rigidly enforced. On all the non-government lands, the wild life has almost totally disappeared. Traveling through central and southern Africa, as I did in 1983, 1986, and 1988, you can usually tell whether you're in a national park by whether there are any game animals around. If there were no such parks, almost all African wild life would by now have become extinct. The same, I am told, is true in India and elsewhere.

But that's not the main point I was making, which was that no matter under *whose* auspices the forests are destroyed, the deforestation is an ecological catastrophe, presenting great danger to all the residents of the earth. Whether individual owners do it, or collective owners, or government owners or managers, the deforestation is equally tragic. Suppose the residents of the slums of northeastern Brazil decided, without benefit of government subsidy, to homestead in the jungle and cut down trees to

make farms. Perhaps they later regret it when they find that the soil is so thin, but meanwhile the forests have been cut. Does Ms Shaw really mean that the damage is less if the forests are cut down by private owners than when they are cut down through the action of governments? I would think not; but to my remark that "the effects would have been the same if individuals without government subsidy had homesteaded the jungle," Ms Shaw retorts, "Environmental analysts disagree" (p.56). But disagree about exactly what?—about private ownership being usually superior (with which I agree as a general principle containing numerous exceptions)? There seems to be a confusion between

1. X is as damaging when done by A as when done by B

and

2. Under government ownership, X is more likely to occur.

Her remarks address only (2) without ever touching (1), and it was (1) which I was discussing when I said that deforestation was equally tragic no matter who did it.

What I was trying to oppose was a general tendency of many libertarians to rely on *stock formulas* rather than to think through a new or different kind of situation. The stock formula in this case is "It's a problem caused by governments; so if we got rid of government ownership, the problem would disappear." Just blame the government, as libertarians already do, and we wouldn't have to think about ecological problems any more! I suggest, on the contrary, that this stock formula just won't do. Individual ownership is important, but not a panacea. It all depends on *what each individual does* with the land that he or she owns.

Overpopulation

Another stock libertarian formula is, "There is no overpopulation problem as long as the free market reigns; you can have more and more people in the world, and you can still sustain them as long as you have a free-market economy."

There is more truth to this libertarian response than the world gives it credit for: if ecologists had been believed fifty years ago, the additional billions of persons the world has sustained since 1900 should by now be starving or dead—and yet on the whole (and with many exceptions) they have survived better than most populations have in most previous centuries. Production has more than matched population-increase in most parts of the world. That is the truth in the libertarian response. Why then do I not share the consoling feeling expressed in the remark, "We can have more and yet more people on this planet and everything will still be all right"?

1. Some of it, I suspect, is libertarian wishful thinking. In international relations, libertarians have often sidestepped the problems of dealing with aggressive nations under libertarian theory by saying that after all those nations are *not* aggressive, and consequently there is no *need* for a collective defense (compulsory collective defense being the core of the libertarian problem)—thus sidestepping the whole issue. And so here: If an ever-increasing population can be comfortably sustained on this planet, there is no need to consider environmental matters—the problem need not be addressed because (it is thought) it doesn't really arise. I strongly disapprove this kind of diversionary tactic. At least one should ask, "What should we do if it did arise?"

2. With more and more people, the already acute problems of toxic wastes, pollution of rivers and oceans, ozone layers, and greenhouse effect, will become simply intolerable. It's already bad enough with five billion people on the earth. There is already too much garbage for the ocean to digest, even at five billion; how long could the oceans endure 25 billion? Presumably we would just destroy ourselves that much faster. In either case, however, a radical change in human polluting habits is necessary. The greater the polluting population, the more mortal the danger.

3. It's true that the statement "The earth is overpopulated by people" is an evaluation, not a straight-out empirical fact (as discussed in the article). But evaluations can be justified or unjustified, defended or attacked. How can I defend this one?

During the recent hurricane it struck me that every piece of land that could possibly be settled by human beings appears already to have been claimed, with no "give" in the system, nothing to take up the slack in case of crisis. "People are being shipped out from Padre Island," said the announcer—and so it came home to me that this pitiable little strip of land a couple of feet above sea level, inhabited by a few seals when I visited it as a child, is already populated by humans. A hundred years ago there were virgin lands where a diversity of animals roamed; today even the wetlands, on which many birds and animals depend for their survival, are being converted into tract-houses, and soon the non-human creatures will disappear. Shouldn't we find this alarming, not only for their sake but for our own? When people, to survive, invade the national game preserves in order to slaughter the few remaining Indian buffalo, and the tigers as a result lose their food supply (an example from my September article), is this not a cause for concern? Ms Shaw chides me for being "in a panic." Perhaps the noun is not quite apt, but I believe that "panic" is a more appropriate term in the situation than the more vanilla-flavored "concern."

> *Is it really in the Nepalese's interest not to cut down the forests, since he needs more space for farming and for his children? How could you convince him that he should refrain from a move that is profitable to him, even if it does result in alternating floods and droughts in nearby India?*

When rabbits, not native to Australia, were introduced there by men some decades ago, they multiplied by the millions and became the scourge of the land, killing off the more vulnerable marsupials that had evolved there (without danger from mammals) over millions of years. Everyone would surely call this an overpopulation of rabbits. And when people hang on to every bit of habitable land, eliminating other animals from it regardless of the need for

those animals in the balance of nature, is this *not* to be called an overpopulation of human beings?

Thanks to Western medicine, millions of infants who would otherwise have died of malnutrition or infectious diseases now survive to adulthood. As a result, populations increase, more people become parents, and those parents in turn have more living children. In a couple of generations the birth rate far exceeds the death rate. To provide more room for the additional population, forests are cut down with monotonous regularity all over the world. And the forests are needed as rain-producers and as underground preservers and dispensers of moisture. The destruction of the forests is directly attributable to increased human population. In Nepal, the destruction of the forests breeds disaster for India below. Throughout the Andes chain, where the increased population is forced to migrate ever eastward, up into the mountains, and to de-forest the topsoil that soon blows away, it means slow starvation for the Indians who must always be on the move to ever more hostile soil. The "desertification" of much of Africa, thanks to the loss of topsoil, is expanding the Sahara and rendering uninhabitable the parts of Ethiopia that armies have not already destroyed. All these twentieth-century developments stem from the expansion of the human population. With the population doubling every forty years or so, is this *not* a matter for grave concern? If everyone thinks it to his interest to get rid of the forests ("let someone else sustain them"), and yet these forests are vitally necessary for plant and animal life, how indeed *are* they going to be sustained? Can't it at least be admitted that this *is* a problem?

In the land that became Rhodesia it was a time-honored practice to "use up" the land, then abandon it and go to another site when the soil had washed down to the rivers. After the Europeans arrived there around 1890, European medicine expanded the population from 0.5 million in 1890 to 5.5 million in 1930. The old practice of using up the soil and moving somewhere else could no longer be continued because with so many more people there wasn't enough virgin land left. The Land Apportionment Act of 1930, requiring land-owners (both European and native) to terrace and in other ways retain the soil on their land, would have been condemned, no doubt, by libertarians as a paternalistic interference with their property rights, but it was enacted into law in order to save the ever-increasing numbers of people from starvation. (See A.J.A. Peck, *Rhodesia Accuses*.)

> *"It's a problem caused by governments," the libertarian says, "so if we got rid of government ownership, the problem would disappear." I suggest that this stock formula just won't do. Individual ownership is important, but not a panacea.*

Since so many ecological points are usually thrown together into one package, and a person who defends one is assumed to be defending all, let me sort them out a bit. I am *not* contending that we are about to run out of energy sources: whether this would occur, at least without nuclear energy, is a separate question. Nor am I contending that even a rather considerable amount of water- and air-pollution will kill us: we won't suffocate in Los Angeles, and in fact the situation is a bit better than it was a decade ago. But other things could well be lethal: the ever increasing mountains of garbage and toxic waste being dumped into rivers and oceans every day; the continuing rapid loss of forests and wetlands; the holes in the ozone layer, our only protection against the sun's ultraviolet rays; the increase in atmospheric carbon dioxide and the ensuing greenhouse effect; the wholesale elimination by human beings of entire species of organisms on which human life may depend in the future. Would we have thus fouled the planet on which we live, if the increase in human population had not occurred so rapidly? The earth held about 2 billion people in 1900; it holds over 5 billion today; and at the present rate of increase this number will double in the next 30 to 50 years. Under the circumstances is it not perfectly rational, indeed imperative, to worry about human overpopulation? How long can we afford to fiddle while Rome burns?

"Okay, buddy—let's see your hunting-and-gathering license."

Quality of life

Among writers on ethics a distinction is often drawn between the *total quantity* of a good and the *average quantity* of it possessed by individuals. Let's suppose that being happy, content, flourishing, fulfilled, or living the life peculiar to human beings (à la Aristotle) are good, and their opposites—pain, frustration, misery, grief, etc., are bad. (We call these things *intrinsically* good because they may not be good *instrumentally*: pain is bad and not good "for its own sake," i.e. when pursued as an end, but when a child's fingers are burned after touching a hot stove, the pain serves as a useful warning not to touch a hot stove again. Something may be intrinsically bad and instrumentally good, as well as intrinsically good and instrumentally bad.) Ask, then, what you would consider better, better intrinsically, of the following two alternatives, and which of the two following worlds you would think it better to create if you could do so by pressing a button:

World One is full of people, 15 billion of them, each scratching on the insufficient soil to eke out a living, and often in conflict with each other because of their endless close proximity to one another, and the absence of wide open spaces anywhere. Still, each person, let's

say, can enjoy a little bit of happiness: if each of the 15 billion people had one unit of happiness, there would be in this world a total of 15 billion units of happiness.

Now imagine World Two: it contains only two billion people, much like the actual world of 1900. People are not crowded together; the ecology is still fairly sound; thousands of species have not been exterminated, and any toxic waste problem is still minimal: most people can sustain themselves directly from the land, without killer chemicals. Each person in World Two has 5 units of happiness. The *total* quantity of happiness is less in World Two (2 billion X 5) than in World One (15 billion X 1)—but the *average* quantity is much greater in World Two (5 units per person as opposed to 1). Isn't the second world preferable to the first one—one more worth creating—the one *you* would have created had you been given the choice? If so, you would have chosen what I was arguing for in my article—a lower population with a higher average of well-being.

Solutions?

My discussion has not been very long on solutions. Here I have only a few suggestions:

1. On privately owned property: In general, private ownership is to be preferred to government ownership or control. But it is not always so (the Botswana case); nor is it a cure-all. In Brazil, private ownership and control would help, for there would be no government subsidy for people to migrate to the jungle and cut down the trees. But in Nepal it's difficult to see how the situation would be improved. Owners now cut down forests to make way for industry and larger population. Government ownership might have the *same* effect (if the rulers decided that further industrialization was called for), or it might have a *better* effect (if the rulers were environmentalists); who can tell? Doesn't that depend on who they are and what they do?

The problem of the manatee *could* be solved by private ownership of rivers and waterways *if* the use of the manatee for meat *and* the clogging of the streams, was occurring on the same owner's property. Then the owner would probably decide that it's better to keep the rivers clear of weeds than to eat the creature as food. But the need to clear the stream at one place would probably have no effect on the temptation to use the manatee as food at another place hundreds of miles away, where ownership was in someone else's hands. Perhaps they could enter into a contract with each other? (Involved here of course is the large issue of private ownership of waterways.)

2. On population control: instead of punishment for having children, as in China, there could be *inducements* for *not* having them, as in Singapore. This would mean state intervention in either case, which is not likely to please libertarians. But if it requires a coercive authority to keep people from having babies, it would no less require a coercive authority to encourage people, via subsidy, not to have them. (Just giving them a pep talk wouldn't help much.)

3. On preserving the environment: It is to the interest of everyone in the world to preserve (rescue?) our global ecology; we only contribute to our own destruction by fouling our own nest. *But* it is to one person's interest not to pollute (for example) *only* as long as others also refrain. If everyone else's factory is polluting the air, you are not saving the environment by being the lone holdout and heroically spending money (and using up profits) on anti-pollution measures. It is in your interest to refrain only if all or most other persons refrain.

One step in this direction could be for the major powers—yes, governments—to agree with one another not to pollute, not to kill endangered species, and in other ways to refrain from harming the environment. (We could even deny foreign aid to proven polluters!) Yes, there would be an enforcement problem, but this would be far less when the major nations can *agree* that preserving the environment is a desirable goal, than when they are on opposite sides confronting one another, as in the arms race, where violation can pay handsomely. Indeed, there is some hope that the major nations of the world can come to agreement on this vital matter, for their mutual safety and survival, and that each will enforce conformity within its own borders. ❑

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Clarification

The Absurdity of Alienable Rights

by Sheldon L. Richman

Some philosophical problems just never seem to go away, and others keep on popping up with annoying persistency—in this essay Mr. Richman takes on one of those ideas: the idea that rights can be sold or "given away" . . .

There was good reason for Jefferson to characterize the rights to life, liberty and the pursuit of happiness as "inalienable" when he wrote the Declaration of Independence. For rights to be meaningful, they must be inalienable. Rights (unlike some of the things one has a right to) are not possessions to be bought, sold and alienated at will. They are essential to self-ownership, a concept that is central to libertarianism.

But some libertarians have missed the point.

Ethan O. Waters, for example, argues that if all the people in a geographical area "agreed to vest all ownership of real estate in a corporate body (and to subject themselves to) periodic payment of fees (called "taxes") and various other controls (called "laws and regulations") on the behavior of those who might live on the corporately owned land," that a political system identical to our own statist society might develop in a way that would be entirely consonant with libertarian principles. In doing so, Waters overlooks the one essential element of self-ownership: the inalienability of individual rights. By agreeing to form the hypothetical, forever-binding corporation, the hypothetical persons have to be able to alienate their rights to life, liberty and property.

Similarly, several of the critics of Hans-Hermann Hoppe's rights theory objected on grounds that slaves can discuss philosophy, thereby disproving Hoppe's thesis that argumentation implies self-ownership. These critics also overlook the fact that, by definition, a slave is a person who does not possess the right to self-ownership; that is, a person whose rights have been alienated.

Because they do not understand that rights are inalienable, Waters and Hoppe's critics have failed in their endeavors. Only by understanding the nature of rights can we come to grips with the philosophical issues involved. Apparently, some elucidation is still needed.

Self Ownership

Many people find the concept of self-ownership rather peculiar. After all, in all other forms of ownership, we have two things, a person and an external, alienable object. Isn't it contradictory to say, as Locke said, that "every man has a property in his own person"?

Not at all. Property rights do not refer primarily to relations between men and things. "Property rights are understood as the *sanctioned behavioral relations* among men that arise from the existence of things and pertain to their use."* "Rights" is a moral concept; people's relations with things are neither moral nor immoral. Thus rights address the issue of how people may and may not treat one another. Self-ownership, then, does not describe a relationship between a person and himself, but between a person and all other persons. This is made clear by James A. Sadowsky when he defines one's right to do certain things to mean "that it would be immoral for another, alone or in combination, to stop him from doing this by the use of physical force or the threat thereof. We do *not* mean that any use a man makes of his property within the limits set forth is necessarily a *moral* use."†

Some philosophers ask why we need to talk about ownership of the self at all. But how can we help it? Ownership refers to the rightful and ultimate control of a thing. It becomes an issue when something of value is scarce. Life is such a thing. It is not only a value, but the source of the *very possibility* of value. It is obviously scarce. The successful development of a life requires the use of that life in self-sustaining action and thus the rightful and ultimate control of it. Without this control each life would be at the mercy of anyone's whims. Ethics, as a discipline devoted to the flourishing of life (it can have no other purpose) therefore must concern itself with who owns each individual life. Even if the term self-ownership is never used, the issues involved cannot be escaped.

In an article I wrote ten years ago § I took up the question of whether voluntary slave contracts were enforceable. Whether a man could agree to become a

* Erik G. Furubotn and Svetozar Pejovich, *The Economics of Property Rights*, p. 3, second emphasis added.

† "Private Property and Collective Ownership," *Property in a Humane Economy*, ed. Samuel Blumenfeld, p. 85.

§ "Slave Contracts and the Inalienable Will," *Libertarian Forum*, July-August 1978.

slave had been controversial among natural-rights theorists for centuries. Hugo Grotius, a seventeenth-century espouser of natural law, believed one could literally give oneself away. So does Robert Nozick (though if you rent yourself to him, you may be subject to rent control).

Lysander Spooner, on the other hand, disagreed. "No man," he wrote, "can delegate, or give to another, any right of arbitrary dominion over himself; for that would be giving himself away as a slave. And this no man can do. Any contract to do so is necessarily an absurd one, and has no validity." * By "absurd" Spooner did not merely mean ridiculous. He meant *logically* absurd, *impossible*. Spooner was absolutely correct and that this point applies to any argument against self-ownership.

A slave is one who belongs—mind and body—to his master. He is one who doesn't own—that is, does not possess the right of use and disposal of—his will and person. He lacks the right to control his actions. All slavery entails the subordination of one will to another. A clue to the contradiction involved is that we can't help but use the possessive "his" regarding the slave's will despite his (there we go again) status.

A slave contract would mean the willful giving up of one's own will. How can one give up one's will? What is giving up what? If the will is being given up, what's doing the giving? If the will is doing the giving, what is it giving up?

A person can never transfer control of his will. It is inseparable. Nor can anyone directly control the will of another. A will can only control itself and no other. If Jones commands Smith to perform an action, the action will be performed only if Smith wills it. Threats of force notwithstanding, Smith has to exercise his will to perform the action. Jones cannot exercise it for him. "[N]o man can delegate, or impart, his own judgment or conscience to another)."† In the strictest sense all actions are voluntary.

(This by no means undermines the moral condemnation of aggression. To say that an action is involuntary or "against one's will" means not that the aggressor exercised the victim's will, but that the victim would not have exercised it a particular way in the absence of the threat of force.)

If you cannot give up control of your will, how can you give up your right to control it? The receiver of this right could never exercise the right. A right that cannot be exercised is absurd. Thus the right itself cannot be transferred.

Furthermore, because the right of contract presupposes a free and sovereign will, where there is no free and sovereign will there is no contractual obligation. To invoke such an obligation is to be guilty of a contradiction. As Ayn Rand would say, this is the fallacy of the stolen concept—using a concept while denying its roots. "To take rights like those of property and contractual freedom that are based on a foundation of the absolute self-ownership of the will and then to use those derived rights to destroy their own foundation is philosophically invalid." §

Ownership becomes an issue when something of value is scarce. Life is such a thing. Ethics, as a discipline devoted to the flourishing of life, therefore must concern itself with who owns each individual life. Even if the term self-ownership is never used, the issues involved cannot be escaped.

The upshot is that a contract slave could have no obligation to obey his master.

But we can take this further. Not only would there be no obligation to obey, but an act of obedience would actually violate the "contract" because the slave would have to assume control—ownership—of the will in order to obey. In other words, to carry out any order, the slave would have to exercise control of his person. It may be objected that the master, in giving a command, is in fact giving the slave permission to resume control of the will, temporarily, for a specific purpose, just as you could give someone permission to borrow the car you just bought from him.

But this objection fails: to give the slave permission to "borrow" the will, the slave would first have to exercise it in order to listen to and grasp the nature of the permission. But as one who has given up his will, he cannot legitimately exercise his powers of understanding *before* being granted permission. He would first have to get permission to use those powers for the purpose of getting permission to carry out the original command.

But that obviously leads to an infinite regress of permission-granting. Thus the "voluntary" slave could never carry out an order without violating his contract. But couldn't someone enter a permanent, unconditional, binding contract simply to carry out every order given by the owner? No: the will cannot be carved up, as such a contract would require. Before the slave could distinguish an order from anything else, he would have to assume control of his power of understanding, which includes control of his body (brain and ears, for example).

But if that is retained in the contract, what has been given up? For the contract to be meaningful, nothing less than complete ownership of the body would have to be given up. In a normal labor contract the harshest penalty for not obeying an order is dismissal, that is, the end to orders and expulsion from the owner's property. This could not be the case in a slave contract. What makes it a slave contract are the master's right to use force against the slave and the slave's obligation to submit. Thus a slave contract must entail the surrender of title to one's body. This is what produces the contradictory result already mentioned: the illegitimacy of the slave's using his body (regaining title) to understand and carry out orders.

Could one surrender the right to control just one's body and not the will? The answer again is no. The question rests on a mind-body dichotomy. The body cannot be surrendered without the will. The will obviously cannot "act" without a body. The will is required to sustain the body, and the owner of the body could easily extinguish the will by withholding sustenance. Moreover, no master wants only the body of the slave, for it would do little good to have a

* Lysander Spooner, "Letter to Thomas F. Bayard," 1882.

† Spooner, "A Letter to Grover Cleveland," 1886.

§ Williamson Evers, "Toward a Reformulation of the Law of Contracts, The *Journal of Libertarian Studies*, Winter 1977, p. 7.

right to the slave's body without having a right to direct the will. Liberty is indivisible.

To sum up, if slave contracts are valid, the slave can have no obligation to honor his owner, but he also has an obligation to refrain from honoring his master—a contradiction if ever there was one. That which makes a contract binding—a free and sovereign will—is what makes a slave contract invalid. As Rousseau wrote, "To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties. . . . Such a renunciation is incompatible with man's nature; to remove all liberty from his will is to remove all morality from his acts." *

It's now time to apply this point to the general question of self-ownership. Because obligation and action require self-ownership, if one makes an argument against self-ownership, one is compelled by logic to concede that one's listeners (who after all are not self-owners) have no obligations *and* that they are obligated to refrain from all action—including grasping the arguments. Both parts undercut argumentation *per se*. Every argument is based on what Frank Van Dun calls the obligation to be reasonable. If one did not at least implicitly believe that people *ought* to respect argumentation and accept valid conclusions, one would never make an argument. Yet the substance of the argument denies that anyone has the right to do what the arguer implies one ought to do. Such an argument is, as Spooner would have said, "necessarily an absurd one, and has no validity." ❑

* J. J. Rousseau, *The Social Contract*, book 1, chapter 4.

Letters, *continued from page 8*

called "Flora, Fauna, and Martians," Foldvary presents a natural rights view different from the "animal rights" theory presented by Hospers. As Foldvary states, "there is no objective reason to exclude any living being from the concept of 'harming others.'" However, in Foldvary's treatment, though all living beings have rights, these rights are not equal.

Hospers' presentation of "animal rights" would be better labeled an animal "equal rights" theory, as contrasted with Foldvary's "unequal rights" principle. If libertarians recognized that animals and plants have rights, but not necessarily rights equal to humans, many of the problems so well presented by Hospers would find a moral resolution. As Hospers himself noted, humans may obtain the utility of animals without inflicting undue harm to them or to the environment. Foldvary also deals with the challenging issue of whether future generations have rights that the present must respect.

What is needed is perhaps not so much the development of new libertarian theory but a wider survey of the vast and unorganized literature that already exists.

Janet Klein
Berkeley, Calif.

FYI

Not so much as a matter of self-advertisement—though I cannot say I would never resort to that honorable practice—but more to inform those who are interested, let me add something to John Hospers' observations on libertarianism and ecology.

In a book edited by Professor Tom Regan for Random House, *Earthbound: New Introductory Essays in Environmental Ethics*, I contributed "Pollution and Political Theory." In this piece I do make an effort to discuss certain ecological problems from a libertarian viewpoint. Robert W. Poole, Jr., my colleague at the Reason Foundation, also made a contribution to the study of ecological and related problems by editing *Instead of Regulation* (Lexington Books, 1982). Several of the essays therein begin to address issues Professor Hospers considers important.

That the libertarian alternative is gaining some attention is evident from a book recently published by the SUNY Press, Peter S. Wenz, *Environmental Justice* (1988), in which various libertarian authors (e.g., Murray Rothbard, Tibor Machan, John Hospers, Robert Nozick, et. al.) are discussed in connection with ecological/environmental topics.

One problem with applying libertarian theory to various problems is that such applied scholarly or scientific work occurs in specialized journals. But such journals are edited by mainstream statist scholars who tend to dismiss revolutionary ideas as unpalatable. So this kind of work is stuck in fringe journals or treated in journalistic fashion (e.g., in *Reason* magazine, *The Freeman*, etc.). There are some exceptions—both *The Journal of Libertarian Studies* and *The Cato Journal* have published interesting pieces dealing with the topics John Hospers considers—I am actually surprised he did not mention some of these.

Libertarianism and its best philosophical background, natural rights theory, are indeed radical and revolutionary positions—compared, say, with Marxism, which in the final analysis is a scientistic rehash of Christian eschatology. One does well to keep this in mind—as Rand once said, "It is earlier than you think." With so much received opinion standing in the way it is no wonder that we simply cannot address everything. We are still out there trying to show that our fundamental ideas—the broad outline of our thinking—are worth considering.

Tibor R. Machan
Auburn, Ala.

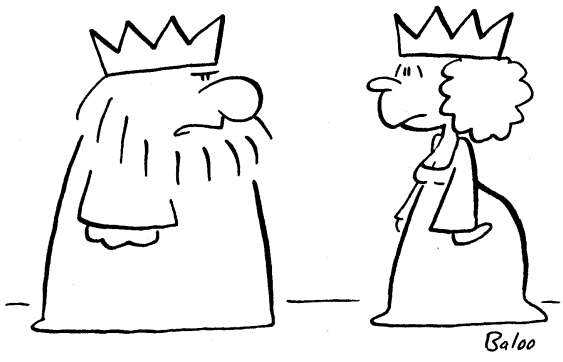

"Just yesterday I signed the National Health Insurance bill, and this morning *everybody* called in sick!"

The Walden Gulch

John Kramer looked at the irate man on the other side of his desk, wishing for a moment that he could drop his facade of dispassionate arbitrator and tell this indignant taxpayer that he was just doing his job—a miserable, thankless job—and that he didn't deserve to be shouted at, browbeaten or otherwise abused.

But he knew that pleas for understanding would fall on less than sympathetic ears.

The man stormed out. Kramer remained behind his desk, tapping a pencil—waiting with vague apprehension for his next appointment. I should have stayed a field agent, he thought ruefully. At least then I could get out of the office.

Since he'd been promoted to the Problem Resolution Office he had been forced to handle the most difficult, quarrelsome customers the Internal Revenue Service had to offer. And he had dealt with the eyestrain of ingesting whole new volumes of public policy and regulations—all seemingly in fine print. Along with the eyestrain came a chronically sore lower back and an old ulcer getting a second lease on life.

My problem is, I'm too nice a guy for this, he thought.

If only I could stop feeling so damn guilty and defensive. After all, we couldn't have civilization without tax collectors, could we?

A sharp rap shook his door, and Kramer called in his next appointment.

A story by Jeffrey Olson

How often have you wanted to tell a bureaucrat just where to go?

In this tale, two bureaucrats wind up in a very strange place indeed . . .

◆

Jerry Hide's crusty, liver-spotted hands rested on the letter, and he couldn't decide whether to wad it up or merely tear it to shreds. Some kind of sick joke, he thought. A letter written by some whining nut.

Dear Mr. Hide:

In accord with Resolution Three of the International Peace Coalition, you are hereby informed of your induction into the Committee for Peace and Nuclear Disarmament. Please report to IPC headquarters immediately for indoctrination and briefing.

Jerry Hide's fingers clenched. The letter crumpled. He shoved it into the wastebasket and took a few deep breaths to slow his palpitating heart. Easy, Jerry, Old Boy. Remember your blood pressure.

He stared at the miniature flag on his desk and thought about how he'd served his country as a lieutenant in World War II, as an honorary colonel in the Armed Services Committee during Korea, as a member of the Selective Service Board through most of Vietnam—and now, finally, as the Deputy Director of the newly revived Selective Service Agency. Forty-three years of unswerving dedication.

Only one thing to say to these creeps, he thought.

Love it or leave it.

◆

John Kramer lay in bed, staring up at the ceiling. Once again the rock music blaring from next door was oppressively loud—the bleating and belching of electric guitars

were raucous extensions of his overworked nerves. He thought sleep was a long way off, but suddenly a surreal sense of tranquility overcame him. The music drifted away and he floated in serene silence.

He began a strange dream. He was starting out on a long trip . . .

◆

Jerry Hide sat before the fire sipping his wine, staring with bleary eyes at the photographs of his wife on the mantelpiece, and at the collage of medals, commendations and war memorabilia on the wall above it. The good old days. Not the same without her. Oh hell!

He took another long drink, and felt himself dozing off.

◆

Kramer opened his eyes and sat up slowly, blinking in the bright sunlight. To all apparent purposes he was sitting in a meadow somewhere in a green, forested area on a balmy spring day. Nothing like where he lived.

No, Kramer thought, I'm home asleep. He shook his head, trying to clear his vision. It was all so vivid—

Then Kramer heard a groan. He turned to see an old man straining up a few feet away. It was the man's crusty, embittered features that finally convinced Kramer that this was no dream.

"Horseshit." The old man rubbed his head. "I must have tied on one too many last night. Where am I? . . ." He faced Kramer accusingly. "And who are you?"

"John Kramer." The accusation in the old man's stare irritated him. "And who are you?"

"The name's Jerry Hide. What the hell's going on?"

"I don't know. The last thing I remember is being home in bed . . . "

"Yeah? Well, I was sitting in front of a fire . . . and it was snowing outside."

"We must be in a warmer climate. Maybe California . . . "

"Sure, that would explain everything," snickered Hide. "Just the sort of thing you'd expect in California."

Kramer scowled. "Well unless you have any better ideas, I suggest we try to find out where we are."

"And who brought us here," growled Hide.

Kramer helped Hide up and they started across the meadow into the forest. They had gone a few hundred yards when the trees cleared and the outlines of a small town shimmered about a mile distant. On a dirt toad leading to it, a sign read: WALDEN.

"Walden, huh?" Hide snorted. "Never heard of it."

The town consisted mostly of small shacks, shoddily constructed but lined in a series of very straight rows. A few people were out and about, but Kramer and Hide received little attention as they followed the dirt road between the shacks. Everything seems too lethargic, thought Kramer . . . much like the slow-moving, sullen indifference he would have expected in some dilapidated village in South America. Only the people here were mostly white.

In the midst of the shacks a two-story building of brick and logs stood out like a mansion. It bore the bold sign: WALDEN CENTRAL ADMINISTRATION.

"That sounds pretty official," said Kramer.

Inside, they found themselves in a labyrinth of hallways and offices. They stopped at the first open door. CENTRAL INFORMATION PROCESSING. A middle-aged woman was sorting through a ream of papers. Kramer coughed to get her attention.

"We were wondering . . . could you tell us where we are?"

She pointed sideways without looking up. "You want Admissions. Down the corridor to your left."

They knocked on a door marked ADMISSIONS PROCESSOR. A bored voice called them in.

A man with a pleasant round face and an unctuous smile greeted them from behind a desk of unfinished pine. "Ah, yes. Please take a seat."

"We don't need a seat," snapped Hide. "We want to know what the hell is going on here."

"I quite understand. Why don't we begin by reading our brochure?" The man handed them two crudely printed pamphlets entitled WELCOME TO WALDEN. "They'll answer many of your questions, I'm sure."

Hide and Kramer sat down reluctantly and began reading. Walden, claimed the brochure, was an artificial enclosure of eleven thousand acres, ringed by a solid wall of rock that rose two hundred yards up to the sky—which was not really a sky but a sheet of transparent synthetic that was estimated to be sixteen yards thick (daylight was thought to come from some method of solar refraction). The location was unknown, but it was supposed to be an endogenous rock mass, perhaps a mountain range in the U.S. or elsewhere. Temperatures ranged from sixty-five to seventy-five degrees . . . normal day lengths . . . population of seven thousand . . . all people formerly U.S. citizens attached to some branch of government . . .

Kramer paused. All former government employees? He resumed reading.

In effect, Walden was an isolated country, complete with a strong central government that actively indulged in resource/community planning, zoning, social welfare and economic management.

Jerry Hide threw down his brochure and turned to Kramer with a leer of utter contempt. "We weren't born yesterday."

"I quite appreciate your position," said the Admissions

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Processor. "But I must assure you that this material is all factually true. We all came here the same way, and we have only theories regarding why. We're simply endeavoring to facilitate our stay here insofar as possible."

"And everyone here is an ex-bureaucrat?" Kramer asked incredulously.

"All former employees of the U.S. government, yes," replied the man somewhat airily. "I assume you gentlemen are no exception?"

"I was with the Selective Service Agency," said Hide, and then they looked expectantly at Kramer.

"Ah . . . " Kramer cleared his throat. "Environmental Protection Agency . . . "

The man lifted his hands. "You see?"

"But why?" Kramer demanded. "Why all ex-government people? And how did they get us here?"

The Processor pulled out a corncob pipe, lit up, and began puffing thoughtfully. "Well, we don't know with certainty, of course, but most of us hold the theory that we were placed in this protective isolation by the United States government." He smiled smugly. "Perhaps to safeguard our society's most valuable members in the event of, say, a nuclear exchange. Possibly we are some form of social experiment, set up as a model of an ideal society—a hypothesis that I, myself, favor. As to how we got here . . . " He lowered his pipe and shrugged. "An underground tunnel, we suppose. We know where some of the arrivals take place, but we've never actually witnessed one. Apparently, the new entrants, themselves, are heavily drugged."

"When I think of all those regulatory officials, administrators, judges—even a few congressmen—shoveling rocks and digging ditches . . ." He sighed mournfully and lowered his eyes. "All that productive talent going to waste . . . "

Kramer sat back, struggling to clear his head. It was hard to believe that anyone would consider him important enough for protective isolation, and he doubted his qualifications for belonging to an ideal society.

Jerry Hide made a grunting sound. "Makes sense, I guess . . . That is, if you're leveling with us."

"I'm being quite straightforward, I assure you."

"So what do we do now?"

"There is the matter of your citizenship papers, and a few other documents that must be completed for our records.

"What if we don't sign these papers?" asked Kramer.

"Then I'm afraid you won't be eligible to obtain work permits or lodging."

Kramer blinked at him. "Work permits?"

"Naturally," said the man smoothly. "But gentlemen, please don't think I'm endeavoring to pressure you. It is required that you sign via your own volition."

The man looked at them expectantly.

"All right, all right," Hide grumbled. "Since you were all with the U.S. government . . . "

They looked at Kramer, who nodded belatedly.

An hour later the two men had completed and signed their forms.

"Now then," said the Processor. "There's the matter of your employment."

"I have extensive administrative experience," Hide announced quickly.

"Don't we all," the man sighed. "However, I regret to say that all positions in public service are filled. I'm afraid that only the private sector is offering employment at this time. In particular, I understand Landon's Mining Company could use a few men . . . "

The two-mile walk to the mining camp took three hours and most of Hide's remaining stamina; he walked the last half mile into camp hanging on Kramer's shoulder. A man with a florid, jovial face met them as they walked in.

"I'm Alec Landon, the owner of this dump," he said, taking Hide by the arm. "I take it you boys are looking for work."

They walked into a barn-like building filled with bunk beds; Landon led them to an office area at one end and pulled some folders from a cabinet.

"Better get these out of the way first," he said.

"Not more forms . . . !" Kramer groaned.

Landon laughed. "You'll get used to it. Anyway, it's just some tax-withholding forms."

"You withhold taxes here?"

"Why certainly. Social security, disability, the works." He shook his head and chuckled. "Makes me wish I was in the paper business, but Nelson Mill has the official monopoly on that. Too much competition would deplete our forest resource, after all."

Hide snorted. "What I want to know is, just what kind of work would we be doing here?"

"Shoveling rocks, mostly."

Hide's face assumed a pained expression. "The last time I shoveled rocks I was sixteen, helping my old man spread gravel in our backyard. Isn't there anything in supervision or at least in the office?"

"Not here. And there haven't been any jobs in government since the early years, except when someone dies. When I think of all those regulatory officials, administrators, judges—even a few congressmen—shoveling rocks and digging ditches . . ." He sighed mournfully and lowered his eyes. "All that productive talent going to waste . . . "

"All right, all right," said Jerry Hide. "How much are you going to pay us for this . . . shoveling rocks?"

"Minimum wage. One Waldendollar an hour, six hours a day. After that, the government requires that we pay double for overtime."

"Six dollars a day?" Hide made a choking sound.

"It goes a lot farther here than back home, my friend. Though inflation is starting to cut into it a bit."

"Inflation?" Kramer's voice rose.

"Well, the government had to print up a little extra money to cover the Walden Conservation Project. And the welfare rolls have been swelling a bit lately."

"So where does that leave us?" Hide demanded.

Landon shrugged. "With a little left over after tax withholding, and your room and board . . . "

"Approximately how much is tax withholding, and how much is room and board?" Kramer asked.

Landon put a finger to his lips. "Hmm. Well, it's two bucks

for the room and board, and I think about three twenty-something in withholding . . . "

"You're saying that more than half of what we make will go to the government?" Kramer rasped.

"It's goddamned Communism, that's what it is," sneered Hide.

"Hey . . . " Landon held up his hands. "Don't you think plenty of people paid that and more back home?"

"What did you do before you got here?" Hide demanded of Landon.

"Bureau of Mining," said Landon wistfully.

◆

Even in the mild mid-day temperatures the sweat ran over Kramer's face and stung his eyes. He paused in his shoveling to study Jerry Hide. The older man looked about two shovel-fulls away from digging his own grave.

"Christ . . . " Hide wheezed. "I was supposed to retire next year . . . Why couldn't they invent something for me in administration?"

A young man named Kevin Flaherty, who sported a pony tail and a flaming red beard, was working nearby. "Why don't you just go on welfare?" he demanded. "You couldn't qualify for social security yet, but the welfare should at least cover your food and housing."

Hide favored the long-haired man with a sour stare. "I've never been on welfare in my life."

"'Course if you got real sick—had a heart attack or something—then you could get disability or maybe even medicaid."

Hide wiped his brow and stared contemptuously up at the artificial sky.

"I can see why so many people end up on welfare," said Kramer. "After you've paid off the government here there's hardly anything left to make working worthwhile."

"You just have to learn the system," said Flaherty, his smile conspiratorial. "There are other ways of making money, if you're more flexible."

"What the hell are you babbling about?"

"I'm just saying that some people will hire you, you know, off the record—if you're willing to work longer than six hours without overtime or go below the minimum wage."

"That sounds illegal to me," said Hide.

"Illegal?" Kramer turned to him. "You think these people have the right to set themselves up as a government and dictate to us?"

Hide made a puzzled face, then shrugged. "Seems to me that anybody can set up a lawful government, long as it's democratic."

Kramer scowled and turned back to Flaherty. "Is there much risk in working off the record?"

"Not really. You just have to look out for the tax man."

Kramer winced. He was glad he'd told everyone he'd worked for the EPA.

They resumed shoveling, but Hide languished in the shade, fanning himself. At last, a distant bell signalled the end of the workday.

"You wouldn't happen to know of any, ah, off-the-record jobs, would you?" Kramer asked Flaherty quietly as they headed back to camp.

Flaherty cast a nervous glance back at Jerry Hide."Well . . . actually, I do a little smelting for old man Landon on the side. We could probably use some help."

◆

Over the next few months Kramer worked four hours every day in Landon's basement smeltery after his six hours in the quarry—earning an extra two Waldendollars off the record. Jerry Hide, unwilling to continue strenuous labor, qualified for welfare and disability and even a little medicaid (which he split with his doctor), settling into a comfortably sedentary life that included nightly poker games with the other welfare recipients living in the camp.

"You know, I was pretty hard on these people when we first came in," Hide confided to Kramer one evening, mellow on the corn whiskey his medicaid had bought. "But you know, if this had been some capitalist survival-of-the-fittest society I never would have made it. I've never been much for this welfare business, but I can see now that people got to be protected from the, uh, ravages of nature."

Meanwhile, Kramer was discovering the pervasiveness of underground exchanges in Walden. A ring of trade ran through private industry and the Walden government itself. Hot items were tools, tobacco, meat and alcohol, items for which demand seemed insatiable. Kramer and Flaherty worked out a deal with Landon to use his smeltery for casting metal parts on their own, and then went into business making tools.

In their second month of producing tools, Kramer and Flaherty journeyed to the CENTRAL ADMINISTRATION BUILDING to obtain the permits necessary to build a workshop of their own outside the mining camp. They met with an employee of the Bureau of Land Development and Housing.

"You must understand that land allocation is a strictly governed procedure," said the man. "With such limited space and resources, conservation is a first priority."

"I've noticed thousands of acres of trees and land lying unused," said Kramer. "Just what are all these resources being conserved for?"

The man gave him a wintry smile. "Of course, we have to plan for the future, don't we?"

After filling out some applications, Kramer and Flaherty were referred to the Walden Zoning Authority.

"How long will we have to wait?" Kramer demanded, after they'd completed the zoning forms.

"Your applications will be examined in due course," came the reply. "However, before we can proceed further, it will be necessary to complete an Environmental Impact Assessment."

When the interviews and forms were completed seven hours later, the two men had toured most of the building, and come away with little more than vague promises and noncommittal reassurances.

"This place is a madhouse!" Kramer exclaimed as they left the building. "God! I've only been here five months, and I think I'm going insane."

"I've been here for seven years."

◆

A month later, still waiting for the various required building permits, Kramer and Flaherty received a visit from the Walden Internal Revenue Division.

The WIRD man spent most of an hour making casual insinuations, then he lowered the boom: Flaherty and Kramer had failed to keep records and file quarterly estimated tax state-

ments on their new business.

Kramer listened in fuming silence as the tax man reviewed a host of new forms and explained the penalties that would apply to late filing. Suddenly Kramer jumped to his feet, hands clenched, and stood glowering.

"Mr. Kramer . . . " The WIRD man drew back. "Was it something I said . . . ?"

"Out!" Kramer rasped.

"Pardon me?"

"Out! Get the hell out!"

"Mr. Kramer, think of the consequences—"

Kramer made a lunge for him, but he managed to get away.

"You're going to get us in jail," Flaherty noted.

"What's the difference? We can't do anything, own anything, be anything—without their permission. We're already in jail, Kevin. Everyone here is!"

"Okay." Flaherty held up his hands. "But sooner or later we'll have to pay . . . "

"One way or another," said Kramer grimly.

◆

Two weeks later the Walden Council, complaining of profiteering and "unjustifiable price increases," declared a price freeze on all alcoholic beverages and tobacco.

The night of the announcement, William Altwater, owner of Walden's only still, showed up at the mining camp with a case of corn whiskey in a wheelbarrow. He talked with Flaherty and Kramer in a quiet corner.

"I heard you had some trouble with WIRD," Altwater explained. "I thought maybe you might be able to use this to convince them of the merits of your case,"

"Bribe them?" breathed Kramer.

Altwater shrugged. "They say justice is blind. Well, if someone were to drink a case of this stuff, that would about do it."

They laughed.

"So what are you up to?" asked Flaherty. "Why bring this to us now?"

"Nothing better to do. Closed down the still when the price freeze was announced."

"But you'll be opening up again after the price freeze is lifted?"

"Nope. Just thought this would be a good time to do a little remodeling."

Kramer remembered those words when later that night they heard that the Altwater Still had burned down. According to witnesses, Altwater had started the fire himself and was presumed to have perished in it, since no one had seen him afterward.

The next day President Robert B. Tomasi issued a directive temporarily banning private ownership of alcohol and ordered an immediate call-in of all private stocks, to be placed under the authority of the Bureau of Alcohol and Tobacco. Penalties for withholding alcohol ranged from steep fines to a sentence of compulsory labor in public service capacity.

Alec Landon approached Flaherty and Kramer with the announcement that he knew about their stock of corn whiskey and was wondering how they planned to respond to the President's new directive. Kramer looked to Flaherty, who shrugged.

"I plan to keep it," said Kramer.

"I understand how you feel," said Landon. "But seeing as how you have so much, and supplies are so short, I was thinking you might consider sharing."

Kramer's jaw tightened. "I wouldn't consider it at all."

"Maybe you should think some more about it."

"Maybe you should go to hell."

"You've forgotten who owns this place," said Landon coldly. "I'll give you a day to reconsider, then you'll have to find somewhere else to stay—not to mention work."

When Landon was gone, Flaherty said quietly, "All of a sudden we're making a lot of enemies."

"I'll understand if you want to give in," said Kramer, "but for me this is it. I'm sick to death of this place, of all these damn parasites!" Kramer kicked one of the bunks, his face flaming red. "Have you ever thought of what it could be like if people were free to exchange things as they saw fit, without all this wasted energy—and all these bureaucrats? Can you imagine what we could achieve?"

Flaherty met his eyes and did not smile. "I can imagine it."

Kramer exhaled, sagging down on his bunk. "I don't know. Something seems to have snapped in me. Maybe that's what happened to Altwater."

"We don't know with certainty, of course, but most of us hold the theory that we were placed in this protective isolation by the United States government. Perhaps to safeguard our society's most valuable members in the event of, say, a nuclear exchange.

The next day, when Kramer and Flaherty refused Landon's ultimatum, Landon ordered them out. But before they'd finished packing, an official from the Bureau of Alcohol and Tobacco entered the camp with two members of the Walden Justice Enforcement Division in tow. A search warrant was shown, followed by a quick search that discovered the twelve bottles of whiskey beneath Kramer's bunk mattress. Kramer and Flaherty were placed under arrest.

"Don't worry," Landon sneered as they were led away. "I'll look after your things while you're gone."

◆

In addition to their "withholding of government property," Kramer and Flaherty were also charged by WIRD with failure to file. Judge Evans sentenced them both to the maximum term of four years compulsory labor in Public Service.

Of the four other prisoners serving time in Public Service, two were there for theft, one for rape, and one for assaulting the Police Commissioner. One of the thieves claimed to be a political prisoner, since he believed that "property was theft." Their supervisor was also a prisoner, a large man who was doing five years for murder.

Their duties consisted mainly of cleaning garbage off the streets and outlying countryside, with an occasional foray into a clogged sewage line or some other public operation. Home was a flimsy stockade that a child could have escaped from—but escape seemed pointless here.

"I just can't believe we're the only ones to end up here," said Kramer to Flaherty as they gathered refuse along the streets of

Walden. "You think everyone just brought in their booze like docile sheep?"

"I'd be surprised if they hadn't," said Flaherty.

"There must be others who rebelled."

"True. A few others."

"What happened to them?"

Flaherty stopped sweeping and stared at him. "They aren't here now."

"Meaning what? They were killed? Escaped?"

"No one's sure. They just disappeared."

"You mean, like Altwater?"

Flaherty shrugged.

"Do you think they found a way out?"

"I don't know, John." Flaherty was avoiding his eyes. "They say that people who fight the system are . . . removed. For the good of the community—by those who built it."

"Why didn't you tell me this before?"

"The timing . . . didn't seem right."

They walked in silence for a few moments, taking token sweeps at the street.

"Kevin . . . do you believe all this about Walden being a refuge for 'valuable people' . . . or some kind of experimental utopia?"

"I don't know. It doesn't make much sense either way, does it?"

"That's just it. It doesn't make sense either of those ways . . . " Kramer's forehead furrowed. "And I think that's the key: figuring out why we're here."

"The key to what?"

"To getting out of here."

◆

It was the middle of the night. Kramer eased out of his sleeping bag in the stockade and crawled over to the loose plank in the wall. It gave way easily, and he was outside.

Thirty minutes later he slipped into the Administration Building through a partly open window. He found some matches.

All the paper made for a beautiful fire.

◆

Kramer sat in one corner of the stockade, hands and feet chained to a beam. A gathering of Justice Division people encircled him, and had been taking turns questioning and reviling him for the last half hour. Even President Tomasi was in attendance, though he looked less than happy to be there.

"Up until now, we have not deemed it necessary to have a death penalty," said Judge Evans. "But with you, I think the founders of Walden might appreciate being spared the trouble of removal."

"Mr. Kramer," President Tomasi addressed him in ponderously patronizing tones. "Do you realize how many valuable records you've destroyed? Do you have any idea how much it will cost us to replace them?"

"You should talk to your building inspector," said Kramer. "All that red tape was a fire hazard."

Tomasi cut off an angry rumble with a raised hand. "Mr. Kramer," he grated. "I will most definitely consider recommending changes that will bring our penal code more in line with your offense. It is neither responsible nor just for us to rely on someone else to clean up our affairs."

◆

Sometime, very late, Kramer opened his eyes. A beam of light abruptly flashed out and struck the wall beside him. As in a dream, Flaherty emerged from behind the light. He was grinning.

A metal object glinted in his hand, and he inserted it into the lock securing Kramer's chains. The chains sprang free.

"Remember when you told me about wanting to find the key to getting out of here?" Flaherty whispered. "You found it."

◆

Jerry Hide smiled contentedly and dropped back on his bed. One hell of a day, he thought. A lot of excitement, and he even managed to win a little at poker. Still, that business with Kramer had carried the day. Sure, I knew him, he'd told the fellows. Yeah, we came in together. An odd bird.

Hide breathed deeply, enjoying the lingering buzz from his last cup of whiskey. It sure was good to have the guys for friends, he thought. Nice to live in a place without all those damn troublemakers like back home. Kramer had been a troublemaker. The people that had built this place had seen that. Good riddance to him. Hide rolled over on his side and smiled to himself. Love it or leave it, he thought.

◆

Loud music pulsed through him like a second heartbeat. Kramer opened his eyes, squinting disbelievingly at the familiar ceiling, the walls, closet, windows. He was in his bedroom. It was early morning. His next door neighbors had on their usual bass guitar reveille.

He remembered Flaherty unlocking the chains. Then everything drifted away. He hadn't blacked out exactly, but he had lost awareness of everything around him. And now he was here again.

The phone rang. Kramer stared at it, uncomprehending for a moment, then picked it up. It was his supervisor at work, Larry Nelson.

"Glad to have you back, John," his boss boomed at him. "I trust you had a productive leave of absence? Chance to clear your head a bit, eh?"

"I . . . never took a leave of absence . . . "

"Well, according to *my* records you did! Ha, ha. Ready to get back to work?"

"No . . . I mean, I can't work there any more, Larry—"

"I understand. By the way, Flaherty sends his regards."

Kramer stared at the receiver numbly.

"John, you still there?"

"Yes . . . " He exhaled. "I'm not sure I understand . . . "

"There'll be time for explanations later. The main thing is, we need your help here now—at least for awhile longer. You can do a lot of good, John . . . if you know what I mean."

Kramer shook his head. There was a key lying beside the phone. He bent for a closer look, his lips twitching into a smile. "Ah . . . Larry . . . I think I do understand—at least some of it."

"Great. Then we'll see you Monday?"

"I'll see you then."

He put down the phone and picked up the key. *What else can you unlock?* he wondered. ❑

Reviews

Revolution, by Martin Anderson
Harcourt, Brace, Jovanovich, 1988, 457pp., $17.95

The "R" Word

William A. Niskanen

Martin Anderson is a friend, a sometimes colleague, and the only avowed libertarian to serve as a personal advisor to a President of the United States. We share a vision of the importance of limiting government in order to preserve individual freedom and a healthy economy, the joy of selective victories, and the agony of failures and missed opportunities. And I am also the author of a book on the Reagan years.* So I am more than usually cautious about criticizing Anderson's book on the Reagan "revolution." There is a lesson to be learned, however, from the difference in our perspectives on this shared experience.

Anderson correctly describes his book as

> primarily a story about Ronald Reagan's rise to power in the United States, on what kind of man he is, the public policies he thought were important, and the main consequences of these policies. . . .
>
> The book is not a comprehensive treatise. It is a combination of stories and analyses of selected events and policies, many of which I participated in, that constitute the heart of what has become known as the Reagan revolution . . .
>
> This book is a story about the power of ideas, about how ideas come out of the intellectual world, are transformed by the world of presidential campaigns into items on the national policy agenda, and then how these ideas become law in Washington, D. C., and govern us and affect our lives. (p. xxi)

He brings a wealth of personal experience to these stories. Anderson was the senior domestic policy advisor to Nixon's 1968 campaign and a special assistant to Nixon in 1969. He performed the same role in Reagan's 1976 and 1980 campaigns and led the White House office of Policy Development in 1981 and early 1982. He later served on both the President's Economic Policy Advisory Board and the Foreign Intelligence Advisory Board. Most of this book involves stories related to these personal experiences. As a longtime fellow of the Hoover Institution, Anderson has also written extensively on urban renewal, welfare, and the military draft. His political philosophy, like mine, is best described as that of an incrementalist libertarian, a view that recognizes the importance of some government roles and leads him to work closely with politicians to achieve realizable reductions in other government roles.

For Anderson, as for me, Ronald Reagan seemed to be the only politician who had any prospect for reducing the role of government in the American community. His early speeches criticized a wide range of government programs and demonstrated good convictions on most economic issues. He claims to have been influenced by the writings of Smith, Bastiat, Mises, and Hayek, and he periodically sought the advice of Milton Friedman and other contemporary free-market economists. Reagan did not originate the ideas that he promoted but he was a principled and discriminating synthesizer of these ideas, and he was the best communicator of any leading American politician since Roosevelt and Kennedy. Anderson recognizes that Reagan is not an intellectual and was a rather casual manager but he genuinely admires Reagan, as do I.

This book provides many interesting details about Reagan, other key officials, and the major events and issues in which Anderson was personally involved—the 1976 and 1980 campaigns, the transition process, the critical first year of the administration, and the role of the economic and intelligence advisory boards. The writing is lively but somewhat too enthusiastic for my tastes. These stories will provide a valuable reference for future historians, but one will have to look to other books for a more thorough treatment of the political tensions within the diffuse Reagan coalition and an evaluation of the Reagan record. Anderson was incorrect, I believe, in attributing a substantial role to the two advisory boards. Although the economic advisory board included a substantial number of distinguished economists and businessmen who had a more important role in the prior Reagan campaigns, it had no identifiable effect on any subsequent economic policy and it drifted into insignificance. Although I was not privy to intelligence issues, I found it wholly implausible to attribute the "Iranmok" affair to the October 1985 purge of the intelligence advisory board. The only critical tone in the book involves the two episodes in which Anderson believes that he was treated unfairly, in both cases involving these two advisory boards. Otherwise, there is no mention of Reagan's major failures and missed opportunities.

My major criticism of the book involves its title and the theme that it represents. My own dictionary, and apparently Anderson's, defines a

* Reviewed by Leland Yeager in this issue of *Liberty*, page 61.

revolution as a "total or radical change, a fundamental change in political organization . . . by the governed" (*Webster's New Collegiate Dictionary*, Springfield, Mass.: G & C Merriam & Co., 1949). In conventional terms, Reagan accomplished a great deal. His initial economic program, developed largely from Anderson' first policy memorandum of the 1980 campaign, promised to reduce the growth of government spending, to reduce tax rates, to reduce regulation, and to reduce inflation. In direction, if not in magnitude, Reagan delivered on each of these promises. The annual growth or real federal spending was reduced from 5 percent during the Carter administration to about 3 percent during the Reagan administration, despite a record peacetime increase in defense spending. Individual and corporate tax rates were reduced more than anyone first anticipated. Some further deregulation followed the considerable deregulation approved late in the Carter administration. And the inflation rate was reduced more rapidly than anyone first anticipated. Moreover, among the more important developments were the dogs that didn't bark. The Reagan administration was the first administration in two decades that did not impose some form of price and wage controls. And until last year, few new programs were proposed that will increase the budget in future years.

General economic conditions are also quite favorable. The current recovery is now completing its sixth year, the longest peacetime recovery on record. During this recovery, the U. S. economy generated over 16 million additional jobs, with especially high employment growth for young people, minorities, and women. The unemployment rate is now the lowest in 14 years. This condition is the envy of the world, especially in Europe where total employment has been stagnant for two decades. The growth of productivity and real earnings has increased relative to the dismal record during the Carter administration. Productivity growth has been especially high in those industries most subject to foreign competition—earnings have been highest for women, especially minority women. Since the end of the Carter administration, both the inflation rate and long-term interest rates have declined about 6 percent percentage points. Moreover, in the absence of a major policy mistake, there is no reason to expect a recession in the near future.

This is a substantial record, for which Reagan deserves credit. It is implausible to believe that President Carter or whoever else may have been elected in 1984 could have accomplished as much.

There was no Reagan revolution. Although the growth of federal spending was reduced, the federal budget share of GNP continued to increase. Although individual and corporate tax rates were reduced more than anyone anticipated, much of the reduction in tax rates was financed by shifting taxes to the future (via the deficit) or by increasing the taxes on new investment.

In the end, however, there was no Reagan revolution. Although the growth of federal spending was reduced, the federal budget share of GNP, until recently, continued to increase. Although individual and corporate tax rates were reduced more than anyone anticipated, much of the reduction in tax rates was financed by shifting taxes to the future (via the deficit) or by increasing the taxes on new investment. Some deregulation was offset by a net increase in trade restraints. Although inflation was reduced more rapidly than anyone anticipated, there is still no consensus on a rule for the conduct of monetary policy. Although the economic recovery has been sustained longer than usual, average economic growth in the 1980s has been about the same as in the 1970s.

In the absence of any significant change in the institutions, incentives, and constraints on federal policies, the substantial achievements of Reaganomics could be reversed in one term of a new administration of either party. The future of Reaganomics will depend critically on how its one major adverse legacy—the huge federal deficit—is resolved. Only sustained budget restraint can sustain the major achievements of Reaganomics. A policy to reduce the deficit by either tax rate increases or by reinflation would reverse these major achievements.

Moreover, there was little reason to expect a Reagan revolution. As candidate and president, Reagan endorsed the major surviving programs of the New Deal and the postwar consensus on foreign policy and defense. Most of the initial Reagan program represented a rather cautious evolution of policies supported by a broad bipartisan consensus beginning in the late 1970s. One does not achieve a revolution by appointing known advocates of the conventional wisdom to head several domestic departments. A revolutionary president would appoint competent revolutionaries, not the mediocre crowd of "horse-holders" from California. One might expect better managers, so that the huge increase in federal spending for agriculture, defense, and medical care generated more demonstratable benefits. One might hope for a chief of staff to maximize the president's policy agenda, rather than the president's personal popularity. A different set of appointments and a different political strategy would have been more controversial but would have added to Reagan's considerable achievements.

The primary reason why Reaganomics did not prove to be a revolution, however, is that there has not yet been a fundamental change in the perceptions about what the federal government should and should not do, at least among our elected officials. Ronald Reagan offered a vision that represents the best of our heritage. He left us, however, with some major new problems and an electorate that is still vulnerable to those who promote the competing vision of an expansive state. The most distinctive characteristic of this century has been the pervasive growth of government. Reaganomics may prove to be only a temporary pause in this progressive loss of liberties. A more general sense of outrage about the contemporary role of government, one or more constitutional amendments, and new leaders who share Reagan's vision are probably necessary to protect and extend history's most noble experiment—the American revolution. ❑

Reaganomics: An Insider's Account of the Policies and the People
by William A. Niskanen, Oxford University Press, 1988, 363pp., $22.95

Political Sabotage of Economic Sense

Leland B. Yeager

William Niskanen, a former member of the Council of Economic Advisers and now Chairman of the Cato Institute, completed this book in the summer of 1987. It is not another kiss-and-tell exposé. Still, incidental remarks about members of the Reagan Administration do provide a welcome change of pace from a generally sober review of economic conditions and policies.

The President himself, we learn, "has been the most transparent person in American public life" (what you see is what you get); and Niskanen generally likes what he saw. Vice President Bush was a puzzle; his views never came across clearly; still, Niskanen thinks he could be a good president. Presidential counsellor Edwin Meese, though a decent man, "was the most conspicuously mediocre man in American public life." He "could not set priorities or manage his own in-box"; his "concept of management was to rearrange organization charts." When he left the White House for the Justice Department, a former aide argued against replacing him; instead, his office should be put to some "more worthwhile use, such as the National Museum of Lost Memos or Abandoned Briefcases." Commerce Secretary Malcolm Baldridge "never met an import restraint that he did not like" (aside from trade bills proposed in Congress). Budget Director David Stockman deserved his reputation for brilliance and hard work, but Niskanen's regard for him barely survived publication of Stockman's book in 1986: after failing to cut the Federal budget as much as he wanted, he "concluded that it wasn't worth trying." CEA Chairman Martin Feldstein was a brilliant economist but became delighted with the attentions of the press and relished disagreeing with his own Administration in public. Economist Martin Anderson "was both principled and professional, a rare combination in the White House"; but after he "resigned in frustration in 1982, there was no consistent supporter of Reagan economic policies in the White House."

Reaganomics turns out to be neither a distinct brand of economic theory nor a well-worked-out policy program. Instead, it is an attunement to the President's instinct that government has grown too big and intrusive and that efforts should be made to slow down this growth and even reverse some of it. Some of the supporting developments in economic theory have been the displacement of Keynesian macroeconomics by monetarism and the theory of rational expectations, the public-choice school's application of economic analysis to government itself, and the supply-siders' emphasis on taxes and other factors affecting incentives to work and produce. (No one in the Administration, Niskanen says, relied on the irresponsible Lafferite promise that tax-rate cuts would actually increase tax revenues.)

Niskanen sees two major achievements of Reaganomics: a reduction in inflation and the reform of income taxes at reduced marginal rates. Perhaps its chief failure traces to a political system that continues to display a schizophrenic preference for federal spending at about 23 percent and federal taxes at about 19 percent of GNP. Niskanen hints at the need for political, perhaps constitutional, reform.

Readers should be prepared for long sections on economic and political history—which even get into details of budgetary negotiations and successive drafts of tax-reform legislation—and for long sections of economic analysis. Niskanen pays attention to such analytical issues as relations among budget and trade deficits, tax and interest and exchange rates, savings propensities, and investment incentives. Relatively interesting to me were discussions of possible reasons for the sag in monetary velocity since the summer of 1981, the adverse implications for the old monetarist rule of steady money-supply growth, and possible alternative rules, such as one calling for targeting on the growth of total nominal domestic final sales.

In substance, degree of technicality, and style, Niskanen's exposition falls somewhere between scholarly journals and the popular press. Complete with tables and sentences full of numbers, long sections read very much like the annual issues of the *Economic Report of the President together with the Annual Report of the Council of Economic Advisers*. A fan of these economic reports will enjoy the book.

Niskanen has attempted an objective analysis, and with considerable success; his book is not a libertarian tract. Still, libertarians can find many examples in the book to bolster their arguments about how and why the democratic process cannot grind out sensible economic policy and about why, therefore, the economic powers of government should (somehow) be drastically restricted.

Niskanen gives examples of the low quality of political discussion of economic issues. Officials indifferent to or even suspicious of economics, such as James Baker, were influential. At a public meeting in December 1981, Niskanen reviewed several studies of the relation between budget deficits and interest rates and suggested that the opportunity to import capital from abroad might be one reason for the apparent absence of a relation. Three times he stated that these results did not mean that deficits were of no concern. Nevertheless, the newspapers generally headlined "CEA Member Reports That Deficits Do Not Matter." The vice president, the White House press secretary, and the CEA chairman divorced themselves from Niskanen's supposed remarks, and three conservative senators demanded his resignation. On other occasions Niskanen tried to explain to members of Congress and the cabinet the accounting identities that describe logically necessary relations between domestic saving and investment, the budget deficit, and the trade

(current-account) deficit; yet for the most part he could not make his listeners understand these fundamental relations, or admit that they understood them. Perhaps, he suggests, misconceptions about the trade deficit provided a convenient rationalization for measures considered politically expedient. Anyway, "our contemporary mercantilists apparently are either dense or deceptive."

Throughout the book, further examples turn up of how political considerations, ignorance, and pandering to ignorance have distorted policymaking:

- The respect paid to proposals for wage-setting according to notions of "comparable worth," and the chastisement Niskanen received for correctly characterizing those proposals as "truly crazy."
- Flat inconsistencies between the assumptions employed in the Reagan Administration's early programs for disinflationary monetary policy and for the Federal budget.
- Nixon's wage and price controls, Carter's wage and price guidelines, and the damaging credit controls imposed early in 1980. The natural-gas controls, first imposed by a court decision back in 1954 and later complicated by a dubious distinction between "new" and "old" gas. President Ford's absurd "Whip Inflation Now" (WIN-button) campaign of 1974, supported by Alan Greenspan, then his chief economic adviser.
- The "bizarre" program, enacted in 1972, of sharing federal revenue with the states.
- Distortions from very short time horizons and from logrolling. Budget Director David Stockman was reportedly too much concerned with near-term budget savings, even at the expense of bad policy for the longer run. Stockman agreed to a quota system on imported sugar in exchange for a few "boll weevil" votes on the omnibus reconciliation bill. Seeking Congressional approval of his foreign-policy and defense proposals, President Reagan sometimes had to accept unwanted increases in spending for other programs. Congress pays too little attention, Niskanen thinks, to basic defense missions and too much attention to minor issues such as keeping open military bases that even the services consider redundant. (It is futile, Niskanen suggests, to expect much savings from cutting out waste; most waste in government programs is there for real, if political, reasons.)
- Subsidies and tax preferences (included even in supposed reform laws) justified neither as aid to the poor nor by other economic arguments, such as favors to owners of private planes and boats, users of cheap electricity, producers of ethanol from grain, reindeer hunters, and tuxedo-rental firms.
- Federal milk orders, and the farm program in general. Outlays for farm income and price supports in fiscal year 1983 were projected to be $2.9 billion; actual outlays turned out to be $22.9 billion plus nearly $10 billion of commodities distributed under the payment-in-kind program.
- Trade policy—hundreds of years of bad examples. In 1986, in an effort to save several Republican Senate seats, a determination was made that lumber shipments from Canada were being subsidized. Recently, "voluntary" restraints imposed on Japanese automobile exports were estimated to cost U.S. consumers $240,000 a year for each job saved in the U.S. auto industry. Japan-bashing has flourished despite little or no basis in economic facts or analysis. "The United States has now embarked on a dangerous series of small trade wars, at the expense of both this nation and other countries, for no apparent purpose other than to demonstrate our potential for an irrational international economic machismo."
- The long record of bungled monetary policy, sometimes deflationary and sometimes inflationary. Niskanen finds the Volcker years something of an exception; but even today, three-quarters of a century after its creation, the Federal Reserve still lacks clear and appropriate instructions.
- The evolution of the deposit-insurance system in a way that practically invites shaky depository institutions to gamble with the taxpayers' money.
- Many other examples that might be mentioned, including: large gold reserves still being held at zero return; an antitrust suit expensively maintained against IBM from 1969 to 1982 in connection with mainframe computers, resulting in substantially increased prices; and laws mandating health and safety standards of lowest feasible risk, regardless of the incremental benefits and costs of meeting this standard.

Reaganomics turns out to be neither a distinct brand of economic theory nor a well-worked-out policy program. Instead, it is an attunement to the President's instinct that government has grown too big and intrusive and that efforts should be made to slow down this growth.

Over the years we have heard many calls for national economic planning or an industrial policy—the name changes from time to time as the old one develops a bad odor. Such a policy would intentionally skew the national pattern of production and resource allocation away from the supposedly irrational pattern

"In [Polish] underground schools, workers were reading... as fast as they could be translated... Robert Nozick [&] Friedrich von Hayek...."
—The New Republic

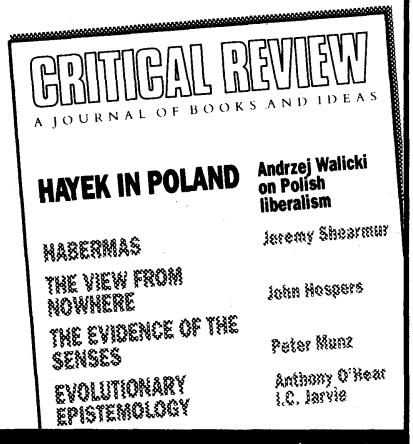

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that results from leaving market forces alone. Perhaps the chief sources of such proposals have been quasi-economists associated with the Democratic Party (but not many genuine economists among the Democrats; Carter adviser Charles Schultze, for example, has eloquently attacked the pretensions of the would-be planners). The planners will often acknowledge the inappropriate political and bureaucratic biases and the policy bungles of the past but will have the gall to twist those biases and bungles into an argument of sorts for still more legislation and still more agencies whereby *nous allons changer tout cela.* We should challenge them to explain just how they will change all that. Niskanen's book provides plenty of material for use in throwing down the challenge. ❑

Beyond Good Intentions: A Biblical View of Politics
by Doug Bandow, Crossway Books, 1988, $9.95
Christians for Freedom: Late Scholastic Economics
by Alejandro J. Chafuen, Introduction by Michael Novak
Ignatius Press, 1986, $15.00

God and Man at Bay

Jeffrey A. Tucker

Literally hundreds of books have been written to reconcile Christianity with political ideology. Some are challenging (e.g., those by Ron Sider). Some are even brilliant (e.g., those by James V. Schall). Alas, Doug Bandow's book, *Beyond Good Intentions*, is neither. And that's too bad; its thesis deserves better.

Bandow attempts to show that the Bible and conservative libertarianism are compatible, not because this can be proven exegetically, but because the Bible's "themes" and "overall principles" provide support for such a view. Thus: we should help the poor, but not set up a massive welfare state; we should defend the nation, but not engage in militarism; we should abstain from personal immorality, but not coerce others to do the same.

The trouble begins early in the first part of the book, which is devoted to the role of government in Christian history. The errors, blunders, and omissions are so numerous that any one chapter would elicit a failing grade in a first-year course in theology or Christian history. His treatment of medieval papal history reads like a bigoted anti-Catholic tract of the sort distributed at airports. He provides no citations for his diatribes, so we have no reason to assume they aren't drawn from such sources. The only religious viewpoint that emerges unscathed is Pentecostalism, the most deeply anti-intellectual and emotionalist strain in Christianity.

Other errors are more subtle. In recalling the 4th century Donatist controversy, Bandow rewrites history by reversing the orthodox and the heretical positions. Nor can Bandow come to grips with the role of the State in Old Testament Israel, which, he tells us, took on a salvic function, contrary to historic fact.

Should the laws of the Old Testament apply today? Bandow argues they should not, but to make his point, he cites the authority of R. J. Rushdoony, the originator of the doctrine of "Theonomy," which calls for an Old Testament-style theocracy. Rushdoony surely won't appreciate this sleight-of-hand. And other than a few minor references to St. Augustine and Calvin, Bandow leaves the impression that no one thought about Christian politics before this century. But this is typical of many low-church thinkers who ignore or suppress the first eighteen centuries of Christian thought.

Only in the final two chapters, which deal with specific policy issues (regulation, pornography, the environment, etc.), does he get on a bit safer ground. Remove the Bible verses and they read like a long string of op-ed pieces. The relationship between many of these issues and the Bible is tenuous, to say the least, making it all the more curious that Bandow doesn't mention inflation, a topic on which the Bible has much to say.

Bandow's book has a casual style. He cites lots of Scripture, though the verses are not always relevant to his argument. This book may prove popular among laymen in Pentecostal churches. But its popular appeal comes at the expense of scholarly integrity.

Christians and Freedom, by Alejandro Chafuen, is by contrast an exceptional piece of scholarship. Dr Chafuen has translated many of the works of medieval Christian theologians from Latin and Spanish and discovered that many were advanced economists and self-conscious libertarians. Chafuen touches briefly on the ideas of St. Thomas Aquinas and earlier scholars, but the bulk of his work centers about a dozen monks and priests who studied and taught at the Spanish universities of Salamanca, Complutense at Alcala, and others, between 1400 and 1650.

He finds, for example, that St. Bernardino of Siena taught in the 15th century that economic value comes from individuals evaluating the relative scarcities of goods on the market (something Adam Smith never figured out). Domingo de Soto of the Dominican order made progress on labor economics in the early 16th century, demonstrating (among other things) that there is no involuntary unemployment in the marketplace. Jesuit scholar Luis de Molina, writing in the 16th century, showed how prices come from the interaction of supply and demand and thus the state should never interfere with "the common estimation of men." During the same time, two Dominicans were writing on inflation: Martin de Azpilcueta articulated the quantity theory of money and Tomas de Mercado showed how inflation disrupts debtor-creditor relations.

On libertarianism, the late-scholastics taught the right of private property, the fallacies of collective ownership, the immorality of taxation, and the necessity of enterprise. Whenever the state intervenes through taxation or inflation, the Schoolmen said, it should pay reparations to the damaged victims. Few libertarians today would dare to take such "extreme" positions.

There are implicit lessons in this book

for economists, libertarians, and Christians. The discipline of economics did not begin with Adam Smith. Great minds have tackled economic problems for over half a millennium. Libertarians should take the Christian tradition seriously; its emphasis on free markets and private property predates classical liberalism. For Christians, there can be harmony between the demands of science and Christian faith; there is no reason to throw out one when studying the other.

There is a tendency (exemplified by Bandow's book) for Christians to think that an easy chair and a Bible are sufficient tools for social theology. But that is not the way Christian doctrine developed (it took three centuries to hammer out the idea of the Trinity, for instance). If Christians dare to take up the task of social exegesis, they must, at the very least, look at what the Christian tradition has to say. Dr. Chafuen's model is a good one to follow. ❑

Mary McCarthy: A Life
by Carol Gelderman, St. Martin's Press, 1988, 430pp., $24.95

The Passion for Exactitude

Karen Shabetai

Mary McCarthy is one of the most elegant stylists in modern American literature, and one of literature's most formidable opponents of political pomposity and dogmatism. But you wouldn't know it from the reviews she gets. After one characteristically nasty encounter, in which she was dubbed "our leading bitch intellectual," McCarthy wondered—not unreasonably—if "the book reviewing profession [were] made up of personal enemies" (Gelderman, p. 304).

McCarthy's critics may seldom be actual and explicit enemies, but they are often sexist, anti-intellectual, and frankly insulting. Her novel *The Oasis*, one critic asserted, "should never have got beyond the file of a competent psychiatrist" (147). Another reviewer wondered, "Why does she have to be so goddamned snooty, is she God or something?" (170).

Certainly she is, for lack of a more erudite phrase, "snooty," especially when she is skewering intellectual pretensions. In *The Groves of Academe*, for instance, she characterizes Mulcahy, the literature professor, as "A tall, soft-bellied, lisping man with a tense, mushroom-white face, rimless bifocals, and graying thin red hair [;] he was intermittently aware of a quality of personal unattractiveness that emanated from him like a miasma; this made him self-pitying, uxorious, and addicted also to self-love, for he associated it with his destiny as a portent of some personal epiphany" (*Groves*, New York: Bard, 1981; p. 13). She is no kinder to historians: "Dr. Muller, like many historians, had certain regressive tendencies arising from the nature of his subject, which called forth a tolerance for the past, in the same way that some occupations, like sandhogging, give rise to their own occupational diseases" (210).

Fortunately, Carol Gelderman, McCarthy's most recent biographer, appreciates her subject's wit, her elegant syntax and challenging diction, and especially her relish for polemical intellectual battle throughout the turbulent political maneuverings of the New York intellectuals of the thirties and forties.

Gelderman judiciously notes that while McCarthy's public image suggests that she is not amiable, her personal friends and even acquaintances overwhelmingly describe her in such terms as "pleasant, witty, charming" (xiii). Gelderman says of her: "She has imitated no one. The order in her life shows up in her impeccable syntax; the perfectionism, in her obsession with moral distinctions, the honesty, in her passion for naturalistic detail" (350). What Gelderman praises have been the very qualities that have brought McCarthy so much scorn from a public uncomfortable with a combination of femininity and ironic skepticism.

McCarthy's views on some aspects of democracy have been particularly provoking to her critics. She can, they whined, be so "elitist." For better or worse, her ideas about literature—that one must take morally responsible positions in fiction, that one must have the courage to criticize popular positions—do corroborate such a view. These aesthetic beliefs are complemented by her equally iconoclastic cultural activities: relentless critiques of psychoanalysis and Marxism, determined advocacy of the intellectually capable. During much of her career, McCarthy has been out of sync with prevailing trends. She is nostalgic for a time, like the eighteenth or nineteenth century, when such authors as Fielding and Dickens could in *propria persona* "comment on what is happening and draw the necessary conclusions" (169). That authors of fiction cannot comment in their own voices any more, McCarthy remarks, "probably has something to do with the spread of democratic notions, no one wanting to claim omniscience" (168).

McCarthy has been an unrelenting scrutinizer of positions held by the political left. Skeptical of any theory that could not take into account the particularity of historical situation, she was especially horrified by Stalinesque Marxism and its treatment of Trotsky. She was swept into support of Trotsky when she was persecuted by communists for defending his right to defend himself. She was moved not by Trotsky's particular politics—which at the time she know little about—but by her sense of justice. Criticizing the editors of the *Partisan Review*, she wrote: "It never occurred to them that there should be a connection between what they read and wrote and their own lives, how they were living and what they believed in" (119).

Gelderman points to this as a crucial concern in McCarthy's novels: "An abhorrence of lives lived according to abstractions was a peripheral theme in *The Groves of Academe* and *A Charmed Life* and a central theme of *The Group*" (113); "characters in a McCarthy novel who find ideas more true than the data of reality are depicted as foolish and deluded" (51). McCarthy's deftness in exposing the dangers of living by a controlling

abstraction—such as those most prestigious intellectual fashions, psychoanalysis and Marxism—often sparked revealing comments from her critics. Doris Grumbach, one of her biographers, maintained that "McCarthy's fiction suffers from that insistent voice, which sounds everywhere in her work. It is always elitist" (170); John Aldridge remarks, "her characteristic tone of voice . . . is that of a self-righteous little girl lecturing her elders on matters that they have grown too morally soggy and mentally fatty to comprehend" (170). But the morally soggy and mentally fatty as well as the dogmatists are not, to McCarthy, the objects of childish petulance. They are objects of a philosophical aversion and fear; they are ethically dangerous: "The assertion of any absolute idea is really a claim on the part of the mind to control the world, to control reality" (50).

McCarthy's politics are difficult to pinpoint, in part because she is an independent thinker and in part because, as a true empiricist, she constantly revaluates and revises her positions. One important influence was the Italian anti-fascist journalist and intellectual Nicola Chiaromonte, whom she befriended in 1945. He was important not only because he introduced her to new ideas, but even more because he gave her confidence in some of the unorthodox positions that she held. He confirmed her doubts about psychoanalysis and Marxism, which he found "vague and illogical." "Nicola Chiaromonte was a rarity among intellectuals of the time," Gelderman notes, "in that he was a disciple of neither Marx nor Freud" (120).

The closest this biography comes to pinning a label on McCarthy is when she is described (and describes herself) as part of the anti-communist left. But even this label is inadequate. McCarthy was an ardent anti-Stalinist before it was popular to be such. She was a pacifist, though after the second World War she felt she had been wrong. She was an elitist, though she regrets to confess her anti-egalitarianism. She has always been an active advocate of personal freedom, and a feminist, though she has always been critical of "party positions." McCarthy's words about Chiaromonte might well serve as a description of herself: "His ideas did not fit into any established category. He was neither on the left nor on the right. Nor did it follow that he was in the middle; he was alone" (121).

Part of McCarthy's problem is her honesty: "Pure in her food, her opinions, her life," remarks her brother. In her essay, "Crushing a Butterfly," she remarked: "To vow to tell the truth, whether pleasing to the authorities or to your readers, is genuine literary commitment. I myself do not know any other kind" (*Writing on the Wall*). She links honesty to a respect for the empirical and to novelistic verisimilitude. She defines the novel by "its concern with the actual world of fact, of the verifiable, of figures, even, statistics" (*Writing on the Wall*). Gelderman's analyses of both McCarthy's fiction and her personal and political struggles celebrate "the strong, unsentimental, moral voice that speaks for a just and ordered world" (169). Gelderman's stance is one McCarthy would approve of: her celebration is achieved through scrupulous attention to detail and fact.

Perhaps the most notorious and amusing example of McCarthy's passion for honesty is her famous nationally televised attack on the credibility of Lillian Hellman, the far-left's idolized playwright, fiction writer, and memoirist: "every word she writes is a lie, including 'and' and 'the.'"

Perhaps the most notorious and amusing example of McCarthy's passion for honesty is her famous nationally televised attack on the credibility of Lillian Hellman, the far-left's idolized playwright, fiction writer, and memoirist: "every word she writes is a lie, including 'and' and 'the'" (332). McCarthy insisted that the attack wasn't political: "To me the woman is false through and through. It's not just the fresh varnish she puts on her seamy old Stalinism" (335). Hellman responded with a law suit which was terminated only by Hellman's death. McCarthy was left disappointed, for she had been preparing to go to trial to prove Hellman a habitual liar (338). She had already "twenty-two typed pages" of Hellman lies, and she was just beginning to prepare her case. Gelderman notes that

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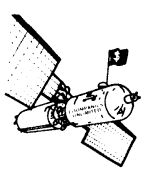

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"Many people stepped forward and offered McCarthy examples of Hellman's dishonesty" (339).

In "what purports to be a real-life memoir," Hellman even lied about her own family: "Hellman turned her uncle into a swashbuckling, romantic gunrunner and tycoon who lived in a mansion with ten servants, drove fast cars, and had a hundred-foot yacht, an apartment at the old Waldorf, and a hunting lodge on Jekyll Island, when in real life he was a potentate of the Shriners" (342). McCarthy later said, "I didn't want her to die. I wanted her to lose in court. I wanted her around for that" (342). By discrediting Hellman, McCarthy wins for herself a characterization she offers of the college in her academic novel: a "reputation for enthusiasm and crankishness" (*Groves*, p.56). But her cranky dedication to truth and love of controversy—indeed, her passion for malicious exactitude—have served McCarthy well in her literary career.

Gelderman's biography offers not only a clear account of McCarthy's life, literary and personal, but also intelligent interpretations of her fiction. She provides plenty of provocative historical detail to surround her subject with a vivid context. One can detect a real fondness for McCarthy in this biography, from the moving depiction of the six-year-old child orphaned during the 1918 flu epidemic, through her fifty-five years as a writer. The biography opens with a conversation in which McCarthy says that orphans must work especially hard to "distinguish themselves favorably," and she admits: "I know that I have a great, still have, alas, a great attention-getting business, seeking to call attention to myself" (1). A novelist who has pursued the literary life with the rarest integrity is eminently worthy of our closest attention. ❑

Booknotes

Yahoo Rights—Leftist I. F. Stone is, undoubtedly, a "card-carrying member of the ACLU"—which is all to the good, of course. In his most recent book, ***The Trial of Socrates*** (Little, Brown, and Company, 1988), he takes his dedication to free speech and applies it to one of the most memorable events in history and philosophy: the trial and death of Socrates. (Socrates, as you will recall, was sentenced to death by hemlock for the crime of corrupting the youth of democratic Athens.)

The book is revisionist history at its most enjoyable: at once careful and joyously unafraid of breaking new ground. Stone's thesis is simple: Socrates did not really defend himself, but instead taunted Athenians into executing him. He did this because he was profoundly antidemocratic, profoundly against the idea that regular people were capable of self-governance. Socrates was the theorist of "the man who knows"—the Philosopher King—even if he was humble enough to know that he was not this man. His contempt for Athenians has always been evident, but Stone masterfully puts it into its proper light. Though Stone devotes a chapter to the question of "How Socrates Easily Might Have Won Acquittal," it would have been hard in his time—or in ours—to make the effort to defend him; it would have been much easier to let this Athenian Yahoo commit what amounts to a bizarre form of suicide.

But Yahoos should be prevented from becoming martyrs when their martyrdom entails the corruption of justice. The case for granting Yahoos the freedom to "corrupt the youth" with their blatherings was as strong then as it is now, and I.F. Stone is to be congratulated for showing that this is precisely the case.

State-of-the-Art State Theory? — Readers should note that sociologist Franz Oppenheimer's classic little work ***The State*** is once again in print, this time published by Copley Publishing Group (1988), with an able introduction by Jeremy Millett. Oppenheimer makes the distinction between "the economic" and the "political" means "whereby man, requiring sustenance . . . satisf[ies] his desires," and discusses the evolution of the State in relation to these two methods of human interaction. The "economic means" is nothing less than work and trade, while the "political means" is his term for robbery, or expropriation!

The skeptic might suspect that Oppenheimer was just another minor *fin de siecle* anarchist, but he was actually a

respected sociologist and economist. This work, which is the only section of his *System of Sociology* to be translated from the original German, contains one of the best expositions of the "conquest theory of the origin of the state." It also contains an interesting view of the "future"—as seen by Oppenheimer in the early days of this century. It is fascinating because it is so pleasing to libertarian dreams and hopes; it is challenging because it is obviously far off the mark.

Present and Accounted For—

The twentieth century has been a very disappointing era, politically, for libertarians. Herbert Spencer, after seeing his hope and optimism for the future dashed during the late nineteenth-century rush to collectivism, predicted the world would have to endure "a century of war and socialism" before individualism would come into its own. Alas, Spencer proved to be as good a prophet as social philosopher: the peace, prosperity and progress of the 19th Century gave way to the war and socialism of the 20th.

And the 20th Century is what Robert Nisbet's most recent book is about: ***The Present Age: Progress and Anarchy in Modern America*** (Harper & Row, 1988)—despite its uncongenial usage of the word "anarchy"—is one that libertarians should find a delight and a challenge.

The first of the three chapters deals with U. S. foreign policy. It is a first rate performance, presenting to the reader a very skeptical view of the U. S. mission in the world, without ever sinking into a morass of unbelievable revisionist contentions. The real problem with American foreign policy, according to Nisbet, is the "Great American Myth, the myth of Can Do, of effortless military strategy and valor, that is, American Know How." His dissection of the characters of Wilson and F. D. R. is right on the mark, it seems to me, as is his discussion of how the Great American Myth led to the Iran/Contra scandal, among other catastrophes.

In this book Nisbet plays a simple intellectual game: what would the Founding Fathers have thought about their country two centuries after the Constitution was ratified? After considering foreign affairs, he takes on two other aspects of modern life that would draw their "immediate, concerned and perhaps incredulous attention": the "Leviathan-like presence" of the federal government and "the number of Americans who seem only loosely attached to groups and values such as kinship, community, and property, and whose lives are so plainly governed by the cash nexus." This last subject is one that every individualist should give much thought to, and is one that is sure to be controversial among libertarians. Many might read his discussion and *not get the point*, not see what his fuss is about—after all, the loose individual is many a libertarian's ideal of freedom. But there is something important here, and I can think of no more congenial place to read of it than in the writings of Robert Nisbet.

America: Free and Balkanized

— The chief problem with fantastic literature is the same as with that of any popular genre: it tends to become hackneyed, its main concepts and storylines overused and uninteresting. The special problem with *fantasy*—as opposed to science fiction—is that it tends to be so politically reactionary. I, for one, can easily get by without ever reading another story relating the adventures of a young lad who discovers that he is actually the rightful heir to some imperial or kingly throne.

Orson Scott Card, the author of one of the most unforgettable dystopian stories ever written ("Unaccompanied Sonata"), has begun a fantasy series that is breaking new ground. "The Tales of Alvin Maker," at present contained in the books ***Seventh Son*** and ***Red Prophet*** (Tom Doherty Associates, 1987, 1988), with some upcoming installments previewed in *Isaac Asimov's Science Fiction Magazine,* are set in an alternative American past, sometime during the early 1800s. There are the United States, of course, comprising New York and Pennsylvania. There is New England, which is called simply that, New England. Georgia and the Carolinas are the Crown Colonies, "The

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Personal

Gay libertarian man, 28, would like to contact other gay libertarians. Nonsmokers only. Occupant, 4 Bayside Village Pl. #307, San Francisco, CA 94107.

Duchy of Virginia" and "Appalachee" have just revolted (under the guiding hand of Thomas Jefferson), and the "Irakwa" have their own, independent state. Louisiana is under the rule of Spain, and is called Nueva Barcelona. But most of the action takes place in the Noisy River, Wobbish and Hio Territories (Illinois, Indiana and Ohio, respectively). Benjamin Franklin, the world's most renowned "Maker," believes—according to emigré William Blake, who travels around the New World as a "Taleswapper"—that his most important creation is the concept of "Americans."

But what makes this other world so very different from ours is not the politics: it is that folk magic—of both White and Red Indian variety—*works*. Little Alvin Miller is the seventh son of a seventh son, and has gifts that are unimagined by normally talented people, some of whom can "doodlebug," "torch" and "divine," etc. He is, in fact, the greatest "Maker" the world has seen . . . at least in a long time.

Card pulls off some technical *coups:* he actually makes the old "Order *vs* Chaos" cliché seem new and vital, and his treatment of Indian-White relations is masterly. But for the most part he simply uses this backdrop to tell very human and moving stories. These tales are unlikely to please those libertarians who seek only strength and individualism in the literature they read; Card is probably not a libertarian, but what makes his work worth reading is that he understands human beings, that he has his own, magic talent, that of empathy. It is in Card's direction that fantasy and science fiction are moving, I hope. And libertarian SF and fantasy writers could learn something from his strange purposes and artful methods.

Purity of Money — Monetary theory is becoming a hot topic once again, if the increase in the number of books and articles on the subject can be considered a proper gauge. Libertarian notions are nowbeing taken more seriously than at any time since the mid-nineteenth century, and libertarian economists are gaining deserved renown for their work in this field. Their various proposals are given careful consideration.

Now, in my opinion the issues of monetary theory are not yet settled, and monetary *policy* remains open, too. Libertarians disagree on the proper constitution of a money supply. There are two distinct positions libertarians tend to take on the production of bank notes—free banking and 100% reserve banking. Though I favor the former, Mark Skousen's second edition of his ***Economics of a Pure Gold Standard*** (Praxeology Press, 1988) makes a pretty good case for the latter. It also makes a fine introduction to the whole subject for the layman, which is why I strongly recommend this little book. Few discussions of monetary theory avoid getting bogged down in mathematics. Skousen's dissertation is blissfully free of that sort of thing, and his reasoning never depends on concepts that the marginally well-read intelligent non-economist should find abstruse or opaque. Skousen presents a fair account of the history of the debate, and he includes a bibliography that both beginners and economists will find interesting and useful.

Libertarians often express strong opinions on the subject of the proper monetary standard, and a greater degree of awareness of the issues and problems involved with the "money question" is of great importance. (It never hurts to back up strong opinions with facts and valid reasoning!) If monetary theory confuses you, Skousen's book is a good place to begin to increase your "economic literacy." —Timothy Virkkala

***It's a Wonderful Life*, directed by Frank Capra, starring James Stewart, Donna Reed, Lionel Barrymore, and Henry Travers, 1946**

It's An Altruistic Life

Nathan Wollstein

The winter holiday season is one of benevolent celebration for most people. In an apparent attempt to exploit this fact, in mid-December, TV stations trot out Frank Capra's film *It's a Wonderful Life.*

You are familiar with the story. As a boy, George saves his brother's life and prevents a druggist from accidentally poisoning someone. When he grows up, he plans to be an explorer. Instead, he grows up to be Jimmy Stewart. After graduating from high school, he works at his father's building and loan company, saving money so that he can "see the world," go to college and then build things. In one scene, George's father asks him if he'll come back after college to work at the building and loan. This upsets George, and he says no. He wants to do something big and important. He says intensely that "if I don't get away, I'll bust."

Unfortunately, George's father dies. George gives up his trip to Europe to straighten his father's office. Eventually, he is ready to go off to college, but Potter, the greedy banker, threatens to close down the building and loan. George knows that the town needs the company, so he gives his college money to his brother and stays in town.

Four years later, George excitedly looks through travel brochures while he waits for his brother's return to take over the building and loan. At the train station his brother mentions that he wants to take a job elsewhere. Upon hearing this, George is numbed and shocked. He vacantly stares off into space as he realizes what this means. Predictably, he decides to let his brother take that job offer.

Later, newly married and about to go on a honeymoon to New York and Bermuda, a bank run starts; so George and his new wife pay out the $2000 they had saved for their trip to the people clamoring for their money at the building and loan. Finally, after years of apparent happiness—many children, new houses built, etc.—disaster strikes: Uncle Billy loses $8000 of the company's money. They can't find it anywhere. George gets angrier and angrier, yells at his children and smashes the model of a bridge he'd been designing.

He's about to kill himself to collect

on his insurance policy, when his guardian angel, Clarence, comes to help him.

Looking back over these events, we can see they have something in common. It is clear that George repeatedly puts aside his own dreams and goals for the sake of others. And just as clearly, this makes him unhappy. When his brother accepts the job offer, for example, George's excitement and happiness turn to anger, cynicism and bitterness. And this is just what we should expect to see, because George has just given up his lifelong dreams and hopes. He is leading a life of self-sacrifice.

And so how does George's angel show him that he should not kill himself? How does he prove that George should go on living? Clarence shows George what the world would have been like if he had never been born.

The angel shows him that his brother dies. The druggist poisons a child and goes to jail. Potter takes over the town, which becomes seamy and sleazy. Uncle Billy goes to an insane asylum. His mother becomes a harsh, angry woman. Mary, his wife, becomes an old maid. Clarence then says "See, you really had a wonderful life."

To put this more clearly and bluntly, Clarence is saying that George's life is wonderful because of all the people he has helped. His life has value and meaning because of how he has influenced the lives of others. He should want to continue living just because of all the good things he has done for others, and presumably so he can continue to help others regardless of the expense to himself. Recall the scene when Potter insults George's father, who George defends by saying with admiration, "He never thought once of himself." Just pause for a moment and think about what that statement means.

You may remember the end of the movie when all of the people that George has helped give him the money he needs. They are grateful for all he has done; they care for him. But their gratitude and help are not meant to vindicate George's life. Remember that he had already been convinced that his life was wonderful, even before his friends helped him.

This movie is trying to show that a life like George's, a life of almost complete self-sacrifice, is wonderful and good. George went beyond mere kindness and benevolence towards others; he lived most of his life for the sake of others. He renounced those things that he had wanted his whole life, which means that he gave up a large part of his self. And he wasn't happy.

What is dangerous about this movie is that it upholds the ancient ideal of self-sacrifice, the ideal of living for others.

Kindness and benevolence are virtues, but self-sacrifice is not. Think about how precious your own life is, how important it is for you to pursue your own values, to use your limited time here in the ways that you believe are most satisfying and fulfilling. And don't make the mistake of confusing the pursuit of your own values, goals, ideals, happiness, or interests with the mistreatment of others. The idea of pursuing the interests of your self is completely separate and different from the idea of treating others benevolently. One does not imply the other.

Contrary to what many people claim, it is immensely difficult to pursue your own individual interests, happiness and values. It is even harder to make your values real in the world because there are so many people telling you that your worth as a person depends solely on what you do for others.

Contrary to what many people claim, it is immensely difficult to pursue your own individual interests, happiness and values. It is even harder to make your values real in the world because there are so many people telling you that your worth as a person depends solely on what you do for others.

They imply that you are your brother's keeper, and encourage you to renounce your own goals and values. It is not only religious people who ask this of you; the government customarily beseeches self-sacrifice. And even family members play this dangerous game. Think of how many times you have been made to feel guilty for doing what you wanted to do. Think of the times you have been mentally bullied into acting against your judgment. This is self-betrayal. Remember how it feels.

There is nothing wonderful, or good, or noble about it. Helping, kindness and benevolence are virtues, but self-renunciation is not. It is horrible.

Every time I see *It's a Wonderful Life*, I wish Clarence would show George what his own life would have been like had he left Bedford Falls when his brother came back from college. Or if he had left after straightening up his father's company. Or if he had left right after his father died.

Rather than seeing how everyone else's life would turn out had not George embarked on his journey of self-denial, I want to see what George's life would be like. Maybe he would have become a famous explorer, or built great bridges. But we will never know. I wonder how often this sort of story is replayed outside of the movies, with real people, real lives and real feelings of self-betrayal, anger and depression. ❑

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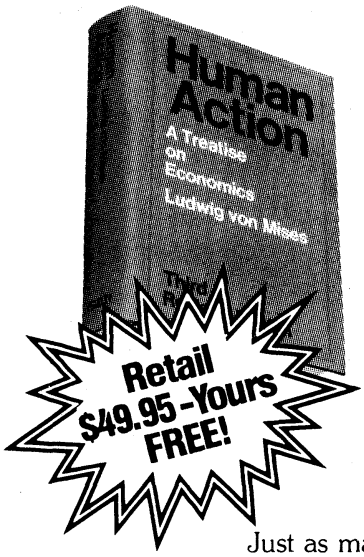

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Contents

March 1989 Volume 2, Number 4

Ronald Reagan: An Autopsy
by Murray N Rothbard, page 13

A Kinder, Gentler Nation?
Fear and Loathing in Canada's Elections
by Michael I. Krauss, page 23

Guns and Guilt
by Allan Levite, page 29

What Do You Do When Your Mother Asks You To Kill Her?
by M. H. Endres, page 31

An Environmentalist *Contra* Rothbard
by Daniel M. Karlan, page 35

What If Everything We Know About Safety Is Wrong?
by John Semmens and Dianne Kresich, page 37

You *Can* Go Home Again, But . . .
by Tibor R. Machan, page 44

The End of Political Activism
by Jeffrey Friedman, page 47

Departments

Reflections
The Editors "Editorialize," page 9

Reviews
David Ramsay Steele on the "Abolition of Work," page 51
Ethan O. Waters on Robert LeFevre, page 57
Stephen Cox on Mario Vargas Llosa, page 61
Jeffrey Tucker on Noam Chomsky, page 63
Charles Curley on Libertarian Diversity, page 64

Letters, page 4
Corrections and Amplifications, page 8
Bob Ortin's "Burons," page 12
Booknotes, page 67
Classified Advertisements, page 68
Contributors, page 69

Letters

Mere Lines on a Ballot

Justin Raimondo's analysis of the futility of the Libertarian Party ("Assessing Campaign '88," *Liberty*, Jan 1989), and third party efforts in general, is right on the mark. A few years ago I researched the history of political parties in America, and reached the same conclusions. That was *after* I had spent three years working on Libertarian Party campaigns. Oh, well.

There's a solid legal reason behind the persistent failure of third parties in this century. "Progressive" era reforms of election laws in effect nationalized the major political parties late in the last century. The parties are defined and controlled by various state and federal legislation.

The major parties are not private organizations. They cannot exclude anyone, fascist, communist, or ignoramus from running under their ballot labels. The parties are not "parties" at all; they are state-controlled lines on a ballot.

Should any third party gain "major party" status, which requires 5% of the vote in many states, that party will also be taken over by the state. It will no longer be able to control what candidates run under its banner. So if the Libertarian Party dodges its likely death by failure, it faces death by success.

There is no reason why a serious candidate should put the millstone of a third party around his neck when he can espouse the *same* ideas while running on a major party ballot line.

Eric O'Keefe
Cottage Grove, Wis.

A Foul Flash-in-the-Pan

I am afraid that the inevitable postmortems will focus once again on all the wrong factors—faulty technique, media "bias," money, the *zeitgeist*, close races, crooked/incompetent aides, etc. etc.—rather than on the common thread that runs through all the LP's failures: the message. It's a foul combination of dogmatic ideological flashing and wimpy, gradualist prescriptions that presents as many problems as solutions, and excites few.

In its stead I propose a new pragmatic radicalism, based on the idea that freedom, unqualified, offers the hope of unprecedented wealth and opportunity to people of *all* socioeconomic backgrounds, as well as the prospect of solving many of our most persistent social ills. Else the LP will certainly continue to toil in obscurity, if it continues to toil at all.

Jorge Amador
Forest Grove, Penn.

A Vote For Evil

The attitudes expressed by Mr Moulton ("Why I Will Vote for George Bush," *Liberty*, Nov 1988) represent the most maddening of obstacles to Libertarian Party candidates. By that I mean the attitudes that might be called "Sunday Libertarianism," and which translate into, "I'll walk and talk like a Libertarian but I won't vote like one."

For anyone who thinks I'm too harsh with Mr. Moulton I suggest a comparison between his "I Like Bush" article and the one bearing his initials on page 5 of that same issue ("One nation, undeliverable"). Herein some guy named Robert Kuttner is soundly trashed (and rightly so) for defending the U.S. Postal monopoly. And editor Moulton makes no bones about the extent of Kuttner's perfidiousness; we are informed that Kuttner's attitudes "come close to actual evil." Right on, Brother!

But that's the maddening part. For it never seems to occur to this world's Moultons that, if Robert Kuttner holds views which come close to being evil, then the same must be said of George Bush. After all, Bush is the guy who has proposed such things as a national daycare plan, and who hopes to be remembered as the (public) Education President! In short, it never seems to occur to Moulton (or his fellow "Libertarian-Republicans") that George Bush is simply Robert Kuttner magnified many times over.

John M. Simons
Sheffield, Vermont

One Less Vote for Evil

I apologize for my mistake in stating that John Hospers was a supporter of the Bush ticket ("Better Dukakis Than Bush," *Liberty*, Nov 1988). I inferred from his statement of support for the Reagan-Bush ticket in 1984 that he had permanently abandoned the LP. I am happy to see Hospers return to the LP, and note the refreshing contrast of Hospers' path to the reverse course of the demented members of LROC. It is striking that Justin Raimondo, attacking the Paul campaign for its alleged trafficking with the likes of Pat Robertson and the New Right, rushes to embrace the Republican Party, which is presumably free of such contamination!

G. Duncan Williams
Melvin, Iowa

Quit Picking on Ron

I was disappointed with the criticisms of the Ron Paul campaign by Russell Means ("Assessing the 1988 Campaign," *Liberty*, Jan 1989). Means faulted Paul for three things: failure to run national TV commercials, failure to get on all fifty state ballots and failure to raise $5 million.

The lack of national TV is probably a result of too little money. But the Paul campaign did produce and show commercials in some cities.

As for 50 state ballots, I think the record shows the Paul campaign tried very hard and came very close. Perhaps if Russell Means had kept his promise to work on ballot drives among Native Americans in South Dakota, Arizona and Florida, it would have freed up enough resources for the Paul campaign to finish the job they nearly finished anyway.

While it is true that the Paul campaign failed to raise the $5 million that it had hoped to, it is certainly worth noting that it raised far more than any earlier LP campaign. It's hard to fault them for lack of effort.

Now, I'm glad Russell Means is a libertarian, but who is he to criticize others? Has he delivered on his promises? I already mentioned that he didn't work on ballot access as he had promised. I also remember him promising a $1,000 contribution to the Paul campaign. This is a much less ambitious promise than the the promises of the Paul campaign that he complains about. So far as I have heard, he never filled this pledge.

His own nomination campaign went into debt and according to the Freedom Is For Everyone (FIFE) caucus, which he founded, he still owed $20,000 nearly a

continued on page 6

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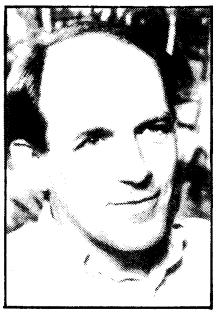

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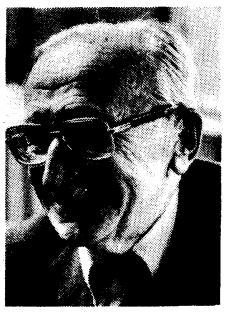

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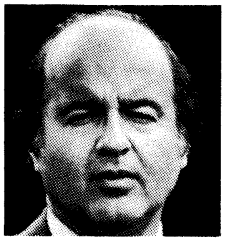

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Letters, *continued from page 4*

year after the convention. Perhaps his time might be spent more profitably working on *his* fundraising problem rather than criticizing Ron Paul's efforts.

Emily Woodson
Jasper, Tex.

A Vote for the Unknown?

What happened to *Terra Incognita*? The January issue of *Liberty* was missing this department, one of my favorites, and I am concerned; you are not planning to junk it for good, are you?

Terra is not only funny, it also darest explore the unknown region that is contemporary public opinion and government activity. It would be a pity if *Liberty* were to abandon this, one of its most enlightening (as well as lighter) features.

John Reilly
Portland, Ore.

You (and the other readers who protested its absence) will be happy to learn that Terra Incognita *returns to its customary penultimate position in this issue of* Liberty. *It was omitted last issue to accommodate a last minute submission of a timely nature.* —Editor

The Unnamed Ideology

John Dentinger ("Envy *vs* Cooperation," *Liberty*, Nov 1988) refers to the familiar (to libertarians) two-dimensional chart of the political spectrum as the "Nolan chart." However, I remember seeing just such a chart in a book on the Supreme Court, published in 1965 or 1966. The authors used it to plot the views of every Justice serving from 1900 to the early sixties. They divided the chart into four quadrants. Justices who were high on civil liberties and low on economic freedom were labeled liberals; justices high on economic and low on civil were conservatives; justices low on both were called populists. Justices who scored high on both civil and economic liberty were called—it's academic, what they were called, because *no* justices scored high on both civil and economic liberty.

Taras Wolansky
Kerhonkson, N.Y.

Comparing Nuts and Bolts

Re Sheldon Richman's commentary on Quayle ("What the Quayle affair is really about," *Liberty*, Nov 1988): How can one logically or even emotionally compare Quayle's student days and the way he apparently thought then, and his days as a senator? If you want an example of a classic *argumentum ad hominem*, there you have it. Nuts!

Eugene Guazzo
Chaptico, Md.

Naive and Dangerous

I was shocked to read John Hospers' discussion of "units of happiness" in his section on the quality of human life in his most recent essay ("Property, Population and the Environment," *Liberty*, Jan 1989). I had thought that this sort of naive utilitarian calculus had died an ignominious death years ago, and am disappointed to see it resurrected in his writings.

The concept of measurable pleasure ("units of happiness") goes against the grain of methodological individualism, and has proven its utility only to those who wish to back up normative collectivism; that is, anti-individualistic policy prescriptions. If there is any justification for the sorts of population controls that Hospers somewhat hesitantly recommends, they should be defended using the terms that the more sophisticated "methodological individualists" (Buchanan, Mises, Hayek, etc.) have developed. Libertarians who resort to socially holistic notions tread on very dangerous ice, and the only breakthroughs we can expect from these methods are "all wet."

Hospers' discussion of population neither extended our knowledge nor honed our ability to deal with complicated problems. He is to be congratulated only for raising the issue and for challenging us to make the effort to sharpen our skills.

David Sheldon
Gresham, Ore.

Misplaced Malthusiasm

Prof. Hospers ("Liberty and Ecology," *Liberty*, Sept 1988) should be commended for his thoughtful discussion of environmental issues. But, the fundamental question is whether political or market institutions provide better incentives to provide environmental quality.

Hospers describes situations where no property rights exist, and then argues that growing population is causing environmental destruction. In backward nations, forests, plains, and wildlife are held in common. Growing population eventually causes an unsustainable "harvest" of firewood, lumber, fodder, and meat. The resources are destroyed. In developed nations, waste products are dumped into the air or water. Little or no harm was done when population density was low, but as population has grown, industrial pollution has caused environmental problems.

Property rights and markets create incentives to limit the harvest of resources, regardless of an individual's plan to provide for his children. Selling the resource provides more present consumption than an unsustainable "harvest." And, when waste products injure others, the pollution becomes aggression against their property rights. The individual who creates the waste products must be responsible for their containment and disposal.

If private property rights exist and are enforced, population growth does not destroy the environment. At worst, it causes lower per capita incomes until children become too expensive and population growth ceases. Improving technology can postpone this outcome. Because affluence seems to lead to smaller families the Malthusian solution might never be necessary.

Still, there are problems. It is difficult to "homestead" some natural resources. Proposed market solutions for conserving some types of wildlife or for maintaining the atmospheric balance between carbon dioxide and oxygen requires substantial political involvement. And, individuals can generate wastes that last for generations. Even the best approach to the disposal of toxic chemicals or nuclear waste might "force" future generations to maintain disposal facilities.

Unfortunately, political institutions create few incentives to promote

continued on page 46

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The 1988 Third Party Vote

The January issue *Liberty* we reported tentative vote totals for third parties, with an emphasis on Libertarian Party returns. As we go to press, nearly all the votes have now been counted (the one exception is in West Virginia). What follows is a summary of election data, correcting the incomplete data reported in the January issue. Our thanks to Richard Winger, editor of *Ballot Access News*, for his assistance in providing us with data.

Vote Totals by Party

Republican	48,130,478
Democrat	41,114,068
Libertarian	432,345
New Alliance	217,272
Populist	47,042
Consumers'	30,903
American Independent	27,818
Independent (LaRouche)	25,530
Right to Life	20,504
Workers' League	18,862
Socialist Worker	15,603
Peace & Freedom	10,370
Prohibition	8,000
Workers' World	7,845
Socialist	3,878
American	3,477
Grass Roots	1,949
Independent (Youngkite)	372
Third World Assembly	236
None of the Above	6,923
Total	90,124,276

America's "Third" Party

The Libertarian Party finished third in the presidential election, with 49.6% of the minor party vote. The LP finished third in 35 states. It was beaten by the Populist Party in Arkansas, Mississippi, Louisiana and Kentucky, by the New Alliance Party in Virginia, Ohio, and the District of Columbia, by the Consumers' Party in Pennsylvania and Minnesota, the Peace & Freedom Pary in New Jersey, the LaRouche independent candidacy in Iowa, and by both the Right to Life Party and the New Alliance Party in New York. It was not on the ballot in Missouri, Indiana, West Virginia and North Carolina.

West vs East . . .

For the fifth time in succession, the LP ticket did at least *twice* as well in the West (states lying west of Texas) as in the East:

Area	1970	1976	1980	1984	1988
West	.11%	.76%	1.89%	.64%	.92%
East	.00%	.20%	.87%	.23%	.38%

Highlights and lowlights . . .

Of the 37 states on whose ballots the LP candidates appeared both in 1984 and 1988, the 1984 ticket outpolled the 1988 ticket in 9 states: Alabama, Alaska, Hawaii, New Mexico, Oklahoma, Tennessee, Vermont, Wisconsin, and Wyoming. The 1988 ticket outpolled the 1984 ticket in the remaining 28 states.

Of the 46 states on whose ballots the Clark ticket appeared in 1980 and the Paul ticket in 1988, the Paul ticket outpolled Clark in three states: Massachusetts, New Hampshire, and Connecticut.

There were two states in which the LP ticket had its lowest vote ever:

State	1988 Vote	Old Record
Alaska	2.75%	3.05% (1984)
Hawaii	0.56%	0.66% (1984)

State by State LP Presidential Total Vote

Alabama	8,460	.61%	Kentucky	2,118	.16%	North Dakota	1,315	.44%
Alaska	5,459	2.75%	Louisiana	4,115	.25%	Ohio	11,979	.27%
Arizona	13,351	1.14%	Maine	2,700	.49%	Oklahoma	6,261	.53%
Arkansas	3,297	.31%	Maryland	6,748	.39%	Oregon	14,811	1.24%
California	70,105	.71%	Massachusetts	24,251	.92%	Pennsylvania	12,051	.27%
Colorado	15,483	1.13%	Michigan	18,336	.50%	Rhode Island	825	.20%
Connecticut	14,071	.97%	Minnesota	5,109	.24%	South Carolina	4,935	.50%
Delaware	1,159	.47%	Mississippi	3,329	.36%	South Dakota	1,060	.34%
Dist. of Columbia	554	.29%	Missouri *	523	.02%	Tennessee	2,041	.12%
Florida	19,781	.46%	Montana	5,047	1.38%	Texas	30,355	.56%
Georgia	8,435	.47%	Nebraska	2,534	.38%	Utah	7,473	1.16%
Hawaii	1,999	.56%	Nevada	3,520	1.00%	Vermont	1,000	.41%
Idaho	5,313	1.30%	New Hampshire	4,502	1.03%	Virginia	8,336	.38%
Illinois	14,944	.33%	New Jersey	8,413	.27%	Washington	17,240	.92%
Indiana *	0	.00%	New Mexico	3,268	.63%	West Virginia *	28	.00%
Iowa	2,494	.20%	New York	12,109	.19%	Wisconsin	5,157	.24%
Kansas	12,533	1.26%	North Carolina *	1,263	.05%	Wyoming	2,026	1.15%

* Write-in votes. The Libertarian candidates were not on ballot in Indiana, Missouri, North Carolina or West Virginia. Write-in votes are not tabulated in Indiana. West Virginia total is incomplete.

Drug testing

There was a mathematical error in William Wingo's article "Random Drug Testing: Mathematics and Morality" (*Liberty*, January 1989).

Mr Wingo explains:

"The error occurs not in the equations or calculations, but in the definition of the false positive rate as 1/100,000. In this calculation, I erroneously redefined the fpr as false positives divided by the *entire population*, rather than as false positives divided by the *total number of positives* as I had originally defined it. It is not, of course, cricket after that to use equations which were derived using a different definition.

"Since the prevalence is postulated at 0.1 percent, the total number with the condition is 100. The false positive rate is 99.999 percent, not 99.999999 percent. Constructing the table would have been a better way to do it, and I wish I had done so.

"I think my main point survives, however, and I don't feel much better about a 99.999 percent required specificity than about a 99.999999 percent required specificity. Either way, when large, low-prevalence populations are tested, innocent people are going to be bulldozed. Thus I remain convinced that mass random drug testing is inherently dangerous, and I continue to advise caution when entering into drug test agreements. The difference between one error in 100,000 and one in 100,000,000 isn't very important if that error is *you*.

"I must apologise to *Liberty* and its readers for this error. In my defense I can only assure you that it was not intentional, and that I proofread the manuscript on three separate occasions. Because of its subtle nature, the error did not show up when the figures were worked out with a calculator, and it slipped by each time. I would like to extend special thanks to an astute reader, Mr Robert Hinkley, for pointing out this error.

"My high school algebra grade should be retroactively adjusted downward."

Reflections

Toward a free market in smoke — I recently went through a strange sequence of illnesses and hospitalizations, resulting in, among other things, my physician *strongly* recommending I switch from chewing tobacco to smoking a pipe. It's been ten years since I smoked a pipe, and things have changed.

I remember pipes being available everywhere—drug stores, supermarkets, department stores. And all different kinds. Pipe tobacco is still generally available, but not nearly as much as it used to be. I fired off a query to my old pipe dealer in Chicago, Iwan Ries, only to find out that its catalog is much tinier than it used to be.

Then I began to look around. In all of West Lafayette, a college town to the maximum extent, I can think of only one guy besides myself that smokes a pipe—not just one guy that I know, but only one guy that I've even *seen*.

I don't need to see any statistics to realize that pipe smoking is in serious decline, but what did it? It can't be the fact that tobacco ads are now illegal on TV, because those were all for cigarettes, weren't they? It can't be the price, because pipe tobacco is still at the same ratio it used to be with cigarettes, if not at an even greater advantage.

My tentative conclusion is: because pipe tobacco and pipe smoking remain legal, and the government propaganda is aimed entirely against cigarettes and illegal drugs, the idea of smoking a pipe with regular tobacco has lost its appeal. There's no glamour in doing something that is legal and has the tacit approval of the government.

So all you pipe smokers out there who are getting annoyed with the lack of availability of pipes and appropriate paraphernalia can do something. Write your Congressman requesting that pipe smoking and possession of pipes and pipe tobacco be made at least a misdemeanor. And, more importantly, that the government immediately spend a whole lot of money on TV advertising pointing out that pipes are unhealthy, immoral, and anti-social. Also request that glorification of pipe-smokers cease straightaway, and insist that Popeye cartoons be banned from children's programming. Then, we won't even have to go to K-Mart to get our corn cobs and Flying Dutchman. We'll have blue-cheeked thugs in business suits selling them to us on the streets and in school playgrounds. —RFM

Helga Claus is coming to town — Detroit, Dec. 18, 1988. It's Christmas season in the heart of Detroit's "Cultural Center." An arctic wind is sweeping down Woodward Avenue. Here and there, you can see an old man or woman struggling toward the entrance of one of the churches lining the avenue's eastern side. They are magnificent things, these churches. Gothic-Victorian, romanesque-Victorian, Byzantine-Victorian, they were built when artistic fantasy was large and confident enough to impose itself in mountains of white and rose stone. This year, the fourth Sunday in Advent is celebrated by groups of 50 or 100 in vaulted rooms made to accommodate 1000.

The cultural *action* in the Cultural Center is up the street at the art museum, where Santa Claus is holding court. Enthroned in a tinselly stage-set depicting his "village" at the "north pole," Santa is surrounded at all times by a mob of minicam-wielding parents—pink-cheeked suburbanites who, driven by a hunger for representational realism, have lugged all this expensive equipment downtown so that they may preserve forever each fleeting nuance of their youngsters' encounters with the god of the season. The encounters are fleeting, not easily captured. When one serious little boy produces a brief written list of desired presents and begins to read from it, Santa emits a jolly "ho, ho, ho," throws the list to the floor, and pushes the child toward an attendant elf who skillfully ushers him out.

But there is another reason why things are jumping at the Institute of Arts. Helga is here. Helga, in case you didn't know, is a woman whose portrait Andrew Wyeth sketched and painted hundreds of times during the 1970s and 1980s. Clever press agentry and tabloid speculations about Wyeth's relationship to a frequently nude model who was not his wife (!) have turned this exhibit of Helga's likenesses into an object of pilgrimage for thousands of people who would not walk so far as the gallery upstairs to see a Bellini or a Van Eyck. The Wyeth exhibit is packed shoulder to shoulder; the Renaissance rooms are empty.

But Wyeth's audience is curiously silent. What is one to say, after all, about 120 portraits of a woman whose apparent intention is to look as expressionless as possible, 120 portraits by an artist who is apparently incapable of varying either his technique or the dismal brown that is the prevailing color of his works? Of course, there are both indoor pictures and outdoor pictures, so one can choose between the Presbyterian nudity of Helga arranged on a bed and the lugubrious Hawthornism of Helga, wrapped in a dark cape coat, standing sullenly beside some sullen trees. The choice is not very stimulating. The openest, perhaps the healthiest, reaction to Helga comes from a pair of young people who walk through the galleries laughing softly to each other.

After 70 or 80 years of being told that abstraction of almost any kind is better than realism of almost any kind, the nice people who seek "culture" would like to have more contact with substantial and enduring forms of life than they can get from soulless canvasses in which painters "play" with "formal elements" but take care not to represent anything. Hence the grimly serious interest in Wyeth's studies of a real-life human being, studies in which, according to the Art Institute's brochure, "the artist, and thus the viewer, invades [sic] an intimate, private world." Hence our era's nostalgic vulnerability to as many fragments of traditional culture as can be dug up, jazzed up, and put on display.

In the absence of genuine drama, conflict, aspiration,

imagination, and belief, this sort of thing won't satisfy its consumers any longer than their videotapes of the kids' 15 seconds with Santa Claus. To think that it might is the saddest of fantasies. —SC

McCarthyism for moderns — It was a pleasure to read Karen Shabetai's review of the Mary McCarthy biography in the January *Liberty*. I would like to add an emphasis on Mary McCarthy's elegant, lucid, spare, and highly witty style, and also my heartfult belief that the style deeply reflects the mind of the author: "the style is the man." As Ms Shabetai observes, Mary McCarthy's famous conflict with Lillian Hellman was not simply ideological; there is an even greater contrast in their qualities of mind. And I think the issue goes beyond the simple matter of "honesty vs. dishonesty." What Mary McCarthy has reacted against all her life is the pretentious, humorless, flatulent, *pomposo* style of authors like Hellman and Arthur Miller. Her rejection of those twin twentieth century despotic intellectual fashions, Freudianism and Marxism, reflect the same rational, crystal-clear, satiric, anti-pretentious cast of mind, a mind that repudiates bad writing and murky thinking. —MNR

Ante up — Whatever else one can say about people in the contemporary American libertarian movement, it is certainly apparent that they are extraordinarily generous, particularly when it comes to funding libertarian political activity and the Libertarian Party.

Although precise figures aren't yet available, preliminary information indicates that the LP presidential campaign, the ballot access effort, the national party office and assorted local LP candidates raised at least $2.5 million in 1988. This isn't big money by the standards of major political players, but it's not bad at all when you consider that there are perhaps 25,000 contributors in all, by the most generous estimates. Unlike the 1980 LP political season, which benefited from having a billionaire (exempt from contribution limits) on the ticket, all the 1988 funds came from relatively small contributors.

This amounts to an extraordinary $100 per person on average. Given the relative youth of the contemporary libertarian movement, it's likely that most are early middle-aged or younger.

In addition to this largess, the funding for non-political libertarian endeavors such as think tanks, magazines and outreach groups (such as Advocates for Self Government and LROC) probably totals $5 million or more, though some of that comes from corporate sponsors or free-market oriented conservatives.

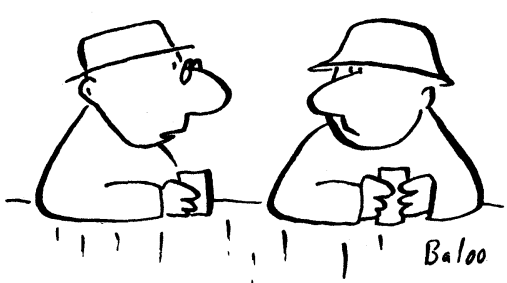

"I'm not implying that you're a bigot — I'm just saying that your prejudices seem less rational than mine."

Still, that's a lot of dollars per person, and a strong indication that most libertarians are willing to put their money where their mouths are when it comes to their intellectual and political beliefs. Whether this generosity is a good thing or not, it certainly belies the notion (inspired by Ayn Rand's anti-altruism) that libertarians don't care much about the future of their fellow man. —MH

Whether this generosity is a good thing or not, it certainly belies the notion (inspired by Ayn Rand's anti-altruism) that libertarians don't care much about the future of their fellow man.

The movement that satirizes itself — In the January *Letters*, Frank Bubb chides me, in "The Sociology of the Ayn Rand Cult" for raking over old bones, and claims, *only* on the strength of listening to some Peikoff tapes, that the Bad Old Days of the RandCult are dead and gone. Balderdash! The RandCult, even though decimated from the glory days of the 60s, still lives. Read Peter Schwartz, or better yet, talk to an orthodox Randian in the flesh, and in five minutes, the veneer of good fellowship disappears, and the old "how-dare-you-talk-to-me-that-way-about-the-greatest-person-of-all-time" RandCultist emerges in full flower. Sad to say, similar personality traits pop up even in the more numerous group of disillusioned ex-Randians. Even those who recognize and repudiate unfortunate aspects of the RandCult will still proclaim, at the drop of a hat, that "Ayn Rand is the greatest (novelist, philosopher, woman, person) of all time."

Mr. Bubb assumes that I exaggerated the grotesque features of the RandCult. I don't blame him. No one who was not a RandCultist, especially in New York City, the Randian Heartland, can grasp the full depths of that movement. Besides, as any veteran libertarian ought to realize, in our beloved movement, you don't *have* to exaggerate for dramatic or comic effect: a mere recital of the facts will do. —MNR

Who votes for third party candidates? — According to an exit poll published by the New York *Times*, individuals in the following categories are most likely to vote for third party candidates than others:

men
blacks
individuals with post-graduate education
Westerners
students
teachers
unmarried men

I am not certain whether there is a lesson in this for Libertarian Party partisans. But it certainly would not hurt to nominate a candidate who is likely to appeal to these groups. Now it may be difficult to find a black, unmarried man, who lives in the West, has a PhD, and teaches, and it would be foolish to require a candidate to meet these qualifications. Clearly, the abilities to articulate the libertarian vision, to command the attention of the media and the voting public are more important.

But it certainly wouldn't hurt the vote totals any if the LP had a nominee who met at least some of these qualifications.

Curiously, at least one individual whose name has been mentioned as a possible candidate meets all these qualifications. Walter Williams is an articulate advocate of libertarian ideas and a fine speaker. He also is male, black, has a post-graduate education, and is a professor at George Mason University.

Williams has also indicated an interest in being the Libertarian Party standard bearer. At the Alabama LP convention in 1987, according to *Alabama Liberty*, he stole the show with an impressive speech on individual rights. He denied interest in running for Vice President in 1988, but refused to rule out running for either President or Vice President on the LP ticket in 1992. He did rule out his running as a Democrat or Republican.

He endorsed the candidacy of Ron Paul, although he admitted that he had no hope of its election: "As far as winning the White House, that's out of the question, but the issue is who can further libertarians the most, and I think Ron Paul is one of the tops."

With both Ron Paul and Russell Means denying interest in the 1992 nomination, Williams would certainly have a good chance of gaining the nomination if he seeks it. And if nominated, he would certainly be a formidable candidate. —CAA

Corndogs and quiche — There are two basic kinds of libertarian. The first kind divides all libertarians into two kinds, and the other doesn't.

But seriously, I do perceive at least two large groups. The first is at home with quiche-eating liberals and knows just how to scoop them in and get them to thinking that maybe there's something to freedom after all. This group, however, is totally at sea when encountering Birchers, Wallaceites, and rednecks.

Then the *other* group of libertarians is the mirror image of the first. I belong to this group. When I run into somebody who likes gun control, I frankly am struck speechless. I can't think of a damn thing to say. And even if I've learned a good approach, I'm inclined to say the hell with it, I don't want to waste my time on folks like that. I presume that my colleagues who are more comfy with the white wine crowd have exactly the same feelings of exasperation when they run into a Bible Thumper or somesuch.

What to conclude from all this? Just that patience and tolerance are always in order. There are very few of us who were lucky enough to start *out* as libertarians. Most of us were lefties or righties, and a lot of our gut-reactions carry over from the old days. Just remember that they *are* gut reactions, and not rational responses. If one of you ex-McGovernites encounters Lester Maddox or Gordon Liddy in a receptive mood, and feels unable to control the situation, just send for me or someone like me. Contrariwise, if *I* happen onto Ed Asner or Jesse Jackson, I'll know damn well I'd better send for one of you. —RFM

Where is Ed Crane now that we really need him? — If there is one lesson that Libertarian Party partisans should learn from the 1988 campaign, it is the need for competent management. This means making long term plans to achieve its goals, based on reasonable expectations, and using the best information available.

But more importantly, now is the time to begin thinking about the 1992 campaign. Now is the time to set priorities. Now is the time to begin raising funds. Now is the time to think about possible nominees. Now is the time to build party structures. Better planning and preparation today means a better and more efficient and effective campaign in 1992.

Shortly after the LP's first nationwide campaign in 1976, LP national chairman Ed Crane made a personal commitment to planning and executing an effective and efficient presidential campaign in 1980. He critically evaluated the 1976 campaign and learned from its mistakes. He researched and developed a campaign plan, taking into account the resources—ideological, personal and financial—of the libertarian movement. He brainstormed about possible candidates and sounded out those he thought were attractive. He shared his thoughts with other activists. The result of his effort was the 1980 LP Presidential campaign, which garnered 920,000 votes.

This is not to say that the 1980 campaign was perfectly run. Anyone who attended the ridiculously botched "Alternative '80" video party can attest to that. And it enjoyed the advantage of a multimillionaire vice presidential candidate with very deep pockets. And the world was different in 1976 and 1980. But I have no doubt that the commitment and effort of Ed Crane contributed mightily to the success of that campaign.

Where is Ed Crane now that we really need him? —CAA

Chester Alan Arthur and the 1988 campaign — Congratulations to Chester Alan Arthur for a thoughtful and comprehensive article on the Libertarian Party and the 1988 campaign. The time after a Presidential campaign is the time for Libertarians to assess and reevaluate their strategy and tactics, and decide what to do from now on. Arthur's article deserves to be read by every libertarian, in or out of the Party.

We've already won several teeny local elections, and while this is great, these victories have hardly invigorated the Party as a whole. No matter how much we all love Podunk, let's face it, a victory there doesn't mean a helluva lot outside of Podunk's marketing area.

One fascinating contrast is Arthur's assessment of the Larry Dodge campaign with Dodge's own contribution to the post-election discussion. Whereas Dodge seems ready to liquidate the LP as a political party, Arthur makes the crucially important point that the Dodge campaign *succeeded* in getting its issues co-opted by the major parties in Montana! It should be emphasized that the LP does not *have* to actually win elections before it becomes politically significant: with a small fraction of the vote, e.g. Larry's 5 percent, the LP can have an important effect in pushing the major parties in our direction. Like the Socialist Party in the New Deal era, we would *love* to have the major parties adopting our programs! And we libertarians don't have to worry about running out of issues to push: we can *always* up the ante!

Several old chestnuts are being trotted out in the wake of the disappointing election results. (As Arthur points out, Libertarians are *always* being disappointed!) For example, the

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Live and let live?

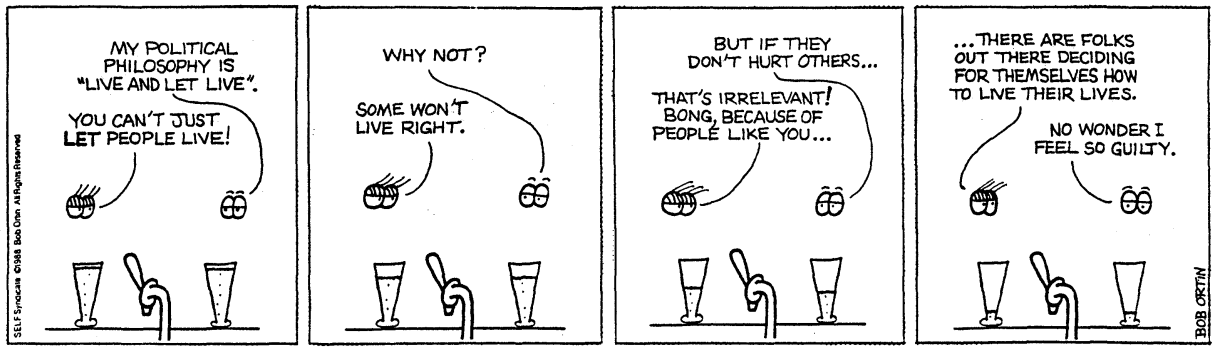

Bush pressured to raise taxes

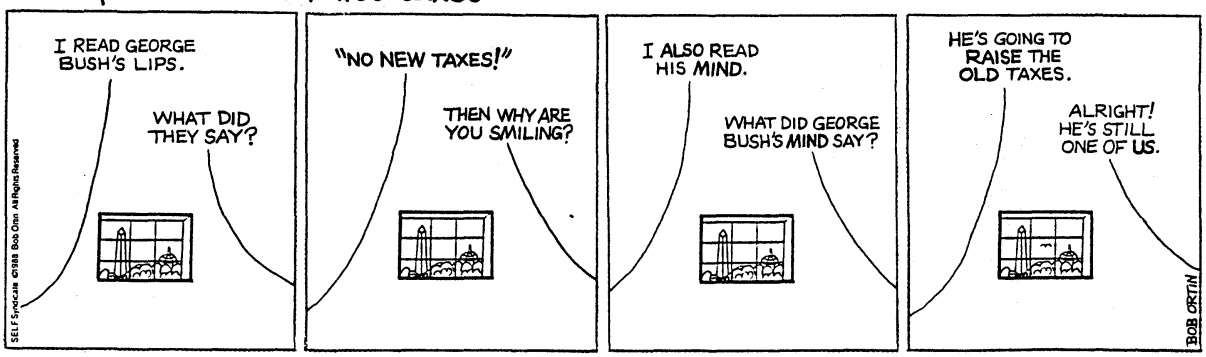

Terrorists vs. Anti-Terrorists

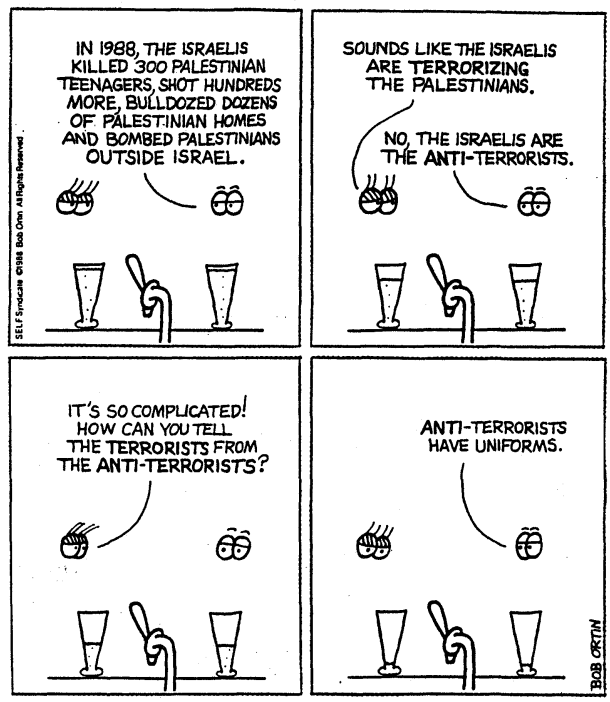

BURONS

A speculation on the source of headlines by Bob Ortin

Feds seek Pan Am bomber

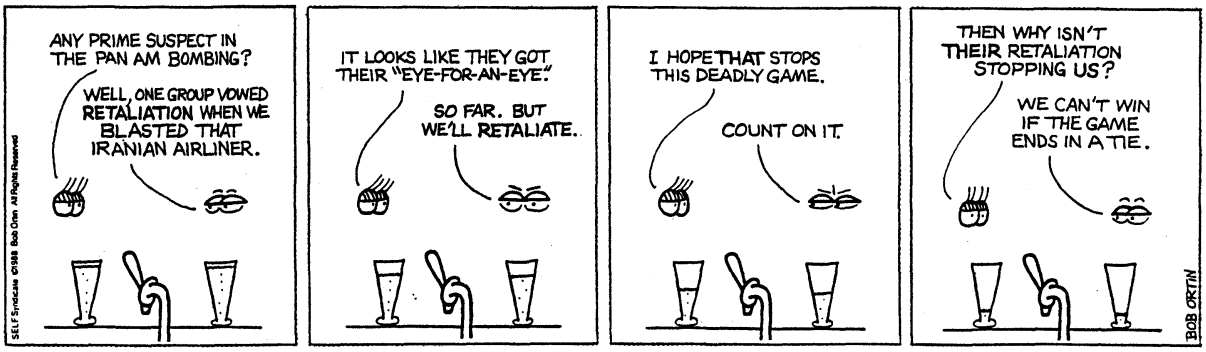

Ronald Reagan: An Autopsy

by Murray N. Rothbard

Ronald Reagan has left America with a trillion dollar national debt, a renewed hostility toward personal freedom and an increased demand for jellybeans . . .

Eight years, eight dreary, miserable, mind-numbing years, the years of the Age of Reagan, are at long last coming to an end. These years have surely left an ominous legacy for the future: we shall undoubtedly suffer from the after-shocks of Reaganism for years to come. But at least Himself will not be there, and without the man Reagan, without what has been called his "charisma," Reaganism cannot nearly be the same. Reagan's heirs and assigns are a pale shadow of the Master, as we can see from the performance of George Bush. He might try to imitate the notes of Reagan, but the music just ain't there. Only this provides a glimmer of hope for America: that Reaganism might not survive much beyond Reagan.

Reagan the Man

Many recent memoirs have filled out the details of what some of us have long suspected: that Reagan is basically a cretin who, as a long-time actor, is skilled in reading his assigned lines and performing his assigned tasks. Donald Regan and others have commented on Ronald Reagan's strange passivity, his never asking questions or offering any ideas of his own, his willingness to wait until others place matters before him. Regan has also remarked that Reagan is happiest when following the set schedule that others have placed before him. The actor, having achieved at last the stardom that had eluded him in Hollywood, reads the lines and performs the actions that others—his script-writers, his directors—have told him to follow.

Sometimes, Reagan's retentive memory—important for an actor—gave his handlers trouble. Evidently lacking the capacity for reasoned thought, Reagan's mind is filled with anecdotes, most of them dead wrong, that he has soaked up over the years in the course of reading *Reader's Digest* or at idle conversation. Once an anecdote enters Reagan's noodle, it is set in concrete and impossible to correct or dislodge. (Consider, for example, the famous story about the "Chicago welfare queen": all wrong, but Reagan carried on regardless.)

In the early years of Reagan rule, the press busily checked out Reagan's beloved anecdotes, and found that almost every one of them was full of holes. But Reagan never veered from his course. Why? God knows there are plenty of correct stories about welfare cheats that he could have clasped to his bosom; why stick to false ones? Evidently, the reason is that Reagan cares little about reality; he lives in his own Hollywood fantasy world, a world of myth, a world in which it is always Morning in America, a world where The Flag is always flying, but where Welfare Cheats mar the contentment of the Land of Oz. So who cares if the *actual* story is wrong? Let it stand, like a Hollywood story, as a surrogate for the welfare cheats whom everyone knows do exist.

The degree to which Reagan is out of touch with reality was best demonstrated in his concentration camp story. This was not simply a slip of the tongue, a Bushian confusion of December with September. When the Premier of Israel visited Reagan at the White House, the President went on and on for three quarters of an hour explaining why he was pro-Jewish: it was because, being in the Signal Corps in World War II, he visited Buchenwald shortly after the Nazi defeat and helped to take films of that camp. Reagan repeated this story the following day to an Israeli ambassador. But the truth was 180-degrees different; Reagan was not in Europe; he never saw a concentration camp; he spent the entire war in the safety of Hollywood, making films for the armed forces.

Well, what are we to make of this incident? This little saga stayed in the back pages of the press. By that point the media had realized that virtually nothing—no fact, no dark deed—could ever stick to the Teflon President. (Iran-

Contra shook things up a bit, but in a few months even that was forgotten.)

There are only two ways to interpret the concentration camp story. Perhaps Reagan engaged in a bald-faced lie. But why? What would he have to gain? Especially after the lie was found out, as it soon would be. The only *other* way to explain this incident, and a far more plausible one, is that Ronnie lacks the capacity to distinguish fantasy from reality. He would, at least in retrospect, have *liked* to be filming Buchenwald at the end of the war. The wish was father to the fact: in his mind, he *was* filming at Buchenwald. Certainly, it made a better story than the facts. But what are we to call a man who cannot distinguish fantasy from reality?

Reagan cares little about reality; he lives in his own Hollywood fantasy world, a world of myth, a world in which it is always Morning in America, a world where The Flag is always flying, but where Welfare Cheats mar the contentment of the Land of Oz.

It is surely frightening to think that the most powerful position in the world has been held for eight years by a man who cannot tell fact from fancy. Even more frightening is the defection of the media, who early lost heart and played the role of a submissive receptacle for photo-opportunities and press-release handouts. One reason for this defection was the discovery of Reagan's Teflon nature. Another likely reason was that journalists who were too feisty and independent would be deprived of their precious access to the Presidential plane or to inside scoops or leaks from the White House. And a third reason was probably the desire not to dwell on the vital and hair-raising fact that the President of the United States, the "leader of the free world" and all that jazz, is nothing more than a demented half-wit.

But why the Teflon? Because of the incredible love affair that Ronald Reagan has enjoyed with the American people. In all my years of fascination with American politics (my early childhood memories are couched in terms of who was President or who was Mayor of New York City or who won what election), I have never seen anything remotely like it. Anyone else universally beloved? Franklin D. Roosevelt was worshipped, to be sure, by most of the American electorate, but there was always a large and magnificent minority who detested every inch of his guts. Truman? He was almost universally reviled in his time; he has only been made an icon in retrospect by the conservative movement. Jack Kennedy, too, is only a hero now that he has been safely interred; before his assassination he was cordially detested by all conservatives. *Nobody* ever loved Nixon. The closest to universal lovability was Ike, and even he did not inspire the intense devotion accorded to Ronnie Reagan; with Ike it was more of a tranquilized sense of peace and contentment.

But with Reagan, it has been pure love: every nod of the head; every wistful "We-e-ll," every dumb and flawed anecdote, every snappy salute, sends virtually every American into ecstasy. From all corners of the land came the cry, "I don't like his policies very much, but I lo-o-ve the man." Only a few malcontents, popping up here and there, in a few obscure corners of the land, emerged as dedicated and bitter opponents. As one of this tiny minority I can testify that it was a lonely eight years, *even* within the ranks of the libertarian movement. Sometimes I felt like a lone and unheeded prophet, bringing the plain truth to those who refused to understand. Very often I would be at free-market gatherings, from living rooms to conferences, and I would go on and on about the deficiencies of Reagan's policies and person, and would be met with responses like: "Well, of course, he's not a Ph.D."

Me: "No, no, that's not the point. The man is a blithering idiot. He makes Warren Harding tower like Aristotle."

Responder: "Ronald Reagan has made us feel good about America."

Perhaps that's part of the explanation for the torrent of unconditional love that the American public has poured onto Ronald Reagan. Lost in Hollywood loony-land, Ronnie's sincere optimism struck a responsive chord in the American masses. The ominous fact that he "made us" feel good about the American State and not just about the country is lost even on many libertarians.

But, in that case, why didn't Hubert Humphrey's egregious "politics of joy" evoke the same all-inclusive love? I don't know the answer, but I'm convinced it's not simply because Hubert was captive to the dreaded "L-word" whereas Ronnie is a conservative. It's a lot deeper than that. One of the remarkably Teflon qualities of Reagan is that, even after many years as President, he is still able to act as if he were totally separate from the actions of the government. He can still denounce the government in the same ringing terms he used when he was out of power. And he *gets away with it*, probably because inside his head, he is still Ronnie Reagan, the mouther of anti-government anecdotes as lecturer for General Electric.

In a deep sense, Reagan has *not* been a functioning part of the government for eight years. Off in Cloud-Cuckoo-Land, he is the obedient actor who recites his lines and plays his appointed part. Some commentators have been critical of Reagan for napping in the afternoons, for falling asleep at crucial meetings, for taking long vacations at his beloved ranch. Well, why not? What else does he have to do? Reagan doesn't actually have to *do* anything; like Peter Sellers in his last film, all he has to do is *be there*, the beloved icon, giving his vital sanction to the governmental process.

Reagan's handlers perceived early on that one threat to Reagan's Teflon rule would be allowing him to mix it up with members of the press. Away from his teleprompter, Ronnie was a real problem. So very soon, any sort of real press conference, including uninhibited questions and answers, was done away with. The only press "conferences" became shouted questions as Reagan walked quickly to and from the White House helicopter. One of his handlers has written that, despite all efforts, they couldn't stop Reagan from exercising one peculiar personality trait: his compulsion to answer every question that he hears. But fortunately, not much was risked, since the noise of the helicopter engines would drown out most of the

repartee.

The worst moment for the Reagan handlers came, of course, during the first debate with Mondale in 1984. For one glorious moment, during the give and take of the debate, the *real* Reagan emerged: confused, befuddled, out of it. It was a shaky moment, but all the handlers needed to do was to reassure the shocked masses that their beloved President was still sentient, was still *there* to be a totem to his flock. The handlers blamed Reagan's showing on "overcoaching," they made sure that he slept a lot just before the second debate, and they fed him a snappy mock self-deprecating one-liner about his age. The old boy could still remember his jokes: he got off his lovable crack, and the American masses, with a sigh of relief, clasped him to their bosoms once again.

The Reagan Years: Libertarian Rhetoric, Statist Policies

How did Reagan manage to pursue egregiously statist policies in the name of liberty and of "getting government off our backs?" How was he able to follow this course of deception and mendacity?

Don't try to get Ronnie off the hook by blaming Congress. Like the general public—and all too many libertarians—Congress was merely a passive receptacle for Ronnie's wishes. Congress passed the Reagan budgets—with a few marginal adjustments here and there—and gave him virtually all the legislation, and ratified all the personnel, he wanted. For one Bork there are thousands who made it. The last eight years have been a Reagan Administration, for the Gipper to make or break.

There was no "Reagan Revolution." Any "revolution" in the direction of liberty (in Ronnie's words "to get government off our backs") would *reduce* the total level of government spending. And that means reduce in *absolute* terms, *not* as proportion of the gross national product, or corrected for inflation, or anything else. There is no divine commandment that the federal government must always be *at least* as great a proportion of the national product as it was in 1980. If the government was a monstrous, swollen Leviathan in 1980, as libertarians were surely convinced, as the inchoate American masses were apparently convinced, and as Reagan and his cadre claimed to believe, then cutting government spending was in order. At the very least, federal government spending should have been frozen, in absolute terms, so that the rest of the economy would be allowed to grow in contrast. Instead, Ronald Reagan cut nothing, even in the heady first year, 1981.

At first, the only "cut" was in Carter's last-minute loony-tunes estimates for the future. But in a few short years, Reagan's spending surpassed even Carter's irresponsible estimates. Instead, Reagan not only increased government spending by an enormous amount—so enormous that it would take a 40 percent cut to bring us back to Carter's wild spending totals of 1980—he even substantially increased the percentage of government spending to GNP. *That's* a "revolution"?

The much heralded 1981 tax cut was more than offset by two tax increases that year. One was "bracket creep," by which inflation wafted people into higher tax brackets, so that with the same real income (in terms of purchasing power) people found themselves paying a higher proportion of their income in taxes, even though the official tax rate schedule went down. The other was the usual whopping increase in Social Security taxes which, however, don't count, in the perverse semantics of our time, as "taxes"; they are only "insurance premiums." In the ensuing years the Reagan Administration has constantly raised taxes—to punish us for the fake tax cut of 1981—beginning in 1982 with the largest single tax increase in American history, costing taxpayers $100 billion.

Creative semantics is the way in which Ronnie was able to keep his pledge never to raise taxes while raising them all the time. Reagan's handlers, as we have seen, annoyed by the stubborn old coot's sticking to "no new taxes," finessed the old boy by simply calling the phenomenon by a different name. If the Gipper was addled enough to fall for this trick, so too did the American masses—and a large chunk of libertarians and self-proclaimed free-market economists as well! "Let's close another loophole, Mr. President." "We-e-ell, OK, then, so long as we're not raising taxes." (Definition of "loophole": Any and all money *the other guy* has earned, and that hasn't been taxed away yet. *Your* money, of course, has been fairly earned, and shouldn't be taxed further.)

Income tax rates in the upper brackets *have* come down. But the odious bipartisan "loophole closing" of the Tax Reform Act of 1986—an act engineered by our Jacobin egalitarian "free-market" economists in the name of "fairness"—*raised* instead of lowered the income tax paid by most upper-income people. Again: what one hand of government giveth, the other taketh away, and then some. Thus, President-elect Bush has just abandoned his worthy plan to cut the capital gains tax in half, because it would violate the beloved tax fairness instituted by the bipartisan Reaganite 1986 "reform."

The bottom line is that tax revenues have gone up an enormous amount under the eight years of Reagan; the only positive thing we can say for them is that revenues as percentage of the gross national product are up only slightly since 1980. The result: the monstrous deficit, now apparently permanently fixed somewhere around $200 billion, and the accompanying tripling of the total federal debt in the eight blessed years of the Reagan Era. Is that what the highly-touted "Reagan Revolution" amounts to, then? A tripling of the national debt?

We should also say a word about

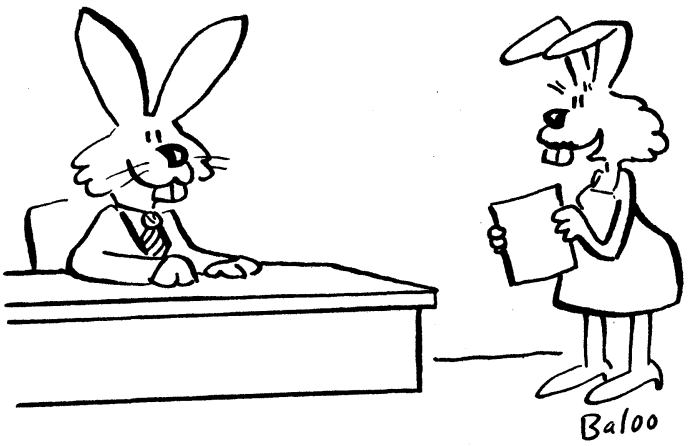

"You're a shoo-in for re-election, sir—the other party nominated a tortoise!"

another of Ronnie's great "libertarian" accomplishments. In the late 1970s, it became obvious *even to the man in the street* that the Social Security System was bankrupt, *kaput*. For the first time in fifty years there was an excellent chance to get rid of the biggest single racket in American politics, a racket that acts as a gigantic Ponzi scheme to fleece the American taxpayer. Instead, Reagan brought in the famed "Randian libertarian" Alan Greenspan, who served as head of a bipartisan commission, performing the miracle of "saving Social Security," and the masses have rested content with the system ever since. How did he "save" it? By raising taxes (oops "premiums"), of course; by that route, the government can "save" any program. (Bipartisan: both parties acting in concert to put both of their hands in your pocket.)

The way Reagan-Greenspan saved Social Security is a superb paradigm of Reagan's historical function in all areas of his realm: he acted to bail out statism and to co-opt and defuse any libertarian or quasi-libertarian opposition. The method worked brilliantly, for Social Security and other programs.

How about deregulation? Didn't Ronnie at least deregulate the regulation-ridden economy inherited from the evil Carter? Just the opposite. The outstanding measures of deregulation were all passed by the Carter Administration, and, as is typical of that luckless President, the deregulation was phased in to take effect during the early Reagan years, so that the Gipper could claim the credit. Such was the story with oil and gas deregulation (which the Gipper *did* advance from September to January of 1981); airline deregulation and the actual *abolition* of the Civil Aeronautics Board, and deregulation of trucking. That was it.

The Gipper deregulated nothing, abolished nothing. Instead of keeping his pledge to abolish the Departments of Energy and Education, he strengthened them, and even wound up his years in office adding a new Cabinet post, the Secretary of Veterans Affairs. Overall, the quantity and degree of government regulation of the economy was greatly increased and intensified during the Reagan years. The hated OSHA, the scourge of small business and at the time the second most-hated agency of the federal government (surely you need not ask which is the first most-hated), was not only not abolished; it too was strengthened and reinforced. Environmentalist restrictions were greatly accelerated, especially after the heady early years when selling off some public lands was briefly mentioned, and the proponents of actually using and developing locked-up government resources (James Watt, Anne Burford, Rita Lavelle) were disgraced and sent packing as a warning to any future "anti-environmentalists."

The Reagan Administration, supposedly the champion of free trade, has been the most protectionist in American history, raising tariffs, imposing import quotas, and—as another neat bit of creative semantics—twisting the arms of the Japanese to impose "voluntary" export quotas on automobiles and microchips. It has made the farm program the most abysmal of this century: boosting price supports and production quotas, and paying many more billions of taxpayer money to farmers so that they can produce less and raise prices to consumers.

And we should never forget a disastrous and despotic program that has received unanimous support from the media and from the envious American public: the massive witchhunt and reign of terror against the victimless non-crime of "insider trading." In a country where real criminals—muggers, rapists, and "inside" *thieves*—are allowed to run rampant, massive resources and publicity are directed toward outlawing the use of one's superior knowledge and insight in order to make profits on the market.

In the course of this reign of terror, it is not surprising that freedom of speech was the first thing to go by the boards. Government spies and informers busily report conversations over martinis ("Hey Joe, I heard that XYZ Corp. is going to merge with ABC.") All this is being done by the cartelizing and fascistic Securities and Exchange Commission, the Department of Justice and its much-hailed Savanarola in New York, Rudolf Giuliani. All this is the work of the beloved Gipper, the "free-market," "libertarian" Reagan Administration. And where are the "conservative-libertarians"? Where are the "free-market economists" to point this out and condemn it?

Foreign aid, a vast racket by which American taxpayers are mulcted in order to subsidize American export firms and foreign governments (mostly dictatorships), has been vastly expanded under Reagan. The Administration also encouraged the nation's banks to inflate and pour money down Third World rat-holes; then bailed out the banks and tin-pot socialist dictatorships at the expense of U.S. taxpayers (via tax increases) and consumers (via inflation). Since the discrediting of Friedmanite monetarism by the end of the first Reagan term, the original monetarist policy of allowing the dollar to fluctuate freely has been superseded by Keynesian Secretary of Treasury James Baker, who has concerted with foreign central banks to try to freeze the dollar within various zones. The interference has been, as usual, futile and counterproductive, but that will not stop the soon-to-be even more powerful Baker from trying to fulfill, or at least move strongly toward, the old Keynesian dream of one world fiat paper currency (or at least fixed exchange rates of the various national currencies) issued by one world Central Bank—in short, economic world government.

But didn't Ronnie "bring down inflation"? Sure, but he did it, not by some miracle, but the old-fashioned way: by the steepest recession (read: depression) since the 1930s. And now, as a result of his inflationary monetary policies, inflation is back with a roar—which the Teflon President will leave as one of his great legacies to the Bush Administration.

And then there is another charming legacy: the reckless inflationary course, encouraged by the Reagan Administration, of the nation's savings-and-loan

> *After many years as President, Reagan is still able to act as if he were totally separate from the actions of the government. He can still denounce the government in the same ringing terms he used when he was out of power. And* he gets away with it.

banks. Virtually the entire industry is now bankrupt, and FSLIC—the federal agency supposedly "insuring" S&L depositors—is bankrupt. Instead of allowing the banks and their deluded depositors to pay the price of their profligacy, everyone of both parties, including our "free-market" Reaganauts, is prepared to use taxpayer money or the printing press to bail out the entire industry—to the tune of an estimated 50 to 100 billion dollars. (These estimates, by the way, come from government sources, which notoriously underestimate future costs of their programs.)

I have been cleaving to the strictly economic realm because even the staunchest pro-Reagan libertarian will not dare to claim that Ronnie has been a blessing for civil liberties. On the contrary. In addition to his reign of terror on Wall Street (who cares about the civil liberties of stock traders anyway?), Reagan worked to escalate toward infinity the insane "war against drugs." Far from the 1970s movement toward repealing marijuana laws, an ever greater flow of men and resources—countless billions of dollars—are being hysterically poured into combatting a drug "problem" that clearly gets worse in direct proportion to the intensity of the "war."

The outbreak of drug fascism, moreover, is a superb illustration of the interconnectedness of civil liberty and economic freedom. Under cover of combatting drugs, the government has cracked down on our economic and financial privacy, so that carrying cash has become *prima facie* evidence of "laundering" drug money. And so the government steps up its long-cherished campaign to get people to abstain from cash and into using government-controlled banks. The government is already insinuating foreign exchange controls—now the legal obligation to "report" large amounts of cash taken out of the country—into our personal and economic life.

And every day more evil drugs are being found that must be denounced and outlawed: the latest is the dread menace of anabolic steroids. As part of this futile war, we are being urged by the Reaganites to endure compulsory urine testing (supervised, of course, since otherwise the testee might be able to purchase and substitute black-market drug-free urine). In this grotesque proposal, government is not only *not* off our backs, it is now also insisting on joining us in the bathroom.

And in the bedroom, too, if Ronnie has his way. Although abortion is not yet illegal, it is not for lack of effort by the Reagan Administration. The relentless Reaganite drive to conservatize the judiciary will likely recriminalize abortion soon, making criminals out of millions of American women each year. George Bush, for less than twenty-four glorious hours, was moved to take a consistent position: if abortion is murder, then all women who engage in abortion are murderers. But it took only a day for his handlers to pull George back from the abyss of logic, and to advocate only criminalizing the doctors, the hired hands of the women who get abortions.

At first, the only "spending cut" was in Carter's last-minute loony-tunes estimates for the future. But in a few short years, Reagan's spending surpassed even Carter's irresponsible estimates.

Perhaps the Gipper cannot be directly blamed—but certainly he has set the moral climate—for the increasingly savage Puritanism of the 1980s: the virtual outlawry of smoking, the escalating prohibition of pornography, even the partial bringing back of Prohibition (outlawing drunken driving, raising the legal drinking age to 21, making bartenders—or friendly hosts—legally responsible for *someone else's* drunken driving, etc.)

Under Reagan, the civil liberties balance has been retipped in favor of the government and against the people: restricting our freedom to obtain government documents under the Freedom of Information Act and stepping up the penalties on privately printed and disseminated news about activities of the government, on the one hand; more "freedom" for our runaway secret police, the CIA, to restrict the printing of news, and to wiretap private individuals, on the other. And to cap its hypocrisy, as it escalated its war on drugs, the Reagan Administration looked the other way on drug-running by its own CIA.

On foreign policy, the best we can say about Ronnie is that he did *not* launch World War III. Apart from that, his foreign policy was a series of murdering blunders:

- His idiotic know-nothing intervention into the cauldron of Lebanon, resulting in the murder of several hundred U.S. Marines.
- His failed attempt—lauded by Reaganites ever since—to murder Colonel Khadafy by an air strike—and succeeding instead in slaying his baby daughter, after which our media sneered at Khadafy for looking haggard, and commented that the baby was "only adopted."
- His stumblebum intervention into the Persian Gulf, safeguarding oil tankers of countries allied to Iraq in the Iraq-Iran war. (Ironically, the U.S. imports practically no oil from the Gulf, unlike Western Europe and Japan, where there was no hysteria and who certainly sent no warships to the Gulf.) In one of the most bizarre events in the history of warfare, the Iraqi sinking of the U.S.S. Stark was dismissed instantly—and without investigation, and in the teeth of considerable evidence to the contrary—as an "accident," followed immediately by blaming *Iran* (!) and using the sinking as an excuse to step up our pro-Iraq intervention in the war. This was followed by a U.S. warship's sinking of a civilian Iranian airliner, murdering hundreds of civilians, and blaming—you guessed it!—the Iranian government for this catastrophe. More alarming than these actions of the Reagan Administration was the supine and pusillanimous behavior of the media, in allowing the Gipper to get away with all this.

As we all know only too well, the height of Reagan's Teflon qualities came with Iran-*Contra*. At the time, I naively thought that the scandal would finish the bastard off. But no one saw anything wrong with the Administration's jailing *private* arms salesmen to Iran, while at the very same time engaging in arms sales to Iran *itself*. In Reagan's America, apparently *anything*, any crookery, any

aggression or mass murder, is OK if allegedly performed for noble, patriotic motives. Only personal greed is considered a no-no.

I have not yet mentioned the great foreign-policy triumph of the Reagan Administration: the invasion and conquest of tiny Grenada, a pitiful little island-country with no army, air force, or navy. A "rescue" operation was launched to save U.S. medical students who never sought our deliverance. Even though the enemy consisted of a handful of Cuban construction workers, it still took us a week to finish the Grenadans off, during the course of which the three wings of our armed forces tripped over each other and our military distinguished itself by bombing a Grenadan hospital. The operation was as much a botch as the Carter attempt to rescue the American hostages. The only difference was that this time the enemy was helpless.

But we *won* didn't we? Didn't we redeem the U.S. loss in Vietnam and allow America to "stand tall"? Yes, we did win. We beat up on a teeny country, and even botched *that*! If *that* is supposed to make Americans stand tall, then far better we sit short. Anyway, it's about time we learned that Short is Beautiful.

The U.S. war against the *Contras* on the other hand, which has been conducted at enormous expense and waged hand-in-hand with Guatemalan, Honduran, and Salvadoran dictators, is going down the drain, despite illegal CIA mining of harbors and injury to neutral shipping. Even the nearly comatose American public is giving up on the idea of supporting bandit guerrillas, so long as they are anti-Communist, despite the best efforts of Ollie and Secord and Singlaub and Abrams and all the rest of the war crowd.

The Reagan Administration's continued aid and support to Pol Pot in Cambodia, the most genocidal butcher of our time, is more reprehensible but less visible to most Americans. As a result, Pol Pot's thugs are mobilizing at this very moment on the Thai border to return and take over Cambodia as soon as the Vietnamese pull out, presumably to renew their bizarre mass murders. But you see, *that's* okay with the Reaganites, because the Cambodian Commies are guerrilla fighters against the *Vietnamese* (pro-Soviet) Commies, who by definition are evil. Pol Pot's butchers as "freedom fighters" show us that, in the arsenal of the Reaganite Right, "freedom," like "taxes" and many other crucial words, means, as in the case of Humpty Dumpty, *whatever* they *choose* it to.

Grenada was the perfect war as far as many conservatives (and apparently much of the American public) were concerned: it was quick and easy to win, with virtually no risk of loss, and allowed ample opportunities to promote the military (and their Commander-in-Chief) as heroes while bragging up the victory on television—in short, allowing the U. S. to glory in its status as a bully. (It helped eradicate the awful memory of Vietnam, which was the perfect war for American centrist liberals: virtually impossible to win, horribly expensive in terms of men and property—and best of all, it could go on forever without resolution, like the War on Poverty, fueling their sense of guilt while providing safe but exciting jobs for members of their techno-bureaucratic class.)

> *Reagan's handlers, annoyed by the stubborn old coot's sticking to "no new taxes," finessed the old boy by simply calling the phenomenon by a different name.*
> *"Let's close another loophole, Mr. President."*
> *"We-e-ell, OK, then, so long as we're not raising taxes."*

While the American masses do not want war with Russia or even aid to the bandit *Contras*, they do want an ever-expanding military and other aggravated symbols of a "strong," "tough" America, an America that will, John Wayne-like, stomp on teeny pests like Commie Grenada, or, perhaps, any very small island that might possess the tone and the ideology of the Ayatollah.

Setting the Stage: The Anti-Government Rebellion of the 1970s

I am convinced that the historic function of Ronald Reagan was to co-opt, eviscerate, and ultimately destroy the substantial wave of anti-governmental, and quasi-libertarian, sentiment that erupted in the U.S. during the 1970s. Did he perform this task consciously? Surely too difficult a feat for a man barely *compos*. No, Reagan was wheeled into performing this task by his Establishment handlers.

The task of co-optation needed to be done because the 1970s, particularly 1973–75, were marked by an unusual and striking conjunction of crises—crises that fed on each other to lead to a sudden and cumulative disillusionment with the federal government. It was this symbiosis of anti-government reaction that led me to develop my "case for libertarian optimism" during the mid-1970s, in the expectation of a rapid escalation of libertarian influence in America.

1973–74 saw the abject failure of the Nixon wage-price control program, and the development of something Keynesians assumed *could never* happen: the combination of double-digit inflation *and* a severe recession. High unemployment and high inflation happened again, even more intensely, during the greater recession of 1979–82. Since Keynesianism rests on the idea that government should pump in spending during recessions and take out spending during inflationary booms, *what happens* when both occur at the same time? As Rand would say: Blankout! There *is* no answer. And so, there was disillusionment in the government's handling of the macro-economy, deepening during the accelerating inflation of the 1970s and the beginnings of recession in 1979.

At the same time, people began to be fed up, increasingly and vocally, with high taxes: income taxes, property taxes, sales taxes, you name it. Especially in the West, an organized tax rebel movement developed, with its own periodicals and organizations. However misguided strategically, the spread of the tax rebellion signalled a growing disillusion with big government. I was privileged to be living in California during the election year of 1978, when Proposition 13 was passed. It was a genuinely inspiring sight. In the face of hysterical opposition and smears from the entire California Establishment, Democratic and Republican, Big Business and labor, academics, economists,

and all of the press, the groundswell for Prop 13 burgeoned. Everyone was against it but the people. If the eventual triumph of Ronald Reagan is the best case against "libertarian populism," Prop 13 was the best case in its favor.

Also exhilarating was the smashing defeat of U.S. imperialism in Vietnam in 1975—exhilarating because this first loss of a war by the United States, many of us believed, was bound to get Americans to rethink the disastrous warmongering bipartisan foreign policy that had plagued us since the unlamented days of Woodrow Wilson.

On the civil liberties front, the *de facto* legalization of marijuana was a sign that the nonsense of drug prohibition would soon be swept away. (Ye gods! Was *that* only a decade ago?) Inflationary recession; high taxes; prohibition laws; defeat in foreign war; across the board, the conditions seemed admirable for a growing and triumphant libertarianism.

And to top it off, the Watergate crisis (my particular favorite) destroyed the trust of the American masses in the Presidency. For the first time in over a hundred years, the concept of *impeachment* of the President became, first thinkable, and then a living and glorious process. For a while, I feared that Jimmy Carter, with his lovable cardigan sweater, would restore Americans' faith in their president, but soon that fear proved groundless.

Surely, it is no accident that it was precisely in this glorious and sudden anti-government surge that libertarian ideas and libertarian scholarship began to spread rapidly in the United States. And it was in 1971 that the tiny Libertarian Party emerged, in 1972 that its first, embryonic presidential candidacy was launched, and 1973 when its first important race was run, for mayor of New York City. The Libertarian Party continued to grow rapidly, almost exponentially, during the 1970s, reaching a climax with the Clark campaign for governor of California during the Prop 13 year of 1978, and with the Clark campaign for the Presidency in 1980. The morning my first article on libertarianism appeared in the New York *Times* in 1971, a very bright editor at Macmillan, Tom Mandel, called me and asked me to write a book on the subject (it was to become *For a New Liberty*). Not a libertarian himself, Mandel told me that he believed that libertarianism would become a very important ideology in a few years—and he turned out to be right.

So libertarianism was on a roll in the 1970s. And then Something Happened.

Enter the NeoCons

What happend was Ronald Wilson Blithering Reagan. Obviously Reagan did not suddenly descend out of the clouds in 1980. He had been the cherished candidate of the conservative movement, its chosen route to power, ever since Goldwater's defeat. Goldwater was too blunt and candid, too much an unhandleable Real Person. What was needed was a lovable, manipulable icon. Moreover, Goldwater' s principles were too hard-edged: he was way too much a domestic libertarian, and he was too much an eager warmonger. Both his libertarianism and his passion for nuclear confrontation with the Soviet Union scared the bejesus out of the American masses, as well as the more astute leadership of the conservative movement.

As part of its war on drugs, the Reaganites propose compulsory urine testing (supervised, of course, since otherwise the testee might be able to purchase and substitute black-market drug-free urine). In this grotesque proposal, government is not only not off our backs, but is insisting on joining us in the bathroom..

A reconstituted conservative movement would have to drop any libertarian ideology or concrete *policies*, except to provide a woolly and comfortable *mood* for suitably gaseous anti-government rhetoric and an improved foreign policy that would make sure that many more billions would go into the military-industrial complex, to step up global pressure against Communism, *but* avoiding an actual nuclear war. This last point was important: As much as they enjoy the role of the bully, neither the Establishment nor the American people want to risk nuclear war, which might, after all, blow them up as well. Once again, Ronnie Reagan looked like the Answer.

Two important new ingredients entered into, and helped reshape, the conservative movement during the mid 1970s. One was the emergence of a small but vocal and politically powerful group of neo-conservatives (neocons), who were able, in a remarkably short time, to seize control of the think tanks, the opinion-moulding institutions, and finally the politics, of the conservative movement. As ex-liberals, the neocons were greeted as important new converts from the enemy. More importantly, as ex-Trotskyites, the neocons were veteran politicos and organizers, schooled in Marxian cadre organizing and in manipulating the levers of power. They were shrewdly eager to place their own people in crucial opinion-moulding and money-raising positions, and in ousting those not willing to submit to the neocon program. Understanding the importance of financial support, the neocons knew how to sucker Old Right businessmen into giving them the monetary levers at their numerous foundations and think tanks. In contrast to free-market economists, for example, the neocons were eager to manipulate patriotic symbols and ethical doctrines, doing the microequivalent of Reagan and Bush's wrapping themselves in the American Flag. Wrapping themselves, also, in such patriotic symbols as The Framers and the Constitution, as well as Family Values, the neocons were easily able to outflank free-market types and keep them narrowly confined to technical economic issues. In short the neocons were easily able to seize the moral and patriotic "high ground."

The only group willing and able to challenge the neocons on their own moralizing or philosophic turf was, of course, the tiny handful of libertarians; and outright moral libertarianism, with its opposition to statism, theocracy, and foreign war, could never hope to get to first base with conservative businessmen, who, even at the best of times during the Old Right era, had never been happy about individual personal liberty, (e.g. allowing prostitution, pornography, homosexuality, or drugs) or with the libertarians' individualism and conspicuous lack of piety toward the

Pentagon, or toward the precious symbol of the Nation-State, the U.S. flag.

The neocons were (and remain today) New Dealers, as they frankly describe themselves, remarkably without raising any conservative eyebrows. They are what used to be called, in more precise ideological days, "extreme right-wing Social Democrats." In other words, they are still Roosevelt-Truman-Kennedy-Humphrey Democrats. Their objective, as they moved (partially) into the Republican Party and the conservative movement, was to reshape it to *become*, with minor changes, a Roosevelt-Truman-etc. movement; that is, a liberal movement shorn of the dread "L" word and of post-McGovern liberalism. To verify this point all we have to do is note how many times Roosevelt, Truman, Kennedy et. al., properly reviled by conservatives while they were alive, are now lauded, even canonized, by the current neocon-run movement, from Ronnie Reagan on down. And *no one* calls them on this Orwellian revision of conservative movement history.

As statists-to-the-core the neocons had no problem taking the lead in crusades to restrict individual liberties, whether it be in the name of rooting out "subversives," or of inculcating broadly religious ("Judeo-Christian") or moral values. They were happy to form a cozy alliance with the Moral Majority, the mass of fundamentalists who entered the arena of conservative politics in the mid-1970s. The fundamentalists were finally goaded out of their quietist millenarian dreams (e.g., the imminent approach of Armageddon) and into conservative political action by the cumulation of moral permissivism in American life. The legalization of abortion in *Roe v. Wade* was undoubtedly the trigger, but this decision came on top of a cumulative effect of the sexual revolution, the militant homosexual movement "out of the closet" and into the streets, the spread of pornography, and the visible decay of the public school system. The entry of the Moral Majority transformed American politics, not the least by furnishing the elite cadre of neocons with a mass base to guide and manipulate.

In economic matters, the neocons showed no more love of liberty, though this is obscured by the fact that the neocons wish to trim the welfare state of its post-Sixties excrescences, particularly since these were largely designed to aid black people. What the neocons want is a smaller, more "efficient" welfare state, within which bounds they would graciously allow the market to operate. The market is acceptable as a narrow instrumental device; their view of private property and the free market is essentially identical to Gorbachev's in the Soviet Union.

Why did the Right permit itself to be bamboozled by the neocons? Largely because the conservatives had been inexorably drifting Stateward in the same manner. In response to the crushing defeat of Goldwater, the Right had become ever less libertarian and less principled, and ever more attuned to the "responsibilities" and moderations of Power. It is a far cry from three decades ago when Bill Buckley used to say that he too is an "anarchist" but that we have to put off all thoughts of liberty until the "international Communist conspiracy" is crushed. Those old Chodorovian libertarian days are long gone, and so is *National Review* as any haven for libertarian ideas. Warmongering, militarism, theocracy, and limited "free" markets—this is really what Buckleyism amounted to by the late 1970s.

The burgeoning neocons were able to confuse and addle the Democratic Party by breaking with the Carter Administration, at the same time militantly and successfully pressuring it from within. The neocons formed two noisy front groups, the Coalition for a Democratic Majority and the Committee on the Present Danger. By means of these two interlocking groups and their unusual access to influential media, the neocons were able to pressure the Carter Administration into breaking the detente with Russia over the Afghanistan imbroglio and in influencing Carter to get rid of the dove Cyrus Vance as Secretary of State and to put foreign policy power into the hands of the Polish émigré hawk and Rockefeller Trilateralist, Zbigniew Brzezinski. In the meantime, the neocons pushed the hysterically hawkish CIA "B" Team report, wailing about alleged Soviet nuclear superiority, which in turn paved the way for the vast gift of spending handed to the military-industrial complex by the incoming Reagan Administration. The Afghanistan and "B" Team hysterias, added to the humiliation by the Ayatollah, managed not only to kill off the bedevilled Carter Administration, but also to put the boots to non-intervention and to prepare the nation for a scrapping of the "post-Vietnam syndrome" and a return to the warmongering of the pre-Vietnam Era.

> *After eight years of Reagan, the mood of the American masses is to expand the goodies of the welfare-warfare state (though not to increase taxes to pay for these goodies), to swagger abroad and be very tough with nations that can't fight back, and to crack down on the liberties of groups they don't like or whose values or culture they disagree with..*

The Reagan candidacy of 1980 was brilliantly designed to weld a coalition providing the public's instinctive anti-government mood with sweeping, but wholly nonspecific, libertarian *rhetoric*, as a convenient cover for the diametrically opposite *policies* designed to satisfy the savvy and politically effective members of that coalition: the neocons, the Buckleyite cons, the Moral Majority, the Rockefellers, the military-industrial complex, and the various Establishment special interests always clustering at the political trough.

Intellectual Corruption

In the face of this stark record, how were the Reaganites able to get away with it? Where did Ronnie get his thick coat of Teflon? Why was he able to follow statist policies and yet convince everyone, including many alleged libertarians, that he was successfully pursuing a "revolution" to get government off our backs?

The essential answer was provided a century ago by Lysander Spooner. Why does the public obey the State, and go further to endorse statist policies that benefit the Power Elite at the public's own expense? The answer, wrote Spooner, is that the State is supported by three powerful groups: knaves, who know

what is going on and benefit from State rule; dupes, who are fooled into thinking that State rule is in their and everyone else's interest; and cowards, who know the truth but are afraid to proclaim that the emperor has no clothes. I think we can refine Spooner's analysis and merge the Knave and Coward categories; after all, the renegade sellout confronts the carrot *and* the stick: the carrot of wealth, cushy jobs, and prestige if he goes along with the Emperor; and the stick of scorn, exclusion from wealth, prestige, and jobs—and perhaps worse—if he fails to go along. The reason that Reagan got away with it—in addition to his aw-shucks "lovability"—is that various powerful groups were either duped or knave-cowardly corrupted into hailing his alleged triumphs and deep-sixing his evident failures.

First, the powerful opinion-moulding media. It is conventional wisdom that media people are biased in favor of liberalism. No doubt. But that is not important, because the media, especially elite media who have the most to lose, are also particularly subject to the knave/coward syndrome. If they pander to Reaganism, they get the approval of the deluded masses, their customers, and they get the much-sought-after *access* to the President and to other bigwigs in government. And access means scoops, carefully planted exclusive leaks, etc. Any sort of effective opposition to the President means, on the other hand, loss of access; the angering of Reagan-deluded masses; and *also* the angering of their bosses, the owners of the press and television, who are far more conservative than their journalist employees.

One of Reagan's most notable achievements was his emasculation of the liberal media because of his personal popularity with the masses. Note, for example, the wimpy media treatment of Iran-*Contra* as compared to their glorious attack on Watergate. If *this* is liberal media bias, then the liberals need to be saved from their friends.

If the media were willing to go along with Reaganite duplicity and hokum, then so were our quasi-libertarian intellectual leaders. It is true of the libertarian-inclined masses as it has been always true of the conservative masses: they tend to be not too swift in the upper story. During the late 1970s, libertarian intellectuals and free-market economists were growing in number, but they were still very few, and they had not yet established institutions with firm ties to journalistic and mass opinion. Hence, the libertarian *mood*, but not the informed *thought*, of the masses, was ready for co-optation, especially if led by a charismatic, beloved President.

But we must not underweigh the importance of the traitorous role performed by quasi-libertarian intellectuals and free-market economists during the Reagan years. While their institutions were small and relatively weak, the power and consistency of libertarian thought had managed to bring them considerable prestige and political influence by 1980—*especially* since they offered an attractive and consistent alternative to a statist system that was breaking down on all fronts.

But talk about your Knaves! In the history of ideological movements, there have always been people willing to sell their souls and their principles. But never in history have so many sold out for so pitifully little. Hordes of libertarian and free-market intellectuals and activists *rushed* to Washington to whore after lousy little jobs, crummy little grants and sporadic little conferences. It is bad enough to sell out; it is far worse to be a two-bit whore. And worst of all in this sickening spectacle were those who went into the tank without so much as a clear offer: betraying the values and principles of a lifetime in order *to position themselves* in hopes of being propositioned. And so they wriggled around the seats of power in Washington. The intellectual corruption spread rapidly, in proportion to the height and length of jobs in the Reagan Administration. Lifelong opponents of budget deficits remarkably began to weave sophisticated and absurd apologias, now that the great Reagan was piling them up, claiming, very much like the hated left-wing Keynesians of yore, that "deficits don't matter."

Shorn of intellectual support, the half-formed libertarian instincts of the American masses remained content with Reaganite rhetoric, and the actual diametrically opposite policies got lost in the shuffle.

Reagan's Legacy

Has the Reagan Administration done nothing good in its eight ghastly years on earth, you might ask? Yes, it has done *one* good thing: it has repealed the despotic 55-mile-per-hour highway speed limit. And that is *it*.

As the Gipper, at bloody long last, goes riding off into the sunset, he leaves us with a hideous legacy. He has succeeded in destroying the libertarian public mood of the late 1970s, and replaced it with fatuous and menacing patriotic symbols of the Nation-State, especially The Flag, which he first whooped up in his vacuous reelection campaign of 1984, aided by the unfortunate coincidence of the Olympics being held at Los Angeles. (Who will soon forget the raucous baying of the chauvinist mobs: "USA! USA!" every time some American came in third in some petty event?) He has succeeded in corrupting libertarian and free-market intellectuals and institutions, although in Ronnie's defense it

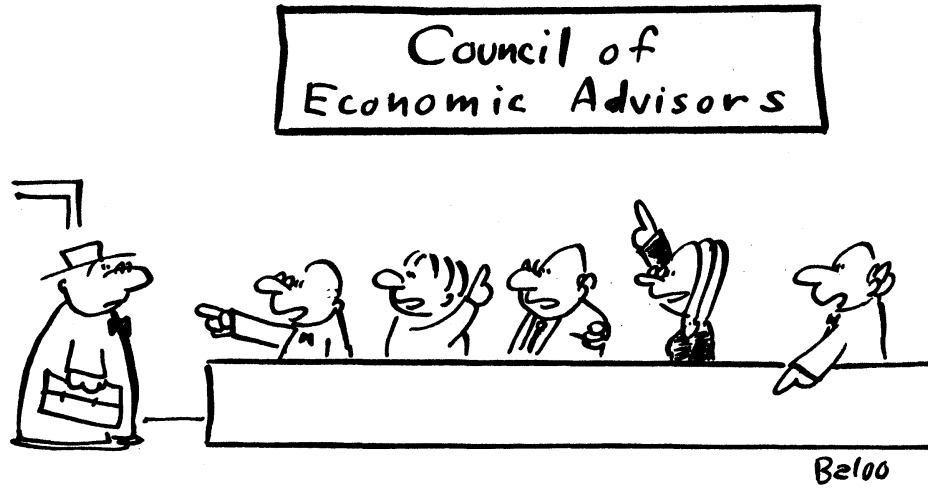

"You've got the wrong room—the Treasury Department is that way."

must be noted that the fault lies with the corrupted and not with the corrupter.

It is generally agreed by political analysts that the ideological mood of the public, after eight years of Reaganism, is in support of *economic* liberalism (that is, an expanded welfare state), and *social* conservatism (that is, the suppression of civil liberties and the theocratic outlawing of immoral behavior). And, on foreign policy, of course, they stand for militaristic chauvinism. After eight years of Ronnie, the mood of the American masses is to expand the goodies of the welfare-warfare state (though not to increase taxes to pay for these goodies), to swagger abroad and be very tough with nations that can't fight back, and to crack down on the liberties of groups they don't like or whose values or culture they disagree with.

It is a decidedly unlovely and unlibertarian wasteland, this picture of America 1989, and who do we have to thank for it? Several groups: the neocons who organized it; the vested interests and the Power Elite who run it; the libertarians and free marketeers who sold out for it; and above all, the universally beloved Ronald Wilson Reagan, Who Made It Possible.

As he rides off into retirement, glowing with the love of the American public, leaving his odious legacy behind, one wonders what this hallowed dimwit might possibly do in retirement that could be at all worthy of the rest of his political career. What very last triumph are we supposed to "win for the Gipper"?

He has tipped his hand: I have just read that as soon as he retires, the Gipper will go on a banquet tour on behalf of the repeal of the 22nd ("Anti-Third Term") Amendment—the one decent thing the Republicans have accomplished in the last four decades. The 22nd Amendment was a well-deserved retrospective slap at FDR. It is typical of the depths to which the GOP has fallen that in the last few years that Republicans have been actually muttering about joining the effort to repeal this amendment. If they are successful, then Ronald Reagan might be elected again, and reelected well into the 21st century.

In our age of High Tech, I'm sure that his mere physical death could easily have been overcome by his handlers and media mavens. Ronald Reagan will be suitably mummified, trotted out in front of a giant American flag, and some puppetmaster would have gotten him to give his winsome headshake and some ventriloquist would have imitated the golden tones: "We-e-ell . . ." (Why not? After all, the living reality of the last four years has not been a helluva lot different.)

Perhaps, after all, Ronald Reagan and almost all the rest of us will finally get our fondest wish: the election forever and ever of the mummified icon King Ronnie.

Now *there* is a legacy for our descendants! ❑

Murray Rothbard, "The 1988 Election," *continued from page 11*

the extreme grass-rootsers (e.g. Means, Dodge), who would have us abandon presidential campaigns and concentrate on a few local elections "which we can really win." Well, we've already *won* several teeny, local elections, and while this is great, these victories have hardly invigorated the Party as a whole. No matter how much we all love Podunk, let's face it, a victory there doesn't mean a helluva lot outside of Podunk's marketing area. As Arthur and many other people have argued, we can't expect immediate victory; the fight for liberty is a protracted struggle, and will not be over in a day. The grass-rootsers overlook the obvious fact that the presidential campaign is our centerpiece; not only does it get the national publicity, it energizes ourselves and our own troops. The national ticket defines our party, and, without it, the entire party would disintegrate and collapse into a few local campaigns, and, then, quickly, into oblivion. It is the national ticket that energizes and invigorates the various local campaigns throughout the country.

A disquieting development that Arthur does not mention is how badly our star local Congressional races did this year. The LP had four outstanding congressional races, where credible, articulate, and hard-working candidates got a lot of publicity, raised a lot of money, seemingly did very well, and then . . . flopped badly, getting the same one to two percent of the vote that our numerous paper candidates earned. More specifically, Jim Hedbor, Vermont, got only 0.75% of the total vote; Don Ernsberger, Pennsylvania, 2.8%; Dick Jacobs, Michigan, 0.76%; John Vernon, California, 1.9%. This, and not the Ron Paul vote total, was the most disappointing aspect of the campaign.

It seems to me that the lesson of the collapse of our star local campaigns is the reverse of that pushed by our grass-rootsers: that salvation for the Party and the cause does *not* come from the grass-roots. On the contrary, that we must redouble our efforts to wage successful presidential campaigns, because from such campaigns more grass-roots blessings will flow.

And I can't go for the pap that "votes don't matter." *Of course*, votes matter; getting votes is, after all, the point of running in elections. In the first place, vote totals are *perceived* by everyone, including the media and the public, as the crucial test of electoral success. The media and public exaggerate the importance of vote totals, because they don't understand the goals of an ideological party. But they *do* have an important point. Vote totals, after all, are the gauge of how many people have bought our message to the extent of pulling the lever for our candidates. There are, to be sure, *pace* Bergland, many other important criteria for us: e.g. growth in Party membership, and success in spreading our message. But this does not mean we should overlook the importance of votes. And besides, very often, votes will correlate well with party membership and the spread of the message.

In assessing and evaluating our campaigns, we should not suffer from false expectations followed by burnout; but, on the other hand, we should also not be Pollyannas for whom everything is always great, and ignore the accountability of the campaign to volunteers, to contributors, or to the cause of liberty itself.

To conclude: it should be clear from the January issue of *Liberty* and from our analysis that: the Libertarian Party is alive and well; that it did creditably, though not spectacularly, in the 1988 election; that the Party is vital to the cause of liberty and that all attempts to liquidate it, curtail it, or weaken its message should be repudiated; that LROC should be sent packing and told to peddle their papers to their "libertarian" buddy George Bush; and that we must never lose sight of the centrality of our presidential campaigns. —MNR

Article

A Kinder, Gentler Nation?
Fear and Loathing on the Campaign Trail in Canada

by Michael I. Krauss

Conjure up a country blessed with supplies of natural resources too boundless to ever be consumed by its small population, and a near-at-hand resource-hungry neighbor willing to purchase them at top dollar. Imagine that this country's democratic tradition is not tainted by a legacy of slavery, and that its educated electorate is adept in the world's two major trading languages. Suppose moreover that this state shares no border with third-world régimes anxious to export their demographic problems. Assume, finally, that this land has a vast territory to secure but still manages to maintain one of the lowest defense commitments *per capita* in the world. Surely this country would be the most prosperous in the world, right? Right, unless it happens to be Canada, destined (according to turn-of-the-century commentator Goldwyn Smith) to remain "rich by nature, but poor by policy."

The extraordinary election campaign just concluded north of the border should put the lie, for a long time, to the myth that Canadians are just (as the *National Lampoon* put it) "extremely boring white Americans." Nor are the Canadians "Americans who speak French" (most don't); or "Americans who aren't racist." (The few racially diverse areas of the country have severe racial problems; it is commonplace to see drunken Indians on the sidewalks of cities in Western Canada; 50% of Saskatchewan's prison inmates are drawn from its 8% native population; Canada's Asians were brutally interned during World War II; etc.) They're not even "Americans who like cold weather." (The demand for Florida vacations has proven surprisingly inelastic in spite of a decade-long decline in the value of the Canadian dollar.) Canadians are indeed different from Americans, in at least the following ways: they are poorer and an awful lot of them seem to want to remain so; they tend to frown on individual creativity and extol communitarian coercion; and a possible majority of them fear foreign influences as much as does the most xenophobic fringe of Americans. Last but not least, a substantial number of Canadians perceive envy of the Yanks as the public good needed to cement national unity. In the recent electoral campaign, these ugly Canadian traits barely missed embarrassing the country and costing its citizens dearly.

◆

Won by Prime Minister Brian Mulroney after a bruising 50-day campaign, the Nov 21 election was a three-party race pitting the governing Progressive Conservatives [1] against John Turner's Liberals and Edward Broadbent's socialist New Democratic Party (NDP). Both opposition leaders portrayed the election as involving one issue, the Free Trade Agreement (FTA) negotiated with the U.S. by Mulroney but held up in Canada's Liberal-controlled Senate, about which more later. The Conservatives (whose slogan, "Peace and Prosperity, now and for the Future," was clearly modeled on the 1984 Reagan platform), on the other hand, de-emphasized FTA from the start.

Peace there has almost always been in Canada. The country spends less of its Gross Domestic Product (GDP) on national defense than any OECD country except Luxembourg, which has a tad less territory to patrol. Prosperity there *seems* to be as well: over one million jobs have been created in Canada since 1984, and the country currently enjoys the fastest growing economy in the West.

Whether this prosperity is more than skin deep is an interesting question, though. The Canadian federal government annually runs colossal deficits, to which must be added even larger provincial deficits generated by numer-

ous federal-provincial social programs. Total Canadian deficits exceeded 5% of GDP from 1982 till 1987, according to OECD figures (the U.S. figure is about 3%). Canadian public debt in 1987 reached 68% of GDP (50% in the U.S.), and Canada's foreign indebtedness (39% of GDP) rivals Brazil's. Canadian governments absorbed fully 48% of national wealth in 1986 (as compared to 37% in the U.S.). It is worth repeating that these expenditures came about despite a free-ride on U.S. taxpayers' defense spending: with similarly low military outlays Washington would probably balance its budget. Yet the deficit has never been a pressing public concern for Canadians, despite occasional op-ed laments for a population living well beyond its means and transferring the costs of prodigal social programs to future generations of taxpayers.

The Mulroney government appeared to have understood Canada's economic dilemma when it defeated the governing Liberals with an unprecedented 211 seats (as against 40 Liberal and 30 NDP) in September 1984. The new Prime Minister decreed an immediate freeze of federal hiring and spending, and summarily axed a few of the more outrageous Liberal programs (such as the National Unity Agency, an agit-prop office created to promote the election of friends of the federal Liberals in Quebec). At the opening of the new Parliament in November 1984, Mulroney declared that "the picnic has to stop." His Throne speech [2] promised to:

- reconsider the universality of many social programs;
- slash Unemployment Insurance (UI) benefits by $1 billion. (All salaried Canadians must pay into this fund. Eight weeks' paid work entitles one to up to 51 weeks of UI payments at 66% of salary. The plan has been extended to protect, *inter alia*, self-employed fishermen in the Maritimes, who double up on payments by hiring their common-law wives as salaried "housekeepers" during the 8-week fishing season. The fish are then sold at a loss, and both "workers" live in leisure for the rest of the year . . .);
- implement severe cuts at the (left-leaning) Canadian Broadcasting Corporation (CBC);
- kill the Foreign Investment Review Agency (FIRA), which had discouraged and at times prohibited American investment in Canada, costing the country billions in capital inflows and hundreds of thousands of jobs;
- dismantle the National Energy Program (NEP), which had resulted in the nationalization (without compensation) of a share of Canada's petroleum industry, as well as a massive transfer of wealth from Western Canada to Ontario and Quebec.

Most importantly for the new government, the Prime Minister (who had proclaimed during his 1984 campaign for the leadership of the PCs that "free trade affects Canadian sovereignty, and we will have none of it") took a crash course in economics from Derek Burney, then a top civil servant at External Affairs, [3] and urged negotiating a trade agreement to President Reagan at the "Shamrock Summit" in Quebec City in March 1985.

> *Canadians are different from Americans: they are poorer and an awful lot of them seem to want to remain so; they tend to frown on individual creativity and extol communitarian coercion; and a possible majority of them fear foreign influences as much as does the most xenophobic fringe of Americans.*

Unfortunately, whatever may have been the Mulroney commitment to freer markets and less intrusive government, these concerns were soon eclipsed by the need to salvage an administration mired in scandal. Was the Conservative team more dishonest than is usually the case, or had their troops simply been away from the troughs too long? The following incomplete chronology tallies the damage that greed and stupidity wreaked on the PCs:

- *February 1985:* Defense Minister Robert Coates was forced to resign in the wake of controversy surrounding his "relations" with a German strip-tease "artist" following a visit to a sensitive NATO base;
- *June 1986:* Justice Minister John Crosbie faced controversy over his sons' appointment as legal agents for the federal government in Newfoundland. Crosbie was also roundly criticized by the media and by feminist picketers after calling radical Liberal MP Sheila Copps "baby" during a heated debate in the House of Commons;
- *September 1985:* Fisheries Minister John Fraser was forced by Mulroney to resign after it was revealed that he had allowed tuna that he knew to be "tainted" (smelly but not unsafe) to be sold by private companies. Fraser's crime was that he felt that the market, not the government, should determine the quality of goods sold in the country;
- [same month]: Communications and Culture Minister Marcel Masse quit, as it was confirmed that the Royal Canadian Mounted Police (RCMP) was investigating allegations that he spent more than was allowed by federal law during the election campaign;
- *December 1985:* Environment Minister Suzanne Blais-Grenier resigned after it was revealed that she toured western France in a private limousine, at taxpayers' expense (to discover her "roots"), during an official visit to that country;
- *May 1986:* Youth Minister Andrée Champagne was fired following the leak of a letter in which she advised party executives that summer employment programs would be directed to members of the Young Progressive Conservatives, so as to boost membership;
- [same month]: Industry Minister Sinclair Stevens quit the cabinet amid allegations (subsequently confirmed by a judicial inquiry) that he and his wife received generous "loans" from firms that did business with his department;
- [same month]: PC Member of Parliament Michel Gravel was arrested by the RCMP on 50 counts of influence peddling and corruption;
- *October 1986:* the Auditor-General crit-

icized the decision to build a large federal prison in Mulroney's isolated riding in northeastern Quebec. There simply are not enough prisoners there, and the ones that must be shipped in will be far from family and support groups;

- *December 1986:* a Citizenship judge (appointed by Mulroney) in Ontario was suspended following news that he had strongly suggested that applicants for citizenship show support for the Conservative Party;
- *January 1987:* Junior Transport Minister André Bissonnette was fired after disclosure that he had made millions in a 24-hour "flip" of land near his home. The ultimate purchaser of the land was a Swedish firm whose defense business with the government had been subsidized on condition that it build a plant in Bissonnette's riding;
- *February 1987:* Minister of State Roch Lasalle resigned, amid controversy surrounding his involvement in fund-raising efforts linked to explicit promises of federal contracts;
- *April 1987:* the Conservatives' popularity is further eroded as it was revealed that the PM has a fetish for Gucci loafers (he owns 56 pairs);
- *February 1988:* Supply and Services Minister Michel Côté was forced to resign after failing to declare a $300,000 personal "loan" he had received from a friend who obtained several government contracts;
- *August 1988:* Ms Blais-Grenier (see Dec 1985), now a "backbench" MP, was expelled from the Conservative caucus after going public about an overt "kickback system" used in the granting of federal contracts;
- *October 1988:* It is revealed that a PC MP from Quebec had been convicted of armed bank robbery in the 70s;
- [same month]: Another PC MP from Quebec, Mr Ricardo Lopez, calls a press conference to declare that Labrador should be given to the Indians, since "the only thing we have up there is a military base [and] in any case, they [the Indians] don't have too much interest in the rest of society." Large-scale protests by whites in Labrador followed; for their part, Indians blocked bridges leading to Montreal. Mr Lopez also proposed legislation providing that the government pay mothers $100 per week per child to stay home, so that unemployed males can take their jobs. (Mr Lopez has a wife and 5 children.)

The cumulative effect of these and other *gaffes* swiftly eroded Mulroney's 1984 support, and diverted attention from his efforts to unite French and English-speaking areas of the country, reform the tax code *á la* Kemp-Roth, and decrease the federal deficit (it dropped from $38.6 billion in 1985 to $28 billion in 1988). By late 1987, the Tories were projected as clear losers in a future election.

> *Were the Conservatives more dishonest than is usually the case, or had their troops simply been away from the troughs too long?*

The party apparently decided at that point that bribing Canadian voters with their own money was their last hope. A first glimpse of Mulroney's new policy followed protests by "activists" for the unemployed. The government then rejected out-of-hand a compelling (and very expensive) Royal Commission report urging massive cuts to the UI system, which the Commission held responsible for Canada's remarkably high unemployment rate (rarely below 10%). Then, in February 1988, Mulroney actually modified the UI system to allow for government-paid *paternity* leave for all.

Other pre-election protests also resulted in prompt government action. Thus, in 1987 and 1988:

- Health "activists" obtained a ban on all tobacco advertising in the country, *nonobstante* freedom of speech. This of course immediately diverted Canadian tobacco publicity contracts to American print and electronic media (widely circulated in Canada);
- Nationalists charged that Lake Superior and James Bay would soon be draining into American Jacuzzis. They obtained a "ban" on all sales of fresh water [4] to the U.S.A., now or in the future, FTA or no FTA. No fresh water is being sold presently anyway, and it was not clear what the legal validity of a pledge *never* to sell fresh water could be;
- Canadian Naderites got the government to extort from Canadian banks huge reductions in service charges (already much lower than in the U.S.);
- Yankee-haters and unemployed shipbuilding workers convinced Mulroney to increase defense expenditures by building nuclear-powered submarines (cost: $8 billion) to protect Canadian sovereignty from evil U.S. ships roaming Arctic waters without Ottawa's permission;
- The feminist lobby obtained a $1 billion massive child-care program. Unfortunately for Mulroney, a consortium of the Canadian Labour Congress, the Public Service Alliance of Canada, the National Action Committee for the Status of Women, and the National Anti-Poverty Organization proceeded to condemn his proposal, which was left hanging in the Senate at election time. Instead of establishing "peoples' Government Day Care Centers" as per these organizations wishes, Mulroney had essentially proposed a voucher system that would encourage competition among commercial day care providers. This "set a dangerous precedent" in Canada, according to the coalition;
- Last but not least, Maritime premiers obtained a blank check for a colossal deal in Newfoundland whereby private companies will develop Hibernia offshore oil fields that (in the absence of federal subsidy) are clearly uneconomical.

Lurking in the background of these moves, and to some degree compensating for them in the eyes of economically proficient Canadians, was FTA, which will eliminate most (but not all) tariffs on goods and services between the two countries over a ten-year period. FTA will (by the most modest estimates) raise Canadian manufacturing output by 10.5% and increase exports by 4%, all the while lowering factor and consumer prices and provoking job-creation and entrepreneurship. [5] Of course, unions and companies presently protected

from American competition opposed the agreement, and Canadians have from the start been of two minds about FTA.

The NDP (Canada's Labour Party) is constitutionally controlled by unions, and its opposition to the agreement was to be expected. Liberal Turner, however, was a Toronto corporate lawyer who, when announcing for his party's leadership in 1984, was photographed proudly reading Michael Novak's *The Spirit of Democratic Capitalism.* He had sent his children to Stanford and Princeton, and had quipped in 1973 (when he was Finance Minister in a Trudeau government) that "real power was all about playing tennis with George Schultz." His opportunistic promise to "tear up the deal" if elected shocked Canada's business establishment.

Mulroney's 1987 conversion to the welfare state pulled his party ahead in the polls for the first time in 30 months in September 1988, although support for his government was plainly "shallow," as they say. His preference would undoubtedly have been to wait until 1989 to call elections (constitutionally, he had until September 1989 to do so). Turner forced his hand, however, by "asking" the liberal majority in the non-elected Senate not to pass legislation ratifying FTA.

The revolutionary nature of Turner's action might be difficult for Americans to grasp. Canada's Senate is devoid of political legitimacy. It is composed primarily of people who made generous donations to the party in power in the House of Commons at the time of their nomination. Since the Liberals have formed the government over 85% of the period since 1940, that party heavily dominates the Senate. This has never posed a problem for Conservative governments in Ottawa, as the appointed-for-life Senators follow an unwritten constitutional convention requiring them to approve bills adopted in the House of Commons. In April 1988, however, the Senate refused to pass without substantive amendment a House bill designed to obtain Quebec's approval of Canada's decade-old Constitution. A month later, the Senate stalled a bill destined to close a gaping loophole in Canada's refugee law. In September, as mentioned, it announced that it would not adopt FTA (which had to be ratified by Canada before January 1, 1989) unless Mulroney asked for and obtained another mandate at the polls.

Conservative promises would cost the federal treasury $3.8 billion over 4 years. Liberal promises would cost $27.5 billion over the same period. Neither party proposed any new taxes to pay for these pledges. By contrast, the NDP's "modest" $16.7 billion offering of goodies to Canadians was, to its "credit," accompanied by an NDP $13 billion "soak the rich" tax hike.

Finally, just as elections were called on October 2, the Senate proclaimed that it would not pass the child-care bill. Mulroney's advisers decided that, despite this virtual revolution in Canadian constitutional law, he would hurt the PC cause if he based the campaign on a call for an elected Senate. This says as much, if not more, about Canadian apathy for self-government than did Pierre Trudeau's popular 1968 opinion that "order in Czechoslovakia is much more important than democracy in Czechoslovakia."

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Several American journalists praised the Canadian electoral campaign as more "serious" than its U.S. counterpart. In reality, it was more patronizing, more demagogic and far uglier. Mulroney quickly yielded to feminist demands that one hour (the middle hour, to forestall viewers switching off their sets) of the three-hour national debates (about which more below) be exclusively devoted to "women's issues." All three parties multiplied disastrous promises. Mulroney announced three new laboratories and institutions for Manitoba following news of a Liberal resurgence in the polls there. He countermanded a Department of Defense order to dismantle an obsolete radar site in his home riding in Quebec. He promised $50 million in "new money" to small towns "to combat pollution," and $125 million to "clean up the Great Lakes," immediately after polls showed voter concern about the environment.

Meanwhile, John Turner announced new programs the like of which even Canada had never seen before. He proclaimed his party's support for "total pay equity" (equal pay to men and women for "work of equal value to society," as established by a government board that would supersede market determinations of salary). He unveiled a massive program whereby the federal government would cover a part of Canadians' mortgage and rent payments. He promised Montrealers that he would build a mammoth Space Agency in the city ($750 million). He ridiculed the Mulroney child care plan, promising a much more extensive program initially valued at $4 billion, but which he later admitted would cost $9 billion. He promised dozens of new Post Offices (Canada Post is a strike-prone, grossly inefficient money-loser that Mulroney had pared down). He vowed to impose "total sanctions" and to break off diplomatic relations with South Africa (but not with Ethiopia or Rumania). He pledged to restrict foreign investment again. He offered $1000 to every Canadian over 65. He announced huge new grants to inshore fishermen. (The Toronto *Globe and Mail* added, "Asked if [the fishing program] might be viewed as a subsidy by the U. S. under current trade laws, and thus provoke devastating countervailing duties, Mr Turner said yes. But that threat apparently had no impact on the party's plans.")

Toronto's C. D. Howe Institute estimated that Conservative promises would cost the federal treasury $3.8 billion over 4 years. Liberal promises would cost *$27.5 billion* (an amount equal to the federal deficit) over the same period. (These figures cover only direct outlays, neglecting the costs of lost productivity.) Neither party proposed any new taxes to pay for these

promises. By contrast, the NDP's "modest" $16.7 billion offering of goodies to Canadians was, to its "credit," accompanied by a typical NDP $13 billion "soak the rich" tax hike. (Marginal tax rates in Canada now routinely exceed 50% on incomes of about U.S. $25,000.)

Cynical as this pandering may seem to the reader, it pales when compared to the treatment of FTA by the opposition parties. John Turner obviously considered that the 1000-page document could never be understood by a public ripe for Yankee-baiting. On October 2, the first day of the election campaign, Turner announced his colors by proclaiming a Holy War against the Conservatives. "We will not allow Mr Mulroney to sell out our birthright," he asserted. "I happen to believe that you have sold us out!" was his accusation on Oct 24 and Oct 25, as Canada was treated to two debates (in French and in English) by party leaders. Liberal TV ads portrayed American and Canadian negotiators of FTA jointly erasing the border between the two countries. Liberal and NDP leaflets alleging that FTA would abolish the Canada Pension Plan and governmental health care were circulated in old-age homes and hospitals. Turner stated in New Brunswick that Canada's 750,000 food-processing jobs would be "legally wiped out" by FTA. (When challenged by a worker, the Liberal leader replied that he meant that competition would "put the jobs at risk.") Stephen Lewis, Canadian Ambassador to the United Nations and former Ontario NDP leader, contended that *all* of Canada's culture (including the CBC and the National Films Board, etc.) would "die" under FTA. When his interviewer observed that the agreement expressly exempts culture, Lewis rejoined that "One of the things I also learned at the UN is that the United States does not always honour international agreements."

Brian Mulroney seemed unprepared for an aggressive campaign, and especially for this assault on FTA, predictable though it was. During the debates, he apologized five times for government corruption. His improbable FTA television strategy was to attempt to explain, Adam-Smith-style, the advantages of free trade to two flag-waving opponents and to incredulous CBC questioners. Following derisive laughter by Turner and Broadbent, Mulroney resorted to an anxiety-creating claim that FTA was in any case no big risk, since if it did prove damaging it could be abrogated on 6 months' notice. The PCs' dumbest act was surely their response to the border-erasing ad: three weeks after its airing, the Conservatives produced their own TV spot showing the two negotiators *putting back* the border. This of course only reminded the voters of the Liberal publicity.

All this was enough to dissipate the Tory lead among a fickle Canadian electorate, only 41% of which had voted for the same party at the three preceding elections. A week after the debates, on October 30, the two main parties had roughly equal support, and (despite one Gallup poll that seems to have been deeply flawed) they remained neck-and-neck until about ten days before the November 21 ballot. By November 10, however, three things had happened that sealed the fate of the election:

1) On November 4, 89-year old former Supreme Court Justice Emmett Hall, the author of Canada's medical care program, held a press conference to dispute the claim that FTA legally gutted medicare. The image of this respected, frail old man accusing the opposition leaders of dishonesty was breathtaking, and considerably undercut the critique of FTA for the remainder of the campaign. Indeed, during the next two weeks Turner and Broadbent curiously shifted their argument, arguing that medicare might well be dismantled, *not* because it would be illegal under FTA but because it was inefficient and would make Canadian industry uncompetitive. Not surprisingly, this message carried less emotional punch than their previous one.

2) Canadian business, generally favorable to FTA, staged a major media blitz in the last two weeks of the campaign. Every newspaper in the

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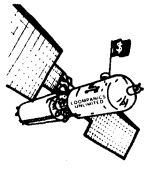

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country was blanketed with ads proclaiming the beneficial effects of FTA and the horrors that would result if Canada turned it down. Since the Canadian dollar lost ground (from 83.5 cents to barely 80 cents in two weeks, an incredible loss of national wealth) in lockstep with Liberal advances, these claims seemed credible. One vivid TV interview showed John Turner condemning a four-page spread in 35 dailies (paid for by 150 Canadian companies) as "intellectually dishonest," and vowing that "big business, led by American multinationals, are now trying to buy this election. . . . Canada is not for sale, and I don't believe Canadian voters are for sale." In response to the next question, Turner admitted that he hadn't yet read the ad. Newspapers reporting this interview added that Turner had for many years sat on the board of a subsidiary (Bechtel Canada) of an American multinational.

3) Following the American lead, the Tories reacted to initial setbacks by hitting Canadians with the most extensive and expensive two-week bombardment of advertising the country had ever seen. The publicity diverted attention from FTA to the flagrant economic incompetence of the Liberal team (clearly the weakest Liberal slate fielded this century). The *average* Canadian viewer saw 20 TV spots during the final week of the campaign, some of them highlighting Turner's dismal record as Finance Minister for 2 1/2 years in the 1970s (unemployment had increased; inflation had doubled and greatly exceeded the American rate; the civil service grew at twice the rate of private employment; the Canadian dollar fell for the first time below $1.00 U.S.; federal spending had increased at a rate of 23%/yr; etc.). The Liberals' response consisted of wrapping themselves ever more tightly in the Maple Leaf flag (some zealots publicly burned the American one), but this appeared weak and indecisive.

The ultimate Conservative victory was a clear-cut one. It is simply false to claim, as have some U.S. commentators, that Mulroney was victorious only in French Canada. The Conservatives won Quebec, Ontario and the West, with the Liberals obtaining a modest majority of seats in the welfare-dependent Maritimes. The Tories remained Canada's only national party, as the NDP won none of the 107 seats east of Ontario and the Liberals only 6 of 86 seats in provinces west of Ontario. The Tories' 44% vote is quite respectable for a three-party Parliamentary system.

The final tally, 170 PC, 82 Liberal and 43 NDP, gave Brian Mulroney Canada's first back-to-back majority government in 35 years. The Canadian dollar has skyrocketed to near 85 cents U.S. since the election, and I predict it will go higher. John Turner's disastrous political career is, mercifully, finished. Socialism and isolationism have failed to gain ground. The Free Trade Agreement was pushed through a humbled Canadian Senate. All this is a wonderful thing, for Canada, the U.S. and indeed (following the GATT debacle in Montreal in December) the world. But it would be erroneous to see in the outcome of the Canadian elections an explicit ratification of FTA, about which the Canadian public remains ignorant and apprehensive. More likely correct is the explanation that Canada's vote was an ultimate rejection of what may well be the most extreme display of political demagoguery seen in North America this century.

It is said of Walter Mondale's 1984 campaign that it was "interest-group liberalism in its worst possible incarnation." Well, folks, welcome to Canada, where a kinder, gentler nation is still reeling from a close brush with Peronism. ❑

Notes

1 The name was changed from "Conservative" to "Progressive Conservative" at the instigation of Prime Minister John Diefenbaker in 1958. Diefenbaker feared that Canadians might misinterpret the Tory moniker as a sign of opposition to the all-encompassing welfare state. The new "Progressive" designation has allowed the PC's infinite flexibility in this field, as we shall see.

2 A Throne speech, read by the Queen's representative but prepared by the cabinet, is a declaration of intention at the opening of each Parliament, putting the country on notice as to the bills the government (i.e., the Cabinet) intends to propose to the House of Commons.

3 Burney was named Canadian Ambassador to the United States at the outset of the 1988 election campaign.

4 Estimates vary greatly, but it seems that Canada sees about 20% of all the world's fresh water runs through its land. Only an infinitesimal portion of this water is used: the remainder flows into the oceans.

5 For a detailed account of the genesis, the contents, and the probable effects of FTA, see M. Krauss, "The Canada-U.S. Free Trade Agreement: Now or Never," Cato Institute Policy Analysis #105, May 3, 1988.

Essay

Guns and Guilt:

The Impulse Toward Gun Control

by Allan Levite

The importance of facts and meaningful statistics in such a volatile issue as gun control should not be slighted—but these are not the only aspects of the problem worthy of consideration . . .

Few issues are more heated and controversial than gun control, especially in its current manifestation of handgun ownership bans. But are handguns the real issue? In accidents, shotguns kill approximately fives times more people than handguns, even though the numbers of handguns and shotguns in the U.S. are approximately equal. [1] It would therefore be foolish to think that gun confiscation would end with handguns; it more likely would begin with them. This prospect becomes clear when we examine the typical appeals used by the gun control movement.

Guilt As a Weapon

The gun control movement's use of guilt as a weapon is obvious to anyone who has listened to its appeals. If one declines to support their cause, one seems partly responsible when someone else misuses a firearm. (Or, at least, one seems to lack compassion for the victim.) Of course, we should consider ourselves as being in good company here, for this is precisely what has been insinuated about the taxpayers for the last half-century. Do the taxpayers have the audacity to think they have the right to spend their entire paychecks as they please? If social spending went underfunded, the expected increase in destitution would presumably be the taxpayers' fault. Who wants to think of himself as heartless enough to permit hunger or homelessness?

This is why most people hate the welfare state yet continue to vote for it. Most citizens do not know how to resist guilt, especially when it comes from unexpected quarters and is disguised as something else, such as compassion. The fact that the welfare state has made things *worse* for the poor, as Charles Murray aptly demonstrated, [2] is of course withheld from public scrutiny. No one could be made very remorseful about wanting to resist the welfare state if it were publicly acknowledged to be a failure.

In a 1986 article, Lucy Braun (a former assistant editor of *Reason* magazine) described her encounters with political opponents in college, and their use of guilt as a weapon against her:

> . . . when I dissented, my motives, rather than my beliefs, were questioned. It is, after all, easier to disarm political opponents by slandering their character than by facing and discussing legitimate ideological differences. [3]

And it is much easier to slander someone's motives and make him appear heartless and uncaring than to explain away the Second and Ninth Amendments.

To determine *why* anyone would resort to using such tactics, we must ask what *kind* of person would use guilt as a weapon. If a gun owner needed a weapon, he would presumably use a gun. A samurai would use a sword. J. Paul Getty would have used money as a weapon, and Bruce Lee would have employed Kung-fu. So what sort of person would use guilt as a weapon? Someone who is intimately familiar with it. But under what circumstances would someone be so familiar with guilt?

It is guilt-ridden people who so enthusiastically make themselves believe that their opponents harbor selfish, base, mean motives. How else could they exalt their own motives as pure and noble by comparison?

The Role of Social Class

To explain why so many different people come to use the same tactics, let us take an imaginary journey to the backwoods timber country of the Pacific Northwest. We enter a rustic tavern and observe that all the customers are loggers. Every conversation concerns some aspect of the logging life. Would we call this a conspiracy? No, we would instead conclude that the loggers' common background was the cause of their unanimity of interests.

This same principle explains, for example, the near-unanimous consensus of major-media journalists on the gun control issue. The journalists attended the same colleges or the same kind of colleges, studied the same curricula, became familiar with the same writers, and encountered the same range of views. They also came from, or soon

moved into, the same social class, with its similar spectrum of values and attitudes. In short, the journalists went to the university and became "liberals," which is neither a surprise nor a coincidence.

A good case can be made for the assertion that the journalists' unswerving support of gun confiscation is sociologically, not politically, based. If logic dictated their views, the journalists would have to spend eleven times more effort supporting a return to Prohibition, since alcohol is at least eleven times more deadly than handguns.[4] They could not cite Prohibition's failure in practice, nor its universal flouting, as reasons for not supporting it now, since gun control laws are also widely flouted and also fail in practice.[5] Its proponents, in fact, often claim that they expect no great results from it and favor it more as a symbolic gesture, a moral statement, than as a practical proposal. (They obviously do not expect even a bare majority of gun owners meekly to turn in their weapons if ordered to do so.)

Symbolic gestures are a special field. Who ever heard of poor people or working-class people making symbolic gestures? This is a class war in reverse. Whatever resentment against gun owners exists is based on the fact that they live mainly in the lower and lower-middle classes, with corresponding social attitudes. *All in the Family* may have been the best example yet of how wealthy Hollywood liberals disdain the workingman whom fifty years ago they eulogized.

The point is not that liberals, journalists, and intellectuals are prejudiced against the lower classes. They are not. The point is that they feel guilty about not *being* poor. To have to admit that one lives in such a safe neighborhood that one feels no need to have a gun for protection is an embarrassing reminder.

Journalists and Guilt

Journalists are always observers and never participants. They also have greater-than-average affluence and education. In Western cultures, these characteristics alone can be enough to produce guilt at least part of the time. When a normally sensitive, impressionable newscaster, who has a suburban home and a BMW, airs a story about starvation or homelessness, what else could he be expected to feel? He has done nothing wrong; he has not contributed in any way to these problems; yet he may feel as if he had. One's surname need not be Rockefeller or Kennedy or Fonda for one to feel remorse about not being poor; all one need do is not be poor.

> *Intellectuals never blame poor and average people for any problems, since intellectuals regret being neither poor nor average. Nor will they blame criminals (unless they are white-collar criminals), since criminals are also poor.*

And so, when the lords of the welfare state imply that anyone who fails to support their efforts is a heartless misanthrope, journalists swallow this cant without protest, having accustomed themselves to think in these terms. What is worse, they make millions of others believe it too.

Similarly, when the gun control partisans tell journalists that all those who fail to support their efforts are callous boors who lack compassion for victims of gun accidents, the journalists believe this too. Why not? All guilt trips are created equal; the context differs but the content is identical. Big-city journalists are, to one extent or another, intellectuals, and guilt and intellectuals go together like love and marriage used to.

Whom Do We Trust?

The gun control movement does not seem to question the right of the police, the military, and other authorities to possess firearms. It questions only the rights of citizens. But why does it trust the government so much more than people in general? One might say that this reflects ignorance about government usurpation and corruption, but the gun control people are not unaware of these dangers. Who has done more to publicize and condemn police brutality than the liberals and journalists? We have learned so much about police malpractice in the last quarter-century because the journalists have told us so much about it. And now these same authorities and police forces, whom the liberals and journalists *themselves* have so often shown to be brutal and corrupt, are the *same* fellows to whom citizens' guns should be forfeited.

What the journalists and the gun control partisans really want is to be symbolically punished by an authority figure such as the state. And what kind of people *would* want to be punished? Would it be poor people, or rich journalists and cartoonists? Would it be laborers, or lawyers and professional politicians? Would it be people who live in the inner cities, or some of the people who live in comfortable suburbs like Oak Park and Morton Grove, Illinois, where handgun bans were passed? Why else would the gun control movement have so many notables and so few poor people? Fortunately, it is just as hard to make poor people feel guilty as it is easy to make the affluent and educated feel guilty.

Who Is To Blame?

When we understand the temperament of guilt, a great many political viewpoints become clear. Are people dying of cancer? The intellectuals say it must be the fault of the cigarette manufacturers. Are drunk drivers taking a heavy toll on the highways? The intellectuals say it must be the fault of the alcohol industry. The worst insult they can hurl at anyone is pecuniary motivation. This is understandable when we consider that the savants are already guilt-ridden about money and the status it gives. They cannot view money as morally good or even neutral.

Where there is guilt, there must be someone to blame. Intellectuals never blame "human nature" or "the way of the world." They look instead for some category of people to blame. But whom? Obviously, poor and average people will not be blamed for any problems, since intellectuals regret being neither poor nor average. Criminals will not be blamed (unless they are white-collar criminals), since criminals are also poor. Pete Shields, Chairman of Handgun Control, Inc., could never blame his

continued on page 34

Essay

Liberty and Death

What Do You Do When Your Mother Asks You to Kill Her?

by M. H. Endres

How do you feel about suicide? Does it violate your moral principles?

How do you feel about assisting someone else to commit suicide? Does action that results in the death of another person—at that person's request—constitute aggression? What is "action on your part?" Furnishing the means to commit suicide? Placing sleeping tablets on a person's tongue and holding the glass of liquid to wash them down? Do we have to draw a line at all?

Let me tell a short and very personal story—one that caused me no small amount of pain and agony and required me to rethink a number of previously assumed principles.

My mother was about as close to "good" as anyone I've ever known. She was the only person I ever knew who believed the very best of everyone she ever met and was never disappointed. She was a devout Roman Catholic and numbered her true friends in dozens. She wore very loving and very rose-colored glasses. The world and all that was in it were good. That was the way it was, as far as she was concerned. No evil lurked, no baddies were out there to hurt her—God was on her side.

Her world lurched a bit when my father died of heart disease after a year-long illness. That wasn't in the plan. But it must have been "God's will," and the loneliness was something to be borne and lived with.

This turned out to be not an easy task. After my father's death, Mom fell victim to grief; she developed cancer within a year. She was never afraid of death and had a love of life that gave her strength to put up a pretty good fight. She suffered a year of chemotherapy, with its violent illness and loss of life quality—and she did it knowing that it was just buying time, not curing her disease. Toward the end, when chemo was no longer recommended because of the damage it was doing to the rest of her body, she accepted the fact that she was going to die.

So she made up a rose-colored picture in her mind of how it was to be. She would go to the hospital, put on a clean white nightgown, fold her hands across her breast and God would take care of her. It was a peaceful picture.

And it was totally out of touch with reality. She died for six weeks—one inch at a time. My wife and I sat by her side every day and watched the rose fade from her vision. At first, she was confident that all would be well—a little uncomfortable maybe, but soon it would be over. Then, between sleeps brought on by ever-increasing doses of morphine (the only drug that would suppress the gagging pain of metastatic cancer spreading through her abdomen), she would awake and ask in wonder, "Why am I still here?" or "Why hasn't God taken me?" and she would weep until more medication was given and sleep returned.

The morning of the 33rd day, she awoke with me holding her hand. She squeezed my hand and with her eyes closed, said quite simply, "You know, Mike, God won't hate you if you kill me." A moment later, she said, "Please?" Then tears began to flow down her cheeks. I don't remember what I did then. My next recollection was standing outside her hospital room door, forehead resting against the concrete wall, crying with such intensity that a nurse came from the floor station to ask me if I was all right.

I wasn't.

What do you do when your mother asks you to kill her? A mother who held life not just as something important but as something sacred. A mother who never missed Mass on Sundays and never wavered in her belief in God, a God that had somehow abandoned her at the last minute.

I'll tell you what you do. You do what she asks you to do.

On the advice of her closest friend, she had executed a living will before entering the hospital. A living will is officially recognized in the state where she lived, but the hospital where she was confined was Catholic, and we feared this might complicate the process.

It did not. After a discussion with her attending physician, her doctor honored the document in the only way he could. With his assistance, we allowed my mother to die of dehydration, slowly and relatively painlessly.

Of course it was all unofficial. When

her blood pressure dropped to the point where keeping a vein open for drip IV became difficult, all efforts toward providing hydration were stopped. Medication was increased to keep her comatose and pain-free. She was kept clean and unconscious. It took her five more days to go into non-responsive coma and 20 more hours to die, poisoned to death with her own body wastes.

I wouldn't submit my dog to such tender, callous, and immoral care.

You must understand that the major reason for the hard, long dying was my mother's inability ever to discuss dying, let alone plan her own death. That was "God's will" and out of her hands. Then it was too late to do anything about it. She sadly discovered that God's hands were slow in her case. She did what she could. She asked for help in dying. Because our laws forbid euthanasia, she got no help except a passive "dope her up and let her dry out" death.

And that enrages me.

Dying is a subject avoided in our society because it is decidedly unpleasant. Dying is not a clean nightgown, folded hands upon the breast and a peaceful passing on some kind of cue. Dying is more likely to be weeks of pain, incontinence, more pain, tubes, pumps, slow loss of senses, more pain. Only long after all joy has gone and what is left is agony of the worst sort for both you and those you love, in spite of all the torture modern medicine can bring to bear to lengthen life just because it can be done, does death come.

Somewhere, somehow, you get left out of the picture. You become a thing to be kept alive regardless of expense, regardless of the mental anguish of those who must watch the life-stretching exercise and, most importantly, regardless of your own wishes. If you go into a hospital with a terminal illness (or serious injury) and haven't first touched all the legal bases to insure that your wishes are followed, those nice white-starched folks are going to keep your heart beating as long as they can in spite of any preference you might have—for no reason better than practice and the law and our collective moral standards.

Dying is as much part of living as is birth. It is something that happens to all of us. You do yourself and those you leave behind a terrible disservice by not giving at least as much thought to dying as you do to any other activity in which you will participate. Dying is the very last thing you will ever get to do in life. There is nothing that we can do to prevent it. All we can possibly do is plan how, when and where the dying happens.

At what point in the living process does one stop? How far does the quality of life descend before the benefits of dying exceed the costs of living? These questions concern quality of life and its costs and benefits; they call for a literally free-market evaluation of your own situation. Obviously, they are answerable only by you. No one can pick and choose the moment in time when the pain and suffering of a terminal illness or just age itself costs too damn much to continue living. I personally plan to kick and scream and fight and claw for every inch of life I can get—but it has got to be life—not a living death or a vegetative existence.

I wouldn't submit my dog to such tender, callous, and immoral care. Because our laws forbid euthanasia, she got no help except a passive "dope her up and let her dry out" death.

Is it morally wrong to plan the manner in which you wish to die and make the necessary preparations? I can see no reason to condemn any person (myself included) who makes a considered and intelligent decision on the subject. Each human being owns his body, having earned the right to life and defended that right throughout his life. An inherent part of this right is the right to stop one's life at any time one chooses.

What about the issue posed by my mother's request? It it wrong to assist another person to plan and execute their own death? This is a moral decision that each of us must make on his own, depending on the facts and conditions surrounding the request for assistance and his feelings toward the person and to the request.

Of course, decisions of this sort cannot be made lightly. I would not even consider such a request unless I were sufficiently close to the individual that I could determine his mental state. Depression is a disease; severe despondency can bring on suicidal desires (and acts) in an individual that are sometimes not the product of rational decision-making processes.

If I am convinced that the individual is in full possession of his faculties and has carefully thought out the action and its consequences for both himself and others, I'd try and get the individual to figure out a way around the problem that caused the suicidal decision. I'd try to assist the individual in attempting to improve the quality of his or her life to the point where suicide is no longer an attractive alternative. If that fails, then yes, I'd do what I could to assist by furnishing information and what ever was necessary to allow that person to determine how to end his life.

There is a still tougher question: the one posed by my mother. Can one personally take the responsibility and perform the physical action necessary to cause another's death at their request if they should be unable to do it themselves?

Generally speaking, no. I could not. I cannot find it within myself to respond to another's request in such a manner. I make this statement in reference only to a hypothetical request, however, and reserve the right to rethink it if the occasion should ever arise and it certainly depends on who is involved in the situation. (Is this a cop-out? I have already told you what I did when my mother asked. I made my decision because I knew she was of sound mind and judgment and had thought out the action and its consequences. But most of all I did what she asked because I loved her very much.)

Society—all us individuals—has come a long way in this regard. Only a few years ago, most States followed the Catholic Church's edict and made suicide a crime—which raises the question: how do you punish someone who's dead? In times past, failed suicides were sometimes brought to trial and criminally prosecuted for the attempt! No more. In the last 25 years, all such statutes have been eliminated and suicide is

Un-common policy sense.

The Theory of Market Failure edited by Tyler Cowen. A dazzling collection of essays that question the "public goods" rationale for government services. Contributors include Paul A. Samuelson, Ronald H. Coase, Harold Demsetz, James M. Buchanan, and Robert W. Poole, Jr. 1988/384 pp./$21.75 cloth

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Monopoly Mail by Douglas K. Adie. This volume reviews the many failures of the U.S. Postal Service—an inability to innovate, soaring labor costs, huge deficits, chronic inefficiency, and declining service standards. The author blames most of these problems on the Postal Service's monopoly status and makes the case for deregulation, divestiture, and privatization. 1988/197 pp./$34.95 cloth/$19.95 paper

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no longer a crime in any state, so far as I know.

But assisting in a suicide still is a criminal act. We still have a long way to go in our group moral struggle with the real world. But helping another person take their own life is fairly simple and society's ability to punish it is extremely limited. Furnishing information (perhaps even the drugs) to do the job is well-nigh impossible to prove against even a moderately intelligent assistant.

Last November, California residents almost had the opportunity to make their moral judgment known via a ballot initiative for a Humane and Dignified Death Law, which would have allowed physicians to aid in the dying process of the terminally ill through the administration of appropriate drugs. Participation by physicians would be entirely voluntary, and the action itself would have been taken with many controls and safeguards to prevent abuse. Unfortunately, the initiative requirements were not met in time to allow the proposition to be placed on the ballot. We will see further efforts to bring such a law to the books.

The American Medical Association is taking a remarkably neutral stand on the subject considering their past conservative political stance. In fact, in a letter to the New York *Times* (March 19, 1988) the AMA refers to a recent article in the New England Journal of Medicine by a physician who actively assisted an elderly patient to die. (The physician remained anonymous for obvious reasons.) The AMA now openly acknowledges that a growing number of physicians take an ethical position supporting self determination and believe that suicide is a viable solution for some people in certain circumstances.

The ethics committee of the AMA has further determined that withdrawal of life support including food and nutrition is an ethical act for a physician under certain circumstances (i.e., when a patient is terminally ill and has no real chance for survival). This ethical verdict has been stretched to include removal of hydration as well in many cases, a much faster death—but still inexcusably slow once the decision has been made.

This is progress. Like all meaningful progress, it is unbearably slow, starting unofficially as the criminal aspects of the actions taken are "overlooked" for some time before laws are modified to acknowledge what is already taking place.

Practice, ethics and even law are far more progressed in the Netherlands. For many years, some physicians there have assisted suicide for some terminal patients upon request, first hesitantly, then more openly. The laws of the Netherlands are changing to reflect the everyday practices of physicians. The Netherlands has become the most progressive country in its moral thinking on the subject of suicide and euthanasia.

With the graying of America—myself included (damn it!)—this ethical question will crop up more and more often. As the general population grows older (and we hope smarter—but that's still open to question), more and more people will thoughtfully plan their own future.

Because that future will include dying, the planning process will inevitably encompass their own death. The sooner we come to grips with the morality and the social issues involved, the sooner we can get on with the much more important questions of how and when and why rather than whether. ❑

For further information on the subject and a detailed bibliography of references and books on the subjects of death and dying, write:
The Hemlock Society, PO Box 11830, Eugene, OR 97440-3900 (503) 345-2751

Levite, "Guns and Guilt," *continued from page 30*

son's murderer, since Shields is liberal and the killer was black, so the weapon used (and all the people who own them) are blamed instead.[6]

I should stress that all this has nothing whatever to do with psychology. To say that many people feel guilty about eating three meals a day is not an issue; it is simply a fact. The *issue* is: *should* we feel remorse about eating three meals a day? The answer, of course, is no, but more importantly, this is quite obviously neither a medical nor a psychological issue, but rather a moral and philosophical one. The guilt-ridden people I have described have no psychological problem. They have a *moral* problem. For all their learning, they are unable to comprehend just who is and is not responsible for what.

Will the State Keep Its Word?

Many people continue to believe that the government can be trusted not to confiscate long guns later if it confiscates handguns now. But this is the same government that promised that the 1964 Civil Rights Act would not require racial quotas,[7] the same government that routinely assured us that Social Security was an inviolate trust fund that would be safe from any encroachment or diminishment.

The gun control movement's myopic trust in the state does not deserve serious consideration. If we cannot convince people to desist from trusting the state, we should at least try to convince them that they have done nothing to feel guilty about, that the actions of others are not their fault. As important as facts are in the gun control debate, making people immune from guilt is of infinitely greater value. ❑

Notes

1. Don B. Kates, Jr., "Handgun Banning in Light of the Prohibition Experience," in Don B. Kates, ed., *Firearms and Violence: Issues of Public Policy* (San Francisco: Pacific Institute for Public Policy Research, 1984), pp. 143–146, and p. 146 ff.
2. See Charles Murray, *Losing Ground* (New York: Basic Books, Inc., 1984), especially chapters 4 and 5.
3. Lucy Braun, "God and Woman at Yale," *Reason* 17 (April 1986), p. 36.
4. See Kates, *op. cit.*, and Rashi Fein, *Alcohol in America: The Price We Pay* (Newport Beach, Cal.: The Care Institute, 1984), p. 14.
5. See David T. Hardy, "Gun Control: Arm Yourself with Evidence," *Reason* 14 (November 1982), pp. 38–41. See also Kates, *op. cit.*, and Gary Kleck, "The Relationship Between Gun Ownership Levels and Rates of Violence in the United States," in Kates, ed., *op.cit.*
6. William R. Tonso, "Gun Control: White Man's Law," *Reason* 17 (December 1985), p. 25.
7. See Thomas Sowell, *Civil Rights: Rhetoric or Reality?* (New York: William Morrow & Co., Inc., 1984), pp. 37–42.

Rebuttal

An Environmentalist *Contra* Rothbard

by Daniel M. Karlan

Murray Rothbard's *Reflection* in the January issue—"Greenhouse defects"— has caused nearly as much a stir as John Hospers' September essay, "Ecology and Liberty." In lieu of pages and pages of letters-to-the-editors, we instead offer this one response . . .

When I read Dr. Rothbard's piece on environmentalism in the last issue of *Liberty*, I knew it had to be answered. I started by highlighting with a yellow marker anything that suggested misinformation, but gave that up when almost the whole article was yellow. I'm fully prepared to answer his arguments point for point, but I suspect—from the tone of his article—that Rothbard is not open to rational argument. I'll try, anyway, for the rest of you.

"Of all varieties of statists, I find the environmentalists the most annoying." I am an environmentalist. I am not a statist. I resent being classed as one. I consider myself an environmentalist because I am pro-human. Human beings do not live in a vacuum, but in a context that has been developing for a million times as long as humans have, and which in fact gave birth to humanity.

Nor do I believe that "Animals that are cute and cuddly have 'rights' that man must respect." Animal rights are not universally promoted in the environmental movement; some environmentalists even regard the notion of animal rights as dangerous.

"Why must we worry about 'endangered species'? Species have become extinct since the world began—before humans had anything to do with it." I can offer a strictly mercenary reason—plants and animals that are extinct now might have included in their physiology the cures for cancer and AIDS, but we will never know that. Rare plants and animals have been found which yield profitable drugs and open new technologies. A new Green Revolution is in the works, based substantially on introducing into commercial crops traits discovered in older (about-to-become-extinct) cousins. If we had permitted those cousins to become extinct, we would have lost something valuable, without even knowing what it was.

That is one reason to oppose extinction, a reason that I think even Rothbard might be able to understand and accept. I offer it only to those who find nothing wrong with Rothbard's article. For the more open-minded among *Liberty*'s readers, I have another argument, one that I find more compelling.

Sure, species have become extinct for all of life's existence—some 3 1/2 billion years. But the rate of such extinction has taken an alarming quantum leap in just the past century. Prior to 1900, extinctions occurred once every few hundred years. During this century the rate has increased to something like hundreds per year. Ignoring the fact that among the thousands lost to humanity—forever—are some that we can well do without, *there is something wrong with this picture.*

We have encouraged this wanton loss with no concern, even for the *possibility* that allowing this is contrary to humanity's welfare. In fact, for most of this destruction of our heritage there was no consideration of the simple view that we *might* be doing something wrong. Such reckless disregard for our origins and heritage might—just might—be anti-human. But Rothbard will have none of that, and is ready to throw away the entire past life of this planet. That *might* not be bad—but Rothbard cavalierly refuses to consider the possibility that it might not be good, or even that people who consider that possibility are libertarians.

We're not talking about the snail darter—we're not even talking about the black rhinocerous and the red wolf. We're talking about the simple unity of life. The sensible person, without being a pack-rat, does not throw away everything for which he has no immediate use.

"Environmentalists try to turn every natural event into a catastrophe." Plainly false, as anyone reading the fallout from the fires in Yellowstone would recognize. Yes, Rothbard can catalog natural events that some environmen-

talist has called catastrophes. And if I chose, I could offer a *natural* event that environmentalists have *not* called a catastrophe (the 1988 drought) which could legitimately be called a disaster. That is not the point, as Rothbard recognizes. The point is the *particular* catastrophe that Rothbard is blind to: the dying of a planet.

I suspect that Rothbard's blindness stems from his suspicion of *all* environmentalists' motives, a suspicion that apparently has its origins in what he has heard *some* of them pronounce. But his inference (and suspicion) is ridiculous: Would I be fair to Rothbard's perspective if I rejected *his* pronouncements on economics simply because Paul Samuelson is also an economist?

"So what if the temperature of the earth goes up, or down, a few degrees? The earth has been getting either warmer or colder through recorded history." Only partially true, in fact. In all of recorded history (about 8,000 years), there has been only one significant deviation from the normal seasonal pattern: the Little Ice Age, ending about 1900, was slightly cooler than the preceding and succeeding centuries. For the rest of humanity's time on this planet, the climate has been quite stable, until recently, and we have fine-tuned our relationship with the natural world based on that stability. We *might* be able to adapt to another set of conditions: but at what cost?

Where has Rothbard read that "the same environmentalists who gripe about the 'greenhouse effect' . . . also warn us of the 'icebox effect'"? I would be astonished if he could provide a citation. I suspect that Rothbard is employing a cheap rhetorical trick: putting words in the mouths of those he disagrees with, then ridiculing those words. He should remember that environmentalists do not speak with one voice, any more than do libertarians. (How would Rothbard react when a non-libertarian argues on the presumption that he supports the Strategic Defense Initiative, just because *some* libertarians do?)

Of course, we can't become victims concurrently of both a global "greenhouse effect" and a global "icebox effect"—but that doesn't mean we can't suffer the consequences of *one* of those disasters. If one economist predicts that raising the minimum wage will reduce employment, and another predicts that it will increase employment, should we conclude that it will have no effect on employment, or that all economists are fools?

Rothbard tells us that "the solution proposed [to the problem of the greenhouse effect] is . . . stop using energy and bring in socialism." *False, false, false.* In fact, some environmentalists argue that if the poor people in the tropics would—somehow—use more of the modern fuels (oil, gas, nuclear, hydroelectric) and less of the primitive fuels (trees, dung, etc.), a large part of the ecological problems would be solved. Failing that, environmentalists urge all of us to use whatever fuels we *do* use more efficiently. Is that socialism?

True enough, some idiots insist that socialism will save us from an environmental nightmare. But the libertarian response must not be to reject out of hand the prediction of the nightmare. If we take that stance, we have lost, because we have surrendered the debate to them. Further, if the nightmare *does* arrive, we then have no argument at all. At least, Rothbard has no argument.

I am convinced that capitalism can meet any disaster more efficiently and with less human suffering than can socialism. More importantly, I am convinced that we must engage the issue, not simply dismiss it as a problem.

About ozone: " . . . why are environmentalists *also* griping about *too much* ozone over . . . Los Angeles, New York, etc.? . . . Don't these . . . regulations de-

True enough, some idiots insist that socialism will save us from an environmental nightmare. But the libertarian response must not be to reject out of hand the prediction of the nightmare. If we take that stance, we have lost, because we have surrendered the debate to them.

plete the ozone layer up yonder." No, they don't. Patterns of airflow and the lifetime of ozone prevent ozone down here from becoming ozone up there. Down here, it is toxic and *humans* suffer from it. Up there, it is salubrious and *humans* benefit from it.

"Why should we care if clearing the rain forest or using aerosol cans changes the climate in four hundred years?" Not four hundred years, but more like *forty*, is the current ballpark figure. In fact, 40 is probably an optimistic figure: some estimates place the global climatic change by 2000, which may just be in the lifetime of Murray Rothbard. If that is the case, would he *then* care?

"Why not let the future take care of itself." For starters, because—unlike Rothbard, apparently—I intend to spend the rest of my life there. I happen to think that fouling our own nest is not consistent with how we got here, and it is not compatible with our getting anywhere else. The future will take care of "itself" only if the present takes care of *itself*, and learns from *its* past.

Humanity is from this world, and of it. As long as this world is all we've got, we had better be more careful with it than Rothbard advises. Or Lord Keynes' "long run" may be a good deal shorter than some libertarians would like.

Libertarians who don't understand the technical issues shouldn't argue them. They will lose, and libertarianism will be worse off for their arguments. ❑

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Research

What if Everything We Know About Safety Is Wrong?

by John Semmens and Dianne Kresich

Motor vehicle safety is a sacred cow of public policy. For many, any act that purports to enhance or promote safety is deemed warranted. The common presumption is that the attainment of safety is a mere matter of engineering technology or appropriate regulation. After all, improved safety is something that everyone supports, and since everyone really wants it, when individuals appear balky or indifferent to safety measures touted by experts, then safety should be imposed on them for their own good.

Little thought seems to go into the question of whether resorting to coercion can really achieve a safer environment. Not surprisingly, the concept of safety is rarely even defined. Much of the literature routinely equates safety with accident statistics, assuming that a decline in a targeted accident rate represents a safety improvement. However, simplistic reliance upon this sort of a statistical method paves the way for misleading conclusions. Might the accident rates have declined anyway? Could some factor other than the assumed safety improvement have caused the change in accident statistics? Have accidents been reduced or merely shifted to other locations, times, activities or persons? These questions are not often asked, and the underlying assumptions rarely called to question.

If we go beyond the difficulty of defining and measuring safety, there is still the question of whether it is worth the cost. Those prone to cliché may be convinced that "no price is too high to pay for saving a life," ignoring the fact that society's resources are limited. Funds spent to save a life in one sphere of activity are funds unavailable to save lives in other spheres. The presumption that "no price is too high" also ignores the question of whose life is to be saved. More specifically, should some lives be saved at the cost of the lives of others? It is quite possible to agree that "all men are created equal," yet have reservations about, say, a safety program which provided that for every two vehicle drivers saved one additional pedestrian was killed.

Government mandates that require installation of certain kinds of safety equipment or compel specific behaviors for vehicle drivers entail a loss of freedom. Many cavalierly brush this loss aside, confident that it only involves the loss of unwarranted opportunities for endangerment. People too foolish to see the benefits of safety regulations ought to have these benefits thrust on them by benevolent force, it is said. Advocates of such "benevolence" find it insufficient, for instance, that seat belts are available for purchase; the belts must be required equipment and their use compelled under threat of punishment.

But removing a person's freedom of choice is not an undertaking readily accomplished in America. Most Americans harbor the notion that they ought to be free to make their own choices, and require good reasons for suppressing their freedom if they are to acquiesce to that suppression. Saving lives, it is said, is such a "good reason" for compulsory safety regulations. The question remains: do these restrictions actually save lives? If they do not, then there is no good reason for the restrictions on personal freedom.

Though the general public might never guess it, there is a lot of ambiguity surrounding the alleged achievements of safety rules. Not everything done in the name of safety clearly enhances safety. A large part of the reason is that the attempt to implement safety is generally done via the mechanism of government. Government, after all, is the institution that operates a money-losing railroad, subsidizes hopelessly profitless municipal transit, regularly gets swindled by highway contractor bid rigging, and cannot enact a timely transportation finance package without loading it with billions of dollars in pork barrel spending. Government regulations have added billions of dollars

per year to air passenger travel and surface freight transport. One would hardly expect this history of underachievement to lend confidence to a program of government mandated safety regulation, and yet few draw this inference.

Ambiguous Implications

The long-term decline in vehicle fatalities per mile of travel seems to verify that safety meansures have been successful, and has encouraged advocates of those measures. (See graphs on this page.)

Legislators and safety regulation advocates are quick to credit their action when the years following some new law or rule reveal lower fatality rates. Closer examination of the trend lines, however, yields an odd fact: the fatality rate has been in a more or less steady rate of decline of 3.1% per year for 60 years. There is an absence of dramatic thresholds of new achievements following enactment of new safety measures, like the adoption of seat belts or speed limits. The long-term trend suggests that fatality rates may have declined regardless of any specific legislation or regulation.

This long-term decline in traffic fatalities can be attributed to Smeed's Law. Generally speaking, this law hypothesizes that vehicle fatality rates will decline as the number of vehicles per capita rises. [1] Even though the increase in numbers of vehicles implies a mathematically increased probability of collision, the gains in experience and driving skill more than compensate. Mandated safety improvements could also explain why fatality rates decline. But this possible explanation is countered by data from the relatively unmotorized Third World, where fatality rates are following a pattern very similar to those in the relatively unmotorized United States during the early part of this century, despite the fact that the vehicles in the Third World today are equipped with modern safety features and the vehicles in the U.S. early in this century were mostly Model T Fords lacking even such rudimentary safety equipment as turn signals or brake lights. [2]

U.S. Fatalities Per 100 Million Miles

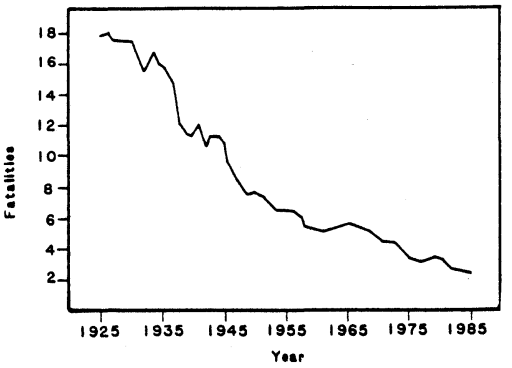

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The inexorable downward trend in fatality rates combined with the cross-cultural comparison suggests that a simple model for how man and machine interact to produce accident statistics is inadequate. Though experts may profess to believe that the driver is the single most significant cause of accidents, projections of the life-saving impact of new safety equipment or regulations routinely overestimate the potential benefits. It seems clear that drivers are modifying their use of vehicles on the road in response to the safety programs in unexpected ways.

Behavior modification can produce some interesting and anomalous results from legislated safety programs. Some researchers have developed theories of "risk compensation" and "risk homeostasis" in order to explain the apparent negation of the intent of safety regulations. Other researchers vigorously deny that these behavioral changes can be as significant as proponents claim. The range of opinion varies, but can generally be classified into three broad theories:

1) The engineering model theorizes that behavioral adjustment will be minimal and most of the anticipated gains from improvements to vehicles or roadways will result in clear safety gains.

2) The economic model theorizes that the intended safety improvement is only one possible outcome, that drivers may opt for intensified vehicle performance as an alternative.

U.S. Fatalities On Logarithmic Scale

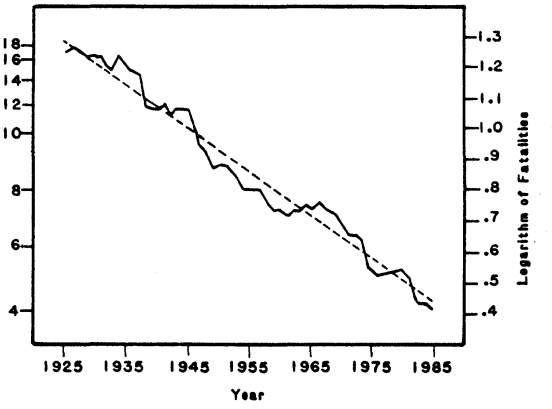

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3) The risk homeostasis model theorizes that people have a set level of acceptable risk, that if this preference is unchanged, intended safety improvements will be nullified and risk will be redistributed rather than reduced. [3]

Examination of evidence relating to the effects of various safety-enhancement attempts seems seriously to undermine the engineering model. That this model still persists is more a testament to the fact that more transportation professionals are engineers than economists, statisticians, or psychologists. It is the engineering model that readily serves up the installation of traffic signals, the marking of crosswalks and improved driver training as obvious ways to reduce accidents. Yet, studies have shown that there is reason to challenge the effectiveness of each of these intended safety improvements.

When one considers the possible changes in human behavior in response to signalization of traffic intersections, it is perhaps less mysterious that the frequency of accidents is unchanged by the improvement. [4] A study of intersections in Milwaukee that had been signalized revealed 520 accidents in the three years before lights were installed compared to 522 in the three years after installation.

Of the pre-installation accidents, 134 involved injuries. Of the post-installation accidents, 154 involved injuries. Right angle impacts were down 34%, but rear-end, head-on and vehicle-bicycle collisions were up by 37 to 41%. [5] The types of accidents were altered, but the frequency and severity were not. Still, neighborhood committees of citizens are prone to demand that signals be installed in order to make intersections in their areas safer.

Obtaining painted crosswalks is another oft-launched neighborhood safety campaign, as are laws prohibiting mid-block crossing (jaywalking), and imposing fines for violations. One might think that painted crosswalks are clearly safer than unmarked locations for crossing streets. This is not the case. Statistics indicate that six times as many accidents occur in marked crosswalks. When adjusted for frequency of use, the accident rate is twice as high in the marked crossing. [6] Perhaps the "common sense" belief that painted crosswalks are safer may by itself account for the higher pedestrian accident rate at such places because they increase the pedestrians' sense of security more than is warranted, resulting in a greater incidence of heedless meandering into the path of vehicles that may be unwilling or unable to stop.

Traffic signals and crosswalks are rather passive means of influencing roadway user behavior. Surely, higher levels of driver skills should produce fewer accidents. Unfortunately, this premise, too, is shaky. Professional racecar drivers have higher accident rates in highway driving than the lesser skilled average drivers. [7] Drivers with the best vision, fastest reflexes and lowest likelihood of falling asleep (the young) have a 300% higher accident rate than older drivers. [8] Further, subjecting young drivers to mandatory driver education classes may not improve their accident record. Although insurance companies assert that driver education graduates have fewer and less costly accidents, [9] a study in Connecticut showed that the elimination of mandatory driver education classes in several high schools led to lower accident rates for the students of those schools. [10] Forcing students into mandatory driver education programs may encourage driving by those who would otherwise delay this experience and may contribute to overconfidence on the part of some other students. Clearly, even mandatory driver education—the most sacrosanct of safety programs—is not free of disconcerting statistical implications. Achieving safe roads may be more difficult than we would like to imagine.

Everyone "knows" that bad road conditions are more hazardous than good road conditions. How, then, does one explain the lower fatality rate per mile of travel in winter versus summer? How does one explain the lower injury rate for accidents on icy versus dry pavement?

The counter-intuitive statistics of accident reports should be enough to produce caution in claiming benefits of various safety programs. Alas, most of the safety claims made to the public show little of this needed caution. For example, everyone "knows" that bad road conditions (i.e: snow and ice) are more hazardous than good road conditions. How, then, does one explain the lower fatality rate per mile of travel in winter versus summer? How does one explain the lower injury rate for accidents on icy *vs* dry pavement? [11] These statistics would appear to support a "risk compensation" theory of driver behavior in which the greater care exercised under perceived hazardous conditions overwhelms the effects of the bad road surface. Conversely, the perceived greater traction in good summer weather may lead to a more than proportionate decline in driver caution. The very possibility that drivers modify their behavior results in uncertainty about the benefits of any safety measure.

Changes in driver behavior affect the risk to others using the highway system. At the same time safety legislators or regulators are patting themselves on their backs for making the vehicle and its driver more crashworthy, there is the very real possibility that unsuspecting victims are being created. If survival odds are enhanced for drivers, their willingness to risk crashes is apt to increase, thus increasing injuries and fatalities for pedestrians, bicyclists and motorcyclists.

Apologists for mandatory safety rules feel compelled to defend their theories at this point. Some argue that people do not willingly increase their risk-taking as a result of improved crashworthiness of vehicles. To bolster this line of reasoning, the case of the so-called invisible safety improvements is ushered in: It is argued that often the driver does not know that safey enhancements have been made; internal vehicle modifications may be invisible to the driver. Shock absorbing guardrails and breakaway light poles do not present a readily identifiable difference in appearance to the average driver in a moving vehicle. Therefore, some observers conclude that safety features such as these cannot affect driver behavior. [12]

The "undetectable" safety improvement may sound plausible on superficial examination, but drivers do not base their actions only on what they know. Drivers may assume and presume as well as know or not know the particular features of the roadway. Many an accident occurs because an assumption made by the driver has proven incorrect. Safety improvements are frequently advertised by either vehicle manufacturers or proud public highway officials anxious to make it known that the roads are safer because of better guardrails or light poles. Many drivers may assume that the safety improvements are more widespread or more effective than they really are.

Even those apologists for mandatory safety programs who concede that significant behavior modification takes place often take refuge in the apparent "net gain" achieved by the rules. Okay, so making cars safer induces drivers to assume more risk, and this may result in rises in fatalities for certain other users of the roadways. Even taking these increased fatalities into account, they argue, there is still considerable net gain in lives saved. This argument is prominent in the debate over mandatory seat belt use laws.

In a study of the effects of seat belt

legislation in Great Britain, support for the risk compensation hypothesis was found. Post-legislation data showed that fatality rates for drivers and front seat passengers were down by 18% and 25% respectively. Meanwhile, fatality rates for back-seat passengers were up by 27%, pedestrians by 8%, and cyclists by 13%. [13] If one considers only those fatalities among non-occupants caused by cars (the only vehicles affected by the mandatory seat belt law), the increase in fatality rates were 14% and 40%, respectively, for pedestrians and cyclists. [14] All of these increases and decreases added up to an estimated net gain of 200 lives saved.

Even if there is a net gain in lives saved (a matter by no means proven), is it acceptable to shift the carnage from drivers who have the option of buckling-up in the absence of compulsion and who control the havoc-wreaking vehicle, to non-occupants attempting to use the same roadways? While there is some controversy over the meaning of the increased fatalities among pedestrians, cyclists and back-seat passengers, these results were predicted by the British Department of Transport. Prior to the enactment of the compulsory seat belt use law, a DOT report forecast a potentially "alarming" rise in pedestrian deaths if the law were passed. [15] The study's examination of accident rates in countries with mandatory use laws found that in every case road accidents increased. All of the increases were small and not statistically significant. However, the odds against unanimity of direction of change on a random basis in the eight countries surveyed is 256 to 1. The study concluded that compulsory seat belt use could not be shown to have led to a detectable reduction of roadway fatalities. [16] Unfortunately, though, this report was not released for four years—two years after the mandatory belt use law went into effect.

Advocates of mandatory safety rules have called the rise in pedestrian deaths following enactment of seat belt laws "mysterious," [17] but the suppression of the DOT study appears even more mysterious. The prior trend in pedestrian traffic deaths had been downward, with 1000 fewer pedestrian fatalities in the ten years before the enactment of the seat belt law than in the decade before. [18] The reversal of this trend for fewer pedestrian fatalities following enactment of mandatory seat belt usage laws, of course, does not conclusively prove that the laws caused the increase in fatalities. But the flat denial of the possible cause-and-effect relationship is certainly not justified. Many of the proponents of compulsory safety take a very dogmatic stance regarding such disconcerting data. The refusal to consider the possibility that mandatory measures actually increase fatalities—even when such a forecast is made prior to the enactment of the law and seems to be borne out by the statistics—suggests that faith rather than reason fuels much of the debate over mandatory safety rules.

Motor Vehicle Fatality Rate

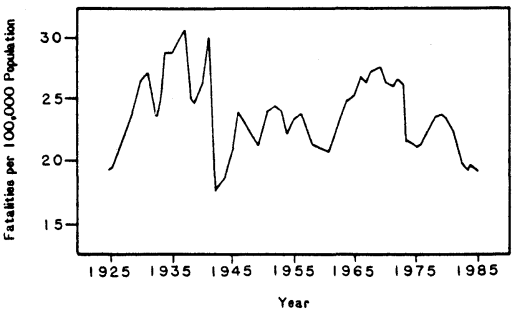

Sources:
Statistical Abstract of the United States
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Of course, statistics on accidents give rise to differing interpretations. The real world in which the effects of safety measures must be observed is not a controlled experiment. Confounding effects abound. Multiple factors affect the behaviors of roadway users. Sadly, these confounding influences are often ignored by those with an abiding faith in the efficacy of compulsion. Advocates of mandatory seat belt use in Britain were quick to claim credit for the net gain in lives saved in the year after the law went into effect. Further analysis of the statistics showed an amazing disparity between a 23% decline in fatality rates during the prime drinking hours and a 3% decline in death rates for other times. The simultaneous initiation of an intensified enforcement of laws against drunk driving may have accounted for this disparity, yet this intensified enforcement received no credit from the advocates of seat belt laws. [19]

The devotion to the dogma that compulsion works persists even in the absence of compliance with the mandated behavior. The classic demonstration of this phenomenon was seen in the phrase "55 saves lives." The battle over the 55 mph speed limit is heavily flavored with this emotional appeal. Unquestionably, crashes occurring at speeds of 55 mph are generally less severe than crashes at higher speeds. The odds of dying in a 65 mph crash are greater than in a 55 mph crash. The claim that 55 saves lives would seem fairly solid—until, that is, one discovers that posting roads at 55 mph may have little effect on actual driving speeds. Studies by state highway agencies have indicated that over 70% of the vehicles traveling on the Interstate Highway System exceed the 55 mph limit. [20] In testimony for the House committee hearings on the 55 mph limit, the Director of the Arizona Department of Transportation pointed out that in 1973, when rural Interstate routes were posted at 70 to 75 mph, the observed normal speed was 68 mph. In 1986, when these same routes were posted at 55 mph, the observed normal speed was 66 mph. [21] How can the mere act of posting 55 mph signs be seriously credited with saving lives, if the traffic is moving as if the signs weren't there? If posting signs that are ignored saves lives, then perhaps a new theory explaining the mechanism is needed.

Accident Homeostasis

When one examines the long term trends in accidental deaths, one cannot fail to be impressed by the lack of progress in reducing the fatality rates on a per capita basis. The fatality rate per mile of travel has beat a steady retreat, averaging a decline of about 3% per year. But the fatality rate per capita shows no such salutary trend. The per capita death rate from motor vehicle accidents has followed an erratic path over the last 60 years (see graph above). The 1985 death rate of 19.1 per 100,000 persons is similar to the 1925 death rate. [22] The fluctuations in the motor vehicle fatality rate tend to undermine any confidence in the aggregate efficacy of imposed safety measures. Death rates

from all sources of accidents follow a similar trendless pattern. [23]

Mandatory vehicle safety rules may not be affecting the rate at which people succumb to accidental demise, but only the specific means. Saving people from death in a particular circumstance apparently is being offset by increased instances of risk-taking. This raises the very pertinent question of whether all the effort and expense is worthwhile. The naive cliché that "if even one life is saved, the effort is worthwhile," ignores the real issue of cost. We don't have to get into an unresolvable debate over the value of a human life in order to deal with the issue of cost. Resources are limited. Funds expended on one program to save lives are not simultaneously available for another program.

The unintended safety consequences of non-safety programs may be of greater impact than planned safety efforts. Trucking deregulation, for example, has actually resulted in increased road safety.

The cost of safety programs can be substantial. During 1985, over $100 million in federal highway fund money was spent on safety improvements. [24] Vehicle manufacturers incur about $20 billion per year in order to comply with assorted government regulations. [25] These costs, of course, must be covered by revenues from vehicle sales. The increased cost of new vehicles with these enhanced safety features deter purchase by many would-be buyers unable or unwilling to pay marked-up prices—thus keeping older, presumably less safe, vehicles on the road longer.

The insurance industry is a firm supporter of most mandatory safety rules on the theory that safety improvements help reduce damage claims and, therefore, insurance premiums. However, the insurance industry's own newsletter reports that the additional costs of required safety equipment on vehicles is three times as large as the anticipated savings in insurance premiums. [26] Paying three dollars in order to save one dollar in damages does not seem like cost-effective utilization of limited resources. Nevertheless, ineffectual expenditure of scarce resources is more the rule than the exception in government safety programs. A General Accounting Office study of the effectiveness of $1.3 billion in federal safety grants found "little demonstrated effect in reducing the traffic crash toll." [27]

The time and money invested in compelling the wearing of seat belts, for example, is time and money unavailable for the suppression of criminal activity. Since we have focused on fatality rates, perhaps it would be interesting to investigate the trend in murders over recent years. The figures are not trendless. Since 1960, deaths by homicide have more than doubled from 2.5/100,000 persons to 6.3 in 1982. [28] Can people genuinely concerned about the safety of other human beings seriously urge that police shift efforts from crime control to issuing citations for failure to wear seat belts? [29]

While the absence of a trend in accident fatality rates in the face of a multitude of government safety mandates may be baffling, the surge in homicides is alarming. In many parts of the country, people dare not wander outdoors during the hours of darkness. Providing for law and order is a prime reason for the existence of government. Can we neglect this responsibility in order to pursue a futile effort to save people from their own folly of not wearing seat belts?

The unintended safety consequences of non-safety programs may be of greater impact than planned safety efforts. Trucking deregulation, for example, has actually resulted in increased road safety. Critics of the loosening of operating, entry, and price controls achieved by the Motor Carrier Act of 1980 assert that increased accidents have been a result of this partial deregulation, and serve up lurid anecdotal accounts to bolster this claim. But the statistics tell a different story. Fatalities and accidents have actually declined since 1980. [30] This is exactly the opposite of the impression conveyed in the popular media.

One factor making deregulated truck transport safer is the decrease in empty backhaul miles. Operating limitations under the stricter regulations prevailing prior to 1980 resulted in more mileage for empty trucks. Accident reports show that empty trucks crash more often than loaded trucks. [31] Thus, the higher load factors permitted under loosened controls unintentionally contributes to reduced hazard.

Unintended reduction of hazards also resulted from the attempt to conserve fuel by downsizing vehicles. Not only do smaller cars burn less gasoline, they are also 28% less likely to crash into other vehicles or objects. [32] Drivers of smaller cars have been observed to exercise more caution in the way they operate their vehicles, by reducing their speed and leaving more headway between vehicles. These behaviors not only enhance safety for the small vehicle driver, but for other road users as well.

Individual Responsibility

Back in 1975, Professor Sam Pelztman shocked the safety establishment by arguing that many widely-touted safety regulations were useless, or worse, actually counterproductive. [33] Safety rules are not imposed upon inanimate objects. Human beings operate motor vehicles. They respond in ways that act to offset the gains in safety anticipated by rulemakers. Peltzman saw intended safety benefits being consumed

"I forgot to fasten my seat belt when I drove to work this morning, so I'd like to turn myself in."

as performance gains under what he termed increased driving intensity. [34] Whether drivers are more intense, or whether travel becomes more frequent, or shifts in mode, or whether the reduction of one element of risk (in this case, in transportation) is mirrored by an increase elsewhere, statistics do indicate a relative lack of positive impact from decades of safety regulation.

Although Peltzman's work has been widely criticized for failing to prove that safety regulations don't work, one has to wonder: on whom does burden of proof fall? Should the burden of proof lie with the advocates of expending billions of dollars to force highway users to consume intended safety benefits? Or should it be thrust upon those who challenge the use of coercion for purposes of undemonstrated benefit? (Incidentally, despite all the complaints about Peltzman's methodology, his method did precisely predict the fatality rate per vehicle mile for 1980 of 3.3/100,000 miles. [35]

It would seem that an equitable and efficient determination of the burden of proof would place the responsibility on the vendor of the purported benefits. In the market economy, it is the merchant who must persuade the customer that the value of the product is worth the price, not the customer who must prove to the merchant that the product offers no benefit. To stand this relationship on its head—as the proponents of compulsory safety rules insist on doing—perverts both equity and efficiency. It is not equitable for others to seize power over one's means for one's own good. And it is laughable to maintain that it is more efficient for the government to dictate the expenditure of time and money on each person's behalf. After all, waste of resources is standard operating procedure for government.

The key to creating safer roadways is not to turn engineers loose with someone else's money. Nor is it to relieve individuals of choice and the responsibility for that choice. Such efforts move in a direction opposite of progress. The acting human being is the most significant factor in whether accidents occur. Encouraging individuals to perceive and comprehend the significance of their actions is a more promising avenue toward improved safety than coercing them—even if "for their own good." ❑

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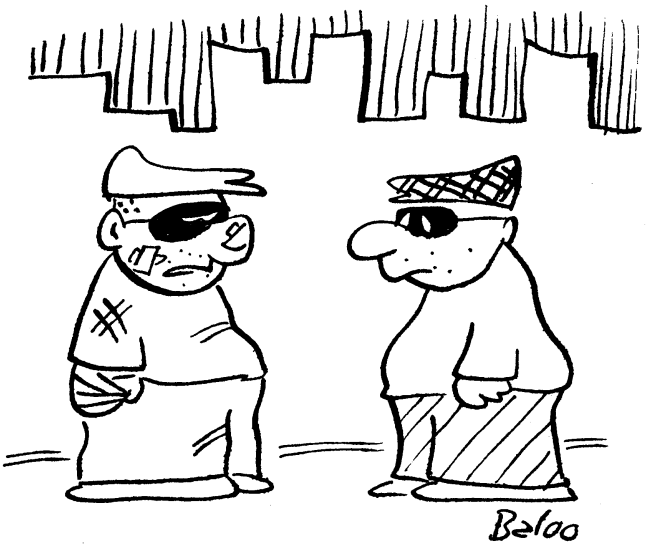

"You can't win — you finally get the City Council to pass effective gun-control legislation, and then the little old ladies stick *knitting needles* in you!"

DR. MATTHEW MONROE
Libertarian Party Chair

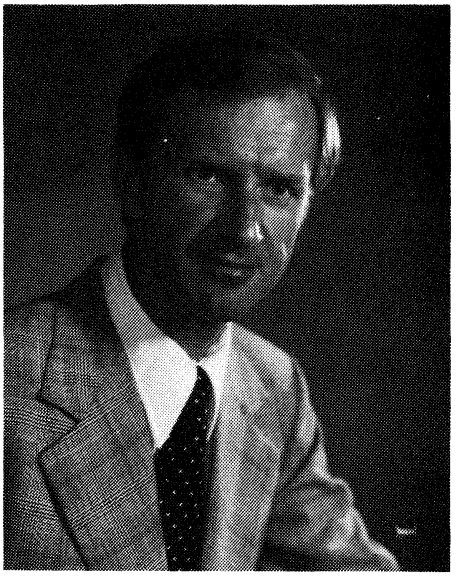

Past: Born in Warsaw, Poland, 1941, left in 1967 when his original scientific research was supressed for political reasons (later published in the *Journal of Biological Chemistry*). M.D., School of Medicine, Wroclaw. PhD., U.C., San Franciso & Berkeley. Attended Columbia University Libertarian Conference, 1971. Joined the Libertarian Party, 1975. Texas LP Finance Chair, 1980-1982. Elected to Libertarian National Committee, 1981. National LP Finance Chair, 1982-85. Developed and successfully implemented national LP telephone fundraising, the monthly Liberty Pledge program, and the Torch Club program. Finance Chair, Ron Paul Libertarian for President, 1988.

Present: Married with two children. Practicing cardiologist. Member, Denton Cooley Cardiology Society. Membership Chair of national LP, 1987-present. Developed "Instant Membership" program, which has brought in over 2,000 new members. Publisher, *American Libertarian* newspaper.

Future: "To carry out its mission, the Libertarian Party needs competent, professional management, entrepreneurial leadership, and more financial resources to fund important projects."

"The Libertarian National Committee is just too big to manage effectively. We don't need a mini-legislature. We need a capable board of directors with business and management experience to prepare the LP for the 1990's and beyond."

"The national LP should perform as a service organization. It should provide professional ballot access and political development services to state and local parties. Cut the overhead and provide more benefits to members, like a monthly party newspaper."

"The three central goals if I am elected as national LP chair are 1) **Managing for Growth** - finding, hiring and motivating the best people we can find to end stagnation, provide our organization with new prospects and members, and raise the necessary money to pay for new programs; 2) **the Permanent Campaign** - where full-time ballot access and political development professionals carry forward the work usually done only during major election years. This also means professional advertising (print, TV and radio), lobbying, public speaking engagements by LP representatives, and active public relations efforts; and 3) **the LP 2000 Program** - the LP in the year 2000 will be led and run by those we recruit and train in the next few years. This means starting an active student organization program, funding workshops and student conferences, and producing new literature and recruiting campaigns to find new members and develop future leadership in every state party."

"The Libertarian Party already has wonderfully generous and hardworking supporters, the best ideas in politics, and an American public increasingly fed up with the two-party choices. All we need now is solid, capable leadership for our party. I am assembling a team which will provide that leadership, and I sincerely hope you will join me in this very important work." - **Matt Monroe**

Monroe / Chair Leadership, for a Change

Join the Monroe / LP Chair team!

Send to: Monroe/LP Chair, Dr. Matthew T. Monroe, 1213 Hermann Dr., #655, Houston, TX 77004

Yes, I want to help!
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You *Can* Go Home Again, But . . .

by Tibor R. Machan

Cleanliness, efficient driving, and pretty buildings *versus* racism, sexism and spinelessness before government.

I have a fantasy. I am watching a Woody Allen movie about a bunch of 14th century city planners in Venice, figuring out how they will play practical jokes on 20th century tourists. They make it impossible to park anywhere near their wonderful works; they design alleys so narrow that people can pass through only at a snail's pace; they guarantee that no one in their cities can speak a word of any language aside from an obscure Italian dialect.

It's just a fantasy. What I was much more conscious of as I traveled throughout Europe during the last few years—while teaching at Franklin College in Lugano, Switzerland—is the reality that too much of what is glorious and remarkable about Europe sits atop the blood and sweat and even bodies of the millions of poor blokes who were oppressed so that it could all be built. Tourists gape at the treasures, and take video-pictures and snapshots. But the substance of the experience that made all of it happen is mostly hidden from them. As one tours Europe one should bear in mind the fate of the masons, bricklayers, and others who built those marvelous palaces and cathedrals. Their fate is nothing Europeans can be very glad about, despite the fact that mixed in with the misery are two millennia of artistic and scientific achievement.

A European tour is of special significance for someone like me who was born in Europe but saw profit in leaving for America. Europe simply doesn't impress me as much as it would a tourist coming to terms with the remnants of Western culture there for the first time. These remnants are an impressive lot, I grant you, and if you don't watch out you may come home saying things like, "We in this country just don't appreciate culture, art, music, architecture, beauty, etc. enough."

There is an outrageous cultural nonsense that is part of virtually every inch of European society, a thoroughgoing ethnic prejudice that inflicts virtually everyone on the European continent. Furthermore, Europeans believe there is more culture in some tiny French, German or Austrian town than in entire states of the U.S.A.

There is no denying that Europe offers up a long list of impressive accomplishments of the Western mind and labors—from the canals in Amsterdam to the pitch dark tunnels in Norway, from the 10 mile long tunnel in Switzerland to the architecture and other marvels of Florence, Venice, Siena, Barcelona and, of course, London, Paris, Rome. But for me, this is not what I think of when I think of Europe. If I want to rekindle my visions of these cultural offerings, I can look at my books from Milan and Vienna or Ghent. When I think of Europe's culture, I rely on my own experience.

But what is it to live in Europe, to go through life there—not to see it from a tour bus for two or three weeks, as a cursory observer of literally outstanding items—but actually to live there?

I am convinced that Europe is in certain respects far more morally degenerate than America, contrary to received intellectual opinion. The impression given us by such intellectuals as the American novelist-misanthrope Gore Vidal is that America is a corrupt culture while Europe is a noble one. These literati continuously yap about how backward the U.S. is in this or that respect bearing on its social institution—can't you just hear the expression, "We, in this country, never . . . ," and "We, in this country, always . . ."—as if they had canvassed all the other places on the face of the earth and found them all morally and politically advanced beyond anything we could even dream of. But the truth is that amid the expensive ornamentation of European culture lives a deservedly dispirited population still exhibiting habits of mind and action they ought to have progressed beyond centuries ago.

Consider the matter of racial or

ethnic prejudice.You simply cannot escape it in Europe. Virtually every European hates some group just for being that group, never mind that he or she knows perhaps just one of these people personally. The northern Austrians I met were simply contemptuous of the lower Austrians. Most Italian Swiss hate the German Swiss, while the Danes generally despise the Swedes—the story is the same everywhere.

Or consider the role of women in European society. One can go from England to Italy, from Spain to Hungary, and from Germany through all the lands of Scandinavia, but one will never find women being accorded the status they usually have in the United States. Just attend a small dinner party in, say, Austria, and see what happens. The guests separate into groups of men and women and talk of matters presumed to be of interest only to members of their own sex. At a dinner party in Lugano, this segregation shocked me. The host's wife, an attorney who works in Milan, was confined to the company of the other women, talking about matters of the home, while her husband joined the men to discuss worldly matters. Any effort to mix the two groups was met with disdain.

Some see the way European men treat women as a kind of quaint romanticism. Never mind that it often has visibly painful effects on the women themselves who sense that something evil is going on but have no social support for fighting it! The notion of equality of the sexes seems unknown in Europe.

As you go further to the East, the unequal treatment of women becomes more and more evident. Some of my students hailed from Saudi Arabia, Syria and Iran. Arranged marriages were common in their cultures. Some even complained that their minds were assaulted adversely by all the casual coeducation that prevailed in the West.

To some, even among the American intellectuals who live and teach in Europe, this is all a matter of cultural pluralism to be regarded as just so much human diversity. "How dare you judge these societies?" they ask. I wonder, how is it that the segregation of women in Western Europe and the subjugation of women in Saudi Arabia is a mere cultural diversity, when the segregation of Blacks in South Africa or the persecution of Jews or profiteers in the Soviet Union is morally unacceptable. Perhaps the South African or Russian ruling classes are just a bit too diverse!

But this is just the beginning. Worse still was the persistent deference to public authority one finds everywhere in Europe, not to mention the inefficiencies of European bureaucracies or the medieval political traditions that still plague the inhabitants of that continent, despite their supposed emancipation to democratic polities.

Amid the expensive ornamentation of European culture lives a deservedly dispirited population exhibiting habits of mind and action they ought to have progressed beyond centuries ago.

As an American, I was simply not accustomed to being deferential to bureaucrats, and I had several run-ins with them. I shipped my small personal computer to Switzerland. When it arrived customs held it up, demanding I pay 72 Swiss Francs duty, which would be refunded when I took it out of the country after my year of teaching was up. It was an old, obsolete unit, and all this business of paying duty on it seemed idiotic to me. I told them so—moreover, it was hell finding a parking place near the train station, so I argued about it, saying "The rule is stupid. I can only remain here for a year anyway, the voltage is wrong on the machine so I will have to use a transformer. Why bother me with all this nonsense? Just let me have my computer." They looked at each other and finally decided to let me take the machine, not wishing to put up with me. This sort of thing occurred more than once, and on each occasion I defeated the bureaucracy.

But the locals did not stand up to the bureaucrats. Most of the time they were subjected to the stern stares of the authorities and did as they were told. In most of Europe the authorities are still the sovereign, the citizen is still a subject. The bureaucracies are so used to compliance from their "subjects," that they were entirely unprepared for any resistence. In contrast, here in the U. S. the bureaucracies are prepared for protests; the distinctive American mentality tends toward rebellion!

There are exceptions to this statist culture, of course. I had the opportunity to lecture to two university law school classes in Belgium, and both at Ghent and Brussels the interest in the individualist viewpoint—where I substitute a kind of Aristotelian or classical egoism derived from Rand for the more prevalent Hobbesian egoism—was pronounced. The questions were eager—all in English and fluent!—and insightful. Professors to whom I tried to explain the Lockean-natural rights, Aristotelian-Randian individualism were attentive and respectful, quite unlike the majority of the members of the academic political philosophers and legal theorists in the United States. In Austria and in Italy, too, surprising interest was shown in these kinds of thoughts. But, this should not be that surprising—the ideas are sound and many of them came from Europe in the first place.

But I am diverging into politics, something I had hoped to avoid as much as possible, though it is difficult in a culture where so much of a person's life is a political matter. Let me from here on stick to more cultural and social impressions, whether they touch on politics or not. In Europe the private and public sectors are not even as well distinguished as in America, so keeping one's focus to just one realm is virtually impossible. Politics will unavoidably creep into any cultural observation.

There are certain aspects of the European reverence for public authority that are welcome to any civilized individual. One finds, for example, very little public dirt in much of Europe. The act of littering has never seemed

civil to me, despite Walter Block's arguments in *Defending the Undefendable.* Happily it is not known to most Europeans, though there are exceptions in the seedier districts of Amsterdam, Zurich, and other larger cities.

But on the whole Northern Europe is clean and tidy. The road-side feculence—beer cans, Styrofoam cups, plastic bottles, tires, and whatnot that one finds along many roads in the U.S.—simply is not tolerated in most of Europe. The kind of grime one sees here on many abandoned buildings, cars, and machinery of all kinds just is not in evidence in the most of Europe. Driving 10,000 miles, from Norway to Spain, I saw practically none of the thoughtless litter one so often encounters on this side of the Atlantic. (Roadsides are a bit messier in Italy and Eastern Europe, but even in these countries the litter is far less evident than in much of the U.S.)

I was often annoyed by the slow pace and inflexibility of European life. In Switzerland the trading hours are written in granite and no one will even consider a change. Everything is closed on Sunday except some tourist shops and restaurants. In Italy, Spain and France the siesta seems sacred. And while these practices appear innocent enough and it seems like a sensible practice to follow the maxim "When in Rome do as the Romans do"—the resulting pace is irritatingly slow, at least for this American.

Even so, I must admit that the slower pace encouraged weekend relaxation. The enforced leisure, combined with the primitive quality of European television, encouraged me to read seven novels in as many months, a pace that quickly dwindled after my return to the U.S.

Motoring was the one exception to the slower pace that prevailed in Europe. There people tend to drive fast, which I found far more pleasurable and efficient than the constant moseying about that one finds in America.

Hardly anyone crawls about the roads. Men and women alike drive aggressively, tailgating those who drive slowly, passing at the first chance. Speed limits are a joke in most places; in Germany there are no speed limits at all. (Only in Denmark, Sweden and Norway are people very slow drivers and the authorities picky about speed limits.) The slow drivers make way for the fast ones, pedestrians don't linger, and the atmosphere is something near that found at Le Mans or Monza during the racing season. Despite the faster, more aggressive driving, I saw only one accident during my entire stay in Europe.

Europeans tend to regard their cars as precious toys and seem to think of driving as a skill that they must cultivate as a matter of pride. I suspect some of the motivations lying behind the phenomenon don't reflect nicely on the drivers. Some seem to take driving too seriously—as if their character or virtue depended on their speed. This makes for efficiency, again, but not for fellow feeling. Others seem to lord their powerful driving machines over the rest, in the fashion of ancient dukes or barons. Still, I'd much rather drive on the Autobahn than on an American expressway.

But when it comes to certain features of travel, watch out. The public be damned! If construction is going on in Europe, one may have to drive ten miles out of one's way and the public works authorities think nothing of it. If an accident needs to be investigated, traffic just halts and no one can move for several hours. On the Italian *autostrade,* between Milan and Bologna, I saw tie-ups that must have been thirty miles long, with no visible movement—people sitting atop their vehicles, eating lunch, waiting until the police decided they had had their look-see. To make a free lane for the cars simply didn't occur to anyone.

And the same could be found in several cities. When some street needed repaving, it was simply shut down and traffic was rerouted around town, period. Who cared for the public? No one. It is the authorities who are in command, it is the state that calls the shots, the people—you and I and the rest of us mere individuals—be damned!

Europe has a hold on me. I love many of its sights and sounds. But living there would be more than I could stand. ❑

Letters, *continued from page 6*

environmental quality. Like most political activities, environmental protection becomes another method of transferring income to the politically influential. And, complete central management of the environment is no more possible than central planning of the economy.

Fortunately, it is unnecessary to explain how every possible environmental problem will be solved in a libertarian utopia. Market-oriented solutions can be developed for concrete environmental problems. Some political involvement can end immediately. Perhaps, one day, all political involvement can end.

W. William Woolsey
Charleston, S. Car.

Political Limitations

What Mr. Hospers (*Liberty,* Jan 1989) does not seem to realize is that there is not just one answer to the environmental problem. If the government tries to solve the problem, however, it must, by its very nature, try to solve the problem by using only *one* solution. An example of this is the government's solution to the wild fires in Yellowstone National Park in the summer of 1989. By having set policies to solve problems the government is in no position to hedge its policies against the possibility that their understanding later proves to be incorrect.

Using market solutions to solve environmental problems may not give us the most optimal solutions in all cases, but it gives alternative solutions a chance to prove themselves, as well as hedging society against the disastrous consequences of using the wrong policy.

Solutions to the commons problem are emerging. I wish Mr. Hospers would spend more time analyzing these solutions instead of giving fuel for governmental, authoritarian control over the environment.

John Cralley Shaw
Houston, Tex.

Essay

The End of Political Activism

by Jeffrey Friedman

The trouble with political activism is that it encourages an unreflective dogmatism that serves neither to propagate liberty nor enrich the lives of its practitioners.

The most amazing thing about the Libertarian Party is how it still grips the minds of its supporters—and even its detractors.

There was a time when the notion of promoting libertarian ideas through politics did *not* seem as natural as rain. In fact, when the LP was founded in 1971, such figures as Murray Rothbard maintained that it was premature.

The counter-argument at that time was that the LP would be an educational vehicle that might effectively take advantage of Americans' brief election-year interest in politics. This implied an experimental, empirical approach of the kind that must characterize any good strategy. If the LP failed to educate, then presumably the likes of Rothbard would be proven right and the political approach would be abandoned.

But even before the 1972 campaign was over, the LP had taken on a life of its own. The question of abandoning the LP was never seriously debated, and the cycle of unrealistic electoral expectations, dashed hopes, burn-out, fresh illusions and renewed disillusionment had begun.

The Libertarian Party is like a black hole: the rest of the universe sees little of it, but it sucks in the energy and attention of those already inside, warping their perceptions of the outside world. Judged from a perspective at all removed from the tiny realm of the LP—judged by its impact on the rest of our society—the Libertarian Party is, unfortunately, a failure. If, as many believe, free-market ideas are gaining ground in the real world, it is no more the product of current LP efforts, as heroic as they are, than the acceptance of the welfare state is the product of the efforts of the Communist Party U.S.A.

This does not mean that the LP has done no good—far from it. It has put the word libertarian on the map. And it has gathered together most of the people who were already libertarians, in many cases making them aware of that identity for the first time.

But would anyone dispute that the task of changing minds, or at least of influencing young and still open minds, has *largely* gone unfulfilled by the LP? And in retrospect, could we really have expected otherwise? Can five-minute TV spots really be seen as a way to reverse the complex of moral, historical, and economic assumptions and ignorance we are up against?

The libertarian political strategy—in all its permutations, not just that of the LP—requires evading the fact that we are trying to change the course of our *culture*. There is no reason to assume this can be accomplished by running candidates for office. But that is just what the political strategy assumes.

The hold of the political strategy is evident in the public evaluations of the disappointing vote cast for Ron Paul. Many still cling to the hope that, with enough persistence and professionalism, the LP will (somehow) ultimately make a breakthrough. Others think more TV advertising, or accepting federal matching funds, will do the trick. Tellingly, even those who consider the possibility that the LP has failed are reduced to considering such "alternatives" as starting a PAC or joining the GOP. Regardless of its ultimate fate, the LP has long since politicized the libertarian movement, in the sense of making its members take for granted a very dubious but, in any case, *hypothetical* assumption: that the way to change society is through politics. Thus, even when they question the efficacy of the LP, libertarians now rarely ask whether political strategies serve any useful function, let alone the educational one they were supposed to.

"The educational strategy"—how dull and naive and, as we liked to say in the so-called Crane Machine, "plonky" that seemed in the salad days of the libertarian movement (1978–80). But it need not connote, as it did for us then, fruitless attempts to "convert" people, one by one, by shoving copies of pamphlets and magazines into their unwilling hands. That is an educational strategy that might have worked in the nineteenth century, when all sorts of crackpot ideas ran rampant because people were willing to listen to the street-corner hawker of ideological

nostrums. Those days are gone. In the twentieth century it is no longer possible for most people to take seriously political or other ideas that are not sanctioned by the cultural establishment.[1]

F. A. Hayek has detected the pyramidal structure of that establishment. The "second-hand dealers in ideas"—mass-media and entertainment figures and other opinion leaders—simply retail the original ideas of the creative thinkers, for consumption by the masses. The explosion of knowledge and of scientific expertise has conspired to make only those who are socially or culturally marginal receptive to views that have not been legitimized by the arbiters of respectable values and ideas. Ironically, the more knowledge there is, the more we need cultural gatekeepers to keep out the clutter. This is why, despite the accessibility to so many people of so much knowledge and the means of creating it, our culture is *more* homogeneous now than it was a hundred years ago (when we set aside the affects of the immigration of people from other societies).

The gate-keepers of cultural respectability Hayek calls intellectuals. He writes that they "are the organs which modern society has developed for spreading knowledge and ideas, and it is their convictions and opinions which operate as the sieve through which all new conceptions must pass before they can reach the masses."[2] Note Hayek's claim that the role of intellectuals serves a social purpose. Whether or not one agrees that it is the clutter-reducing purpose I have just suggested, one must, I think, come to grips with the fact that we do live in a society that is *structurally* averse to ideas that have not been legitimized by the top of the intellectual pyramid.

In our society, opinion leaders (Hayek's "intellectuals") take their cues from expert opinion—i.e., from those even higher on the intellectual pyramid—which they propagate not just by interviewing the likes of Lester Thurow on the news, but, much more importantly, by exercising the judgment moulded by their own years of secondary and post-secondary education under the tutelage of experts. If one wants to change the culture of our day and age, then, one goes to the top of the intellectual pyramid—to the professors who educate Hayek's intellectuals—and works one's way down. *That* is the twentieth-century educational strategy.

Political strategies, on the other hand, try vainly to work from the bottom up. Not only is this an inefficient use of resources, but it requires combating the constant stream of negative information spilling down the pyramid.

How can even the best-financed political campaign hope to compete with the entire culture? Debates over whether to accept matching funds or run TV ads pale into absurdity when we consider the actual position of the best-funded, most professional LP campaign, that of Ed Clark in 1980. The post-1980 debate over "principle vs. opportunism" misidentified the real tension Clark faced: he was constantly caught between, on the one hand, the effort to attain the cultural respectability he needed in order to be taken seriously, and, on the other, the fact that the more respectable he got, the less "educating" he could do. If his TV spots or personal appearances said anything really radical, they would be ignored; but if they were respectable enough to be taken seriously, what libertarian principles could they possibly communicate?

The Libertarian Party is like a black hole: the rest of the universe sees little of it, but it sucks in the energy and attention of those already inside, warping their perceptions of the rest of the universe.

But focusing on this aspect of the Clark campaign is itself symptomatic of the unquestioned premise that politics is an effective means of education. For it assumes that if there were a way to overcome the "principle vs. opportunism" dilemma—say, by packaging radicalism in a veneer of respectability, which the Clark campaign probably did as much as humanly possible—this would accomplish something important. But what evidence is there that merely *advocating* radical measures, or even explaining them cogently for a few minutes, as Ron Paul was able to do in TV interviews, will persuade anyone to abandon beliefs that have been, and continue to be, constantly reinforced by the rest of our culture—even if such advocacy *could* be made to appear respectable?

There are, then, at least two reasons political strategies inherently tend to fail. One is that it is difficult, if not impossible, to attempt to get a hearing for ideas the culture considers illegitimate. The other is that even given such a hearing, politics cannot persuasively communicate the *reasons* for holding such ideas. This leads to another familiar frustration of libertarian politics, one which, again, I witnessed almost daily during the Clark campaign: the fact that even those members of the media and the public who do try to take libertarian positions seriously are bewildered by their underlying rationale, and thus tend to focus on "laundry lists" of seemingly bizarre LP platform planks. This has less to do with any "media bias" against the LP than with a simple failure to appreciate the complex reasons libertarians have for, say, favoring a completely free market. This failure, I suggest, stems from the inadequacy of the political forum for communicating such reasons. As libertarians well know, politics is the most simplistic, irrational segment of modern mass culture; politicians invariably do their best to *follow*, not change, the basest, most idiotic passions of the electorate. So what makes us think we can use this forum to *educate* people about radically disturbing, hyper-rational ideas?

These fundamental dilemmas of the political strategy are easily lost sight of, however, because that strategy has become so much a part of libertarians' nature that they rarely stop to ask what it is supposed to accomplish, and how. Yes, of course, TV ads could have brought Ron Paul more votes in 1988. But what good does it do for the LP vote total to skyrocket from one-half of one percent to one or even two percent? Whose mind does that change? Matching funds would bring more votes. Taking over the Republican party would, too (!). But all of this, which passes for strategic debate, comes down to quibbling over *political* tactics.

The strategic question of whether *any* such tactics can *change anybody's mind* has been forgotten.

I have heard only one plausible at-

tempt to justify the political strategy despite its manifest failure as an educational tool. This attempt concedes the greater efficacy of attempts to reach intellectuals, but points out that there are lots of non-intellectual libertarians who need something to do; the LP fills the gap. Ed Clark is cited as a proponent of this view. [3] It should be noted that this is a backwards approach to strategy: rather than determine what would be effective and then try to secure the necessary resources, we are to tailor our strategy to the resources already available—regardless of how effective such a strategy is.

The LP can obtain the time and money of "non-intellectual" libertarians in one of two ways: either by draining them away from arguably more effective tactics aimed at the top of the intellectual pyramid, or by mobilizing "new" resources that donors would be unwilling to provide for such educational tactics. The LP unquestionably does divert *some* resources from what might be more strategically sound projects, such as the Institute for Humane Studies or the Reason Foundation. But most of the millions of dollars and hours spent by the LP are newly "created," not diverted from elsewhere. That is to say, for most people scholarship will never be as inspiring as a presidential campaign, so scholarly educational efforts can't be seen as harmed very much by the LP's use of resources: those resources would, by and large, otherwise be unavailable.

But how does the LP "create" those resources? By encouraging exaggerated expectations about the success of presidential campaigns and other political tactics. This is what moves people to give so generously of time, money and hope to the LP. Thus the cruel hype about millions of votes that never materialize is *necessary* if the LP is to generate the very commitment of non-intellectuals' resources that, by the Clark argument, is the LP's *raison d'être*. Leaving aside the ethics of raising false expectations, sooner or later they are bound to be dashed once too often. So with each disappointing campaign, disillusioned LP members will drop out.

This does not mean that, apart from supporting libertarian educational institutions, there is no strategically sound activity for "non-intellectual libertarians" to pursue. For instance, *nominally* political strategies may be useful in achieving educational aims—if those aims are kept firmly in mind. Even though politics is too superficial to persuade people of libertarian ideas, politics can present fleeting images which will affect people when they are later confronted with more substantive arguments. An educational strategy might give birth to political tactics which took advantage of this, by creating a favorable impression for libertarianism *among members of the intellectual class.* Clark's efforts to achieve respectability accomplished this in 1980. His campaign (and the LP in general, at least until then) if viewed as an adjunct to rather than a replacement for other efforts could be considered successful. On the other hand, every effort should be made to avoid candidates at any level who project a crackpot, right-wing or otherwise intellectually unacceptable image. Ron Paul's Robertson gambit could have been disastrous had it become widely publicized. (That it was pursued indicates that the LP has lost sight of educational goals in favor of fruitless efforts to mobilize voting blocs that are supposedly *already* well-disposed toward libertarianism.)

The important thing is that any political tactics be subordinated to a larger educational strategy. This is necessary not just because the current politics-as-an-end-in-itself approach is psychologically debilitating, ultimately self-defeating and eminently unsuccessful, but because of the more subtle effects of the politicization of libertarian thought.

I said before that the libertarian *movement* has been politicized by the LP's initial success; but the very notion that libertarianism must be a movement—or even an ism—rests on the political prejudice. Rothbard may have been a skeptic about the LP, but he soon jumped on the bandwagon because he saw that the political strategy furthered a style of libertarian thought he had already done much to establish—a polemical, dogmatism that is indispensable to a "movement," but which closes the minds of its members, narrows their interests and makes them less complete human beings. Witness the hue and cry about the "invasion" of Austrian economics by hermeneutics, or the reluctance to admit that serious environmental problems may not lend themselves to "libertarian" solutions—or even to admit that serious

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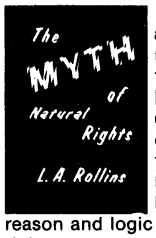

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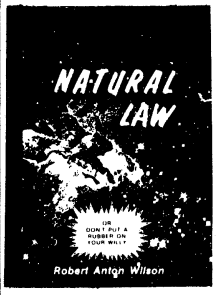

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environmental problems exist! A great deal of libertarian thought is devoted to developing ways to stick one's head so deeply in the sand that nothing can disturb one's devotion to the "pure cause."

Even among libertarian academics and intellectuals there is a pronounced inclination to be *political*:[4] to judge ideas by the support they lend to politically preordained (i.e., libertarian) conclusions, rather than by those ideas' validity. Naturally, those who indulge this inclination would not do so if they did not believe libertarianism to be valid; my point is not that one's politics is not based on one's perception of the truth. But rather than viewing that perception as a tentative and fallible conclusion that is open to argument, the "politicized" libertarian tends to view it as central to his personal identity, which is therefore threatened by different views. To label oneself "a libertarian" (or "a socialist" or "a conservative"), i.e., an adherent of an ideology called libertarianism, is to risk investing so much psychic capital in that ideology that one will not be open to persuasion.

Labels are useful, of course; the danger is letting one's label do one's thinking instead of one's mind. This is a profoundly unintellectual attitude, and although it is not unique to libertarians, it has narrowed and cheapened the quality of libertarian thought. Despite (or because of) their radical willingness to challenge political conventional wisdom, many libertarians have developed a conventional wisdom of their own that ill disposes them to be as open-minded toward those who disagree with them as they would have other people be toward libertarianism.[5]

Being closed-minded is no way to win a war of ideas, even if we do insist on viewing ourselves as soldiers in a war. A true intellectual, not as Hayek defines him but in the broader sense of someone who takes ideas seriously (regardless of his profession), understands the need deliberately to cultivate habits of self-criticism, in order to ensure that he believes what he does not because of his ideological stake in it but because he has good evidence for it. An ideologue, by contrast, is under no obligation to question whether his ideas are well-taken or are mere prejudices. Such self-criticism would get in the way of his being a polemicist; it would entail giving the benefit of the doubt to his "evil" enemies and looking for gray areas not conducive to political conflict with them. One who takes ideas seriously has little use for the Manichean view of the world encouraged by politics. The politician, however, must paint those with whom he disagrees as medacious, in order to mobilize his supporters' political energies. This is the least attractive and most effective feature of Ayn Rand's writing, and it will survive, in the view that libertarians are opposed to and by "The State" and its evil minions, as long as libertarians remain politicized.

Rothbard jumped on the LP bandwagon because he saw that it furthered a style of libertarian thought he had already done much to establish—a polemical, dogmatism which is indispensable to a "movement," but which closes that its members' minds, narrows their interests and makes them less complete human beings.

The moment the libertarian experiment with the political strategy was transformed into an article of faith, libertarian insights were of necessity frozen into an "ism"; openness to new ideas began to be anathematized as betrayal of the cause; and those who harbored new ideas were viewed suspiciously, as potential collaborators with the "enemy," rather than being welcomed as potential clarifiers of the truth. With that in mind, it is probably misleading to call what I advocate an "educational" strategy, for this implies that we have a set of fixed doctrines we are trying to "teach" the world. That is itself a politicized version of the intellectual approach, a version that transforms thought and even scholarship into thinly veiled (and often ineffective) propaganda by suspending our capacity to think critically in favor of the easy and gratifying reaffirmation of what we are already sure is true.

It is far healthier to inventory our beliefs and to view skeptically those that seem valid as *insights* we can share with the world but that do not prevent us from learning from the world, even from parts of it we used to see as "evil." Thinking of ourselves first as people (or intellectuals, or truth-seekers), and as "libertarians" second, and only contingently, is the path to effective influence on society, because only open-minded thinkers and scholars will transform the top of the intellectual pyramid. But this is not the ultimate reason to develop this self-concept. The real reason is that until we do, we are nothing more than ideologues, reduced to the level of party hacks, the victims of our own dogmas. This is a great position for a "revolutionary cadre" to be in, but not for self-respecting people with minds of their own. ❑

Notes

1. See Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (New York: Oxford University Press, 1978), for a vivid description of this change.
2. F.A. Hayek, "The Intellectuals and Socialism" (Menlo Park, Cal.: Institute for Humane Studies, 1971), p. 10.
3. Chester Alan Arthur, "High Noon for the Libertarian Party," *Liberty* (January 1989): p 25.
4. I can already hear the rejoinder that there is nothing wrong with adherents of a political ideology being political! But my point is to question the imperatives of ideologies, political or otherwise. One can take political positions without doing so dogmatically—that is, without letting them become so firmly entrenched that they govern what views one is willing to listen to openly. Guarding against that kind of politicization is difficult, but it is the most important responsibility of anyone who takes political ideas seriously.
5. Moreover, the focus on politics and economics has either deadened many libertarians to the vast realms of life that have nothing to do with those subjects, or alternatively it has politicized their appreciation of those realms—e.g., art. For such libertarians, either nothing exists save politics and economics (and perhaps science), or all the other things that do exist must be evaluated by their political implications. I realize that these broad strokes are unfair to many libertarians, but it would be hard to dispute that the culture of libertarians is, by and large, a peculiar and narrow one.

   In the nineteenth century, Matthew Arnold (*Culture and Anarchy*) discussed a similar phenomenon among the classical liberals Cobden and Bright and their followers—whom politicized libertarians ask us to emulate. It was the shock of recognition from reading this book that made me question the dogmatic ways of thought into which libertarianism had led me.

Reviews

The Abolition of Work and Other Essays, by Bob Black
Port Townsend: Loompanics, 1986, 160 pp., $6.95.

The Abolition of Breathing

David Ramsay Steele

"You may be wondering if I'm joking or serious. I'm joking *and* serious," writes Bob Black (p. 18). There are certainly lots of jokes, some of them good ones, in this book, and there is plenty of evidence of serious intent, at least in the sense that a child wailing for more candy is serious. But readers seeking a coherent case for some kind of change in the way society is run will be disappointed. The unifying theme is not an argument, but a pose, the pose of being more revolutionary than anyone else.

"If you know how to spell 'poseur,' you *are* one," declares Black (63). Just how subtle is he? The Situationists who sired him were a well-bred crew who greatly admired street-fighters and other lumpenproletarian scum, from a safe distance and with a snobbish haughtiness they didn't try to conceal. They would never, for example, have written "I've got a Nietzsche trigger finger" (Black), because they knew that Nietzsche rhymes not with "peachy" but with "Pleased-ta-meetcha." When the cultivated bourgeois idolizes the ignorant street lout, this is OK for the bourgeois and his select audience, but it is beyond the lout's capacities to emulate the bourgeois and idolize himself in the same way, and for a half-educated fellow like Black, a rope stretched over the abyss between Raoul Vaneigem and Sid Vicious, there is extra work to do, rigging up some semblance of cultural background to be able to appreciate the yobbo correctly, and working on being a yobbo too. Yet this does have the advantage that what seems to be merely crass could always be defended as self-conscious slumming—or, ultimately, as merely crass. When Black informs us that he is a poseur, is he letting us know that anything he says could be part of the pose, and may therefore be discounted?

I think we can safely conclude, at least, that Black does not like the prevailing statist-capitalist-socialist world order, and would prefer to have it replaced with . . . what? Something a bit like anarchocommunism, but even more different. In particular, he wants to abolish work. Or so he says:

> No one should ever work.
> Work is the source of nearly all the misery in the world. Almost any evil you'd care to name comes from working or from living in a world designed for work. In order to stop suffering, we have to stop working.
> That doesn't mean we have to stop doing things. It does mean creating a new way of life based on play . . . (17)

So either 1) we have to do without electric light, appendectomies, bread, ships, houses, and sewage disposal, or 2) these will somehow appear if no one works to produce them. 2) seems obviously mistaken, and Black makes almost no attempt to present any evidence for it. 1) would mean the elimination of more than 95% of the world's population, and the reduction of the remnant to a condition lower than the Stone Age. The point here is not just that this would be bad, but that long before such a program had been consummated, society would collapse back to a stage where the potential for retaining knowledge of large-scale co-ordinated plans would be lost. Having embarked on the ambitious mission of stamping out social co-operation and technology, humankind would at some stage lose the means and the will to finish the job. Out of barbarism, commercial and technological progress would be reborn. We're stuck with civilization.

Avant-garde job enrichment

In places, Black indicates that by "work" he does not mean work, but something else. Exactly what? There are contradictory suggestions:

> Work is production enforced by economic or political means, by the carrot or the stick. . . . Work is never done for its own sake, it's done on account of some product or output that the worker (or, more often, somebody else) gets out of it. (18–19)

This seems at first to say that work is work if you do it because you have to or because you will be paid for it. Then it seems to say something different: that work is work if you do it for the sake of an anticipated goal. Thus, if I write this review with the idea of a finished article appearing in *Liberty*, it is work, and therefore bad, but if I set down a string of words without any point to them, that is not work, but play, therefore good.

Elsewhere, Black seems to have other criteria in mind, as when he denies that college professors work (146), but it seems best to view this as merely one of his ad hoc punk postures. As far as I can tell, Black's actual definition of 'work' comes out most clearly on pages 24–26. Here he praises the way of life of prehistoric hunter-gatherers:

> Their "labor," as it appears to us, was skilled labor which exercised their physical and intellectual capacities... Thus it satisfied Friedrich Schiller's

definition of play . . . (25. And see 144)

This contradicts what Black has said earlier, since primitive hunting *is* "enforced by economic . . . means, by the carrot or the stick." The carrot is a full belly; the stick is starvation. More immediately, the carrot and stick are the approval and disapproval of fellow-members of the tribe.

However, drawing on pages 24–26 and others, I conclude that by "play," Black means work which is skilled, varied, enjoyable, not too long or hard, and not very repetitive. By "work" he means work which lacks one or more of the attributes of "play." "Play" must also be "voluntary" in the special sense that your income isn't affected by whether you do it or not, which means that people must get the same incomes whether they work or not—this is "higher-phase" Marxian communism, which, as has been clearly explained many times (Pierson, Mises, Brutzkus, Polanyi, Roberts—even such socialist writers as Stanley Moore), is not practically feasible.

Thus, Black's "abolition of work" doesn't mean abolition of work at all. It mainly means what is usually called job-enrichment or enhanced work-satisfaction, a well-worn theme which preoccupies numerous sociologists and personnel managers, on which endless seminars and symposiums are held, and on which thousands of books and articles have been published. It is typical of Black that, for all his wittering about "work," he displays no interest in this body of theory.

Black writes that "Anyone who ignores or evades the issue of work itself may well be a 'libertarian' (or for that matter a Marxist) but he is no libertarian" (15). It is Black who is evading the issue, by pretending to be in favor of the abolition of work, meanwhile letting slip that he isn't. Not evading the issue entails speaking clearly, making out a persuasive case, listening to objections, and endeavoring to refute them. If Black has hit upon a way of improving everyone's working lives without a catastrophic drop in the output of things people want, he should explain it and offer his evidence. Alternatively, if Black does welcome that drop in output, he should openly reveal himself as a kind of ascetic. Actually Black has nothing to say about how to make people's daily lives more enjoyable. As far as I can tell, he has never given this topic a moment's thought. The pose is everything.

Why Work is the Way It Is

If a possible change in the organization of work both increases output of products (without increasing costs) and is more acceptable to the worker, it will be introduced within the market, if its possibility is noticed. But there are many cases where a more productive organization of work will be less preferred by the worker, or where making work more pleasant for the worker will lead to reduced output (of goods other than pleasurable work), *after* allowing for reduced absenteeism, reduced strikes, reduced sabotage, reduced turnover, and so forth.

> *Most workers disappoint the self-nominated elites by their comparatively high preference for more consumer appliances as against more leisure, just as they disappoint the same elites by preferring football to folk dancing. As an Oscar Wilde character enquires, of what use are the lower classes if they don't set us a good example?*

Workers may choose to have a less productive but more pleasant work organization, by offering to work at sufficiently lower wages. This would enable the end-products to be sold to consumers at prices no higher than would be possible with the less congenial work organization. If workers are not prepared to offer a cut in wages, then this shows that they prefer the higher output, represented by that portion of their wages, to the more pleasant work organization. There's a trade-off between output of end-products and more pleasant work, and the combination which emerges is chosen by the workers.

This account does not depend upon workers being the ones to spot such opportunities or explicitly to volunteer wage reductions. Employers offer employees a package, of which money paid as wages is only one of many elements. If employers see a chance to make a job more attractive by some non-wage feature which costs them less than the equally attractive amount of wage payments, then it will be profitable for them to offer this feature, and less money. In a modern economy, with its abundant opportunities, virtually everyone knows of chances to make more money than they do, chances which they pass up because they wouldn't enjoy themselves so much in those activities.

Across much of industry a standard job package tends to emerge, but this, like the standard McDonald's hamburger, is the outcome of the consumers' choices. (In this case the consumers are the workers, who buy a package of job benefits by paying their time and energy.) Just as there are alternatives to McDonald's, so there are alternatives to working in a standard kind of job. If the preferences of workers shifted so that they valued congenial work organization more highly, in relation to payments of money, then employers who varied from the standard package by providing a more congenial organization would find themselves more advantageously placed than those who clung to the standard. If this change in workers' preferences were sufficiently widespread, the standard package itself would change.

There might be some desired styles of work organization which were so unproductive that even at a wage of zero they would not pay. It might be that if you tried to operate a steel mill with individuals who came and went whenever they felt like it, doing unpredictable stints ranging from five seconds to half an hour, the steel mill would be unprofitable, even without paying the workers, or indeed even if the workers paid the employer a sizeable fee for the fun of it all. Unprofitability shows that the resources consumed by this activity exceed the products created, including the recreational product. An unprofitable activity wastes society's resources, and will be discontinued in a free-market environment.

In some future free-market society with much higher incomes, it might possibly become commonplace for employ-

ees to pay employers to be allowed to work, and a high proportion of products might be made by people who had paid a fee for the opportunity to make them, or who worked for nothing. In this way, much of production might become more purely recreational. I don't know if this happens anywhere today. Are there any dude ranches which have the guests do the serious business of cattle-raising (not playing at cattle-raising, which doesn't raise cattle) and then sell the resulting beef? The fact that real examples are hard to think of indicates the gulf between work and play. Recreation sometimes looks superficially like productive work, but usually it's the case that precisely those adjustments which would have to be made to render play productive would destroy its charm. There's no law against this sort of thing—the only reason it doesn't happen is because (at present incomes and endowments) there's no way to make it happen.

The same applies to other aspects of work organization, for example the pattern of management. If management by workers' councils were more efficient in terms of end-products than conventional hierarchical management, then workers' councils would out-compete conventional corporations, which would disappear. But even if output, narrowly defined, were lower with workers' councils running things, yet workers were prepared to pay for workers' councils by accepting sufficiently lower wages to compensate for the reduced output, workers' councils would still come to predominate. (On the other hand, if workers' councils could out-compete hierarchical managements at the same wage levels, then workers who disliked attending tedious meetings and spending their evenings tapping away at Lotus might offer wage reductions for the satisfaction of having a specialized management which would get on with managing and let the rest of the workers know what to do.) Black, of course, objects to "workers' councils" (33), but only because of the name. As far as I can surmise, he'd be satisfied if they were renamed "players' councils."

At existing income levels and with existing habits and knowledge, workers do not prefer to opt for dramatic improvements in the quality of work along with lower wages. They are not even very keen on reducing hours worked—this would be a fairly simple matter in the industrially advanced parts of the world: if workers wanted to cut working hours by, say, 25%, most of them could do so, with their reduced money incomes being still several times a decent minimum of health and comfort. Black asks: "why hasn't the average work week gone down by more than a few minutes in the past fifty years?" (29). There is a correct answer to this question: because workers have chosen to take most of the gains of increased output in the form of more goods and services, and only a small part of these gains in the form of less working time.

Reduced working hours also compete with improvements in the recreational quality of work. Workers can cut their working hours by agreeing to accept less pleasant working conditions, or they can obtain a more congenial work environment by working longer hours. Some small part of the gains in output in the past 50 years may have been taken in the form of happier working conditions, though this is difficult to judge, as undoubtedly many improvements in working conditions have been concomitants of enhanced productivity, and therefore not subject to the trade-off.

Most workers disappoint the self-nominated elites by their comparatively high preference for more consumer appliances as against more leisure, just as they disappoint the same elites by preferring football to folk dancing. As an Oscar Wilde character enquires, of what use are the lower classes if they don't set us a good example?

An alternative way in which people could choose more congenial work would be by consumer discrimination. Just as some people now insist on goods made without cruelty to animals, paying higher prices for the guarantee of non-cruelty, purchasers of goods could manifest a willingness to pay more for goods produced in workplaces where people could come and go as they pleased, or democratically-managed enterprises, or whatever workplace arrangement they wished to encourage (no "cruelty to workers," the difference being that such cruelty occurs now only with the victims' full consent).

Work is necessary for survival, and if Black is concerned about the excessiveness of people's devotion to work, he ought to address himself to educating their depraved tastes. Yet I don't really see that he can claim to be a bringer of enlightenment. If people like or tolerate devoting much of their lives to hard work, why not just respect their wishes,

Keith Hutchinson, Ph.D.
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especially as most people's preference for more-work-and-more-products makes life a lot easier for the minority who opt for less-work-and-less-products?

Black points out that primitive hunter-gatherers didn't work very hard and spent a lot of their time loafing around. But we can't go back to those circumstances, nor can we approximate that lifestyle very closely and still maintain advanced industry, though we could gradually approach it by reduced hours and more flexible work schedules, and a few individuals can approximate it fairly closely by a combination of occasional work and living off handouts.

Part of the reason the primordial hunters didn't do more work might be that they saw little profit in it because of their restricted options. If you have one animal carcass to keep you going for the next week or two, it's a waste of effort to get another one, and what else is there to do except swap stories? When such hunter-gatherer societies encounter more technically advanced societies with a greater range of products, the hunter-gatherers generally manifest a powerful desire to get some of these products, even if this puts them to some trouble.

Most of humankind has been practicing agriculture for several thousand years, having at some stage found this more productive than hunting. Black suggests (19) that even the poor farmers who constitute most of the world's population are in some way better off than the denizens of advanced industrial societies. But these poor farmers also crave the products of advanced industry. Millions avidly migrate to the great cities, plantations, and mines, where they can improve their lot by becoming wage workers, often under harsher conditions than anything seen in the U.S. for many a long year. Though usually not in any danger of starving, these migratory laborers choose to reduce their leisure time and increase the harshness of their working lives, for the sake of bicycles, radios, stoves, dresses, and other appetizing fruits of capitalism. They don't seem at all keen to join the Bushmen.

The Usual Communist Fallacies

Of course, Black does not frankly acknowledge that submitting to workplace discipline in exchange for wages reflects workers' preferences. He repeats the usual communist claims that most occupations could be eliminated with no loss, and that "automation" can do almost anything:

> Most work serves the predatory purposes of commerce and coercion and can be abolished outright. The rest can be automated away and/or transformed—by the experts, the workers who do it—into creative, playlike pastimes whose variety and conviviality will make extrinsic inducements like the capitalist carrot and the Communist stick equally obsolete. (147)

Whenever Black strays into economics, he is out of his depth. He thinks the services sector is useless. Unless he can actually see something he can draw a picture of, like sausages coming out of a sausage machine, he can't see the point.

Work which serves the purposes of commerce cannot be abolished without a collapse of industry. In the absence of spontaneously-formed market prices of factors of production, maintenance of advanced industry is not practically feasible, as Mises explained in his writings on economic calculation.

In the market, automation occurs when it pays, a sign that the products are worth more to consumers than the resources used up. If automation were introduced where it did not pay, this would indicate that the resources deployed to install the automated plant were being drawn away from more urgent applications, and total output for society would fall.

As incomes continue to rise, automation will gradually become profitable in ever more areas of industry, but this does not mean that we can automate now as if we already had the higher incomes of tomorrow. (A less important, but symptomatic, fallacy in the above quotation from Black is his assumption that anyone who does a job is an expert on organizing that job.)

In slightly more detail, Black alleges that "Entire industries, insurance and banking and real estate for instance, consist of nothing but useless paper shuffling" (29). Again, no argument is presented, and Black does not explain how the allocation of resources would be conducted in the absence of insurance, banking, and a market for real estate. Even if this could be done by some planning system which employed fewer people than now employed in these industries (a planning system which so far no socialist or communist has been able to come up with, despite much attention to the matter since Mises's challenge in 1920) this would still mean that only the *difference* between employment in the planning apparatus and employment in banking, insurance, and real estate could be counted as a saving, and against that would have to be set any reduction in output elsewhere, due to the planning system's being a less efficient allocator than banking, insurance, and real estate.

It is likely that, as essentially an anarchocommunist, Black just vaguely imagines that no allocation is necessary, or that it will happen automatically by magic. Whenever he strays into economics or anything to do with the administration of industry, he is out of his depth. Black thinks the tertiary or services sector is useless (29). Unless he can actually see something he can draw a picture of, like sausages coming out of a sausage machine, he can't see the point. Planning, co-ordinating, communicating, organizing are all worthless activities. By analogy one might say that the brain is a useless organ in the body, since plainly it doesn't actually *do* anything.

Black continues: "we can take a meat-cleaver to production work itself. No more war production, nuclear power, junk food, feminine hygiene deodorant—and above all, no more auto industry to speak of" (29). As for war production, I agree with him. The difficult bit is first of all to eliminate the possibility of war. After that, abolishing war production is child's play. He offers no hint on how to eliminate the possibility of war. Cutting out nuclear power will mean more expensive electricity and more environmental damage from the burning of fossil fuels; everyone is to be made poorer and sicker, just to soothe the phobias of a handful of ignoramuses. Suppressing synthetic groin perfumes, cars, and so-called junk food is a simple matter of Black's wishing to impose his

personal preferences on people who differ from him.

It's Murder

According to Black, "work is mass murder or genocide" (26). He cites statistics showing the large numbers of people killed or injured at work, and adds, for example, nearly all auto casualties because these arise while "going to work, coming from work, looking for work, or trying to forget about work" (27). Work, says Black, "institutionalizes homicide as a way of life."

People can die or suffer injury in any activity. Any time you eat, you may choke to death. If an activity occupies a great deal of people's time, it will probably occasion a great deal of death and injury. A large proportion of serious accidents occurs in the home—people fall downstairs, electrocute themselves, and so forth. If we add accidents which hit people "going home, coming from home, or trying to forget about home," the toll is even higher. Does this show that housing is inherently murderous?

"What the statistics don't show is that tens of millions of people have their lifespans shortened by work—which is all that homicide means, after all. Consider the doctors who work themselves to death in their fifties. Consider all the other workaholics" (27). To the extent that there is anything in this argument, it shows that work can be *suicide* (not homicide, which is usually defined as involuntary on the part of the victim). And indeed this raises the interesting point that suicide is a matter of degree, and that no one is against any degree of suicide.

"Workaholics" are people who like to work hard and long. This may shorten their lives, it may make them miserable, but it is their choice. Climbing mountains or exploring the sea bed will probably shorten your life, as compared with being a supermarket sales clerk, but that's hardly sufficient to call those outdoor pastimes homicidal. Endless partying and self-indulgence, which Black seems to applaud, are probably more hazardous to your health than some varieties of hard work.

This is not to deny that many jobs are dangerous. Industrial manual workers who join the armed forces during a modern conventional war may run less risk of death or injury than by following their peacetime occupations—it would be an interesting exercise to make the empirical comparison. But as incomes rise, jobs become safer—workers have more alternatives and can insist on greater compensation for high risk. Even if we imagine a case where a worker has to take a highly dangerous job in order to avoid starvation, this is no more murderous than the situation of Black's hunter-gatherers, who can either starve or run the risk that they will be killed while hunting.

Work involves risks, sometimes great risks. But—and this is rather obvious—it is sometimes worth the risks because of the products. If work is homicide, it is justifiable homicide.

A Black View of Libertarianism

Black's many criticisms of libertarians mostly amount to belaboring the fact that they do not share his own proclaimed objective of "abolition of work." A libertarian, he indignantly declares, "is a Republican who takes drugs" (141). Aside from the fact that Black's not being quite candid when he pretends that abolishing work is his objective, it's easy to

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pin guilt by association onto any position, from a preposterous standpoint which lumps all opponents together. Faced with the demand to abolish breathing, Bob Black is in the same conservative camp as Dan Quayle. The differences between them are purely cosmetic distractions; they're both abject apologists for respiratory oppression.

Black maintains (142–48) that since work, the market, the nuclear family, and other things he doesn't care for have been going on for centuries, along with the state, it's therefore foolish to try to abolish the state while retaining these other institutions. In a similar vein, it's myopic to seek to abolish slavery without abolishing the state, to abolish cannibalism without abolishing eating, to abolish witch-burning without abolishing religion, or to abolish work without abolishing breathing.

"The abolition of work is, of course, an affront to common sense. But then so is the idea of abolishing the state" (145). Exactly. But this doesn't show that abolishing work is as reasonable as abolishing the state. Common sense consists of theories held by millions of people. It can be wrong and it can be changed. The mere fact that some theory conforms to common sense, or scandalizes common sense, has no bearing on whether that theory is true or false. People who oppose a particular commonsense notion should try to make out a persuasive case against it.

Sticking His Tongue Out

I recommend Black's book as an entertaining mosaic of amusing, occasionally perceptive, frequently silly observations on various randomly-chosen aspects of our culture, from someone whose feverish efforts to be as radical as possible sometimes lead him to be an interesting reactionary. (But there are plenty of trendy-lefty shibboleths he can't let go of, as witness his animadversion on Proposition 13, on page 85. He wants to abolish the state, but as long as we have a state, Black prefers it to be a fat one.) From time to time, Black lapses, against his better judgement, into quite sensible arguments (pages 88, 135, for instance). My strictures on Black are exclusively concerned with his claim to be a revolutionary. He is a revolutionary the way Gene Autry was a cowboy.

Black makes cute remarks about New Wave ("withered on the vinyl"), Transubstantiation ("Man bites God"), Vegetarianism ("You are what you eat"), socialists ("sheep in wolves' clothing"), and himself ("secretly famous"). He doesn't care whom he upsets ("Sure the Jews are Christ-killers, but what have they done for us lately?"). He admires Robert E. Howard and deplores Woody Allen. Does any of this have anything to do with "abolishing work"? Almost nothing. Black apparently imagines he's saying things which all fit together into a grand analysis of culture and prescription for revolution, but he's just venting his sundry likes and dislikes.

Although I think that Black's desired form of society is unrealizable, what is even more indefensible is his theory of how this form of society can be brought into being. For example, Black praises and recommends the assassination of schoolteachers. While that may for him be an invigorating fantasy, its advocacy is wickedly irresponsible, because some foolish wretch, less slippery and more literal-minded than Black, might act upon it, resulting in one or more murdered teachers, one hopelessly blighted killer, and a great many people upset and alarmed.

Just as theft does not embody an alternative property system, and lying does not embody an alternative language, so absenteeism, strikes, sabotage, and the rest, do not embody an alternative system of organizing industry.

Apart from the wrongness of such an action, I cannot see how it is supposed to bring Black's (allegedly workless but actually job-enriched) form of society into existence. If all the teachers in the world were killed tomorrow morning, the result would not be the abolition of work, nor any movement in that direction, nor any improvement in the lives of the great majority of people. Nor would it be any weakening in the power of the state.

Our author has high hopes for the growth of non-voting, but these are misplaced. Lack of interest in elections reflects the fact that there's little difference among politicians, competing for the Middle. Voting is a waste of time because there are so many voters—the fewer the people who vote, the more powerful each vote becomes: if only a hundred people voted in a presidential election, those hundred would be the most powerful individuals in history. As people stop voting, the greater the incentive to vote.

General disenchantment with politics is not an encouraging sign for anti-statists, unless it is accompanied by belief in some positive alternative. Since 99 percent of the people who don't vote are every bit as convinced of the absolute necessity for a powerful state as the people who do vote, a major abstentionist trend might be a prelude to authoritarian rule. Yet I don't see non-voting as a serious challenge to democratic legitimacy, for the non-voters could vote if they chose, and their views on policy are very close to those of the voters. If it's thought desirable to have as many votes as possible used, then permitting people to sell or donate their votes to others might be a beneficial reform.

Black claims that since the workplace (in the habitual antiquarian argot of the pseudo-left, he says "the factory") is an instrument of social control, enforcing the division between decision-makers and order-takers, "the revolt against work—reflected in absenteeism, sabotage, turnover, embezzlement, wildcat strikes, and goldbricking—has far more liberatory promise than the machinations of 'libertarian' politicos and propagandists" (147).

Just suppose that Black were right about the goal of "abolishing work," where is the "liberatory promise" in the activities he recommends? How could they lead to what he calls the abolition of work? Undoubtedly such activities may benefit their practitioners in a small way, as may pilfering from employers. But these activities don't hold out any promise of eliminating or transforming work, any more than pilfering could eliminate or transform the institution of private property. As with pilfering, the main sufferers are other workers. And after all, it's very much in any worker's interest that most other workers do *not* sabotage, goldbrick, wildcat-strike, and so forth.

Just as theft does not embody an alternative property system, and lying does not embody an alternative

language, so absenteeism, strikes, sabotage, and the rest, do not embody an alternative system of organizing industry. If an alternative doesn't exist, then we can't improvise ourselves into it by an unconscious "revolt," and if an alternative does exist, then we don't need to approach it in such a hit-and-miss way; it can be explained and argued for, and if attractive to most people, adopted and implemented with conscious forethought. But the truth is that Black has no alternative. Hence his interminable attitudinizing. I don't really mind that Black is a self-proclaimed poseur, but why does he have to *work* so hard at it? ❑

***Robert LeFevre: "Truth is Not a Half-way Place,"* by Carl Watner Gramling, S. C: The Voluntaryists, 1988, 236 pp., $14.95.**

The Wonderful Wizard of Liberty

Ethan O. Waters

If you strip away Robert LeFevre's reputation as a libertarian philosopher and teacher and look at the events of his life, you would think he was nuts. Well, maybe "nuts" isn't quite the right word. LeFevre was not simply nuts. There was a method to his nuttiness: the method of a marginally successful cult-leader. That is the most salient conclusion about the life of LeFevre that I derived from Carl Watner's pseudo-biography.

When I say "pseudo-biography," I am choosing my words carefully. In literally the last passage of the last paragraph on the last page of the book, Watner writes:

> In late November of [1984] Bob approached me about writing his biography. He had found it impossible to get a publisher for his 2,000 page autobiographical manuscript, and he wanted someone to pare his story down to manageable proportions. I accepted that challenge, and Bob lived just long enough to read and comment on the third draft of the book you are now holding in your hands.

There you have it: this alleged biography is actually a condensed version of an autobiography, edited under the watchful eye of the subject himself! This is but one example of the peculiarities that surround LeFevre.

A Libertarian Role-model?

There is no doubt that Robert LeFevre played an important role in the development of contemporary libertarianism.

In the late 1950s and early 1960s, his Freedom School (1955–1968) educated hundreds in libertarian theory, including his own unusual anarcho-pacifist notions. Among faculty at one time or another were such libertarian luminaries as Ludwig von Mises, F. A. Harper, Leonard E. Read, Gordon Tullock, Arthur Ekirch, Bruno Leoni, W. H. Hutt and James J. Martin.

In the late 1960s, LeFevre helped organize and finance the libertarian revolt on the campus, publishing *Rap* magazine and sending "libertarian troubador" Dana Rohrabacher from campus to campus, singing and organizing for anarchism.

Many prominent libertarians, among them Rohrabacher (now a right-wing congressman), Charles Koch (multimillionaire oil baron who finances the Cato Insitute and formerly financed the Libertarian Party), Durk Pearson and Sandy Shaw (best-selling writers and talk-show personalities), Roy Childs (writer for Laissez-Faire Books), Sam Konkin (publisher of *New Libertarian*), and Robert Kephart (former publisher of *Libertarian Review* and several hard-money newsletters) have expressed admiration for LeFevre as a libertarian thinker, leader and teacher; in many cases their praise has been effusive. "Robert LeFevre was a libertarian prophet who had an immense influence on the modern freedom movement," writes Childs in his review-advertisement for this book in the Laissez-Faire Books catalog. "He had the kind of impact that lasts a lifetime."

LeFevre served as the model for Bernardo de la Paz in Robert Heinlein's libertarian science fiction classic, *The Moon is a Harsh Mistress*, and Kurt Vonnegut quoted and satirized him in his anti-capitalist novel *God Bless You, Mr. Rosewater*.

"It is a measure of the breadth of Robert LeFevre's influence and character," Karl Hess writes in the Foreword to this book, "that so many will remember him for so many different reasons. Teacher. Schoolmaster. Consultant. Businessman. Philosopher. Soldier. Religionist. Social Theorist. Debater. Author. Socratic Goad. Experimenter. Maddening Demander of Consistency. Searcher. Finder. Good Friend. Implacable Foe. All of that is detailed in this book."

And what a remarkable book it is.

I can scarcely recall reading a more hagiographic work. Even Barbara Branden's 1961 biography of Ayn Rand (*Who Is Ayn Rand?*, which has been out of circulation—reportedly suppressed—for the past two decades) achieves its idolatry by omission of unpleasant detail. It didn't portray its subject's bizarreries as virtues, as does the LeFevre tome, which explains them away by placing them in the most favorable possible light.

St LeFevre

Consider the treatment of LeFevre's involvement with the I AM Movement, a wacko religious cult that gained a large following during the 1930s. The movement was the work of the husband-and-wife team of Guy and Edna Ballard. She was a harpist and occultist; he was a theosophist and paperhanger. In 1930, Guy visited Mount Shasta, a favorite site for American religious cultists. On its slopes, he encountered one "St Germain," an eighteenth-century mystic and twentieth-century "ascended master." In his book *Unveiled Mysteries*, Ballard described St Germain as "a majestic figure, God-like in appearance, clad in jewelled robes, eyes sparkling with light and love." St Germain revealed to Ballard that Shasta is the home of Lemurians, refugees from the ancient kingdom of Mu, now lost below the Pacific Ocean. Lemurians, who can appear or vanish at will, are seven feet tall and display a walnut-sized sense or-

gan in the middle of their foreheads, with which they can communicate by ESP.

St Germain gave Ballard a cup of a strange liquid, which enabled Ballard's spirit to separate from his body. Wrapped in a sheet of flame, Ballard joined St Germain for a tour of the world, the highlight of which was a visit to Royal Teton Mountain. St Germain touched a stone, and the mountain opened to reveal large rooms filled with gold and silver, and a single room in which all the records of the world were written on golden sheets.

Ballard's beliefs, which form the core of the I AM Movement's teachings, were far more elaborate than this brief account suggests. But you get the flavor. "Daddy" and "Mama" (as Guy and Edna were known to their followers) soon had a lucrative business operation. They traveled from city to city, ministering to their followers. Robert LeFevre learned of the Ballards sometime in 1936 when he was an announcer at a radio station in Minneapolis. He resisted the faith for some time, only giving in to it after a fantastic experience:

> He was in Studio B at WTCN, standing next to the grand piano. The recordings he had played on his shift were stacked on top of the piano. His relief announcer was in the boot giving a commercial. Suddenly, Bob had a feeling of rising to a great height within himself. A voice spoke. Only two words were spoken. "I AM." That was all. Instantly, the studio was filled with the aroma of fresh roses. At the same moment, Bob heard a series of clicks in his mind and with each click a question about the ultimate reality that had baffled him, appeared answered. In that instant every doubt and fear that he harbored vanished.
>
> "I AM," was the answer . . .
>
> That night at home, Peggy [his wife] suspected that Bob had had a date. The perfume of roses so permeated Bob's scalp that it lingered in his hair for more than a week, despite daily showers and hair rinses . . . (pp. 21–22)

Is that the experience of a rational man? Or is it the hallucinatory experience of a religious nut, or the story of a man determined to gain a cult-like following?

LeFevre parlayed his mystical experience into a leadership role with local I AM cultists, eventually joining Mama and Daddy touring from city to city in their canary-yellow Chryslers, raking in cash from the faithful.

Whatever the nature of this peculiar experience, what it led to was a not terribly successful career as a cult-leader. LeFevre parlayed it into a leadership role with local I AM cultists, eventually joining Mama, Daddy and their entourage, touring from city to city in their canary-yellow Chryslers, raking in cash from the faithful. LeFevre was the announcer at their religious "classes." He eventually had his own conferences with St Germain, as well as other mystical experiences. On one occasion, for example, he entered the hotel room of Pearl Diehl, a beautiful fellow cultist on whom he had sexual designs, by walking along a four inch wide ledge between their hotel room windows ten stories above the street, all the while in a trance. At least that's what he told the beautiful Ms Diehl, though Watner does admit that this was "an incredible performance to say the least" (44).

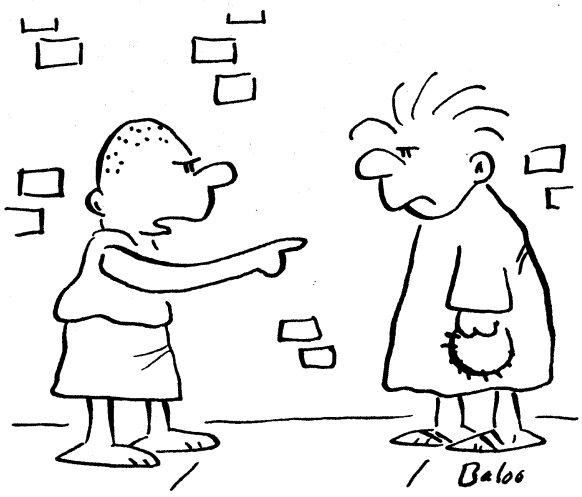

"My spiritual leader is more enlightened than your spiritual leader!"

In 1939, LeFevre had a "dictation" from St Germain that he should leave Mama (by now Daddy was dead) and move to San Francisco to live with Pearl Diehl and her husband, and write a book about the movement. At first Mama turned him down flat. But then "a flash of light caused them both to look up. He experienced a momentary feeling, like [sic] he felt before going into one of his trance-like states." It was St Germain, Mama said, telling her to accept Bob's resignation.

So Bob moved into the penthouse in San Francisco belonging to Pearl and her husband Sidney, and set to work writing: "The book was titled, *I AM America's Destiny*, and dealt largely with Bob's own personal experiences in the I AM movement. It recounted the basic doctrine taught by Daddy and extolled the virtues of America by criticizing both the unions and the communists for undermining the government." But Mama apparently didn't care much for the book. She publicly attacked Bob in June, 1940: "The book was a fraud, she told students. He and Pearl were to be 'blasted' into eternity for having the gall to say that Bob had ever seen St Germain" (49).

A month later, Bob was indicted for mail fraud, along with other leaders of the I AM Movement. The indictment was particularly troubling to him because he had been expelled the previous month. But he persevered. Several of his most enthusiastic followers stayed with him after his expulsion from the movement. They were to form the nucleus of a "family" of women who followed him about the country, often providing him financial sustenance in his varied career as unsuccessful entrepreneur, right-wing political candidate, television news reader, anti-communist crusader, newspaper editorial writer and, in his later years, libertarian guru.

LeFevre the Entrepreneur

Shorn of hagiographic embroidery, LeFevre's adventures are impressive enough. Consider, for example, his

entrepreneurial career, exemplified by his experience with the Ormond Hotel in San Francisco, which he purchased in 1946. Despite his investing heavily in the hotel, it lost money constantly, and he was in danger of foreclosure and bankruptcy. He convinced a group of his followers (called "the Group") to take title to the hotel and assume all liabilities, leaving him free of debt and them with a hotel that was a black hole for cash. Within a few days, he was contacted by "Gypsy" and Gerald Buys, who had earlier discussed trading his equity in the place for their equity in another real estate pink elephant, an old mansion in Los Angeles. They wanted to do the deal. So LeFevre went to his followers and asked them to trade the hotel for the mansion. Alas, none of "the Group" wanted to move to Los Angeles. No problem, he explained. He would move into the mansion and be its caretaker without salary, in exchange for using the place rent-free. All "the Group" would have to do is pay the taxes and the mortgage payments until a buyer could be found.

And so LeFevre moved into Falcon Lair, the old mansion Rudolph Valentino had built for his mistress. Alas, Falcon Lair was no easier to sell for LeFevre and "the Group" than it had been for the previous owners, and "the Group" grew tired of paying its expenses. So LeFevre hatched another plan. He would organize a contest. The equity (and the liabilities) of Falcon Lair would be the prize awarded to the individual or group that came up with the best idea about how to fight communism and socialism and maintain peace and freedom in the world.

Three finalists were chosen (the contest's judges were not revealed, though one suspects LeFevre himself chose the winners): a group that "wanted to create a world religion with its center at Falcon Lair . . . a spokesman for the California Rocket Society [which] believed that peace and freedom were achieved by power and force [and that] the government should develop a missile armory to insure peace. . . [and] Reverend Singer [who] thought that education was the only answer."

But none of the finalists wanted the prize; all they wanted was the publicity. LeFevre tried to get them to accept it jointly and co-operate, but they refused: "The irony was conspicuous. They were people supposedly dedicated to peace but they couldn't cooperate long enough to even accept an award together." Irony? Indeed!

His covey of female followers provided the capital and labor for him to begin his famous Freedom School and his knack for getting contributions from multi-millionaire conservative businessmen kept it going.

What became of Falcon Lair and "the Group's" financial obligations? Watner tells us that "Bob believed that it would be morally wrong for the Group to profit from the property since it had been offered as a prize. Therefore they were willing to let it revert back [sic] to the lien-holder." Whether "the Group" had to make good the other liabilities of the proposition is not specified.

LeFevre continued his career, taking his covey of female followers with him as he ran for office as a right-wing Republican, embarked on a nationwide anti-communist crusade, and tried to find employment with a variety of conservative and proto-libertarian organizations. Finally he landed a job as editorial writer for a radical libertarian newspaper, the Colorado Springs *Gazette Telegraph*.

LeFevre the Educator

Before long his "family" provided the capital and labor for him to begin his famous Freedom School, where he taught the freedom philosophy he had developed under the tutelage of Harry Hoiles, editor of the *Gazette Telegraph*, and evidently the origin of LeFevre's libertarian ideas. He developed a real knack for getting contributions from multi-millionaire conservative businessmen, which he used to build his Freedom School into the major radical libertarian institution of the 1950s.

But foolish business decisions proved his undoing. The creek on the property overflowed its banks in June 1965, severely damaging the buildings. LeFevre hadn't insured them adequately. He borrowed heavily to rebuild them. He decided to go on with earlier plans to organize Rampart College, a graduate school offering advanced degrees in history and economics. Later in 1965, he signed historian James J. Martin and economist W. H. Hutt to five year contracts to be his faculty. But Rampart College had difficulty attracting students and was a losing operation. The school's major source of income was Roger Milliken, a multi-millionaire cotton mill owner from South Carolina, who required many of his employees to attend LeFevre's seminars and paid him handsomely. Alas, even this was not enough. The operating deficits were covered by bank loans, using the real estate (whose value had appreciated considerably) as collateral.

In 1968, the bank refused to extend further credit and asked LeFevre to begin debt reduction. With the operation continuing to lose money, LeFevre had no choice. He would have to liquidate. Happily, the property had appreciated to the point where it could be sold, pay off the mortgage, and leave LeFevre with a nice pile of cash.

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LeFevre had a stroke of good fortune when W. H. Hutt, realizing that his professional reputation was suffering from association with LeFevre, asked to be released from his contract, which still had four years to run, "and at least one large obligation of the school disappeared." Alas, he was not so lucky with James J. Martin. "Bob assumed that Martin wished to cancel his contract, too. He believed that Martin felt the same way as Hutt, and would be ready to leave the school. Bob called him into his office and unilaterally cancelled his contract, without giving Martin any say in the matter."

Watner has little sympathy for Martin's resistance to LeFevre's attempt to bully him. "A few days later, Bob received a letter from Martin informing him that Martin was prepared to hold him to the original contract. Only one year of the original five had gone by, so there were four more years in which the school would have to pay him a salary and provide housing. Bob tried to explain to Martin that financial reverses made it impossible to honor his contract, and probably necessary to close the school. None of this made any difference to Martin who insisted on having his contract filled to the letter."

Although Watner does not report how much the property sold for, it must have been a substantial sum. It was enough to pay off the mortgage, pay off Martin, pay LeFevre and his "family" twelve years of "back wages," buy LeFevre a new house in California, and re-establish Rampart College there "on a limited basis."

LeFevre the Thinker

"How he steals! How he spoils everything he steals! How he annoys me! But he won't annoy me any more; I have read a few of his pages and that's enough."—Marquise de Parolignac, in Voltaire's *Candide.*

Robert LeFevre long held a fascination for me, and I sought out and read several of his books. What I found in them was a dull, poorly written mishmash, mostly stolen from others who knew how to write and to think far better than LeFevre.

The only element that distinguished LeFevre's thought, it seemed to me, was his odd notion of aggression, which subsumed many acts that most libertarians (or anyone else with a lick of common sense) would regard as defensive. Suppose you are attacked on the street by a thug. You can defend yourself, LeFevre argues, by trying to block with your arm the knife that the assailant is preparing to stick in your gut. But if you punch him to ward him off, you are trying to harm him and therefore committing an act of aggression.

This bizarre notion generally elicits all sorts of responses from those first exposed to it. Suppose I were being raped, a woman might ask. Does this mean I cannot take the most effective direct action available to protect myself, a swift kick to the *cojones*? Suppose I were kidnapped and tied up? Does this mean that I could not cut the rope without committing aggression against the kidnapper's property?

The only element that distinguished LeFevre's thought, it seemed to me, was his odd notion of aggression, which subsumed many acts that most libertarians (or anyone else with a lick of common sense) would regard as defensive.

LeFevre's strange notion of aggression explains his opposition to voting: for him, voting was inherently aggressive; it made no difference whether one voted for conscription or against it. The first vote would violate the rights of those conscipted against their will; the second would violate the rights of those who actually wanted to be conscripted.

As I understand it, LeFevre had a quick mind and a great personal charm which somehow enabled him to handle objections. But even his admirers were generally not convinced. Many agreed with LeFevre's case against voting and political activism, but could not accept his opposition to self-defense, preferring to regard his radical pacifism as some sort of peculiar deviation from his essential philosophy.

A Waning Influence

Along with Ayn Rand and Murray Rothbard, LeFevre can be considered a "Founding Father" of the contemporary libertarian movement. These three individuals, born between 1905 and 1926, provided many of the ideas and much of the inspiration for those who broke away from other ideological disciplines in the late 1960s and gave the term libertarianism its special identity.

Although Rand died in 1982, her influence lives on. To this day, libertarians rarely engage in discussions of political, philosophical or strategic issues without considering what Rand had to say on the matter. Rothbard is as active and curmudgeonish as ever, continuing to influence libertarian thinking, to add words to the libertarian vocabulary, and to define the issues over which libertarians wrangle. Rand and Rothbard ranked first and second when *Liberty* polled its readers about who influenced their intellectual development. LeFevre ranked 21st.

Why this anomaly? Why is LeFevre's influence so low today, in comparison to that of the other libertarian pioneers?

The reason, I am convinced, is that LeFevre's influence was personal rather than intellectual. For the most part, his fans admire him for his manner and his manners, his gentleness and his style. Rand and Rothbard have written intellectually powerful books that influence us by the sheer force of their logic. But Rand's heavy Russian accent and her complete lack of humor, and Rothbard's New York accent and his sharp and often nasty wit, often alienate their admirers. LeFevre, in contrast, employed a silver tongue and salesman's tricks, practiced through years as a radio pitchman and religious cult leader, to gain his influence. His influence was felt not through writing but through personal charm. His influence today is limited to the memories of those who were touched personally by him.

Despite the weirdness of both the book and its subject, *Robert LeFevre: Truth is Not a Half-way Place* is fascinating. It is more revealing than it was probably intended to be, and benefits from critical reading. But the sheer nuttiness of its subject and its wealth of unintentional humor make it well worth the effort. ❑

The Real Life of Alejandro Mayta, by Mario Vargas Llosa, translated by Alfred Mac Adam, New York: Vintage, 1986, 310 pp., $6.95.

Against the Peruvian Apocalypse

Stephen Cox

In 1985, Alan Garcia took office as President of Peru. Young (as politicians go), handsome (as politicians go), center-left, and given to ad hoc tinkering with dangerous situations, Garcia was the generic third-world "John F. Kennedy." By late 1988, Garcia's political career was as dead as Jacob Marley.

Garcia's greatest political success—an economic "miracle" accomplished by raising wages, controlling prices, and using high tariffs to make everyone buy Peruvian—led to astronomical inflation. Meanwhile, Garcia alienated the right by nationalizing what remained of private banking in Peru, and he alienated the left by his failure to prohibit or punish the prison massacre of revolutionaries. By December 17, 1988, he had become so unpopular that he was forced to resign from the headship of his own party.

When Garcia leaves office after the election of 1990 (if a military coup doesn't remove him before then), he will leave a nation lying in economic ruins and convulsed by guerrilla warfare. The Sendero Luminoso ("Shining Path"), a Maoist group crazier than anything this side of the Khmer Rouge, harries the Andes and terrorizes the capital. Peru is nearing the "apocalyptic" events envisioned in Mario Vargas Llosa's novel *The Real Life of Alejandro Mayta*. And, just possibly, Peru is also nearing that rarest of literary events, an author's attainment of the power to prevent his fictions from becoming reality.

Vargas, 53, was once a leftist admirer of Castro. He was little different, in his political sympathies, from many other members of the Latin American literary establishment, which properly regarded him as one of its brightest stars. But Vargas was too good an intellectual not to be open to the empirical falsification of his ideas. Observing the ill effects of government manipulation of economies all over the world, he investigated and began to advocate free-enterprise ideas even before Garcia's experiments turned definitively sour. (In fact, he predicted their collapse while American media—e.g., *The New Yorker*—were still viewing them as hopeful.) He founded a movement, Libertad, that gave a polemical voice to the large segments of the Peruvian populace that were outraged by Garcia's bank nationalization. A coalition of right-wing parties now stands ready to nominate Vargas for President of Peru.

The 1990 campaign, in which Vargas will probably face a Marxist rival, should be one of the most dramatic intellectual contests of the century, a clear-cut struggle between philosophies of limited and unlimited government. The battle will be intransigently fought. Its stakes will be the ideological destiny of the third world—and its material destiny, too, because one can hardly imagine how the desperate economic problems of third-world countries can be solved unless an indigenous intellectual leadership arises that clearly understands the connection between freedom and prosperity.

It's not clear, of course, that Vargas will win his battle, either for the presidency of his country or, if he is elected, for its future. In both cases, there are substantial odds against his success. One battle, however, he has already won—the battle to keep his writing free from political dogmatism. Of his many novels, *Alejandro Mayta* is the most directly relevant to the current political crisis, but it is noteworthy for its breadth of concern and its freedom from overt political preaching.

Vargas has written himself into the plot—as an observer, not as a politician—by structuring *Mayta* as the story of a novelist attempting to understand the motives of a leftist revolutionary. His protagonist, Alejandro Mayta, is an impoverished urban intellectual who, in 1958, attempts to start a guerrilla movement in the Andes. The attempt fails, but it foreshadows more successful efforts, including that of Sendero, whose presence haunts the novel with its intimations of complete political destruction. Twenty-five years after Mayta's failure, a writer begins researching his life, talking to former friends and enemies to gain inspiration for a novelistic treatment of the story. All the while, the new revolutionaries are increasing their power. Enlisting the aid of Cuban troops and planes, they advance on Cuzco and Lima; the government staves off imminent defeat only by calling in American Marines.

Vargas's images of revolution are harrowing—and plausible. But they are just one element in his portrayal of the oppression and misery of Peruvian existence, from the Andes, where human life is a mere "animal routine" continued in scenes of medieval filth and ignorance, to the capital, where despair and cynicism turn even the wealthiest neighborhoods into open garbage dumps. Vargas describes a political culture that has always been saturated with coercion and irrationalism. Peru was once a seat of the Inquisition, and its methods have been carried into the twentieth century, with disastrous psychological and economic effects.

> At the entrance to the Museum of the Inquisition, I see that at least another dozen old people, men, women, and children have joined the family in rags I saw before. They constitute a sort of grotesque royal court of tatters, grime, and scabs. As soon as they see me, they stretch out their black-nailed hands and beg. Violence behind me and hunger in front of me. Here, on these stairs, my country summarized. Here, touching each other, the two sides of Peruvian history. (109–10)

It is predictable that intellectuals raised in a political culture characterized by violence and tyranny should learn and adopt the methods of violence and tyranny. Vargas draws implicit parallels between "the gentlemen Inquisitors, among whom there figured [their collaborators] the most illustrious intellectuals of the era: lawyers, professors, theological orators, versifiers, writers of prose,"

and the twentieth-century intellectuals who automatically collaborate with authoritarian movements and institutions (106). But Mayta, as the writer reconstructs him from the memories of his acquaintances, seems different from the others. Most of his intellectual generation are Stalinists; he is an eccentric Trotskyist. They want power; he wants action. They are bigotedly macho; he is homosexual. He is a socially marginal person who wistfully desires "to plunge right into the heart of the people" (94); they are smug ideological conformists to whom the word "heart" means nothing.

Expelled even from his seven-man revolutionary organization, Mayta takes to the hills with an army lieutenant, two peasants, and a bunch of schoolkids. Thus allied he hopes to precipitate a revolution that will make peasants the owners of their land and workers the owners of their factories, that will destroy the nation's choking bureaucracy and eliminate social, moral, and sexual prejudices, that will "abolish all injustices without inflicting new ones" (196). One of the points that Vargas is making is that to expect all this from a socialist revolution is transparently absurd; only the most extreme romanticism could imagine it as a practical aim. Another of his intended points is that Mayta, the ineffective idealist, is lovable partly *because* he is ineffective. If his plans had succeeded to any degree, the consequences might have been as oppressive as those of the Senderistas.

And a third point seems to be that characters like Mayta live only in the world of fiction. One of the formative influences on Vargas was William Faulkner, and much of *Alejandro Mayta* works on the Faulknerian information principle: the more data one has about a character, the more plausible stories one can make up about him, and the less sure one can be that any given story is the true one.

> I think I've read everything that came out in newspapers and magazines about this story, and I've talked with an infinite number of participants and witnesses. But the more I investigate, the less I feel I know what really happened. Because, with each new fact, more contradictions, conjectures, mysteries, and incongruities crop up. (139)

The possibility is created that the boyishly idealistic Mayta is only a "conjecture." When the narrator finally encounters a flesh-and-blood Alejandro Mayta, he finds him radically different from any Mayta he had imagined. He is unidealistic, perhaps even cynical. Is he the result of the idealist's disappointment and decay or does he represent a different type of personality, a different psychological explanation of revolution? Or perhaps the real Mayta is the one who converts to capitalism without even knowing it, the one who talks about conducting a "genuine revolution" when he starts a private business in prison, selling wholesome food and honest banking (294). Vargas's narrator rejects extravagant plots, resists any tendency to place Mayta's life in "the unreal world of thrillers" (89), but in the extravagant atmosphere of Peruvian politics, which is already removed from a good many vestiges of reality, who is to define the sort of character that is the most plausible source of revolutionary struggle?

While investigating the issue, however, Vargas supplies a virtually encyclopedic account of Peruvian social conditions—past, present, and possible future—and of some major varieties of political character. His respect for empirical fact emerges strongly in his meticulous re-creations of the way life is led in the slums and suburbs and prisons of Lima and in the remote Andean heights. He discredits leftist ideology (largely by *presenting* it), but he is able to view his leftist protagonist with a personal sympathy that keeps the character interesting and the author intellectually respectable. Vargas refuses to play with loaded dice—unlike the Nicaraguan poet Ernesto Cardenal, whom he satirizes, in a rare polemical passage, for subordinating plain truth to politics:

> He responded to the demagoguery of some agitators in the audience with more demagoguery than even they wanted to hear. He did and said everything necessary to earn the approbation and applause of the most recalcitrant: there was no difference between the Kingdom of God and communist society; the Church had become a whore, but thanks to the revolution it would become pure again, as it was becoming in Cuba; the Vatican, a capitalist cave which had always defended the powerful, was now the servant of the Pentagon; the fact that there was only one party in Cuba and in the U.S.S.R. meant the elite had the task of stirring up the masses, exactly as Christ had wanted the Church to do with the people. . . .
>
> And the final act of pure theater: waving his hands, he announced to the world that the recent cyclone that hit Lake Nicaragua was the result of some ballistic experiments carried out by the United States. (77–80)

On the evidence of *Alejandro Mayta*, there seems little chance that Vargas will ever make such a ridiculous figure of himself. But what, one wonders, will the Peruvian electorate make of literary productions like *Mayta*, with its challenging narrative method and its frankness about sex and politics and the nation's history? Of course, we on this side of the equator are ill-equipped to guess what may happen to a writer of brilliance who is also a politician. The last candidate for the American presidency who was even a *good* writer died about 70 years ago. ❑

At stake in Peru's 1990 election is the ideological destiny of the third world—and its material destiny, too, because one can hardly imagine how the desperate economic problems of third-world countries can be solved unless an indigenous intellectual leadership arises that clearly understands the connection between freedom and prosperity.

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The Culture of Terrorism, by Noam Chomsky
Boston, Mass: South End Press, 1988, 269 pp., $12.00.

An Anarchist's Appraisal

Jeffrey A. Tucker

Noam Chomsky takes seriously Lord Acton's dictum that "official truth is not actual truth." A professor of linguistics at the Massachusetts Institute of Technology, Chomsky revolutionized his discipline. All linguistics is now regarded as either pre-Chomsky or post-Chomsky. Over thirty years after his original work (*Syntactic Structures*, 1957) and his scores of other articles and books, linguists must still tackle Chomsky's ideas; and they do so with both praise and scorn.

Chomsky never felt a need to confine his research to the bounds of his primary discipline. For example, when Skinner's behaviorism became popular, Chomsky became its leading opponent, pointing out that the school was methodologically flawed and that its conclusions were essentially totalitarian. Again, when mysticism was gaining favor within the New Left in the late-1960's, Chomsky—who had tremendous credibility within radical circles—urged a return to reason and moral absolutes. (Some of these essays are reprinted in *The Chomsky Reader*, 1987.)

Chomsky was a leading anti-imperialist American intellectual critic of the Vietnam War. His chronicling of U.S. war crimes (which appear in *American Power and the New Mandarins*, 1969) played a important role in leading activists to civil disobedience against the war, a movement of unprecedented size and scope in U.S. history. Understandably, as Chomsky took the media to task for what he saw as its willing complicity with U.S. war-propaganda, his enemies among the media grew. He also held the intellectual establishment accountable for its silence and opportunism. To this day, he says, "I cannot abide them." In the seventies, he committed yet another sin by breaking the silence on the history and policies of Israel (*Peace in the Middle East?*, 1974, and later, *The Fateful Triangle*, 1982). He predicted that not granting the Palestinians a homeland would lead Israel to expand its use of police-state tactics and violence.

Chomsky continues to write and speak on world affairs. He is in demand to speak at American colleges and universities, but he finds his popularity greatest across the borders. Such is his influence abroad that the State Department has sent venomous letters to foreign magazines, denouncing them for publishing his articles on U.S. foreign policy.

Chomsky's critics can be fiercest on the left, however. Sometimes outsiders to leftist politics can forget that leftists are prone to sell out to the state. Just as Capitol Hill libertarians went on a mad rush to become cogs in Reagan's state machinery, so the left abandoned Chomsky to stay within the narrow bounds of "respectable opinion"—as defined by the state. It is largely true that the Reagan era eclipsed all kinds of radicalism, including Rothbardian and Chomskyian anarchism. As a case against Chomsky, leftists often point out that he allegedly "discredited" himself by defending the freedom of a holocaust revisionist to write and publish. For Chomsky the issue was one of civil liberties; he has no interest in the subject. Yet because the subject is taboo, the issue still causes him trouble (possibly because his "connection" with it is an excuse to dismiss his radical foreign-policy views).

The publication of Chomsky's *The Culture of Terrorism* was the catalyst to two more attacks on his work. In an interview on National Public Radio (and NPR's interviews are always flattering, allowing guests to answer slow pitches from a sympathetic interviewer) the alleged liberals and doves at NPR relentlessly grilled him, interrupted him, attacked his alleged extremism, and argued against his anti-imperialist views. Chomsky remained, as he always does, cool and articulate.

Brian Morton, editor of soft-left *Dissent* magazine, then took his turn in the pages of *The Nation* (May 1988). Instead of attacking Chomsky outright, Morton made a distinction between the old Chomsky (good) and the new Chomsky (bad). The old Chomsky was "gentle," "measured," and "calm." The new one is "chilling," "indignant," "angry." This is not, says Morton, consistent with the libertarian spirit of tolerance. Where have we heard that before?

If there must be such a distinction, the new Chomsky actually seems better. His new work is enlightening, articulate, and persuasive. More than that, it has the moral passion of the classical liberals and of the Old Right, which is sadly missing from today's academic officialese.

The result of the NPR piece and *Nation* article was a glowing essay in *Mother Jones* (October, 1988) praising his most recent work. Then, in November, Bill Moyers bravely aired a two-part interview with Chomsky on his public television show.

But Chomsky's articles won't soon be appearing in *The New York Review of Books*, as they so often did in the 1960s. Neither will *The Nation* soon forgive his attacks on its editorial board. I can safely predict that his new book on the media and American policy, *Manufacturing of Consent* (1989), will get a cold-shoulder from American political culture. His stinging and brilliant articles are still largely confined to *Zeta* magazine, a left-wing monthly of social, cultural, and geopolitical commentary published by South End Press.

Yet *The Culture of Terrorism* has brought Chomsky some exposure, and for good reason: there is no sharper analysis of how the Reagan warfare machine actually worked, how very far from true "conservatism" it turned out to be, how it has spread death and terror throughout the Middle East and Central America, and how America's official culture indulges in a willful neglect of all such unpleasant facts.

The primary tenets of Reagan's program, says Chomsky, are an "increase in the state sector of the economy, and growth of state power in general" and "an 'activist' foreign policy." The growth of the state sector came through the militarization and cartelization of U.S. indus-

try, which have siphoned off resources from the consumer market. An "activist" foreign policy is a code-word for "intervention, subversion, aggression, international terrorism, and general gangsterism and lawlessness."

Under the Reagan administration's management and financing, the Central American death toll reached over 50,000 in El Salvador and close to 100,000 in Guatemala. Most of these were "not ordinary killings," says Chomsky, "but rather Pol Pot-style atrocities, with extensive torture, rape, mutilation, 'disappearance,' and similar measures to ensure that the population would be properly traumatized." At home, Reagan created two government disinformation agencies—Operation Truth and the Office of Public Diplomacy—to cover the terror with distortions and lies and to insure that the river of blood flowed with virtually no acknowledgment from the American electorate.

Only a depraved system of ethics would advocate the intentional torture and killing of innocent people. Yet the U.S. guns in Central America were aimed at what the State Department called "soft targets," that is, innocent civilians. The CIA set up a system which made the effectiveness of the policy dependent on an escalation of terror. Since the goal is the subjugation of the civilian population, it makes sense to bomb health clinics, schools, and churches rather than military installations. The U.S. media treat this with silence, as Chomsky shows. For example, the media were outraged when the Nicaraguan government imposed a state of siege, but no one said a word when the U.S.-client government of El Salvador renewed its perpetual state of siege two days later. In El Salvador, says Chomsky, American "media coverage and outrage is inversely related to the extent of atrocities, though directly related to U.S. government priorities."

In the face of this, and much more, there is something which most institutions of American culture agree on: while the U.S. government's policies may not always be successful in promoting freedom and democracy, they are all, at least, certainly *intended* to do so. Chomsky gathers scores of quotations from liberal and left-wing pundits and publications to show how they fit squarely within the "respectable bounds of opinion" by branding American foreign policy as "mistaken" but never ill-intentioned. Chomsky will have none of it. He shows that U.S. foreign policy has been successful at doing exactly what it was intended to do: expand the U.S. empire through whatever means.

The Culture of Terrorism contains a dizzying array of footnotes on the sources of Chomsky's information. Most of his sources are publicly available. He merely presents the facts and asks the reader to evaluate them in terms of the standards the U.S. government says it requires from other governments.

What use is this book for libertarians? It is the perfect antidote for those who see nothing wrong with an administration that ran a global network of terror and death, just because it reduced marginal taxes rates somewhat. Thanks to Chomsky, such views cannot claim ignorance as an excuse. ❑

***Libertarianism: Fallacies and Follies,* by Robert James Bidinotto**
Newcastle, Penn: Broadsheet Publishers, no date, 23 pp., $4.50

Libertarianism and Diversity

Charles Curley

The question has come up again: What Is Libertarianism? Sigh. The question was precipitated by an essay written by Mr Robert James Bidinotto entitled *Libertarianism: Fallacies and Follies.* It is worth reading, in spite of the fact that a more accurate title would be: *Objectivism and Libertarianism: Fallacies and Follies.*

The chief problem is Bidinotto's ignorance. He appears to equate the Libertarian Party with libertarianism. The equation is invalid. Most libertarians are not members of the LP; some oppose it vociferously. He accuses the libertarian movement of concentrating on politicking, an accusation properly leveled only at a small minority of the libertarian movement: the Libertarian Party and the oxymoronically named Libertarian Republican Organizing Committee. Though one may argue that the act of running for government office is a violation of the libertarian rule, it is grossly unfair to the majority of libertarians to hold them *all* guilty of this.

Bidinotto confuses libertarianism with Objectivism. They are not identical, a point Ms Rand made over and over again. Rand rejected the libertarian label as an effort by libertarians to hitch-hike on her achievements. She also refused to endorse the Libertarian Party. She thought them a gaggle of self-aggrandizing politicians.

Rand was quite clear that she was espousing a complete philosophy. When she spoke to a Random House salesman prior to the launch of *Atlas Shrugged,* she was asked to sum up her philosophy "while standing on one foot." Her summary: "Metaphysics—objective reality; Epistemology—reason; Ethics—self-interest; Politics—capitalism."

Libertarianism, on the other hand, is not a philosophy. It is a concept, a core rule. It is not even an ethic, although ethics may call upon that rule. At most, libertarianism is that rule, with a systematic exploration of its implications for individuals and society. Libertarianism, by itself, does not address metaphysics or epistemology at all! It has implications for ethics and politics, but that is all. It is an ideology, like Marxism, since it makes prescriptions in the area of politics (but not, like Marxism, economics). Libertarian Christians may wish to address metaphysics or epistemology, but they must do so from the point of view of the underlying philosophy they bring to libertarianism.

The Libertarian Rule

The rule that defines libertarianism is easily stated:

Whatever may be open to disagree-

> ment, there is one act of evil that may not, the act that no man may commit against others and no man may sanction or forgive. So long as men desire to live together, no man may *initiate*—do you hear me? no man may *start*—the use of physical force against others. —Ayn Rand, *Atlas Shrugged* [emphasis in original]

Perhaps more to the point of this discussion is the blurb on the mailing cover of *APAlogia* :

> A LIBERTARIAN is a person who believes that no one has the right, under any circumstances, to *initiate* force against another human being, or to advocate or delegate its initiation. Those who act consistently with this principle are Libertarians, whether they realize it or not. Those who fail to act consistently with it are *not* Libertarians, regardless of what they may claim." [Emphasis in original]

You don't have to be an Objectivist to adopt the rule of libertarianism. The works of Lev Tolstoy, C. S. Lewis, Dorothy Day and others echo a Christian version: "Thou Shalt Not Initiate Force." Ceremonial magicians echo Aleister Crowley's version, "And 'Ye harm none,' do what thou wilt shall be the whole of the law." Crowley died in 1947, ten years before *Atlas Shrugged* was published. Pagan libertarians continue to exist, having learnt something from being on the wrong end of the Inquisition. Communards are left anarchists or syndicalists. Their writers, too, have learnt to oppose the initiation of force. Josiah Warren, among the American anarchists, comes to mind. One can find libertarian ideas and concepts in almost every major religion, Marxism being a rather obvious exception.

Perhaps the first libertarian was Lao Tse (604–524 B.C.):

> He who by Tao purposes to help the ruler of men
> Will oppose all conquest by force of arms.

Lao Tse's understanding of the economic effects of government predates Mises somewhat:

> The more prohibitions there are, the poorer the people become.
> The more sharp weapons there are, the more prevailing chaos there is in the state.
> The greater the number of statutes, the greater the number of thieves and brigands.

Diversity

Among the implications of the libertarian rule is a vast pluralism: diversity. There are some very narrow-minded people out there who see libertarianism as meaning their own particular philosophy spread throughout the land.

A nation of Dagny Taggarts and John Galts would be *boring*! How do I know? Look at the spawn of incompetent pseudo-randroids we call yuppies: spoilt brats, interested solely in their own careers and in getting as rich as they can. A yuppie will do almost anything for "personal achievement," to advance his, her, or its career. Yuppies are too incompetent to be heroic, too narrow-minded to be anything more than paper pushers, bean counters, or computer salesthings, and too materialistic to see the aesthetic beauty of a tree. These are the people who read Ms Rand twenty years ago, and flunked the final exam: life.

Libertarianism is not a failure of theory or of nerve. Exactly the opposite: it requires considerable nerve to want to live in a society in which one's basic theories on life, the universe and everything, are constantly open to challenge.

The ones who read Ms Rand and passed the final exam are the ones who think for themselves. These are the people who learned a lot from Ms Rand, who picked up her core message: live for yourself, and think for yourself. There aren't too many of them (even Ms Rand ultimately flunked the latter test), and you don't necessarily know one when you see one.

A truly libertarian society will be a pluralistic one. Across the (private) street from the Catholic church offering the Latin Mass may be a pagan field with rituals in the nude or clothed, as preferred. Down that street, maintained by a neighborhood association and patrolled by a rent-a-cop, you might find a gold-standard bank issuing 100% reserve notes printed by an artists' syndicate. Across the street, an openly stated fractional reserve bank. Prominently posted are the buy and sell quotes for Constants.

May you walk upon the private road? Certainly, the filthy capitalist smiles, how else will you get to the shops and businesses that make up the neighborhood association. Why else would we maintain it? The capitalist, by the bye, is literally filthy: his personal habits are his own business. You are right, he is not a rich capitalist.

In the other direction, perhaps a commune of organic farmers. With no subsidies to their agribusiness competitors, the organic farmers do quite well: many people will pay a premium for quality even if they aren't "health nuts." See their outdoor restaurant, where they're serving lunch to the man in cammies, beret and combat boots?

Beyond that is the local Golf and Rifle Club. The gun range is in the middle of the property, where only fellow club members will be put out by the occasional private mortar practice. Sorry, tactical nukes are not allowed by club rules. You probably won't find the local Buddhists at the Sunday Survival game. ("Replace your divots.") The noise disturbs their "wa."

The one rule you will find throughout such a society is very simple: no one initiates the use of force. Everything else is open to discussion, and is often discussed. Such discussion is inevitable when people are free to think as they may. The answer to "Think as I tell you" is "Goodbye and have a nice life."

The Problem with Bidinotto

In his essay, Mr Bidinotto presents five arguments against libertarianism:

> 1) That "libertarianism," as a concept, is nebulous and vague; that it has been left so deliberately—first, to avoid any personal philosophical requirements, and second, so as not to shatter the illusion of a libertarian coalition . . .

Libertarianism is not vague. The rule that defines libertarianism, which I quoted above, and Mr Bidinotto complains libertarians stole from Ms Rand, is not vague.

If he finds that vague or nebulous, then Mr Bidinotto can't read. It is not a full philosophic system, nor does it need to be. None, save Mr Bidinotto, perhaps,

claims that it is.

2) [T]hat the focus on liberty, instead of on its philosophical roots, by-passes the real and decisive ideological battle in the world today . . .

Translation: *liberty is not as important as your conversion to my ideology.* What Mr Bidinotto is saying here is that it is not sufficient to be free to pursue one's own goals; one must also accept the particular philosophy which, as it happens, he espouses. He may—or may not—be correct, but that is a different issue. If the libertarian rule permits discussion and variety, then of necessity libertarianism permits different ways of life.

3) [T]hat libertarianism, as an *ideological* coalition, entails the untenable collaboration of logically opposing factions—with disastrous consequences . . . [emphasis in original]

What Mr Bidinotto sees as a fatal flaw is actually libertarianism's great virtue. Because it has only one rule, because it permits all things except the initiation of force, because it is nothing but a guarantee of diversity, libertarianism can gather in a coalition of disparate minorities: Buddhists, science fiction fans, Taoists, Ghu knows what else. Perhaps libertarians should adopt a pagan aphorism: "If they come for me in the night, they'll come for you in the morning."

Randroids will, mercifully, always be a small minority. Perhaps they should consider this coalition as a means to their own future safety. Which would you prefer to have as a neighbor, Mr Bidinotto: a libertarian Taoist, or a yuppie IRS agent?

As to the allegation of untenability, so long as the implications of the libertarian rule are carried out in a coalition organization, the organization is tenable, perhaps even comfortable (at least to those of us who cherish diversity). In a libertarian organization, one does not speak for anyone else on any subject except the libertarian rule. "I'm an X, she's a Y, he's a Z. But we all agree not to initiate force over our disagreements" is the proper form of such an organization's manifesto.

Here—as Mr Bidinotto points out—both the Libertarian Party and the Nathaniel Branden Institute failed miserably. Aside from the label in the former (stolen, typical of politicians), neither was libertarian for long, if ever. These examples prove, not that libertarianism won't work, but that there is justice in the universe.

On the contrary, a diverse, pluralistic libertarian movement can appeal to far more people than a narrow one dependent on one particular philosophy. A libertarian Bahai can talk to another Bahai far more readily than an Objectivist could talk to a Bahai. For one thing, the Bahai need only seek the other one's agreement not to initiate force. Contrast that with the Objectivist's apparent need to change his victim's entire world view.

4) [T]hat libertarianism, in by-passing epistemology, has no objective grounding for its most basic concepts, such as "rights" or "justice"—also with disastrous consequences . . .

As I have tried to make clear, libertarianism does not "by-pass" anything, least of all epistemology. Rather, libertarianism requires that one bring one's own epistemology to the table when one is considering the libertarian rule. Libertarianism requires that one have one's own thought-out position. It does not require that one accept, lock, stock and Inquisition, someone else's canned philosophy. More important, it requires that one be willing to learn enough about someone else's philosophy to understand his approach to the libertarian rule. One wonders: is Mr Bidinotto willing to undertake this task?

5) [T]hat libertarianism, as an aphilosophical movement, must evade the moral ramifications of individualism in structuring its organizations and cooperative projects.

Libertarianism is certainly not an aphilosophic movement. Getting someone to make conscious the libertarian rule in that person's philosophical terms requires a considerable application of philosophy, and a thorough knowledge of a great deal of different philosophies. How does one bring out an appreciation of the libertarian rule in a Muslim without a thorough grounding in Islam? By converting the Muslim to Objectivism? Not bloody likely!

Nor is it necessary that an aphilosophical movement ignore the moral ramifications of the individual. Silicon Valley businesses run by yuppies are as aphilosophical institutions as ever you are likely to find, yet they are forced by market pressures to take into account the moral ramifications of individualism. I don't work for the ones that don't.

Contrary to Mr Bidinotto, libertarianism is not a failure of theory or of nerve. Exactly the opposite: it requires considerable nerve to want to live in a society in which one's basic theories on life, the universe and everything, are constantly open to challenge. It requires considerable nerve to want to live in a society in which philosophic discussion is limited only by exhaustion, or the supply of beer, instead of by ridicule or force or psychological games. It requires considerable nerve to want to live in a world in which everyone has his own theory as to what is right, and in which that theory may be put to the only test that counts: reality. Not to the words in some book, nor to abstract ideas on how the universe ought to proceed, but to reality itself: how the universe does proceed. And certainly not to the coward's ultimate argument, force. Nor to his penultimate argument, intimidation.

If it requires nerve to want to live in such a society, consider the cowardice of someone who thinks that a libertarian society can be achieved only if we all think as he does. ❑

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Booknotes

Start with a Bang — BarbaraTuchman is a successful populizer of both recent and past history, and her most recent book, ***First Salute: A New View of the American Revolution*** (Alfred A. Knopf, 347 pp., $22.95) sheds considerable light on the little-known but important side of the American Revolution.

The title refers to the symbolic event on November 16, 1776, when the trade-and-smuggling oriented governor of St. Eustatius—a small but prosperous Dutch outpost in the West Indies—took it upon himself to order a full naval battery salute in response to the welcoming salute from the U.S. Navy brigantine *Andrew Doria*, acknowledging the presence of a vessel of a sovereign power. This exchange of protocol was the first official European recognition of the revolutionary U.S. regime as a legitimate and rightful government.

The governor, Johannes de Graaff, acted solely on his own authority. He was in sympathy with the revolution, no doubt anticipating the huge profits to be gained by running embargoed merchandise to and from the American rebels. De Graaff, an otherwise unsung hero of the Revolution, is honored only by a portrait hanging in the New Hampshire state capitol. The government in Holland, in the wake of strong British protests over the incident, repudiated his action.

As Tuchman points out, the Dutch eventually sided with the Americans. The British successfully invaded St. Eustatius and captured de Graaff, but ended up losing both the island and the war. Years later de Graaff—surely a *de facto* libertarian if there ever was one—died a happy and prosperous merchant.

The focus of the book is three-fold: the early European intrigue and motivations to tacitly support the Americans—largely for historical and mercantile reasons involving the lucrative West Indies sugar trade; the machinations and politics of the Royal Navy, which saddled the British with inept, corrupt and half-hearted leadership; and the final diplomatic and naval breakthroughs that led to the successful blockade and defeat of Cornwallis at Yorktown.

Although some critics have contended that Tuchman's account overstates the importance of the naval side of the Revolution and of European military and financial aid to the Americans, she presents a compelling case for at least giving these factors equal weight with others.

Most surprising is the account of how poorly the British navy performed. Tuchman contends that it was saddled with a corrupt promotion system and poor admiralship (the execution of an admiral, decades earlier, for losing a sea battle he had no hope of winning partly explains this). Fierce Whig political opposition to George III's heavy-handed treatment of the rebellion also played a critical role.

Tuchman describes how the rigid "Rules of Engagement," the bible for English naval warfare, actually hindered British naval success in those chaotic battles. The French had better schooled and trained seamen and employed a beter naval strategy—namely, avoid fighting if at all possible.

Tuchman's emphasis on the sheer luck of the Americans and French and on the extravagant leadership failures of the British high command may be a bit overdone, but it does reinforce the axiom that wars are more often lost than won. —MH

A Liberal in Africa — "There is something reasonable about trade to all men, and you see the advantage of it is that when you first appear among people who have never seen anything like you before, they naturally regard you as a devil; but when you want to buy or sell with them, they recognize there is something human and reasonable about you."

No, those are not the words of an economist. It is the observation of a self-educated Victorian woman whose dream was travel to West Africa and who fulfilled that dream in three remarkable voyages. Her life has been detailed in a new biography by Katherine Frank (***A Voyager Out***, Houghton Mifflin, 1986) that describes her unusual upbringing and development in England but mostly relates her trips to West Africa and the writing of her books about those experiences.

Mary Kingsley came from a well-known family. Her uncle was the novelist Charles Kingsley and her father George Kingsley a well-known physician and travel writer. It was also a family of eccentrics. One day Mary's mother took to her sick bed and spent the remainder of her life there, leaving to five-year-old Mary the resposibility for managing the household.

Her family moved to Cambridge as a convenience for her brother's education. Apparently, her father believed that education was a luxury not wasted on women: Mary received no formal education at all, not even tutoring. Mary made the most of her opportunities, educating herself in her father's library and making several lasting friends among the intellectual community at Cambridge, all the while caring for the mother who had refused to move from her bedroom.

Mary's freedom came with the death of her parents within three months of each other when Mary was thirty. Ten months later, she set out on her first voyage to West Africa.

Kingsley was no leisurely tourist: she prepared for her voyage by studying the fields of fetish and fish biology, and gathered a substantial collection of scientifically valuable specimens during her voyages. But it is her study of native cultures and observations that are of greater interest today.

She advocated a remarkably tolerant, *laissez faire* attitude toward African society. She believed, for example, that the most benign approach to local cultures was trade, and argued that local social structures and judicial systems should be left alone, with a separate judicial system for Europeans traders, and argued against hut taxes on the native. Frank often seems mystified by her views, but they are perfectly understandable in terms of the liberal view of her time.

Kingsley was an extraordinarily sensitive observer, remarkably free from the cultural superiority exhibited by many Europeans who ventured into the "dark continent."

> Imagine a gentlemen of inky complexion, mainly dressed in red and white paint, human teeth, and leopard tails and not too many of them, suddenly arriving in a village herea-

> bouts. After the first thrill of excitement his appearance gave passed away, and he was found anxious to sell something, anything, say bootlaces, he would be taken much more calmly than if he showed no desire to do business at all.

This is the story of a woman who had been brought up in a unusual manner and had no fear of leading an unusual life, in fact embraced it. The book presents a fascinating picture not only of Mary Kingsley but also of West Africa in the 1890's. —KRB

Southern Women — I suppose that Shirley Abbott is a feminist. That's a word I like to avoid, because it means so many different things. But Shirley Abbott transcends feminism in ***Womenfolks: Growing Up Down South*** (Ticknor and Fields, 1983).

Anybody born or raised south of Highway 40 will find something familiar in this book. Abbott neither wallows in nor denounces the hillbilly *mystique*, but gives us an enlightened insider's point of view on cultural elements from vocabulary to gender relationships to religion.

There are many passages in *Womenfolks* of particular interest to libertarians. For example, she writes about the Scotch-Irish ancestors of today's Southerners and hillbillies:

> Like the blacks, substantial numbers of whom were also being unloaded from ships' holds at about this time, the Scotch-Irish were a people apart. But unlike the blacks, they had a choice about where to go next. They did not linger in the ports or along the shoreline but scuttled immediately away into the backwoods like caged bears suddenly set loose on shore, making their way into a terrifying and savage wilderness where no houses or churches or trading posts or friends stood ready for them—nobody except the Tuscaroras and the Catawbas and the Cherokees—no laws, no courts, no vestige of civil government. There are eyewitness accounts of them landing in America and setting off from the docks the same day, in open boats upriver into the frozen forest, miles away from Charleston. They went with a strong resolve that must have been half insane.

In short, a bunch of instinctive anarcho-capitalists. Further on, she gives us a revisionist history of fundamentalist Christianity that led me to rethink some of my enlightened agnostic gut-reactions against that part of my personal cultural background. She writes:

> It is no mystery that fundamentalism sprang up and flourished in America—though few Baptists today might like to acknowledge their radical heritage. What the Baptists were, in fact, was the first counterculture in America. No hippie in the 1960s ever aroused more wrath among the righteous—violent, overt wrath—than the Baptists did in the eighteenth century. Among all American dissenters they have the oldest pedigree and certainly one of the most honorable. The founder of the Baptist church in America was that celebrated libertarian of our schoolbooks, Roger Williams . . .

I hasten to add here that Abbott points out very clearly that much of the original spirit of personal freedom has of course deteriorated in the South over the decades, and that the descendants of these rebels against authority have in many cases recreated the conditions their ancestors risked everything to escape from.

The book is a good read for many other reasons. If you have Southern roots yourself, or would simply like to get a better handle on what Scarlett O'Hara and Daisy Mae and Tallulah Bankhead and Minnie Pearl are really all about, you can't make a better start than *Womenfolks*.

—RFM

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Notes on Contributors

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

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous periodicals.

Kathleen Bradford is a former basketball player who looks down on most men.

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Charles Curley resides in the People's Republic of Santa Cruz, where the number two outdoor sport is building or remodeling one's home without a permit.

M. H. Endres is a jack-of-many-trades, one of which is writing. He lives in paradise (viz. Maui).

Jeffrey Friedman is editor of *Critical Review,* a quarterly journal of libertarian thought and criticism. He was national director of Students for Clark and Students for a Libertarian Society.

Mike Holmes, a contributing editor to *Liberty,* is also editor of *American Libertarian,* a monthly newspaper.

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Ethan O. Waters is a lover of privacy and a connoisseur of the American booboisie.

Coming in the Next Issue of *Liberty* . . .

"Man, Nature, and State" Karl Hess, Jr, reconsiders man's place in nature in light of possible ecological catastrophe. Is there a place for individual liberty in our future? Hess, an "ecologist by training and inclination," believes that the answer to this question is *Yes,* because diversity is crucial to the integrity of ecosystems, and liberty and private property insures diversity better than any other political system.

"A Critique of Public Choice" Though Murray Rothbard sees considerable value in the approach of the "Public Choice" school of political economy, he has been able to restrain his enthusiasm. He notes that many of the school's most important insights have been staple to the libertarian movement for nearly a century, and *some* of their leading ideas are problematic, to say the least.

"Games and Rights" Stephen Boydstun explains how recent work on the theory of games has shed light on the nature of rights . . . and he isn't playing around: game theory not only can help us understand the problems of rights-theory, it can help lead to solutions.

Terra Incognita

U.S.A.

One reason that more than 30% of passenger trains in the U.S. arrive at their destination late, as reported by the Detroit *News*:

> Amtrak, the government owned intercity railroad passenger service, reports that it keeps passengers under surveillance who "arrive at the train station in a taxicab," and report them to law enforcement authorities as suspected drug dealers.

Great Britain

Advance in rail scheduling, as developed by British Rail, the government owned rail passenger service, as reported in the Seattle *Times*:

> British Rail refused to include its 10:59 a.m. train from the Liverpool Street Station to Ipswich in its published timetable. "If we don't put it on the timetable," a BR spokesman explained, "people won't travel on it. Then we can cancel it if there is no demand."

Washington, D.C.

How the Supreme Court protects the right to a fair trial by a jury of one's peers, as reported by *The Wall Street Journal*:

> The Supreme Court upheld a guilty verdict in a mail-fraud case, even though some of the jurors admitted drinking and taking drugs during the trial and often falling asleep in the afternoons. Two jurors conceded that their judgment may have been impaired, raising a question about what they might have decided if sober.

Wheeling, W.Va.

Latest advance in the War on Drugs, as proposed in the Metropolis of West Virginia, as reported in the Houston *Post*:

> City Councilman John Carenbauer called for passage of a federal law to increase the penalties for drug use and drunk driving. Conceding that his proposal "may seem a little radical," Councilman Carenbauer proposed that suspects who test positive for drugs or alcohol be held incommunicado in special holding tanks and "taken outside and shot the following morning."

Washington, DC

Man does not live on bread alone, and neither does the President of the United States, as reported by the esteemed newsweekly *Newsweek*:

> The Reagan White House has devoured approximately 12 tons of jellybeans, or an average of approximately 8.3 lbs per day during its tenure.

New York

Good news for those who argue that government deficits do not matter, as reported by *The Wall Street Journal*:

> Only 45% of high school students could identify a government deficit as "government spending in excess of revenue" on a multiple choice test given to 8,205 high school students nationwide.

Fort Worth, Texas

Evidence that police in Texas will no longer tolerate open displays of Christianity, as reported in the Houston *Post:*

> Rev. W. N. Otwell was arrested for giving away sandwiches to the homeless in a downtown park. He was charged with "operating a temporary food establishment without a permit," an offense which carries a fine of up to $1,000.

Boston

Demonstration of how the government of an advanced nation treats the issue of race, in sharp contrast to South Africa and Nazi Germany, which investigate the racial background of applicants for jobs, as reported by the *Associated Press*:

> Philip and Paul Malone have been suspended from their jobs as firefighters in Boston, pending a decision by the Supreme Judicial Court. At issue is whether Messrs. Malone qualify as blacks and therefore qualify for their positions. In addition, the racial backgrounds of 36 other firefighters have been investigated, and eleven others face hearings to determine their race.

Washington, D.C.

Evidence of how the IRS encourages the free flow of ideas about our tax system, as reported in *The Wall St Journal*:

> Prof Richard L. Doemberg was invited to deliver the keynote speech on "Change and Complexity as Barriers to Taxpayer Compliance" at the Internal Revenue Service's sixth annual research conference. After reading a draft of his remarks, the IRS requested he delete a discussion of the relationship between changes in tax law and large gifts from lobbyists to prominent Members of Congress, specifically Lloyd Bentsen, Robert Dole, Dan Rostenkowski and Bob Packwood. Prof Doemberg refused, so the IRS "disinvited" him. The IRS explained that the Service was not attempting to "censor" his remarks, but that some of the conclusions he drew were "unsupported."

LeGrande, Ore.

Latest advance in political science at the county level, as reported in *The Skeptical Inquirer*:

> The Union County Commission appointed Jenny Nicholson to the newly-created position of "County Astrologer" so that she could advise them the most propitious time to apply for "federal and state grants."

The People's Republic of China

The progressive way that family planning is encouraged in the Socialist Paradise, as reported by *The Wall St Journal*:

> The fine for having a second child is now $1,000, approximately four times the per capita national income, and "Officials are adopting new 'persuasion tactics,' such as cutting off water and electricity to families who refuse to practice birth control."

Quebec, P. Q.

The progressive way that family planning is encouraged in *La Belle Province*, as reported by *The Wall St Journal*:

> The government of Quebec announced that it would pay a cash bonus of $500 for the birth of the first and second child of any woman in Quebec, plus $3000 per each for subsequent children. These bonuses are in addition to the $29.64 per month for each of the first two children and $91.99 per month for each subsequent child that the Federal and Provincial governments pay to help defray the expenses of child raising.
>
> The province is concerned that its mostly French-speaking population might decline from its current level. "I cannot, as leader of Quebec's francophones, be impassive and indifferent in the face of a situation that could become serious within several decades," said Robert Bourassa, Premier of Quebec.

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Contents

May 1989 Volume 2, Number 5

Man, Nature, and State
by Karl Hess, Jr., page 15

Public Choice: A Misshapen Tool
by Murray N. Rothbard, page 20

A Conspiracy of Silence
Uncovering the Media's Election-Night "Coverage" Policy
by Margaret M. Fries, page 22

Ghost Dancing with "Inalienable" Rights
by Andrew B. Lewis, page 27

What Went Wrong With the Paul Campaign
by G. Duncan Williams, page 28

The Oath of Purity
by Johnny Fargo, page 29

The Fires of Yellowstone
by Jane S. Shaw, page 32

Eyeing the Top of the Pyramid
by Murray N. Rothbard and R. W. Bradford, page 33

Anti-Imperialism on the Right
The Conservative Critics of Foreign Intervention
by Bobby Taylor, page 37

Murder by Suicide
a short story by Jeffrey Olson, page 43

Departments

Reflections
The Editors "Editorialize," page 7

Reviews
Justin Raimondo on Rand, Reason and the Randroids, page 49
Stephen Cox on Ted "Chappaquiddick" Kennedy, page 52
David Gordon on Existentialism and Freedom, page 54
Phillip Salin on Nevil Shute, page 57

Letters, page 4
Bob Ortin's "Burons," page 14
Booknotes, page 61
Classified Advertisements, page 63
Videonotes, page 65
Contributors, page 69
Terra Incognita, page 70

Letters

Is There a Maverick in the House?

Chester Alan Arthur ("High Noon for the Libertarian Party," Jan. 1989) mentions only advantages for LPers and disadvantages for libertarian-Republicans when, in fact, the advantages and disadvantages generally apply equally to candidates of any Party. Any elected politician of any Party can be as much of a political maverick as he chooses to be. If he's the only libertarian legislator in a legislative body, he won't be able to defeat or pass many laws and will probably cast a lot of single dissenting votes. But at least he will be able to bring the libertarian viewpoint into the debates on the floor of the House. And that's equally true whether he's a Libertarian or a Republican.

Arthur mentions the sad case of libertarian-Republican Steve Symms who has drifted toward conservatism. This proves nothing: Ron Paul, also a libertarian Republican, evolved in the opposite direction. A drift toward conservatism is not inevitable.

Arthur concludes: "As LP candidates they cannot be elected; as Republicans they cannot be libertarians." The first part is largely correct as 16 years experience shows. But the second part is *not yet proven*. We have one bad example in Steve Symms and one good example in Ron Paul. That leaves the question up in the air. There have not yet been a sufficient number of libertarians running as Republicans (or Democrats, for that matter) for us to know how most would turn out. Why not try that for the next 16 years—or at least for a few years—and see what happens?

Jim Stumm
Buffalo, N.Y.

Marketing the Free Market

"Freedom" that is obtained through the political process is a public good because everyone benefits from the Party's efforts, whether they had anything to do with achieving that result or not.

The lack of professional marketing expertise is really hurting would-be libertarian politicians. For example, the current members of the Party comprise a large mailing list that could be an excellent market for freedom-oriented products, such as books on how to save money on your taxes or how to protect yourself from pollution without depending on the EPA, etc. etc.

One LP strategy that is not being used is that of buying Congressmen. The LP could set itself up as a lobby, like so many other vested interests do, and grease a few of the right hands . . . . In other words, pay for freedom directly like so many organizations do. Why expect these "honorable" Congressmen to give it away free?

The next possibility is to start selling favors right now, without waiting for election. You can start cheap and go from there. It will be entirely ethical to sell special interest groups protection from this or that coercive law. Or you can mention their problems in your speeches for a small "donation."

Incidentally, we don't call ourselves libertarians because that word has been so badly abused. We consider ourselves uncompromising advocates of free markets. It is our fond wish that no political party ever call itself the Free Market Party. We disagree with one recent writer who declared that the LP had put the word "libertarian" on the map. It would be closer to the truth to say that it had put the word "Party" on the map.

Sandy Shaw
Durk Pearson
Los Angeles, Calif.

Getting the Couch Potato Vote

It would seem fairly obvious to anyone who reads R.W. Bradford's "TV Advertising and Minor Party Campaigns" (Jan. 1989) that the next Libertarian Party candidate should stay home. Why go through the tiring, antiquated, and financially wasteful ordeal of a nationwide whistlestop-style campaign (which is largely ignored by national and local TV and everyone else) when so many people can be reached through the purchase of TV time?

Libertarians must stop speaking to themselves and speak to Mr and Mrs Average American where they sit: at home on the couch. I, for one, would be much more inclined to donate to such a worthwhile campaign, and I am sure others would too, especially if we knew that our money would just go towards the purchase of TV time, the making of ads and nothing else.

One more thing: the "Libertarians" who voted for Bush and Dukakis remind me of the "vegetarians" who just eat fish and chicken.

Bosco Hurn
Palm Beach, Fla.

A Vote for Williams

I strongly second the Libertarian Party nomination (okay, the suggestion) of Walter Williams for President of the United States in 1992 ("Who votes for third party candidates?" March 1989)! Dr. Williams knows this nation's economy, including what the government won't tell us. Like Ron Paul, Williams' emphasis is on individual liberty, and he knows the U.S. government was never meant to be used as a force for social control.

Scott Garfinkel
Brookline, Mass.

Rabbit Bites Duck

I am, as I have confessed, joking *and* serious. Because he is neither, David Ramsay Steele ("The Abolition of Breathing," March 1989) is fated never to understand me. *Liberty* sent a duck to do a rabbit's job. Metaphor, irony, and absurdity play—and I do mean *play*—a part in my expression which is, for Steele, at best a source of confusion, at worst a pretext for defamation.

Steele flubs my discursive definition of work. Work is activity elicited by extrinsic inducements like money or violence. And work, unlike play, is done as a means to some output, not for its intrinsic satisfaction. Whether or not these propositions have the same *sense* (meaning) they have, in Frege's terminology, the same *reference*.

I am at a loss whether Steele's bungle of my remarks on hunter-gatherers is deliberate distortion or ideologically-induced incomprehension. I have never advocated a general return to this way of life, if only because work as we know it, with its division of labor, has disabled most of us from taking up their life of variegated *skilled play*. I quote Adam Smith in support of my view that the division of labor, in increasing the wealth of nations, diminishes the human personality. As Fredy Perlman put it, where once we were much but had little, now most of us have much but are little. But even that does work too much credit.

continued on page 6

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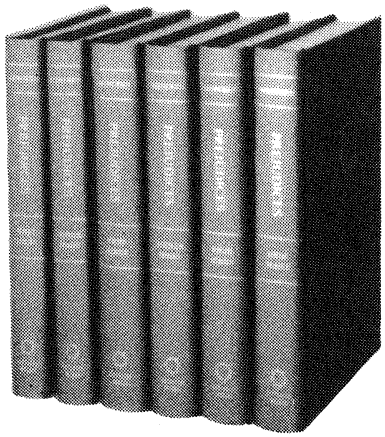

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Letters, *continued from page 4*

Hunter-gathers inform our understanding, and embarrass Steele, in two ways. First, they are the only known viable stateless societies. Second, they do not, except in occasional emergency circumstances, *work* in any sense I use the word. Steele, with unintended humor, explains why hunter-gathers loaf most of the time: "If you have one animal carcass to keep you going for the next week or two, it's a waste of effort to get another one, and what else is there to do but swap stories?" The poor devils are *too rich to work*. Cruelly denied the opportunity to accumulate capital, what else is there for the benighted savages to do but create, converse, dance, sing, and feast?

No (to clear up a detail) I am not in favor of the abolition of breathing. If Steele is concerned about breathing he should remonstrate not with me but with the owners of the smokestacks which his mentrix Ayn Rand, ostensibly an atheist, says she "worshipped." I worship nothing, but I'd even rather worship God than a *smokestack*.

Bob Black
Albany, N.Y.

Soul Searching About Abortion

In the current, continuing abortion debate, a fetus is always considered a victim. I disagree.

If a spirit entity is separate from a physical body, when does it join the fetus or newborn . . . and how much choice does it have regarding the circumstances—and timing . . . and what effect does this responsibility possibly have on an abortion debate?

One primary source on this theory is Helen Wambach's hypnosis research, *Life Before Life* (1979): "The soul usually enters the body near birth, and has a choice of which fetus to enter. If one fetus is aborted, it is possible to choose another. In some cases, the soul who will occupy the fetus, is in contact with the soul of the mother, and can influence her decision regarding abortion."

stormy Mon
Denver, Colo.

Existence Exists, Slavery Enslaves

In "The Absurdity of Alienable Rights" (Jan. 1989), Sheldon Richman argues that it is impossible to sell oneself into slavery. I agree, given Mr. Richman's definition of a slave: "one who belongs—mind and body—to his master."

But his definition is peculiar since it defines all actual slavery out of existence.

Michael R. Edelstein
Kingston, N.Y.

The Absurdity of Philosophy

In two pages Richman demonstrates conclusively that slavery cannot exist. All of us who know that slavery does exist and has existed and is a blight on our own history know also that Richman's article is absurd. We don't have to be philosophers to know that; and if philosophy makes one think that Richman's article is *not* absurd, then philosophy is absurd. Another interpretation of Richman's argument is that a slave is not a person; and that notion has sometimes been used as justification for slavery. But slavery exists whether or not slaves are people. We can own dogs and pigs and cows. These creatures have wills and can decide whether or not to obey their masters; witness the purported behavior of mules.

Miff Perstein
Sedona, Ariz.

Chain Reaction

As a new subscriber to *Liberty*, I just received Murray Rothbard's "The Sociology of the Ayn Rand Cult." Unlike Frank Bubb (Letters, Jan. 1989), I do not find the monograph offensive. Truth never is.

In 1967 and 1968, I attended a few courses at the NBI, along with a social event. The courses were characterized by little significant discussion except questions directed at clarifications. Such one-way flows seemed strange for a gathering of "intellectuals," even granting some were young and others older—and perhaps wiser. No alternative opinions were ever offered. But it was the social event that really surprised me. Having just come from India, I had expected a gay and friendly affair, seeing that everyone was American. But most participants were aloof, displaying an air of enlightened detachment. Cheerful talk was confined to a few small groups only. I figured they must be an "In" crowd. Now, belatedly, I learn they were mostly members of the Blumenthal family with some names changed for the sake of symbolism.

Barbara Branden's recent book *The Passion of Ayn Rand* clarifies many of the problems I had with the Objectivists. Seeing what went on, secrecy was certainly of the utmost importance, but the right to privacy cannot excuse everything. To present a facade that is only partly true is inconsistent with the philosophy Objectivists propound—and sell. It is clear the "Inner Circle" knew everything, but maintained a conspiracy of silence.

It also struck me how everyone in that circle was a chain smoker. Surely, these informed people were aware of smoking's hazards. But who would have thought it was a ritual carried too far? From what I can piece together, Ayn Rand died of lung cancer. In that sense, she smoked herself to death. Objectivists despise drug addicts, yet it is undeniable that smoking is a drug addiction, an addiction to the drug nicotine. If one's highest value is one's life, as the Objectivists and I both believe it should be, they have a strange way of showing their conviction.

Yes, we need more people like Murray Rothbard. Perhaps he exaggerates a little, but he isn't far from the truth, and he's honest, which goes far with me.

Gurdip S. Sidhu, M.D.
Herrington Park, N.J.

No More Liberty

Cancel my subscription to *Liberty* immediately. I don't want another issue. Reason? That diatribe against Ronald Reagan by Murray Rothbard ("Ronald Reagan: An Autopsy," March 1989) was the most *disgusting thing* I've ever read.

It's *not* that I'm a Reagan fan but there was no reason whatsoever to refer to Mr. Reagan as "the old coot," "the bastard," "Ronny," among other things.

R.G. Williams
New Haven, Conn.

Kudos for Murray!

Though I have been a critic of Murray Rothbard from time to time, I think his greatest article to date is "Ronald Reagan: An Autopsy." It was pure Rothbardian *excellence*!

Bruce Smith
Douglas, Mich.

Ike Effects

The article "What If Everything We Know About Safety Is Wrong" (John Semmens and Dianne Kresich, March

continued on page 67

Letters Policy

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

Reflections

Calling Calvin Coolidge — My deepest fears have been confirmed. According to *Newsweek*, George Bush is a Jimmy Carter-type workaholic. One Bush aide was quoted as saying, "He's so excited to be president. He just loves it!"

Bush has taken to 14-hour workdays and working weekends, carrying out a rigorous schedule of meetings with officials and high-level briefings. After eight years of waiting in the wings, he is eager to sit in the driver's seat and gun the engines of state full-throttle.

The last president who practiced the political version of the labor theory of value was the unlamented Jimmy Carter. As we all remember, the harder he worked the more he screwed things up. At least Ronald Reagan had the virtue of being lazy. Maybe it was a deep-seated libertarian streak which prompted his afternoon naps and long weekends; maybe he knew that despite the propaganda to the contrary, the president doesn't really "run" the country and that sound governance, a la Calvin Coolidge, is best achieved by doing nothing at all.

It looks as if we're in for another round of busy-body meddling by another leader who has already let the trappings of power and the buzzings of imperial flatterers go to his head.

With the laid back Gipper retired in California and Mr 14-Hour Day making mischief in the White House, the nation had better prepare itself for difficult times. —MH

The shape of things to come — The new Bush administration is off to a grand start. Treasury Secretary Nicholas Brady, who last year advocated new regulations on the stock market, now wants limits on the junk bonds used to finance the takeover of corporations. He reportedly wants the tax-deduction for interest paid on the bonds to be restricted. Although he says he'd prefer that the double taxation of corporate dividends be ended, he is concerned about the "revenue problems" that would result. So he seems to favor reducing the tax deduction, which in turn will limit leveraged buyouts, sheltering inefficient managers from the threat of takeovers.

Meanwhile, Bush's choice for commerce secretary, Robert Mossbacher, promised that he will retaliate against countries that fail to open their markets to American exports.

And so it goes. —SLR

Mencken, Nock and Public Choice — H. L. Mencken once wrote that the art of George Bernard Shaw consisted of stating the obvious in terms of the scandalous. Mencken's observation came to mind when I read Murray Rothbard's suggestion ("Public Choice: A Misshapen Tool," page 20) that the key insight of the Public Choice school had been noted by Albert Jay Nock years earlier, only "Nock's analysis was far more trenchant, radical, and libertarian, and was written in far more lucid and scintillating English prose." It occurred to me that perhaps the real insight of the Public Choice economists was to state the scandalous in terms of the obvious—or at any rate, to translate it into the academic vernacular, spice it up with a few mathematical formulae to impress the intelligentsia, and eliminate from it any moral denunciations, so popular with libertarians.

I do not intend to trivialize the accomplishments of the Public Choice school, whose thinking I admire. They have taken the observations that lay in Nock and Oppenheimer and in the more-or-less determinist historical methodology of Beard and developed them into a more comprehensive way of understanding social change, and then expanded their theory in truly provocative and unexpected directions. Of course, Buchanan, Tullock & Co have a major advantage over Nock, Oppenheimer & Co: they live under a much more comprehensive state and concomitantly have far more more self-aggrandizing bureaucrats to observe than did their forebears.

Even so, I wonder how Mencken would have reacted to Public Choice theory. I suspect he may have observed that it has little to say that wasn't obvious to Mencken's own father on the day in 1884 when he made a $50 gift to his local alderman to keep the city from hassling him about the sign in front of his cigar factory. —RWB

Society as addict — It is high time that someone raise his voice in protest: the American public is increasingly being treated as one vast outpatient clinic. It's as if heroic libertarian psychiatrist Thomas Szasz had never written. Szasz has partially won his great battle against compulsory commitment for "mental illness"; but his lifetime of writing apparently has made no dent in the larger campaign to stop the odious medicalization of all life's problems.

All around us we are assaulted by medical news and proffered medical treatment. It is perfectly natural to have one cable TV channel—Lifetime Cable—devoted solely to medical news and discussion; surely, this topic is just as legitimate for specialized information as is finance or the weather. But the problem is that virtually *all* news has been medicalized. Two minutes on the latest problem in Paraguay are invariably followed by far more time on the latest heart, lung, or whatever medical report. Despite the alleged glories of modern medicine, new dread diseases are being discovered nearly every day, and pressure groups devoted to these new ailments never cease to clamor for our attention. ("Send funds immediately to combat the heartbreak of XYZ, which strikes one American every five and a half days!")

Far worse is that all of life has been turned into a medical problem. It used to be that babyhood, adolescence and old age were singled out for the administration of medical therapy; then, a few years ago, in her best-selling work, *Passages*, Gail Sheehy brought a Great Leap Forward to this scientific discipline by discovering an allegedly grave crisis for every two or three years of one's life. In addition to the so-called "midlife cri-

sis," which had been in vogue for a decade or so, Sheehy supplied an unending series of grim crises; no sooner did one miraculously get past the "late-twenties crisis" than one was plunged headlong into the dread "early-thirties crisis," and so on, until presumably one was happy to drop dead, at long last, from sheer exhaustion.

The worst aspect of this medicalizing of society has been the universalization of the concept of "addiction." Once a plausible description of the strictly physiological consequences of drugs, the concept got expanded to "psychological addiction," and since then the fat has been in the fire. It has now come to the point where "addiction" is a smear term for anything you or I like and would hate like hell to give up. So there are alcohol, tobacco, work, sex, and love "addicts" as well as addicts to a zillion other activities. All this means that if you are attached or

The once-plausible concept of addiction got expanded to "psychological addiction," and since then the fat has been in the fire. "Addiction" has become a smear term for anything you or I like and would hate like hell to give up. Now there are alcohol, tobacco, work, sex, and love "addicts."

devoted to any particular person or activity, then this attachment is "addictive" and you become duty-bound to give it up. Not only that: the latest wrinkle holds that if you have any sort of close relation with anyone whom these scolds and busybodies claim to be "addicted," then you too automatically become a "co-dependent" and at least equally addictive as the culprit/outpatient you are in a relationship with. Recently I came across paperbacks with screeching headlines: *How to Cure the Disease of Codependency* and even, *Society is an Addict.*

Is everything then hopeless? Oh no, things may be grim, but for the hawkers of the medical paradigm, there *is* a way out, albeit a painful and expensive one. Aid is available from the massed legions of those who like to call themselves "helping" or "caring" professionals. For every ten of us outpatient addicts there are one or more "helpers" or "caregivers" ready to fleece us of our dollars and our self-respect. Methinks the only "addiction" we are really suffering from, and from which we are in desperate need of help, is our accelerating dependency upon the medical model and its assiduous promoters, the helping professionals.

You see, getting rid of one's "addiction" on one's own can never work, according to our self-appointed Helpers. Recently I had a conversation with two shrinks who are experts in alcoholism. One said that her ex-husband "is" an alcoholic, even though he had successfully carried through his own decision to quit drinking at the age of 50. "Oh, he's a 'dry' alcoholic—they're the *worst*." "But," I asked, "how can he be a terrible alcoholic if he's quit drinking?" "That's because he refuses to follow the Eleven Steps (of Alcoholics Anonymous.)" I'm not sure the number was Eleven, but you get the picture. The whole world is an addict, and the only way out is to surrender our souls to our Helpers. Since, according to all these people, the addiction problem is getting steadily worse, this seems to indicate that we should try something new and different: so why not get really radical and Dump the Helpers? —MNR

Blushing Hoosiers — Quick: name a great political leader from Indiana. You have to be quicker than that. Give up? Okay, I know of one—Gene Debs, from Terre Haute. And that was quite a while ago. Indiana ought to be able to do better than that. It looks small on the map, but there's at least five million people here, and a statesman or two ought to turn up in a crowd like that every now and then.

But Debs is it. After him, I guess the most prominent is Wendell Wilkie, and I think his fame comes more from alliteration than from statesmanship. The last time Indiana got anywhere near the Presidency was back when Thomas Marshall was Veep. He apparently had every reason to take over, since Wilson was flat on his back and incapable of functioning as President, but being your typical take-charge Indiana politician, Marshall let Mrs. Wilson run the country while he spent his time making up cutesy quotes about five-cent cigars.

Right now, of course, Indiana is best-known politically for being sort of a big playpen for embryonic Vice-Presidents (no wonder he's against abortion) and even greener governors.

No, Indiana had better try to forget its role in politics if it's to have any self-esteem at all. Indiana, I guess, is a lot like Russia, and should try to emphasize its cultural contributions—you know, Theodore Dreiser, James Whitcomb Riley, Kurt Vonnegut, Lew Wallace, Philip Farmer.

Yes, we Hoosiers sure envy you people from the other forty-nine, who have such statesmen as Barry Goldwater and . . . and . . . hmm. Maybe we shouldn't feel so embarrassed after all.

—RFM

The deer and the antelope can play, but free markets are out of the question — One of the big controversies in Montana right now is whether landowners should be allowed to charge fees for hunting on private land. Most people concede that landowners have a right to control access—but a lot of hunters are outraged at the idea that landowners will actually keep them out unless they pay. They contend that fee hunting is going to make most Montanans "second-class citizens," as landowners cater to wealthy hunters from Texas, New York, and California. Says a Montana legislator: "We are turning hunting more and more into a rich man's sport."

Fee hunting is evolving because the state owns and manages wildlife and state ownership has led to problems. In the view of some, there are too many hunters and too little game (especially antlered elk and other kinds of trophy animals) on public land. Even though Montana is still sparsely populated (5.6 people per square mile) the pressure on game can be severe because the vast amounts of public land are essentially a common pool.

Hunters have an incentive to kill as many animals as possible and no individual has a strong incentive to protect them the way an owner would. On the ranchers' side, a spur to fee hunting is that ranchers' crops and forage are feeding elk and deer rather than their livestock. (That can cost thousands of dollars a year.)

A market in hunting, like markets everywhere, can correct some of the problems created by state ownership. While landowners can't sell or lease the right to hunt, they can lease the right to access. Their prices range from $10 a day to hunt deer or upland birds to $15,000 for a fully guided hunt for trophy bull

elk. Between these two are a wide range of options for hunting and other recreation.

Fee hunting shows signs of making both buyers and sellers better off. Of course, libertarians concerned about the rights of the animals themselves might feel that they are excluded from this improvement. But if it is better for more animals to live and to live longer on the average, fee hunting makes them, too, better off. Landowners have an incentive to increase the quantity and longevity of game to attract more hunters or higher fees or both. Deseret Ranch, a large ranch in Utah that has had fee hunting for several years, increased its elk herd so substantially that it has transplanted over 600 elk to public lands throughout the state.

If sportsmen didn't benefit, fee hunting wouldn't occur. Terry Anderson, one of my colleagues at the Political Economy Research Center (PERC) and an avid sportsman, tells about sitting on the plane next to a Montana consulting engineer who was vociferously criticizing fee hunting. When Terry described his fee hunting arrangement and the black bear he killed with a bow and arrow (biggest in the state that year), plus the five elk killed by other members, and the lack of hunting pressure on wildlife, the outspoken advocate of public hunting changed his tune. Well before the airplane landed, the fellow gave Terry his business card and said, "When you have an opening, let me know." —JSS

What's in a name? — Facts are stubborn things, as somebody said awhile back, but the problem with facts is that they're usually described with words, which are worse than stubborn.

What words shall we use to represent the two sides of the abortion controversy? Up until I was straightened out by a friend, I always used "anti-abortion" and "pro-abortion." They seemed symmetrical to me. But my friend pointed out that "pro-abortion" misrepresented a lot of people who were actually against abortion, but who were still more against abortion laws. She said I should use "pro-choice." I've been thinking about that one.

Offhand, it sounds good. It's certainly more accurate than "pro-abortion." But what about the people who indeed are pro-abortion? They invariably rank themselves with the anti-anti-abortion people, and including people who advocate abortion for reasons of eugenics, racism, overpopulation-phobia, or other social-engineering purposes under the term "pro-choice" seems a little namby-pamby. I don't think we've got a good word for this yet.

Indeed, the abortion question bristles with insidious words. A favorite of mine is "parasite." The pro-choicers (I'll use it for the time being), or many of them, are fond of maintaining that a fetus is a parasite in a woman's body. Folks, that is a crummy way to use the English language. If we're going to loosen up the term "parasite" that much, we could also say that the cerebral cortex is a parasite in a woman's body, right? It doesn't really contribute anything and is always getting the rest of the body into trouble. "Parasite," in anything other than its strict scientific usage, is Marxist drivel-jargon, and they can keep it.

Not to let the anti-abortionists or anti-choicers or whatever off the hook here, though, let's remember how so many of them like to refer to "baby-killing." Now, this is a poser. No, fetuses aren't babies, any more than they're parasites. True, as time goes on, they get closer and closer to being babies, but, being as scientific as we can, it's dirty pool and bad language-usage to say "baby-killing" unless it's meant literally.

But, as before, I'm not all that crazy about the popular alternative term from the other side of the dispute—"termination of pregnancy." That makes it all sound cozily non-violent, like deciding to part your hair on the other side for a change.

No, the abortion problem—maybe more of a problem for libertarians than for anybody else, given our desire to be honest and consistent—is tough enough as it is without misusing words to make it tougher. —RFM

Heavy message — On your cable music station, watch for black heavy-metal group Living Colour and the video for its song "Cult of Personality" (from the album *Vivid*). The video shows Gandhi, Stalin, FDR, JFK, and others, with the obvious intention of reproving political hero-worship. The song says, "You don't need to follow me, / Only you can set you free." —SC

Taking the oath — Where do people get the idea that libertarianism is a narrow ethical doctrine that requires an absolute promise never under any circumstances to initiate the use of force, even in the most trivial way? Why do they find it necessary to define libertarianism in such a priggish fashion?

Am I the only person troubled that such an important spokesman for libertarianism as David Bergland would exclude from the movement such an illustrious libertarian intellectual as Ludwig von Mises, simply because Mises did not agree with the Libertarian Party's narrow definition of libertarian?

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So far as Bergland is concerned, anyone who declines to swear an oath that he does "not believe in or advocate the initiation of force as a means of achieving political or social goals" should be excluded from the Libertarian Party. He says that there are only "four or five" people who otherwise qualify as libertarians but who would not sign the oath; their "numbers are (1) minuscule, and (2) who cares?" (*Liberty*, January 1989)

Apparently a majority of Libertarian Party members agree; they have beat back several efforts to repeal or revise the oath. This peculiar criterion of libertarianism is not exclusive to the Libertarian Party. For example, anarcho-capitalist science-fiction writer (and LP critic) L. Neil Smith offers the following definition in an advertisement for a libertarian organization:

"A LIBERTARIAN is a person who believes that no one has the right, under any circumstances, to initiate force against another human being, or to advocate or delegate its initiation. Those who act consistently with this principle are Libertarians, whether they realize it or not. Those who fail to act consistently with it are not Libertarians, regardless of what they may claim."

Well, I have news for David Bergland, L. Neil Smith, and others like them. At least five of the editors of this periodical, including me, cannot in candor sign the LP's "loyalty oath" despite the fact that we consider ourselves libertarians.

The poll of *Liberty*'s readers ("The Liberty Poll," *Liberty*, July 1988) posed the following question:

"Suppose that a parent of a newborn baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing. Would you cross the lawn to help the child?"

Crossing the lawn to help the child, thereby trespassing on the parent's property, clearly is "an initiation of force as a means of achieving a social end." Nevertheless, fully 89% of respondents said that they would help the child. Are all these people to be excluded from the Libertarian Party?

What about the 98% of the respondents to the poll who claimed they would rather trespass than face certain death? Or the people who agree with virtually every policy proscription of the Libertarian Party, but who are unwilling to agree to its categorical version of the non-aggression principle?

These numbers are not "minuscule." I care about the fact that a lot of people (me included) are barred from the Libertarian Party, or encouraged (officially or unofficially) to sign the oath anyway, despite our disagreement.

When I showed this Reflection to a friend, he said that some readers might get the idea that I favor aggression as a social principle, and encouraged me to write a paragraph or two to dispel this notion. So here goes.

I am convinced that the non-aggression principle is fundamental to the whole idea of society. But I object to its being cast as a categorical imperative. No, stronger words are necessary: I resent its being used as magic potion to provide libertarian solutions to all social problems. —EOW

The crime and punishment of Ted Bundy

— One of the more peculiar conservative arguments for capital punishment runs as follows: we should insist on capital punishment because only in this way can we uphold the "awesome dignity of the law." Like so many conservative arguments, it approaches the essential point, but then veers off in the wrong direction. What is so important about the death penalty for the crime of murder is that it upholds the *dignity of the victim.* The law reasserts this dignity by reflecting the heinousness of the criminal's act in the punishment itself. In doing so, the law gains dignity, but that is not what is important. What matters is that the dignity and the rights of the victim are defended.

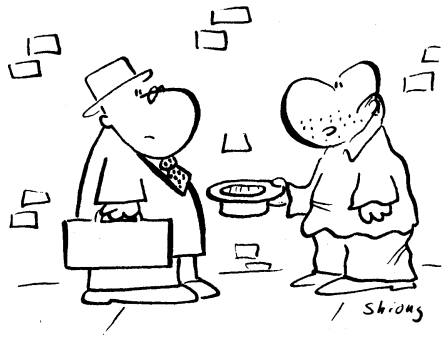

"I'd like to get a job, sir, but I hate the idea of my money going to support welfare bums."

Predictably, the recent execution of serial killer Ted Bundy inspired opponents of capital punishment otherwise. A few dared flout common sentiment by appearing before the media, speaking of humanity, mercy, justice (!) and so forth. But with Ted Bundy as the "victim," their pleadings were spectacularly unconvincing.

I was pleased that not one libertarian, so far as I am aware, used the occasion to promote the standard *anti-government* argument against capital punishment: that the state cannot be trusted with matters of life and death.

What is so important about the death penalty for the crime of murder is that it upholds the dignity of the victim. *The law reasserts this dignity by reflecting the heinousness of the criminal's act in the punishment itself. In doing so, the law gains dignity, but that is not what is important. What matters is that the dignity and the rights of the victim are defended.*

This argument for outright prohibition of the death penalty—rather than a critical and watchful examination of institutions and practices—has never impressed me. In any event, in this case it proved to be irrelevant: As the date of the execution approached and with the evanescence of legal recourse, Bundy began a long string of confessions, many of them supported by collateral evidence (namely, the bodies of his victims). There was no question of his guilt. And considering the appalling nature of his crimes, questions of his *deserving* to die seem perverse.

I feel a sense of satisfaction at the execution of Ted Bundy. But this does not mean that I regard the Bundy legal affair as wholly gratifying. Two dissonant points come readily to mind,

One: The fact that it took a decade to "pull the switch" shows that there is something gravely wrong with our legal system. Ted Bundy manipulated the system and prolonged his life with a series of legal maneuvers, retrials, stays of execution, etc. This should not be tolerated. It is neither just nor expedient. It only demonstrates the awesome stupidity and *indignity* of the present legal system.

Two: Ted Bundy, master manipulator, did not die without getting in his last affront to the idea and practice of justice. Shortly before his death he granted interviews with James Dobson, an evangelical Christian defender of traditional family values. Bundy claimed that pornography "made" him commit those crimes, that his viewing of pornographic materials added fuel to his perverse, homicidal fires. Dobson, of course, ate this right up—ignoring, however, that Bundy cited as pornographic inspiration for his crimes such smut as high school cheerleading catalogs.

Thus Bundy, clever as ever, turned our worry away from his own perverse (and unpredictable) imagination to the even more dangerous (and predictable) imaginings of James Dobson and his fellow illiberal crusaders. And so Ted Bundy added to his crimes of rape and homicide the more illustrious and socially

acceptable crime of liberticide. —TWV

Euphemism watch — As George Orwell pointed out, we live in an age of political euphemism. Words are power; to re-label is to control. Or so it seems.

The latest and most pernicious effort by pundits and commentators is use of the term "homeless" to describe bums, transients, crazies, criminals and plain unfortunate people. While it's true that many of these people are "homeless" in the sense that they must live on the streets, a surprisingly large number actually have homes they could live in. But most prefer to live on the streets or mooch off others.

To call these the "homeless" is misleading. They are also "computerless," "microwaveless" and "Rolls Royceless." The movement to relabel them "homeless" was intended to remove the judgmental aspects of their characterization. After all, some of the "homeless" are truly needy through no fault of their own: battered wives and families, mentally deficient people turned out of hospitals and asylums, the temporarily unemployed, and so on. While precise statistics are not available, probably about a quarter of the "homeless" fall into this category. And, sure enough, there are plenty of shelters and relief programs for this deserving 25% or so.

But the homeless special-interest lobby (Mitch Snyder and the welfare industry) needed a better image if it was to create a monstrous new "problem" to solve with tax money. After all, the Salvation Army and other churches and charities have been helping the deserving unfortunate for years, long before Hollywood and the media became interested.

Now, thanks to the new euphemism, the "homeless" problem fills the airwaves and the pages of the socially concerned news media. We non-homeless are expected to feel dutifully guilty over our privileged status and are constantly reminded of our chintziness.

By all means, let us suffer these poor devils urinating on the sidewalks, occupying our vacant real estate, rummaging through our trash and menacing us for our money. After all, *they* are the morally deserving "homeless" and we are the selfish and undeserving, ah, er, . . . just what are we? The "homed"? The "housed"? Maybe the "clean and privileged selfish"? Well, whatever, get the Word Patrol out and coin some suitably pejorative term for us.

On a different euphemism front, some progress may, perhaps, be noted. The handicapped (i.e., the deaf, dumb, blind, crippled, etc.) have long labored under the semi-pejorative term "handicapped" or the equally offensive "disabled." While these terms carry a correct meaning in some instances (the one-legged man is surely handicapped in a cross-country marathon), they tend to lump the physically unfortunate into a category that is conceptually unfair. Many "handicapped" are fully functional in nearly every important and meaningful way.

There have been numerous attempts to re-label them, most of which have failed. The "differently abled" is one that comes to mind, and surely a more misleading and barbarous locution could hardly be imagined.

But recently the term "inconvenienced" was used by one who applies it to himself. This seems a less value-laden term. While still literally accurate, it carries less of a stigma than "handicapped." It implies that disability is a matter more of degree than of absolute inability.

Well, we'll have to see. The problem is that sometimes new euphemisms become as pejorative as the terms they were intended to replace.

Meanwhile, the debate over Negro, black, afro-American, African-American, et. al., has re-emerged, just when we thought the "Black is Beautiful" debate had settled the issue.

—MH

Good news on the "Greenhouse" — The 80s has been the decade of the New Puritanism, a systemic assault on bourgeois comfort and enjoyment; that is, on what is truly our "quality of life." In the name of what used to be called "hygiene," we have been subjected to an organized and crippling barrage. We have been commanded to give up sex, tobacco, and liquor, to say nothing of the more exotic drugs; we have been deprived of any food that might possibly taste yummy; we have been ordered into the vile torture of continual exercise; and we have been divested of our fondest activities in the dread name of "aholic": "alcoholic," "workaholic," even "loveaholic." In the immortal words of Sheridan Whiteside in the *Man Who Came to Dinner*: "Are we to be spared *nothing*?"

Last year the misery of a hot summer was made even worse by those pests and harpies, the environmentalists. "It's the greenhouse effect," they warned, trying to strip us of our last shred of comfort by taking away our aerosol cans, our automobiles, even our air conditioners—all so that the earth's temperature won't rise by two degrees in fifty years. Well, now Science has spoken, in the January issue of *Geophysical Research Letters*. In the latest study, a team of scientists from the National Oceanic and Atmospheric Administration tried their damndest to find a greenhouse effect in the U.S. weather records since 1895, but they were grudgingly forced to admit defeat. Try as they might, they could find no record of the dread warming effect. To the contrary, they discovered that, in the 45 years from 1895 to 1940, there was a "marginally significant" rise in temperatures; but this warming was followed by another 47 years of a "marginally significant" *drop* in temperatures! Result? Zilch.

Science has spoken. In the latest study, a team of scientists from the National Oceanic and Atmospheric Administration tried their damnedest to find a greenhouse effect in the U.S. weather records since 1895, but they were grudgingly forced to admit defeat.

Yes, yes, we know that any decade now, the Greenhouse Trend may start down its inexorable path. But, in the meantime, greenhouse hysterics, beat it out the door. Don't come back for another ten years or so. And, on your way out, leave that summer thermostat set at 68 degrees. —MNR

If this be imperialism, make the most of it — Traditional American imperialism got its real start under McKinley, and is best symbolized by the person of Teddy Roosevelt. Teddy, seemingly forever disappointed that he wasn't born a Hohenstaufen, tried to make up for it by doing his best to turn the United States into a clone of the European imperialist powers. It was, I believe, contrary to the American charac-

ter, but the "Progressives" pulled it off anyhow, grabbing bites of the Pacific and Latin America, and finally, under the leadership of the raving-messianic Woodrow Wilson, forced our collective nose into the affairs of Europe itself.

This had predictable results. We came up with the Pledge of Allegiance at about this time, written, as has been revealed, by another crazy socialist. We made a decision then to stop leading the world by example and start leading it by force. Example worked better. Newly-independent nations prior to our change in policy tended to come up with constitutions amazingly like our own. They even aped our nomenclature, having Presidents and Senators and Congressmen instead of Prime Ministers and Parliaments. Sometimes their new flags looked like ours. Well, all that changed with the switch to European-style imperialism. After WW I, right up to now, the United States seems, in terms of foreign policy, to be utterly indistinguishable from Kaiser Wilhelm or Soviet Russia or Bloody Damned England—at least to the unsophisticated Third World.

So let's abandon imperialism for neo-imperialism. Here's how it will work:

The U.S. will have a two-tiered foreign policy. The first function will be defense-related. Our borders will be defended. The foreign policy connection is that the borders will be defended based on perceived foreign threats, and it will be a legitimate function of the government to make military treaties with foreign powers, i.e., stop pointing those things at us and we'll stop pointing these things at you. No surprises there.

The other legitimate foreign policy responsibility of the U.S. government will replace foreign aid, NATO, trade agreements, economic summits, invitations to Arafat, loan guarantees, North American Common Markets, cheerleading for democracy by fledgling Vice-Presidents, moral equivalents of war, and the whole ball of wax. The President and the Secretary of State will, with the advice and consent of the Senate, consider applications from foreign political units for admission to statehood. Nothing more, nothing less.

How simple it will be. If Israel, or El Salvador, or the Transvaal wants U.S. aid or political support, or whatever, no problem. Apply for statehood.

Statehood, however, would have its down side. You'd have to put up with the Bill of Rights, for one thing. You'd have to give up socialism, dictatorship, established churches (Christian, Jewish, Moslem, Atheist, or whatever), race laws, language laws, and all those other little perks that most ruling classes enjoy so much.

I know it wasn't perfect, but this is the way we used to get new states sometimes—Texas springs to mind.

Of course, we won't want Haiti to become the 51st state and have the whole place go on welfare, will we? So we'll have to get rid of welfare—Federal welfare, at the very least. And we'll have to get rid of most all the other political garbage we've accumulated since our changeover from Tom Paine to Teddy Roosevelt. If we get rid of all the economic laws, we need have no fear of new territories like Swaziland or Hong Kong or Ulster being an economic drain on the present fifty. If we get rid of all the affirmative-action drivel, we won't have to worry about ethnic or racial strife.

In short, if we go back to being the kind of country we were originally intended to be, imperialism will be obsolete anyway, and neo-imperialism would be a logical development. If Napoleon Duarte or Yitzhak Shamir or Yasir Arafat or Bernadette Devlin or Joseph Savimbi want the aid and approval of the United States, they can sign the Declaration of Independence and the Bill of Rights and become one of the United States.

If they can live with freedom, we can live with them.

—RFM

The end of the secular century — The storm over Salman Rushdie provides a vivid and dramatic illustration of one of the great truths of our era: that the Age of Atheism is ended. During the 1960s trendy theologians proclaimed that God is dead; but now we find that God is still (or again?) very much alive, and that it is Atheism for which burial rites must be conducted.

We have to realize that the secularist age, even though seemingly inevitable and eternal at the time, was only a brief glitch in the history of mankind. Secularism was born in the Age of the Enlightenment, in the eighteenth century; it was given great impetus by Darwin in the late nineteenth century, and it came into its own and dominated Western culture from the 1920s through the 1960s. In the United States, mainstream Protestantism had slowly but surely been transformed from a militant pietism of the mid-nineteenth century into a secular, barely religious, form of left-liberalism. Mainstream Protestant preachers would deliver sermons about the virtues of the Marshall Plan or aid to the homeless interlarded with a few small sentimental references to "God" or "Jesus." During the early 1960s a friend of mine rented a room for a while in the home of the Protestant chaplain at the University of Chicago. After lengthy discussions about theology and religion, my friend told the chaplain: "It seems that you and I have identical views on religion. The only difference is that I call myself an 'atheist' whereas you call yourself a Protestant minister."

As for pre-Vatican II Catholics, they were scarcely integrated into American cultural and intellectual life. They were considered a strange breed, a throwback to the Dark Ages, who really *believed* that stuff.

Bill Buckley likes to tell a story of his meeting, as a young man, with Ayn Rand, with Rand telling him: "Come, come, Bill, surely you are much too intelligent to believe in God." Ayn Rand, however, was not alone in this attitude compounded of arrogance and naïveté. She was, characteristically, simply more blunt about it. The dominant secularist attitude in American culture was precisely that: the only people who could believe in God or Christianity were credulous and halfwitted peasants. And American life of the 1920s through 1960s seemed to confirm this notion. For, after their defeat at the Scopes trial, conservative fundamentalist Protestants retreated into the hills and rural

What the cultural liberals left out of this Disneyfied view of life is real cultural differences and conflicts, and especially the serious commitments of militant religion. Cultural diversity is a noble ideal but, to paraphrase Mao, it is no tea party; it is often a serious and rugged business, and secularists had better start wising up to this fact.

fastnesses of America, and into the life of marginal social and economic classes. It was then easy for sophisticates to dismiss hard-shell Christianity as merely a cult of hillbilly snake-charmers.

And not only Christianity. The secularist twentieth century also dealt a grave setback to Islam. Moslem regimes were generally secularist and heedless of Islam; the gravest blow came when the Kemal Ataturk regime, after World War I, brutally forced a Western-style "modernization" on Turkey by virtually suppressing Islam and outlawing such Moslem practices as the *chador* (the veiled dress for women).

No Moslem government has sent any hit men to get Rushdie; enforcement of the Moslem death penalty has been "privatized." At the same time, the defense of Rushdie by the British government has been nationalized: the British taxpayer is now being forced to shell out an enormous sum for protection for Rushdie.

In every civilization, religion had always been the dominant force in people's values, goals, and very lives. In the twentieth century, it was possible for secularist intellectuals to ignore this overriding fact, and to claim that modern science had put an end to these "superstitions" of the past. But now, since the 1970s, secularism is rapidly going down the tubes, in the United States and throughout the world. Religion is back, and with a vengeance—literally and figuratively. Fundamentalism has made a remarkable comeback in the United States, and Islam, both Sunni and Shi'ite, is back with a roar. No longer is it possible to ignore the importance of religion in human life and culture.

Even though more fuss about the Rushdie affair has been made in the United States, England, of course, has really been the center of the storm. England, arguably the least religious country in the Western World, is the adopted home of the ex-Moslem Salman Rushdie and was the original publisher of his book. A fascinating article from London in the L.A. *Times*, (Dan Fisher, "Multicultural Concept Takes Beating in Britain," March 1, p. 10), reports a rising tide of anti-foreign and generally xenophobic attitudes in England in the wake of the Rushdie controversy. Apparently, in 1966, Labor Party Home Secretary Roy Jenkins (now a leader of the Social Democrats) set forth a new policy toward Britain's racial and ethnic minorities: acceptance of cultural diversity, instead of trying to mold all minority groups into one homogeneous British product. But now, in the wake of increased Moslem immigration and the Rushdie controversy, Right and Left alike are rapidly rejecting cultural diversity and talking again about a stern approach toward imposing one "British culture and its values."

The trouble is that cultural liberalism was adopted in Britain, and to a large extent in the U.S., by secularists whose benign and naive view of cultural differences is of happy ethnics wearing their quaint folk costumes and going through their charming little folk dances on national holidays. What they left out of this Disneyfied view of life is *real* cultural differences and conflicts, and especially the serious commitments of militant religion. In short, clashing attitudes toward liquor, the role of women, religious blasphemy, and all the rest. Cultural diversity is a noble ideal but, to paraphrase Mao, it is no tea party; it is an often serious and rugged business, and secularists had better start wising up to this basic fact.

There are some interesting and ironic twists to the Rushdie affair that have gone unnoticed. One is the fact that the Ayatollahs and other angry Moslem leaders have issued their pronouncements, *not* as government officials, but as leaders of private religious communities. No Moslem government, Iran or elsewhere, has sent any hit men to get Rushdie; in a sense, enforcement of the Moslem death penalty has been "privatized," although methinks this is not the sort of privatization that Bob Poole and others have in mind. At the same time, the defense of Rushdie by the British government has been nationalized: for the British taxpayer is now being forced to shell out an enormous sum for possible lifetime protection for Rushdie and his wife. But why shouldn't they pay for their own privately arranged protection? Even minarchists surely do not expect to commit government police forces to extraordinary and expensive measures to protect any one person indefinitely. Now that Rushdie's inscrutable novel—previously the victim of bad reviews—has been made into a runaway best seller by Moslem threats, he is certainly in a position to privatize his own defense.

The long-term strategic lesson for secularist libertarians of the resurrection of religion in the modern world should be crystal clear. The prospects for the eventual victory of liberty, in the U.S. and in the rest of the world, are excellent; the prospects for the triumph of atheism are nil. Secularist libertarians should stop trying to convert the religious to the dubious glories of atheism, and should start trying to convert them to the cause of liberty. —MNR

Case closed — I know I've been on Ronald Reagan's case from the beginning, but I can't resist one last comment. It seems entirely appropriate that one of Reagan's last acts as president was protectionist. He removed from a duty-free program hundreds of millions of dollars worth of imports from Thailand because that country is apparently not vigilant enough in protecting the "intellectual property rights" of Americans. Regardless of what one thinks of copyrights and patents (I think they're interventionist unless they are contractual), there can be no justification for punishing innocent American consumers.

At least we can say that Reagan left the way he came in. —SLR

"Five tribes are for, five are against, and two are undecided."

The float is sinking

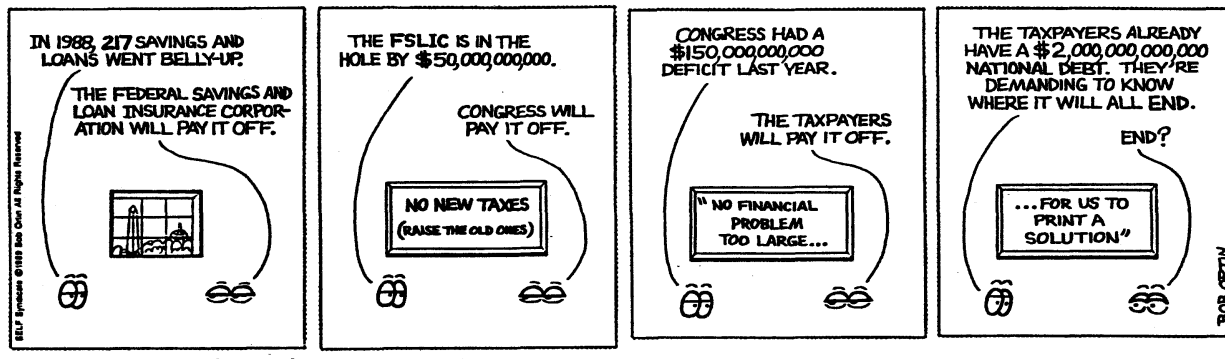

Abstinence makes the heart grow fonder

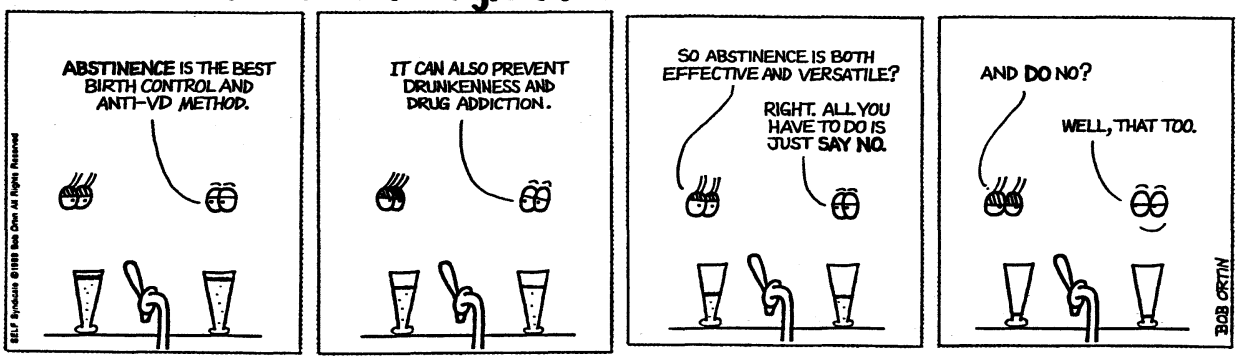

Ditch vs. economic reality

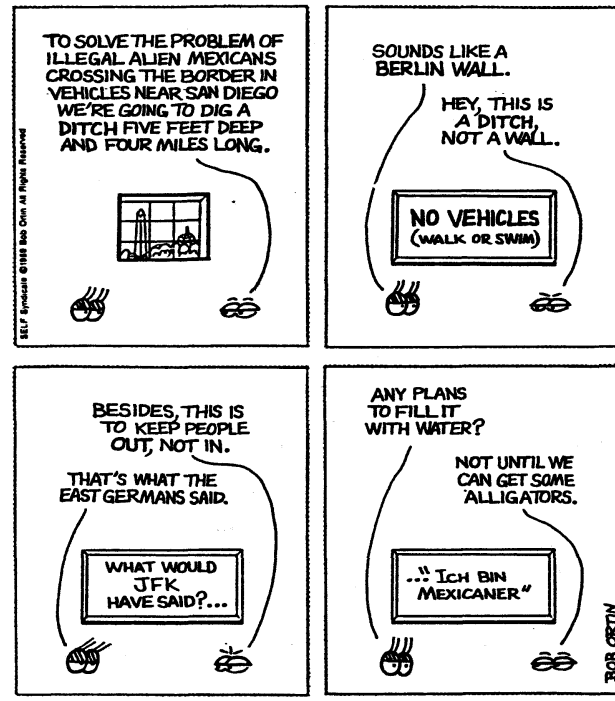

BURONS

A speculation on the source of headlines by Bob Ortin

War beats drugs

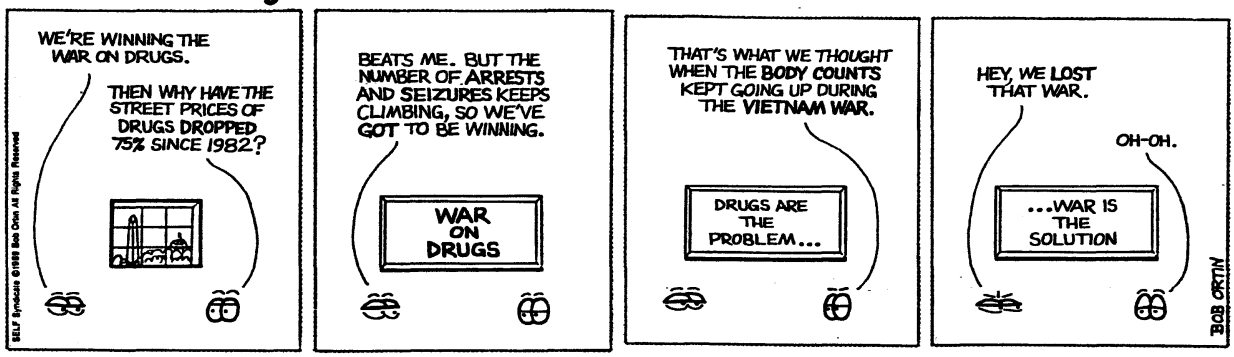

Essay

Man, Nature, and State

by Karl Hess, Jr.

Environmental worries are real; slogans are not enough. Karl Hess takes an ecological approach to environmental problems . . .

Years ago I was employed as an agricultural advisor to the government of Tunisia. The main problem facing Tunisian agriculture was over-grazing. Too many sheep and too little control vested in the users of the land had resulted in environmental disaster. I ordered barbed wire so that some control could be gained over the use of the land. When the barbed wire arrived, it was grabbed by the military to beef up the perimeters of Palestinian refugee camps. The land remained over-grazed and continued to erode.

This little episode illustrates the problem that is faced in trying to protect the environment under the stewardship of government. The top priority of government is to protect itself, not the environment. Government, a political creature subject to warring constituencies, almost invariably pursues short-term objectives. Alas, protection of the environment is a long-term objective—an objective that lies beyond the comprehension of legislators or the expertise of technocrats.

Ever since this experience, I have been very skeptical of calls for governmental "solutions" to ecological problems. Unfortunately, this skepticism is rarely heeded. The libertarian ecologist is apt to feel like a voice crying in the wilderness—even, sometimes, among libertarians.

For instance: In "Liberty and Ecology" (*Liberty*, Sept. 1988) John Hospers has taken aim at liberty's Achilles' heel and challenged the environmental relevance of free people and free markets. He has concluded, and I agree with his conclusion, that the environmental threats of population growth, ozone depletion, the greenhouse effect, air and water-borne pollution, and ecosystem simplification are the most serious problems facing mankind. Liberty would indeed be a shallow victory in a world bereft of diversity and poisoned by man's lethal leftovers.

But I reject Hospers' conclusion that long-term environmental interests can safely be left to the province of the state. I reject it not only because I believe that governments are themselves environmentally unsafe, but also because government environmental programs are ecologically unsound.

John Muir, founder of the Sierra Club, wrote that "one soldier in the woods, armed with authority and a gun, would be more effective in forest preservation than millions of forbidding notices." Soldiers have been in America's public woods for over a century, and the results have not been promising. Armed with the self-righteousness of Gifford Pinchot and the scientific determinism of America's most notable plant ecologist, Fredrick Clements, federal agencies have reduced our major national parks to biological deserts and subjected our public forests to repeated ecological insults.

Environmental incompetence, of course, is not limited to state institutions. In fact, many of the ecological threats facing the world today are the result of behaviors seemingly disconnected from state institutions. Hospers is correct: regardless of the source of environmental damage, the ecological end results are the same.

How can the theory and practice of liberty answer Hospers's legitimate concerns? Jane Shaw, I believe, provided part of the answer in her able defense of private property rights ("Private Property: Hope for the Environment," *Liberty*, November 1988). But property rights are not sufficient to resolve all the problems.

It is questionable, for example, whether America's public forestlands would be benefited significantly by simply exchanging the current federal landlord for a single private owner. The decisions of the private owner, like those of federal land management agencies, would affect millions of acres of land. One wrong decision could be devastating. Fire-control practices of the

Forest Service during three quarters of a century have adversely affected wildlife habitat and made normally resilient forest ecosystems susceptible to biologically disastrous fires. Would a single private owner have acted much differently?

Hospers correctly notes that "simplification leads to great vulnerability." A simplified ecosystem, he writes, is "much more easily upset when something happens to one of its parts, than is a diversified community." Public forestlands, when controlled by a federal agency or by one private owner, are simplified ecosystems. Public forestlands, when decentralized into the hands of many owners, approach the ideal of a diversified community.

But diversity of ownership is not the only issue. Another is information. When information is scarce or difficult to obtain, the ecological efficacy of diverse property rights is compromised. If, for want of alternative information, private property owners shared the fire-control ideology once propagated by the Forest Service, privatization of public forestlands would not provide an ecologically distinguishable alternative to federal ownership.

Today, the exponential increase of accurate information, in conjunction with free markets, can provide an environment in which diversity in private property ownership will ecologically outperform the centralized monocultures of the state. Free markets make information accessible. The probability of good information entering into some land management decisions is greater when ownership is diversified than it is when ownership is consolidated under a single, monolithic structure.

Let's consider some basic ecological concepts.

Biological diversity is crucial to the integrity of ecosystems, living spaces that include soil, plants, animals, and atmosphere. Man is part of the global ecosystem and his existence is predicated on its sustainability. A sustainable ecosystem is one in which the various components are capable of indefinite maintenance given some level of solar energy input. Solar energy is the currency upon which ecosystems operate.

Like individuals, ecosystems periodically face problems with the flow and availability of their unique currency. When, for example, disease devastates an ecosystem's major plant species, energy (packaged as eatable plants) is lost that would otherwise be available to grazing animals. A shortage of energy currency then reverberates throughout the ecosystem, ultimately affecting all organisms on the food chain.

Fortunately, ecosystems are like prudent people—they have insurance against disruptions. Species diversity is one of their insurance policies. If a multitude of plant species is available to grazing animals, the loss of a single species need not be catastrophic. A diversity of predators and competitors is just as important. The explosion of the deer population on the Kaibab Plateau in northern Arizona following the removal of wolves and cattle by federal agencies is a textbook example of the instability of simplified ecosystems. The legacy of simplification in this case was starving deer and denuded hillsides.

The many species that contribute to diversity provide multiple paths for the energy used in sustaining ecosystems. But the importance of biological diversity becomes even more apparent when you regard the energy flowing through the veins of an ecosystem as *information*. Energy, incorporated into organic matter, provides the informational base upon which plant and animal behavior is based.

Plant succession, for example, is ruled by the informational content of energy incorporated into matter. Fire-devastated forests in the West regenerate first with aspen and lodgepole pine. The presence of those species provide the conditions under which shade-tolerant species such as fir and spruce germinate and thrive. The transformation of energy into pine and aspen provides the biological cue that awakens spruce and fir to life. Similarly, the availability of food (packaged energy) provides the information that regulates animal fertility and population.

Energy is information; ecosystems depend upon information to survive; diversity has the potential of enhancing or expanding usable information. Ecology, of course, is more complex than a brief review of these basic principles. Yet, the foundation of an ecology of liberty rests on these simple and empirically verifiable propositions.

Ecological Creatures

American ecologists have traditionally conceived of diversity in the narrow sense of the number of species and subspecies within a particular ecosystem. Hospers has relied upon this traditional interpretation to structure his environmental warning. He has correctly observed that species diversity is decreasing at an alarming rate worldwide. But his warning that depletion of species may destabilize world ecosystems is debatable—not because the diversity argument is invalid but because the argument is construed too narrowly.

The primary cause of species extinction is not the wanton slaughter of animals but more subtle changes wrought by man. As more and more of the earth's surface is transformed by agriculture, less and less solar energy currency is available for the plentitude of species once common to earth. Species incapable of adapting to the changes generated by man are the first to disappear. When their niches (fancy term for homes and workplaces) in nature dissolve, they perish.

The quality of human life may, however, be enhanced by preserving species diversity in selected areas such as wilderness, parks, and zoos. It all depends on man's skill in generating and proliferating quality information and his efficiency in applying that information to his environment. The ultimate ecological niche for man in a stable world ecosystem may well rest on on his ability to communicate information—that is, upon his ability to propagate through culture, community, science,

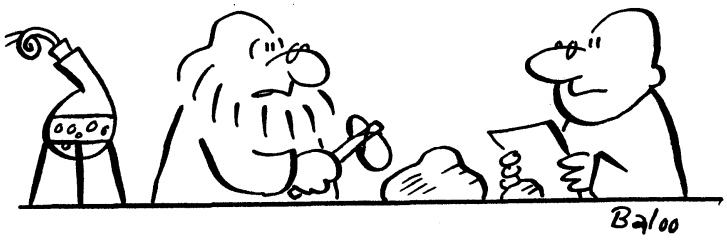

"I said I wanted to do basic research, but not *this* basic!"

and art a diversity upon which man and nature can thrive and coexist in harmony.

What obstacles limit human ability to foster diversity? Hospers suggests that self-interest is one. He argues, for example, that "[a land] owner's long-term interest [which is identical to ecosystem interest] may not coincide with his short-term interest."

Of course, the conflict of interests to which Hospers alludes is not only normal but natural. All species are motivated by self-interest. Left to their own devices, without the normal checks and balances provided by nature (e.g., predation, disease, limited food, etc.), most species would expand catastrophically. Narrowly conceived self-interest is the rule, not the exception, in nature.

The explosion of the deer population on the Kaibab Plateau in northern Arizona following the removal of wolves and cattle by federal agencies is a textbook example of the instability of simplified ecosystems. The legacy of simplification in this case was starving deer and denuded hillsides.

Man is the only creature capable of voluntarily rechanneling self-interest in directions beneficial to his global ecosystem. Nevertheless, man is ravaging his home. Hospers is right about this. But Hospers is mistaken when he fears the environmental destructiveness of people more than the destructiveness of the states that rule people. The major state powers, he hopes, will reach agreement "not to pollute, not to kill endangered species, and in other ways to refrain from harming the environment" and to "enforce [environmental] conformity within [their] own borders."

The state is envisioned as an impartial mediator poised between destructive individuals (or groups) and the environments they have ravaged. It is seen as unbiased toward man and nature and somehow removed from the environmental problems that plague earthly ecosystems. It is not perceived as an ecological being having ecological functions as well as ecological consequences. The likelihood of the state accomplishing something other than ecological good is not considered—or if it is, it is accepted as a necessary cost of curbing the greater evils of private action.

States do more than intervene on behalf of the environment, and even when they just intervene in this way, beneficial results are not necessarily the rule. States expend most of their energy on activities having no apparent bearing on environmental quality—such as combatting human diversity for the sake of consolidating power. Keep in mind that the state is not only threatened by diversity, it is the antithesis of diversity. Yet, states, like people, are ecological creatures whose actions predictably have ecological consequences beyond the intended scope of their actions.

Two examples will clarify my point.

North African nations have subsidized bread production to ensure an adequate and affordable diet for their citizens. Those subsidies, however, have increased the desertification of their already arid countryside. Inexpensive bread (well below the cost of the grain used in its production) is used by rural peasants to feed sheep whose numbers exceed the carrying capacity of overgrazed rangelands. Farmers are able to graze their lands clear of plant life and still maintain their herds. Nature's checks and balances—which normally would make farmers accountable for overgrazing—have been bypassed by the state. In the short run, the interests of farmers and governments are served. In the long run, both the people and the land suffer.

Anglers in Montana, resentful of the control that private property owners had over some of the state's best fishing spots, successfully advocated legislation allowing citizens to enter private lands as long as they travelled below the historic high-water levels of the streams they wanted to fish. But today, anglers are becoming aware of the unintended ecological consequences of state beneficence: prized locations are being overfished.

A Rule of Unintended Consequences

The severity of unintended ecological consequences increases in proportion to the transfer of power from individuals and communities to the centralized state. Theoretical support for this rule rests on the diversity argument. State usurpation of local power reduces effective diversity. Citizens and communities become facades of diversity in their respective ecosystems. The ecological potential they represent—the promise of their creativity, culture, and visions—remains unrealized without the means of implementation: power.

Power translates potential human diversity into maximum ecological benefit when property rights are fully vested in the unit of diversity (individual or corporate); when accurate information is abundant; and when markets allowing access to information and the implementation of information are not obstructed or limited. Even under ideal circumstances, human action will be less than perfect. Environmental damage will continue to be generated by uncaring or misinformed people. One might argue that state intervention to deal with these ecologically aberrant people is justified. But intervention would diminish diversity, returning us full circle to the heart of the problem!

Despite the fallibility of free people, environmental well-being will be better served by the many decisions of diverse actors than by the single decisions of centralized states.

When limited in time and space, the ecological consequences of environmental mistakes (intended or unintended) will have fewer repercussions. As a general rule, small population units are unable to wreak as much environmental havoc as larger population units. Further, the likelihood that good ideas and good actions will emerge in response to environmental needs appears more certain when the number of independent actors increases. Is it best to subject the fate of an enormous landscape to one decision maker or to multiple decision makers, each controlling only a fraction of the landscape? In the latter case, many decision makers will go wrong, yet at least a few will arrive at environmental excellence. In the former case, there is no such certainty. Decentralized environments would obviously be much

more effective in isolating local economic and environmental disturbances and limiting the magnitude of their ecological impacts.

The Political Ecology of Expanding Population

The principal environmental threat to the global ecosystem is, according to Hospers, exponential growth of human population. I share this sentiment. How can my theoretical model be applied to the problem? It is no secret that for millennia, human population in what we term the Third World was relatively stable. Today, population growth in that region threatens to inundate the world with hungry bodies.

Western nations underwent similar population expansions with the arrival of the industrial age. Yet their populations have levelled off and remain within the probable carrying capacities of their environments. Third-world nations do not appear to be emulating the Western experience. The explanation, I believe, lies in the fact that in Western nations population growth was an ecological response to natural changes (those emanating from within the structure of society). In contrast, population growth in the Third World is an ecological response to unnatural changes (those brought about by forceful intrusions). The unintended consequences of outside cultural, political, and economic influences has been uncontrolled population growth.

Hospers correctly attributes part of the cause of population expansion in the Third World to the introduction of Western medicine. Although charitable in intent, it has allowed human fertility to outpace the fertility of the earth. Western intervention in the Third World, however, has achieved more than the introduction of modern medical care. It has undermined traditional cultures unprepared for change and has led to the usurpation of traditional communal rights and powers by nation states conceived in the image of the West. The centralized states of the Third World have eroded the ability of decentralized peasant societies to manage their own affairs. In the language of ecology, diversity has been diminished. Local cultures and communities no longer play a decisive role in reproductive activities. And the states that have undermined the workings of communities have also stood as obstacles to the realization of material conditions that might have induced rural populations to regulate their growth voluntarily.

The communities of the Third World exhibit few of the conditions necessary for functional human diversity. Property rights are often denied or limited. Markets are nonexistent or tightly controlled. And information, when available, is usually filtered through the tentacles of the state. Contributing to the confusion is Western relief aid that artificially supports nonsustainable populations. The carrying capacities of many Third-World countries have been greatly exceeded thanks to the unintended ecological consequences of state intervention.

> *The prevailing strategy of the state for pollution control relieves polluters of the responsibility of confronting and resolving the pollution they generate. All they need do is meet the minimum standards set by federal regulatory agencies. No incentive exists for environmental excellence. No thought is given to the ecological potential of diversity.*

I do not claim to have a remedy for this extremely complex and serious problem. I suspect, however, that devolution of state power back to families, kinship networks, local tribes, and communities would be an important step in bringing populations into balance with the carrying capacity of the land. It would be much harder to escape accountability for contributing to excess population if individuals were answerable to their neighbors (rather than to states). While the cost of one additional child might be insignificant to a nation, it could be ecologically devastating to a small community. It is not difficult to imagine which unit of social organization would be most likely to respond to the marginal newborn.

Western subsidization of the Third World should also be halted. Our short-term interest may be laudable—to feed, clothe, and shelter unfortunate people. But the long-term effects of our beneficence, unless combined with significant property and market reforms within Third-World countries, will have serious global repercussions.

The one positive action that can be taken is to eliminate barriers to trade and population movement. If the Western experience is a valid model, material well-being should influence population growth. We should do all we can to encourage institutional reforms that will change the distribution and quantity of wealth and information in the Third World.

The purpose of policy reform, ecologically speaking, should be the multiplication of sustainable, self-regulating social units—not the consolidation of subsidized or regulated ones. Market forces will ecologically link independent social units, not politically combine them in the manner of the centralized state. Hospers's call for environmental collusion among major nation states is a response to symptoms (population expansion), not causes (state intervention).

There is no better laboratory than the United States in which to assess the potential of human diversity. All the conditions for releasing the ecological power of human creativity are present here to some degree, and so are most of the major environmental problems.

Consider two of these problems, soil depletion and air pollution. Let us experiment with each to test the efficiencies and deficiencies of decentralized (free market) strategies compared with centralized strategies for coping with urgent environmental problems.

How Best to Deplete the Soil

If our goal were to encourage soil erosion and depletion of soil fertility, how might we best proceed? We would undoubtedly begin by injecting distortions into the free market. If our objective were to create a desolate landscape, we would want a centralized economic policy that would encourage, above all else, over-production of farm produce. We would subsidize farmers to produce beyond the needs of our society. We would provide enough subsidies to ensure that they could afford the most

economically wasteful and environmentally damaging agricultural practices. We would also provide sufficient subsidies to ensure that they would cultivate the most marginal and fragile lands.

As soil erosion increased and soil productivity fell, and as marginal farmers approached bankruptcy, we would add further subsidies. We would gear up our land-grant colleges, our national extension services, and our federal soil conservation agencies to provide just enough assistance to keep farmers working toward our goal. We would also look to national charity drives and subsidized federal loans to make sure that the net income of farmers remained above that of the non-farming population, so that few would voluntarily desist from their environmentally ruinous occupations.

Finally we would reap the rewards of our market intervention. Soil erosion would be at historic heights and soil productivity would be at historic lows. To make sure that our policies would have a lasting effect, we would also lavish subsidies on the worst of farmers. We would reward their bad stewardship and keep them in business by paying them to take their lands out of production. The scenario, of course, is not imaginary. It is the official farm policy of the United States.

Centralized agricultural policies, the ecological cues that emanate from the state, do have their place. They would make excellent strategic weapons. Why use nuclear warheads to destroy an enemy nation when all that is needed is a shot of famine, thanks to the beneficence of the opposing state? But assuming we wished to survive, how might we release the creativity of thousands of American farmers and enlist it in a viable alternative to policy monoculture?

Marketization is the answer. With the elimination of farm subsidies, marginal farmers would look for new professions, and those remaining would look for new management strategies to survive in a deregulated market. Lands unsuitable for cultivation would be retired from production by decentralized market forces at rates exceeding the current conservation reserve program—and at no cost to the taxpayer.

To speed the experiment, we might also phase out the Soil Conservation Service and the Cooperative Extension Service. The result would be complete marketization of agricultural information. Put to the rigorous test of the marketplace, superior technologies and innovative resource management strategies would surface—no longer held in check by old technologies and strategies whose only competitive edge was the free price offered to subsidized farmers.

How Best to Unpollute the Air

Most of us are uncomfortably aware of the effects of air pollution. As I write, smoke drifting north from wood-heated homes in Juarez and auto emissions trapped by cold air moving south from Albuquerque magically coalesce before my computer screen. Eyes already reddened by the hypnotic allure of a flashing cursor become inflamed by unwelcome particles. And I am one of the fortunate who live in one of the more sparsely populated areas of the United States!

The prevailing strategy of the state for pollution control has been the imposition of best available technologies. Polluters are relieved of the responsibility of confronting and resolving the pollution they generate. All they need do is meet the minimum standards set by federal regulatory agencies. No incentive exists for environmental excellence. No thought is given to the ecological potential of diversity.

No one is responsible for the atmosphere in which polluters dump their wastes. The ownership of neither that ethereal dump nor the wastes that contaminate it is easily determined. Consequently, all atmospheric polluters are treated in the same way by federal regulators—all subject to the banality of *best available technologies*. Equality of treatment, however, begets mediocrity of results.

But what if we replaced state regulation with the natural regulation of the marketplace? What if we created a new category of property rights? Let us imagine that polluting industries (including companies manufacturing polluting products) could buy transferable pollution rights—for convenience, let's call them permits—on the free market. The number of permits for each pollutant (which could include carbon dioxide—the major culprit of the greenhouse

continued on page 48

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Critique

Public Choice: A Misshapen Tool

by Murray N. Rothbard

Some of the Public Choice school's most celebrated "insights" have been staples of libertarian thought for nearly a century. And some central Public Choice contentions are problematic, to say the least.

I appreciate the virtues of public choice analysis, as outlined by Jane Shaw ("Public Choice: A Useful Tool," *Liberty*, January 1989). In fact, some of my best friends are public choicers. But perhaps I may be pardoned for not throwing my hat into the air. Shaw identifies as the central contribution of public choice analysis the doctrine that people are at least as motivated by self-interest in the political realm as in other walks of life, and she hails Buchanan & Tullock's *Calculus of Consent* (1962) as contributing this insight. But when I entered the libertarian movement in the late 1940s, this doctrine was *already* a guiding staple of libertarian thought. It was particularly striking in the work of the great Albert Jay Nock, especially in his magnificent *Our Enemy the State* (William Morrow, 1935) and in his *Memoirs of a Superfluous Man* (Harpers, 1943). A brief quote from Nock will demonstrate, not only that he preceded Buchanan & Tullock, but also that Nock's analysis was far more trenchant, radical, and libertarian, and was written in far more lucid and scintillating English prose:

> There are two methods, or means, and only two, whereby man's needs and desires can be satisfied. One is the production and exchange of wealth; this is the *economic means*. The other is the uncompensated production of wealth produced by others; this is the *political means*. The primitive exercise of the political means was, as we have seen, by conquest, confiscation, expropriation, and the introduction of a slave-economy. The conqueror parcelled out the conquered territory among beneficiaries, who thenceforth satisfied their needs and desires by exploiting the labour of the enslaved inhabitants. The feudal State, and the merchant-State . . . merely took over and developed successively the heritage of character, intention and apparatus of exploitation which the primitive State transmitted to them . . . .
>
> The State, then, whether primitive, feudal or merchant, *is the organization of the political means*. Now, since man tends always to satisfy his needs and desires with the least possible exertion, he will employ the political means wherever he can—exclusively, if possible; otherwise, in association with the economic means. (Nock, *Our Enemy the State*, pp. 59–60.)

The idea that political action is often the product of economic self-interest, furthermore, extended far beyond libertarians to the historical method often derided as "economic determinism," practiced by Charles A. Beard in the early years of the twentieth century, and by his host of "neo-Beardian" followers ever since. The difference is that, with a few notable exceptions (such as George W. Hilton), Chicago School or public choice economists turned loose on historical explanation tend to be perfunctory and simplistic, lacking appreciation for the complexities and nuances of actual historical events.

Furthermore—and this is one of my major criticisms of the public-choicers—they, unlike the Beardians, really do carry their economic determinism to the extreme of denying *any* motivation in human history except monetary gain. Hence, they are at a loss to explain much of what is or has been happening in the world. Take, for example, the absurd concept of "rational ignorance" of Downs and Tullock. Shaw states that this concept shows that the individual citizen has "little incentive even to vote." She understates the argument. On "rational ignorance" grounds, the individual has *no incentive* to vote, since an individual has no discernible influence on the outcome of an election. But then the question insistently intrudes: why then *do* people vote at all? Why

did 50 percent of eligible voters vote in the 1988 presidential election? The public choicers would lamely have to say that these voters are all being "irrational," but this scarcely supplies an explanation. The real answer is that voters are motivated by *ideology*, which, rightly or wrongly, leads them to pull the lever for the candidate of their choice. But if the public choicers should ever concede this point, their entire house of cards would come a-tumblin' down, because then they would have to concede that ideas and ideology, and not simply monetary self-interest, can guide people's actions. Or, to put it another way, people can hold certain values or ideas so strongly that they *become* part of their "self-interest," but *not* a self-interest that can be quantified into monetary cost-benefit calculations. And therein lies the rub for the public choicers, and therein lies the superiority of Austrian-school economics, which not only acknowledges *but is grounded upon* the fact that individuals are always guided by their subjective values and goals, among which monetary gain is only one element.

In my view of human affairs, ignorance, whether willful or not can never be glorified as "rational." People *should* be interested in the world around them, especially since they are part of that world and are bound to be affected by it. The search for, and acquisition of, knowledge is noble and glorious, and willful ignorance about vitally important matters marks one as less than fully human. But how can the public choicers, in their crabbed Benthamite calculus, be expected to understand such concepts? Even on their *own* terms, their extreme economic determinism leaves them unable to comprehend behavior which, for some reason, they are trying to understand. I have already mentioned the 50 percent who, despite the demonstrations of the public choicers, persist in trooping to the polls. But there is still more to be said about voting. Why, for example, were voter turnout rates persistently far higher during the nineteenth century—ranging to 90 percent for presidential contests? The public choicers have no answer. The proper explanation is that, during the nineteenth century, the political parties were far more consistently ideological: the Republicans and Democrats stood for sharply contrasting ideologies and political programs, which were rooted in turn in sharply contrasting religious values. These value and ideological clashes fostered deep party loyalty in Democrats and Republicans; party membership became an integral part of their lives. Starting in 1896, however, the political party system changed drastically, with the two parties quickly becoming virtually indistinguishable ideologically. Elections were reduced to mere clashes of personality and patronage, thereby providing voters with an echo instead of a choice, and lowering their enthusiasm and their turnout rate.

The extreme economic determinism of the public choicers leaves them wide open—and properly so—to ridicule based on exposing their own inner, performative contradictions.

Moreover, the extreme economic determinism of the public choicers leaves them wide open—and properly so—to ridicule based on exposing their own inner, performative contradictions. For if everyone is always and ever governed only by "economic" (i.e. monetary) gain, then what of the public choicers themselves? Why can't we say that public choice theory itself is a mask for the economic interests of the public choice profession? Indeed, this was the tack taken by the perceptive and witty liberal journalist Michael Kinsley, on the occasion of Jim Buchanan's Nobel Prize. Kinsley wrote that, if everyone is always and ever motivated by monetary gain, why can't we engage in a public choice analysis of the public choicer, of the universities that hire them, and of the Swedish Nobel Committee that awarded Buchanan the prize? To dismiss such ripostes as simply "nasty," as did public choicer Jennifer Roback of George Mason University, is to miss the point. For the only real defense of the public choicers: that they were and are motivated by the love of truth, contradicts the public choice doctrine itself, which denies any motivation for human action but monetary gain. And if the public choicers themselves can be motivated by principles or values, why can't anyone else?

The other big problem of the public choicers is their fatally flawed attitude toward government: that is, their failure to grasp the central libertarian insight enunciated by Nock: the crucial distinction between a voluntary exchange, where both parties gain; and a coerced exchange, where one party gains at the expense of the other. Instead of regarding the State as the organization of the political means—as the systematization of theft and coercion on a grand scale—the public choicers regard the State as *merely* one large firm, very much the same as a private organization. State officials try to earn revenue, gain a surplus over expenses, etc. Generally, the public choicers hold the State to be a particularly inefficient firm, but in principle their treatment of government is a benign one. The public choicers even fuzz over the difference between voluntary and coerced exchange by a semantic trick: euphemistically referring to taxation as a "complex," rather than a coerced, exchange.

A final complaint: why do public choicers persist in calling privilege-seeking at the hands of the State, "rent-seeking?" Why befuddle the already confused public by mixing in the pursuit of anti-social special privilege with the legitimate collection of rent by landlords? Actually, the flaw here is deeper than mere semantic error. The attack on rent stems from David Ricardo's bitter opposition to land rent, which stemmed from his failure to understand that landlords perform the highly important function of allocating scarce lands to their most productive uses. The neoclassical economists then generalized the attack on rent by identifying "rent" as all "surplus" income earned by anyone on the market—the surplus meaning income that could be taxed away by the government and still not reduce the effort or supply of the producer. In taking over this assault on rent, the public choicers appear to be mixing and conflating income from State privilege, with a perfectly legitimate return earned on the free market. ❑

Investigation

A Conspiracy of Silence

Uncovering the Media's Election-Night "Coverage" Policy

by Margaret M. Fries

"Whatever is only almost true is quite false, and thus among the most dangerous of errors because, being so near truth, it is the more likely to lead astray."
— Henry Ward Beecher

Ben Bradlee is credited with having said that "news is the first rough draft of history." If this is true, the page on "Dissenting Voters in the American Electorate" has been left blank this year. As a result of new vote gathering procedures, designed and implemented by the major networks and wire services, well over a million votes cast for minor party candidates in national races went unreported and the percentage of the popular vote represented by those dissenting ballots was falsely attributed to the Democratic and Republican candidates for those offices.

In the presidential race, there were close to a million votes cast for candidates other than the Bush and Dukakis tickets, but those votes went unreported by the national print and broadcast media. The percentage of the popular vote for president represented by those ballots was intentionally redistributed to the tallies of the Republican and Democratic tickets. Nationally, the Bush and Dukakis teams shared a "bonus" of about 1% of the popular vote. State by state, the percentage of the popular vote earned by those two tickets was falsely increased by as much as 4%. The additional percentage points given to those candidates, in fact, represented votes cast for minor party presidential candidates.

Half the redistributed minor party vote was for the Libertarian Party candidates, Ron Paul and Andre Marrou. Many LP candidates in senate and house races made even larger "donations" to their opponents' vote percentages. In most cases where a Libertarian was the only challenger to a Republican or Democrat, the major party candidate was given a "clean sweep" by the media. They were reported as having run "unopposed."

The impact of this decision continues to be felt, and the implications for the future are significant enough to warrant a full discussion of the mechanics of reporting the vote.

The News Election Service

At the bottom of all this misreporting is a monopoly called the News Election Service (NES). NES is a news gathering cooperative, jointly owned and operated by three major networks (ABC, CBS, NBC) and two wire services (AP and UPI). To understand NES's "lock" on election reporting, a bit of history is in order.

Prior to the 1964 election, the major television networks and wire services competed fiercely with one another. Each strove to provide the earliest and most accurate reports of election returns. Computers were just starting to be accepted by news organizations for polling and election projections. Many of the advanced polling techniques we take for granted today were being developed at that time. Network presidents knew the margin of error and dreaded a tightly contested race. They understood that, in a close contest, the first network to call the winner ran a significant risk of naming the wrong candidate. During the 1964 California presidential primary, the inevitable occurred.

From poll closing time, and well into the next morning, Goldwater and Rockefeller were each announced as winners—each, of course, by a different network. On primary night, and well into the next morning's news, New York City channel 2 viewers were treated to a real spectacle, courtesy of the flagship CBS affiliate, WCBS. That station alternated between the two authoritative, but contradictory reports. Even as the CBS network feed continued to name Goldwater as the winner, the local portions of the broadcast (taking their information off the AP wire) persisted in reporting that Rockefeller was the Republican nominee.

Within days, network and wire service representatives met to work out the agreement that created the Network (and later News) Election Service. In his book "In the Storm of the Eye," former CBS president, Bill Leonard describes

that meeting as marking the "end of the absurd competition among the major networks to collect votes." The arrangement not to compete was approved by Robert Kennedy's Justice Department.[1]

Starting in 1964, and in even numbered years since, NES has gathered and reported on the "unofficial"[2] election results of presidential, congressional and gubernatorial races, as well as selected primaries and state party caucuses. The information is transmitted from NES, to its owner/operators and to NES subscribers, such as Cable News Network (CNN), *The World Almanac and Book of Facts*,[3] and a number of political science researchers throughout the country.[4]

The networks and wire services, in turn, relay the information to their affiliates and subscribers, which include most of the newspapers, weekly news magazines, independent television and radio stations. The News Election Service is therefore the primary, if not exclusive, source of national information of election returns from election day until well into the new year. In certain localities, such as New York City (see sidebar, p. 24) this situation has made some information virtually unobtainable in the days and weeks following an election.

According to Robert Flaherty, NES Executive Director, the collection process for this year's election involved nearly 100,000 NES reporters positioned at various polling places and county boards of elections throughout the country on election day. Each reporter was equipped with several printed forms, each of which was used to record a portion of the vote tally as it was made public by local election officials. The reporters telephoned these raw numbers to NES, where their computer system tabulated the information and calculated the percentage of the popular vote earned by each candidate. These "finished" results were then fed to the parent organizations and NES subscribers. Within minutes, the formatted information was available for transmission to the public by the broadcast and print media.

Until the 1984 election, NES at least *gathered* information on every presidential candidate appearing on the ballot in each state. Whether or not each total was actually broadcast during the course of election night coverage or appeared in the next morning's paper, was an editorial judgment made by news directors and publishers in the exercise of their journalistic discretion. Having gathered *all* the results[5] the NES's percentage of the popular vote was correct for each candidate in a given race. Whether a news organization chose some or all of the candidates for its report, the story could include the correct percentage.

This option no longer exists. The NES report of total votes *cast* is actually only the total of the votes they have *collected*. Because they do not report the votes cast for minor parties, the total vote number is wrong. A diligent reporter or news director who wished to report at least the number, or percentage, of votes cast for "other candidates" is now unable to do so.

Prior to the 1984 election, NES ceased gathering votes for most third party presidential candidates. The Libertarian Party votes continued to be part of the calculation. According to Flaherty, based on a "poor" showing in the 1984 election, the NES board of managers added the LP to the ranks of the "insignificant" parties. When plans were made for the 1988 election, the board decided to exclude Libertarian Party candidates in their vote gathering.

During the week prior to the 1988 election, I spoke with Bob Flaherty about NES's plans. I asked him, hypothetically, how NES would report the vote percentages in a state where the Republican candidate got 55%, the Democrat got 35% and a third party candidate got 10%. His response was that the two major party candidates would be reported to have split the vote 60-40. He admitted that by failing to collect vote totals on third parties (or to at least report the total vote cast), the percentages attributed to the reported candidates might be somewhat exaggerated. He was "not sure" whether the NES report informed the user that the vote totals did *not* indicate the total votes cast, but merely reflected the total of the votes which NES had chosen to collect.

I asked him if he felt any personal responsibility, moral or ethical, regarding NES's recent reporting procedures. Not surprisingly, Flaherty adopted the "Nuremburg defense." He was, after all, just "doing his job"—just implementing the policy dictated by the NES board of managers. When asked about the composition of that board, Flaherty declined to reveal the names of anyone who sat on that board. The NES board of managers is mentioned in the defendant's pleadings, filed in the suit brought by

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the Populist Party (discussed further, below).

Those documents state only that each of the parent organizations "are represented." The choice of words will raise a flag for those familiar with the construction of contracts or statutes. These were carefully drawn pleadings, drafted by experienced media attorneys. Were the board made up exclusively (or even primarily) of representatives from the parent networks and wire services, then it would have been described just that way. The chosen construction indicates that, *among* the board members, one will find representatives of the parent organization.

A description which is neither inclusive nor exhaustive tends to invite speculation. Who else might be sitting on the board of the News Election Service? Executives from subscriber news organizations? Inspectors from the Justice Department? Representatives of the FEC? Officers of some Boards of Elections? Perhaps, a *bi-partisan* contingent to represent the "two party system?" Those who might know aren't saying.

The NES Policy in Action

According to Flaherty, the purpose of the News Election Service is "to provide an accurate set of unofficial election results" to all its subscribers as quickly as possible. [6] News organizations, reporters and political scientists accessing NES information are thus lead to believe that they are getting a reasonably accurate report of the votes cast for various offices in the recent national election. Flaherty and representatives of the three networks have claimed that excluding information on minor party candidates has no significant impact on the accuracy of their reports. [7]

I suggest that the facts noted above, refute this assertion. Nevertheless, there are some who will argue (indeed, some LP NatCom Reps already *have* argued to me) that misreporting by 1% (or .5%, or 3%) is not significantly inaccurate. The following, I hope, illustrates how the NES's selective vote collecting practices do result in inaccuracies which can hardly be characterized as "insignificant."

In the state of Alabama, for example, there were 7 congressional races. In each district, a Libertarian was one of the candidates for office. [8] In Districts 2, 3 & 4, the LP candidate presented the sole challenge to a Republican or Democratic incumbent.

The NES report denies all this. According to the News Election Service, there *were no* Libertarian Party candidates in any of the seven House races in the state of Alabama. In the three way races, the LP candidate is merely missing from the report. In districts 2, 3 & 4, where the Republican or Democratic candidate's only opposition came from a Libertarian, the major party candidate is reported to have been "unopposed." So much for the approximately 40,000 voters (representing between 6% and 10% of the vote in each of those districts) who cast their ballots for Jerome Shockley, John Sebastian or Joel Brook King.

The NES listing chronicles each and every House and Senate race in the country. There were 17 Libertarian Party candidates for the U.S. Senate. No LP senatorial candidates appear in the NES report. Of the approximately one hundred ten Libertarian candidates for House of Representatives, only six are listed by the NES report. (A careful look, reveals two other LP candidates, but they are identified as members of other parties.) In the remaining one hundred-plus House races, there is no indication that Libertarian candidates took part at all. Where the LP candidates were part of two-way races, the Democratic or Republican candidate is listed as having been "unopposed."

Using the NES report, one would get the impression that "third" party presidential candidates have virtually disappeared from the electoral scene in recent times. One finds that, in 1980, there were at least four presidential candidates running in each state; many states had more. In 1984, by contrast, the listing indicates there was only one alternative to the Republican and Democratic presidential candidates, David Bergland. By the 1988 race, it appears that these alternative parties have entirely dropped out of the national election business.

Reactions to the NES Reporting Practices

In October, the 1988 NES policy was made public in a Denver *Post* article by LP member, Jon Baraga. In its wake, Tonie Nathan and an *ad hoc* network of activists went to work on the media and sponsors involved. The News Election Service, along with its parent and subscriber organizations, received numerous calls and letters denouncing the new policy. On the local level, regional reporters and news gathering organizations were alerted to the policy. The results were mixed.

It is worth noting that many sponsors of election night television coverage represented various segments of the communication industry. From sponsors in the business of accurate communication (through computers, copiers, FAXes, telephone lines, etc.) one might have expected an immediate and sympathetic response. For the most part, this was not so.

The major sponsors, AT&T and Xerox, while privately expressing their "regret" to Tonie Nathan, refused to take any action, either publicly or directly to the networks. Only Kinko's copy service, a minor sponsor, protested immediately and publicly. In letters to the presidents of the networks, Kinko's

In Search of the

The New York State LP did not have an extensive slate of candidates in the recent election. Aside from local candidates, Ron Paul, Andre Marrou, and Bill McMillen (in a bid for the U.S. Senate) were the only Libertarian candidates on the ballot state-wide. One might have expected that getting the initial results on just three candidates would not have presented too large a problem.

From the time the polls closed on election night, and continuing into the next morning, some of us who worked on Bill's campaign tried to get an idea of how the vote was shaping up in New York State. I must admit that, in my naïveté, I had assumed such a state-wide information network was already in place. Upon discovering no plan to collect returns was in place, I began my search by calling the state Board of Elections in Albany. They were pleased to give state-wide results on the two major party candidates for each office. When asked for information on other candidates, they claimed that the returns were "not complete." When pressed about how they could have returns on some candidates and not others, the officer admitted that the Board

Chairperson, Paul Orfalea, condemned the NES plan as "an act of deliberate misrepresentation" adding "we at Kinko's do not want to be a party to it." He stated that he failed to see how reporting all the numbers could work any hardship on the collecting organization and concluded by reminding the networks that "the election reporting process should be free from any hint of bias or inaccuracy, and should be presented to television audiences as factually and completely as possible."

Some local government entities refused to get involved, while others rose to publicly condemn the policy. A caller to the New York State Commissioner of Elections was informed that what the media did about reporting the vote had nothing to do with that office (but see the sidebar "In Search of the New York Vote"). The Denver County Board of Elections, in an October 20th Public Resolution, called the policy "a serious and grievous abridgement of individual and human rights [that] must not be tolerated in a free society." Although the resolution urged "every election official and every citizen in America to join us in condemning each of these organizations for their part in this deception," the response was not overwhelming. This was not surprising, considering how difficult it is to publicize the issue. After all, when one has unfavorable information about the major networks and wire services, to whom does one issue a news release? Would the AP be eager to put a story out on the wire concerning its own duplicity?

When one has unfavorable information about the major networks and wire services, to whom does one issue a news release? Would the AP be eager to put a story out on the wire concerning its own duplicity?

The reactions of local press and broadcast journalists were diverse, ranging from yawns to outrage. Very few major newspapers contacted carried any information on the NES policy. The *Wall Street Journal* printed a November 2nd Op-Ed piece by Richard Winger (of Ballot Access News). Marshall Fritz President of Advocates for Self-Government managed to get "hard" news coverage of the situation in the Fresno *Bee*. A scattered few local newspapers provided some low-profile pieces.

The most outspoken editorial appeared in the Orange County *Register* (part of the libertarian-oriented Freedom Newspapers group) and labeled the selective coverage of election returns "a

New York Vote

actually had no returns from any New York county.

"Then where" I persisted, "did you get the figures which you just gave me?" After some hesitation came the reply, "The News Election Service, and that's all they gave us and if you got a problem with that, I suggest you give *them* a call." Indeed. Here is the New York State Board of Elections, relying on the services of a television network cooperative to provide early election returns, and (unless the caller were extremely persistent) disseminating that information as if the Board itself were the source.

During the day following the election, several of us were able to contact the majority of upstate New York county boards of elections and, in every case, were cheerfully given their latest count on every candidate on the ballot. The downstate counties, however, proved to be a very different story.

When Robert Goodman, New York City LP Candidate for State Assembly, first told me that there was no way to get vote totals from any of the New York City Boards of Elections, I was incredulous. When I called the Election Boards in Manhattan, Brooklyn, Queens, Bronx and Staten Island, however, they all gave me the same story: "We don't have a single voting machine or tally here; the police department has them all locked up. Try calling them or the News Election Service."

As a third party candidate, Bob's vote totals had not been collected by NES. During the days following the election, Bob attempted to find out what his own vote total had been. The Bronx Board of Elections referred him to "New York's Finest," from whom he learned that all the election results were available at One Police Plaza (the NYPD's headquarters).

Arriving at that location, he was denied access to the information and told that the totals had already "been released to the public"—that the NYPD had given the tallies to the News Election Service, and maybe he should call them. (He did, just to be sure, and NES had only collected the information of the other two candidates in that race.) Bob then demonstrated to the NYPD information officer that he was a bona fide, on-the-ballot candidate, and asked if he could be given only the vote totals for his own assembly district race. He explained that regardless of what had been made available, NES had not recorded his votes. The information officer responded by saying that the only way he could release any information was to a person holding either a Police Department Press Pass, or a court order.

Having published a few articles in his time, Bob inquired about how one might get such a pass. He was told that the issuing officer was on vacation but, in any case, acquiring a NYPD Press Pass takes several weeks under the best of circumstances.

Not having the funds to retain an attorney to apply for a court order, Bob contacted several state officials, most of whom expressed shock and dismay that he was unable to find out how he did in the election. They indicated that it seemed contrary to state election law to withhold that information from any member of the public, and suggested that he file a Freedom of Information Law inquiry. Under New York Law, however, the agency has 30 days to respond to such a request. Further, the initial response generally takes the form of "we're working on your request," which gives them another couple of months to respond with the actual information requested.

It became clear that the totals would be certified (and finally available) a bit sooner than the information could be obtained with a FOIL request, so Bob decided to wait.

truly Orwellian move." The editorial, reprinted in several dailies, asked "Do you have any idea how many votes Libertarian Party presidential candidate Ron Paul or New Alliance Party candidate Lenora Fulani got nationwide? Neither do we . . ." The editorial concluded by wondering if "our media [are] so complacent and lazy, so happy to get taxpayer funded advertising from the major parties, that they consider it their duty to suppress any news of divergence from the ruling hegemony?" These are strong words, but the question is worth pondering.

The Populist Party Suit

As one of the libertarian activists taking part in pre-election efforts to alert local news reporting organizations and attempt to dissuade the national media from their proposed election reporting plans, I lived for nearly two weeks with a telephone receiver stuck to the side of my head. One of the many people who contacted me during this period was Silvia Benitez of the New Jersey Populist Party.

Silvia had gotten my name from a member of the New York City LP. When she called me, during the last week in October, she was in the process of single-handedly putting together a suit against NES and the networks regarding the proposed plan for election night coverage, and was trying to gather information for that effort. She explained that the petition was to be filed in the Federal District Court of New Jersey, on behalf of the New Jersey Populist Party and the Ron Paul for President Campaign Committee.

The Ron Paul People eventually withdrew, but the petition was filed on schedule. [9] The complaint recited the well documented facts surrounding the NES's election coverage plans, along with several somewhat vague and unsupported allegations regarding a network conspiracy to change official vote totals (which was to be accomplished by means of computers and telephone lines). The relief requested included both monetary damages and injunctive relief in the form of a restraining order. Specifically, the petition asked for a court order compelling NES and its parent organizations to report *all* the election results and to report them accurately. Implied in such an order would be a requirement to abstain from disseminating any results if the defendants could not report in compliance with the court's order.

While both specific and punitive damages are available to a plaintiff after he or she has been libeled, the courts have traditionally refused to order defendants to either say, or refrain from saying, a particular thing before the fact. Even when the plan is to publish purloined government documents, as it was in the celebrated "Pentagon Papers" case, the courts have been unwilling to grant such relief. [10] Rooted in the First Amendment, the reluctance to order a prior restraint has been, perhaps, *the* most consistently upheld interpretation of any portion of the Bill of Rights.

The request for an injunction was, not surprisingly, ultimately denied. The suit for damages remains, however, and the plaintiffs have dropped allegations of tampering with the official vote. Pursuing what could amount to a major suit in Federal Court, even on a "shoestring," requires experienced legal counsel and some money for expenses. Absent support from other minor parties, the suit seems unlikely to get very far. My latest information is that the New York State Right to Life Party is planning to join as co-plaintiffs and the New Alliance Party has it under consideration. The Libertarian Party has rejected the idea of any legal action. [11]

The "Locked NES" Monster

Is the NES a "monster"? I think so. When accuracy means so little to a reporting organization, when state election officials not only contribute to the gathering process, but also rely on the incomplete information as their own, pending the official canvass, when that monopoly was created with the permission of the federal government—then, yes, it is monstrous. The News Election Service, however, is just a handy way of describing a collection of individuals, and it is on this basis that change is most likely to be brought about.

It is not necessary to be a minor party member or sympathizer to be offended by lies being presented as truth. If you would like to see things done differently, act on it.

The NES is no more than a collection of individual people. It is quite possible that many of those involved can be persuaded to "do what is right *because* it is right." Inform the people who are responsible for this practice that you are aware of it and do not approve. Write or call all your local newspeople. Write to the networks, as well as your state AP and UPI offices. Silence is consent.

Is the NES a "monster"? When accuracy means so little to a reporting organization, when state election officials not only contribute to the gathering process, but also rely on the incomplete information as their own, pending the official canvass, when that monopoly was created with the permission of the federal government—then, yes, it is monstrous.

If you have little faith in moral persuasion, there are other routes. Individual suits are out of the question, and the party with the best case has no interest in pursuing legal relief for the lies about its candidates. There is, however, the anti-trust problem. Although I was unable to get unequivocal confirmation, I got the distinct impression from my research that the Justice Department's approval of NES was reluctant, and only won by promises of integrity and pledges to serve the "public interest" . . . So, why not take a minute and write to your congressperson, or the Anti-Trust Division of the Justice Department, and ask some questions—whatever questions *you* may have about the NES monopoly. Be sure to send copies to the CEOs of the major networks and wire services. I'm sure they'd be interested. ❑

Notes

1. Attempts to discover the details of, or possible conditions attached to, this approval have, thus far, been unavailing.
2. All election results are unofficial until the official canvass, often several weeks subsequent to a national election. In most states,

continued on page 68

Rebuttal

Ghost Dancing With "Inalienable" Rights

by Andrew B. Lewis

We have—or should have—certain rights. But are they "inalienable"? Does it matter?

In his essay "The Absurdity of Alienable Rights" (*Liberty*, January 1989) Sheldon Richman invokes Thomas Jefferson, wraps himself in the Declaration of Independence as though it were a ghost-dancer's medicine shirt, and armed with the coup stick of linguistic confusion sallies forth to do battle with the opponents of natural rights theory in general and with Ethan O. Waters in particular. The only casualty is his argument. That is fortunate, for his shrill and apodictic harangue endangers what it attempts to defend.

Sheldon Richman asserts that rights must be inalienable to be meaningful, that inalienable rights are essential to the concept of self-ownership, and that self-ownership is central to libertarianism. I disagree on every point.

No one can deny that rights can be violated, usurped, or destroyed. If any of these lamentable events occur, then what does it matter that these rights were "inalienable"? Thomas Jefferson considered it self-evident that life, liberty and the pursuit of happiness were inalienable. Nietzsche considered the dichotomy between Master and Slave self-evident. Louis XIV of France considered divine right of kings self-evident. Perhaps Nietzsche and Louis Capet do not deserve mention in the same breath as Jefferson, but their beliefs were as well grounded in fact as his.

Richman attempts to demonstrate the logical necessity of inalienable rights by showing the concept of alienable rights to be absurd.

His primary target is the concept of the voluntary slave contract. He asserts that such contracts have, *a priori*, no validity. But voluntary slave contracts, or indentures as they were commonly known, have nevertheless existed. When Benjamin Franklin ran away from his master, he was in violation of a law that depended on another frame of reference than ours or Thomas Jefferson's.

Richman argues that contract slavery is absurd because the slave would have to surrender his will to a master and would then be incapable of hearing or comprehending—much less obeying—the master's commands. Therefore, contract slavery, and all slavery for that matter, is impossible because a true slave would be an inert lump of meat and bone. He insists that "In the strictest sense, all actions are voluntary."

That is a very dangerous statement because it is so easily misinterpreted.

Imagine the naive observer who concludes that one group performed certain apparently unpleasant tasks such as toting bales of cotton in the hot sun voluntarily, while another group voluntarily sat in the shade and drank bourbon to beat the heat. The observer would then decide that one group consisted of natural servants and the other of natural masters.

If this naive observer were a black child of the antebellum South, then the discrepancy between his frame of reference and his true feelings would drive him insane with hatred and frustration. His only solace would be hope in a better world after death.

If this naive observer is a white child of the antebellum South, he would learn to punish "aberrant" behavior in rebellious chattel, and the discrepancy between his world view and his true feelings would drive him insane with repressed guilt. He would find solace in projecting the evil in his way of life onto the black, in romanticizing violence, and in perverting his spiritual heritage in an attempt to find some superpersonal justification for his actions, his social structure, and his way of life. Thousands died to straighten out such misunderstandings.

Where did Mr. Richman go wrong?

He insists that a slave must exercise his will to hear and comprehend a command. But a slave exercises nothing at all to hear and comprehend a command if he is conscious, he can hear, and he can understand the language in which the command was given. If one can will to perform it, one can will not to perform that action. I challenge anyone, by

continued on page 36

Appraisal

What Went Wrong With the Paul Campaign

by G. Duncan Williams

Ron Paul's interview in the January *Liberty* is candid and revealing. Particularly interesting is his insistence on being "positive": "I just ignore people who want to be negative"; and the fact that he "feels good about the whole thing" as " the one who was on the road for eighteen months." Ignoring the negative is practicing what August Comte called "cerebral hygiene," which might also be called, "planting one's head firmly in the sand." Paul's outlook is also eerily reminiscent of what has euphemistically been called the "detached management style" of Ronald Reagan.

The leaders of the Ron Paul movement promised the Libertarian Party at Seattle four things about their campaign: (1) that we would get an articulate, intelligent, credible candidate; (2) that the candidate would be a hard-core libertarian, with no compromising or waffling, and with an Old Right tone and accent; (3) that they would raise a helluva lot of money; and (4) that they would run a competent, *professional* campaign—the 8 minute TV spot exhibited at the convention being a sample of such an effort.

The Paul campaign came through extremely well on points (1) through (3); but, let's face it, they flopped badly on point (4). The Paul campaign was very far from professional or competent, and that was tragic, because we failed in our opportunity to make a significant impact on American politics. If they had run a truly professional campaign, we could easily have broken through to one million votes, and possibly even to two million—and *that* would have greatly increased party membership, and media and public recognition, and would have spread our hard-core libertarian message far and wide.

Furthermore, we can never be *really* positive about any campaign or about the LP *until* we have first weighed the various criticisms and engaged in unsparing critiques of our own efforts. How else can we ever learn from our mistakes if we don't first acknowledge that we have made any? Or are we all supposed to be infallible or, as the fundamentalists say of the Bible, "inerrant?"

The major error of the Paul campaign was not to buy any television advertising. This fatal defect has been pointed out by Chester Arthur and others. It is absurd to say, as Ron Paul did, that no TV can be purchased from a campaign kitty of $3 million. We live in a television age; campaigns do not exist unless the candidates are seen on TV; and to be seen on free TV, we must first spread the message on paid-TV. It was the TV ads of the 1980 Clark campaign that generated the high vote totals, as well as the national excitement over the Clark campaign among the general public and among LPers themselves (regardless of what one may think of the *content* of those TV ads.)

But the lack of TV ads is only a symptom—though the most important one—of the enormous mismanagement of the Paul campaign. Other symptoms included: the failure to have any brochures, buttons, bumper-stickers, and the various paraphernalia that link a campaign to the public and to party members; the failure to hire a professional and competent press secretary; the failure to hire a professional PR man until very late in the campaign, and then sniping at his successes; and the placing of absolute power over the campaign into the hands of someone who, at very best, was a control-oriented autocrat totally inexperienced in national campaigns, and, at worst, someone engaged in long-time financial imbroglios that served at the very least as a severe distraction from the campaign.

In contrast, the great shining spot of the Paul campaign was the Ballot Access effort, spearheaded by Burt Blumert, which garnered over $600,000 and got us on the ballot in forty-six states.

At the root of the incredible mismanagement of the Paul campaign, and in particular of its failure to purchase ads on TV, was the conscious decision by Ron Paul to allocate virtually all available funds into his personal travel and speaking schedule. If ten Libertarians in Boise, Idaho, for example, wanted to hear him, he was there, with an entourage of one or two; it was Houston to San Francisco, San Francisco to Houston, Houston to Boise, Boise to Houston, etc., etc., for the entire campaign. As we all know, travel costs—even when traveling coach and not first-class *a la* Russell Means—mount up. When Ron Paul told *Liberty* that the $3 million intake went for "travel expenses, overhead, and mail," he was undoubtedly correct. But *what* travel expenses! And *why*?

It's fine to travel and rally the troops in the *early* stages of a campaign, after the nomination. But it does not pay to keep on doing so, especially when this manner of campaigning prevents the buying of TV ads. Much of the fund-raising pitch was based on the idea of buying TV ads. And it is not as though all talk of TV advertising vanished from the discussions of Ron Paul's advisors: I have it on good authority that presicely the opposite is true. So the crucial question is: why did Ron Paul fail to follow their advice?

This brings me back to Ron Paul's revealing "I feel good about the whole thing" as the person on the road for eighteen months, and Ed Clark's remark that Ron "worked very, very hard; he worked harder than any other candidate has ever worked." Precisely. Clearly, unless we believe in the labor theory of value, Ron worked *too darn* hard, and did so, despite all suggestions or criticisms, because he enjoyed it, because he greatly enjoys traveling and speaking about liberty. Well, that's splendid of course, but here is a case of too much of a good thing, a self-indulgence that perhaps cost us over half-a-million votes and a place in history. Or, to put it another way, Ron worked much too hard at what he loved doing (traveling and speaking) and not nearly enough at the less exhilarating task of thinking about the organizing and the management and the strategy of his own campaign.

So who in 92? It is two years too early to answer that question. But, during these years, we must not commit too early, we must keep ourselves open to candidates rising from within our ranks as well as to spectacular converts from the outside, and, above all, we must be prepared to insist that our next candidate adhere to all the four points mentioned above. ❑

Proposal

The Oath of Purity

by Johnny Fargo

To be a member of the Libertarian Party you must sign an oath. Most Libertarian Party members consider it a perfect way of keeping their party "pure." Unfortunately for the oath's supporters, some of the less-than-perfectly pure are also perfectly reasonable . . .

For three weeks now, this thing has been sitting on my desk—unsigned. My name and address are preprinted on the form, my check is made out and in the envelope—waiting. I reach for the pen, but my hand refuses to pick it up. Once again, I read the statement I am required to sign: "I hereby certify that I do not believe in or advocate the initiation of force . . ." It's just a simple matter of renewing my annual membership in the Libertarian Party.

Of course I don't advocate using force. I'm no thug. I'm not the type to use brute force to take candy away from kids or to beat up little old men. It's just not in me, and yet. . . .

My mind goes back a number of years. A libertarian convention. A nonlibertarian speaker—one of those Republicans who advocates a free market but also worries a lot about an adequate national defense. He stood before the audience, a little nervous, out of his element. He hesitated as he spoke. Then his curiosity apparently got the better of him. Seemingly, he had to know just how solid this pack of opposition was before he launched into the main thrust of his speech.

What if, he said, what if we got rid of every bit of government—we sell the roads, abolish the welfare system, privatize education, and so forth—everything except a 5 percent tax to finance our national defense. Thus we would be 95 percent free! And without that 5 percent tax for national defense, let's assume the military forces of Canada, Mexico, or Cuba might invade and take us over. What if that were the case? What if the only choice the forces of reality presented us was the choice between being 95 per cent free or being 90 per cent enslaved? Which would you choose?

Would you stick rigidly by your principle of not initiating force—not even to collect the 5 percent tax used solely for national defense—and thus end up with almost no freedom at all? Or, at that point, would you compromise your sacred principle for the sake of remaining 95 per cent free? If reality only offered those two options—which is certainly conceivable—how many here would vote to keep the 5 per cent tax? How many? Raise your hands.

My gut feeling was: of course, I'd vote for keeping the tax. Then I gave the idea a moment of serious thought and concluded that my gut feeling was absolutely right—if those were the only alternatives available. But I was not about to raise my hand. I was sitting in the front row, and I pictured rotten tomatoes, old shoes, and big stones hitting me in the back of the head.

But then the speaker smiled and relaxed. The last thing I expected, he said, was to be among friends. I turned around—over half of the people had their hands up. I raised my hand, stretched it high. It felt good, it felt right. But then how could I be a Libertarian? I betrayed the party of principle. I felt like a goody-good kid in Catholic Sunday School, and I had just found out that the priest knew all along that I secretly masturbated.

Now as I sit here trying to sign this statement so I can get this damn thing out before the mailman comes, another thought comes to mind: I think of my neighbor, Joe, across the street. I like Joe.

I picture him in front of his old pickup truck parked in the street on a Saturday afternoon, fiddling with the radiator hose. And I'm pulling some of the weeds out of my front yard. Then I see this big cement truck rolling down the hill. The driver had forgotten to set the brake before he got out. The thing is rolling straight toward Joe. But Joe is a little slow, and after a couple of six-packs—hell, there ain't no way. By the time I could get Joe's attention and attempt to explain what the hell's happening, it would be too late.

Instead, I dash across the street at top speed. I drive my right shoulder into Joe, pick him up, and we both go crashing down on his front lawn. My football coach would be proud of me. But I initiated brute force against my neighbor, I bruised him, I busted two of his ribs. Will they excommunicate me from the party of principle? How can I possibly sign this statement and get this thing out

for the mailman?

If I were more creative, I imagine I could recite a long list of exceptions to the holy principle that a rational, moral, and upright person might make under certain conditions. It's a damned good principle, a good rule of thumb. But not a sacred cow.

I picture Ed Clark standing on the back of that flatbed truck, giving a speech during his 1980 campaign for the presidency. He would reduce taxes by a full third—that's pretty radical. But what of the other two-thirds? Would he utilize the brute force of government, or the threat thereof, to collect it? He would legalize the "soft" drugs. But what about the hard drugs? Would he employ the hired gunmen of government to prevent people from peacefully using these substances?

Ed Clark. He was our hero, our spokesman. More than anyone else, he represented the party of principle to the general public. Then why the hell did he have to hide our holy principle? Why did he have to subvert it, compromise it, or skirt it while campaigning in public? Why couldn't he put it right up front?

I try to imagine myself standing on a soap box in front of my own relatives, coworkers, and neighbors and saying: "We must abolish all taxes! Right now! Public schools, roads, police, social security, national defense—all gone. Right now!" But I couldn't do that, not in front of my mother. My heart is with Ed Clark no matter what the party purists said about his compromising the party of principle. "The party of principle? You're more like a party of hypocrites—when the going gets rough, the first thing you compromise is your holy principle. Why can't you just face it and be more realistic?"

Ed Clark. He was our hero, our spokesman. More than anyone else, he represented the party of principle to the general public. Then why the hell did he have to hide our holy principle? Why did he have to subvert it, compromise it, or skirt it?

But the party of principle—it has such a nice ring to it. It differentiates us from all those other guys and puts us a little closer to the angels. But principle must be *public*; I want to put my principle up front, I want to wear it on my sleeve.

Thus, I have a modest proposal: let's change the principle. Instead of totally denouncing the initiation of all brute force—right now! for all time, for any reason whatever, and in all cases—what if we changed our basic principle to: "I hereby certify that I believe in and advocate initiating a little less brute force in human relationships." It wouldn't matter whether such force is used to achieve political or social goals, or private ones, let's just have a little less of it. Of course, a huge reduction in brute force would be more than welcome, but let's at least have a little less.

"A little less brute force, please." I could shout that from the rooftops. I could even go up to my devoted statist neighbor and say: "Yes, I realize you would have government guarantee everyone a job, pay everyone's medical bills, feed the hungry, house the homeless, subsidize the farmers, and so on, but can't we use just a little less brute force in our efforts to resolve the world's problems?

"I mean, clubs and guns are nasty things. And I realize that some people get real excited about utilizing them against others, and I know Adolf Hitler could have used more people like that. But just as a matter of principle, don't you think we could be just a little less bloodthirsty, just a little less savage about how we go about solving the world's problems—just a little less brute force."

If we reduced taxes by a third, that would be a solid reduction in the use of brute force or the threat thereof. And legalizing the "soft" drugs—that would be another sizable step in the right direction. In fact, any reduction in government would normally imply a reduction in brute force—for the essence and business of government itself is the domination and manipulation of people with the use of organized brute force or the threat thereof.

And my neighbor, Joe, with his bruised body and busted ribs . . . what was the alternative? Which way entailed the least amount of brute force initiated against Joe? Reality sometimes doesn't offer nice clean choices. And that choice between being 95 per cent free and 90 per cent enslaved—which alternative would entail the least amount of brute force amongst people. After all, we are advocating less brute force within the world, not more.

Imagine all that bickering between the party purists and the not-so-holy. With this new principle, such divisions and bickering might vanish. We could all advocate, without reservations, a society with a little less brute force in human relationships. And how many millions who are ideologically just outside the party of principle could now stand solidly behind our banner?

We could be in the forefront on a lot of issues. We would be against wife-battering, child-beating, rape, armed robbery, and gang violence—as well as being against the legal acts of brute force initiated by the agents and employees of government. I envision us as the leading edge of the humanistic movement—advocating a kinder, more peaceful, more benevolent world, one with a little less brute force.

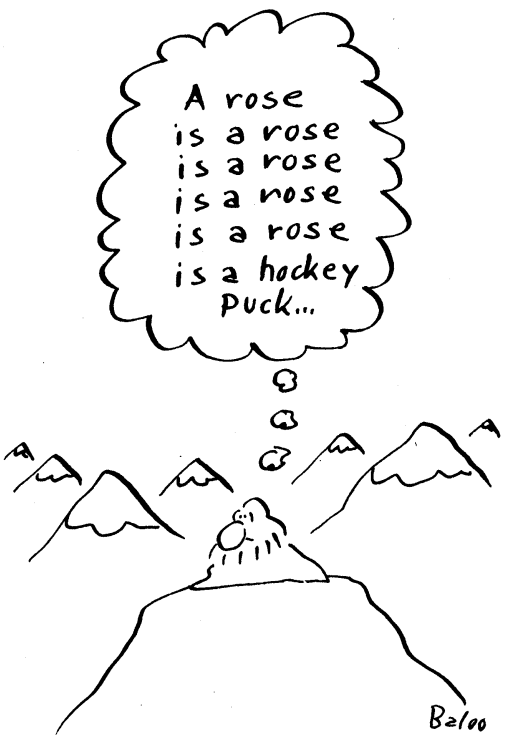

We would be standing on the moral high ground with our principle held high for all the world to see. For who could possibly be against us? Only those advocating *more* brute force.

"But how could you possibly advocate more brute force? You must be some sort of sadist. Do you experience a secret joy in brutalizing your fellow human beings or having it done to them by government? Perhaps by identifying yourself with an authoritarian system that initiates brute force against countless others, you are manifesting a subconscious lust for power over others. I realize that the Nazis and the Fascists were on the side of an increased role for brute force for the sake of social control, but haven't we outgrown such reactionary methods? Can't we be just a little more civilized, a little more humanistic, a bit more benevolent towards others?"

Yes, I am certainly in favor of helping the homeless, but let's not reach for a gun or a club by which to brutalize our brothers and sisters in our efforts to help the unfortunate. We might think of thousands of more creative and more benevolent ways by which to help them. Reaching for the instruments of brute force is a rather primitive, knee-jerk reaction to a legitimate problem.

Yes, I am against those nasty drugs: alcohol, heroin, tobacco, cocaine, caffeine, you name it. But let's not compound such problems by brutalizing others, let's not compound the problem by increasing the level of violence within the human community. A little less brute force, please.

Personally, I applaud the bleeding-heart do-gooders of the world. I tend to be one of them. The world could use a lot more people out there doing good, caring for the unfortunate, and so on. But imagine a do-gooder armed with political power, armed with the guns of government. Imagine a do-gooder wielding a gun or a club by which to initiate—or threaten to initiate—brute force against his fellow human beings in the name of "doing good." Only a twisted sense of logic or a perverted moral sense could justify such depravity.

Meanwhile, millions of real do-gooders, not morally perverted power-mongers, do exist and are out there every day doing good in the real world. They work and produce goods for the masses, they may share part of their incomes with the less fortunate, they may spend hours of their own time doing good, or they may simply show compassion and decency in their everyday dealings with other people. But they don't wield or advocate the guns and clubs of political power as an instrument of "doing good." It would take someone with a sadistic streak, or perhaps a devoted fascist mentality, to advocate initiating brute force against one's fellow human beings and calling it "doing good."

With our new principle, we would be traveling in exactly the same direction the party purists would have us travel. As each reduction in brute force is attained, we would advocate still a little less brute force (ideally, until there was none)—always moving in the direction of the holy ones who would stand as our guiding lights. But with one difference: with our new principle, we could perhaps move a lot faster, we could perhaps move with a much broader base. We might even become a viable political movement. And no longer would some one like Ed Clark have to hide or hedge or compromise his principle. And I could get this damned membership renewal off my desk and out for the mailman.

Just a little less brute force, please. ❑

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CATO INSTITUTE

Essay

The Fires of Yellowstone

by Jane S. Shaw

They are out now. But last summer's conflagration had many lessons for those concerned with the eco-system—not the least of which was that political power has influenced diverse environmental groups to unite in *avoiding* an unpleasant truth.

Do you remember the threat to the Old Faithful Lodge, the evacuation of Yellowstone National Park's gateway towns, and the $120 million ultimately spent to put the fires out?

As these details fade into history, we are getting a different view of the fires—a picture of the conflagration as one of the best things that ever happened to Yellowstone. Articles in prominent publications after the fires focused on the positive side: *Science News* told its readers about "After the Flames: Awaiting the Regeneration of Yellowstone": *Science* reported on "Ecologists' Opportunity in Yellowstone's Blaze"; and *The New York Times Magazine* presented "The Case For Burning."

The upbeat tone of these articles has more to do with the power of a political lobby, supported by a government information machine, and the ignorance of the public than it has to do with scientific consensus about the effects of the fires.

To be fair, the fires did some good. From 1886 until 1972, all fires had been suppressed in Yellowstone Park, as park managers reflected the wisdom of the day, which was that the parks should be havens from destruction, human or natural. In 1972, the policy changed to allow lightning-caused fires to burn.

But nothing was done to suppress the buildup of the previous 86 years. So, in 1988 the flames burned out of control.

It might have been different if the on-the-ground Park Service managers had the freedom and incentive to manage fires the way private organizations do. For examples, The Nature Conservancy sets fires deliberately at its Pine Butte Preserve in northern Montana, one of the last lowland habitats of the grizzly bear. But the leaders of the politically important environmental groups dominate Park Service policy and they consider deliberate fires "unnatural," just as they consider suppressing fires "unnatural."

Yellowstone's fires are the second chapter in a story that started a few years ago when Alston Chase, a former philosophy professor who moved out to a Montana ranch, began writing *Playing God in Yellowstone.* His 1986 book was a devastating critique of the condition of the wildlife in Yellowstone. His thesis can be summarized by saying that the park is out of kilter; elk and bison are overrunning the place; and animals such as grizzly bears, beaver and antelope are disappearing because park managers are following a "natural regulation" or "hands off" policy. The "let it burn" philosophy is part of that.

Chase's criticism stunned a government agency that has long basked in the warmth of public approval and environmentalist support. It was particularly galling because Chase was close to Yellowstone—he was chairman of the Yellowstone Association, a quasi-private group of prominent citizens that supposedly advises Yellowstone management.

Park Service officials responded to Chase's criticisms by saying that there is no wildlife problem. Although the evidence is pretty strong the other way, these officials do have power on their side. The top environmental leaders, the ones who move in and out of government posts, pretty much wrote the policy. These people, like Nathaniel Reed, a board member of the National Audubon Society and a former Assistant Secretary in charge of parks at the Interior Department, oppose any serious criticism of the Park Service.

"There's a sense among environmentalists that you should rally behind the bureaucracies that are your friends," explains Thomas Graff, an attorney for the Environmental Defense

continued on page 66

Discussion

Eyeing the Top of the Pyramid

"If one wants to change the culture of our day and age," wrote Jeffrey Friedman in the March *Liberty*, "then one goes to the top of the intellectual pyramid—to the professors who educate [the] intellectuals—and works one's way down." By failing to recognize this fact, he argues, libertarians have wasted their efforts. Two of *Liberty*'s editors challenge Friedman's thesis.

Mr Friedman at the Apex

Murray N. Rothbard

The trouble with Mr Friedman's article is that, written as it is from the apex of his beloved "intellectual pyramid," his view of the rest of us peons down below has gotten murky and obscure. His opinion of life and history is ass-backwards: applied to *previous* centuries, his simplistic view of the Pyramid is one-sided enough; applied to the present era it is dead wrong. In the current age of TV and modern communications, the Pyramid is often upside-down and a two-way street. All too often, Friedman's cherished intellectuals, like politicians and Supreme Court justices, *follow the election returns.* That is, to put it in economic jargon, they are often demand rather than supply-oriented. After the 900,000 votes of the Clark campaign in 1980, lo and behold, and as if by magic, many economics textbooks devoted an entire section to a respectful and fairly accurate account of libertarianism. But after Friedman and his buddies jumped ship in 1983 following their defeat at the presidential convention, and the Bergland vote fell to 227,000 the following year, for some obscure reason the textbook writers high on that Pyramid (though not of course up in the stratosphere with Comrade Friedman) lost all intellectual interest in libertarianism and it disappeared from the pages of textbooks. On a lower but still highly important level, Mr Friedman's vaunted opinion-moulders recently went into whirlwind changes, as their estimate of George Bush speedily moved from unelectable preppy wimp to vital man-of-the-people.

By Mr Friedman's theory, we at the bottom of the pyramid are expected to forget about politics or journalism or the real world: our only intellectual duty is to pour all our financial resources into the few Masters at the apex of the pyramid and then be content to wait a thousand years until the goodies of liberty seep slowly down to the social bottom.

But no—by Mr Friedman's own self-serving version of the trickle-down theory, we at the bottom of the pyramid are expected to forget about politics or journalism or the real world: our only intellectual duty is to pour all our financial resources into the few rarefied Masters at the apex of the pyramid (say, into *Critical Review*, which he edits) and then be content to wait a thousand years until the goodies of liberty seep slowly down to the social bottom. As for those of us who are so moronic or impatient that we find politics more exciting than participating in the turgid hermeneutical dialogue up there at the pinnacle—well, Mr Friedman will graciously allow us to run some political campaigns, but *only*, mind you, in order to win respectability from his academic buddies.

But oh my friends, how libertarianism will be transformed after the thousand-year trickle-down—in fact is being transformed *right now* at the pinnacle! For, you see, the one thing that respectable left-liberal academics (and who *else* is respectable up there?) will not stand for is libertarianism that is harsh, consistent, clear-cut, hard-edged, "dogmatic." They will only admit to the pantheon of respectability—and tenure—a libertarianism that is suitably qualified, hesitant, confused, turgid, oh-so-very "open," in fact a "libertarianism" that sounds very much like half-assed, relativistic Marxism badly translated from the Old Bulgarian! So: who is influencing *whom* in that dizzying atmosphere at the apex of the pyramid? Only one guess is needed.

Mr Friedman's concept of the Pyramid is dead wrong on another, related count. He forgets that in the bad old days of the nineteenth century, many intellectuals and opinion-moulders, yea, even some of the thinkers at the apex, actually wrote in lucid English. Ponder—and shudder to—the fact that John Stuart Mill was a best-selling author; even his book on logic sold well! But the

guys at the top these days write in an inscrutable, hermetically sealed jargon which can influence no one (certainly no second-hand opinion-moulders!) except graduate students in hot pursuit of jobs and tenure—the most pitiful captive audience in the world.

Mr Friedman is also wrong on the other major point of his article. He has the odd view that *politics* makes intellectual attitudes narrower and more dogmatic, and hence the reason why, in my inveterate pursuit of narrowness and dogma, I changed my mind and joined the Libertarian Party. The truth is precisely the reverse. If you want intellectual purity and consistency, you had best stick to discourse with four or five friends. To leap into a mass movement, a political party, means that inevitably you will have to deal with a much broader range of thought, and the fight for even broad consistency (let alone the delights of narrow dogma) is much more difficult.

No, the reason for my change of mind is much simpler, if less vivid and demonic than Mr Friedman's version. When the Libertarian Party was founded in 1971, I thought that there were only ten or twelve libertarians in the whole country, and so the idea of a Party seemed absurdly premature. I soon found out different: that the Party, even in its formative days, was a marvelous method of finding, energizing, and *creating* libertarians. (My god, it short-circuits his Sacred Pyramid!) Despite the travails and headaches, I have been a happy member of the Libertarian Party since I joined in the spring of 1973.

There is, of course, nothing new about Mr Friedman's call for "openness" and respectability. For a century, our culture has been stifled and our intellectual wells poisoned by what can only be called "bullshit liberalism": the idea that it is man's highest (top-pyramid) calling to search for the truth, but that God forbid he ever *finds* it, for then he becomes a narrow, unrespectable, controversial, "dogmatist!" God forbid, too, he ever writes in plain English, for that too is a bottom-pyramid failing. Because if ever one *finds* the truth, especially if one finds a truth as lovely and inspiring as libertarianism, then watch out! For then one is in danger of spending the rest of one's life, not only trying to refine and elaborate the theory, but worse yet, actually trying to embody that theory of liberty in real-world political institutions! That is *one* strategy of life, one that apparently irritates the likes of Mr Friedman, and even (horrors!) diverts resources from his beloved apex.

The alternative strategy, the strategy suggested by Mr Friedman, is to be "flexible" enough to adapt and mould your former principles in order to cozy up to the gravy train of funds, power, and respectability, wherever you happen to be placed on the Pyramid. At the lower parts of the Pyramid, this means sucking up to the Reagan/Bush administration, or running Pete duPont for President; in the heady and stratospheric zone where Mr Friedman has his being, this means questing for academic posts and tenure by plunging into the mire of liberal-Marxoid hermeneutics. While the rest of us drones wait forever and kick in resources—if, of course, we can stomach the spectacle. ❑

What's Wrong with Friedman's Pyramid

R. W. Bradford

Jeffrey Friedman's "The End of Political Activism" is an important contribution to the discussion of the strategy of advancing liberty, not only for his criticism of the Libertarian Party strategy (which has been discussed at considerable length in these pages), but for raising the whole issue of how political beliefs and ideas are spread through society. Society in the more civilized parts of the world today is organized almost exclusively on a democratic basis. That is, the opinions of the majority of each country's citizens establishes governmental policy. Yet libertarians spend relatively little time examining the issue of how people get their opinions and beliefs.

The Problem with the "Pyramid of Knowledge"

Friedman argues that they gain them via a very specific process: "The 'second hand dealers in ideas'—mass-media and entertainment figures and other opinion leaders—simply retail the original ideas of the creative thinkers, for consumption by the masses . . . In our society, opinion leaders . . . take their cues from expert opinion—i.e., from those even higher on the intellectual pyramid—which they propagate not just by interviewing the likes of Lester Thurow on the news, but, much more importantly, by exercising the judgment moulded by their own years of secondary and post-secondary education under the tutelage of experts. If one wants to change the culture of our day and age, then, one goes to the top of the pyramid—to the professors who educate [the] intellectual—and works one's way down."

The theory that beliefs are spread from creative thinkers to professors to Dan Rather to the man on the street has a lot of appeal to libertarians. For one thing, most libertarians consider themselves to be intellectuals, so the theory flatters them by convincing them of their own power. For another, the theory has been propounded by Ayn Rand, probably the most influential libertarian thinker. (Rand often responded to questions by her followers about getting involved in political action by saying, "It's earlier than you think," and an explanation that the ideological revolution she advocated had to occur first among intellectuals, after which it would reach the general public via the same mechanism that Friedman delineates.)

Alas, Friedman offers no real defense of the theory: all he offered in his essay was a summary. This is unfortunate. For one thing, with only a few minutes reflection, I can think of several opinions that came to be very influential in society that did not follow this pattern:

Of course, the elitism implicit in Friedman's thesis is not really an objection to it. If his thesis is true, the fact that it is elitist and leaves non-"creative thinkers" with nothing to do but slave away and send money to Friedman and his friends is also true, whether the non-"creative thinkers" like it or not.

- Christianity: During the early years of the first millennium, Christianity spread throughout the Roman world and eventually took political control of it with little initial help from the intellectual community. Nor did the revival of Christian fundamentalism in the last several decades, after a century of intellectual-led "liberalism," spread because of support from intel-

lectuals and scholars.

- National Socialism: During the 1930s, the Nazis took control of the German state and society via the democratic process with negligible support from the academic or intellectual communities.
- Ku Klux Klanism: During the 1920s, the Ku Klux Klan became a very powerful influence in many parts of the U.S., including most of the South, as well as such northern states as Indiana, Colorado and Oregon. Its racist, nationalist ideology had scant support in the academy.
- Anti-abortionism: During the past two decades, the idea that abortion ought to be treated as a crime by law has steadily grown in influence in the U.S., despite hostility to the notion from virtually the entire academic and intellectual community.

In fact, it sometimes seems that the process is precisely the opposite of Friedman's model: opinion leaders, academics and intellectuals often get their ideas from the community at large (Friedman's "masses"). During the 1980 presidential campaign, it seemed to me that the news media spent an inordinate amount of time trashing the views of Ronald Reagan. Almost immediately after the election, I could perceive a gradual shift: the magnitude of the victory apparently had a subtle effect on the thinking of Dan Rather and Tom Brokaw.

The same thing seems to have happened in the academic world. The landslide victory of Reagan and the 920,000 votes for Ed Clark in 1980 made the idea of less government a lot more respectable and was a boon to the careers of many libertarian-oriented academics. Twenty-five years ago, there were few options open to the young libertarian or classical liberal: a few individual sympathetic scholars at one institution or another, maybe a scholarship or fellowship if one could convince an institution that his views were not too unrespectable. Now, judging from the accounts I read from the Institute for Humane Studies and the Mises Institute, the academic options are many and the fellowships opulent. Why this change? Is it because the leftish establishment has suddenly developed a respect for the idea or human liberty? Or is it because political candidates advocating liberty have succeeded in the political quasi-marketplace? Now I am not suggesting that the sole cause of this happy development can be found with the advance of libertarian ideas among voters. But I think it is foolish to dismiss that explanation totally.

The fundamental problem with Friedman's thesis is not that there is no truth to it, but that it is simplistic. Some opinions have their origin with intellectuals, but others have their origin in the bourgeoisie, others in the underclass. Some are spread via Friedman's paradigm, others by word of mouth, others by the sword.

The fundamental problem with Friedman's thesis, I believe, is not that there is no truth to it, but that it is simplistic. We live in a complex world, a world in which opinions and beliefs are spread in many ways. Some opinions and beliefs have their origin with intellectuals; others have their origin in the bourgeoisie, others in the underclass. Some are spread via Friedman's paradigm, others by word of mouth (i.e. between individuals of equal intellectual status), others by the sword. It is simply an error to posit one model (the creative thinker-to-professor-to-Dan Rather-to-the-masses model) as *the* way that opinions and beliefs permeate society.

There are two other elements of Friedman's thesis that I believe deserve comment:

Its implicit elitism: What are those who advocate liberty but who are not professional intellectuals to do? According to Friedman, about the only effective thing they can do is to work hard at their nasty little jobs and send their earnings off to libertarian think tanks and scholarly journals (i.e. give money to Friedman and his colleagues). This is elitism with a vengeance: non-"creative thinkers"—whether they be doctors or lawyers or factory workers or ditch-diggers—not only waste their time when trying to promote liberty (aside from giving money to Friedman et al); they presumably are expected to sit at the feet of the "creative thinkers" and lap up whatever is offered to them in the way of libertarian thinking.

Of course, the elitism implicit in Friedman's thesis is not really an objection to it. If his thesis is true, the fact that it is elitist and leaves non-"creative thinkers" with nothing to do but slave away and send money to Friedman and his friends is also true, whether the non-"creative thinkers" like it or not.

The problem of learning when to take the story to the masses: Presumably at some point, enough headway among the elite will have been made that it can let the "masses" (as Friedman characterizes non-intellectuals) in on their knowledge of liberty, but how is one to know when the day finally arrives? It seems to me that even from within the model for the transmission of political opinions that Friedman proposes this day cannot be calculated, but is identified only by the success or failure of such transmission; that is, by the success that "mass media and entertainment figures and other opinion leaders" (Friedman's terms) have in selling their ideas to the "masses."

This, I submit, is precisely the situation today: Friedman's "masses" are beginning to pick up on the idea of liberty. As evidence, I cite the popular success of Ronald Reagan's "get-the-government-off-our-backs" rhetoric, the growth of the Libertarian Party, the increasing resistance to tax increases, and the growing consensus that less government is

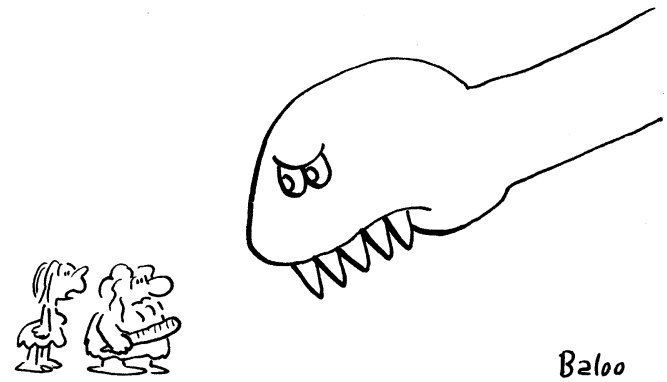

"Remember — Maintain eye contact."

preferable to more. (Don't get me wrong: I'm not suggesting that the battle is won. I only suggest that things look better than they did 25 years ago.)

Even from within the framework of the Hayekian-Randian theory of dispersion of political opinion that Friedman apparently advocates, the demarcation between the nascent stage of an ideological development (when only "creative thinkers" need apply) and the distributive stage is a fuzzy one—a line that can only be discovered by continual experimentation.

About Murray Rothbard

Among the many points in his provocative essay, Friedman argues that Murray Rothbard has worked to make libertarianism into a narrow, dogmatic philosophy: "[Murray] Rothbard may have been a skeptic about the LP, but he soon jumped on the bandwagon because he saw that the political strategy furthered a style of libertarian thought he had already done much to establish—a polemical dogmatism that is indispensable to a 'movement,' but which closes that the minds of its members, narrows their interests and makes them less complete human beings."

This view contrasts sharply with my own experience with Murray Rothbard. Four years ago when I was planning the to launch this magazine, I wrote Murray Rothbard, soliciting his advice, making it clear that *Liberty* would publish a wide range of libertarian thinking. Murray didn't know me from Adam, but was sufficiently interested to take time from a conference where he was speaking to discuss the matter. Our conversation covered a wide range of issues relevant to the proposed periodical: editorial matters, people who might write for it, circulation, the problems of launching a new periodical, people to approach for further advice. Murray freely and generously offered me advice on the issues where he was knowledgeable, and deferred on matters where he had no experience. I explicitly reiterated my intention to publish a periodical open to the full range of libertarian thought, which did not upset Murray at all.

Murray reiterated his support for a periodical open to the full range of libertarian thought in a letter to me a few weeks later: "It seems to me that any good libertarian magazine will have to define, right from the start, what sort of stuff it will put in. It can consistently express the views of its editor (like *Libertarian Forum*) or it can be genuinely diverse. Either way is fine with me."

Murray has been true to his word: he has contributed both his advice and writing freely, written a letter soliciting subscriptions, helped us recruit writers, and made frequent editorial suggestions. All this he has done on behalf of a journal that explicitly opens itself to the full range of libertarian thinking, including frequent criticisms of many of his own most passionately held beliefs. On more than one occasion, he has told me that some essay or another that we have published, including some written by me, have infuriated him. He has criticized my editorial judgment once or twice. But on no occasion has he suggested that we change *Liberty*'s open editorial policy. On no occasion has he argued that we should exclude one or another brand of libertarian thinking from our pages.

Rothbard has contributed both his advice and writing freely, solicited subscriptions, helped recruit writers, and made frequent editorial suggestions. All this he has done on behalf of a journal that explicitly opens itself to the full range of libertarian thinking, including frequent criticisms of many of his own most passionately held beliefs.

If Rothbard is trying to cast the libertarian movement into a dogmatic mold, as Friedman charges, he has a strange way of going about it.

Now I ask you: is this the record of a man who is seeking to establish "a polemical dogmatism that is indispensable to a 'movement,' but which closes the minds of its members, narrows their interests and makes them less complete human beings," as Friedman argues? If Rothbard is trying to cast the libertarian movement into a dogmatic mold, he has a strange way of going about it. ❑

Andrew B. Lewis "Ghost Dancing"

continued from page 27

force of will, not to hear and understand any utterance audible to him in a language he knows, much less a command backed by the threat of lash and block.

Richman makes a distinction between slavery and aggressive coercion. There is no such distinction. Slavery is aggressive coercion. Controlling the will of another is not directing the consciousness of another. A master controls a slave directly by limiting the options available to the slave. He offers the choice of obedience or pain, or possibly death. He controls the slave indirectly by training him to accept this state of affairs.

Richman's argument turns in circles on a concept known as "self-ownership." This is a strange sort of ownership in which the object owned cannot be bought, sold, loaned, borrowed or stolen. Why distort the language?

I do not own myself. I am I and not an object to be bought, sold, borrowed or stolen. My personal, social, and political liberty consist in the scope of options available to me at any given moment. If, for example, the only options available are obedience to another or having the flesh carved from my back with a bullwhip, then I am enslaved. Had I been fool enough to enter into a contract with those conditions, I would entertain the option of running away or getting control of the whip.

So what is to be done? Does libertarianism collapse without Neo-Kantian *a priori* justification? Richman implies, inaccurately I hope, that his might. Mine doesn't.

The very fact that my rights are vulnerable to usurpation, violation, and destruction, the very fact that forces exist that can restrict the options available to me—the very fact that techniques and technologies exist which can expunge from my mind the very memory of those rights—makes libertarianism a clear (contingent, not *logical*) necessity.

Ethan Waters insists that there are two libertarianisms (see his "The Two Libertarianisms," *Liberty*, May 1988). I believe there are more. It is good manners and good sense to accept as many libertarianisms as there are libertarians. It may be that the only common ground is the principle of the non-initiation of force. ❑

Introduction

Anti-Imperialism on the Right

by Bobby Taylor

Leftists aren't the only ones who protested America's plunge into Imperialism.

In the minds of most Americans, modern conservatism is virtually synonymous with the war on communism. Eight years of one of the most conservative presidencies in recent history has produced a mixed legacy of foreign intervention—agonizing defeat in Nicaragua, melodramatic overkill in Grenada, bittersweet triumph in Afghanistan. In the fire of these twilight battles with the "Evil Empire" has been forged a policy—the "Reagan Doctrine"—that has committed this nation to covert destabilization efforts throughout the world. Containment has been abandoned in favor of active, if somewhat subtle, rollback.

A little over seven decades ago, a liberal academic by the name of Woodrow Wilson began a campaign that conservatives of today have taken up with a vengeance—a campaign "to make the world safe for democracy." Ever since that time, foreign policy decisions have seemed less and less concerned with national security and the protection of lives and property here at home, and more and more concerned with running the affairs of other nations and peoples and imposing home-grown institutions on the benighted heathens of the Third World. American conservatives, usually averse to government intervention domestically, have wholeheartedly endorsed its use abroad, oblivious to its indirect effects on domestic institutions and to its quite direct effects on world peace.

To criticize conservative ideology on this point would be somewhat imprecise, however, for modern conservatism is but one strain of a rather rich system of thought with roots deep in American history. Dissent has been the rule, not the exception, within the American conservative tradition, and while foreign interventionism may be the consensus position of modern conservatives, it is certainly not the only position—nor has it always been the consensus one, for that matter. The "old Right" of American conservatism, which included such men as Albert Jay Nock and Felix Morley, had a quite different view of foreign policy. The old Right tradition, extending from the early twentieth century into the 1950s, was extremely critical of government power in all its manifestations. Its basic foreign policy directive was nonintervention, and it was suspicious of all those who sought to remake the world through State power. Individual liberty was the foremost value to the old Right, and its adherents saw war and militarism as two of the greatest threats to liberty.

When war came, the old Right would willingly open itself to the opprobrium of a war-crazed public by criticizing the government and denouncing military conflict. Long after the liberals and progressives had found themselves a comfortable niche in the government war machine, Right individualists stood virtually alone, battling the insanity of the moment. Their writings have survived to inspire and counsel a new generation of libertarian and conservative scholars.

When war came, the old Right would willingly open itself to the opprobrium of a war-crazed public by criticizing the government and denouncing military conflict. Long after the liberals and progressives had found themselves a comfortable niche in the government war machine, Right individualists stood virtually alone, battling the insanity of the moment.

What follows is a brief examination of the foreign policy ideas of three

members of the old Right and one modern scholar who reflects their influence: William Graham Sumner, an American sociologist who taught at Yale in the late nineteenth century and opposed the Spanish-American War; Frank Chodorov, an editor and writer deemed "the founding father" of the post-WWII Right; Robert Taft, Republican leader and opponent of interventionism; and Robert Nisbet, former professor of sociology at Columbia University and a communitarian conservative critic of present U. S. foreign policy.

Against Empire

William Graham Sumner (1840–1910) was one of the pre-eminent thinkers of his age. He had impeccable conservative credentials: he was an advocate of *laissez-faire* and free trade; he believed, as a Social Darwinist, in the innate inequality of men and accepted economic competition as a process of societal natural selection; and he upheld the traditional Protestant work ethic as "conducive to wholesome family life and sound public morality."[1]

Unfortunately, Sumner's reputation has become clouded in recent times because of his adherence to Social Darwinism, which is viewed by many modern social scientists as an elaborate rationalization for imperialism and racism. This view is deceiving: Social Darwinism was twisted by contemporary politicians to serve as a rationalization for *their* designs for territorial expansion and imperialistic domination. Sumner, who was *the* American Social Darwinist, was also a tireless opponent of war and imperialism. His stinging criticisms of the Spanish-American War and of American efforts to subdue the Filipinos, and his participation in Boston merchant Edward Atkinson's "Anti-Imperialist League," mark him as one of the premier conservative non-interventionists.[2]

One of Sumner's finest essays on American foreign policy is the ironically titled "The Conquest of the United States by Spain," which argues that by engaging in the Spanish-American War, the United States had won an empire but lost a republic: "we have beaten Spain in a military conflict, but we are submitting to be conquered by her on the field of ideas and policies."[3] Adopting the aggressive policies of the Old World necessarily entails abandoning our liberty and "throwing the Constitution into the gutter."[4] Sumner has nothing but contempt for the born-again "internationalists" in Congress, who have been the foremost proponents of protectionism:

> The people who have led us to shut ourselves in, and who now want us to break out, warn us against the terrors of "isolation." Our ancestors all came here to isolate themselves from the social burdens and inherited errors of the old world. . . . When the others [Europeans] are crushed under the burden of militarism, who would not be isolated in peace and industry? When the others are all struggling under debt and taxes, who would not be isolated in the enjoyment of his own earnings for the benefit of his own family? . . . What we are doing is that we are abandoning this blessed isolation to run after a share in the trouble.[5]

The term "isolationist," used to smear Sumner and later opponents of global adventurism, is clearly inappropriate for a man who spent an entire book—aptly entitled *Protectionism*—systematically demolishing protectionist myths and advocating free trade.

Sumner argues that by engaging in the Spanish-American War, the United States had won an empire but lost a republic: "we have beaten Spain in a military conflict, but we are submitting to be conquered by her on the field of ideas and policies."

Sumner advocated peaceful cultural and economic exchange among all the world's peoples. As Murray Rothbard notes with characteristic sarcasm, "[f]oreign intervention is 'international' only in the sense that war is . . ."[6]

Sumner's foreign policy writings—especially "War" and "The Conquest of the United States by Spain"—are remarkably prescient. As Sumner spells out the political maladies of his time, one can't help but be struck by their similarity to those of modern America. Sumner on "bipartisan foreign policy co-operation": "it has become almost a doctrine with us that patriotism requires that we should hold our tongues while our interests, our institutions, our most sacred traditions, and our best established maxims have been trampled underfoot."[7] Sumner on the Grenada invasion: "it will be established as a rule that, whenever political ascendency is threatened, it can be established again by a little war, filling the minds of the people with glory and diverting their attention from their own interests."[8] Sumner on Ollie North: "[i]t is of the essence of militarism that under it military men learn to despise constitutions, to sneer at parliaments, and to look with contempt on civilians."[9] Sumner's most frightening prediction—chiefly because it has been fully realized—comes in "War," written in 1903, in which he foresees the bloodbath of twentieth-century totalitarianism:

> Never, from the day of barbarism down to our own time, has every man in a society been a soldier until now; and the armaments of to-day are immensely more costly than ever before. There is only one limit possible to the war preparations of a modern European state; that is, *the last man and the last dollar it can control.* What will come of the mixture of sentimental social policy [socialism] and warlike policy? There is only one thing rationally to be expected, and that is a frightful effusion of blood in revolution and war during the century now opening.[10] [emphasis added]

Sumner wrote at the threshold of a new era in American history, an era in which his ideas on economic and foreign policies would come to be regarded as naive and parochial. History, however, has justified his views. After nearly three-quarters of a century of "Wilsonian idealism" in foreign policy, accepted as the gospel by both Democrats and Republicans, America is saddled with global military commitments and an onerous military-industrial complex, and the world is constantly at the brink of nuclear destruction. In our quest for a just world order, we have abandoned the very principles that would make such an order possible. As Sumner would tell us if he

were alive today, the most precious of these principles is individual freedom:

> Now, the great reason why all these enterprises which begin by saying to someone else, We know what is good for you better than you know yourself and we are going to make you do it, are false and wrong is that they violate liberty; or, to turn the same statement into other words, the reason why liberty, of which we Americans talk so much, is a good thing is that it means leaving people to live out their lives in their own way, while we do the same. If we believe in liberty, as an American principle, why do we not stand by it?[11]

Founding Father

Frank Chodorov (1887–1966) was called "the founding father" of the postwar Right by conservative M. Stanton Evans.[12] During the dark years of the Depression and World War II, when the old Right tradition had reached an all-time low, Chodorov almost single-handedly kept the spirit of individualism alive. Chodorov served as editor of *The Freeman, analysis,* and *Human Events,* using his position to rally readers against the decay of individual responsibility in a society that was slowly surrendering to the ideals of statism. Even in his 70s, Chodorov continued energetically to serve the conservative movement by acting as associate editor of *National Review,* by completing his autobiography *Out of Step: The Autobiography of an Individualist,* and by teaching annually at the Freedom School in Colorado.

By the 1950s, however, Chodorov had begun to lose favor in the conservative movement he had helped found. The issue of communism and the Cold War was splitting the Right, and Chodorov had come down on the "wrong" side of the issue. He was a committed isolationist and an adamant opponent of the witch-hunting and warmongering that had captured most of the conservative movement. Chodorov struggled in vain against the Right's devoted Cold Warriors. The interventionist "Buckley faction" emerged triumphant, and Frank Chodorov was unjustly relegated into obscurity by later conservative leaders. But his cogent analyses of foreign policy are remarkably consistent with conservative ideology, and in reading them one is introduced to the rich tradition of the old Right, which has been clouded by the New Right's sorry pack of militarists and moral crusaders.

Chodorov's opposition to foreign interventionism was derived from a belief that formed the basis for all of his social thinking: political power is evil and corrupting, and those who wield it are suspect. To quote Chodorov's "Isolationism" essay, "as isolationism is a natural attitude of the people, so interventionism is a conceit of the political leader. There does not seem to be area enough in the world to satiate his desire to exercise his power . . ."[13] Chodorov, like Acton, held that "power corrupts, absolute power corrupts absolutely." He therefore urged that political power be minimized and that citizens jealously guard their liberties against the encroachments of politicians. Our diplomatic and military establishment ("a monstrous bureaucracy with a vested interest in interventionism"[14]) is the chief source of the impetus toward foreign meddling, meddling that Chodorov viewed as directly opposed to the national interest and to the wishes of the American people.

In his writings on this subject, Chodorov hit on a topic that would be echoed by revisionist historians: the role of large corporations in influencing American foreign policy. Multinationals—whose board members and large stockholders show up with amazing frequency in our diplomatic corps—have often manipulated American foreign policy decisions in order to protect investments in the Middle East, Africa, and Southeast Asia. Long before the New Leftists stumbled upon this phenomenon, however, old Rightist Frank Chodorov had written about it in one of his most celebrated essays, "A Byzantine Empire of the West?":

> When what was later recognized as American imperialism stepped off the continent into the Caribbean, the prime purpose was to "help our little brown brothers," the secondary one to "remember the Maine." That our sugar interests profited, that some of our bank stocks likewise prospered, must be put down to sheer coincidence; no evidence of premeditated complicity is adducible. And so, if we go through with this empire-building business, it is quite possible that certain oil and mining stocks will "hit new highs," certain communications systems will improve their financial position, certain investment trusts will pay out bigger dividends. But that there is any conspiratorial connection between such a result and the loans to Greece and Turkey [Truman Doctrine] will always be an unprovable conjecture. Such is the genius of the cartel.[15]

Chodorov was no slavish apologist for big business. He recognized that unless a policy of strict political isolationism was adopted, corporate interests would exercise inordinate influence on foreign policy decisions. For Chodorov, however, the best way to curtail such corporate power was to deal with its source—political power.

The New Right's obsession with Soviet communism has blinded it to the more serious threat that our own government poses to individual liberty. The chief ideological conflict of our age is not between American state capitalism and Soviet state communism, but between individual freedom and statism of all varieties.

Like most members of the old Right, he viewed foreign conflict as a danger, first and foremost, because it reduced liberty and aggrandized state power domestically. "A Byzantine Empire of the West?" specifies the implications of Cold War doctrine:

> If we go along with this poking into the business of Europe, what will happen to the liberty we have left in America? Already there is a "Red" witchhunt afoot, and experience tells us that when the exigencies of the situation require it the definition of *Red* will include every person who raises his voice against the

going order. Mass hysteria will conveniently support such a definition. So that, in the shadow of the impending "emergency," the outlines of a crowded concentration camp can already be detected.

If war comes—and when did imperialism not bring it?—the worst of what we call communism will come with it. The essential dogma of this creed is that the individual exists only for the purposes of the state. In that respect it must be identified with all other forms of statism, from pharaohism to nazism. Now, when the existence of the state is at stake, even the fiction of individual liberty cannot be tolerated. This is particularly true under the totalitarianism necessitated by modern warfare. Therefore, when our imperialism comes to grip with the empire of the commissars, the very thing we are presumably fighting to preserve will go by the board. Automatically, our liberties will vanish into—communism.[16]

Chodorov's fears have proven to be well-founded. As Robert Higgs argues in his recent book, *Crisis and Leviathan*, wars have a "ratchet effect" on governmental power: during war state powers increase dramatically, and they are only partially given up when peace returns. Chodorov understood this process; he opposed military meddling abroad in order to preserve freedom at home.

Chodorov left a legacy of writings singularly clear and principled, a legacy which modern conservatives have unwisely chosen to ignore. The New Right's obsession with Soviet communism has blinded it to the more serious threat that our own government poses to individual liberty. As he would argue, the chief ideological conflict of our age is not between American state capitalism and Soviet state communism, but between individual freedom and statism of all varieties. He would argue that this conflict will never be settled on the battlefield, but only in the realm of ideas:

> Communism is not a person, it is an idea. True, communism without communists is an imaginative notion, just as sin without sinners cannot be. But you cannot get rid of the idea that has possessed the communist by killing him, because the idea may have spread and you cannot destroy every carrier of it. It is better, therefore, to attack the idea than to attack the natives.[17]

Mr. Republican

Robert Taft (1889–1953) served as a Republican Senator from Ohio from 1939 until his death. He ran unsuccessfully for the Republican presidential nomination in 1952 against Dwight Eisenhower. Taft was given the title "Mr. Republican" for his firm defense of conservative principles in an era dominated by New Deal liberalism. Individual liberty and limited, constitutional government were foremost in his political philosophy, and his pursuit of these objectives proved a constant irritation to Roosevelt, to Truman, and to a number of members of Taft's party.

While Taft was a popular leader who eventually became the titular head of his own party, his views on foreign policy did not sit well with either Democrats or Republicans. He was an advocate of strict neutrality up until the bombing of Pearl Harbor, and following the war he served as a tireless critic of the Cold War and of American involvement in Korea. He infuriated his colleagues in Congress by refusing to join in the hysteria over the Nazis and Soviets; as he said in a St. Louis speech, "there is a good deal more danger of the infiltration of totalitarian ideas from the New Deal circle in Washington than there will ever be from any activities of the communists or the Nazi bund."[18]

Robert Taft was by no means an "isolationist," though he was accused of being one by liberal interventionists like Arthur Schlesinger and the editors of *The New Republic* and *The Nation*. Taft simply believed that the chief aim of our foreign policy should be the protection of the lives and property of American citizens and the maintenance of national security, strictly defined. As the following passage from his book *A Foreign Policy for Americans* suggests, he was an admirer of the traditional American foreign policy of cautious non-interventionism:

> Our traditional policy of neutrality and non-interference with other nations was based on the principle that this policy was the best way to avoid disputes with other nations and to maintain the liberty of this country without war. From the days of George Washington that has been the policy of the United States. It has never been isolationism; but it has always avoided alliances and interference in foreign quarrels as a preventive against possible war, and it has always opposed any commitment by the United States, in advance, to take any military action outside of our territory. It would leave us free to interfere or not interfere according to whether we consider the case of sufficiently vital interest to the liberty of this country. It was the policy of the free hand.[19]

As columnist Nicholas von Hoffman noted in a tribute to Taft, his foreign policy "was a way to defend the country without destroying it, a way to be part of the world without running it."[20]

The object of Taft's foreign policy criticism was not intervention *per se*, but rather "Wilsonian idealism," or the idea that America had the duty to remake the world in its own image. Roosevelt might talk about his desire "to establish a moral order throughout the world,"[21] and Henry Luce might proselytize for a benevolent "American Century," but Taft recognized such talk as nothing but window dressing for a new American imperialism:

> We are to dominate the world as England is said to have dominated it during the nineteenth century, but . . . the domination will be much more effective. We are to be the senior partner in the control. Russia and China will be left to their continental interests, while, with the British as our helpers, we will look after the oceans and the rest of the world. . . .
>
> . . . it is completely contrary to the ideals of the American people and the theory that we are fighting for liberty. . . . It is based on the theory that we know better what is good for the world than the world itself. It assumes that we are always right and anyone who disagrees with us is wrong. It reminds me of the idealism of the bureaucrats in Washington who want to regulate the lives of every American along the lines the bureaucrats think are best for them. . . . Certainly however benevolent we might be, other people simply do not like to be dominated, and we would be in the same

position of suppressing rebellions by force in which the British found themselves during the nineteenth century.[22]

Taft feared that "benevolent" imperialism, in addition to inflicting injustices upon foreigners, would fundamentally change the character of government and society. True to his old Right instincts, he felt that incessant intervention abroad would convert the United States "into a militaristic and totalitarian nation as Rome turned from a Republic to an Empire."[23]

Taft was especially concerned about the foreign-policy powers that had been assumed by Presidents Roosevelt and Truman under wartime conditions. He felt that Roosevelt's decision to occupy Iceland and convoy British ships prior to the Second World War should have been made by Congress, and he viewed Truman's decision to enter the U.S. into the Korean conflict as an "absolute usurpation of authority by the President."[24] Taft viewed the President's discretionary authority to send troops anywhere in the world—even to areas where war was imminent—as a threat to peace and to Congress's constitutional authority to declare war. As events leading up to the Vietnam War showed, his point was well taken; the War Powers Act of 1973 was a first step in returning these powers to their proper place, Congress.

Taft was a fierce anticommunist, but he recognized that the fight against communism was ultimately ideological, not military. Victory for freedom will never be achieved until we ourselves choose to live by the ideals of the free society.

During his long tenure in office Robert Taft suffered much criticism for his foreign policy stance. He was smeared as an "isolationist," ridiculed as "naive," and condemned for "obstructing" the interventionists' self-proclaimed crusade to liberate mankind from the Kremlin's yoke. The Vietnam War and Watergate, however, have served to vindicate him, and his criticisms of foreign meddling and executive power have now gained a justly deserved recognition. Taft was a fierce anticommunist, but like Chodorov he recognized that the fight against communism was ultimately ideological, not military. Victory for freedom will never be achieved until we ourselves choose to live by the ideals of the free society:

> A war against communism in the world must finally be won in the minds of men. The hope for ultimate peace lies far more in the full exploitation of the methods I have suggested than in a third world war, which may destroy civilization itself. Far from establishing liberty throughout the world, war has actually built up the development of dictatorships and has only restored liberty in limited areas at the cost of untold hardship, of human suffering, of death and destruction beyond the conception of our fathers. We may be able to achieve real peace in the world without passing through the fire of a third world war if we have wise leadership. Communism can be defeated by an affirmative philosophy of individual liberty, and by an even more sincere belief in liberty than the Communists have in communism. In the United States we see the product of liberty to be the greatest and most powerful nation the world has ever seen, with the happiest people. If we rise to the power of our strength, there has never been a stronger case to present to the world, or a better opportunity to dissolve darkness into light.[25]

The Conservative Quest

Robert Nisbet (1913–) is a former professor of sociology at Columbia University. His writings range from history and ethics to sociology and political thought. The breadth and depth of Nisbet's studies almost prevent efforts to place him under any particular ideological heading. His criticism of our bloated federal bureaucracy is matched in intensity by his criticism of modern America's atomistic individualism. Still, from a political perspective, we can place him in the Burkean line of communitarian conservatives. He fears monolithic state power, for it destroys intermediate institutions of family, church, business, and locality—the very fabric of human community. In *The Quest for Community*, he argues for "a type of State [that] is inherently pluralist and, whatever the intentions of its formal political rulers, its power will be limited by associations whose plurality of claims upon their members is the measure of their members' freedom from any monopoly of power in society."[26]

In contrast to most modern conservatives, however, Nisbet is openly critical of U. S. foreign policy during the twentieth century. "The Lure of Military Society," a chapter in his book *The Twilight of Authority*, focuses on America's drift toward militarism. The lure of the military society, according to him, is its promise of community and shared purpose, which are conspicuously absent in our large and impersonal commercial society. Unfortunately, war's promise is a false one: military conflict inevitably leads to the centralization of power, the destruction or subordination of smaller social groups, and the loosening of moral and cultural strictures on individual behavior. All of this erodes the true foundations of community.

In "The Lure of Military Society," Nisbet traces the rise of American militarism from our entrance into World War I, through the New Deal, World War II, and the Cold War, and finally to the contemporary period. He points out the martial elements in Roosevelt's New Deal:

> It was no doubt in perfect keeping with this [war mentality] that Hugh Johnson, who had presided over the military draft in World War I, should have been chosen by FDR to head the NRA, which, with its industry-dominated political councils given absolute power over prices, wages, and profits and its power to replace by administrative fiat all ordinary market mechanisms, was America's first experience with Fascism, though it was not seen in precisely that light by most liberals at the time; indeed when it was declared unconstitutional by the Supreme Court, most of the response of liberal intellectuals consisted of verbal assault on the Court and, then, an almost monolithic willingness to endorse FDR's effort to pack the Court.[27]

Nisbet argues that the New Deal and World War II institutionalized militarism in American culture and provided the groundwork for our disastrous postwar meddling overseas.

He develops and expands these arguments in his most recent book, *The Present Age*. In a chapter entitled "The Prevalence of War," he finds two forces working relentlessly "to yield America an ever-larger military"[28]: the symbiotic relationship between the military and certain commercial and intellectual interests, and the continued dominance of "Wilsonian idealism" in our foreign policy establishment.

Nisbet sees in Woodrow Wilson the genesis of a moralism in our foreign policy that often endangers legitimate national security interests. Ever since World War I, he argues, the United States has considered herself a world nanny.

Taking a cue from Eisenhower's 1961 farewell address, Nisbet notes the interest armaments manufacturers have in the production of ever more expensive weapons systems. Rationalizations for these expenditures have been provided by the "military intellectuals" of the age—the McNamaras, the Bundys, the Rostows—who long to be next to the seat of power. Together, these groups create a momentum toward militarism that is virtually unstoppable:

> Even if there were no Soviet Union or its equivalent to justify our monstrous military establishment, there would be, in sum, the whole self-perpetuating military-industrial complex and the technological-scientific elite that Eisenhower warned against. These have attained by now a mass and an internal dynamic capable of being their own justification for continued military spending. That is how far the military—its substance and its mystique—has become fused with economic and intellectual life. Take away the Soviet Union as crucial justification, and, under Parkinson's Law, content of some kind will expand relentlessly to fill the time and space left.[29]

The second great force toward expanding military power is the power of an idea—"Wilsonian idealism." Nisbet sees in Wilson the genesis of a moralism in our foreign policy that often endangers legitimate national security interests. Ever since World War I, he argues, the United States has considered herself a world nanny:

> From Wilson's day to ours the embedded purpose—sometimes articulated in words, more often not—of American foreign policy, under Democrats and Republicans alike oftentimes, has boiled down to America-on-a-Permanent-Mission; a mission to make the rest of the world a little more like America the Beautiful. Plant a little "democracy" here and tomorrow a little "liberalism" there, not hesitating once in a while to add a pinch of American-style social democracy.[30]

Paternalistic internationalism has blinded many Americans, says Nisbet, to the real world of foreign relations, especially with respect to communism. Despite the rift between Russia and China, and despite the consistent nationalism of Soviet leaders, some conservatives persist in believing "the defunct Trotskyist dream of Russia not a nation but instead a vast spiritual force leading all mankind to the Perdition."[31]

Robert Nisbet's critique of American foreign policy is not a paean to pacifism by any means. Nisbet is quite cognizant of the Soviet threat; he simply questions whether we should "sweep into the American-Soviet maw every little brushfire war that breaks out in Africa, the Middle East, and Latin America."[32] The paternalism and moralism permeating American foreign policy have drawn our eyes away from what must be the overriding goal of any such policy—the preservation of a free society at home:

> No nation in history has ever managed permanent war and a permanent military Leviathan at its heart and been able to maintain a truly representative character. The transformation of the Roman Republic into the dictatorial empire was accomplished solely through war and the military. Is the United States somehow the divinely created exception to this ubiquitous fact of world history? Not, assuredly, if instead of a foreign policy based upon national security and finite objectives associated with this security, we indulge ourselves in a foreign policy with an "itch to intervene," and a purpose flowing out of the preposterous fantasy of a world recreated in the image and likeness of that city on a hill known as the United States of America. That way lies total confusion abroad and an ever more monolithic and absolute military bureaucracy at home.[33]

The Challenge of the Old Right

The old Right tradition, far from being monolithic, draws its support from many different sources. The one thread that unites all of the authors I have considered is their emphasis on the effects that foreign interventionism has on domestic institutions. An aggressive foreign policy must be supported by large and intrusive armed forces, which must in turn be supported by a huge domestic military-industrial complex. Such a complex invariably distorts the market and rots the foundations of a free market economy, an institution that conservatives at least claim to support. Interventionism also undermines constitutional government. The executive is of necessity given great discretionary power. Civil liberties are threatened; national service and censorship often result.

Meddling abroad means the destruction of freedom at home. Here is the point that few modern conservatives sufficiently heed. The endless wars and "police actions" of this century have been the chief culprits in the destruction of individual freedom and limited government in America. The State now consumes nearly 40% of the average citizen's earnings; where would a couple more jungle wars place this figure? How many more stifling regulations and monopoly privileges can our system sustain?

These are the questions the reflective conservative must ask himself. The old Right, recognizing that war was the great generator of government power, opposed it at all costs. Libertarians, in their dialogue with conservatives, should not forget this tradition within the conservative movement, and not hesitate to challenge the New Right with the ideals and ideas of the Old. ❑

The notes are on page 68

Murder by Suicide

A story by Jeffrey Olson

There is more than one way to skin a preacher. There's more than one way to fulfill a contract. Sometimes they are one and the same.

Reverend Bobby Waters knelt before the painting of Jesus.

Was I wrong, Lord? he thought. Shouldn't the Cathedral be a monument to the glory and power of your love—not to the deceit and avarice of a clan of murderous, dope-dealing hoodlums?

Bobby Waters clenched his hands, reliving his anger of the moment when he'd learned the truth: Pyramid Enterprises, the consortium that had loaned him the money to construct his lifelong dream, the Cathedral of Living Waters, was nothing more than a front for the Sicilian Brotherhood.

Of course, the Mafiosi are only men, Waters thought, sinners desperately in need of Christ's redemption. As a Christian, it is my duty to lead them to salvation.

But there was only one way the money—and their souls—could be cleansed: the loan had to be made into a gift, a donation in the spirit of Christ.

◆

"So you're telling me he doesn't care about his wife, his children, his friends?" Alberto "the Boss" Cassignaro glared at his long-time consigliere, Sal Pantaleoni. "You're telling me he doesn't care about his own life?"

Sal Pantaleoni examined the platinum cuff links of his sleeves and answered mildly, "It was more in the spirit of, 'We're all ready to die for the greater glory of God.'"

Cassignaro snorted. "Which means his Cathedral. I would like to see what praises he sings to God after his wife has been missing for a week."

"That kind of publicity can only hurt us, Alberto."

"You think losing forty million dollars is good publicity?" Cassignaro demanded. "You know what that makes us look like? Can you see anyone giving us respect if we do nothing?" Cassignaro settled back, and resumed in a calmer voice. "Besides, who says we have to do anything publicly?"

Sal smiled at him, a kindly, patient smile. "Who wouldn't be able to make the connection, my friend?"

"All right, Sal." Cassignaro braced his hands on the coffee table between them as if restraining himself. "You tell me. What do we do?"

"We find someone who can be discreet. Someone who can make things seem different from what they are."

"Lucy?"

"I don't think so. He lacks . . . refinement." Sal rubbed the graying hairs along his temples, his lips pursed. "But there is someone . . . his name's McDroogle . . ."

Cassignaro raised an eyebrow and gave him a crusty smile. "Oh? Can't say as I know anyone in the organization by that name."

"He's strictly freelance. No one knows who he is—he doesn't make exchanges in person. But I've heard only good things about his work."

"Like what?"

"Armand, in Paris. Blew his brains out in a crowd in front of a cafe. McDroogle was supposed to have arranged that."

"How in the hell did he do that?"

"I don't know. But that's his method. He makes people kill themselves."

Cassignaro let out a hoarse laugh. "Well, whatever people want to believe. But I trust your judgment, Sal. If you think this will work, you make the arrangements."

"He's very expensive, Alberto."

"If he can do what you say he can, it'll be worth it," Cassignaro sighed. "Find him for me."

◆

Reverend Bobby Waters stood in front of the full-length bedroom mirror in his Hilton suite, adjusting his tie, holding his tall, lean body straight and proud. He smiled—and his eyes twinkled boyish mischief and good humor. Another smile, and he looked mature, personable—the kind of man you'd buy insurance from. He brushed back his thick blond hair and cleared his throat.

"And the Lord God saith . . ." He coughed again, sifting the gravel from his deep, baritone voice. "And who among us has not sinned?" More softly. "Please join us in prayer—"

"Maybe later," said Alan Simpson, grinning in through the opened doorway. "Right now the car's waiting."

"Well, I'm ready." Waters did a playful spin in front of his trusted aide and best friend. "What do you think?"

"Billy Graham, eat your heart out," laughed Simpson.

Minutes later they were in the back seat of the limousine, cruising smoothly toward downtown New York.

"Heard anything more from those thugs at Pyramid?" Waters asked casually.

"Ah . . . nothing concrete." Simpson eyed the driver, two seats ahead of them, and lowered his voice. "But I have the feeling they're not going to forgive and forget, Bobby."

"Stop worrying, old friend. The Lord will provide. He hasn't let me down yet, has He?"

"I know. Still . . ."

"Alan, when I learned who was behind that loan from Pyramid, I had no choice. If I'd known before, you know we'd never have accepted it. But it's too late, now, my friend. The Cathedral is over half finished. All I can do is make sure they don't reap any profit from it." Waters shook his head, his smile expressing inner peace. "No, Alan, it's God's will that this money be used for salvation."

◆

Bobby Water's favorite moment had come. He stood before the multitude, hands raised, serene in spiritual transport. As the people swarmed upward toward the stage he was certain he felt the power of God surging through him.

"Jesus loves you," he called to them. "Come forward and receive Him. His love will make you whole."

The line that formed to the stage held the milk and honey of his profession: old, arthritic women, middle-aged men with chronic backaches and gastric ulcers, wheelchair-ridden cripples. A potpourri of the physically and spiritually bereft, their faces uplifted to him in hope. Some of them had volunteered on the impulse of the moment; others had been selected and carefully screened by Alan Simpson. Waters had no idea where Alan found his people, but his selections consistently provided the most dramatic moments in the service.

Waters touched, comforted and prayed his way through the line of people. And then came one of Alan's special ones. Fat and slumping in his wheelchair, ensconced in layers of soiled and shredded clothing—redolent of cheap wines and wretched streets—a fresh import from the worst part of the inner city. The stage assistants wheeled the man toward center stage, where Waters met him, microphone in hand.

"What is your infirmity, my friend?"

Waters lowered the microphone in time to catch an earsplitting belch. In the stunned silence that followed, Waters stole a glance at the cameras off stage and imagined fifteen million viewers blinking in newly aroused curiosity. He took a deep breath, making himself hold the microphone steady before the wino's pink cauliflower nose.

"Drank too much." His voice emerged in a gravelly, Irish brogue. "Legs gave out."

"Ah. But are you willing now to accept Jesus Christ as your Lord and be born again in His love?"

The man stared up at him with red, malevolent eyes. Then, as the microphone hovered a few inches from his face, he lifted his soiled scarf and noisily blew his nose.

"Hell yes," he said, wiping his nose with his sleeve.

Waters withdrew the microphone as if from an electric shock. He glanced urgently at Alan across the stage. Alan shrugged helplessly.

Nothing to do but go on. And may the Lord God give me strength.

Steeling himself, he placed a hand on the man's filthy head, and—holding the microphone well away—muttered a short prayer. The wino kept his eyes on him, his face split in an ugly grin.

Waters drew back quickly and shouted into the microphone. "Rise! Rise and accept the blessing of the Lord!"

Bracing himself—with some help from the stage assistants—the man slowly pried himself from his wheelchair. He rose shakily to his feet. Finally, things were starting to go right.

The man screamed in anguish and fell flat on his belly. He began to crawl toward Bobby Waters like a paraplegic toad.

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"I want my drink!" he bellowed, holding out a quivering, bandaged hand. "You promised me a drink!"

◆

Bobby Waters accepted the whiskey from Alan Simpson with trembling hands. He sat hunched over on the couch in the living room of his suite, his hair falling in unruly bangs over his eyes as he stared down into the glass.

"Go ahead, Bobby," said Alan. "It can't hurt this once."

Waters wrenched the drink to his lips as though striking himself. He finished it in one gulp. "I still don't understand, Alan . . . How could you have let that creature onto the stage?"

"All I can say is that he was a sweet old guy when I interviewed him. A bit down on his luck, but perfect for the show" Alan frowned, deep creases lining his face. "I take full responsibility, Bobby, I want you to know that."

Waters held up his hand. "It could have happened to anyone, Alan."

Simpson bowed his head. "Thank you, Bobby."

"Well, when will my wife be arriving?"

"Her flight's due in at eight AM. She should be able to join you for breakfast."

"Thank the Lord." He smiled for the first time since they'd returned. "It will be good to have her here."

"Well . . ." Simpson consulted his watch. "I'd best be getting on. I'll see you for lunch, tomorrow. Don't stay up too late, old buddy."

"Don't worry about me," said Waters, grinning weakly. "I think this stuff is already putting me to sleep."

◆

But Bobby Waters was still drinking when the doorbell buzzed thirty minutes later.

"Room service!" a cheerful voice rang out. "Special delivery!"

Apprehension inched its way through his numbed brain. I'm drunk, he thought dully; I shouldn't be seen like this. But the doorbell rang again. He stumbled to his feet and sucked in his breath. He walked slowly to the door.

A strikingly beautiful young woman in a maid's uniform greeted him with a tray of hors d'oeuvre and a bottle of champagne. "Courtesy of the hotel," she said, "as a gesture of appreciation for your patronage."

"Thank you, but isn't it a little late—"

Waters staggered back as the woman moved easily past him into the room. "You don't look well. Let me help you."

"That's quite all right . . ." But he allowed himself to be guided to the nearest chair. "Well . . . thank you, Miss . . ."

The girl's large hazel eyes looked into his, and he felt as though he were being caressed. He swallowed.

"My pleasure," she said, her voice a soothing contralto. "May I pour for you?"

"I . . ." Waters blinked as the woman handed him a glass, her smooth, delicate hand lightly brushing his. "I think I've had enough."

"Please." Her face was only eight inches from his own, full heart-shaped lips forming a sensuous smile. "For me."

He took a long sip, and felt his muscles completely relax. He watched as her beautiful mouth blurred and the color of her lipstick suffused the room. He heard her voice gently reassuring him as he sank into oblivion.

◆

The doorbell jolted him awake. He stirred gingerly, grimacing as the insistent buzzing pierced his head. He slowly focused on the clock at the side of the bed. 9:45 AM? So late. . . . Funny, I don't even remember going to bed. Could I have been that drunk?

He pushed himself out of bed. First things first. Get the bathrobe. Then the door . . . .

He was halfway across the bedroom when he realized that someone was in his bed. It was a young woman with long dark hair and hazel eyes, who was now perched up on a pillow watching him.

"My God! You're still here!" He wrenched open the bedroom closet and pulled on his bathrobe. "But . . . what are you doing?"

She wet her lips and smiled. "What does it look like, lover?"

"No! . . . That can't be right . . ." Waters felt his face color beneath her frankly appraising stare. "I remember . . . you pouring champagne . . ."

"Better get the door, lover."

"Don't call me that!"

In the main room, the door burst open. A tall, stately woman entered, followed by an apprehensive-looking Alan. Waters slipped out of the bedroom, making himself smile as he shut the door firmly behind him.

"Oh darling!" his wife cried. "When you didn't answer the door we were worried so we got the clerk to let us—"

Her words fell into dead silence. Both she and Simpson were staring with stricken eyes at something over his shoulder.

"Oh, I'm sorry, Bobby," purred the girl, completely naked in the bedroom doorway. "I didn't know you had guests."

His wife's words fell into dead silence. Both she and Simpson were staring with stricken eyes at something over his shoulder.

"Oh, I'm sorry, Bobby," purred the girl, completely naked in the bedroom doorway. "I didn't know you had guests."

◆

Fifteen minutes later, the girl was met outside the hotel by a heavy, squattish man in a blue business suit. His handshake enclosed several large bills.

"How did it go?"

"Beautiful." The girl counted, then smiled. "Thanks for the tip."

"Thank you, my dear."

◆

"I don't understand it." Bobby Waters had his face in his hands, peering through his fingers at the empty champagne bottle on the table before him. "I remember this maid. She said she'd brought complimentary champagne."

Alan Simpson watched his friend with not entirely sympathetic eyes. "The hotel disclaims any knowledge of the girl or the champagne, Bobby."

"I know. It just doesn't make sense." Waters lifted his head, gazing at Simpson with reddened, watery eyes. "How can I make Edna believe me, Alan? I didn't do anything to that girl!"

"I guess it will just take a little time . . ."

"Alan, I'm telling the truth. I didn't do anything!"

Simpson held up his hands. "Okay, I believe you. But you must admit, it doesn't look good. Listen, why don't we just cancel tomorrow's service? Plead sickness in the family or something. Go home. You need some rest."

"But I can't run away now, Alan. It would make me look guilty."

"I don't know, maybe it would still be for the best. After last night I'm beginning to think this town is jinxed."

Bobby Waters sat up straight and looked his friend in the eye. "God does not play dice with the universe," he intoned. And then suddenly the weariness and tension slipped from his face; his eyes cleared. "And that's it, Alan! I'm being tested. Everything's gone so well in my life so far that it's time I faced some adversity . . . Don't you see? It's God's plan."

"I hope so, Bobby."

Waters gave him a smug smile. "It's His way of testing me, Alan. You'll see."

◆

Bobby Waters reclined comfortably in the back seat of the limousine, eyes closed, a smile playing on his lips. I know the game you're playing, Lord. Do you worst. Your will is my blessing.

"Happy dreams, Reverend?" The driver was talking to him.

Waters opened his eyes, still smiling. "Couldn't be better, I feel good. I feel like something special is going to happen." He sat up. "How far are we from the auditorium?"

The heavy-set man behind the wheel shuffled his shoulders. "Not much longer." His voice had a light, pleasant Irish lilt. "I'm taking a shortcut."

Waters sat back, a slight frown easing onto his face. Around them the noise level was rising, and the busy streets of the inner city seems to be closing in. Neon lights proclaimed x-rated theaters and massage parlors, video arcades and disco bars. Hustlers, pimps and panhandlers vied for space on the sidewalks.

"Driver, where are we?" Waters demanded. "This doesn't look to be anywhere near the auditorium."

"I told you, Reverend. Taking a shortcut."

"Driver, I'm supposed to be backstage in fifteen minutes—"

The brakes screeched. A tall black man in a yellow and lavender suit careened in front of them, then fell out of sight. Something thudded against the front fender as they jerked to a stop.

"Oh no!" cried Waters, grasping his door handle. "Why couldn't you have watched where you were going!"

"Take it easy, Rev. Just a fender-bender."

Waters rushed out around the front of the car. The black man was sitting a few feet from the fender, clutching his right leg. A crowd was gathering around them.

"Are you all right?" Waters asked.

The black man regarded him balefully. "My career with the Knicks is over . . ." Then his face brightened. "Hey, ain't you that preacher-man? Yeah, I seen you on the news once."

"Yeah, Lionel honey, that's him all right!" came a nasal, high-pitched voice at their side.

Waters suddenly noticed that they were surrounded by a forest of long, brown legs—legs that led to satin-sashed waists and mini-skirted bottoms.

"Watcha starin' at, honey?" one of the women cooed, and general laughter broke out.

"Hey, you all better stop this jivin' and take me to a hospital," the black man growled. "I think I got a concussion or somethin'"

"Shor, Lionel, and we'll come too!" one of the women giggled.

"Now just a minute—" Waters croaked. "They can't all fit in the car!"

"In that bi-i-ig thing?" A lithe black woman in velvet red hotpants and matching tube top crooned. "Half of New York could fit in there, baby."

"We'd better get moving if you want to make your date, Rev," said the driver. "I'll drop you off and then I'll take them to the hospital."

"Okay, okay!" Waters threw up his hands. "Let's just get going!"

Waters found himself jostling for position as they crammed into the car. Waters ended up with the velvet red hotpants and tube top planted on his lap.

"Drive like hell," said the black man. "This is an emergency!"

The roar of the engine and the screaming of tires assaulted Waters as they whiplashed around the first corner. He clung desperately to the door handle, at the same time trying to ease the girl with the hotpants off his lap. Instead of moving, she undulated her behind under his hand.

"I always thought you preachers were hot stuff." she murmured.

"Please—" The car braked, accelerated—throwing her against him. "Please, I can't be seen like this . . ."

"What's the matter?" the black man demanded. "You prejudiced or somethin'?"

"Listen," said the girl on his lap, removing a joint from her purse. "I think we should all just relax. What d'you say, sugar?"

She lit up, and the limo filled with sweet-smelling smoke.

Ten minutes later the limousine careened onto the curb in front of the Kessler Auditorium, where a bevy of reporters and supporters of the Bobby Waters Crusade were waiting. At the front of the crowd, a beaming Alan Simpson had Edna Waters at his side. Flashbulbs and cheers rent the night as the limo's doors opened.

Bobby Waters stumbled, hacking, out of the car—Lionel, hotpants and the other women emerging in his wake. There was an explosion of flashbulbs.

"Bobby, Bobby," said Alan Simpson in a tense, miserable whisper. "What have you done?"

"Had an accident . . . bringing them to the hospital—"

Behind them, two of the police officers assigned to door security were sniffing around the limo; one of them crawled inside.

"Nice to meet y'all," said Lionel, pulling abruptly away. He made a sharp gesture to his women, and then they were all melting into the crowd.

The two cops left the limousine. One of them held a ziploc bag full of white powder.

"Reverend Waters, your car is full of dope, sir."

Waters stared at him dumbly.

"That must belong to those other people, officer," said Simpson. "And the car is provided by Limousine Emporium."

"I see. Where's the driver?"

Waters looked around, "I don't know. He was here just a minute ago."

The officer cleared his throat. "Well, perhaps you could come down to the station, ah, tomorrow, Reverend Waters, and give us a statement."

"Fine," said Alan. "Now if you'll excuse us, officer, we're running a bit late."

But Bobby Waters lost his balance. As he stumbled forward, pills, plastic bags and paraphernalia rained from his pockets. The crowd gasped.

Bobby Waters let his breath out slowly, lifting his face to the heavens. His eyes had assumed a look of accusation.

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◆

The magnificent expanse of steel, cement and glass that was the Cathedral of Living Waters thrust upward in a series of steeples and spires that threatened to impale Heaven itself. In the very highest of the steeples, at the very pinnacle of the massive twenty-story structure, was the private suite of Reverend Bobby Waters.

Waters stood on the balcony, ignoring the curious eyes of the construction workers at the Delaware Plaza project across the street. As he gazed at the skyline of New York.

For most of the last three weeks he'd been alone. Only Alan Simpson had entered the building, bringing newspapers and groceries.

The newspapers and magazines scattered over the table in the living room chronicled the events of the last few weeks. There were articles on his impending divorce, the fiasco with the bowery bum and the ensuing accusations that his miracles were performed by "cripples-for-hire"; articles on the scandal at the Kessler Auditorium and on his alleged connections with "underworld crime," a host of hostile editorials and exposés.

After the incident at Kessler Auditorium, he'd lost half of his followers overnight. Now, after three weeks of character-assassination by the popular press, his supporters had dwindled to a fanatical few. A congressional investigation into the connections between organized religion and organized crime had been scheduled, with the Waters Crusade first on the list.

Of course, there were as yet no formal charges pending in the drug scandal, but a lot of questions had not been answered. Questions that baffled Bobby Waters as much as anybody.

And now, with his hair grown long and ragged, and a week's worth of beard, Bobby Waters stared at the New York skyline, contemplating his fate.

I built it for You, God. I did it all for You: the services, the charity drives—the Crusade itself. And now this. How could You have let this happen to me?

Waters went back inside and raised his eyes to the painting of Jesus that always inspired him in his moments of need. The soulful eyes regarded him with the compassion of the infinite.

"Did I sin, Lord?" he addressed the portrait softly. "Was I wrong to refuse to repay the loan? Was I wrong to have built this testimonial to You?"

"You built it as a testimonial to your own pride, my son."

Waters jumped back, hairs prickling on his neck. Had he really heard that?

"Who—who's there?"

"Look outward, my child."

And he saw it. Or rather, Him. Floating, incorporeal, just beyond the balcony—like a reflection of his deepest longings: flowing robes and hair, sensitive but strong, masculine features framed in dark beard. Though Waters had not imagined Him as being quite so heavy of build.

"Savior!"

He fell to his knees. This was what he'd always hungered for. The Man who took your hand at the end and said, "All is forgiven." The Man who offered the final fulfillment.

"Then I was wrong," Waters uttered in a small voice. "I mean, about the building."

"The truth shall set you free," said the gentle apparition.

"But what should I have done, Lord?"

"You should have given freely of all that was given to you. Only then could you have done honor to me."

"Forgive me, Jesus!"

"Yes, my son." The figure held out his hand. "It is time, Bobby. Come join me. Now."

Waters looked into his Lord's eyes. Luminous, so full of love. He stood up on rubbery legs and stepped toward the edge of the balcony.

"I'm coming, Jesus!"

The construction workers across the street watched in disbelief as Reverend Bobby Waters embraced the air beyond the balcony, then began his twenty-story descent.

◆

Inside, behind an aperture in the brick wall above the never-used fireplace, a projector was softly switched off.

◆

"Now, that's the best news I've had in days." Alberto Cassignaro chomped happily on his cigar, beaming at his consigliere. "That Bible-pissing bastard goes crazy before the contract on him is fulfilled. Pfft!" He sprayed smoke and saliva and threw up his hands. "So! There goes our problem—and we don't even have to pay for it! What do you think of that, Sal?"

Sal massaged the frown growing on his face. "He claims credit for it, Alberto. And the man did die . . ."

"Come on, come on." Cassignaro's mouth whitened around

his cigar. "Fifty men must have seen him walk over that balcony of his own free will. You know what I think? I think he should give us a refund on our deposit. He never did a goddamned thing."

"I don't know, Alberto. . . ."

"The preacher was crazy, Sal. Everyone knows that. He used drugs, for Christ's sake."

"True. Still—"

"You did tell him we refuse to pay, didn't you, Sal?" Cassignaro's voice was ice. "It would displease me if you hadn't."

Sal sighed heavily. "Yes, Represente."

"Good. Then enough of this talk. We should speak of celebration." Cassignaro leaned forward and clapped his hands together." Tomorrow is my little Sophie's birthday. I've arranged for a band to play in the patio. They'll use Black Beauty for accompaniment."

"You're letting them use your piano?" Sal asked, startled. "It took a crane to move it down last time."

Cassignaro laughed. "And they're using a crane this time. But Putricini is going to sing happy birthday, and nothing is too good for my baby."

Sal smiled sheepishly. "Ah . . . I thought I heard an engine out back."

"Come. Let's go to the balcony."

They watched from the back balcony as the huge Bösendorfer concert grand was maneuvered painstakingly out of the loft's window. A hook and cable had been attached to a series of straps supporting the instrument, and the crane was gently positioning itself below.

"I can't watch," chuckled Cassignaro. "Let's go back inside."

Then they heard the whining sound of high-tension cable turn. The Bösendorfer, having somehow swung free, was hurtling like an ebony demolition ball toward the cement at the edge of the swimming pool. It struck with a thunderous crash, its main body bounding toward the pool belching cacophonous chords and ivory keys.

The cigar fell from Cassignaro's drooping mouth, and his face went a shade lighter than pale.

"You goddamned idiots! I'll kill you! I'll kill all of you!"

Cassignaro broke from Sal's restraining grasp and raced down through the house into the carnage of his backyard. Huffing and wheezing, he charged through the remains of the Bösendorfer toward the crane—but then stumbled and went down hard on one knee.

"Sorry about the slip, Mr. Cassignaro," said a kindly, musical, Irish voice. "Can I give you a hand up?" ❑

Karl Hess, Jr., "Man, Nature, and State," *continued from page 19*

effect—and chlorofluorocarbons—culprit of ozone depletion) could be limited in order to achieve desired levels of air quality. The high cost of these permits, resulting from their scarcity, would be a strong economic incentive for improving air pollution control technologies (or for producing alternative products). China, by the way, has already adopted similar free-market practices.

The important feature of this proposal is that the state would play a minimal role. People would not be restricted from polluting. They would only be required to bear the costs of their activities—a requirement consistent with a free society. The fact that polluters would be allowed to make the key decisions on how much pollution to generate (at the micro level) and the best technologies for controlling it would release the power of human diversity. The direct costs of acquiring pollution permits and the opportunity costs of holding them would be the ecological cue spurring on the technological innovations needed to spare earth from further environmental insults.

It is true that the setting of maximum pollutant levels and the enforcement of pollution rights would involve coercion or the threat of coercion. The setting of pollutant ceilings would be equivalent to the initial establishment of property rights on unoccupied land. Individuals or groups competing for those rights would have to decide through negotiation or political means the rules by which they would settle the new territory. The reality facing each claimant, even in the absence of an organized state, would be the inevitability of coercion should negotiation fail. Enforcement of pollution rights would be similar to the enforcement of property rights.

The bottom line, of course, is that pollution is coercive; it is aggression. A formal state need not exist to justify or allow self-defense against polluters. Indeed, the initiatives taken so far by non-federal interests in combatting pollution suggest to me that local communities would be more effective than federal bureaucracies in ending environmental degradation if the powers reserved to the centralized state were devolved to them.

I recognize that market or decentralist solutions to environmental problems in this country do not begin to remedy global pollution. However, market and decentralist solutions are infectious. I have considerably more faith in the possibility of a world epidemic of freedom than I do in the possibility of a conglomerate of world states leading unwilling citizens to environmental salvation.

Conclusion

Environmental problems are real; they are serious; they will not disappear with wishful thinking. It is nature's economy, not man's, that ultimately holds the fate of all earthly life. Hospers' challenge must be met if liberty is to mean anything in the real world. I have suggested a possible direction: an ecology of liberty.

Lasting environmental solutions reside neither in the province of the state nor in the doctrinaire application of private property rights. Those solutions, and the environmental ethics that accompany them, are fellow travelers. They will be found, I believe, in the heartland of American liberty—in the midst of the diversity of a pluralistic society—among the elements of community which Charles Murray, quoting Edmund Burke, affectionately calls "little platoons." But the ecological workings of these "little platoons" will depend on power and responsibility. Such is the ecology of liberty. ❑

Reviews

The Voice of Reason: Essays in Objectivist Thought, by Ayn Rand, edited with additional essays by Leonard Peikoff. NAL Books, 1988, 353 pages, $18.95.

The Voice of Bitterness

Justin Raimondo

For those of us who want to remember Ayn Rand at her best—that is, as an original and talented novelist and exponent of individualism—the latest collection of her nonfiction works is not a happy occasion. *The Voice of Reason,* a collection of her nonfiction edited by Leonard Peikoff, is Ayn Rand in a bad mood.

Over sixty pieces are reprinted in this volume, the majority written during the Seventies. Those years saw the bitter split among her followers, the end of the organized Objectivist movement, the illness of her beloved husband, Frank O'Connor, and a devastating illness of her own. The style and spirit of the material written during that dark period is permeated with a growing sense of intellectual isolation, bitterness, and a daunting loneliness. Peikoff tells us, in "My Thirty Years With Ayn Rand," an otherwise unrevealing memoir, that "when she greeted you, for instance, she often asked not 'How are you?' but 'How's your universe?' Her meaning was: 'How's your view of the universe?'" Given the style of these later essays, by the early 70s Ayn Rand's universe had narrowed considerably.

The inclusion of some of her best early pieces, like the passionate paean to Marilyn Monroe, "Through Your Most Grievous Fault," only underscores the point. Next to the merciless clarity of "The Intellectual Bankruptcy of Our Age," her first Ford Hall Forum lecture (1961), the murky accusations that characterize "The Psychology of Psychologizing" are puzzling to anyone unfamiliar with the particulars of Rand's life. In the former, Rand was dealing with wide-ranging (and startlingly original) abstractions; the latter essay is an epistle of hatred ostensibly directed at those who claim to be psychological authorities. It is actually a thinly-disguised attack on her ex-associate, psychologist Nathaniel Branden, who had by that time been cast into the outer darkness.

There is a great psychic divide that splits the material gathered in this collection right down the middle. The dividing line is 1969, the year she broke with psychologist Nathaniel Branden, her chief disciple who successfully promoted her philosophy of Objectivism. The last lines of "The Psychology of Psychologizing" illustrate the unfortunate tone that crept into much of her later writings. "The mind is a processing organ; so is the stomach," writes Rand. "If a stomach fails in its function, it throws up; its unprocessed material is vomit. So is the unprocessed material emitted by a mind."

Except for the above example, the first part of *The Voice of Reason,* is free of this unrelieved crankiness. "Altruism as Appeasement," an exposé of the process by which the intellectuals sell out their own intelligence, is a perceptive psychopolitical study that reads as if it might have been written yesterday. There is real fire in the early stuff, as in "The Intellectual Bankruptcy of Our Age," and a sense, as in her epistle "To Young Scientists," that we are dealing with important issues. But by the time we get to the fateful year of 1969, Rand the optimist, who supposedly believed in the impotence of evil, could focus on nothing but evil.

With the writing of "Apollo 11," an account of her trip to see the launching of the Apollo 11 rocket in the summer of 1969, Ayn Rand seems to have turned a corner. As a piece of writing, "Apollo 11" is on an altogether different plane than most of the rest of this volume. Here is where Rand's novelistic skills come into full play; her technique of highlighting physical details to illustrate a philosophical or even a political point, her method of stylizing without descending into caricature, her ability to do a character sketch or describe a location in just a few deft strokes.

As an indication of her growing bitterness, "Apollo 11" is quite explicit. After defending the U.S. space program from those who claim that the money ought to be spent on the poor starving children and the homeless, Rand shows signs of genuine weariness. "But if we do continue down the road of a mixed economy, then let them pour all the millions and billions they can into the space program. If the United States is to commit suicide, let it not be for the sake and support of the worst human elements . . . Let some of its lifeblood go to the support of achievement and the progress of science. The American flag on the moon—or on Mars, or on Jupiter—will, at least, be a worthy monument to what had once been a great country."

From this point on, much of Rand's literary output was devoted to denouncing the many evils she saw proliferating around her. She wrote on everything from U.S. foreign policy to affirmative action, subjects about which she had very strong (and often correct) opinions and very little knowledge. This is particularly true of the last section, devoted to

"Politics": see the essays "Representation Without Authorization," "The Invested Moral Priorities," "Hunger and Freedom," and "How to Read (and Not to Write)." Here is Ayn Rand at her worst: lashing out at the first available target, no matter how inconsequential, and railing for pages at enemies both real and imagined without regard for either facts or syntax. It didn't matter by that time; she wasn't interested in arguments anymore. Her *Ayn Rand Letter* was filled with sermons to the choir, continued chiefly out of a sense of duty. Worst of all, these later essays are *boring* in their deadening repetitiveness and the unrelenting contempt for everyone and everything outside her dwindling circle of followers. She also has the startling habit of referring to the characters in her novels as if they were real people, instead of the products of her extravagant imagination.

Two essays stand out in their crankish wrong-headedness; "The Lessons of Vietnam" and "About a Woman President." The former is a case of literary and political schizophrenia that starts out promisingly and ends up in a welter of misinformation and contradictions. In assessing the fall of South Vietnam, she falls back on her own experience in the Russia of 1917, and her prose is crystal clear. "I was in my early teens during the Russian civil war. I lived in a small town that changed hands many times . . . When it was occupied by the White Army, I almost longed for the return of the Red Army, and vice versa. There was not much difference between them in practice, but there was in theory. The Red Army stood for totalitarian dictatorship and rule by terror. The white Army stood for nothing; repeat: *nothing*. In answer to the monstrous evil they were fighting, the Whites found nothing better to proclaim than the dustiest, smelliest bromides of the time: we must fight, they said, for Holy Mother Russia, for faith and tradition." Summing up that battle, she says: "The Whites had icons. The Reds won." No one was better than Ayn Rand at exposing the intellectual shabbiness of the political right and pointing out the right's vital role in paving the way for the triumph of collectivism.

Unfortunately, the rest of the essay degenerates into a red-baiting attack on opponents of the Vietnam war. Smearing the anti-war movement as being "pro-North Vietnam," Rand perpetuates the myth that the U.S. was somehow stabbed in the back at home, and thus prevented from winning. In spite of her earlier attacks on the very idea of "the public interest" and the "national interest," Rand invokes the latter to justify U.S. support to the Taiwanese dictatorship as well as Israel. Although she claims that the U.S. "had no *selfish* reason to fight" the war in Vietnam, "because we had nothing to gain from it," and "the lives and the heroism of thousands of American soldiers . . . were sacrificed in compliance with the ethics of altruism," nowhere does Rand come out and say it was right to pull out. She asks the right questions—"What—and *who*—got us into that war? . . . How did a war advocated and begun by the liberals (mainly by President's Kennedy and Johnson) become the conservatives' war?"—but never comes up with any coherent answers.

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Far worse, however, is "About a Woman President," which, I must confess, I found to be completely unintelligible. According to Rand, a woman could not want to be President. "It is not a matter of her ability, but of her *values*." As to why this is so, we are supplied only with empty assertions in the form of vague and unprovable generalities. It is as if this article had been written in some language of her own invention, with no internal clues and no Rosetta Stone to decipher its arcane meanings. For someone who saw herself as the last of the advocates of reason—"or the first of their return"—Rand's complete irrationality on this subject is oddly insistent, as is Peikoff's decision to reprint this embarrassing article.

Just as Peikoff's talents as editor succeed in capturing Ayn Rand at her worst, so his own literary contributions to this volume add nothing original or exciting to the Objectivist canon. They are pastiches of the master, for the most parts, which often descend into parody. His "Religion Versus America" is a rehash of themes first uttered by Rand in the early Sixties (see her "Faith and Force: the Destroyers of the Modern World," "Conservatism, An Obituary," and many other articles in which she took on religious and traditionalist conservatives). This is updated and embellished with the sort of scholarly apparatus, such as footnotes, generally missing from Rand's own nonfiction. (In any case, she rarely quoted sources other than her own works.) "Assault from the Ivory Tower: The Professors' War Against America" is a diatribe which purports to prove that "Today's college faculties are hostile to every idea on which this country was founded, they are corrupting an entire generation of students, and they are leading the United States to slavery and destruction." The evidence? "In preparation for this talk," says Peikoff, "I asked Objectivists around the country to tell me what they are being taught in college on basic issues." The resulting horror stories are what passes for evidence, these days, in Objectivist circles. Rand used this same technique herself on innumerable occasions, the most memorable being "Is Atlas Shrugging?", a commentary on items from her "Horror File." But the "Horror File" consisted of actual news items about outrages perpetrated by the "mystic-altruist-collectivist axis." What made the "Horror File" horribly fascinating and sent shivers down Objectivist spines was that these outrages were reported as if they were perfectly normal everyday events; Peikoff's retailing of stories from the Objectivist gossip mill, delivered with an unbearable smugness, fails either to convince or entertain.

In his autobiography, Bennett Cerf floats the theory that Rand would have been far better off without her coterie of disciples and professional flatterers.

Peikoff's epilogue, "My Thirty Years With Ayn Rand: An Intellectual Memoir," is the eerie proof of it. Eerie because it is written with a monomaniacal urgency that often goes beyond self-parody. In an orgy of ritualized self-abasement, Peikoff relates that when Rand got mad at him "over some philosophical statement I had made," she usually "remained calm because she understood the cause of my statement: that I still had a great deal to learn. But other times she did not . . . grasp fully the gulf that separates the historic master, to whom the truth is obvious, from the merely intelligent student. Since her mind immediately integrated a remark to the fundamentals it presupposes, she would project at once . . . the full, horrendous meaning of what I had uttered, and then she would be shocked at me." Poor Peikoff; how she must have terrorized him!

Aside from maudlin and often-told stories about how Rand and her husband called each other by cutesy little pet names, (he was "Cubbyhole," and she answered to "Fluff") and such data as her favorite candy (Godiva chocolates), Peikoff's sketch of Rand is strangely impersonal, as if an artist of the non-representational school had painted a portrait of Rand in the abstract mode. He strives to describe her mental processes, in tedious, bloodless detail.

This memoir reveals very little about Ayn Rand, but everything we need to know about Leonard Peikoff. After launching into a vicious attack on unnamed "wishy washy people" who "did what they had to do in order to get from Ayn Rand what they wanted," he excoriates some of Rand's ex-followers who "are now publishing their memoirs in the hopes of getting even with Ayn Rand at last—and also of cashing in on her corpse." As executor of her estate Peikoff, too, is cashing in on her corpse—in fact, as her "intellectual heir" (as if such a title as "intellectual" could be inherited!) what he wants is a monopoly on the lucrative Ayn Rand industry that has grown up after her death.

The problem with Rand, he tells us, is not that she was too cranky and suspicious, but that she was too trusting and benevolent. "Each time she unmasked one of these individuals," says Peikoff, "she struggled to learn from her mistake. But then she would be deceived again by some new variant." What was she supposed to learn? That she couldn't trust *anyone*, that *no one* was her equal, and that she might as well give up looking?

Peikoff relates a conversation with Rand to illustrate his view of her predicament: "You are suffering the fate of a genius trapped in a rotten culture," said Peikoff. One can almost see her wincing at this rather obvious flattery. "'My distinctive attribute,' she would retort, 'is not genius, but intellectual honesty.' 'That is part of it,' I would concede, 'but after all I am intellectually honest, too, and it doesn't make me the kind of epochal mind who can write *Atlas Shrugged* or discover Objectivism.' 'One can't look at oneself that way,' she would answer me. 'No one can say: 'Ah me, the genius of the ages.'"

This was, of course, precisely the manner in which Peikoff and her other followers encouraged her to view herself: besides leading to a kind of enforced isolation for Rand, it reinforced their own view of themselves as the persecuted but noble Elect and kept her attention focused on her own narrow circle.

Rand's present day followers invaria-

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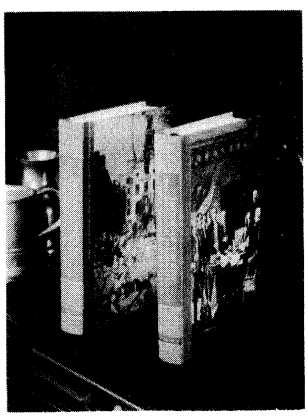

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bly mimic the least admirable aspects of her personality, and nothing illustrates this better than Peter Schwartz's poisonous "Libertarianism, the Perversion of Liberty," which, after several printings in newsletter and pamphlet form, is at last given permanence by its inclusion in this book. In a crude attempt to smear practically every libertarian writer of note, he rips quotes out of context and argues that libertarianism is the enemy of all values, a variant of nihilism out to destroy Western civilization by means of brute force. I must admit being a little nonplussed to discover that my own efforts to broaden the libertarian movement to include blacks, Chicanos, gays, and other minorities was, in reality, a campaign "to lash out against the 'system' and the state with machine guns and hand grenades." Where does he get this from? From an article I wrote six years ago for *Libertarian Vanguard*, which discussed alternative theories of organizing political groups. Needless to say, there was no mention of either machine guns or hand grenades. His other smears—against Murray Rothbard, Milton Mueller, and others—are on the same level.

What is Schwartz's problem? After wading through his hateful diatribe, we finally discover (p. 330) that "The Libertarian movement was created in order to adopt a 'united front' approach to liberty, that is, to spread out a broad umbrella under which a motley collection of people, irrespective of their philosophies, could gather in a joint effort to advance freedom." This enrages Mr. Schwartz, who, like all Objectivists, holds that everyone must agree on *everything*—from epistemology to esthetics—before any joint action can be taken. In other words, until everyone agrees that Immanuel Kant is the root of all evil and that Rachmaninoff's music is far superior to Mozart's, we are all doomed to put up with whatever the collectivists care to dish out. This ultra-sectarian stance, if adopted by libertarians or *any* political group would turn it into something resembling the Objectivist movement—i.e., a pathetic little sect.

It is ironic, though, that Schwartz chose to attack libertarians by saying that "Libertarianism's relationship to Objectivism is not merely that of an enemy, but of a parasite. Without Objectivism there would, ironically, be no Libertarian movement today." It is true that the libertarian movement would be different, perhaps much smaller, if Rand had never existed. But for Schwartz and his confreres to throw around words like "parasite" is a dangerous game for them to play. For the truth of the matter is that it is Schwartz—and Peikoff—who are truly parasitical. For years they have been feeding off Ayn Rand's corpse, basking in her radiance, using their own robotic (and hideously distorted) version of her ideas, with Peikoff claiming to be her "intellectual heir." Would their second- and third-rate scribblings have attracted the least amount of attention if they hadn't managed to sneak them into a book with Ayn Rand's name plastered all over the cover? What have they ever created on their own?

Peikoff tells us in the Introduction that "This is the final collection of Ayn Rand's articles and speeches that I plan to publish." If true, this means that the lucrative Ayn Rand industry, which sprung up after her death, may be in the doldrums for a while. But not to worry. No doubt Peikoff, Schwartz & Co. will find other ways to exploit Rand's name. ❑

Senatorial Privilege: The Chappaquiddick Cover-Up
by Leo Damore. Regnery Gateway, 1988, 496 pages, $19.95.

The Senator from Chappaquiddick

Stephen Cox

On the night of July 18–19, 1969, Senator Edward M. Kennedy attended a party on Chappaquiddick Island, which lies off the coast of Massachusetts, adjacent to the larger island of Martha's Vineyard. He left the party sometime around midnight. Abandoning his chauffeur, he and Mary Jo Kopechne, a former campaign worker for his brother Robert, drove toward one of the island's beaches. En route, their car ran off a wooden bridge and plunged into a narrow, pond-like inlet, landing upside down.

Kennedy escaped from the car, but instead of summoning aid for his entrapped passenger from a number of nearby houses whose lights could be clearly seen, he walked a mile or so back to the house where the party had been held. He drew two of his friends out secretly, and they headed back to the bridge, where the friends dove unsuccessfully for Miss Kopechne while Kennedy lay on the bridge rocking back and forth and moaning, "Oh, my God. What am I going to do?"

His friends insisted that Kennedy, a lawyer by profession, immediately report the accident. Kennedy, however, was more interested in allowing matters to take their course without his intervention. When his friends pressed him too hard, he dove off the Chappaquiddick ferry dock, where they were discussing the issue, and swam back to his hotel on Martha's Vineyard. During the night, he emerged from his room to ask a hotel employee what time it was, thus establishing his presence someplace other than Chappaquiddick. In the morning, he chatted at length with acquaintances and was in the process of making breakfast dates when his helpful friends of the night before caught up with him. (The Chappaquiddick-Vineyard ferry, which had shut down for the night, was now operating.)

They again tried to convince him to report the accident, and they were at last successful—but only because a tow-truck had finally been sighted on its way to the bridge. An obliging chief of police took Kennedy's (misleading) statement and declined to question him further, later seeing no need to carry on any meaningful investigation. Kennedy, for his part,

declined to say anything more about the affair, except for a brief and bathetic speech, several days later, to a national television audience. In this speech, he attributed his failure of nerve to "shock," and invoked his and his family's moral courage in facing such times of trial as had once more befallen them. In court, he pleaded guilty to leaving the scene of an accident without reporting it and received a two-month jail sentence, suspended. Soon after, he went to church, where Msgr. William Thompson concluded Mass with the singing of "America the Beautiful," in "tribute," as he said, "to Senator Kennedy."

The position of Mary Jo Kopechne's body, when it was finally recovered from the car, indicated that she may have survived for some time, breathing a small pocket of air that was trapped with her in the overturned vehicle.

Despite the sensationalistic subtitle of Leo Damore's book, which brings Machiavellian conspiracies to mind, his story of the Chappaquiddick case is most remarkable as a meticulous account of the stumbling banality of evil.

Damore covered the case as a reporter for a local newspaper, and he has done enormous research since then. The most remarkable aspect of this research is his long series of interviews with participants in the affair, including Joseph Gargan, Kennedy's cousin and one of the two close friends who attempted to save Miss Kopechne's life. Damore is by no means pleased with Kennedy, but he has controlled his indignation sufficiently to allow himself to produce the definitive account of an accident that changed history—for it was Chappaquiddick, more than anything else, that unmade Ted Kennedy's presidency.

Damore's personal politics do not emerge. This is, however, a highly political book. It is one of the most detailed records extant of politics as it is lived at both ends of the spectrum, local and national. No doubt Kennedy's nationally-famous friends labored mightily to "cover up" his character and actions; they wrote his misleading speech, they issued testimonials to his vital role in the republic, they postured for him in front of cameras. But the "cover up" that really mattered went on at the local level, among ignorant people overawed by Kennedy's fame, people who felt that he stood for some great, amorphous good and who gave him such breaks as they fuzzily thought any regular guy (who happened to be a Kennedy and a U.S. Senator) was entitled to. It's not exactly a conspiracy, and it's not exactly lurid. Even Kennedy's famous friends—not to mention Kennedy himself—seem painfully confused and ignorant. It's just real life: and real life can be fascinating, particularly when it is clearly and unpretentiously chronicled.

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Damore is a clear, unpretentious narrator; the only distressing defects in his prose are his tendency to dangle modifiers ("A fixture for years as advance man, Gargan's absence was too conspicuous not to be accounted for,"p. 423) and to omit the word "that" just when it is really needed: he writes a lot of sentences like, "But so inadequate had his examination been, even Kennedy was dissatisfied with it" (p. 360). But Damore has the good sense to let the characters in his drama reveal themselves in the quality of their own words and actions.

They are a curious crew. There is the Senator who is elected solely by reason of his close ties to his family but who is unable or unwilling even to write a eulogy for his brother Robert's funeral. Damore quotes one of Ted Kennedy's speechwriters as observing that he "felt pretty funny" about that speech. "Because, how could we know what he felt about his brother? He just said write something on the theme of love. I thought maybe that was one speech he shouldn't have asked us to write" (p. 172).

There is the local police chief who spends his time giving press conferences rather than interviewing witnesses. As one state policeman remarked, the chief was so involved with the press that "if they stuck a potato in front of him he'd talk into it like it was a microphone" (p. 179). There is the state policeman himself, who secretly collaborated with Kennedy's defense by revealing the nature of the investigation that might incriminate him: "I'm thinking of Ted Kennedy going into the inquest frightened, not knowing what's going to be dropped on him. My whole thought was, I knew Ted Kennedy lied on TV. I didn't want him to go into an inquest and get caught in another lie. This time when he tells his lie in the inquest, he can stick with the lie and they have to swallow it. He could walk into the inquest knowing there wasn't going to be any bombs dropped on him" (pp. 343–43). And there is this same policeman later on in his life: "When Kennedy ran against Carter and he was screeching and yelling, I said to myself: 'Christ! This man doesn't deserve to be President'" (p. 422).

There is the pathetic nonsense of a district attorney telling a grand jury that was eager to investigate the case: "We don't really believe he did it on purpose do we? We know that a murder wasn't committed. It was just an unfortunate accident" (p. 390). And there are pathetic statements of quite another kind, from the parents of Mary Jo Kopechne. Shocked and bewildered by the tragedy and its gruesomely bungled investigations, facing the possible exhumation of her daughter, Mrs. Kopechne said, with simple feeling, "I don't want my little girl's body dug up—my tiny, lovely baby" (p. 271). She wanted to believe Kennedy's story, but she was baffled by the "inconsistencies and contradictions" in the case: "Nobody seemed to be following the case properly. The district attorney was falling apart, going from question to question; he'd get an answer but didn't follow through. There were so many questions I could have asked he never thought of asking" (p. 396).

Every reader can echo Mrs. Kopechne's sentiments. But it's unfair to blame the attorneys, politicians, and police without blaming the public, too. One of Kennedy's acquaintances observed, dismissively, that "the Kennedys were fun and had a lot of glamor. We thought they belonged in Hollywood, not

Washington" (p. 255). But even the spectacle of Chappaquiddick and its aftermath was insufficient to remove Ted Kennedy from Washington; and perhaps this is true because the public has confused cinematic with political judgment.

How else can we explain the fact that sizable numbers of Ted's disappointed supporters wound up in the camps of George Wallace and Ronald Reagan, whose politics are apparently so distant from those of the Kennedys? How else can we explain the public toleration of Kennedy's post-Chappaquiddick declarations about returning to the Senate to be "a voice of reconciliation that appeals to the best within people," "to give voice to the powerless groups that exist within our society" (p. 400)? No philosophy, no coherent program, no settled principles lay behind such words. It is safe to assume that the public understood them, not as a failed attempt to define a political philosophy but as a successful attempt to project an image. It is safe to assume that the public has always judged the Kennedys in the way in which it judges characters on the screen—as more or less successful projections of a story that includes a more or less coherent narrative line and certain more or less intense dramatic episodes. Kennedy was returned to the Senate by people willing to applaud a protagonist's ability to get himself into and out of a series of interesting scrapes, meanwhile mouthing the sort of verbiage appropriate to protagonists.

Everyone who deplores such phenomena eventually turns to the Bible for sufficiently withering words. My choice in the present instance is Jeremiah 5:30–31: "A wonderful and horrible thing is committed in the land; the prophets prophesy falsely, and the priests bear rule by their means; and my people love to have it so: and what will ye do in the end thereof?" ❑

Erratum

In Jeffrey Friedman's March 1989 article, "The End of Political Activism," there was an error in the last paragraph of the second column on page 50. The first sentence should have read:

"Far healthier skeptically to inventory our beliefs and to view those that seem valid as *insights* we can share with the world, but that do not prevent us from learning from the world, even from parts of it we used to see as 'evil.'"

Freedom as a Value: A Critique of the Ethical Theory of Jean-Paul Sartre **by David Detmer. Open Court Books, 1988, 271 pages, $29.95, $15.95.**

Existentialism and Liberty

David Gordon

Murray Rothbard has often reminded us that libertarianism is a political doctrine. Belief in it requires no commitment to a particular system of ethics, let alone a metaphysics. Most libertarians, however, will gravitate toward a view that accords high value to freedom. It would be odd, though not contradictory, to think freedom of compelling political significance while also deeming freedom of little intrinsic value. (There is no contradiction since someone might think political value a quite minor affair.)

Jean-Paul Sartre, the subject of David Detmer's outstanding study, was hardly a libertarian. Nevertheless, if Detmer's well-argued case is right, libertarians have much reason to be interested in the ethics of this dissident French Marxist. Sartre claimed that freedom is the highest value; if his arguments for this position are compelling, political disputes should not bar the way toward a close perusal of his ethics. Further, Detmer makes no attempt to connect Sartre's ethics with any political position. The case for libertarian interest in Sartre is all the stronger—if his conception of freedom strikes us as defensible and important.

But an objection at once arises. Although Sartre believed that human beings are free, did he not also think of this condition as unfortunate? A famous phrase tells us that man is "*condemned* to freedom"; another that "hell is other people" [emphasis added]. These seem no mere rhetorical effusions. In *Being and Nothingness,* Sartre presents human beings as continually caught in the web of bad faith. They attempt, with utter futility, to deny their freedom. They find no respite: romance, for instance, comes to grief in the attempt to subdue the other while yet respecting his or her independence.

As for the role of freedom in ethics, does not Sartre go too far? He reduces all ethics to choice: how can one escape the arbitrary on his seemingly nihilistic view? And the "freedom" about which he speaks so much impresses one as peculiar. He holds that one is always free, no matter what the external circumstances. But do we not find much in life imposed on us, regardless of whether we choose it?

On the reading just given, libertarians—along with everyone else interested in sound thinking—might well give Sartre's philosophy a wide berth. Herein lies exactly one of Detmer's principal contributions. He contends that the portrayal of Sartre just advanced misrepresents the facts entirely. Only a few authorities, such as Sartre's lifelong consort Simone de Beauvoir, have correctly understood his thought. He has been victimized by caricature and uninformed hostile assault.

Detmer lays the foundation for his careful analysis of Sartre's ethics with a discussion of the theory of knowledge. Sartre denies that the mind is a substance: consciousness is intentionality—the relation of being directed outward toward the world. Of course, I can become aware of myself: but this awareness does not reflect a substance that exists whether or not I think of it.

A skeptical problem now arises. Sartre claims to offer a description of how the world appears to consciousness. He cannot then distinguish between appearance and reality: at the level of description, the world is what it appears to be. If so, how can Sartre exclude the possibility that what we see is created, as well as seen, by consciousness? Should he not, like Edmund Husserl, "bracket" questions of existence? Sartre's confi-

dence in a world that exists apart from consciousness appears misplaced.

Sartre responds by claiming that any object that we see can be viewed from an infinite number of perspectives. We know, for example, that we are looking at a desk; but no single view, or set of views, exhausts the desk's appearances. The desk always is more than it appears. Since the mind cannot contain an infinite number of perspectives, the desk must exist "outside" the mind, i.e., in reality.

Whether Professor Detmer himself endorses this argument is not clear: much of the first chapter, he tells us, is intended simply as exposition. In any case, the argument seems weak. How do we know that all the "desk-like appearances" form part of a single object? An opponent of realism would hardly grant Sartre an assumption that so obviously begs the question against him. Further, no reason has been offered to speak of an "infinite" series of perspectives, even if desks and other objects exist outside the mind. No doubt we can view an object from continually varying points in space, but this hardly guarantees that what we see must in each case be different.

Perception, however, is not Detmer's chief concern, and he soon turns to his central theme of freedom. Here, he convincingly shows that many of Sartre's critics, including so eminent a philosopher as Maurice Merleau-Ponty, entirely distort his view of freedom. Sartre sharply distinguished between ontological and practical freedom. Ontological freedom, in Sartre's usage, is the alleged fact that an individual always has various ways of construing the situation in which he finds himself.

It certainly does not follow from this that everyone always has desirable alternatives available or that one is always at liberty to do whatever one wants. Quite the contrary, Detmer abundantly shows that Sartre recognizes many limits to freedom. Often things have the bad grace to resist us, and other people frequently fail to accede to our wishes. Sartre pays explicit and detailed attention to what he terms the "coefficient of adversity" that objects impose against us.

Also, when the actions of several people connect with one another, the outcome may differ from what anyone expects, even if the actors have allowed for the coefficient of adversity. The "unintended consequences of human action" will of course strike a familiar note to readers acquainted with Friedrich Hayek's works. Sartre's idea closely parallels Hayek's. Sartre terms this phenomenon "counter-finality." Readers interested in this notion may find it worthwhile to examine Sartre's use of it to analyze the French Revolution in *The Critique of Dialectical Reason*.

Detmer shows with great polemical force and ardor that many of Sartre's critics ignore his distinction between the two sorts of freedom. Here Detmer's precise and far-reaching knowledge of Sartre's work emerges to best advantage. Anyone inclined to criticize Sartre on freedom will hesitate before the risk of a confrontation with so formidable a defender as Detmer.

Libertarians have much reason to be interested in the ethics of this dissident French Marxist. Sartre claimed that freedom is the highest value; if his arguments for this position are compelling, political disputes should not bar the way toward a close perusal of his ethics.

The difficulties for Sartre are not yet over. Granted that Sartre can avert the strictures of many of his critics by means of the distinction between ontological and practical freedom, of what value is the former? Sartre's one-time colleague Maurice Merleau-Ponty was strongly inclined to deprecate the importance of ontological freedom. The ability to look at a given set of circumstances in different ways gives one by itself no freedom of action. Perhaps "The mind is its own place, and in itself can make a heaven of hell, a hell of heaven," but few today will find plausible this view of Milton's Satan.

Detmer once more claims that Sartre has been misread. Ontological freedom is not confined to an "inner" realm distinct from the world. Persons always have alternative actions available to them: whether these alternatives have much value or not—a question important for practical freedom—leaves untouched the issue of whether alternatives exist.

As usual, Detmer's point is cogent. But if Sartre's ontological freedom is taken his way, rather than the way Merleau-Ponty looked at it, how do we know that individuals always may choose among various courses of action? Sartre offers no argument; and the fact that we usually have choices hardly suffices to show that we never do not.

The vagaries of ontological freedom largely have interested Sartre's fellow philosophers. Another aspect of Sartre's thought has aroused more concern among the public: the hopeless portrayal of human beings inextricably bound by bad faith.

Detmer solves this problem with an audacious stroke. He admits that most of *Being and Nothingness* does present a bleak picture of human life. But Sartre always holds open the possibility of "radical conversion." By a process of mental purification, one may cease to live in bad faith. Although he referred several times to this more hopeful view, Sartre never so long as he lived published the treatise on ethics in which he proposed to discuss radical conversion in detail. Here exactly lies Detmer's boldness. Because of the references to radical conversion, he contends that the bulk of *Being and Nothingness* is intended only as a partial view of man rather than a complete picture of the human condition. Detmer backs his striking position with strong textual support. And although contrary to the popular picture of Sartre, Detmer's interpretation agrees with that of Simone de Beauvoir.

Discussion of radical conversion leads naturally to the analysis of Sartre's ethics. Detmer here continues his careful exposition of Sartre but comes forward also as a philosopher in his own right; he criticizes Sartre at several points and suggests modifications of his views.

Sartre, as everyone knows, stresses choice and subjectivity. This stress emerges clearly in a famous example which portrays a young Frenchman in World War II faced with a choice between joining the Free French and caring for his aging mother. Sartre thinks that there is no "correct" answer to the

problem. Only the person himself can decide. Unlike the Randian position, according to which the requirements of ethics follow from man's nature, Sartre reduces ethics to free decisions.

Detmer presents with his usual care this part of Sartre's thought; but it hardly accords entirely with his own predilections. Detmer considers at some length the considerations Sartre offers to support the view that values are subjective and finds them all wanting. In one place Sartre contends that if values were objective—if it were a matter not of choice but of discovery whether something is good or bad—then God would exist. Sartre, resolute in his atheism, takes this to reduce to absurdity the objectivity of values. Detmer replies not by defending theism but by denying the relevance of God's existence to ethics. In support, he criticizes a version of "divine command" ethics along standard lines. He also cites Sartre himself as elsewhere denying that God's existence is relevant to ethics.

Detmer's denial that objective truth about values depends on God's existence seems convincing. But after quickly putting to one side the rather crude version of divine command ethics he discusses, he goes much too far in claiming to have shown the irrelevance of God to ethics. Might it not be the case that, if God exists, we have obligations in some respects different from those we have if he does not? Also, one of the arguments Detmer deploys against the divine command theory appears dubious. He says that one might just as well define "wrong" instead of "right" as what God commands. Though the fault may well be mine, I entirely fail to see the force of Detmer's point. He is, of course, right—if the divine command theory lacks all plausibility. But his implied assertion to that effect is not an argument.

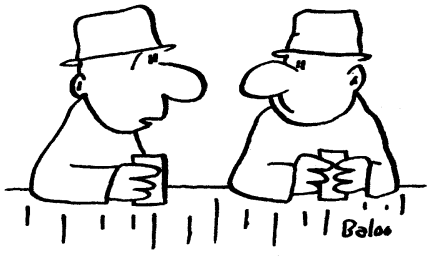

"I know everything is futile, but what good would it do to give up?"

(This, of course, is not to endorse the divine command theory.)

Detmer makes a strong case that Sartre has failed to show that all values are subjective. But even if Sartre has not proved his point, why should we deny his claim? Detmer notes that sometimes it seems evident to us that certain things are right or wrong. Somehow, it does not ring true to say that we *choose* to regard Stalin's purges as morally bad. Detmer does not think that all questions of right and wrong are matters of fact—some do indeed depend on choice. Equally, though, some do not.

This is Detmer's view; but why accept it, rather than the full-blown subjectivism of Sartre or some other view distinct from both? Detmer appeals to intuition. He means by this not some occult faculty but rather our direct perception that something is the case. To those who spurn resort to intuition, Detmer offers a challenge. How can intuition be escaped? An argument depends on certain premises and principles of reasoning which must at some stage simply be accepted. We cannot have argument upon argument going back to infinity. Detmer's case for the objectivity of some moral judgments is very ably presented and manifests the author's considerable philosophical gifts. It deserves the attention of anyone interested in ethics.

A few details of Detmer's arguments seem questionable. These arise mainly when Detmer buttresses his points by reference to various analytical philosophers. He asserts that "good" designates a relation rather than a property on the ground that the goodness of an object cannot vary in entire independence from its other properties. If something is good, anything exactly like it will also be good. But why is this sort of independence necessary for good (or anything else) to be a property?

Detmer also cites with favor a linguistic argument purporting to show that "good" designates a relation rather than a property. The argument proceeds by the use of examples such as the following: If a bus is a mode of transportation, then a blue bus is a blue mode of transportation. But if a knife is a tool, it does not follow that a good knife is a good tool—it depends on the purpose for which the tool is to be used. "Good," then, does not behave like words that designate properties.

This linguistic curiosity hardly seems decisive. If one says that an axe is blunt, we ascribe a property to the axe: yet a blunt axe is not a blunt tool but probably a sharp one. Even if the argument always "went through" in the proper way Detmer assumes, why cannot it be taken to show that words denoting some properties behave differently from others?

One further quibble. It is not true that, on Russell's Theory of Descriptions, it is unknowable whether the present King of France is bald. Since there is no such person, the theory assigns all statements predicating properties to him the truth-value "false."

To return to the main thread of the book, Detmer contends that on Sartre's view of ethics, especially if one accepts his own "objectivist" variant of it, a strong case exists that freedom is the highest of all values. This returns us full circle: here, if Detmer is right, lies the issue susceptible of arousing libertarian interest in Sartre.

The importance of freedom, Detmer thinks, in part can be seen intuitively. (By "freedom" he means both ontological and practical freedom.) Is it not obviously true that people ought to have a wide and significant range of alternatives from which they can choose? Further, Detmer agrees with Sartre that much of value is subjective. The necessary condition for all of these values is freedom: this offers an additional reason for rating freedom of supreme importance.

If one accepts Detmer's intuitive procedure, he has strong grounds for the claim that freedom is an important value. But how does it follow from this that freedom is the *highest* value? Detmer offers no comparison of freedom with other values, and it is not evident how intuition can here assist him. So far as concerns the point that nonobjective values depend on freedom, this may well be true. But this avails nothing in the question before us unless one accepts the premise "a necessary condition of a value is itself a value." This seems false. To use one of Robert Nozick's examples, it is valuable to be cured from cancer, but a necessary condition for this state of affairs is that one has had cancer.

On one point, though, I do not think there can be disagreement. Detmer has written an insightful and provocative study that is a must for those interested in Sartre, ethics, or both. ❑

There is more to Nevil Shute than *On the Beach.*

Novelist of Achievement

Phillip Salin

I've often been surprised at how easy it is for admirable artists and works of art to go unnoticed by most of the people who would really enjoy them. What a waste, on both sides: authors, directors, composers are deprived of their proper audience and appropriate recognition; the audience is deprived of potential enlightenment and enjoyment.

This problem is particularly acute for worthy "old" works of art. One might expect critics to help maintain awareness of admirable works and artists, but the majority of critical analysis is only Monday morning quarterbacking, scoring points on an artist for what he didn't but might have done in his most recent performance. Such criticism overlooks the simpler, more basic functions of publicizing and market-making, of helping to bring together a work and its proper audience.

That is my purpose here: to introduce you to an author, to pique your interest in buried, under-praised, or forgotten writings. In this brief survey, I'll highlight a handful of Nevil Shute's novels, as well as his autobiography, *Slide Rule.*

Individualist Visions

Born in 1899, Nevil Shute wrote twenty-five books between 1923 and 1960, the year of his death. Most of his stories involve aviation, which is not surprising, because writing books was Shute's second career. His first was in the infant airplane and airship business of the 1920's and 1930's. He worked for a series of companies, as junior assistant designer, chief calculator, deputy chief engineer, and managing director (i.e., president). When he quit the airplane business he was head of Airspeed, Ltd, with over 1000 employees.

Shute is so simple and straightforward in his style, so decent and modest in his characterizations, that you might think he's not saying much. And then, bit by bit, you realize how perceptive he is. How very decent and good-hearted.

Shute's people are believable, and, for the most part admirable. His situations, even the most melodramatic, are also believable. For this reason, they reflect on real life in ways that many works of fiction do not. Although several of his plots do contain a fantastic element (e.g., involving strange dreams or inexplicable hunches), these are generally plot devices rather than the core of the book. There is also a curious (and refreshing) absence of villains in most of his stories. The tension generally comes from attempting to accomplish a difficult task, rather than from any artificial need to overcome malevolent human adversaries. Shute's plots emerge naturally from the attempts of his main characters to try to get a job done right.

On the Beach (1957) is Shute's most readily available book, but is quite atypical of him. If this is the only Shute story with which you are familiar, you cannot avoid getting a very mistaken impression of his work, and possibly of his purposes in writing the story itself. Shute was not a passive man, but *On the Beach* portrays a world that has allowed itself to fall into a fatal situation from which there is no escape; life on Earth is doomed by the unintended consequences of a nuclear war. Shute's dry, painful understatement about this tragedy could lead to an impression of fatalism, but familiarity with his other works makes clear that Shute's objective was to inspire horror in order to motivate preventive action while it is still possible.

On the Beach succeeds admirably at inspiring horror and motivating readers to prevent a catastrophe. But it fails to offer any specific analysis of what ought to be done. I think this was wise. By avoiding simplistic solutions, Shute avoids the impression that the problem is amenable to such solutions. Much of the book's power derives from its harsh refusal to offer an easy way out. This, indeed, is a common theme in his work: the reality of hard problems, and our responsibility for noticing and addressing them as well as we can.

With similar purpose, in a novel written shortly before World War II, Shute focused attention on important issues of civil and personal defense. *What Happened to the Corbetts* (1939, published in the U.S. as *Ordeal*), was meant to inspire improved preparations against bombing attacks that Shute, quite rightly, considered imminent.

A Town Like Alice (1950) is a good introduction to Shute's works. Part of the action takes place in Malaya, during World War II; the remainder in England and Australia. The complex plot is skillfully handled, with many compelling scenes. The story concerns a legacy whose beneficiary is Jean Paget, Shute's most enduring heroine.

I won't say more about the narrative, since it contains a number of surprises, except to emphasize the importance of commercial themes in what, at first glance, is primarily a romance-adventure story. One such theme is the importance of avoiding prejudice in accurately evaluating another person's business judgment. Another is the virtue of company towns. I'd be surprised to find another work of fiction from the early 1950s with a more positive view of capitalism and entrepreneurship than *A Town Like Alice.*

No Highway (1948) is a cliffhanger about integrity, eccentricity, personal responsibility, judgment and management. It exemplifies what is most attractive about Shute's work: he clearly sees the impact each individual has on the lives of his or her family, friends, and coworkers. He clearly illuminates the tremendous responsibility each of us has, not just in the "major" choices, but in seemingly "insignificant" ones as well: the decision whether or not to provide minor, timely assistance to a stranger; the decision about whether to act before one is sure of the facts; the decision to reexamine a cherished presupposition, even when one doesn't have to.

The narrator, Dr. Dennis Scott, is manager of an aviation research estab-

lishment. Slowly, just as in real life, facts begin to present themselves to Scott's attention suggesting that *perhaps* there may be a materials flaw in a new commercial airliner. The plot involves tracing the steps by which one of several possibilities becomes a probability, and then, only at the end, a demonstrable fact. The central conflicts of the story stem from the necessity for each character to take responsible action before the uncertainty has been resolved.

Shute skillfully intertwines two very different kinds of uncertainty: uncertainty about technology and about people. The reader comes to realize that we often have to take action based not on our own judgments, but on the judgments of others. The crux is, how should we decide whose judgments to rely upon, and how far?

The story centers on a modest, dedicated, irritating, highly eccentric man, Theodore Honey. As the story unfolds, each of the other characters has to decide how to think about Honey and how to treat him. Their decisions, as well as Honey's responses to those decisions, determine the outcome.

> For many years the actress had been out of touch with the hard realities of life. She had not been short of money for thirty years and she would never be again. All her working life had been spent in the facile world of honky-tonk, of synthetic emotion and of phoney glamour. Now she was getting a glimpse into a new world, a world of hard, stark facts, a world in which things had to be exactly right or people would be killed . . . She was beginning to perceive that little insignificant men like Mr. Honey were the brains behind that world . . .

Shute's main characters are not supermen or superwomen. They are strong human beings, and Shute concentrates his efforts on showing what makes them strong: integrity, hard work and training, and an occasional helping hand, particularly one guided by a similar sensibility. There is no arrogance or solipsism in his writing; as a result, we see human beings engaged in co-operative enterprise, each person good at some things and not so good at others. It's a refreshing contrast from the normal run of super-heroes and anti-heroes. Here we have recognizable, believable heroes and heroines, who differ from us in degree of competency and perceptiveness, but not in kind. I think this is the main source of Shute's enduring (albeit relatively unsung) popularity.

Round the Bend (1951) has two main themes: the hard work and attention to detail required to build up a business (in this case, a cargo airline), and the need for traditional religions to adapt to the requirements of modern life. The story takes place in the Middle East during the late 1940s, when the oil boom was just starting. Much of the book describes the birth of a new oriental religion that emphasizes the virtue of excellence in one's work. In the light of recent history, it is sad to reflect on how different Middle Eastern politics might be if something like Shute's path had been followed instead of the Ayatollah's.

> He said quietly, "you're saying, in effect, that we must work on the assumption that Shak Lin's divine."
>
> "God damn it," I said angrily. "I tell you he's not. I know him, and he's just a damn good engineer who's going round the bend a bit. That's all there is to him."
>
> "A damn good engineer who's going round the bend a bit," he said thoughtfully. "It wouldn't have been a bad description of the Prophet Mahomet, only he was a damn good merchant."

I think of Shute as the author of novels of achievement. In each book, the protagonist works to achieve an admirable goal in an admirable fashion, with intelligence, sensitivity, energy, and integrity.

The singularity of Shute is readily apparent: who else would combine a positive vision of business enterprise and an original view of religion in the same work?

Although Shute was not a libertarian, he was a vocal opponent of government meddling in business, confiscatory income and inheritance taxes, and other aspects of socialism. This fitted right in with what one obituary writer referred to as his "almost pathological distrust of politicians and civil servants." In 1950, unwilling to put up any longer with the British Labour government's disastrous policies, he voted with his feet and emigrated to Australia. Both *The Far Country* (1952) and *In the Wet* (1953) contain biting criticisms of conditions in England under socialism.

The latter book explores the political implications of then-current trends in the British Commonwealth, extrapolated 30 years into the future. Shute explicitly criticizes traditional democracy for its tendency to give too much political power to people who have done nothing to earn the respect of their peers. Shute's proposed solution is unorthodox: as in our world, every individual gets one "basic" vote, but as many as six additional votes can be earned—by education, military service or foreign travel, raising children and staying married, earning significant income, ministering a church, or—the highest honor of all—gaining special grant from the Queen.

> We got a totally different sort of politician when we got the multiple vote. Before that, when it was one man one vote, the politicians were all tub-thumping nonentitities and union bosses. Sensible people didn't stand for parliament, and if they stood they didn't get in.

This scheme strikes me as neither workable nor desirable. It is insufficiently radical, and too arbitrary—how many years of education? at what schools? does a minister of the Universal Life Church qualify for an extra vote? Nevertheless, *In the Wet* remains interesting because of the importance of Shute's underlying concern that there is something wrong with the idea that all men's opinions are worthy of respect and should be weighted equally in politics. That Shute was willing to say this in print in 1953 showed both courage and an uncommon independence from intellectual fashion.*

While *A Town Like Alice* shows the birth of a company town, *Ruined City* (1938, U. S. title: *Kindling*), shows the near-death of one. As with most of Shute's stories, the plot builds on personal experiences. Indeed, I recommend reading this book after his

* Readers interested in the "multiple vote" idea may also wish to read Mark Twain's brief satiric essay "The Curious Republic of Gondour" (1875), reprinted in *Mark Twain: Life as I Find It*, ed. Charles Neider (Garden City: Doubleday, 1961).

autobiography, *Slide Rule*, which discusses in detail his opinions about management's conflicting responsibilities to shareholders and employees. Just before writing *Ruined City*, Shute was in much the same position as his protagonist, responsible for raising and making money, and preserving the jobs of over 1,000 employees during very tough times.

Ruined City is a "there but for the grace of God go I" story, in which the main character concocts an elaborate scheme to resurrect a moribund town and create jobs in the midst of the Great Depression. Shute seems to be pushing his readers, asking them "And how far would you go to get out of this mess?"

> Every machine that's put into a factory displaces labour. That's a very old story, of course. The man who's put to work the machine isn't any better off than he was before; the three men that are thrown out of a job are very much worse off. But the cure isn't Socialism—or if it is, I'm too much of a capitalist myself to see it. The cure is for somebody to buckle to and make a job for the three men.

My favorite part of *Ruined City* are the chapters in which the protagonist has to obtain consent of a foreign government to back his scheme. Shute provides us with a vivid, step-by-step account of bribing Balkan officials during the 1930s. Entirely a piece of fiction, no doubt.

Trustee From The Toolroom (1960) was Shute's last novel. It tells of a quiet man who is suddenly confronted with an obligation that requires him to travel halfway around the world and back on minimal funds. The plot has many amusing twists exemplifying the book's opening motto: "An engineer is a man who can do for five bob what any bloody fool can do for a quid."

If *On the Beach* is Shute at his grimmest, *Trustee from the Toolroom* is Shute at his most optimistic. Unlike his other books, in which success comes only by overcoming extreme difficulties and dangers, this one shows a man steadily pursuing a goal by a series of small, thoughtful steps. The protagonist is entirely successful at achieving his goal: retrieving a lost treasure, and returning it to its right owner. In the process, he discovers both modest fame and sufficient fortune to become a wealthy man. He even acquires a child. When the story begins, he appears a very isolated man; but by its end he turns out to have a rich and varied network of friends and admirers who are much like himself, decent and accomplished individuals.

If this story has any villain, other than ocean storms, it is governments. Shute takes obvious pleasure in showing us the careful steps by which the hero, despite modest means, manages to overcome every government-created roadblock he encounters. Many of Shute's books contain similar passages showing the protagonist ignoring or subverting laws of all kinds, but Shute never discusses how one is to decide which laws, if any, should be obeyed. His ethic seems to be that whenever laws conflict with personal or family interests of decent people, laws should be ignored, short of creating more trouble than this is worth.

> *Many of Shute's books contain passages showing the protagonist ignoring or subverting laws of all kinds. His ethic seems to be that whenever laws conflict with personal or family interests of decent people, laws should be ignored.*

Shute's other novels are also interesting. *The Chequer Board* (1947) attacks racial prejudice. *Pastoral* (1944) vividly portrays a wartime romance. *An Old Captivity* (1940) intertwines description of a hazardous flight to Greenland with strange dreams about the Norse in America. *Most Secret* (1945) draws on Shute's experiences managing the development of innovative weapons during World War II. *Landfall* (1940) and *Requiem for a Wren* (1955, U.S. title *The Breaking Wave*) represent two completely different treatments of the same plot germ: the psychological effects of errors committed in time of war.

Shute's early books *Stephen Morris* (1923), *Marazan* (1926), *So Disdained* (1928) and *Lonely Road* (1931) contain colorful descriptions of the early days of aviation, as does *The Rainbow and the Rose* (1959). *Rainbow and the Rose* and *Lonely Road* also include memorable uses of stream-of-consciousness narrative.

Man of Achievement

My special favorite of Shute's books isn't fiction, though it reads as if it were: *Slide Rule—the Autobiography of an Engineer*. Published in 1954, *Slide Rule* focuses on the period in Shute's life when he was a doer, building aeronautical machines and aeronautical companies. It is full of memorable experiences and observations, but the jewel of this book is the detailed, knowledgeable and pointed first person narrative of the direct competition between a government designed airship, the R101, and a privately-designed airship, the R100.

In the late 1920's, when the Zeppelin was still expected to out-compete the airplane for long distance air travel, airships were a very big deal, with military and propaganda significance. The R100 was the 747 of its day and Shute had much of the hands-on responsibility for its development.

> The controversy of capitalism versus State enterprise has been argued, tested, and fought out in many ways in many countries, but surely the airship venture in England stands as the most curious determination of this matter. The Cabinet Committee heard all the evidence, and had difficulty in making up their minds. Finally, in effect, they said, "The Air Ministry at Cardington shall build an airship of a certain size, load-carrying capacity, and speed, and Vickers, Ltd. shall build another one to the same contract specification. By

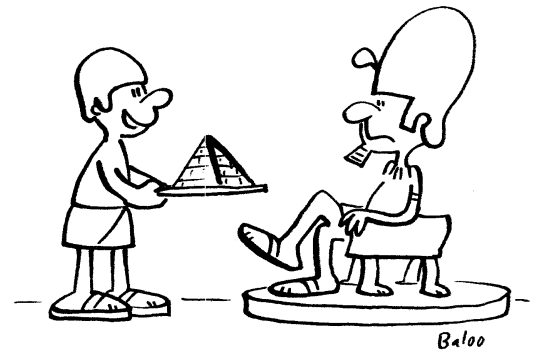

"Sire, the Department of Labor has come up with a great idea . . ."

> this ingenious device we really shall find out which is the better principle, capitalism or State enterprise." I joined the capitalist team.

Thus begins an amazing, outrageous, true story. Shute tells it as one who is outraged still, 25 years after the event. He does not mince words:

> A man's own experiences determine his opinions, of necessity. I was thirty-one years old at the time of the R101 disaster, and my first close contact with senior civil servants and politicians at work was in the field of airships, where I watched them produce disaster. That experience still colours much of my thinking. I am very willing to recognize the good in many men of these two classes, but a politician or a civil servant is still to me an arrogant fool till he is proved otherwise.

In a passage with implications for defense policy today, he concludes:

> The one thing that has been proved abundantly in aviation is that government officials are totally ineffective in engineering development. If the security of new weapons demands that only government officials shall be charged with the duty of developing them, then the weapons will be bad weapons, and this goes for atom bombs, guided missiles, radar, and everything else.

Shute shows how government mismanagement caused the R101 program to fail at every step, and by every measure—financial, technical, political. The end came on R101's maiden voyage, October 31, 1930, when she crashed and burned near Beauvais, France. Of the 54 persons on board, only six survived; all the officers, all the government officials, and all the passengers perished. Following this crash, all airship development in England was terminated. R100, the entirely successful "capitalist airship," which Shute's firm had built more quickly, on a tighter budget, and to the required specifications, was rolled over with a steamroller and scrapped—even though it had already flown to Canada and back, without difficulty.

Suddenly out of work, Shute decided to try his hand at starting an airplane manufacturing company. The second half of *Slide Rule* is the story of the birth, growth, and eventual disappearance-by-merger of Airspeed, Ltd. It is a story that can provide valuable lessons and moral support to anyone with visions of

continued next page

You Can't Pogo Home Again

Rex F. May

After a long hiatus, "Pogo" is back, and both as a fan (I read the strip faithfully even back in the 50s, when I was just a tadpole) and as a cartoonist, I have mixed feelings. Doyle and Sternecky, who have revived the strip, are apparently even younger than the Vice-President. In an interview, one of them said something to the effect that the strip would be liberal, but that there was no way to be more liberal than Walt Kelly was.

I think that's a bad call, and I think it's an indication that the new "Pogo" may fail. I didn't know Kelly, but I know people who did know him, and Walt Kelly wasn't knee-jerk about anything. I wouldn't go so far as to claim Kelly as a proto-libertarian, but liberal doesn't cover him, either.

After first glance at many of the old collections, one might be inclined to put Kelly on the left. He certainly was hard on Joe McCarthy, Nixon, Agnew, George Wallace, and the John Birch Society. But look a little deeper, and you see equally devastating treatments of Khrushchev, Castro, and Mao, and some unkind portrayals of Bobby Kennedy, Lyndon Johnson, and of course, Congressman Frog, who seems to represent every district these days. And there's a pretty enlightening sequence where the right-wing redneck wildcat and the Russian Pig Khrushchev character slowly begin to resemble each other physically, very much like the Pig-Farmer scene in Animal Farm. So if Kelly was a liberal, he was at the worst one of those old-fashioned cold-war democrat liberals that really don't seem to exist any more, Jeane Kirkpatrick notwithstanding.

Well, Doyle and Sternecky have a well-drawn strip, at least, and that's no mean accomplishment. Unfortunately, they've started off with little else than an elephant who only vaguely resembles Reagan and a horned rabbit who resembles Bush rather more. But the Bush-rabbit is portrayed as being neurotically insecure, which is not the persona the real Bush has shown. The unhatched egg Vice-President the rabbit is carrying around is more clever. (Parenthetically, here, congratulations to the Indianapolis Star for carrying "Pogo," despite its intensely anti-Quayle trend—I'm sure it could get away with dropping it.) But I'm afraid the anti-republican sequence has gone on long enough, and it's time to come up with a Skunk that looks like Jim Wright or a pissant that drives Volkswagens with female campaign aides off bridges. If these two kids don't start trashing the lefties along with the righties, they won't be carrying on the Walt Kelly tradition at all, and Kelly's real successor will still be Berke Breathed of "Bloom County."

It's hard to judge the humor of the strip. Walt Kelly was a hard act to follow in every way, and it's impossible for an old aficionado like me to evaluate it without automatically making the comparison. The drawing is amusing, every bit as cute and funky as Kelly's was. The use of Southern dialect works most of the time. I would think that a neophyte would appreciate this strip, and would find it superior to most of the politics-oriented comic strips around. It says political things, and manages to be funny most of the time. A difficult trick to pull off. I'll give it an 85 because it's easy to dance to.

And finally, isn't it sad and ironic that Walt Kelly died in 1973, only three years before Pogo actually was elected President? ❑

starting a risky, capital intensive business.

> Much has been written . . . about the provision of risk capital for industry, but few of the authors who pronounce so learnedly upon this subject have ever had the job of looking for the stuff. Men who start businesses upon a shoe string and battle through to success are frequently reluctant to recall and publicize their early disappointments and rebuffs. . . .
>
> I had to think and talk quite hard . . . I had to convince my chairman . . . that a policy of caution, of doing what everybody else was doing, could never bring us through to an established position in the industry. If we did only what the large, conservative firms of the industry were capable of doing we should inevitably lose to them . . . Our only hope was to lead the way. . . .

Shute goes on to tell the story of how he and his colleagues built Airspeed from scratch into a profitable airplane manufacturer. Before it was merged into de Havilland in 1940, Airspeed had designed and developed the twin-engined Oxford, one of the main British training airplanes of World War II; over 8,000 Oxfords were built.

Shute strongly preferred commercial aviation to military aviation. He makes perceptive criticisms of military procurement procedures and the perverse incentives they produce:

> From that time onwards, I think I began to lose interest in the company that I had brought into being. Civil work was coming to an end and all new design projects were of a military nature . . . Ahead of the managing director of Airspeed, Ltd. stretched an unknown number of years to be spent in restraining men from spending too much time in the lavatories in order that the aeroplanes might cost the taxpayer less, with the reflection that every hour so saved reduced the profit ultimately payable to the company. In time of war the sense of national effort will galvanize a system of that sort, and does so; in time of peace it tends to make a managing director bloody-minded. I think it did with me.

Few books on 20th century English authors mention Shute's writings. Julian Smith's biography, *Nevil Shute* (Twayne, 1976) appears to be the only serious analysis to date. Shute seems to have no natural base of reviewers, critics or popularizers, being neither a "literary" author nor a genre writer of thriller, romances, or speculative fiction. Yet his books contain all these elements.

Unlike most works of fiction, they also contain a sense of realism about matters of business and technology. Too many authors reveal complete ignorance of what people who work as engineers or managers actually *do* for a living: try to get something useful done within real constraints of time, money, uncertainty, and personalities.

I think of Shute as the author of novels of achievement. In each book, the protagonist works to achieve an admirable goal in an admirable fashion, with intelligence, sensitivity, energy, and integrity. As Shute shows, such novels can be entertaining, instructive, and celebratory of man's capacity for purposeful, moral action. The world would be a better place if there were more works like these, and more writers like Nevil Shute. ❑

Booknotes

What It Takes — A literary critic once reviewed William Morris's poem *Love is Enough* with three words: "No it isn't." I am tempted to make a similar remark about Walter Williams's ***All It Takes Is Guts: A Minority View*** (Regnery Books, 1987, $16.95). *It* (being, apparently, the making of responsible political judgments) takes a good deal more: honesty, curiosity, sympathy and perspicacity, to name just four. Fortunately, Williams has these qualities as well, so it would be unjust for me to dismiss his latest book simply because I don't like the title.

So let the truth be said: *All It Takes Is Guts* is an engaging collection of his political commentary, gathered from his syndicated newspaper column. Most of the essays deal with racial issues and the importance of individual freedom. If you have read his book *The State Against Blacks* you know what to expect. Williams ably deals with issues of economics, race, and politics on a level that anyone can understand. If you are not familiar with the writings of Williams, you should pick this book up. You will not be disappointed. —Timothy W. Virkkala

The Truth About Social Security — Answers to questions about government programs are usually complicated or inaccessible. And sometimes deliberately so, as in the case of Social Security. Anyone trying to understand the basics of the program is confronted with a bewildering array of issues, acronyms, departments, figures, conflicting histories, and jargon.

And forget trying to get information from the Social Security Administration over the phone. I once tried, while writing a paper on Social Security Disability Insurance (SSDI). I was routed through dozens of departments, and three times I was told that the one person with whom I needed to speak wasn't at his desk. The fourth time, the bureaucrats played a cruel joke on me by landing me in the sandwich shop in the basement of the building. They must have gotten a good laugh.

But there is hope: the Institute for the Research of the Economics of Taxation (IRET) has done the world a great service by publishing ***The ABCs of Social Security*** by Aldona E. Robbins (IRET, 1988). It is the most lucid, concise, and up-to-date presentation of the basics of Social Security available today. For those looking for solutions to the crises facing the system, it lays the proper and necessary groundwork.

Robbins structured her book in sections: on the program's origins, operations, policies, and its future. Most helpful, though, is that the subsections give concise answers to typical questions that might be asked: "How did social security come about?," "What do retired workers actually receive?" and "Is social security *really* insurance?" Some of the answers will surprise you: for example, the benefit payments made to retired workers have been paid by current workers (rather than out of an accumulated fund) since 1939.

Robbins bravely tells the truth about the future of social security—and yes, it's bleak. When baby boomers retire, for ex-

ample, "the payroll tax rate would have to increase by almost 12 percentage points to pay benefits social security is currently promising." This is sobering analysis, indeed.

Now, if only someone would do a comparable job by writing *The ABCs of the Welfare State*, the *Federal Reserve*, and the *Pentagon*. —Jeffrey A. Tucker

The Expected Empire — L. Neil Smith's ***The Crystal Empire*** (Tor Books, 1987) is on the bookstands right now, and his loyal readers may want to pick this one up. It does not seem to be connected to his "Probability Broach" series, though it is an alternative history with a "many worlds" twist.

Unlike many of his other books, it has no very explicit connection with libertarianism. It is what is usually referred to as a "rollicking adventure," and not bad as light entertainment. The best I will say for it, though, is that it is at least readable, in Smith's workmanlike, occasionally amusing style, and never devolves into incoherence, as did his regrettably bad *The Gallatin Divergence*. But it is also nowhere near as entertaining *or* as peculiar as other Smith efforts, such as *Their Majesties' Bucketeers* and *The Nagasaki Vector*.

There is lots of bloodshed, and a Man *vs* the Empire finale, with, of course, the Man winning. Pretty much what you might expect. —TWV

Guide to Political Philosophy — The difference between a dictionary and an encyclopedia is simple: a dictionary provides definitions and brief explanations, while an encyclopedia provides articles and surveys. But the nature of the difference becomes much less straightforward when the reference work is devoted to a single subject. The *Harvard Dictionary of Music*, for example, has an encyclopedic breadth and depth. The same can also be said for some dictionaries of politics and philosophy.

These thoughts came to mind as I was reading through ***The Blackwell Encyclopaedia of Political Thought*** (Basil Blackwell, 1987, $75.00). I could only compare it to my present reference work on the subject, Roger Scruton's *A Dictionary of Political Thought* (Hill & Wang, 1982). Though the articles in the Blackwell are often much longer, some of Scruton's articles also run on for pages, and with similar depth. In fact, the chief difference between the two (other than the mundane fact that my Scruton is in paperback and the Blackwell is in a handsomely produced hardback) seems to be that while the Blackwell was most at home in philosophy, Scruton excelled in economic theory, an area where the Blackwell is deficient.

This deficiency is the only reason I hesitate to recommend the Blackwell. Though the article on "Classical Political Economy" is excellent, there is no comparable article on neo-classical economics, the marginalist revolution, the Austrian School, or, even, Public Choice. There is not one reference to James Buchanan, for instance! Scruton, on the other hand, has fine entries explaining marginal utility, public choice theory, and a whole host of related concepts.

In philosophy, however, the Blackwell is superior. The articles written by editor David M. Miller are particularly excellent; I especially appreciated his fine discussion of utilitarianism. The volume also contains articles by writers familiar to libertarian readers: Jeremy Shearmur's article on F. A. Hayek and David Gordon's on libertarianism are both fine entries. There are also articles by Robert Nisbet, Hillel Steiner and others.

Nearly every entry is followed by a bibliography listing numerous books, with one or two marked as especially important. I found these markings to be both helpful and amusing: though I could agree with most of them, sometimes the choices seemed a bit odd. In almost every case of a discussion of a famous author, for instance, the recommended works were not the ones written by that author, but by a contemporary scholar. This seems to go against the grain of a proper program of reading the classics, but probably fits with contemporary collegiate practices.

In any case, *The Blackwell Encyclopaedia of Political Thought* is a welcome addition to any good reference library. —TWV

A Different Deal — Brad Linaweaver's ***Moon of Ice*** (Arbor House, Morrow, 1988, $17.95) belongs to one of the most fruitful sub-genres of science fiction—the alternate history. In this subgenre, history is explored by assuming a pivotal change, and extrapolating from that point futureward.

The pivotal event in Linaweaver's story is the impeachment of Roosevelt for Pearl Harbor. He's removed from office. Peace is made with the Third Reich, but the Pacific War is continued till the Japanese surrender. Still, the present-day world is strangely familiar. The United States is confronted by a slave empire, but it is Nazi rather than communist. We see that it doesn't make a great deal of difference whether slavery is based on racism or the class struggle. Except for the Nazi empire, the world is actually a better place, largely because the New Deal collapsed and the United States returned to a non-interventionist stance. In this alternate history, the United States is a freer place than it is in actual history.

The book is layered. It opens with the editor of the *American Mercury* planning to meet with Hilda Goebbels to arrange publication of her autobiography. Then we enter a deeper level and read her autobiography. And finally, we reach a still deeper level and read the last entries of the diaries of her father, Joseph Goebbels. Of course, both Hilda and Joseph Goebbels died at the end of WW II in a suicide/murder. Linaweaver has perfectly captured the personality of Goebbels, and used him as a vehicle to teach us many things about Naziism, WW II, and the history of the period in general.

Moon of Ice, on another level, is the answer to the big question we're frequently asked: if non-intervention had been our policy, wouldn't the Nazis have won the war? Linaweaver suspects that they very well might have, but takes that result in turn to its logical conclusion, and forces the reader to rethink the entire situation.

We can now add *Moon of Ice* to the list of great libertarian science-fiction novels. —Rex F. May

The Rivalry Between Capitalism and Socialism — Don Lavoie's ***Rivalry and Central Planning: The Socialist Calculation Debate Reconsidered*** (Cambridge University Press, 1985, $39.50) is a fascinating work of scholarship. Lavoie considers rival accounts of the famous "socialist calculation" debate intitiated by Ludwig von Mises. He defends the Austrian position that Mises and F.A. Hayek actually won the debate, and that the apparent victory of Lerner, Lange and others was the product of their own

misinterpretation of Mises's and Hayek's arguments.

The debate, you may recall, was over the question of whether or not it was possible to organize all productive and distributive enterprises in society according to a central plan initiated and directed by the State. Mises, in his classic essay "Economic Calculation in the Socialist Commonwealth," (which was incorporated into his brilliant treatise *Socialism*) said that the classic socialist enterprise must inevitably fail. Without private property, free exchange and rivalrous bidding (competition) no society can coordinate the values and plans of its members.

The most interesting aspect of Lavoie's treatment is his somewhat novel thesis that there is little difference between the arguments of Mises and Hayek. According to Lavoie, standard accounts of the debate regard Hayek's restatement of the argument as a partial retreat only because almost all non-Austrian economists misunderstood where both Mises and Hayek were coming from—namely, the Austrian School of economics. The mainstream economists interpreted the Austrian challenge in terms of standard neo-classical equilibrium theory, thus emasculating the power of the critique. Hayek's contributions *seemed* so different from Mises's because he was more aware of the gulf separating Austrian and neo-classical theory, and thus reformulated the argument, somewhat, to mitigate misunderstanding. He and Lionel Robbins also clarified and extended the argument in their replies to the socialist "solutions" to the problem. Unfortunately, their care and subtlety were lost on most modern economists, who were unable to work their way out of what Murray Rothbard calls the "Walrasian box" of standard neo-classical analysis.

Though this very readable book may someday be superceded (I still have problems with several of its points), it is nevertheless a must for anyone with an interest in the history of economic theory or in the debate over socialism and capitalism. —TWV

The ABCs of Fear and Loathing — Michael L. Young is a university professor and partner of a public opinion research firm. In ***The American Dictionary of Campaigns and Elections*** (Abt Books, 1987, $24.95), he has written a book of interest both to scholars and to practitioners. Those who are addicted to politics will want to read it cover to cover. Most, however, will be satisfied to use it as a reference source to support *ad hoc* answers to rather specific questions. I found it useful for a quick study of the state of informed opinion about third parties in general and the Libertarian Party in particular.

As I usually do with reference books on politics, I quickly looked to see if the Libertarian Party is even mentioned. It is. On p. 152, Young describes the L.P. as "a minor party . . . that regularly runs presidential campaigns and fields candidates for federal and local offices in many states . . . strongest in Alaska and

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Personal

Gay Libertarian Man, 28, is interested in contacting other men. Nonsmokers only. Occupant, 4 Bayside Village Place, #307, San Francisco, CA 94107

parts of the western United States . . . at least some organizational structure in most of the states . . . attracted some national media attention in 1980 . . . however, the party has not had much political success. . . ."

I then looked to see how this description compares with those of other third parties. Lo and behold, the only other third party described is New York's Liberal Party, which isn't a true third party (it is usually content to endorse Democratic Party candidates). I guess that means that we're king of the hill when it comes to third parties.

Young is actually quite sympathetic to third parties and to their ballot access problems. He describes third party ballot access as "a major chore," "particularly burdensome," and "bewildering." He says "the Democrats and Republicans . . . have made it as difficult as possible for parties other than their own to gain access to the ballot."

In several places, Young not-so-subtly attacks the two party system. According to a 1971 study that he cites, only 22 states have genuine two-party competition. Single member districts and gerrymandering have made most races noncompetitive. He approvingly describes several alternatives to single member districts, including proportional representation.

If Michael Young is at all representative of informed observers of the American political process, it may be possible for us—in the right state at the right time—to challenge single-member-district voting. It would have to be a state where members of one of the major parties feel unfairly treated by the gerrymandering of their entrenched competitors. It would have to be a state where we have one of our stronger state parties and possibly where there are other third parties already organized. It would have to be a state where citizens can qualify constitutional amendments for the ballot by petition. It would have to be: California. —Clifford F. Thies

A Primer of Political Economy

— Most people become interested in economics out of an interest in politics. It is for this reason that the old term "political economy" still circulates: it honestly proclaims politics as in some way related to economics.

It also explains why what I consider the *ideal* method of introducing a person to economic theory—careful study of Carl Menger's *Principles of Economics*, along with a quick reading of Alfred Marshall's *Principles* (or some other even more standard text, such as Alchian and Allen's *University Economics*) just to give the reader a feel for the language of non-Austrian economics—is such a bad idea. It is not practical in most cases: it is not well suited to the needs of the average reader, and does not engage the interest of a person seeking political solutions.

Which brings me to *The Free Market Reader*. A person seeking resolutions to contemporary problems will find them here, ably presented by members and associates of the Ludwig von Mises Institute. *The Free Market Reader* is a collection of short essays on a variety of economic subjects, written from the viewpoint of Austrian economics, but in a fashion that is accessible to the layman. The solutions to the problems posed are, happily, hard-core libertarian. And the writers write clearly and simply. He who reads may run . . . to buy more copies for his friends.

Among the writers in this volume are a number who appear regularly in *Liberty*: Sheldon Richman, Jeffrey Tucker, David Gordon, and Murray Rothbard. (As a matter of fact, Rothbard contributed 25 of the 76 essays in the collection.! Among the subjects discussed are many that do not find extensive coverage in *Liberty*, such as rent control, inflation, depressions, balance of trade "problems," taxes, and a host of other issues of the day. In fine, the volume is perfectly suited to the beginner in economics—or the beginner in libertarianism. —TWV

Escape from Siberia

— November 19, 1939, was a bad day for Slavomir Rawicz: Russian security men came to his home in Poland near the Soviet border and arrested him on the charge of espionage. After a long interrogation, he was found guilty at a quick trial and sentenced to 25 years of hard labor in Siberia. (The main evidence against him was that he spoke Russian.)

The Long Walk (Nick Lyons Books, 1984, $9.95) is his story. But it is not, as you might expect, primarily the story of the brutality of totalitarianism. It is, rather, a travel narrative.

He began his journey packed tightly in a cattle car on the Trans-Siberian Railway. In December, 1940, he and his fellow prisoners detrained near Irkutsk, where they were chained behind Soviet wood-burning trucks for a two-month walk to their work camp. This is a fascinating story in itself, but just a prologue.

After about four months in the Siberian camp he and six of his fellow prisoners decided to escape. The only supplies for the trip that they were able to accumulate in camp were a knife, an axe head, some dried bread, some animal skins and one bag per man to throw the supplies into. Everything else they needed on the trip they had to find, create, be given, or do without.

Their journey took them south across Siberia along the east shore of Lake Baikal, through Mongolia, across the Gobi desert, through Tibet, and over the Himalayas to India. They kept to themselves through the Soviet Union because they feared discovery and re-arrest. Night travel was out (none of them knew how to navigate by the stars), so they hid in Siberia whenever they encountered people and suffered through the heat in the Gobi desert.

In Mongolia and Tibet, they encountered people who had very little, but shared what they had. As an Ostyak (tribal herdsman of Siberia) explained to Rawicz, their people had traditionally left food outside the door at night for the "unfortunates" as they called the Siberian prisoners.

Fortunately, the little band of travelers came from assorted backgrounds that gave them a pool of knowledge to draw from. There were 3 Poles, a Lithuanian, a Latvian, a Yugoslavian, and, amazingly, an American. (As Rawicz said, he expected to "meet the flotsam of a European upheaval" in the hands of the Russians, but not an American.) The group also provided the extra push to keep going. When one might want to give it all up and never move again another was always getting up saying "let's go" and all would follow.

This astounding tale of human endurance, perseverance, and ingenuity to survive the most incredible suffering in order to achieve freedom is awe-inspiring and entertaining. Its concise style conveys the tension and excitement of their journey. There are amazing adventures on practically every page. Once I began reading it, I could not put it down. —Kathleen Bradford

Videonotes

"No Actors. No Scripts. No Bull." — That's the way the Fox TV network ballyhoos its new Saturday night series, *Cops*. The action in this slice-of-life documentary takes place in Broward County, Florida on Florida's "Gold Coast," an hour north of Miami. Nearly all the police activities in the film were related to the attempted apprehension of "vice" offenders and suspects.

The conduct of the police officers profiled in *Cops* is shocking:

In a busy airport (apparently the Ft. Lauderdale airport) a plainclothes police woman asks men to open their luggage for her and permit her to frisk them. All the men agree, even going so far as to raise their hands obligingly for her and handing over their IDs. The woman is accompanied by an assistant, and has back-up plainclothes police readily available. The woman admits off camera that she cannot tell which passengers coming through the airport terminal are possible drug couriers.

A female cop on patrol tells some women wearing suggestive clothing to "get off my street" or she will arrest them. She warns others that if they attempt to catch a ride in a passing car she will arrest them.

A male cop on patrol tells various white people that he will arrest them if they don't get themselves and their cars out of a purportedly all black neighborhood. He says, "I'm the only white face in here and you don't belong here."

All this happens in "The Land of the Free," whose national icon is the Statue of Liberty. Until I saw this television show, I didn't realize that we Americans are required to cede our right of public passage to the whims of a police officer, and I certainly didn't think the police were empowered to segregate us on the basis of our skin color. Nor was I aware that plainclothes police can arbitrarily stop us in an airport and harangue us into permitting them to frisk our person and open our luggage and spread it about the floor of an airport terminal in the search for drugs.

Gore Vidal recently claimed that America has become a police state. After watching *Cops*, I'm inclined to agree. Where is the opportunity for our citizenry to exercise individual rectitude when they are reduced to the status of rats responding to governmentally induced stimuli? I hope you will watch *Cops* to acquaint yourself (or re-acquaint yourself) with police psychology and methodology and their continued attacks on our rights.

No emergency or exigency was present to justify this assault. None of the situations depicted in *Cops* involved anything other than routine police work. And the female cop in the airport was no bombshell; men weren't going out of their way to get their crotches frisked by her.

No. It was all routine—routine denial of rights, routine assault on citizens, routine arbitrary and naked exercise of state power. —Andrew L. Roller

The Spirit of Enterprise — Hollywood doesn't treat big business very well. Most films either trivialize corporate enterprise—such as last year's Lily Tomlin and Bette Midler vehicle *Big Business*—or else present it as a nest for criminal activity—the best recent example being the 1988 film, *Best Seller*, brilliantly acted by Brian Dennehy and James Woods. But there are always exceptions (such as *Working Girl*) that suggest that Hollywood's failure is the result not of conspiracy but of limited imaginations.

Fortunately, *small* business is treated better on film. I recently viewed the charming 1970 film *Quackser Fortune Has a Cousin in the Bronx*. Set in Dublin in the late sixties, this film tells the tale of an independent-minded young Irishman, Quackser Fortune (Gene Wilder). He provides a public good, for his own profit and on his own initiative: he removes horse manure from the streets of Dublin. He runs around the city with his deluxe, home-made wheelbarrow, scooping and hawking, "Fresh horse manure! Two shillings a bucket!" The women of the city buy it for their gardens, and everyone is happy—except for his family members, who find his occupation disgraceful.

Unfortunately, the source of his good fortune—the horse-drawn milk wagons that add to Dublin's quaint Old-world flavor (and smell)—are phased out by command of a progress-minded city council. Quackser finds himself in the position of the proverbial buggy-whip manufacturer: in need of another line of work. The film covers his traumatic period of adjustment, complicated by a romance with an American college student (Margot Kidder), who Quackser discovers is more of a free spirit than he.

Considering the subject matter, this film could have been made into a farce, a social satire, or even a tragicomedy. Instead, it is a light comedy and slice-of-life that respectfully (though playfully) celebrates the entrepreneurial spirit.

—Timothy W. Virkkala

Videotape Frees "Prisoner" — "I am not a number, I am a free man!" Some readers will recognize this evocative phrase as part of the opening sequence of "The Prisoner," the television series that aired in the U.S. in the summer of 1968. The brainchild of George Markstein and Patrick McGoohan—who played John Drake in the earlier series "Secret Agent"—was and is one of the most innovative, entertaining and intellectually challenging television series yet produced. Few television shows explore so many topics central to libertarian thinking, and none are as engrossing.

McGoohan plays an intelligence operative who has decided to resign his position. He is kidnapped and taken to "The Village," a luxurious self-contained community of indeterminate location, cut off from the rest of the world by sea and mountains. It is populated both by people who know too much and by the indistinguishable "warders" who watch over them. No names are allowed: inmates and warders alike are assigned numbers and wear large identification pins, though McGoohan, Number Six, refuses to cooperate.

The forces running the village, through the medium of Number Two—played by a different actor in almost every episode (Leo McKern is especially memorable in this role)—are out to break Number Six. They want "information," and are particularly interested in why he resigned. For his part, Number Six seeks to discover the identity of Number One. The viewer is kept in the dark on both counts.

The seventeen episodes of "The Prisoner" chronicle attempts by the warders to get the information they desire, and the efforts of Number Six to escape. In the process, the show explores several important themes: the encroachment of the state on individual freedoms;

the abuse of modern computer and surveillance technology ("Be seeing you" is the ironic Village farewell); the nature of the total state and its administrative hierarchy; the use of force and counterforce; and the struggle to maintain one's identity in the face of the levelling effects of all of the above.

"The Prisoner" is visually as well as intellectually stimulating. Patrick McGoohan, cool and hard-edged, plays the role of the individualist hero to the hilt. Intelligent, sly, innovative, autarkic, tenacious and athletic, he is a continual vexation to the Village. Atmosphere was provided by the set, the Portmeirion resort in Wales; the colorful "mod" costumes of its inhabitants; the hi-tech gadgetry; the stark purposelessness of Village life; the arcane Pennyfarthing bicycle symbol; and the roaring, balloon-like "Rover" that pursues those who try to escape.

"The Prisoner" is more than espionage adventure and more than Orwellian thriller. It explores a realm where science fiction and Franz Kafka meet. The final two episodes ("Once Upon a Time" and "Fallout") are surreal exercises that make the first fifteen look commonplace by comparison—which is saying a great deal. *Every* episode is almost unclassifiable in standard terms.

Because "The Prisoner" has a definite (though not definitive) ending, I advise novice viewers to see the episodes in order if at all possible. No doubt because of the small number of episodes, networks rarely run "The Prisoner," and when they do, the show usually appears late at night or on weekend afternoons. All 17 episodes, however, as well as the pilot (which is almost identical to episode two, "The Chimes of Big Ben"), are available on videotape.

In the first episode the Prisoner informs Number Two, "I will not be pushed, filed, stamped, indexed, briefed, debriefed, or numbered. My life is my own." If you have ever felt that way, see this series. —James S. Robbins

Politics Carried on by Other Means — *The Manchurian Candidate* is a strange candidate for best theatrical release of the year, yet it would have had my vote. It is a slightly preposterous black-and-white thriller that debuted in 1962 and last year was re-released to theaters. While many *Liberty* readers will hail another 1988 re-release—the Italian production of Ayn Rand's novel *We The Living*—I strongly prefer the deft plotting of this production of Timothy Condon's political thriller.

It is the story of a programmed man, a man so "brain-washed" that he does not know that he is a trained assassin, programmed to murder on command. It is an effectively plotted tale, holding your attention so well its implausibility passes unnoticed. The fine cast (Laurence Harvey, Frank Sinatra, Janet Leigh, Angela Lansbury) makes the film succeed where it could easily have failed. Lansbury's chilling characterization of the domineering and conniving politician's wife is stunning. Can this be the same lady who plays Jessica Fletcher in the dull television series "Murder, She Wrote"? What difference a good script can make!

Its quasi-ideological stance makes the film all the more remarkable: it is unremittingly anti-Communist *and* anti-anti-Communist. It is only by the longest stretch of imagination that I can understand why this film was controversial when it came out, and why it was shelved after the Kennedy assassination. It makes me feel good to have grown up after McCarthyism died, and after respect for a mere president could force a movie out of circulation. —TWV

Disobedient Heroes — *Saboteur* is second-rate Hitchcock, but second-rate Hitchcock can still be worth watching. It stars Bob Cummings as a man implicated in a crime he did not commit, on the run from the law, and seeking those who actually plotted the crime. (This was one of Hitchcock's favorite themes, earlier used in *The 39 Steps*.)

What makes this particular tale interesting, from a libertarian point of view, at least, is that while this is a war-time flick, Hitchcock manages to turn what could have been a propaganda film into a very amusing essay in "conscientious objection." Save for the final calling in of the authorities, all the heroic acts depicted in this film are deliberate acts of disobedience against the state. This not only includes the hero's attempts to escape from the police all the while trying to gain information about the real villians, but also the many acts of kindness dealt him by strangers. I especially enjoyed the scenes with the circus performers, and their hiding him from the long arm of the law.

Though the film does not quite work as it was intended (let's face it, Bob Cummings was not a great actor, and the film is marred by some rather static moments), there are many of the hallmark Hitchcock touches; more, even, than in many of his more successful films. Not the least of these, of course, is the concluding scene on the Statue of Liberty, which was such a good idea that when Hitchcock recast the plot into *North by Northwest*, he decided to conclude at yet another national monument, Mt. Rushmore. Though this later effort was near perfection, *Saboteur* is, despite its imperfections, still eminently worth watching. —TWV

Jane S. Shaw, "The Fires of Yellowstone," *continued from page 32*

Fund (a newer, not-so-Establishment environmental group). While publicly ignoring Chase where possible, Reed and his cohorts vilified him privately. They almost succeeded in discrediting him, but the Yellowstone fires tended to vindicate his charge of inappropriate management.

The Park Service banned the book from Yellowstone's Park Service bookstores, and the other members of the Yellowstone Association forced him to resign. The reaction of the top environmental lobbyists (whom Chase calls the "conservation elite") was a bit more subtle. With the belated exception of *Amicus*, the journal of the Natural Resources Defense Council, none of the leading environmental magazines even reviewed the book. They didn't castigate it; they ignored it.

As far as I can tell, the policies in Yellowstone are not being seriously debated by people who profess to be most concerned about them and who clearly influence them. The response to the fires is another reminder that political power corrupts, and that includes the power of political lobbyists.

Were Yellowstone Park in private hands, blind faith and knee-jerk defenses would give way to serious scrutiny. With the owner's wealth at stake, the park's actual condition—its rare landmarks, its wildlife, its forests—would matter. Without ownership, politics prevails. ❑

Letters, *continued from page 6*

1989) touches on a subject that first occurred to me in 1953, when President Eisenhower announced his "safe driving days." The public really got behind Ike, and traffic deaths increased by 10%.

The traffic safety movement is not just a useless expenditure of our tax dollars, it is actually counter productive of its alleged objective, "to save lives and reduce accidents." Let's drop back to the Prohibition Era, roughly 1920 to 1935. During that 15 years total traffic deaths tripled from 12,700 in 1920 to 36,369 in 1935.

So we repealed the 18th Amendment, and stopped busting drunk drivers. Did deaths and accidents increase? Nope. In fact, for the next 25 years, 1935 to 1960, although drivers, cars, and total miles travelled all increased faster than before, total deaths stabilized at an average of 35,000 per year. This *in spite of* Ike's "safe driving days" campaign, which shot the death totals almost—but not quite—to 40,000.

So how did we get up into the 50,000s? Well, there was a huge governors' traffic safety conference in 1961 and a resulting "crackdown " on speeders. Total deaths were 38,091 in 1961. In 1971, total traffic deaths were 54,381. Fastest increase in deaths since 1920–35.

C.E. Windle
Redmond, Wash.

Sewing Your Wild Oath

The LP "Loyalty Oath"—mentioned in the interviews with libertarian luminaries (Jan. 1989)—or non-aggression truce has always bugged me, not because it says too much, but because it says so little.

"I certify that I do not believe in or advocate . . ." Who cares what you believe? Do murderers advocate murder? Do thieves believe in theft? Would either hesitate to sign such a pledge if there were any motivation for them to do so?

". . . the initiation of force . . ." This is ambiguous. Force may be interpreted as violence or as mass times acceleration. All action requires initiation of force in the physical sense, but even restricting the phrase to the first meaning doesn't make it accurate. A boxing match will involve violence, yet I don't think that libertarians need forswear such activities. The essential missing ingredient is consent. Someone may do whatever he wishes with me or my property as long as he has my consent. Without consent, my property and I are out of bounds. Furthermore, does "initiation of force" refer only to assault, or to theft and fraud also? Whether to include property or not should be made explicit.

". . . as a means of achieving political or social goals." Why the restriction? Do libertarians advocate violating consent as a means of achieving personal goals, as long as the goals are non-political and asocial? Obviously not.

I suggest the truce be updated to the following: "I certify that I will not violate another's person or property without consent; nor do I advocate such violation, even as a means of achieving admirable social or political goals." Even this may be misinterpreted—one person's violation may be another's "How do you do?"—but it hits closer to the mark than the original.

Lorraine Bier
Austin, Tex.

Ominous Parallels, Obvious Pilferings

Most noticeably absent from Ethan O. Waters' review of Robert LeFevre's (auto)biography ("The Wonderful Wizard of Liberty," March 1989) is a discussion of the parallels which existed between the Great *I Am* cult and the "education" enterprise at Larkspur. Prominent among these was the pine tree logo of Rampart College. It just so happens that on those occasions when Mama Ballard preached in LA there were always pine trees lined up on each side of the stage where she held forth. This and other telling parallels suggest that Rampart College was only another branch of the same cult.

The reviewer briefly discussed LeFevre's "odd notion of aggression." His interpretation of this odd notion had a familiar ring to it. It is my guess that it was derived in part from Mr. Watner's own reading. In any case, it was just as faulty.

LeFevre's doctrine, plagiarized from the writings of such 19th century liberals as William Graham Sumner, et. al., gives no recognition to the right of aggression. There is no principle or body of law authorizing anyone to act directly against the will of anyone else. The LeFevre doctrine doesn't bar people from using aggression whenever they want to. It simply strips aggression of any and all niceties that happen to be the fashion at any given moment.

The libertarian principle, on the other hand, authorizes a person to commit aggression against another under prescribed conditions. It grants such a person the authority vested in governmental functionaries to do what he feels necessary to achieve satisfaction. It sets no limits on what a person can do to this end. Nor does it impose limits on the delegation of authority to others who could be of help. Furthermore, it requires the person it defines as the aggressor to submit to this authority. It, in fact, lies at the very heart of the State itself. And yet its propounders insist that it is the very essence of anti-Statism.

The reviewer sees things in terms of rights or permits. LeFevre's doctrine has no place for such idols. The actor has to decide for himself what he thinks is expedient. Knowing how people are inclined to react to aggressive acts, he will be inclined to avoid aggression. However, there is nothing in the doctrine that proscribes aggression, for any reason. The reviewer is therefore misleading the reader when he contends that under the LeFevre doctrine a person isn't permitted, for example, to defend himself by slitting an attacker's throat. LeFevre never pretended to be authorized to issue or deny permits to anyone to do anything. He wasn't disposed to assuming the authority of the State. (As an Army officer during WWII, though, he did have the job of brainwashing draftee soldiers as to why they were fighting the "good war.")

A couple years before LeFevre passed away to the Great I Am in the sky, I happened to point out in a letter to him the compatibility between his doctrine and conscious egoism. To my surprise, believe it or not, the stuff really hit the fan. It seems I had unwittingly touched a raw nerve. Along the way, I learned of his previous hostile encounters with Laurence Labadie, S.E. Parker, and James J. Martin—each and every one a dyed-in-the-wool egoist. I managed eventually to extricate myself from the flypaper having reached the conclusion that it didn't really matter what LeFevre thought of the LeFevre doctrine since it was essentially a recycling of ideas from antiquity.

Alan Koontz
Berkeley Springs, W. Va.

No Hierarchy *Here*

I was taken aback by a "Reflections" article by Murray Rothbard titled "Greenhouse Defects" (Jan 1989). Is this a put-on?

I have always assumed that libertarians show common sense. But Rothbard's attack on environmentalists as "anti-human," if taken at face-value, reflects not only arrogance but also an ignorance which seems almost intentional.

continued on next page

Notes for "Right Dissent"
continued from page 42

1. "Sumner, William Graham." *Encyclopedia Britannica*. 1987 ed., p. 386.
2. Murray Rothbard, *For a New Liberty* (New York: Macmillan, 1973), pp. 279–80.
3. William Graham Sumner, *War and Other Essays* (New Haven: Yale University Press, 1911), p. 297.
4. *Ibid.*, p. 315.
5. *Ibid.*, p. 326.
6. Rothbard, *op cit.*, p. 280.
7. Sumner, *op cit.*, p. 302.
8. *Ibid.*, p. 313.
9. *Ibid.*, p. 314.
10. *Ibid.*, pp. 29-30.
11. *Ibid.*, p. 305.
12. M. Stanton Evans, "The Founding Father," *Ideas* (Spring-Summer 1969), p. 61.
13. Frank Chodorov, *Fugitive Essays* (Indianapolis: Liberty*Press*, 1980), p. 334.
14. *Ibid.*, p. 335.
15. *Ibid.*, p. 342.
16. *Ibid.*, p. 348.
17. *Ibid.*, p. 326.
18. *New York Times*, 21 May 1940, p. 16, col. 1.
19. Robert Taft, *A Foreign Policy for Americans* (New York: Doubleday, 1951), p. 12.
20. Nicholas von Hoffman, "Warnings Out of the Woodwork," *Washington Post*, 17 May 1971, sec. E, p. 1, col. 1.
21. Taft, *op. cit.*, p. 16.
22. Taft, address at the Grove City College commencement, 22 May 1943.
23. Taft, address to Ohio Federation of Republican Women's Organizations, 22 Sept. 1941.
24. Taft, "The President Has No Right To Involve the United States in a Foreign War," speech to the Senate, 29 March 1951.
25. *A Foreign Policy for Americans*, p. 121.
26. Robert A. Nisbet, *The Quest for Community* (New York: Oxford University Press, 1953), p. 284.
27. Robert A. Nisbet, *The Twilight of Authority* (New York: Oxford University Press, 1975), p. 184.
28. Robert A. Nisbet, *The Present Age: Progress and Anarchy in Modern America* (New York: Harper and Row, 1988), p. 24.
29. *Ibid.*, pp. 28-9.
30. *Ibid.*, p. 32.
31. *Ibid.*, p. 38.
32. *Ibid.*, p. 24.
33. *Ibid.*, p. 39.

"A Conspiracy of Silence"
continued from page 26

local officials must certify their vote tabulations to delegated state officials, often the State Commissioner of Elections or the Secretary of State. The states must eventually certify their popular vote totals to the Federal Election Commission. The official results from a November election are finally published in the *Congressional Quarterly*, the following Spring.

3. The *World Almanac and Book of Facts* is a standard reference book, found in schools and libraries and available in paperback at supermarkets and drugstores. Copies will also probably be found on the desks of a great many print and broadcast journalists; according to the publisher, Scripps-Howard, copies are provided free to "all members of the trade." I have found the *World Almanac* to be a particularly reliable and comprehensive source of information on US and state governments. Its election coverage has been noted for its comprehensive state by state, candidate by candidate coverage. In National Election years, thanks to NES, the *Almanac* can go to press within hours of the polls closing. The publisher touts this quick turnaround time on the advance order blank for their 1989 volume ". . . why wait for our famous Presidential Election results . . .?"
4. Larry Sabato of the Political Science Department of the University of Virginia on C-Span, Nov. 6, 1988. This writer was able to speak to Mr. Sabato during this same call-in program, and to inquire about his opinion of the new NES vote gathering plans. He seemed somewhat skeptical as I described it, but defended the policy as "expedient" and another example of what he called "inherent—and in my opinion, quite proper—bias against third parties in this country." Mr. Sabato also indicated that having more than 2 parties was "fine for some third world country, but not for a 'super power' like the United States" since "too many choices" were bound to "lead to chaos and a lack of consensus." Presumably Mr. Sabato regards with approval the USSR's one party system—the ultimate in stability and consensus.
5. While some write-in candidates were not covered in those years, this is understandable since many states do not even count write-in votes for quite some time after the election.
6. Paragraph 3, affidavit of Robert Flaherty, 6 Nov. 88 (*Populist Party of NJ v. NES, et al*, Docket #: 88-4754(JCL), US District Court, District of NJ.
7. Defendants' Memorandum of Law, 6 Nov. 88 (*Populist Party of NJ v. NES, et al*, Docket #: 88-4754(JCL), US District Court, District of NJ, p. 6-7.
8. November 88, *LP News*.
9. According to Silvia, the Ron Paul people withdrew from the suit literally hours before the scheduled court appearance. Early in November, Nadia Hayes had FAXed Silvia signed copies of the petition, but had never provided the required supporting affidavit. Silvia's calls were not returned, and no one at the Texas office was able to assist her. They did not seem to know how to contact Nadia or anyone else who would have authority to sign an affidavit. On November 6th, on the way to court, Silvia "whited out" all references to Ron Paul or the Libertarian Party. Possibly, the law suit business is just something which "fell through the cracks" during the eleventh hour shake-up at the Ron Paul headquarters. (See, the January issue of *American Libertarian* for an account of Ms. Hayes' departure from her position of campaign coordinator.) Attempts to discover what had taken place proved fruitless.
10. *NY Times v. United States*, 403 US 713 (1971).
11. This writer had, prior to the December third meeting, sent a report on the status of the Populist suit along with portions of the pleadings filed to officers and representatives of the National Committee, urging them to obtain legal counsel and consider the possibility of legal action. I did not attend the meeting in Oklahoma City but, according to Joseph Dehn III, since the NatCom's legal counsel, Bill Hall, had researched the law and recommended against legal action, the proposal never reached the floor.

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Letters, *continued from previous page*

To equate a "cosmic" point of view with one that is "non-human" ignores the fact that being human goes beyond the mere confines of skin and bones. (Ask most biologists or any physicist.) Humans are more than their bodies, more than their petty self-interests, more than their desire to make a profit at the expense of the environment and the overall quality of life on this planet.

Rothbard would apparently be quite satisfied removing the entire rain forests of Brazil for a few quick bucks.

Rothbard seems also to establish an artificial hierarchy where humans are better than animals; animals are better than insects; insects are better than plants. This is just one half-step away from racism. Life is one; there is no hierarchy.

Is Rothbard serious when he says that environmentalists intend to "stop using energy and bring in socialism?"

If I've missed the joke, I'm embarrassed. If not, let's hope that if Rothbard develops respiratory problems from the excessive ozone in large cities or skin cancer from the depletion of ozone in the higher altitudes, he will realize he was mistaken in calling environmentalists anything but humanists.

Michael P. Barbee
Healdsburg, Calif.

Notes on Contributors

"Baloo" and *"Shiong"* are *noms de plume* of Rex F. May, whose cartoons appear in numerous periodicals.

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G. Duncan Williams is a long-time Libertarian Party participant-critic.

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"Private Law Enforcement, Medieval Iceland, and Libertarianism" David Friedman illuminates the Viking legal system of Iceland's romantic past and finds remarkable support for the anarcho-capitalist vision.

"The Myth of the Rights of Mental Patients" Thomas Szasz considers the notion that although mental patients must relinquish some of their rights as citizens, they possess special rights *qua* mental patients. He applies the same critical intelligence to this issue that has made him the foremost critic of current "mental health" theory and practice.

"Libertarianism: Open and Closed" John Hospers examines a variety of vexatious problems that confront libertarians, and the two distinct ways libertarians react to them: "closed libertarians" insist that certain universal principles be applied rigidly and without exception; "open libertarians" insist that the whole range of human knowledge and experience must be considered.

Terra Incognita

San Diego, Calif.

Provocative suggestion to help reduce airport congestion, as reported in the Los Angeles *Times*:

San Diego City Council 8th District candidate proposed that a second major airport be built in San Diego so that Lindbergh Field "can be used just for incoming flights."

U.S.A.

The ideal life, according to America's leading patriot, as quoted in *Life* magazine:

"I'd much rather be doing something that produced a more tangible benefit—something that someone could use, something that somebody could eat . . . My idea of heaven would be to have a sailboat in the front yard," Ollie North said. "Or maybe I'd just go to Tucson and farm a cactus or something."

Oroville, Wash.

Latest casualties from the front in the War on Drugs, as reported by the Seattle *Times*:

When a search of a pregnant woman's purse revealed that she was carrying cigarette papers, U.S. Customs authorities at this remote border crossing seized the automobile that the woman and her husband were driving and fined the couple. Because the couple had no funds left after the fine, the eight month pregnant woman and her husband had to hike six miles to the nearest town.

Berkeley, Calif.

New plans to End Poverty in California, as reported in the Los Angeles *Times*:

The Berkeley Youth Commission endorsed a proposal, bya seven-year-old, to solicit contributions from the University of California at Berkeley and the Berkeley Police Department to help "children in need" get haircuts.

Washington, D.C.

How the Senate Minority leader supports the symbol of freedom, but not the freedom to use the symbol, as reported by the *Associated Press*:

"We can't let the symbol of our freedom be sullied," commented Bob Dole, about a recently passed measure that provides fines and imprisonment for those Americans who incorporate the Flag into works of art in ways not favored by Congresspeople.

Tokyo, Japan

Peculiar mourning ritual of inscrutable Orientals, as reported by *The Wall Street Journal*:

"When Hirohito died, the television networks broadcast 48 hours of documentary material on the emperor's life and times. Interest apparently wore thin after a few hours. Video stores later reported that rentals of pornographic videos soared."

Los Angeles, Calif.

How the nation's Second City takes responsibility for educating its children, as reported in the Los Angeles *Times*:

The Los Angeles Unified School District, which "serves" 600,000 students, spent $3.5 billion last year. It employed nearly 100,000 people, of whom 25% were classroom teachers.

Kansas City, Mo.

Latest advance in personnel management, as reported in *Weekly Federal Employee's News Digest*:

"The Social Security Administration's Kansas City regional office fired an employee because she brought case files home to do additional work on her own free time.

"Her Union, the American Federation of Government Employees, denounced the dismissal as too severe a penalty."

Los Angeles, Calif.

The logic of government planning versus the chaos of the marketplace, as reflected by a headline in the Los Angeles *Times*:

"Housing Is Necessary, So Rent Control Is Justified"

Washington, D. C.

Latest proposal advanced by William Bennett, the Bush Administration's "Drug Czar" to insure victory in the War on Drugs, as reported by the Associated Press:

The Federal Government should declare certain areas "Drug Zones," in which the constitutional rights guaranteed Americans will be "temporarily" suspended.

San Diego, Calif.

Interesting assessment of international relations and new frontier of speculative fiction, propounded by Nobel Laureate Mother Teresa and reported in the Los Angeles *Times*:

The greatest threat to world peace is abortion, Mother Teresa told a group of 6,000 of her admirers, shortly after she received an honorary degree from the University of San Diego.

According to Scripture, she added, the Virgin Mary, while pregnant with Jesus, visited her cousin Elizabeth, pregnant with John the Baptist. Think of what the world would have been like, she observed, if both babies had been aborted.

Garberville, Calif.

How California's "Campaign Against Marijuana Planting" (CAMP) has "made life miserable for the violent, big-time pot merchants who have been running roughshod over Northern California," according to California Attorney General John K. Van de Kamp, whose Bureau of Narcotics Enforcement oversees the program and earned praise from the President as a "prototype" for the "cannabis suppression strategy," as reported the the Grand Rapids (Mich.) *Press*:

Early on the morning of July 15, Greg Wellish was jolted from bed by the sound of trucks rumbling down the driveway of his secluded homestead. Wellish ran outside and found armed officers hunting for his vegetable garden.

Garbed in Army camouflage, armed with semi-automatic pistols and Swedish brush axes, waving a search warrant gained after having taken aerial pictures of Wellish's 'illicit' garden, about 10 CAMP officers marched through his yard and found not a patch of pot plants, but a trove of squash, broccoli and snapdragons.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.)*

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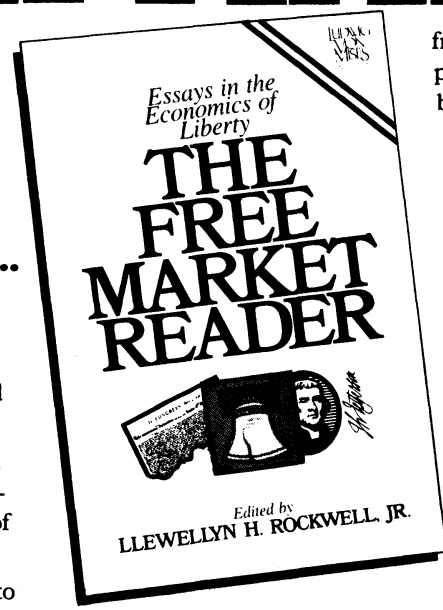

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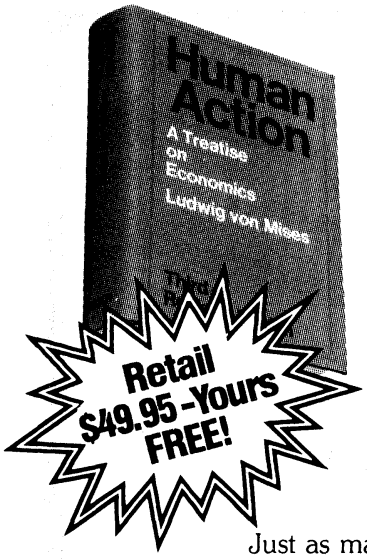

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Contents

July 1989 Volume 2, Number 6

The Myth of the Rights of Mental Patients
by Thomas S. Szasz, *page 19*

Open vs Closed Libertarianism
by John Hospers, *page 29*

Viking Iceland: Anarchy That Worked
by David Friedman, *page 37*

Ecology and Economy
by Ron Courtney, *page 41*
by Jane S. Shaw, *page 42*

The Political and Demographic Dimensions of Contemporary Libertarianism
analysis by John M. Scheb, *page 45*
comment by James S. Robbins, *page 47*

Nude Dancing in Memphis
by Michael Williams, *page 49*

Fetal Rights and Women's Rights
by Tibor R. Machan, *page 51*

The New Soviet "Democracy"
by James S. Robbins, *page 53*

The Campaign of '88
A Report from the Political Trenches
by Jamie Potter, page 55

Departments

Reflections
The Editors "Editorialize," *page 7*

Reviews
R. W. Bradford judges the Rand/Branden Affair, *page 57*
Leland B. Yeager on Narveson's "The Libertarian Idea," *page 66*
Mike Holmes on Tax Resistance, *page 68*
Jeremy Shearmur on Evolutionary Epistemology, *page 70*
Jeffrey Tucker on Christian Reconstructionism, *page 72*

Letters, page 4
Bob Ortin's "Burons," page 28
Contributors, page 77
Terra Incognita, page 78

Letters

Agnostic Commies for Freedom

Murray Rothbard ("The End of The Secular Century," May 1989) says "it is atheism for which burial rights must be conducted." I have great respect for Murray's grasp of history, and just about everything else, but I question his sources here. In Europe, including the once rabidly Dutch Reformed Holland, Catholic France, England, and in much of the rest of the world, religion is rapidly losing adherents and influence, while liberty seems to be making strides mainly in communist countries, where the leaders, coincidentally or not, are not religious.

Tom Palven
Farmingdale, N.J.

Beardless Economists

I would like to take issue with some of the points made by Murray Rothbard in his recent critique of public choice economics ("Public Choice: A Misshapen Tool," May 1989). Rothbard argues that the public choice school is merely redoing—badly—what had already been done by Charles Beard and his followers. I know Beard's work only at second hand, but it was my impression that his analysis, like that of Marx, was in terms of the economic interest of classes, not individuals. What the public choice school attempts to do is to deduce political outcomes from the assumption that *individuals* act rationally in their own interest. That is a very different project, and one that I would expect most libertarians and most economists to find more plausible and more attractive. Rothbard's assertion that public choice economists deny "*any* motivation in human history except monetary gain" is of course utter nonsense, as any curious reader can determine by actually reading the works Rothbard is criticizing.

Rothbard refers to "David Ricardo's bitter opposition to land rent, which stemmed from his failure to understand that landlords perform the highly important function of allocating scarce lands to their most productive uses." In Chapter XIV of *The Principles of Political Economy and Taxation*, his principal work, Ricardo expressed his *disagreement* with Adam Smith's suggestion that ground rent was an especially suitable thing to tax. Ricardo's argument ends with the following sentence: "And if it be considered that land, regarded as a fit subject for exclusive taxation, would not only be reduced in price, to compensate for the risk of that taxation, but in proportion to the indefinite nature and uncertain value of the risk would become a fit subject for speculation, partaking more of the nature of gambling than of sober trade, it will appear probable that the hands into which land would in that case be most apt to fall would be the hands of those who possess more of the qualities of the gambler than of the qualities of the sober-minded proprietor, *who is likely to employ his land to the greatest advantage*" (Italics mine). I do not understand how the last part of that sentence could be written by someone who failed "to understand that landlords perform the highly important function of allocating scarce lands to their most productive uses."

An economist taking issue with a criticism of his work by Gordon Tullock once remarked that the amount Tullock had written was even more impressive considering that he apparently did not know how to read. The same might be said of Rothbard.

David Friedman
Chicago, Ill.

Anarchy and Accuracy

So now Noam Chomsky is supposed to be a hero to libertarians (Jeffrey Tucker, "An Anarchist's Appraisal," March 1989)? The *same* Chomsky who has been an admirer and apologist for every totalitarian Marxist state for the last two decades? Chomsky's major political crusade in recent years has been to try to convince the world that the thousands of Cambodian refugees who fled in horror from the genocide of the Khmer Rouge are all lying when they tell of millions having been slaughtered by the Communists; such accounts reflect badly on Socialism, therefore they *must* not be true.

In fact, Chomsky has proclaimed that intellectuals have a moral duty to lie about atrocities committed by Marxist states, since such criticism retards the spread of socialism: "Honest people will have to face the fact that they are morally responsible for the predictable human consequences of their acts. One of these acts is accurate criticism, accurate critical analysis of authoritarian state socialism in North Vietnam or in Cuba or in other countries that the United States is trying to subvert. The consequences of accurate critical analysis will be to buttress these efforts, thus contributing to suffering and oppression." In other words, we should only speak the truth if it advocates the cause of Marxist socialism.

Given that Chomsky elevates mendacity to a moral principle, why should we believe *anything* that he says about the CIA or American foreign policy?

Robert Sheaffer
San Jose, Calif.

Just Another Voice of Bitterness

"The Voice of Bitterness" was an appropriate title for Justin Raimondo's review (May 1989). He begins recognizing the amazing Ayn Rand, the greatest popular champion of reason since Jefferson, and ends with bitter, backbiting, unsupportable statements.

Upon first reading, it appeared that the flow of the article (matter-of-fact to bitterness) may have been a clever writing technique; a subtle means of communicating the trend he was describing in Ayn Rand's life.

Nope. I don't buy it. It looks like Raimondo is just comfortable slinging mud. As to "What has Peikoff ever created on his own?" I would say plenty. My favorite is *Ominous Parallels* (Stein and Day, 1982). This tightly written beginner's philosophy lesson does an excellent job of relating the components of a coherent philosophy to world events that have troubled us all.

Hey Raimondo, I had not heard of you before; what have you ever done? If I hear of you in the future I will think "Bitterness."

Randy Paulsen
Litchfield Park, Ariz.

Adding Outrage to Insult

I was outraged when I first read the comment by "SLR" entitled "Holiday revisions" in the Reflections section of the January 1989 issue. I immediately reread it in the hope that the writer did not really intend to insult those of us who served

continued on page 6

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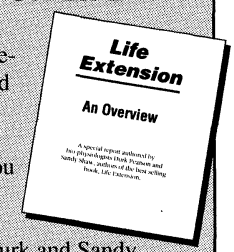

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Letters *(continued from page 4)*

honorably and faithfully in the armed forces of the United States and those of our comrades-in-arms who sacrificed their minds, physical capabilities, and even their very lives in the *service of their country*.

Those of us who did serve are painfully aware of how our government misused that service and many of us are now engaged in the fight to restore liberty.

It's hard enough convincing most people of the libertarian concept without alienating our most valiant potential allies.

Richard Partridge
Brigham City, Utah

International Standards

Shortly after the November elections, I happened to hear an N.P.R. broadcast of an interview with an English fellow named Kevin Boyle. Mr. Boyle is the director of the London-based organization known as "Article 19"—the International Centre on Censorship.

I wrote a letter to Mr. Boyle and explained the N.E.S. problem to him. I wrote that Ron Paul's vote totals had been excluded on election night, and that the N.E.S. effectively falsified the vote totals, much as Margaret Fries reported ("A Conspiracy of Silence," May 1989). Then, in early February, I received a very encouraging response from Mr. Boyle on "Article 19" letterhead. He told me that the International Centre on Censorship planned to contact the N.E.S. to begin an investigation. He wrote that in his correspondence with the N.E.S. he would inform them that they had fallen short of international standards for unbiased media reporting of election coverage and that their omissions and falsifications constituted intolerable bias in contravention of the international standards which "Article 19" uses to assess fair and democratic elections. He also wrote that members of the Libertarian Party U.S. should contact FAIR at 666 Broadway, Ste. 400, NY, NY 10012, for further help. He also suggested that we contact the International Human Rights Law Group, Elections Monitoring Division, at 733 Fifteenth Street NW, Washington, DC 20005, for additional help.

Sally Anne Moore
Cincinnati, Ohio

Walter Williams: Pro and Con

I agree with Chester A. Arthur ("Who votes for third party candidates?" March 1989) that Walter Williams should be considered to head the LP ticket in 1992.

The man is witty and thoroughly engaging. What's more, he has a gift for explaining libertarian principles *and* the predatory nature of government in terms anyone can grasp. At our convention, which drew a large number of outsiders, Williams had leather-clad bikers and three-piece Republican types alike eating from his hand.

Williams' strongest point, to my mind, is his ability—fortified by his own impressive work on the subject—to collapse the entire house-of-cards case for the welfare state in about 10 seconds flat. The fact that he is black and from a "disadvantaged" background (I don't know if he would use that word) gives him a credibility no white candidate can hope to climate.

Now the caveats. Although he pulled no punches in his description of taxation as legalized robbery, Williams said he thinks a tax of around 10 percent would be necessary and acceptable for funding what he sees as government's legitimate functions of protecting lives, property and individual rights. On defense matters he is not the pure non-interventionist many or most libertarians are; although the specific issue did not arise, my impression was he would support Grenada-type military actions.

Steve Smith
Birmingham, Ala.

Bullet-Proofing the LP

The LP Oath has one function your writers (Johnny Fargo, "The Oath of Purity," and Ethan O. Waters, "Taking the oath," May 1989) have neglected: it protects the party, and the rest of us, from the backlash of a political assassination.

All around us, governments are pushing people around; generally their victims submit, believing the governments are basically right. We are telling them it's not true. This is heady stuff.

There are people who have lost everything: business bankrupt, wife in an asylum, kids run away and few friends left; all because of some petty bureaucrat's vindictiveness. There are other people with a low tolerance for harassment, who make mountains out of every bureaucratic molehill. When we tell them there's no justification for the wrong that's been done to them, one of them might seek revenge.

If this ever happened, within hours the media would find "Radical Libertarians" to justify it, glory in it, and explain on the evening news how such assassinations are inherent in "true" libertarianism.

To the media, the LP is official libertarianism. With the oath, the LP can either say, "He wasn't one of us" or, "He renounced violence in writing when he joined us." Either way his violence clearly does not represent other libertarians. I for one appreciate this protection.

Tom Porter
Reseda, Calif.

Popeye the Libertarian Man

In one of my recent dreams, the legendary Popeye is seen wandering the corridors of a libertarian convention. He is muttering, "I yam what I yam and that's all what I yam." Soon he attracts a crowd of libertarian hallway philosophers (ever on the lookout for a *celebrity* to run for president) who are fascinated by the implications of his musings.

One of them says, "That's very interesting Popeye, but let's clarify a few points. Are you saying something like A is A, I exist therefore I is, or do you mean simply that you think you're a yam?"

"The Great Oath Debate" (May 1989) had that kind of effect on me. It was, like the discussion in the above dream, kind of silly.

EOW is clearly a good and intelligent man. But like many libertarians (it's happened to me too) he has gotten himself mired in the consideration of hypothetical possibilities that have little or nothing to do with the real world. These bizarre "what if" problems are no different from some of the wacko questions we have all been asked by non-libertarians. "What if you open the borders and the Mexican Army decides to immigrate to California?" Or, "What if one half of a viable Siamese twin wants to commit suicide?"

continued on page 48

Letters Policy

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

Reflections

Calling Ronald Reagan — Ok. So I spent the better part of the last eight years badmouthing Ronald Reagan. He wasn't cutting back government, I said. Taxes are actually rising. Restrictions on individual liberty are increasing. The heavy hand of the State is getting heavier.

Even so, sometimes I feel a nostalgia for the old boy. Like when President Bush changed his mind about gun control in response to the deranged murder of 5 school children in California. At first, Bush stood fast, refusing to fall victim to the hysteria. His standing firm against hysteria only lasted a few days. Quicker than the Prez can get Lee Atwater on the phone, Bush relented, using his extraordinary powers to prohibit further importation of so called "assault weapons." The next thing I knew, he was bragging up his war on "assault weapons."

I also feel nostalgia for the Actor when I hear reports about Bush's plan for a new minimum wage. The Democrats want a minimum of $4.65, with a lower minimum for the first 2 months at a new job. This is more than Bush can stomach. Much better, he says, is $4.25 per hour, with a lower minimum for six months. This despite the fact that raising minimum wage will *not* benefit low income Americans. One needn't even understand the economics of the free market to grasp this: according to Department of Labor figures, only one poverty-struck person in seventy is actually working at minimum wage, and only one person of every thirteen earning minimum wage is poverty stricken.

But raising the minimum wage is politically popular. Apparently most people fall prey to the logic of "How can anyone support a family on $134 per week?" The fact that the overwhelming majority of minimum wage earners are young and have no family, work part time or have other sources of income is lost on them. In Washington last year, voters passed a 71% increase in the state minimum wage by a margin of 4 to 1.

Bush probably understands economics and almost certainly knows that raising the minimum wage won't help relieve poverty. But he also knows a popular issue when he runs into one.

Reagan's faults were many. But he stood fast: he opposed increasing gun control, even after he was shot by a Jodie Foster groupie. In fact, he did much to dissipate the post-assassination-attempt hysteria. And his firm opposition to an increased minimum wage kept the issue off the Congressional agenda for eight years.

At last I have found what it takes to make Ronald Reagan look good: George Bush as President. —RWB

Death and taxes update — You may have thought that one of the few side benefits to an all-out nuclear holocaust was that at least you got to stop filling out IRS forms. Think again.

According to a March addition to the Internal Revenue Manual, as the nuclear dust settles, "IRS operations will be concentrated on collecting the taxes which will produce the greater revenue yield." Apparently, the IRS intends to begin yanking out the gold teeth of their former fellow citizens, who'll be easy to spot in the dark anyway, glowing brightly for a few centuries.

It is comforting to know that the IRS is prepared for the Big One.

Irradiated taxpayers can expect to confront newly minted IRS form 8741, "Claim for Losses in the Event of a Near Groundburst," and Form 2558, "Request for a Three Month Extension in the Event of Taxpayer Records Incineration" (remember, an extension to file is *not* an extension to pay!), and handy IRS Form 9433, "Documentation of Extraordinary Medical Expenses in the Event of Severe Radiation Burns" (please keep your peeling fingers from sticking to the form!)

According to news accounts, the government's emergency planners expect the IRS to resume tax collections within 30 days or so, after the pocket change has cooled off a few hundred megarads. —MH

The Panamanian Shuffle — I heard a report on the radio that President Bush announced that he was ordering troops into Panama to "protect the American civilians and soldiers" there. The implications of this presidential action are fascinating: if troops are needed to protect the soldiers, who will protect the troops?

Apparently, the arguments against giving aid to opponents of the socialist dictatorship of Nicaragua don't apply to the right-wing dictatorship in Panama. So the U.S. government is busily trying to organize opposition to Noriega's dictatorship and even willing to back up that offer with U.S. troops.

Ironically, Bush's anti-Noriega campaign is the one course of action that promises to strengthen Panamanians support of their dictator. Now all elements of Panamanian society can unite under the slogan: Yanquí go home! —RWB

Why not feel sorry for Exxon? — To say that the oil spill has been blown up to hysterical dimensions is a grave understatement. Hysteria abounds everywhere, and everywhere the term "disaster" is freely used. Even Pat Buchanan, who of all the media commentators I thought would be most resistant to the wiles of environmentalism, used that term. The Idiotic Overstatement Award of the Year goes to Alaska Judge Kenneth Rohl, who opined about the oil spill, "We have a man-made destruction that has not been equalled, probably, since Hiroshima."

Hundreds of thousands of innocent Japanese were massacred at Hiroshima; *that's* a disaster. Over the last several months, the Ayatollah's government has murdered thousands of political prisoners; a million Iranians and Iraqis were killed in their late monstrous war; the Pol Pot regime, in the mid-1970s, genocidally massacred one-third of the Cambodian population. *Those* are disasters. *That's* "man-made destruction." In the

Valdez oil spill, not a single human life was lost. Not a single person was even injured.

Furthermore, *those* disasters were intentional; the oil spill was, quite obviously, an accident. *Who* suffered the loss of the oil spill? None other than the Exxon Corporation, which lost ten million gallons of crude oil; in addition to the $5 million this loss represents, Exxon will be forced to pay cleanup costs, as well as compensation to the economic losses incurred by the fishing industry in Alaska. And so the only loser is Exxon, suffering from the negligence of its allegedly drunken sea captain. So is everyone feeling sorry for Exxon, as I do? Hell no; to the contrary, Exxon has been reviled every day by virtually everyone in the media and in public life. Contrary to government when it commits an accident or similar "externality," Exxon, as a private corporation, must pay the costs it inflicts on others. So what's

What's the problem? Once in a while, an accident happens. Are we to ban all oil tankers because once in a long while a tanker runs aground? Are we to outlaw all shipping because some ships sink? Are we to prohibit all air flights because once in a while a plane crashes?

the problem? Once in a while, accidents happen. Are we to ban all oil tankers, because once in a long while, a tanker runs aground? Are we to outlaw all shipping because some ships sink? Are we to prohibit all air flight because once in a while a plane crashes?

The problem, of course, is that environmentalists don't give a tinker's dam about paying for external costs. They have their own agenda, scarcely hidden any more. Look at all their bellyaching about the poor birds, and the sea otters, and the salmon, etc. Look at their whining, too, about the beauty of the pristine blue water now befouled with black or brown oil slicks. (Well, hell, maybe a coating of black on blue waters provides an interesting new esthetic experience; after all, once you've seen one chunk of blue water, you've seen them all.) The environmentalists are in pursuit of their own perverse and anti-human value-scale, in which every creature, animal, fish, or bird, heck even *blue water*, ranks higher than the wants and needs of human beings. The environmentalists welcome this trumped up "crisis," because they want to shut down the Alaska pipeline, which supplies a large chunk of domestic American oil; they want to reverse the Industrial Revolution, and get back to pristine "nature," with its chronic starvation, rampant disease, and short, ugly, and brutish life span.

Note the difference between the beserker reaction to the Valdez oil spill, and the response to the last great oil spill in 1978, off the French coast, when the Amoco Cadiz let loose no less than 60 million gallons of crude oil into the Atlantic—the worst oil spill in history. There was no hysteria, no screaming headlines, no bellyaching on television. The courts quietly forced Amoco to pay $115 million to compensate for costs of the accident, and that was that. The reactions were different because, in the meantime, the virus of environmentalism has deeply infected our culture. Arguing on the basis of private firms paying the costs of liabilities they impose upon others is all very well, but, as we see in the smears against Exxon, it is not enough. We must no longer allow the environmentalists to seize, undisturbed, the moral high ground, and arrogate to themselves the good of the cosmos while the rest of us are portrayed as narrow, selfish, short-sighted, and immoral. There is no greater immorality than deep opposition to mankind *per se*, and environmentalism must be exposed as that kind of immoral and destructive creed. Only then will the party of mankind be able to take back our culture.

—MNR

Motown Mysticism — For the past two years, Detroit has enjoyed the dubious blessings of an urban transport system known as People Mover. Recently, it has become the center of a scandal of sufficient moment to generate shrill editorials from both of the city's newspapers, official outrage from the mayor's office, and a bevy of pronouncements from both real and self-appointed community leaders. Has all this moral passion arisen from the fact that this boondoggle costs four times the highest preconstruction estimate? Because it is crime-ridden, unreliable and little-used? Or perhaps from a realization that the promised rejuvenation of the neighborhoods which it "serves" has not occurred? Nope. None of the above. It seems that someone discovered that a small portion of the steel used in the supporting frames for the track was processed in S***h A****a.

When this news first broke, a friend remarked to me, *as a joke*, that the contractor would probably be made to identify the exact portion of the steel that came from the Bad Place and yank it out. Ah, but in this age of synthetic political rage such things are not jokes. The contractor did in fact have to remove the offending girders and put in moral replacements. (The nationality of the new beams was never disclosed. Probably Albanian).

I have two questions about all this. First, can steel be exorcised? If you melt down bad steel and reshape it into new sections, does it become good steel? Is the evil therein part of its *essentia* or merely of its *accidens*? I'm going to have to pore over the *Summa Theologiae* on this one. Second, doesn't this whole matter represent a belief in witchcraft?

The entire episode is totemistic and puerile. To reduce moral dudgeon to such an imbecilic and pathetic level robs it of any general power and makes all concerned seem like canting hypocrites.

—WPM

The times they are a changin' — Free expression on college campuses is coming under increasing attack, not from a reactionary faculty, but often from students themselves. To add irony to injury, the tool they are using to restrict the expression of their peers is the ancient enemy of student speech, "community standards." Stanford, the University of Michigan, Emory, the University of Wisconsin and the University of Massachusetts at Amherst have taken or are about to take action to restrict forms of expression considered offensive, in an attempt to promote, of all things, tolerance.

A draft amendment to the code of student conduct at Stanford seeks to ban any remarks "directly addressed" to people "expressed in words, pictures or symbols that are commonly understood to convey, in a direct and visceral way, hatred or contempt for human beings of the sex, race, color, handicap, religion, sexual orientation or national and ethnic origin in question." (This was revised from an earlier, more virulent version.) Canetta Ivy, a Stanford junior serving on the three-member Council of Presidents that heads the university student government, illustrates the audacity of the anti-free-speech movement. "We don't put as many restrictions on freedom of speech as we should," she claimed. "What we are proposing is not completely

in line with the First Amendment . . . I'm not sure it should be. We at Stanford are trying to set a standard different from what society at large is trying to accomplish." (The proposal is meeting some resistance from the Stanford faculty and the ACLU.)

The notion that through restrictions one finds tolerance is in the tradition of Orwellian "double-think." The measure is designed to keep hate-groups like the Klan and the Neo-Nazis away from campuses. Since far-right crazies rarely venture onto campuses anyway, the real victims of this sort of regulation will be those students who have an alternative viewpoint that may be branded as "hateful" by those who wish to prevent them from speaking or going to press. Is opposition to affirmative action a position that expresses "hatred" or "contempt?" Some might think so. The results of such measures will be a classic chilling effect on students who would rather play it safe than court retribution.

In a related case, a student at Tufts University faced disciplinary charges for selling a T-shirt on campus that offered "Ten Reasons Why Beer is Better Than Women at Tufts." The student had offended community standards, according to campus feminists—though the fact that he had sold over five dozen shirts before he was apprehended brings that claim into question. After consultation with legal authorities, the charges were changed. The content of the shirt was no longer a factor. Instead, the administration charged the vendor with selling T-shirts "for profit" without permission.

If community standards are to have any meaning, they must be open to challenge. Campus reactionaries seek to institute an administrative status-quo based on what they currently believe to be accepted norms. They ignore the questions: Accepted by whom? If the community believes something, why must it be protected from those who dissent? Presumably the standards can defend themselves.

In fact, those who would restrict free expression, whether they come from the left (like today's advocates of intolerance) or the right (like McCarthyites of the 1950s), see freedom as a process that is desirable only for attaining their own goals. Once their goals are met, freedom becomes a potential threat. Perhaps it is the purveyors of this sort of thinking who need a lesson in tolerance. —JSR

Customary mediocrity — A few weeks ago, I came upon a group of shelves labelled "Government Publications" at my local library. Mostly they were filled with goodies like "Biannual Report of the President's Select Commission on Salmon Canning" and "The Radish—New Perspectives." One item, however, seemed more promising. *Customs Today* is the official quarterly magazine of the United States Customs Service. Although *CT* is obviously available to the public, its contents are clearly intended to be read almost exclusively by customs officers. My curiosity piqued, I perused the last few issues. The most interesting portion consisted of round-table discussions among customs officials and U.S. attorneys. They dealt mostly with drugs and pornography. In one case, then Attorney General Edwin Meese III was a participant.

These seminars had two common characteristics. On the one hand, the intellectual quality is quite low. All manner of myths and folk beliefs float like a miasma over the lucubrations of these federal policemen. All of them seem to just *know* that pot leads to heroin, that child pornography leads to child molestation, and pictures of naked women lead to rape and murder. Phrases such as "We can't prove this, but everyone knows it instinctively" and "Maybe one particular guy hasn't actually committed this crime yet, but you know he's headed in that direction" abound. There seems to be no cognizance of the broader world of criminological scholarship, no recognition of any other possible point of view. The exchange of ideas remains at the barroom level.

The second characteristic that impressed me is the total lack in these discussions of any idea of the legitimacy of civil liberties and procedural safeguards. Instead, there is a chilling hostility to all constitutional restraints. The attitude is comparable to that of a burglar toward burglar alarms—they are seen simply as obstacles to overcome. The difference, of course, is that a burglar's goals are quite limited; he does not typically claim to be acting as the moral guardian of the community.

What I'm trying to convey is my sense of shock that all of these high-level discussions about important issues affecting our lives and our liberties seem to have taken place on such a medio-

All manner of myths and folk beliefs float like a miasma over the lucubrations of these federal policemen. All of them seem to just know that pot leads to heroin, that child pornography leads to child molestation, and pictures of naked women lead to rape and murder.

cre level. It is as if the whole Anglo-Saxon classical liberal tradition does not exist. The operational viewpoint is purely that of statism and positive law. Or, to put it more crudely, we don't like these people and we don't like what they do and read and smoke, and we're going to crush them.

Can anything be done about this situation? Should those of us who value liberty start an "outreach" program to "educate" such people? Now you tell me one. No, I am merely giving warning that, should you find yourself in a confrontational situation with a typical federal officer, don't expect to be dealing with Thomas Jefferson. —WPM

Inexhaustible fusion energy and the environmentalists — The scientific world has been set agog by the biggest scientific news in years: the possibility that nuclear fusion energy has been produced at room temperatures—as has been reported by two University of Utah chemists. Teams of scientists all over the globe have been rushing to try to replicate the experiment, because, if true, it means a virtually inexhausti-

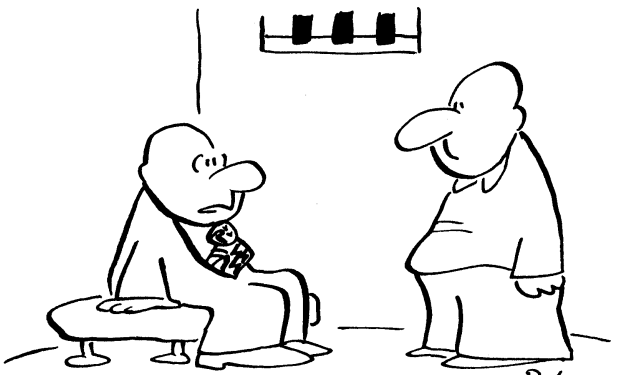

"My necktie violated local community standards!"

ble supply of cheap energy. The resource is sea water, and the equipment is no more complex or expensive than a kitchen laboratory. The prospect is joyous for mankind, for this means an enormously higher standard of living for all, and an end to the spectre of the disappearance of energy that has been highly touted in recent decades.

You would think that the environmentalists would be happy, too, especially because nuclear fusion, unlike fossil fuels, is virtually pollution free, and, unlike nuclear fission, causes no toxic waste that is difficult to dispose of. But, shockingly, you would be wrong. Instead, our beloved left-environmentalist leaders are, as usual, wringing their hands in anguish. Washington author Jeremy Rifkin laments: "It's the worst thing that could happen to our planet." And Stanford biologist Paul Ehrlich, long-time worrier about the "population bomb," complains that the prospect of cheap, inexhaustible fusion power is "like giving a machine gun to an idiot child"—that's *us*, folks. [Paul Ciotti, "Some Find Research Troubling," LA *Times*/ Washington *Post*, April 23.] The fact that such fusion power is clean, charges Rifkin, is "beside the point." For this only means that man, dammit, will use more rubber tires, and employ "non-polluting" bulldozers to knock down trees or "build housing developments on farmland."

Paul Ehrlich, long-time worrier about the "population bomb," complains that the prospect of cheap, inexhaustible power is "like giving a machine gun to an idiot child." The fact that such power is clean, we are told, is "beside the point." It only means that man, dammit, will use more rubber tires and employ "non-polluting" bulldozers to knock down trees.

This latter point is an interesting one: somehow, farmland, because it is, I suppose, closer to nature, is good, at least vis a vis housing, which provides shelter for *people* (Ugh!) The fact that farmland, as productivity increases, becomes increasingly more useful for urban or suburban activities is, of course, disregarded by environmentalists. Environmentalists cannot be expected to be interested in whether a resource is used economically or not, for what is "economic" is using that resource most efficiently in supplying people's wants. Environmentalists are not interested in supplying people's wants—quite the contrary.

In fact, as Mr. Ciotti puts it, "worst of all" about the possibility of fusion power, to the environmentalists, is that "cheap inexhaustible energy would let the planet support many more people than its current population of 5.2 billion." There we have it: the environmentalist creed is fundamentally animated by a hatred of people, by hostility to the human race. —MNR

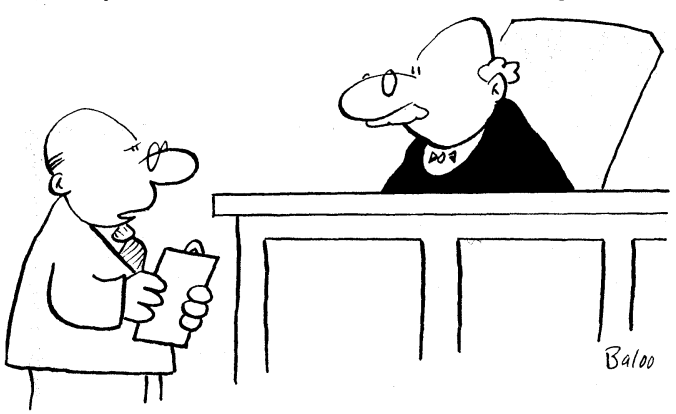

"We're not talking corruption here, Your Honor—
We're talking *state-of-the-art* corruption."

A minor complaint — I kind of like the slogan of Libertarian International: "A United Nations without the Nations." Only trouble is, it still leaves the "United" part in.
—EOW

My Congress, Wright or Wrong — It was 1973 and things were looking grim for John Paul Mack. He was the manager of a discount store when Pamela Small, a 20 year-old black college student, came in to buy some window blinds. He told her to follow him into the storeroom, where he grabbed a hammer and bludgeoned her with it five times, exposing her skull in several places. He then stabbed her repeatedly in the chest and shoulder with a steak knife and slit her throat. He hauled her body into her car and, believing her dead, went to a movie. Ms Small recovered and identified John Paul Mack. At first he denied everything, but after failing a lie-detector test, he confessed to what he called a "mistake," explaining that, "I blew my cool for a second." He plea-bargained the charge to "malicious wounding" and was sentenced to 15 years in jail.

But John Paul Mack was lucky. His brother was married to the daughter of Congressman Jim Wright of Texas. In 1975, Wright pulled a few strings, entirely legally, and got Mr. Mack released to a job as a file clerk in Mr. Wright's office. So John Paul Mack never served a day of hard time for the brutal assault he committed.

Instead, he served the public. As Jim Wright's career advanced so did Mr. Mack's. Congressman Wright's staff has always been characterized by high turnover, probably the result of Mr. Wright's unwillingness to trust even his most loyal staffers. But Mr. Mack stayed on the job, and gained the confidence and trust of Mr. Wright. According to *The Wall St Journal*, he "became almost a son" to the Hon. Mr. Wright, who takes considerable pride in Mr. Mack's achievements as a public servant. When Congressman Wright ascended to the position of Speaker of the House, he named Mr. Mack Chief of Staff of the House Democratic Steering and Policy Committee, where he earns $89,500 per year. "He's my best friend," Mr. Wright says, "he's really my brother."

The story of Mack's brutal assualt first surfaced two years ago. But an aid to Wright called in several influential reporters and convinced them that running the story would only hurt the rehabilitated Mack. Tony Cuelho, House Democratic Whip and a golfing buddy of Mack's explained that he had done his penance: besides serving 27 months in the county jail before Wright sprung him, "he had worked to pass some very caring bills."

John Paul Mack's luck ran out the first week in May. The Washington *Post* ran a story on his background, including an interview with the victim. The brutal nature of the attack was underscored with photographs of the wounds. Several Democratic

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Boston Globe

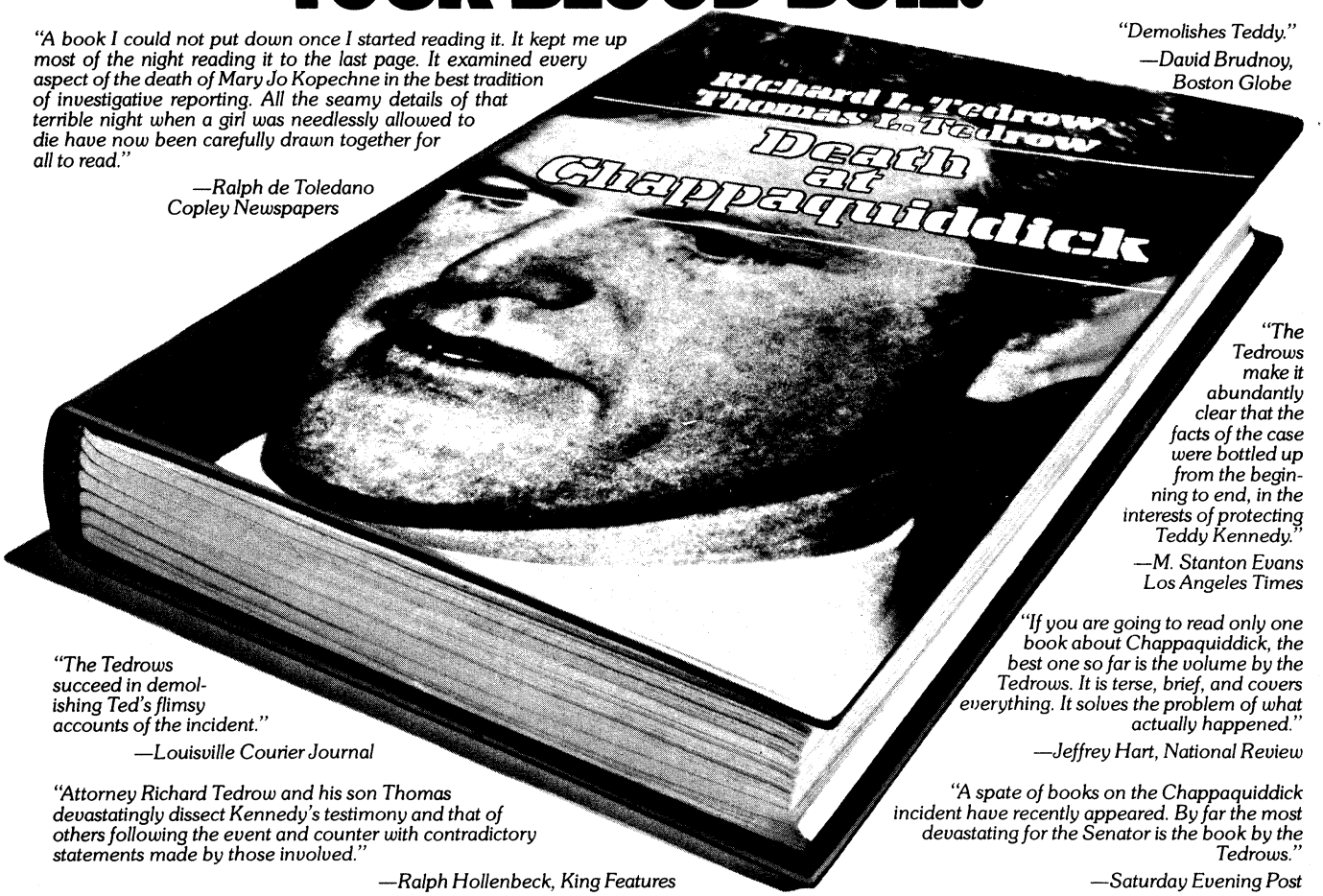

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Congresswomen called for Mr. Mack's resignation. Mr. Mack again acknowledged that it had been a "mistake" to bludgeon and stab the woman and leave her for dead, and resigned his office to save future embarrassment for the Hon. Mr. Wright, who accepted his resignation with regret.

Ultimately, the Mack revelations and resignation will be a minor footnote in the career of Congressman Wright. His critics have a much larger fish to fry than John Paul Mack.

The Ethics Committee's investigation of Mr. Wright has uncovered substantial evidence that Mr. Wright has taken specific actions to transfer money from the pockets of taxpayers to the pockets of his friends, and that these friends have generously given Mr. Wright substantial campaign contributions, a job for his wife at which she is not required to work, a condominium, a Cadillac, huge loans, large sums of money channeled to him through corrupt business deals, purchases of huge quantities of the "book" the Hon. Mr. Wright had written as a means of getting around legal limits on the payments to Congressmen, etc. Further examples of the corruption of the Honorable Speaker of the House are in the newspapers almost every day, and there is no need to recapitulate them here.

For a variety of political reasons, the Hon. Mr. Wright won't likely survive. But in the meantime, three observations are in order:

1. If evidence of a corrupt bargain is required to remove the Hon. from the Hon. Mr. Wright's name, then the chances are good that he will be Hon. for a long time. Contemporary politicians have long since learned to avoid making specific deals. Instead, they make their transactions in a primitive way: you do me a favor (say, enable real estate developers to buy S&Ls and loot them leaving the taxpayers to make up the depositors' losses) and I'll do you a favor (give your wife a job at which she is paid without working), without any explicit arrangement. So the Hon. Mr. Wright wastes a few billions of taxpayers' dollars because, he says, he thinks it is good public policy, and his enriched pal gives Mrs. Wright a job for $18,000 a year and a Cadillac to drive because, he says, it is smart business to hire people and not require any work.

2. The reason that Congress is so corrupt and so corruptible is that it has so much power. So long as voters grant vast powers to Congress, powers to tax, to spend, to control people and their property, it will be in the interest of some to buy influence over individual Congresspeople. These deals will be made on an explicit, businesslike manner, if the law allows. But if not, they will be made with the terms not spoken. The deals may be disguised, but so long as Congress has power to give or withhold vast benefits, the deals will be made.

A century ago, Lord Acton's observation that power corrupts and absolute power corrupts absolutely was profound. Today it is obvious and even trite. The reason is simple: the growth of the power of government has increased the payoff for corruption.

3. There is a cruel irony in Speaker Wright's defense that in hiring Mr. Mack he was giving a second chance to a man who has made a mistake. "There's a meanness out there, a feeding frenzy," Mr. Wright commented upon accepting Mr. Mack's resignation. If calling for the resignation from high public office of a man who committed a particularly brutal and vicious act is motivated by "meanness," then what is the proper way to characterize the motives of the Hon. Mr. Wright when he tried to get the Federal Home Loan Bank to fire an attorney because he was homosexual? (It was, of course, only incidental that the attorney was investigating the financial shenanigans of Mr. Wright's friend and benefactor.) —RWB

Finders, Keepers? — If animal-rights militants get their way, bacon double cheeseburgers and vellum editions of *Atlas Shrugged* will soon become endangered species. Animals have rights, and there are things no person or group may do to them (without violating their rights). Presumably these things include killing an animal solely in order to make use of its body parts.

But what if the animal in question just happens to have a fatal accident? If I come along at a lucky moment (lucky for me, that is), I'm surely in the clear if I allocate the deceased's mortal remains to the satisfaction of my wants, even my animal wants. Although a few philosophers believe that human cadavers have rights (such as the right not to be desecrated), no one, as far as I know, has extended this to animal cadavers.

Stopping the killing of animals won't mean that we have to give up Rhogan Jhosh or Boeuf Bourguignonne, or even black leather straps and rhinoceros-hide whips, though it will mean that the prices of these necessities of elegant living will rise dramatically.

But why wait for the lucky chance? Some far-sighted entrepreneur should get ready for the era of animal rights by establishing computer-monitored game reserves. These would be like regular nature reserves, except that every square meter would be kept under close observation by TV cameras. Within seconds of an antelope choking on a thistle, a gnu falling over a cliff, or a wombat being struck by lightning, robot paramedics would zoom up to certify brain death, then robot butchers and robot furriers—or perhaps at first just a robot refrigeration unit—would move into action.

So stopping the killing of animals won't mean that we have to give up Rhogan Jhosh or Boeuf Bourguignonne, or even black leather straps and rhinoceros-hide whips, though it will mean that the prices of these necessities of elegant living will rise dramatically. Possibly the moralists will decide that we may help a few mortally wounded or incurably sick beasts on their way out of this vale of tears, just as we do with humans, which would somewhat enhance the supply of meat, fur, leather, bonemeal, insulin, goose down, and so forth.

There's one serious complication. Most animals who die naturally don't fracture their skulls running into trees. They die at the claws of other animals. At the point where they step out of time and into eternity, they are someone's brunch, and that someone is salivating as copiously as Professor Rothbard contemplating the prospect of an agnostic novelist having his brains blown out. Isn't it an infringement of the predator's rights to filch the prey with which that predator has mixed her labor?

It would be feasible to keep a supply of surrogate cadavers ready, cunningly confected out of soybeans and chickpeas. The robots could swipe the real corpses and swiftly substitute fake ones. They could even do something to hypnotize the thwarted predator so that she didn't know what she was missing. But is any of this morally defensible? It is heartless to feed a naturally

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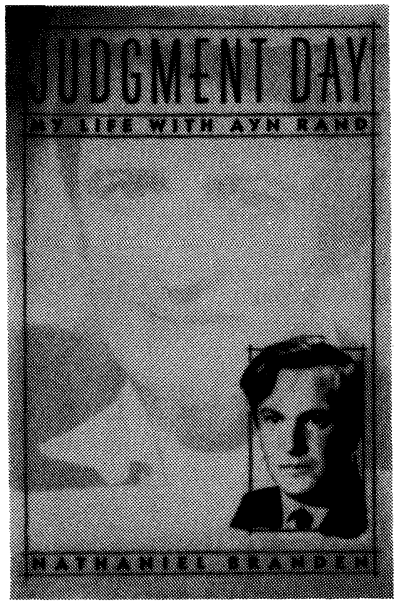

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meat-eating animal on leguminous mush (except of course when that animal is human). Surely not even an animal-lover could be such a brute as to force his cat to be a vegetarian, for instance.

The problem may one day be partially solved by genetic engineering. We might be able to raise cows, pigs, bears, and minks, entirely without nervous systems. It would then be OK to use the fur and the meat, since "cultured" flesh, without consciousness and without the capacity for pain or pleasure, is, I guess, bereft of rights. As bacon, a cultured pig really might go to meet its maker. Even a taste for human flesh could ethically be catered for in this manner.

But since meat is muscle, and no doubt requires at least a spot of occasional exercise to develop the appropriate bouquet, a two-tier pricing system may develop, with "cultured meat" underselling "found wild meat." Snobbery being what it is, you would be able to buy cultured meat treated to appear as found wild meat, and perhaps a carefully crafted imitation pelt could be left lying by the kitchen door, to give the guests a favorable impression. —DRS

Son of Heaven, or whatever — Did you ever notice that the only time Reagan ever got into trouble with the press was when he did something right? Two occasions, one trivial and one profound, spring to mind. The first was when he said that without women, men would still be wearing animal skins and clubbing each other over the heads. Could anything be more self-evidently true than that? Nevertheless, he was widely criticized, not so much by feminists, I imagine, as by the lickspittles thereof.

But to the more profound . . . Reagan went to Bitburg, and honored the memory of a bunch of poor fall guys who got drafted into the German Army and blown away in the war. Reagan said that they were victims of Nazism. They sure as hell were, as anybody who has gotten that cute little "Greetings" notice from Uncle Sugar can substantiate. Of course, that statement caused a lot of people to froth at the mouth, despite its undisputable truth. The German draftees, unlike some Vice Presidents I could name, didn't have any choice in the matter . . . which leads me to another Vice President (he'll always be Vice President Bush to me) and another funeral:

Reagan went to Bitburg, and honored a bunch of poor fall guys who got drafted into the German Army and blown away. He said they were victims of Nazism. They sure as hell were, as anybody who has gotten that cute little "Greetings" notice from Uncle Sugar can substantiate.

Whereas Reagan honored some dead soldiers who were never in a position to make any choices about their fate, Bush has, by his attendance at a funeral, legitimatized the bloody reign of Hirohito. Yes, I've heard all about how it wasn't Hirohito who planned the war and the atrocities and so forth, but the fact remains that he endorsed it all, approved it all, sent congratulatory telegrams to victorious admirals, and never, to my knowledge, made the slightest gesture to ameliorate the brutality of the Japanese war machine. (He could have resigned as Emperor, you know. That would have been dangerous, you say? No more dangerous than it would have been for your German kid to turn down the opportunity to join the Wehrmacht.)

Interestingly, all this took place without a trace of outrage from the press or anybody else. There's a double standard at work here or something. It's more or less all right, it seems, to be hostile to Japan in general, or at least to the businessmen and workers there who are competing with us, most of whom were born after the war and can bear no blame for it. But there's a sort of perception that it would be dirty pool to hang any of this blame on Hirohito. The only way I can explain it is that the government-media-academia establishment can't get over its rapture in the presence of political power. Thus, Hirohito is held blameless, not in spite of the fact of his political responsibility, but because of it. The poor grunts in the German army, I suppose, should be denied all human compassion, let alone honor, while the carcass of a murdering hereditary emperor is laid honorably to rest in the presence of giddy worshipfulness from heads of state and other pimps and parasites from all over the civilized world. —RFM

Artifactual Catch 22 — In the March issue of *National Geographic*, Harvey Arden makes an interesting point about private trade in Indian artifacts: "Most of these pieces are what archaeologists call 'without provenance'—no record of the physical context from which they were dug. Hence, they are nearly useless for the interpretation of history. Literally, pieces lifted from the puzzle of our common past, never to be fitted."

The solution, Mr Arden argues, is to increase the penalties for unearthing artifacts without authorization of the government, pointing to a recent case in Kentucky where "public outrage" over private archeology had resulted in a new law making searching one's own land for artifacts a felony.

Curiously, it apparently did not occur to Mr Arden that the reason artifact collectors and traders do not label the provenance of their artifacts is that by doing so, they would risk confiscation of their artifacts and possible imprisonment, under the same laws that Mr Arden advocates strengthening. —RWB

Atlas Schwartzed — I recently had the pleasure of witnessing a public performance by Peter Schwartz, an official spokesman for the Objectivist Rump. "The Virtue of Selfishness" was the topic of his performance, according to the advertisements placed by the Harvard Students of Objectivism. But the ads skimped on details, so I didn't know what to expect.

Perhaps it would be a free-wheeling discussion of Objectivist topics, I thought. Or a confrontational experience with an audience half-filled with Harvard Marxists denouncing Capitalism, Property and Aristotle himself.

It turned out to be something quite different—a dry rehash of Ayn Rand's thoughts read from notes and presented in excruciatingly precise terms. The deathly dullness of his monologue was enlivened only by its irony: the selfish person, he advised, "lives not by looting nor by mooching off of others . . . He produces his own values . . . As Ayn Rand says. . . ."

And so his defence of the importance of thinking for oneself wore on, consisting almost entirely of quotations cribbed from Ayn Rand's writing. There was nothing that a perusal of Rand's writings would not reveal. Schwartz's performance underscored the stagnation of Objectivist thinking since Rand's death.

"I am committed to a more successful Libertarian Party."
—Matt Monroe

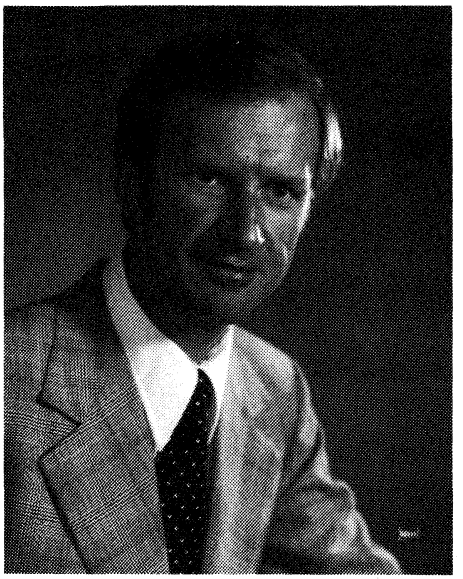

"The growth the LP has achieved has been the result of the dedication, generosity and hard work of our members, and the vision of our ideas. But for far too long, LP members have tolerated conditions that hinder the growth of our movement. The National LP has been characterized by in-fighting, bureaucratic waste, and outright incompetence.

It is time for the members to take control of the National LP, to use it as a tool for furthering our goal of Liberty. The LP needs sound management, competence and professionalism. That is why I am running for LP Chairman. There is work to do, and I want to see it done.

Here is a brief summary of what I believe the LP can accomplish:

- Increase membership from its current level of 6,800 to 10,000 by 1991.
- Increase revenues to $40,000 per month from the current level of $25,000 per month.
- Obtain ballot status in nearly all states prior to 1992, so we can concentrate our efforts on the campaign.
- Reform the National Office so that it provides assistance to state and local parties in a competent and cost-efficient manner.

To achieve these goals, I think we should do the following:

1. **Management for Growth**: Hire the best people we can find to manage the LP National Office, with a high priority on efficiency, competence, and reliability, so that we can achieve our goals.
2. **Reduce the size of the National Committee** to no more than 15, and encourage it to act as a Board of Directors overseeing LP activities, rather than a mini-legislature complete with bickering and infighting.
3. **The LP 2000 Program**: In the next century, the LP will be led and run by the people we recruit in the next few years. Now is the time for us to begin an active student organization, to develop recruiting campaigns, and to organize student conferences.
4. **The Permanent Campaign**: full-time professionals doing the work so-far done only in election years: ballot access, lobbying, public speaking, candidate development, etc.

Achieving our goal of Liberty requires a lot. I am convinced that we can make substantial progress. To achieve that goal, I am committed to work with every element within the LP and the libertarian movement."

—Matt Monroe

A Record of Achievement

As Texas LP Finance Chairman (1980-82):

1981: developed Independence Pledge program.

Result: raised more than $200,000 for Texas LP since 1981.

As National LP Finance Chairman (1982-85):

1982: developed Liberty Pledge program, modeled after program in Texas.

1983: implemented professional telephone fundraising efforts.

1983: implemented regular, profitable direct mail fundraising campaigns, financing initial efforts out of his own pocket.

1984: developed the Torch Club for $1,000 donors to attract and honor those who make larger gifts to the LP.

1984: instituted regular program of postpaid inserts in the *LP News* for fundraising.

Result: LP revenues increased 24% by 1984, reaching all-time high, excluding Koch-influenced 1980. (Since Monroe's tenure, revenues have fallen by 23%.)

As National LP Membership Chairman (1987-89):

1987: implemented the "instant membership" program advocated by Russell Means, printed and paid for 30,000 instant membership cards for prospective members; resulting in nearly 3,000 instant members.

1988: personally financed membership programs when National LP failed to provide promised funding.

1988-89: organized and mailed lists of prospects and new members to state organizations, co-ordinated and facilitated membership activities at the state level.

Result: National LP membership up 23% since 1987.

Yes! I want to help build a more successful Libertarian Party. Send me information on your program for the Libertarian Party and your race for Chairman.

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If you get the job, you'll be working for the toughest, most demanding editor you've ever seen. You'll work hours you wouldn't believe—and you'll learn things about writing and the silver and gold industry you wouldn't believe.

If you do a good job, you'll probably be hated by half of the hard-money industry. And you'll be proud of it, because so many of them are sleazeballs it's an honor to be hated by people like them.

I'm leaning towards a heavyweight writer whose ego is still smaller than his or her typewriter. But I'm not unwilling to take a chance on a bright trainee.

Age means nothing to me. The two best writers I've ever had came to me, the one as a twerpy teenager, the other as a 70-year-old retiree. Likewise, race etc. are totally irrelevant. It's what's between your ears that counts!

Good pay, good incentives, and a congenial working atmosphere. No moonlighters, no freelancers, please. If you really want the job, write me a letter at 251 Lafayette Circle, Suite 310, Lafayette, CA 94549. Explain what you're looking for from the job and convince me you're the person for the job.—D. Rosenthal

We were not there to hear Peter Schwartz. We were there to hear Ayn Rand, as narrated by Schwartz. He delivered the gospel in clear monotones, enlivened only by sporadic attempts at sarcasm; occasionally he stumbled over the notes, but quickly recovered. He showed nothing approaching joy in his task; his visage held the hard edge of an ideal Randist hero or Soviet *politruk*.

The deathly dullness of Schwartz's monologue was enlivened only by its irony: the truly selfish person, he advised, "lives not by looting or mooching off of others. He produces his own values. As Ayn Rand says . . ."

During the question and answer period the tone switched from intellectual pedantry to downright indoctrination. His style was abrasive, didactic—not surprising, I guess. He began most answers with an instructive comment or two—"You have made two flaws," "You proceed from an incorrect concrete," "You must define your terms"— and proceeded to define the questioner's terms or to correct his flaws or concretes before providing the proper response from the Gospel according to Ayn.

I don't want to be hostile. This was a group of well-meaning people, even down to the fellow in the back who offered some Marxist criticism (which Schwartz was quick to label gratuitously). I'll bet that the Harvard Students of Objectivism have interesting, open and informative meetings. But I saw or heard nothing from Schwartz to convince me that the criticisms of the Rand inner-circle are anything but true; in other words, they flow from correct premises, and affirm that A is A. —JSR

Hungary for change — Zita, Empress of Austria, Queen of Hungary, died this spring at the age of 96, last of the European rulers swept away by the Great War. I used to be fond of mentioning Zita to students in my early-twentieth-century literature courses. Naturally, they had never heard of her, but the mere fact of her continued existence was a lesson in historical consciousness. It demonstrated how close we still were to that strange pre-war world, the world of *The Wasteland*, Part 1, the world in which admirals wore ostrich plumes and to be a grand duchess meant something and my midwestern grandfather bought pictures of imperial coronations for his stereoscope.

One world ended in 1918; another may be ending now. If the Soviets withdraw from the fractured zone of Europe where Zita once ruled (and it is by no means certain that they have started to withdraw), a number of things may happen. A de-NATO'd and de-Warsaw'd Europe may fall under the hegemony of a reconstituted Germany, or be abjectly Finlandized. Revivals of national independence may set Hungary at the throat of Rumania, Yugoslavia at the throat of Albania, Poland at the throat of all her neighbors. A literal application of Solidarity's economic principles may keep eastern Europeans as poor as they have been under Stalinism, or invite military dictatorships. Or a free Europe may once again lead the world in cultural and economic progress.

Do North American libertarians have anything interesting to say about these interesting possibilities, or are we content simply to wish that the U.S. would desist from entangling alliances—a wish still older and more honorable than Zita, but hardly a full and sufficient response to the complexities of international relations? Has libertarian foreign policy made any advances in the past 96 years? —SC

Lies my allies told me — On March 9th, *The Independent*, London's latest quality daily and, it seems, worthy of its name, published an article under the headline, "Churchill 'knew of Japanese plan to attack Pearl Harbour.'" The writer, Nick Cohen, reported on a new book, *Codebreaker Extraordinary*, the memoirs of Eric Nave, written with James Rusbridger. Nave was an officer at the British Code and Cipher School, based first in Hong Kong, later in Singapore. After the war, Nave served as director of Australian counter-intelligence. Rusbridger was an officer with MI6, in Britain.

What Nave and Rusbridger reveal is that by 1940, the British had broken Japanese naval code, JN-25. According to the authors, "The [British] Far East bureau knew that the [Japanese] task force had sailed from the Kuriles on 26 November, refuelled at sea eight days later, so a little work with the relevant charts placed the task force off Hawaii on 7 December." All information received was of course immediately and continually forwarded to London. Capt. Nave writes: "I naturally assumed that Churchill had ensured that all these vital decrypts were being shared with his great friend and ally Roosevelt and that by now [December 1] the Americans were well aware that a Japanese task force had been in the Pacific for over a week and that an attack was planned for 7 December either against Hawaii or the Philippines . . . . [Upon hearing of the attack], what I could not understand was how the Americans could be so unprepared when the British had such a wealth of accurate intelligence available about Japan's plans."

Nave and Rusbridger raise the question: "Did Churchill want to bring America into the war so badly that he deliberately concealed from Roosevelt the news that the task force had sailed and that an attack would be launched on 7 December 1941? Is [this] the reason why to this day the British government will not permit any official disclosure about FECB's abilities against JN-25 prior to December 1941?"

"Did Churchill want to bring America into the war so badly that he deliberately concealed from Roosevelt the news that the task force had sailed and that an attack would be launched on 7 December 1941?"

According to *The Independent*, posing that question has led to the suppression of the book. A prominent British publisher, Bodley Head, cancelled publication plans after being informed by the authorities that revealing signals intelligence, even after fifty years, would be a violation of the Official Secrets Act. To have ignored the government warning would have meant an expensive law suit for the publishing house. As *The Independent* notes, "when the new Official Secrets Bill becomes law," such a law suit will be "unwinnable" for the defendants.

The reason for this is that in Margaret Thatcher's new version of the notorious law, according to *The Economist* (March 11), criminal sanctions will now apply to current or former civil servants who release information that "damages the interests of the United Kingdom abroad"; such sanctions will also apply to cur-

rent or former members of the secret services who release even information that damages no party at all; and, most important, the defense of acting in the public interest will in all cases be abolished. Thus, all the dirty secrets, little and big, of the bureaucrats will be safe from the public, presumably forever.

I hope that *Codebreaker Extraordinary* finds a publisher in the United States, and soon. In the Soviet Union *glasnost* is producing amazing historical revelations by the authorities; for instance, the admission that the estimated 200,000 to 300,000 persons killed at Bykovnia, outside of Kiev, were the victims not of the Nazis, as previously maintained, but of Stalin's security forces (*New York Times*, March 25). Isn't it time for some *glasnost* in the West on Pearl Harbor, British and American war-crimes, and other hitherto taboo questions? One possibility that Nave and Rusbridger do not canvass and that could be discussed once their book is available is, of course, that Churchill *did* inform Roosevelt of the impending attack. —RR

Providing for the General Welfare Dept.

— Effective January 1, 1989, the federal government ordered all nursing homes to turn away mentally ill and retarded patients or risk losing their government certification. This edict applies not only to federal-state Medicaid patients, but also to private patients who are paying their own bills to the nursing homes.

According to tax funded humanitarian Terry Coleman, Deputy Administrator of the Federal Health Care Financing Administration, the measure was promulgated because our caring government does not approve of housing the mentally ill and retarded in nursing homes; by prohibiting them from nursing homes, the Feds hope to force the States to provide other facilities.

Great.

The federal government is kicking helpless people out of places where they are cared for, sometimes at their own expense, in order to force other levels of government to provide care according to the specifications of our caring federal government. The legions of mentally ill and retarded roaming the streets will presumably spur the states into action. Asked about what happens to the unfortunates who are kicked out into the cold bureaucrat Coleman said, "the law doesn't answer it."

Coming next: The federal government shuts down grocery stores and restaurants to force the states to feed the hungry . . . the federal government shuts down hospitals to force the states to provide medical care for the indigent . . . that's the ticket!

—MH

Investing in freedom

— A few days ago, I was talking to an old friend about politics. He brought up the subject of the Libertarian Party. He expressed annoyance at those who support liberty but are not involved in the LP. He told me how he had worked in various LP campaigns and how he believed that his work was effective in advancing libertarian ideas.

I was surprised to hear him say, as our conversation proceeded, that he never makes financial contributions to the LP. "This seems very strange," I said. "Why don't you put your money where your mouth is?"

"I work hard for my money," he replied. "And I don't want to waste it. The national LP spends practically nothing on outreach or political activity. Almost all the money it raises is used to pay the overhead. I give my money to specific campaigns and to other libertarian activities where I feel it is better spent."

This seemed amazing to me, so I checked it out. I was surprised to learn that my friend had been right. In fact, out of every dollar given to the national Libertarian Party, only 16¢ is spent on outreach or politics. The remainder goes for fund raising expenses and national office overhead.

Now I realize some overhead expenses are quite high, and that in a small organization such fixed overhead expenses are bound to be a larger percentage of expenses than in a large organization. It is simply a matter of economics of scale.

But even so: when only 16¢ of every dollar goes toward the stated purpose of the organization, I think something is wrong. I don't know exactly what the problem with the National LP is, but I suspect it involves inefficiency, political in-fighting, bureaucratism and just plain waste. Other libertarian organizations are much more efficient. For example, the chart below shows the breakdown of the Institute for Humane Studies spending for 1988, compared with the Libertarian Party.

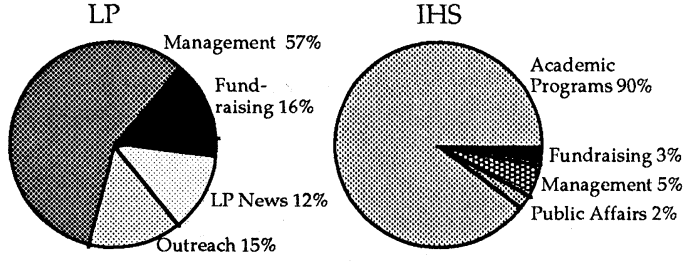

There may not be much I can do about the problems with the National LP, but one thing I can do is take the course of action that my friend follows: channel my cash contributions to organizations that get more bang for their buck. In the meantime, I think that if the LP is ever going to be an effective organization, it needs a radical change in its management. —CAA

But at least they unplugged Dan Rather —

Some provisional lessons of Tian An Men Square:

1. A tyranny that cannot control everything is remarkably close to controlling nothing.
2. When a tyranny goes to seed, it becomes a committee. China is a billion-member committee.
3. The committee of the Peoples Republic of China closely resembles that of a large American university. Making changes in a large American university is like moving a cemetery.
4. What people are willing to fight about is not the same as what they are willing to acquiesce in. The gap between acquiescence and violence is the space in which political maneuvering takes place. In China, the space broadened, then narrowed. This is a pre-revolutionary situation.
5. Revolutions occur when expectations have grown great, not when conditions have grown worse.
6. Mao was right to be scared. —SC

That was then, this is now —

"Drop Ayn Rand, leave Objectivism alone. We do not want you." With those words, Leonard Peikoff has expelled philosopher David Kelley from the Objectivist movement. Kelley was found guilty of consorting with libertarians. Among the crimes cited by Peikoff is that Kelley autographed copies of his book *The Evidence of the Senses* for Laissez-Faire Books. Curiously, Peikoff himself autographed copies of his book, *The Ominous Parallels*, at an autograph party at Laissez-Faire Books in 1982. —RWB

Polemic

The Myth of the Rights of Mental Patients

by Thomas Szasz

"Permit me then . . . to tell you what the freedom is that I love, and that to which I think all men are entitled. . . . It is a state of things in which liberty is secured by the equality of restraint."
—Edmund Burke [1]

During the past quarter of a century, "the rights of mental patients" has become a frequently discussed subject in the medical, psychiatric, psychological, and legal literature as well as the popular press; indeed, it has even attracted the attention of the United Nations as an area where human rights and ostensibly therapeutic practices appear to be on a collision course. [2]

Whence comes the idea of giving rights to, or guaranteeing the rights of, mental patients? It comes from two sources: the long legal-psychiatric tradition of depriving mental patients of rights; and the recent—ostensibly civil libertarian, but actually bureaucratic-statist—fashion of giving rights to members of special "oppressed" groups, such as blacks, women, and homosexuals.

On Liberty and Rights

We must keep in mind that individual liberty is a matter of political philosophy and law—not mental health; that (literal) illness is a matter of pathology—not psychopathology; that the connection between rights and diseases is a matter of social convention—not science; and that, in the American political tradition, human beings are considered to possess civil rights not because they are men or women, Christians or Jews, healthy or sick, but because they are persons.

Prior to this century the term *civil rights* meant the protection of the individual against coercion by the State. It stood for limits on State power. Somewhere down the line, the phrase underwent an Orwellian metamorphosis and came to mean the moral legitimacy of a special interest group—such as blacks and women—to use the power of the State to impose its demands on the rest of the people. Although this metamorphosis has had undesirable effects on blacks and women, its most seriously injured victims, not surprisingly, have been mental patients.

I say "not surprisingly" because, according to conventional wisdom, the insane are irrational and hence do not know, and cannot properly articulate, their own needs and rights. Which raises the question of who is entitled to—who should—speak for them? When, some thirty years ago, I began to address the problem of the rights of persons *called* mentally ill, I emphasized that I speak for myself only; and noted that inasmuch as many different kinds of persons are called "mental patients," they cannot all have the same interests—and that, in any case, they can and should speak for themselves. As for what is now called "mental health advocacy," I have stood firmly for the policy of viewing so-called mental patients as persons, presumed competent and innocent until proven otherwise, who ought to be treated by the law with the same disregard for their psychiatric status as they are for their religious status.

What has actually happened since then is nearly the opposite. Rallying to the battle cry of "civil rights for mental patients," professional civil libertarians, special-interest-mongering attorneys, and the relatives of mental patients joined conventional psychiatrists demanding rights *for* mental patients—*qua mental patients*. The result has been a perverse sort of affirmative action program: since mental patients are ill, they have a right to treatment; since many are homeless, they have a right to housing; and so it goes, generating even a special right to reject treatment (a right every non-mental patient has *without* special dispensation). In short, the phrase "rights of mental patients" has meant everything but according persons called "mental patients" the same rights (and duties) as are accorded all adults *qua citizens* or *persons*.

The Rights of Mental Patients

A recent British study, titled "The Rights of Mentally Ill People," exempli-

fies both the futility of trying to secure rights for mental patients *qua* mental patients and the uncomprehending stubbornness with which this quest is now pursued throughout the English-speaking world. Prepared by Chris Heginbotham—the National Director of MIND (the National Association for Mental Health of England and Wales) and a Board Member of the World Federation for Mental Health—the report also illustrates that the professional protectors of the rights of mental patients are just as great a threat to their rights as the psychiatrists against whom these self-appointed guardians propose to guard them. Contradicting the title of his report Heginbotham begins by asserting that "People with mental illnesses are a disadvantaged . . . minority in every country" and then, in characteristic collectivistic-statist style, confuses and equates needs and rights: "This Report concentrates primarily on the needs [sic] of people defined as having a diagnosable mental disorder." [3]

But ignoring a person's—especially an adult's—wants and pontificating about his needs renders attending to his rights virtually impossible. No matter: When Heginbotham uses the word *right*, he means not the legal right to be left alone but, on the contrary, the moral right to make a justifiable demand on others. "It can reasonably be argued," he writes, "that every person has the right to be treated according to the following principles," and then enumerates the goods and services that certain persons "ought" to be given, psychiatric treatment among them: "To a large extent this Report is concerned with rights—the right of people with diagnosable mental illnesses to be treated with 'equal concern and respect' . . . This must include the right to receive proper care, support, and treatment for any illness, physical or mental." [4]

After contemptuously dismissing the view "that the term 'mental illness' is . . . a myth," [5] Heginbotham proceeds to opt for accepting, without further discussion, the World Health Organization's definition of mental illness and its estimate of frequency: "A rough estimate suggests that at any time no less than 40 million people—perhaps as many as 100 million—in the world are suffering from the most serious mental disorders as defined by WHO." [6] So much for what is mental illness. With that problem out of the way, the Report proceeds to concentrate on what to do about mental illness and comes down squarely in support of conventional psychiatric interventions, as the following sentence illustrates: "The release of these people [involuntarily hospitalized patients], admirable in theory, has often been disastrous in practice. A recent sample survey of New York's homeless found that 96% had at one time been in a psychiatric hospital." [7] This is a hopelessly sloppy way to talk about so complex and controversial a policy as deinstitutionalization. Does Heginbotham contend that deinstitutionalization has been disastrous for the patients (even if they prefer to be out of the hospital at any cost)? For the patients' families (especially if they prefer to keep the patients in the hospital at any cost)? For the people in the cities whom they annoy and disturb (and who have nothing tangible to gain by deinstitutionalization)? All of the above? In whose judgment has this policy been disastrous? In the judgment of the patients who prefer to be out of mental hospitals (at any cost)? Of the patients who prefer to be in mental hospitals (at any cost)? Of the patients' families? Of the people in the city? All of the above? Obviously, the answers vary, if for no other reason than because these parties often have conflicting interests, which Heginbotham systematically fails to acknowledge.

> *Prior to this century the term civil rights meant the protection of the individual against coercion by the State. Somewhere down the line, the phrase underwent an Orwellian metamorphosis and came to mean the moral legitimacy of a special interest group to use the power of the State to impose its demands on the rest of the people.*

Psychiatric Rights in the Soviet Union?

One of the many ironies of the "mental patients' rights movement" is the way its rhetoric fits so perfectly the collectivistic-paternalistic spirit of traditional Oriental despotism and contemporary Communism. Indeed the Russians—always a soft touch for the statist mentality that eagerly relinquishes real freedoms in return for fictitious rights—have now joined the parade of giving persons defamed as mental patients rights, the better to justify taking away their liberties. In January 1988, *Tass* reported the enactment of a set of psychiatric reforms, among them a law making it a crime "to lock up a patently healthy person in a mental hospital." [8] No psychiatrist engaging in this practice prior to the enactment of the new law was named, much less punished. After all, no bureaucrat—political or psychiatric—is ever guilty of anything. In any case, the important thing is not worrying about past psychiatric abuses but proclaiming future guarantees against them, enshrined in new rights. American politicians, lawyers, and even civil libertarians are proud that American patients, *qua* mental patients, have rights; henceforth Russian mental patients, *qua* mental patients, will have exactly the same rights: "People receiving psychiatric assistance . . . are guaranteed legal aid by a lawyer with a view to ensuring their rights," *Tass* said. [9]

No doubt, mental patients in the Soviet Union need all the rights they can get, and then some. Emboldened by *glasnost*, Sergei Grigoryants, chief editor of the magazine *Glasnost*, writes: "According to official data, nearly five million people are listed on the psychiatric register in the Soviet Union. . . . To be on it officially permits a healthy person to be placed in a psychiatric *prison* at any time *and to be deprived of all rights*" (emphasis added). [10] Of course, like all conventional critics of psychiatry, Grigoryants protests only against "healthy people" being forced to become the patients of psychiatrists he himself characterizes as "criminal[s] . . . defending [their] right to murder." [11] It is mysterious, as I remarked elsewhere, [12] what on earth about mental illness renders a person suffering from it a fit

subject for compulsory care by murderers.

I regard all this sound and fury as a collective exercise in deception and self-deception. [13] How can one Soviet state agency protect the rights of a person whose rights have been abrogated, presumably rightfully, by another state agency? And, most importantly, when a so-called mental patient's right to liberty conflicts with his right to treatment—whether in the USSR or in the U.S.—what official, on the basis of what criteria, decides which right should prevail? We cannot escape from this psychiatric trap of our own making: The ostensible aim of every involuntary psychiatric intervention is to treat a person for his mental illness; its actual result is that the person is deprived of liberty. Similarly, the ostensible aim of every psychiatric reform is to make the mental health system less susceptible to abuse; its actual result is that the system and its abuses become more resistant to criticism. Ironically, the promoters of psychiatric slavery—both in the U.S. and in the USSR—now employ the identical rhetoric of "dangerousness to self and others" to identify certain individuals as mental patients, and the identical justification of the patients' "special rights" to legitimize incarcerating them.

The ostensible aim of every psychiatric reform is to make the mental health system less susceptible to abuse; its actual result is that the system and its abuses become more resistant to criticism.

Rights and Responsibilities

An important corollary of the notion that civil rights adhere to individuals *qua* persons, as against individuals *qua* members of one or another special group, is the conjoining of rights and responsibilities, liberties and duties. This is why, for hundreds of years, Anglo-American political philosophers exempted three groups of human beings from the class of full-fledged persons: infants, idiots, and the insane. Because children, retarded persons, and psychotics are considered to be unable to fulfill the social *duties* of normal adults (which some of them are indeed incapable of fulfilling), individuals assigned to these categories are deprived of *rights* and exempted from responsibilities.

Mutatis mutandis, because the rights and responsibilities of an individual cannot be disjoined (or can be disjoined only temporarily and to a very limited extent), the very idea of the rights of mental patients is a patent absurdity: How could a person be allowed to enjoy the privileges of individual liberty without any corresponding responsibility to obey the law? Because rights and responsibilities cannot—and, in fact, are not—so disjoined, I maintain that the words *mental patient* and *right* contradict each other and are mutually exclusive, just as Rousseau maintained that "The words *slave* and *right* contradict each other and are mutually exclusive." [14] It is ironic, however, that while no one in Rousseau's day would have disagreed with his assertion about the oxymoronic character of attributing rights to slaves, hardly anyone today agrees with my assertion about the oxymoronic character of attributing rights to involuntarily hospitalized mental patients. Why is this so? How can people not see that the mental patient's right to treatment is, in fact, a hypocritical disguise for the psychiatrist's right to assault the patient—physically, chemically, electrically, and in every other way—and call it "treatment"? [15] After pondering this question for some time, I have concluded that the answer probably lies in the secularization of a fundamental Roman Catholic principle of ethics, namely, the Principle of Double Effect. Without ever mentioning this principle, perhaps even without being fully aware of it, many people—in and outside of the mental health professions—now support psychiatric slavery by falling back on a therapeutic (in)version of this classic, Thomistic idea.

The Principle of Double Effect

Clearly articulating this particular form of moral reasoning in his *Summa Theologica*, St Thomas Aquinas is credited with its authorship. In a chapter titled "Whether it is lawful to kill a man in self-defense?" Aquinas justified the otherwise illicit act of killing a man as follows:

> Nothing hinders one act from having two effects, only one of which is intended, while the other is beside the intention. Now moral acts take their species according to what is intended, and not according to what is beside the intention. Accordingly the act of self-defense may have two effects, one is the saving of one's life, the other is the slaying of the aggressor. Therefore this act, since one's intention is to save one's own life, is not unlawful . . . [16]

The *New Catholic Encyclopedia* defines the Principle of Double Effect as: "A rule of conduct frequently used in moral theology to determine when a person may lawfully perform an action from which two effects follow, one bad, the other good." [17] For example, it is considered permissable for a physician to give an aged patient a painkiller, provided the aim is to relieve pain, even though the effect may also be to hasten death. This principle is often applied in the contemporary Catholic analyses of such topics as abortion, contraception, and suicide.

Obviously, this mode of reasoning is in no sense peculiarly Catholic or restricted to Catholics. Anyone intent on rationalizing his own morally complex and conflicting choices can make use of it—and many people do. For example, Paul Ramsey—said to be "the most influential American Protestant writer on medical ethics of his generation"—has applied it to the problem of abortion. David Smith, a professor of religious studies at the University of Indiana, condenses and explains Ramsey's position as follows:

> direct abortions are justified in situations where a nonviable fetus threatens its mother's life. In that case: the intention of the action, and in this sense its direction, is not upon the death of the fetus . . . [but is] directed toward the *incapacitation* of the fetus from doing what it is doing to the life of the mother . . . . This distinction between incapacitation and direct killing solves the problem of explaining how love can justify abortion. If justifiable abortions are properly described as incapacitating rather than killing, then one can say that such actions are justifiable actions of love to the aborted fetus. One has not done

> something unloving to the fetus itself.[18]

Amen. Truly, the human mind is an organ of self-justification. But if this is the way prominent theologians reason, is it any wonder they support psychiatric coercions of all kinds, and that jurists, physicians, and lay persons support them as well?

The Principle (and Practice) of Double Effect in Psychiatry

Such, then, is the evidence that has persuaded me that the Principle of Double Effect offers the right angle from which to view the antithetical arguments of the conventional psychiatrist supporting psychiatric deprivations of individual liberty, and his critic (such as myself) opposing such deprivations. I present herewith, in schematic forms, two dialogues that exemplify the standoff.

I maintain that the words mental patient and right contradict each other and are mutually exclusive. The mental patient's right to treatment is, in fact, a hypocritical disguise for the psychiatrist's right to assault the patient—physically, chemically, electrically, and in every other way—and call it "treatment."

Concerning contraception:

Critic: You say you are a good Catholic and yet you take birth control pills. Your behavior proves that you are not a good Catholic. You are a hypocrite.

Catholic woman: You are wrong and unfair to me. There is nothing I want more than to have a baby. Besides, I don't take birth control pills; you use that term only to humiliate me. I take a medicine prescribed for me by a physician to regulate my irregular and painful menstrual periods.

Critic: Regardless of what you say, the effect of the medicine you take is that you are less likely to become pregnant.

Catholic woman: That may be. But, I swear to God, that is not my intention. And I may get pregnant. It is not certain—as you very well know—that the medicine will prevent it.

Concerning commitment:

Critic: You say you are a humanist and love liberty and yet you incarcerate innocent persons. Your behavior proves that you are neither a humanist nor do you love liberty. You are a hypocrite.

Psychiatrist: You are wrong and unfair to me. There is nothing I want more than to liberate my patients from the shackles of their mental illness. Besides, I don't incarcerate anyone; you use that term only to humiliate me. I hospitalize patients to enable them to recover from their illnesses.

Critic: Regardless of what you say, the effect of your intervention is that your patient is deprived of liberty.

Psychiatrist: That may be. But, I swear by Hippocrates, that is not my intention. Anyway, the patient will soon be discharged. And it is not certain—as you very well know—that the patient objects to such a temporary loss of liberty.

Although these dialogues are imaginary, the situations they describe are not. It is important to note here that while the Catholic and Psychiatric Principles of Double Effect appear to be similar, they are by no means identical—the latter, in fact, being an inversion of the former. In Catholic theology the initial act cannot be morally evil albeit some of its consequences might be: for example, self-defense is a right even though it may cause the assailant's death, which is wrong. In the psychiatric ethic, the initial act can be evil, so long as its consequence is not: for example, it is wrong to deprive a person of liberty, but if it cures him of mental illness then it is all right. In short, whereas in Catholicism the means cannot be evil, although some of its consequences might be—in psychiatry, good ends justify evil means.

This mode of reasoning, more than any other, is now used to justify the incarceration and involuntary treatment of street persons. According to current psychiatric doctrine, homeless mentally ill persons are hospitalized against their will *solely because* they are ill and *not because* they are homeless. For example, apropos of the forcible hospitalization of Joyce Brown, the New York bag lady who attracted much attention in the fall of 1987, Luis Marcos, a psychiatrist and vice president for mental health of the city's Health and Hospitals Corporation, declared:

> We are dealing with people who are severely mentally and physically ill. And people have a right to be treated and cared for . . . . The civil liberties unions believe people should be free to live in the street and to deteriorate. We believe people should be free from hallucinations and mental illness. She [Joyce Brown] was not hospitalized because she was living on the streets—she was hospitalized because in the judgment of at least three psychiatrists she needed medical psychiatric help.[19]

Does anyone really believe this? Or is this merely psychiatric ceremonial chanting which, like religious incantation, it is in bad taste to scrutinize? Does Marcos really believe that had Joyce Brown been living in a multi-million-dollar condominium on Park Avenue on a tax-free annual income of $500,000, she would have ever come to the attention of his roving psychiatrists cruising the streets looking for patients, much less that she would have been forcibly hospitalized in a public mental institution?

Marcos's assertion is troubling on another count as well. His insistence that Joyce Brown "was not hospitalized because she was living on the streets" implies that she has a right to live on the streets. But does she? This question brings to mind Anatole France's famous anti-libertarian cry that "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."[20] With this phrase—made immortal by generation after generation of socialists and statists—France in effect mocked precisely the sort of equality before the law extolled by Edmund Burke and every adherent to the rule of law before and since then. Did France really advocate or believe that the poor should be allowed to steal bread? Surely, he must have known that such a rule would annul any rational person's decision to operate a bakery. The same principle ap-

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plies to sleeping under bridges or on hot air grates: Allowing the poor to sleep on the sidewalks of New York would inevitably lead to no one—poor or rich—having the cultural and social amenities and protections everyone needs for sleeping at night.

I therefore defend what France ridicules—namely, that the law would forbid rich and poor equally from sleeping on the sidewalk. But, as we saw, Marcos and the majority of psychiatrists whose point of view he clearly represents evidently believe that Joyce Brown and other street people should be allowed to sleep on the sidewalks. Why? Because the proposition, proudly supported by psychiatrists and pseudo-civil-libertarians, that mental patients have a right to reject treatment has become extended to mean that they also have a right to sleep on the sidewalks. This strikes me as an absurd *non sequitur*. Every medical patient has the right to reject treatment. However, we do not interpret the fact that arthritics have the right to reject treatment to mean that they have the right to copulate on the sidewalks. Surely, husband and wife (or perhaps any man and any woman) have the right to have sexual intercourse. But not anywhere: in private, yes; in public, no. The same reasoning applies, it seems to me, to sleeping, eating, urinating or defecating. Assuredly, we have a basic human right to engage in these acts (necessary for survival itself)—but not on someone else's property. The street person who disrupts the public order by sleeping on the sidewalk violates the rights of others just as surely as does the person who disrupts traffic by leading a political protest (without permission to do so). The argument that we should view and excuse a homeless person's sleeping on the sidewalk as non-criminal because he has no other choice and hence no criminal intent to act illegally is no more convincing than the argument that we should view and excuse a poor person's stealing as non-criminal because he has no other choice and hence no criminal intent to act illegally.

"I may be way out of line here, but as far as I'm concerned, it's people like you that give welfare recipients a bad name!"

Psychiatric Rights: Double Effect or Double Talk?

Regardless of whether the mental patient is given rights or deprived of rights, the bottom line for his relationship with society is the latter's legitimate power to incarcerate him. It is important to re-emphasize that long ago the need therapeutically to justify psychiatric confinement has become an autonomous cultural belief. Months after picking her off the sidewalk on October 28, 1987, and taking her to Bellevue against her will, psychiatric and legal authorities were still deliberating what to do with Joyce Brown. Like medieval theologians trying to determine how many angels can dance on the head of a pin, mental health experts in New York in 1988 try to determine how much, if any, Haldol this allegedly psychotic woman "needs":

> In testimony over the last two days in a courtroom at Bellevue Hospital, Dr. Maeve Mahon, the psychiatrist who had been treating Miss Brown at the hospital, said Miss Brown refused to shower regularly, sometimes talked and laughed to herself, made threatening gestures to staff members and was abusive to black men on the hospital staff. Miss Brown is black. Dr. Mahon asked the court for permission to administer Haldol, an antipsychotic drug, over a three-week period to test whether it had a beneficial effect on Miss Brown's condition. [21]

New York Civil Liberties Union lawyers representing Miss Brown produced psychiatrists who testified that she was not psychotic and hence did not need Haldol. The attorney for New York City countered "that without medication, Miss Brown would be forced to remain in the hospital without receiving any benefit from it." [22] Not surprisingly, the judge ordered more psychiatric examinations: "I just want a pure strain of psychiatric judgement," he said. [23] Note that all of the players in this drama—including Miss Brown, her lawyers, and their psychiatrists—validate the fiction that her confinement has, or may have, two effects: loss of her liberty and treatment of her mental illness; and that aiming at the latter target justifies hitting the former.

It is bad enough that the terms *mental patient* and *right* contradict each other, just as the terms *slave* and *right* contradict each other. What makes the current debate concerning the civil rights of mental patients even more mindless is the utterly false idea that mental illness itself is a condition that deprives a person of liberty and that anti-psychotic drugs are treatments that restore the lost liberty. In the psychiatric literature this falsehood is actually treated as if it were fact. "Patients released from mental institutions refuse to return to inpatient care," writes the editor of a psychiatric journal. [24] Does this mean that such patients vote with their feet, like political refugees who refuse to return to the oppressive regimes they have fled? No. For "these misled mentally ill," explains the author, "this kind of liberty, from any medical or humanistic point of view, is worse than any form of imprisonment." [25]

These comments, and countless others like them, illustrate that, virtually without exception, psychiatrists are hostile to the idea that the mental patient should have a right to reject treatment, indeed that he should have any *rights* at all that override his (alleged) *needs*. At a conference in 1987 on involuntary hospitalization, sponsored by Beth Israel Medical Center in New York, Stephen L. Rachlin, chairman of psychiatry at Nassau County Medical Center, declared: "The right to refuse treatment illustrates the clash between patients' 'rights' and their 'needs': It's one right too many." [26] The issue once again is simply the pros and cons of coercive psychiatric paternalism, to which Rachlin's remarks add nothing new. In any case, neither the reasoning nor the rhetoric matter: the inertia of psychiatric tradition is enough to annul in practice whatever innovation might be introduced in principle. "The trend to protect psychiatric patients' rights to refuse treatment by judicial review has meant

little change in outcome, but greater expense, delay, and intrusion," [27] added Rachlin, and on this score I agree with him.

It is worth noting that there was, evidently, complete unanimity at this conference concerning the desirability of coercive psychiatric paternalism. "A psychiatric patient's refusal to take medication is most often a reflection of illness, not an autonomous decision, and should be resolved on clinical, not judicial grounds," [28] opined another psychiatrist. The validity of this dubious claim is also irrelevant, since the courts virtually routinely uphold the psychiatrists' recommendations. "In Massachusetts, for instance, 96% of patients' medication refusals were overridden" by the courts. In short, the mentality of giving-rights-to-mental-patients has only added fuel to the already brightly burning fires of what I have called "therapy by the judiciary": the existence (material reality) of "mental illness" and its "treatment" is re-affirmed by judges prescribing the treatment:

> One judge, having been told that Mellaril produces the least extrapyramidal side effects, ruled that all patients in such disputes be treated with Mellaril; another ordered that a patient be given Cogentin "at the first sign of any side effect." A third directed the hospital to raise a patient's dose of neuroleptic, if necessary, "but by no more than 50 mg/week." [29]

This is the kind of absurdity that we saw happen in the past, when Religion and the State were united, and is the kind of absurdity we see happening now, when Psychiatry and the State are united. Formerly, the State lent its power to support the proposition that consecrated bread and wine were, literally, body and blood; now it lends its support to the proposition that misbehavior is disease and poisoning is treatment. Hence, the dramatic psychiatric shedding of tears over the mental patient's loss of liberty from a "medical or humanistic point of view" is pure hypocrisy. The truth is that mental illness *qua* illness cannot cause loss of *political liberty*; but that involuntary mental hospitalization can and does cause precisely the loss of such liberty, and only its cessation can restore it.

Conclusions

My first conclusion and recommendation, then, is that we not chase after every violation of the "rights" of mental patients—not because helping a single person out of a single predicament is not morally meritorious, but because a coercive-statist psychiatric system can create new "abuses" much faster than we can abolish the old ones (assuming we can do that). Thus, genuine and rational concern for human well-being, just as genuine and rational concern for human rights, must entail, as Roger Pilon observed,

> a concern about those systems that tend to the protection of human rights and those that tend to their violation. Far from trying to separate the moral from the political or economic, then, far from trying to avoid "politicizing" one's moral concern, those with a deep and abiding interest in human rights must come in the end to the realization that human rights constitutes precisely that nexus between the moral and the political and economic that theorists of the 17th and 18th centuries, theorists of the classical liberal tradition, recognized so well and articulated so clearly. They must come to realize, in short, that human rights are what political and economic systems at bottom are all about. [30]

I believe that candor and decency require us to acknowledge that, because of its history and social consequences, the idea of mental illness embodies within itself the notion of diminished or absent personal autonomy. When writers on the rights of mental patients assert that "Mentally ill persons should receive humane, dignified, and professional treatment" [31] —as does Timothy W. Harding, the leader of an expert mission of the International Commission of Jurists to investigate allegations of mistreatment of mental patients in Japan—they are, in effect, pleading for their own right to involuntarily treat persons they themselves categorize as mental patients. [32] Since the Commission comes down squarely in support of psychiatric coercions when required by what mental health professionals consider to be the best interests of the patients, the central problem of so-called psychiatric abuses remains untouched: How do we make psychiatric treatment dignified when the patient rejects the psychiatrist's intrusion into his life? Antonin Artaud's complaint, usually expressed less eloquently, echoes through the ages in the autobiographical writings of mental patients: "I myself spent nine years in an insane asylum and I never had the obsession of suicide, but I know that each conversation with a psychiatrist, every morning at the time of his visit, made me want to hang myself, realizing that I would not be able to slit his throat." [33] Apologists for psychiatric paternalism consistently avoid the challenge implicit in Artaud's cry—not for psychiatric help, but for freedom from it.

> *The very idea of giving rights to the mental patient expresses society's collective contempt for him; the mental patient's failure to protest against this ritual reinforces society's collective sense of being justified in patronizing him.*

Is there a way out of this labyrinth? There is—for those looking for an exit. I add this caveat because, for perfectly good reasons, many persons are not looking for such an exit. Involuntary, institutional psychiatry, appropriately adapted to time and place, serves the interests of many individuals and groups: mental health professionals like it because it legitimizes them not only as healers but as the protectors of society as well; mental patients—for the most part, most of the time—like it because it legitimizes them as sick and offers them an escape from the day-to-day cares of normal life; and, last but not least, the parents of mental patients, politicians, and the legal system like it because it provides them with a legitimate mechanism for distancing themselves from mental patients and subjecting the patients to the control of the State. [34] To paraphrase Voltaire, if there were no mental illness, it would be necessary to invent it.

But it is not necessary to invent mental illness, as it has been handed down

to us by our ancestors, authenticated by the most solid scientific credentials imaginable: Mental illness is either a proven or a putative disease of the human body as a biological machine. The ultimate fallacy in this idea is that it is believed to morally justify the psychiatrist's domination of the mental patient on the one hand, and the mental patient's evasion of his responsibility to mind his own business on the other hand. By the latter I mean that if mental patients are to be accorded the same rights as other adults in our society, then they must also be expected to assume the same responsibilities. In other words, they must be seen as moral agents who have the duty to take care of their own biological, personal, and financial needs and the needs of those who depend on them, and to respect the rights of others and the law of the land. Accordingly, if they break the law, they must be punished in the criminal justice system, not treated in the mental health system. In proportion as we excuse persons with mental, but not with medical, illnesses, we join the chorus of hypocrites singing the theme song of the mental health industry—"Mental illness is like any other illness"—all the while making certain that the phrase "rights of mental patients" continues to serve the best interests of the singers.

Curiously, my insistence that we view so-called mental patients as persons first, and as mentally ill second, has led Sir Martin Roth to pay me what I consider to be the highest compliment possible. In the final paragraph of a scathing attack on my work, Roth writes:

> He [Szasz] has been a powerful fighter for the freedoms, rights and responsibilities of psychiatric patients. The attitude of the law and the legal profession to psychiatry and mental disorder has been transformed by the writings of Thomas Szasz, in the USA. He is obsessed by the need he feels for psychiatric patients, psychotic or neurotic, to be accepted by us all as human beings of no less value than ourselves . . . [35]

To that indictment, I proudly plead guilty. However, Roth does not stop here but adds:

> . . . and therefore not ill; for if they are thought of as mentally ill, they cannot but be devalued, dehumanized, degraded. This is the conclusion at which he *has* to arrive; and hence comes the necessity to stand logic on its head in order to get there. [36]

The phrase "and therefore not ill" is rubbish and has nothing to do with my insistence that we distinguish the literal meaning and uses of *disease* from its metaphorical meanings and uses. As for "standing logic on its head," the less said the better. I should like to reiterate that I cannot help but feel that the very idea of giving rights to the mental patient expresses, once again, society's collective contempt for him; and that the mental patient's failure to protest against this ritual reinforces society's collective sense of being justified in patronizing him. After all, Catholics do not have a specially identified right to accept or reject Holy Communion. Jews do not have a specially identified right to accept or reject the Jewish dietary laws. Patients with arthritis or diabetes do not have specially identified rights to accept or reject treatment for their diseases. Giving mental patients such specially identified rights is, in my opinion, simply our way of casting them out of the human community. In past ages, when men did this to their fellow men, at least they honestly acknowledged what they were doing. Surely, doing the same thing and denying it is not moral progress. ❑

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And because television is a highly visual, highly emotional medium, TV news tends to focus on "human interest" stories, and to encourage simplistic thinking.

Each time some lunatic shoots up a schoolyard or hamburger stand, it's splashed all over the evening news, and the cries for gun control grow more intense. Every time someone is shown huddling over a heat vent to keep warm, the advocates of socialized housing gain ground.

TV does not lend itself well to lengthy, complex, cerebral arguments. The typical TV news story is about 90 seconds long, and relies primarily on visuals. It is the absolute antithesis of the abstract, verbal style that most Libertarians are comfortable with.

By its nature, TV focuses on the here-and-now. It can show Lee Iacocca asking Congress to bail out Chrysler, but it can't show the enterprises that don't exist because the Feds sucked up investment capital to keep inefficient companies in business.

Likewise, TV reporters can interview people who have been harmed by Thalidomide, but they can't interview those who died because the drug that would have saved them was kept unavailable by the FDA.

And TV news increasingly dominates the electoral process. The three major TV networks effectively define who is a "real" and "serious" candidate. By simply ignoring Libertarians, they shut us out of the national consciousness. Then, having done so, they can conspire on Election Night to black out any reporting of the Libertarian vote . . . and get away with it!

The bottom line is this: until Libertarian ideas are presented credibly and effectively on TV, we will continue to lose ground!

We must do two things to meet this challenge.

The first is to produce and run a series of high quality 30 second ads which address key issues from a Libertarian perspective.

These must be ads with emotional impact, produced to the same standards of excellence as commercials for cars, cereal, beer, and other consumer goods. They can't be the same old shoestring-budget "talking head" spots that Libertarians have been producing and running for years.

Second, we must start accumulating funds to buy control of a TV network! This will take a vast amount of money, but it's not impossible. Broadcast TV has fallen on hard times in recent years, as viewers are being lost to cable . . . while the art of leveraged buyouts has been greatly refined. We may be five to ten years away from realizing this goal, but if we start now, it's not unattainable.

LIBER/TV is being established to start the ball rolling on these two projects. During 1989, we will simply accumulate funds; expenses will be kept to a minimum.

In 1990, we will produce as many ads as funds permit, and make them available to LP candidates and anyone else who will air them. In 1992, we will attempt to buy spots on national network news shows, during the election campaign period.

We are asking Libertarians who support the idea of LIBER/TV for "seed money" to begin the fund-raising process. Any amount is welcome, but to encourage larger contributions, we make the following pledges:

1) If you contribute $50 or more, you will be sent a Progress Report in the Fall of 1989, and another in mid-1990, to keep you posted on how much has been raised and spent. If support is insufficient to justify its continuation, we will terminate this project and funds on hand will be disbursed to $50-and-up contributors on a pro-rata basis.

2) Those who contribute $500 or more will be consulted on an ongoing basis, and, if they wish, will be listed on LIBER/TV's Board of Advisors.

Your support is needed! Please send your contribution today.

David F. Nolan
Chairman, LIBER/TV

LIBER/TV

Suite 101-358 4330 Barranca Parkway Irvine, CA 92714

Yes! I agree that we need to get our ideas on TV! Enclosed is my contribution of $ _____ .

(Make checks payable to LIBER/TV)

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I would especially like to see ads on the following topics:

_____

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by Bob Ortin

War on Drugs—quid pro quo

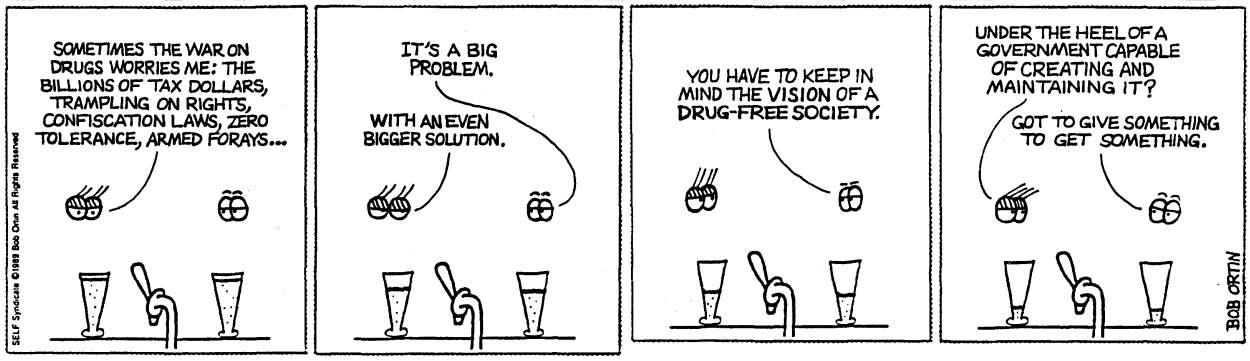

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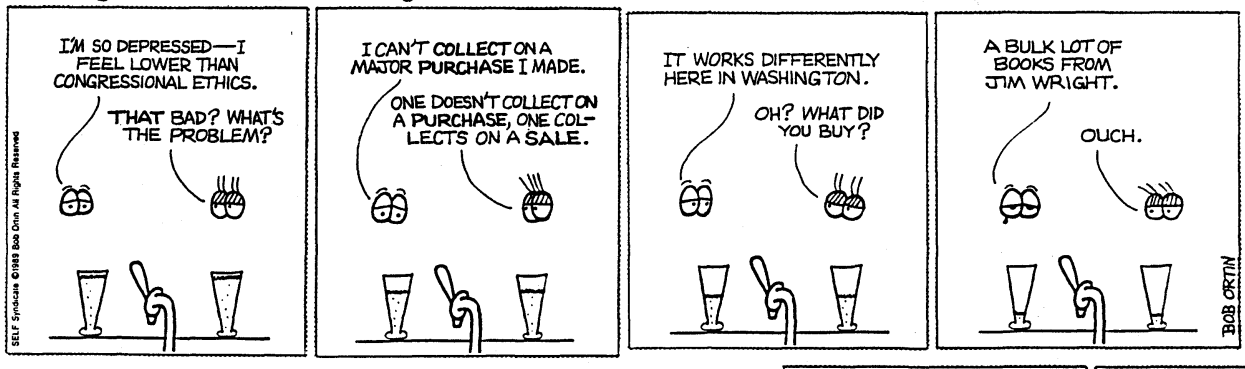

Peace—public and private

War on Drugs—the 3% solution

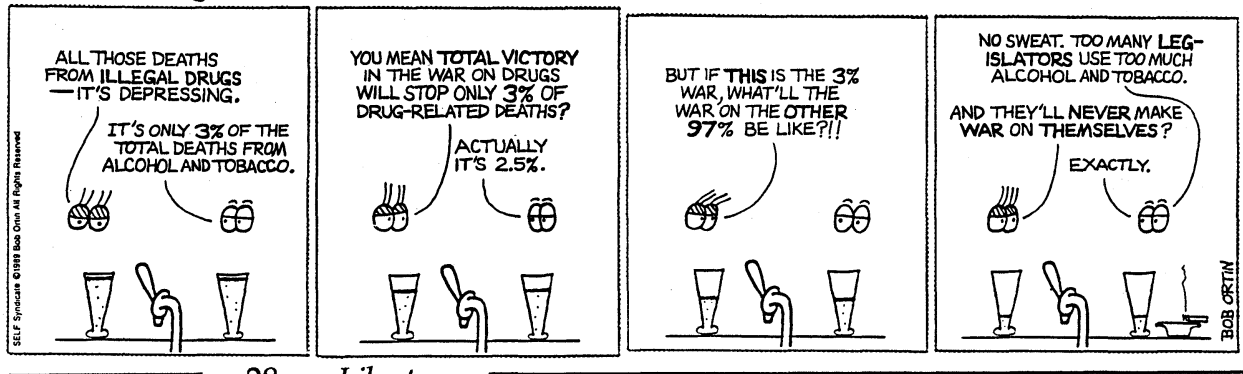

Discussion

Open *vs* Closed Libertarianism

by John Hospers

No matter how promising the libertarian idea may be, it has yet to yield universal agreement, even among libertarians. Prof. Hospers explores a fundamental divergence in libertarian thinking.

We have all been involved from time to time in discussions on social and political issues—punishment, welfare, firearms, defense, and countless others. On some of these, but not all, there is a distinctively libertarian position. Sometimes it strikes people as extreme, and they're inclined to reject it out of hand because it contradicts what is vaguely called "common sense." But sometimes they stay with it long enough to see the rationale of the position.

I have found, in trying to present the libertarian position on various issues, that libertarians do not always speak with one voice; different views keep emerging under the libertarian label.

First, there are those who take certain principles—not always the same ones—that they believe to be libertarian, and attempt rigidly to deduce consequences from them, which they apply strictly and without exception. This I'll call *closed* libertarianism—because it treats libertarianism as a system closed to new experience. Its theory is "pure as the driven snow," without any contamination from other theories or historic events.

There are also those who either interpret the principles more liberally or permit a certain latitude in their application. These libertarians sometimes find the "closed" libertarian view too extreme. This view we may call *open* libertarianism, because it is open to experience and external theories. (Open libertarianism may still be pure as the driven snow: it has just drifted a bit.)

What the open system and closed system libertarians say differs from issue to issue, and one could be open on one topic and closed on another. Let me begin with an example. Most libertarians—open or closed—agree with Ayn Rand's statement that no human being's life should be a non-voluntary mortgage on the life of another. This statement has vast implications: for example, that no one may deal with another by force, for force is opposed to voluntariness; and that there should be no government welfare programs, for such programs do make one life mortgaged non-voluntarily to another.

Should this principle be implemented immediately? A closed libertarian would likely say that government welfare payments should simply be stopped, period—the sooner evil is checked the better. An open libertarian, on the other hand, probably would not put the draconian change into effect suddenly: many people would starve, there would be riots in the cities that would take more money to quell than the welfare would cost; or, it would be unfair to terminate at once something on which people's expectations are based, pulling the rug out from under them without warning—at least we should wait until the economy is freer and jobs are more easily available. It's all right to be pure, but don't go pure right away no matter what the circumstances. And so on for other issues—let foreign aid peter out gradually rather than cause huge dislocations by cutting it off at once, and so on.

Neither of these alternatives is a strict consequence of the Randian principle, which does not entail that the welfare system must be totally abolished at once. All that Rand's principle implies is that in an ideal system there would be no system of state welfare, and none would have started. It doesn't tell you specifically what to do to correct past errors. It doesn't logically imply either that you should put it into practice at once, whatever the conditions, or that you should phase the system out gradually. You need other premises to derive either of these conclusions.

Consent

When you become a member of the Libertarian Party you sign a statement that you do not advocate the initiation of force in achieving your goals. Besides

being a bit vague (when are you initiating? and what kind of force? etc.), the statement is negative. A positive one would be what we may call the Principle of Consent. Ayn Rand said, "In any enterprise involving more than one person, the voluntary consent of all parties is required." Many persons indeed would say that this is *the* central tenet of libertarianism.

We often employ this principle in our dealings with others. If you take someone's belongings without his or her consent, that's theft; if the person voluntarily gives it to you, that's a gift. Consent transforms the first into the second. Consent is what transforms rape into ordinary sexual intercourse. Consider also the quick answer given (not merely by libertarians) to such questions as the following: Is it all right for someone to play a tape all night long in your bedroom while you're asleep, without your permission? No, for you didn't consent. Is it all right for someone to try an experiment on you that involves some risk? Again, not without your prior voluntary consent.

But now let's consider this case: The murderer didn't consent to be tried or imprisoned. Perhaps we should put a qualification into the principle such as "unless he has violated the rights of others," and then we have to enter the forbidding domain of rights in order to determine what kinds of acts constitute rights-violations and why. Or perhaps another qualifier will do. (More on this in a moment.)

This case, however, opens up a much larger problem. Not only did the murderer not consent to be punished, he didn't even consent to the government under which he lives. And come to think of it, *neither did you or I.* We may have voted for the candidate who is now in office, but there are endless details of the rules that govern us that we didn't consent to, and didn't even know about. We may approve having legislative, executive, and judicial branches of government, but I don't remember being asked about this, or consenting to it. Neither of course did we consent to most of the conditions under which we live—to be born at this place and at this time, of these parents, under these social conditions, or indeed to be born at all. It would be absurd to require consent to all these things, most of which occurred under conditions quite outside our control. The scope of consent must be narrowed—at least to the kind of situation in which choice is possible.

But in whatever way we try to do this, the problem of consent to government rears its head again: we feel that in something that affects our lives so constantly and profoundly, we *should* have a choice; if we shouldn't subject ourselves to surgery without our prior consent, what about the coercive actions of government that affect all of us constantly? And this of course is the old problem that has divided libertarians from the outset. Following the Principle of Consent, it would seem that closed libertarians must be anarchists, because even limited government violates the Principle of Consent.

Let me mention two ways to try to get around this:

1. We could say that we gave *implicit* consent. There is, surely, such a thing as implicit consent. If you knew that your next door neighbor was dropping his excess soil onto your yard from his own, and you saw him do this and did nothing to stop him, not even saying one word, one might well say that you implicitly consented to his doing it, and had no cause to complain about it afterwards. Or, if you hire someone to mow your lawn every Saturday afternoon, and have paid the person regularly for three months each week after he's finished, and today he goes ahead and mows your lawn when you're not at home and then asks for his pay, and you say "I didn't consent to your doing it *this* Saturday," he might well say that you implicitly consented, because a pattern has been established for every Saturday afternoon even though nothing was stated explicitly, and you did nothing to indicate otherwise.

But unfortunately most cases in which implicit consent is alleged are not this clear-cut. John Locke thought that continued residence in a country constituted consent to its laws. Most commentators on Locke, however, have not found this very plausible. The residents of East Berlin didn't consent to being there when the wall prevented them from moving west. And there are many other cases: did you implicitly consent to support your children by the act of having them? If a man and woman live together for years unmarried, and ten years later the man finds someone else and kicks the woman out, couldn't she claim (though they never discussed such a possibility) that there was an implicit agreement that the income they had earned together belonged to them jointly? They shared their incomes; they had a joint checking account, and there were other pooling arrangements between them. Does all this show that there was an implicit consent to continue the arrangement, and to make reparations if one of them discontinued it? It's not very clear exactly *what* if *anything* was implicitly consented to, and courts are still divided on this. My point is merely that implicit consent is a ticklish business. There are plausible cases of implicit consent, but in the critical case, consent to government itself, implicit consent doesn't seem very plausible at all.[1]

2. You can also take another line: you can agree that government violates the Principle of Consent, but contend that this is not the only principle with which our moral arsenal should be stocked—and that one of the things we have to do is to adjudicate among different principles when they come into conflict with each other. Possible examples are: the Harm Principle (do not knowingly harm others), the Principle of Justice (treat others in accord with their deserts), and the Principle of Fair Play (mutuality of restrictions: if A may not do X to B, B in similar circumstances may not do X to A). Following this line, the Consent Principle is not sufficient by itself, and sometimes one or more of the other principles may outweigh it; and when it does, the consent of each party is not required. When justice transcends consent, the murderer need not consent to his own arrest and punishment. (There are many, often overlapping,

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T-Shirts — $8
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For more information and quantity price list, send stamped, self addressed envelope to:
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P.O. Box 40486, Redford, MI 48240
Please allow 2 to 4 weeks for delivery.

ways in which to try to handle this kind of situation.)[2]

Consent and Contract

It is not my present purpose to enter again the controversy about limited government and no government. What I want to do is raise some issues *other* than consent to government, that libertarians do not seem to discuss very much. I shall assume that there exists a system of law, but will ask in specific cases what it should and shouldn't be. I'll do this briefly in three areas, designed to bring out the differences between open and closed libertarians. First I shall continue with the concept of consent; second, privacy; and third, risk and endangerment.

Contract would seem to be the clearest and simplest example of consent: a contract should be enforced if both sides voluntarily consented to its terms. But some problems arise even here as we progress from the simplest to more complex cases:[3]

1. Smith sells a violin to Jones. Jones thinks it's a Stradivarius and pays a considerable price for it. Smith makes no claims for it. Later Jones discovers that it's not a Stradivarius, and demands his money back.

If Smith had made this claim for it, the contract would be fraudulent. But that is not so in this case; Smith is under no obligation to return any of Jones' money.

2. White sells Black a house. Black buys it because it's next to a vacant lot, so he has a nice view. Later White, who also owns the vacant lot, builds a house on it. Black claims he wouldn't have bought the house but for the vacant lot. However, Black has no comeback here; the vacant lot was not part of the agreement. (Even if White said at the time of sale that he *intended* to keep the lot vacant, and later built on it saying "I've changed my mind," the vacant lot was still no part of the contract.)

3. An oil company buys land from a farmer at $1,000 per acre, and the farmer willingly sells. Later it turns out that there was oil under his land. The oil company knew this but said nothing; the farmer, on the other hand, didn't ask about this (it didn't occur to him that there might be oil). Had he known he could have sold the land for $10,000 an acre. There was concealment of information, but no fraudulent claims. We might be a bit more uncomfortable about this one, because of the concealment; still, does the buyer have to disclose *all* information (all "relevant" information? and what does that include?)—even what wasn't asked for? It would seem that there is no violation of contract here.

4. Brown contracts to ship for Green a cargo on the ship *Peerless*, and does. But unknown to either of them there are two ships, both with the same name. Brown shipped on the one, and Green expected the shipment on the other. Nothing in the contract allowed for such a misunderstanding. Neither party really violated the contract, yet it was not fulfilled. The court merely tried to resolve the misunderstanding in a way that didn't hurt either party too much.

> *Implicit consent is a ticklish business. There are plausible cases of implicit consent, but in the critical case, consent to government itself, implicit consent doesn't seem very plausible at all.*

5. A contractor agreed to build an apartment building at a certain location. He encountered swampy terrain; every time he made headway on the building it collapsed in the muck. Finally he left the scene and said that the task was impossible. The owner of the land sued him for breach of contract. The judge went along with the contractor, saying that he was excused from the terms of the contract because it was simply *impossible* to live up to its terms. (Yet this wasn't allowed for in the written contract, which didn't say "X agrees to build *unless* . . ." But neither did it say "X agrees to build whatever the condition of the subsurface . . .")

6. An American railroad company ordered a shipment of railroad ties from Scotland via the nearest port, Glasgow, and the port of shipment was given in the contract. The shipper couldn't ship from Glasgow because of a strike, and shipped from Aberdeen instead, absorbing the cost of extra transportation and delivering the ties on time. The railroad company, which no longer wanted the ties, sued for breach of contract, saying "It was in the contract that you had to ship from Glasgow and you didn't do it." And according to the explicit terms of the contract, the company was right. Yet the court decreed that the contract had been fulfilled, because the *presumed intent* of the shipper was to get the ties to their destination as soon as possible, and this intent was fulfilled.

7. Let's try one with a different twist. You are struggling in the quicksand, and someone comes with a large tree branch to get you out; as you grasp for it, he says, "Not so fast; I want you to sign over to me all your possessions, and then I'll rescue you." You agree, believing it's better to be poor than dead. Yet no court in the land would honor such a contract; why?

(a) The very fact that such a contract was agreed to at all could be taken as a sign of mental impairment: "he'd have to be crazy to do that," "He wasn't in his right mind," etc, and a person who is *non compos mentis* can't sign valid contracts. Courts do sometimes employ this device. But what if there is no evidence of mental impairment, much less of insanity? The person would just rather be alive and poor than rich and dead. Isn't that perfectly rational. Let's consider another way:

(b) Such a contract could be held to be *coercive*, and coercive contracts are not voluntarily arrived at. If you do something in response to a gunman's orders while a gun is held at your back, you are not (as a rule) held legally liable for what you were forced to do, and any agreement made under such conditions is not binding. But is the present example one of coercion? Coercion is a slippery concept.[4] The gunman example is a classic case of coercion, yet some have said of it "You voluntarily agreed to give your money rather than your life; that's what you willingly agreed to do under the circumstances. All the gunman did was limit your choices a bit." Yet there are countless cases of one's choices being limited which would not usually be considered coercion. An unemployed man reluctantly accepts a job at

starvation wages, because no one else within a thousand miles can use his skills at the moment; socialists call this a "coercive contract," though libertarians deny that it is coercive, claiming that it was voluntary on both sides.

A mother says to her daughter of marriageable age, "If you don't marry this man you'll never get a penny from me, and you have no other means of support." Assume that the daughter is unattractive (unlikely to get other offers) and somewhat mentally retarded, and that there is no public welfare, so she could well starve if she goes against her mother's wishes. The girl hates and fears the man. Shall we say that under the circumstances she was *forced* to obey her mother's demand? Or should we say that she voluntarily agreed (and if so isn't this straining the meaning of "voluntary")? In common everyday parlance we would usually say "Her mother made her do it." Was it like the gunman case, enough to be placed under the same heading, or not? And should the quicksand case be labeled coercive just because both alternatives are rather unpleasant? Is it a case of being forced, or of voluntary bargaining?

We often agree to conditions we dislike because we see the alternatives as being worse. There is a "slippery slope" here: if you say that a man's agreement to work at semi-starvation wages (because there are no other jobs available within a thousand miles) is coerced, what is to stop you from saying "I'm being coerced into working five days a week at the office" because you share with others the human condition of having to work to stay alive? Wherever we draw the line with coercion, surely it should not have the outcome that practically everything we do is coerced.

Before concluding with consent, let me consider a few cases that don't involve contract.

A man has violent epilepsy caused by an abnormal brain condition. A brain operation would correct the condition. If he says yes, you may operate, there is no problem about consent. If he says no, don't operate, libertarians would say that the operation should *not* be performed. Some physicians would favor operating on him anyway, for his own good, saying that he doesn't realize how much freer and happier he will be afterward. "The correction of his condition," writes Dr. Vernon Mark, "will give him more rather than less control over his own behavior. It enhances, and does not diminish, his dignity and his humanity." [5] I think the libertarian position would be, even if we are all sure that he would be happier or better off after the surgery, the operation should not be performed without his consent: it's for him and him alone to decide.

So far so good. But now consider a pedestrian who suffered brain damage when the car ran over his head. The insurance company contacted him at once and he agreed to settle the case for $1,000. But he didn't have much of a brain left with which to make the decision. Would a libertarian be committed to saying, "Well, it was *his* decision, and *he* consented, so that's final"?

As we pursue this line of argument, we seem to encounter no end of situations similar to the one just described. What of a person who literally doesn't know what he's doing? What of a person who is extremely stupid, and can't anticipate or control events in his own life? What of someone who suffers from advanced senility or Alzheimer's disease, and can't make any decisions, and people who don't even know where they are or whom they are with?

People are constantly declared mentally incompetent without their consent. And libertarians rightly object to the injustice of this: many people lose their bank account, their homes, their rights under the law, because a judge declares them *non compos mentis*. Still, the judge's pronouncement is not usually an act of cruelty or sadism; it is a response to a problem. The problem is that the person is no longer capable of estimating the consequences of her actions.

The idea of letting one person make a judgment about the disposition of another's life is upsetting to libertarians; it strikes at the personal responsibility that is central to libertarian thought. The show-stopper is that sometimes there isn't much of a person left with which to make any decision.

One constantly does things on behalf of children, protecting them from danger, by force if necessary. And many elderly people are in the same situation as children. The old lady has rather lost her moorings; sitting alone in her apartment, she thinks she is somewhere else; she recognizes no one and relies on her children to feed and clothe her. On her own, she would not survive. Perhaps her one strong desire is to remain in her house of 40 years. But there is no way to enable her to do this. If others don't tend to her needs, she dies. And she is unable to consent to (or for that matter to reject) the moves necessary to keep her alive.

In a Massachusetts case a few years ago, a man of 60 was terminally ill with leukemia. The question arose whether he should be given chemotherapy to halt the disease—treatment involving pain, nausea, and in his case only about a 30% chance of success. He was totally incapable of understanding the situation or making choices. He had no family to make the decision for him. But the judge said that he had the same right as a competent person to forego treatment or not. So the judge employed "substituted judgment"—that is, what would a competent person have chosen *if* he had understood the situation? The judge, substituting his judgment for the patient's, decided that he would not undergo the chemotherapy. [6]

In a subsequent case in the same state, a girl was born with multiple birth defects, including severe mental retardation and total blindness and deafness. An operation for removing some of the defects would have a 40% chance of succeeding. The hospital was afraid of a lawsuit, and asked a judge to decide. The judge decided that the operation should be performed, and it was successful—thus saddling the parents with the lifelong job of caring for this child, when they already had other children

The idea of letting one person make a judgment about the disposition of another's life is upsetting to libertarians; it strikes at the personal responsibility that is central to libertarian thought. The show-stopper is that sometimes there isn't much of a person left with which to make any decision.

whom they had a difficult time supporting.[7] The legal difference between the two cases was: in the first, there was a substituted judgment, which applies only when the condition is terminal, and it permits life-sustaining treatment to be discontinued; it does not allow life-*saving* treatment to be withheld. The second case was not terminal, and indeed the baby did survive the operation, though with handicaps so enormous that most of us would rather not be alive than to live in that condition. In either case, there is no possibility of choice by the person whose life is at stake. If a closed libertarian insists on voluntary consent as being necessary in *every* case, the going gets pretty rough.

We must be quite sure what is to count as being defensive and offensive. Very often a person thinks he's defending himself when everyone around him considers his act to be one of offense.

Privacy

What should libertarians say about privacy? The Constitution doesn't mention it at all, but some of the amendments do protect privacy in different ways. The first amendment permits free association, protecting your "private space" against those who would invade it; the third amendment protects against the quartering of soldiers in private homes; the fourth amendment protects privacy by prohibiting unreasonable searches and seizures of persons, houses, papers, and effects.

What is the importance of privacy? Why do we value it? It is intimately bound up with our dignity as human beings, with the respect owed by one person to another. "Privacy," writes Charles Fried, "provides us the context for many of our most significant ends, such as love, trust, friendship, respect; it is a necessary element in these relations; without privacy they are inconceivable. A threat to privacy is a threat to our integrity as persons . . . Privacy is the necessary atmosphere for these attitudes and actions, as oxygen is for combustion."[8]

There is some disagreement as to how privacy should be defined. Some philosophers of law contend that what defines privacy is that there are limits to the access which others should have to observe or perceive you—even representations of you: thus, someone may not without your consent take a picture of you and feature it on the cover of a magazine—doing this without your consent is an invasion of your privacy. But more usually, privacy is defined in terms of *information* about you which you may not wish others to possess, aspects of your personal life which (it is felt) you are entitled to keep to yourself if you choose, and which others may not bandy about without your consent.

Invasion of privacy must be distinguished from defamation (libel and slander). In defamation, a person must intentionally and maliciously say or write something false about you, and thereby cause you damage. In invasion of privacy, nothing false need be said; all that is required is that your privacy be invaded. But there is much disagreement about what that comes to in specific cases. A millionaire tries to keep his wife's suicide out of the newspapers, but doesn't succeed because "news comes first." A father whose six-year-old daughter was mangled by a passing car tried to keep the daughter's picture out of the paper but didn't succeed; though years later, when an organization devoted to automotive safety used the same picture on a poster to warn pedestrians, he sued them for invasion of privacy and won.[9]

Some libertarians allege that privacy requires protection only when there is a violation of another right (already protected by law), property rights. Thus, others can examine your private papers by breaking into your home, but this action is already prohibited by laws protecting property rights. It would seem, however, that there are examples of invasion of privacy that are not violations of property rights: you can hear people's conversations without trespassing on their property; you can stand in the street and with proper equipment can record everything that is said in the living room. Interestingly, this result was anticipated more than 150 years ago by John Marshall, first Chief Justice of the Supreme Court, when he wrote, in a remarkably prescient passage: "Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts, and emotions . . . Can it be that the Constitution affords no protection against such invasion of individual security?"[10]

The life of an astronaut in space has virtually no privacy: even his bodily functions are monitored. But of course he consents to all this before he decides to become an astronaut. By contrast, being subjected to electronic surveillance surely *is* an invasion of a person's privacy if he or she hasn't consented to it. Being bugged is about as clear an invasion of privacy as one could cite. Should all such actions therefore be prohibited by law? Most libertarians have the impulse to say yes, and perhaps they are right. But consider: if your life hung in the balance, would you still want to honor the person's privacy? What if there was a plot against your life and the only way to prevent being murdered was to get the incriminating evidence by electronic surveillance? Are you still sure you would oppose the surveillance—under *all* conditions? Before accepting a general rule, test it on the most difficult cases. Isn't the reason the law admits some cases of invasion of privacy—the safety of others—at least sometimes valid?

Sometimes the law respects your privacy and sometimes not, and sometimes the law in one state is at odds with the law in another. Everywhere in the United States you can find out who's in jail by dialing a certain telephone number—you are told what they're accused of and when they are to appear in court. All this is public knowledge, along with the contents of any trial. The accused has not consented to all this, but it is considered important for anyone who wants it to have this kind of information. Thus people who have knowledge of a certain case can come forward and testify, and one is guaranteed that there will be no secret trials.

But what a defendant says to his attorney is legally protected ("privileged"): he can confess to

multiple murders and be confident that his attorney will never tell a soul. His position is rather like that of a priest in relation to his confessor: no matter what the confessor says, the priest is sworn to silence.

More controversial is the relation between physician and patient. New York was the first state—in 1828—to guarantee confidentiality in the physician-patient relationship. The theory was that if a patient was not guaranteed that his communication with his physician would be kept confidential by the physician, the patient would stay away from physicians and his health would suffer. I suspect that this decision was never more appropriate than in today's controversy about requiring physicians to report AIDS cases.

In 34 states, physician-patient communications are privileged. When a passenger in a New York taxicab falsely claimed whiplash, and sued the cab company, his physician was not permitted to testify in the case, although one sentence from him would have thrown out the whole case. That sentence was, "I've been treating this man for sciatica for two years."

In New York, communications with physicians, psychologists, and dentists are privileged. Communications with nurses are privileged in Arkansas. In New Jersey communications with physicians are not privileged—physicians must answer court questions— but communications with newspaper reporters are privileged. In Georgia and Tennessee, physicians must tell all about their patients in court, but psychologists may not do so. [11]

A politician can't claim invasion of privacy because he sought the job that involves the publicity; he can sue for libel if falsely accused, but invasion of his privacy "goes with the turf." Here, however, is a former opera superstar whose voice has declined with the years and she no longer wants to be listened to; she sings only behind closed doors. But her neighbor trains an amplifier on her apartment door and listens and records and publishes, the general theme being "she ain't what she used to be." Her apartment was not entered, and the sound-waves were recorded out in the hall, not in her living room. In any usual sense there appears to be no violation of property rights. Are we quite sure that we want her to have no recourse against such snoopers? Or perhaps that we do want her to have it? Which shall we decide?

And here emerges a curious situation: closed libertarians can take either of two opposed positions on privacy, depending on whose interests they most want to protect. If you have a right to privacy, then the person who invades the privacy of the ex-opera star is a rights-violator; a person's privacy should be protected, and wherever exactly the line is, no one may cross it. On the other hand, you might see the issue from the point of view of the other person: he can say whatever he likes about the ex-opera star, he can record her decaying voice without her permission and even sell the unauthorized recordings—all these are part of *his* freedom to act in accordance with *his* judgment, and if her feelings are hurt or her privacy intruded upon, that's just tough luck—she would have the same right to do it to someone else.

The open libertarian need not decide between these polar opposites. He will say, as usual, that there is no simple general answer that can be given in advance: you have to learn the specific details of the individual case and then balance the one general principle against the other in order to decide. This is a messy and often indecisive procedure, of course, and is one reason (though again an inconclusive one) why closed libertarians don't like it.

Risk

To live at all is a risk. You take a risk when you cross the street or the lawn. As a rule we sue people only for damages or injury when these *have* occurred, not when they might have occurred but didn't. And so the closed libertarian says, "No fine and no punishment unless the damage has actually been done." But the open libertarian says, "Not so fast—it should also be punishable to engage in *very dangerous* activities."

It may seem that if we make this move, we are muddying the clear waters of libertarian thought. Do we want to ban dangerous activities like mountain-climbing? But mountain-climbing is something people do voluntarily in full knowledge of the danger. What about one's actions constituting a danger to others—or even being reasonably perceived as doing so? A woman is walking along a city street, and she notices a man behind her. She turns into a small empty street, but he turns behind her also. She would like to call the police, but even if they were there what would be the charge? He hasn't harmed her. Harassment? He hasn't done even that (and libertarians don't like harassment laws anyway). He has the same right to walk the streets that she has. Maybe he wasn't going to bother her at all. Nothing has happened yet. Perhaps it will; but until that happens he's not guilty of anything. [12]

Still, let's think about it some more. It's illegal to drive on the left side of the road (in a nation with right-side driving laws) with two-way traffic, or to drive 100 miles per hour in a residential zone. To do these things is extremely risky, and a person can be arrested for doing them even though no injury or damage has yet occurred in the particular case. And let's ask: aren't you sort of glad they are prohibited? Would you really prefer it if starting today people could drive on whatever side of the street they liked? Aren't you glad that if the bridge is out there has to be a warning of this? and that there have to be signs at railroad crossings? and that the use of dangerous but necessary chemicals, such as those used in fumigation, is rigidly controlled, and that some, like the plastic explosives that destroyed Pan

Though slogans may win quick converts, these converts may find a principle attractive on Tuesday, and drop it for a different one on Wednesday. We must be always inquiring, always probing, testing our most satisfying formulations. Only then will our movement become what Anatole France once described as "a moment in the conscience of man."

Am 103 in December 1988, are prohibited entirely? Yet all these are cases of stopping people from causing damage or injury *before* they have done it.

And what of *attempts* that don't succeed? Smith plants a bomb in Jones' bed, set to go off at 2am, and it does, but Jones happens to stay away that night. Should Smith be liable only for damage to Jones' room? Or: Brown pulls the trigger, intending to kill Black, but unknown to Brown someone has substituted blanks for bullets in the gun, so Black is unharmed. Some libertarians have held that there should be no penalty for unsuccessful attempts. [13] Do you agree?

And then there's *conspiracy* to commit a crime. A man plans a crime without actually wielding a knife or a gun, like Charles Manson; he is the mind, the others are his arms and legs. But he doesn't take any overt actions. Should he be legally guilty of anything? Many libertarians say no. They contend that others are free to accept or reject his suggestion—that he only planted ideas in their minds, that it's their responsibility alone if they carry them out. Yet, it would seem, he is as much a cause of the crime as the ones who carry it out. And his intention is just as evil. If you were the intended victim of a conspiracy to kill you, would you not consider it fitting to have your conspiratorial assailant arrested, assuming his role in the crime could be proved?

The gun-control issue hinges on the question of degree of risk. Having guns is dangerous: you might shoot someone by accident, a child might get hold of the weapon, and so on. Yet if someone is threatening to use force against you, threatening that person with a gun may be the only way to keep him from killing you. It is for this reason that the founding fathers of the US guaranteed Americans the right to bear arms: nobody should be a sitting duck in the face of another's violence.

But that leaves important questions unanswered. You have a right to keep and bear arms—only in your home, or anywhere you may happen to go, including someone else's home? And which arms may you have? Does the Constitution entitle you to a Saturday night special? a semi-automatic? a machine gun? or just *some* means to defend yourself—perhaps a butcher knife, or a karate chop? Is it all right to make small nuclear bombs in your basement, or perhaps carry them around in your briefcase, so that if someone bothers you you can eliminate him with despatch? How about keeping a supply of poison gas on hand?

Some libertarians have expressed the following view: you can have any weapon at all provided that you use it *only defensively*; you may not use any weapon, not even a butcher knife, or your own body as in martial arts, offensively. Of course we must be quite sure what is to count as being defensive and offensive: very often a person thinks he's defending himself when everyone around him considers his act to be one of offense.

In any case, is this view acceptable? It's rather embarrassing that practically every weapon that can be used for defense can also be used for offense, so every weapon is liable to misuse. This unfortunate fact makes it much more difficult to stake out a clear legal position. Suppose you have an aggressive paranoid neighbor who acts first and thinks afterwards. He manufactures poison gas with which to kill anyone who might trespass six inches on his side of the property line. Don't you rather want to prevent him from engaging in this activity rather than try to stop him after he uses it, if you're still around? Of course, we may say, his behavior is risky to himself also: depending on how the wind blows, he's as likely to get it back in his face as to kill you with it. But he might not care about that; he might be more interested in getting you than in preserving himself; many people destroy their own lives if in doing so they can destroy the lives of others. Can there be defense against this, short of waiting for the fatal act? Or should we compromise our purity a bit, and legally prevent people from using such vehicles of destruction at all? Isn't the use of some things just too risky to be tolerated?

"Sometimes I think that what I really want to do is to kill people and drink their blood."

Dr. Allen Wolfe looked at the young man in the chair across from him. The face was round and soft and innocent looking, like that of a large baby. But the body had the powerful shoulders of a college wrestler. There was no doubt that Hal Crane had the strength to carry out his fantasies.

"Any people in particular?" Dr. Wolfe asked.

"Women. Girls about my age. Maybe their early twenties."

"But no one you're personally acquainted with."

"That's right. Just girls I see walking down the street or getting off a bus. I have a tremendous urge to stick a knife into them and feel the blood come out on my hands."

"But you've never done anything like that?"

Crane shook his head. "No, but I'm afraid I might."

Dr. Wolfe considered Crane a paranoid schizophrenic, who might possibly act out his fantasies. He was a walking time-bomb.

"Would you be willing to take my advice and put yourself in a hospital under my care for a while?"

"I don't want to do that," Crane said. "I don't want to be locked up like an animal."

"But you don't really want to hurt other people, do you?"

"I guess not," Crane said. "But I haven't done anything yet."

"But you might," Dr. Wolfe said. "I'm afraid you might let yourself go and kill someone."

Crane smiled. "That's just the chance the world will have to take, isn't it? I told you I'm not going to let myself be locked up." [14]

I daresay that most libertarians, though feeling a certain mental discomfort about this case, would decide that he shouldn't be incarcerated—he hasn't done anything yet, and he might never do so, and to lock up people for what you think they might do is the hallmark of a police state.

I agree with this, but I would still ask a couple of questions: (1) Can extremely dangerous people and conditions be tolerated if the result is vastly increased en-

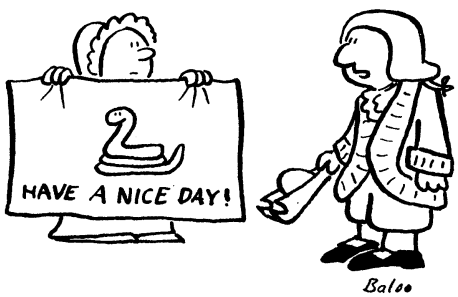

"Not bad, Betsy, but we wanted something more *forceful*."

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dangerment for all of us? Driving on the wrong side of the road constitutes extreme endangerment for everyone, even if in a given case nobody is hurt. There's no hue and cry about arresting people for driving on the wrong side *before* an accident occurs. Suppose now that Hal Crane and the thousands of violence-prone and hate-filled psychopaths are all freed, with the result that the streets and countryside are one-tenth as safe to be in as they are now. Would you still favor the same policy if the fraction were one-hundredth? (2) Let's suppose that psychotherapy would resolve Crane's internal conflict and cure his condition, but that he won't consent to psychotherapy. May it be that we should expose him to it anyway, for his sake and for ours? If he's cured he saves himself and who knows how many others who might otherwise be his victims. Closed libertarians say no, we may not do it: we can't even offer him a choice, psychotherapy or detention. He'd be foolish to turn down such a choice, perhaps, but if he does, we still have no right to detain him against his will, not even for an hour of psychotherapy twice a week, even if the danger he creates through his present psychological condition is extreme. He hasn't been convicted of a crime, so we have no right to detain him even for purposes of therapy. But if we grant him this, we shall be greatly endangering ourselves. Isn't his condition *his* problem? Why should we make ourselves less safe because he won't consent to therapy?

I raise these questions, not to get you to accept a certain answer, but to get you in the habit of viewing a problem in its full complexity before opting for some neat formula that sounds attractive and will make thinking thereafter unnecessary. I want us all to feel uncomfortable about these cases, and not escape the discomfort through some easy slogan. Such a slogan may win quick converts—but that only gets us fair-weather friends: they may find an inadequately comprehended principle attractive on Tuesday, and drop it for a different one on Wednesday. We must be always inquiring, always probing, testing our most satisfying formulations. Only then will our movement become what Anatole France once described as "a moment in the conscience of man." ❑

A somewhat different version of this article was given as a talk at the California and Nevada Libertarian Party Convention, at Las Vegas, on February 19, 1989.

Notes

1. See for example A. John Simmons, *Moral Principles and Political Obligation* (Princeton University Press, 1979), Chapters 3 and 4.
2. See Simmons, *op. cit.*, Chapter 4; also David Gauthier, *Morals by Agreement* (New York: Oxford University Press, 1981).
3. Some of the following examples are taken from Charles Fried, *Contract as Promise* (Harvard University Press, 1981).
4. See John Hospers, *Introduction to Philosophical Analysis* (Prentice-Hall, 3rd edition 1988), pp. 371–373.
5. Dr. Vernon Mark, "Brain Surgery in Aggressive Epileptics," in Ronald Munson, ed., *Intervention and Reflection: Basic Issues in Medical Ethics* (Belmont, Calif.: Wadsworth Publishing Co., 2nd edition 1983), Chapter 5. See also John Kleinig, *Ethical Issues in Psychosurgery* (London: Allen & Unwin, 1985).
6. Arthur Miller, *Miller's Court* (Boston: Houghton Mifflin Co., 1982), pp. 245 - 246.
7. *Ibid.*, pp. 251 - 252.
8. From Charles Fried, *An Anatomy of Values*. Quoted in John Arthur and William Shaw, eds., *Readings in Philosophy of Law* (Prentice-Hall, 1984), p. 606.
9. See Charles Gregory and Harry Kalven, eds., *Cases and Materials in Torts* (Boston: Little Brown & Co., 1969), p. 925.
10. Quoted in C. Paulsen and S. Kadish, eds., *Criminal Law and Its Processes* (Boston: Little, Brown, 1962), p. 873.
11. Ronald Munson, *op. cit.*, p.234.
12. Arthur Miller, *op. cit.*, Chapter 5.
13. Randy Barnett, "A New Paradigm of Criminal Justice," in R. Barnett and J. Hagel, eds., *Assessing the Criminal* (Boston: Ballinger, 1977), Chaper 16.
14. Ronald Munson, *op. cit.*, p. 235. Quoted in John Hospers, *Human Conduct* (Harcourt Brace Jovanovich, rev. ed. 1982), p. 299.

History

Private Law Enforcement, Medieval Iceland, and Libertarianism

The traditional history of many nations starts with a strong leader who put the country together—Arthur, Charlemagne, George Washington. The history of Iceland also starts with a strong ruler. His name was Harald, and he ruled over one of the small kingdoms making up what is now Norway. After being rejected by the woman he wanted to marry on the grounds that he was too small a king, Harald swore that he would neither wash nor comb his hair until he had made himself king over all of Norway; for some years they called him Shaggy Harald. When he had completed his career of conquest he washed his hair; everyone was impressed at how much better he looked. He went down in Norwegian history as Haraldr inn hárfagri—Harald Fairhair.

What Harald established was not merely a single monarchy over all of Norway, it was also a monarchy with considerably more power over the Norwegian populace than its predecessors. The change was not uniformly popular. Norwegians of the ninth century had two major professions—farming and piracy. Many of those who disapproved of the change voted with their feet—or rather their oars. They loaded their longships with their families, their retainers, and as much of their stock as would fit and sailed west; by some estimates as much as ten percent of the population left. Many of them went to Iceland, which had recently been discovered. That is the beginning of the history of Iceland, as the Icelanders tell it.

The settlement began, according to the Icelandic sources, about 870 AD. In 930 AD, the Icelanders held an assembly at which they agreed on a common legal system for the whole island. It was based on Norwegian legal traditions, with one major exception. The Icelanders decided they could do very well without a king.

by David Friedman

> Iceland is known to men as a land of volcanoes, geysers and glaciers. But it ought to be no less interesting to the student of history as the birthplace of a brilliant literature in poetry and prose, and as the home of a people who have maintained for many centuries a high level of intellectual cultivation. It is an almost unique example of a community whose culture and creative power flourished independently of any favouring material conditions, and indeed under conditions in the highest degree unfavourable. Nor ought it to be less interesting to the student of politics and laws as having produced a Constitution unlike any other whereof records remain, and a body of law so elaborate and complex, that it is hard to believe that it existed among men whose chief occupation was to kill one another.
>
> —James Bryce, *Studies in History and Jurisprudence* (1901), p. 263.

The central figure in the Icelandic system was the chieftain. The Icelandic term was Goði, originally meaning a pagan priest; the first chieftains were apparently entrepreneurs among the settlers who built temples for the use of themselves and their neighbors and so became local leaders. The bundle of rights that made up being a chieftain was called a goðorð. A goðorð was private property; it could be sold, lent, inherited. If you wanted to be a chieftain, you found one who was willing to sell his goðorð, and bought it from him. The term goðorð was also used for the group of men who followed a particular chieftain.

What were the rights that made up the position of being a chieftain? One, perhaps the most important, was the right to be the link by which ordinary people were attached to the legal system. If you wanted to sue someone, one of the first questions you had to ask was who his chieftain was. That would determine what court you ended up suing him in—just as, in the U.S. at present, the court you are sued in may be determined by what state you are a citizen of. Everyone had to be connected with a chieftain in order to be part of the legal system. But the link between the chieftain and his thingmen was a voluntary one—the chieftain, unlike a feudal lord, had no claim over his thingman's land. The thingman was free to switch his allegiance to any chieftain willing to have him.

Other rights included in the goðorð were a vote in the legislature and a hand in picking the judges (by our standards jurymen—there were 36 on a court) who decided legal cases. The court system had several levels, starting at the thing court and going up through the quarter courts to the fifth court.

Under the legal system set up in 930, the 'government' of Iceland had one part-time employee. He was called the lawspeaker and was elected (by the inhabitants of one quarter, chosen by lot) for a three-year term. His job was to preside over the legislature, memorize the law, give legal advice, and, during the course of his three years, recite the entire law code aloud once. The recitation took place at the Althing—an annual assembly, lasting two weeks, of people from all over Iceland. The Althing was also where the legislature met and where cases in the four quarter courts and the fifth court were tried. At each Althing the lawspeaker recited a third of the law. If he omitted something and nobody objected, that part of the law was out. Think of it as an early form of sunset legislation.

I have described the legislature and judicial branch of the government established by the Icelandic settlers but have omitted the executive. So did they. Aside from the lawspeaker there were no government employees.

You and I are Icelanders; the year is 1050 AD. You cut wood in my forest. I sue you. The court decides in my favor, and instructs you to pay ten ounces of silver as damages. You ignore the verdict. I go back to the court and present evidence that you have refused to abide by the verdict. The court declares you an outlaw. You have a few weeks to get out of Iceland. When that time is over, I can kill you with no legal consequences. If your friends try to defend you, they are violating the law and can in turn be sued.

One obvious objection to such a system is that someone sufficiently powerful—where power is measured by how many friends and relatives you have, how loyal they are, and how good they are at fighting—can defy the law with impunity, at least when dealing with less powerful individuals. The Icelandic system had a simple and elegant solution to that problem. A claim for damages was a piece of transferable property. If you had injured me and I was too weak to enforce my claim, I could sell or give it to someone stronger. It was then in his interest to enforce the claim in order both to collect the damages and to establish his own reputation for use in future conflicts.

The chief occupation of Icelanders was not killing each other. The chief occupation was suing one another; the killings merely provided something to litigate about.

The victim, in such a situation, gives up part or all of the damages, but he gets something more important in exchange—a demonstration that anyone who injures him will pay for it. The point is made in a more permanent sense if it is clear that the same person who enforced this claim would do so under similar circumstances again. The powerful individual who took over such claims and enforced them might be a chieftain acting for one of his thingmen or he might be merely a local farmer with a lot of friends; both patterns appear in the Icelandic sagas.

It may help to understand the legal institutions of medieval Iceland if we look at them as an extreme case of something familiar. Our own legal system has two kinds of law—civil and criminal. There is a sense in which civil law is enforced privately and criminal law publicly. If someone breaks your arm, you call a policeman; if someone breaks a window—or a contract—you call a lawyer. The lawyer in a civil case does, as an employee of the plaintiff, the same things that the district attorney would do as an employee of the state.

In medieval Iceland all law was civil. The victim was responsible for enforcing his claim, individually or with the assistance of others. The victim who transfers his claim to some more powerful individual in exchange for half what he is owed is like a plaintiff who agrees to split the damages with his lawyer instead of paying him a fee.

It could be argued that even if this provides a workable way of enforcing the law, it is unfair. Why should the victim of an aggressor have to give up part or all of the damages owed to him in order to win his case? Perhaps it is unfair—but less so than the system under which we now live. Under our system, the victim of a civil offense, like the injured Icelander, must pay the cost of proving his case, while the victim of a criminal offense gets no damages at all unless he files, and pays for, a parallel civil suit.

Because the Icelandic system relies entirely on private enforcement, it can be seen as a system of civil law expanded to include what we think of as criminal offenses. It is similar to our civil law in another sense as well. Under our system, the loser of a civil case typically, although not inevitably, ends up paying money damages to the winner; the loser of a criminal case typically ends up with a non-monetary payment, such as a jail

term or, in extreme cases, execution. Under the Icelandic system the typical settlement was a cash payment to the victim or his heirs. The alternative, if you lost your case, was outlawry. The payment for killing someone was called wergeld—man gold.

Before assuming that such a punishment is obviously insufficient to deter crime, it is worth asking how large the payment was. My estimate is that the payment for killing an ordinary man was the equivalent of something between 12.5 and 50 years of an ordinary man's wages.* That is a considerably higher punishment than the average killer receives today, allowing for uncertain conviction and probable parole.

The "government" of medieval Iceland had one part-time employee. He was called the lawspeaker, and during the course of his three years he was required to recite the entire law code aloud once. If he omitted something and nobody objected, that part of the law was out. Think of it as an early form of sunset legislation.

The comparison is even more favorable to the Icelandic system if one allows for the distinction made under that system between killing and murder. If you were a law-abiding Icelander and happened to kill someone, the first thing you did after putting down your sword or your axe was to go to the nearest neighbor, stick your head in the door and announce "I am Gunnar. I have just killed Helgi. His body is lying out by the road. I name you as witness." One of the early Norwegian law codes specifies that "The slayer shall not ride past any three houses, on the day he committed the deed, without avowing the deed, unless the kinsmen of the slain man, or enemies of the slayer lived there, who would put his life in danger." By reporting the killing you established yourself as a killer, not a murderer. A murderer was a secret killer, someone who killed and tried to conceal the deed. The wergeld paid for a killing corresponds to the punishment imposed on a murderer in our system who turns himself in immediately after the deed.

The distinction between killing and murder was important in two ways. Murder was regarded as shameful; killing, in a society where many people were armed and where going viking was a common activity for young men out to see the world, was not. The two acts also had different legal consequences; by committing murder you forfeited all justifications, such as self-defense, that might make your action legal.

One question which naturally arises in reading a description of the Icelandic system—or anything else very different from our own society—is how well it worked in practice. Did powerful chieftains routinely succeed in defying the law with impunity? Did the system result in widespread violence? How long did it last? What was the society which developed under that legal system like?

A powerful chieftain who wished to defy the law, as some certainly did, faced two problems. The first has already been discussed; his victim could transfer his claim to someone who was also a powerful chieftain. The second was that, under the Icelandic system, the party who lost a court case and ignored the verdict was in an inherently weak position. Many of his friends might refuse to support him. Even if he had supporters, every fight would create a new set of law cases—which his side would lose. If someone on the other side was killed, his kinsmen would expect to collect wergeld; if it was not paid, they would join the coalition against the outlaw. Thus the coalition against someone who defied the law would tend to expand. As long as power was reasonably well distributed, so that no single faction had anything approaching half the fighters in Iceland on its side, the system was, in essence, self-enforcing. There is a scene in *Njal's Saga* that provides striking evidence of this stability. Conflict between two groups has become so intense that open fighting threatens to break out in the middle of the court. A leader of one faction asks a benevolent neutral what he will do for them in case of a fight. He replies that if they start losing he will help them, and if they are winning he will break up the fight before they kill more men than they can afford. Even when the system appears to be breaking down, it is still assumed that every enemy killed must eventually be paid for. The reason is obvious enough; each man killed will have friends and relations who are still neutral—and will remain neutral if and only if the killing is made up by an appropriate wergeld.

Our main sources of information on the Icelandic system are the sagas, a group of histories and historical novels written in Iceland, mostly in the late thirteenth and early fourteenth centuries. On first reading, they seem to describe quite a violent society. That is hardly surprising. At least since Homer, the spectacle of people killing each other has been one of the principal ways in which writers entertain their audience. The chief innovation of the saga writers was to spend as much time on law suits as on the violent conflicts that generated them. The one error in the quotation from Bryce with which I started this

* See my article, "Private Creation and Enforcement of Law—A Historical Case," *Journal of Legal Studies*, 8 (March 1979), 399–415.

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essay is the claim that the chief occupation of Icelanders was killing each other. The chief occupation of the characters of the sagas appears to be suing each other; the killings merely provide something to litigate about.

A more careful reading of the sagas tells a different story. The violence, unlike that in contemporary accounts elsewhere in Europe, is on a very small scale. The typical encounter in a saga feud involves only a handful of people on each side; everyone killed or injured is named. When two such encounters occur in consecutive chapters of a saga it seems as though the feuding is continual—until you notice that a character not yet born at the time of the first encounter is participating in the second as an adult. The saga writers telescope the action, skipping over the years that separate the interesting parts.

The Icelandic system finally collapsed in the thirteenth century, more than three hundred years after it was established. The collapse was preceded by a period of about fifty years characterized by a relatively high level of violence. According to an estimate by one scholar, deaths from violence during the final period of collapse (calculated by going through the relevant historical sagas and adding up the bodies) totalled about 350. That comes to 7 deaths a year in a population of about 70,000, or about one death per ten thousand per year.

That is comparable to our highway death rate, or to our combined rates for murder and non-negligent manslaughter. If the calculation is correct, it suggests that even during what the Icelanders regarded as the final period of catastrophic breakdown their society was not substantially more violent than ours. To put the comparison in terms of contemporary societies, one may note that in three weeks of the year 1066 Norway, Normandy, and England probably lost as large a fraction of their combined population to violence (in the battles of Fulford, Stamford Bridge, and Hastings) as Iceland did in fifty years of feuds.

It is not clear what the reason for the breakdown was. One possibility is that increasing concentration of wealth and power made the system less stable. Another is that Iceland was subverted by an alien ideology—monarchy. Traditionally, conflicts involved limited objectives; each party was trying to enforce what he viewed as his legal rights. Once the conflict was settled, today's enemy might well become tomorrow's ally. During the final period of breakdown, it begins to look more and more as though the fighting is no longer over who owes what to whom but over who is going to rule Iceland.

If you were a law-abiding Icelander and happened to kill someone, the first thing you did after putting down your sword was to go to the nearest neighbor and announce "I am Gunnar. I have just killed Helgi. His body is lying out by the road. I name you as witness." By reporting the killing you established yourself as a killer, not a murderer. A murderer was a secret killer, someone who killed and tried to conceal the deed.

A third possible cause is external pressure. From Harald Fairhair on, the kings of Norway took a special interest in Iceland. In the thirteenth century, after the end of a long period of civil war, Norway had a strong and wealthy monarchy. The Norwegian king involved himself in Icelandic politics, supporting one side and then another with money and prestige. Presumably, his objective was to get one or another of the chieftains to take over Iceland on his behalf. That never happened. But in the year 1262, after more than fifty years of conflict, the Icelanders gave up; three of the four quarters voted to ask the king of Norway to take over the country. In 1263, the north quarter agreed as well. That was the end of the Icelandic commonwealth.

Anarcho-capitalism and Civilization

The medieval Icelandic legal system comes closer than any other well-recorded historical society that I know of to being a real-world example of the sort of anarcho-capitalist system I described in *The Machinery of Freedom*. One might almost describe anarcho-capitalism as the Icelandic legal system applied to a much larger and more complicated society.

In both systems, enforcement of law is entirely private; neither depends on enforcement by an organization with special rights beyond those possessed by all individuals. Private enforcement agencies are a more formalized version of the arrangements by which individuals and coalitions in Iceland used force to protect their rights. The major difference between the two systems is that in Iceland there was a single system of courts and legislature, whereas under the institutions described in *The Machinery of Freedom*, for instance, there could be many independent courts, each using whatever set of laws it thought would sell.

One more thing should be said about the Icelandic Commonwealth. If we judge societies by how much they produced that is still of interest to us, Iceland must rank, along with such better-known societies as Periclean Athens and Elizabethan England, as one of the great successes. It had a population of about 70,000—a large suburb by current standards. Of the sagas that it produced, there are probably half a dozen or more currently in print in English paperback translations, some seven hundred years after they were written. The best of them—I would recommend *Egil's Saga* and *Njal's Saga* to start with—are stories better written than the great bulk of what is published today.

I once tried to construct a crude measure of the importance of Iceland to our civilization, in part as a response to friends who wondered how I could be interested in such an obscure place and time. I did it by counting trays in the card catalogs of two major university libraries, in order to estimate what fraction of the cards were for books filed under Iceland or the Icelandic language. It came to about a tenth of a percent—one book in a thousand. That is a very small fraction of a library, but it is a very large influence for seventy thousand people seven hundred years ago. ❑

This article is excerted from the Second Edition of *The Machinery of Freedom*, which Open Court Books is scheduled to publish this summer.

Dispute

Ecology and Economy

Environmental issues are troubling to many libertarians, and—now that socialism is dying—are probably the most significant source of (apparent) anti-libertarian ideas and sentiments. Here the debate continues . . .

Ecological Ostriches
Libertarians on the Environment

Ron Courtney

There is an unthinking arrogance in the libertarian movement, a smugness that assumes that the libertarian philosophy is the supreme answer to every kind of problem that human beings may encounter. People who have this attitude are quick to dismiss any and all questions by serving up the correct libertarian remedy, after which they can stop thinking about the problem. There is a naive hubris working here, an assumption that we have all the answers and therefore don't have to worry too much about the questions.

I'm not sure whether Jane Shaw belongs in this category, though her rather scanty article on property rights and the environment ("Private Property: Hope for the Environment," *Liberty*, November 1988) brushes off John Hospers' environmental concerns ("Liberty and Ecology," *Liberty*, September 1988) as if they were a few inconsequential ants that had wandered into our lovely libertarian picnic. The problem with her attitude and that of the few other libertarians who have shown any interest in environmental matters is that their total reliance on libertarian property-rights theory is very difficult and time-consuming to implement in the real world. While they are perched in their ivory towers tossing out correct theory, the Earth's biological clock is ticking along and we are continuing to contaminate our planet's ecosystem.

I'd love to be able to say with complete assurance that every threat to the air, water, vegetation, soil, animal and human life of the world can be neatly countered by looking in our Junior Libertarian Guidebook and pulling out the appropriate property-rights application. But it's just not so. If we lived in an ideal worldwide libertarian culture, there would certainly be far less pollution than there is now because of mutual respect for each other's right to life and property, but we may be hundreds of years away from that ideal. The world's ecosystem cannot wait that long. A purely libertarian solution to environmental problems will take massive amounts of education on a worldwide scale to generate enough public support to make it work. By the time enough people understand and support our solutions, irreversible damage will have occurred to the life-sustaining processes of the Earth.

I live in a rural area close to the Chesapeake Bay, the biggest estuary in the world, a body of water that supports a great diversity of marine and human life. The Bay is a dying organism. For the past 200 years it has been subjected to ever-increasing pollution, and most people who have studied the problem think that the Bay will never recover. Thousands of acres of shellfish grounds have had to be declared unusable because the marine life within is so contaminated that it is dangerously toxic to humans. Annual yields of crabs and oysters are a small fraction of what they were a few decades ago. Some species of fish that used to be common in the Bay area have totally disappeared; others are nearly gone and the few remaining are often diseased and tumor-ridden.

It is fatuous to suggest that private ownership of the Chesapeake Bay would solve all these problems. Who is going to own it? From whom is a potential owner to purchase the Bay? How would anybody arrive at a reasonable monetary value for it? What about all the rivers that empty into the Bay? Wouldn't they also have to be privately owned and therefore relatively

I'd love to be able to say with complete assurance that every threat to the air, water, vegetation, soil, animal and human life of the world can be neatly countered by looking in our Junior Libertarian Guidebook and pulling out the appropriate property-rights application. But it's just not so.

pollution-free in order for this private property solution to work? Doesn't all this seem like an enormously complex and lengthy process to work out, particularly given the current educational and political conditions we'd have to work with? What's the point in struggling for decades to develop a purely libertarian way of preserving the ecology of the Chesapeake Bay, only to find that there's no life left to preserve?

Jane Shaw's assertion that "in the long run, private ownership is an environment in which nature flourishes" is true in the general sense that most resources are managed more efficiently in private hands rather than in public ones, but efficient management is often a short-term quest for higher profits to the detriment of long-term environmental consequences.

What's the point in struggling for decades to develop a purely libertarian way of preserving the ecology of the Chesapeake Bay, only to find that there's no life left to preserve?

There are hundreds of farms in the rural area where I live, nearly all of them fairly close to two large rivers that flow into the Chesapeake. Farmers spray large amounts of chemical fertilizers, toxic pesticides and herbicides on their fields every year. When it rains, tons of these chemicals run off into the streams that feed into the rivers that empty into the Bay. Each of these farmers is pursuing, on his privately owned land, his own immediate rational self-interest. By using chemicals he is supporting himself and his family; without them he can't produce a successful crop. Yet each farmer is also doing substantial harm to the rivers and the Bay through the same actions that seem self-evidently beneficial to him. Although it is commonly known that agricultural run-off is a major cause of water pollution, it is virtually impossible to find a farmer who will admit it; so the inexorable poisoning of the waters continues year after year.

If there is a workable libertarian solution to this problem, one that can be implemented within a reasonable time, given the attitudes of the farmers, I'd love to hear it. We simply do not have the time to educate people so they will voluntarily stop poisoning the waters in order to avoid harming the lives of others. Nor can we rely upon some utopian scheme of private ownership of the waters. If the poisoning of the Chesapeake and other bodies of water is to be stopped before it's too late, what realistic alternative is there to passing laws to ban the use of chemical fertilizers and pesticides?

In her article, Shaw blithely asserts that the safe disposal of toxic waste is not a major health problem, though she doesn't offer any information to back up this statement. I don't know how things are in her neighborhood, but here in Virginia there have been numerous instances of health hazards caused by improperly buried toxic waste, virtually all of them by private firms on private land. In some cases the chemicals were buried or stored years ago and the companies went out of business or the land was sold, and the new owners woke up one morning to find that their property is so toxic as to be unusable. Often the water table has been poisoned by leaking toxic waste containers that contaminate the drinking water from wells for miles around the site. In one well known case, the owner of a toxic-waste disposal firm was found to be pouring a highly toxic chemical into a stream on his own personal property. He was caught because of the massive fish kill that occurred just downstream from the spot where his privately owned stream emptied into the river. So much for the theory that private ownership of water resources will cause them to be managed in an environmentally sound manner, and so much for the absurd idea that the safe disposal of toxic waste is not a problem.

Shaw's suggestion that migratory birds and other wildlife should be privately owned is one of the most bizarre ideas I've ever seen in a serious publication. Ownership implies control, and I'd love to hear Ms. Shaw's solution to the problem of owning and controlling millions of birds that spend the summers in North America and the winters in Central and South America. (Let's see, maybe if we built a few million cages, privately owned, of course . . . but then we'd have a monstrous bird poop problem . . . Ah ha! I have the solution! We'll sell the mountains of bird poop to the farmers to use in place of chemical fertilizers, thus solving two ecological problems at once. A privately owned bird in the cage is worth two in the bush!)

Despite the incredible complacency of people such as Shaw, there are serious threats to the survival of life on Earth. These threats require immediate attention. It's not just a matter of the death of a few birds or a few fish or of the inconvenience of having to close a few beaches because of medical waste washing up on the shore. The breakdown of the ozone layer that protects us from harmful ultraviolet sunlight and the heating up of the planet because of the greenhouse effect are problems that threaten our survival. Political decisions are going to be forced upon us, and laws are going to be passed at some point as people demand that their leaders do something to rescue the ecosystem. This could very well lead to an enormous expansion of the power of the state at the expense of liberty and capitalism. Do we as libertarians want to stick our heads in ideological sands and pretend there is no problem, thus leaving the field to the collectivists and statists who usually hang around ecological issues looking to gulp down some power? Or would it be more in our interest to realize that in this area government action is both inevitable and even necessary, and begin to work out practical solutions to these ecological problems, solutions that will minimize and contain the coercive thrust of the state so that we will have maximum liberty and a healthy environment in which to enjoy it? ❑

Protect the Environment by Protecting Liberty

Jane S. Shaw

Ron Courtney is willing to throw out his libertarian principles as long as *something* is done *immediately* to keep the world from environmental catastrophe. He wants action, and government action, he says, is "inevitable and even necessary."

Instead of burying our heads in

"ideological sands," he thinks we should get on the government band wagon.

Considering that pollution has been building in Chesapeake Bay for the past 200 years, and the greenhouse effect has not yet been confirmed (or even detected), perhaps Courtney could devote a little time to understanding the property rights paradigm he so hastily dismisses. Coming up with "practical solutions" that put the government in charge when you don't understand the source of the problem is the kind of policy that turned a 1973 increase in the price of crude oil into an eight-year energy crisis.

Courtney seems to believe that libertarian property rights theory is some mystical idealistic regime in which everyone owns property and is considerate of his neighbor. He doesn't seem to realize that private property rights are the foundation for most of the productivity, civility, and responsibility that exist in the real world today.

Please bear with me while I outline the theory again briefly. Ownership of property makes people accountable for their treatment of what they own. A person who damages his own property suffers a loss of wealth, while someone who improves it—or sells it to someone who will improve it—gains wealth.

What Courtney fails to understand is that a property rights system, backed by a court system, also holds *non-owners* accountable. If you damage my car (whether you are an owner yourself or not) you must compensate me because I have a property right in the car. It doesn't matter if you like or respect me or not; you have a legal obligation not to damage my property. In the real world, recognition of this obligation encourages cooperation and a relatively peaceful society.

But property rights aren't always clear. Economist Richard Stroup [1] says that property rights must be *defined* (that is, there isn't doubt about who has the right), *defensible* (you must be able to prove that you were damaged and what or who caused it), and *divestible* or transferable. (He calls these the "3-Ds").

For the purpose of this response, the first two Ds are the most important. Pollution comes about because property rights are either ill-defined or indefensible. Even if you can define your right to air as your breathing space, air is so fugitive that it's very difficult to prove that you are harmed by, say, a smokestack a mile away. The problem is similar with water pollution; in the U.S. there are virtually no private property rights to water (except for the right to divert it in the West). In England, however, the lack of property rights is not quite so complete: Fishing rights are privately owned, and owners of these rights can and do obtain compensation for, and even injunctions against, damaging releases into the water.

The problem of identifying the polluter (and the damage each polluter is responsible for) is just as tricky if a government agency were in charge! That is why, in spite of 17 years of an increasingly expensive Clean Water Act, virtually nothing constructive has been done to reduce non-point pollution.

Courtney has it backwards when he disparages private rights with his story about the owner who pours a highly toxic chemical into his privately owned stream which then kills fish in the river the stream empties into. The point is not that the polluter's action took place on his privately owned land but that there was no owner of the *river* (or of the fish) to go to court to protect the right to clean water. It's the property right of the person whose land or water is polluted that we are concerned with here, not whether the individual who caused the pollution did so privately or on a public street.

In his discussion of agricultural runoff, again Courtney misses the point. If the bay were owned, the bay owner would have the right to obtain damages or an injunction against the polluter, just as the owner of a car has the right to obtain damages from the person who hits it. A more practical version of private ownership might be private ownership of fish, oysters, and other products, allowing the owners (and owners of beaches, if they are injured) to sue for damages or for injunctions.

It is true that even with ownership, agricultural runoff or "non-point" pollution would be a problem. That is because such emissions are inherently difficult to identify—the defensibility problem arises here. Even in England, where fishing rights can be defended, it is difficult to identify the cause of harm that stems from many small, dispersed emissions of pollutants. If property rights were always easy to defend we wouldn't have much of a pollution problem.

But keep in mind that the problem of identifying the polluter (and the damage each polluter is responsible for) is just as tricky if a government agency were in charge! That is why, in spite of 17 years of an increasingly expensive Clean Water Act, virtually nothing constructive has been done to reduce non-point pollution. And even some collectivists might find Courtney's "realistic alternative" of banning the use of chemical fertilizers on farmland located near waterways as going a bit far.

Courtney says it is "fatuous to suggest that private ownership of the Chesapeake Bay" would solve all its environmental problems. Certainly privatizing the bay would be difficult, but a small aspect of the bay is private already, and the evidence indicates that the bay is better off in a small way as a result: privately-owned oyster beds produce higher value per pound than public ones because they are not overharvested and they are taken better care of. One of the big problems, though, The Washington *Post* reports, is that the government of Maryland fails to enforce private ownership and so there is a lot of poaching. And Courtney wants us to hand over more power to governments like this!

Actually, I do not reject government action in all cases. Unless property rights can be defined and defended (and this can happen over time, usually through an evolutionary process), government action may be required. But it should be the last resort, not the first response. The history of federal involvement in pollution control is a sad one. Superfund (the multi-billion-dollar program to clean up "orphan" hazardous waste dumps) is largely recognized as a giant pork barrel; so is the Clean Water

Act. The Clean Air Act has been used to promote regional economic rivalry as much as (or more than) it has been used to achieve clean air. When politicians have the power that these acts give them, they have little incentive to use it for the sake of the public, but a great incentive to use it for narrow political goals.

There is a lot more to say in response to Courtney's complaints. He claims with certitude that toxic waste is a "major health problem," but he probably doesn't know that almost no harm from existing hazardous waste has been medically verified. Claims of health harms from hazardous waste dumps such as Love Canal have ended with out-of-court settlements for which no judicial standards of proof had to be met, and scientific evidence does not so far support plaintiffs' claims. A 1985 compilation of health studies at 21 well-publicized waste sites (including Love Canal) did not find epidemiological evidence of any long-term health effects. Researchers from the Environmental Defense Fund reviewed these and other studies and agreed that no "serious, life-threatening" diseases had turned up in statistically significant numbers, although they argued that better designed studies might have revealed "subtle effects." [2]

It is foolish to intrude further on property rights when the absence or incompleteness of property rights is the cause of the problem in the first place. Private solutions are working today and we ought to try to expand them rather than embrace "practical" statist solutions that increase the power of the government without achieving much that is good.

Contamination of groundwater can be dangerous, but not all claims of contamination warrant anxiety. Bruce Ames, Chairman of the Department of Biochemistry at the University of California at Berkeley, wrote in 1986: "Of 35 private wells shut down in Silicon Valley because of their supposed carcinogenic hazard in an EPA study, only two were of greater possible hazard than ordinary tap water . . . and the most polluted well (2,800 ppb trichloroethylene) is still at least 1,000 times *less* of a possible hazard than an equal volume of cola, beer, or wine." [3]

The above two paragraphs only touch on the full picture, but they should give you an idea that my statements about toxic waste are based on research, not mere hearsay or newspaper reports, as Courtney's seem to be.

I didn't actually make the suggestion that Courtney calls "bizarre"—private ownership of migratory birds and other wildlife. My point was that if wild animals were privately owned, we wouldn't worry about their extinction. This statement is true for migratory birds, too, but as Courtney's attempt at satire makes clear, private ownership of migratory birds is difficult. Perhaps it is impossible, but I'm not so sure. We've already seen another migratory species—salmon—essentially privatized through "salmon ranching." Salmon migrate hundreds of miles from fresh water to the ocean and then return to spawn. This homing characteristic enables entrepreneurs to claim ownership to salmon smolts.

Now consider waterfowl. After migrating south for the winter, millions of birds return to the prairies of the north central United States and Canada to nest and nurture their young. This process is repeated every year. Perhaps property rights to these nesting grounds is the key to survival. Courtney is probably unaware that private organizations such as Ducks Unlimited do in fact protect nesting grounds by obtaining easements on millions of acres of wetlands (his "cages," I guess) in the United States and Canada. The property owners maintain the wetlands rather than drain them for agriculture. Property rights (in this case, rights to land rather than birds) are more powerful than Courtney seems to realize.

It was a lack of property rights to American bison in the 19th century that nearly led to its extinction. (In addition, the U.S. government promoted extermination of the bison to help subjugate the Plains Indians, who were dependent on the bison.) A Plains Indian would probably have been as scornful as Courtney if someone had proposed private ownership then. (In some areas Indians did develop property rights. The Montagnais Indians of the Labrador peninsula gave families rights to beaver-trapping areas on streams. This prevented the beaver's extinction in spite of great demand for beaver pelts from French fur traders.) [4]

Establishing property rights to bison would have been difficult, just as it was difficult a few years later for the cowboys to establish rights to other nomadic animals, sheep and cattle. The Great Plains didn't have enough wood to build fences, and the plains' sparse vegetation meant that the animals needed vast stretches of land to graze on. Yet property rights and the means to enforce them did develop. Branding was adopted and human "fences" of cowboys patrolled the range to keep the herds separate. And entrepreneurs invented barbed wire, which permitted low-cost fencing of vast stretches of the plains. [5]

Courtney may treat private ownership of migratory birds as a joke but he ought to realize that the biggest obstacle to private ownership is not the characteristics of birds themselves but the fact that the state has made private ownership of wildlife *illegal*.

I hope that I have amplified some of the points not thoroughly discussed in my article last November. My major point is that it seems foolish to intrude further on property rights when the absence or incompleteness of property rights is the cause of the problem in the first place. I am convinced that private solutions are working today and that libertarians ought to try to expand them rather than embrace "practical" statist solutions that increase the power of the government without achieving much that is good. ❑

Notes

1. Stroup is a Senior Associate of the Political Economy Research Center. I am indebted to him for most of this analysis. Terry Anderson and P. J. Hill, cited below, are also Associates of PERC.
2. Amanda M. Phillips and Ellen K. Silbergeld, "Health Effects Studies of Exposure From Hazardous Waste Sites—Where Are We Today?" *American Journal of Industrial Medicine* 8:1–7 (1985), pp. 1–7.
3. Bruce Ames, "Water Pollution, Pesticide Residues, and Cancer," *Water*, Vol. 27, No. 2 (Summer 1986), p 24.
4. See Harold Demsetz, "Toward a Theory of Property Rights," *American Economic Review* (May 1967), pp. 347–359. This essay has been reprinted in Eirik G. Furubotn and Svetozar Pejovich, eds., *The Economics of Property Rights* (Cambridge: Ballinger, 1974), pp. 31–42.
5. See Terry Anderson and P.J. Hill, "The Evolution of Property Rights: A Study of the American West," *Journal of Law and Economics* 12, (1975), pp. 163–179).

Survey

The Political and Demographic Dimensions of Contemporary Libertarianism

by John M. Scheb, II

What sort of people are inclined toward libertarian ideas? Last fall, Prof Scheb polled 646 randomly selected citizens to find out.

There can be little doubt that libertarianism is an increasingly important force in American political thought. However, libertarianism has received very little attention from those social scientists who examine political attitudes and behavior. In large part, this is a function of habit; libertarianism doesn't fit into the established vocabulary of social and political analysis. Whatever the causes of this neglect, it is time that academicians, and political scientists in particular, took libertarianism seriously.

In this study I propose a means of identifying libertarians among a random population sample by using a set of statements on contemporary policy issues. After identifying a subsample of libertarian respondents, I compare libertarians to others to determine whether libertarians are distinctive, both in demographic terms and in terms of their political party affiliations and presidential preferences.

Respondents to political surveys are often asked to locate themselves on the standard liberal-conservative spectrum. Yet, the liberal-conservative scale is somewhat simplistic. On that scale, libertarians, authoritarians and populists, despite their sharply divergent views, are lumped together as "moderates" or as "others." However, if we ask everyday folk to describe their political views using terms other than liberal and conservative, they often have difficulty doing so. The term libertarian is not even familiar to everyone with libertarian views.

A better ideological classification scheme relies not on self-identification, but instead is based on the views people express on a variety of public issues. They may then be placed in a typology based on what they think about issues, rather than their sometimes emotional reactions to labels like liberal or conservative.

The Survey

Between October 16 and 19, 1988, I conducted a national telephone survey of 646 adults, contacted through random digit dialing. The margin of error for the survey is +/- 4%, at a 95% confidence level. Respondents were asked to evaluate a set of statements on current policy issues. They were also asked about their political and religious affiliations, and their preferences in the 1988 presidential election. Finally, a standard list of demographic questions were asked.

Respondents were read several statements on current social, economic and defense issues. For each statement, they were asked whether they agreed, disagreed, or were not sure. If they indicated agreement or disagreement, they were asked whether they agreed or disagreed strongly. Thus the responses for each statement were arrayed along the scale indicated in Figure 1.

Figure 1.

Scale of Agreement

1	2	3	4	5
strongly agree	agree	not sure	disagree	strongly disagree

Using the responses to policy issues statements, I was able to identify a subsample whose responses reflected a libertarian outlook. I did so by constructing two scales, one based on economic issues; the other based on social issues and defense/foreign policy issues. I placed the scales at right angles intersecting at their means, so that individual respondents were arrayed in a two-dimensional field, and thus divided the sample into four roughly equivalent groups, designated "populists,"* "liberals," "conservatives" and "libertarians."

The subsample designated "libertarian" constitutes approximately 26% of the sample. While this 26% may not be

* In other four-fold models of this type, the "populist" quadrant is sometimes referred to as "authoritarian."

described as "hard core" libertarians, their responses generally favored the libertarian (i.e., non-interventionist or anti-government) position on the issues. No doubt some of the respondents placed in this category would balk at being labelled libertarians, either because the term is unfamiliar to them, because they misunderstand it, or because they dislike the label altogether.

Figure 2.
Two-dimensional Classification of Respondents

	Social and Defense/Foreign Policy Issues: interventionist	anti-interventionist
Economic interventionist	populist (26%)	liberal (24%)
Economic anti-interventionist	conservative (24%)	libertarian (26%)

Table 1 (below) compares the mean responses of the libertarian subsample to the mean responses of others in the sample. For most of the issues, the differences between the libertarians and other groups are statistically significant at an extremely low level of probability. What this means is that for most issues, there is only a very slight chance that the observed differences between groups are statistical flukes.

Table 1 shows that the 26% subsample identified as libertarians are more likely than others to oppose mandatory health insurance, oppose trade protectionism, and oppose increasing the minimum wage. They are more likely to support the abolition of farm subsidies and the privatization of the post office. They are also more likely to agree that the federal government spends too much on welfare programs. In terms of social issues, the libertarians are more likely to oppose the position that public school students be required to say the pledge of allegiance, more likely to oppose the death penalty for convicted drug dealers, and more likely to oppose making homosexual practices criminal. They are more likely to support legalized abortion, the Supreme Court's ban on school prayer, and the legalization of drugs. On defense issues, libertarians are more likely to oppose American military intervention in Central America, oppose "Star Wars," and believe that the national defense budget should be reduced. Again, there is some variation within the 26% of the sample classified as libertarians. Some express stronger pro-liberty or anti-government positions than others. But the comparisons in Table 1 do show that the people here designated as libertarians are statistically distinguishable from the rest of the sample in terms of their views on the issues.

Table 1. Policy Issue
Mean Scores—Libertarians, Others, and the Entire Sample

	libs	others	all
Economic Issues:			
Mandatory employer health insurance	2.40	1.62	1.82
Protectionist import restrictions	3.34	2.26	2.54
Increased minimum wage	2.48	1.86	2.02
Abolish farm subsidies	2.75	3.46	3.28
Privatized Post Office	2.68	3.49	3.27
Welfare payments are too high	2.57	2.92	2.83
Social issues:			
Mandatory public school flag pledge	2.89	2.10	2.31
Death penalty for drug dealers	3.73	2.96	3.17
Legalized abortion	1.98	2.91	2.66
Legalized drugs	3.81	4.41	4.26
School prayer ban	2.68	3.69	3.42
Criminalization of homosexuality	3.86	3.07	3.28
Defense/Foreign Policy Issues:			
Use of force in Central America	3.50	3.17	3.26
SDI development	2.97	2.52	2.64
Defense budget cuts	2.30	2.58	2.51

Political Leanings

Conventional wisdom holds that libertarians are disenchanted with the two major parties and, to some extent, my data support this argument. As Table 2 (see below) shows, libertarians are more likely than others to be "independents." Those libertarians who express a preference between the parties are evenly divided between the Democrats and the Republicans. This ambivalence is easily understood. Libertarians are at odds with the Democratic Party on the economic issues of taxation, regulation and redistribution, but they are equally repelled by the Republican Party's interventionist positions on the social and foreign policy/defense issues. If the two-party system were not so ingrained in both political tradition and law, the Libertarian Party might be able to make substantial inroads into a vast segment of the population that is disenchanted with the two major parties. On the other hand, it may well be that libertarians are by nature so individualistic that any party would have difficulty commanding their support and loyalty over time.

Table 2.
Political Party Identifications: Libertarians *vs* Others

	entire sample	libertarians	others
Democrat	33%	30%	34.5%
Independent	36%	40%	34.5%
Republican	31%	30%	31.0%

In terms of preferences in the presidential election, libertarians were slightly more likely to support Bush than Dukakis, but considerably less supportive of Bush than others in the sample. The most telling statistic in Table 3 (see next page) is that libertarians were, at least at the time of the survey, much more likely to be undecided than were others in the sample. Just as libertarians were most likely to see themselves as independent voters, they were least likely to be satisfied with the choice between Bush and Dukakis.

Are Libertarians Demographically Distinguishable?

The final question is: How do libertarians differ from others demographically? Without belaboring the statistics, suffice it to say that they are, on the whole, younger, wealthier and better educated than

the rest of the sample. They are more likely to be male than female, whereas females outnumber males in the rest of the sample. Not surprisingly, given their individualism on the social issues, libertarians are much less likely to be affiliated with a particular religious denomination than are others in the sample. Those libertarians who express a religious affiliation are most likely to be "mainline" Protestants, i.e., Episcopalians, Lutherans, Methodists or Presbyterians. Demographically, then, libertarians are distinguishable from the general population.

Table 3.

Preferences in Presidential Race: Libertarians *vs* Others

	entire sample	libertarians	others
Bush	50%	44%	53%
Dukakis	39%	41%	38%
undecided	11%	15%	9%

Table 4.

Demographic Profiles of Libertarians *vs* Others

	Libertarians	Others
Race		
white	90%	85%
black	6%	9%
hispanic	2%	4%
other	2%	2%
Sex		
male	55%	45%
female	45%	55%
Age		
18–29	34%	25%
30–44	35%	34%
45–64	22%	27%
65 and over	9%	14%
Education		
not h.s. grads	8%	10%
h.s. graduates	20%	36%
some college	20%	25%
college grads	31%	22%
grad–prof degrees	21%	7%
Income		
under $15K	7%	15%
$15–25K	17%	23%
$25–35K	22%	20%
$35–45K	20%	16%
$45–55K	11%	9%
$55–65K	6%	5%
over $65K	14%	8%
not sure	3%	4%
Religion		
mainline Protestant	29%	25%
other Protestant	21%	34%
Catholic	23%	26%
Jewish	3%	2%
other	7%	7%
none	17%	6%

Conclusion

This study has identified 26% of the adult population whose ideological sympathies run generally in the libertarian direction. These people are found to be distinctive demographically, in that they tend to wealthier, better educated and less religious (in the denominational sense) than others in the sample. Politically, many are independent in terms of party identification. Those who express a preference between the two major parties are evenly divided between the Democrats and the Republicans. In the presidential election, they favored Bush slightly more than Dukakis, but were likely to be undecided after other voters had made up their minds. Libertarianism is a social and political phenomenon worthy of the attention of social scientists. Perhaps the most interesting question is: Will libertarians, who tend to be younger than other people of ideological types, retain their libertarian views as they grow older? Or will they become conservatives? ❑

Comment

Dimensions of Ideology

by James S. Robbins

The model Professor Scheb utilizes, the so-called "Nolan Chart," was introduced by James L. Sundquist in *Dynamics of the Party System* (1973), and lately popularized by the Advocates for Self-Government (among others). It is a useful heuristic for demonstrating the relationship of libertarianism to other political orientations. There are, however, some aspects of the model that have yet to be clarified.

One such aspect is the disposition of Foreign Policy and Defense issues. Scheb has combined these with Social issues, but the rationale for this grouping is elusive. One's approach to questions of external security and interstate relations need not have a direct relationship to one's outlook on matters of internal policy. For example, one may be opposed to coercive actions taken by the state internally, yet endorse such actions externally, if one believes that, in absence of such actions, a foreign power will take more drastic action. Arguments for both isolationism and interventionism can be made from a libertarian perspective, depending on how one perceives external threats.

On the other hand, grouping defense issues with economic questions is also questionable. Certainly, the debate over the size of the defense budget has an economic dimension, but should not be measured in purely economic terms. Strategy and diplomacy are not economic issues, even though foreign policies have economic effects. The solution to the problem may rest in a third dimension which would consider one's attitudes towards defense, foreign policy, and perhaps "nationalistic feelings." Such a dimension would be difficult to represent graphically, but would show more accurately the striations in political orientation.

It would have been interesting to compare the question "Are you a liberal or conservative" to various issue stances to see how the traditional self-identifications relate to the externally imposed, issue-based group definitions. And this leads to another question altogether—are people what they say they are, or are they what the analyst says they are? One may be emotionally attached to a label, such as "conservative," a fact which Professor Scheb regards as a problem. Yet, one may be just as emotionally attached to an issue position. Some respondents probably related what they thought about an issue. Others may have given gut-level responses about matters which they have not given much or any thought. There is a large body of literature on the question of voter rationality and consis-

tency (know as "constraint" to social scientists), and while there are no definitive answers, one should be aware of the debate.

The poll omits mention of the Libertarian Party, the candidacy of Ron Paul or any other party or candidate aside from the dominant two. Scheb's investigation of the question of voter disenchantment would have profited from an investigation of whether the "independents" were satisfied to choose between Republicans and Democrats as situations warranted, connected to other parties, or fed up with the system altogether. There are many reasons for being uncommitted to a party or candidate besides dissatisfaction. Referring to those who do not identify themselves as either Republicans or Democrats as "Independents" is as problematic as describing those who call themselves neither conservatives or liberals as "moderates."

Finally, there is the question of distinguishing libertarians from others demographically. This is the most important part of the piece. If one isolates a sub-group of libertarian tendency, and then finds significant differences between this sub-group and others, one may find clues towards the factors which underlie the formation of the sub-group. Yet, while Scheb presented the percentage differences, he failed to test them for significance—that is, he didn't state how much of a difference really is a difference. For example, Scheb contends that libertarians tend to be "wealthier." The income data seem to bear this out. Yet, only the difference in the lowest category is significant, which means that libertarians are less likely to earn under $15,000, but as likely to earn any other amount. None of the racial differences were significant. The gender difference was. The age difference was significant only in the youngest cohort (i.e., "libertarians" are more likely to be 18–29 than"others" are). Scheb's best supported claims are that libertarians are better educated (three of the five categories show significant differences), that they are less likely to be non-mainline Protestants, and more likely to have no religion. For the party/candidate preference data, differences of 10% are significant, and the closest the data come is 9% ("libertarians" vs. "others" in support of Bush).

These data bear an interesting similarity to the demographic profiles in both the Liberty Poll (*Liberty*, July 1988) and the as yet unpublished poll conducted by *Liberty* at the 1987 Libertarian Party convention. All three surveys tend to confirm what has long been observed, namely that libertarians tend to be white, male, well-educated, and come from non-religious backgrounds. The respondents to the Liberty Poll and the LP poll differed from the libertarian quartile in the Scheb study in one important way: they tended to group at the ends of the income scale. Scheb's subjects were more likely to have middle incomes. However, the average libertarian income in all polls was above the national average.

Identifying characteristics that libertarians have in common is useful for expanding the base of the movement. It is especially important for election strategy, to ensure that scarce funds are spent effectively by targeting those more likely to cast an LP ballot. Outreach efforts aimed at well-educated, white males from non-religious backgrounds with higher than average incomes could tap latent libertarian sentiment. It is also interesting to note that, according to Scheb's data, those with more libertarian beliefs tend to identify themselves as Democrats and to have supported Michael Dukakis for President in 1988. This calls into question those recruitment efforts aimed at Republicans. ❑

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Letters *(continued from page 6)*

These kinds of questions are interesting, no doubt about it. But they are also absurdist, and the lack of non-absurdist answers to them is insufficient reason for a person to refrain from a clear, succinct, and yes, narrow statement of his or her ethics.

Please, Mr. Waters, come in out of the cold. Join with your brethren in the LP in declaring to the world that which you are *convinced of*.

And let us all try to save active consideration of those un-likely ethical exceptions for our hallway conversations at the next LP convention.

Perry Willis
Santee, Calif.

Not with an Oath, but a Mantra

Congratulations to Johnny Fargo for what may be a marketing breakthrough for libertarians! With a slogan like "Just a little less brute force, please," how can people resist jumping on our bandwagon?

There's still room for radical libertarians ("No more brute force, ever!"), but I still suspect that the political spectrum has just reorganized itself. It used to require a large quantum jump for those becoming libertarians. Now it's a continuum, with a strong force of attraction at our end.

The battle, of course, is still not won—we must still convince people that the policies we advocate actually do represent a reduction of brute force. We will have to deal with ambiguities and with utilitarians who will want to "increase government force to reduce the aggregate of brute force." But these difficulties are no greater than before, while our persuasiveness may have been multiplied.

I'm tempted to repeat "Fargo's Request" like a mantra.

Dave Burns
Austin, Tex.

Historical Sketch

Nude Dancing in Memphis

by Michael Williams

The decline of indigenous American art-forms is often decried. The solution, we are told, lies in yet another "National Endowment." But, in some cases the state actually *impedes* artistic development.

Nude dancing is probably as old as civilization itself. As soon as *homo erectus* invented clothing, certain individuals discovered the pleasure and profit of taking them off again. Almost immediately, others were outraged by such scandalous behavior and tried to stop it, often enlisting the government to help them. From the fertility rites of prehistoric tribes, to the ceremonial temple "virgins" of antiquity, to the biblical Salomé, right down to the present-day topless bar, the commercial skin industry has been in almost continual conflict, interrupted by usually brief periods of symbiosis, with the law.

Although it would be morally instructive to consider the grand sweep of the history of ecdysiasm, I will limit my survey here to a period of ten years, from 1973 to 1982, in the city of Memphis, Tennessee. Readers may be surprised to learn that Memphis, often derided as the "cultural backwater of the Mississippi," developed during this period a flourishing nude entertainment industry. The topless, and later bottomless, bars of Memphis became famous nationwide, surpassing in quality many more well-known entertainment centers such as New Orleans or Atlanta, and even approaching the level of the world-famous Palomino Club of North Las Vegas.

Topless dancing first appeared in Memphis in the early 1970s, in small storefront clubs. Whereas the traditional American burlesque show had a theatrical format, these places were more cabaret style, like a very small Las Vegas lounge show. The stages were small; the dancers did double duty serving drinks; and from the beginning, there was the peculiar institution of the "table dance."

The table dance may have originated in Memphis, for it was not until much later that I observed it elsewhere. For a fee, typically $3.00 in the early days, any dancer in the place would gyrate, topless, for one entire number on the constantly blaring juke box, right by your table—or, as the art developed, right between your knees. Signs on the walls admonished "positively no touching"; but the lighting was poor, and no doubt considerable touching went on anyhow, perhaps for an additional fee negotiated during the dance.

Table dances were the driving force of the business. Out of each $3.00 fee, the management retained $1.00 and the dancer $2.00. The dancers also received commissions on drinks, as well as tips, and there was usually a not insignificant cover charge; but it was table dances that really brought home the bacon.

Although precise figures are hard to come by, a typical club might gross ten thousand dollars on a good night. If it were a military payday with the place full of sailors and marines, the take could be far more; and it was all in cash, in small bills, passed hand to hand in dim light. This made it easy to skim profits for avoiding taxes and for "tips" to supplement the meager earnings of public officials charged with enforcing the law. In addition, profits from other enterprises could easily be laundered through the clubs on slow days.

Curiously, there was no outright ban on topless dancing itself in the state that gave the world the Scopes Monkey Trial, and in the city that banned all Charlie Chaplin and Ingrid Bergman movies because of his leftist politics and her loose morals. But conflict between the skin industry and the law was inevitable. In retrospect, it seems likely that the fix was in with certain progressive elements of the city administration.

For whatever reason, a direct ban on nudity was not attempted; instead, the enemies of art attempted to exert control through alcohol regulation. Apparently it was all right to look at bare breasts as long as you did not drink while doing so. This represented a serious threat to the industry. Even though table dances were the major source of income, the profits on drinks were by

no means insignificant; and of course, the customer with a few sheets to the wind was more amenable to the idea of shelling out three bucks for a table dance. No club could prosper without some kind of alcohol for sale.

Now at that time in the State of Tennessee, beer and mixed drinks were controlled by different agencies. This separation of powers made it possible for the club operators to "switch" from one control board to the other. Thus when the beer board made it illegal to serve beer in establishments featuring topless dancing, the clubs would give up their beer licenses and obtain mixed-drink licenses; and vice versa.

Apparently the anti-nudity forces were seldom able to control both boards simultaneously: thus, when one board ruled against the industry, the other board saw it as an opportunity to collect the graft the first had rejected. So for several years it was all right to watch topless dancing in Memphis as long as one did not drink either (a) hard liquor or (b) beer—depending on the current regulatory situation. (Ultimately, the situation seemed to stabilize in favor of beer.)

The next major advance came in 1977, when for the first time, totally nude dancing appeared in Memphis—topless, bottomless, the works: "high heels and a smile." This innovation was introduced rather casually and precipitated a predictable reaction from the outraged moralists; but evidently a more favorable atmosphere in the courts—and also perhaps a more "sympathetic" law-enforcement philosophy—made successful legal challenges unlikely. Some of the clubs (and some of the dancers) were reluctant to change over at first, but the free market prevailed. Those unwilling to satisfy their customers' desires soon found themselves with no customers to satisfy.

Within six months there was not an ordinary topless bar left in town; they had all gone bottomless. Although topless table dances remained on the menu at $3.00, a new item was far more popular: the totally nude table dance, priced at $5.00, of which the house retained $2.00. The dancer's marginal effort in taking off a bottom as well as a top was minimal, and the profits had almost doubled; and since customers willingly paid the higher prices, everybody involved was better off—as with all voluntary exchanges.

Touching was still theoretically forbidden; but as before, this rule was not always strictly observed. Many dancers were quite willing to perform a "real good" table dance for $10.00, negotiable downwards if business was slow. Unless the manager noticed the extra effort and had to be appeased, the dancer pocketed all the overage (or palmed it, at least; she normally did not have pockets available). Of course, both dancer and customer ran a slight risk of arrest for public lewdness, and this did actually happen a few times, but the general impression was that the fix was in and that the risk was very small. Some dancers refused to appear totally nude, just as some (often the same ones) had previously refused to appear topless. There was generally no house rule requiring them to disrobe; they simply made much more money if they did. Some even refused to go on stage at all and were actually waitresses, subsisting on tips and drink percentages while the others stripped down and cleaned up. Generally the dancers did not mind the non-performing waitresses; the dancers could maximize their income by doing more table dancing and serving fewer drinks.

Curiously, there was no outright ban on topless dancing itself in the state that gave the world the Scopes Monkey Trial, and in the city that banned all Charlie Chaplin and Ingrid Bergman movies because of his leftist politics and her loose morals.

Some of the dancers were transients, working to earn enough money to move on; some were divorcees with kids, who found it difficult to work at a conventional job because of the hours, lack of training or whatever; some were "motorcycle mamas," sometimes with truly remarkable tattoos; some were drug addicts or alcoholics; and doubtless many were perfectly able to find work at a "straight" job, but found nude dancing more rewarding, either financially or artistically.

Patrons came from all walks of life. The largest and most prosperous establishments were located near the airport and did considerable business with salesmen, businessmen and others passing through town. Around the middle and end of each month, the ranks would be swelled by large numbers of sailors and marines from nearby Millington Naval Air Station. Other customers might be honest workmen on their way home; a bridegroom-to-be out for a last (?) celebration with his buddies; college students taking a break from the books; bikers; hustlers of one kind or another; and of course the occasional undercover police agent. Known boyfriends of the dancers were usually barred, in the interest of domestic tranquility.

Violence was seldom a problem. The announcer or "Disk Jockey" was usually a large and powerful type, and there was also the manager and the bouncer, and perhaps a couple of parking-lot guards who might be around at peak

continued on page 52

Sex and God

One day in late 1977, at the beginning of the "bottomless revolution," I went to a little hole-in-the-wall club near Memphis State University. This place, one of the few in town without a cover charge, was just a short drive from the Liberty Bowl Sports Complex; and that summer, a world-famous television evangelist was holding a week-long revival at the stadium.

I was sitting in the bar, sipping a beer, when one of the dancer/waitresses came over. "If you want another beer, you'd better order now," she said.

"Why?" I asked. "Is the price going up?"

"No," she replied, "but that revival will be over in a few minutes, and this place will be packed to the walls."

Argument

Fetal Rights

The Implication of a Supposed Ought

by Tibor R. Machan

Among the many issues considered in connection with the abortion controversy, there is one that has, unfortunately, received little attention. To wit, if the "pro-life" position is roughly right—that is, if conception of a human being entails a serious right to life for the conceptus—then certain radical legal consequences follow. If zygotes, embryos, and fetuses have a serious right to life, then *miscarriages or spontaneous abortions must become subjects of extensive and constant police scrutiny.*

Every state has some public policy regarding police investigation of unexplained deaths and homicides. (See, Wayne R. LaFave & Gerold H. Israel, *Criminal Procedure* [St. Paul, Minnesota: West Publishing Company, 1985], Chapter 1.) The authorities must determine that there is no reasonable ground for suspecting murder or some other variety of illegal killing. Now, if a fetus or zygote has a right to life, it follows that any activity on the part of the pregnant woman (or even a companion or stranger) that might result in a miscarriage (say, arising from some sport or a minor traffic mishap) could constitute negligent homicide. (See *Criminal Law* 21 Am Jur 2nd Par. 132; *Model Penal Code* Article 210 Section 210.1 & 210.4 Criminal and negligent homicide [1962]; *Commonwealth v. Nelansky*, 55 N.E. 2nd 902 [MA. 1944].)

In the death of an adult or even a child, the public accessibility of the deceased makes it relatively easy to determine whether foul play reasonably can be assumed. Innumerable forensic methods and devices exist for this purpose. Simply checking the body will usually provide investigators with sufficient information to determine whether there is ground for suspecting a crime. Often there are members of the public well-acquainted with the deceased, and these friends, family and neighbors can testify to suspicious circumstances, history, and the like.The same situation, however, *does not apply in the case of deceased zygotes.*

Whatever it is that is created at conception—whether it is something that is human or something that is only potentially human—it is often not known to exist until long after conception. Women do not know that they are pregnant immediately after they have conceived. The plain fact is that "unborn children" are hidden for several weeks from the kind of public exposure that even babies enjoy. While in advanced civilizations many of these unborn are monitored by physicians, this usually occurs only after having lived and been vulnerable to mistreatment for several weeks. This alone seems to violate the "ought implies can" provision of ethics, which states that if someone *is required* to act in a particular way, it must be *possible* for that person to carry out the responsibility. The veil of ignorance that surrounds the early stages of pregnancy causes many problems unforeseen by the advocate of fetal rights.

Even if immediate knowledge of conception were possible for a pregnant woman the situation would be the same. What is required is *public* knowledge as well as *private* knowledge. It is the rights-protecting authorities who must be able to know of the existence of the embryo, zygote or fetus in order to protect their rights. This requirement is not easy to meet.

Of course, one could imagine the following: At the moment of any possible conception—that is, whenever heterosexual intercourse takes place between fertile parties—an extensive machinery of examination, registration and supervision of possible pregnancies would be generated. Every woman would have the constant duty to check whether she is pregnant. If the answer is in the affirmative, the woman would immediately have to register the conception of the new human being. She would then have to submit to constant inspection and supervision, so as not to permit the possibility of a neglectful miscarriage—for example, from sports, recreation, work, or play, or any of a number of other activities.

This kind of "solution," however, conflicts with the existence of the rights of persons to not have their lives unreasonably scrutinized by authorities—or, as the 4th Amendment of the U. S. Constitution puts it, "against unreasonable

searches." The threat to the rights of possible parents would be enormous—indeed, to do their duty, governments must violate human rights on numerous fronts. A veritable police state would have to be established so as to uphold ordinary justice.

This extraordinary extension of state power can also be considered a violation of the "ought implies can" provision, although in a somewhat complicated sense. *Ought* not only implies *can* in a physical sense, but also in a moral sense: a moral obligation must not require immoral acts. Rights must be compossible—the human right of a fetus cannot contradict the equally basic human right of anyone else (although some *prima facie* rights theories allow for the ranking of human rights). Accordingly, even if all pregnancies could be detected immediately upon conception, the institutional arrangements required for this would involve extensive rights violations and, thus, make discovery of negligence and other criminal conduct during pregnancy morally impossible.

A legal policy consistent with the idea that the human being is formed at conception could not be carried out in a society that respects the sovereignty of all of its citizens, including pregnant women. If a law is unenforcible in principle, it is inoperative. This, in turn, suggests that the "pro-life" position implies a set of legal consequences that are impossible in the very society that supposedly recognizes the rights of its citizens in all cases other than the unborn. If we add to these considerations the possibility that some alternative theory of when a human being comes into existence makes better sense and does not imply the widespread official violation of individual rights, then the case against the "pro-life" position seems very strong indeed. Before it could even be considered sound, it would have to be shown that the widespread intrusion into the lives of persons discussed here is not implied by the "pro-life" doctrine.

The normal respect for and protection of individual human rights cannot be extended to the being that is created by conception—not, at least, without absurd invasion of the rights of adult human individuals. ❑

The author thanks Prof. Cliff Perry for his help with legal data.

Michael Williams, "Nude Dancing in Memphis" *(continued from page 50)*

hours. These guards carried nightsticks openly; and inside, you might sometimes see the end of a sap sticking out of the Disk Jockey's pocket. In five years, I rarely saw a fight, probably no more than took place in ordinary bars in the same period, and these were quickly squelched.

Drugs, other than the legal ones, were usually kept discreetly out of sight. Many of the dancers were undoubtedly on something or other; this was precisely the sort of work that such a person could do, managing to be at least somewhat productive instead of a total drain on society. The managers knew that erratic behavior generated customer ill will and increased the chance of a police inquiry; so most of the time, everyone was careful on the premises.

Prostitution was not blatant; but who knows what transactions were arranged in whispers over the constantly blaring background music? The house usually required an "exit fee": in order to leave the club before the end of the shift, a dancer had to pay the management a fee of perhaps $30.00. Because of the size of this fee, I suspect—though I lack first-hand experience—most such arrangements were made for later.

There matters stood for several years after the alcohol board situation stabilized. The show seemed on for an indefinite run.

But then, without warning, came the collapse. In the fall of 1982, the mayor, who had held office for an unprecedented three terms, stepped down to become a judge. The day the new interim mayor took office, the dancers had to put their bottoms on again. Naturally, after nearly five years of total nudity, ordinary toplessness had limited appeal, and business fell off sharply. Then, following a special election, yet another new mayor took the helm—with even more disastrous results.

The new mayor was a former county court clerk who had won largely on name recognition; for years people had been writing checks payable to him to buy license plates. He immediately began a vicious campaign against the skin industry and other victimless crimes like prostitution. Before long the prostitutes of Memphis, and sometimes their customers, were being given the guided tour of Memphis' magnificent new Criminal Justice Complex (which sounds almost like a psychiatric condition). At the same time, the restrictions on topless dancing, were tightened even further.

A grass-roots organization calling itself MAD, an acronym for "Memphians Against Degeneracy," began picketing the clubs, lobbying local politicians and attracting media attention. These efforts were countered by an outfit styling itself MASH (Memphians Against Social Harassment). The industry fought back too, using such slogans as "At least we're not on welfare!" and (this one on a sign held by a five-year-old) "Please don't take my mommy's job!," but it was like trying to hold back the tide. MADness prevailed, and for a few months, even topless dancing was banned.

It was the New York Metropolitan Opera that finally reestablished topless dancing in Memphis. Learning that a touring company of the Met was coming to town with an opera featuring nudity, MASH agents filed a formal complaint. They charged that singing in Italian could hardly excuse the heinous crime of exposing one's breasts. Then during the opera, a couple of females in the audience (dancers from the clubs) stood up at the appropriate juncture and went topless along with the diva (or perhaps it was the coloratura; accounts differ). This ploy attracted nationwide publicity and made the city officials appear almost as ridiculous as they really were.

Rather than appear even more ridiculous by busting the Metropolitan Opera, the forces of morality relented and allowed topless dancing to return. Cynics also speculated that the city officials had at last been made aware of the financial advantages of a symbiotic relationship. Whatever the arrangements, topless dancing returned to Memphis; but old-timers considered it a mere shadow of the glories of days gone by. ❑

Appraisal

The Spirit of '89

by James S. Robbins

Churchill said that the Soviet Union under Stalin was a "riddle wrapped in a mystery inside an enigma." Recent democratic reforms back in the USSR are as puzzling as some of Stalin's plots. In this essay, our Russia watcher unwraps some of the mystery.

On March 26, voters in the Soviet Union went to the polls to participate in the election of delegates to the first ever USSR Congress of People's Deputies. The elections, lauded as the most free since 1917, were as revolutionary as the body for which they were conducted. Unlike previous elections, with single candidate ballots, little or no campaigning, agitators flushing out the citizens for the necessary 99.9% turnout, and Communist victories by about that margin, these elections saw multiple candidates, active campaigns, and the defeat of CPSU (Communist Party of the Soviet Union) stalwarts on their home ground. Some commentators were absolutely overwhelmed. "By all means let's get excited," Hendrik Hertzberg wrote in *The New Republic*. "What has happened is stupendous, magnificent, stirring—one of the great events of the century . . . unreservedly good, true and beautiful."

Well—it was an important event, but let's not lose our heads. To take these elections at face value and see in them an expression of freedom for its own sake would be premature. They offer promise, undoubtedly, but promise of what is another question.

The election chose delegates to a new state body, the Congress of People's Deputies, which was proposed at the 19th All-Union Party Conference last summer. 2895 candidates ran for 1500 Congressional seats. A Further 750 seats were reserved for delegates from various public organizations, including the CPSU, which claimed 100 mandates. When the Congress convenes later this month, it will choose the 750 delegates who will go on to form the revitalized Supreme Soviet.

On a purely mechanical level, there are some interesting comparisons to Western-style (that is, free) elections. Access to mass media was guaranteed by an equal time provision, which was implemented with a thoroughness befitting the age of *glasnost*. While not all candidates received space in major publications, they were granted local, regional, and, in the case of those running for All-Union mandates, national exposure. The service was free of charge, naturally. A familiar debate occurred over state funding of election posters, pamphlets and other materials. Some objected to candidates receiving contributions from any sources other than the state, which apportioned equal stipends of about 60,000 rubles. Ultimately small contributions from official groups (not individuals) were allowed, but given the anti-establishment tenor of the campaign, a candidate whose presentation came off as too slick was likely to lose support, not attract it.

Every candidate had a platform, and unlike their U.S. counterparts, these platforms *meant* something. It was definitely an "issues" election, but considering the fact that the voters had enjoyed no political voice their entire lives, one shouldn't read too much into it. The Party supplied a pro-*perestroika* platform for all of its candidates, who sometimes ignored it and campaigned on their own themes—a move that brought criticism, especially from those who had adhered to the platform and lost.

Opinion polls did play a role in this election, reports to the contrary notwithstanding. In fact, opinion polling is one of the growth industries in the Soviet Union. It is seen by the Party as a useful means of keeping in touch with public attitudes. While the usual "horse-race" polling did not take place with the same intensity as in the U.S., Party polls were taken regularly, and occasionally released to the media.

Participation was just under 90%, a fact which argues for the fairness of the process. If participation rates continue to drop, it will be a sign that democracy has indeed come to the land of the Soviets. A few groups, the Lithuanian Freedom League, the Ukrainian Catholic Church and other dissident organizations, boycotted the election. One group, the Lion Society, voted against

everyone, utilizing the option to cross-off candidates. As was widely reported, even some candidates who ran unopposed, such as party boss Yuri Solovyev, failed to carry a majority and must run again. The "crossing-off" option is a novel little innovation. If we could learn anything from the East, this would be it.

Why were the elections held? This is an intriguing question. Gorbachev made it clear that the purpose of the elections was to further *perestroika*. The reason Gorbachev used elections and is convening the Congress of People's Deputies is because he cannot institute his reforms through other channels. If he could, he would have already. Attempts to utilize these other channels have been underway for many years. Restructuring is rooted in the Andropov Secretaryship. Brezhnev put a virtual stop on Party and state promotions for about ten years, ruining the economy in the process. Andropov reacted to the policy of stagnation by instituting the largest personnel turnover since the days of Stalin. Gorbachev oversaw the process, along with the currently discredited Ligachev. The Chernyenko interregnum slowed but did not stop the turnover, and when Gorbachev took power he had already reshaped most of the lower Party apparatus to his liking. Over the next few years the personnel changes reached higher in the apparatus, and soon the Politburo was purged of its most "reactionary" elements. Still, resistance persisted. Attempts to use the Central Committee to institute reform were also failing. Gorbachev threatened to call a Party Conference, a general meeting at which major internal measures could be carried out swiftly. When results were not forthcoming, he acted on his threat, and the Conference convened in the summer of 1988. Here the proposal for the new Congress was hashed out. It was a compromise measure, one Gorbachev had been holding in reserve. Having failed to restructure Soviet society through traditional means (putting one's own cadre in place), Gorbachev would now appeal to the people for results.

In some ways this was a safe thing to do. Gorbachev knew that the voters would reject and thereby discredit Party officials who followed the "old" practices, or who were not vocal in their support of reform. It would be a vengeance vote. Gorbachev could then use the results of the election to pressure some of these elements out of the ruling circles of the Party, which he did at the April 26 Central Committee plenum. About one third of the CC resigned.

Gorbachev took pains to make certain that votes against Party members were interpreted as anti-individual, not anti-CPSU votes. The leading role of the Party was to remain unquestioned. The prospects for a multi-party system were never entertained by anyone inside the regime, although the development of "pluralism in one party" was discussed. Even media star Boris Yeltsin would not endorse a new party, though reformers outside the CPSU see it as a necessary development for true democracy.

The reason Gorbachev used elections and is convening the Congress of People's Deputies is because he cannot institute his reforms through other channels. If he could, he would have already.

At the same time that the Party is being cleansed, Gorbachev is shifting more power to the state, and to himself. The new Congress is a state body, and though its delegates will be Party members, they will not act in their CPSU capacity. The 750 delegates who enter the Supreme Soviet will be the new focus of power. The term of a representative to the Supreme Soviet will be one year; one fifth of the Congress will rotate through annually. Gorbachev will undoubtedly be selected to lead this body.

The question arises, what exactly are the powers of the new Supreme Soviet? The answer is that nobody knows. Its duties have not yet been explicitly defined, and this could result in problems for Gorbachev. Ill-defined power is potentially unlimited power, and not necessarily something one can control. Consider the meeting of the Estates General in 1789 France. The assembly had been called for a specific purpose, namely to raise taxes. Yet because the Estates General had not convened in living memory, its powers were uncertain. It was clear that more would be discussed than simply the tax issue. Delegates arrived with "memorials" from their constituencies, statements of discontent. But even these were mild, the most radical of them calling for a written constitution. Nobody expected the meeting to turn into a revolution. However, Louis XIV faced opposition both from disgruntled bourgeoisie and angry nobles. The Estates General gathered dissidents and reformers of every stripe from around France, who, meeting in an atmosphere of ill-defined powers, eventually reached a critical mass, and began to exercise power as they wished. The armed forces mutinied, and the chaos of the revolution followed.

That is the very definition of power—its exercise. Where there are few guidelines, people will seek to extend power as far as possible. The new Supreme Soviet will bring together many disaffected elements, and place in their hands a series of partly-defined powers. The nationalities are already making their presence felt, with demonstrations along the rim of the Soviet Empire. The Lithuanian Sajudis Movement won 31 of 39 Congressional seats, the strongest showing for a nationality group. When these delegates meet their counterparts from the other Baltic states, the Ukraine, Georgia, Armenia and Central Asia, the effect could be synergistic.

The Soviet Union faces other important problems, chief among them being food. Gorbachev assessed the election at a March 29 meeting with journalists, but prefaced his remarks with a lengthy discourse on food. "Food is the real, fundamental problem," he stated. He said that if it was not resolved, *perestroika* would be endangered. He extolled some of the reform efforts, especially the workings of private plots, but maintained that more decentralization was necessary. If the public begins to blame *perestroika* for their problems instead of the previous system, or demands restructuring be implemented more swiftly, Gorbachev will be faced with a no-win situation. Already Party critics are beginning to point out that it has been four years since Gorbachev took office, and "the people" want results. This may be why Gorbachev stated that his three goals for the immediate future are to "promote

continued on page 56

Reappraisal

The Campaign of '88
A View from the Political Trenches

by Jamie Potter

A wide variety of well-known Libertarian Party leaders, former candidates and philosophical spokesmen have responded to the results of the 1988 election by concluding that the low vote totals were a crushing blow to the LP and to its rank and file, that the Libertarian Party strategy is futile, or it is simply foolish to work within the political process itself. Of course, these positions have been followed up with proposals about how the Libertarian Party should shift emphasis, change strategy, or disband altogether.

One problem with these proposals and the positions upon which they are based is that they are all coming from the top down. Before the LP's leaders write off the Party or radically change it, on grounds that past efforts have disappointed the rank-and-file, they should consider what those of us in the political trenches think. It is worse than foolish to hammer the last nail in the the LP's coffin when the Party itself remains full of life.

It is for this reason that I offer my opinions on the 1988 campaign.

The Reality of Growth

I was born a libertarian, though that fact eluded me for my first 24 years, despite the apparent contradiction of agreeing with my father's conservative positions on economic issues and my mother's liberal positions on free speech and lifestyle issues. I first encountered the word "libertarian" in a television ad for Ed Clark in 1980. I was still politically homeless at the time, and eventually voted for John Anderson. But the word and the idea made an impression on me.

It was a few years later when I began to understand and accept libertarianism as my political philosophy. After I had nibbled at the writing of John Hospers and Murray Rothbard, I devoured Auberon Herbert's *Right and Wrong of Compulsion by the State* in a single sitting. I remained aloof concerning the Libertarian Party for several more years, preferring the safe haven of "small l" libertarianism to the public exposure of the "big L" version. It was the 1988 campaign that changed all that.

In one fateful Albany, N.Y. gathering of libertarians, I met Ron Paul, Andre Marrou, Russell Means, Marshall Fritz, Barbara Branden, and Peter Breggin. These were real people with real strategies for the promotion of libertarian ideas. The main vehicle for those strategies was the Libertarian Party. Soon after this gathering I traded in my "small l" for a "big L" and spent 1988 helping to push that vehicle along. What were the results of the 1988 LP campaign?

First, it brought me into the Party. I finally signed on the dotted line in September and I expect many others did the same. Overall membership has gone up.

Second, campaign activity encouraged me to further investigate, join, and support other groups in the libertarian movement (Libertarian International and Advocates for Self-Government, for example). Again, other people must have had the same encouragement and membership, donations, and inquiries must have swelled for these other groups during the 1988 campaign.

Third, involvement with the Libertarian Party during 1988 made me a proselytizer for libertarianism. For the first time, I openly spoke to friends, relatives, and even strangers about libertarian ideas. The campaign acted as a convenient starting point for discussion and the Party was the logical organization to direct interested persons toward. Many people showed interest enough in our movement to ask for more information; several people were pleased enough with our policies to vote for Ron Paul; a few were so impressed by our ideas that they joined the LP. (The personal high point of my efforts occurred when my parents called just two days before the election and told me that they were voting for "your Ron Paul.")

Fourth, my involvement with the campaign stimulated my activism on behalf of libertarian ideas. I have sent several letters to the editors of our local papers, which in turn, stimulated other local people to contact me and get involved in libertarian activism. I also made contact with the media at our two local colleges that resulted in a headline article about the Libertarian Party and a talk show invitation for the New York LP Senatorial candidate. When the LP Senate candidate visited, I arranged a press conference for him, making other media contacts in the process. This paid-off later when I was able to get local news coverage of the fact that the News Election Service was refusing to tally and report Libertarian Party votes.

The campaign acted as a convenient starting point for discussion. Many people showed interest enough in our movement to ask for more information; several people were pleased enough with our policies to vote for Ron Paul; a few were so impressed by our ideas that they joined the LP.

My activism during the campaign peaked with my participation in a debate on the New York Senate race organized by local church leaders. Since the LP candidate was unavailable, I got the nod. The debate involved a Republican State Assemblyman, a Democratic area chairman, and the Socialist Vice-Presidential candidate, so I had to organize my libertarian positions into a form that I could present to the public with maximum impact. What a growing experience that was!

As for the low vote totals . . . this member of the rank and file was not crushed. Maybe the News Election Service blackout (see Margaret Fries, "A

Conspiracy of Silence," *Liberty*, May 1989) was a blessing for me, in that I evaluated the results of the 1988 campaign personally before the vote totals came out. Whether Ron Paul received 432,000 votes or 1,430,000, I considered the 1988 Libertarian Party campaign a success. Certainly finding other libertarians who lived in my area was good, and getting friends, relatives, and sometimes perfect strangers, to consider the Libertarian positions enough to vote for Ron Paul or even join the Party was worthwhile; but without a doubt the single most important and successful aspect of the 1988 campaign was the personal growth and commitment I experienced.

As I see it, our job now is to refuel that vehicle. Locally, I am working to maintain contacts with new found libertarians, extend my involvement with other libertarian organizations, continue my personal proselytizing, and organize plans for more local activism. Nationally, I suggest we Libertarians start a campaign war chest now, work to complete a good portion of ballot access before the 1992 campaign begins, and develop our own vote collecting and reporting system. While we're at it, I would love to see our own television station, economist Walter Williams as our candidate, five million votes in 1992, a Libertarian president by the year 2000, a libertarian society within our lifetime, water that runs uphill soon after, an eventual end to entropy . . . oh, and more realistic goals; let's not encourage over-optimism among the rank-and-file! ❑

James S. Robbins, "The Spirit of '89" *(continued from page 54)*

democracy, maintain and extend *glasnost*, and exercise control."

Gorbachev also lashed out against those reporters who felt that *perestroika* was too short on redistribution of wealth. "[T]he press cannot confuse social justice with levelling," he maintained. "They are different things. While strengthening social security and justice, we cannot support an atmosphere of levelling. That's fatal, that's a blow against the entire economic reform, against the society, against its morality." (Why can't our President say things like that?) At the same time, the Soviet Union is introducing a graduated income tax, to appease rising complaints about the unequal growth of personal wealth.

Low morale among the armed forces is a difficult factor. Still stinging from its defeat in Afghanistan, facing personnel cuts and few opportunities for promotion, being used as a scapegoat for political maneuvering (as shown in the case of the Georgian riots and their aftermath), and losing budget money and prestige, the Red Army cannot be considered the most energetic supporter of *perestroika*. Gorbachev has taken steps to ameliorate these problems, but the MVD, the internal security police, is also being built up.

Finally, there are Party members who will continue to resist Gorbachev's moves to strip them of power. Their recent presence in the Soviet media is not so much a tribute to *glasnost*—after all, they had been there all along, but few had made it into the press—as it is an indication of their gathering organizational strength. They are beginning to learn the new rules of the game. These forces are certain to exploit any discontent that could be turned against Gorbachev, as was illustrated in the critical *Pravda* articles which followed the recent CC plenum.

Thus there are many factors which could contribute to large-scale instabilities. The deciding factor will be the complexion of the new Parliament. Major changes are sure to be put in place. For his part, Gorbachev is not commenting on the specific goals he will pursue. Others are not so tight-lipped. Mikhail Poltaranin, Boris Yeltsin's journalistic advisor, made some definitive statements in the April 3 edition of the Viennese magazine *Profil*. Poltaranin was already working on some draft laws for Parliament. He stated that the "progressive forces have the majority" in the People's Congress, but downplayed the emergence of "total opposition." Furthermore, he was of the opinion that opponents outside the Congress would not be tolerated. "The most important thing is that Parliament is above the apparatus," he said. "So far the Supreme Soviet has simply been a voting machine. The orders came from the apparatus. We want things to run the other way around: the Supreme Soviet is to tell the apparatus what it has to do. It must be clear. If the apparatus does not do what the Supreme Soviet wants, it will be fired." Other Soviet commentators have called the new system the "Dictatorship of the People."

Where there are few guidelines, people will seek to extend power as far as possible. The new Supreme Soviet will bring together many disaffected elements, and place in their hands a series of partly-defined powers.

It is far too early to heap praise on the Soviet leadership. As I have mentioned before in these pages ("*Perestroika* and Liberty," November 1988), *perestroika* is the Party line. The leadership shows tolerance, but only of those who promote restructuring. Those who oppose it are "not above criticism"; in other words, they are targeted. Public discontent is being used as a tool to the end of eliminating opposition, and allowing restructuring to move forward. Once *perestroika* has been achieved (and nobody seems to know exactly what that entails), *glasnost*, the elections and the other manifestations of "liberalism" may disappear or be defanged. The March elections do give cause for hope. The 1994 elections will give more cause, if they take place. And the true indicant of democracy, the peaceful transfer of power from one ruling party to another, would be the crowning achievement.

There are many roads open to the Soviet Union. The situation becomes more complex daily. Soon the new Congress will convene, and the Supreme Soviet shortly thereafter. In the fall, Republican elections will extend the new system to the regional level, giving more opportunities for disruption. Nationality groups are growing stronger and more brazen, and the Soviet people are tiring of waiting for results. Both revolution and reaction simmer beneath the surface. If Gorbachev can successfully reform the Soviet system, it will be an impressive accomplishment. But even if he does, what happens next? Will the land of the Russians finally become host to the blessings of liberty? Let's wait and see. ❑

Reviews

Judgment Day: My Years With Ayn Rand, by Nathaniel Branden. Houghton Mifflin, 1989, 438 pp., $21.95.

Who Is Nathaniel Branden?

R. W. Bradford

Nathaniel Branden's *Judgment Day* takes its title from the conventional Christian view of the day of reckoning, at which all scores will be settled amidst great tribulation. The specific day of reckoning to which Branden refers occurred in 1968, when hyper-individualist novelist Ayn Rand discovered that the reason Branden was unwilling to renew his love affair with her was that he had begun, some years earlier, an affair with a woman 35 years her junior. Even before he began his affair with a beautiful young model, Branden warned her that if Rand ever found out about their relationship, "you would see an explosion such as you cannot even begin to imagine." (p. 328)

Branden was right: when Rand learned of his affair, she reacted with a fury that challenges the imagination. The rift extended far beyond Rand and Branden, into the movement that had grown up around Rand and her philosophy, most of whose members felt the urge to side either with Branden or with Rand. It ended long friendships and split love affairs and divided families.

Branden, a prominent psychotherapist, was intimately involved with Rand both intellectually and sexually, and played a pivotal role in the political-cultural movment that had grown up around her. In *Judgment Day*, he shares his memories of his bizarre relationship with Rand and presents an intimate view of the strange brew of people and ideas that resulted in the Ayn Rand cult. For this reason alone, it is an important book. In her own peculiar way, Rand was the most influential political or philosophical novelist of her generation. Her novels and philosophy, taken together, were undoubtedly the largest factor in the resurgence of libertarian thinking during the past quarter century.

Branden was there at the beginning of the movement—indeed, a good case can be made that he was its planner and chief executive, so his memory of its endlessly fascinating, endlessly weird world is important. As with any memoir, the truth and value of this book is a function of the author's candor and credibility. Those who believe Branden is a genius and a man extraordinarily in touch with himself will likely find *Judgment Day* insightful, perspicacious and profound. Those who view Branden as a purveyor of psycho-babble who initially gained his reputation by leeching off Ayn Rand will find *Judgment Day* nearly worthless.

My own inclination, when I began *Judgment Day*, was to view Branden as an extremely intelligent and perceptive man. I had heard him lecture about Ayn Rand's philosophy several times in the 1960s and read his book *Who Is Ayn Rand?* I had read the account (such as it was) that Rand wrote in *The Objectivist* of her break with him. I had read his response. I had reserved judgment on him and on Rand, on grounds that I possessed insufficient information, though I was pleased that their rift would (or so I thought) do away with the cultish aspects of the Objectivist movement.

Since the rift, I had followed his career only peripherally. I knew he had moved to Los Angeles, continued his psychotherapy, and written a few popular books on psychology. I did hear the two lectures on Rand that Branden produced shortly after her death in 1982, both of which impressed me as insightful.

I had read *The Passion of Ayn Rand* written by Barbara Branden, his former wife and also a former close associate of Rand, when it was published three years ago. *Passion* included the first detailed account of the rift between Rand and Branden. It left me convinced that Rand had caused a great deal of harm to many of those who admired her novels and her thinking. She insisted that they toe the party line; she apotheosized even her casual opinions into fundamental philosophical principles; she reacted angrily and viciously toward those who disagreed with her on any matter no matter how peripheral to her thinking. Nathaniel Branden had been Rand's lieutenant and had been a party to the negative things Rand did, but in many ways he was her victim as well as her collaborator. Rand, it seemed to me, acted crazily. She demanded his sexual services as the price of her support for his activities, then angrily and bitterly denounced him for the crime of choosing a younger woman over her.

But *Passion* is a biography, not a memoir like *Judgment Day*; Barbara Branden relied only secondarily on her own memories of Rand, and she had been neither as intimately involved with Rand nor the Objectivist movement as had Nathaniel Branden. So I hoped that *Judgment Day* would fill in some of the gaps in the story of Rand's life, especially in the story of the cult that grew up around her and of her relationship with him.

At the Center of the Circle

Although subtitled "My Life with Ayn Rand," *Judgment Day* is really a

narrative of Branden's life, from his childhood in suburban Toronto virtually to the publication of the book. But it concentrates on his years with Rand, which began when he visited her at her home in the San Fernando Valley on March 2, 1950, and ended when she expunged him from her life on August 25, 1968. During those 18 years, Nathaniel Branden ingratiated himself with Rand, first as adulatory fan, then successively as student, colleague, lover, co-Pope, and Chief Inquisitor of the cult that he propagated around her ideas.

Branden first encountered Ayn Rand though *The Fountainhead*, Rand's extraordinary novel about the importance of personal integrity. "Between the ages of fourteen and eighteen," Branden writes, "I read and reread *The Fountainhead* almost continuously, with the dedication and passion of a student of the Talmud." (18) At the age of 19, he wrote Rand a letter, in care of her publisher, asking her about her political beliefs. She never answered. He wrote her again a few months later, asking whether she had any novels that he had not yet discovered. This time she responded with a short note. Branden wrote her a much longer fan letter, asking several philosophical questions. This time Rand responded with a letter several pages long. Branden fired off another missive, this time including his phone number. A few days later Rand called and invited him to visit her.

He was fascinated by her logical, precise answers to his questions, and she was fascinated by his quick mind and obvious intellectual infatuation. When Rand asked him whether man was good or evil by nature, he responded that he saw man as neither, but that he had potential for both. She asked whether he saw life as benevolent or as malevolent. "I thought the question strange, that I thought of life as neutral and containing both benevolent and malevolent possibilities." (47) Rand quickly weaned him away from these commonsensical notions, and he and Rand were "falling in love, not romantically, but intellectually." (46)

On his second visit, he brought along Barbara Weidman, a former girl friend from Winnipeg, where he had spent a year working in his uncle's jewelry store. She also was profoundly impressed by *The Fountainhead*, though not so fanatically as he. Before long, Barbara and Nathan (he didn't change his name from Nathan Blumenthal to Nathaniel Branden until 1954, and he remained "Nathan" to his friends) were regular visitors to Rand's household. In August 1951, Barbara and Nathan moved to New York to continue their educations. Only a month later, Rand called to tell them that she and her husband were pulling up stakes and would arrive in New York in three weeks.

Nathan continued to have strong sexual feelings for Barbara, which were not reciprocated. But gradually, under prodding from both Rand and Nathan, Barbara came to accept Rand's view that sexual choices reflect a person's deepest values, and that because Nathan was intelligent and agreed with her about important issues, she should desire him. In the summer of 1952, she agreed to marry him. In January 1953 Rand and her husband Frank O'Connor served as matron of honor and best man at their wedding.

In her own peculiar way, Rand was the most influential political or philosophical novelist of her generation.

Nathan recalls the first year of marriage as "the best in our entire relationship." (127) Even so, he acknowledges that a problem persisted: "the disparity in Barbara's and my desire to make love." (118) Naturally (?!?), he discussed this problem with Rand, who advised that he stop making passes at Barbara while she vacuumed and allow nature to take its course.

In September 1954, he began an affair with Rand, though at first it was not consummated:

> "We won't have an actual affair," she said. "The romance will be nonsexual, in the ultimate sense."
> Part of me felt relieved by this statement; another part, more dominant, felt disappointed.
> "You mean it will be sexual in everything but fact," I answered. (155)

As advocates of rationality and honesty, he and Rand never considered keeping their relationship secret from their spouses. "We must do nothing to hurt Frank or Barbara," Rand told him. (155) So she called in her husband and his wife and explained why it was entirely rational for Nathan and her to have an affair, to meet secretly at her apartment for one afternoon and one evening per week. "Faking reality does not work," Rand told them. "What realistic alternative is there to what we're proposing?" (159)

"This does not mean that Nathan does not love you," she told Barbara. "He's your husband and nothing will ever change that. Look at the age difference between Nathan and me. We have no future, except as friends. I'm not going to make myself ludicrous with a younger man." (158)

(The quotations here are the product of what Nathan calls his "vividly keen memory . . . I am not suggesting that all of the words reported are verbatim, but I am confident they are faithful to the essence of what was said and to the spirit and mood of the occasion."[vii] It is worth noting that this version of the conversation differs considerably from the account of the only other living witness of the same events, Barbara. In the "Author's Note," Nathan advises that he relies on more than his "vividly keen memory." He also employs "a variety of documents and materials which I talk about in the Epilogue." Curiously, the only document or material he refers to in the Epilogue is Patrecia's diary, from which he had quoted her first impressions of him.)

Frank protested, but was overwhelmed by the logic of Ayn's and Nathan's argument. Barbara rationalized that since Nathan and Ayn had assured them that their relationship would not be sexual she could accept it.

Neither Nathan nor Ayn was surprised when their relationship became overtly sexual a few months later. "I was clearly the initiator," Branden recalls. (160) "Having been engaged in the act of penetrating her consciousness in every way I possibly could, since first reading *The Fountainhead*, the actual sex act felt almost like a continuation of the same endeavor. The desire to 'know' her in every conceivable sense, includ-

ing the biblical, was central to my interactions with her." (164)

Nor were Barbara and Frank surprised when they got the news. In a bizarre passage, Nathan explains how the affair was almost Barbara's fault, really.

> Looking back, it strikes me that another woman in Barbara's place might have said, "I understand your feelings for each other, and I am not going to quarrel with them or try to change them. But just the same, this is very painful for me, and I need to be by myself for a while. I'm going away for six months and leave you and Ayn a free hand, to do whatever you wish. I will not subject myself to standing by as a passive participant." If Barbara had said that, she would have refused to be an adversary, I would have had nothing to fight against, and I would have had to endure the pain of six months without her, and I suspect that would have ended my romance with Ayn right then. (159)

Alas, Barbara did not follow his ex post facto advice. She stayed by his side, apparently as both "passive participant" and "adversary." The affair continued intensely for a few years until it was interrupted by the depressions of Rand and the deceptions of Branden.

Meanwhile, both Rand's and Branden's careers were progressing nicely. Branden got a Master's Degree from NYU and began to practice psychotherapy. Rand continued work on her magnum opus, *Atlas Shrugged*. Their social circle expanded, mostly by the addition of Barbara's and Nathan's relatives and friends from Canada: Leonard Peikoff (Barbara's cousin), Allan Blumenthal (Nathan's cousin), Joan Mitchell (Barbara's closest childhood friend), Alan Greenspan (Joan's husband, briefly), Elayne Blumenthal (Nathan's sister) and her husband Harry Kalberman, Reva Fox (another of Nathan's sisters), Sholy Fox (Reva's husband) and Mary Ann Rukavina (a friend of Joan Mitchell's). Ayn was undoubtedly the mentor of the group, and Nathan was undoubtedly number two in the chain of command, by virtue of his intellectual vigor, he tells us. His sexual relationship with Rand remained a secret from the "The Collective," Rand's ironically nicknamed body of "individualist" followers.

A Cultish . . . Aspect

Atlas Shrugged was published in 1957. It was an immediate bestseller and its unapologetic advocacy of capitalism and selfishness generated considerable controversy. Shortly after its publication, Nathan began a series of lectures about Rand's philosophy (by now dubbed "Objectivism"). Thanks to his considerable skill as a lecturer and to Rand's endorsement and participation, his lectures were very successful, both financially and in terms of building a movement. Before long, he had incorporated his enterprise as the Nathaniel Branden Institute, and was offering his lectures to an increasingly wide audience by means of tape transcription.

Branden shares his memories of his bizarre relationship with Ayn Rand and presents an intimate view of the strange brew of people and ideas that resulted in the Objectivist movement. Once and for all, he ends any controversy about whether it was a cult. For this reason alone, it is an important book.

In retrospect, Branden understands a great deal about the movement he created and ran. "There were implicit premises in our world to which everyone in our circle subscribed, and which we transmitted to our students at NBI," Branden observes.

- Ayn Rand is the greatest human being who has ever lived.
- *Atlas Shrugged* is the greatest human achievement in the history of the world.
- Ayn Rand, by virtue of her philosophical genius, is the supreme arbiter of any issue pertaining to what is rational, moral, or appropriate to man's life on earth.
- Once one is acquainted with Ayn Rand and/or her work, the measure of one's virtue is intrinsically tied to the position one takes regarding her and/or it.
- No one can be a fully consistent individualist who disagrees with Ayn Rand on any fundamental issue.
- Since Ayn Rand has designated Nathaniel Branden as her "intellectual heir," and has repeatedly proclaimed him to be an ideal exponent of her philosophy, he is to be accorded only marginally less reverence than Ayn Rand herself.
- But it is best not to say most of these things explicitly (excepting, perhaps, the first two items). One must always maintain that one arrives at one's beliefs solely by reason. (258–9)

Amazingly, immediately after summarizing this creed, Branden asserts, "We were not a cult in the literal, dictionary sense of the word, but certainly there was a cultish aspect to our world." (259)

That the Objectivist movement was in fact a cult is underscored by Branden a few pages later:

> I looked for ways to reassure Ayn of my devotion. I became her "enforcer." If someone in our group did something to offend Ayn or "the cause," or was not behaving as a "good Objectivist," I would invite that person to lunch and in a quiet but deadly voice I would inform him or her of the nature of the transgression. If the offense was big enough, say, being friendly with someone who had been critical of Ayn, or gossiping about another Collective member—our whole group convened to hear the charges, and almost always it was I who took the role of prosecutor. (267)

He describes one such "trial," against a young woman who had "wronged" Leonard Peikoff:

> . . . I became an avenging angel, laying before her the wrong she had done, with the cold, quiet earnestness of an inquisitor out of the Middle Ages—while Frank listened passively, Leonard looked righteous and wounded, Barbara watched the frightened girl with gentle sternness through circles of smoke rising from her cigarette holder, and Ayn listened eagerly, clapping her hands in appreciation of my theatrically lucid formulations. (267)

Branden's repentance for his sins as inquisitor is not universal. He has no apparent regret for his excommunication of economist Murray Rothbard. After explaining that Rothbard had committed the crime of independent thinking (he argued for anarchism because govern-

ments inherently violate individual rights), Branden explains that "Murray refuse[d] to acknowledge Ayn as his source of some of his ideas, having to do with the concept of causality . . . I challenged his assertion, on the telephone, and asked him to come over so we could discuss the situation in person. He refused angrily in a way which signaled that this matter was far more serious than I had supposed." (263) It's hard to see how Branden's attack on Rothbard differs from his attacks on other transgressors, except that Rothbard refused to accept the jurisdiction of Branden's Inquisition. Just like an anarchist!

It seems unlikely that a cult would have grown around Rand had it not been for Branden. He was clearly its architect and chief executive. However much Rand might have wanted a cult, she had neither the skill nor the temperament to design or run one.

Rand was a genius. She wrote two novels that "changed the lives" of many readers, convincing them that careful consideration of philosophical ideas was an exciting and necessary activity, and more: that her own philosophical beliefs were both prerequisites to individual happiness and of vital importance to the world. She convinced many intelligent people that she was the prophet of a crucially important new philosophy.

But Rand was far too wrapped up in her own life and far too psychologically isolated to organize and manage a cult. Her life revolved around her writing and a very small circle of friends. She was profoundly isolated from other human beings: she simply could not grasp the motives of most people. She was no more able to perform the psychological manipulations necessary to the management of a cult than she was able to keep her files organized.

In a 1971 interview, Branden acknowledged that Rand had little interest in her movement:

> Question: Was [Rand] ever concerned with building a movement as such.
>
> Branden: Not really.
>
> Question: Was that your job primarily?
>
> Branden: I think I was the one who first saw the possibility of generating a philosophical movement. She told me many times that I was responsible for the existence of what the press was to call "the Objectivist movement"—which I accomplished through Nathaniel Branden Institute. So I guess I can say that I was the "practical" man in the situation, so far as the cultural spread of Objectivism was concerned. (*Reason*, Oct 1971, p. 13)

Branden, on the other hand, had the skill, the inclination and the psychological sensitivity needed to run a cult. And unlike his mentor, whose stature as a popular novelist provided her with fame and fortune, he had everything to gain from the effort. He craved recognition, power and money, all of which were available from the cult, none of which he was likely to obtain by other means.

In the same 1971 interview, Branden came very close to acknowledging his role in creating the cult :

> I played a major role in the Ayn Rand mystique . . . I feel I owe an apology to every reader of *Who Is Ayn Rand?* and every student of Objectivism who every heard me lecture at NBI—not only for perpetuating the Ayn Rand mystique but also for contributing to the dreadful atmosphere of intellectual repressiveness that pervades the Objectivist movement . . . It was I who created the Ayn Rand circle in New York. (*Reason*, Oct 1971, pp. 12–16)

It seems unlikely that a cult would have grown around Rand had it not been for Branden. However much Rand might have wanted a cult, she had neither the skill nor the temperament to design or run one. Branden, on the other hand, had the skill, the inclination and the psychological sensitivity needed to run a cult.

Branden changed Rand's life in important ways that better made her more eligible for cult worship; and Rand, who found his youthful adulation and fascination with her philosophy almost addicting, gradually supplanted her friendships among her comtemporaries with more and more and more of Nathan and his circle. Her relationships with intellectuals of similar maturity and status (such as Henry Hazlitt and Isabel Paterson) died out as well. Branden took control of her social life. Every member of the Collective but one was far younger than Rand and was recruited by Branden. They offered her the same adulation that Branden did. They were intimidated by Rand's brilliance. She no longer operated within a circle of equals; her relationship with the Collective was clearly a status relationship. Her inclinations toward pontificism were rewarded. Bennett Cerf, her publisher, shared this view; in his memoirs, he wrote: "She was not helped by her sycophants . . . These people tell her she's a genius and agree with everything she says, and she grows more and more opiniated as she goes along." (*At Random*, New York: Random House, 1977, p. 251)

Of course, a cult requires both leaders and followers; no harm was done to those who refused to participate. But thanks to the skill of Rand as a novelist, there never seemed to be a shortage of followers.

Arrogance and Contempt

During the years of their secret sexual relationship, Rand was always extravagant in her praise of Nathan. Shortly after the publication of *Atlas*, Nathan recalls, a journalist asked him, "'Do you feel entirely worthy of the things Miss Rand says about you?' I answered, without arrogance and with total honesty, 'Yes, I feel worthy.' It all felt entirely natural; entirely right." (230)

It did not, however, feel natural or right to Nathan to think of his friends as worthy of praise, or even, for that matter, a kind word. Practically every description of others in the Collective is cloaked in pejoratives. The following account is typical:

> One day she (Barbara) suggested we visit her sixteen-year-old cousin, who was very troubled about his life; perhaps I could help him by supporting his interest in ideas and encouraging his self-confidence. I met a nervous, high strung boy, gloomy and in doubt about virtually every aspect of himself. But he had read and liked *The Fountainhead*, and he became more animated as we talked about it. He obviously found the book inspiring; it seemed to give him hope that he might create a satisfying future for himself. He told me that he was going to study medicine;

> his father was a prominent physician in Winnipeg; discussing medicine, his spirits seem to drop again. I wondered why Barbara's first cousin looked so frightened and unhappy and what would become of him. His name was Leonard Peikoff.

Subsequent mention of Peikoff treats him virtually as an idiot, unable to keep the most fundamental ideas straight in his mind. Judging from Nathan's description, it is difficult to understand how Peikoff managed to graduate from high school, let alone earn a Ph.D. from NYU for his thesis on the law of ontology.

Similarly, he remembers Alan Greenspan, now Chairman of the Federal Reserve Board, as "somberness incarnate, looking chronically weary, resigned and unhappy . . . not a free enterpriser, but a Keynes-ian [and] a logical positivist." (133) But Nathan was "convinced he had a first class mind, his philosophy notwithstanding," and proceeded to educate him about the error of his ways. The highlight of Greenspan's "conversion," Nathan relates, occurred at a party in Winnipeg:

> I spied Barbara and Alan talking intently in a corner, their heads close together. A long time later they emerged, and Barbara pulled me aside to declare gleefully, "Guess what? I got him to admit that banks should be operated entirely privately, that there should be no government-chartered banks." I laughed incredulously. "How?" I asked. "How did you do it? I didn't know you even knew what a chartered bank is." She grinned triumphantly. "I didn't. But somehow we got talking about them. So I led him into explaining what they were and why they were considered to be necessary—as if I were checking on his understanding. Then I persuaded him that government shouldn't be involved, that a free market in banking is preferable. I sold him on the merits of a completely unregulated banking system. Just by arguing on the basis of the information he provided." I shook my head in admiration . . . Back in New York I loved telling the story of Barbara's victory over chartered banks. (134)

This story, Nathan tells us, is "hilarious."

Branden's cousin, Allan Blumenthal, is treated with contempt from the moment he is introduced early in the book.

> Allan was an A student, a model son, the very essence of decorum in just about every conceivable respect . . . Two years older than I, Allan would sometimes drop pompous rebukes to the effect that I should be more family-oriented and "more conventional," meaning more compliant; at such times he would show puzzling flashes of irritation . . .
>
> He was now twenty-three years old, of medium height and slight build, with light hair and blue eyes, a bit effeminate, perhaps, in the manner of an English schoolboy—as "correct" as ever in demeanor. . . he began talking with a kind of driven candor about some painful personal problems. I was on fire with the concept of ideas being able to explain emotions and behavior—and with the possibility of changing emotions and behavior by changing the ideas that gave rise to them. I was able to help him, for which he thanked me earnestly. (18,108–9)

Why didn't Branden transcribe the lectures and publish them in books so that students could reflect on the lecture's content as they studied them, review passages they found difficult, and struggle and come to grips with the complex and difficult subject matter? The reason, I suspect, is that Branden was not trying to educate. He was trying to build a cult.

Later Nathan describes how Blumenthal and his wife "reign like kings and queens" among their friends, many of whom were former or current therapy clients of Allan's, leaving Nathan "wonder(ing) about the fact that so many of the men in this group were homosexual." (300) Despite Nathan's apparent contempt for him, Allan had gained immeasurably from their relationship:

> One evening, at a party. . . [Allan] unexpectedly began to talk about how much I had contributed to his and Joan's life, and how much everyone in the Collective had been helped by me. I struggled between wanting to appreciate his words and finding his manner obsequious, subtly self-abnegating, and sycophantic. "You gave me my career," he was saying. "You taught me to believe in myself. You made my marriage to Joan possible. You contributed so much to our happiness. I hope you know how appreciative I feel. I can't think of a time when, if we asked for help, you weren't right there. Look around this room: think how much you've given to everyone here. You gave us Ayn's world. You gave us our best selves. Not one single person would be as happy as they are now if it had not been for you. You must feel very proud. You ought to." . . . I felt an intense desire to escape. (358–9)

Branden is convinced that Blumenthal was not the only one who owed him a great deal. In fact, despite his apparent contempt for virtually all other members of the Collective, he believes all benefited from their relationship with him. When Alan Greenspan was thinking of quitting his job to form an economic consulting firm with a partner, he told Branden about his worries over the riskiness of the project. Branden encouraged him to go ahead and take the plunge: "You're still in your twenties. How can you be worried about security now? Take the leap." The move worked out spectacularly well for Greenspan, who, like Blumenthal, thanked Branden:

> "You believed in me," he said, shaking his head wonderingly. "How could you be sure? I would never be sure of such a thing." I said, "What difference does it make? You've done it." He laughed, "Nathan, I'll never forget what you've given me." This last statement I had heard, or would hear, from almost everyone in the Collective. "I'll never forget what you've given me, I'll never forget what you've done for me." The sentiment's painful irony was to become apparent only many years in the future. (191)

Sooner Perish than Publish

The years following the publication of *Atlas Shrugged* were prosperous and busy for Nathan. He added new lecture courses, began a publishing operation, a movie theater, and a theatrical produc-

tion company. Ironically, several of the new lecture courses were the work of his contemptible disciples: Mary Ann Rukavina on "Esthetics of the Visual Arts," Alan Greenspan on "Economics of a Free Society," Leonard Peikoff on "Ancient Philosophy," "Modern Philosophy," "Contemporary Philosophy," "Objectivism's Theory of Knowledge" and "Nazism and Contemporary America: The Ominous Parallels". Branden developed other lecture series himself: "Contemporary Theories of Neurosis," "Basic Principles of Objectivist Psychology," and "The Psychology of Mental Illness," but the last two of these included lectures by Branden's despised cousin, Allan Blumenthal. One wonders if perhaps in retrospect Branden might think he owes refunds to those who paid to hear someone as moronic (in his opinion) as Leonard Peikoff lecture on philosophy. In addition, Barbara lectured on "The Principles of Efficient Thinking," Nathan's sister Reva Fox lectured on "Principles of Child Rearing," and Rand supplied three early plays for Nathan to read. In 1967, NBI advertised a new series, "The Principles and Practice of Non-Fiction Writing," to be given by Edith Efron. Efron, however, was excommunicated from the Collective before her lectures began, and the course was cancelled.

The courses were offered live in New York, and in other cities on audio tape. From coast to coast, in Europe and even in nuclear submarines, groups of enthusiastic "students of Objectivism" gathered around tape recorders and listened to members of the Collective lecture them. The cost was typically $2.50 to $3.50 per lecture. NBI's "business representatives" (who received commissions as high as 10%) were contractually bound to allow no discussion of the contents. Regularly enrolled students who wished to repeat a tape could do so, at the option of the business representative, by paying the visitor's fee, or by enrolling for the course again, at a slightly reduced fee.

All this was, presumably, tremendously profitable for Branden, the sole owner of NBI. The most valuable asset of NBI was certainly Rand's repeated blessings and endorsements, which were quoted prominently and often in virtually all the advertising and news releases of the organization. Branden paid her nothing for her endorsement.

Branden's decision to offer his lectures by tape was certainly peculiar. Conventional lectures offer the opportunity for those attending to ask questions and allow the speaker to gauge the response or comprehension of his audience. By offering lectures by tape transcription, Branden lost these advantages, raising the obvious question: why not transcribe the lectures and publish them in books?

Branden's repentence for his sins as Grand Inquisitor of the Objectivist Movement is not universal. He has no apparent regret for his excommunication of economist Murray Rothbard, for instance. . . .

The reason, I suspect, is that publication would have enabled students to reflect on the lectures' content as they studied them, to review passages they found difficult, to struggle and come to grips with the complex and difficult subject matter. Given the tremendous demand for the material (as indicated by the popularity of the tape sessions), the sales of published lectures would be certain. Why didn't this occur to Branden, as the president of an educational organization?

But NBI was not an educational organization. It was a cult. The same characteristics of taped lectures that make them ineffective means of education make them effective as means of spreading a cult's doctrine. The controlled pace limits the auditors' chance to reflect or respond to the message and denies them the ability to make a critical review of passages they find difficult to understand. Discussion (or anything else) that encourages challenges or disagreement is detrimental to cult leadership. Cult leaders have no need for feedback from their followers. Caring or paying attention to what their followers think can easily be interpreted as evidence of uncertainty or, worse yet, of the humble human nature of the leaders. If the lectures had been published, the audience would have been larger, but the material would have been be read and analyzed in a manner less sympathetic to Objectivism.

And, not incidentally, the tape transcription method maximized revenue: correcting for twenty years of inflation, the fee for listening to a series of approximately 20 hours of taped lectures amounts to about $150.

The Liar as Hero

During the years immediately after the publication of *Atlas*, Rand's popularity continued to grow. In 1959, Random House published a new edition of her novel *We The Living*, which was originally published in 1936. Unlike the first edition, the 1959 edition sold very well. Branden gloats about its popularity, but provides little new information. As in his earlier book on Rand, Branden neglects to mention that, contrary to her explicit claim in its introduction, Rand made significant ideological changes in the second edition. He repeats Rand's story that the film version of the book made in Italy in 1943 had been suppressed by the fascist government, despite the evidence that it had never been banned. (See "The Search for *We The Living*", *Liberty*, Nov 1988.)

Demand for Rand was so great that Random House agreed to publish a book by Nathaniel and Barbara in 1962. *Who Is Ayn Rand?* consists of four essays: three by Nathaniel on Rand's novels and a remarkably elliptical biographical essay by Barbara. Since Rand split with Branden, he has condemned it. It has become a rarity and a curiosity. Its back cover features a photograph of Barbara, the perfect ice blond, looking like a character from a Hitchcock film, and of Nathaniel, looking like the cat that has just eaten the family canary.

Also in 1962, Branden and Rand began to publish *The Objectivist Newsletter*, a four-page monthly in which they offered the official Objectivist view on everything that mattered. This was the first (and only) business venture of Branden's in which Rand profited: she was a full partner. By 1964, its circulation had reached "close to 15,000," NBI courses were offered in 54 cities with "about 3,500 students" enrolled, not counting the "several thousand" who audited individ-

ual lectures. (*The Objectivist Newsletter*, Dec 1964, p. 51) A year later, the *Newsletter* announced that its "growing circulation" had enabled it to adopt a "magazine format," and that with the format change, its name would be changed to *The Objectivist*. (The new format was actually a 16-page booklet, which contained about the same amount of writing as the *Newsletter*.)

Although the Objectivist movement was prospering, Rand herself was depressed for several years after publication of *Atlas*. According to Branden, her depression was caused by the fact that public response to her *magnum opus* had been insufficiently adulatory. Whatever the explanation of her depression—Rand was at an age when many women undergo menopause—it affected her sex life with Branden: Branden tells us he had sex with Rand only about a dozen times during the two years after *Atlas*'s publication.

At about the same time that Rand was coming out of her depression, Branden decided that he did not want to renew their nearly dormant sexual relationship. She was simply too old for him. He did not tell Rand about his change of heart. Instead, he strung her along, telling her that he had psychological problems. He was upset because of his deteriorating relationship with his wife.

At about the same time Rand was coming out of her depression, Branden decided that he did not want to renew their nearly dormant sexual relationship. She was simply too old for him. He did not tell Rand about his change of heart. Instead, he lied to her.

Since Rand's repudiation would cost Branden his income, the power he exercised as co-leader of the Objectivist cult, and such reputation as he enjoyed as an intellectual, one might think that he lied to her to protect his wealth, power and reputation. But one would apparently be wrong. He lied to his lover, he tells us, out of concern for her, because he believed that the unpleasant truth would be very painful for her. During the years to follow, he tells us, she often asked him whether her age was an impediment to their relationship. But he heroically lied and lied and lied, to protect her from the pain he, as a psychologist, knew she would suffer.

Rand made valiant efforts for several years to help Nathan with his problem. She would ask him probing questions. He would make up lies to fend her off; she would analyze his statements at great length, seeking a solution. Of course, no solution was found, but the process maintained Rand's support of his enterprises and kept him out of her bed.

His relationship with Barbara was unenviable: "My fists clenched, in an agony of frustration and loneliness, while Barbara lay beside me reading a book." (363) But his relationship with her had never been a source of satisfaction. She had married him because she believed it was the rational thing to do and had never felt a powerful sexual attraction to him.

Liberation for the Hell of It

In February, 1961, a new woman entered Nathan's life. She was a tall and slender fashion model, who sat in the third row at his lectures in New York City. He was attracted to her immediately; at least that seems a safe inference from his lengthy and romanticized description of his first noticing her in his audience. He insists that "In the beginning I did not think about the young woman—or not very much," (281) just prior to his two page rhapsody about their first meeting. I presume that this is intentional literary irony, not an example of his failure to understand his own feelings.

Her name was Patrecia Gullison. Her physical beauty gave her an entrée into the world of the Collective, where good looks were always appreciated. "She has the type of looks I like," Rand told Nathan. "You know, long legs, very slender, high cheekbones, light eyes. She's the physical type of my heroines." (293)

Patrecia was attracted to him, but Nathan tried to keep his distance. Preoccupied by an unhappy marriage and the problems of keeping Rand at bay, he was not anxious to get involved in another relationship. Although Nathan doesn't speculate about it, I suspect his godlike status within the Objectivist cult convinced her that he was not really available to her. Still, Patrecia was young and gorgeous, and, unlike Barbara or Ayn, she worshipped him in an uncritical fashion.

Early in 1962, Nathan learned that she was engaged to be married to Larry Scott, another NBI student. Apparently Patrecia had concluded that their status difference was too great to overcome. Nathan attended her wedding on May 31, 1962; he recalls thinking "I do not like this. I do not like Patrecia marrying another man."(308) Did Rand have similar thoughts at Nathan's wedding to Barbara nine years earlier?

Branden saw Patrecia and her new husband occasionally during the next year, but he did not see her alone until October 1963, when he chanced upon her in the street and invited her to his office for coffee. Love was apparently in the air. He insisted on a ground rule reminiscent of the rule Ayn had imposed on her affair with him 9 years earlier: the affair was to be kept secret. Patrecia was to tell no one, not even her husband. Ayn must not know because "I cannot deliver a new blow to her. I can't. And I can't accept losing her, either—she's too important to me. Since I was fourteen years old, this woman has been at the center of my thoughts and my values and everything I admire."(328) Nor could they tell Barbara: "I'm still trying to make the marriage work. I'm not ready to give up and walk away. But there's another consideration: if I tell her the truth, then I put her in a position of having to join me in lying to Ayn. Is it right to do that?" (328) It occurred to neither of them that having an adulterous affair might not be a good way to "make a marriage work," or that Barbara might not want to join the deception of Rand. Patrecia agreed to join in lying and to keep the affair secret from her husband. In January, 1964, Nathan and Patrecia "made love for the first time . . . 'Patrecia and Nathan,' I said to her exultantly, and she answered from somewhere inside her music, 'Nathan and Patrecia.'" (329)

So he continued to lie to Ayn as he had for years, only now he had something else to lie about. Although the escalation of his lying that his affair with Patrecia had engendered bothered him

more than his previous lying, he believed (or so he claims) that his love of Patrecia would be his salvation: "When I thought of the lies and deceptions to which I was now committed, I felt self-hatred. When I thought of the man beginning to awaken within me, I felt pride. The ascent into liberation, the descent into hell, had begun." (329)

The ascent/descent took four and a half years. He continued to fend off Ayn, explaining his inability to perform in terms of his own psychological problems. She continued to expend tremendous amounts of energy trying to help him. Sometimes she suspected the real problem, but always he fervently denied that his desire for her had dimmed.

NBI and the Objectivist cult continued to grow and prosper. New anthologies of Ayn's essays were published in 1964 and 1967. Each included a few entries by Nathan, and went through many printings. Circulation of *The Objectivist* passed the 21,000 mark in 1966.

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Late in 1966, Nathan told Barbara the truth about his affair with Patrecia. (This varies from Barbara's account in her book: she says he told her he was "about to begin a sexual affair with Patrecia"—*Passion*, 336.) Always willing to portray Barbara in an ugly light, he describes how she tried to win him back, in an account strikingly similar to Rand's fictional description of an event in the sex life of the heroic Henry Reardon and his evil wife Lillian in *Atlas Shrugged*. One wonders: Was life imitating art? Or is the master psychologist now recasting his own life in an artistic mode?

At about the same time, he devised a plot to get Ayn to accept losing him to Patrecia:

> Ayn was fond of Patrecia, and it was this fondness that I hoped to cultivate. I was convinced that if Ayn grew to know Patrecia before discovering that my feelings were romantic, she would see in Patrecia what I saw. My goal was to be with Patrecia openly and to integrate our relationship into my Objectivist life. I was convinced that my desire was a rational one and I hoped that in the end Ayn's own rationality would assert itself. But it was imperative that Ayn come to this conclusion on her own. I wanted her to accept that age had become an insurmountable barrier to our romance, that our time as lovers had come and gone. I wanted her old benevolence and basic sanity to come back to her. I wanted her to grasp that I had to have a private life apart from her, and that this life included a woman who was my contemporary. And I wanted her to be the one to *tell me* these things. (364)

Not much came of this preposterous plan, but it apparently bought some time for Nathan by placating Patrecia's demand that he tell Rand the truth. The burden of all the lying on both Patrecia and Nathan eventually became too much. In the summer of 1968, the Judgment Day Nathan had feared was drawing near. In pieces he revealed the truth to Rand. He no longer loved her. She was too old.

She was heartbroken; her worst fear had been realized. Even so, she tried to salvage NBI. At first, she considered maintaining a professional relationship with Nathan, but this was too difficult. So she turned to Barbara, who had comforted her, suggesting Barbara might continue NBI.

But Nathan had never told Ayn the final piece of the truth, that he had been having an affair with Patrecia for over four years. When Ayn decided to make Barbara her heir, it was too much. Barbara could no longer stand the deceit. She told Nathan that she had to tell Ayn about his love of Patrecia.

On August 25, 1968, Ayn Rand discovered that the man she had loved and to whom she had dedicated her life had been deceiving her systematically for years. All the years she had spent and all the intellectual energy she had expended trying to help him with his "psychological problem" had come to naught. Her life was ruined.

She confronted Nathan angrily, assaulted him and humiliated him in front of other members of the Collective. But it is difficult to believe that she humiliated him or hurt him as much as he had hurt her by his lies and his fraud.

When Ayn learned that Barbara had known of his deception, at least for some of that period, she turned on Barbara as well. In imitation of Nathan's inquisitorial methods, Ayn ordered Barbara to appear for trial before the Collective. Barbara refused the jurisdiction of the court and was excommunicated.

Ayn denounced them in *The Objectivist*: "Mrs Branden suddenly confessed that Mr Branden had been concealing from me certain ugly actions and irrational behavior in his private life, which were grossly contradictory to Objectivist morality and which she had known about for two years." (May 1969, p. 4. Rand's statement was dated Sept 15, 1968; *The Objectivist* was behind in its publishing schedule.)

She never specified the content of his "ugly actions." Instead she suggested that there had been financial improprieties and mismanagement at NBI—charges hotly contested by Nathan, but supported in part by his admission that upon liquidation NBI left him with nothing.

Nathan claims that about a third of NBI students sided with him, a third with Rand, and a third, indifferent, with neither. This is self-flattery, at least if the circulation figures of *The Objectivist* are any indication. Between 1968 and 1969, its average circulation declined by 2,047, or about 11%. That was less than the decline of 17% from 1966 to 1967.

Nathan and Barbara made their separate ways to Los Angeles. Patrecia and Nathan got married; he published his book. In 1973, Nathan obtained his Ph.D. in psychology from the California Graduate Institute, an unaccredited school founded in 1968. Patrecia died in a mysterious accident. Nathan remarried, this time to his business manager. In 1976, Nathan attempted a

reconciliation with Ayn. She would have none of it.

Ayn grew older and more bitter toward Nathan. Her attitude toward Barbara softened; she began to view her as a fellow-victim of Nathan. Rand died in 1982. She left her entire estate, both literary and monetary, to Leonard Peikoff, the only member of the Collective she had not turned against. He also inherited the Objectivist cult that Branden had designed and built. But just as Rand seemed to lack the heart to run a cult, Peikoff seems to lack the skill. Today, what remains of the Objectivist cult appears to be gradually but constantly atrophying.

Brand of Bitterness

Shortly after Rand denounced Branden in the pages of *The Objectivist*, Branden consulted George Berger, an attorney with Louis Nizer's office, about the possibility of suing Rand for libel. After reading half a page of the denunciation, Berger asked, "How old is Miss Rand?" After reading a page, he asked, "And how old are you?" A paragraph or two later, he said, "Hell hath no fury like woman scorned." (407)

Nor, as is apparent from *Judgment Day*, hath hell a fury like a man scorned. Branden's frequent descriptions of Barbara's sexual performance with him is both nasty and irrelevant. Just as Rand broke *The Fountainhead* into four parts, named for four central characters, so Nathan breaks *Judgment Day* into four parts based on the women in his life: Barbara, Ayn, Patrecia and (in his Epilogue) his current wife Devers. So much of *Judgment Day* is about Branden's sexual relations with these women that it is impossible to review the book without discussing them. (Although Branden spares us little, his book is not pornographic—a small favor, for which we should be grateful.)

In a book about his relationship with Rand, why should we care about how good a lover Barbara was on any given night? (He does not subject Rand's sexual performance to the same scorekeeping, thank God.)

In her relations with other men, Nathan portrays Barbara virtually as a whore; in her relations with him, he portrays her as cold and unloving, except occasionally when she has an ulterior motive. Nathaniel Branden is the kind of man who believes that when a woman rejects him sexually, she is making a profound psychological confession. His cruelty to his former wife is unremitting. It is one of the most repellent aspects of this memoir.

Judgments

There's more to *Judgment Day* than the story of Branden's relationships with women: there are endless speculations into Branden's and everyone else's psychology, romantic claptrap (e.g. "'This is the way I like to see the countryside,' I said, 'as a backdrop to your face.' 'This is the way I like to see the world,' she answered, 'as a backdrop to your face *and your body*'" [italics his, 330]), rehashes of parts of his other books on psychology, and excerpts from *Who Is Ayn Rand?*

Nathaniel Branden is the kind of man who believes that when a woman rejects him sexually, she is making a profound psychological confession. His cruelty to his former wife is unremitting. This is one of the most repellent aspects of this memoir.

Still, *Judgment Day* is a valuable work. Its discussion of the internal dynamics of the Collective fills in many of the gaps in the story told in *The Passion of Ayn Rand*, and provides hitherto unpublished details about Nathan's relationship with Rand. It is also a highly entertaining confession of his own psychology, although one wonders why a man would want to reveal so much. Its greatest value, in my judgment, is that it removes, once and for all, any controversy about whether the Objectivist movement was a cult.

In *Judgment Day*, Branden offers more than his judgment of Rand and her judgment of him: he offers the reader an opportunity to judge him and Rand and the movement that Rand spawned. As I read *Judgment Day*, I discovered that my judgment of Rand and Branden was changing.

Despite Branden's best efforts to portray himself as the victim of Rand's bizarre irrationalities, I gradually began to perceive Rand as the victim of Branden's deception and power-lust. The full story of Branden's and Rand's relationship with each other and to the Rand cult will never be understood totally. But with the publication of *Judgment Day*, we now have a version of the story by its most important participant aside from Rand herself. Along with Barbara Branden's perceptive biography and a variety of secondary sources, it is now possible to come to grips with the life of Ayn Rand and the strange cult that grew up around her.

An unflattering self-portrait of Nathaniel Branden emerges from the pages of Judgment Day. But there are no demons in this story. For the same reasons that one must reject Branden's theory that Rand was somehow a demon who ruined the lives of many of her followers (and would have ruined his, except for his heroic virtue), so one must reject the theory that Branden was some sort of demon. There is no doubt that he exploited Rand and built a cult around her. But the damage the cult did, both to the lives of its members and to the philosophy it advocated, was not the result of the sins of others, but of the human frailties of virtually all involved.

Ayn Rand was a significant novelist and thinker. But she was also a human being, a vain and insecure woman. She fell in love with Nathan Blumenthal, a handsome and intelligent man 25 years her junior. Their affair brought her great joy; it also brought her terrible pain and embarrassment. Somewhere along the way, with her lover's help, a cult grew up around her philosophy that caused immense pain to many of her willing devotees.

The events of Ayn Rand's life, both happy and sad, may help provide insights into the writing of her novels and the development of her thinking. Her fiction and her philosophy have both strengths and weaknesses, and deserve to be judged on their merits, not on the events of her life.

Rand's important legacy is her novels and essays. The vanity and silliness that surrounded her cannot obscure her accomplishment. ❑

The Libertarian Idea, by Jan Narveson.
Temple University Press, 1988, xiv + 367 pp., $34.95.

Contractarianism vs *Utilitarianism*

Leland B. Yeager

Jan Narveson, a Professor of Philosophy at the University of Waterloo, Ontario, provides a foundation for doctrines of strictly limited government. In particular, he gives a grounding for personal freedom and personal rights, including property rights, a grounding that Robert Nozick merely assumed in his *Anarchy, State, and Utopia* (1974) but avowedly did not provide. This grounding is contractarian; Narveson rejects the utilitarianism espoused in his own *Morality and Utility* (1967). So we read in the jacket blurbs, in the author's preface, and especially in Roy Childs's rave review in the Laissez Faire Books catalogue of March 1989.

This book is indeed a major contribution to the philosophical controversy over libertarianism. It ranks in importance with Nozick's book, John Rawls's *A Theory of Justice* (1971), Robert Axelrod's *The Evolution of Cooperation* (1984), David Gauthier's *Morals by Agreement* (1986), and Henry Hazlitt's masterly but inadequately appreciated *The Foundations of Morality* (1964). I'll assign it and spend class time on it in my seminar in political economy.

Narveson argues that libertarianism is a coherent doctrine, free from internal contradiction and capable of being put into practice. It accords with morality. Each person has the right to use his "fundamental personal resources" (at a minimum, his body and mind) however he sees fit providing that he does not violate any other person's similar right over his own resources. (p. 165) "Rights are founded on considerations of efficiency, if of a fundamental kind." (334) (Narveson rejects other purported groundings of rights, including Alan Gewirth's maneuvers with his principle of generic consistency—167–174).

Narveson accepts a two-pronged libertarian thesis: "first, that practically everything done by modern governments violates someone or others' rights; and second, that likewise practically everything they do is inefficient." (334) He finds the libertarian case strong on such policy issues as political authority, law enforcement and punishment, defense, compulsory redistribution, the welfare state, the treatment of children, pornography, zoning and other regulations, and laws against private discrimination. This is not to say that he accepts all specific policy positions of the Libertarian Party. Incidentally, he issues some advice to libertarian political parties (333): their adherents should emphasize and participate in efforts by individuals and voluntary associations to handle problems that the welfarist assigns to the state.

What made me hurry to buy Narveson's book is its claim, trumpeted by Roy Childs, to derive personal rights and their implications for political philosophy by a contractarian approach, rejecting utilitarianism. Narveson gives ample credit to David Gauthier, whose *Morals by Agreement* strikes me, however, as an unnecessarily prolix spinning out of a point adequately made by Gordon Tullock in the *Quarterly Journal of Economics*, 1985, namely, that someone who routinely behaves in an exploitative rather than cooperative manner will soon run out of other persons to noncooperate with.

The general idea of contractarianism, according to Narveson, "is that the principles of morality are (or should be) those principles for directing everyone's conduct which is reasonable for everyone to accept. They are the rules that *everyone* has good reason for wanting everyone to act on, and thus to internalize in himself or herself, and thus to reinforce in the case of everyone." (131) But "morality is obviously not the result of a literal contract: and indeed, it cannot be." (131) "What the philosopher would really like is . . . an agreement that literally everyone would find it reasonable to accept" (134). The contractarian approach "hopes to *generate moral principles for societies out of the nonmoral values of individuals*" (166).

Narveson thus disavows appealing to any explicit social contract. He avoids the reliance on fictions and on the weasel word "conceptual" that mars the contractarian writings of the Public Choice school. He asks what people *would* find it *reasonable* to accept. Well, reasonable in view of what? In view of probable effects on the functioning of their society and so ultimately on their happiness—isn't that true? And what would the "nonmoral values of individuals" be other than positive attitudes toward utility or happiness, broadly conceived?

As these questions suggest, I wonder in what sense Narveson has chosen contractarianism *over* utilitarianism. His contractarianism seems to mean an emphasis on the distinctness of individuals. Each person has a life (only one life) of his own. He has his own purposes and aspirations and projects. He is no mere processing station for converting goods and experiences into contributions to an impersonal aggregate utility, no mere branch factory that might properly be reconverted or closed down to serve some overarching social efficiency. Individuals can best serve their own diverse purposes in a society whose members respect each others' personalities and rights and appreciate the gains available to each through peace and security, specialization, and trade—through contract. *Social cooperation* in the sense just suggested is so nearly indispensable to individuals' effective pursuit

The utilitarianism that Narveson rejects is almost a straw-man version. In recognizing the advantages and prerequisites of social cooperation, he is on the way, if only he would realize it, to adopting a sounder version.

of happiness in their own diverse ways that it counts as a near-ultimate criterion of moral precepts, institutions, and policies. The concept has this force in the writings of such eminent utilitarians as Ludwig von Mises and Henry Hazlitt. Narveson himself, significantly, uses the very term "social cooperation" a few times.

The utilitarianism that Narveson rejects is a peculiarly unacceptable version. He seems to mean the doctrine whose supreme criterion is the maximum aggregate of cardinally measurable and interpersonally comparable utilities, implying a willingness to sacrifice the utilities of some persons for bigger increments to the utilities of others. The doctrine calls on each person to work for this maximum, remaining impartial between his own and other persons' aspirations (150–153 especially). It invokes "equality of the value to *anyone* of a unit of *anyone's* utility" (92); it requires counting all utility units of all persons equally. (152) (Equal counting by whom—by Adam Smith's impartial benevolent spectator or by each actual person?) Narveson repeats Nozick's objection: "A rational agent will not make sacrifices simply for the good of others; she will do so" only if "she" sees the good of others as her own or as instrumental to what she deems good. (233)

But self-styled contractarians have no monopoly on recognizing facts of reality that any even halfway perceptive utilitarian must also recognize. Among them are these: Individuals have lives and purposes of their own and do not regard themselves as mere instruments in the service of some higher entity. Individuals are not indifferent between their own interests and purposes, those of persons they love, and those of mere acquaintances and strangers. Furthermore, trying to impose or cultivate any such unnatural impartiality would itself be subversive of human happiness. What does serve happiness is social cooperation, which presupposes that individuals pursue their own interests within the rules of ordinary morality, including, notably, respect for the rights of others.

Narveson says he has shifted away from his earlier espousal of utilitarianism. Yet his 1967 book was no straightforward and systematic presentation. It contains many sensible but scattered remarks. It postulates a concern for other persons and their happiness as well as for one's own. It pays no attention to social cooperation as a quasi-ultimate criterion of morals, institutions, and so forth. It pays only slight attention to the distinction between act and rule utilitarianism and none to the concept of indirect utilitarianism subsequently developed by John Gray. His book of 1967 was on the right track, but it is understandable that Narveson might have thought that he could do better now. What he now rejects is almost a straw-man version of utilitarianism. In recognizing the advantages and prerequisites of social cooperation, he is on the way, if only he would realize it, to adopting a sounder version.

Asking what individuals *would* agree

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No. 14 **SPRING 1989**

to—diverse individuals with personalities and purposes of their own—is a way of both taking into account the facts of the human condition and also of applying the utilitarian criterion of happiness, broadly conceived. I cannot understand—and Narveson does not help his readers understand—how anyone could seriously avow a grounding of ethics and political philosophy actually at loggerheads with a sensible (noncaricature) version of utilitarianism.

Roy Childs praises Narveson's writing style extravagantly. Actually, many passages string together long quotations from other writers, although without obtrusive indentations. Autobiographical remarks (for example, concerning religion and classical music) make Narveson's writing charming in spots. Still, Narveson smears his points over too many pages; his writing is the opposite of tight. In that respect it resembles several books in political philosophy that have recently come to my attention. Apparently a rambling, essayistic, laid-back style is acceptable in philosophy nowadays. It seems acceptable to sweep together and publish, evidently without much pruning, whatever notes one may have written for oneself in repeated stabs at figuring out what, if anything, one has to say. Perhaps I exaggerate, but I do miss a crisp attention to the business at hand. Narveson does not compensate his readers with anything like the delightful quirkiness of Nozick's writing.

Still, Narveson's book is an important contribution to its genre. Readers will benefit from grappling with its arguments, and in particular from pondering whether it has vanquished utilitarianism in favor of a genuinely distinct contractarianism. ❑

How Anyone Can Negotiate with the IRS—and Win!
Daniel J. Pilla. Winning Publications, 1988, 267 pp., $12.95.

Guerilla Tax Revolt Tips

Mike Holmes

Tax help books containing exclamation points in their titles should be avoided, so I had a certain reluctance to read, much less review, *How Anyone Can Negotiate with the IRS—And Win!* To my pleasant surprise, however, this self-help book by Daniel Pilla is an exception to the rule.

As is evident from its title, this book is directed to taxpayers who intend to negotiate with the IRS rather than challenge the underlying legal foundations of income taxation. This is not a book kamikaze tax resistors will find useful.

Its cover blurb somewhat luridly promises "a daring esposé of the vulnerability of the system and the people who run it," but for the most part it leads taxpayers through a series of fairly detailed procedures for responding to IRS demands for information, documentation and payments.

Pilla, who is described as a "Tax Litigation Consultant" (presumably not an attorney) takes a highly legalistic approach to his subject and counters what he terms the "IRS Big Bluff" with technical references and advice on the internal procedures and rules the government is obliged to follow in serious audit or collection matters. Much of the contents are straight from IRS regs or administrative procedures, but Pilla nicely condenses this into a short, punchy and readable format designed for specific applications and situations.

He gives his chapters catchy titles ("15 IRS Bluffs and Intimidations—And How to Counter." "10 Ways to Prove Deductions," "4 Ways to Pay Taxes on Your Terms—Not Theirs," etc.) and provides the reader with substantial detail, in the form of IRS regulations, forms, and case law citations. His advice appears well grounded.

I recommend this book over some more technical works costing considerably more because of readability, often laced with Pilla's accounts of his own experiences representing clients with the IRS. He doesn't try to convince the reader that the IRS is immoral or unconstitutional, but he never forgets whose side he's on.

Of course, one should remember that IRS rules, court decisions and administrative procedures are constantly changing. Even the best information is quickly dated. Keeping up with the myriad changes is a major industry all to itself. So while the November 1988 book is fairly fresh, it will gradually become obsolete. (Pilla also publishes a monthly newsletter to update taxpayers on relevant developments.)

Pilla's book, I suspect, may lead some readers to be unrealistic in their disputes with the IRS. It emphasizes positive elements of the administrative process without giving much weight to the grim fact that even the best procedural defenses are often not enough to stave off serious tax problems. Often, the only major benefit of a procedural defense is to buy time.

It also overlooks the problem of dealing with the actual IRS personnel. In any particular case, one must deal with particular IRS agents, a particular IRS office, a particular IRS district, and a particular federal court district. In any actual tax dispute, these are all important factors. The same course of action may have different results in different places.

This book can be highly useful for those facing IRS problems. But like so many good self-help works, it is at its best providing a helpful overview and insights into particular tactics. This is not surprising: if any single book could replace a whole taxpayer representation industry, we wouldn't be facing the IRS problem we have today.

It is important that this book's readers avoid the temptation to rely solely on their own ability to solve their own problems. Personal navigation through IRS waters is fraught with peril, just as are self-medication and self-representation in law. Dealing with the IRS is frustrating enough, even for the best prepared and experienced tax practitioners. And

taxpayers are often caught up in the emotional tide of defending previous business decisions made or with anger over the treatment they've gotten from the system. Let's face it, it is easier to be objective about someone else's problem than your own. The temptation to magnify the tax issues into personal confrontation with the unjust tax system is lessened when the taxpayer has a buffer between himself and the government.

Rebels Without a Clause

A brief disclaimer is in order: I am a Certified Public Accountant. Along with other "tax practitioners" (lawyers, enrolled agents, and others), I get income from helping the victims through the tax maze. It is reasonable to suspect that I am interested in preserving the current tax system from radical overhaul. Many libertarians look suspiciously upon me and my fellow tradesmen because our standard of living would drop if the "truth" about the tax system became known.

Such libertarians often fall prey to naive or unscrupulous "tax advisors" who expound theories about how you don't *really* need to file or pay federal income or Social Security taxes, usually because of some obscure legal loophole that the advisor has uncovered. These "tax rebel" advisors will even share their secrets with the common folk, usually in high priced motel room seminars or via thick, cross-referenced legal "self-help" sets, on the condition their anti-tax customers pledge to stick religiously to their prescribed methodology. Usually, this entails some form of non-filing or non-reporting of income, or employing some barely legal procedure designed for the Amish or hopelessly cloistered monkish orders.

Perhaps the most famous—and for a time successful—of these advisors was Irwin Schiff, an accountant and insurance salesman who penned the popular *How Anyone Can Stop Paying Income Taxes* in the late 1970s, and a similar tome about bailing out of the Social Security system. Even several stints in the federal pen hasn't damped his ardor, although his experience has served to discourage his followers, some of whom have suffered similar fates.

Other tax rebels sell multi-volume treatises on the history of the infamous 16th Amendment, which authorized the income tax. Some of these arguments delve into the fascinating history of the amendment's ratification, alleging fraud and deception, or that a number of ratifying states were not legally admitted into the Union. Other arguments rest on complex and obscure definitions of "income," "wages" or "money." The appeal of nearly all these approaches is simple. Despite the complicated legalistic reasoning employed, the practical consequences involve immediate cessation of tax payments until the ex-taxpayer is hauled into court, whereupon these magic bullet arguments are to be deployed against the amassed legal muscle of the federal government, which has been duping taxpayers for 75 years.

Pumped up by an amateur's worship of empty legal formalism, they pursue their quixotic enterprise until the IRS grabs everything they own and throws them in the hoosegow.

For the hundreds, even thousands, who've tried this, the do-it-yourself tax revolt process gets even more confusing. Sometimes their advisor will serve as a "litigation consultant" (for an additional fee), but usually the tax resistors are urged to defend themselves *pro se* (without benefit of legal counsel) ostensibly because real attorneys are "too crooked to put the arguments across." (I suspect the real motivation behind the *pro se* defenses is more practical, namely, that no intelligent lawyer will usually touch one of these cases. For one thing, they can be disbarred from practice before federal courts for even bringing these arguments up, and can be fined $5,000 to boot!)

So far, no tax rebel has won a major case employing any of these exotic constitutional arguments. A few lower court decisions have been decided in favor of tax rebels by juries, usually on some technical defect of the prosecution. The overwhelming majority of taxpayers end up quitting this game before the legalities are played out. Most end up paying heavy fines and their back taxes plus interest either directly or via outright government confiscation.

Do-it-yourself tax rebellions, in sum, have a dismal history, including challenges to the tax system from sincere and heroic litigants (for example, Jim Lewis, 1984 Libertarian Party vice presidential nominee, who recently spent time in federal prison).

The motivations of many in this movement are not so pure. They can be summed up by one or both of these two words: greed and cult. I believe that most of those engaged in lone-wolf tax battles do it because they want to keep their money, despite the common sense knowledge that the government tax mafia will break their legs (and empty their wallets) if they try to hold out. Most of the purely greedy back down fairly soon after the draconian IRS machine revs up against them.

But some individuals are so self-deluded that even the wrathful power of the IRS cannot dissuade them from their quest. Pumped up by an amateur's worship of empty legal formalism, they pursue their quixotic enterprise until the IRS grabs everything they own and throws them in the hoosegow. Like health, religious or political cultists, tax protest cultists cling to dogmas peddled by their gurus, oblivious to personal hardships or adverse consequences.

In fact, the sting of defeat only increases the sense of martyrdom among the truly faithful, who are endlessly appealing their cases and strategizing over how to get their miracle legal arguments in front of the right forum. The Holy Grail on this quest is a jury box full of honest citizens who will hear their impeccable logic and mind-boggling legalisms and disregard the instructions of prosecutors and judges. Like other cultists, tax rebels seldom lose hope, and are quite resentful when others (even ideologically sympathetic libertarians) are

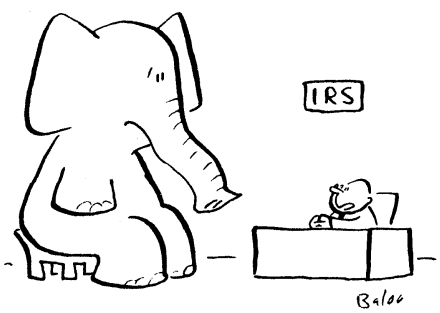

"I find it very hard to believe, Mr Finnegan, that you simply 'forgot' to file."

less enthusiastic about their self-imposed plights.

The problem is, even if these tax rebels are right, they'd lose. As Russell Means is fond of saying, they are practicing the "logic of self-defeat."

Suppose some tax rebel were to prevail in court all the way to the top, and that the income tax were held unconstitutional. The American judiciary would be shocked, of course. Would courts require the return of every stolen income tax dollar collected since 1913? Would a vast restitution program immediately require privatization of all federal government assets to make amends? Would libertarian nirvana finally be at hand?

Common sense and history tell us otherwise. In the fantastic event that such a victory were to occur, Congress and the Executive branch (and the several states) would undoubtedly rush in, pass whatever *ex post facto* Constitutional amendments were needed to rectify the legal error, and the IRS would continue harassing the citizenry as if nothing had ever happened.

Even in the highly unlikely event that federal judges would impoverish the very system which keeps them employed thereby committing legal harikari, you can rest assured that the other parts of the government would immediately rush to the rescue of the hated income tax.

Serious reform of the tax system will come about only when the public is convinced that the power of government should be reduced. No miracle courtroom victories, legal "magic bullets" or ritual incantations of constitutional mumbo jumbo will break the shackles of our oppressive tax system. No government will commit financial suicide because of empty legal formalism.

The individual tax rebel is a self-defeating warrior. He virtually always loses: so far tax rebels have lost every precedent-setting cases. He will lose again. Taxes will not be abolished by the argument that Ohio didn't really enter the Union, or that the 16th Amendment was not ratified within the prescribed time frame, or that the commas were misplaced.

Serious reform of the tax system will come about only when the public is convinced that the power of government should be reduced. No miracle courtroom victories, legal "magic bullets" or ritual incantations of constitutional mumbo jumbo—be it the illegitmacy of the Federal Reserve, the true nature of money, or amendment ratification niceties—will break the shackles of our oppressive tax system in the absence of widespread public demand for radical surgery. No government will commit financial suicide because of empty legal formalism.

Those inclined to practice do-it-yourself tax rebellion should stick to the back roads and dusty procedural corridors. These are ably explored by Dan Pilla and other down-to-earth tax warriors, who are fighting the IRS on its own turf, one guerilla battle at a time, rather than fighting courtroom wars intended to be the final Armageddon for the income tax. ❑

Evolutionary Epistemology, Rationality, and the Sociology of Knowledge
G. Radnitzky and W. W. Bartley, III. Open Court, 1987, 475pp., $39.95/ $14.95.

From Amoeba to Rationalist

Jeremy Shearmur

This is a worthwhile collection of essays. It is not, other than marginally, about political philosophy. And while its philosophical approach is robustly realistic and rationalistic, it bears the mark of Karl Popper and, especially, William Bartley, rather than of Aristotle and Ayn Rand. However, the collection should be of interest to many readers of *Liberty*. It provides a stimulating introduction to "evolutionary epistemology," and it addresses philosophical problems that are likely to have occurred to intelligent people outside the artificial confines of philosophy classes: for example, must a rationalist base his rationalism on a non-rational commitment to reason?

Bartley, who is the general editor of the new Collected Works of F. A. Hayek, and is also engaged on writing the biographies of both Hayek and Karl Popper, provides sizable introductions to each of the first two sections of the volume, on "evolutionary epistemology" and rationality. He also contributes an essay to the third section, on the sociology of knowledge. He writes clearly and fluently, and he is a good salesman for some exciting and controversial ideas. Some of the other essays, however, are pedestrian in content and style. Others will be heavy going even for those who have a strong background in philosophy.

Let's look more closely at the contents of the volume.

First, there is "evolutionary epistemology." By this, some writers mean the attempt to take a biological perspective on us, our senses, and the way in which we understand the world, and to see us as the product of biological evolution. One way to get a feel for such an approach is through an example that Bartley discusses. Scientists investigated the information that a frog's eye passes to its brain. The frog responds to a limited range of features of its environment. One can explain the frog's responses if it is seen as a product of an evolutionary process, that has built into it certain hypotheses about its environment. It is as if the frog had been designed so that its food would come in small, moving, fly-sized shapes; so that danger would come to it in sudden shadows looming from above; so that safety would be found by it in dark areas, and so on.

The evolutionary epistemologist looks

at human beings much as scientists look at the frog. He seeks to understand our cognitive processes and our sensory apparatus in terms of their biological functions, seen as evolutionary products. Several essays in the present volume explore this approach. Their authors are broadly sympathetic to Popper's work, while some "evolutionary epistemologists" are not. Their essays include an argument for the reality and the causal efficacy of the mind from Popper himself and a hypothesis, from Guenter Waechtershaeser, about a connection, in certain primitive organisms, between sight and nutrition. Donald Campbell surveys the prehistory of evolutionary epistemology within philosophy (although he does not mention Adam Smith's anticipation of it). He also defends the view that learning is a process involving blind variation and selective retention. His and the other essays in this section should interest those who admire David Kelley's development of Ayn Rand's ideas about perception but who have wondered what a competing approach to the issue might look like.

Unfortunately, the first part of the volume does not include an essay by someone informed but skeptical about evolutionary epistemology. There is an article by Gerhard Vollmer on "Supposed Circularities in Evolutionary Epistemology" that defends "evolutionary epistemology" against unnamed critics. But it conveys the impression that critics of evolutionary epistemology are only such because they fall prey to a variety of fallacies. This is grossly unfair both to critics and proponents, who usually see themselves as engaged in a daring intellectual enterprise.

Why might someone object to evolutionary epistemology?

First, some of its proponents seem to confuse psychology (and all issues of substantive scientific knowledge) with epistemology and with arguments about the character and validity of our knowledge. Indeed, some proponents of evolutionary epistemology (though not those represented in this volume) write as if popular science is to replace philosophy. Even such an idea is perhaps not as crazy as it may sound. Interesting philosophical arguments have been offered as to why epistemology should be "naturalized." One may easily argue that it is illegitimate to make a rigid separation between common-sense or scientific knowledge and whatever is supposed to constitute the "foundations" of our knowledge. But adoption of this kind of "evolutionary epistemology" must be explained and argued for, and argument brings its supporters back to old-fashioned philosophical engagement.

Second, evolutionary epistemology, as represented in this volume, involves a realistic but fallibilistic interpretation of science. It takes science as aspiring to tell us the truth about the world, and as explaining the world as we experience it in terms of the interrelations of entities and laws that go beyond what we can experience directly. On the basis of our (fallible) scientific knowledge, the evolutionary epistemologist builds tentative explanations of ourselves and of the way in which we come to know the world. But the scientific knowledge invoked is tentative, and many philosophers argue that a realistic understanding of the character of scientific knowledge is itself highly problematic.

The evolutionary epistemologist looks at human beings much as scientists look at the frog. He seeks to understand our cognitive processes and our sensory apparatus in terms of their biological functions, seen as evolutionary products.

In my view, the volume would thus have gained considerably if it offered more explanation and critical discussion of the philosophical status it claims for evolutionary epistemology.

The second part of this volume—on the theory of rationality—takes off from Bartley's *The Retreat to Commitment*, which explains that a would-be rationalist will encounter people who are self-confessedly not rationalists, concerning whom the rationalist may feel smugly self-confident. He can say to himself: I am rational, while these poor benighted souls are irrationally—or, at least, non-rationally—committed to their particular beliefs. Bartley, however, has argued that these people may well respond: We are non-rationally committed, but so are you. We are committed to the tenets of our faith; you are committed to reason. However, our position is clearly to be preferred, for we, after all, are open about the fact that we are making such a commitment—indeed, we glory in it—whereas you seem to believe that you are not making it.

A "rationalist" might claim: I only hold views that can be rationally justified. But his critic could respond: Justification amounts to saying that one thing is justified in terms of something else; what is the "something else" in the terms of which you justified reason? The demand for justification simply generates a regress. Some rationalists have themselves said that rational justification just has to stop somewhere, and, the critic of rationalism can claim, this is the point at which rationalists make their non-rational commitment.

This is challenging stuff, something much closer to debates in the real world than is much "academic" philosophy. Discussion of Bartley's solution takes up the second section of this volume.

It starts from the idea that rationality is to be understood as a matter not of justification but of holding one's views open to criticism. The rational person is not one who claims that he can *prove* what he is saying, Bartley argues, but the one whose claims are open to criticism—including the claim that the rational person is the person whose claims are all open to criticism!

The essays in this part of the book represent the to and fro of academic argument about such claims. Two related arguments are brought against it. First, suppose that someone could show that Bartley was wrong; that, in some sense, his position was dogmatic, not open to criticism. But look, a defender of Bartley might then say, you were claiming that my theory is not open to criticism, yet you have just produced . . . a criticism of it! So my position is vindicated. But this kind of "Heads I win, tails you lose" gambit was clearly not intended by Bartley, and perhaps the fact that it can be generated within Bartley's theory should be taken as fatal.

The second argument, advanced in somewhat ponderous fashion by John Post, is that Bartley's views are involved in a formal paradox, closely akin to the "liar" paradox. The liar paradox is perhaps best known in the following form: *This statement is false.* If this statement is true—then it tells us that it is false. If it is false—then it is false that it is false, so it is true. Post argues that a similar paradox can be generated from the statement, "This statement is possibly false," and, further, that this problem infects Bartley's theory of rationality.

Bartley offers responses, and other essays offer responses to him. But this part of the volume is less than satisfactory. Some important disagreements are not explored in any detail, and certain writers seem almost to be talking past one another. The volume would, in my judgment, have been greatly improved if some of the discussion had been made more accessible. The reader who is initially captivated by a fascinating and important problem is likely to end by feeling baffled.

The third section of the volume contains essays that relate, in one way or another, to the sociology of knowledge. Peter Munz contributes an over-long and under-edited response to Richard Rorty's relativistic *Philosophy and the Mirror of Nature.* Much that Munz says is to the point. But it all could have been said much more briefly and less self-indulgently. Antony Flew contributes an odd piece, which defends the claim that there cannot be a naturalistic explanation of choice or of language. He has good points to make, and he includes some interesting discussion of Locke and of Hume. But he also rides several of his favorite hobby horses—from the politics of British education to a further episode in his long-running polemic against the Edinburgh School in the sociology of science. It is all good fun, and he makes some nice points. But it would have been more interesting to see him using his very considerable analytical talents upon more powerful contemporary naturalistic writers in the theory of knowledge. Indeed, it would have been interesting to read him on the naturalistic tendencies within some writers on "evolutionary epistemology."

Bartley rounds the volume off with an elegant essay about classical liberal political philosophy. It is based on a piece that first appeared in a Hayek *festschrift,* but which Bartley has rewritten to tie together the various strands in the present volume. Bartley's contributions bring the volume alive, and he has a real gift for putting difficult things clearly and making ideas that are not widely appreciated both interesting and attractive.

All in all, there is much in this volume which should interest the reader of *Liberty* who has a taste for philosophy but who does not necessarily have a specialist training. True, it would be better if more of the contributions had the fluency of Bartley's, and if there had been more critical interchange about matters of substance. But perhaps those needs will be met in a subsequent collection. ❑

***Puritan Economic Experiments,* by Gary North. Dominion Press, 1988, 68 pp.**

Puritanism Comes Full Circle

Jeffrey A. Tucker

Puritanism has long fascinated Americans of all political stripes. H.L. Mencken thought "there is only one honest impulse at the bottom of Puritanism, and that is the impulse to punish the man with a superior capacity for happiness—to bring him down to the miserable level of 'good' men, i.e., of stupid, cowardly and chronically unhappy men."

Gary North takes a radically different view. The author of 30 books and hundreds of articles, Dr. North was formally trained as an economic historian. One of the New Right's most important intellectuals, he is also co-founder of an American school of theological thought called Reconstruction, which applies a hard-nosed Calvinism to public policy.

This short book, an excerpt from his Ph.D. dissertation, deals with a forgotten chapter in American history: the 17th-century Puritan policy of economic interventionism in New England. In an excellent—and, for him, typical—display of research, North assembles letters, diaries, and other documents from the era to illustrate how and why the Puritans tried interventionism, and why they failed. He also discusses the philosophical and theological underpinnings of the Puritan economic experiments, but here he is less persuasive, perhaps because of his own Puritan-like theological position (about which more later).

The Protestant Ethic at Work

Puritan economic intervention took three forms: common ownership of land, price controls, and sumptuary laws. The consequences of common property among the early Pilgrims is best known. Less well known is the origin of that common ownership. North shows that the Pilgrims were not 17th-century socialists, as is commonly thought.

Before the Pilgrims left Holland, a group of British "gentlemen adventurers" agreed to pay their traveling costs. Upon arrival in America, the British insisted that the colony be set up as a joint-stock company, wherein the assets of individuals were to be equally shared. Since Governor William Bradford was the chief agent of the company, he had to impose a common storehouse in 1621. Soon the Pilgrims were threatened with famine. After years of bare subsistence, the Pilgrims bought out their British directors in 1627, and spent 15 years paying back their debt at interest rates of 30 to 50 percent. After the sale, Bradford divided up the livestock, the food, and the housing, and placed them in private hands. Prosperity followed.

The Pilgrims made one exception to privatization, however: meadowland, of which there was an extreme shortage. All the previous problems continued here: free-riding, overutilization, minimal upkeep, and social discord. The Puritans were confused about whether land should ever be considered private property. For decades they tried various forms of rationing (restricting the hours of access, etc.) to solve the problems inherent in common ownership. Finally, they gave up, and a system of private land ownership developed in Boston and Cambridge between 1662 and 1700.

Price and wage controls were the major interventionist measures of the Puritans of the Massachusetts Bay Colony, the "City on a Hill" under the governance of John Winthrop. Instead of wage minimums, the Puritans imposed wage *ceilings* on producers such as carpenters, bricklayers, and thatchers. Anyone violating the statutes was fined a day's salary. Once again, the predictable results followed: shortages, economic chaos, and wide-spread law breaking. Eventually, the statutes were repealed and wages were left "free and at liberty as men shall reasonable agree." Later, however, the conduct of the Puritan producers was again deemed unreasonable by the authorities, and they reimposed the controls. As a result, the 1630s saw price and wage controls periodically imposed and removed, with each intervention leading to shortages of the good or service targeted.

The excess profits law of 1635 provided imprisonment for those who violated the "true intent" of the price and wage controls. Was anyone prosecuted? There is at least one case recorded, that of Capt. Robert Keayne. In 1639, Keayne was convicted of economic oppression and price gouging in a dispute with a woman over a pig. He confessed his crime, paid his fine, and 15 years later was still trying to clear his name. In his will, he wrote that his offense "was so greatly aggravated and with such indignation pursued by some, as if no censure could be too great or too severe, as if I had not been worthy to have lived upon the earth." Yet his offense is "not only now common almost in every shop and warehouse but even then and ever since with a higher measure of excess." At the time, his accusers "were buyers"; but now "they are turned sellers and pedaling merchants themselves," so that the crimes neither "are worthy questioning nor taking notice of in others."

The highwater mark for these controls was 1676, but North shows that the final Massachusetts attempt at price controls was made in 1720: an incredibly complex set of regulations on the price and size of a loaf of bread. It is doubtful that anyone was brought to trial under it, and after its failure, controls were abandoned for good.

The most interesting interventions, however, were the sumptuary laws, which regulated the clothing that different classes of people were allowed to wear. For example, in 1651 the Massachusetts civil magistrates declared their "utter dislike that men or women of mean condition, educations, and callings should take upon them the garb of gentlemen"; they may not wear "gold or silver lace, or buttons, or points at their knees," or "walk in great boots." "Women of the same rank" may not "wear tiffany hoods or scarves, which though allowable to person of great estates, or more liberal education, yet we cannot but judge it intolerable in persons of such like condition."

The Puritans prided themselves on being People of the Book. But what possible Biblical justification could such laws have? It is to be found in the Larger Catechism of the Westminster Confession of Faith (1645), one of the most influential Protestant theological statements ever written. Elaborating on the "Fifth" Commandment to "honor thy father and thy mother," the Catechism stresses that this means "all superiors in age and gifts; and especially such as, by God's ordinance, are over us in place of authority, whether in family, church, or commonwealth."

As North notes, there is nothing unusual (or even unlibertarian) in wanting class distinctions. The problems stem from enforcing this status through government coercion rather than social sanction. Under Puritanism, luxury goods (lace, spice, sugar, tobacco, wine, wigs) were fiercely taxed, restricted, and morally condemned. Taverns, brewers, and liquor sellers were harassed throughout the 17th century in Puritan communities, with licensing used as the primary means for controlling "drunkenness, excessive drinking, [and] vain expense of money [and] time." Even shuffleboard—as a symbol of leisurely living—was considered a threat to the community.

In imposing these laws, the Puritans, however, ran up against a social paradox that their own theology created. They preached the virtue of work, savings, and property, and condemned envy of others' wealth. But such doctrines, combined with a relatively free market, lead to prosperity and social mobility. Yet social mobility is incompatible with the Puritan desire to freeze the status of individuals in society. (In many ways, this paradox eventually confronted the American conservative movement; it split between those happy with the flux of free markets and those who insisted on the frozen social hierarchy of statism.) The second generation of Puritans (1660–1690) abandoned most of these laws, to the horror of the first generation, of course.

Confronted with all this, the reader might conclude that Mencken was right: these laws were an outgrowth of the Puritan desire to control the behavior of others and restrict the avenues toward the good life. But North says this is a "superficial" view. He says the Puritans' instinct to control prices and wages, own land in common, and regulate patterns of dress and behavior, was the product of latent medievalism. They were "the followers of Thomas Aquinas in the field of economics." "They carried with them the baggage of the early scholastic traditions," which inspired them toward a futile search for a "just price" and "just wage" set by some exogenous moral standard and not by the market.

There are problems with this position. Alejandro Chafuen, Marjorie Grice-Hutchinson, Joseph Schumpeter, and Raymond De Roover have shown that the late-scholastic economists (1500–1650) were remarkably free-market oriented, especially as regarding the freedom to set prices and wages. North grants this, but thinks it irrelevant because the Puritans "were not familiar with the later scholastic tradition." Yet St Thomas (1226–1274), the most influential early scholastic thinker, also thought that the "just" price and wage were the market ones. And as Chafuen notes, St. Thomas's works, especially the *Summa Theologica,* "were the starting point for most of the schoolmen."

Instead of wage minimums, the Puritans imposed wage ceilings on producers such as carpenters, bricklayers, and thatchers. The predictable results followed: shortages, economic chaos, and wide-spread law breaking.

At one point in the book, North grants that St. Thomas's "just" price and wage were market-set. But since St. Thomas made a possible exception for times of crisis, North says his thesis still holds. The facts weigh against this contention, however, for the Puritans imposed these laws without reference to crises.

Furthermore, North presents no evidence to show that the Puritans had the slightest interest in what St. Thomas said about economics. And even if they had been familiar with his teachings, the Puritans were famous for their bitter hatred of everything Catholic; they would have been unlikely to exempt the economic thought of the Church's principle theologian. As Lord Acton noted, the bulk of Puritan theology descended from sects that defined themselves in terms of anti-Catholicism and their religious zeal largely consisted of opposing and crushing anything that smacked of "Romanism." Thus if the Puritans had read St. Thomas, they would have done so only in an attempt to refute him.

Why then does North advance this explanation for the Puritan economic experiments? Some clues are provided in the introduction. He tells the reader that most of the research was done in the late sixties and is "no doubt out of date in terms of the latest findings, claims, and interpretations of professional historians. But who knows? Maybe the professionals are all wrong anyway."

But, then again, maybe not. The bulk of the evidence proving the free-market

orientation of scholastic economics appeared after North completed his dissertation. In the late sixties, theologians concerned with social and economic matters (and economists and other social scientists concerned with theology) still accepted Max Weber's celebrated thesis that the Calvinist ethic inaugurated the spirit of capitalism. If we find that the Puritans (devoted Calvinists) exhibited non-capitalist behavior, it could be reasonably hypothesized, according to this view, that they were still influenced by remnants of pre-Reformation (Catholic) thought.

Under Puritanism, luxury goods (lace, spice, sugar, tobacco, wine, wigs) were fiercely taxed, restricted, and morally condemned. Taverns, brewers, and liquor sellers were harassed throughout the 17th century in Puritan communities. Even shuffleboard was considered a threat to the community.

Since the late-sixties, however, Weber's thesis has been largely undermined and, quite possibly, refuted altogether, most directly and thoroughly by a re-confirmation of a thesis advanced by the eminent economist Hector M. Robertson in his book *Aspects of the Rise of Economic Individualism: A Criticism of Max Weber and His School* (1933 and 1950; reprinted Fairfield, N.J.: Agustus M. Kelley Publishers, 1973). Joe Peden, Professor of History at Baruch College, notes that "Weber's thesis is no longer considered scholarly. Recent literature shows that Weber misunderstood the nature of both Calvinism and Catholicism. Further, he overlooked the early development of markets so that his explanation doesn't cover the phenomenon he is studying." Robertson had been correct all along in saying, "the Jesuits favored enterprise, freedom of speculation, and the expansion of trade as a social benefit. . . . the religion which favoured the spirit of capitalism was Jesuitry, not Calvinism."

Rather than confront the view that capitalism may be more Catholic than Calvinist in origin, North chooses not to treat it. Rather than change his thesis (that Puritans were interventionist Thomists in disguise), he decided to, as he says, "get this material back into print rather than wait until I have spare time to update it extensively."

Eventually, however, free-market Calvinist thinkers will have to confront the growing body of literature that shows: a) rigorous free-market thought follows a direct ascendance from Aristotle to St. Thomas to the late-Scholastics to the French economists like Turgot and Say to the Austrian economists (whose origins have also been shown to be Catholic in Smith and Grassl [1986]); and b) that the radical Calvinist tradition of the Puritans represented a departure from this tradition precisely because it was not Scholastic.

In his introduction, North advances a second thesis for Puritan economic intervention: "the Puritans never fully broke with the theory of natural law, and it was the Scholastics who had imported and baptized this humanist myth of ancient Greece and Rome." On the face of it, this is puzzling. After all, it is generally thought that the free society flows from the tradition of natural law, which led to Lockean natural rights, liberalism, and finally to full-scale capitalism. What's more, his startling assertion about natural law is never buttressed or even mentioned elsewhere in the book.

There is much more that lies behind the Northian claim than first appears. To understand it, and the theology that lies behind it, we must examine the movement and theology of Christian Reconstructionism.

A Catalog of Isms

Together with his father-in-law R.J. Rushdoony, Gary North is co-founder of the theology and movement of Christian Reconstructionism. Begun in 1973 with the publication of the 900–page book The Institutes of Biblical Law by Rushdoony (Craig Press), the movement's ideology has made amazing advances. Well over a hundred books, thousands of articles, and dozens of conferences have followed. Christianity Today and The Washington Post have reported on their activities, Bill Moyers directed a PBS special on them, and they and their devoted followers and sympathizers can be found at any major conservative or libertarian gathering.

In addition to a host of committed pastors, activists, writers, and academics around the country, Reconstructionism claims the support of some very public names. John Lofton, columnist for the *Washington Times*, prominent Northern Virginian educator Robert Thoburn, and influential Florida pastor James Kennedy are all devoted Reconstructionists. Pat Robertson, Marvin Olasky, and Herbert Schlossberg are all strongly sympathetic. Howard Philips (Conservative Caucus) and M. Stanton Evans (Education Research Institute) are said to have been directly influenced by Reconstructionism. Even education secretary William Bennett evidenced a commitment to their political program at one time. In addition, there are thousands of mainstream Christian evangelicals who appreciate the victory orientation of Reconstructionism, if not every jot and tittle of its doctrines. The entire Christian Right has learned much from the theology, politics, and strategy of the Reconstructionists.

The status of Reconstructionism-proper is hard to judge because of its kaleidoscopic factions. Like the New Right, the movement was most influential around the time of the 1984 Presidential campaign. There were only two (although very hostile) factions at the time, North's and Rushdoony's, and explicitly Reconstructionist churches and schools were popping up all over the country. But five years later, Reconstructionism-proper is in disarray, having gone the way of many other sectarian enthusiasts since the Reformation: there are endless factions within factions and schisms within schisms. Lift your ear from the ground for a moment and you lose track of them all.

Broadly speaking, Reconstructionism combines Calvinism and New Right political activism, but in a particularly radical fashion. The New Right wants tax cuts and traditional "Judeo-Christian" values. Reconstructionists want a totally free market (no Fed, no income tax, free trade, free immigration) operating under the judicial code of Old-Testament theocratic laws. Reconstructionism teaches that the Bible supplies not only the road to salvation, but the "marching orders" and the "blueprint" for every area of public life, including how the economy, education, and the state should be structured. Their books outline Biblical views of psychology, sociology, mathematics, music, and architecture. They have also pioneered a theology of Christian resistance to the State—and put it into practice through homeschooling. The way they see it, the world and all its inhabitants are responsible to God and must act in terms of His commandments.

Reconstructionists have been classified as "Puritans" but they want to clarify the use of that label. "The dynamic Puritanism of Governor John Winthrop's

Massachusetts Bay Colony" became "stodgy, rationalistic, and almost mechanical," says North. He wants a "new Puritanism" that "offers men the hope of a God-honoring social transformation." Their theology is actually a unique hybrid of doctrines that have existed in some form at various times in Christian history. The following four points provide the foundation:

1) God's Providence, a traditional Calvinist doctrine, which teaches the total depravity of man, his complete dependence on God's grace for redemption, and God's absolute predestination of every individual soul to heaven or hell from before the creation of the world.

2) Presuppositionalism, the teaching of the late C. Van Til, which says that the Bible is not only inerrant, but that all truth must be capable of a rigorous Biblical defense or it isn't truth. The Bible must be "presupposed" in all intellectual endeavors. Presuppositionalism tends to minimize the role of reason and it is particularly hostile to the tradition of natural law. "The Bible has no such terms as 'Nature,'" says Rushdoony. "Not Nature but God is the source of all natural phenomena."

3) Postmillenniallism, which predicts (and works toward) the triumph of God's kingdom on earth before the return of Christ. This opposes the dominant view of American evangelicalism, which teaches the decline of civilization prior to the apocalypse and Christ's return. This difference—the prospect of earthly victory instead of "rapture" (when the saved are assumed bodily into Heaven to escape the tribulations of the final days)—is what inspires Reconstructionists toward political action. They have devoted tremendous resources to promoting this point of view, which has been responsible for reviving this Puritan doctrine, invisible even twenty years ago.

4) Theonomy, a social order based on the laws that governed Old Testament Israel. As a rule, Reconstructionists say they accept all Old Testament laws that weren't explicitly reversed or amended in the New Testament. In practical terms, this means strict enforcement of property rights, freedom of contract, and severe punishments for offenders of Biblical law. This includes the death penalty for adulterers, homosexuals, incorrigible children, and idolaters, and replacing prisons with indentured servitude for non-capital crimes.

All Reconstructionists say they agree on these four points. But so far as I can tell, no two theonomists agree on the precise applicability of a whole host of laws, especially those concerning property rights, marriage, and the definition of an "idolater." James Jordon, who wrote a commentary on property-rights legislation in the Old Testament (*The Law and the Covenant*, ICE, 1984), has recently taken to questioning the theonomic credentials of Greg Bahnsen, author of the first widely

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Personal

SM, 38, with Bachelors Degree is interested in developing a relationship with woman academician, age 27–47. I can do research, cooking, etc. Currently have an insurance agency. Write Box N, Argyle, WI 53504.

regarded defense of theonomy, *Theonomy in Christian Ethics* (P&R, 1984, 2nd ed.).

The Northians have been battling the Rushdoonians for years. The Northians think that the visible church—"the training ground for Dominion"—should be preeminent over all other institutions in society (although it should remain organizationally separate from the state). They also practice a form of the high-church Anglican liturgy (with elements of the Catholic Mass) and their ministers wear collars. Once the most highly organized, they are now in total disarray.

Rushdoonians, in the anabaptist tradition, see virtually no role for the visible church in society, and follow the Puritans in their disdain for liturgy. Rushdoony himself advocates an adherence to Levitical dietary laws and takes a different view of tithing and taxation from the Northians.

Reconstructionists support strict enforcement of property rights, freedom of contract, and severe punishments for offenders of Biblical law. This includes the death penalty for adulterers, homosexuals, incorrigible children, and idolaters.

A striking feature of Reconstructionists is their self-assuredness: they view themselves and their doctrines as the culmination of 2000 years of redemptive and intellectual history. No other Christian group has had comparable wisdom, they say, because none has been given all the tools they themselves possess; and with their special God-given knowledge, they can remake the world.

But this is perhaps too stark a picture; for the most part they are sincere and responsible. There are some excellent minds among them—especially North's and Rushdoony's—and they have to be credited for taking religion seriously, which far too few scholars do.

A "Christian Nation"?

An assessment of Reconstructionism must separately examine its formal institutions, its scholarly impact, and its broad appeal.

The formal Reconstructionist organizations are, however, breaking apart as I write, especially the groups centered at Tyler, Texas, under the aegis of Gary North. It was to be the new "City on the Hill" and attracted a huge number of devoted followers from around the country. But their church fell into crisis last year after a series of excommunications, defections, and rumors of scandal. They were attacked as a cult by a major Dallas newspaper, and their membership fell by three-quarters.

Of late, leaders within Reconstructionism can't distance themselves from each other fast enough. Each seems intent on starting his own school of thought. Persistent and bitter infighting has severely damaged all Reconstructionist organizations.

On the scholarly front, there are problems as well. With few exceptions, they are shut out of the academy. Perhaps that is to be expected for such a radical school of thought. But they might have benefited by taking a different approach in their materials, perhaps making them more accessible to unReconstructed audiences. For example, North's book on *Puritan Economic Experiments* is an excellent empirical study of pre-Colonial America. But he intersperses his lucid prose with unsubstantiated claims drawn from his theological position. Recall that he thinks natural law is a "humanist myth of ancient Greece and Rome" that was "baptized" by the Scholastics. This view has been given a serious—if ultimately unconvincing—defense in Rushdoony's *By What Standard?* (1983). But North gives us no footnote or elaboration to his father-in-law's book. And since the point received no elaboration, it could have been omitted.

On the other hand, North is capable of superb work. He contributed an excellent article to *Man, Economy and Liberty*, the *festschrift* for Murray Rothbard, and his essay on reason and intuition in economics in *Foundations of Christian Scholarship* (1979), a book that he edited, is outstanding. And parts of his continuing economic commentary on the Bible show real promise (*Dominion Covenant* [Tyler: ICE, 1983], *Moses and Pharoah* [1985], and *The Sinai Strategy* [1986]).

Reconstructionism has a broad appeal within evangelical Christianity. Defined as a loose body of Christian thought, or perhaps a religious-based Right-Wing political program, it is doing very well. Organizations and institutions have never mattered much to the mainstream of evangelicals. And for evangelicals looking for an intellectual and Biblical defense of their hard-right conservative views of politics, the Reconstructionist alternative stands alone among Protestant sects. By tailoring their message to appeal mainly to Southern Evangelicals in Baptist and Pentecostal-oriented churches, the Reconstructionists are continuing to grow despite organizational disasters.

Bill Moyers thought that the Reconstructionists have been underestimated, which is why he taped a show on them for PBS. The Northians refused to participate, and were portrayed as a cult. But those who chose to be interviewed—particularly Rushdoony and ex-Northian David Chilton—came off well. Rushdoony, for example, looks and talks like an Old Testament prophet (and a calm, reasonable, and persuasive one at that).

Such media appearances are on the increase. So if the last few years are any indication of what is to come, the future of Reconstructionism will be a mixed bag. Their organizations will continue to fall into disarray; their body of thought will remain outside the halls of academia; but within political and popular evangelical circles, the prominence of Reconstructionist ideas will continue to expand and fill the existing intellectual vacuum.

Despite the anti-Christian bias of many libertarians, and the haughty zeal of some Reconstructionists, there is some common ground between the groups. There is agreement on economic issues, like taxes, bureaucracies, the Federal Reserve, public schools, central planning, anti-socialism, etc. They are generally in favor of much smaller government.

The problem is that, in practice, Reconstructionists don't concentrate their lobbying efforts for these aspects of their social theology. Instead, they tend to gravitate toward issues like anti-feminism, prayer in schools, the right to take off work on the sabbath, and a broad enforcement of the death penalty. Or they focus on symbols, like having the United States declared a "Christian nation."

But libertarians shouldn't let the long-run agenda of Reconstructionists interfere with the potential for short-run alliances. The Reconstructionists aren't likely to be any more successful than their Puritan ancestors in building their version of the kingdom of God on earth. And in these darkening days, it is going to take alliances with other non-mainstreamers to make the libertarian light shine. ❑

The author thanks Llewellyn H. Rockwell of the Mises Institute for helpful comments and suggestions.

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"Avant Garde" — Critic *Richard Kostelanetz* explains avant garde art and why the politically avant garde (i.e. libertarians) should care about it.

"H.L. Mencken's Illegitimate Offspring" — *R. W. Bradford* criticizes those who imitate Mencken without understanding his thought or approaching his wit.

"The Holocaust, State Terrorism and World War II" — Historian *Ralph Raico* reviews recent thinking on the terrorism of World War II.

Terra Incognita

Hawaii

"A well-honed definition of the paniolo cowboy lifestyle," according to F. Newell Bohnett, Hawaiian land developer, as reported in *Aloha* magazine:

"Ranch living to me is living in a place where you can ride horses if you wish or lie by the pool in your backyard if you wish."

Hartford, Conn.

Advances in the science of highway safety, as reported by *The Rural Oregon Biker:*

Connecticut SB 412 would require 3 headlights on motorcycles to distinguish them from autos with one headlight out. If the measure becomes law, the legislature will consider a measure to require 4 headlights on cars to distinguish them from motorcycles with one headlight burned out.

Salem, Ore.

Trend-setting legislation from the Beaver state, "where the air and the politics are pure," as reported by the *Associated Press*:

The hazelnut . . . has rolled past the giant chinquapin on the way to becoming the first official state nut in the country. The Senate Government Operations and Elections Committee voted Monday to pass the hazelnut on to the full Senate for consideration.

Washington, D.C.

Progressive notions of public entertainment, advocated by Howard Cosell on CBS-TV *Nightline:*

Congress should create a "Federal Sports Commission" with authority to regulate matters like "the removal or threat of removal of a sports franchise" and "boxing, if boxing is to be allowed to continue."

Cosell also noted that he is "part and parcel of the 1960s, the whole 1960s movement."

Marion, Ill.

Evidence that tax dollars spent on national defense are an investment in our nation's security, as reported by the Houston *Chronicle:*

"I have to say that K Mart security is better than anything the Navy would have," said John Walker, former Navy radioman. "I mean K Mart protects their toothpaste better than the Navy protects their top secrets." Walker was convicted of spying for the Soviets. He made his statement in an interview on British radio from his prison cell.

Shaoshan, China

Most recent monument to collectivism, as reported in *The Wall St Journal*:

Mrs. Weng Teng, a relative of Chairman Mao, has opened a restaurant called "Mao's Home Cooking." Mrs Teng, who had been a model collective farmer when collectivism was the order of the day, says, "I guess I'm a little like Chairman Mao. We both made some mistakes, but ultimately we're both successful. When Mao died, I cried for days. And if he hadn't died in 1976, he might have introduced market-style economic reforms. Mao, you know, also encouraged people to make profits and get rich."

Capetown, South Africa

Evidence that God works in mysterious ways, as reported by *Die Burger* (Capetown):

A pastor drowned with a young woman he was baptizing in a South African river as scores of worshippers looked on. Nelolitha Mapatsela, 26, panicked when Pastor Payi, 32 submerged her head and she pulled him under.

Williston, N. Dak.

How the state "Department of Education" works to promote its goal, as reported in the New York *Times*:

Department of Education officials banned Cara Transtrom from participating in a privately sponsored spelling bee on grounds that she does not attend a state-run school. The Department of Education backed down under pressure from the sponsor of the spelling bee and from the public. Ms Transtrom made it to the final round of the state-wide contest.

Hollywood, Calif.

"An actress's reach should exceed her grasp, or what's a heaven for?" illustrated in an interview with Jodi Thelen, who plays Jane Kelly in Fox-TV's *Duet*, as reported in *TV Guide:*

"I'd like to play Dagny Taggart in Ayn Rand's *Atlas Shrugged.* She was the ideal woman. And I'd like to have bigger breasts."

Washington, D.C.

A good reason for an education in classical languages, offered by Vice President J. Danforth Quayle, as reported in the Providence *Journal*:

When Rep Claudine Schneider mentioned to Vice President Quayle that she is fluent in French, he expressed admiration: "I was recently on a tour of Latin America and the only regret I have was that I didn't study Latin harder in school so I could converse with those people."

Los Angeles, Calif.

The long arm of the law on America's west coast, as illustrated by the Seattle *Times:*

Craig Christopherson reported to local police that he was kidnapped, handcuffed and threatened with a poisonous rattlesnake if he would not give his kidnappers $1,000,000. "I was just scared to death," he said. "They told me if I went to the cops they would kill everyone in my family."

Christopherson didn't have the $1,000,000, but he gave the kidnappers his car, the gold jewelry he was wearing and a check for $1.6 million. The car was later recovered and the check bounced.

The kidnapper turned out to be Robert Hassan, a "collection agent" from Renton, Washington. His slogan, displayed on a plaque on his office wall, is: "Living by chance, loving by choice, killing by profession."

Hassan had been hired by the Washington Attorney General to collect money owed to Washington citizens, in accordance with a recommendation by the Drug Enforcement Agency and the IRS, who had used Hassan's services several times in the past.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.*)

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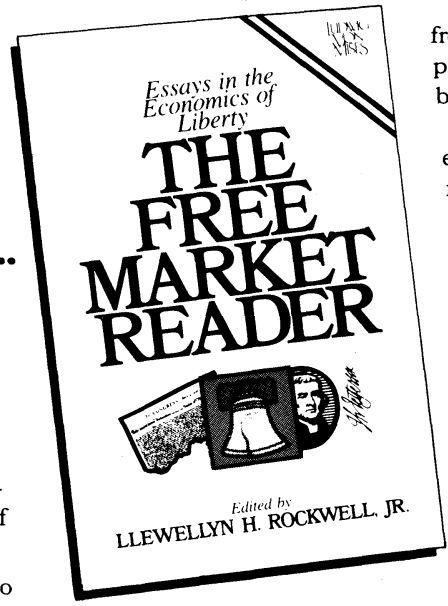

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Censorship and Persecution at America's Universities, p 8

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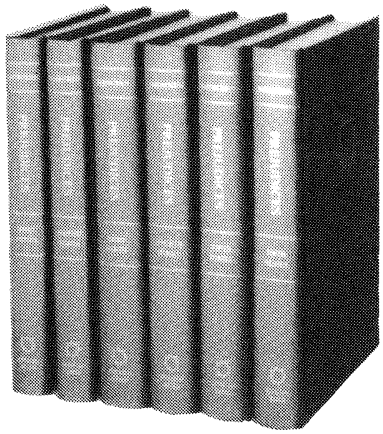

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Inside Liberty

September 1989
Volume 3, Number 1

4 Letters Judging Branden, Secularism, the IRS, the LP, Bozo Alert...

7 Reflections The editors comment on the right to arm bears, Eleanor Roosevelt's feet, vigilante justice, censorship on the campuses, flag-burning, the preservation of classic movies, Bennett's proposed beheading, George Will, racism, the architecture of communism, newspeak, socialized art and more.

14 Media Notes Fun times at *The American Spectator*; out of touch at CBS.

17 The Taboo Against Truth: Holocausts and the Historians Ralph Raico argues that historians should remove their political blindfolds and re-examine the state-terrorism of Hitler, Stalin, Roosevelt and Churchill.

22 Burons Bob Ortin looks at the world.

23 Abortion Without Absurdity R. W. Bradford demonstrates that you can avoid absurd reasoning about abortion simply by *not hiding* the *real* reasons for believing as you do.

26 Border Guard A poem by Brett Rutherford.

27 My Break With Branden and the Rand Cult Murray N. Rothbard recalls his expulsion–secession from the Rand Circle.

33 Indefining the Future Richard Kostelanetz enucleates avant-garde art to the political avant-garde.

37 Simple Principles *vs* the Real World David Friedman explores the thornier domain of libertarian thinking and sees a way out.

44 The Theology of Ecology Robert Formaini argues that the problem with environmentalists is that they are committed to a goofy new religion about nature and couldn't care less about whether their views make sense.

48 Christian Reconstructionists, Libertarians, and Dead Theologians Gary North criticizes what Jeffrey Tucker said about Reconstructionists and Libertarians in our July issue, and Tucker responds.

55 The Argument from Mere Argument Loren Lomasky dissects Hans-Herman Hoppe's "revolutionary" argument for anarchism.

57 The Errors of Hayek Timothy Virkkala is glad F.A. Hayek's *The Fatal Conceit* presents Hayek's ideas, warts and all, so plainly.

61 Can Yellowstone Recover? Lawrence Dodge reviews *A Yellowstone Primer* and has hope for the instauration of Yellowstone, despite the politicians.

63 Booknotes Short reviews of recent science fiction, Rothbard's *festschrift*, neo-Objectivist boldness, and a guide to apocryphal quotations.

65 Racial Consciousness Timothy Virkkala gives a Finn's eye view of racism and Spike Lee's *Do the Right Thing*.

69 Contributors

70 Terra Incognita

Letters

Guess Again

R. W. Bradford's review ("Who Is Nathaniel Branden?" July 1989) of the former Objectivist patriarch's memoir, *Judgment Day*, left me feeling stunned, saddened, and agitated by it's sneering tone and obvious prejudice against the book's author, Nathaniel Branden. It's difficult to believe that Bradford and I read the same book. Throughout my reading of his review, I wondered if Bradford feels that he had once been unjustly hurt by something Mr. Branden had said or done.

That he has an axe to grind with the book's author is transparently obvious. Nothing else could have caused such a torrent of bitter distortions to pour from this man's pen. Bradford's review, it would seem, has two purposes: (1) To impugn the integrity of Nathaniel Branden and, (2) to enable him to jump on Rothbard's Objectivism-is-a-cult bandwagon.

"Something fearful and given to sarcasm [in Murray Rothbard's and his circle of friends' manner]" (p. 260), is how *Judgment Day*'s author describes his perception of several people he met more than a quarter of a century ago. Was he describing his past perception of Bradford as well? I strongly suspect so, though I can only guess.

William Auger
Hawthorne, Calif.

The Individuated Branden

It is obvious to me that R. W. Bradford is oblivious to the writings and teachings of Dr. Branden since his break with Ayn Rand. If Bradford had spent the time to review some of Dr. Branden's work since that break, he might have a better concept of what *Judgment Day* is really about, and why it was written.

The book is not about whether Ayn Rand was evil or innocent, or a victim, or whether Nathaniel Branden was a cult-creating, people-hating, power-monger. Rather, this is the story of one man on an expedition—exploring his own life, revealing truth in order to discover deeper ones. That's what the process of individuation is all about! It doesn't matter whose autobiography it is, what is relevant is the amazing amount of truth that is revealed. With truth comes understanding.

In my opinion, Nathaniel Branden has done more to add perspective to Ayn Rand and her philosophy than anyone else could ever hope to. He was able to understand the psychology of it and to understand the mistakes that he made and that Ayn wouldn't admit to. I think that Dr. Branden has brilliantly put his finger on the biggest fault of her philosophy, her lack of respect for emotions, self-awareness, and emotional understanding. Ayn Rand's philosophy (as Dr. Branden has pointed out) encourages emotional repression, rigidity, and a sense of inferiority in those who try to live up to the moral perfection of a John Galt, a Howard Roark, or Dagny Taggart.

Yes, Nathaniel Branden made mistakes, so did Ayn Rand, so do we all! There is no doubt in my mind that Nathaniel Branden *did not* deliberately set up objectivism to be a cult. I believe the impetus for that came from the way Ayn wrote.

I feel R.W. Bradford's review of *Judgment Day* is unfair in its villianous portrayal of Nathaniel Branden and in its subtle reverence for Ayn Rand. Without Dr. Branden's insightful perspectives into the inner workings of the objectivist movement, we might not have understood the implications of its cultish tendencies. Had Dr. Branden not pointed out the emotional repression that Ayn Rand's work encourages, it is highly likely that the result would have been a generation of admirers that were unfeeling, brilliantly rational Spock-like automotons.

James Britton
Newport, N.H.

Author! Author!

R.W. Bradford missed the whole point of *Judgment Day*, which is the author's total commitment *qua* author to honesty. How honest he *succeeds* in being is for the readers, and the author, to ponder. If you want to hang the man, which I suspect is the case, he has provided all the factual material anyone could need for such an endeavor, for—- while he is harsh on many—he is harshest, after Ayn Rand, on himself.

Brant Gaede
Park Ridge, N.J.

A Noble Savages . . .

As a postscript to your perceptive review of Nathaniel Branden's *Judgment Day*, I think the worst feature of the book is Branden's hypocrisy on the subject of sensitivity and human relationships. After revealing how savagely he and Ayn Rand berated their closest friends for their alleged failings, wounding their self-esteem by making every criticism a moral judgment, he now reflects that he should have been more compassionate, less judgmental, more aware that bitter denunciations only engender anxiety and apathy in the victim. "I am appalled," he writes, "at remembering my ruthless behavior on such occasions" (267). He adds: "One of the worst things I had done to myself over the past several years—which became a crime against others as well—was to disown my compassionate impulses" (267). Describing his own role as being "Lord High Executioner," he now declares: ". . . we did not think to ask whether the communication of contempt was likely to inspire improvement in anyone's behavior" and he laments the disappearance of "the benevolence and generosity that had once been so intrinsically a part of me . . ." (268)

Mr. Branden's new-found sensitivity is a transparent pose, witness the fact that he continues to ridicule or denounce every close friend who was part of Ayn Rand's inner circle, the so-called Class of '43. Abusive and cruel remarks about them appear repeatedly throughout the book. If Mr. Branden *ever* possessed "compassionate impulses" or "benevolence and generosity," they have left absolutely no traces in his soul today. From the evidence in this book, he still relishes the role of "Lord High Executioner."

By coincidence, just before reading Branden's book, I read a profile of Jean-Jacques Rousseau in Paul Johnson's new book, *Intellectuals*. The parallels between Rousseau's approach to autobiography and Branden's are striking. About Rousseau's *Confessions*, Johnson writes:

> He presented himself . . . as the champion of the principles of truth and virtue . . . It is necessary, therefore, to look more closely at his own conduct as a teller of truth and a man

continued on page 6

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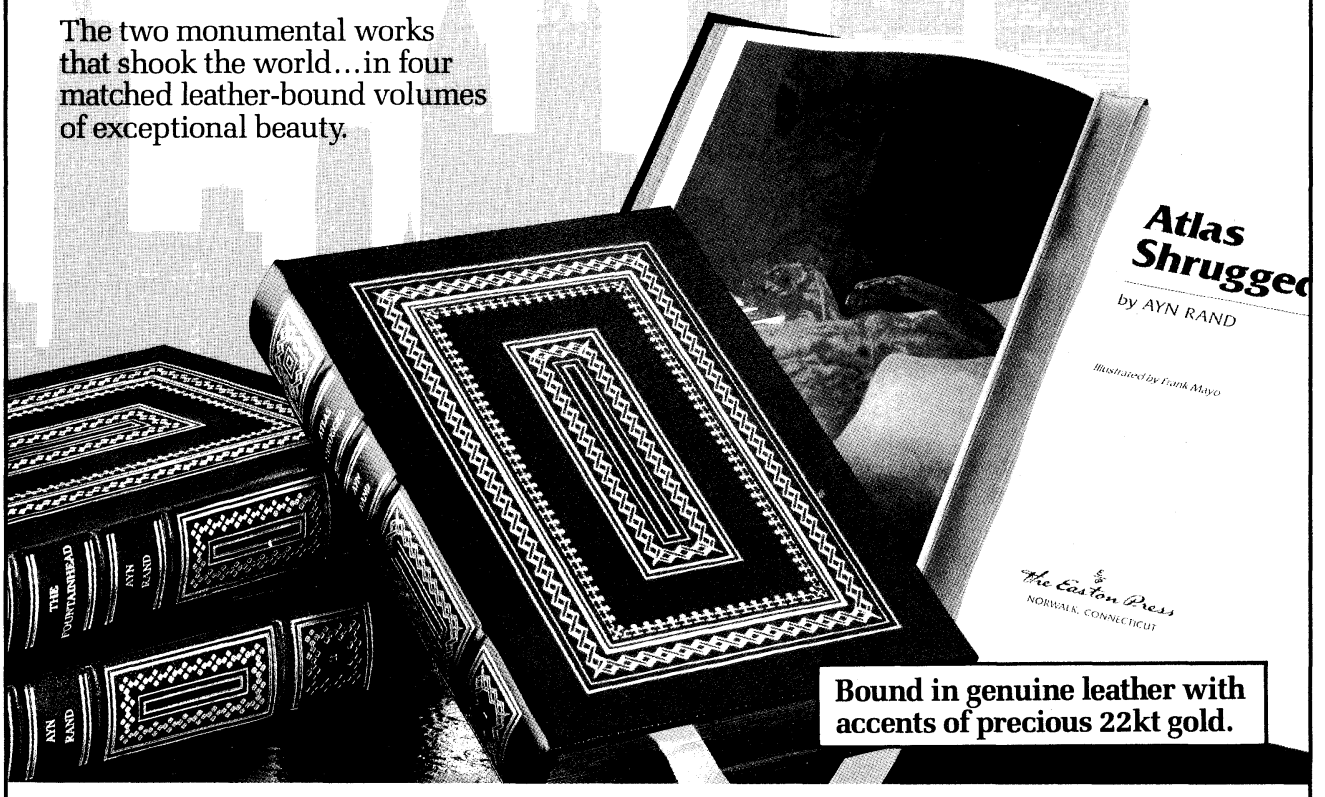

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Letters *(continued from page 4)*

> of virtue. What do we find? . . . Rousseau made absolute claims for the veracity of his book . . . More important, he convinced readers he was sincere by being the first man to disclose details of his sex life, not in a spirit of macho boasting but, on the contrary, with shame and reluctance . . . These damaging admissions build up confidence in Rousseau's regard for truth, and he reinforces it by relating other shameful, non-sexual episodes, ... But there was an element of cunning in this. His accusations against himself make his subsequent accusations against his enemies far more convincing . . . . Moreover, the self-accusations are deceptive since in every critical one he follows up the bare admission by a skillfully presented exculpation so that the reader ends up sympathizing with him and giving him credit for his forthright honesty.

Nathaniel Branden attempts to manipulate his readers in exactly the same way that Rousseau did, but with far less skill and success. If anyone wants to read a masterpiece of malice, buy a copy of Rousseau's *Confessions*, but don't waste time and money on a third-rate imitation.

Robert Hessen
Palo Alto, Calif.

In Our End Is Our Beginning

An idea isn't dead just because it isn't making the headlines. Suggesting otherwise ("The End of the Secular Century," by Murray Rothbard, May 1989) is historically myopic. When the monarchy and church power were restored after the French Revolution, secularists didn't disappear—they became the opposition. Secularism has endured a number of setbacks and revivals, and ideas that may not be fashionable in the U.S. right now are very much alive. Surely you would agree that an idea need not be fashionable to be *right*.

Religion is sometimes used to express ethnicity, but religion and ethnicity are not always identical as your essay implies. The history of Catholic-Protestant conflict alone includes many battles which were based on religious and not ethnic difference.

As a person who was born into one ethnic minority and married into another, I am well aware that the downside of inter-ethnic relations ranges from ridicule to brutal suppression by majorities. *This* secularist has no "Disneyfied" illusions about ethnicity. I don't expect to see ethnic diversity disappear in my lifetime, nor would I want it to. I *would* like to see ethnic animosity replaced by mutual acceptance. It would be fine if ethnic groups enjoyed each other's arts, costumes, and cuisines, rather than persecuting each other.

The problem with religion is that it defines truth not through reason but through authority. That's bad enough in itself; worse is the ease with which authority degenerates into tyranny. I am not so interested in converting people to the conclusion to which reason has led me—atheism—as I am in encouraging people simply to reason.

The essence of secularism is the attempt to govern actions and relationships by reason, not by traditional authority. If secularism is in danger, then the cause of liberty is no safer than a Christian in Mecca, a Hindu in the Golden Temple, an atheist in the White House.

You'd better hope the "Secular Century" is just beginning.

Molleen Matsumura
Berkeley, Calif.

Disgusting Weasel Parasite

I am disgusted by Mike Holmes's review ("Guerrilla Tax Revolt Tips," July 1989) of Daniel J. Pilla's *How Anyone Can Negotiate with the IRS—and Win!*

I don't normally question the motives and character of writers, but since Mike Holmes has done so to tax resistors, and characterized them as deluded cultists, I won't hesitate to examine his.

To Mr. Holmes's credit, he tells us up front that he is a parasite who makes his living from IRS persecution of citizens. That he does so suggests both that he has taken flak for this before, and that he is shameless.

Having established his commensal relationship with the IRS, he proceeds to portray tax resistors who have tried to raise various baroque Constitutional issues as cranks at best and hysterical cultists at worst. Mr. Holmes is a pragmatist to the core; no conceptual argument gets the slightest approval from him. All he respects is the mace of the State. He is impressed by the "intelligence" of lawyers who refuse to represent tax resistors: "For one thing, they can be disbarred from practice before federal courts for even bringing these arguments up, and can be fined $5,000 to boot!" Mr. Holmes urges cooperation with this kind of tyranny.

The ugliest part of his essay is his claim that those martyred by the State are so deluded that they pin their hopes on "a jury box full of honest citizens who will hear their impeccable logic and mind-boggling legalisms and disregard the instructions of prosecutors and judges." If those who pathetically appeal to a jury with obscure arguments (which have not yet been shown to be true or false) are to be ridiculed, what does this say about Mr. Holmes's attitude to those who take the Constitution at its word and put their faith in the American legal system? He seems more concerned about cowering properly before the State.

He observes: "Like other cultists, tax rebels seldom lose hope, and are quite resentful when others (even ideologically sympathetic libertarians) are less than enthusiastic about their self-imposed plights." I presume he is referring to himself as a "sympathetic" observer (though his criticisms of tax rebels sound as if they could have come from a bastion of libertarian thought like *Time* Magazine). But Mr. Holmes has no harsh words for the State, only warnings to citizens not to assert their rights. His respect for the State reaches its height when he blames the persecuted for their failure to grovel—or, more exactly, their failure to come to him for groveling instructions.

In his conclusion, Mr. Holmes argues—correctly, in my opinion—that even if exotic constitutional theories about the legality of the IRS were accepted in court that the State would simply do whatever was necessary to keep its income incoming. But he weasels out of providing a constructive solution, simply stating blandly that "Serious reform of the tax system will only come about when the public is convinced that the power of government should be reduced." Without speculating about whether this is possible, surely the politi-

continued on page 68

Letters Policy

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

Reflections

The right to arm bears — Recent Supreme Court decisions involving affirmative action, abortion, and flag-burning have grabbed headlines, but another important case received little notice. The Court let stand without review a lower court ruling that prevents Montana sheep ranchers from defending their flocks from attacks by marauding grizzly bears. The sheepmen argued that because the bears were protected by federal law, their sheep losses amounted to a "taking" without compensation, in violation of the fifth amendment. They also claimed a constitutional right to defend their property. The 9th Circuit Court of Appeals rejected these arguments, stating that the bears' actions could not be blamed on the government. Lawyers for the bears claimed that their clients had no choice, given the nature of their upbringing, and also cited provocative bleating on the part of the sheep. — JSR

Let's not be chintzy — The proposed Congressional pay raise has gone down in flames. But it seems to me the Congress Critters had a point: eighty-nine five for a full year's work does seem kind of chintzy—and you can't say they aren't *active*. Still, with the budget deficit running hundreds of billions, I can understand the people's reluctance to raise the pay of their Congressional servants.

Here is an idea that should please both the Congresspeople and the Realpeople: why not give them more time off? Say 9 or 10 months per year? Let 'em have the eighty-nine and a half grand a year *and* most of the year off. Since most are lawyers and other professionals, they could certainly pull more cash out in the private sector with all their free time.

The Constitution of the State of Washington, for instance, limits its legislators to 90 days work per year. This is a blessing: Washington citizens are spared many indignities (e.g. state income taxes, mandatory motorcycle helmets, mandatory deposits on beer bottles) that inflict the citizens of states whose legislatures ape Congress and loot year 'round.

Perhaps the writers of Washington's Constitution really did believe the old saw about how no man's life, liberty or property are safe while the legislature is in session. — REM

Her feet's too big! — That we live in a rotten and meretricious culture has rarely been more vividly highlighted than by an interview in *New York Woman* (June-July) with Eileen Ford, veteran head of the Ford Model Agency and longtime arbiter of fashionable taste. Miss Ford reveals that she is a lifelong hater of Eleanor Roosevelt—not, however, for ideological reasons. It seems that Eleanor spoke at Barnard when Eileen Ford was an undergraduate, and Miss Ford was turned off for life. "She was an ugly old toad," Miss Ford recalls, "and oh those awful size 50 feet!"

I never *ever* thought that I would rise to the defense of Eleanor Roosevelt, but talk about judging by appearances! Miss Ford is a living embodiment of that delightful cultural parody by Fats Waller: "Hate you cause your feet's too big! Cain't stand you cause your feet's too big!" Are we living in a Fats Waller parody? — MNR

Signs of the times — Paul Lotz is a realtor in Newport News, Virginia. About five years ago, in accordance with his fundamentalist Christian beliefs, he designed a new letterhead for his business featuring the fish symbol used by some believers. He also placed the symbol on his office door, and began to occasionally add religious messages—"Christ is Coming," "John 3:16" and the like—to his advertising signs. Fair enough, one might say. Not everyone's cup of tea, perhaps, but well within his rights.

The Virginia Real Estate Commission thought otherwise. Claiming that the Christian symbology was inherently discriminatory and therefore a violation of the state's Fair Housing Act, the Commission ordered him to remove all references to his faith from his place of business. Lotz fought back in the courts and finally, after a half-decade-long struggle, was vindicated in January of this year by the Virginia Supreme Court in a unanimous decision.

Fine. A happy ending to a fracas that, of course, should never have begun in the first place. It can't help but be noticed, however, that most of the conservative and Religious Right press have welcomed this decision as a triumph of *Christian values*, rather than of commercial and religious freedom. One is morbidly curious to know what their reaction would be if Mr. Lotz had featured signs stating "Vishnu is Lord" or "Celebrate Humanism." — WPM

Shoot him on the spot — Libertarian objection to capital punishment is understandable. The idea of the state bureaucracy putting people to death one-by-one is as repulsive as the idea that the same bureaucracy can pick young men, by the thousands, to be killed in state-determined warfare.

But it should be made clear that not all libertarians object to killing criminals or aggressors.

It seems to me that killing a person who is threatening you or your property is simply self defense. This is quite acceptable to me and to most libertarians (at least to most whom I know).

And, when it comes to aggression on the grander scale, libertarians defend voluntarism, including the voluntary act of signing up to be a member of a defense force and a participant in its later violent activities.

The matter of killing criminals, however, is closest to my heart. I believe that a person who is committing an act of violence against you, such as robbing you, should be deterred by counter violence. (You could try sweet reason, of course: "Hey, man, you shouldn't be crawling in that window waving that gun. Let's talk about it.")

Once you're sure that it's actually an aggressor and not just a drunken, mistaken neighbor, I think that you should go right

ahead and plug the son-of-a-bitch. Surely there is never a moment when justice can be more clearly dealt. You are an eyewitness. The criminal is a palpable criminal, not a tissue of legalisms. There is no phoney-baloney defense technicality to muddy the issue. There he or she was and there you were. And you stopped the crime by stopping the criminal. Fair enough?

The notion of justice being blind, as in the famous icon, always has appalled me. I believe that justice should be clear-eyed and bushy-tailed. The shooter of the criminal should be clear-eyed also. And would be—as a successful demonstration of marksmanship could prove.

I have never believed that becoming a victim myself was any solution to someone else's "victimization" by cruel fate, society, or crappy karma. In choosing victims I choose the other guy, the one coming in the window with the gun, before I volunteer to be a victim myself.

Summary justice is justice delivered at the only time when the situation actually is clear—when it is happening. Some may argue that the aggressor, the criminal, might just be a misguided or even irresponsible, even incapacitated (stoned, drunk, dumb) person who is more a victim than a rotten human.

I have never believed that becoming a victim myself was any solution to someone else's "victimization" by cruel fate, society, or crappy karma. In choosing victims I choose the other guy, the one coming in the window with the gun, before I volunteer to be a victim myself.

Rather than joining any efforts to give the police more power to arrest people (actions that occur after a crime is committed) libertarians might spend time seizing any opportunity that comes along to free up individuals to defend themselves more effectively. Libertarians could sensibly oppose any law that inhibits self-defense (such as the horrid spate of law suits in which criminals are suing householders who injured them while defending life and property). Beating back laws that would discourage the ownership of weapons is another necessity for self-defense.

For any who are seriously concerned by the social effect of encouraging summary execution of violent criminals, there is comfort. Encouraging the killing or maiming of aggressive, violent or even potentially violent criminals who are actually engaged in a threatening act would dramatically raise the cost of being a violent criminal. Knowing that victims may shoot, or that properties may be booby trapped, would probably be more discouraging to your garden grade, slack brained criminal than the current array of petty punishments.

Wouldn't this encourage vigilantism? I hope so. The actual record of vigilantism in the old West is not so bad. The vigilantes were just ad hoc defense forces of volunteers who got together when needed to defend the town or hunt down a known thief or murderer. Even the official police today admit that neighborhood watches are the most effective crime fighting technique available. They are just unarmed vigilantism. Are you really more afraid of armed neighbors than of armed criminals?

Some people are, of course, and they should be free to live under police protection exclusively if that's what they want. Others, people such as me, might prefer to live in a neighborhood of armed friends.

Which neighborhood would attract the most criminals?

—KH

Passport to Galt's Gulch — Getting a handle on the official party line of the rump Objectivist movement is tricky. Consider the following data:

1) An ad in the New York *Times* signed by virtually every prominent member of the official Objectivist movement condemns Ayatollah Khomeini's attack on novelist Salman Rushdie, which they view as so evil that "the U.S. government should take *military* action against Iran."

2) The spring catalog from Second Renaissance Bookseller, the official Objectivist mail order book dealer, carries the following intriguing introduction from Objectivist intellectualoid Peter Schwartz: "Since we do have strict standards, there are some books we rule out categorically. For example, we do not carry material by Libertarians. Nor do we carry anything by those who are maliciously hostile and defamatory toward Objectivism or Ayn Rand."

Their logic leads in some peculiar directions. Consider the fate at their hands of three writers:

David Kelley: perhaps the leading academic proponent of Objectivist philosophy, author of *The Evidence of the Senses*, a defense of Objectivist epistemology.

Paul Johnson: a British critic and historian, who called for Britain to prosecute Rushdie for "blasphemy" and challenges the idea "that any writer . . . has the right to publish anything."

Paul Weaver: an author who describes Ayn Rand as "domineering, possessive, jealous, manipulative . . . who could be amazingly cruel . . . the past master of making people feel guilty."

Which of the above authors meet the "strict standards" of official Objectivism? You guessed it! Johnson (*Modern Times*) and Weaver (*The Suicidal Corporation*). Kelley's works are excluded.

You figure it. — EOW

Concentration campus — In the July issue (*Reflections*) I mentioned prospective amendments to the student code of conduct at the University of Wisconsin, aimed at prohibiting "certain types of expressive behavior" that were deemed to be prejudicial and which posed "a clear threat to the educational environment." The U.W. regents have voted to approve these revisions.

Pressure from civil libertarian groups forced changes in the draft of the revisions, among them a requirement that intent to "create a hostile environment" be proven before action can be taken against a student. This change disturbed some of the proponents of more restrictive regulations. Solomon Ashby, university affairs director for the Wisconsin Student Association and a member of the Madison Black Student Union, called the need to prove intent "probably the biggest loophole in the world."

Why proving that someone actually meant to violate the vague restrictions in the student code is a loophole is unclear. Perhaps many due process guarantees are also loopholes. However, the inclusion of this caveat does nothing to change the chilling effect of the regulation. Written expression opposing any of the pet projects of so-called minority groups could well be deemed discriminatory, and in such cases intent would be obvious. Furthermore, one wonders how a student would fare protesting the regulation itself. Would this not be proof of

intent to "create a hostile environment" (i.e., by removing the restrictions against such an environment)?

Meanwhile, the University of Connecticut is instituting a course on "Race, Gender, and Cultural Diversity." To ensure maximum diversity, all students must take the course. Those with the bad taste to exhibit alternative behavior will not be allowed to graduate.

Sixties fashions are in on campuses. I hope that the sixties mood of rebellion is not far off. —JSR

Slavery and abortion: the really ominous parallels — It is 1854, and Congress has just passed the Kansas-Nebraska Act. The law allows "popular sovereignty" to decide the slavery question; now, the people of Kansas will vote on whether they wish to enter the Union as slave or free. The Act nullifes the Missouri Compromise of 1820, which had set geographical limits on slavery, and puts the slavery question up for grabs in all future states. To Senator Charles Sumner, it "annuls all past compromises with slavery, and makes all future compromises impossible."

The 1989 Supreme Court decision in *Webster v. Reproductive Health Services* brings popular sovereignty to abortion, ending the chapter of American history during which most abortions have had legal sanction nationwide. The abortion question, apparently settled sixteen years ago, is open again, just as the Kansas-Nebraska Act reopened the slavery question. A fight like the one over "bleeding Kansas" may be the next step; if so, it will occur in fifty states, not one or two.

This analogy between abortion and slavery, suggested by Herbert Strom of Montana State University, portends a grim future for the nation. It is a plausible analogy because, like slavery, abortion resists settlement by compromise. As long as people believe that abortion is murder, they will not compromise—and who can blame them? And if murder is occurring next door, rather than a thousand miles away, as slavery often was, compromise is even less likely. Perhaps that's why *Roe v. Wade* lasted only half as long as the Missouri Compromise.

As long as people believe that abortion is murder, they will not compromise—and who can blame them? And if murder is occurring next door, rather than a thousand miles away, as slavery often was, compromise is even less likely. Perhaps that's why Roe v. Wade lasted only half as long as the Missouri Compromise.

Not unlike the slaveowners, those of us who believe that abortion should be permitted find ourselves on the defensive. While I believe that abortion may often be the morally correct choice, I cringe at publicly proclaiming it as a "right." Public promotion of so private a decision sounds selfish and may encourage abortion when it isn't appropriate. Furthermore, because the most vocal proponents of abortion are militant feminists, my support of abortion implicitly associates me with other positions and attitudes that I may not hold. In appearances at least, those of us who favor abortion don't hold the moral high ground.

In the years ahead, we can expect passionate debate over scientific, moral, and economic issues surrounding abortion, similar to the debate that preceded the Civil War. Perhaps the moral equation will change: The birth of grossly deformed babies may justify abortion in the minds of many; on the other hand, framing the issue in such terms may inflame opponents further.

It is worth remembering that ideas emerged during the pre-Civil War years that might have changed the outcome. Ralph Waldo Emerson, for example, proposed that the federal government end slavery but compensate the slaveowners. His proposal aroused virtually no interest at the time, but if the future could have been foreseen, both Northerners and Southerners probably would have preferred that resolution to the anguish that took place. Unfortunately, I don't have an Emersonian (or Solomonic) solution to offer, but it's too early to despair. I will look for signs of compromise in the years ahead and hope that somehow moderation will win out in the end. —JSS

Out of smarm's way — The Great Flag-Burning Controversy has turned the nightly television news into a menace to mental health. We are entertained, on one side, with "Revolutionary Communists" for whom burning the flag is a legitimate form of protest against "capitalist imperialism," and on the other side with conservative (and liberal) politicians insisting on the passage of a constitutional amendment that would restrict freedom to own property and freedom of expression in order to protect the emblem of freedom.

We are also entertained by our own grim thoughts. We realize that one of the greatest bastions of liberty is the people's reluctance to amend the constitution; we must recognize, however, that the difficulty of amending it in positive ways leaves it in the interpretive control of inveterately zany courts.

But one ray of light has shown through the clouds; one political pain-pill has shown up on the market—the product of a most unlikely vendor of sensible ideas, conservative columnist George F. Will. Will has never quite learned the lesson of limited government from which so many other conservatives have profited during the past twenty years. He doesn't quite see the point of freedom. Nevertheless, in his July 4 column he observed that President Bush's "smarmy pandering to the passions of the moment regarding flag-burning—a constitutional amendment to stop what hardly ever happens" will create a regrettable precedent for every kind of special-interest group to try to enshrine its views in the constitution.

It's good, in times like these, to hear someone talking sense, even George F. Will. He hasn't found out why the welfare state doesn't work, but he does understand why conservatives should flee constitutional Causes like the plague. Maybe similar ideas will occur to other "opinion leaders," and we can look forward to something on the tube besides outrage and smarm. —SC

Black and white issue — This September the newly created Film Preservation Commission will select the first twenty-five films to come under the protection of the National Film Preservation Act. The thirteen member panel of non-government experts will choose which films will be granted the status of national landmark. Exhibitors will be required to attach warning labels on these films when shown colorized or with commercial interruptions. Each year the FPC is to add 25 additional films to its "protected" list.

This is a new twist in the fight against colorization. Previous efforts attempted to establish an artist's "rights" to a work, even if it was sold without conditions. In December 1988, a French Court ruled that while Turner Entertainment may own "The Asphalt Jungle," directed by John Huston, the "moral rights" resided with the film's creators. The problem with this approach, of course, is that a film has many creators. The director is a primary force, but so are the screenplay writers, the actors, and the producers. Which of these are the creators, and in what proportion? When a director passes away, do his moral rights devolve to someone else, and if so must this be mentioned in a legal document? Such questions are difficult to ponder, especially from a libertarian standpoint, because the premise on which they are based is chimerical. "Artist's rights" don't exist. You have a right to your creation, surely, whether you are an artist or not; but once you sell it, you lose whatever hold you had.

The National Film Preservation Act does not rest on the concept of individual rights, but rather on the notion of the public good. Under the Act's auspices, films will be nationalized. This is an extreme measure, and the Act's author, New York Rep. Robert J. Mrazek, knew better than to have it passed by conventional means. Instead of bringing it through normal channels, he attached it as a rider to an Appropriations Committee bill. For this, the Directors Guild of America presented him with a special award.

Critics of film colorization and other forms of alteration offer both technical and aesthetic arguments. The technical arguments (e.g., the colorization process is inexact) are the least resilient, since advances in technology will ultimately remove any flaws. In fact, advances in digital scanning and advanced visual technologies will, perhaps within the next decade, allow one not only to change colors throughout a film, but to change the physical features of the actors and actresses. Imagine, if you will, viewing *Casablanca* starring the man who turned down the role of Rick—Ronald Reagan. Then imagine the ear-splitting howls of the Directors Guild!

The opponents of colorization are romantics. They wish to preserve things as they are, because this is what they find pleasing. Questions of property, even propriety, are lost on them.

The aesthetic arguments are also uninspired. One critic said colorization was like taking a magic marker to the Mona Lisa. Oddly enough, when surrealist Marcel Duchamp did this very thing (putting a moustache on a Mona Lisa print) it was hailed as great art. Others talk of the texture of black-and-white images, and their superiority to color. This viewpoint has government sanction: the Registrar of Copyrights has determined through unknown processes that colorization "has an adverse effect on the esthetics of black-and-white motion pictures." One may agree or disagree, but there is no reason to expect that biases need to be universalized. Color prints of films do not destroy the originals, and if a colorized movie is playing on TV, one may view it in its new form, or wait until it is exhibited in black and white. Furthermore, because colorization is expensive, film owners will not do it unless there is public demand (i.e. potential profit).

Yet this is not a question of expanding the realm of personal choice, or catering to the desires of the public. The opponents of colorization are romantics. They wish to preserve things as they are, because this is what they find pleasing. Questions of property, even propriety, are lost on them. This is why, perhaps, the Directors Guild hails legislation that it should properly revile. If these directors could see beyond the current controversy they would realize that allowing the state power over artistic creation is potentially perilous. The scope of influence of the Film Preservation Board could expand in unforseen directions, especially given the radical changes the film industry is undergoing. And there is no guarantee that the board could not become dominated by people with narrow religious or social interests, in the manner of Tipper Gore.

The right to property remains the most effective way of defending films or other works of art from alteration by others. Instead of claiming rights that don't exist, or using the state to make films public property, directors should have clauses written into their contracts that would forbid future owners from altering the films. Of course, such a restriction is likely to reduce the value of the films and reduce the income of the directors.

Those who do not want older films colorized are free to buy them and prohibit their exhibition in any new fashion. The creators of the films and fans of black-and-white films prefer to have the government confiscate some of the rights owned by the films' owners. Their motives are not significantly different from those of any other special interest group asking the government for favors. They should be treated no differently. —JSR

Mona! Get that silly grin off your face! — The aesthetic argument against colorization is limp on other grounds than those pointed out by Jim Robbins. People have changed or reproduced art in new ways to take advantage of advanced technology for centuries. If we are to prohibit reproducing art in a way not anticipated and favored by its creator, then why don't we prohibit taking photographs of paintings or sculptures? Certainly the tiny black and white photo of the Mona Lisa reprinted in my high school history book was as dissimilar to the original as a colorized version of *Blondie Takes a Vacation* is to the original version in glorious black and white. Should photographs of all visual art be prohibited? Should Orson Welles have been prohibited from filming his versions of Shakespeare's plays? Should film versions of novels be prohibited? Should translations of literature and poetry be prohibited? —RWB

The best of times, the worst of times — The crackdown in China has dashed hopes for near-term freedom in that country, but it's hard to ignore the ferment that is occurring around the world. Controls of markets are weakening in the Soviet Union, in some of the Eastern bloc nations, and in much of the Third World, offering more people than ever before a chance for freedom and prosperity. In the West, Margaret Thatcher has revived a nation that most people had written off as moribund, and we ourselves are in the sixth year of an economic boom, thanks to market-oriented policies, especially tax cuts, instituted by the Reagan administration.

This is progress. But look at the consequences of government controls that still exist in our own country.

Our inner cities are caught up in a devastating drug culture that was largely unnoticed until an epidemic of AIDS and a barrage of killings near Capitol Hill called attention to it. Drugs

have apparently almost destroyed a society that had been already weakened by the government's poverty programs, with their inherent penalties for self-sufficient behavior. The government is fighting on this new front with a drug czar, border wars, and even National Guard units. Talk of drug legalization surfaced like a blip on a radar screen and then disappeared.

Our government-run educational system, liberals and conservatives agree, is deplorable, but the members of the educational establishment ignore the fact that spending levels have no impact on public school performance. They want more money and they resist the mounting evidence that free choice among competing schools would improve performance dramatically.

Our borders are closed to economic refugees, trade wars are on the horizon, and even the littlest commmunities, such as my own in Montana, do what they can to thwart individual choice and economic progress through zoning, licensing, and so-called health regulations.

Furthermore, if there is one person other than Ronald Reagan who can be credited with this nation's prosperity, it is Michael Milken, who helped impose stockholder discipline on several American industries by creatively using the "junk bond." Yet government prosecutors have indicted him on charges too technical to be even printed in the newspapers—his chief crime seems to have been earning $500 million in one year. Meanwhile, the prosecutor who hauled off Wall Street brokers in handcuffs some months ago is hailed as a hero and has a good chance of becoming the next mayor of New York City.

These days, a person who loves liberty doesn't know whether to view the cup as half full or half empty. —JSS

Bennett's Follies — Bill Bennett, our new drug Führer and every neoconservative's favorite macho thug, has turned his blustering attention from education to drugs, with predictably grotesque results. Enforcement, he claims, has not really been tried up till now. To remedy this lack, Bennett proposes a brand-new concept: concentration camps [thoughtfully renamed "boot camps"] for drug dealers. To the usual civil libertarian complaints, Bennett maintains that his lovable camps would be "not prisons" but rather "spiritual based rehabilitation centers" that would have the structure of "get up in the morning and stay busy." I'll *bet*. The Soviets, your spiritual ancestors, called their camps "cultural rehabilitation centers," Bill; you might try that name too.

Bennett has another argument for his concentration camps; using the jargon of economics, he points out they are "cost effective." They are cheaper than orthodox prisons. Well sure. Even cheaper than boot camp, Bill, is to execute them all instead of maintaining them, in prison or boot camp or anywhere else. And if you're looking for a "cost-effective" method of mass execution, you might try those gas chambers. Although probably cheaper would be the Cambodian Khmer Rouge method of clubbing them to death. Then you wouldn't have to spend resources on gas or bullets.

That Bill Bennett has been thinking precisely along these lines is shown by his response on a call-in radio talk show. A listener proposed beheading all the drug dealers, and Bennett agreed enthusiastically. Way to go, Bill! But how about topping that by going back to the good old method of drawing and quartering, which prolongs death in a satisfyingly torturing manner. Except that now you can do it all on national TV! What fun!

There is one problem, though. Methinks that Bill is still a bit soft. *USA Today* asked Bennett (June 12): "Should users [as well as dealers] be sent to prison or boot camps, too?" And Bill Bennett wimped out! He replied: "You don't have to be that Draconian." *Too* Draconian? But Bill, you claim to know some economics, and surely you realize that dealers are only serving their consumers. Why are you wimping out, Bill? Why are you soft on drug users? Now how about this: let's stop diddling around. Let's go for it: immediate public execution by torture for all drug users, displayed on TV as a caution and a warning. With luck, Bill, you can kill millions of Americans quickly, thereby tapping economies of scale. Yes, Bill, you *can* save America from drugs, if you are willing to go all the way, and kill every American who might succumb. At last, then, America the Great Cemetery will be drug-free, smoke-free, and Commie-free. —MNR

George Will and the individualist threat — Syndicated columnist George Will has never been characterized by a reckless passion for individual liberty. I'm not sure if I would regard Will as my "second favorite" person next to Pol Pot, as Ralph Raico does, but at least I'm not likely to confuse him with Auberon Herbert or Murray Rothbard.

Will's High Tory principles have recently been exercised by a small number of judicial decisions which have a quasi-libertarian, or at least civil-libertarian, underpinning. Will's reactions are more interesting than the decisions themselves. In recent columns, he has complained that "[Our] fundamental problem is a social atmosphere saturated with a philosophy of extreme individualism." After proceeding to define individualism rather dubiously as "absence of restraint," Will frets that "the rights of the community . . . to nurture and act on [its] collective values . . . are by now so attenuated that there is not nearly enough tension . . . between the values of individualism and community." His worry is that "unbridled freedom" is now so "amok" that the polity is all but incapable of "asserting the general claims of the community."

George Will deserves our gratitude for identifying individualism as our real enemy. I hope that, if he ever comes up against the long arm of the law, or is fighting to protect his property rights, he isn't plagued with officials who are in the thrall of "the peculiar American obsession with the rights of the individual against those of the community."

Well, of course all of us share George's apprehension. I for one often find myself tossing fitfully at night, wondering what new ravages will be wrought on the morrow by the pitiless hand of unrestrained individualism. The damage already done can be seen just by glancing at the daily headlines. Scarcely a day goes by without the forces of statism taking a blow in the gut from the ghosts of Bastiat, Spooner, and Tucker. Just witness the recent victories of triumphant libertarianism in such fields as gun ownership, abortion rights, property forfeiture, financial privacy, drug laws, RICO reform, search and seizure policy, and general tolerance. In all of these areas state power, as we know, has been left in shambles.

George Will deserves our everlasting gratitude for acquainting us with the real enemy. And I sure hope that, if he ever comes up against the long arm of the law, or is fighting to protect his property rights, he isn't plagued with officials who are in the thrall of "the peculiar American obsession with the rights of the individual against those of the community." — WPM

Sauce for the goose — Lately there has been a great deal of fuss about skinheads. Skinheads are young white hooligans/thugs/stormtroopers who make a habit of terrorizing non-whites. The name and the sartorial standards began in England, where so many wonderful and horrible cultural phenomena have begun, but no matter.

Back when black gangs, who terrorized non-blacks, first entered the cultural showplace, the establishment was on the ball and easily explained and justified the phenomenon. Poverty, lack of education, and discrimination were the reasons, said the pundits, and the Rest Of Us were responsible. Indeed, young blacks who did not participate in such revolutionary struggles were Uncle Toms or capitalist lackeys or something worse. But the same pundits have found other reasons for the skinheads.

The skinheads, to put it simply, are no damn good. Scum of the earth.

Being white, they naturally can't be suffering from poor education or poverty, so their brutality can only be attributed to some perverse tendency towards racism that characterizes those of European descent. No more can they be suffering from discrimination, of course, because present-day quota systems and all sorts of special government deals for minority groups are not discrimination at all. Again, however, the Rest Of Us are responsible, just as we were before, but this time because we haven't repressed and disciplined and indoctrinated the unsavory elements of our own ethnic group.

Okay, enough sarcasm. Thirty years ago many young Blacks were poor, received crummy educations, were hit with anti-black propaganda and discrimination from the government every time they tried to get anywhere—education, jobs, even the armed forces. In the media, they saw insults to their race. A good number of them reacted irrationally by blaming all whites for the predicament they were in. They instinctively knew that they were as good as other people, and articulated that fact by hooliganistic behavior.

Today, many young whites, mostly "ethnic," I suppose, are poor, receive crummy educations, and are hit with pro-black (anti-white) propaganda and discrimination from the government every time they try to get anywhere—education, jobs, even the armed forces. In the media, they see insults to their race. A good number of these . . . well, you get my point.

Races may or may not differ statistically. It doesn't matter much. What differs much less are contrasting subgroups of the races. Young, aggressive, nihilistic males behave pretty much the same whether they're Black, Polish, Irish, Amerindian or Bengali. Only an instinctive racist would find justifications for anti-social behavior for one group while condemning another group that behaves precisely the same way. Common people tend to be ethnocentric but pretty tolerant, by and large. But liberal intellectuals are racist to the core. — RFM

Architects of tyranny — Recent events in China and the USSR reveal some odd phenomena concerning certain habits of repressive Communist nations.

Take mass architecture, for example. Communist governments construct huge squares in their capital cities (Tiananmen Square in Beijing, Red Square in Moscow)—vast empty spaces adjoining government buildings that house the institutions of supreme state authority. Nearby, dead Communist leaders lay stuffed and mounted under glass, the culmination of a mad taxidermist's vision.

Now the rationale for these vast squares is obvious: they dwarf the human and individual sensibilities of those hapless citizens patiently waiting in line to gaze upon the waxen Great Leader. The puny insignificance of the individual is contrasted to the mighty vastness of the State, which is symbolized by the vast stretch of vacant real estate. Only a thoroughly statist society would waste so much valuable urban land in emptiness instead of filling it with office towers, shops, parks, or streets.

These squares have a political purpose: they are ideally suit-

One cannot imagine this happening in Washington, London, or Paris—much less Tokyo—since open spaces in those cities are used as green parks or malls, which don't have the political significance of the Communist pavement prairies, stretching out below the freeze-dried corpses of dead dictators.

ed for great parades, placard waving demonstrations and marches, with leaders gamely waving to the adoring masses below.

That virtue is also a flaw: the masses are liable to assemble in the squares to demonstrate against the State, especially if the masses have taken the democratic rhetoric of their leaders seriously. As events in Tiananmen Square proved, 100,000 or 200,000 people are hard to control when they are massed together in some kind of anti-Marxist Woodstock celebration. One cannot imagine this happening in Washington, London, or Paris—much less Tokyo—since open spaces in those cities are used as green parks or malls, which don't have the political significance of the Communist pavement prairies, stretching out below the freeze-dried corpses of dead dictators.

So in late May, occupation of Tiananmen Square was the liberation of China, both symbolically and literally. When the "masses" showed up to march without being ordered or shown how and where, government authority simply disappeared. The revolution in the streets played out before the world because 200,000 people are hard to ignore. They gained that certain kind of dangerous courage found in all large crowds, the courage and craziness borne out of anonymity and mass numbers.

The leaders of China were not prepared for this. Along with the Soviet Union, but unlike virtually every other country on earth, the Chinese State had never bothered to acquire non-lethal methods of crowd control. Modern technology has provided the State with dozens of ways of controlling crowds without killing them: tear gas, rubber and plastic bullets, pepper and CS gas, stun guns, bamboo poles, plastic shields, water cannons . . . the list of non-lethal means of crowd control is as long as it is depressing.

So it came to pass that the Chinese relied on the only means at their disposal to disperse the crowd at Tiananmen: send in armed troops and tanks to kill those who wouldn't disperse fast

enough. The world got a chance to see the murderous Chinese State in action, violating the ostensible spirit of its own revolution in an attempt to suppress the new Chinese revolution. Huge as Tiananmen Sqaure is, it is not large enough to be the sort of battlefield on which tanks are effective. The resulting spectacle of huge tanks attempting to maneuver against unarmed demonstrators between huge buildings would have been amusing had it not been so tragic.

Why didn't the Chinese and Soviets have non-lethal means of dealing with crowds? Both have shown little reluctance in the past to commit mass murder, but in this age of global television, surely they are concerned about both internal and external public opinion. Apparently inured by their years of unchallenged rule, they never anticipated that their subjects would take their rhetoric about democracy and freedom seriously. Evidently, the lack of non-lethal crowd control is another example of the failure of socialist planning. — MH

Dateline: Peru — Mario Vargas Llosa is simultaneously one of the world's most distinguished novelists and leading exponents of libertarian ideas. We reported in a recent issue ("Against the Peruvian Apocalypse," March 1989) that he was likely to run for President of his native Peru in the March 1990 elections.

On June 21, he dropped out of the race, announcing that he intended to devote all his time to his literary career (his latest work, a "novel of passion" is just being published, and at least one other novel is planned). But the real cause of his supposed withdrawal was squabbling between the two political parties that support him for the presidency—the Popular Action Party and the Popular Christian Party. His withdrawal seems to have been a threat, and it seems to have been successful: the two parties reached a settlement and he declared himself back in the race on July 3.

The latest polls show him as the candidate of 44% of the electorate. He is doing better than twice as well as his probable main opponent, a Marxist. If Vargas wins, one of the most exciting political events of the century will occur: an attempt by an intelligent advocate of free-enterprise ideas to rescue a nation beset by both chronic and acute economic tribulations and menaced by a virulent communist insurrection. The Maoist Sendero Luminoso ("Shining Path") insurgents are already in the slums of Lima. Vargas's method of dealing with his two great problems would probably be to unleash the slums, to empower their inhabitants to carry on openly and unrestrictedly the economic enterprises that they now practice illegally.

In his introduction to Hernando de Soto's *The Other Path: The Invisible Revolution in the Third World* (New York: Harper and Row, 1989), Vargas argues that the problem is "the state itself. The informal economy is the people's spontaneous and creative response to the state's incapacity to satisfy the basic needs of the impoverished masses." At present, he points out, "even to get a license to open a street kiosk or sell from a pushcart is a task of Kafkaesque proportions; forty-three days of commuting between bureaucrats and $590.56 (15 times the minimum monthly wage)."

Vargas opposes both the state and the small elite of businessmen who thrive on its monopolies, an elite that "depends on the state and on which the state is itself dependent." We will see if Vargas gets his chance to "uproot" the present system and, as he says, to promote a "transformation of society no less radical [but infinitely more beneficial] than the one demanded by the Shining Path." — SC

Sleaze! — Womanizing! Demon Rum! Graft! Tower, Wright, Lukens, Coelho! The big buzzword in domestic politics is "ethics." Libertarians are always interested in ethics, and yet reactions have been oddly muted on the libertarian front.

The first point to be made about the ethics question is that the fiercely partisan nature of this allegedly high-toned conflict makes much of the brouhaha wickedly comic. It starts with a Democrat (Republican) exposing or denouncing the sleaze or graft of a high-ranking Republican (Democrat). The Democrats (Republicans) assume a high moral tone, calling for the ouster of the miscreant and proclaiming the urgent necessity of raising the moral standards of whatever branch of government is involved. In angry rebuttal, the Republicans (Democrats) denounce the accusers for personal innuendo and McCarthyite smears, and for concentrating on petty minutiae instead of soberly attending to the nation's vital business. Besides, the defenders go on, if we keep raising moral standards and harassing worthy seekers after the common good, how will we attract good people into government?

Much of the humor comes from the speed with which each party trades ethics charges. When the Republicans (Democrats) retaliate by uncovering sleaze or graft by the Democrats (Republicans), the various partisans, politicians, commentators, and hangers-on, have to reverse arguments in mid-sentence. The fracas is enlivened by the Democrats (Republicans) self-righteously denouncing the retaliating Republicans (Democrats) for engaging in barbaric vengeance instead of calling a truce in the name of unity and the common good. Each party, of course, wants to call a common-good truce after it has just won a big round against the enemy.

A side comment: what's wrong with vengeance? I have never been able to see anything wrong with this common and understandable emotion, either in punishing criminals or in political set-tos. The word "barbaric" is not quite conclusive; maybe these "barbarians" were tapping into human nature?

The fracas is enlivened by the Democrats self-righteously denouncing the retaliating Republicans for engaging in vengeance instead of calling a truce in the name of the common good. Each party, of course, wants to call a truce after it has just won a big round against the enemy.

But in addition to ridiculing the blatant hypocrisy of both parties, do libertarians have any further contribution to make? Yes. In this as in many other areas—political philosophy, economics, metaphysics, etc.—I consider libertarians as having what might be called a "third-level role," that is, the role of vindicating the common sense of the man-in-the-street against the sophistical balderdash of second-level pundits and intellectuals.

A classic example of what I mean was provided by Frederic Bastiat and Henry Hazlitt in the famous "Broken-Window Fallacy"—the essence of Hazlitt's marvelous free-market primer, *Economics in One Lesson*. An event occurs: a bratty kid takes a stone and hurls it through a store-keeper's plate glass window,

breaking the window.

First Level Reaction—the Redneck, or Man-in-the-Street: "It's a damn shame; that brat has ruined the window, and forced the storekeeper to waste a lot of money on repairing the glass."

Then comes the sinister sophist at the Second Level, the Keynesian Intellectual: "That's a simplistic, redneck view. As a trained economist, I say that the kid was really helping the economic system, for now the storekeeper will spend a lot of money on glaziers, and this will stimulate income and employment in the glazing business, provide jobs and help the local economy."

The role of the economist, the free-marketer, the Austrian, is to trump the Keynesian ace, to debamboozle the man-in-the-street confused by mumbo-jumbo: "What the Keynesian overlooks is what the poor storekeeper would have done with his money if his window hadn't been broken. He might have bought a consumer good, or invested in expanding his store; this would have given employment that would help the economy and also advance the well-being of consumers. So all the little punk has done is to destroy productive assets and force the economy backwards."

Thus the role of the Third-Level libertarian or Austrian or philosophical realist, or whatever, is to vindicate the commonsense of the redneck, the man-in-the-street, and to rescue him from the sophistry and the phony paradoxes of the intellectuals.

On the ethics question, I submit that our role is similar. Forgetting about the partisan squabbles, the reactions should be about as follows: Sleaze or graft occurs.

First-Level Redneck: "Shocking! Throw the rascal out!"

Second-Level Establishment Pundit (almost any well-known name will do): "In the public's petty concentration on the sensational, we are in danger of forgetting about the important issues of government: the deficit, taxes, the homeless, the crisis of the inner cities, etc. Let's forget about this trivia and concentrate on the public good, otherwise we will deter good people from entering government. [Bring in the usual Establishment plea for a big pay raise for government officials, so that these poor guys, trying to raise a family on one or two hundred grand a year, won't fall into temptation.]"

The role of the economist and free-marketer is to trump the Keynesian ace, to debamboozle the man-in-the-street confused by mumbo-jumbo: to vindicate his common-sense and to rescue him from the sophistry and the phony paradoxes of the intellectuals.

Third-Level Libertarian: "You establishment SOBs have managed to rig the system so that both parties agree on the essentials of every question. You want to concentrate on important issues, don't you? So where are the politicians or media pundits who are advocating, or are even *discussing*, such issues as repeal of the income tax, abolition of the Federal Reserve, privatization of the Post Office, an enormous cut in all areas of government expenditure, pulling out of NATO and all foreign bases, etc? You guys have managed to give us an echo, not a choice, and have therefore trivialized the debates. The only discussions or differences of opinion allowed in the public forum are trivial and technocratic: should we cut or increase some tax or government expenditure by 2 per cent, should the Fed raise or lower interest rates a little bit, should we cut twenty missiles from Europe, etc. Marginal differences make for trivial discussion and *boredom* for everyone, except for the handful of technocrats making a fat living out of this nonsense.

So since we are only allowed boredom and tedium on the *major* issues, then at least let's enjoy the "minor" ones. Let's throw the rascals out! Let's at least punish the grafters! Deter them from public office! Why not? In fact, let's keep raising and raising the standards, so that every person who attains public office has to be pure as the driven snow, has to have never touched liquor, must disgorge all of his financial records since the age of six, and has to present an independent chaperone's audit of his entire love life from the age of eight. Then, at long last, no one except Mother

Media Notes

See Dan read. See Emmett squirm. — In March, Tom Bethell wrote a column for *The Wall St Journal* that quotes extensively from an interview with J. Danforth Quayle, whom the voters of this country recently elevated to the Vice Presidency.

What magazines are on JDQ's reading list? "I used to, I've read, I read *National Review*—some. I used to read *Human Events*. Don't read it as much as I used to. *The American Spectator*—it's hard to get through *The American Spectator*. And *The New Republic* [his voice brightening]. I enjoy reading *New Republic* articles. And then I glance at the lesser—try to get through *Time* and *Newsweek* and *U.S. News*, try to, but it's much more of a jumpy-type thing."

This, and other quotations from JDQ, confirmed what we already knew: that he is, well, a little light. His intellectual thinness dates back to days well before St George plucked him from obscurity. (The point of Bethell's column was that JDQ was "less committed to the conservative movement than we have generally been led to believe;" but JDQ's intellectual torpor is hard to hide.)

Apparently unaware that exceeding the intellectual limits of a dimwitted U.S. Senator is no indication of abstruseness, JDQ's fellow Hoosier conservatives at *The American Spectator* took affront at his remarks. They crafted "A Danny Quayle Reader," a special page of the June issue addressed specially to JDQ. It begins:

Dear Danny Pen-Pal:

Holy cow! Why didn't you tell us sooner? Like, you know, it's not as if we would do this for just anybody, but for an old Indiana chum we will gladly go the extra mile to help you 'get through' our magazine.

Here then, just for you, Danny, an eminently (EM'-I-NENT-LY) readable page—brought down to Quayle-speed—of subjects we've covered in recent months.

You get the flavor.

I read it and chuckled—I have never outgrown my taste for sophomoric humor. Even conservatives, apparently, can enjoy making fun of the class dunce, especially when he has risen to a high and powerful position. Harmless, but fun.

Well, I was half right. On pages 26 and 27 of *TAS*'s August issue are 33 letters-to-the-editor, observing that "A Danny Quayle Reader" is "arrogant," "scurrilous," "character assassination," "moronic flatulence," "brainless," "gross," "juvenile," "mean," and (the ultimate insult) "liberal." It is difficult to pick

Theresa will seek public office, and we will have achieved anarcho-capitalism through, so to speak, the back door. — MNR

Newspeak update — After a long hiatus, I have returned, on a part-time basis, to teaching English. I was apprehensive about what level of competence I'd find among college freshmen these days, but I wasn't at all expecting to find a proliferation of something Orwell never thought of—the scourge of the slasher pronouns.

By that I mean one damn he/she or himself/herself or his/her after another. Whole paragraphs mottled with ideological stigmata. I was quick to ask some other instructors, and learned the following: "Yes, there's a lot of training in non-sexist language usage these days." Amazes me that we've come to such a turn that a person can toss off not only a brand-new adjective like that, but even the "non-" form of it with a straight face.

It turns out that the Modern Language Association, taking all this stuff seriously, has actually come out with guidelines. They recommend trying to avoid the whole problem by detouring into the plural whenever possible, but kowtowing to the cultural commissars when not.

Well. All this would seem to be based on the Whorfian notion that language shapes thought rather than vice-versa. That is, using the he-him-his series as the mixed, or all-inclusive form, to cover the most amusing letter. Is it the epistle from Alvin Laidley of Carmichaels, Pa., who wrote, "His intellectual innocence is disarming and constitutes part of his charm"? Perhaps it was the letter from Elizabeth Dubbell of Sedona, Ariz., who complained that the satire was an insult to the illiterate: "The inability to read is a devastating condition and we shouldn't be joking about it. . . . Your article offends those who do have the problem and that's indecent of you." Or Andrew Kurylko of New Providence, N.J., who observed, "Something like this only encourages America's enemies."

Apparently unaware that exceeding the intellectual limits of a dimwitted U.S. Senator is no indication of abstruseness, JDQ's fellow Hoosier conservatives at The American Spectator took affront at his remarks. They crafted "A Danny Quayle Reader" in retaliation.

The outcry was such that its Editor-in-Chief, R. Emmett Tyrrell, Jr, felt compelled to write a lengthy explanation. "Never in the twenty-three years of this magazine has it received a larger or more inhospitable response to a piece than our response to Dan Quayle's disparagement of three major conservative publications," RET wrote. "Vice President Quayle has his virtues. I have known him as a friend since the early 1970s in Indiana."

Certainly, no one meant to imply that JDQ is less than brilliant. In fact, they were just kidding. Yeah! That's the ticket. They were just kidding. And . . . so was Danny Quayle! All that happened was that *TAS* and its old friend JDQ were telling jokes: "In the early 1970s he and I were junior members of a conservative supper club in Indiana where we both were the amused victims of the older members' jibes," RET claims. "Now we have shown we can turn the jibes on each other, and I know that Dan's aspersions on conservative publications had to be a joke. Now we have all had a few laughs, and we can get back to our mutual goal of protecting American liberty and advancing a little Yank culture."

Yup. JDQ and RET, two wild and crazy guys!

— R.W. Bradford

Point-Counterpoint — A recent segment on CBS Evening News featured several government officials bellyaching about the hate mail they received in response to their respective calls for banning so-called assault weapons. Apparently, the vociferous objections of gun owners, which occasionally included threats, were considered significant enough to be included in the 23 minutes of news served up that evening.

The moaners were liberal politicians who seemed to share an unstated view that semi-automatic weapons should not be owned by ordinary citizens. The scattered threats these people received were supposed to be more evidence that "gun nuts" are inherently dangerous so we should take away their guns immediately. This selective treatment of propaganda as news, in this instance manufactured from predictable response to passionate controversy, is what gives TV network news its well deserved reputation for slanted journalism. It would be news if politicians *quit* receiving the occasional death threat from unhappy citizens!

The very next feature provided an ironic counterpoint. Grandmas, school kids and the ordinary citizens who sent letters to one or another Soviet Bloc embassy in Washington have had an interesting experience: a team of FBI gumshoes came knocking at the ole homestead and started asking nosey questions about "just what *were* you writing the Romanian Embassy about, anyway?"

In one case, a school child wrote in for information for a school project. Another correspondent wrote in objecting to the human rights policy of another Soviet satellite nation. These were ordinary people exercising their freedoms guaranteed by the First Amendment. One eight-year-old told CBS that "my Dad got pretty nervous over that," ha, ha, while another free citizen couldn't understand why the U.S. government would track his correspondence.

How did the FBI know whose doors to knock on? Simple. The Post Office makes copies for the FBI of letters going to addresses specified by the Bureau. This method of surveillance, called a "mail cover" in bureaucratic jargon, was defended by FBI top honcho William Sessions in a press conference. Herr Sessions, a former federal judge, said something to the effect that "counterespionage" activities take many forms, and that mail covers are merely part of the ever-vigilant labors of the heroic FBI to protect our nation from the evil Commies. It was a real comfort to see the FBI Director, a former federal judge, blandly and baldly dishing out this ridiculous excuse for outright government intimidation.

While the FBI is reading your mail (or at least, demanding explanations for your corresponding habits to certain parties) the Bush administration was agonizing over whether to *cut off military aid* to Communist China in the wake of mass murder in Beijing in early June. It's okay to give Commies in China guns, just don't write any letters to them in Washington. And in case anyone missed the point, we damn well better hang on to every gun we own when the FBI is running around demanding to know what was in that letter you wrote to Mikhail Gorbachev last week.

Something is very wrong here, but CBS hasn't quite caught on yet. — Mike Holmes

both sexes, somehow would lead those of the female sex to feel slighted—and if somehow that historically had not happened, we wouldn't be in the confused sexual mess we inhabit now. To give Whorf his due, I rather imagine he was talking about a lot subtler and less ideological matters than that. Using Whorf as a feminist bludgeon sort of makes me think of what the Nazis did with Darwin, or, for that matter, what Torquemada did with Jesus.

Before we buy into this brave new world, and proceed to worry about whether to use he/she or she/he or s/he or what, let's take a look at the once-proud English language in contrast to some of its comrade tongues. English is one of the Indo-European languages, which are generally characterized by grammatical gender, and a majority of these languages have equivalents to the he-she dichotomy. However, English would seem to be unique, to my knowledge, in having rejected grammatical gender (it got lost in the shuffle when the Normans invaded) while holding on to a gender distinction in the third-person singular pronoun. Maybe this leads English speakers to perceive that distinction as overwhelmingly sexual, rather than grammatical.

I mean, a Frenchman—*pardon moi*—a Frenchperson, can't attribute a lot of intrinsic sexuality to *ils* and *elles*, because, after all, French tables and pens and fatherlands are feminine, therefore *elles*, while French books and feet and breakfasts are masculine and *ils*. And the relationship between sexuality and gender in the German language, as Mark Twain used to have fun pointing out, is even more tenuous.

One might expect, from the ideological perspective, that societies that are really good at oppressing women would have good stiff grammatical gender rules, either as a cause of their social situation or as something thought up by patriarchal philologists to entrench it. Some do, I'm sure, but in Urdu, Japanese, and Chinese, the third person singular pronoun is uniform. But, even without the psycholinguistic advantage, they manage to kick women around anyway. I don't know about the pronouns in Swahili, but I do know that they have 16 genders. The sexual-politics implications of that, I confess, are beyond me.

So let's quit kidding around, and instead of splicing old Anglo-Saxon pronouns together with diagonal lines, let's just replace he and she with a single-sex pronoun borrowed from somebody who's already got one. Urdu "vo" would be nice, or Chinese "da," even. My own personal preference would be Japanese "ano hito," though, because the "h" is best rendered as a Toshiro Mifune threatening hiss, and a threatening hiss is a damn good metaphor for the whole controversy. — RFM

But is it art? — Members of Congress have become disturbed over the way in which the National Endowment for the Arts has been spending its money. One of the precipitating events was an exhibition of photographs by the late Robert Mapplethorpe. The photographs, which were to have gone on display at the Corcoran Gallery July 1, depicted homoerotic, sado-masochistic, and child-pornographic scenes. One example: a black man urinating into a white man's mouth. When Senator Jesse Helms raised questions over the appropriateness of the exhibition, Corcoran chairman, David Lloyd Kreeger, cancelled it, explaining that if it hurt the NEA it would be "detrimental to Corcoran and to every other art institution."

A $15,000 grant to Andres Serrano also caused a stir. Serrano's claim to infamy was a photograph of a plastic crucifix in a jar of the artist's urine. Serrano called it "a protest against the commercialization of sacred imagery," though the size of Serrano's profit margin on this deal can only be guessed.

Suggestions in Congress that the NEA budget be cut unless procedures guaranteeing money not go to fund this type of art were met with a certain amount of indignation from the art world. "The danger is not just that Congress will cut the budget, which will be bad enough," stated Livingston Biddle, NEA head in the Carter administration, "but that you could have censorship mandated into law." Kreeger was criticized by some artists for "selling out." By their thinking, the government should be required to fund art regardless of content. They see it as a free speech issue. Robert Brustein of the American Repertory Theater fears that "once subsidized artistic activity becomes subject to Government manipulation, we resemble the official culture of Stalinist Russia." This bit of hyperbole amounts to the argument, "Shut up and give us the money."

On the right, the perspective is vastly different. Many conservative spokesmen feel that pornographic or blasphemous artwork should not receive any funding. Pat Robertson decried "blasphemy paid for by government." Senator Alfonse D'Amato affirmed the right of Serrano to engage in whatever artistic expression (or, as the Senator put it, "filth") he desired, but maintained that "taxpayers' dollars should not be used to promote it." There is a movement in Congress to establish guidelines that will prevent works of art deemed offensive from receiving funding.

As is often the case, both the right and left carry a portion of the libertarian position. Yes, artists have a right to portray whatever they want. So, for that matter, do non-artists. This is the essence of free expression. Guidelines that distinguish between "acceptable" and "unacceptable" forms of expression are inherently anti-freedom. Yet, no artistic effort deserves federal funding. This is true of the blasphemous and the pious, the pornographic and the wholesome. Pat Robertson objects to government funding of "blasphemy," but the real blasphemy is that funding exists at all. Robert Brustein has maintained that NEA funding represents "a buffer between art and government," but that is akin to saying the way to maintain a wall between church and state is to hand out grants to religious organizations.

Robert Brustein argues that NEA funding represents "a buffer between art and government." This is akin to saying the way to maintain a wall between church and state is to hand out grants to religious organizations.

The NEA budget is $170 million per year, and represents only about 5 percent of the funding of established art institutions, and does not include public art set-asides required by every Federal construction contract. The NEA could easily be done away with, and there has been sentiment in Congress for doing just that. Representative Dick Armey, a critic of the NEA, stated that arts should be "funded from the private sector." If acceptable guidelines are not reached, Armey intends to "blow [the NEA] budget out of the water."

However, when the NEA budget was voted in Congress on July 12, even a proposed five percent cut was rebuffed, 328 to 95. Ultimately only $45,000, the amount spent on the two controversial projects mentioned above, was trimmed.

It appears that Congress is resisting Conservative provincialism, though the results are on the whole unfavorable. It is a shame that the issue of wasteful funding for senseless "art" projects has to be raised in terms of narrow-mindedness, but one ought to take one's allies where one can find them. — JSR

Review Essay

The Taboo Against Truth
Holocausts and the Historians

by Ralph Raico

"Speaking truth to power" is not easy when you support that power. Perhaps this is the reason why so few Western historians are willing to tell the whole truth about state-crimes during this century.

Last fall the *Moscow News* reported the discovery by two archaeologist-historians of mass graves at Kuropaty, near Minsk, in the Soviet republic of Byelorussia.[1] The scholars at first estimated that the victims numbered around 102,000, a figure that was later revised to 250–300,000.[2] Interviews with older inhabitants of the village revealed that, from 1937 until June, 1941, when the Germans invaded, the killings never stopped. "For five years, we couldn't sleep at night because of all the shooting," one witness said. Then in March, a Soviet commission finally conceded that the mass graves at Bykovnia, outside of Kiev, were the result not of the Nazis' work, as formerly was maintained, but of the industry of Stalin's secret police. Some 200–300,000 persons were killed at Bykovnia, according to unofficial estimates.[3]

These graves represent a small fraction of the human sacrifice that an elite of revolutionary Marxists offered up to their ideological fetish. How many died under Stalin alone, from the shootings, the terror-famine, and the forced labor-camps, is uncertain. Writing in a Moscow journal, Roy Medvedev, the dissident Soviet Marxist, put the number at around 20 million, a figure the Sovietologist Stephen F. Cohen views as conservative.[4] Robert Conquest's estimate is between 20 million and 30 million, or more,[5] while Anton Antonov-Ovseyenko suggests 41 million deaths between 1930 and 1941.[6]

By everyone's account most of the victims were killed before the United States and Britain welcomed the Soviet Union as their ally, in June, 1941. Yet by then, the evidence concerning at least very widespread Communist killings was available to anyone willing to listen.

If *glasnost* proceeds and if the whole truth about the Lenin and Stalin eras comes to light, educated opinion in the West will be forced to reassess some of its most deeply cherished views. On a minor note, Stalinist sympathizers like Lillian Hellman, Frieda Kirchwey, and Owen Lattimore will perhaps not be lionized quite as much as before. More important, there will have to be a reevaluation of what it meant for the British and American governments to have befriended Soviet Russia in the Second World War and heaped fulsome praise on its leader. That war will inevitably lose some of its glory as the pristinely pure crusade led by the larger-than-life heroes, Winston Churchill and Franklin D. Roosevelt. Inevitably, too, comparisons with what is commonly known as the Holocaust will emerge.

The "Dispute of Historians"

Such comparisons have been at the center of the raging controversy in the Federal Republic of Germany that has been labeled the *Historikerstreit*, or dispute of historians, and has now become an international *cause célèbre*. It erupted primarily because of the work of Ernst Nolte, of the Free University of Berlin, author of the highly acclaimed *Three Faces of Fascism*, published in the United States in 1966. In several important essays, in a large book published in 1987, *The European Civil War, 1917–1945*, and in a volume of responses to his critics,[7] Nolte declined to treat the Nazi massacre of the Jews in the conventional fashion. He refused, that is, to deal with it metaphysically, as a unique object of evil, existing there in a small segment of history, in a nearly perfect vacuum, with at most merely ideological links to racist and Social Darwinist thought of the preceding century. Instead, without denying the importance of ideology, he attempted to set the Holocaust in the context of the history of Europe in the first decades of the twentieth century. His aim was in no way to excuse the mass-murder of the Jews, or to diminish the guilt of the Nazis for this crime dreadful beyond words. But he insisted that this mass-murder must not lead us to forget oth-

ers, particularly those that might stand in a causal relationship to it.

Briefly, Nolte's thesis is that it was the Communists who introduced into modern Europe the awful fact and terrifying threat of the killing of civilians on a vast scale, implying the extermination of whole categories of persons. (One Old Bolshevik, Zinoviev, spoke openly as early as 1918 of the need to eliminate 10,000,000 of the people of Russia.) In the years and decades following the Russian Revolution, middle-class, upper-class, Catholic, and other Europeans were well aware of this fact, and for them especially the threat was a very real one. This helps to account for the violent hatred shown to their own domestic Communists in the various European countries by Catholics, conservatives, fascists, and even Social Democrats.

All mass-murderers—all of the state-terrorists on a grand scale, whatever their ethnicity or that of their victims—must be arraigned before the court of history. It is impermissible to let some of them off the hook, even if the acts of others may be characterized as unique in their brazen embrace of evil and their sickening horror.

Nolte's thesis continues: those who became the Nazi elite were well-informed regarding events in Russia, via White Russian and Baltic German emigrés (who even exaggerated the extent of the first, Leninist atrocities). In their minds, as in those of right-wingers generally, the Bolshevik acts were transformed, irrationally, into Jewish acts, a transformation helped along by the existence of a high proportion of Jews among the early Bolshevik leaders. (Inclined to anti-Semitism from the start, the rightists ignored the fact that, as Nolte points out, the proportion among the Mensheviks was higher, and, of course, the great majority of the European Jews were never Communists.) A similar, ideologically-mandated displacement, however, occurred among the Communists themselves: after the assassination of Uritsky and the attempted assassination of Lenin by Social Revolutionaries, for instance, hundreds of "bourgeois" hostages were executed. The Communists never ceased proclaiming that all of their enemies were tools of a single conspiracy of the "world bourgeoisie."

The facts regarding the Ukrainian terror-famine of the early 1930s and the Stalinist Gulag were also known in broad outline in European right-wing circles. When all is said and done, Nolte concludes, "the Gulag came before Auschwitz." If it had not been for what happened in Soviet Russia, European fascism, especially Nazism and the Nazi massacre of the Jews,[8] would most probably not have been what they were.

The Onslaught on Nolte

Nolte's previous work on the history of socialism could hardly have made him *persona grata* with leftist intellectuals in his own country. Among other things, he had emphasized the archaic, reactionary character of Marxism and the anti-Semitism of many of the early socialists, and had referred to "liberal capitalism" or "economic freedom," rather than socialism, as "the real and modernizing revolution." The attack on Nolte was launched by the leftist philosopher Jürgen Habermas, who took issue not with Nolte's historiography—his essays showed that Habermas was in no position to judge this—but with what he viewed as its ideological implications. Habermas also targeted a couple of other German historians, and added other points, like the plan to establish museums of German history in West Berlin and in Bonn, to the indictment. But Nolte and his thesis have continued to be at the center of the *Historikerstreit*. He was accused of "historicizing" and "relativizing" the Holocaust and chided for questioning its "uniqueness." Several of the biggest names among academic historians in the Federal Republic, and then in Britain and America as well, joined in the hunt, gleefully seizing upon some of Nolte's less felicitous expressions and weaker minor points. In Berlin radicals set fire to his car; at Oxford, Wolfson College withdrew an invitation to deliver a lecture, after pressure was applied, just as a major German organization dispensing research grants rescinded a commitment to Nolte under Israeli pressure. In the American press ignorant editors, who couldn't care less anyway, now routinely permit Nolte to be represented as an apologist for Nazism.

It cannot be said that Nolte has demonstrated the truth of his thesis—his achievement is rather to have pointed out important themes that call for further research—and his presentation is in some respects flawed. Still, one might well wonder what there is in his basic account to justify such a frenzy. The comparison between Nazi and Soviet atrocities has often been drawn by respected scholars. Robert Conquest, for instance, states:

> For Russians—and it is surely right that this should become true for the world as a whole—Kolyma [one part of the Gulag] is a word of horror wholly comparable to Auschwitz . . . it did indeed kill some three million people, a figure well in the range of that of the victims of the Final Solution. [9]

Others have gone on to assert a causal connection. Paul Johnson maintains that important elements of the Soviet forced-labor camps system were copied by the Nazis, and posits a link between the Ukrainian famine and the Holocaust:

> The camps system was imported by the Nazis from Russia. . . . Just as the Roehm atrocities goaded Stalin into imitation, so in turn the scale of his mass atrocities encouraged Hitler in his wartime schemes to change the entire demography of Eastern Europe . . . Hitler's "final solution" for the Jews had its origins not only in his own fevered mind but in the collectivization of the Soviet peasantry. [10]

Nick Eberstadt, an expert on Soviet demography, concludes that "the Soviet Union is not only the original killer state, but the model one." [11]

As for the tendency among European rightists after 1917 to identify the Bolshevik regime with the Jews, there is no end of evidence. [12] Indeed, it was an immensely tragic error to which even many outside of right-wing circles were liable. In 1920, after a visit to Russia, Bertrand Russell wrote to Lady Ottoline Morell:

> Bolshevism is a close tyrannical bureaucracy, with a spy system more elaborate and terrible than the Tsar's, and an aristocracy as insolent and unfeeling, composed of Americanised Jews. [13]

But, despite the existence of a sup-

porting scholarly context for Nolte's position, he remains beleaguered in his native land, with only isolated individuals, like Joachim Fest, coming to his defense. If recent English-language publications are a reliable indication, his situation will not improve as the controversy spreads to other countries.

Why Did the Heavens Not Darken?

The recent work by Arno J. Mayer, of Princeton, *Why Did the Heavens Not Darken?* [14] is in some respects informative; [15] above all, however, it is a perfect illustration of why Nolte's work was so badly needed.

We can leave aside Mayer's approach to the origins of the "Judeocide" (as he calls it), which is "functionalist" rather than "intentionalist," in the current jargon, and which provoked a savage review. [16] What is pertinent here is his presentation of the killing of the European Jews as an outgrowth of the fierce hatred of "Judeobolshevism" that allegedly permeated all of German and European "bourgeois" society after 1917, reaching its culmination in the Nazi movement and government. This approach lends support to Nolte's thesis.

If glasnost proceeds and if the whole truth about the Lenin and Stalin eras comes to light, World War II will inevitably lose some of its glory as the pristinely pure crusade led by the larger-than-life heroes, Winston Churchill and Franklin D. Roosevelt.

The problem, however, is that Mayer offers no real grounds for the bitter hatred that so many harbored for Bolshevism, aside from the threat that Bolshevism abstractly posed to their narrow and retrograde "class interests." Virtually the only major Soviet atrocity even alluded to in the 449 pages of text (there are, oddly and inexcusably, no notes) [17] is the deportation of some 400,000 Jews from the territories annexed after the Hitler-Stalin pact. Even here, however, Mayer hastens to reassure us that the policy was "not specifically anti-Semitic and did not preclude assimilated and secularized Jews from continuing to secure important positions in civil and political society . . . a disproportionate number of Jews came to hold posts in the secret police and to serve as political commissars in the armed service." Well, mazeltov.

The fear and loathing of Communism that Poles, Hungarians, and Romanians, for instance, felt in the interwar period, strongly endorsed by their national churches, is qualified by Mayer as an "obsession." With Mayer, fear of Communism is *always* "obsessional" and limited to the "ruling classes," prey to an anti-Bolshevik "demonology." But the recourse to clinical and theological terms is no substitute for historical understanding, and Mayer's account—Soviet Communism with the murders left out—precludes such understanding.

Consider the case of Clemens August Count von Galen, Archbishop of Münster. As Mayer notes, Galen led the Catholic bishops of Germany in 1941 in publicly protesting the Nazi policy of murdering mental patients. The protest was shrewdly crafted and proved successful: Hitler suspended the killings. Yet, as Mayer further notes, Archbishop Galen (deplorably) "consecrated" the war against Soviet Russia. Why? To cite another example: Admiral Horthy, the Regent of Hungary, was an opponent of murdering the Jews and attempted, within his limited means, to save the Jews of Budapest. Yet he continued to have his troops fight against the Soviets and alongside the Germans long after the coming defeat was obvious. Why? Could it possibly be that, in both cases, the previous bloody history of Soviet Communism had something to do their attitude? In Mayer's retelling, Crusader murders in Jerusalem in the year 1096 are an important part of the story, but not Bolshevik murders in the 1920s and 30s.

Allegations of Soviet crimes do appear in Mayer's book. But they are put in the mouths of Hitler and Goebbels, with no comment from Mayer, thereby signaling their "fanatical" and "obsessional" character, e. g., "the führer ranted about bolshevism wading deeper in blood than tsarism" (actually, Hitler's claim here is hardly controversial).

In fact, it seems likely that Mayer simply does not believe that there were anything approaching tens of millions of victims of the Soviet regime. He writes, for instance, of "an iron nexus between absolute war and large-scale political murder in eastern Europe." But most of the large-scale Stalinist political murders occurred when the Soviet Union was at peace. The massive upheavals, with their accompanying terror and mass-killings, that characterized Soviet history in the 1920s and 30s, Mayer refers to in almost unbelievably anodyne terms as "the general transformation of political and civil society." In other words, Mayer gives every evidence of being a Ukrainian famine, Great Terror, and Gulag "revisionist." This is an aspect of Mayer's book that the reviewers in the mainstream press had an obligation to point out, but omitted to do so.

If Soviet mass-atrocities provide a historical context for Nazi crimes, so does a set of crimes that few, inside or outside the Federal Republic, seem willing to bring into the debate: the ones perpetrated, planned, or conspired to by the Western Allies.

Mayer has no patience with any suggestion that great crimes may have been committed *against* Germans in the Second World War and its aftermath. Here he joins the vast majority of his contemporaries, professional and lay alike, as well as the Nuremberg Tribunal itself.

Taboo War-Crimes—the Allies'

If Soviet mass-atrocities provide a historical context for Nazi crimes, so does a set of crimes that few, inside or outside the Federal Republic, seem willing to bring into the debate: the ones perpetrated, planned, or conspired to by the Western Allies.

There was first of all the policy of terror-bombing of the cities of Germany, begun by the British in 1942. The Principal Assistant Secretary of the Air Ministry later boasted of the British initiative in the wholesale massacring of civilians from the air. [18] Altogether, the RAF and US Army Air Corps killed around 600,000 German civilians, [19] whose deaths were aptly characterized by the British military historian and Major-

General J. F. C. Fuller as "appalling slaughterings, which would have disgraced Attila." [20] A recent British military historian has concluded: "The cost of the bomber offensive in life, treasure, and moral superiority over the enemy tragically outstripped the results that it achieved." [21]

The planned, but aborted, Allied atrocity was the Morgenthau Plan, concocted by the U. S. Secretary of the Treasury, Henry Morgenthau, and initialed by Roosevelt and Churchill at the Second Quebec Conference, in September, 1944. The Plan aimed to transform post-war Germany into an agricultural and pastoral country, incapable of waging war because it would have no industry. Even the coal mines of the Ruhr were to be flooded. Of course, in the process tens of millions of Germans would have died. The inherent insanity of the Plan very quickly led Roosevelt's other advisors to press him into abandoning it, but not before it had become public (as its abandonment did not). Following upon the policy of "unconditional surrender" announced in early 1943, the Morgenthau Plan stoked the Nazi rage. "Goebbels and the controlled Nazi press had a field day . . . 'Roosevelt and Churchill agree at Quebec to the Jewish Murder Plan,' and 'Details of the Devilish Plan of Destruction: Morgenthau the Spokesman of World Judaism.'" [22]

When the war was over, British and American political and military leaders directed the forced repatriation of hundreds of thousands of Soviet subjects (and the surrender of some, like the Cossacks, who had never been subjects of the Soviet state). Many were executed, most were channeled into the Gulag.

There are two further massive crimes involving the Allied governments that deserve mention (limiting ourselves to the European theater). Today it is fairly well-known that, when the war was over, British and American political and military leaders directed the forced repatriation of hundreds of thousands of Soviet subjects (and the surrender of some, like the Cossacks, who had never been subjects of the Soviet state). Many were executed, most were channeled into the Gulag. Solzhenitsyn had bitter words for the Western leaders who handed over to Stalin the remnants of Vlasov's Russian Army of Liberation:

> In their own country, Roosevelt and Churchill are honored as embodiments of statesmanlike wisdom. To us, in our Russian prison conversations, their consistent shortsightedness and stupidity stood out as astonishingly obvious . . . what was the military or political sense in their surrendering to destruction at Stalin's hands hundreds of thousands of armed Soviet citizens determined not to surrender. [23]

Of Winston Churchill, Alexander Solzhenitsyn wrote:

> He turned over to the Soviet command the Cossack corps of 90,000 men. Along with them he also handed over many wagonloads of old people, women, and children . . . This great hero, monuments to whom will in time cover all England, ordered that they, too, be surrendered to their deaths. [24]

The great crime that is today virtually forgotten was the expulsion starting in 1945 of the Germans from their centuries-old homelands in East Prussia, Pomerania, Silesia, Sudetenland, and elsewhere. About sixteen million persons were displaced, with about two million of them dying in the process. [25] This is a fact, which, as the American legal scholar Alfred de Zayas dryly notes, "has somehow escaped the attention it deserves." [26] While those directly guilty were principally the Soviets, Poles, and Czechs (the last led by the celebrated democrat and humanist, Eduard Benes), British and American leaders early on authorized the principle of expulsion of the Germans and thus set the stage for what occurred at the war's end. Anne O'Hare McCormick, the New York *Times* correspondent who witnessed the exodus of the Germans, reported in 1946:

> The scale of this resettlement and the conditions in which it takes place are without precedent in history. No one seeing its horrors firsthand can doubt that it is a crime against humanity for which history will exact a terrible retribution.

McCormick added: "We share responsibility for horrors only comparable to Nazi cruelties . . ." [27]

Bringing All State Terrorists to Account

In the Federal Republic today to mention any of these Allied—or even Soviet—crimes in the same breath with the Nazis is to invite the devastating charge of attempting an *Aufrechnen*—an off-setting, or balancing against. The implication is that one is somehow seeking to diminish the Nazis' undying guilt for the Holocaust by pointing to the guilt of other governments for other crimes. This seems to me to be a thoroughly warped perspective. *All* mass-murderers—all of the state-terrorists on a grand scale, whatever their ethnicity or that of their victims—must be arraigned before the court of history. It is impermissible to let some of them off the hook, even if the acts of others may be characterized as unique in their brazen embrace of evil and their sickening horror. As Lord Acton said, the historian should be a hanging-judge, for the muse of history is not Clio, but Rhadamanthus, the avenger of innocent blood.

There was a time in America when well-known writers felt an obligation to remind their fellow citizens of the criminal misdeeds of their government, even against Germans. Thus, the courageous radical Dwight Macdonald indicted the air war against German civilians during the war itself. [28] On the other side of the spectrum, the respected conservative journalist William Henry Chamberlin, in a book published by Henry Regnery, assailed the genocidal Morgenthau Plan and labeled the expulsion of the eastern Germans "one of the most barbarous actions in European history." [29]

Nowadays the only publication that seems to care about these old wrongs is the *Spectator* (the *real* one, of course), which happens also to be the best-edited political magazine in English. *The Spectator* has published articles by British writers honorably admitting the shame they felt upon viewing what remains of the great cities of Germany, once famed in the annals of science and art. Other contributors have pointed out the meaning of the loss of the old German populations of the area that is today again being fashionably referred to as *Mitteleuropa*. A Hungarian writer, G. M. Tamas, recently wrote:

> The Jews were murdered and mourned. . . . But who has mourned the Germans? Who feels any guilt for the millions expelled from Silesia and Moravia and the Volga region, slaughtered during their long trek, starved, put into camps, raped, frightened, humiliated? . . . Who dares to remember that the expulsion of the Germans made the communist parties quite popular in the 1940s? Who is revolted because the few Germans left behind, whose ancestors built our cathedrals, monasteries, universities, and railway stations, today cannot have a primary school in their own language? The world expects Germany and Austria to "come to terms" with their past. But no one will admonish us, Poles, Czechs, and Hungarians, to do the same. Eastern Europe's dark secret remains a secret. A universe of culture was destroyed.[31]

More remarkably still, Auberon Waugh drew attention to the fervid support given by British leaders to the Nigerian generals during the Civil War (1967–70), at a time "when the International Red Cross assured us that 10,000 Biafrans a day were dying of starvation," victims of a conscious, calculated policy.[32] His observation was a propos of the massacre in Tiananmen Square and the nearly universal execration of the Chinese leaders; it was a telling one.

In fact, all great states in this century have been killer-states, to a greater or lesser degree. It makes no sense to isolate one mass-atrocity, historically and morally, and then to concentrate on it to the virtual exclusion of all others.

The Wider Context

In fact, both the Soviet and Nazi mass-murders must be placed in a wider context. Just as it is unlikely that Nazi racist ideology of itself can account for the murder of the Jews—and so many others—so Leninist amoralism is probably not enough to account for Bolshevik crimes. The crucial intervening historical fact may well be the mass-killings of the First World War—of millions of soldiers, but also of thousands of civilians on the high seas by German submarines and of hundreds of thousands of civilians in central Europe by the British hunger-blockade.[33] Arno Mayer makes the important point in regard to World War I that "this immense bloodletting . . . contributed to inuring Europe to the mass killings of the future." He means this in connection with the Nazis, but it probably also holds for the Communists themselves, witnesses to the results of a war brought about by "capitalist imperialism." None of this, of course, excuses any of the subsequent state-criminals.

In fact, all great states in this century have been killer-states, to a greater or lesser degree. Naturally, the "degree" matters—sometimes very much. But it makes no sense to isolate one mass-atrocity, historically and morally, and then to concentrate on it to the virtual exclusion of all others. The result of such a perverted moralism can only be to elevate to the status of heroes leaders who badly wanted hanging and to bolster the sham-rectitude of states that will be all the more prone to murder, since history "proves" that they are the "good" states. ❑

Notes

1. *Washington Post*, Oct. 23, 1988.
2. Robert Conquest in *The Independent* (London), Dec. 5, 1988.
3. New York *Times*, March 25, 1989.
4. New York *Times*, Feb. 4, 1989. Stephen F. Cohen, "The Survivor as Historian: Introduction," in Anton Antonov-Ovseyenko, *The Time of Stalin: A Portrait in Tyranny*, trans., George Saunders (New York: Harper and Row, 1980), vii.
5. Robert Conquest, *The Great Terror: Stalin's Purge of the Thirties* (Macmillan: London, 1968), 533. See also note 2.
6. Op. cit., 213.
7. Nolte's first essay to draw fire appeared originally in English: "Between Myth and Revisionism? The Third Reich in the Perspective of the 1980s," in an important volume edited by H. W. Koch, *Aspects of the Third Reich* (London: Macmillan, 1985), pp. 17–39. Some of Nolte's contributions to the debate, as well as those of many other writers, appear in the useful collection, *"Historikerstreit": Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung* (Munich: Piper, 1987). Nolte's *Europäische Bürgerkrieg, 1917–1945. Nationalsozialismus und Bolschewismus* (Frankfurt/Main: Propylen, 1987) has not yet been translated. His rebuttals to some of the attacks are contained in his *Das Vergehen der Vergangenheit. Antwort an meine Kritiker im sogenannten Historikerstreit* (2nd. ed., Ullstein: Berlin, 1988).
8. The Nazis were responsible, of course, for the deaths of millions of non-Jews, especially Poles and Soviet prisoners of war. The Jewish genocide, however, has been the focus of discussion.
9. Robert Conquest, *Kolyma: The Arctic Death Camps* (New York: Viking, 1978), 15–16.
10. Paul Johnson, *Modern Times* (New York: Harper and Row, 1983), 304-305. Johnson does not, however, provide any relevant sources for this claim.
11. Nick Eberstadt, Introduction to Iosif G. Dyadkin, *Unnatural Deaths in the U.S.S.R., 1928–1954* (New Brunswick, N.J.: Transaction Books, 1983), 4.
12. See Arno J. Mayer, *Why Did the Heavens Not Darken? The "Final Solution" in History* (New York: Pantheon, 1988), passim.
13. Bertrand Russell, *The Autobiography of Bertrand Russell, II, 1914–1944* (Boston: Little, Brown, 1968), 172.
14. See note 12.
15. Mayer concludes that Hitler's attack on the Soviet Union was not intended as a step toward "world domination," but was the culmination of his plans to provide Germany with the *Lebensraum*, or living-space, which he, in his archaic way, believed was a prerequisite for German survival and prosperity.
16. Daniel Jonah Goldhagen, "False Witness," *The New Republic*, April 17, 1989, 39–44. A fair statement of the differences between intentionalists and functionalists can be found in Saul Friedlander's introduction to Gerald Fleming's *Hitler and the Final Solution* (Berkeley: University of California Press, 1982).
17. Notes would, presumably, have added to the book's length, but the author could have compensated by omitting his rehashings of well-known political and military history in the period.
18. J. M. Spaight, cited in J. F. C. Fuller, *The Second World War, 1939–45*. A Strategical and Tactical History (London: Eyre and Spottiswoode, 1954), 222.
19. Max Hastings, *Bomber Command* (New York: Dial, 1979), 352.
20. Fuller, op. cit., 228.
21. Hastings, op. cit. The best short introduction to the subject is the review of Hastings's book by the gifted London journalist Geoffrey Wheatcroft, *The Spectator*, Sept. 29, 1979, reprinted in *Inquiry*, Dec. 24, 1979. It was the only review *Inquiry* ever reprinted.
22. Anne Armstrong, *Unconditional Surrender. The Impact of the Casablanca Policy upon World War II* (1961; repr. Westport, Conn.: Greenwood, 1974), 76. On the Morgenthau Plan, see ibid., 68–77. For the text of the Plan, see Alfred de Zayas, *Nemesis at Potsdam. The Anglo-Americans and the Expulsion of the Germans. Background, Execution, and Consequences* (London: Routledge and Kegan Paul, 1977), 229–232.
23. Aleksandr I. Solzhenitsyn, *The Gulag Archipelago, 1918–1956. An Experiment in Literary Investigation, I–II*, trans. Thomas P. Whitney (New York: Harper and Row, 1973), 259n.
24. Ibid., 259–260.
25. Alfred de Zayas, op. cit., xix.
26. Ibid.
27. Ibid., 123.
28. Many of Dwight Macdonald's essays critical of the Allies' conduct of the war were collected in his *Memoirs of a Revolutionist* (New York: Farrar, Straus, and Cudahy, 1957).
29. William Henry Chamberlin, *America's Second Crusade* (Chicago: Henry Regnery, 1950), 304–310, 312.
30. See, e. g., the review by Wheatcroft, cited in note 21.
31. G. M. Tamas, "The Vanishing Germans," *The Spectator*, May 6, 1989.
32. *The Spectator*, June 10, 1989.
33. On the British hunger blockade and its likely effect in helping shape Nazi brutality, see my contribution, "The Politics of Hunger: A Review," *The Review of Austrian Economics*, III (1988), 253–259.

Burons

by Bob Ortin

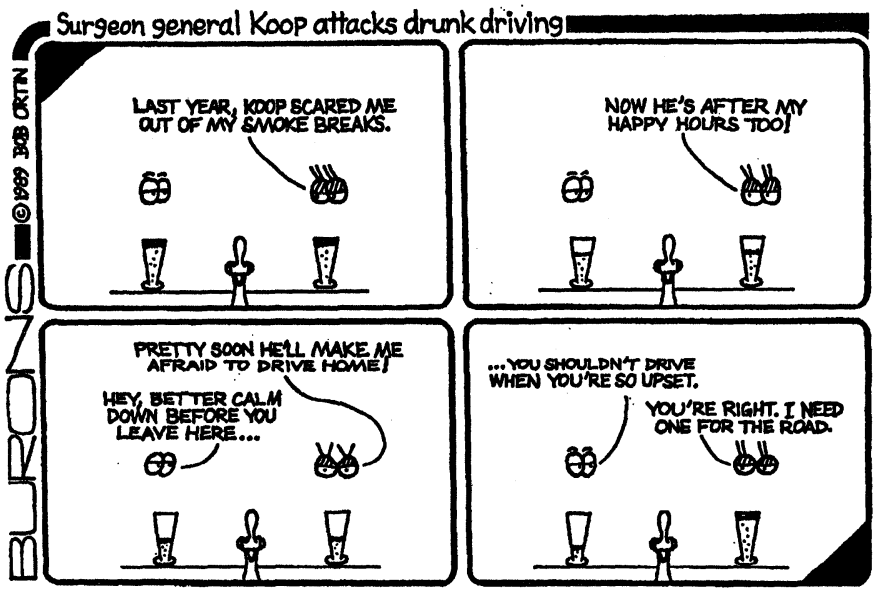

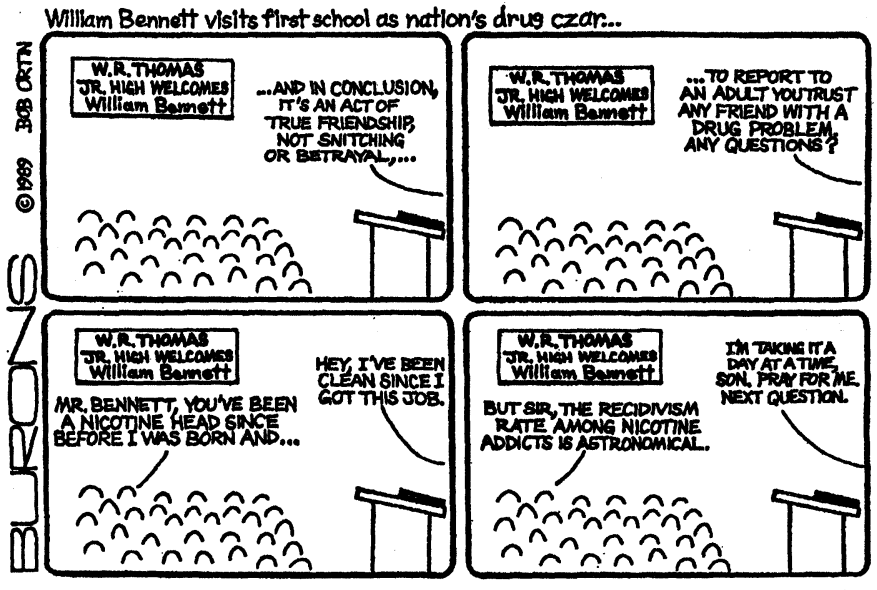

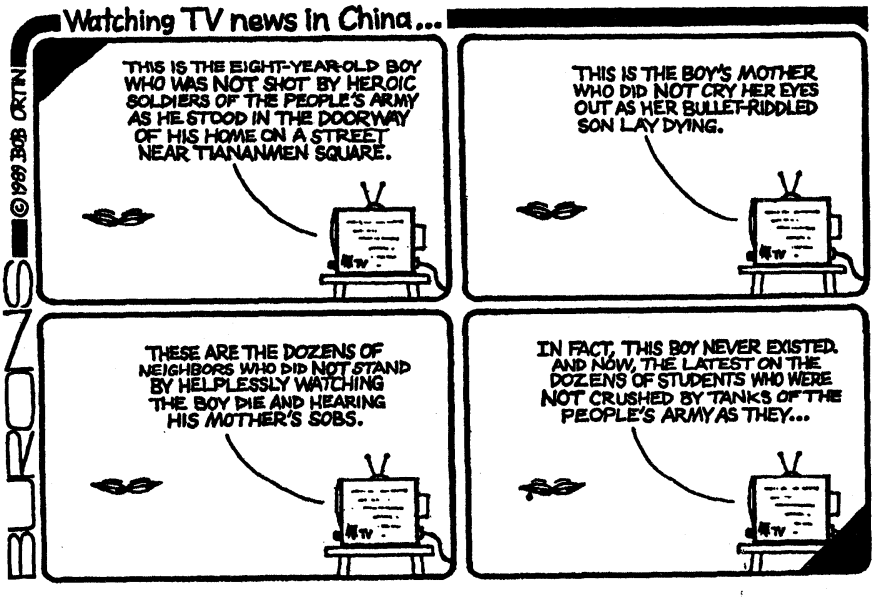

Essay

Abortion Rights Without Absurdity

by R. W. Bradford

Almost everyone knows what conclusion an argument about abortion should have, but few really take care to make sensible arguments. Not surprisingly, absurdity is often the result.

Should abortion be illegal? That is, should the State punish a woman (and those who assist her) for killing a fetus that lives within her?

Ever since the Supreme Court prohibited State interference with abortion, the issue has inflamed the spirits of many Americans, and the Court's recent slight back-track from *Roe v Wade* has fueled the controversy further. Some people are convinced that the act of killing the fetus is tantamount to murder and ought to be prohibited by the State. Others believe that a woman ought to be able to control the functioning of her own body, even if control involves the death of a fetus.

Partisans of both positions have developed elaborate and sophistic ideologies.

Abortion is Murder!

For most anti-abortionists, abortion is wrong and ought to be illegal for one simple reason: abortion violates "God's law," as stated in one or another religious text. In America, the text usually cited is the Bible.

Now, the Bible does not mention abortion *per se*, so anti-abortionists who claim Biblical prohibition of abortion must base their cases either on the Bible's general prohibition of murder or on God's commandment to "be fruitful and multiply" or on the Old Testament prohibition of assaults on women in which the fetus within the woman's womb dies.

The Bible, like other sacred texts, is obscure. It can be interpreted, for instance, to be on the side of each participant in any war. God supported both the Allies and the Central Powers in World War I. Furthermore, He requires both socialism (check with an advocate of the Social Gospel) and capitalism (check with a Christian Reconstructionist); both statism (ask a medieval churchman) and anarchism (consult Tolstoy); both prohibition (refer to any Methodist cleric, circa 1924) and bibulousness (consult a Catholic bishop or I Timothy 5:23). The "anti-abortion" passages of the Bible can easily be interpreted so as to have no relevance to abortion.

One is tempted to surmise that the motivation of the opponents of abortion lies elsewhere. Since so many of religionist anti-abortionists are cultural conservatives who decry modern sexual morals, and since conception of unwanted fetuses is the result of sexual congress, it appears that they may be motivated by a desire to punish those who engage in sex. More than likely this motivation explains the views of many, but not all, opponents of abortion.

But whatever their motivation, most who advocate the criminalization of abortion base their position on the idea that abortion is murder. Murder is nearly universally condemned by both religious and non-religious people. By addressing the argument to the broadest possible audience, the abortion-is-murder argument acquires greater impact than arguments based on a particular interpretation of a particular sacred text. In other words, if you want to get people enraged against abortion, call it murder; nobody likes a murderer.

The abortion-is-murder argument presupposes that the fetus is a human being. Clearly the concept of murder applies only to human beings. A person who works at an abattoir is not engaged in murder, though occasionally someone might say so figuratively.

This raises the issue: At what point does an entity become a person? We all agree that a 21 year-old is a person, and that an unfertilized egg or a sperm is not. Somewhere along the line, the egg and sperm becomes a human being, thereby presumably deserving the protection of the law. Where is the point at which this transformation takes place?

Some argue that a zygote becomes a human being at the point at which it is capable of independent life. This is

problematic: some adults are incapable of sustaining themselves, as are virtually all infants, yet nearly everyone agrees that the killing of an incapacitated adult or an infant is a bad thing.

Others propose that the moment of birth is the point of demarcation, and that killing the fetus prior to this moment is acceptable, but killing it after is not. This assertion seems silly on its face: is the newborn infant whose umbilical cord is not yet severed a fetus (and thus abortable) but the newborn whose umbilical cord is cut a person (and thus protected by the State)? The same problem inheres in other proposed definitions of birth.

Is the newborn infant whose umbilical cord is not yet severed a fetus (and thus abortable) but the newborn whose umbilical cord is cut a person (and thus protected by the State)?

Still others propose that some specific pre-birth stage of development marks the transformation from fetus to human: the beginning of brain activity, the development of specific organs, or some such. This has the same problem: once one specifies the level of brain activity or development that is the threshold, does it make sense to allow abortion a nanosecond earlier, but punish the abortionist for murder when the same event occurs a nanosecond later?

The difficulty is that a human being develops gradually. Any specific point of development (whether the onset of brain activity, birth or whatever) is a merely arbitrary threshold for human life and the granting of the protection of the state. The transformations from zygote to fetus, from fetus to infant, and from infant to child are gradual processes. Any attempt to pick a point in this development as the moment at which a human being exists where none existed before is arbitrary.

There is, however, an event that is non-arbitrary: the fertilization of the egg by the sperm. In this case, at one moment there are two gametes; at the next, there is one zygote. It is a clear and distinct event. If this is the only non-arbitrary event that we can identify in the transformation of gamete to zygote to fetus to infant to child to adult, then this is the point at which the protection of the State should begin. This argument is compelling for many who value philosophical absolutism above all else.

A Problem for Libertarians

Most libertarians who have grappled the issue agree that the only identifiable point for the beginning of human life is conception. Because most libertarians believe that each man possesses an inalienable right to life, they are forced by the logic of their argument to condemn abortion as murder: if life begins at conception, the expulsion or removal of any fetus is a violation of the right to life.

But if liberty means the maximization of control over one's own life, and if a woman is not allowed to expel from her womb a tiny piece of protoplasm that can grow into something we would recognize as a human being, then how much control does she possess over her life? Isn't the freedom to have an abortion one of the freedoms we desire for ourselves and for others? Do we want to form an alliance with Neanderthals and primitives against modernity?

Not surprisingly, some libertarians have devised solutions to this quandary.

The Fungus Amungus

Some argue that the zygote or fetus is an aggressor against the mother, others that the fetus is a "guest" liable to expulsion if he overstays his welcome, or that maintenance of the fetus against the will of the mother is a form of slavery. Still others argue that the fetus is a fungus.

But my personal favorite is the argument that since no adult (fully developed human being) has the right to reside within the body of another person against that person's will, so no fetus (less developed human being) has this right.

These arguments are sometimes clever and often amusing. But they are also silly and unconvincing. Fungus? Slavery? Aggressor? Unwelcome guests? Get serious! Given their absurdity, it is not surprising that these arguments are easily demolished. They are all too obviously specimens of attempts to find a rationale for a presupposed ethical position. Abortion must be legitimized, their designers think; let us develop an argument that does so. It is not surprising that this *post hoc* logic results in absurd arguments.

A Radical, Yet Modest Proposal

We all agree that a 21 year-old human being is a person whose rights should be secured. We all agree that neither a sperm nor an egg is a person whose rights should be secured. The State should protect the 21 year-old and should not protect the gamete. Somewhere along the way, between gamete-hood and adulthood, a person emerges. Prior to this point, if the entity dies or is killed, it is not a matter for the law or for public morality. After this point, the death of the entity is the death of a person; if it is intentionally caused by another person, that person has aggressed against it.

Pro-abortion arguments by libertarians are sometimes clever and often amusing. But they are also silly and unconvincing. Fungus? Slavery? Aggressor? Unwelcome guests? Get serious!

The issue is: what is the point at which personhood begins?

Conception is the only univocally identifiable, discrete event in the process of development. So it seems to many that conception is the only point at which we can begin to identify the entity as a person. Therefore, from the moment of conception, the zygote is a person; from the moment of conception the fertilized egg has rights, and killing it or

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expelling it violates its rights and must be punished by the State.

But is it reasonable to call a single-cell entity completely dependent on its host a human being? It does contain a blueprint encoded in DNA of a human being. But the zygote is not the only type of cell that has a DNA blueprint for a human being: virtually every human cell does. If the zygote is nurtured in the proper surroundings (the womb) it will develop into a full-fledged human being. What will anti-abortionists say when cloning of human beings becomes practical? The transformation of two gametes into a zygote may be discrete and identifiable, but it hardly seems to be more momentous than, say, birth.

The error of the anti-abortionist argument lies in the substitution of its advocates' desire for a single, discrete point of personhood for a fact of reality—the fact that development of personhood is gradual.

Furthermore, if we are to define a zygote as a human being deserving the protection of the state, then what of all the zygotes that die of natural causes? Should their demise be investigated by the police, as are the demises of post-birth human beings? Is the host (the mother) responsible to offer care to the zygote? What if the host doesn't know of the zygote's existence? Is every sexually active woman obligated to monitor constantly whether she has somehow become host to a zygote, so she can prevent accidentally killing it? (Cf. "Fetal Rights, by Tibor R. Machan, *Liberty*, July 1989)

Where did this line of thinking go wrong? Let's reduce it to propositional form and examine it more closely:

Proposition 1: There is a need to identify a point at which personhood begins so that we can decide when the destruction of an entity is permissible and when it is not.

Proposition 2: This point comes somewhere between gametehood and adulthood.

Proposition 3: The development of the human being from gamete to adult is gradual.

Proposition 4: Conception is the only easily identifiable, discrete event in this development.

Therefore: Personhood begins at conception.

Therefore: It should be legal for a person to kill his sperm or her unfertilized egg, but killing a zygote is the killing of a person and can only be done in very limited circumstances (e.g. self-defense). Virtually all induced abortions should be illegal.

It seems to me that Propositions 1 to 4 are all true. But I do not see how the conclusions follow from them. Consider the following analogous argument:

Prop 1: Because an infant is not capable of understanding contracts, contracts he agrees to should not be enforced by law; however, an educated adult person is quite capable of understanding contracts, and contracts to which he agrees should be enforced by law. There is a need to identify a point at which contracts can be enforced.

2. This point comes somewhere between infancy and adulthood.

3. The development from infancy to adulthood is gradual.

4. The development of underarm hair is the only easily identifiable, discrete event between infancy and adulthood.

Therefore . . .

Why don't we accept this argument? We reject it because *it is stupid*. It flies in the face of common sense. It leads to absurd conclusions. It is silly. What does underarm hair have to do with the ability to make contracts anyway?

The problem with this argument and the anti-abortion argument is that each rejects the continuous development of the human being. In each argument we agree that there is a change from one condition to another and we insist that, because at one point an entity has one character and at a later point another character, at some specific, identifiable point along the way the entity changed from one type of thing to another.

We all recognize that at midnight it is dark and at noon it is light, but we cannot identify the exact point at which darkness falls. So it is with the issue of personhood. And just as we have postulated a method to determine when night begins (the moment of sunset with a sea-level horizon), so we can postulate a method for determining when personhood begins. Just as there is an element of arbitrariness in our definition of the onset of darkness (tonight I mowed my lawn until a half hour after sunset, and it seemed light enough to me), so there will be an element of the arbitrary in determining when personhood begins.

We determine whether a person is legally able to enter binding contracts by a method that has an element of the arbitrary. We know that there are some 12 year-olds who are mature enough to be responsible for a lease and some 30-year-olds who are not. Yet we have agreed that, for legal purposes, a contract with a 17-year-old is not binding and a contract with an 18-year-old who is. Why should the right to contract be conferred at the age of 18 years instead of 18 years and one second? or 17 years, 364 days, 23 hours, 59 minutes and 59 seconds?

Such arbitrary distinctions trouble us very little because we recognize the utility of postulating an easily verifiable point at which to confer the right to make contracts, and have a general idea that that point ought to be in some specific range of ages.

The error of the anti-abortionist argument lies in the substitution of its advocates' desire for a single, discrete point of personhood for a fact of reality: the development of personhood is gradual. For the same reason that we accept a postulated age as the point at which a person can make valid contracts, we should be willing to posit an easily verifiable point at which the right to abort a fetus expires.

There is no need for jesuitical thinking to justify legal abortion. Abortion should be legal because people will have better control over their lives, the number of unwanted children will decline, women will be happier, men will be happier, families will be happier.

There is no need for jesuitical thinking to justify legal abortion. Abortion should be legal because people will have better control over their lives, the number of unwanted children will decline, women will be happier, men will

continued on page 32

Border Guard

by Brett Rutherford

Now and then, a man whose job it is to shoot
his fellow citizens, enjoys a day at leisure.
He does not go to a crowded cafe. The dreary
bleached faces on television annoy him.
The films and books he would like to see
are forbidden, the satire plays closed down.
He walks down streets that have forgotten
their names, opens a twisted gate and walks
into a ruined cemetery. He likes it here.
These people died before the bombs,
before the chapel became a shell,
when the living had time to honor the dead,
the patience of stone carvers
to mark their passing—
when the living had space to house them
each in an individual grave—
not the quick, anonymous flame of cremation
nudged from behind by the next in line.
The trees were planted before he was born.
No one nails slogans to them.
These crows are not informers.

A shard of stained glass falls to the ground:
a saint's eye, a halo chip, a puzzle
piece of a forgotten benediction.
An acorn descends, a leaf
tears away from the structured tree.
Why should one leaf among its classless brethren
defy the order and symmetry of oakdom
to make its assuredly fatal plunge?

The acorn must fall,
the squirrel must do his duty
and bury it. Even a new oak
that springs unintended from its sepulchre
is doomed, each tree
another jailhouse, a jabbering asylum
under an iron sky.

But a leaf—a leaf has a chance—
a wind might catch it, a bird
might seize it from an updraft
and carry it to freedom.
Who knows what becomes of one over there?
Maybe an anarchy of leaves, maybe
a touch-me-not defiance of order,
maybe they plant themselves on any tree they please—
oak and ash and willow and holly,
the plane and the pine,
a jostle of maple and cedar and birch—
melting pot trees in a jigsaw forest—
or maybe a peaceful wood, each uniform tree
striving its best toward the eternal light?—

Why should one man, fed and provided for,
his job assured, his humble bed, his state-
assured cremation—why should one man
cry *nay* against the law-compelling land,
to burst through the checkpoint where he was trained
to shoot at any outlaw breakout, to stop
the spy, the saboteur, the secreter of wealth?

He thinks of the truck that barreled through,
of the joy and terror on the driver's face,
how he had fired to miss, thinking *Lucky bastard,*
how his comrades had failed to stop the seven
ton juggernaut, how no one really wanted to.
He knows of dozens of failed escapes, knows
the bloodstains, the bullet holes, the patches
in the length of the hundred mile wall.
On the other side there are wreaths for those
who died trying. "Did them a favor,"
the sergeant boasts. "What would they do
in the decadent West anyway? Nothing but drugs
and poverty. Nothing but trouble."

Next day, the sun beats down accusingly,
a fusion-powered torchlight, soul-baring.
He walks to his station like a criminal,
fears the secret police could read his thoughts,
like banners hung from a dirigible.
He takes his rifle and rounds,
his heavy coat and helmet, assumes his place.
His stern reflection in the guardpost glass
fools no one—he is a frightened boy:
tired of this game, these dullard playmates,
this oppressive school. He drops the gun,
slides out of coat and helmet, turns with
a voice not quite his own and says to the guard
beside him, "Comrade, what if I crossed
the checkpoint now—what if I walked
right into the West—would you shoot me?"
His companion's face locks in agony.
"You didn't say that, comrade. I didn't see you.
My gun—" he smiles—"My gun could jam."

He waves to the guards on the other side.
He takes a breath. He runs
and no one fires a shot behind him.

Where an oak leaf trembled and fell
a piece of sky now admits the blue
of the alter heavens. The leaves are astir.
They don red jackets for their breakaway.

Where once a guard stood resolute,
a question mark settles like a gull,
a dare replaces a salute.
The guards are all investigated.
The sergeant who assigned the guards is demoted.
The lieutenant in charge of the sector
is brought before a loyalty board.
The army considers more robots and dogs.
Along the wall, the stones themselves
shift in their mortared places and ask
Why are we here?

Memoir

My Break With Branden and the Rand Cult

by Murray N. Rothbard

One of the most powerful means of controlling the members of a cult is the threat of expulsion. But this doesn't *always* work.

Like thousands of other people, I have read Barbara Branden's and Nathaniel Branden's accounts* of the Ayn Rand Cult. Unlike most others, I was there, and my memories diverge significantly from those of the Brandens, especially Nathaniel.

You may wonder how anyone could get involved in such a preposterous thing in the first place. I had been a libertarian since the late 1940s, and during the 1950s was lucky enough to find myself the center of a group of young, high-spirited libertarian thinkers and scholars who, if I may say so, have been unmatched anywhere. We called ourselves The Circle Bastiat, † whose core, in addition to my wife Joey and myself, consisted of Ralph Raico, George Reisman, Ron Hamowy, Leonard Liggio, Bob Hessen, and Bruce Goldberg. There was a floating fringe of about eight or ten people. Our frequent informal gatherings combined learned discourse, high wit (most of it contributed by Raico and Hamowy), song composing, joint moviegoing, and fiercely competitive board games. It all added up to a helluva lot of fun.

Before the publication of *Atlas Shrugged* in 1957—that is, before Branden wove the seductive net of the Cult around her—Ayn Rand used to talk to, and even be friends with, other conservatives and libertarians. Sometime during the early 1950s I had been introduced to Rand by Herb Cornuelle of the William Volker Fund—an unsung and now-forgotten but marvelous organization that managed to sustain conservative and libertarian scholarship during those dark days. When *Atlas* was published in late 1957, I and most of the Circle admired it, and I wrote Ayn a fan letter telling her so. Then, at the importuning of the rest of the Circle who wanted to meet Ayn and the group, I agreed to renew my personal acquaintance, and there ensued about six months of (unfortunately) intense interaction between the two groups.

At the time, of course, we didn't know that we were entering a totalitarian Cult; we naively thought we were meeting another group of libertarians or quasi-libertarians in New York. In fact, we were Present at the Creation of the organized RandCult (although we scarcely felt the thrill and pride that Dean Acheson did at the inception of the Cold War). We attended the very first series of Branden lectures on objectivism, and many of us (not me) attended a whole bunch of subsidiary lectures as well, including Nathan's lectures on sex theory, Barbara's on How to Think (!), and Ayn's on fiction.

I. The First Deviation: Disobedience

The first Branden lectures began, as I recall, in January 1958; by the end of February, most of us were beginning to realize that the honeymoon was over, and that the marriage of the two groups was bound to collapse in not too long a time. The robotic, humorless posturing, the trumpeting by these ignoramuses of their own greatness, the personality cult being formed around Rand and Branden, the unrelieved nastiness toward one and all, the cigarette holders brandished by all the women, the monogrammed "dollar-sign" gold cigarette lighters everywhere, the NB monograms on every piece of Brandenian clothing, for all these and similar reasons we came to look at all these trumped-up jackasses as figures of ridicule. Rand herself was partially exempt, since *she*, after all,

* *The Passion of Ayn Rand*, by Barbara Branden (Garden City, N.Y.: Doubleday & Co, 1986); *Judgment Day*, by Nathaniel Branden (Boston: Houghton Mifflin, 1989). Cf. "Who is Nathaniel Branden?" *Liberty*, July 1989, pp.57–65 .

† Named for Frederic Bastiat, noted 19th-century classical liberal.

had created something.

These insights came to a head at a birthday party we held for me at our home on March 2. My wife and I had just bought ourselves a tape-recorder. Not only was it the kind you had to thread, it was one of those massive 50-pound jobs that could only sardonically be called "portable." We proudly trotted it out to the entire Circle after the party got started. We started fooling around with the tape and the microphone, and what emerged was a true epiphany, a purely spontaneous, improvised skit satirizing the RandCult.

How could I do such a thing as imitate Rand and Branden? I tried the bromide about "imitation being the sincerest form of flattery," but he was too shrewd to believe it. "After all," he intoned, "you wouldn't mock God."

All of our half-formed perceptions about the Randians came bubbling out. Particularly hilarious were: George Reisman, playing Branden perfectly, down to his pretentious sing-song Russo-Canadian accent; Ralph Raico, as Rand; and Ron Hamowy, playing a "Tina Zucker" character (a rank-and-file Randian female). One of the pervasive themes, of course, was money: Reisman/Branden: "Be sure to bring your checks and money orders, your dollars or quarters forward," with Hamowy/Zucker shrilly complaining: "You've taken all my money [as therapist], Mr. Branden; I have no more money." Reisman/Branden and Raico/Rand start feeding each other lines such as: "You see Tina, Money is neither good nor bad but the expression of man's rationality," and, then, in perhaps the single most hilarious line, Reisman/Branden: "I will now say the line in the Money Speech on page 854, paragraph 3 of *Atlas*, the line that I know is on the minds at this moment of Ayn and Leonard, of Alan Greenspan and of Barbara, and of Joan Mitchell in Toronto . . ." Rand applauds Branden: "Well done, comrade." The issue for poor Tina is finally resolved when Reisman/Branden informs her that she can also pay for her therapy sessions by typing and performing domestic service for Nathan, at which Hamowy/Zucker gushes: "God Bless you, Miss Rand. If you say I'm happy I guess I'm happy now. . ."

The day after this happy gathering, one of the Circle Bastiat was out walking with one of the Randian females * and told her about the fun he had had the day before, with various of us imitating the voices of Rand and Branden. I don't believe he even told her about the subversive *content* of the skit; the very fact of such mimicry weighed on the poor girl. The awful knowledge caused her a sleepless night, after which she rushed to report this gross sin to Nathan the Great.

Blasphemy! *Lèse majesté!* Nathan called each of the ringleaders in turn on the carpet. Finally, I was called in. How could I do such a thing as imitate Rand and himself? I tried the bromide about "imitation being the sincerest form of flattery," but he was too shrewd to believe it. "After all," he intoned, "you wouldn't mock *God*." I looked at him, thinking, "Who's *God* here, buster? You, Rand, or both?"

Branden then demanded that I turn the tape over to him. "Don't tell me the tape doesn't exist any more, because I wouldn't believe it." "No, it exists," I said, "but you have no right to demand it." Branden then conceded that he had no "right" to the tape, since, after all, it was my property, but he demanded that I give it to him anyway. I flatly refused, and that was that.

But I knew and Branden knew that from that point on my days in the Randian movement were numbered. I had flatly refused a direct order from the Führer. From then on, it was just a question of what issue would constitute the official excuse for my expulsion. The crime of "disobeying a direct order from the greatest man of all time" would scarcely yield good public relations value.

II. The Gathering Storm

Deviations soon began to accumulate thick and fast; there was no shortage of critical issues. Many of us in the Circle Bastiat would fantasize about the taunts we would hurl at the Randians as we were being kicked out the door; heading the list was, inevitably, "What about Frank O'Connor?" For they all claimed to be perfect Randian heroes and heroines, whereas Frank, Mr. Rand, the only genuinely nice person in the Randian movement, clearly lacked the Randian virtues of philosophical acumen, creativity, a driving sense of heroic purpose, and all the rest.

A. Anarchism

Most people assume that my split with the Randians must have come over anarchism *vs.* limited government, but the subject, though lurking in the wings, never came up. From my first meeting with Ayn, she decided to put off discussion of mere political questions until all the fundamental metaphysical issues had been hammered out. That was fine with me, since from my point of view, friendship (which is what I originally thought this was all about) should involve mutual learning and enjoyment, and not seeking out heresies for rapid conversion or excommunication. But the anarchist question was looming up, and by the end Nathan was already talking about arranging a full-scale "debate" over the issue. If for no other reason, the break/expulsion would have come shortly thereafter.

B. The Goldberg Expulsion

An ominous foreshadowing of the future came with the brusque expulsion from the RandCult of one of our leading Circle members, the budding philosopher Bruce Goldberg. The sticking point, however, was scarcely philosophical. A joint meeting of many of the Circle Bastiat and RandCult members (at which neither Rand nor I was present) turned into an orgy of Holy-Roller type testimonials in which each person, in turn, was expected to tell the assembled acolytes the answer to one crucial question: "Who has been the most intellectually important person in my life?" The answer, of course, was foreordained: The Rand. "Ayn Rand has changed my life;" "This greatest mind of all time has shown me that A is A, and that 2 and 2 make 4," and on and on. Judgment hour hit, however, when it became Bruce Goldberg's turn: the most intellectually important person in *his* life, it turned out, was Ralph Raico, who had converted him to libertarianism. *"Ralph Raico!"* Nathan leaped to the attack, and, in short order, Goldberg was shown the door for all time, a victim of premises that were clearly ir-

* Vivian Greczka, who had followed Randian custom by changing her name to Grant.

redeemably evil. Raico, of course, departed with him.*

C. "Why Don't You See Us More Often?"

In my last meeting with him before the break, on July 14, 1958, Branden, with elaborate casualness, asked me: "By the way, why is it you don't see us more often?" ("Us," of course, was the group.) I was a bit startled, since I was seeing these people twice a week, which I was coming to consider *at least* two times a week too many. *More*?

The reason I didn't see this crew more often, and was more and more wishing I would see less, is I couldn't stand these people. Any of them. Posturing, pretentious, humorless, robotic, nasty, simple-minded jackasses. I couldn't very well say: "I don't want to see more of you because I can't stand you." Not only would such a statement have been socially unacceptable, it would have been considered philosophically erroneous and evil. According to Randian doctrine, these were the most "rational" people in the country, if not the universe. *If* you wish to be rational yourself, (and if you *don't*, buster, you're in for instant excommunication or, at the very least, several grueling years of Randian brainwashing), it then follows ineluctably that you'd want to spend as much time as possible with these Most Rational People. I should be dying to spend *eight* days a week, if that were possible, with these super-men and super-women.

"Murray," said Nathan, "you have plagiarized on every page from Atlas Shrugged and from Barbara's unpublished Masters essay." I told him that his statements were preposterous. "You will appear at your trial on Wednesday at 4," he told me. I told him, in effect, what he could do with his trial, and hung up the phone.

I tried at first to say that I was very busy, but of course that was a feeble argument in the light of the imperious demands of Randian Reason. Branden let me off the hook for a while by concretizing his concern: "Why don't you spend more time with Alan Greenspan?" Ahh, I was on safer ground. Greenspan was the Randian Economist, and since I too was an economist, and about the same age, we were supposed—if not required—to be *simpatico*. But I couldn't stand Greenspan from our first—and fortunately only—meeting. In addition to being a Keynesian with no knowledge of or interest in Austrian economics, Greenspan was supercilious and monotonic; he had the sense of life of a dead mackerel.

"I don't *like* Greenspan, Nathan."

"You *don't like Greenspan*?" Clearly, a sin that Branden had never before contemplated. "Why don't you like Greenspan?"

"He's a namedropper." The understatement of the month.

"Alan—a *namedropper*?"

I was off the hook, for the moment. Not liking Greenspan was, I suppose, only a venial sin. But at our next meeting, the rest of the story would inevitably open up, and that would be that.

D. "The God Tape"

Whereas not liking any of this gang was going to come up at our next meeting, a less immediate but more serious reason for a break was also becoming clear and all too intense by mid-July. My wife Joey was and is a practicing Christian. I knew from the very beginning that the Randians were fanatically anti-religious, that Rand hated God far more than she ever hated the State. So I put it squarely to Branden at our very first meeting: "Is it your view that I should divorce Joey because she's a Christian?" "Of course not," Nathan replied, "how could you think we were such monsters?"

Branden's answer lulled me into a false sense of security. As the months wore on, however, I came to realize that while Branden was technically telling the truth, the Randian attitude was, if possible, even *worse*. For no, I was not supposed to divorce Joey because she was a Christian; I was supposed to spend several months hectoring the poor girl to convert her to atheism; if *that* failed, I was supposed to divorce her.

Branden the Scholar! What a fearful power he thought he had loosed upon the world! Branden may have been good at winning by intimidation, and at tossing his forelock aloft and strutting up and down declaiming his greatness (what he calls being "serious about his values"). But when he started playing scholar, he was operating on my turf.

Branden's campaign started casually. I was attending the first set of Branden's Objectivist lectures. Nathan requested that Joey attend his refutation-of-God lecture, or, since she was going to be out of town that week, to listen to his God tape. Well, that sounded reasonable; why not? When I heard his anti-God lecture it struck me as one of the weakest of the lot. When coming to the argument from design—certainly the most powerful of theistic arguments—Branden set up an obvious straw man and proceeded to demolish it with easy ridicule. Branden's "design-argument" was of the simpleton variety: "Isn't it wonderful that God created oxygen since man needs it to breathe?"

When I heard Branden I was sure that Joey's immortal soul was in no danger; it would be hard to underestimate the intelligence of any religious person who would be converted by Branden's ploy. Sure enough, Joey heard Nathan's God tape, and was singularly unimpressed. And that was that. Or so I thought.

At my last meeting with Nathan, the same where my Greenspan Deviation had emerged, he asked, with calculated casualness: "By the way, did Joey listen to my God tape?"

"Yes."

"Well, what did she think of it?"

"She found it . . . interesting."

"Well, was she converted by it?"

"No."

* An imaginative reconstruction of the incident, as well as of my break with the RandCult, can be found in Jerome Tuccille's hilarious *It Usually Begins with Ayn Rand* (New York: Stein and Day, 1971). While Tuccille's account was not always historically accurate, he perceptively caught the spirit of the entire affair.

Nathan was stunned. "But, but," he sputtered, "don't you *care* that Joey wasn't converted by my God tape?"

"No."

Nathan drew himself up. He couldn't understand this clearly blasé attitude on my part. "If Barbara should ever show any signs of religious leanings," he emphasized sternly, "I would lock the door and sit her down and discuss the matter until we had come to a complete agreement."

"Complete agreement" meant, of course, unconditional surrender. As I listened to this creep, I could vividly visualize the scene: after forty-eight hours of sensory deprivation, forced to go without food or water or sleep while Nathan drones on in Randian syllogisms, Barbara finally cracks: "Please Nathan, I can't go on any longer, I must have food, I must rest . . . all right, yes, yes, I agree, God never could, never did, never shall exist. Can I rest now, please?"

"I really did not know," Mises wrote, "'that the concept that man has no automatic knowledge of how to survive and that the task of his reason is to discern the values and virtue needed to keep him alive' was not known to mankind before the fall of 1957."

As Nathan droned on, the Randian path blocked out for me became all too clear: I was to give Joey a reasonable amount of time to convert or else, subjecting her to intense pressure all the while. Nathan also made it clear that I was supposed to drop my other religious friends as well, such as Leonard Liggio. I never bothered to ask whether I was supposed to drop them *immediately* or pressure them to convert first. I'd had it with Branden and his whole bunch.

That day, I had given Branden as a courtesy a copy of a paper I had written for a conference to be held that fall by the William Volker Fund on Scientism and the Study of Man. The article, "The Mantle of Science," was a Misesian critique of scientism—in particular behaviorism and organicism, expanded to be grounded in an Aristotelian-Thomist defense of free will. I had thought that Branden and Rand would be interested. Little did I realize just how interested they would be.

III. The Break: the Plagiarism Canard

The next day, July 15, 1958, as I sat down at my typewriter writing a letter to Branden kissing him and the whole bunch off, I received my final phone call from Branden. "Murray, you have plagiarized on every page from *Atlas Shrugged* and from Barbara's unpublished Masters' essay" (which he had urged me to read). I told him that his statements were preposterous. "You will appear at your trial on Wednesday at 4," he told me. I told him, in effect, what he could do with his trial, and hung up.

The trial was held, *in absentia* of course, to the tune of general denunciations, reading from the Evil One's works, etc. A few days later I received a letter from Branden dated July 16 reiterating the plagiarism charge, citing eleven specific instances to which I must answer, and issuing "a simple ultimatum":

> Unless, within a week, you present evidence that original authorship of all the above points will be acknowledged in your paper, Ayn's and Barbara's lawyer will send a letter to the head of the symposium, informing him of the issue in detail, and presenting quotations from the three works in question that will incontestably establish what you have done. The only other alternative is for you to withdraw your paper from the symposium altogether—and, frankly, this is what I would advise.

I did not respond, so Nathan sent a detailed list of charges (July 20) to me and, via the law firm, to Helmut Schoeck, the director of the conference.

Branden the Scholar! What a fearful power he thought he had loosed upon the world! It was clear that he was convinced that, once he laid out the detailed charges, aided by a bit of legal threat, then my iniquity would be exposed, I would be booted out of the Scientism conference, and I would lose my job as reviewer and analyst for the Volker Fund.

What a *potz*! Branden may have been good at winning by intimidation, and at tossing his forelock aloft and strutting up and down declaiming his greatness (what he calls being "serious about his values"). But when he started playing scholar, he was operating on *my* turf. And the problem with Rand, Branden, and the rest of the crew is that these were dazzlingly ignorant people. Rand was proud about never having read any philosophy except a third-rate history of philosophy by B.A.G. Fuller. She was convinced that any philosophical thought she ever had must have been *original*; no one could have anticipated her greatness. Her followers, from Branden on down, maintained this tradition.

Branden's long letter began with the absurd statement that my "entire paper" had been written in Ayn Rand's "philosophical framework"—absurd because to anyone with brains it was obvious that the paper was written in the Misesian framework, and that the entire disputed portion of my paper consisted of only five out of the twenty-five manuscript pages of the article.

And so Branden's lengthy letter of July 20 listed ten charges of plagiarism against my article, demanding footnotes to *Atlas* and to Barbara's masters' essay on every point, else I would have to "take the consequences" of my action. (Ooh! *Scary*!) He graciously consented to letting me off the hook on Charges 2, 4, and 6. Interestingly, Branden quietly dropped an eleventh charge that he had made in his original letter of July 16: namely, that I had plagiarized Barbara's great, original point that accepting other peoples' judgments uncritically is not the same thing as being *determined* by them. Unfortunately, a mutual friend had leaked to Branden in the interim that I had indeed "plagiarized" this point—but *from myself* in an article I had submitted to an economic journal in 1954—three blessed years before encountering the RandCult!

He concluded by reiterating his threats and warning me that he really had the goods on me:

> I might mention that there are several witnesses to the fact that, when reading "Human Freedom and Human Mechanism" [Barbara's masters' thesis], you took exceptionally detailed notes on it, which are still in your possession . . .
>
> Needless to say, I shall certainly make it my business to learn whether or not a paper by you *is* presented at the symposium, and, if so, what is

its content . . .

> It is impossible for me to comply with your request that I return my copy of your essay. Under the circumstances, I have every rational right to keep the objective evidence of that of which I am accusing you.

The quintessence of my reply to the charges was contained in a short and not-sweet letter to Branden on August 16:

> You are apparently laboring under several serious misapprenhensions. In the first place, it is not true that any idea that I write which is not footnoted is "passed off as my own." Originality is not claimed for ideas in books or articles unless such originality is specifically proclaimed. If this were not true, very few books or articles would ever be written in philosophy or the social sciences, and those would be clogged by a vast morass of footnotes . . . Secondly, the ideas which you charge me with taking from *Atlas Shrugged* and Barbara Branden's essay are neither theirs nor mine; on the contrary, they are a part of the philosophical heritage of Western civilization, and can be found in innumerable rationalist writers. Of the many people at all versed in philosophy who have read my paper, not one thought these ideas were original, and not one failed to state that these were ideas that he had encountered many times before.

Helmut Schoeck, the distinguished German sociologist and author of *Envy*, then teaching at Emory University, got the Branden-law firm missive on vacation in Austria. His reaction was even more caustic and horrified than my own. Writing to his colleague James Wiggins, chairman of the Scientism conference, Schoeck wrote (August 13):

> This morning I did not quite believe my eyes . . . when the enclosed letter and material from the law firm of Ernst, Can & Berner arrived. . . . The apparatus [of legal threats] is so utterly out of proportion to what they seek (a few footnotes giving credit) that their primary aim seems to be the destruction of Dr Rothbard as a human being.
>
> A study of Nathaniel Branden's letter to Dr. Rothbard shows that a fantastically ludicrous claim of plagiarism is being made. . . . but none of the ideas . . . [that] Rand and Brandens claim can any longer be considered private literary property. They are part and parcel of hundreds if not thousands of books and treatises which were published in the past sixty years, in some cases the past few hundred years. Item No. 6 ["consciousness is a primary"], for example here Rene Descartes, a few hundred years ago, has written as much.—The long item No. 7 of the complaint [showing that determinism is in self-contradiction]; all that has been rehashed in hundreds of arguments ever since Friedrich Nietzsche, the Marxists, and Sigmund Freud began to relativize intellectual positions. It is a well known argument taught in any introductory course in logic.—Most ridiculous of all is item no. 10 on which the plaintiffs base most of their case: [a point supposedly original with Barbara] the example of the savage or child who does not respond to a gun [an argument I, along with dozens of authors, was making against behaviorism] can be found in every textbook on social psychology, social control and related subjects for the past sixty years or so. I have used this example spontaneously in many lectures. It is the most obvious one to come to the mind of anyone trying to make that point.

Schoeck added that my only error in all this was to get involved with these people in the first place, a point with which I, of course, heartily agreed.

The response to this affair I cherished the most was that of my dear mentor, Ludwig von Mises. I sent a copy of the Branden charges to him in New Hampshire, where he was vacationing. Mises replied promptly on July 22, employing a level of sarcasm that I had never seen him use: "I really did not know 'that the concept that man has no automatic knowledge of how to survive and that the task of his reason is to discern the values and virtues (the ends and means) needed to keep him alive' was not known to mankind before the fall of 1957." Mises also dismissed Branden's outrageous claim that Barbara had invented the crucial distinction between freedom and power: "Did Mrs. Branden, in pointing out that one must not confuse 'freedom' and 'power,' acknowledge Hayek's *Road to Serfdom*?"*

A week later (July 30), Mises wrote me a follow-up letter after a further examination of Branden's charges. He turned to No. 10, the "savage," the "child," and the "gun," which had drawn the wrath of Helmut Schoeck.

> It is true you used the example of the savage or the child in order to illustrate the proposition that the reaction depends on the meaning the actor ascribes to the stimulus. I pointed this out again and again in order to refute the crude behavioristic stimulus-response scheme, for the first time in an article "Begreifen und Verstehen," published before 1933 and reprinted in "Grundprobleme" in 1933 . . . But I never claimed authorship of this fundamental idea. Neither did Max Weber (died 1920). Perhaps one has to credit Droysen or Dilthey.

Mises concluded sweetly by advising me to "be calm and wait," adding that "it is useless to argue with B."

Helmut Schoeck had concluded his letter to Wiggins:

> I suggest that Dr. Rothbard ignore these crackpots and that he, with our help, get quotes for each of the disputed paragraphs of course preceding in time the publications of the plaintiffs. They can be found easily.

They sure could. In his totally false account of the affair, Branden writes in *Judgment Day* that I had managed to dredge up some obscure medieval scholar who "indeed had anticipated some of Ayn's arguments." (260) Bunk! A few hours in the library and a set of Leonard Liggio's Thomist philosophy textbooks from his Georgetown undergraduate days quickly yielded a whole raft of citations and quotations all saying exactly what he claimed Rand and

These were dazzlingly ignorant people. Rand was proud about never having read any philosophy except a third-rate history of philosophy by B.A.G. Fuller. She was convinced that any philosophical thought she ever had must have been original; no one could have anticipated her greatness. Her followers, from Branden on down, maintained this tradition.

* Chicago: University of Chicago Press, 1944.

Barbara had originated, and all were published from the 1930s to the 1950s—all before the publication of *Atlas*. I needed no more help than that. And most delicious of all, almost every one of these quotes was from a Dominican or Jesuit priest, exemplars of the Christianity that had been one of the major reasons for our break in the first place.

I sat down and wrote a detailed reply to all of the charges, incorporating the new quotes. I sent it to the Volker Fund. Justice triumphed. My paper, with the new citations, was published in the Scientism volume. The reader is invited to check all this for himself: Murray N. Rothbard, "The Mantle of Science," in H. Schoeck and J.W. Wiggins, ed., *Scientism and Values* (Princeton, N.J.: D.Van Nostrand, 1960, pp. 159–180). The lovely sources, mainly Thomist, bolstering points allegedly stolen from Rand and Branden originals, can be found in footnotes 3–12. The article was well received, though every once in a while, someone would ask me, "it's a good article, but why do you have all those footnotes to points that are a basic part of Western philosophy?" And then I tell the story.

For several months after the break, mutual acquaintances carried information back and forth between us. When the dust had settled, and the Volker Fund had in effect told Branden where to stuff his charges, Branden told a friend: "Well, even if all of my charges are wrong, Murray's greatest sin was to hang up on me"—thereby refusing to recognize the legitimacy of the Randian "judicial" process. I was greatly amused a decade later to read Barbara's account that *her* greatest sin in Randian eyes was not showing up for *her* trial. Can you imagine the psyche of someone who would meekly respond and actually show up for his or her "trial"?

I had thought that publication of my article, *cum* footnotes, would finish the matter. But apparently Branden has forgotten. The old plagiarism baloney is trotted out as if this were still mid-1958, and Nathan were still the Enforcer.

Well, as far as I am concerned, he still is. Old Branden or New Branden, Randian shrink or Biocentric shrink, student or Ph.D., young or old, he's still the same pompous ass, the same strutting poseur and mountebank, the same victim of his own enormously excessive self-esteem. *Judgment Day* confirms that assessment in spades. Certainly, in recounting my own case, Branden seems to forget the superficial recantation of his role as St. Paul and Grand High Inquisitor of the Randian movement, and slips easily back into the old loony prosecutorial role that he elsewhere claims to renounce. In my case at least, he seems to have forgotten much and learned nothing, dredging up the old "plagiarism" canard that I had stuffed down his gullet over thirty years ago. His copious sins of omission and commission make his account of our break simply *not to be believed*; it certainly does not inspire confidence in the veracity of the rest of his self-serving memoir.

There *must* be no more Rands, no more Brandens, no more tinpot enforcers and petty despots in our midst. We all need to realize that there will be no such Enforcers ever if we only deprive them of the Sanction of the Victim.

IV. Epilogue

I did not hear from Branden again for nearly thirty years. In July, 1986, I reviewed Barbara's *The Passion of Ayn Rand* for *American Libertarian* (July 1986, p. 7). Then suddenly, a letter from Nate the Great! It almost achieved the status of being friendly. Of course, he wanted something from me.

I had referred in my review to the "numerous lives that the [Rand] cult wrecked or crippled." Well, of all things, Branden wanted my help, in doing research for his book, in discovering the names of those whose lives he had wrecked.

What *chutzpah!*

Naturally, I did not reply. ❑

Bradford, "Abortion Without Absurdity," *continued from page 25*

be happier, families will be happier.

These are perfectly good and valid reasons to make abortion legal.

What should be the point at which personhood begins? I am not really sure. Plainly it should occur sometime after conception: otherwise we must prohibit the inducement of abortion of accidental and unwanted pregnancies, we must prevent women from control of their own bodies, we must drive some women into the hands of underground abortionists who cannote be sued for carelessness so the risk of death or injury is high. Plainly it should be sometime before the actual moment of birth. Somewhere between these boundaries, we should agree to a point at which abortions are legal and the right to abortion is sanctioned by law.

This process may affront the desire of some people to identify the discrete moment at which personhood occurs. These people are subjectivists in the worse sense: they believe their desire for such a moment proves that there is such a moment. Their misunderstanding of the nature of human development and their subjectivity do not entitle them to set public policy.

The situation is not black-and-white, as some anti-abortionists would have it. The development of the zygote/fetus is gradual; in terms of the black-and-white metaphor, it goes through various shades of gray. But the situation is not *all* grays, as the moral relativist would have it: there are entities that are undoubtedly persons or non-persons, and it is only in terms of these categories that the grays can be understood. In terms of the black-and-white analogy, the anti-abortionist takes the view that the world consists of *only* blacks and whites; the moral relativist takes the view that the world consists of only grays.

My position views the world as blacks and whites and gradations of gray. ❑

"According to the quiz in this magazine, Lou, we should turn ourselves in to the authorities."

Essay

Indefining the Future

by Richard Kostelanetz

The libertarian movement is advanced and visionary in ways that Marxism, socialism, communism, conservatism and monarchism are not. Though one might expect that there would be a community of the imagination between libertarians, who are political visionaries, and *avant-garde* artists, who are esthetic visionaries, this does not seem to be the case. Why? Perhaps if advanced artists in general weren't so dumb (and herdish) about politics they would have more respect for libertarian assumptions; but if libertarians didn't seem so dumb about advanced art (perhaps reflecting the influence of Ayn Rand, surely no smarter about art than politics), they might find more artists—*natural* libertarians if there are any—in their midst.

> Art may not change the world, but it is made by those who would like to change it.
>
> — Seldon Rodman, *Tongues of Fallen Angels*

So what constitutes the vanguard in art?

Second Culture?

The term *avant-garde* refers to those out front, forging a path that others will take. Initially coined to characterize the shock troops of an army, the epithet passed over into art. Used precisely, *avant-garde* should refer to rare work that satisfies three discriminatory criteria: it transcends current conventions in crucial respects, establishing discernible distance between itself and the mass of current practices; it will necessarily take considerable time to find its maximum audience; and it will probably inspire future, comparably advanced endeavors. Only a small minority can ever be *avant-garde*; for once the majority has caught up to something new, what is genuinely *avant-garde* will, by definition, be someplace else. The term has the same meaning in English as in French, and thus need not be italicized.

> The avant-garde, like any culture, can only flower in a climate where political liberty triumphs, even if it often assumes a hostile pose toward democratic and liberal society. Avant-garde art is by its nature incapable of surviving not only the persecution, but even the protection or the official patronage of a totalitarian state and a collective society. . . . The only omnipresent or recurring political ideology within the avant-garde is the least political or the most antipolitical of all: libertarianism and anarchism. —
> Renato Paggioli, *The Theory of the Avant-Garde*

> *Those most antagonized by the avant-garde are not the general populace, which does not care, but the guardians of culture, who do—whether they be cultural bureaucrats, established artists or their epigones—because they feel, as they sometimes admit, "threatened."*

Problems notwithstanding, it remains a critically useful category.

As a temporal term, avant-garde characterizes art that is "ahead of its time"—that is beginning something—while "decadent" art, by contrast, stands at the end of a prosperous development. "Academic" refers to art that is conceived according to rules that are learned in a classroom; it is temporally post-decadent. Whereas decadent art is created in expectation of an immediate sale, academic artists expect approval from their social superiors, whether they be teachers or higher-ranking colleagues. Both academic art and decadent art are essentially opportunistic, created to realize immediate success, even at the cost of surely disappearing from that corpus of art that survives merely by being remembered. By contrast, one fact shared by both decadent art and academic art is that they realize their maximal audience upon initial publication.

The situation of (Arnold) Schoenberg is typical—he was never in fashion and now he's become old-fashioned.
— Milton Babbitt, Words about Music

Avant-garde art has been defined as "whatever artists can get away with." This is true, however, only in time and in context—only if the invention contributes to a perceptible ongoing tendency or challenges radically an acknowledged professional issue. As avant-garde art is not made in a vacuum, so it is not offered only to the wind. The exact same brand-new creation that might seem innovative at one time or one place can, even if redone precisely, seem irrelevant, if not decadent, at another. The vanguard, the leading edge of art, is the front of the train; the derrière-garde, the caboose. Most artists ride cars in the middle.

One secondary characteristic of avant-garde art is that, in the course of entering new terrain, it violates entrenched rules—it seems to descend from "false premises" or "heretical assumptions"; it makes current "esthetics" seem irrelevant. For instance, Suzanne Langer's theory of symbolism, so prominent in the forties and even the fifties, is hardly relevant to the new art of the past two and one-half decades. It offers little intelligence toward understanding, say, the music of John Cage or Milton Babbitt, the choreography of Merce Cunningham, the poetry of John Ashbery, where what you see or hear is generally most, if not all, of what there is. This sense of irrelevance is less a criticism of Langer's theories, which four decades ago seemed so persuasively encompassing, than a measure of drastic difference.

All arts tend to decline into the stereotype; and at all times the mediocre tend to try, semi-consciously or unconsciously, to obscure the fact that the day's fashion is not the immutable.
— Ezra Pound,
"Vers Libre and Arnold Dolmetsch"

One reason why avant-garde works should be initially hard to comprehend is not that they are intrinsically inscrutable or hermetic but that they defy, or challenge as they defy, the perceptual procedures of artistically educated people. They forbid easy access or easy acceptance, as an audience perceives them as inexplicably different, if not forbiddingly revolutionary. In order to begin to comprehend them, people must work and think in unfamiliar ways. Nonetheless, if the audience learns to accept innovative work, it will stretch their perceptual capabilities, affording them kinds of perceptual experience previously unknown. Edgard Varèse's revolutionary *Ionisation* (1931), for instance, taught a generation of listeners about the possible coherence and beauty in what they had previously perceived as noise.

It follows that avant-garde art usually offends people, especially serious artists, before it persuades; and it offends them not in terms of content, but in terms of Art. They assert that Varèse's noise (or Cage's, or Babbitt's) is unacceptable as music. That explains why avant-garde art strikes most of us as esthetically "wrong" before we acknowledge it as possibly "right"; it "fails" before we recognize that it *works*. (Art that offends by its content offends only as journalism or gossip, rather than as Art, and is thus as likely to disappear as quickly as other journalism or gossip.)

Those most antagonized by the avant-garde are not the general populace, which does not care, but the guardians of culture, who do—whether they be cultural bureaucrats, established artists or their epigones—because *they* feel, as they sometimes

admit, "threatened."

Disreputably unforgettable or commendably forgotten—given the chance, the avant-grade artist would prefer that his creation be the former. That is one explanation for why those new works that veterans dismiss while new artists debate are usually avant-garde.

Though vanguard activity may dominate discussion among sophisticated professionals, it never dominates the general making of art. Most work created in any time, in every art, honors long-passed models. Even today, in the United States, most of the fiction written and published and reviewed has, in form, scarcely progressed beyond early twentieth century standards; most poetry today is similarly decadent.

The "past" that the avant-garde aims to surpass is not the tradition of art but the currently decadent fashions; for in Harold Rosenberg's words, "Avant-garde art is haunted by fashion." Because avant-gardes in art are customarily portrayed as succeeding each other, the art world is equated with the world of fashion, in which styles also succeed each other. However, in both origins and function, the two are quite different. *Fashion* relates to the sociology of lucrative taste; *avant-garde,* to the history of art. In practice, avant-garde activity has a dialectical relationship with fashion, for the emerging lucrative fashions can usually be characterized as a synthesis of advanced art, whose purposes are antithetical to those of fashion, with more familiar stuff. When it does appear to echo advanced art, a closer look reveals the governing model as art actually of a period recently past.

The esthetic avant-garde ("left") does not coincide with the political vanguard (also "left"), the former regarding the latter as culturally insensitive and humanly exploitative, and the latter regarding the former as individualistic and politically inept.

One difference between literature and visual art is that the merchandizers of the latter can successfully peddle the work of certain figures who were once genuinely avant-garde, although such produce is itself rarely avant-garde. For example, the purveyors of Salvador Dali can profit at levels unavailable to the purveyors of Gertrude Stein; the former artist can be commercially fashionable to a degree that the latter cannot.

Though fashion imitates the tone of innovation and exploits the myth of its value, the aim of fashion is standardization; the goal of fashion's creators is, simply, a formula that can be successfully mass-merchandized. That accounts for Jean Cocteau's formulation of fashion as what goes out of fashion. The avant-garde artist, by contrast, is interested in discovery and transcendence, not only of current fashions but himself (and, by extension, his

But the new does exist, even apart from any consideration of progress. It is implied in *surprise.* So is the new spirit. Surprise is the most living, the newest element of the new spirit—its mainspring. It is by the element of surprise, by the important place it assigns to surprise, that the new spirit is distinguished from all earlier artistic and literary movements.
— Guillaume Apollinaire, "The New Spirit and the Poets"

**The avant-garde consists of those who feel sufficiently at ease with the past not to have to compete with it or duplicate it.
—Dick Higgins, "Does Avant-Garde Mean Anything?"**

For a certain moment of history, a picture or a statue speaks a language it will never speak again: the language of its birth. — André Malraux, *The Imaginary Museum*

Art is not predictable. To put it the other way around, what can be predicted is not art. Art which does not surprise, does not enlarge, does not extend our knowledge, our consciousness, our *something*, is not—by twentieth century standards at least—worth the bother. So we can't talk about its future profitably. We can only talk round it and across it, or we can talk about it from the other side.

— Reyner Banham, "The Future of Art from the Other Side"

own previous art).

When avant-garde inventions become fashionable—as, say, collage in visual art and associational syntax in poetry already have—then they begin to seem decadent, and everyone aspiring to create genuine vanguard art feels in his or her gut that this new fashion has become a milestone that one is obliged to transcend.

Whenever the current state of an art is generally perceived as decadent or expired, a new avant-garde is destined to arise.

The esthetic avant-garde ("left") does not coincide with the political vanguard (also "left"), the former regarding the latter as culturally insensitive and humanly exploitative, and the latter regarding the former as individualistic and politically inept. Each thinks the other is naive about cultural change; and needless to say perhaps, each is essentially correct.

The term avant-garde can also refer to individuals creating such path-forging art; but even by this criterion, the work itself, rather than the artist's intentions, is the ultimate measure of the epithet's applicability to an individual. Thus, an artist or writer is avant-garde only at certain crucial points in his creative career, and only those few works that were innovative at their debut comprise the history of modern avant-garde art. The phrase may also refer to artistic groups, if and only if most of its members are (or were) crucially contributing to authentically exploratory activity.

The term is sometimes equated with cultural antagonism, for it is assumed that the "avant-garde" leads artists in their perennial war against the Philistines. However, this Philistine antagonism is a secondary characteristic, as artists' social position and attitudes descend from the fate of their creative efforts, rather than the reverse. Any artist who sets out just to mock the Philistines is not likely to do anything more.

Certain conservative critics have recently asserted that "the avant-garde no longer exists," because, as they see it, the suburban public laps up all new art. However, it is critically both false and ignorant to use a secondary characteristic in lieu of a primary definition. *Avant-garde* is an art-historical term, not a sociological category. If an art critic in particular fails to use "avant-garde" as primarily an art-historical term, then he is exploiting the authority of his position to spread needless confusion. The fact that the avant-garde is widely discussed, as well as written about, scarcely makes it fashionable or lucrative—not at all.

The conservative charge is factually wrong as well, as nearly all avant-gardes in art are ignored by the middle-class public (and its agents in the culture industries),

Since the avant-garde claims to be prophetic, the ultimate judge of current claims can only be a future cultural public. For now, a future-sensitive critic should just try to posit tentative estimates.

precisely because innovative work is commonly perceived as "peculiar," if not "unacceptable," not only by the mass public as by those middleman who make a business of selling to it. Indeed, the pervasiveness of those perceptions is, of course, a patent measure of a work's being art-historically ahead of its time.

It is also erroneous to think of current avant-gardes as necessarily extending or elaborating previous avant-gardes. It was misleading, for instance, to classify the painter Jasper Johns as only a descendant of Dada, for implicit in Johns's best art is a conceptual leap that reflects Dada and yet moves well beyond it. Partial resemblances to Dada notwithstanding, Johns's work has been done for other esthetic purposes, out of other interests, from other assumptions. Indeed, the term avant-garde is most appropriate when it is applied to work that is so different in intention and experience that it renders the old classifications irrelevant.

Since the avant-garde claims to be prophetic, the ultimate judge of current claims can only be a future cultural public. For now, a future-sensitive critic should just try to posit tentative estimates.

One reason why the artistic innovations of the future cannot be described today is that whatever will be judged avant-garde transcends, almost by definition, current imagination. ❑

Inquiry

Simple Principles *vs* the Real World

by David Friedman

The problem with theoretical arguments for freedom is that they often lead to impractical conclusions, thus making a *theoretical* case for the practical, "utilitarian" approach.

Many libertarians appear to believe that libertarianism can be stated as a simple and convincing moral principle from which everything else follows. Popular candidates are "It is always wrong to initiate coercion" and "Everyone has the absolute right to control his own property, provided that he does not use it to violate the corresponding rights of others." If they are right, then the obvious way to defend libertarian proposals is by showing that they follow from the initial principle. One might even argue that to defend libertarian proposals on the grounds that they have desirable consequences, as I have done in *The Machinery of Freedom,* is not only a waste of time but a dangerous waste of time, since it suggests that one must abandon the libertarian position if it turns out that some coercive alternative works better.

One problem with deducing libertarian conclusions from simple libertarian principles is that simple statements of libertarian principles are not all that compelling. Lots of people are in favor of initiating coercion. Despite occasional claims to the contrary, libertarians have not yet produced any proof that our moral position is correct.

A second problem is that simple statements of libertarian principle taken literally can be used to prove conclusions that nobody, libertarian or otherwise, is willing to accept. If the principle is softened enough to avoid such conclusions, its implications become far less clear. It is only by being careful to restrict the application of our principles to easy cases that we can make them seem at the same time simple and true.

The easiest way to demonstrate this point is with a few examples. In order to define coercion, we need a concept of property—some way of saying what is mine and what is yours. The usual libertarian solution includes property rights in land. I have the absolute right to do what I want on my land, provided that I refrain from interfering with your similar right on your land.

But what counts as interfering? If I fire a thousand megawatt laser beam at your front door I am surely violating your property rights, just as much as if I used a machine gun. But what if I reduce the intensity of the beam—say to the brightness of a flashlight? If you have an absolute right to control your land, then the intensity of the laser beam should not matter. Nobody has the right to use your property without your permission, so it is up to you to decide whether you will or will not put up with any particular invasion.

So far many will find the argument convincing. The next step is to observe that whenever I turn on a light in my house, or even strike a match, the result is to violate the property rights of my neighbors. Anyone who can see the light from his own property, whether with the naked eye or a powerful telescope, demonstrates by doing so that at least some of the photons I produced have trespassed onto his property. If everyone has an absolute right to the protection of his own property then anyone within line of sight of me can enjoin me from doing anything at all which produces light. Under those circumstances, my "ownership" of my property is not worth very much.

A similar problem arises with pollution. Libertarians sometimes claim that since polluting the air over anyone else's property is a violation of his property rights, pollution can be forbidden in a libertarian society except when the polluter has the consent of the owners of all affected land. This argument is used to attack schemes such as effluent fees, which are designed to limit pollution to its economically efficient level—the point at which further reductions cost more than they are worth—but not to eliminate it. (See Chapter 26 of *Machinery of Freedom* for my discussion of this proposal.)

Here again, the problem is that an

absolute right to control one's property proves too much. Carbon dioxide is a pollutant. It is also an end product of human metabolism. If I have no right to impose a single molecule of pollution on anyone else's property, then I must get the permission of all my neighbors to breathe. Unless I promise not to exhale.

The obvious response is that only significant violations of my property rights count. But who decides what is significant? If I have an absolute property right, then I am the one who decides what violations of my property matter. If someone is allowed to violate my property with impunity as long as he does no significant damage, we are back to judging legal rules by their consequences.

A similar problem arises if we consider effects that are small not in size but in probability. Suppose I decide to play Russian roulette, with one small innovation; after putting one cartridge in my revolver and spinning the cylinder, I point it at your head instead of mine before pulling the trigger. Most people, libertarian or otherwise, would agree that you have every right to knock the gun out of my hand before I pull the trigger. If doing something to someone (in this case shooting him) is coercive, then so is an action that has some probability of doing that something to him.

But what if the revolver has not six chambers but a thousand or a million? The right not to be coerced, stated as an absolute moral principle, should still apply. If libertarianism simply consists of working out the implications of that right, then it seems to imply that I may never do anything which results in some probability of injuring another person without his consent.

I take off from an airport in a private plane with a cruising radius of a thousand miles. There is some (small) probability that my instruments will fail, or I will fall asleep, or for some other reason I will go wildly off course. There is some probability that the plane, having gone off course, will crash. There are things I can do which will reduce these probabilities, but not to zero. It follows that by taking off I impose some (small) probability of death and destruction on everyone through whose roof I might crash. It seems to follow from libertarian principles that before taking off I must get permission from everyone living within a thousand miles of my starting point.

I am not claiming that libertarians who argue from rights rather than from consequences believe that you cannot light a match on your own property, or fly an airplane, or breathe out; obviously they do not. My point is that simple statements of libertarian rights taken literally lead to problems of this sort.

One can avoid such results by qualifying the statements: saying that they apply only to "significant" violations of my rights, or violations that "really injure" me, or that by breathing and turning on lights and doing other things that impose tiny costs on others I am implicitly giving them permission to do the same to me. But once one starts playing this game one can no longer use rights arguments to draw clear conclusions about what should or should not happen. People who believe in taxes can argue just as plausibly that taxes do not really injure you, since the benefits they produce more than make up for the cost, or that everyone implicitly consents to taxes by using government services.

The longer I have thought about these issues, the more convinced I have become that arguments about fundamental moral principles do not provide answers to enough important questions. In particular, they provide no answer, and no way of getting an answer, to a whole range of questions about where to draw lines. It seems obvious that we want property rules that prohibit trespass by thousand megawatt laser beams and machine-gun bullets but not by flashlights and individual carbon dioxide molecules. But how, in principle, do you decide where along that continuum the rights of the property owner stop? We want rules that prohibit me from demonstrating my marksmanship by shooting a rifle at flies hovering around your head but do not prohibit all airplane flights. We want rules that prohibit trespass by elephants but not by satellites orbiting three thousand miles over my roof.

Most libertarians believe that a libertarian society is both just and attractive. It is easy enough to claim that we are in favor of following libertarian principle whatever the consequences—given that we believe the consequences would be the most attractive society the world has ever known. But the claim that we put individual rights above everything else is, for most of us, false.

One tempting approach to such issues is to try to go back to the origin of property in land. If we knew how I acquired ownership of land, we might also know what that ownership consists of. Unfortunately, we do not know how I acquired ownership of land. John Locke, several centuries ago, suggested that we acquire land by mixing our labor with it, but he did not explain how, when I clear a piece of forest, I acquire not only the increased value due to my efforts but complete ownership over the land. How, in particular, do I acquire the right to forbid you from walking across the land—something you could have done even if I had never cleared it? Later libertarian theorists have suggested other grounds for establishing ownership in land, such as claiming it or marking its boundaries. But no one, so far as I know, has presented any convincing reason why, if land starts out belonging equally to everyone, I somehow lose my right to

"I agree that he's a creep, but we have to have *some* form of government, don't we?"

walk on it as a result of your loudly announcing that it is yours.

It is easy enough to show reasons why the conversion of common property into private property is a good thing—why it makes us better off—but it is very much harder to derive property in land from some *a priori* theory of natural rights. That is why, at the beginning of *The Machinery of Freedom*, I conceded that the basis of property in unproduced resources such as land is shaky, and argued that it does not matter very much, since only a small fraction of the income of a modern society is derived from such resources.

The problems I have discussed so far are all associated with the definition of property rights to land. A host of similar problems arise in specifying the rules of a legal system designed to enforce libertarian rights in a libertarian way. A criminal trial rarely if ever produces a certainty of guilt. If you jail (or fine) someone after concluding that there is a 98 percent chance that he has committed a crime, there remains a two percent chance that you are violating the rights of someone who is innocent. Does that mean that you can never punish anyone unless you are a hundred percent certain he is guilty? If not, how in principle do libertarian moral principles tell you what degree of proof should be necessary for conviction and punishment?

The problem is that an absolute right to control one's property proves too much. If I have no right to impose a single molecule of pollution on anyone else's property, then I must get the permission of all my neighbors to breathe. Unless I promise not to exhale.

Once someone is convicted, the next question is what you can legitimately do to him. Suppose I have stolen a hundred dollars from you. If all you are allowed to do is take your money back, then theft is an attractive profession. Sometimes I am caught and give the money back, sometimes I am not caught and keep it. Heads I win, tails I break even.

In order to prevent theft, you must be able to take back more than was stolen. But how much more? When I raised that question once in a talk to a libertarian audience, I was told that it had already been answered by a prominent libertarian—you are entitled to take back exactly twice what is stolen. That was many years ago, but nobody yet has given me a reason why it should be twice. Two is a nice number, but so is three, and there may be much to be said for four, or ten, or a hundred. The problem is not to invent answers but to find some way of deriving them.

Unwanted Consequences of Libertarian Rights

I could continue with a wide range of other problems for which the natural rights approach to libertarianism offers, so far as I can tell, no solution. I would prefer instead to suggest a different criticism of that approach. Even if we ignore situations that involve vanishingly small rights violations, the usual statements of libertarian principle imply conclusions that almost nobody, libertarian or otherwise, believes in.

Consider the following example. A madman is about to open fire on a crowd; if he does so numerous innocent people will die. The only way to prevent him is to shoot him with a rifle that is within reach of several members of the crowd. The rifle is on the private property of its legitimate owner. He is a well known misanthrope who has publicly stated on numerous occasions that he is opposed to letting anyone use his rifle without his permission, even if it would save hundreds of lives.

Two questions now arise. The first is whether members of the crowd have a right to take the rifle and use it to shoot the madman. The answer of libertarian rights theory, as I understand it, is no. The owner of the rifle is not responsible for the existence of the madman, and the fact that his rifle is, temporarily, of enormous value to other people does not give them a right to take it.

The second question is whether it is desirable that someone take the rifle and use it to shoot the madman—whether, to put it more personally, I wish that someone do so, or whether I would rather see the members of the crowd stand there and be shot down. The answer to this question seems equally unambiguous. If someone takes the rifle, there is a relatively minor violation of the legitimate rights of its owner; if no one does, there is a major violation of the legitimate rights (not to be killed) of a large number of victims—plus a substantial cost in human life and human pain. If asked which of these outcomes I would prefer to see, the answer is obviously the first.

Libertarian theorists have suggested other grounds for establishing ownership in land, such as claiming it or marking its boundaries. But no one has presented any convincing reason why I somehow lose my right to walk on it as a result of your loudly announcing that it is yours.

This result is not, in any strict sense, paradoxical. An outcome may be desirable even though there is no morally legitimate way of achieving it. Indeed, this possibility is implied by Robert Nozick's idea of viewing libertarian rights as "side constraints" within which we seek to achieve some objective; the constraints would be irrelevant unless there were some circumstances in which we could better achieve the objective by ignoring them.

While not in any strict sense paradoxical, the result is, at least to me, an uncomfortable one. It puts me in the position of saying that I very much hope someone grabs the gun, but that I disapprove of whoever does so.

One solution to this problem is to reject the idea that natural rights are absolute; potential victims have the right to commit a minor rights violation, compensating the owner of the gun afterwards to the best of their ability, in order to prevent a major one. Another is to claim that natural rights are convenient rules of thumb which correctly describe how one should act under most circumstances, but that in sufficiently unusual situations one must abandon the general rules and make decisions in terms of the ultimate objectives which the rules were intended to achieve. A third response is to assert that the situation I have described cannot occur, that there is some natural law guaranteeing that rights violations will always have bad

consequences and that committing one rights violation can never decrease the total of rights violations.

All of these positions lead to the same conclusion. Under some circumstances rights violations must be evaluated on their merits, rather than rejected *a priori* on conventional libertarian natural rights grounds. Those who believe that rights violations are always undesirable will be sure that the result of the evaluation will be to reject the violation, but that does not mean that they can reject arguments to the contrary without first answering them. Any such argument claims to provide a counterexample to their general theorem, and if one such counterexample is true the general theorem must be false.

I have made my point so far in terms of an issue created for the purpose; whether or not to steal rifles in order to shoot madmen is not a burning issue in libertarian (or other) circles. I will now carry the argument a step further by defending one of the particular heresies which, it is widely believed, no libertarian can support—that under some conceivable circumstances a draft would be desirable.

Suppose we are threatened with military conquest by a particularly vicious totalitarian government; if the conquest is successful we shall all lose most of our freedom and many of us will lose our lives. It is claimed that only a draft can protect us. Two replies are possible. The first is that since coercion is always wrong we should reject the draft whatever the consequences. I have tried to show that that answer is not satisfactory—at the most it should lead us to refuse to enforce a draft ourselves while hoping that someone with fewer principles imposes one for us. Temporary slavery is, after all, better than permanent slavery.

The other possible reply is to deny that the draft is necessary. This can be done in many ways. The economist is inclined to argue that collecting taxes in cash and using them to hire soldiers is always more efficient than collecting taxes in labor; the moralist may claim that a society whose members will not voluntarily defend it is not worth defending. I have myself used the first argument many times; I believe that in the circumstances presently facing the U.S. it is correct. But the question I am currently concerned with is not whether under present circumstances, or even under likely circumstances, a draft is desirable. The question is whether under any conceivable circumstances it could be.

The answer is yes. Imagine a situation in which the chance of a soldier being killed is so high that a rational individual who is concerned chiefly with his own welfare will refuse to volunteer even at a very high wage. Imagine further that the percentage of the population required to defeat the enemy is so large that there are simply not enough patriotic, or altruistic, or adventure-loving, or unreasonably optimistic recruits available; in order to win the war the army must also include selfish individuals with a realistic view of the costs and benefits to themselves of joining the army. Recruiters and preachers will of course point out to such individuals that "if everyone refuses to fight we will be conquered and you will be worse off than if everyone volunteers to fight." The individual will reply, correctly, that what he does does not determine what everyone else does. If everyone else volunteers, he can stay safely at home; if nobody else volunteers and he does, he will almost certainly be killed and if not killed will be enslaved.

Utilitarianism is a possible moral rule, but it is not one that I am willing to accept. Why? For the same reason that I reject all simple statements of libertarianism—because I can construct hypothetical situations in which it seems clear to me that the rule gives the wrong answer.

Under such circumstances, an army could be recruited without a draft by paying very high salaries and financing them with taxes so high that anyone who does not volunteer starves to death. The coercion of a tax is then indistinguishable from the coercion of a draft. While a libertarian may still argue that to impose either a draft or a tax is immoral and that he himself would refuse to do so, I find it hard to see how he can deny that, under the circumstances I have hypothesized, he would rather see himself and everyone else temporarily enslaved by his own government than permanently enslaved by someone else's.

The point of this argument is not that we should have a draft. As it happens, I not only believe that under present circumstances a draft is a bad thing, I also believe that if the government has the power to impose a draft it is very much more likely that it will use it when it should not than that the rather unlikely circumstances I have described will occur. That is, however, a practical argument, and one that might depend on the particular circumstances of a particular time and place; it is not an argument of principle that would apply everywhere and everywhen.

Perhaps what these examples show is not that we cannot accept a simple statement of libertarian principle but only that I picked the wrong one. Perhaps we should replace a statement about what one should do ("never initiate coercion") with a statement about what one objective one should seek ("do whatever minimizes the total amount of coercion"). Both seizing the rifle and imposing a draft are then, in the particular circumstances I have described, not only consistent with libertarian principle but required by it.

While I cannot speak for libertarians, I find that this version of libertarianism does not always fit my moral intuition. Suppose the only way I can stop someone from stealing two hundred dollars from me is by stealing your hundred-dollar rifle (which you are unwilling to lend or sell me) and using it to defend myself. The result is to reduce the total amount of coercion, at least if we measure amount by value of what is stolen. Yet it seems, at least to me, that stealing the rifle is still wrong.

A second problem with this approach is that it is of no help when we must choose between a small cost in coercion and an enormous cost in something else. Suppose you happen to know that everyone in the world is going to die tomorrow (by some natural catastrophe, say the earth colliding with a large asteroid), unless you prevent it. Further suppose that the only way to prevent it involves stealing a piece of equipment worth a hundred dollars from someone who, in your opinion, rightfully owns it. Your choice is simple:

violate libertarian principles by stealing something or let everyone die.

What do you do? You cannot justify stealing as a way of minimizing total coercion. Being killed by an asteroid is not coercion, since it is not done by a person. After the asteroid strikes there will be no more coercion ever again, since there will be no one left to either coerce or be coerced.

Speaking for myself, the answer is that I steal. When I put such questions to other libertarians, one common response is a frantic attempt to reinterpret the problem out of existence. One example might be the reply that, since the person you are stealing from will himself be killed if you do not take the device, he would be in favor of your taking it, so you are not really stealing—you are using the device in the way he would want you to if he knew what you know. Another response might be that you should not steal the equipment because your belief that doing so will save the world may be wrong.

All such evasions are futile. I can always alter the assumptions to force the issue back to its original form. Perhaps the owner of the device agrees that using it is necessary if the world is to be saved, but he is old, tired of living, and not very fond of his fellow humans. Perhaps the situation is so clear that everyone agrees that without your act of theft we shall all die.

Our response to such questions demonstrates that we do not really believe in simple single values. Most libertarians, myself among them, believe that a libertarian society is both just and attractive. It is easy enough to claim that we are in favor of following libertarian principle whatever the consequences—given that we believe the consequences would be the most attractive society the world has ever known. But the claim that we put individual rights above everything else is, for most of us, false. Although we give some value, perhaps very great value, to individual rights, we do not give them an infinite value. We can pretend the contrary only by resolutely refusing to consider situations in which we might have to choose between individual rights and other things that are also of great value.

My purpose is not to argue that we should stop being libertarians. My purpose is to argue that libertarianism is not a collection of straightforward and unambiguous arguments establishing with certainty a set of unquestionable propositions. It is rather the attempt to apply certain economic and ethical insights to a very complicated world. The more carefully one does so, the more complications one is likely to discover and the more qualifications one must put on one's results.

Utilitarianism And All That

Though there is no obvious logical inconsistency in a moral principle that implies that nobody should be permitted to breathe, it is not a principle that many people are likely to accept.

One possible response is that—contrary to the conclusion of the foregoing argument—libertarianism is an absolute principle, an ultimate value which cannot be overridden, but that it is not adequately expressed by the simple statements I have been attacking. If those statements are only approximations to a much more complicated and subtle description of libertarian principle, it is hardly surprising that the approximation sometimes breaks down in difficult situations.

This is a view with which I have a good deal of sympathy, but consider to be not very useful for answering real-world questions, at least until someone manages to produce an adequate statement of what libertarian principles really are. Moral philosophy is a very old enterprise and its rate of progress has not been rapid in recent centuries, so I do not plan to hold my breath while I wait.

A second response, and one with which I also have a good deal of sympathy, is that there are a number of important values in the world. They cannot be arranged in any simple hierarchy, or at least are not going to be any time soon. Individual liberty is an important value in and of itself, not merely as a means to happiness, so we should not be willing to sacrifice large amounts of it in exchange for small amounts of happiness. But liberty is not the only value, nor is it infinitely important compared to other values, so we should not be willing to sacrifice unlimited amounts of happiness for small gains in liberty.

A third possibility is that the conflict between libertarian and utilitarian values is only apparent. Perhaps there is some deep connection between the two, or that libertarian ethics, properly

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understood, is the set of rules that leads to the maximum of human happiness. The counterexamples given in the previous section must then be interpreted as some combination of mistakes about what is possible—for some reason those situations could not arise in the real world—and mistakes about what is implied by a correct statement of libertarian principle. Something along these lines seems to be suggested by the arguments of those libertarian philosophers who claim to get their principles not by generalizing from what seems right or wrong to them but by deducing what set of rules is appropriate to the nature of man.

One argument in favor of this approach is that it fits the observation that libertarianism and utilitarianism, while quite different in principle, frequently lead to the same conclusion. Through most of *The Machinery of Freedom* I used utilitarian arguments to justify libertarian conclusions. By doing so, I provided evidence that the potential conflicts between the two approaches which I discussed in the previous chapter are the exception rather than the rule. In Chapter 31 I tried to show that the institutions of anarcho-capitalism would tend to create libertarian laws. A key step in that argument was my claim that the value to individuals of being able to run their own lives is typically greater than the value to anyone else of being able to control them—or in other words, that increases in liberty tend to increase total utility.

A fourth possibility, and the last I will consider, is that libertarianism is wrong and we should accept utilitarianism instead. According to the strict utilitarian position, rules, actions, ethics, must be judged solely by their effect on the sum (some utilitarians would say the average) of human happiness. Whatever increases happiness is good; whatever decreases it is bad. Libertarian principles are then valued only as a means, a set of rules that frequently lead to increases in total utility and should be rejected when they do not. This again is a possible interpretation of arguments that claim to derive libertarian principles from the nature of man, although not, in my experience, an interpretation that those who make such arguments are willing to accept.

One argument against utilitarianism is that it cannot be a correct moral rule because there is no way we can tell whether we are following it. We cannot observe other people's utility and are therefore unable to judge what will increase it. Even if we could observe individual utilities, we do not know how to compare the utility of different people and so have no way of judging whether a gain in happiness to one person does or does not balance a loss to another.

I find this argument unconvincing. Consider the act of buying a present. If you really have no knowledge at all about what makes other people happy, then buying a present is pure guesswork; you might just as well open a page of the Sears catalog at random, throw a dart at it, and buy whatever you hit. Nobody believes that; if we did, we would not buy presents.

Libertarianism is not a collection of straightforward and unambiguous arguments establishing with certainty a set of unquestionable propositions. It is rather the attempt to apply certain economic and ethical insights to a very complicated world.

Consider a court awarding damages. If we really know nothing at all about other people's utility, how can a court decide how much someone owes me for breaking my arm? For all the judge knows, I enjoyed having my arm broken. Assuming that I disliked it, he has no way of knowing whether my disutility for a broken arm is measured by a penny or a billion dollars.

We give presents and award damages, and we do not believe that other people's utility is entirely unobservable. What we do believe, or at least what many of us believe, is that each of us knows more about his own values than most other people do, and that people are therefore usually better off deciding what they want for themselves. That is one of the main arguments in favor of a free society. It is a long step from that to the claim that we know nothing at all about other people's values.

Even if we were entirely unable to observe other people's values, that would not necessarily prevent us from constructing a society designed to maximize total utility. Each person knows his own values, so all of us put together know everybody's values. In order to maximize the total utility of the society, we would construct rules and institutions that utilized all of that information via some sort of decentralized decision-making system, with each person making the decisions that require the particular knowledge he has.

This is not, of course, merely an abstract possibility. One of the strongest arguments in favor of letting people interact freely in a market under property rights institutions is that it is the best known way to utilize the decentralized knowledge of the society—including the knowledge that each individual has about his own values. The field of welfare economics largely consists of the analysis of the rules that lead to optimal outcomes under specified circumstances, where the outcomes are evaluated in terms of the preferences of the individuals concerned. One originator of modern economics, including much of welfare economics, was Alfred Marshall, an economist and utilitarian who viewed economic theory in part as a way of figuring out how to maximize total utility.

Even if individual preferences can be observed, either directly or as reflected in actions, we are still left with the problem of comparing them. How can we say whether something that makes one person worse off and another better off produces a net increase in human happiness?

The answer, I believe, is that we may not be able to make such comparisons very well or describe clearly how we make them, but we still do it. When you decide to give ten dollars' worth of food and clothing to someone whose house has just burned down instead of sending a ten-dollar check as an unsolicited gift to a random millionaire, you are expressing an opinion about which of them values the money more. When you decide where to take your children for vacation, you are making a complicated judgment about whether their total happiness will be greater camping in a forest or wading on the seashore. We cannot reduce the decision to a matter of precise calculation, but few of us doubt that the unhappiness A gets from the prick of a pin is less than the unhappi-

ness B gets from being tortured to death.

Utilitarianism is a possible moral rule. The difficulties of applying it to real world problems are substantial, but so are the difficulties of applying an alternative rule such as minimizing coercion. One would face very similar problems in defining and measuring the amount of coercion and in judging the trade-off between increased coercion for one person and decreased coercion for another.

Utilitarianism is a possible moral rule, but it is not one that I am willing to accept. Why? For the same reason that I reject all simple statements of libertarianism—because I can construct hypothetical situations in which it seems clear to me that the rule gives the wrong answer.

You are the sheriff of a small town plagued by a series of particularly brutal murders. Fortunately, the murderer has left town. Unfortunately, the townspeople do not believe the murderer has left, and will regard your assertion that he has as an attempt to justify your own incompetence in failing to catch him.

Feeling is running high. If no murderer is produced, three or four innocent suspects will get lynched. There is an alternative. You can manufacture evidence to frame someone. Once he has been convicted and hung, the problem will be gone. Should you do it?

On utilitarian grounds, it seems clear that the answer is yes. You are killing an innocent person but saving several—and you have no reason to believe that the one you kill values life any more than the ones you save. You yourself may receive disutility from knowing that you have framed an innocent man—but if it gets bad enough you can always kill yourself, leaving profit of at least one life's worth of utility.

I am not willing to accept the conclusion. In an earlier hypothetical, I said that I would steal; in this one, I would not frame. To save a million lives, perhaps, but for a net profit of one or two, no. It follows that I am not a utilitarian.

Although I reject utilitarianism as the ultimate standard for what should or should not happen, I believe that utilitarian arguments are usually the best way to defend libertarian views. While most people do not believe that maximizing human happiness is the only thing that matters, most do believe that human happiness is important. Libertarians are not the only ones who avoid conflicts by believing that the system they favor works both morally and practically. To the extent that I can show that a particular libertarian proposal—abolition of heroin laws, or minimum wage laws, or all government—produces attractive results, I have an argument which will have some weight in convincing almost anyone to support it.

So one reason to base my arguments on consequences rather than justice is that people have widely varying ideas about what is just but generally agree that making people happy and prosperous is a good thing. If I argue against heroin laws on the grounds that they violate the addicts' rights, I will convince only other libertarians. If I argue that drug laws, by making drugs enormously more expensive, are the chief cause of drug-related crime, and that the poor quality control typical of an illegal market is the main source of drug-related deaths, I may convince even people who do not believe that drug addicts have rights.

A second reason to use practical rather than ethical arguments is that I know a great deal more about what works than about what is just. This is in part a matter of specialization; I have spent more time studying economics than moral philosophy. But I do not think that is all it is. One reason I have spent more time studying economics is that I think more is known about the consequences of institutions than about what is or is not just—that economics is a much better developed science than moral philosophy.

If so, the implications are not limited to the best choice of arguments with which to convince others. In the previous sections I gave a long list of questions which I saw no way of using libertarian principles to answer. The truth may be that they are all questions that can, at least in principle, be answered by using economic theory to discover what rules maximize human happiness. If so, then economics is not only a better way of persuading others. It is also a better way of figuring out what I myself am in favor of. ❑

This essay is excerpted from the second edition of *The Machinery of Freedom*, published by Open Court Books in August, 1989.

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The Theology of Ecology

by Robert Formaini

Though the debate that has raged in these pages has encompassed several points of view, Mr. Formaini suggests that it has yet to meet the *real* challenge: dealing with the true nature of environmentalism.

I have been both amused and bemused by the articles in *Liberty* dealing with the environment. Some have argued that ecologic concerns provide evidence that strong state action is needed. The responses to these criticisms have been the expected market-oriented models for dealing with the pollution problems. I suspect that the authors on both sides, as well as the readers, have remained unmoved by each other's arguments and suggestions.

Why? It is not that libertarians are split between those who wish to despoil the environment by any means possible and those who wish to preserve it. Neither is it an issue of emotional diatribes versus the cool application of reasoned scientific and economic analyses. At root the conflict is not resolvable because both sides either have explicitly or implicitly accepted the same fallacious environmental model. The contentions that follow from application of this model, while they drive debate and policy, really are good for little save propagandizing on behalf of a particular set of presently held beliefs.

My old friend Murray Rothbard has it quite right, and his columns are entertaining jousts at demolishing the modern buncombe foaming from within the so-called "environmental movement." Yet even Murray argues as if he has implicitly accepted the worldview of a small, powerful minority of modern western intellectuals. One cannot refute these individuals (for reasons that will be discussed below). One either agrees with their view or not. It is my contention that, should you agree with their model, you cannot then legitimately label yourself as libertarian. The sooner we make this point and the sooner these individuals move on to their final political destinations, whatever they may be, the better off libertarianism will become by virtue of their voluntary departures.

It's not that I am opposed to diverse views on important issues. Rather, it is that I oppose mundane, idiotic blather—blather that I can hear from any random citizen, or on my television set at any hour of the day—masquerading as concerned libertarian theorizing and projected policy. The time has come to end all this nitpicking nonsense and get on with other, and more important, matters.

The Model

The theological underpinning of the modern environmentalist argument is a collection of axioms, postulates, propositions and pronouncements constituting the modern religion known as "ecology." There is, of course, nothing inherently wrong with the science of ecology. It's just that some ecologists and their media shills have instigated a whole panoply of modern regulatory interventions.

Remarkably, despite the explosive growth of this endeavor, evidence has not been as strong for the ecological model's apocalyptic, propagandistic press releases as the media, politicians, consultants, bureaucrats, and assorted public interest "non-profit" voices of doom would have us believe. In fact, every single tenet of the environmentalist faith is questionable, both theoretically and empirically.

What do environmentalists believe?

Firstly, that the world as we know it is a vast, mysteriously interconnected organism whose survival rests upon the survival of *all* its parts in forms now extant. This accounts for all the blather about "endangered species," with the concomitant claim that no one animal can be allowed to depart this vale of tears lest it take us with it by some incredibly complex process of interdependency. Thanks to the wonders of modern moviemaking, we can name this the *Star Trek IV* Axiom.

Secondly, there is an implicit proposition that ours was once a pristine, unspoiled planet, where "nature" always took care to maintain the "ecological

balance" but which has been forever despoiled by destructive humans. This destruction has proceeded so far that "we probably have lost the planet." [1]

Growing out of the foregoing state-of-nature perfection is the argument that everything that is "natural" is good, while manmade existents are "artificial" and, therefore, must be "unnatural" and bad. Faced with the chemical fact that there is simply no difference between manmade and naturally occurring compounds, the environmentalist will begin whispering something about mysterious "trace elements," and their alleged "unnatural" badness.

What is the worst single thing in nature? Advocates of the environmental model claim, without hesitation or doubt, that it is *human beings*. Not all human beings come in for the same amount of abuse, of course. The closer a society or a "people" are to abject poverty and total primitivism, the higher on the environmentalist's toleration scale they will rank. This is because of the perfection of the state of nature myth they believe with all their energies. Naturally (no joke intended), this is trite, platitudinous buncombe. But nonetheless, environmentalists weep large tears for the disappearing primitive societies as well as for the disappearing endangered species.

There is an implicit proposition that ours was once a pristine, unspoiled planet, where "nature" always took care to maintain the "ecological balance" but which has been forever despoiled by destructive humans. This destruction has proceeded so far that "we probably have lost the planet."

All development must be suspect, since it artificially alters the natural environment. It's probably just a coincidence that the primary targets of environmental action are people and companies who are trying actually to produce something besides the hot air that is euphemistically termed "environmental impact statements." What total nonsense and waste of taxpayer funds! But environmental regulation is an unequal opportunity employer, requiring vast amounts of the very type of "work" supplied, primarily, by already affluent upper middle class whites. You know the kind of stuff I mean: computer modeling, consulting, legal challenges and defenses, political lobbying, media releases, organizing . . . in short, Yuppie high-tech heaven! There's gold in them there hills . . . and valleys . . . and streams. But not, of course, for development or profit. That would be, well, so base.

All of this activity is designed, so I have been told, to "protect the environment." From what? From the wrong kind of humans—from those who wish to live as humans typically do once they have discovered that technology provides a way of beating the insufferable naturalness of nature! This transformation of our environment is called, by those who have failed to absorb the enlightened environmental message, "civilization." It is precisely the program of the environmental paradigm to repeal civilization in the name of helping its already happy beneficiaries. Naturally, this has to be done "for our own good" because, left to our own devices, most of us just would not understand why it is necessary to spend vast amounts of our tax money on inconsequential "species" of insects, rodents, or other such vermin. [2]

The remaining parts of the modern environmental model are blind faith in government regulations and hysterical press releases designed to augment that regulation. Take any random data set. Mix well with one or two ecologists and a computer model of "the environment." Add every dark interpretation possible. Shake well and pour for the friendly, local media hucksters to sell to the gullible public. Forget the traditional Saturday night horror movie. Just watch the evening news or *60 Minutes* for the latest terror from your local chemical plant or oil tanker. Now repeat after me: "My God, we are losing the planet!"

Naturally, all this hysteria is advertising for the primary products sold by the largest growth industry in America, environmentalism. [3] The hysteria is designed to put regulation in place regardless of whether it will work on the grounds that "at least, we are trying to do something." Also, it is designed to foster guilt in people so they will not resist further encroachments on their liberty, since the encroaching is done "for the good of all." Naturally pure buncombe. The single fastest way to become scientifically misinformed is to get your information about environmental issues from television or mass circulation publications. But then, that's true of all issues.

Environmental regulation is an unequal opportunity employer, requiring vast amounts of the very type of "work" supplied, primarily, by already affluent upper middle class whites. You know the kind of stuff I mean: computer modeling, consulting, legal challenges and defenses, political lobbying, media releases, organizing . . . in short, Yuppie high-tech heaven!

The writers who have answered the standard environmental hysteria have done so by taking up two lines of defense, neither of which can ever be decisive. Firstly they argue, as Rothbard does ("Greenhouse defects," *Liberty*, January 1989), that each single hysterical charge is precisely that: hysteria. The Greenhouse Effect is not really occurring, nor is the "hole" in the ozone layer and, besides, absolutely no one was injured at Love Canal, and even if they were it was the fault of the Niagara Falls school board. [4]

The alternative approach also argues on the environmentalists' home court, and was taken by Jane Shaw ("Private Property: Hope for the Environment," Novemeber 1988). "Don't worry," this reply counsels, "neoclassical economics can design mechanisms that will clean the environment efficiently, lead to optimal use of resources, and all of this can be accomplished, not by government regulation, but by free markets."

Talk about buncombe! Markets will never do the sort of things that environmentalists attempt to achieve through government regulations. The reason, quite simply, is that markets reflect indi-

vidual choices and, with the exception of a small minority, individuals simply do not share the environmental model the regulators believe in with such evangelical fervor. A libertarian order can only handle real, verifiable environmental issues, not the impossible demands of religious zealots.

Back To Basics

If we begin by wiping the slate clean and rejecting the entire environmentalist model, things become much, much easier to understand and correct. In the first place, there was no utopian past without pollution and there will be no such place in our future. Zero pollution is a meaningless concept, as are such catchy but scientifically irrelevant concepts as "clean air." Further, no one has a right to any particular air, water or any other thing not totally within human control mechanisms. Such a positive entitlement program is just another promise that government cannot deliver, and to suggest otherwise is to burden intelligent persons with trite, sophistic nonsense not suitable even for high school debates. [5] Most of the so-called environmental problems can be solved within a libertarian framework precisely because we are the only political movement that takes property rights seriously. We can, of course, call certain types of property disputes "environmental" so long as we are clear about what exactly we are talking about.

The planet is neither lost nor is it going to be, at least not because of human mismanagement. In fact, the capacity of the natural environment to alter itself is impressive, which is the main reason that no entitlement right is possible. I believe one of the problems with this model is that the word "the" always appears before the word "environment," as if there were only one, single entity and every new blow cripples this entity further. Each new, weekly crusade concocted by environmental groups charges that episodes in one place threaten to destroy the entire earth. Such hyperbole is, of course, the common link between all the various factions in this business.

Naturally, such claims are susceptible to the severest scientific criticisms. Yet scientists often get on the band wagon themselves in order to receive fame and money. [6] Virtually every claim, no matter how absurd, has the sincere efforts of its very own C. Everett Koop-type scientist(s). As long as people are willing to believe the "disaster of the week," our policy debates will remain unproductive. All this stuff has happened prior to this week, and we are still here. In fact, the heating/cooling of the earth hysteria dates back at least to the 1930's. Yet, more than a half-century later, the supporting evidence remains underwhelming.

What I am saying is this: the environmental-science-regulation model now in place is, to be charitable, the purest of bunk. Every new major disaster trial balloon follows what I will term the Rachel Carson Model of Social Change Through Induced Mass Hysteria. Just as *Silent Spring*'s total madness was pseudo-scientific claptrap and advocacy disguised as disinterested scientific investigation, so every new hysterical "discovery" is hyped without apology or embarrassment by overactive morons claiming to present informed public opinion. I submit that no call for "market-based solutions" can withstand this sort of constant pressure, no matter how rational such an approach might appear on paper.

After all, genetic engineering is something worthy of human pursuit. Try and tell that to Jeremy Rifkin and the hysteria brigade! [8] When it comes to hysterical buncombe, I always turn to good ol' Jer and his footnoted, breathless doom pieces!

Not only are the crises mostly bogus, the so-called solutions are not to be believed. Just give governments totalitarian control over production, and everything will be great for the environment. At this point, even little children roll their eyes. Yet our newer, more modern, more "concerned" libertarians lie awake nights and question their belief that the state *causes*, rather than *cures*, problems. If a person were to approach these doubters at a cocktail party and advocate central planning, one-world socialism, totalitarian control of individual action and technocracy our heroes would, perhaps, set them straight. Yet when all this same nonsense is trotted out under the rubric of "saving the world environment," their knees weaken and they succumb without a struggle! I guess decades of daily propaganda works as well on libertarians as it does on anybody else. As I wrote these lines, so help me, the radio informed me about three oil spills, and an EPA study that "proves" that corporations are trying to murder all of us with their "toxic" emissions. Gee whiz. I guess it's time to admit that the Left has been right all along on this issue? After all, "no one is safe" and "we are losing the planet."

Markets will never do the sort of things that environmentalists attempt to achieve through government regulations. The reason, quite simply, is that markets reflect individual choices and, with the exception of a small minority, individuals simply do not share the environmental model the regulators believe in with such evangelical fervor.

"Oh heck — it's starting to rain!"

Coda

As they are wont to mutter around the offices of *National Review*, "who says A must also say B." [9] In the context of the environmental debate, he who adopts his opponents' model will wind up adopting his opponents' conclusions as well. It is the entire basic edifice of

today's so-called "environmentalism" that carries the excess baggage of governmental intervention. Reject the model or be prepared to buy, and then to carry, the bags. ❑

Notes

1. The words are those of Lester Brown, of *WorldWatch,* the media's favorite non-profit environmental guru. This man's record of prognostications is as accurate as most of the rest of the environmentalist movement's pronouncements. For more of his prophecies, see James Bovard's editorial page comment in *The Wall Street Journal* on Monday, June 26, 1989.
2. "Species" is a much more difficult/slippery concept than the average person has been led to believe. See William Tucker's *Progress and Privilege: America in the Age of Environmentalism* (Anchor Books, 1982) for a very useful discussion of this issue and many related issues.
3. If you doubt this, consider the new environmental package that is planned for Los Angeles and its costs. See "The Market for Clean Air," in *Insight* magazine, July 3, 1989. This is the environmentalist model in all its pristine glory . . . savor it as you think of *Atlas Shrugged* and what was once possible.
4. Debunking, such as that of Eric Zuesse in "Love Canal: The Truth Seeps Out," in *Reason* magazine (February, 1983), is nice and needed, but in the end will prove useless as a means for stopping, or even slowing, this movement. After all the news, documentaries, and TV movies no one believes it anyway. If you doubt this, try out the conclusions of Elizabeth Whelan's *Toxic Terror* (Jameson Books, 1985) or Edith Efron's *The Apocalyptics* (Simon and Schuster, 1984) on the unconvinced. For that matter, try them out on some of the writers in *Liberty.*
5. The June 26 *Wall Street Journal* contains a heartwarming story on page A-10. It seems that the FBI doesn't spend all its time trying to get Pete Rose or dig up dirt on the latest nomination on Capitol Hill. My goodness, no. They also spend time flying over the federal government's weapons plants taking infared photos to prove that the very entity many libertarians rely on to protect them from environmental harm is itself "murdering" its citizens with toxic wastes. Beyond that, it seems that the government has been engaged in environmental cover-ups that go back decades. Talk about Chernobyl.
6. See S. Fred Singer's "My Adventures in the Ozone Layer," in *National Review* (June 30, 1989) for a description of this process. The theological belief that "science" can measure harmful existents and then protect us from them is central to the environmental religion. Yet, the ability of scientists to do these things is open to serious question. See my book *The Myth of Scientific Public Policy* (New Brunswick, N.J.: Transaction Books, 1989) forthcoming.
7. I am weary of the lies these people propogate in the "public interest." Whenever one of them admits he has lied for "our own good"—for instance, Paul Erlich admitted that, yes, he lied to us in his hysterical 1975 *The Population Bomb* . . . but only to get us into the labs to have vasectomies or whatever—I simply make a mental note never to take anything such a writer prints again seriously. The same attitude applies to any scientist I catch special pleading on behalf of any special interest(s). I can forgive error honestly proffered; I can never forgive mendacity.
8. At one point, this fanatic had the entire genetic engineering process in this country tied up in court. Now, after over a decade, the number of sanctioned products is still pitifully small, thanks to all the continuing law suits and regulations.
9. They mutter this in honor of the late James Burnham, but one gets the feeling that someone surely said this before he did. . . . Oh well, I'm too tired to research this.

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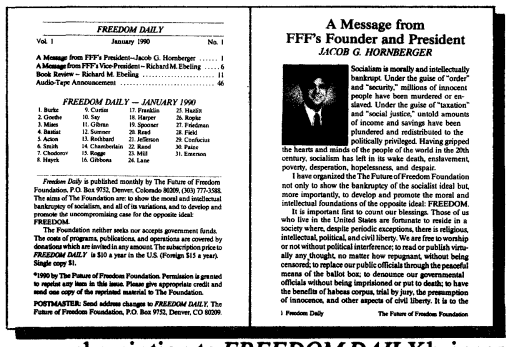
FREEDOM DAILY

Vol. 1 January 1990 No. 1

A Message from FFF's President—Jacob G. Hornberger 1
A Message from FFF's Vice-President—Richard M. Ebeling 6
Book Review — Richard M. Ebeling 11
Audio-Tape Announcement 46

FREEDOM DAILY — JANUARY 1990

1. Burke	9. Cortes	17. Franklin	25. Hazlitt
2. Goethe	10. Say	18. Harper	26. Ropke
3. Mises	11. Gibbs	19. Spooner	27. Friedman
4. Bastiat	12. Sumner	20. Rand	28. Field
5. Acton	13. Rothbard	21. Jefferson	29. Confucius
6. Smith	14. Chamberlain	22. Rand	30. Paine
7. Chodorov	15. Rogge	23. Mill	31. Emerson
8. Hayek	16. Gibbons	24. Lane	

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A Message from FFF's Founder and President

JACOB G. HORNBERGER

Socialism is morally and intellectually bankrupt. Under the guise of "order" and "security," millions of innocent people have been murdered or enslaved. Under the guise of "taxation" and "social justice," untold amounts of income and savings have been plundered and redistributed to the politically privileged. Having gripped the hearts and minds of the people of the world in the 20th century, socialism has left in its wake death, enslavement, poverty, desperation, hopelessness, and despair.

I have organized the The Future of Freedom Foundation not only to show the bankruptcy of the socialist ideal but, more importantly, to develop and promote the moral and intellectual foundations of the opposite ideal: FREEDOM.

It is important first to count our blessings. Those of us who live in the United States are fortunate to reside in a society where, despite periodic exceptions, there is religious, intellectual, political, and civil liberty. We are free to worship or not without political interference; to read or publish virtually any thought, no matter how repugnant, without being censored; to replace our public officials through the peaceful means of the ballot box; to denounce our governmental officials without being imprisoned or put to death; to have the benefits of habeas corpus, trial by jury, the presumption of innocence, and other aspects of civil liberty. It is to the

1 Freedom Daily The Future of Freedom Foundation

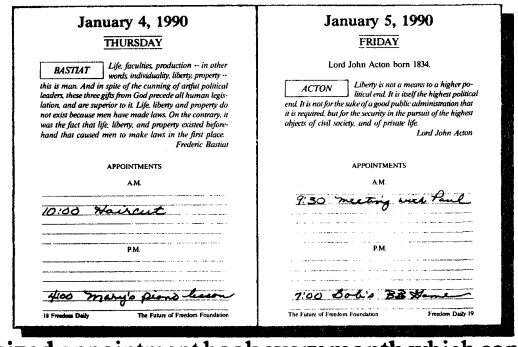
January 4, 1990

THURSDAY

BASTIAT *Life, faculties, production -- in other words, individuality, liberty, property -- this is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it. Life, liberty and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place.*

Frederic Bastiat

APPOINTMENTS

A.M.

10:00 Haircut

P.M.

4:00 Mary's piano lesson

18 Freedom Daily The Future of Freedom Foundation

January 5, 1990

FRIDAY

Lord John Acton born 1834.

ACTON *Liberty is not a means to a higher political end. It is itself the highest political end. It is not for the sake of a good public administration that it is required, but for the security in the pursuit of the highest objects of civil society, and of private life.*

Lord John Acton

APPOINTMENTS

A.M.

9:30 Meeting with Paul

P.M.

7:00 Bob's B-B Home

The Future of Freedom Foundation Freedom Daily 19

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Dispute

Reconstructionists, Libertarians, and Dead Theologians

If writing should be judged by the amount of controversy it stirs up, then Jeffrey Tucker's review, "Puritanism Comes Full Circle" (*Liberty*, July 1989), is a masterpiece.

Capitalism, Catholicism and Reconstructionism

A Reply to Jeffrey Tucker

Gary North

It is my deeply held belief that book reviews are supposed to be reviews of books. I realize that this startling view of book reviewing may sound strange to many readers, not to mention book reviewers, but it is my view. I offer no apologies.

Mr. Jeffrey Tucker reviewed my little book, *Puritan Economic Experiments*, and a fine review it was; I doubt that I could have done it that well myself. But a funny thing—funny peculiar, not funny ha ha—happened at the end of the review. The final two-thirds is a Roman Catholic critique of Christian Reconstructionism, the ideological Protestant movement that R. J. Rushdoony and I founded.

Unfortunately, Mr. Tucker is a much better book reviewer than he is an historian and theological commentator. I have no objections to seeing Mr. Tucker write theological essays. New converts to a religion can earn their spurs this way. It is quite traditional. But editors of libertarian journals need to be aware of hidden ecclesiastical agendas in such essays. These essays should be run in a special section, perhaps called "Theological Insights," and not be allowed to masquerade as book reviews.

Natural Law: Dead and Alive

The springboard for Mr. Tucker's presentation of his lengthy theological critique was my brief reference—about one line—to Thomas Aquinas's negative impact on medieval economics. I also reject Aquinas's natural law defense of theology. As Mr. Tucker points out, I am not a natural law advocate. What he did not point out is that I am a follower of Calvinist philosopher Cornelius Van Til, who devoted his whole career to separating Christian theology and philosophy from all traces of natural right and natural law theory.

I not only reject Aquinas's natural law theology but am highly suspicious of the State-enhancing implications of his doctrine of the just price, given the use his successors made of it. One thing is sure: Aquinas followed Aristotle on the question of interest. He thought it should be illegal for a seller to set a selling price higher than his buying price, if the price hike was based exclusively on the passage of time.

Mr. Tucker treats me as if I had not done my homework on Aquinas. In my doctoral dissertation, from which my little book was derived, I devoted a chapter to medieval economic thought, much to the consternation of my dissertation advisor, E. S. Gaustad. I knew that there might be a Jeffrey Tucker waiting for me down the road, so I insisted on this chapter's importance for the dissertation. Gaustad then consented. Nevertheless, in a 60-page, popularly written book on the New England Puritans, I did not reprint my 50-page chapter on medieval economic thought. I think readers can understand why; the book was not on Thomas Aquinas and medieval economic thought.

In that missing chapter I demonstrated this amazing fact: medieval social theorists were, believe it or not, *medieval*. (Hold the presses!) They were usually anti-profit, anti-business, and anti-commerce. Commerce was seen by most scholastic theologians as at best a necessary evil, a calling filled with continual moral temptations—more than in other professions—that must be resisted daily. The Roman Catholic Church was adamant about this, and only in modern times has it relented even slightly from this anti-business mentality; it still pervades all the Church's proclamations regarding the legitimacy of profit in an industrial society. I offer as evidence the last century of Papal pro-

Medieval social theorists were, believe it or not, medieval. (Hold the presses!) They were anti-profit, anti-business, and anti-commerce.

nouncements on labor and capital. For every Jeffrey Tucker, there are a hundred Dorothy Days and Barbara Wards.

Mr. Tucker paints a picture of Thomas Aquinas as the Murray Rothbard of his day. But if Aquinas was the staunch defender of market liberty that Mr. Tucker says he was, how did it happen that the medieval world rejected such views until the sixteenth century? Even then, only the School of Salamanca seems to have rediscovered this long-neglected truth. This calls for a doctoral dissertation, or a lifetime of detailed publications, not a couple of throw-away paragraphs in a tirade disguised as a book review.

The fact is that Aquinas's doctrine of the just price was not coherent. What can we make of the following statement by him? "Now whatever is established for the common advantage, should not be more of a burden to one party than to another, and consequently all contracts between them should observe equality of thing and thing." (*Summa Theologica*, Ques. 77, Article 1, II-II). This confusion led to subsequent confusions among Aquinas's defenders, an observation made by Raymond de Roover in a neglected but important 1957 essay: "Joseph A. Schumpeter and Scholastic Economics," (*Kyklos*, vol. X, p. 132). The best of the late-medieval scholastics had no integrated theory of supply and demand, although the elements were there (p. 139). In an essay published the next year ("The Concept of the Just Price: Theory and Economic Policy," *Journal of Economic History*, XVIII [1958], p. 427), de Roover stated emphatically that Reformation economic theory was basically the same as scholastic theory with respect to the just price. With respect to the Puritans, he concluded that "they followed the traditional pattern, especially in the matter of price, and their approach to economic problems was entirely scholastic" ("Monopoly Theory Prior to Adam Smith," *Quarterly Journal of Economics*, LXV [1951], p. 508n.). If Mr. Tucker wants to argue with de Roover's work, let him; I did not have sufficient courage to do so.

I would refer readers, including Mr. Tucker, to J. Gilchrist's remarkable book, with its reprinted primary source documents, *The Church and Economic Activity in the Middle Ages* (St. Martin's, 1969), and to two key studies by John W. Baldwin: "The Medieval Merchant Before the Bar of Canon Law," *Papers of the Michigan Academy of Science, Arts, and Letters*, XLIV (1959), Pt. II, and "The Medieval Theories of the Just Price," which appears in the *Transactions of the American Philosophical Society*, New Series, XLIX, pt. 4 (July, 1959).

Put On Your Dancing Shoes

Why criticize a short book for what it is not? One possible answer: in order to write a long essay with a hidden agenda. I suspect that Mr. Tucker's recent conversion to Roman Catholicism from independent Baptist theology may have something to do with his *obiter dicta* on my book. He is now trapped on the horns of his personal dilemma: the necessity of remaining true to the economic conclusions of Misesian economics (anti-natural law, pro-utilitarian), to the Rothbardian natural rights philosophy (anti-utilitarian, but equally anti-revelational), and to the Thomistic faction (small and rapidly declining) of the Roman Catholic Church. Every time the Pope issues a statement on official economic philosophy, Mr. Tucker has to lace up his dancing shoes. To be a choreographer-dancer on this narrow theological stage takes a lifetime of practice. As a new convert, Mr. Tucker has not yet had enough practice, and those few predecessors who share his views (e.g., Dr. Ed Facey) have chosen to avoid performing their necessarily daring and complex dance routines in public.

Mr. Tucker paints a picture of Thomas Aquinas as the Murray Rothbard of his day. But if Aquinas was the staunch defender of market liberty that Mr. Tucker says he was, how did it happen that the medieval world rejected free market views until the sixteenth century?

Mr. Tucker implies that I was not fully aware of the free market views of the late-medieval Spanish scholastics. Because he was in junior high school at the time, he is unaware that it was I who first published Murray Rothbard's excellent essay on the late-medieval scholastics in *The Journal of Christian Reconstruction* (Summer, 1975), which I edited at the time. When I republished the three essays that comprise *Puritan Economic Experiments* in 1988, I was not so stupid as to have failed to recognize that the Scholastics had been defenders of the free market. What I did recognize, however, is that the Roman Catholic Church has always paid zero official attention to them in formulating its economic pronouncements.

When Mr. Tucker says that "Rather than confront the view that capitalism may be more Catholic than Calvinist in origin, North chooses not to treat it." Well, my book's text is only 60 pages long. What did Mr. Tucker expect? But I challenge him: as a newly sworn believer in the dogmas of the Roman Church, he needs to tell us where there is any detailed study of the widespread—let alone dominant—influence of the late-medieval Spanish economic ideas on the actual pronouncements of the Roman Church since the sixteenth century. Where are the Papal bulls and similar official pronouncements that clearly rely on the ideas of the School of Salamanca in formulating Church-recommended economic policy, right up until today? There are none. I suspect he knows this, too.

The question that contemporary Roman Catholic defenders of the economics of the late-medieval School of Salamanca need to ask themselves—and then answer with lots and lots of evidence—is why this school of social and economic thought has been rejected by the Roman Church, and why it was unknown to most English-speaking historians until Marjorie Grice-Hutchinson published her study on them in 1952.

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Why has there been a recent stirring of interest in the School of Salamanca? (From off-camera, a voice very much like Ed McMahon's: "Gee, Gary, I don't know. Why is that?") *Because nobody had remembered them for four hundred years.* Well, not quite nobody; Murray Rothbard offers evidence in his as-yet unpublished history of economic thought that Adam Smith may have known about them, and probably stole some of their better ideas. But surely the intellectual public did not know, and the Roman Church never has accepted their free market doctrines.

Max Weber as Lazarus

Along similar lines is Mr. Tucker's dismissal of Max Weber's thesis regarding the close relationship between the rise of Calvinism and the expansion of capitalist culture (i.e., modern rational production techniques and its supporting ideology), especially in Anglo-American society. He cites Joseph Peden's announcement of the death of Weber's Protestant ethic hypothesis within today's academic community, but this is a familiar litany; it takes place during every academic generation. Simultaneously during every generation, fellows such as I come along and resurrect it, with modifications, of course. Research does go forward. The war of the footnotes goes on. For example, I refer readers to Chapter 4 of the excellent book by Nathan Rosenberg and L. E. Birdsell, *How the West Grew Rich* (Basic Books, 1986), especially the subsection, "The Development of a Moral System Suitable to Commerce." In short, the report of the demise of the Weber thesis is exaggerated (again).

"Forty years in the desert? — But, won't we be perceived as *extremists*?"

Mr. Tucker cites as published evidence of Weber's academic demise only H. M. Robertson's 1933 book on the topic, a book that I dealt with critically, among several others—by R. H. Tawney, A. Fanfani (a Catholic socialist), and K. Samuelsson—in my defense of Weber's hypothesis (a defense that appeared in my dissertation and that was published in the *Journal of Christian Reconstruction* in the summer of 1976, pp. 185–201). In any case, Robertson argued that the spirit of modern capitalism came only after the arrival of accounting and financial science—that is, as an import from Islam. "The great cause of the rise of rational capitalism," he wrote, "was not Christian at all—it was a secular scientific development, taken over by Western Europeans from Muslim Arabs and Syrians" (45). Capitalism created the spirit of capitalism, he concluded (56). It was the rise of the secular Renaissance State, he argued, that created the social milieu favorable to capitalism (86). This is not what Mr. Tucker's defense of Aquinas and Catholicism seeks to communicate.

Let me give one long-neglected example of a crucial Protestant—specifically, Puritan—influence in the coming of North European capitalism. Before John Calvin, and especially before the seventeenth-century Puritans, there was no acceptance within Christian theology of the eschatological view known as *postmillennialism,* which teaches that there will be compound economic and cultural growth in response to the worldwide acceptance of the gospel of salvation before Jesus Christ returns in final judgment. This eschatological view was rejected by the Roman Church, and it still is, but it was this concept that first gave legitimacy to the idea that long-term compound economic growth is even possible, let alone morally legitimate. The New England Puritans believed in the doctrine during their first generation (1630–60), and it remained in their creeds even after their optimistic faith had begun to waver. This observation, with evidence, appeared in my original dissertation, and also in the *Journal of Christian Reconstruction,* in the same issue in which I published Rothbard's essay on the late-medieval scholastics (101–6). (See how much I published? When you're the editor, go for it! It's *vita*-augmentation time!)

Factions and Lobbies

I do not choose at this time to comment on Mr. Tucker's almost adequate summary of Christian Reconstructionism's recent history, except to ask that he spare us the discussion of the supposedly destructive factions within Christian Reconstructionism (there are in fact only two) especially in a libertarian publication. (If factions inescapably doom an ideological movement, why write for *Liberty* or *Reason*?)

Every time the Pope issues a statement on official economic philosophy, Mr. Tucker has to lace up his dancing shoes.

As for the "cult" charge against Christian Reconstructionism—not that Tucker makes it, but he says that it exists—it has been dead for a year with respect to the "Northians" (Mr. Tucker's ghastly term!). The congregation that I attend is now in the Reformed Episcopal Church, a 110-year-old denomination, which for conservative Protestantism makes it a mature institution. We are so conventional liturgically and institutionally that it makes me a bit nervous. This may not interest most *Liberty* readers, but it's still worth mentioning, given our supposed "cult" image. Half of the Reconstruction movement is now immunized.

What really does baffle me is Mr. Tucker's statement that "Reconstructionists don't concentrate their lobbying efforts for these [libertarian] aspects of their social theology. Instead, they gravitate toward issues like anti-feminism, prayer in schools, the right to take off work on the sabbath, and a broad enforcement of the death penalty." Wrong on 3.5 counts.

My only essay on "anti-feminism" appeared in *The Freeman* in 1971—a critique of "equal pay for equal work" legislation. My view is surely the libertarian one. I know of no "anti-feminist" Reconstructionist book, except possibly George Grant's critique of

Planned Parenthood, *Grand Illusions* (1988), published 15 years after Rushdoony's *Institutes of Biblical Law*, the manifesto of Christian Reconstructionism. I do not regard critiques of pro-abortion organizations as systematically anti-feminist. Maybe Mr. Tucker does; if so, he is right there with us on the "anti-feminist front," since he also opposes abortion. In any case, we are not involved in *lobbying* for anti-feminism, although we do speak out against taxpayer-funded daycare centers when anyone asks us. Nobody ever does. We oppose pornography, and we think that victims of rape should be allowed to demand huge monetary penalties from convicted violent rapists—even execution. Does this make us "anti-feminist"? Only if being anti-lesbian is inherently anti-feminist.

On prayer in the public schools, our view is clear: there should not be any public schools, and in any case, Bible reading (except as an academic study) and prayer do not belong in them. This was the position of J. Gresham Machen, founder in 1929 of Westminster Seminary, in a 1926 essay that I reprinted in the *Journal of Christian Reconstruction* in the Summer of 1978. (This essay, "The Necessity of the Christian School," is reprinted in Machen, *Education, Christianity, and the State*, edited by John W. Robbins (Trinity Foundation, Jefferson, MD, 1987). Machen was a 19th-century liberal on economic questions. He opposed our entry into World War I, Prohibition, the Federal Department of Education, and much, much more. H. L. Mencken wrote a glowing tribute to Machen, a fellow Baltimorean, in his obituary of 1937. Mr. Tucker makes it look as though we were pro-prayer for the public schools. This is not rigorous scholarship on his part.

On the Sabbath, both Rushdoony and I are non-sabbatarians—we are opponents of "blue laws" or "Sunday laws"—for which we are frequently criticized in Christian circles. We do not believe in laws forcing businesses to shut down on Sundays. I spent about a hundred pages criticizing the traditional sabbatarian view in my book on the economics of the Ten Commandments, *The Sinai Strategy* (1986). Mr. Tucker ignores this.

With respect to the death penalty, yes, we do hold to a much broader enforcement, but we do not lobby for it. We would like to see the automatic death penalty re-established tomorrow for first-degree murder. Our long-term agenda on the question of capital crimes is educational and therefore not an aspect of any present lobbying effort.

What *do* we lobby for? Precisely those libertarian issues that Mr. Tucker insists that we ignore, especially private education. We lobby also against abortion. We Reconstructionists are libertarians for the unborn, not libertarians for the mother. (Now, with regard to the problem of factions, shall we pursue the abortion topic in *Liberty*?)

* * *

Mr. Tucker is remarkably ignorant of our views, given the large number of our publications that he has had plenty of time to read during his spiritual odyssey. He apparently found all this too much. A sixty-page book is just about all he could handle for his comprehensive critical essay. Therefore, I suggest that in the future he confine himself to discussing short books in short reviews and confine his longer excursions into social theory to explaining with full documentation exactly what mainstream Roman Catholic social theory has been for the last nine hundred years: variations of *medieval guild socialism*.

As a libertarian and a faithful churchman, Mr. Tucker now needs to find a way to reconcile the Roman Church's actual social and economic pronouncements with his libertarian economics, rather than hide in the long-forgotten, though brilliant, free market insights of the School of Salamanca. But that is his dilemma, not mine. ❑

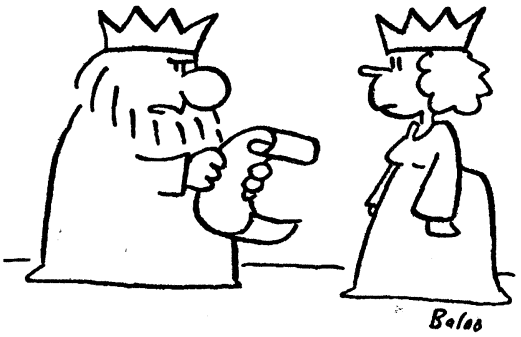

"These people are nuts!— First they complain about prison overcrowding, and now they want me to abolish the death penalty!"

Reconstruction and Liberty

Jeffrey A. Tucker

An article about Reconstructionism in a recent issue of *Church and State*, the magazine of Americans United for the Separation of Church and State, discussed the relationship between libertarians and Reconstructionists in a sidebar, "Reconstructionists and Libertarians: An Unlikely Partnership":

> In their quest to rebuild America along Old Testament lines, Christian Reconstructionists have found an unlikely bedfellow in the Libertarian Party, a small political movement that has been fronting presidential candidates since 1972. Reconstructionists and Libertarians share some common ground. Like Reconstructionists, Libertarians favor limited government—some go as far as to propose an anarchistic system—and a free-market economy based on hard currency. Their foreign policy is generally isolationist; they call for dismantling the welfare state.
>
> There is an interesting link between Reconstructionism and the Libertarian Party's 1988 presidential candidate, former Texas congressman Ron Paul. Paul put militant Reconstructionist Gary North on his staff when he served an eight-month interim term in congress in 1976. When Paul, then a Republican, returned to Congress in 1978, he put another man with Reconstructionist ties, Mark Elam, in his office.
>
> Libertarians, while championing the free-market economic policies that Reconstructionists hold dear, extend that laissez-faire attitude to social policy as well. Placing strong emphasis on individual freedoms, they advocate some positions that must make Reconstructionists shudder.

The examples of drugs, sodomy laws, abortion, and pornography are given. "Clearly," they conclude, "the Reconstructionists see the party as a means to something other than the free-market state the Libertarians would establish." Later I'll tell more about what that "oth-

er" consists of.

But the links are already there, and they run even deeper than the article implies. I don't see anything wrong with these links, so long as each side is aware of the other's agenda. Sheldon Richman and Ralph Raico are squeamish about the Reconstructionists' agenda—and for good reason.

Every time the issue of the death penalty comes up, North has to lace up his running shoes. Murder; adultery, incest, bestiality, sodomy, fornication, witchcraft, cursing father or mother, blasphemy, prophesying falsely or propagating "false doctrines"—all these "crimes" Reconstructionists consider punishable by death.

Too Far North

The Reconstructionists are also upset with me, although my essay was largely sympathetic. The complaint was twofold. First, several thought I gave too short shrift to presuppositionalism and theonomy, two of the four points of Reconstructionist theology. Fair enough, although I am not sure that a detailed exposition of these rather arcane elements would be appropriate for a political-cultural magazine like *Liberty*. Second, some said I placed an exaggerated emphasis on Gary North's influence—intellectually and strategically—in the Reconstructionist movement. Maybe so. But he is a fascinating character and a brilliant scholar, whatever reservations many Reconstructionists and others have about his strategic vision and cranky approach. Frankly, I like his spirit.

"Look, we've been wandering in the desert for years — we don't even remember how to *do* most of this stuff!"

Admirable spirit or not, however, he is sometimes mistaken. Let's first clear away the fog generated by Mr. North's discussion of the scholastics and their influence on Puritan economics. In the original work in question, Mr. North makes two claims I found significant: 1) the Puritans were ardent economic interventionists who drew up detailed regulations governing nearly every aspect of economic and cultural life; 2) they did so because they were too Catholic—that is, they were influenced by the Thomist doctrine of the just price. He proves the first point; that's the part of the book I liked so much. The second point is neither proven nor empirically connected to the first.

A crucial shift in Mr. North's view of St. Thomas has taken place between his short book and his response to my review. Recall that in his response he says this: "The fact is that Aquinas's doctrine of the just price was not coherent." Compare that view with this statement from his book: "A lot of needless confusion has emerged from discussions of scholars concerning the just price. From the time of Thomas Aquinas right up until the mid-seventeenth century, a 'just' price was assumed to be the market price during 'normal' times" (p. 24).

What are we to make of this shift? In my review, I pointed out that this was indeed St. Thomas's view and granted that Mr. North recognized this too. So the last person I expected to argue with me on this was Mr. North. Yet in his response, we meet North II denying that the just price is the market price. I am pleased to argue with North II on this point. But maybe he should reflect on what led North I to the correct position in the first place.

Now if the Thomists were market pricers and the Puritans were Thomists on economics then obviously the Puritans would be market pricers. In his book, Mr. North notes an exception to market-based pricing under Thomist economics—the case of market disruptions in time of emergency, under which the price is to be determined exogenously, on a cost-plus basis. My point on this subject in my original review—a point that Mr. North never addresses—is that the Puritans imposed controls regardless of external conditions. This seems to undercut Mr. North's thesis.

Now concerning the influence of St. Thomas on the scholastics—the schools where they taught (not just Salamanca); how the tradition grew; why they were influential; the positions they held; the centuries they spanned; their libertarian views of property rights, economic exchange, and interest rates; and all the rest—it would take an article much longer than Mr. North's to respond. Or I could just reprint Alejandro A. Chafuen's justly celebrated book *Christians for Freedom* (Ignatius Press, 1986). Mr. North will find most of the answers he seeks there.

Put on Your Running Shoes

Mr. North doesn't like the format of my review essay. He must not like the *New York* or *London Review of Books* either. I dealt with his book adequately, by Mr. North's own admission. Most readers, however, want to know more about the author and his premises, especially when a radical movement such as Reconstructionism is involved.

Mr. North writes: "How do we build a biblical theocracy? By beginning with ourselves. . . we vote in terms of these laws. As the process of dominion extends the authority of Christians over more and more areas of life, we will see the creation of a comprehensive theocracy."

Here are some of the errors Mr. North makes in his article. He says " [Tucker] did not point out . . . that I am a follower of Calvinist philosopher Cornelius Van Til, who devoted his whole career to separating Christian theology and philosophy from all traces of natu-

ral right or natural law theory." Yet in *Liberty*, on page 75, first column, I wrote that "the foundation" for Reconstructionism includes "Presuppositionalism, the teaching of the late C. Van Til, which says that the Bible is not only inerrant, but that all truth must be capable of a rigorous Biblical defense or it isn't truth." I wrote that as Van Tilians they are also "particularly hostile to the tradition of natural law." What gives?

Mr. North writes that "every time the Pope issues a statement on official economic philosophy, Mr. Tucker has to lace up has dancing shoes." Underlying this is the common though erroneous belief that Catholics are required to adopt every teaching of the Pope, even on economics. Yet that authoritative status only applies to very rare *ex cathedra* statements regarding matters of faith and morals. Respect is certainly due to the ordinary magisterium of the Church, but it is not binding and doesn't pretend to be. Dancing shoes not required.

My "spiritual odyssey" is not the issue. The issue is Reconstructionism; that is what my review concerned. And it is the issue Mr. North wants to avoid.

Mr. North says "he spent about a hundred pages criticizing the traditional sabbatarian view in my book on economics on the Ten Commandments." I "ignored" his writings and "this is not rigorous scholarship," he says.

Readers of *Liberty* might be amused by the real point of his 78 pages on the sabbath. In that chapter, he says: "There is no way, biblically speaking, to escape the necessity of imposing the death penalty on persistent sabbath violators, unless we interpret Romans 14 as having changed the locus of enforcement from the civil government to the individual conscience" (305). Ever gone out to a restaurant on Sunday? If the Puritans have their way, you could be stoned.

Now the Puritans were wrong, Mr. North says, because they forgot about Romans 14:5, which says: "One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind." Whatever the hermeneutical implications of this passage, it is far from being a self-evident repeal of Old Testament capital crimes. Mr. North happens to believe that Romans 14 should be interpreted so as to release us from being stoned for violating the sabbath. Forgive me if I require a little more assurance that my life will be spared. If any reader is surprised that 78 pages are needed to convince Reconstructionists that they need not kill sabbath violators, then that reader hasn't had contact with this movement.

Mr. North makes one accusation I take personally: he says that I was once an "independent Baptist." Not true. I never had any association whatsoever with any independent Baptist sect. Where Mr. North got his information I can only speculate; unlike Mr. North, I shall not present my speculation as fact.

My "spiritual odyssey" is not the issue anyway. The issue is Reconstructionism; that is what my review concerned. And it is the issue Mr. North wants to avoid. In Northian terms, every time the issue of the death penalty comes up, he has to lace up his running shoes to flee from the implications of theonomic doctrine.

The Rev. R.J. Rushdoony has spelled out them out clearly in his book *The Institutes of Biblical Law* (Craig Press, 1973), a book that Mr. North calls "the manifesto of Christian Reconstructionism." Here are the Old Testament crimes that the Reconstructionists consider punishable by death (77): murder; adultery; incest; bestiality; sodomy; rape "of a betrothed virgin"; "false witness in a case involving a capital offense"; kidnapping; "for a priest's daughter" who commits fornication; witchcraft; human sacrifice; striking or cursing father or mother; "for incorrigible juvenile delinquents"; "blasphemy"; "prophesying falsely or propagating false doctrines"; "for sacrificing to false gods"; "for lawless refusal to abide by Godly law and order, anti-law, anti-court attitudes and actions." Rushdoony adds that a few Old Testament capital crimes were "altered in the New Testament," for example the one concerning "sabbath desecration." But the rest remain in effect.

In response to my review, I thought Mr. North would assure us that this is only the long-run agenda. Instead, he says "our long-term agenda on the ques-

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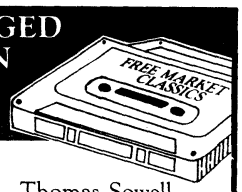

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tion of capital crimes is educational." Really? Compare this statement from his earlier writings: "For crimes so horrible that no restitution payment is sufficient to compensate the victim (such as murder) or compensate God (adultery, witchcraft, idol worship, etc.), the civil government is empowered by God to execute the criminal" (*Unconditional Surrender*, Geneva Divinity School, 1983, p. 76). (Mr. North has elsewhere called the Catholic belief in transubstantiation the equivalent of witchcraft. Look out, Mother Theresa!)

Too Far Right

To cast further doubt on Mr. North's assurances, I offer a rare look into the esoteric strategy of the Christian Reconstruction movement.

In a hair-raising essay entitled "Apologetics and Strategy" (*Tactics of Christian Resistance*, Geneva Divinity School Press, 1983, pp. 100-140), Mr. North (writing with David Chilton) belies his present libertarian tone: "Religious competition is not a commercial activity—or shouldn't be, anyway. A 'free marketplace' is a place to sell soap. When it is used as a metaphor for religious confrontation it is either meaningless or deceptive. In fact, it is the triumph of Christianity alone which ensures the existence of a free marketplace for soap" (129).

Mr. North says that he and the Reconstructionists don't lobby for the "broader" aspects of the agenda on capital crimes. But in the same essay, Mr. North writes, "We are in a fight. There will be winners and losers. On the day of judgment, there will be no prisoners. Our apologetic methodology must therefore reflect the all-or-nothing nature of the confrontation. . . . Compromise here leads to compromise everywhere" (138).

Mr. North further writes: "How do we build a biblical theocracy? By beginning with ourselves. . . . Then we vote in terms of these laws. We will also sit on juries and vote in terms of these guidelines. We use juries, if possible, to nullify the ability of the civil government to impose God-defying laws on our fellow citizens. . . . As the process of dominion extends the authority of Christians over more and more areas of life, we will see the creation of a comprehensive theocracy" (135–36).

Belief in these laws is not unreasonable given theonomy, which holds that all Old Testament laws remain in effect unless specifically amended or reversed in the New Testament.*

More on the lobbying question. With regard to taking off work on the sabbath, the Rutherford Institute (an explicitly theonomic organization) recently won a lawsuit against a private firm because it didn't want to let its employee off on Sunday. On feminism, see the many columns by Reconstructionist John Lofton in the *Washington Times* on the subject. And speaking of lobbying, Mr. North's most recent campaign has been for a federal law banning flag desecration as "an act bordering on treason" because "the flag is a representative symbol of the nation, just as a cross is the symbol of Christianity or a menorah of Judaism. . . . There is an implied threat in every symbolic act of this kind" (*Remnant Review*, July 7, 1989). This bolsters my point that Reconstructionists tend to "focus on symbols." I should also point out that, in contrast, R.J. Rushdoony calls flag worship of this sort a form of idolatry.

I am pleased, however, that Mr. North accepted my short summary of Reconstructionist theology and called my rendition of recent history "almost adequate." I must not be, after all, "remarkably ignorant" of Reconstructionist views.

One of the benefits of the ecumenical movement has been that Christians have felt free to disagree with each other without resorting to the bigoted rhetoric of the Reformation. My admiration of Mr. North's work was clear in my original article. When I disagreed, I did so respectfully. I am sorry that Mr. North feels he needs to adopt a tone more appropriate to the Rev. Ian Paisley of Northern Ireland, perhaps to distract the reader's attention.

It should be clear that there are potential pitfalls when libertarians work with Reconstructionists. As with all other questions of strategy, final answers are elusive. So libertarians must decide for themselves whether cooperation with certain ideological movements and ecclesiastical bodies is consistent with the promotion of liberty. ❑

* Doug Bandow, in *Beyond Good Intentions* (Crossway Books, 1988, pp. 94-100), argues persuasively against this doctrine.

Terra Incognita

Tallahassee, Fla.

Prompt state action nips a new crime in the bud in the Sunshine State, as reported by the Houston *Chronicle*:

> Gov Bob Martinez signed a state law banning dwarf-tossing, which "occurs when a consenting adult little person allows a stranger to pick him up and see how far he can throw him," according to Angela Van Etter of the Committee to Ban Dwarf Tossing. A dwarf interviewed on CNN said he "can make more money doing this than doing a daytime job."
>
> According to opponents of the ban, "When dwarf-tossing is outlawed, only outlaws will toss dwarfs."

Kista, Sweden

New idea in criminal rehabilitation from progressive Scandinavia, as reported in a dispatch from the New York *Times*:

> Eight teenagers, convicted of armed robbery, assault, theft or burglary, whose behavior was deemed so bad that no halfway house would accept them, were sentenced to spend six months on a cruise of the Caribbean, where it was hoped that they would learn the value of "community and cooperation." They will be accompanied on their cruise by three welfare workers. The cruise will cost taxpayers of this Nordic land about $400,000, or about $50,000 per criminal.

Washington, D.C.

Evidence of the benefits government regulation of advertising, as reported by *The Wall St Journal*:

> The EPA prohibited at least nine manufacturers of disinfectant sprays, liquids and moistened towelettes to stop claiming that their products can kill the AIDS virus on telephones, toilet seats and other hard surfaces. The EPA acknowledges that the products do indeed kill AIDS viruses on contact, but explained that it "doesn't want people to start thinking, 'The government has been lying, and I really can get AIDS from that table.'"
>
> The firms will be allowed to advertise their products as AIDS-killers to health care providers, because health care providers are not as "impressionable" as consumers, a spokesman for the EPA continued.

Reviews

***A Theory of Capitalism and Socialism*, by Hans-Hermann Hoppe. Kluwer Academic Publishers, 1989, $40.00.**

The Argument from Mere Argument

Loren Lomasky

As *perestroika* gnaws at the bloated entrails of Soviet central planning and Chinese octogenarians contort themselves to snatch at capitalist wealth with one hand while exorcising the devils of democracy and civil liberties with the other, it might seem that a declaration of the inadequacies of socialism is yesterday's news. Who outside of Managua, Berkeley, and other equally frayed Third World outposts continues to believe otherwise? Where Marx once loomed large, Hayek and Friedman now reign. Libertarians may properly congratulate themselves on having homesteaded the terrain others now scurry to occupy. Whatever may be the case for ex-statists of one stripe or another, we are not likely to receive as a new revelation yet another volume displaying the manifold inefficiencies of socialist economic production.

Nonetheless, publication of *A Theory of Socialism and Capitalism* has occasioned a considerable flurry within libertarian circles, reaching an apex of sorts with the Hoppe symposium in the November 1988 issue of *Liberty*. Some—Murray Rothbard most conspicuous among them—have expansively praised Hoppe as the purveyor of path-breaking arguments that once and for all put the lie to enemies of the liberal order. Most commentators, though, are more restrained, and some are overtly dismissive. Because energetic doctrinal disputes among libertarians do not exactly constitute an endangered species, one should resist the temptation to attach overly much significance to these latest stirrings. Still, they give fair warning that something unusual is going on.

And so it is. The object of attention is far more ambitious than its title suggests. Hoppe's "socialism" is not restricted to centrally planned regimes in which private ownership of the means of production is outlawed. Rather, he idiosyncratically classifies as socialistic any intrusion on or limitation of universal free exchange. Thus, wherever one finds a state, however night-watchmanly it may be, one finds socialism. Moreover, claims Hoppe, all state intervention is, without exception, both economically inefficient and ethically unjustifiable. The minimal state suffers, albeit less virulently, from the same malady that inflicts Albania. This, then, is not merely a defense of the capitalism as practiced in the United States, Europe, or Japan; it is no less than a manifesto for untrammeled anarchism.

One promising strategy for the promotion of anarchism is to catalog the various perversions to which governments historically have shown themselves liable. "If *that's* what states do," one might reasonably conclude, "we can do without!" Hoppe, though, eschews the low road of empiricism, soaring instead with Kant and von Mises through the realm of *a priori* necessities. His is a theory "which is not itself derived from experience but rather starts from a logically incontestable statement . . . and proceeds in a purely deductive way . . . to results which are themselves logically unassailable" (1). In other words, the status of anarchism is claimed to be like that of a mathematical theorem: validated by pure reason and uncontaminated by any merely empirical likelihoods.

Hoppe purports to extract the irrationality of all state intervention from the ethic of argumentation. By that he means not the ordinary courtesies discussants are expected to observe—cite sources accurately, give the other person opportunity to respond, don't shout so loudly that the neighbors complain, etc.—but rather the internal logic of argumentation. Insofar as one disputes some point with another person, one thereby acknowledges that individual's freedom and independence. It is not, of course, necessary that anyone engage in argument, but one who does attempt to justify his beliefs to another thereby implicitly grants that his interlocutor enjoys the right of self-determination. For if one coerces one's opponent to extract a concession, literally forces him to produce certain words, then one has abrogated the conditions of argumentation. Thus, any attempt to justify the proposition "I may permissibly encroach on the person or property of another," is self-impugning. It follows, claims Hoppe, that all doctrines of interventionism are necessarily incoherent in virtue of maintaining a permissibility that the act of their own assertion belies.

This is not merely a defense of contemporary capitalism; it is a manifesto for untrammeled anarchism.

What shall we say about this tour de force? I begin by noting that the history of philosophy is strewn with arguments too clever by half. From the paradoxes of Zeno of Elea to Anselm's ontological argument for the existence of God to McTaggart's proof of the unreality of

time, philosophers have presented "demonstrations" that almost no one believes but which are remarkably resistant to refutation. Is Hoppe's central argument of this ilk? I am strongly persuaded that it is, but a full dissection would be out of place here. Suffice it to say that even if Hoppe is correct in maintaining that the process of argument incorporates a norm of nonaggression, that norm applies only to the act of argument itself and not beyond. In particular, it does not extend to the *object* of discussion (for example, the legitimacy of state coercion) but only to the *activity* of arguing. That is, the act of argumentative justification must be noncoercive—else it simply is not justification—but that which is justified may, for all Hoppe has shown, be practices and institutions that incorporate coercion.

In reply, Hoppe contends that this objection runs afoul of the *universalizability* of norms: one who engages in argument does not simply agree to avoid coercive argumentation but is logically committed to acceptance of the general regulative principle, "Nobody has the right to uninvitedly aggress against the body of any other person" (133). Well, that's what he *says*, but the reader will hunt in vain for anything that resembles a supporting argument. (I don't count repeating oneself in ever more apodictic tones as support.) Hoppe proceeds as if this leap from argumentation to all activity whatsoever were straightforward and uncontroversial, but there exists a considerable body of philosophical work on the logic of universalizability that strongly indicates otherwise. Unfortunately, none is cited in the text. Either Hoppe is ignorant of this literature or is convinced that stonewalling is the best defense. What sort of ethic of argumentation this strategy presupposes is an interesting exercise I leave to others.

Even if Hoppe is correct in maintaining that the process of argument incorporates a norm of nonaggression, that norm applies only to the act of argument itself and not beyond.

Nor is this an isolated lacuna. Hoppe's criticism of empiricism is not without interest, but he writes as if empiricism were still as the logical positivists left it in 1950. Later theorists such as W. V. Quine are not refuted; they go unmentioned. His defense of private property approvingly cites John Locke's well-known dictum that one makes things one's own by "mixing one's labor" with them. Hoppe somehow omits noting that Locke adds the qualifier that "enough and as good" be left for others. This "Lockean proviso" is hardly some obscure aside within the philosopher's corpus. Robert Nozick's *Anarchy, State, and Utopia* gives over many pages to grappling with the proviso, and almost every subsequent discussion of liberal property rights has followed suit. But because the proviso is inconvenient for Hoppe's program, he consigns it to oblivion. For that matter, Nozick too is allowed to slide down the memory hole, appearing only in one peripheral footnote. This is scholarship as perfected by the Great Soviet Encyclopedia!

It is not only in his dealings with predecessors that Hoppe is less than scrupulous. His own "contributions" are often embarrassingly shoddy, high on hyperbole but low on validity. Here is how he defends the right to appropriate (external) property: "[I]t should be noted that if no one had the right to acquire and control anything except his own body . . . then we would all cease to exist" (135). This is multiply defective. First and most obviously, it falls far short of justifying *unlimited* acquisition. But second, and more seriously, it is false as it stands. It is not the *right* to control property that is necessary for existence but the *fact* of control. The difference may at first blush seem negligible, but it is crucial. If Hoppe's pronouncement is acceptable, then so too is this corollary:

P_1. If mosquitos did not possess a right to drink the blood of anyone, then mosquitos would all cease to exist.

P_2. No mosquito possesses a right to drink the blood of anyone.

Hence C. Mosquitos have all ceased to exist.

This may not be entirely persuasive to the person who is scratching.

Or consider the following foray into Social Darwinism:

> Even with truly natural assets, like intelligence, about which people can admittedly do little or nothing, consequences [of economic redistribution] of the same kind will result, though only with a time lag of one generation. Realizing that it has become relatively more costly to be intelligent and less so to be nonintelligent, and wanting as much income (of all sorts) as possible for one's offspring, the incentive for intelligent people to produce offspring has been lowered and for nonintelligent ones raised. Given the laws of genetics, the result will be a population that is all in all less intelligent. (52–3)

Unlike Hoppe, credible liberal economists recognize that monopoly and public goods production are issues to be confronted, not obfuscated.

Characteristically, no cross-societal intelligence measurements or any other empirical data is cited to support this assertion—just possibly because none exists. This hardly inspires confidence in Hoppe's *a prioristic* methodology—or, for that matter, in the prospects of an imminent revival of eugenics.

I have concentrated on the philosophical arguments of *A Theory of Socialism and Capitalism* both because that is my area of expertise and because of the notoriety they have achieved in libertarian circles. I now wish to suggest that, though the volume's philosophy is unsatisfactory, the economics is worse. Hoppe's major effort in this area is an attempt to dissolve the public goods problem as merely a pseudo-problem, to demonstrate by pure logic that "a capitalist order always, without exception and necessarily so, provides in the most efficient way of the most urgent wants of voluntary consumers" (6).

How does he achieve this epochal result? Well, try this one on for size: "In terms of consumer evaluations, however high its absolute level might be, the value of the public goods is relatively lower than that of the competing private goods, because if one had left the choice to the consumers . . . they evidently would have preferred spending their money differently (otherwise no force would have been necessary)." With a display of scholarly modesty by now all

too familiar to the reader, Hoppe concludes, "This proves beyond any doubt that the resources used for the provision of public goods are wasted" (196). His "proof" presupposes, of course, the universal optimality of voluntary transactions. Thus it entirely begs the question. Serious economic theorizing is difficult work; how much more pleasant instead to throw up a rhetorical barrage!

Unlike Hoppe, credible liberal economists recognize that monopoly and public goods production are issues to be confronted, not obfuscated. And confront it they do. In virtue of their analyses we now understand that the free order is a great deal more robust than its socialist and Keynesian critics alleged. Fine points of theory can be debated, but debate is not inconsistent with displaying respect for the integrity and achievements of those against whom we contend. Here are a couple of representative Hoppe appraisals of other liberal theorists: "The most prominent modern champions of Orwellian double talk are J. Buchanan and G. Tullock" (252 n 17); Chicago-style property rights economics is "pseudo-scientific humbug" (250 n 14). Evidently, the author's expertise as philosopher and economist is matched only by his generosity and high-mindedness.

Although libertarians may have been perplexed by this book, we Minnesotans are uniquely well-equipped to peg it. Sports fans everywhere know my adopted state as the site of the Hubert H. Humphrey Metrodome. Its dome is truly an engineering marvel, supported only by blowers. Here in the northland we like to joke that the roof stays up because of the hot air left behind by the late senator. If so, he has no monopoly on the commodity; the gusts of the co-acronymous Mr. Hoppe are equally warm, windy, and wildly overblown. ❑

***The Fatal Conceit: The Errors of Socialism*, by F. A. Hayek. W. W. Bartley III, ed. University of Chicago Press, 1988, 180 pp., $24.95.**

Reason and Evolution

Timothy Virkkala

At the end of a long and productive career, Herbert Spencer—one of the most influential libertarian theorists of the nineteenth century—retained only enough of his native optimism to predict that the world would have to endure a "century of socialism and war" before individualism could come into its own. Spencer was right: the tide of ideology is turning away from socialism, and once again the classical liberal vision is gaining ascendency.

There are many reasons for this change, of course, not the least is that socialism has obviously failed to live up to its promises. But one of the more important reasons is the intellectual influence of those who have opposed socialism all along.

Prominent among them is F. A. Hayek, who has been widely acknowledged, ever since publication of his *The Road to Serfdom* (1944), as a leading anti-socialist thinker. He has developed his case in several novel ways. His most important achievement, perhaps, is his replacement of the standard economic defense of capitalism—the "better bathtub" ploy, which argues that capitalism produces more and better goods than any other system—with a sophisticated reformulation of Adam Smith's "invisible hand" theory. According to Hayek, markets are capable of forming a "spontaneous order" that no conscious, human plan could duplicate, much less surpass. This ordering process, he claims, is similar to natural selection in biology; attempts to redesign the whole of society in terms of conscious ends and means are as wrong-headed as are attempts to explain biological change in pre-Darwinian terms. Hayek sees socialist ideas as expressions of a crude rationalism that does not know the nature and limits of reason itself.

Hayek has argued this case in a variety of books and essays. Appropriately, his thinking has itself undergone evolutionary changes.

He began as a straightforward economist, and achieved his first fame for developing Ludwig von Mises's theory of the trade cycle. His theory was briefly the rage among economists in the 1930s, until John Maynard Keynes's more politically savvy treatment swept through Academe and the State like wildfire. During the course of the debate over it and another of Mises's contributions—the argument that economic calculation under socialism could not yield results anywhere near those of a market economy—Hayek abandoned a reliance on standard equilibrium theory in economics, and began articulating a more realistic "process" approach. This turn of mind, though in many ways simply a recognition of the differences between the Austrian and more standard approaches, yielded some important ideas: the concept of competition as a "discovery procedure" and the idea of markets as coordinators of dispersed knowledge. It was for this work, completed before the century's midpoint, that Hayek was awarded the Nobel Prize for Economics in 1974.

But since his early work, he has gone "beyond economics," so to speak, devoting most of his energy to social philosophy. Now, at the end of his career, he has written *The Fatal Conceit*, the perfect summation of—and introduction to—this latter half of his life's work.

The Fatal Conceit is the most thoroughly engaging of Hayek's books. It clearly and succinctly states his case against socialism and for the open society, displaying his vision of how societies change and what makes institutions work, in the process revealing his own, distinctive world-view.

This is not to say, however, that the book's value is wholly the result of Hayek's intention. His clarity of exposition allows the reader to examine easily (and critically) aspects of his philosophy that have remained obscure. It is possible to explain just where Hayek goes wrong. Though subtitled *The Errors of Socialism*, the book's most interesting

revelations (for me, at least) pertain to the Errors of Hayek.

Deconstructing Anti-Rationalism

Hayek's major contention is, I think, indisputably true: "Our civilisation depends, not only for its origin but also for its preservation, on what can be precisely described only as the extended order of human cooperation" (p. 6).

The "fatal conceit" of socialism, as he sees it, is a "*presumption* of reason," that "since people had been able to *generate* some system of rules coordinating their efforts, they must also be able to *design* an even better and more gratifying system" (7, 8). Hayek sees socialism as an essentially reactionary movement, relying on moral notions appropriate to "life in the small roving bands or troops in which the human race and its immediate ancestors evolved during the few million years while the biological constitution of *homo sapiens* was being formed" (11), but absolutely destructive when practiced by people in a modern, industrial society.

Unfortunately, Hayek is not content to attack the socialists' "presumption of reason." Though he is by no means an irrationalist—he defends "reason properly used," a reason "that recognises its own limitations" (8)—he embraces a concept that not only limits reason but seems to *preclude* it wherever applied. That concept is "instinct," which he plays as a sort of trump card that outranks reason whenever played.

He uses the word from the very beginning of the book. Socialists, we are told, seek to overthrow civilized traditions by applying "a rationally designed moral system whose appeal depends on the *instinctual* appeal of its promised consequences" (7, emphasis added). He argues that cooperation in primitive societies is steered by the "genetically inherited instincts" of "solidarity and altruism," but that the rules allowing civilization to flourish were "handed down by tradition, teaching and imitation, rather than by instinct" (11, 12), and were adopted almost by accident. This morality of the extended order cannot be "justified" by reason, and so stands "Between Instinct and Reason" (which is the title of the first chapter). Like a virus attached to a DNA molecule, this word is embedded in Hayek's exposition, mutating the argument from something reasonable to something very mistaken.

In his delightful seventh chapter, "Our Poisoned Language," Hayek himself ironically provides the perfect term for what has happened here: "As a weasel is said to be able to empty an egg without leaving a visible sign, so can these words deprive of content any term to which they are prefixed while seemingly leaving them untouched. A weasel word is used to draw the teeth from a concept one is obliged to employ, but from which one wishes to eliminate all implications that challenge one's ideological premises" (116–17). "Social" is the weasel word Hayek decries, but "instinct" is surely as disastrous.

It is often suggested that Hayek's chief weapon against socialism—his critique of constructivist rationalism—seems also to apply to libertarianism. Rand's and Rothbard's ethics are often cited as examples of rationalistic hubris. Do not Hayek's arguments against socialism also destroy libertarianism?

The concept that Hayek is "obliged to employ," but that he is loathe to confront, is the "reasons" people have for acting, and (especially) for following rules. Though he elsewhere praises the marginal utility theory of value, rightly linking value to human purposes (95), and though he makes several positive references to economists who are developing the "property rights" approach to law and resources, it does not cross his mind to extend this sort of analysis to ethics. According to him, people do not select rules according to their purposes and values, at least not to a significant extent. In fact, Hayek's whole theory of cultural group selection sees it as happening the other way around: "Learnt moral rules . . . displaced innate responses, not because men recognised by reason that they were better but because they made possible the growth of an extended order exceeding anyone's vision, in which more effective collaboration enabled its members, however blindly, to maintain more people and to displace other groups" (23).

This theory of "displacing groups" seems out of line with what actually happens. It is an extreme "natural selection" theory applied to whole societies. This sort of selection of cultural practices is surely not the only way in which certain sets of rules tend to predominate: people emulate more "successful" rules and living strategies all the time. No matter how much "constraints on the practices of the small group . . . are *hated*" (13), people do indeed adopt the restrictions of an extended civilization so they can participate in its prosperity. In the Third World examples of this sort of adaptive behavior abound. (See David Ramsay Steele, "Hayek's Theory of Cultural Group Selection," *Journal of Libertarian Studies*, Vol. VIII, No. 2, pp. 171–195, for an excellent critique.)

Though there may be a sense in which "rules select people," the plain fact of the matter is that people also select rules. This even goes for Hayek's beloved collectivist savages, whose regulatory institutions of ceremony, nascent religion, and rudimentary industry can all be explained—at least in part—by attention to human purposes and values. But Hayek smears the word *instinct* over the whole subject, and never even mentions all the work being done in other fields—for example, game theory, general systems theory, public choice—that help explain this connection.

Further, though he quite rightly notes that the Hobbesian state of nature is a myth (which Hobbes, by the way, would have readily admitted), his own vision of primitive man is hardly any more anthropologically accurate. Over and over again he describes the "natural morality" of pre-civilized men as "altruistic" and "instinctual," but the truth, of course, is that the moral traditions of these people are incredibly diverse (see the sociological writings of Herbert Spencer, for instance, or Spencer's "The Ethics of Kant," *Essays*, Vol. 3, [New York: D. Appleton and Company, 1891] pp. 192–195). Though the smallness of their societies tended to personalize and thus to reinforce the reasons for following traditional customs, I have never seen any evidence—and Hayek supplies none—for regarding their moral habits as acquired and maintained in any other way than the one he ascribes to the habits of civilized men: "handed on by tradition, teaching and imitation, rather than by instinct. . . ." Parents in primitive soci-

eties raise children according to moral norms just as do parents in developed ones.

Hayek's discussion of tradition seems to present a rather weird picture of what tradition *is*. Tradition does not merely prescribe; one becomes *a part of it*. As it changes each individual, so each individual changes it. Hayek's picture of tradition and morals is one-sided: man is influenced by tradition—never tradition by man. Though it is true that single individuals do not *completely* remake a tradition, innovation on the individual level constantly occurs, and changes mount up.

The perennial appeal of communitarian ethics and programs need not be explained by recourse to an "instinctual" rule-following behavior, programmed into man during the long course of biological evolution. Man is a purpose-oriented creature first, and a rule-following creature second; he follows rules for a variety of complex reasons, one of which is simply the need to economize on attention to the multitude of options that are always potentially present to acting human beings. Communitarian ethics have a special attraction because they seem to follow from a simple vision of causation in the social world, one in which purposes are clearly defined and options clearly marked. Coordination of behavior in a vast array of the market, on the other hand, is hard for people to imagine; it is simply too complex. Thus they support simplistic political programs *not* because they are fundamentally rule-followers, but because they are fundamentally purposive. Hayek's own eloquent discussion of the "Mysterious World of Trade and Money" (his sixth chapter) provides ample evidence for this thesis, though he doesn't draw the correct conclusion.

This is not to say, however, that his distrust of rationalism has no ground. Many of the reasons people have for adopting ethical norms are not of the kind that rationalists admire—or even *notice*. Furthermore, it is possible—indeed, quite common in the evolution of society—for people to practice moral behavior for one or more reasons, and have moral behavior yield beneficial effects that were no part of their intention. This applies also to whole societies. Because of this, most of Hayek's arguments against "constructivist rationalism" still hold true: there is indeed a *hubris* in many radical thinkers' methods, a presumptuousness that can lead to disaster.

However, Hayek's failure to consider important details of basic theory is amazing (though many readers may appreciate the breezy sketchiness of his argument). Not only does he neglect to present a cogent theory of rule-following (and -advocating) behavior, he also makes no explorations into the economics of tribal endeavors, families, firms, or states, and he allows the socialist calculation debate to go by with but one short discussion! But I should not be too hard on him, I suppose—the whole Austrian school of economics seems content with masticating old issues, reluctant to push on to new territories. At least he is not arguing endlessly over method!

Progress As Differentiation

But perhaps he should have spent some time doing so. Hayek has, over the years, distanced himself from Ludwig von Mises's "praxeological" grounding for economic and social science (a grounding that explains social events in terms of human purposes). He has denied not only its Neo-Kantian a-priorism but its claims to fundamental and exhaustive explanatory power, as well. Though Hayek has often mentioned his disagreements with Mises on the fundamentals of social analysis, he has not, to my knowledge, ever given Misesian theory a thorough critique.

This is unfortunate. The Austrian school of economics has always placed a great deal of importance on method, and Hayek's unexplained dismissal of Misesian method presents problems for present-day economists working in the tradition. Hayek's broadening the scope of economic inquiry to include subjects normally covered by anthropologists, sociologists, and linguists (and others) makes for an attractive research program, but must Austrians who wish to extend their theory abandon Misesian praxeology in the process? Hayek gives them no good reason to do so. Not surprisingly, the Austrian school of economics, though more active now than at any time since the death of Hayek's teacher, Friedrich von Wieser, is in danger of coming apart at the seams, disrupted by arcane disputes and divergent goals.

Though comparisons with Mises are obvious and important, it is Herbert Spencer (1820-1903) who provides the most interesting parallels and contrasts. Though Hayek never defines evolution in as straightforward a way as did Spencer—that is, as an increasing degree of heterogeneity, complexity and integration—the manner in which he uses the term in relation to the "spontaneous order" of civilization suggests a Spencerian usage (a usage that has, alas, fallen out of favor among neo-Darwinists). His depiction of the "extended order of civilisation" is certainly reminiscent of Spencer's. Though unlike Spencer he does not care to mention the possibility of a systematic study of "dissolution" (destructuring processes), this does not make him an historicist; he recognizes that societies do not follow a uniform, unilinear path to an "ideal" condition (a belief often misattributed to Spencer). Like Hayek, Spencer had a concept of instinct. Happily, it was much less disastrous for his system; the fact that there was so much more to his theory than there is to Hayek's helps.

Hayek embraces a concept that not only limits reason but seems to preclude it wherever applied. He plays "instinct" as a sort of trump card that outranks reason whenever played.

In many ways, Spencer's thinking on social evolution is better developed than Hayek's. For one thing, Spencer tried to develop his theory according to the facts (though many readers find Spencer's seemingly endless listing of anthropological detail in his *Principles of Sociology* the perfect cure for insomnia). More important, however, is Spencer's boldness in identifying evolution with progress. Though now completely out of favor with the intellectual elites, Spencer's formulation of evolution always was a constant reminder of what the evolutionists' needed to explain: the origin of increasingly complex orders out of simpler ones. Evolution is not a matter simply of "change" but of a specific type of change. Darwin's exposition of speciation processes was not controversial *merely* because Darwin explained how species could change: it was controversial be-

cause it was designed to explain how new and more complex beings could develop. Neo-Darwinists tend to forget that these days.

Spencer did not hesitate to describe one being as more "evolved" than another. A man, according to Spencer, is more evolved than a dog because man can perform a greater variety of actions and adapt to a greater variety of environments: man is more purposive. Similarly, a "super-organic" system (society) is more evolved than another if it can accommodate a greater variety of members, each able to perform a greater variety of actions, reflecting a greater diversity of values. This is relevant to the issue at hand because Spencer was able to draw an ethical conclusion from all this: *Because values pertain to ends and means and human purposes, there is always an imperative to progress toward a more "evolved" condition.* Though Spencer sometimes expressed his position rather crudely, it need not involve the dreaded naturalistic fallacy (as G. E. Moore argued in his *Principia Ethica*). Though Spencer's "imperative" does not look like the imperatives of most other moral philosophers, and needs recasting in terms of "universalizability" and "prescriptivism" to put it into an acceptable, modern form, it nevertheless remains an impressive philosophical achievement.

Compared to it, Hayek's tentative imperative seems almost comic in its meekness. It yields the same conclusion, but its skeptical, oh-so-modern hesitancy strikes me as very peculiar: "Although this morality [of the extended order of human cooperation] is not 'justified' by the fact that it enables us to do these things, and thereby to survive, *it does enable us to survive, and there is something perhaps to be said for that*" (70, emphasis in original).

Libertarian Hubris?

It will be a long time before scholars come to a consensus over Hayek's work, and I will not hazard to guess what that consensus will look like—though I can only hope that he will be treated better than Spencer was treated after his death. Perhaps if libertarian ideas gain greater currency, Hayek's reputation will be protected.

One aspect of his theories has vexed libertarians for some time. It has often been suggested that Hayek's chief weapon against socialism—his critique of constructivist rationalism—seems also to apply to libertarianism. Rand's and Rothbard's ethics are often cited as examples of rationalistic *hubris*. Do not Hayek's arguments against socialism also destroy libertarianism?

I do not think so. There are three reasons why Hayek's critique should not be stretched to include libertarianism.

First, elements of his critique of reason in ethics are wrong. As I suggested earlier, we can understand both the origins of ethical norms and the effects of those norms in a more systematic way than Hayek admits, thus weakening his argument against conscious manipulation of morality (this does not weaken the case against socialism one bit, however).

According to Hayek, markets are capable of forming a "spontaneous order" that no conscious, human plan could duplicate, much less surpass. This ordering process, he claims, is similar to natural selection in biology.

Second, Hayek himself gives strong reasons why we should not extend his arguments against libertarian theory.

> I wish neither to deny reason the power to improve norms and institutions nor even to insist that it is incapable of recasting the whole of our moral system in the direction now commonly conceived as "social justice." We can do so, however, only by probing every part of a system of morals. If such a morality pretends to be able to do something that it cannot possibly do, e.g., to fulfil a knowledge-generating and organisational function that is impossible under its own rules and norms, then this impossibility itself provides a decisive rational criticism of that moral system. It is important to confront these consequences, for the notion that, in the last resort, the whole debate is a matter of value judgements and not of facts has prevented professional students of the market order from stressing forcibly enough that socialism cannot possibly do what it promises. (8)

This is one of the best passages in the book, and it is a pity that Hayek did not extend the analysis in the manner I suggested earlier; such an extension would have backed up this passage much better than his main argument does. Later in the book, when he discusses the differences between the positive and negative ideas of freedom, Hayek reaffirms his version of classical liberalism—a form that, though not identical to libertarianism, is certainly compatible with its spirit:

> The question is how to secure the greatest possible freedom for all. This can be secured by uniformly restricting the freedom of all by abstract rules that preclude arbitrary or discriminatory coercion by or of other people. . . . In short, common concrete ends are replaced by common abstract rules. Government is needed only to enforce these abstract rules, and thereby to protect the individual against coercion, or invasion of his free sphere, by others. Whereas enforced obedience to common concrete ends is tantamount to slavery, obedience to common abstract rules (however burdensome they may still feel) provides scope for the most extraordinary freedom and diversity. Although it is sometimes supposed that such diversity brings chaos threatening the relative order that we also associate with civilisation, it turns out that greater diversity brings greater order. Hence the type of liberty made possible by adhering to abstract rules . . . is, as Proudhon once put it, "the mother, not the daughter, of order." (63–4)

This paragraph so powerfully undermines the idea that Hayek's critique applies against libertarianism that it is almost a wonder that the subject ever came up. That it did, I believe, is the result of a mistaken view of what libertarians have attempted—which brings us to the third reason to reject the idea that Hayek's critique applies to libertarianism: the libertarianism "method," though indeed radical, differs from socialism in a crucial way.

Contrary to some of the pretensions of the more *a priori*-minded libertarian theorists, even the most rationalistic libertarian does not start with an ethical nothing. He starts with the morality with which he has grown up, and theorizes outward. But the morality of this "constructivist" is not just any old morality, it is the morality that has allowed the extended order of human cooperation to flourish. *Libertarianism is a refinement of certain ethical and legal principles that have evolved dur-*

ing the course of civilization. It is not an expansion of the ethos of the family, or of the firm, or of a local cooperative. Hayek's strictures against applying the ethics appropriate to a small group to all of society do not really apply to libertarians because that is not what libertarians are doing. They have sometimes seen themselves as doing this only because they are so acclimated to the morality of the extended order that they do not see that other moralities also make sense in certain situations!

I have focused on the problems with Hayek's thinking as they are laid bare in *The Fatal Conceit.* But it covers far more ground than I have discussed here. For example, many readers will find his chapter "The Extended Order and Population Growth" to be worth the price of the book. There is not a single passage whose meaning is not plain, yet Hayek and Bartley maintain an enviable elegance. ❑

A Yellowstone Primer:
Policy Reform via the New Resource Economics
John Baden, ed. Winning Publications, 1989, 215 pp., $29.95 hb, $12.95sc.

Can Yellowstone Recover?

Lawrence Dodge

Originally, a "primer" meant a small prayer book. Later, the term came to refer to any elementary reading instruction book. *A Yellowstone Primer: Policy Reform via the New Resource Economics* is both. It aims to teach us to read and understand some intriguing new handwriting that has appeared on the walls of environmental policy, and to pray that those inside the walls do likewise.

The handwriting explains, in a modern language known as the New Resource Economics (NRE, or free-market environmentalism), how and why free markets can do more to satisfy the various competing demands for resources on America's public lands than can any government policy.

Replete with examples, references, and scenarios, the *Primer* can be read as an exciting anthology of private-sector policy options by those who desire to become more conversant on such topics. Or, it can be read and used as a fresh point of departure by those who are or wish to become actively involved in public lands policymaking. The trick may be to get people with a vested interest in the status quo to pay open-minded attention to the *Primer's* many provocative proposals.

Maybe that's too apprehensive. NRE seems to be gaining credence as a basis for strategy among today's more savvy environmental activists, and at least begrudging acknowledgement even among those who remain reluctant to admit its value.

Here in Montana, for example (where like Baden, I both reside and remain involved in ecological issues), a bevy of new buzzwords has entered the lexicon of environmental debate. Policy discussions now routinely include concepts such as privatization, user fees, water markets, conservation easements, free-rider problems, bureaucratic entrepreneurship, tragedy of the commons, and opportunity costs.

During Montana's 1989 legislative session, a coalition of environmental groups proposed a bill to allow farmers and ranchers to sell or lease unused portions of their water rights to public and private resource management organizations as instream flow rights—and a much-diluted version of that bill was actually passed. Before NRE, that small step might literally have been unthinkable.

As Baden himself points out, the Yellowstone Park forest fires of 1988 set the stage "for essential policy reform throughout the National Park System and the 720 million acres, of America, owned and managed by the federal government." And those fires only added to the heat generated by Alston Chase's stunning exposé of ecological mismanagement on the part of the National Park Service, *Playing God in Yellowstone: The Destruction of America's First National Park.*

Free-market environmentalism, precisely because it dispassionately takes on all forms of special interest (preservationist, recreationist, developmental, extractive, governmental—whatever) had to spend much of its youth scratching for survival in a hostile intellectual habitat. And Baden has paid the price for his advocacy of NRE in more than one lost job, grant, and contract. Nonetheless, the New Resource Economics is becoming a serious contender for intellectual allegiance among a new generation of environmental scholars and activists, several of whom contributed essays to the *Primer.*

Because they share approximately the same angle of analysis, the articles found in the *Primer* tend to cover some common theoretical ground. Whatever annoyance this redundancy may cause those who read the whole book through in one pass, the up side is that each piece can stand alone. The *Primer* thus has handbook value: if you want to get "up to speed" on a given policy issue, you needn't read the whole book.

After Baden's opening articles, which introduce NRE, demonstrate its relevance to the ecological dilemmas facing the Greater Yellowstone area (including the fires), and indicate what to expect from all the other contributors, the *Primer* gets down to specific issues.

If you seek debate on whether it makes ecological sense for the government to buy up property or reclassify some of its own around Yellowstone as "buffer zones," co-editor and contributor Don Leal's entry on "Saving an Ecosystem—from Buffer Zones to Private Initiatives" may convince you that the latter choice makes much better sense.

If you want to learn about intrastate and interstate water conflicts, and possible solutions to them besides obliging taxpayers to build dams in preparation for water wars, Andrew Dana's essay, "Water Resource Management in the

Yellowstone Ecosystem" is essential reading. Dana provides a short but meaty history of western water problems and explains how we've reached a depressing point where the ideal solution (a fully free market in water with well-defined, enforced, and transferable property rights) may be as unachievable as it is desirable. But he concludes with some realistic, hybrid proposals that could make the best of a bad situation.

Jo Ann Kwong makes an excellent case for resolving public and private land-use conflicts in Greater Yellowstone by increasing reliance upon property-rights-based options, in lieu of further government (taxpayer) purchases and takings. Her entry, "A Private Property Rights Approach to Land-Use Conflicts in the Greater Yellowstone Ecosystem" is must reading for anyone who's ever wondered how private organizations can and do go about enhancing and protecting wildlife and its habitat. Conservation easements and purchases are among the strategies she covers.

Tom Blood tackles a touchy problem in his *Primer* contribution, "Man, Elk and Wolves in Greater Yellowstone." The idea of reintroducing wolves in the area has gotten no further than heated exchange, to date. Wildlife experts, public and private, have come to recognize the key role of the wolf as predator in the Yellowstone area ecosystem, especially in keeping the elk population trimmed so that other species may share the same habitat. But politically powerful livestock interests have been able to stymie reintroduction hopes. Blood presents a politically, economically, and ecologically plausible program involving financial bonding, wolf management zones, land trusts and timber valuation methods that, because of its sophistication, might just sell.

If you've ever wondered about the internal politics of a major news distribution organization, such as how the real down-and-dirty decisions on "what to leave out and what to leave in" are actually made, "Playing Games at Newsweek" will satisfy your curiosity (and perhaps confirm your suspicions).

Don Leal, Geoff Black, and John Baden, in their joint entry "Oil and Gas Development in Greater Yellowstone" explain why environmentally nefarious activities on public lands, like logging, tend to receive government subsidies and other encouragements, while more benign extractive endeavors, like oil and gas exploration, meet with bureaucratic reluctance and resistance. This is important because resource management according to NRE admits the necessity of private funding, and benign sources of income are actively sought. Functioning examples of symbiosis between oil and gas development and environmental preservation and enhancement add to the persuasiveness of the authors' arguments.

Two very lively articles dealing with the differences between official fiction and actual fact concerning the consequences of National Park Service policies are included near the end of the *Primer*, further documenting the need for fundamental policy changes. The former, "What Washington Doesn't Know about the National Park System," is by Alston Chase (of *Playing God* notoriety). Chase retraces some of the more controversial points he made in his book, especially the discrepancies between animal populations and habitat conditions reported by the Park Service and those supplied by independent observors. He rejoins various unfounded, even underhanded criticisms of his exposé, and winds up by making some well-thought-out recommendations for remedying the problems he has identified. His facts and figures, rebuttals and remarks are interspersed with some astute sociological observations, not to mention wit.

The latter piece is by Gene Lyons, "Playing Games at Newsweek." If you've ever wondered about the internal politics of a major news distribution organization, such as how the real down-and-dirty decisions on "what to leave out and what to leave in" are actually made, this report will satisfy your curiosity (and perhaps confirm your suspicions). It's an instructive anecdote of journalistic intrigue and political whitewash.

Richard Stroup, in "Rescuing Yellowstone from Politics," also strips the shine off the Park Service's image, but argues that the fault lies with institutional arrangements more than with particular people and circumstances. After reiterating a point permeating most of the *Primer*—that special-interest pressure upon park and other public lands administrators virtually precludes development of policies pleasing to all—Stroup proposes an innovative alternative to public administration: Wilderness Endowment and Park Endowment Boards, which could be set up to manage wilderness areas and parks much like museums manage their collections, without actually transferring the lands to private ownership, but linking authority with accountability. Thus the substantive portion of the book ends on another positive, creative note.

Most of the authors regard humans and other species all as creatures responding to conditions and incentives they face on a daily basis. Chase goes so far as to define bureaucracy itself as "an ecosystem tending to stability, growth, and control of information."

It's hard to find fault with a book that aims mostly to stimulate thought and inspire policy. But if the *Primer* lacks something, it is a summary chapter in which its many provocative recommendations are tied together into a comprehensive conclusion, or perhaps a proposed agenda. Beyond being instructive, a wrap-up chapter that projected various scenarios for the ecology and economy of the greater Yellowstone area, depending upon which policy options are followed, would have been an exciting way to end the book.

Still, the specific value of each contribution adds to the harmony they make together in treating humankind as one of many species interacting with ecosystem Earth, and not as some kind of alien manager, "outside the glass." Baden, for example, immediately draws attention to the common derivation of the words "economics" and "ecology," and most of the authors regard humans and other species all as creatures responding to conditions

and incentives they face on a daily basis. Chase goes so far as to define bureaucracy itself as "an ecosystem tending to stability, growth, and control of information."

The value of this line of reasoning lies not only in its ability to open our eyes to practical solutions that would likely otherwise remain undiscoverable, but in the connection it establishes between freedom of human action—constrained only by institutions of property rights and personal responsibility—and improved life chances for all living beings. Conversely, it provides a basis for seriously questioning the habitually presumed causal connection between centralized, political control over economy and ecology and the welfare of everything and everybody coming under that control. ❑

Booknotes

Bestschrift — ***Man, Economy and Liberty*** (Ludwig von Mises Insitutute, 1988, 423pp., $23) is a *festschrift* honoring Murray Rothbard celebrating his academic and secular contributions. Although it does contain a number of interesting scholarly papers, it also contains light and even humorous entries. In this respect, it is rather more like a good magazine than a conventional *festschrift*. There is serious reading, to be sure, but also reading that can be enjoyed while waiting for the bus.

The bulk of the book consists of scholarly essays, some celebrating Rothbard's contributions to the development of libertarian thinking in economics, philosophy, political science and history, others extending Rothbard's thinking. The contributors are a "who's who" of academics associated with libertarianism and Austrian economics, including both Rothbard's ideological allies and his critics: D. T. Armentano, Israel Kirzner, Walter Block, Ellen Frankel Paul, Leland Yeager, Douglas Den Uyl, Anthony Flew, Tibor Machan, David Osterfeld, Arthur A. Ekirch, Ralph Raico and others.

Among the less than somber contrbutions are a brief view of Rothbard the man (written by his wife), Rothbard the lover of jazz (by Neil McCaffrey), and Rothbard the film-reviewer (by Justus D. Doeneke). Sheldon Richman's survey of Rothbard's unpublished book reviews written for the Volker Fund from 1952 to 1962 is especially interesting. It gives us a glimpse at the development of Rothbard as libertarian and as writer, and it includes numerous excerpts of Rothbard's own sparkling prose.

My favorite contribution, however, is "Himself at Sixty," a testimonial to Rothbard's life in Ogden Nashian doggerel, written by Robert Kephart and Dyanne Petersen. An excerpt gives the flavor:

Now hardened for battle our hero debates,
The most likely tactic for smashing the state.
Forget armed revolution, that would be no improvement,
But wait—we could start—a Libertarian movement.
A movement for liberty throughout the land,
Murray suggests the idea to—Ayn Rand.
"A is A," she responds, and then starts to holler,
"My economist heroes, they have to be—taller."

My favorite couplet comes a few lines later:

So the movement matures, and the years tick away,
Strange people pass through, and some of them stay.

Kephart and Petersen conclude their epic with a challenge to Rothbard:

And one final question. Try to answer this, Smarty.
What *is* an anarchist doing in the Libertarian Party?

As the jelly in the doughnut, there are four pages of photographs of Rothbard. At last we have the solution to the mystery posed by the 1973 edition of *Power and Market*: that photo of Rothbard on its back cover was taken in 1956 on the occasion of his earning his PhD, in an attempt "forestall his parents who wanted a picture taken in his cap and gown."

Man, Economy and Liberty provides the reader with generous helpings of the kind of thinking that Rothbard has done so much to advance. But because he has been more than just a scholar, it is fitting that his *festschrift* go beyond scholarship, and give us a view of Rothbard the man—multi-faceted, boisterous, fun-loving, and cantankerous.

—R. W. Bradford

Read This — Some titles are irresistible. Unfortunately, sometimes they are better than the books themselves, and many books, of course, are much better than any title could suggest. One of the nice surprises of George Stigler's newest book, ***Memoirs of an Unregulated Economist*** (Basic Books, 1988, $17.95), is that its contents are as delightful as its title is clever.

If you know nothing of economics, this is a good introduction to the best that the mainstream of economics in this century has to offer. Stigler is one of the leading lights of the Chicago School (along with Milton Friedman and the late Frank Knight), and he does a superb job of relating its history and distinguishing characteristics. He uses his career as a jumping-off point to numerous reflections on the nature of society, politics, and (of course) his profession. Though all are interesting, my favorites are those dealing with the relation of economists to politicians and lawyers. His anecdotes about his run-ins with the Nixon and Reagan Administrations are hilarious.

Still, his discussions of the proper method of economics will be the most valuable aspect of the book for many libertarians. The Austrian School of Economics has had a very strong influence on the libertarian movement, and many of us are a bit narrow-minded when it comes to using the work of other schools of thought. Austrians, you will recall, do most of their "research" in an armchair, a place armchair anarchists find very comfortable. The Chicago School, on the other hand, actually goes out looking for answers to chalkboard questions. Stigler puts this "experimental," positivist approach in the best possible light, and I found his descriptions of the Chicagoans' work hard not to admire. —Timothy W. Virkkala

The Hell You Say — Every crank knows that a damning quote bolsters an ideological argument. It adds authority to a weak point and immutability to a smear. Sometimes, however, the most devastating quotations are fabrications. But how can we find out? Paul F. Boller,

Jr. and John George went on a search for phoney quotations and came up with some interesting culprits, which they list in ***They Never Said It: A Book of Fake Quotations, Misquotations, & Misleading Attributions*** (Oxford University Press, 1989, 159 pp., $15.95). Some are harmless; others horrid. All should be exposed for what they are.

For starters, Gus Hall never called for U.S. politicians to be strangled to death; the Bolsheviks never wrote a list of "Rules for Revolution"; Rowen Gaither never said the Ford Foundation wants a merger between the U.S. and the Soviet Union; and Harold Ickes never said FDR was striving for a "modified form of communism." Although each is a fabrication—and the authors of the book do their best to trace the source of each—these are often quoted to make ideological points.

The Left too is guilty of fabricating quotations. For example, Hoover never said, "Prosperity is just around the corner." And Adolf Hitler never made a speech calling for "law and order."

Jerry Falwell is fond of quoting Edmund Burke: "the only thing necessary for evil to triumph is for good men to do nothing." But the closest thing Burke said to that is: "When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle." It's easy to see why the real one isn't quoted.

Then there are the misleading attributions. Libertarians will be disappointed to know that Jefferson never said "The government is best which governs least." And he did not say "eternal vigilance is the price of liberty" (and neither did Ben Franklin, to whom the quote is sometimes attributed). James Otis never said "Taxation without representation is tyranny!" And Winston Churchill never said, "The idea that a nation can tax itself into prosperity is one of the crudest delusions which has ever befuddled the human mind."

Phoney Abraham Lincoln quotations cover fifteen pages of the book. Lincoln never uttered the long list of "cannots" often attributed to him, "You cannot bring about prosperity by discouraging thrift . . . You cannot help the wage-earner by pulling down the wage payer. . . ." etc. Neither did he praise high tariffs and protectionism because "we get the goods *and* the money."

There are fourteen pages of phony Vladimir Lenin quotations. Suffice it to say that a Lenin quote with any one of the following subjects is a fake: overripened falling fruits, breaking pie crusts, selling ropes, debauching currency, corrupting the young, registering handguns, taking over the world step-by-step, and using the useful idiots of the West.

Boller and George have done excellent work; their book is well indexed and footnoted. So cranks, be on guard. Before you look silly, you'd better look at this book. Scholars can learn a lesson here too: if a quote sounds suspicious, check the source. Even Bartlett's can't be trusted, as the authors show. If you find a fake quote, send the documentation to Boller and George; they plan to issue another edition. —Jeffrey A. Tucker

Freedom-Fighter Intrigue — James P. Hogan, the author of the superb Prometheus Award-winning novel *Code of the Lifemaker*, has written another expert thriller, this time abandoning hard-science extrapolation for political speculation. As the millenium ends, Hogan sees a libertarian revolution taking place.

Well, not a real revolution, merely the election of the leader of the "Constitutional" Party. But there is no doubt of its being libertarian, rather than nut-rightist (which is what "constitutionalist" usually means to me)—the preaching that goes on in this book proves it: it is of the kind I have been hearing (and speaking) for years. In this book the proselytizing goes on and on. . . .

Still, ***The Mirror Maze*** (Bantam, 1989, $4.95) is an engaging story that kept me up all night. It is the kind of book that you read in one sitting, and then forget about soon after. It is not nearly as good as some of Hogan's other books, particularly the above-mentioned *Code of the Lifemaker*, but it is still worth reading as light entertainment. If you have the time for 439 pages of politics, intrigue and libertarian propaganda, pick it up. —TWV

A Knife to the Womb — If you have thought about it at all, perhaps you have reached the conclusion that the coin of abortion has only two sides: pro-life and pro-choice. Victor Koman invites you to think again.

In his new novel, ***Solomon's Knife*** (Franklin Watts, 1989, $18.95). Koman melts down the currency of abortion and mints a new coin. In a suspenseful, tightly written and emotion-filled story, Koman examines the pro-life/pro-choice controversy and proposes an ingenious solution, one that is not only uniquely libertarian but appears to be medically and technically feasible as well.

Dr. Evelyn Fletcher, Koman's dynamic and articulate protagonist, has created an alternative to abortion: transoption, which is short for "transfer option." This is an entirely voluntary procedure by which a fetus can be transferred from the womb of a woman who does not want to give birth to the womb of a woman who does.

Dr. Fletcher is a refreshingly real, individualist character—she smokes a brand of cigarettes called Defiant ("The brand with the highest dose of nicotine per milligram of tar"). And though she makes no spoken claim to being a libertarian, she consistently presents libertarian principles through her actions.

While I don't want to give away too much of the story, the central conflict occurs when the first transoption baby, Renata, is born. Renata becomes gravely ill and needs a bone marrow transplant from her original mother—who, for reasons given in the story, does not know Renata even exists. But when she finds out . . . well, suffice it to say that Koman has written one of the most intense courtroom battles I have read.

Koman writes with depth and clarity. He gives us three-dimensional characters that we can care about, and he crafts a story with plenty of fireworks—one that is guaranteed to knock your vision out of any tunnel. —Michael Reed

What I Would Do If Made Dictator of These United States — Long ago, in the days when I was forced to attend school, a teacher required me to give an extemporaneous speech on a topic that I was to draw from a hat. I drew the slip of paper, and read: "What you would do if you were made dictator of the world." I found the topic disgusting, so I made a joke out of it. Unfortunately, many people not only find this stuff amusing, but actually take it seriously. John Dalmas, in his book ***The General's President*** (Baen Books, 1988, $3.50), does just that.

The time is the future (I forget just when; it doesn't matter), and the United States is in economic chaos. The Vice President has just resigned because of corruption, and the President is sick and

worried. Congress has declared a state of emergency and given him dictatorial powers. He is about to resign, and he offers to appoint as VP (and therefore next President) his favorite general, Cromwell. The general refuses and finds a substitute, an inventor and businessman, Arne Haugen, a true-blue American of Norwegian and Finnish descent. Haugen accepts the appointment, and a benevolent dictator is born. The rest of the book is a spinning-out of the details.

Dalmas is not writing a cautionary tale; he is offering a blue-print for selecting a *Führer*. Haugen is the ideal man in a time of crisis. Not only does he maneuver the ship of state out of tough waters, but he institutes many quasi-libertarian institutional changes. He pulls off miracles, too, if you regard the manufacture of Tesla "scalar resonance" transmitters and power generators as miraculous (I do). He also institutes some reforms that strike me as, well, just a bit too stupid for words: a complyt overhawl of speling, along scientific lines.

I guess this is kind of fun, but it is also disturbing. Somebody who can fantasize about being a dictator is not to be trusted. I can tell you, I would not choose Dalmas as the next Arne Haugen. Cromwell, are you listening? —TWV

BOLDFACED Buncombe — Like nearly all other obscure and small intellectual movements, libertarianism transmits largely through the self-publishing, *samizdat* method. The chief peril of this method is brilliantly demonstrated in Jason Alexander's book, ***Ayn Rand, Libertarians and the Fifth Revolution*** (San Francisco: Sitnalta ["Atlantis" spelled backwords] Press, 96 pp., $9.95[!]), which has been touted in the pages of *Libertarian Party News* and the newsletter of Libertarian International. It represents the all-too-common problem of the self-published book: it isn't worth reading.

Presumably, the author must have some personal charm, because if the current book indicates anything, his writing couldn't impress anybody. A collection of pretentious and tedious rambling about Ayn Rand and abstract ideas, most of the time CAPITALIZED AND IN **BOLDFACE** in case we are too thick TO GET HIS POINT, Alexander's book is the literary embodiment of Gertrude Stein's famous aphorism regarding Oakland—there's no "there" there. In Alexander's case, there's no Fifth Revolution either, although he suggests that you might actually find out what he is talking about if you buy some of his other books conveniently listed at the end of this volume.

What content there is seems to be warmed over platitude and vague generalities centering around the idea that mankind has gone through a series of evolutionary stages (AGES AND STAGES, they're called, in one of Alexander's many Jesse Jacksonisms). The announcement that we are in the throes of a Fifth Revolution is the culmination of the skimpy 32 pages of his text. The rest of the book is filled out with an introduction by the North Carolina Libertarian Party chair and a full 51 pages of the softest of softball interviews imaginable by Libertarian International chair Vince Miller. They do little to illuminate Alexander's ideas.

I can't really make out what the Fifth Revolution is, though I suspect it has something to do with PHILOSCIENCE, "love of knowledge."

"Miller: What is Philoscience?

"Alexander: Permit me a flippant answer: A Philoscientist is a philosopher who knows what he or she is talking about."

On the bright side, the typeface is easy to read and the embossed, two-part front cover is one of the nicest to be found on a vanity—er, "self-published"—book. But the most important thing to be learned from this book is that editors and publishers in the real marketplace do serve a useful social function: keeping books like this out of libraries. —Mike Holmes

***Do the Right Thing*, written and directed by Spike Lee.**
Starring Danny Aiello, Spike Lee, Ossie Davis, Rosie Perez, Bill Nunn, John Turturro, Richard Edison. Universal, 1989.

Racial Consciousness

Timothy Virkkala

I recently discovered that I am *not* Caucasian. No, this was not a Pudd'nhead Wilson sort of revelation, and definitely not the kind about which movies are made. I did not unearth the truth by going over old genealogy books or by uncovering some deep secret hidden in the family closet. I merely read the regular *Natural History* column of my favorite Marxist, Stephen Jay Gould, and learned the latest in racial theory. According to Gould—who in an earlier essay dismissed racial distinctions as scientifically unsound, for reasons that seemed ideological rather than scientific—contemporary theorists categorize genetic and linguistic stocks into seven distinct groups, and people of my ancestry (Finns) are classified not with Indo-Europeans, but with Hungarians and some others as "Northeastern Asian." Linguists had been using this category (Finno-Ugric) for quite some time, and now it appears that geneticists have followed suit.

Though I learned of this from Gould, it did not exactly come out of left field: I had been prepared. Years ago I had heard that Finns were said to be part "Mongol," or some such. Young, and involved in a kid's romance with the *other*, I was fascinated by the idea. I mentioned it to a great aunt of mine, and she was appalled. She vociferously denied it. Finns *Mongols*? Never! You would think I had said *mongrel*, or something. My reaction to her response, of course, was to reflect on what a bad choice my great uncle had made.

Unfortunately, it seems that few people share this fascination with the *other*: racism is prevalent, and cultural pluralism under attack. Recently, my fascination with "otherness" was challenged—just as were many people's ideas of racism—by Spike Lee's summer blockbust-

er of a movie, *Do the Right Thing*. Lee, an independent black film-maker, is one of today's best directors; his films far outstrip Woody Allen's early efforts, for instance, both in comic inspiration and in film technique, and they rival Woody's later efforts in moral purpose.

Though the "moral purpose" in Lee's first feature film, *She's Gotta Have It*, was subtle and individualistic, *School Daze*, his second film, and especially *Do the Right Thing*, take up controversial issues that were once routinely described as matters of "social conscience" (and social "consciousness," too). *Do the Right Thing* is an exploration of racism, and not just white racism against blacks, either: black treatment of whites is starkly outlined, and, in one outrageous sequence, bigotry by and about Chicanos, Koreans, Jews, *everybody*, is hilariously portrayed.

What matters is the escalation of the violence preceding the riot and the manner in which that violence is squelched: the police kill one of the combatants. After that police action, the riot is inevitable; those who do not see this inevitability have no understanding of what it is to be the victim of prejudice, racial hatred, and injustice.

The film concentrates on an inner-city community where Sal's Pizzeria is the last hold-out of the old white community. Sal (brilliantly played by Danny Aiello) and his two sons serve pizza to their mostly black customers. The older of Sal's sons is deeply racist, admonishing Sal to pull up stakes and move to a better neighborhood, but Sal will have none of it—and not merely for practical reasons; he seems to have respect for his customers (though not, inevitably, equal respect). The elder son also bitterly disapproves of his younger brother's friendship with their delivery boy, Mookie, played by director Lee. Mookie is the stereotypical "lazy" black youth, invariably taking too long on his pizza runs. Though a likable fellow, he is certainly not a paragon of virtue, as his sister (played by Lee's sister, Joie) lets him know. Indeed, for much of the film it is a mystery why Sal keeps Mookie on; towards the end of the film we learn the reason: Sal has a crush on Mookie's sister.

The first two thirds of the film is mostly comic. There are several episodes filled with witty and ironically framed dialogue, realistically delivered in street-scat (I do not think I have ever seen a movie with more profanity, or any movie in which the profanity was more appropriate). The characters are fascinating studies in diversity: there is the "Mayor," an old drunk with a heart of gold (he is the one who Delphically instructs Mookie to "do the right thing"); there are three do-nothing old gents who sit at the corner making comments on the passing scene, including the enterprising Koreans who have started their own little market across from Sal's Pizzeria (why can't blacks do that, they wonder); there is Mister Señor Love Doctor, deejay at the little FM station, who plays music and preaches brotherhood to a world that sorely needs the latter, if not the former ("Brothers, are we gonna live together? Together are we gonna live?"); and there is my favorite, Radio Raheem.

Raheem carries a ghetto blaster to end all ghetto blasters. Early in the movie, Sal angrily tells Raheem to shut the thing off when in Sal's place, and Raheem angrily complies. There are numerous, hilarious run-ins between Raheem and just about everybody else; and all the while Raheem plays but one song: "Fight the Power! Fight the Power! Fight the Powers that be!" (Boom, chicka thwack!)

The point on which the plot turns comes early, courtesy of a friend of Mookie's, a stylish young man with a strong territorial instinct. This person complains to Sal that there are "no brothers on the wall." The customers' booth wall of Sal's Pizzeria contains framed pictures of famous Italian-Americans. Mookie's friend thinks it only proper that since Sal serves black customers he should put blacks on his wall, too. Sal is not interested, obviously wanting to keep something of his own culture in the neighborhood: "You want brothers on a wall? Get your own fucking wall and put brothers on it!"

Well, this response might satisfy a libertarian, but it doesn't impress Mookie's friend, who tries to organize a boycott. He has no easy time of this, but he finally gains one convert: Radio Raheem. He and Raheem go to Sal's one night and declare their opposition; Sal gets angry, and tells the two trouble-

"Do the Right Thing" is an exploration of racism, and not just white racism against blacks, either: black treatment of whites is starkly outlined, and, in one outrageous sequence, bigotry by and about Chicanos, Koreans, Jews, everybody, is hilariously portrayed.

makers to get out. They do not. Sal also tells Raheem to shut off his radio. Raheem will not. And then the violence escalates.

I suppose I should not describe the particulars of that escalation, other than repeat what you have already read elsewhere: it ends in a race riot. There is, of course, no question—in my white but not Caucasian mind, at least—that the riot is in an important sense "wrong." But it is at least understandable, and perhaps forgivable (mercy is a virtue, too). But the media and critical attention given to the riot amazes me. From a moral point of view what matters is the escalation of the violence *preceding* the riot and, from a sociological point of view, the manner in which that violence is squelched: the police kill one of the combatants. After that police action, the riot is inevitable; those who do not see this inevitability have no understanding of what it is to be the victim of prejudice, racial hatred, and injustice.

This is a morally interesting movie, the kind that you can spend hours discussing. According to Lee, the actors themselves argued over the film while making it: he and Aiello disagree over whether Aiello's character is racist or not. On this matter, I side with the actor, not the writer: I do not consider Sal to be racist; he merely does not approve of certain aspects of inner-city black culture, the rudeness of Radio Raheem's loud music being the most notorious example. Surely it is not racist—or immoral—to object to cultural practices of others. The trick is to avoid allowing cultural criti-

cism to turn into expressions of unreasoned hatred or envious denigration.

Lee's professed view of Sal seems rather peculiar, however, because it does not show in his film. *Do the Right Thing* is a morally complicated movie that does not take easy positions. Most of the cultural criticism of blacks in the film is spoken *by blacks*. The three old gents on the sidewalk make all sorts of critical remarks about their neighbors and themselves. Lee has not "whitewashed" the culture of inner-city blacks; the moral flaws in his characters are there on the screen for all to see. But still, they are well-drawn human beings, not caricatures, and are not altogether unattractive.

This is an important point, for me at least. For a short time in my life, the only blacks that I met on a regular basis were those black males I encountered in the downtown area of a major city. These black youths were egotistical, rude human beings. The best thing you could say about them is that they were not, at least, *beneath* contempt. Still, I was appalled at how quickly I slipped into racist thinking. I grew up in a totally white community, and I had briefly known only one black person. Though this person was certainly admirable, memory of him was not strong enough to fight away the rush to prejudge *all* blacks I met according to the image of these inner-city blacks. Of course, I knew that racism was "wrong," and could easily come up with reasons against prejudice: indeed, some of my favorite writers and thinkers were black, a fact that put the lie to racist arguments against blacks as in some way inherently "inferior." But "reason" is nearly powerless against some sentiments, as Mookie also discovers (there is a hilarious scene in which Mookie attempts to reason with Sal's bigoted son). In fact, every time I felt myself slipping into racism I had to recall to my attention the memory of a childhood acquaintance whom I still regard as the most vile human being I have ever met. I could say to this fellow Finn what Russell Means said to the Libertarian Party: "you saved me from racism."

Thus it is with great relief that I viewed this movie. The characters in this film seemed realistically drawn to me, at least as realistically drawn as one can expect in a comic film. Many of them are recognizable as types of people I have known. But what is important is that they are drawn in a context that an alien white such as myself could hardly have seen in real life. These are people who live, love, play, and (sometimes) work; in this context—and in context of the racist elements around them—one easily sympathizes with them. And however wrongheaded we may judge some of them to be, they are shown definitely *not* to be, in the words of Sal's son, mere "animals." It is a pity that this still needs arguing. But Lee has certainly "done the right thing" by *demonstrating* the point, not merely talking about it.

At the end of this movie, Lee scrolls a quotation from Martin Luther King advocating peace. Then he scrolls a quotation from Malcolm X, asserting that violence is not always violence, but sometimes "intelligence." Though there is no "intelligent violence" anywhere in this movie—not by blacks, not by whites, and not by the police—the possibility of "doing the right thing" is not extinguished; it is only shown to be not so easy as we sometimes think. ❑

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Personal

SM, 25, seeks libertarian woman, 18–35. No drugs, religion. Send photo, self-description: 2041 S. Pacific #5, San Pedro, CA 90731.

Gay Libertarian Man, 28, is interested in contacting other men. Nonsmokers only. Occupant, 4 Bayside Village Place, #307, San Francisco, CA 94107.

Letters *(continued from page 6)*

cal events of the past six months show that it is less likely than at earlier times.

This "review" is nothing more than a plea to maintain the status quo, which, as Mr. Holmes candidly notes, is profitable for him. I don't know what credentials Mr. Holmes has as a libertarian, but I'm amazed that *Liberty* has published this cynical and cruel attack as "libertarian" thought.

Michael Sloan MacLeod
Monterey, Calif.

With Allies Like These . . .

Knowing our friend Jeffrey A. Tucker to be a dedicated advocate of liberty, we were shocked to read his recommendation ("Puritanism Comes Full Circle," July 1989) of short-term alliances between libertarians and Reconstructionists, the Puritan theocrats whom he described as favoring the death penalty for "adulterers, homosexuals, incorrigible children, and idolaters." This last group presumably includes participants in the Catholic Mass. The Reconstructionists, on Jeff's own showing, are would-be mass-murderers on a colossal scale. What if they advocated extermination of the Jews? On reconsideration, can he still be in favor of even short-term association with such persons?

Sheldon Richman
Woodbridge, Va.
Ralph Raico
Buffalo, N.Y.

What's Wrong With *Liberty*

I'm not renewing:

1. Same old "Ayn Rand forever" crap
2. Same old writers
3. Same old lines

Name Withheld

Managing the Party

Chester A. Arthur provided a colorful, but misleading and irrelevant look at the use of monies by the Libertarian Party and a comparison with the Institute for Humane Studies.

The comparison is misleading because it uses only the budget of the National LP Committee and Office operations and ignores both the LP Ballot Access Committee and the Ron Paul for President Committee. The reality is that if the Libertarian Party National Organization did not exist, there would be no Ballot Access Committee and there would be no Ron Paul for President Committee (let alone a campaign). The reader should note that the LP National Committee Budget is exactly where the vast bulk of the management items are found so one should not be amazed that the vast bulk of expenses are made from that budget.

The comparison is irrelevant because in this country Political Parties can not use 501 (c) 3 income tax fund raising methods that IHS and others use. The fact is that almost all of the monies spent on Academics Programs, Scholarships and Educational programs come in through the tax-exempt status that the LP *cannot* use (e.g. Corporate grants).

If one figures in the actual monies raised for Libertarian Party activities in 1988, the amount spent on "Management" is about 15%. The next time Chester Arthur's "old friend" receives a special fund raising mailing for the LP National Committee maybe he will remember that without the LP National Budget there would be *no* LP Campaigns, *no* LP education and *no* LP Outreach.

Don Ernsberger
LP National Committee
Warminster, Penn.

Bozo Alert

Leland Yeager confused me (in "Contractarianism vs Utilitarianism," July 1989) by saying, "I cannot understand . . . how anyone could seriously avow a grounding of ethics and political philosophy actually at loggerheads with a sensible (non-caricature) version of utilitarianism." Possible interpretations of this are:

1. All non-utilitarians are bozos, from Socrates on.
2. All serious philosophers are/were accidental crypto-utilitarians.
3. Utilitarianism is compatible with any serious ethic.
4. Non-utilitarian ethics are hard to understand.
5. There is no sensible (non-caricature) version.
6. All non-utilitarian moral philosophy was intended as an elaborate joke.

From context, Yeager intended to say 3. But any criterion that is compatible with every plausible ethical theory is analytically useless. Someone who agrees with both sides of an argument helps neither.

Narveson gets sprayed with the utilitarian grafito because of his use of "social cooperation," which Yeager claims as part of utilitarian turf. My knowledge of the Bentham/Mill gang is too sketchy for me to evaluate his claim, but even if it's valid, I doubt it's exclusive.

My own beef with Narveson is that his contractarianism verges on majoritarianism. He's a bit too comfortable excluding minorities, as long as they're very small and unpopular. Unfortunately, he makes no clear distinction between when minorities have rights and when they don't.

Dave Burns
Austin, Tex.

Professor Yeager responds:

In my efforts both to be brief and to avoid repeating what I had written elsewhere, I probably did express myself imprecisely when I said "I cannot understand . . . how anyone could seriously avow a grounding of ethics and political philosophy actually at loggerheads with a sensible (noncaricature) version of utilitarianism." You list six possible interpretations of what I meant and settle on your number 3: "Utilitarianism is compatible with any serious ethic."

I agree with you that such a position is analytically useless: a position compatible with anything says nothing in particular and so is empty. But utilitarianism is not empty; alternatives to its criterion of "happiness" are conceivable. They include, among others, conformity to the supposed will of God, or performance of intuited duty for duty's sake alone, or conduciveness to the flourishing of the noblest specimens of the human race, however ordinary people might then fare (a view sometimes attributed to Nietzsche).

In part I meant that some prominent supposed alternatives to utilitarianism really are utilitarianism in disguise. This is true, as I said in my review, of the contractarianism of Narveson and the Public Choice school. John Stuart Mill said so—correctly, I think—about Kant's doctrine.

In saying that "I cannot understand" actual nonutilitarian groundings of ethics and political philosophy, I was not denying that some have been attempted by eminent philosophers. I meant that such groundings—the arguments offered, if any are offered—are quite unpersuasive. Utilitarianism does have alternatives, and the unattractiveness of those alternatives under close inspection helps make utilitarianism look good.

I certainly did not mean your interpretation number 1—that all nonutilitarians are bozos. Someone can be wrong on a particular point without being a bozo. I have often been wrong myself without, I hope, being a bozo.

Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous periodicals.

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Coming in the Next Issue of *Liberty* . . .

"Ayn Rand & I" — *Tibor Machan* relates his encounter with Ayn Rand and her retinue, and what it is like to be an Objectivist philosopher outside the Collective.

"The Lost War on Drugs" — *Joseph Miranda*, a military strategist, considers what it would *really* take to "win the war on drugs." (Think about body bags.)

"Goodbye, Galactic Empire" — *J. R. Dunn* explores the final frontier of fiction, and sees a ray of hope in the development of a libertarian school of science fiction.

"Regulating Children's TV" — *David Bernstein* refutes the case made by "children's issues advocates" to regulate commercial television.

"Blowing the College Teaching Biz" — *Richard Kostelanetz* considers the poverty of modern scholarship, and finds the reason in the institution of tenure.

Terra Incognita

New York

Advance in ethical theory proposed by the 37th President of the United States, as reported by Bob Greene, on *NBC-TV*:

In an interview with Richard Nixon, I asked him:

"Surely when you're on a fishing boat with Bebe Rebozo, your best friend, he doesn't say, 'Would you like a beer, Mr President?'

"Nixon said, 'Yes, he does.'

"I said, 'Wait a minute. You don't let your best friend call you by your first name?'

"Nixon said, 'No. It wouldn't be right.'"

Philadelphia

Intriguing insight into the limits of "Total Mind Power," as reported in *The Wall St Journal*:

When asked about what one can learn from her book, *Natural Bust Enlargement with Total Mind Power*, psychologist Frances Rothman responded, "Mind power is not so great as to increase actual inches."

New York

Insight into the requirements of leadership in the world's greatest democracy, as observed by activist Jane Fonda, from a dispatch to the Bremerton (Wash.) *Sun*:

Jane Fonda describes teen idol Rob Lowe's potential as a politician: "He's a phenomenon, much like a young Frank Sinatra in the way he works the women in the audience . . . He'd make a good politician."

Tokyo

Interesting example of how the heroes of America's National Pastime promoted U.S.—Japanese understanding during the pre Pearl Harbor era, as revealed by sports journalist Fred Leib, in his memoir *Baseball As I Have Known It*:

During a "goodwill" tour of Japan in 1931 by a team of All-Star baseball players, several players and organizers of the tour were invited to visit Japan's Prime Minister, Reijiro Wakatauki: "He received us graciously in the prime minister's residence, displayed some knowledge of baseball and was familiar with names such as Gehrig, Cochrane, Simmons, and Grove. Before the tea was served, a messenger came in and told Mr Wakatauki that something urgent needed his attention. He excused himself and was absent for about ten minutes. When he left the room, I regret to say that . . . three or four players filled their pockets with the prime minister's Havana cigars; others snitched pens from the premier's desk; some of the ladies took small vases from the shelves. Even my [wife] Mar, who was as honest as a Florida summer day is long, could not resist the temptation and secreted a vase in her bag. 'After all, we don't have tea with a prime minister of an important nation every day,' she explained. My daughter still displays the vase in her home."

Tokyo

Another example of how the heroes of America's National Pastime promoted U.S.–Japanese understanding during the pre Pearl Harbor era, as explained in *Moe Berg: Athlete, Scholar, Spy*, by Louis Kaufman, Barbara Fitzgerald, and Tom Sewell:

During a "goodwill" tour of Japan in 1934 by a team of All-Star baseball players, the second-string catcher for the team, Morris Berg, engaged in espionage on behalf of the U.S. government, taking motion pictures of civilian targets which were eventually bombed by the U.S. during World War II.

Stratford, Ontario

Advance in racial understanding in the arts, as reported in the London *Economist*:

This southern Ontario's largest industry, its internationally famous Shakespeare Festival, has decided to cut one entire scene and part of another from *The Merchant of Venice* before performing it this summer. "The festival defends the cuts as fulfilling Shakespeare's intentions." The offending scenes are considered to be anti-Semitic.

Elsewhere in Canada, suggestions have been made that the Festival may edit *Taming of the Shrew* to make it more palatable to feminists and eliminating the hunchback from *Richard III* to protect the sensitivities of the physically challenged.

Blackfoot, Idaho

Effect of civic pride in the Gem State, as reported in a dispatch in the Detroit *News*:

Because the lawn had not been mowed, officials of the city of Blackfoot concluded that the home of Dawn and Leo Wynn was abandoned. Acting under the city's cleanup ordinance, the officials broke into the home and disposed of their belongings. Prompted by the city, the couple's mortgage company put the house up for sale, despite the fact that the mortgage payments were up to date. Mr and Mrs Wynn were living temporarily in another town at the time.

Seattle, Wash.

Ironic consequence of inadequate tax support for education in the humane treatment of animals, as reported in the Seattle *Times*:

Kathi Prevost, manager of the King County Animal Control Department, quit her job after some of her employees revealed to the press that her two black Labrador dogs died of heat stroke while she left them sealed in her car. She was punished with a three-day suspension without pay, deferred for six months, to be stricken from her record if there was "no similar incident."

"Prevost said she found irony in her punishment because she has argued for years for more money for an education program. Last year, she requested $4,000 in her division budget for information programs only to see it cut by the County Council."

Washington, D.C.

Progress in the language arts, as reported by the Detroit *Free Press*:

A task force from the National Security Council is investigating ways to assassinate foreign drug dealers without violating the 1976 presidential prohibition against assassinations abroad. "One way to circumvent the ban on killings would be to target drug operations, rather than individuals. Any deaths could be considered only incidental to the operation," according the one member of the task force.

Houston

The War on Crime in the Boom Town of the Bayou, as reported in the *The Wall St Journal*:

Dr Hal Doerr, an anesthesiologist at the Baylor College of Medicine, was arrested for roller-skating under a law passed in 1942. He had purchased the roller skates to replace his bicycle, which was stolen. Police report no suspects in the theft of his bicycle.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita*.

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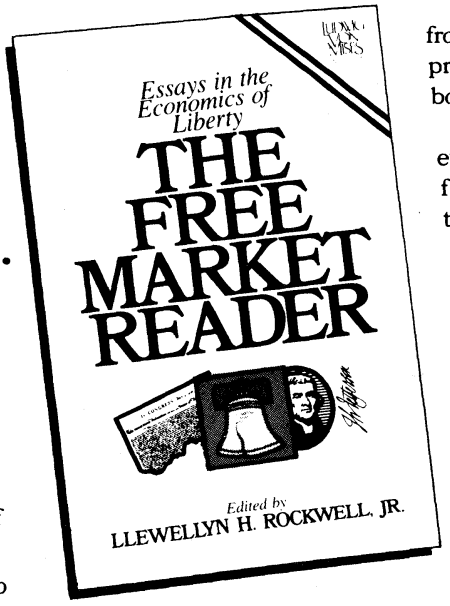

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Generating Failure by David L. Shapiro. The author exposes the policy disasters caused by the Washington Public Power Supply System. His solution is to privatize WPPSS and restore the responsibility for energy provision in the Northwest—and throughout the nation—to the private sector. 1989/113 pp./$17.50 cloth

An American Vision edited by Edward H. Crane and David Boaz. Twenty-one distinguished analysts step back from the day-to-day Washington debates to address the systemic defects that are at the root of many public policy problems. Contributors include such noted scholars as George Gilder, William A. Niskanen, Earl C. Ravenal, Pete du Pont, Peter J. Ferrara, Catherine England, and S. David Young. 1989/358 pp./$26.95 cloth/$15.95 paper

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(see page 25)

The Lost War on Drugs

by Joseph Miranda

Life With (and Without) Ayn Rand

by Tibor Machan

Is Capitalism Happening in Poland?

by Krzysztof Ostaszewski

Goodbye, Galactic Empire

by J. R. Dunn

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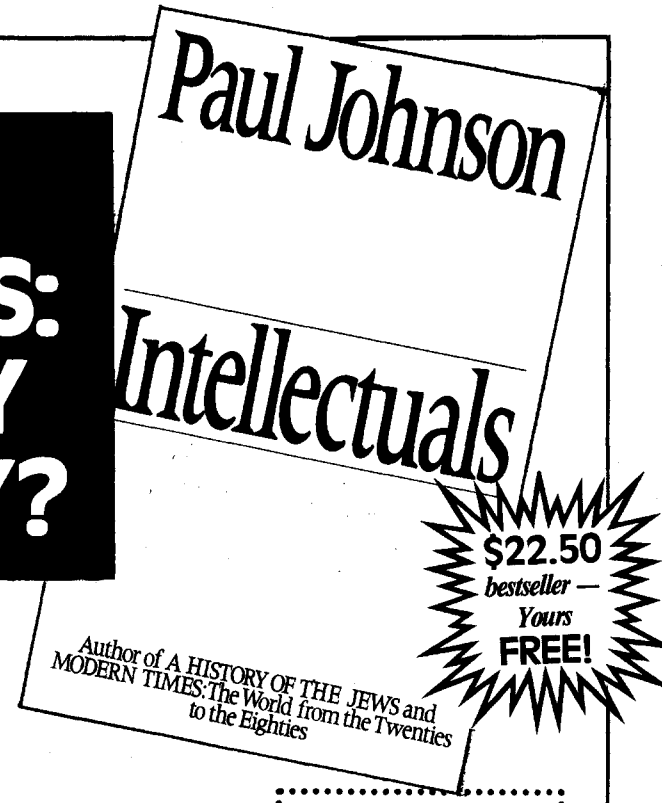

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Inside Liberty

November 1989
Volume 3, Number 2

4 **Letters** Abortion on the block, Rothbard in the dock, the Reconstructionist flock, but not one mention of Albert Jay Nock . . .

7 **Reflections** The editors comment on dead elephants, dead leftists, dead fetuses, dead ideas, dead revolutions, dead bunnies and other lively topics.

15 **Media Notes** Harvesting nonsense at *Time*; unreflective conservatives *vs* Armand Hammer.

17 **Russell Means Speaks** *Liberty* talks with the noted Indian activist about politics, environment, property, and the meaning of life.

21 **The Lost War on Drugs** Joseph Miranda explains how America could win the war on drugs—and why we wouldn't want to.

25 **The U.S. Imports Criminals to Fill Domestic Shortage** Adam Starchild reports from the front of America's war on drugs.

29 **Loathing the Fear in New York** Murray Rothbard explains the mayoral race in New York, New York, and the silver lining in the mud.

33 **The Case *Against* a Capital Gains Tax Cut** Michael S. Christian takes on the knee-jerk libertarian argument for using the tax code to distort the economy.

35 **Avant-Garde Redux?** William Clark and Richard Kostelanetz lock horns on the importance of the "avant-garde" in art and in politics.

37 **The *A Priori* of Disagreement** Hans-Hermann Hoppe defends his approach to ethics, but fails to convince Loren Lomasky.

40 **The Philadelphia Story** Chester Alan Arthur tells the inside—and the outside—story of the Libertarian Party Convention.

43 **Goodbye, Galactic Empire** J.R. Dunn sees the development of a libertarian school of science fiction, and finds hope for both literature and society.

49 **Ayn Rand and I** Tibor Machan recalls his adventures as an Objectivist philosopher trying to communicate with the One Great Objectivist.

55 **A Rustic in New York** R. W. Bradford survives a nice place to visit.

59 **Capitalism and the Transformation of Poland** Krysztof Ostaszewski wonders how long it will take.

61 **Beyond Philosophy** Loren Lomasky examines Robert Nozick's retreat from libertarianism and discovers something even stranger: Nozick has retreated from philosophy as well.

64 **The College Teaching Scam** Richard Kostelanetz exposes the institution of tenure.

66 **Right, Wrong, and Constitutional** James S. Robbins tells what is *really* wrong with New Right jurisprudence.

69 **Notes on Contributors**

70 **Terra Incognita** Excerpts from the real world.

Letters

Rand the Second-Hander

Rothbard's discussion of the Objectivists' reluctance to acknowledge their borrowings ("My Break With Branden and the Rand Cult," September, 1989) is the nearest I've seen in print to a full-length treatment of a subject that well deserves it. Let me add to his examples:

Aristotle's *Metaphysics*, Book 10, (Iota), and portions of *Parts of Animals*, for the insights on units and "measurement-omission" in Rand's *Introduction to Objectivist Epistemology*.

Aristotle's *Nichomachean Ethics*, Book 1, for a derivation of value from the concept of life and for one of the most notorious fallacies in philosophical literature; in both the *Metaphysics* and *Ethics* cases, Rand's borrowing comes not only unacknowledged but on the heels of an explicit denial that Aristotle had anything to offer on these particular topics. The argument that true self-interest dwells, contrary to vulgar belief, in a life of virtue goes back further still, to Plato's *Gorgias*.

Hayek's *The Counter-Revolution of Science*, published in journal form in the early 1940s and as a book in 1955; in the first part we find the what-if that grew into *Atlas Shrugged* (Hayek reports that the question had first been posed by Henri de Saint-Simon, a proto-socialist of the early nineteenth century) and a lengthy case study in the top-down theory of cultural change that Rand later espoused; in the second, we find the word "objectivism" and a critique of "methodological collectivism," which she renamed "the tribal premise." Much of Rand's non-fiction career seems to have been a reaction to this book, as she attempted to construct an individualist case from just the materials Hayek rejected.

Frank Lloyd Wright, whose life, ideas and buildings yield numerous small-to-medium-sized details in *The Fountainhead* and whose persecuted-genius media image informs the whole work, again despite explicit denial. The ghost-architect, letting someone else take credit for his work, appears in *Comrade John*, a 1907 novel by Merwin and Webster, authors of Rand's beloved *Calumet K*.

Part III of *The Groundwork of the Metaphysics of Morals* by Immanuel (the Objectivist Antichrist) Kant for an argument against determinism that Nathaniel Branden used in print as early as 1962 and as recently as 1983; this presumably is what Schoeck refers to in the letter Rothbard quotes.

The Sentence Completion Test, a standard diagnostic tool for some 40 years and a mainstay of Branden's literary career for about half that time.

On other counts I found Rothbard's article pretty trashy. What both he and Branden have yet to learn is that catty vindictiveness makes one's case less persuasive, not more.

Peter Reidy
Pasadena, Calif.

Rothbard the Channeler

While reading Rothbard's memoir about Branden, I felt myself undergoing the same process that occurred when I read Branden's *Judgment Day*. Before reading Branden's book, I had reserved judgment on the behavior of Rand and her circle. As I read *Judgment Day* (trying to focus my attention on the facts; ignoring Branden's self-serving justifications), I soon changed to the view that Branden was a professional flatterer and schemer and that Rand was entirely justified in ending their relationship.

The same thing happened with Rothbard's article. Let's start with the "tape caper" that Rothbard obviously regards as a hilarious example of his "high wit."

Whether a person finds this funny or not (you probably had to be there) is optional (and isn't Rothbard's whiny voice even more open to this kind of ridicule?) but the fact is that it was meant as an insult to Branden and Rand. If Branden was wrong, it was for continuing the relationship one minute longer after he was insulted.

I had read Rothbard's "The Mantle of Science" before learning of the controversy; my response to the controversial section was: "Boy, this is solid Ayn Rand—how does he get away with that?" I take issue with Rothbard's statement that "to anyone with brains it was obvious that the paper was written in the Misesian framework" since in the previous column he says it was "expanded to be grounded in an Aristotelian—Thomist defense of free will." Do you have to be a rocket scientist to know that this did not come from Mises? And then we are told that Murray took detailed notes of Barbara's master's essay. Nowhere in his article does he deny getting his ideas from Rand, and he admits that his footnotes were added after the fact. Where did you get your ideas, Murray? Not from Mises and not from the sources you quoted. Did you channel them?

I cannot imagine anybody who thinks that Rand was given proper credit. To this day Rothbard uses Rand's philosophy without giving her proper credit (cf. *The Ethics of Liberty*).

Insults abound in Rothbard's article. Branden is called a "pompous ass," a "creep," a "potz," etc. So we may ask ourselves what Rothbard said to Branden's *face* when he had the chance. *Nothing*! Every time he had a chance to say what he thought—Casper Rothbard wimped out! "Many of us in the Circle Bastiat would fantasize about the taunts we would hurl at the Randians as we were being kicked out the door . . ." Walter Mitty still lives!

And I would say *that* to Rothbard's face.

Philip Baltimore
Philadelphia, Pa.

Death to Trespassers!

R. W. Bradford's ("Abortion Without Absurdity," September 1989) cavalier dismissal of libertarian attempts to resolve conflicts between the competing rights of mother and unborn child is absurd. It is only the libertarian contention, which Bradford describes as "silly and unconvincing," that provides any way out of the dilemma. The fetus is, indeed, a guest liable to expulsion if he overstays his welcome; maintenance of the fetus against the will of the mother is, in fact, a form of slavery. Bradford says "it is not surprising that these arguments are easily demolished." Why is it, then, that he makes not the slightest attempt to do so?

All libertarians recognize property rights, and the first of these is self-ownership. If a trespasser is unwilling or unable to leave my property, I am entitled to remove him by whatever means are necessary up to and including causing his death. It is quite irrelevant why he is there or even that I originally invited him in.

One might rightly claim that excessive force is objectionable. So, if "prolifers" can offer a method of ejecting the

continued on page 6

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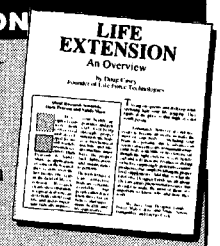

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Letters *(continued from page 4)*

trespasser which does not involve causing his death, they might have an argument. Until that day the wishes of the property owner—the woman—must be respected.

Tim O'Brien
Madison Heights, Mich.

Abortion, La-De-Da

Bradford argues that abortion should be legal "because people will have better control over their lives, the number of unwanted children will decline, women will be happier, men will be happier, families will be happier," and la-de-da. Please. Does having better control over your life include destroying someone else, excised as a mere parasite although created by your own actions?

Killing in self-defense is acceptable to save one's own life; the unborn human being doesn't "aggress" against its mother, because her own actions created it. And if a woman becomes pregnant by rape, that is a terribly unfortunate tragedy, but it doesn't justify a death sentence for anyone.

I will no doubt be accused of being "absolutist" and "subjectivist" and cold and sexist. But in my view, women must deal with that biological component that men do not have. If a woman respects herself as a thinking, responsible adult, and does not want to house another human being, then she has the knowledge, the control and the will to prevent its conception. She must also, however, take responsibility for the consequences of her own actions, or inactions, even if that means enduring a 9-month pregnancy and seeing that the child is somehow cared for.

Scott Garfinkel
Brookline, Mass.

Not old enough to drive, but old enough to cerebrate

I dispute Bradford's point that no stage between conception and childhood exists where we may first identify a human being. From my understanding of the development of the fetus it appears that around the 25th week the brain develops its cerebral cortex, which enables the organism to become a thinking being, gives it the faculty of reason. Although this faculty may not be used for a long time after it becomes part of the organism, its development would appear to pinpoint a stage of development of the fetus during which it becomes a human being—that is, a rational animal.

While no doubt there are individual variations involved even in this picture, and no exact moment will be found at which one is *suddenly* a human being, it seems to be a better demarcation point than that which marks the change from adolescence to adulthood.

Tibor Machan
Auburn, Ala.

Abstinence, Sí! Abortion, No!

Focusing attention on the stages of development of the fetus merely employs the magician's trick of diverting attention from the most significant event in the causal chain under consideration. There are three lives involved in pregnancy, not two. The act of intercourse between two adults is a clear and distinct event and the only point where conception and all that follows can be controlled. The father as well as the mother carries responsibility for the ultimate results.

I think we can agree that both the egg and the sperm can be absolved from fault in their union and that there is no point in the subsequent development from conception to personhood where fault can be added. None of us can be held responsible for our *own* existence, but we cannot escape responsibility for the existence of *another*. Pregnancy is 100% preventable by abstinence from intercourse. Those who seek 100% assurance that they won't "get caught" must choose that method of contraception. The problem is with those who want the immediate joys of unrestrained sex but not the long-term pains of parenthood. Scientists have done very well in supplying products that can meet the demand for contraception. Contraceptives are available that are both effective and easy to use, although they don't carry 100% guarantees. Those who are unwilling to abstain from sexual intercourse are obliged to consider their options for protection against pregnancy, to calculate their risks, and prepare to take the consequences in the event of losing their bet. Neither the state nor anyone else is obligated to provide the means of escape from the consequences of the irresponsible act of two adults.

Maribel Montgomery
Albany, Ore.

Send in the clones

Bradford writes, "The zygote is not the only type of cell that has a DNA blueprint for a human being; virtually every human cell does. What will anti-abortionists say when cloning of human beings becomes practical?" Conception would then seem hardly "more momentous than, say, birth."

Zygotes are more than "blueprints;" they are "self-assemblers." They alone have the inherent power to become adults. Other cells aren't self-assemblers. In cloning, the nucleus of the body cell is removed and is used to "seed" an egg cell. Until this surgical transfer takes place, no growth and development into an adult can begin. Cloned cells are akin to zygotes. Cloning is analogous to fertilization; whatever the species, both events mark the beginning of a new individual's life.

Doris Gordon
Wheaton, Md.

Put Up or Shut Up!

Hooray for R.W. Bradford's essay on abortion. Rather than the convoluted reasoning that often accompanies the issue, Bradford gets to the cogent points: a fetus is not a person and abortion rights are necessary to maximize a woman's control over her own life.

Bradford is right that arguments such as the "fetus as aggressor" are unnecessary to justify abortion. I would propose, however, that their ridiculousness stems directly from the premise, that a zygote or embryo is a person, rather than from the arguments themselves.

Libertarians currently have an opportunity to put up or shut up—do we stand up to preserve the freedoms we have or don't we? Abortion is the only major case in my lifetime in which a power that government had usurped was returned to the people. Let's work to keep that power where it belongs—with individuals, not the state.

Kevin Gough
Eau Claire, Wisc.

Recon Redux

Dr. North is correct when he points out the areas in which libertarians and Reconstructionists agree, specifically in

continued on page 20

Letters Policy

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

Reflections

What did you do during the war, Daddy? — President Bush's recent redeclaration of the War on Drugs generated memories of another war, a war declared just 25 years ago. In 1964, President Johnson declared War on Poverty. All the resources of the government were to be mobilized to wipe out this enemy—money, programs, laws, regulations, federal-state cooperation, the co-opting of private efforts. In a few years, poverty would disappear.

Well, as we all remember, no one in Johnson's administration had any idea about what caused poverty or even what poverty was. (The most egregious mistake was the belief that poverty was the lack of money rather than the lack of productive skills or habits.) In the end, we fought poverty and poverty won.

I for one declare myself a conscientious objector in Mr Bush's war, just as I did in Mr Johnson's. —WPM

Two cheers for Webster — Hey, am I the only guy in the country who likes *Webster* as is, and hopes that the Supreme Court, in its confused and blundering way, stays *right there*? From the hysteria on both sides of the fence, it certainly looks like it. The *Webster* decision retains the right of choice assured by *Roe v. Wade*. It is true that it allows further outlawing of abortion into the second trimester of pregnancy by allowing compulsory testing for viability of the fetus up into the 20th week, allegedly on the ground of a few weeks possible error on the date of conception. But that restriction on the right of free choice was already included in *Roe* itself, and stems from the philosophical errors and confusions of the original *Roe* decision. For, contrary to the general assumption, *Roe* did *not* rest on an absolute right of privacy or self-ownership of the woman's body (and hence everything within it); on the contrary, it acknowledged such a right only in the *first* trimester of pregnancy; in the second and third trimester the alleged "state interest" in fetuses and children overrides such right, so that the state can regulate abortions during the second trimester, and prohibit them during the third. But *Webster* is only a marginal step backward on the right of choice from *Roe*.

What apparently drove the pro-choice forces crazy (in addition to the real threat of an overturn of *Roe* next year) was that the *Webster* decision allows state government to cut off their own funding of abortions. Since most pro-choicers are left-liberals, they persist in confusing someone's freedom or *right* to do something, with the alleged "right" of that person to force the taxpayers to pay for that action. Libertarians know that the freedom or the right to do X emphatically does *not* imply the right of X to force Y to pay for it. But the bulk of pro-choicers—alas!—are not libertarians.

So not only do I cheer the *Webster* turn; I hope that all governments, state and federal, will take the hint and stop using taxpayer-financed government funds or facilities to support abortions. On two grounds. First is the general point that I am against taxpayer funding of *anything*, including any medical procedure, and we start hacking away at the State wherever we can. But second is another point, which makes the abolition of government financing for abortions particularly important. The anti-abortionists, a large and significant part of the population, feel deeply that abortion is murder. I don't agree with their position. But surely it is adding insult to injury to force these people to help finance an act they consider murder!

The arguments *for* government-financed abortion is the standard left-liberal argument for *everything:* namely, that if the market is left free, the poor will be "discriminated against." And so, to defend tax-aided abortions, we hear about the plight of poor women, who would allegedly not be able to afford to pay for abortions privately; but, of course, this argument applies to any good or service whatsoever, and only makes sense as part of a case for total egalitarianism or complete socialism.

Despite the fact that I think both the pro-life and pro-choice forces to be off the mark, I am glad to see the abortion issue become a lively issue in American politics—another happy effect of the *Webster* decision. For politicians are wont to fuzz and compromise every issue; they run from principles as from the plague. And so it is good to see them squirm, as they confront two opposing sets of highly principled single-issue voters. It is good to see politicians forced, at long last, to take a stand on something.

Having said that, I also believe it is possible for libertarians to take a stand on their *own* principles, which may seem, to outsiders, as an intriguing "compromise" between the two massed camps, and which might even prove to be viable politically. That is: for the right of free choice for every woman, but no tax support for abortions. And who knows, maybe, in the pulling and hauling of American politics, this might turn out to be the final result, in which case the principled libertarian path may turn out to be the politically pragmatic one. —MNR

One man's meat is another man's videotape — At the Eris Society conference in August, an advocate of animal rights made an attractive case for the proposition that we should treat animals only as ends in themselves, not as means to *our* ends, and that consequently we must *never* cause the pain, suffering or death of an animal.

In a series of anecdotes, she explained how she came to advocate this proposition. The process began about a decade ago. While wearing her rabbit fur jacket as she walked through a shopping mall, she happened upon a pet shop. She saw a bunny in a pen and began to pet it. Observing her, a woman walked over and asked her, in a voice loud enough for many other shoppers to hear, "How can you stand there and pet this bunny when you are wearing the skins of dead bunnies?"

To some, this episode may seem a simple case of obnoxious and self-righteous rudeness. But in this instance it was more a case of Saul's conversion on the road to Damascus. She became

embarrassed and was convinced of her hypocrisy. Before long she was ordering soybean burgers in restaurants and lobbying for laws against meat-eating, animal exploitation and medical experiments on animals, and showing us a video of man's insensitivity and cruelty to them. I forced myself to watch this nasty film, though I was not sure why. Perhaps I feared someone would loudly accuse me of hypocrisy if I averted my eyes as I sat there wearing leather shoes.

Now it was clear. The killing of animals to allow her to show us graphic pictures of animal suffering that might convince us to support her notion of animal rights is a reasonable tradeoff. But the killing of animals to save human lives is not.

She told us stories about the horrible birth defects caused by ingestion of the tranquilizer thalidomide a generation ago, but she made no attempt to relate the tragedy of thalidomide to her support of animal rights. Perhaps she was trying to show the awfulness of medical doctors and scientists, perpetrators of experiments on animals.

She criticized a group called the Incurably Ill for Animal Research, who argued that animal experimentation was necessary for medical science to continue its progress in relieving human suffering. The organization had been given financial aid by some researchers, so its motives were not pure. She told us of the horrible suffering of her mother from cancer, and how her mother had confided to her that she did not believe experiments on animals would ever cure her or relieve her suffering.

During the question period, someone asked her whether she was aware that the videotape she had shown had been manufactured in part from gelatin, which comes from the intestine of a cow. Yes, she replied, and she was also aware that samples of videotape had been fed to rats to test its safety in homes with infants who might accidentally eat a bit of it. But it was a matter of tradeoffs.

Now it was clear. The killing of animals to allow her to show graphic pictures of animal suffering that might convince people to support her notion of animal rights was a reasonable tradeoff. But the killing of animals to save human lives was not.

I was reminded of H. L. Mencken's definition of an animal rights activist as "one who gags on a guinea pig and swallows a baby." And I vowed that the next time someone tries to show me a horrible film of animal suffering, I *will* avert my eyes, just as I avert my eyes from graphic pictures of bloody fetuses in wastebaskets profferred by anti-abortionist militants. —RWB

Put this in your cigar and explode it — Do you remember the American left-liberals' attitude toward Cuba 15, 10 or even 5 years ago? Leftists used to apologize for (if they noted at all) the Cuban government's brutal repression of the middle class, the churches, labor unions, homosexuals, and all other political and "social" opponents of the regime; they apologized by arguing that Cuba needed a peculiarly active government if it was to resist aggression by the United States and establish national sovereignty and economic justice. Nowadays one seldom reads such arguments—about Cuba, anyway, or about that old favorite of American *right*-wingers, Romania (there the grand and all-sufficient goal was resistance to *Soviet* aggression).

But one does hear apologetics about places like Nicaragua, so it is useful not to let Cuba's history sink entirely into the memory hole. In my summer reading, I discovered an excellent review of this history: "Semper Fidel," by Mark Malcoff (*The New Republic*, July 3, 1989).

Falcoff exposes the popular mythology that repression can have a positive relationship to economic progress. He argues that communist dictatorship first secured Cuba's poverty, then used poverty to secure itself: "The revolution for which Cuba would make the world safe is the revolution of vainglory, which is premised on planned scarcity and repression."

What of Castro's economic "miracles"? Even the "revolution of literacy" is now largely forgotten. The word is out that the "revolution" involved a comparatively small percentage of an already mainly literate population. It was an accomplishment, no doubt, but an accomplishment easily explicable by what may be called the Moscow Subway Principle: you can do some glamorous things, even in a badly mismanaged country, if you just concentrate resources on a limited number of projects.

As for the rest of Castro's agenda, Falcoff observes: "After early attempts at leapfrogging to industrialization (a kind of local version of Mao's 'Great Leap Forward'), the island has settled down to doing what it has always done best: producing sugar. . . . Cuba is slightly more dependent on this product now than it was before the revolution. In place of the American sugar quota, it relies on rigid, prearranged markets with the Soviet Union and Eastern Europe. . . . In 1959 Cuba ranked second or third among Latin American countries in economic and social development. Today it languishes in the higher teens."

An agenda is a list of priorities, and the first priority on Castro's list is, according to Falcoff, the exercise of power. Falcoff approvingly quotes Jorge I. Dominguez, author of a recent book on Castro's foreign policy: "When a choice must be made, Cuba consistently chooses politics over prosperity." Substitute the names of your own favorite dictatorships for "Cuba," and you will have a universally applicable epitaph for progress in the twentieth century. —SC

Capitalism against extinction — Mankind has contributed to the extinction of many species of animals. In prehistory, Man probably brought about the demise of the woolly rhino, the giant sloth, and many other large mammals. In recent years, Man has wiped out the passenger pigeon and the dodo.

Four thousand years ago, there were four species of elephant; now there are two, and their numbers are dwindling fast. In an attempt to save the elephants, the United States is helping promote a worldwide drive to ban the ivory trade. Unfortunately, this approach is destined to fail. Demand for ivory will remain high in spite of international regulations, and the increase in ivory prices which will result from the ban will only make the trade more profitable and place elephants in more danger. If one doubts the ineffectiveness of such laws, examine the drug situation. Drugs have never had more laws levied against them, and this has done very little to impede the drug industry. Any prohibition makes bootlegging profitable, and this sort of government action will probably doom the elephants.

There is an answer to this problem, one that has functioned admirably in Zimbabwe, Botswana and South Africa. Elephants should be treated like any other managed animal, their ivory

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harvested in a scientific and controlled manner, and the proceeds from ivory sales used to preserve the herds. In this way, the species can be sustained by harnessing the very powers which presently are leading to its demise. Through such techniques, elephant herds in southern Africa have increased in size (to 50,000 in Zimbabwe), even while shrinking dramatically throughout the rest of the continent.

Elephant herding could be state-controlled or private; the latter is preferable, naturally. But the plan cannot work if commerce in ivory is made illegal. The only way elephants can survive is if they have some sort of economic value. In any competition between elephants and humanity for their tusks (and their grazing lands, given population growth in Africa and Asia), the elephants will lose; no government will be able to protect them forever. The plight of the Asian elephant in Southeast Asian countries is worth noting. Until recently, elephants were used for most heavy lifting in rural areas, and were vital for construction tasks. There was never a threat of extinction in these areas, because elephants were necessary for the health of local economies. With the spread of machine technology to Southeast Asia, elephants have become a burden, and are either being killed or allowed to die without replacement.

Kenya has decided to take a particularly hard line to protect the elephant. Poachers are now shot on sight by special government police trained for just this task. This will only increase the overall firepower on the savannah—poachers are already using automatic weapons to take down their prey (and anyone who gets in their way). And by making poaching more dangerous, Kenya is limiting the task to its most brutal practitioners, and at the same time increasing profit margins.

The facts are compelling: in the last thirty years, numbers of elephants have risen by 150% in states which engage in ivory trade; in the last ten years, the number of elephants elsewhere has been cut in half. The former route leads to survival. The latter is taking the elephant inexorably to the endless night of extinction.

Elephants are not the only creatures that might benefit from private or public management. Walruses, another ivory-bearing creature, are harvested by Eskimos for meat and tusks, and though the rate of killing has lately been excessive (about 12,000 a year), better management could ensure their survival. The rhinoceros, whose horn is thought to bestow sexual potency, is managed in some countries, and in others, horns are removed regularly to discourage poachers. The bison survived in public and private enclaves after demand for its fur vanished. Despite 1960s predictions of imminent extinction, the bison is now being raised on private ranches and slaughtered for its meat.

Whales, which travel in groups and have regular migratory patterns, could be treated in similar fashion. Private companies could stake out whale herds, using satellites to pick up signals from implanted transmitters and to track their progress. (The procedure is not at all science-fiction; such devices are already used to monitor North American bears and wolves.) The whalers would see to it that their herds remain healthy and vital, for the very simple reason that if they did not, they would lose their investments. —JSR

The Nadir of Prophecy— Last May, Ralph Nader predicted that, thanks to a revival of the powers of OPEC and to a conspiracy among domestic refiners to limit production, motorists this summer would see "soaring prices" and long gas lines. He recommended price controls and gas rationing.

Well, summer is over. There were no gas lines. Prices gradually declined to less than a dollar per gallon in most of the country. Refineries, according to recent reports, are running at about 93% of capacity, up from 88% a year ago. Gas stocks are higher than ever.

My point is not Nader's recklessness and ignorance. It is to ask, why aren't Nader and others like him ever held to account by the media for their irresponsible accusations and scare tactics? —WPM

The Reformed Church of Ecology — Despite his disparaging remarks about my contributions and Murray Rothbard's, Robert Formaini ("The Theology of Ecology," September 1989) shed some light on the current environmental movement. Unfortunately, his conclusions were nihilistic.

On the positive side, Formaini argues that "a small, powerful minority of modern western intellectuals" espouses a "religion" of ecology. These high priests idolize nature and detest human civilization, and their goals go far beyond cleaning up or preserving the environment. They want to halt or at least slow down economic development. (My own favorite illustration of this position is Lester Brown's statement that global climate change "calls the whole notion of human progress into question.") One of the chief techniques of these gurus is to stir up hysteria over frightening, low-probability potential dangers, a task abetted by minions in the media. Formaini also detects a weakness in this religion—the fact that the lay ministers tend to be Yuppies who find themselves actually enjoying human civilization. Have you noticed that today's environmental activists are wine connoisseurs?

In his desire to keep us from buying into the doomsday religion, Formaini wants us to act as if environmental problems did not exist. But he's wrong. We don't have to adopt the anti-civilization model to recognize that air and water are not always clean and that wild animals are disappearing.

The only problem with Formaini's description of "the theology of ecology" is that he paints with such broad strokes that he fails to make a substantive contribution to the literature on the subject (something that is sorely needed).

But if he is really interested in exposing this political religion, why dump on Murray Rothbard, who recognizes the media-transmitted hype for what it is? And why condemn my own support of market approaches to environmental protection? After all, Formaini agrees that property rights provide the foundation for solving most environmental problems—although he labels them "so-called" environmental problems.

In his desire to keep us from buying into the anti-human, doomsday religion, Formaini wants us to act as if environmental problems did not exist. "Reject the model," he says, or be prepared to carry the excess baggage of governmental intervention. But he's wrong. We don't have to adopt the anti-civilization model to recognize that air and water are not always clean, that wild animals are disappearing, and that lands (especially those owned by the government) are often poorly managed. The world does have environmental problems, and solving them is

"I want to think about living and what is important in life..."

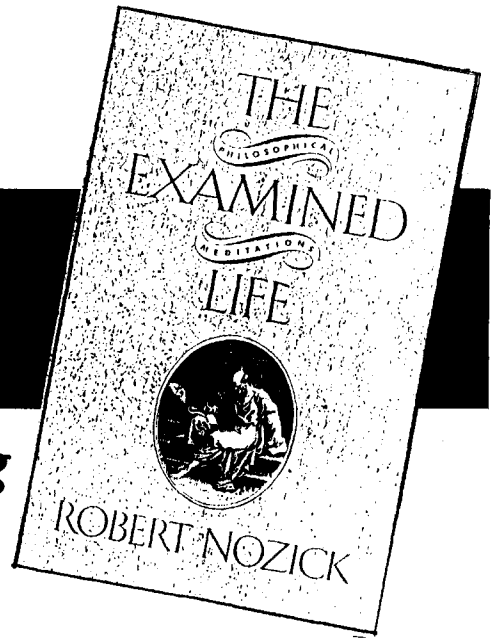

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worth our attention.

A lot of people have legitimate desires for a better environment. They want to maintain areas of pristine beauty, to swim in clean water, to hike in green hills, and to live in cities free of smog. Many are willing to pay for such environments—both for themselves and, through donations, for others. The problem is that many of these people are poorly informed about the nature and cause of environmental problems. They don't understand property rights and they assume that the government is a good caretaker. Such ignorance characterizes even people like Meryl Streep who are highly intelligent and competent in their own fields of expertise. They are easily aroused to hysteria by unscientific reports about chemical pesticides, the "greenhouse effect," toxic waste dumps, and old-growth timber, and they push for extreme laws and regulations.

In political matters many people will always be swayed by misinformation and vulnerable to overreaction. This susceptibility stems from the rational ignorance of voters, which I discussed in my article on public choice theory in the January 1989 issue of *Liberty*. To change policy, we need to communicate with a smaller group of people—those who have an impact on policy and who will pay attention to logic and solid information. Whether we can do this effectively is an unanswered question, and I'm sure it's a question that all people concerned about liberty grapple with.

Formaini grapples with it, too. In a footnote he mentions that he has written a book challenging conventional views about science. My guess is that he aims to influence opinion-leaders in the scientific community, just as we at public policy research institutes want to influence environmental policy-makers. Formaini's labeling our views as "buncombe" is simply a rhetorical device to differentiate his own literary product. But in attacking constructive approaches such as ours, he is blocking progress, not helping it along. —JSS

Brother can ya spare a trillion? — In 1988, Americans gave $104.3 billion to charities, up 6.7% from the previous year, and in spite of changes in the law that reduce the tax benefits of charitable donations. These numbers indicate that, despite what some critics say, Americans are not (entirely) grasping, self-centered, unfeeling tightwad brutes. Yet, one charity has not reaped the benefits of the public's kind heart, and this is an organization which, while rendering aid to millions, is consistently underappreciated and can never make its books balance. That charity is, of course, the Federal Government.

One charity has not reaped the benefits of the public's kind heart, and this is an organization which, while rendering aid to millions, is consistently underappreciated and can never make its books balance. That charity is, of course, the Federal Government.

The government has established four accounts for donations. The Conscience Fund accepts money from those who have cheated the government at some time in the past, and want to make amends. This fund has brought in over six million dollars—in the last 177 years. Note that donations to the conscience fund do not constitute a legal redress, so if one has, for example, underpaid one's income taxes and for some reason feels guilty, giving the balance to the Conscience Fund will not erase the debt or penalty.

The Gifts to the United States Fund was established in 1843 to allow the grateful citizenry to express their appreciation in monetary terms. The first donation rolled in 19 years later.

The National Defense Conditional Gift Fund allows one to give money to one's weapons system of choice. This fund collects little revenue (around $67,000 in 1987), and the way things are going will probably be used to fund the revamped

Guest Reflection:

Thatcher the Taxer — It is widely believed (not least by financial journalists and commentators) that the British Government has reduced taxation dramatically since 1979, even excessively, and indeed that the unprecedented balance of payments deficit in 1988 was caused in part by imprudent tax cutting in the 1988 Budget.

The truth could not be more different. Measured as a proportion of the output of goods and services in the economy (or aggregate expenditure or aggregate income) total tax revenue, rose from 32.9 per cent in 1979 to 38.0 percent in 1987. It has been calculated that this conventional measure of the tax burden will surpass 40 percent in 1989 for the first time in about forty years if there are no tax cuts in the 1989 Budget. If there arre no tax cuts in the years to come, the burden will continue to rise and would exceed 50 per cent within a decade.

Tax revenue has been buoyant for a number of years and may be expected to remain so for the foreseeable future. This means that, as money incomes and money expenditures rise, tax revenue rises faster—much faster. There are three main reasons for this. The first is that income tax is indexed for inflation but not for the rise in real earnings: as earnings rise, proportionately less of them is covered by personal allowances and proportionally more is charged to tax. The second reason is that value added tax is not levied on "necessaries" such as food and fuel, the demand for which changes little as incomes rise; so, as aggregate expenditure grows from year to year, the yield of value added tax grows faster. The third reason is that, by reason of privatization and other economic reforms, profits have for some years been rising faster than national income and the yield of corporation tax has therefore also been rising faster.

A heavy and increasing tax burden is inimical to individual freedom as well as to economic prosperity. The tax burden will almost certainly have risen during the current financial year (to April 1989) despite the cuts in tax rates in March 1988. Substantial tax cuts are required in the 1989 budget merely to prevent the tax burden from rising even farther. Still larger tax cuts are required to start reversing the huge rise in the tax burden since the Government came to office. And these tax cuts can be afforded: the budget surplus in 1988–89, at some £12 billion or more (an all-time record by a huge margin) is some three times the cost of the March 1988 tax cuts for the same year.

There are sound economic as well as libertarian reasons for tax cuts in the 1989 Budget at least on the scale of those in 1988. And something substantially more ambitious than this will be required in order to move the economy back towards the relatively low-tax regimes of Edward Heath and Harold Wilson. —Barry Bracewell Milnes

SDI program.

Finally, the Reduction of Public Debt Fund accepts monies to bring down what Alexander Hamilton called the national blessing. Although the fund has had no noticeable effect, it has averaged a surprising $535,000 per year since 1961. This is a favorite fund for politicians giving back pay increases or leftover campaign monies, since it allows them some high-profile chest-banging, diverting the public from the fact that Congress is responsible for the debt in the first place.

The government charity funds were never intended to assume the main revenue collection role, as interesting and libertarian as that idea might be. Luckily the Federal Government also has an Internal Revenue Service to collect donations, something other charities have not. —JSR

The new racial orthodoxy — Recently, a great many of our media mandarins have been telling us that there is a resurgence of racism in the United States. There has been a special emphasis placed on the allegation that the nation's college campuses are increasingly degenerating into cauldrons of racial bigotry. Now, I don't ordinarily give a lot of thought to the topic of racism. I think I know it when I see it, but as a doctrine it is too wacky and boring, and as a practice too disreputable and ugly, for me to waste a lot of time pondering or analyzing it.

Nevertheless, some aspects of these new warnings about racial intolerance disturb me. I'm taking no dogmatic position as to whether or not they are justified. My gut impression, after reading a dozen or so articles on the subject, is that what is described as campus racism is a motley brew of a handful of actual incidents of bigotry surrounded by a number of fraudulent reports as well as many cases in which, if anything happened at all, the racial element is problematical, and, finally, quite a few accounts that are too vague, ill-described, and dubious to be used as evidence of anything. In addition, some of the reported "incidents" are simply differences of opinion: for example, professors who express a negative view of affirmative action. I would hazard an educated guess that the situation in the country as a whole is similar, and that there is no "new wave" of racist sentiment abroad in the land. For every *bona fide* act of significant bigotry, I could locate a plethora of non-whites who received major career promotions on the same day.

The use of poorly-defined concepts and murky anecdotal evidence when complaining about racism is only one of the problems that beset this entire issue, however, and in truth it is not the one that causes me the most distress. I am more concerned by the fact that it is becoming more and more difficult for blacks and whites to communicate with each other, especially in any sort of public forum. The careless–and often dishonest and politically motivated—accusations of racism that are so ubiquitously tossed around these days have steadily narrowed the range of "acceptable" statements to or about blacks into a narrow spectrum of righteous orthodoxy. These "correct" viewpoints are, as might be expected, created and disseminated not even by a broad consensus but more commonly by a cadre of self-appointed black leaders and their allies among the media elite. Thus a bad situation is made worse.

It would be tedious, though not at all difficult, to list examples of both "correct" and "incorrect" thoughts on racial issues, as defined by the new dispensation. While I will not weary the reader in this manner, a couple of important points must be raised. First, in the real world, as distinguished from the academic and media fantasyland, there is no unanimous or official black viewpoint. There are black people on all sides of every public issue, including both those clearly unrelated to race—abortion, the environment, aid to the Contras—and those that to some degree have a racial component, such as busing, affirmative action, and minority set-asides. Even with regard to such a potentially emotional issue as the old *Amos 'n Andy* show, there are blacks representing every possible viewpoint, from wholehearted endorsement to bitter condemnation.

The second point to be made about the new orthodoxy is that, in its overweening and moralistic arrogance, it stultifies any real dialogue on issues of concern to black people. It makes it difficult to discuss, for example, the reasons for the disintegration of the black family structure during the past quarter century, which is almost certainly the most important cause of long-term poverty in this group. On a more trivial level, it has become almost impossible to investigate the effects that slavery and slave breeding may have had on later black athletic ability and general health. (Probably the effects are minimal—the so-called breeding was patchy and unscientific—but one should be able to speak freely about the subject.)

This kind of thought patrol, even when it is followed voluntarily, poisons what should be normal civil relations among people of different races and in countless subtle ways keeps alive whatever residual racism does exist in our culture. In place of a color-blind exchange of ideas, it prescribes an elaborate and foolish racial etiquette by the provisions of which white people are supposed to govern their relations with others. In place of simple decency and candor, it advocates a stilted and formulaic pattern of communication that amounts to scarcely more than an exchange of slogans. Those who truly want to end racism (and it would be naive to assume that all black leaders fall into this category) should turn, not to asinine "anti-racist" rules of the kind that have recently been slapped onto the student bodies of several major colleges, but to the ancient virtues of civility, tolerance, and respect for truth. They should also insist that people of every category always be treated as individuals, not as race-units. —WPM

This thought patrol poisons what should be normal civil relations among people of different races and in countless subtle ways keeps alive whatever residual racism does exist in our culture. In place of a color-blind exchange of ideas, it prescribes an elaborate and foolish racial etiquette by the provisions of which white people are supposed to govern their relations with others.

For 40¢, we can solve the drug crisis — One of the duties thrust upon political columnists is to use virtually every mega-story in a way that supports their political convictions.

So it should surprise no one that knee-jerk left-liberal columnist Carl Rowan has discovered the real cause of the epidemic of crack-smoking that has captured the collective consciousness of the media: the Bush veto of the minimum wage increase to $4.65 per hour. Apparently, Rowan, America's favorite trigger-happy advocate of gun control figured that an uneducated, street-wise

young man would give up selling crack (daily income of $100 to $1,000+, according to the papers) for a minimum-wage job at $4.65 per hour, but not for the paltry $4.25 per hour advocated by Bush. —RWB

RIP: Sidney Hook and I.F. Stone — When I recently heard that Sidney Hook had died after a long and productive career, I was moved to reflect upon the ease with which simple intellectual integrity and moral decency tend to generate enmity. This enmity was, in Hook's case, so intense that, in the "proper" intellectual and literary circles of the New York-Boston axis, his name was virtually a curse. Anyone who can upset progressive minds that much bears study.

Sidney Hook's intellectual history is an example of the way in which the best that is within a man—one might even say, the best that is within mankind—can, and sometimes does, triumph. After an early flirtation with Marxism and worse—he publicly endorsed the Communist Party ticket in 1932—Hook moved to the right and became what in Europe is called a "right-wing social democrat," and in America a "neo-conservative." However, his importance far transcends this relatively common kind of political odyssey.

Stone was everywhere eulogized as a brave exemplar of journalistic courage, a victim of McCarthyism and of the Cold War, and an inspiration to the new breed of investigative reporters. In fact, Stone was a Stalinist hack whose opinions on any subject were perfectly predictable, since, at least at the height of his career, they were simply the Party line.

What made Hook special and admirable was his unqualified loyalty to truth and to certain fundamental virtues of the mind and spirit, and his corresponding aversion to cant, to double standards, to truth-as-political-convenience. Not for him the selective indignation and synthetic moralism which today pass for "compassion" and "sensitivity." Hook called 'em as he saw 'em.

As a result, he picked up enemies literally left and right. When he said that he hated totalitarian regimes he made it clear that he meant Nazi Germany, Fascist Italy, *and the Soviet Union.* When he advocated a color-blind society, he pointed out that of course this entailed a rejection of affirmative action, racial quotas, and mawkish pandering to minority groups. Naturally the left smeared him as a reactionary, a Cold Warrior and a racist. Similarly, when the political right came to realize that Hook's consistent upholding of civil discourse and reasoned debate, even when dealing with despised enemies such as communists, required a pointed repudiation of the crudities of McCarthyism, and when they grasped that his devotion to rationality mandated a denial of religious beliefs, he was denounced as an atheistic subversive, secular humanist mole and, by some nitwits, even as pro-communist. Among some conservatives, this hostility to Hook never entirely abated.

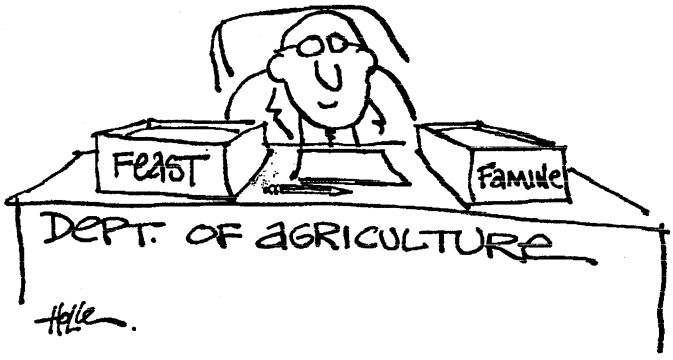

For over half a century, Hook rode above all this, pursuing a successful teaching and writing career and treating his intellectual opponents with a courtesy which was infrequently reciprocated. He will, and should, be missed.

It is disquieting to compare the decades-long battering of the reputation of Sidney Hook with the almost universal reverence given to I.F. Stone, who died about a week before Hook. Stone was everywhere eulogized as a brave exemplar of journalistic courage, a victim of McCarthyism and of the Cold War, and an inspiration to the new breed of investigative reporters. In fact, I.F. Stone was a Stalinist hack whose opinions on any subject were perfectly predictable, since, at least at the height of his career, they were simply the Party line. In August 1939 he signed an advertisement denouncing the "monstrous lie" that the USSR would ever cooperate with the forces of Naziism. When, mere days later, the Hitler-Stalin pact was announced, Stone was lost in admiration for old Joe's cunning in making peace with the Fascist Reptile. The fulminations of the previous week were consigned to the memory hole, and the joint Soviet-German carnage against small European states which began almost immediately was dismissed by Stone and his ilk as something that should certainly not concern progressive people.

When after the German invasion of the Socialist Motherland on June 22, 1941, this struggle suddenly became, in Soviet parlance, the Great Fatherland Patriotic War, Stone heaped fulsome praise on the great dictator for bravely leading the forces of democracy against the Nazi Beast. When Stalin invited exiled Polish patriots to Moscow and had them shot, that was fine with Stone, who knew Nazi agents when he read about them; and so on. Stone knew that the Korean War was started by the South invading the North, and that the Berlin Wall was erected to keep Western spies and saboteurs out of People's Germany. Stone, in fact, knew everything that the communists told him, but unfortunately not much else.

The contrast between Sidney Hook and I.F. Stone was the contrast between honesty and stultifying servility to a totalitarian creed. —WPM

Nobody knows the Roubles I've seen — The Soviet Union has been described as a Third World country with atomic weapons. While it enjoys some of the trappings of the developed world, the U.S.S.R. is in fact a backwater that has only supported itself through economic transfers from its vassal states and the free world, thinly disguised as regular economic intercourse. As the architects of *perestroika* begin to face up to the realities of Soviet economics, their plans reveal a new willingness to admit the truth, no matter how embarrassing it may be.

One such plan is the proposal to pay foreign-currency bonuses to the most productive farms. The notion is to give real incentive to the farmers, incentive which cannot be bought with rubles. Last year the Soviet Union brought in $38 billion worth of Western currencies, mostly through arms sales. Farms and enterprises that produce goods for sale abroad are generally not allowed to keep or spend foreign currency, but must exchange it

for the official rate of .6 rubles/dollar, almost seventeen times the true (black market) value of 10 rubles/dollar. (The exporting agencies could exchange their dollars for as much as 6.6 rubles.) Under the new program, a single exchange rate will be set for converting the proceeds from foreign trade (1.3 rubles/dollar—still far below market value), and productive farmers will be paid directly in hard currency ($64 to $96 per additional ton of wheat, for example—32 to 48% of market price, with the Soviet state pocketing the "surplus value").

One notes the similarity to economic conditions in many developing states, especially former colonies, in which national currencies are used only for the most minor transactions, and the currency of the former ruling state is used in all other cases. The monetary destiny of the small state is thus tied entirely to its "parent," but it is a more sensible system than the developing country trying to establish the necessary reputation to float fiat money, or amass the precious metals required for hard currency. If dollars begin to spread legally in the Soviet Union, they will drive out rubles whenever possible, especially if the exchange rate begins to creep towards its true level. But it is doubtful that the use of the dollar in the Soviet Union will ever reach the proportions of the French Franc in Niger; the unfavorable exchange rate, coupled with Gresham's Law, will see to that.

Unfortunately, the reformers are going to get nowhere unless they also allow those who hold dollars to spend them abroad. The problem in the Soviet Union is not a lack of money (broadly defined); it is a lack of goods on which to spend money. Soviet banks are burgeoning with rubles—another reason why incentive programs don't work. These savings may be used to buy up dollars from private holders at high rates of exchange, resulting in a flood of rubles into the economy and the inevitable inflation. To talk of western-style inflation in an economy where the price of bread was established by law in the late sixties (and before then just after World War Two) seems nonsensical, but when

Media Notes

Gaglines at Human Events — *Human Events*, the weekly voice of unreflective conservatism, has long and rightly opposed the Federal Election Commission and the whole penumbra of legislation that surrounds it. One of the few people criminally prosecuted under these laws has been the industrialist Armand Hammer, who pleaded guilty years ago to slipping 54 Big Ones to the Committee to Re-Elect the President, Nixon's re-election campaign. Since the *Human Events* editors believe such contributions should be legal, they should have approved of President Bush's recent pardon of Hammer. Right?

Forget it. Under the headline, "Armand Hammer Pardon Gags Conservatives," they wrote at great length against his pardon, rehashing his well-known advocacy of trade with the Reds, his brief meeting with Lenin 70 years ago, and his many joint ventures with the Soviet government. All of this was more or less accurate—although I fail to see the relevance of the fact that Hammer's father once performed an illegal abortion—but it does not constitute an argument about the issue at hand, which is not even addressed by the editorial.

If one believes that a law is manifestly wrongheaded, one is not obligated to advocate its open defiance; yet one is certainly called upon to feel sympathy with those whom it unjustly punishes. To say, "The law is wrong, but it should nevertheless be used to prosecute people we don't like," is sadly typical of the moral and intellectual obtuseness of so much of the American right. —WPM

One picture is worth a thousand words. — It's not often that national magazines feature the Olympic Peninsula, the almost uninhabited corner of the United States in which I live. So I was surprised to see a picture of a familiar sight in a recent issue of *Time* magazine: a color photograph of a forested mountainside that had been partly harvested a year or so earlier. Among the stumps, one could already see the next generation of trees growing.

The caption was intriguing to me: "The stark aftermath of logging in a stand of old-growth trees near Washington's Olympic National Park."

"Stark aftermath"? To anyone familiar with the forest, the mountainside was no more stark than the sight of a farmer's field shortly after harvest. In a few years, the mountainside will be alive with trees, and eventually it will again be harvested. This is why we call timber a "renewable resource."

When *Time* features American agriculture, does it show a cornfield just after harvest, with a few brown stalks standing here and there, looking as if it had just been hit by a bomb? Does it caption the photo, "The stark aftermath of reaping a field of corn near the Wiund Cave National Park"?

The first time I saw a Midwestern cornfield after harvest I was appalled by its barrenness. I had grown up in the forest; my wife, who grew up in Iowa, explained that what had happened was part of the natural cycle of life.

When Time *features American agriculture, does it show a cornfield just after harvest, with a few brown stalks standing here and there, looking as if it had just been hit by a bomb? Does it caption the photo, "The stark aftermath of reaping a field of corn near the Wind Cave National Park"?*

The *Time* caption was mendacious in another respect, too. The trees were not "old-growth." The trees and stumps were far too small to be anything but second, or, more likely, third growth. Why would *Time* mis-identify the photo? For one thing, old growth timber is found mostly in inaccessible areas, so photos are hard to get and have less visual impact. Besides, there is a romantic flavor to the phrase "old-growth."

The photo on the following page also has a peculiar caption: "A lumberjack attacks a Douglas fir in Olympic National Forest." Attacks? Since when is a man harvesting an agricultural product "attacking" it?

Time crafted its captions to pander to the esthetic sensibilities of yuppies, who have seen forests on PBS specials and perhaps from the windows of their BMWs; who have possibly hiked a few hours or even a day or so through the mountains, their hearts aflutter with the beauty of nature, their imaginations no more able to grasp the ecology of the forest than a Neanderthal could grasp the beauty of Renaissance Art by spending an afternoon at the Metropolitan Museum. —RWB

prices are held steady by law, the consequences of currency inflation are expressed in other ways, such as through the emergence of barter.

The more liberal economic reformers have to face the charges that their plans will create social chaos. These charges come not only from the faceless "bureaucratic opposition" so often referred to in the press, but from the Soviet citizenry, who have the most to lose if things get worse. A wholly convertible (hard) ruble would end exchange problems, but convertibility is not something that can be declared. It can only come about if Soviet money is made "rational," i.e., based on a system of market pricing. A switch-over to such a system would result in genuine inflation, perhaps hyperinflation for some necessary goods, and this is a risk planners are not willing to take. Another approach to rationalize the ruble would be to base it on gold, and this too is unlikely. It is ironic that a state holding immense gold reserves also has a worthless currency. It is a lesson for those determinists who believe that resources are destiny, regardless of the effects of political choices.

The new hard currency payment plan may go the way of other recent liberalizing proposals, its impact mitigated by a succession of administrative restrictions and Party or state interference. But the Soviet economy cannot be saved without such reforms. —JSR

Utility is not a swear-word — I hope that libertarians will not light into Leland Yeager for making some favorable remarks about utilitarianism ("Contractarianism *vs* Utilitarianism," July 1989). It is pleasing to some libertarians to say that Jan Narveson was once a utilitarian but has now abandoned it in favor of something more in sympathy with libertarianism. As one who evaluated Narveson's manuscript for the publisher at two stages of its preparation, I believe that such remarks are oversimplifications.

The term "utilitarianism" means different things to different people, and it has become a kind of swear-word to libertarians. But it all depends on what features one takes to be central to it and what features one takes to be peripheral or irrelevant:

I. The popular meaning, "the greatest happiness for the greatest number," was never its historical meaning, not even Bentham's when he invented that unfortunate slogan. Even for a hedonistic utilitarian—which Bentham was—it meant the maximization of happiness; the more happiness and the less unhappiness one could create in the world by one's actions, the better. It never did mean the greater number of people as opposed to the lesser (51% vs. 49%, for example); there was a kind of built-in democracy in it: every person (regardless of race, sex, etc.) to count for one, and no more than one. There are still many objections one could give to it, but not the obvious ones that are given by those who have had one ethics course in a summer session and now proceed to enlighten us on matters of moral philosophy.

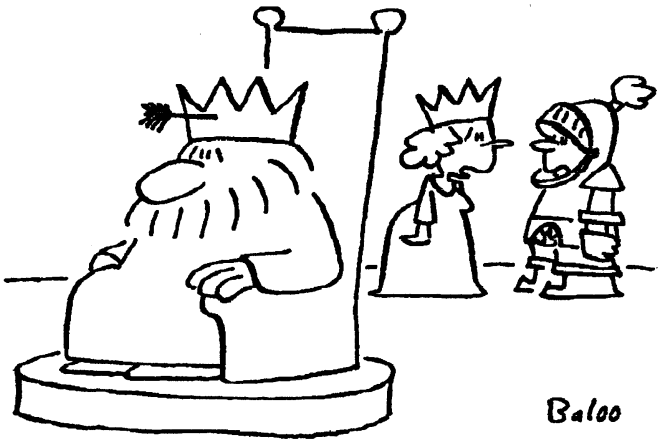

"He wouldn't feel so bad if it was just some nut, but it was *Milton Friedman*"

2. The core of utilitarianism is "the maximization of good," not "the maximization of happiness." That would be true only if happiness were the only good—which raises questions such as whether the undeserved happiness of murderers in getting away with their deeds is to count as good. Other things may count as goods, such as justice. Utilitarianism is thus much more flexible than its critics give it credit for. Much depends on what one believes is to count as a good.

3. By itself the utilitarian formula does not entail any specific social or political or economic policy. A utilitarian could be a welfare statist, an anarchist, a proponent of laissez faire, a champion of property rights, an opponent of property rights, etc., depending on what policies he or she believes will have the overall best consequences if adopted. All this requires separate premises of an empirical nature: what policies will (probably) have what consequences. And such inquiries are lengthy and messy. (There is a further complication that there is a difference between the consequences of *acts* and the consequences of the adoption of *rules*. Some writers, such as Richard Brandt, believe that rule-utilitarianism collapses into act-utilitarianism, but most others oppose this position for one reason or another. This too is an unbelievably complex issue, on which volumes have been written.)

4. It is usual to consider adherence to human *rights* as a position opposed to (and even a refutation of) utilitarianism. And indeed there is something in this, depending on how it is stated. You have a right to your life even though a thousand persons would like to take it away because they would be happier if you were dead. But may it not be that in the long view—which utilitarianism does take—a society is better off, happier, more just, etc., if it sticks to human rights through thick and thin rather than sacrificing them whenever there is an apparent gain in utility in doing so? Thus, the champion of human rights need not be opposed to utilitarianism. Though they are different views and don't state the same thing, it is possible that they may lead to the same beneficent result. —JH

RIP: Irving Berlin — Irving Berlin died on the first day of fall, at the age of 101.

He was born in a tiny Siberian village, from which his parents migrated to escape anti-Jewish persecution. he grew up in desperate poverty on the streets of New York's Chinatown. He worked as an assistant to a blind street singer. He worked as a singing waiter. He became a composer of popular songs. His first million-seller was "Alexander's Ragtime Band," which was played on the decks of the *Titanic* and whose 75-year copyright he survived. He grew immensely rich, lost his wealth in the crash of '29 but soon re-established himself sufficiently to get his formerly anti-Semitic father-in-law back on his feet with a gift of one million dollars.

In his songs he was a perfect master of the comic arts that are appropriate to an essentially free and benevolent society. Only in such a society could the man who wrote "Oh, How I Hate to Get Up in the Morning" have received the encouragement and rewards he so greatly merited. —SC

The *Liberty* Interview

Russell Means

"I am an Indian because I am a unique individual. I always want to be an Indian. I don't want to be anything else. I don't want to be a facsimile of nothing. Libertarians are the same way; and yet they become just like Indians: there are facsimiles all over the place!"

In 1970, Russell Means helped establish the Cleveland, Ohio, chapter of the radical American Indian Movement. Three years later, he helped to organize the group of insurgent Sioux Indians that occupied Wounded Knee, South Dakota, for 71 days. He has since joined forces with such disparate political leaders as Muslim leader Louis Farrakhan, Libyan leader Moammar Khadafy and porno publisher Larry Flynt. In 1987, he joined the Libertarian Party and sought its presidential nomination.

Since then he has worked with the Navajo in Arizona and with libertarians around the country. In July, he was arrested for "assault and battery" of a government official—that is, for attempting to make a citizen's arrest of a Bureau of Indian Affairs official.

Means took time out at the Eris Society conference in Aspen, Colo, in August to be interviewed by Liberty.

Liberty: You said you haven't made up your mind about seeking the Libertarian Party's nomination for president in 1992, and will instead concentrate on next year's campaign for Arizona state legislature. What do you think will be the important issues in your 1990 Arizona campaign?

Means: First, pave the roads, and privatize them. Second, I'll get the state government out of the Navajo reservation, and thereby eliminate my job.

Liberty: Do you think that the Navajos ultimately will opt for sovereignty?

Means: They have a big struggle ahead of them; it will take them into the next century. It's an evolutionary process. They are just now breaking the bonds. And which way it goes is what you have to watch out for. And that is why I am involved; I hope to guide it towards freedom.

Liberty: I have noticed what seems to be a cultural difference between Indians who live in the coastal areas of Washington and those who live in, say, Montana. My impression of the Indians in Montana is that they didn't seem to have much pride. It seemed to me that they were what you have elsewhere called "hang-around-the-fort" Indians. The only enterprises I saw looked like little pseudo-businesses that were obviously BIA-inspired, clustered along the highway. In Washington on the Olympic peninsula, on the other hand, the Makah Indians seem more interested in maintaining their own traditions.

Means: That is because they have maintained their essence of living, their way of life, which is fishing. In Montana, as in South Dakota, our essence in life was hunting. And once we were robbed of that, we have had to adjust. But you see, we have adjusted. But there is also a hidden policy in American government that those who resisted, back in the 1800s, get the worst oppression, repression and suppression. The Sioux certainly come under that, and anyone associated with them, such as the Cheyenne and the Arapaho.

Liberty: You often speak of Indians as one culture, as somehow spiritually one. Yet before the white man came, there was a wide diversity of cultures in the Western hemisphere . . .

Means: Don't misunderstand me. I don't know how you define culture, but I define culture as a way of life. I don't define it as categorized as music, or Michael Jackson. My culture and our culture was all-encompassing. When your culture is a *way of life,* you can't categorize it as a political, or economic, or educational system; it is one, *one* way of life.

I was listening, today, to a man who described me as having no education and no history, and—of course!—we don't; and this is supposed to justify Thomas Jefferson's idea of complete annihilation. It "justifies" the killing of Indians in Nicaragua, Brazil or Peru, or in Paraguay—Stroessner's country, where they still have a bounty on Indian heads.

Liberty: What I was getting at was that, for example, Inca Peru was basically a religious-socialist system with a princely class that enjoyed all kinds of privileges that was in some ways similar to medieval Europe . . .

Means: No, it wasn't. That is what the Franciscans put out and *want* you to believe. In fact, libertarians of all people should delve into these regimes in Mexico and South America that were so prolific in advancement. They also lived by the clan system; they championed individual property and wealth, but they didn't make the mistake of recording wealth, or in-

stituting a monetary system or time-clock. My point is that they probably were the epitome of a libertarian life-style, or what a libertarian society would want to be: a rich society that accumulated wealth by various different types of people. There were no kings, queens or royalty *as such*. In those societies, as in my society, you had to earn your position; unbeknownst to the Franciscans, Cortez, or Pizarro, those leaders were very poor people, materially, as in our primitive, nomadic peoples.

Liberty: That is in part what I am asking about. There was a high degree of agriculture in Peru and Mexico; but at the same time a pre-agricultural society in most places in North America. What I know of the Paiutes is that they lived, by contemporary standards, an extremely primitive hunter-gatherer kind of society. Much more primitive than other American Indians.

Every writing that has ever been done has done nothing but create division. The Bible, the U. S. Constitution, the Koran—you go on and on, any written document—Shakespeare, for crying out loud; Beethoven! If it is written down, it becomes an instrument of division.

Means: That's again a stereotype. Understand the environment.

Liberty: Of course, given the harsh environment the Paiutes lived in . . .

Means: No, no. They lived—and still live—in the area of their choice. Don't mix up religion with a way of life. A desert is a veritable wealth; it's a paradise—if you know how to live in it.

When I was growing up in California, I took California history. But the only books that I could find on California Indians said that they were root-gatherers, who just went around eating roots, going from plant to plant; they were "dirty." But if you think the Paiutes live in a desolate place, go see the O'odham people, in southern Arizona and in Mexico; they live in a real desert—but so do the Bedouins, and they are the richest people on earth! At any rate, they know how to live there, so it is a paradise.

It is amazing what people overlook. People say hunter-gathering societies are very primitive. Actually, they are the height of civilization. It's the height of living with everything, it is the height of property-ownership, it is the height of libertarian society. It is a society without vacations. I can't understand condemning people who only work an hour a day!

Liberty: That sounds pretty good to me!

Means: People who only work an hour a day; where is that at? Isn't that what unions are supposed to be all about?

Liberty: What is your view on the legalization of drugs?

Means: I think it's great; it is the only thing that makes sense! I am an *ad hoc* student of history, and I started out my college career wanting to be a history teacher; but when I first started high school and they wanted me to take history, I said "What for? Why?" The answer invariably was and is that we have to learn from the past so that we won't make the same mistakes again. That's what they tell you in grade school and high school. Well, that's a lie! Look at Prohibition; Prohibition created national crime syndicates. *National*. Well, with the prohibition of 1% of the drugs you have the creation of international crime cartels. What did they learn? They didn't learn anything but to make better crime organizations.

Liberty: Most libertarians, I think it's pretty clear, believe that abortion ought to be legal and the woman should have the right to have an abortion if she wants one. A few libertarians, including 1988 Libertarian Party presidential nominee Ron Paul, believe that abortion ought to be illegal. What is your position on this issue?

Means: Government out of it. Period.

Liberty: Right now we have all kinds of government policies designed to protect the environment. What course of action will best protect the environment?

Means: Strict liability.

Liberty: What do you think of the Exxon spill?

Means: With strict liability it would never have happened. And I think that every individual that was harmed economically should have the right to sue Exxon, and the government, and everyone who has responsibility for that.

I've talked to Alaskans, and it's a joke around Valdez: everybody is drunk! Everybody! Tugboat captains, you name it, everybody drinks excessively up there. Everybody who runs a ship, their helpers . . . the whole port is a massive alcoholism center. And if you understood all the variables about the area, you will understand that they have to seek an escape somehow. But this incident was not an exception; it is a way of life up there.

Liberty: You have lived enough of your life in the West to know that in the western half of the United States the government owns almost all the land. It has been proposed by some people that one way to protect the environment is to privatize more of it. What do you think of privatization?

Means: I don't see how it is possible. We had privatization in the West before the coming of the regulatory animals, and you saw 60 million buffalo were killed in 60 years. Do you realize what a massive slaughter that entailed? I mean, that is *fact*. A million a year.

Now, you look at everything else that is germane to the West; look at the Ogallala aquifer being pumped dry because of wasteful technology. I have nothing against technology, but wasteful technology has no place in anyone's scheme of things. And it's just massive killing of the coyote by ranchers who are still insisting on doing it—and what happens? The gophers and ground hogs take over, and the prairie dogs move in. And decimate their lands, worse than the coyote ever could. It's just insanity to expect uneducated, unknowledgeable people to privatize in a just manner. It's been proven that it can't be done.

Liberty: It seems odd to me to think of the 19th Century experience as privatization. As I understand it, the people who hunted the buffalo were not people who owned the land or had any right to the land. There was no privatization at all; the government simply allowed anyone to could go in there and kill anything he wanted to.

Means: It goes for the coyote, too, and for the eagle and for everything. Actually, the government has had to step in to put some kind of restraints on killing anything that went on four feet. The only thing they couldn't eradicate were the

coyotes, which were too smart. You must take your time on privatization, and educate before you allow people willy nilly to go anywhere.

Of course, the settlers were put on the plains to control the Indians and get at the natural resources by the government and whoever their partners were. That was simply true in the Black Hills—when gold was discovered there. Look at the sorry history of the Mormons; one of the deals the Mormons made with the government was to get rid of the Utes, and get use of the land. It's sickening history, but history nonetheless.

Liberty: Is there a solution to environmental problems?

Means: Government is not the solution. But I do believe that a new Homestead Act has to be enacted. There has to be a resettling of the land. You have to have people on the land. If you don't have people on the land, and you have them just owning a condominium in Denver, or somewhere, you are in trouble as a society.

We had privatization in the West before the coming of the regulatory animals, and you saw 60 million buffalo were killed in 60 years. You must take your time on privatization, and educate before you allow people willy nilly to go anywhere.

Liberty: You call yourself an Indian, a European term for an Asiatic people. Yet you seem to reject much of European culture and traditions . . .

Means: "Indian" is not a word for an Asian people. Some people think it comes from the word India. But in the 1400s, when Europeans first visited America, the country people now call India was called Hindustan. Look at any old map and see. Columbus called the people he met "Indio", from the Italian for "with God." "Indian" means "people with God." That is why I am proud to be called an Indian.

Liberty: You have spoken about the clan system and its importance . . .

Means: The clan system is responsible for the premise of the Constitution and the Bill of Rights. The clan mothers of the Iroquois Confederacy and the Huron Confederacy are the ones responsible for the European philosophers—particularly the French back in the 16th century—who began to recognize the beauty of representative government that champions individual rights. John Locke even grabbed ahold of it and wrote about it. The Indians championed individual rights in their systems.

The clan mothers didn't have a written constitution, but they are the ones who gave men suffrage. And they are the ones who chose the leaders and got rid of them if the need arose. Also the clan mothers made sure that there wasn't any slavery—something that the so-called founding fathers forgot to include, along with women's suffrage. So you see us primitives have something to contribute not only to today's world but in the future also. That the Constitution is a shining document for people not only in this nation but all over the world is shown by the recent events in Tiananmen Square, and as we witness continually around the globe as both right-wing and left-wing socialism are having its problems.

The existence of the clan mothers shows that the claim that there are founding fathers to this nation is both racist and sexist. In reality we have founding mothers. The founding mothers of the USA were people who couldn't read or write. So you can't have an illiterate, especially a woman, to have been the basis of our country, its supposed-to-be champion . . . individual rights based on representative government. Thomas Paine recognized this in his writings; Benjamin Franklin made speeches about it as early as 1734 and wrote about it; and even Thomas Jefferson mentioned it.

So the first policy— and European policy since—was relocation and extermination. But it didn't become feasible until after they reached the Mississippi River because the Indian nations were too strong militarily. Also, the nation had just exhausted itself in its own civil war and was subject to military defeat. Like my nation which was the first nation to ever militarily defeat the USA, and the subsequent pleadings for peace resulted in the 1868 Fort Laramie Treaty and that is why I am standing here today; because of that treaty.

Reservations come from the word reserve. We reserve certain land area for ourselves, especially our west, so they couldn't move us. They removed quite a few in a number of Indian nations specifically to Oklahoma, but most of us they couldn't remove even when they tried to starve us into submission. So they began the reservation policy that is continuing today. This is America's apartheid system, and it has been the shining example for dominion, colonialism—successful colonialism—the world over. America practices and perfects its colonial tactics on Indian reservations and then exports it to the world.

Liberty: In the article of yours published in *Mother Jones*, you made a point of the fact that you were speaking but not writing, and that writing words was a European artifact that . . .

Means: What I was saying was that Europeans put too much emphasis on writing. There is nothing wrong with it; my people had a form of writing, up and down this hemisphere. The point I was trying to make was that they place way too much emphasis on it, and that every writing that has ever been done has done nothing but create division. The Bible, the U. S. Constitution, the Koran—you go on and on, any written document—Shakespeare, for crying out loud; Beethoven!—If it is written down, it becomes an instrument of division. And that is what I was trying to say; but I just lightly touched on it, I didn't really want to get into it.

People say hunter-gathering societies are very primitive. Actually, they are the height of civilization. It's the height of living with everything, it is the height of property-ownership, it is the height of libertarian society.

Liberty: Most libertarians see themselves as part of this Western tradition of literacy and rationality, of intellectualism. Do you see yourself as in some sense opposed to this, in some way broadening the libertarian movement because you don't come from within this tradition?

Means: I want to interact with libertarians, as I want to interact with all of life. To put it very simply, I do believe that libertar-

ians should go out and deal with life, rather than just read about it. And then maybe they'll meet an Eskimo, rather than making speeches condemning that Eskimo without knowing anything about Eskimos.

I really like libertarians because they are just like Indians! With both you got a cloistered little world. The reality of the libertarian world is completely at odds with what libertarians read and know about logically; the reality of the Indian world is completely at odds with our *way of life*. Both are at opposite ends of the spectrum.

When you are in a war, every front is necessary. Think-tanks are necessary, election campaigns for the President on down are necessary; everything in fighting for freedom is necessary, because we are surrounded.

If you want to be sovereign, act sovereign. Be an example. Freedom works.

I am an Indian because I am a unique individual. I always want to be an Indian. I don't want to be anything else. I don't want to be a facsimile of nothing. Libertarians are the same way; and yet they become just like Indians: there are facsimiles all over the place!

Liberty: You have said that there is nothing in the LP platform that "isn't Indian," and you also have said that you "speak American"; yet few Americans are comfortable with the libertarian program. Is the LP platform somehow Indian but not American, or is it just the case that libertarians can't get their message across to the American people?

Means: It's another case of putting too much store in a written document. By putting all that faith in a written document, you have to explain it and argue about it. And all it does is become a divisive force for libertarians who are trying to get out the message of freedom.

Liberty: What would you like to see in an LP platform?

Means: I'd say, switch the word from Libertarian Party *platform* to Libertarian Party *Statement of Principles*. And get on with the issues.

Liberty: Do you think that libertarians are too thinking-oriented, and don't spend enough time to relate to people emotionally?

Means: I do not believe they have enough love.

Liberty: I remember in Texas you said that the LP Platform was "one great big love." I did not understand what you meant.

Means: It is a message of love. And that is all it should be. "We love you, and this is our perception of how to bring about world peace." That is all it is. Let's get to the issues. What concerns you? How are we going to get that concern? We all have the same interests. There is no problem. We agree with every American.

Liberty: A lot of Americans find libertarian ideas almost repulsive when they come across them. What do you think is the best way of approaching people who generally look more for security than for liberty?

Means: Well, that is the essence of why I started FIF (Freedom Is For Everyone), though we unfortunately hit a mud-hole and got stuck. What we were trying to do was to show people that it can be done. In 1974 I heard John Maw, a Seneca leader of the Iroquois Confederacy, say "if you want to be sovereign, act sovereign." That is all you have to do. If you want to be sovereign, act sovereign. Be an example. Freedom works. Create free institutions.

When you are in a war, every front is necessary. Think-tanks are necessary, election campaigns for the President on down are necessary; everything in fighting for freedom is necessary, because we are surrounded. But most importantly, we have to create our own freedom institutions.

I have approached three libertarian think-tanks (and talked a bit with several more) about trying to get to a reservation and going to work: create a libertarian country here. The only place in America that you can almost immediately create a libertarian country is on an Indian reservation, because they have the sovereignty to do it; without an armed revolution, and without all this crap with elections. We could do it: I know the psychology of tribal officials, who are on the dole. We would sit down, in the think-tank faction, and figure out an approach, and do it! But I can't get any interest! Every time I want to bring in some of these people, some Indians, they beg off. They have excuses. All I got was pamphlets. Pamphlets! This would have to be a full-scale project. It would be a lot of work, and it would not happen overnight, but we can succeed. Surely some libertarians must be interested. ❑

Letters, *continued from page 6*

their equal desire for a laissez-faire economy ("Reconstructionists, Libertarians, and Dead Theologians," September, 1989). The problem, however, as Mr. Tucker correctly points out, is that libertarians seek to reduce coercion as a means toward the end freedom from state coercion, whereas Reconstructionists advocate policy changes as a means toward creation of the kingdom of heaven on earth in anticipation of the millenium. Given this almost total disagreement on ends, it is hardly surprising that Reconstructionists advocate policies that restrict personal liberty.

In our zeal to advance liberty in certain areas through temporary alliances with groups that may disagree with us in other areas, we must not forget that these alliances are best if they are only temporary and that the ultimate achievement of a libertarian society should not be sacrificed in order to achieve a victory for liberty in one area that ends up corrupting the principles we are supposed to be acting on in the first place.

Douglas Mataconis
Piscataway, N.J.

Fresh Air and a Healthy Breakfast

I like reading all points of view on the environmental issues that you publish, but I don't like being shit on because I like fresh air and don't want someone to piss in my breakfast.

William Paloma
Waltham, Mass.

continued on page 68

Analysis

"Winning" the War on Drugs

by Joseph Miranda

It may not be easy, but the U.S. government can win its War on Drugs. Maybe.

William Bennett is taking his title as Drug Czar seriously: he has called for the suspension of civil liberties and use of the military to combat the drug threat. But before the U.S. invades drug producing countries in South America, we should first examine what this war will entail—the objectives, the strategies, and the inevitable casualties.

The rhetoric of a "drug war" is not exaggerated. The anti-drug campaign has been fought in foreign countries, produced thousands of casualties, and involved a host of federal agencies, including the Drug Enforcement Administration, the Coast Guard, Border Patrol, Secret Service, Customs Service, U.S. Information Agency, the FBI, CIA, IRS, INS, BATF, as well as elements of the Army, Navy, Air Force, and National Guard. [1]

Yet, despite the forces assembled for the fight, the war does not seem to be going very well. At home, virtually every law enforcement agency reports an increase in drug use and drug-related crime. Abroad, the drug cartels operate openly, and have taken control of several governments in Latin America.

Why is this so?

The usual answer is that the U.S. has not made a sufficient effort, that if only there could be more funds committed to drug enforcement, more airplanes for drug interdiction, more agents to seize the property of drug users, more defoliants to destroy coca fields, the war could be won.

But the real problem is not a shortage of resources. It is a failure of strategy. The methods employed by the drug warriors are demonstrably doomed to failure. Simply dumping more resources into the drug war will not win it; given the flaws of U.S. drug strategy they would only compound the level of ultimate failure.

What the drug warriors do not realize is that the situation is more warlike than they imagine. The methods required to win this war are those Americans would be loathe to take. The end result is that the drug enforcers are dragging the United States into real wars that America has no hope of winning.

Drug Cartels as Insurgents

When Americans think of war, they generally think of conventional conflicts like World War II. In conventional wars, the side that musters the most military force (in terms of firepower and technology) will win by delivering massive blows against the enemy in battle. If the fight against drugs were a conventional war, all the U.S. would need to do to win the war on drugs is mobilize sufficient manpower and weaponry, fling them against the drug cartels, and the cartels would be either destroyed or forced to capitulate.

Though the anti-drug fight does resemble a war, it is *not* a conventional conflict. It is a form of warfare generally known as Low Intensity Conflict, with the drug cartels resembling insurgent organizations. [2] American policy has been unable to deal with the cartels because the U.S. insists upon applying strategies that made a certain amount of sense forty-five years ago but are today obsolete.

Like insurgent groups, the drug cartels [3] are characterized by:

(1) An extensive organizational infrastructure: This infrastructure is a permanent organization that conducts all aspects of the organization's operations. A drug cartel can be divided into several components: an infrastructure for production of drugs; an infrastructure for distribution of drugs; and an infrastructure for security, intelligence and subversion. [4] Directing this infrastructure is the cartels' leadership. The cartels' infrastructure operates largely underground. It does not openly confront government forces. Instead, it relies upon clandestine means to conceal and protect itself.

(2) Use of terror and subversion: by using unconventional means of warfare, the cartels can hold their own against forces with superior resources.

The cartels employ terrorism in the forms of assassinations, threats and kidnapping targeting police, judges, newspaper editors, government officials and other opponents. This eliminates their enemies, demoralizes society and forestalls potential opposition.

There have been numerous examples of their use of terror tactics: the attack on the Colombian Palace of Justice in November 1985 by communist guerrillas allied to the cartels; the assassination of the Colombian minister of justice; the kidnapping and murder of DEA agent Enrique Camarena Salazar in Mexico; and the assassinations of New York City police officer Ed Burn and Colombian presidential candidate Luis Carlos Galan. There are many others.[5]

How would Americans react if Colombia demanded that the U.S. cease all production of tobacco immediately (on the grounds that tobacco is an addictive, life endangering drug) and sent its armed forces into the United States to burn tobacco fields and shoot tobacco farmers, and send "special agents" to the U.S. to kidnap the President of Reynolds Tobacco and bring him back to Bogotá for trial?

Just as importantly, the cartels influence governments through bribery and subversion. On the local level, they enter into alliances with mayors of towns and villages in drug producing regions. On the national level, they back coups and form partnerships with high level leaders.[6] The end result is that the cartels become a shadow government in drug producing areas.[7]

(3) Popular support: The drug cartels rely upon the support of the people for their continued existence. Popular support provides the cartels with recruits, intelligence information, sanctuary, local defense against law enforcement, and political legitimacy.

There have been numerous incidents in which peasants in coca producing regions have given advance warning to the cartels of government raids, and then attacked drug enforcement personnel to defend the coca fields.[8]

Why do people support the drug cartels? Partly because they fear retaliation if they oppose the cartels. But, more importantly, people support the drug cartels because drugs are an important cash crop: coca throughout much of Latin America, opium in Asia and marijuana and tobacco in the United States. In Bolivia, coca has been the primary cash crop since 1979, when it displaced replaced cotton.[9]

Because drug factories employ the rural and urban poor, attacks on drug production are seen as attacks on the people themselves. Some cartels have solidified their popular support providing the poor with social services. The Medellín cartel, for example, has created jobs, supported social welfare projects, and contributed to charities in order to further foster this support.[10] In many cases, the people look to the cartels as the legitimate source of political power.

Within the United States itself, drug gangs provide employment for the urban poor as drug pushers, enforcers, lookouts, and couriers. And popular support for the gangs and cartels also comes from their customers, the millions of Americans to whom they provide a product they can't obtain elsewhere: the drug of their choice.

The Failure of Law Enforcement

The war on drugs been pursued by the following methods:

1. Eradication of crops by host nations.
2. Interdiction of drug smuggling.
3. Investigation and prosecution of drug cartel members.
4. Increased penalization of drug users.[11]

These methods have been pursued in a wide variety of ways. DEA agents have been posted overseas to conduct investigations of drug cartels and advise foreign governments in their anti-drug campaigns. The U.S. government assisted the Bolivians in organizing the Mobile Rural Patrol Unit (otherwise known as the Leopards) to conduct raids against drugs factories.[12] The U.S. has also supported the eradication of drug fields by aerial spraying of defoliants. Expanded efforts have been made to interdict air and sea lanes into the United States, including assistance to other governmnets from our armed forces in the form of aircraft, equipment and training. Federal task forces have been formed to concentrate on cities critical to the drug trade, such as Miami. There are increased penalties for the possession and use of drugs, both civil and criminal. Drug users now find themselves faced with fines, confiscation of their property, and denial of federal benefits, as well as time in jail.

Yet these measures have failed. The amount of drugs coming into the United States has not diminished. By various estimates, 75 to 95 percent of all drugs make it through.[13] Drug use is as widespread as ever.[14]

The Drug Enforcement Administration has a total of 2800 agents, about 300 of which are deployed overseas.[15] This is a ludicrously small number to fight the hundreds of thousands of people in the drug producing infrastructure. Even with the participation of other federal agencies, manpower in the drug war has proven woefully insufficient—which is one of the reasons why Czar Bennett has been calling for deployment of the military.

But the real problem is not a lack of manpower. Law enforcement has failed because it has managed to ignore the nature of low intensity conflict. The drug war has been led by people who have no idea how to fight and win such a conflict. Drug enforcement personnel are dealing with an insurgency, but they think they can deal with it by conventional means. Instead of learning from their errors, they blindly push on. The result has been not only frustration for the drug enforcers, but a potentially disastrous situation for the United States itself.

Consider the errors the drug enforcers have made:

(1) *Alienation of popular support:* First and foremost in this form of conflict, the government must have popular support. The intelligence, recruits and sanctuary that accrue to the cartels by virtue of support from the people must be eliminated before the cartels themselves can be attacked. Yet, drug enforcement

officers make virtually no attempt to win over the native populations. Instead, by attacking peasant interests the drug enforcers push the people further into supporting the cartels. This has resulted in an alliance between peasants, local governments, and the cartels, all of whom have vested interests in continuing drug production.

Popular opposition in drug producing countries to U.S. drug policies should be expected. How would Americans react if Colombia demanded that the U.S. cease all production of tobacco immediately (on the grounds that tobacco is an addictive, life endangering drug) and sent its armed forces into the United States to burn tobacco fields and shoot tobacco farmers, and send "special agents" to the U.S. to kidnap the President of Reynolds Tobacco and bring him back to Bogotá for trial? Wouldn't Americans feel their national sovereignty had been violated? Wouldn't American tobacco farmers start shooting back? And wouldn't U.S. law enforcement officials be more likely to side with their fellow citizens than the agents of a foreign power?

Unable to deal with the situation, the drug enforcers thrash around, trying to find solutions. The two solutions now in vogue are attacking the users of drugs, and—when all else fails—calling in the military.

Some attempts have been made by Latin American governments to shift peasant support from the cartels by crop substitution programs. Governments, with U.S. foreign aid, pay peasants to raise alternative crops to coca (one of the substitutes is, ironically, tobacco).[16] However, these substitution programs fail because the peasants can make more money by planting coca. Often, they will take the government funds and then plant coca elsewhere.

(2) *A lack of ongoing operations:* Drug enforcement has no permanent presence in the countryside. Spectacular raids do destroy coca fields, but when the drug enforcers go back to their base camps and fortified compounds they leave the countryside to the cartels. The cartels then move back into regions where raids have occurred, repair the damage, and resume operations. The result is that though the number of arrests made and acres of coca destroyed look good in reports to Congress, drug production is practically unaffected.

Since the drug enforcers are not a permanent presence in the countryside, they cannot hold what they take. They cannot protect those sectors of the populace that favor law enforcement. When crop eradication causes the cessation of production in a region, the cartels go elsewhere. The problem is pushed around the countryside without being eliminated. In actual fact, crop eradication has destroyed only a small fraction of the total coca crop. Coca production has been increasing in the face of the drug war.[17]

(3) *A failure to neutralize the cartels' infrastructure:* There have been no systematic operations against the cartels' infrastructure. Enforcement operations have concentrated on a few spectacular arrests and prosecutions of cartel leaders.[18] But these have little effect on overall cartel operations because as long as the infrastructure remains intact the cartels can replace their losses by promoting people from lower echelons. Similarly, arresting the peasants and urban poor at the bottom of the organization has no real impact because the cartels can gain new recruits by using the enticement of employment in the drug trade.

To defend against the threat of U.S. directed drug enforcement operations, the cartels have entered into an alliance with Communist guerrilla movements in Latin America, including Peru's Shining Path and Colombia's M-19. The cartels supply the guerrillas with money and weapons; the guerrillas practice terrorism against their mutual enemies. Backed up by mass peasant support they have emerged as a political and military danger to the entire region.[19]

Police find themselves faced with ambushes, land mines and attacks on police posts by guerrillas. The cartels have killed several hundred judicial and law enforcement personnel in the continuing battle for control of Colombia. In Peru, the war is over: drug eradication efforts came to an end when the guerrillas and cartel security forces made it impossible for the police and military enter the drug producing regions of the country.[20] Mass support for the cartels has been manifested by peasant protest demonstrations as well as by local farmers rallying to the defense of their fields against drug enforcement personnel.[21]

Law enforcement agencies are allowed to keep for their own use property seized from people involved in the drug trade. This reduces the police to the status of looters, making arrests simply to gain access to the houses, cars, helicopters, computers and office furniture that belong to other people.

A similar situation has arisen within the United States. Growers of marijuana have become increasingly militant, using armed security personnel and booby traps to counter law enforcement.[22] They often have the compliance of the surrounding community. Within U.S. cities, drug gangs have developed extensive infrastructures (although not yet as well developed as the major cartels' infrastructures). Gangs control many urban areas, bringing with them crime and violence.

Drug enforcement is in over its head. While in the past, drug organizations consisted of only small numbers of people and sporadic operations, such as the

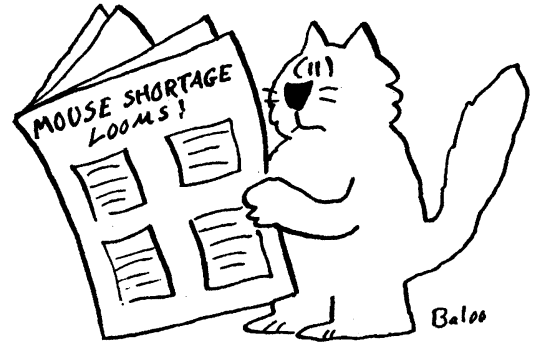

celebrated "French Connection," today the cartels have grown to the point where they outnumber law enforcement personnel. [23] While drug enforcement personnel like to proclaim "victories" in the war on drugs, the fact that the Colombian government has found it increasingly difficult to find anyone to take the post of Minister of Justice is an indicator of who is really winning. Moreover, the drug enforcers now find themselves the target of terrorism. Their status as law enforcement officers no longer gives them immunity from attack.

This conflict cannot be won by one-shot measures or spectacular single operations. Bombing the drug fields would accomplish nothing in the long run simply because the cartels would move back into devastated areas and rebuild. There will be hundreds and even thousands of dead, wounded, and missing Americans.

Rather than trying to analyze the situation and then developing strategies to win, the drug warriors simply call for more of the same. A case in point is interdiction of U.S. borders. At present more than 90% of drugs get through. What good will a few more aircraft and another thousand agents be to stem the flow of drugs? The assumption is similar to that of conventional military leadership when faced with unconventional insurgents: if a policy isn't working, then do more of it and hope that somehow victory awaits at the end of the tunnel.

Unable to deal with the situation, the drug enforcers thrash around, trying to find solutions. The two solutions now in vogue are attacking the users of drugs, and—when all else fails—calling in the military.

Currently, there are several policies for attacking casual drug users: zero tolerance (the confiscation of the property of drug users, and that of people in whose vehicles drugs are found); depriving drug users of federal benefits; arbitrarily searching people entering the United States for drugs; use of "drug profiles" to identify potential drug couriers; and mandatory drug testing. [24] There are also increased federal penalties for use of drugs. Some of these are civil penalties, such as fines for use of marijuana. More extreme yet are plans to incarcerate first-time drug offenders in detention camps where they will undergo reeducation through "boot camp" style training.

These policies are doomed to failure. They affect drug users only marginally. Law enforcement simply does not have the manpower to find and apprehend every drug user in the country. Increased prosecution of casual users can only clog the criuminal justice system. In any event, there are insufficient detention facilities to hold every last person convicted of drug crimes.

These policies also alienate people from the law enforcement establishment. Drug users are not the only ones effected by these measures; in point of fact, people who have never had any involvement with drugs have had their cars confiscated because passengers possessed drugs, their persons subjected to arbitrary searches, and their bodies subjected to humiliating drug tests.

Innocent people who have been victimized by the drug war will vent their wrath against law enforcement in general, and some will turn to dubious and self-defeating forms of activism.

Another alarming trend is the use of confiscated property by law enforcement agencies. Law enforcement agencies are allowed to keep for their own use property seized from people involved in the drug trade. This reduces the police to the status of looters, making arrests simply to gain access to the houses, cars, helicopters, computers and office furniture that belong to other people.

As a whole, these attacks against the users are bad police procedure. While they may run up arrest statistics and "prove" police are doing something, they have little effect on the drug infrastructure.

Deploying the military into the drug war seems at first a reasonable move. After all, one of the missions of the armed forces is defense of American borders, which drug smugglers routinely violate. The Department of Defense, however, has been reluctant to commit the armed forces to the war on drugs. in Congressional testimony, then Secretary of Defense Frank Carlucci stated, that the primary role of the military is to defend the country from *armed* aggression. Drug enforcement is a law enforcement, not military, problem. For the military to get involved would be a violation of the Posse Comitatus Act, which forbids the military from having law enforcement power unless there is a state of emergency. [25]

The armed forces are not trained for a law enforcement environment. The armed forces use firepower, not arrests, to solve problems. The armed forces will require extensive retraining if they are to be deployed effectively in the war on drugs.

More critically, there is no clear cut mission for the military in the drug war. So far, the U.S. has used its armed forces in a limited role, mostly providing military units for border surveillance and equipment and some training to support Latin American anti-drug efforts. But these actions have been piecemeal and have had no real impact. [26]

Experience has demonstrated that interdiction is incredibly difficult. The U.S. and its allies in Indochina could not stop the flow of men and material along the Ho Chi Minh trail, a narrow land corridor, even though the United States threw the full weight of its air power against it.

How will middle America react when its sons and daughters coming back from Colombia and Peru in body bags?

What would it require to seal U.S. borders against the drug flow? The Department of Defense did an analysis, which concluded that complete interdiction would require 96 infantry battalions, 53 helicopter companies, 210 patrol ships, and 110 surveillance aircraft.[27] The required military units exceed thase in the entire continental United States. Obviously, President Bush's commitment of forces as outlined in his September 5, 1989 speech will not work.

A War Winning Strategy

What would it take to fight and win a real war on drugs? The answer is sim-

ple: it would take the same measures necessary to fight and win against an insurgency. This would mean a national strategy containing the following elements.[28]

(1) *Clear national objectives:* The United States' goals would be to eliminate *all* drug manufacture, importation, and use—not just reduce the flow, not just make drugs more expensive, but virtually eliminate them. This would require a centralized direction of all operations against drugs, with the federal government in charge.

(2) *A mobilization of the armed forces:* The United States would have to expand its armed forces to the level where they can be properly deployed for interdiction and other anti-drug operations. There would have to be a return to conscription, with the government drafting sufficient man- (and woman-) power to raise forces.

(The government could put out a call for volunteers: I am sure those people now clamoring for a war on drugs would be more than willing to spend the next several years of their lives as infantrymen patrolling the jungles of South America in armed combat with guerrillas . . .)

The United States would also have to call up the National Guard and Reserves. The National Guard contains some fifty per cent of the armed forces' combat units, and would be vital in supplementing active duty manpower. The Reserves would have to be activated, because most of the logistic support units needed for sustained military operations (such as petroleum supply, medical, and maintenance) are in the Reserves. The U.S. would have to endure the disruption of the civilian economy caused by this activation, since it would mean removing hundreds of thousands of civilians from their jobs.

There would have to be a massive retraining program so that the military could operate in a law enforcement mode. Troops would have to be trained in arrest procedure, surveillance, intelligence gathering, and search and seizure. Training in the use of complex weapons systems would have to be abandoned inasmuch as they are useless in this form of war.

There would also have to be a crash building program of patrol aircraft and ships. This would require additional taxation, or more deficit spending.

(3) *Interdiction of U.S. borders:* U.S. forces would have to track, stop and search all vehicles entering the United States by land, sea and air. Additionally, all individuals entering the U.S. would have to be searched.

(4) *Combat in drug producing countries:* U.S. forces would have to occupy drug

U.S. Imports Criminals to Fill Domestic Shortage

by Adam Starchild

Many commercial airline flights between Latin America and Europe make unscheduled and unannounced refueling stops in San Juan, Puerto Rico. Normally when this happens in international aviation—and it is a routine event in all countries—the passengers either stay on board, or are taken to a secure transit lounge adjoining the plane.

But the U.S. Customs and the Drug Enforcement Administration are using this opportunity to search the passengers and baggage. Not surprisingly, they often find cocaine. The passenger is then taken off the plane, charged with drug smuggling, and invariably receives a long federal prison sentence—often twelve or fifteen years. The new prisoner is then flown to a federal prison in the United States, since there are no federal prisons in Puerto Rico. This costs the U. S. taxpayer approximately $20,000 per year for the imprisonment, plus the cost of the trial which could be in the tens of thousands of dollars, and much more if the accused puts up a real fight. Later there is the cost of immigration detention after the prison sentence, an immigration hearing or two, and the cost of deportation, including airfare back to the country of origin.

The case of Jorge Aguilar-Peña, a 30-year old Colombian prisoner at the Sandstone federal prison in Minnesota, well illustrates the point. Aguilar was on board a Lufthansa German Airlines flight from Bogotá to Zurich, with a stop at Frankfurt. There was no mention of a stop at San Juan. When the plane landed at San Juan, a few ounces of cocaine were found in the toes of Aguilar's shoes. He received a four-year prison sentence, almost double the sentence recommended by the U.S. Sentencing Commission. The judge gave the extra time because he wanted to deter future smugglers—a wholly ridiculous notion since Aguilar wasn't even trying to come to the U.S., much less smuggle here.

Aguilar's case will cost the U.S. taxpayers at least $100,000. For this $100,000 a few agents at Customs and the DEA got to phony up their statistics and help make it look like San Juan is a hotbed of the international narcotics trade, thus justifying more money to that field office's budget.

For no tax money at all, Aguilar could have been left on the plane unsearched and the German or Swiss authorities could have dealt with their own problems at their own expense if they cared to be bothered. Multiply Aguilar by many arrests every week and you have an idea of the endless cost to the taxpayers. There are about 40 similar cases at Sandstone; about 5% of that prison's population. There is no reason for the American taxpayers to keep Europe drug-free.

Apart from the dollar cost to the American taxpayer, there is a cost to our fundamental concepts of law and justice. One of the basic principles of American law is that there must be the intent to commit a crime before a person can be convicted of a crime. How can a person who never expected to be in the United States possibly have the intent to commit a crime here?

They might have intended to commit one in Europe, but that isn't the same thing, nor is it an American problem. This type of activity by the government slowly erodes the legal structure on which America was built.

What happens when other countries start kidnapping American citizens who happen to be flying through their airspace? ❑

producing countries and then conduct anti-drug operations. These operations would be directed against drug crops and factories. The U.S. would have to occupy drug producing regions permanently in order to prevent a resurgence of the cartels.

U.S. forces would have to be employed because most countries simply cannot deal with the armed opposition from the cartels and their allied guerrillas. Already, Latin American countries have lost control of drug producing regions. U.S. forces would have to clear these regions of cartel security forces and communist guerrillas.

In the wake of President Bush's drug policy statement, the cartels launched a campaign of terrorism against the Colombian government and the anti-drug forces. If the war is escalated, we can expect the use of terrorism to increase as well. So the task of the military would complicated by its need to provide security for foreign governments as well as U.S. citizens living in effected areas.

In this struggle, the U.S. would not be able to exploit its technological superiority in the war on drugs because drug cartels will not present any mass target for American artillery and air power. Experience in low intensity conflict shows that guerrillas and terrorists can only be dealt with by small unit infantry operations such as patrols, raids, and ambushes. Moreover, indiscriminate use of firepower would only lead to noncombatant casualties that in turn would increase support for the enemy.

This conflict cannot be won by one-shot measures or spectacular single operations. Aerial bombing of drug fields accomplishes nothing in the long run simply because the cartels can move back into devastated areas and rebuild. U.S. troops must be on the ground to consolidate any victory.

This type of fighting will mean casualties. There will be hundreds and even thousands of dead, wounded, and missing Americans, both military and civilian. And, of course, there will be tens of thousands of casualties among the people of countries in which the drug war is to be fought.

(5) *Neutralization of the drug infrastructure:* The U.S. would have to conduct a systematic intelligence effort to identify the cartel members and render their organizations ineffective. The entire infrastructure—not just the people at the top—would have to be targeted. This means knocking out the people who direct routine operations; the enforcers, the informers, the recruiters, the couriers, the corruptors—every level. Intelligence operations must also separate the cartel members from civilians so they can be attacked without collateral damage.

(6) *The U.S. must gain popular support:* It is a cardinal rule that you cannot win a counter-insurgency campaign unless the peasants support your side.

The populace of drug producing regions would have to be rallied to the anti-drug campaign to destroy the base of popular support the cartels now enjoy. Cartel agents must be isolated from the people so that they lose their source of recruits, intelligence, sanctuary, etc. The U.S. must turn the popular support it gains into recruits and intelligence information for the war on drugs.

The armed forces know very well that the same Congressmen who are today calling for the use of the military in the war on drugs will be the first to scream "Who got us into this mess?" when the dead and wounded start coming back.

The U.S. and its allies would have to call a halt to those anti-drug operations that alienate the peasantry.

The U.S. would have to convince the peasants and urban poor that it is in their best interests to support the drug war. This can only be done through massive social reform programs that rally the people to the government's side. The U.S. would have to work with host nations to set up employment, medical, and educational programs to bring in the peasantry and poor. The U.S. would have to set up a realistic crop substitution program. This could be done only by massive agricultural subsidies that buy peasant crops at prices higher than those that could be gained from selling coca, marijuana or opium.

In order to maintain rural security, the U.S. would have to organize the peasants into paramilitary units to defend villages and fields from counterattacks by guerrillas and the cartels. U.S. forces would have to be stationed throughout the countryside to bolster these paramilitary forces.

Anti-drug operations would have to minimize civilian casualties. The U.S. and its allies cannot make indiscriminate attacks on or arrests of the peasantry, doing so pushes the people further into the arms of the cartels. Minimization of civilian casualties is also important because the communists would be sure to exploit such casualties in their propaganda to "prove" that the U.S.

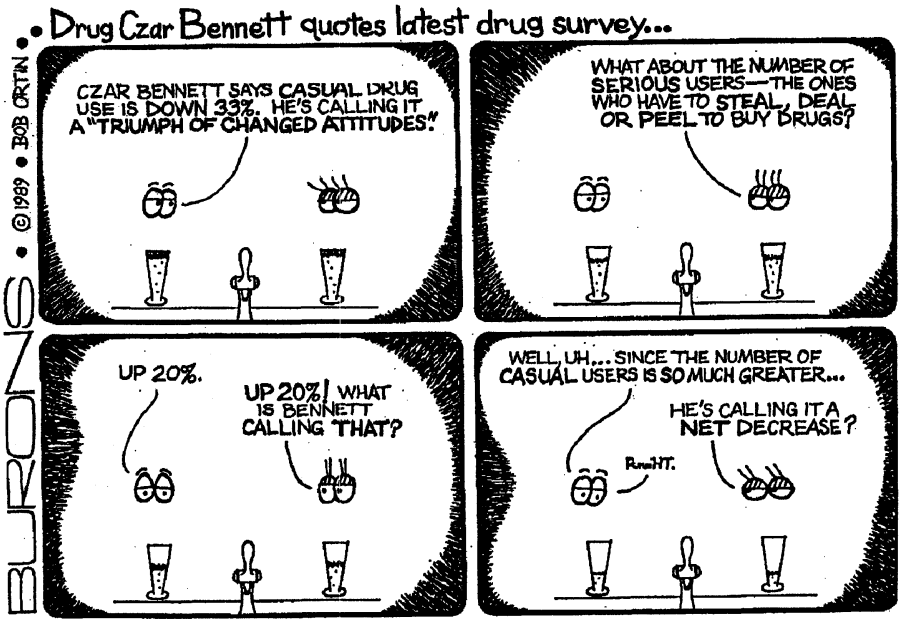

was really conducting a war against innocent peasants and workers.

The U.S. would have to be prepared to fight for years and to an army of occupation in a hostile territory for an indefinite period of time. In a counter-insurgency war, there are no quick victories. It takes years to identify and neutralize an underground infrastructure, to build up peasant support, to hunt down and destroy guerrilla bands. The war on drugs could not be won in time to bring the boys home for Christmas, or before the next election.

The U.S. would also have to face other problems. Latin American communists would be sure to exploit a massive military intervention as an example of "U.S. imperialism." They would rally noncommunist nationalists who would be outraged at U.S. infringements against the sovereignty of their countries. In reaction to the extradition of drug lords to U.S., Colombian students rioted against U.S. interference in the internal affairs of their country. The U.S. could easily find itself at war with most of Latin America.

The War at Home

The war on drugs would also have to be fought domestically. The situation in many American cities resembles urban guerrilla warfare. The gangs, using funds made from the sale of illicit drugs, have gained increasing control of urban areas and law enforcement has proven itself ncapable of dealing with them. The armed forces would have to be deployed to U.S. cities to patrol the streets. The government would have to embark on massive domestic intelligence operations to gain sufficient evidence to convict all members of the gang infrastructure. There would also have to be a massive program of building detention facilities to confine people convicted of drug offenses.

There would also have to be operations against the drug users themselves, since the users are the ones who ultimately support the entire illegal drug industry. Obviously, it is ridiculous to think that all drug users can be convicted and sent to jail. There are, by various estimates, 23 million regular users of drugs in the U.S., plus tens of millions more of casual users.[29]

These people would have to be convinced to stop using drugs. Drug education programs have proven to be a failure in the past. They either do not affect drug use, or actually encourage it.[30] There would, instead, have to be a massive internal propaganda campaign, with mandatory viewing of anti-drug programming, attendance at mass anti-drug rallies, and other actions to create a mass anti-drug spirit throughout the land.

There could be mandatory testing of all Americans for drugs. Conceivably, this could be done at the same time people apply for their drivers' licenses, or on similar occasions. People who are found to have used drugs could be deprived of all government benefits.

Perhaps a lesson can be learned from the Ginsburg incident. If Judge Ginsburg could be deprived of the opportunity to serve as a Supreme Court judge because he smoked marijuana years ago, then why not deprive drug users of their right to run for public office? This can be taken further, and deprive the drug user of his right to vote. Candidates for public office can be made to take public urinalysis tests, a sort of act of faith to prove good citizenship.

The government could enter into alliance with business. Together, they could test all employees on a regular basis. The government would act as a labor police, ensuring a drug free workplace; in return, business would deny employment to anyone who uses drugs.

Other programs that are now incipient could be expanded. The government can promote the use of children as informers against drug-using parents. Such children could be turned into national heroes, being awarded medals in public ceremonies. If the government needs advice on the technical details of implementing this program, it could request assistance from the Soviet Union, since the Bolsheviks pioneered similar techniques for controlling the citizenry.

The Reason Why

This is what a real war on drugs would be like. Not a rhetorical sop for politicians, but a real conflict with real fighting and real deaths, with suspension of civil liberties and intrusion of the government into every last aspect of American life. It would mean the total disruption of peoples' lives, with a return to the draft, higher taxes, and inflation.

A war on drugs would become a virtual civil war, with Americans divided into those who tolerate of drug use and

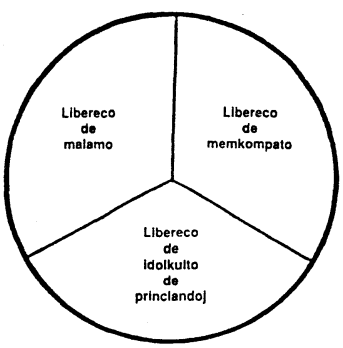

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those who do not. It would mean the creation of a permanent underclass. Those Americans who use, or who have ever used, drugs would become second-class citizens.

While it is fashionable now for people to demand that the government do something to win the war on drugs, one wonders: How many people would be willing to volunteer for combat units? How will middle America react when its sons and daughters coming back from Colombia and Peru in body bags?

The drug warriors have accomplished what the communists working alone found impossible; as a result of drug enforcement policies, there has been created in Latin America a popular front of peasants, guerrillas and nationalists, all united in opposition to the U.S.

This is why the military is reluctant to get involved. Military men remember the last time the U.S. went to war without first considering the human costs. Having fought and lost one no-win war in Vietnam, the military is smart enough to avoid another. The armed forces know very well that the same Congressmen who are today calling for the use of the military in the war on drugs will be the first to scream "Who got us into this mess?" when the dead and wounded start coming back. Congress can talk a good fight, but is not going to provide the resources or the national resolve to fight and win the drug war.

The Costs of a No-Win War

Why fight a war on drugs in the first place? If you ask the drug enforcers, they will tell you that the illegal drug trade provides money to support criminal gangs and the cartels. But the gangs and cartels exist because drugs are illegal in the first place. If drugs were legal, most of the criminal, social and health problems associated with drugs would be reduced to manageable levels.

After all, both alcohol, and tobacco, are legal in the United States, and these are the two most prevalent drugs of all. They cause more health problems than all illegal drugs put together. Alcohol and tobacco cause 400,000 deaths a year in America, compared to an estimated 10,000 deaths from illegal drugs. Yet, there is no call for a war on either of these drugs. Instead, they are treated as a public health problem. As a result, alcohol and tobacco use has been reduced in the last several years.

The types of arguments once used to oppose drugs—that drug use leads to addiction, a life of crime, and early death—have been discredited. People have had too much experience; they know that most people who use illegal substances do so without substantial harm to themselves or to others.

Unable to formulate a rational argument, the opponents of drugs invent the mythology of the drug war: they tell us that drugs are "invading" the United States, that the cartels are poisoning children, and that we have to fight. This justifies a paternalistic government coming in and telling the average American which substances he can introduce into his bloodstream.

Victory

There is no politician who is willing to take the case for a full-scale prosecution of the war on drugs to the American people politicians know that if they told their constituents what it would really take to win, they would be thrown out of office! So the politicians are satisfied with a few publicity-oriented moves—a spectacular bust here, a record breaking seizure there, urinalysis in the workplace.

The politicians assume that somehow the country can struggle on with a no-win war on drugs. But the U.S. is only digging itself deeper into disaster. There is nothing more criminal than for a country to enter a war it knows it cannot win. The drug warriors have accomplished what the communists working alone found impossible; as a result of drug enforcement policies, there has been created in Latin America a popular front of peasants, guerrillas and nationalists, all united in opposition to the U.S. Similarly, the dictates of the drug war have placed the United States in a virtual state of war with Panama, a country of immense strategic importance that has always had a close relationship with the U.S.

At home, the cities are rapidly coming under the control of criminal gangs who base their power on the sale of illegal drugs. Millions of Americans who have never used drugs find themselves victimized by arbitrary searches, seizures, and drug tests.

Given the course of events, the cartels and gangs will only become more powerful. Law enforcement has demonstrated its inability to deal with the situation.

The United States must act decisively to terminate this war: the only alternatives are to mobilize the nation for a real war, or to legalize drugs. Since the costs and risks of mobilization for real war are too high for politicians to bear, it is increasingly evident that legalization will eventually occur.

What will happen to drug cartels if drugs are legalized? They have become so entrenched they will not disappear overnight. They have the manpower and resources to continue their activities, and can be expected to attack legitimate sources of drugs in order to eliminate the competition.

So the government would still have to conduct enforcement activities against the cartels. But now the advantages will accrue to the government. It is the huge profits of the cartels that finance their political activities. The cartels make their enormous profits because they have a near-monopoly on scarce goods in high demand.

The cartels' fantastic profits from sale of illegal drugs will disappear as soon as people can buy drugs from legitimate sources. Moreover, the cartels will not be able to compete with legitimate drug sources because they will not be able to maintain competitive prices. Drug prices are now artificially inflated because of the illegality of drugs; the prices reflect the costs involved in bribery, protection, and legal defense as well as the costs of producing and distributing the drugs. As their sources of income dry up, the cartels will be less able to continue operations and recruit new personnel.

Politically, drug legalization would give countries the opportunity to rally the people to the side of the law. People would turn to the government and to legitimate drug industry for what the car-

continued on page 58

Loathing the Fear in New York, New York

by Murray N. Rothbard

Corruption, greed, lies, mudslinging, racism, the threat of success, the fear of failure—in other words: politics as usual in the America's Metropolis.

One of the joys of spending summers in New York is being plunged once again into the glorious if fetid pool of New York City politics. This year's melee is particularly juicy, since the mayoralty race is for once not cut and dried. Three-term mayor Ed Koch, a centrist Democrat, was no longer invincible, since his last term was shot through with a remarkable, pervasive scandal of corruption and sleaze. The scandal was touched off by the dramatic suicide of near-indicted Don Manes, long-time pal of Koch and head of the Queens Democracy. A large number of top New York Democrats eventually wound up in jail. Koch's standing was plunged even lower in last year's presidential campaign, because of his hysterical tirade against Jesse Jackson, which embarrassed even his staunchest supporters.

Koch began this summer's campaign almost invisible at the polls, but the old campaigner, always effective in TV comments and debates, managed a remarkable comeback; by mid-August he was tied for first in the polls for the September 12 Democratic primary. Koch's comeback was no great surprise; for many years, he has been "Mr. New York," in whom New Yorkers see themselves, their friends and neighbors writ large. Narcissistic to the point of egomania, New York accent to the hilt, by turns whiny, nasty, witty, cranky, and hypochondriacal, and always larger-than-life, Koch can be relied on to put on a good show. In campaigns he rises to his best, fighting for the political post that has come to define his very life. Indeed, Ed Koch is the last of the great Jewish *tummlers* who, in the early days of Borscht Belt resort hotels (before they swelled to giant palaces), were hired as permanent entertainers to play pinochle with the guests by the pool, crack jokes, insult the customers, and generally fill in the time entertainingly until the next gigantic meal.

But why did New Yorkers warm to Koch despite the corruption of his reign and the continuing rapid and grisly decline in the city's quality of life? Because New Yorkers, quite properly, realize in their heart that none of the other clowns in the race would make any difference, so if you're going down the tubes anyway you may as well have fun along the way.

The only thing that would help New York now is radical surgery, and none of the candidates are prepared to do much of anything. The city is overwhelmed not only by violent crime, but more so by the new plague of aggressive "bums," as New Yorkers are wont to call them, and to hell with the official designation of "the homeless." Plus the fact that the city's "infrastructure"—its filthy and pitted streets, worst in the country; its horrific subways; its deteriorating housing stock, punctuated by grand new, expensive and subsidized buildings; its crumbling bridges and highways—is falling apart. At least, New Yorkers feel, Koch will *talk* tough even if there is no action.

And so, since none of the candidates is prepared to make changes, they attack each other for sleaze, and they all take determined if scarcely courageous stands on foreign policy (frenetically pro-Israel), abortion (pro-choice, even Catholics—after some fast footwork), religion (*very* ecumenical and loving)

Ed Koch is the last of the great tummlers *who, in the early days of Borscht Belt resort hotels were hired as permanent entertainers to play pinochle with the guests by the pool, crack jokes, insult the customers, and generally fill in the time entertainingly until the next gigantic meal.*

and other issues that a mayor can do nothing about.

Neck and neck with Koch, and clear front-runner until August, was David Dinkins, Borough President of Manhattan, and *the* black candidate. Dinkins is the only type of black candidate who could ever possibly win as Mayor. *Not* "conservative"—his views are the usual left-liberal claptrap, akin to Jesse Jackson's. No—it's his style that sets him off dramatically from Jesse. For Dinkins is soft-spoken, elderly, courteous, even elegant, the opposite of charismatic—in personality very much akin to the Pullman porter of days gone by. In brief: *unthreatening*. For the unpublicized but vital fact about New York is the tremendous rage and hatred felt by the whites against the black population. And that means virtually *all* whites—including what used to be the last bastion of pro-black sentiment in New York: liberal Jewish intellectuals, who are mainly clustered in the West Side of Manhattan. (A straw in the wind: an old friend of mine, a distinguished Marxist academic who is the diametric opposite of anyone who could be considered a "redneck." Recently one of the seemingly endless series of governmental commissions studying the state of blacks in New York City issued the usual kind of report: calling for more welfare, more teachers, more social workers—the usual left-liberal litany of demands on taxpayer money, to solve the black problem. The response of our Marxist academic: "The only solution to the black problem is to lock up all male black teenagers until they're thirty.")

Dinkins is the only type of black candidate who could ever possibly win as Mayor—soft-spoken, elderly, courteous, even elegant, the opposite of charismatic—in personality very much akin to the Pullman porter of days gone by. In brief: unthreatening.

The bottom line is that one-hundred-and-thirty years after the end of slavery, twenty years after civil rights laws, the white masses are sick of the whole black question: sick of street crime and aggressive bums, sick of welfare payments, of affirmative-action quotas, and all the rest. The potential for race war in New York and other cities across the country is getting increasingly explosive and politicians—their heads placed firmly in the sand—can only come up with more of the same left-liberal policies that got us there.

Jesse, in short, could not get a white vote in New York if he tried. (Koch's attack on Jesse was considered too frenetic as well as—wonder of wonders!—too blatantly oriented toward Israel.) But Dinkins can, and did end up winning the primary. He was assured not only the entire black vote, but also that of Jewish liberals, including most of the union leadership in New York City.

The other two Democratic candidates were, despite their best efforts, so far behind as to be totally out of it. The best they hoped to do was to throw the primary into a runoff. Harrison Goldin, the bald-headed longtime Comptroller of New York, is a bitter enemy of Koch, and once in a while has some tough things to say about crime and the homeless. Richard Ravitch, the independently wealthy former head of the disastrous Metropolitan Transit Authority (an "independent" governmental authority that is responsible for the subways and bridges), never made it out of last place. He's got two problems. First, Ravitch has to explain why he spent several years as a lapdog of Koch in city government, and why he is not almost as responsible as the Mayor for the sad state of city transportation. Second, his voice is slow and gravelly. Gravelly, of course, is OK—indeed is in the great Northeast urban tradition, popularized by Marlon Brando in *The Godfather* (Hey, do these guys *go to school* to learn how to talk gravelly?) But slow is bad, since the New Yorker is deeply convinced that slow speech means a slow mind. (One of the fun demonstrations of this truth came in the classic Cuomo *v.* Lehrman campaign for governor in which Mario made his blazing entry into national politics. At one point, Lehrman unwisely denounced Cuomo as "a fast-talking lawyer." Cuomo's witty riposte won the hearts of New Yorkers: "All right, from now on, I'll talk v-e-r-y s-l-o-w-l-y so that he will be able to understand.")

The non-New Yorker might well ask why it is that, aside from Dinkins, the other three mayoral candidates among the Democrats were all Jewish. The answer is that New York politics is almost all ethnic. What is hard for heartland Americans to realize is that WASPs in New York City are virtually non-existent, except for Park Avenue corporate and Rockefeller types. Most New Yorkers view WASPs as a small group of wealthy Park Avenue residents who go to Choate and Yale or Harvard. And, indeed, virtually the only middle-class or working-class WASPs reside in small pockets in the outer boroughs, far from the subway lines that are the city's communication and transportation hub: in obscure places like Ridgewood, on the border of Brooklyn and Queens, populated by German Lutherans; and a few WASPS in Woodlawn, in extreme northern Bronx hugging the Westchester County border.

That leaves Jews, who are still almost all Democrats; Italians, who largely vote Republican; blacks, who are all Democrats, and Hispanics (in New York, mainly Puerto Rican) who are Democrats as well. That leaves only the Irish, who have made a large sea change in recent decades. Once the great stalwarts of the Democratic Party machines in New York and other large Northeastern cities, the Irish have now mainly moved to the suburbs, and vote mostly Republican. Which left a power vacuum for other ethnic groups to fill as the Irish moved out and away from their old power base.

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It will have become evident to the

reader that, with WASPs almost nonexistent, this leaves very little room for the Republican party; indeed, there are usually only one or two Republicans elected to the City Council—hailing from Italian enclaves in Brooklyn or Staten Island. Furthermore, within the Democratic Party, Jews are disproportionately powerful, because the Jewish turnout rate, for primaries as well as general elections, is traditionally very high, whereas the black and Hispanic turnout rate, *especially* for primaries, is very low. What of the Hispanics? Aside from their low turnout, the Hispanic vote is an enigma, since there has long been political hostility in New York between the blacks and Hispanics—sparked a few years ago when the blacks refused to support the mayoral race of the Puerto Ricans' beloved leader, Herman Badillo.

The race is further complicated this year by a Republican resurgence, or rather by the mayoral race of the young Italo-American Savanarola, former Federal Attorney Rudolph Giuliani, the conductor of the reign of terror against insider trading on Wall Street. Since Republicans cannot win on their own in the city, the politically ambitious Giuliani, who proved a master of publicity when he was Federal Attorney, set out to conduct a "fusion" race of all anti-Democrat forces in the style of the much-beloved, clownish Italo-American leftist, Fiorello ("Little Flower") LaGuardia, who ran a Republican-"Fusion" ticket. Giuliani tried to put together a Republican-Liberal-Conservative coalition, but it proved ideologically impossible for Conservatives and Liberals to support the same candidate (even in this age of bland compromise). So Giuliani is running as a "Republican-Liberal" tough on crime as befits an allegedly heroic prosecutor, but left-liberal on all other issues.

New York is the only state where Conservative and Liberal parties have managed to exist as independent, continuing entities. The Conservative Party was launched by Bill Buckley and associates to use as a hammer against Rockefeller Republicanism. Since the rise of Reaganism, the Conservative Party has been functioning as an appendage of Reagan Republicanism, with top officials getting cushy jobs in Republican Administrations.

But why a *Liberal* party in a city where almost everyone is liberal? The Liberal Party was born at the beginning of the Cold War, when the Communist-dominated American Labor Party (ALP) was a strong third force in New York politics, controlled largely by the then pro-Communist men's clothing workers union (headed by Sidney Hillman). The Liberal Party was a split off from the ALP, engineered by the Social Democrat (Menshevik) oriented ladies garment workers' union, controlled by David Dubinsky, and the hat workers union, headed by Alex Rose, who soon became the maximum leader and straw boss of the Liberals. The Liberals lingered on long past the demise of the ALP as a patronage force and another line on the ballot. Ethnically, the Liberals have been almost completely Jewish. Since the death of Rose, the Liberal Party has been controlled by a fat, cigar-chomping Boss in the old tradition, Raymond Harding, who made the deal with Giuliani to put him on the Liberal line.

The defeated anti-Harding faction of the Liberals, however, protested the choice of Giuliani, and decided to run the venerable Reverend Donald Harrington against Giuliani in the Liberal primary. Harrington, the leader of the Liberals before being ousted by Harding in a bitter struggle, is beloved as an old-time left-liberal activist organizer, and head of the Community Church in Manhattan. Harrington, a Unitarian minister, has also been valuable to the Liberals as one of the few authentic gentiles in the Party. Unfortunately, Harrington now lives in Long Island, outside the city limits. More important, since Harrington would undoubtedly have won a genuine Liberal primary and thus ruined Giuliani's fusion image, Harding was able to decree an "open" primary for the Liberals and make it stick in court, meaning that Republicans could invade the primary and vote for Giuliani. End of Harrington, and end of the Liberal primary.

The Giuliani candidacy was met with less than warmth by the most powerful Italian Republican politician in the state, Senator Alfonse D'Amato, a product of the corrupt Republican machine in Nassau County on Long Island. Friction between them supposedly began when Giuliani, preparing his resignation as Federal Attorney, tried unsuccessfully to dictate the choice of his successor, thereby overriding the traditional *de facto* appointive power of the Republican Senator. There are murmurings, however, that D'Amato doesn't want anyone challenging his high post as *capo de tutti capi* of Republican Italians in New York State.

And so D'Amato looked around to find someone to help him break the Giuliani boom; he found a willing candidate in the extremely wealthy Ron Lauder, scion of the Estée Lauder cosmetic fortune. Lauder may not be the wealthiest candidate in the history of American politics, but he is certainly willing to spend more personal money than anyone else. Spurning public funding, he spent $13 million of his own money on the Republican primary race against Giuliani, and this was *only* the beginning!

Former Federal Attorney Rudolph Giuliani, the conductor of the reign of terror against insider trading on Wall Street, tried to put together a Republican-Liberal-Conservative coalition, but it proved ideologically impossible for Conservatives and Liberals to support the same candidate (even in this age of bland compromise). So Giuliani is running as a "Republican-Liberal"—tough on crime as befits an allegedly heroic prosecutor, but left-liberal on all other issues.

Lauder has a big problem, in addition to his initial lack of name recognition. Tall and gawky, he not only *seems* dumb (like the unfortunate Ravitch); he *is* dumb. His being Jewish scarcely helps him in a party almost devoid of Jews. Also, the Lauder cause has hardly been aided by the breaking of the Felix Bloch spy scandal, which occurred under Lauder's nose when he was Ambassador to Austria. Lauder had no chance even to come close to Giuliani in the Republican primary, but still the Lauder forces, masterminded by

D'Amato ally Art Finkelstein, have run a brilliant negative campaign, slamming hard again and again at Giuliani, and successfully destroying Giuliani's shiny armor as the new White Knight of purity and integrity. Indeed, so negative has the Lauder campaign been that it was even too much for Roger Ailes, the famed architect of the Willie Horton and other negative thrusts of the Bush campaign for the presidency. Originally hired as the No. 2 Man to Finkelstein, Ailes resigned, denouncing the Lauder campaign as *too* negative, and then shifting to work for the Giuliani forces.

The New York masses began the campaign in love with Giuliani, sure that he would end corruption and all the other problems of the city. But the Lauder campaign exposed Giuliani as just another waffling and confused liberal on all the controversial issues—and furthermore as someone who would be tough on victimless crime but no tougher than anyone else on real crime.

Rudolph Giuliani started the mayoral campaign far ahead of either Koch or Dinkins in the polls; as the primary approached he badly trailed both of them. The cause is the constant hammering by Lauder, aided by attacks from the other candidates, including the formidable Koch. The New York masses began the campaign in love with Giuliani, sure that he would end corruption and all the other problems of the city—precisely because they knew nothing about his stand on any of the issues. The Lauder campaign has exposed Giuliani as just another waffling and confused liberal on all the controversial issues—and furthermore as someone who would be tough on victimless crime but no tougher than anyone else on *real* crime. Also, various sleazy peccadilloes of Giuliani himself were uncovered.

Furthermore, under pressure Giuliani did not handle himself well. Used to the universal adulation of the media, a man armored in arrogance and self-righteousness, Giuliani clearly did not understand the political process. Hit by round after round of personal attacks, Giuliani was bewildered by the sudden demise of his love affair with the world and reacted bitterly and defensively at the enormity and grave sin of anyone daring to attack Saint Rudy. Giuliani also has a deep corollary problem with the Italian masses, who one might think would embrace him with enthusiasm. For while the great bulk of Italian-Americans hail from the *Mezzogiorno* (southern Italy and Sicily), and share the general love of life and enjoyment of that culture, Rudy Giuliani stems from *northern* Italy, and his grim, puritanical style and air of self-righteousness—the style of the hated northern occupiers and colonizers of the *Mezzogiorno*—scarcely wear well with the Italian masses of New York. The Italians do not find Giuliani *simpatico*, and so his popularity turned out to be only skin deep.

The unfortunate Italians of New York have had many crosses to bear in their long struggle to make it in politics. For many years, the Italians whom the Establishment (e.g. the New York *Times*) dubbed as wise Italian-American statesmen, were not considered by the masses as *real* Italians. Fiorello LaGuardia was half-Jewish and an Episcopalian (!), Ferdinand Pecora was a northern Italian and an Episcopalian, Edward Corsi was an Episcopalian (these three must have constituted the entire congregation of Italian Episcopalians in the U.S!) and State Senator John Marchi is a dour northern Italian. Hence, the great importance of Cuomo and D'Amato (who, by the way, though of different parties are good friends): the first major Italian leaders from New York who are what their constituents think of as *real* Italians: Catholics from southern Italy.

Despite Koch's final surge, David Dinkins won the September primary by nine percentage points (52 to 43), with the other two candidates scarcely registering in the race. An estimated 29 percent of whites voted for Dinkins (26 percent of Jews) while Dinkins corraled 93 percent of the black vote. Lauder got a surprising one-third of the Republican vote against Giuliani, about twice as much as expected.

The crucial question is whether Dinkins keeps the Jewish liberals happy until November. On primary night, he got off to a shaky start, as an overwhelmingly black Dinkins headquarters crowd cheered Jesse Jackson to the rafters while lustily booing Dinkins' warm supporter State Attorney-General Robert Abrams (because of Abrams' well-founded skepticism toward the trumped-up rape story of Tawana Brawley last summer) as well as booing Ed Koch's uncharacteristically gracious concession speech. Dinkins acted quickly to cut off his troops. "No, no," he wagged his finger sternly at his supporters. "We're all together now. I'm the fella who's going to bring everyone together, remember?" Whether or not New York suffers under a dour Torquemada for the next four years depends on the ability of the courtly Dinkins to tame his own militants. Look for lots of pictures coming out of New York with Dinkins going in and out of synagogues during the Jewish High Holy Days wearing the obligatory *yarmulke*.

It looks, then, like Rudy Giulani will be brought down, and no relentless statist has ever deserved it more. To ensure this fate, Ron Lauder has gained the Conservative nomination, and is prepared to keep slugging it out against Rudy until the general elections in November, thereby taking away enough conservative and "real Republican" votes from the ticket to assure Giuliani's defeat and a Democratic victory. Well, thank goodness for small blessings; New York may not be saved by the next mayor, but at least we will be spared the scourge of Puritan despotism. ❑

Whether or not New York suffers under a dour Torquemada for the next four years depends on the ability of the courtly Dinkins to tame his own militants, aided by Lauder continuing to pour millions into his Conservative campaign. Look for lots of pictures coming out of New York with Dinkins going in and out of synagogues during the Jewish high holy days.

Polemic

Against a Capital Gains Cut

by Michael S. Christian

Libertarians usually can be counted on to oppose any tax rise, and advocate any tax cut—but Michael Christian argues not only that some cuts are better than others, but that certain ones do more harm than good.

Even after the Tax Reform Act of 1986, which eliminated the special low rate for capital gains, capital assets offer enormous advantages to taxpayers (usually wealthy) who can afford them. When an investor buys a capital asset, such as land, that goes up in value but does not produce income, he does not have to pay taxes on the gain until he disposes of the asset. This means that, year after year, as he makes money on his investment, he pays no taxes on it. Later, he may elect when to pay tax on his gains simply by disposing of the asset.

President Bush says we need to promote capital investment further by lowering the tax rate on capital gains from a top rate of 28% to a top rate of 15%. A chorus of investors—and libertarians—approves. Advocates of a lower capital gains rate assert that the lower rate will:

1. encourage investment in productive, taxable enterprises (libertarian advocates, of course, buy the first adjective and throw out the second one), and
2. encourage efficient exchanges of capital assets and foreign investment in the United States, while discouraging the flight of domestic capital to foreign markets.

What little truth these assertions hold is outweighed by the inefficiency, unfairness, and oppressiveness of a lower capital gains tax rate.

A lower tax rate on capital gains may encourage investment but only in those assets that, when sold, yield long-term capital gain as defined in the Internal Revenue Code. Only long-term capital gains benefit from the capital gains deduction. Gains from what the Code calls "capital assets" have little to do with capital investment. The expression "capital investment" implies putting resources or savings into productive assets such as machinery and equipment. But machinery, equipment, and most other productive assets used in businesses are depreciable assets. Their value decreases with time, so a cut in the capital gains rate will not encourage direct investment in them.

The biggest class of capital assets is corporate stock. If the tax code favors gains from the sale of stock, then investors in stock may be satisfied with lower returns; the cost of capital to corporations that want to expand their productive capacity may therefore become lower. But in this case, the bull's-eye is being hit with a shotgun. A cut in capital gains taxes would reduce the tax on all kinds of gains from trading in corporate stock that provide not one single dollar to corporations for investment in productive assets. In the strictest sense, only the initial purchases of stock from an issuing corporation provide money that can be used for productive purposes. Subsequent purchases and sales only shift ownership interests. Therefore, much of the reduction in taxpayers' annual bills will encourage neither direct nor indirect investment in productive assets.

But grant, for the sake of argument, that a capital gains tax cut *will* encourage investment. The conclusion that it *should* be used to do so does not follow. Such a conclusion assumes that the government should encourage investment and that it should do so through tax incentives. The first assumption collides with the theory that a free market, unperverted by government interference or incentives, produces the most efficient allocation of economic resources and the notion that freedom from government meddling is in itself a worthy end. The second assumption rests weakly on political expediency. Tax cuts may be used when the body politic won't swallow direct expenditures.

The President believes that cutting the top tax rate on capital gains to 15% will raise $4.8 billion annually. Whenever someone says he will raise revenues by lowering taxes, we should be suspicious. We should demand historical evidence. We should demand accurate econometric projections. In the present case, no credible economic history has been brought to bear, and the most favorable economic projections rely on the one-time jump in taxpayers' realization of capital gains from the sale of assets that they have been holding onto in order to avoid the tax on a large gain accumulated over a long period of time.

The Joint Committee on Taxation recently estimated that the capital gains proposal included in the President's fiscal 1990 budget would lose more than $24 billion over a six-year period (with initial increases in revenue in fiscal years 1989 and 1990 and progressively greater losses in revenue in fiscal years 1991 through 1994) On the other hand, apparently under pressure from the administration, the Treasury Department estimated that Bush's proposal to cut the capital gains rate would raise about $9.3 billion in fiscal years 1989 through 1994. However, even the Treasury's estimates show revenue gains decreasing throughout the estimate period and becoming losses in 1994.

Even granting for the sake of argument that a capital gains tax cut will encourage investment, the conclusion that it should be used to do so does not follow. Such a conclusion assumes that the government should encourage investment and that it should do so through tax incentives.

In the Revenue Act of 1978, Congress required the Treasury to study the economic and revenue consequences of the enormous capital gains tax cuts that it enacted in the same year. The resulting report, published in 1985, concluded that capital gains cuts may very well raise revenue in the short run but that they lose revenue in the long run. So, if you don't mind the threat of larger deficits, and you don't mind distorting the economy by having government encourage certain investments rather than others, you may be able to use capital gains cuts instead of lower rates across the board to decrease the amount of money the government takes in.

In their revenue estimates, advocates of lower capital gains taxes rely heavily on the reduction of the lock-in effect and the resulting realizations of gains held in the form of appreciated assets. The lock-in effect of capital gains taxes is simply the tendency of taxpayers to hold onto their assets rather than selling or trading them in order to defer federal income taxes on unrealized appreciation of such assets. Everyone agrees that reducing the tax rate on capital gains reduces the lock-in effect and, therefore, increases the frequency with which taxpayers will dispose of their capital assets and pay income taxes on appreciation.

However, only a large, sustained increase in realizations will offset the losses in revenue from the reduced tax rate. If the ratio of the percentage increase in realizations to the percentage decrease in the tax rate on realized gains (the "tax-rate elasticity of realizations") is greater than 1, then lowering the capital gains rate will increase revenue. Not surprisingly, the Treasury study found that, when tax rates are high, as they were in 1978, a big cut in the capital gains rate encourages the realization of a lot of locked-in capital gains immediately following enactment of the cut. Soon, however, the tax-rate elasticity of realizations drops to a lower level and revenue is lost.

The Treasury study also found other revenue effects of a capital gains cut, such as income shifting or the "portfolio effect." The portfolio effect occurs when investors who hold assets that produce ordinary income (such as a money market fund or certificates of deposit) shift their investments to assets (such as publicly traded stock) that satisfy the tax-code definition of capital assets and enjoy a more favorable tax treatment. This produces an increase in taxable capital gains, but also a more than compensating decrease in interest income that would have been taxable at a higher rate.

The carefully studied results of the 1978 cuts show that a reduction in the capital gains tax rate will produce an initial spate of taxable dispositions of capital assets followed by a much lower rate of such dispositions and by a shift away from ordinary income producing assets to "capital assets." Any cautious estimator would conclude that a capital gains cut will result, in the long run, in a significant loss of revenue. Presumably, politicians advocating a capital gains cut hope that voters will not expend the effort required to assess its effects.

Before the Tax Reform Act of 1986, investors only had to pay income tax on 40% of their capital gains in a given year. On the other hand, income tax rates were high (as high as 50%), resulting in an effective tax on capital gains of 20%. In the period preceding the effective date of the '86 Act, foreign investment in American assets was booming. After the elimination of the capital gains deduction and the lowering of income tax rates across the board, resulting in an effective capital gains tax rate of 28%, foreign investment in American assets continued to boom and now shows no sign of slowing. In fact, under present law, income from many assets (such as certificates of deposit) in which we should encourage foreign investment is taxed at a lower rate than it was before the elimination of the capital gains deduction, because such assets produce ordinary income (previously taxed at rates as high as 50%), not capital gains. These, low taxes in general, not necessarily special deductions for capital gains, are the best invitation to foreign investment.

Special tax benefits resulting in losses of revenue can be economically disastrous, not only because of the problem of deficit spending, but also because of the risk that higher income tax rates will be imposed on ordinary income to compensate for the revenue loss. Parading as tax cuts, tax benefits are the economic equivalent of unfunded government expenditures. Higher marginal rates and new tax loopholes are a giant step back from the best parts of the 1986 tax reforms. The higher the rates, the greater the pressure from special interest groups for tax loopholes; the more loopholes, the greater the revenue loss; the greater the revenue loss, the higher the top marginal rates to make up for the loss.

If you don't mind distorting the economy by having government encourage certain investments rather than others, you may be able to use capital gains cuts instead of lower rates across the board to decrease the amount of money the government takes in.

The result of this vicious spiral could be an economy that is largely and inefficiently driven by tax considerations rather than an economy inspired by non-tax economic considerations. A cut in the capital gains rate will remove some of our liberty to make our own economic decisions, while encouraging further steps down the same path. ❑

Dispute

Avant-Garde Redux?

Libertarianism vs. the Avant-Garde

William Clark

Libertarians and avant-garde artists, according to Richard Kostelanetz ("Indefining the Future," September 1989), belong together. Both, he claims, are "advanced" and "visionary." Further, they share an anti-authoritarian mentality: the libertarian stands against coercive political authority; the avant-garde artist stands against the authority of an entrenched artistic establishment. The opponents of avant-garde art, according to Kostelanetz, are "the guardians of culture," "cultural bureaucrats," and "established artists" and they oppose it because they feel "threatened."

Let's take this last claim first. Avant-garde art often evokes violently negative reactions from audiences, and avant-garde artists are quick to interpret any such reaction as motivated by fear—typically, they call it fear of the "unknown" or "unfamiliar." But what is there to be afraid of? Avant-garde art, Kostelanetz tells us, is characterized by its continual transcendence of "current conventions"; so we can be sure that what's "in" today will be "out" tomorrow. If there's anything to be frightened of, we know that it will go away.

Indeed, the only person who has any reason to fear the avant-garde is the avant-garde artist whose work is currently "in": his professional status and his likelihood of receiving grant money are sure to be impaired by the next upstart who "transcends" his "conventions."

What of the claim that avant-garde artists are "advanced" and "visionary"? On the contrary, their moldy rhetoric has been around for decades. The standard avant-garde line—tradition must be overthrown, one must learn not to judge but to "accept," opposition to avant-garde art proves that one's senses are encrusted by convention—all these "visionary" doctrines were already being spouted by the Italian futurists more than seventy years ago: could we leave an unfettered liberty of understanding to the public which always sees, as it has been taught to see, through eyes warped by routine?"[1] "The public must also be convinced that in order to understand aesthetic sensations to which one is not accustomed, it is necessary to forget entirely one's intellectual culture, not in order to assimilate the work of art, but to deliver one's self up to it heart and soul."[2] These comments were not made last week, but in 1912. Two years later, the futurists were proclaiming that "[b]eauty has nothing to do with art"[3] and that "the artist will be permitted all forms of eccentricity, lunacy or illogicality."[4]

The avant-garde has been singing these same old tunes ever since. The only difference, now, is in the tone of voice: the frantic screaming of the futurists is no longer necessary; their doctrines have become old-hat.[5]

Kostelanetz would have us accept his picture of the typical avant-garde artist as a fiercely independent creative spirit, struggling against the oppressive authority of a myopic artistic establishment. Presumably, it is this image that is supposed to enlist our libertarian sympathies. But the truth is very different. The avant-garde is the new orthodoxy. Its natural habitat is the university, where it thrives in the care of professors who invent their new artistic gimmicks and happily show them off to one another in blissful isolation from the real world. Independent avant-garde artists do exist, to be sure: the ones whose work has not been accepted by the current incrowd. But their struggle, for the most part, is to become part of the establishment, not to fight against it. They want what the incrowd has: an NEA grant or, better yet, a tenure-track position in academia.

The result of this academic isolation, of course, is a wide gulf between the avant-garde artist and the public. Occasionally, an artist will take time out to bemoan this state of affairs, always concluding that the public is in need of education: it must learn to be less "judgmental," more "accepting," of the unfamiliar. But sometimes an artist will come right out and say that things are really pretty much the way they ought to be—that the artist owes nothing to the public, but that the public owes him a living. Milton Babbitt, one of the "visionaries" admired by Kostelanetz, spelled this out in an article entitled "Who Cares if You Listen?"[6] From his comfortable post at Princeton, Babbitt argued that if the public is willing to fund advanced work in theoretical physics which it cannot hope to understand or evaluate, why shouldn't it be willing to fund similarly "advanced" music? And if the public doesn't understand or

The only person who has any reason to fear the avant-garde is the avant-garde artist whose work is currently "in": his professional status and his likelihood of receiving grant money are sure to be impaired by the next upstart who "transcends" his "conventions."

enjoy this music, why should it matter? Babbitt advocated that he and his fellow composers engage in a "total, resolute, and voluntary withdrawal from this public world to one of private performance." This would "serve to secure the means of survival for the composer and his music" because "after all such a private life is what the university provides the scholar and the scientist." So this is our ideal libertarian artist: producing his arcane works solely for the edification of his fellow "specialists," all the while expressing his disdain for the ignorant philistines who must be coerced into providing the "sole substantial means of survival" for his art.

The avant-garde offers no standards by which its work can be judged (and if it did, those standards would be "transcended" the next day). In the absence of standards, the artist can set himself up as the ultimate authority on the value of his work: anyone who dislikes it is obviously the prisoner of outmoded conventions.

The idea that the avant-garde artist must fight against an antagonistic artistic establishment is laughable. What kind of language do you use, these days, if you want to be approved for a grant, or to obtain a teaching position, or even to be admitted to a university? Do you say that you propose to further a tradition, whether that tradition flourished a hundred years ago or was born last weekend? Or do you say that you want to "break new ground," "explore new directions," and "overcome conventional limitations"? The former approach will send your application to the bottom of the pile or to the wastebasket. Academia is committed to "avant-garde-ism," so it is always in the market for new gimmicks with which to "transcend" the gimmicks of yesterday.

If there is any authoritarianism in art, it is on the side of the avant-garde. Notice the attempt at intimidation when Kostelanetz chides libertarians for being "so dumb about advanced art." This is a well-worn tactic in avant-garde apologetics: call your art "advanced," and it follows immediately that your opponents are reactionary simpletons. But Kostelanetz himself admits that only a "future cultural public" can be the ultimate judge of today's art, and that all we can do, for now, is to "try to posit tentative estimates." But then how does he know which reaction is "dumb" and which is enlightened? Why do only negative reactions count as "dumb"? The avant-garde offers no standards by which its work can be judged (and if it did, those standards would be "transcended" the next day). In the absence of standards, the artist can set himself up as the ultimate authority on the value of his work: anyone who dislikes it is obviously the prisoner of outmoded conventions.

If libertarianism as such implies anything about aesthetics, surely it implies the rejection of such a transparent attempt to insulate the artist from the evaluations of those who provide him his livelihood. ❑

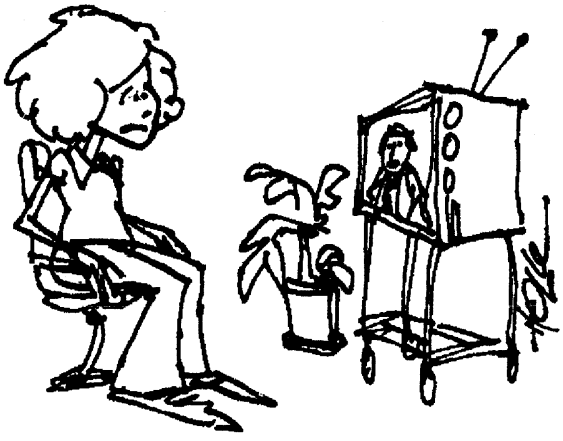

"Our regularly scheduled stimulating program will not be seen tonight so that we can bring you the following mindless fluff.

Notes

1. Quoted in Umberto Apollonio, ed., *Futurist Manifestos* (London: Thames and Hudson Ltd., 1973), 50.
2. Ibid., 49.
3. Ibid., 145.
4. Ibid., 146.
5. Even some of the futurists' particular gimmicks, such as the "substitution of noises for [musical] sounds" and "free expressive orthography" in poetry, have by now become standards in the avant-garde repertoire. But some of their aesthetic innovations were theirs alone. For example, they believed that art should glorify war, "the world's only hygiene." And they subscribed to a kind of labor theory of aesthetic value—they believed that art is a "cerebral secretion capable of exact calibration," and that the monetary value of a work of art is precisely determined by "the quantity of cerebral energy" needed to produce it, and by its "natural rarity." Artists who sold their work for more than this precisely "calibrated" amount (as popular artists, in particular, often did) should be "put on trial for fraud and fined or sent to prison."
6. Milton Babbitt, "Who Cares if You Listen?," *High Fidelity*, VIII/2 (February, 1958), 38–40, 126–27. Reprinted in Elliott Schwartz and Barney Childs, eds., *Contemporary Composers on Contemporary Music* (New York: Holt, Rinehart and Winston, 1967), 243–250.

Contra Clark

Richard Kostelanetz

While William Clark sometimes seems to understand what I'm saying, he is other times way off-base. Take, for instance, the issue of "academic," which I explicitly contrast with avant-garde. He replies, "The avant-garde is the new orthodoxy. Its natural habitat is the university, where it thrives in the care of professors who invent their new artistic gimmicks and happily show them off to one another in blissful isolation from the real world." Clark's proof consists of one example, Milton Babbitt, who, as a Princeton professor, finds in liberal arts universities (not music conservatories) his most likely audience. However, Babbitt is almost unique. Otherwise, the artists fulfilling my model are mostly independent, just as most libertarians are independent of academia, for precisely the same reason—their work/thinking is simply too far away from the pieties accepted in the academy. (The university chair in Avant-Garde Art is no more likely than that in Libertarian Politics.) The professors portrayed in Clark's characterization are generally stealing from avant-gardes. Because their work could not compete in the art-world free-market, whatever they make or show needs the "blissful isolation" of academia if it is to have any audience at all.

Clark speaks of "a wide gulf between the avant-garde artist and the [general] public," which of course we are trying to bridge, but come to think of it, friends, that gulf is no smaller than what lies between the pages of *Liberty* and the general public. With feet in both camps, I may be uniquely positioned to measure. ❑

Dispute

The *A Priori* of Disagreement

Intimidation by Argument — Once Again

Hans-Hermann Hoppe

Loren Lomasky was intimidated and angered by my book *A Theory of Socialism and Capitalism*. The book is more ambitious than its title indicates. "It is," he laments, "no less than a manifesto for untrammeled anarchism." So be it. But so what? As explained in my book—but conveniently left unmentioned by Lomasky—untrammeled anarchism is nothing but the name for a social order of untrammeled private property rights; of the absolute right of self-ownership, the absolute right to homestead unowned resources, of employing them for whatever purpose one sees fit so long as this does not affect the physical integrity of others' likewise appropriated resources, and of entering into any contractual agreement with other property owners that is deemed mutually beneficial. What is so horrifying about this idea? Empirically speaking, this property theory constitutes the hard core of most people's intuitive sense of justice and so can hardly be called revolutionary. Only someone advocating the trammeling of private property rights would take offense, as does Lomasky, with my attempt to justify a pure private-property economy.

Lomasky is not only enraged at my conclusions, however. His anger is further aggravated because I do not merely try to provide empirical evidence for them, but a rigorous proof "validated by pure reason and uncontaminated by any merely empirical likelihoods." It is not surprising that an opponent of untrammeled private property rights, such as Lomasky, should find this undertaking doubly offensive. Yet what is wrong with the idea of apriori-theorizing in economics and ethics? Lomasky points out that failed attempts to construct apriori theories exist. But so what? This only reflects on those particular theories. Moreover, it actually presupposes the existence of apriori reasoning in that the refutation of an apriori theory must itself be a proof. For Lomasky, however, nothing but intellectual hyperbole can possibly be responsible for "eschewing the low road of empiricism, soaring instead with Kant and von Mises through the realm of a priori necessities."

A book on political philosophy or economy, then, should never come up with unambiguous conclusions as to what to do, what rules to follow. Everything should be left vague and at a non-operational stage of conceptual development. And no one should ever try to prove anything, but instead follow the forever open-minded empiricist approach of trial and error, of tentative conjectures, refutations and confirmations. Such, for Lomasky, is the proper path, the low and humble road along which one is to travel. And sure enough, most contemporary political philosophers seem to have wholeheartedly followed this advice.

Taking the high road instead, I present an unambiguous thesis, stated in operational terms, and attempt to prove it by axiomatic-deductive arguments. If this makes my book the ultimate insult in some philosophical circles, so much the better. Apart from other advantages—that this might actually be the only appropriate method of inquiry, for instance—it at least forces one to say something specific, and to open oneself up wide to rigorous logical-praxeological criticism instead of producing, as Lomasky and his fellow low roaders have produced, meaningless talk and non-operational distinctions.

Besides finding fault with the arrogance of someone writing a book that presents a praxeologically meaningful and easily understandable thesis concerning the central problems of political philosophy and economy, and that vigorously defends it to the point of excluding all other answers as false, Lomasky also has some specific nits to pick. As might be expected from an intimidated low roader, they are either unsystematic cheap shots, or they display a complete lack of comprehension of the problem.

Arguing is an activity and requires a person's exclusive control over scarce resources (one's brain, vocal chords etc.). As long as there is argumentation, there is a mutual recognition of each other's exclusive control over such resources.

I am criticized for not paying enough attention to Quine, Nozick, and entire bodies of philosophic thought. Maybe so (though Nozick is actually systematically refuted, if only in a footnote—as Lomasky indignantly notes), but why should that make a difference for my argument?

I am criticized for misinterpreting

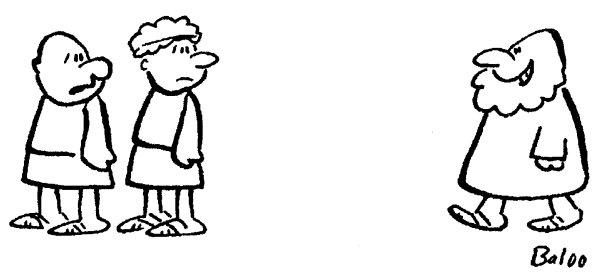

"Here comes Socrates — get ready for a long boring dialogue!"

Locke by not mentioning his famous "proviso." But I am not engaged in an interpretation of Locke. I construct a positive theory and in so doing employ Lockean ideas; and assuming my theory correct for the sake of argument, there can be no doubt as to my verdict on the proviso. It is false; and it is incompatible with the homesteading principle as the central pillar of Locke's theory. Lomasky does not demonstrate that it is not so.

He is annoyed at my dissolution of the public goods problem as a pseudo-problem without so much as mentioning my central contention regarding the matter—that the notion of objectively distinct classes of private *vs.* public goods is incompatible with subjectivist economics and so must fall by the wayside along with all distinctions based on it. He finds my arguments in support of the thesis of the ever-optimality of free markets wanting, because they must rely on the assumption of "the universal optimality of voluntary transactions." They must indeed. I never claimed anything else. Yet this assumption happens to be true—in fact, as I argue, indisputably true. So what then? Or is Lomasky willing to take on the task of proving it to be false?!

How dare I—in a footnote—criticize Buchanan and Tullock for Orwellian double talk, Lomasky complains. Only he forgets to mention that I give rather specific reasons for this characterization: among others, the use of the notion of "conceptual" agreements and contracts in their attempt to justify a state, when according to ordinary speech such agreements and contracts are non-agreements and non-contracts—non-contracting means contracting! Similarly for my oh-so-disrespectful remarks regarding Chicago-style property theories: I give reasons (their assumption of the measurability of utility, for instance), which Lomasky simply suppresses.

In a true intellectual marvel Lomasky gets me implicated even in eugenics by quoting an argument that is actually presented in the entirely different context of illustrating the economic effects of all redistributive measures, including intelligence-based ones; and he then ingeniously faults me for not offering statistical evidence for a thesis which is framed as a deductive argument and so requires no such evidence for its validation.

The rest, regarding my theory of justice, is either miscomprehension or deliberate misrepresentation. From reading Lomasky's reconstruction of my central argument, which revealingly employs no direct quotes, no one would grasp its main thrust and structure: Without scarcity there can be no interpersonal conflict and hence no ethical questions. Conflicts are the result of incompatible claims regarding scarce resources; and there is but one possible way out of such predicaments then: through the formulation of rules that assign mutually exclusive ownership titles regarding scarce, physical resources, so as to make it possible for different actors to act simultaneously without thereby generating conflict. (Like most contemporary philosophers, Lomasky gives no indication that he has grasped this elementary, fundamental point; any political philosophy that is not construed as a theory of property rights fails entirely in its own objective and thus must be discarded from the outset as praxeologically meaningless.)

Yet scarcity, and the possibility of conflicts, is not sufficient for the emergence of ethical problems. For obviously, one could have conflicts regarding scarce resources with an animal, and yet one would not consider it possible to resolve these conflicts by means of proposing property norms. In such cases, the avoidance of conflicts is merely a technical, not an ethical problem. For it to become an ethical problem, it is also necessary that the conflicting actors be capable, in principle, of argumentation. (Lomasky's mosquito example is thus merely silly: Animals are not moral agents, because they are incapable of argumentation; and my theory of justice explicitly denies its applicability to animals [p. 212] and, in fact, implies that they have no rights!)

Further, that there can be no problem of ethics without argumentation is indisputable. Not only have I been engaged in argumentation all along, but it is impossible, without falling into a contradiction, to deny that whether or not one has any rights and, if any, which ones, must be decided in the course of an argumentation. Thus, there can be no ethical justification of anything, except insofar as it is an argumentative one. This has been called "the apriori of argumentation." (Insofar as Lomasky has at all understood this, he most definitely appears to be unaware of the axiomatic status of this proposition—i.e., of the fact that the apriori of argumentation provides an absolute starting point, neither capable of, nor requiring, any further justification!).

Arguing is an activity and requires a person's exclusive control over scarce resources (one's brain, vocal chords etc.). More specifically, as long as there is argumentation, there is a mutual recognition of each other's exclusive control over such resources. It is this which explains the unique feature of communication: that while one may disagree about what has been said, it is still possible to independently agree at least on the fact that there is disagreement. (Lomasky does not seem to dispute this. He claims, however, that it merely proves the fact of mutually exclusive domains of control, not the right of self-ownership. He errs: Whatever must be presupposed—such as the law of contradiction, for instance,—insofar as one argues, cannot be meaningfully disputed, because it is the very precondition of meaningful doubt, and hence must be regarded as indisputable, or apriori valid. In the same vein, the fact of self-ownership is a praxeological precondition of argumentation. Anyone trying to prove or disprove anything must in fact be a self-owner. It is a self-contradictory absurdity then to ask for any further-reaching justification for this fact. Required, of necessity, by all meaningful argumentation, self-ownership is an absolutely and ultimately justified fact.)

Finally, if actors were not entitled to own physical resources other than their bodies, and if they—as moral agents, categorically different from Lomasky's mosquitoes—were to follow this prescription, they would be dead and no problem whatsoever would exist. For ethical problems to exist, then, ownership in other things must be justified. Further, if one were not allowed to appropriate other resources through homesteading action—by putting them to use before anybody else does—or if the range of objects to be homesteaded were somehow limited, this would only be possible if ownership could be acquired by mere decree instead of by action. However, this does not qualify as a solution to the problem of ethics—of conflict-avoidance—even on purely technical grounds, for it would not allow one to decide what to do if such declarative claims happened to be incompatible ones. More decisive still, it would be incompatible with the already justified self-ownership. For if one could appropriate resources by decree, this would imply that one could also declare another person's body to be one's own.

Thus, anyone denying the validity of the homesteading principle—whose rec-

ognition is already implicit, then, in arguing persons' mutual respect for each other's exclusive control over one's body—would contradict the content of his proposition through his very act of proposition making. (For one thing, Lomasky, in a stroke of genius, finds fault with the fact that the first part of this argument provides no justification for unlimited homesteading. True. But then it also does not claim to do any such thing. The second part—the argumentum *a contrario*—does. And regarding my argument in its entirety Lomasky claims that I have only shown the validity of the non-aggression principle for "the act of argument itself and not beyond . . . it does not extend to the object of discussion." At best, this objection indicates a total failure to grasp the nature of performative contradictions: If justification of anything is argumentative justification, and if what must be presupposed by any argumentation whatsoever must be considered ultimately justified, then any validity claiming proposition whose content is incompatible with such ultimately justified facts is ultimately falsified as involving a performative contradiction. And that is that.)

Philosophic and economic theorizing is indeed serious work, as Lomasky notes. His reaction to my book, however, demonstrates that he is not up to such a task. Following the style of controversy precedented by him, one might say that while the clearing of one's throat may complete the job for his co-acronymous Linda Lovelace, in the case of Mr. Loren Lomasky it won't quite do. ❑

His Own Worst Enemy

Loren E. Lomasky

How are we to understand Professor Hoppe's protestations? Try this: suppose that you had discovered a line of argument that conclusively and decisively resolves the major extant questions of ethics, politics, and economics. Suppose further that you know your argument to be of pellucid clarity and inescapable rigor. How would you be disposed toward philosophical forebears and contemporary critics?

First, you would regard it as entirely unnecessary to paint an accurate picture of the scholarly literature that preceded your own efforts. Riddled with mistakes that have now been thoroughly cleansed, it is utterly dispensable. Error *has* no rights! To be sure, you might occasionally drop a name in passing, especially when (as a gracious display of *noblesse oblige*) you can credit a predecessor with having spied some glimmer of the truth you have now revealed in its entirety. But you certainly need feel under no obligation to spell out their arguments in careful detail or to consider qualms they held concerning your own unassailable positions.

Second, you would realize that contemporary critics must be thoroughly disreputable characters. Most likely they hold some animus against you or the conclusions you advocate. Just possibly they have been unable to follow your arguments, but given the extraordinary clarity and power of the latter, that alternative isn't very probable. No, it's far more likely that they are cravenly protecting some immoral vested interest in the status quo.

Third, the objections they offer deserve to be dismissed out of hand. By pure logic alone, one knows that there can be no creditable criticism of a demonstration known to be impeccable. Out of human compassion, though, you might show them undeserved favor by continually repeating yourself in an ever louder voice; maybe they will eventually catch on.

Thus, by purely a priori reasoning, we have now assembled a logico-deductive simulacrum of Professor Hoppe. Unaccountably, some puzzles remain. Chief among them is the curious circumstance that the man so represented professes to be a philosopher/economist. Usually—but this is to take the low road of empiricism—such overflowing self-confidence and rectitude attaches to a clerical calling: the lugubrious Jim Bakker and the late Mr. Khomeini spring to mind.

Equally puzzling is the fact that Hoppe seems to have stumbled in his derivation of my own motivations. Perhaps I suffer from false consciousness, but I have never considered myself quite *that* fiendish an enemy of free institutions. Moreover, a priori reflection suggests the unlikelihood of the editors of *Liberty* inviting reviews from one eager to defend the welfare state in all its unloveliness, one who grows faint at the mere mention of anarchism. (In fairness to Hoppe, it is possible that some crypto-socialists have crept into those editorial chairs.) Quite the contrary: I embrace the majority of the policy prescriptions that Hoppe offers; it is the egregious level of argumentation and shrill tone of his book that I find objectionable. Indeed, were I not a libertarian, I would applaud the publication of *A Theory of Socialism and Capitalism*. It confirms in spades the opposition's stereotype of libertarians: disdainful of empirical data, slipshod in scholarship, long on hyperbolic flourishes but short on careful analysis, cavalier, boorish, and stylistically maladroit. No, it is precisely because I wish libertarian ideas to flourish and spread to wider audiences that I regret the publication of this manuscript.

Hoppe confirms in spades the opposition's stereotype of libertarians: disdainful of empirical data, slipshod in scholarship, long on hyperbolic flourishes but short on careful analysis, cavalier, boorish, and stylistically maladroit.

Despite the above, Hoppe is not without philosophical talent. His central argument, given more perspicuous presentation, would deserve some attention. Unfortunately, its merits are entirely swamped by the author's fustian incivility and inability to develop a clear train of thought. Because Hoppe possesses some core philosophical ability, I resist the impulse to invite him to don the mantle of imam or televangelist. Instead, and in all sincerity, I advise him to resist the inclination to classify forthwith as an enemy anyone and everyone who holds views different than his own; to recognize that he might actually have something to learn from scholars other than the two he repeatedly and slavishly praises; to be open to the possibility that critics are not uniformly a herd of ignoramuses or totalitarian *manqués*; and to ponder why his arguments are so persistently "misunderstood" even—or especially—by fellow libertarians. There is hope that, through persistent work, he might yet develop the knack of presenting persuasive and intelligible philosophical arguments. But since I seem to be in the advice-giving mode, one concluding lagniappe: Hoppe would do well to steer away from any further temptations to display humor or wit; that, to put it gently, is not where his comparative advantage lies. ❑

Report

The Philadelphia Story

by Chester Alan Arthur

"We open in Philadelphia tomorrow night."
"Philadelphia?"
"Philadelphia, P.A."
"Yeah, and on Sunday's it's p.u."
"You do mean Atlantic City, don't you?"
"I mean Philadelphia."
"But I . . . I don't want to go to Philadelphia."
"Who does?"
— "42nd Street" (Warner Brothers, 1932)

Libertarian Party members met in Philadelphia for their biennial convention on August 31, although the convention itself could not actually begin business until the following day, thanks to the failure of management to notify affiliates of the convention in a timely manner. This *faux pas* was hardly noticed, thanks to some fancy footwork by convention organizers, who scheduled speeches and "presentations" by the Platform Committee and the By-Laws committee for the first day; the official "Reports" of the committees had to wait until the following day.

Here at last Libertarians could experience winning an election.

The Party members convened had three major tasks: elect new officers and National Committee Members, amend the By-Laws, and make any needed changes in the Platform. Most of the attention of delegates was focused on the election of officers: here at last Libertarians could experience winning an election, rather than settling for 1% or so on the political margin.

☆ ☆ ☆

Perhaps the biggest single difference between this convention and past ones was the presence of C-Span, the public affairs cable network. Delegates were thrilled to receive national coverage and made constant attempts to present a good face to the viewing public. From time-to-time, someone from the convention floor would go to the exhibit area, where many delegates were talking with each other or with hucksters, and shout, "They're aren't very many delegates on the floor. This doesn't look too good on C-Span." A flurry of delegates would move onto the floor.

Also, from time to time, a speaker at the podium would turn self-consciously to the camera and encourage television viewers to join the Libertarian Party. Eventually it occurred to someone that it would be a good idea to put an ad for the LP on the lectern. So a bumper sticker that featured the party's name and telephone number was pasted on, covering most of the hotel's logo. By the end of the convention, it was reported that some 1300 people had called the Party's headquarters for further information.

☆ ☆ ☆

The major contest was for Party Chairperson. Longtime activist Matt Monroe announced his candidacy in January. For the first 7 months of his campaign, he had no announced opposition, but it was widely understood that Dave Walter, who assumed the chair when Jim Turney resigned with his feet to the fire last December, would run for a term in his own right. But Walter postponed announcing his candidacy until the last minute. Skeptics from the Monroe campaign suspected that the announcement of the decision to run was postponed so that Walter could better wage his unannounced campaign from the pages of *LP News* and in correspondence to members.

Walter was not the only candidate to announce just before the convention. He was joined by Robert Murphy, a National Committee member from Oklahoma. Murphy had filed a complaint against the Party's 1988 presidential candidate with the Federal Elections Commission in June. Since most Libertarians believe that the FEC ought to be

abolished because it is engaged exclusively in enforcement of unjust laws, Murphy was denounced by many as a criminal. As the convention began, there was widespread speculation that he would receive as few as 5 votes.

Monroe, who had been critical of the bloated and inefficient administration of the Party, ran on a platform of reducing the size of the National Committee and the role of the national office. "The LP has four employees and annual revenue of about $300,000. It's not even the size of most family businesses," he said. "Yet it is run by a National Committee of 29 members."

Walter adopted the essential elements of Monroe's program a few months before the Convention, thereby removing from the campaign its only potentially serious issue. Walter's support for a smaller, more effective National Committee, combined with the general perception that the party needed stable leadership after the chaos of the Jim Turney years, left the Monroe campaign with an uphill battle.

☆ ☆ ☆

Are we becoming our parents? Was it just me, or has the LP become Establishment? During the entire convention, I noticed only two women wearing jeans. Most of the rest were wearing *dresses*, for Chrissakes. And a remarkably high percentage of the men wore suits and ties. A quick round of the hospitality suites revealed one fewer brand of hospitality than had been customary: no marijuana.

If I didn't know better, I would think I had stumbled into a Republican convention by mistake.

☆ ☆ ☆

A number of significant changes in the By-Laws were reported out of committee. Perhaps the most important was a measure to require that all individuals seeking the LP presidential nomination first agree to a contract with the National Committee. The stated intention of the measure was to get agreement on matters of fundraising and finance between the party and its candidates, but the way the measure was drafted would give the National Committee discretion to sign or not sign contracts with anyone it pleased, thereby giving it virtual control over the nominating process. Needless to say, the Convention was not happy about this idea, and voted the measure down.

But the Convention did go along with the committee recommendation to reduce the size of the National Committee to 19 members. This was still too many to satisfy Matt Monroe, who had called for a reduction to 15 members. But there was a strong consensus that it was a good move.

☆ ☆ ☆

The Platform Committee proposed three new planks. The first re-affirmed in more strenuous terms than those of the current provision the LP's support of a woman's right to abortion; the second acknowledged that parents have an obligation to support their children, the third stated the Party's opposition to the War on Drugs. The Abortion Rights plank was by far the most controversial. As usual, anti-abortionists were a vocal but very small minority. After arcane parliamentary wrangling that left many delegates confused, the new plank was voted down. The parental obligation plank, which had enjoyed near unanimous support in the Platform Committee, also died amidst the confusion of parliamentary maneuvers. The plank condemning the War on Drugs passed easily.

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The first showdown between Walter and Monroe forces came on Friday morning. The schedule, written by the firm that contracted to run the convention, called for only one debate, to last 50 minutes, just prior to the banquet Saturday evening. Realizing that it faced an uphill fight, the Monroe campaign instigated a motion to recess the Convention so that the candidates could debate that afternoon at 1:00. The motion passed easily, but the Monroe forces had miscalculated: Walter simply refused to attend the debate.

☆ ☆ ☆

"It used to be easy to get laid at an LP convention," a delegate told me. "But things have changed. All the women have gotten either married or fat." He made no mention of changes in his own avoirdupois.

☆ ☆ ☆

The Monroe for Chair campaign rented a $300-a-day suite for all three days of the convention and hauled in truckloads of booze and food. Each day they filled the bathtub with ice, jugs of wine, cans of Coors and Sam Adams beer. The crowd spilled down the hallways and the air conditioning in the room was hopelessly inadequate. "So nice to see you," Matt Monroe said to a hundred different guests, drawn by the free victuals and the chance to talk politics late into the night.

Other hospitality suites were a bit more spartan. Murphy chose an $85 per day guest room for his nightly parties. The Ballot Access Committee held its reception in a meeting room. I arrived two hours after it had begun, just as the booze ran out.

The Walter forces, buoyed by the confidence that only a detailed file on each delegate could give, at first felt no need to compete with Monroe in the partying department. Perhaps spurred by the Monroe largesse, they decided at the last minute to spring for a suite on Saturday night. I arrived at the suite two hours after it opened; it was out of booze. But reliable witnesses told me that it had served champagne—a pleasant extravagance that surprised those accustomed to the "imitation wine coolers" that lubricated Walter-Ernsberger hospitality suites at past conventions.

The Monroe hospitality never ran out, although it remained in operation until about 3 A.M. each morning. If elections were won by hospitality suites, Matt Monroe would have been elected in a landslide.

☆ ☆ ☆

"Were you at the Seattle convention?" the delegate asked me. "Do you remember the boat ride on Puget Sound?" I remembered only too well the overcrowded boat, the waiting in long lines to get into the bathrooms, the long wait for food that began to run out when only half were served, the shortage of tables and chairs, the universal relief upon return to port . . . "I didn't go on the boat, " he said. "All I could think about was, what would happen to the libertarian movement if the boat sank with the entire libertarian leadership aboard?"

☆ ☆ ☆

The star of the debate Saturday was clearly Robert Murphy, the only candidate with a personality. He charmed the audience with his wit and got back into the good graces of many by apologizing for his FEC complaint as the product of his "Irish temper." Monroe used the debate to detail his program for reducing the size of NatCom and improving the

Party's effectiveness, but his own effectiveness in the debate was limited by his rather dry speaking style and his accent. (English is Monroe's third language, after Polish and Russian.)

Walter's style is duller than even Monroe's. But it was plain that he didn't figure that the debates counted for much. In his conclusion, after the other candidates had spoken their piece, Walter hardly bothered to mention the race for chair, spending over half his allotted time explaining to the assembled delegates which candidates for other LP positions they should elect.

☆ ☆ ☆

Independence Hall and the Liberty Bell were within walking distance of the convention hotel, as were a few interesting museums and decent restaurants and pizza joints. The hotel was adequate, though it seemed more like a Holiday Inn than a metropolitan hotel. Neither the guest rooms nor the convention facilites compared with those at the 1987 LP Convention in Seattle.

Those who signed on the full, $279.95 package of convention activities got double-barreled entertainment Thursday evening. The first barrel was "The Philadelphia Food Experience," which was heralded as gigantic Philadelphia pretzels, Philadelphia cheese steaks, and south Philadelphia hoagy sandwiches. The pretzels, hauled to the hotel that morning by convention organizer Don Ernsberger in a steam-filled car, were a bit stale, and the Philadelphia cheese steaks and south Philadelphia hoagy sandwiches were no-shows, according to an eyewitness. But the organizers compensated with Philadelphia mustard for the pretzels and a mummers' band, garishly decked out in red, white and blue sequins.

The second barrel was a trip to Atlantic City for an evening of sybaritic pleasure at the gaming tables and slot machines. "After your big score at the tables," the advertising for the convention promised, "there will even be time to walk barefoot in the surf while the moon shines down on you and your honey." Alas, the convention organizers failed to consult a calendar; there was no moon that night. Neither was common sense in evidence.

When the bus arrived at Atlantic City, the driver parked across the street from Bally's Grand Casino, turned off the engine, and left, shutting the door behind him. With the air conditioning off, it didn't take long for the bus to get noxiously hot, and after about a quarter hour, some of the assembled Libertarians began to complain. Eventually, the assembled revolutionaries took up the chant, "Free the Libertarians!" This apparently had some effect, since they were released within another quarter hour with instructions to enter the casino where they would be given $10 in quarters.

The Libertarians herded across the street but the casino had more than one door; which should they choose? Eventually one hero opened a door and the others followed. Once inside Bally's Grand the herd was again at loose ends. By and by a brave figure asked a croupier where the Libertarians could get their free quarters, and led the herd up an escalator. Upon reaching the next floor, they learnt that they had erred, and immediately got on the down ecalator. For several minutes, confused Libertarians had total control of Bally's escalator. It was the LP Convention in miniature: they didn't know where they are going, but they formed factions that move in opposite directions nonetheless.

Eventually, they got their free quarters and stampeded to the slot machines.

☆ ☆ ☆

There was one sign that the LP still has a way to go before it enters the real world: the convention was owned and operated by a profit-making firm owned by Dave Walter, the party's chairman and candidate for re-election; Don Ernsberger, Walter's campaign manager; and another Pennsylvania party member.

In the past, the franchise to run the convention has been worth tens of thousands of dollars in profits. The relationship between the Party and the firm that ran the 1987 convention was conducted at arm's length without any signs of conflict of interest. But can how one expect Dave Walter, as Chief Executive of the Party, to negotiate at arm's length with Dave Walter, owner/operator of the firm running the convention? Incidentally, so far as I could tell, no one objected to this conflict of interest.

☆ ☆ ☆

On Sunday morning, Walter was nominated by 1988 VP nominee Andre Marrou and seconded by *LP News* editor Karl Hess and by David Nolan, one of the LP's founders. Monroe was nominated by 1988 Presidential nominee Ron Paul, and seconded by former National Chair Alicia Clark and libertarian philosopher Murray Rothbard. Two of the seconding speeches struck me as very odd. Karl Hess explained that he had hoped that the *LP News* would not become an issue, but that it had, so he was forced to second the nomination of David Walter. The only mention that I could recall of the *News* came from Monroe, who called for changing it to a monthly and re-iterated his support of Hess as editor.

Murray Rothbard's seconding was even stranger: his argument for Monroe seemed to consist of the fact that the convention organizers hadn't invited him, Murray Rothbard, to speak. At the conclusion of his speech, the chair immediately recognized Don Ernsberger (Walter's campaign manager) for two minutes. Ernsberger read a letter written in March in which Rothbard had explained that he would not be able to speak at the convention because of teaching commitments. Rothbard, given one minute to respond, tried to explain that his schedule had subsequently changed and that he had volunteered to speak, but that campaign organizers had not responded.

The confidence that the Walter campaign had exuded throughout the convention proved to be well-founded: Walter was elected easily on the first ballot, with 149 votes. Monroe was a distant second with 64 votes. Murphy received 49 votes—far more than anyone had anticipated when the convention began. The party's perennial dark horse favorite, NOTA (None Of The Above) received 34 votes. Monroe and Murphy made traditional concession speeches congratulating Walter and volunteering to work with him to help the party in any way they could. Walter broke with tradition: rather than welcoming the help of the defeated, he reflected about how nice it was to get recognition from his peers for all the work he had done over the years. He then opened the floor for nominations for Vice Chair.

Walter's victory was complete: virtually all the other candidates he supported were swept to victory. The newly-elected National Committee had an unusually cordial meeting, and the delegates went home. ❑

Goodbye, Galactic Empire

by J.R. Dunn

There is more to science fiction than ray guns and spaceships. Sometimes that "more" is very good, and sometimes it is horrid. The rise of libertarian writers in SF is helping ensure that the "more" is, at the very least, *enough.*

Throughout its sixty-year history modern science fiction has stood as one of the most American of literary genres. Fast-moving, heroic, technologically oriented, SF has often reflected the most admirable facets of the American character.

So it comes as a sad irony that in politics SF has consistently leaned toward authoritarianism. From the galactic empires of the pulp era to the utopias of recent years SF writers have not so much worked against ideas of economic and individual liberty as considered them irrelevant. Small, superpowerful elites have been a feature of some of the most influential works in the genre: the omniscient Psychohistorians of Isaac Asimov's *Foundation* series, the vicious Bene Gesserit of Frank Herbert's *Dune,* the shadowy Chantry Guild of Gordon R. Dickson's Childe Cycle. In these books—and countless others—the "masses" are treated at best as childlike beings to be manipulated for their own good, at worst as pawns to be used and discarded at the pleasure of their masters.

If this was all there was to it there would be little more to say. But science fiction is a wide field and there have always been writers who have taken a more humanistic course in depicting future societies.

It will come as no surprise that a large number of these writers have been libertarian. SF's role in providing a platform for libertarianism has been recognized for years, and some libertarian SF novels have gone on to become standard works. All the same, it is often overlooked how far back libertarianism goes in the genre, how influential it has been, and how it has begun to set the standard for political writing in science fiction today.

The Pioneers

It was several decades before modern SF got around to dealing with politics. During the pulp era the genre devoted itself for the most part to adventure stories of little sophistication and less social content. As SF fumbled toward maturity in the 1940s some attempts at political writing were made—notably L. Ron Hubbard's *Final Blackout* and the early installments of the *Foundation* series—but most writers chose to stick with technology and let politics ride (an exception was Robert A. Heinlein, who will be dealt with later).

It was in the 1950s that SF began to confront political questions in a big way, and it is from this period that we get the standard SF ideological slant: statism (often benignly liberal), elitism, anti-capitalism, and a cynical attitude toward society that would have been unbearable if it hadn't been treated so lightly.

But at the same time one work appeared that took a very different stance. This was a novella by Eric Frank Russell titled ". . . And Then There Were None," a successful attempt to gut the galactic empire theme that had become a cliché of the genre. Always an iconoclastic writer, Russell had worked his way toward libertarianism by instinct rather than theory.

The plot is simplicity itself. A giant, heavily armed spaceship lands on a forgotten colony world to give it the benefits of imperial government. The crew has orders to bring the planet into the empire using all means necessary, and in light of the primitive society that they find they expect no problems. But, as often happens in Russell's stories, their troubles begin immediately. The natives show a complete lack of interest, answering every question with a curt "MYOB" (which turns out to mean "mind your own business"). The galactics are stymied, even when attempting to use force: the natives, unimpressed, simply ignore them. It gradually dawns on the crew that there is in fact no government to be contacted, no leaders to be overawed, that each citizen is his own master and must be dealt with

individually. This proves so attractive in contrast to the strictly regimented empire that they begin to drift off, one by one . . . The title explains the rest.

The case for individual freedom has never been put more succinctly, even in Ayn Rand's *Anthem* (itself a borderline SF novel). Russell took some of the basic symbols of the genre (empires, giant spaceships, granite-jawed heroes) and turned them on their heads, managing to paint a hopeful picture of the future at the same time. In essence ". . . And Then There Were None" is a fable, though far more powerful than many "serious" works of the time.

> "No man is superior to another. No man has a right to define another man's duties . . . If anyone on terra exercises such idiotic power, it is only because idiots permit him.They fear freedom. They prefer to be told. They like being ordered around. What men!"
>
> . . . *And Then There Were None*
> Eric Frank Russell

Russell later misguidedly expanded the story and published it as a novel under the irrelevant title *The Great Explosion*. Nonetheless, the original story lived on: two decades later it was chosen by the Science Fiction Writers of America as one of the best short SF works of all time.

Much more typical of the period were the novels of C.M. Kornbluth and Frederik Pohl, *The Space Merchants* and *Gladiator-at-Law*, which kicked off a subgenre that has been called the "mad capitalism" story. The formula of these tales had a single industry in the near future (advertising in *Merchants*, real estate in *Gladiator*, insurance and defense in later versions) metastasize and take over the entire economy, manipulating it to maximize profits at the expense of everything else. The protagonist, always introduced as a conformist nerd, comes into conflict with the system and must avoid being snuffed out as a debit on the ledger while it slowly dawns on him that Things Are Not The Way They Should Be.

These novels were immediate successes, and *Space Merchants* is considered to be a classic. Both Pohl and Kornbluth were excellent writers and their work was sophisticated, exciting and anti-market to the core.

Thus it's ironic that it was Kornbluth who took the major step of using libertarian themes in book length with his first solo novel, *The Syndic*. At first glance *Syndic* seems yet another slapdash attempt at satire: after civilization collapses the syndicate and its associates take over the United States. On closer reading, however, it becomes apparent that Kornbluth had changed his tune: in a groping way he was working toward something not unlike what is now called libertarianism.

Though not worked out in full detail, the society in *Syndic* is presented as operating on pure free-market principles. The gangs are now thoroughly respectable; the "rackets"—whatever businesses they concern themselves with—are run without violence or coercion. Taxes are bluntly called "protection money," and buy exactly that. Everything else, whether in the economic, social or political spheres, is left to the wishes of the populace, making for a just and happy society. Through a satirical device meant to show that all governments are at base criminal gangs Kornbluth managed to create something very close to a utopia.

The novel itself is not first-rate. After a short introduction to syndic society Kornbluth gives in to the temptations of pulp and sends his hero off on adventures involving a resurgent federal government bent on retaking the country, abandoning his theme in the process. But he nearly does redeem himself in the final chapters, where the syndicate leader refuses to meet the crisis by returning to the evils of the nation-state. Instead of mobilizing the population he chooses to rely on a volunteer citizen's militia, in keeping with the easy-going nature of his society.

Not surprisingly, *Syndic* has been neglected by critics (it remained out of print for years) who preferred to think of the architect of the mad capitalism novel as the "real" Kornbluth, a notion with little merit. In fact, as the decade wore on Kornbluth moved further from the liberal mainstream: his last novel, *Not This August*, was an early example of the Soviet conquest story, and one of the best. He died a short time later, still a very young man.

Most other writers of the decade who touched on politics chose to continue down the trail blazed earlier. Typically their stories followed the framework of the mad capitalism novel with the romanticism of pulp SF thrown in: the hero, opposing a repressive system after many adventures works his way to the top until the puppet strings are in his hands—but it's okay now, because he's a good guy and we're sure he'll do the right thing. The message was clear: the superstate is here to stay, the masses exist to be exploited, the individual is a thing of the past.

The major exception to this sorry trend was a middle-aged ex-navy officer named Robert A. Heinlein. Among the most politically savvy of SF writers (he was one of the few with actual experience in grassroots politics), Heinlein was concerned with the future of mass democracy and what could be done to perfect it.

He began in the 1940s with a massive work called the Future History, a series of novels and stories giving a detailed picture of the United States over the coming two centuries. Not meant to be actually predictive, the Future History nonetheless contained an astonishing number of accurate social prophecies: the growing power of unions, the cultural revolution of the 1960s, problems with nuclear energy, a hiatus in space

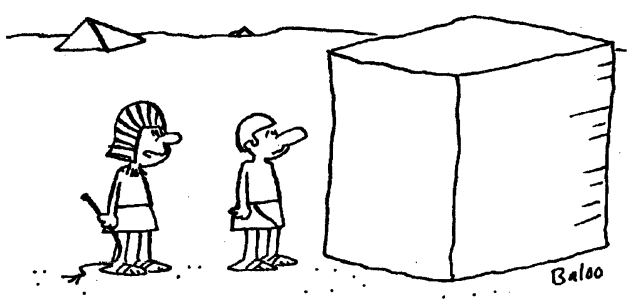

"Remember . . . Lift from the *hips*."

exploration, the appearance of the religious right, the return to free-market economics in the 1980s.

After completing the Future History Heinlein continued to delve into politics in novels that were as popular as they were controversial. In *Double Star* an out-of-work actor replaces a political leader in order to assure the humanistic nature of a future parliamentary democracy. The novel was dismissed as behavioristic fantasy; it is, in fact, a hymn to the common man. *Starship Troopers* outlined a meritocracy in which the vote must be earned through public service; Heinlein himself earned the labels of "fascist" and "reactionary" by critics who concentrated on the military narrative, ignoring the larger social portrait. *Stranger in a Strange Land* examined the role of religion in society through the eyes of a man who really has miraculous powers (as well as predicting the carnival-like use of the media by the likes of Tammy, Jimmy and Oral). The opinions of this character were taken as Heinlein's own and presented as evidence of insanity (the fact that Charles Manson adopted the novel as scripture didn't help matters much).

One of the most engaging of his novels during this period was *The Door Into Summer*, a gentle time travel fantasy. The first part of the book told of an engineer who builds a successful household robot out of off-the-shelf parts. This was dismissed as romanticism: everyone knew that the day of the backyard inventor was over. In fact, the book could have been a primer for the founders of Apple Computers, not to mention thousands of other hackers.

But Heinlein's major political work was to come in the 1960s with *The Moon is a Harsh Mistress*. Probably his most popular novel, *Mistress* depicted a revolution on the moon in the 21st century and can be said to be Heinlein's political testament. In it he deals fully with all the problems that had concerned him in earlier years: the shortcomings of mass democracy, the individual's duty to society, the difficulties of dealing with technological change. Heinlein's answer to these problems was libertarian, in the form of a system he calls rational anarchy:

> A rational anarchist believes that concepts such as "state" and "society" and "government" have no existence save as physically exemplified in the acts of self-responsible individuals. He believes that it is impossible to shift blame, share blame, distribute blame . . . as blame, guilt, responsibility are matters taking place inside human beings singly and nowhere else.

But *Mistress* is not simply a didactic novel: far from it. Tales of revolution have always been popular in science fiction and Heinlein had written a number himself, but never with the élan and excitement present here. Although many have tried to top it, *Mistress* remains the premier SF revolutionary novel, as well as a model for the fictional treatment of political ideas.

Heinlein's influence on the genre is difficult to overrate, even among such writers as Spider Robinson and Joe Haldeman who disagreed completely with his politics. Writers of the libertarian school were particularly influenced by his work, among them J. Neil Schulman, Melinda Snodgrass, L. Neil Smith and Jerry Pournelle.

An earlier writer showing Heinlein's influence was Poul Anderson. One of the most prolific writers in a genre noted for them, Anderson was typed early on as a hack given to churning out standard adventure stories. It was years before he began to be recognized for writing some of the deepest political fiction in the field.

Anderson was a believer in cyclical historical theories, and like Heinlein was concerned about the prospects of democracy, which he saw as comprising only a short interlude in the advance of the authoritarian state. To some extent Anderson considered this to be inevitable, and much of his work is "warning" fiction, dealing with the tragedy of the demise of liberty both in near-future and interstellar societies.

But Anderson was by no means limited to gloom-and-doom scenarios. His Polesotechnic League series, consisting of dozens of short stories and the novels *The Man Who Counts*, *Satan's World*, and *Mirkheim*, is a far-ranging future history exploding with wild incident, odd societies and colorful characters. Through his scheming, self-centered interstellar traders Anderson was virtually unique in making the connection between economic and political freedoms. In these stories the invisible hand has a galactic reach.

Elsewhere, in such stories as "No Truce With Kings," "Marius," and "The Sky People" Anderson dealt with the agonizing nature of political decisions. Edmund Burke's idea that society is a pact between the dead, the living and the yet unborn often played a large role in these stories: a decision taken only in light of today's problems may prove a betrayal of past ideals or a tragedy for generations to come. At the heart of Anderson's work is the conviction that human nature does not change, even over light-years and millennia of time, and that this must stand as the basis of any workable political system.

The Moderns

As the 1970s dawned SF dropped into the creative doldrums. The previous decade had seen a shake-up of the genre sparked by the New Wave, a technophobic and anti-American movement attempting to turn SF into a politically-correct "literature of the streets." What followed was a period of retrenchment, with the majority of writers choosing to ignore political matters in favor of a return to the romantic style of earlier days. What political writing did appear was almost exclusively left-wing: radical feminist utopias (such as *The Female Man* by Joanna Russ, *Woman at the Edge of Time* by Marge Piercy and "Houston, Houston Do You Read?" by James Tiptree Jr.), environmental catastrophism (*The Sheep Look Up* by John Brunner, *The Castle Keeps* by Andrew Offutt) and the kind of self-righteous pacifism that holds the U.S. responsible for everything wrong in the world (*The Forever War* and *All My Sins Remembered* by Joe Haldeman, *Armed Camps* by Kit Reed and *The Wild Shore* by Kim Stanley Robinson).

Few voices were raised against this.

> "You think the fate of civilization hinges on you. You're right, of course. The fate of civilization hinges on every one of us at any given moment. We are all components in the two-billion-body problem."
>
> *The Syndic*
> C. M. Kornbluth

Heinlein, plagued by ill health, was in semi-retirement. Anderson continued writing prolifically but his work grew more bleak as he saw what he feared to be the great decline coming to pass.

In the midst of all this appeared F. Paul Wilson. Well-known today for his best-selling horror novels such as *The Keep*, Wilson had started out with a series of stories, later expanded into novels, about an interstellar society based on principles of the free market and protection of individual rights—a far cry from the galactic empire so beloved by earlier writers. *An Enemy of the State* told of the founding of the confederation through the actions of a man in lonely revolt against an authoritarian system. *Wheels Within Wheels* dealt with an attempt by the Restructurists, a statist group patterned on today's liberals, to take over in the name of benign interventionism. In *Healer* the latter days of the confederation are seen through the eyes of an immortal character who must intervene to save a decadent society by restoring its early values.

Wilson is a solid writer, low-key in his approach, reasonable in his political vision (although he has a tendency to slip into the visit-to-the-cooperative-balloon-works lecturing of early utopian fiction in describing his societies). This was exactly what was needed at the time; not a voice howling in the wilderness but a figure capable of putting the case for individual liberty forward in a calm, intelligent manner. Wilson fit the role perfectly.

But the standard-bearer of the decade was Jerry Pournelle. Although a self-described conservative, Pournelle was far from the one-dimensional reactionary he was often painted as—he had once been a Communist Party member as well as a follower of Gary Davis's World Citizen movement. Although he has expressed impatience with the idealism of libertarianism, often enough Pournelle adapted libertarian ideas in his own work.

Pournelle had started out in the subgenre of military SF with a controversial series about a star-spanning mercenary force but soon moved on to wider topics. A supporter of space exploitation, much of his work has dealt with this theme, usually written from the stance that private enterprise is the best channel for opening up space—an idea that the deterioration of NASA has made far more plausible than it appeared at the time.

Later Pournelle began to collaborate with veteran writer Larry Niven on a series of blockbusters that achieved immense popularity, among them *The Mote in God's Eye* and *Lucifer's Hammer*. The most interesting of these from a political point of view is *Oath of Fealty*, which dealt with the concept of arcologies—massive buildings comprising whole cities—paying close attention to the political as well as technical aspects.

The arcology Todos Santos is a self-governing entity built on the ruins of central Los Angeles. Its political system is a strange yet compelling blend of libertarian and feudal concepts: the citizenry are asked to give up certain carefully delineated portions of their rights of privacy and self-defense in return for security and guaranteed freedom in all other aspects of life.

> "Mighty little force is needed to control a man whose mind has been hoodwinked; contrariwise, no amount of force can control a free man, a man whose mind is free. No, not the rack, not fission bombs, not anything—you can't conquer a free man; the most you can do is kill him."
>
> *. . . If This Goes On*
> Robert A. Heinlein

Oath tells of a crisis sparked by environmentalist fanatics who wish to see the arcology destroyed as a symbol of technology. Local politicians demand that Todos Santos give up its independence and integrate itself into the city government; it is left to the protagonists to choose between giving in to political pressure, negotiating a compromise or cutting the arcology off completely.

Oath of Fealty is a satisfying novel, possibly the best that Niven and Pournelle have written together, with fine characterization, realistic political intrigue and a look at a novel and interesting—if probably unworkable—political system.

But despite his achievements as a novelist it is as an editor that Pournelle has made his greatest contribution. Beginning in mid-decade he edited a number of anthologies that introduced many new writers and provided a platform for views which might otherwise have gone unheard. Among these was *The Survival of Freedom*, a collection addressing what Pournelle saw as one of the paramount questions of our era: whether the Western democracies could prevail over the total states that seemed to be the typical form of government in the twentieth century. Remarkably wide-ranging, the book included such libertarian writers as Heinlein, Wilson, and David Friedman.

Pournelle went on to edit a paperback quarterly, *Destinies*, which after several name changes is still being published. Though not the most influential magazine in the field, *Destinies* has more often than not published fiction well advanced in concept and execution beyond what has appeared in the more widely known magazines.

As the seventies ended the great liberal experiment collapsed amid stagflation, growing crime rates and savage humiliation of the United States overseas. Libertarianism gained new converts as the public grew tired of the incompetence of both major political parties, dedicated as they were to statist panaceas no matter what their rhetoric. The time seemed ripe for a great libertarian novel to appear, and so it did.

The novel was *Alongside Night*, by an unknown writer named J. Neil Schulman. *Night* was a straightforward example of fictional extrapolation, moving the follies of the 1970s ahead a few decades to show a society in a state of collapse, a picture few would have argued with at the time and which could still befall us. The question, as ever, was whether such an outcome was inevitable and, if not, what steps could be taken to avoid it.

Schulman's solution was libertarianism—"agorism," to be precise—which is presented as the ground state of any political economy, existing whether the powers-that-be desire it or not. Schulman never makes a false move in working out his system; its operations are depicted in stunning and virtually irrefutable detail. One of his most brilliant

touches (which was borrowed, along with other ideas, from Heinlein) was the portrayal of the agorist rebels as descending from today's underground economy.

Alongside Night was unusual in being hailed far beyond the confines of SF and libertarianism. Milton Friedman was highly impressed (not surprisingly—he was the basis for the book's rogue economist Martin Vreeland), and no less a figure than Anthony Burgess bemoaned the fact that he hadn't thought of the idea first. *Alongside Night* is a didactic novel that does not lecture, a revolutionary novel that avoids empty heroics. Beyond that it is a book that had to be written, and we are indeed lucky that it was written so well.

Schulman's second novel was *The Rainbow Cadenza*. Here he took another course, creating a 21st century society gone rotten, with an expendable segment of the populace—called "Touchables"—hunted for the fun of it, women drafted for sexual purposes and a government with no more regard for its citizenry than that usually shown the population of an anthill. *Rainbow* is a complex, intricate work, with a number of fascinating touches, particularly its depiction of laser imagery as a major artform. Many consider it Schulman's best novel. However, its reception did not match that of *Alongside Night*, perhaps because it lacked the first book's narrative drive and was too similar to the standard "decadent society" novel.

With the eighties libertarianism in SF came into its own. Although a number of earlier proto-libertarian writers were major figures, libertarianism had stood in relation to the genre much as it did to the political structure of society itself: a small-scale movement, interesting, perhaps of value, by no means big league. But now this changed: more writers professing libertarian values than ever before appeared, and libertarianism not only entered the political mainstream of the genre, it was in the process of becoming the mainstream.

The new writers were not interested in reinventing the wheel. Far from simply reworking old ideas they instead concentrated on themes such as computers and the new political and social realities of the late 20th century. Often they worked in the dystopian mode, portraying societies in which freedom has been swept aside, a more sophisticated approach than utopian writing and in many ways requiring greater skill.

Melinda M. Snodgrass was the first female writer of the libertarian school. SF has long been known (quite inaccurately) as a male bastion, but in recent years many female SF writers have gained fame by working within a feminist framework, with all the left-wing baggage that comes with it. Snodgrass chose another course, and her "Circuit" trilogy (*Circuit, Circuit Breaker, Final Circuit*) is evidence that this choice paid off.

"Circuit" examines the romantic notion held by many space enthusiasts that the opening of the solar system will represent unalloyed benefits for mankind. In Snodgrass's fictional world space has, to the contrary, become the arena of vicious power politics, with the U.S., the Soviet Union and lesser nations jockeying for supremacy while the actual pioneers are subject to long-distance bureaucratic control. The use of an interplanetary circuit judge as protagonist allows Snodgrass to look into such things as constitutional law and the legal basis of individual rights often neglected in the genre. The background is realistic, a convincing extrapolation of the current status quo. Add to this a maturity of tone unusual in a young writer and it is surprising that Snodgrass is not better known.

> "It's strange, governments are able to endure any amount of vice and corruption on the part of their citizens, but there's one thing they can't abide, and that's to be ignored. People who ask to be left alone are viewed as the most dangerous radicals."
>
> *Final Circuit*
> Melinda M. Snodgrass

Vernor Vinge's theme is cybernetics, in particular the idea that, far from being an instrument of tyranny, the computer will develop into a powerful guarantor of freedom, eventually leading to an unimaginable leap in man's evolutionary status. Vinge began writing in the late sixties with a handful of stories, including his first use of this idea (the marvelous "Bookworm, Run!") but then left the field for over a decade.

In general, SF's view of computers has differed little from that of the world at large: a network of government machines keeping tabs on every breath the citizenry takes or the more apocalyptic vision of a godlike, malevolent device hulking in some deep bunker, toying with humanity in the name of logic or sinister fun.

By the time the 80s had rolled around this notion had run its lame course and SF was ready for a new tack. Vinge provided this in spades with *The Peace War*. *The Peace War* was written from H.G. Wells's classic formulation of introducing one new factor into the picture and following it to its logical conclusion. Here the factor is "bobbles," impenetrable force fields controlled by a small cabal of scientists who enclose everything that, in their view, threatens world peace.

What follows is a century of stagnant, "compassionate" dictatorship, marked by the embobblement of anything opposing the scientists' hegemony. A resistance movement arises, based on a cottage electronics industry that alone can avoid surveillance by the ruling elite. The opposition looks forward to decades of quiet preparation before a move can be made. Then the bobbles, supposedly eternal, begin to vanish . . .

Vinge followed *The Peace War* with "The Ungoverned," a novelette depicting the libertarian society that arises after the revolution, based on the protective association that has long been one of the core concepts of libertarian thought. The last installment of the series was *Marooned in Realtime*, which expands the concept of bobbles to include a form of one-way time travel. The use of computers in this novel, in which each individual is empowered to the point of equivalency with the modern nation-state, is as jolting a concept as has ever appeared in science fiction.

Aside from collections of previously published work not much has been heard from Vinge lately. It is to be hoped that he is working on something to match the *Peace War* series, rather than

taking another ten years off.

One of the biggest fads of the eighties was "Cyberpunk," an attempt to merge punk nihilism with such concepts as cybernetics and biotechnology. Like the New Wave, Cyberpunk was designed to sweep aside all that had come before it and redline SF into a new era. It failed in this and is now a memory.

The Cyberpunks concentrated on a limited number of themes: burnt-out antiheroes, the cultural and economic superiority of Japan, the threat of the multinational corporation. These obsessions were in large part the cause of their decline: it seemed that if you'd read one Cyberpunk story you'd read 'em all, and most readers read one and let the rest go.

At first glance Victor Milan's *The Cybernetic Samurai* would appear to fit the mold: it takes place in Japan, involves breakthroughs in computer science and features much corporate intrigue—but to place Milan in the Cyberpunk camp (as did many, myself included) would be a mistake.

Unlike the Cyberpunks, who often worked in dismal ignorance of their subject matter, Milan writes with vast knowledge of his material. More importantly, his characters are adults dealing with adult problems rather than the superannuated adolescents of the movement writers. Finally, Milan's politics are libertarian as opposed to the masked leftism of the Cyberpunks (who have been called "Cybernistas" by some).

Like Snodgrass, Milan chose to portray a future in which liberty is under siege, although his worldview is if anything more bleak. World War III has occurred, killing its billions and leaving Japan the strongest power in the world. The other industrialized nations are Balkanized and on the ropes. On the horizon the hurricane of another war is gathering force.

Against this background we are told the story of the last independent Japanese corporation, which has created an artificial intelligence (named TOKUGAWA after the 17th century shogun) and must protect itself against the bureaucratic monster that the government has become. The story is fascinating, with a sense of things lost unusual in SF. The actions, emotions and fates of the characters—not the least the conscious computer—are realistically and convincingly depicted. Milan has managed to humanize his computer to the point where its final decision between the possibility of human freedom and a millennia of feudalism and violence—a decision that involves its own survival—is genuinely moving.

Samurai may not be a great novel—it is too crowded with characters and the haunting of TOKUGAWA by the spirit of its creator is inadequately explained and comes to nothing—but it is an impressive work nonetheless, particularly coming from a man whose only previous credentials were a neverending series of sword and sorcery novels.

These three writers are not alone in using libertarian ideas. Victor Koman has as yet written no major works although his reputation continues to build. The amazingly prolific L. Neil Smith, active in libertarian politics outside the genre, has proven himself the master of the comic space opera through a massive series (including *The Probability Broach, Tom Paine Maru, The Nagasaki Vector* and *Their Majesties' Bucketeers*, to mention only a few) which features a wild inventiveness and satirical bite not seen in SF in years. Brad Lineaweaver caused a stir recently with *Moon of Ice*, a fine alternate history novel in which a libertarian United States faces a victorious Nazi Germany.

In fact, it can be said that libertarianism has begun to set the terms of political debate in the genre. In SF as in society at large the left-liberal statist ideologies have proven bankrupt, and this, along with the devotion of many writers to faddish cliques such as Cyberpunk, has left the field of intelligent political writing open. The libertarians have moved in to fill the gap.

As yet there has been little critical recognition of this fact, but this is unimportant: in SF the readers are the last court of appeal, and despite critical indifference libertarian science fiction is widely read. In addition the libertarians have taken the matter of recognition into their own hands: the Prometheus Award is presented annually to the best libertarian novel—an award certainly unique in the literary world.

As it stands, science fiction remains the one literary genre taking libertarian ideas seriously. This may be of more significance than it seems: today SF is undergoing an unparalleled boom, with novels appearing on bestseller lists and an ever-growing body of readers. As the influence of SF grows, it's inevitable that its political element will achieve greater importance—and it is likely that this element will be libertarian.

Recent days have seen the publication of what may well be Victor Koman's breakthrough novel, *Solomon's Knife*. F. Paul Wilson has published two novels, *Black Wind*, an *almost* mainstream war story, and *Dydeetown World*, an SF novel. Victor Milan is reported to be finishing up a sequel to *Samurai*. L. Neil Smith continues outwriting everyone else around and Jerry Pournelle remains as iconoclastic as ever. Beyond that, there are no doubt young writers still to be heard from, to carry on the work begun by a handful of pioneers holding out for ideals of human freedom when the ideologies of arbitrary power reigned supreme. ❑

> "Al's Protection Racket operated out of Manhattan, Kansas. Despite its name, it was a small, insurance oriented police service with about 20,000 customers . . . But apparently 'Al' was some kind of humorist: his ads had the gangster motif with his cops dressed like 20th century hoodlums. . . . it was all part of the nostalgia thing."
>
> *The Ungoverned*
> Vernor Vinge

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Memoir

Ayn Rand and I

by Tibor Machan

Ayn Rand's ideas inspired Tibor Machan to get his G.E.D., to go to college, to get a Ph.D., and to pursue a career as a professional philosopher, and Rand graciously offered him help and advice. Unfortunately, none of this prepared him for meeting her colleagues.

Ayn Rand helped me to understand the world and to identify myself. She helped me through many of life's uncertainties. I shall always be grateful to her for this. I have tried to live the kind of life that someone who takes Objectivism very seriously would and should live—give or take a few detours, confusions, failings, modifications and improvements. Had I not encountered Rand's novels and philosophy, my life would be vastly different—and much poorer spiritually.

I knew her briefly, many years ago, before being black-balled from her movement. And I remain one of her most ardent philosophical supporters. I think I have managed to present her to the philosophical community more effectively than almost everyone else who had the good fortune to have been impressed with her ideas, whether an "authorized" spokesperson or a lowly expellee such as me.

Escape to Freedom

I have always been an individualist. Even as a child, I was notoriously disobedient both to my parents and to the state. By age seven, I discovered the novels of Zane Gray, Max Brand, Mark Twain and, especially, Earle Stanley Gardner. They gave me a vision of life far removed from—and far more salubrious than—my middle class life in Stalinist Hungary. By the time I was nine, I was Americanized. At age ten, I was a black-market trader in American novels among my friends in Buda.

It was virtually impossible for me to stand at attention and sing revolutionary communist songs; I was called on the carpet several times for refusing to sing on stages in Budapest where I was conscripted to perform because I had something of a voice. I hated the mass marches we were forced to go on to honor "our dear father Stalin." They were horrible—but if you didn't show for them, your grades would be lowered.

So I was happy to leave Hungary in 1953. My father hired a smuggler to take me West. Unfortunately, while I did escape communism, I fell under the rule of my father, who was a Nazi and a sports fanatic. His virulent anti-semitic views repelled me from the outset. Once he assaulted me for praising a pianist who happened to be Jewish! And he never made me into a rowing champion, despite beating me and forcing me to endure athletic training for the entire three years I was in his custody after I escaped Hungary.

Six months after I set foot in America, I ran away from him. I never returned.

So my fiercely individualist—perhaps even rebellious—nature had a good start before I ran across Ayn Rand's ideas.

Reading Rand

In 1960 I was in the United States Air Force, stationed at Andrews Air Force Base, near Washington, D.C. I was 21 years old and a high school flunkout. The Kennedy-Nixon debates that year stimulated my interest in politics, and I got more intensely interested when I read an article by William F. Buckley, Jr., in *Esquire* magazine, entitled "Why Don't We Complain." Buckley argued that the reason violent protests occur in relatively free societies is that people suppress their dissatisfactions until they cannot be contained and have to explode. The notion that complaining is an honorable undertaking suited me very well. I wrote to Buckley and he answered with a very friendly note.

I soon subscribed to *National Review*, where one day I saw an ad for Classic Books Club. I subscribed and obtained a set of fairly good editions and selections of works from Plato, Cicero, Aristotle, Montaigne, Locke, and so on. I read them and resolved to finish high school. (I had flunked out because I just wasn't linguistically equipped to tackle chemistry and business law during my first year in the United States.)

In the fall of 1960 the little theater group I had joined at the base put on *The Night of January 16th*, Rand's popular courtroom melodrama. As I recall, I played a character who jumps up during the trial and confesses to murder, in order to save the accused heroine. Each night, a jury selected from the audience issued a verdict; after the play, the cast adjourned to a bar to debate it. I found the issues intriguing. We could never decide simply on the basis of the facts but had to reveal our sympathies for the moral traits of the characters. I didn't at this time become interested in Rand—I didn't know she had written anything other than the play. I was almost illiterate, trying hard to get my high school equivalency certificate in preparation for night college.

I was happy to leave Hungary in 1953. My father hired a smuggler to take me West. Unfortunately, although I did escape communism, I fell under the rule of my father, who was a Nazi and a sports fanatic.

Then in 1961 I became acquainted with two other airmen who had expressed enthusiasm for Rand's works. The first time I saw them after reading Gore Vidal's review of Rand's *For the New Intellectual* in *Esquire* (Vidal had panned the book for its explicit egoism) I marched up to them and said, "Your hero was sure creamed by Gore Vidal." One of them looked at me quizzically and asked, "Have you read any Rand?" I said, "No." "Well," he replied, "don't you think it would be best to read her before you decide that Vidal has the drop on her?" This, I recall, stopped me cold. It seemed to square with my sense of justice. So I borrowed *The Fountainhead* and read it.

The book was an extraordinary and exhilarating experience, a kind of liberation. Rand said emphatically and starkly the things I had known should be said, things I had hoped someone would eventually say in a penetrating way.

I had been struggling with my Roman Catholicism for some time. I had long found it difficult to make sense of the idea of God. And the Catholic attitude toward sex angered me. I had a friend who was getting divorced. He and his wife believed divorce was the best solution to their failed marriage, and it appeared to me that they were right. Yet my religion required me to oppose their divorce. I wrote about it to a friend of mine, a priest. When I posed my dilemma to him, he gave me very bland answers—"God is putting you through some difficulties." Well, of course, but . . . how about a solution to them?

When I came to the passage in *The Fountainhead* where its hero says, "God is an insult to my intelligence," it gave me great pause, stimulating my doubts about my religion. But I hadn't yet made up my mind and wanted to hear the other side of the story. I called the priest, who was pretty vague. I then went out on one of Andrews AFB's abandoned runways and walked all night long pondering the God issue.

Finally I looked up, my hands clasped as in prayer, and said, "God forgive me but I cannot believe in you." I recall exactly the chain of thought that led initially to ambivalence, then agnosticism, then atheism. I thought, if God created me and gave me a mind with which to figure out the world and myself, and my mind gave me no evidence or cogent argument for His existence, then it would be an insult to God for me to believe that He existed. But no sooner had I realized this than I dropped the conditional nature of the argument and said, "My mind simply gives me no ground for believing in God, so I disbelieve in God. I am an atheist."

Of course for months thereafter I was struggling with this problem, both intellectually and emotionally. It was difficult to rid myself of the habit of crossing myself when walking by a Roman Catholic church. I also felt I had to purge myself of all associations tainted by religion, even to the extent of becoming estranged from my family.

All this happened before I ever engaged anyone in discussion about my new ideas. But that came, too, because after I read *The Fountainhead*, I approached the Randian-oriented airmen I had met and told them how much I liked it and that I found its ideas very persuasive.

Next came the reading of *Atlas Shrugged*. I read it in two sleepless days. It was filled with great ideas and was an exciting story. Its simple mystery—"Who is John Galt?"—was no mystery for me: I recognized him when he was first introduced. The larger mystery—what role does the human mind play in the affairs of the world?—did not unfold quite so easily for me. The first time through I skipped Galt's speech. I cut it out and made it into a little book to study later. And indeed I did.

My friends and I began staying up night after night—sometimes spending uninterrupted weekends at an all-night terminal on Andrews—critically examining Galt's speech, searching for possible logical problems. We scrutinized his discussion of the purpose of morality, about original sin, free will, axioms . . . We were not able to find anything drastically wrong, based on our admittedly meager education. We started conjuring up possible reasons why Rand might not be trusted. We hypothesized that she was sent by the Soviet Union to discredit capitalism by associating it with atheism, and conjured up bizarre psychological explanations. We tried what we could. Our efforts fell short, leaving us with a growing belief that this woman had ideas we ought to study further.

We found out that the Nathaniel Branden Institute offered lectures on Rand's philosophy (which she called Objectivism) in the Washington area. I sampled several NBI lectures, and eventually enrolled in some lecture series. I met Branden, who seemed terribly aloof and snide. But what he said made good sense.

I went to New York to attend a lecture and had the chance to ask Branden some questions. I noticed that these were not exactly welcome. This was puzzling: what especially appealed to me about Objectivism was its idea of the importance of the independent mind, of the individual trying to answer questions or solve problems to his own rational satisfaction. But who can tell about people—they have free will and can have bad days—so I didn't get too upset by Branden's hostility toward questions.

I did find peculiar the clannishness of the people who attended the taped lectures, but I reasoned that they were a group with very unusual views; no

wonder they were uptight. And it did disturb me that few of them managed to laugh heartily or comfortably. Most of the laughs were snide, derisive, caddish. But, again, I thought, this bunch must feel very strange, just as I often do, having come up with ideas that disagree with all the socially acceptable ones.

Encounters and Expulsion

In 1962, my application for enrollment at Claremont Men's College was accepted. Before I went west to Claremont, I travelled to New York, hoping to meet Rand. I had called her office from Washington, and I called Branden in New York. My persistence paid off: I was told that Rand would meet with me. And so, one Sunday—I don't recall which—I visited Ayn Rand.

I found it a wonderful experience, but not an overwhelming or "religious" experience. Indeed, what stuck in my mind afterward was how warm, calming, sensible and friendly she was. One exchange I remember followed from my saying that perhaps I liked her work because I too was a refugee from the Soviet bloc. She told me that she hoped that wasn't so because her ideas were meant to have universal significance. They were not just for those who shared her personal experiences. And she said this without badgering me, without wagging her finger. She was like that sensible grandmother or aunt I wished for but never had.

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I promised to send her a particularly wrenching letter I had written to my priest friend during my struggles about my friend's divorce. When I got back to Washington I sent it. In that letter, I expressed chagrin about a book the priest had given me, Thomas a Kempis's *Imitation of Christ*. One of its ideas is that the human effort to know is an insult to God, a sign of pride. I exclaimed my frustration with this message—after all, my every effort was to know, to learn, and now Kempis was telling me that this was sinful. I wanted help, but I didn't want another story about the evil of searching for knowledge.

Rand wrote me a wonderful letter. She noted that

> The most terrifying indictment of religious morality is contained in the following lines of yours: "The trouble is that I am always asking for the logic. And the more I will know the more I will want to know. What should I do to stop wanting to know?" I hope that you realize fully to what extent you were on the premise which I call "the sanction of the victim." You were accepting as a sin the thing which was your greatest virtue and the greatest of all human virtues, your rationality, the desire to know and to understand. . . . I want to stress, as the most important advice I can give you, that no matter what intellectual errors you may make in the future, do not ever accept the idea that rationality is evil or that it can ever be proper to discard your mind. So long as you hold this as an absolute, you will be safe, no matter what errors you make.

The letter was a very sensible piece of advice to a young man who was trying to cope with the challenges of his rather baffling and uprooted life. Of course, since I found Objectivism a sound viewpoint, I thought her advice extremely sound and tried my best to adhere to it.

Shortly after I went to the West Coast, I attended a live performance by Nathaniel Branden of the opening lecture of his *Basic Principles of Objectivism* series. Someone at CMC had suggested that I ask Branden why Dagny in *Atlas Shrugged* could be so sexually promiscuous and without any apparent concern about the risk of pregnancy. I suppose it was a stupid question, but as an ex-Roman Catholic I still had some sympathies for that kind of concern. Well, Branden listened to my question—asked from near the front of an audience of around 500 people—and then started in on me with utter disdain and derision. Didn't I know about contemporary birth control measures? Didn't I know that a novelist such as Ayn Rand, whose objective is to focus on essentials, need not bother about insignificant details? How ignorant can a person be? Etc., etc.

What stands out in my mind about the event is that when at the conclusion of the lecture I tried to speak to Branden as he was leaving the hall, he brushed me aside—but Barbara Branden, to my surprise (the Ice Lady!), took a moment to speak to me and show some sympathy for my embarrassment. Her small gesture of benevolence stayed with me and was recalled when I later met her in connection with her research on *The Passion of Ayn Rand*.

Branden listened to my question and then started in on me with utter disdain and derision. This was puzzling: what especially appealed to me about Objectivism was its idea of the importance of the independent mind, of the individual trying to answer questions or solve problems to his own rational satisfaction.

After I had been at Claremont for a while, I began writing columns for the student paper in which I promulgated as best I could the ideas I had picked up from Rand and found sensible. A few of us on campus cooked up the idea that we should start a student newspaper filled with diverse ideas. We set to work. I designed the logo and we called the paper *Contrast*.

The first job I was assigned was to contact Rand and ask her to write something for the paper. I was eager to comply because I was convinced that her ideas would win readers for her works. I wrote several times, as I recall. But I received no reply to my letters

Eventually I wrote asking that she at least let me know why she wouldn't grant my request. Finally I received a letter from her. Here is its full text:

> This is in reply to your letter of December 20, 1962. It requires no philosophical knowledge, only common sense ethics and etiquette to know that one does not ask for the free professional services of any profession, whether doctors, lawyers or writers. If one permits oneself the breach of asking it, one has, at least, the decency to know that

one is asking a favor—and one does not pretend that one is offering a value in return. And when one is refused, one does not demand to know the reason.

I was hurt and angry. Why, I wondered, does this person find it so difficult to see the good will behind my approach to her work and ideas?

But I persevered. I wrote Rand several letters apologizing for not making myself clear, explaining that she must have misunderstood me because I certainly meant to do only one thing, to get her ideas before student readers. No response came to any of these efforts.

One night around 2 A.M. my suitemate, an outspoken leftist and a fellow-member of the staff of *Contrast*, asked me to report my progress with Rand. I explained that I hadn't gotten anywhere. Thereupon he started to poke fun at me—"How do you like your rational hero now?" After he left, laughing as he walked over to his room, I jumped to my typewriter and wrote a scathingly hostile letter to Rand. A typical passage went like this:

The ranks of the blackballed were growing steadily. I hoped Plato and Aristotle and all the other innovative philosophers didn't have to go through the kind of isolation Rand experienced.

> While you proceed to call all your "straw man" and real enemies all sorts of names, criticize the world and its inhabitants of wholesale irrationality (as true as this may be), you continue to practice identical methods in dealing with those who address you, who seek your advice or who wish to clarify some points with you. This approach draws no distinction between those who consider your philosophy—Objectivism—GOOD, and RIGHT, and those who are approaching it skeptically or antagonistically. You are making it quite difficult for the first group to create a better world for themselves. For this I must sarcastically thank you.

I went on in this rather belligerent and nasty way, unloading pent-up anger, acting childish and hurt. I asked Rand to return a copy of the letter I had written the priest and his response.

> . . . Miss Rand, may I remind you that when one receives a favor from a person, one has the decency to acknowledge such a favor, especially when this favor involves a very private matter, communicable only to those whom the person holds in great trust. One might also remember that, upon seeing that said letter is an original one, one might have the decency to return it upon having finished reading it. Your neglect to do this indicates to me a terrible unawareness of "common sense ethics and etiquette." And if one permits oneself the breach of this etiquette, one should at least have the decency to refrain from accusing the person who did this favor for one of "pretense," "indecency," and an act of unrighteous demanding. . . .

Not long after I sent off this tirade a letter arrived from Nathaniel Branden. Here is its text:

> At Miss Rand's request, all mail that comes to this office addressed to her is read by me. In the event that she receives crank and/or obscene letters, she has asked that these not be forwarded to her. As your letter is in the same moral category, it has not been forwarded to her. I have, however, consulted her attorney about the matter of your reprinting her letter to you. Her attorney made it quite clear that you have no legal right to do so, that such publication would constitute a clear-cut invasion of privacy, and that should you publish it without Miss Rand's permission, you would be liable to litigation. I have summarized the content of your letter to Miss Rand—and you emphatically do not have her permission. I will speak to Miss Rand about the letter to the priest and request that it be returned to you. [It never was, nor his answer.] Please do not write to this office again. We do not wish to hear from you. I have instructed Mr. Peter Crosby, my Los Angeles representative, that you are not to be admitted to any lectures, should you attempt to attend.

Unrequited Comradery

In the following year, 1964, I tried to re-establish some kind of intellectual rapport but it was rebuffed, this time in a letter from Robert Hessen. It said, in part,

> Nothing in the nature of your subsequent letters to Miss Rand or the Brandens has been such as to provide them with objective evidence that your psychology has significantly changed. A simple apology won't do it. [I had apologized for the nastier segments of the 1963 letter to Rand that precipitated the excommunication.] As the situation stands now, there is no way for any one of us to know when you will choose to lose your head again.

In 1971 I briefly went to group therapy with Branden but found that I had little in common with his other clients. They were concerned about a lack of motivation to do anything worthwhile; my problems had to do with my feelings of isolation and my relationships with women!

By this time, I had learned of some of the acrimony within the circles of Objectivism, exemplified by John Hospers's expulsion because he dared criticize Rand when she addressed his philosophy seminar on Objectivist aesthetics.*

In 1965 I learned that a Leonard Peikoff was teaching a philosophy course at the University of Denver. At this time, I was writing my senior thesis on the subject of free will. I wrote to him and we corresponded a bit about some aspects of volition and of voluntary behavior. I asked whether I could meet with him during my spring break to discuss my paper, and he agreed. So when spring break rolled around I drove to Denver to meet him. I was accompanied by another student who asked to ride along, though I knew him

* I had contacted Hospers as early as 1964, when he left Brooklyn College to join the School of Philosophy at the University of Southern California. Hospers has been the most supportive of the very few philosophers who have taken Rand's views seriously—he published my first philosophy paper, "Justice and the Welfare State," in *The Personalist*, a journal he edited at USC. (Interestingly, at a Liberty Fund conference held at Claremont Men's College in the Summer of 1970, three young loyalist Objectivists tried to persuade me, without success, to withdraw my paper from *The Personalist* on the ground that Hospers had the temerity to publish an essay by Nathaniel Branden shortly after the Rand/Branden split. This supposedly tainted the journal so badly that no moral human being knowing of the split could publish in it.)

only slightly.

I called Peikoff when we got to Denver. He told me he would not see me because I deceived him by not telling him that I was *persona non grata* with NBI. (I still didn't know about the inner circle or his membership in it. I had thought of NBI as a private school, modelled on the Lyceum or Plato's academy.) He also said that clearly I was trying to pull an altruistic blackmail on him—the one that goes: "But I drove 1100 miles, so you must see me." I had an image of Peikoff calling Branden about this interesting young man in California who was coming to see him to discuss philosophy, and Branden exploding when Peikoff mentioned my name, calling Peikoff a fool for not checking me out earlier to see if I was on the NBI shit list. Poor Peikoff, what a loss of face!

I was stunned and couldn't think of an effective protest. I asked whether the student who rode with me could go to one of Peikoff's classes. He said I would have to clear this with Branden! I called Branden and he called Peikoff clearing the fellow. When the guy returned from the lecture, he reported that Peikoff told him that he tried to call me in Claremont but my phone would not answer, and I must have stayed away from the phone on purpose, so I could try the altruistic blackmail on him and get to see him. Of course, I had no such designs, and it puzzled me how Peikoff could argue that he knew that I wanted to deceive and blackmail him.

Branden was a brilliant and colorful therapist but I never obtained the feeling that he cared about me individually, or even about my problems as my problems, as distinct from his challenges.

In 1965 or 1966 I established a philosophical correspondence with Harry Binswanger, who published *IREC Review*, a student journal devoted to Objectivist ideas. We exchanged a few cordial letters even after I explained to him about my troubles with Rand, Branden and Peikoff. Some of his letters were quite supportive and filled with advice about how I might come to re-establish contact with Rand and her circle. But he lashed out at me after I offered some ideas on possible problems with Rand's belittling of Wittgenstein in *The Introduction to Objectivist Epistemology*. He told me that I just wasn't thinking, period.

Much later, in 1967, when I was studying for my Ph.D. at the University of California at Santa Barbara, I wrote to Branden asking whether I might quote Rand or Branden in some essay I was writing. (I had not yet become adept at the game of scholarship and I was also too literal about the idea of intellectual ownership.) This letter came back:

> Please try to understand, once and for all, that I dislike and disapprove of everything I know about you, I have no interest in your thoughts whatever, and I sincerely wish that you would stop sending me letters. With regard to the announcement you received on NBI's course on Ancient Philosophy, this was caused by a computer slip-up. I trust this will not occur again, but if it does, i.e., if you ever do receive any NBI or Objectivist announcements, you may assume that this was the result of a mechanical error, and save yourself the expense of a long distance call. In answer to your letter of June 17, permission to quote from Miss Rand or myself is unreservedly denied.

Obviously, I was getting on Branden's nerves.

The ranks of the blackballed were growing steadily. I hoped Plato and Aristotle and all the other innovative philosophers didn't have to go through the kind of isolation Rand experienced. I recall an observation I heard attributed to Nietzsche that "One must forgive every great genius his first disciples."

I never had a desire to fraternize with the inner circle. I wished I had been treated in a friendlier fashion, but the idea of being "in" with them simply hadn't occurred to me. I knew these people only slightly from having seen them at early NBI lectures, and the little I knew of their rather stern style did not recommend them to me as pals. I have always been a cheery sort of person, who enjoys joshing around, joking, fun, and laughs. I saw none of this at NBI gatherings or in the tone of Rand's and Branden's writings.

Letting it Be

Gradually I gave up on the idea of getting together with these "experts" and went about the business of trying to figure things out by myself.

In 1975, my book *Human Rights and Human Liberties* was published. Douglas Rasmussen, an Objectivist-oriented philosopher, reviewed it favorably in *Law and Liberty*. Harry Binswanger, my former philosophical correspondent, wrote a nasty letter to the editor, denouncing it as pure mush. Later, when I heard that David Kelley was studying at Princeton, I wrote him asking whether he was forbidden to communicate with me, and he replied that we had better not talk.

I don't think any other libertarians have matched Rand's achievement, no matter how much sharper their tongues or how much more erudite their scholarship.

I met Branden not long after Rand split with him. He was not very eager to talk about the past, or about ideas, and he was without personal warmth. In 1971 I briefly went to group therapy with him but found that I had little in common with his other clients. They were concerned about a lack of motivation to do anything worthwhile; my problems had to do with my feelings of isolation and my relationships with women! Both were largely of my mak-

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ing—after all, I escaped from my mother with full consciousness that I was doing something rather drastic. Branden was a brilliant and colorful therapist but one from whom I could never obtain the feeling that he cared about me individually, or even about my problems as *my* problems, as distinct from *his* challenges.

He and I still know each other and meet now and then. He was generous enough to send me a "fan" letter upon the publication of my first essay about epistemology, in the journal *Educational Theory*, in 1970. He said he thought it a very good piece. He has often asked me to send him works I have written dealing with the ideas he helped to promulgate. He has always received or returned calls I made to him concerning *Reason* magazine, conferences, and other business or intellectual concerns.

I am very glad that I was blackballed from the Objectivist movement.

But I never quite managed to cast out of my mind what I perceived to be his letters of gleeful rebuff. I never did figure out whether my ambivalent feelings about him were simply a matter of my own sour grapes or some actual shortcoming of his. He amuses me a bit with his enormous signature, one that seems to announce, "I want you to know I think a lot of myself." And I am not sure he has a fully accurate perception of the drama of his own life—though I see nothing wrong with him treating it dramatically; I share this predilection myself. But compared with such historical figures as Aristotle, Curie, Einstein, Jefferson, or even Oliver North, Branden has had a colorful and trouble-filled, but not really heroic, life.

"Who am I Speaking To?"

I had a final word with Ayn Rand on July 4, 1976. I called her to express my thanks for her being the most crucial contemporary thinker to stand behind and strengthen the meaning of the Bicentennial. Her husband Frank answered, and I asked for Miss Rand, and she came on the line. Here is our conversation:

"This is Ayn Rand. Who am I speaking to?"

"Miss Rand, I am a long time admirer and wish to simply thank you on this day for what you have done to keep the American revolution's ideas alive."

"Who is this?"

"My name is Tibor Machan."

"Good bye."

Who Are They Speaking To?

In 1982, Leonard Peikoff—by now Ayn Rand's designated material and "intellectual" heir—finally came out with his long-awaited and long-germinating book, *The Ominous Parallels*. In it Peikoff compared the German and American traditions of philosophy and politics, and argued that Americans were setting themselves up for a totalitarian future fully parallel to Naziism. It had been hyped for more than a decade, and portions of it had been presented as lectures before the Branden-Rand split. The joke had been that, just as parallel lines never meet, so this book will never be published. I wanted it reviewed in *Reason* but my editorial influence had waned to the point where I could only get a very brief review scheduled. I asked several people with good qualifications but all warned me they would pan it after reading it. I finally wrote the brief review myself, chiding Peikoff for missing the chance to produce a truly scholarly work that considered alternative explanations and compared them to his own, thereby demonstrating the superiority of his thesis.

I had hoped that the book would finally show the philosophical community that there is real substance to Objectivism; Rand's essays (even her *Introduction to Objectivist Epistemology*) had been too polemical to qualify as scholarship. Rand herself urged those who found her views sound to get out there and become "new intellectuals." But "new intellectuals" who cannot talk to the old intellectuals quickly become intellectually and academically isolated, ineffective as advocates of ideas.

I had learned too much from Branden and from Rand to hold a grudge against either of them. I think the Objectivist movement has made some original contributions—such as the linking of epistemology with morality, the reconciliation of modern science with ethics, the demonstration that individual rights rest on a classical egoist or individualist ethics rather than on hedonism or atomistic individualism, etc. One can argue that bits and pieces of Objectivism had been around for a long time before Rand, but not that they had been integrated with one another and introduced to a large audience. The complete edifice is quite an accomplishment, whatever the flaws of the personalities responsible for it. I don't think any other libertarians have matched Rand's achievement, no matter how much sharper their tongues or how much more erudite their scholarship.

But the closed nature of Official Objectivism remains a problem. I am very glad that I was blackballed from it. I might have become a dependent like so many others. And I am glad, too, that my expulsion was not so devastating a blow that it led me to renounce all the good ideas in Objectivism. ❑

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A Rustic in New York

by R. W. Bradford

It's 2,420 miles from Port Townsend, Washington to New York. There are other, bigger differences, as R. W. Bradford found out during his recent visit.

New York. The Big Apple. A nice place to visit but you wouldn't want to live there. The center of American finance and culture—let's face it, of the world's finance and culture. Etc.

I'd seen it in a million movies. As a young man infatuated with Ayn Rand's city worship I decorated my apartment with a huge poster of the Manhattan skyline. I'd always planned to spend some time there, perhaps even live there.

But, somehow, at an age when I would be called a "grizzled veteran" if I were a baseball player, I had never set foot in Manhattan. It's not that I'm poorly traveled. At one time or another, I've visited nearly every major city in America. But somehow, New York seemed like too much hassle, too expensive, too crime ridden, too self-absorbed.

So it was with considerable anticipation that my wife and I planned our visit this past summer. We prepared carefully. My wife studied tour books, and decided we should travel light. Since street crime is omnipresent (according to both the travel books and our friends who had visited), she left her watch at home, lest some drug-crazed New Yorker snatch it from her wrist. We bought lots of travelers' checks, packed a light wardrobe and a list of friendly natives, reserved rooms at two "bargain" hotels—in Manhattan this means no more than $125 per day—and lit out on our adventure.

One of the inconveniences of living in the most beautiful place in America (the Olympic Peninsula) is that you are stuck away in the corner of the county, a two-hour drive from an airport. To catch our plane, my wife and I had to drive to the airport at 6am. I am a night person: 6am is normally the time I go to bed, not the time I arise. I dragged myself from bed at that ungodly hour, drove to the airport, and spent the next 12 hours in the custody of airports, airlines, trains, and taxicabs.

Despite my exhaustion and the indignities inherent to these rude modes of travel, I arrived in the City in high spirits. I was in New York! The first adventure was the cab ride to our hotel. Having been warned about crime infestation of the area around Penn Station, my wife and I carefully shepherded our bags, and looked for a person to hire to hail a cab for us (a preposterous idea recommended by our guide books).

Alas, there were no professional cab-hailers available, so I did the dirty deed myself. We had been warned about the ethics, linguistic talents, and manners of New York City cab drivers, so we were surprised to discover: 1) our cab driver spoke English; 2) he drove us directly to our hotel; and 3) he was polite and even pleasant. Even more astonishing was the tariff—only $7 including tip. We checked into our hotel and immediately hit the streets, glorying in the metropolitan atmosphere.

Ten Observations

For a week we sampled the pleasures of the Greatest City in the World. We wandered its streets, rode its taxis, subways and busses. We drank in its bars and ate in restaurants refined and crude. We shopped its shops and watched an off-Broadway Play. We went to the top of the Empire State Building and the World Trade Center; we hiked across the Brooklyn Bridge and rode the Staten Island ferry. We went to Harlem to see poverty, Yankee Stadium to see a ball game, the Metropolitan Museum to see art and the Museum of Natural History to see dinosaur bones. In short, we did all the things tourists from the hinterlands do when they visit the City.

For a rustic like me, the move from a town of 6,000 to a city of 16 million had many surprises. Here is a partial list:

1) On a clear day, you can see the air. There is no horizon: just a yellow-brown haze. Almost everything in New York City is dirty and grubby. The sole exceptions were in front of tony stores, whose employees sweep and wash the

sidewalks daily.

2) No street (or other) crime was evident. In a week in New York spent mostly walking the streets and riding subways, we witnessed no armed robberies, no purse snatchings, no muggings, no nothing. Okay, we did see someone offering baggies of green vegetable matter for sale in Washington Square, but he was in full view of mounted police who did nothing. And we saw a guy trying to scalp tickets at Yankee Stadium—but the only difference between scalping here and at any other major sporting event was that the scalper was hassled by the police.

When I observed this curious paucity of crime to natives of the City, without exception they advised me that we were either blind or unbelievably lucky and proceeded to tell horrifying stories about crimes they had witnessed, or nearly witnessed, or read about in the *Post* or had heard about somewhere.

How dare I say that other cities had more bums! Why, New York has the most bums and the lowest low-life! Everybody knows that!

3) We were panhandled occasionally, I saw bums sleeping in doorways when I went out for late-night walks, and some subway stations had a faint odor of urine. But contrary to the media hoopla to the effect that the City is inundated with street people, we saw fewer than in such laid-back cities as San Francisco and Seattle. In New York, we never encountered entire parks that reeked of urine and we never came to stretches of sidewalk totally occupied by sleeping bums in daylight hours as we have encountered in Seattle and San Francisco. And, unlike West Coast bums, New York bums don't have dogs. Maybe it's the pooper-scooper law.

When I made this observation to New Yorkers, the response was incredulous. How dare I say that other cities had more bums! Why, New York has the most bums and the *lowest* low-life! Everybody knows that!

4) The subway stations are filthy and (in August) suffocatingly hot. But most trains are air-conditioned, and they are usually the fastest and cheapest way of getting anyplace in the City.

New Yorkers are fond of observing how wonderful it is that you don't need a car to live in the city. I wondered if there is a connection between the absence of personal cars and the abundance of podiatrist advertising. I walk a lot when I am at home, and I was surprised at how much more tiring I got walking around the City. Perhaps the reason is that much of my walking at home is on mountain trails of dirt, while every square foot of New York is paved.

New Yorkers are quick to point out their fabulous parks. I suppose they are fabulous to someone who has never seen a real tree. The walkways in the parks are paved and lined with park benches; the grass is fenced in to keep people off, and the benches face other park benches. The trees are scrubby little sycamores, beloved in cities because they tolerate pollution well.

5) There are almost no police in New York. Except for the mounted cops in Washington Square and some foot cops on crowd control at Yankee Stadium, we hardly saw a cop in a week on the streets of the City.

6) Street vendors are everywhere people are; which is to say everywhere. For those in the market for cheap junk or bad food, the streets of Manhattan are a shoppers' paradise.

7) It is nearly impossible to get a glass of water in a good New York restaurant. The customary beverage is soda water imported from Europe. On our last day in the city, our host earned our eternal gratitude by ordering plain water, and insisting that if no bottled still water were available we would take tap water.

8) Like its reputation for crime, New York City's reputation for sin is exaggerated.

My guidebook sternly warned, "Ugh! You want to talk about urban blight? Still no self-respecting tourist should miss this bit of Americana . . . Stand on 42nd Street and Broadway and look uptown . . . Hang onto your purse or wallet while you're looking and then head north. Do not head up 42nd Street unless you happen to be with Charles Bronson and Chuck Norris. What used to be naughty is now seedy and very sad. There are no thrills left on 42nd Street."

On Saturday night, I left my hotel for a little walk. I found myself heading toward Times Square, thanks to my typically rustic voyeuristic interest in decadent city life. I figured that if the situation ahead looked as if I needed a heavily armed murderer like Bronson or Norris, I could always beat a hasty retreat.

I walked up 3rd Avenue to 42nd Street: it was well-lit, had a few gaudily flashing signs and a few pedestrians, but looked to me like no firepower would be needed. Things got livelier at Times Square. The streets teemed with people, as in the daytime, but with a difference: the people were partying. Most businesses were closed, but there were even more vendors than during the day, their cheap watches, remaindered books, fake Louis Vuitton luggage and electric teddy bears lined both the curb and the fronts of buildings.

The whole scene was reminiscent of a small town county fair: people milling around, many of them a bit drunk (or "crazed" on crack, for all I know). Occasionally one was rowdy, but most were talking, laughing and having a good time, drinking soda or beer or wine from containers in paper bags, snacking on food from vendors, some entering or leaving restaurants or bars, some of which advertised nude entertainment. It was decadent, I suppose, but the decadence of a county fair with its hoochy koochy girls, not the decadence the guide book warned about.

9) You need a lot of cash, preferably in small bills, to get along in New York. The minimum amount for charge purchase is always about $5 more than what you want to buy. No one except your hotel will cash anything bigger than a $20, and most places won't take anything bigger than a $10. Taxicabs, snacks and other sundry purchases all must be made with small bills. Keeping enough small change is a constant nuisance.

10) Noise is omnipresent. Even in our hotel room, with the windows closed and the air-conditioning on, we could hear the rumble of traffic 27 stories below us in the middle of the night.

A city is its people, and I have to say that New Yorkers earned my respect. Personal automobiles, clean air, and decent water are not the only amenities of civilization that New Yorkers must give up for the privilege of living in the

continued on page 58

S.I.L. AND L.I. MERGE

INTERNATIONAL SOCIETY FOR INDIVIDUAL LIBERTY CREATED!

A new world libertarian organization, the *INTERNATIONAL SOCIETY FOR INDIVIDUAL LIBERTY*, was inaugurated on August 30th at the "20th Anniversary of the Movement" banquet in Philadelphia -- the night before the opening of the US Libertarian Party National Convention. The announcement, which came as a complete surprise to everyone, was made by Karl Hess

ISIL is the result of a merger of the Society for Individual Liberty, founded in 1969 by Don Ernsberger, Dave Walter and Jarret Wollstein, and Libertarian International, founded in 1980 by Vince Miller. S.I.L. was the first large-scale libertarian activist and support organization in the U.S. and over the years has developed an extensive library of educational materials. It has also become well known for its devotion to campus activism. L.I. has built a very powerful worldwide network of libertarians in over 50 countries, and is best known for its series of international conferences.

ISIL will continue to emphasize networking and support of movement organizations. Former SIL members will now receive the FREEDOM NETWORK NEWS bi-monthly newsletter (which will incorporate INDIVIDUAL LIBERTY), and the "Index on Liberty" world freedom directory. Updated editions of the SIL position papers are now under development. **ISIL** will continue with its international conferences, with the next one to be held in San Francisco in August 1990. **ISIL** will also play a major role in the revival of the libertarian campus movement -- both in America and internationally.

It was also announced that **ISIL** has been incorporated as a 501(c)(3) non-profit educational foundation. Contributions to **ISIL** are tax-deductible in the USA.

The new **ISIL** Executive Board includes Vincent H. Miller, James R. Elwood, Donald Ernsberger, David Walter, Bruce Evoy (Canada) and Hubert Jongen (Holland). The new Board of Freedom Consultants includes: James L. Johnston, Leonard Liggio, Leon Louw, Robert Poole Jr., and Ken Schoolland.

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Bradford, "A Rustic in New York," *continued from page 56*

Center of the Universe. They also forego privacy, pay twice as much for everything they buy, and pay the highest taxes in the country for the privilege of enduring the worst government, and God knows what other indignities. And even with frequent visits to podiatrists, hoofing it on the hard pavement on a long term basis must be hell on their feet.

That they pay this awful price is evidence of the stern stuff of which they are made. I stand in awe of them, even if they do exaggerate the street crime, the problem of bums, and the cultural advantages of living in the Big Apple.

The ominous parallels

I noticed a number of ominous parallels between residents of the Island of Manhattan and those of another island, some 5,000 miles to the west: Maui, as in "Maui No Ka Oi." That slogan—printed on everything from T-shirts to bumper stickers, as ubiquitous in Maui as is filth in New York—translates from Hawaiian as "Maui is the best," a sentiment reminiscent of every Manhattanite's feeling about his own island.

There are other parallels between New Yorkers and Mauians, to wit:

• They talk funny. In Maui, the local patois is a mixture of English, Hawaiian, Iloco, Tagalog, Chinese, Samoan, Japanese and pidgin. To get along one must understand a wide variety of accents that often bewilder tourists from off-island. In New York, the locals speak a variety of languages, all with liberal admixtures of profanity. There is enough variety in the language of each island to give the visitor trouble.

• They eat funny food. New York likes to brag about its 25,000 restaurants, offering an incredible array of meals, including many that are exotic. More than once during my stay in New York I was served food that I could not recognize, although I sometimes recognized its name. I can't really evaluate these items because I don't know what they are.

In Maui, on the other hand, one can buy a "two scoop breakfast," consisting of two scoops of rice with goop poured over. You don't want to know what's in the goop. Take my word for it.

• They haven't an inkling of what the rest of America is like. New Yorkers are convinced that everything worth seeing in America can be seen there. A New York friend was incredulous and aghast to learn that a certain exhibit of Chinese art had been shown in Chicago and Seattle but had not come to New York. For New Yorkers, there is simply no reason to leave the City, except perhaps for sunshine in winter or seashore in summer, or to go to Europe where civilization is of a higher character.

Mauians mostly would like to see a bit of the mainland, but the trip is expensive (as much as Europe from New York) and the people there are so numerous and so foreign that a mainland trip is, well, maybe a little frightening. So they see America on TV instead.

• The isolation and insularity of both groups of islanders breeds provincialism, self-conscious on Maui, unconscious in Manhattan. Both Mauians and Manhattanites think everyone else in America envies them. Who knows? They may be right. ❑

Miranda, "The Lost War on Drugs," *continued from page 28*

tels once provided . . . employment, security, and a place in society. Latin American countries could use coca planting programs as a way of gaining support for the government. People would now have a vested interest in supporting law enforcement. The cartels would find themselves increasingly isolated from their popular base. Deprived of recruits, money, intelligence and sanctuary they would be easy targets for law enforcement.

Without the hyperbole of a "drug war," the United States could realistically deal with individuals who have drug problems.

But is the United States willing to legalize drugs? Or will it continue the failed policies of the past, policies that are placing the United States at war with much of the world, as well as its own citizenry? This is a question no one in government is willing to face. ❑

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"Couldn't we just let the free market take care of this sort of thing?"

Report

Capitalism and the Transformation of Poland

by Krzysztof Ostaszewski

Though the "iron curtain" seems to be falling, the iron hand of statism in Soviet bloc countries is a little more firmly in place than we might like to see . . .

A popular Polish cartoonist, Andrzej Mleczko, drew a Pole lying on desert sand, ex-hausted, looking at the horizon, whispering desperately—"Capitalism, capitalism . . ."

In Warsaw today everybody agrees that Capitalism is what Poland needs, but nobody knows how to institute it. Recently it was written in the *Wall Street Journal* that in Warsaw today everybody speaks like Milton Friedman. This, unfortunately, is not true—though some people are speaking thus.

The Cracow Industrial Society, a center of pro-Capitalist ideas, has presented a plan for making Cracow into a free-enterprise zone and has supported development of similar societies in other Polish cities. Mr. Tadeusz Syryjczyk, a leading member of the Society, has recently become a member of the government of Mr. Mazowiecki.

In December 1988, in Gdansk, the first Congress of Polish liberals (in the European sense) was held. Groups from all over Poland were represented. They learned that during the last five years over 800 private firms had started in the Gdansk region. The second Congress was held successfully in 1989, after the election.

Politics, Politics . . .

What is the main opposition party in the new political situation in Poland? The popular answer is—the Communists. But Communists are not in opposition. They hold three ministries in the new government. The most popular party is Solidarity. But Solidarity rules with a coalition. The Peasant's Party and the Democratic Party, which gave Solidarity support needed to form a government, are also in the coalition.

Who is not? Union for Realpolitik, a party advocating immediate establishment of Capitalism in Poland. It has no representation in the Sejm, the lower house of parliament, and one seat in the Senate. In the June election it received only a small fraction of the popular vote, roughly comparable to the one given the Communists. It is led by Janusz Korwin-Mikke, a popular writer who refers to himself as a social-cybernetician. (The Great Soviet Encyclopeadia, published in the early fifties, defined cybernetics as a "reactionary capitalist pseudo-science.")

Over two-thirds of saving in Poland is in American dollars. Poles do not use zloty as their money; they save in dollars, calculate prices in dollars.

Korwin-Mikke usually dresses in a nineteenth-century-style tuxedo, speaks with a slight stutter, lives in the fastest of fast lanes, has six children, runs a publishing house that prints works of Ayn Rand and Ludwig von

Mises, and has a specific program for Poland: complete privatization of all industries, gradual elimination of government transfer payments, especially social benefits, independence of the judicial branch of the government from the executive and the legislature, an objective monetary standard, replacement of income and other hidden taxes by certain forms of at least partly voluntary taxation and property taxes at the local level, strong police and an army under *domestic* control.

The ruling coalition, on the other hand, appears to be for capitalism (or some parts of it) for *practical reasons only*. The most popular model country among the advisers of the prime minister Mazowiecki is . . . Sweden. Such is Solidarity's ideal. Over ninety percent of industry is owned privately in Sweden, so privatization is being considered for Poland. Among parties, only Union for Realpolitik, however, proposes capitalism because of its ideas. Nobody in the ruling coalition seems to want to reduce excessive transfer payments. Most Poles think that the government owes them medical and disability insurance, pension benefits, and child support payments.

It appears that people believe that the government made a deal with them—they gave up full control over their own lives in return for the abovementioned services. But the services were not delivered. Having concentrated all power in its hands, the government simply did not have to pay—it could lie, cheat, or inflate its way out of promises.

Nothing was delivered by the communist government. The "great" egalitarian dream promised by the Communists is dead in Poland. Everybody knows—and studies by Polish economists now openly confirm—that income and wealth differences within the society have been increasing at an accelerating rate.

The American media often present the news of hyperinflation in Poland (and other countries). I suggest this is misleading. In fact the word "inflation" may be very inappropriate. The proper description of the Polish economical situation is: "depression coupled with a rejection of the local currency."

The West seems to understand that low investment is a symptom of depression. But nobody appears to notice that the level of savings in Poland is actually *very high*, perhaps because—as estimated by scientists from the Central School of Planning and Statistics in Warsaw—over two-thirds of saving in Poland is in American dollars. Poles do not use *zloty* as their money; they save in dollars, calculate prices in dollars. So—are prices rising or falling? The answer is simple—if you want to buy a Coke for a penny, go to Poland. This situation presents a great opportunity: the new government has a historic chance to sell the state assets to Poles for those dollars, and to pay off the external debt. At the time when I am writing this, privatization is seriously considered in Warsaw.

Unfortunately Solidarity is fundamentally a socialist party. But its leaders understand that before they "redistribute" income, they need to *have* some income. New money is needed. It can be provided by the private sector of Poland, or by the West. The West is only beginning to understand that less money from the West will mean more of a private sector in Poland.

Mr. Korwin-Mikke once mentioned, in one of his letters to me, that he had a conversation with Dr. Murray Rothbard in which they had concluded that when socialism collapses in Poland, that country may become the *laissez-faire* center of the world. I hope this is the future of Poland. But it has not yet arrived. ❑

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Reviews

The Examined Life: Philosophical Meditations,
by Robert Nozick. Simon & Schuster, 1989, 303 pp., $21.95.

Beyond Philosophy

Loren E. Lomasky

Babe Ruth was once a pitcher, Ronald Reagan a Democrat, Christine Jorgensen a boy. To these momentous transformations we must now add another: Robert Nozick was once a libertarian.

Yes, the author of *Anarchy, State, & Utopia* is no longer one of *us*—although, as will emerge, it is far from clear who the *them* is to which he has joined himself. Nor is the event entirely unexpected. Nozick's second book, *Philosophical Explanations,* gave fair warning that he was not a man inclined to plow another's furrow, nor even to revisit and further cultivate his own. And in libertarian circles it had become a mark of some prestige to have been among the first to know of Nozick's forthcoming public apostasy. Now the secret is out in the open. The crucial pages are 286-7 where he writes:

> The libertarian position I once propounded now seems to me seriously inadequate, in part because it did not knit the humane considerations and joint cooperative activities it left room for more closely into its fabric. It neglected the symbolic importance of an official political concern with issues or problems, as a way of marking their importance or urgency, and hence of expressing, intensifying, channeling, encouraging, and validating our private actions and concerns toward them . . . There are some things we choose to do together through government in solemn marking of our human solidarity, served by the fact that we do them together in this official fashion.

For many potential readers, this single passage will exhaust most of their interest in *The Examined Life.* Those who happen to be libertarians will duly express either regret or recrimination, and their opponents will generate an endless parade of sentences beginning, "Even Robert Nozick now concedes that libertarianism . . ." Should they, however, read more widely in the book, both proponent and opponent will discover that the libertarian recantation is merely a sideshow. For in this book Nozick soars beyond not only libertarianism but philosophy itself.

"I want," he tells us in the introduction, "to think about living and what is important in life, to clarify my thinking—and also my life." This aspiration has historically been central to the philosophical venture, though it has suffered considerable eclipse with the ascendancy of analytical philosophy. (One of the genuine merits of this book is that Nozick attempts to revive philosophical attentiveness to this goal—even if he does not do so *as* a philosopher.) But it is not only philosophers who seek the important in life; that is also the quest of holy men, of visionaries, of *sages.* And it is as a sage rather than philosopher that Nozick spins out the 27 "meditations"—*not* chapters—of *The Examined Life.*

Some words of clarification are in order. Socrates, from whom Nozick extracts his title, is the paradigmatic philosopher. He is reported as declaring, "The unexamined life is not worth living." Only insofar as men pursue knowledge of that which is truly just, beautiful, and valuable do they elevate themselves beyond the bestial. But Socrates never claimed to have captured his perpetual quarry; indeed an equally famous Socratic dictum is his profession to know nothing except that he knows nothing. To be a philosopher, then, is to be a devotee of wisdom, not its possessor. In keeping with that conception, Socrates and his would-be philosophical successors adopt a mode of rigorous questioning along with the disposition to be skeptical concerning the adequacy of proffered answers. Philosophers are all too aware of the enormous complexity of the issues they address, the many subtle ways in which seemingly attractive arguments might have gone awry, the existence of equivalently attractive arguments that yield incompatible conclusions, and the general epistemic limits against which we bump up when we philosophize. They do not, the occasional deconstructionist aside, adopt Pilate's contemptuous dismissal of truth, but they are attuned to the difficulty of its attainment and thus the tentative character of even their best supported arguments. (That may be why philosophers, unlike economists, rarely receive 6-figure retainers to pronounce gravely on the Way Things Will Be.)

Sages are different. While they may on occasion engage in argumentation, that is neither necessary nor sufficient for being a sage. (In fact, many of the arguments left us by history's most illustrious sages will strike the philosophical reader as conspicuously bad.) Rather, their pronouncements carry authority because *they* possess authority. The sage is set off from the ordinary run of people in virtue of his privileged contact with a reality that transcends the mundane. In many traditions this status is secured through divine dispensation. (See, for example, Paul's remarks to the Corinthians

on the vocation and authority of an apostle.) In other traditions the sage is one who has completed or is well along on an arduous meditative path. Perhaps, in addition, there is some genetic trait conducive to sagehood. At any rate, the sage is not one who patiently unravels Gordian knots strand by strand or lemma by lemma; he slices through them. That is why we treasure sages; they can do for us what we cannot do for ourselves. The decrees of the sage ring true because of their source. Had someone else uttered those same words, they would carry no such weight. Thus, the crucial question becomes not—Does this proposition validly follow from appropriately selected premises?—but rather—Is this person genuinely holy/enlightened/wise? (6-figure retainers for a sage would be a bargain.)

What one discovers as one turns the pages of The Examined Life is that portentous declarations receive considerably more play than argumentation, and that where Nozick does develop a complex argument it typically concerns some recherché technical extension rather than a central contention.

What one discovers as one turns the pages of *The Examined Life* is that portentous declarations receive considerably more play than does argumentation, and that where Nozick does develop a complex argument it typically concerns some *recherché* technical extension rather than a central contention. For example, Nozick declares that the traditional conception of God as the most perfect possible being is defective; in its place he substitutes four conditions such that any being who satisfies all four is God. (Unaccountably, some fourteen meditations later he seems to forget his previous revisionary work and discusses theological explanations as if the traditional conception were adequate.) Nozick *tells* us that these conditions are jointly sufficient (and I am persuaded that he is correct), but the closest thing to an argument in the text is a footnoted allusion to "a theory of proper names and a Kripkean view of names and essence." Indeed, Nozick routinely prefaces the book's few extended arguments with a suggestion that the reader may wish to skip over the next ten or so paragraphs.

This may suggest that Nozick does not wish to overburden unprepared readers. (But *who* then does he think the audience for *The Examined Life* will be?) I believe, however, that there is more to it than that. In his first book, Nozick developed *theories*, most notably the entitlement theory of justice. A theory is the concerted and systematic attempt to assemble evidence in support of some explanatorily powerful set of propositions. In his second book, though, he deplores the coercive character of philosophical argument in the service of theories, and offers in its place *explanations*. By an explanation he means an imaginative depiction of how things could be so as to render certain propositions true without, however, the presentation of evidence that things really are that way. Now, in the third book, he turns to *meditations*, the soul's conversations with itself. There is some precedent for this approach. The most renowned meditations in the philosophical literature are those of Descartes, but their meditative quality is clearly for effect: no philosophical work ever written has been more intent on establishing the indubitable validity of a theory than Descartes' *Meditations*. Nozick is truer to the essence of the genre than is Descartes. Meditations about life, he tells us, "present a *portrait*, not a theory." In keeping with this conception, Nozick is eager to exhibit the portraits but seems unconcerned to justify particular brush strokes.

What Nozick wishes to illumine is no less than reality in its multifarious dimensions. By 'reality' he does not mean, though, simply whatever exists, but rather all that is evaluatively significant. In his own words—*no one else* could have written them (or wanted to?)—it incorporates, "value, meaning, importance, weight, depth, amplitude, intensity, height, vividness, richness, wholeness, beauty, truth, goodness, fulfillment, energy, autonomy, individuality, vitality, creativity, focus, purpose, development, serenity, holiness, perfection, expressiveness, authenticity, freedom, infinitude, enduringness, eternity, wisdom, understanding, life, nobility, play, grandeur, greatness, radiance, integrity, personality, loftiness, idealness, transcendence, growth, novelty, expansiveness, originality, purity, simplicity, preciousness, significance, vastness, profundity, integration, harmony, flourishing, power, and destiny." Through several meditations he plays around with these characteristics, working his way up to the construction of a 4 by 4 by 3 polyhedron in n-dimensional reality space. This is decidedly *not* a sequel to previous discussions of libertarianism.

Indeed, avoiding anything that resembles a sequel is very much in the forefront of Nozick's consciousness. He tells us, "Having myself written a book of political philosophy that marked out a distinctive view . . . I am especially aware of the difficulty of living down an intellectual past or escaping it. Other people in conversation often want me to continue to maintain that young man's 'libertarian' position, even though they themselves reject it and probably prefer that no one had ever maintained it at all." Accordingly, he distances himself from "that young man" as one might from an unsavory panhandler on the street, distances himself as if that young man were someone other than . . . Robert Nozick! But he is also cognizant of effecting a separation from the community of philosophers. In another meditation he writes, "The remainder of this section, I admit, contains strange and sometimes bewildering pieces of theorizing, very much against the grain of contemporary philosophy. Omitting it would save me much grief from the current philosophical community." Note especially the references to that which is *contemporary, current*. The sage will often be without honor not only in his own house but in his own time; it is to posterity he must look for an acknowledgment of his credentials.

Those who were led to appreciation of libertarianism by the scintillating arguments of the earlier Nozick need not, therefore, fear their demolition by the New Nozick.

The earlier Nozick won acclaim for puzzling his way through the Lockean

proviso, compensation and risk, the logic of side constraints, and the like. These are now seen to partake of too straitened a slice of reality. The later Nozick addresses himself to the *big* questions. For example, we are told that the significance of the Holocaust is that "It now would not be a *special* tragedy if humankind ended," and that "Whatever changed situation or possibility the crucifixion and resurrection were supposed to bring about has now ended; the Holocaust has shut the door that Christ opened" (though, he avers, it might also reveal the way in which the rift between Jews and Christians can be mended). I do not mean to dismiss these as lunatic assertions; they are important claims that deserve careful attention. But why should we believe that they are *true*? Only the most perfunctory attempts are made to anchor them to a worked-out philosophical or theological theory—but, of course, theories are decidedly not what Nozick aims to construct here. If we have reason to accept these claims, it can only be because we perceive ourselves to be in the presence of someone who has seen considerably further, deeper, and more profoundly than we ourselves have done. It is not the premises but the person that matters. And while arguments may travel well, the force of the living presence does not; thus the later Nozick asks that "no reader summarize this book's contents or present slogans or catchwords from it, no school give examinations on the material it contains." The earlier Nozick would have called this *chutzpah*.

So when the reader blessed with staying power finally arrives at Nozick's recantation of libertarianism in Meditation 25, he is not surprised to find it unaccompanied by any new, powerful arguments that shear the fabric of liberalism. Rather, liberal neutrality is weighed in the balance and found wanting because it "would prevent the majority from jointly and publicly affirming its values." This objection, of course, antedates by millennia the politics it is now trotted out to oppose. Traditional societies have, from time immemorial, denied civic standing to those who refuse to affirm its values, as have this century's most virulent illiberalisms. Nozick surely realizes that since even before the destruction of the Second Temple, Jews were accorded a pariah status precisely because they declined to "jointly and publicly affirm" the values of the communities in which they resided. It would be grossly unfair to charge Nozick with willfully feeding anti-Semitism; it is, however, legitimate to expect him to display some awareness of the pedigree of this pernicious doctrine in ideas uncomfortably close to those he now earnestly espouses.

Those who were led to (initial or enhanced) appreciation of libertarianism by the scintillating arguments of the earlier Nozick need not, therefore, fear their demolition by his successor. That individual is now well beyond libertarianism, beyond philosophy, even beyond *beyond*. The few pages he devotes to politics neither say anything new nor say it better than have numerous others. A man who takes political inquiry seriously would not have written them. Despite his self-inflicted intellectual footbinding, though, Nozick remains one of the most intellectually gifted thinkers of our time. Although he now declines to apply his gifts to philosophy as standardly practiced, he is probably incapable of writing a book that does not display philosophical gems of a brilliance that those of us less generously endowed would kill to possess. In *The Examined Life* he offers riveting, if tantalizingly underdeveloped, discussions of love, the emotions, and happiness. It would be unfortunate if the general bafflement within the philosophical community that this book will predictably occasion should lead to their being overlooked. Perhaps here too we shall have to count on the good offices of posterity.

Socrates was identified in the ancient world as the individual who "brought philosophy down from the heavens." What those who offered this characterization meant is that Socrates eschewed those airy speculations of his predecessors that concerned matters far distant from the reality in which our lives are lived. Rather, through homey metaphor, precise cross-examination, and persistent unwillingness to accept conclusions that could not be validated by reason, he explored in the most forthright and pointed manner possible what it is to live well. One of the few conclusions he seems to have wholeheartedly embraced is that philosophical activity is itself a (the?) splendid human calling. To be sure, Plato's Socrates urged philosophers to become kings, but he himself was sufficiently prudent never to volun-

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teer himself for such high office. Nozick, though, bids philosophers to become sages—and is the first to enlist. Apparently, he now wishes to punch philosophy's round-trip ticket. For those of us susceptible to acrophobia, however, the journey back to the heavens is ill-advised. ❑

***Profscam: Professors and the Demise of Higher Education,* by Charles J. Sykes. Regnery Gateway, 1988, 304pp., $18.95.**

Exposing the "College Teaching" Scam

Richard Kostelanetz

The first disturbing incident occurred when I attended an academic conference. As a fulltime independent, I don't often attend academic conferences; but since I'd written a book on the subject to be featured, I was invited to give one of the two major addresses. Perhaps because I'd not had such an experience before, the conference was a revelation. The presenters could be divided into two groups—professors and nonprofessors—and in all eyes the fundamental difference between us was that, to put it mildly, the professors didn't know as much about the featured subject as the other participants did, or think as profoundly about his work. Their presentations tended to be simplistic equations of pet analytical ideas with an examination, cursory at best, of the subject's work. Out of naïveté (perhaps), I was shocked.

Why were these professors invited? Many were affiliated with the host institution, some were "big names" who had passing personal contact with the subject, a few were long-term colleagues of the organizer, which is to say that, within the political requirements of the situation, all three sets "could not be excluded." Why did they participate? Damned if I know if there were reasons other than vanity, a few bucks, and perhaps the opportunity to make further biz. None seemed embarrassed by what I took to be the implicit theme of their performances—that since they were Professors they didn't need to know anything.

It seems that even with reduced teaching loads university professors are the guys who don't know anything and haven't learned anything new in years. My suspicion is that to an increasing degree they devote most of their nonteaching time to posing as professors, to fulfilling the imagery of their trade, which is to say serving on university committees, throwing their weight around, and behaving pompously before impressionable audiences, all on the assumption that their academic titles will cover ineptitude and other sins. (Thus does academia resemble another institution similarly organized into hierarchies whose titled rankings compensate for the gut incompetence of those on the upper levels—the military!)

A second disturbing incident followed the publication, in an avowedly conservative magazine, of an article of mine on literary granting. My critic happened to hold a chair at the same Ivy League university that awarded me a degree (with "honors"!) a quarter century ago. In the course of putatively rebutting me, this "Distinguished" professor attributed to me, in quotation marks, something I did not say and do not believe. In short, he opportunistically fabricated evidence. When I was an undergraduate, students caught fabricating evidence would be flunked automatically. Yet, even when I exposed his fabrication, there were no explanations and no apologies. My first thought was that the rumor must be true—standards at such Ivy League universities aren't what they used to be. My next thought was that this professor must be answering to a lower law, so to speak, than that once imposed on students.

College teachers nowadays comprise two classes, in the Marxian sense—those who have tenure and cannot move and those who, lacking tenure, can only move.

A third incident happened to a very close friend of mine who recently heard his wife of long ago complain to a mutual friend that he forced her to type his M. A. thesis. In fact, the thesis was written well after they had separated and was typed for hire by someone else. What accounts for this superficially innocuous fib was that the ex-wife, in the course of switching from English Literature to "Feminist Studies," needed to invent a personal history of male abuse to "qualify" herself for the new position (and in part to compensate for her own tardiness in boarding an opportune academic train). "You're better 'qualified,'" a friend explained, "if you can tell a story that is untrue. That shows your commitment to the ideology, in this case to discovering male exploitation." In a climate like this, all notions of academics as disinterested seekers of truth are inappropriate.

One of the charms of Charles J. Sykes's illuminating *Profscam* is its ability to explain these last two incidents to me. Quite simply, the purported principle of "academic freedom" has become a lever for professorial fibbing and other intellectual abuse unavailable to independents (let alone normal human beings). Since professors can get away with fibbing to students, who are beholden to them for a grade, some let that bad habit deceive them into lying before general public. (Or thinking that former students are still students; but since I no longer need a grade to graduate, I am free to say that this emperor has no clothes.) Not only does Sykes expose the severity of a morass that many take to be unexceptional, but his specific analyses do what great social (or art) criticism should—make the invisible visible.

Sykes is correct in attributing many problems to the principle of tenure, by

which an aspiring professor is granted lifetime job security after a purported trial period. Because of the need two decades ago for college teachers to service the post-War baby boom, many intellectually (and pedagogically) insufficient people were granted tenure rather easily. The guys and gals tenured then now earn over fifty grand a year for no more than 7 1/2 hours a week in the classroom. However, once demand for college teachers declined in the 1970s, award of tenure became scarce; so that those who got their doctorates too late, their ambitions initially fueled by the myth of academia as a land of opportunity, became a sweated class of part-time instructors, largely of beginning students, moving from job to job strictly according to the laws of supply and demand, unable to compete with the tenured professors who had already graduated, so to speak, from the free market. As a result, college teachers nowadays comprise two classes, in the Marxian sense—those who have tenure and cannot move (communities of intellectual stagnation), and those who, lacking tenure, can only move.

I've been waiting for the sweated class to wise up and concentrate its political energies on attacking the obstacle that keeps it chattel—tenure!

It seems to me that the major social legacy of the 1960s has been the revolt of the underling, whether female, black, gay or whatever, who refuse to be subservient any more. To this thought add the general parameters of this patently dialectical, explosive academic situation, and you understand why I've been waiting for the sweated class to wise up and concentrate its political energies on attacking the obstacle that keeps it chattel—tenure!

The fact that this attack hasn't happened, even though the untenured by now outnumber the tenured, makes me wonder about the "radicalism" that conservatives say they find prevalent in American universities today. Is this "radicalism" just a polemical invention? Or are graduate students being cynically taught that it is acceptable to be "radical" about social problems far away, in Nicaragua and South Africa, but absolutely unacceptable, to the point of professional suicide, to protest social inequities immediate to them? Can it be that by equating all attacks on tenure with McCarthyism and yahooism the professors have perpetrated one of the great intellectual deceits of our time?

However, if the elimination of tenure brings a decrease in unjustified, undesirable privilege and an elimination of institutionalized deadwood, along with creating opportunities for the underclass, it should be classified as a left position that resolves the dialectic mentioned before. It is also a libertarian position that brings the values of a competitive free market—values that characterize cultural life in general—to a backwater that has declared itself institutionally exempt from such reality.

The people best positioned to attack tenure are not parents and students, as Sykes argues in his conclusion, but exploited underlings. Since teaching assistants and the like comprise the shocktroops of college teaching, an effective national strike by these sometime chumps would force the tenured professors to take over their classes. If such basic university functions were not assumed, students would leave and universities would close down, eventually declaring bankruptcy and thereby voiding all tenure contracts. Once reorganized, such universities could create wholly new, inevitably better faculties in a freer marketplace. It seems obvious that the elimination of university tenure would bring a more fluid professional world and genuine academic freedom, along with a greater public accountability and thus more human and intellectual responsibility. Utterly obvious, I hear you say.

I should add that if university professors are to be truly professional, rather than, as now, grubby unionists, they should introduce mechanisms for policing abuses by colleagues. Professors caught fabricating evidence (or purportedly reviewing books they patently haven't read or completely ignoring their students) should be suspended without pay for a year, for much the same reason that professional athletes caught using illegal drugs are now sus-

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pended—they set a bad example for children while exploiting their positions of influence and jeopardizing the reputations of their colleagues. What Sykes shows, and what favorable responses to his book confirm, is that professors had better end their scam if universities are to survive. ❑

The New Right v. the Constitution,
by Stephen Macedo. CATO Institute, 1986, 60pp., $7.95.

Right, Wrong, and Constitutional

James S. Robbins

In his eight years, Ronald Reagan appointed three Justices to the Supreme Court, elevated William Rehnquist to the post of Chief Justice, and filled seats in over half the lower Federal judgeships. Despite claims to the contrary, most of the judges were appointed with an eye to their philosophical dispositions. "Liberal activists" were generally passed over in favor of "conservative strict constructivists." There was a good deal of self-righteous verbiage from the Democrats, who made it sound as though Reagan had invented the judicial "litmus test," which in fact is one of the most hallowed traditions in American politics, dating back at least to the first Marshall, and probably to John Jay.

It was during the confirmation hearings for Robert Bork that the idea of an ideologically neutral Supreme Court was most discussed, mainly as a political tool to defeat the outspoken Bork. Lawrence Tribe even concocted the unprecedented principle of "balancing" the Court, in other words, that a President be required to fill vacant seats with new justices more or less agreeing with their predecessors on the issues of the day. (This is a conspicuously political notion in the guise of neutrality, and the true mark of its sincerity will come when its originator is called upon to comment on a proper replacement for the current Chief Justice, especially if a Democrat is in office at the time.) *The New Right v. the Constitution*, by Stephen Macedo, was written shortly before the Bork-roast, and, coincidentally, used Bork as a prototype of the sort of Justices who would be shaping American jurisprudence for the coming decade.

Macedo isolates what he sees as four of the most distinct currents of thought among the justices of the New Right: a reverence for the Founding Fathers and the notion of Original Intent; a democratic impulse as the fundamental Constitutional value; recognition of the authority of text over abstract principles; and the concept of morality as a majoritarian, communitarian phenomenon, not a private, individual one. He then sets out to show the flaws in all four propositions.

The first section is probably the best argued and most conclusive. The New Right seeks to constrain the search for meaning in the Constitution, and their tool is the Jurisprudence of Original Intent. On its face, the logic of this concept is clear enough—the Constitution is a document with a history, rooted in traditions that are fundamental to its understanding. An examination of the writings of the men who conceived the document will give one the wisdom to interpret it correctly.

Critics have often cited technological change to assault this argument; since the Framers knew nothing of microwave ovens, for example, the Constitution must be flexible enough to meet changing circumstances. This is a somewhat muddled counter to an argument that is based on a completely flawed assumption, namely that the Framers were in general agreement on the meaning of the Constitution. Even a cursory examination of the literature, as recommended by the advocates of Original Intent, shows how vacuous Original Intent really is. Through several choice examples, Macedo demonstrates that there was as much agreement about Constitutional interpretation then as there is now. Madison, for example, argued that "all new laws" were to be considered "obscure and equivocal" until they had later been sorted out through the legal process (p. 15). Along similar lines, Hamilton wrote that "[n]othing is more common than for laws to express and effect more or less than was intended" (15). It is difficult to see how the champions of Original Intent could argue against the Framers themselves.

Macedo sees in the majoritarian impulse of the right a preference for the political power of the masses over individual rights. This, he says, forms the basis of the New Right's legal outlook. Advocates of this majoritarianism tend to look askance at the prerogatives of the Judiciary, even those clearly stated in Article II, as interference with the proper working of the Legislature or Executive.

Yet, the Constitution was crafted as a republican rather than democratic document, creating a government in which the various branches share certain powers (the idea of a "separation of powers" is a misunderstanding of the Constitutional mechanism) to limit each other's influence. The Constitution was definitely not established to give Congress supreme power. The legislative power, as Macedo notes, is granted, not assumed. However, the case cannot be made overmuch. Macedo fails to appreciate the potential power that Congress may wield over judicial review through limiting the appellate jurisdiction of the Court. While this power has rarely been exercised by the Congress, it could be used to defang the Supreme Court as an agent of oversight. However, such a situation would require extraordinary political circumstances.

Perhaps the weakest portion of Macedo's text is his assessment of the New Right's "scorn for abstract principles." He states that "New Right theorists destroy the distinction between moral reasons and arbitrary preferences" (35). But the case against the Right is not so clear as Macedo would make it. Much of his proof involves making assump-

tions about the motives of his subjects. For example, he quotes Rehnquist as saying, "[m]any of us necessarily feel strongly and deeply about our own moral judgments, but they remain only personal moral judgments unless in some way given the sanction of law" (34). This Macedo characterizes as "moral skepticism in the service of majoritarianism, masquerading as an innocent respect for the constitutional text" (34), a criticism totally out of proportion to the original assertion. Furthermore, one cannot assert that moralism *per se* is always a good thing. Bork's recent comments on flag burning—that it constituted a "fundamental evil"—were highly moralistic, and also quite alarming.

While nominally in the states rights camp, New Right jurists, like those of any other group, tend to favor whatever unit of power will best help them reach their ends.

In his defense of principle, Macedo writes eloquently about the Founding Fathers' common view of man—this after previously denying any unity among them. Ironically, he quotes Alexander Hamilton and Thomas Paine in the same paragraph—Hamilton, whose scorn for majority rule reached Stuart proportions, and Paine, who found truth even in the excesses of the French Revolution (until he barely escaped with his skin during the Terror) (37). Macedo, after Justice Chase, invokes "the general principles of law and reason" that constrain legislators in the performance of their duties (39). Yet, the Constitutional mechanism was designed in mistrust of the legislature, in order to keep it in check. Otherwise the Framers might have settled on a pure Parliamentary system (see Madison's *Federalist* #10 for the concise argument).

Finally, in an attempt to show the place of principle in the history of Constitutional law, Macedo states that Marshall invoked abstract principles in the case of *Ogden v. Saunders* (1827). "'Individuals do not derive from government their right to contract,' he wrote, 'but bring that right with them into society'" (39). True, this is an appeal to an abstract right, but the concept of such rights is expressed in the text itself, in the fifth, ninth and tenth amendments (at least). A better example, also cited by Macedo, is *Fletcher v. Peck* (1810), in which the state of Georgia was restrained from negating a land purchase "either by general principles, which are common to our free institutions, or by the particular provisions of the constitution of the United States . . ." In this, Marshall makes explicit the idea that there are principles coexisting with the Constitution that are as important.

Macedo describes vividly the New Right's contempt for individual morality, and the words of Bork ring more clearly here than anywhere. Bork would "treat violations of the majority's view of good conduct as 'moral harms' against the community at large—harms to be treated as 'pollution' of the moral 'atmosphere'. . . . [The] major freedom, of our kind of society is the freedom to choose to have a public morality" (52). This is a frightening thought, but it is exemplary of the kind of reasoning one may encounter when one appeals to abstract principles (in this case, moral uptightness). Macedo rebukes those who would universalize their biases, and states that "[t]he relevant question is not whether America is to be a moral community, but what kind of community it is to be." A related and very important question is, is America a community at all? It might be better if the term community were used with greater discipline, referring only to the groups to which it can properly be applied. In a good twist of reasoning, Macedo closes the section by arguing that if there is to be a public morality, it must be founded on tolerance—of the sort the New Right does not display.

One question the book does not address is the stand the New Right takes on the question of states rights versus Federal supremacy. In fact, there is no New Right position on this matter. While nominally in the states rights camp, New Right jurists, like those of any other group, tend to favor whatever unit of power will best help them reach their ends. The New Right would undoubtedly oppose a national law on abortion, for example, but would also cry out about the need for enhanced federal drug statutes, especially in states like Oregon where drug users are "coddled."

If the jurisprudence of original intent and the other aspects of New Right legal thinking are to be rejected, what may stand in their place? Macedo argues in favor of "principled judicial activism," a doctrine whereby moral theory acts as an aid (not a substitute) for interpretation of the text. New Right strict construction is abandoned, but so is the alternative "loose" construction. Principled judicial activism would allow for judicial intervention, but not based on the political whim which has, in recent times, divided rights into the classes of "property" and "human." Instead, all rights (even those not mentioned in the document) would be protected equally, and all constitutional amendments would be applied and interpreted equitably. "Only by fusing constitutional and moral theory can interpreters at once vindicate and justify the Constitution's authority as supreme law," Macedo writes, "only in this way do interpreters help insure that our republic will remain worthy of allegiance and that we will be governed by more than power and mere willfullness" (48).

Principled judicial activism is a worthy synthesis of approaches to the problem of constitutional interpretation. However, it requires that interpreters share libertarian views on the nature of rights and Constitutional norms. The

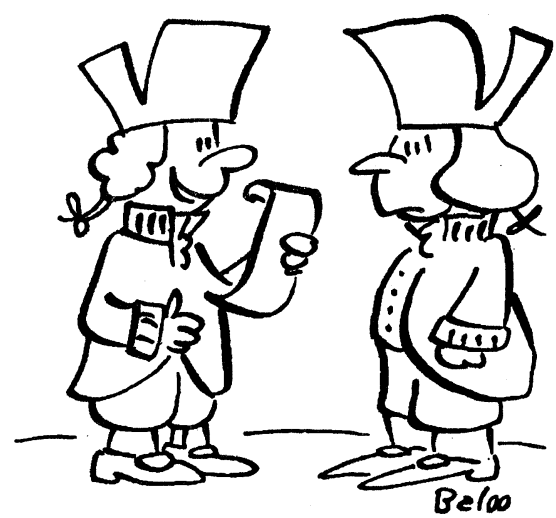

"The best part of it is that if the government ever starts to grow too big, the Supreme Court will put a stop to it."

prospective treatment of the unmentioned rights "retained by the people" in the ninth amendment may serve as an example. Some would not list universal health care, day care, housing, food, clothing and other basic requirements among these rights, but others certainly would. The correctness of the positions may be determined by an appeal to abstract principles, but when these conflict, who is correct? How is the truth found? In the political world, it is not. There, results are determined by political process, not scholastic argument over the nature of rights.

Right and wrong will always exist. But a political system cannot simply be pointed along the path of right and switched to autopilot. It is useful to have a philosophy like principled judicial activism to serve as a political tool for the organizing of one's cadre. But the law, especially Constitutional law, is not now and never will be divorced from politics. Political conditions gave the New Right jurisprudence its influence, and political conditions will in time denude it. Those who oppose it should set about whittling it down using every approach, and Stephen Macedo's monograph is a fine primer for those who would attack the problem through the avenue of legal philosophy. ❑

Letters, *continued from page 20*

No Pax with Theonomists

Jeffrey Tucker argues that advocates of liberty should consider "short-run alliances" with Christian fundamentalist Reconstructionists, who take their "marching orders" and their "blueprint" for state rule from the Bible's theocratic laws. I grew up with the Bible, and the idea of a theonomy from it fills me with horror.

Reconstructionists decree the Bible's *inerrancy* as the primary presupposition of all thinking. Mr. Tucker tells us that this doctrine "tends to minimize the role of reason." But it *abolishes* reason. It is blind Bibliolatry that fosters ethical idiocy, with clear Biblical precedents (e.g., I Samuel 15, the Divinely ordered slaughter of an entire race, "men, women, children, and infants," for an action of their ancestors). To derive a standard of right from the Bible's lessons rather than from reasoning about real-world individual human life is a ghastly mistake.

We may defeat modern-liberal statism, only to be ambushed by our theocratic "allies." Then the debates in the pages of *Liberty* will be restricted to whether heretics should be stoned or burned alive.

Ross Barlow
Russell, Pa.

Friedman Agonistes

David Friedman ("Simple Principles *vs.* the Real World," September 1989) does such a good job of punching holes in current libertarian dogma that it is a shame he doesn't realize that the underlying problem is the implied social context liberty thrives in and not just the anomalies at the extremes of the natural rights–propertarian ethic.

Friedman gives examples where the typical libertarian constructions break down and we might have to fudge a little to stay real. He regrets having to do so. It would be far easier simply to stop denying the internalization that takes place during the process of true community building and the concurrent evolution of legal concepts outside the state.

The practical developments in the grey areas only appear to be elusive because we have ignored fully one half of the ideas and processes necessary for a libertarian society to exist, even though they have been written about extensively outside "official" libertarian parameters. These ideas are imperative if we are to duplicate the social context that property and the market process requires. Our artificial coercive institutions are successful because they have done this.

The old light bulb joke about libertarians not worrying about what needs to be done because the market will take care of it just isn't funny any more. People have deep emotional and cultural needs that we aren't addressing as a movement. We fail to attract serious popular interest and lose activists because of it. We have learned nothing from the experience of the Objectivists.

As human beings we are communitarians as well as propertarians. We can either acknowledge it or continue to let the state have full reign to exploit those communitarian needs and sentiments.

Dante DeAmicis
Redding, Calif.

Perfect Information, Please!

Much of John Hospers's analysis ("Open *vs* Closed Libertarianism," July 1989) consists of variations of that age old problem: acting in the face of imperfect information.

I point this out because it might otherwise appear that Hospers has identified many separate problems. Imperfect information is a universal problem, not only disrupting the application of libertarian analysis in all its facets, but equally troublesome to all other non-libertarian philosophies.

The obvious solution is for libertarian theorists to come up with a formulation that takes into account the imperfect nature of information, and which thereafter suggests the appropriate corrective measures to insure action consistent with libertarian principles. But, of course, this is impossible. For any given case, one can always hypothesize plausible errors in information that can miscue libertarianism (or any other ideology) into engaging in exactly the wrong action. There simply is no hope of inventing a "libertarian" solution to imperfect information—there will always be the potential for well intentioned, but nonetheless, anti-libertarian outcomes.

Since this problem of imperfect information is universal, it is no argument in damning libertarianism and then switching to some other philosophy (except perhaps to ethical nihilism.) And there is no reason to accept anti-libertarian criticisms that are based upon it. But libertarian advocates should be aware of the problem, and libertarian theorists should (if they haven't already) spell out some of the general approaches used in dealing with imperfect information (and I'll wager that the words "majoritarian consensus" figure prominently in many.)

John Logajan
Arden Hills, Minn.

Hospers responds: We do not have perfect information. If we did we could solve these problems that I pose. If we had some ham, we could have some ham and eggs, if we had some eggs.

Notes on Contributors

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

"Baloo" and *"Holle"* are *noms de plume* of Rex F. May, whose cartoons appear in *The Wall Street Journal* and other periodicals.

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

Michael S. Christian is an American attorney living in Paris.

William Clark graduated from the San Francisco Conservatory of Music with a major in composition, and has taught piano, theory, and composition. He is now a graduate student in philosophy at the University of California at Davis.

Stephen Cox, a senior editor of *Liberty,* is Associate Professor of Literature, University of California, San Diego.

J.R. Dunn is an science fiction writer and critic whose writing has appeared in *Omni, Reason,* other publications.

Hans-Hermann Hoppe teaches economics at the University of Nevada at Las Vegas.

John Hospers is editor of *The Monist* and author of numerous articles and several classic works of modern philosophy, including *An Introduction to Philosophical Analysis.*

Richard Kostelanetz is a writer and artist living unaffiliated in New York. He once spent a semester as a Visiting Professor of American Studies and English at the University of Texas at Austin.

Loren E. Lomasky is Professor of Philosophy at the University of Minnesota, Duluth. He is the author of *Persons, Rights, and the Moral Community.*

Tibor Machan is Professor of Philosophy at the University of Auburn, in Auburn, Alabama, and the author of *Individuals and Their Rights,* recently published by Open Court Books.

Barry Bracewell Milnes is a free-lance journalist from London who specializes in taxation matters. His article in this issue was adapted from an article that appeared in *Freedom First.*

Joseph Miranda recently served as Psychological Operations officer at the U.S. Army's John F. Kennedy Special Warfare Center and School. His writing has appeared in *Strategies and Tactics, The Journal of Social, Political and Economic Studies* and other periodicals.

William P. Moulton deals in antiques and antiquities in northern Michigan.

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Murray N. Rothbard, a senior editor of *Liberty,* is the author of numerous books and articles. He is the Vice President of Academic Affairs of the Ludwig von Mises Institute.

Jane S. Shaw is Senior Associate of the Political Economy Research Center of Bozeman, Montana.

Adam Starchild is serving ten years for tax fraud at the federal prison in Ashland, Kentucky.

In the Next *Liberty* . . .

- **The *Liberty* Interview: Barbara Branden**—Frank talk about her life within the Rand circle, her ex-husband's steamy memoir, the art of biography, and what is living and what is dead in the philosophy of Objectivism.
- **The Greenhouse and Your House**—Environmental scientist Patrick J. Michaels compares the "popular vision" of ecological catastrophe with the scientific evidence and discovers that the world is a lot more complicated and a lot less worrisome than the doomsayers claim.
- **Animal Rights and Human Rights**—John Hospers explores the question: Do animals have rights?
- **A Free Man's Guide to Religion**—Murray N. Rothbard reviews recent developments in Christianity and explains why they are important for libertarians.
- **Libertarian Intellectuals as Government Lackeys**—George H. Smith argues that libertarians who accept employment from the state don't simply harm their own souls: they harm other libertarians as well.

Terra Incognita

New York

Ingenious suggestion to solve the Savings & Loan crisis, offered on Phil Donahue's nationally syndicated television show, as reported by the Washington *Post*:

> "Why can't the government pay for these debts instead of the taxpayer?" one man proposed, to the cheers of several hundred people in the audience.

Dermott, Ark.

Advance in political science from this outpost of civilization in southeastern Arkansas, as reported in the Denver (Colo.) *Rocky Mountain News*:

> Under a ordinance passed by Dermott City Council, parents of children who are away from home after 11:00 pm can be fined up to $500, jailed for 30 days, have their photograph published in the local paper with the caption, "Irresponsible Parent," and be held in stocks for two days.

Tunis

Advance in geneological research, as reported in the Detroit *News*:

> William Shakespeare was not an Englishman; he was in fact an Arab dignitary named Shaykh Zubayr Bin William. The discovery was announced by Libyan leader Moammar Khadafy during an address to the Tunisian parliament.

Bangkok

Advance in semantics by the leader of the Socialist Republic of Vietnam, as reported by the *Associated Press*:

> "Democracy does not mean that one is free to say what one wants to say, write what one wants to write and do what one wants to do," said Nguyen Van Linh in a speech celebrating Vietnam's National Day. "These are essentially anarchist acts."

Longview, Wash.

Progressive education, as practiced in the Pacific Northwest, as reported by the Seattle *Times*:

> Using a $252,000 grant from the State of Washington, Lower Columbia College organized a special series of classes and on-the-job training for new employees of two lumber mills. According to the manager of one of the mills, the program was a real success. "It helped the business turn a profit within three years—much sooner than it had expected."
>
> To make the program more efficient, according to one of the college's supervisors, it was decided to make up the name of class titles and give the students grades, without requiring them to attend any classes. "The classes were made-up names, and some of them weren't even logical names," one administrator advised.
>
> Linda Broderick, deputy director for the state Board for Vocational Education, explained, "This was a wonderful program, one of the best vocational-education things going." Another administrator added, "The funds were used. We did the training, and it helped us. The community now has 210 families being supported where it had only 60 before. A lot of good came out of it. The community is reaping the benefits."
>
> One state official was critical of the program. Patricia Green, assistant director of the state Board for Community College Education, suggested that if the administrators had reported the grades to the students, "more of them might have realized that indeed they were involved in the project."

Port Townsend, Wash.

Intriguing health-care announcement in the Port Townsend *Leader*:

> "PMS—Curse or Cure?" A workshop with Shinan Barclay, "Empower Your Period, Honor Your Moontime" will be conducted at Phoenix Rising Bookstore on August 6 from 10 A.M. to noon.

Washington, D. C.

Solution to the problem of daylight time, excerpted from the timetable of Amtrak, the passenger rail service operated by the federal government:

> Amtrak operates according to the prevailing local time—either daylight-saving or standard time. On the last Sunday of October, when most communities set clocks back one hour at 2 A.M., Amtrak trains will hold back for one hour to be 'on time'—not early—according to local time. On the first Sunday in April, when most communities set clocks ahead one hour, Amtrak trains may operate an hour late, however, we attempt to adhere to the published schedule.

Philadelphia

Technological progress in the War on Drugs, as reported in the Philadelphia *Inquirer*:

> Mayor Wilson Goode unveiled a new tool to fight drugs: a bulldozer. In a press event in north Philadelphia, Mayor Goode announced that the city would raze 82 buildings that he described as "places where drug dealers can hide and do their dirty work." The sites formerly occupied by the buildings will be covered with wood chips and fenced in.
>
> Capt. Bruce Forstater, who oversees the area for the Police Department, said that the demolitions would have little effect on drug traffic. "But it's better than doing nothing," he added.

Studio City, Calif.

Evidence that America treasures its cultural heritage, as reported in the Seattle *Times*:

> Residents of Studio City are seeking "cultural landmark" status for a car wash built in the 1950s in an attempt to prevent a developer from tearing it down. "It certainly is a handy place to get your car washed," one resident said.

Tokyo

Latest international culinary delight in the world's richest city, as reported by the London *Economist*:

> Uniformed McDonald's employees distributed leaflets showing a man in a white hat (identified as McDonald's "executive chef") with his latest "French style" creation: a "Teriyaki Burger," consisting of "a disk of chicken covered with a sweet and sticky soy sauce and topped off, like a Big Mac, with lettuce and mayonnaise."

Washington, D.C.

Expert testimony for government control of handguns, as reported in the New York *Times*:

> If a compulsory waiting period for purchasers of hand-guns had been in force in 1981, "I believe I would not have gone forward with the effort to shoot the President," John Hinckley said of his attempt to assassinate the president in order to impress Jody Foster.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita*.

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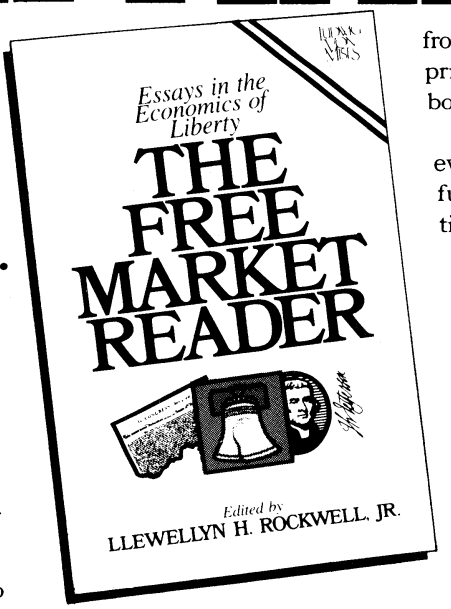

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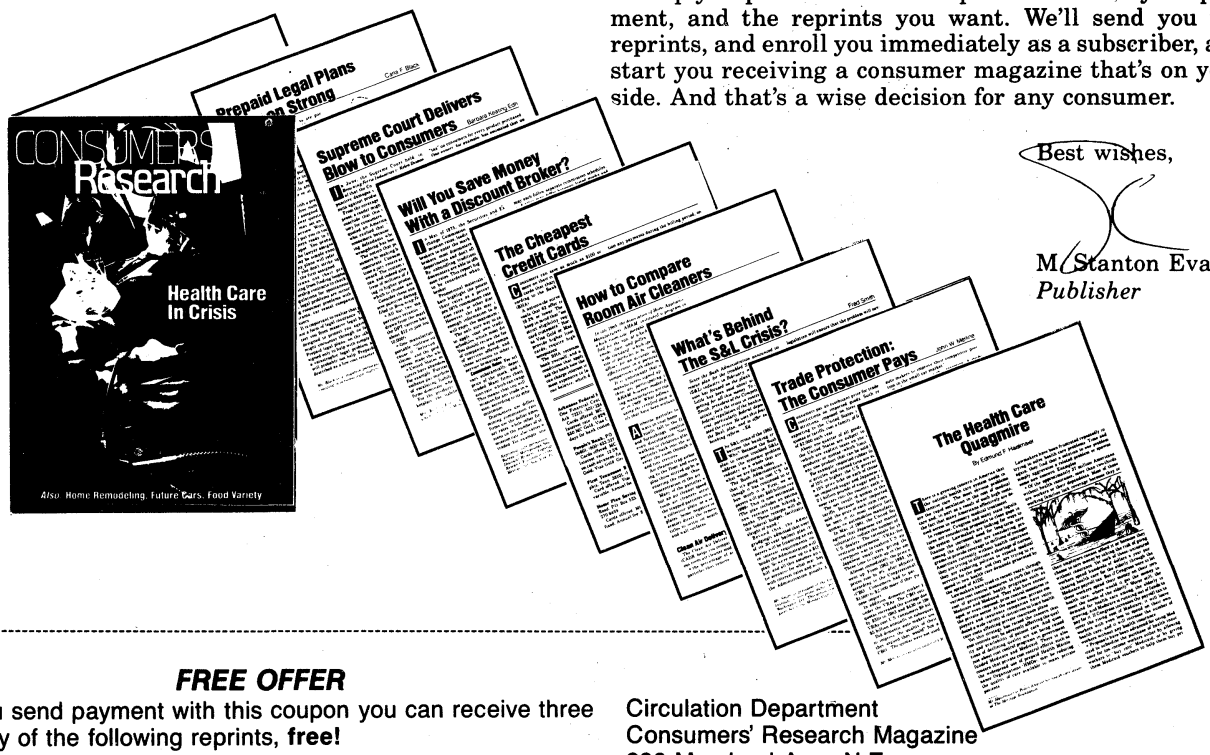

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Liberty

January 1990 Vol 3, No 3 $4.00

In Defense of Jim Bakker and Zsa Zsa

(see page 5)

What it means
The Death of Socialism
What it means

— Also —

The Greenhouse Effect: Myth or Danger?

by Patrick J. Michaels

Ayn Rand and Objectivism

Barbara Branden speaks frankly about life within the Rand circle, what is living and what is dead in the philosophy of Objectivism, and her ex-husband's intimate memoir about his affair with Rand.

How Rockefeller Soaked the Poor: We're Still Paying Today

by Richard Kostelanetz

Plus: *Sheldon Richman* on the Ugliness of World War II; *Karl Hess* defends Elitism; *Murray Rothbard* on Punching Out Senators; *David Bernstein* on Kids' TV; *Andrew Roller* on Adults' TV

"Above all things: Liberty!" — *John Selden*

Letters

All Wet

As a New Yorker, I feel it is important to address some of the points Mr. Bradford made in his article "A Rustic in New York" (November 1989). Having been to the Olympic Peninsula several times, I would attest to its beauty if you like the sea and rain, the mountains and rain, and isolation and rain. In short, it's a beautiful place for a retreat if you like rain. On the peninsula after a week of rain, people are wont to tell you how nice the weather was on a day in the previous month, or how beautiful it will be in July and August, or to remark about how green the grass is (with all the rain, why not?).

Now it's true there are days in the summer in New York when the horizon is obscured by "a yellow brown haze." But most of the year, the air is cleansed with the haze being blown out to sea. Los Angeles and Denver can make no such claim even though Port Townsend might. When the rain stops. Given this, I must object to the statement that we endure the worst government if only to point out, as did Murray Rothbard ("Loathing the Fear in New York," November 1989), that we will now be treated to one that will be worse, and just missed getting one worse still.

As to your comments on cabs, bums, crime and the like being less than advertised, while they are true, it would be appreciated if you keep them to yourself. This ruse is one that we New Yorkers use to keep down the tourist population. In spite of the best efforts of Hollywood, the news media, and our own inhabitants to maintain our rotten reputation, the city streets still bustle with camera-happy visitors from all nations.

Concerning the cultural advantages of the City, I believe that these lie primarily in the people and their diversity. Where else other than Epcot can you go from China, to Italy, to Korea within a few blocks? In New York, you can experience the little Odessa of Brighton Beach, Scandinavia in the little Norway of Brooklyn Heights, Germany in Yorktown, to say nothing of the better known Black, Hispanic, Korean, Chinese, Italian, and Jewish experiences, all for a $1 subway ride. In New York it is no oddity to be in a restaurant and hear French, Italian, German, and Japanese spoken all about you. It's no wonder that New Yorkers frequent Europe more than others—at least they know how to read the menus!

No, Mr. Bradford, New Yorkers do not believe that everything worth seeing is in New York. Most of us will grant you your majestic Cascades that seem to almost grow out of the surf, your verdant landscape, and clean air. What New Yorkers do believe is that there are a great many things worth seeing in New York. And, moreover, a great many interesting people worth meeting. It seems you have found that, too. For this we're glad. Just please don't tell too many people.

Joseph R. Fragola
New York, N.Y.

Bradford replies: The ruse used in these parts to keep down the tourist population is rain. Port Townsend has an average rainfall of 18.57 inches per year, versus the Big Apple's average of 44.28 inches.

In Fine Tenure

I wonder if Richard Kostelanetz realizes how deep the connection between his two concerns—avant-garde art and tenure (September and November, 1989)—really is. It is amazing how far society will go to grant an avant-garde artist tenure and psychic insulation. I am thinking of Ezra Pound whom Kostelanetz quotes approvingly. Pound was granted "tenure" at St. Elizabeth's Hospital in Washington, DC, where he wrote some of his greatest poems and also taught many of his disciples. Pound was "far out," so much so that society had to put him away.

All of which leads me to say I am still not sure if tenure is a good or a bad thing for college teachers. Maybe it's good if the teacher is a libertarian and maybe it's bad if the teacher is a socialist. Or is it the other way around?

David Herman
Los Angeles, Cal.

No Comparisons

It comes as no surprise to me that Robert Nozick has joined the statist camp (per Loren Lomasky, "Beyond Philosophy," November 1989). This could have been predicted as far back as 1974, when in *Anarchy, State and Utopia,* Nozick identified his concept of self-esteem. To the "old" Nozick, self-esteem is based upon evaluating "how well we do something by comparing our performance to others." As a cure for poor self-esteem, Nozick looks to society to "have a diversity of different lists of [comparative] dimensions and weightings" upon which individuals should base their self-esteem. This leaves an individual's self-esteem at the mercy of other people's value judgments.

This is a very unlibertarian view and also an inaccurate view self-esteem. Self-esteem is not mere performance comparisons with others; it is the recognition of self-worth based upon one's positive evaluation of that which makes skills, knowledge and values possible—one's own rational faculties and inner self. Authentic self-esteem, Nathaniel Branden noted, is experienced when one has proven oneself competent to promote one's own existence and worthy of achieving happiness.

Unfortunately, there are many who feel that self-esteem is based on social comparisons. When accepted, this view results in a loss of identity, a poor self-image, a reliance on pleasing others, and a propensity to see oneself and the world through the eyes of others. This is the primary cause of neurosis, and I believe it is the primary reason for the acceptance of altruist/collectivist ideals. Almost without exception, those who hold a seriously inadequate concept of self and self-esteem advocate the subjugation of the individual to the parasitic desires of the collective.

Like it or not, rational self-interest is libertarianism's ethical foundation. This specifies that each individual should be free to choose and pursue his or her own values, while respecting others' individual rights. Like other statists, Robert Nozick finally concluded that this is a bad thing and that *his* list of "dimensions and weightings" should be imposed on everyone using the government's power of brute force.

Alexander N. Knight
Irondequoit, N.Y.

Living in the Present With Nathaniel Branden

I find it extremely unfortunate that your magazine has apparently taken a hard-line editorial stance against the works and accomplishments of Dr. Nathaniel Branden. Dr. Branden is a man of many worthy achievements, and has helped me immensely in my own pursuit of personal growth and well-being.

My own experience speaks to me

continued on page 4

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Inside Liberty

January 1990
Volume 3, Number 3

2 Letters Taxes, Nozick, Branden, Moses . . .

5 Reflections The editors defend Jim Bakker and Zsa Zsa, dismiss anarchists (if not anarchism), expose corruption, reveal the full extent of the war on drugs, and conclude that it is not enough to speak truth to power . . .

What it means
The Death of Socialism
What it means

13 Now the Real Struggle Begins R.W. Bradford challenges libertarians to look beyond the collapse of an enemy ideology.

15 "Doors" a poem by Stephen Cox

16 Dreams: Socialist and Libertarian by Sheldon Richman

18 RIP: The New Soviet Man by William Moulton

19 No Time for Pessimism by Murray Rothbard

20 Once for All? Stephen Cox examines Fukuyama's "The End of History" to see if there is something more than wishful thinking in this trendy contribution to secular eschatology.

24 The Cheesing of America Lawrence Ludlow uses hindsight as foresight to reveal the great health menace of our time: killer cheese.

27 The Greenhouse Effect: Beyond the Popular Vision Environmental scientist Patrick Michaels looks for evidence of the "greenhouse effect" and discovers that the world is a lot more complicated than doomsayers are wont to admit.

34 The Case for Paleolibertarianism According to Llewelyn Rockwell, the only hope for libertarianism is to shuck off the dregs of the movement, and approach mainstream America as responsible right-wingers.

39 Kingdom Come Murray Rothbard explains the political ramifications of the Christian idea of the Millennium.

43 Choosing Freedom Charles Rowley and Richard Wagner provide a personal Public Choice perspective on the nature of freedom and the reason they like it.

46 In Defense of Elitism Karl Hess believes that elitism is one of the best things about America, and explains why.

49 Barbara Branden Speaks Out *Liberty* talks with Ayn Rand's biographer about Rand, the Objectivist experience, and her ex-husband's memoir.

58 The New Benefactors Richard Kostelanetz tells how taxpayers were first made to support the arts in America.

61 Ersatz Entrepreneurship Roger Koopman unmasks the guruship of America's most odious "entrepreneur."

63 Regulating Children's TV David Bernstein wonders: why throw out the Bill of Rights?

65 The Midwest Work Ethic Stephen Barone warns that the *virtues* of the decent folk of America's heartland might actually hamper the cause of freedom.

67 The War That Was Hell Sheldon Richman shows that World War II was not the "good" war that everyone pretends it was.

69 Life, Happiness, and the Pursuit of Policy David Gordon dissects Charles Murray's latest arguments against the welfare state, and finds some of them, alas, dead on arrival.

71 Ideal is Real, but Not *Ideal* Charles Ziarko finds Ayn Rand alive and well in Los Angeles, but . . .

72 All That's Fit to Watch Andrew Roller finds the stuff on the boob tube that the booboisie wouldn't watch.

73 Booknotes Choosing sides on Deicide, right-wingers galore, the "more liberal than thou" attitude, and the Reagan years in perspective.

77 Notes on Contributors **78 Terra Incognita**

Letters *(continued from page 2)*

louder than any defamatory remarks made by someone whom I do not know and whose own credentials at evaluating psychological accomplishments are questionable. I don't care who was "right" or "wrong" in the Ayn Rand Cult days. I care about the total picture, unlike some unobjective writers whose tendency to live in the past bequeaths them to bitterness.

James E. Britton
Newport, N.H.

The Unkindest Cut of All

I looked in disbelief at the title of the article, "Against a Capital Gains Tax Cut." Was this the *New Republic*, *The Nation*, or *The Washington Post*? No! It was *Liberty*. I am amazed that *Liberty*, a magazine that is part of a movement virtually overflowing with economists, would publish an article that is so uninformed about the economics of capital gains taxation.

It appears that Michael Christian studied at the Dan Rostenkowski school of economics. He accepts the knee-jerk view that to tax capital gains at a lower rate than ordinary income is to create a "loophole" or a "tax benefit." (Why shouldn't the higher rate on ordinary income be considered a tax penalty?) If he had even scratched the surface of the economics literature on the subject he would have found that there is a strong case to be made that capital gains should not be taxed at all.

An income tax that includes interest income is inherently biased against saving and investment. The reason for this is simple. The returns to saving are taxed while the returns to consumption are not. For example, say I have $100 of disposable income and my choice is to spend it on a new tape deck for my stereo or put it into my savings account where it will draw interest (or put it into stocks where I would expect to earn a capital gain). If I buy the tape deck, no further tax is due. I enjoy the use of the tape deck—the returns to consumption—tax free. If I put the money into my savings account, I must pay tax on the interest—the returns to saving. Hence a bias is created against saving and in favor of consumption. The best way to eliminate this bias is to exempt the returns to saving—whether they are in the form of interest, dividends, or capital gains—from taxation.

This is not an argument for subsidizing savings and investment, but for *not penalizing* it. There are several other efficiency-based reasons—to avoid taxing the same income twice, to guard against taxing inflationary gains—for at least having a lower tax rate on capital gains. If Mr. Christian has a refutation of these arguments, that's fine, but to ignore them is either negligent or ignorant.

Roy Cordato
Auburn, Ala.

The Gains from the Cut

In his essay, "Against a Capital Gains Tax" (November 1989), Michael Christian claims that from the premise—a capital gains tax cut will encourage investment, it does not follow that a capital gains tax cut should be implemented. I don't dispute this but this is not the only reason for advocating a cut in the capital gains tax (in fact, I don't think many libertarians would say this is the best reason for such a cut).

The fact is that rather than creating incentives for certain investments, a tax cut can be looked on as lowering disincentives. This does not conflict with the idea that an unhampered market is the most efficient way to produce and allocate goods and services.

Even if Mr. Christian's argument that a capital gains tax cut will do little to encourage investment in productive, domestic endeavors is accepted as sound, it is still a good idea because, to use Mr. Christian's phrase, "freedom from government meddling is in itself a worthy end." And, conceived of as a lowering of disincentives rather than as a creation of incentives, this tax cut is indeed a step toward freedom from government meddling, and as such should be supported by libertarians.

Mark Turiano
Auburn, Ala.

Exegesis

Contrary to Jane Shaw's assertions ("The Reformed Church of Ecology," November 1989), I did not disparage either Murray Rothbard's or her writings on ecological matters (R. Formaini, "The Theology of Ecology," September 1989). My argument was that neither of their approaches can ever be decisive against theological ecology. She provides no argument to the contrary in her reply.

Further, "substantive contributions" to the literature on any subject require a good deal more space and effort than one tends to devote to short pieces for a magazine such as *Liberty*. I agree that such a contribution is sorely needed. Perhaps my earnest critic will provide one?

Naturally, I do not deny that environmental damages exist and ought to be dealt with and I certainly agree that free markets can and will deal with them. So what? Jane seems to think that this is all some kind of educational problem that can be solved with a good book or two and a few essays in *Regulation* magazine.

Yeah, sure. And incidentally, how does one reconcile Meryl Streep's idiotic pronouncements with "high intelligence?" Does concern for the environment release one from the normal canons of intellectual exercise, or is Streep Jane's personal friend?

Further, I wish Jane and all her fellow public policy institute soldiers much success with their attempts to make government policies better than they might have been without the benefit of their efforts. In the final analysis, however, we all live with those residual policy outrages that they fail to stop or to modify along libertarian lines. In other words, their attempts to make policy rational can be only partially successful and that was a subsidiary point in my article, to wit: once you accept the basic *right* of the state to guard the environment, then you have already lost the war and all else is a rear guard exercise.

Finally, I am flattered that with a mere three page edit in a magazine of some 4,000 total circulation I was able to insert myself in the environmental progress door, delaying all the good efforts of those who better understand these issues. It must be the overpowering "nihilism" that permeates my article!

I diagnose mild hysteria induced by sloppy reading. My prescription is a tranquilizer and a rereading of my article, preferably with a good dictionary close by so that when incorrect adjectives such as "nihilistic" float into conscious view, the appropriate remedy is readily available.

R. Formaini
Plano, Tex.

continued on page 60

Letters Policy

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

Reflections

Dan Quayle Theory # 137 — George Bush is a closet anarchist. He plans to resign when the time is ripe and leave the United States without a government. —RFM

Blackmale in the Pentagon — Homosexuality has long been grounds for medical discharge from the U.S. armed forces. Homosexuals are considered unstable, and a threat to unit cohesion, effectiveness and morale. However, a recent report by the Defense Personnel Security Research and Education Center may help to change this conventional wisdom. The Center examined the school conduct records, thinking skills, adjustment to military life and substance abuse problems of 166 gays and lesbians who had been discharged from the military because of their sexual preference. The homosexuals outperformed their heterosexual counterparts in all areas except substance abuse, and it is probable that, were they not subjected to the pressures of keeping their sexual identities a secret, the abuse levels would drop to normal.

The study is being given a high profile by legislators such as Rep. Gerry Studds (D, Mass) who want to see the Pentagon change its anti-homosexual policy. However, the effort faces considerable opposition. A longer 1988 study by the same Center also concluded that homosexuals should be allowed to enter military service, but was rejected because it did not address the "security risk" which homosexuals present. Gays in the military are, according to the Pentagon, subject to blackmail, the favored recruitment device of the KGB and other foreign intelligence services.

There is an element of illogic in this assertion. If gays were allowed to join the military openly, everyone would know they were gay, and thus they could not be blackmailed. On the other hand, if the policy is left as it is, gays, who will join the military anyway, are perfect extortion targets, because they can be threatened with exposure and subsequent discharge. So it would seem that the interests of national security would be best served if gays were not only admitted but welcomed into the armed forces—or is that too reasonable? —JSR

Pineapple Face? — Note that the media are habitually referring to the distinguished Generalissimo of Panama, Manuel Noriega, as "pineapple face." Isn't that displaying a remarkable and brutal insensitivity toward the pockmarked? Surely they will soon hear from the Pockmarked League of America. —MNR

That ol' double standard — Suppose a natural event that has been long expected causes widespread damage over a wide geographic area inhabited by millions of people. Suppose further that about 2/3 of the deaths caused by the disaster occurred because of the failure of a single structure. Suppose also that the builders and owners of the failed structure had known for decades that it was improperly designed and was bound to cause substantial casualities if the widely anticipated natural disaster ever happened.

Would there be a public outcry against the owner and builder of the structure? Would he be denounced as a murderer? Would he be told he had blood on his hands? Would he be sued for millions or billions of dollars, and perhaps bankrupted?

In the Alaska oil spill last spring, not a single human being was injured, let alone killed, yet the press and public have engaged in an orgy of denunciation of the owner of the oil tanker at fault. In the collapse of a hotel in Kansas City, the papers teemed with indignation against the hotel's owner.

Then why is it that there has been no public outcry about the collapse of Interstate-880, the Oakland freeway whose collapse crushed 42 people to death during the San Francisco earthquake? According to news reports, the owner of the freeway (the State of California) has known for *decades* that even a moderate earthquake would cause it to collapse, and the state had attempted some minor repairs that it knew did not correct the problem.

The reason, I suspect, is that the press and public have a double standard: when damage or death is the result of the negligence of a business enterprise, the crime is heinous; when damage is the result of the negligence of the government . . . well, it couldn't be helped, and I'm sure glad I wasn't on I-880 at 5:04 P.M. on October 17. —RWB

Celebrity abuse — On July 14, Paul Kramer, a Beverly Hills policeman, stopped a Rolls Royce driven by an elderly lady and asked to see her license. Alas, her license had expired, whereupon the officer ordered the driver from her car. What happened next is disputed: according to the officer, the diminutive, elderly lady verbally abused him and assaulted him. According to the lady, the officer verbally abused her, womanhandled her, and finally provoked her to slap his face. None of this would have attracted much attention except that the woman was the professional celebrity Zsa Zsa Gabor.

Of course, the prosecutor ignored the nature of her "crime," choosing instead to paint a horrible picture of a woman who believes she is better than her neighbors who keep their driver's licenses current and are polite to police officers. The jury convicted Zsa Zsa and threw her upon the mercy of Judge Charles Rubin.

Alas, the judge was not merciful. The diminutive serial polyandrist "not only slapped the face of Officer Kramer out there on Olympic Blvd, but by her vituperative and denigrating comments she has verbally slapped the faces of every prosecuting witness that appeared in this case and she was not satisfied with that but she turned around and slapped the face of every American . . ."

He sentenced her to 4 days in jail, 120 hours of community service, and a fine of $2,936.50 (not to put too fine a point on it). He also ordered her to pay $10,000 to compensate the state for the extraordinary expense of the case because of her "milking this case for publicity." She certainly wasn't the only one to seek publicity: Officer Kramer is reportedly seeking a career as a mo-

vie actor, and Judge Rubin appeared in court with makeup, carefully coifed hair, and a rehearsed speech. As lagniappe, Judge Rubin explained, "Now I have been involved in the criminal law system for 23 years and I've developed some familiarity with persons who display some psychological or emotional difficulties. I've observed a hyper or manic quality to Miss Gabor's behavior that absolutely would not—and I repeat not—amount to a legal defense in this case"—this happened in California, after all, where psychological expertise is nearly universal—and ordered her to seek the services of a psychiatrist.

What had Miss Hungary 1936 done to deserve this penalty? She had been pulled over by a highway patrolman and hassled about a minor oversight (her driver's license was expired). When the officer got obnoxious, she did what any American worthy of this great nation would do in the same circumstances: she slapped the smart-ass punk. Given her slight stature and advanced age, it is apparent that she was a threat to nothing but his supercilious pride. —EOW

Clergy abuse — The Rev. Jim Bakker was recently tried and convicted of fraud. In the course of his television ministry, he told his flock that if they contributed $1,000 to his ministry, he would give them free admission to his amusement park and a room in his hotel for 3 nights per year. Unfortunately, he didn't have enough hotel rooms to satisfy all the donors.

To hear the prosecutor explain it, Bakker was a businessman who committed fraud on a grand scale, taking poor people's money on false pretenses to finance his sexual escapades, his wife's makeup and his dog's air-conditioned home, leaving the poor contributors in wretched condition.

The jury bought these dubious propositions and convicted the by-now-pathetic Rev. Bakker. And the judge meted out "justice." For his "crime," the Rev. Bakker was sentenced to 45 years in the slammer, with possible parole after 10 years, and fined $500,000—a punishment far greater than the typical murderer-rapist is dealt.

A clergyman or politician is no more able to keep his word than a cat can respect property lines, or a 5-year-old boy can keep his promise to keep his good clothes clean on the way home from Sunday school.

The outrageousness of the Rev. Bakker's conviction and the heinousness of his punishment are manifest. In essence, the Rev. Bakker was accused of what the airline industry calls "overbooking." But in the airline industry, the practice is perfectly legal. The airlines know that some of the people who reserve seats on a flight will not show up. Therefore, as a matter of routine, they sell more seats than are actually available. On those occasions when too many passengers with reservations actually show up for a flight, what happens? Do Federal Marshals run in with leg-irons and haul away the employees or owners of the airline?

No way. Instead, the airline offers bribes to get enough passengers to agree to take another flight. Usually the bribes are "free" flights, but if not enough passengers accept this compensation for being "bumped," the airlines must offer cash. What happens if they offer less cash than the passengers want? They raise their bid. All the way to $400. Then, by Federal Law, the airlines are off the hook.

The Rev. Bakker has every reason to believe that some of the people who signed up for his 3-day hotel room and amusement park would not show up. So he overbooked. Presumably, if too many people showed up, he would do the same as an airline: offer them a freebie to stay at another motel, or even cash. Like the airlines, he could give them $400 and tell them to go to Hell. But, noooooo! What's good enough for the airline passengers is not good enough for contributors of the Rev. Bakker. What's fair for airlines is a criminal offense worse than murder or rape for the Rev. Bakker.

But the punishment of the Rev. Bakker is pernicious for a much more fundamental reason. Since when are the promises of men of cloth considered to be valid legal contracts?

One of my hobbies is listening to religious leaders slicker cash from their flocks. My particular favorite, heard on the radio more than a decade ago, was crafted by a learned Rev. Dr. of considerable holiness, who told the story of a poor fellow down to his last $10 who happened to attend one of the Rev. Dr.'s prayer meetings. Moved by the spirit of the Lord and oblivious to his own great need, the man put that $10 bill in the collection plate. Then, as now, the Rev. Dr. had assured his flock that the Lord would repay them tenfold. As the man left the church and walked down the street, worrying about his future, he turned the corner and, "Behold! An Angel of the Lord appeared! . . . And in the hand of the Angel was a *brand-new $100 bill!*"

Now I don't recall that this Rev. Dr. was arrested for promising a 10-to-1 return. I don't recall hearing anything about an SEC investigation. The bunco squad wasn't called out. No, a few weeks later, while scanning the nether regions of my AM dial, I again encountered this same Rev. Dr., making a similar pitch.

The reason is simple: The Bill of Rights guarantees both freedom of speech and freedom of religion, offering the holy orders a certain exemption from civil law and customs. Furthermore, most Americans, aware of the long tradition of treating with impunity behavior by men of the cloth that would constitute fraud if committed by mere mortals, believe the clergy to be a special class in our society, a class exempt from ordinary legal and moral standards.

The exemption from ordinary standards of decency and honesty was for years recognized in the legal doctrine called "benefit of clergy," under which clergymen were exempt from the death penalty for otherwise capital crimes. Although this doctrine was gradually repealed during the 19th century, vestiges of it remain today.

Consider the promise made by just about every clergyman: if you will believe, or profess, or dedicate your life to an incorporeal, ineffable, omnipresent, omniscient, miracle-dispensing Being—or better still, make a generous donation to His agent on earth (yours truly!)—then you will be rewarded on Earth or in Heaven, or both.

This sales contract is clearly far more fraudulent than the Rev. Bakker's deal. Maybe there was no room at the inn for some of the Rev. Bakker's flock. But how many people have collected on the promises of peace of mind or happiness—not to mention eternal bliss?

Why then were the traditions and laws of this country perverted to put the pathetic Rev. Bakker behind bars for a half century? The major reason, I think, is the clergyman's lust, first for the innocent young Jessica Hahn and later for male employees. A cleric is free to promise his parishioners anything to induce them to give him money, but if he pokes his secretary, the peo-

ple's wrath will be felt.

The clergy is not the only profession exempt from ordinary legal and moral standards by virtue of tradition and expectation. The other major class that traditionally is allowed to lie and cheat without punishment is government officials. As with ministers of the Gospel, politicians' promises are traditionally broken so universally and uniformly that *scarcely anyone notices the event.* Candidate Reagan promised that he would *never* allow the government to spend more than its revenue; as President, his government *tripled* the national debt. No one cared, and Mr Reagan is now honored as one of the nation's greatest presidents.

Or consider what happens to a political leader who gets caught with his hand in the public's pocket: typically, he resigns his post, writes his memoirs, takes up a position as a lobbyist or Wall Street executive, and pockets a generous pension, mostly tax-free for the rest of his days. The most prominent elected leader to be forced from office in the past decade is the Hon. Mr. James Wright, the Speaker of the House of Representatives, who cost the nation's taxpayers billions of dollars by interfering with investigations into the fraudulent activities of various fatcat contributors to his campaign. How has he been punished? He is provided with three full-time staffers, an allowance of $120,000 to maintain an office plus $67,000 for stationery and phone calls, free use of the mails, a pension of $200,000 per year, plus the right to unlimited Chicken McNuggets at any McDonald's, all at the expense of the same taxpayers whom he defrauded, and spends his time giving speeches at $10,000 a pop and working on a new book, for which he has been paid a massive advance. (Okay, so I was kidding about the McNuggets.)

What has happened to his junior colleague, the Hon. Mr. Tony Coelho, who was caught taking a bribe disguised as an investment? In addition to his generous pension, he makes a million dollars a year as a Wall St executive, despite the absense of any qualifications for the job. He was recently honored at a black-tie charity affair in Washington, emceed by Dan Rather and attended by his former colleagues (that is, those who haven't yet been caught with their fingers in the till).

The exemption of politicians from ordinary standards of honesty is widely recognized in the world of commerce as well. For example, most print shops require politicians to pay for all printing in advance; most radio stations, television stations and newspapers require that all political advertising must be paid in cash up front, and even the phone company requires political campaigns to pay large deposits prior to connection of phone lines.

All in all, I think the doctrine that clergymen and politicians should be exempt from ordinary standards of honesty is a good one. So far as I can see, a clergyman or politician is no more able to keep his word than a cat can respect property lines, or a 5-year-old boy can keep his promise to keep his good clothes clean on the way home from Sunday school. Just as we would take for a fool the person who kicks his cat for straying into a neighbor's yard or whups his son for stopping on the way home from church to climb a particularly interesting-looking tree, so we should take for a fool the person who wants to punish politicians or clergymen for failing to keep their promises. —EOW

Another casualty in the War on Drugs — The victims of the War on Drugs are not just boat-owners who get caught with a guest who has a marijuana seed in his pocket, ghetto grocers whose cash register is emptied by the cops because one bill tested positive for crack, dopers who have to pay higher prices for their recreation, and school kids subjected to strip searches. The War strikes even the high and mighty.

Consider piteous Kitty Dukakis. Married to a millionaire politician, born and reared in wealth, accustomed to the accoutrements and perquisites of power, Kitty seemed pretty safe. Sure, she has been addicted to speed for years, but as a member of the power elite, she bought her drugs at her drug store with her doctors' prescriptions. Like most wealthy addicts who have legal connections for their drugs, she handled her addiction pretty well. It had so little impact on her life that her husband Mike didn't even know about it for more than 20 years. This is all the more remarkable in light of the fact that Kitty and Mike shared an extraordinarily close relationship, according to press reports during his heroic dash for the Presidency.

Anyway, Mike and the world found out about Kitty's "problem," and Kitty's life has taken a turn for the worse. Deprived by her loved ones of the amphetamines she craved, she turned to ethyl alcohol, available at any liquor store. Her loving family hid the liquor from her for her own good. Deprived of what had become part of her daily routine, she turned to what was available around the house. The only drug she could lay her hands on was rubbing alcohol in the medicine chest. It looked and tasted a lot like drinking alcohol, so what the hell. Chug-a-lug.

Is Kitty really better off under her family's "tough love," inspired by the national anti-drug mania? Is it better for her to poison herself than to continue her regular use of amphetamines or alcohol, an addiction that had so little impact on her life that those close to her didn't even notice it?

The resulting trip to the hospital put her name back in the headlines, and gave most voters yet another reason to rejoice that they had chosen George Bush over her husband Mike. Barbara Bush may be fat and wrinkled, the antithesis of cool, but at least she isn't embarrassing anyone by doing an imitation of a Bowery bum.

In the meantime, one has to wonder: Is Kitty really better off under her family's "tough love," inspired by the national anti-drug mania? Is it better for her to poison herself than to continue her regular use of amphetamines or alcohol, an addiction that had so little impact on her life that those close to her didn't even notice it?

Perhaps I read too much into Kitty's ordeal. A friend suggests another explanation of her behavior: after a 25-year binge, Kitty sobered up, look a good look at her husband, and reached for the first bottle she could find with POISON on the label.

— RWB

Killer tax cuts — Perhaps the most ludicrous reaction to the California earthquake is the assertion that the deaths were the result of Proposition 13, the citizens' initiative that stopped the geometric growth of taxes in the nation's largest state. This theory has been advanced by Ted Koppel, star of ABC-TV's *Nightline*, political cartoonist Paul Conrad, columnist Lou Cannon, and California Assemblyman Richard Katz.

Now, the quake deaths nearly all resulted from the collapse of government-operated roads and bridges, which are financed by state and federal gasoline taxes, both of which are exempt from Proposition 13, and both of which have increased by a whopping

30% since Prop 13 passed.

So the obvious question is: Just how did the tax-limiting Prop 13 cause the deaths? Or is it simply a matter of turning every disaster or semi-disaster into an excuse to expand the state? — RWB

Speaking truth to Bryant — On the October 17 episode of NBC's *Today*, Bryant Gumbel grilled Rev. Ralph Abernathy about descriptions in his new book, *And the Walls Came Tumbling Down*, of the Rev. Martin Luther King Jr.'s last night on Earth. Apparently King, a man of some appetite, spent parts of the night with two women, then slapped a third who complained that he had not been with her. Not one of the three was King's wife. Gumbel, instead of accepting the fact that King was a man with normal desires (even though some might call them "immoral"), criticized Abernathy for giving "great comfort to those who would like to demean the memory of Martin Luther King." Abernathy explained that he wanted King to look like "a human being, not a god, not a saint." He also noted that King's proclivities are well-known, and there was little in the book that hadn't been revealed elsewhere. Still, Gumbel pressed the Reverend, saying that Abernathy had to know that "this would hurt [King's] family," and pointing out that the book had been "repudiated now by almost every black leader, every major black official in this country."

Throughout the interview, Gumbel's face showed disbelief, incredulousness, frustration. There was clearly much more than objective journalism involved. Emotion had taken control. But when Gumbel referred to the line from "The Man Who Shot Liberty Valance" about how when truth collides with legend the author should write the legend, he crossed the line from journalist to mythologist. Abernathy was unmoved, and responded simply that "Ye shall know the truth and the truth will set you free."

Any such realistic approaches to the life of a revered man will generate this sort of criticism. And perhaps Bryant's emotionalism is understandable; he is a young African American who was politically socialized in the King era. But one mark of a professional journalist is the ability to face soberly and objectively situations which conflict with his or her world view or predispositions. Evidently Bryant Gumbel failed this test. —JSR

Guerilla reply mail — Somehow, a few years back, somebody got the idea that I was a Republican National Committee Sustaining Member, and they've been sending me membership cards ever since. It's a handsome thing as such cards go, and it's very handy to cash checks with. But no matter. The point is that they've gone farther this time and sent me a survey to fill out. Since they're paying the return postage, I took advantage of the opportunity to advise that Quayle resign and be replaced with Walter Williams (in answer to the "Do you approve or disapprove of the job Dan Quayle is doing" question), that drugs be legalized, and that we abolish HUD, HHS, and the Departments of Education and Energy.

So don't throw those surveys away. Do as I do, and who knows?—you may find a fellow thinker doing scut work for the Republican Party. —RFM

Economic jumbo-mumbo — The Nobel Prize in Economics for 1989 went to Trygve Haavelmo of Norway. He is credited with developing econometrics, the branch of economics that attempts to mathematically model economies and predict the future. A commentary on the "science" broadcast on National Public Radio's "All Things Considered" program October 11 was instructive in understanding Haavelmo's contribution. After describing how Haavelmo replaced simple statistical analysis with his new methods, the commentator noted that econometrics is "not a perfect science." If it were, he explained, all economists would agree on things like the size of next year's budget deficit. But, he added, the shortcomings are not in Haavelmo's techniques. The problem is rather that human behavior is "erratic" and cannot be described in "one or even a hundred equations." In other words, econometrics is fine, but we acting human beings won't cooperate, which is like saying a new molecular theory is fine, but the molecules don't do what the theory predicts.

Aristotle said that in any discipline the method should con-

Guest Reflection:

Avant-Garde Redneck — Virtually every critic, journalist, scholar, curator and fundraiser concerned with the arts has taken a position on Senator Jesse Helms's amendment, which (in reaction to Andres Serrano's "Piss Christ," a crucifix immersed in the artist's urine, and to the Robert Mapplethorpe photos of male genitalia) would forbid agencies of the United States government—notably the National Endowment for the Arts—to fund obscene, anti-religious, or bigoted works of art.

All the articles I have seen by arts professionals have taken an identical position: the Helms amendment is an infringement on free speech, it amounts to censorship, it would politicize the NEA and similar organizations by asserting the right of ignorant Congressmen to make aesthetic judgments, and it would gravely undermine American cultural life.

It is embarrassing to identify myself with a redneck reactionary like Jesse Helms, but I feel compelled to defend what the whole arts community is calling an act of fascism.

It is perhaps irrelevant to note that the Serrano and Mapplethorpe works are trashy examples of everything wrong with American cultural life, and should have been denied funds simply on the basis of their lack of artistic value. That is a matter of artistic judgment. It is, however, a matter of political judgment to note that a refusal of government to fund a work of art has not the slightest thing to do with censorship, since the publication or exhibition of the work itself is in no way forbidden; that the NEA is already thoroughly politicized, its peer-review panels consisting of an ideologically monolithic elite of "arts experts"; that if a work of art responds to the real spiritual needs of its society, it ought to be able to find in the free marketplace people who need it enough to pay for it; that it is inherently unjust to force taxpayers to finance art they find offensive; and that—here's an old-fashioned fascist rallying cry—there should be no taxation without representation.

Alas, we live in a topsy-turvy society, where persons who should be most in favor of freedom—namely, artists—instead rally for statist compulsion, and where persons who care nothing for the arts or the values they embody—namely, the anti-intellectual right wing—lobby to ensure that the conditions of free artistic production and consumption be preserved: where an apostle of avant-garde creativity like me finds himself allied with Jesse Helms.

—Jonathan Saville

form to the subject. Not so in mainstream economics, where the subject is expected to conform to the method. —SLR

Minority report — I don't know if you can learn much these days from taking Freshman comp, but you can certainly learn a lot from teaching it. The latest revelation came when I was grading the rough draft of a student's paper dealing with the Progressive era. In an otherwise quite sensible and comprehensible piece of writing, I came across a sentence something like this: "Although women had made many advances, they were still a minority." Now, remember how naïve I am. A minority of *what*, I asked myself. And I just marked the spot with a question mark and waited to ask the student about it.

"Did you leave something out here?" I asked.

"No. I don't think so."

"Well, what did you mean by 'minority' here?"

"They were a minority. Women were still a minority."

"I'm sure they weren't . . . [then came the dawn!] . . . Ah! — What does 'minority' mean, the way you used it here?"

"They couldn't vote. You know, they couldn't have certain jobs."

So we proceeded to look up "minority" in the dictionary together, and we both learned something about the English language and how dangerous it can be. This is a bright kid. She knows what words mean, by and large. But somewhere along the line, while going through our fantastic secondary school system, she's learned that "minority" means "group without rights." There are probably several million people who think it means just that.

The moral of this is that when you or I talk about or write about public affairs, and we use the word "minority" anywhere, the chances are excellent that many seemingly-literate people are not going to understand what we're saying at all, and even worse, are going to think that they do understand it when they don't.

"Humpty Dumpty, call your office!" —RFM

Investing in Senators — How many crooks are there in the U.S. Senate? The correct answer is: at least six and no more than 100.

So far this year, we have learned that Alfonse D'Amato, John Glenn, Dennis DeConcini, Don Riegle, Alan Cranston, and John McCain are crooks. D'Amato effectively took over the Department of Housing and Urban Development, controlling its billions of pork barrel dollars, funnelling vast sums into the pockets of friends, associates and political contributors. The remaining five received "contributions" from Lincoln Savings and Loan totalling about $1,300,000 and then interceded on its behalf when federal regulators began to discover its massive fraud against the taxpayers. It all began in 1984, when Charles Keating, Jr, purchased Lincoln, and began to use it as a source of low-cost money he could invest in high risk ventures. It was a no-loss situation for Keating: if the ventures went belly-up, the S&L would be out the money, and the taxpayer would pay off the depositors; if the ventures paid off, Mr Keating could make a huge profit, thanks to the availability of low cost deposits. It was also a no-win situation for the taxpayer. Ultimately, it looks as if the scam will cost the taxpayer about $2,500,000,000.

Now Sen. D'Amato claims his lassooing of federal megabucks for a swimming pool for his hometown and subsidies for the purchases of homes by his rich pals and their kids was all done for the public good. Similarly, Senators Glenn, DeConcini, Riegle, Cranston and McCain positively bristle with indignation at any suggestion that their interference with the audit of Lincoln Savings and Loan was anything other than their looking into a matter on behalf of a constituent. None of them told the Home Loan Board to lay off the investigation, at least not explicitly, though it's hard to know how else a federal employee will interpret being called on the carpet by five powerful Senators. But there is a limit to the credulity of the American voter, who cannot remember the last time five U.S. senators called to the carpet a government employee that had been hassling *him*, or any of his friends, for that matter.

Three observations:

1. Unlike the ethics crisis involving House Democrat leaders Jim Wright and Tony Coelho, this one has a bipartisan ring to it: two of the crooks so-far identified are Republicans, and a third first came to Washington as a Republican. There is good reason that corruption in the Senate is more bipartisan than in the House: corruption is a function of power, and the House has so long been so dominated by a single organization, the House Democrats, that it simply isn't worth corrupting Republicans. On the other hand, the Democratic hold on the Senate is tenuous; Republicans controlled it as recently as three years ago, and remain a large and powerful minority.

Senator-buying is a good investment: the expenditure of $1.3 million allowed Charles Keating and his buddies to loot the taxpayers to the tune of about $2.5 billion— a return on capital of 1,823%. Maybe we can pay off the National Debt by allowing the Treasury to invest directly in Senators.

2. Senator-buying is a good investment. The expenditure of $1.3 million to the pockets of Sens. Glenn, DeConcini, Reigle, Cranston and McCain allowed Charles Keating and his buddies at Lincoln Savings to loot the taxpayers to the tune of about $2.5 billion—a return on capital of 1,823%. Maybe we can pay off the National Debt by allowing the Treasury to invest indirectly in Senatorial bribes.

3. It is particularly revolting to hear Keating claim to be a poor-but-honest businessman being unjustly hassled by the bureaucracy. I am as sympathetic to victims of the Feds as any man, but in this case, the evidence is pretty plain that Keating took advantage of the availability of deregulation and federal deposit insurance to pick the taxpayer's pocket. And prior to his financial hooliganism, Keating was a longtime crusader against freedom of the press, acting as Chairman of the Citizens for Decent Literature and a member of the Meese Commission.

—RWB

Punching out Senators — One of the most delightful moments in the history of TV occurred on Wednesday, October 25. It was after one of those tedious tree-planting ceremonies in Washington. Senator John Glenn (D, Ohio) had just helped plant an official tree, and was talking to a TV reporter when Michael Breen, a young engineer, walked up, and pow! punched him square on the jaw. It was a unique bit of *cinema verité*. As the cops seized Mr. Breen, the Senator walked around, rubbing his jaw, muttering: "I haven't been hit that hard in twenty-five years."

What was Breen's motivation? The answer is still murky. Breen linked his dramatic act with the alleged message that the Virgin Mary supposedly delivered to three youngsters at Fatima, Portugal in 1917. The message warned about Bolshevism and urged penance for sins—but in the hearts of some Catholics lurks the belief that Our Lady of Fatima had conveyed a secret message that the Popes have been carefully guarding ever since—a message presumably about future disasters with some sort of darkly right-wing content. At any rate, Breen was apparently in some way linking the San Francisco earthquake of the week before with the Fatima message, and felt he had some important revelation of his own to convey to the world.

Breen's attorney, Barry Stiller, concluded that Breen is "just a very nice young man who I think is a little confused." Probably so. But one observer heard Breen, just before he punched out the Senator, mutter, "The earthquakes are starting, the earthquakes are starting." I like to think that Breen had come up with the charming theory that tree-planting *causes* earthquakes, and that he had to act to call the world's attention to this insight. —MNR

Proud, but gender-neutral — Apparently there's one thing that unites conservatives and libertarians—a reverence for language that uses male terms to mean male and female. In the September issue of *Liberty*, Rex F. May mocked college English teachers for "kowtowing to the cultural commissars" by using "slasher pronouns" such as he/she and himself/herself. And in the September issue of *Chronicles* (a culturally conservative journal published in the Midwest), William F. Campbell decried the triumph of inclusive language over "not only tradition and elegance, but even reason."

I join them in condemning punctuational curiosities and clumsy neologisms. But why doesn't someone on the Right take seriously the idea of trying to make language more inclusive? Does the Right have to treat this issue as a litmus test of political belief as the Left does? You don't have to endorse awkward terms to reduce the number of times you use "he" to mean he or she, or to stop saying "men" and "mankind" when you mean "people" or "humankind."

Imagine that the world consisted of two races, black and white. What word would we use for the entire group, consisting of both blacks and whites? If we are to follow the preference of Campbell and May, we would use "blacks" to mean everyone, or "whites" to mean everyone. Which term we would use would probably reflect the political power of one group relative to another, and some people might feel mislabeled if they are black and described as white or vice versa. Isn't it fair to suppose that women might similarly dislike being called men?

True, this analogy has a flaw. Those who use "men" to mean "men and women" intend to be inclusive, whereas the terms "black" and "white" are used to differentiate. Logically, however, the error of calling one sex by the other's name is parallel to calling one race by the other's name.

The defenders of the "once-proud" English language (to use May's term) must be sorry that we dropped the second person forms "thou" and "thee." —JSS

Nothing new under the hyperpatriotic sun — During the War of Yankee Aggression (1861–65) shortage of legitimate coin of the realm led to various expediencies in both nations. In the Confederate States, where the shortage of specie was acute, a solution was sought in paper money, with predictable results. In the Northern Dominion where fiscal pressures were less intense, small change was provided largely by privately issued tokens struck on the exact standard of the under-supplied cent. About eleven thousand designs are known, including a few Southern examples. Most feature patriotic slogans and symbols or else carry an advertising message for the issuing business.

Recently, while examining a collection of such tokens, I was struck with the topicality of one of them. The obverse displays a flag, the date 1863, and the inscription "The Flag of Our Union." The reverse states "If Anybody Attempts to Tear it Down, Shoot Him on the Spot." A lot more pithy and to the point than any of the currently proposed laws and amendments, wouldn't you agree? —WPM

Public choices in ecotopia — On November 7, voters of Seattle overwhelmingly voted to increase taxes to hire additional policemen, but voted against raising taxes to "help kids" via a complicated measure that would increase spending on welfare and the public schools. This puzzled the commentators on Seattle television: why raise taxes for one purpose but not the other?

The "children's initiative" lost by a margin of more than 2 to 1, but the leaders of the campaign were encouraged that they had galvanized a new movement in favor of increasing state spending on children. Curiously, the constituents of this movement were public school teachers, social workers and other direct recipients of the increased taxes.

As nearly as I can tell, not one of these puzzled opinion leaders found it significant that the tax increase to "help kids" was a sales tax that all voters would have to pay, but the tax increase to hire more police was a tax on business enterprises. Is it possible that voters are happy to tax others for their own gain, but not to tax themselves?

The best hypothesis the commentators could come up with was that the "children's initiative" lost because "kids couldn't vote." Maybe they were right: maybe the only people who will vote for a tax increase are those who directly benefit from it . . . especially if they do not have to pay for it. —RWB

Race with no winners — New Yorkers are already engaging in the predictable orgy of self-congratulation about the historic election of their first black mayor, David Dinkins, and of what this supposedly shows about the spread of racial tolerance in the city. *Don't you believe it.* The election was "historic" all right, but in a completely different way. This mayoral election polarized the city racially as it has never been split before. New York's Jews, a center of liberalism who have voted overwhelmingly Democratic since the beginning of the New Deal, voted almost as overwhelmingly for the Republican Rudolph Giuliani. Jewish voters at exit polls on Election Day *said* that they voted two to one for Giuliani, but, voters systemically *lied* to the pollsters, who forecast a 10 percent margin for Dinkins when it actually turned out to be a slim 2 percent. The Forest Hills-Kew Gardens section of the borough of Queens, traditionally Jewish middle-class liberal Democrat, voted by a remarkable 3 to 1 for Giuliani, while conservative Democratic Borough Park district of Brooklyn, consisting of Hasidic Jews, voted for the Republican by no less than 5 to 1. The middle-class Jewish district of Riverdale in the Bronx went Republican by 60 percent. Even the Upper West Side of Manhattan, traditionally very left-wing and the stronghold of left-wing Jewish intellectuals, went for Dinkins by only 57 percent—this in a district that usually piles up 3 to 1 Democrat majorities.

Other whites voted almost unanimously for Giuliani; non-Jewish whites voted 85 percent for Giuliani, and this was the *under*estimate given at the exit polls.

How, then, did Dinkins squeak through, by 50 to 48 percent? Two reasons: first, the Puerto Ricans, who had long split from the black voting bloc, supported Dinkins by 70 percent; and, more important, the blacks turned out overwhelmingly and in unprecedented numbers, voting almost unanimously for Dinkins. Usually, black turnout rates at elections are far below those of whites; this time, however, while 55 percent of all eligible voters turned out, over 65 percent of eligible blacks trooped to the polls. Exit polls estimated 93 percent of the black vote to Dinkins, but once again, this probably underestimated the black support to Dinkins by a considerable margin—as in the case of whites, some blacks lied out of fear of being considered "racist" by the pollsters. Thus, the Crown Heights-Bedford-Stuyvesant black region of Brooklyn voted 54,546 for Dinkins as against 1,273 votes for Giuliani, a stunning percentage of 97.7 for the Democrat. The rather less militant black voters of Harlem voted 54,170 for Dinkins as against 3,764 for Giuliani, which comes in at the official estimate of 93.5 percent for Dinkins.

Put another way, the "outer boroughs" of NewYork, eternally Democratic, voted a margin of 53,000 for Giuliani, and it was only Manhattan, the most leftwing borough in the city, that supplied the 95,000 margin that allowed Dinkins to slip through.

Far from the election being a harbinger of tolerance, New York has slid ever closer to eventual race war. An old friend of mine—a lifelong libertarian who generally votes New Left Democratic—remonstrated with me on the phone just before the election for my stronger opposition to Giuliani. "Murray, have pity on those of us who still live in New York," he pleaded, "because if Dinkins wins, *they* will take over." *They* meant two conjoined forces: blacks and leftists, for indeed Dinkins, while personally a calm, unthreatening figure, is surrounded by left-wing ideologues, mainly black, including Jesse, but also by such long-time white socialist activists as City Councilwoman (now Borough President of Manhattan) Ruth Messinger.

Indeed, amidst the euphoria of Democratic victory, outgoing mayor Ed Koch, who lost by 10 points in the Democratic primary but whom most observers concede would win an election *today*, issued a stern warning against many of Dinkins's cherished programs. In particular, Koch warned against two proposals of Messinger that would serve to destroy what is left of the housing stock already gravely crippled by fifty years of rent control. For Dinkins favors imposing rent control on retail stores, as well as preventing landlords from keeping apartments off the market while waiting for more profitable use. Koch also attacked such destructive statist proposals of Dinkins as imposing the concept of "comparable worth" for municipal jobs, as well as favoring muncipal unions with even greater privileges than they now enjoy.

As for the outgoing mayor, don't cry for Ed Koch. His spirits have recovered nicely from defeat, and he is happy and chortling as he looks forward to his next career: What else? Cleaning up on the lecture circuit, where Koch will be entertaining his audience at about $30,000 a pop. New York City, however, is not going to be so lucky; it's in for a helluva ride.

A final note on the polls: happily, for those of us who dislike the arrogant determinism of the pollsters as well as their heavy influence on political campaigns, they came a cropper this time. Not only did the exit polls predict a 10 percent win for Dinkins, but the highly respected *Daily News*-CBS poll, taken only two days before the election, forecast a 14 point victory for Dinkins, while the Gallup-*Newsday* poll predicted a 15 percent margin. The pollsters, of course, blamed the public; they *lied* to the pollsters, especially wherever race matters. Well, tough patootie, fellas. How about you highly paid professionals taking the fall, and going into a more legitimate line of work? —MNR

Anarchy in the USA — Lenin wrote that anarchism is "often a sort of punishment for the opportunist sins of the working class movement." Of course, his experience with anarchism came at a time when the movement was serious and, in some circles, important. He could recall the vicious struggles at Congresses of the Second International over whether or not to expel the anarchists. When they finally were cast out, they established the "Black International," which persisted at least until the Spanish Civil War. Lenin lived at a time when the syndicalist wing of the anarchist movement had an important (which is not to say beneficial) impact on the political landscape by assassinating heads of state and other political notables. To Lenin, anarchism was a threat, one to be treated seriously.

Today, anarchism seems to be nothing more than "Left childishness," if the latest North American Anarchist Conference is any indication. The Conference was held at the Horace Mann Middle School in the Mission District of San Francisco (not to be confused with Tom Mann, U.S. syndicalist, known for his frenetic ranting of "We must destroy!" at the 1893 anarchist conference in London). The anarchist organizers (that grand contradiction in terms) had hoped to improve the image of anarchism through hosting a series of lectures and discussions (e.g., "Anarchy 101," and "TV: Totalitarian Technology"). However, most of the 1000 people who showed up were not straight-laced intellectuals, but a cross section of the alternative culture; punks, hippies, mystics and other free spirits, engaging in festive, unstructured, anarchic behavior. Mirroring the Old Left/New Left disputes of the 1960s, Joey Cain, one of the organizers, complained of a lack of historical sense among the younger anarchists. "A lot of people think anarchism started 10 years ago with the Sex Pistols," he said. It's hard to blame the punks for the misunderstanding, though. The Sex Pistols sold a lot more albums than Chernyshevskii or Emma Goldman.

Some of the anarchists voiced concern that the government wasn't doing enough to help the disadvantaged, and demanded government assistance for housing and other social programs. "State Anarchism" was born.

Despite the philosophical confluence between libertarianism and anarchism, the sentiment at this conference was decidedly anti-capitalist and anti-property. Jef Strohl, a participant from Oakland, said that capitalism is to blame for most of the world's problems. "There is enough in this world for all of its need, but not enough for all of its greed," he stated. "Half the people here have no chance of getting a well-paying job or buying a house." (Half the people there also had shaved heads and only a nodding acquaintance with soap.) Others, betraying something of a confusion as to what anarchism is usually thought to be, voiced concern that the government wasn't doing enough to help the disadvantaged, and demanded government assistance for housing and other social programs. "State Anarchism" was born. But not everyone op-

posed the free market. Karry Koon, from McVerytown, Pa., had a brisk market in political pins, particularly those featuring the anarchist "Circle-A" symbol. "The pagan designs are also going well," the young entrepreneur said.

The Conference ended with a spontaneous riot, to the dismay of the organizers, who hoped for something more respectable. But the "riot" was a pretty pathetic specimen of Propaganda of the Deed. This was no Haymarket Bombing or Homestead Steel Strike. Windows were smashed, in defiance of Hazlitt's *Economics in One Lesson*. A Coca-Cola delivery truck, symbol of dreaded capitalism, was hijacked. Trash cans, unable to flee, were burned. But there were no injuries, and thirty anarchists were arrested. For some reason, nationwide sympathy has failed to manifest itself. Such is the state of anarchism today. Kind of feels good to see a group in worse shape than the Libertarian Party. —JSR

Hats off! — Not surprisingly, as soon as Congress passed a law prohibiting the "desecration" of the flag (oops, The Flag), certain radicals made headlines by burning the same. Though I was not one of those certain radicals (certainty is not my bag), I could not help but sympathize with them. Jingoistic laws like this deserve to be challenged. State worship, "Americanism"—the whole servile civic religion that self-proclaimed patriots have been shoving down the throats of innocent children ever since freedom and the rule of law became inadequate for "good Americans"—is badly in need of challenge, and if the Supreme Court will once again decide against the statists, I cannot help but raise a cheer.

Still, I doubt if I could bring myself to burn a flag. As symbolic acts go, flag-burning is far too extreme for my temperament. Furthermore, it is expressive of a severe, unambivalent attitude, and my attitude to both America and its symbology is nothing if not ambivalent.

It is not that I am not patriotic, in my own way; it's just that I am not patriotic in other people's way. For instance, my version of patriotism influenced me, years ago, to decide not to recite the odious Pledge of Allegiance. I reasoned that pledging allegiance to a symbol that was usually carried by the most despicable of criminals (that is, politicians) would be as unpatriotic an act as I could imagine. It would fly in the face of what I regarded as my American values: life, liberty and the pursuit of happiness. I believed that the right to govern should rest on the consent of the governed, and that the nobility of the American experiment consisted in the principle of limiting governments by the same rule of law that limits the activities of the common folk; no symbol of America (I reasoned) should be allowed to work against these ideals. So I dissented.

State worship, "Americanism"—the whole servile civic religion that self-proclaimed patriots have been shoving down the throats of innocent children ever since freedom and the rule of law became inadequate for "good Americans"—is badly in need of challenge.

Conveniently, by the time I made this decision I was no longer required to recite the thing. Not so conveniently, I have often found myself in a somewhat similar position, where I am expected to stand in respect for the flag as the National Anthem plays. Though I believe that sitting while the musicians go through the leaps of their variant of "Anacreon in Heaven" is too disrespectful (people might think I am a communist, or against freedom, or something), doing what everyone else is doing seems too respectful of the unthinking patriotism of the obedient masses. My solution to this crisis of ceremony is novel enough that I recommend flag-burners to follow suit. When the anthem is played (or worse yet, sung), I stand up, take off my hat and place it over a portion of my anatomy somewhat removed from my heart. I call this the "CYA gesture," and though most people do not notice it, I do not hesitate to explain when asked by anyone who looks unlikely to assault me in response.

So, if you feel compelled to show your dissent by burning a flag, show at least a little respect for the common opinions of mankind (or at least Americans) by refraining from chanting, swigging beer, shouting names, or making rude gestures to the police. Write a solemn declaration—perhaps mimicking Jeffersonian language—and have someone soberly read it for the assembled dissidents and voyeuristic cameramen. And, as the flag goes up in flames, why not salute it, or play taps? If flag-burners claim to stand for ideals that flag-burning laws unconstitutionally abridge, they should show respect for the ideals they wish to uphold by recognizing that, to many people, Old Glory once stood for those same ideals. —TWV

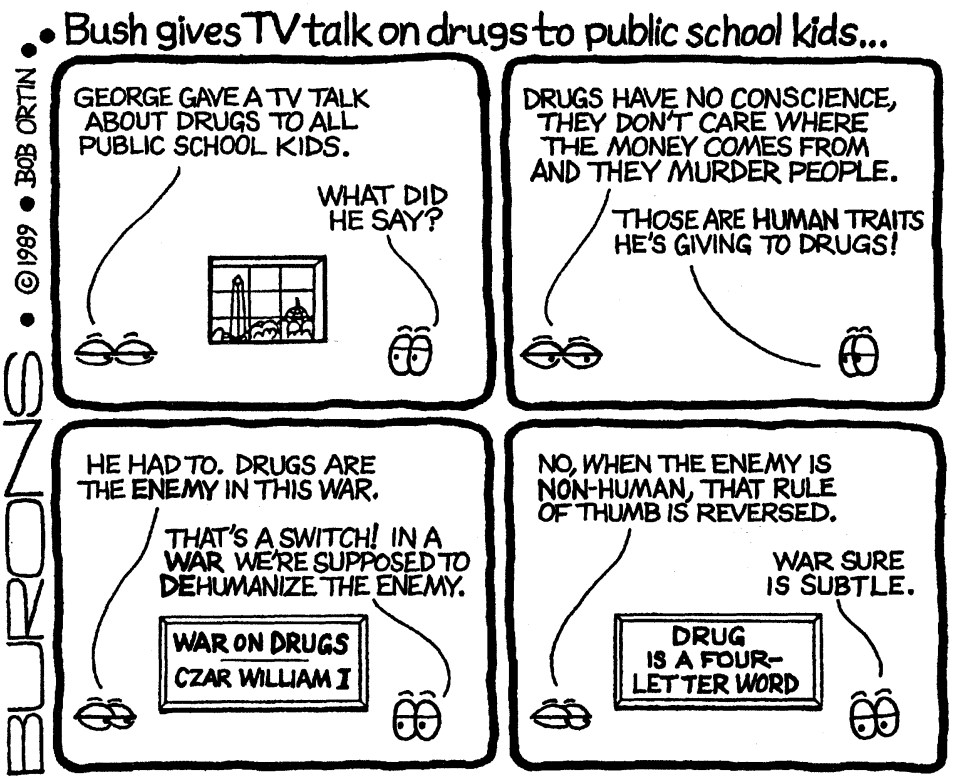

Now the Real Struggle Begins

Seven Observations on the Death of Socialism

by R. W. Bradford

George Bush seemed doleful to the reporters he summoned to his office after hearing the news that the Berlin Wall had fallen.

"You don't seem elated," one reporter observed.

"I am not an emotional kind of guy," Bush replied.

"Well, how elated are you?"

"I am very pleased."

Well, I am not sure whether I am a more "emotional kind of guy" than the President, but I didn't respond to the news that the Wall was being torn down in his hang-dog fashion. The collapse of the Berlin Wall and the attendant disintegration of socialism is cause for celebration for all who love humanity and especially for those who love liberty.

But the collapse of socialism is occasion for more than celebration: it is also cause for reflection and observation.

Observation 1: The faith is broken.

Last spring, Hungary legalized the Boy Scouts; this fall, it enacted a new constitution and is now a self-proclaimed Western-style republic. Its Communist Party reformed as well, reorganizing itself as a Western-style socialist party. Poland held a free election, which was won by a non-Communist party.

The Soviet Union has held elections with non-communist candidates, admitted to war crimes during World War II, tolerated a considerable amount of dissent, acknowledged the crimes of its secret police, and even supported such previously forbidden notions as private ownership of capital goods.

In Vietnam, a communist backwater, free-market thinking is tolerated and the state has begun to allow basic commodities to trade at market prices.

On October 18, Erich Honecker, the hard-line leader of East Germany, who only a few months earlier was seen as the most secure leader of any communist government, was ousted by his party in an attempt to satisfy the angry mob in the streets. It was not enough: on November 4, a half million people rallied against the government in East Berlin. Three days later the entire Cabinet quit under pressure, and the next day Honecker's Stalinist replacement resigned his government position, victims to its enraged citizenry emboldened by its unaccustomed exercise of power. The next to go belly up was Todor Zhivkov of Bulgaria, who had held power for 35 years, the longest tenure of any communist head of state.

On November 9, the East German state agreed to allow its citizens to travel freely in other Eastern Bloc countries, including those that had opened their borders to the West. Thousands of East Germans went West. This did not satisfy the people. In the most dramatic event to date, the East German state decided to open up its borders to emigration and travel directly to the West. In effect, the Berlin Wall, which had symbolized the slavery that communism had become, fell. The state said the Wall would be retained as a military barrier, but the people of both Berlins had another idea: they began tearing it down with hand tools, tossing chunks of concrete into the streets below.

Berliners were intoxicated by the new freedom. Students from the West streamed into the East, giving flowers to the *Volkspolezei*, who only a few days earlier had orders to kill anyone who approached the Wall. East Berliners toasted their new freedom with West German

champagne. Prices rose on the Frankfort stock exchange. People all over Germany rejoiced.

"More liberty begets desire of more," John Dryden observed three centuries ago. Appetites for liberty stimulated, the massed people of Eastern Europe demanded more and more liberty. In a desperate attempt to hold onto some remnant of power, the Communist Party of East Germany announced that free elections would be held, appointed non-Communists to the Cabinet, and began an investigation of Honecker, who only a month earlier had held near absolute power. Egon Krenz, the former chief of secret police who had taken over for Honecker, gave interviews to West German television, desperately trying to portray himself as a liberal; a few days later he resigned with his feet to the fire. Fully half of the residents of Prague took to the streets in protest against their government, which had resisted liberal reforms. On November 24, the Czech Politburo resigned. On December 5, Erich Honeckerwas placed under house arrest.

Meanwhile, nearly every so-called "democratic socialist" party in the West has acknowledged the inadequacy of centralized planning, thereby retreating from the fundamental principle of socialism.[1]

As the *Economist* observes: "The Swedes did that in the 1930s, the West Germans at their famous Bad Godesberg congress in 1959. Spain's socialists recanted in the 1970s. France's too have done so in practice, though they prefer not to avow the change. The party's line on the mixed economy, laid down by Mr Mitterand, is stand-pat: no more privatization, no more nationalization. Britain's Labor party was torn apart by Hugh Gaitskell's attempt at reform 30 years ago, and was still dreaming grandiosely of state intervention and state enterprise under Harold Wilson's prime ministership in the mid-1970s; it has gone pretty quietly along as Neil Kinnock has shuffled its ancient dogmas aside in the 1980s."

Socialism is in retreat around the world. That is to say, the notion that the state ought directly to control the economy for the benefit of all is no longer widely believed. No longer do people commonly see socialism (or its revolutionary clone, communism) as an idealistic system, building a new and better society, its noble ends justifying its sometimes brutal means.

Socialism has lost its high moral ground that it had gained during the late 19th century and held since.

Observation 2: The failure of socialism to deliver the goods precipitated its collapse.

For decades, the attitude of the communist leadership toward the masses was, "Let them eat promises." They told their subjects that they were gaining on the West economically and that before long they too would have decent automobiles, edible food, watches that keep time and the other accoutrements of civilized living. At first, they could point to progress in some areas. In heavy industry and public education, for example, the communists did gain on the West. But this was clearly the result of two factors. First, the communists lavished resources in a few "showcase" projects, while ignoring production of other goods. Secondly, the areas in which they chose to compete were most often areas where the state's heavy hand was limiting growth even in the West, where education is essentially a government monopoly and heavy industry is often hobbled by state-empowered labor unions and extensive regulation.

Such goods as were offered to the workers of the communist states were of inferior quality, when available. In Eastern Europe, the process of acquiring a car involved filing an application, waiting for years—sometimes even decades—and then paying an exorbitant price for a poorly crafted version of an automobile designed in the West twenty years earlier. The price of food in government stores was usually reasonable, but the quality was awful, the waiting in line opprobrious, and the availability sporadic. The most available consumer good in the Soviet Union was vodka, cheap to produce and sold at steep prices by the government monopoly. So the Soviet worker lived in his tiny apartment in his crumbling apartment building, ate garbage for food, was watched over by secret police, and drank his vodka, trying to forget.

The Soviet experiment began by promising paradise to the worker. It ended by giving him something quite unique in the modern world: a steadily declining life expectancy. After 70 years of promises not kept, the people stopped believing the promises.

The situation in Eastern Europe was worse than that in the Soviet Union. Here traditional tolerance of authoritarian government is much weaker than in Russia. And here people could see life in the West on television. The East German worker could see that his West German counterpart worked no harder than he, but enjoyed a vastly superior lifestyle.

Western television also stimulated demand for other Western consumer goods: freedom and democracy. Through the window of television, the subjects of socialist states saw that people in the West could speak their minds, live where they wanted, pursue the occupations of their choice, and choose their own leaders.

The governments of the satellite states tried to narrow the economic gap by importing consumer goods from the West, by borrowing from the West, by buying whole factories in the West. At first the people applauded the improvements. But the gap remained, and seemed to continue to grow. And the Western goods had to be paid for, putting several Eastern European countries on the brink of bankruptcy.

The communist states tried to narrow the political gap by allowing a modicum of freedom and democracy. But everywhere that people were allowed pittances of political freedom, two points quickly became apparent. People liked freedom a lot, and they were not satisfied with the crumbs of freedom they were offered.

None of these developments come as a surprise to libertarians or classical liberals, who understand why totalitarian control of the economy does not work. But until the past decade, this criticism of socialism was purely theoretical: the failures of socialism could be explained away. As the gap between the standard of living in socialist and non-socialist countries widened, the proposition that socialism does not work ceased to be mere theory: it became established historic fact.

Observation 3: It is a mistake to depend on the free market's track record of prosperity as a rationale for the liberal social order.

Okay. Communist parties are abandoning totalitarianism; socialist parties are abandoning state ownership of capital goods. The free market works and socialism doesn't. We're right and they're wrong.

Does this mean that we can look forward to increasing

What it means
The Death of Socialism
What it means

prosperity as the scope of the state is reduced and the scope of the marketplace increased, with further rolling back of the state as everyone sees how much happier and more prosperous they are as the result of their increasing freedom?

Before we indulge in this fantasy, let us consider what happened the last time the virtue of a social system was measured by its ability to deliver the goods. Let's survey the situation 60 years ago.

In 1929, the liberal social order had been "delivering the goods" fairly efficiently: for a century and a half, the standard of living of just about every class of people in the West had been rising fairly steadily. The Great War had been tremendously expensive, in life and treasure, but prosperity had returned as the liberal economic agenda was re-enacted, with repeated tax cuts in the U.S. and a return to the gold standard in the British Empire. The free market had its enemies, of course. Socialists had been around the fringes of civil society for years, carping about how "unscientific," how "irrational," how "chaotic," how "unfair" the market was. But even if a bunch of radical socialists had taken over the Russian Empire by *coup d'etat* and civil war in the wake of the Great War, and even if some elements in the working class, the clerical class and the intellectual class were smitten by socialist ideas, the liberal social order remained productive and strong.

But all that changed dramatically. During the four years from 1929 to 1933, prosperity ended and depression set in. Employment fell, profits fell, income fell, the stock market collapsed . . . The free market had apparently failed, and the credibility of the critics of the free market rose dramatically. Crank professors of economics at backwater "universities" were plucked from obscurity and made presidential advisors; advocates of goofy economic systems took power in Germany and Britain.

In only a few short years, capitalism was discredited, and a centrally planned (socialist) economy gained a credibility that it had never before enjoyed. Now I am well aware that the social order of the 1920s was a far cry from the liberal social order as libertarians and classical liberals envision it. The market was already hampered by increasing state intervention and whole segments of it (i.e. the credit market) had been nationalized. And I am conversant with libertarian explanations that the Depression was caused not by the free market, but by interventions in it. But this has nothing to do with the fact that in the public mind the Depression was the failure of capitalism and verification of (or, at the very least, strong evidence for) anti-capitalist economic theories.[2]

The free market suffered a loss of faith in the 1930s, just as socialism is suffering a loss of faith today, and for the same reasons. It would be as serious a mistake for market-advocates to get smug about the free market today as it was for socialists to get smug about socialism during the 1930s, and for exactly the same reason: we have no reason to believe that market economies will continue to perform strongly.

For one thing, the market economies today are free-market economies only in comparison to the socialist economies. That is to say, they are mixed economies, with a level of intervention that exceeds that prevalent during the 1920s and 1930s. If depressions are caused by intervention, as most libertarians argue, then another depression is at least a possibility and perhaps a likelihood. And another depression could very well be viewed by the public as a failure of the free market, thereby further setting back the liberal social order.

More fundamentally, free market advocates should understand the relationship between their policy prescriptions (proscriptions might be a more accurate word) and economic prosperity. Elimination of government intervention is not a guarantee of economic prosperity. There will be no economic prosperity if, for example, the earth plunges into the sun and all human beings perish.

More practically, economic prosperity requires capital investment and productive work. Even if there is no government intervention at all, it is entirely possible that people will refrain from capital investment or productive work. This is not an entirely remote possibility: as the millennium approached, for example, many Christians stopped planting crops, preferring instead to live off capital, and would likely

Doors

On the morning when the Berlin Wall finally opened, I washed the floor in my kitchen and straightened out the closet in the spare room, and Peter Nakaji came over to paint the front door. It's an old door and not very strong, and it had weathered badly. Standing in the sun, Peter sanded down the outside surface, now heavily oxidized, and put caulking in the cracks that run like thin Greek letters across the planes and elevations of the wood. Then he applied a double layer of Inca Gold while we drank beer and listened to reports on Cable News. I paid Peter with books and some more beer, and after joking awhile about the disorderly nature of the marketplace, we went out to dinner. Discussing events in Europe, we agreed that we must remain prepared for trouble but that many of our defenses can probably be reduced. We could not agree, however, about history, about whether everything that happens has shape and purpose (like a poem, for instance, or a door) or whether it is only a series of explosions in the protein alphabet. We drank and argued until midnight, and then Peter went home to complete his applications to medical school. I left the door slightly ajar, to allow the paint to dry, and all night long a crew worked under floodlights, smashing up the well-designed white modern wall that we had thought could keep the world divided.

— Stephen Cox

have done so even if they had operated within the context of a completely free market. Similarly, the spread of ascetic ideas or of the increased use of certain drugs (e.g. alcohol, heroin, marijuana, or cocaine) might reduce prosperity in a totally free market. In addition, prosperity can decline in a free market if a disproportionate number of owners of capital invest heavily in ventures that are technically impossible or impractical (e.g. in alchemy).

Nor are totally free markets necessary for economic prosperity, as the experience of the past half century has demonstrated. There is no doubt that the standard of living for Americans (and for the West in general) has risen since World War II, despite the fact that the level of government intervention has risen. (Of course, one can argue that in the long run, the post-war prosperity will end. But *undefined* "long run" considerations are singularly unconvincing: as Keynes pointed out, "In the long run, we all are dead.")

In this context, it is important for libertarians and classical liberals to remember the most fundamental insight of Austrian economics: the market process is profoundly *subjective*, and as a result is in constant disequilibrium. The market is *not* a mechanism, and getting a desired result from an economy is not simply a matter of putting in the correct inputs. Other approaches to economics, most especially the socialist approach, view the economy as a mechanism from which we can get what we need by proper manipulation.

Strictly speaking, the free market is *neither* necessary *nor* sufficient for economic prosperity. Time and time again, in his treatise *Man, Economy and State*, Murray Rothbard qualifies an economic law with the phrase, *ceteris paribus*, "all things equal." That qualification applies here as well: *ceteris paribus*, a free market is necessary for prosperity. But in the real world, *ceteris* is never *paribus*.

Observation 4: The death of socialism presents a crisis for conservatism.

To those reared in America during the Cold War, Communism was a disease that was slowly infecting the world, periodically contaminating people and territory, keeping them in its thrall forever. In grade schools, children sat on the floors in their cafeterias and watched movie documentaries about Communism, seeing the red cancer spread around the world: St Petersburg in 1917; Russia in 1922; Eastern Europe and China in the aftermath of World War II; half of Vietnam in 1954; Cuba in 1959 . . . Communism advanced inexorably and inevitably; all the West could do was slow its progress. "We will bury you!" Soviet leader Nikita Krushchev told Americans. And Americans believed them.

"The [Berlin] Wall is the most obvious and vivid demonstration of the failures of the communist system," John F. Kennedy told us, and we all agreed. The Wall epitomized the totalitarian nature of the communist world—a world in which people were denied the simplest personal right: the right to leave. It was proof that the subjects of communist states were slaves and that the Western democracies were powerless to do anything about it.

At the surrender of Cornwallis in 1781, jubilant Americans listened to a military band play "The World Turned Upside Down." The rock music that played as jubilant Germans smashed the Wall with sledge hammers and assaulted it with crowbars may seem less appropriate, but one thing is certain: as surely that the world turned one day in 1781, so it turned again on November 9, 1989. It signalled more than the loss of totalitarian power by East Germany. It proved that the notion that Communism is inevitable is just plain false.

The communists were not the only ones whose world turned upside down in 1989. So did the world of the American conservative. Since the 1950s, most conservatives have based their political program on the premise that Communism is conquering the world, and our highest priority must be to oppose it and slow its spread. As a result, conservatives have generally subjugated domestic policy to foreign policy, willing to accept the growth of state power at home as the price that must be paid for a powerful American state to oppose the spread of communism abroad. What good is keeping our economy free if we are going to be conquered by Communists anyway?

This compromise, enunciated as a strategic principle in the 1950s by William F. Buckley, has occurred time and again during the past half century. The most recent dramatic example has been President Reagan's willingness to accept higher spending on welfare in exchange for higher spending on defense, leaving the citizen to pay for both with higher taxes and increased debt, the consequences of which will be felt for decades.

Libertarians, of course, were never fooled by the myth of

Socialist dreamworld — Socialists in the United States, living as they are in a dreamworld, cannot come to grips with what is going on in Eastern Europe. Case in point: *The Nation* magazine recently editorialized about the hemorrhaging of population from East to West Germany, almost 50,000 people in a month. How can a socialist find the bright side of this event? Leave it to *The Nation*.

"The exodus of thousands of youthful East Germans across the Austro-Hungarian border cannot be interpreted, as some western commentators would have it, as an abandonment of the teachings of Karl Marx," the magazine states in its Oct. 2 issue. "To be sure, the emigrants are hoping for a better life than they found under the East German regime. But the country to which they are traveling . . . is not Thatcher's Britain or *apres*-Reagan America." No, says *The Nation*, they are going to the welfare state in West Germany, with its panoply of social programs, job protection, and worker participation in management. "True, it is a capitalist society, but one in which there are agreed-upon limits to the sovereignty of the market . . . By leaving East Germany the new emigrants have chosen capitalism with a human face. Its humanization was and is the work of the party Marx founded. And so the newcomers have gone from Stalin back to Marx."

I would have thought that the East Germans chose West Germany not because it is a welfare state, but because they speak the language, are automatically citizens, and in many cases have relatives there. But *The Nation* perhaps sees a truer reality. One thing it sees that is not there, however, is the work of the "party Marx founded." The West German social programs are actually the work of Ludwig Erhard and the Christian Democratic Union's postwar government. And let us not forget the German welfare state was pioneered by that non-Marxist Bismarck in the last century. Details, details.

—Sheldon L. Richmann

What it means
The Death of Socialism
What it means

the power of communism. Socialism may be able to grab men's minds—human beings seem almost infinitely able to believe in crazy ideas—but it cannot organize a social system in a way that brings prosperity. For libertarians, socialism was never the wave of the future; it was always a wave of the past, a wave that held a powerful grip on men's minds, but was always doomed to fail when put into practice.

Twenty years ago, as a college student, I argued with conservatives that a defeat of the U.S. in Vietnam wouldn't be much of a loss. The war was between two dictatorships, equally unable and unwilling to institute free markets. Vietnam would remain a poor country whichever side won, and its people would be unhappy and rife for further change. If the socialist totalitarians defeated the anti-socialist totalitarians, all it would mean is that the Soviets would have a problem that would require either substantial cash subsidy (as in Cuba) or massive military repression, rather than the U.S. having the same problem.

My argument, of course, went nowhere. Didn't I realize that Vietnam was a domino, that if the Reds captured it, next they would grab the rest of Indochina, then Thailand, then Indonesia . . . and the next thing we knew they would be in California. This childish faith in the power and efficacy of communism seems pretty silly today, but in the 1950s and 1960s it fueled conservative ideology and U.S. foreign policy.

Now there are some conservatives who argue that the collapse of Communism has been the result of the Reagan "get-tough" policy. But this is surely nothing more than a coincidence. It was not the military strength of the U.S. that destroyed the Berlin Wall or brought about elections in the Soviet Union. It was the inability of communist governments to deliver the goods to its people.

What role did Reagan's huge military buildup play in this process? What role did his confrontational foreign policy play? No role at all. The East German people didn't turn against Communism because they feared Reagan's de-mothballed fleet of World War II battleships or Polaris submarines. The Russian people didn't demand democracy because of Reagan's financial aid to the Unita army in Angola or to the Contras in Nicaragua.[3]

How will the crisis into which the death of socialism has plunged conservatism be resolved? Will the great compromise engineered by Buckley come to an end? With no further need to fight communism around the world, will conservatives join libertarians in fighting the growth of the state at home? Will conservatism return to its quasi-libertarian, pre-Cold War roots?

Or will it cast aside its libertarianism entirely, now that it can no longer be placated with lip service, and make its reactionary, statist "social agenda" its central theme?

My suspicion is that conservatism will follow the latter course. It was this course, after all, that brought conservatism such political power as it enjoys. But only time will tell, and in the meantime, I applaud those libertarians who again approach American conservatives.

Observation 5: The death of socialism is not a victory for libertarian ideas.

The proposition that state control of every element of economic life is morally good or economically productive is pernicious. Belief in that proposition has been at the root of much of the pain, suffering and death that men have inflicted on one another for the past century. Its passage into the intellectual cemetery is a profoundly progressive development.

The death of socialism is cause for celebration by lovers of liberty, as it is for all human beings. But it is not a victory for libertarians *qua* libertarians. The end advocated by libertarians goes far beyond the elimination of the total state: it is the radical reduction of state power, or even its total abolition. The fact that governments that once advocated the total state have changed their tune, while a wonderful development, is not a victory for the proposition that the role of the state should be minimized.

Observation 6: Libertarians now face their greatest challenge.

Consider the following propositions about the optimal role for the state in human life.

1. The role of the state in people's lives should be radically reduced or even eliminated; only when individual control of social life is maximized will a good, just and prosperous society emerge.
2. The role of the state in people's lives should be increased substantially; only when state control of social life is maximized will a good, just and prosperous

Gorby: closet Objectivist? — It is amusing to see the right-wingers who are nostalgic for the Cold War grudgingly concede that something significant is going on in the Eastern bloc, but at the same time try to salvage a part of the good old days by insisting that Mikhail Gorbachev can't possibly have honorable intentions. Even some libertarians and Objectivists are prone to this. But consider this: imagine that Gorbachev, just before becoming boss of the Soviet Union, had read Ayn Rand's *Atlas Shrugged* or Henry Hazlitt's *Time Will Run Back* and had become thoroughly convinced that individual liberty and the free market were right. Might it not be reasonable for him to have pursued the same policies as he has for the last several years? Sure, he could have defected to the United States and renounced his homeland, but that would have had little effect on the Soviet system or his people. Instead, he might have decided to continue his rise to power and liberalize from within. He, of course, has done some bad things, such as ordering the suppression of ethnic demonstrations. But one could argue that he had no real choice given the constraints imposed on him by the communist system. Failure to do something might have gotten him ousted and blown his program to free the Soviet Union. I'm not saying this gets him off the hook morally—only that he reasonably could have seen those actions as his best choices under the circumstances.

Of course, Gorbachev is probably not a libertarian. The point is that none of us knows what his intentions are. We would need much more information to make an intelligent guess. But more importantly, his intentions are not relevant. The law of unintended consequences is what matters. The toothpaste is out of the tube, and good intentions or not, it won't be easily put back in.

An Objectivist in the Kremlin? There's one running the Federal Reserve, isn't there?

— Sheldon L. Richman

society emerge.

The first of these is a reasonable summary of the libertarian (or classical liberal) position; the second is a reasonable summary of the socialist position. It is plain that the agreement with one proposition implies disagreement with the other and the truth of either implies the falsity of the other. But this is no place to enforce the Law of the Excluded Middle.[4]

These are not the only two propositions about the optimal role of the state. There is another proposition, one that is more widely accepted than either the libertarian or socialist proposition:

3. The state should have a powerful role in people's lives, but its power should not be absolute—indeed, the optimal role of the state may vary considerably from one situation to another; only when the power of the state is set at an optimal level and carefully managed will a good, just and prosperous society emerge.

This third proposition is a reasonable summary of the political views of most Americans, and (I believe) most educated people around the world. It's easy to understand its widespread popularity: it is "middle-of-the-road," non-extreme, non-radical and non-threatening; it reflects (more-or-less) the status quo, and it seems to be working adequately.

And it is this proposition, this "Middle Way," that libertarians find most vexing. The actual policy issues that libertarians face take the form of: Should government power be increased to deal with this-or-that problem? The libertarian answers no, it should not, because the growth of the state is a bad thing.

The libertarian is nearly always opposed by advocates of the Middle Way, not advocates of total state control.

Consider the last time you witnessed (or participated) in a discussion by a libertarian and a non-libertarian on just about any public issue. Chances are the discussion took the following form.

Professor Libertarian: We should solve problem X by restricting or eliminating government interference with the free exchange between individuals.

Joe Citizen: Well, I don't like giving the government more power very well, but if we don't, then how are we going to solve problem X?

Prof: Whenever you increase government power, you decrease the net utility, thereby reducing the total. (Or: Increasing government power violates people's rights, and this is always wrong.)

Joe: But what about problem X?

Seldom indeed does the dialogue between a libertarian and non-libertarian take this form:

Professor Libertarian: We should solve problem X by restricting or eliminating government interference with the free exchange between individuals.

Joe Citizen: No, no, no! We should solve it by increasing government control as much as possible.

Prof: Whenever you increase government power, you decrease the net utility, thereby reducing the total. (Or: Increasing government power violates people's rights, and this is always wrong.)

Joe Citizen: You've got it completely wrong, Professor. Whenever you in-

RIP: The New Soviet Man — It is hard to refrain from commenting on the ongoing breakup of the Communist Empire. For now I will limit myself to two observations. The first is that, on one of the very central issues of the movement that he represented and molded, Josef Stalin was right. Specifically, he was correct in his belief that, within the context of a Marxist-Leninist (or more accurately, Leninist-Stalinist) regime the only long-term workable model is the Stalinist one—i.e., the total absence of intra-party democracy, the extirpation of all competing institutions down to the most trivial level, and rule by endless terror. The history of the Communist world since Lenin's death has shown that this model (of which classical Maoism is a slight modification) is stable and other versions of the Leninist dream are not. Within the context we are using, that is to say, Bukharin, Tomsky, Radek and, more recently, Abenganjan, Yeltsin and Gorbachev himself have been wrong, and the Father of Peoples was correct. (Of course, it is also true that for some of the current Soviet leaders the Marxist-Leninist framework may no longer be the guiding principle in any sense whatsoever, although I regard this as uncertain at the present time.)

My other observation concerns a tenet that was at one time held not only by party members and fellow travellers but even by quite a few anti-communists. For a long time many observers believed that, for good or evil, the Soviet regime had succeeded in annihilating the primordial patterns of human existence and producing a new type of being, a sort of *Homo sovieticus*, the perfect totalitarian being. In the 30s and 40s, especially, this was an article of faith among the more silly-brained breed of Sovietophiles. (It was not so common among the more cynical, G.B. Shaw types.) This period saw a parade of now-forgotten volumes explaining that greed, envy, selfishness, careerism, and old linguistic, religious and national identities and loyalties had vanished in the Socialist Sixth of the World. A few decades later we were told that individualism had ceased to exist in China and that its countless citizens yearned with a single will to be faceless cogs in the Maoist anthill.

Well, wrong on all counts. When the screws were loosened, it turned out that the New Soviet Man does not exist, that people still think of themselves as Latvians and Lithuanians and Ukrainians and Moldavians and Great Russians and Armenians. They are Orthodox Russians and Catholics and Baptists and Jews and non-believers. They are westernizers and (in much greater numbers) romantic Russian nationalists. Unfortunately, many of them are anti-Semites. The point is, they are the same variety of people they were before the imposition of Communist despotism. At the same time, we have been given ample evidence of the deep and abiding love that the populaces of the satellite nations have for their Soviet masters and for the Marxist system. And, in the other red giant, we see that, lo and behold, Chinese are people too, with a wide range of opinions, with hopes and plans and individual desires, and furthermore that many of these desires are rooted in western liberal concepts. So much for the billion happy blue ants with which the media constantly regaled us during the Nixon-Mao era.

There are two historical lessons in all of this:

1. If you're serious about tyranny, you must rule as a tyrant.

2. Once repression slackens, the natural order of human activity—in both its benign and malevolent manifestations—speedily reasserts itself.

—William P. Moulton

crease government power, you increase people's control of their own lives, which makes everyone but the rich capitalists happy!

Those who advocate the Middle Way are impressed by neither the theories of the libertarian nor the theories of the socialist. Both socialism and liberty seem extreme and far too abstract. The marketplace is productive, all right, but it does a poor job of taking care of the poor, or the elderly, or the environment. An absolute free market would be a very bad place in which to live. Massive state control may help provide a safety net for the poor, medical care for the elderly, and the kind of environment that we like, but it isn't very productive. The socialist state would be as bad a system as the free market. What we need, then, is to optimize life by allowing the market to function, but tempering it with government control. We will have constantly to adjust this system as circumstances change.

For example, as long as our country is the lowest cost producer of most agricultural and industrial products (as was the U.S. during the post-war era) then free trade is the optimal system, and countries that do not favor it better watch out! Maybe we won't protect them with our military! Maybe we will pass laws punishing them!

But if other countries are able to produce industrial or agricultural goods more efficiently than the U.S. . . . well, that's not fair, they will put Americans out of work, ruin our balance of payments . . . maybe we should charge them large sums of money to allow them to sell their goods in our country, or "convince" them to limit their sales in the U.S. "voluntarily."

Just as advocates of the Middle Way are unimpressed with libertarian thinking, so libertarians are unimpressed with Middle Way thinking. Just as the advocate of the Middle Way dismisses libertarianism as too abstract, so libertarians often dismiss the Middle Way as too concrete-bound. This view may be philosophically satisfying, but its relevance in a world characterized by mixed economies and populated chiefly by advocates of the Middle Way is difficult to fathom.

Many libertarians argue that the Middle Way is no way at all because a social system organized according to it is inherently unstable and unviable. The debate over social organization is a debate between socialism and liberty; there is no third position.

These arguments usually grow from the observation that when state power is increased to solve one or another social problem, the result is usually an actual exacerbation of the problem and perhaps other problems as well, which generally results in further calls for the increase of state power by its advocates, or that when a crisis is responded to by the increase of state power, the power of the state is seldom reduced to pre-crisis levels after the crisis has passed, but instead falls to a new level, from which it expands at the time of the following crisis. Another argument, promulgated mostly by Objectivists, holds that the philosophical inconsistency of the Middle-Way causes it to break down.

These views offer intelligent ways of understanding recent history, but it is difficult to see them as genuinely universal. In fact, the decline of state power in the communist world in recent years, or in the Republic of Texas during the second administration of Sam Houston—he cut spending by nearly 90%—demonstrates the possibility that state power can decline.

Furthermore, the impact of an increasingly powerful state is mitigated in a mixed economy. As markets and technological expertise expand, people channel their energies into areas in which the power of the state is limited, often rapidly developing "new" industries that the state hasn't yet jumped on. We have seen this in the U.S. during the past three decades: heavy industry (e.g. steel-making), which is highly regulated has shrunk, while new industries (e.g. computer technology and software), which are almost unregulated, have grown tremendously. Indeed, so far as the U.S. economy as a whole is concerned, the decline in steel production has been dwarfed by the growth in computers. Indeed, it may be appropriate to term such heavily regulated industries as steel-making "politically obsolete."

Soviet propaganda films from the 1930s featured heavy industry, with its huge grey buildings filled with gigantic grey machines operated by sweaty grey men. It is not coincidental that heavy industry was the centerpiece of socialist planning during its heyday: here, at least for a while, by concentrating national efforts, the planned economies could compete, more or less, with their heavily regulated "capitalist" counterparts. The Soviets remained reasonably competitive with the West in these areas; however, both soon were upstaged by heavy industry from a quarter they least expected: the unregulated, free-market Pacific Rim.

At any rate, it is clear that the burden of proof is on those who assert that the Middle Way is fatally unstable; our common experience indicates that it is sufficiently stable to enable human life to go on, and indeed to prosper, albeit to a lesser degree than a more libertarian society would permit. Libertarians commonly agree that civilized society has never taken the form of total liberty, and that total state control is actually impossible. If these propositions are correct, it seems pretty obvious that society has *always* been organized according to the Middle Way.

The equilibrium between state power and individual freedom that exists in society changes constantly. But to suggest that this constantly changing equilibrium results in an inherently unstable and therefore unviable society makes no more sense than to argue that the constantly changing equilibria of prices mean that a free market is inherently unstable and therefore unviable.

For libertarians, individual rights are the absolutes that provide structure to society in which prices and economic conditions are in disequilibrium; for advocates of the Middle Way, individual rights fluctuate, providing a changing structure to society so that prices and economic conditions are more or less in equilibrium. When Herbert Spencer, the most systematic thinker among 19th-century advocates of the liberal social order, wrote about the ideal libertarian polity he titled his work *Social Statics*, and for good reason. Libertarians, who like to talk about market processes, should recognize the extent to which they oppose the *political* process. The case for libertarianism will remain unconvincing as long as it remains unclear why libertarians believe that *everything but politics* should be in flux.

One can no longer make the case for a free society simply by demonstrating that a totalitarian one doesn't work or is un-

pleasant to live under. Socialist theory has long ago been refuted by liberal thinkers, and now is rejected even by the socialists themselves. For libertarians to concentrate their intellectual energy on criticizing socialism in this age is nearly as silly as it would be for Christian evangelists today to aim their attacks at Gnostism.

With socialism out of the picture, libertarians must develop arguments that a free society is superior to the Middle Way. This will not be an easy task: for most people the crack-up of socialism seems like evidence that the Middle Way is correct. The crack-up of socialism demonstrated that extreme positions are best avoided and that social systems based on the application of universal laws don't work.

The primary challenge for libertarians of the next generation is to demonstrate that a free society is preferable to a society with the market inhibited and controlled by state intervention. This is a far more difficult job than proving that socialism doesn't work.[5]

Observation 7: Socialism is dead as an ideology, but socialist states may persist.

As countries run by socialists grew poorer and meaner, socialism has lost its intellectual and religious vigor, its moral high ground. With few exceptions—mostly in the political leadership of dreadfully poor African nations and in academic chairs of Western universities—no one believes the religion of socialism any longer.

But socialist political institutions remain, and lip service is paid. Anyone who thinks this necessarily means that communism is on its last legs should look at the history of Rome. The ideology of the Roman Empire was a religious view that the Roman people were uniquely blessed by their gods with a morally superior way of life, centered on dignity, simplicity and productive work, and had a divine mission to carry their way of life to the rest of the world.

This ideology was already in decline by the birth of the Empire, and was clearly dead by the end of the first century. Yet the Empire was vigorous well into the fourth century, and continued to exist on a reduced scale until the Eastern Empire was overrun by the Turks in 1453.

But only one Roman state has come along in the past two millennia, and whether the socialist states will show similar longevity remains to be seen. The long life of the Roman state was the result of a great many factors, but the most important were the practical success of its political institutions and the primitive level of its competition.

Socialist states, in contrast, are burdened with eminently impractical institutions, and their competing states are far more advanced in the provision of wealth and order.

True, socialist states control tremendously powerful military forces, massive police forces, tax collectors, regulators, educators . . . These states are owned and operated by powerful elites that live very well, despite the poverty of their subjects. Members of these elites (a large class, not limited to changing politburos) stand to lose power, status, and a high standard of living if their states wither away. They can be expected to try to maintain their privileges.

Already the leaders of the socialist states have shown a little stomach to defend their institutions and leaders. They have been inclined to try to survive at any price: equally willing to abandon leaders, institutions and fundamental ideas. Without their ideology or willingness to use raw state terror on a wide scale, the institutions of socialism will give way to those of the Middle Way: free elections and at least some free markets. A few hard-line states (e.g. North Korea, Romania) may persist by virtue of state terror, but these states will be increasingly poor and isolated.

With the old wine back in the old bottles, we can expect less danger than we have grown accustomed to, but there will still be a lot of spillage: lives will still be broken, and the entrenched bureaucracies of the socialist states may continue to pose a military threat to the security of free people. ❑

Notes

1. Throughout this essay, I use the term "socialism" in its original, somewhat technical sense: the theory that society is best organized when a single authority controls capital goods, as opposed to individual ownership of such goods. In a socialist society there would be at most two markets: a monopsonistic market for labor and a monopolistic market for consumer goods. In recent years, especially in colloquial discussions, "socialism" has come to be used to refer to other views.

"Socialist" is also sometimes used to mean "tending to increase collective control of the economy." This usage is a bit misleading, since it connotes that to advocate any increase in collective control is to advocate absolute collective control. A better term to use in such situations is "socialistic."

These days, "socialism" is sometimes used to refer to the theory that a combination of collective ownership and individual ownership is opti-

continued on page 23

No time for pessimism — I think Bradford is too pessimistic about libertarian chances in the dialogue or struggles of the future.

While it is true that most people tend to stay in the confused Middle, one extreme pole—socialism—has now been thoroughly discredited, whereas freedom has not. One powerful argument we can use is that Middle Way policies are *socialistic* and incorporate aspects of policies that everyone dreads. This means that, in contrast to the socialists in the late 19th century, *we* now have the permanent moral high ground. We can now say, when an advocate of the Middle Way says that libertarianism won't *work*, "Give us a country, or a region, and *let's find out*." The fact that Communists are constantly calling for freedom, private ownership, currency convertibility (even a gold standard), private property rights, etc. has to have an *enormous* effect on the Middle, and to shift the Middle way toward our position.

It should be noted that the Misesian position on the Middle Way is far more sophisticated than the common libertarian position Bradford outlines. It is *not* simply that government intervention creates new problems in a failed attempt to solve one, and thereby leads cumulatively to socialism. It is rather that these new problems confront everyone with this choice: *either* escalate the interventions (finally going on to socialism) *or* go back, repeal the interventions and move "back" to freedom. Whereas the West has generally taken the first set of choices, the Communist countries (beginning with Yugoslavia in the 1950s and 1960s) take the *other* path. When things get screwed up, they ask: where can we roll back the state in order to solve these problems? The point is not that socialism the inevitable result of intervention; it is that intervention is not a viable system because it sets these other choices into motion.

— Murray N. Rothbard

Once for All?

by Stephen Cox

Once to every man and nation
Comes the moment to decide
In the strife of truth with falsehood
For the good or evil side.

In "The End Of History?" Francis Fukuyama argues that historic change is the result of ideological struggle, and that the resolution of East-West differences will result in the end of history.

His controversial thesis has touched off considerable controversy: responses by Allan Bloom, Timothy Fuller, Gertrude Himmelfarb, Irving Kristol, Daniel Patrick Moynihan, David Satter, Leon Wieseltier, and others. (The National Interest, *Summer and Fall, 1989.)*

According to Fukuyama's thesis, the nations have had the moment promised them in the old Protestant hymn, and they have chosen truth—truth being defined as "Western liberalism," the ideology of economic and political rights that is embodied in more-or-less capitalist, more-or-less democratic states like West Germany, the United States, and Japan.

The nations' choice has put an end to history—history being defined as the struggle of conflicting ideologies, which is the only kind of history that really matters to Fukuyama. Because "systematic alternatives to Western liberalism" have now suffered "total exhaustion," no source of deep ideological conflict remains, and we may expect no further profound changes of human values to threaten or inspire us. The world deprived of profound conflicts will be the kingdom of the saved: comfortable but dull. In the ample sun of this new age, art and philosophy, which have traditionally been the code and expression of ideological conflicts, will shrink into mere semblances of themselves, healthy but juiceless raisins and prunes: "In the post-historical period there will be neither [new] art nor [new] philosophy, just the perpetual caretaking of the museum of human history."

The post-historical world resembles the world of Calvin and Hobbes, as depicted in the Sunday comics now lying on my desk. In the first few panels of today's strip, Calvin tells Hobbes that "History is a force . . . everything and everyone serves history's single purpose." "And what is that purpose?" Hobbes inquires. "Why, to produce **me**, of course!" Calvin answers. "I'm the end result of history." Hobbes then wants to know, now that history has reached its culmination in his self-satisfied friend, "what are you going to do?" The answer comes in the last panel, in which Calvin and Hobbes are sitting in their easy chair, laughing their heads off at a televised cartoon about Bugs Bunny.

Well, I doubt the part of Fukuyama's thesis that implies that art and philosophy are about to become the preserve of couch potatoes like Calvin, but I'd like to believe some of the rest.

In principle, the victory of Fukuyama's "liberalism" is the victory of my "liberalism," too—my idea of the ism of liberty. I'm not unduly worried about Fukuyama's failure to distinguish among all the varieties of liberalism. I'm quite willing to accept the idea that there are "liberal" premises I share with George Bush and Helmut Kohl, especially when the alternative is the illiberal premises of people like Fidel Castro and Erich Honecker. I think I have more in common, ideologically, with such hum-

ble essayists as F. A. Hayek and Mario Vargas Llosa than I do with such world-historical figures as Bush or Kohl, but I'm quite willing to defend the principles of individual political and economic freedom that the contemporary Western big-government leadership claims to be defending, especially if an inspection of those principles reveals that they ought to be much more consistently applied and defended than "liberal" big government intends to do.

And who would deny that all the once-vigorous ideological competitors of liberalism seem to be dying? East-of-the-Elbe Marxists are trying to figure out how to hold onto their dachas after the next election happens; West-of-the-Elbe Marxists are trying to figure out how to advance to Full Professor without admitting that History has betrayed them. (Their latest strategy is to "formulate" an *ahistorical Marxism.*) I am still attracted by John Lukacs' theory that fascism didn't perish in World War II but merely migrated to the national-socialist countries of the Third World. But current privatization and liberalization campaigns in many of those countries leave me less secure in my opinions. And I must admit the cogency of Fukuyama's central claim that in the long run, it's ideology that matters. The ideology of national socialism is now so discredited that it may not be able to wage serious trench-warfare against a liberalism that demonstrably *works.*

When Fukuyama argues that in the long run, it's ideology that matters, he is arguing as an Hegelian; but on this ground, individualist liberals and Hegelians will have no trouble embracing one another. It is (among other reasons) because individualists view the contents of the human mind as ultimately determinative of its contexts that they have perennially struggled against all Marxist and fascist claims for the dependence of human values on social conditions. Individualists have tended, like Hegelians, to see history as a drama of ideas, ideas that promote or inhibit various forms of social and economic behavior; indeed, individualists, like Hegelians, have sometimes harbored far too abstract visions of history as a drama of ideas.

The theory is that world deprived of profound conflicts will be the kingdom of the saved: comfortable but dull. In the ample sun of this new age, art and philosophy, which have traditionally been the code and expression of ideological conflicts, will shrink into mere semblancens of themselves, healthy but juiceless raisins and prunes.

And yet, simply because many of Fukuyama's arguments seem so gratifying and even so cousinly to the libertarian mind, one cannot help feeling that one needs a good slap in the face to keep from getting drunk on them. If Fukuyama were coming up with anything but good news for liberty, I would have started this article by vigorously lecturing him about his many and grievous intellectual offenses, all of them typical of modern Hegelian meditations on history. But it's not too late for the lecture. I, and several of the people who comment on Fukuyama in *The National Interest*'s book-length considerations of his thesis, accuse him of the following thought-crimes:

1. He does not sufficiently distinguish distant and secure *long runs* from current, very wiggly, short runs. Here the name Tian An Men Square comes ominously to mind.

2. He relies far too faithfully on the dialectical means of thinking that got poor Marx into so much trouble—and he relies on it without once trying to justify or answer objections to its use as a logic. When Fukuyama describes history as progressing through the dynamic action of grand binary "contradictions," and progressing by means of this action alone, he uses very different tools of thought from those employed by classical-liberal pluralism and empiricism, which do not assume, *a priori,* that history *must* assume this shape or that, or that we will be able to know its shape (if any) before we see many kinds of specific evidence for it. In fact,

3. He tries, as political scientist Timothy Fuller points out, to unite the "radical voluntarism" of the liberal vision with the "determinism" of historical dialectic. To do this,

4. He generalizes unmercifully about historical movements, virtually excluding the possibility that little accidents like Hitler's charisma might leave any mark on history's well-wrought urn.

Some of the published responses to Fukuyama are almost too dumb for words. For example, one critic insists that Fukuyama is wrong in claiming that nations no longer consider it legitimate to appropriate one another's territory, and the reason Fukuyama is wrong is that the Japanese have been buying land and industry in Australia and the U.S.: "Is this *some* 'kind of territorial aggrandizement,' or is it not? . . . If it is not, then neither was the Japanese presence in Manchuria in 1925." What can one say to nonsense like this?

But many of the responses are thought-provoking. Among the most interesting is one by David Satter, former Moscow correspondent for the *Financial Times* of London. Satter is skeptical about the victory of liberalism in Eastern Europe so long as the "liberal" reforms in those parts proceed from the notion that a well-running social and economic system is the highest good rather than from the "sense of transcendent values" on which Satter believes that liberalism ultimately relies. Libertarian subjectivists and relativists take heed: if a "supramundane" sense of values is not provided as a check on the state, the state may define *itself* as a "supramundane point of reference." Satter and a number of other critics of Fukuyama warn that his comfy post-modern world may be destroyed by a continuing "spiritual crisis," the crisis arising from people's difficulty in finding and living by transcendent values. In such a world, so it is claimed, there is always a market for "destructive political ideas" that can seem to impart value to lives that appear to have no ultimate meaning, whatever political freedom or economic success the people living them may have attained.

Fukuyama will answer his critics in the next issue of *The National Interest.* In the meantime, the energy and clarity of his argument, as well as its timeliness in relation to the revolutionary resurgence, in Eastern Europe and elsewhere, of all kinds of liberal ideas, have made it the hottest thing on 1989's intellectual stove, the thesis that every thinker must at least pretend to have read. When all objections have been duly recorded, Fukuyama's description of the current scene—illiberal systems in crisis, liberalism sitting pretty as an historically validated ideology—is curiously close to the truth, despite the description's murky origins in dialectic.

Columbus, you know, was quite wrong and self-deluded about the *reasons* for which he expected to discover bountiful lands in the distant west. ❑

Bradford *continued from page 20*

mal (the system that Mises calls *zwangwirtschaft* and is most often today called a "mixed economy"). I prefer to stick to the original meaning of the term for several reasons: it is the original meaning; there are many other terms in common use for the theory advocating the mixed economy, but socialism remains the only term in common use for total centralized ownership.

2. We who grew up in the 1950s and 60s and defended free markets and the liberal social order were often confronted by our elders with an argument that we could not answer: *You didn't live through the Depression.* Our response that the Depression was caused by credit manipulation by the Federal Reserve Bank, and exacerbated by a plethora of interventionist responses to it by both Hoover and Roosevelt fell on deaf ears: *we didn't live through the Depression,* so how could we know anything about it?

One of the compensations for reaching middle age is that proponents of this type of thinking are dying of old age, and their silly syllogism is going to the grave with them. I guess maybe there is a lesson here: that arguments consisting solely of vague impressions from shared experiences are not very convincing to those who do not share the experience. What a pleasure it is that today John Kenneth Galbraith is perceived as an irrelevant old windbag, to the extent he is paid attention to at all!

3. Russia's defeat in Afghanistan may have played a small role in the collapse of Soviet communism, and Reagan's bellicose efforts may have played a minor role in the Soviet loss—the deployment of American Stinger missiles by the rebels discouraged Soviet air strikes—but defeat was the inevitable result of its attempt to conquer an extremely hostile country without a total commitment to victory. The Russian people didn't like getting their sons back in zinc-lined coffins any more than the American people did during the Vietnam conflict. Just as the Vietnamese made conquest of their nation by the U.S. more expensive in terms of treasure and human beings than the American citizens would pay, the Afghanis were able to make the price of conquest higher than the Russian people would pay.

What it means
The Death of Socialism
What it means

4. Of course, the Law of the Excluded Middle does apply to each of these propositions, as it does to all propositions. About each proposition, it says the same thing: if the proposition is meaningful (i.e., is indeed a proposition) then it is either true or not true.

5. Of course, the categorizing of both libertarianism and socialism as equally "abstract" and "simplistic" is itself simplistic and misleading, as can be seen by the demonstration of the unworkability of socialism. Socialists have rested their case for the political control of economic life on the argument that the decentralized system of capitalism is *too complicated* and *too chaotic,* and that a simpler, controlled organization works better than many competing ones. But socialism does not work because the world of civilized social life is *necessarily* complicated, much too complicated for political institutions (the means of socialist organization) to direct in any way that can even approach the successes of the industrial West. Libertarians, on the other hand, recognize the complexity of economic life, and rest their case for sticking to a few simple, *general* rules on an *extension* of their case against socialism: not only is the world *too complicated* to be run "simply" by a conscious, master plan, but it is too complicated to *run well* when constantly "fine-tuned" by piecemeal political manipulations. Socialism fails because it says that simplicity is better on nearly *every* level of social life; libertarianism may work because it insists that a complicated system works best if there is one element of simplicity in society that remains constant, thereby providing an element of stability for *all* members of society. ❑

WHAT'S SO SPECIAL ABOUT F³?*

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Report

The Cheesing of America

by Lawrence M. Ludlow

If the business of government is to protect us from ourselves—especially regarding what we ingest for pleasure—then there is only one proper policy for a "nation of cheesers."

WASHINGTON, D.C., 1999 — It is difficult to imagine a time when the devastating problem of cheese abuse was not recognized as a serious menace. As recently as ten years ago buying, selling, producing, and consuming cheese were not only legitimate activities—approved of and participated in by millions of people—but were actually promoted by government at all levels. Legislation to regulate and subsidize all phases of a burgeoning cheese industry was a political football occupying the efforts of lawmakers in Washington and across the nation. Senators, congressmen, and entire government bureaus were engaged in greasing the wheels of a huge and many-faceted industry—a "cheese chain" firmly anchored in family farms deep in the nation's core, extending to trendy recipes in lifestyle magazines, and finally winding its shackles around the lives of those inhabiting our dismal urban slums.

The substance was literally enshrined in day-to-day social functions of every kind—from wine and cheese parties to baseball games, where cheese covered nacho chips were sold openly in the grandstands. Ubiquity and propinquity: cheese was everywhere; it was as close as your refrigerator. It pervaded the diet of the youngest to the oldest—in cheeseburgers, grilled-cheese sandwiches, fondue, and cheese cakes of every description. It came in a hundred varieties—from smelly-sock Limburger to the garlicky-pungent Gorgonzola, from mild Gouda to the seemingly benign yet no less deadly Baby Swiss.

Although tempting free samples were lavishly given away to prospective gourmands at country fairs, neighborhood markets, and expensive gourmet shops, a user with a full-blown taste for the product was only too happy to expend large sums for cheese by the ounce, by the pound, or in bulk—the large, twenty-pound hunks of arterial sludge, still called "wheels" by those whose stock and trade is dealing in contraband cuisine. But consumption of this deadly delicacy was not merely the province of the rich or suburban. Those too poor to satisfy their craving were perfectly willing to wait patiently in the now-infamous cheese lines, where tons of tax-subsidized cheese was handed out literally brick by brick. The ramifications of that practice are still being felt today. Noting the high percentage of minorities participating in that ill-conceived poverty program, Rev. Percy Bain of the Heavenly Light Baptist Tabernacle and founder of Operation CHOP (Cheese Hurts Our People) claims that the government cheese giveaway was a racist attempt to destroy the health of program participants—a covert attempt at dietary eugenics.

In short, the life of each and every American was once ensnared, from the womb to the tomb, in a huge network of saturated fats, cholesterol, and melting goo. Whereas the Corsican soldier, Napoleon Bonaparte, once characterized Britain as a "nation of shopkeepers," one might say that America was once a "nation of cheesers." What was the source of this nutritional nightmare? Nothing less sacred than the farms of the American heartland.

Wisconsin. Once called the Dairy Capital of America, this seemingly quiet Midwestern state still retains a dubious status: it is widely known as the nation's Cholesterol Kingdom. Once a proud industrial and agricultural center and home to five million, Wisconsin has lost nearly a million of its residents in the past ten years, and the majority of those remaining—scattered across the state's 56,000 square miles—are living in poverty. Experts cite two causes for this decline: the continuing demise of rust-belt industries and the massive government crackdown on the dairy industry beginning in 1992. Even the experience of Hawaii with the federal ban on sugar cane production did not match the scale of economic collapse still visi-

ble in Wisconsin. While Hawaiians had the tourist trade and pineapples to fall back on, Wisconsin residents had only memories and millions of pounds of nonfat milk and cholesterol-free cheese with no buyers.

But it is not poverty alone that shapes the lives of Wisconsin's citizenry. Despite the ban on butterfat, the FBI estimates that 25% of the populace engage in the illegal production, distribution, or sale of whole, uncut milk, butter, and cheese. Annual street value: $15 billion. The creators of this cash crop can be found among the thousands of Wisconsin farms that survived the nationwide prohibition of whole-milk products and the subsequent dairy-industry collapse.

Even the federal program to reduce forcibly the population of milk cows has failed. In fact, it triggered the birth of a hybrid form of animal-rights activism which, on more than one occasion, has hampered progress in this unending battle. Matching the zeal of FDA officials with a quirkily virulent, bovine fanaticism, the activists—aided by a score of well-orchestrated, televised talk-show appearances—captured the hearts of all who watched their depressing black-and-white video of queued cows awaiting their doom in a barracks-like structure with a thinly curling issue of smoke rising from a single stack against a dismal, overcast sky. Combined with the death-march cadence of the sound track and a final wide-eyed stare from an ill-fated cow—a poignant, living plea, frozen by the camera and dissolving into gray ash—the video proved to be the extermination program's *coup de grâce*.

Among those eking out a living in their Wisconsin fields, the Schneider family (not its real name) is a living testament to the conflict that ensues when law meets head-on with a heritage of pride, fierce independence, and dedication to family tradition. No doubt that sense of pride, however misplaced, lay behind their willingness to tell their story. That they are on the wrong side of the law in no way pierces their shield of equanimity. They have worked the same 220 acres for three generations, threatened and thereby toughened, as are all who work the land, by the never-distant shadow of crop failure.

Chief among their concerns is the recent, added burden of guarding against unexpected raids by law enforcement agents in search of unregistered dairy cattle and illicit milk products. Twice a year dairy marshals mount what locals (many of German ancestry) call *der Kasekrieg*—a kind of dairy *Blitzkrieg*. Sweeping across the countryside in four-wheel-drive jeeps, accompanied in the skies by helicopter air support, the marshals strike fear into this hearty but nonetheless criminal breed.

Emma and Rolf Schneider have remained in business through all of the changes resulting from the Omnibus Controlled Substances Act of 1992. Mr. Schneider recalls the sequence of events that led to their current situation.

"Well, after that bill—we call it the Ominous Act of '92—they started cutting the legal amount of butterfat in milk products. We had a big decline in our aboveboard business because nobody wanted to buy the nonfat milk and cheese. But what really made it hard on us was when the state Agriculture Board started mixing that Para-Clot stuff in the cattle feed back in '94. It was just plain *murder*. They thought they could make fatty dairy products just too dangerous to eat by poisoning them. When they began phasing it in, they sent out a few state inspectors with government pamphlets explaining how it worked. They said Para-Clot combines with the fat molecules in milk, and the only way to get rid of it is by getting rid of the fat. It stays in the milk until all the fat is removed at the milk-processing plant. So the old-fashioned, real cheese is deadly, and only the skim-milk products would be safe to eat—you know, the USDA's fat-free, super-skim milk and fat-free cheese. Freese, they call it. Tastes like salty paste to me. But it's not even salty really—not since the voluntary restraints on salt in foods kicked in. Now everything tastes like sawdust.

"Well anyway, seems like somebody, somewhere, goofed with that Para-Clot stuff. At first it only made the cows kind of woozy. But after a couple of months, it was a different story—lots of stillborn calves and even worse. My own herd gave me some real monsters. Like everybody else by now, you've probably seen all the articles and TV documentaries about calves born with permanently shut eyelids, no ears, or fused joints. When that made it into the news, they really had problems around here, everybody blaming us farmers for allowing dangerous milk to go to market. But it just wasn't the way they make it sound, at least not the way the public-TV documentaries and news people tell it. You'd think they were working for the government the way they act like a PR firm and all. They put on a big show to scare people by showing how farmers were selling bad milk even when they knew it was tainted. That may be true about some of us, but not me. I kept a few cows on the side, and they really helped me through the whole thing. I smuggled out safe whole milk and got a pretty penny for it too. And I don't care who calls me a clot-pusher; at least it wasn't poisoned.

"But like I was saying," he went on, squinting slightly and nodding toward the window, "there were some farmers—I'm not naming names—who weren't so particular. They sold whole-milk products from cows that'd been poisoned. They knew nobody would complain. It's not like the times when farmers were proud of their work, and you could take someone to court if he sold bad produce. Now you have to make your own justice in secret because you sure can't take it to a judge—at least not unless you're willing to admit you broke the law by buying it in the first place. Heck, if you do go to the cops, they might just string you up for something worse—especially after the First Lady went on TV and called all cheese makers and sellers 'murderers' and said we were responsible for all the truck hijackings and other cheese-related crimes happening across the country. I'll tell you, it's making it hard for us honest cheese-makers to earn a living. There are more and more bad ones every year pushing the good ones out of business. And many've been the times when I've

The life of each and every American was ensnared, from womb to tomb, in a huge network of saturated fats, cholesterol, and melting goo. America was a nation of cheesers.

not picked up a hitchhiker who I'm afraid will club me over the head, hoping to find some hidden packets of real cheese under the seat of my car.

"But no—and I can see that look in your eye, Mr. Reporter—if you ask me, it's not the farmers and the cheese that're causing the real crime and violence. It's the laws. We never had these crimes before, not when it was all open and aboveboard. But nowadays, just saying 'cheese related' gets everybody all excited and self-righteous. I think it's all a put-on. Maybe I'm no expert on the cop killings and cheese-gang fights in the city, but those laws sure ruined things around here, and it wouldn't surprise me a bit if something similar was happening in the city." The dull thud of his finger hitting the seat cushion punctuated his last sentence.

While the crooks get $100 per pound for good and bad cheese alike, the cheese-abuse clinics and the police forces all get scads of tax dollars to fight the War on Cheese.

He shifted in his seat, remained silent a few moments while collecting his thoughts, and then went on with his story:

"Anyway, getting back to the Para-Clot scare, with all the suspicion and fear, lots of people wouldn't touch Wisconsin milk, Newbutter, or Freese for a long time. You couldn't give it away, and I don't know how many good farmers went under. Worse yet, lots of women are still afraid to have kids and are living in fear for the ones they've already had, not to mention for themselves.

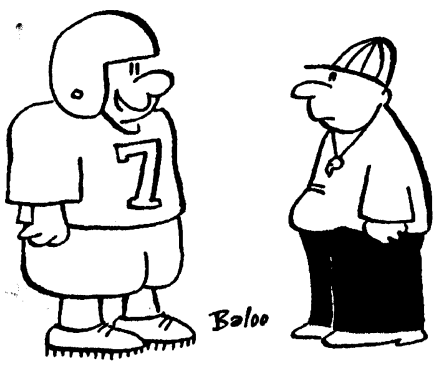

"Why, sure, Coach, I'll be glad to take a drug test — I know a *lot* about drugs!"

"I was suspicious right from the start though. Whenever I hear about people messing around with any kind of food, whether for people or animals, I can't help but think of all that PCB stuff in Michigan back in the 70s—how they mixed that fire retarder into the cattle feed. I was only a youngster at the time, but I remember all about it—how the cows wouldn't eat it and how they mixed sugar syrup and molasses into the feed to get the animals to swallow it. Well, when the Agriculture Board started talking about Para-Clot, I put two and two together and decided to just feed my own grain and hay to the cows. That went fine until the Dairy Enforcement Administration paid me a visit. Seems my name was turned in because I wasn't buying enough from Wesley's Feed Supply in town. Not that Wesley's a bad guy or a goody-two-shoes; he's probably got to fill out forms from here to Washington and keep records of all his customers—you know, who's buying what and how much. Spend more time filling out forms and questionnaires than you do farming nowadays. I'll bet pharmacists and doctors don't have to watch their medicine cabinets the way we have to watch our cows' udders, if you know what I mean. So I had to buy their specially treated grain, and that was that.

"I had to start feeding my cows the grain from Wesley's, and sure enough, they wouldn't touch it. Sometimes animals know what's good for 'em better than we do. Needless to say, my family never ate cheese or milk from *those* cows. I kept a couple aside and fed them my own grain or just let them wander and glean in the fields. The state agents aren't that good that you can't keep a thing or two out from under their noses. But for the rest of the cows, I did just like everyone else. I followed orders and mixed syrup with the new feed, and the cows ate it. Sure enough, they started acting queer, sometimes just standing there looking straight ahead, but not naturally. They didn't even move sometimes—not their heads or mouths, not even their tails swishing away the flies. And that's really something for a cow.

"Sure enough, the stillborns and freaks came—if the cow could even get pregnant. And I'll tell you something, the bulls weren't too frisky either. Well you know all the rest—how some DNA kid at the university found out that Para-Clot was splitting all those chromosomes and all. That was about . . . oh, early '96 or so—a little late to do anything about it, even if the government didn't try to hush things up. But by that time the word was out, cover-up or no cover-up. So the state legislature had to give up on Para-Clot. But it sure wasn't easy to convince them. After the complaints, it took another year waiting for some blue-ribbon committee of experts to be gathered and put to work on starting a program to phase out Para-Clot and find a substitute.

"But it wasn't the DNA thing at all that ended the whole business. It was the pressure put on the Agriculture Board by the Anti-Cruelty Society. They made such a stink about all those suffering animals that the state legislature just *had* to do something. Those animal people can really put on the squeeze. All they had to do was put a few ads on TV showing all those poor creatures—especially the one with a wobbly legged calf walking in circles—and boy didn't the politicians just get up and dance to their tune. It reminded me of the commercial they ran last year when they tried to kill *all* the cows to protect us. It wasn't enough that human lives were being put in danger and that we were being ordered around like soldiers, but everybody likes a cuddly puppy or a long-legged baby calf! What I wouldn't do to have a lobby like that animal-rights bunch for just plain leaving people alone.

"So a lot of farmers went out of business. Had to raise state taxes just to feed those people—and that was after raising them just a few years before to finance this whole Cheese War fiasco in the first place! Of course the taxes put even more people out of business. It never ends. So the whole Para-Clot thing really broke the spirit of a lot of folks around here—having to slaughter their herds and start over. But it sure gave a boost to the farmers in other states, what with all our milk off the market."

"I don't know where it'll all go," he said, shaking his head in disgust, "but I'll tell you a couple of things I do know: the only people making off like bandits are the crooked farmers and the govern-

continued on page 33

Exploration

The Greenhouse Effect:

Beyond the Popular Vision of Catastrophe

by Patrick J. Michaels

The enemies: everything from aerosol sprays to volcanos.
The victim: Mother Earth.
The question: do the fires of ideology produce little more than smoke in our eyes?
A scientist responds.

The "Popular Vision" of the future, according to *Time* magazine's Planet of the Year issue,[1] is genuinely frightening: A global temperature rise of 4°C by 2030–2050, massive deforestation and ecological chaos including famine, related civil strife, and tidal waves crashing through a Manhattan landscaped with palm trees.

Similar scenarios also abound in the writings of politically active environmental scientists, environmental lobbyists, and newswriters.[2-5] Elected officials have compared the situation to that of Facsist Germany: just as certain events, such as Kristallnacht, presaged the holocaust, so we should have been warned by such ominous events as the drought of 1988. Those who fail to recognize the gravity of the situation have been labeled modern-day Neville Chamberlains.[6]

Such rhetoric underscores the deep emotional commitments that now guide this issue. In this light, it would behoove us to examine the scientific inconsistencies and nuances that characterize the Popular Vision, and how these flaws relate to policy. I shall leave to the reader whether these inconsistencies are sufficient to justify interventionist legislation[7] and the implementation of "global warming" concerns into U.S. foreign policy.[8]

The argument is often tendered that virtually all policy is made in the light of some scientific, technical, or logical uncertainty, and therefore we should proceed apace with greenhouse intervention. In some cases such activity is prescient and beneficial (for example, the 1962 Surgeon General's statement on smoking), while other times it has been disastrous (e.g., the promulgation of Marxism on "scientific" grounds). But it is perfectly true that concrete policy cannot require perfect science, as such a thing will never exist. In the final analysis it is an ethical judgment, rather than a scientific one, that determines whether or not a specific policy is suitably buttressed by technological underpinnings.

In this essay, I will concentrate on some of the scientific uncertainties and inconsistencies that should be factored into policy decisions.

Problem 1: Trace Gas Concentrations and Temperature Histories

Although there are several thermally active trace gases that have increased as a result of anthropogeneration, almost all of the radiative forcing is associated with (in descending order) carbon dioxide, methane, nitrous oxide, and the chlorofluorocarbons. The effect of carbon dioxide (CO_2) is the most important by a wide measure: the total radiative forcing of the other three gases is approximately equal to 80% of the effect of a change in CO_2 from 279 to 350 parts per million (ppm).[9]

Intensive instrumental records of CO_2 concentration date from the late 1950's at Mauna Loa Observatory, where the 1958 annual average was 315ppm. The concentration is now very close to 352ppm.

"Pre-industrial" (circa 1800) concentrations were initially assumed to be in the range of 295ppm, [10] giving a net increase of 19% over the last 180 years. Initial ice-core studies gave a background value of 270–290, with a most likely value of 279ppm.[11] Another analysis obtained a lower figure of 260ppm.[12] The highly publicized Soviet/French work on the long Vostok Station ice core appears to corroborate the lower values.[13,14] A background of 260ppm implies an anthropogenerated rise of 35%.

Background methane (CH_4) concentration, again calculated from ice cores, appears to be around 800 parts per billion (ppb),[15] compared to a current value of nearly 1700ppb.[16] Indirect measurements give a concentration of 1140 in 1951.[17] The primary sources of this increase are growth of rice paddy agriculture and bovine flatulence. Neither of these phenomena seems likely to end in the forseeable future. An in-

creasing fraction now comes from biomass burning.[18]

It is clear that both CO_2 and CH_4 concentrations have risen exponentially in the last 40 years. As of 1982, the climate-forcing effect of current methane concentrations was 38% of that of increased carbon dioxide.[19]

Precise knowledge of the sources and sinks of nitrous oxide is unavailable, and background concentration estimates are much less reliable than those for the other trace gases. The historical estimate of 285ppb should be taken with some caution, as should future projections. The current value is 298–308ppb.[20]

The observed mean warming is far below calculations based upon the combined effects of all of the anthropogenerated trace gases. More amazingly, inspection of the hemispheric temperature histories reveals that much of this warming was prior to the major increases in the trace gases.

Virtually all chlorofluorocarbons (CFC's) are anthropogenerated. Concentrations in 1950 are estimated at .001ppb for CFC–11, and .005 for CFC–12. Current values are .219ppb for CFC–11 and .378 for CFC–12.[21]

The 1987 estimate that the combined current radiative effect of the non-CO_2 trace gases is 80% of that caused by a change in CO_2 concentration from 279 to 350ppm implies the current atmosphere can be viewed as having an *effective* CO_2 concentration of 407ppm (assuming no other increases in thermally active gases), or 146–157% of a background range of 260–279ppm. In other words, because of the combined effects of the various trace gases, *we have already gone half way to an effective doubling of the preindustrial CO_2 concentration.*

This cannot be reversed in our lifetimes.

Global versus Hemispheric Temperature Histories

It is customary to present the time history of global mean temperatures as "at least not contradictory to"[22] climate model projections. However it is noteworthy that the observed mean warming of 0.5 ° C is far below the calculated equilibrium value of 1.7° based upon the combined effects of all of the anthropogenerated trace gases.[9] If a 260 ppm background is used instead, an analogous calculation gives an expected mean global warming of 2.0°C to date. Further, inspection of the hemispheric temperature histories shown in Figure 1 reveals that much of the warming was *prior* to the major increases in the trace gases.

These discrepancies are well known, although their magnitude is seldom emphasized in public discussion. Further differences between predicted and observed values are partially explained as a function of oceanic thermal lag whose estimates vary between ten and fifty years. Nonetheless, the most liberal estimates of this lag still imply an expected warming to date of 1.0–1.2°C, meaning that the globe has warmed up approximately one-half as much as the lower limit suggested by combinations of climate and ocean models. Why this much warming is "missing" is simply unknown,[24] although I will speculate on the issue in this article.

The five climate models used as a basis for the Popular Wisdom [25] predict an average warming of 4.2°C for doubling of atmospheric CO_2. These in fact represent penultimate generation of climate calculations that have been criticized as having inadequate ocean circulations, unrealistic ocean-atmospheric coupling, and unrealistic parameterization of cloud processes.

Very recent reports detail improved climatic models that partially compensate for some of these inadequacies. As a result of more realistic cloud parameterization, the United Kingdom Meteorological Office model (UKMO) now predicts a net global warming of 2.7°C for a doubling of CO_2, compared to

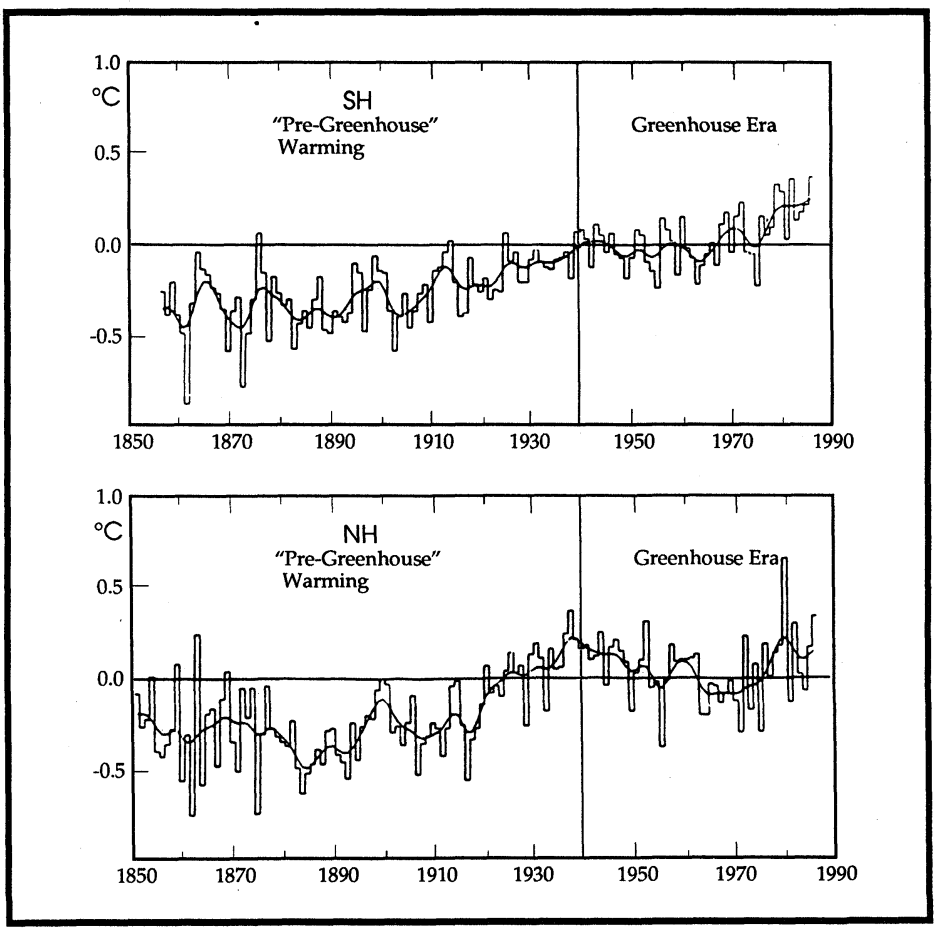

Figure 1. TOP: Southern Hemisphere temperature behavior for the last half century resembles what one would expect from a greenhouse alteration, except the magnitude of the rise apppears to be low. BOTTOM: Virtually all of the warming in the Northern Hemisphere record took place prior to the major trace gas emissions; there has been no net warming for the last half century.[23]

5.2° in its previous generation.[26] The national Center for Atmospheric Research Community Climate model (CCM), because of a more realistic ocean model, now predicts a net warming of only 1.7°C[27] after running for thirty years following an instantaneous doubling of CO_2. The comparable previous model predicted a warming of 3.5°. The implied warming for forty years of an increase in the trace gases that mimics what occurred between 1950 and 1980 (as opposed to an instantaneous doubling) is in the range of 1.0°C.

While the improved ocean and cloud parameterizations are not strictly independent, it seems clear that the combination of the two (UKMO and CCM) models will result in a further reduction of the predicted warming. Nonetheless, the *observed* global warming since 1950 of 0.22°C is still much lower than that expected from climate model simulations.

Intrahemispheric comparisons support the contention that thermal lag itself may be overestimated. The southern hemisphere, with the disproportionate share of ocean surface, displays a warming whose functional form (but not magnitude) is what might be expected from a straightforward interpretation of model output. The northern hemisphere shows most of its warming prior to the major input of trace gases, and shows no net change over the last 55 years[23]—when CO_2 concentrations went from approximately 300 to 352ppm and the other thermally active gases were in their steepest growth phases, giving rise to the current effective concentration of 407ppm.

Stratospheric temperatures, which should fall in a trace-gas enriched atmosphere, have dropped considerably more in the southern hemisphere than they have elsewhere, with the greatest declines in the polar zone. These may be associated with the south polar springtime ozone minimum. Declines since 1960 in the northern hemisphere are generally not statistically significant.[28]

Problem 2: The Urban Effect on Temperature Records

It is well known that long term climate records sometimes warm because their surroundings become more urbanized. While much has been written on this problem, it remains elusive.

A sobering example is the recent study comparing NASA climate records over the U.S. to the urbanization-adjusted Historical Climate Network, which found an artificial warming in the NASA record of 0.4° in the twentieth century.[29] It is noteworthy that this is the same NASA record that received so much public attention in Congressional hearings in June, 1988.

There is no *a priori* reason to suspect that the urban bias is appreciably different in other parts of the industrialized world. Therefore, a simple extension to the globe—which is not possible to defend rigorously at this time because the exhaustive research has not been performed—would yield a residual warming of 0.2-0.3°, an amount that is three *times* less than that predicted by the general circulation models used to generate the Popular Vision.

This disparity remains unresolved, and unpublished accounts now say it is related in part to a programming error when NASA supplied the data to NOAA for analysis.[30] It should be noted parenthetically that statements about "99% confidence" of "cause and effect" between observed temperatures and anthropogenerated greenhouse alterations[31] do not take into consideration human factors that may induce errors in the analysis. Figure 2 details the disparity between the two records.

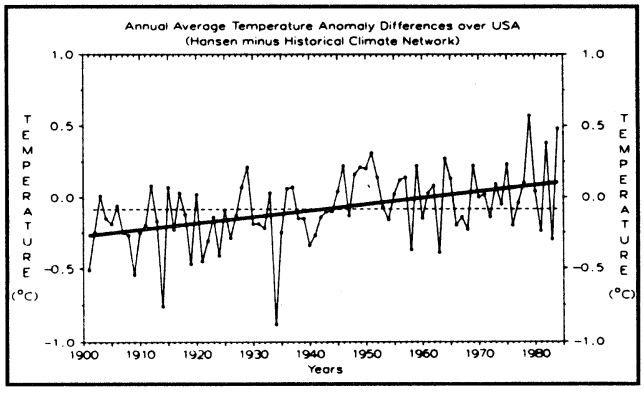

Figure 2. NASA's record over the coterminous U.S. warms up approximately 0.4° C compared to the urbanization-adjusted Historical Climate Record. The discrepancy may result from a programming error.

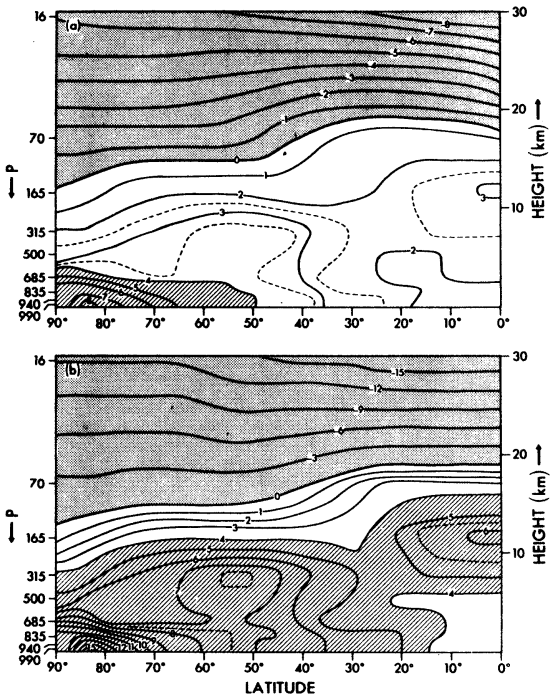

Figure 3. Latitude/Altitude plot of temperature change projected for a doubling (top) and a quadrupling (bottom) of CO_2. Because of the combined effect of other trace gases, we are now over half-way to a doubling.

Problem 3: High Latitude Temperatures

Figure 3 (above right) details latitude/altitude plots for the Northern Hemisphere from a Geophysical Fluid Dynamics Laboratory 1980 computer simulation of future climate.[32] This particular study remains highly representative of climate model output used to formulate the Popular Vision, even though the level of sophistication has since improved dramatically, and estimates of future warming have been lowered drastically. The prime feature of all of these models is amplified warming at high latitudes and relatively modest warming in tropical regions. Noteworthy is the highly linear behavior in the transition from 2 X CO_2 to 4 X; it has been noted that above some threshold level, this behavior appears to be inherent to all climate models.[32]

As noted above, because of the combined effect of the thermally active trace gases, we have effectively gone beyond half way to a doubling of CO_2. It is quite apparent from Figure 4 (see next page) that high latitude temperatures have

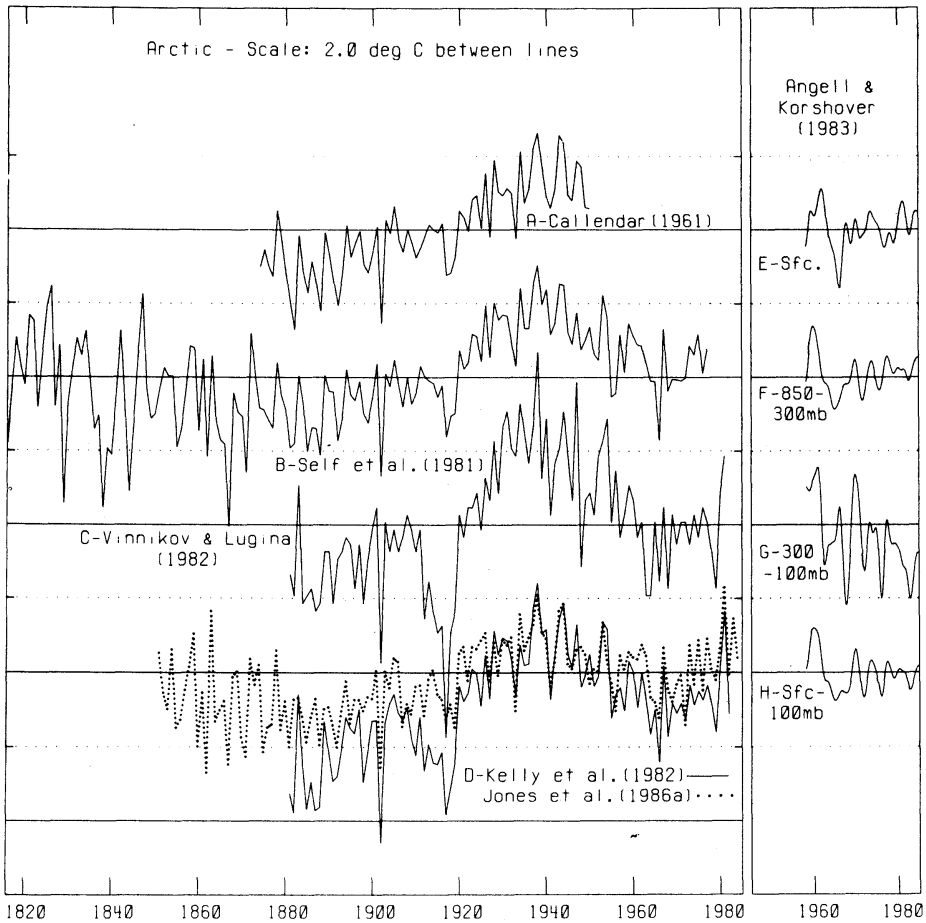

Figure 4. Arctic temperature records.

simply not responded in the predicted fashion. In fact, the data indicate a rapid rise in temperature *prior* to the major emissions, followed by an equivalent *decline*.[33] An Alaskan study that used physical measurments that could not suffer from population contamination found no trend in the last forty years.[34]

Figures 5 and 6 (see next page) detail two interesting recent calculations. The first shows expected changes in winter temperature after one of the new generation climate models is allowed to equilibrate for thirty years after a step-change doubling of CO_2. The predominance of polar warming is quite apparent, although its magnitude is reduced from the previous generation (Figure 4). The second figure shows expected temperature changes after thirty years of a one percent per year increase in CO_2—something quite analogous to the human alteration of the atmosphere that took place between 1950 and 1980.[27]

In that figure, winter temperatures over much of the northern half of North America warm by 2–4°C, while over much of northern Eurasia they cool by 4–6°(!). Such anomalies, which comprise the major signal in this overall calculation, have simply not been observed in reality, even though they are projected to appear in this simulation over a decade ago.

Problem 4: Day and Night Temperatures

Careful analyses of the U.S. Historical Climate Network data that have been adjusted for urbanization indicates that daily temperature ranges have declined precipitously since the major trace gas emissions. Interestingly, daytime high temperatures have actually declined, while night temperatures are rising relative to day values; see Figure 7 (see page 32). This behavior is consistent both with an increase in the trace gases and with increases in cloudiness that have been documented across the country.[36]

If anthropogenerated warming takes place primarily at night, the Popular Vision is dead wrong. Evaporation rate increases, which are the primary cause of projected increases in drought frequency, are minimized. The growing season is longer, because that period is primarily determined by night low temperatures. If cloudiness of any type continued to increase, the incidence of skin cancer would decline (after adjusting for age and behavior), and finally, many plants, including several agriculturally important species, would show enhanced growth from the well-known "fertilizer" effect of CO_2.

Much of this "positive" vision of the future climate has been promulgated by Soviet Academician Mikhail Budyko,[37] whose position in their national science hierarchy is analogous to those of, for example, our Steven Schneider or James Hansen in the American scientific hierarchy. I present it here to emphasize the broad range of future climate expectations, some of which clearly are at variance to the Popular Vision.

The Holistic Nature of Global Change and Negative Feedbacks in the Pollution System

One of the arguments often tendered concerning the certainty that disastrous warming either has begun or looms in the immediate future is based upon the concurrence of climate changes and CO_2 in Antarctic ice cores dating back through the last glacial cycle. In fact, the resolution of those data is insufficient to determine whether or not changes in CO_2 presage or follow the climate change. However, even if they "cause" the change, the usefulness of the Pleistocene analogy is severely limited by the cause of the current trace gas excursion: man.

It is clear that human activity, besides altering the concentration of thermally-active trace gases, also produces substances that can serve to counter that effect. These include particulates, which serve to scatter radiation, and sulfur dioxide molecules, which in their oxidized state can serve as cloud condensation nuclei. Anthropogenerated pollutants can therefore serve to "brighten" clouds, reflecting away increasing amounts of solar radiation, and possibly compensating for greenhouse warming. A recent calculation demonstrates that the magnitude of this effect could indeed explain the recalcitrance of the Northern Hemisphere, where most sulfate emissions occur, to warm up in the fashion of the Popular Vision.[38]

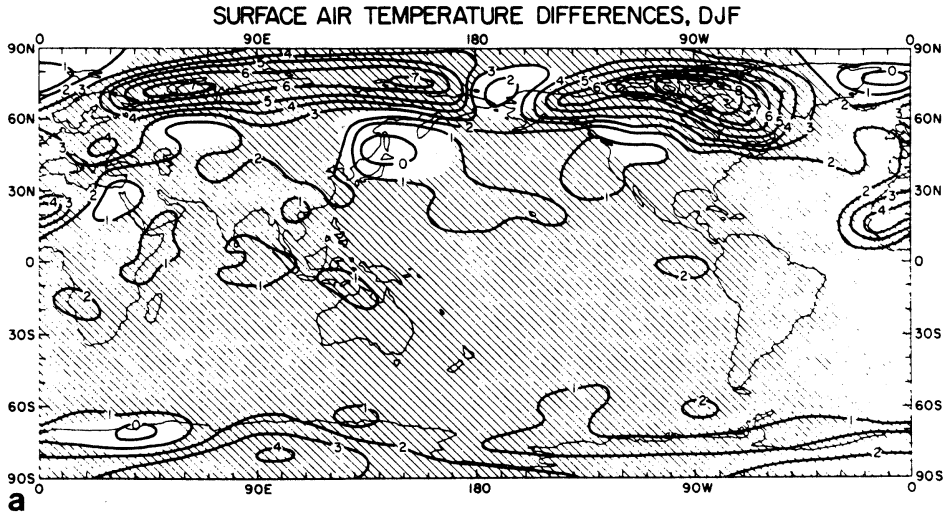

Figure 5. Changes in winter temperature for a doubling of CO_2 calculated by one of the most recent generation of climate models.[27]

Satellite data now confirm that ocean-surface stratocumulus—one of the most common clouds on earth, and the variety most likely to be affected by increasing numbers of condensation nuclei—indeed are considerably brighter in the lee of regions of major anthropogenerated sulfur dioxide (SO_2) emissions.[39] The brightening persists for thousands of miles downstream from the continental source regions. A control study, over the clean South Pacific, yields no strong trend in cloud brightness.

It is currently unknown whether this change is sufficient to counter the expected greenhouse warming to date, or how long it might take increased trace gas loading to overcome this effect. However, if human activity is indeed brightening clouds for thousands of miles in the lee of continents, there will doubtless be some compensation for altered surface warming in the position of the jet stream.

There are several reports documenting an *increase* in northwesterly flow over eastern North America during the last three decades. [40] Such a change is consistent with the hypothesis that increased cloud reflectivity would lead to a tendency for a jet stream trough to develop in the lee of the continents. Perhaps this can explain the cooling of the United States daytime temperatures,[41] or the dramatic drop in southeastern mean temperatures over the last 60 years, [41] in the face of the trace gas increase.

Thus we are faced with the possibility that the same emission that causes acid rain may in fact be protecting the Northern Hemisphere from the disastrous greenhouse warming. Wigley concluded his June, 1989 paper with:

> The effects of SO_2 associated with acidic precipitation and urban pollution are clearly detrimental, and measures to reduce emissions are being implemented widely. However, if we were successful in halting or reversing the increase in SO_2 emissions we could, as a by-product, accelerate the rate of greenhouse-gas-induced warming, so reducing one problem at the expense of another.[43]

The Crisis on the Horizon

The intense politicization of the global change problem almost guarantees that some type of action will be taken, such as the recent proposals by the President to limit drastically sulfur dioxide emissions in an attempt to control acid rain. However the interrelatedness of the components of global change dictates that any single remedial activity can have unforseen or negative consequences that in fact serve to exacerbate the problem.

Regardless of the remedial actions attempted, however, concentrations of the greenhouse gases will continue to increase. This will likely cause a crisis in environmental politics. If none of the responses not take into consideration the holistic nature of the problem (such as the likelihood that drastic reductions in sulfate emissions will stimulate the greenhouse effect) the specter of disastrous climatic change becomes much more imminent.

Will the warming continue to be expressed primarily in night temperatures, as appears to be the case today? How will scientists convince a public that has endured an intense campaign on behalf of the Popular Vision that, if this trend continues, the greenhouse effect might not be so bad? What will become of the credibility of the scientists and politicians who have in all earnestness and out of genuine concern promoted the Popular Vision?

Alternatively, if the Popular Vision indeed begins to be verified, the public will have to choose a mix of two actions: direct and purposeful intervention in the climate system (as proposed by Budyko) and/or attempts at adaptation. According to Academician Budyko:

> Another approach to limiting global warming . . . (is) accessable even to modern technology (and) was pro-

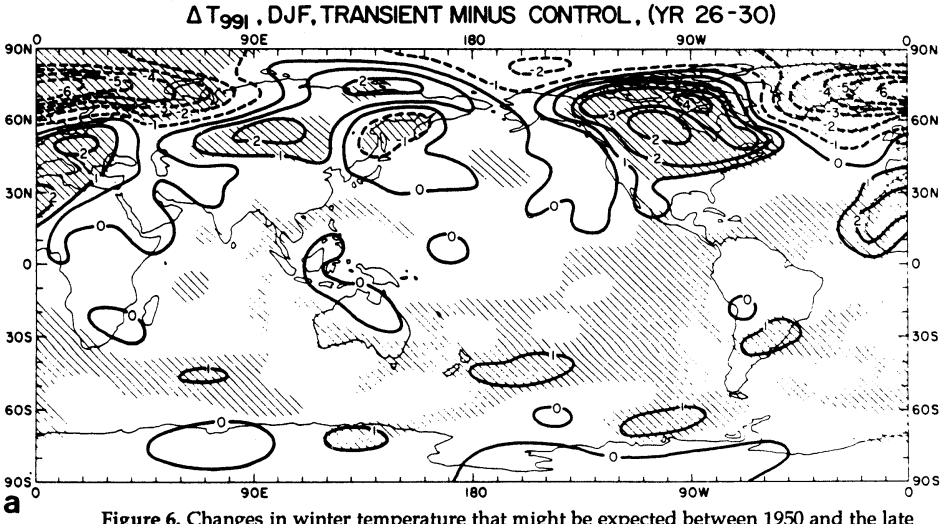

Figure 6. Changes in winter temperature that might be expected between 1950 and the late 1970s in one of the new generation of climate models.[27]

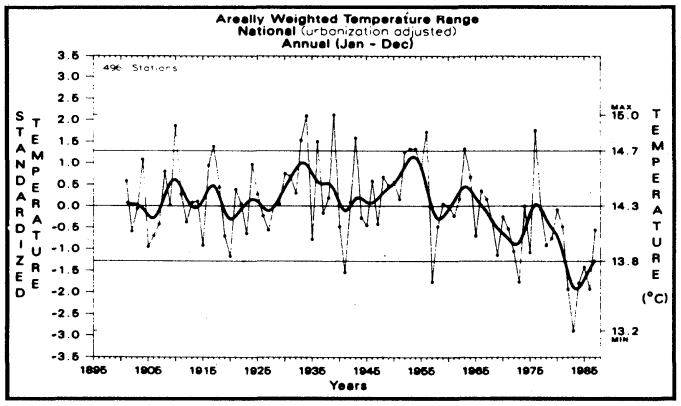

Figure 7. This plot details the difference between United States daily high and low temperatures. The narrowing of the range, which results primarily from a rise in nighttime temperatures (daytime values declined from the 30s through the 80s) is unprecedented, and is consistent with a benign (or possibly beneficial) greenhouse effect.

> posed long before the onset of wide international studies on anthropogenic climate changes. The main idea of this method is to increase the stratospheric aerosol concentration by burning sulfur delivered by aircraft into the lower stratosphere.
>
> It can be noted that this method will require *incomparably* less expense than those due to damage caused by drastic reductions in carbon fuel consumption aimed at retarding global warming. One other most important advantage of this method is the possibility to considerably change climate to cooling for a short period of time . . .[37]

It seems highly improbable that a public that accepts abnormally high risk aversion will agree to Budyko's remedy.

Conclusion

According to the Popular Vision, increasing concentrations of trace gases have brought the world to the brink of an ecological disaster characterized by dramatically rising temperatures, increased evaporation rates, and higher sea levels. This Vision continues to be espoused despite several lines of evidence that indicate such a "carbon dioxide inwarming out" concept is immature at this time, given the complexity of the global change problem. Nonetheless, politicians have compared the severity of the expected paroxysms to those of the Nazi holocaust. Global warming is now a touchstone of U.S. foreign policy.

The Popular Vision developed despite several remarkable inconsistencies. The northern hemisphere, which should be the first to warm according to the theory, is no warmer than it was 55 years ago. One very careful study shows relative warming at night, which may in fact be beneficial. The amount of global warming is at least a factor of three less than predicted by the most sophisticated models. If findings about urban contamination of climate records over the U.S. persist worldwide, the amount of warming is even less and may vanish altogether. Polar regions have a temperature history over much the last forty years that is in fact opposite to what is the Popular Vision.

And there is evidence that other anthropogenerated compounds may in fact be mitigating the expected warming. We have now embarked on a road to eliminate those compensating emissions, even while there is universal agreement that the concentrations of greenhouse gases will continue to increase, despite our best efforts.

A crisis in environmental politics lurks on the horizon. If the greenhouse effect proves to be primarily benign, it will be very difficult to convince a public that is now so highly sensitized to accept it's malignancy. If in fact the Popular Vision appears likely, it will be equally difficult to convince the public that some type of direct intervention and adaptation—perhaps even the introduction of a compensating pollutant—may be the only viable remedy. ❑

Notes

1. *Time* magazine's 1988 "Man of the Year" issue was changed to "Planet of the Year" to underscore their perception of the importance of this current crisis.
2. As an example of a politically active environmental scientist espousing this view, see Titus, J.G., "Rising Sea Levels: The Impact they Pose," *EPA Journal*, 1986.
3. Lobbyist example: G. Speth, "Can the Human Race be Saved?," *EPA Journal*, 1989, 47–50.
4. Philip Shabecoff of the New York *Times* provides many examples; one of the best appeared in the Sacramento *Bee* on July 3, 1988 as a sidebar titled "Now for a worst-case scenario."
5. An excellent compilation of these reports can be found in "The Atmospheric Crisis: The Greenhouse Effect and Ozone Depletion," *Social Issues Resource Series*, POB 2348, Boca Raton, Florida 33427.
6. A.V. Gore, Jr., "An Ecological Kristallnacht. Listen," New York *Times*, March 18, 1989.
7. See Senate Bill 603, sponsored by R.M. Boschwitz and A.V. Gore, Jr.
8. S.M. Goshko, *The Washington Post*, January 31, 1989.
9. T.M.L. Wigley, "Relative Contributions of Different Trace Gases to the Greenhouse Effect," *Climate Monitor* 16 (1987), 14–28.
10. M.E. Schlesinger, "The Climate Change Induced by Increasing Atmospheric Carbon Dioxide," in *Carbon Dioxide Proliferation: Will the Icecaps Melt?* (Special Publication #21 of the IEEE Power Engineering Society, 1982), pp. 9–18.
11. A. Neftel, E. Moor, H. Oeschger, and B. Stauffer, "Evidence from Polar Ice Cores for the Increase in Atmospheric CO_2 in the past two centuries," *Nature* 315 (1985), 45–47.
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17. C.P. Rinsland, J.S. Levine, and T. Miles, "Concentration of Methane in the Troposphere Deduced from 1951 Infrared Solar Spectra," *Nature* 318 (1985), 245–249.
18. H. Craig, C. C. Chou, J.A. Whelan, C.M. Stevens, and A. Engelmeier, "The Isotopic Composition of Methane in Polar Ice Cores," *Science* 242 (1982), 1535–1539.
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23. Graphics supplied by H.F. Diaz, U. of Massachusetts of data of P.D. Jones and T.M.L. Wigley, University of East Anglia.
24. Testimony of Patrick J. Michaels to the Committee on Foreign Relations, United States Senate, April 20. 1989.
25. The five climate models are 1) The Geophysical Fluid Dynamics Laboratory (GFDL) Model, generally associated with Sukryo Manabe of GFDL at Princeton, 2) The Goddard Institute for Space Science (GISS) Model, generally associated with NASA's James Hansen, 3) The National Center for Atmospheric Research (NCAR) Community Climate Model, generally associated with Warren Washington at NCAR, 4) The Oregon State University (OSU) model, generally associated with Michael Schlesinger at University of Illinois—Champaign, and 5) the United Kingdom Meteorology Office (UKMO) model, generally associated with J.F.B. Mitchell at UKMO, Bracknell.
26. J.F.B. Mitchell, C.A. Senior, and W.F. Ingrahm, "CO_2 and Climate: A Missing Feedback?," *Nature*, Vol. 341 (1989),

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37. M.I. Budyko, 1988. Paper read to the first meeting of the Climate Trends Panel, held at National Research Council, September, 1988.
38. T.M.L. Wigley, "Possible Climate Change Due to SO_2-Derived Cloud Condensation Nuclei," *Nature* 338 (1989), 365–367.
39. R.E. Cess, Presentation to U.S. Department of Energy meeting on research planning for Global Change, Germantown, MD, 4/89.
40. A rather striking example of this can be found in P.J. Michaels (Principal Investigator), Final Report on "Origin and Destination of Pollutant-Bearing Airstreams Impacting and Exiting the Commonwealth of Virginia," Virginia State Air Pollution Control Board, 6/88.
41. R.C. Balling, and S.B. Idso, "Historical Temperature Trends in the United States and the Effect of Urban Population Growth," *J. Geophys. Res.*, Vol. 84 (1989), 3359–3363.

Ludlow, "The Cheesing of America," *continued from page 26*

ment employees. While the crooks get $100 per pound for good and bad cheese alike, the cheese-abuse clinics and the police forces all get scads of tax dollars to fight their War. And the control-this-and-that bureaucrats do too: they make off real well administering blood tests to cheese abusers and "rehabilitating" them—whatever *that* means. Probably some high-priced cooking classes! And that's not to mention paying for anti-cheese slogans on TV and programs in the schools. Heck, even the judges and lawyers get jobs accusing and defending suspects and building new prisons to house them. Worst of all, the taxpayers have to shell out for this $10-billion War. I'll tell you, next time I hear someone say we must 'pay any price' for some busybody program, *I'll* have a cow!

"They'll never learn their lesson," he added, bitterly pursing his lips and leaning back again, sinking into the couch. "I hear they want to redouble their efforts, call in the armed forces, and even impose the death penalty. Some of these people get a bug up their . . . uh . . . bee in their bonnet, and Hell'll freeze over before they give up."

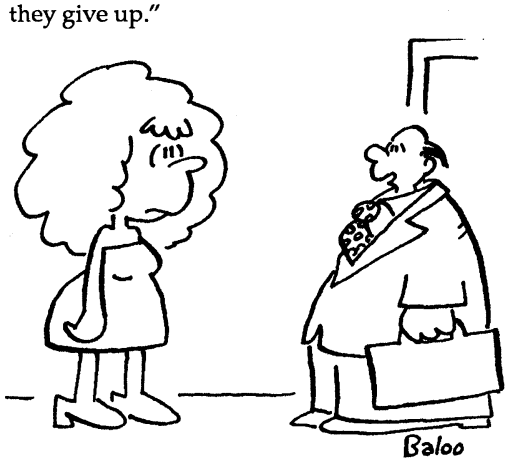

"It's a *jungle* out there!"

I asked if he was worried about how his children would be affected by their involvement in such activities. "They know better than to believe everything they hear," he said, "especially when their teachers tell them to turn in their own flesh and blood. Used to be a nice town where kids respected their parents and kept the sixth commandment."

"Fifth, dear," his wife Emma broke in. "Honor thy fa . . ."

"OK, fifth, but you know what I mean."

"Fact is," he continued, pointing his finger directly at me, "I feel more honest selling a ripe wheel of tasty cheddar than I do about lining up for all of those government nonfat milk subsidies. Bah! It's just one thing after another these days. Pretty soon we'll all be in jail."

Almost as if to emphasize his point, the children's expressions took on an air of defiance, and the family seemed to gather into itself—the children, Bobby and Jennifer, moving closer to their parents on the already-crowded piece of furniture.

The interview took us late into the night, and I slept on the Schneider's living-room couch. After sharing their simple breakfast the next morning, Mrs. Schneider followed up by handing me a small package with a snack for my long drive to the airport. They had been remarkably hospitable during my entire visit, even when they sensed my insufficiently hidden contempt for the "family business."

We said our goodbyes, and as I left them—driving down the narrow dirt lane to the county road—I saw them one last time in my rear-view mirror: the four of them, standing together, reflecting the insularity of their position and the unthinking obedience which characterized their family ties and allowed them to raise themselves above the welfare of those around them.

A few hours later, with a full tank of gas and a freshly brewed cup of coffee cooling on the dashboard, I remembered Mrs. Schneider's package. The orange and apple slices were just fine, but the cheese sandwich was the best I've ever had. ❑

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Manifesto

The Case for Paleo-Libertarianism

by Llewelyn H. Rockwell, Jr.

Thirty years ago, an attempt was made to promote a *fusion* of libertarianism and conservativism. The attempt failed; Llewelyn H. Rockwell, Jr, thinks it is time to try again.

"The conservative crack-up is near," writes Charles Krauthammer. "As Communism unravels, so does . . . the conservative alliance." Indeed, old-fashioned conservatives (paleoconservatives) *are* splitting with statist neoconservatives.

Patrick J. Buchanan argues that America should "come home": we are not "the world's policeman nor its political tutor." Ben Wattenberg, a neocon advocate of what Clare Boothe Luce called globaloney, denounces Buchanan as a "Neanderthal." Joseph Sobran then notes that democracy is not a good in itself, but only in so far as it restricts State power. Jeanne Kirkpatrick—a former Humphrey Democrat like most of the neocons—says none of these intellectual arguments mean anything because the neocons hold State power and don't intend to let go.

Despite Kirkpatrick, these intra-Right arguments are extremely significant, and more than foreign policy is involved. As the U.S.S.R. is revealed as a paper bear, good conservatives are returning to their Old Right roots in other areas as well.

Conservatives are questioning not only foreign intervention, but the entire New Deal-Great Society-Kinder Gentler apparatus. This worries the neocons even more, since—like their Svengali Irving Kristol—they give at most "two cheers for capitalism" but a full three cheers for the "conservative welfare state."

This conservative crack-up presents an historic opportunity for the libertarian movement. The Cold War ruptured the Right; now the healing can begin, for Lord Acton's axiom that "liberty is the highest political end of man" is at the heart not only of libertarianism but of the old conservatism as well. Many issues separate good conservatives from good libertarians, but their number is lessening and none of them is so broad as to prevent intelligent exchange and cooperation.

There have been more than ideological disputes, however; culture has also separated us, and there is no more powerful unifier or divider. So divisive has it been in this case that good libertarians and good conservatives have forgotten how to talk to each other.

For the sake of our common ideals we should restore the old concord. But can we? In my view, not until libertarianism is deloused.

The Conservatives Are Right: Freedom *Isn't* Enough

Conservatives have always argued that political freedom is a necessary but not sufficient condition for the good society, and they're right. Neither is it sufficient for the free society. We also need social institutions and standards that encourage public virtue, and protect the individual from the State.

Unfortunately, many libertarians—especially those in the Libertarian Party—see freedom as necessary *and sufficient* for all purposes. Worse, they equate freedom from State oppression with freedom from cultural norms, religion, bourgeois morality, and social authority.

In its 17-year history, the LP may never have gotten 1% in a national election, but it has smeared the most glorious political idea in human history with libertine muck. For the sake of that glorious idea, it's time to get out the scrub brushes.

Most Americans agree that aggression against the innocent and their property is wrong. Although these millions are potential libertarians, they are put off by the Woodstockian flavor of the movement. *Hair* may have left Broadway long ago, but the Age of Aquarius survives in

the LP.

The cultural *anti*-norms that mark the libertarian image are abhorrent; they have nothing to do with libertarianism *per se*; and they are deadly baggage. Unless we dump that baggage, we will miss the greatest opportunity in decades.

Americans reject the national Democratic Party because they see it as disdaining bourgeois values. If they have ever heard of the LP, they rebuff it for similar reasons.

The Libertarian Party is probably irreformable—and irrelevant even if it weren't. Libertarianism is neither. But unless we cleanse libertarianism of its cultural image, our movement will fail as miserably as the LP has. We will continue to be seen as a sect that "resists authority" and not just statism, that endorses the behaviors it would legalize, and that rejects the standards of Western civilization.

Arguments against the drug war, no matter how intellectually compelling, are undermined when they come from the party of the stoned. When the LP nominates a prostitute for lieutenant governor of California and she becomes a much-admired LP celebrity, how can regular Americans help but think that libertarianism is hostile to social norms, or that legalization of such acts as prostitution means moral approval? There could be no more politically suicidal or morally fallacious connection, but the LP has forged it.

With their counter-cultural beliefs, many libertarians have avoided issues of increasing importance to middle-class Americans, such as civil rights, crime, and environmentalism.

The only way to sever libertarianism's link with libertinism is with a cleansing debate. I want to start that debate, and on the proper grounds. As G.K. Chesterton said, "We agree about the evil; it is about the good that we should tear each others eyes out."

A Culturally Effective Libertarianism for America

If we are to have any chance of victory, we must discard the defective cultural framework of libertarianism. I call my suggested replacement, with its ethically-based cultural principles, "paleolibertarianism": the old libertarianism.

I use the term as conservatives use paleoconservatism: not as a new creed, but as a harking back to their roots which also distinguishes them from the neocons. We have no parallel to the necons, but it is just as urgent for us to distinguish libertarianism from libertinism.

Briefly, paleolibertarianism, with its roots deep in the Old Right, sees:

I. The leviathan State as the institutional source of evil throughout history.

II. The unhampered free market as a moral and practical imperative.

III. Private property as an economic and moral necessity for a free society.

IV. The garrison State as a preeminent threat to liberty and social well being.

V. The welfare State as organized theft that victimizes producers and eventually even its "clients."

VI. Civil liberties based on property rights as essential to a just society.

VII. The egalitarian ethic as morally reprehensible and destructive of private property and social authority.

VIII. Social authority—as embodied in the family, church, community, and other intermediating institutions—as helping protect the individual from the State and as necessary for a free and virtuous society.

IX. Western culture as eminently worthy of preservation and defense.

X. Objective standards of morality, especially as found in the Judeo-Christian tradition, as essential to the free and civilized social order.

Is Paleolibertarianism Libertarian?

The libertarian must agree with the first six points, but most activists would be outraged by the last four. Yet there is nothing unlibertarian in them.

A critic might point out that libertarianism is a political doctrine with nothing to say about these matters. In one sense, the critic would be right. The libertarian catechist need know only one answer to one question: What is the the highest political end of man? The answer: freedom.

But no political philosophy exists in a cultural vacuum, and for most people political identity is only an abstraction from a broader cultural view. The two are separate only at the theoretical level; in practice, they are inextricably linked.

It is thus understandable and desirable that libertarianism have a cultural tone, but not that it be anti-religious, modernist, morally relativist, and egalitarian. This tone rightly repels the vast majority of Americans and has helped keep libertarianism such a small movement.

The Conservative Attack on Libertarianism

None of the conservative criticisms of the political philosophy of libertarianism is persuasive. The same is not true, unfortunately, of the cultural critiques.

Russell Kirk is the conservative critic libertarians find most offensive. He claims that the libertarian, "like Satan, can bear no authority, temporal or spiritual. He desires to be different, in morals as in politics" as a matter of principle. As a result, there "is no great gulf fixed between libertarianism and libertinism."

The conservative crack-up presents an historic opportunity for the libertarian movement. The Cold War ruptured the Right; now healing can begin, for Lord Acton's axiom that "liberty is the highest political end of man" is at the heart not only of libertarianism but of the old conservatism as well.

A conservative critic libertarians find more congenial is Robert Nisbet. But he too worries that "a state of mind is developing among libertarians in which the coercions of family, church, local community, and school will seem almost as inimical to freedom as those of the political government. If so, this will most certainly widen the gulf between libertarians and conservatives."

Kirk and Nisbet are right about all too many individual libertarians, but not about the formal doctrine, as Rothbard, Tibor Machan, and others have shown. Yet this distinction between the doctrine and its practitioners is difficult to make for non-intellectuals.

Anti-Christianism *vs* Freedom

94% of Americans believe in God, yet a poll by Green and Guth showed that only 27% of LP activist-contributors do. These political scientists comment: "Although some Libertarian thinkers [such

as Murray N. Rothbard] insist that orthodox Christian belief is compatible with [their political ideas], the Party has certainly not done well in attracting such supporters." In fact, "many Libertarians are not only areligious, but militantly antireligious, as indicated by extensive write-in comments."

A later *Liberty* poll shows 74% of the respondents denying the existence of God; this is no surprise to the editors, who mention the "common perception that libertarians are almost all atheistic."

I do not, of course, argue that religious faith is necessary to libertarianism. Some of our greatest men have been nonbelievers. But the vast majority of Americans are religious and too many libertarians are aggressive atheists who seek to portray religion and libertarianism as enemies. That alone, if unchecked, is enough to ensure our continued marginalization.

The family, the free market, the dignity of the individual, private property rights, the very concept of freedom—all are products of our religious culture.

Christianity gave birth to individualism by stressing the significance of the single soul. The church teaches that God would have sent His Son to die on the cross if only one human being had needed this intercession.

Unfortunately, many libertarians see freedom as necessary and sufficient for all purposes. Worse, they equate freedom from State oppression with freedom from cultural norms, religion, bourgeois morality, and social authority.

With its emphasis on reason, objective moral law, and private property, Christianity made possible the development of capitalism. It taught that all men are equally children of God (although not equal in any other sense), and thus should be equal before the law. It was the transnational church that battled nationalism, militarism, high taxes, and political oppression, and whose theologians proclaimed the right of tyrannicide.

Acton said that "Liberty has not subsisted outside Christianity" and he urged that we "keep liberty as close as possible to morality," since "no country can be free without religion."

While agreeing that it is not "antireligious," Machan says libertarianism allows no "reliance on faith for purposes of understanding ethics and politics." Paleolibertarians prefer the view of two other non-believers: Rothbard, who says that "everything good in Western civilization, from individual liberty to the arts, is due to Christianity," and F.A. Hayek, who adds that it is to religion that "we owe our morals, and the tradition that has provided not only our civilization but our very lives."

Authority *vs* Coercion

"Question Authority!" says a leftist bumper sticker popular in libertarian circles. But libertarians are wrong to blur the distinction between State authority and social authority, for a free society is buttressed by social authority. Every business requires a hierarchy of command and every employer has the right to expect obedience within his proper sphere of authority. It is no different within the family, the church, the classroom, or even the Rotary or the Boy Scouts.

Giving trade unions license to commit violent crimes subverts the authority of the employer. Drug laws, Medicare, Social Security, and the public schools sap the authority of the family. Banishing religion from public debate undermines the authority of the church.

In a recent article, Jerome Tucille claims he's fighting for freedom by battling "the orthodoxy of the Roman Catholic Church." But there is nothing libertarian in fighting orthodoxy, Catholic or otherwise, and by deliberately confusing his prejudices with libertarianism, he helps perpetuate the myth that libertarianism is libertine.

Authority will always be necessary in society. Natural authority arises from voluntary social structures; unnatural authority is imposed by the State.

Paleolibertarians agree with Nisbet that "the existence of authority in the social order staves off encroachments of power from the political sphere." Only "the restraining and guiding effects" of "social authority" make possible "so liberal a political government as that which the Founding Fathers designed. Remove the social bonds," says Nisbet and you have "not a free but a chaotic people, not creative but impotent individuals."

The Role of the Family

Libertarians tend to ignore the essential task of the family in forming the responsible individual. The traditional family—which grows out of natural law—is the basic unit of a civilized and free society. The family promotes values necessary for the preservation of a free society such as parental love, self-discipline, patience, cooperation, respect for elders, and self-sacrifice. Families encourage moral behavior and provide for proper child rearing and thus the continuation of the race.

No political philosophy exists in a cultural vacuum, and for most people political identity is only an abstraction from a broader cultural view. The two are separate only at the theoretical level; in practice, they are inextricably linked.

Chesterton said the family "might loosely be called anarchist" because the origins of its authority are purely voluntary; the State did not invent it and neither can it abolish it.

Yet the State attacks the family through perverse economic incentives. As Charles Murray has pointed out, federal welfare policy has been largely responsible for the 450% increase in illegitimate births in the past 30 years.

"The most vital function" the family performs, Chesterton thought, "is that of education." But beginning with the establishment of the public schools in the 19th century, which sought in Horace Mann's phrase to turn "local citizens into national citizens," the State has attacked the educational function of the family.

Since the role of the State schools is—as one official put it—to "mold these little plastic lumps on the social kneading board"—then a key part of the State agenda must be subverting the family. Libertarians, on the other hand, should cherish and support it. We are not, as so many commentators have claimed, promoters of "atomistic individualism." We should show that by lauding the indispensable roles of the family and

social authority.

Hatred of Western Culture

"Culture," said Matthew Arnold, "is to know the best that has been said and thought in the world." For our civilization, that means concentrating on the West. But the Left, from Stanford to New York, denounces Western culture as racist, sexist, and elitist—worthy more of extinction than defense.

Those who defend Western culture are called ethnocentric by leftists who equate Dizzy Gillespie with Bach, Alice Walker with Dostoevski, and Georgia O'Keefe with Carravaggio, and who teach our children such bosh. They seek to construct a cultural canon that is sexually and racially "balanced," meaning unbalanced in every other sense. Yet on these cultural matters, too many libertarians agree with the Left.

Libertarians have to catch up with the American people, who are fed up with modernism in arts, literature, and manners that is really an attack on the West. Consider the outcry against the government-subsidized pornography and sacrilege of Robert Mapplethorpe and Andres Serrano. The people knew instinctively that America's tax-funded art establishment is devoted to offending bourgeois sensibilities. Yet the typical libertarian newsletter was far more upset with Jesse Helms's correct position on this outrage than with taxpayer funding for the National Endowment for the Arts, let alone with blasphemy or obscenity.

"Art, like morality, consists in drawing the line somewhere," said Chesterton. Paleolibertarians agree, and make no apology for preferring Western civilization.

Pornographic photography, "free"-thinking, chaotic painting, atonal music, deconstructionist literature, Bauhaus architecture, and modernist films have nothing in common with the libertarian political agenda—no matter how much individual libertarians may revel in them. In addition to their aesthetic and moral disabilities, these "art forms" are political liabilities outside Berkeley and Greenwich Village.

We obey, and ought to obey, traditions of manners and taste. As Rothbard explains: "There are numerous areas of life" where the "pursuit of custom eases the tensions of social life and makes for a more comfortable and harmonious society."

Albert Jay Nock said that in a free society, "the court of taste and manners" should be the strongest institution. He called it the only court of "undebatably competent jurisdiction." In this court, many libertarians stand condemned.

Egalitarianism and Civil Rights

Most Americans despise civil rights and rightly so. At one time, civil rights "meant the rights of the citizen against the State," says Sobran. Now "it means favored treatment for blacks (or some other minority) at the expense of everyone else."

Yet because so many libertarians are themselves egalitarians, they are either blind to this issue or purposely ignore it. Paleolibertarians suffer from no such liability. They reject not only affirmative action, set-asides, and quotas, but the 1964 Civil Rights Act and all subsequent laws that force property owners to act against their will.

State-enforced segregation, which also violated property rights, was wrong, but so is State-enforced integration. State-enforced segregation was not wrong because separateness is wrong, however.

Wishing to associate with members of one's own race, nationality, religion, class, sex, or even political party is a natural and normal human impulse. A voluntary society will therefore have male organizations, Polish neighborhoods, black churches, Jewish country clubs, and white fraternities.

When the State abolishes the right of free association, it creates not social peace but discord. As Frank S. Meyer wrote, "The multifarious adjustments of the relations of human beings—sensitive and delicate, and above all individual in their essence—can never be regulated by governmental power without disaster to a free society."

But the existence of such institutions is a scandal to egalitarians. Congressman Ron Paul, the 1988 LP presidential candidate, was attacked by libertarians for opposing the tax-financed Martin Luther King holiday. King was a socialist who attacked private property and advocated forced integration. How could he be a libertarian hero? Yet he is—for egalitarian reasons.

Too many libertarians also join liberals in using the charge of racism to bash non-conformists. It may be scientifically false to believe, for example, that Asians are more intelligent than whites, but can it really be immoral? From a libertarian perspective, the only immorality would be to seek State recognition of this belief, whether correct or incorrect.

From a Christian viewpoint, it is certainly wrong to treat someone unjustly or uncharitably as a result of racial beliefs. It is also wrong to treat someone unjustly or uncharitably because he's bald, hairy, skinny, or fat. But can it be immoral to prefer the company of one to the other?

The family, the free market, the dignity of the individual, private property rights, the very concept of freedom—all are products of our religious culture. With its emphasis on reason, objective moral law, and private property, Christianity made possible the development of capitalism.

Black liberal William Raspberry recently wrote about the newest slogan in Washington, D.C.: "It's a Black Thing. You Wouldn't Understand."

This is "race-conscious in a healthy sort of way," says Raspberry. "But show me a white with 'It's a White Thing . . .' and my attitude changes," says Raspberry. "A Congressional Black Caucus is legitimate" but a "Congressional White Caucus would be unthinkable." "Black Is Beautiful" is permissible but "White Is Beautiful is the slogan of bigots." Oh?

There is nothing wrong with blacks preferring the "black thing." But paleolibertarians would say the same about whites preferring the "white thing" or Asians the "Asian thing." Paleolibertarians hold no utopian vision of social relations; we seek only to stop the State from interfering in voluntary actions.

Crime and Coercion

Libertarianism is widely seen as anti-force. But force will always be necessary to defend against wrong-doers and to administer justice. Libertarianism opposes aggression against the innocent, not coercion in general.

The State has always been the primary aggressor, but there is also private crime. As the breakdown of social authority invites statism, so does the absence of coercion against real crime. If crime goes underpunished or unpun-

ished, as is typically the case today, immoral behavior is rewarded and encouraged, and therefore increases.

Liberals and some libertarians tell us to be soft on crime because much of it is caused by white racism. But if that were the case, given concentration camps, property seizures, and widespread bigotry, we would be threatened by Japanese "wilding."

Libertarians must adopt a new orientation. How nice that it is also the old one. In the new movement, libertarians who personify the present corruption will sink to their natural level, as will the Libertarian Party, which has been their diabolic pulpit.

In fact, crime is a result of moral evil, a conscious decision to attack innocent lives and property for immoral motives. For that reason, even more than for deterrence, crime must be punished swiftly and harshly, although a libertarian criminal justice system would make use of restitution as well.

The present State monopoly over the production of domestic security is a failure. The streets of our big cities have become the realm of barbarians (if that is not a libel against the Visigoths). In New York City, reports of home burglaries are filed and forgotten. In Washington, D.C., violent muggings elicit police and prosecutorial yawns.

Like all bureaucrats, police, prosecutors, and judges have no incentive to respond to consumer demand, in this case would-be consumers of protection against crime or justice against criminals. There is no consumer sovereignty when the State has a monopoly of fighting crime, and when the only crimes it treats seriously are those against itself: counterfeiting, tax evasion, etc.

I know a woman who lived in an Italian working-class enclave surrounded by Cleveland's slums. Crime was unrestrained around this refuge, but within it, streets and homes were safe.

Anyone who crossed into the Italian area and committed a crime was—thanks to private surveillance—almost always caught. But the perpetrator was seldom turned over to the police, since he would be released in a few hours and free to rampage again. The criminal was punished on the spot, and as a result, there was almost no crime in this neighborhood.

Although hardly an ideal system, it was rough justice and eminently libertarian. Yet many libertarians would oppose such a system—even though it was a response to State failure—because the criminals were black. Paleolibertarians have no such reservation. There should be equal-opportunity punishment.

The Return of Paganism

Paleolibertarianism is unabashedly pro-Man. It argues—and how can this be controversial?—that only man has rights, and that public policies based on mythical animal or plant rights must have perverse results.

Environmentalists, on the other hand, claim that birds, plants, and even seawater have the right to be protected from energy production and other human activities. From the snail darter to the furbish lousewort to wilderness as a whole—all deserve State protection from the production of goods and services for mankind.

Environmentalists claim that nature was in perfect balance before the modern era, and man's "damaging" economic development must be repaired by returning us to a more primitive level. Leaders of England's Green Party idealize the level of economic development between the fall of the Roman Empire and the coronation of Charlemagne—in other words, the Dark Ages. Friends of the Earth characterize the Industrial Revolution, and its enormous increase in standards of living, as a "vicious worldwide stripmining." Earth-first! says, "Back to the Pleistocene!"

The de-christianization of public policy has resulted in an environmental movement that is not only anti-capitalist but pro-pagan. Paganism holds that man is only a part of nature—no more important than whales or wolves (and, in practice, much less important). Christianity and Judaism, on the other hand, teach that God created man in His image and gave him dominion over the earth, which was created for man's use and not as a morally valuable entity in its own right. The natural order exists for man and not the reverse, and no other understanding is compatible with a free market and private property, and therefore with libertarianism.

Environmentalists worship at the altar of Mother Nature, sometimes, as in the Gaia Movement, literally. Too many libertarians join them, proving Chesterton's gibe that "people who believe in nothing will believe in anything."

Paleolibertarians are unapologetic about preferring civilization to wilderness. They are likely to agree with Nock that "I can see nature only as an enemy: a highly respected enemy, but an enemy." Politically we need not be shy about being pro-Man. Few Americans are willing to sacrifice their property and prosperity to satisfy pagan delusions.

The Challenge

If the American people continue to connect libertarianism with repellent cultural norms, we will fail. But if paleolibertarianism can break that connection, then anything is possible.

Even *non*-paleo libertarians ought to be unhappy that our movement has a single cultural image. They ought to welcome, in conservative middle-class America, libertarians who are cultural and moral traditionalists. But my guess is that they will not, and that we will have a nasty fight on our hands. I, for one, welcome that fight.

Do we want to remain a small and irrelevant social club like the LP? Or do we want to fulfill the promise of liberty and make our movement a mass one again as it was in the 19th-century?

Culturally meaningful libertarianism has arrived during the greatest turmoil on the Right since the 1940s. Libertarians can and must talk again with the resurgent paleoconservatives, now in the process of breaking away from the neocons. We can even form an alliance with them. Together, paleolibertarians and paleoconservatives can rebuild the great anti-welfare state, anti-interventionist coalition that thrived before World War II and survived through the Korean War.

Together, we have a chance to attain victory. But first we must junk the libertarian image as repugnant, self-defeating, and unworthy of liberty.

Instead, we must adopt a new orientation. How nice that it is also the old one. In the new movement, libertarians who personify the present corruption will sink to their natural level, as will the Libertarian Party, which has been their diabolic pulpit.

Some will find this painful; I'm looking forward to it. Let the cleansing process begin—it is long past due. ❑

Eschatology

Kingdom Come
The Politics of the Millennium

by Murray N. Rothbard

Christianity has played a central role in Western civilization, and contributed a important influence on the development of classical liberal thought. Not surprisingly, Christian beliefs about the "end times" are very important for us *right now*.

Christian Reconstructionism is one of the fastest growing and most influential currents in American religious and political life. Though the fascinating discussions by Jeffrey Tucker and Gary North (in the July and September issues of *Liberty*) have called libertarian attention to, and helped explain, this movement, to clarify Christian Reconstructionism fully we have to understand the role and problem of millennialism in Christian thought.

The problem centers around the discipline of eschatology, or the Last Days, and on the question: how is the world destined to come to an end? The view that nearly all Christians accept is that at a certain time in the future Jesus will return to earth in a Second Advent, and preside over the Last Judgment, at which all those then alive and all the bodily resurrected dead will be assigned to their final places; and human history, and the world as we know it, will have come to an end.

So far, so good; a troublesome problem, however, comes in various passages in the Bible, in the Book of Daniel, and especially in the final book of Revelation, in which mention is made of a millennium, of a thousand year reign of Christ on earth—the Kingdom of God on earth [KGE]—before the final Day of Judgment. Who is to establish that Kingdom, and what is it supposed to look like?

The orthodox answer to this problem was set forth by the great Saint Augustine, in the early fifth century; this Augustinian line has been accepted by all the orthodox and liturgical Christian Churches: the Roman Catholic, the Greek and Russian Orthodox, high-church Lutheran, and Anglican, as well as by the Dutch wing of the Calvinist church (where Calvin himself stood is a matter of dispute). The Augustinian line is that the millennium, or thousand-year reign, is solely a metaphor for the creation of the Christian Church; the millennium is not something to be taken literally, as ever to take place, temporally, on earth. This orthodox position has the great virtue of disposing of the millennium problem. The answer: Forget it. At some unknown time in the future, Jesus will return, and that's that.

But to many centuries of Christian dissidents, this answer has failed to satisfy. It deprives them of hope, of the literal passages in the Bible that seem to promise a thousand years of temporal blessings on earth: the glorious Kingdom. Among the numerous groups of *millennialists*, those who believe that the KGE will and must eventually arrive, there are two very different groups: those who believe that the Kingdom will be established by Jesus himself, who will therefore return to earth *before* the millennium (*pre*-millennialists, or "pre-mils"); and those that believe that Jesus will return to earth *after* the millennium (the *post*-millennialists, or "post-mils.")

This seemingly abstruse theological difference carries enormously significant social and political implications. For as much as the pre-mil yearns to attain the KGE and install it for a thousand years, he is constrained to *wait*; he must wait for Jesus's return. The post-mil, on the other hand, maintains that *man* must establish the KGE, first, *in order that* Jesus may eventually return. In other words, the post-mil is under theological obligation, as a fulfillment of the divine plan, to establish the KGE as quickly as possible. Hence, the sense of hurry, the sense of rushing toward impending triumph, that generally suffuses the post-mils. For the march of history, the plans of Providence itself, depend upon the post-mil being triumphant as soon as he possibly can.

What, then, is this all-important millennium, in either the pre-mil or post-mil version, supposed to look like? As we might expect, as with many Utopias, the vision is a bit cloudy. Most theorists, beginning with one of the first and most

influential, the early 13th century Calabrian abbot, Joachim of Fiore, have been explicit communists: that is, that work, private property, and the division of labor will disappear in this perfect society. Joachim, who almost converted three popes and therefore almost significantly altered the history of Western civilization, offered a unique solution to the problem of production under communism: it would disappear, because in the KGE aborning (he predicted its advent in fifty years after he wrote), all human flesh would disappear, and man would be pure spirit. So much for the problem of production or property. These pure disembodied human spirits, then, would chant praises to God in mystical ecstasy for the duration of the millennium. Other millennialists, however, could not take such an easy way out.

Throughout history, pre-millenialists pored over the Bible, and over world events, and discovered presumptively infallible signs of the Big One (Armageddon) coming up.

While most KGE theorists have been communists, some post-mils, such as early twentieth-century American Calvinist, J. Gresham Machen, have been laissez-faire, free-market stalwarts. But on one point all millennialists are agreed: there can be no sinners worthy of living in the perfect world of the KGE. "Sinners," of course, are broadly defined to encompass a massive chunk of the existing human race: they include adulterers, sodomites, blasphemers, idolators, prophets of false doctrines, and all the rest. So a crucial question then becomes: how are the sinners to be gotten rid of, so that the KGE can be established?

For the pre-mil, the answer is that, just prior to Jesus's Second Advent that will establish the KGE, God will send us Armageddon, the final War of Good against Evil, in which all the strange creatures that populate the Book of Revelation will figure prominently: the Beast, the Anti-Christ, 666, and all the rest. At the end of Armageddon, the world will have been cleansed of all the sinners, and Christ and His cadre of saints can go about establishing His Kingdom. From the libertarian point of view, the pre-mil poses little danger, since his role is to await eagerly the alleged Signs of the impending holocaust. For the pre-mil, regardless how eager he may be, is supposed to wait for God to make the crucial moves. Unfortunately, there are many strains in pre-mil thought holding it important, and morally obligatory, for the pre-mil, knowing Armageddon to be at hand, to try to speed up God's timetable by giving it a little healthy push, thereby "doing God's will." In that way, to borrow from another famous (atheist) millennialist, the pre-mil is to act as "the midwife of history." Which is why I, for one, would be a bit fidgety to have a pre-mil with his finger near the nuclear button. (Our beloved ex-president, Ronald Reagan, is an avowed pre-mil, but it is doubtful if he fully understands the implications of his own position.)

In general, if you want an event badly enough, and you think it inevitable, you tend to see it coming just over the horizon. And so pre-mils, through history, have been poring over the Bible, and over world events, and seeing presumptively infallible signs of the Big One (Armageddon) coming up. Any times of war, upheaval, or revolution have engendered large numbers of pre-mil movements. But these precise predictions have always been falsified—the eternal problem of "historicist" pre-millennials, those who pick specific historical dates for either Armageddon or the Second Advent. One of the most influential group of historicists was the Millerite movement, followers in America and England of the Yankee preacher William Miller, who forecast Armageddon on a specific day in 1843. Typically, when nothing happens on the predicted date, the guru rethinks the matter and concludes that there was a slight error in his scientific calculations—the date is really a year or so later. This is what happened with Miller. But then, when nothing happens on the second date—in this case 1844—confusion sets in and the movement collapses. In the case of the Millerites, a sub-group arose that claimed that Jesus *really did* arrive, thus vindicating the prediction, but that his Advent was *invisible*; the Advent would be made visible to all at some time in the future. This less than satisfying resolution was the path taken by the group that later became known as the Seventh Day Adventists.

But at last a creative way out was discovered from the irritating falsifications of the historicists' predictions. John Nelson Darby, an English preacher and mystic, invented around this time the concept of dispensationalism, which later spread like wildfire in the United States and was to become known as "fundamentalism" (after the volumes, *The Fundamentals*, published in 1910.) What Darby and the fundamentalists did was to repudiate the basic method of the historicists, which was to time the countdown to Armageddon from clocks of prophecy which they discovered in the Bible. Darby severed the pre-mils from being tied to the number-prophecies based on the Bible. According to Darby, the Biblical clock of prophecy kept ticking *until* the founding of the Christian Church. The founding of the Church stopped that clock, since it constituted a new dispensation in history. The Church, in a famous phrase of Darby's, "is the great parenthesis in history." At some point, however, for which pre-mils look for Signs, the clock of prophecy will start up again, and the countdown to imminent Armageddon will begin. One of the predicted signs was the return of all the Jews to Palestine and their mass conversion to Christianity. With a little stretching, then, the mainstream of pre-mils picked the founding of the State of Israel in 1948 as the beginning of the countdown, with many of them therefore picking forty years after that, or 1988 as Armageddon Year.

Many have understandably grown tired of Waiting for the Rapture, and have started looking for a coherent political program and strategy, which pre-millennialism can never be equipped to provide.

As pre-mil thought developed, however, Armageddon—which is now considered to take seven years, and which is known as "the tribulation"—began to pose a big problem. It is true that the Bad Guys, the vast mass of sinners, will

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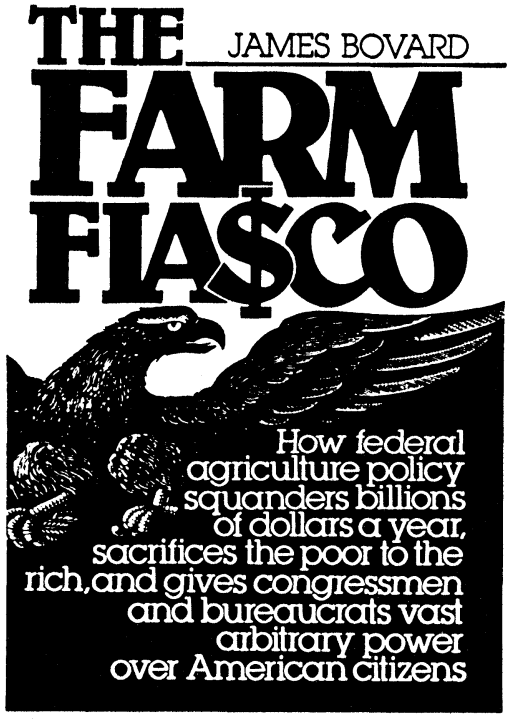

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be satisfactorily disposed of by God's wrath. But how about the Good Guys? After all, they, too, during those wonderful but strenuous years, will be in danger of getting caught in the crossfire, and getting slaughtered along with everyone else. It didn't seem fair.

And so pre-mil theorists, poring over the Bible, came up with a solution: the Good Guys will not have to suffer during Armageddon. Instead, just before Armageddon is to begin, Jesus will return *invisibly* (a variant on the Seventh Day Adventists) and "rapture up" the Good Guys bodily to Heaven. Then, the Good Guys, the saved, will sit at the right hand of God up in Heaven watching (enjoying?) the spectacle of the Bad Guys slaughtering each other down below. Then, *after* the war is over, the dust settled, and perhaps the radiation fallout finished, Jesus will return *visibly* to earth along with his Saints, to rule the earth for a thousand years, and with the sinners eliminated in a most satisfying manner. Thus, the Second Advent is split into two parts: the first invisible one where Jesus raptures up the Good Guys; and the second visible one, where He returns with them to set up the KGE.

Jesus never held nor ran for political office, nor did he ever advocate any legislation—perhaps, after all, an indication that Jesus was more libertarian than the Reconstructionists have believed.

I well remember one sermon by my favorite pre-mil televangelist, the Reverend Jimmy Swaggart (before personal or satanic forces laid him low). The Rapture, which Jimmy asserted was imminent, was the emotional high for the reverend along with his massive congregation. As he described the glories of the Rapture, shouts and sobs of joy shook the celebrants. It didn't seem contradictory to any of the faithful when, a few sober moments later, Jimmy pleaded for contributions to his Bible college. But why worry about schools and colleges when the Rapture was promised for a few weeks or so hence?

Pre-millennialism is basically a passive creed, and yet, since the early 1970s, fundamentalist Christians have engaged more and more fervently in political action. Many have understandably grown tired of Waiting for the Rapture, and have started looking for a coherent political program and strategy, which pre-millennialism can never be equipped to provide. Hence, the golden opportunity for the Christian Reconstructionists.

Enter, then, the post-mils. Post-mils *have* to have some sort of political program, because they believe that man must establish the KGE on his own. Post-mils can be divided into the "immediatists," who want to seize power and establish the KGE immediately, and the gradualists, who are prudently willing to wait a bit. The most notorious immediatists burgeoned at the beginning of the Reformation, in fifteen brief but turbulent years, from 1520 to 1535. In numerous towns in Germany and Holland, different sects of Anabaptists tried to grab power and bring about the KGE. The sinners were to be gotten rid of by immediate slaughter of all heretics, which included all who refused to take orders from the sect's maximum leader. Leaders like Thomas Müntzer and Jan Bockelson tried to impose theocratic communism, vowing to exterminate unbelievers and act as "God's scythe," until, as some of them phrased it, blood will cover the world to the height of a horse's bridle. Finally, in 1535, the last and most important of the bloody experiments in Anabaptist communism, in the city of Münster, was overthrown, and its adherents massacred in turn.

"A pacifist? Sorry, Armageddon's coming up, and we'll be needing *aggressive* types."

The Anabaptist failures served to discredit immediatism, and from then on, post-mils turned to more gradual, and therefore somewhat less coercive, measures. The idea was that instead of killing all sinners and heretics immediately, post-mils would take over the reins of government, and, by rather kindlier and gentler means, use the State to shape everyone up, make men moral, and stamp out sin, so as to make them fit to enter the KGE. The mainstream Protestant churches of nineteenth century America, for example, were taken over by a fervent pietist version of post-mil, who emphasized revivalism, bursts of emotion, and rule by the Holy Spirit. These post-mil Protestants became increasingly more progressive and statist, their outlook being best expressed by one of their leaders, Professor Richard T. Ely, founder of the American Economic Association, Christian Sociologist, and indefatigable activist and organizer, who considered "government as God's major instrument of salvation." The sins that the Protestant pietists were particularly interested in stamping out were: Demon Rum, sabbath-breaking, and that well-known instrument of the Anti-Christ, the Roman Catholic Church.

To say that it is impermissible to talk to or work with anyone who is not a 100 percent libertarian is to follow the disastrous and crackpot path of Orthodox Randianism: That is, to dig oneself a deep sectarian hole and then leap in.

On the other hand, the seventeenth-century Puritans in America were theonomists, believers in God's law, trying to construct a Christian Commonwealth rather than emotionally harking after the Holy Spirit. The modern Christian Reconstructionists are the Puritans' spiritual descendants. But post-mil theonomists have a problem. For Jesus never held or ran for political office, nor did he ever advocate any legislation—perhaps, after all, an indication that Jesus was more libertarian or less KGE-minded than the Reconstructionists and

continued on page 45

Credo

Choosing Freedom

Public Choice and the Libertarian Idea

by Charles K. Rowley and Richard E. Wagner

"For the man devoted to liberty, there is nothing which makes liberty important. And he has no reason for his devotion."—R. Rhees, *Without Answers*

Public choice scholars are a more diverse lot than the recent debate in *Liberty* concerning the usefulness or otherwise of public choice would seem to suggest. We believe that both Jane Shaw and Murray Rothbard commit a serious aggregation fallacy in ascribing to all public choice scholars the normative values and the particular scientific method associated with James M. Buchanan. We enter this debate as two scholars of public choice anxious to offer our own personal perspectives on the controversy. We do not speak—indeed could not possibly speak—for the diversity of our colleagues in this vibrant and expanding field of scholarship.

We believe it is especially relevant that we should respond to the issues raised in this exchange, since we, more than most of our colleagues, are viewed as true believers in classical liberalism, if not perhaps in the libertarianism of Murray Rothbard. No doubt we both would die in the same ditch as Rothbard fighting against the same enemies of liberty.

Our departure point in this discussion is the concept of liberty itself, since it is doubt concerning the compatibility between liberty and public choice that leads Rothbard to vent his spleen against the public choice approach. For us, freedom is construed as non-interference within a protected sphere of an individual's life, as independence or autonomy; a free man is characterized as one who governs himself and is governed by no one else. In this sense, freedom is a negative and not a positive concept, though, following Isaiah Berlin, we recognize that these concepts are not mutually exclusive. As a rule, however, the subject matters of negative and positive freedom do not overlap, even though conceivably deprivation of the positive freedom to be one's master may be judged as infringement of a man's negative freedom. Recognizing that the freedom of a vagabond may have little value to that individual is not to deny that his freedom is lost when eventually he is conscripted into some more comfortable economic environment.

In defining freedom in negative terms—as the absence of coercion or the threat of coercion of one individual by another—we do not deny that such freedoms may have to be curtailed, either because their exercise conflicts with that of other, perhaps incommensurably valuable freedoms, or because they compete with other values that largely are distinct from those comprehended in typical judgments about freedom. For we share with Berlin a repudiation of monism in philosophy and a recognition that the conflict of values is an ineradicable feature of human experience.

A liberal society in which moral conflicts are openly revealed is commended to us because in it the competition for "goods," which is an unalterable feature of the human predicament, is not shirked or evaded, but is actively embraced. In a nutshell, we who embrace freedom will not force others to be free. Yet, for us, freedom is valued as an ultimate end, not as a means to some higher political goal or as a derivative of some other end.

From this deontological perspective we evidence neither a desire nor a necessity to justify our goal of liberty. For us it is an ultimate and a self-evident value. It is not to be justified, as Hume and Mill argued, as a prerequisite for individual rational self-determination. For liberty may be used well or ill without impact upon its value. Nor is it, as Buchanan and most other contractarians argue, the derivative of some more highly valued concept of universal consent to be pursued through such artifactual devices as the Rawlsian reflective equilibrium enunciated by hypothetical individuals following a hypothetical constitutional debate behind some hypothetical veil of ignorance. Our devotion to liberty is as unjustifiable as it is unqualified, with debate curtailed only to the important issue of the definition itself. In this position, we sense our oneness with Rothbard. Our values are the same.

Though our values are the same, our visions of desirable institutions

differ. For Rothbard, private markets represent voluntary exchange and gains from trade, and a market economy is the institutional incarnation of the principle of liberty. Government, in contrast, represents coerced exchange, where one party gains at the expense of the other, and is a vehicle of grand larceny and is the very epitome of coercion. With this unequivocal distinction we find ourselves uncomfortable, not least as a consequence of viewing these institutions through the lens of public choice. Our discomfort, however, is not that which would energize Buchanan, whose principal contributions have revolved around the delineation of logical foundations for constitutional democracy vested in universal consent and whose vision of such forms of government is essentially benign. For our vision is one in which real-world parchment is of a different texture from that of any calculus of consent, the derivative at best of a transient super-majority and ultimately dependent for its survival upon the competing guns of minority interests.

Our devotion to liberty is as unjustifiable as it is unqualified, with debate curtailed only to the important issue of the definition itself. In this position, we sense our oneness with Rothbard.

For us the principle of liberty leads not to the parchment of even some widely endorsed *limited* transfer state, but rather to the classical liberal doctrine of the *minimal* state, in which government is small and heavily constrained and acts as nightwatchman for an otherwise unconstrained market economy. Note however that this vision does not lead us to endorse the zero state of Rothbard or indeed the totally unconstrained interaction between individuals that then would ensue. For we do not view private markets as benignly as Rothbard, nor do we eye government as an entirely malignant Satan, the very existence of which is the enemy of freedom.

Shaw notes that "[Buchananesque public choice scholars] believe that government can be fair only if it follows rules that everyone agrees to before the process of governing begins." To which a Rothbardian natural rights scholar might rejoin: "I have not, and would not have, agreed to the government we have, so it must be judged unfair by your own principle of consent." We would agree that we have not chosen our government. But we would also note that none of us has chosen to be governed by the set of rules that would constitute a market economy. Both governments and markets are coercive in that they represent rules or constraints that we must live by and that we have not chosen.

Individuals can never be completely free in the negative sense here defined except when they are isolated from all other individuals in the sense of Robinson Crusoe prior to the arrival of Man Friday. For relationships between individuals are always conditioned by rules, however primitive, which limit certain freedoms even if only to advance others. Such rules are manifest even in the so-called anarchic jungles that precede the emergence of societies, even in the pre-property right environment where there is no "mine and thine." In the absence of rights, however, and of some rule of law, individuals can be coerced mightily, as predators and prey battle over the distribution of unowned spoils.

The rules that lift savages from the jungle into society evidently require a social interaction more formal than that of anarchy. It is this formal interaction that forms the basis of the minimal state. For if rights are to be established and to be protected from the predations of those who view themselves to be inadequately endowed, an enforcement mechanism more extensive than the individual becomes necessary. To fulfill this function, the state as referee arises, not necessarily through violence and conquest but even through some limited calculus of consent. For even private markets depend on rules, not least the law of property and of contract, that typically do not emerge from a spontaneous order of competing private courts but rather are the product of the bureaucratic judgments of a state judiciary. In the absence of such rules, and of the police mechanism to enforce them, Tullock's law that "might is right" would invade the freedoms of private markets just as they invade freedoms in the unfettered market-place of politics.

Rothbard is entirely correct in his bid to disabuse individuals of any notion that man can be made perfectible through some utopia of the socialist state. Yet, if the mean sensual man of Hume pervades political markets, how is it that *homo economicus* casts down his self-seeking garbs in his dealings through private markets? Viewed from this perspective, Rothbard's *For a New Liberty: The Libertarian Manifesto* is no less a chimera than is the communist paradise envisaged by Karl Marx in *Capital*, and his attempted bifurcation between political and private markets is blind to the reality that both inevitably are grounded on rules that invade the freedom of the individual.

Public choice emerged as a scientific endeavor to bond into a single study of markets the two subjects of private and of political markets that had been separated unjustifiably with the demise of classical political economy. Indeed, public choice represents a return to the classical tradition, as refracted through the techniques and methods common to twentieth century scholarship. In probing the strengths and weaknesses of government and its coercive appendages, public choice alerts the friends of freedom to the invasive powers both of governments and of private markets and it signals routes and opportunities to rein such powers in.

Viewed from this perspective, the insights that Rothbard ridicules may be more relevant to liberty than he is prepared to admit. If self-seeking voters deem themselves too unimportant individually to turn an election, they well may divert their attention from matters politic to the sports pages of their newspapers. Ideology well may substitute for information in determining the lever that they pull when they do venture to the polls. In such circumstances, the persuasive media powers of the transfer society interests may exercise a pull that is

In the absence of rights and of the rule of law, individuals can be coerced mightily, as predators and prey battle over the distribution of unowned spoils.

no friend of liberty, and the political lobbying of such coercive interest groups indeed may exercise more leverage than freedom can sustain. Better that the friends of freedom are alerted through public choice to the threat that such forces pose than that they rely upon idealistic manifestos of the libertarian creed destined to fall upon the stony ground of self interest in the *Realpolitik* of *homo economicus.*

To be sure, some, though certainly not all, public choice scholarship does assert the preponderance of pecuniary interest and dismisses the significance of ideology. We, however, do not wish to side with one or the other, as if ideology and interest were competing and independent forces in human action. For we would note that to a large extent self interest is itself a mental construction, an idea. George Washington allowed himself to be bled to death. We can be quite sure he did not want to die at that time. Nevertheless, he died, because his idea or belief about his self interest, erroneously, no doubt, saw the removal of bad humors through bleeding as life enhancing.

The Virginia School of Public Choice, most particularly, is not to be viewed as being careless of, let alone hostile to, the preservation or the restoration of individual freedoms. In most essentials, its objectives and its concerns are identical to those of James Madison and Alexander Hamilton, not to mention Samuel Adams and George Mason, along with the other contributors to the federalist debate who agonized in search of a set of rules that would confine the minimal state to the role of a referee that might preside over a system of free enterprise and yet remain the servant of the people. *The Federalist Papers* themselves recognize the omnipresence of self-seeking men and urge the importance of rules and institutions to protect such individuals from their wont to coerce. There is plausible ground for thinking that public choice scholarship casts the anti-federalists in a more favorable light than is customary. But the federalists and anti-federalists were united in their commitment to liberty and in their view that the preservation of liberty was problematical and not assured, and most certainly required eternal vigilance combined with right understanding. Public choice, we believe, can provide for modern readers a basis for a reaffirmation of that understanding, which would make eternal vigilance a sensible price to pay.

Grounded in methodological individualism, recognizing the unknowability of the future, and committed to liberty, we who will carry the baton of public choice on its second lap pay it homage, not as any substitute for good sense, but just as a tool that may help us in the important task that we are privileged to inherit. ❑

Rothbard, "Kingdom Come," *continued from page 42*

other post-mils have believed.

Therefore in attempting to construct a commonwealth based on God's law the Puritans could only turn to the Old Testament, and to the government of ancient Israel. Hence, the emphasis on stoning to death transgressors, and hence the dispute about whether ancient Israelite law applies nowadays to sabbath-breakers.

Conscientious Christians try to abide by a personal and political ethic. It is difficult to see how a Christian can be a utilitarian, a nihilist, or a might-makes-right advocate. There are, it seems to me, only two possible genuine ethical systems for a Christian. One is the natural law/natural rights position of the (Catholic or Anglican) Scholastics, in which human reason is equipped to discover natural law, and purely theological or divinely revealed ethics is a very small separate though important part of the system. Another is the Calvinist view that man's reason is so corrupted that the *only* viable ethic, indeed the only truth about *anything,* must come from divine revelation as presented in the Bible. With his usual insight, Gary North sees that the two positions are and must be at loggerheads, and hence stakes his entire case on Calvinist presuppositionalism. Unfortunately, presuppositionalism is not a position likely to gain adherents outside the hard-core Calvinist faithful, and even there I suspect he might have problems. (Is there really only a *Christian* chemistry, a *Christian* mathematics, a *Christian* way to fly a plane?)

Finally, I must confess I find all the talk about "alliances," coalitions, associations, or "willingness to work together on an informal basis" (Tucker), an exercise in hairsplitting. Libertarians live in a world where—alas!—not everyone is a 100 percent libertarian. Many people—undoubtedly *most* people—are blends of X percent libertarian and Y percent non or anti-libertarian. To say that it is impermissible to talk to or work with anyone who is not a 100 percent libertarian is to follow the disastrous and crackpot path of Orthodox Randianism: That is, to dig oneself a deep sectarian hole and to leap in. It seems to me that both the sane and the common-sense thing to do is to work with the X percent libertarian aspect of people, and to ignore, discourage, or work against the other Y percent. Whether you call it alliance, coalition, or whatever makes no difference. Obviously, in different contexts and different times, some issues will be more important than others, and it is up to the individual libertarian, depending on the context and on his or her personal temperament and interests, to decide which issues and coalitions to stress.

Obviously, it is important for libertarians to discuss what issues are likely to be dominant or most important in any given historical period. Thus, during the Vietnam War, in my view the most important political issues were the war and the draft, and hence my argument that a coalition, alliance, informal association or what have you with the New Left was in order. Now, the draft is down to registration, and it seems clear that the Wheeler-Rohrabacher "freedom fighters" have pretty well disappeared, and that the Cold War itself is in the process of coming to an end. If that is true, then, in the coming period, some sort of association/coalition or whatever with some types of conservatives might be in order. But *only,* of course, as once applied to the Left, with *anti*-Establishment types. There can never be a persuasive argument for coalescing or allying ourselves with the State apparatus.

In any case, one would hope that strategic discussions can be conducted among libertarians with a minimum of anathemas and threats of excommunication, since, as Jeff Tucker well says, in "questions of strategy, final answers are elusive." ❑

Elitism In Defense of Virtue is No Vice

by Karl Hess

A simple truth that bears repeating: the charge of "elitism" is often little more than an attack on *merit*, and there is nothing meritorious about *that*.

"Elitism" is one of the strongest words people use to discredit activities they dislike. Its undoubted power to provoke antagonism derives from an earlier evoker of hostility, the concept of "meritocracy." In a meritocracy the major rewards of life are awarded to (or greedily gobbled up by) people who have performed something with merit—made a good deal, written a brilliant piece of music, discovered a new way to explain an aspect of the physical world, or something along these lines.

This arrangement is bad, it is argued, because it leaves high and dry all of the non-meritorious people who, through no fault of their own, do not acquire enough of those things or privileges necessary for a good life. The evolution from meritocracy to welfare state in this country was deemed necessary in the belief that the non-meritorious—previously attended to by charity—should have the requisites of a good life *as a right*.

As meritocracy vanished as a worthy social and political concept, a new assault word was needed; one that could be targeted not only against whole systems, but with surgical precision could be used against even the most minute part of any activity. Elitism is just such a word. In any social, political or cultural activity, any portion that is not demonstrably and *purposefully* egalitarian may be attacked as elitist.

Why being elitist is now or ever was "bad" has not been widely debated. In the heaves of the mid-century, equality and egalitarianism took on a broad and undifferentiated air of virtue. The civil rights movement seems to be mostly responsible for this development. From its undeniable moral power, the idea of equality became unassailable and then undefinable. To suggest that in some areas of human action equality is not only impossible but also undesirable—in art and science, for instance—is sometimes attacked as racist as well as elitist. It is difficult, apparently, for anti-racists to attack elitism without making it appear that racial minority populations are not themselves capable of achieving the high standards usually associated with an elite.

Although the arguments are usually quite vague, the charge is felt as sharp and stinging largely because, I am convinced, the media generally have accepted without any question the notion that elitism is inherently bad, so bad that everyone is expected to know that it's bad. The old definition of an elite as an especially privileged, probably undeserving group—an aristocracy—is not generally involved or evoked. The new elitism has to do with the supposedly rejected idea of meritocracy.

Ironically, many who launch attacks on elitism are themselves members of an observable elite of social workers and educationists specially trained to be social propagandists and organizers. Saul Alinsky's justly famed school for New Left organizers nurtured just such an elite corps. Harvard's law school today, at least in its "critical legal studies" enclave, also seeks to create an elite. Nader's Raiders are another obviously elite group that nevertheless can be counted on to use elitism as a pejorative term.

Social-activist elites deny their own elitism on grounds that their special training and obviously superior grasp of things is meant to serve the helpless and the dispossessed. And, to be fair, many of them actually make it their purpose to help people help themselves—actually to create a new elite of self-helping people in settings of squalor. It seems to me that the best intentioned of these activists are missing a useful tool. To achieve by merit, to do good work, to improve one's life, to be an elitist of accomplishment and energy has a worthy sound if disencumbered of the vague and voguish *charge* of elitism.

The arguments supporting the charges of elitism, as I have observed them, are usually contained in the head-

lines of the stories: with the word elitism being sufficient for the charge *and* for the explanation. In the text of stories there may be casual clauses referring to elitism as being separatist or favoring a bright minority, but little else.

When I worked closely with many on the New Left, the charge was as powerful and as vague as it is today. New Left *elites* were able to carry the charge successfully into the media without being bothered for a discussion of why elitism suddenly had become such a bad idea.

In those days I always argued in favor of elitism, thus reinforcing the idea of many associates on the left that, down deep underneath my army field jacket and jeans, I was a right-wing flake.

It was, of course, always unsatisfying to discuss elitism with Marxist-Leninists. It was their view, as succinctly stated in one seminar I attended, that the wisdom to tell other people how to live their lives was a science in which Marxist-Leninists had become superbly skilled. When I mentioned that that sounded like an elitism of which they obviously should be proud, I was asked to leave, having become an "obstructionist." The leader of that seminar has gone on to be an energetic supporter of perhaps the most elitist group in all the Americas, the Sandinistas. They are elitist, of course, in the old sense of people who are thought of or think of themselves as socially superior and thus entitled to power and privilege. They are not elitist in the modern sense of having achieved elitism through merit.

Elitism has become a totem word. It has great strength and may be defined by the user. My reference to a modern definition of elitism through merit is an example.

Unlike the Biblical doctrines, with which interpretations can at least be argued because of the availability of text, the *charge* of elitism has no standard text, or definition, and has become more of a meaningful sound rather than a meaningful concept. In movies there are certain musical themes that denote moods or dangers as vividly as if they were accompanied by written signs. Elitism as a charge has become like that. You *know* it's bad and nobody need bother to tell you *why* just as they do not need to give you a musicological explanation of Alfred Hitchcock suspense themes.

One of the most recent targets of the charge of elitism are the high schools of science and technology that lately have become fashionable in many educational jurisdictions. Since they are limited in number and thus not available to everyone who might want to attend, ways of apportioning space in them have become necessary. One way is to accept only students who have evidenced particular aptitudes or accomplishments.

Such procedures are, obviously, meritocratic, thereby elitist.

Even, however, if the schools admit students on a first-come, first-served basis, the *programs* in the schools may be attacked as elitist. They seek to create, it is argued, an elite class of scientists and technologists.

In this view—which goes back as far as the pioneer public schooler, Horace Mann—public (government) education has as its purpose the inculcation of officially determined social values and the fundamentals of citizenship such as loyalty to the national state rather than to localities or devotion to professions or crafts.

Private schools are, of course, considered pure poison by this view. They weaken support for government schools by siphoning off desirable students and thoughtful parents, and because they create students who may actually think of themselves *as* an elite simply because they got a good education.

Perhaps we should wish these charges to *stick*—for a very elitist reason. Even if government schools of science and technology are successfully opposed by anti-elitists, there is no reason to believe that this will stop the proliferation of special schools in the *private* sector. Successful attacks against government schools of excellence simply opens the market for more and more private schools of excellence.

Elite private schools attacked by Luddites might even gain from the attacks; the attacks could focus the attention of parents not on the plight of the government schools but on the potential advantages to their children of the elite schools. Hurrah!

The attacks against elitism in the governmental system of education might also inspire businesses and industries to start nurturing their own engineers, scientists, and technologists in their own schools which, unlike most of the government schools, presumably would emphasize the processes and practice of thinking rather than genuflections to Federal guidelines.

The need for elites, in the meritocratic and not aristocratic sense, is more clear now than ever.

It is by the business elite, the entrepreneurs, that markets are created which, in turn, create new jobs. It is by the technical elites that new products are made possible. And these products are not confined, as leftists would have you believe, to the ticky-tacky. They include, for example, the materials of medical treatment and the technologies of information.

Non-elite—that is, heavily subsidized, coddled, technically careless—farmers have been going out of business steadily during the past decade. These were defended in a series of Hollywood and TV films, in ways that included an interesting and subtle—and very propagandistic—version of the anti-elitist argument. The ability of the farmers to grow crops effectively and profitably was never the issue. The issue was refined down to the fact that they had been farming in one way and on one place for a long time and thus should be able to continue no matter what. The villains, usually, were the bankers—who make money from interest on debts in order to pay interest to depositors. The way that the careless farmers got into debt, foolishly expanding acreage and buying incredibly expensive motorized equipment to harvest dirt-cheap crops, was not the issue. The issue was simply their *desire* to continue to be farmers—no matter the cost to their neighbors.

The air will not be cleaned or the water purified by Everyman thinking clean and pure thoughts. Things are far too far gone for that. The job here and now is going to call for some very smart people, an elite.

In the meantime, an elite of farmers has been appearing, many in truck farming areas where careful consideration of the soil, substitution of low-cost organic fertilizers for high-cost chemical ones, and judicious use of efficient, small ma-

chines is paying off handsomely. The farmers who have been going out of business to the accompaniment of so much Hollywood angst have mainly been those who concentrated on the crops, such as corn, for which price supports have been available and which they have been growing by brute force rather than by technologically sophisticated methods.

Good farmers will not have to go out of business, *ever*, so long as any semblance of a market is available for their absolutely indispensable product. Poor, non-elitist farmers *should* go out of business lest millions someday starve because of an agricultural Gresham's Law disaster.

Now that the task of cleaning the environment is taken seriously by so many people—seriously enough to create a *market* for clean air and water—the need for an elite of superb technologists is urgent as is the need for inspired scientists to keep probing the conditions which we now describe rather primitively as pollution. The air will not be cleaned or the water purified by Everyman thinking clean and pure thoughts. Things are far too far gone for that. Everyman may have an essential role in *keeping* things clean later on, but the job here and now is going to call for some very smart people, an elite.

The fittest are not the slyest or the cruelest or even the strongest. In the long run it seems that the fittest are the smartest, the most thoughtful.

Such elites, in a meritocratic sense, seem strikingly non-threatening and wholly beneficial to me. What "mad scientist" has ever been mad enough to achieve political power, to become a mad overlord? And who on earth has not benefitted from the work of scientists generally, by the applications of technologists generally, and by the promulgations of technology through commerce of science, technology, and even culture?

Unfortunately, in one area where an elite is crucially necessary it is difficult even to begin the discussion. That area is the neighborhoods of very poor people, the neighborhoods of the underclass. These neighborhoods need parents who encourage their children to study hard and work hard despite the current fashion according to which schoolmates psychologically and even physically attack achieving students as being unbearable nerds or even as being class or race traitors, trying to be like "them," the enemy outside the projects.

And there *are* such elite parents in even the poorest, toughest neighborhoods. When discussing them, however, the media alludes correctly to their heroism and energy but rarely makes an invidious comparison with the non-elite parents. To do so would be, of course, *elitist*.

In the cultural area, The National Endowment for the Arts takes a subtly anti-elitist view, particularly pertaining to painting, music, and poetry. The elitist view, stemming from a meritocracy, would be that people who produce something popular and profitable are commendable and have, without force or favor, been able to convince people of the value of their work.

The richest musicians in the history of the world are the Beatles. They are a pinnacle elite all by themselves, just as Mozart and Beethoven were in their own times. They all became elite in the same meritocratic manner. They produced something that people wanted. Even when rich patrons tried to bolster some flaccid competitor, the elite composers won the audiences then and now. (Imagine Pia Zadora having to compete with Ringo Starr's latest tour.)

The National Endowment has a quite different view. It appears committed to supporting the least elite artists in the realm. Let someone appear with a well-written grant to display scribbles or scrabbles that would stand no chance in a free market setting, and the National Endowment rushes to oblige. Let someone discover that a monotone, repeated for minutes on end, is hot, high musical art and the Endowment orgasmically unquivers its golden bolts and lets them fly.

The great anti-elitist attitude of the Endowment over the years has seemed to be that anything that the public likes (say Andrew Wyeth) is essentially unworthy. Their mission is to find stuff that nobody wants and to thrust it forward. If the Endowment didn't support the stuff, who would? If nobody did, wouldn't that be censorship of a sort? Wouldn't we risk depriving future generations of good stuff if everything had to be seen as having merit *today*. Groan. Little thought seems given to *why* it wouldn't be supported in the first place. The off chance that the work is unworthy and that not even the passage of time could redeem it is, thus, struck from discussion by an essentially elitist decision (in the old, authoritarian, aristocratic sense).

Think of poor old Van Gogh. Lord knows he wasn't supported much by anyone other than his brother. He just painted and painted. Would it have been nice for him to have had an Endowment grant? Who knows? The point is that it wasn't necessary. His great, elitist work got done anyway.

There has been no other time on the planet that more urgently needs elitism in the meritocratic sense.

There is no time that has more needed courage in facing up to charges of meritocracy and elitism. Those who sense grandeur and goodness in merit often have kept their feelings concealed. I am sure that discussions can be stopped cold today when someone asks "are you defending the idea of a meritocracy" and no one has the courage to say "sure!"

It is rather like the discussion stopper "but, surely, you don't mean that you believe in survival of the fittest."

Well, I do.

And whether I did or not, it's the way things are.

The fittest are not the slyest or the cruelest or even the strongest. In the long run it seems that the fittest are the smartest, the most thoughtful. And, among other things they have, as individuals, practised the sort of charity that has helped the less fit to survive. Or, as artists, they have inspired people to *be* fit. Or as scientists and technologists they have made it easier for everyone to survive, to be more fit.

Way back, when the financier Bernard Baruch was famous for holding "court" on a park bench across from the White House, I sat with him and asked for sage advice. He said "young man, you will hear trusts criticized by all of the politicians. Do not listen to the criticism of trusts. Join one."

Same way about elites and elitism. Be part of the former. Be exalted by the latter. ❑

The *Liberty* Interview

Barbara Branden

"In terms of fundamentals, I am an Objectivist. But there are a great many aspects with which I no longer agree: a lot about Rand's view of sex, and a lot about her view of emotions, a lot of what she had to say about psychology."

Ayn Rand's philosophy, Objectivism, with its emphasis on reason, self-interest, and laissez-faire capitalism, played a major role in the resurgence of libertarian thinking. Rand expressed her philosophy in four novels, We The Living *(1936),* The Fountainhead *(1943),* Anthem *(1944), and* Atlas Shrugged *(1957), plus numerous essays.*

Barbara Branden published The Passion of Ayn Rand *in 1986. Branden was uniquely qualified to act as Rand's biographer: she had known Rand intimately from 1950 to 1968, interviewed her at great length in 1960 for an earlier biographical essay on Rand, and had done extensive research into Rand's early years. She had lectured and written about Rand's philsophy, and been the chief executive of the organization that promoted it.*

Passion *was a best-seller, and caused a sensation among libertarians: among the wealth of details about Rand's life, it told the story of Rand's strange sexual relationship with Barbara's husband, Nathaniel Branden.*

In 1989, Nathaniel Branden published Judgment Day, *a memoir of his life, centering on his relationship with Rand, Barbara and his two subsequent wives. Although the critics have not been kind to* Judgment Day, *it has rekindled interest in Rand, Branden and the movement that grew up around them.*

Liberty: It's now been 21 years since you broke with Ayn Rand and 3 years since your book came out. I'd like to explore how your perspective has changed during those years. Has your evaluation of Rand as a literary figure changed since you wrote *Passion*?

Branden: Oh, no. I have always thought that she was a truly great writer, a literary genius. I am aware of certain problems in her books. But I don't know a book in which one couldn't say that *something* is a problem.

Liberty: Some critics have argued that Randian heroes became more two-dimensional as her career progressed, that the quality of her characterization actually declined.

Branden: I don't think that that's true at all. I agree that John Galt [the hero of *Atlas Shrugged*] *is* two dimensional. It may have been because of the assignment she set herself. In two ways. First of all he doesn't appear until 2/3 of the book is over, which is very much a problem. But he's there as a presence earlier, an almost god-like presence, which makes it difficult to make him seem real when he does appear. Also he's presented so much as the perfect man, and always from the outside. We never go into Galt's psyche. These things make him seem less real.

But Rearden, my favorite character, is very real. Francisco is very real. Dagny is very real. They are wonderful characterizations, more complex and more interesting than those in her earlier novels.

Liberty: One thing that *Atlas* definitely lacks is the great tragic figure like Andrei Taganov in *We The Living* or Gail Wynand in *The Fountainhead*. The closest we can find in *Atlas Shrugged* is Eddie Willers or Cheryl Taggart.

Branden: Cheryl Taggart is a wonderful character.

Liberty: Yes she is, but she doesn't have the scope, the grandeur that Wynand or Taganov have . . .

Branden: The closest to it is Robert Stadler. A great man . . .

Liberty: Yes, but when we first meet him his tragedy has already occurred. We find out about his greatness only through flashbacks.

Branden: That's true. But this was a great man who destroyed himself.

Liberty: But we don't see his fall in the way that we see the development of Wynand's personal tragedy. Stadler's tragedy has already occurred when we meet him and we learn that he is only the shadow of the great man he once was.

Branden: I can't say that Ayn ever said this, but I believe that as time went by she believed less in the great tragic figure as a possibility. She felt that where there is real greatness, greatness of mind, of character, of soul, not just of productive or creative activity, that those people are not destroyed and do not destroy themselves. It was less interesting to her and she was less sympathetic to the concept by the time she got to *Atlas Shrugged*. There is a way in which Rearden for a great deal of the book is very much a tragic figure. His flaws are destroying him, but he triumphs over them.

Liberty: I think Rearden was the best developed character and the most sympathetic character . . .

Branden: I think so too, although a lot of people prefer

Franscisco. But Rearden is my special love. I mean, his dogged courage, his fight against his own mistakes . . . It's wonderful to see.

Liberty: What do you think of Dominique Francon in *The Fountainhead*?

Branden: I don't think she's well realized, but I always adored her. She's a fascinating character. But with Dominique, unfortunately, Ayn wrote on a level of abstraction that she didn't use with the other characters in the book. Had the other characters been treated that abstractly, Dominique would have made sense. But the others are more realistic and Dominique is more a symbol and it doesn't work. You have less a sense of her as a real person, you understand her less, because she's a symbol. And in the context of people who are more real you don't "get" her. But I found her fascinating.

As time went by Rand believed less in the great tragic figure. She felt that a person with real greatness — greatness of mind, of character, of soul, not just of productive or creative activity — that those people are not destroyed and do not destroy themselves.

Liberty: Who would you say is the central character in *Atlas Shrugged*?

Branden: For me, personally, it's Rearden. No that's not right. It's Dagny really. Despite Ayn's view of sex, why feminists are not rushing to embrace Ayn for the character of Dagny I do not know. If ever there was an ideal feminist, that's Dagny—a woman who ran a railroad, who was sexual, who loved men, who did her own thinking and made her own decisions—she's perfection from a feminist point of view.

Liberty: What do you think of Rand's view of sex?

Branden: The concept of woman as man-worshipper always made me want to crawl under a rug even though I could find no flaw in it intellectually and had to say I accepted it.

Let me pause here. I just said something interesting.

"I could find no flaw in it and therefore had to accept it." Do you realize that doesn't follow? None of the Collective realized it, for all of the Objectivist years. It was a simple logical fallacy that none of us knew we were committing. We all believed—it was not said, but it was implicit—that if Ayn gave us an argument we could not answer, we had to accept her argument. We could not say, or think, "Okay, this seems to make sense, but something's bothering me and I need to think about it more. I don't know what's bothering me. I've got to find out." That was unthinkable.

Ayn had a lot of arguments for her view, but in retrospect they're not very convincing to me. I think the real truth is simpler. I think what Ayn was doing was presenting her own insides. This is a woman who from the time she was a child was stronger and smarter than everybody else. And that was painful to her as it would be painful to anybody. There was such a longing in her to meet somebody stronger and wiser and with more endurance than she had. I think that was really the root of her theory of sex more than anything else. It was her own longing presented as a philosophical concept.

Liberty: What do you think of the hypothesis that Rand sought to rationalize beliefs that she already had? I am thinking, for example, of her theory of music, where it's very easy to argue that she elevated her personal taste to the level of philosophical principle.

Branden: One has to be fair here. Ayn always said that she could not prove the validity of her musical taste, and that we do not have the means, the "vocabulary," to understand the line between music and emotions. She was aware of when she had proof and when she didn't. But she had so strong a personal preference in the realm of music and of art generally that she tended to make it binding on the rest of the world—a way of functioning that was deeply a part of her psychology: it was acutely uncomfortable for her to feel something strongly but be unable to defend it philosophically. But she knew it wasn't really proven, and she said so.

Liberty: I've heard about her belief that there were good homosexuals and bad homosexuals.

Branden: Oh, dear. You know, this was not a belief. Ayn would have been the first to say that she had not given it ten minutes' thought. I think this was simply her background that she had never thought about. And that's terribly unfortunate.

Liberty: I understand that because there were some homosexuals whose work she admired she felt it necessary to develop a theory that in them homosexuality was not the unmitigated error that it was in other people.

Branden: No, no, no. She thought it was a terrible error in anybody.

Liberty: I have heard this in particular about Noel Coward and Terance Rattigan, whose plays she admired.

Branden: I think Ayn's view that homosexuality is morally evil—is a moral issue at all—was destructive and unconscionable and wildly unjustified. But even here, we have to grant her the right to be a human being.

I believe her view of homosexuality was one of her rare hangovers from childhood, never questioned as the years went by. What is astonishing about Ayn Rand is the number of things she questioned that all of us are taught as children and it doesn't enter our minds that there are alternatives. I mean, the brightest of us, the smartest of us, the most philosophical of us, still carry around an enormous baggage of what only seems self-evident because we grew up with it. The astonishing thing about Ayn is how much she thought about that the rest of the world takes as self-evident. But she didn't think about everything.

Liberty: I have been told that Nathan was especially homophobic.

Branden: Yes he was.

Liberty: Old friends of his have told me that they cannot believe that the new Nathan overcame the homophobia of the old Nathan.

Branden: I have an opinion not for print.

Liberty: Okay. . . What did Rand think about animal rights?

Branden: Here she was very honest. I remember her a few times saying that she would love it if someone would come along with a proof for animal rights. She wasn't able to prove it. But she would be thrilled if somebody could. It was something she felt quite strongly about. But she herself was not able to find proof.

Liberty: Was she a vegetarian?

Branden: (incredulous) Ayn? No, no she wasn't. (laughs) She was a chocolate eater more than anything else. I think that was one of the great bonds between us.

Liberty: Somebody told me that Rand was an agoraphobic. Is

this true?

Branden: No. My goodness, people come up with the strangest things. No, it's not true.

Liberty: Have you read *Elegy for a Soprano*? What do you think of it?

Branden: I liked it very much. I thought it was a fine book. I admire Kay Nolte Smith's writing immensely.

Liberty: It is generally believed that the Vardis Wolf character was modelled on Ayn Rand.

Branden: Well I think that's true, but it's very abstract. It could be Ayn. It could be any one of a dozen other people in a very abstract way. Yes. Presumably, her knowledge of Ayn may have been the source of it, but it's not Ayn Rand as opposed to Maria Callas or whoever else.

Rand's concept of woman as man-worshipper always made me want to crawl under a rug. What Ayn was doing was presenting her own insides. From the time she was a child, she was stronger and smarter than everybody else. And that was painful to her as it would be painful to anybody. There was such a longing in her to meet somebody stronger and wiser.

Liberty: The theme of the book is that genius doesn't justify cruelty.

Branden: I agree with that.

Liberty: Was Ayn Rand cruel to the people around her?

Branden: Cruel is not the right word. There was nothing mean or vicious about Ayn. There was no pleasure for her in inflicting pain. But yes, she did hurt people terribly because she was proud of the fact that she was a moralist and she did not understand the difference between morality and psychology. She would morally denounce very easily and with no awareness that there can be psychological reasons for what she observed that have nothing to do with morality. Everything to her was a moral issue. It was either morally good or morally bad.

I don't mean to excuse her by saying this. No one has the right to inflict the suffering on others that she inflicted. It was time for her to "check her premises."

Liberty: Was this the case from when you first met her or did it develop later?

Branden: This was not the case from the start at all. The woman I first met was the kindest, most understanding person in the world. She would have moments when she would flare over nothing. She would have moments when she might be more condemning than she should be, or than I would think she should be. But they were the exception. Mostly she was sensitive, understanding, giving. She was wonderful. But gradually this other aspect took over. It really went into high gear after *Atlas Shrugged*.

I have often thought that nobody who didn't know her during that early period really knew her. Perhaps that's why the people who met her later never seemed to feel the love I felt for her—they didn't have that time of pure gold that I had.

The woman that I met in 1950 and the woman that I said good-bye to in 1968 were not the same person. By 1968, the negative, angry, moralistic aspects of her personality had become totally predominant.

Liberty: One of the great mysteries of her life, it seems to me, is how did she get from A to B? How did she change from being this relatively benign . . .

Branden: I don't think that's a mystery. Her life was very difficult. *Atlas Shrugged* was a fatal blow in many respects. To spend thirteen years on that book and then to re-emerge into the world has got to be a stunning kind of negative experience. She had left Galt's Gulch and come out into a rather sleazy world. And the emotional intensity of the years writing *Atlas* had worn her to a nub. She had no energy left, for what faced her, for the opposition, for the fight, for the difficulties. She just had nothing left. She was tired. Tired to the bone. And she had no idea what she wanted to do next. With the creation of John Galt in *Atlas* she had accomplished her life's ambition, which was to present fully her concept of the ideal man. There was nothing left to do. That was terrible for a woman who had worked so hard all her life.

The combination of these things just wiped her out. And brought out all the bitterness . . . which was coming . . . I mean, this was not brand new. But after *Atlas* . . . the bitterness, the sense of alienation, the sense that the world had nothing to offer her, they just snowballed.

Liberty: This is the most difficult element of Rand's life for me to understand . . . that after *Atlas Shrugged* was published she was depressed by the reaction of the world to it. It seemed to me that she could hardly have expected the critics to react better than they did. And the public reacted by buying the book.

Branden: I remember a couple of months after my book came out. My editor said to me, "Well, are you going through postpartum depression yet?" It's very typical of writers. You are so immersed in a project that excites you, that uses all of you. There's no part of you that isn't used in writing a book. And when you come out of it you wonder, "What am I going to do with me?" A lot of people go through severe depression after. Ayn certainly did.

What threw her was not so much the critics, though they were a little worse than she had expected. It was the absence of any peer—of anyone who she felt had accomplished something important—standing up and acknowledging what she had done. It was predominantly kids who responded. It was people whose lives were really beginning.

Ayn said several times that she would love it if someone would come along with a proof for animal rights. It was something she felt quite strongly about, but she herself was not able to find proof.

She wanted somebody of stature, somebody of achievement, to stand up *publicly* and say this is a great book and this is why it's a great book. There wasn't one such person. Not one. She felt absolutely alone, totally cut off from her generation. It's one's own generation that can be the most nurturing. And she got nothing from them.

Liberty: I have a feeling that part of what cut her off from her own generation was the intensity of her relationship with Nathan, and to a lesser extent with you and the other members of the collective, but that prior to the development of this relationship that she had more friends who were more or less her equal. We know from your book about her friends in California. We know that for some time after she came to New York she saw people socially like Frances and Henry Hazlitt

and occasionally Margit and Ludwig von Mises.

Branden: Yes, but those relationships were never really close. And they were never philosophical enough to suit her, not in her terms. These were people she liked who in certain ways she admired very much, but they were not fulfilling relationships because they were not philosophical enough. That's all she really cared about.

The Collective occupied a unique place in her life where she could talk about the things she really cared about and know we were fascinated every second. And that was terribly important to her. She never had it before.

Liberty: Was Murray Rothbard the first person expelled from Rand's circle?

Branden: Oh no! There were people before that.

There was nothing mean or vicious about Ayn, nothing. But she did hurt people terribly because she was proud of the fact that she was a moralist and she did not understand the difference between morality and psychology.

Liberty: Oh, really? Who were they?

Branden: They're not names you would know, but students, young people . . . I mean, Nathan was expelling left and right.

Liberty: Yes, he mentions quite a few trials but the only people he mentions who were expelled were Murray Rothbard, John Hospers, and Edith Efron. Is that because the other people weren't known?

Branden: They weren't known. But I can't believe that's his reason for not giving specifics. His only description [in *Judgment Day*] of his cruelty to people is the same example I used in *Passion*— the young girl who was involved with Leonard Peikoff. Somewhere he has blocked his own years of savagery out of his mind. There were dozens of such instances of young students who were expelled and were just shattered.

Liberty: He mentions to your credit that you didn't show up for your trial with Rand presiding. Elsewhere he notes that Rothbard didn't show up for his trial with Nathan presiding, which he interpreted almost as an admission of guilt by Rothbard. How many of these people actually showed up at their trial?

Branden: Oh, they all did.

Liberty: Except you and Rothbard?

Branden: Yes, but the others had a different relationship with Nathan. There was no question of not showing up. The other people felt, "If Ayn has something to say about me it's terribly important that I know it even if it hurts like hell." So they came.

These kangaroo courts didn't always mean expulsion, but they were held and they were agony, they were awful. And I have discovered somewhat to my surprise that twenty years later, that with some people the scars remain, a lot of the pain remains, the confusion . . . I'm happy to say that my book helped with a lot of that. It was horrible what was done to people. Awful.

The savagery of those years was one of the reasons I wrote *Passion*. It is my *mea culpa* for the fact that I sat passively, hating what was being done to people, and did nothing. And it is my attempt to make those years intelligible, to explain them to the victims.

Liberty: What sort of things?

Branden: What was very terrible was that Nathan was everybody's therapist, so his denunciation was much more damaging than Ayn's. Ayn would talk strictly morally and philosophically. Nathan talked psychologically and they had been in session with him and he was supposed to know and he was supposed to be the world's greatest psychologist. So if he denounced them it hit at their self-esteem in a way that nothing else could. And he used that. He was constantly denouncing. It's not clear in his book, but, oh boy, I remember it, loud and clear. Ayn seemed like a pussycat in comparison.

Liberty: Most of the people who were closely associated with Rand during the 50s and 60s were like you and Nathan—just developing their own intellectual character. But there were three members who were closely associated with Rand during these years who came to the Collective fully developed intellectually—Edith Efron, John Hosper, and Murray Rothbard. Is it a coincidence that these individuals were all purged?

Branden: It was just a coincidence. I mean, ultimately everyone was purged. (laughs)

Liberty: Did Nathan's influence alienate Rand from intellectual contacts other than the incestuous contact with the collective, which consisted of her intellectual offspring?

Branden: That's hard to answer. I would have to say that he didn't alienate her. It was her own doing, in later years, after *Atlas* came out. I think Nathan would have been interested in meeting other intellectuals and talking to them.

Liberty: Would you give the same answer if we were talking about the period from 1953 to 1957, before *Atlas* came out.

Branden: Ayn was not that alienated at that time, she was simply very, very busy.

Liberty: Was the Collective a nebulous thing, or did people come and go all the time?

Branden: Oh, no, the original Collective stayed.

Liberty: Who were members of the original Collective?

Branden: Let's see. Nathan and me. Joan and Allan Blumenthal. Alan Greenspan. Leonard Peikoff. Mary Ann Rukavina. Elayne and Harry Kalberman. Then later Edith Efron.

Liberty: At some point, Erika and Henry Mark Holzer and Kay Nolte Smith were in close relationship. Were they members of the Collective?

Leonard Peikoff sued me because I used the tapes of my interviews with Ayn. He said they were his property.

Branden: Yes indeed.

Liberty: Was John Hospers ever a member?

Branden: No. He was never in full philosophical agreement. He was fascinated by Ayn's politics, but he was interested in other aspects of her too, which I think they talked about more than politics. They disagreed in other areas, specifically, as I recall, in epistemology.

Liberty: Was Patrecia [Nathaniel Branden's second wife] a member of the collective or was she on the periphery?

Branden: She was not a member of the Collective. I guess you'd say she was on the periphery. She was an enchanting your woman, but she was not an intellectual. We saw her occasionally. That was about it.

Liberty: What about her husband, Larry Scott?

Branden: Larry also was on the periphery. This is not, by the way, a statement of inferior worth. Larry is a fine, decent, intelligent man. It's just that the Collective was a group of friends who had been together for years.

Liberty: Part of the reason I asked whether they were in the Collective is that I have heard from you and others that Nathan required everyone in the collective to take therapy from him.

Branden: I know there has been a lot of talk about whether or not Nathan did marriage therapy with Patrecia and Larry. He denies it. It probably was not official therapy in the sense that a fee was paid, and it did not last a long time. But I clearly recall—and I was appalled—that he did have long conversations with them to "help" them with their marriage—while he was having an affair with Patrecia.

Liberty: Speaking of Patrecia, one persistent rumor has it that her death was suspcious, that she may have committed suicide.

Branden: There is no question in my mind that it was an accident. First of all, everything I know about her tells me that suicide would not be possible for her. Secondly, it's almost impossible to drown yourself in a swimming pool if you can swim. You just can't. When people want to die by drowning they swim out to where they can't get back.

Liberty: Rand was exempt from psychotherapy from Nathan. And I presume you were . . .

Branden: No, no. He was my psychologist all the years we were married.

Liberty: Oh my God. What a nightmare!

Branden: You cannot imagine what a nightmare.

Liberty: What was your role in the organized Objectivist movement?

Branden: If one considers that Ayn was God and that Nathan was Jesus Christ, that left me the Virgin Mary. Which Nathan would certainly dispute. But that was sort of how it was. I was number three.

Liberty: We know that Rand was the theoretician and the center, but in a very important sense Nathan was the gatekeeper...

Branden: That's right . . .

Liberty: He controlled access to Rand and he interpreted Rand for the inner circle and the various concentric circles radiating out. I have the impression that you were the business manager, the one who saw to it that the bills were paid . . .

Branden: I really ran NBI. In *Judgment Day* , Nathan talks about my passivity about writing in the 60s, but there is a little thing he chose not to mention.

We had a *very* concrete agreement that in those years he was to write his book—what became *The Psychology of Self-Esteem*—and I was to run NBI. When he finished his book he would run NBI and I would write. Well, my turn didn't come. He does not mention that. He simply says that I wasn't writing, that I was passive about writing.

Liberty: Does this relate to his apparent hostility about the financial settlement he made with you?

Branden: We had a contract that he unilaterally broke. A man is supposed to honor contracts; surely an Objectivist appreciates the sancticity of contracts. But he just said, "No more." I was stunned.

Liberty: You mean he just stopped sending the checks?

Branden: That's right.

Liberty: Did he give any explanation?

Branden: He didn't think it was fair.

Liberty: Did you sue him?

Branden: Yes I did.

Liberty: Did you win?

Branden: It didn't get to court. It would have taken four years to get to court and neither of us wanted to do it. My lawyer was asking an impossible sum. His lawyer was offering nothing. I finally said to Nathan this is ridiculous, we'll be spending money on lawyers the rest of our lives and get nowhere they are too far apart. I said, "You and I are both angry about this. Nevertheless I think we should get together and talk, not yell.

If one considers that Ayn was God and that Nathan was Jesus Christ, that left me the Virgin Mary. Which Nathan would certainly dispute.

Nobody is allowed to yell. We have to talk about this until we settle it. Because if we don't settle it, nobody is going to." And that is exactly what happened.

Liberty: Speaking of lawsuits, I understand that Leonard Peikoff sued you over *Passion*?

Branden: He sued me because I used Ayn's tapes which he said were his property. The whole thing was ridiculous. Of course they're not his property. Ayn had said on the tapes a couple of times that there was much too much material here for the little semi-biography I was doing [*Who Is Ayn Rand?*] and that I may one day want to write a full biography and I will have this material. She gave her consent and never retracted it.

Our lawyers settled. I got more than I wanted. For instance, I have the right to do a book, 50% of which is material from the tapes. The biography was maybe 6 or 7% those tapes, so it's ridiculous. I can do anything I want with them. Legally Leonard owns them, but I have the right during my lifetime to do just about anything I want.

Liberty: Did Nathan use them?

Branden: I don't think so. I think that instead of the tapes he read me. So there is material in *Judgment Day* from the tapes, but it is the material that I used from the tapes.

Liberty: Then do you think Nathan used your book as a major source for his?

Branden: *Judgment Day* would have been quite different if he hadn't read my book. But I wish he'd used it as a source for discussing Ayn psychologically.

Liberty: One of the peculiarities of *Judgment Day*, a book written by a professional psychologist of considerable renown, about Ayn Rand, with whom he was intimate, is that he neglected to explain such psychologically important details from her background as the fact that she was smarter than those around her, or that she was taking amphetamines all the time. Or the fact that she grew up as an overbright, not particularly attractive girl. These seem like important data for a psychologist.

Branden: What astonished me about that book is it's absolute lack of psychological insight. . . into Ayn, into me, into his friends. Nathan told me that he didn't want to give me a long, elaborate interview for *The Passion of Ayn Rand* because there was a lot of material that he wanted to keep for his book. I thought, "Oh, great, he's got all sorts of psychological insights

into Ayn." I read the whole book and there was nothing there. Nothing!

Liberty: Do you think your book sort of set Nathan up to write his? Do you think that he could have written his book before yours?

Branden: He says that he thought of his book two years before I started mine but I never heard him say so at the time. I leave that to you and your readers to decide.

Liberty: What do you think of the apparent fact that Objectivism had radically different effects on different people? For some of those who took an interest in it, Objectivism was a source of inspiration that helped them to lead very creative lives, while other peoples' lives seemed to have been embittered and shriveled by their experience with Objectivism.

Branden: Well, it's not surprising. The first category is by far the larger because most of the people involved were not close—physically or psychologically—to Nathan or Ayn. The people who were close were really desperately hurt in so many ways at so many times. There is a bitterness in some of them. In my travels doing publicity, I found there was a lot of pain in people—more than I would have expected—but also less bitterness than I would have expected.

His account of his first encounters with Ayn is about 25% her compliments of him. I think in the course of the book he repeats every compliment anyone ever paid to him in his life.

Liberty: Do you still have contacts with any members of the Collective?

Branden: Oh yes indeed. I am very close to Joan and Allan Blumenthal. I am close to Alan Greenspan. And Edith Efron and I are good friends. I don't see Leonard, obviously, nor Mary Ann. I have seen the Kalbermans a few times; we're not close, but there's no problem there. I see the Holzers; I'm close to them. Kay and Phillip Smith and I are very good friends. Robert and Bea Hessen are good friends. And John Hospers. They're wonderful people. What has happened is that I've resurrected my relationships with those people I really cared about. The ones I didn't care about, no.

Liberty: To what extent is Federal Reserve Chairman Alan Greenspan still an advocate of Objectivist ideas?

Branden: I can't say that I've questioned him about it in detail. I know that Ayn's political-economic theory is very important to him, and that always was crucial because that's his work. Nothing has changed there to the best of my knowledge. And I believe he would be in general agreement, probably the same way I am, with the basic concepts. But I can't say that in recent years I talked to him much about Objectivism *per se*.

Liberty: Murray Rothbard insists that Greenspan was always a Keynesian. My own recollection from hearing him lecture in the 60s is that he was an Austrian, or close to one . . .

Branden: And that was true when we met. He was never a Keynesian, to the best of my knowledge.

Liberty: Greenspan strikes me as the odd-man in the Collective. His relationship to Rand wasn't the most important element in his life . . . his life didn't revolve around his relationship with Rand. My impression is that for most members of the Collective their lives really did.

Branden: Alan was running a large business and he had a life of his own. He was fascinated by Ayn; I think he cared about her very much; he wanted to understand her ideas. He was very much part of the Collective. But he had his own life.

Liberty: When he became prominent in national affairs . . . Did this cause any friction in his relationship with Rand?

Branden: Oh, no. Ayn was delighted. She felt what he was doing was wonderful. There was no friction whatever.

Liberty: I heard a story about her having lunch with him in a posh club in New York and getting in a fight with him and accusing him of being a coward . . .

Branden: Oh, yes, I know. But that didn't mean anything . . . I mean, that way Ayn . . . that kind of thing didn't last with her. I mean everybody went through that. Four thousand times.

Unfortunately, she was very quick to make such accusations. But fortunately, the heat didn't last very long. It was miserable to endure, but one would find, perhaps the next day, that she was in the process of retracting her accusation.

Liberty: What did Ayn Rand think of the people who read her books, who signed up for NBI courses? One has the impression, at least from what Nathan says, that she didn't think very much of them.

Branden: When she saw in the beginning that they didn't immediately understand everything that she wanted them to understand, that their lives didn't immediately change, she was very disappointed and felt, "they're nothing." But as time went by, she saw that there were changes, that they were learning and that things were happening. And she was far more pleased with them as time went by and she came to realize that what she had originally expected was not possible, that learning and growing is a much slower process than she had thought. There were many of them that she did not like and many that she did like. She was very pleased with the phenomenon of NBI and essentially pleased with its students.

Liberty: NBI must have been immensely profitable.

Branden: No, not immensely. It was certainly profitable, but nobody got rich. We were plowing money back constantly.

Liberty: I had the impression based on the fees NBI charged and the expenses it had in relation to its tape transcription courses that they must have been substantial profit centers.

Branden: Yes and no. We had to put ads in papers all over the country, we had to keep track of our representatives, we had enormous overhead in New York and a big staff and we did our own production.

Liberty: Another member of the Collective told me that Nathan's memory is notoriously bad . . .

Branden: Yes it is.

Liberty: . . . and that, for example, his account about how his affair with Rand started on a trip to Toronto in 1954 for a piano recital by Allan Blumenthal . . .

Branden: He's got the wrong episode. The affair started on a trip to Toronto in 1954, but not for Allan's piano recital, which took place years later. A lot of things are very scrambled. Yes.

Liberty: Are there other specific examples of his making major factual errors?

Branden: I wouldn't say "major factual errors." It's what he leaves out more than anything else that is incredible. Important details are just not there. For instance, he says that he will list all his documents in the Epilogue, but he lists none there.

Liberty: Yes, the only source he mentions that I can recall cited

in the entire book other than his memory was Patrecia's diaries.

Branden: His account of his first encounters with Ayn is about 25% her compliments to him. (laughs) I think in the course of the book he repeats every compliment anyone ever paid to him in his life. He cannot resist it. He's got to keep going into it again and again. Even after it's perfectly established that Ayn thinks he's wonderful he's got to keep repeating it and repeating it and repeating it.

Liberty: It's difficult not to notice the contrast between his treatment of you in his book and your treatment of him in your biography of Rand. His cruelty has been noted in virtually every review of the book I have read.

Branden: Yes, and it pleases me very much that readers have found his attitude to me so transparent.

I was never the Whore of Babylon. Nor did I run to Nathan with confessions as he says I did. I am not a pathological confesser and I never have been.

Liberty: Why do you think he took this attitude?

Branden: I think the reason is made clear in *Judgment Day*, from his treatment of me, to his treatment of Ayn, his treatment of Joan and Allan, and his treatment of Alan Greenspan, that he is not a man who takes rejection well. Clearly, I rejected him romantically. Clearly, Ayn rejected him in every way possible. He made overtures to Allan and Joan and to Alan Greenspan which were rejected; they did not want to see him or have anything to do with him. Now I suppose the time has come for revenge.

Liberty: When did this happen?

Branden: Oh, with Joan and Allan it was the late 70s.

Liberty: So this would be after they split with Rand?

Branden: About that time. With Alan Greenspan I think it was later. But he was roundly rejected. And it's really then that his diatribes went into high gear. Ayn refused to talk to him when he called her, but it started before that. She really rejected him at the end of their relationship. My own rejection was of a different sort, which he goes into endlessly, ridiculously endlessly. I had no idea until I read the book that my sexual rejection of him was still eating at him. My god, it's been almost thirty years! As far as I can tell, that's the basic source of his animus against me. I had no idea that this was the case, but it just shouts from the pages of the book.

There are some other things I want to say about *Judgment Day*. I want to say something about my friends, about Joan and Allan Blumenthal and Alan Greenspan. These three have been my dear friends for many years—Joan since I was 12 years old. They are my dear friends because they are among the most honest, the most intelligent, decent people that I have every been privileged to know. Nathan's diatribes against them demean only himself. I think it's truly disgusting what he does to them. But I think it's refuted by its obvious venom. It won't be taken seriously, it won't be believed, because his own psychology is showing so clearly. He takes great pains to announce that he is a different man today, particularly in his treatment of people, than he was in the 50s and 60s. In fact, nothing has changed; his book makes it clear that he has remained harsh, cold, cruelly and irrationally judgmental—with the added fillip of being out to get whoever may have scorned him.

About me, the inaccuracies go on forever. You know, some of my friends have been very concerned . . . was I hurt, was I in pain over his account of me? I've got to say my basic reaction was amusement, and remains so. I am very angry at him for his treatment of Ayn and his treatment of my friends. His treatment of me is so ludicrous that I cannot even be angry. And I want to give you some chapter and verse.

Contrary to the impression one might gather from *Judgment Day*, I was never the Whore of Babylon. Yes, I had been involved with young men before Nathan and I married—a few. And I am proud of each one of them.

Nor did I run to Nathan with confessions as he says I did. I am not a pathological confesser and I never have been. Each of the so-called confessions was wrung out of me by the constant demands from the man who was—God help me—my moral mentor, my boyfriend, and then my husband, and worst of all, my therapist. He was the man who was going to help me reach the exalted status where I would be fully in love with him. Confession was supposedly in the interest of my self-esteem to a man who morally flayed me each time I did it. But I was certainly not running to him with confessions.

As for my marital relationship with him, I was precisely as sexually cold with him as he said I was. But it is interesting and typical that much later in the book he mentions that he and I ended up in the same boat, that he with Ayn felt morally and intellectually bound to love a woman he didn't love and that he realized that I had felt the same thing about him. But it's interesting and typical of his never presenting anybody's context except his own . . . except for that one comment, he never indicates any reason other than pure . . . I don't know . . . it sounds like I just wouldn't respond to him sexually. And this is a theme that goes through the entire book. In even the smallest of his failures, he presents a lengthy and presumably understandable and rational context for his own actions. For anyone else, and most especially including Ayn, there's no context whatever. Just none. I mean . . . only he has context. And that was always true of him.

Ayn was a woman who, whatever her faults, nevertheless was utterly devoted to reason. What mattered most of all to her was to see, to grasp, to understand. For almost 14 years increasingly what Nathan gave her was totally inexplicable.

There's something sort of funny, I don't think that it will be of interest to anybody. But he talks about the beginning of our affair, and I couldn't stop laughing. It didn't happen where, when, or how he said it did.

He talks endlessly about my sadness and my guilt. It was there all right. But what he doesn't say was that he infinitely helped to create it. Even when we first met, before we met Ayn, I had to listen to endless conversations about how could I ever be interested in another man. Who by definition was much less than he.

He didn't learn his genius for inducing guilt from Ayn Rand. He had it when he was 18 years old. Now I don't mean that the blame is his alone.

For it to happen I had to be guilt-prone, which I was. Nathan

was the young man I thought I most admired, and it disturbed me terribly that I wasn't romantically in love with him. I understand it today. I didn't then. I understand that what most draws me to a man—to anyone—is a quality of goodness, of decency, which I did not find in Nathan, whatever his purely intellectual powers. He once told me, during those days, that he felt he was basically amoral. He was correct, and that was, for me, a sexual kiss of death.

When he talks about my love affair towards the end of our marriage, he says quite truthfully that he finally agreed to it. What he neglects to say is that he didn't tell me that he had already begun an affair with Patrecia. I didn't learn that for years. I didn't know that before he said okay to me he had already begun an affair with Patrecia. He allowed me and the man I loved to feel overwhelmed by his magnanimity and benevolence.

I clearly remember him telling people in therapy and out that if a man wasn't half in love with Ayn Rand it was a serious flaw of self-esteem. A woman who wasn't half in love with him also had a serious lack of self-esteem. It was excruciatingly embarrassing.

In fact, when I accused him over the years of caring for Patrecia more than he would say to me, he did the worst thing that he or anyone else has ever done to me. Of everything he has done, and there have been a lot of things, I think this is the lowest. What he kept telling me is that if I doubted his honor and truthfulness the cause was my own insecurity and low self-esteem. He was saying this while he was having an affair with her. He is a psychologist whose specialty is self-esteem and he was attempting to use my respect for him as a psychologist to cause me to doubt myself instead of him.

But in a way it shouldn't be too surprising for a man who in 1967 while he was lying about his whole life, he was planning to record Galt's speech and rehearsing his role as John Galt each Saturday with Ayn and Patrecia, sitting among the Collective as audience. If it weren't tragic, it would be farcical.

Now I want to talk for a bit about Ayn Rand because that's the most important focus of Nathan's venom. I found his treatment of her absolutely appalling, and without a moment or shred of psychological insight. He presents her as a woman who for no reason at all frequently goes into tirades against him making his life hell. As usual, he gives no context to her behavior.

Ayn was a woman who, whatever her faults, was utterly devoted to reason. What mattered most of all to her was to see, to grasp, to understand. But for almost 14 years, increasingly, what Nathan gave her was totally inexplicable.

Doesn't he have a glimmer of a notion of what his years of deception did to such a woman? For the first time in her life, she was faced with the rationally unintelligible, with his actions that didn't jibe with his words, with words that contradicted each other or simply made no sense, with a man who constantly said that he loved her passionately and couldn't live without her—and ran from her? This from the man she loved with all her heart.

I saw first hand the excruciating effort of her will to understand what was going on, the endless conversations with Nathan and with me, the endless papers she wrote to clarify her thinking, the ruthless endurance that's worthy of any of her heroes that wouldn't allow her to shrug her shoulders and walk away, that effort to understand while he was lying and giving her a totally contradictory reality was heart-breaking to see. The explanation that would have made his behavior intelligible to her—that he was a liar and a cheat—never occurred to her.

Yes, I know he had a context. I presented that context in *Passion*. But nevertheless he was a liar and a cheat. And when she did grasp it, it came close to destroying her, perhaps it did destroy her. Where is Nathan's vaunted compassion? Where is his psychological knowledge? This part of his book disgusts me beyond my power to name.

And I've got to say that this kind of blindness is typical. He writes at length about Ayn's cruelty in the question periods after lectures. He doesn't say that often he flayed students alive himself, whether she was there or wasn't. Ask them—any of them. They were terrified of him. He talks at length about her cruelty to her friends and his. He doesn't say that he was the real author of the reign of terror against them. He was their psychologist, and at end, their primary denouncer and nemesis. It was he who organized the kangaroo courts at which a friend would be told by Nathan of the moral and psychological meaning of their actions. Morally it was anathema and psychologically it was probably social metaphysics. He had a lot more power over them than Ayn because he was their psychologist. It was his verdict that specifically hit at their self-esteem, and he used his power like a club.

Liberty: It seems to me that he must have used the information he gained as a therapist to the members of the group must have been very useful to him.

Branden: You know, there was something he did that I used to scream at him about. He had a knack, and part of it came through therapy, of knowing people's most vulnerable, most painful point. He would often publicly make some crack, supposedly humorous, that hit right at what hurt most. That used to drive me up the wall. It was so cruel. . . . by the way the young girl whose trial he talks about in his book was also his patient.

Insofar as Objectivism became like a cult, it was Nathan who did that, not Ayn. As he said, he loved it.

Liberty: Leonard's girlfriend?

Branden: Right. It's incredible. The one example of his cruelty is this single episode. Does he not remember the host of other examples? Does he not know that the pain still remains, the nightmares he created? He doesn't even remember the names of the people whose lives he's ruined.

Liberty: One thing that strikes me is that nearly everyone in the Collective has a lot of hostility toward Nathan.

Branden: I have to say that until this book I didn't have. I mean, I just didn't feel anything. And I can only say that his treatment of me is irrelevant to what I feel now. It's his treatment of my friends and of Ayn that I just cannot forgive him for.

I guess it was about 1980 when he and I still saw each other occasionally. He was making unpleasant remarks about an old friend and I'd had it. So I sat him down and at considerable

length I told him exactly what he had done specifically to this friend over the years chapter and verse. At the end of it, there were tears in his eyes. He told me that he hadn't remembered, that he felt terrible, and that I was to tell her how deeply he regretted the harm he had caused. The next time I saw him he was talking about her exactly as he used to as though it hadn't happened. It was totally out of his mind. During those years he badly hurt many hundreds of people. I'd like to see some regret. There is no acknowledgement of it.

You know what's particularly horrible to me? He keeps saying that he sees the events of those years as high drama, as theater. To me it's like seeing the Holocaust as high drama. I don't know what dimension he lives in where shattered people are theater and the destruction of a giant such as Ayn is drama. This is just beyond me. You know, there is somethng I have never told anyone, but I am angry enough to tell it now.

Ayn had originally intended to write an introduction to his *Psychology of Self-Esteem* in which she would be calling it a work of genius and praising it and saying what was wonderful about it. When I first told Nathan that I wanted to tell Ayn the truth, the first thing he said to me . . . no, no, it wasn't at that point, it was earlier, when I kept telling him she has to be told the truth, and that if he doesn't I'm going to. He said, "Just wait until she writes the introduction."

Liberty: Another thing that intrigues me . . . it's apparent from *Judgment Day* that your greatest flaw was your inability to love him . . . was this an element of psychotherapy? Was one of the ways you could tell a person was healthy was that if he was a male that he greatly admired Nathan and if a female that she was sexually attracted to him? Was this an essential element of his therapy?

Branden: Oh, definitely. I remember him telling people in therapy and out . . . he says that he argued with people about [Rand's] view of sex. Not only did he not argue with her view, but he was more royalist than the king. I clearly remember him telling people in therapy and out that if a man wasn't half in love with Ayn Rand it was a serious flaw of self-esteem. A woman who wasn't half in love with him also had a serious lack of self-esteem. It was excruciatingly embarrassing.

There's just one other point I want to make. Throughout the book, Nathan makes it clear that everything ugly that he did was motivated only by his desire not to give pain. Telling Ayn that he loved her, then not telling her he didn't, lying to me about Patrecia, and lying to Ayn about Patrecia was out of a desire not to give pain. This is preposterous. I've never known anyone more indifferent to causing pain. He has never known when he caused pain and he never cared.

Liberty: Was Nathan trying to seek power over the people around him?

Branden: He certainly had it, and it doesn't fall into someone's lap.

Liberty: Was this an important difference between the power he had over people and the power Rand had? That she never sought power or cherished it the way Nathan did?

Branden: She never had power.

Liberty: Really? You've described how people had so much respect for her that if she asked them to rethink their position on any subject they would do so . . . Isn't this is a very important kind of power?

Branden: As I've said, Nathan had the power that only a psychologist had, because he could hit at their self-esteem, he could hit at so many things. People are terribly vulnerable to their psychologist. Tremendously. Because you open yourself up wide. When he then starts flaying you alive . . . that's the most painful, destructive thing in the world.

Ayn did not have that power. She didn't get inside them. She had the power of reason. That was it. And the power of morality, which can be very dangerous. But this was not a woman who wanted power *per se*. I've never seen a sign of that in her.

Liberty: One striking similarity between your book and Nathan's is the view that the Objectivist movement was not a cult. You both mention that it doesn't meet the dictionary definition of a cult.

Branden: God knows, there were cult-like aspects and there were people involved who were cultists. But what's very relevant to my not calling it a cult, and I know I'm sort of skating on thin ice . . . the appeal to people, whatever happened to them after, was reason. That was the crucial appeal. If you take any other cult in the world, that's not true. Here the appeal was predominantly reason. They may have lost it somewhere along the way, they may have become fanatics, but the essential appeal of Objectivism was certainly not the appeal of a cult.

Nathan was everybody's therapist, so his denunciation was much more damaging than Ayn's. Ayn would talk strictly morally and philosophically. Nathan talked psychologically, so when he denounced them it hit at their self-esteem in a way that nothing else could. Ayn seemed like a pussycat in comparison.

Liberty: There is the long passage in *Judgment Day* where Nathan lists the unstated beliefs of the Collective that certainly sound cult-like . . .

Branden: I think he exaggerates a lot with that list of beliefs. That's not the way it was experienced, that's not the way it was practiced. I mean there were elements of that, there were people who would fit that description well. But that's not what predominantly was going on, even towards the end.

Liberty: Reading *Judgment Day* I got the idea that there was very definitely a cult, but that Rand was peripheral to it. She may have been its beneficiary in a very narrow sense, but the cult was headed by Nathan, who was also its chief beneficiary.

Branden: No question. He was the one who made a crusade out of her theory of sex, for example. She didn't. Insofar as Objectivism became like a cult, it was Nathan who did that, not Ayn. Ayn didn't have contacts with these people. Her contacts were essentially with the Collective. But Nathan had contacts with many hundreds of people, with thousands of people. He was definitely the one who was keen for creating the cult aspect. And as he said, he loved it.

Liberty: Has your view of Rand as a philosopher changed during the past few years?

Branden: Not since publication of *Passion*, but it has changed since 1968. In terms of fundamentals, I am an Objectivist. But there are a great many aspects with which I no longer agree: a lot about her view of sex, a lot about her view of emotions, a lot of what she had to say about psychology.There are many things in which I think she was simply wrong. One of the

continued on page 76

The New Benefactors

How the Rich Finagled the Middle-Class to Support the Arts

by Richard Kostelanetz

By mid-century, the new aristocracy of capitalist rich had grown tired of patronizing their favored artists with their own money. Then Nelson Rockefeller had an idea: let the taxpayer pay.

The first state arts council in the U.S. was established in New York by Nelson Rockefeller, just after he had been elected governor. Rockefeller extended the efforts of his predecessor, W. Averell Harriman, to establish a state arts agency; and as an enterprising collector of visual art and the son of the founder of the Museum of Modern Art, he wanted to establish in New York (and eventually in the entire U.S.) an institution similar to the British Arts Council.

However, there appeared to be another motive at work—a motive as mixed and cunning as many other Nelson Rockefeller "public interest" designs. Since the operation of museums and symphony orchestras had become progressively more costly in the post-WW II period, arts councils could also serve the function of making the financial drains of culture less dependent upon the patronage of rich people. Initially, this might be regarded as a beneficial development, as wealthy patrons could be capricious; on the other hand, the state's assumption of expenses previously borne by wealthy trustees would take a load off their pocketbooks. (And since trustees of orchestras and museums also tend to be large contributors to political campaigns, some of this money thereby saved could be funneled into more partisan purposes.) If arts councils could be blessed with government money, it was calculated, then the tax-paying middle class would implicitly collaborate with a wealthier class in paying for the museums and symphony orchestras. The rich would retain their traditional control. In New York State itself, a precedent for this public support of a private cultural vision had been established in the construction of Lincoln Center, which likewise began as a Rockefeller family project. An accurate term for this diversion is "socializing the costs."

Governor Rockefeller's speech to the Business Committee for the Arts in Washington, DC, on 17 May, 1971, reveals his thinking:

> But in the United States today the arts are also in trouble. The demand for their works, the size of their audiences, the vigor and imaginations of their practitioners have not been matched by their economic prosperity or, in plain fact, their ability to survive. A discouraging number of arts institutions, including many of high prestige and long standing, are literally on the edge of financial disaster.

The cry for help is familiar, of course, but what should not go unnoticed is the unfamiliar formulation. "The arts" that are "in trouble" are not artists or even particular arts (at times reportedly "dead" from avant-garde revolutions) but "arts institutions" that, in Rockefeller's scenario, "are literally on the edge of financial disaster." This could account for why the New York State Legislature's budget statute promises "state financial assistance to nonprofit cultural organizations offering services to the general public, including but not limited to orchestras, dance companies, museums and theater groups." In the same speech, Rockefeller continued:

> We here in New York State have more reason than most to know in accurate detail what the present-day predicament of the arts really is. For over a decade now our State Council on the Arts, which I was rash enough—I wish I could say prophetic enough—to propose during my first campaign in 1957, has pioneered in the field of governmental assistance for the arts. Over the past two years, the State Legislature . . . has voted substantial appropriations of Aid to Cultural Organizations, larger last year than the sum provided by the federal government for the entire nation.

Thus does New York State take the lead in showing America how to socialize the costs of putatively troubled arts institutions. Governor Rockefeller continues,

> What we now know is that no single source can provide the monetary sup-

> port which the arts must have. That support must come from a partnership in which government, business and the traditional private patrons each must play a part.

In these sentiments, Nelson Rockefeller echoed the prescription of his older brother, John D. Rockefeller III, who told the New York *Times* (June 23, 1963)

If arts councils could be blessed with government money, it was calculated, then the tax-paying middle class would implicitly collaborate with a wealthier class in paying for the museums and symphony orchestras. The rich would retain their traditional control.

that only with government patronage will America be able "to close the final gap between our present resources, comprising actual income and private philanthropy, and the costs of operating our [arts] institutions." Thus the Brothers Rockefeller transformed the New York precedent of costs-socialization into a truth valid for all America, today and tomorrow and for the foreseeable future.

In his speech, Nelson Rockefeller drew upon the conclusions of a book entitled *The Performing Arts: Problems and Prospects* (1965), a high-flown "commission study" that was funded by the Rockefeller Brothers Fund, Inc., and prefaced by John D. Rockefeller III. That book, as well as the publicity it generated, helped pave the way for the Rockefeller scenario of government collaboration in arts funding. The chief of the "Special Studies Project Staff" that undertook this study was Nancy Hanks, whom Richard Nixon later appointed chairman of the National Endowment for the Arts. Among the Rockefeller panelists was August Heckscher, director of the Twentieth Century Fund, which had itself commissioned two Princeton University economists, William J. Baumol and William G. Bowen (the latter to become Princeton's president within the next decade), to produce *The Performing Arts—The Economic Dilemma* (1966), a scholarly book that came to similar conclusions, as well as generated similar publicity, about the need for generous government support for the arts. Of course, all "prestigious" foundations that sponsor investigations expect to generate publicity that will influence policy; but the principal difference between the famous Carnegie Commissions on television, say, and the Rockefeller-sponsored reports on the Arts is that there are no Carnegies around nowadays with a vested interest in public television.

The immediate device ensuring public/private collaboration appears within the NYSCA application itself, which reflects in turn the legislative mandate that grants should "help offset operating deficits." An application customarily demands a list of desired expenditures and possible receipts, which include money both "earned" (sales) and "unearned" (gifts from private patrons and other funding organizations). The idea for the applicant is to make the second sum (earned and unearned income) less than the first (expenses), leaving a deficit. The nonprofit organization then supposedly applies for government aid in remedying this deficit—and no more than that sum. If, for instance, an organization estimates that next year's expenditures will be $10, while its projected income is only $5, it can apply for no more than the remaining $5. If anticipated income is $6, while the projected expenses are still $10, then it can apply for no more than $4. An applicant cannot ask for anything more than its projected deficit. This concept of supplementing private support with public monies is called "dollar-matching"—no more than one government dollar for every dollar of income. Dollar-matching implicitly creates a paying partnership between the organization's customers and patrons on one side and the taxpayers on the other.

Since moneyed people established the museum or the orchestra in the first place, they would continue to run it by dominating the boards of directors, hiring and firing the staff as they wished, and using the intelligence of curators for their private purposes, much as they always had. Only now these benefits could come at a substantial discount from their actual cost. In signing the legislation establishing the NEA, on September 29, 1965, President Johnson called for a National Theater Company, a National Opera company and a National Ballet Company. As Michael M. Mooney shrewdly observed in *The Ministry of Culture* (1980), "Fourteen years later, there were still no national performing companies. What the arts muscle wanted was subsidies for the companies upon whose boards they already sat." It is not by luck alone, we sometimes remember, that the rich remain rich.

In 1967, in one of his few public statements about NYSCA, Governor Rockefeller declared, "The politics of art are hazardous—yet an unalterable axiom will eliminate all dangers: There must be no political inference in the arts by government." When constituents complained about any NYSCA recipient's alleged misuse of state money, they would get a letter putatively signed by the Governor himself, declaring that neither he as Governor nor the taxpayer could have any legitimate influence over the activities of the Council on the Arts and, by extension, of its recipients. However, in reality, the Governor's and the legislature's insistence that funding in no "ways limited the freedom of artistic expression" became a two-edged sword, ensuring that not only individual artists but the boards of NYSCA-funded institutions would remain immune from politicians'—and thus taxpayers'—pressure.

Just as Nelson Rockefeller's defense of freedom for the individual artist served to rationalize freedom for the arts institutions' insiders, so the small grants that individual artists and small organizations received from the arts agencies unwittingly served to rationalize the larger grants.

Just as Nelson Rockefeller's defense of freedom for the individual artist served to rationalize freedom for the arts institutions' insiders, so the small grants that individual artists and small organizations received from the arts agencies unwittingly served to rationalize the

larger grants. Thus, while independent artists and literary presses received a few thousand dollars apiece from NYSCA, in 1979–80 the Museum of Modern Art received $703,250 in various grants, the Metropolitan Museum received $799,000, and the Metropolitan Opera received $990,000. Make no mistake about it, the folks in charge of NYSCA have always known what it was that Nelson Rockefeller wanted them to do.

In *Twigs for an Eagle's Nest*, his memoir of his years at the National Endowment for the Arts, Michael Straight reports that Nancy Hanks, its chairman from 1969 to 1977, "believed that the central purpose of government funding for the arts was to generate more support from private sources." Hanks's thesis stands in opposition to the motives attributed to Rockefeller—that public funding would take a burden off private sources. However, just two pages before this quotation, Straight cites contrary earlier research about this issue: "All precedents argue that as public funding increases in any area, private philanthropy declines." When I queried Straight about this discrepancy, he referred me to the director of research at the NEA, Harold Horowitz, whose reply read, "A general view is that private philanthropy has increased, but not in proportion to the increases of public funding in the past fifteen years or in proportion to the increases in expenditures of arts organizations." But, in truth, how could the former increase with the government picking up so many deficits? Rockefeller was right. Public funding of large arts institutions had taken private philanthropy off its increasingly expensive hook. ❑

Letters, *continued from page 4*

Mosaic Justice

David Friedman ("Simple Principles *vs* the Real World," September 1989) makes the obtuse statement that "a prominent libertarian" determined "many years ago" that a victim of theft was entitled to take back twice as much as was stolen. While I realize that Moses is "a prominent libertarian," I don't know how many other readers caught the reference to Exodus.

The problem with the two-to-one ratio as opposed to, say, a three-to-one ratio, says Friedman, is that it is invented, not derived. Let us therefore derive the optimal penalty ratio:

Let the amount of attempted theft (measured in units of some *numeraire*) be a decreasing function of the penalty ratio; the greater the penalty ratio, the less attempted theft. This relationship is illustrated by the downward sloping line marked DD in the following graph.

The Optimal Penalty Ratio

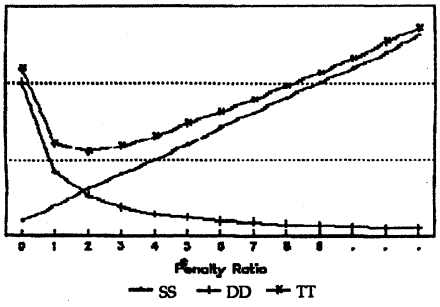

Let the cost of defense (net of recoveries from apprehended thieves, measured similarly) be an increasing function of the penalty ratio (how this happens I don't know—all I do know is that I need this to be an increasing function). This relationship is illustrated by the upward sloping line marked SS.

Recognize that the total cost of crime to law-abiding citizens is both the losses to theft and the cost of defense. This total cost is represented by the parabolic curve marked TT. Notice that the total cost of theft is a minimum at some unique penalty ratio. The question Friedman asks is: how do we derive this exact number?

Chicago School economists would try to estimate this optimal penalty ratio via the econometric method. They'd probably come up with an answer like "2.704 plus or minus 18." Those of the Austrian school would rely on *a priori* reasoning. They'd probably say something like "exactly 2 and anyone who disagrees is a fool." (Does this imply that Moses belonged to the Austrian school?)

It seems clear that Friedman believes this ratio is greater than one (in order to deter theft) and less than infinity (because he rejects "absolute" property rights) But Friedman fudges as to what if any exact number he believes in. Instead of grappling with the socially-optimal penalty ratio, Friedman shifts into utilitarianism. Basically, Friedman argues that there are times when it is "good" (in a deeply personal, moral sense) to steal.

Is this "good" stealing argument made to deny the obligation to compensate victims? Friedman doesn't directly address this issue. But, how could stealing be "good" if the thief is unwilling to compensate victims? It seems to me that unwillingness to compensate victims belies anti-libertarian and anti-utilitarian discounting of other peoples' utility. (The Biblical answer, as I see it, is to compensate the victim. A person stealing bread to feed his family is required to turn himself in to the victim and work off his debt.)

The rule of victim compensation precludes stealing which does not increase social utility in the sense of increasing at least someone's utility without decreasing anyone's utility. This rule was codified in the "takings" clause of the 5th Amendment. If the community determined that it had to build a road through someone's property, it could do so provided it justly compensated the property owner for his loss. This way, the gain to the community had to at least equal the loss to the victim.

Without victim compensation, there is no guarantee that stealing will increase social utility. First of all, individual utilities are not additive. The increase in utility of those benefitting from theft cannot even be compared to the decrease in utility of the uncompensated victims of theft. Second of all, it is predictable for thieves to be greedy so that once they are loosened from the rule of victim compensation their stealing will have as its sole objective their own utility and not social utility in any meaningful sense of that concept.

I don't believe libertarianism implies "absolute" property rights either in the sense that theft is always morally wrong or that thieves should be absolutely punished. I believe libertarianism implies "absolute" property rights in the sense that victims of theft are to be compensated (note: victims may be merciful). Furthermore, when codified into a rule such as the "takings" clause of the 5th Amendment, victim compensation makes for an operational equivalence between utilitarianism and libertarianism.

Clifford F. Thies
Baltimore, Md.

David Friedman responds: This is all very interesting, but the "prominent libertarian" I referred to was Murray Rothbard, not Moses.

Essay

Ersatz Entrepreneurship

by Roger Koopman

LOST: the American entrepreneur. Slipped away unnoticed. Suffers from chronic memory loss and lack of identity. Last seen wandering down Federal Grant Way, waving an American flag and singing patriotic hymns. He is harmless. If found, please return him to a government assistance office near you.

Over the past fifteen or more years, our nation has witnessed a literal explosion in small business growth and, following the cynicism of the 1960s, a dramatic reemergence of entrepreneurial activity. And yet, at the very point in our history when terms like "free enterprise" and "entrepreneurship" seem to have gained popular, almost patriotic usage, those terms have gradually come to mean something entirely different than they once did. For indeed, this is the age of the red, white and blue block grant and the star-spangled subsidy. It is a hostile environment for the true entrepreneur, whose habitat is freedom and whose diet is self-reliance. He is, perhaps, a dying breed, who is unwilling to live with the "new" ways and is unable to compete against them. In the marketplace, he is pitted against his own tax dollars and against people who build their businesses around one tax support after another. The American entrepreneur may well be on the road to extinction.

Allow me to introduce you to Wayne Phillips, self-professed "Government Grant Expert." Wayne's story is instructive, for he is truly a creature of our times. Wayne Phillips has amassed a personal fortune by conducting seminars and selling books that teach people how to start businesses with free money from the government—all in the name of our "great free enterprise system." He has his own definition of "free."

Wayne advertises his services on a widely aired television "talk show," professionally staged to look like an off-the-cuff interview. For the ensuing 30 minutes, he tells people what they want to hear—that they can get something for nothing and feel patriotic in the process. First, he speaks of how "excited" he is that there is "an almost unlimited amount of money available" ($33 billion) in the form of federal grants and awards that "pay you to start your own business." "There's something for everyone out there," says Wayne, without giving the slightest thought to where all that money is coming from.

Wayne cautions people to never go the conventional lending route when opening a business, because "the government will just give you the money so you'll never have to go in debt. If the business doesn't go well, you'll never have to worry about bankruptcy. You can start your own business without any risk involved to you. You don't need to have a credit rating or even fill out a financial statement. It's just given to you, and you can get it very easily and very quickly—at no risk," he bubbles. But don't stop there, says Wayne. "Be sure to repeat the grant process over and over again!"

This is Wayne Phillips' idea of entrepreneurship, and it is shared by many. In reality, people who pass on the risk of doing business to the taxpayer are not entrepreneurs at all. They are counterfeits. The whole concept of entrepreneurship is centered around sufficient belief in yourself and your ideas that you are willing to take the calculated risks—to reap the re-

wards or suffer the losses. You cannot be insulated from failure if you are functioning in an entrepreneurial role. The freedom to fail is just as important as the freedom to succeed, for it brings out the best in us, and requires us to make the wisest, most consumer-sensitive decisions about the running of our businesses and the investing of our money.

Thus, in a market-based system, the poorly-conceived business will either be forced to improve its service to the consumer, or it will fail and the entrepreneur will lose his investment. The risk of failure is a natural check on inferior or unneeded businesses starting in the first place, and is even more pronounced when the new or expanding enterprise must seek outside investors or institutional financing. Whoever's money is at risk will exercise a powerful positive influence on the business decisions that are made. But this is not the case when the "investor" is a bureaucrat giving out tax dollars that aren't his own. He has no stake in the company's success and the recipient of his grant has no real stake, either. It would be foolish to infer that this person is an "entrepreneur."

Allow me to introduce you to Wayne Phillips, self-professed "Government Grant Expert," who has amassed a fortune by selling books that teach people how to start businesses with "free" money from the government—all in the name of our "great free enterprise system."

The fact that business grants and subsidies have gained such popular acceptance is an indication of how far removed politics has become from the basic economics of a free society. Invariably, these programs are sold to us on the specious argument that they "create" jobs and expand the economy. Nothing could be further from the truth! Where is the net gain when government taxes the private sector so it can later return the taxes in the form of thinly-veiled welfare for those who are unsuccessful, unproductive, and unwilling to assume their own risks? How are more jobs created when job-producing wealth is stripped from the marketplace and reallocated by government "experts" to people whose primary expertise is the writing of clever grant proposals?

Meanwhile, the chambers of commerce and other business groups who support these programs must think the funding for them just floats down from heaven. Do they ever stop to count the true costs? Of course not, and neither does anyone else. It's the age-old problem with government programs that pass out special favors to special interests. Politically-bestowed "benefits" are always very specific and highly visible, while the damage they inflict on the economy as a whole is more generalized and much harder to see. It takes principle to perceive economic truth, and there seems to be far more demand for handouts than principles nowadays.

If we actually knew the number of federal and state programs that offer tax-supported favors to new or existing businesses it would astound us. Indeed, one need look no further than my own home town of 25,000 to see the evidence of this, where local officials are falling all over themselves in arranging block grants and assorted other goodies that entice new business into our area. Is that the only way that localities can promote private enterprise and build their economies—through government loans, government grants, government contracts, government job training, government "incubators" and government subsidies?

And then, as if to justify their lack of principle, they must glorify these companies that work the subsidy system, and recognize them as the pinnacles of private enterprise and progressiveness. No one gives a second thought to the guy down the street who quietly goes about his business, earning a living the "old fashioned way"—with his own money and at his own risk. He is the real hero of the business community and the backbone of our private enterprise system, yet how do we honor and recognize him? By passing more laws that will set up yet more subsidized, propped-up businesses to compete with him.

It is time we recognize that all of these programs that are supposed to assist business are profoundly anti-business in their net effect. First, they give politicians more power to manipulate our economy. Second, they foster business dependency on government support and kill our entrepreneurial spirit. Finally, they turn our economic system on its head and penalize the very businesses that, through the free market, would rise to the top—without using one penny of government money.

The American entrepreneur can still be saved from extinction. To do so, business people and the organizations that represent them must start reaffirming their faith in the free enterprise system by standing on their own feet—not on the taxpayers' backs. ❑

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Essay

Regulating What Children Watch

by David Bernstein

To all too many people, "Freedom of the Press" is an archaic notion restricted to archaic media; actually applying the concept to radio or television seems an intolerable breach of the "freedom" *to regulate* . . .

During the Reagan years, the Federal Communications Commission changed from a typical power-hungry Washington bureaucracy to an aggressive deregulator and promoter of the First Amendment. This progress is threatened, however, by the pro-kiddie corps led by Massachusetts housewife and political terror Peggy Charren, who is president of Action for Children's Television (ACT), a powerful advocacy group. Ms. Charren supports vastly increased government "supervision" of children's television. Her Congressional allies see the kids' TV issue as a way of shoehorning government back into the business of regulating what Americans watch.

In the fall of 1988, at ACT's urging, both Houses of Congress passed a bill that would have restricted commercials during children's TV (broadcast channels, not cable) shows to 12 minutes per hour during the week and 10.5 minutes per hour on weekends.

At first blush, the enormous pressure for the passage of this bill seems somewhat odd, as a 1988 National Association of Broadcasters survey found that commercials during children's programming take up only about 8 minutes per hour on weekdays and 9 minutes on weekends, well within the proposed limits.

But ACT had a hidden agenda. Charren is fighting not only against actual commercials during kids' shows, but also against shows based on dolls and other toys, such as GI Joe and the Smurfs. She calls such shows "full-length commercials."

While it is hard to imagine the Reagan FCC construing the word "commercial" so broadly, the bill's proponents obviously hoped that if Reagan would sign it, they could rely on future, less "extreme" Administrations, or the courts, to force the offending shows off the air.

The bill had an even more pernicious clause. It required the FCC to ascertain that broadcasters had "served the educational and informational needs of children in its overall programming" before granting renewal of a station's broadcast license. (Once again, this provision does not apply to cable networks, who are not beholden to the FCC for their existence.)

When licenses come up for renewal, interest groups are permitted to testify on whether they think that the broadcasters are adhering to FCC guidelines in their programming. I imagine the presidents of Morality in Media and Planned Parenthood have somewhat different ideas about what constitutes the "educational and informational needs of children." The result of this clause would be to scare the broadcasters away from doing a show for children on any controversial topic, thus adding to the blandness of children's TV.

Unfortunately, the television industry was not willing to fight the "Kidvid Bill," despite serious constitutional objections to it. According to Timothy Dyk, a partner at Wilmer, Cutler and Pickering in Washington D.C. who has won many First Amendment battles on behalf of the broadcasting industry, the National Association of Broadcasters' lobbyists consider this particular intrusion on freedom of expression to be "low priority." The Broadcasters hope that their support for Kidvid regulation will help them to win more economically important political victories in the future. Moreover, many broadcasters desire more regulation, believing that such legislation would support their claim that broadcasting is a specialized industry that deserves protection from the fierce competition of cable and VCRs.

Fortunately, there was a hero who came riding into town on a shining white horse to save the day. Who was that masked man? Of all people, it was President Reagan. Though his Administration has been in the forefront of crackdowns on indecency and pornog-

raphy, Reagan pocket vetoed (refused to sign) the bill, stating that its provisions "cannot be reconciled" with the First Amendment's free speech guarantees.

A shocked Charren accused Reagan of "ideological child abuse." Showing no great appreciation for the non-economic value of civil liberties such as free speech, she wailed, "What's weird is . . . no major economic forces, such as the networks, were against it. It wasn't going to raise the federal budget deficit or taxes."

Congressman Ed Markey of Massachusetts, chief sponsor of the bill, promised to reintroduce similar legislation in 1989. President Bush, never as ideologically committed to free markets as Reagan, might very well sign such legislation into law. The Kidvid issue is very much alive. The question remains, however, whether or not there is anything substantive to it.

Many broadcasters desire more regulation, believing that such legislation would support their claim that broadcasting is a specialized industry that deserves protection from the fierce competition of cable and VCRs.

Most of the people crying for regulation, of course, completely misunderstand the economic aspects of the question. Market forces operate on children's television just as on everything else. Children are not the slaves to the tube as often depicted: they have options such as playing Nintendo, reading books, playing outside, etc., and will only sit and watch television if it appeals to them. In 1987, a federal appeals court judge called the FCC's assertion that the market is operative in children's television "an incredible bureaucratic invention." Yet, advertising time during children's shows has been limited without government intervention. Children hate commercials as much as adults, and if a network or station put on so many commercials that it became unpleasant to watch TV, children would change the channel or turn it off.

But what about those poorly-made TV shows based on toys that have recently dominated children's television? Well, the better ones, such as *He-Man,* actually have intelligible plots and are doing fine. The others are rapidly being replaced by shows with more original concepts, such as *Pee Wee's Playhouse,* children's game shows, and Disney's *Ducktales.*

Did government force Kidvid producers to improve their shows? Of course not. Ratings did. Saturday morning cartoon ratings were down 30%, as children "just said no" to awful TV. Then along came the smashing ratings success of *Pee Wee's Playhouse,* and all of a sudden a rash of shows appeared that kids (and even some parents) could enjoy. Indeed, many Saturday morning shows are now written on two levels, one for the kids and one for the parents (tune in to the Alf cartoon, for example). Furthermore, intelligent cartoons such as *Bullwinkle* are being revived.

A large part of the impetus for the improvement in Kidvid has come from cable, which is almost completely unregulated by the FCC (the only major role the FCC has played in cable has been in stifling its expansion on behalf of politically connected special interests). Whole channels such as Nickelodeon and Disney are devoted to child-oriented shows, and other cable networks, such as the Christian Broadcasting Network, offer family fare.

Kidvid advocates agree that many of the kids' shows on cable are of superior quality. They argue however, that regulation is still needed for regular TV in order to help poor children who can't afford cable. As Charren says, "[The market] approach is fine for affluent families with kids lucky enough to have pay cable. But if you want to watch Shelly Duvall's *Faerie Tale Theater* you have to get HBO. Other choices might require movie channels. Even today, it's too soon to let broadcasting off the hook when it comes to serving the child audience. The alternate technologies are not equally available to the poor." Maybe not, but the competition fostered by those technologies is leading to improved quality in all children's TV. And keeping government out of the communications field is the best way to ensure that present technologies will get continually cheaper (they already would be if it weren't for government-granted cable monopolies and FCC restrictions on the use of telephone wires to carry TV signals) and that new technologies such as satellite TV will evolve more quickly.

The strangest thing about the Kidvid legislation is that in return for sacrificing the First Amendment, the bill regulates only a small part of the relationship between children and television. The fact is that youngsters spend only a fraction of their TV-watching time on the type of shows that the Kidvid bill would have regulated. Besides such shows, they also watch cable kids' shows and adult cable and broadcast TV. In the average city, the poor child that Charren worries about who does not have cable can come home from school and watch children's broadcast TV from 3:00 until 5:00 P.M. when reruns of old sitcoms come on. This was also true in the days before deregulation.

As far as cable shows go, there have been legislative attempts to regulate the content of what comes through the wires (most notably regarding obscenity) but all have been struck down by the courts. Moreover, no one, including Charren, seems eager to regulate adult shows that are on in the early evening, prime viewing hours for children. When it comes to children watching adult TV, Charren suddenly calls for "parental responsibility." But why shouldn't that be the answer to the Kidvid problem as well?

If activists would put one-tenth of the effort they put into lobbying into coming up with creative marketplace solutions, individual liberty would not have to be sacrificed to social expediency.

Some activists point out that many adults use the television as a babysitter, and do not properly regulate what their children watch. That may be true, but it would apply to racy and violent adult shows to at least as great a degree as cartoons.

Many parents, of course, would *like* to supervise their children and make sure that kids' viewing habits are directed towards quality, non-violent educational shows, but they work during the day and are therefore unable to watch the shows and judge which ones are

continued on page 66

Observation

The Midwest Work Ethic and the Spirit of Libertarianism

by Stephen G. Barone

Simple theories of social change will not work simply because people are not all that simple. For instance: the *mores* that libertarians admire could actually *prevent* the achievement of a libertarian society.

Among us advocates of the free market, it is fashionable—if not altogether empirically justifiable—to believe that the greatest resistance to individualistic ideas exists on the East and West coasts of our country, those two seaside expanses of real estate that seem inundated with every manner and form of political loony and socialist academician.

Goes the conventional wisdom: surely Midwesterners must be more amenable to libertarian solutions for government "problems." Just consider all those East- and West-coast companies that routinely recruit from the ranks of The Heartland, or even move their entire operations there, just to take advantage of the vestigial individualism and quaint work ethic.

I have certainly subcribed to this notion, a transplanted New Yorker from Queens, living as I have in Wisconsin since 1974, and watching the local citizenry going about their day-to-day occupations. Most of them do so with consummate skill and admirable dispatch, showing up for work on time, keeping appointments, smiling when they make change, and saying please and thank-you.

Of course, this is exactly the sort of behavior we would expect from the private sector, wherein being slovenly and taciturn, uncooperative or nonproductive, can have a deleterious effect upon one's income or continued employment prospects. But even while hating to admit it, I must report similarly congenial behavior among the government employees.

No, the folks at the post office aren't quite so deferential as the cashiers at the Walmart. But I've had letter-carriers track me down at my office rather than leave parcels unattended at my home. Clerks at the windows have waited past closing for me to get important things into the mail. And my intrastate letters routinely make it from city-to-city and hand-to-hand in 24 hours.

True, Midwestern private schools still tend to be more efficient than public ones, just as anywhere else. But most of the public school teachers with whom I work spend many extra, uncompensated hours in their classrooms, and are righteously indignant when they get compared to the illiterate and overpaid unionists who infest many big-city schools.

All of this is disconcerting for someone like me, who believes that a worker's efficiency and attitude are both inexorably tied to how dependent he perceives the rewards and consequences of the workplace to be upon his performance therein. Why aren't the postal workers rude and indifferent, as in New York? Why aren't teachers lackadaisical, as in Los Angeles?

I think I might know the answer to these questions. It's that the Midwest's relatively intemperate weather makes it an unattractive place for the intellectual *beau monde*, who are more prone to wax romantically about a simple life amongst the wheat fields, rather than actually leave Palo Alto to put down stakes somewhere outside of Topeka.

As a result, their collectivist cavil is less familiar to people residing nearer the center of our continent—as is the "social welfare" legislation it tends to spawn—so that Midwesterners still tend to regard slothful behavior in or about the workplace as *abusing* an overtly fair system, instead of *beating* a covertly unfair one.

Suggest that the mailman be replaced with a private courier, and the average Midwesterner will look at you as if you were nuts. The local post office does a pretty good job as far as he's concerned, and he's probably correct. Neither will he like your idea about closing the public schools. Kids in his neighbor-

hood routinely score highly on college entrance tests.

Even Midwestern utility workers—people who are employees of heavily regulated and unionized companies that are typically insulated from the efficiencies of the marketplace—are more responsive to customer's needs. I know this because I used to work as an independent electrician. I usually could get a utility truck to a house to connect a new service-drop literally within *minutes* of my service order. Try that in Suffolk County on Long Island, where the reputation for poor service and blackouts is so legendary that Midwesterners now ask New Yorkers whether their houses have electricity, instead of the other way around.

My neighbors can't imagine welfare cheaters because they themselves would never cheat the system.

So herein lies the problem: if indignant rage is necessarily a prerequisite to the public's rising up against government bureaucracy, then the American Midwest is the *last place* it's going to happen. This is because the greater industry of its people—and by inclusion, its public and quasi-public employees—precludes such gross deficiencies of government-supplied or regulated services.

I maintain that it is in the Midwest that we can expect to find the least-hospitable environs for libertarian ideas, not New York or Los Angeles, even though we might want to believe that the values evinced by people residing in Dubuque and Peoria are in better resonance with individualism than with statism.

Consider: I am forever chagrined by the propensity of my neighbors to project their own scruples upon those who would be the beneficiaries of one or another government program. They can't imagine welfare cheaters, because they themselves would never cheat the system. They can't imagine indolent civil employees, because they would never loaf on the job.

This is why the Midwest provides such a fecund environment for Rockefeller Republicanism: the notion that it's okay to advocate all the social engineering and economic tinkering traditionally advocated by the Left, so long as such enactments are conceived on a smaller scale than generally advocated by Democrats, and someone promises to administer each of them efficiently.

I certainly don't mean to offend anybody with this modest thesis, especially since the political milieu and ethical ambience of the Midwest causes me to prefer it over the place in which I grew up. I like it here. But there's a major implication to these demographic observations for those of us who want to propagate libertarianism in this part of the country.

To wit, merely providing evidence that the private sector meets people's needs more efficiently than does government will do little to cause Midwesterners to better embrace individualistic or free-market ideas. This is because, like it or not, differences in quality between private—versus government—supplied services are not so evident around here.

This means that Midwestern receptivity to libertarianism can best be enhanced by talking to the people about the moral and ethical underpinnings of the philosophy. Doing otherwise—by simply underscoring the inherent efficiencies of the marketplace instead of explaining why one way is *right* and the other way is *wrong* has not worked and will not work. ❑

Bernstein, "Regulating Children's TV," *continued from page 64*

worthwhile. Furthermore, even if these parents were able to judge quality, they are often not home to make sure their children are obeying their guidelines. Therefore, the regulators argue, Big Brother must step in to make sure that only quality shows are on the air for children to watch.

As usual, any possibility of a market solution to this problem is dismissed. Groups such as ACT immediately rush to the government for help. But what if ACT—instead of lobbying the government—would review all shows on at hours when kids typically watch TV, including those not aimed directly at children, for such things as violence, sex, educational content, appropriateness for family viewing, commercial time and type of commercials, etc? They could then sell these reviews to TV Guide and newspaper TV supplements. If there are many parents who would like a quick, easy way to know what shows are good for their children—and I'm sure there are—it would not take long for these reviews to spread across the country.

Of course, ACT would not have a monopoly on this service. It has its own peculiar political and sociological views on what is good for children, and it could be that in the economic marketplace, ACT would lose out. Strangely enough, for example, ACT (to its credit) has filed a legal brief opposing a recent Congressional action banning indecency 24 hours a day on TV and radio. My guess is that unlike the leaders of ACT, the average American is more concerned with bad language and sex on TV than with how much time is spent advertising Care Bears. With the politicians out of it, parents will decide what criteria they will use to judge what their children should watch—for example, a rating system issued by ACT, a rating system issued by the Moral Majority, a rating system issued by a private team of child psychiatrists, or no rating system at all.

Once parents can quickly decide what their children should watch, the market can also help them make sure that that is what the children do watch, even when the parents are not home. We have programmable VCRs—why not programmable televisions? A parent who works too late to supervise his child could set the TV to go on at a certain time to a certain channel, and then lock in that setting with a key or other device. If the kid doesn't want to watch the show his parent chose, he will either have to sneak over to a friend's house (always a possibility whatever government and parents do) or find some other activity to engage in.

If activists such as Charren would put one-tenth of the effort they put into lobbying into coming up with creative marketplace solutions like the one outlined above, individual liberty would not have to be sacrificed to social expediency. We could then give our children both the benefits of quality television, and of a First Amendment not watered down on their behalf. ❑

Reviews

Wartime: Understanding and Behavior in the Second World War, **by Paul Fussell. Oxford University Press, 1989, 297 pp., $19.95.**

The War That Was Hell

Sheldon L. Richman

Paul Fussell has hit a raw nerve. He has written a book about the holiest crusade, World War II, but without the mandatory respect. *Wartime* does not argue that the United States (or England) should not have fought World War II. It does not argue that America was no better than Nazi Germany. In fact, *Wartime* makes virtually no argument at all. It primarily describes—or, more precisely, allows others to describe—how the war changed the United States and Great Britain; how it changed the language, the art, the psychology, and the lives of the people who fought it and the people at home.

But that is apparently too much examination for some people. And that is interesting.

The historian Simon Schama, writing in the New York *Times*, seems in a panic when he writes, "[I]t seems more than ever important not to fool around with the kind of moral equivalences explored in such a cavalier way by *Wartime*. All the folly, squalor, self-deception, incompetence and mayhem exhibited in the Allied conduct of the war do not for one minute lessen its moral legitimacy." The New York *Times*, sounding like an irate father asked one too many questions, felt compelled to address the book in an editorial, "The Good War." "Was it a good war?" asks *The Times*. "The question implies that there was a choice. There was none. World War II had to be fought and had to be won." That's all. No more questions. Now go to your room.

Sherman's phrase "war is hell" is such a cliché that all meaning has drained from it. "Yeh, yeh, war is hell," many people react, without thinking about what that really means. Fussell's book restores the meaning. War is literally hell.

> You would expect [Fussell writes] front-line soldiers to be struck and hurt by bullets and shell fragments, but such is the popular insulation from the facts that you would not expect them to be hurt, sometimes killed, by being struck by parts of their friends' bodies violently detached. If you asked a wounded soldier or marine what hit him, you'd hardly be ready for the answer, "My buddy's head" . . .

Consider the word "front" as it is used in wartime. Of course, it is the point at which two opposing armies engage. But it is something more. There is also the home front, and there are two senses to this phrase besides the official one. First, it can refer to the war against enemies at home. What enemies? The dissidents, the nonconformists, the skeptics—anyone who departs from the orthodoxy as propounded by the government propaganda mill. This enemy is not merely—nor usually—a sympathizer with the official foreign adversary. It is anyone who thinks the war ill-conceived, obscene, or not worth the candle. That person is a threat and must be silenced. And was. (This suppression need not wait until one's country is fighting. A year and a half before the U.S. entered World War II, Congress passed and the president signed a sedition bill. The act, wrote the legal authority Zechariah Chafee "contain[ed] the most drastic restrictions on freedom of speech ever enacted in the United States during peace.")

The other sense of "front" is that of a façade. The public cannot be told the truth about the war. There must be a false front to preserve morale and prevent reconsideration. Americans never want to fight wars anyway and must be lied into them; so it wouldn't take much to cause second thoughts. As the United States was preparing to enter World War II, the public was told that it would be quick and easy, requiring only light weapons and vehicles and men in dashing uniforms. As Fussell points out, dispatches from the other front never mentioned the many tragedies in which planes bombed their own troops, or antiaircraft gunners hit their own planes, or warships fired on by their own forces. The folks back home could not be told or shown that people get blown apart by bullets, bombs, mines, shrapnel, and the like. The dead are always peacefully intact in the newspaper and magazine photos. This front continues long after the war ends. Here Fussell allows himself a rare commentary: "It [the popular war literature] has thus conveyed to the credulous a satisfying, orderly, and even optimistic and wholesome view of catastrophic occurrences—a fine way to encourage a moralistic, nationalistic, and bellicose politics."

Thus World War II would seem to have been both a crime against those who fought it and a fraud on the people back home. Fussell's book is worthwhile for having pointed this out so vividly.

But is *Wartime* guilty of being, as Schama charges, "ahistorical"? Surely the Allied effort is vindicated by its purpose, the destruction of fascism. (Read history a little closer and you find that

competition for markets and colonies was generally of more concern to the allies than fascism.) As Fussell points out, the GIs by and large had a less metaphysical view of the war's purpose. Even Ernie Pyle, the famous war correspondent, wrote, "When you figure how many boys are going to get killed, what's the use of it anyway?" To judge from what they were writing and saying, they were fighting, first, to avenge Pearl Harbor and, second, because the Japanese aren't white; and they were fighting for the privilege of ending the war and getting back home to their girlfriends and hotdogs. The first reason is less than inspirational, especially considering the dubious circumstances leading up to the attack on Pearl Harbor. The second reason lacks a certain logic.

It was hard to muster idealism when your fighting ally was Uncle Joe Stalin, who had starved and purged tens of millions in the previous decade and who had attacked Finland, the Baltic countries, and, as Hitler's ally, Poland itself.

Not that one could blame them for not having loftier motives. After all, their fathers only two decades earlier had been through the monumental disillusionment known as the Great War. That generation of young Americans, full of Wilsonian idealism, shipped out to Europe to fight the war to end war and to make the world safe for democracy. What they unwittingly produced were Bolshevism, fascism, and the seeds of their sons' war. So maybe FDR and Churchill's Atlantic Charter didn't have the moving power it was supposed to.

And maybe it is hard to muster idealism when your fighting ally is Uncle Joe Stalin, who had starved and purged tens of millions in the previous decade and who had attacked Finland, the Baltic countries, and, as Hitler's ally, Poland itself. And if the average GI felt for the Jews, maybe he found it odd to come to the defense of Poland and the Soviet Union—not renowned for their hospitality to Jews. (At any rate, the war did not save Jews. It doomed them. In 1939 Hitler was still trying to get them to emigrate from Germany and Austria.) "The war seemed so devoid of ideological content," writes Fussell, "that little could be said about its positive purposes that made political or intellectual sense, especially after the Soviet Union joined the great crusade against what until then had been stigmatized as totalitarianism."

Then again maybe some of the cynical GIs got wind of how the British initiated terror bombing of civilians and how the Allies leveled cities having no strategic value. Allied conduct at the war's end also would not have inspired idealism: the barbaric and unnecessary atom-bombing of Japan, the uprooting of millions of Germans from eastern Germany and the Sudetenland, the forced repatriation of Soviet escapees. These are the big atrocities on the Allied side, as if the little atrocity of merely forcing an individual into the hell of combat were not bad enough.

A war that kills more civilians than servicemen (50 million people in all died) is not the stuff of idealism. The New York *Times* valiantly tried to salvage something, writing, "True the Red Army's triumphs gave Stalin a chance to impose Communism in Europe and advance it in Asia. But no nation sustained heavier casualties than the Soviet Union, and without Soviet blood there could have been no victory. The evil of Stalinism was its betrayal of civilized values; Hitlerism denied their existence." There's a distinction that escapes me.

In judging a book like *Wartime* it is easy to fall into a kind of rationalism. The process works this way: Hitler and fascism are evil. Evil has no rights. Thus whatever it takes to defeat them is justified and maybe imperative. Some libertarians are prone to such rationalistic moralizing. The fallacy is in the belief that a moral principle yields the same prescription whether applied to a bully in a school yard or to an abominable totalitarian nation (which may have legitimate grievances and fears). The simplicity of the first situation cannot be assumed in the second. This rationalism leads one to care only about concrete situations and general principles and not at all about the experience of past similar situations. Note that so much libertarian discussion of foreign policy is based on hypothetical situations unrelated to any historical context. As a student of Objectivism told me during a conversation about World War II, "I don't care about history."

But history is experience, and most of us (including my fellow Objectivists) are empiricists in that we believe that knowledge begins with the evidence of the senses. We need to know more than that Hitler was evil before deciding what exactly to do about it. Of course he did not respect natural rights, but from this we dare not blithely assent to the murder, conscription, and theft that were indispensable to American participation in the war. (I wonder how libertarians think it could have been fought without taxation and the draft.) As the revisionist C. Hartley Grattan wrote of the debate before American entry into the war, those who "emphasize the menace of fascism—which is real— . . . underemphasize the menace of war, which is equally real."

To illustrate the two approaches to foreign policy—let's call it rationalistic moralism versus moral realism—consider Finland. In 1948 Finland signed a Treaty of Friendship with the Soviet Union. The rationalistic moralist might have denounced the treaty as a compromise with evil. But that course could have led to the crushing of Finland and possibly another world war. The course the Finnish people chose has brought forty prosperous years of liberty, capitalism, and peace. Yes, they promised not to aid an attack on the Soviet Union. But which course served the rational self-interest of the Finns (not to mention the rest of us)?

Sherman's phrase "war is hell" is such a cliché that all meaning has drained from it. "Yeh, yeh, war is hell," many people react, without thinking about what that really means. Fussell's book restores the meaning. War is literally hell.

The war and its prelude did great violence to the United States beside the obvious. As Charles Beard pointed out, they radically changed America's limited, constitutional government without a vote by setting precedents for secrecy, gross deception, and the assumption of autocratic power by a president. National security became the gaping loophole through which virtually any violation of rights could scurry. But these debits are rarely entered in the war ledger.

The history of war teaches much if we are willing to learn: that no one can conquer the world; that war serves the policymakers, not the people; that liberty loses; that war is the health of the state. It is those who failed to understand this, not Fussell, who are ahistorical. The classical liberals, such as Richard Cobden, had a more realistic, and moral, attitude about war. Part of it is well captured by Sydney Smith in his letter of 1832 to Lady Grey:

> For God's sake, do not drag me into another war! I am worn down, and worn out, with crusading and defending Europe, and protecting mankind: I *must* think a little of myself. I am sorry for the Spaniards—I am sorry for the Greeks—I deplore the fate of the Jews; the people of the Sandwich Islands are groaning under the most detestable tyranny; Bagdad is oppressed; I do not like the present state of the Delta; Thibet is not comfortable. Am I to fight for all these people? The world is bursting with sin and sorrow. Am I to be champion of the Decalogue, and to be eternally raising fleets and armies to make all men good and happy? We have just done saving Europe, and I am afraid the consequence will be, that we shall cut each other's throats. No war, dear Lady Grey!—No eloquence; but apathy, selfishness, common sense, arithmetic! . . . If there is another war, life will not be worth having. . . .

War stripped of its propaganda exposes the essence of the state most starkly. Fussell helps us to see this. And through the mythology of war the state maintains its grip: it must have us believe that without it we'd have long been conquered by the barbarians. If we wish to delegitmate the state, we will find no better strategy than to turn to historical revisionism and the demythologizing of war. ❑

In Pursuit of Happiness and Good Government,
by Charles Murray. Simon & Schuster, 1988, 341 pp., $19.95.

Life, Happiness, and the Pursuit of Policy

David Gordon

How should social policies be evaluated? One obvious procedure measures the results of a policy against the goals that its advocates profess. The details of such demonstrations do not here concern us: what is important in this context is the method used. To reiterate, the critic issues no challenges to a policy's goals: he does not, for instance, question whether the state should try to make workers better off.

Internal criticism of socialist and interventionist proposals has been the characteristic procedure of free market economists. Charles Murray has been a notable contributor to this tradition. In his controversial 1984 work, *Losing Ground,* Murray exposed to withering cross examination the major claims advanced on behalf of the welfare state.

In *Pursuit of Happiness* he follows a different course, at once more fundamental and less clearcut in its results than his internal criticism of the welfare state. Here Murray's key question is: "What constitutes 'success' in social policy?" (p. 23, emphasis removed). He does not take as given the aims of those who defend the welfare state. Quite the contrary, he endeavors to respond to the question he has posed by coming to grips with the deepest problems of ethics. In Murray's opinion, it is self-evident that everyone's highest goal is happiness, since by "definition . . . happiness is the only thing that is self-sufficiently good in itself and does not facilitate or lead to any other better thing" (26). You must adopt happiness as your highest goal because happiness just means your highest goal.

Unfortunately, the point is less evident than Murray believes. Following Aristotle, Murray correctly notes that a good pursued as a means to an end is valuable not in itself but because of what securing it will help one achieve. If I wish to go on a diet only in order to lose weight, then dieting is for me not a good that is valuable in itself. But what about losing weight? This might be something I value for its own sake or something sought for yet another goal. Murray maintains that there must rationally be a stopping point in the pursuit of things valued as means: something must be valued for its own sake, if the entire process is to have a point.

So far, so good. But Murray comes to grief in concluding that there must be some one thing—happiness—that is the goal of all rational endeavor. It simply does not follow from the fact that means require ends, that there is one end at which all means aim. The fallacy is exactly that involved in concluding from "Everyone has a father" to "Someone is the father of everyone." In brief, Murray has failed to show that everyone has a highest end, as the rest of his argument requires.

Let us put aside this objection and assume that everyone does have a single highest end. It does not follow from this fact that someone has such an end that the goal in question is his own well-being. If happiness is "the self-sufficiently good in itself," then someone who believes that he ought to stamp out all desires for personal enjoyment in order the better to sacrifice himself for the welfare of others has the goal of happiness, exactly the same way as someone with more conventional views. All that Murray's definition of happiness requires is that someone have a highest end. *Whatever* this end consists of is "happiness."

For most of the book, however, Murray adopts a different characterization of happiness: "the working defini-

tion I [Murray] will employ is lasting and justified satisfaction with one's life as a whole" (44, emphasis removed). I have no objection to this definition and am far from denying that most people do want happiness as thus characterized. But even if one accepts Murray's quasi-Aristotelian argument that everyone seeks happiness as an ultimate end, it does not follow that everyone seeks happiness under the new definition.

Of course, one must have food and shelter in order to survive, but once a modest threshold is reached, happiness and wealth are less closely correlated than one might at first assume.

Murray has not shown that the new definition encapsulates the only rationally justifiable ultimate end.

The situation confronting Murray is not so black as I have so far painted it. If the foray into ethics that forms Part One of the book is placed to one side, Murray might still reasonably maintain that most people do in fact wish to attain rationally justified satisfaction with life. Murray's definition is much more satisfactory when used as a working hypothesis than when elevated to a rational demonstration.

Having established, to his own satisfaction at any rate, the ultimate goal of action, Murray in Part Two discusses the conditions under which this goal may be advanced. Part Three applies the results of this investigation to public policy issues. Highway speed limits and salaries for teachers are in particular discussed in a highly original way. Before we turn to these sections of the book, however, a further problem confronts us.

Murray finds the key to public policy in a famous phrase of the Declaration of Independence, "the pursuit of happiness." He provides valuable historical discussion of the way in which eighteenth-century writers used the term "happiness" and distinguishes with considerable care between the view that securing each person's happiness is the goal of public policy and the position that the state ought to enable each person to *pursue* happiness. The first policy he convincingly rejects as a pipe-dream: it is the second that he adopts as proper.

But, so far as one can discover, he offers not the slightest reason for thinking that the state ought to provide people with the conditions enabling them to pursue happiness. All that the ethical discussion in Part One shows, assuming the complete success of Murray's argument, is that each individual ought to seek his or her own happiness. How does it follow from this that persons have claims against others for what is required to enable them to pursue this goal?

Murray's discussion, it seems to me, is considerably more successful in Part Two. Here the dominant theme is that the conditions enabling people to lead happy lives are most decidedly not to be equated with the unlimited possession of material goods. Of course, one must have food and shelter in order to survive, but once a modest threshold is reached, happiness and wealth are less closely correlated than one might at first assume. Murray supports this part of his argument with both statistical data and "thought experiments," including one in which the reader is asked to imagine himself suddenly transported to a poor Thai village. Murray's own experience as a fieldworker in Southeast Asia brings this section of the book vividly to life.

If happiness does not require much in the way of wealth, what does it depend on? Murray enumerates a number of enabling conditions, including safety and creative work: but probably the one he regards as of primary importance is self-respect.

A person with self-respect regards himself as someone of value: he believes himself entitled to dignified treatment and will not willingly allow others to trample on his moral rights. Following Professor David Sachs of the Johns Hopkins Philosophy Department, Murray usefully distinguishes self-respect from self- esteem. "Self-esteem" means thinking highly of oneself. It depends on the relation between one's expectations and achievements and is by no means always a virtue. Many people have too much self-esteem: probably everyone has encountered someone who "thanks God that he is not as other men are." As Sachs points out, it is by contrast not possible to speak of having too much self-respect.

Murray's discussion of self-respect is excellent and the importance of his analysis for public policy is at once evident. There is however one point at which Murray's presentation goes wrong. As he sees it, "a measure of the core concept underlying self-respect" is the degree to which someone feels himself responsible for what happens to him (124–125). Murray suggests that the I-E scale, a psychological test that measures this "locus of control," ought to be interpreted as a measure of self-respect. (Incidentally, a strength of the book is Murray's extensive knowledge of experimental psychology.)

But self-respect, as Murray and Sachs have characterized it, has little to do with "locus of control." It concerns one's self-regard as a person of moral stature and does not entail either one's being in control of the principal events of one's life or the belief that one is. Probably it would be difficult to maintain self-respect if one's life were entirely at the mercy of others; but it hardly follows from this that the degree to which one is "in control" measures self-respect.

Turning at last to public policy, the direction of Murray's argument is clear. If enabling everyone to pursue happiness is the proper goal of public policy, and happiness depends less on the possession of wealth than on "intangibles" such as self-respect, then the policies of the welfare state stand condemned.

"Self-esteem" depends on the relation between expectations and achievements and is by no means always a virtue. Many people have too much self-esteem.

These policies provide money but ignore the factors leading to happiness which Murray has been at such pains to set out. Do not programs that make people entirely dependent on public largesse strike at the heart of self-respect? How can perpetual subsidies for unemployment enable people to obtain the creative work that Murray argues is essential to their happiness? These and other vital questions Murray discusses in thorough fashion.

The last part of the book descends to

the specific. Murray suggests in a very careful discussion of the 55-mph speed limit for automobiles that the subject needs to be analyzed in a different way from the customary. As most policy analysts see matters, to lower the speed limit will save a certain number of lives. Against this fact, people do not want to be inconvenienced by being compelled to travel more slowly than they wish. How can these two considerations be balanced?

This is in Murray's opinion the wrong question to ask. Instead, one ought to ask: what are the benefits and costs to each individual of having a lower speed limit? If one takes Murray's advice and considers the individual rather than total benefits and losses to society as a whole, then the case for the 55-mph speed limit appears to dissolve. According to Murray's figures, an individual can gain only the minutest increase in safety through following a lowered speed limit.

But is each person concerned only with his or her own safety? What if "you want to save the lives of others even if your own is not at risk—the value of the 55-mph limit is *not* just the good it does for you, but also the good it does for others" (193). Murray responds by noting that any individual who wishes the safety benefits of a lower speed limit can secure these for himself by driving more slowly: to impose the lower limits whether or not others wish it is paternalistic. Murray also claims that individuals are not put much at risk, should they choose to decrease their speed, by the fact that others drive faster.

Murray's stimulating argument does not strike me as altogether convincing. If someone wishes to have a 55-mph speed limit so that a certain number of lives may be saved, then his goal is not the paternalistic one of compelling people to choose a lowered risk of death against their wishes. Lowering the speed limit has as its aim the saving of lives: and this no one person is in a position to bring about through reducing his own speed. True enough, if the speed limit is lowered, some people will have to drive more slowly than they wish; but the reason for this is not paternalistic. (Of course, I do not advocate government road regulation; but I recognize that the problem of safety regulation would not be ended automatically if roads were privatized.)

In a provocative chapter on education, Murray opposes higher salaries for teachers. In his view, the best teachers are primarily motivated by devotion to their work. Though well able to compete for high salaries, they willingly forego large incomes in order to secure the nonmaterial satisfactions of teaching. The low salaries offered by most private schools keep out those without the requisite dedication.

A raise in teachers' salaries will upset the careful balance of material and non-material satisfactions worked out through agreements between the teachers and local communities that employ them. Higher salaries will attract those who find the new monetary rewards attractive. Those who sacrifice money in order to dedicate their lives to their students will be pressured out through competition from those motivated by money. These, once more, Murray regards as less competent than those willing to teach at lower salaries.

Murray's picture certainly violates the "conventional wisdom," but it is none the worse for that. The problem lies not in what Murray says but in the attitude he takes toward it. Murray's account of the dedicated private teacher is no doubt correct in some cases, but is it in fact the way things usually happen? To answer this, evidence is required rather than the "Just So" story that Murray has provided. Whether his account of matters is correct, or whether teachers are influenced by money to a greater extent than Murray imagines, is a matter that can be resolved only by empirical investigation. This Murray fails to offer.

Murray's work is worth careful study. He does not respect the usual pieties but thinks things out for himself. Although sometimes wrong, his work is always original and carefully considered. ❑

***Ideal*, a play by Ayn Rand,**
The Melrose Theatre: Jamie L. Allen & Janne Peters, producers; Michael Paxton, director; Jeff Britting, music; Janne Peters stars as Kay Gonda.

Ayn Rand Is Alive and Well and Living in Los Angeles

Charles Ziarko

Well, not exactly: her *ideas* are alive and well on the stage of a chic, cozy 49-seat playhouse in an industrial area of Hollywood, the Melrose Theatre on North Seward Street.

By the standards of today's intellectually-comatose professional theatre, *Ideal* would seem mired in the conventions of craftsmanship of the earlier age in which it was written, at age 29, by a Russian émigré who was finding her way with the English language just as she was finding her way within the film business. But what ideas they are, and broad as the brush-strokes may be, how refreshing to hear them anew, and to discover just how contemporary many of them seem! Even Rand's admirers often overlook what a successful, savage social satirist she was, Swiftean in her scorn, but when her most appalling targets jump from the printed page to three-dimensional life, as they do here, it is impossible to ignore just how skillful were her comic gifts, as well as her dramatic ones.

The "world premiere" of the full-length version of the text, which Rand never published, is a long evening—two and three quarters hours from first curtain to stage-spanning curtain call—but a rewarding one, as the audience follows film-star Kay Gonda in her greatest "real-life" role. She is a contemporary Diogenes in search of the one true believer whose protestations of devotion turn out to be honest when

put to the test of real life. After entering and exiting five lives during the course of one very busy night, and finding them all lacking the inner resources that she hoped to discover, she finally finds her "hero," a cheerful martyr whose supreme gesture of devotion proves to be, cruelly, a useless and needless one.

Complementing the script is some remarkable production design. Instead of trying to cram a postage-stamp stage with period furniture or to reduce the text to a series of abstract black backdrops, Grant Alkin places each scene before a life-size black and white "pencil sketch" of what the set might like, an abstract conception ideal-ly suited to the abstract nature of the text. The effect is electrifying.

Unfortunately, the level of imagination and intelligence is not uniformly maintained: the lighting, by Marty Schiff, is poor; the stage is over-lighted to remind us of a McDonald's at high noon, a *glaring* error, if ever there was one. The direction of Michael Paxton is more than a bit muddled, not in interpretation of character, but in staging, which tends to random roamings about the stage. These "keep the play moving" in a baffling circle.

As for the cast: Janne Peters is a bit angular for a screen sex-goddess, but her intensity is as tight as her accent; she's not to blame for the moments when Kay is reduced to a cipher and her "fans" take center stage. Notable are the supporting performances of Michael Richard Keller (who delivers two hilarious caricatures), Melanie Noble (who splendidly doubles as a Victorian spinster and a blowsy, uninhibited evangelist), and Keith MacKechnie, an inspired choice for martyrdom.

One hopes that this unexpected and worthy production of *Ideal* generates interest in bringing other Ayn Rand stage scripts back to life in the theatre where they belong. ❑

There is more on the boob tube than dreck for the booboisie.

All That's Fit to Watch

Andrew Roller

Recently *TV Guide* praised CNN's *Larry King Live* (M-F, 9:00 P.M. Eastern) as an outstanding program for the intelligent viewer "dry gulched" in prime time. In fact, *Larry King Live* is abysmal, full of salacious gossip, flaming feminists, "abused" females of all ages and varieties, and stern law-and-order types eager to pronounce judgment and punish. So what is the intelligent libertarian, "dry gulched" in prime time, to watch?

The "King of the Night" is not Johnny Carson, but Charlie Rose, host of *CBS News Nightwatch* (M-F, approx. 2:00 A.M.). Rose is handsome, affable, informed, and humorous. He begins each broadcast with an interview covering the headline of the day. From there Rose moves on to authors, sportswriters and a panoply of other personalities all eager to shoot the bull. Robert Krulwich, of *CBS This Morning*, drops by now and then as well. *Nightwatch* is two hours long, so there is always something on each program to engage your interest. The smart libertarian will have taped *Nightwatch* while he slept, giving him an enjoyable and rewarding after dinner viewing experience without Larry King or Roseanne Barr.

Perhaps, however, you're not into "talking heads." You prefer to see people getting blown up. Yet you're just smart enough that the *A-Team* or its present incarnation doesn't cut it. You need the Arts and Entertainment Network (A & E). A & E airs educational war series throughout the week, but the big night is Wednesday. Currently Wednesday begins with *World War I* (8 P.M. Eastern), followed by *The Twentieth Century* (8:30). At 9:00 is *The Road to War*, followed at 10:00 with *The Vietnam War*. Over time series will come and go, but the basic theme of Wednesday's lineup on A & E remains the same. For the true addict, the entire three hours of blood, guts, and martial music is repeated beginning at midnight.

Thursdays on A & E features a prime time lineup of *Victory at Sea* (8:00 P.M. Eastern) followed by *The Eagle and the Bear* (8:30). Also of interest on A & E is *Profiles* (M-F, 6:30 Eastern), *Battleline* (Sunday, 8:30 A.M. Eastern), and *Biography* (Sunday and Tuesday, 8:00 P.M. Eastern).

So you abhor war but have a passion for nature? Well, currently re-running the public television circuit is David Attenborough's series, *The Living Planet*. As always with PBS, check your local guide for time, date, or (God forbid) availability. A & E also does some nature oriented stuff (earlier this fall they did a cut-up version of Attenborough's *Living Planet*). The Discovery Channel is basically renowned as the nature channel, where you can find every cheap, tawdry nature show ever produced.

For true intellectuals, PBS is airing *The Day the Universe Changed* by James Burke. This is an outstanding voyage through human history. Burke is lucid, witty and iconoclastic. *Moyers: The Public Mind*, is a new PBS series; as usual Bill Moyers attacks contemporary Republican strategies and values with left wing muckraking artfully disguised as unbiased journalism. Surely Moyers ranks with Joseph Goebbels in the Propaganda Hall of Fame.

William F. Buckley Jr. has mercifully cut his *Firing Line* program to only half an hour, and at this length it is digestible. It's on PBS, of course.

Viewers oriented to "Horse Race" politics will want to be sure to tune in to *The McLaughlin Group*, carried by many PBS stations. Loud, brash, nerdy John McLaughlin is there, along with "Good Ole Boy" Pat Buchanan, "Babyface" Mort Kondracke, and well, obese Jack Germond. Fred Barnes is a newcomer to the show, the result of a terminal spat between McLaughlin and Robert Novak.

CNN's political talk show *Crossfire* (M-F, 7:30 P.M. Eastern) also has a new member. Michael Kinsley has replaced Tom Braden. *Crossfire* has been running for years, and somewhere in the past you may have tuned out. Braden was

undeniably boring. But Kinsley is sharp, aggressive, and very endearing. He and long-time co-host Pat Buchanan make an outstanding couple. When Buchanan is absent he is often replaced by Novak, and then the program is even better.

So who is this twice mentioned Robert Novak, anyway? He is the co-host of CNN's *Evans and Novak* (Saturday, 12:30 P.M. Eastern). It's pretty boring. Novak has a better forum for his antics on *The Capital Gang*.

Yes, friends, *The Capital Gang* is where you can hear Mark Shields scream obscenities (literally) when Robert Novak asks why the Democratic Party permits itself to be held hostage by the gay lobby. Pat Buchanan is here as well (yes, he's on three talk shows per week). So is Al Hunt of *The Wall Street Journal*. This "Gang of Four" (as they call themselves) always has an important guest who also takes part in the "Gang's" weekly exchange of insults and diatribes. "Political Pornography for the Mind" sums up this show best.

This Week with David Brinkley (ABC, Sunday morning) is a more staid version of the political talk show format, without being a total bore like PBS's infamous "wake me when it's over" *Washington Week in Review*. David Brinkley and George Will are the main draws. Sam Donaldson is so slow he ought to be bottled and sold as medication for hyperkinetic children. The best part of *David Brinkley* is the discussion between the hosts that occupies the latter part of the program.

Okay, okay, so you just want a nice little show with flowers, turnips, and happy people. "Tend your garden," as Voltaire said. PBS's *Victory Garden* is the answer for you, my friend, especially now that Peter Seabrook is back with a new series of reports from far-flung foreign gardens, displacing "mush mouth" yuppie farmer Roger Swain. Seabrook is a slender, silver-haired chap from the British Isles who always wears a proper suit and tie as he tours a garden, often with his "brelly" in hand to guard against the occasional downpour. *Victory Garden* can be deadly when Seabrook is absent, but the show takes on a whole new air when his delicate inquisitive figure comes bounding into view. Seabrook really hits his stride when he is not burdened with interviewing some proprietor about a garden, but instead gets to explain to you, the viewer, what he is seeing. *Victory Garden*, with Peter Seabrook, is true cult fare. Of course it's a great show for gardeners too. ❑

Booknotes

Choosing sides on Deicide —

God is making appearances in science fiction with increasing frequency. It used to be that even the most religious authors of fantastic literature put God at arm's length, perhaps out of piety, perhaps out of prudence. (In C.S. Lewis's Space Trilogy, for instance, the closest we get to God are the "Oyarse," or planet-ruling angels.) Well, things have changed considerably, at least since Kingsley Amis dropped God into *The Green Man*—to the salvation of the book as well as its hero. God has played memorable roles in numerous recent works, John Varley's *Millennium* being a good example (unfortunatley He did not deign to appear in this summer's film version, which needed a *deus ex machina*—or something, at least—to save it from Kris Kristofferson). Now Nietzsche's madman has forsaken the seminaries for the science-fiction conventions, and the "death of God" is all the rage—science-fiction authors are aligning the Almighty in their crosshairs.

How do you kill God? Well, if we are to believe several recent books on the subject, the answer is: *with a blunt instrument*. In Victor Koman's *The Jehovah Contract* (reviewed in *Liberty*, Sept. 1987) it was with Wiccan magic and modern mass communications; in Ted Reynolds's ***The Tides of God*** (New York: Ace Books, 1989, 247 pp., $3.50) it is with an alien spaceship and future firepower. Of course, the real blunt instruments are the books themselves, books that do not succeed in treating their subjects with, well, due respect. Koman's book was basically a dumb idea; Reynolds's book is hampered by an inadequate novelistic technique, chiefly by organizational problems, but also by a distracting addiction to displays of cleverness and cuteness and a penchant for playing pointless tricks on the reader.

Still, Reynolds's book is the better of

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the two. He at least has a magnificent premise, and attempts to do it justice. The setting is the future, after the aliens have "made contact" with our civilization. They like our music, and trade their technology (but not their science) for our cultural achievements. But their most stupendous gift is a huge starship, for which they demand humans to perform one task: kill "God."

Now, this "God" is not quite the one you will read about in any sacred text. It ("He" doesn't apply) is not omnipresent, but instead makes a circuit through the stars, and by some sort of telepathy influences sentient beings when It moves through their stellar vicinity. This influence is almost wholly perverse: against reason, tolerance, and any sense of proportion. As the humans in the starship (*The Hound of God*) move closer to their target, reason almost totally breaks down: the crew embraces sectarian warfare and sinks into bloody chaos.

This is, of course, a rather simple-minded, village-atheist vision of religion; still, it is impressive. Fiction can survive quite a bit of crudeness, as the success of Dickens can attest. Amazingly—though not quite *believably*—the novel's denouement transcends its rather juvenile viewpoint, and the author strains for something more than the ultimate in Revenge.

The most interesting aspect of the book, however, is Reynolds's view of reason. His imagined future society revels in it, and organizes almost everything by explicit contract: this includes marriage, education, and security. Not surprisingly, halfway through the novel the word "libertarian" is dropped in, although in a rather inauspicious context. I am not quite certain what Reynolds's attitude to libertarianism is—but then, I am not quite certain what his attitudes are on much of *anything*. Reynolds's ending threw me for a loop, and his real opinions on *any* of the book's important subjects remain obscure. It almost makes me wonder what Entity has been patrolling the waters of *his* mind-scape.

—Timothy W. Virkkala

What is Right? — The conservative movement, broadly defined, has grown enormously in three decades. It began as a reaction against New Deal statism and imperialism; it now includes New Dealers whose sole interest is an expansionist foreign policy. The movement as it stands today is a hodgepodge of contradictions.

The best and most comprehensive guide to the American Right available today is Gregory Wolfe's ***Right Minds: A Sourcebook of American Conservative Thought*** (Chicago: Regnery Gateway, 1987, forward by William F. Buckley, 250pp, $16.95). It is an invaluable reference book for anyone who works in the opinion industry.

The coalitions of the Reagan years have helped to gloss over the differences between, for example, the libertarians, the paleoconservatives, the neoconservatives, the theocrats, the traditionalists, and the Southern agrarians. Wolfe himself is a paleocon of the Buckleyan variety. Here, though, he takes an ecumenical approach without whitewashing the differences.

The largest and most useful of the book's three sections is an annotated bibliography of conservative writings. Wolfe treats each book with fairness and concision. This is his summary of the thesis of *Human Action*: "an economy is not a machine which is controllable and predictable, but the sum total of human choices and valuations." Wolfe can be purely informative: of Frank Meyer's *In Defense of Freedom* he says, "an influential work which called for a 'fusion' between traditional conservatism and libertarianism; it has been praised and damned, and continues to provoke response." And he can be provocative: on John Courtney Murray's *We Hold These Truths* he says, "Murray's argument, that the American political tradition is consonant with the Catholic understanding of natural law, is of importance for non-Catholics, since it denies the myth of a modernist, Lockean America."

Wolfe discusses books about law, economics, international politics, communism, liberalism, religion, crime, and much more. Around 500 books are annotated here, and he gives lots of attention to the libertarian variant within the conservative tradition.

Wolfe gives short biographies of major thinkers and works, covering every era from the revolutionary war to the present. The lives of Mencken, Nock, Sumner, Burnham, Chodorov, Gilder, Hazlitt, Buckley, Mises, Hayek, Rothbard, Strauss, Meyer, Kirk, Kristol, and others are covered in biographies that average 300 words.

The book includes a section that lists conservative or conservative-like organizations, their histories, functions, and addresses.

Most readers will have complaints about Wolfe's book. Mine is that he left out the libertarians among our founding fathers (e.g. George Mason and Thomas Jefferson). Others will complain that he left out Ayn Rand, or Robert Welch, or that he doesn't give the neoconservatives enough space (that's a strength to me). Yet even the omissions tell us something about how American conservatism sees itself.

—Jeffrey A. Tucker

More Liberal than Thou — Though the idea of economic freedom has gained considerable prestige in the last two decades, the connection between economic freedom and personal freedom has yet to gain majority acceptance, even in the circles where market liberties are respected for their practicality. Thus it is the perfect time for a second edition of Samuel Brittan's 1973 work, *Capitalism and the Permissive Society*. The author has retitled the book (***A Restatement of Economic Liberalism***, Atlantic Highlands: Humanities Press, 1988, 346 pp.) and updated it with a lengthy postscript on the advances in liberal theory and political practice. Also included are several appendices, the one

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on foreign policy being the most interesting and important.

"Economic liberalism" is Brittan's term for classical, or free-market liberalism, the creed that "emerged from the religious writers of the seventeenth century and the political and economic philosophers of the eighteenth and nineteenth centuries" (p. 3). The term is not particularly to my liking—I do not like using "economic" as an adjective: it can mean too many things, and often means nothing at all—but it will do. The policy of "permissiveness"—that is, the policy of simply *letting* people *be* in their personal and community life—is ably defended, and expertly tied to market freedoms. Indeed, the whole book is an excellent introduction to modern market liberalism; Brittan grounds his discussion in the present world of the welfare state, using present-day examples, and demolishes not only New Left doctrines (still popular on campuses), but the record of recent conservative governments, as well. Though some American readers might be annoyed with the British orientation of the examples and discussions, I found them not only interesting but important—many libertarians suffer from the delusion that Margaret Thatcher is mostly on the side of the angels; Brittan shows just how far this bright and shining star has fallen.

Brittan is not, however, a libertarian. Though the word "libertarian" crops up occasionally as an adjective, it is only in the postscript that he discusses the Maddox-Lillie diagram of the political spectrum (well-known to libertarians as the "Nolan Chart") with its four-fold categories of Conservative, Populist, Left-Progressive, and Libertarian. But Brittan does not pursue this opportunity to discuss the modern libertarian movement. He prefers his own (British?) term for this movement—the "New Economic Right"—and never once mentions its most prominent institution, the Libertarian Party. This last, I think, is more than a snub; it is a *mischaracterization* of the American freedom movement, motivated I suspect by Brittan's dislike of its more radical tendencies.

His own version of liberalism is Hayekian, and is "compatible with redistribution of the income and wealth and may require government action to ensure that the market transmits people's preferences effectively" (212). Though he insists on the primacy of freedom, he believes that "there is no need to derive all public policy from any one central goal. There is a plurality of goals which most of us, including liberals, seek to satisfy" (35).

I am afraid that many readers will at this point lose interest in Brittan's book, which would be a pity. His discussions of Nozick, Rawls and Buchanan are interesting, and his defense of a *mere presumptive case* for liberty is fast becoming the dominant version of liberalism. Libertarians must be able to address (and not merely dismiss) such arguments if they wish to be a part of the liberal revival. Reading books like Brittan's will prepare us for this debate—one that has, at the very least, the advantage of being more interesting, if more difficult, than the debate now ending with the socialists. —TWV

The Correct Perspective — No, Tax Reform didn't make the age of Reagan worthwhile, but perhaps the book of editorial cartoons compiled by Fred Barnes about Reagan's tenure is enough to turn bellyaches into gutbusters. ***A Cartoon History of the Reagan Years*** (Washington DC: Regnery Gateway, 1988, 218 pp., $9.95) depicts the colorful history of Reagan and the 80s with only caricatures and captions, drawn by some of today's most talented editorial cartoonists: Steve Kelley, Ed Gamble, Mike Peters, and the very libertarian John Trever.

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Perhaps only in America could a class B actor they call "the Gipper" become Prez and gain the wide-spread popularity that few presidents have enjoyed. And perhaps only a collection of political cartoons can relate the history of such a political system so well.

After reading this collection of cartoons, I am certain that it wasn't the Christian Right or the ultra-conservatives who loved Reagan the most. It was the cartoonists.

—Rodney E. Mood

The Machinery of Friedman: An Appreciation — David Friedman's spirited exposition of anarcho-capitalism—***The Machinery of Freedom: A Guide to a Radical Capitalism***—is one of the most enjoyable discussions of libertarian ideas yet written. The second edition (La Salle, IL: Open Court Publishing, 1989, 267 pp., $32.95 hc, $14.95 sc) is now out, and should be bought by anyone who likes playing with ideas. Readers of *Liberty* are familiar with those portions of his book that we have excerpted—the pieces on Viking Iceland and problems for libertarian theory. What they should note is that there is more new material (all expressly written for libertarians) that we did not print—including a brilliant section on his *answers* to the problems he posed—not to mention all the good stuff in the first edition.

I have long been fond of this book. It is the second libertarian book I ever read (the first was Nozick's *Anarchy, State and Utopia*), and I found it a lot more convincing than all the standard (and confusing) stuff about natural rights and morality. Though my main interest is ethics, Friedman cuts the Gordian Knot of Ethics by concentrating on the practical side of politics. He does this with wit and a sense of good fun, as well as with his "machinery" of economic analysis. His writing is clear and forceful, and a better case for "anarchy" (that is, for agencies of defensive and retaliatory force competing *in the marketplace*) has yet to be made. Though this is in a sense regrettable (vital ideas are supposed to be continually refined and restated), lack of strong competitors surely does not detract from the book's value.

Friedman does not strive for a serious tone. Though this may be seen as a defect by some, it is really one of his major assets. Most people are turned off by politics and economics unleavened by humor. For these people *Machinery* is ideal; his exposition of libertarian ideas is very easy to take, as well as understand. Though perhaps best-suited for novices, the book is a pleasure to read over and over again. I have been quoting Friedman's elegant little formulations and witticisms for years—without, I admit, always crediting him. Also, I cherish his wonderful bit of doggerel (the poem "Paranoia") for its arch wit. I suppose that, since tastes in humor vary so greatly, I should be a little more circumspect in my praise—but, surely, anyone who could ask whether Bill Buckley is a contagious disease has something going for him! —TWV

Branden Interview, *continued from page 57*

crucial ones is how she applied her distinction between errors of knowledge and errors of morality.

Liberty: Rand attaches a lot of importance to this distinction.

Branden: It is s a very important concept, philosophically and psychologically. There are times when you can say an action is so atrocious that there's no accounting for it except by evasion, by the actor's refusal to understand what he is doing. But in most cases we cannot see into somebody else's mind and it's incredibly presumptuous to say we can. It's all we can do in most cases to know about ourselves, to know whether a mistake we made was an honest one, whether we might have known, should have known, or could have known better . . . It's immensely difficult to one's own behavior. And I think very often it's not even necessary to try. We made a mistake, okay, we pick up and try not to do it again.

But there is a presumptuousness, an arrogance in attempting to judge what's going on in somebody else's mind in that subtle a respect. It is very dangerous; it does a lot of damage and simply cannot be justified.

But a terrible, terrible problem came out of the way Ayn herself misapplied this distinction. She was too quick to find errors of morality in other people, and a lot of students of Objectivism picked up from Ayn her way of dealing with it and the number of moral charges against people, the fear on the part of individuals that maybe they were making a moral error, was just insane, insane and terribly tragic.

In fact, anything in her philosophy that impinges on psychology is really a disaster. Even within the philosophical system there are things that don't make sense to me. But none of them are basic. So in that sense I would call myself an Objectivist but in no other. If today Objectivism means wild fanaticism then I am no part of that.

Liberty: That seems to be what it means, with the current people who apparently own the term "Objectivism."

Branden: I am not willing to grant them that term.

Liberty: What do you think of the current Objectivists?

Branden: Oh, dear! Do you mean the people around Leonard [Peikoff]?

Liberty: Yes.

Branden: I was going to say that the current Objectivists of significance . . . many of them I admire very much and I am delighted to see that they are creating their own lives away from the need for Ayn or Leonard or Nathan or anybody. And many of them are doing just wonderful things and it pleases me very much. They are going their own ways intellectually and that's just a delight to me because that's what should happen.

The people around Leonard—and to my knowledge there are about two and a half of them because everybody decent is long gone—they are true cultists, fanatics. But I don't think they are of the least importance. They are talking to themselves, and themselves get to be smaller and smaller in number all the time. It's just unfortunate that that's the entrance of many people to Objectivism. I wish it weren't.

As far as what Leonard is doing with Ayn's estate, I think it's simply horrendous. He's selling it off bit-by-bit. Her papers should be in a university where they belong, not published in little bits and pieces with some of the philosophical things edited by Leonard which is just insanity. It destroys all the value they might have. His handling of her estate is appalling. ❑

Notes on Contributors

Stephen G. Barone is a writer who lives in Platteville, Wisconsin.

David Bernstein has entered his second year at Yale Law School. He has written articles for *Human Events*, the Boston *Herald*, and other periodicals.

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David Gordon, an Adjunct Scholar of the Ludwig von Mises Institute, has written numerous reviews and essays for diverse journals.

Karl Hess, a senior editor of *Liberty*, is also the editor of *Libertarian Party News*.

Richard Kostelanetz is a writer and artist living in New York City.

Lawrence Ludlow's practice of cheese hoarding has emptied his bank account and overburdened the ventilation system in his Jersey City, N.J., apartment building. In disgust, his wife is filing for divorce. She will not be pursuing her community property rights.

Rex F. May is a cartoonist ("Baloo") whose work appears in *The Wall Street Journal* and other periodicals.

Patrick J. Michaels is Associate Professor Environmental Sciences at the University of Virginia.

Rodney E. Mood is flying high (academically) through college life in West Lafayette, Indiana.

William P. Moulton deals in antiques and antiquities in northern Michigan.

Bob Ortin lives in southern Oregon, where he surveys commercial applicants for insurance companies and bureaucrats for free-thinking non-parasites.

Sheldon L. Richman is director of public affairs at the Institute for Humane Studies at George Mason University.

James S. Robbins is a doctoral candidate at the Fletcher School of Law and Diplomacy, Tufts University.

Llewelyn H. Rockwell, Jr, a journalist and think-tank director, has been active in the conservative and libertarian movements for more than 30 years.

Andrew Roller is a former launch officer for nuclear missiles in the United States Air Force. He currently lives in Sacramento, California, with his finger on very different sorts of buttons.

Murray N. Rothbard, a senior editor of *Liberty*, is the author of numerous books and articles. He is S.J. Hall Distinguished Professor of Economics at the University of Nevada at Las Vegas.

Charles K. Rowley, Jr is a Professor of Economics at George Mason University.

Jonathan Saville is Associate Professor of Drama at the University of California, San Diego.

Jane S. Shaw, formerly Associates Economics Editor at *Business Week*, writes from Bozeman, Montana.

Jeffrey A. Tucker is the managing editor of the Ludwig von Mises Institute's *The Free Market*.

Timothy Virkkala is assistant editor of *Liberty*.

Richard E. Wagner is a Professor of Economics at Florida State University.

Ethan O. Waters has few friends in the libertarian movement, and seems not to feel deprived in the least.

Charles Ziarko is an assistant director in Hollywood, California.

In the Next *Liberty* . . .

- **The Case Against Extreme Isolationism** — Stephen Cox argues that knee-jerk isolationism is for jerks.
- **Humanity *vs* Nature** — John Hospers explores two popular views of how people should treat animals, and shows how one refutes the other (the winner is *not* the "animal rights" position).
- **Pozner the Poseur** — Richard Kostelanetz visits Phil Donahue's favorite communist in his Moscow apartment, autographs a book, and discovers that there is more to the Soviet PR specialist than meets the eye.
- **Libertarian Intellectuals as Government Lackeys** — George H. Smith argues that libertarians who accept employment from the state don't simply harm their own souls: they harm other libertarians as well.

Terra Incognita

Rockford, Ill.

Advance in gender studies, by Thomas Fleming, editor of *Chronicles*, the leading paleoconservative journal, in its December 1989 issue:

"History and physiology teach the same cynical lessons: men are built to inflict pain, women to endure it."

Orlando, Fla.

The irony of investment analysis, explained by R. E. Veitia, president of Strategic Communications, Ltd, in an announcement of a new publication:

"We're a serious company that publishes conservative, rational economic thought, and carefully researched recommendations, [yet] . . . we are bringing out *Psychic Forecaster*—the world's first periodical that offers mainly astrological and psychic *investment advice*."

Hartford, Conn

Insight into the right to privacy, as reported in the New York *Times*:

"The right to privacy is not what we seek to pierce," said Lester J. Forst, Chief of the Connecticut State Police, "rather it is the right to be secure that we seek to protect." Forst promoted a state law to allow police to tape record conversations in public places like restaurant tables, and installed equipment that routinely recorded all calls by defendants to their attorneys made from State Police offices. Information learned from the clandestine eavesdropping was "absolutely never" used improperly, a State Police spokesman added.

Jerusalem

Latest advance in the science of marketing, as reported by the Detroit *News*:

The Israeli Manufacturers' Association announced that it had filed a complaint with the police against the Al Ghazel Macaroni Co. of Bethlehem, whose packages of spaghetti are red, white, black and green—the colors of the Palestinian flag.

Los Angeles

Proof that violent crime is no longer a serious concern, as reported by the Los Angeles *Daily News*:

Vice squad officers who staked out a bowling alley in Granada Hills arrested Sandy Scholnik, Anne Barnette, Esther Martinez, Pamela Waizenegger and Olga Shores on charges of gambling. The suburban housewives were observed making bets totalling $8 during their weekly bowling match.

London

Further evidence that the British are more civilized than their American cousins, as reported in *The Wall St Journal*:

Under a recently enacted law, residents of England will have to apply for and receive a license from the government in order to attend soccer matches.

Fallon, Nev.

Inspiring demonstration of the ability of the armed forces to minimize impact on civilian life, as reported in the New York *Times*:

During a two week period, the Navy located and either detonated or removed 2,000 bombs that its bombers had dropped on public or private land outside its target range, missing their 22,000 acre target.

Tacoma, Wash.

Another victory in the War on Drugs, as reported by KOMO-TV *News*:

Heavily-armed soldiers backed up by two armored personnel carriers invaded a farm in rural Piece County which the police suspected was used for producing illegal drugs. The invaders met no resistence, perhaps because the property-owner was already in police custody. A thorough search revealed no drugs or drug paraphrenalia, police announced that they had discovered evidence of drugs: two shotguns and three four-wheel drive motor vehicles.

Sacramento, Calif.

Interesting new pastime from the Golden State, as reported by Gannett News Service:

"Good Steward," a Monopoly-type board game for Christians, is "wholesome" and "teaches good principles," according to its designer, William Parker, a juvenile delinquent counselor for the California Youth Authority.

Each player starts with $2,700 in paper money, and can buy, sell and develop properties and "withdraw" money from their "heavenly bank account." Players are encouaged to tithe—donate 10% of income to their church—and do missionary work. They receive "blessings" and are challenged by "difficult and trying circumstances."

New York

Evidence of the trustworthiness of sports journalists, demonstrated by Bob Considine, longtime friend of home run hero Babe Ruth and co-author of Ruth's autobiography, as recalled by Hall of Fame baseball player Henry Greenberg in his autobiography *The Story of My Life*:

"Babe Ruth had cancer of the throat and wouldn't see anybody; he wouldn't even answer the phone. Bob Considine finagled us in to see the Babe by saying I wanted to stop in and shake hands with him. So Babe was nice enough to invite us to his apartment. Babe showed me all his trophies and he couldn't have been nicer. He gave me a picture of himself that has hung in my house ever since. That's the last time I saw Babe, [who] died in August of the following year.

"I've never forgotten that Considine was rummaging around the apartment, swiping snapshots and clippings, and Babe didn't know it . . ."

Cleveland, Ohio

Advance in the administration of justice, as reported in the NewYork *Times*:

On trial for stealing a bag of dogfood from a pet store, Carl Stokes explained that he had intended to pay for the dog food, but he could not find a clerk, and had to rush off to an "important meeting." Stokes, a judge and former mayor of Cleveland, was found innocent by the court.

San Francisco

Latest development in liberation theology, as originated by Lyle Miller, Bishop of the Evangelical Lutheran Church for Northern California and Northern Nevada, and reported by the Los Angeles *Times*:

"I want to protest against the earthquake. When innocent people die, I want to protest. When normal life becomes chaos, I want to protest."

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.)*

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Plus reviews and articles by Mike Holmes, Tibor Machan, William Moulton and others; and a short story by Franklin Sanders. (48 pages)

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Letters

Reflections of Sexism

In the "Reflections" section of the January 1990 *Liberty*, JSS reflects on conservative and libertarian resistance to the use of gender-free language, and their defense of psuedo-generic terms such as *he* and *mankind*. I applaud his condemnation of this point of view, but feel he did not go far enough: Libertarians and conservatives are not only showing resistance to language change, but also to the social change which underlies and motivates it.

Many feminists, myself among them, are wary of such neologisms as *waitperson* for *waiter* and *waitress*, when *server* can be used, or even *chairperson*, where *chair* provides the same information just as well or better, since it avoids gender bias and radicalism at the same time. But utterances such as 'the doctor . . . he' used when no particular doctor is designated only perpetuates the notion that doctors (or any other socially and financially privileged members of society) are always male. This is obviously more than a linguistic issue.

I should add that even though much about libertarianism attracts me, I would never become a libertarian—this kind of sexism combined with the naive notion (which I have heard from far too many libertarians) that once the state falls the sexes will be equal will keep me from aligning myself with the philosophical movement or the political party.

Margaret E. Winters
Carbondale, Ill.

Editors' note: "JSS" are the intials of Jane S. Shaw. Does not your use of the term "he" to identify her perpetuate the notion that editors of Liberty *(or any other socially and financially privileged members of society) are always male?*

"Pro-Life" Tyranny

R. W. Bradford's "The Death of Socialism" (January 1990) was the best discussion of the breakup of communism I've seen. But I have one complaint. Nowhere did he mention the important role that the abortion issue played in the battle against the communist powers.

The Communist government of Romania made abortion a criminal act, and unleashed its full powers against women who tried to control their own bodies. It even outlawed contraceptives, thereby becoming the only government in the world to embrace the entire position of the Roman Catholic Church on reproductive rights.

According to Howard Witt of the *Chicago Tribune*, prior to the revolution, all women were forced to submit to periodic gynecological check-ups, and when pregnancy was discovered the police were called in to keep track of them. The monster Ceausescu even used his secret police, the dreaded Securitate, to investigate *miscarriages* for possible criminal prosecution!

The result was predictable: thousands of women dying each year as the result of botched abortions, the surreptitious but widespread occurrence of infanticide, a declining population, and absolute hatred of the government.

And so, when the people of Romania rose up and threw off the bonds of Communism, one of the first changes they made was to legalize abortion and contraception, rejecting the Catholic/Communist position in one glorious stroke. Perhaps there is a lesson here for those who seek to criminalize abortion in the U.S.!

A. K. Moore
Chicago, Ill.

Gorby & The Pope: Heroes!

R.W. Bradford's musings on the collapse of socialism ("Now the Real Struggle Begins," January 1990) left out the two keys that made the political demise of socialism possible: Mikhail Gorbachev and John Paul II. It was Gorbachev's repudiation of the Brezhnev doctrine, and his adoption of a non-interventionist position toward Eastern Europe, that signalled the masses to take control of the future of their countries. If they had had Soviet intervention to fear, the formal collapse might have been put off for years. Moreover, Gorbachev personally shoved history forward with his own hand in East Germany, Bulgaria, Romania, and probably elsewhere as well. In contrast to any U.S. politician in memory, Gorbachev actually succeeded in making people freer. With perfect justice, he is hailed as a liberator all over Europe and Asia, a true hero for our times.

And the Pope played a huge role, too. Bradford says that socialism began to unravel about a decade ago. That's right, but not, as he says, because the theoretical failings of socialism only then became established fact. Socialism *never* worked in practice. But something more significant occurred in 1979: John Paul II, another hero, made his first visit to Poland as Pope. In a triumphant speech in Warsaw's Victory Square, he called on the people of Poland to bring Christian morality to bear as the judge of history and worldly institutions.

That speech set in motion the changes in the East Bloc. Solidarity was formed in Poland, and the Pope's voice has had a powerful presence in Eastern Europe and the Soviet Union ever since. His influence on world affairs has also demonstrated that Christianity has a unique power to unite the masses against any and all oppressors.

Jeffrey Tucker
Fairfax, Va.

Pro-choice

C.K. Rowley and R.E. Wagner's "Choosing Freedom: Public Choice and the Libertarian Idea" (January 1990) states: "We would agree that we have not chosen our government. But we would also note that none of us has chosen to be governed by the set of rules that would constitute a market economy. Both government and markets are coercive in that they represent rules or constraints that we must live by and that we have not chosen."

This indicates that the authors neither perceive nor understand the difference between a government and a free-market economy. I am appalled.

The most fundamental difference between even a "minimal-state" government and a free-market economy is the freedom to "opt out." Even in a mini-state, there must be some means of achieving compliance with the absolutely necessary constraints that apply to all. No one is exempt; otherwise, there really would not be a state or government as we normally think of it. *No one can opt out of government rules.* Just try to opt out of taxes.

The beauty of the free market is: no one can force you to participate. If you don't want to participate, you can opt out peacefully. In a free-market society, organizations and institutions are made up of people who freely choose to be members. If a church member, for example, has a disagreement with the rules of his church, he has at least three courses of action open to him: (1) He can accept the rules [go along with things and remain a member]; (2) He can negotiate with the powers that be and try to obtain a change in the rules (and if the rules change to his satisfaction, remain a member); or (3) He can opt out of the church and go elsewhere [or start his own church].

The (mini) state does not permit one to opt out. There is never any choice. You can always attempt to "work within the system" and attempt to effect change by persuasion, legislation (or bribery), but it is never in the interest of those who are in

continued on page 4

Liberty

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Inside Liberty

March 1990
Volume 3, Number 4

2 Letters Going back to the stone age, defending natural rights, cutting words about taxes, disparaging women. . .

9 Reflections The editors explain Gorbachev, Arafat and Dan Quayle, solve the problems of the Soviet Union, South Africa, and frigid New England, and explore lies, both philosophical and statistical.

13 Media Notes Hayek on National Public Radio, how the *Times* aren't a-changin', liberty and culture at *Chronicles*, and a new look at *The New Republic.*

Features

15 Isolating the Error of Isolationism Stephen Cox argues that knee-jerk isolationism is a dangerous fallacy: it leads to disastrous policies and is disastrous for libertarians to advocate.

21 The Conquest of the United States by Manuel Noriega Second and third thoughts about Bush's little war against his ex-crony.

26 Humanity *vs* Nature John Hospers explores animal rights and wrongs.

37 Scholarship as Leechcraft George H. Smith unmasks libertarian lackeys of the state.

39 Hong Kong: Capitalism without Democracy R. K. Lamb explains why free markets are *not* enough.

44 Paleolibertarianism In the Dock In the January *Liberty*, Llewellyn H. Rockwell, Jr. called for libertarians to "delouse" themselves and form an alliance with the right wing of the right wing; our readers and editors respond.

51 Pozner the Poseur Soviet public relations man Vladimir Pozner is on the talk show circuit promoting his new book, *Parting with Illusions.* Richard Kostelanetz visited Pozner in Moscow, and learned that much of what Pozner says about himself is an illusion.

Reviews

57 H. L. Mencken: The Man *vs* the State of Opinion Is Mencken's *Diary* the self-portrait of a bigot? R. W. Bradford investigates and finds an answer. In the process he explains what Mencken should mean to those who love liberty.

70 In It for the Money James S. Robbins diagnoses Robert A. Heinlein's posthumous grumbles.

73 Booknotes A look at a logical language, the latest novel by the next president of Peru, a glimpse into the mirror of liberalism, and the wonderfully weird world of phenomenology.

◆

77 Notes on Contributors

78 Terra Incognita Excerpts from the real world.

Letters *(continued from page 2)*

power to allow opting-out.

David Michael Myers
Martinsburg, W. Va.

Plugging Away at Morality

The brief review by Timothy Virkkala of David Friedman's *The Machinery of Freedom* ("The Machinery of Friedman," January 1990) contained the comment that Virkkala "found [Friedman's book] a lot more convincing than all the standard (and confusing) stuff about natural rights and morality."

As someone who has done a lot of work on natural rights and morality, I can appreciate how both could be confusing to some people. The theory of natural rights—not unlike many other theories in various disciplines—is not simple, nor is it a simple matter to grasp the relationship between morality and freedom.

I hope that Virkkala will keep at it—both of those areas of study are important and mastering them will help supplement the kind of work David Friedman and other economists are doing, work that by no means can stand alone in defense of the free society.

Tibor Machan
Auburn University, Ala.

Who the Heck is Ayn Rand?

You must stop doling out column inches to people who want to worry the bones of Ayn Rand in public. Is this because we should revere dem bones? Of course not; rather because most libertarians have never heard of Ayn Rand and don't care about the personal politics of her circle—insiders, outsiders, hangers on, the banished, the blackballed, etc.

Juicy, ridiculous, humorously-presented gossip about Ayn is okay because even we the uninitiated can enjoy it. However, whiners (here I won't name names; it's not Tibor Machan's fault that you published his piece) who need to explain what fine, independent Randians they are (despite exclusion from the group) do not even inspire enough pity to save us from boredom.

Michael S. Christian
Paris, France

Opportunity Cut

I strongly disagree with Michael S. Christian's "Against a Capital Gains Cut" (November 1989) for two reasons:

(1) It is not true that only initial stock purchases provide an economic investment in productive assets. One of the most important notions in modern economics is *opportunity cost*. The outstanding shares of common stock are priced by the market, and that price, in turn—in comparison to a firm's earnings and dividends—determines the cost of equity capital. This gives the firm information about where to obtain capital: debt, preferred stock, or common stock (where capital obtained via common stock does not necessarily mean issuing new shares, but can also mean retaining part of the earnings and reinvesting it in the firm's capital projects).

(2) Any cut of improperly imposed taxes is good. Income taxes are not properly imposed, there is no exchange of values involved, citizens are taxed just for working, i.e., are treated as slaves. Any slave tax (not justified by a value provided in return and a voluntary character) should be cut, cut, cut, and elimina. l.

Krzysztof Ostaszewski
Louisville, Ky.

Thanks for the Malleability

I would like to thank Mr Llewellyn H. Rockwell , Jr ("The Case for Paleolibertarianism," January 1990) for using the prefix "paleo" instead of "ancient" or "archaic." I like describing myself in words that few people will even bother to understand and that will change with time.

John Cralley Shaw
Houston, Texas

Libertarianism Grows Up

Finally! A published expression of what I believe are the feelings and beliefs of many.

Many people I know are completely turned off by the "freedom movement's" perceived libertine atheism. I have been largely unsuccessful in trying to explain that there is another view; that freedom, family, Christianity, culture and social order are *not* incompatible. I hope this new view of libertarianism will take root, grow, and prosper.

Julie Watner
Gramling, S.C.

Damned Christian Arguments

Llewellyn Rockwell attempts to base libertarian individualist arguments on "Christian Morality." Murray Rothbard, F.A. Hayek, Marshall Fritz and others have also tried this.

These men conveniently forget that the Bible treats women as second-class citizens (I Cor. 11:3 & 9, 14:34–35; Numbers 31:14–18, et al). Also, it's very difficult for libertarians to stomach Luke 19:27 where Jesus, The Prince of Peace says, "But those mine enemies, which would not that I should reign over them, bring hither, and slay them before me." The Catholic Church took this very literally during the Inquisition, as does the current drug witch-hunt. And libertarian Christian apologists have trouble with Romans 13:1–7 "Government servants are God's servants: honor and respect them. Pay your taxes gladly." (!)

stormy MON
Denver, Colo.

Put Up or Shut Up

Instead of just writing at length, Lew Rockwell should do one of these two things.

1) Get 5,000 or so of these unnamed individuals who are middle-class white men and love tradition and join the national LP. Then, instead of being on the outside looking in, you would have the controls.

2) If number one is too difficult, then get 50 to 100 of the same unnamed individuals to attend the Michigan Libertarian Party convention in April 1990. Michigan doesn't have to spend money on a ballot drive (Ron Paul's excuse for his poor showing in the 1988 election). All one has to do is attend the convention and get his or her name placed on the ballot. Then, in the real world of politics, use that vast amount of money, people, resources etc. to get the paleolibertarians *elected* in Michigan and you will have won your case.

For my friends in the counter-culture side of the party: let's cooperate with these paleolibertarians and give them their due. I did in 1988 and they lost. If they have two elections in which they lose or cannot find these middle-class folks, we will have the reality of their losses to judge them by and shut them up once and for all.

Bruce A. Smith
Douglas, Mich.

Cancer Ward

It is strategically sensible for Libertarians to keep their movement open to believers and non-believers alike. Anybody who renounces the use of force in politics ought to be welcome, regardless of his or her religious and lifestyle choices. Still, one has to wonder about people who reject political authority in public life while accepting the authority of scriptures or clergy in their private lives.

Llewellyn Rockwell wants to purge the movement of anybody who thinks for him-

continued on page 6

Letters Policy

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

Who was Felix Morley, and why is the Institute for Humane Studies awarding $7,500 in his honor?

Felix Morley was editor of the *Washington Post* from 1933 to 1944 and a winner of the Pulitzer Prize for distinguished editorial writing. In the *Post* and in subsequent writing, at the height of the New Deal and postwar anti-Communism, Morley emphasized private property, voluntarism, and a noninterventionist foreign policy.

The Institute for Humane Studies is pleased to announce the fourth annual Felix Morley Memorial Writing Competition. IHS will award

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Requests for application forms and completed applications with clippings should be submitted to: Morley Prize Secretary, Institute for Humane Studies, George Mason University, 4400 University Drive, Fairfax, VA, 22030-4444.

Letters *(continued from page 4)*

self or herself in personal or cultural matters. Points number eight (social authority) and ten (Judeo-Christian tradition) of his manifesto would certainly outrage such people. Is Western culture worthy of preservation and defense (point nine)? Yes, in spite of the cancer of organized religion that has plagued it from the start.

Warren Gibson
San Carlos, Calif.

Paleo-Enforcer?

"Political freedom is a necessary but not sufficient condition for the good society," says Lew Rockwell in the January 1990 *Liberty*. No problem there. But he goes on to say that "neither is it sufficient for the free society. We also need social institutions and standards that encourage public virtue, and protect the individual from the State." Political freedom isn't sufficient for a free society?!? If we had political freedom, wouldn't that mean we wouldn't *need* protection from the state?

Maybe I'm missing something.

It's also strange to see Murray Rothbard joining Rockwell on this crusade to cleanse the libertarian movement of undesirables. Isn't this the same Rothbard who excoriated the "tinpot enforcers and petty despots" like Branden and Rand that crippled the Objectivist movement? They ruthlessly expelled anyone who didn't meet their standards of purity from their midst. Isn't Rockwell setting himself up as just such an enforcer?

As Rothbard wrote back in the March 1988 *Liberty*, freedom is for everybody—the "despised rightists"*and* those who refuse to let their individuality be cowed by social pressure from the assumed conservative, middle-class majority whose favor Rockwell is so anxious to curry.

Rockwell should watch what boat he jumps on in his attempt to reach the glorious shores of political success. As the Baby boom generation becomes America's most significant demographic group, I'd lay odds that most people's tastes in lifestyle, music and mores will not match those of Rockwell and his buddies like Thomas Fleming.

J. Mark Hardy
Gainesville, Fla.

Breathing Room

Gaaacck! As a serious, responsible, capable party regular (and human being), I resent being labeled an egalitarian space cadet for disdaining Judeo-Christian traditionalism, irrationalism and its imperatives toward bland social conformity. In this article I can almost hear Murray Rothbard's infantile paroxysms contra "luftmenschen" that were published in *Liberty* before the '87 LP convention in Seattle.

What is it about these guys that they feel it necessary to fabricate Libertarian stereotypes and beat up on them? I'm sure most Libertarians wouldn't consider themselves air people, but how derogatory is such an epithet? After all, the nice thing about air is it lets us breathe.

Brian Wright
West Bloomfield, Mich.

Waving the Black Cat

Llewellyn H. Rockwell Jr states that Christianity emphasizes ". . . reason, objective moral law, and private property . . ." Yet religious faith is completely irrational, and the Church has long been a vehement opponent of science. As for property rights, the Church has a bloody history of taxation, often in league with the state.

Rockwell further claims that "The family, the free market, the dignity of the individual, private property rights, the very concept of freedom—all are products of our religious culture." His attempt to credit Christianity with the existence of these things is laughable. Humans who enjoyed family life, free enterprise, human dignity, private property, and liberty existed long before their lesser descendents invented God.

He calls animal and plant rights "mythical," but they are no more mythical than a Christian God, for at least there is plenty of evidence that animals and plants exist. This reminds me of a philosophy joke : A theologian, arguing with a metaphysician about their respective fields, said, "Metaphysics is like a blind man in a dark room trying to find a black cat."

The metaphysician responded, "At least the cat exists."

Michael Ross
San Pedro, Calif.

Throw Away the Molds

I must take strong issue with Llewellyn H. Rockwell, Jr.'s call for "Paleolibertarianism." He proposes to purge the movement of the group that Murray Rothbard has colorfully labeled "luftmenschen": the leftist, counterculturally-oriented libertarians.

Now, I'm not really in this group myself. After all, I have a fairly conventional, bourgeois, middle-class lifestyle, dress normally (if informally; I *hate* suits and ties), don't let my hair get too long, don't use illegal drugs or practice promiscuous sex, and have no opposition to mainstream culture except to the extent that statism is ingrained in it. On the other hand, I can't quite fit into the "paleolibertarian" mold, either; I am an agnostic with a strong dislike of organized religion, and generally share the left-libertarian's dislike of authority, whether represented by parents, teachers, or nosy neighbors.

Actually, it turns out that I can't quite be fit into *any* conventional mold, whether it be leftist, rightist, mainstream, countercultural, or whatever. Isn't that what individual liberty is all about—the right of the individual to live his own life regardless of his level of conformity or nonconformity? What clothes I wear, what music I listen to, what I eat, drink, and smoke, is my own business.

Libertarianism is a political creed; unlike Objectivism, it does not propose to dictate a standard of morality beyond the nonaggression axiom. Libertarianism neither endorses nor opposes such private, noncoercive activities as worshipping God or smoking marijuana; it is up to people as individuals or in voluntary groups to establish standards and morals about such things.

The great thing about the Libertarian movement is its diversity; people of widely varying interests and lifestyles can get together to promote freedom for all. Rockwell dislikes this diversity, since it contains elements which disagree with mainstream positions held by the majority in the "real world." His ideal vision of a libertarian movement would be a group of people clothed in suits and ties who agree in principle, intellectually, to a political system that would permit a diversity of lifestyle, but God forbid they would actually *practice* any such thing. As far as I am concerned, the paleolibertarians are perfectly welcome in the movement, but so are the so-called "luftmenschen," and so are people like me with personalities containing elements of both. No litmus test should be made of potential members save that they agree to forgo the initiation of force. Any additional conditions turn the movement into a rigid cult rather than a libertarian movement.

Daniel Tobias
Shreveport, La.

De-lousing the Conservatives

Lew Rockwell's plan (or plot?) to meld the small libertarian movement with the increasingly lonely free-market conservatives requires a change among libertarians, he says. The good, decent "paleolibertarians" must be separated from the "louses" of the movement—those with libertine, atheistic values, wild heads of hair, and mystic notions of nonhuman rights.

Yes, the sale of the ideas of liberty to the general population, like the sale of anything else, is best accomplished by people with the look and sound of normalcy. State Libertarian parties should seek candidates who will not offend voters by their appearance, lan-

continued on page 8

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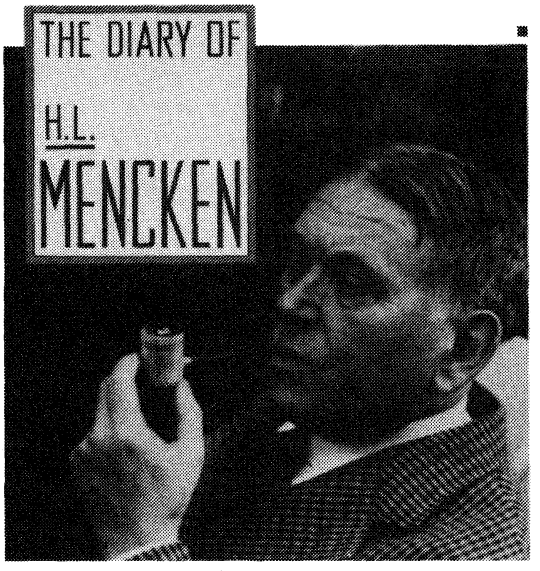

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Letters *(continued from page 6)*

guage, or social insensitivities.

Yet Rockwell suggests no reciprocal journey for would-be paleolibertarian conservatives, and there are several deficiencies conservatives must overcome. First is the not-unjustified public impression that conservatives are xenophobes who treat any new cultural value as a threat to civilization.

Tolerance is the virtue most lacking in conservatives. In order to fuse with libertarians, they must begin to wean themselves from the mystical notion that personal cultural taste is linked to ideological virtue, and begin to exercise their tolerance muscle with forays into the world of the strange and assumedly distasteful. (As often happens, a little exposure might broaden their perspective.)

Courses in cultural anthropology, comparative religion and science fiction appreciation would be fairly safe starting points, with bold visits to heathen churches, teen concerts and mud-wrestling matches reserved for the advanced adventurer.

Now to ask a question Rockwell assumed was already answered: "Why?"

Why should libertarians and conservatives join forces any more than, say, libertarians and taxi drivers? Will this merger convince Americans that they should have a consistent philosophy of liberty in their relationship with government? Would the conservatives be a hindrance to the resurgent Libertarian Party? Would they be even less tasteful to baby boomers than the Libertarian Party has proven to be?

And is this merger scheme just one more digression from the task Libertarians seem distressingly loathe to engage—the nuts-and-bolts, hands-on work of building their party in the tedious fashion of the Democrats and Republicans: knocking on doors, attending public meetings regularly, building lists, asking for money, signing up members, producing visually acceptable publications, seeking appointment to commissions and committees, joining Rotary and the Chamber of Commerce, and engaging in coalition projects?

Without doing the necessary work, the Libertarians—coalesced with conservatives or not—will have to accept Rockwell's pronouncement of their irrelevancy as more truth than insult.

Yet as a Libertarian who has tasted political victory, I know that the recent signs of growth in the Libertarian Party can be magnified impressively with lots of hard work and determination. In time, the free market paleoconservatives will build up their nerve enough to try just one little exercise in tolerance—joining the upwardly-mobile Libertarian Party. There's no place else they can turn.

Jim McClarin
Cool, Calif.

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Moderation in Principle

In "The Case for Paleolibertarianism," Llewellyn Rockwell expressed his anguish at the fact that the Libertarian Party does not have the proper public image to grow and succeed. I agree with his assessment. LPers are, in the eyes of many, part of the "lunatic fringe." I wince when I hear that term.

Although we both sense that something is wrong, I think that Mr Rockwell failed to hit the nail squarely on the head. He states that he believes the LP suffers because of the presence of what I shall call for lack of a better term "libertines." I have been a libertarian for 11 years. During these years I have become acquainted with many other libertarians in the Midwest, and never have I met any of these libertines.

No, libertarians are not libertines, but their radical proposals make them *seem* like libertines. To favor the repeal of age of consent laws is to be "libertine," no matter how you slice it. To favor abolition of the taxation necessary to keep the defense forces going is to favor unilateral disarmament and thus to favor nihilism. To favor the sabotage of the machinery of government is to favor the creation of chaos and thus favor the destruction of Western Civilization. Libertarians deny that they favor libertinism, nihilism, or chaos and claim that given 15 hours to explain, these misconceptions can be cleared up—which is 14 hours, 59 minutes and 30 seconds longer than most Americans are willing to give. *If libertarians do not wish for people to think of them as libertines, then they have no other choice but to moderate their views.*

The guardian of libertarian radicalism and hence the unwitting promoter of the idea that libertarians are libertines has traditionally been Murray Rothbard, "Mr. Libertarian." It was always Professor Rothbard who watched like a hawk for any sign of ideological backsliding within the LP—backsliding such as the ideas that perhaps child labor laws ought not be repealed or that heroin should not be advertised on network television. Professor Rothbard would especially wax indignant toward the heresy of gradualism—hence his crucifixion of the supposedly diabolical Ed Crane and the Cato Institute.

It was thus a surprise to see Professor Rothbard write, in *American Libertarian*, that he had been trying to "carry the Libertarian Party, kicking and screaming, into the real world." This statement sounds very similar to one made a few weeks earlier by Ed Crane in a *Newsweek* article in which Mr. Crane stated that he had left the LP in 1984 after having failed to "drag it into the real world." Can it be that Professor Rothbard has renounced radicalism and embraced gradualism, known in former days as "classical liberalism"? If so, I wish he would reiterate this renunciation clearly and forcefully so that there is no confusion as to where he stands. He is very influential within the libertarian movement, and many party radicals, having learned their radicalism from Professor Rothbard, would then follow his example in adopting a strategy of moderation. It would then be possible to salvage the LP so that the Jeffersonians would not have to team up with the Hamiltonians as Mr Rockwell suggested in his article.

The LP should adopt the attitude and tactics of classical liberalism as Ludwig von Mises propounded them in his books *Liberalism* and *Human Action*. The "non-initiation of force" oath, the "abolish everything" attitude, and the stridency should be ditched. It can be claimed that there is no philosophical justification for classical liberalism. This may be correct. But classical liberalism is to be pursued primarily for *strategic* reasons, not philosophical.

If human beings were all perfectly rational and highly intelligent, then they would be able to swallow libertarian doctrine whole without reservation and without forming misconceptions about libertinism and nihilism. But since human beings have an emotional side, and since they generally have limited intellect, they are unable to do this. The gradualism and moderation of classical liberalism are thus necessary. When somebody states that he is trying to "drag the LP into the real world," he is stating that libertarians have yet to realize this fact.

David Hoscheidt
Belleville, Ill.

Reflections

Quaylespeak — The most enjoyable spectacle these days is the apoplexy of public officials whenever someone prominent defects from the war on drugs. When Federal Judge Robert Sweet of New York said drugs should be legalized, the articulate Tsar William, Ph.D., philosophy, University of Texas, pronounced the idea "stupid." Presumably he was not also referring to Vice President Quayle, whose own remark was more revealing than the air-head could know. Quayle said through a smirk that Judge Sweet obviously had a lifetime job, implying that elected officials like himself must, before opening their mouths, think about their careers. Some mischievous reporter ought to remind Quayle of this whenever he speaks. —SLR

Gorby the hero?!? — The progress toward liberty and democracy in Eastern Europe and the public relations campaign on behalf of Chairman Gorbachev have borne some strange fruit: many main line commentators and even some libertarians are hailing Gorby as a hero of liberty.

C'mon fellas, I'm as happy about the collapse of communism as anyone, but let's keep our wits about us. Gorbachev is no more a hero than is George Bush; he is just another politician looking out for his own hide, taking a course of action to maximize his personal power, security and wealth. Faced with the failure of socialism, Gorbachev has had little choice but to retreat from totalitarianism toward liberty. —RWB

Yasser, that's my baby — For years some libertarians have been telling us that Yasser Arafat is a force for moderation in the Arab world, that he is someone we can in good conscience support, at least within the context of Palestinian-Israeli affairs. Maybe they're right. It would be nice to believe so, if only because Arafat seems to be the only person who has enough authority among the Palestinians and their allies to negotiate and enforce a peaceful settlement in what seems a hopeless cauldron of strife.

But Arafat often makes it difficult to believe in his good will. The most recent example: a month before his dispatch to Stalinist heaven, Nicolae Ceausescu harangued for six hours on *glasnost* and other signs of softness emanating from the Socialist Motherland. Not a single foreign head of state attended his speech. But in the audience, occasionally panned by the television camera, was Arafat, gleefully applauding each new promise of unrelaxed totalitarianism. Arafat and Ceausescu had been mutual admirers for years, and the Ceausescu regime had strained its very slender resources to provide a modicum of aid to the PLO, mostly in the form of weapons training. Some of Arafat's "freedom fighters" were in fact caught in Romania at the time of the downfall, and were subsequently seen fighting side by side with the remnants of Ceausescu's paramilitary secret-police units.

Doesn't all this say *something* about the character of the leadership of the Palestine Liberation Organization? Romania isn't an Arab country. The relationship was not merely a formality. These forces sought each other out in a symbiotic dance of common interests and style. I'm sorry, but if anyone wants to convince me that Arafat is a positive element in the Middle East, he has his work cut out for him. —WPM

Leading edge, receding edge — Among the first acts of the new revolutionary Romanian government were the decriminalization of smoking, drinking, eating unrationed meat, typewriter ownership, abortion, private property and the possession of unlicensed firearms. It is interesting to note that several of these new freedoms are high on many an American's agenda for *abolition* . . . —JSR

Learning from the best — When does one finally decide it's all just a nightmare? How about this? "The Drug Enforcement Administration has proposed to begin training agents of the KGB to snare drug traffickers" (*The Washington Post*, Dec. 15). "We're looking at them [KGB agents] as policemen—these guys are cops with a mission similar to ours," said Paul Higdon, deputy assistant DEA administrator for international programs. "The other stuff—that's for spy novels." The Soviets are thinking over the proposal, but they'll no doubt agree. After all, Higdon is right. The KGB's mission is similar to the DEA's: crushing liberty. Meanwhile, the president has decided that U.S. military forces are legally able to arrest people overseas. The Justice Department advised him in November that the 111-year-old Posse Comitatus Act, which forbids the military from engaging in law enforcement, does not apply outside the country. So now the army can run around the world arresting drug dealers and terrorists. And it doesn't need the permission of foreign countries.

When these frightening developments are added to other things, such as the administration's refusal to remove its occupation army from Europe and its advising Poland on how to set up New Deal programs, one conclusion slaps you in the face: the United States remains the world's greatest threat to liberty. —SLR

Tyranny is only skin deep — What is *the* most exhilarating aspect of the breakaway of one Eastern European nation after another from totalitarianism?

Surely it is the *depth* of the impulse to freedom. For 40 years the residents of East Germany, Czechoslovakia, Hungary and so on have had the vaunted virtues of statism drummed into them by every propaganda device. Millions of school children have learned it as a sacred dogma. And yet, in a few short weeks, like a snake's skin, it has all been shed, as if it had never existed. The millions of words of indoctrination have all been for nothing.

"Truth is on the march," said Emile Zola, "and nothing can stop it." That is an overstatement; lots of truths have been stopped and have not recovered for centuries. What is true, though, is that freedom can be suppressed and constricted time and again, but the moment it is given a chance to gain a foothold (à la Gorbachev), it asserts itself at once, without counter-

indoctrination.

To act in accordance with our choices is a fundamental impulse. Man may not be a *rational* animal, and he often makes the wrong choices, but he is first and foremost a *volitional* animal, always impelled to make his own choices and to act on them. —JH

A modest proposal — Gorbachev's task—that of bringing the Soviet peoples into the world markets all the while maintaining the power and prestige of the Russian elite—was never easy, and now, after the detotalitarianizing deluge in Eastern Europe, is more difficult than ever. The rise of *political* as well as *economic* liberalization in Europe suggests that support for the idea of simply kicking the Soviet elites out of power is growing, much to Gorby's dismay. But still, there may be hope for him yet, just so long as he can turn his chief problem into a solution.

Consider the horns of his dilemma. The Russian elites have only one real, proven talent: tyranny. In fact, their success in this area has given Gorby his other horn: they have so thoroughly tyrannized the Soviet peoples into a mass of demoralized sheep that the Soviets really have little to offer sophisticated Western markets other than their natural resources.

The key to the problem is to discover the comparative advantage of the Soviets in world markets. What are Soviets good at? Why, prison-keeping, of course. Solution: sell this service on the world market. Gorby should redirect his elite of Kafkaesque bureaucrats and wardens and transform the Gulag system into a prison system *for foreigners*. Charge Western nations a modest yearly sum for holding life-sentenced felons, and then work these felons in the slave labor camps—and other, more creatively constructed tyrannical institutions—and gain a modest surplus from the proceeds, as well.

This would give his elite something to do that they seem particularly gifted at. It would continue to provide them with work, money, prestige, and the general psychic benefits they find in bossing people around, channeling their anti-social drives away from the poor Soviet masses. It would also take off Western hands a group of people who now cost millions of dollars each year, and out of the hands of lawyers and citizen action groups who are always on the watch for such rights violations as "prison overcrowding" and "marital deprivation," etc. And it would provide a steady source of income to the Soviets, thus allowing for a fairly stable entry into the world economy. But most importantly, it would allow the victims of Soviet tyranny some time to cope with increasing freedom. And, if some of these victims yearn for the old ways, perhaps Gorby should make his new and improved, profit-making Gulag *voluntary* for true citizens of the Revolution. —TWV

What goods or services can the Soviets offer on world markets at competitive prices? What are Soviets good at? Why, prison-keeping, of course. The solution to their problem: sell this service on the world market.

Snap judgments — During the 1989 cold snap, home heating oil prices in the Northeast rose about 20%. An outcry erupted from politicians, who voiced their concern over "undue profits" and asked President Bush to declare an energy emergency in New England. But this was typical grandstanding, catering to constituent complaints over higher heating bills.

Oil costs had gone up, of that there was no question. But this was a result of increased nationwide demand at mostly constant supply. The "undue profits" the oil companies were making actually reflected the increased costs they had to pay to get oil in the first place. A spokesman for Sun Oil defended the higher prices, saying that the company was in business to make a profit, and that this was the whole point of having a capitalistic system. Just words, and refreshing to hear. The spokesman might also have pointed out that of all energy consumers, those whose homes are heated by oil have more freedom of choice than others in shopping for bargains. If one's home is heated by gas or electricity, one is unable to change suppliers very easily. Those who use oil may call any oil supplier he desires (assuming he has not locked himself into a long-term contract), and thus get the lowest available price.

It is worth noting that heavily regulated gas and electric rates also rose significantly, but there was no similar outcry from legislators. Could it be that the politicians were using the increase in oil prices as a pretext for extending more control over the comparatively free market in home heating oil? It's possible. But if the government steps in to protect the public from "rapacious profit-mongers" in the oil industry, it will also learn the realities of the spot market. Oil costs money. Someone has to pay for it. Alas, in the end the costs will be spread out among taxpayers and non-oil users, who will have to pay not only for the increased costs of oil, but for the regulatory apparatus as well. Who then will be over a barrel? —JSR

What to do about South Africa — If progress in South Africa is too slow to satisfy us outside supporters of equal human rights, what should we do? First, we should learn lessons from U.S. attempts to control political affairs in other countries. Too often our government has sought results on the cheap—through words, economic sanctions, offers of aid or threats to withdraw it, and encouragement to opposition groups. Our proddings have helped displace Batista, Ngo Dinh Diem, the Shah of Iran, Somoza, and various colonial regimes in Africa; but they have seldom been coherent enough to determine the successor regimes and policies. Our incomplete actions have helped inflict the likes of Castro, Khomeini, Ortega, and Idi Amin on the supposed beneficiaries of our good intentions.

We Americans may feel virtuous as we ban imports of Krugerrands or urge disinvestment in South Africa. Such attitudes and policies seek change while shunning active responsibility for *the nature* of the change. As other African experiences should have taught us, supposed steps toward egalitarian democracy in South Africa risk bringing bloodshed, tyranny, and misery instead. As Ludwig von Mises explained in *Nation, State, and Economy* (1919, translated 1953), democracy simply will not work for an activist, economically interventionist state in a territory inhabited by mutually suspicious national groups. Under presently foreseeable circumstances, urging democracy on South Africa is callously irresponsible.

Any action by outsiders should be resolute enough to ensure the results desired. For example, the governments of the United States and other democratic powers might jointly *impose* a new constitution on South Africa. (A credible threat of armed invasion on the necessary scale would quite probably force the existing regime to give way, making it unnecessary to carry the threat out.) The imposed constitution should affirmatively establish equality before the law, contain a bill of rights, strictly

limit the powers of the government, including powers of intervention in economic life, and entrench an independent judiciary. Administration of the government, whose overriding task would be to maintain human rights through peace and security rather than to legislate actively, would be entrusted to a bureaucracy headed by a hereditary monarch. For psychological reasons, the new king (or queen) should probably be neither a South African nor anyone of European descent. Perhaps the King of Tonga or Bhutan or Nepal, the Sultan of Brunei, one of the sultans of Malaysia, a former rajah from India, or another member of one of their families could be persuaded to take the job. This solution should appeal to members of all ethnic groups as offering peace, security, personal freedom, and economic opportunity, all under an internationally guaranteed constitution.

The king should be ultimately responsible to and removable by some independent authority. Given the Swedes' propensity for worldwide moralizing, it would be poetic justice to thrust the burden onto their parliament. No doubt several Swedish politicians would find it useful to their careers to achieve expertise and fame in monitoring the South African king and his bureaucracy. A sustained record of abuses would be reason for the Swedish parliament to depose the king and, with the concurrence of the guaranteeing powers, to install either his heir or a freshly chosen dynasty.

After decades of domestic peace and capitalist prosperity had dissolved animosities among ethnic groups, South Africa might become ready for democratic home rule. Premature democracy is something quite different. Outsiders' efforts to get results on the cheap are immoral because irresponsible.

The details of the proposed solution are discussable, of course. It is the general approach that I insist on. Perhaps this approach will not be politically feasible any time soon; but something like it, in contrast with irresponsible gestures, is incumbent on anyone who preaches action concerning South Africa. —LBY

Lies, damn lies — "It's official," CNN reported, "The rich are getting richer and the poor are getting poorer." This assertion was based on the results of a Congressional study of income distribution in the United States over the past decade. The study showed that the top 20% of earners increased their share of total wealth by 2.5%, while the share of the lowest 20% dropped by 1.5%. The implication is that the past decade of "Reaganomics," "tax cuts," and "supply-side policies" has steered the country towards the very sort of unfair imbalances of wealth which the venerable Karl Marx predicted over a century ago, and that for this trend to be reversed, the policies must be reversed as well.

Being faced with these sorts of statistics can place Free Marketeers in a bind. The first counter-argument that comes to mind is, "So what? What if the rich *deserve* to get richer?" It is a valid argument, but not expedient; the political culture is not ready to accept it. But neither can libertarians simply accept such studies, or their underlying assumptions. There are several grounds on which to contest them:

1. The base year fallacy: this study compared income levels from 1979 to 1989. Why was 1979 chosen? Perhaps because the authors of the study wanted to examine a decade. But while round numbers are convenient, there is nothing statistically significant about ten year periods, any more than 12 or 7.5 year periods. Furthermore, by choosing a base year cleverly, one may prove whatever one wants. If the base year of the study had been 1985, for example, it would have shown wealth levelling, not becoming more disparate. Another example of clever use of base years was the recent argument about Congressional pay not keeping pace with inflation, if measured from 1977. If measured from 1969, however, Congressional pay had more than matched inflation. Which year is "correct"? Neither.

2. Yearly fluctuations: In addition to the base year fallacy there is the problem of yearly data fluctuations. To say that the share of an income group has changed 2.5% over ten years does not indicate a steady .25% change per year. Some single years might show changes in excess of 2.5%, which are "corrected" in subsequent years. Only by looking at change year by year can one know if a percentage shift is at all significant.

3. Measurement of income: In these studies, data show gross, not net, income. The inclusion of taxes would change the picture dramatically. Furthermore, transfer payments and non-cash benefits are also excluded. The "increased miseration" among the poor implied by the study is a misconception.

4. Non-dynamic data: The data show the standings of income groups over ten years, but says nothing about the movement of individuals within and between these groups. The study implies that those who are getting richer or poorer are the same people in 1989 that they were in 1979, that the "classes" are stagnant. This is not the case. The few studies that have been done that traced individuals have shown that there is substantial movement between income groups, both poor getting richer and rich getting poorer, as the free market model specifies. The dynamic data show that the United States is indeed a land of opportunity, something the non-dynamic data seem to refute.

"The rich are getting richer and the poor are getting poorer," CNN concluded. But this would be true only if people never moved from one income group to another. This is not the case: studies on intergroup activity have concluded that many poor are getting richer and rich poorer.

5. Artificial class divisions: The definition of "rich" and "poor" by the top and bottom 20% of income is wholly arbitrary, and sometimes one will see studies using different "class" divisions (10%, 15%, top 20% vs. bottom 30%, etc.). If one works with the data long enough, one can find a favorable conclusion.

Studies of wealth striation are by their very nature an attack on the free market system of "wealth distribution." Not only do they imply that the polarization of wealth along the Marxist model is something to be expected and watched for, they say nothing at all about wealth creation, and treat all dollars as though they are equally deserved by all segments of the population and should be spread about based on that premise. These are both notions which libertarians know to be untrue. But libertarians must be able to show to the public at large that this is so, and parry those who would attempt to prove otherwise. —JSR

Hoppephobia — Loren Lomasky's frenetic and almost hysterical review of Hans-Hermann Hoppe's *A Theory of Capitalism and Socialism* ("The Argument from Mere Argument," September 1989) is an amusing if unwitting vindication of Hoppe's method of exposing "performative contradictions" among his opponents. Lomasky's actual *arguments* against Hoppe are meager, but the bulk of Lomasky's review consists, not in ar-

gumentation, but in making two angry charges: (1) that Hoppe is impolite with philosophers or economists he disagrees with; and (2) that Hoppe is unscholarly.

But in making both of these charges, Lomasky is a living contradiction. The reader of his review would never know it, but Hoppe's critiques of his opponents constitute a mere two or three footnotes in a several-hundred page book. The great bulk of the book sets out Hoppe's positive deductive theory of economics and political ethics. This accounts for Hoppe's not spending more time rebutting Nozick, Locke's proviso, etc., which calls down upon him Lomasky's wrath. It is actually *Lomasky* who is ranting and rude in his attack on Hoppe. Performative Contradiction Number One.

Lomasky's second charge against Hoppe is lack of scholarship, for which not spending time on Nozick is a typical—and irrelevant—charge. But what of Lomasky's *own* scholarship, as evidenced by his review? First, he is shocked and stunned that Hoppe is not simply a defender of existing capitalism; his book is "no less than a manifesto for untrammeled anarchism." Well, heavens to Betsy! Anarchism! One wonders where Lomasky has been for the last 20 years! Perhaps the knowledge has not yet penetrated to the fastnesses of Minnesota, but anarchism has been a vibrant part of the libertarian dialogue for a long time, as most readers of *Liberty* well know.

Lomasky then engages in a little trick. He quite correctly defines "socialism" as central planning and state ownership of the means of production, but then derides Hoppe as "idiosyncratic" for calling any government interference with free exchange "socialis*tic*." The two, however, are not contradictory. Total government is social*ism*; partial government is social*istic*. If Lomasky should ever read any comments on the dramatic events in Eastern Europe, for example, he will find them referred to, quite properly, as movements *away* from socialism and *toward* free markets.

Lomasky also writes as if the idea of an *a priori* of argumentation is a weird new *bizarrerie* propounded by Hoppe. He seems never to have heard of the Habermas-Apel doctrine, of which Hoppe's is a libertarian extension. Comparing Hoppe's deductive arguments to Zeno's or Anselm's also misses the point, since these classic arguments are difficult-to-refute demonstrations of conclusions most of us consider absurd, whereas Hoppe's is a difficult-to-refute argument for a conclusion libertarians are supposed to *welcome*: a copper-riveted argument for the absolute rights of private property.

Absurdly, Lomasky attacks Hoppe's arguments against public goods (completely missing Hoppe's subtle and lengthy discussion) as stating that voluntary actions and exchanges are optimal, while coercive transactions injure people and are therefore worse than optimal. Again, Lomasky acts as if Hoppe has just come up with a bizarre thesis of his own, not seeming to have heard of many decades of libertarian and free-market thought that has concluded similarly. It seems, in short, that Lomasky has *never heard* of libertarian arguments or doctrines. Talk about lack of scholarship! Performative Contradiction Number Two.

The Lomasky review is an interesting example of what is getting to be a fairly common phenomenon: Hoppephobia. Although he is an amiable man personally, Hoppe's written work seems to have the remarkable capacity to send some readers up the wall, blood pressure soaring, muttering and chewing the carpet. It is not impolite attacks on critics that does it. Perhaps the answer is Hoppe's logical and deductive mode of thought and writing, demonstrating the truth of his propositions and showing that those who differ are often trapped in self-contradiction and self-refutation.

In the good old days, this was a common style in philosophy, employed by Kantians, Thomists, Misesians and Randians alike. In the modern age, however, this method of thought and writing has gone severely out of fashion in philosophy, where truth is almost never arrived at—and certainly never argued for in a deductive fashion. The modern mode is utilitarian, positivist, tangential, puzzle-oriented, and pseudo-empiricist. As a result, modern positivist types have gone flabby and complacent, and reading hard-core deductivists—to say nothing of hard-core libertarians!—hits these people with the force of a blow to the gut.

Well, shape up, guys! In argument as in politics, those who can't stand deductivist heat should get out of the philosophic or economic kitchen. —MNR

Gaudy Days in Berlin — West Berlin has been my second city for the past decade, the only place other than New York where I feel comfortable and have many friends, and so it was only proper that on Wednesday, November 8, 1989, I entertained my Berlin publishers, Peter Gente and Heidi Paris, during their first visit to New York. Later that evening I telephoned them to advise that German politicians familiar to them were speaking English(!) on Ted Koppel's *Nightline*. The following night, which was incidentally the fifty-first anniversary of *Kristallnacht*, I joined the world in watching the party at the crumbling Berlin Wall, knowing full well that it would continue through the weekend, wishing that I was there, if only because, as I've often told friends here, "In West Berlin they know how to party." By Friday I found Peter-und-Heidi, both suitably pissed over missing the party, and told them about a Jewish orthodox sect who live in the the northern Israeli city of Safad. They believe that since the Messiah will return to Safad, they should never leave the place, for fear that they will be out of town. "You made the mistake," I told Peter-und-Heidi, "of picking the wrong week to be out of town." So did I.

The people are getting the Wall down bit by bit with hammer and chisel, creating new businesses: hammer and chisel rental at five marks for fifteen minutes while the hammering kids sell chunks to tourists. Maybe one should propose for the new East German flag a hammer and chisel, instead of a hammer and sickle.

☆ ☆ ☆

I spent most of Friday, November 10, with CNN, which I'd never watched before at length, and was favorably impressed. I began to understand that its reputation for honesty depends upon being less slick than the older networks and in taking more time with important stories, much as the live coverage of the San Francisco earthquake the month before reminded us of journalistic authenticity, of reporters trying to find the news rather than having it securely in hand. It was charming about 3:30 in the afternoon to see an interview in German with Marcus Wolf, a trim gray-haired man simply identified as a "reformer." Didn't the CNN reporter know who Marcus Wolf is, I said to myself? (The more cautious boys at ABC, NBC, and CBS would have done some homework.) Until recently he headed the East German external spy service, by common consent the second most successful in the world (after the Israeli) at planting informants right in the enemy's belly. Here on American television was Marcus Wolf,

whose photograph never appeared in print during his reign; how spontaneous it all seemed.

☆ ☆ ☆

Years ago I belittled Ronald Reagan's demand to tear down the Berlin Wall because I thought it would create grave economic problems for the West. According to West German law, all East Germans are *de facto* German citizens, entitled to all benefits of the West German state, including unemployment compensation, pensions, and welfare, as soon as they come west. If the Wall came down, I feared, West Germany would suddenly have 17 million more wards on its hands. There would be massive unemployment along with inflation, as more money had to be printed for the newcomers to use—in short, an economic morass that would be comparable to that afflicting Greece after World War I (when its populations were "returned" from the Turkish mainland). I figured that there was no purer way for the Soviets to sabotage West Germany, and by extension all Western Europe, than following Reagan's demand. (All that would be lost to the Soviets, I figured, would be another failing economy.) What I did not calculate, and what seems evident now, is how many East Germans really don't want to leave, simply because their lives are there, much as most Mexicans prefer to stay in Mexico.

Much depends upon whether East Germans will be allowed to work in West Germany and still live in East Germany. Prior to the building of the Wall, it was possible for an East Berliner to work in West Berlin, for deutschemarks, which would go a lot further in East Berlin than a comparable amount of *ostmarks* or a salary for a comparable job in East Berlin. Once the Wall went up in 1961, West Berlin lost its most immediate supply of cheap labor. Into the void came immigrants from Turkey who were willing to assume the less attractive Berlin jobs; by the mid-1980s some eight percent of the West Berlin population was Turkish. Since West Germany grants citizenship by culture, rather than birth, not even those Turks born in West Germany have citizenship rights. Obviously, if East Berliners can work again in West Berlin, it is these guestworkers, as they are called, whose survival in Germany is most immediately threatened; it is they who are most likely to initiate destabilizing moves.

I once wanted to write a long essay about the Wall, which was a far more curious artifact than most Americans knew. As it ran around the circumference of West Berlin, it was more appropriate to say that the West was walled in while the East was walled out. Take, for instance, the graffiti, some of which was quite imaginative. If there is little graffiti anywhere else in West Berlin, where it is actually forbidden, why did it fill the Wall? The answer is that the Wall stands on *East* Berlin property. Indeed, every once in a while, the East Berliners would send over a car containing two guys with whitewash and two guys with guns, each instructed to shoot to kill should any of the others try to escape, and the West side of the wall would be temporarily cleaned. A few years ago, through a door one night came East Berlin police to arrest a West Berliner defacing their beloved wall. They took him to a jail back East, and the last I heard there was nothing West Berlin could do to spring him.

We all know the West Berlin explanation for the Wall—that East Berliners were emigrating at a rate that could not be tolerated. What is less known is the East Berlin side of the story. The Anti-Fascist Protection Barrier, as they call it, was built to protect against a military invasion from West Berlin. That accounts for why, as can be observed, the uniformed East Germans in the guard towers behind the Wall have their binoculars trained upon West Berlin. They are literally looking for the invasion, or signs of the invasion; that was their job for twenty-seven years, much as

continued on page 20

Media Notes

The* Times *they aren't a-changin' — The New York *Times* has it all sorted out. "The Soviet Union," it editorialized after the Malta summit, "suffers from excessive central planning. Economic signals are so screwy that farmers feed bread to their animals because it is cheaper than unprocessed grain. Consumer items are either nonexistent or shoddy. The system stagnates." What is the solution? Writes the *Times*: "Some central planning can be preserved. But a lot has to go."

Thus spake those sophisticated thinkers at America's venerable newspaper. After 70 years of Bolshevism, that's what they've come up with. But then, this was the newspaper whose Pulitzer Prize-winning Moscow correspondent during Stalin's terror famine in the 1930s, Walter Duranty, wrote that he could find no one starving.

The bureaucrats in Prague, Budapest, Warsaw, Sofia, and East Berlin seem to know more about how the world works than the dons on the *Times* editorial board. —SLR

The evolution of a magazine — A year or so ago, my colleague Steve Cox recommended I read *The New Republic*. I had given up on *TNR* about twenty years earlier. In those days it was a a hopelessly dreary voice of establishment left-liberalism, as dull as a New York *Times* editorial.

Cox's recommendation was an excellent one. *TNR* still expresses left-liberal establishmentarian views more often than not, but it is hardly dreary. For one thing, it has opened its pages to a considerable array of opinion. For another, it is consistently the best written of the roughly ten dozen periodicals I read regularly.

An excellent example of the kind of article that makes *TNR* so valuable is Robert Wright's perspicacious review (Jan 29, 1990) of Stephen Jay Gould's new book, *Wonderful Life*. Gould is without a doubt the best known evolutionist in the world; in fact, he is the *only* well-known evolutionist. He has "starred" (if that word is appropriate in such an obscure medium) on public television, writes a regular column for *Natural History*, and periodically gathers his columns into books which sell fairly well.

The most interesting thing about Gould is that his writing about evolution is interesting: he writes engagingly and has a way of making his subject matter relevant to his readers. One way Gould makes it relevant is by aggressively debunking what he asserts to be the widely accepted views of prominent evolutionists. Another way is by drawing political and meta-political implications from it. (His conclusions conform to the politico-religion in which Gould was raised: "my daddy raised me as a Marxist.)

In the course of his review, Wright summarizes Gould's

thinking, and explores his politics and the economic pressures of appealing to the popular mind. The result is the debunking of Gould as a scientist. It would be pointless to recapitulate Wright's analysis here. But it is well worth reading for anyone with an interest in evolution, paleontology, the misuse of science for political ends, or the problems inherent in being a scientific pop star.

TNR also features Michael Kinsley, better known to millions as the voice of left-liberalism on *Crossfire* on CNN. Kinsley is a better writer than a TV star. He manages to transcend the doctrinaire limits of left-liberalism, often coming up with elegant arguments against leftist shibboleths. His recent criticism of the FCC's affirmative action policy in distribution of broadcast licenses poses some very good questions: "Should the advantage being fought over exist in the first place? Wouldn't we be better off trying to reduce the hierarchies and inequalities, rather than quarreling over who gets the advantages of them?"

Michael Kinsley, better known to the millions as the voice of left-liberalism on Crossfire *on CNN, is a better writer than a TV star. He manages to transcend the doctrinaire limits of left-liberalism, often coming up with elegant arguments against leftist shibboleths.*

When James Buchanan won the Nobel Prize for his "public choice" approach to economics a few years back, Kinsley enraged many libertarians and delighted a few by subjecting Buchanan's career and ideology to public choice analysis.

Kinsley isn't the only *TNR* writer prominent on television. Fred Barnes and Morton Kondracke, both senior editors, are regulars on PBS's lively *The McLaughlin Report*. (Barnes is the conservative who can't restrain himself from laughing out loud when opinions he disagrees with are stated by others; Kondracke is the dorky liberal whom McLaughlin addresses as "Mor-TAHN!")

TNR's print ads frequently feature pictures of Barnes, Kondracke and Kinsley on television screens. Television stardom as a means of expanding magazine circulation may be the wave of the future: scuttlebutt has it that when *Reason* was looking for new editors a year ago, it sought people who could do well on television.

Of course, the appeal of *TNR* is not that you get to read what TV stars have to say. *TNR* is worth reading because it consistently offers an array of provocative opinion with panache. —RWB

A sign of progress — On a recent broadcast of "All Things Considered" on National Public Radio, the Czechoslovak finance minister explained that the government is debating whether the economy should be transformed to a free market quickly, in the style of Ludwig Erhard in postwar West Germany, or gradually. The minister said he favored the "radical" approach because, "as Hayek has written," a gradual approach always has credibility problems. Neither the minister nor the commentator thought it necessary to identify Hayek. Of course, in the commentator's case it was because he doesn't know who Hayek is. —SLR

***The culture of* Chronicles** — The attempt at a paleolibertarian–paleoconservative alliance may already be bearing fruit. The January 1990 issue of *Chronicles*, the "magazine of American culture" published by the Rockford Institute, the leading stronghold of paleoconservatism, features articles by Murray Rothbard and Lew Rockwell (both well-known, to say the least, in libertarian circles), and its lead piece by editor Thomas Fleming espouses a very old right excoriation of U.S. interventionism in Central America, concluding that "the old ideals of limited government and free enterprise . . . are still the best weapons against the banana republicans of both parties" and supporting a comment about how World War I was used by the government as an excuse to institute a command economy with a reference to the works of Rothbard. The same issue features a debate on free trade. Alan Reynolds provided a thorough, well-reasoned defense of international trade, pointing out that the fight against it is "essentially a theological dispute," concentrating on vague, mystical notions of an organic national character that must be preserved from foreign rot at any cost to freedom or prosperity.

On the other side, William R. Hawkins, a research director for something called The South Foundation (admiration for the folkways of the Old South is a basic tenet at *Chronicles*), begins his argument against "unfettered trade" by complaining that free trade didn't prevent World War I, and ends it by complaining that it puts "greater pressure on the U.S. to avoid conflict." Free trade is bad because it doesn't stop war, and also because it just might. Hmm. And Anthony Harrigan, the president of the United States Business and Industrial Council, after railing against "transnational" corporations, concludes that "American-based entities . . . have to serve the American national interest. We cannot allow them to do otherwise." As an American-based entity myself, I'm alarmed.

Even so, the debate is evidence of genuine progress among the paleos: *Chronicles* had previously championed a xenophobic protectionism. —BD

***RIP:* American Libertarian** — While it lasted, *AL* provided something the libertarian movement needed: an independent news periodical. Although I sometimes disagreed with what I read in it, I never wanted to miss an issue. Its passage was a sad moment for libertarians. —RWB

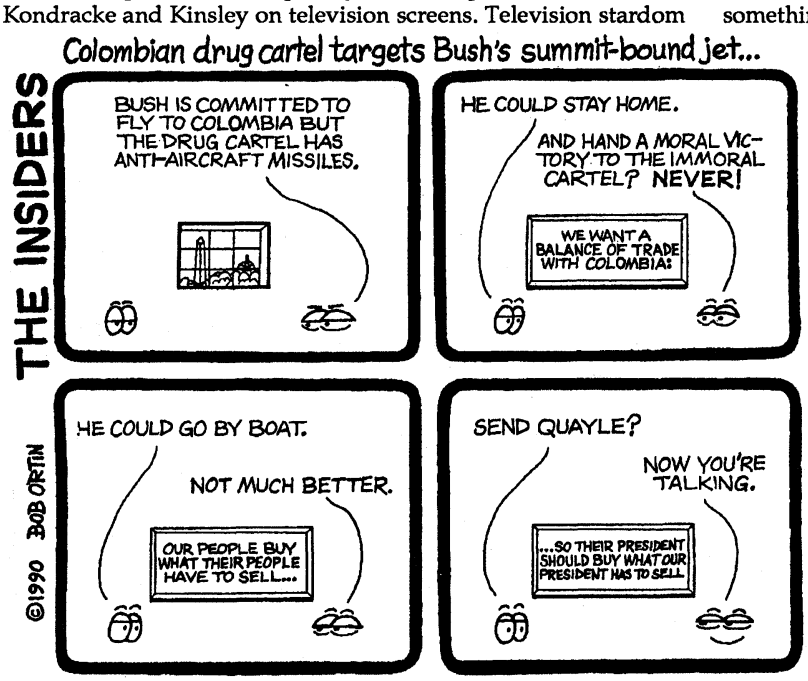

Policy

Isolating the Error of Isolationism

by Stephen Cox

Of the notorious "gray" areas of libertarian thought, national defense and foreign policy seem least discussed in libertarian circles—perhaps because it is in these areas that actual political practice has been the *blackest*.

Are most libertarians isolationists? I don't know. Unquestionably, however, isolationism has been a powerful tendency within libertarian thought throughout the twentieth century.

On isolationist grounds, libertarians of both rightward and leftward leanings opposed American imperialism in the Philippines and American involvement in the 1914–18 war. Libertarians of the Old Right opposed Roosevelt's preparations for World War II, and libertarians of the latest generation opposed Johnson's pursuit of the Indochina war. America's Christmas invasion of Panama—a crusade undertaken to remove a dictator whom American intervention had helped to install—rightly strengthened many libertarians' instinctive aversion to any extension of military force beyond the borders of this country.

No one should be surprised that current libertarian leaders often talk as if isolationism were as obvious a part of the libertarian creed as advocacy of free speech and free markets.

But the matter does not seem quite so obvious to me. Isolationism should, I believe, be regarded merely as one strategic option of a free society; it should not be elevated to the status of a political or moral creed.

Let's review the grounds on which isolationist thinking may be based. I can think of three: religious, moral, and practical.

The Religious Ground

The idea that the threat or use of destructive violence is in all circumstances wrong is an ancient and honorable tenet of certain religions. I do not intend to argue against it. I wish merely to note that virtually all societies have regarded its practical consequences as disastrous. As a result, pacifism has never achieved substantial influence on the foreign policy of any nation. Clearly, however, a pacifist society (did such a thing exist) would never be anything but an isolationist society. It would never consider itself justified in projecting, or even threatening to project, a military force beyond its borders.

The Moral Ground

Here I *will* argue.

The moral theory of libertarianism is usually understood to be founded on the belief that all people have the right (as the prophet Micah puts it) to sit under their own vines and their own fig trees, with none to make them afraid—that they have the right, in other words, to enjoy their property, including their property in themselves, secure from the coercive influence of others.

We may argue about the source of this right, about the definition of coercion, and about the structure of society that is most likely to maximize the first and minimize the second. While arguing about these things, however, we may easily find ourselves agreeing with the isolationist premise that the same standards that apply to individuals ought to apply to the countries they inhabit. If there is but one standard of morality in this world (and why should there not be?), the isolationist can feel secure in his creed, and view all libertarians who would countenance interventionism as cynical advocates of a double standard.

How, the creedal isolationist will ask, how on any theory of rights that pretends to be libertarian, can my country possibly be justified in coercing or threatening to coerce the people of other countries? If it is wrong for *me* to invade my neighbor's house, how can it be right for *us* to invade our neighbors' houses? And many of these "neighbors" aren't neighbors at all! They're thousands of miles away!

If the North Koreans invaded our property—so this argument goes—we might justly repel them: we are secular moralists, not religious pacifists. But we have no right to interfere in other people's affairs.

Let's accept, for the moment, the faintly ludicrous analogy of houses and countries, and see where it leads. No libertarian will argue that I as a homeowner have the right to march, without provocation, into my neighbor's yard and imperialistically occupy his swimming pool. No libertarian will argue that I have the right to march into my neighbor's hall closet and confiscate his shotgun.

But suppose my neighbor sets his shotgun on his window sill and points it at my bedroom, meanwhile shouting that my property is not rightfully mine and that he intends to redistribute it among his poor relations. Suppose that my neighbor has been reported, on good authority, already to have liquidated several other people and seized their goods. Suppose also that no police force is available to protect me. May I now "aggress" upon my neighbor's land and seize his means of aggression? And may I go so far as to form alliances with other neighbors in the pursuit of my objective?

What made the difference between Finland's relatively easy fate—mere castration—and the fate of, say, Czechoslovakia? Finland's proven willingness to fight and fight hard.

Common sense answers, yes! And do it right away!

Now suppose that my neighbor has, like bad neighbors the world around, a group of confederates, people known to give aid and comfort to aggressors such as he. Common sense indicates that I and my allies may justifiably consider neutralizing his allies, whether they live next to us, down the block, or merely (as we say in California) freeway-close.

The obvious question is now ready to be made explicit. What principle of libertarian morality prevents a society of free people (or *relatively* free people, since no libertarian will ever bring himself to regard any society as *truly free*) from intervening against societies beyond and perhaps far beyond its borders, breaking its isolation in order to prevent aggression against itself? The house-country analogy clearly authorizes such intervention, even the systematic intervention made possible by standing military and diplomatic alliances, even the systematic intervention made possible by *costly* alliances. What's the matter, in short, with NATO, so long as it responds realistically to real threats?

Here, of course, the creedal isolationist hastens to abandon the house-country analogy. And no wonder, since many a creedal isolationist is also a creedal anarchist, convinced that no government, however elected, checked, and balanced, will ever possess a legitimate authority that is even remotely similar to a private householder's property right. To the anarchist, interventionism is illegitimate because state power is illegitimate, even if it is used against another example of state power—even if it is used against a state that allows dramatically less liberty to its citizens than that allowed by the intervening state.

If one wishes to respond to the anarchist, one may simply ask why he thinks that states intervened against should be treated as any more sacred than states intervening. Why are the borders of Hungary and East Germany any more sacred than those of Holland and West Germany? Why must *these* illegitimate states be considered immune from interference? Why must *their* property rights be protected and *their* political arrangements be guaranteed absolute freedom from disruption by any outside force, even when they are demonstrably inimical to the liberties of their citizens, as well as to those of the citizens of other countries?

But there is another way of responding to the anarchist position, a way that raises issues perhaps more interesting. Suppose that America were both anarchist and libertarian. Suppose that its armed forces were actually the private defense forces of which anarchists dream. Would these forces be used only in the service of isolation? Would they never strike across national boundaries, hoping to destabilize threatening states? What absolute moral principle could be used to persuade an anarchist tactician, hired to direct the defense forces of a free society, to respect the integrity of any such threatening state—or, for that matter, of any *tyrannical* state, threatening or not? Why should an anarchist society not attempt to liberate other societies from oppression? A *practical* argument might be made that the battle might not be winnable in this or that situation. But what reasoning could impose isolationism as a moral absolute—upon anarchists?

Anarchists are opposed to the state's control of roads, schools, courts, and military intervention. It does not follow that anarchists are or should be opposed to roads, schools, courts, or military intervention *per se*. Rare is the anarchist who would prefer no roads to government roads. Rare also should be the anarchist who would prefer letting tyrannies thrive to uprooting them by the action of freer governments, if the intervention were successful in practice.

At this point, I am afraid, both my anarchist and my limited-government friends become outraged. "What! Don't you know what happens when you decide to throw your weight around like that? Think of Viet Nam! Think of the Bay of Pigs! Think of the military-industrial complex! These are the practical consequences of interventionism!"

This is exactly the kind of outrage I want to provoke, because it is an outrage stemming not from some arbitrarily imposed "moral" principle but from a concern for practical effects, a concern for—

The Practical Ground

In practice, intervention and isolation can each achieve success or failure, and almost any imaginable degree of success or failure. Everything depends on the context in which either intervention or isolation is adopted as a policy. To return to our equivocal "house" analogy: I could not really *protect* my house from a violent neighbor by a preemptive nuclear strike, but neither could I *protect* my house by boarding up all its doors and windows. In either case—that of an unwise intervention or that of an unwise isolation—I would ruin my property by employing the wrong means of protecting it. Although I might consider that I had a perfect right (as indeed I do) to break open the door of my neighbor's house to rescue a person inside who was screaming, "Help me! I'm being robbed!", I would not break down his door if I had reason to believe that my action would result in the death of either me or the robbery victim.

These are practical questions, and the correct answers to them can often be proven only in action. Would NATO have saved the Hungarian Revolution of 1956 by launching a military strike on the Russian forces closing in on Buda-

pest? We do not know; the tactic was not tried. An American-supported strike at the Bay of Pigs was tried with some possibility of success; it failed ignominiously. But this was a practical miscalculation, not a moral failure of the kind that would instance the universal truth of a non-interventionist creed.

Truly interesting philosophical debates can take place about the point at which failures of practical knowledge may become morally culpable. If I, with the "best intentions in the world," decide to remove my friend's appendix, but find that I cannot complete the operation because of my insufficient study of medicine, certain negative conclusions may be drawn about the ethical quality of my intentions. At the other extreme, no negative conclusions will be warranted in the case of a physician who has never failed in her attempts to remove appendixes, but who fails one time because an earthquake knocks out the lights during the most delicate procedure. Between the extremes lie many occasions for argument.

What cannot successfully be argued is the idea that the practical effects of interventionism are systematically (much less universally) threatening to the ethical goal of liberty. During the Jefferson and Madison administrations (and it was Jefferson who coined the famous anti-interventionist phrase about "entangling alliances"), the United States repeatedly attacked North Africa, with no significant ill effects except on the pirates who had been demanding tribute from U.S. vessels. The American occupation of Europe and Japan following World War II had, on balance, distinctly positive effects for economic and other liberties in the countries occupied, though it had mixed effects on the economic and certainly on the political life of America itself. American intervention in World War I, however, was wholly inimical to the evolution of libertarian societies everywhere.

No universal law decrees how intervention shall turn out. Can anyone doubt that a scheme on the part of France, Britain, and the United States to prevent, by force if necessary, the consolidation of a fascist regime in Germany could have proven helpful to the cause of liberty, if it had succeeded in its goal—or harmful, if it had provoked a still longer-lasting form of fascism than the one that Germany actually got? Such a scheme would have been opposed, for quite plausible reasons, by libertarians of the Old Right, but they might have lost their bets.

The Current Issue

Well, so what? We aren't facing Hitler now; we aren't even facing Khrushchev. Americans in general are weary of supporting troops in prosperous and more or less free West Germany and Japan, and Americans of libertarian sympathies are of course still wearier of doing so. Some people fear that intervention in places like Nicaragua can drag us into another Vietnam. Why not, then, fly the banner of Isolation beside the banner of Liberty?

The reason is simple: A belief in Isolation as an eternal creed, rather than a strategy that may be useful at one time or another, leads us to say and to think some very silly things.

It leads us to confuse one particular tradition of the American republic with a policy by which all right-thinking people should live. There is no obvious reason to believe that the "entangling alliances" invoked by Jefferson should be viewed as entangling by the citizens of twentieth-century Denmark, or of twentieth-century America. The American tradition of isolation was, after all, an eminently practical tradition, one based on a sense of practical interests and not on an idealistic vision of how everything would turn out for the best if all good people stayed at home.

In the fourth number of *The Federalist*, for instance, John Jay takes quite a different slant on the moral issue from that taken by creedal isolationists. He decries the tendency of free peoples to be "flattered into neutrality by specious promises, or seduced by a too great fondness for peace to decline hazarding their tranquillity and present safety for the sake of neighbours."

Perhaps libertarian isolationists will reject Jay's counsel because he was a federalist arguing for a stronger government than that of the Confederation—though such libertarians are fond of quoting the *locus classicus* of isolationism, the Farewell Address of Washington, greatest of federalists. Very well: Washington in his Farewell Address urged Americans to have "as little *political* connection as possible with Europe," observing that "Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns." But do the proper concerns and interests of contemporary Americans have nothing in common with the interest of contemporary Europeans in economic and political liberty?

Only wishful thinking about life in some other world will justify the view that "just-let-them-destroy-themselves" is the right prescription for all foreign ills.

Creedal isolationism can easily lead us to mistake the practical interests of yesterday for the practical interests of today, especially if we assume that practice can never be at odds with creed. This assumption is endemic to libertarianism, largely (I suspect) because of the providential linkage between a free society and a good economy. We have excellent reason to think that the freedom we advocate on moral grounds really works in the economic sphere and in the wider social sphere so largely dependent on economics.

But even the best-founded moral principles (and I will not allow isolationism to have this status) sometimes fail to produce positive results. I may unwittingly kill my friend while attempting, with good probability of success, to push him out of the way of an oncoming truck. On the other hand, someone may save my life for the sole purpose of being able to swindle me out of my last dime and leave me to starve.

If we assume that isolationism is always right and always works, with the corollary that interventionism is always wrong and never works, we will be vulnerable to grossly fallacious readings of history. I have recently been startled by the number of otherwise well-informed libertarian scholars who are willing to maintain, at least in conversation, that Stalin's imperialism, from which Europe has yet to recover, was a reaction to an aggressive NATO, not to Western accommodations at Teheran and Yalta or to the willingness of the West to overlook his imperial adventures. Such scholars emphasize Stalin's alleged "conservatism" in pushing himself back from the table before he had swallowed

Greece, Italy, and France.

This kind of "revisionism" is useful neither to truth nor to liberty. Stalin annexed the Baltic states in 1940; he had mastered Albania and Yugoslavia by 1945 (though the latter was to escape in 1948), East Germany and Bulgaria by 1946, Poland and Romania by 1947, and Hungary and Czechoslovakia by 1948. NATO was formed in 1949—evidently not a moment too soon. But this the creedal isolationist will never grant. Since he regards American intervention in Europe as by definition morally wrong and practically unnecessary, he depicts Stalin as a "conservative" who never needed to be deterred; or he depicts the Western alliance as driven by "interests" no more important to liberty than those of the Marxists.

Isolationism should be regarded merely as one strategic option of a free society; it should not be elevated to the status of a political or moral creed.

And as he underemphasizes the political and moral weight of the Western threat in keeping one part of the European peninsula more or less free in the late '40s, so he underemphasizes the weight of the West in bringing a measure of freedom to other parts of Europe in the late '80s. Thus, we hear progress described as emanating entirely from the Soviet government's longstanding concern for self-protective peace; we hear God thanked for ensuring that Reagan is no longer around to bother the Soviets with his cold warrior talk of an evil empire —as if the evil empire were actually the West.

A much more sophisticated expression of isolationist views has recently been advanced by Sheldon Richman, an editor of this journal. I respect Richman's work and have learned from it, but this time, if I read him correctly, I am sure he is wrong. He makes a laudable, but unsuccessful, attempt to base his isolationism on stern reality instead of creedal thinking. The argument that results from his attempt might be called the "accommodate now, triumph later" thesis—and it is one that is more congruent with creed than with experience. In an article in the January 1990 issue of *Liberty*, Richman points out that in 1948 Finland agreed to a treaty of friendship with the Soviet Union, a course that brought the Finnish people "forty prosperous years of liberty, capitalism, and peace," instead of "the crushing of Finland and possibly another world war." And forty years have brought greater rewards with them, as Richman thinks: in the January 1990 issue of *The Free Market*, he uses communism's 1989 catastrophe as evidence that no one needed to intervene against the Soviet bloc, because its downfall was always ensured by the ineffectiveness of its social-economic system. The Cold War was useless, he believes, either to contain communism or to destroy it. If America had simply done nothing, practiced no intervention in Europe, the Soviet system would eventually have collapsed anyhow; in the meantime, America accomplished nothing but the strengthening of its own warfare state.

Unfortunately, the implications of Richman's brass-tacks realism are far from realistic. It encourages us to imagine that we inhabit a world in which old tyrants never aggress, they just fade away. Tyrants in this imaginary world can be depended upon to sink deeper and deeper into the political and economic hole, without ever deciding to distract their populace or replenish their funds by looting and enslaving their neighbors. Tyrants are, apparently, at once too smart and too dumb to require containment. They are dumb enough about economics to embrace the doomed policies of communism, but smart enough about economics to sense that aggressive war doesn't pay. Prudence, unaided by any external threat, seems to be sufficient to restrain them from annexing unprotected countries that might, one or two generations later, be seen as mere liabilities. Although they are savage to their citizens, they are respectful of their neighbors—much more respectful than the power-mad directors of the American military- industrial complex.

In such a curiously rational but unreal world, America's Cold War intervention would not have been justified. But the real world is that of John Jay's maxim: "It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have the prospect of getting any thing by it, nay that absolute monarchs [of whom the Marxist powers have offered many examples] will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as, a thirst for military glory, revenge for personal affronts [such as the affront of other people's freedom and prosperity]; ambition or private compacts to aggrandize or support their particular families, or partisans."

If, as the isolationists often insist, "elite groups" in the United States are perpetually yearning to begin aggressive wars which are not, perhaps, in anyone's long-term interest but are very much in some people's short-term interest, then we must assume that officers of tyrant-states possess at least an equal readiness to *get things* by aggressive means. And many a tyrant-state has had time to destroy its neighbors before destroying itself. How persuasively could one argue with England not to contest Hitler's aggression in central Europe—because Nazism would eventually destroy itself? How persuasively can one argue with the American public that NATO was never necessary, because the Soviet Union may eventually implode? It hasn't imploded yet, and generations of central and eastern Europeans (not to mention Africans, Cubans, and Vietnamese) have paid the price of its failure to do so.

I could not really protect my house from a violent neighbor by a preemptive nuclear strike, but neither could I protect *my house by boarding up all its doors and windows. In either case—that of an unwise intervention or that of an unwise isolation—I would ruin my property by employing the wrong means of protecting it.*

"Gorbachev seems to understand," Richman remarks, "that big-power status and prestige would be denied a country that cannot grow enough food for its own people. His solution is to begin to integrate the Soviet economy with the

world economy. He wants trade and technology, and to get it he must commence, however modestly, market reforms. The people have demanded change, and the rulers could not ignore it." But they did ignore—or brutally repress—it for many years, years during which they used military force to seize their neighbors' raw materials, strategic positions, technology, and technologists, years during which they lavished, on military competition with the West, resources that they might have spent in shoring up their domestic economies, at least for the comparatively short term that usually represents the effective horizon of political decision-making.

Certainly it is true, as Richman argues, that the Soviet "consumer economy would still have been starkly inferior to the West's" if the Soviets had not been "forced to spend resources on arms rather than consumer products." But this is a long way from proving the hypothesis that "given the inherent incompetence of bureaucratic economies, it would not have mattered if the Soviets spent *no resources* on arms." If they had spent *no resources* on arms, the Soviets would not now be running deficits of between 10% and 20% of GNP, and that is something that matters.

The current disintegration of communism in eastern Europe is not, as Richman asserts, the "spontaneous" product of internal problems. Communism was contained by Western armed forces, prevented from further expansion and looting; it was harassed by Western schemes of subversion; and it was taxed by competition with the West for military supremacy. It was this competition that rendered desperate the need for advanced "technology" to which Richman refers as a motive for Gorbachev's decision to change the Soviet Union's ways.

"In the broadest terms," Richman says, the people of the East Bloc "have awoken to what they've been missing. How long could people be expected to live under [communist] conditions if they have an inkling of what people in the West have?" The answer is, A good long time—70 years in the Soviet Union, 45 years in neighboring countries. During virtually all of that period, people had more than an inkling of what they were missing, and they often rebelled. The dramatic collapse of East Germany, where communism was arguably more popular than in any other state, demonstrates how little the people needed to be "awoken." They had rebelled—but their rebellions had always been suppressed. The United States prudently decided that it would be counterproductive to attempt to liberate eastern Europe by force, but it could and did intervene in Europe and elsewhere to keep pressure on the tyrants. It did what Finland, for instance, could not do, and the policy accomplished its major objectives.

But it is unfair to use even Finland as an example of peaceful coexistence with tyranny. What made the difference between Finland's relatively easy fate—mere castration—and the fate of, say, Czechoslovakia? It was, quite simply, Finland's proven willingness to fight and fight hard; it was the military threat that Finland would surely pose in the event of a general Western move against the Soviets. And this returns us to the more important question: What

continued on page 76

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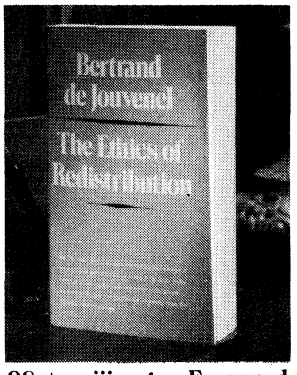

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"Gaudy Days in Berlin," from page 13

some of our own soldiers have been working around the clock anticipating a Soviet missile invasion.

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The Wall made Berlin a showplace, not of Western achievements so much as the difference between East and West. You could inspect and feel the other world simply by taking public transportation or a short walk and come back before midnight. You could go from a city that had an abundance of consumer goods to one that did not, from homelessness to its absence, from efficient automobiles to noisy plastic mobile carts. You could see for yourself how "socialism" was deficient and why thought-control failed. I remember having dinner in East Berlin. At seven o'clock, my hostess excused herself to turn on her television. On the screen was a crawl announcing the evening's programs on the West Berlin station that East Berliners were officially forbidden to watch. Since the East Berlin newspapers didn't print the schedules of Western television, this was the best way for her to discover what might be worth watching that evening; a few minutes later she telephoned a friend about a program that would interest them both. I had an image of East Berlin telephone lines suddenly humming immediately after the schedule-crawl, much as American toilets are flushed almost in unison during the ads in the Super Bowl. I also remember crates of peaches stacked outside the grocery store on Sunday. East Berliners were rushing up and purchasing whole crates. Why, I asked. "The peaches come from Bulgaria only twice a year; and if you don't get them today, there'll be none tomorrow." When channels of demand and supply are clogged, many trivial things, taken for granted in the West, become persistently problematic. Living in West Berlin made me more of a libertarian.

☆ ☆ ☆

The Wall was less of a problem for West Berliners than outsiders imagine. The post-war city was reconstructed to realize three great illusions—there was no war, there is no Wall, and the great cultural traditions continue; and all three artifices are persuasive while you live there. For one thing, in a city as spacious as Berlin you hardly saw the Wall, as it ran along places you didn't usually go near, much as New Yorkers rarely see the large garbage dump in Staten Island or most Manhattanites are hardly conscious of the surrounding rivers. Thus, you felt the Wall only indirectly, as in, say, the inferior air quality in neighborhoods along the Wall (reflecting lower East German emissions standards for both coal and gasoline) or in packed lakeside beaches during a summer day and then packed streets at night. (As I would joke, one of the charms of living in West Berlin was that no one ever invited you to spend a boring weekend at a country home.) Having accustomed myself to its peculiarities, I figured that West Berlin could survive forever as an island; and not unlike other West Berliners, I doubted if the Wall would come down in my lifetime. Indeed, I remember remarking more than once that, "I couldn't imagine what Berlin must have been like before the Wall." I remember a Jewish friend who had grown up in Berlin in the 1960s attributing the absence of anti-Semitism to the Wall—German anti-Semitism, she explained, usually comes from the provinces whose peasants, thanks to the Wall, were kept out of West Berlin. Now that censorship is relaxed, while Honecker's latest successor, Gisy, is identified as having a Jewish background, one fears provincial anti-Semitism will creep back into Berlin. One policy question now is whether East Germany, ever desirous of hard currency, will let West Berliners purchase second homes in the countryside?

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Still out of town, I hear only secondhand what changes that the Wall fall has brought to West Berlin. There have been immigrants, of course, but fewer than anticipated. Instead, there has been a massive influx of day visitors to a city that is accustomed to having visitors, but these newcomers differ from the visiting West Germans (called "Wessies") in having no money. It would be comparable to importing a million Mexicans into San Diego and turning them loose. Obviously, they would spend most of their time hypnotized before store windows and thus clog up sidewalks on the shopping streets (even on the Kurfürstendamm, where the sidewalks are fifty feet wide). It was reported here that the local soccer team, Hertha, invited all East Berliners to attend their games free. Anyone who knows Berlin would recognize this as a less magnanimous gesture than it seems. For one thing, it would get thousands of shabbily attired people off the Ku'damm. Second, Hertha has never been a good team, which means that it rarely packs more than a few thousand fans into the historic Olympic Stadium that was built during the 1930s to hold a hundred thousand. Inviting the East Berliners gratis was merely "papering the house," as they say in the NYC theater biz.

The demise of the Wall generates new problems for West Berliners. What do you do with all these visitors who don't have your money, whom you're obliged to accept as guests but would rather not have stay? One fact lost in current reporting is that a border remains, with fixed checkpoints, as they are called, whose restrictions can be tightened from either side. As I write, I hear that West Germany is no longer giving a hundred DM to every visitor, recognizing that some "incentives" are by now counterproductive. I hear that the annual Berlin Film Festival will be held in both parts of the city, which is not only clever, keeping some viewers at home, but remarkable, remembering, as my filmmaking partner Martin Koerber writes me, that, "It had been invented by U.S. intelligence officers as a weapon of the Cold War."

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As a veteran of radically alternative politics, I've always been bothered by the piety "that's impossible." Recently talking with the New York correspondent for ARD, one of the German television networks, I argued that drugs will be decriminalized suddenly in America, much as alcohol prohibition, which was similar, ended suddenly a half-century ago. He replied, "That would be impossible." What would you have said, I replied, only a few months ago about East Germans opening their Wall. "That's impossible." The next political miracle in the coming years will be not greater effort/expense in the ever-failing "war on drugs" but simple surrender, for much the same reason as, everyone now agrees, the Wall had to come down—given human nature, *it didn't work.*

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Martin Koerber continues, "If you want to see the Berlin Wall one more time, you'll have to hurry. Apart from wholesale on the international art market by the DDR-government, the people are getting it down bit by bit with hammer and chisel, creating new businesses: hammer and chisel rental at five DM for fifteen minutes while the hammering kids sell chunks to tourists. The most incredible part of it is the noise, audible all along the Wall. Maybe one should propose for the new DDR flag a hammer and chisel, instead of a hammer and sickle."

He also writes that instead of ignoring East Berlin television, as most Berliners on both sides used to do, he now watches it all the time: "fantastic *glasnost* news-shows, no reliable program pattern, but sudden broadcasts of unshelved films, etc." That's another way of saying that DDR-television succeeds with spontaneity, by being a genuine communications channel among people informing one another.

He continues, "Lots of topics for new journalism in Berlin, so come and look in 1990." I think I will. —RK

Analysis

The Conquest of the United States by Noriega

"What else are you going to do with a man like Noriega?" George Schultz responded to a question about the appropriateness of the U.S. invasion and occupation of Panama.

Liberty's editors offer their answers to that question and others posed by America's Isthmusian adventure.

Making the world safe for democracy— "Secretary of Defense Cheney said that the U.S. invasion of Panama does not point to a new policy, does not mean that the U.S. will invade Nicaragua if it doesn't like the results of the Nicaraguan election next month. *All options are open,* he said, but so far, no commitments have been made."

—dispatch from CBS Radio News, Jan 5, 1990

No wimps here — The worst thing about the invasion is that Bush got away with exactly what he accused Noriega of doing: flouting the law. Bush did so on a grand scale, thumbing his nose at U.S. law, international law, common decency, and morality. Many Republicans gleefully observed as Bush's popularity with the American rabble skyrocketed, no one will ever call Bush a wimp again. Nor did any Germans, who had suspected vegetarian Hitler of that same crime, call Hitler a wimp after *Kristallnacht.* —R. W. Bradford

The ugly gringo lives — That's a fair summation of Operation Just Cause, the absurd Latin adventure launched by yet another president in search of his manhood. Maybe the man who is ultimately to blame for Bush's criminal activity is Gary Trudeau—a man can be expected to take only so much ribbing about being a wimp before he Does Something.

Bush once again got lucky. (I say "once again" because here is a man who should not have risen above middle management in the Customs Service.) He pulled off a two-bit military operation with aplomb—at least in the eyes of the somnambulant American population—by having as his bogey an untelegenic caricature of a Latin Strongman. We can overlook such clumsiness as ransacking the Nicaraguan ambassador's home and other peccadilloes.

The Bush regime craftily manipulated the highly-manipulable domestic herd in the days ahead of the invasion. For example, he and what passes for the news media trumpeted Manuel Noriega's impudent "declaration" of war against the United States. In fact, the Maximum Leader of Panama—or whatever the hell he dubbed himself—apparently had merely recognized a state of war between the two countries. That's how his pronunciamentos were interpreted throughout Latin America. In this, of course, he was right. The United States had all but declared war on Panama, embargoing trade, freezing assets, oiling the campaign of the opposition candidate, etc. Change a little word like "recognize" to "declare" and you've got yourself a swell little war.

Then there was the "provocation" that the United States simply could not ignore. The shooting of that American soldier was a classic *casus belli* in official minds intent on invasion, but in fact it can be blown off as fraudulent. A car full of GIs ran a checkpoint near a strategic location in Panama City, resulting in the firing on the car and the death of a soldier. I wonder what might have happened had a bunch of Panamanian soldiers refused to stop as they drove by the White House one night. Moreover, there is no evidence that this was anything more than an *ad hoc* tragedy. Certainly no one ever produced an order from Noriega.

Oh, yes, there was another incident. As syndicated columnist Joseph Sobran, who has progressed from conservative to libertarian in record time, observed: "There was a sad absurdity in listening to him [Bush] explain, with all the macho he could muster, that when an American Marine is repeatedly kicked in the groin, then by golly, Mr Gorbachev, this President is going to do something. Is that how American foreign policy is made? And here I was picturing a lot of high-level strategists in some oak-paneled conference room."

American indignation at dictators and their treatment of American nationals is highly selective, so we might ask what lessons there are in the Panama invasion for other tinhorn Maximum Leaders. First, if you're on the CIA payroll, you had better be discreet about any double-dealing. Second, try to appear as though you are helping the Contras; we don't mind drug-running as long as some of the proceeds go to a good cause. Third, don't refuse when the United States leans on you to ease up on your bank-secrecy laws. If you do these things, you can probably stay in power for as long as you want. And don't take too seriously the American blather about respecting the democratic process. That swill was flowing from the State Department when the United States turned a successful unarmed Panamanian police force into an armed militia powerful enough to overthrow a constitutionally-elected government in

1968. And there was no shortage of it in 1984, when General Noriega stole an election and put his man in power—with bravos from the Reagan administration. And even as the Bush gang chanted hosannas to the Will of the People, it was installing top Noriega bludgeoner Colonel Eduardo Herrara as head of the new defense force and keeping lots of locals in prison camps without charge.

George Gilder once wrote that there was a compensatory logic to the cosmos. I doubt it (the rebuttal is that Nelson Rockefeller reportedly died instantly at the moment of ecstasy while in bed with a woman not his wife). George "Charles Atlas" Bush will suffer neither politically nor otherwise—as he assuredly should—for his intervention and killing of hundreds of civilians. His popularity is expectedly high because the American people like to kick posteriors, especially easy Latin ones. And as much as they like their Presidents to have a streak of barroom brawler in them, they dislike history. The last thing they want to hear about is how U.S. policy, with the help of Bush, created Noriega. Bush perfectly exemplifies this willful, enthusiastic ignorance: his magic words for dismissing any discussion of how the United States caused any mess are, "That's history." I would look forward to the day he's history, except that I remember who stands behind him.

Even the worst situation has its good side. Because of the invasion, Peru has pulled out of the Colombian drug summit. We must be grateful for even the smallest of blessings.

—Sheldon L. Richman

Maybe the man who is ultimately to blame for Bush's criminal activity is Gary Trudeau—a man can be expected to take only so much ribbing about being a wimp before he Does Something.

The cost of "justice" — Just a few weeks after Gorbachev had taken the "No More Invasions!" pledge toward the satellite countries, Bush urged him to renounce it by invading Romania to assist the anti-Ceausescu forces there, and in the process implying a sanction of the U.S. invasion of Panama. Why Gorby turned down Bush's suggestion I do not know: maybe he figured intervention wasn't necessary, maybe he feared the cost of such an invasion in terms of Soviet life and treasure, maybe he has become a sincere non-interventionist. But one thing is plain: the U.S. invades its satellite as the Soviets stand by and watch armed revolution in its satellites. Bush has voluntarily given Gorby the high moral ground.

In the long run, this may be the greatest loss in America's humiliating defeat in Panama, greater than the cost in American lives, in Panamanian lives, in American property (already the Administration is talking about giving $2,000,000,000 to Panama to help rebuild the country after the invasion), and in America's reputation in Latin America. —R. W. Bradford

Jurisdiction: moral and legal — If we as a nation are ever entitled to act collectively at all, then we are morally entitled to intervene to help depose a tyrant. This is especially true if we are guilty of having given the tyrant some support in the past and if, more recently, our half-hearted efforts against him have proved ineffectual and have only wreaked hardship on his subjects. Whether remedial intervention is prudent on a particular occasion is another question. Anyway, I regret seeing the intervention in Panama linked to a supposed criminal case instead of being frankly defended for what it was. I have seen practically no discussion of what crimes Noriega is supposed to have committed *within the territorial jurisdiction of the United States.* —Leland B. Yeager

Defending our women — It was embarrassingly obvious from his performance on TV that George Bush was prepared to put up with damn near anything in Panama except Messing Around With Our Women.

Noriega had been a dope dealing, dictatorial dacoit for years—probably going back to his collegial association with Bush himself at the CIA. The thing that Bush spoke of as the last straw, and with obvious, sincere passion, was that an American woman had been sexually harassed by Panamanians at a roadblock. —Karl Hess

Advancing the rule of law — The jurisdiction of U.S. law enforcement agents extends throughout the world (and, presumably, the entire universe), the courts have ruled, but the requirement that law enforcement agents must recognize the rights of citizens guaranteed by the U.S. Constitution, the Bill of Rights and the laws of the land, do not extend beyond U.S. territory. Therefore, there was no need to inform Noriega of his rights until the plane hauling him to the United States had cleared Panama, and the warrantless search of his home is perfectly legal and the items seized there are perfectly admissible as evidence. So, presumably would be a confession made after Noriega's finger nails were extracted, his genitals fried by electrodes, and the soles of his feet seared with a branding iron. —R. W. Bradford

The Law and Mr Noriega — There are many legal dimensions to the case of *Uncle Sam v. Manuel* (Pineapple Puss) *Noreiga.* Quite a few of them trouble me, but I am going to limit my observations to the most general one: can it really be argued that General Noriega owes faith, obedience, and observance to the statutes of the United States?

Our legal system rests on two bedrocks—Roman civil law and English common law. The former legal edifice centers on the concept of *civitas,* which was given its most profound analysis by Cicero. The great orator's characterization of this civic virtue can be paraphrased as: an informed and spontaneous willingness to obey the law, derived from an acceptance of the protection and succor of the community. The Anglo-Saxon conception is analogous—the rule of law rests ultimately on an unspoken contract between statutory authority and the informed consent of the governed, to summarize Blackstone and others. (As a point of information, note that the Panamanian civil code is derived from Roman law.)

Is there any sense whatever in which Manuel Noriega owes obedience to the United States? He is not a citizen, not a national, not a resident. He is not under the protection of this country (except, obviously, in a very sinister sense at the moment). I realize that there are some legal theorists who argue that offenses which transgress the common prohibitions of civilized mankind may be punished by any lawful authority. But these are not relevant here. Noriega is not accused in this country of crimes against common law—murder, rape, theft—nor is he accused of piracy, which has a special status in that by international agreement it is regarded as an assault against civilization itself.

Rather, we are dealing with such charges as money launder-

ing, traveling (to Cuba) in furtherance of a criminal enterprise, allowing drug merchants to use Panamanian territory as a transshipment point, and assorted RICO offenses. Whatever these alleged transgressions are, they are definitely *not* crimes against the common legal heritage of mankind. Most of them weren't even crimes in the United States ten years ago.

This whole dubious matter reminds me of the allegation one often hears (usually from right-wing sources) that so-and-so (Ortega, Castro, the USSR) has "violated the Monroe Doctrine." Well, maybe so, but this "doctrine" is merely the unilateral demand of one American president. It isn't even a law in the United States. Why should Ortega or other non-Americans "obey" it? Is Lech Walesa obligated to obey the Brezhnev Doctrine? —William P. Moulton

Arms and the revolution — One startling contrast between the U.S. invasion of Panama and the anti-communist revolution in Romania was in their treatment of gun ownership. The U.S. Army confiscated every gun it could find in Panama. The Provisional Government of Romania restored to the people their right to own weapons. Whether or not this relates to the fact that Romania experienced a democratic revolution and Panama experienced a foreign invasion I leave to the readers. —R. W. Bradford

Barring catastrophe — Well, why not invade Panama? Presidents do seem to need an opportunity to flex their muscles, and George Bush picked his shrewdly. Not for him the derring-do of a Jimmy "Make My Day" Carter escapade that comes undone in Iranian desert sands. Improving on Reagan's Grenada sortie, this Republican president selected a banana republic whole name most Americans can correctly pronounce and which some are able to locate on a map. The timing, too, was impeccable. Not anticipating an American visit, Noriega was passing the evening in dalliance with one of his mistresses. In more than one sense of the term, the general was caught with his pants down. The entire event stands as testimonial to a self-professedly "cautious" president who never wanders far from the latest opinion poll tallies. How fitting that, within days of the invasion, figures were duly released showing that 92% of all Panamanians approved the operation. Pluralities like that are—oops, make that "used to be"—observed only in Soviet elections, so who can complain?

Noriega for one, but he is a thug. Having been a principal in a thriving commodity export business to Miami, by what right can he protest a summons to the scene of his operations? Bean counter types may complain at the costs incurred, but that is to quibble. A sum that amounts to no more than a blip in the total defense budget has allowed so many of us to feel good about ourselves ("We're number ONE! We're number ONE!") and afforded weeks of televised entertainment to a populace grown weary of Roseanne—who, by striking coincidence, is another personality sometimes captured in a state of pants-down merriment. The upcoming Noriega trial will represent a bonanza of Keynesian proportions for the legal industry via massive investment in machinery to break new jurisprudential ground. Those killed or seriously wounded during the invasion are, admittedly, losers, but presumably the reason young men join the all-volunteer U.S. forces is to kick some butt, not to draw endless rounds of dreary KP detail. That is not to minimize the adventure's significance to young women who, for the first time, have enjoyed an opportunity to fire live ammunition at live targets—a milestone for the feminist cause. One feels some lingering regrets for the Panamanian dead, but that is the price they must pay for the democracy we have conferred on them.

Let's not deny it: Operation Just Cause has been a success. Still, if Bush was itching to get his hands on Noriega, one wonders why he didn't simply accept the gift that leaders of the preceding abortive coup attempt tried to offer? Could that be the down side to having a cautious president? And might there be repercussions to picking up Teddy Roosevelt's big stick at precisely the moment when restive captives of the Soviet empire are endeavoring to release their bonds? If Panama is a legitimate target of our national interest, all the more so for the USSR are Lithuania, East Germany, and the rest of Gorbachev's precariously balanced dominos. Finally, it is difficult to overcome the nagging suspicion that Panama was invaded not because of its own intrinsic importance but because an administration whose policies in Central America have consistently become undone was in desperate need of a quick fix that could be labeled a "success."

Stepping back a bit from the current hoopla, one notes that there would have been no illicit millions stashed in Noriega's Swiss bank accounts, no call for American battle ships to be patrolling waters off the coasts of a civil war-ridden Colombia, no need to interrupt Bill Bennett's love affair with the Great Books, were it not for this country's declaration of war on drugs. Just possibly there is reason to reevaluate that commitment. Indeed, poor George Bush has become one of its inadvertent casualties. It cannot be good for his career prospects to be required on his resumé to list residence in a city whose mayor has been obliged to conduct municipal business from the local lockup.

—Loren E. Lomasky

If Panama is a legitimate target of our national interest, all the more so for the USSR are Lithuania, East Germany, and the rest of Gorbachev's precariously balanced dominos.

Popular invasion — There is little surprise that the Panamanian people have shown some public support of the United States. The invading U.S. force of 26,000 men quickly conquered Panama, killing approximately 1,000 civilians in the process.

Panama has about 2.37 million residents; the U.S. has about 247.5 million. Simple extrapolation shows that a similar invasion in the United States would consist of an army of 2,715,000 soldiers, with U.S. civilian casualities totalling about 105,000. Besides the civilian deaths, the soldiers would have done hun-

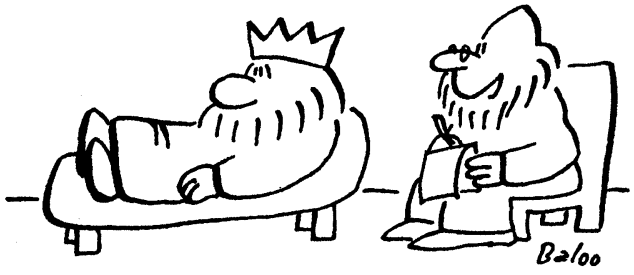

"You shouldn't keep things like that bottled up inside yourself—go ahead and *invade* Austria!"

dreds of billions of dollars of damage, made thousands of summary arrests, searched virtually any piece of private property it pleased, and confiscated nearly all weapons it found.

If the United States were ever subject to such an invasion, wouldn't at least some Americans read the handwriting on the wall and "welcome" the invaders?

Given the magnitude of the U.S. invasion, the amazing thing is that more Panamanians don't take to the streets supporting it. It would be imprudent to do otherwise. —R. W. Bradford

Why Bush will not be impeached — The chief lesson of the Panama invasion and the surrender and imprisonment of Gen. Manuel Noriega is that the Constitution has very little influence on what is considered right or legal in these United States.

The Constitution gives the power to declare war to Congress. But presidents have always coveted this power, and in this age of the Imperial Presidency, Congress's power has devolved to the President in many ways—some by law, some less formally. Most of the arguments for this change in practice have rested on the problems of modern warfare, with the spectre of the Bomb and Instantaneous Armageddon as chief movers. Bush's war on Noriega, however, was a war that cried out for Congressional debate before it began; but Americans like a good show, full of independent—not debated—action, and Bush provided it in spades.

So what if the war on Panama was unconstitutional! So what if many innocent people were killed—they weren't Americans! So what if the new Bush doctrine of capturing criminals abroad without the agreement of foreign governments treats other nations as second-class—after all, America is No. 1! This sort of patriotism is coming back in its most ugly forms, these days, and nearly everyone, by jingo, has joined the parade.

What we are witnessing is not the beginning of a long, new age of American "police-keeping," but the last gasp of the American Empire.

Still, this depressing trend may reverse. Bush's bullying is out of place in our new world of rising powers. I suspect that what we are witnessing is not the beginning of a long, new age of American "police-keeping," but the last gasp of the American Empire. Third World countries are not going to take this sort of heavy-handed police action for long. We can expect a backlash of major proportions, maybe not this year, or the next, but soon.

Unfortunately, this backlash is apt to be very ugly, and will probably take the form of terrorism against Americans *in America*—modelled, perhaps, on American actions abroad. Rough justice, to be sure, but it may be the only thing that will put America in its place. Justice, not patriotism, is the last refuge of scoundrels—a class that unfortunately includes many Americans. —Timothy Virkkala

The logic of "Operation Just Cause"— There is an obvious gap between the reasons Bush offered for the Panamanian invasion and the actual logic that lay behind it. Let's take a quick look at Bush's ostensible reasons:

1) Noriega is involved in drug traffic. Lots of other people in the world are involved in the drug trade, including many whom the U.S. supports. In fact, the CIA itself has been involved in drug trade in both Asia and Latin America. So was the Afghan resistance, a fact that did not prevent our extending aid.

2) Noriega is undemocratic. Aside from Western Europe and North America, most of the world's governments are undemocratic. The USSR, for example, has been undemocratic for more than 70 years. Yet we plan no invasions elsewhere on this score.

3) Noriega threatened the security of the Panama Canal. This is pure conjecture. Neither Noriega nor any representative of his government ever suggested interference with the canal or took any threatening action. In fact, the U.S. closed down the canal for the first time in its history in the wake of the invasion.

4) Noriega threatened American lives. There is some reality to this charge: Noriega had made it clear that if the U.S. invaded, his forces would fight back, presumably killing the invading American soldiers. But by this criterion, so presumably has every country on earth threatened the lives of American servicemen.

Other statements from the Administration indicated that the invasion was justified because a Panamanian soldier had shot a U.S. soldier who had refused to stop at a military checkpoint (try running a checkpoint at a U.S. military base and see if you have better luck than the U.S. soldier did), that a group of Panamanian soldiers had roughed up an American soldier and threatened his wife (sometime earlier, El Salvador soldiers murdered a group of priests, one of whom was an American, with no invasion from the U.S.), that Noriega had "declared war" on the U.S. (he had acknowledged that in light the U.S. acts of aggression toward his government, a state of war apparently existed between the two countries), that Noriega has been indicted for a felony in the United States and an invasion was the only way to apprehend him (does this mean Bush would consider an Iranian invasion of England, which continues to harbor indicted felon Salman Rushdie, to be justified?).

The real explanation lies elsewhere. The first element can be found in the press reports that a close, but unnamed, associate of President Bush explained that the president was "tired of Noriega thumbing his nose" at him. While this is apparently a motivation of this particular invasion, I don't think it offers a full explanation.

It is plain from an examination of the record that Bush's logic for invading a small country is remarkably simple. The necessary and sufficient conditions for invasion are:

1) Bush's political power and popularity will be increased by the invasion; and

2) He could get away with it (i.e. win the battles at small cost in American lives and without the intervention of other countries).

Small countries of the world beware! —R. W. Bradford

Just say "Noriega" — When is the government of one nation justified in sending troops across the boundaries of another nation? Not when the rulers of the first nation happen to feel like it, or are on an ego-trip, or feel they can be successful in subduing that other nation. Not even when they think they can put the second nation's house in better order than the second nation can do itself—that's paternalism with a vengeance!

If there is to be any justification, there must be a clear and demonstrable threat to the first nation. For example, if a missile base were stationed in Tijuana and threatened the United

States, the United States might be justified in neutralizing that threat. (Even here, there are qualifications. Perhaps the base was constructed in response to a quite different danger; or perhaps in response to the United States having already done the same thing; and so on.) But not, for example, if the second nation threatened to become economically competitive with the United States and we were afraid of losing some of our markets to them.

If we were a small nation and a larger nation to the north periodically interfered with our internal affairs, to satisfy either its power-impulse or even its sense of justice, would we feel that such interference was justified? But surely that's the way Latin American nations feel toward us now. Decades of gunboat diplomacy have left them with a bad taste in their mouths about "Yankee imperialism." So even if we went in with a good reason, they would think we were going in with a bad one. Our track record doesn't particularly entitle us to their trust.

Was the safety of the citizens of the United States really threatened by what was going on in Panama? On the basis of everything we've been told so far, the answer seems to be No. And even if it were Yes, we should still hesitate because of our sorry record in the past. "When in doubt, don't."

—John Hospers

Overkill — It is shocking that the commander of arguably the finest commando-type troops on earth would have to stoop to a continent–crashing invasion in order to bust one lousy drug dealer. Just look at the specialists Bush now controls: the Navy SEALS, the several airborne special strike units, and the Marine Corps long range reconnaissance force. I know some of these people and as much as a libertarian may cringe at their very existence, the fact is that they are good at what they do and they were not given the job of grabbing Noriega on the quick. Once the American government had decided to get him, it seems mere foolishness to say that an invasion in the open was in any way morally superior to a kidnapping.

Think of the way Mossad has yanked people out of protected quarters, putting the ordinary Mafia hit squad to shame. All such invasive violence is abhorrent to libertarians, of course. And the lesser of two evils is still evil. But there is a detectable difference between a kidnapping and a town-shattering artillery barrage or an outright invasion.

Since we all know that the state is a killer and that George Bush seems as rabid a war fancier as any, and since there has not appeared, so far, a way to curb the murderous inclinations of state power, I hope I may be excused for wistfully complaining that along with the international lawlessness and immorality of the Panama invasion there also is a sad sort of incompetence in which so many lives were spent in doing what a few good men probably could have accomplished not only quickly but on the cheap.

I would have protested that also. But at least there would be more people alive and less of a nation ruined. Until the ideas of liberty and classical liberalism really spread in this land, that may be about the best we can hope for. —Karl Hess

The war on banking — Less than eight hours after the invasion began, NBC News reported that, "Noriega was the man who provided a financial safe haven for the Colombian cocaine bosses. Much of the Colombian cocaine money was deposited in Panamanian banks. Bank secrecy was just a part of it . . . American authorities are saying this morning that this is a good opportunity to go after some of those banks where much of the billions in cocaine profits from throughout the world are now located." On January 29, five weeks into U.S. occupation of Panama, Vice President Dan Quayle told Panamanian officials that they must do away with bank privacy in order to help in the War on Drugs. Panamanian puppet Endara responded that bank privacy must be retained, though he would seek ways to avoid drug money. But with Quayle representing a government that occupies his nation, the odds are that the Bush-Quayle war on privacy will prevail.

Is this the first time in history an invasion was undertaken in part to force a country to change its banking regulations?

—Brian Doherty

The power of a free press — This was the news media at its most servile. The only point at which they voiced any criticism during the first day's coverage was when a few U.S. reporters and producers were briefly arrested by Panamanian police forces, and the media responded by hectoring the Army for failing to provide better protection for their employees. The media dwelled on the tiny losses of the Army, while practically ignoring the massive loss of lives among Panamian civilians. As late as Jan 5, two weeks after the Army destroyed several acres of densely populated housing in Panama City, the Army claimed that as few as 83 Panamanian civilians were killed. Latin American journalists estimate civilian losses at a thousand or more, but we may never know: the attack on the civilian housing was a holocaust in which bodies were incinerated, sometimes leaving only charred remnants of bones, sometimes leaving nothing. —R. W. Bradford

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More to come — David Gergen of *U.S. News & World Report*, commenting on the invasion on the MacNeil-Lehrer News Hour (January, 1990):

"I think it's been—in American terms—successful. Militarily, the affair is over, basically. It accomplished its political purpose, which was to depose the government of Noriega and to put in place a democratic government. Politically, here and at home, it has played extraordinarily well. It's surprising, in fact, how jingoistic the country has become about this. The press and everybody else seems to be celebrating.

"I do think what we're seeing evolve, interestingly enough, is possibly a new role for the United States military in the post-war era in this hemisphere. Increasingly, the military is going to be used for such police activities. The Bush Administration this week—in fact yesterday—the press spokesman has started talking about using U.S. military forces to cordon off, to draw a tight noose around Colombia and the drug exports that are coming out of Colombia.

"What we're seeing may be the first chapter of more to come." ❑

Essay

Humanity *vs* Nature
Two Views of People and Animals

by John Hospers

Morality often requires us to support the "underdog"—but what about man's *real* underdogs, the animals? Prof. Hospers sharply contrasts two distinct rationales for giving animals special consideration, and shows how one of them refutes the other.

Most people today are likely to agree that killing and injuring other human beings is wrong, except when done under special conditions such as self-defense. Causing death or injury to others is something that requires a special justification. But concerning our behavior toward animals there is far less uniformity of opinion. People from time immemorial have killed animals and caused them suffering, and have done so without guilt, not questioning the morality of such actions.

In most Western nations it is considered wrong to mistreat those animals that are adopted as pets; but in other parts of the world, such as most of Latin America, the mistreatment of dogs, cats, and other domestic animals is a matter of indifference. Perhaps this is because they don't really view them as pets but only as things or property; once they adopt them they are there for the owners' convenience and can be disposed of at their convenience. We, on the other hand, feel responsible for their feeding and grooming and certain other creature-comforts. In poverty-stricken areas of the world it is not possible to give them food and sustenance when their owners do not even have these benefits themselves.

As for wild animals, millions of people hunt deer and grouse, and often leave injured creatures to die without any feelings of guilt about doing so. It is doubtful that they even think of these creatures as sentient beings capable of feeling pain, any more than it occurred to most slave owners that blacks and Native Americans were human beings like themselves. But just as there was an increasing minority of whites who condemned the mistreatment of slaves and Indians, so there is an increasing number of people who have moral qualms about the mistreatment of animals and the use of animals to serve our ends rather than their own: for example, killing them for sport, killing them for food, and using them in medical experiments.

I. "Enlightened Humanism"

The 17th-century philosopher René Descartes wrote that animals are automata who do not really feel pain, but are wired up to act as if they do. (How he behaved toward his dog is not recorded.) A century later, Immanuel Kant wrote that the only reason we should not be cruel to animals is that this encourages us to be cruel to people: presumably if we were cruel to animals without the habit carrying over to people, this would be all right. Most philosophers, like most theologians and religious leaders, have been silent on the question. But today there is an upsurge of concern about the treatment of animals by humans. (The term "humanism" is more closely related to *humane* than to *human*.) Books are devoted to it, and magazines such as *The Animals' Voice* contain not only articles but vivid and unforgettable photographs of human mistreatment of animals, especially in "factory farms," slaughterhouses, and experimental laboratories.

After so many centuries of not worrying much about the fate of animals, why should this concern for animals come into such prominence in our own day? One reason may be that we no longer need animals for food; agriculture is less than ten thousand years old, and before that (except for occasional wild fruits and berries) people lived largely on fish and game. Still, this condition is not peculiar to our century. The main reason, I suspect, lies elsewhere: we will always find reasons for eliminating what is a threat to us, and once the threat is past the need to protect ourselves against it dissolves. By and large, animals no longer threaten the human species (rather, humans are a threat to them). Unlike the pioneers, we no longer have to worry about bears and bison, having already exterminated almost all of them, and now we keep a

few of them around in national parks as a kind of decoration. There are many threats to the human race—war, pollution, holes in the ozone layer—but animal predation is no longer one of them. Having already vanquished most of the animal kingdom, however, we can now afford to be generous.

So much for the genesis of our shift in attitude. But what about the moral basis of our (however tentative) pro-animal stance? Here some distinctions must be made:

(1) Situations, or *states-of-affairs*, can be described as (among other things) *good* and *bad*; actions are described as (among other things) *right* and *wrong*. It is a basic premise of many ethical theories that pain, misery, and suffering are bad. Humane individuals try to minimize suffering, their own and that of others, and often devote their entire lives to this cause. A world containing large amounts of suffering would be a world less worth having, and certainly less worth creating, than one containing little or none. Pain and suffering are "just bad things to have around," and we try not to increase them.[1]

(2) Pain may sometimes be *instrumentally* good—a necessary means toward a good or worthwhile end. For example, pain is often nature's warning signal that something is amiss in the body. If our feet were dangling in the fire and we felt no pain, we would soon find ourselves without feet. The world being as it is, pain is often a good thing to have as a *means* of correcting a situation (moving one's feet elsewhere; or going to see a physician about the pain). (The world would be still better if pain were not needed at all as a signal.) Much of the time pain is *not* instrumental to any good end, as in the case of terminal cancer when prolongation of the agony serves no purpose. Again, human nature being as it is, sometimes nothing less than one's own suffering is what it takes to appreciate the suffering of others. We should not conclude that suffering is always good if it leads to *something* worth-while: the end must be *worth* the suffering. It's not worth being tortured to death just so that someone else who is watching may say "It taught me a lesson." The existence of suffering must be *justified* by some overriding goal that it achieves and which cannot be achieved without the suffering.[2]

(3) The *infliction* of pain and suffering on others is wrong—again, unless some eminently worthy goal is achieved by it that can be achieved in no other way, such as a physician inflicting pain on a patient if this is necessary to save the patient's life. (If the physician could achieve the patient's recovery without inflicting the pain, but inflicted it anyway, he would be a sadist.) Since people have finite powers, they may sometimes be in such a situation. An omnipotent God would not have such an excuse for inflicting pain, for being omnipotent he could effect the cure without inflicting the pain, or create creatures that wouldn't have diseases at all.[3]

Such is the "enlightened humanist" position with regard to pain and its infliction. Throughout most of human history the view has been applied primarily to human beings. But of course pain and suffering are not limited to human beings. Animals, certainly mammals and some others as well, have nervous systems similar to ours, and exhibit pain-behavior very similar to that of humans. The dog whose leg has been cut off by a power-mower gives most of the same indications of pain that people do. Whether or not animals know that they are in pain, they are in pain.

Thus it is only a short and obvious step that takes us from "Do not inflict pain and suffering on *persons*" to "Do not inflict pain and suffering on *animals*" (or any sentient beings, that is, creatures capable of experiencing pain and pleasure). And the same for the somewhat vague proviso ". . . unless it is the only way to achieve an eminently worthwhile end that can be achieved in no other way." It is not capacity to *reason* that is our criterion here, but, as Bentham said, the capacity to *suffer*. Capacity to reason is relevant to some enterprises, such as signing contracts, but it has nothing to do with the reason for not treating our fellow-creatures cruelly. "Why should beings who reason or use speech (and so forth) qualify for moral status, and those who do not fail to qualify? Isn't this just like saying that only persons with white skin should be free, or that only persons who beget and not those who bear should own property? The criterion seems utterly unrelated to the benefit for which it selects."[4]

A. "Animal liberation"

The "animal liberation" movement, following upon the "women's liberation" movement, came into prominence largely as a result of the publication of Peter Singer's very popular and compelling 1975 book *Animal Liberation*.[5] In chapter after chapter he exposed the "factory farming" industry; in which people raise pigs, cows, and chickens for market, subjecting them to unbelievably unsanitary and uncomfortable conditions such as crowdedness and inability to move. The conditions themselves can be appreciated only after reading detailed descriptions such as Singer's. Farmers raise chickens, not in nature's dirt, but in wire netting that cuts their feet, with unremitting bright lights (so as to produce more eggs) in cages so crowded that the creatures can't turn around, and conditions so unsanitary as to be unbearable to smell.

The 17th-century philosopher René Descartes wrote that animals are automata who do not really feel pain, but are wired up to act as if they do. (How he behaved toward his dog is not recorded.)

What is inflicted on pigs and cows (especially veal calves) is even worse. To inflict all this on animals, says Singer, is inexcusable. People's liking for beef and pork does not excuse it. Bentham's own example of 200 years ago is as good as any: if pigs that were whipped to death made far more succulent and delicious pork, we still would not be justified in whipping them to death.[6]

What is the solution? One solution would be to raise the animals in the good old-fashioned manner, with chickens picking worms out of the earth and living in uncrowded and sanitary conditions, and cows grazing in the pasture contentedly, able to go into warm clean barns when they want to. But factory-farm methods produce many more marketable animals, and old-fashioned methods cannot compete with factory farms in a competitive market. So the only solution, says Singer, is to stop raising these animals entirely. Perhaps this could be done by passing laws, but it would be vastly preferable for people to become vegetarian voluntarily: "don't eat anything that ever moved on

its own." If no one any longer ate meat, the market for it would dry up, and the animals would no longer be raised. Thus the crowded pigpens and the slaughterhouses would perforce go out of business.

According to Singer, not only should we refrain from eating these animals, and raising them for food, we should never use them in animal experiments (e.g. for curing human diseases); nor should we ever hunt animals, either for food or for hides or for sport. But these, I suggest, are all *separate* assertions, which don't necessarily stand or fall together. Perhaps it's all right to raise them if we don't mistreat them; or perhaps we should become vegetarians, but still have occasional animal experiments, when needed to save human life (but not to manufacture new cosmetics). Or perhaps eating beef or chicken is justified because we need the high-quality protein we get from animal food (just as carnivorous animals require the flesh of other animals as food in order to stay alive, or to remain healthy) and thus using animals as food is "worth it"—though others reply that people have no need for animal protein (not even milk and eggs) and can get all they need from brown rice and beans and other vegetable substances. Is it that we need the meat or only that we desire it? Singer says we only desire it (and can easily overcome this desire), though others disagree: if he's wrong and we do need it, that would seem to change the picture as far as eating animal flesh is concerned (though it doesn't change the picture where mistreatment of animals is concerned).

Capacity to reason is relevant to some enterprises, such as signing contracts, but it has nothing to do with the reason for not treating our fellow-creatures cruelly.

There is thus a certain vagueness about the animal liberation view, which suggests a whole battery of questions. Here are a few of the main ones:

1. Singer is a utilitarian, and one practical problem always encountered with utilitarianism is that much of the time in reply to the question "What shall I do?" we have to reply "I don't know, because nobody knows just what the consequences of doing this or that will be." The consequences differ from case to case even in actions of the same type. Thus utilitarianism, even combined with the view that animals are to be considered as well as people, does not entitle us to draw the conclusion that it is *always* wrong to use animals in medical experiments (even if most such experiments are useless and repetitive) or that it is *always* wrong to hunt and kill animals (even if one is hungry in the desert or the mountains), or that it is always wrong to eat meat (even if you're hungry and the deer is before you, already injured by a predator). What if a practice sometimes has good results and sometimes not? Without testing vaccines on animals, many cures for human diseases (as well as animal diseases) would probably not have been found. Is the result (cure of human diseases) worth the cost (the lives of some animals)? If you or a member of your family were about to die of a disease for lack of a cure, and if animal experimentation would have provided that cure, are you still sure that the experimentation should absolutely not under any circumstances be conducted? Utilitarianism at any rate would not entitle one to say so.

2. Apart from killing or hurting animals, what about just *using* them for various human purposes? Kant said we should treat all human beings as ends-in-themselves, not as means toward *our* ends. Should we follow the same precept in dealing with animals? Is it all right to use a horse for riding? Probably so, unless the horse is mistreated or in some way made worse off; still, you are forcibly subjecting the horse to your own will, not letting him have his. What about using horses to draw wagons or ploughs? Human civilization would not have got far had we not been able to do this. There may be some discomfort for the horse, who would prefer not to carry all this weight, but unless we whip the horses or engage in other cruelty, there seems to be no great "inhumanity" (inhumaneness) involved in this, though we are surely treating the horse as a means to our ends. What of horse-racing? It often involves discomfort for the horse, especially in the early stages; on the other hand, horses often get in the spirit of racing and seem to enjoy it. (Is it "worth it" to *them* to go through all this for the exhilaration of the contest?) If that's all right, what about bull-fighting? No, this involves the animals' pain and death; even if people enjoy it, it's like Bentham's flogged pig. Presumably the same should be said of cock-fighting, which typically results in death, at least when the fight is engineered by human beings. Or do roosters, somewhat lower on the scale of sentience, perhaps not mind it all that much, and perhaps if human spectators enjoyed it *very* much . . . (but then perhaps they shouldn't?)

3. There is another angle from which to take a pot-shot at the animal liberation view. Let's agree that the infliction of pain is wrong. What if a hunter claims that by shooting the deer, resulting in the quick death of the deer, he is really sparing the deer protracted pain and suffering later? Almost no animals in the wild reach old age, and when signs of age, infirmity, or disease occur, the animal quickly becomes the victim of predators who eat it, or of starvation by slow degrees. Perhaps then the hunter is doing the deer a favor. The pain the hunter inflicts, let's say, is fleeting (though this isn't always so), at least compared with the prolonged agony involved in dying of hunger or thirst or cold.

Of course we cannot know, of any particular animal, that the rest of its life would have contained more suffering than we now propose to inflict on it. We can only be sure that we *are* inflicting some pain (however temporary) on it *now*. And that by killing it we are shortening its life—surely it's a speculative matter what that life would have contained had it been allowed to continue. (We shall pursue this point further in discussing animal rights, below.)

4. Again, let's agree that the infliction of pain and suffering is wrong; but we can kill without inflicting pain. What about killing an animal painlessly? Don't we already consider it right to do this to our pet, if the pet is hopelessly sick or injured? We *could* inflict painless death in slaughterhouses too (though as a rule this isn't done), thus removing one of Singer's objections to raising domestic animals for food. If conditions in slaughterhouses and chicken-pens were all ideal, and we saw to it that even in death they did not suf-

fer, would we *then* be justified in taking the lives of these creatures, at least if they first had a long contented life grazing in fertile and uncrowded pastures?

Is there a relevant difference here between people and animals? Racism is the preference for one race over another, in contexts in which race is not logically relevant (such as hiring whites but not equally or more qualified blacks). Sexism is the preference for one sex over another (again for irrelevant reasons). And "species-ism" is the term invented by Singer for preference for one species over another for irrelevant reasons. If you are nice to people and nasty to dogs, that is species-ism: if it's a dangerous or annoying dog, your behavior is justified because you'd have the same attitude toward people who were annoying or dangerous; but if it's just because he's a dog, you're guilty of species-ism. We should be as impartial as among species as we are (or are supposed to be) among races or sexes.

The view to which we now turn, which is a kind of extension of animal liberation, but still in the "humanist ethics" tradition, claims that animal liberation doesn't go far enough, particularly in giving equal rights to all species.

B. Animal rights

Consider for a moment our attitudes about other people. We consider it wrong to cause them needless pain and suffering; even more, we consider it wrong to kill them, even if we can do this painlessly. We *may* consider it right to terminate painlessly the life of a person who would otherwise die a slow and agonizing death—just as we would do for a pet dog or cat. That depends on our attitude toward euthanasia, which we shall not consider here. But suppose we had excellent evidence that a certain person, if he continued to live, would have far more misery than happiness in the rest of his life. We still do not consider it right to play God with his life and put him out of the way, especially not without his consent. Raskolnikov in Dostoyevsky's *Crime and Punishment* was wrong to kill the old woman: it is possible that his killing her might have a high utility in cost-benefit analysis; she is a nasty, irritable, useless old woman, whose money is no source of enjoyment to her or to anyone else, and he is a poor struggling student who has considerable intellectual ability and desperately needs the money. But his killing her is still murder.

Now, animal rights theory takes everything just said about killing human beings and applies it to animals. Human beings are centers of consciousness, *subjects of a life*; but so are animals. If people are killed, all chances for a satisfactory life are thereby sealed; the same is true of animals. Killing people is wrong, and killing animals is wrong. People and animals alike have a right to life, that is, a right not to be killed or injured. Killing them is a violation of their rights.

An animal, unlike a human being, cannot consent to its own death. And if euthanasia *is* permissible, it is only because the dying person consents. So it looks as if the scope of permissible killing with animals is even less than with people. At least it should be limited to those cases in which a life of pain or misery is clearly inevitable for the creature—as with a dog who has just been run over by a car—and where we are quite sure that *if* the creature could speak it would say "Put me out of my misery." (Maybe even that is granting too much: we can be sure of something and still be mistaken.)

Animal liberation provides a rather insecure basis for the vegetarianism that it advocates, since it condemns only the infliction of pain and suffering on animals. But of course animals can be killed without suffering. If the cow had no "bad experiences" even to the moment of its death, it would be difficult on purely animal-liberation grounds to condemn raising such a cow and then painlessly killing it. However, if it is not merely the infliction of pain but *the act of killing itself* that is wrong, then we don't have this way out, since we obviously have to kill an animal before we can eat it. With regard to fellow humans, we believe that just killing them is wrong (without any calculations about the future, such as that we're "taking them out of their misery"); and, says the champion of animal rights, exactly the same is true of animals. They are on a par, which they never quite were in the animal liberation view.

Having presented the barest outline of the animal rights view, let's consider some of its possible implications, and ask some questions about it.

1. *The scale of sentience.* How far down the scale of life is the animal rights view supposed to apply? Apparently it doesn't apply to plants, for they are not sentient beings (to the best of our knowledge). Does it apply to halibut? to lobsters and crabs? to angleworms? to

amoebae? Do fish feel pain when they are harpooned? Do worms when they are cut in half? The physiology of these creatures is so different from ours that it's hard to draw any conclusions about what, if anything, they feel. Maybe they exhibit avoidance-behavior and are genetically programed to do so without feeling anything like what we call pain.

What if a hunter claims that by shooting the deer, resulting in its quick death, he is really sparing the deer protracted pain and suffering later? Almost no animals in the wild reach old age, and when signs of age, infirmity, or disease occur, the animal quickly becomes the victim of predators, or of starvation by slow degrees.

Tom Regan in his book *The Case for Animal Rights*[7] limits his case for animal rights to mammals, whose neurophysiology resembles ours, but grants that it might be extended to creatures "lower" on the scale of life although we don't know this. Let's say then that mammals and a few others are subjects-of-a-life, and whom it is accordingly wrong to kill. But there is, he admits, nothing certain about this dividing-line, which in any case is extremely vague. Yet it is of the utmost practical importance that we should know about this, so as to gauge our actions accordingly. Some animal rights activists believe that killing fish is all right, but others condemn it as immoral. It would be important to know whether the lobster feels anything as it is heated to the boiling-point—particularly if we eat lobsters. The best way out of this may be to say "when in doubt, don't" and refrain from ever eating lobsters, no matter how much we might like them.

Even those who find fishing morally wrong, however, will not usually consider it wrong to kill an insect. If they swat a fly they will not feel pangs of guilt. But it would be useful to know where to draw the line with this, and there appears to be no clear answer. It is all very well to "err on the side of caution" and refrain from eating fish, but should one also refrain from killing mosquitoes?

2. *Killing and self-defense.* In virtually every ethical system it is considered permissible to kill another human being if that person is demonstrably threatening one's life: if he's about to kill you, you can kill him in self-defense. Applying this rule to animals, we would say that we may not kill an animal unless we have to do it in self-defense.We may kill a poisonous snake if it threatens our lives, but not a harmless snake. (But the harmless snake is not harmless to rodents, and aren't rodents subjects-of-a-life too?) Moreover, the poisonous snake perhaps *would* kill a human being if it were left to live. Still, we don't justify killing a person because that person *if* left alive probably *would* kill someone—you don't kill a person on such a speculative basis. And if we follow the animal rights view, we should apply the same rule to animals as well.

We may kill a bear if it is a threat to our lives. (But then what are we doing wandering about on its turf? Do we have property rights over the wilderness that bears inhabit?) But practically every large animal in nature can be construed as a threat to us, even if it isn't attacking us *now*. Does that justify us in killing any animal we choose, under the heading of self-defense?

There is another aspect of the concept of self-defense that libertarians haven't particularly noticed. If two men in the wilderness are both starving, and one of them has some food, may the other take the food away from the first man, on the premise that without it he'd die? His life depends on having the food; but so does the other man's life depend on having it. We don't come across such situations much in civilized society, but they are often encountered in wild nature. Primitive man surely was in such situations all the time, and the beasts of the jungle are in them constantly. If this is self-defense, primitive man was perpetually in a state of defending himself.

When libertarians talk about killing in self defense, they usually are talking about defending themselves against *people* and about situations in which someone is overtly threatening one's life or safety (not just peacefully enjoying something one needs). But it is worth considering whether there is a large gulf between "I kill him because *he threatens to kill me*" and "I kill him because *my life requires the food he's got*." The latter would enormously broaden the scope of actions done in self-defense. This extension (or fulfillment?) of the concept of self-defense deserves further attention, whether or not it is used in discussing animals.

In any case, it would be nice to know whether animal rights theory permits us to kill not only the crocodile before us that presents a present threat, but every other crocodile that might present a threat to us in the future. (And if not a threat to us, then a threat to others? If only to others, is it all right to kill them then?)

3. *Predation and rights-violation.* If you shoot the antelope, you are violating its rights. If a lion eats an antelope, aren't its rights being violated just as much as if you shoot it? No, say animal rights theorists. Animals are not moral agents and so can have none of the same duties moral agents have, including the duties to respect the rights of other animals. "The wolves who eat the caribou do no moral wrong, though the harm they cause is real enough."[8] Still, isn't the damage the same? Isn't its right to life being violated by being killed and eaten, whether by people or by lions?

An utterly insane person may not be a moral agent either, but if he's clearly dangerous to the rest of us we don't hesitate to get him off the street and put him where he can no longer imperil others. We believe rights are violated by his assault whether *he* is a moral agent or not. Shouldn't animal rights advocates recommend the same policy with regard to lions? If we're not allowed to kill them, perhaps we should take them out of the bush, put them in parks (or cages), and let them live out their lives without reproducing (so as not to violate *their* right to life), and soon there would be an end of lions.

But there is a problem: what would the lion eat after being taken from the bush? The lion is a carnivore; he can digest only meat; for him to live, other creatures have to be killed, and *their* right to life has to be sacrificed. Nature has seen to it that there's no easy way

out of this one. Should we then just let him starve to death? That doesn't seem a very fair treatment of a creature who's just trying to live the only way he *can* live. And wouldn't purposely starving him be a violation of his rights too?

We find antelopes graceful and beautiful and we want to see them preserved, not torn to pieces by lions. At the same time we think that lion cubs are quite cute, and we want to preserve lions, especially if they are endangered. (Even if we don't find them cute, we are committed to their preservation by the animal rights view.) But isn't our attitude here somewhat at odds with itself? How can we be for the antelope and also for his killer? When we stock the game park with lion cubs, the antelope *ought* to view this as a death sentence (which it is), saying to us, "Whose side are you on, anyway?" But animal lovers tend to be on both sides: they want to preserve both antelopes and lions, even if they don't particularly want to see lions kill and eat antelopes (mostly they don't think about how those cute lion cubs are going to stay alive).

When we stock the game park with lion cubs, the antelope ought *to view this as a death sentence (which it is), saying to us, "Whose side are you on, anyway?"*

It certainly *seems* that according to animal rights advocates the world would be a much better place if there were no carnivores in it. The beautiful Bengal tiger that is now endangered, which we are trying to preserve for posterity, is a ruthless killer. From an animal rights point of view such carnivores "should be regarded as merciless, wanton, and incorrigible murderers of their fellow creatures, who not only kill, but cruelly toy with their victims, thus increasing the measure of pain in the world."[9] Consider the immense amount of suffering and death wrought by these animal-killers—not to mention the snakes of the world, every one of them a carnivore. If we could wave a magic wand and get rid of them all, shouldn't we do so? Wouldn't that give the animal rights theorist more of the world he wants?

But it wouldn't work. If their numbers are not kept in check by predators, the herbivore population would explode, and most of them would die of starvation, a slower and more painful death even than being torn to pieces by predators. The misery that is no longer inflicted by predators would now be inflicted by nature's other methods of controlling the excess population.

Is slow starvation more merciful? Is it wrong to kill them but all right to let them die on their own if we can prevent it (by allowing them to have their natural prey)? Must we do with them what Hindus do with sacred cattle—never kill them, but let them starve all around us? Nature is more easily conceived than described, as Dickens wrote in *Nicholas Nickelby*; and, we might well add, it is more easily described than controlled.

4. *"Going against nature."* Isn't the whole animal rights view so glaringly "against nature" that it is impossible to practice, even if one wanted to? Australians imported from Africa a species of large toad that was good at getting rid of insects that were destroying the crops. But the toads were apparently unusually well adapted to their new terrain, and having saved the crops, they started to multiply so fast—meanwhile eating all the vegetation—that in another decade there wouldn't have been many living things left in Australia. Surely it is absurd to say that the people should not kill the toads. Some years ago Australians killed by the millions the rabbits that had been imported; only massive killing kept them from taking over the continent and crowding out the native marsupials who could not compete with the more efficient species of mammals that had evolved on other continents.

The balance of nature is preserved through the deaths of countless individual organisms which come into conflict with others. The lion lives at the expense of the antelope, zebra, and giraffe, whom it kills in order to sustain its own life. The snake lives at the expense of rodents, and if the snakes were eliminated the rodent population would explode until most of them died of starvation. If you feed the birds, more birds will come into existence and soon there won't be enough for the newly hatched birds to live on, and they too will starve. Life lives at the expense of other life, amidst endless pain and suffering. This is not much of a compliment to a Creator, but it's the way the system works, and we can't change it.

We should not do as nature does, say animal rights advocates; we should be better than nature, improve on nature. And one aspect of that improvement is that people should not kill their fellow subjects-of-a-life, the animals. But can we really live by this precept? Sometimes, if you don't kill some animals, a much larger number of other animals will die: if you don't kill the toads, they will soon make survival of other species impossible in Australia.

An animal, unlike a human being, cannot consent to its own death. And if euthanasia is permissible, it is only because the dying person consents. So it looks as if the scope of permissible killing with animals is even less than with people.

And sometimes, if you don't kill animals, you will be in an impossible position yourself. Suppose there is an infestation of rats in your neighborhood. Rats are mammals, clearly subjects-of-a-life, and particularly intelligent mammals at that—rights-bearers if any animals are. But they multiply fast, and if they continue to do so for long you will soon have to move out of your house. Is it really wrong to fight the takeover by setting traps, or getting some De-con? Must the champion of animal rights hold that we should endure any degree of discomfort from rats, but never kill them?

Well, one may say, don't kill them yourself, get some cats and they will take care of the rats (if you keep them hungry). But does that really let you off the hook? Aren't you only letting the cats do your dirty work for you? After all it was you who obtained the cats to do the job. Cats are nature's way of controlling rodents—but should nature be assisted in this enterprise? Wasn't the whole idea to *improve* on nature? The fact is, life would soon become intolerable to you if you didn't do something

about the rats. It's you or them.

The number of deaths by snakebite in India closely parallels each year the number of deaths by automobile accident in the United States. But by many the cobra is viewed as a god, not to be killed. Thus the snake turns up at unexpected moments and kills villagers and their children. Does the reverence for life include reverence for these children? Albert Schweitzer was dedicated to the preservation of all life, of whatever kind: nothing must be killed. But it is impossible to take one step out of one's jungle hut without killing thousands of microscopic organisms. As small invertebrates, perhaps these aren't subjects-of-a-life, and thus escape the animal rights prohibitions. Perhaps the snakes do too. But there are lots of animals that do threaten people's lives that *are* subjects-of-a-life and thus rights-bearers according to the animal rights theory. Since we don't see these animals any more unless we go on a safari through the bush or the jungle, we live in a kind of dream-land, and give ourselves the luxury of theorizing about how wrong it is to kill animals. Yet the moment danger threatened, whether from swarms of locusts or herds of buffalo, a consistent advocate of animal rights would soon die and have no rights left to defend. "To consistently practice the reverence-for-life ethics would require a life style so quiescent as to be suicidal, as Schopenhauer clearly recognized and affirmed. To live is necessarily to exploit other living beings. Since we are integrated members of the terrestrial bioeconomy in which the life of one thing is purchased by the death of another, the exponents of the reverence-for-life ethics are caught in an unavoidable practical conundrum at every turn."[10]

Animal liberation provides a rather insecure basis for the vegetarianism that it advocates, since it condemns only the infliction of pain and suffering on animals. But of course, animals can be killed without suffering.

II. Ecological ethics

But now another view emerges, which is often confused with the humanist view (either version) because they agree on so many things, though for different reasons. It is sometimes called the *environmentalist* view, but more accurately the *ecological* view, because everything in it flows from a central concept, the relation of organisms to their environment.

Animal rights emphasizes the individual life; ecology emphasizes the life of the species in relation to its total environment. Animal rights is concerned to avoid pain and suffering in sentient beings; ecology is concerned to keep the system of evolution and speciation alive and functioning on a healthy nonpolluted planet. Animal rights is primarily about animals; ecological ethics is not primarily about animals, but about preservation of the entire ecology: plants count just as much as animals, and soil and rocks and rivers count just as much as plants. All are combined into one "biotic community" which it is our primary duty to preserve. Ecological ethics does not talk of animal rights: if it did, we would also have to talk about the rights of plants, of soil, of rocks, of oceans, of atmosphere; all these are worthy of our consideration and objects of our moral choices. All are equally components of a healthily functioning environment.

An action is right, wrote Aldo Leopold, the founder of the contemporary ecological movement, "when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."[11] Lest this not seem much of a principle on which to base one's morality, let us consider a couple of examples in his own words of the thrust of this ethic:

First, the importance of moral choices for the farmer, and the immorality of doing certain things with his land. "The farmer who clears the woods of a 75% slope, turns his cows into the clearing, and dumps its rainfall, rocks, and soil into a community creek, is still considered (if otherwise decent) a respected member of society. If he puts lime on his fields and plants his crops on contour, he is still entitled to all the privileges and emoluments of his Soil Conservation District . . . We have been too timid, and too anxious for quick success, to tell the farmer the true magnitude of his obligations. Obligations have no meaning without conscience, and the problem we face is the extension of the social conscience from people to land."[12]

Second, the "managed" removal of wolves and other carnivores from the Kaibab Plateau in Arizona, and its catastrophic effect on the remaining wild life. "In the Kaibab and elsewhere animals have been 'managed.' Overabundant deer have been deprived of their natural enemies, and have made it impossible for deer-food plants to survive or reproduce: beech, maple, yew, hemlock and white cedar, mountain mahogany, are deer-foods threatened by the human implantation of deer without predators. The flora are impoverished, the deer then also dwarfed by malnutrition."[13]

Third, on the unfortunate effects of growing livestock in the American Southwest: "The impact of occupancy here brought no bluegrass, or other plant fitted to withstand the bumps and buffetings of hard use. This region, when grazed by livestock, reverted through a series of more and more worthless grasses, shrubs, and weeds to a condition of unstable equilibrium. Each recession of plant types bred erosion; each increment of erosion bred a future recession of plants. The result today is a progressive and mutual deterioration, not only of plants and soils, but of the animal community subsisting thereon. The early settlers did not expect this: on the *cienegas* of New Mexico some even cut ditches to hasten it. So subtle has been its progress that few of the residents of the region are aware of it. It is quite invisible to the tourist who finds this wrecked landscape colorful and charming (as indeed it is, but it bears scant resemblance to what it was in 1848)." Leopold writes of the misuse and misunderstanding of land and of man's dumping of species into it without understanding the implications, with all the zeal of a moral reformer—which indeed he was. The things of which he wrote had vaster implications for the future of man and the planet than most of the things moralists wax eloquent about, such as the ethics of promise-keeping. But it requires a considerable shift of focus to appreciate it.

Endangered species. According to animal rights theory, every animal has a right to its life and people have a duty to respect that right by not mistreating or killing the animal. It makes no difference

whether the animal belongs to an endangered species, whether it is a rat or a California condor, it should not be killed or injured. But according to ecological ethics, this is simply ludicrous: *of course* we should be more careful of the life of a condor than of a rat. There is an ecological niche occupied by the condor that is unique; if it disappears entirely the creatures that are its prey are likely to multiply faster than the environment can absorb. Again, the Greenpeace effort to "save the whales" is worthwhile from the animal rights point of view because it "prevents individual whales from being brutally harpooned and dying slow agonizing deaths,"[14] but not as a struggle for the preservation of a vital species. In the ecological ethic, the preservation of endangered plants is just as important as that of endangered animals, though since plants are not sentient beings the animal rights theory accords them no rights at all.

It certainly seems *that according to animal rights advocates the world would be a much better place if there were no carnivores in it.*

The death of a species is a sobering thing. Extinctions often occur in nature. But "in natural extinctions, nature takes away life when it has become unfit in habitat, or when the habitat alters, and supplies other life in its place. Artificial extinction shuts down tomorrow because it shuts down speciation. Natural extinction typically occurs with transformation, either of the extinct line or related or competing lines. Artificial extinction is without issue. One opens doors; the other closes them. Humans generate and regenerate nothing; they only dead-end these lines."[15]

Interference with nature. Much, but not all, of the ecological ethic consists of leaving nature alone. Human beings have destroyed vital species, polluted streams and oceans and air, and done more in one century to make life unlivable on this planet than has been done in all the millions of years before. The effect of removing carnivores from an area (and its effect on the herbivores), and the many ill effects of introducing livestock into wilderness lands, have already been noted.

Should people then never interfere with nature? Yes, they should interfere *at least* to rectify their own meddlesomeness. We should do what we can to prevent erosion and restore the soil we have allowed to wash away. By all means let us construct bird sanctuaries, since we have destroyed entire species of birds and inadvertently discouraged others, making songbirds a rare event compared with a generation ago. And yes, we should thin the herd of elephants when the elephants would otherwise starve—adding, however, that the reason we have to thin the herds is that they no longer have huge areas in which to roam. It is because people now occupy most of the savannah that the animals are restricted to a few national parks and can't get outside these boundaries, hence the limitation on their food supply when they can no longer go outside to obtain it.

And by all means we should preserve the carnivores. Predatory birds preserve the health of game by killing the weaklings, besides controlling rodents. When deer have no predators, they overproduce, and massive dyings occur. "Thou shalt not extirpate or render species extinct; thou shalt exercise great caution in introducing exotic and domestic species into local ecosystems, in exacting energy from the soil and releasing it into the biota, and in damming or polluting water courses; and thou shalt be especially solicitous of predatory birds and animals."[16]

Vegetarianism. As might be suspected, ecological ethics is not committed to vegetarianism. Nor is it opposed on principle to hunting animals for food or sport. Aldo Leopold was an avid hunter and at the same time an avid environmentalist. As long as we do not destroy the species, and as long as we leave intact the habitat (this is absolutely necessary if the species is to continue in the future), we can kill individual members for food, just as the lion kills the antelope. (The lion never renders an entire species extinct.)

Vegetarianism is in one way very efficient: it shortens the food chain. "It represents an increase in the efficiency of the conversion of solar energy from plant to human biomass, and thus, by bypassing animal intermediates, increases available food sources for human beings."[17]

Thus far, vegetarianism is all right. But what would happen if everyone became a vegetarian? "The human population would probably expand in accordance with the potential thus afforded. The net result would be fewer non-human beings and more human beings, who, of course, have requirements of life far more elaborate even than those of domestic animals, requirements which would tax other 'natural resources' (trees for shelter, minerals mined at the expense of topsoil and its vegetation, and so on) more than under present circumstances. A vegetarian human population is therefore *probably* ecologically catastrophic."[18]

Livestock. "One of the more distressing aspects of the animal liberation movement is the failure of almost all its exponents to draw a sharp distinction between the very different plights of wild and domestic animals . . . Domestic animals are creations of man. They are living artifacts, but artifacts nonetheless, and they constitute yet another mode of extension of the works of man into the ecosystem. From the perspective of the land ethic [Leopold's term for the ecological ethic] a herd of cattle, sheep, or pigs is as much or more of a ruinous blight on the landscape as a fleet of four-wheel-drive off-road vehicles . . ."[19]

Nature is more easily conceived than described, as Dickens wrote in Nicholas Nickelby; *and, we might well add, it is more easily described than controlled.*

For one thing, domestic animals have been bred to docility, tractability, and dependency. They can no longer survive on their own as any wild animal can. "Imagine what would happen if the people of the world became morally persuaded that domestic animals were to be regarded as oppressed and enslaved persons and accordingly set free. Cattle and sheep would hang around farm outbuildings waiting forlornly to be sheltered and fed, or would graze aimlessly through their abandoned and deteriorating pastures. Most would starve or freeze as soon as winter settled in. Reproduction, which had been assisted

over many countless generations by their former owners, might be altogether impossible . . ."[20]

They are also at odds without the environments into which they are introduced. Cattle became big business in Africa to satisfy an overseas market and repay the nations' loans. But unlike the native animals, cattle were not immune to the tsetse fly, and to protect it the landscape and waterways are extensively sprayed, polluting the rivers and sickening or killing off entire species of native animals and plants.[21]

In the ecological ethic, the preservation of endangered plants is just as important as that of endangered animals, though since plants are not sentient beings the animal rights theory accords them no rights at all.

They also represent a danger to health. As cattle are now grown, people who eat beef ingest also the anti-biotics that are fed the cattle to keep them alive in their filthy pens (which makes us progressively immune to the anti-biotics). And Eskimos who have eaten reindeer for hundreds of years do not get the cholesterol-related diseases that today's beef-eaters do. When nutritionists condemn the eating of meat, they mean (or should mean) the products of modern agriculture, not reindeer or caribou. It is solely the domestic animals whose use is condemned in passages such as the following:

> We don't realize that in every Big Mac there is a piece of the tropical rainforests, and with every billion burgers sold another hundred species become extinct. We don't realize that in the sizzle of our steaks there is the suffering of animals, the mining of our topsoil, the slashing of our forests, the harming of our economy, and the eroding of our health. We don't hear in the sizzle the cry of the hungry millions who might otherwise be fed. We don't see the toxic poisons accumulating in the food chains, poisoning our children and our earth for generations to come.[22]

In summary, then, there are intractable practical differences between environmental ethics and the animal liberation movement. Very different moral obligations follow in respect, most importantly, to domestic animals, the principal beneficiaries of the humane ethic. Environmental ethics sets a very low priority on domestic animals, as they very frequently contribute to the erosion of the integrity, stability, and beauty of the biotic communities into which they have been insinuated. On the other hand, animal liberation, if pursued at the practical as well as rhetorical level, would have ruinous consequences on plants, soil, and waters, consequences which could not be directly reckoned according to humane moral theory . . . The animal liberation/animal rights movement is in the final analysis utterly unpracticable. An imagined society in which all animals capable of sensibility received equal consideration or held rights to equal consideration would be so ludicrous that it might be more appropriately and effectively treated in a satire than in philosophical discussion.[23]

The human population. In most eras of human history starvation and disease killed off most of the human population before the onset of old age, just as they still kill most animals in the wild today. But people have acquired the technology to increase their numbers vastly and still survive. What is now the United States could once sustain only about a million people (prior to modern technology). It now sustains 250 million, crowding animals out and extinguishing entire species of them.

For animal rights theorists, every human life is precious, and so is every animal life. It is just not clear what is supposed to happen when the one gets in the way of the other. "Don't kill them, let nature take its course" (presumably by letting them die) seems to be the watchword, since every creature has a right to pursue its life, but none has a right to be positively assisted by others in this endeavor. However, since every species produces more offspring than can survive, massive dyings, administered by nature rather than by man, would seem to be the result.

What, then, does the ecologist have to say about the human population explosion? There are more than five billion people now and already the environment is cracking. What will happen when, as predicted, this figure doubles in another forty years? He isn't very enthusiastic about it, to say the least. Such an increase in the human population as we have today is not possible without high technology, and this requires us to inflict huge scars on the face of the planet. Most of the war between nature and technology today is the result of the needs or desires of a vastly increased human population. One example: pesticides were not needed for farming in Iowa at the turn of the century, but today one has to farm for two to three times as many consumers, and must use methods that are ultimately self-destroying if one is to make any money

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at farming. Without doing so the farmer goes broke in the competition. Another example: we are constantly hungry for more electric power, gobbling it up in ever-increasing quantities for every conceivable kind of mechanical device. So we have to fill the wild spaces with huge concrete dams and towers and wires to make this possible, destroying in the process the habitat of the mountain goat and the prairie dog, and the spawning grounds of the salmon. Species are becoming extinct every day, but in every nook and cranny of this planet more human beings are to be found.

What, according to ecologists, should be the ideal human population of this planet? One estimate: "The population of human beings should, perhaps, be roughly twice that of bears, allowing for differences in size." A global population of more than 4 billion persons and showing no signs of an orderly decline presents an alarming prospect; it is at present a global disaster (the more per capita prosperity, indeed, the more disastrous it appears) for the biotic community."[24]

What, according to ecologists, should be the ideal human population of this planet? One estimate: "The population of human beings should, perhaps, be roughly twice that of bears, allowing for differences in size."

Final questions

1. *If* these population projections are true, what can be done about it? "If it is not only morally permissible, from the point of view of the land ethic, but morally required, that members of certain species be abandoned to predation and other vicissitudes of wild life or even deliberately culled (as in the case of alert and sentient whitetail deer) for the sake of the integrity, stability, and beauty of the biotic community, how can we consistently exempt ourselves from a similar draconian regime? We too are only 'plain members and citizens' of the biotic community. And our global population is growing unchecked."[25] Others have gone still further: "Massive human diebacks would be good. It is our duty to cause them. It is our species' duty, relative to the whole, to eliminate 90% of our numbers."[26]

One wonders whether the author of these lines really means this and if he does whether he would be willing to put it into practice. Would he be willing to be killed off, along with his family and friends, as part of that eliminable 90%? And who would be the "we" that made the decisions as to which persons live and which persons die? and by what criterion would they be selected? This sounds like a nightmarish return to Orwell, with added horrors thrown in.

Anyway, most are convinced that such measures aren't necessary. We could voluntarily decrease our numbers, through birth control. But this is a very unlikely scenario, in view of the strong impulse of human beings to beget and bear children, which is often a person's greatest satisfaction in life. If that doesn't work, population reduction could be made compulsory through laws (as in China) forbidding every couple to have more than one child. With severe punishments for violation, this could be effective, though at a tremendous emotional cost.

"There may be too many of us," we may say, "but we are already *here*. We may be the products of overbreeding, but we can't help that, we had nothing to do with it, we didn't ask to be born. Why should we be eliminated for what isn't our fault? "But it is your fault—yours among others," someone may reply; "we have all done our bit to befoul the planet, and have now backed ourselves into a terrible ecological corner. You and I didn't individually have much to do with that, but together with a few billion others, we did. So we have to pay the price."

But nature does not operate on principles of justice such as these. It's not a matter of justice, it's a matter of what nature will do to us if we don't do something ourselves. Nature will exact a penalty from you and me even if the fault isn't yours or mine. A single famine, a single large drought, and millions will die—and there's no habitable spot left on the world where they can go to be safer. These lands are all occupied.

But perhaps nothing nearly that radical is called for. Every doubling of human numbers was accompanied by dire warnings of famine and death. In general these predicted events have not taken place. Meanwhile, we are *here*, which is already some kind of success story. Unlike many species and countless individuals, we have survived. Shouldn't that tell us something?

But what it tells us is unfortunately far from clear. Surely it doesn't tell us that we are safe. Surely it doesn't tell us that human population can continue expanding indefinitely, 5 billion in 1989 and 10 billion in 2029, and so on. And of course people don't want merely to have offspring, they want to raise them with a higher standard of living than they themselves had—which means that it is necessary to keep growing economically. But others (usually from the left) have seen a fatal flaw in such indefinitely continued economic growth: "The biosphere will eventually be destroyed whether 5 billion or 50 billion live on the planet. Competing firms in a 'dog-eat-dog' market must outproduce each other if they are to remain in existence. They must plunder the soil, remove the earth's forests, kill off its wildlife, pollute its air and waterways—not because their intentions are bad . . . but because they must simply survive. Only a radical restructuring of society as a whole, including its anti-ecological sensibilities, can remove this all-commanding social compulsion."[27]

It's not a matter of justice, it's a matter of what nature will do to us if we don't do something ourselves.

It seems that we have violated the ecological ethic for so long that we are almost past recovery. But this of course remains to be seen. Meanwhile, another more theoretical, but more fundamental, issue should also be addressed.

2. Should we value the continued health of the biotic community as a means toward achieving our ends, or as an end in itself? Let's first make an important distinction.

(1) There is no value apart from a valuer. Value must be value *to* someone. An uninhabited planet has no value to anyone because there is no one there to observe it or enjoy anything in it. It has no more value than if it did not exist.

But animals can value things as well as people. To the giraffe, the water from the river has value. To the cat the cream has value. Not that the cat makes this statement to itself, of course; but we can observe by its actions what it values, what it forsakes, what things it prefers to what other things, what things it ignores. This is also the way we discover what other people value.

(2) Value, then, implies a valuer. But we should not confuse this with a different distinction: whether we value something *in itself*, for its own sake, or only *as a means* toward something else. Money, for example, is valued not for itself but only as a means toward getting things one wants. But children are (normally) valued for themselves by their parents—not merely as means for fulfilling the parents' needs or ambitions. Most of us would not abandon our children if they failed to fulfill the goals we wanted for them.

What about pets? "Are pets well treated, like children, for the sake of themselves, or, like mechanical appliances, because of the sort of services they provide their owners? Is a healthy biotic community something we value because we are so utterly and obviously dependent upon it not only for our happiness but for our very survival, or may we also perceive it disinterestedly as having an independent worth?"[28]

The question seems difficult, and not everyone will venture the same answer. But the ecologist casts his lot with those who value the "prosperity of the environment" for its own sake, not simply as a means toward our ends.

> Several billion years' worth of creative toil, several million species of teeming life, have been handed over to the care of this late-coming species in which mind has flowered and morals have emerged. Ought not those of this sole moral species do something less self-interested than to count all the produce of evolutionary ecosystems as rivets in their spaceship, resources in their larder, laboratory materials, recreation for their ride? . . . Ought not *Homo sapiens* value this host of species as something with a claim to care in its own right?[29]

One could of course ask, for what or whom is this varied biotic community to be preserved? Not only for human beings. Why, however, should it be preserved at all? Is it really such a wonderful system, filled as it is with pain and death and suffering? Why keep it going? One reason is: it's the only game in town; it's the only system we've got. The alternative is not a better one but universal death, a lifeless planet whirling through space. It's difficult (though possible) to believe that this would be better.

Suppose you knew for sure that the human race would not last long, thanks to our ecological sins. Suppose that you knew our species would very soon die out and that nothing could stop it; but that by taking some simple and easy action, you could ensure that all the other species and the environment in general would be preserved and continue, so that life could go on. The planet would no longer be endangered, with the human race out of the way. Should we do that simple action, not for our sakes but for theirs? Ecological ethics says without question that we should do it—partly no doubt to make it up to the other living things for what we have already done to them, but mostly because it seems worth-while (to most of us at least) for living things to thrive even after you and I are gone.

Perhaps, however, the question is moot: by doing our bit to help the environment we are also helping the conditions for human survival. If we destroy the environment, we destroy ourselves with it. Our fates are tied together. This much at least seems indisputably true.

A century ago, when the Indian chief, Seattle, was forced to abandon his reign in favor of the all-encroaching white man, his appeal to the whites was not for more food or horses or other things for his people; instead he spoke as follows:

> All things are connected.
>
> Whatever befalls the earth
>
> Befalls the sons of the earth.
>
> Man did not weave the web of life.
>
> He is merely a strand in it.
>
> Whatever he does to the web,
>
> He does to himself . . .
>
> The white man must treat the beasts of this land
>
> As his brothers, For whatever happens to the beasts
>
> Soon happens to man.
>
> All things are connected.[30] ❑

Notes

1. One classical work (among many) on this is Hastings Rashdall, *Theory of Good and Evil* (2 volumes, Oxford University Press, 1924).
2. See John Hospers, *Human Conduct* (Harcourt Brace rev. ed. 1982), Chapter 2.
3. See John Hospers, *Introduction to Philosophical Analysis* (Prentice-Hall rev. ed. 1988), Chapter 7.
4. J. Baird Callicott, *In Defense of the Land Ethic* (State University of New York Press, 1989), p. 19.
5. Peter Singer, *Animal Liberation* (Avon Books paperback, 1975).
6. Jeremy Bentham, *Principles of Morals and Legislation*. First published by Oxford University Press, 1789.
7. Tom Regan, *The Case for Animal Rights* (University of California Press, 1983).
8. Ibid., p.357.
9. J. Baird Callicott, p. 21. He also mentions that "the alertness, speed, grace, and all the other qualities we most admire in herbivorous animals—all the qualities, indeed, which make them subjects-of-a-life and thus worthy of moral consideration and/or rights—were evolved in direct response to their carnivorous symbionts." (p. 57)
10. Ibid., p. 264.
11. Aldo Leopold, *The Sand County Almanac* (Oxford University Press, 1986), pp. 222-3.
12. Ibid., p. 209.
13. Ibid., p. 206. See also Norman Myers, *The Sinking Ark* (Oxford, Pergamon Press, 1979).
14. Callicott, p. 41.
15. Holmes Rolston III, *Philosophy Gone Wild: Essays in Environmental Ethics* (Buffalo: Prometheus Books, 1986), p. 216.
16. Callicott, p. 16. Many other examples could be cited. Should we remove ticks from the dog? We do, because we like the dog more than the ticks. But ecologically it would be difficult to make a case for this: the tick would seem as entitled to living the way it does (off dogs) as the dog is to living the way it does (in the wild, catching prey).
17. Callicott,p. 34.
18. Ibid., p. 34–5.
19. Ibid., p. 30.
20. Ibid., pp. 30-1.
21. See my paper "Liberty and Ecology," *Liberty*, September 1988.
22. John Robbins, *Diet for a New America* (Stillpoint Publishing, 1957), p. 379.
23. Callicott, p. 37.
24. Ibid., p. 27.
25. Ibid., p. 92.
26. William Aiken, "Ethical Issues in Agriculture," in *Earthbound: New Introductory Readings in Environmental Ethics*, ed. Tom Regan (New York: Random House, 1984), p. 269.
27. Murray Bookchin, *Green Perspective*, July 1988, No. 8, p. 4.
28. Holmes Rolston III, p. 215.
29. Callicott, p. 26.
29. Holmes Rolston III, op. cit., p. 218.
30. Quoted in John Robbins, pp. 380–1. Since the only indication we have of what Chief Seattle said is from notes taken by an observer, the authenticity of the quoted speech has been questioned. See J. Baird Callicott, "American Indian Land Wisdom? Sorting Out the Issues," in *Journal of Forest History*, January 1989, pp. 35–42.

Exposé

Scholarship as Leechcraft

by George H. Smith

The State's strangest subsidy: the scholarship of anti-statism.
Libertarianism's biggest challenge: weaning its intellectuals from the State.

The libertarian community has its own unspeakable truths. Through a tacit agreement not to offend or embarrass, these awkward truths are rarely mentioned in polite company. It is time to speak about the unspeakable.

Has anyone noticed that many libertarian intellectuals are on welfare? Of course, we're not supposed to call it "welfare"—that would be impolite. But these academics are paid by the state, often receiving handsome salaries for a few hours of work each week, not to mention three months off each year. Then there is the"sabbatical"—a *year* of paid vacation every six or seven years. Of course, we're not supposed to call this a "vacation"—that would be impolite.

Intellectuals tend to be smarter than the average welfare recipient, so they have devised "tenure"—*guaranteed* welfare. Think of it! A tenured professor will never lose his job, unless (as Michael Caine's character put it in the movie *Educating Rita*) he "buggers the bursar."

Quite a feathered nest this, and libertarian intellectuals flock to its comfortable warm security. The welfare-libertarian will never be rich, but he will never be poor, either. His government dole furnishes him with abundant free time, enabling him to think deep thoughts, sing hymns to the free market, and "double dip" by taking on additional projects in his spare time.

These truths bother some libertarian academics, who feel pangs of conscience from time to time. Such feelings are quickly suppressed, however, with a standard rationale: "The government has a virtual monopoly over higher education; it has so enmeshed itself in education that it is impossible to make it 'out there' in the market. Yes, that's it—that's why I work for the government. Enough said. Now back to the struggle for liberty."

It is time to ask these conscientious libertarians some unspeakable questions: "Have you ever tried, even *once*, to escape the welfare system? Indeed, have you ever given the possibility serious thought? When you and your colleagues meet at conferences, do you discuss the vicious effects of the academic cycle of welfare—how (like all welfare) it saps your incentive, how it demeans you, how the government supports you not because it cares about you, but because it wants to *control* you? Granted, you are very busy congratulating each other on your latest unread scholarly article. Granted, you are very busy discussing *really* important issues, like how the market can save the snail darter. Granted, all this and more. But can't you find at least some time to discuss how to get libertarian intellectuals off welfare?"

That "libertarians on welfare" is an unspeakable topic was made clear to me many years ago during a seminar for libertarian philosophers. During my brief talk, I pointed out that modern philosophy is predominantly a creature of state-supported intellectuals, and that this may partially explain why the vast majority of philosophers are so fervently pro-government. After all, there is a natural and understandable tendency not to bite the hand that feeds you. Even libertarian philosophers, I suggested ever-so-delicately, might not be immune to this corrupting tendency, for we too are only human.

The response was swift and severe. "Are you suggesting," sneered one philosopher, his eyes filled with that credentialed *'Who* are *you?'* look—"are you suggesting that we sell-out to the government?"

"No," I replied, "it's not that simple. We know the state breeds strong vested interests, and I don't see why this tendency shouldn't apply to state-supported philosophers—all of them. This doesn't mean a libertarian philosopher sells out overtly. But when deciding which subject to write about or which cause to defend, he might be reluctant to target universities for attack. After all, if philosophers were thrown out on the market, few would survive, because the market demand for philosophers is far less than the artificial demand created by the state. So why rock the boat? Why select a controversy which, if you eventually win, might render you unable to make a living as a philosopher? There are plenty of other legitimate topics that can keep a philosopher occupied for a lifetime. Plus, your colleagues aren't stupid. If they see you arguing that state universities are bad

things, they might ask an embarrassing question: So why are *you* here?"

My opponent was livid. "I am a philosopher," he intoned. "I am concerned only with truth." I don't think he got the point.

A few more philosophers joined the argument while others whispered and joked among themselves, clearly indicating that they regarded my thesis as too ludicrous for consideration. Not one of these libertarian philosophers came to my defense. Not one conceded that state-funding of philosophy might influence the outcome—at least not where libertarians are concerned. The problem of vested interests, it seems, affected everyone but themselves.

Such was their response to that unspeakable question, "What are the effects when libertarian intellectuals go on welfare?"

The welfare-libertarian will never be rich, but he will never be poor, either. His government dole furnishes him with abundant free time, enabling him to think deep thoughts, sing hymns to the free market, and "double dip" by taking on additional projects in his spare time.

Libertarian foundations operate on market principles; in dispensing their scarce resources, they want the best product for the least cost. Suppose they are looking for someone to do Project X. A welfare-intellectual will do it for $500, because he receives full-time pay from tax funds for less than full-time work. The $500 is gravy; it supplements his welfare payments.

The unsubsidized market-intellectual, on the other hand, requires $1500 for Project X, because he must pay his bills from that money. Therefore, he cannot compete against the welfare-intellectual.

Then financial incentives set in. Young libertarians learn early that they can never make a living in the market, because even libertarian foundations will not help them. They will be dead in the water if they don't acquire establishment credentials and go on welfare. Thus does the vicious cycle of welfare perpetuate itself, as increasing numbers of libertarians enter state universities.

Who is to blame for this disturbing trend? The administrators of foundations? Usually not, for they must justify their decisions to donors, and these donors want the most bang for their buck. If administrators hire market intellectuals, their higher price tag will mean that fewer projects can be funded. And donors don't like that.

What about the donors—those businessmen who contribute to foundations? Here the problem gets complicated. Libertarian donors want their contributions to accomplish something worthwhile. And, in a society spellbound by the mystique of credentials and prestigious universities, welfare-intellectuals will be taken seriously and so are more likely to effect change than market-intellectuals.

The real problem here is one of priorities. The funding of welfare-intellectuals to the exclusion of market-intellectuals may achieve results more quickly, but it also creates incentives for libertarians to go on welfare rather than work in the market. In the long run, therefore, this policy threatens to create a libertarian overclass of intellectuals.

In addition, the businessman often falls prey to the myth of credentialism. He smiles knowingly at the consumer who purchases shoddy merchandise because of glitzy advertising—unaware that he, the businessman, may purchase shoddy intellectual merchandise because of the glitzy advertising called "credentials" and "university affiliation."

The businessman may be impressed by an article filled with stodgy prose—unaware that the article may have been written that way for no other reason than to impress the businessman.

The businessman may be dazzled by an article littered with hundreds of footnotes—unaware how easily an article can be padded in an hour or two (for example, by culling information from a secondary source and then duplicating the footnotes contained in that secondary source without ever consulting the originals).

The businessman may be impressed by the intellectual's promptness and diligence—unaware that an article may be old material that has been recycled (in slightly different forms) over and over again.

The businessman may be awed by the depth of scholarship—unaware that the intellectual may have used a sophisticated version of that old ruse popular among school kids: You, a fifth-grader, have a half-hour before bedtime, and the essay assigned last week is due tomorrow morning. No problem. You run to that encyclopedia you talked your parents into buying. (Remember how pleased they were: those innocent souls really believed that you had developed an interest in school.) You know the rest—change some words, shift some paragraphs, and—whammo!—you have an essay with time to spare.

(Businessmen: do you remember how you always got caught, but there was one kid in class who always got away with it? Not only that—the teacher would actually read that kid's plagiarism as a model for you to follow. Do you remember how you wanted to beat the stuffing out of that kid, but at the same time, you were in awe of his mysterious abilities? Here was his secret: when he copied from the encyclopedia, he inserted one or two grammatical errors—three was pushing it, for it might lower the grade; he deliberately misspelled a couple of words; and he crossed out several sentences, scribbling revisions in the cramped spaces above. That kid knew that an essay shouldn't be too good; it had to be written like a kid really writes. You didn't think of that, did you? Nope. You thought the teacher must have memorized the whole damned encyclopedia. By the way, guess what that kid does for a living now?)

If philosophers were thrown out on the market, few would survive, because the market demand for philosophers is far less than the artificial demand created by the state.

Contrary to popular opinion, the welfare-intellectual is by no means inferior to the businessman when it comes to making money. Rather, the welfare-intellectual lets the businessman earn the money; then he collects money wrested from the businessman through taxation; then he persuades the businessman to donate even more money to welfare-intellectuals so they can undertake projects valued by the businessman.

continued on page 76

Dissent

Capitalism Without Democracy, Hong Kong Without Hope

by R. K. Lamb

There is more to freedom than free markets. Because the people of Hong Kong do not realize this, their future is in peril.

The collapse of Communist authority in Eastern Europe has been all over the TV screens here in Hong Kong. But for the rich British city-state perched on the scrawny underbelly of the People's Republic of China, the main story is closer to home. China's democracy protesters were the first of the revolutionaries of 1989, and they lost. China's top economic reformer, Communist Party General Secretary Zhao Ziyang—who was bold enough even to meet with Milton Friedman—is out. China is in the grip of nervous old men, who are squeezing its economy of vitality, throttling its cultural life of any hints of deviant thought, and eying the freedom of Hong Kong like a mother who has just discovered her boy reading forbidden magazines.

Hong Kong is stuck. Its 5.5 million Chinese have been saddled with an agreement signed by Zhao and Prime Minister Margaret Thatcher in 1984 to give the colony back to China on June 30, 1997. Hong Kong's people had no say in it. Under the bizarre formula of "one country, two systems," China agreed that the colony could keep its capitalist ways and British law for a further 50 years, but under Beijing's ultimate control. Britain's colonial administrators would do right by their last great colony in Asia and retire to Sussex and Surrey with their honor and government pensions intact. China would get back the last European concession carved from its territory by nineteenth-century imperialists. It would have to put up with Hong Kong's capitalism, but it had been putting up with it for a long time and knew the capitalists well. It had even become one of the colony's largest capitalists itself. Its Bank of China had the colony's tallest skyscraper, a bold tower of triangles by Chinese-American modernist I.M. Pei like no building in the People's Republic.

There were skeptics from the beginning. Many have already emigrated to Toronto, Vancouver, Sydney, or San Francisco. But as long as China was on the reformist path, the optimists set the public tone. By 1997, some said, China would not be very communist at all. Then came 1989, and the blood and tanks in Beijing. Hundreds of thousands of Hong Kong people, who never protested much of anything, flooded the streets and filled the Happy Valley racetrack to protest the brutality in China. It looked like the Hong Kong people's great political awakening.

But for the most part, it was not. The tanks in Tiananmen Square awakened a lot of individuals, but they did not awaken a genuine mass movement. The massacre strained the relations between the British, Beijing, and the Hong Kong people, but the 1997 agreement remains unchallenged. Everyone accepts that Hong Kong is to be given back to China. That it is being done with so little protest and so little genuine pressure by the Hong Kong people is as much an indictment of them as it is of the obliging expatriate Brits.

Hong Kong has a unique system: laissez-faire but no democracy. Its plight shows how debilitating and unnatural that mix is—and is an instructive tale to supporters of capitalism who bad-mouth nationalist sentiment and swear off politics.

Milton Friedman once came here and proclaimed Hong Kong the most capitalist place on earth. He was probably right. A purist will find exceptions: public housing, public hospitals, and government ownership of undeveloped land. But the economy is in private hands, including even the two cross-harbor tunnels, the bus lines, and the antique electric tram. The paper currency, though pegged to the U.S. dollar by the government, is issued by the privately-owned Hong Kong and Shanghai Bank and the Standard Chartered Bank. Depositors can keep their funds in the currencies of the United States, Canada, Australia, Britain, Japan, or Germany. There are no antitrust laws,

few labor laws, no unemployment compensation and no Social Security. There is no withholding—not any!—from paychecks. There are no tariffs or import quotas, making Hong Kong one vast shopping center where an American can buy a man's shirt for less than half the price at home. Middle-class people can get a live-in Filipina maid for $360 a month, because Immigration allows them in, and there are nearly 50,000 such maids. The government provides schools, but most of the middle class send their children to schools run by private organizations such as the Catholic Church.

By 1997, some said, China would not be very communist at all. Then came 1989, and the blood and tanks in Beijing. The tanks in Tiananmen Square awakened a lot of individuals, but they did not awaken a genuine mass movement. The massacre strained the relations between the British and Beijing, but the 1997 agreement remains unchallenged. Everyone accepts that Hong Kong is to be given back to China.

The ethos here is a rawer capitalism than in America. In many ways, I'm not sure America's fans of laissez-faire would like it. Children are expected to take care of their parents in old age. The education system is inadequate, it's hard to get into the University, and many students go abroad. Competition in all walks of life is much keener: There is less "fair play" and getting your "share." Here you push to be noticed, push to get served, push to get all you can. Money is status, discounts and special deals the subject of boasts. Stores sell showy brands—Gucci, Yves St. Laurent, Saatchi, Dunhill, Cartier, Rolex. There are many more Mercedes-Benzes in the streets than in an American city, and reportedly the highest proportion of Rolls-Royces in the world; there are also poor people on the sidewalk selling deep-fried bean curd for 25 cents. There is much less consumer protection, building-code enforcement and court enforcement of strict liability, and more stories in the newspapers about children being crushed in automatic gates and falling out of buildings with inadequate railings. People feel much less assured about the purity of their air, their drinking water, and the ingredients in their food. There are no public drinking fountains because nobody would drink from them. And if you buy something, you can just about forget about getting a refund.

Economically, Hong Kong is a roaring success: It's annual per-capita GNP is $10,950—about half that of the U.S. but 30 times greater than the $355 in China. It is without question a triumph of capitalism and the entrepreneurial spirit and hard work of the southern Chinese.

The Chinese have been a merchant people for centuries. Like the Jews in old Europe and the Lebanese and Indians in Africa and the Caribbean, overseas Chinese are the capitalists of Asia—in the Philippines, Indonesia, Thailand, Malaysia, Burma. They are not, by and large, a politically active people. Of the two Chinese "democratic" states, Singapore is a virtual dictatorship of Lee Kuan Yew and his People's Action Party, and Taiwan is ruled by the late Chiang Kai-shek's Kuomintang, which has just had its first partly-free election with a legal opposition party. In Hong Kong, the British rule unchallenged. The "Legco" (legislature) has little power, and its elected members are chosen by functional constituencies—professional groups—rather than by the popular ballot. There are no political parties because nobody has formed them. What rights the people have—freedom of the press unrivaled in Asia except for Japan—were given by the British, not achieved by any political effort here.

Its citizens like living here, but there is little Hong Kong nationalism. When the people had their one great protest march, in June 1989, the song they sang was, "I Am Chinese"—not "I Am Hongkongese." They were focused on showing their compassion for their brothers in China, not their determination to keep the Chinese communists out of Hong Kong. To be nationalist here is to be pro-China (or pro-Kuomintang), not pro-Hong Kong. Hong Kong is called "the territory" (not "colony") and its people are "Hong Kong people." It has a flag that could easily be mistaken for the Union Jack-and-blue of Australia or New Zealand, and you hardly ever see it. Hong Kong is not a nation, but a place to do business.

The leader of the government, Sir David Wilson, is an official appointed by Margaret Thatcher. Hong Kong people have no leader, nobody like Singapore's Lee Kuan Yew or the Philippines' Corazon Aquino to speak for them. They watch demonstrators bringing down the governments in East Germany and Czechoslovakia on TV, but they would never do it themselves. They are sure that nothing they do could change either the Chinese communists or the British. In 1989, the British government ran a big publicity campaign about the Basic Law—Hong Kong's post-1997 "constitution" being hammered out by British, Hong Kong, and Beijing negotiators—and asked for public input. There was little. The British had asked once before and a lot of people wrote in, but nothing had seemed to come of it. Hongkongers are bored by the Basic Law, and feel that the Chinese will do what they like after the British are gone. Who would stop them? What argument there is focuses on the details of Hong Kong's sluggish progress toward democracy—how many seats will be elected by popular vote by 1997 (probably less than half), and not on the larger issue of whether "one country, two systems" makes any sense.

There are no antitrust laws, few labor laws, no unemployment compensation and no Social Security. There is no withholding—not any!—from paychecks. There are no tariffs or import quotas, making Hong Kong one vast shopping center where an American can buy a man's shirt for less than half the price at home.

Perhaps Hong Kong should have joined Taiwan. China, of course, would have opposed it. And there is little enthusiasm in freewheeling Hong Kong for the dour Kuomintang and their fan-

tasies of recovering the mainland. The logical solution to Hong Kong's problem is independence, not absorption by somebody else. Singapore did it; why not Hong Kong? I have asked several people, "What if Hong Kong people declared independence?" The answers: (1), Hong Kong people would never do it; the question shows how naive you are; (2) China wouldn't allow it; they'd send in the tanks; (3) the British wouldn't allow it; they'd send in the cops. But a quarter of the globe has divested itself of British colonialism; this place could do it in a weekend. Just watch the Czechs on TV and do the same! As for China sending in the tanks, maybe they would and maybe they wouldn't. They could have sent them in any time in the past 40 years—indeed, they could have taken Hong Kong by merely cutting off the water supply. They did not. Perhaps at this late date, they would, if Hong Kong actually stood up for itself. I have not met one Hong Kong Chinese who thinks it's worth trying—which leaves the first answer, that people would never do it.

Hong Kong's capitalists are the first to kowtow to China. Their suppliers, customers, and even their employees (some 2 million) are in China. A few of the trading houses have reincorporated in Bermuda (and assured everybody it was just a formality), and a few businessmen made cautiously critical statements after the crackdown in Beijing. But generally business leaders are optimists about the 1997 arrangement. They are all for "boosting confidence" by spending billions on a new airport and other economic measures that have nothing to do with the confidence crisis. Publicly they are sure that they can "work with" China. Privately they are keeping plenty of money abroad and have no problem getting foreign passports. They are not much interested in democracy, or non-economic rights like freedom of the press. Like their counterparts in capitalist Singapore, where Prime Minister Lee Kuan Yew has banned the *Asian Wall Street Journal* and keeps the *Straits Times* under his thumb, they couldn't give a damn as long as trade and money transfers are free of restriction. Hong Kong's press remains free and vigorous, but only because the British are here.

Hong Kong's middle class professionals, who have cars and condos and university educations, provide the base of support for the two outspoken liberals in the Legco, attorney Martin Lee and teacher's union president Szeto Wah. But too many are focused on emigration. To "maintain confidence," the British plan to offer passports to 50,000 Hong Kong families they don't want to lose down the "brain drain." These passports, unlike the U.S. and Canadian variety, would not require moving even temporarily out of Hong Kong, or making any kind of investment abroad. U.S. immigration generally requires that they move to the U.S. permanently, and Canada's, that they move for several years or invest C$250,000. Few Hongkongers want actually to live in Britain, which they see as a cold, dull, racist country that clearly does not want them. They are going to Canada, Australia and the United States at the rate of about 1,000 a week—and would be leaving much faster if those countries allowed it. The queue for family members (brothers and sisters of U.S. citizens) to get into the United States is ten *years* long. (Canada allows rich people to buy their way

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WHY SHOULD YOU BE READING *FREEDOM DAILY?* *

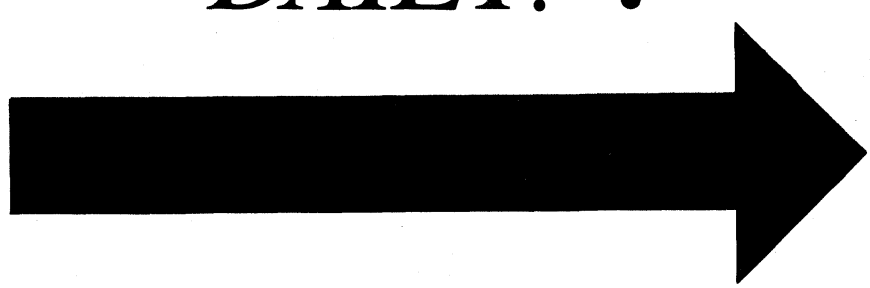

to the front of the line, which is why there's so many of them in Vancouver.) Of course, Hong Kong's middle class would rather not go anywhere at all. Ask them whether they would stay if they could live without the uncertainty of 1997, and they say, sure. But they have no faith in political action to provide security. The watchword here is to look out for yourself and your family—don't stand up, don't start a pressure group, don't make a stink. Keep quiet, make money and make plans.

Even their homes tell something of their mindset: they live behind barred windows and jail-like steel grates that slide with a clang over their front doors. The place I rent has three locks on the door, a chain, a locked steel grate, TV cameras in the elevator, a key-code lock on the front door, and security guards. The laid-back people of Vancouver are being quite unreasonable if they expect their new neighbors to open their doors to kids selling Girl Scout cookies.

The logical solution to Hong Kong's problem is independence, not absorption by somebody else. Singapore did it; why not Hong Kong?

Hong Kong's lower classes, many of them refugees from China, are fatalistic. The taxi drivers and office workers say they don't think their lives would change that much under Chinese administration, and there is nothing they can do about it anyway. They don't have the money to get out. Their concern about immigration is the movement of people in, which would undercut the tight labor market that has been pushing up their wages. The average Hongkonger particularly resents the 55,000 Vietnamese "boat people" the British administration has penned up in concentration camps, and would shove them all back out to sea if he had anything to say about it. To him they are aliens and freeloaders, and suspiciously barbaric with their knife fights and outbreaks of cholera. The Hongkonger has no sympathy for them. Nor is he eager for his Cantonese compatriots to come flooding across the border, which they surely would do if the British removed the Gurkhas and barbed wire. In any case, the Hong Kong office or factory worker is certainly not going to make a stink for independence, democracy or any other abstract political issue. He could get in trouble with the British. Friends of China might note down his name on a roster of troublemakers, and settle scores with him and his family after 1997. He could lose his job. It's just none of his business.

All this is not to say there is no politics here. There is a largely middle-class Hong Kong Alliance for Democracy in China, which recently held a candlelight ceremony for the casualties in Romania. There is the student-radical April 5th Action Group, which got its heads knocked for protesting outside of a ceremonial dinner on Oct. 1, the 40th anniversary of the People's Republic. China is pressing the British to ban both organizations. But such groups don't amount to much. The big political battles since the crackdown in Tiananmen Square have been between the British colonials and Beijing.

Item: Yang Yang, a Chinese swimmer, stopped in Hong Kong and asked for political asylum. China demanded him back. Hong Kong let him go to America. China immediately quit accepting back the 100 or so escapees caught each day crawling through the wire to Hong Kong. The refugees began piling up, creating demand for even more concentration camps. British officials assured the Chinese they would not allow Hong Kong to be a center of "subversion," and reminded them how police had roughed up the April 5 Action Group and confiscated a TV station's tape to identify protesters. They also reminded China of how Hong Kong police tore down some Taiwan flags on the Kuomintang's national day, Oct. 10. China accepted the kowtow, and began taking its refugees back.

Item: Hong Kong's video censors cut out a section of a Taiwanese documentary on the Chinese democracy movement. It was nothing people hadn't seen on TV or read in the *South China Morning Post* a dozen times—an interview with protest leader Wu'er Kaixi—but it was the first such act of political censorship under a new rule forbidding videos that "damage relations" with foreign countries. Authorities also turned back a U.S.-based democracy activist at Kai-Tak Airport. Both actions were clearly meant to mollify China. A few people protested, but there were no apologies from the British.

Item: Hong Kong activists demanded that China agree not to station Peoples Liberation Army troops in downtown Hong Kong after 1997. China refused: It was sovereign, and it would put them wherever it liked. Britain announced that it would move its Navy base in downtown Hong Kong to tiny Stonecutter's Island, and sell the immensely valuable land to private office developers. China protested: It wanted its troops to be right in the midst of the skyscrapers, not marooned on some dinky island, and the British base was the best piece of real estate to do it on. Britain has not backed down on that, yet.

Item: When Britain announced its scheme to grant 50,000 elite families British passports (far fewer than Hongkongers wanted), China said it violated the 1997 agreement. When Britain sent the word around other Western nations to do something similar (but NOT to increase their ordinary quotas, which require resettlement), China accused Britain of trying to "internationalize" a matter solely between the two of them. Britain has held its ground on that, too.

These kinds of battles are sure to continue, but only within the bounds of the 1997 giveback. They are battles about political freedom and democracy, not about capitalism. China has never backed away from its promise to allow capitalism in Hong Kong, though it remains a Communist's promise. But the experience of Hong Kong shows that there is more to freedom than the right to make money. Democratic institutions are crucial. So are a sense of public responsibility and political entrepreneurship. The leaders in Eastern Europe may inherit states that are socialist and bankrupt, but the people there have a rejuvenated "civic life," a consciousness of nationhood, a willingness to take to the streets and get their heads beat in to collectively create an independent, free republic. They have leaders who are willing to spend time in jail to defend freedom of conscience and national independence. Perhaps if Hong Kong people had done the same, they would have ejected the British long ago and would now be living in an independent republic. They did not, and probably will not. They have been too busy in Mr Friedman's capitalist paradise, making money. ❑

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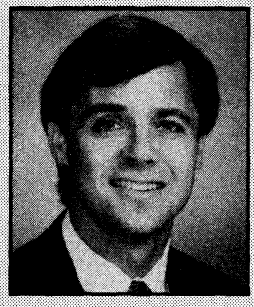
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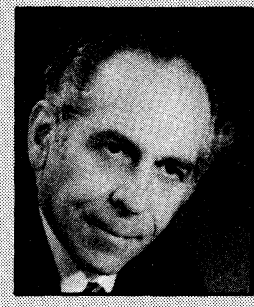
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Comments

Libertarianism: Paleo and Con

In the January *Liberty*, Llewellyn H. Rockwell, Jr, made "The Case for Paleolibertarianism," challenging the libertarian movement to "delouse" itself of anti-authoritarian and non-Judeo-Christian elements and form an alliance with Paleo-conservatives in the political arena. Several editors and readers of *Liberty* respond.

Cheers for Bourgeois Virtue

Leland B. Yeager

Rockwell is right: the "libertine muck" clinging to much of the libertarian movement not only discredits the movement but also indicates an unhealthy society. If, however, healthy values and standards prevail voluntarily and are supported by a wide range of social institutions, they reduce the need (or apparent need) for widespread policing by the government. Three cheers for the bourgeois virtues.

I wonder whether some of the libertine libertarians may not unconsciously harbor a curiously statist notion—that anything really important must be administered by the state and that if they do not want morality (for example) administered by the state, they must disparage it. ❑

Man *is* Part of the Environment

Jane S. Shaw

Given that his goal is "intelligent exchange and cooperation," Llewellyn Rockwell is unnecessarily divisive in his position on environmental matters. He draws two extremes—the radical eco-freak who treats humans as a scourge on the Earth and his paleolibertarian who views Man as the dominant being who has a God-given right to crush the Earth under his feet.

While I believe Rockwell is getting at something worthwhile with his paleolibertarianism idea, I don't believe most people in the Judeo-Christian tradition consider the "dominant man" theme the full story about humans' responsibility to the Earth. In his article "The Christian and Creation" in *Chronicles* (February 1988), Peter J. Hill emphasizes that the key passage from Genesis needs to be "informed by other passages." One is Psalm 8, which, he observes, imparts "a sense of awe and wonder to us at our being made a part of God's magnificent creation," and another is the passage in Genesis that charges mankind to care for the Garden of Eden.

On the other side of the issue, those who don't feel mankind has a special God-given place in nature must recognize that humans have a niche within nature (as all creatures do) that allows survival. Humans' niche involves some shaping of the environment. While humans have done this quite extensively, they are not the only animals to change their surroundings—beavers, for example, change the environment when they build dams, and farmers and ranchers can attest to how significant those changes can be. There is a larger middle ground on this issue than Rockwell seems to think. ❑

Beyond Irrelevance

James S. Robbins

The potential breakdown of the anti-Communist alliance poses problems for conservatives and opportunities for libertarians. But Rockwell's approach to the opportunity, setting up alliances, defining who believes what, "cleansing," and so forth, seems pointless and counterproductive.

Attempts to set up definitional schemes are by their nature exclusive, not inclusive. Rockwell's tone is adversarial; he wants to start a brawl. He welcomes the "nasty fight" ahead and the long past due "cleansing process." This is all very romantic, but hardly productive. Rockwell makes it sound like the libertarian movement (apart from the LP) is a well-defined group with a specific membership and a central infrastructure.

Rockwell seems to be attacking a part of the libertarian movement with which I've had little contact. Who doesn't oppose anti-merit anti-individual affirmative action programs? And what libertarian worth his salt has ever opposed the notion of non-state solutions to the problems of crime?

In fact, libertarianism is a loose agglomeration of freedom-minded people, none of whom have any control over any other. So just how is this "delousing" (what a silly word) to be undertaken? Are the libertines to be gagged, drummed out, shunned, not allowed to play with us anymore? If libertarianism is to take a new direction, and I think this is a good idea, it will only do so through persua-

sion and reasoned discussion. The combative concepts Rockwell introduces serve no one and only contribute to an atmosphere of spite.

Libertarian tactics could use some reform, but Rockwell seems to be attacking a part of the libertarian movement with which I've had little contact. Who isn't fed up with modern art, something which only persists because of Federal funding? Who *doesn't* oppose anti-merit anti-individual affirmative action programs? And what libertarian worth his salt has *ever* opposed the notion of non-state solutions to the problems of crime? These simply are not issues within the movement. On the issue of public perceptions, a libertarian movement whose members are perceived as being dope-smoking, anti-religious and radically pro-environment will obviously get nowhere. On the other hand, if Rockwell wants to see a movement become irrelevant, let him go around talking about "the white thing!"

If Rockwell wants to see a movement become irrelevant, let him go around talking about "the white thing!"

The point is not that the libertarian movement has the wrong ideas, but rather that they are expressed in a form too extreme for many Americans to tolerate. While most libertarians are political junkies, most Americans are not, and they don't understand those who are. If change is to come, why not let it be in the form of making libertarian ideas palatable, expressing them in a form easily understandable and non-threatening?

Finally, it is true that the LP is dominated by opportunists and absolutists, neither of which will ever lead the movement to any sort of political influence. Perhaps it is this group Rockwell intends specifically to reform. I wish him luck. His antagonistic approach will certainly bring him the fight he wants, and with luck the Party will split into a number of mutually competing and hateful factions, maybe even forming new Party organizations. It would be entertaining to watch, and would effectively bring about the "cleansing" Rockwell desires. Otherwise, if Rockwell admires the paleoconservatives (whoever they are) so much, maybe he should join them (whatever that means); I'll bet he won't have to take any foolish oath. ❑

Anarchism leads to atheism?

Sheldon L. Richman

Llewellyn Rockwell's January 1990 article on paleolibertarianism raises the question of why so few libertarian activists are theists, and he answers by suggesting that the palpable atheism of the movement turns off believers. I doubt it. For starters, I don't think the movement's (or the Libertarian Party's) attitude toward religion is very palpable. Since 1968 I've been to my share of libertarian conferences, conventions, seminars, shindigs, etc., and I don't recall antireligion being an issue at any of them. To be sure, none of these events had an ecclesiastical tint, but neither do baseball games or bullfights and I don't notice that keeping the devout away.

There's a better explanation for the preponderance of pagans that disturbs Rockwell. To be a libertarian is by its very nature to question bedrock beliefs learned almost in the cradle. Anyone rascal enough to doubt and reject early-imbibed political beliefs is also a prime candidate to turn a skeptical gaze onto his religious beliefs. Thus, you'd expect to find a heavy representation of free-thinkers among the anarchists and near-anarchists. ❑

The Libertarian as Authoritarian

Timothy Virkkala

At the 1987 Libertarian Party convention, I decided to get into the spirit of the event by wearing a political button. I was loath to support any of the candidates offered for my allegiance, so my choice of buttons was somewhat limited. I settled for an old stand-by: *Question Authority*.

Little did I suspect that this choice of buttons would cause one of my new acquaintances—one Llewellyn H. Rockwell, Jr—to dismiss me out of hand as a "leftist"! (See the section of his manifesto "Authority *vs* Coercion" for his opinion on this slogan.) Of course, my views are so far from being "leftist" that no one with a lick of sense could mistake me for anything but a libertarian. Perhaps what Mr Rockwell hates so much about that button is that any libertarian wearing it cannot be mistaken for a right-wing conservative either, *and this mistake is precisely what he wants to encourage.*

There is something about the concept "authority" that conservatives love—despite (or because of?) all the murkiness and confusion surrounding it. Though the meaning of "Question Authority" is slippery, "Support Authority" is an even worse slogan. In addition to the obscurity of its meaning, it suggests servility and the fear of reason. While it might be best to avoid the term altogether, philosophic-minded libertarians must respond to Rockwell's ostensibly libertarian *defense* of it. And the first challenge is to unravel some of the absurdities of Rockwell's (s)creed.

Unspeakable Practices, Unnatural Acts

Rockwell's most obvious error is, alas, one all too common in the libertarian movement. He states that "natural authority arises from voluntary social structures; unnatural authority is imposed by the State." Now, if there is one word that libertarians should avoid more than "authority," it is "natural." The old distinction between nature and convention—or nature and artifice—is one that, when applied to human action and social systems, becomes amazingly complicated.

The reason for this complication is that the conventional and the artificial

"Neolithic toys? — Oh, I suppose Paleolithic toys aren't *good* enough for you"

are what is "natural" for man. Man is the animal most prolific in evolving conventions, flouting conventions with "artifice," and then turning those "artifices" into new conventions. The distinction just made between "convention" and "artifice" is a subtle one, but one of the inevitable difficulties involved when bringing the terms wholly into social theory. An artifice is a deliberate, *purposeful* human construct, system, or organization, while a convention can be either (a) an artifice that has become habitual and expected among a group of people, thus requiring less forethought and deliberation to coordinate the activity that constitutes the convention, or (b) a "spontaneous" response to a common situation that is adopted with little thought, first by one person, then by others. In human society, the tension is not between natural and "unnatural," but between the conventional and the artificial, with the possibility of unintended ["Hayekian"] coordination occurring in both categories.

To the anarchist, though he be coerced and perhaps quelled, the State is not an authority. Because he does not sanction it, it is a mere criminal organization to him.

To put it as politely as possible, Rockwell's use of natural and unnatural is a hold-over from outdated social theories. Less politely, it is naive and rather crude. (Ironically, this crudity is one that his paleoconservative friends are unlikely to make; they have long opposed this kind of facile theoretics. Paleocon Thomas Fleming's *The Politics of Human Nature,* though flawed, is a good antidote to this ploy.) But a dismissal of his terminology does not completely destroy his characterization of the "two authoritarianisms." His understanding of this distinction seems to rest on the idea of *imposition.* State authority—"unnatural" authority—is *imposed,* while social authority—"natural" authority—*arises.* He is undoubtedly thinking of the State's coercive practices, and yet reliance on the concept of coercion—another staple libertarian program—will not work.

When the State possesses authority it is not solely because the State uses brute force (or threats of force) to "impose" it; the State possesses authority only when the coerced accommodate the coercion in a particular way, by "sanctioning" it in some sense. To the anarchist, though he be coerced and perhaps quelled, the State is not an authority. Because he does not sanction it, it is a mere criminal organization to him. Archists, of whatever variety, usually grant to the State the legitimating support of authority, even though they recognize that it coerces them. But most (all?) such people will only let the coercion go so far, beyond which line they cease to regard the State as possessing authority and see it like the anarchist always sees it, as criminal. When enough disenchanted people realize that enough other people are likewise disenchanted, then they rebel and the State loses *power* as well as authority.

Thus the crucial element of political authority is not coercion but *accommodation to coercion.* And this accommodation can be said to "arise" as much as the authority of any of the "natural" institutions Rockwell praises. In every case the authority of these institutions arises from the accommodations of the "socially weaker." In the family, for example, parents gain authority only when the children acquiesce to their parents' demands for respect and obedience. Similarly in churches, in the Boy Scouts, etc. Authority is a bond between unequals in which the "lesser" nevertheless has a say. This pertains to domestic and ecclesiastical institutions as well as political ones.

An imposition thesis of authority will not cut it; authority is more like what Etienne de la Boetie explored—*voluntary* servitude. Libertarians still hankering after a bifurcated theory of authority must look elsewhere. The most obvious alternative is to concentrate even more on coercion, claiming that only State-authority is buttressed by coercion, while domestic institutions, for example, are not. This theory self-destructs, however, as soon as you acknowledge the great degree of coercion in the family!

The next try might be to construct a convention/artifice theory, claiming that while political authority must always be "engineered," natural authority arises without ideology, without contrivances, without rhetoric, in small steps, with the ease of habit. But this also will not succeed: because man is a purposive animal, able to consider alternatives, *all* forms of authority require the occasional (sometimes constant) aid of moralizing and other forms of persuasion. The inertia of habit can carry convention only so far, and then it peters out.

A bifurcated theory of authority cannot be constructed on *a priori* grounds. This leaves, of course, a consequentialist, or utilitarian justification for Rockwell's distinction—something I suspect Rockwell would not care to elaborate. In any case, his distinction between natural and unnatural forms of authority collapses into the distinction between authority he does and does not like—and I, for one, will not accept this view of authority on Rockwell's authority. After all, who is *he* to tell me to accept his categories?

Towards a Qualified Equalitarianism

It may be noticed that I have reinforced Rockwell's contention that "Authority will always be necessary to society." This is correct, but because I have demolished his "two authoritarianisms" thesis, I have also reinforced the propriety of the slogan "Question Authority," which he abhors as "leftist"! All repositories of authority should be questioned, so as to discover which are appropriate and which lack respectable rationale.

By this point many libertarians will be rather impatient with me. How can we fight the State, they might ask, if there is no distinction allowed between the State and non-political institutions? My first and surest answer would be what I suggested at the outset: by means other than using the word authority. I told you that authority raises complications . . .

But perhaps complications are what we need. Too many libertarians yearn for the quick and easy solution to the theoretical problems they face. The most important lesson they have to learn is that in philosophy *quick and easy* usually means *quick and dirty.* Nevertheless, there is a common meaning of authority that does conform to a libertarian (and anti-conservative) perspective, and which flows fairly reasonably from a sophisticated analysis of the concept. I will try to present it here.

The place to start, of course, is with

Max Weber's theory. Weber believed that there are three forms of authority: traditional, charismatic, and rational-legal. Traditional authority is authority conferred by long practice—it is the most conventional of the three, with its most salient reason for acquiescence being that everyone knows what to expect from it, thus it requires the least amount of mental effort to sustain the social practice of accommodation. Charismatic authority, on the other hand, is characterized by reverence for a particular person, who is seen as having exceptional qualities. This can sometimes be interpreted as simply an acknowledgement of expertise (which could elicit the slogan: *Question Expertise—you may learn something*), and thus a recognition of a need for a division of labor, but is usually associated with less rational impulses, with allegiance growing out of love and adoration and taking the form of self-abnegation and faith. The rational-legal form of authority is in marked contrast to this; acts and offices possess authority only when they conform to rules or formal reasons—which seems to make this form of authority the most obviously "artificial" of the three.

If we want our society to be free, the moral values that families inculcate must not be "authoritarian," but rational, humane, and "libertarian."

Now at this point a number of thoughts immediately come to mind—

1) When people speak of an "authoritarian" personality, they are thinking especially of the "charismatic" and "traditional" types of authority. The authoritarian individual is one who expects to get compliance simply because he is "who he is," and that's just "the way it is."

2) Rational-legal rules are often accepted not because of any salience they may have, but simply because they are traditional. This is one of the many ways Weber's three categories overlap.

3) It is the rational-legal form of authority that most modern societies concentrate on in practice and in ideological battle. Libertarianism is part of this modernist tendency.

4) To most moderns, the problem of the "authority" of some legal practice collapses into the problem of political obligation in general. Indeed, the authority of a legal system is often thought of in moral terms, and the moral foundation of the system is seen as rational, and thus in an important sense *not authoritarian*. The word "authority" is thus completely relegated to the traditional and charismatic forms, and an authoritarian approach to politics is seen as one eschewing explicit reasons and high moral principle.

And it is the cogency of this fourth point that explains why libertarians tend to be suspicious of paleolibertarians whoring after paleoconservatives, for paleoconservatives, being conservatives, are deeply suspicious of the whole modernist project of finding rational reasons for political obligations; in the modernist project, in theory, at least, *everyone* is supposed to have a rational reason to support the political order. Nearly all the various modern political theories built on consent, contract, or utility express a conception of man's essential moral equality. Man as seen by many conservatives, however (and this includes many paleoconservatives, no matter how suspicious they may be of the State), is radically unequal in the moral realm, and obligations are seen as arising from "my station and its duties" (in F.H. Bradley's famous phrase) rather than from a universalistic moral perspective.

Libertarianism—as indeed suggested by Rockwell, amusingly enough—is in at least one sense egalitarian: all people (or at least all adults) are seen as possessing the same basic rights and thus the same basic obligations, with all other *specific* rights arising from whatever particular acts they engage in. Authoritarianism, on the other hand, is understood by most people—especially those leftists and libertarians who wear "Question Authority" buttons—to mean an approach to politics diametrically opposed to the idea of equal rights. Obligations are ordered hierarchically, not from an even plane of humanity.

And it is from this very libertarian perspective that we should oppose Rockwell's defense of authority. His discussion of the "authority of the employer" is profoundly archaic, and, well, deeply offensive. "Every business requires a hierarchy of command," he writes, "and every employer has the right to expect obedience within his proper sphere of authority." But we do not need to defend the employer's right to "command" his employees in a hierarchical system by reference to an essentially hierarchical moral theory—in fact, we must defend it in reference to an essentially *egalitarian* one. All we have to do is defend the free contract; for at the "constitutional" level, the wage contract is an agreement between equals. To speak of the "authority" of the employer smacks of slavery and feudal theories of servitude, which no libertarian should advocate. Paleo, we note, means primitive or archaic; Rockwell has in this case gone way too far back.

It is disturbing to note the values that he says families promote; they are the values most important to an authoritarian, hierarchical society, and are not balanced by the virtues of a modern, open society.

I will skip Rockwell's discussion of religion, and move directly to the very controversial subject of the family. Now, families are obviously inegalitarian—the gulf in status separating parents and children is great. But the danger in speaking of "the authority of the family" is that it tempts us to interpret it as "the authority of parents" and this, in turn, as a defense of authoritarian disciplinary systems. And this would be disastrous. Though children and parents are not morally equal, the primary obligation of the parents is to prepare their children for adult society, to make them able to participate in it as moral equals. But few things scuttle this task more than does the practice of authoritarian discipline.

This is not to argue against the parental use of physical punishment; what I am arguing against is a particular moral style that can be aptly characterized as "authoritarian." When a child asks why he may not do something, the answer all too often given is "because I told you so," or, "because I am your father," etc. Though in our society—and, I believe, in a libertarian society—parents have special

rights and special obligations relating to their children, these rights must not be seen as grounded in a traditionalist or charismatic inegalitarianism. The rules that parents make for their children must be defended using the moral style appropriate to the rational-legal forms of normativity; that is, by appealing to the self-interest of the child, empathic imagination, and universalizability, and not solely on the threat of parental superiority or the enticement of parental "love."

Why? Because, as Rockwell states, "families encourage" the "moral behavior" necessary to society. If we want our society to be free, the moral values that families inculcate must not be "authoritarian," but rational, humane, and "libertarian." The style of moral suasion used in the family creates the style of moral imagination used by adults in the open society. One of the reasons for the eclipse of liberalism in the late nineteenth century may have been because the traditional styles of parental authority still used at the time trained people to regard individual liberty as unsatisfactory; people grew up still craving radically inegalitarian forms of governance, and many could not even *conceive* of the moral and political equality of all men. Unfortunately, as Bruno Bettelheim has observed, moral and disciplinary practices used by contemporary American families are still mired in archaic and stultifying practices that are inimical to a full life in an open society.

I am not sure just how authoritarian Rockwell really is on the family, because his account here as elsewhere is confused. But it is disturbing to note the values that he says families promote: "parental love, self-discipline, patience, cooperation, respect for elders, and self-sacrifice." Instead of mentioning "respect for others," he mentions "respect for elders"—the traditionalist-authoritarian preference, not the modern-universalistic one. He mentions self-discipline and self-sacrifice but not, interestingly enough, self-respect. And he includes cooperation—the fundamental necessity of social life—but not the will to *not* cooperate, or resist—the ability to "just say no" that makes individuality and independence possible. His inclusions are all virtues, I believe, but they are the virtues most important to an authoritarian, hierarchical society, and are not balanced by the virtues of a modern, open society.

Nevertheless, I share with Rockwell the view that domestic and other non-political institutions can be countervailing forces arrayed against the State; my complaint with his account is his insistence on conflating this idea with "authority." Because authority is a bond between unequals, it cannot be taken as fundamental to libertarianism for the simple reason that libertarianism is, basically, egalitarian.

Of course, his own discussion of egalitarianism is completely beside the point: libertarians are not egalitarian in the sense that contemporary liberals (i.e., illiberals) are, and the evidence that some contemporary libertarians engage in "reverse racism" can be explained in other ways (which have nothing to do with a naive egalitarianism of outcomes). Rockwell's defense of Christianity as a source of freedom, particularly in that Christians have taught that "all men are equally children of God (although not equal in any other sense)," comes closer to the point. Most humanistic libertarians, however, express the same idea in reference to such philosophical constructs as Aristotelian essences, social contracts, veils of ignorance, states of nature and the like. All libertarians—including Rockwell—are egalitarians in this sense. More importantly, they are egalitarians in an additional sense as well: they advocate *equal liberty* for all people.

Which brings us back to the State.

According to the modern rational-legal tradition of political obligation, all political obligations must be grounded in general rules that recognize the fundamentally equal moral status of all. This project has, of course, been fraught with many difficulties. The libertarian contribution to this tradition has been to concentrate on coercion, seeing political obligation in the equal limits applied to its practice. Liberty is defined as the condition of human beings when coercion is minimized and equalized. The State, which is in the business of practicing coercion in order to regulate coercion, is necessarily limited in the libertarian system.

All of which has little to do with "authority." The authority of the State is justified if it conforms to the rational-legal principles of libertarianism. What this means, in practice, is that we should accommodate the coercions and demands of the State by the standards of libertarian justice as well as prudence, and we should encourage others to do the same. When enough other people begin to think as we do, the time will be ripe for change; power will devolve to the people; and, if we are careful, we might achieve a free society.

But to this task, preoccupation with authority yields us no help. Authority is too complicated and contentious a concept to aid in our emancipation. While it is a fine thing to use common language to approach conservatives with libertarian ideas, it is a serious mistake to abandon key libertarian insights in the process. The libertarian who is also an authoritarian is not a very good libertarian . . . *by definition.* ❑

Our Judeo-Christian-Moslem-Pagan Tradition

Richard N. Draheim, Jr.

It never occurred to me that one big reason for our lack of success at the polls is that our holy word, "libertarianism," has too few letters. So, Mr Rockwell suggests something even more polysyllabically monstrous. Is it just coincidence that his neologism, "paleolibertarianism,"

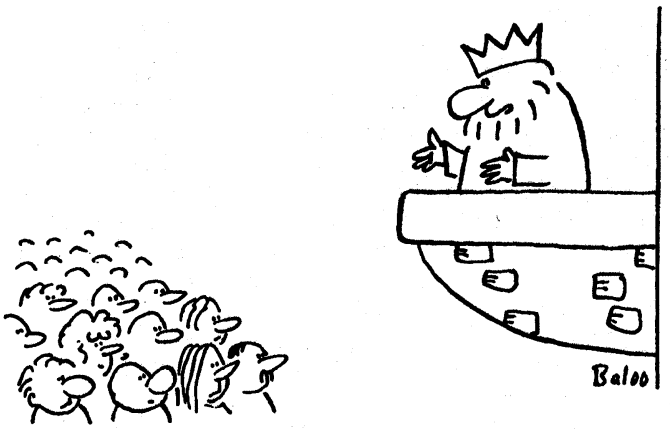

"Don't you people understand? — Tyranny and oppression are a part of our cultural heritage!"

sounds like something out of a Fred Flintstone cartoon? Ah, the paleolithic era; those were the good old days.

While we certainly must appeal to the conservative middle class to win elections, it is foolish to tailor our arguments and image in such a way that we appeal *exclusively* to them. There are many voters who classify themselves as liberal, moderate or otherwise non-conservative. It is one of the great strengths of libertarianism that we are beyond the unrealistic, two-dimensional, left-right paradigm. To become a major party, we must become inclusionist rather than exclusionist. We need more conservatives *and* more long-hairs.

Similarly, Rockwell's complaints about environmentalists in the movement are wrong-headed. The vast majority of voters are in favor of protecting the environment to one extent or another. Libertarians, as politicians and public policy analysts, must demonstrate how the protection of property rights (and the elimination of government subsidies for environmental destruction) can best do this. We won't get anywhere by telling voters that their desires to avoid pollution and have some parks are evil.

In fact, rather than being a destructive influence from the Left, the environmentalist movement could be a means of advancing libertarian ideas *on* the Left. If leftists can understand how large undesigned orders can arise on the planet and how particular species can develop by biological evolution and be interdependent with other species and the rest of the biosphere, maybe they can understand that the free market is also a spontaneous order, beneficial to its constituent parts (i.e., acting individuals).

Truths About Traditions

Intellectual history does not proceed in the kind of linear progression from Moses to the market order that Rockwell seems to think has occurred. The development of individual liberty was more of a dialectical process. Christianity both stimulated the growth of liberty (e.g. with its view of the individual soul) and interfered with its growth (e.g. with its condemnation of lending money at interest). The prevalence of non-believers (Rand, Mises, Rothbard, Mencken, LeFevre) among the developers of 20th century libertarianism suggests that far more than Western Christianity went into the philosophy of individual liberty.

Hayek may sometimes formulate his views on religion as Rockwell quotes. But one should consider this in the context of the vast bulk of what Hayek wrote before concluding, as does Rockwell, that Hayek believes religion is the alpha and omega of the West. In Hayek's view, the essential moral traditions upon which our advanced civilization and our physical existence rely are not so much derived from religion, or any known singular source, but arose in an evolutionary process by such an obscure and undesigned way that they have come to be ascribed to religion out of a kind of naive rationalism that insists that important structures must have come from some directive intelligence, even a supernatural one. And in Hayek's latest work, *The Fatal Conceit*, he echoes the almost Randian argument that altruism, a major part of that Western religious tradition, can actually be destructive of the classical liberal social order.

The Western Christian tradition is a mixed bag, and many of its best elements owe much to external influences and to internal developments that have little or nothing to do with, or even run contrary to, the major thrust of its theology.

Many of our own American revolutionaries were as much Deist and free-thinking as Christian, developing many of their ideas within the intellectual shelter of resurrected pagan mystery lodges. Ben Franklin, to name one, might as likely be found at the Hell Fire Club, mocking Christianity and drinking wine from a virgin's navel, than studying scripture. And the Japanese and other East Asians are doing quite well economically with barely the dimmest glimmer of Christian tradition.

What's important for the libertarian intellectual in all this is the insight that the ideas, moral principles, cultural attributes, legal rules, and political philosophies necessary for a free and prosperous society are so dispersed as to be unavailable to a single narrow tradition. You can't insist that following one religious tradition should be a general rule for a whole society. To require that *all* individuals adopt a particluar tradition will result in the stagnation and decay of the social order and impede the future development of culture.

Although despised by the conservative majority, the avant-garde must exist to keep culture healthy. Those who hate Western culture, religion, or modernism, no matter how deplorable their lack of historical and philosophical perspective and their poor manners, perform a valuable function in helping me broaden my perspective.

Of course conservatism has its value in preserving traditional principles and mores, even those whose importance are not fully understood. The Western Christian tradition is a mixed bag, and many of its best elements owe much to external influences and to internal developments that have little or nothing to do with, or even run contrary to, the major thrust of its theology. ❑

Point by Point

Timothy O'Brien

As a proud veteran of the sixties anti-war effort who retains his counter-cultural roots, I challenge Llewellyn H. Rockwell, Jr.'s paleolithic version of libertarianism.

Rockwell agrees with the conservative observations that "political freedom is a necessary but not sufficient condition for the good society." So do I. A politically free society might choose, for example, to abandon the efforts to find cures for debilitating and deadly diseases. That would certainly make it less good, though no less free.

Rockwell observes that "Most Americans agree that aggression against the innocent and their property is wrong." Would that that were true! I have yet to find a single non-libertarian American who, once the implications are made plain (i.e., no taxation, no drug laws, etc.), did not quickly back away from the non-aggression axiom and admit that the initiation of force is, in his or her opinion, required to maintain an orderly society.

And why is it that individuals should be free to choose the occupation of their choice, yet the California LP is derided for nominating a prostitute for lieutenant governor? Just who the hell are you,

Llewellyn H. Rockwell, Jr., to pass judgment on a person's choice of occupation? Norma Jean Almadovar is much admired by many of us because she had the courage to stand up to Leviathan. And the price of her courage was two years in an American Gulag. Just how much time have you spent in jail for having the courage of your convictions?

Rockwell summarizes Paleolibertarianism in ten propositions, the last four of which he claims would outrage "most activists." Indeed, I know of no libertarians of any stripe who disagree with any of these four. *All* of us reject the egalitarian ethic. *All* of us see various forms of social authority as (currently) helping protect the individual from the State. *All* of us see Western culture as eminently worthy of preservation and defense. *All* of us appreciate the importance of objective standards of morality to a civilized social order.

Libertarians are fond of pointing to political government as the greatest mass murderer in history, but belief by individuals and groups that they are on "a mission from God" is a worthy contender for the title. After conquering a variety of opponents, the Jews were instructed by their God (according to their own writings) to "kill every man, woman, child and piece of livestock" in the land. Christians, with their crusades and inquisitions, have a similarly bloody history (which is particularly ironic for the followers of an avowed pacifist). And who knows how many people Moslem sects have sent to Allah in their unremitting wars?

Rockwell's claim that "too many libertarians agree with the Left" in matters of culture is completely unsupported by my experience in the movement. With the exception of a few computer nerds who seem to admire the beehive culture of the Japanese, all the libertarians I know are practically obsessed with Western culture.

In addition, during the two years I edited the Libertarian Party of Michigan's newsletter, I received exchange copies of party newsletters from all over the country. I can't recall a single newsletter that was "far more upset with Jesse Helms' correct position on this outrage than with taxpayer funding for the National Endowment for the Arts."

Finally, Rockwell approvingly quotes Nock's statement that in a free society, "the court of taste and manners" should be the strongest institution. "In this court," says Rockwell, "many libertarians stand condemned." Oh, really? And just exactly whose ideas of taste and manners are to serve as the standard? I suspect that Rockwell thinks *his* standards should serve as the touchstone, like fundamentalist Christians stumping for censorship of television and music.

He blithely claims that "many libertarians are themselves egalitarians" without citing a single example or even telling us what he means. I know of no one in the movement who believes in State-enforced integration or affirmative action. I can't recall a single libertarian who criticized Ron Paul for his opposition to the tax-financed Martin Luther King holiday.

It is also strange that the same people who are attacked a few hundred words earlier for rejecting cultural norms of manners and taste are then indicted for "using the charge of racism to bash non-conformists."

"Some libertarians tell us to be soft on crime," says Rockwell. Once again, I would like to be introduced to even one of these. In what is, perhaps, the most telling line is his essay, Rockwell states that "crime must be punished swiftly and harshly," adding only as an afterthought, "although a libertarian criminal justice system would make use of restitution as well." But restitution is at the heart of libertarian criminal justice. The amount of restitution is, in most cases, fairly easy to calculate and agree upon. Severity of punishment is infinitely more nebulous—though apparently not to conservatives who are always eager to apply their own standards to any situation.

Rockwell is also wrong about the attitude of libertarians who care about the environment. Obviously, only man has rights. Only an idiot would argue that plants and animals have rights. The problem is how to protect the rights of some men to enjoy the benefits and potential benefits of plants and animals in the face of the rights of other men who may have no regard for the survival of those species.

If the U.S. Army wants to use the last remaining nesting site of the Kirtland's Warbler for artillery practice and it owns the land, how can we balance my right to enjoy the song of this endangered bird on my land against their right to blow its nesting ground to kingdom come? If the people in Brazil want to chop down their rain forests to create cattle ranches, how can this be balanced against my right to seek medicines from the species of plants existing only on the same land? Clearly, we have competing interests which appear to be mutually exclusive, but the conflict is between the competing rights of human beings.

Freedom should be *used*

Rockwell reminds me of nothing so much as the personification of "Greed" in *Doctor Faustus*—sitting inside a cage with all his gold coins, taking delight in the simple contemplation of their potential and never even considering the fact that he has no opportunity to spend them. If we ever manage to achieve a free society in our lifetime, he and the rest of the bean counters would undoubtedly all sit around discussing the wonders and opportunities of the free market and never do anything.

It is ironic that after all the vitriol, the calls for a "purge," the claim that we should "cleanse" the movement and "dump that garbage," we are told that we "ought to welcome, in conservative middle-class America, libertarians who are cultural and moral traditionalists." This from a man whose intolerance is so extreme that he says the movement should be "deloused" of us? It is difficult to see how his attitude is advancing us toward Rothbard's "more comfortable and harmonious society." ❑

No Comment

Ron Paul

I hesitate to comment on Rockwell's article because I see the debate as being more divisive than productive. I prefer to use my energy attacking those who support statism, whether they do so intentionally or out of ignorance.

Having said this, I will make one comment: it's obvious to me that the Libertarian Party would be a lot bigger than it is now if its image were perceived as more libertarian and less libertine. ❑

Llewellyn H. Rockwell, Jr, declined our offer to publish his comments on these responses.

Profile

Pozner the Poseur

by Richard Kostelanetz

Don't be surprised to once again see Soviet P.R. flack Vladimir Pozner posing on every talk show in America, promoting his new book, *Parting With Illusions*. Richard Kostelanetz travelled to Moscow and back and learned much of what Pozner says about *himself* is an illusion.

On network news and feature programs ranging from *Nightline* to Phil Donahue's "A Citizens' Summit" to a response to a President Reagan address, American television has from time to time presented Vladimir Pozner, "a Soviet journalist" who appears from Moscow live via satellite, looks straight into the camera and then answers all questions from America without pause. He speaks in complicated sentences and absolutely flawless English, without accent. He uses such Americanisms as "the military brass," "a kind of political football," "on the sidelines," "jumping the gun," or "I hope to God war doesn't happen," and he says "yeah" and "yep" among other sounds characteristic of American mediamen.

Since American intermediaries customarily provide no biographical information other than Pozner's recent position as "Deputy Director of the State Committee for Radio and Television," viewers naturally wonder who he is, and how he learned to speak American English so well? Indeed, he talks like a New Yorker, not in the sound of his voice, but in his penchant for running his sentences together with "and" or "but" with scarcely a pause between them; so initially I imagined him either a child of a former Soviet diplomat here or, perhaps, a defector—a Lee Harvey Oswald, who never returned.

However, friends recently emigrated from Russia assured me that no defector would be allowed to talk *live* to America; he might say something that would embarrass the Soviet government. Pozner was, they suggested, a native Russian who had been thoroughly trained by the KGB to pass as an American, much as super-spies are trained. Another friend speculated that Pozner is a superior Soviet actor who has labored to appear like a U.S. newscaster largely by imitating videotapes gathered for him in New York City. Whenever Pozner appears, everyone stops to listen and look in awe, in part wondering where this guy came from.

With all these images in mind, during a trip several years ago to Moscow for something else, I planned a visit with the enigmatic "journalist." When I got there, I telephoned him. A voice first said "Dah," but as I spoke his name with an American accent, he replied, "Hello." Once I asked to interview him, he promised to pick me up in front of my hotel and, when he arrived, greeted me, American-style, by my first name. Out stepped a man 5'11" tall, slender, with thinning hair, broad nostrils, graying sideburns, and a face that resembled Richard Burton's. He wore an open-necked sports shirt revealing a golden horseshoe on a thin golden chain; and of course, he spoke familiar, pure American. Affixed to the dashboard of his four-door Lada, a Soviet car, was a metal U.S. flag. I asked directly, "Who are you?"

He told me that he was born in Paris, April 1, 1934, the son of a stateless Russian-Jewish father and a French mother who were then unmarried. Pozner's grandfather was an engineer who left Russia soon after the 1917 Revolution, settling first in the refugee colony in Berlin. In tow was his son, Pozner's father, also named Vladimir Pozner, who had been born in St. Petersburg in 1908. When the grandparents separated, the Pozner grandmother took her children to Paris, where young Vladimir worked in the film industry, initially as a sound engineer. He met a young Frenchwomen, Geraldine Lutton, also working in the film industry, and fathered her son whom they called Vladimir Gerald after themselves. Later that year, in 1934, the mother took the boy to New York, where she worked in the film industry. In 1939, the senior Vladimir Pozner, deciding he wanted to marry the mother of his child, came to New York City to fetch them both.

"I first met my father when I was five," Pozner told me, as we were driving to his house, "and I remember him distinctly. It was the summer of 1939. I was living with friends in the country. My mother used to come on Saturday and Sunday. One Saturday I was up-

stairs in a vile temper because I had a little boat with a string on it, and I could not get it untied, and so I was mad at the boat and mad at the string and mad at the world. My mother said there was a man downstairs who was very good at untying knots. And so I traipsed downstairs and there was this man. And I kind of said, you know, what about this knot? And he said, yes, I think I can do it. And you know, it's strange; I remember his hands. I remember that he had a kind of wart on his fourth right-hand finger. And he untied the knot, and I

He wore an open-necked sports shirt revealing a golden horseshoe on a thin golden chain; and of course, he spoke familiar, pure American. Affixed to the dashboard of his four-door Lada, a Soviet car, was a metal U.S. flag. I asked directly, "Who are you?"

was very glad about that. And my mother said, 'That's your father,' and I can recall looking at him, appraising him, sizing him up and saying, 'Oh, I see.'"

By now we have arrived in Pozner's six-room apartment in a renovated building off the street, behind a courtyard, in an old part of Moscow. As a party was winding down in the kitchen, we went into Pozner's study, perhaps eight feet by sixteen, with its library of current American literature (securely *locked* in a glass case) and a desk graced with fresh flowers and a Smith-Corona portable typewriter with an American keyboard. As we settled into chairs before a window open to the noise of the summer courtyard, Pozner told me that his father took his wife and son back to France. When World War II began, the elder Vladimir enlisted in the French Airforce; but once France capitulated, his family went first to Marseilles in Vichy France. "They decided to leave France via Spain and Portugal for the United States. His elder sister married an American around 1926 and went to live in New York. Again it was difficult for my father, because he had no passport that was really valid. We had to find a way of buying a passport—the Gestapo was corruptible but we didn't have the money. These were things I learned later, of course.

"But there was a brave rich woman of Jewish origins who did have the money, but didn't have the contacts. And she was agreeable to giving us the money if we would take her out as my nanny. And I very clearly remember that my mother told me that we are leaving tomorrow with your nurse. At that time I was six, but the war makes you somehow older than you really are. And I somehow understood that this was to be my nurse, if I were ever asked. And so we boarded the train and crossed the border into Spain with my nurse, who incidentally had diamonds on her fingers larger than my mother ever saw, let alone owned. We sailed from Lisbon to the United States, arriving early in 1941. That's where I grew up, really."

The senior Pozner went to work for Loews International, a divison of MGM, in a unit dubbing films into Spanish for Latin America. As the son tells it, his father was earning "$25,000 a year handling distribution of films to Latin America and Europe for Loews International, a division of MGM." They lived in a nine-room duplex at 24 East 10th Street, just off University Place. "I had my own bedroom, my own bathroom and my own playroom. I know what wealth can bring. It is not something I've heard about; I've experienced it." Young Vladimir went to City and Country, a Greenwich village progressive school that still exists. A second son, Paul, was born in 1945 in New York City. (He also lives in Moscow and has been working as a research associate in Vietnamese medieval history.)

In his Moscow studio, speaking into his own tape recorder, with tape he later gave me, Pozner told me that in 1947 he entered Stuyvesant High School, that special Manhattan public school for bright boys interested in science. He said he played basketball and track, even citing his best time (49.2 for the 440), and in 1950 entered Columbia College, where he majored in American literature. By then, however, the Pozner family had split up. As the son tells it, the senior Pozner had always planned to return to Russia and so obtained Soviet citizenship soon after his return to America in 1941. This he was granted on the grounds that his own father, grandfather Pozner, had become a Lithuanian citizen after leaving Berlin and that, once the Soviet Union annexed Lithuania, all Lithuanians and their children were automatically entitled to Soviet citizenship. This grandfather was shot by the Nazis in 1941.

"By 1947," the son continued, speaking into his own tape machine, "the Cold War began, and we were being harassed by the FBI. Our phones were tapped. Our old friends were scared to call us; it was becoming really scary. The man who ran Loews International, Major Arthur Loew, called up my father and said, 'Now, look, you have to realize that I cannot keep you in this capacity as a Soviet citizen. Things have changed. Either you will become an American citizen—and that I can do for you in three days—and I will double your salary, or I'm going to have to fire you.' My father said that he realized the predicament. 'Go ahead and fire me.'

"And he was fired. Well, we had to move out of the duplex pretty fast, because we didn't have the money to pay for it anymore. My parents and baby brother moved into a very small apartment, a ground floor job on West

One reason why Pozner has been such an effective broadcaster and also such an effective spokesman for Moscow is, of course, that he speaks to us as one American might to another, without the hostile posture or Soviet lingo or the lugubrious accent that all sound so suspect and sinister to American ears.

Eleventh Street." In 1948, his father went with his wife and younger son to East Berlin, where he worked for the Soviet film organization. As Pozner now tells it, already politically hypersensitive, he decided that he did not want to live in post-Nazi Germany and so remained in the United States, boarding with a family named "Perez" on Park Avenue.

"I had problems in Stuyvesant. My father had educated me in a pro-Soviet way, which was fine throughout the War. By 1946, I began to run into animosity and emotional problems. There were

monumental fights. Kids ganged up on me at school. It was almost like being a black in the south. I was pretty much of a loner. I was kind of cut off. As soon as people heard about me, they didn't frequent me. I wasn't close to anyone at all. Most of my old friends had completely stopped seeing me. They were afraid; they said so.

"It was a feeling of apprehension, of being surveyed, of having your mail opened. You realized that there were nice people, good people whom you would like to frequent, who would like to be with you, but who simply were afraid. At that time there was a real fear of having anything to do with anyone like myself. Most of all I liked to sit in on jam sessions and play and sing. They weren't hootenanies, because they were just in people's apartments or in lofts. That's where I first met Woody Guthrie." This love of American vernacular music persists in Pozner's collection of jazz and folk records—the best collection in Moscow, he claims—as well as his translation of Woody Guthrie's autobiography, *Bound for Glory* into Russian.

The three Pozners moved from East Berlin to Moscow in December, 1952, a few months before Stalin died. "They came back at a good time, relatively speaking," the son judged between puffs on his Camel. "If Stalin had died later, or they had come earlier, I have reason to believe that my father would have been sent to Siberia, like so many others before him. But, thankfully, things worked out differently. I joined them at the end of 1953, having dropped out of Columbia and obtained my own Soviet passport. I was going on twenty. That was my first time in the Soviet Union, and I did not speak a word of Russian, because I had never spoken it at home. There was no need to."

He had to learn to be a Moscovite from scratch. "When I first came here, it was to me a totally alien country. All I knew were the ideas and the ideals of which my father had spoken a lot. But I really didn't know anything. I didn't know the language, little things: People walk differently. It's a different culture, and that is very hard to take when you are twenty. It took me some time; it took me some time. I went about to learn about this country in a conscientious way, as I learned about the United States. I began to travel. I went all over. I went by foot from Irkutsk near Lake Baikal—that's in Western Siberia—to Bratsk. That's about 400 miles through the forest. It took me three months in the summer. I saw the lumber camps and the lumberjacks. I had tried to meet the people that I had learned about in America, and I found that there were many similarities—in the songs, in the way of acting, in the openness. Gradually, I came to have a feeling for this country. I think today I can say that it is as much a part of me as my American background is. And that has determined my role here, as I understand it."

In 1954, he took a competitive examination that enabled him to study biology at Moscow University and graduated in 1958 as a physiologist. Instead of pursuing graduate work, he became the secretary to Samuel Marshak, a Soviet translator of English literature. In 1958, he also married his first wife Valentina Chemberdzy, the daughter of the well-known Soviet composer Sara Levina and lately a professor of Latin and Greek; and in 1961, they had a daughter Katya, who has since studied music. By the time of his first marriage, as he tells it, he had decided to remain in Moscow; there would be no return to America or France. That same year he was offered a job at Novisti, a new press agency that was then organized by the writers union, and there he worked, entirely in Russian, until 1970. He joined the Communist Party in 1967 and has since contributed three percent of his income to its coffers. In 1969 he married Yekatarina Orlova, a large, handsome redhead who has been an economics correspondent for the magazine *Soviet Union*; she speaks little English.

Pozner started freelance broadcasting, mostly in English, in 1966 and in 1970 was invited to work fulltime as a commentator for Gosteleradio, which is the nickname for the State Committee for Television and Radio. "I took it because being a commentator means just writing your own stuff and reading it and being totally independent in the sense of not responsible to or for anyone else and just doing your own work. And that is what I thought I really wanted to do. I was hoping to address a larger audience and always thought that radio and television gave you that opportunity." His principal job at the time was writing and speaking a five-minute English-language program, "Vladimir Pozner Talks," that has been broadcast daily over Radio Moscow's North American Service. In the U.S. this could be heard only on short-wave sets, except in Florida where it is received as an AM signal from Cuba. For this work he told me he earned 370 roubles a month, plus a percentage for his knowledge of a foreign language that raised his base salary to 420 per month.

Since his bosses have instituted an incentive scheme (a device more familiar to capitalism), Pozner has been paid "extra for everything I write," including his appearances on American television. (American television pays Gosteleradio for the studio, the technicians and the satellite. Gosteleradio gives Pozner between 30 and a hundred roubles per appearance, depending upon how much time he spends on the air.) All these extras bring his average monthly income to a thousand roubles (or $1,300 by the official rate of exchange). "In this country, this is a lot of money," he boasted—roughly the wage, I later discovered, of a high government bureaucrat or a Siberian oil worker. What do you do with it, I asked? "Spend it. Last year my wife and I spent a month in Paris. We both like antique furniture. Books."

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On many American programs, Pozner has frequently engaged in spontaneous debates with American spokesmen, and these are always disconcerting, because he looks and sounds as American as the Americans. Therefore, either the producers or the American opponents customarily insist that Pozner be given some visual sign of his allegiances. For BBC television, he had a Soviet flag behind him; for the Canadian-produced pilot for PBS, he had a small Soviet flag on a stand in front of him. Reviewing Pozner's BBC debate with Robert Kaiser, a Washington *Post* correspondent, London's *Sunday Telegraph* commented, "The problem was

that Mr Pozner was at least as nice and clear as Mr Kaiser and, forgive me, but I think he actually spoke English better. Or rather American. Because if it wasn't for the hammer and sickle draped above his head, Vladimir Pozner could easily have been mistaken for one of Mr. Reagan's bright young men."

One reason why Pozner has been such an effective broadcaster and also such an effective spokesman for Moscow is, of course, that he speaks to us as one American might to another, without the hostile posture or Soviet lingo or the lugubrious accent that all sound so suspect and sinister to American ears. As Ted Koppel told me, "Instead of speaking in bureaucratese, or even worse in Marxist bureaucratese, that we find so stilted and thus automatically reject, he speaks in language we are accustomed to hearing." (Another ABC staffer told me a while back, "Putting him on is like having Brezhnev speak American.") A second reason is that his performance is unslick, as he stumbles through "ums" and "uhs" and frequently smacks his lips, as well as betraying a slight lisp that has plagued him since childhood. Because he answers nearly all questions immediately, rarely refusing or misunderstanding or fumbling for the most acceptable phrasing, his responses appear more spontaneous than calculated. A third, more subtle reason is his eyes, which engage the camera (and sparkle) in ways unknown to nearly all other Soviets appearing here. By contrast, other Russians on American television fail to look into the camera, have shifty eyes, stumble through English, pause suspiciously, seem secretive and insincere, fall into incoherence and, in general, have far less credibility. He is not just Radio Moscow's best "American"; he may well be its only sympathetic voice. In truth, the Soviets could not have invented a better publicist if they tried. Why his bosses took so long to "discover" him is an interesting question.

This image of young Pozner as a story-teller prompted me to check out other details of his autobiography. Elementary-school classmates whom I interviewed likewise remembered that "he sought escape into fantasy," "he was full of fairy tales," "he could turn the slightest thing into a fantastic story."

The Pozner I met in Moscow looked and talked and felt like an American—better yet, like a New Yorker; he made me feel at home. He had his favorite folk singers—Judy Collins, Bob Dylan and, especially, Dave Van Ronk; his favorite jazzmen—Ellington, Parker, and Armstrong; his favorite American movies—*One Flew Over the Cuckoo's Nest* ("not the novel"); his favorite contemporary novelists—Kurt Vonnegut and Saul Bellow, "if you still regard Bellow as contemporary." Why Vonnegut? "Much of what Vonnegut says is simply what I think and what I feel. Generally speaking, in my literary tastes I'm inclined to like people who have something to say. I don't want to sound corny about this, but to me the man is vomiting blood when he speaks. He's in pain about the human condition. His books are so popular here they are snapped up the minute they appear. They are brought out and, wham, they're gone." There was even a book of mine on his shelves; and from one colleague to another, I happily inscribed it.

Nonetheless, once talk turns to politics, no one can mistake Pozner for an American. His positions have been clearly and profoundly Soviet. As the folks at ABC told me, "None of us have any illusions that Pozner will give us anything other than official reaction." On national television, the night John Lennon died, he defended in advance the possible invasion of Poland: "As a matter of fact the Soviet Union has made it quite clear that it has no intention whatsoever of intervening, but . . . that should Poland need the help of the Socialist community and should it ask for that help, that aid would be coming."

"You called me an official of the Soviet government, and of course that's very honorable to me. But I'm not that. And I mean my words should not be taken as any kind of statement from the Kremlin." Another time he insisted, "Don't confuse myself with the Soviet officials you're speaking of. I'm a journalist working for the State Committee on Radio and Television. But that doesn't make me an official. I'm hired by that organization."

"I speak my mind of whatever subject," he told me over tea. "It may coincide or not coincide with official policy. Take capital punishment: I'm against it; I don't think it serves any purpose, even though it exists in this country as a law. In domestic policy, we tend to subsidize too much. Meat is subsidized. It costs about three roubles to produce a kilogram of meat; it is sold for two-sixty. It is ridiculous that I should pay 16 kopecks for gas in my house, no matter how much I earn. I think rents should be higher than they are today. When I pay fifteen roubles per month for this apartment, that's stealing. I'm stealing from everybody.

"I'm totally independent. I write my own material; I read my own materials, and there's nobody to control it. But I realize full well that I'm working within a framework, and what I do and say is something that is accepted. There is much more difference of opinion here than Americans tend to believe, and much more freedom of expression. In fact, the limits of freedom of expression are very clear cut. You do not have the possibility in this country of attacking the system *per se*—attacking socialism of the Soviet Union. That's not the same as saying that something is not working and we should try to improve it, or that so-and-so is not doing a good job. There are laws banning the former; it's called anti-Soviet activity. There are laws against it, whether you like them or dislike them; they have their reasons, which are mainly historical. If you want to do that, go ahead; but you are breaking the law and you can take the consequences, whatever they may be. Aside from that, there is a lot of freedom of expression here."

The disagreements with official policy that Pozner mentioned at that time all concerned domestic matters. In a different context, he mentioned another, more profound deviation: "I think that anybody, no matter where you live, no matter who you are: If you want to leave your country, you can leave it. That's a human right, basic. But I know what it is to emigrate and therefore I always have compassion for *emigrés*. It's okay for the kids, if they are small; but for adults, it is a very painful procedure. It's tearing up your roots and that, in my experience, is very, very difficult." In a country that

few natives ever leave in their entire lives, where exit visas just for travel—even for brief trips to satellite states—are hard to obtain, this remains a radical position.

By no accounts has Pozner been a typical Soviet; he has possessions and privileges that are not commonly available. Our conversations were recorded on his portable German tape machine worth several hundred dollars. He seemed to get all the American books and magazines he wanted, even those that Soviet inspectors customarily confiscate as inimical to the Soviet system. In the early 1980s he obtained permission to travel abroad, not only for business but for pleasure, even with his wife (which is itself remarkable, as Soviet officials are usually reluctant to let couples out of the country together). The Pozners had telephones in every room. His apartment had a burglar alarm that was wired to the local police station (forcing the Pozners to close all their windows before leaving, and to telephone the police station immediately after coming home). He could freely enter the Intourist Hotels that were closed to nonoccupants, meeting foreign journalists, so he told me, without obtaining permission. In a fundamental sense, he functioned as though he was a wholly unrestrained "Western" reporter, in a culture that supposedly does not have wholly unrestrained journalists. As he drove me back to my hotel, my thought was that Vladimir Pozner had made himself into a character in a work of fiction.

Pozner is less a liar or an imposter than a fibber, a guy who since childhood has told petty falsehoods because he likes to tell stories, not only because that is his way of charming people but because like all good fictions his stories made his life richer and more literary than it would otherwise be.

His taste for fiction came out in other ways. During our conversation he was persistently reluctant to tell me the names of people he knew in New York. His claim was that he was too alienated to have friends in college or high school or that the "family friends" who boarded him on Park Avenue were dead. As we spoke about his possibly returning to America, perhaps for a lecture tour, I asked him what he might like to do in New York City. He spoke of wanting to visit his old house, to walk the streets of downtown Manhattan, to look up elementary school friends such as "Bobby Hollander and the McGee brothers." I stopped him short. The first name was familiar to me: Robert Hollander, a Princeton professor of comparative literature, born a year before Pozner. Was this he? Pozner could not confirm my hunch (and refrained from mentioning any more names).

Once back in the U.S., I wrote Hollander, who acknowledged the childhood friendship and provided this memoir: "What I remember most vividly about Vladimir were his capacities for, one, having extraordinarily attractive fantasies and, two, for getting the rest of us to believe them. For the better part of a year he had me convinced that he had in his basement a trunk full of the most marvelous tin soldiers, tanks, ships, etc. He promised me (we were twelve at the time) that, whenever he could arrange to invite me on a Friday afternoon, he would *give* me a warship—a cruiser or battleship, I don't remember—with *moving turrets*.

"The crucial invitation never came, despite my incessant inquiries, until the whole beguiling scheme was allowed to dwindle and disappear into the pile of lost implausible hopes that childhood wisely accommodates. On two or three occasions that same year Vladimir came to school with money, five and ten- dollar bills, which he found, he said, in the gutter. I recall that one afternoon a contingent of other C & C classmates accompanied him to forage for currency in unlikely streets. They found none." No one could be more surprised than Hollander to find his childhood buddy, "thirty-three years later—what Herodotus calls a generation," now in Moscow "talking details with Ted Koppel."

This image of young Pozner as a story-teller prompted me to check out other details of his autobiography. Once back in New York, I could confirm that he went to City and Country, that he lived at 24 East Tenth Street, that between 1934 and 1939 he attended Dalton Nursery School, Riverside School and a public school on 14th Street near First Avenue. Other elementary-school classmates whom I interviewed likewise remembered that "he sought escape into fantasy," "he was full of fairy tales," "he could turn the slightest thing into a fantastic story." I also discovered that Columbia College had no record of him, that his transcript at Stuyvesant High School revealed that he dropped out suddenly in November, 1948, and then that this transcript was not forwarded anywhere (which indicates that he did not continue in another American high school). His schoolmates here at the time remember that in 1948 he went with his family to East Berlin.

Pozner told me that in 1960 he published a book of translations of "John Donne and the poets of that period." The emigré poet, Joseph Brodsky, himself a translator of English literature into Russian, insists that this book does not exist; the first Soviet volume of Donne translations appeared over a dozen years later, translated by someone else.

Pozner told me that in 1960, while working as a secretary to the noted writer Samuel Marshak, he published a book of translations of "John Donne and the poets of that period." The emigré poet, Joseph Brodsky, himself a translator of English literature into Russian, insists that this book does not exist; the first Soviet volume of Donne translations appeared over a dozen years later, translated by someone else. Asked to account for this discrepancy, Pozner told me, "If you asked to see it here, I would have shown it to you." Brodsky: "I'd like to see it." Pozner told me that he got a free subscription to the Book of the Month Club from Arthur Krim, a prominent New York film executive. The latter remembers meeting Pozner's father once in Moscow around 1957, but has no recollection of sending the son any books.

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The person who introduced Krim to Pozner, senior, was Ilya Lopert, then an American film producer-distributor who had known the senior Pozner since they worked together in 1932 in Paris and had employed him in New York in the 1940s. It was Lopert and his family who gave the Pozners American books and clothes, among other supplies unavailable in Russia.

The more I questioned, the more discrepancies I found. The father was not in charge of MGM distribution to Europe and Latin America; other people were. In the *International Motion Picture Almanac* for 1947–48, Wladimir A. Pozner lists himself as "General Manager" of Loews International. In fact, he had worked since 1941 as a sound engineer in a dubbing operation that was initially owned by Lopert and later subsumed into Loews International. The work consisted mostly of dubbing American films into Spanish for Latin American distribution. George Muchnic, then a vice-president of LI, remembers that Pozner, senior, was "well-spoken, wrote good memos, knew his job. I know he got increases in compensation when I was there."

Along with others who worked in that office at that time, Muchnic questioned Pozner's story of his father's dismissal by Arthur M. Loew, long deceased. "I worked with Arthur every day. I wasn't there, but I can't imagine that he would double anyone's salary." Seymour Mayer, then in charge of international sales, told me, "It was not like Arthur Lowe to say that—change your citizenship and I'll double your salary. $50,000—that's ludicrous; no one got that kind of money in that type of job in those days."

What happened in fact was that Pozner, senior, decided on his own to emigrate, only suddenly informing his colleagues and family. "He kept it a dead secret," a close family friend remembers. "I don't think anyone knew about it, not even Jerry. We were afraid at the time that Jerry wouldn't leave America. Vovo had dreams of becoming a head of Mosfilm." And then there were circumstantial reasons to doubt the son's story of the elder Pozner obtaining Russian citizenship as early as 1941. Pozner was not a Communist when he came to America. Indeed, back in Paris he had captained a White Russian basketball team. While here, he fell under the influence of his sister who had gone to New York before him and who had cared for his future wife and their son during their first stay in New York. Known as Mrs. Helen Kagan, she had worked as a buyer at Macy's and then at the U.N. and lived with a man, a Russian, who was thought to be a communist. Secondly, there was a delay in the Pozner family's departure—a delay having something to do with receiving appropriate papers, which is to say a new passport or a new citizenship.

In my judgment, Pozner is less a liar or an imposter—two possible charges that come to mind—than a fibber, a guy who since childhood has told petty falsehoods because he likes to tell stories, not only because that is his way of charming people but because like all good fictions his stories made *his* life richer and more literary than it would otherwise be. Notice that he fibs not about others but about himself (and his ancestors). As a good fibber, Pozner can persuade others of the "truth" of his fictions; perhaps after many years, he eventually persuades himself, or even transforms himself into a persuasive example. An emigré here, who remembers Pozner in Moscow as "someone who lied when he did not need to lie," nonetheless believed that Pozner had, in fact, attended college in America, in part because he developed a linguistic competence equal to that of American university graduates. Now that this profile is finally appearing in print, I wonder how many other "attractive fantasies" are left in this piece. (It is a long way, after all, from Irkutsk to Bratsk.)

Knowing what I know now about Pozner, my hunch is that, especially when he talks to us, he believes himself to be an American, all truth to the contrary notwithstanding; and his capacity to persuade not just us but himself of this illusion accounts for why he is such a uniquely successful Soviet communicator. Of course, there is also a difference in political meaning between a college student, a could-have-been American, spurning America for Communism and a younger high school student being taken there by his parents; but my own opinion is that such a political nuance is perhaps less necessary than his romantic, essentially literary desire to believe that the crucial decision of his life—the one that determined his future—was made by him, rather than, as it was, by someone else, for him. ❑

Reviews

The Diary of H.L. Mencken,
Charles A. Fecher, ed. Alfred A. Knopf, 1989, 476 pp., $30.00

Mencken: The Man vs *the State of Opinion*

R. W. Bradford

For 40 years, H.L. Mencken exerted an enormous influence on the arts and politics of the United States. As a critic of literature, a commentator on public affairs, a scholar, and an editor, Mencken was, in the words of Walter Lippmann, "the most powerful personal influence on this whole generation of educated people." [1] During the 1920s, his influence as a critic reached a level unequaled in American literary history. Because of his trenchant criticism of government and his unwavering support for maximum individual freedom, he also earned a special place in the libertarian imagination.

Throughout his career, he was a controversial figure. He still is.

Mencken's diary, parts of which have just been published, has been greeted with a chorus of accusations of bigotry. Curiously, the controversy has been engendered mostly by the introduction written by Charles A. Fecher, its editor, who opines that the diary proves Mencken anti-Semitic, anti-black, and maniacally hateful toward Franklin Delano Roosevelt.

Mencken has been excoriated by journalists, denounced by preachers, and trashed by television smarties. The controversy has no doubt stimulated sales of the *Diary*, presumably enriching the Pratt Library in Baltimore, which owns its copyright, and the firm of Alfred A. Knopf, its publisher.

Comments on the *Diary* typically refuse to analyze its contents, instead parroting the sensational charge of bigotry. In a discussion of the book on *CBS Nightwatch*, not a single participant claimed to have read the entire book; when asked to cite evidence for his case, the individual asserting that the book proved Mencken an anti-Semite didn't quote from the *Diary* at all, instead citing as evidence a passage from a long discredited biography of Mencken.

This is a shame. Mencken and his diary deserve to be considered on their merits.

The Man

Henry L. Mencken was born in Baltimore on September 12, 1880. His father owned a cigar-making business and educated his son in a German-language technical school for eventual management of his business. Young Henry had little interest in cigar-making, and when his father died unexpectedly when Mencken was 18 years old, Mencken took the opportunity to quit the world of business and pursue his great ambition to be a writer. He pestered a local newspaper and was finally given an unpaid job. His first article appeared in the Baltimore *Morning Herald* on Feb 23, 1899.

Within a year, he was selling articles to New York papers. Six months later he became a columnist; a few months after his 21st birthday, he was named editor of the *Sunday Herald*. At age 23 he was named city editor of the *Evening Herald*, and at 24 its managing editor. Not satisfied with daily journalism, he experimented with a wide variety of writing, including poetry and fiction. (His first book, published in 1903, was a collection of poems.) His writing was iconoclastic, bombastic, witty, acerbic, ebullient, scholarly, irrepressible, intelligent, and full of joy.

It was in literary criticism that Mencken first gained national prominence. In 1905, he published a critical study of George Bernard Shaw, not then well-known to Americans; in 1907 he wrote the introduction and notes for—and oversaw the translation of—two of Ibsen's plays. A year later, he became the book editor of *The Smart Set*, a minor magazine published in New York. In its pages, he reviewed thousands of books and achieved a formidable reputation as a literary critic.

At this time, he also began a lifelong acquaintance with George Jean Nathan, the drama critic. In 1915, he and Nathan became co-editors of *The Smart Set*, and in 1919, he began to collect his critical essays from *The Smart Set* and elsewhere and published the first of six annual editions of *Prejudices*. By the time he and Nathan left *The Smart Set* in 1924, it was no longer a minor magazine. When they left over differences with its owner, and founded *The American Mercury*, their new publication quickly became the most influential magazine in America.

Meanwhile, Mencken acted as editor of a major daily newspaper and wrote a widely read newspaper column. He also found time to write *The Philosophy of Friedrich Nietzsche* (1908), a book-length debate with a socialist (*Men vs the Man*, 1910), a travel book (*Europe After 8:15*, with Nathan and W. H. Wright, 1913), a collection of satires (*A Book of Burlesques*, 1915), a book of aphorisms (*A Little Book in C Major*, 1916), a collection of literary criticism (*A Book of Prefaces*), an important book on linguistics (*The American Language*, 1918), and a translation of Nietzsche's *The Antichrist*. He also found time to cover the Great War and a revolution in Cuba as a news correspondent.

Gradually during the 1920s, the focus of Mencken's attention began to turn from literature to public affairs. He ridiculed all politicians without favor, railed against Prohibition, campaigned for free speech and press, and forcefully advocated his own liberal ideals of individual freedom and a state with very limited powers:

> Good government is that which delivers the citizen from the risk of being done out of his life and property too arbitrarily and violently—one that relieves him sufficiently from the barbaric business of guarding them to enable him to engage in gentler, more dignified and more agreeable undertakings, to his own content and profit, and the advantage, it may be, of the commonwealth. [2]
>
> The ideal government of all reflective men from Aristotle to Herbert Spencer, is one which lets the individual alone—one which barely escapes being no government at all. [3]

But his interests were wide and deep. He fell out with Nathan over the issue of what the *Mercury* should concern itself with. In the words of their mutual friend, Theodore Dreiser, Nathan favored "the frothy intellectual and social interests of the stage, the Four Hundred, the Bohemian and mentally dilettante worlds, whereas he [Mencken] personally was for serious contemplation of science, medicine, education, literature and what not." [4] Early in 1925, their editorial partnership ended. In August of that year, a *Mercury* advertisement reflected Mencken's victory and the breadth of his focus:

The Diary *sparkles and outrages, reminding us of what a superb writer Mencken was. This is all the more remarkable when one considers that it is a first draft, corrected only for typographical errors.*

> The American Mercury Authors
>
> An architect, a perfumer, a United States Senator, a chemist and pharmacologist, a negro poet, a dentist, a naval officer, a tramp, a lawyer, a lumber-jack, a radio-engineer, a consular attaché, a Porto Rican, a photographer, a composer, a secretary to a Congressman, a meteorologist, a poet and critic who knows jewelry, a printer, a Chilean journalist, a ship's engineer, a librettist, newspaper men and women, physicians, surgeons, professors and instructors from all over the country, a musician and a Chatauqua lecturer!
>
> These are a few of the writers who have contributed to The American Mercury. Every number a symposium on American life. [5]

Mencken's popularity soared during the 1920s. At college campuses across the nation, a copy of the Paris-green *Mercury* became a badge of intellectual vigor. His battles with Methodists and Baptists (the chief architects of Prohibition) and with Fundamentalists (opponents of evolution and modernity) put him in the headlines. In 1925, an attack on censorship drew the attention of the Watch and Ward Society of Boston; a few months later it conspired to ban an issue of the *Mercury* from sale in Massachusetts on the preposterous ground that an article about a small-town prostitute (excerpted from *Up From Methodism*, by Herbert Asbury) was obscene. Mencken himself went to Boston and challenged the censors by openly offering the *Mercury* for sale on Boston Common, for which act he was arrested, tried and found innocent, thereby striking a victory for freedom of the press.

Mencken always addressed himself to America's "civilized minority," and railed endlessly against the attitudes of the "booboisie"—its childish religion, its faith in its politicians, its boosterism. With regard to American literature, for example, he opined:

> What ails the beautiful letters of the Republic, I repeat, is what ails the general culture of the Republic—the lack of a body of sophisticated and civilized public opinion, independent of plutocratic control and superior to the infantile philosophies of the mob—a body of opinion showing the eager curiosity, the educated skepticism and the hospitality to ideas of a true aristocracy. This lack is felt by the American author, imagining him to have anything new to say, every day of his life. [6]

Not surprisingly, the booboisie struck back. Mencken was denounced from pulpit and editorial page from coast to coast. "He was denounced as a mangy ape, a dog, a howling hyena, a bilious buffoon, a cad, a British toady, a super-Boche of German *Kultur*, a cankerworm, a radical Red, and a reactionary," William Manchester noted. [7] Ironically, in light of the current campaign against Mencken, he was also denounced as a Jew. G. K. Chesterton, for example, called him "A clever and bitter Jew in whom a real love of letters is everlastingly exasperated by the American love of cheap pathos and platitude . . . [his nihilistic philosophy appropriate] to a man with a sensitive race and a dead religion." [8] Mencken responded by collecting the attacks and publishing an anthology of them, *Menckeniana: A Schimpflexicon* (1927).

In the 1930s, as the Western world fell into the morass of the Great Depression and fascist and socialist ideas took hold. Mencken's popularity gradually declined. For most of the decade, he argued brilliantly against these collectivist notions. But as war broke out in Europe, it became clear to him that his own opposition to U.S. participation isolated him from many of his friends and much of the public, and he stopped writing for publication about public affairs.

Mencken always addressed himself to America's "civilized minority," and railed endlessly against the attitudes of the "booboisie"—its childish religion, its faith in its politicians, its boosterism.

He did not stop writing, however. He wrote a series of charming reminiscences about his childhood and youthful experiences as a newspaperman for *The New Yorker*, eventually gathering them into three collections, *Happy Days, Newspaper Days* and *Heathen Days*. More than once they were compared to *Huckleberry Finn* (a comparison Mencken detested: his admiration for Twain was too great), and they were critical and commercial successes. He published his *New Dictionary of Quotations* in 1942 and a massive supplement to *The American Language* in 1945.

After the war, Mencken's ideas were again fit for popular consumption, and it looked for a while as if he might again ride the cycle of popularity he had ridden after the first Great War. He was featured in *Life* magazine, edited an anthology of his early writing, wrote yet another huge supplement to *The*

American Language. He sold the film rights to his *Christmas Story* (1946), a small book that grew out of a *New Yorker* article, for a case of ale to be delivered to him every week for the remainder of his life. He even returned to political reporting, attending the political conventions that nominated Truman, Dewey, and Wallace.

But age caught up with him: on November 23, 1948, he was stricken with a massive cerebral thrombosis. It was the worst thing that could happen to him; it affected his brain in such a way that he could neither read nor write, sentencing him to the torture of seven empty years of waiting to die.

The Private and the Public Man

In a sense, knowing Mencken is the easiest thing in the world: one need only read his astonishingly varied writing, amounting by his account to some 10,000,000 words. But he was, by all accounts, an extremely private person, and while he reveals his beliefs in his writing with great lucidity, it is difficult to understand his personality from his writing alone. He was very concerned about the privacy of his friends and colleagues, and was circumspect in what he said of them. As a consequence, his biographies tend to focus on his literary and public career.

Mencken's writing is so lively and amusing and his public career so gaudy that it is hard to imagine a biography that would not be a joy to read. From Isaac Goldberg's *The Man Mencken* (1925) to Carl Bode's *Mencken* (1969), they are immensely pleasurable. In my judgment, William Manchester's *Disturber of the Peace* (1950) is the best of the lot, thanks to Manchester's literary talent and appreciation of both Mencken's writing and his personality (Manchester had the advantage of knowing Mencken personally and well). But Manchester worked under the genuine handicap of Mencken's reticence about his friends and personal relationships. As a result, Manchester's portrait has substantial gaps: he wrote little about Mencken's relationships with women, except for Sara Haardt, Mencken's wife from 1930 until her death in 1935, and even the account of that relationship is sketchy. Given Mencken's famous, if delphic, hostility toward women, this is an important gap. Also lacking is detail of Mencken's intimate relationship with the Baltimore *Sun*, for which he worked in one capacity or another from 1906 until his stroke in 1948.

Bode had access to a considerable number of Mencken's confidential papers and he interviewed many of Mencken's friends and colleagues. Consequently, his biography is far more rigorous. It is first-rate scholarship, though it lacks the warmth and literary merit of Manchester's. Fecher's *Mencken: A Study of His Thought* (1978) is an interesting attempt to examine Mencken's ideas, though I think it fails on many counts. Fecher, long an employee of the Roman Catholic Archdiocese of Baltimore and apparently unable to grasp as simple a fact as Mencken's absolute and resolute agnosticism and contempt for religious belief, labors mightily to save his soul: "It is not easy to tell just how Mencken felt about Jesus." He also comes perilously close to making Mencken into a dull fellow.*

Despite Mencken's gigantic literary output, the large number of contemporary portraits of him, and the availability of several first-rate biographies, there are massive gaps in our understanding of Mencken the man.

He ridiculed all politicians without favor, railed against prohibition, campaigned for free speech and press, and forcefully advocated his own liberal ideals of individual freedom and a state with very limited powers.

That is one reason why the publication of his *Diary* is such an important event. As I read the *Diary* I began to get a feel for the first time of Mencken the human being, rather than Mencken the writer. Limited by the semi-selfconsciousness inherent to any journal written for eventual publication, *The Diary* brought his personality into sharper focus.

And it did something else: as I read the *Diary*, I felt an urge to re-read biographies I haven't read for two decades, to re-read his letters, to dig through my collection of *American Mercuries*. At first it was my curiosity that was aroused, but gradually I realized that something else was also: my lust for the pure pleasure of reading his prose. The *Diary* sparkles and outrages, reminding us of what a superb writer Mencken was. This is all the more remarkable when one considers that it is a first draft, corrected only for typographical errors.

The Diary

As published, *The Diary* includes only about a third of the 2100 typewritten pages that Mencken wrote. Most of the roughly 1400 pages that editor Fecher cut consisted of repetitions, hypochondriacal complaints,** and the details of Mencken's role as a director of the Knopf book publishing firm, and of the A. S. Abell Co, publisher of the Baltimore *Sun*. Fecher seems to have done an admirable job of editing.

The defining characteristic of a diary is its privacy: what a person writes in his diary records private details of his life, private opinions about people he knows, and private thoughts in general. Of course, a diarist may write a record for future reference: by referring to his diary, he can discover or verify just when a certain event occurred, whom he met where to discuss what business, and so forth.

A diary written for eventual publication has a different character: it is always under suspicion of playing to its audience. This is true even when it is written for publication after death: the diarist may be tempted to use it to influence the opinion of future historians, to get in the last word on disputes and controversies.

It is plain that Mencken planned that his *Diary* eventually would be published, if only to the scholarly community. So we must ask ourselves: to what extent does his *Diary* reflect his private thoughts? to what extent a record intended for a future readers?

There are several occasions in which he obviously uses his *Diary* as some-

* The most peculiar of the biographies of Mencken is Charles Angoff's *Mencken: A Portrait from Memory*. Angoff, Mencken's assistant/editor at the *Mercury*, portrays Mencken as an unbelievably foul-mouthed, crude, inconsiderate, cruel, and vile human being—a portrait at variance with the memory of virtually everyone who knew Mencken. It was this book cited as evidence of Mencken's anti-Semitism on *CBS Nightwatch*.

** Mencken reputation as a hypochondriac is well deserved. At one point in his diary he threatens to write a detailed history of his personal health: "So far as I know, no one has ever set down such a record of himself, though all the books by literati are full of complaints of illness. To this end I have got memoranda from the various hospitals where I have been a patient . . . " (Sept. 12, 1945)

thing other than a record of private thoughts and activities. For example, when he twice writes of a woman who is publicly claiming some sort of sexual relationship with him, he is clearly trying to establish an alibi; in fact, he says as much. In his accounts of his struggles to convince Paul Patterson of the *Sun* that important changes in editorial policy are needed, he may be trying to see to it that his views will be known in the future, trying to get the last word. Sometimes Mencken may have written for the sake of his reputation with future historians. But this need not limit his candor: although Richard Nixon knew he was being taped for future historians, in the Watergate tapes, he nevertheless forever embarrassed himself with the petulance, dishonesty, and pettiness that characterized his conversations.

But Mencken's *Diary* is extremely forthright. It is singularly un-self-righteous. It pays little heed to the opinions of others. Mencken insisted that his diary be sealed until 25 years after his death, and even then be open only to scholars; he intended it to be read only when the people and events involved were dimly remembered, beyond the praise or blame of contemporaries. That the *Diary* was published at all required (a) getting a legal opinion authorizing publication from the Maryland Attorney General; and (b) convincing the Board of Directors of the Pratt Library, to whom he bequeathed it, that it was a good idea to repudiate Mencken's explicitly stated instructions forbidding its publication.

Mencken's popularity soared during the 1920s. At college campuses across the nation, a copy of the Paris-green Mercury *became a badge of intellectual vigor.*

The *Diary* is a place where Mencken recorded the details of his life, his literary plans, his frank opinions of his friends and colleagues, and his private opinions on what was happening in the world. The ingenuousness and spontaneity of his opinions does more than add color to his record. It provides a valuable resource to those interested in his thinking, his writing, his scholarship, his career, and his times. It makes *The Diary of H. L. Mencken* the most intimate kind of historical document.

The *Diary* reveals him to be a man who worked hard at his writing and who strictly adhered to his code of ethics: he believed a man should practice industry and thrift, pay his debts, take care of his family, be good to his friends, tell the truth, be moderate in his personal habits, and practice good manners toward everyone. He was, in some ways, a typical bourgeois Victorian, but he combined this Victorian ethos with a skepticism toward philosophical and theological belief that is characteristically modern—though, I suspect, he would view his skepticism as a simple matter of intellectual honesty and vigor.

In at least one sense, Mencken was a Victorian regarding his relationships with women: he believed a gentleman never speaks of sex, even in his diary:

> Such things, it seems to me, are nobody's business—and I must always remember that what I write may be read by others after I am gone. As a matter of fact, they are not even the author's business. The women a man sleeps with make charming episodes in his life, but it is seldom that they influence the main course of it. Marriage, of course is quite another story . . . (Feb. 5, 1942)

Despite the skepticism he had displayed in print about love and marriage ("love is the delusion that one woman differs from another"), he reveals himself to have been deeply and romantically in love with his wife, Sara Haardt. He doesn't mention her death at all until five years later, when he makes very plain his grief over her death and the depth of his romantic feelings:

> Sara is dead five years today—a longer time than the time of our marriage, which lasted but four years and nine months. It is amazing what a deep mark she left upon my life—and yet, after all, it is not amazing at all, for a happy marriage throws out numerous and powerful tentacles. They may loosen with years and habit, but when a marriage ends at the height of its success they endure. It is a literal fact that I still think of Sara every day of my life, and almost every hour of the day. Whenever I see anything that she would have liked I find myself saying that I'll buy it and take it to her, and I am always thinking of things to tell her. There was a tremendous variety in her, and yet she was always steadfast. I can recall no single moment during our years together when I ever had the slightest doubt of our marriage, or wished that it had never been. I believe that she was equally content. We had our troubles, especially during her illnesses, but they never set up any difference between us: they always drew us closer and closer together. (May 31, 1940)

For some 2,000 words, he continues to describe his relationship with his wife and his love for her:

> She had a sharp intelligence, and yet she was always thoroughly feminine and Southern, and there was not the slightest trace of the bluestocking in her. Marriage is largely talk, and I still recall clearly the long palavers that we used to have . . . We had plenty to talk of. I talked out my projects with her, and she talked out hers with me. I don't think we ever bored each other. I know that, for my part, the last days of that gabbling were as stimulating as the first. I never heard her say a downright foolish thing. She had violent prejudices, but so did I have them, and we seldom disagreed. It seemed to me that she always maintained hers with great plausibility. I have never known a more rational woman, nor another half so charming. She was far too reserved to be described as a popular favorite, but she always made a good impression on people of sense. . . . (May 31, 1940)

Over the remaining eight years of his *Diary*, he occasionally writes again of Sara. His voice never changes: his love and respect for her and his profound sorrow at her death never vary.

His Victorianism stops far short of prudery. Despite his reticence about writing of sexual matters, he does let slip a few of the details of his losing his virginity at age 14, reveals a bit of his attitude toward homosexuality, tell a slightly smutty joke, describes a stag party at the *Sun* at which the entertainment was provided by a transvestite sex show, and tells an amusing tale about one of his more Victorian friends:

> One night at the beer table, as I recall, there was some mention of sexual intercourse in human beings, and Max [Brödel] ventured that it was a trivial business, and not half so thrilling as was commonly assumed. "After all," he said, "it seldom lasts more than a minute, and never more than two." This astonished [Raymond] Pearl, as it

> astonished me, and we both had at him. The more we cross-examined him the plainer it became that he actually believed what he had said. When Pearl argued that any man who entertained a lady for so little as two minutes was guilty of a gross offense, not only against her person but also against the peace and dignity of the human race, it was Max's turn to be astonished. He simply never heard that copulation could be prolonged at will—at all events, far beyond the limits he had set . . . On the heels of this grotesque discussion Pearl announced the founding of an organization to be called the Society for More and Better Fucking in the Home . . .

We learn that Mencken took joy in work, in food, in drink, and most of all in the companionship of friends. His close friendship with his publisher Knopf involved sharing all these pleasures: they rarely discussed business except over a fine meal with a good wine, and they enjoyed annual pilgrimages to Bethlehem, Pennsylvania, for its Bach Festival and the excellent local beer. The Saturday Night Club combined all of these pleasures but work: it consisted of a group of friends who met each Saturday night to eat dinner, perform music (Mencken played second piano), drink beer, and talk. Mencken attended it regularly for more than 40 years, even inviting its members to his own home for meetings during Prohibition when public consumption of beer was risky.

In 1925 Mencken was arrested, tried for, and found innocent of selling a banned copy of the Mercury *on Boston Common, thereby striking a victory for freedom of the press.*

It wasn't all fun. Mencken speaks with contempt, tinged with disappointment, of friends who borrow money and don't pay their debts, or who are otherwise irresponsible:

> Phil Goodman tells me that Ernest Boyd is miffed because I have seen little of him during the past year. My reason for avoiding him is that he has been devoting far more of his energies to drink than to work. In consequence, he is constantly in money difficulties. Some time ago he tried to borrow $1,000 from Harry C. Black, though he already owed Black $1,000 and had owed it for years. I detest men who borrow, and especially men who borrow as a result of their own indolence. (July 30, 1931)

For a man who identified himself as "ombibulous," who campaigned against Prohibition both in public campaigns and in extensive disobedience of the law, who cherished good beer, wine, and whiskey, his lack of a sympathy for those who inbibe to the point at which drink interferes with their work is perhaps a bit surprising: he had reason to deplore this weakness in Sinclair Lewis, Scott Fitzgerald, and even his old friend Paul Patterson, president of the *Sun*.

But the *Diary* is primarily a joyous affirmative work. Along the way we meet a great many interesting people, and catch glimpses of many more, including Rose Wilder Lane, Albert Jay Nock, and Dashiell Hammett. There is a treasure trove of anecdotal information about important literary figures like Sinclair Lewis, Edgar Lee Masters, Theodore Dreiser, F. Scott Fitzgerald, Joseph Hergesheimer, Harold Ross, Ezra Pound, and others.

We also meet the peculiarly American eccentrics whom Mencken found so amusing, like Dr F. E. Townsend, originator of the Townsend Plan, according to which the government would give every person in the United States of 60 or more years of age the sum of $200 per month, on the condition that the money be spent before the month ended. All this spending, Townsend argued, would stimulate the economy and cure the Depression. His theory never was enacted, though it did stimulate Roosevelt to enact Social Security. But it did gain considerable support among people 60 years or older. In 1943, Townsend visited Mencken to ask advice on the publication of his autobiography. Their conversation touched on many subjects. Mencken relates one curious episode:

> The doctor told me a long tale about his cousin, a man of his own age [76], who lately came down with cancer of the prostate. He said that at his advice the cousin submitted to castration and that the effects were magnificent. The cancer vanished and the patient put on 40 pounds of flesh . . . his cousin is now strong enough to operate a three-acre chicken farm and is otherwise in prime condition. He said that he was thinking seriously of getting castrated himself. His prostate is normal, but he believes that he is underweight and that adding 30 or 40 pounds would improve his general health. He said somewhat primly: "My reproductive stage is now over, and I see no reason why I shouldn't sacrifice a couple of useless glands." (June 2, 1943)

This story, which Mencken reports without comment, offers considerable support for Mencken's belief that a person who is a crackpot in one field will likely be a crackpot in others. At the end of another vignette of a quack, Dr. J. B. Rhine, promoter of the notion of extrasensory perception, he provides this charming insight into marriage:

The ingenuousness and spontaneity of his opinions does more than add color. It provides a valuable resource to those interested in his thinking, his writing, his scholarship, his career, and his times.

> His wife seemed to be much more intelligent than he. She is a native of Ohio, apparently of German origin, as Rhine seems to be himself. I noticed that while he was expounding his ideas she sat regarding him in silence, with a quizzical smile. My guess is that she knows the answers, but is too discreet to utter them. I have often noticed the same look among the wives of quacks and enthusiasts. Women in general seem appreciably more intelligent than men. A great many of them suffer in silence from the imbecilities of their husbands. I daresay that poor Sara occasionally shouldered her share of this burden. (May 1, 1939)

Elsewhere Mencken tells the story of waiting in line in a *pissoir* with the Duke of Windsor, getting annoyed by the wait, hunting up a pay toilet with Felix Frankfurter, and leaving its door ajar so no other guest would have to cough up five cents. But mostly, the experiences he relates are of his own work and of the two business enterprises in which he was interested, the Baltimore *Sun* and Alfred A. Knopf, Inc. Mencken served on the Board of Directors of each firm. Those who ran each firm were friends.

He took his responsibilities seriously and recorded his experiences and his thinking about them in considerable detail. Fecher tells us that he cut much of these accounts, on the theory that readers would not be greatly interested. I found these entries to be fascinating and would have liked more of them, although I suspect my appetite for them may be greater than most readers'.

Mencken reveals himself as remarkably individualistic at a personal level. He judges everyone he meets on the basis of his character. He is quite willing to denounce the high and mighty who fail to meet his moral or intellectual standards, while observing moral and intellectual virtue among common people.

At a personal level, Mencken reveals himself as remarkably individualistic; he judges everyone he meets on the basis of his character. He is quite willing to denounce the high and mighty who fail to meet his moral or intellectual standards, while observing moral and intellectual virtue among people of modest social or intellectual standing. In 1939, for example, he happened to learn the address of the house where he was born:

> This morning I went down to Lexington street to have a look. I found a pleasant little three-story house, directly opposite a slum area that is being cleared under the Federal housing scheme. The door of the place was open, and inside I found a colored man on a stepladder and a white man on another. The colored man told me that he was the new owner of the place. He had been living in his own house in the slum area, but the government had now condemned it. He told me that the price he got for it was considerably less than his investment. He had used the money to buy [the house where I was born] and was now engaged in rehabilitating it. He was scraping the accumulated wallpaper off the walls, and the white man, a plasterer, was patching holes that this work revealed. The colored man seemed to be a very intelligent and decent fellow. He told me that he hoped some day to put in a central heating plant, and I was tempted to offer him the price. I'll probably go back to see him at some time in the near future. (April 15, 1939)

In 1939, he notes an interesting conversation with the chauffeur of a friend in North Carolina:

> Last night the Hanes' colored chauffeur drove me from Durham to Greensboro in order that I might pick up my train. The distance is about 55 miles, and I seized the chance to set the chauffeur to talking. He turned out to be an uneducated but extremely sharp-witted colored man, and he told me a great deal of interesting stuff . . . (May 1)

Mencken goes on for another 250 words summarizing the chauffeur's opinions about the local economy and related manners. Five years later, he writes of his disappointment at missing a conversation with the driver, whom he identifies this time by name, "In the past I have always enjoyed such trips with him . . . but this time, because of the gas shortage, he had to take another passenger—a Winston lady whose name I forget—and in her presence he was shy and retiring. Moreover, she did a great deal of talking herself . . ." (July 17, 1944)

This respect for merit is hardly surprising: as an editor, Mencken always gave careful consideration to articles submitted by people of humble station; more than one of his biographers noted that he seemed to relish submissions from prisoners, and he published many. One of the more frequent contributors to the *Mercury* while he edited it was Jim Tully, a hobo. When he writes of such people, there is never the tone of condescension; he treats them with the same respect that he accords to anyone else whose thinking or writing he values.

This curious egalitarianism is very appealing. Of course, Mencken was an avowed advocate of the "superior man" and the "aristocracy," and he would be shocked to hear himself described as an egalitarian. But the fact remains that his extreme methodological individualism meant that the "superior men" whom he included in his "aristocracy" were very often people of rude means and education, and the people he denounced as buffoons and fools and consigned to the rabble were very often people of elevated status and schooling. As an editor and a critic, Mencken judged every piece of writing on its merits; as a human being, he did the same with people.

This is not to say, of course, that he was reluctant to make sweeping generalizations about whole classes of people, by race or class or religion or geographical location. He often over-generalized for literary effect. But he always realized that these generalizations were *post hoc*, never the major premise of a syllogism of the following sort:

All xxxx are fools.
So-and-so is an xxxx.
Therefore, so-and-so is a fool.

The Menckenian logic took something like the following form:

Most of the xxxx's I have encountered are fools.
So-and-so is an xxxx.
So-and-so should be judged on his merits.

Even this overstates the way he thought, for it would never occur to him to judge any man by class or station. Of course, this did not prevent him from fuming in this way:

People have often observed that a certain sort of left-liberal "loves humanity but hates individual human beings." The converse of this proposition seems to apply to Mencken: he hated humanity but loved individual human beings.

So-and-so is a fool.
So-and-so is an xxxx.
Nearly all the xxxx's I have encountered are fools.
So this doesn't surprise me.

The foregoing discussion, I suppose, suggests my answer to the question: was Mencken a bigot?

A Portrait of an Anti-Semite?

The attack on Mencken's character begins on the dust jacket of *The Diary*, which describes Mencken as a "bigot." A bill of particulars against Mencken is spelled out in Fecher's "Introduction." After discussing a number of insignificant instances of Mencken's cantankerousness, Fecher writes:

> Much more important, and infinitely less comprehensible, are his attitudes toward the war that was raging during much of this time, toward

> Franklin D. Roosevelt, toward black people, and most especially toward Jews.
>
> His feelings about World War II are incredible . . . His hatred of Roosevelt was, indeed, maniacal—there is no other word to use . . . His attitude toward black people was a curious mingling of total egalitarianism on the one hand and patronizing superiority on the other . . . the most inexplicable and least pleasant aspect of his personality as it is revealed to us in the diary [is] his feelings about Jews. In [my earlier book] I sought to defend him from the charge of anti-Semitism . . . But at that time I, like everyone else, had not seen the diary. Today I would be much less ready to take such a stand. Let it be said at once, clearly and unequivocally: Mencken was an anti-Semite.

Fecher's charges, particularly the sensational charges of racial bigotry, have been widely taken up. In *The New York Times Book Review,* Robert Ward writes about "Mencken's strange blindness regarding World War II . . . near pathological hatred of Franklin Delano Roosevelt . . . More offensive and shocking is Mencken's anti-Semitism and his deeply condescending views of blacks." In the Detroit *Free Press,* Les Payne asks: "Was H.L. Mencken a racist? The answer is quite clear, and the answer is yes." In *The Wall St Journal,* Michael Kott writes "So great was his loathing for F.D.R., he got fuzzy-eyed thinking about the Reich." Richard Cohen writes in *The Washington Post Magazine* that the diaries "revealed him to be an anti-semite and a racist."* In Mencken's beloved *Baltimore Evening Sun,* Neil A. Grauer writes that "The reputation of H.L. Mencken, one of the nation's literary and journalistic icons, may be tarnished permanently by publication of his previously secret diary." An editorial in the *Detroit Free Press* proclaims that "The diary . . . is peppered with scores of anti-Semitic slurs and evidence of a deeply ingrained conviction that people of different skin color were inferior to whites." Doris Grumbach in the Washington *Post* wins the prize for the most immoderate position: "Those who defend a writer such as H.L. Mencken must be said to possess an antisemitic sensibility themselves."

The Jewish Question

Forewarned by Fecher's *Introduction* to the *Diary,* and by comments in the press, I attempted to note as I read the book every use of the word "Jew" in any of its forms. I found 31 cases. Twenty-five of these were simple mentions that a certain acquaintance was a Jew, e.g., "a Harvard Jew"). The frequency of such usages is hardly surprising; Mencken was a professional intellectual, editor, author, and publisher; he was part of a highly literary world in which Jews were (and remain) very prominent. (Mencken elsewhere mentions the ethnic background of other non-Jews—e.g., "Harcourt is a clever Dutchman," "She is a native of Ohio, apparently of German origin, as Rhine seems to be himself," "We had two Jews among the members, a Czech, and Americans of widely varying views" [Mar. 10, 1931, May 1, 1939, Feb. 5, 1942]—no one has yet to my knowledge cited these as evidence of his anti-Dutch, anti-Czech, or anti-German bigotry.)

Ironically, in light of the campaign against Mencken, he was denounced as a Jew: G.K. Chesterton, for example, called him "A clever and bitter Jew in whom a real love of letters is everlastingly exasperated by the American love of cheap pathos and platitude . . . his nihilistic philosophy is appropriate for a man with a sensitive race and a dead religion."

In two other cases Mencken observed anti-Semitism in other people. Four other passages in the *Diary* mention Jews. It is these four that are most frequently cited to support the thesis that Mencken was anti-Semitic. Let us consider them individually.

1. His entry for February 10, 1942, relates a conversation with Samuel Eliot Morison, professor of history at Harvard University:

> It is plain to see that Morison's opinion of [Harvard's] history department is low, though he is naturally cautious about saying so. I asked him what sort of students he was encountering. He said that they were mainly Jews, and that few of them showed any capacity.

2. His entry for December 2, 1943, relates a conversation with the secretary of a private club of which Mencken was a member and where he frequently dined with guests, who told him that "some time ago" a man had been admitted to membership who turned out to be a Jew who had acted to conceal his heritage. Once admitted, this person had revealed that he was Jewish, only to have his sponsoring friends ask him to resign:

> Mason told me that there was no objection in the board of governors to bringing an occasional Jew to a meal in the club, but that this applied only to out of town Jews, not to local ones. There was a time when the club always had one Jewish member, but the last was Jacob Ulman. Ulman was married to a Christian woman, a great-granddaugher of Thomas Jefferson, and had little to do with the other Jews of Baltimore. When he died the board of governors decided that he should be the last of the Chosen on the club roll. There was no other Jew in Baltimore who seemed suitable.

3. His entry for July 17, 1944, describes the Whitestone Inn, a resort in North Carolina at which an acquaintance of a friend is staying:

> The only Jew on the guest list is Milton J. Rosenau, the sanitarian. He got in on the score of his acquaintance with Fred Hanes—and immediately proposed the bring in other Jews. But Bovard [the owner], by various devices, has managed to keep them out.

What can we say of these episodes?

These are anecdotes told to Mencken and recorded without comment in his *Diary,* without the slightest hint that he approves of the attitudes they suggest. Curiously, the individual expressing the anti-Semitic sentiments in first case, Samuel Eliot Morison, is identified by

* Cohen also makes the ludicrous charge that Mencken has escaped condemnation in his home town of Baltimore because the citizens of that city are "reluctant to condemn Mencken and reduce its tourist attractions by a third (only Fort McHenry and Edgar Allan Poe's grave would remain)." I do not know the motives of those unnamed defenders of Mencken from Baltimore, but I cannot imagine Cohen has it right. I remember the day in 1985 when I visited Mencken's home, now open as a museum: I noted from the guest book that I was the first visitor in three days, and the guide was reluctant to let me leave, not because he valued my personal charm, but because he was lonely.

Fecher in a footnote as a "distinguished American historian." But Mencken, who reported Morison's remarks without comment is condemned as an anti-Semite on the basis of this evidence.

Mencken did not denounce Morison, the Maryland Club or the Whitestone Inn as anti-Semitic. Nor did he ostracize Morison, resign from the Club, or organize a boycott of the Whitestone Inn. Mencken mentions the Inn only in passing, without indicating whether he patronized it. Does his failure to take these actions constitute proof that he was a bigot? Can a person record in his diary an anecdote told to him without thereby agreeing with the attitude implicit in the teller of the anecdote?

4. His entry for April 27, 1944, describes a disagreement with Alfred Knopf. Mencken was a good friend of Knopf; he was also one of the best-selling authors whom Knopf's firm published. Knopf had financed and published *The American Mercury*, and Mencken's friendship and unpaid editorial work had been rewarded with a seat on the board of directors of Alfred A. Knopf, Inc. The disagreement was over a book Knopf had published:

> I believed the little book of prayers for soldiers, just brought out by the house, disgraced its list and damaged its trade-mark. There are actually prayers by Generals Eisenhower and Patton—the latter the hero who lately got into the newspaper by cuffing a wounded soldier. I said that such trash undid the work of years, and left the house imprint ridiculous . . .
>
> The idea for the book of prayers, [Blanche Knopf] said, came from Bernard Smith, the sales manager. What his name was before he changed it I do not know. He, too, is a Jew, and moreover, a jackass.

The episode is more troublesome than the first three. Mencken is plainly upset at the decision to publish the book of war-prayers—upset to the point which he notes the book's sponsor is a Jew and a "jackass." It is plain that Mencken is upset with the fact that Smith is a jackass rather than with the fact that he is a Jew. But does this remark demonstrate anti-Semitic bigotry?

There is, of course another possible explanation: that Mencken disliked the denial of Smith's heritage that his name-change seems to imply. In his introduction, Fecher tells us how Mencken chided his close friend and collaborator George Jean Nathan for Nathan's attempts "to deny, or at all events to conceal, his Jewishness." Lawrence Spivak, who knew both Mencken and Nathan, goes further. In a recent interview, he said, "If anybody was anti-Semitic, it was Nathan." [9]

The entry most frequently cited as evidence of his anti-Semitism was not included in the published *Diary*, though Fecher quotes it in his introduction. Mencken refered to two Jewish businessman whom he apparently considered to be unethical as "dreadful kikes." Now this is certainly uncouth by today's standards, and probably by the standards of Mencken's day. But does this entry, even in combination with the entries cited above, among the thousands of pages of a diary covering 18 years, demonstrate anti-Semitic bigotry?

Some of those who charge Mencken with anti-Semitism cite his use of the term "Jew" to describe Jews. This usage doesn't seem like evidence of anti-Semitism to Lawrence Spivak, the object of one such characterization ("Spivak is a young Harvard Jew"). Spivak believes that the accusation is "all nonsense . . . He called me a Harvard Jew. Well, I was at Harvard and I am a Jew."

Certainly, the word "kike" is ugly and shocking.* But I am not convinced that Mencken's using it a single time, apparently in anger, proves him anti-Semitic. I recall that when I taught fourth grade in an inner-city school twenty years ago I was shocked to hear one tiny black child call another "nigger!" in anger. I am no more convinced that Mencken was an anti-Semitic bigot than I was that any of the black children who occasionally used that ugly word in anger were anti-black bigots, or examples of self-hating blacks.

Some of those who charge Mencken with anti-Semitism cite his use of the term "Jew." This usage doesn't seem like evidence of anti-Semitism to me, nor does it seem so to Lawrence Spivak, the object of one such characterization: "Spivak is a young Harvard Jew." Reached by telephone at his Washington home, Spivak said that the charge that Mencken was anti-Semitic is "all nonsense . . . He called me a Harvard Jew. Well, I was at Harvard and I am a Jew . . . His only prejudice is that he was strongly pro-German . . . I can remember that Mencken once said that he couldn't understand how any intelligent, civilized person could be anti-Semitic." Still feisty and alert, the 89-year-old Spivak volunteered to defend Mencken against the charge of anti-Semitism by the National Press Club, which is considering removing his name from their library. (The Press Club has not taken Spivak up on his offer.) [10]

Part of the problem with Mencken's using the term "Jew" to describe a person lies in the fact that the world has changed. Two generations ago, the ethnic and geographical identity of a person was a very important component of his character. To describe a person as a "New York Jew" or a "Milwaukee German" or a "Georgia Cracker" was to say something of defining significance about that person. Nowadays, of course, a person's parentage and home town mean very little: the values and beliefs of a person reared by Jewish parents in New York, German parents in Milwaukee, or poor white parents in Georgia tend to be more similar than they were in the past. We should remember that mass culture is largely a mid-20th-century phenomenon, although in America at least it had its roots in the 19th century.

Homogenization of culture advanced earlier and more quickly in the U.S. than in other countries, for obvious reasons. America has a tradition of egalitarianism: we believe that all men are created equal, and find the notion of a hereditary aristocracy archaic and silly. America has a common language and few barriers to internal immigration, enabling people to move from one place to another more often than in other countries. But most of

* Mencken had previously used this ugly word in print: in an essay about conservative literary critic Stuart Pratt Sherman in *Smart Set* in 1923, he wrote: "For what distinguishes the American Goths, Wops and Kikes above all other barbarians, as Dr. Sherman himself accurately argues, is their defective respect for the purely spiritual inheritance of their Anglo-Saxon compatriots." So far as I know, this colorful passage did not subject Mencken to charges of anti-Semitism, or, for that matter, of anti-Italianism, or anti-Gothism.

all, the large size and relative political freedom of the U.S. provided the conditions necessary for the development and growth of the mass media.

In Mencken's era, the mass media were only beginning. Only a few periodicals had national circulation. It was not until the rise of cinema, radio, and television that media became genuinely national, when people in Iowa, New York, and California shared news and entertainment conveying the same information and values.*

The homogenization of mass culture has changed our habits and mores. Today when we meet someone, our first question is likely, "What do you do for a living?" The answer to this question conveys a great deal of information about a person's character and hints at his values. In Mencken's day, the first question was likely, "Where are you from?" Today, ethnic and regional background has far less influence on a person's values or character than it had in the past. This uninterest in ethnicity has been reinforced by the rejection of racial discrimination by the overwhelming majority of Americans and the consequent feeling that there is no honorable motive for inquiring about a person's ethnicity.

I neither know nor care about the ethnicity of most of my friends and colleagues, and am vaguely offended by ethnic characterizations. Partly, I suppose, this is the result of the outrage that I felt when my mother told me that my grandfather was barred from certain hotels because they were "restricted" (i.e. barred Jews and apparently, Dutchmen who look like Jews). But mostly, I suspect ethnicity means very little to me because I grew up in the age of mass culture.

But during Mencken's formative years and most of his mature years, this was not the case: ethnicity was very important. This, I believe, is what Lawrence Spivak was getting at when in explaining Mencken's ethnic references, he said, "In the teens and 20s, people had quick identifications for people. Those things didn't mean very much." [11] And that, I think is what Russell Baker was getting at in his defense of Mencken in the Washington *Post*, when he said, "To have been utterly free of such stuff [using racial terms] in Mencken's time and place would have been astonishing . . . The neighborhood language bristled with words now considered so barbaric that using one would disqualify the user for public office or television millions."

If any single ethnic group stands out as an object of Mencken's ire, it is "pure Anglo-Saxon," whom he denounced repeatedly and with vigor. "Filthy and destructive anthropoids, physically as well as morally, they are a poor lot."

Whether or not one feels comfortable using ethnic terms like this or not (and I for one do not) we should understand how and why they were used. Simply to denounce this usage as bigotry is not simply uncharitable. It is narrow-minded and—yes, I'll use the word—bigoted.

Of course, Mencken knew what *real* anti-Semitism was. Characteristically, his view transcended knee-jerk denunciation:

> Anti-Semitism is latent all over Western Europe, as it is in the United States, and whenever there are public turmoils and threats of public perils it tends to flare up. . . . The disadvantage of the Jew is that, to simple men, he always seems a kind of foreigner. He practices a religion that is not common, he has customs that seem strange to the general, and only too often he indulges imprudently in talk about going back to his own country some day, and reviving the power and glory of his forefathers. He is commonly a fierce patriot in whatever land he lives . . . but his patriotism is always ameliorated, despite its excess, by a touch of international-mindedness born of his history, and in consequence he is commonly held suspect by patriots who can't see beyond their own frontiers. Thus he is an easy mark for demagogues when the common people are uneasy, and it is useful to find a goat. He has served as such a goat a hundred times in the past . . . In Germany, as in Poland, Austria and France, he has been made use of by demagogues for many years, precisely as the colored brother has been made use of in our own South. [12]

By today's sensibilities, it is possible to extract passages from Mencken that seem anti-Semitic—though one can find far more that are anti-anti-Semitic. But words alone do not determine a man's character. There is a far better way to evaluate a man's beliefs: the record of his actions. Let us look at Mencken's behavior and see whether anti-Semitic bigotry appeared there.

All the evidence points in the opposite direction. Mencken counted many Jews among his closest personal friends, including Blanche and Alfred Knopf, Phil Goodman (a drinking buddy who was briefly his publisher), George Jean Nathan (who co-edited *The Smart Set* and co-wrote two books with him, and who co-founded and for a while co-edited *The American Mercury* with him), Louis Cheslock (a member of the Saturday Night Club), and numerous others.**

In addition, when given the opportunity, Mencken went out of his way to come to the aid of Jews who were victims of genuine anti-Semitism. When Hitler's Germany threatened to deport German Jews, other nations responded by refusing them entry. At the Evian conference in 1938, the U.S. balked at allowing German Jews to emigrate to the U.S. Mencken attacked this decision with his usual vigor in his newspaper column:

> It would be much more honest and much more humane to tackle the problem at once, and settle it without further ado. Either we are willing to give refuge to the German Jews, or we are not willing. If the former, then here is one vote for bringing them in by the first available ship and staking them sufficiently to set them on their feet. That is the only way we can really help them . . . . [The initiative] should be taken by the political mountebanks who fill the air with hollow denunciations of Hitler, and yet never lift a hand to help an actual Jew.[13]

He admitted the action might "stir

* The cultural homogenizing effect of the mass media was intensified by the rise of cartelization that occurred in the early 20th Century. By the 1920s, the film industry was largely cartelized and the radio industry soon followed. There is some indication that this tendency has reversed itself: the diversity of film, electronic, and print publishing has increased in recent years. The extent of the heterogenizing effect this development will have remains to be seen. At the same time, we have seen the mass media internationalize, which is tending to homogenize culture over an even wider area.

** Fecher, it is worth noting, reports Mencken's friendships with Jews in his introduction, and grants that Mencken's anti-Semitic bigotry was difficult to explain in light of them.

up the Ku Kluxers, and there may be outbreaks of anti-Semitism" and suggested a solution: "If the Jews are brought in at once it will be seen quickly that they can be absorbed without any strain, and so the old pals of Hugo Black will be stumped. Such idealists never flourish in the face of overt facts. Their whole metaphysic revolves around bugaboos." [14] * (Although Hugo Black is remembered as a left-liberal member of the Supreme Court, shortly after his appointment, it was learned that he had been a member of the Ku Klux Klan.)

What determines whether a man is anti-Semitic? A few uncouth words uttered in anger? Or a lifetime of relationships and action?

Black and White

Fecher cites two passages in the *Diary* that supposedly demonstrate Mencken's anti-black prejudice. The first is Mencken's entry of September 23, 1943:

> While I was at work this morning there was a clatter down in the hall, and when I got there a deliveryman was picking up Emma Ball, the colored maid, who had slipped on the waxed hardwood floor and struck her head on the staircase. I gave him a hand, and in a little while she had recovered, thought the blow dazed her. I have warned her over and over again against giving the floors too high a polish. More than once I have fallen on them myself, and one night I came down on the back of my head. But it is impossible to talk anything resembling discretion or judgment into a colored woman. They are all essentially childlike, and even hard experience does not teach them anything. Emma, it appeared, was bruised only slightly . . .

The second passage is the entry of June 2, 1948, concerning the promotion of Emma Ball to housekeeper, upon the murder of Mencken's black housekeeper, Hester Denby, by her deranged daughter:

> Emma Ball, the maid, is settling down to her new job as housekeeper, and doing very well. Her cooking is already really excellent, and she seems to be determined to improve it. I see her giving hard study to a book in the kitchen.
>
> Unfortunately, Emma belongs to the Afro-American race, and shows many of its psychological stigmata. When I handed her Hester's house key, she made various improbable excuses for not carrying it. Last night she confessed to August [Mencken's brother] and me that she hated to touch it.

To Fecher, these two entries, among the many in which Mencken expresses his esteem and affection for Ms Ball, prove Mencken's "deeply ingrained conviction that black people were by their very nature inferior to white."**

To me, these episodes seem more like an expression of the frustration he felt at his inability to convince Ms Ball to follow her employers' instructions about polishing the floor or to ignore her superstitions, and, quite likely, an expression of the degree to which Mencken was upset, in the first case, by the injury to Ms Ball, and in the second case, by the murder of Ms Denby. In his Introduction, Fecher acknowledges that Mencken was "greatly affected" by her murder, and wrote several entries about the horrible event, "only a few of which I have included here." One wonders just how much Mencken wrote about Ms Denby's murder: the "few" entries that Fecher included in the published volume span eight days and run some 1300 words.

Much of Mencken's professed hostility to humanity is a pose. He consciously seeks to maximize the outrageousness of his writing. His pose of insensitivity is part of his charm.

Robert Ward, writing in the New York *Times*, cites the following passage as evidence of Mencken's racism:

> Unhappily, the low-class blacks who formed part of the war-time immigration show no sign of returning home. They find life in Baltimore much pleasanter than it was in their native wilds, and when hard times come again they will all go on the dole. The city jail is already full of them, and four or five are in the death house. (Dec. 15, 1945)

Without a doubt this is the most vicious description of blacks in the *Diary*; considered out of context, it is quite damaging. But when reading Mencken, one should always remember his habit of consciously trying to maximize the outrageousness of his views. One should also consider that his bitterest denunciations of a group are almost always presented in the context of denunciation of other groups. The passage in question appears the context of a denunciation of rural white southerners:

> It is never difficult to recognize them. No such shabby, ill-fed men and filthy, slatternly women and children had ever been seen in Baltimore before. They were numerous in the shopping areas, and it was not uncommon for the natives, encountering a grotesque specimen, to stop and stare. The women, as a rule, were heavier than the men. They were all shapeless, and their dirty hair was pushed back in a kind of waterfall, cut off straight at the level of the shoulder. . . . The children all looked starved. These poor creatures brought their native eating habits with them, and in Baltimore, as in the Appalachian uplands and the Carolina mill-towns, subsisted mainly on fatback and corn-meal. They kept the Baltimore hospitals busy, especially the obstetrical wards. Indeed, I don't recall ever seeing one of the younger women without a child or two dragging at her heels or in her arms. They also gave the police plenty of business. Many of the women locked up their children for days at a time, and went on drunks, and the men did a good deal of fighting. I only hope that Baltimore remembers them, for they provided dramatic ocular evidences as to the true nature of the "only true Anglo-Saxons," so much whooped up in the South. It was plain that all the European immigrants in Baltimore, including even those from the Mediterranean and Balkan lands, were much superior to them. This was also true of the Negroes. Unhappily . . .

It is here that Mencken describes blacks in the unflattering terms quoted above.

What is his point? That the "pure Anglo-Saxon" southerners are inferior to blacks, detestable as those blacks may be.

* Although Fecher had not heard of this column by Mencken when I told him of it on Jan 20, 1990, he expressed a genuine interest in it. While he stood by his conclusion that Mencken was anti-Semitic, he disclaimed any responsibility for the book's dustjacket claim that Mencken was a bigot.

** In his 1978 book Fecher wrote: "When he described himself as being entirely without prejudice, he was speaking the simple truth." In an interview with Fecher on Jan 20, 1990, Fecher said that his change of opinion was based "solely" on the two passages about Ms Ball and that he could recall no passages in the unpublished portions of the diary that reflected anti-black sentiment. [15]

Indeed, if any single ethnic group stands out as an object of Mencken's ire, it is "pure Anglo-Saxons," whom he denounces repeatedly and with incredible vigor. For example, on July 19, 1944 he writes, "Physically as well as morally they are a poor lot. The women are dumpy, puffy and pale, and the men are tall, thin and cadaverous. The war industries have brought thousands of these anthropoids to Baltimore . . ." Mencken goes on to denounce them as "filthy" and "destructive" people:

> One of their [the whites] curious characteristics is their apparent hostility to all growing things. The backyard of any house they occupy is soon reduced to a desert of sand and trash: they stamp out the weeds. Not one of them has even been known to cultivate a flower. The Negroes are much more civilized. All save the poorest and most wretched of them have very pretty gardens . . . In the alley behind Hollins street [where Mencken lived] there is a colored couple that has three window-boxes full of petunias . . . The same little house is kept well painted . . . and the occupants plainly take some pride in [its] appearance. No linthead or mountaineer [Mencken's favorite pejoratives for white southerners] ever shows any feeling for beauty. They all live like animals, and are next door to animals in their habits and ideas.

The examples of this literary device in Mencken's writing are many. In a 1928 letter to his future wife about his experiences at Republican National Convention in Kansas City, Mencken wrote, "Yesterday I had a palaver with two high-toned coons of Alabama. They seemed like Goethes, compared to the white politicians." Mencken's use of the word "coon" is vile to our sensibilities, yet plainly he used it with intention of maligning the white politicians, not the blacks. He had met with A. F. Hosley, secretary of the Tuskegee Institute, and Claude A. Barnett, director of the Associated Negro Press. In his dispatch for the Baltimore *Evening Sun*, he wrote, "They showed good humor, good manners, and sound sense. It was a pleasure to meet them after suffering for hours among the white morons. They remain the most intelligent men I have encountered among persons officially attached to the convention, one United States senator and five bootleggers excepted." [16]

This purposely outrageous device often left him susceptible to charges of bigotry fabricated by yanking a quote from context. In his introduction to his translation of Nietzsche's *The Antichrist* (1918), he wrote the following sentence: "The case against the Jews is long and damning; it would justify ten thousand times as many pograms as now go on in the world." On the face of it, it is just plain nasty. But it is another case of Mencken making an outrageously exaggerated statement in order to make another exaggerated statement even more outrageous. This statement appears in a discussion of the evil of Christianity, three sentences later, Mencken writes of the "general superiority" of Jews over Christians, and he concludes his paragraph by arguing that "the increasing Jewishness of the plutocracy . . . will lift it to such a dignity that it will at least deserve a certain respect." I am not aware that Mencken was charged with anti-Semitism at this time: if he were, I am sure that it would have amused him and the publisher of his book, Alfred A. Knopf.

By dropping the context of Mencken's comments, by ignoring his life, by forgetting the literary techniques he employed, the character assassins have managed to put together a superfically plausible case that he was a bigot. But that only makes their action all the more contemptible.

Again, let us consider Mencken's actions, rather than his words.

As editor of the nation's most influential journal, Mencken regularly published black authors and used his influence to get others to publish their books. Indeed, he is generally recognized as a moving force in the Harlem Renaissance of the 1920s. As a book reviewer, he often commented very favorably on books written by blacks. Here, for example, is his very brief review of *The Negro in South Carolina during the Reconstruction*, by Alrutheus Ambush Taylor: "A valuable piece of research by a colored scholar. It offers hope that the history of the south is at last to be written accurately and intelligently. No comparable book by a white Confederate historian is half so well done." (The American Mercury, March 1925, p. 383)

George Schuyler, the prominent black writer and editor, recalled Mencken in his memoirs:

> But the closest of all [my best friends] was that distinguished Southerner, Henry L. Mencken of Baltimore, Maryland . . . I corresponded with him from the time my first article in the Mercury in December 1927, until long after he was stricken with paralysis and could only correspond through his secretary.
>
> We first met at the office of *The American Mercury* . . . When I came in, Mencken, a roly-poly exuberant man of medium height, jumped up grinning and said, "Well, we meet at last!" By that time I had contributed about four articles to the magazine. . . . All the other times I saw him were in his home on Hollins Street . . . Mencken boasted of his justly famous cellar, which he did not have to press me hard to sample . . .
>
> Mencken was affable and hospitable, the perfect host. On the matter of the Negro, he had none of the mawkishness the white professional liberals display. He had no illusions about either colored or whites. He had been surrounded all his life by Negro neighbors, and knew them as individuals in a way that so many sentimentalists do not. I learned much from him about Negroes in Baltimore and the rest of Maryland. . .
>
> Mencken did an enormous amount of reading and he even subscribed to, and read, the Pittsburg *Courier* [the nation's largest circulation black newspaper; Schuyler was its editor]. One night he told me that Julia Bumbry Jones, the woman's editor of the *Courier*, wrote the best column of the kind in American journalism. At a time when very few Negroes were being accepted in the more outstanding magazines, Mencken encouraged them and published more of their output than any others. He often used excerpts from my Courier column. [17]

The last thing Mencken ever wrote—his newspaper column of Nov 9, 1948—was an eloquent plea for racial integration, in this case of the public parks. This excerpt captures its flavor:

> The public parks are supported by the taxpayer, including the colored taxpayer, for the health and pleasure of the whole people. Why should cops be sent into them to separate

> those people against their will into separate herds? Why should the law set up distinctions and discriminations which the persons directly affected themselves reject? If the park tennis courts were free to all comers no white person would be compelled to take on a colored opponent if he didn't care to . . . Any white player could say yes or not to a colored challenger, and any colored player could say yes or no to a white. But when both say yes, why on earth should anyone else object?
>
> It is high time that all such relics of Ku Kluxry be wiped out in Maryland.[18]

People have often observed that a certain sort of left liberal "loves humanity but hates individual human beings." The converse of this proposition seems to apply to Mencken: he hated humanity but loved individual human beings. Of course this is not strictly the case: much of Mencken's professed hostility to humanity (usually expressed as a hostility toward subgroups of humanity) is a pose. He consciously seeks to maximize the outrageousness of his writing. His pose of insensitivity is part of his charm.

Now I am aware that Mencken would likely have denied that his insensitivity was a pose: but virtually all the evidence of his life indicates that he was an uncommonly sensitive human being, considerate of the feelings of others, helpful, friendly and polite. Although I suspect he would hate to hear this, he was a nice man.

Roosevelt and the War

Fecher's other two charges against Mencken, that "his hatred of Roosevelt was, indeed, maniacal—there is no other word for it" and that "his feelings about World War II are incredible in a man of his intelligence, knowledge, and perception"—have received far less attention than the charges of anti-Semitic and anti-black bigotry. Whether this is because these charges are less liable to inflame popular passions or because they lack even the superficial cogency of the other charges I do not know.

Fecher's argument about Mencken's feelings regardingWorld War II runs as follows:

> His feelings about World War II are incredible in a man of his intelligence, knowledge and perception. There is no mention in the diary of the German invasion of Poland which began it, or of the Japanese attack on Pearl Harbor which brought the United States into it, or of the dropping of the atomic bomb on Hiroshima which brought it to an end. There is hardly any mention of Adolf Hitler. He seems to have had no conception at all of what a German-Japanese victory would have meant to the civilized world, or to the liberties that he himself so cherished. He grumbles about the inconveniences the war has caused him, but finds satisfaction in the fact that it has impinged relatively little on the routine of his own life. (xvi)

That's Fecher's *entire* case. Mencken's "feelings" are "incredible" because he didn't write about the war in his diary as much as Fecher thinks he should have. There is no indication that Mencken was even vaguely sympathetic to Hitler. Of course, there couldn't be; Mencken held Hitler in contempt. As far back as 1933 he denounced Hitler as a "preposterous mountebank," and his followers as "hoodlums." [19] There is no indication that Mencken opposed the U.S. war efforts. Of course, there couldn't be: Carl Bode, Mencken's most authoritative biographer, tells us that after Pearl Harbor, Mencken "thought that the United States had to defeat the Japanese and the Germans, too." [20] The suggestion that Mencken "seems to have had no conception" of what an Axis victory would mean ignores the fact that Mencken harbored no doubt that the Allies would prevail, and had no more reason to worry about what an Axis victory would be like than he had to worry about what the election of a Klansman to the presidency would be like.

As an avowed advocate of the "superior man" and the "aristocracy," he would be shocked to hear himself described as an egalitarian. But the fact remains that his individualism meant that the "superior men" whom he included in his "aristocracy" were very often people of rude means and education, and the people he consigned to the rabble were very often people of elevated status and schooling.

Of course, Mencken was not thrilled by the war. He had anticipated the war four years prior to Pearl Harbor, when he wrote: "A foreign war would make the New Deal sorcerers safe in the saddle until its end, which might be years off." [21] And he realized that war is a horrible thing, both for the men who fight it and for the quality of life and liberty of those at home: "War, in this country, wipes out all the rules of fair play, even those prevailing among wild animals. Even the dissenters from the prevailing balderdash seek to escape the penalties of dissent by whooping up the official doctrine." (April 1, 1945)

Fecher does not criticize these views, or any of Mencken's other well-developed views on wars in general or World War II in particular. He has no complaint about what Mencken said, thought or wrote about the war. Instead, he complains about the fact that Mencken did not write very much about the daily war news in his diary, or join in the popular hysteria about the possibility of an Axis victory. Fecher's criticism is just plain silly.

His claim that Mencken had a "hatred of Roosevelt [that] was, indeed, maniacal—there is no other word for it" is ridiculous on its face. Mencken went from 1941 to 1945 without writing a word for publication about Roosevelt. Despite the ascendency of politics in the national consciousness during the 1930s and 1940s, Mencken mentions Roosevelt only occasionally in his diary covering those years. This is mania?

I'm not saying that MEnckken didn't get his licks in against Roosevelt. He certainly did:

> Roosevelt is a fraud from snout to tail. Every one in Washington is well aware that he is itching to get the United States into war. (Sept. 29, 1939)
>
> Roosevelt will probably go down into American history as a great hero. It is one of our Heavenly Father's characteristic jokes upon the American people, and in his usual bad taste. (Jan. 12, 1944)
>
> He could have been beaten only by a demagogue even worse than he was himself, and his opponents showed no sign of being able to flush such a marvel. The best they could produce was such timorous compromisers as Willkie and Dewey, who were as im-

potent before Roosevelt as sheep before Behemoth. When the call was for a headlong attack, they backed and filled. It thus became impossible, at the close of their campaigns, to distinguish them from mild New Dealers—in other words, inferior Roosevelts. He was always a mile ahead of them, finding new victims to loot and new followers to reward, flouting common sense and boldly denying its existence, demonstrating by his anti-logic that two and two made five, promising larger and larger slices of the moon. His career will greatly engage historians, if any good ones ever appear in America, but it will be of even more interest to psychologists. He was the first American to penetrate to the real depths of vulgar stupidity. He never made the mistake of overestimating the intelligence of the American mob. He was its unparalleled professor. (Apr. 15, 1945)

Whether one agrees with Mencken's view of Roosevelt or not, one ought to be able to understand it. Mencken lived in difficult times. The liberalization of the 1920s gave way to the Depression of the 1930s and another world war in the 1940s. Mencken's social and political ideas were under attack everywhere. The size and power of government were growing exponentially, taxes were skyrocketing, free speech was receding, and socialist notions seemed to be winning everywhere except where Fascist notions prevailed. The liberal social order that had spawned Mencken, that he loved, appreciated, and cherished, was losing out to barbarity.

In this context, his absolute loathing of Franklin Roosevelt is understandable. Roosevelt was the primary instrument of illiberalism in the United States: his New Deal entailed not only the massive growth of government and decline of individual liberty, it also included an ideological change from the valuation of liberty to the valuation of government enforced equality.

A part of Mencken's ill-humor toward Roosevelt is the inherent ill-humor of the aging. As the senses dull and the capacities for work and pleasure diminish, the girls of one's youth become prettier, the booze boozier, the grass greener, the music more captivating, and the old, departed world a better place in which to live. This is a process we all experience. We should understand it, even if we don't sympathize with it.

Such understanding is beyond Fecher. In defense of his bizarre thesis, Fecher notes that Mencken was affable toward Dr. Francis Townsend, Gerald L. K. Smith and Bishop Cannon, who advocated ideologies as repugnant to Mencken As Roosevelt's. Apparently, Fecher could not see any difference between a man who advocates pernicious ideas and implements them to the detriment of the entire world (Roosevelt) and a colorful quack who earns his living by selling pernicious ideas to rubes but who lacks any means of implementing them (Smith, Townsend) or men clearly past the capacity for mischief (Cannon).

My own guess is that Fecher, like so many who came of age during the Depression, views Roosevelt as some sort of saint and simply cannot grasp the idea that a rational person could hold him in low esteem. If I were inclined toward behaviorist explanations, I would suggest that Fecher could no more escape the bounds of the world of his youth and his upbringing and have an unreligious view of Roosevelt than could Mencken escape the bounds of the world of his youth and his upbringing and deify Roosevelt.

The State of the Industry

The evidence from the *Diary* that Mencken was bigoted, anti-Semitic, anti-black, maniacally anti-Roosevelt, or harbored "incredible" feelings about World War II is practically non-existent, and the evidence to the contrary from the *Diary*, his private life and his public career is overwhelming. By dropping the context of Mencken's comments, by forgetting the literary techniques that he employed during his entire career, and by ignoring his life, the character assassins have managed to put together a superficially plausible case. But that only makes their actions all the more contemptible.

The role of the publisher is interesting: what other book—save perhaps one written by a mass murderer like Hitler—carries a dust jacket characterizing its author as a "bigot"? I suspect that the publisher has purposely promoted the book as bigotry to hype its sales. When I mentioned this hypothesis to a Jewish friend familiar with the publishing business, he responded that although he had not read the book, he had read enough about it in the trade papers to know that this was a case of a publisher's "flack whose publicity created a monster that got out of control." Les Payne made a similar charge in *Free Press*: "Bent more on profits than on facts, the agents and assignees of the diary's publisher are doubtless working behind the scenes of this fake furor, with eyes cocked on the best-seller list." [22]

Trashing Mencken might goose the sales of the *Diary*, but one wonders whether this is in the long term interests of Knopf (its publisher) or the Pratt Library (its copyright holder). Knopf is the publisher of virtually all Mencken's books, and the Pratt Library holds the copyright on most of his literary estate, and it is difficult to believe that convincing the world that Mencken was a bigot will help stimulate the sales of his other books. Fecher, incidentally, has no financial interest in the book: he edited it on a contract basis for Pratt.

I have no special insight into the motivations of the publisher, but it is certainly ironic that the *Diary* was published by Alfred A. Knopf, Inc. Knopf was a close friend of Mencken's and publisher of all Mencken's books since 1918. At the tender age of 89, Knopf wrote a brief memoir for publication in Mencken's *festschrift*. Knopf was very reserved and so was his memoir, but it does touch on the personal rela-

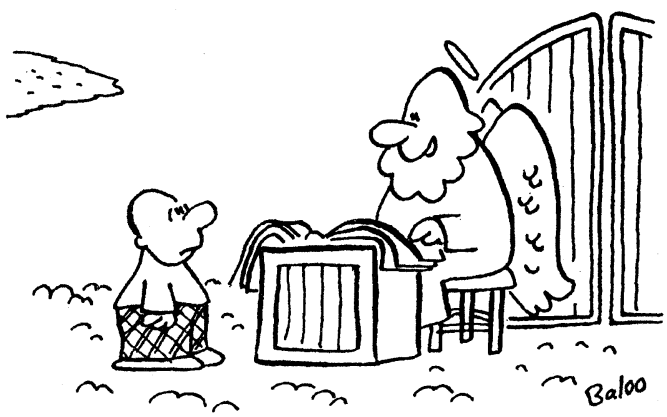

"Have you stopped beating your wife?"

tionship between Knopf and Mencken:

> By this time [1936] our relationship with Henry had become far more than that of publisher and author. I was devoted to him, and so was my wife, Blanche. He had more influence over me and my beliefs than anyone except possibly my father . . . I know Henry soon conceived an affection for all three of us, and his later joining the Board of Directors was a mere formality.[23]

One cannot help but speculate that one reason the publication of the *Diary* was delayed so long was that Alfred A. Knopf would never have stood for the charges of anti-Semitism in Fecher's introduction and of bigotry on the book's dust jacket. After all, Knopf knew Mencken well, and knew that Mencken was neither an anti-Semite nor a bigot.

Whatever its motive, the attempted character assassination of Mencken will prove futile. After the controversy is off the pages of the newspapers, after Charles Fecher is no longer a welcome guest on the *The CBS Morning News*, after the charges against Mencken are forgotten, along with the men of little honor or intellect who attacked him, the world will be a better place for the publication of his *Diary*.

Mencken has given us a rare gift, a detailed record of an important life and the frank opinions of a man whose opinions mattered. ❑

I am grateful to Stephen Cox, Richard Kostelanetz and Sheldon Richman for helpful suggestions at various stages in the writing of this essay, and to Sheldon Richman for permission to quote from his interview with Lawrence Spivak. Of course, the finished product is my responsibility alone.

Notes

1 *Saturday Review of Literature*, Dec 11, 1926.
2 *Prejudices: Fourth Series* (New York: Knopf, 1922), p. 221.
3 *Prejudices: Third Series*(New York: Knopf, 1921), p. 292.
4 Dreiser's letter is in the University of Pennsylvania Library. It is quoted by Carl Bode in *Mencken* (Carbondale, Ill: Southern Illinois University Press, 1969), p. 219.
5 *American Mercury*, August 1925, p. xxxiv.
6 Quoted by William Manchester in *Disturber of the Peace* (New York: Collier Books, 1962), p. 146.
8 Manchester, p 147.
9 Lawrence Spivak, telephone interview with Sheldon Richman, January 16, 1990.
10 *Ibid.*
11 *Ibid.*
12 *The American Mercury*, Dec. 1933, pp. 508–9. This was the last article Mencken wrote for the *Mercury* as its editor.
13 Baltimore *Evening Sun*, Jan 1, 1939.
14 *Ibid.*
15 Charles A. Fecher, telephone interview, Jan. 20, 1990.
16 Marion Elizabeth Rodgers, ed., *Mencken & Sara: A Life in Letters* (New York: McGraw Hill, 1987), pp. 386.
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by Robert A. Heinlein. Ballantine Books, 1989, 281 pp., $19.95.

In It for the Money

James S. Robbins

"How does one person get to be the hero of the New Right, women's lib, and the hippie culture all in the same breath?" This is only one of the questions addressed in the late science fiction writer Robert Heinlein's final book, *Grumbles from the Grave*. First conceived in the late 1960s but not to be published until after his death, *Grumbles* is a collection of letters by and to Heinlein which span his entire career.

The book opens with a short biography by Heinlein's wife, Virginia. Heinlein was born in 1907, and spent most of his youth in Kansas City. He graduated from the U.S. Naval Academy in 1929 and served aboard the *Lexington* until a medical discharge in 1934. Back on land he held down various odd jobs, and, faced with mortgage payments, started writing short stories in 1939. He looked at the check for his first sale, "Lifeline," said, "How long has this racket been going on?" and with this insight began a stellar career.

The early letters are mainly between Heinlein and John W. Campbell Jr, publisher of *Astounding*, an important early science fiction magazine and Heinlein's first literary home. Within a few years, Heinlein became a dominant presence at *Astounding*. The Heinlein/Campbell exchanges don't reveal much about Heinlein's ideas, but they show a great deal about his concern for payment for his work, and about the state of the writing game in the early forties.

When war broke out in Europe, Heinlein attempted to put some emotional distance between himself and events by following the news on a month delay. But after Pearl Harbor was attacked, things became personal. Heinlein immediately rejoined the Navy. A letter dated December 9, 1941, discloses his reasons for doing so, and reveals something of his thinking on foreign policy: "Germany and Japan are not safe to have around; we are bigger and tougher than they are, I sincerely believe. Let's rule them. We do not want it that way—but if somebody has to be boss, I want it to be us." (27) He also supported the restriction of free speech during wartime. This was probably an emotional reaction by a patriotic American, and Heinlein may not have been so imperialistic later in life. But the book does not reveal whether Heinlein's attitude ever changed, and though Virginia added some connecting text between letters and chapters, the lack of more in-depth commentary is a major shortcoming.

Heinlein's letters pick up again after the war, where they give some insight into the science-fiction publishing indus-

try of the 1940s and 1950s, when Heinlein moved from short stories to novels for the juvenile market. Several letters show the problems of dealing with what can only be called an irrational editor at Scribner's, who made changes seemingly without reason and offered contradictory explanations. Heinlein went along with this, grudgingly, for several years, until he presented an ultimatum: "if I ever submit to her another story, it will be sight unseen till then and take it or leave it." (79)

As with any epistolary work, one must be sensitive to context, names, dates, and other signals if one is to make any sense of the events behind the letters. There is no plot, of course, and drama hits unexpectedly, as when Heinlein's simmering dissatisfaction with Scribner's turns to open war over the rejection of *Starship Troopers*. After twelve successful novels, Scribner's rejected *Troopers* with a perfunctory note and no explanation. The dispute led to Heinlein's departure from the publisher, and the book went on to garner Heinlein his second Hugo award for best novel (the first being for *Double Star* in 1956).

The letters also chronicle the transition in the publishing industry from the period of self-censorship in the thirties and forties to the introduction of sex and violence in the fifties and sixties, both of which now seem mandatory in most fiction. Heinlein's "juveniles" were ruthlessly purged of anything even remotely suggesting sex, and his editor, a self-described "good Freudian," went to absurd lengths to blot out sexual symbols. Heinlein's response was a lengthy commentary on Freud, beginning "Freud was not a scientist; he was simply a brilliant charlatan." (66) Heinlein also had to defend himself against a claim that his books, which portrayed free-spirited youths, caused juvenile delinquency. Heinlein thought this was nonsense, and believed that young people were far more perceptive and interested in serious issues than their parents. And anyone who is familiar with the science-fiction-reading section of the youth culture would know that they are unlikely candidates for criminality. Imagine if you will a young leather-clad crack-dealing gangster with an Uzi in one hand and a copy of *Starman Jones* in the other. Heinlein was allowed more latitude in his later "adult" fiction, and the publisher of *Glory Road* (1962) praised it for being "spiced with interesting sex." (170)

Stranger in a Strange Land (1961) elevated Heinlein from the status of famous writer to cult hero. It is the story of an Earthman raised by Martians who returns to his native planet and is mistaken for a messiah. In *Stranger*, Heinlein wanted to address the two "sacred cows" of Western culture: monogamy and monotheism. He referred to it as his "Sex and Jesus book." (233) *Grumbles* features an entire chapter on *Stranger*, a controversial book that was an instant hit among readers of science fiction and college students (two widely overlapping groups). Heinlein's letters are very frank in describing the messages of the book. "Concerning sex, my book says: sex is a hell of a lot of fun, not shameful in any aspect, and not a bit sacred." (229) Monogamy is described as a useful "social pattern," but not connected in any way to sin. And as sex is fun, religion is its antithesis. "My book says: a personal God is unprovable, most unlikely, and all contemporary theology is superstitious twaddle insulting to a mature mind." (229) Agnosticism is only more acceptable in that it "pleads ignorance, utter intellectual bankruptcy, and gives up." All other religions are "Just as silly, and the very notion of 'worship' is intellectually on all fours with a jungle savage's appeasing of Mumbo Jumbo." (229) Almost everybody connected with the book's production wanted him to tone it down. "I know the story is shocking," he wrote. "But I don't see how to take out the sex and the religion. If I do, there isn't any story left." (228)

Heinlein's reaction to fame and popularity, and most of the "grumbles," can be found in Chapter VIII, "Fan Mail and Other Time Wasters." He refers to fan mail as "unsolicited letters from strangers," and seems constantly annoyed by those whom he does not know who want something from him. He is critical of those who write about him, and mentions incredulously one Heinlein "expert" whom he had never met. As the years passed and his popularity grew, Heinlein became more exasperated. In 1964, he decided to cut off his fans and end personal appearances. He wrote that he was "lowering the boom on all of it—and if this makes me a rude son of a bitch, so be it." (144)

But even after this ultimatum, Heinlein made some attempts to accommodate his fans; far from being rude, he was so polite that he had a difficult time carving out the necessary privacy that many celebrities would seize without a second thought. In several letters he debates the merits of using computerized form letters to cope with his voluminous fan mail (finally opting to do so), a technique others would adopt as a matter of course. But Heinlein expected politeness in return, and bemoaned the fact that few fans who wrote to him included a self-addressed stamped envelope. But he never questioned the tastes of his admirers; while he minimized his contacts with "organized fandom," he did accept four fan-awarded Hugos.

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Because *Grumbles* is not explicitly concerned with politics or philosophy, there are few passages more than a couple of sentences long in which Heinlein expresses his political opinions. The most direct and interesting political discussion is in a letter dated April 19, 1949, concerning the novel *Red Planet*. Heinlein writes to his editor, "I have one of my characters say that the right to bear arms is the basis of all human freedom. I strongly believed that, but you required me to blue-pencil it." (54) In the three-page exegesis which follows, Heinlein makes a succinct case for his proposition, and states that he is "opposed to all attempts to license or restrict the arming of individuals." Such laws, Heinlein writes, are "a violation of civil liberty, subversive of democratic political institutions, and self-defeating in their purpose." Heinlein ruefully admitted, though, that even if he could convince his editor to change her opinions, they would still be faced with selling the book to "librarians and teachers" whom he assumes to be opponents of firearms.

In 1958, in response to a SANE ad campaign, a "pacifist-internationalist-

cum-clandestine Communist drive," Heinlein started the Patrick Henry League, which opposed international atomic controls and world government. Wrote Heinlein, "I wish some of those starry-eyed internationalists would go take a look at the illiterate, unwashed uncivilized billions whose noses they want to count in a 'world state'!" (210)

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The League was not a serious effort, but when it garnered greater than expected support, Heinlein let it continue. His attitude towards the possibility and survivability of nuclear war is contained in a sentence in a letter dated (significantly) November 16, 1961: "Our bomb shelter is completed and stocked. . . ." (96)

Heinlein was libertarian in his sympathies, but the book makes no mention of contacts with the LP or any other libertarian group. But Heinlein publicly likened his political views to those of Ayn Rand, and one can find several Objectivist references in his work. The Hugo award-winning *The Moon is Marsh Mistress* (1966) describes a lunar colonial revolt against an oppressive, U.N. world government. (Heinlein was very critical of "One-Worlders.") "The Professor," one of the leaders of the revolution, explains his political beliefs:

> "I'm a rational anarchist."
>
> "I don't know that brand. . . . But what's this? A Randite?"
>
> "I can get along with a Randite. A rational anarchist believes that concepts such as 'state' and 'society'and 'government' have no existence save as physically exemplified in the acts of self-responsible individuals. He believes that it is impossible to shift blame, share blame, distribute blame. . . as blame, guilt, responsibility are matters taking place inside human beings singly and *nowhere else*. But being rational, he knows that not all individuals hold his evaluations, so he tries to live perfectly in an imperfect world. . . aware that his efforts will be less than perfect yet undismayed by self-knowledge of self-failure."

Rand is mentioned only once in the book, in a letter dated January 28, 1949:

> I have fallen ill of the desire to turn out a "literary" job. Specifically, I would like to do a job somewhat like Ayn Rand did in *The Fountainhead*, but with modern art, especially pictorial art, as my target. (94)

Unfortunately, Heinlein never went forward with this project. But he had an undeniable Howard Roarkish streak, building two of his homes ("I finally fired our silly architect and took over the job myself." (125)) and doing extensive work landscaping.

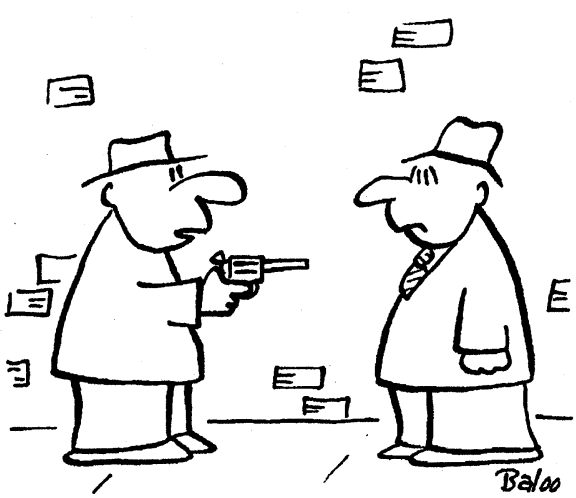

"It's nothing personally against you, sir—I just want to *be* somebody."

Grumbles From the Grave is not a book for every libertarian. Those with no interest in science-fiction will probably find most of it dull. In fact, many SF fans may find it dull as well. Most of the commentary on Heinlein's writings (with some notable exceptions) deals not with the ideas contained therein, but the problems associated with their publication. One also wonders if these letters truly represent Heinlein's most interesting private writings. There are none from World War II or his earlier days in the service, though a 1973 letter makes passing reference to a crisis with Japan "involving a war ultimatum that never got into the news" in which he had a "front row seat." (99) Heinlein writes in this letter that he will put a description of the event in *Grumbles*, but it does not appear.

The Heinleins travelled extensively, but there is very little concerning their trips, and the lack of impressions from anti-communist Heinlein's 1961 journey to Samarkand inside the Soviet Union is particularly discouraging. The reader is referred to two articles on the visit reprinted in *Expanded Universe* (1980), but if Heinlein wrote any letters during his excursion, they do not appear.

Heinlein had to defend himself against the claim that his books, which portrayed free-spirited youths, caused juvenile delinquency. Imagine if you will a young leather-clad crack-dealing gangster with an Uzi in one hand and a copy of Starman Jones *in the other.*

Grumbles From the Grave may be too strong a title. Perhaps *Complaints From the Crypt* would have been better. The book promises controversy, but is in fact fairly tame. Heinlein promised to "name names," but those he names are not well known. The letters also do not reveal anything about Heinlein's political views that wasn't known before, and may even understate them.

It is ironic that a man who craved privacy in life would want to publish a book of personal letters after his death, and doubly so that the book clearly states his irritation with fans, who will be the book's primary consumers. Yet a letter of September 16, 1973, reveals part of his motivation. He was assembling the book as a reward to his wife for putting up

with his "cantankerous ways." Heinlein thought it would bring her "some return" after his death. So in a sense *Grumbles From the Grave* is a memorial to one of Heinlein's primary motivations, and one most libertarians can respect: cash. And this is something about which he was always very straightforward: "when anyone asks me why I write, if it is a quick answer, standing up, I simply say, 'For money.' Any other short answer is dishonest . . ."

If the reader wants to read about Heinlein and his ideas, skip over *Grumbles* and go directly to his novels. Left-libertarians should try *Time Enough for Love*, and right-libertarians will enjoy *The Moon is a Harsh Mistress* or *Starship Troopers*. And if the reader respects the author and his motives, he will feel secure knowing that he is helping to keep Heinlein's estate in the black. ❑

Booknotes

Tales with Morals — Mario Vargas Llosa, libertarianism's favorite Latin American, takes us on a journey in his latest novel, ***The Storyteller*** (New York: Farrar Straus Giroux, 1989, 246 pp., $17.95)—commencing in Lima, then moving on to the Amazon jungle of Peru where the Machiguenga Indians are woven a theology and ethos by "El Hablador" (The Storyteller).

"The Storyteller" is Saul Zuratas, a red-headed, half-Jewish, brilliant Peruvian underground ethnologist. But his really outstanding feature is not his scholastic accomplishments or bright red hair, but his birthmark, an enlarged port wine stain covering the right side of his face. His nickname is thus "Mascarita" (Mask Face).

Saul's closest friend during the academic years he spent in Lima before his secretive, self-imposed exile to Machiguenga country is an unnamed fellow ethnology student who serves as the novel's supporting character and narrator. The narrator is intrigued by Saul's consciousness—a consciousness that struggles with not only his own "misfittedness," but the misfittedness of Amazonia's indigenous people and exploitation by every outsider from missionaries and "viracochas" (rural developers) to anthropologists.

As Saul engrosses himself in the souls of the Machiguengas, he must confront a seemingly shocking Machiguenga law of the jungle toward their own misfits—their birth-defected newborns, whom they throw into the river to drown. Although the Machiguengas shroud the reason for their infanticide with mythology, Saul unravels it through his role as an adopted Machiguenga "hablador," a mysterious form of oracle unique to the Machiguenga communities.

Saul evaluates both his own morality and that of the Machiguengas by "storytelling" a Machiguengan version of a genesis and a messianic ontology. Saul tries to distinguish the justification, if any, for the infanticide practiced by the animal kingdom from that of remote, primitive, indigenous society, neither of which has the means of properly caring for severely deformed and handicapped infants. It is a question of utilitarianism versus natural rights.

The introduction to the book describes Saul as "one of the most moving and extraordinary people Vargas Llosa has ever created." I would add that *The Storyteller* is probably one of the most cleverly-written works of the (I hope) next president of Peru, who has arranged the narrative to alternate between chapters using Saul's nameless friend (the narrator) as Saul's storyteller, and chapters using Saul as the Machiguengas' storyteller.

Although I have not yet been able to find a copy of the original Spanish version (*El Hablador*), Helen Lake appears to have done a competent job of translating the work into English, perhaps even over-Anglicizing it a little when, for example, Saul repeatedly refers to his anonymous confidant as "pal" instead of "amigo."

Saul's storytelling is also somewhat difficult to follow at first, mainly because of the Machiguenga lexicon, which the reader must figure out, a lexicon that involves such terms as "Tasurinchi,"(God/Messiah) "Kientibakuri," (the Devil) and "seripigari" (sorcerer/witch doctor). Nevertheless, *The Storyteller* is worth the time that elapses as we are captured by its mysterious, exotic, and thought-provoking laissez-faire undertones.

—Richard Dueñez

Liberalism as the Mirror of Modernity — In a scant 106 pages, John Gray provides, in ***Liberalism*** (Minneapolis: University of Minnesota Press, 1986, $25.00hc, $9.95sc), one of the best introductions to the classical liberal movement. It is written chiefly from a philosophical perspective; even its first section, devoted to the history of the movement, concentrates on the work of philosophical theorists. But it never gets boring or arcane (which is, I am told, the besetting sin of philosophy). Though it covers a lot of territory, I will restrict my comments to two areas that are of special interest to me.

1. Gray's discussion of Christianity's influence on the development of liberal thought is right on target, and deserves careful consideration by those libertarians who like to make claims either for or against the Christian influence on their tradition. Few other areas of intellectual history are as prone to distortion at the hands of people who care more for rhetoric than for history and truth.

2. Gray makes an argument about the "minimum state" that every serious libertarian theorist should address: he purports to demonstrate that minarchism is "indefensible and, indeed, only partly coherent" (77). He makes a very good case, but, alas, his argument is crippled by a lack of real consideration of "free-market" anarchism; aside from his discussion of Nozick, anarchist ideas *are not mentioned* in his account, and never once does he suggest that anarchism became, in essence, a culmination of classical liberal ideology. In my judgment, this omission amounts to a distortion.

Still, the book is important. Gray believes that liberalism is the most modern of political ideologies. No other ideology so directly confronts—and so eagerly accomodates—the dominant aspects of modern life: the rise of the "loose individual," the decline of religion, and the dangerous spectre of catastrophic war. His paean to the great liberal writers of

the past is admirable and correct: "in the works of the great classical liberal thinkers . . . we have the most profound reflective response to the dangers and opportunities of the modern age" (93).

—Timothy W. Virkkala

Tongues of Men and Computers — Once in a blue moon a book comes along that gives me a long term ecstatic brain-wallow. Hofstadter's *Gödel, Escher, Bach* was one, Rothbard's *For a New Liberty* was another, and now there is James Cooke Brown's ***Loglan 1: A Logical Language*** (Gainesville, Fla.: The Loglan Institute, 1989, 559 pp., $21.50).

Do we all remember the throwaway line in *The Moon is a Harsh Mistress* about Manuel using the programming language Loglan? Heinlein didn't make it up. Loglan is a real language, the first principles of which were conceived in 1955 by social psychologist and board-game inventor James Cooke Brown. His primary goal was to test the Sapir-Whorf hypothesis that the range of human thought is limited by the structure of language. This is big stuff in linguistics. In simplistic layman's terms, if your language lacks a future tense, it's hard to think in terms of the future. And if the tense/mood/aspect structure of English verbs were more flexible, we'd find it a lot easier to think in Einsteinian non-simultaneous terms.

So Brown set out to devise a language without limits.

Don't, by the way, confuse this with Esperanto. I learned Esperanto as a boy, and I'm now in the process of learning Loglan, so I know whereof I speak. Zamenhof, the creator of Esperanto, had a totally different goal in mind. His purpose was to devise a language that would be easy to learn for just about everybody, so that it could serve as everybody's second language, and therefore a worldwide *lingua franca*. In order to do that, he regularized the spelling and grammar, and set up a flexible word-derivation system whereby one could acquire a large vocabulary in a short time. In all of this he was pretty successful, but that was as far as he went.

All artificial languages that have been invented since Esperanto's debut in 1887 (and there are hundreds of them) have gone the same route of regularization, and that's what they all mean when they speak of themselves as "logical."

Loglan is logical in that sense, but also in a much deeper sense. An example is how Loglan handles the awkward-seeming symbolic logic that we learn in school. It seems awkward because English handles such things clumsily and we're used to it. There are four basic connectives between ideas in any logic system:

1. Conjunction: I am wise and human. The "and" signifies that I must be both wise and human for the statement to be true. Call statement "I am wise" "W" and statement "I am human" "H." Then for the double statement to be true, W and H must both be true. In Loglan: *Mi sadji e humni.*

2. Alternation: I am wise or human, or both (sometimes stated "I am wise and/or human"). For the double statement to be true, either W or H must be true, or maybe both of them. In Loglan: *Mi sadji a humni.*

3. Equivalence: I am wise if and only if human. For the double statement to be true, both W and H must be true, or both must be false. The double statement is not true if only one of them is true. In Loglan: *Mi sadji o humni.*

4. Independence: I am wise whether I am human or not. For the double statement to be true, only W must be true. The truth of H does not matter. In Loglan: *Mi sadji u humni.*

If you think about it, these are indeed the basic four ways of connecting statements in anybody's logic. But note how clumsy the English constructions are. You can't express simple logical concepts in a simple way in English. Of course, English has the disadvantage of having developed before logic did. With Loglan it's the reverse. So, the simplest possible logical connections are expressed in Loglan with the simplest possible words: e, a, o, u.

On the other hand, you have what seems like a simple connective concept in English: I am human if I am wise. Just an "if." Should be easily reducible to a logical set of truth-conditions, but it's not. What it breaks down to is this—this statement as a whole is true if both W and H are true, or if W is false and H is true, or if both W and H are false. In short, it's equivalent to saying: I am not wise and/or I am human. Damned difficult to see in English, but easy in Loglan, because that's how they say it: *Mi sadji noa humni* (the "noa" is a combination of "no," which negates the first element, and the "a," meaning and/or.)

The whole language is like that. Learning grammar for most languages is like learning theology. This is the way it's done and never mind why—there are things men were not meant to know. But not so in Loglan. In spots, learning the grammar is challenging, but only because you're also learning about logic and thinking. And the lagniappe to all this is that the incorporation of symbolic-logic principles and the attendant non-ambiguity makes Loglan a prime candidate to be both a human and a cybernetic language.

The word-derivation system is also intriguing. Words from the eight biggest languages—from English down to Japanese—are combined and whichever word is found to be the most recognizable to the largest number of people is the word picked for inclusion in Loglan. A good example is the word *djano* (pronounced ja-no) which is derived from a combination of the Hindi jan, the Chinese j-dao, and the English know. All of these mean "know," and so does the Loglan.

Loglan has attracted the attention of philosophers (Quine at Harvard, in particular), logicians, computer scientists, anthropologists, science-fiction writers, and (of course) linguists.

And since we in the libertarian movement aspire to think logically, and would like it a lot if other people would give it a try, I commend Loglan and all its implications to your attention. At most, a solution to human irrationality, and at the very least, a terrific mind-game.

—Rex F. May

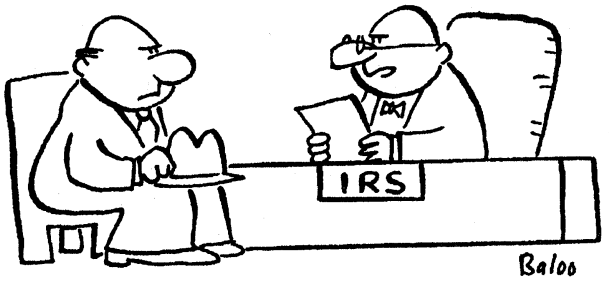

"If you say, 'What is this, Russia?' one more time, Mr Mulholland, I'm sending you to Alaska!"

From Central Europe, with Perspicacity — The great danger of intellectual life is parochialism; fish must travel in schools, but thinkers should explore foreign waters. Modern libertarians, it often seems, have too narrow a range of philosophical reading. Even when they dare brave the main stream of modern philosophy, they generally dip in only to prepare a condemnatory tract. Pragmatism, positivism, linguistic analysis, existentialism—these are mostly foreign elements in the community of libertarian scholars, and anathema to most libertarian intellectuals and ideologues. And *phenomenology* is simply beyond the pale.

But it isn't, really. Phenomenologists have an ambitious program: phenomenology is the attempt to turn common experience into the ground of all philosophy and science *without adding any presuppositions* to this experience, just by categorizing the recurring forms and content of consciousness. Though it is all the rage on the European continent, it has several interesting ties to the modern libertarian movement (which is most prominent in the English-speaking world). For instance, the Austrian School of Economics grew out of the same philosophical environment as did the precursors of the phenomenological movement (such as Brentano, Dilthey, Meinong, and Ehrenfels), and has many parallel interests and methods. Alfred Schütz, the man who met Ludwig von Mises at the American shore, was one of the most astute developers of Edmund Husserl's method. And today, several young neo-Austrians are exploring something called "hermeneutics," which is an offshoot of the philosophy.

Libertarians should approach the twenty-seventh volume of the *Analecta Husserliana*, titled ***Man Within His Life-World*** (Dordrecht, The Netherlands: Kluwer Academic Publishers, 1989, 835 pp., $187), with these thoughts in mind. Expertly edited by Anna-Teresa Tymieniecka, and devoted to "Contributions to Phenomenology by Scholars from East-Central Europe," this hefty volume contains numerous essays exploring the phenomenological approach to social theory, aesthetics, semiotics and ethics. Coming from behind the iron curtain, these essays provide perspectives of the phenomenological movement rather different from what are usually shown in the West.

Though *Man Within His Life-World* provides a number of instructive looks at the hermeneutic wing of the movement, it is the discussions of ethics that are most interesting. Disagreements among libertarians over the subjective and objective conceptions of value are causing much confusion in the realm of ethics. Though none of the authors approach the subject as I do (that is, correctly!), their discussions are astute, and suggest that a middle ground can be reached. Indeed, Dumitru Ghise insists that *"value is objective and subjective at the same time.* Without a relation between an *axiological object* (material or ideal) which, through its qualities—existing objectively, independent of and outside the consciousness of the one who perceives them—answers human requirements, aspirations, and wishes and a *subject* . . . one cannot conceive of either the genesis or the establishment of some value. . . . There is no break between existence and value, and no overlapping either, but an intersection of a dialectical type, a conjunction . . ." ("Man's Existence in the Realm of Values," p. 263).

Though one of the lessons to be learned from the contributions of Ghise and others may be that the gulf between objectivists and subjectivists can be bridged, it is also worth noting that his essay—and almost all the essays in this volume—repudiate epistemological subjectivism, which some Austrian economists have charged is the inherent danger of the "hermeneutics" of the younger Austrian scholars.

The most astounding thing about this book, however, is its style. Every essay I have read (no, I haven't read all thirty-nine, yet!) is eminently accessible. This is saying a lot, for phenomenology has a well-deserved reputation for opacity. In part this is due to the aims of the philosophy, which are ambitious. Another reason for opacity is simply the perverse currents of academic tradition, currents that also buffet English and American philosophy. The editor and translators of this volume deserve unreserved praise.

For serious students of philosophy, the *Analecta Husserliana* are well-worth perusing. Indeed, if the reader can stand the occasional obligatory quotation from Karl Marx (the essays are from Central and East Europe, after all), this particular volume might even prove *pleasurable*.

—TWV

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Panarchy: Government by choice, not chance. People-oriented Government not government-oriented people. Idea whose time has come. Investigate a political system offering both Freedom and security. Ultimate Libertarianism Newsletter. $8 year or $3 sample. Checks to LeGrand E. Day, Editor, Panarchy Dialectic, Box 353 Reseda, CA 91333.

Personal

Gay libertarian man, 29, is interested in contacting other gay libertarian men. Nonsmokers only. Occupant, 4 Bayside Village Place #307, San Francisco, CA 94107.

Stephen Cox, "Isolating the Error of Isolationism," *continued from page 19*

accounts for the Soviet Union's failure, in the postwar world, to extend its sway beyond Czechoslovakia? A nagging memory of the deals that Stalin made with Roosevelt? A subconscious awareness of its own mortal illness and eventual death? Or an acute realization of the dangers of a general war with NATO forces occupying positions in the heart of Europe?

Only wishful thinking about life in some other world will justify the view that "just-let-them-destroy-themselves" is the right prescription for all foreign ills. Such wishful thinking was not in practice among certain hard-headed founders of the libertarian tradition. As Robert S. Leiken recently observed in an essay in the LA *Times,* John Stuart Mill maintained that "The doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments. The despots must consent to be bound by it as well as the free States. Unless they do, the profession of it by free countries comes but to this miserable issue, that the wrong side may help the wrong, but the right must not help the right."

Isabel Paterson, who in *The God of the Machine* (1943) brilliantly adumbrated the tyranny-cannot-forever-support-itself argument so often rehearsed by later libertarians, claimed with perfect truth that "If freedom were extinguished everywhere in the world, the whole high energy production system must break down and cease to function. No despotism can maintain independently and indefinitely a machine economy or a mechanized army. But"—and this is an important But—"until the batteries are completely exhausted, a despotism can do enormous damage."

The purpose of a prudent intervention is to keep damage from spreading to new countries and to shorten its duration in countries already afflicted. This Finland could not do; this the United States and its allies have helped to do, though at enormous and often unnecessary cost. It is the job of libertarians to try to reduce the material and spiritual cost involved in such efforts—to oppose needless military expenditure, to denounce real waste of life, to educate people to the abominable nature of a militarized society. But it is not the job of libertarians to suggest that *domestic* tyranny is the only danger.

To detect the lack of verisimilitude in the depictions of twentieth-century events produced by creedal isolationism, one need not be employed by Lockheed, the Council on Foreign Relations, or the U.S. embassy in Managua; and one need not be a believer of the lie that American taxpayers and conscripts should be willing to "pay any price, bear any burden" to project their country's power abroad. One need only be prepared to look at history in a way that is not wholly bound by creedal thinking, however high-minded. Unfortunately, a libertarian movement that *is* bound by creedal isolationism will have little chance of serving liberty, because its creed will be preached to a nearly empty church. ❑

George H. Smith, "Scholarship as Leechcraft," *continued from page 38*

So how is it that the welfare-intellectual has so much spare time on his hands? He receives a full-time salary, so doesn't that suggest that he has a full-time job? No, the "job" is more like welfare, so this fortunate intellectual has plenty of time to kill—leisure made possible by the businessman's taxes. If the welfare-intellectual really wishes to promote the values of the businessman, why doesn't he do so with the businessman's tax money? Why should the businessman pay again?

To those businessmen who are fond of folksy, down-to-earth wisdom, I ask: Have you ever heard the saying, "Don't let the same dog bite you twice?"

Meanwhile, as the businessman recovers from the second bite, the market intellectual is scraping together next month's rent.

There is a tragic personal side to all this. The libertarian intellectuals who began in the Sixties (when there was little money available to anyone) were fired by enthusiasm and dedication alone. They didn't get credentials, either because they were uninterested in entering those bastions of welfare known as universities, or because they couldn't stomach the stifling, repressive atmosphere of graduate schools. Nevertheless, they wrote article after article, hammering out the theoretical details that most libertarians now take for granted.

As libertarians became respectable—thanks in large measure to the efforts of market-intellectuals—money became available from private institutions. Market-intellectuals took heart. Now, finally, they could make a decent living from their labor. But this didn't happen. Instead, the money went to welfare-intellectuals moonlighting in their spare time, or to those future welfare recipients known as graduate students. Indeed, a graduate student could receive more money in one year than a market-intellectual had gotten in ten. The market-intellectuals—those who had labored long and hard for something they believed in—were left to twist in the wind. And twist most of them did, as they struggled to make ends meet, and as they watched a new breed of welfare-intellectual rake in libertarian money.

To add insult to injury, libertarian money began pouring into the hands of welfare-intellectuals who were not even libertarians, or anything close. I once attended a conference on education sponsored by a free-market foundation. There were only a few libertarians in the bunch; the rest were establishment educators and administrators. On those rare occasions when a libertarian got a word in edgewise, the establishment clique listened condescendingly and then returned to talking among themselves about the pressing need for higher taxes.

The money invested in that useless conference could have supported a market-intellectual for many months. Instead, a dozen anti-libertarians returned home after two days of chatting, fat libertarian checks in hand. They must have laughed all the way to the bank.

No libertarian foundation to help market-intellectuals has been established or seriously considered. Every year thousands of libertarian dollars disappear down the establishment rathole while brilliant and dedicated market-intellectuals go begging. Is this any way to run a movement? ❑

Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in *The Wall Street Journal* and other periodicals.

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Coming in *Liberty* . . .

- **The End of Conservatism** — Are you unable to tell a neo-con from a paleo-con at 300 yards? You used to know pretty much what conservatism stood for, whether you liked it or loathed it . . . Bill Moulton untangles the gordian knot, and analyzes the recent move to submerge libertarianism within conservatism.
- **What Population Crisis?** — Jane S. Shaw sifts through the hysteria about population growth, and explains why things are not nearly as bad as the crisis-mongers would have us believe, and how the *real* problems entailed by population growth can be averted.
- **Novelist, Naturalist, Anarchist, Monkey Wrencher** — Bill Kauffman surveys the life and work of Edward Abbey, maverick novelist of the American West, inspiration to a new generation of ecological saboteurs.
- **A Management Consultant Looks at the Libertarian Party** —Ronald E. Merrill offers his expert advice to the Libertarian Party and explains why the Party will probably ignore it.

Terra Incognita

Tokyo

Advance in the science of public relations, as reported on "Today's Japan," on *NHK-TV*:

The Japanese Public Employment Security Commission has renamed itself, "Hello, Work!"

U.S. A.

Note to princesses in search of princes, as reported in the authoritative *National Enquirer*:

Because the skin of certain toads contains a chemical substance believed to cause a "high" when eaten, it is now a felony in the United States to lick toads. A drug enforcement agent who asked not to be named said that he didn't know of anyone arrested yet for toad licking, but he added, "It is in the same category of illegal drugs as heroin and LSD. It's a felony to possess it and a felony to use the drug."

Benin

Linguistic progress in West Africa, as reported by *The Wall Street Journal*:

Benin is in step with events in Eastern Europe. On Dec. 8, the government of Benin issued an official proclamation: "From now on Marxism-Leninism is no longer the official ideology . . . Consequently, the use of the term 'comrade' is no longer mandatory."

Washington, D.C.

The value of psychiatric research for the safety of public servants, as demonstrated in a dispatch in the Detroit *News*:

Park Deitz, a California psychiatrist, has concluded a study of 200 "inappropriate" letters to members of Congress. The study concluded that more than 80% of writers of "inappropriate" letters were male, more than 95% identify themselves, and that "about 90%" are mentally ill. The study cost taxpayers $400,000, or about $2,000 per "inappropriate" letter.

Islamabad, Pakistan

The protection of traditional family values in Pakistan, as reported by the *Associated Press*:

"Rape victims in Pakistan seldom bring charges against their attackers, out of fear of being accused of willingly having illicit sex, which is punishable by stoning to death.

"To disprove the charge, a woman needs to find four men to testify that she was sexually assaulted, or get the rapist to confess. A woman's testimony, even the victim's, doesn't count."

River Rouge, Mich.

Evidence for the adage, "Black jacks don't crack skulls, people crack skulls," as reported in a dispatch in the Detroit *News*:

Officers Arthur Welch and Dwight Black were suspended after the former cracked the skull of the latter with a blackjack when they disagreed about who should staff the command desk while their supervisor was at lunch.

Olympia, Wash.

Innovative idea in the control of AIDS, the nation's #1 public health concern, from a proposed law under consideration by the Washington State Legislature, as reported by the Seattle *Post-Intelligencer*:

An AIDS-control measure before the legislature would outlaw sexual intercourse and "heavy petting" by individuals less than 18 years of age.

Crystal Falls, Mich.

The beneficial effects of citizen involvement in the War on Drugs, from a dispatch from the Detroit *Free Press*:

Volunteer drug undercover agent Wendy Stanek described her first big bust: "It was a piece of cake, in and out and just like buying groceries. One of the guys I busted was my lifelong friend. He came to me and I said, 'Oh my God, I don't want to hear that.'" But she turned him in anyway.

Mrs Stanek was inspired to become an undercover agent by the "drug-related" death of her son in an automobile accident, in which a marijuana pipe was found in the toe of the shoe of one of the passengers.

U. S. A.

Interesting observation on the track record of Soviet communism, from Nobel-laureate Paul Samuelson, in his widely-used undergraduate economics textbook, *Economics*:

"What counts is results, and there can be no doubt that the Soviet planning system has been a powerful engine for economic growth."

London

"Out with the old and in with the new," as reported by the London *Sunday Times*:

Britishers who wanted to dance on New Year's Eve were prohibited by the Sunday Observance Law of 1780, which prohibits dancing in commercial establishments on the Sabbath, unless the establishment is a museum, botanical garden, aquarium or zoo. John Roberts, secretary of the Lord's Day Observance Society, which policed the celebrations, commented: "Sunday, whether it is New Year's Eve or not, should be set aside for worship and rest."

Pontiac, Mich.

Evidence that justice is not blind in the Wolverine State, as reported in the Detroit *News*:

Brent Nelson, who wore four gold chains, a gold charm and six gold rings at his court appearance, was sentenced to two years probation and six month's of electronic tethering to his home for the crime of lying about his identity to a merchant. Judge David Breck explained the the unusually stiff sentence: "It offended me, wearing all that jewelry."

Anderson, S.C.

Privatization of law enforcement in America's South, as reported in the Chicago *Tribune*:

"Need Cash? Turn in a dope dealer." That's the message on billboards going up in Anderson. "I want people to realize that they can make some really good money, depending on how much they cooperate," added Sheriff Gene Taylor. He promised to pay bonuses to informants who agree to testify in court.

The United Nations

Why drug legalization won't work, according to Francisco Ramos-Galino, director of the UN Division of Narcotic Drugs, as reported by *Vienna Radio Service*:

"The State, the United Nations, and Society—everyone—would simply shift the responsibility to *individuals*."

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.)*

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and other articles and reviews.

"God grants Liberty only to those who live it, and are always ready to guard and defend it." —Webster

Letters

The Cost of Liberty

Liberty has arrived and, as usual, has disrupted my business, which will undoubtedly result in some dissatisfied customers in the coming week. Does eight hours seem like an inordinate amount of time to read *Liberty*? Ah well, I have justified the opportunity costs by reasoning that while learning that phenomenology is "the attempt to turn common experience into the ground of all philosophy and science without adding any presuppositions to this experience, just by categorizing the recurring forms and content of consciousness" may not make my business more productive, it may help me to get laid at the next libertarian conference I attend.

Stephen Cox ("Isolating the Error of Isolationism," March 1990) asks what reasoning would impose non-interventionism upon individuals defended by private defense forces. My reply would be the cost. If there had been private defense forces in 1917 and the people were billed monthly for the service, do you really think many troops would have even made it to foreign shores? If the cost had not been pushed into the future with the fraud of the federal reserve system, enough of us might have stayed home so that the European participants might have settled their differences without giving any of the parties a motive for World War II.

Mike Hall
Bonita Springs, Fla.

A Benefit of *Liberty*

R. W. Bradford's essay on H. L. Mencken did far more than obliterate the charges that Mencken was a racist. It introduced me to the Sage, and what a pleasure it has been to read Mencken, surely the finest writer in the American language and the most trenchant libertarian of them all.

T. J. Macchus
St. Louis, Mo.

No Intervention Without Representation

As a libertarian of principle, it is easy to isolate the error of "Isolating the Error of Isolationism" by Stephen Cox (March 1990). In his attack on "isolationism," Cox implies correctly that each individual is a self-owner but then ties self-owners together as "free people," collects them in "a society of free people," superimposes "our country" on top of that semantic creation and then banters about defending the right of "our country" to engage in any military procedure deemed to be of "practical interest."

No one has the right to force his values on another. No one has the right to represent another without that individual's permission. Here lies the "moral ground" for "isolationism."

While George Bush believed that General Noriega was a dictator worthy of overthrow, I may not have, and he cannot force me to have the same opinion. If George Bush chooses to act on his beliefs, he cannot order me at gunpoint to help with the dirty deed. By the same token, he may not storm into Panama and proclaim himself liberator as sent by every man, woman and child in the United States, including those, like me, who were not party to his drug war fantasies.

These principles of libertarian morality apply equally to all conflict situations, past and present; including invasions of this country! For there may be among us pacifists who would rather die than raise the sword, and none of us has the right to force them to see it, or act, otherwise.

Is this a "just-let-them-destroy-themselves" position that would relegate all libertarians to sitting on their hands while tyrants destroy the world? Of course not. Individuals will respond—as individuals see fit, and they alone will be responsible for their actions. This is the principle of libertarian philosophy that prevents intervention by our government in other lands . . . and in our own land as well.

J. Powers Potter
Oneonta, N.Y.

A Choice in Interventionisms

Stephen Cox's well-reasoned piece on isolationism is convincing but for a glaring omission. How will "non-isolationists," however principled, be so sure of all objective facts in a given situation that they can mandate that others pay and die for what they perceive to be a just intervention?

Except in cases where individuals volunteer for foreign forces, the normal practice of intervention does not give soldiers a choice in the matter. A teenager may volunteer for the Army, but once in he (or now she) is not given a choice as to whether or not to die in Beirut or Panama or wherever Stephen Cox might send the poor schnook.

Interventions cost lots of money. Again, choice is denied. We will be taxed to support them unless libertarian interventionists intend to set up bake sales to finance their just adventures abroad.

William G. Kelsey
Elgin, Texas

Isolating Three Isolationisms

Stephen Cox gives too much credit to the country-household analogy. National borders are not the boundaries of some individual's justly-acquired property, so real liberalism implies no duty to respect national borders. Intervention against a criminal government can be justified by the request of any one of its victims.

Radicals argue that foreign intervention must never be financed with taxation or manned by conscription, and that it must never kill innocent foreigners or destroy their property. Some take this to imply that government intervention must be banned, but only because they define government as an institution that initiates force.

Cox is right to put aside such anarchist word games. Even the strictest moral constraints imply only practical problems for a liberal defense force contemplating foreign intervention. And moderate liberalism accepts that the liberal ideal cannot be achieved immediately. Presumably, this includes foreign policy. So from both a radical and moderate liberal perspective, isolationism should be regarded as merely "one strategic option for a free society."

Isolationism combines nonintervention-ism, neutralism, and unilateralism, but each of these must be defended separately as a means to an appropriate end. Surely, the promotion and protection of liberty throughout the world is the end most consistent with real liberalism.

In an ideal world, universal liberalism would make foreign policy meaningless. So nonintervention in the internal affairs of other countries is a second best solution. If even nonliberal governments accept nonintervention-ism, the consequent world peace might do more for the spread of real liberalism than attempts to impose it by intervention. War is the health of the state, so noninterventionism is an appropriate strategic option for real liberals.

Neutralism rejects involvement in foreign wars. It is especially appropriate when most wars are between nonliberal governments. But aiding those attacked or occupied by a large and growing empire can be an appropriate means of protecting liberty. Perhaps neutralism should be the general strategic option for real liberalism, with exceptions for unusual circumstances.

Unilateralism rejects alliances. Permanent alliances with nonliberal governments tend to discredit liberalism. But alliances

continued on page 4

Liberty

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Inside Liberty

May 1990
Volume 3, Number 5

2 **Letters** Readers on isolationism, paleoism and welfare intellectualism.

7 **Reflections** Szasz on killing as therapy, Bradford on communist eco-disasters, plus the editors ponder the fates of Germany, Nicaragua, elitism in the arts, big money, and half-assed politicos.

Features

16 **Make Sense, Not War** R. W. Bradford explains why he is a conscientious objector in the paleo-libertarian war on *lüftmenschen*.

17 **Conservatism in Its Latter Days** William P. Moulton surveys the contemporary conservative movement, and answers the question: is there reason for hope among the ruins?

27 **A Population Crisis?** Doomsayers have used the spectre of overpopulation as yet another excuse for state planning and control. Jane Shaw exorcises the spectre.

32 **Liberty, War and Intervention** Must libertarians be isolationists? If you're not an isolationist, does that make you a war-monger? Stephen Cox and Sheldon Richman fight it out.

38 **Ivan Grozni** A poem by Brett Rutherford.

39 **The Great Gulf in Libertarian Theory** Loren E. Lomasky argues that "getting from *here* to *there*" is not a simple matter of taking the biggest—or most obvious—strides.

41 **The Truth about the "Official Truth"** Karl Hess shows how the real issue in the education crisis is *thinking*.

43 **Archie Bunker in Blackface?** Is Walter Williams the Great Black Hope of the Libertarian Party, or a beneficiary of affirmative action? Gary S. Meade and Jim McClarin debate.

46 **A Management Consultant Looks at the Libertarian Party** . . . and finds the usual set of self-serving errors endemic to innovative enterprises. Happily, Ronald E. Merrill also offers his advice.

49 **Encounter in Mbabane** George Hollenback visits South Africa, taking a first-hand look at the war between liberty and apartheid.

53 **Liberty without Romance** Bart Kosko explains why he stopped trying to come up with an excuse for freedom.

55 **Confessions of a Welfare Intellectual** James S. Robbins defends the right of freedom-minded folk to live off the state.

Reviews

57 **Economists *vs.* Environmentalists** Robert Higgs reviews Walter Block's *Economists and the Environment: A Reconciliation* and finds that the reconciliation doesn't extend to *environmentalists*.

59 **Bork's Law** Leland Yeager finds much to admire in the new book by the demonized Robert Bork.

62 **Vladimir Pozner: Still Fibbing After All These Years** Richard Kostelanetz reviews the Soviet spokesman's memoir, *Parting With Illusions*, and finds Pozner has parted with only a few of his illusions.

64 **Harvesting Welfare** Brian Doherty reviews James Bovard's *The Farm Fiasco*, and finds farmers digging into the rich soil of government money.

65 **Novelist, Naturalist, Anarchist** Bill Kauffman explores the literary exploits of the patron saint of ecotage, Edward Abbey.

Letters *(continued from page 2)*

or confederations among liberal governments might be desirable. As Cox suggests, it depends on the context.

W. William Woolsey
Charleston, S.C.

And "Just War" is "Mere War"

I found your analyses of the invasion of Panama—"Operation Just Cause"— very interesting. However, the true rationale for the invasion has escaped even the usually astute editors of *Liberty*, as well as the world media, thanks to an inadvertently omitted punctuation mark. The correct title of the invasion was Operation Just 'Cause, as in:

Parent: Why did you beat up your little brother?
Child: 'Cause.
Parent: Because why?
Child: Just 'cause.

Stephen Lester
Glen Ridge, N.J.

Time for Libertarianism to File Chapter 11

I was unable to make out exactly what the hell John Hospers is getting at in his essay in the March 1990 *Liberty* ("Humanity *vs.* Nature"). In a past issue (September 1988) he advocated imposition of a world government to protect the environment, which might be a clue. I gather somebody named Callicott thinks people are vile and should mostly be dead. Hospers flutters his hands quite a bit at this, but thinks enough of the viewpoint that he does not quote Callicott so much as reprint him wholesale, to the extent that one wonders if Callicott should have gotten a chunk of the author's fee.

In passing, Hospers does perform the signal service of helping publicize the bottom line of environmental extremism—genocide, on a scale undreamed of by Stalin, Mao or that German amateur with the silly moustache.

What makes the Hospers piece so damned depressing is that it appears in an issue that also features Stephen Cox's impassioned plea for America to be the world's policeman (a government that will send 26,000 grunts to arrest some clown in Panama is sure going to scruple about kicking in *your* door, Steve), as well as straight-faced discussion of the notion that libertarians won't amount to anything until they agree with the late Judeo-Christian philosopher Ruhollah Khomeini that freedom means freedom to agree with the self-named godly. We even got a reminder or two of *Liberty*'s comprehensive trashing of the nonaggression principle, a few numbers back.

It's pretty clear, isn't it? "Libertarians" now advocate world dictatorship, imperialism, morality police, and coercion in general. The movement is intellectually and morally bankrupt. "Libertarianism" isn't even going to outlive communism. It's dead, Jim.

Those few of us who still dare to believe in so unfashionable a thing as freedom will have to find a new name for our perversion.

Victor Milan
Albuquerque, N.M.

Paleolibertarianism: The Solution, Part 1

What would be the real difference in an individual's life should Llewellyn H. Rockwell Jr.'s paleolibertarian views ("The Case for Paleolibertarianism," January 1990) prevail, between dealing with the Leviathan state we have today and dealing with the Leviathan church and the social authoritarians of Mr Rockwell's future? Does it really matter who sends the bully boys out to push the people around or what authority they use as their excuse to do the pushing?

Perhaps the problem is Mr Rockwell has read too much G. K. Chesterton. Maybe the solution is for him to read more H. L. Mencken.

Fred Schwartz
Maybrook, N.Y.

Paleolibertarianism: The Solution, Part 2

Llewellyn H. Rockwell Jr.'s article is so good, please find a way to have it reprinted and spread all over America, yes, all over the thinking world. I've been libertarian since Clark opened the door, and I realized I wasn't the only person in the world who believed in individual liberty as long as other persons were not damaged. I returned from Central America (particularly Nicaragua, where *even under a dictatorship* I had found *far more freedom* than in my native America) nearly twenty years ago. Rockwell is absolutely right. We must expose everyone to his good thoughts to build a majority political party that will restore our liberty.

E. O. Sowerwine, Jr
Wapiti, Wyo.

Sanctioning the Sanctions

I hope Leland Yeager's suggestion ("Reflections," March 1990) that the U. S. government and others impose a new constitution (and a king) on South Africa, with the threat of armed invasion, is a joke. But here's an idea for results "on the cheap" using the sanctions that are already in place.

1) Make a list of the sanctions; 2) make a list of goals; 3) tie each sanction to a goal; and 4) if and when a goal is accomplished, lift the sanction that is tied to it.

The idea is to harness the forces of special interest politics. Example: If a particular sanction is hurting the mining companies, but it will be lifted as soon as travel restrictions on blacks are lifted, the industry might lobby for this one change. The textile lobby would see no harm in having the professions all opened to all races, and would pressure the government to do so—if it meant they could once more sell their product abroad.

If set up right, no one goal (change of law or policy) would be seen as such a blow to the system that it could not be successfully lobbied for. But step-by-step, the changes would bring the people to greater freedom.

Steve Gillman
Traverse City, Mich.

I'm a Welfare-Intellectual and I'm Okay

George Smith attacks welfare intellectuals ("Scholarship as Leechcraft," March 1990) but fails to name a single person, as if he were writing for a Samizdat in Stalinist Russia, fearing some terrifying repercussion. There is no reason he should not have named names.

Except, perhaps, one. He could not really come up with the goods against any target had he named one.

In particular, let George prove that I, who fit the formal characterization of the welfare intellectual, working as I do at a state university, have sold out, stopped working hard, or failed to be public in my opposition to public education. Notice that my first edited volume, *The Libertarian Alternative*, published in 1974 and prepared during my very first teaching job at a state university (California State College at Bakersfield), contained an essay by me against public education. I actually delivered that essay at a luncheon convocation held at Cal State Bakersfield during the first quarter I taught there, and my doing so was probably responsible for my not being rehired at the end of my two-year contract.

continued on page 6

Letters Policy

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

LIBERAL INTELLECTUALS: HOW DO THEY GET THAT WAY?

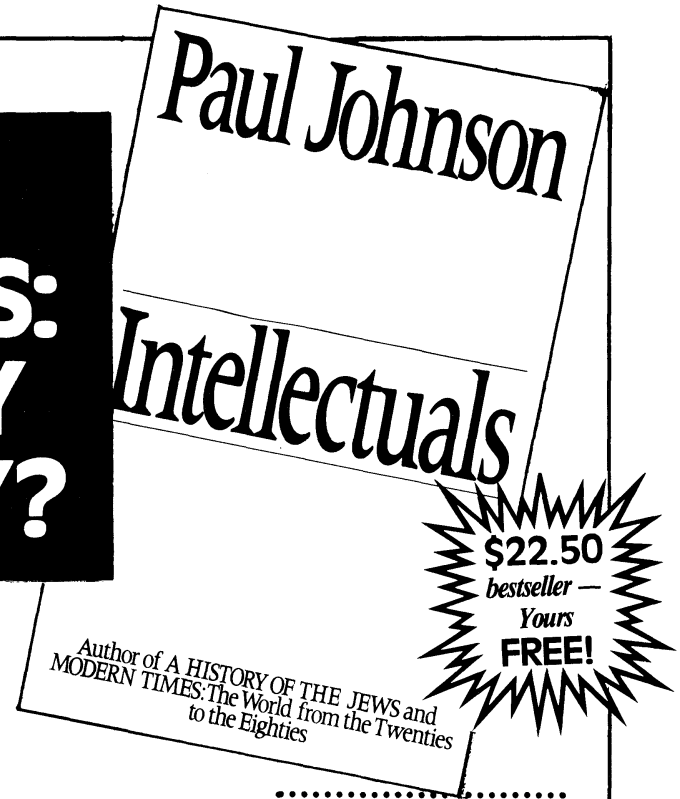

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Letters *(continued from page 4)*

I mention my case only because I am intimately familiar with it. But I do know of others—Fred D. Miller Jr, Jeffrey Paul, Ellen Paul, Lester H. Hunt, J. Roger Lee, and numerous others—who are in the same fix as I, unable to find a position at a private university but by no means silent on the crucial issues or falling down on the job. Smith should have done a better job with this topic.

Tibor Machan
Auburn University, Ala.

A Parable of Context-Dropping

The letter by stormy MON in the March 1990 *Liberty* contains a classic example of quoting out of context. If you check the cited verse in Luke 19:27, you will discover that the lines spoken by Jesus were part of a parable he was relating about a king whose rule was being resisted by some of his subjects. It was the king in the story who said "But those mine enemies, which would not that I should reign over thee, bring hither, and slay them before me." A cursory reading makes this fact so obvious that I can only infer that MON's intention was to deliberately mislead your readers.

Tim O'Brien
Madison Heights, Mich.

The Logic of the Language of Liberty

Rex F. May's paean in praise of Loglan (March 1990 Booknotes) both underestimates what natural languages can do and overestimates attempts by logicians to avoid the alleged flaws of natural languages by engineering new ones. He is mistaken in suggesting that linguists generally accept the "Sapir-Whorf hypothesis," the hypothesis that (in May's words) "the range of human thought is limited by the structure of language." A large number of different versions of the Sapir-Whorf hypothesis have been entertained by various scholars in linguistics, anthropology, psychology, and philosophy, and the vast bulk of research on the Sapir-Whorf hypothesis has been seriously misinterpreted. I draw May's attention to such studies as Paul Kay and Willett Kempton's "What is the Sapir-Whorf Hypothesis?" (In *American Anthropologist* 1984), which argues that evidence supposedly showing that language influences how people perceive color really shows only that it influences how they recall their perceptions; they remember things at least partially in terms of categories that they have names for.

I know of no one in linguistics who accepts the idea that the structure of one's native language imposes limits on what thoughts one can think. There is widespread acceptance among linguists only of versions of Sapir-Whorf in which language does not hinder thought but merely affects the relative costs of different thought. In these versions of Sapir-Whorf, one's languages (not just one's native language) provide convenient pegs to hang things on and thereby make it less costly to think in terms of concepts for which the pegs are already there, with the caveat that if you want more mental pegs you can create them easily.

Languages differ not in what they allow you to say or to think but in what they allow you not to say (and maybe think). English forces you to put every noun in either a singular or a plural form and thus to commit yourself about whether you're talking about one thing or more than one, while Japanese doesn't have separate singular and plural forms and thus lets you be noncommittal (though if you want to commit yourself, it provides vocabulary with which you can do so easily). It was a real *tour-de-force* for Chelsea Quinn Yarbro to write a story ("Allies") in which the reader can't tell which characters are men and which are women, but that would be no achievement at all in Hungarian, where there is no distinction of gender in pronouns, nouns or adjectives. This doesn't mean that Hungarians are any less aware of the difference between men and women than English-speakers are, nor that Hungarian men are any less sexist than American or English men.

May's statement that "if your language lacks a future tense, it's hard to think in terms of the future" is simply false; all languages have simple ways of referring to the future, but they don't necessarily use tenses of verbs for that purpose. Speakers of English are no better at thinking in terms of the future than are speakers of Chinese, which has no tense forms at all, nor any worse than speakers of Kikuyu, which has distinct near future and remote future tenses.

The supposedly desirable features of Loglan that May cites either are shared by natural languages such as English or are of dubious value. Loglan has words for "and" and "or"; English has words for "and" and "or" too, namely *and* and *or*. There are so few occasions when someone other than a mathematician has reason to say "if and only if" that it is no hardship to express it with four short words (each with its normal meaning: "If and only if" means exactly what the words say) instead of with the single Loglan word that May says means "if and only if."

However, Loglan *o* doesn't really mean "if and only if," because its meaning is symmetric and the meaning of "if and only if" isn't: if you interchange the two clauses that "if and only if" connects, you reverse the temporal and causal connections between them, e.g. "I get angry if and only if people waste my time" says something quite different from "People waste my time if and only if I get angry."

Logicians have gotten away with spreading the fairy tale that "if and only if" is symmetric only because they focus on examples whose parts have no temporal or causal connections and which thus have nothing to be reversed, and because logic classes are often conducted more like prayer meetings than serious intellectual discussions.

May's statement that "if" should be easily reducible to a logical set of truth-conditions shows how sheltered an existence he has led: he has only looked at "if" in the Mickey Mouse examples that logicians often confine their attention to. The analysis of "if" that he and his logician idols advocate makes it implausibly easy for "if" sentences to be true and can be reconciled only through massive legerdemain with the ways that "if" is commonly used. There are in fact raging controversies among logicians as to the truth conditions of "if" sentences, as is obvious by a glance as such books as *Ifs* (ed. by William Harper *et al*, Reidel, 1981). May seriously misrepresents the field of logic when he speaks as if logicians were in unanimous agreement about the points of logic that he touches on.

Finally, I am appalled at May's concluding paragraph, in which he says that "we in the libertarian movement aspire to think logically, and would like it a lot if other people would give it a try [sic]" and suggests that Loglan might provide "a solution to human irrationality."

Totalitarians don't think any less logically than libertarians; they just hold premises that most libertarians find loathsome. Indeed, if anything, a libertarian society makes far fewer demands on rationality than does a totalitarian society; in a totalitarian society, the state must devise intricate plans for the most minute details of everything that is to happen, and its subjects must devise equally intricate plans to thwart the dictates of the state. But in a libertarian society, rationality benefits from a division of labor, and both producers and consumers can get by most of the time simply relying on massive trial and error. It is ridiculous to blame human irrationality on the supposed flaws of natural languages: it is laziness and cowardice, not design flaws in languages, that inhibit people from considering alternatives to their cherished ideas or from exploring the consequences of those ideas.

James D. McCawley
University of Chicago, Ill.

Reflections

Urine the clear — The war on drugs has spawned numerous new drug-testing programs in American businesses and state and federal agencies. This has created opportunities for entrepreneurs in the drug testing business and for those who seek to defeat them. Jeff Nightbyrd, of Austin, Texas, has begun marketing dehydrated urine. For $19.95, he will send two guaranteed drug-free vials. All one has to do is mix the product with warm water, and voila! Pure urine. The drawback is that one must mix the urine with water clandestinely, and if the company uses observers to guarantee that the specimen one turns in is genuine, this won't be possible. Also, since most tests are not announced beforehand, one must keep the vials handy at all times. But the power of human imagination is unlimited, and testees will no doubt find ways around any difficulties. Like the radar detector, dehydrated urine is another example of the innovative spirit of the unregulated free market, and the imagination of people seeking to outwit unjust laws. —JSR

Mendacity: our first line of defense — Anyone who thinks the state is interested in the truth should read Defense Secretary Dick Cheney's comments about CIA Director William Webster. In early March, Webster told Congress that even if a Stalinist succeeded Gorbachev as head of the USSR, it would be nearly impossible for that country to threaten the United States, because the domestic problems associated with the reversal would be too great. On the same day, Cheney was trying to sell his budget to Congress by saying that everything Gorbachev is doing could easily be reversed, imperiling the free world once again.

Who's right? Cheney implied that Webster is: the next day he didn't contradict Webster, he merely pointed out that such statements make it hard to persuade Congress to give him all the money he wants. "It creates problems," Cheney said. I hope so. —SLR

East Germans vote — March 18 was a beautiful spring day in eastern Germany, all the more beautiful because residents had their first chance to vote in a free election since 1933. Over 93% of eligible voters took advantage of their opportunity. The results of the election were beautiful also: a clear repudiation of socialism and the alliance with the Soviet Union and a clear call for unity with West Germany and non-socialist western Europe.

The results came as something of a surprise to many Westerners. Only a few weeks ago, the polls showed the Social Democratic Party with a huge lead. The SDP calls for "democratic socialism" and is inclined toward political neutrality.

Reunification is a foregone conclusion. More than 75% of voters voted for what amounted to West German political parties, with the Christian Democrats capturing a larger share of the vote in East Germany than they did in their most recent election in West Germany. "No doubt we're the big losers in this election," said SDP leader Markus Meckel; the leader of West Germany's Christian Democratic Union called the returns a "dream result."

What does this mean for the outlook for liberty? It's likely that Germany will be a freer place as a result, that the risk of war will be less and that the military spending may decline. All these are laudable. But the election was a partial victory for liberty at best: Germany, like the rest of western Europe, remains committed to a severely hampered market economy, with the state providing subsidies from taxpayers for inefficient industries and for people who lack the inclination to support themselves. —RWB

Killing as therapy — Last December in Panama, hundreds of persons—Americans as well as Panamanians—were killed in a war, ostensibly on drugs. However, no drugs were killed. Welcome to the Therapeutic State.

The invasion of Panama and the kidnapping of its head of state strengthen my long-standing suspicion that the War on Drugs poses the greatest threat to personal liberty we have faced in our entire two-hundred year history. Crowd madnesses—like the Children's Crusade or the witch craze—ought to be matters for serious reflection and perhaps hilarity over the boundlessness of human credulity. But the American drug craze is not some collective folly in the dim past. It is no laughing matter. On the contrary, it is a deadly dangerous exercise in populist scapegoating, a type of mass persecution historically endemic to many parts of the world, but from which the American people have, until recently, been spared. But no longer.

When all is said and done, what has made the United States a safe haven for the weak and the oppressed? The answer is due process: The American political system rests on a sound tradition of according legal protections against accusations of wrongdoing by *persons*. The State may call a person dangerous—but it cannot deprive him of liberty, unless it can prove him guilty of a crime. But the American political system accords no similar legal protections against wrongdoing by *drugs*.

However, the State may, and can, call a drug dangerous and remove it from the market, and there isn't anything any of us can do about it. Thus, all that the demagogues who are in charge of the Therapeutic State need to do is declare a particular drug the embodiment of Transcendent Evil, and presto, we have the perfect modern, democratic, humanitarian scapegoat. This *pharmakos* (Greek for scapegoat) is not a person, so why worry about "its" rights? It is "dangerous," even lethal, so what rational person can come to its defense?

It is bad for everyone and good for nothing, so who is harmed by prohibiting access to it?

Emile Zola aroused the world when he cried, *J'accuse!* But Dreyfus was a man, a human being for whom people could feel compassion. Cocaine is a drug. Who can feel compassion for a chemical?

It seems to me that decent people appalled by the War on Drugs are stymied, at least for the moment, and had better recognize it. For this war is but an inexorable manifestation of the cancerous growth of the Therapeutic State—a monster to which the American people now look as their Savior, but which, in fact, can only prove to be their destroyer. The Argentinean poet Adolfo Bioy Caseres glimpsed sight of this crowd madness:

> Well, then, maybe it would be worth mentioning the three periods of history. When man believed that happiness was dependent upon God, he killed for religious reasons. When man believed that happiness was dependent upon the form of government, he killed for political reasons. After dreams that were too long, true nightmares . . . we arrived at the present period of history. Man woke up, discovered that which he always knew, that happiness is dependent upon health, and began to kill for therapeutic reasons.

Despite all the rhetoric to the contrary, no one is, or can be, killed by an illegal drug. Drugs don't kill people. People kill people. If a person dies as a result of deciding to use a powerful drug (legal or illegal), it is because he has done something risky. Thus, some deaths from (illegal) drug use may be accidents, some indirect suicides, some direct suicides. Although suicide and murder both result in death (as do many other human behaviors), they are as different from one another as masturbation from rape. The one you do to yourself, the other someone else does to you.

Drug "abuse," like food "abuse," injures or kills only the "abuser." Whereas drug law abuse—the criminalization of the free market in drugs we call the War on Drugs—injures and kills indiscriminately user and "abuser" alike. Many have already been killed by impure drugs, because of the adulteration of a criminalized product ("dope"); by bullets, because of gang wars and the persecution of drug distributors ("pushers"); and by AIDS, because of the criminalization of hypodermic syringes and needles ("drug paraphernalia").

Last December in Panama, hundreds of persons—Americans as well as Panamanians—were killed in a war, ostensibly on drugs. However, no drugs were killed. Welcome to the Therapeutic State.

Many more will surely be killed in the name of this Holy War that promises to purify America and make it "drug-free." Neither the craze nor the carnage will cease until enough Americans, in all walks of life, come to their senses and say: Enough! —TSS

Propping the paleos — I thought Llewelyn H. Rockwell, Jr.'s polemic ("The Case for Paleolibertarianism," January 1990) so cogently argued that I knew immediately where to disagree with him—on issues VII, VIII & X (though not IX, still favoring Western culture much as I favor the missionary position, for the same reason—it makes me feel comfortable). I didn't think about his polemic again until the symposium of responses in the March *Liberty*. You see, I live among artists who consider themselves liberty-loving and yet "left," who acknowledge a knee-jerk devotion to "socialism," any socialism other than Russian. In their presence I must argue that the cultural liberties so important to them are best realized, as well as best-protected, under capitalism, which unfortunately is no more acceptable to them than "free enterprise" or its variants. They become, in my own mind, half-assed libertarians. I had a similar response to reading Rockwell, half-assed from the other side, reluctant to see that free enterprise generally benefits from freedom elsewhere in life. The trouble with half-assed people is that they can't sit straight, even if their deficiencies draw a lot of attention, and thus must be forever propped up. —RK

The Dirty Dozen — Now that War Prisoner Manuel Noriega is going to trial, the question arises: Can he get a jury of his peers? How many other drug-dealing dictators are there? Anastasio Somoza and the Shah of Iran are dead, so they can't do it. Daniel Ortega and Fidel Castro are Noriega's friends, so that disqualifies them. President Najibullah of Afghanistan and Muamar Khadaffi come to mind, but they are prejudiced against the prosecution, so they can't serve either. Perhaps a number of drug gang leaders (Noriega's private sector equivalent) could do the job, so long as it can be shown that they did not suffer commercial setbacks from Noriega's arrest. But it might be best not to bother with a jury trial, and to let a tribunal of judges assess guilt or innocence. It worked at Nuremburg. —JSR

Munchkins of the world, unite! — Revolutionary communism is dead in the water. The Soviet Union has abandoned one-party rule; the Berlin Wall is down and Germany is to reunite itself; communist parties throughout Eastern Europe have abandoned power or had it torn from them; and those lovable Sandinistas made the fatal error of holding an election that they couldn't fix. People the world over have looked at these events with amazement, pleasure, and hope for a happier, more free future. Right?

Wrong, as I've recently discovered to my chagrin and annoyance. A few true-life horror stories have reminded me that not every one has the sense of good will, or just plain good sense, to be pleased by these developments.

I was browsing one afternoon at a used book store, one whose window is festooned with newspaper clippings about U.S. involvement in El Salvador and the like, when a middle aged customer with a salt-and-pepper beard and bad posture began a conversation with the store's proprietor. After a few social niceties, the customer lowered his voice. Recent liberalizations in the Soviet Union—the end of one-party rule, the apparent abandonment of the old fervor for world communist revolution—were just tearing him up inside, he said. With the Soviet Union out of the revolution business, who was going to lend support, encouragement and, most of all weapons, to all the brave heroes the world over who were

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Program Highlights . . .

Not all editors have decided what they will talk about, but here are a few scheduled seminars and papers:

The morality of liberty—Is it moral for a libertarian to work for the government? use government roads?

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Children's rights—What rights (if any) do children possess? Are children the property of their parents?

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How implications of game theory provide a model for understanding biological evolution and the evolution of a complex free society.

The Great Libertarian Foreign Policy Debate—Must a libertarian be an isolationist? Is any intervention in foreign affairs—even private intervention—ever justified?

Liberty and culture—Are there art forms characteristic of a free society? does liberty have cultural implications?

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still fighting for a more humane, rational human future? Brave heroes like the governments of Angola and Cuba, the ANC, the Sandinistas, the FMLN? They'd just be left twisting in the wind. Indeed, the possibility of political and economic freedom for the citizens of the Soviet Union meant sure ruin for the future. Who was going to save the world now?

As I said, all this was communicated in a tortured whisper that I was barely able to hear. I was tempted to inform him that he wasn't in his beloved Angola or Cuba; he could feel free to say whatever he wanted without fear. As the conversation turned to how today's generation is going to have to realize, just as their's (the customer and proprietor's) did, that life in bourgeois capitalism is "empty" and "no way for humans to live," I bought my Ezra Pound books and went home.

Americans who have made a cottage industry out of advocating tyranny in the name of "solidarity with the people of Central America" or "fighting for international social justice," or misplaced their emotional energy in that dubious enterprise, are finding their little worlds crashing around them.

But even home held no respite. The day after the Nicaraguan elections, when the Sandinistas were given the boot by those whom they had oppressed and whose economy they had helped ruin, my roommate asked me who had won.

"The Sandinistas are outta there," I replied.

He was inconsolable. He puttered around the house for minutes muttering "Damn," and "God, that sucks," and other politically and ethically astute comments on the democratic passage of a decade of "revolutionary" tyranny.

Those Americans who have made a cottage industry out of advocating tyranny in the name of "solidarity with the people of Central America" or "fighting for international social justice," or misplaced their emotional energy in that dubious enterprise, are finding their little worlds crashing around them. Perhaps they are merely well-meaning and ignorant. But they can't help but remind me of vicious little munchkins who felt a deep twinge of regret at the death of the Wicked Witch because—for some confused, twisted reason of their own—they took a hidden delight in watching her cause misery for the rest of their kind. —BD

Out of the mainstream — "Not since before the Second World War has the United States been as peripheral on the world stage as it is now." This opening line of a recent *New Yorker* "Talk of the Town" section introduced the claim that the U. S. is standing on the sidelines while events in Eastern Europe hold center stage.

The sentence could hardly be further from the truth. The U. S. is not on center stage, but that is because it is the "city on a hill" that Ronald Reagan always talked about—the beacon of freedom and symbol of hope. The turmoil in Eastern Europe attests to the universal longing for freedom, and the existence of our relatively free economy confirms that such freedom can exist. By wagging its tongue at the U. S. for being "peripheral," the *New Yorker* is, in my view, entirely off the mark.

I was also jarred by a recent *Newsweek* article that began: "The pell-mell pursuit of profits by businesses has long been a major source of pollution. But could such greed be used instead to help preserve the environment?"

Now, it is true that pollution is caused by the failure of individuals and groups to pay the full social cost of their activities, and I don't expect a *Newsweek* reporter to understand that the absence of property rights is the immediate cause. What bothers me is that the words drip with misunderstanding and hatred—misunderstanding of profits and hatred of the system that makes *Newsweek* (for example) possible, a system that Eastern Europeans, among millions of others, long for.

As a writer and as a director of a conference for writers, I spend a fair amount of time trying to dispel misunderstanding, but sometimes I simply don't know how to communicate across the abyss. And as for hatred, I don't know if there's much you can do about it.

On the other hand, I recently came across a commentary that cheered me up. Randal O'Toole is a long-haired computer maven who makes his living as a consultant to environmental groups, criticizing Forest Service timber-cutting plans. In his magazine, *Forest Watch*, he recently wrote: "If you had told me in 1980 that I would end the decade as a near-libertarian economist, I would have laughed in your face.

"In 1980, I blamed all the deficiencies in the markets on greed and big business and thought that government should correct these deficiencies with new laws, regulatory agencies, rational planning, and trade and production restrictions. When that didn't work, I continued to blame the failure on greed and big business." But, he goes on, "I was immersed in the planning processes of one government agency for ten years (sort of like taking a Berlitz course in bureau-speak)." [He also attended a few conferences with economists such as

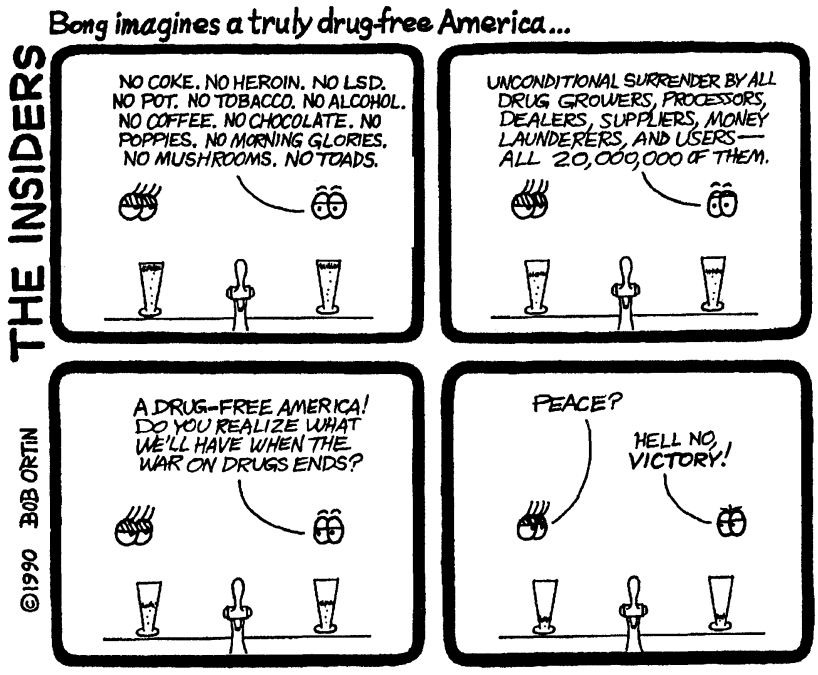

Terry Anderson and Richard Stroup.] "I learned that the decisions made by government officials often ignored the economic and other analyses done by planners. So much for rational planning. Their decisions also often went counter to important laws and regulations. So much for a democratic government . . . I gradually developed a new view of the world that recognized the flaws in government as well as the flaws in markets."

O'Toole still thinks that the flaws in the market are as bad as the flaws in government, but perhaps in another ten years that perspective will change as well. Is there hope for the *New Yorker* and *Newsweek*? —JSS

Sold to an American! — I have been hearing, recently, numerous radio advertisements for government auctions of goods and real property seized from drug dealers. The announcer hails the great deals available—cars for cheap, a house for $100, etc.—and gloats over the things that honest citizens can get from evil drug dealers. The advertisements are at once enticing and sickening. Sickening *because* they are enticing, perhaps. I don't know if the auctions provide the best way for confiscatory governments to maximize revenue, but I suspect they may very well increase support for the war on drugs by fanning the fires of greed and envy—or, to use the words of the economists, by turning rent-seeking citizens against profit-seeking drug dealers.

As I listen to the ads, I try to imagine how I might justify going to one of these auctions, or, more interestingly, what I might do while I am there. For each Mittyesque action I try to imagine the *reactions* of the fence (I mean, government auctioneer). What would he do if, after outbidding everyone else for a fleet of boats, cars, etc., I tried to settle accounts by paying in crisp, clean $100 bills? — TWV

We will bury the environment — The full extent of pollution and outright environmental damage in socialist countries is only now becoming known, as *perestroika* enables Westerners to get news from behind the iron curtain. That news is very bad indeed:

• In the village of Mölbus in East Germany, the level of sulfur dioxide in the atmosphere was measured by scientists at more than *double* the level that would mandate evacuation of the entire population of the area if it were detected in West Germany.

• The Blue Danube is no longer very blue. As it winds its way through Eastern Europe, most cities dump their sewage into it without any treatment whatever. So do state-owned breweries, steel mills, sugar refineries, paper mills, chemical plants, canneries, mineral processing plants, cement works, and petroleum mills.

• More than 34 *billion* pounds of sulfur is spewed into the atmosphere each year in Eastern Europe. In Budapest, a 75-year-old pensioner waiting in line for an opportunity to spend 15 minutes in an "inhalitorium"—a closet the size of a telephone booth filled with clean air—says, "In this part of the world, nobody takes breathing for granted." Elsewhere in Hungary, people go to caves when the air pollution is especially bad.

• In northern Czechoslovakia, the air is so polluted that one woman says, "You cannot hang your clothes outside. If you do, they will be filthy before they are dry."

• Near Copsa-Mica in Romania, shepherds tend flocks of black sheep, their color the result of airborne soot from a rubber factory four miles away.

• In Cracow, where acid rain has eaten the noses and fingers off statues in public places, the Mayor describes the Vistula River as "nothing but a sewer, unfit for human use" and observes, "The damage caused by 45 years of Communism is staggering."

But the worst case is in the Soviet Union, where the damage isn't accidental. It is the result of deliberate government planning.

As fishing boats sit rusting in the desert that was once the shoreline of the Aral Sea, refrigerator trains arrive from Murmansk, the Arctic port near the border with Finland, 1,750 miles away. They carry fish to provide 900 jobs in a cannery in the city of Muynak.

Muynak once produced 3 percent of the Soviet Union's annual catch. Now it and the other fishing cities of the Aral sit miles from the remnant of the sea. The fishing industry that provided 60,000 jobs in 1960 no longer exists. The Aral Sea has shrunk by more than than 40% in less than 30 years, thanks to Soviet diversion of water from the Amu and the Syr Rivers. Nearly 11,000 square miles of sea was transformed into a salt-encrusted desert. Meanwhile, Soviet planners talk about building dikes to create artificial lakes in the seabed.

The murder of the Aral Sea was part of a grand socialist enterprise, long cited by socialism's advocates as a model of achievement. In 1918, the Soviet leadership decreed that its empire must be self-sufficient in cotton. By concentrating their efforts, the Soviets were able to achieve this "miracle." They did it by diverting water for hundreds of miles to areas near the Soviet borders with Iran and Afghanistan.

In the village of Mölbus in East Germany, the level of sulfur dioxide in the atmosphere was measured by scientists at more than double *the level that would mandate evacuation of the entire population of the area if it were detected in West Germany.*

Soviet planners now acknowledge that they are killing the Aral Sea and destroying the social fabric of those who live around it. The damage could be stopped—even reversed, to some extent—by stopping the diversion of water. But hundreds of miles away along the borders of Iran and Afghanistan, people are dependent on the use of irrigated water for growing cotton. The Kara Kum Canal could be rebuilt so that it didn't leak so much, but that would cost a great deal of money. "Without water, the future is dim for Central Asia," says Viktor Dukhonvnyi, director of the Central Asian Scientific Research Institute for Irrigation. "We need water not only for the population and farms but also for industrial development. The intellectuals sitting at desks understand the ecological slogans, but they fail to understand the needs of the people working on the farms."

As for the future of the Aral Sea: "With improvements to the irrigation system, we can give back to the Aral 21 cubic kilometers of water a year by 2005. That is the best we can do."

Unfortunately, 21 cubic km per year is only two thirds the amount required to keep the Aral Sea stable at its current, much diminished size.

Libertarians have long understood that environmental pollution occurs where property rights are poorly defined and enforced. It is therefore not surprising to learn that the worst pollution occurs behind the Iron Curtain, where law and official policy disdain private property entirely. (Ironically, the same socialist countries in which these environmental calamities have occurred have the strongest environmental laws in the world—just as their constitutions boast stringent guarantees of freedom of speech.)

Once again, we see how a centrally managed system can succeed in achieving an impressive goal by concentrating resources and efforts on a single problem and ignoring the costs. The Soviet Union became an exporter of cotton ("white gold," the planners triumphantly called it) by concentrating resources to build massive public works projects (e.g. huge dams and the Kara Kum, the world's longest—and perhaps leakiest—canal). But they ignored the cost of deploying those resources.

Such a thing could never happen in a genuinely free economy. The promulgators of the project would have been sued by those it damaged for such huge sums that they would have been stopped dead in their tracks. In a free economy, costs must be paid by those responsible. But it happens in non-socialist countries when property rights are ignored. The U.S. has its own "white gold" program—enormous amounts of water are used to grow cotton on desert or desert-like land in California, thanks to the Bureau of Reclamation, at taxpayers' expense. The fertilizer runoff from our "white gold" program has found its way into the water at the Kesterson Wildlife Refuge in California, causing deformities in birds. The farmers have no property right to the water: they must use it for farming or lose it. So despite the fact that people and cities are crying for water—rather than deformed birds or subsidized cotton—the "white gold" program continues.

The Aral Sea has shrunk by more than than 40% in less than 30 years, thanks to Soviet diversion of water. Nearly 11,000 square miles of sea was transformed into a salt-encrusted desert. Meanwhile, Soviet planners talk about building dikes to create artificial lakes in the seabed and ship freight trains of fish in from the Arctic Ocean for the local cannery to process.

The Soviet experience in central Asia leaves the socialists with the same sort of problem the U.S. faces with Social Security, one of its experiments in government planning. It is widely acknowledged that Social Security is a Ponzi scheme—that it takes from one generation to give to another—under the assumption that it can always find another generation to pay off the current one when it becomes old. It is also understood that the current generation is receiving benefits far out of proportion to its own "contributions" and that, given the increasing life span and the much larger size of the younger generation, there is little hope that those who are working today will ever enjoy the kind of windfall that today's "senior citizens" enjoy.

But the system is in place and the political costs of cutting the flow of cash to today's retirees would be too great to make significant changes in the system. It would "cause too much hardship" to current beneficiaries of the plan.

And so, just as the Social Security system rolls on in the U.S., despite the disaster that the Baby Boom generation will face early in the next century, the "miracle" of "white gold" continues in the USSR, despite the ecologic disaster that it is causing today.

Meanwhile, the Aral Sea lies dying, and nothing will be done to save it. —RWB

The abominable lawmen — In 1978, state representative Paul Rosenbaum of Michigan sponsored a new anti-narcotics statute which, he boasted, would give the Wolverine State the toughest drug law of any state. The law passed by a wide margin, and Mr Rosenbaum got his wish. According to the National Criminal Justice Association, only Alabama comes close in terms of severity. The centerpiece of the law provides that anyone found in possession of over 650 grams of any substance containing heroin or cocaine (any amount of the substances will suffice as long as the whole exceeds the specified weight) must be sentenced to life in prison without parole. No judicial discretion is permitted. No probation, no suspension, no delayed sentencing, and, as mentioned, no chance of parole. In theory the governor could commute such a sentence, but this has never happened, and the state's current governor has a policy, publicly stated, of never commuting any sentence.

At its passage, it was claimed by all concerned that this provision would rid the state of drug "kingpins," since only they would be holding such quantities of happy powders.

What has, in fact, been the result of this barbaric statute? According to the results of a long investigation by the Detroit *Free Press*, the following are the fruits of Michigan's "kingpin" drug law: 1) Even by a very elastic definition, no "kingpins" have been convicted under the 650 gram provision. The reason? Persons caught with really large amounts of illicit drugs are almost always, under long standing policy, tried in the federal courts. There the penalty, though severe, is at least finite. Typically, a major domestic dealer might receive from 10 to 20 years. Those caught with lesser but still large amounts are usually well-enough placed that they are able to offer info on higher-ups and thus plea-bargain themselves into the federal system. Sentences for such mid-level distributors seldom exceed five to seven years. Whom does this leave at the mercy of the "anti-kingpin" law? Obscure little nobodies. So-called mules or street delivery men (and women). People who agreed to pick up a package at the airport for a friend. Seventeen-year-olds who were talked into making one or two deliveries for some extra bucks. A man given $100 to act as lookout in a parking lot. (This makes you a principal. You don't have to touch the stuff.) Women hounded by boyfriends to hide cocaine in their apartments until things cool off. These sort of people. Small-time losers. 2) Since the law can't be applied to those under 16, major dealers have recruited many 13- and 14-year-olds into the drug distribution system.

Someone risking a couple of years in reform school doesn't have to be paid as much as one who is risking his whole future. 3) The number of convictions under the law keeps growing. From 1978 through 1984 an average of about 2 a year were sent up. Now the average is 50 to 60 *per annum* and growing. So much for wiping out the drug trade.

According to the *Free Press* investigation, many legislators privately find the law and its skewed application abhorrent. Few, however, have the courage to risk being labelled "soft on drugs" come the next election. To date, the occasional attempt to amend the law in the direction of leniency or judicial discretion has died in committee.

My opinion of representative democracy, never very high to begin with, is lowered still further by situations such as this. —WPM

Subsidized mediocrity — I liked Karl Hess's "Defense of Elitism" (January 1990) until he got to a subject I happen to know very well—the granting biases of the National Endowment for the Arts. As Hess has it, the NEA "appears committed to supporting the least elite artists in the realm. Let someone appear with a well-written grant to display scribbles or scrabbles that would stand no chance in a free-market setting, and the National Endowment rushes to oblige." Hess assumes that the NEA exists to support way-out (i.e., avant- garde) work and has indeed done so "particularly in painting, music and poetry." Unfortunately, he is not alone; *most* libertarians seem to believe this. James S. Robbins, for instance, remarks in the following issue ("Beyond Irrelevance," March 1990, p. 45) that *all* libertarians seem "fed up with modern art, something which only persists because of Federal funding."

As a frequent NEA applicant who does art that is customarily regarded as unfamiliar, as conceptually challenging, as avant-garde—work that Philistines might regard as "scribbles or scrabbles"—let me tell you, comrades, would that what you imagine were so. What the NEA has actually supported over the years, predominantly, has been mediocre, conventional work by nonentities. In the same mail as Hess's article came a form letter from the director of the NEA's literature program telling me and over 2,000 others that our applications did not succeed. Attached was an alphabetical winners' list of 97 names, identified by place of residence and literary category in which they applied. Though I have a fairly encyclopedic knowledge of contemporary writing, especially on its experimental fringes, I found only seven names familiar to me on the entire list, only one of whom could be identified as an experimentalist. If Hess or others think they can do better with this winners' list, let me reprint the last 10 names:

Nadja Tesich, New York, prose; Peter D. Turchi, Warrenville, IL, prose; Charles D. van Wey, Seattle, WA, prose; John E. Vemon, Vestal, NY, prose; David A. Walton, Pittsburgh, PA, prose; Marilyn N. Waniek, Mansfield Center, CT, poetry; William Wiser, Denver, CO, prose; Lili H. White, Corning, NY, poetry; Lawrence M. Yep, prose; David R. Young, Beloit, WI, prose.

Since I don't know these people, I cannot tell for sure what they do; but since I know the work of most of the judges choosing them, I'd be willing to wager my dollars against Hess's donuts that none of the winners (or the panelists selecting them) do anything that Hess or any other reader of this magazine would judge as radically unacceptable—absolutely none of them.

Why NEA rewards should favor mediocrity year after year has something to do with the allegedly "democratic" procedures that go into panel-selecting, focusing upon the stylistically acceptable (even when choosing "minority" panelists) while eliminating representatives from the artistic extremes. (For more substantial grants, such as those to museums, the panelists tend to be more responsible, precisely because, as I noted in my own article in the same *Liberty*, in this category government funders want to support not the unknown but the very well-known, the meager occasional awards to "emerging" individuals purportedly justifying, you see, the larger annual grants to "major" institutions controlled by Rockefellers and the like.)

Hess continues, "The off chance that the work is unworthy and that not even the passage of time could redeem it is, thus, struck from discussion by an essentially elitist decision." The first part of the sentence is true, but the rationale for such NEA disinterest in posterity or any other standards is definitely *anti-elitist*.

It is odd that Hess should mention Van Gogh as an example of an artist who succeeded in spite of neglect, because Van

Guest Reflection:

Green Mountain Revolution . . . — I was listening to the radio sometime back, and the announcer told about Vermont's Bicentennial, which was coming up next year. Their Bicentennial Commission came up with the idea of promoting how wonderful the union was and how great statehood was, by sponsoring "debates" on Vermont Secession. According to the radio program, some professor jumped on the issue, wrote a book favoring secession, and leapt to the forefront in the debates.

The radio station played excerpts from the first debate in Bennington, the only one of seven yet held. The defender of the union—a Vermont supreme court justice—was left with banalities about acid rain and the need for big government to cure big problems. The radio station didn't play back the professor's arguments. Instead it played an impassioned plea based on the wonderful window of opportunity of the secessionist movements in eastern Europe and the USSR. The arguments he offered must have been convincing—and must have found fertile soil in the citizenry—because the secessionist side won the vote in Bennington by a two-thirds majority.

Is this an indicator for the libertarian movement? A straw in the wind? A decade ago, in Canada, the Quebec independence movement brought its adherents to the forefront of political debate. Right now, in the Soviet Union, the Lithuanian secessionist movement has brought their adherents to the forefront of political debate. It is page one news every day. So, is Vermont (or California or Texas) secessionism an issue that can bring libertarian thinking to the forefront of the debate here?

—Daniel Rosenthal

Gogh is customarily cited as the kind of artist who could have done better and lived longer, doing more great painting, had society been more supportive. Indeed, "Van Gogh guilt," as I once heard it called, accounts for why Holland, of all countries, is most generous is supporting a far greater percentage of its painters than we or anyone else, not only with annual renewable stipends but with contracts to purchase a certain number of their paintings every year. (Government warehouses are stuffed, to be sure.) What the Dutch fear, I'm told, is having to account for another Van Gogh in their history.

The assumption behind state funding of art is that our beloved economic free market is not reliable in supporting the best art or writing; a similar assumption justifies state support of advanced scientific research. Hess's implicit reply—that the Beatles must be the best contemporary musicians because they are the richest—will not persuade anyone familiar with the whole corpus of current musical activity. (Is Stephen King America's best writer?) No history of any art records the names of those who earned the most money; instead, histories document the achievements of the best, which is to say the elite, whose names have survived another highly competitive process that has little to do with money: They have earned the respect of their peers and of discriminating critics. Hess would make more sense within his assumptions if he recognized what should be the genuine mission of patronage, whether private or public: ensuring that this professional elite does not go the way of Van Gogh. —RK

The high cost of leechcraft — Ten floorstomps for George H. Smith ("Scholarship as Leechcraft," March 1990) for exposing the two-tier structure of libertarian intellectual life, where kept scholars have barely acknowledged advantages in competing with the unkept, and intellectual media depend upon unpaid or underpaid labor from the harem, completely ignoring us street walkers. I tend to know more poet-professors than libertarian profs, but what I've never been able to get either to discuss are the intellectual/psychological costs of (1) receiving most of their income from a single source, which is sometimes a state institution; (2) working in a hierarchical structure in which some have job security (aka tenure) while others do not (and undergo a noticable personality change when promoted from the latter to the former); (3) having benefits, powers and privileges that are given rather than earned; (4) talking "professionally" mostly to young people who are beholden to you for a grade. Marxist intellectuals seem no more predisposed to address these social-psychological questions than libertarians, both assuring me, like poetry professors, that there are no costs. I don't believe them, remembering, as Milton Friedman once said, "There ain't no such thing as a free lunch." —RK

"Enlightenment will come later, my son—first, you have to learn to hunker down."

Deutschland über alles?? — German reunification is a *fait accompli*. By all indications, December of this year will see the first nationwide elections in Germany since World War II.

On the plus side, this could mean the withdrawal of all foreign troops from Germany. That would benefit Germans, who would no longer have to feel like a football sitting on the 50 yard line while two teams of grunting ruffians make preparations to begin a very rough, very vicious game. It would also benefit both the American and Russian people, whose governments no longer have that particular pretense for extracting money for the purpose of imperial outreach and world policing. Unfortunately, this possibility looks like it's already drifting into the realm of "Wouldn't it have been nice if . . ."

Though the Soviets initially hung tough with an insistence that NATO troops be removed from West Germany as a prelude to reunification, West German Chancellor Kohl has reiterated the importance of Germany's place in NATO, but made noises about restricting NATO troops to what is now West Germany and allowing Soviet troops to remain in what is now East Germany! Now *there* is a sensible compromise. I'll stop trying to start a fight if you stop trying to start a fight, says Gorbachev; no, says Kohl, it would probably be for the best if everyone continue threatening to start a fight.

NATO no longer serves any purpose except to increase tension and drain America's treasury in return for an assurance that any minor conflict in Europe will turn into World War III.

NATO was developed as a potential defense against an Eastern Europe and Soviet Union united against Western Europe. The conditions it was created to counter no longer exist. It no longer serves any purpose except to increase tension and drain America's treasury in return for an assurance that any minor conflict in Europe will turn into World War III. Remember how wonderfully the alliance system worked in the first half of the century? No need to change such a great strategy for stability, right?

German monetary union looks like it may come even before official political union, though it might be delayed by the silly notion that the Deutschmark and the Ostmark ought to be fixed at equal value. The right course would be monetary union with conversion at the black (i.e. free) market rate, rather than any politically-established "fair rate." East Germans have a savings rate that would be the envy of those who whine that U.S. citizens don't save as much as they ought to. Of course, the East Germans save so much because the hopelessly inefficient East German economy doesn't produce anything for them to buy. The release of all that concentrated savings on the West German economy at a one-to-one conversion rate would be disastrously inflationary, and senseless.

East Germany will not be nursed to economic health by using any amount of the old medicine that got it so sick in the first place. Every trace of socialist inefficiency should be elimi-

nated, cold. A new national German government should not feel obligated to continue to subsidize failing industry or give out too-generous social welfare payments.

And the environmental health of the whole region will improve with the simple expedient of forcing market pricing constraints on industry. Because its socialist economy was obsessed with quantity of output and ignored input costs, East German industry is enormously wasteful. Its filthy industrial methods have helped to make Eastern Europe the most polluted area in the world. With market discipline, this could begin to change.

Of course, all of these potential benefits depend on the new national German government's being dedicated to peace and freedom. Some with memories of goose-stepping Huns from the first half of the century are worried, perhaps understandably. Kohl's initial reluctance to assure Poland that a reunited Germany would be satisfied with its post-World War II borders fueled the worries of these doubters, but his retreat from this position seemed to allay their fears.

But the potential for positive change is there. Of course it makes no real difference that the land that was once under the control of two governments that called themselves German will now be under the control of one; the real difference will come in the policies of that one government; whether that government will be peaceful, free both politically and economically, and an integral part of the European Community; or whether it will be militaristic, socialistic and nationalistic. —BD

Oops! — It seemed like a reasonable risk to the revolutionary socialist Sandinista government of Nicaragua. Foreign governments threatened to cut off the flow of money unless it allowed a relatively free election. The Sandinistas controlled a vast army, a vast secret police force, a vast bureaucracy. And they controlled the power of the state to bestow its favors. If they could win the election—and it looked easy, given the power of their state—the flow of aid that guaranteed their power and luxurious lifestyles would continue.

So Sandinista leader Daniel Ortega agreed to an election.

As it gradually became clear to the Sandinistas that the "international monitoring" of the election was for real, and his subjects watched the birth of democracy in Eastern Europe, it dawned on Daniel Ortega that he might be tossed from office. He reacted like an American politician panicked by an unexpectedly tough election: he argued his opponents were in league with the Devil and he promised vast gifts. But promises of houses and free outboard motors couldn't overcome the effects of ten years of military socialist government. Manufactured goods were unavailable; food became a luxury; young men were being forced into the military and sent into battle. In the past year alone, the value of Nicaragua's currency fell from 10¢ to 4/5 of 1¢. After adjusting for inflation, wages stood at half the 1950 level.

And so on February 25, the voters of Nicaragua threw Daniel Ortega out of both office and the luxurious mansion he confiscated during the Revolution.

The reaction of Western leftists to this turn of events has been fascinating. Former Arizona governor Bruce Babbitt, in Nicaragua as a poll watcher, noted the following scene in Managua on election night after it was plain that the Sandinistas had been defeated in a landslide: "At Sandinista headquarters, the television lights are going out and reporters are leaving, except for the Europeans, who are still hoping for a turnaround." The front page of the San Francisco *Examiner* had a picture of two extremely well-fed suburban matrons on the verge of tears "as they contemplate[d] the Sandinistas' defeat." This contrasted sharply with a picture in the same paper of a street scene in Managua: jubilant Nicaraguans were burning a Sandinista flag.

When it dawned on Daniel Ortega that he might be tossed from office, he reacted like an American politician panicked by an unexpectedly tough election: he argued his opponents were in league with the Devil and he promised vast gifts.

After his gracious concession speech for American television cameras, Ortega reverted to form—the form of a Latin American military dictator. His police and army—the largest in Latin America, aside from Cuba's—has refused to accept the newly elected government. According to the New York *Times*, his government has "passed out thousands of automatic rifles to its supporters in Managua and other key cities," and has rewritten laws "to transfer large amounts of government property to Sandinista hands." —RWB

W. W. Bartley, III, RIP — The death of Bill Bartley in February, at age 55, was a great loss to anyone who knew him or his work, or would have come to know them.

Bartley, a fellow at the Hoover Institution, was a libertarian scholar of the first rank. His philosophical contributions, in such books as *The Retreat to Commitment* and *Morality and Religion*, are monuments to reason, and his love of liberty was unsurpassed. His scholarly vitality was stupendous; when he died he was at work as the official biographer of F. A. Hayek and Karl Popper, as well as the general editor of Hayek's *Collected Works*. He demonstrated his intellectual versatility in his *Lewis Carroll's Symbolic Logic*, a product of detective work as well as scholarship. His biographical work dealt with Ludwig Wittgenstein and Werner Erhard.

Bartley was a gentleman—a *gentle* man. I had the pleasure of working with him in a small way at the Institute for Humane Studies and was touched by the warmth that flowed from his sincere interest in what others thought about important matters. I saw him only a few times, but I will fondly remember each one, for they taught me about being a scholar, a libertarian, and a person. —SLR

Theodore B. Loeffler: RIP — He was one of those people who cared about human liberty and did what he could to advance it. He founded World Research, Incorporated, a non-profit organization that produced educational films and videos to present the ideas of liberty to youth and provided it with funds and direction. (His most famous film was *The Incredible Bread Machine*, familiar to anyone who attended a libertarian political meeting in the 1970s.)

What he did was worth doing. Those who share his love of liberty will miss him. —RWB

Comment

Make Sense, Not War

by R. W. Bradford

Liberty's editor explains why he is a conscientious objector in the paleo-libertarian war.

Llewellyn H. Rockwell Jr's "paleolibertarianism" has stirred up quite a brouhaha (*Liberty*, January–March). According to Rockwell, who invented paleolibertarianism and is thereby able to define it as he pleases, paleolibertarianism is characterized by ten beliefs, six of which he acknowledges all libertarians agree with, plus these four propositions that would "outrage" most libertarian activists:

"The egalitarian ethic [is] morally reprehensible and destructive of private and social authority.

"Social authority—as embodied in the family, church, community, and other intermediating institutions—help[s] protect the individual from the State and [is] necessary for a free and virtuous society.

"Western culture [is] eminently worthy of preservation and defense.

"Objective standards of morality, especially as found in the Judeo-Christian tradition, [are] essential to the free and civilized social order."

Some of the propositions could be interpreted in a way that many libertarians might disagree with them, but I cannot fathom why Rockwell would think most libertarians would be *outraged* by them.

If one considers the "egalitarian ethic" to be "equality before the law," then nearly all libertarians would disagree with Rockwell's first proposition. But if one considers the "egalitarian ethic" to be the notion that equality must be a governmental policy, then all libertarians would agree with Rockwell.

Similarly, if Rockwell's second proposition is taken to mean that social authority as embodied in the father justifies the rape of the daughters, then libertarians would disagree with Rockwell. But if it means that non-governmental authorities are important, most would likely agree.

If Rockwell's third proposition is taken to mean that all non-Western people are inherently inferior and deserve to be treated as cattle, then libertarians would disagree with Rockwell. But if one means that our own culture is, on balance, a good thing, then nearly all would agree.

Only Rockwell's final proposition would find much disagreement among libertarians. Many libertarians believe that our Judeo-Christian heritage is a mixed blessing—its view of the importance of individual moral choices, for example, is a good thing, but the Inquisition, for example, is a bad thing. Most libertarians—whether they are Christian or not—agree that a free social order can be achieved in a society that is not based on Judeo-Christian morality. But while many libertarians would disagree with this proposition, few would be outraged.

Not one of these propositions "outrages" libertarians. That is not to say that Rockwell hasn't outraged an awful lot of libertarians. His denunciation of unnamed libertarians for "smearing the most glorious political idea in human history with libertine muck," his calls to "delouse" the movement, to "cleanse" the movement, his characterization of many libertarians as "repugnant," his characterization of the Libertarian party as "diabolic" all lead to the inevitable conclusion that Rockwell is deliberately trying to stir up a fight, despite the lack of an ideological basis for disagreement.

Rockwell apparently wants a brawl, and is determined to get into one. How else can one explain the following passage:

"Even non-paleolibertarians . . . ought to welcome . . . libertarians who are cultural and moral traditionalists. But my guess is that they will not, and that we will have a nasty fight on our hands. I, for one, welcome that fight."

So Rockwell "guesses" that non-paleolibertarians would not welcome traditionalists into the movement. His guess is wrong, of course, as anyone who has attended any libertarian gathering in recent years can testify, so there will be no "nasty fight," no matter how much Rockwell "welcomes" one.

Why Rockwell wants a "nasty fight" I do not know, but I hope that libertarians will not be incensed by Rockwell's incendiary prose into the "nasty fight" that Rockwell relishes. Disagreement and debate over strategy, over political theory, over tactics . . . these are healthy for any movement. But insulting those with whom one disagrees can lead only to self-destructive ideological fratricide. As Ron Paul wrote about the controversy, "The debate [is] more divisive than productive. I prefer to use my energy attacking those who support statism."

Murray Rothbard has observed that "freedom is for everyone," including "hippies, *lüftmenschen*, and special interest minority groups" as well as "Christians" and "the average middle-class American." The libertarian civil war that Rockwell looks forward to serves neither the cause of liberty nor civility. It is one war in which I shall surely remain a conscientious objector.

Early in his essay, Rockwell observed that "So divisive has [the situation become] that good conservatives and good libertarians have forgotten how to talk to each other." Let us hope that Rockwell's pugilistic prose and his desire for a "nasty fight" will not bring those who love liberty to the point where good traditionalist libertarians and good radical libertarians can no longer talk to each other.

Naught's Had, All's Spent Conservatism In Its Latter Days

by William P. Moulton

Double, double toil and trouble; fire burn and cauldron bubble . . . Though the cauldron of the conservative movement may sometimes *seem* to offer good medicine for freedom-lovers, Moulton suspects that it is about to evaporate in the heat of its political success.

When George Nash's pathbreaking book *The Conservative Intellectual Movement In America Since 1945* appeared in 1976, the movement that it chronicled seemed to have reached a mature and settled stage in its development. After four decades or more of erratically ebbing and flowing with precious little in the way of positive accomplishment, conservatism in this country had collectively calmed down, rolled up its sleeves and faced the long and daunting task of a slow, incremental cultivation of influence and power within the Republican Party and other political institutions, and eventually in the media and the academy. This, at least, was the consensus of political observers at the three-quarter mark of the century, although it was realized that not all conservative activists were satisfied with such a prognosis.

To be sure, even by the time of the Ford presidency there were some signs of conservative ascendancy, though not of a spectacular nature. At least the Reaganite wing of the GOP could give the dominant Nixon-Ford centrists a strong electoral challenge. The media and the groves of academe were proving to be much harder to crack, although the all but monolithic left-liberalism that had long prevailed in these fields was showing signs of losing its grip.

At the minimum, both supporters and foes agreed that American conservatism had come of age and was likely to remain in the political arena. What neither Nash nor any other serious observer of the right-wing scene foresaw was the enormous waxing of the conservative cause during the succeeding decade. In that brief period of time, the movement had found a presidential champion and twice elected him to the presidency, then followed up with the elevation of his second-in-command to the succession. Conservatism made advances in the intellectual and academic world that would have seemed wildly improbable a few years earlier. In short, American conservatism, which in the Goldwater days had seemed the Church Militant, had been transformed into the Church Triumphant. With Ronald Reagan standing athwart the national political scene like a colossus and preparing to hand on a vigorous legacy to his successor, the demi-paradise, the almost-Eden of which Barry's Boys (and Girls) had dreamed had seemingly come to pass.

Yet . . . yet. In this era of triumph the conservative *movement*, as distinguished from merely the views and programs of political figures who are more or less identified as conservatives, was neither as healthy nor as coherent as might superficially seem to be the case.

When our desire is got without content

R. W. Bradford refers, in the January issue of this magazine, to the crisis within the conservative movement that has been engendered by the breakup of communism, a process which, of course, has passed several more milestones since he wrote. I believe it is more useful to regard the conservative problem *vis-a-vis* communism as merely one aspect of a much broader phenomenon. Conservatism in the American sense is, I believe, not simply in crisis but in a state of incipient decay; it is at or nearing the end of the era of its historic cohesiveness and usefulness. This end will signal not only a loss of self-identity and confidence, but a declining level of influence, both intellectual and political, and may eventually lead the movement into the kind of marginality that one ascribes to, say, Jacobites and Baconians.

Of course, to many it will seem quixotic to write about the decline or even collapse of conservatism in the era of Reagan-Bush, to say nothing of Margaret Thatcher. As the first step toward justifying this thesis, I must

present a definition of "conservatism" as it is used here. I am referring, for the purposes of this survey, to people who self-consciously share the conservative frame of reference, who specifically think of themselves as conservatives, and whose values, despite individual differences, are rooted in that matrix of views that extends from Edmund Burke to current thinkers such as Russell Kirk and Michael Oakeshott, to name but two outstanding representatives. In their minimalist form, these views include belief in traditional patterns of society, and distrust of social change and postulated rights based on mere abstract theory; an acceptance of human differentiation and a concomitant rejection of coercive egalitarianism; belief in the state as only one civil institution among others, with an emphatic denial of the notion that it is the fountainhead of all virtue; belief in religion or at least in the necessity of a public order based on religious values; a sense of social stability and civility that sees the past as an anchor against the threatening chaos of change, rather than a dead weight to be jettisoned for the building of a future order; skepticism regarding broad schemes for the improvement of society, especially those with a strong utopian bent; and, generally, commitment to private property and to some degree of personal autonomy, though not always to modern capitalism.

Conservatism in the American sense is not simply in crisis but in a state of incipient decay; it is at or nearing the end of the era of its historic cohesiveness and usefulness.

Not all movements in the direction of freedom, even in the economic sphere, are "conservative." Many social trends that are vaguely identified as right-wing by the media have no real relationship to, and certainly were not spawned by, the actual conservative movement. For example, interest in hard-money investment strategies and in offshore opportunities for tax avoidance and financial privacy began rapidly to increase during the inflation of the Carter years. Certainly many persons of conservative outlook were sympathetic to these developments, but the intellectuals of the movement paid little heed and were often scornful, either denouncing the increasing materialism of the age (Russell Kirk, George F. Will) or broadly hinting that such strategies were unpatriotic (Richard Viguerie, Medford Evans). Similarly, deregulation began as a series of proposals from pragmatic centrists and consumerists within the Carter administration, and only gradually and belatedly won the general, though not complete, backing of conservative activists. (Barry Goldwater was arguing against airline deregulation as late as his last Senate term in the mid-'80s, while the bellwether right-wing weekly *Human Events* is still featuring articles opposing the freeing up of the broadcast industry).

Conservatism, then, as many of its leading apologists are quick to admit, is not the same thing as the movement toward a greater appreciation of the free market, despite some obvious overlapping of interests and beliefs.

Was it Not Yesterday We Spoke Together?

When we come to the matter of evaluating the relationship between liberty on the one hand and what remains of an identifiable conservative movement on the other, we must pay respect to a historical context. There is a natural temptation, especially acute if one slips into intellectual laziness, to make identifications of both friends and opponents on the basis of superficial and media-induced judgments. For example, in 1948 Robert Taft was generally considered to represent the far right edge of the political spectrum. A few years later this description was applied to Joseph McCarthy. Advance another decade and the prime candidate for such a position was Barry Goldwater; a few more years, and it was George Wallace. Now it is obvious that only a very frivolous political conception would assign these four men, with their widely conflicting outlooks, to a common position as members of some ill-defined, or more likely undefined, "right wing."

In the Kennedy-Goldwater era—if I may be permitted to create a new historical epoch—people regarded as strong conservatives routinely attacked the New Deal, the welfare state, and the FDR legacy in general. Although they had learned, in most cases, a certain caution with regard to Social Security, they roundly condemned most other transfer payments, at all levels of government. Massive federal projects such as TVA, the farm subsidy program, and what was then the Department of Health, Education and Welfare (HEW) were routinely brought up as candidates for abolition or privatization. Federal intervention in education and medicine was anathema. This was true not only among intellectuals who didn't have to face the voters, but among elected officials.

What sort of views are *now* regarded as representing the "extreme right"? In the interest of brevity, I will present just one. Vin Weber, a five-term Congressman from Minnesota, is invariably referred to in the media as an ultraconservative, a member of the hard-core right. In the media perception, at least, he occupies the same type of niche as did Bruce Alger, August Johansen or H. R. Gross in the Congress of the Kennedy-Goldwater era. What are his actual views? A recent *Wall Street Journal* profile of Weber mentions that he repeatedly speaks in positive terms of "activist government." In a recent interview he stated, "Voters are not debating whether or not the federal government ought to be involved in education or whether the government should be involved in helping poor people. Some Republicans may want to sit around and argue about that, but that argument has been decided. What we have to do is get beyond that and craft Republican solutions to those problems."

Yet Do I Fear Thy Nature

The more deeply one penetrates the heart of serious conservative thought (of which the quarterly journal *Modern Age* represents, in this country, the cutting edge and the highest level of scholarship), the more depressing does the journey become. Along this ideological route we are treated, *inter alia*, to a pervasive denigration of the

Enlightenment and its ideals, as well as of the classical liberalism to which it helped give birth. We also witness intellectual assaults on reason, the scientific method, and individual rights. These attacks are not absolute, but they are enough to give one pause when postulating a link between these authors and the cause of liberty.

Modern Age illustrates the kind of widespread conservative opinions and value judgments with which classical liberals such as this writer have problems. Although many statements are made with which libertarians and their allies are in complete agreement, we are subjected to continuous jeremiads against humanism and secularism and told that the idea of progress is possible only within the context of Christianity. We learn from the essayist Edward R. McLean that "[T]he advocates of. . . individualism seek to create conditions which inevitably produce the opposite of what they advocate" and that "[T]he place of the individual. . . is incomplete without the Incarnation. " Anne Husted Burleigh warns us not to "succumb to the libertarian, individualist conception of society." We are told further, by Marion Montgomery of the University of Georgia, that the great Ralph Waldo Emerson should be dismissed as merely an anti-Christian subversive. In the field of epistemology, we encounter Frederick Wilhelmsen's dictum that "reason divorced from faith is pedantry enthroned" and many similar statements.

The more deeply one penetrates the heart of serious conservative thought, the more depressing does the journey become. Along this ideological route we witness intellectual assaults on the Enlightenment, classical liberalism, reason, the scientific method, and individual rights.

In the area of civil liberties, the student of intellectual conservatism is told by Jesuit Father James Y. Scholl that "The rapid legalization of what were called in classical natural law 'vices' had made it more and more imperative that political theory retain its principled foothold in theology." We are given a reminder from the late Willmoore Kendall of Yale that "We do not make sense as a community so long as we tolerate Communists and pro-Communists in our midst" and that "[T]he surest way for [society] to lose its meaning is for it to tell itself, and its potential dissidents, that where dissidence is concerned, the sky's the limit."

Publisher Henry Regnery warns that *Playboy* magazine and the "Playboy philosophy" are threats to the American way of life. Peter Lawler of Berry College in Georgia explains that America and freedom are both Biblical in nature. There is more, of course, but we do not need an exhaustive catalog. We have, I think, made the point that the conservative intellectual movement in America has very little relation even to those modest successes that have been achieved by free-market advocates in the academy and in the field of policy.

We Sit in Judgment Here

There have been two conservatisms, in the specific modern ideological sense, in this country. The first began about 1934 as a reaction against the New Deal. This movement had a strong classical liberal character but also possessed elements of mild xenophobia and Anglophobia, a touch of anti-intellectualism or at least distrust of East Coast academics, and a type of conservative populism that extolled the virtues of rural and small-town folk, especially those of the midwest. Its geographic stronghold tended to be the aforementioned area, and its ranks were heavily Protestant. Its leading political representative was undoubtedly Senator Robert A. Taft of Ohio.

This conservatism, with both its good and its bad points, was like a stream that flowed along between rather narrow banks, in a single direction, gradually gaining strength and waxing into a powerful river, never overwhelming the forces holding it to its course but never changing its flow either. To continue the conceit, we may say that at a certain time this river rolled out onto a vast alluvial plain and became something altogether different. It now covered a great area but had little depth. Seen at a casual glance, it appeared mightier than ever, but a closer look would reveal that it was no longer in forward motion. Then again, as time went on, the alluvial plain became a porous sponge, and the river was sucked in, becoming only a sea of muck, losing all identity.

Catholics altered conservatism in several ways. The mass base who came to right-wing voting ranks included a huge bloc of people who were less attached to the old Jeffersonian liberalism than other Americans, and whose opposition to communism was more likely to be a function of the latter's atheism than part of a general abhorrence of tyranny.

The "certain time" mentioned above was the arrival of the Eisenhower administration. Taft Republicanism could not cope, as a coherent force, with the success of the Republican Party during the 1950s.

This decade was, in fact, conservatism's Dark Days. True, a new movement of the right was being born, but in its nascent phase no one could predict what success, if any, it would enjoy. The miniscule rivulet set in flow by the launching of William F. Buckley's *National Review* in 1955 survived, but the stream into which it coalesced was quite different from the conservatism of Taft.

This second conservatism was much more oriented toward foreign affairs, willing to give up a fair amount of domestic freedom in order to combat godless communism. The quasi-isolationism of the earlier right was abandoned with scarcely a thought given to its demise. Elements entered that were new, both demographically and ideologically. The influx of McCarthyites ensured the continued

existence of a modicum of paranoia and intolerance within the new conservatism. The entry into the ranks of large numbers of Catholics was fostered to some degree by the McCarthy phenomenon and more by the general anti-communism of the Cold War era, the fact that many members of this faith came from or had roots in nations that were now under Soviet domination, and the turn to the left, gradual and muddled though this process was, of large portions of the Democratic Party. Catholics altered conservatism in several ways. The mass base who came to right-wing voting ranks included a huge bloc of people who were usually less attached to the old Jeffersonian liberalism than other Americans, and whose opposition to communism was more likely to be a function of the latter's atheism than part of a general abhorrence of tyranny (which was, for example, definitely the case with most of Taft's followers). The Catholic intellectuals who entered the conservative legions around this time were, for the most part, both more profound and more European-oriented thinkers than the best minds of the earlier movement. They opened up to the American right much Continental conservative thought, in addition to the richness of the whole Thomist tradition. But their appreciation of the Anglo-Saxon roots of individual rights theory was sometimes weak, and some of their scholarly concerns—e.g. a fascination with the alleged evil legacy of gnosticism and the attempt to link the modern left with certain medieval heresies—seem obscurantist and quirky. At any event, the Roman Catholic influx put a new spin on American conservatism, one that at least marginally speeded up the erosion of its quasi-libertarian heritage.

A second infusion of new blood took place after 1970 as a by-product of the meteoric national career of George Wallace. The little Alabama governor was not really a conservative, but a populist with some right-wing themes. Nevertheless, his third-party run for the presidency in 1968 and his try for the Democratic nomination four years later did bring into the political process many people of a more or less conservative bent. As Wallace's career waned following his crippling by a would-be assassin in May 1972, many of his more right-wing followers became active in some conservative causes. The so-called New Right (of which more below) benefitted especially from the energy and support of the newcomers. This was not, to put it mildly, an influx of political philosophers, but of masses of Americans who felt vaguely threatened by the policies and values of establishment institutions. There was a certain amount conservative resistance to their arrival on the stage of political activism, and their influence on the right should not be exaggerated. However, they did serve notice to the nation's leaders that certain values—patriotism, religion, resentment at social engineering, with many particular derivatives of each—were about to become partisan political issues.

By the time the conservative movement was able to nominate Ronald Reagan for the presidency in 1980, it had become a federation of diverse constituencies and value systems. These elements—Old Right, New Right, evangelicals, neoconservatives, quasi-libertarian—were held together in a sort of colloidal suspension by the personality and leadership of Reagan himself, as well as by perceived mutual benefits to be derived from getting him elected. With his landslide victory that year, however, the various centrifugal forces began to reassert themselves. There was a recreation of at least a semblance of unity for the president's reelection in 1984, but by that time the old pattern of the Taft Republicans was rearing its head. The scale was much larger, since conservatism had grown greatly in numbers and power since the days of Eisenhower. As before, however, factionalism, ambition for office and appointments, the ascendancy of non-ideological political functionaries, the over-centering of attention and energy on the person and functions of the president, all contributed to a loss of direction, purpose and self-confidence among conservatives, at least *qua* conservatives. To return briefly to my metaphor, the vast alluvial plain of Reaganite success soaked up the vital energies of the movement.

The neocons were an easily identifiable group—intellectuals of the Washington - New York-Boston axis, veterans not only of contemporary liberalism but, in the case of the older generation, of the Stalinist/social democrat wars of the thirties and forties.

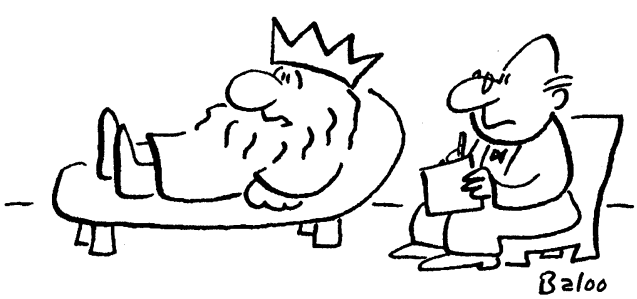

"I have libertarian impulses."

Attend These Men Our Pleasure?

Our focus on conservatism's relation to the long-term prospects for liberty naturally tends to narrow our gaze to those constituent elements that have some cohesiveness and staying power. Usually, this means they also possess at least a modicum of intellectual content. We needn't bother with the Birchers or the *Spotlight* people (the latter emphatically reject the conservative label anyway), and we certainly need not concern ourselves with marginal racist and anti-Semitic groups.

However, there are a few varieties of conservatism that not only have a significant identity but which are characterized by such vitality and self-confidence that many observers would claim that they are exempt from the trends which I have just presented. In fact, the leaders and admirers of each of these groups tend to maintain that while other forms of conservatism are in decline, or never amounted to much

in the first place, their movement (the true conservatism) is doing fine and is ready and willing to face the challenges of the next century.

I doubt these claims, but three of these conservatisms nevertheless deserve attention.

Hours Dreadful and Things Strange—The Neoconservatives

By far the most intellectually significant is neoconservatism. The neoconservatives are also the most likely to be well-known to, and taken seriously by, the educated reader. But the "neocons" are also the most transitory and the least likely to shore up the settling conservative edifice. To explain this seeming anomaly we must briefly look into the origins of this movement.

Neoconservatism is a product of events that occurred within liberalism and the left, not within conservatism. To the slim ranks of committed right-wing intellectuals during the late sixties and early seventies it may have seemed that the left was a monolithic and omnipresent force. In fact, the dominant New Deal liberalism was in great stress. It was inevitable that some sort of backlash would occur as the long-triumphant old Roosevelt coalition gradually came apart at the seams as a consequence of the radicalization of a large minority of its members under the influence of the the black power revolution and the anti-Vietnam War movement. There were, after all, plenty of articulate liberals in the Truman mold, patriotic, anti-communist and pro-American, though mildly left wing (along labor union lines) on domestic issues. Such trends as minority-group pandering, radical feminism, reflexive anti-Americanism, racial quotas, and the rewriting of the history of the Cold War in a pro-Soviet direction left these gestating neoconservatives cold.

The neocons were an easily identifiable group—intellectuals of the Washington - New York - Boston axis, veterans not only of contemporary liberalism but, in the case of the older generation, of the Stalinist/social democrat wars of the thirties and forties (battles that were critically important at the time on the campuses of the City University of New York and of Columbia, but scarcely noticed west of the Hudson). The great majority were Jewish, and nearly all had written for or would write for *Commentary* magazine. The real signal that neoconservatism had arrived as a coherent movement occurred with the publication of the December 1970 issue of that journal. This number was devoted to a series of attacks on the "counterculture" and on the values of the nascent McGovern wing of the Democratic Party. It was here that neoconservatism began to assume a real identity.

One problem facing the neoconservatives has been the simple fact that there aren't very many of them.

The leading lights are easily enumerated. Irving Kristol who, typically, graduated from CCNY in 1940 as a member of the Young People's Socialist League, is unquestionably the intellectual leader, not only because of his voluminous writings but because he is the most explicit of major neocons about his move to the right. Unlike some of his compatriots, Kristol doesn't shun the neoconservative label, and has been frequently quoted as saying "The more I think about the term, the more I like it."

Matriculating at City University with Kristol a half-century ago were other future neocons, including Seymour Martin Lipset, Daniel Bell, Melvin Lasky, and Nathan Glazer. Slightly younger luminaries include Norman Podheretz, editor of *Commentary* during the period when it began to move cautiously to the right, and his wife Midge Decter, widely known for her penetrating and scholarly refutations of the more questionable aspects of contemporary feminism. The sociologists Edward Banfield and James Q. Wilson and the military and geopolitical historian Edward Luttwak pretty much round out the list of really well-known neocons.

Much of the analysis of the neocons by those outside their ranks is decidedly polemical. Attacks from the left range from the relatively mild statement by Peter Steinfels that the movement, "should it prevail, threatens to attenuate and diminish the promise of American democracy," to the hysterical and paranoid denunciations that routinely emanate from such sources as *The Nation, In These Times*, and the even more hard-core Marxist press. Such passion often makes it difficult for all but the most inveterate political addicts to understand the complex relationship between neoconservativism and the older right-wing movement. Although this nexus may at times seem to consist of little but mutual acrimony, some deeper evaluation is needed to arrive at a reasoned prognosis of the entire conservative trend in America's political and intellectual life.

The New Right began as a right-populist reaction to a perceived betrayal of conservative principles by the Republican Party. In a sense, the New Right is a mirror image of the neoconservatives. The neocons arose out of ferment on the left, the New Right out of ferment on the right.

Neoconservative beliefs can be pinned down in only rather general terms. As Steinfels has stated, it is difficult to present the formal views of ". . . a movement that is reluctant to identify itself . . . We have no Neoconservative Manifesto . . . no statements issued from the National Association of Neoconservatives. All generalizations risk an injustice to this or that writer." Fair enough, but we can still come up with some identifying characteristics; after all, one leading neocon, Irving Kristol, has not been reticent about describing what he regards as standard or proper neoconservative thought. In his opus *Two Cheers for Capitalism* he sets forth five cardinal principles. First, "neoconservatism is not at all hostile to the idea of the welfare state, but it is critical of the Great Society version of this welfare state. In general, it approves of those social reforms that, while providing needed security and comfort to the individual . . . do so with a minimum of bureaucratic intrusion."

Second, Kristol says that neocons, while generally supporting the market economy as an instrument for efficiently allocating resources, are "willing to interfere with the market for overriding social purposes [but] prefer to do so by rigging the market . . . rather than by direct bureaucratic controls."

Third, Kristol and his *compadres* are "respectful of traditional values and institutions: religion, the family, the 'high culture' of Western civilization. If there is any one thing that neoconservatives are unanimous about, it is their dislike of the 'counterculture' that has played so remarkable a role in American life [in recent] years."

Fourth, the neocons uphold the ideal of equality of opportunity, but reject the coercive egalitarianism that attempts to ensure that "everyone ends up with equal shares of everything."

Fifth, according to Kristol, "neoconservatives are critical of the post-Vietnam isolationism now so popular in Congress, and many are suspicious of 'detente' as well."

Allowing for a few tiny changes in emphasis and terminology—Kristol was writing in 1978 and few think in terms of "detente" anymore—this is a reasonable summary of the neoconservative position. I would only add two widely shared viewpoints to the above list. In domestic policy, the neocons generally see themselves as being in more or less conscious rebellion against what they designate as the New Class—what neoconservative convert Michael Novak characterizes as "the knowledge industry: federal and local government workers, researchers, lawyers, planners, consultants, educators, information systems operatives, journalists, social workers and others, [most of whom] depend for their livelihood on expanding and activist government expenditure. . . . Most are Democrats." This New Class (which even neocons admit is impossible of precise definition, but is still felt to be a useful analytic concept) is further seen as representing an "adversarial culture" in opposition to the values of the majority of Americans, who are said to believe, in Novak's words, in "the traditional values of honesty, decency, hard work, competitive advancement, religious faith, compassion for the suffering and social cooperation."

In foreign policy, neoconservatives usually adhere to the broad view that the democratic capitalist system is morally, politically and economically superior to all other types of social organization, ranging from traditional despotism through democratic socialism to fascism and communism, and that this system should be strongly encouraged throughout the world, even to the point of adopting a pattern of selective foreign intervention on the part of the Western powers. As a narrower aspect of this doctrine, the notion popularized by former U. N. Ambassador Jeanne Kirkpatrick, namely that there exists a vast qualitative gulf between totalitarian regimes, which are said to be incapable of internal reform or dissolution, and merely authoritarian systems, which are susceptible to external and internal pressures, is held by most neocons, or at least was until very recent events in the Soviet bloc.

Now, it should be obvious that all the above ideas are both the source of the neocons' success and acceptability, and the harbinger of the ultimate irrelevance of their movement. For these views are now simply the outlook of most opinion makers and of a large portion of the thinking public. They are well on their way to becoming mere commonplaces.

Of course, one possible reaction to this development would be simply to say that neoconservatism has triumphed in the intellectual world, that it has, by dint of its crystalline logic and scholarly acumen, taken command of the field of battle.

But a mere glance at the nation's media establishment and at its major academic and publishing institutions is enough to indicate that this is not the case. The influence that the neos do exercise is a factor, not of any ideological *coup* on their part, but rather of their closeness to the intellectual mainstream. It is astonishing how little the major neocons have ever departed from sociological and political respectability. When the U. S. was in a vaguely social activist/reformist mood in the Kennedy and early Johnson years, Kristol, Podhoretz *et al.* were right there with the masses. The neocons' disillusionment with the dopier Great Society programs just kept pace with that of Joe Sixpack. When most Americans began to believe that the black civil rights movement had passed from the securing of justice to the cultivating of unearned special privileges, the neoconservatives were on hand to tell them that, yes, they were correct to feel this way. The same has been true with the feminist move-

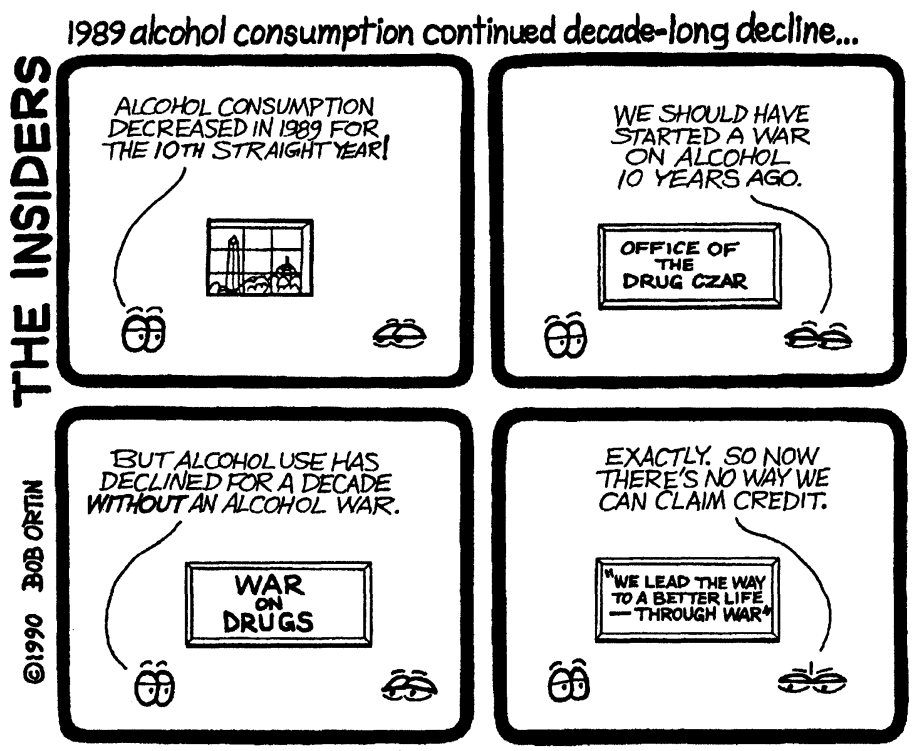

ment—breaking down archaic legal barriers and demanding equal pay for equal work were OK, while shrill man-hating rhetoric and "comparable worth" were not. Similar things could be said of environmentalism, of the defense buildup of the Reagan years, and of the Cold War.

I am not implying that the neoconservatives were necessarily wrong on all or any of these issues, and I am certainly not suggesting that there is any element of conspiracy in this pattern. The point is merely that the neocons have not presented a radical critique of any widely accepted political program. They have scarcely been on the cutting edge of new ideas even within the context of the values that they uphold. They know the value of caution and of "conservatism" in a very non-ideological sense when it comes to asking for grants and securing academic tenure and promotion. In fact, they know it too well, for while this ultra-respectable approach works in terms of immediate objectives, it also guarantees a narrowed intellectual vision and a stultified final product. Neocons and their think tanks are great at churning out papers on increasing governmental efficiency, but abysmal at thinking about alternatives to government, except in those few areas—e.g. trash pickup or wetlands preservation—where such alternatives are already at least moderately respectable in establishment circles. The same is true in foreign affairs. Go to a neocon if you want good studies on the geopolitical implications of superpower proxy struggles in Central America. If you want an analysis of the historical and political case for *non*-intervention in that region, you'll have to look elsewhere.

Except in the United States, Christian observance is in decline throughout the Western world, and even here it is holding its own, no more.

This conventionality will continue to diminish the self-identity and importance of the neoconservative movement. The crumbling of the communist enemy will also contribute. It is difficult, for example, to predict a rosy future for the Committee on the Present Danger, the archetypal neocon foreign policy institution. Many individuals with neocon background will certainly continue to have successful careers, but probably not in a manner that will be closely related to the viability of conservatism. By the beginning of the next century, it is not unlikely that the neoconservative label will be as dated as the epithet "dixiecrat."

That Which Would Be Feared—The New Right

The second subset within American conservatism that is claimed by some analysts to be strong enough to lead the movement into a new future is the New Right. This term began to be used in 1974 and 1975 to describe some of the right-wing opposition to President Ford after his selection of Nelson Rockefeller as his interim vice-president. Essentially, the New Right began as a right-populist reaction to a perceived betrayal of conservative principles by the Republican Party. In a sense this movement is a mirror image of the neoconservatives. The neocons arose out of ferment on the left, the New Right out of ferment on the right.

During its rather brief history the movement has remained centered around a small number of leaders: Richard Viguerie, former YAF leader and now direct-mail entrepreneur; Howard Phillips, former Republican National Committee official and later founder of the Conservative Caucus; Paul Weyrich, who operates through his Committee for the Survival of a Free Congress; and, until his untimely death from AIDS, Terry Dolan, who pioneered the use of political action committees (PACs) by conservatives.

We are, again, concerned here more with ideas and programs than with personalities. However, this may not be the best approach when examining the New Right. Though by no means totally inarticulate, the New Right is characterized more by style and emotional flair than by deep political and philosophical thought. Its style is resentful populism. This movement opposes most of the same forces as do the main-line conservatives, but adds to its enemies' list those institutions that might loosely be termed the "Establishment"—bankers, big business, publishers, the academy, most prominent East Coast figures.

Unlike the broader conservative movement, the New Right has only a rather loose loyalty to the G.O.P. New Right leaders have supported (and later rejected) a number of politicians from both parties: Richard Nixon, John Connally, George Wallace, Lester Maddox, Ronald Reagan, to name the most prominent. This frequent disillusionment with political figures is probably a product of the New Right tendency to demand and expect quick, dramatic results from those whom it lionizes—a sure formula for letdown in the American political context.

Like the neocons, the New Right activists have nurturing institutions. Those of the latter tendency, however, are rather feeble compared with the impressive think tanks of the Kristol-Podhoretz apparatus. The New Right isn't really comfortable with such intellectual appurtenances. Its specialty is

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general-purpose mass-membership organizations. Prominent examples are, or have been, in addition to those mentioned above, the Moral Majority of Jerry Falwell, the National Conservative Political Action Committee, and the Eagle Forum of anti-feminist crusader Phyllis Schlafly. There are also, of course, a number of single-issue groups and *ad hoc* committees but, except perhaps for those relating to the abortion issue, their role in gaining money and recruits to New Right causes seems to be minimal.

Is there any substance to the paleoconservatives? Certainly a general dislike of Irving Kristol and Norman Podhoretz isn't much on which to build.

Leading New Right figures eschew political philosophy and generally avoid discussion of fundamental principles. Certainly there are some people of scholarly bent associated with the movement, but they tend to restrict their activities to those related to political policy. The deeper aspects of their thinking are usually not engaged. This does not mean that New Right leaders are dull (although when it comes to followers they probably do attract a generally lower intellectual and educational stratum than does either neoconservativism or the old-line right). Rather, the cultural and rhetorical style of the New Right is populist, in a way that transcends political stances. Its approach is emotional, evangelical, an appeal to deeply ingrained but often unarticulated values.

When the New Right does attempt to formalize its positions, the results are less than edifying. The principal production of this sort, to date, has been *The New Right Papers* (1982), edited by Robert W. Whitaker. This is a weak mishmash, but it does serve to illustrate all the major New Right themes: opposition to the Equal Rights Amendment, homosexual rights (ill-defined: the New Right makes no distinction between decriminalization and the granting of special privileges), abortion, easy divorce, sex education, secular humanism (also ill-defined), permissiveness, pornography, the Panama Canal Treaty, sanctions against South Africa and, for the most part, negotiations of any kind with the Soviet Union; on the positive side, advocacy of parental control of education (including textbook selection), governmental aid to "preserve the family" (not all contributors were agreed on this), restriction or elimination of trade with communist nations, aid to anti-Soviet movements in Afghanistan, Nicaragua, Angola and Mozambique, and, naturally, various proposals to reverse the negative trends cited above.

All this is fairly predictable, and is set forth with the usual lack of depth that typifies New Right polemics. Deeper issues bring forth disturbing analyses. Several of the essays in *The New Right Papers* were highly critical of the concept of a free society and railed against capitalism and socialism—"both reflexes of the same degraded, aluminum coin" in the words of one author—with equal vehemence. The enemy was not the omnipotent state, which many of the contributors accept so long as it remains in conservative hands, but the soulless spirit of international commerce and finance. One essayist called explicitly for a new mercantilism that would help relegate business considerations to a mere function of American national(istic) policy.

More could be written about the New Right, especially with regard to its recent campaign for what its leaders call "cultural conservatism, "a program which, if it were to become the dominant motif of the New Right, would almost entirely sever that movement from the anti-statist, classical liberal aspects of mainline conservatism. Enough, however, has been presented to demonstrate the irrelevance of the New Right to intellectual conservatism. The New Right represents advocacy devoid of thought, serious analysis, or a sense of perspective. In short, it lacks as a movement the Aristotelian virtue of prudence, in all of that virtue's contexts and manifestations. In the field of political activism, Viguerie, Phillips and their cohorts are in a stronger position, but here they possess no ideological coherence to go with their numbers, and their relationship to conservatism, and to conservatism's future, is weak and problematical. For all of its bluster and occasional influence on public policy, the New Right is at bottom little more than a frenetic hodgepodge of mailing lists, half-baked impulses, and overblown rhetoric.

Was the Hope Drunk Wherein You Dressed Yourself?—The Paleoconservatives

The third and final conservative satrapy that we must consider is paleoconservatism. This is the most important to our purpose because, alone among conservative factions, this one is viewed by some prominent libertarians as providing excellent potential for recruitment, or even for full-fledged alliance. Certainly the group warrants scrutiny.

But is not clear whether there is an actual "group" to be scrutinized. The term "paleoconservative" began to turn up occasionally a decade ago, when serious critiques of the neoconservatives began to appear in right-wing publications. At that time it (paleo-) was often used as a synonym for "Old Right." Both designations were *sometimes* used to refer to pre-*National Review* Taft Republicans, but far more often they just referred to any conservative who wasn't a neocon. In truth, that is all that "paleocon" means today in the usage of many writers. Obviously, libertarians who call for an alliance with these people have something more precise in mind. The question is, can the word be attached to a usable concept?

The notion of an identifiable paleoconservative movement was popularized by Paul Gottfried and Thomas Fleming as recently as 1988 in their book *The Conservative Movement*. The authors definitely consider themselves paleos, and their volume can be seen as a reasonably civil and scholarly attack on neoconservative influence on right-wing thinking and institutions. Whether they really clear up the matter of definition is open to dispute. Gottfried and Fleming do not so much define paleoconservatism as contrast its approaches and views with those of the neocons. "The paleo-conservatives drew their insights and convictions from a humanistic and religious

heritage [and] their hearts remained in literature and theology. The neoconservatives, by contrast, revel in statistics and computerized information." Further, "What paleoconservatives often attribute to human frailty, or to the failure to deal adequately with that condition, neoconservatives treat as problems for which there exist right and wrong solutions. . . . [T]heir position is not entirely incompatible with modern state planning." Whereas paleos, as these writers define them, look for alternatives to the welfare state, "the neoconservatives' belief in the welfare state is both a permanent aspect of their ideology and a characteristic that distinguishes them from the older Right." In foreign affairs, "Neoconservatives also distinguish themselves from older American conservatives by their vision of a global democratic order." The former view this world with a "neo-Wilsonian focus." And so on.

It is obvious that the passages cited above have one common theme: they say more about neo- than about paleoconservatism. That is part of the problem. Is there any substance to the paleos? Certainly a general dislike of Irving Kristol and Norman Podhoretz isn't much on which to build.

A few very important libertarian figures are quite enthusiastic about the paleocons. In November 1989, a number of libs and paleos met in Rockford, Illinois at the headquarters of the Rockford Institute, which Murray N. Rothbard refers to as "the central institution of the paleos." Thomas Fleming (who edits the Institute's monthly journal *Chronicles)* was present, as was his co-author, Paul Gottfried; M. E. Bradford, noted as an anti-Lincoln scholar and leading Southern agrarian, was with the paleo contingent, as was Joseph Sobran, the acerbic columnist and *National Review* editor. Libetarians included Rothbard, Llewellyn H. Rockwell Jr., and David Gordon. These were the well-known names; a few others from each side also showed up.

According to Rothbard and Rockwell (each of whom has since given his own account in print) the meeting was a virtual love feast, with an unexpected amount of agreement on basic issues such as victimless crimes, the drug war, and non-interventionism. The only significant argument, it would seem, came over the matter of immigration policy, with the paleos adhering to the need to use restrictions on entry as a way of preserving our national culture and holding down the ballooning of the welfare state. A surprising area of consensus

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involved the role of religion. This was apparently an instance where the libertarians had already melded into the mindset of the paleos, rather than a case of the paleos coming around to the lib position. According to Rothbard, all participants were in agreement that a "Christian culture" is a necessary precondition for liberty in this country, and that the major obstacle to paleo cooperation with libertarians is that the former thinks of the latter (correctly, in MNR's view) as largely a collection of hippies, hedonists, and atheists.

If Rothbard, Rockwell *et al.* are really in the process of forging a successful pro-liberty coalition, who can begrudge them? However, before we all begin dancing in the streets, a few small doubts and caveats are in order. For one thing, it should not escape notice that in *The Conservative Movement* Gottfried and Fleming maintain that, although "The old conservatives run the risk of being swallowed up" by the neocons, nonetheless, "Some old conservatives also believe that the entire Right may benefit from neoconservative arguments against the Left and the libertarians. . . [such as] anarchocapitalists who, like Murray Rothbard, called for a minimal state" (p. 70).* For another: although the gentlemen who attended the Rockford meeting may know exactly what they mean when they use the concept paleoconservative, not everyone else does. In a recent interview with left-wing columnist Robert Kuttner, Heritage Foundation official and author Edward Haislmaier was quoted by Kuttner as opining that "contrary to the popular conception, a lot of people in the conservative movement are not absolute libertarians. Some of us are old-fashioned paleoconservatives. Our concern is with the structure of society and how the individual fits into it. We don't believe that people should be left to die in the street."**

The future of freedom lies in the direction of increasing tolerance, not in that of conformism and the purging of deviants.

So what have we here? Are the paleos the militant anti-statists of the (wishful?) thinking of some libertarians, or are they just dreary Moderate Republicans?

There is also the legitimate question of the extent to which the net is being cast in the search for blood for the new confederation. Latitudinarianism is a very good thing—and one that has often been given short shrift in the libertarian movement—*if* there is something real to be included. Paleoconservatism and paleolibertarianism I can accept as possible allies, even plausible ones, but when it comes to paleo-Birchism I have severe doubts. Yet Rockwell has seen fit to present his case for his new coalition in the pages of *The New American*, the biweekly journal of the John Birch Society ["Paleos, Neos, and Libertarians," Feb. 26].

There, sandwiched between articles on the Bilderbergers, international bankers, Illuminati, Bush-is-a-leftist, the-collapse-of-communism-is-a-hoax, and other standard Birchite fare, is Rockwell's heavily Birchized account of recent developments on the political right. I say "Birchized" because the whole article is crafted in such a way as to appeal to the self-importance and conspiratorial fantasies of the JBS. (We are told that the "Society has always attracted both paleoconservatives and paleolibertarians," that founder Robert Welch "was a quintessential Old Right figure," and that the neocons are working for some sort of sinister Rockefeller/Trilateral Commission new world order).

The Birchers are representatives of what I call the primitive patriotic right. They typically have a hodgepodge of political ideas ranging from libertarian to statist to simply silly. No doubt some of these people can be converted to a consistent pro-liberty position. No doubt many cannot. I suspect the proportion of likely prospects for the Rothbard-Rockwell cause is about the same as it is among the proverbial "men on the street." There is absolutely nothing wrong with chasing after such people as the Birchers in a search for support. There is, however, something untoward about chasing after them like a rat in heat. One demeans oneself, intellectually of course, and in more subtle ways as well. The probable results aren't worth it.

There is another problem that arises: To be blunt, the increasing tendency to tie in libertarian values to some sort of Christian advocacy is simply wrongheaded. I'm not going to discuss whether Christianity is "right" or "wrong." I'm writing as a libertarian, not as a philosopher or theologian. The salient facts are two. One—except in the United States, Christian observance is in decline throughout the Western world, and even here it is holding its own, no more. In some recently ex-communist nations it held together for years as a cohesive, but at least minimally tolerated, force against state tyranny; whether its vitality will long survive the demise of its enemy remains to be seen. A conscious alliance with Christian values is not the way for libertarians to proceed. If someone doubts this, let him or her try to forge a coalition of church-goers in, say, Britain or France or West Germany or Sweden. He'd have about as much success as with a coalition of flat-earthers and Nazis.

Two—the future of freedom lies in the direction of increasing tolerance, not in that of conformism and the purging of deviants. Ultimately, this future might take the form of radically different communities living in peace, with a gaggle of communitarian hippies gobbling *Amanita muscaria* down the road from a town of Methodist farmers and small businessmen or a village of noncoercive socialists. Whether this pattern ever comes about or not, liberty is *not* going to be advanced, even on a very short-term basis, by some bizarre self-policing process to make sure we are all perfectly acceptable to some (alleged) host of pro-libertarian rightists who will support us as long as we sit up straight and keep our collars buttoned.

The recent attempt to bring certain types of conservatives into the libertarian tent, or at least into a workable arrangement with same, is by no means

continued on page 56

* Of course, this is not correct. For the past four decades MNR has called for *no* state.

** Leaving people to die in the street is, as we all know, a fundamental libertarian tenet.

Essay

A Population Crisis?

by Jane S. Shaw

A common complaint in the old days began: "There are too many people who . . ."; nowadays the complaint is simpler: "There are too many people." Jane Shaw explains why this development is *not* a sign of progress.

It is commonplace these days to decry the rapid growth of the world's population and to propose solutions—including forced contraceptive use—to curtail it. In its January 2, 1989, cover story on "The Planet of the Year," *Time Magazine* wrote: "Prospects are so dire that some environmentalists urge the world to adopt the goal of cutting in half the earth's population growth rate during the next decade." Professional alarmists such as Lester Brown of the Worldwatch Institute [1] and international figures such as Barber Conable, president of the World Bank, echo a similar theme. [2] What is surprising is that some libertarians, including John Hospers and Karl Hess, Jr, seem equally worried about population growth, although I'm sure they would not endorse coercive measures to slow it down. [3]

Malthusian worry about world population perhaps reached its zenith in 1973 when Robert S. McNamara, then president of the World Bank, stated that "[T]he threat of unmanageable population pressures is much like the threat of nuclear war. . . ." [4] In recent years, however, the push for population control has taken on a new dimension. It isn't so much that we are going to outstrip food production or end up with standing room only; the life-support system of the planet (i.e., the environment) is threatened.

One reason for this shift is that the alarmists have less to be alarmed about. Birth rates have declined somewhat in many parts of the underdeveloped world. A 1981 Nobel Institute symposium reported "statistical indications" spurring "hope that the increase in the world's population may finally be arrested." [5] Secondly, years of studies trying to show the harms caused by population growth have virtually come to naught, and a few brave scholars—among them, Julian Simon, Professor of Business Administration at the University of Maryland, and Lord Peter Bauer, a British economist specializing in economic development—have communicated that fact fairly widely. If people are to worry about population growth, they are going to have to find new reasons, such as the destruction of the rain forest.

Most contemporary expressions of worry about population growth illustrate confusion, not insight. As I hope to make clear, population growth is far less harmful than conventional wisdom would have us believe and may not be harmful at all.

Concentrating on the supposed ills of growing population takes away attention from institutional problems that need to be corrected if poverty, hunger, and environmental destruction are to be reduced. For those of us interested in public policy, it is a blind alley. To the extent that we spend time lamenting population growth (as opposed to teaching policy-makers about property rights, for example), we are diverted from our goals; to the extent that we endorse any government action to deal with population, we undermine our principles. [6]

The Production and Distribution of Human Beings

The economic literature has pretty much scotched the view that population growth is inherently and always bad. A recent review of economic studies of population by Allen C. Kelley in the prestigious (and mainstream) *Journal of Economic Literature* makes this clear. "While several models predict a negative net impact of population growth on economic development," he writes, "it is intriguing that the empirical evidence documenting this outcome is weak or nonexistent." [7] For example, it is impossible to find a correlation between per capita income growth and population growth over a range of countries. And when Kelley reviewed studies of the impact of population on the savings rate, agricultural output, and capital dilution, the results were almost as ambiguous as the relationships between income and population. Kelley cautiously concluded that population growth has a negative effect on

growth in some countries, but probably has a positive effect in others and no effect at all in some.

Kelley's conclusion should eliminate excessive fear over population growth, and other studies suggest that we have even less reason to worry. Julian Simon, who used to be viewed as an extremist on the population issue because he refused to be alarmed about it, is becoming more accepted as an expert on this issue.

The initial effects of an increase in population on per capita income are negative, but over time population growth has positive feedback effects—not only increased output but also specialization and economies of scale.

Simon has found that the initial effects of an increase in population on per capita income are negative, but over time population growth has positive feedback effects—not only increased output but also specialization and economies of scale, among others. In a recent book he offers a model for calculating an "optimum" population growth rate based on how one measures the current value of the future benefits. He concludes: "Together, the advantage of higher population growth at low discount rates [that is, giving great weight to the future benefits of population growth and not so much weight to the immediate effects], and the absence of disadvantage at high discount rates [giving heavy weight to the immediate effects], suggests that a strategy of higher population growth dominates a strategy of lower population growth." [8]

A. P. Thirlwall, who discusses Simon and others in a new book, points out that, unlike Simon, most economists have simply ignored the positive feedback effects of population growth. He observes somewhat drily that unless one considers the benefits of population growth it is impossible to understand "why societies are infinitely wealthier today than centuries ago despite population expansion." [9]

F. A. Hayek, in the chapter on population growth in his recent book, *The Fatal Conceit*, provides an interesting perspective on these positive feedback effects. Not only does he cite work by Simon and others that counter fears that procreation is out of control, he also offers a theory to explain why Malthus's fears no longer apply. In the eighteenth century labor was largely homogeneous, says Hayek, so that an increase in the number of workers might well lead to diminishing returns from labor. In other words, Malthus had a point. However, in a complex market society, where people have many different skills and an incentive to specialize, additional labor may increase returns instead. "Human population grew in a sort of chain reaction in which greater density of occupation of territory tended to produce new opportunities for specialization and thus led to an increase of individual productivity and in turn to a further increase of numbers." [10]

Although scholarly literature does have an effect on popular opinion, there remains a lot of irrational notions about population growth that need to be dispelled. For example, Simon cites a widespread notion in the West that in parts of the world people "breed like flies"—that they "have sexual intercourse without taking thought or doing anything about the possible consequences." [11] (An educated friend told me that she felt that in parts of the world many people don't know the connection between sexual intercourse and having babies.)

This "breeding like flies" idea, while arrogant, has respectable origins in biology. Rats, flies, and meadow mice in a cage will keep multiplying until they die for lack of sustenance. But Simon notes that even Thomas Malthus recognized that people can and do act differently than mice and rats.

Of course, people make mistakes; young people especially may have babies that they do not want; and it is possible that husbands and wives differ over how many children they wish to have. However, it is not reasonable to assume that large numbers of people have large numbers of unwanted babies over long periods of time, especially since this assumption contradicts much historical experience. As Peter Bauer writes, "Notwithstanding certain clearly definable exceptions, the wish of the great majority of mankind to have at least some children has extended across the ages, across cultures and across social classes. . . . The biblical injunction to be fruitful and to multiply is familiar. Less well known in the West is the traditional greeting addressed to brides in India: 'May you be the mother of eight sons.'" [12]

A more sophisticated version of the "breed like flies" idea takes shape in the concept, also based on biology, that there is a finite "carrying capacity" for land and thus for the planet as a whole. This idea is probably the most pernicious mistake related to population.

In 1968, in a famous essay, biologist Garrett Hardin introduced the "tragedy of the commons." [13] He pointed out that if you place too many cows or sheep on a single pasture, they will overeat the grass because the land has a limited capacity to support life. This tragedy occurs in commonly-owned property because each owner of livestock benefits directly from placing an additional animal on the grass, but personally only suffers a little from the deterioriation of the grass, since all owners share in the deterioration. The incentives for each person, then, are to add animals to the point where the commons is ruined.

For a society of human beings the notion of a biologically limited carrying capacity is meaningless. In a world in which the most important resource is human capital, carrying capacity changes with human imagination and industry.

Hardin's anecdote has a number of implications—the most important of which is that either private property or collective controls are needed to avoid the commons tragedy. Regrettably,

however, his essay perpetuates the idea of "carrying capacity" for human beings. The truth is that for a society of human beings the notion of a biologically limited carrying capacity is meaningless. In a world in which the most important resource is human capital, carrying capacity changes with human imagination and industry. Physical resources are simply not the limiting factor in human society.

Deforestation, desertification, and soil depletion stem largely from cultural and legal institutions. When the institutions are askew, a growing population may unwisely farm marginal land or cut down forests that wouldn't otherwise be cut. This happens whether population is "low" or "high" by conventional standards.

If "carrying capacity" were what mattered, Simon points out, Hong Kong should long ago have reached it, since it is virtually rock. [14] Biologists might rejoin that Hong Kong is a little city-state that depends on the rest of the world for food, so the example is irrelevant—what if the *world* reaches its carrying capacity? Then there will be no place for food to come from.

But technology and human capital have made it possible for a small portion of the earth's land to support the world's population, and there is no reason to believe that additional production cannot be forthcoming. There has been significant improvement in food production in recent years in places like India, largely the result of the loosening of price controls. If the Soviet Union increases its minuscule market activity, it might be a net food exporter, as Russia once was. Clearly, institutions make an enormous difference in food production. Allen Kelley's review of studies of the relationship between population and food production found that population *per se* is relatively unimportant in determining agricultural output. Malnutrition, he writes, "is often not the result of insufficient aggregate production, but is due to the way in which food and income are distributed." [15] He cites work by Amartya K. Sen indicating that famines sometimes occur in regions where there is excess food production.

Some people will still contend that carrying capacity matters. Eventually, they will say, the world must reach its carrying capacity; we will some day run out of standing room if population continues to grow. I suspect that pictures of throngs of bus riders in Beijing and beaches teaming with vacationers make people think of this sort of "carrying capacity."

But the only conceivable reason that population could grow to that point would be the existence of an imbalance between an individual's cost and the cost to society of additional children, and that can happen only if some of the costs are socialized. Like the livestock owner who has an incentive to add another cow to the common grazing land, each person may benefit slightly more by having an additional child (who could be a productive worker as a child and a support in old age) than he or she suffers by the additional demand on resources.

Libertarians should have no trouble responding to this point. If families pay the costs of the resources they use, there will not be a distinction between their personal costs and the costs to society. To the extent that resources are privately held, private and social costs will be the same. The more goods and services that are subsidized by governments, however, the more the social cost of children will exceed the family's personal cost. Peter Bauer points out that in such cases (which, he observes, are more likely to occur in developed than developing countries), "the remedy lies in the reduction of these expenditures, or a modification of their incidence so that the parents of larger families are not so heavily subsidized." [16]

Of course, "carrying capacity" could be reached if human talents are not permitted to realize their potential. In some countries entrenched interests are unwilling to allow change because it threatens their positions. For example, in recent years development specialists have argued in favor of private property rights or at least local autonomy in many developing nations. Yet

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national governments have little incentive to give control to individuals or tribes or villages. Usually, their most important political constituents are in the cities, and allowing rural people to act independently may undermine the central government's power.

In both of the above cases, then, the problem lies primarily with government—in one case, with socialized costs; in the other, with entrenched interests using government to maintain wealth or power. There is one other concern about population growth that I consider worth addressing. Third World countries are experiencing a situation that may be completely new; its uniqueness is sufficient reason to pay attention.

The advent of modern medicine has reduced death rates quite rapidly in developing countries while birth rates have not slowed nearly as much. This differs from the experience during the industrialization of Western Europe, when growing prosperity was accompanied by a gradual reduction in both death rates and birth rates. With death rates low and birth rates high, the current growth rate of world population, says Thirlwall, [17] is just under 2% per year and "has no precedent historically."

Actions of the Brazilian government — road-building, government-sponsored settlement plans, and tax and credit incentives to cattle raising — have played a critical role in the deforestation process.

While we rejoice in the reduction in suffering and loss that lower death rates signify, it is conceivable that this rapid improvement has thrown social systems temporarily out of kilter. Perhaps people would like to reduce birth rates to bring them into line with death rates, but traditional attitudes and customs encouraging high birth rates are too powerful in the short run to change quickly. If this is the case, we would expect them to change gradually.

Alternatively, perhaps many people in the Third World prefer having large families even with low death rates. (In other words, perhaps they simply don't agree with the Western experts who think that they ought to reduce their birth rates.) John C. Caldwell has offered an interesting explanation of why this may be the case. [18]

Caldwell argues that birth rates reflect the flow of wealth. In developing countries wealth often flows from children to parents. The benefits of having children are much greater than the costs to parents, even in the short run: Children often add to the family income even while they are young and they offer wealth and security later in life; their costs are low, since the families do not invest significantly in their education or long-term health. In contrast, in the industrialized world, where education, skills, and the expectations of achievement are higher, children are much more expensive to rear. A large family can be a financial drain for many years.

If this hypothesis is correct, birth rates may remain high in the Third World until educational expectations and economic growth change the relative private costs and benefits of rearing young children. It also means that steps taken to improve prosperity and offer greater opportunities will slow population growth, too.

Population and Environmental Destruction

The above arguments make the case that population growth is not the cause of famine and poverty. But what about environmental destruction? A recent article in *Scientific American* [19] illustrates how the dominant worry has shifted from fear of "standing room only" to concern about the environment. The article's subhead reads: "Development will stabilize populations, but will development come before population growth and harsh technologies do irremediable damage to the planet's life-support capacity?"

Curiously, while the article is sprinkled with statements about the "exponential growth of population and its attendant assault on the environment," it lists relatively few actual examples of "irremediable damage" supposedly caused by overpopulation. The specific problems cited are deforestation in Thailand, Malaysia, and Brazil, and soil depletion in India and the mountains of Java. (The other big problem cited in the article is the effect of automobiles which is said to be very bad, especially since the world is using more and more of them. Just what the ecological damage cars cause beyond localized air pollution is not stated, possibly because we are expected to know that already.) In a similar vein, a review in *Science of Biodiversity* (edited by E. O. Wilson and Frances M. Peter) commented that there was "much agreement [among the authors] that the growth of the human population is the fundamental cause of the loss of biological diversity." [20]

This entire line of argument reminds me of the claim by a prominent local citizen of Bozeman, Montana, that overpopulation is the cause of traffic congestion and air pollution (mostly from wood-burning stoves) in our town of 25,000 people. There is a kernel of truth in this statement, but that's all. We would have less air pollution and less traffic congestion in Bozeman if there were fewer people, but you don't need a lot of people to cause these things. Two cars (or two horses) can cause traffic congestion on a narrow road if there is no rule as to who has the right of way. The cause of air pollution is the fact that there is no private ownership of clear views, and the cause of traffic congestion is primarily the fact that there is no pricing of street usage to bring the supply of road capacity into line with demand for it. [21]

Similarly, deforestation, desertification, and soil depletion stem largely, if not entirely, from cultural and legal institutions. When the institutions are askew, a growing population may unwisely farm marginal land or cut down forests that wouldn't otherwise be cut. This happens where the total population is "high" or "low" by conventional standards.

Readers may be surprised to find out that the population density of countries cited as causing environmental destruction is often lower than that of developed nations. According to a 1990 almanac, Brazil has a population density of 47 persons per square mile; Malaysia, 132; Thailand, 277; and India, 658. Great Britain beats all these

except India with its density of 601 per square mile; France (where pronouncements about the dangers of *depopulation* are frequently made) has a density of 252 persons per square mile; and the Netherlands' density is 931 per square mile. These figures don't prove anything about the local impact of growing population, of course, but they should give pause to people who sloppily place blame on "overpopulation" without considering institutional structures and other factors. [22]

The *Scientific American* article cited above illustrates the kind of generalization that ignores important facts. "In Brazil peasants from overpopulated regions have destroyed millions of acres of rain forest in an attempt to eke out a living from soil that is essentially unsuitable for farming," writes Nathan Keyfitz. He completely neglects the amply-documented role of government policies in Brazil.

To give you an idea of how well-documented this role is, consider a paper by Dennis J. Mahar prepared for the World Bank. [23] Mahar states that policies of the Brazilian government "designed to open up Amazonia for human settlement and to encourage certain types of economic activity have played a key role in the deforestation process." Road-building, government-sponsored settlement plans, and tax and credit incentives to cattle raising are among these policies.

Brazil is not alone. Malcolm Gillis and Robert Repetto, after studying deforestation in seven countries, concluded that in each case a leading cause was the "largely unintended, avoidable consequences of government policies." [24] (The authors italicized this statement.)

In the Sahel region of Africa, national policies have contributed to desertification by destroying the traditional quasi-private rights that led to careful use of water. The region had a tradition of private ownership under which the builder of a well had the first right to its use. This tradition encouraged people to build wells and allowed the builder some control over the amount of the grazing around each well. In recent years, however, national governments in the region have built wells that are open to everyone. Because there are no clear usage rights, more livestock owners are drawn to the wells than the surrounding grasslands can sustain. The result is over-grazing, which leads to desertification. [25]

The list of environmental problems caused by governments is quite long and where governments aren't at fault, common ownership with open access often is. A. John De Boer, an agricultural economist who has studied environmental degradation in the Himalayas, says flatly: "Overgrazing of common land is the largest contributor to on-site soil erosion." [26] Species are disappearing in large part because no one owns them and thus no entrepreneur can capture the benefits of saving them for future generations when they might be valuable as, say, medicines.

Since the environmentally destructive aspect of the population issue is somewhat new for scholars, we don't have a barrage of statistical studies that attempt to correlate environmental ills with population growth. In the *Journal of Economic Literature*, Kelley treats the issue as largely outside the scope of his study. However, in his brief comment he recognizes the importance of institutions. Potential environmental effects of population growth are "important matters, because institutional mechanisms (enforced government regulations and private property rights) are sometimes unavailable or insufficient to assure an appropriate use of resources over time," he says. [27]

If that is the case, surely it's the institutional mechanisms that ought to be straightened out rather than people's procreative activities. ❑

Notes:

1 Lester Brown *et al.*, *State of the World 1989* (New York: W. W. Norton & Co., 1989) p.188.

2 Speaking at a 1988 World Bank annual meeting in Berlin (September 27, 1988), he said that "it is imperative that developing countries "renew and expand efforts to limit population growth."

3 Karl Hess, Jr, cited population growth as one of the "most serious problems facing mankind" in *Liberty*, May 1989, p. 15, and Hospers blamed deforestation in Nepal and the Andes mountains and desertification in Africa on the expansion of human population in *Liberty*, January 1989, p. 48.

4 Quoted by Allen C. Kelley in "Economic Consequences of Population Change," *Journal of Economic Literature*, Vol. XXVI (December 1988), p. 1685.

5 *Population and the World Economy in the 21st Century*, edited by Just Faaland (New York: St. Martin's Press, 1982), p.3.

6 I suspect that many people have an emotion-based tendency to worry about uncontrolled population growth. I think this tendency exists pretty much independent of the facts. It may stem from an honorable but uninformed reaction to poverty: If people are poor because there isn't enough food (or shelter, or money), then if there were fewer people, each would be better off. Or, it may be more deep-seated. After all, in the 1930s there was great alarm about population—but it was fear that world population would decline. Perhaps we react to procreation with fear because it is so inherently private and outside the control of policy-makers.

7 See Allen C. Kelley, *op. cit.*, pp. 1685–1728.

8 Julian L. Simon, *Theory of Population and Economic Growth* (New York: Basil Blackwell Inc., 1986), p.147.

9 A. P. Thirlwall, *Growth and Development* (MacMillan Education, 1989), p. 157.

10 F. A. Hayek, *The Fatal Conceit* (Chicago: University of Chicago Press, 1988), p. 126.

11 Julian Simon, *The Ultimate Resource* (Princeton University Press, 1981), p. 175.

12 Peter T. Bauer, *Equality, the Third World, and Economic Delusion* (Cambridge: Harvard University Press, 1981), p. 62.

13 Garrett Hardin, "The Tragedy of the Commons," in Hardin, Garrett, and John Baden, *Managing the Commons* (San Francisco: W. H. Freeman & Co.), 1977. Originally published in *Science*.

14 See "Why Do We Still Think Babies Create Poverty?" by Julian L. Simon, *The Washington Post*, October 13, 1985, p. B1.

15 Kelley, *op. cit.*, p. 1711.

16 Peter T. Bauer, *op. cit.*, p. 64.

17 A. P. Thirlwall, *idem*.

18 Summarized by P. T. Bauer, *op. cit.* pp. 59–61.

19 Nathan Keyfitz, "The Growing Human Population," *Scientific American*, Vol. 261, No. 3, September 1989, p. 119.

20 David B. Wake, "Life in Danger," *Science*, Vol. 243, January 27, 1989, p. 554.

21 For more on the causes of environmental problems, the reader might wish to see my articles in the November 1988 and July 1989 *Liberty*.

22 From *The World Almanac and Book of Facts 1990* (New York: Pharos Books, 1990).

23 Dennis J. Mahar, "Government Policies and Deforestation in Brazil's Amazon Region" (Washington, D.C.: The World Bank, no date.)

24 Malcolm Gillis and Robert Repetto, "Deforestation and Government Policy," International Center for Economic Growth (affiliated with the Institute for Contemporary Studies, San Francisco). This article is based on research for the book *Public Policy and the Misuse of Forest Resources* (New York: Cambridge University Press, 1989).

25 Dirck Stryker, "Technology, Human Pressure, and Ecology in the Arid and Semi-Arid Tropics," in *Environment and the Poor: Development Strategies for a Common Agenda*, edited by H. Jeffrey Leonard (New Brunswick, U.S.A.: Transaction Books, 1989), p. 95.

26 A. John De Boer, "Sustainable Agricultural Approaches to Hillside Agricultural Development," in H. Jeffrey Leonard, *op. cit.* p. 139.

27 Kelley, *op. cit.*, p. 1718.

Dispute

Liberty, War, and Intervention

Many libertarians believe that non-interventionism—political isolationism—follows clearly from their principles. In our last issue, Stephen Cox argued vigorously that it does not. Like an A-Bomb on a cobalt stockpile, Cox's essay was bound to produce fall-out.Here is *some* of it.

Against Intervention—A Reply to Stephen Cox

Sheldon L. Richman

> . . . the "true secret" of despots . . . is to employ one nation in cutting the throats of another, so that neither may have time to reform the abuses in their own domestic government. I would say on the contrary, the true secret of the people is to remain at peace; and not only so, but to be on their guard against false alarms about the intended aggressions of their neighbours, which when too credulously believed, give to government all the political advantages of war, without its risk; for they keep men's minds in a degrading state of fear and dependence, and afford the excuse for continually increasing government expenditure.
>
> —Richard Cobden, "1793 and 1853"

Stephen Cox fears that noninterventionism could become part of the libertarian "creed," rather than merely one option among many to be considered on a case-by-case basis. ("Isolating the Error of Isolationism," March 1990) To combat this he makes probably the strongest argument against noninterventionism that can be made from a libertarian position. Nevertheless, his argument is vague and flawed to the core.

If by "creedal isolationism" he means a noninterventionism derived *a priori*, he is right to be suspicious. But such is not the classic noninterventionism formulated by Cobden and Bright and other liberals. That policy is derived from social and economic theory, the libertarian concern for individual liberty, and a historically ascertained knowledge of the nature of the state. (The fact that historical knowledge, that is, experience, is involved does not make the noninterventionist conclusion "contingent.") The argument is indeed "creedal" in the sense that it proceeds from liberal, or libertarian, principles. But, I hasten to add, this is not an anarchist argument. The Manchesterites and Thomas Jefferson, minimum-government advocates all, understood that "one's own" state needs to be kept on a short leash because it always shows a tendency to expand and swallow up liberty.

The state should be denied the authority and means to intervene not because some abstract, proper objective of intervention can't be imagined, but because we know what states are and how they behave. There is an eternal, irreconcilable struggle between, as Albert Jay Nock put it, social power and state power. One gains only at the expense of the other. In war the state gains in the manner of a rachet, because even if it gives up power at war's end, it has more than it had at the beginning. The domestic blessings of war have been the autocratic presidency, the draft, the income tax (including the withholding tax), economic regimentation, domestic spying, suppression of dissent, censorship, sedition trials, etc. This is no chance connection between war and the growth of government power. As Thomas Paine wrote in *Rights of Man*, "taxes were not raised to carry on wars, . . . wars were raised to carry on taxes." Cobden understood the connection well when he said in 1849,

> Warlike governments can find resources only in the savings of merchants, manufacturers, farmers, and rentiers, and we appeal to them, in the name of humanity and their own interest, to refuse to lend their aid to a barbarous system which paralyses trade, ruins industry, destroys capital, stops work, and waxes fat through the blood and the arms of their brothers.

Because of this, all arguments from analogy involving individuals in their neighborhoods or private organizations (more than "faintly ludicrous"—Cox's term) are out of place. Cox makes much of such analogies: If individuals can properly defend themselves against a killer before he enters their homes, why can't states intervene abroad? If individuals can liberate people from tyranny, why can't the state? Cox says that if libertarians are not against roads, schools, and military intervention *per se*, then they shouldn't oppose the state's providing these things when it is the only way to get them. "Rare is the anarchist who would prefer no roads to government roads," Cox writes. "Rare also should be the anarchist who would prefer letting tyrannies thrive to uprooting them by the action of freer governments [sic!], if the intervention were successful in practice." (As noted, anarchism is irrelevant here. It is nothing but a red herring.)

The problem here is that the rules for the state ought to be different—because the state is different. The state

is not merely a group of individuals, it is a group that is in a highly peculiar relationship to the rest of us. It is essentially out of our control, especially in foreign affairs. We find an elaboration of this point in Randolph Bourne's essay "The State." Bourne, who coined the principle "war is the health of the state," pointed out, for example, that the democratic checks on the government's war-making powers are chimeras. He wrote:

> The formality by which Parliaments and Congresses declare war is the merest technicality. Before such a declaration can take place, the country will have been brought to the very brink of war by the foreign policy of the Executive. A long series of steps on the downward path, each one more fatally committing the unsuspecting country to a warlike course of action will have been taken without either the people or its representatives being consulted or expressing its feeling. When the declaration of war is finally demanded by the Executive, the Parliament or Congress could not refuse it without reversing the course of history, without repudiating what has been representing itself in the eyes of the other States as the symbol and interpreter of the nation's will and animus." ("The State," *War and Intellectuals: Collected Essays, 1915-1919* [New York: Harper Torchbooks, 1964], p. 83.)

The state should be denied the authority and means to intervene not because some abstract, proper objective of intervention can't be imagined, but because we know what states are and how they behave.

Bourne knew about the *Maine* and the *Lusitania*; he didn't have to live to see the threat from nationalist Latin American leaders in the 1920s or Roosevelt's goading the German warships in the North Atlantic or Pearl Harbor or the Soviet threat to the United States via North Korea or the vital need to install the Shah of Iran or the Castro menace 90 miles from Miami or the danger from the Dominican Republic or the Gulf of Tonkin "incident" or the endangered medical students in Grenada or the threat to Harlingen, Texas from the Sandinistas or Noriega's poisoning of our children, *ad nauseam*. (As Breaker Morant said in that great movie, "Well, that's what comes of empire-building.")

Libertarian pro-interventionists such as Cox ask, in effect, what if we intervened only when we knew that our intervention would have benign effects? Hard experience teaches that if we know anything about intervention, it is that it will usually have bad effects. We've already noted the domestic harm. On the other end, it has typically brought mass murder, economic devastation, social upheaval, and revolutionary regimes worse than their predecessors. (The bush-league interventions that did not lead to all these things, such as Grenada, hardly refute the point.) This is the wisdom passed down by the Old Right, particularly by Robert Taft and Herbert Hoover, who learned from the horrible experience of World War I (for Woodrow Wilson, an idealistic war against illiberal Prussianism. It brought on the Bolshevik revolution, Fascism, the Great Depression, Nazism, World War II, and the Cold War. Not bad for a year's work). As Frank Chodorov wrote in the 1950s, a Soviet conquest of Western Europe would be bad for the people there, but would it be worse than turning their homes into a battlefield for a third time in this century? And would the semi-freedom of the American people have survived even if the U.S. had "won"?

Cox demeans the concern with the practical effects of interventionism as somehow less exalted than a moral objection. But if moral principles are themselves a practical necessity, as I and others believe, this distinction is bogus. As the natural-law critics of Bentham used to say, the moral is the practical. Cox concedes that morally motivated actions can have unforeseen bad results, but insists this should be no bar to intervention. Come on; we already know that sending the Marines, helicopter gunships, and warships that fire shells the weight of Volkswagens to a distant land will kill innocent people. Good intentions offer no refuge from moral indictment. Reckless disregard of consequences also deserves condemnation.

Cox also feels he has to take a swipe at revisionist history, as if it had been concocted to bolster the case for "creedal isolationism." But this, like much of the article, has the aroma of vulgar dilettantism—especially when he springs on us the startling finding that the Soviet consolidation of control over Eastern Europe couldn't have been a response to NATO because it predated NATO. Now let me get this straight: is Cox saying that the Cold War revisionists, many of them eminent scholars, have carelessly (or dishonestly?) based their case on the assertion that something which happened in 1949 caused things that happened in 1946-48? That's obviously ridiculous. (Notice he cites no one's work on this point, except for a reference to conversations.) Actually,

The rules for the state ought to be different—because the state is different. The state is not merely a group of individuals, it is a group that is in a highly peculiar relationship to the rest of us. It is essentially out of our control, especially in foreign affairs.

"It's all very well to talk about abolishing war, but what do you propose to *replace* it with?"

the argument is that other postwar American activities provoked the consolidation. If Cox would check the work of, among others, Gar Alperovitz (*Cold War Essays*, Anchor Press), Thomas Patterson (*Meeting the Communist Threat*, Oxford University Press), or Leonard Liggio (*Why the Futile Crusade?*, Center for Libertarian Studies), he'll find some of the details. He could also check the contemporaneous remarks of Taft and other Old Rightists, not to mention those of George Kennan, John Foster Dulles, and Charles Bohlen.

Cox's unsupported aspersions notwithstanding, revisionist history is invaluable. Given what we know about the state, we reasonably suspect that it has—how shall I put it?—not told us everything about its activities. A closer look is always in order. This does not mean that every suspicion is valid or that everything going by the name "revisionism" is true, only that there is a presumption that the state's version of an event is probably shaded by interests other than the public's. (For exemplary revisionist history, see Cobden's "1793 and 1853" [in *Political Writings of Richard Cobden*], quoted at the top of this piece.)

Finally, Cox falls victim to the common fallacy of assuming that intervention can be restricted to cases where sound moral principle sanctions it: where there is a real threat (to whom exactly? in whose judgment?) or when other people are victims of dictatorship. (Oddly, he doesn't feel it is necessary to separately justify these two kinds of circumstances; the latter is sheer messianic Wilsonianism.) Why does he assume that these, and only these, will be the kinds of cases in which intervention occurs? Cox is inexplicably oblivious of the pernicious dynamic of the state, a hallmark of liberal thought for hundreds of years. History and a good deal of liberal social theory (the latest of which is Public Choice) suggest that Cox would not get his way: the state's agenda, especially in foreign affairs, is set not by the interests of the general public, but by particular interests—set in the most devious manner by two-faced leaders who seem to have no compunction about secretly plotting to send boys to their deaths for classified reasons those boys would never accept. How much more experience do we need before we understand this?

The libertarian pro-interventionists, especially those of an analytical mind, will ask, "But what if we could guarantee that the state would only intervene for libertarian reasons?"

In other words, if the state were not the state, would it make a difference?

And if elephants could fly, should the zoo move them to the aviary? ❑

Degrees of Freedom—A Response to Richman

Stephen Cox

Although I enjoyed reading Sheldon Richman's rejoinder to my essay on isolationism, I found his thesis less challenging than I expected. "War is the health of the state": sure it is—and no libertarian needs to review the purple passages of Bourne's work, or Cobden's, to find this out.

But isolationism is also the health of the state. Isolationism benefits tyrannical states by securing them from intervention by others and preserving for them "the authority and means to intervene" that Richman's argument would deny to freer societies.

Although Richman refers to me as "pro-interventionist," I am no more "interventionist" than I am "isolationist." I insist only that isolationism be considered as means to an end rather than as a creed to be followed no matter what its practical, historical conseqences may be. In his second paragraph, Richman shows his uneasiness about endorsing any "creed," but quickly yields the point. Yes, he has a creed, and although it has something to do with "historically ascertained knowledge," it is derived from "principle" instead of historical "contingen[cy]."

I'm not sure that I understand this, but I do understand Richman's initial, moderate statement of his creed: the state tends to expand, and deserves watching; it tends particularly to expand in time of war (all types of war, apparently, even purely defensive ones).

But this modest generalization about *tendencies* is by no means sufficient to proscribe, in all conceivable circumstances, the intervention of any state in the affairs of any other—and Richman plainly intends to proscribe *all* such intervention. To do so, he pictures the state, not just as something that should always be watched and often be cropped, but as something that is always totally evil and incapable of any good, of any kind.

Here Richman goes a great deal farther than many of his libertarian sources (and not so libertarian sources such as Randolph Bourne and Herbert Hoover) were prepared to go since many of them were statesmen who thought that some relative good could be done by the states in which they participated. This, of course, is the point that I attempted to make when I said that even anarchists, let alone limited-government people, should not "prefer letting tyrannies thrive to uprooting them by the action of freer governments."

Richman does not respond to that point, other than to insert an outraged "[sic!] after "freer governments" and to assert that "anarchism is. . .nothing but a red herring." I do not understand why anarchism should be called a red herring by a writer who has apparently adopted the ultra-anarchist position that every state is just as unfree, and therefore just as evil, as any other, and that the state is always such a peculiar entity as to render us incapable of judging it by the ethical rules that we apply to individuals.

Isolationism benefits tyrannical states by securing them from intervention by others and preserving for them "the authority and means to intervene" that Richman's argument would deny to freer societies.

I am surprised to see this latter argument, so often used to justify all the nasty things that states do, advanced in such a way as to question the legitimacy of any reliance whatever on state power. I am more surprised, however, to see the degree to which Richman takes the doctrine of the moral equivalency of states. He asserts that "Soviet consolidation of control over Eastern Europe" was "provoked" by "American activities," as if American attempts at

"containment" were as dangerous to liberty as Stalinism was. You don't have to regard the American state as wholly pure in motive and effect to recognize that Stalin needed very little "provocation" in his campaign of enslavement, or to regret the equanimity with which Richman (citing Frank Chodorov, as if respectable authority were the guarantee of valid argument) contemplates "a Soviet conquest of Western Europe," comparing enslavement to the alternative of destruction rather than to the alternative of imperfect but very considerable freedom and peace.

You don't have to regard the American state as wholly pure in motive and effect to recognize that Stalin needed very little "provocation" in his campaign of enslavement.

The method of Richman's isolationist argument (a method unfortunately typical of its genre) is the relentless posing of false, absolutist alternatives: Is intervention always right, or always wrong? Was America wholly right or wholly wrong in its response to Bolshevism? Would Western Europe be better red, or dead? Should we refuse all military aid to foreign victims of dictatorship, or should we succumb abjectly to "sheer messianic Wilsonianism"?

The best answer, I think, is one that rejects all such absolutist alternatives. Intervention is not always right, and neither is isolation; America was not without error during the Cold War period, but it acted a hell of a lot better than its Stalinist enemies; not every war is Mr. Wilson's War; and Western Europe is neither red nor dead, very possibly because of American containment of communism. Richman asks, "Would the semi-freedom [sic] of the American people have survived even if the U. S. had 'won' [a third world war]?" Funny, I thought we *had* won, and without the third world war.

Finally, speaking of false alternatives, I wish to observe that one can disagree with *some* types of revisionist history without "aspers[ing]" *all* of them. And the fact that one disagrees with certain types of scholarship need not imply that one has failed to read or understand it. It's quite possible simply to disagree with authority, even with isolationist authority. ❑

Perpetual Intervention—Second Response To Cox

Sheldon L. Richman

Through the fog of misinterpretation that constitutes Stephen Cox's reply, one can discern two points:

1. that "freer governments" may properly intervene in other nations to save people from tyranny, and

2. that "modest generalizations about the tendencies" of the state to grow in the exercise of foreign policy are "not sufficient to proscribe, in all conceivable circumstances, the intervention of any state in the affairs of another . . ."

I will confine my final reply to these points. Cox's wish to license "freer governments" to punish the less-free governments has several problems. First, how much "freer" does a government need to be? Does it qualify if it is a smidgen freer than the worst on Earth? Second, if Cox's standard for judging governments is more than merely relative, his position collapses in contradiction. Giving a "freer government" the powers it would need to pursue Cox's preferred foreign policy would transmogrify it from a "free government" into its opposite, and thus from an intervener to an intervenee.

Third, Cox's policy is a blueprint for perpetual war. There will probably be better and worse governments for some time to come. If the people of the "freer governments" must fight and finance wars of liberation around the globe, just when do they get to enjoy their rights under a "freer government"? I quoted Cobden in my first response not to display his purple passages, but because he addressed this critical question—which is more than can be said for Cox.

If we, the citizens of a "freer government," are roaming the world reforming

Is there a libertarian foreign policy? — I think Stephen Cox's essay on isolationism may open a new chapter in the libertarian debate about foreign policy. Now the moralistic isolationists must face the issue: is nonintervention an *a priori* moral imperative that must be followed whatever the consequences? or is it a strategy that we advocate because its consequences are good for us?

If the *a priori*-ists (whom Cox calls "creedal isolationists") are to be taken seriously, they have to present a defense or derivation of their theory. Mere assertion will not do. I suspect that this cannot be done, but I am willing to consider the arguments of the proponents.

If it turns out that the *a priori*-ists are unequal to the task, then radical isolationists will not necessarily have to concede to Cox that every foreign policy question must be answered on its individual merits by speculating on its consequences in an unprincipled, pragmatic fashion. The choice is not limited to these two extremes.

There may be such a thing as a principled *a posteriori* isolationism, based on an analysis of foreign interventionism employing the same sort of thinking that enables libertarians to know that government price fixing will not end inflation and heal an ailing economy or that enables an auto mechanic to know that an automobile engine whose crankcase is filled with beer and whose gas tank is filled with lemonade is not going to provide reliable transportation.

Indeed, I believe the rudiments of such an analysis can be found in Isabel Paterson's classic, *The God of the Machine*. Paterson argues that intervention cannot achieve its goal of destroying tyranny, but that, happily for us, tyranny cannot sustain itself; in fact, as it expands its power, it destroys itself. (Curiously, Cox cites Paterson's argument as a rationale for intervention as a means of limiting the growth of tyranny long enough for it to burn itself out.)

What are the necessary and sufficient conditions, if any, to justify intervention? Is state intervention ever justified? Is it ever in our interest to take action against foreign tyranny? If so, under what conditions? If these questions have easy answers, I haven't heard them. It's time for libertarians to attend to these issues.—Ethan O. Waters

others, we are not likely to be vigilant about reforming our own system in order to expand liberty at home. As we disdainfully look out on the world, we will easily find some other government that is in more urgent need of reform than our own. Perhaps someday, after we have brought the blessings of freedom to the last dictatorship on earth, Albania, say, then we can turn our attention to our own government. Someday.

Fourth, in calling on the American government to overthrow others, Cox goes well beyond the position of most of the libertarians who reject strict noninterventionism. These libertarians have criticized the noninterventionists on the grounds that they construe national security too narrowly. They approve of intervention, but only to protect the American people. Although I disagree with them, they at least intend the American state to do no more than protect the lives and properties of Americans. Thus it qualifies as a limited-government position. Cox's position is far different. He proposes that the U.S. government do something more than merely defend American lives and property. Yet he offers no support for the expansion of the powers of the state beyond what minimum-government libertarians have traditionally favored. Doesn't such a bold departure require some justification? Or has libertarianism become uncoupled from a concern to limit the powers of government? As one can see, this is not a dispute between anarchism and minarchism, but rather between anarchism and minarchism on the one hand, and *maxarchism* on the other.

Cox's other point—that recognition of the state's tendency to grow is not enough to bar intervention "in all conceivable circumstances"—is frustrating because I raised this key issue in my first response and Cox has no reply beyond this unsupported, irrelevantly speculative assertion. Why isn't it enough? These tendencies—these *demonstrated inclinations*—are not to be taken lightly. As Proudhon described them:

> To be *governed* is to be watched, inspected, spied upon, directed, law-driven, checked, estimated, valued, censured, commanded, by creatures who have neither the right nor the wisdom nor the virtue to do so. To be *governed* is to be at every operation, at every transaction noted, registered, counted, taxed, stamped, measured, numbered, assessed, licensed, authorized, admonished, prevented, forbidden, reformed, corrected, punished. It is, under pretext of public utility, and in the name of the general interest, to be placed under contribution, drilled, fleeced, exploited, monopolized, extorted from, squeezed, hoaxed, robbed; then, at the slightest resistance, the first word of complaint, to be repressed, fined, vilified, harassed, hunted down, abused, clubbed, disarmed, bound, choked, imprisoned, judged, condemned, shot, deported, sacrificed, sold, betrayed; and to crown all, mocked, ridiculed, derided, outraged, dishonored. That is government; that is its justice; that is its morality.

It is not far-fetched to imagine that formerly communist countries will someday be freer than ours. By Cox's standard, they will then be justified in invading the United States and liberating us.

Why is Cox's assertion irrelevantly speculative? Note his phrase "in all conceivable circumstances." This means all imaginable circumstances not entailing a logical contradiction. But useful political philosophy does not address all conceivable circumstances. It guides us in the real world. This is something I tried to get Cox to take up. Obviously, I failed miserably.

Instead of worrying about all conceivable circumstances, let's think about the kinds of circumstances we typically find ourselves in. In that context we can readily see the danger of giving the state the power to pursue an interventionist foreign policy. We know from long experience that a political elite and its special-interest patrons use the government's foreign policy powers to serve their own economic and other interests. In the process they imperil the rest of us.

Do we really want to allow the state such authority because intervention might be worthwhile in some *conceivable* circumstance? Has Cox any idea how

Cox Agonistes — If by creedal isolationism Stephen Cox means consistent opposition to foreign interventionism based on anarchism, as he seems to, why must he write 4,000 words on the subject? It seems to me that if one accepts the central tenet of anarchism—that the state has no proper or moral functions, hence ought to be abolished—then it is apparent that the state ought not engage in foreign intervention. If Cox wants to attack this theory, then he should attack it at its root: is the anarchist theory of the state correct?

Personally, I am an advocate of a government with functions that are so limited that most political thinkers might mistake me for an anarchist, though in the argot of libertarian anarchism I am a "minarchist." Unlike the anarchist, I consider the state to be an inevitable consequence of human interaction but one that can easily do great harm and must therefore be strictly limited to adjudicating certain kinds of disputes. I am certainly no advocate of what Cox calls "creedal isolationism." But no more am I an advocate of the kind of foreign adventurism that Cox seems to defend.

It appears to me that even libertarians who advocate a more powerful state than I—say those who admit an armed defense force or a police force—would have serious qualms about accepting Cox's state interventionism, even if Cox is correct in saying that intervention was needed to halt the spread of tyranny. The problem of foreign tyranny seems no different to me from the problem of domestic poverty or disease. Libertarians do not argue that poverty is not a problem—they argue that it is not best solved by government action. Libertarians do not argue that cancer is not a problem—they argue that it is best attacked by private means. If tyranny is a problem that must be contained, let it be contained by the voluntary actions of individual human beings, just as we "contain" the problems of poverty or disease—or the need for shoes, for that matter.

The burden of proof is always on those who want government to take action against a problem. —RWB

foreign policy is made in this country? Does he know how elites manipulate the people with misinformation while maneuvering them along paths they would never take if they were free to choose? Is he aware of how the U.S. got into the Spanish-American War or World War I (see Walter Karp's *The Politics of War*)? Or World War II (see Charles Tansill's *Back Door to War*)? Or the Vietnam War (on the Gulf of Tonkin "incident" see Jonathan Kwitny's *Endless Enemies*)? Anyone who has an inkling of how we were embroiled in those catastrophes by the lies and intrigues of our "leaders" will be horrifiedly amused by Cox's suggestion that the U.S. government could be restricted to intervening only for "good" reasons and without what the defense strategists call "collateral damage."

By doing foreign policy at the level of philosophical speculation, Cox makes himself irrelevant to fruitful political discussion. That's his choice.

War *is* the health of the state. (Cox concedes this, then ignores it.) Nonintervention is not. As we see in Eastern Europe and the Soviet Union, tyranny burns itself out without our having to inflict liberation—and collateral damage—on its subjects. But now that the cold war is over and communist governments are dismantling themselves, does the U.S. state show any signs of abandoning its war-footing and shrinking back to something resembling limited government? George Bush says NATO and taxpayer giveaways are needed more than ever. This is where Cox's policy leads. It is not far-fetched to imagine that formerly communist countries will someday be freer than ours. By Cox's standard, they will then be justified in invading the United States and liberating us.

Enough of this. I'll close by naming one more scholar, a libertarian, not to invoke an authority, but because we can learn much from him. In his book *Crisis and Leviathan*, Robert Higgs documents beyond question that the greatest cause of the growth of U.S. government power in the 20th century has been war. A bellicose foreign policy is thus the deadliest enemy of freedom and capitalism. No libertarian who has failed to digest this lesson has any business writing about foreign policy. ❑

Remaining Questions, Summary Suggestions

Stephen Cox

I'm glad that Sheldon Richman decided to reply, and re-reply, to my notions about isolationism. I'm not sure how our readers will feel, but I've had fun, and I think that Richman has, too.

He's enjoyed the opportunity to specify what people should read, and what people should believe, before they have "any business writing about foreign policy." I've enjoyed the opportunity to congratulate myself smugly on the greater liberty I'm willing to grant to intellectual opponents.

He's enjoyed picturing me as a dreaded *maxarchist*, one who believes that there could possibly be circumstances in which the American government might do more to combat tyranny than "merely defend[ing] American lives and property." I've enjoyed contemplating Richman's curiously parochial commentary on the idea that "where liberty lives, there is my country." I've also been able to smile at his apparent impression that the defense of American lives and property was not involved in this country's intervention against Stalin.

Richman has had as much fun as a Baptist preacher, quoting the texts he likes; I've had as much fun as the preacher's audience, reading the texts he quotes.

But now that Richman and I have had our fun, a couple of serious questions remain.

Can valid universalizations be made about the "real-world" effects of a certain kind of human conduct—the intervention of one government in the affairs of another? Richman suggests that intervention is always, in fact, prohibitively dangerous. Intervention is always a catastrophe inspired by sinister "patrons" whose "interests" never coincide with yours or mine. I, on the other hand, make the rather bland suggestion that there are many kinds of governments; that many interests, sinister and otherwise, may be tied up with them; and that the risks to liberty that are associated with intervention vary with the nature and circumstances of intervention. The intervention of Stalin in postwar Europe, for instance, was much more dangerous to the interests of liberty than was the intervention of the United States in postwar Europe.

If it is true, as Richman argues, that tyranny always "burns itself out," what are the implications of this fact? Does it imply that we should merely wait for tyranny to expire? Richman thinks we should—if the tyranny happens to be foreign! But tyranny can take hundreds of years to burn out; in the process, it may burn up millions of lives and threaten millions of others. At some time, perhaps, some other state could possibly do something to contain or extinguish a tyranny's fire.

But these are questions that Richman and I can safely leave to our readers' common sense. ❑

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back

Ivan Grozni

by Brett Rutherford

Ivan Grozni
Tyrant of the Oprichniks
Little Father to the trembling serfs.
Your murders pale, poor Ivan the Terrible,
beside the deeds of a fat old man—
a pensioned auto worker
front porch grandpa in old Cleveland
a beer and pretzel neighbor
picnics and barbecues
ball games on the radio
nodding to sleep before the television.

He is another Ivan, *Ivan Grozni,*
Ivan the Terrible
lord of Treblinka
counting the days to his
Social Security check,
his numbered entitlement—

As Ivan he numbered his subjects—
gypsies and Jews and misfits,
counted them by the hundred,
gassed them by the thousand,
bookkeeping entries at every
ten thousand mark,
medal from the Fuhrer
for ever tenth
of a million exterminated,
numbers on a golden arch of death.

Gold watch retirement gift—
good man on the assembly line,
speedy with wrench and rivet—
how many cars did he finish?
A mere few thousand, maybe,
nothing to match
the nine hundred thousand
he prodded in
through the one way door.

He understood efficiency.
Their slouching gait
not fast enough,
he whipped and prodded,
maimed and mowed down
the laggards and lame ones.
(His fat hands picked out
the defective bolts,
dropped them to bin—
never asked where
they went—)

Tried for his crimes
he rallies his wife and family,
hires an attorney to fight
this case of mistaken identity.
He smiles at the battered old Jews
who say they remember him,
call him the Beast of Treblinka,
waves to the courtroom audience
and says in Hebrew—
I am innocent.
I am not Ivan the Terrible.

Yet who are these ghosts
that crowd the air,
clotting the room with accusation?
Who are these legion whisperers,
nine tenths of a million strong
chanting like monks
at a Tsar's interment
singing like bells of monotonous iron
one steeple truth in a landscape of lies:

Ivan . . . Ivan . . . Ivan Grozni.

Challenge

The Great Gulf in Libertarian Theory

by Loren E. Lomasky

Between the Real and the Ideal lies the uncharted territory where the incautious disappear without a trace, where the road to Utopia can lead, quite literally, *nowhere.* The way to a free society requires voyages of discovery.

Libertarians like to argue, most of all with one another. But that should not be allowed to obscure the fact that all libertarians—right, left, gradualist, abolitionist, whatever—agree on far more than they disagree. Extremes within the movement are considerably closer to one another than are, say, wings within the Democratic and Republican parties, *National Review* conservatives, or the hierarchy of the Catholic Church. Even anarchists and minimal statists project visions of an ideal libertarian society that differ only along the margins.

This may sound like the prologue to an invitation to a love-in, a plea that animosities be set aside so that, united, we can march foursquare toward the Truth. My intention is precisely the opposite. Rather, I shall maintain that there is a vast area of libertarian political theory that lies largely unexplored but that is of crucial relevance to libertarian practice.

Arguments abound concerning fine points of the precise shape of a fully libertarian society, yet little is heard concerning the far murkier question: what do libertarian principles imply here and now? That is, how ought libertarians act in the decidedly nonlibertarian societies in which we all, willy-nilly, find ourselves?

No, I'm not catatonic. I am aware of the tempestuous debates concerning strategy and tactics that punctuate all libertarian activities, especially political campaigns. But these are almost entirely limited to pragmatic worries, not fundamental principles of political philosophy. Indeed, it is obliviousness to the need to develop adequate principles that is largely responsible for the intractability and silliness of so much of the wrangling.

Suppose that we have a tolerably clear picture of what a fully libertarian society would look like. What follows from this picture about how one ought to respond to illiberal practices and institutions in our actual society? One might reflexively presume that the elimination of any practice that would not be countenanced within the fully libertarian society is a step in the direction of complete liberty and thus ought to be promoted. This inference is invalid. It is to act as though a strict compliance theory (one that specifies principles incumbent upon persons in a generally just regime) can be mechanically extended to cover circumstances of only partial compliance (in which persons and institutions fall significantly short of full adherence to what is morally optimal).

The fallaciousness of the inference can be demonstrated by a simple example. Coercion is wrong. More precisely, in a system of perfect compliance, no one coerces anyone else. Suppose that one person aggresses against someone else. May the aggressor be punished, either for retribution or to exact compensation? If one has a theory of strict compliance to go by, the answer is no. Punishment would produce a second coercive act while not punishing leaves the total at one coercive act.

The result is absurd, though that has not prevented some libertarians from embracing it. They have mistakenly believed that fidelity to the ideal standard of no coercion mandates that position.

Most of us subscribe to the wrongfulness of *initiating* coercion. The difference makes all the difference.

I emphasize *initiating* coercion because it underscores that different principles apply to the case in which an aggressive act has already taken place to those that apply when it has not. Implicit recognition is better than none at all, but it means that the libertarian theory of partial compliance has received nothing like the attention it merits. The predictable result has been ill-informed positions. Here are some examples:

1) It has recently been argued in these pages ("Scholarship as Leechcraft," March 1990) that libertarian scholars employed by state universities are moral parasites. Why? Because in a fully libertarian society no one would be taxed to support higher education.

2) Zoning codes should be summarily abolished. Why? Because in a libertarian society there would be no restrictions on nonaggressive use of one's property other than those stipulated through private contract.

3) Less governmental regulation is necessarily better than more. Even where a regulation is proposed to counter the ill effects of a previous governmental blunder (where repeal, however, is politically unfeasible), it is the duty of libertarians to oppose further regulation "on principle."

4) Taxation is theft. Ergo, any means of evading taxation are permissible even if the predictable effect is that other persons will be forced to pay more taxes.

We go around and around in the same circles, sure that it is the ignorance or venality of our foes that is the culprit, not a mutual lack of adequate theory.

5) Cooperative undertakings with nonlibertarians are wrong if they involve any compromise of one's libertarian principles. Those principles are, of course, those that would govern conduct in a fully libertarian society.

The list could easily be extended. The examples may seem to be directed toward "radicals" as the prime offenders. To some extent that is so; their furious devotion to "standing on principle" is too often based on an egregious confusion between the principle of strict compliance and the principle of partial compliance. But so-called moderates fare only a little better. While they have the intuitive good sense to realize that one is not bound to act as if the millennium had already dawned, they rarely bother to undertake a justification of their stance on fundamental moral grounds. That's why the charge of "opportunism" tends to stick.

Internecine warfare within the libertarian movement is often as bitter as it is fruitless because the contending parties are heedless of the need to jog their thinking past strict compliance stereotypes. Around and around in the same circles we go, sure that it is the ignorance or venality of our foes that is the culprit, not a mutual lack of adequate theory. This is a plea for a halt to petty bickering, so that we can join in the more productive generation of a moral framework adequate to take us from here to there. Debates there will be, but they need to be conducted on the appropriate level.

Because the task is hardly begun, it would be premature to speculate on the form an adequately developed partial compliance theory will take. The movement has been graced with enough oracular pronouncements; it needs no additional ones from me. I will, however, close by briefly noting three factors of which any theory must be cognizant if it is to be at all plausible.

1) *Legitimate expectations.* Most people, even most libertarians, have undertaken action in the reasonable expectation that big government will not disappear overnight. The pensioner receiving Social Security checks, the farmer who is as cognizant of price support structures as he is of weather reports, even the businessman who has invested in a store served by public transportation have all directed their affairs in the way they have because of certain well-grounded beliefs concerning the continuance of some governmental activity. Even if the origination of the activity was grossly illegitimate, it does not follow that these expectations are bereft of moral weight. Some are, some are not, and it is the job of moral theory to provide criteria for differentiation. Put most simply, before the Post Office is shut down, letters already in the box must be delivered. Those who are harmed by the termination of an illegitimate governmental activity may be due compensation; it is the job of moral theory to tell us who must compensate whom.

2) *Transition costs.* B might be a preferable state of affairs to the status quo, A, yet if the costs of getting to B are exorbitant, we may be obliged to move to B via an indirect route or instead choose the nonoptimal but less costly C. And when the decision to shift to B is made, the magnitude and distribution of transition costs must be ascertained so that those harmed by the process can receive whatever compensation they are due. (When harm results from the frustration of legitimate expectations, this consideration merges with the previous one.) An example of a transition cost dilemma: it might have been a very bad idea for the state to have assumed the task of providing primary education. It does not follow that immediate public withdrawal from the educational arena is appropriate. Libertarian principles are not necessarily breached by someone who instead endorses the institution of a voucher scheme so as to mitigate the worst effects of state monopoly while simultaneously minimizing transition shocks.

Let us halt petty bickering so that we can join in the more productive generation of a moral framework adequate to take us from here to there.

3) *Judgments of second best.* Anything short of a regime of full freedom may be bad. But some regimes are worse than others. Bondage to the IRS may be a form of slavery, but it is not the slavery of the Gulag. A recital of international bad guys in which the United States and Israel rank as high or higher than, say, Iran or Burma is too pure for this sullied world. Classification into "the best" and "all the rest" is inadequate because sometimes the best is not attainable. Theory must provide criteria for making judgments of degree, and libertarians must reconcile themselves to the fact that, in unfortunate circumstances, what morality may require is, above all, avoidance of the worst. ❑

Essay

The "Official Truth" and the Death of Thought

by Karl Hess

The rationale for government education was that it should transform local children into national citizens. Unfortunately, these "national citizens" are not molded according to a liberal ideal; they are servile to a horrifying degree.

In a pottery store, just the other day, I overheard an example of the result of the government's curriculum. Two women, looking at large jars, held the following dialogue:

"Here's a cookie jar."

"But here's a jar that looks even better to me."

"Yeah, but it doesn't say 'Cookies.'"

"Oh, then it probably isn't a cookie jar."

Those two women had come to accept "official truth." They looked for labels and were unimpressed by function. They apparently did not see empty containers into which just about anything could be put. They saw designations. If one of the jars had been marked "Condoms," I'll bet they would have agonized over whether they should continue squirreling their supply away in an unofficial drawer rather than having an official container.

They are products of government schools that carefully and purposefully inculcate "official truth" rather than encourage critical thinking. Horace Mann's pernicious prescription for government education was that it should transform local children into national citizens. That it has done, generation after generation.

Another horrifying example of the "official truth" virus, from another overheard conversation, this one at a public library. Two women, again.

"My son is really interested in science."

"Oh, that's wonderful. We sure need scientists."

"Well, I bet he's gonna be one. Why he knows the name of every missile that we have and he's still only in grade school."

Of course, the kid *could* turn out to be a scientist. At the moment, however, he's just another collector of official truths, not much more exciting than the kid who knows the batting average of many Big League baseball players but who has yet to play in a game.

A regard for official truth can establish mindsets that may be ineradicable. Think of some clichés that should scare us to death but which have become so acceptable that they are, holy cow, *actually* clichés, with all the cultural power that implies:

"I read it in the paper. It must be true."

"They couldn't say that if it wasn't true."

"Well, they ought to know what they're doing, that's why we elected (or pay) them."

"Who am I to say they're wrong?"

"Why don't they teach kids to be good, the way they taught us?"

"Kids learn best when they sit in rows and keep their mouths shut."

"The most important part of school is the socialization that kids get."

"The most important thing that kids need in schools is the basics, the alphabet, the multiplication table, respect for authority."

If, in elementary school, children are taught the four formal Rs, (Readin', 'Ritin', 'Rithmatic—and Respect) they go into middle and then high schools thoroughly primed to do exactly what we may fear they will do: pay attention to test scores and simply ignore refinement of the mind. Which is, of course, exactly what the educational bureaucrats want. The educators' popularity with parents and legislators is tied to raising the test score average of pupils in their jurisdiction.

Perhaps some rare bird among them will attempt to do this by having teachers who will encourage better thinking. Most will do the bureaucratically obvious thing: they will support teachers who will *teach students how to take tests*. Successful test takers might be intelligent. But who knows? The

purely mechanistic techniques of test taking are the equivalent of things that can be mastered by a lively angle worm, literally. Worms can be taught to wiggle their ways through mazes. So can the dullest child be taught how to take true or false tests efficiently enough to wiggle by.

Test scores are another example of official truth. Where one good essay question might reveal a glittering or a glum intelligence, the multiple choice tests reveal mainly test-taking facility—and yet another bureaucratically desirable way of quantifying results that will look good in the headlines regardless of what they do to young heads. But test scores have become the official truths by which government education is judged.

Kids go into middle and then high schools thoroughly primed to do exactly what we may fear they will do: pay attention to test scores and simply ignore refinement of the mind. Which is, of course, exactly what the educational bureaucrats want.

Wonderfully, there are a number of young teachers and a few fractious older ones who are trying to buck the tide of official truth and "basic education" and to move toward the encouragement of thinking.

One attractive program is that of the Institute for the Advancement of Philosophy for Children at Montclair State College, Montclair, N.J. Beginning with the earliest elementary school grades and continuing into high school, IAPC material is based on the premise that a gang of kids in a classroom should be considered "a community of inquiry," as the Institute's director Dr. Matthew Lipman puts it.

Each of the segments of IAPC material consists of a fictional story of about 90 pages and a huge teacher's manual. The story involves children of the age to which the segment is being presented. The manual offers, literally, hundreds of questions to get the kids thinking about the story and the implications of its every paragraph.

By the end of the first page of the segment on ethics, for grades 7–9, the discussion involves killing and the differences between killing animals and killing people. In the segment on reasoning in social studies, the students actually are encouraged to discuss the fact that they are being *forced* to be at school.

My favorite is a segment entitled *Harry Stottlemeier's Discovery*, for grades 5–6. The hero's name contains an anagram of "Aristotle" and is for grades where a lot of government-trained students still don't even know how to read effectively, much less think effectively.

On the first page of the story, poor Harry is caught daydreaming when his teacher asks "What is it that has a long tail, and revolves around the sun every 77 years?" Harry, flustered, remembers that the teacher has recently told them that "all planets revolve around the sun." He tries "a planet" as an answer and is incorrect.

Later on, on page two, he's still thinking about the correct answer, Halley's Comet, but he's really *thinking* about it and not just trying to remember it. What a great difference!

"So there are things that revolve around the sun that aren't planets," Harry said to himself. "All planets revolve around the sun, but not everything that revolves around the sun is a planet." And then Harry had an idea. "A sentence can't be reversed. If you put the last part of the sentence first, it'll no longer be true. For example, take the sentence 'All oaks are trees.' If you turn that around, it becomes 'All trees are oaks,' but that's false."

Harry is so fascinated by his discovery (the kid has actually *learned* something) that he goes on to explore it with his classmates. By the end of the story, after many terrific, upbeat arguments and discussions of the sort that most kids revel in, Harry's major discovery is made and exalted. It's the syllogism.

In a recent issue of *Technology Review*, the magazine of the Massachusetts Institute of Technology, it was proposed that even mathematics could be approached by this discovery route rather than through the mind-numbing rote process that leaves most students absolutely convinced that math is a bore and never will be of use to them.

The MIT proposal was that children should discover the utility of math and the principles of math in about the same way that many mathematicians have and do. They should solve problems related to their own lives. The axioms of geometry, for instance, should be discoveries, the way they were for Euclid, and not dictates from the teacher.

Teachers who are used to doing exactly what they were taught to do (over and over and over again) naturally detest an idea in which the students so fully and energetically are encouraged to participate. Order in the classroom might be disrupted by questions. And how are children to know "what's right" if the teacher doesn't tell them?

Worst of all, in the several hundred schools where IAPC material is in use in at least one or two classrooms, there is an obvious problem with timed, multiple-choice tests, the bureaucratic standard across the land. Children who are involved with the IAPC material generally don't do well on such tests. They try to think about the question and they try to think about the answer and they are slowed down by questions in which several of the choices could be proper given this or that interpretation. Have you ever seen a multiple-choice question where you didn't want to argue about either the way it's framed or the way you expect someone wants it answered?

On essay questions, however, the IAPC kids are likely to go right off the upper scale. They are intelligent learners, not rote robots.

It is conventional wisdom to say that the great intellectual battles are won or lost in the colleges. And surely there is good reason to say that.

But colleges do not provide the foundations. "Higher education" has its humble beginnings in the elementary schools. Might it not be that if children were nourished on logic and inquiry back where the academic stream begins, it would be tougher to sell them foolish nostrums and political pies-in-the-sky? ❑

Exposé

A Closer Look At Walter Williams

by Gary S. Meade

When Libertarian Party members talk about a presidential candidate for 1992, the name most frequently heard is Walter Williams. Is Williams a Moses poised to lead libertarians from the wilderness of miniscule vote totals?

A number of Libertarians are attempting to woo as a 1992 presidential candidate black economist Walter Williams. Williams has remained non-committal at best, requiring a series of necessary but not sufficient conditions, rather after the fashion of conservatives who reacted to Gorbachev's overtures by saying they would believe in the seriousness of *glasnost* if the Russkies would publish *Dr Zhivago*—and, when they did so, required that they knock down the Berlin Wall, which they also did. Williams more modestly required, *inter alia*, that the LP improve its dowry to mere multiples of its voter registration and campaign funding. Sounds a bit like Gene Burns—remember him?

Of Mr Williams it should be said that, to the extent that his views are libertarian—and responsibly expressed—it is good that they be widely aired in his newspaper column. So let's take a look at seven of his weekly columns from May 17 to October 26, 1989—about a third of his output during that period.

May 24: "If I had a minor child who got an abortion, the clinic that did it, the judge who allowed it, and the lawyer who represented her would be in a world of trouble and so would I." Well, it's not strictly illibertarian to oppose abortions for minors, even if the pregnancy was due to rape or incest or both. Even the flamboyant vigilantism is more irresponsible than illibertarian. Going on, Williams tells us, "a father suspected his son of having drugs in his bedroom. So he asked the police to search the room. [This must be the "traditional value" of family loyalty.] Drugs were found. The kid got a lawyer and sued for illegal search and seizure. That a lawyer would take the case and a judge would listen is preposterous." What comment could betray greater antipathy to libertarian ideals, save perhaps applauding a father for turning a son in for draft evasion? Williams continues: "Lawyers have made it difficult for school principals to search students' lockers without a warrant. Is it any wonder drugs have gotten such a foothold in our society?" Taking part in the drug hysteria will help make the LP comfortably mainstream, as will the factual claim, which is misleading at best: according to the Supreme Court, schools may search students' desks and lockers without federal let or hindrance.

July 26: Williams demurely opposes an anti-flag burning amendment, but ends with this star-spangled macho flash: "Oh, by the way, anyone looking to desecrate Old Glory in front of my house is advised to first kiss his loved ones goodbye." Why have a law when a private lynch mob is so much more efficient?

June 7: Williams complains that "experts" (read: the demon liberals) "whimper that longer sentences can't be given because of prison overcrowding. Here's my solution." What does he suggest—abolishing victimless crime laws? No: exile criminals to Pacific island penal colonies "with death as the penalty for escape." Good. That'll make room for all those drug dealers.

October 26: "Out of every 1,000 major felonies, how many perpetrators go to jail [?]. . . 17. In 1983, 55,000 criminals were set free on legal technicalities." Question: how many of the 55,000 crimes had victims? And does Mr Williams really expect us to believe that a persnickety concern for Constitutional rights of suspects results in the low 1.7% incarceration rate for major felonies? The vast, vast majority of perpetrators are never apprehended in the first place. Has it never occurred to him that the low rate may be due to a combination of police incompetence and perverse police priorities, spending money busting hookers and jaywalkers? Do we really need more attacks on the Bill of Rights and more

bad logic to boot?

October 19: A column called "It's Unnatural": another swipe at the "experts" (and "liberal media and dishonest intellectuals"), whom Williams says "called for acceptance of aberrant behavior as 'alternative life styles.'" What is he calling for here? Souped-up victimless crime laws? We know that 'alternative life style' is a right-wing code phrase for any kind of sex and drugs that conservatives denounce and use themselves. We should ask Mr Williams what he thought of the alternative life styles of conservatives Roy Cohn, Terry Dolan, ex-congressman Robert Bauman, would-be Supreme Court Justice G. Harrold Carswell, lobbyist Craig Spence (who gave midnight White House tours to male prostitutes), and others too litigious to mention.

May 17: More discussion of the irresistibly attractive subject of the unnatural (as Freud said, the repressed always returns, which is why conservatives are obsessed with sex and drugs): "Isn't it unnatural for teenagers [to be] engaging in sex?" I don't know about Mr Williams, but I was 20 before I stopped being a teenager. Plenty of people are married by that age, and the legal age for marriage is lowest in those bastions of traditional values, Southern states. The minimum age in Alabama is 14, and Georgia allows marriage at any age, if the lady of the household-to-be is already in the family way.

Williams demurely opposes an anti-flag burning amendment, but ends with this star-spangled macho flash: "Oh, by the way, anyone looking to desecrate Old Glory in front of my house is advised to first kiss his loved ones goodbye." Why have a law when a private lynch mob is so much more efficient?

July 5: Williams exults that "Black conservatives[′] . . . numbers are on the upswing. . . . The liberal philosophy that criticized chaste sex mores had its most devastating impact on blacks. Having given up traditional values, where black teen illegitimacy was once lower than whites (1918) . . . today's black illegitimacy is 55 percent." For an *economist* to blame the civil liberties side of liberal philosophy rather than its economic side—which *paid* people to churn out illegitimate children—is context-dropping to the point of surrealism. Moreover, had more blacks practiced homosexuality or employed condoms—both illegal under "traditional values"—there would be a lower black illegitimacy rate. Williams goes on to claim "liberals blessed the nation with widespread drug usage. . . . Drugs [have] had their worst effect on blacks, turning youths into rap-talking zombies. . . ." Aside from the peculiar notion that it is drugs, not people, that are the active agents in this equation, Williams does not say whether his claim is true of *middle class* black youths—who would be a much larger fraction of black youths in the absence of the welfare programs Williams avoids mentioning. He concludes: "Blacks cannot depend on politicians. They must protect their own neighborhoods, even if that means using violence to clean up drug corners and crackhouses. They must show up on school premises to mete out instant justice to [alleged!] miscreants. 'Williams,' you say, 'that sounds like vigilantism.' Well, I say: 'What do you do when established legal authorities refuse to do their job—just sit and take it? And for how long?'"

Lynch mobs—if you can't beat 'em, join 'em, eh, Walter?

Perhaps it is now easier to understand why his column is syndicated by the ultra-right-wing Heritage Foundation (whose small number of other columnists includes Mr Williams's personal friend, Ed Meese).

If we were to dig back more than half a year, we would find much more of the same in Williams's writing. What is interesting is that Williams has been consistently purveying columns ranging from the embarrassing, to the sloppy or dishonest, to the outrageously illibertarian, even while stringing along Libertarians with the prospect of a semi-demi-celebrity presidential candidate in 1992. Why might he do that? It opens for him a lucrative, if temporary, side-market of speaking engagements, at up to $3,000 a crack. (Now here's a form of crack we can oppose.)

Unlike conservatives, libertarians don't need to prove we're not racist by sponsoring Archie Bunker in blackface.

To modify an old joke: Why do libertarians have money? So people will talk to them. This explains at a stroke (a) why people talk to libertarians at all; and (b) why they talk to libertarians so little. There is a market niche for a full-time right-wing black economist. There is a market for two of them, in fact, Thomas Sowell being the other one. There is no market niche for a full-time libertarian black economist.

Why? Because (a) we don't have the money, and (b) unlike conservatives, we don't need to prove we're not racist by sponsoring Archie Bunker in blackface. Re-read the quotes above and see if Archie would have any trouble with the content (or style) of Williams's expressions. After all, why do people pay any attention to Williams? Because of his pathbreaking economic and social insights? Because of his coruscating wit? Of course not. It's because of his skin color. If he were white, editors would be embarrassed to print his opinions (such as that black people are bad off because of their lax morals); he would just be another one of many second rate economists. Though a critic of affirmative action, he is one of its biggest beneficiaries.

Since Walter Williams and his skin game have a sinecure on the Right, the smart money is on the side of Mr Williams leaving the Libertarian bride at the altar in '92—seduced, swindled, and abandoned. Why beg for this? Life is short, and money is expensive. It's the Right that desperately needs the pretense of racial tolerance. It isn't us.

Or is it? ❑

Response

In Defense of Williams

by Jim McClarin

Gary S. Meade provides a fine and spirited rebuke of Walter E. Williams for espousing less-than-libertarian sentiments in his syndicated column—and a shocking eye-opener for the uncritical "draft Williams" folks within the Libertarian Party.

Seen in another light, however, Meade's treatment of Williams is a useful example of why the Libertarian Party has so much trouble attaining any political relevance (i.e. size and power); keepers of the flame devote most of their energy to driving away all who are impure in heart and soul, even to the point of considerable bloodletting among themselves. (I fall into this sin all too frequently myself.)

To Meade's objections over Williams's departures from libertarianism could be added Williams' internal inconsistency, since the columnist has on other occasions "said the right thing" on many of the issues raised by Meade (for instance, his December, 1989 column calling for drug decriminalization, and his August 1986 decrying proposed laws against abortion). Also, a major stumbling block not addressed by Meade is Williams's rather-too-bellicose foreign policy.

But Meade and other Libertarians should engage the esteemed columnist/economist on these important philosophic points with a greater measure of friendliness, respect and self-confidence. After all, Williams is not the foe he would appear in Meade's telling of it—more likely a valuable asset.

Consider that here is a man whose writing, even by Meade's figuring, is at least two-thirds libertarian, who has been approached concerning (but who declined) several cabinet-level positions, and whose success at spreading the ideas of liberty easily surpasses that of the entire Libertarian Party. (Williams's weekly column has a circulation of about 4.5 million, and he elicits phenomenal reader response.)

Williams runs the risk of alienating a portion of his large readership by linking himself too closely with the Libertarian Party, which I know from experience as head of the Walter Williams Boosters organization. His willingness to travel and speak to Libertarian conventions must indicate a sincere appreciation of and willingness to help the Libertarian Party grow and prosper, unless, of course, Meade is correct that he's only in it for the money. But why on earth Williams neglected to charge the Libertarian Party of Vermont for his April 7, 1990 appearance at their convention is hard to explain under Meade's theory. ($3,000 a crack indeed!)

But assume Meade is correct—that Williams sees libertarians as a good, if temporary, revenue source. Libertarians are supposed to understand the law of contract and the "mutual advantage" theory of market exchange. In the hands of a qualified promoter Williams is a very "hot property" because of his large and wildly enthusiastic readership, and Libertarians should be able to draw in many new people with agressive outreach efforts when they land Williams as a speaker. But if Libertarian event organizers don't believe they can recoup Williams's expense and admissions or publicity they probably won't buy Williams product, and Meade needn't become overwrought at the prospect.

Another of Meade's ideas crumbles under inspection: His attempt to cast Walter Williams in the Gene Burns role. Burns announced his candidacy and campaigned energetically for the nomination in 1983, only to decide at the last moment that troop strength was too low to adequately engage the enemy. (In Burns's defense, he is presently hard at work building the party in New England.) But Williams has at best admitted to "considering it" in response to Libertarian ticket-builders, and has recommended that the party continue to search elsewhere.

Rather than Williams "stringing along Libertarians" by not absolutely denying any interest in running, Meade might consider a less inimical, less duplicitous interpretation. That thread of hope may be providing much-needed motivation for the party to hurry up and make something of itself so as to be able to interest any number of potential candidates. (A battle among several noteworthies, even absent Williams, would swell attendance at the Chicago convention and attract serious media coverage.)

Meade points out none too kindly that without his blackness Williams would be nothing, and that the Libertarian Party doesn't need Williams for his color. While Williams himself might good-naturedly attest to the truth of this (though the media in heavily black Chicago may not), his gift and his resultant popularity with his readers is a reality that could be rather easily translated into votes, and the Libertarian Party needs votes! I have suggested privately (and now publicly) to Meade and other Libertarians that they join in the search for other high-profile candidates for the nomination rather than lashing at every germinal attempt to draft an

Meade and other Libertarians should engage the esteemed columnist/economist on important philosophic points with a greater measure of friendliness, respect and self-confidence. Williams is a man whose writing is at least two-thirds libertarian . . .

continued on page 54

A Management Consultant Looks at Libertarian Politics

by Ronald E. Merrill

When your organization scampers off in every direction, when it never turns a profit, never gains new support, and never reaches its stated goals—it needs help. Professional help.

It seemed familiar, somehow. Reading the post-election analyses of the performance of the Libertarian Party, I had a sense of *deja vu*. I'd seen it all before—oh, sure, after the 1984 election, and other elections before that—but also . . . somewhere else . . . in another context . . . yes . . . Consulting.

I do (among other things) management consulting for high-tech businesses. Dozens of ingenious inventors have enthusiastically explained to me how their idea was going to change the world. Unfortunately, many of them are a bit weak on management skills. The problems they bring to me fall into a pattern.

The Libertarian Party, another start-up full of enthusiastic people with new ideas, fits that pattern. So maybe it would be profitable to consider Libertarian politics from the perspective of a management consultant.

A classic symptom of an innovator in trouble is obsession with the product. The inventor grabs you by the lapel, locks the door behind you, and demonstrates all the neat features of his widget—every last one of them. He proves to you that it does twice as much as the competition, costs half as much, and is edible in case of emergency. If you try gently to lead the conversation toward business topics—sales targets, production facilities, cash flow, making payroll next Friday, things like that—his eyes glaze over.

Libertarian political activists, like so many inventors, have their eyes turned inward. Their product—libertarian policies—is their obsession. And they just can't understand why they're not making progress. Look at the election analyses. "Our product [policies] should be beating the competition hands down. Why won't customers [voters] buy it? What's *wrong* with them, anyway?"

The first turning point comes when one realizes that just possibly the problem isn't what's wrong with them. As one of my entrepreneur clients wryly put it, "If I'm so smart, why ain't I rich?" The client who can reach this point is ready to be introduced to a change in perspective: What's in it for the customer?

You don't have a business until you rid yourself of the attitude that "the customer *ought* to buy my product because it's so good." And you don't have a political party until you rid yourself of the attitude that "the voter *ought* to elect me because my policies are right." Castigating your customers as immoral, illogical, ignorant, or stupid gets you nowhere (even though you may be quite correct in your evaluation).

It is essential to take your market seriously and consider how to appeal to it. Your vision of what your customers *ought* to be like is irrelevant. The only thing that matters is what they *are* like. The first step to success is to look, really look, at your customers. Get some facts. Develop an understanding of their likes and dislikes, their opinions and prejudices and motives. In short, do market research.

If you want to know why Libertarians keep getting clobbered by the major parties, just compare their political analysts. Libertarian analysts of the 1988 election talked about such subtle and sophisticated factors as whether national TV ads would help and how third parties traditionally do poorly in the United States. The mainstream experts are professionals who operate at an entirely different level: How do the demographic characteristics of voters differ from those of non-voters? What are the most important issues for baby-boom voters, and how do they differ across geographical zones? Which classes of voters are most influenced by endorsements? They use polls, interviews, focus groups—all the professional market research tools—to *understand their market*.

Another classic mistake of innova-

tors is lack of market focus. As soon as you start taking the market seriously, you learn something very important about it: *You can't sell your product to everyone.*. In fact, a small, new organization—whether a business or a political party—has very limited resources and has only one sensible strategy: Pick the most favorable market segment and sell to them only. If you try selling everybody, your efforts will be diffused and you will sell nobody.

To be fair, the Libertarian Party has long debated the idea of market segmentation. Unfortunately, such analysis as has been done has been superficial, leading to unfocused, opportunistic marketing. Any electoral group that has some sort of tiff with the State is considered fair game: tax protesters, or prostitutes, or marijuana smokers, or New Left activists, even dissident Democrats. In case anybody might have been missed, how about some TV ads broadcast to the population at large?

Any new business has to learn to identify its best customer class and concentrate on them. This is often painful, as seemingly lucrative targets of opportunity must be ignored. But a new venture must be exclusive, not inclusive, in its marketing.

Then there is failure to develop a coherent market strategy—and stick to it. Just what do we want to accomplish, anyway? Many new businesses are confused and ambivalent about their market goals. Do they want rapid sales growth? Or perhaps more moderate revenues but in a high-profit segment? I see the same management fibrillation in Libertarian politics. The normal purpose of a political party is to win elections. Unfortunately, the LP hasn't shown much talent for executing this basic strategy. So many Libertarian activists have decided that the justification for the party's existence is that it "educates voters."

This is exactly the market-contemptuous rationalization that has ruined many start-up businesses. How many times have I heard an entrepreneur tell me that "we have to educate our customers" so they'll learn to appreciate the product? Almost invariably, this "education" is something you do to people, not something you do for them. But you don't get sales—or votes—by doing things *to* people.

Again, *what's in it for the customer?* It's been estimated that a majority of American voters are net recipients from government. So, we are going to educate them in Austrian economics, and then they will cheerfully renounce their subsidies, bureaucratic jobs, and government-enforced privileges. Maybe—but that's what's known in the trade as a "tough sale."

Ask not what your customer can do for you; ask what you can do for your customer. Business success begins when you start asking some basic and, I fear, humble questions. Who are my best customer prospects? What do they want? How can I give it to them?

The purpose of a political party is to serve the people who vote for it. Party leaders, like entrepreneurs, have their own motivations—to acquire power, to do good, to achieve satisfaction, or just to get a job. But a party, like a business, can survive and grow only to the extent that it serves its constituency.

The major parties have at least a dim understanding of this principle. Constituent service is the invisible underpinning of their power. From all levels of government a continuous stream of favors flows down to Democratic and Republican voters: grants and subsidies and pork-barrel construction projects, "voluntary import restrictions" and competitor-killing regulations, expedited zoning variances and construction permits, and a thousand other big or little services. The media may talk about the campaign "issues," but many if not most voters have very tangible reasons to choose their congressmen or city council members.

Obviously the Libertarian Party cannot compete in the purveying of government coercion. But that's OK; even if it were possible, it's bad strategy for a startup to go head-to-head with the dominant firms in the industry.

Instead, the party should find a market niche—identify an unfilled customer need, and fill it. We are looking for a voter group that needs freedom, of course. But that's not all. We want to aim at customers who have long-term loyalty—not fickle types who don't have a strong need for our product and can be easily seduced by competitors' salesmen. Like any other outfit with an innovative product, we should look for "early adopters"—people who are receptive to new ideas and new products. If possible, we'd like to find customers who are even pre-disposed to like our product. And we should look for dissatisfied customers of competing firms.

To my mind—and I concede that I'm prejudiced—the most promising market for the Libertarian Party is entrepreneurs and other self-employed people. For them the State is mostly the problem, not the solution. And their desire for freedom is *broad-based*; it doesn't just result from a single-issue beef with the government. They are hurt by taxes, regulations, forced unionization, and many other statist activities. These problems of the independent businessman have existed for years, are getting worse, and are not going away. Entrepreneurial types tend to be innovative and receptive to change. And, finally, many are very dissatisfied with the major parties. The Democratic and Republican parties *cannot* serve small business without mortally wounding their core constituencies—labor unions and big business, respectively.

You don't have a business until you rid yourself of the attitude that "the customer ought to buy my product because it's so good." And you don't have a political party until you rid yourself of the attitude that "the voter ought to elect me because my policies are right."

Here is a market that is strong, growing, and likely to be receptive. No doubt other possibilities can be identified. but whatever niche the Party may choose, it should develop a clear brand image designed to appeal to the target market. This is what the ad industry calls a "unique selling proposition."

Developing a consistent market strategy has been very difficult for the Libertarian Party because of the fundamentally schizoid character of the movement it represents. Again, this is a

familiar problem with start-up management teams. When one partner has a fundamentally different value system from another, the business is paralyzed.

The libertarian movement is a blend of two immiscible streams. One consists of people who see freedom as a moral issue; the other of people for whom tolerance is the essence of political wisdom. The Party can sell one proposition, or it can sell the other; it cannot sell both. History suggests that the former will do better in the market, but in any case the LP will go nowhere until its supporters firmly and permanently come down on one side or the other.

A major strand in libertarian theory is the "anarcho-capitalist" school, which holds that governments can and should be profit-making businesses. Let's start by building a Libertarian Party that is a profit-making business.

The Party slogan—"the party of principle"—expresses the idea of freedom as a *moral* issue. It could be made into a very strong selling point. Polls indicate that many voters are fed up with the "flexibility" and "pragmatism" of major-party politicians. They hunger for politicians who can be counted on to stick to their principles.

Recently in California a man went berserk and shot several schoolchildren with a semi-automatic rifle. Immediately, of course, relentless media pressure developed for a ban on "assault weapons." All sorts of local, state, and national politicians quickly got on the bandwagon—including many whom gun owners thought they could count on. These voters might be receptive to a party which told them, "You can count on us to oppose gun controls—even when that opposition is unpopular."

Of course, as with any business, it's not sufficient to make promises. If you want to keep on selling to the same customers, you must follow through—you must produce. If an LP candidate is elected, he or she will become subject to the same pressures that deform Republican and Democratic consciences. The party will quickly lose its distinctive identity and advantage unless mechanisms are put in place to discipline the politicians it runs. The time may come when it is necessary to expel from the party a successful vote-getter, one of only a few elected officials from the LP, and one of the party's senior members for, say, waffling under media pressure. It won't be easy.

The next step is to develop the product—and put service to the customer first. In reading the election post-mortems by Libertarian Party figures, I was struck by their prevailing attitude, so similar to what I've seen in unsuccessful entrepreneurs. The mind-set is, what will the voters (customers) do for *me*? What will they do for the *Party*? As I've mentioned above, this has it backwards.

For instance: There is an expectation that supporters of libertarian ideals ought to write letters to the editor of newspapers and so on, to support the positions or issues of the Party. That ain't the way you do business if you want to succeed, folks. Here's what the Party should do instead. Develop a stable of libertarian writers who will write letters to the editor (or other literature) for Party members who need support when they're getting screwed by the State. Basic principle: It's not up to Party members to do things for the Party; it's up to the Party to do things for its constituents.

We have a potential market of people who are more or less continually under assault by the State, and who don't have the time, the skills, or the organization to fight back effectively. The Party has many services to offer them. Provide not only writers but speakers. Supply people who know how to make a grievance into news and get it on local television. Locate and unify other people who have the same problem. Provide support for lawsuits in certain cases. Support a stable of lobbyists. Develop an early-warning system for upcoming government atrocities.

Services like these could make Libertarian Party membership a highly desirable status—one for which many people would be willing to pay. And that leads to the subject of *making a profit*. Many inventors are so obsessed with getting their widgets perfected and produced that they pay little attention to making money. They rely on "angels"—investors who will keep pouring in money to get the project to the next stage. Success can't come until you start thinking about how to sell something—sell something *now*—and make a profit in the process.

A major strand in libertarian theory is the "anarcho-capitalist" school, which holds that governments can and should be profit-making businesses. Well, if we want that to be taken seriously, let's start by building a Libertarian Party that is a profit-making business. Instead of begging for contributions, or relying on cash infusions from deep-pocketed enthusiasts, let's recruit dues-paying members and provide them with services in return. And let's make money in this business. Of course we won't call it a "profit"; we'll call it a "surplus" and plow it back into expansion.

Would the Libertarian Party win elections with this kind of management approach? More than it's winning now.

Would the voters be educated by this approach? Yes indeed, and far more effectively than by our running forlorn-hope presidential campaigns. We wouldn't be trying to "educate" the customer—teaching him, "for his own good," things he doesn't want to know. And that's why he'll learn.

Would libertarians make political progress with this approach? You're damned well told we would. All the sterile debates on "Libertarian Party *vs.* Libertarian Republicans" would evaporate. Libertarian leaders would be exercising influence, even if not elected, and would be relieved from riding the rubber-chicken circuit. Rank and file members would be producing results, not releasing balloons at conventions and going door-to-door with bumper stickers.

Sometimes—not always, probably not often—we might win elections. Sometimes, not in every case, we'd influence major-party politicians to move to accomplish our goals. And always, we'd be making progress—slowing and eventually reversing the trend toward the Leviathan State.

Will the Libertarian Party do all this? Of course not. Clients never take good advice. ❑

Encounter in Mbabane

by George M. Hollenback

Politics is well-known for setting up loyalties based on "us" *versus* "them." But sometimes political discussion broadens the realm of the "us" to include new and wonderful people.

It was late afternoon when Mziwonke Pro Jack joined me in the lobby of the Royal Swazi Sun. Pretty soon it would be dark—August is winter time in southern Africa—and the hotel's casino and bars would start getting busy. We ordered snacks and soft drinks, then sat back and talked. Pro is an intense looking young black man, short and wiry, with a high forehead and a thin beard edging his jaw. He doesn't care to be identified by tribe or political affiliation; he is simply a "black South African" who knows three of the tribal languages and who is part of a "democratic movement."

"I spent seven years on Robben Island," he said. I looked up, surprised. I knew that Pro was a radical, but I wasn't prepared for that revelation. "The authorities were so stupid," he said shaking his head. "They sent me to prison on a sabotage charge, but I didn't do it. I knew who did, though," I waited for him to go on, but he was distracted by several people walking by. He glanced at them, then quickly looked the other way as if to avoid notice. "Those men were policemen," he whispered tensely, staring at the floor.

I know that he meant South African security police even though we were in Swaziland. He rambled on about the telltale details that gave the plainclothesmen away. If dope dealers can spot narcs, I guess political radicals can spot security police. "But Pro, are you absolutely sure? Did you recognize anyone?"

"Yes, yes. I know that one. He's from Cape Town." Pro regained his composure, sat back in his chair, and waved the incident away with his hand. "They are of no concern to me," he said, and we resumed our conversation.

The setting for this little drama was the 4th World Conference of Libertarian International, held in Swaziland's capital city of Mbabane. Pro Jack and several of his friends from Cape Town were invited to participate in an attempt to interest black radicals in the libertarian reform proposals of Leon Louw and Frances Kendall's *South Africa: the Solution* (later published in the US as *After Apartheid: the Solution for South Africa*). One of the "radicals" was a pretty, long-haired young lady whose perpetual smile was a welcome contrast to Pro's somber and cynical demeanor. My attention was first drawn to their little group when Pro spoke up during one of the many lively exchanges that took place at the end of each presentation. "We have to pay taxes," he said, "and yet we aren't allowed to vote. We don't have a say in how our money is spent." (Don't all American schoolchildren learn about "taxation without representation"?)

During another presentation, given by Marc Swanepoel and David Maphumulo of the South African Free Market Foundation, Marc mentioned in passing something called the "Freedom Charter." This document, penned sometime in the 1950s, is a kind of black African "Declaration of Independence" that expresses their desire for a more just political order. Marc, the typical free-market economist, disparaged some of the leftist elements of the Charter: "Parts of it are nonsensical," he said. "It's like wanting to pass a law saying that it will rain every Tuesday." Pro took him to task. During the sparring between the two, someone suggested the Charter be read if a copy could be found. Someone produced a copy and handed it to Marc, who proceeded to read it from the stage.

Much of the Charter is devoted to affirmations of fair and equal treatment for all. The audience was nodding in agreement as was Marc himself. But when he came to the parts about "free *this*" and "govern-

ment-provided *that*," there were moans and low whistles from the libertarians. "This is what I was referring to," said Marc. "I can't go along with it here. But the rest is fine. And I would like to withdraw my characterization of the Charter as 'nonsensical.'"

"That's OK," said Pro, leaning back in his seat and waving the apology aside with his hand. "I believe in free speech."

The Charter became such a hot topic that a special session was arranged to pursue the subject in greater detail. The speaker, Dr Frank Vorhies, was a young professor of business economics at the University of Witwatersrand. He presented a case for interpreting the Charter from a libertarian perspective. "For example," he said, "the Freedom Charter talks about the mineral wealth of the land belonging to 'the people.' At present, the government of South Africa owns all mineral rights. How about creating negotiable shares in mineral rights and then distributing these shares among 'the people'? Then everyone would be free to buy, sell, or trade his shares as he sees fit."

As I was walking up Claim Street, I heard startlingly loud gunshots that were uncomfortably near—and took cover in the entrance of a highrise. South African police, in an unmarked car, had fired shots into the back of a suspect's pickup just as they were passing me.

Pro's leftist background came to the fore again when he questioned another economist, Dr Steve Pejovich, who directs the Center for Free Enterprise at Texas A&M University. Pejovich, a big, bearded man with a booming voice and an accent that gives away his Yugoslavian background, had just finished a presentation laced with economic arcana. "Somebody I know who went to Moscow one time said that you could buy a fur coat there very cheap, much cheaper than over here," said Pro. "Why are they so cheap over there and so expensive over here?"

Pejovich patiently explained the intricacies of international trade: "The Russians need hard currency from other countries in order to buy things from those other countries. The ruble is used only in the Soviet Union. It's not traded on currency exchanges. So in order to get their hard currency, they open tourist shops and let foreigners buy Russian goods very cheaply with foreign currency. The average Russian isn't able to get those fur coats. Also, if you ever go to the Soviet Union, do this: Stand in front of some shop before it opens, right by the door. Pretty soon you'll have a whole line of people standing behind you. They think you're going to buy something. They have no idea what it is, but they want some too—while it lasts."

During one of the breaks between presentations, I saw the young lady from Pro's group engaged in an animated conversation with Bruce Evoy, a Libertarian International staffer. "I never knew such an organization as this existed," she was saying with undisguised enthusiasm. Her name was Ncunyiswa Agatha Hans and she worked at the Legal Resources Centre in Cape Town. "Ncunyiswa" is a Xhosa name, pronounced with those tongue clicks characteristic of certain southern African languages. It was beyond my mastery. She wanted to keep up with all the new friends she had made at the conference, so we exchanged addresses and ended up corresponding with each other in the following months.

Apartheid *vs* Freedom

The issues of sanctions and disinvestment inevitably arose during the proceedings. One South African speaker remarked that American businesses for the most part implemented racially enlightened policies not likely to be pursued by the other companies which bought them out when they left.

Aspects of apartheid largely unknown to the American public were also discussed. Apartheid is more than just government imposed segregation based on race; it is also a suffocating bureaucracy that interferes with black economic development. In their book, Louw and Kendall use the example of a black person and a white person who both want to open a fish and chips shop. All the white person has to do is obtain a few basic licenses and permits and go into business. The black person, however, has to obtain considerably more licenses and permits, having to work his way through multiple layers of bureaucracy. At any step along the way, a particular license or permit may be denied on bureaucratic whim—even if the applicant has already spent thousands of rand trying to get his business started.

Many blacks simply say to hell with all this rigamarole and go into business illegally. When enough of them do this, the government gets so swamped that it has to relent in its attempts to enforce the laws. "Let's think of more laws we can break that will be good for the economy," said one participant during a discussion of the various illegal black enterprises that were thriving in South Africa.

At the same time that the South African government is trying to prevent blacks from bettering their own lives and enriching their country by engaging in profitable commerce, it is also heavily taxing whites to subsidize black housing and education. Apartheid is every bit as economically stupid as it is morally repugnant.

These kinds of government policies are a factor in the shift to the political left by many blacks. As one South African participant commented, "When blacks are held back economically by government rules and regulations, and then they see the politicians on TV talking about South Africa as a bastion of 'free enterprise,' is it any wonder they want to go socialist?"

At the closing dinner, I talked with Tim Fowlds, a young architect from Pretoria. Our talk soon turned to public education, and I explained that the United States has hundreds of independent school districts which take care of public education on a very local level. "*That* would be heaven to us," he said. He explained to me that South African "Christian National Education" was formulated and disseminated by the national government. Even private schools have to follow the gov-

ernment curricula. "It's so slanted and filled with propaganda that many South Africans really don't know their own history. Particularly the history of how the land was settled. Intelligent South Africans are having to go back and re-study their own history to get the real picture."

Dangerous Characters

After the three-day conference in Swaziland, we boarded our bus and headed north for a photographic safari through the Kruger National Game Park before returning to Johannesburg. We had disembarked at the Jeppe's Reef border station, checked through the Swazi and South African customs, and were ready to roll when we noticed the South African border station commanding officer standing outside in front of the bus. The sunshades, uniform, slicked back salt and pepper hair and beefy arms crossed above the pot belly reminded me of an old-time southern sheriff. We were informed that we would have to disembark again, get our luggage out of the cargo hold, and have it searched. I looked out the window again at the CO. Y'all in a heap a trouble!

Apartheid is more than just government-imposed segregation based on race; it is also a suffocating bureaucracy that interferes with black economic development.

When one of the young policemen assigned to perform the searches got to Bill Kelsey, a blond, bearded Texan, things got a little tense. He searched Bill's things twice. Bill had some books and magazines in his suitcase, and the policeman carefully rifled through each one. Among the books were *The Solution* and *Super Parents, Super Children,* a childrearing book by Frances Kendall. The policeman seemed to fool with *Super Parents* the longest, looking at the front and back, staring at the blurbs, thumbing through it several times.

About this time, a mini bus pulled up behind us. Leon Louw stepped out and walked over. It was an odd scene, security police thumbing through two of South Africa's best selling books during a border search and having their authors appear out of nowhere. Louw approached the CO and addressed him in Afrikaans. He didn't sound pleased.

Pretty soon we all got back on the bus. Someone stomped aboard in a parody of a storm trooper. "Achtung!"

"Shut up!" someone hissed. "They can hear you!"

Solomon, our black driver, revved up the bus and pulled out of Jeppe's Reef. Someone started clapping and pretty soon the whole bus was ringing with applause.

Later on, I found out that an anonymous informant had alerted the border station that we needed to be searched for "literature." They probably picked on Bill because he was in the periodicals business and had been one of the more radical speakers at the conference. The informant might very well have been one of the attendees. There was one person there that no one had heard of before. He kept to himself, didn't talk with the other attendees, and wasn't conversant in libertarian themes.

Black, White, Gray

On our way back to Johannesburg, we heard a radio news report of a bomb that had gone off in one of the city's nicer shopping centers. I read about it on the front page of the *Sunday Times* the next morning. Moses Biyela, a black security guard, was lauded as a hero for having thrown a bomb blanket over a suspicious-looking package just before it exploded. He and two others were injured by the blast. The bomb was a limpet mine of Russian or Czech origin.

Another article in the paper caught my eye as well. "Kids told to keep out of 'whites only' pool" appeared on page 3 along with a photo of Mario Moulana, an irate Dutch citizen, holding two small Indian children. He had taken the toddlers to a Durban beachfront wading pool only to be told by a beach official that they would have to leave. He angrily blasted South African racial policies and was given a personal apology by the mayor of Durban. What gives? If kicking brown-skinned children out of wading pools is *de rigueur* in South Africa, why were the papers making such a big deal of it—and making apartheid look so asinine in the process?

Many blacks simply say to hell with all the rigamarole and go into business illegally. "Let's think of more laws we can break that will be good for the economy," said one participant during a discussion of the various illegal black enterprises that were thriving in South Africa.

That evening I went for a walk with Jonathan Rachlin, an attendee from New York City. In a few minutes we found ourselves in the bustling suburb of Hillbrow. It's a densely populated area, streets lined with highrises and full of people of every color and description. There's a bohemian, cosmopolitan air about it. We stepped into a bookshop; a sign informed us that any "packages" left in the store would promptly be disposed of.

Hillbrow also has the distinction of being one of the "gray areas" where whites rent and sell property to non-whites in defiance of the law. I had to laugh. In the United States, whites circumvent fair housing laws to avoid renting or selling property to blacks. In South Africa, whites circumvent apartheid laws in order *to* rent or sell to blacks. It's economics. Many whites have left the country, leaving a surplus of housing behind them. The black townships, on the other hand, are bursting at the seams and suffering a housing shortage. White landlords and property owners, in order to make money, have to rent or sell to someone, and if they can't rent or sell to whites they'll rent or sell to non-whites.

The next day I decided to take a spin through Soweto in my rental car. Johan Linder and Henrik Bejke, two Swedish attendees, went along for the ride. We saw shabby little brick cottages, apartments that looked more like old prison dormitories, and a few nicer neighborhoods with more modern

looking homes. Garbage lay in uncollected piles along the streets, many of which were unpaved. NO SANCTIONS TUTU was spray-painted on a wall. As we were departing, I caught a glimpse of something and did a double take. A two story mansion under construction loomed out of a tiny lot and over its humble single story neighbors. It would probably sell for several hundred thousand dollars in the United States and was better than anything my family had ever lived in. I asked Marc Swanepoel about it that evening. "Oh yes, there are *millionaires* living in Soweto," he replied. "They can't build their houses in the cities because of the Group Areas Act, so they have to build them in the townships."

What surprised me during those few days in Johannesburg was the degree of integration and social interaction that I witnessed among the racial groups. A big bank had sponsored a fun run whose route took the runners by my hotel. Runners of all colors and hues, including interracial couples, trotted by. There were business conventions going on at the hotel; people of all races, sporting corporate name tags, mingled and chatted. Two older black ladies checked in and were given rooms on my floor just down the hall from my Swedish friends. When a little armored car showed up to take the hotel's money to the bank, two uniformed guards got out—one black, one white. When I had called Avis for a rental car, it was delivered by a young black man and a pretty young white girl with blond hair. A private school near the hotel disgorged its pupils at the end of the schoolday. Black kids and white kids came out together, talking and playing, then separated as they got into the waiting cars and vans.

At the same time that the South African government is trying to prevent blacks from bettering their own lives and enriching their country by engaging in profitable commerce, it is also heavily taxing whites to subsidize black housing and education. Apartheid is every bit as economically stupid as it is morally repugnant.

I did some more sightseeing in Hillbrow before I had to catch my flight. As I was walking up Claim Street, I heard startlingly loud gunshots that were uncomfortably near—and took cover in the entrance of a highrise. South African police, in an unmarked car, had fired shots into the back of a suspect's pickup just as they were passing me. The pickup was cut off by another unmarked car at the end of the block, and the suspect, a bearded white man, was yanked out of the vehicle, frisked, and cuffed. At first, I thought I had blundered into a gang rumble; the officers were wearing civilian jackets over their uniform shirts. I saw one of them holster a black semiautomatic pistol. Others crouched at the back of the pickup to look for bullet damage. A crowd had gathered.

"What happened?" asked a pretty brunette in her twenties.

I gave my eyewitness account. "And wouldn't you know it," I concluded, "I didn't have my camera with me."

"It's probably a good thing," she said. "They probably would have confiscated it. There's no freedom of the press in this country." I knew what she meant. One newspaper had been shut down a couple of weeks earlier for criticizing the government, and others carried little notices on the front page stating that they were operating under the "severe restrictions" of the "emergency regulations." "There's got to be a devolvement of government power in this country," she said as we carried on our conversation. Her accent was a mixture of British and Afrikaans.

"Those officers look like the national police," I commented. They had removed their jackets, revealing blue uniform shirts like those worn by the officers at the border stations and the officers who toted the submachine-guns at the airport.

"They are the national police," she said. "*All* our police are national police. The others are just traffic officers."

Earlier that day, I had talked with another lady, a middle-aged shopkeeper. "It's hard to tell who's running this country," she said indignantly, "the government or the military." She spoke approvingly of the American "federal system" of government, with its division of power between the national government and the separate states.

When blacks are held back economically by government rules and regulations, and then they see the politicians on TV talking about South Africa as a bastion of "free enterprise," is it any wonder they want to go socialist?

It wouldn't have been surprising to hear the South African libertarians talking about "devolvement of power" and expressing admiration for a "federal system" of government, or denouncing government censorship. But these two ladies weren't libertarian ideologues—just ordinary white South African citizens that I'd met at random. If there are more like them, the ideas in *The Solution* may very well became a reality. Both said they were going to read it after I had talked with them.

After returning to Houston, I got my pictures developed and caught up on my correspondence with conference attendees. In early November of 1988 I received a Christmas card and a letter from Ncunyiswa thanking me for some pictures I'd sent her and telling me that she was looking forward to reading the article I was going to write about the conference.

I had begun to follow South African events even more closely, now that I had actually been there. Little by little, things seemed to be changing for the better. Unfortunately, however, they weren't changing fast enough to keep the juggernaut from rolling over yet another decent South African.

On December 1, 1989, I received a

continued on page 54

Libertarianism without Romance

Why Capitalism Does Not Need Philosophy

by Bart Kosko

The spirit of freedom is not a spectre, not a philosophy, not an inspirational image of the Good, the True or the Beautiful. On the other hand, it does bear a striking resemblance to that most prosaic of organs, the brain . . .

I am a libertarian because ethics is a mirage and capitalism works well. This position is without romance. Audiences will not cheer it. Zealots will not adopt it. But dissenters will find it difficult to combat. I truly wish that were otherwise.

There are no shortcuts to political persuasion. It is hard to argue a political position without theological or metaphysical assumptions, and unconvincing to argue with them.

The Mirage of Ethics

Ethics is a mirage because ethical statements are neither true nor false. No possible chunk of spacetime will confirm or refute statements such as "Lying is wrong" or "Libertarianism is good." They are untestable in principle.

Such statements either express feeling or are intended to arouse feeling in an audience. They are disguised exclamations, imperatives, or commands. They are sentences and so have the linguistic form of true-or-false utterances. They look and sound like factual or logical sentences, but they do not admit empirical test or logical demonstration.

In the known history of man, not a single ethical statement has been produced that is either true or false. Until a true or false ethical statement is produced this position stands—and ethical philosophy, in particular the purely philosophical component of libertarianism, falls.

Ethical statements have the allegiance of our deepest emotions. This gives them an intuitive sense of self-evidence and a license for self-deception. Our emotions arbit nothing. They merely indicate that our endocrine systems are intact.

Our endocrine systems did not evolve in accord with libertarian principles but under the pressures of the competitions for mates and scarce resources. They have been shaped by hundreds of millions of years of vertebrate evolution. We share much of our emotional apparatus with reptiles and fish. But unlike those endocrine cousins we can encode our feelings in language.

Hormones and a hypothalamus do not a truth make. It may be true that we like steak, but "Steak is good" is no more true or false than is the steak in question.

Lack of ethical truths makes it impossible to argue for libertarianism in purely ethical terms. It also makes it impossible to ethically argue against libertarianism. "Workers' rights" and "dialectical materialism" are as fictitious as our alleged "natural rights." Why not come clean and abandon the lot? Even unilateral ethical disarmament seems more fruitful than living a lie.

Capitalism and Brains

Capitalism works well because free markets are like brains. They are self-organizing dynamical systems that adapt in *realtime*. The realtime property—instantaneous equilibration—is the key property. Markets and brains share many global mathematical properties: exponential equilibration independent of size, unsupervised learning of patterns (prices), insensitivity to small perturbations.

Other economic systems, such as different species of socialism, do not seem in principle capable of realtime performance for arbitrarily many agents. Indeed socialism does not even seem to be a self-organizing or stable system. If another realtime self-organizing economic system existed that satisfied preferences (in a Pareto sense, say) as well as or as fast as the capitalist system—if, for example, sufficiently benign and sufficiently powerful extraterrestials put us on their welfare system—then this essay might argue in a different direction.

In brain theory one sees myriad learning schemes for modifying the

synaptic junctions between neurons. (The market analogy is modifying prices or exchange rates.) Some learning schemes are optimal with respect to engineering criteria (minimizing mean-squared-error or maximizing entropy) Some are stable, some chaotic. Few learning schemes work in realtime, ceaselessly and quickly adapting system behavior to the changing flux of experience. So few graduate from theorem to hardware. Mechanical brains still elude us.

In brains only realtime performance is found. Some processes unfold faster than others. But no process requires a synchronous, off-line supercomputer that may need to run for minutes or days to estimate and control its behavior.

Hayek and von Mises were not adaptive control theorists. But they were right about the realtime coordination problem of command economies. If brains were organized as command economies, we would not have the intelligence of dinosaurs though our heads would have their size.

Capitalism Without Philosophy

Capitalism works if left alone. It needs no ethical scaffolding. Cheers, examples, and political parties may help. Self-righteous syllogisms have not helped. The conclusions are as arbitrary as the premises. The conclusions can be directly assumed or denied without the logical exercise. If one assumes ethical premises, why not simply assume a libertarian God?

The current strategy is to surround capitalism with an ethical moat, a moat sure to evaporate in the light of science. That strategy will have difficulty surviving even what remains of this century, let alone next. Rather than surround capitalism with an ethical moat, another strategy is to abandon all ethical pretensions upfront and scorch the earth around it. ❑

Hollenback, "Encounter in Mbabane," *continued from page 52*

piece of mail bearing a Cape Town postmark. I recognized the handwriting and knew that it was another Christmas card.

> My Dear George
>
> Sorry for not writing for a long time. I was detained last year November 18. I suffer a lot of depression and I'm going for therapy every week. My concentration is very poor.
>
> With Love
> Ncunyiswa Agatha Hans

The South African security police had picked her up at work and thrown her into solitary confinement.

She was accused of using the Swaziland conference as an excuse to consort with ANC supporters. While in prison, she was subjected to so much physical and mental abuse that she ended up in Groote Schuur Hospital under police guard. She was finally released from the hospital in March of 1989 and spent a long convalescence in a Catholic mission in Pretoria. In addition to poor concentration and depression, the ordeal also left her with impaired reading and writing skills. She has to attend therapy sessions every Friday at a hospital's psychiatric outpatient department.

Libertarian International headquarters in Richmond, Virginia has received word of Ncunyiswa's plight from Pro Jack, and was planning to launch a formal protest action against the South African government over the incident. LI activity stopped short, though, because Ncunyiswa was launching her own suit against the state and outside interference could adversely affect her case. Leon Louw and the South African Free Market Foundation were backing her up.

Good luck, Ncunyiswa. And God bless. ❑

McClarin, "In Defense of Walter Williams," *continued from page 45*

unpedigreed Libertarian.

As to the aptness of Meade's ideological impurity charges—as important as they are to hear—he sometimes misses the mark in his passion. Meade chides Williams for occasionally pointing to liberal morality instead of liberal economic policies for the problems ravaging Black America. Yet Meade cannot expect us to believe that "thou shalt not covet thy neighbors' goods" is not central to black social problems, or that sexual and other moral choices have no economic consequences. And morality would seem somehow connected to an individual's ability to resist the temptations in life (including welfare) that lead to social decay. In their general sense, morals are culturally institutionalized wisdom about behaviorial choices—sometimes inappropriate, but generally contributory to harmony and survival. As such, they are natural subject-matter for one who studies market forces and even more so for an opinion columnist.

Finally, Meade, a white-collar professional, has assailed Williams for "macho flash" conversational flourishes which permit him to bond with blue-collar "rednecks" (as I've found in hearing from quite a few of them). Williams knows that if you are going to talk sense to people, you have got to speak their language. While Meade may not have learned to appreciate bravado, the "irresponsible" promise of bodily harm to one's fellows for the slightest transgression is an important part of being accepted in many all-male labor situations. It's seldom meant or taken seriously.

Walter Williams is unique for his facility with language "in both worlds"—all the more reason the Libertarian Party has need of him; he can communicate libertarianism to the masses. ❑

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Rejoinder

Confessions of a Welfare Intellectual

by James S. Robbins

Nearly two thousand years ago the Apostle Paul commanded Christians to be "in the world but not *of* it." In our last issue George Smith ("Scholarship as Leechcraft") held libertarians to a similar standard. Not surprisingly, this doctrine has its detractors . . .

George H. Smith has brought to the attention of the libertarian movement the existence of a class of hypocrites within its very midst, people who oppose the state philosophically while simultaneously living off the taxpayers and hard-working businessmen. This group of "welfare intellectuals" (WIs) are contrasted with the "market intellectuals," who don't enjoy access to lavish state funds but instead must compete for scarce private donations and live, as a consequence, in near poverty.

My first impression upon reading the piece was that Smith recently had a grant proposal turned down and decided to take it out on the sector of academe that doesn't have to live hand-to-mouth. Upon further reflection, however, I found this to be too reasonable an assertion. Such a vengeance piece would have been better thought-out and not suffused with tenuous logical links and incorrect general-izations.

Smith's fundamental assertion is that libertarian academics at state-supported institutions are "on welfare." They work only "a few hours" a week, get three months off in the summer, take year-long paid vacations known as sabbaticals, and invented the concept of tenure as a means to job security. It appears that Smith resents not WIs, but the entire academic career structure. After all, professors at private schools enjoy these same perks, most of which have their origins in tradition, not government action. Summer break, for example, is rooted in the country's agricultural past. Perhaps this system needs to be changed, but libertarian professors don't merit the blame. Of course, the obvious and important difference between private professors and WIs is that the former aren't paid with money "wrested" from taxpayers. But are we to conclude that WIs should work longer hours, be paid less, or (as I suspect) quit their jobs? If the last, it doesn't matter what the academic perks are, because they have no bearing on the true issue, state financing.

The article also launches into a discussion of the way the archetypal "businessman" is snookered by WIs who write stodgy prose and engage in footnote padding, recycling old material and plagiarism, just to get grants. Smith makes it look like the businessman is a poor, unsuspecting rube who not only never does any of these things, but can't even spot them. And the market intellectuals? Honest and hard-working as the day is long, apparently.

Smith finds fault with libertarian academics who don't attack the system that funds them. I found this thought quaint and amusing. Why should libertarian academics make department life difficult for themselves, counting on the guilt complexes of administrators to keep the money coming? There are plenty of libertarians who aren't WIs who can take up the banner of university funding problems. Meanwhile, the WIs can address the multitude of other issues with which libertarians are concerned. From Smith's perspective, this is hypocrisy. From mine, it is allowing the state to sell the rope to hang socialism.

According to Smith, the primary WI counter-argument is that the government has a virtual monopoly on education, and it is impossible to pursue a productive career in the market. Thus, the WIs rationalize, they must take state funds. Fortunately for Smith, this is clearly false; no one *must* do anything. Academics in search of moral employment could get jobs at private institutions or think tanks, or, lacking appointment, work as longshoremen or cabbies to avoid the taint of state money. In this way they could remain pure; penurious, but pure. Smith asks of the WIs, almost accusingly, "have you ever tried, even once, to escape the welfare system?" My response is, Why should I?

I've made good use of state and federal funds during my student years. I went to a state-supported college, substantially reducing my tuition bill. I've accepted merit-based fellowships from state colleges. A federal merit-based fellowship put me through graduate school. Should libertarians refrain from utilizing such opportunities? I work at a private research institute that is funded in part through Federal government contracts. I will soon embark on my professional career as an academic. I will work at a private or public school, whichever suits me. I will accept my salary gladly as fair exchange for my labor (which, being intellectual in nature, is ongoing; lectures and office hours, faculty meetings and administrative work make up only part of the "few hours" an academic puts in every week). I have no problems with any of this. By Smith's reckoning, I'm corrupt to the core.

By mine, Smith is engaging in libertarian absolutism. In his attempt to enforce his concept of purity on the movement, he would apparently see a mass exodus of libertarians from state colleges, leaving an open field to non-libertarians in the classrooms. He would have libertarians compete only for private funds and let public funds go uncontested, increasing competition and acrimony inside the libertarian camp, while also increasing the available funding for those pursuing grants the libertarians are too noble to take.

"Is this any way to run a movement?" Smith asks. I might well ask him the same question. Does one run a movement by forcing its adherents to adopt a stance so doctrinaire that it would require them to take a virtual vow of poverty? The effect would not be for noble libertarian academics to swell the free market seminaries. Rather, most would bid the movement a fond farewell and continue in the manner to which they are accustomed. Fine, the purist might say, who needs them anyway? Such an attitude won't get one very far. Ask Leonard Peikoff.

The doctrinairist tendency in libertarian circles is strong. In the LP one has to look no further than the membership oath, or the quadrennial tactical blunder of not accepting Federal matching campaign funds. Libertarians who speak of "no compromise on principle" and seriously debate whether or not it is permissible to use public roads or hold political office are also examples of this deviation.

The root question is as old as politics: does one remain ideologically pure and reach no one, or does one act more pragmatically and run the risk of being coopted by that which one opposes? It is a legitimate concern, but in this case misapplied. Few libertarian academics are going to cash in their ideology simply because the state "supports" them. And if some "impurities" creep into their behavior, this is more than made up for by their contributions to the academic debate, by the students they expose to new ideas, and by the security they have to develop their intellects free from the pressure of searching for the next paycheck. This does not mean that there are no opportunists in the movement, but they come with the turf. It would be better not to waste too much time figuring out who the pristine are, or the libertarian movement will dwindle to three guys wearing home-made buckskin digging for gold in the mountains, and damning Ayn Rand for her moderate tone. ❑

Moulton, "Conservatism In Its Latter Days," *continued from page 26*

contemptible. But I believe it is proceeding on some false assumptions, just as did the approach to the left that was in vogue in the late '60s.

Some of these assumptions are: 1) Converts to one's political position are most likely to be found among those already committed to some other political persuasion. I know of no evidence supporting this position, unless one is dealing with very trivial differences which can be dealt with, let us say, in a caucus.

2) People who share some views with oneself are probably going to be easily brought over to one's full position once they have been dazzled with a display of logic which shows up their own "inconsistencies." Sorry, but it doesn't work that way. Part of the problem is that, among those who share some general beliefs and differ on others, there is seldom agreement about which views are central and which peripheral.

3) Unless a listener is actually evil, he or she will come around to the right way of thinking once you "explain" your position properly and "educate" the person to his true interests. I suspect that this notion is related to the Objectivist influence on libertarianism, though it may be characteristic of ideologues in general. I have met many leftists who share this idea. The truth is that people typically adhere to groups and beliefs which make them feel comfortable and accepted and which enhance their sense of worth. Formal belief in doctrine in only one part of a complex nexus of loyalty.

All of these outlooks have a common theme. They are shortcuts—attempts to make ideological and political gains without the tedious process of building the mass base of support without which any political idea is doomed to irrelevance. If such strategems worked, I would have no complaint. Unfortunately, there seems to be no real substitute for the often slow grind of old-fashioned constituency-building. This also means that there is no guarantee of success, and that if success comes it will not be final. Freedom must be fought for and secured again and again.

Now of course the targeting of groups and (within limits) the tailoring of one's message to a particular constituency are part of the normal process of political persuasion. What I am warning against is not these ordinary activities but rather the kind of frenetic "as soon as we find the magic formula we'll be all right" strategy which inevitably leads to one disappointment after another, to feelings of betrayal, and to futile who-screwed-up-this-time witchhunts. The most important fact to keep in mind is that political advocacy is an entrepreneurial activity, not a matter of "Open, sesame." ❑

Reviews

Economics and the Environment: A Reconciliation,
edited by Walter E. Block. The Fraser Institute, 1990, xix + 332 pp., $19.95

Of Smokestacks and Rhinos

Robert Higgs

Now that communist ideology has been completely discredited and the evil empire is in disarray, what is the greatest threat to freedom in the western world? Oddly, it may be environmentalism. I say oddly because there would seem to be no conflict of interest here. Paralleling Richard Nixon's infamous remark about Keynesians, one might say that "we are all environmentalists now." Obviously, no one wants a world where the water cannot be drunk, the air cannot be breathed. But just as Nixon's Keynesians were not all alike, so people disagree, sometimes violently, about how to deal with environmental problems.

Walter Block's *Economics and the Environment,* a collection of ten essays by economists (and a couple of near economists), represents an attempt to reconcile the differences between economists and those who call themselves environmentalists. As Block admits at the outset, "two more irreconcilable perspectives could hardly be found." (vii) He recognizes that not everyone will accept economic reasoning, because some people's environmentalism is more a crusade against free markets than a search for optimal solutions to social problems related to the environment. Block's contributors speak to "the vast number of people who are open-minded on this issue." (viii) One hopes that such an audience exists, but one fears that the masses are more apathetic than open-minded and that here, as elsewhere, policy making will be dominated by passionate minorities and special interests in league with corrupt politicians.

The thread that runs through all the essays comes as no surprise to libertarians: for the most part, environmental problems are caused by the government, not by the market. If governments would only confine themselves to performing their one essential function—defining and enforcing private property rights over all valuable resources—then the market process would allocate all resources, including environmental resources such as ocean water or wild animal species, to their most highly valued uses. Where we see the most extreme environmental degradation—Eastern Europe now serves as a blatant example—we find government actions at the root of it. To give the government even greater powers in order to solve environmental problems is to pour kerosene on the fire.

More than a quarter of the volume is taken up by Chapter 1, written by the Canadian economists John Chant, Donald McFetridge, and Douglas Smith. This constitutes a primer on environmental economics from the perspective of mainstream (neoclassical) economics. The exposition is clear, balanced and temperate, confirming that even on emotionally charged issues economists tend to be unexciting. This essay, like several of the others, is pitched toward Canadian readers. It takes the form of a running critique of such groups as the Science Council of Canada and the Gamma Group at McGill University. The authors find the spokesmen for these groups to be anti-market, anti-growth, and profoundly ignorant of economics.

Knocking down such ignoramuses is easy, provided one accepts the economists' own premises. The economists repeatedly show that the environmentalists err by "confusing the breakdown of a market with the absence of a market." (61) Admittedly, the specification and enforcement of the private property rights required to undergird a market may not always be possible or economically warranted. But given the rights, the market process tends toward an efficient allocation of resources. Notably, "economic efficiency involves minimizing the cost of all inputs for a given level of output, while conservationist methodology involves minimizing only one input [e.g., fossil fuel] and wastefully using the rest." (88)

The same economic logic is employed in most of the other chapters, each of which has a narrower focus. The authors include several familiar authorities in the pro-market camp: Thomas E. Borcherding, John Baden, Richard L. Stroup, Terry Anderson, Jane Shaw, Edwin O. Dolan. In general the analysis is clear and, so far as any neoclassical economic analysis can be, persuasive.

Along with the economics, the reader gets some excellent descriptions of technical matters, including global warming, ozone depletion, toxic wastes, and acid rain. The informed and balanced assessments of the facts, apart from how they are interpreted, make the volume worthwhile. How many nonspecialists appreciate that significant global warming is not really an

established phenomenon? How many know that Love Canal was not really a public health disaster? How many understand that the causes and consequences of acid rain are still poorly understood by scientists?

Chapter 9, which consists of Murray Rothbard's previously published paper on "Law, Property Rights, and Air Pollution" (*Cato Journal*, 1982), differs markedly from the rest of the essays. It is not so much about the environment as it is about a revolutionary restructuring of the entire legal system, with some attention given to how this sweeping change would affect liability for harming the environment.

Rothbard would—what else?—begin by abolishing the government as we know it. His proposal calls for eliminating the executive and legislative branches. Further, he would recognize no crimes, that is, offenses against society or the state, but only torts, that is, actionable offenses against one person by another. He would require strict liability but exacting standards of proof. Only victims, their heirs, and assignees would have standing to sue. In light of his libertarian legal theory, Rothbard concludes: "Every statute or administrative rule is therefore illegitimate and itself invasive and a criminal interference with the property rights of noncriminals." (258)

All this is great fun, and libertarians enjoy debating such ideas over beer, but I question whether reprinting Rothbard's essay serves the editor's purpose in reaching "the vast number of people who are open-minded" on environmental issues. Rothbard's proposals, no matter how logically they are argued, are likely to strike the typical middle-of-the-road reader as bizarre. Proposals that begin with "First we abolish the government" are dead on arrival. However intriguing they are to committed libertarians, they are more likely to detract from than to advance practical efforts to restrain the many current government actions that are destroying both the environment and our liberties.

In the final chapter, Block leads the reader on a rousing romp through a series of environmental problems, showing how each can be solved by creating an appropriate private property right. Block makes good use of something libertarians could use more of, namely, a sense of humor. The chapter is actually fun to read, although it is also well argued and heavily documented. Here is a list of environmental problems: municipal waste disposal, oil spills at sea, destruction of rain forests, extinction of animal species. Here is a list of solutions: private property rights in waste dumps, private property rights in ocean waters, private property rights in forest lands, private property rights in animals such as elephants, alligators, and rhinoceroses.

Nor is Block content with armchair theorizing of the sort that Terry Anderson aptly warns against in his essay. Block shows, for example, that private ownership of rhino farms is not just imaginable; it is already a reality, at least in prototype. Likewise for alligators and elephants. The lesson is clear from history. The difference between highly valued species that have, or may soon, become extinct and those that have flourished is that the latter have been made subject to private ownership while the former have not—just compare the buffalo and the cow. Any valuable thing that exists as a common property resource is at risk of destruction. Theory and history, not to speak of common sense, speak with one voice on this question.

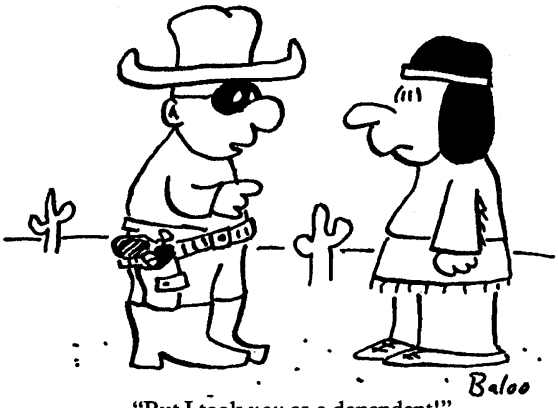

"But I took *you* as a dependent!"

Surveying the whole book, one is tempted to conclude that the battle, at least the battle of ideas, now has been won. The radical environmentalists now must take flight before the economists' superior command of pertinent theory and fact. Of course, no such capitulation will occur. By inquiring into why it won't, one gains a deeper appreciation of the nature of today's environmentalism.

Several authors recognize, but only in passing, the truth expressed by Stroup and Baden: "environmentalism has become a genuine social and, for some, quasi-religious movement." (131) In short, it is an ideology. Like socialism and communism, it is profoundly anti-individualist, anti-private property, anti-market, indeed in many of its manifestations anti-human. (One of the best ways to understand an ideology is to find out what a belief system encourages its adherents to hate.)

Radical environmentalists do not want simply to achieve environmental goals such as cleaner water or air, preservation of the rhinos, and so forth. They care at least as much about *how* the objectives are achieved. For them, it is no answer at all to be told that private property rights and market processes will do the job. For them, doing it that way is not doing it at all, because they want not only a different set of outcomes; they want a different kind of human beings. It is not enough that people do the right thing. They must also do it in the right spirit, the spirit of selfless communitarianism and mystical oneness with the Great Ecology. For environmentalists, the dreadful thing about water pollution, for example, is not that it diminishes the value of the water in providing alternative human satisfactions. The terrible thing is that it is immoral. It is tantamount to killing your mother.

Environmentalists want not only a different set of outcomes; they want a different kind of human beings. It is not enough that people do the right thing. They must also do it in the right spirit, the spirit of selfless communitarianism and mystical oneness with the Great Ecology.

Notably, Rothbard's chapter also

rests on a nonnegotiable moral foundation. His, of course, is the nonaggression axiom that most libertarians accept. In this view also, pollution is immoral, because it is an invasion of the rights of individuals. Obviously, a vast gulf separates the morality of the libertarian and that of the radical environmentalist.

The gulf cannot be bridged by neoclassical economics. Although mainstream economists rarely think very deeply about such matters, their views also rest on moral assumptions as well as assumptions about other important issues such as the comparability of values across individuals. When mainstream economists argue in favor of "efficiency," as they do incessantly, they are implicitly accepting that each individual has a right to consume the goods that maximize his utility. When they speak of "social efficiency," they are implicitly accepting that market prices are appropriate weights in the aggregation of values across individuals.

Austrian School economists accept the former assumption but reject the latter. In Rothbard's words, "costs are purely subjective and not measurable in monetary terms . . . Costs cannot be added up. There is no such thing as 'social transaction costs,' and [costs] cannot be compared" between different situations. (236) The concept of social efficiency is, in Rothbard's view, not meaningful. One ought not to pursue the will-o'-the-wisp of efficiency; one ought to defend people's rights.

This familiar disagreement among the economists themselves, smoothed over by Block in his introduction, reminds us that no genuine reconciliation can be achieved when differences arise from fundamentally incompatible assumptions. And such is the case in the disagreements between *either* the mainstream economists or the Austrian economists and the radical environmentalists. Block maintains that the economists merely aim to promote "using free market means for ecological ends" (vii) and that the economists' "criticism must not be interpreted as opposition to the *goals* of those who speak out in defense of spaceship earth." (xi) In reality the conflict runs far deeper, and it has to do with ends as well as means. ❑

The Tempting of America,
by Robert H. Bork. Free Press, 1990, xiv. + 432 pp., $22.50.

The Law and Mr Bork

Leland B. Yeager

Judge Bork's account in this book of tactics employed during the controversy over his nomination to the Supreme Court rekindled the outrage I felt at the time. Within an hour after President Reagan announced Bork's appointment, Senator Teddy Kennedy went on television from the Senate floor: "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police would break down citizens' doors in midnight raids"—and so on. Senator Howard Metzenbaum said that Bork favored the forced sterilization of women workers, and continued saying so long after it had been shown that his charge was baseless. Planned Parenthood advertised that Bork had upheld a zoning board's power to prevent a grandmother from living with her grandchildren because she did not belong to the nuclear family. Yet the case in question was one that Bork not only had not decided but had never written about or even discussed. Senator Joe Biden and other liberal Democratic members of the Judiciary Committee delayed confirmation hearings beyond all precedent to give the campaign of lies time to take effect.

Yet not all of the opposition rested on misrepresentation. In part it involved apparent failure to grasp the elementary distinction between deciding court cases to achieve desired results and deciding by neutral application of the law. Committee hearings excerpted in the book suggest that Senator Specter was one who could not grasp that distinction. "Because I was, out of necessity, patient with him," Bork writes, "a lot of people not versed in constitutional law got the impression that this was a serious constitutional discussion."

Bork's personal ordeal occupies only a few chapters toward the end of his book. His main purpose is to expound the "original understanding" approach to Constitutional interpretation. He convinces me that no other approach to the interpretation of legal documents is intellectually coherent.

In Bork's view, judges have the job of reading the words of legal documents, including contracts, statutes, and constitutions, as their authors and ratifiers understood those words. Bork's is not the straw-man doctrine attacked by Justice Brennan in a speech at Georgetown University in 1985; it is not a search for "subjective intentions." "If someone found a letter from George Washington to Martha telling her that what he meant by the power to lay taxes was not what other people meant, that would not change our reading of the Constitution in the slightest. . . . If Congress enacted a statute outlawing the sale of automatic rifles and did so in the Senate by a vote of 51 to 49, no court would overturn a conviction because two senators in the majority testified that they really had intended only to prohibit the *use* of such rifles." (p. 144)

A constitution, like statutes and other legal documents, presumably represents a compromise among the parties who adopted it. What binds a judge is the words that the parties managed to agree on; and if any genuine issue of interpretation arises, the words are to be read in the sense commonly accorded to them at the time the document was written. Judges have no business altering the compromise into closer attune-

ment to the supposed intentions or wishes of one of the parties—or into closer attunement to their own personal preferences.

The business of judges is to apply the law. The non-neutral pursuit of good policy is the prerogative of constitution-makers, legislators, and voters, not judges. Yet Bork's critics routinely misrepresented his questioning of the legal soundness of particular court decisions as expressions of his opinions about the desirability of policies.

Opposition to Bork involved apparent failure to grasp the elementary distinction between deciding court cases to achieve desired results and deciding by neutral application of the law.

Bork thinks that the anti-school-segregation result of *Brown v. Board of Education* (1954) was correct and that the Supreme Court could have reached it by a straightforward reading of the Fourteenth Amendment. He regrets that the Court instead employed strained reasoning and appealed to social science, thereby seeming to legitimize a cavalier though well-intentioned attitude toward the law and giving judicial activism an undeserved good name.

Critics twisted Bork's much-cited remark about an "ink blot" into an expression of scorn for the Ninth Amendment in particular and for privacy and human rights in general. What Bork meant was that if an ink blot prevents reading a part of a document, that fact does not give judges *carte blanche* to imagine and enforce whatever they wish the obliterated words to have been. Similarly, if the meaning of a passage is genuinely unclear and resistant to interpretation, then judges should accept that fact and restrain themselves from forcing whatever meaning they please onto the recalcitrant document.

Just what the unenumerated rights are that the Ninth Amendment alludes to may be unclear, but Federal judges twist the amendment and reach for undelegated power when they read it as entitling them to strike down whatever state laws they please by reference to unenumerated rights. If the framers of the Bill of Rights had meant to authorize judges to invent new rights for that purpose, they could have said so clearly. Yet they did not. (Incidentally, Bork, following Russell Caplan, offers a plausible conjecture about the purpose and meaning of the Ninth Amendment. It gave reassurance that adoption of the Federal Constitution did not undercut rights already guaranteed to the people under various state constitutions, statutes, and common law.)

Stretching and straining the provisions of the Constitution to strike down or rewrite state laws, even in the name of personal liberty (as in *Griswold v. Connecticut*, 1965, and *Roe v. Wade*, 1973, the contraception and abortion cases), is risky business. One of our country's chief current problems—I speak for myself in much of what follows and possibly not always for Bork—is the arrogant activism of judges who apparently feel entitled to read their own views, or currently fashionable views, into the Constitution. Their activism undermines what the clear wording of the Constitution itself establishes as a *federal* system of government. One recent example is the attempt of a U.S. District judge to impose fines on individual members of the city council of Yonkers, New York, for voting contrary to his instructions on an issue of public housing. More recently the same judge ruled that it is unconstitutional for the New York subway system to ban panhandling. Still another example appears in cases like *Reynolds v. Sims* (1964) and *Lucas v. Forty-Fourth General Assembly* (1964), in which the Supreme Court seized an undelegated power to mandate the restructuring of representation in state legislatures.

Federalism, as opposed to a unitary national government, helps protect personal freedom. Its division of governmental powers among national and state (and local) levels is an important application of the principle of separation of powers, along with their separation among the legislative, executive, and judicial branches.

Federalism also has costs. One of them—a cost worth paying—is that state governments may make mistakes, free from national restraint, provided only that they do not violate Constitutional provisions. Otherwise, judges lack authority to correct the errors of state and local authorities. Judges should recognize that they are not infallible. They should not strain after grounds to override, especially by 5 to 4 in the Supreme Court, the considered judgments of legislators and executive officials who, like themselves, are also sworn to uphold the Constitution. Unlike Federal judges, by the way, state legislators and officials are subject to monitoring by their voters, as well as by national and worldwide public opinion.

This point draws sneers in some libertarian circles as "majoritarianism." But the view so stigmatized does not at all mean that the majority is necessarily right and that might (of majority vote) makes right. Majorities can be wrong, of course; and when they are wrong, those who know better should work to change their minds. But to suppose that setting error straight is the special prerogative of Federal judges tends to undermine federalism and constitutionalism itself.

Some libertarians champion so-called principled judicial activism, activism in the direction of economic laissez-faire. Articles to this effect by Bernard H. Siegan, Richard A. Epstein, Roger Pilon, Randy E. Barnett, and others appear in *Cato Journal*, Winter 1985. In *The New Right v. The Constitution* (Cato Institute, 1986), Stephen Macedo takes Judge Bork, then already mentioned as a possible appointee to the Supreme Court, as his chief target. Along with Edwin Meese and one or

If someone found a letter from George Washington to Martha telling her that what he meant by the power to lay taxes was not what other people meant, that would not change our reading of the Constitution in the slightest.

two other supposed members of the New Right, Bork is accused of "deep moral skepticism," "radical moral skepticism," "moral cynicism," and of being "diametrically opposed to morality itself." (A footnote on page 35 even associates Bork with the view "that justice is no more than the interest of the stronger.") Bork, along with Justice Rehnquist, "gives us moral skepticism in the service of majoritarianism, masquerading as an innocent respect for the constitutional text." (34; note the word "masquerading") Macedo, in righteous contrast, calls for "fusing constitutional and moral theory." (48) "The Constitution's aspirations are moral," he says, (58) and should be "fleshed out by the interpreter."

Ethical theory and even moral indignation and self-righteous moralizing do have a legitimate role in discussions of public policy, but more than enough of such attitudes are already being urged as the basis of court decisions and Constitutional interpretation. I myself take ethics seriously as an important branch of social science, but share Bork's wariness about confusing particular persons' ethical notions with Constitutional law.

In a chapter on "The Theorists of Conservative Constitutional Revisionism," Bork does discuss the views of Siegan and Epstein and also of Justice John Marshall Harlan. He neglects Macedo, perhaps out of charity.

Libertarians or adherents of the philosophy of the Founding Fathers—or however they may describe themselves—will not achieve their goals by preaching continued judicial activism. Libertarian judicial activism is, after all, judicial activism. An early and notorious example of the syndrome, as Bork explains, was the *Dred Scott* decision of 1856. (Yet Senator Simon, employing nasty innuendo, mentioned during the confirmation hearings that he had recently read Chief Justice Taney's *Dred Scott* opinion and found it "an awful lot like Robert Bork.")

Before the mid-1930s the Supreme Court tended to be activist on behalf of conservative economic ideas, since then on behalf of left-liberal ideas. Nowadays, as Bork warns, judicial activism is the weapon of an adversary culture of alienated elitists. This culture shows itself in "the increasing, by now almost overwhelming, politicization of the law schools, where much constitutional scholarship is now only politics." (348) Bork warns of the consequences when the Supreme Court "is perceived as a political rather than a legal institution." (348)

Libertarians should beware of conferring additional respectability on what is, after all, an undermining of the law and the Constitution and the protections afforded by a federal system of limited and separated powers. Champions of libertarian judicial activism may indeed win plaudits in their own narrow circle for purity of doctrine and for ingenuity in its supposed service. But ingenuity, however admirable in other fields of endeavor, is out of place in the reading of legal documents.

Many of us can imagine a political and constitutional system better than the one we now have. Some of us can contrive ingenious libertarian interpretations of constitutional provisions from our understanding of the political philosophy of the Framers and of what they supposedly intended to put into the Constitution. As Milton Friedman (echoing Voltaire) has often warned, however, "The best is the enemy of the good." What legally counts is the words, straightforwardly interpreted, that the Framers managed actually to get into the document.

"It is no small matter," Bork warns, (353) "to discredit the foundations upon which our constitutional freedoms have always been sustained and substitute as a bulwark only the abstract propositions of moral philosophy. To do that is, in fact, to display a lightmindedness terrifying in its frivolity."

One problem of Constitutional interpretation that Bork admittedly does not solve is, I suppose, insoluble. It is what to do about unconstitutional laws and erroneous court decisions that have become deeply entrenched not only in legal precedent but in the very fabric of American life. Today's judges should be admonished not to use the errors of their predecessors as excuses for extending the scope of those errors, but it is expecting too much that they should undo all transgressions of the past. "There are times when the best we can do is say to the Court, 'Go and sin no more.'" (159) Paper money provides an example. The Constitution grants the Federal government only limited powers, ones either explicitly named or necessary and proper for the exercise of the named ones. It is doubtful, therefore, that the Federal government ever had Constitutional power to issue paper money. Nevertheless, paper money and the Federal Reserve System have become so deeply entrenched into American life that a Court decision purporting to abolish the whole business with one stroke would be irresponsible.

Majorities can be wrong, of course; and when they are wrong, those who know better should work to change their minds. But to suppose that setting error straight is the special prerogative of Federal judges undermines federalism and constitutionalism itself.

Such a decision would undercut one of the chief purposes of law itself, which is to enhance the predictability and confidence with which individuals can cooperate with one another. When legislation, court decisions, and real life have long gotten far out of correspondence with the text of the Constitution, then the job of repair, whether through reshaping of institutions, Constitutional amendment, or otherwise, falls not on judges alone but on legislators and the electorate as well. (I speak for myself on this point, although I suppose that Bork's view is similar.)

Bork deserves congratulations on expounding even abstruse matters in a clear style. His prose is a joy to read. An example: "The judge who states that tradition and morality are his guides leaves himself free to pick through them for those particular freedoms that he prefers. History and tradition are very capacious suitcases, and a judge may find a good deal pleasing to himself packed into them, if only because he has packed the bags himself." ❑

Parting With Illusions,
by Vladimir Pozner. Atlantic Monthly, 1990, 324pp., $19.95.

Still Fibbing After All These Years

Richard Kostelanetz

In the wake of the publication of his memoir, *Parting With Illusions*, Vladimir Pozner has appeared on numerous American interview programs, both local and national. Every time I hear him I'm surprised that none of these purportedly sharp inquisitors ask him how someone living abroad all his adult life could sound like such an up-to-date American. Every interviewer seems to take for granted a competence that no other Soviet displays, a competence that is really quite extraordinary if you consider that he never visited these shores between 1948 and 1986. The focus of my profile, published in the March 1990 *Liberty*, was: who is this guy and how does he do it?

My conclusion is that his communicative skills depended upon his genuine love for American culture, reflected in his enthusiasm for our literature and folk music, and then upon an imaginative projection that was essentially disingenuous—that he was a free, western-style commentator in a country that, at least until recently, did not know such creatures. This last talent depended in turn upon a story-telling talent that was known to his childhood friends in New York and has nothing to do with politics, even though it could be adapted to political ends.

On page 24 he acknowledges the childhood fibbing that others noticed at the time:

> I wanted so much to be thought of as a Russian that I told lies. In the summer of 1942 or 1943 [at the age of 8 or 9], I was in summer camp in the Catskills, where we were visited by a delegation of Soviet women. All summer I had been telling the kids and the counselors that I was Russian and, of course, spoke Russian. Suddenly, here was this delegation, and I didn't speak a word of Russian!

However, I would be remiss if I did not note that none of his childhood friends, including one mentioned in the book, remember such enthusiasm about Russia. Indeed, more than one told me that, contrary to his autobiography, his sudden emigration from America was a surprise to them.

Otherwise, Pozner revises stories told to me (and to his friends in Russia). Instead of staying in New York in 1948 and attending Columbia University, he now reveals he moved to East Berlin with his family and moved again with them to Moscow in 1953; he told me, by contrast, that he came at the time directly from New York, entirely on his own volition. *Parting With Illusions* recounts that his five years in East Berlin was so distasteful to him that you can understand why a fanciful person might want to abolish the experience from his life. (He told me how people were afraid to befriend him in the early fifties, purportedly his last years in New York; but the book reveals that when the Pozner family arrived in Moscow, about that time, even former friends were reluctant to meet his family, for fear of associating with "foreigners." Not unlike a novelist, Pozner has taken feelings from one scene and transferred them to another.)

The book repeats the stories I reported about his father playing on an émigré Russian basketball team in Paris, incidentally lending credibility to the source that told me about it—a source that is also responsible for divulging much of my report that was *not* included in *Parting With Illusions*. Pozner repeats in his book (and on American television as well) the story told to me in Moscow about his father's departure from the movie biz in 1948, even though others in that office at the time doubt it. On television here this year, Pozner said he was not allowed to appear on Soviet television until 1986, contradicting a story told to me in Moscow about his regularly appearing several years before. He told me that most of his journalism was done in Russian, not English; but there is no mention of such writing here. Though the book discussed his career as a translator, he does not repeat his claim to have produced a book of John Donne translations; Joseph Brodsky assures me this did not exist. As I said in my profile, what fibs Pozner tells are mostly about himself and his immediate relatives, rather than politics.

Posner wrote the book at the prodding of Brian Kahn, an unidentified American who coholds the copyright and writes an introduction in which he reveals that he made the book proposal with transcripts of interviews made in Moscow.

As Kahn tells it, Pozner initially resisted him. "His discomfort was displayed in various ways. Here we were, collaborating on a book we both wanted to see written. Yet Vladimir, a humorous and friendly person, was often cool and distant. Never once during my visits to his Moscow apartment did he offer me a cup of tea or even a glass of water." Why was Pozner reluctant to produce the book he purportedly supported? Some readers might cite political reasons, such as difficulties in getting the government clearance, for-

Every time I hear him interviewed in American media, I'm surprised that none of his purportedly sharp inquisitors ask him how someone living abroad all his adult life could sound like such an up-to-date American. Every interviewer seems to take for granted a competence that no other Soviet displays.

merely required in Russia, to publish anything in the West; for failure to get such permission would tarnish his self-image as a Western-style commentator. (I recollect that Pozner didn't accept an invitation to meet me in my Moscow hotel, rather than outside it as we had before. I later realized that I had created a situation that would have belied his image—without a pass from the hotel or a foreign passport, no visitor to the hotel could have gotten through the front door. Nonetheless, I did get served tea at his apartment, and, as noted before, he gave me the original tape of our interview conducted on his reel-to-reel. He also drove me to the Finland train station in time to make the 22:20 to Helsinki.)

Don't forget that I liked Pozner, initially as a fellow New Yorker who had gone to a companion Greenwich Village elementary school several years before me, and as a literate colleague with similar cultural interests. Living in West Berlin in those years, away from the U.S. for the first time in 16 years, I was cultivating Americans and ex-Americans; and I figured that were I ever in Moscow for long, Pozner's company would be a pleasure. He kept his mind in America, even if his body had long gone away. The initial draft of my profile, titled "Radio Moscow's Best 'American'," reflected my enthusiasm. It was only when I did a little extra research into his childhood here that I discovered he had set me up to be the conduit of his fabrications. Had that first draft appeared immediately after I wrote it, I could have been exposed as a fool, which was not what I had in mind, thanks.

I brought mixed feelings to *Parting With Illusions*. I wondered about the truth of charming stories that could not be checked from here. Nonetheless, some of Pozner's writing is marvelous, simply as description. On the back of the dust jacket is reprinted his memoir of the chaos accompanying Stalin's death:

> The vast crowds surged along, and as they moved, people were crushed to death by the sheer weight of this multiheaded and multilegged monster. Some died gasping their last breath, rib cages cracking, plastered against building walls and cast-iron fences. Others, shoved into the sharp contours of army trucks, snapped in two like matchsticks. Yet others slipped on the ice—the winter of 1952-53 had been exceptionally cold, and though it was March, the streets of Moscow were still covered with ice and snow—and were trampled to death. This nightmare acquired apocalyptic proportions around Trubnaya Square. The boulevard leading to it from Stretenka Street dipped steeply, and as the multitudes advanced, people lost their footing and fell—first one, then another, then several, all going down with muffled cries. As the bodies piled up, more people tripped on them and fell. The crowd panicked and surged forward, literally lifting the mounted police, horses and all, into the air and then trampling them, too. The plunging terrified the horses, the cursing police swinging their clubs in a last desperate effort to stave off the inevitable, the black masses of people swirling and eddying along, engulfing everything in their path like some terrifying maelstrom—who could have imagined a more fitting kind of final rite for the monster who even in death took so many with him.

Wow, give this writer an *A*. I also could imagine an anthology of essays reprinting his brief critical characterizations of Soviet leaders.

The excellence of such prose persuaded me that the real tragedy of Pozner's life is that he should have been an English-language author, writing both nonfiction and fiction about a variety of experiences; but coming of age in Moscow, where such a career was impossible, unable to emigrate to an English-speaking country, he was steered into what he could do best for the state—talk to Americans, initially for *Soviet Life*, then on Radio Moscow, finally on American networks. His career epitomizes the tragedy of talent in a closed economic system. Now that he is trying to enter ours, the publishing business requires that first he write a goodseller about his exceptional experience. In this respect, he resembles the African-American writer of, say, fifty years ago who couldn't expect a contract for a second book unless he first wrote one about being black. Since Vladimir Pozner has paid those dues, so to speak, I for one look forward to his future work. ❑

The Illusions of Journalism — When I first wrote my profile of Vladimir Pozner several years ago ("Pozner the Poseur," March 1990), I thought I had a successful piece, full of explanations of mystery, along with nuance and character and everything else that makes an article interesting. Instead, I discovered some limitations of American print journalism. The folks commissioning the article had never seen Pozner's performance. (It is hard for me now to account for why they commissioned it; I think someone told someone else that Pozner was unusually interesting.) One editor wanted me to challenge him with a question about the situation of Jews in Russia, without recognizing they were not relevant to my piece, or even realizing in advance, as I did, that he would probably provide an answer so sympathetic that, once they read it, they would prefer not to print it. Though the article was accepted, and fully paid for, it was eventually returned. Offered to another prominent magazine, it came back, with the editor's testimony that he too had never seen Pozner. (They were yet other examples of what Marshall McLuhan once called a PROB—a print-oriented bastard.)

An editor of a mass weekly insisted that I find out if Pozner "was KGB." I replied that, if I asked him, of course he'd say no, declaring again his independence of the state machinery, in which case I would be obliged to call this another fib, even though I had no evidence to the contrary at all, and did not know how to get any. (I remember asking this editor, "Pray tell, where can I find a list of members?")

A second editor, of a far more prestigious cultural monthly, made the same glib request about "Pozner's ultimate affiliations," making me wonder whether these two guys went to the same journalism school. A third editor, loyal anti-communist that he was, had trouble accepting the truth that Pozner had fibbed in America as well as Russia. I gathered from this that my portrait had eschewed, or transcended, journalistic clichés for portraying Soviets. And perhaps nothing is more sacred to contemporary journalism than its own clichés. —RK

The Farm Fiasco,
by James Bovard. ICS Press, 1989, 356pp., $18.95.

Harvesting Welfare

Brian Doherty

No matter how fine an *a priori* understanding one has about how government interference in the economy is damaging, it never hurts to be up on the empirical details of the damage caused by specific programs. That is why James Bovard's *The Farm Fiasco* is a worthwhile book.

Agricultural policy is a particularly fertile area for investigation into "waste, fraud and abuse" (a phrase repeated so often in this book that it's almost a mantra) on the part of government economic managers. The cost of government programs and the higher food prices to consumers that have resulted from them has been $200 billion in the '80s alone—enough money to have bought outright all the farms in 33 states.

The Farm Fiasco is filled with appalling statistics of this sort. But even more appalling are the infuriating ignorance and mendacity displayed by the congressional and Department of Agriculture bozos who are responsible for continuing farm policies that work at cross-purposes with each other. These absurd policies simultaneously increase the trade deficit, harm the consumer with higher food prices, and contribute to many of the problems that they are allegedly intended to solve, such as crop surpluses, farmers' debt burden and soil depletion.

The bedrock of agricultural policy is the concept of parity. This is the notion that the ratio of farm to non-farm income had achieved some sort of Platonic perfection in the very healthy (for agriculture) days before World War I, and that this ratio must be preserved in perpetuity, despite the enormous lowering of the cost of production for major crops as the result of technological advances.

With the banner of parity raised high, the USDA runs into its most prevalent problem: its programs generally work at cross-purposes. The USDA sets price floors that *encourage* overproduction because the farmer is guaranteed a (usually above-market level) sale to the federal government; they then pay farmers not to use their land so as to *cut* production; and then they spend money trying to develop *new* farmland out of deserts. "Agricultural economist B. H. Hibbard suggested . . . that the guiding rule of federal policy makers was, 'Let not thy left hand know what thy right hand doeth.'" (p. 267)

Government floods the farm market with cheap credit given to the least efficient farmers, who couldn't get financing in normal credit markets; when farmland prices soar as more money chases the same land, the cry goes up for even more cheap credit. Soon hapless farmers are buried under debt they couldn't have gotten without government help; this becomes a farm bankruptcy crisis that leads to demands for more federal intervention and control; and so on.

Bovard's book is copiously researched; but his organizational and explanatory techniques are not as good as his research abilities. This book desperately needs a glossary explaining what each of the numerously cited acronymed farm programs are and what they do. And, goddamnit, it doesn't have an index! This is hardly excusable in *any* non-fiction work, and it is particularly annoying in one that discusses as many different crops, programs, and effects as this does. If a reader were interested in discovering the effects of government intervention on, say, the wheat market, he'd have to thumb through chapters about export markets, low-interest loans, and the history of the USDA's war against the market, to name only three; an index would help this intrepid reader in his search.

Not that *The Farm Fiasco* is a difficult or unrewarding book to read all the way through. Happily, Bovard's style is clear, with agreeable touches of humor. One favorite of mine is a passage about the USDA of the 1930s "'solving the paradox of want amidst plenty by eliminating the plenty.'" (25) There is also this:

> Congressmen justify the sugar program as protecting Americans from "the roller-coaster of international sugar prices," as Congressman Byron Dorgan declared. Unfortunately, Congress protects consumers against the "roller-coaster" by pegging American sugar prices on the level of the Goodyear blimp, floating far above the amusement park. (62)

The examples of the horrid demagogery and ignorance of our esteemed Congress will inspire bitter laughter. Senator Tom Harkin and Congressman Kiki de la Gaza end up looking particularly idiotic.

America's absurd farm policies simultaneously increase the trade deficit, damage the consumer through higher food prices, and contribute to many of the problems that they are allegedly intended to solve, such as crop surpluses, farmers' debt burden and soil depletion.

The story Bovard tells is compelling and blood-boiling enough to make anyone who isn't a congressman from a farm state or a USDA bureaucrat want to read on. The facts he marshals support long-standing arguments against State economic intervention: it results in cartelization, gross market disruptions, and impoverishes the many to enrich the few. Did you know that "the

net worth of the average full-time farmer is more than ten times higher than that of the average American family" and that "the average full-time farmer earned more than $152,000 in 1987"? (6) Or that *individual beekeepers* have received over a million tax dollars per year for their surplus honey—at a price support level about 50 percent above world market prices? Of course, the programs cost the taxpayers and food consumers (that's all of us, folks) far more than the recipients benefit. Yet we are assailed with sad tales of the impoverishment of farmers and the imminent collapse of U.S. agriculture if we don't pump in *more* money and institute *more* controls.

But observe that it is only a few crops that have their markets almost wholly controlled by the government: and the uncontrolled ones are healthier, in terms of prices, bankruptcies and land values, than controlled ones such as wheat, corn, and rice.

What would the *costs* be of cutting off federal aid and intervention in agriculture?

> If it were not for federal agricultural programs, farm exports might be $10 billion or $20 billion higher, America would dominate world grain markets, American farms would be more efficient, low-income Americans would have healthier diets, the government's role in the average American's life would be reduced, our environment would be cleaner, the world trading system would be more open, America would be more respected abroad, and workers would be allowed to keep a greater share of their paychecks. Farmers' debt would be lower because government would not have begged them to borrow, and farmers' earned income would be higher. (324) ❑

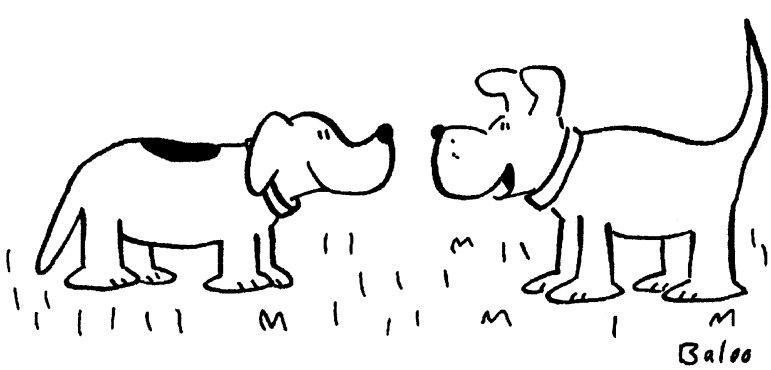

"Really? *The* Spot?"

The true measure of a free spirit lies outside the cash nexus . . .

Novelist, Naturalist, Anarchist

Bill Kauffman

"Resist much, obey little," Walt Whitman begged us, and if some Americans listened, most did not. Certainly our writers have learned that obedience pays, as they fill out grant forms in triplicate and kiss the broad asses of National Endowment for the Arts bureaucrats.

The recent death of Edward Abbey, a True Son of Whitman, went unremarked in most newspapers and magazines. Abbey was a hillbilly intellectual, an adopted son of Arizona, a craggy-faced old man with a great bushy beard who wrote passionate comic novels and irreverent lovesongs to the desert.

Ed Abbey was a *man*, a free-swinging iconoclast who twinned a commitment to the writers' craft with a homespun anarchism that even now, a year after his death, is inspiring young rebels to feats of sabotage and courage in the American West.

Edward Abbey was born in 1927, on a hardscrabble farm in Appalachian Pennsylvania. His father, Paul Revere Abbey, was a Wobbly and a farmer who's still going strong in his 90s. His mother Mildred was a partisan of the Woman's Christian Temperance Union. What she thought of her son's archetypal hero—a booze-guzzling anarchist outlaw tossing beer cans out of car windows—Lord only knows.

Young Ed left the farm for college, that great destroyer of man's spirit. He studied philosophy in New Mexico, and fell in love with many women and the untamed Southwest. He worked at a series of jobs, including park ranger and fire lookout, but his vocation was writing, and his Muse was to produce eight novels, seven essay collections, and five oversized coffee-table books.

His greatest achievement was the angry National Park Service memoir, *Desert Solitaire*, large chunks of which were written in a Death Valley cathouse. The book was acclaimed as a Thoreauvian masterpiece of naturalism and reflection upon its release in 1968, but the critics never quite knew what to make of Mr Abbey, and over time his ornery wit and scorn for liberal pieties alienated damn near everyone. The *New York Times* called him a "smirking pessimist"; *The Nation* averred that he was "puerile, arrogant, xenophobic, and dopey." To which Edward Abbey laughed, and replied, in his grand self-mythicizing Whitmanesque way, "Death before dishonor. Live free or die."

Abbey peppered *Desert Solitaire* with ill-tempered political opinions, adumbrating the themes that were to dominate his work. An American dictator, he wrote, would take the following steps:

> 1) Concentrate the populace in megapolitan masses so that they can be kept under close surveillance and where, in case of trouble, they can be bombed, burned, gassed or machine-gunned with a minimum of expense and waste.

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2) Mechanize agriculture to the highest degree of refinement, thus forcing most of the scattered farm and ranching population into the cities. Such a policy is desirable because farmers, woodsmen, cowboys, Indians, fishermen and other relatively self-sufficient types are difficult to manage unless displaced from their natural environment.

3) Restrict the possession of firearms to the police and the regular military organizations.

4) Encourage or at least fail to discourage population growth. Large masses of people are more easily manipulated and dominated than scattered individuals.

5) Continue military conscription. Nothing excels military training for creating in young men an attitude of prompt, cheerful obedience to officially constituted authority.

6) Divert attention from deep conflicts within the society by engaging in foreign wars; make support of these wars a test of loyalty, thereby exposing and isolating potential opposition to the new order.

7) Overlay the nation with a finely reticulated network of communications, airlines and interstate autobahns.

8) *Raze the wilderness.* Dam the rivers, flood the canyons, drain the swamps, log the forests, strip-mine the hills, bulldoze the mountains, irrigate the deserts and improve the national parks into national parking lots. (*Desert Solitaire*, p. 131)

Edward Abbey was a self-described agrarian anarchist who loved his country and hated its government. His anarchism was not simon-pure: he deplored mass migration—*from any source*—into the frontier Southwest, and in one notorious essay he urged the U.S. Border Patrol to "stop every *campesino* at our southern border, give him a handgun, a good rifle, and a case of ammunition, and send him home. He will know what to do with our gifts and good wishes. The people know who their enemies are." (*One Life at a Time, Please*, p. 44)

Such frank sentiments made Abbey a pariah. His travel pieces regularly appeared in the glossy magazines of prestige, but—like Gore Vidal, Murray Rothbard, Noam Chomsky, Thomas Fleming, Christopher Lasch, Abbey's arch-enemy Murray Bookchin, come to think of it pretty much *any* independent thinker in this land of the free—his political musings were rarely found on the pages of our listless and servile press.

The novel that catapulted—well, nudged—Abbey to fame back in 1956 was *The Brave Cowboy*, a threnody for man in the age of mechanized totalitarianism. The hero is Jack Burns, an itinerant and prickly loner. Jack is a cowboy anachronism wandering through the 1950s, a man stubbornly apart, as this exchange with a police officer shows:

> "No driver's license, no social security card, no discharge card, no registration card, no insurance card, no identification at all? . . . My god, he must have *something* on him! A man can't walk around without any I.D. at all?. . . Where're you're papers?" he said.
>
> "My what?"
>
> "Your I.D.—draft card, social security, driver's license."
>
> "Don't have none. Don't need none. I already know who I am." (*The Brave Cowboy*, p. 69)

Jack hears that an Albuquerque friend, Paul Bondi, has been jailed for refusing to register for the draft. So he does what any true friend would do: he gets himself tossed in prison so they can bust out together. Bondi—a philosophy graduate student, no less—will have none of it. He is a meliorist. He explains to Jack why he plans to do his time, to submit:

> "Don't think for a moment that I imagine myself as some sort of anarchist hero. I don't intend to fight against Authority, at least not in the open. When they tell us to say, 'I recant everything,' I'll just mumble

Abbey's monkey wrenchers roamed the Southwest as Nature's avengers, pulling up survey stakes, disabling bulldozers, blowing up bridges, dreaming and plotting that glorious day when the Glen Canyon Dam is blasted to smithereens, to that big public works project in the sky.

> something out of the corner of my mouth. When they tell us to stand at attention and salute I'll cross the fingers of my left hand. When they install the dictaphones . . . and the wire-tapping apparatus and the two-way television I'll install defective fuses in the switchbox. When they ask me if I am now or ever have been an untouchable I'll tell them that I'm just a plain old easy-going no-account Jeffersonian anarchist. That way I should be able to muddle along . . ." (p. 104–5)

Jack escapes—alone—and flees on horseback to the mountains, pursued by police and army and the weaponry of modern technology. Fans of Western Lit have had a field day discussing what finally happens to Jack; in a twentieth anniversary edition of the book, Abbey made a critical deletion that belied, for the hundredth time, the "smirking pessimist" tag.

(*The Brave Cowboy* was made into a decent movie, *Lonely Are the Brave*, starring Kirk Douglas. Liberal Hollywood, fearless as ever, eliminated the thematically crucial matter of draft resistance.)

Perhaps Abbey's finest novel was his penultimate, *The Fool's Progress*, an autobiographical wandering—"an honest novel," as Abbey called it—across America, a summing up of sorts. There is a wonderful fictionalization of old Paul Revere Abbey: "Joe Lightcap thought he was the only Wobbly east of the Mississippi River. The only freethinker in West Virginia. The only isolationist left in Shawnee County—a Republican county at that. Nobody paid him any attention and he knew it and the knowledge made him angry and lonely and sick in his heart. Joe Lightcap was not a philosopher; he took ideas seriously." (*The Fool's Progress*, p. 110)

Joe and his son Henry are blustery heretics, given to interrupting family picnics to complain about Roosevelt and bosses and the Good War. As Joe thunders, "The majority of Americans never wanted to get into this rotten war. And when Roosevelt maneuvered us into it, even after Pearl Harbor, the majority still never wanted to go overseas to fight. That's why the government needs the draft, Holyoak. Because there was no other way they could get our boys into it. They have to force them to fight." (*The Fool's Progress*, p. 153)

He who does not love Joe Lightcap has no soul.

Abbey's most popular novel, 1975's *The Monkey Wrench Gang*, became the holy writ of the Earth First! movement, those tree-spiking apostles of ecotage. Abbey's monkey wrenchers roamed the Southwest, Nature's avengers, pulling up survey stakes, disabling bulldozers, blowing up bridges, dreaming and plotting that glorious day when the Glen Canyon Dam is blasted to smithereens, to that big public works project in the sky. (In *Hayduke Lives!*, a posthumous novel just published by Little Brown, the monkey wrenchers get one more crack at destroying the great pyramids of the Corps of Engineers.)

From the Life Imitates Art Department: the Earth First!ers, living breathing counterparts of Abbey's band of merry anarchists, are the targets of a massive ongoing FBI investigation. As James Ridgeway and Bill Gifford perceptively noted, "in the lexicon of the American secret police, anarchists are worse than Communists." (*The Village Voice*, 7/25/89) Especially when the anarchists are gleeful saboteurs with no respect for government property.

Abbey dedicated *The Monkey Wrench Gang* to Ned Ludd, bless his anonymous soul, borrowing his epigraph from Byron: "Down with all kings but King Ludd." Now, unabashed Luddites are as rare as pantheists in America, at least on the public stage. One might expect them to be saturnine mopes, glum lamenters of modernity. Not these monkey-wrenchers. They copulate and play

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cards and sleep under the stars, joyfully. Abbey's protagonists exult in life, live it with gusto and abandon. The sense of fun that courses through Abbey's prose is what really distinguishes him from the poet Robinson Jeffers, with whom he is often coupled.

Jeffers was a deeply misanthropic man who once wrote

> I'd sooner, except the penalties,
> kill a man than a hawk*

Abbey, in a cantankerous mood, might endorse that sentiment, but with a wink. Because for all his contempt for anthropocentrism, Edward Abbey enjoyed the company of bipeds, and even in his harshest diatribes a certain . . . well, love . . . for his fellows shines through, leavening the bitterness.

(Jeffers, like Abbey, was a nonconformist nonpareil. He was virtually excommunicated from the poetry Establishment in the 1940s when he opposed U.S. entry into the Second World War, not as an Ezra Poundian anti-Semite but as an old-fashioned isolationist America Firster.)

Like most iconoclasts, Abbey enjoyed sniping, and occasionally his targets were kith and kin. He caught all sorts of hell for mocking the theological nature writing of Annie Dillard: "I sat on a rock in New Mexico once," Abbey kidded, "trying to have a vision. The only vision I had was of baked chicken." (*Washington Post*, 1/5/88, p. B2)

Yet if he chided the famous, he exhorted and inspirited his lesser-known brethren. "Ignore the critics," he wrote in the preface to *Slumgullion Stew*. "Have faith in the evidence of your senses and in your common sense. Be loyal to your family, your clan, your friends, and your community. Let the nation-state go hang itself." (p. xiv)

That wasn't the usual bullshit author gab. When in 1987 the operatives of the American Academy of Arts and Letters finally got around to recognizing the obstreperous Pride of Apppalachia, Ed Abbey told 'em to fuck off. He had plans to run a river in Idaho that week, and that trip was far more important than receiving an empty award.

Abbey died of natural causes in March of 1989. With death imminent, his friends disconnected him from the machinery of life-support, wheeled him out of the hospital, and drove him into the desert. They chose a remote spot for his grave, guarded by coyotes and vultures. As his friend Edward Hoagland wrote, "the last smile that crossed Abbey's face" was when a comrade told him where he was to be buried. (*New York Times Book Review*, 5/7/89, p. 45)

At Abbey's raucous wake, a beery seminal bacchanal in Utah's Arches National Park, the Kentucky poet-farmer Wendell Berry spoke of Edward Abbey as an intransigent patriot, an authentic American hero. Said Berry, "Patriotism is not the love of air conditioning or the interstate highway system or the government or the flag or power or money or munitions. It is the love of country." (Rochester *Democrat and Chronicle*, 5/23/89, p. 10)

The Earth First!ers, living breathing counterparts of Abbey's band of merry anarchists, are the targets of a massive ongoing FBI investigation. As James Ridgeway and Bill Gifford perceptively noted, "in the lexicon of the American secret police, anarchists are worse than Communists."

True fact, Wendell. As Abbey used to say, "America: Love it or Leave it Alone."

Edward Abbey's popular success—his elevation to folk hero, all those dog-eared copies of *Desert Solitaire* and *The Monkey Wrench Gang* getting read and reread—is a rebuke to the go-along-to-get-along crowd, the hankerers for government appointment.

Thoreau understood. "If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours. He will put some things behind, will pass an invisible boundary; new, universal, and more liberal laws will begin to establish themselves . . . and he will live with the license of a higher order of beings." (*Walden*, 1854, p. 215)

So say what you mean. Do not dissemble. Do not wear what they tell you to wear, or think what they tell you to think. Do not apply for a job with Dan Quayle. Or Bill Bradley.

The contemporary movement for liberty sputters because it is so damned buttoned-down, so tailored and uptight. It has no room for poetry, for beer-drinking, for God. The cash nexus is all; ties of blood, of clan, of nature, are thin as thread.

Ed Abbey did not speak in measured, cautious equivocations, in Heritage-Brookings weasel words. He spoke the truth. To hell with fine-tuning the capital gains tax: "I feel rage and outrage quite often," he told the *Los Angeles Times* shortly before his death. "I'd gleefully take part in a violent revolution—I'd love to go down to city hall in Tucson and tear it down. I'm getting more radical as I get older." (Washington *Post*, 1/5/89, p. B2)

As we all should.

"I write to entertain my friends and to exasperate our enemies," Abbey once explained. "To oppose, resist, and sabotage the contemporary drift toward a global technocratic police state, whatever its ideological coloration . . . I write for the joy and exultation of writing itself. To tell my story." (*One Life at a Time, Please*, p. 177–8)

Ed Abbey told his story. And raised hell. And had fun. He loved his five wives, his kids, his parents, his buddies, his literary ancestors, and his country. He lived an American life, and as long as the Spirit of '76 endures, so will he. ❑

* "Hurt Hawks," *Cawdor*, Robinson Jeffers, 1928.

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Coming in the July *Liberty* . . .

Ayn Rand Talks Philosophy

Between 1960 and 1962, Ayn Rand and John Hospers talked philosophy on numerous occasions. Rand had finished her career as a novelist and was anxious to build her reputation as a philosopher. She took a keen interest in what Hospers, already an established philosopher, had to say. Rand learned a great deal about philosophy from Hospers, and Hospers learned a great deal from Rand. Hospers was virtually the only academic philosopher who influenced Rand during this crucial period in the development of Objectivism.

In this memoir, Hospers tells the story of his meetings with Rand, providing a unique perspective on the development of her thinking, plus the details of what it was like to try to get along with the flawed genius who had such an immense impact on libertarian thought.

Also

The Death of Socialism and the Triumph of Resentment, by Robert Sheaffer

The Butterfly Effect : The Libertarian Implications of Chaos Theory, by Richard W. Fulmer

And other reflections, essays, reviews, and humor

Terra Incognita

San Carlos, Calif.

How pet peeves can strain a relationship, as reported in the *Peninsula Times-Tribune*:

Acting on complaints from neighbors, police removed about 400 pet rats from the two-bedroom condo of Christina and Clifford Fields. The couple had brought three pet rats with them when they moved into the condo four months earlier.

The rats lived mostly in the bedrooms, or as Mrs Fields called them, the "boy-rat room" and the "girl-rat room." When asked how many rats slept with them on their folding couch in the living room, Mrs Fields replied "Well, a lot."

Mrs Fields told reporters that she and her husband "weren't getting along . . . he didn't appreciate the rats."

Olympia, Wash.

Evidence of high ethical standards required at American institutions of higher learning, as reported in the Seattle *Times*::

An investigation by the Board of Trustees of The Evergreen State College revealed that although Joseph Olander, the president of the institution, claimed in his resume to be a member of the Phi Beta Kappa honorary fraternity, but has never been a member; to have a bachelor's degree in English from the University of Maryland, but does not; to have a master's degree in English from Rollins College in Winter Park, Florida, but does not, that there was "no evidence of fraudulent misrepresentation of his academic background."

Texas

Interesting pre-election ritual from the Lone Star State, as reported in the New York *Times*:

In a closely fought race for governor, Texas Attorney General Jim Mattox boasted that he had personally attended 30 executions. Not to be outdone, former Governor Mark White, ran television advertisments featuring enlarged mug shots of criminals executed during his term of office.

Valparaiso, Chile

Interesting way to commemorate the transition from authoritarianism to democracy, as reported in the Detroit *Free Press*:

In Chile to attend the inauguration of President Patricio Aylwin, U.S. Vice President Dan Quayle purchased as a souvenir "an anatomically correct Indian statuette that displayed its virility when its head was pulled."

Italy

Evidence for the adage, "Some day my prince will come," as reported by the Detroit *News*:

The husband of Princess Caroline of Monaco was ordered to stand trial for draft evasion. In his application of exemption, he had claimed a "genital tumor" causing impotence. He and the Princess now have three children.

Columbus, Ohio

Progressive idea in the War Against Drugs, as reported by the Lorain *Journal*:

The Ohio State legislature is considering a measure that would require landlords to evict tenants who are "suspected of abusing drugs in the housing unit, even if the tenant hasn't been charged or convicted."

Jackson, Mich.

Progress in the science of jurisprudence in the Great Lake State, as reported by the Detroit *News*:

Rene Acuna was sentenced to life imprisonment for delivering and conspiring to deliver cocaine. The case against Mr Acuna consisted of the testimony of three police officers that they had seen him driving his Chevrolet Nova in the same neighborhood in which a group of five Cubans sold cocaine to an undercover police officer. His conviction was overturned by an appeals count, who noted that he "had no gun, no communication device or drugs in the car . . . was arrested without resistance and did not attempt to flee." The prosecuting attorney who tried the case announced he would oppose any attempt to free Acuna on bond while awaiting a new trial.

Honolulu, Hawaii

Weighty matters that command the attention of the legislative leaders of the Aloha State, as reported by the Honolulu *Advertiser*:

The Hawaii House of Representatives is considering a bill to appropriate $101,000 for a "campaign to select a new state fish," to replace the humuhumunukunukuapua'a, whose four-year term as state fish ends June 8.

Olympia, Washington

Advance in criminal justice, as reported by the Portland *Oregonian*:

The Washington State Senate has passed a measure to allow the early release from prison of persons convicted of violent sexual offenses, provided the convicts agree to be castrated. "Mutilation is too good for these people," said Sen. Brad Owen. "It should be mandatory for these creeps," he added paradoxically.

New York

Perspicacious observation on the track record of Soviet communism, as reported by John Kenneth Galbraith, professor of economics at Harvard, former Ambassador to India, advisor to presidents, and author of several best-selling books on economics, from *The New Yorker*:

"One sees great material progress [in Moscow] in the appearance of solid well-being of the people on the streets, the close-to-murderous traffic, the incredible exfoliation of apartment houses."

Washington, D. C.

Advance in the science of penology, as reported by the Honolulu *Advertiser*:

By a 6-3 margin, the U.S. Supreme Court ruled that it is constitutional for prison officials to force convicts to take mind-altering drugs, provided "fair procedures are used to determine when the drugging is proper."

Bar Harbor, Fla.

Insight into the American political process, as reported in the Chicago *Tribune*:

At the AFL-CIO winter meeting, Illinois State Treasurer sought the support of the union in his campaign for Secretary of State by promising, "I'm with labor whether they're right or wrong."

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.)*

Attend the "Ludwig von Mises University"

The Ludwig von Mises Institute's O. P. Alford III Center again presents the ultimate Austrian economics week. At Stanford University in Palo Alto, California, from July 7-14, 1990, a 14-member Misesian department will teach under the direction of the leading Austrian economist in the world, Professor Murray N. Rothbard.

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The "Mises University" includes world-class teaching; dormitory housing; three excellent meals a day; study materials; library privileges (4.5 million volumes); extensive cultural, recreational, and athletic facilities; and a magnificent climate.

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For more information, write the Ludwig von Mises Institute, Auburn University, Auburn, Alabama 36849, (205) 844-2500.

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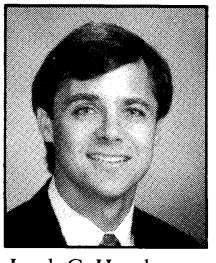
Jacob G. Hornberger

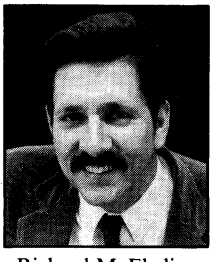
Richard M. Ebeling

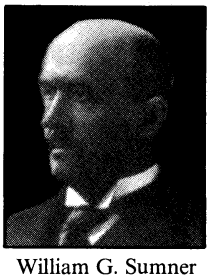
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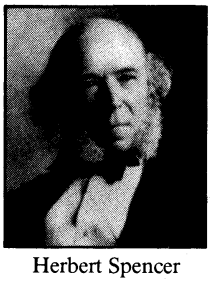
Herbert Spencer

Dying for Freedom in Panama
By Jacob G. Hornberger
Founder and President, Future of Freedom Foundation

Panama and the Canal: Children of American Imperialism and Socialism
By Richard M. Ebeling
Ludwig von Mises Professor of Economics, Hillsdale College, and
Academic Vice-President, Future of Freedom Foundation

The Conquest of the United States by Spain (1898)
By William Graham Sumner
Advocate of Freedom (Deceased)

Patriotism
By Herbert Spencer
Individualist Philosopher (Deceased)

★ ★ ★ ★ ★ ★ ★

NEXT MONTH:

"Freedom's Greatest Challenge" — *By Richard M. Ebeling*
"Democracy vs. Constitutions" — *By Jacob G. Hornberger*
"The U.S. and The Roman Empire" — *By Lawrence Reed*
"We Have Socialism, Q.E.D." — *By Milton Friedman*

FREE BONUS REPRINTS: "Ending Our Drug Nightmare" — *by Jarret B. Wollstein;* **Downside to the Drug War? Nation's Liberties at Risk — Tough Measures Put Fourth Amendment Rights in Jeopardy"** — *by John Dillon,* staff writer of the *Christian Science Monitor;* and **"Making Drugs Legal Will End So-Called War"** — *by Virginia Postrel,* editor, *Reason Magazine.*

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Liberty

July 1990 Vol 3, No 6 $4.00

Talking With Ayn Rand

by John Hospers

The Orwellian University:
The War on Free Speech on Campus
by Charles Thorne

The State Against the Family
by Terree P. Wasley

Why Public Enemy is No. 1
It's not Anti-Semitism
by Brian Doherty

Socialism and the Politics of Resentment
by Robert A. Sheaffer

Also: *John Baden* on the strange subcultures of the Right; *Richard Kostelanetz* on dealing with hostages; *Sheldon Richman* & *David Friedman* disagree on principle; and other articles and reviews

"Liberty is the doctrine, harmony the way of life." —Sebastian Faure

Letters

Why Freedom Works

I have a nagging feeling that Bart Kosko ("Libertarianism Without Romance," May) is just pulling our legs. As I understand his argument, it runs:

(1) All ethical statements are unprovable.

(2) Therefore, ethics is a mirage.

(3) We must therefore choose political systems on a basis other than ethics.

(4) I choose capitalism, because it works.

The obvious question is: without ethics, why should we judge systems that "work" to be superior to systems that do not?

More fundamentally, ethical judgments are made with reference to living beings. A statement like "freedom is good" is conversational shorthand for "freedom is good for man," or, if your debating opponent's devices require that everything be spelled out, "freedom is good for the rational man in a society."

Bryan Loofbourrow
Seattle, Wash.

On the Outside, Looking In

I am amused at the debate between the paleolibertarians and the "luftmenschen" being conducted in your magazine. I had a brief but informative encounter with the Libertarian Party of Michigan in 1988, largely because of Ron Paul's campaign. I had been interested in libertarian ideas for many years, but had never become involved in the movement until then.

I can attest from personal experience that there are two distinctly different groups of people involved with the Libertarian Party—the "outsiders" and the "insiders." The "outsiders" are largely middle and upper middle class business people who support the Libertarian Party with money and votes. The "insiders," who actually control the party apparatus, seem to be mainly comprised of the type of individuals that Llewellyn H. Rockwell Jr identified in his article.

I met many people who worked in menial jobs and others that didn't have any visible means of income. I also encountered several members that, quite obviously, must not have been able to afford a bathtub in their place of residence. Amazingly, these people are the ones who are actually in charge of the Libertarian Party! They are the ones that go to the conventions and vote for the officers of the Party. However, if these individuals can't even run their own lives successfully, how can they possibly have the skills necessary to build a successful political movement? Perhaps this is one reason that the Libertarian Party has remained an irrelevant club of social protesters.

Although I favor legalizing drugs and prostitution, as do all libertarians and a growing number of conservatives, I do not feel comfortable being represented in the political process by addicts and hookers. Unfortunately for the Libertarian Party, most Americans feel the same way.

Eric P. Blankenburg
Everett, Wash.

What Makes Us Tick?

Every good libertarian ought to see conservatism ("Conservatism in its Latter Days" by William P. Moulton, May 1990) in all its manifestations as the enemy of the most basic principle libertarianism stands for—ownership of one's self and body—but some run after the conservative hyena like fleas after a dog. If libertarianism is really going to get anywhere it has to cut a clean break with the conservative hyena and not hang on like a blood-engorged tick.

Craig Alfred Hanson
Bonsall, Cal.

Non-Interventionism Disproved Irrefutably !!!

I was glad to see Stephen Cox's "Isolating the Error of Isolationism" (March 1990), for he recapitulates elegantly what I have been arguing for the past decade: the case for "isolationism" (or "non-interventionism") is *prudential*, not principled.

A case can be made that intervention is indeed the *only* principled interpretation of libertarian foreign policy. I made this point in a syllogism presented at the 1983 New York LP convention, a syllogism that has not yet been challenged or refuted. It goes as follows:

A: The right of self-defense is unalienable.

B: The right of contractual delegation is unalienable; therefore

C: Any person may delegate and invoke protective services from any agency, wherever that person may be; the corollary being

D: Protective agencies (i.e., governments) may be obliged to defend their clients (or citizens) anywhere in the world.

Any other conclusion requires the concession that either the right of self-defense is alienable (and that its existence is a function of national frontiers), or that it cannot be delegated—either of which would contradict libertarian principle. This syllogism is especially applicable to anarchists, who typically advocate the notion of "defense agencies" whose behavior is constrained only by market dynamics, rather than by the constitutional strictures favored by limited-government advocates.

Thus, as Cox demonstrates, there can be no principled objection to "intervention" against aggressors, only a prudent appreciation of practical issues.

Michael J. Dunn
Auburn, Wash.

Don't Follow the Abbey Road

Bill Kauffman's misty paean to the fractious Edward Abbey ("Novelist, Naturalist, Anarchist," May 1990) almost made me retch. Just because Mr. Kauffman has a hard-on (I'm attempting to imitate Kauffman's quaint writing style) for anarcho-granola heads doesn't mean that *Liberty* readers need to be subjected to such sophomoric prose. His article veered from New Age/hippie pabulum to motorcycle gang ethics elevated to the sublime and patriotic.

The point is that Edward Abbey and the Earth First! eco-brats are wrong. Violence against property, especially against private property, is always wrong. If one wants to stop trees from being cut down, buy them. Else, shut up! Mr Kauffman feels that folk hero status can be sufficiently attained by being an anti-government, beer-drinking Luddite. But contumacy and ecology are not enough on which to base a social movement. It is intellectual consistency and an understanding of natural rights which defines the difference between a true philosophical thinker and a petulant dilettante.

Daniel J. O'Rourke
Braintree, Mass.

continued on page 6

Liberty

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Inside Liberty

July 1990
Volume 3, Number 6

2 **Letters** non-interventionist foreign policy disproved once and for all, plus comments on Jesus Christ, Robert Bork, and Edward Abbey.

5 **Reflections** on Mike Milken, the census, the war on smoking, Lithuania, hostage-taking, LBJ's critics, kings for commies, and other topics tawdry and sublime.

Features

17 **The Death of Socialism and the Conservation of Resentment** Just because the flame of socialism has gone out doesn't mean that the resentment that fueled it has disappeared. Robert Sheaffer presents a survey of possible flare-ups.

21 **A Gathering of the Tribes** John Baden attends a conference of conservatives and libertarians, and observes the strange subcultures therein.

23 **Conversations With Ayn Rand** John Hospers recalls the days when he was Rand's partner in philosophic speculation during the heady days when she began her radical movement in philosophy.

37 **The Death of Political Labels** Political labels more often mislead than explain. Mark Skousen proposes a revolution in political taxonomy in the direction of clarity and common sense.

39 **Hard Cases and Universal Principles** Sheldon Richman argues that the principle of human rights provides answers to complex political questions; David Friedman argues we need something more.

41 **The Orwellian University?** College campuses are suffering from a new wave of stifling censorship; and this time it strikes against the thought-crime of "insensitivity." Charles Thorne unravels the excuses for, and chronicles the battle against, this latest attack on free speech.

51 **The State vs. the Family** Terree Waslee explains how federal day care legislation assaults the traditional family.

53 **Libertarian Foreign Policy** James S. Robbins examines where both isolationists and interventionists go wrong in trying to develop a libertarian foreign policy.

Reviews

59 **Call It Puerile** It's 25 years later, but William Moulton finds that John Stormer's *None Dare Call It Treason* hasn't improved with age.

60 **Money and the Root of Evil** R.W. Bradford examines a classic history of government foul-ups in the coining of money.

61 **Honest John De Forest** Bill Kauffman rediscovers a 19th Century American novel that sees politics for what it really was (and is).

62 **Booknotes** Anti-feminist failures, anti-nuke kooks, the adventures of nazi hunters and an unorthodox Catholic priest, and anti-"intellectual" conservatives.

65 **Public Enemy is Number 1** Brian Doherty looks at the rap kings of black rage.

66 **Classified Ads**

69 **Notes on Contributors**

70 **Terra Incognita** Excerpts from reality, fitted to print.

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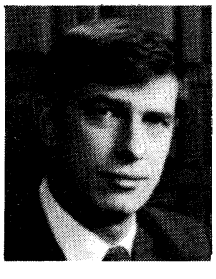

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Libertarian visionary and author of the best-selling investment advice book of all time.

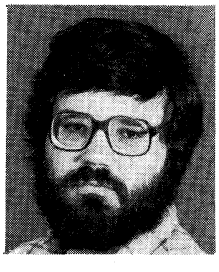

R.W. Bradford
editor and publisher of *Liberty.*

Richard Kostelanetz
Intriguing avant-garde artist, journalist and critic, and the author or editor of over 100 books.

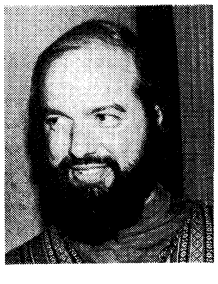

William P. Moulton
Provocative journalist, expert on contemporary conservatism.

Sheldon Richman
Journalist, author, senior editor at the Institute for Humane Studies.

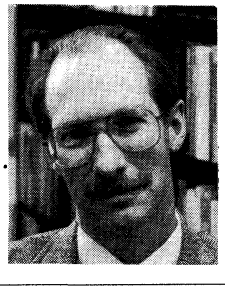

Robert Higgs
Historian, expert on the growth of government, author of *Crisis and Leviathan.*

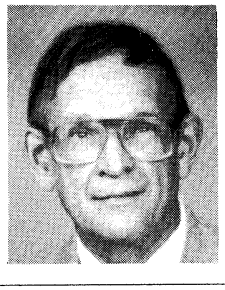

John Hospers
Philosopher specializing in ethics, esthetics and ecology, author of *Libertarianism,* and first Libertarian Party presidential candidate.

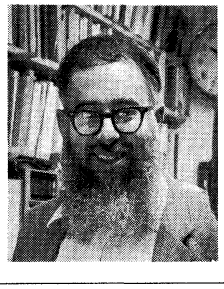

Loren E. Lomasky
Philosopher specializing in rights theory, author of *Persons, Rights and the Moral Community.*

good food and drink.

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• There will be an opportunity for participants to conduct seminars on the topic of their choice.

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This Labor Day Weekend take a mini-vacation and have a meeting of the minds with the world's leading libertarian thinkers.

The Conference will have a fascinating lineup of speakers, beginning with *Liberty*'s editors. What an accomplished group of individuals! Among them, they have written and edited nearly 200 books, on subjects ranging from political theory to the arts, from history to psychology, from philosophy to computer science, from foreign policy to investments. They have written thousands of articles, for many of the nation's most prestigious magazines. But most importantly, they are on the cutting edge of libertarian theory and advances in our understanding of the world.

Here are the topics of some of the exciting seminars and discussions that will take place at the Conference:

David Friedman economist, philosopher, leading anarcho-capitalist theorist, author of the *The Machinery of Freedom.*

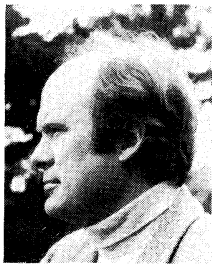

Ross Overbeek Computer scientist at Argonne National Laboratories, specializing in artificial intelligence.

Also . . .

Stephen Cox— Literary critic and intellectual historian, currently working on studies of Ayn Rand and Isabel Patterson.

James S. Robbins— Journalist and academic authority on Eastern Europe and the Soviet Union.

Timothy Virkkala— Journalist, philosopher and economist.

• The cases for and against government: an economic analysis

• Children's rights — What rights, if any, do children possess? Are children property of their parents?

• Investing in liberty: How can libertarians profit by applying their insights into how society, government and the economy function?

• A Revisionist History of the Libertarian movement — Where did it come from? Where is it headed?

• Liberty and Ecology — Is liberty meaningful if the environment is destroyed? Does liberty or the state (or both) cause pollution?

• The Communist collapse — What is happening in Russia today, what will happen tomorrow, and what it means for libertarians.

• The morality of liberty — Do libertarian beliefs constrain libertarians in today's world? Is it moral to accept a government job? Use government roads?

• The Great Foreign Policy Debate — Is there a characteristically libertarian foreign policy? Must a libertarian advocate a non-interventionist foreign policy?

• The strategy of liberty — How can we create a libertarian society? What specific strategy and tactics hold promise of a freer tomorrow?

• Liberty and culture — Does libertarianism have cultural implications?

• What, if any, are the art forms characteristic of a free society?

• Game theory and society — How game theory provides a model for understanding the evolution of a free and complex society, as well as the evolution of complex biological organisms.

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Letters *(continued from page 2)*

Oversensitivity

I enjoyed R. W. Bradford's piece on Mencken's diary ("H.L. Mencken: The Man *vs* the State of Opinion," March 1990)—though for me, all the careful argument was not necessary. I have read all of his books I could find (including *Treatise on the Gods*—one of the best) and if he were an anti-Semite it would have been clear enough. This is just another case of an ethnic group getting much more sensitive than it used to be, and imposing these modern standards on authors who have been long dead. *Huckleberry Finn* was denounced some years ago for use of the word "nigger," despite the book's anti-racist message (as when Huck apologizes to Jim). The people who make these post-mortem denunciations confuse form with substance.

Bruce Ramsey
Hong Kong

White Trash for HLM

I fear that Mencken, were he alive today, might find me unworthy of his company and refer to me and my ilk as white trash. If he did so, I would not go around and demand that others refrain from publishing and reading his works.

David Hudson
Hilo, Hawaii

On Borrowed Time

As a native of Hong Kong, I can attest that R. K. Lamb has a very thorough understanding of the situation in my hometown ("Capitalism Without Democracy, Hong Kong Without Hope," March 1990).

I cannot agree with Lamb more when he says "[Hong Kong people] have been too busy in Mr Friedman's capitalist paradise, making money." Yes, most Hong Kong people consider Hong Kong as a "borrowed place, borrowed time" and they do not have any sense of commitment. Making money seems to be the only meaningful matter in that most crowded city in the world. With 1997 approaching, when Hong Kong is scheduled to return to mainland China, things go crazily worse.

The overwhelming mentality of the majority of Hong Kong people is: to make as much money as soon as possible, so that they can move to Toronto, Vancouver, Sydney, San Francisco, or you name it. Of course they love freedom, and they welcome democracy. However, if they have to gain them like the East Europeans did, they will choose to run away. Those who are not wealthy enough to emigrate choose to stay quiet. They want to play a safe game; they want to gain freedom and democracy without any sacrifice. They want free lunches.

I agree that if Hong Kong has to reunite with the People's Republic of China, then the logical solution to Hong Kong's problem is independence. However, if the regime in mainland China were a humane one, then I would support the reunion of Hong Kong with her motherland. Right now, I do not see any hope for Hong Kong to be independent or to reunite with a decent motherland.

Lamb also correctly points out that Hong Kong people have no sympathy for the Vietnamese refugees. It is very ironic since Hong Kong people are quite similar to them—both are trying to escape from tyrannies. One of the signs the Vietnamese used in their protest against the forced repatriation was: "Our Today is Your Tomorrow." I wish my fellow Hong Kong citizens would understand this.

Kin-ming Liu
Missoula, Mont.

An Orgy of Freedom

It was predictable to see nine long letters published in miffed defiance of Llewellyn H. Rockwell, Jr's conservative-libertarian manifesto, and only two short letters in his favor ("Libertarianism: Paleo and Con," March 1990). The brevity of pro-Rockwell forces stems from the fact that we can hardly add a word to Rockwell's eloquence in a much-needed area of debate.

I hope those nine long letters won't end all the debate in *Liberty*. To keep it going, I've added this note in Rockwell's favor: I applaud the blending of libertarianism and its conservative roots! Bravo to individual liberty, Western Civilization, Christian ethics, great art, and the family unit.

Rockwell's use of fighting words like "de-lousing" was just to engender debate. Those without lice shouldn't be offended. But can anyone taking a serious look at any large mass of libertarians gathered together not notice a lot of lousy behavior, arguments and appearance? Get serious.

We need more libertarian apostles to the world, who can speak the rest of the world's language, and less infighting among ourselves. The majority of libertarians ignore liberty in the world around us. Everybody's principles seem to stop at their epidermis. After all, it was conservative freedom literature and Radio Liberty that opened up Eastern Europe to freedom. Let's give credit to libertarian conservatives for promoting this worldwide orgy of new freedom.

Gary Alexander
Reston, Vir.

Three Jeers for Robert Bork!

I cannot see the point of Leland Yeager's defense of judicial conservatism (or is it "original intent"? I find the legal philosophy incoherent). ("Bork's Law," May 1990) So what if a judicial decision can be construed as activist, if it is in a libertarian direction? As for the "predictability" of the law, if laws don't change how will we ever become a less statist society? I would have thought it obvious to any radical, moderate, or ever-so-gradualist libertarian that the law could hardly be more unpredictable than it is now, embodying as it does the competing ideologies, interest groups and bureaucracies of the nation. The only way to make a legal system more rational is to make it more libertarian.

Mark Schaffer
Baltimore, Maryland

Small-Town Politics

Ronald E. Merrill ("A Management Consultant Looks At Libertarian Politics," May 1990) did not quite identify the best target customer base for libertarianism.

I don't know what the target group should be, but I see some problems with targeting small business entrepreneurs. I hear that most Americans are in the small towns and rural areas rather than in the big cities. I don't know if all small towns share these characteristics, but in the small town where I live government interference is not an unmixed disaster for the individual entrepreneur.

continued on page 67

Letters Policy

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

Reflections

Census and Sensibility — Imagine a place where the people are really free and the government is their agent in the enforcement of their rights. Would such people want their government to conduct a census?

Maybe. They might want to reapportion representation in the legislature from time to time; they would have to find out how many people live in the various legislative districts. This kind of simple count was what the framers of the U.S. Constitution had in mind when they provided for an "actual enumeration."

But would a really free people want their government to find out how many people live in mortgaged houses? How many earn how much by working how many hours? How far they commute to work and by what kind of vehicles? How could the government's possession of such information conceivably make it a better agent in the enforcement of a true rule of law?

Most emphatically, no really free people would want their government to classify the enumerated population according to ethnic ancestry. (Ludicrously, the current census requires not just that people identify their ethnic ancestry but that they do so subject to the proviso that no more than two ancestral groups be listed for any one person.) Giving such information to the government is dangerous for the same reason that giving a loaded firearm to a homicidal lunatic is dangerous: it will probably be used. And its use, which makes policy rest on a foundation of racism, cannot help but derogate from a true rule of law, a regime in which one law applies to all without regard to race or any other such mischievous categorization of the population. —RH

Democracy rises in the East — Voters in Hungary and East Germany voted for anti-Communist governments; Mongolia, the oldest Asian Communist state, prepared for multi-party elections; and in Afghanistan, the "Miss Afghanistan" contest was held for the first time in twelve years. —JSR

Words as weapons — The misuse of language for political or other ulterior motives has long been a *bête noire* of mine. I could cite numerous examples, but I will restrict myself to one category concerning which I have become something of a specialist. For several years I have studied the use of the terms "caring" and "compassionate" by the major media. So far as I can determine, these terms are never applied to any public figure who could be considered even remotely critical of government.

One is forced into the depressing conclusion that in the world of mainline journalism these words have no relationship to actual personality traits, and that their working definition is simply "believing the best way to solve any social problem is with a government program." Thus, for example, Ted Kennedy—an aging Lothario who gets drunk in public, creates scenes in restaurants, and would be absolutely nobody if not for the money and fame earned by other members of his family—is by definition a warm, caring, compassionate person. By contrast, Jesse Helms, who has, with his wife, spent much of his adult life helping children who are stricken with cerebral palsy—not merely by giving money, but also by adopting stricken children and making countless hospital visits—is, of course, cruel and uncaring. By such false usages and double standards is public discourse progressively debased. —WPM

Say it ain't so, Mike — The sky was overcast, as Mike Milken, accused by the state of massive securities fraud, walked out of the courthouse after pleading guilty to six felony charges. A little boy looked up at the somber visage of the multi-billionaire genius who had been his hero. Choking back his tears, he said, "Say it ain't so, Mike . . . Say it ain't so." But Mike Milken could not find words. Holding back his own tears, Milken walked swiftly through the crowd to his car.

Of course, this isn't the way it happened. Instead, Milken shed his tears at dramatic moments during his guilty plea, and was all smiles to his cheering fans on the courthouse steps. He had stood accused of a bewildering array of securities "crimes," threatened with over a thousand years in jail and the loss of every cent he had ever earned in his life. Faced with these awful charges, he had chosen to cop a plea. He would pay $600 million in fines and face sentencing for the six counts to which he pled guilty.

Denied a gaudy trial, the press was naturally disappointed, and raised the cry that plea bargains deny the public its entertainment and the media their purple headlines. The media had to sate themselves with a round of Milken-bashing.

Alas, the questions raised by the Milken case remain. Prior to his plea, Milken had firmly denied any wrongdoing and repeatedly stated that he would not be denied his day in court. His aboutface on April 20 may have been the result of a guilty conscience and a feeling that despite his billions he could not beat the rap. But it is entirely within the realm of possibility that he was guilty of nothing more than failure to follow a few arcane regulations, but concluded that even with his billions, he could not hope to beat the government. (Not coincidentally, the occasion for Milken's "change of heart" was a deadline set by the prosecutors for him to cop a plea lest they turn out a huge number of additional charges against him.)

The government has far more billions at its command than Milken. And the government is also armed with recent laws granting it extraordinary powers. It can, for example, deprive the accused in cases like Milken's of all their assets while they await trial or are on trial. The ability to punish a

person prior to his trial can be a very convincing way to induce guilty pleas. So while it is almost certain that Milken copped a plea to save his butt, I can see no way to know whether Milken feared for his butt because the government had good evidence on him or because he feared being the victim of the government's awesome power.

The little boy at the courthouse in my apocryphal story was, of course, a young libertarian, weaned on the many libertarian defenses of Milken. He may have read Justin Raimondo, whose stirring defense of Milken concluded that "Far from being a criminal, Michael Milken is an American hero who ought to be honored, not persecuted. The only prospect for a free and sane society is the hope that, someday, he will receive the honor that is his just due."

Milken himself had at least a passing familiarity with libertarianism. Milken came across a copy of *The Incredible Bread Machine,* Richard W. Grant's epic poem about a heroic entrepreneur who was punished for his virtues. Milken saw himself as the hero of the work and invited Grant to his office. After talking with Grant for a couple hours, Milken bought a passel of Grant's books for distribution to friends and colleagues. He asked Grant for more information on libertarianism, and Grant referred him to the Ludwig von Mises Institute, which sent him a package of books.

A short while later, the Mises Institute devoted an issue of *The Free Market* to Milken, with lengthy encomiums by its two leading writers, Murray Rothbard and Llewelyn H. Rockwell Jr, and a cartoon depicting Milken on a wanted poster for the crime of "entrepreneurship." So far as I know, Milken hasn't responded with a major cash contribution of the sort he bestowed on others—like Jesse Jackson—who defended him publicly. —RWB

If you believe in dentistry, why should you mind having your teeth knocked out? — One of the most nauseating arguments used by statists is the one whose format is "If you're not a _____, why should your mind _____?" I imagine that every reader has encountered this sophistry at one time or another. If you're not a criminal, why should you object to warrantless searches? If you're not a pervert or pornographer, why object to having your mail read by postal authorities? If your money is earned honestly, why should you want banking secrecy? The insidious logic behind such notions is that rights are mere stratagems used by malefactors and cranks—decent people need not concern themselves with such matters. (As an example of such polluted reasoning, then-Attorney General Ed Meese once stated in a *National Review* article that asking for a lawyer or invoking the right to remain silent is a "clear confession of guilt" on the part of a suspect.)

Recently, we in Michigan have been hearing a lot of such buncombe from one George E. Ward, the assistant prosecuting attorney for Wayne County (Detroit).

Mr. Ward's particular *bête noire* is the underground economy, especially (but not only) the illicit drug trade. His solution is to convert the nation to a cashless economy. As a first step, he would demonetize our present currency and replace it with some new form of notes. This would be done suddenly, without warning (a "pre-emptive strike," to use Ward's terminology). His second step would be the permanent abolition of any currency note of a greater denomination than $20.

If you reactionaries protest that such actions would cause havoc throughout the Western economic system and would mean the end of our remaining financial privacy, not to worry. Cash, according to Ward, is not needed for legitimate transactions, but is indispensable for "a wide range of illegal activities, including drug trafficking, illegal gambling, prostitution, loan sharking, bribery, extortion, tax evasion and other financial offenses." If you think the fifties and C-notes would be missed, forget it. According to Ward, "the vast majority of Americans, who hardly ever touch a big bill . . . would not be inconvenienced in the slightest." As for financial institutions, their "inconvenience would be relatively minor." (Of course, any inconvenience is "minor" to those who don't have to bear it.)

Ward is also fond of pointing out that other countries have "successfully" carried out cash recalls. Since, however, over half of the examples that he provides in a recent article occurred in communist nations, I am not terribly impressed.

Note the combination of arrogance and imbecility inherent in these suggested policies. Ward (and others) are willing to ruin American financial credibility throughout the world and destroy the financial privacy of countless millions of people to attain their goal of crushing the underground economy. Yet do they really believe that organizations which can transport tons of illicit substances across closely-guarded borders are going to be stymied by currency changes? Have drug traffickers (and loan sharks, bookies, blackmailers, prostitutes and corrupt public officials) never heard of gold, silver, diamonds, and other valuables? Are they unaware of fronts, of the bartering of merchandise and services, of small bills, of foreign currency, of the dozens of ways in which goods can be vended? Are all these people really going to just say "Well, that's that; they got us this time"?

Mr. Ward's targeted enemy is the underground economy, especially the illicit drug trade. His solution is to demonetize our present currency and replace it entirely. He is fond of pointing out that other countries have "successfully" carried out cash recalls. However, since over half of the examples that he provides occurred in communist nations, I am not terribly impressed.

No, the real victims would be the ordinary people who would be targeted as black marketeers once they turned in their little nest egg, who would have to forgo their piddling little extra income under threat of endless harassment, and would have to conduct their future affairs in a financial fishbowl. But then, harassment of ordinary, innocent people is the end result of almost every government policy anyway, isn't it? —WPM

An opportunity for the Libertarian Party — The factor that contributes most to third party votes is the public perception that an election will be a land-

slide, thereby eviscerating the "why-waste-your-vote" argument. This explains why 5.5% of California voters chose Ed Clark when he ran for governor in 1978 against Democrat Moonbeam Brown (hyper-popular at the time, remember?) and Republican Mr Potatohead, yet only 1.7% of Californians voted for him when he faced Reagan and Carter in 1980 in what was perceived as a close election.

Right now, George Bush is more popular than Jesus and almost as popular as the Beatles were in 1967. He gained his popularity by the dumbest of luck: he just happened to be in office when the communist governments of the world began to fall apart. He had nothing to do with their collapse, but in the bovine mind of the American voter, he gets credit. He will bask in sky-high approval ratings until the economy falters or he is found in a cheap motel room with a sheep.

Bush had nothing to do with the collapse of communism, but in the bovine mind of the American voter, he gets credit. He will bask in sky-high approval ratings until the economy falters or he is found in a cheap motel with a sheep.

To make him even more secure, the Democrats have developed a surefire system of handing their nomination to total geeks. They achieved this by establishing convoluted party rules that give nominating power to people who are willing to shower their favorite candidates with cash and are happy to drone on endlessly at caucuses, until the opposition goes home or falls asleep. This naturally plays into the hands of school teachers. Teachers are experts at droning endlessly, as every victim or former victim of the public schools can attest. And they have stuffed their unions' coffers with cash to lavish on any candidate who promises them an even grosser share of taxpayer loot. So it's no surprise when they nominate wusses like Mondale or Dukakis or sanctimonious bastards like Carter. Electing these people is another matter. Barring a disaster of the sort that put Carter in the Oval Office, there isn't much hope, though the schoolteachers are too dumb to figure this out.

So with any kind of luck, Bush will be riding high and the Democrats will nominate someone like Bruce Babbitt. If the LP manages to nominate an intelligent and articulate candidate and finds the wherewithal to buy visibility, it just might top its high-water mark of 1.06% in the 1980 election. Then again, maybe Bush will be found *in flagrante delicto* with a sheep, or the economy will burp at a propitious moment, the TV smarties will say the race is close and the LP candidate will finish in the footnotes, again. —CAA

Nuts in perspective — Twenty-five years ago, if someone had predicted that in 1990, the President of the United States would be a Republican and the salient characteristic of his foreign policy would be to support the head of the Soviet Union above all else, he would have been considered to be a nut. —WPM

Call in the language police — A few issues back, R. W. Bradford commented on the curious way in which the media describe certain kinds of crops (i.e., corn) as being harvested and other kinds (i.e., trees) as being slashed, destroyed or devastated. The difference in language is dictated, of course, by political rather than botanical conceptions; and it is dictated, very likely, by notions that do not even rise to the conscious level.

So powerful are such choices of language, however, that they may in turn dictate political choices. Who would forbid *farmers* to *harvest a crop of beets*? Who would willingly allow *men armed with chainsaws* to *devastate the ecology*?

It would be interesting to compile a list of linguistic transformations that play a sinister role in politics. The one that Bradford mentions might be called, in imitation of academic jargon, VI: variant imagization—the act of generating dissimilar images from similar concepts. Another would be SA: suppression of the agent. This transformation happens in sentences like "During the economic crisis, millions of people were thrown out of work." Who threw them out? The first answer to this interesting question would probably be, Their employers, the guys who used to pay them. The sentence certainly invites its readers to infer this. But what if the real answer is, Congress, which extinguished the unfortunate workers' industries by means of taxation, regulation and inflation? Congress is the possible, or even probable, agent that the passive construction suppresses, banishes from the mind—with what effect on readers' political opinions we can easily anticipate.

Yet another commonly occurring transformation appears in a recent Los Angeles *Times* report on the economic plight of Peru (April 9, 1990). I'll call this transformation DA: dehumanization of the action. "From mid-1985 to mid-1987," so says the *Times*, "the first two years of President Garcia's administration, the Peruvian economy grew rapidly." This sentence establishes a strong, though implicit, causal connection between Garcia's economically interventionist administration and good economic news. The interesting transformation, however, comes in the next sentence: "But inflation escaped the government's control and the economy soon began to contract."

Economic developments are now pictured as things with their own, non-human, principles of action. They are not caused by anything that humans like Garcia do. They contract, they escape, they proceed on their way quite oblivious to anything that the patriotic president might wish to do about them. They are as free as Br'er Rabbit.

The truth is, of course, that the Peruvian economy grew because Garcia inflated it; the "growth" and the inflation

"No offense, but if you think you had it bad, you should see it *with* representation."

were but two aspects of the same human, all-too-human, action. And there's not a chance that writers of news stories like this one understand the mesmeric force exerted on their own ideas by value-laden linguistic constructions.

"O tricky little words," exclaimed a prominent writer of the early twentieth century, "You are my friends!" Friends this tricky deserve to be watched. —SC

Grandstanding in the Baltic — The Republic of Lithuania has declared itself independent from the Soviet Union. Gorbachev has refused to acknowledge this, and has imposed a tough economic blockade. The United States' reaction to these events has illustrated a very important lesson for small countries and groups of individuals who look to the United States for moral leadership and material assistanceon behalf of freedom when times are tough.

The lesson is: You're out of luck.

The United States has supported Baltic independence ever since the Soviet occupation began 50 years ago. It never recognized the Soviet takeover at all; Latvia, Lithuania and Estonia were (and are) officially considered separate European states. Each maintains an embassy in Washington and their cause has always been recognized on official anti-communist holidays such as Captive Nations Day.

But now that the Baltics are taking practical steps to throw out the Soviet occupiers, the U. S. has left them in the lurch. As Soviet troop levels in the Baltics have steadily increased during the past few months, U.S. rhetoric has cooled.

Why? The primary reason is the summit. The President and his advisors (Secretary of State Baker most of all) want nothing to interfere with the meeting with Gorbachev. One wonders, though, why we should be making concessions to the Soviet Union at a time when Gorbachev needs our assistance more than ever before. Perhaps it is to save the START Treaty, or the MBF accords for troop reductions in Europe. Yet, the ends of these treaties are being achieved unilaterally and in numbers greater than those discussed in the treaties. No doubt the pressure from the foreign service was immense—what bureaucrat wants to see the work of the last ten years of his life be made obsolete by something as unmanageable as a democratic revolution?

Gorbachev has moderated his tone, too, for precisely the same reason. But unlike Bush, Gorbachev needs this summit. He will plead for trade concessions and short-term loans, vaguely threatening that if we don't help him now, reaction will set in and the United States will have to deal with the "hard-liners," a group often mentioned but which seems to have no leaders or spokesmen. But his new, more conciliatory tone on the Baltic States has been accompanied by fresh troop deployments and small-scale violence by Russian provocateurs. He is waiting for the Baltic people to give him an excuse to mobilize his forces to "restore order."

And what of the Baltic leaders? At their own mid-May trilateral summit, they made plans for economic integration and plotted a combined strategy for undertaking joint negotiations and garnering support from abroad. But there is little other states can do to change the material conditions of the Baltic States. The eastern Baltic sea is controlled by the Soviet Navy, and land access, through Poland, is blocked by Red Army and interior ministry troops. Only through the air could supplies be brought to the Baltic States. Such an action would be tremendously provocative, and is therefore unlikely.

But we need not start the Vilnius Airlift to get the point across. The Bush Administration could take many steps short of direct intervention to pressure Gorbachev to accelerate the independence of the Baltic States, especially slowing or withholding the economic and technical support that the Soviet economy needs. In so doing, the United States would maintain the credibility of its 50-year moral stand on the Baltic, while not seriously impairing the nation's realistic foreign policy goals. But as of this writing, moves by the Administration have been few and half-hearted, illustrating that if given the choice between cutting a deal and making a stand, the president will more often choose the former. —JSR

Smokers' Rights — Dispatches from the frontlines of the government's latest war—the War on Smoking:

- Smoking is increasingly prohibited in public places and in private places frequented by the public. On March 1, for example, the FAA banned smoking on all domestic flights. (They didn't ban them on international flights by U.S. airlines because U.S. airlines argued that they would lose business to airlines that allow smoking.)
- The State of California recently raised taxes on cigarettes for the explicit purpose of financing an advertising campaign against smoking;
- The government has harrassment the launches of new cigarette brands. In the past six months, two different new brands were stopped dead in their tracks by publicity campaigns by the Department of Health and Human Services.
- Taxes on cigarettes have been increased in 17 states since the first of last year, and proposals for a federal increase are working their way through Congress. In all, 128 different anti-smoking measures are currently pending in Congress.

But why the War on Smoking? Governmental authorities cite two reasons: First, smoking costs the public a lot of money in governmentally provided health care; second, smoking hurts the productivity of smokers.

When a three-pack-a-day smoker coughs his lungs out at the age of 60 and drops dead, he is saving the government a lot more money than his cancer treatment costs. His premature death saves government the cost of his Social Security and Medicare, and very likely his subsidized meals, housing, and transportation, the visits from social workers, etc. — the whole panoply of government services for the elderly.

Libertarians like me find the first argument irrelevant. We believe that government should not be a provider or guarantor of health care in the first place, and that if a person wants to engage in activity harmful to himself, he will have to bear the expense of that harm.

In dismissing the first argument as irrelevant to the issue of what public policy ought to be, we can easily fall into the

trap of granting that the argument otherwise makes sense. And on the surface, it does. It seems pretty plain that smoking does serious harm to the smoker's lungs, contributes to all sorts of health problems, and is the primary cause of lung cancer. Since the government is the health care provider of many Americans, particularly those with lower incomes who are more likely to smoke than are higher-income Americans, smoking seems bound to increase the cost of such care.

But this argument ignores two important facts. First, everyone—including poor people—eventually dies of something. Those that do not die of lung cancer will die of something else sooner or later. By contributing to lung cancer, smoking increases the cost of treating lung cancer. But at the same time, it decreases the cost of treating other conditions that the lower-income American would eventually suffer from. To my knowledge, no one has ever compared the average cost of treating a person for lung cancer and other smoking-induced conditions to the average cost of treating him for strokes, heart attacks, Alzheimer's, and all the other conditions to which he would fall prey had he not smoked.

More importantly, the argument ignores the fact that smokers die earlier than non-smokers. Government is the major provider of pensions and welfare to the elderly in our society. When a three-pack-a-day smoker coughs his lungs out at the age of 60 and drops dead, he is saving the government a lot more money than his cancer treatment costs. His premature death saves government the cost of his Social Security and Medicare, and very likely his subsidized meals, housing, and transportation, the visits from social workers, etc — the whole panoply of government services for the elderly.

The argument that smoking reduces productivity is especially vile and obnoxious. Lots of things reduce productivity—vacations, shorter work-weeks, maternity leaves—and we don't have a public policy against them. Why? Because we realize that productivity is an economic good, one that has costs. And we allocate those costs by the market process, with individuals making their own personal decisions.

Want to take the day off to go to a ball game? Well, your paycheck will be smaller this week, and if you do it too often, your employer may look for someone who doesn't go to so many games and you may find yourself in a lower-paying job. Want two months vacation per year? Want the right to nap on the job? Wanna take a couple drinks at lunch? If you're in business for yourself, your profits will be lower; if you are employed, your paycheck lower . . .

The idea that regulation by government of individual behavior for the purpose of increasing productivity is good public policy was discredited in our grandparents' era. One of the major arguments for Prohibition was that the workingman would be more productive and spend less time sleeping off hangovers if he didn't tie one on occasionally. It was this argument that rallied much of the business community to the holy cause of Prohibition. And when the buncombe of Prohibition lost its credibility after a decade of sobering experience with it, this argument lost its credibility as well.

Indeed, it is impossible to take the federal bureaucrats seriously when they argue against smoking on grounds that it hurts productivity. Since when did health bureaucrats care about productivity anyway? When they required ranchers to provide toilets for cowboyson the range ? Get serious.

If it is not a desire to save taxpayer money or to increase productivity, what does motivate the advocates of the War on Smoking? As nearly as I can make out, there are two motivations at work.

1) We know what's best for you and you don't. Do it our way, you idiot.

2) Smoking is evil, and evil must be stamped out.

Neither of these is very convincing, hence their tacit character. The War on Smoking is abetted by the fact that smokers tend to be lower-income Americans, less likely to vote than their richer brethren, and far less likely to make or influence government policy, thereby good targets for the paternalistic moralism of upper-income Americans.

This explains, for example, why we don't hear government bureaucrats attacking golf. The same arguments offered against smoking seem to apply to golf: the time spent on the course reduces one's productivity (the time could be spent at work), hurts one's health (riding around in a battery-operated golf cart, stopping occasionally to swing a club at a tiny white ball is time that could be spent on high-quality cardiovascular exercise, not to mention the carcinogenic rays of the sun that inundate most golf courses), wastes national resources (all those golf courses could be put into production of food or as wilderness or wildlife habitat); what's more golf seems to correlate strongly with drinking (the "19th hole" is traditionally a mixed drink at the bar); and is expensive to taxpayers (not only do most cities of any size maintain government-owned and operated golf courses for their richer citizens to enjoy, but golf courses pay much lower property tax rates than most alternative land uses).

The arguments offered for the War on Smoking seem to apply to golf as well. The reason that members of the policy-making class attacks the "problem" of smoking but ignores the "problem" of golf is that golf is their vice and smoking is the vice of the lower class.

The ultimate reason that the policy-making class attacks the "problem" of smoking but ignores the "problem" of golf, I submit, is that golf is *their* vice and smoking is the vice of the lower class. —RWB

Solidarity forever — A summer resort in a small town in northern Michigan has been trying to hire local residents to take seasonal jobs as maids and kitchen workers—to no avail. Such positions just don't have much appeal anymore, at least where middle-class Americans are concerned. Having fulfilled the legal requirements of extensive advertising in local media outlets, the resort has arranged to import forty Jamaican workers to fill the vacancies. This has generated considerable protest of the "why don't they hire local people?" variety, with a fair amount of subtle racism thrown in. The first complaint is simply rooted in ignorance of the facts, while the second speaks for itself.

One of the most interesting comments was from the state

leader of the Hospital, Hotel and School District Employees Union (which, incidentally, does not represent any workers at the business in question). This gentleman was quoted in the Detroit papers as follows: "These workers must be stopped. I think we ought to put an ad in the paper [telling people] to be at the gates of the resort the day they come in here and block them from coming on the premises."

This, presumably, is what Marx, La Salle, DeLeon and others meant when they referred to "the unbreakable solidarity of the international working class." —WPM

Socialized babysitting — As the child care proposals were passing through Congress, I was struck by the character of the debate. There was, of course, the usual claptrap about "our most precious resource" and "the future of our country," as though my kids were also your kids and vice versa. Proponents and opponents of competing proposals clashed over budgetary consequences, regulatory burdens, and other policy perennials. One lobbyist advanced the novel idea that, just as businesses deduct their operating costs to figure taxable net income, so parents who work outside the home should be allowed to deduct child care expenses as a "business cost."

More striking than what was said, however, was what was not said. In all that I heard or read, no one took the position that child care is an unwarranted area for government involvement in any form whatsoever. Evidently, while I was not paying attention, the children of America were nationalized. And because they now belong to the federal government, that government has an obligation to attend to their management, right down to setting the standards and regulations for babysitting and for allocating its costs among the citizenry.

No one in the current debate takes the position that child care is an unwarranted area for government involvement in any form whatsoever. Evidently, while I was not paying attention, the children of America were nationalized.

Although many people seem delighted by the prospect of subsidized child care, this form of government intervention lies beyond the reach of every orthodox justification for government activity in the economy. Child care is not suffering under the heavy hand of monopoly. It involves no externality, no public (i.e., collectively consumed) good. Nor is there a lack of consumer information about it. There is nothing but the raw fact that certain people want someone else to bear the costs of caring for the children they have chosen to create—and the equally raw fact that they can enlist the politicos to play Robin Hood on their behalf.

But a definite asymmetry marks the preferences of those who favor subsidized child care. For if I show up on Saturday and carry little Sally away for a picnic in the park, insisting that those who bear the costs of rearing a child are entitled to a pro-rata share of the benefits generated by the child, the parents are sure to charge me with kidnapping. They want complete property rights over their children's benefit stream, but they want others to pay for rearing the little angels.

The rights claim embedded in the affirmative politics of child care is preposterous. It implies an absurd correlative duty of A to bear the costs of rearing B's kids. But it is hard to think of anything more properly private than one's children.

Ultimately, those who think they will be getting a good deal from subsidized child care may rue the day they let this monster escape from the lab. Government standards and regulations will follow the government subsidies as surely as buzzards will alight on carrion. People who think they are simply shifting the bill for child care onto third parties will soon find their children's rearing tangled in a web woven by bureaucrats from Health and Human Services.

Our moral indignation easily becomes exhausted in a world where, all around us, people clamor to sell their souls to the government. But even now it is a bit shocking to see so many people eagerly handing over their own children to the loving care of Big Brother. —RH

Hey, hey, we're the monkeys! — Most social and political theorizing is wrong, of course, and I think it goes wrong almost always right at the beginning, with a mental pratfall concerning the nature of *homo sapiens*. We'll call him or her (happy, feminists?) "homo" for short. What these theoreticians do, from Marx to Rand, is to forget, or deliberately obscure, the fact that homo is an animal. The old *tabula rasa* blunder. The fact that we seem to have fewer instincts than most of our fellow creatures does not imply that we have no instincts. Many Christians, and (as far as I can tell) all Marxists, tacitly assume that homo lacks instincts, and consequently all their social engineering ends up in the ditch.

First, it's been demonstrated that we do clearly have some very basic instincts as infants: fear of falling, the complimentary holding-on tendency, the sucking reflex, etc. And a logical scientific conclusion would be that we probably also have less testable instincts, of the sociobiological type. Konrad Lorenz annoyed everybody by arguing that homo has an instinctive predisposition towards aggressive behavior. He was right, of course, as anybody who's dealt with toddlers knows, but as grant applicants have yet to learn, because it would bollix up plans for big Federal handouts for "peace studies" and the like.

There's plenty of room for argument here. Robert Ardrey grabbed the aggression ball and ran with it, in *African Genesis*, *The Territorial Imperative* and other works. Elaine Morgan replied in *The Descent of Woman* and *The Aquatic Ape* that homo isn't altogether that vicious. But the important point here is that both accepted the validity of evaluating homo as an animal with instincts as a necessary prerequisite for making decisions. If you think of homo as a brainy ape with a wolfish lifestyle, plus the non-wolfish omnivore option, you're off to a good start, and the social theories will at least have a possibility of corresponding to the real world. —RFM

Hostages in Lebanon — Is there anything more disgusting in the American news media (and better reason not to patronize them) than the stories about the middle-aged Americans held hostage in Lebanon? These are sad people whose sole function in life now is to bring attention to terrorists who would otherwise be ignored. Knowing of American

media interest, these thugs repeatedly publicize their otherwise unworthy causes by dangling the possibility that their American hostages might be released and then, for further *chutzpah*, ask to be considered humanitarian for releasing them. Because of the continuing publicity accorded such hostages, these thugs embarrass our functionaries into making deals that would otherwise be beneath consideration.

But the truth is that these Americans are hostages because they chose to be in Lebanon, rather than someplace else. Beirut today is not exactly the epitome of high civilization where the government can ensure peace, whose populace has a reputation for civilized homogeneity. No, Lebanon is something else—a dangerous place with warring factions and little respect for human life. Any American venturing there knows these facts, and our government should feel no more responsibility for his or her fate that it does for anyone who regularly drives over one hundred miles per hour, sky-dives or injects heroin. These are all self-destructive people, or people with a self-destructive streak—"crazies," as we say—and should be regarded as such, not as innocent victims who "happened to be in the wrong place." Were we to warn Americans that living in Lebanon is just as dangerous as taking heroin and then forget about any American taken hostage as quickly as we forget about heroin addicts, you would be sure that fewer Americans would put themselves at risk and, one hopes, no more would be captured. Indeed, you can bet on it. —RK

All the way with LBJ — It was bound to happen. Nobody who challenges the heroism of a welfare statist can get consistent praise from the press—or at least not for long. Robert Caro learned this fact when he saw the June 4 edition of *The New Republic*, featuring his own caricature in western getup, shooting a hole through his foot: "Gunfight at the LBJ Corral: The Epic Errors of Robert Caro."

Caro is the writer who has devoted the last 15 years of his life to researching the life of Lyndon Baines Johnson. What distinguishes Caro from other biographers is the tenaciousness and comprehensiveness of his research. By reputation, he reads every word of every book, every magazine and newspaper article that touches his subject, every public statement made by or about his subject. And then the difficult research begins: he tracks down everyone who ever knew his subject; if any resist his blandishments, he perseveres; sooner or later he cajoles or charms or pesters each one until he agrees to be interviewed; ultimately each opens up and admits his inner thoughts and secret recollections.

As a result of his exhaustive research into the career of LBJ, Caro concluded that the 34th president was a vain, nasty, vicious man, who sought to accumulate political power and then used that power to line his own pockets, to deceive the American people and to hurt his enemies. Caro is no J. Evetts Haley, the conservative Texan whose 1964 book, *A Texan Looks at Lyndon*, was dismissible as rightwing screed. Caro is, it seems, a left-liberal himself; that is, he is an advocate of the powerful state run by enlightened men that confers its benefits on society's unfortunates at the expense of society's fortunates.

Now LBJ is certainly no hero to most conventional left-liberals. After all, not long after he replaced the sainted Kennedy and Camelot-on-the-Potomac with LBJ and the LBJ Ranch, he got us into the Vietnam War. On the other hand, LBJ did come up with the Great Society (i.e. greatly expanded the welfare state) and passed the revolutionary civil rights legislation that led to the current crop of racial quotas. So even without considering that there is a considerable demand in this great country for first person accounts of visits from the Ghost of Elvis, it's not surprising that there would be demand in some quarters for a defense of Johnson again Caro's charges.

So it was with considerable gusto that I tore open my copy of *TNR* and began Sidney Blumenthal's defense of Johnson. How would Blumenthal do the job? Would he claim that Johnson didn't steal the 1948 election to the Senate? That he didn't use his position of power to acquire a television monopoly in Austin, Texas, and exploit that monopoly to make himself a rich man? That LBJ didn't cheat, lie and steal whenever it served his own aggrandizement of wealth and power?

Blumenthal's identification of the categories of "student" and "hater" as mutually exclusive is a major breakthrough. In the future, I suppose, he will criticize authors who write studies critical of Hitler: they are not students of Hitler, but haters of Hitler.

My hopes were dashed. The first six thousand words of Blumenthal's defense of LBJ and criticism of Caro consists of two elements:

1) How can you say Caro is a good researcher when he failed to cite as authoritative evidence certain specific passages from certain specific books, or failed to take into account the testimony of some old Texas politician who refused to talk to him, but was happy to talk to Blumenthal?

2) Coke Stevenson, the conservative Texas politician who was beaten by LBJ in the 1948 election wasn't nearly as good a guy as Caro thought he was, anyway. For one thing, maybe he took gifts from lobbyists, just like LBJ did. For another, he had a Southern redneck view of black people. And for another, he was a conservative Democrat who was critical of Franklin Delano Roosevelt.

Both of Blumenthal's criticisms are valid in a certain sense. There are a few rocks that Robert Caro failed to turn over in pursuit of the truth about LBJ. But so what? Caro's reputation as a specimen of the Platonic form of perfect biographer notwithstanding, is it reasonable to expect perfection? No one short of God Almighty is omniscient. And Coke Stevenson likely was a politician, and not a saint. All this seems to me to be a pretty limp attack on Caro and no defense of LBJ at all. But, happily, there's more.

After six long pages of this stuff, in the third-from-final paragraph, Blumenthal brings up a new point: "Caro intended, in his saga of the 1948 campaign, to reveal 'universal truths' about power. But he is not a student of power, he is a hater of it. For Caro, power is essentially corrupt and coercive."

Wow! At last a really damaging criticism of Caro. For him, political power is "corrupt." Caro just doesn't understand that political power exalts the soul. Lord Acton was wrong, apparently; he should have said, "Power enobles, absolute power enobles absolutely." What's more, Caro thinks political power is "coercive." What a reactionary! Doesn't he realize that submission to political power is voluntary? When the tax collector came to take your money to finance LBJ's War on Povery, there was no coercion involved. When he came to take your person or your son to fight in his War in Vietnam, your cooperation was entirely voluntary! Those thousands of American young men who went to Canada to avoid the Vietnam draft were fools—the power that LBJ put in the hands of the police that came by was not "coercive"!

Blumenthal's identification of the categories of "student" and "hater" as mutually exclusive is a major breakthrough. In future issues of *TNR*, I suppose, he will criticize authors who write studies critical of Hitler: they are not students of Hitler, but haters of Hitler. Besides, some of the politicians who Hitler ousted were pretty bad guys . . . and they probably didn't take into account what some old Nazi somewhere had to say, but wouldn't say to them! —RWB

Bart Kosko and the close of his system — If we are to take Bart Kosko seriously, then we must not take him seriously at all. This contradiction is a consequence of his thesis that ethical statements have no cognitive value ("Libertarianism without Romance: Why Capitalism Does Not Need Philosophy," May 1990). Since his thesis leads to a contradiction, we may dismiss it as nonsense. Kosko asserts, without bothering to demonstrate, that "Ethics is a mirage because ethical statements are neither true nor false. . . . In the known history of man, not a single ethical statement has been produced that is either true or false."

Let's examine this assertion through the following ethical statement: One ought to accept as true a conclusion reasoned properly from true premises. Kosko seems to hold that this is an arbitrary statement, as valid as its opposite. As he puts it, "No possible chunk of spacetime will confirm or refute such statements. . . ." Yet is he really committed to this view? How could he be? He argues that ethics is sterile and that capitalism is best defended on grounds that it works. By making an argument, he shows that he holds the ought-statement above. To not hold it is to undercut one's own argument. One would not both argue for a conclusion and also believe that it is arbitrary whether or not one respects the conclusions of valid argumentation. Kosko would properly laugh at a reader who replied: I grant your premises and argument but I choose not to accept your conclusion. This is enough to show that Kosko implicitly recognizes the cognitive value of at least one ethical statement. A serious look at the discipline of ethics would show that it is a legitimate matter not to be glibly dismissed by discredited positivist slogans. —SLR

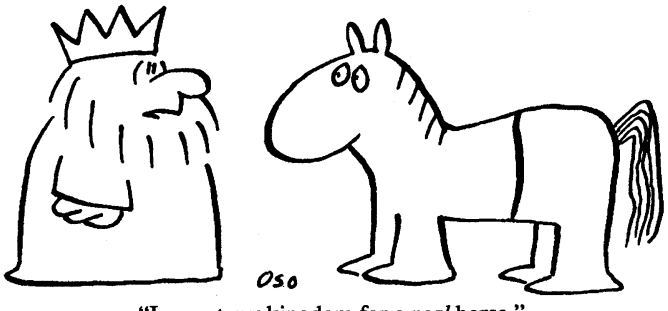

"I meant my kingdom for a *real* horse."

The thousand-year guilt — On April 10, 1990, in its first meeting as an actual representative body, the East German parliament issued an apology for the Nazi Holocaust, declaring that it accepts, on behalf of East Germans, "joint responsibility" for the "humiliation, expulsion and murder of Jewish women, men and children." The proclamation asked "the Jews of the world to forgive us" and offered unspecified reparations to survivors of National Socialist crimes and to the Jewish people in general.

Public reaction to this resolution tended to be of the "fine, but it's about time" variety. However, a substantial number of relatively influential people took a much harsher view. Their predominant attitude was along the line of "never forget, never forgive." Some were more specific, or at least more melodramatic. Rabbi Charles Rosenzweig of West Bloomfield, Michigan, stated that Germany's guilt is "absolute" and that forgiveness "is not possible." Don Shilansky, Speaker of the Israeli Knesset, said that "Even in a thousand years, the shame of Germany will not be erased." Others—not all of them Jews by any means—echoed similar sentiments.

I am always troubled by the misuse of words and concepts, especially when done for unworthy or dishonest motives. It seems that some of these statements *re* German guilt are close to this category. What does it really mean to attribute "shame" to untold unborn generations of a nation, or to maintain that guilt is collective, national, and unending?

If one were to allege that German culture is so corrupt and evil that horrors such as genocide and aggressive war will repeat themselves indefinitely into the future, that would be at least a coherent proposition, though certainly a false one. In contrast, the imposition of boundless guilt on a whole people makes any real understanding of evil impossible, and reduces historical analysis to mere sloganeering and bombast.—WPM

All the King's horses — One of the more charmingly retrograde notions about post-communist eastern Europe is that bringing back the old monarchies will bring political stability. With understandable recriminations in the air—nearly everyone can be in some way fingered as having been a collaborator with the hated old communist régimes—and with the centrifigal forces of resurgent tribal nationalism accelerating, there are those who are convinced that monarchy, with its weird hold on the public imagination, is a good bet for binding political units together. (Anyone who doubts the impact of royalty on the popular imagination should examine tabloid headlines generated by purposeless driftings of the lives of the idle English royal family.)

The notion that political authority ought to accrue through accidents of birth is anathema to the direction of Western thinking during the past several centuries; and, really, dependence on kings seems sort of *childish*, doesn't it?

Un-common policy sense.

Privatization and Educational Choice by Myron Lieberman. The author argues that conventional approaches to educational reform will fail because of the bureaucratic structure of the public schools and the interest groups that block reform. Only by fostering private and even profit-making schools that compete with public schools, he contends, will we achieve lasting improvements in American education. 1989/386 pp./$35.00 cloth/ $12.95 paper

NATO at 40 edited by Ted Galen Carpenter. In this volume 17 distinguished policymakers, scholars, and policy analysts assess the value of the NATO alliance after 40 years. They question continuation of the U.S. financial drain in the face of federal budget deficits and changing circumstances in Europe. 1990/274 pp./$39.95 cloth/ $14.95 paper

The Economic Consequences of Immigration by Julian L. Simon. Drawing on a wide range of data covering long stretches of history, the author presents startling findings that squarely contradict much of the conventional wisdom concerning immigration. He concludes that it is, on the whole, beneficial to U.S. natives. 1989/432 pp./ $24.95 cloth

The Crisis in Drug Prohibition edited by David Boaz. The contributors to this book argue that, as did the prohibition of alcohol in the 1920s, drug prohibition—not drug use—is causing today's alarming crime rates, as well as corruption, the spread of AIDS, and abuses of civil liberties. The contributors, including Baltimore mayor Kurt Schmoke, Princeton professor Ethan Nadelmann, and attorney James Ostrowski, agree that some form of decriminalization is in order. 1990/134 pp./$8.00 paper

The Excluded Americans by William Tucker. Tucker examines the problem of homelessness as a true investigative reporter should—both by camping out with the homeless in Grand Central Station and by analyzing the data of the social scientists. He concludes that homelessness is largely the result of rent control and zoning policies. 1990/256 pp./$17.95 cloth

The Politics of Plunder by Doug Bandow. In this collection of columns on policy issues ranging from agricultural subsidies to gay rights, Bandow shows how politicians and bureaucrats have failed to respect the Founding Fathers' intent to create a government of limited powers. 1990/507 pp./$34.95 cloth

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But I doubt that anyone seriously believes that it is really right or proper that old royal families should return to their thrones. The past century has made us all a little too sophisticated for that. This monarchism is advanced with a wink of irony and a sigh of necessity; *something* has got to come along with an aura of political legitimacy that the ethnically-torn Montenegrins and Macedonians can unite behind; *something* must be able to soothe the accusations of collaboration with Ceausescu that haunt the current Romanian government. Why not monarchy? It *used* to work.

Yes, and people used to dump chamberpots out of their window into the streets, too. Authorizing political power by accident of birth is distasteful. (Then again, so is the notion of political authority through majority rule.) But I'm not disposed to care so much about the form political authority takes as long as its content is correct; as long as it allows for the maximization of personal autonomy and the minimization and equalization of coercion. And if it takes a "constitutional monarch" who will follow these sort of policies to bring liberty and prosperity to Eastern Europe, then far be it from me to stand in the way for the sake of formality.

But I can't help but feel that this is a desperate reach on the part of those who advocate it; an attempt to look to an imagined glorious past for rescue from a present and future that seem more and more bleak. As ethnic and political tensions rise, everyone realizes that after the euphoria of the post-communist celebration fades, there is still an enormous amount of cleaning up to be done before they are ready to get on with the day-to-day business of their lives. —BD

"We don't mind them—just not in our neighborhood" — Men are bad. Having them around is a nightmare; the very thought is enough to fill grown women with ferociously righteous anger, or send them into hysterics.

Or at least the women of Mills College. When the Board of Trustees of this traditionally all-woman school decided to allow enrollment of men next year, the news was met with shock, outrage and terror by many of the women attending. They hit the barricades, and successfully shut down the school during Finals Week by forming human chains across the fronts of buildings. They wept on national TV. They were mad as hell and appeared unwilling to take it anymore. The wrath of these people got them attention on newspaper pages across the country and helped them reach that Mecca of absurdly overblown social outrage: a sympathetic hearing on The Phil Donahue Show. In the end, they succeeded in making college officials back down on their decision.

I wasn't particularly shocked that something this patently absurd is garnering serious attention from the media. I've seen worse. But what surprised me is what was never said, or apparently even thought, by Phil or any of the newspapers I've seen. It's just a question, which I suppose any of these women could answer easily to quell any queasiness cabbageheads like me feel about their cause: What is wrong with having men around? Why is it a noble thing to use coercive force (I pity anyone who tried to attend class at Mills while his "sisters" didn't want them to) to show one's stand against allowing men into an institution? Has the currently-popular feeling that white men can never, by definition, be discriminated against spread this far?

I haven't been following the latest advances in biology. Maybe I missed something. Maybe it was discovered that men emit some sort of poisonous aura that is always and everywhere hazardous to females. Makes one wonder how the race has survived this long. —BD

Libertarianism in the fever swamps — This past week the postman brought me two magazines that represent rather disparate varieties of the American Right, each with an article by Llewellyn H. Rockwell, Jr. Both were well-crafted appeals to very specific audiences.

For *Chronicles*, the magazine of small town agrarian paleolithic conservatism, Rockwell wrote a delightful piece on the War on Drugs. Rockwell argues that the anti-drug effort cannot succeed, and provides an excuse for the massive growth of the state. He illustrates his point with a brilliant *reductio ad absurdum*:

> The government cannot suppress adultery, for example, even though breaking the marriage covenant, with its consequent divorce, damaged children, and other shattered moral values, does even more harm than drugs. [But] let's suppose that, knowing this, Jimmy Carter had launched a War on Infidelity.

The New American's *readers mostly believe the world is in the thrall of a small conspiracy of evil men, the most visible manifestations of which are the Communists and the International Bankers (the latter actually runs the former), although the conspiracy itself goes back to ancient Sparta.*

> The Federal Marital Enforcement Administration—in cooperation with vice squads at state and local levels—would institute national spying, and impose long prison sentences on those caught. Motels would be under surveillance, and couples would have to provide proof of marriage to check in. Mail would be opened and phones would be tapped. There would even be 800-number informer lines. Even house parties would be watched. Who knows what could go on?
>
> Next would come a massive federal education program, with grants from the National Institute of Marriage to favored intellectuals and activists. Rosalyn Carter would ask us to "Just Say No" to illicit liaisons, and the IRS would use them as an excuse to restrict financial privacy, since cash could be used to fund adultery without leaving a paper trail.
>
> Would any of us think that family values could be protected, let alone enhanced, by such a system?

For *Chronicles*'s intelligent though reactionary readers, Rockwell strikes just the right note: he explains why drugs should be legalized without arguing for drug use, in an intelligent way that is lots of fun.

For *The New American*, the bi-weekly magazine of the John Birch Society, Rockwell struck quite a different tone. And for good reason: *TNA*'s readers mostly believe the world is in the thrall of a small conspiracy of evil men, the most visible manifestations of which are the Communists and the International Bankers (the latter actually runs the former),

continued on page 58

Speculation

The Conservation of Resentment

Envy in the Post-Socialist Era

by Robert Sheaffer

As the 20th century wanes, socialism crumbles. But the envy that lies at the root of socialism still thrives. Robert Sheaffer surveys possible successors.

The astonishingly rapid worldwide disintegration of socialism is a welcome sight to all who love liberty. To see the numbing ideology of a state-controlled economy—a powerful idol until very recently—collapsing into a trashheap can be nothing but exhilarating to those who have battled it, and who once feared its possible triumph. The death of socialism leaves behind, however, a tremendous vacuum on the world stage of ideas, and it is certain that something will fill that vacuum, even if we do not yet know what.

Those of us who are rationally persuaded of the case for the free market assume—or at least hope—that the vacuum will primarily be filled by libertarian ideals. In a world no longer safe for socialism, the assumption goes, capitalist ideas will move in to take their place. While it is inevitable that this must happen to at least some degree—formerly socialist economies can move only in the direction of capitalism—it would be a big mistake to expect that the former supporters of socialism, especially in the West, will abandon their adversarial stance. For the main force driving socialist ideals has never been a rational demonstration of their efficacy, but rather *resentment against the achievements* of successful capitalists.

Socialists who wielded great power not only expropriated the wealth created by successful people, but punished them for having once enjoyed it. Socialism acquired its widespread appeal, and its holier-than-thou aura, because it legitimized the envious anger of those who have failed in open economic competition, and of those who sympathized with them. It delighted its followers by promising not merely the joy of watching successful achievers brought low, but of seeing them humiliated, punished, and frequently even murdered.

And all this burning envy and hatred of successful people will not go away merely because its primary mode of expression has collapsed in a heap. Rather, it will find some other form for expressing itself, and probably one that is every bit as harmful.

It was Nietzsche who first wrote, in his *On the Genealogy of Morals,* about moral codes grounded in what he called *ressentiment*—a French word meaning virtually the same thing as the English "resentment"—which to him meant a sense of outrage at the perception of another's position of superiority with respect to oneself. This superiority might be manifested in anything that is valued in life: money, status, power, or sexual attractiveness. All moralities grounded in *ressentiment* aim not at the preservation of life and property, argued Nietzsche, but at their destruction, and he counted socialism—as well as Christianity—as examples of these. He saw moral codes of *ressentiment* as being intended to poison, and thereby weaken or kill, anything that was healthy and well-constituted.

In that same book, Nietzsche also wrote that "any instincts that do not discharge themselves outwardly *turn inward*"—an idea that profoundly influenced Sigmund Freud—and he argued that the role of the priest (or other ideologue) was to *channel* the direction of *ressentiment* in ways that suit his purpose. Thus, Nietzsche would say that the rabble-rouser who tells a suffering people whom to hate—whether Jews, foreigners, capitalists, Infidels, or whoever—is channeling their dangerous levels of envy and resentment toward someone con-

veniently *outside* the group, to unify the members of that group and to keep them from attacking each other. However, Nietzsche would say that the rabble-rouser is worsening the group's situation, by generating ever-increasing levels of *ressentiment*, although the process gives them temporary relief.

Thus, at the present time we have a copious volume of free-floating *ressentiment* that until recently was running in a wide and deep stream-

Socialism acquired its widespread appeal, and its holier-than-thou aura, because it legitimized the envious anger of those who have failed in open economic competition, and of those who sympathized with them.

bed known as "socialism." It was a venomous flow of bile, directed at the most successful achievers of the world, in proportion to their success. Now that the socialist stream has been dammed up by rubble from the collapse of the Iron Curtain, that flow is seeking another channel, and will find one as surely as water runs downhill. I am not contending that the level of resentment is absolutely conserved, like matter and energy in physics. Envy and resentment can be created and destroyed, but the process is a slow one, and their overall levels change but slowly. Resentment is created by rabble-rousing, by invidious comparisons, by the acceptance of resentment-based systems of morality, and it can be destroyed when people are persuaded to shoulder personal responsibility—or, better yet, discover someone resentful of their own modest success!

Some other forms of resentment that are likely candidates for receiving some or all of this excess flow are:

Environmental Extremism: (Not to be confused with the occasional sensible measures taken to clean up air and water!) This form of resentment resonates so perfectly with socialism that it is the odds-on choice to become the major winner, at least in Europe and North America. It links prosperity to guilt, proclaiming economic growth to be a sin against the Earth, and corporations to be wicked. Its "solutions" invariably prescribe massive increases in government control over the productive sector to ensure that "the public interest" is served. The "Worldwatch Institute," for example, claims that "redistribution" of land to the poor is necessary to prevent waste of scarce resources! Eco-alarmists also issue dire warnings of a coming "population crisis"—even though virtually every industrialized country has a birthrate below what is needed to maintain its present population—and they clamor for the imposition of totalitarian controls on individuals as well as on corporations. Clearly, this is just the old resentment in new bottles. Those ex-socialists who are still infuriated at the sight of others' prosperity will fit into this movement without the slightest discomfort. The various Green Parties and fellow-travelling organizations will almost certainly pick up the lion's share of socialist resentment's bilious flow. Green is, after all, the color of envy. Forecast: a dramatic increase in eco-*ressentiment* during the 1990s.

Feminist Resentment: This would have once been a strong contender, but is probably now too weak to benefit much. Virtually every politically-active feminist is a socialist, and their prescription for remedying nature's singular unfairness in foisting maternity solely upon women invariably calls for massive government restructuring of economic realities. Feminists also insist that we ignore the very real differences in the career choices made by men and women—differences that recent findings in biology make it absurd to attribute solely to "patriarchy"—and equalize their incomes by state coercion.

The Founding Mother of contemporary feminist resentment was the French Marxist Simone de Beauvoir. She credits her ideas about the "exploitation" of women to Friedrich Engels, the sidekick of Karl Marx. She argues for Engels's view that the oppression of women began with the institution of private property, and that the "liberation" of women can only occur when the proletariat is "liberated" from the chains of capitalism: "the fate of women and that of socialism are intimately bound up together . . . when the socialist society is established throughout the world, there will no longer be women and men, but only workers on a footing of equality."*

Betty Friedan and the feminists coming after her all hail de Beauvoir as their intellectual mentor. With that kind of intellectual baggage, it isn't surprising to find that feminism is fast becoming a dead issue almost everywhere in the world—*except*, for some reason, in the United States. Americans travelling to Europe are struck by how "feminine" and "non-libby" are the women there, and Europeans coming here are astonished to find that "women's this" and "women's that" are still taken seriously; they regard this as a 1960s relic, like the Weather Underground. Feminism is equally dead in Asia and Australia. Thus while feminist resentment might possibly benefit a little from an infusion of former socialists with lots of time on their hands, it is too moribund to be readily revived. If the battle for abortion rights were ever finally won, the feminist movement would probably collapse even faster than socialism did, since that is the only good issue they have left.

Protectionism: Economic protectionism—resentment against the achievements of successful foreigners—is sadly on the rise. As the wealth of highly-disciplined foreigners becomes more conspicuous, envious attacks upon that success become more intense. This is the core of the Third World Mentality, what sociologist Helmut Schoeck calls "the envy-barrier of the developing countries"**: a sense of outrage that some wealthy foreigner might earn a profit in your country. This results in the economy

* Simone de Beauvoir, *The Second Sex* [New York: Vintage Books, 1974] Chapter 3.

** Schoeck, Helmut: *Envy* [Indianapolis: Liberty Press, 1987].

WHY SHOULD YOU BE READING FREEDOM DAILY?*

Ask Our Readers:

*I am **mightily** impressed by your materials—most important, your philosophy.* —J.P. (Pennsylvania)

I do want to tell you that it is always a joy when your FFF Daily package arrives. It always seems to say to me "Open me last so you can enjoy the anticipation"—of settling down to enjoy its contents with delight. —H.M. (California)

I am especially appreciative for what I take to be your courage in speaking out on the "wrong" side of the drug issue in the April issue. —E.W. (Texas)

The letter [about Freedom Daily] from the Polish citizen was very interesting—and, again, living proof, as you often maintain, that ideas do have consequences, even world-wide. Also, Richard Ebeling's article, "Education, Businessmen and Economic Freedom," is well written and right on the mark. I've never met him, but he seems to compliment, very well, your outstanding ability and freedom ideology. The articles on our asinine drug laws in the April "Freedom" are some of the best I've ever read. —B.H. (Florida)

One of the best buys in recent months has been Freedom Daily; and now I find even more useful information coming with my subscription. I refer to the article on "Education, Businessmen and Economic Freedom" which states more clearly than anything I have read to date, the probable reasons for academia and the media, and businessmen, continuing to beat an obviously (to me) dead horse. I liked your analogy of government welfare being one of the most dangerous drugs of all. —C.B. (California)

Excellent material—not the least Richard's piece, "Education, Businessmen, and Economic Freedom," continues to issue from FFF. I am impressed, as are many others, and look forward to the next issue! Keep it up! —B.L. (Wisconsin)

The stated principles of your Foundation and your work are worthy of the highest praise. I am thankful that there are at least a few people who cherish freedom and truly understand its value and the identity of its author. —A.E. (Texas)

Reading your status reports has been uplifting. It makes me feel like something is being done to promote liberty. The $100 I have enclosed is proof of my agreement with what you are doing. —P.S. (Texas)

Your comments about your talk show appearance in San Antonio and ending socialism in America are very interesting. I'm glad to hear your thoughts about the Income Tax. —A.S. (California)

I just, this morning, read your March addition to the flag controversy and found it stimulating and informative. Bringing a bit of Texas history to the uninformed could never hurt. And you went all the way in presenting the stark contrasts on nineteenth and twentieth century conceptions of individualism and governmental responsibilities. Definitely no compromise! —M.D. (Illinois)

*What a mess we are in! You write so well! My "quality" is failing rapidly. At age 83 and with severe diabetes, what can one expect? I'm enclosing $25 and hoping you/we never give up in **our** fight for freedom!* —W.R. (Florida)

Your "Open Letter to Russell Kirk" uses some of the best arguments ever in defense of the true libertarian ideals. You truly know your stuff. I was particularly impressed with your references to Jesus Christ—I have long believed Him to be the first Libertarian as well as our Savior and Master. Keep up the excellent work. —S.T. (Virginia)

—January 1990: First month of publication, *Freedom Daily*.
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—Cancellations: Three.

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being partly or completely closed off to foreigners, greatly reducing the living standards of the natives. Thus the residents of countries having an "envy-barrier" suffer from economic underdevelopment, but this apparently bothers them less than the thought of working with and for foreigners vastly wealthier than themselves; they are willing to suffer more poverty for a reduction in the envy they must endure. For any nation to actually practice free trade, its political life would first have to be virtually free of all envy. But Democritus shrewdly noted some 2,400 years ago that "envy is the cause of political division,"* and we may safely infer that so long as envious squabblings over others' rights and properties continue, we are unlikely to see genuinely free trade put into practice.

Given the fact that America's relative position in the world economy seems to be in a state of long-term decline, protectionist resentment is likely to be on the upswing. The fact that the argument for protectionism was demolished two centuries ago by Adam Smith is no more relevant than that the case for astrology was refuted by philosophers two millennia ago: both still exist because they allow certain people to give the raspberry to those whose wealth, knowledge, or power they envy. What can mere logic do against powerful emotions like these?

Environmental extremism links prosperity to guilt, proclaiming economic growth to be a sin against the Earth, and corporations to be wicked. Its "solutions" invariably prescribe massive increases in government control over the productive sector to ensure that "the public interest" is served.

* Democritus, fragment 295 ed. Diels, II, 194. Quoted by de la Mora, *Egalitarian Envy* (New York: Paragon House, 1907) p. 5.

Racism and Xenophobia: Forms of envy related to protectionism, racism and xenophobia express one's suspicions and resentments against one's neighbors whose wealth is envied, or who are viewed as potential rivals, or as threats. After all, racism directed at blacks and Hispanics is strongest in that strata of white society just barely, if at all, higher than the niche those groups typically occupy. The Ku Klux Klan does not, after all, recruit Yuppies as new members. We often forget that blacks used to be an upwardly-mobile group before the government's war on poverty ensnared them in its web of dependency.

Islamic Fundamentalism: While not a major force in the U.S., this extremely potent manifestation of resentment is likely to be the biggest winner of all on a global scale. Islamic purists still insist that paying or receiving interest on any investment constitutes "usury," a grievous sin. This is a form of resentment against wealth that Christians abandoned centuries ago. Many Moslems are today finding ways to rationalize away such problems, as must every belief system based on "infallible" texts. For example, many Egyptians have allowed themselves to be persuaded by a government-appointed Mufti that receiving interest on investment certificates is not a sin, so long as they are Government notes. But many other Moslems hold fast to the old ways, and are infuriated by the sight of other Moslems less pure than themselves becoming affluent.

Obviously, since clinging to such beliefs rules out all possibility of meaningful participation in the modern global economy, such resentments unfailingly perpetuate one's poverty. And as those whose holiness requires poverty perceive the steadily-rising affluence of the "sinners" that surround them, the result is a simmering stew of envy and hatred that frequently explodes into murderous violence.

Anyone who doubts that what unites these ideologies is resentment need only look at those who turn up when the socialists stage a big event. At any big socialist rally, with plenty of speakers and protesters, you are bound to find feminists conspicuously in attendance. There is absolutely no rational reason for feminists to root for socialism. The decision-making hierarchy of socialist-ruled countries consists almost exclusively of elderly males. It is only in democratic countries that women have been able to use the electoral process to advance to positions of leadership, and women benefit from capitalism's prosperity precisely the same way men do. Yet the socialists' cries for garroting the successful through government make feminists stand up and cheer.

Given the fact that America's relative position in the world economy seems to be in a state of long-term decline, the form of resentment known as "protectionism" is likely to be on the upswing.

You are also bound to find eco-fanatics nodding in agreement, even though socialist economics has left much of Eastern Europe a nightmare of pollution, with conditions far worse than in any free-market country. Yet the eco-fanatic cheers on the socialist. Black radicals will surely be present, approving the socialists' agenda, even though blacks in white-ruled South Africa have a far higher standard of living than in black-ruled African socialist states. AIDS activists cheer on the socialists' cries for greater government control over medical practices and over the economy in general, undaunted by the fact that in socialist Cuba AIDS victims are locked up like criminals. None of this makes any sense from a strictly rational perspective of self-interest, yet each of these groups looks at the others and says, "they're on *my* side." The only factor uniting such groups is their overpowering resentment, their mutual anger and outrage at any person or thing that has the audacity to be prosperous and strong, and thereby accentuate

continued on page 22

Report

A Gathering of the Tribes

Reflections of a Social Anthropologist

by John Baden

Scholarly conferences *can* be fun! That is, if you consider your colleagues as members of primitive tribes.

In the mid-60s, I took a course on contemporary economic and political thought. Near the end of the semester a student asked, "Why haven't we studied any conservative intellectuals?" The professor implied that this is a null set—there aren't any contemporary conservative intellectuals. Today's conservative writers, he explained, are interested only in protecting their positions, not in exploring the implications of ideas and values.

For decades I dismissed his answer as the dribblings of a brain-damaged collectivist. But when I heard Representative Vin Weber (R-Minn), give the opening dinner address at the annual Philadelphia Society meeting, I finally realized that my professor had a point.

The Loneliness of the Long Distance Liberal

Among the joys of running the Foundation for Research on Economics and the Environment is the recurrent opportunity to attend meetings of smart, principled people whose philosophical gyroscopes are aligned with mine.

This is especially important because adherence to the classical liberal principles of minimal government and free markets almost insures loneliness and, indeed, rejection in most university environments. Outside of a few economics departments, academicians who reject the collectivist prescription of good intentions implemented by government command-and-control agencies are typically considered venal or stupid, and probably both. This attitude on the part of colleagues can be rather heavy baggage.

There is no such baggage at meetings of, for example, the Mont Pelerin or the Public Choice societies. It's a pleasure to consort with these groups. Likewise, I seldom miss the annual Heritage Resource Bank-Philadelphia Society gathering. At this year's April meeting, in addition to reuniting with long-time friends, I witnessed subcultures and ideas colliding at the conservative/libertarian crossroads.

As with most such meetings, this one had three major elements: meals with speakers, meetings with speakers, and hall/bar conversations. The opening dinner of this annual meeting usually features a nationally recognized spokesman for the "conservative" agenda. In the past, Irving Kristol has argued the importance of strong federal power when a Bill Bennett is Secretary of Education, and Representative Newt Gingrich has explained the strategic importance of taking a strong stand supporting the War on Drugs. In the name of conservatism, these often become "beat up on libertarians " dinners. I usually get angry.

This year's opening dinner was different; I gained a new understanding of the claim my professor made more than 20 years ago.

The Emptiness of the Short Distance Conservative

Representative Weber was introduced as a leader of the new conservative movement. I've seen too much to expect a great deal of intellectual creativity from politicians; their comparative advantage lies elsewhere. Yet, if a movement is based upon a philosophy, minimal standards require *some* familiarity with the philosophy's major ideas.

What was striking about the con-

gressman was his lack of knowledge of or curiosity about alternatives to statist approaches to environmental quality. His staff apparently had not even briefed him on the free market environmentalist ideas in the books and articles published by his host, the Heritage Foundation. To me, this ignorance was an extraordinary revelation.

For example, free market environmentalists (including me) have argued for more than two decades for the elimination of federal subsidies of environmentally destructive activities such as selling national forest timber below cost, draining of wetlands, and providing subsidized insurance for buildings on flood plains and barrier islands. Despite the consistency of this proposal with conservative fiscal policy, Weber ignored it totally in favor of the usual statist approach acceptable to the voters.

How fortunate are the environmental collectivists to have in Rothbard their intellectual analog to that infamous Secretary of the Interior James Watt!

It's depressing to have one's work ignored, of course, but one mark of maturity is the ability to segregate hopes from expectations. It is increasingly easy to lower intellectual expectations for "conservative" politicians.

Down to Business

The working sessions were far more stimulating.

Having done time as an anthropologist (a year and a half's fieldwork among the Hutterites and a doctoral thesis on their political economy), I especially enjoyed attending a formal session on the classics, featuring papers by the chairman of a department of classics, an editor, and a professor. Their papers outraged many who saw species, sexual, cultural, regional and racial chauvinism proudly proclaimed rather than muttered over a drink.

However, I saw something different: a true subculture complete with two sanctified languages (Greek and Latin), an integrated, coherent belief system, and a system of status differentiation meriting the attention that Tom Wolfe gave Junior Johnson and the other stockcar drivers in the South in "The Last American Hero Yes!" and Wall Street "masters of the universe" in *The Bonfire of the Vanities*.

I usually enjoy people smarter than I, and the classicists were among the brightest people I've encountered. Their performances were masterful. I saw intelligence combined with commitment to the vanishing minority view that our educations should be founded upon an understanding of Greek and Latin. In their view, such study disciplines the mind, inculcates the best wisdom of the ages, and fosters a social order based upon universal truths that can best (only?) be learned in the original. (The Public Choice explanation makes this view seem so grossly self-serving to its proponents that I won't offer it.)

My major disappointment, tempered by the quality of my dinner companions, was the advertised debate between Tony Harrigan, of the protectionist U.S. Industrial Council, and Murray Rothbard. This meeting was a great draw but hardly a debate. Harrigan read a prepared statement and Rothbard gave the extemporaneous speech he's been practicing for 40 years.

And during the week of Earth Day, Murray Rothbard not only disagreed with but scorned those who believe that elements of the environment have more than instrumental value. How fortunate are the environmental collectivists to have in Rothbard their intellectual analog to that infamous Secretary of the Interior James Watt! I wondered how the classicists would deal with the problem of transcendent environmental values.

Primarily, however, I wondered about the professor's claim I heard in the '60s and whether conservatives have made progress. ❑

Robert Sheaffer, "The Conservation of Resentment," *continued from page 20*

their own sense of misery. Hence any member of any one of these resentful groups can easily transfer his or her primary allegiance to any other manifestation of resentment without great difficulty.

Therefore I must regretfully report that the millennium is not yet at hand. We can now understand why those whose powerful envy drove them to advocate a perverse, punishing socialism will not suddenly become ardent capitalists merely because the resentment *du jour* has become discredited, any more than the staunch "New Age" believer will suddenly become a rationalist when the predictions of his favorite psychic don't come to pass. (He will just find a new "psychic," or take up astrology.) Obviously, the psychological need for a doctrine that denigrates the achiever, one that inverts capitalism's hierarchy of good and bad, will be as great as ever. Indeed, the need for it may even become greater, should prosperity rise faster than before.

The socialist who once sought totalitarian control over corporations and individuals in the name of "the poor" is almost certain to continue to pursue those same aims, now in the name of "the environment." Thus, those now going around proclaiming "the end of history" are speaking somewhat prematurely.

Nonetheless, I don't want to sound unduly pessimistic during a time of a great victory. Because the excuses given by the unproductive have now lost their once-sanctimonious ring, it is now much easier for achievers to reclaim the moral high ground. Even if the collapse of socialism does not mean the immediate end of all forms of resentment, at least there won't be quite as much of it around as there was before. ❑

Memoir

Conversations With Ayn Rand

by John Hospers

When most people talked philosophy with Ayn Rand, the relationship was student to teacher. But with Rand and John Hospers, it was philosopher-to-philosopher.

From time to time I had heard Ayn Rand's name. I had seen a few printed comments on *The Fountainhead,* but had never read it myself. I had read numerous reviews—mostly unfavorable—of *Atlas Shrugged,* and determined to make up my own mind by reading it when I was less busy. A cousin in Iowa wrote to me, "If you don't read anything else this year, read Ayn Rand's *Atlas Shrugged.*" I wrote her that I would do so as soon as I had finished writing my ethics book, *Human Conduct.* (Had I but known, I would have interrupted the writing of this book to read the new novel. But I had no idea then of its relevance to ethics.)

The writing took every hour I could spare from classes. But before I had a chance to read *Atlas,* I read the announcement that Ayn Rand herself would address the student body of Brooklyn College, on "Faith and Force: The Destroyers of the Modern World."

It was April 1960. I looked forward eagerly to hearing her. Little did I know how much the course of my life would be changed.

✦

I had no substantial disagreement with the lecture, though I would not have come at the subject the same way. I made some notes about assertions that required qualification or should be stated less strongly, though I did not as yet appreciate the context in which her remarks were set.

When I spoke with her afterward and invited her to lunch at once, she accepted without hesitation. Nathan and Barbara Branden, who had brought her, returned to Manhattan. Ayn graciously consented to reserve an hour for discussion with me. That was at 12:30. We were still sitting in a booth at the restaurant at 5:30.

I have some (but far from total) recollection of our discussion. What I remember most vividly were her friendliness, her directness, her passionate intensity. She was totally serious, totally dedicated to ideas. Her dark eyes looked right through you, as if to scan every weakness. I remember that quite early on she said that she could provide a solution to every ethical problem. I was more than usually interested in this assertion.

I presented her with a problem that had recently occurred to me. A father is told by his physician that he had two choices with regard to his small daughter: If she has a serious operation on her leg, she will suffer much pain, but there is a 50 percent chance that eventually she will be able to walk normally; but if she does not have the operation, she will suffer no more pain but one foot will never grow, and she will be on crutches all her life. What should he decide?

She admitted at once that she couldn't answer that one—it represented no choice between principles, only a choice between applications of the same principle (one I would later identify as "rational egoism"). The solution would depend on certain details resulting from our incomplete knowledge of the situation, rather than on the elaboration of a principle. Recognizing this, I accepted her answer. But that only brought another to my mind: If you are driving and, on rounding a bend, have a choice between hitting a human being or a dog, you would presumably spare the human being. But if the choice was between hitting a stranger and *your* dog, what should you do? Surely you have more interest in preserving your dog than a person you have never met; and you would grieve

more for the dog if it were killed, and so on.

This, she granted at once, was very difficult. There was indeed a conflict of principles here. On a scale of value, a human being is above a dog, for human beings embody many valuable features that dogs do not. On the other hand, on the scale of *my* value, my dog is more important. I thought she would say without qualification that I should save my own dog, but she didn't. Was it that certain things should be done, and certain values achieved, regardless of whether they are conducive to *my* long-range self-interest? Or is it somehow to be made out that in the long run, all things considered, the saving of the stranger will be more to my interest ("no man is an island"), although it may not seem so to me at the moment? If she gave an answer, it was far from clear to me at the time.

But she gave me instant credit for "thinking of ingenious examples." She did this many times during the course of our developing friendship.

✦

We agreed to meet again at some unspecified future date. Meanwhile, I bought a copy of *Atlas Shrugged* and started to work through it. I would teach till mid-afternoon, work on my book most of the evening, and read *Atlas* as long as I could before retiring in the wee hours. I was so excited by it that only a great resolve to go against my inclinations, and an unwillingness to be sleepy that next day, kept me from reading it straight through.

What I remember most vividly were her friendliness, her directness, her passionate intensity. She was totally serious, totally dedicated to ideas. Her dark eyes looked right through you, as if to scan every weakness.

About two weeks went by. I had finished *Atlas* (comments on it below). I received in the mail an invitation to attend one of the NBI lectures, the one in a series of 20 on aesthetics. I accepted gladly.

It was probably the wrong lecture for me to begin with. Had I been asked to attend, for example, the economics lecture, I would have found it a revelation. Economics was virgin territory for me then. But aesthetics was the area where I had done most of my work, including my doctoral dissertation (later published as a book entitled *Meaning and Truth in the Arts*). I found a lot to criticize in the lecture, even though I found myself in general agreement with principal points in Rand's aesthetic.

It was the examples that riled me most. I did not like to see Picasso and Faulkner (to take just two examples) relegated to the scrap-heap. Faulkner was no special favorite of mine, but I had a high opinion of his literary artistry and spoke in his defense. I was almost shouted down by members of the audience who apparently considered my action some kind of treason. Hugo and Doestoyevsky were favorites of Rand's, and mine as well; but we came to loggerheads on Tolstoy. I mentioned in the discussion period that I thought Tolstoy was the keenest observer of details of nature and human behavior that ever wrote, and his ability to provide a rich and vivid impression through the selection of details was probably unequaled in fiction. Ayn responded that the plot in *War and Peace* was quite disconnected, with events not leading "inevitably or probably" into each other—which I granted was often true in this enormous saga. But I thought that individual scenes, such as Prince Andrey's encounter with Napoleon, were tremendously vivid and uniquely moving.

After the lecture, I was invited to Ayn's apartment. Nathan and Barbara were there for a while, but when they left Ayn noticed my copy of *Atlas*. She saw the notes I had written in the margins—comments for my own future reference, not intended for others to see. Ayn offered at once to exchange my earmarked copy for a new copy, inscribed to me. How could I refuse? "I didn't necessarily comment on the most important parts," I said; "I just marked what struck me or appealed to me for one reason or another, often highly personal." She said that this didn't matter, she wanted to see what I liked. And she put my copy aside for future reference.

She was in her best mood—more than friendly, full of enthusiasm and radiating benevolence. Before discussing the ideas in *Atlas*, she wanted to get my impressions of its aesthetic quality. I spent several hours going over this with her. I told her how impressed I was by its intricate structure, with a critical plot development in each of the ten chapters of each part, and a mini-climax at the end of each of the three main parts. I praised the development of the plot from one chapter to the next, the "rising action" as it proceeded from chapter to chapter, the richness accumulating like a snowball always gathering more snow on its downhill course. I showed by examples how a scene that would have been out of place earlier was perfect later, with further developments having intervened. I mentioned how the scenes were a combination of inevitability (given what went before) and surprise when they *did* occur. I extolled the clarity and vividness of the writing, and how I loved especially the total purposiveness of the work, proceeding without irrelevance like a coiled spring, constantly striving toward a goal. I also praised it as a mystery story—clues being dropped here and there, with rising tension resulting (where were the men going who kept disappearing from the scene?); and I praised the discovery of the motor at Starnesville, the discovery of why it had been abandoned, the whole story of Starnesville as told by the tramp on the train that was heading for its doom in the Colorado tunnel—the action rising to almost unbearable heights of suspense, while at the same time it served a philosophical purpose: how thrilling, how right, how perfectly it worked into the structure and texture of the novel. I mentioned that in other philosophical novels, like Thomas Mann's *The Magic Mountain*, the philosophy was not integrated into the narrative and "stuck

out like a sore thumb," but that in her book they were perfectly integrated; a fusion, not merely a mixture.

She was radiant. I had not expected such a glowing reaction, though I knew that authors enjoy hearing praise of their work. I just assumed that she was getting this from all directions, and that my comments just added a minute amount to the existing pile. I learned only much later that she hardly got such comments at all: that people commenting on her work were either harshly critical, not understanding what she was doing or coming from vastly opposed premises; *or* they simply sang empty praises, uttering syrupy remarks with nothing for her intellect to bite on. Apparently I had appreciated the very qualities she had endeavored to put into her work. She seemed warmly grateful that I had discussed them at such length with her.

It was after 2 a.m., and we agreed to meet again at her apartment two weeks later.

At our next meeting I resumed the discussion of *Atlas*. Rearden was my favorite character, because he grows and develops through the pages. I thought her style was clear and eloquent, and more than eloquent in memorable passages like the initial run of the train through the Colorado mountains. But I thought that the parts that sparkled the most, and were the most vibrant with energy, were those in which there was a direct confrontation of ideas, as in Francisco's encounters with Rearden, the dialogues involving James Taggart, and Francisco's remarks about money. This was powerful presentation of ideas and high drama at the same time.

I could see the point of having characters with no defects, such as Galt and Dagny, but though there was a philosophic purpose in this I thought it detracted from the characterizations, which in Galt's case most readers perceived as somewhat unreal. Nor could I fault her decision to make everything end well, though I found the "tragic" parts (such as Wet Nurse's death) more effective in tapping the emotions. We had some disagreement about "acceptable types of fiction." I had no objection to "gutter realism" in which a slice of low-life is portrayed, as in Zola's novels, nor did I demand that the end-effect be inspiring and never depressing, as long as fidelity to human nature was not sacrificed. I admired, for example, Theodore Dreiser's *An American Tragedy* and similar works of "naturalistic fiction" for which she had no use at all.

I had nothing but high admiration for *Atlas* as a paean to economic freedom. I had never thought much about the effect of government intervention in the economy, and I was totally convinced by her descriptions of this. Her economic message in the book hit me like a ton of bricks.

Nor did it take much for me to be convinced by most of her ethical tenets in the book, such as the admiration of independence and integrity, and pride in personal achievement. As a product of a Dutch colony in Iowa in which these virtues were instilled from one's earliest years, I could resonate to all of this without difficulty. I especially enjoyed her attack on tired cliches like money being the root of all evil. I also shared her denunciation of altruism, if altruism was defined not as generosity (which I considered a fine thing) but as forsaking one's own interests in order to pursue the interests of others. I hadn't appreciated how much "love of others" could be appealed to in order to justify the major crimes of history. She was amused when I told her the "parable of the concert ticket," then circulating in philosophic discussions: A is given a concert ticket and wants to go to the concert, but being an altruist he gives his ticket to B, who also wants to go. But B is also an altruist, and is equally committed to forsaking what he wants in order to give to others, so B gives his ticket to C. And so on, until just before the concert the ticket goes to someone who doesn't care for the concert and doesn't even bother to go.

Quite early on she said that she could provide a solution to every ethical problem.

Other aspects of her ideas in *Atlas* would come out in future discussions. The philosophic tenets presented in Galt's speech, for example, were partially (never entirely) chewed over in discussions much later. These things came to the fore in our discussions as the spirit moved. I shall reserve any description of metaphysical and epistemological issues for the second half of this memoir, although in historical fact these discussions were interspersed among our other conversations right from the beginning.

✦

Early in our next meeting we agreed that Garbo was the greatest of the film actresses—an embodiment of intelligence, sensuality, and sensitivity—though Dietrich came in for some discussion, as did Marilyn Monroe, whom Ayn admired not as a sex symbol but as a vulnerable child projecting innocence and vulnerability. This, Ayn thought (and I agreed), was really the secret of her wide appeal.

We lingered fondly on works of art that had meant a great deal to us. We compared notes on plays, films, paintings, and musical compositions. When she said that her favorite dramatist was Schiller, I regretted that I had not known her in time to take her to see Schiller's *Maria Stuart*, the best performance of a play (starring Irene Worth and Eva le Gallienne) I had ever seen. It would have been great to introduce Ayn to that experience, to savor the work together.

The following week I did take her to see the full-evening Martha Graham dance *Clytemnestra*. She was very perceptive about what was going on, though unfamiliar with the medium of modern dance. She liked the dance more than the music, as did I. Frank was ill at the time, and she would take care to make dinner for him before we left, and would rush back afterward to make sure he was all right. Her solicitude for him was touching. But when she made sure he was in satisfactory condition, she returned to the living room and we resumed our conversation.

"Who is your favorite movie direc-

tor?" was one of the questions she asked, presumably to sound me out as to where my likes and dislikes lay. "Fritz Lang," I told her at once. She was instantly suspicious. "How did you know?" she said, frowning.

I was puzzled, then grasped what her suspicion was. "I didn't know," I said. I told her how as an adolescent in Iowa I had haunted the theater to see *Fury*, about a mob attacking a courthouse to lynch a man who turned our to be innocent (Spencer Tracy). I told her how I admired most of all Lang's work *Hangmen Also Die*, about the World War II occupation of Czechoslovakia: its structural complexity—wheels within wheels, just like *Atlas*—and how impressed aesthetically I was whenever little hints were dropped here and there and apparently forgotten, but then picked up later when they turned out to be essential to the resolution. She sensed my enthusiasm, and her warmth and vivacity increased as I related to her (as if it were new to her) various hints dropped in *Atlas* that were picked up and used later on. Apparently her suspicion, that someone had told me who was her favorite director, had vanished. Indeed, in an unexpected burst of warmth, she exclaimed, "Then I love you in the true philosophical sense." I was too surprised and flattered by this compliment to question what the "true philosophical sense" was.

Ayn noticed my copy of Atlas. *She saw the notes I had written in the margins—comments for my own future reference, not intended for others to see. Ayn offered at once to exchange my earmarked copy for a new copy, inscribed to me. And she put my copy aside for future reference.*

✦

I found it incomprehensible that she didn't much like Shakespeare. But I could not disagree with her judgment when I asked her who she thought was the greatest prose artist of the twentieth century. She said "Isak Dinesen." She didn't like Dinesen's sense of life, but thought her a superlative stylist—a judgment in which I concurred. On a subsequent occasion when I brought a copy of *Out of Africa* and read her a page from it, she was positively glowing. She disliked Dinesen's pessimism, but loved the economy of means and the always-just-right word selection. When Ayn and I both admired the same work, and compared our reactions to it and the reasons for our admiration—that was a high point of our friendship. During these conversations the rest of the world was left far behind; nothing mattered but our experiences of these works of art. We held them up to the light, slowly rotating them to exhibit their various facets, like precious jewels. Ayn was all aglow when our reactions struck common ground: she was no jaded critic, but had the spontaneous enthusiasm of a little girl, unspoiled by the terminology of sophistication. Even today I treasure these moments, and can hardly think of them without inducing the tear-ducts to flow just a little.

✦

We did get into a bit of a flap about Thomas Wolfe. I had grown up on his novels, and there were passages of his poetic prose that had become so close to me that I had them virtually memorized. I brought a copy of his *Of Time and the River* one evening and read aloud to Ayn, Nathan and Barbara a passage of about five pages—a part of the description of the young man (Eugene Gant), having left his native North Carolina for the first time, reflecting on his chaotic childhood as the train is pounding away all night through the hills and forests, propelling him forward toward the unknown (his first year at Harvard). I empathized with so much in the passage that I waxed quite emotional in the delivery of it.

When I had finished, Ayn proceeded to decimate it bit by bit. How could I possibly care for such drivel? It was anti-conceptual; it was mystical; it was flowery and overlong. I do not remember the details of the criticism (then as on many other occassions, I wished I had had a tape recorder with me). I remember that they all seemed to be valid points, and I was somewhat ashamed that my emotional reactions did not jibe with these rational ones. But I defended my favorable verdict on the passage with the observation that Wolfe has a tremendous evocative power, the power to generate very intense emotions by drawing on haunting memories of days past and setting them in the context of the present experience.

And then Barbara came to my aid. She said, very simply, "Wolfe is beautiful music." And suddenly it struck me how true this was. I thought of Walter Pater, who said that all great art approaches to the condition of music; and how Wolfe is as near as American literature has yet come to creating literary music.

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Some of her other preferences I found surprising, almost unbelievable. I could see why she liked Salvador Dali, though I couldn't see why she preferred him to Picasso. (My own favorite painters were the post-Impressionists—Cezanne, Gauguin, Van Gogh. She had no use for non-representational painting, though I liked Mondrian a lot—and I tried vainly to convince her that a line could be expressive even though that line was no part of a represented person or object.)

I was most surprised of all by her musical evaluations. Of the classical composers, she preferred Rachmaninoff and Tchaikovsky, and not much else. I liked them too—I had none of the anti-Romantic bias that was then fashionable—but I was astounded that she didn't care for Beethoven or Brahms, and that she didn't like Bach at all. Bach and Handel were my favorites, though almost as much as these I liked certain pre-Bach composers such as Ockegham, William Byrd, De Lassus, Victoria—none of whom she had heard of. I would bring records to her and play parts of them,

but her tastes never changed. When she wanted an inspiring musical theme to introduce her new weekly radio program on the Columbia University station, I played for her some candidates: Purcell's *Trumpet Voluntary*, prelude to Wagner's *Meistersinger*, Handel's *Dettingen Te Deum*, introduction to the march from Berlioz's *The Trojans*. Of all the pieces prior to the 19th century, she said "These represent a static universe," and cared to hear no more. So in spite of all my efforts, the final verdict was still Rachmaninoff. (Were these the composers she heard most during her girlhood in Russia, I wondered, and for that reason made the most powerful impression on her? I brought up to her the difference between differing preferences and differing evaluations. But she stuck to the view that her giving Rachmaninoff the number one place among composers was not merely preference but an "objective" evaluation—though, she added, in the case of music she couldn't prove that the evaluation was the right one.)

Despite having written Atlas Shrugged, *Ayn tended to like works small. She once showed me her study, where she had written the last half of* Atlas. *It was terribly cramped and small, but that was what she felt comfortable with—"infinite riches in a little room," I told her.*

We discussed the objective vs. the subjective in art. I suggested to her that a traditional Aristotelian canon such as organic unity was objective in the sense that the unity is actually to be found in the work (though it may need some pointing out), and that an indication of this was that the criterion had survived with variations for over 2,000 years. On the other hand, I said, there are times when it is less appropriate to say "That's good" than to say "I like it." For example, I tend to like massive works—Michelangelo's *Sistine Chapel*, Bach's *B-Minor Mass*. She, on the other hand, despite having written *Atlas Shrugged*, tended to like works small. She once showed me her study, where she had written the last half of *Atlas*. It was terribly cramped and small, but that was what she felt comfortable with—"infinite riches in a little room," I told her. But the room would have given me claustrophobia within an hour.

✦

This was the honeymoon period. There had been no major tensions between us on any issue. I did not have any idea how quickly her ire could rise. I thought we could discuss any subject as dispassionately as we were now discussing the arts.

She kept inviting me back. For many months I was at her apartment about once every two weeks. We would meet around 8 p.m., and usually agree on a cutoff time of midnight. But when midnight came we were always engrossed in a discussion we didn't want to terminate, and the result was that I seldom left the apartment before 4 a.m. Occasionally we would talk all night, after which she would prepare breakfast for me and I would drive off to Brooklyn in the early hours of the morning.

Whenever I took her out to dinner, she made a point of returning the favor. She and Frank would typically take me to a Russian restaurant. She had no appetite for small talk. Even when I was trying to extricate the car from a tight parking place in front of her apartment, she would be raising philosophical issues. Seated in the restaurant, she would radiate benevolence, but she didn't go in for jokes or humor—most of which escaped her completely. But once in a great while she would laugh like a schoolgirl. When I told her the tired joke about the two behaviorist psychologists meeting one another, the one saying to the other "You are fine—how am I?" she could hardly stop laughing. Apparently the joke exposed in condensed form the heart of a discarded (or eminently discardable) theory. Frank too was caught up in the humor of it. I came to value and respect him

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more and more—not as an arguer (he couldn't do it, he left that department to her) but as a warm, benevolent human being with all the right instincts, and a largely unappreciated (at that time) artistic ability. I have nothing but good memories of him.

✦

At Ayn's suggestion I bought a copy of Henry Hazlitt's *Economics in One Lesson* and it transformed my entire thinking about economics (not that I had done much thinking about it before). She gave me a copy of von Mises' *Socialism* and I devoured that also. (She explained to me that she would not autograph gifts of books, if those books had been written by others.) Here I was the student and she the teacher. Though the conversation always turned to ethical implications, Ayn was not bothered if I asked her purely economic questions. I may have been the only person who learned free-enterprise economics personally from Ayn Rand.

Once in a great while she would laugh like a schoolgirl. When I told her the joke about the two behaviorist psychologists meeting one another, the one saying to the other "You are fine—how am I?" she could hardly stop laughing . . .

Much of her political philosophy had already come through to me in reading *Atlas,* but the conversations with her amplified it enormously. I had never given enough thought to political philosophy, and my conception of it (in relation to ethics) could have been summarized much as follows:

We each have different sets of desires, often conflicting with one another.

We have to put a limit on our desires because, if followed out in action, they often get in each other's way.

In traffic, we need rules of the road: you can't drive on the wrong side of the road, you can't pass cars on hills, you can't exceed a certain speed, etc.

In life, we also need "rules of the road." We have to refrain from doing certain things to one another, such as robbery and murder.

So we need (1) moral principles, for people to obey voluntarily, and (2) laws, for people to be required to obey even if they don't choose to do so voluntarily.

Not everyone will agree about what these rules should be. Should the rules prohibit adultery? abortion? deception or fraud? negligence? Should mentally incompetent people be excused from obeying them? And so on.

We can try to have the rules changed, but once a law is in force we should usually obey it. If everyone disobeyed laws when they felt like it, or even when they disapproved of the law, there would be much more chaos and less predictability in human relations, and all of us would be much less secure than we are now.

As readers well know, Ayn did not fundamentally disagree with most of these tenets. But she came at the whole enterprise in a very different way, much more precise than mine, and cutting lots of important ice in a variety of places.

When I first mentioned to her that I thought the government should do this or that, enact such-and-such a law, she would remind me that the government acts through coercion or threat of coercion: that if you want the government to tax other people for your pet project, you are in effect holding them up with a gun and forcing them to act in accordance with your wishes. You don't wield the gun, but the government agent wields it on your behalf. And that's all right if the government just protects you against aggression (retaliatory use of force), but not if it is to initiate aggression against others in order to achieve your ends. By the same token, why can't it initiate aggression (e.g. forcibly raise taxes) to promote someone else's ends at the expense of yours? If you can use force against A to make A support your favored project, why can't A use force against you to make you an unwilling subsidizer of A's project? It was all so obvious when pointed out, but I had never thought about it in that way before.

I had never formulated to myself Ayn's precept, "No man should be a non-voluntary mortgage on the life of another." But government helping one person at the expense of another is (Ayn reminded me) an obvious violation of this rule. If A's life can forcibly be enslaved to fulfill B's ends, why can't B's life be enslaved to fulfil A's ends? And then it became a matter of who is strongest, or has the biggest gang.

I found Ayn most insightful of all on the topic of rights. (I later came to admire her paper "Man's Rights" more than any other, though it was not yet written at the time of our discussions.) I had read much on that topic, but Ayn's way of laying out the subject struck the jugular in a way that nothing else did. And gradually I came to treat more and more aspects of ethics and political philosophy under the rubric of rights. It also drew my thoughts toward a different magnetic pole: previously, my first question in evaluating a proposed law was "Whom does it benefit and whom does it hurt?" whereas Ayn's first question was "Does it violate anyone's rights?"

I had not thought of the American Constitution before as a distinctive rights-protector—protecting the rights of individuals against their encroachment by other individuals and (most of all) the government itself. And the rights defended in the Constitution and the Bill of Rights, she pointed out, were all of the kind that I called negative rights—rights which demand only from others the duty of forbearance, or noninterference. The positive rights, such as "welfare rights," all demanded as duties some positive action, such as using part of your paycheck to pay for government projects which are supposedly for the

benefit of others. Such subsidies of course violated her voluntarism principle (no one should be a nonvoluntary mortgage . . .). In time I supplemented this with another argument, that only the negative rights are consistently universalizable (applicable to everyone). That is: "I have a right to speak freely" can hold true no matter how many people there are, but "I have a right to part of your income" can hold true only when there are enough other people in society to provide it. If there are not enough givers and too many takers, the principle becomes impossible to apply.

Ayn's input was like a gust of fresh air on a subject (political philosophy) which I had previously considered too dull to pursue—at least the current literature was, if not the subject itself. Prior to knowing Ayn, I was not very happy with any theory on the subject that I knew about. I had realized that in a civilized society you can't let persons do what they want with their lives (such as nothing at all)

At Ayn's suggestion I bought a copy of Henry Hazlitt's Economics in One Lesson *and it transformed my entire thinking about economics. I may have been the only person who learned free-enterprise economics personally from Ayn Rand.*

and at the same time assure them that all their basic needs will be taken care of, courtesy of the state—for where would the state get the wherewithal to supply these needs if many people remained idle or didn't (or couldn't) contribute to it? But I had not resolved the matter in my own mind, nor had I thought of the issue systematically until I was hit with a huge blast of clearly enunciated political philosophy from Ayn Rand.

✦

Gathering diverse data into a neat system had always been exciting to me, and the Randian political philosophy stimulated me to consider the subject seriously for the first time. At the same time, I was skeptical about the acceptability of any system, particularly a neat and elegant one, and was always looking for exceptions to test the system. If truth could be obtained only by sacrificing neatness and elegance, then they would have to be sacrificed.

I was worried, for example, about the welfare problem. I could see that once the government got hold of tax money for this purpose, it was an invitation to graft and corruption, and that people are not as careful with other people's money as they are with their own. And it might indeed be true that in a free unregulated economy there would be such abundance that there would be little or no need for welfare, because private charity would bridge the gap. But I simply could not make myself be sure of this. I was not sure that people's charitable impulses would be expressed in sufficient quantity at the needed time and place. I thought of children living in grisly slum conditions, fatherless and largely untended. The fact (if it was a fact) that at some future time when the economy would be free and far more prosperous than now, such people would not be in need thanks to private charity, was no help to them now—the help they needed was immediate, and the children's situation was not their own fault. And I was quite sure that some parents would always be so lazy or incompetent that they could not (or sometimes would not) hold any job at all, no matter how prosperous the economy—the general prosperity would simply pass them by.

I was even more convinced of the need for universal education. Without it, many children with high potential would not have the benefits of education, and their talents would simply be wasted—don't they all deserve a chance? I was all in favor of competing private schools (rather than a government-run educational system), but I wanted to make sure that private benevolence would get to the right place at the right time and in sufficient amounts. I found myself more sure of the need for universal educational opportunity than I was of a political theory in which education was no concern of the state. I agonized over this.

Ayn never assented to the view that private charity was "guaranteed to be sufficient." The recipient had no

My first question in evaluating a proposed rule of law was "Whom does it benefit and whom does it hurt?" whereas Ayn's first question was "Does it violate anyone's rights?"

right to receive what was not freely given, and if not enough was freely given, that was unfortunate but not immoral; what would be immoral would be to force the giver to give (which would be robbery). The moment you start nibbling away at a principle by making exceptions, the more you will be led to make further exceptions, and finally the whole principle will go up in smoke. Why could Ayn rest comfortably with this, while I could not?

The marvelous passage in *Atlas Shrugged* beginning "Stand on an empty stretch of soil in a wilderness unexplored by men and ask yourself what manner of survival you would achieve . . ." kept hammering through my mind. If you penalize those who make life economically bearable for the rest of mankind, what hope is there for future improvement? It is not only impractical, but immoral, to kill the goose that lays the golden eggs. At the same time, here are the horribly deprived children of the ghetto, finding themselves in a situation not of their own making from which they could not extricate themselves without help. I was unhappy, even ashamed, that I could not resolve this burning issue to my own satisfaction.

I would keep speaking of needs that could not be met through private charity—at least that was my fear. I would speak of the homeless and starving of the world. Each day's headlines would call attention to more instances of this, usually in Africa or

Asia. At last I think Ayn lost patience with me. Instead of agonizing over this, she said, I ought to take steps to ensure a free market in those countries. There is no greater creator of prosperity than the market.

She was not against charity, she said. If a needy person came to her door, she would not say no. When she said this, I replied, "What of the thousands of people who *can't* come to your door, because they're too far away, too sick, too crippled, or are small orphaned children?" She then told me again somewhat brusquely that I was looking at the issue from the wrong end. I was viewing it from the point of view of the needy; I should look at it instead from the point of view of the *producers* of wealth—all charity would have to come from the surplus of their production (here she referred me to Isabel Paterson's *The God in the Machine*). If production was not sufficient, these people would have to do without in any case. Charity must come from their surplus—and not a surplus wrung from them by coercive taxation, but whatever surplus they voluntarily chose to allot for this purpose. And then she described how an industrialist could do much more good by keeping his company solvent and his employees on the payroll than by selling it and giving the proceeds to charity. And unless I came up with some new ideas on this subject, she indicated, she considered the subject closed, not to be brought up again.

She told me somewhat brusquely that I was viewing the subject of charity from the point of view of the needy. I should look at it instead from the point of view of the producers of wealth—all charity would have to come from the surplus of their production.

But the subject kept coming into our conversations, even though only peripherally. I remember, for example, describing to her the situation of a person who contracts a disease that requires thousands of dollars each month in medical costs, which he can't afford, and which insurance companies won't take on. "It's not his fault that he contracted the disease," I said.

"And neither is it anyone else's fault," Ayn retorted. I did not pursue the subject, but I remember reflecting that from the fact that it's nobody's fault nothing follows as to who should pay. I could often tell from her tone of voice that she was on the edge of anger, which would break out if I pursued the issue. For the sake of future discussions, I would decide to drop the issue this time around.

On another occasion I mentioned the inequality in the educational system, which did not confer as much time or money on children from the slums, or on those who could learn in time but could not keep up with the rest.

"And what about the geniuses?" she asked—the ultra-bright children who could go ahead much faster, but were kept back by the mediocrities. One genius, a Newton or a Pasteur, could improve the lot of all humanity, but many of them, she thought, had been stifled by the educational system catering to the dull-witted.

I quoted to her once Anatole France's statement that the rich have as much right as the poor to sleep under bridges. "And who built the bridges?" she shot back at me like a bullet. Nothing aroused her ire faster than quotable quotes from liberals and leftists.

✦

I invited her one day to teach my ethics class at Brooklyn College, and she accepted at once. The students were impressed, but it would have taken much longer than an hour to make her line of thought come home to them. On another occasion she visited my graduate ethics seminar, at which she made some apt comment about the emotive theory of ethics (which we were then discussing). She expressed some surprise that I let my students take just about any position they chose. I did point out logical fallacies and inconsistencies, and tried to bring out the hidden presuppositions of views which I thought they accepted too hastily, but I was far from anxious in class to get them to believe whatever I myself believed. I could see that Ayn was less tolerant of deviant beliefs; I explained to her that I was more concerned with *how* they came to believe what they did.

I told her that I thought the great danger was to accept a view, even a true view, for an inadequate reason, or for the wrong reason, or no reason at all—or as an article of faith, because of a teacher's magnetic personality. Such faiths, I said, could be adopted one day and discarded the next when another guru came along. Once they make their degree of conviction proportional to the actual evidence for a belief, they can be trusted to arrive at true beliefs themselves. It is the method more than the content that (I suggested) has to be taught—which was just what the American educational system was not doing.

She agreed, of course, that one should not accept beliefs on faith—though surely, I thought, she knew that many of her disciples came to espouse her views largely because of her personal magnetism. At any rate, Ayn wanted to guide them to "correct beliefs" more than I did, so as to be sure that they ended up in the right place.

✦

We discussed many aspects of private property. Her view that all property, including roads, should be private was new to me, and fascinating. I remained a bit skeptical about roads, for it seemed to me that, like oceans, they are primarily ways to get from one place to another, and I didn't think these should be in the hands of a private party who might be vindictive against certain persons or groups. The considerations that justified private ownership of houses and land did not seem to me to justify the private ownership of roads and navigable waters.

But our main disagreement occurred when I mentioned a car trip I had taken into the South when, as a

student at Columbia University, I had been a fellow passenger with a black student. The moment we entered the South, there was no hotel or motel, and very few restaurants, that would accept him. I considered this grossly unjust; so did Ayn—an example of collectivism at its worst (racism being a particularly crude form of collectivism). Our disagreement came when I said that motels should be required to serve persons regardless of race. But she held to her view that motels are private property and people should be able to admit whomever they choose on their own property. True, blacks were as entitled as whites to build motels, and then serve only blacks if they so chose. But the issue was academic—in view of history, and the economic status of most blacks, there just weren't enough black property-owners in the South to make this a viable option. Again, I would make an exception to a principle in order to correct an injustice. And Ayn, perhaps seeing better than I did where this might lead, declined to make the exception.

I quoted to her once Anatole France's statement that the rich have as much right as the poor to sleep under bridges. "And who built the bridges?" she shot back at me like a bullet.

I remember another argument we had, concerning censorship. Only government, she said, could be said to censor. I brought up the case of the Catholic Church censoring a book or film. She insisted that this was not censorship. A cardinal or pope may threaten excommunication for reading the book, but if one doesn't like it one can leave the church that imposes such restrictions. The church can't take away your citizenship or put you in prison. The government, by contrast, can do these things.

The question was whether these differences were sufficient to entitle us to say that it is censorship in the government case but not in the church case. One could slice that either way, I suggested. But *suppose* that I grant that the government can censor a film and the church can't (i.e. what the church does isn't censorship). What then of the following example? A book is published exposing the practices of certain drug companies and pharmaceutical houses. The drug companies don't like this, but of course they can't arrest anyone for buying the book. So they pay the publisher X thousands of dollars to withdraw the book permanently from circulation. The book is then as effectively stifled as if the government had banned it. Is that not censorship? No, not by Rand's definition. Yet it has exactly the same effect as government censorship; would it really be false, or even unreasonable, to say that the book had been censored? Ayn opposed all government censorship, but she had no objection to the voluntary agreement between the publisher and the drug company.

One other aspect of political philosophy that seemed to bother Ayn as well as me was the problem of imperfect governments. A government that uses force only in retaliation against its initiation by others is entitled to our support. But every government in the world violates this principle (that force may be used only in retaliation). Even the act of collecting taxes is the initiation of force against citizens. Under what circumstances then is a citizen obliged to do what his government decrees? What if the law says that you can't use physical force to restrain the person who is in the process of stealing your car (you can't commit a crime against a person to correct a crime against property)? That is the law in the United States; but suppose you don't agree with that law. Must you obey it anyway?

More serious still, what if the government itself is a rights-violator? Ayn would not say that the government of the U.S.S.R deserves our allegiance, or that we have a moral duty to obey it (e.g. report our friends who criticize the government). But the government of the United States differs only in degree from such a government. Should we obey only those laws that do not violate the retaliatory force principle (that is, only laws in which the government is exercising its proper function, the retaliatory use of force against those who have initiated it, such as murderers and muggers)? But then are we free to ignore all the others, such as laws prohibiting polluting someone else's property (or is pollution to be called a case of the initiation of force?)? It seems as if the phrase "initiation of force" isn't very clear, and its application to cases far from obvious.

Ayn agreed that one should not accept beliefs on faith—though surely, I thought, she knew that many of her disciples came to espouse her views largely because of her personal magnetism. She wanted to guide them to "correct beliefs," so as to be sure that they ended up in the right place.

Suppose you head the government of Spain and the Basques rebel, seeking independence. Should you suppress the revolt or not? One view would be that you should suppress it in order to restore law and order, which after all is what government is all about—you can't be expected to live in a state of civil insurrection. On the other hand, if you think the Basques have been served a bad hand for these many years, you will think their cause a just one, and if Spain suppresses the revolt then Spain is initiating force against those who only want their freedom. (And the same with Northern Ireland, etc.) I suggested that what you will call initiation and retaliation will depend on your sympathies. You will put down the rebellion if you think the Spanish are in the right; if you think they are not, you will encourage the rebellion in the cause of freedom (and perhaps argue that they are only retaliating against the past aggres-

sions of Spain, in keeping them part of Spain when they wanted only to be independent).

Let's accept the non-initiation of force principle, I said. How to apply it in cases is very, very sticky. Your country may have started the war, but if you are a soldier and another soldier comes at you with a bayonet, you will retaliate (preventatively?) even though your country, or its government, had initiated the conflict.

What justifies government, I wondered, in raising an army and doing other things connected with national defense? Government, she said, is the *delegated agent* of the individual to act in his or her self-defense. (She described all this in her paper "The Nature of Government," but that had not yet been written at the time of our discussions. Neither had any of her nonfiction works other than a very few short papers such as "Notes on the History of Free Enterprise" and "The Objectivist Ethics.")

Ayn was all for population expansion. She mentioned the vast stretches of Nevada and Wyoming, largely empty of human beings; the United States could double its population and still not be crowded. A capitalist economy could do all this and more. I did not deny that it could, but wondered what room would be left for wild animals and plants if the human race filled up all the cracks.

But this worried me. What about people who don't *want* the government to act for them in such a capacity—either they don't trust the government to do this, or for some other reason don't desire the government to act as their agent? Ayn's view (as I remember it) was that the government protects them whether they want the protection or not. (For example, it protects insane people although the insane people can't give their consent.)

I was also concerned about how such delegation occurred. I don't remember delegating my right of self-defense to government or indeed to any other person or institution. No contract was signed, nor was there, apparently, even an implicit agreement. But then there was a discussion of what constituted implicit agreement. John Locke, I said, held that continued residence implies consent, but surely this is mistaken—did continued residence in the U.S.S.R imply consent to that government? Like so many other issues, we played around with this one for awhile without coming to any definite conclusion.

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Ayn and I had very different attitudes toward nature. I liked vacations in the mountains, swimming in lakes, tramping through the woods. She cared for none of these things. The city was man's triumphant achievement; it was not nature but man's changes on the face of nature in which she reveled. She had (I gathered) broken Frank's heart by insisting on the move to New York City from their estate in the San Fernando Valley, where Frank had been in his element. But she had had enough of nature. She spoke movingly to me of Russian villages in which anything manmade was treasured. She spoke of having to walk, as a child, with her parents, through the Russian countryside from Leningrad to Odessa, to live with their uncle and escape starvation (her father had been classified as a capitalist by the Bolsheviks, and left to starve with his family in Leningrad). "Why should I help to pay for public beaches?" she once said. "I don't care about the beach."

I liked fresh fruit for dessert, and tried to avoid pastries. She, on the contrary, loved pastries; perhaps the fresh fruits reminded her too much of the wild nature of which she had had her fill in Russia. She tempted me with pastries when she and Frank took me to a restaurant, and I of course gave in and devoured as much pastry as she did.

✦

Other than the details just mentioned, she seldom referred to her early years in Russia. She preferred to discuss principles rather than specifics. But when I mentioned tyrannies and dictators, her voice would become hard and unrelenting. She almost sputtered in indignation at the mention of Khruschev, who was then at the helm in the USSR. I suggested that there has been some improvement there since Stalin, and that people were being invited to write letters of complaint to newspapers, for example about pollution and industrial inefficiency. "So that they can smoke these people out and then arrest them!" she spit out, from as deep a reserve of anger as I had ever heard in her.

She may not have known much about psychology—and she admitted as much—but when it came to the psychology of tyrants, she was a master sleuth of human motivations. She knew, as if from inside, how tyrants think. And her voice, it seemed to me, contained the grim but unspoken residue of years of hurt, disappointment, and anger in being victimized by tyrannical governments and their incompetent and uncaring bureaucracies. (She specifically instructed me to read Ludwig von Mises's little book *Bureaucracy* to see why bureaucracies always worked badly, and I did.)

✦

I did not have the unpleasant associations with the wide open spaces that she did. I was concerned with conservation of natural resources, including wildlife, and worried about the deterioration of the soil and the extinction of species. I was concerned too about human overpopulation of the globe and its effect on nature, the animal kingdom, and man himself. She did not seem to share my concern. Nature was merely a backdrop for man. As for overpopulation, she was all for population expansion. She mentioned the vast stretches of Nevada and Wyoming, largely empty of human beings;

the United States could double its population and still not be crowded. A capitalist economy could do all this and more. I did not deny that it could, but wondered how all these added people in the wastes of Nevada would make a living, and how they would get enough water, and what room would be left for wild animals and plants if the human race filled up all the cracks.

But I found no responsive chord in expressing these worries to her; this was a vein that could not be tapped. The most vividly-expressed concerns on my part evoked in her only a kind of incomprehension. Of course one could put this the other way round: that she could find in me no responsive chord by which to move me to the realization that these concerns were of no *human* importance.

I mentioned to her once that I thought the Europeans who settled America were in some respects more barbaric than the Indians they replaced: they robbed the Indians of their land, they decimated them with guns and smallpox, and robbed them of their food by wantonly killing their buffalo. What made the whites triumph, I opined, was not the superiority of their intellect or even the superiority of their political philosophy, but the superiority of their technology, specifically firearms. We had guns and the Indians didn't; that was what defeated them, I said.

Native Americans were not among Ayn's concerns. The greatness of the political ideal of the Founding Fathers overrode all the rest in her view. Not that she wanted the Indian exterminated, of course—she wanted him to be a part of a nation operating on the principles of the American Constitution, a citizen, a voter, an entrepreneur if he chose to be.

Native Americans were not among Ayn's concerns. The greatness of the political ideal of the Founding Fathers overrode all the rest in her view. Not that she wanted Indians exterminated, of course—she wanted them to be a part of a nation operating on the principles of the American Constitution, citizens, voters, entrepreneurs if they chose to be. A proper government would have had a place for all races on equal terms. The shame that I, a descendent of some of these European intruders, felt at what my ancestors had done apparently was not felt by her. And what should have been done if the Indian wanted no part of the white man's government is a topic that she never addressed; or whether, if the Indian had claimed all of America as his own, since he had been here first, this claim should be honored. That America had a functioning Constitution limiting the power of government and promoting individual liberty—this, in her view, was such an extreme rarity in the history of nations, and such a unique event on this planet, as to justify whatever trouble it cost. The view of the white man as an interloper on another's domain was strange indeed to one for whom America had been a beacon of light in a dark world—and which had meant for her the saving of one's spirit and one's very life.

✦

On a visit to my parental home in Iowa I stopped to visit a colleague who had just returned from Peru. I had given Ayn my phone number in Iowa, and sure enough, she phoned. I remember asking her on the phone what she would say about the situation in Peru, where a few landowners (descendents of the Spanish conquistadors) owned almost all the land, leaving the native Indians little or nothing. Ayn remarked that if they didn't use all the land themselves, but let it lie fallow as I described, they could make a lot more money renting it out to the native Indians, and in the course of time the Indians with their earnings could buy portions of it back, so as to own it once again.

But that won't work, I said—the Spanish purposely let the land lie fallow (some of the most fertile land in the nation), as a matter of *pride*, to show others that they don't *need* to cultivate it for profit. Thus the Indians can't even share-crop any of it, and are forced to settle further up into the mountains on land whose soil is too thin to withstand the plow. I suggested that under such conditions a government policy of land redistribution was called for.

"Maybe I could write the script for the movie Atlas Shrugged*," I said, more than half in jest. But at once she put her foot down, though in good humor. "Nathaniel Branden is going to write the script for* Atlas Shrugged*," she said decisively, and that was that.*

Such a torrent of abusive language against compulsory redistribution then came over the wire that my parents could hear it across the room. I could hardly get a word in. I had no idea that mention of compulsory redistribution would ignite such venom. I said why I thought it was usually a bad policy, but that in the conditions described it would probably be desirable, as when MacArthur did it in postwar Japan. But she would not hear of it. Dinner had been set on the table, and I motioned my parents to go on eating without me. But they didn't, and by the time Ayn's telephone tirade was over, half an hour later, the dinner was cold.

✦

It was pleasant indeed to be invited to Ayn's apartment to meet Mr and Mrs Henry Hazlitt and Mr and Mrs Ludwig von Mises. There wasn't much shop talk, but it was wonderful to meet them and to socialize with them. (I later met with Henry Hazlitt numerous times in connection with his forthcoming book *The Foundation of Morality*.) I felt honored to be invited to join this distinguished company. I also enjoyed several luncheon meet-

ings with Alan Greenspan.

I learned much more economics from my conversations with Ayn. But once I put my foot in it. She was explaining why, if some industry was to be deregulated, the businessman would have to be given fair warning, else he would be unable to make the rational calculations he would have to make at the time.

I said nothing in response on that occasion. But a few weeks later, when she exclaimed that the New York taxicab medallions should be abolished at once, I said "But consider the taxi driver who has bought a medallion for $25,000 just before their abolition. He would lose that whole amount. Shouldn't the taxi driver be given an interim period also for making his own rational calculations?"

I told Ayn that I thought she was Kantian in her insistence on acting on principle (even though she and he didn't share the same principles). She would also praise impartiality of judgment as strongly as any Kantian. Sometimes, when we were discussing another view, I would twit her, saying, "You're too Kantian to accept that, Ayn," and she would smile.

She saw the point. "You bastard!" she exclaimed, and flounced out of the room to prepare tea. I could hear the cups clattering in the kitchen, and Frank trying to pour oil over troubled waters. When she returned to the living room she had partially regained her equanimity, but was still curt and tense.

I learned from that incident that it didn't pay to be confrontational with her. If I saw or suspected some inconsistency, I would point it out in calm and even tones, as if it were "no big deal." That way, she would often accept the correction and go on. To expose the inconsistency bluntly and nakedly would only infuriate her, and then there would be no more calm and even discussion that evening. I did not enjoy experiencing her fury; it was as if sunlight had suddenly been replaced by a thunderstorm. A freezing chill would then descend on the room, enough to make me shiver even in the warmth of summer. No, it wasn't worth it. So what, if a few fallacies went unreported? Better to resume the conversation on an even keel, continue a calm exchange of views, and spare oneself the wrath of the almighty, than which nothing is more fearful.

✦

At the same time, she was an inspiration to me. It was inspiring to talk with someone to whom ideas so vitally mattered. By presenting intellectual challenges she set my intellectual fires crackling in a new way. And she was largely responsible for renewing my spirits.

I never got bored with teaching—I always enjoyed contact with students—but I had become discouraged about its results. A class ends, I seldom hear from the students again, and a new crop comes in with all the same errors and unquestioned prejudices and assumptions as the one before. I suppose this was to be expected, but I was often discouraged by the lack of improvement. Doubtless I could have noticed some if I had been able to follow the members of the class after they had had my courses. And as for changing the world from its ignorance and lethargy, there seemed little hope of this occurring; all the combined efforts of high school and college teachers seemed to do little to prevent wars or create happiness or even ease the human situation very much.

So I was surprised when Ayn said, "Yours is the most important profession in the world."

I responded, "Important, but not very influential."

"That's where you're wrong," she said. "You deal in ideas, and ideas rule the world." (I seldom quote Ayn directly, and do so only when I clearly remember exactly what she said.)

I objected rather lamely that I didn't see any ideas molding the world, in fact that the world seemed quite indifferent to ideas.

But she persisted that it was indeed ideas that ruled the world—and that if good ideas did not come to the fore, bad ones would rule instead. Nature abhors a vacuum, and it is when good ideas are not taught that a Hitler or a Lenin can come in, filling the vacuum, trying to justify the use of force (for example) against entire classes of victims, when even a modest amount of teaching about human rights would have shifted the battle of ideas and perhaps carried the day. She reiterated that it was ideas—specifically the ideas underlying the American Revolution—that had created the greatness of America. Prosperity had been a *consequence* of the adoption of these ideas; it occurred when physical labor was animated by an economic theory by which the work could be productive.

We came back to the subject many times, and I began to notice a new energy in my teaching, a new bounce in my attitude, as if the intellectual life was not fruitless after all, and as if I might even make a bit of real difference in the world. Not much in the whole scheme of things, to be sure; but later, when ex-students would say to me, "My whole life has been changed by your course," or "Something you said at the end of your lecture one day years ago changed me forever," the words not only buoyed me up, but made me aware of a fearsome responsibility.

I don't know whether I ever communicated to Ayn this gradual change in my professional attitude. In a way, she had saved my life. I wondered, much later, whether she ever knew this.

✦

She did not take kindly to any recommended change in her writing, not even a single word. I was strongly in sympathy with this. Even if a word was appropriate in what it meant, it might not fit into the rhythm of the sentence or the idiom of the passage. But there is one occasion on which she gave way to me nonetheless. She showed me the typescript of her forth-

coming introduction to Victor Hugo's novel *1793*. I then proceeded to read certain passages of it aloud to her. By this means, I convinced her that some passages were unidiomatic, and that certain words hindered the ambience rather than helping it. She went along with all my recommended changes. "Boy, do you have a feeling for words," she said glowingly as she made the changes.

✦

She was convinced that on my forthcoming trip to California I should call on her Hollywood producer, Hal Wallis. "He's a movie producer," I said; "I would have nothing to say to him. And he'd be about as interested in me as in a hole in the ground."

Not so, she said. She said I had no idea what an intellectual inferiority complex these people have. "To have a philosopher come to *them* would be an honor to them," she insisted.

But I had no idea what I would say if I did go; I would probably stand there with a mouthful of teeth. (And I never did follow her suggestion.) "Well, maybe I could write the script for the movie *Atlas Shrugged*," I said, more than half in jest.

But at once she put her foot down, though in good humor. "Nathaniel Branden is going to write the script for *Atlas Shrugged*," she said decisively, and that was that.

✦

She reserved her best-chosen curse words for her philosophical arch-enemy, Immanuel Kant. She considered him the ultimate altruist and collectivist. Though not a Kantian, I did not share her extreme view of him. I invited her to read his book on philosophy of law, with its defense of individual rights, and certain sections of his *Metaphysics of Morals* in which he discussed duties to oneself. But it was all in vain. She insisted that these were only incidental details, but that the main thrust of Kant's philosophy was profoundly evil. I did not consider him more altruistic than Christianity, and in some ways less so.

I did get her to acknowledge agreement, I think, with Kant's Second Categorical Imperative, "Treat every person as an end, not as a means," even though I tended to believe that the implications of this precept for ethical egoism might be ominous. And I told her that I thought she was also Kantian in her insistence on acting on principle (even though she and he didn't share the same principles). I even thought that she shared some of his emphasis on universalizability: that if something is wrong for you to do it is also wrong for others (in similar circumstances), and that before acting one should consider the rule implied in one's actions as it if were to become a universal rule of human conduct. She would praise impartiality of judgment as strongly as any Kantian. Sometimes, when we were discussing another view, such as existentialism, I would twit her, saying "You're too Kantian to accept that, Ayn," and she would smile and sometimes incline her head a bit, as if to admit the point before going on with the discussion.

✦

The more I thought about it, the more I was convinced that the most fundamental distinction in practical ethics was between individualism and collectivism. Consider the American Civil War, I said. Assuming that it played a decisive role in eliminating slavery, wasn't the result worth the loss of half a million lives? Yet it may well not have been worth it to the men who were drafted into the army to fight that war. The fact that it "helped the group" (the collective) may not have been much comfort to them.

Or consider the American Revolutionary War. It produced an enormous benefit, the founding of a free America, and was the most nearly bloodless of all major revolutions. Yet was it "worth it" to those who shed their blood fighting in the cause of independence? If you look at the group as a whole, the group was better off because those wars were fought; we're glad that *somebody* did it. But if you look at the individuals, it was a case of *some* individuals sacrificing their lives so that *others* could live in freedom and prosperity.

Ayn's response was that no human life should be sacrificed against that person's will. If a person believes a cause to be worth it, such as freedom from slavery or oppression, then he may willingly sacrifice his life for that cause; but no one should be forced to do so. The sacrifices must be made *voluntarily*.

But are you enlisting voluntarily if you do it because you'll be drafted anyway later? I wondered. Perhaps voluntariness is a matter of degree. And what if the Germans are invading France and the Germans draft all their young men and the French don't? Then the French would be overrun and perhaps enslaved. To escape this fate, France institutes the draft. But this example didn't deter Ayn. Then France is overrun, she said. (The principle of voluntariness must not be violated.) And maybe the prospect that this was going to happen would be sufficient to make most Frenchmen voluntarily enlist.

✦

But then, I suggested, there is another problem: what is meant by "voluntary"?

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You think about doing something, you deliberate, then do it. Nobody forces you or pressures you. Let's take this as a paradigm case of voluntary action. On the other hand, someone with a loaded gun at your back says to you, "Your money or your life," and you surrender your wallet. This is a case of coercion, and ordinarily we'd say you don't give up your wallet voluntarily.

OK, now the problems begin. What exactly distinguished these cases? Some say that a voluntary act is one of which one can say that just before it one could have done otherwise. Thus the patellar reflex and other reflex actions are not voluntary; you can't prevent the response.

But all our everyday actions are by that definition voluntary, including our response to the gunman: we could have, just before surrendering the wallet, decided not to surrender it. That was within our power. (Indeed, some would say, "Under the circumstances, you voluntarily chose to give up your money.") The result of using this definition is that practically all our acts are voluntary, even the robber example used as a paradigm case of *not* being voluntary.

So, I said, let's take another criterion for voluntariness. With the gunman you can still choose, but your choices are *limited* by his actions. (You *can* choose to give your life rather than your money, whereas without his intervention you would have kept both.) The gunman limits your choices. But so does the employer when he fires an employee, or lays him off because the factory is losing money. The employee's choices are now more limited, limited by the employer's actions.

But has the employer coerced him? Some would say yes, though he didn't threaten the employee's life as in the gunman case. Others would say no, he only limits the employee's choices. Indeed, the rainfall that prevents you from going to the picnic also limits your choices as to what to do that day. Our choices are limited hundreds of times a day—limited by a wide variety of conditions, human and nonhuman. (Our options are never limitless in any case.) So that definition won't distinguish our two paradigm cases from each other; there is something in both cases to limit our choices.

Let's try another, I persisted: an act is voluntary if it's not forced. But now what exactly is the import of the verb "force"? Did he force you to give up your wallet, since you could have said no? Is the child whose parents say to him "Kill your pet dog or we'll never feed you again" forced to kill his dog? Are you ever 100 percent forced, except when you are physically overpowered and literally can't do anything else?

But very few acts are forced in this sense. When we say "He forced me to go with him," we need not mean that he physically overpowered her, but rather that he threatened her or even that he "knew what buttons to push" to get her to do what he wanted. Shall we say in that case that she did his bidding voluntarily? No matter which definition we employ, there are cases that seem to slip between the cracks. Thus, saying "He did it voluntarily" doesn't convey as clear a piece of information as most people think it does.

I concluded that when people say "He did it voluntarily" they usually have no idea of the complexities of meaning that can be plausibly attached to that word; they have no idea which fork in the road they would choose in deciding which meaning of several to take. They just blurt out the word. And that, I suggested, is what philosophical analysis is all about—by suggestion and example ("Would you say this is a case of X? No, then perhaps that would be?" etc.) to draw out the meaning behind the words—to pierce the veil of words so as to get a hold on those meanings. But the words constantly obscure this, often in a bewilderingly complex way. Yet it's important to keep us from blurting out some quick and easy verbal formula. It's not easy, and takes a lot of practice; as Brahms said of his second piano concerto, "It's not a piece for little girls."

But there it is, the difficulties are there, not only for "voluntary" but for "free" and "caused" and "responsible" and "intentional" (to take a few from just one area of philosophy). These are especially dense philosophical thickets, which require lots of thankless untangling. Most people haven't the heart or the will to go through with it.

I fear my little lecture was pretty much lost on Ayn. Her philosophical aspirations lay in an entirely different area. And in time the tension between these approaches to doing philosophy is what probably marked the beginning of the end for us. ❑

End *Part 1*: Conclusion next issue

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Plea

No More Political Labels, Please

by Mark Skousen

A rose is a rose is a rose. But a conservative is a libertarian is a liberal. When labels confuse rather than clarify, they should be dropped.

RESOLVED: That we use political labels as little as possible when describing people's ideologies.

When somebody asks me, "Are you a liberal? Conservative? Libertarian?" I answer, "What's the issue?" Categorizing someone's ideas as either "liberal" or "conservative" is often used to avoid real thinking about actual issues.

I refrain from referring to political positions as either "left" and "right" in my writing. I generally use the word "liberal" to describe a person's spending habits, as in the case of a "liberal" spender—one who is generous or possibly overly lavish. I also occasionally refer to a person who is open-minded and tolerant of other people's views as being "liberal" minded. "Conservative," on the other hand, seems best used in the context of investing—I call a person who is prudent and moderate in his choice of investments a "conservative investor" (as opposed to "speculative")—though it also seems reasonable to describe one who wants to conserve time-honored values as a "conservative." Not surprisingly, I like to be called "liberal" or "conservative" depending on the issue, the action or the mind-set. I dislike being called either if it is a method for throwing me into a convenient ideological box.

The three main reasons why labels are best avoided in political discussions are: (1) Labels are often an inaccurate description of a person's or group's views. (2) Labels often become pejorative terms used in character assassination. (3) Labels put people into political boxes and keep them there, preventing individuals from objectively considering alternative opinions and changing their minds.

Obsolescence, Left and Right

The terms "left" and "right" came into use after the French revolution. In the French National Assembly, the "liberals" sat to the left of the president's chair, the "moderates" in the center, and the "conservatives" to the right. Those on the left were designated "liberals" and "radicals" because they wanted to make major reforms in politics and the economy. Their opponents on the right became "conservatives" and "reactionaries" because they were aristocratic nationalists who wanted to return to the status quo of the *ancien régime.* Those in the center were the "moderates" who were looking for a compromise. This political spectrum has often been used in describing the signers of our Declaration of Independence. Still, though Thomas Jefferson has often been called a classical liberal, calling him a left-winger seems out of place.

This dichotomy may have made sense during the American and the French revolutions. But once the principles of freedom and constitutional law were established (in America, at least), the "liberals" gradually became "conservatives" by defending the new status quo of liberty and limited government. Turnabout being fair play, in the 20th century the collectivists who pushed to eliminate economic freedom and expand the role of the state became the "liberals" or "progressives." Having adopted the favorable titles of "progressive," "modern" and "advanced," they scorned the opposition as "right-wing" and "reactionary." Thus, in the twisted world of political labeling, what the 19th-century liberals supported—free-enterprise capitalism and laissez faire government—the 20th-century liberals opposed by pushing for big government and interventionism in the marketplace.

Label confusion has reigned ever since, and the political spectrum has become a rhetorical version of Abbott and Costello's "Who's on first?" routine. The 19th-century liberal ideals became the policies of some (but by no means all) 20th-century conservatives.

Marxists, Communists and other international collectivists became the "radical left," while the Fascists of the 1930s in Italy and Nazi Germany were designated "right wingers" simply because they opposed the "Reds." But the only difference in their politics was nationalism vs internationalism. The fascists were every bit as collectivist as Stalin.

Believers in economic and political liberty had a hard time dealing with label stereotypes in the 1950s. They opposed the New Deal and wanted a return to laissez faire, so they were dubbed "reactionary conservatives." Because they were ardent "anti-communists," they were linked closely with the Fascists and Nazi-era "rightists." Many conservatives responded by saying they were "old fashioned liberals," but this didn't mean anything to anyone in the torrent of nebulous labels.

Growing up in the 1950s and '60s, I resented these and other pejorative labels. It was nearly impossible to convince anyone of the virtues of free enterprise capitalism, laissez faire government, and opposition to communism if my views were always called "reactionary," "old fashioned," and "Neanderthal." The conservatives responded in kind by calling the New Deal liberals "radicals," "pseudo-progressives," and "communist sympathizers." Only the "moderates" sounded "responsible," and depending on their position on an issue, they usually got hit by traffic going both ways. There was a lot of bad blood, and very little sharing of ideas. Conservatives refused to read John Kenneth Galbraith and *The Washington Post*, and liberals eschewed Milton Friedman and *National Review*.

In the 1970s and '80s the labels became more complex and less enlightening as the political stereotypes began to crack. We now witness dictatorships of the left and the right, market economies of the left and right, revolutions of the left and right, and totalitarianisms of the left and right. We have socialist left-wing parties privatizing public services, and conservative right-wing governments imposing tariffs and higher taxes. We have extreme liberal Democrats supporting deregulation of the airlines and decontrol of natural gas. We have the nation's most liberal newspaper, *The New York Times*, coming out against the minimum wage. We have a right-wing anarcho-capitalist endorsing radical left-wing land reform in Latin America and legalization of drugs in the United States.

In the Middle East we have right-wing Christians killing left-wing terrorists. Soviet opponents of *perestroika* and *glasnost* are called "conservatives" by the American press, as are South African racists. Political analysts are having a devil of a time labeling an old "liberal" publication, *The New Republic*, because its views are no longer predictable. Politicians are now starting to run as individuals and not as members of a political party. And what's this about conservative lobbyists joining hands with liberal lobbyists to fight IMF funding? None of this makes sense if we insist on dividing the world into the standard left-right divisions.

But, alas, instead of scrapping the entire phony nomenclature, everyone seems to be making up more labels. There's the New Right and the Old Right, the Southern Conservative Democrats and the Northern Liberal Democrats, the Neo-Conservatives and the Paleo-Libertarians, the Post-Keynesians, the Neo-Marxists, and the Neo-Liberals. The list goes on and on, growing like topsy and confusing everyone except the most stalwart who spend all day reading everything from every point on the political compass.

Fortunately, some editors and publishers have recently recognized the misleading and counterproductive nature of labeling and have largely discarded it. *Reason* magazine is one example. Eschewing *ad hominem* political tags, *Reason* analyzes issues on their own merits, not based on who espouses them.

For the Scrap-Heap of History

It's time to make a change in our political lexicon. The national press and the political analysts need to stop using the outdated and misleading left-wing liberal/right-wing conservative dichotomy. When someone's philosophy is labeled and compartmentalized, thinking stops and name-calling begins. Once an economist is labeled a Marxist, only the Marxists listen. When a political analyst writes a column called "On the Right," no one except the "right-wing" faithful reads it. Dividing ideology into camps on two sides of the political spectrum tends to elevate both sides to an equal status, as if both policies hold equal sway and are equally justifiable. Then the moderates whisper, "Perhaps we should compromise!" We are left with the erroneous impression that "the extreme left is just as bad as the extreme right." Categorizing philosophies leads toward political nihilism and away from the desire to find the *truth*.

In short, it is high time that political pundits and the national media put away their cold-war mentality and endorse a new standard where each person stands on individual merit and not in some political box. Left and right, liberal and conservative, radical and reactionary—all are words of the past that divide people. I say scrap them. When adjectives are absolutely necessary, let's at least try to be more specific. Use adjectives and nouns that are meaningful, accurate and unbiased. If we don't, the war of political ideas will be decided on the basis of an axiom of my colleague, Larry Abraham: "Those who control the adjectives win." ❑

Dispute

Hard Cases and Universal Principles

Does the principle of inalienable rights provide good answers to complex political issues? Sheldon Richman thinks so. David Friedman thinks we have to look for help elsewhere. The debate heats up.

How David Friedman Abuses "Rights"

Sheldon L. Richman

David Friedman's article on rights ("Simple Principles *vs* the Real World," *Liberty*, September 1989) hinges on an illegitimate move: that since one can imagine hard cases for applying a principle, the validity of the principle itself is thrown into doubt. There is no reason for this assumption.

Rights (per Ayn Rand) are principles that define and sanction man's freedom of action in a social context. They are conditions of his proper existence and hence are morally legitimate and objective. Like any concept, the concept of rights arises from a particular set of facts, among which are man's need of freedom to think and act in order to live and the value of a social existence. One cannot tear rights out of this context and expect them to be useful. To a man alone on an island rights are not an operative principle because there is no one's freedom for him to infringe and no one to infringe his. (This view of rights is essentially different from other libertarian theories of rights, for example, Hans Hoppe's.)

Rights define a moral boundary around each individual to protect him from other men. That the line constituting the boundary may sometimes be fuzzy when two boundaries come in contact with each other does not subvert the value of the concept of rights. When men live together they affect each other in countless ways: they emit from their bodies radiation, odors, and noises; they reflect light. Their activities create other "externalities." If *any level at all* of these externalities constitutes a rights violation we would be in the absurd position of holding that rights require man to either live as a hermit (i.e., outside a social context) or commit suicide. Thus some level of "interference" is consistent with the exercise of rights. Moral philosophy ventures out of its proper realm when it tries to specify the exact line between permissible and impermissible levels of interference. The proper discipline for such an issue is, as Tibor Machan suggests, property law; the proper forum is the courtroom. As Machan writes in *Individuals and Their Rights* (Open Court, 1989), "Property law can develop only in a society that first acknowledges the right to private property and affirms the basic principles of how, initially, to assign property rights. After that, case law, resulting from disputations and explorations that are carried out in courts of (property) law would set the standards. . . . So while there are unanswered questions of great interest, there are also some sufficiently clear answers." (p. 150)

In judging hard cases, the critical difference between risk and threat is relevant. A risky action is one that has some possibility of causing harm. A threatening action is one in which the actor intend's harm or recklessly disregards the consequences. Why may you fly an airplane (above some minimum altitude) over people's houses, but not point a revolver at an innocent person? If the concept of rights is torn out of its moral context, there is no way to answer the question, as David Friedman points out. But if we restore the context, things are not so bleak. Rights come from the objective need to think and act, activities required to live as a rational being. Pointing a gun at an innocent person, given the nature of a gun, cannot usually be related to a rational purpose; it is a threat, not just a risk, and the risk it poses to others is unacceptable. (Yet in a context where it can be related to the rational purpose of self-defense, the activity would be within the actor's rights.) On the other hand, flying an airplane can be related to a rational purpose, and so the risk is acceptable under normal conditions. (One could make a case for enjoining a drunk man from flying an airplane over a city.) Lest one think that society would have an enforceable list of rational purposes, this principle becomes operative only when the action in question exposes others to danger. When this is not the case one's purposes are one's own business.

The question of social convention is also relevant. Within the broad area bounded by the principle of natural rights, there is much room for the growth of convention. Consider: in this society, if someone approaches you, waves an open hand, and says "Hi," you would not be justified in pulling a gun and shooting him. But imagine a

society in which the same gesture and word translate into: "I'm going to kill you, you bastard." In that society, one may be entirely justified in pulling a gun.

Conventions will arise concerning many things. For example, playing rock music loudly at noon may be acceptable even if your classically-inclined neighbors can hear it, while playing it at midnight may not be. If you move next door to a Chinese family and the smell of Chinese cooking makes you queasy, you may have to close your windows rather than get an injunction against the cook. Conventions and homesteading considerations (who was there first) will govern.

This brief comment cannot be exhaustive. Left unexplored is the vast subject of how entrepreneurship and contracts (such as condominium agreements) can create *ex ante* solutions to the sorts of problems we are discussing. But this is not fundamental to the issue, because even if contractual communities arise that foresee every possible problem involving its residents, there could still be conflicts between communities that will have to be resolved in the absence of a contract.

One cannot tear rights out of context and expect them to be useful. To a man alone on an island rights are not an operative principle because there is no one's freedom for him to infringe and no one to infringe his.

I also have not taken up the difficult matter of emergencies. Rights, again, arise in a social context. A social context implies a general harmony of interests among men in normal circumstances. If men did not have a natural harmony of interests, if, for example, men had to consume human flesh to sustain themselves, the concept of rights would be meaningless. When men are outside a normal social context and human life is not possible, which is the case in emergencies, rights are not applicable. If one's life is in danger, one may take actions aimed at restoring normality that would be immoral in normal circumstances. Or, to use David Friedman's example, if a machine-gunner is about to open fire on an innocent crowd, you may grab the pistol of a passer-by to eliminate the machine-gunner. While you may take all action required to restore normal conditions, you may not regard an emergency as a blank check. For example, during a hurricane, you may not loot the local appliance store. The rule of emergencies does not mean that rights are not absolute; they are absolute in their *context*.

This is a tricky issue because we cannot have the precision that we find in, say, mathematics. But as Aristotle wrote in the *Nicomachean Ethics*, "[W]e must . . . not look for precision in all things alike, but in each class of things such precision as accords the subject matter, and so much as is appropriate to the inquiry." We can be certain of a three things: first, emergencies are by definition exceptions; second, that rights don't apply in these necessarily limited situations cannot justify institutionalized aggression, that is, statism; and third, we should derive our ethics and political philosophy from the normal conditions of human existence, not from the exceptional. As Rand taught, the purpose of ethics is the enjoyment of life and living.

One cannot (nor should one be asked to) specify *a priori*, as it were, all the acts that should and should not be regarded as rights violations. One would have to have a wealth of currently unavailable information before deciding many cases. But this in no way subverts the principle of individuals rights or requires us to find another principle (for example, utilitarianism) for determining what people may do. Rights come from the objective goodness of each man's pursuit of happiness. That is what validates them. Nothing more is required. ❑

(Conversations with Professor Tibor Machan of Auburn University and Alex Tabarrok of George Mason University were most helpful in the preparation of this article.)

Law, Economics, and Liberty: Where Richman Goes Wrong

by David Friedman

In my original article, I argued for two central propositions. The first was that "simple statements of libertarian principle taken literally can be used to prove conclusions that nobody, libertarian or otherwise, is willing to accept"—for example, that it is immoral to exhale. The second was that if one qualifies the principles to avoid such problems, they then "do not provide answers to enough important questions. In particular, they provide no answer, and no way of getting an answer, to a whole range of questions about where to draw lines."

My conclusion is not that natural rights are wrong (although I have serious doubts of claims, by Rand and others, to have in some sense proved them) but that they are, at least at present, useless for answering certain questions.

So far as I can tell from his reply, Sheldon Richman agrees with both of these propositions. He writes: "Thus some level of 'interference' is consistent with the exercise of rights. Moral philosophy ventures out of its proper realm when it tries to specify the exact line between permissible and impermissible levels of interference." In other words, the pure form of the non-aggression axiom is wrong, and the more complicated correct form does not tell us where to draw the line between what we are and are not permitted to do.

There remain, I think, two points of disagreement. First, Sheldon Richman apparently believes that I have rejected, or even that I think I have refuted, the idea of rights. He is mistaken. The article in question was excerpted from the new edition of my book *The Machinery of Freedom*, where it forms the first two chapters in a three chapter sequence. The first chapter

continued on page 50

Analysis

The Orwellian University

by Charles Thorne

One attends college, presumably, to learn. Students today are learning strange lessons, like how to restrict free speech in the name of academic freedom. It's as if Big Brother had taken over the universities . . .

Across America, colleges and universities have enacted student codes that prohibit "discriminatory" speech and conduct by students inside and outside the classroom. Penalties for violations typically include reprimands, mandated public apologies, compulsory attendance in a class concerning the group discriminated against, and expulsion. The University of Pennsylvania, the University of North Carolina, Tufts University and the University of Connecticut are among the many universities that have adopted some form of an anti-discrimination code.

Whatever the intent of these codes, in practice they have had the effect of undermining academic freedom and free speech, two principles that are at the heart of the purpose of a university. Anti-discrimination codes have been used to suppress free speech directly by sanctioning students for making statements about women, blacks, homosexuals, and other racial and ethnic groups that are offensive to those who have read or heard the remarks. Moreover, the mere existence of these codes undoubtedly "chills" the expression of ideas about race, ethnicity, gender and sexual orientation by students who do not want to risk being accused of committing a violation.

Recently, a federal district court judge in Detroit, Avern Cohn, struck a blow for academic freedom in a case that should force a re-examination of the whole effort to proscribe "discriminatory" speech and writing on college campuses. The case, *John Doe v. The University of Michigan,* involved a constitutional challenge to the University of Michigan's anti-discrimination code or "policy," as it was called. It was brought by the Detroit chapter of the American Civil Liberties Union on behalf of a graduate student at the University who claimed that, because of a fear of being sanctioned by the policy, he had refrained from discussing certain theories in psychology classes regarding sex- and race-based differences in human behavior. After hearing arguments from both parties, the judge declared the policy to be in violation of the First Amendment guarantees of freedom of speech. One of the nation's outstanding public universities had thus suffered the embarrassment of being taught respect for freedom of speech by a federal judge.

In the aftermath of the *University of Michigan* case, a student at the University of Connecticut brought a lawsuit challenging an anti-discrimination code that was similar to its counterpart at Michigan. The student had posted a sign on her dormitory room door which categorized groups of people as "welcome," "tolerated," "unwelcome," or "shot on sight," and allegedly included "homos" under the last heading. Last April, the student was found to have violated the code and was punished by expulsion from her dormitory. The lawsuit was filed in October, a few days after Judge Cohn's written opinion in the Michigan case was issued, and a copy of his opinion was attached to the filing papers. Almost immediately after the case was initiated, and before any court hearing was held, the University of Connecticut settled out of court by agreeing to restore the student's dormitory privileges and to revise its anti-discrimination code.

Like other anti-discrimination codes, the University of Michigan policy had its genesis in the perception by some that incidents of racism had increased on campus. The most widely publicized incident was the broadcast of allegedly racist material, including parodies of black English, on the university's student-run radio station. In another incident described by Judge Cohn, unidentified persons "distributed a flier declaring 'open season' on blacks, which it referred to as 'saucer lips, porch monkeys, and jigaboos.'"

On March 5, 1987, State Representative Morris Hood, the chairman of

the Michigan legislative committee responsible for appropriations to state universities, threatened to withhold funds from the University if it did not do something about racism on campus. Following a meeting with Jesse Jackson, the university announced that it would, among other things, adopt an "anti-racial harassment policy as a component of the university's rules and regulations with appropriate sanctions specified."

When a first draft of the policy was made public in January, the student newspaper, *The Michigan Daily*, published a front-page editorial denouncing it as an abridgement of First Amendment rights. Several student groups, including the United Coalition Against Racism, expressed vocal opposition to it as well. The policy went through several drafts before its adoption in April, 1988.

The policy as enacted prohibited "any behavior, verbal or physical, that stigmatizes or victimizes any individual on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap or Vietnam-era veteran status," if such conduct had any of several enumerated effects. Conduct that "victimized" or "stigmatized" was proscribed if it involved "an express or implied threat to an individual's academic efforts" or if it "create[d] an intimidating, hostile or demeaning environment for educational pursuits," or, finally, if it had the "effect of interfering with an individual's academic efforts."

The policy provided a procedure under which any "member of the university community" who believed a student had violated the policy could file a formal complaint against that student. The individual in the university bureaucracy responsible for reviewing formal complaints was known as the "policy administrator." If the policy administrator concluded that there had been a violation, he or she could initiate a hearing before a panel which would formally determine whether a violation had occurred and, if so, the appropriate sanction. Alternatively, the policy administrator could attempt to persuade the student to "agree" to particular sanctions in the absence of a formal hearing. The available sanctions included formal reprimands, community service, and expulsion. Another sanction whose use was particularly encouraged by the policy was compulsory enrollment in a class "that helps the person understand the situation of the group against which the remarks or behavior were directed."

The final version of the policy failed to meet several specific objections that had been raised by various individuals and organizations in connection with prior drafts of the policy. One complaint concerned its broad language, which, it was said, created uncertainty about what kinds of "verbal conduct" were prohibited. Another criticism was that, by its terms, the policy did not require any wrongful intent as an element of a violation, and instead made the existence of a violation depend on the effect of the speech or conduct on the listener's state of mind. The focus on the subjective feelings of listeners created the possibility that the policy could apply to the expression of an opinion simply because it offended the sensibilities of a particular group. At least one campus group at the University of Michigan has labeled opposition to affirmative action as racist. Would this mean that a student could be cited for a violation simply because he or she expressed the opinion that affirmative action is wrong?

Doe, a specialist in behavioral psychology, alleged that the expression of certain controversial hypotheses involving "psychological differences among the racial groups and between the sexes that are directly related to biological differences, such as differences in brain size, structure and development" would be considered "sexist" or "racist" and in violation of the policy.

Still another complaint related to the division of the university into several sectors in which "varying standards" for permissible speech would be operative. While the policy applied to "educational and academic centers," such as classrooms and research laboratories, it did not apply at all in so-called "public forums"—that is, public areas that have traditionally been the scene of demonstrations, speeches, and political protest. As to those areas, the policy stated, "the broadest range of speech and expression will be tolerated." The University's own Civil Liberties Board was concerned that this scheme could be interpreted to mean that the University had decided to observe First Amendment protections in public forums but to deny such protections in classrooms.

The critics of the policy would have had another reason to object to it if the suggestions of one lawyer involved in its drafting had been followed. That lawyer argued by analogy to affirmative action that the policy should not punish the discriminatory expressions of minorities. Thus, he was unopposed to using the policy to discipline a male student for making such statements as "women are unable to compete with men in the business world." What he wished to avoid was using the same policy to punish a woman for responding with a pejorative generalization about men:

> [i]f a woman knows that a male classmate has been disciplined for vigorously and repeatedly insisting that women are unable to compete with men in the business world, a comment which relies on an arbitrary and inappropriate criterion, will she hesitate to suggest that men are unable to recognize the pervasive effects of sexism on the number and types of business opportunities which still remain inaccessible to women. Her comment relies on the same arbitrary criterion, sex, yet few would suggest that it should be restrained.

A related example offered by the lawyer in a legal memorandum concerned a hypothetical statement about a former dean of Michigan's School of Literature, Science and the Arts, who two years ago became embroiled in controversy when he made remarks about affirmative action that some students perceived to be racist. The legal

memorandum expressed concern that the policy would be violated if a student "vigorously and perhaps offensively claims that because [the Dean] is a middle-aged white male he lacks sensitivity to Black concerns . . ." The memorandum suggested that, though it, too, is discriminatory, speech of this kind "has value" and therefore should not be prohibited.

The University of Michigan lawyer was correct in concluding that as written the Michigan policy would apply to the speech of minorities and white male caucasians alike. Indeed, after its adoption, the policy was used against a black student who used the epithet "white trash" in a verbal exchange with another student. But exempting from its coverage the "discriminatory" speech of minorities would have rendered the policy even more hostile to the values of academic freedom and free speech. A policy of that kind would have left absolutely no question that what the university was really doing was using its coercive powers to promote one viewpoint over another.

A Guide for the Perplexed

Following the enactment of the policy, the University of Michigan issued to all incoming students an interpretive guide entitled "What Students Should Know About Discriminatory Harassment by Students in the University Environment." The guide set forth fourteen examples of student conduct punishable under the policy, including the following:

> A male student makes remarks in class like "Women just aren't as good in this field as men," thus creating a hostile learning atmosphere for female classmates.
>
> You tell jokes about gay men and lesbians.
>
> Your student organization sponsors entertainment that includes a comedian who slurs Hispanics.
>
> You display a confederate flag on the door of your room in the residence hall.
>
> You laugh at and joke about someone in your class who stutters.
>
> You comment in a derogatory way about a particular person or group's physical appearance or sexual orientation, or their cultural origins, or religious beliefs.

The litigation challenging the constitutionality of the Michigan policy was brought in May, 1989, by a second-year graduate student in psychology. The student, who used the pseudonym "John Doe" to protect his privacy, was scheduled to teach, as well as attend classes, in the upcoming academic year. Doe was represented in the lawsuit by Paul Dennenfeld, an ACLU attorney, and Robert Sedler, a Wayne State University Law School professor.

The basis of one charge was that the student had repeatedly made the statement in class and in classroom buildings that "homosexuality is an illness that needs to be 'cured,'" and had told another student that he had "developed a model to change gay men and lesbians to a heterosexual orientation."

Doe described his field of specialty as "biological psychology," which is concerned with the biological bases of behavior in animals and humans. Doe said that he had a special interest in certain controversial hypotheses involving "psychological differences among the racial groups and between the sexes that are directly related to biological differences, such as differences in brain size, structure and development."

Doe alleged that the expression of ideas like those above in the classroom would be considered "sexist" or "racist" and in violation of the policy, particularly in light of the examples given in the guide. He sought a ruling that the policy contravened the First Amendment guarantees of freedom of speech and association, and requested an injunction against its enforcement. Judge Cohn ruled in Doe's favor at the conclusion of a hearing on August 25, 1989, and subsequently issued a written opinion as well.

It is a basic tenet of the law of the First Amendment that the expression of an idea cannot be prohibited merely because it offends some or even many people in the community. Statements of opinion are also given protection by the First Amendment. In *FCC v. Pacifica*, the Supreme Court succinctly stated:

> [T]he fact that society may find speech offensive is not a sufficient reason for suppressing it. Indeed, if

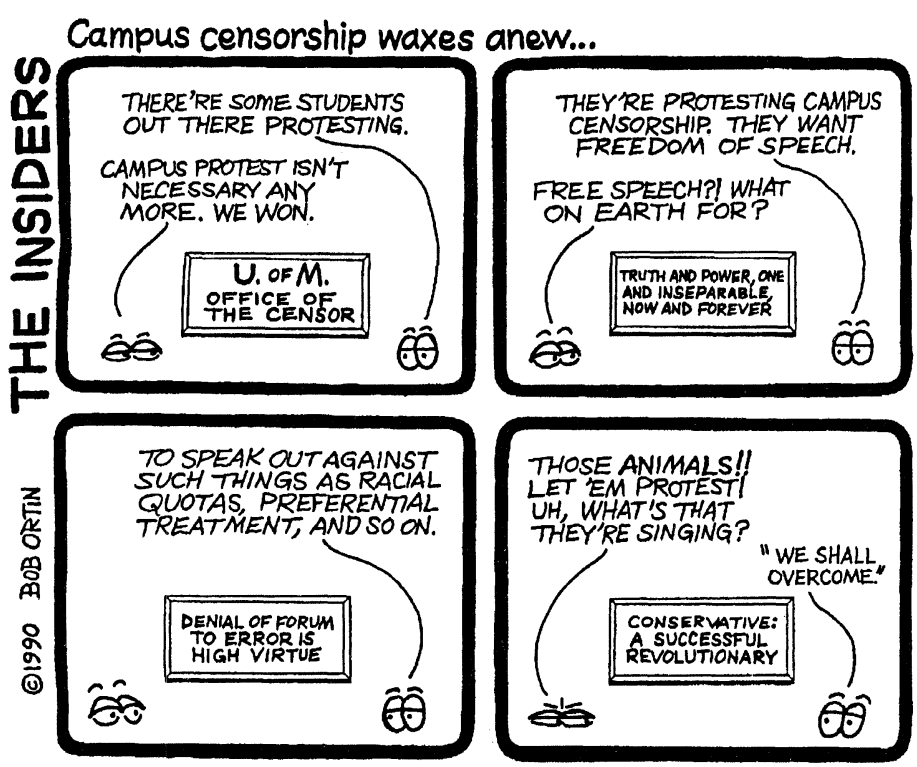

> it is the speaker's opinion that gives offense, that consequence is a reason for affording it constitutional protection.

Totally aside from the demands of the constitution, the idea of academic freedom, which is so central to the mission of the university, has historically required the same sort of tolerance for the expression of ideas in teaching and scholarship.

The Court's opinion depicts a university that was largely indifferent to these fundamental principles in the formulation of the policy and the interpretive guide, and in the application of the policy to actual cases. The Court cited a December 14, 1987 memorandum from Acting President Robben Fleming as evidence of the university's failure to make a serious attempt to "reconcile their efforts to combat discrimination with the requirements of the First Amendment." In that memorandum, President Fleming, himself a former University of Michigan law professor, rationalized free speech concerns away with this statement:

> Just as an individual cannot shout "Fire!" in a crowded theater and then claim immunity from prosecution for causing a riot on the basis of exercising his rights of free speech, so a great many American universities have taken the position that students at a university cannot by speaking or writing discriminatory remarks which seriously offend many individuals beyond the immediate victim, and which, therefore detract from the necessary educational climate of a campus, claim immunity from a campus disciplinary proceeding. I believe that position to be valid.

While most legal scholars would agree that the state may, consistent with the First Amendment, criminally prosecute somebody for falsely yelling "Fire" in a crowded theater, it does not follow that speech which offends may be prohibited. Inciting a riot, with its attendant likelihood of physical harm, is hardly the equivalent of causing serious offense to many individuals, and has never been so regarded by the Supreme Court in its First Amendment jurisprudence. At the hearing, Judge Cohn emphatically disagreed with President Fleming's view that the First Amendment would treat those two types of "harm" identically. Even the university's trial counsel agreed with the Judge's statement that "there is not a single decision of the Supreme Court of the United States or a writing by a recognized expert in First Amendment law which would support [the Fleming] statement" of the law. The court found that the Fleming memorandum revealed that those who formulated the policy had the intent, which was never contradicted by subsequent events, to prohibit speech merely because it was offensive.

As for the guide containing the fourteen examples of discriminatory acts, the university did not dispute Doe's claim that most of the examples of punishable conduct involved speech protected by the First Amendment. Indeed, the university's trial attorney conceded at the hearing that the guide was "inappropriate" and contained "unconstitutional examples" of prohibited conduct. The university instead argued that the guide had been "withdrawn" sometime in the January-April 1989 semester because of the "inappropriate" examples, and therefore was irrelevant to the issues in the case. This "withdrawal" was something of a charade, however, because, as of the day of the hearing, the university had never publicly declared the guide to be invalid, but had merely stopped distributing it. The university could hardly contend that it had rectified any "chilling effect" on free speech caused by the guide if the tens of thousands of students who had previously received it had never been advised of its inapplicability.

Enforcing the Policy

Another manifestation of what Judge Cohn characterized as the University of Michigan's "apparent willingness to dilute the values of free speech" was in its application of the policy to students who had been accused of violations. The policy was invoked by the university in forty-two cases, according to the university's legal briefs. There were, to be sure, a number of applications of the policy that few would find objectionable on constitutional grounds. Included in this category were a number of cases of sexual harassment involving obscene or threatening letters or phone calls, indecent exposure, and the like. In a number of other cases, however, the policy was applied in a way that confirmed the worst fears of its early critics. It was used to restrict speech simply because it offended another person. Worse yet, whether the accused student had intended his or her speech to be offensive, and whether it had even been directed against the complaining student were largely immaterial. Judge Cohn concluded that the policy had indeed been "consistently applied" to reach speech protected by the First Amendment. His opinion selected for discussion three instances in which the policy had been so administered by the university.

The More

During the 1950s, those who sought to advocate communism were liable to all sorts of penalties prescribed by law and to restrictions on their right to advocate their beliefs. Individuals who expressed views that bore a resemblance to communist views were often punished under the same measures, or harrassed when not punished.

When the laws restricting free speech were challenged in the courts and declared unconstitutional, legislators often passed new laws, filled with sophistic justifications. Communism is revolution, they said, and the First Amendment does not protect the right to advocate revolution. What's more, communism is evil and a threat to all good Americans. We have the right to defend outselves against evil and against threats to us.

Practically the only places in the United States where a person could express unpopular social views without fear of legal recourse were the campuses of colleges and universities. Here the political speech of everyone, including communists, was a jealously guarded right. Defenders of communists' rights to speak argued that if free speech means anything, it means that one can express unpopular views. The First Amendment, they argued, says "Congress shall make no

In one case, as related by the judge, a complaint was filed against a student in a business entrepreneurship class for reading an allegedly homophobic limerick during a public speaking exercise. The limerick ridiculed a nationally known athlete for his supposed sexual orientation.

The author of the limerick, who claimed to be ignorant of the policy, was made to understand in a session with university officials that his behavior would have been "wrong," even in the absence of a policy. In lieu of a formal hearing, the interim policy administrator was able to persuade the perpetrator to "voluntarily" accept sanctions proposed by the complaining student. Like other students who agreed to "voluntary" sanctions, the student was faced with what the judge described as "the subtle threat that failure to accept such sanctions might result in a formal hearing." The sanctions he agreed to were attending a "gay rap session," writing a letter of apology to the student newspaper, *The Michigan Daily*, and apologizing to his entire class. In the letter to the *Daily*, which was signed "Learned my Lesson," the student dutifully acknowledged that the limerick was "inappropriate," and apologized for being "so inconsiderate." He gave assurances that he "did not intend to offend any classmate or the lesbian or gay male community."

In another case, a complaint was filed against a graduate student in the school of Social Work. It was alleged that the student, who happened to be black, had harassed students both on the basis of sexual orientation and sex. As described in a letter from the university to the accused, the basis of the sexual orientation charge was that the student had repeatedly made the statement in class and in classroom buildings that "homosexuality is an illness that needs to be 'cured,'" and had told another student that he had "developed a model to change gay men and lesbians to a heterosexual orientation."

The student was then subjected to the first and only formal hearing that ever took place under the policy. In a divided decision rendered by the hearing panel, the student was found not

Things Change

law abridging Freedom of Speech." There is no provision exempting unpopular speech.

Gradually, political leaders at the local, state and national levels came to agree that people ought to be allowed to speak freely. A consensus was reached that unpopular views must be tolerated. Cam-puses were no longer islands of free speech in a sea of unliberty.

It appears the rightwingers were correct, considering that many of the same people who defended the freedom of communists a generation ago are defending restrictions of speech they deem racist or sexist today.

Today, free speech is on the defensive. In some places, people are evicted from their homes, deprived of their jobs, or otherwise severely punished for stating their opinions. And worse: under threat of such dire punishment, some of those who express "incorrect" views (i.e. those not approved by government authorities) are forced to attend "educational" meetings at which the evil of their views is impressed upon them, often by the same means that are called "brainwashing" when used in warfare.

Ironically, these islands of unfreedom in a sea of liberty are the campuses of the nation's colleges and universities. Students expressing views that the authorities deem incorrect on matters of race, sex, or sexual orientation are routinely subjected to severe penalties, including expulsion, eviction from their living quarters and loss of their jobs.

Defenders of free speech have challenged the universities' "regulations" in the courts. And when the courts have declared those laws unconstitutional, those in control of the universities have reacted just as the political leaders a generation ago acted when their laws denying free speech to communists were declared unconstitutional: they have replaced the old regulations with new ones having the same effect, clothed in sophistic arguments about how a tasteless joke is a form of assault, or how a belief that there may possibly be a correlation between gender and psychological traits is a form of repression.

We have come full circle: the nation's college and university campuses are becoming islands of restriction in a sea of freedom. The battle continues to rage on college campuses. The difference is that now it is the university itself trying to restrict free speech and outside influences holding high the banners of academic freedom and free speech.

During the 1950s, some rightwingers who sought to restrict the speech of radical leftists argued that those who defended the right of free speech of communists were not interested in freedom at all: they merely favored communists. At the time, the charge was dismissed by civil libertarians as a contemptible *argumentum ad hominem*. It appears the rightwingers were correct, considering that many of the same people who defended the freedom of communists a generation ago are defending restrictions of speech they deem racist or sexist today. But at most the rightwingers were only partly right: the American Civil Liberties Union, the most stalwart defender of the communists' right to speak freely and the most frequent target of rightist attacks, remains in the forefront of the battle. Today, the ACLU is providing legal muscle to repel the attack on free speech on the nation's campuses.

As political philosopher Yogi Berra said, "It's déja vu all over again."

Anyone who loves liberty must defend the right to utter unpopular opinions: whether those opinions are communist, racist, sexist, or merely tasteless. The hypocrisy of the left is as ugly as the hypocracy of the right.

—R. W. Bradford

to have engaged in harassment on the basis of sexual orientation in the expression of opinions regarding the nature and curability of homosexuality. He was, however, found to have engaged in harassment on the basis of sex in connection with other unrelated conduct directed toward several women.

Judge Cohn did not address the findings with regard to the sex harassment charges, and so intimated no view as to their constitutional implications. Instead, he concentrated on the charge that the student, by making remarks about the nature of homosexuality, had harassed on the basis of sexual orientation.

If by "injury" the policy means the transitory psychological effects experienced by the person who is the target of slurs, invective, or epithets, then the policy begins to sound very much like a policy which proscribes speech that offends. But that is precisely what the First Amendment does not permit.

The judge made clear that the student's acquittal on that charge did not alleviate First Amendment concerns. It was still the case that a hearing described by the Judge as "constitutionally indistinguishable from a full-blown prosecution" had occurred with respect to speech protected by the First Amendment.

The third case discussed by Judge Cohn concerned a statement made by a white student against a woman faculty member in a class at the university's School of Dentistry. The class was regarded as very difficult for second-year dentistry students and the students had been divided into small groups for the purpose of discussing anticipated problems. As the Court related, "During the ensuing discussion, a student stated that 'he had heard that minorities had a difficult time in the course and that he had heard that they were not treated fairly.'" While it is undoubtedly true that a person's reputation can be seriously damaged by a false accusation that he or she has racist attitudes, it is not entirely clear how such a statement can be said to "discriminate" on the basis of race. Somebody apparently felt that to insinuate that another person harbors racially intolerant attitudes is "to victimize" that individual on the basis of race under the terms of the policy. As a result of a complaint filed by the professor who taught the course, "the student was counseled about the existence of the policy and agreed to write a letter apologizing for making the comment without adequately verifying the allegation, which he said he had heard from his roommate, a black former dentistry student."

A number of additional cases were included in an exhibit presented to the court by Doe's counsel as examples of twenty unconstitutional applications of the policy. That exhibit contained letters, notes, and other documents generated by the university in the twenty cases. Although not mentioned by Judge Cohn, these cases serve only to reinforce his conclusions about the administration of the policy.

In one of those incidents, a couple of students wrote facetious remarks about one of their friends on a blackboard, and two other students who happened to see those remarks regarded them as "racist" and "homophobic." The incident occurred in a classroom that was being used by a few students for final exam study. When one of the students temporarily left the room, another student, with assistance from a third, wrote some graffiti on the blackboard that their friend would see on his return to the classroom. These included a swastika, a suggestion that the friend hated "hebes," and a reference to him being a homosexual. The authors of the chalkboard writings, who were Jewish, intended them as a private joke. Two other students happened to enter the room, complained about what they regarded as the "very offensive" writings on the blackboard, and called University Security.

After questioning the complainants, as well as several of the students in the classroom, the security officer dispatched to the scene concluded that even if the students had written the statements on the board, they were "only meant as a joke about each other . . ." and reflected no "malicious intent toward minorities and homosexuals."

The policy administrator, however, apparently did not take the incident as lightly and contacted each of the three students. By the time she had finished speaking to the individuals believed to be responsible for the graffiti, they were expressing different attitudes about the incident. Previously, during their interviews by university security, the students had provided no information about the alleged writings on the chalkboard. But under questioning from the policy administrator, two of the individuals implicated the third as the person primarily responsible for the writing. All three were seemingly repentant about their "joke" and apparently no longer regarded concern over the chalkboard writings as "ridiculous." They "apologized for not being more cooperative when the complainants initially confronted [them] on the incident." They stated that "it was not their intentions, beliefs or morals to commit racist acts" and indicated "that they would think twice before conducting such an act again." The letter to the students described their acts as having had "serious consequences," and as betraying a "lack of sensitivity to the issues at hand . . ." It warned against any repetition of the behavior in the future.

In another case, a student at the university computing center sent a woman student, via computer, a message containing the following apparently fictional narrative:

> Hi! It's me. Did I ever tell you about my past trial and subsequent conviction for a crime I never committed? . . . Well anyway, I just want to get this off my chest so I won't feel so guilty next time I talk to you. The story goes like this:
>
> On spring break my senior year in high school my buddies and I were drinking some mean rum on the beach when a bunch of chics came up and invited us to their room to indulge in some of "the best cocaine you have ever snorted." Of course we obliged and when we got up to the hotel this one girl (Penny, I

> think) grabbed me and pulled me into her friend's room (I think her name was Patricia . . . we called her Patricia the militia—big girl). So Penny started to grope. Being of the male persuasion, I couldn't resist. Ah, wa, to make a long story short (and believe me, this is a loooong story), after the fact she started yelling rape!!! I could hardly believe it. The jury hated me and sent me to prison in Guatemala where I met up with Jerry Lewis—the telethone [sic] man. He was really funny. When I got out I traveled Europe and discovered my intense interest in nature and Oak trees in particular. I guess that's why I like the Oak Ridge Boys so darn much. I just thought you deserved to know.

The woman recipient of the message found the story to be "offensive" and filed a complaint against its student author. The student was advised by the Computing Center that the writing of the message constituted a violation of Computing Center policy. The complainant, however, was not satisfied and requested that the "university in an official capacity join me in its intolerance of attitudes and actions that are hostile toward women." To that end, the interim policy administrator wrote a letter which described the effect of the message as "offensive, hostile, and demeaning" and reprimanded the student for harboring "dangerous attitudes":

> In your message, you describe a scenario in which a woman wrongly accuses you of rape. Your message reflects an insensitive and dangerous attitude toward date rape, which is a serious and significant problem on this campus and in our society. In addition, your message perpetuates the stereotype of a woman using the accusation of rape as a weapon against the man. This stereotype has no basis in fact. Moreover, the perpetuation of this stereotype promotes a permissive societal attitude toward rape. The reality of rape in our culture is that women rarely make false accusations of rape though it is still common for the rape victim to feel that she is the one on trial, that she is the one who must prove her innocence.

A student who drew a cartoon showing a grotesque monster clutching a bikini-clad woman and containing the caption "Date rape is not rape" was dealt with even more harshly. After the student responsible for the cartoon was discovered, he agreed to enter a "behavior contract" with officers of the dormitory. In it, he promised to refrain from "placing any offensive or harassing materials on [his] door" and from "any type of harassing behavior on the basis of sex, race, religion, sexual preference, or anything else that could be deemed discriminatory." He agreed to attend a "sexual assault prevention program," to "write an analysis of the topic of sexual assault," and to meet again with the dormitory officer to discuss the writing assignment and the program. Failure to abide by any of these terms would result in the "recommendation of immediate termination of the student's lease."

The University made sure to include in the "behavior contract" a statement on the part of the student that, although designed to demonstrate the voluntary, non-punitive aspect of the student's undertakings, conveyed precisely the opposite impression: "I understand that this Contract is not meant as a merely punitive measure, rather its intention is to demonstrate the concern of both the resident staff and myself for my own well being."

The policy was also applied to students who associated with those who engaged in discriminatory conduct. A student who resided in a dormitory brought a non-student into the dormitory as a guest. While there, the guest made the comment, "It's just a nigger fighting," in reference to a black person who was wrestling in a dormitory hall with another person. The policy could not be invoked against the person making the remarks because he was not enrolled in the university. Instead, it was applied to the student host, who was told that he was responsible for the conduct of his guests. The student agreed to "attend one seminar or workshop on diversity" and was warned that his dormitory lease could be terminated in the event of future incidents of that kind.

Finally, the policy was even invoked to prohibit the asking of certain questions about minority groups. A Chinese-American student made a statement "asking why Black people feel discriminated against" and made a reference to "conceited Jews." While no formal complaint was filed, the "Minority Peer Advisor," who happened to be present, spoke to the stu-

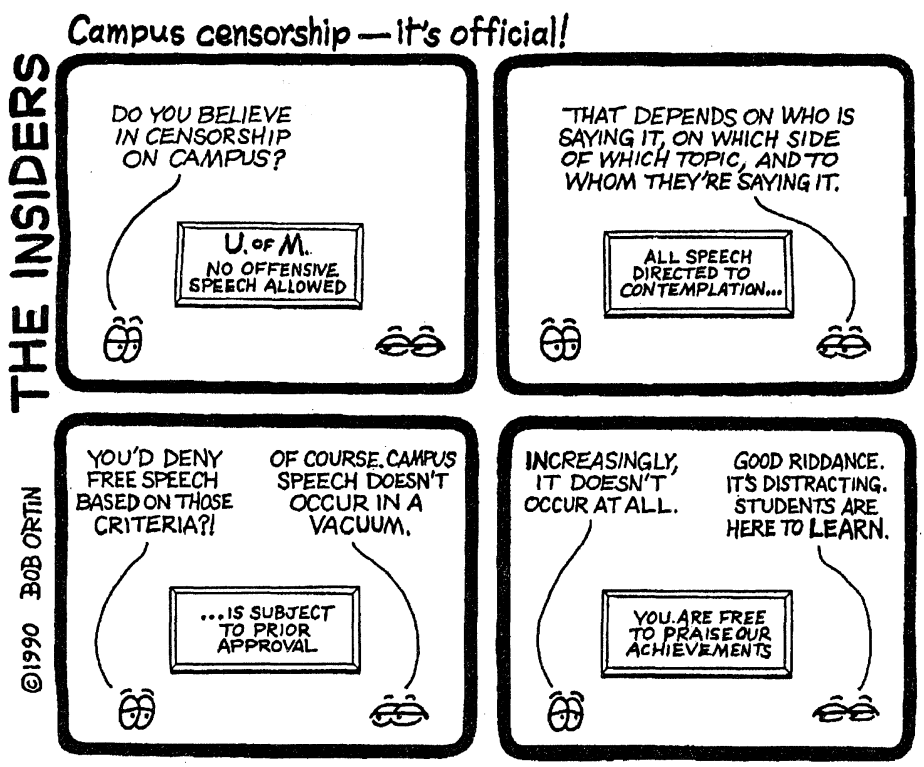

dent and the student "apologized for his inappropriate language." Whatever one may say about the stereotyping of Jews as "conceited," the asking of a question is another matter entirely. Apparently, it did not occur to the Advisor that the prevention of inquiry is completely antithetical to the purpose of a university.

Policy Without Principle

Judge Cohn concluded on the basis of the cases he reviewed, as well as the language and the history of the development of the policy, that it was unconstitutionally overbroad, and in violation of the First Amendment. Under the law of the First Amendment, a court is not limited to examining the application of a law to the conduct of the parties before it, in order to judge its constitutionality. It is free also to examine actual or hypothetical applications of the statute to parties or situations not then before the court to determine whether the law suffers from overbreadth. A law or its equivalent is fatally overbroad if it covers a substantial amount of speech that is constitutionally protected. In this case, the judge did not have to consider hypothetical applications of the policy, but instead was able to rely on prior actual applications in making his "overbreadth" ruling.

One evident problem with this language lies with the use of the word "injuring." Slurs, epithets, or invective may well have immediate psychological effects on the persons to whom they are directed, including fear and anger. But if language of that type did cause "injury" in that sense, it would almost certainly be the result of an almost pathological sensitivity on the part of the "victim."

The court also ruled that the policy was unconstitutional on another ground—vagueness. A law suffers from impermissible vagueness, according to the Supreme Court, when "men of common intelligence must guess at its meaning." The policy was deemed unconstitutionally vague inasmuch as "the university never articulated any principled way to distinguish sanctionable from protected speech." The University of Michigan withdrew one clause of the policy several days before the hearing, in an attempt to save it, but that was to no avail. The remaining language of the policy was, according to the Court, such that "[s]tudents of common understanding were necessarily forced to guess at whether a comment about a controversial issue would later be found to be sanctionable under the Policy." The fact that the university had drawn up a booklet containing examples of conduct prohibited by the policy, only later to decide that the examples were "inappropriate," reinforced that finding.

As a result of its "vagueness" and "overbreadth" findings, the Court did not merely prevent the university from applying the policy to Doe. Instead, it issued an injunction preventing the university from enforcing against *any* student the provisions of the policy dealing with speech or verbal conduct.

The Court left unimpaired the university's ability to sanction physical conduct that "victimized" or "stigmatized" on the basis of race, sex, sexual orientation, etc., even though the language of the physical conduct provisions was identical to that of the verbal conduct provisions. This seeming inconsistency has a basis in constitutional law: the vagueness standard is stricter in cases involving speech than in cases involving conduct only. In practice, however, applying the policy to physical conduct might be just as difficult as applying it to speech, especially since discriminatory intent need not be shown under the terms of the policy in order to demonstrate a violation. If, for example, a white student initiated a fight with a black student, how would it to be determined whether the policy applied, or whether this was just a simple case of assault and battery, to be dealt with by some other provision of the university rules or by the criminal law?

The regents of the University of Michigan decided not to appeal the ruling of the Court, and its unconstitutional policy was replaced with an interim policy, eventually to be followed by the enactment of a permanent policy. The interim policy prohibits "physical acts or threats or verbal slurs, invectives or epithets referring to an individual's race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age or handicap made with the purpose of injuring the person to whom the words or actions are directed and that are not made as a part of a discussion or exchange of an idea, ideology or philosophy."

One evident problem with this language lies with the use of the word "injuring." Slurs, epithets, or invective may well have immediate psychological effects on the persons to whom they are directed, including fear and anger. It is doubtful, however, that a particular instance of speech of that type would "injure" in the sense of causing long-term psychological injury, except in the rarest of cases. And if language of that type did cause "injury" in that sense, it would almost certainly be the result of an almost pathological sensitivity on the part of the "victim." If by "injury" the policy means the transitory psychological effects experienced by the person who is the target of slurs, invective, or epithets, then the policy begins to sound very much like a policy which proscribes speech that offends. But that is precisely what the First Amendment does not permit.

The costs of litigation for those who cannot obtain sponsorship from the ACLU or other organizations, as well as the fear of reprisals or ostracism by university faculty and administrators who are committed to discrimination codes, is probably enough to deter most students from challenging them in court.

Nor does the clause restricting the

application of the policy to speech "not made as part of a discussion or exchange of an idea, ideology or philosophy" alleviate the First Amendment problem. The Michigan student who was sanctioned for the allegedly anti-gay limerick recited it not as "part of a discussion or exchange of an idea," but rather as part of a classroom public speaking exercise. If one of the students in the class had been an athlete generally known to be gay, could he not have made a case that the limerick was "invective" made with the purpose of "injuring" him, and therefore in violation of the policy? It is not too difficult to conjure up similar examples of speech protected by the First Amendment that would arguably violate the policy.

If, for example, a white student initiates a fight with a black student, how is it to be determined whether the policy applies, or whether this is just a simple case of assault and battery?

Fighting Words

One alternative approach to anti-discrimination codes that has been discussed by some commentators would incorporate the common law tort of "intentional infliction of emotional distress." Two regents of the University of Michigan have advocated that as the basis for a permanent policy at Michigan. A person may recover damages in a civil lawsuit for that tort if another person engaged in "outrageous" conduct which was intended to, and did, cause severe emotional distress. But even this approach may conflict with the First Amendment, in light of the Supreme Court's ruling in a case called *Hustler Magazine v. Falwell.* In that case, the then Moral Majority leader Jerry Falwell sued *Hustler* Magazine for intentional infliction of emotional distress in connection with the publication of a parody about him. The parody contained a fictitious interview with Reverend Falwell in which he stated that "his 'first time' was during a drunken incestuous rendezvous with his mother in an outhouse." Reverend Falwell was awarded damages by the trial court on the intentional infliction claim, but the Supreme Court reversed the decision. It held, consistent with its decision in the famous *New York Times v. Sullivan* case, that the First Amendment precluded a recovery of damages without proof that the publication contained a falsehood which was made with knowledge of its falsity or reckless disregard as to its truth. The Falwell piece contained qualifying statements that unequivocally demonstrated it to be a parody, and it therefore could not be said that the publication was in any way deceptive.

In the opinion for the Court, Chief Justice Rehnquist, after discussing the long tradition of political cartoons in this country, observed that "From the viewpoint of history, it is clear that our political discourse would have been considerably poorer without them." The Chief Justice acknowledged that "the caricature of [Falwell] and his mother published in *Hustler* is at best a distant cousin of the political cartoons described above . . ."

After expressing doubts that there is any principled standard by which to distinguish the one type of parody from the other, the Court concluded that the "outrageous" element of the intentional infliction tort assuredly did not provide such a standard:

> we are quite sure that the pejorative description "outrageous" does not supply [such a standard].
>
> "Outrageousness" in the area of political and social discourse has an inherent subjectiveness about it which would allow a jury to impose liability on the basis of the jurors' tastes or views, or perhaps on the basis of their dislike of a particular expression. An "outrageousness" standard thus runs afoul of our longstanding refusal to allow damages to be awarded because the speech in question may have an adverse emotional impact on the audience.

The Supreme Court's conclusions in *Hustler* are particularly instructive to those who advocate incorporation of the intentional infliction of emotional distress tort principle in an anti-discriminatory policy. If applying the "outrageous" standard runs afoul of the First Amendment in civil cases, then it would almost certainly pose problems in the context of a university code. That is, if one is precluded by the Constitution from recovering damages in a civil suit for certain conduct, then logic would require that a university cannot penalize the very same conduct by means of a student code.

Assume, for example, that a black and a white student are debating affirmative action, and that the white student uses parody or satire to criticize the black student's position. Assume further that the white student, relying on an old debating trick, intends to upset his opponent, thereby impairing his effectiveness in the debate. A policy administrator or hearing panel could well conclude that the speech is "outrageous" and that it was intended to cause emotional distress, in violation of the policy. But under the First Amendment, unless that speech contained false statements of fact made with knowledge of falsity or reckless disregard thereof, it could not be made the subject of a lawsuit for intentional infliction of emotional distress.

"You'd better have a little talk with Billy, dear — I found a copy of the First Amendment under his mattress."

By implication, it likewise could not be punished by a student code.

Another approach is that adopted by the University of Connecticut in its settlement of the litigation brought in connection with its anti-discrimination code. As part of the settlement, the university agreed to revise the policy to prohibit speech if it is directed against another person in a way that would likely instigate violence.

Whatever else one may say about the merits of that approach, it at least attempts to conform to existing First Amendment precedent. In revising its code, the University of Connecticut was guided by a 1941 Supreme Court case called *Chaplinsky v. New Hampshire*. The Court in *Chaplinsky* held that "fighting words"—"those which by their very utterance inflict injury or tend to incite an immediate breach of the peace"—were not protected by the First Amendment. It construed the statute under which Chaplinsky was charged to do "no more than prohibit the face-to-face words plainly likely to cause a breach of the peace by the addressee . . . ," and affirmed the conviction. The revised University of Connecticut policy seeks to avoid any constitutional infirmities by only proscribing discriminatory speech that constitutes "fighting words." Whether it stays within First Amendment bounds will depend on how it is administered.

Dedication to Principle

The Court's decision in *John Doe v. The University of Michigan* should give universities that have anti-discrimination codes reason to re-examine them, and should cause others that are contemplating the enactment of such codes to proceed with caution. The University of Connecticut undertook such a re-examination, but only after a student had challenged its code in court. Among the many schools with codes that may be problematic are the University of Pennsylvania, whose code contains provisions that are virtually identical to the Michigan policy, and the University of Wisconsin, whose code includes the very language of the Michigan policy that was voluntarily withdrawn by the university during the John Doe litigation.

But we cannot expect the courts by themselves to guard free speech and academic freedom at colleges and universities. For one thing, the provisions of the First Amendment govern only conduct engaged in by the state or its agencies, instrumentalities, or subdivisions. While the First Amendment does, accordingly, limit the powers of state universities, except in the most unusual cases it would not apply to private institutions of higher learning, and therefore could not be used to invalidate a code adopted by a private school. But even in the case of state universities litigation may often be impractical. The costs of litigation for those who cannot obtain sponsorship from the American Civil Liberties Union or other organizations, as well as the fear of reprisals or ostracism by university faculty and administrators who are committed to discrimination codes, is probably enough to deter most students from challenging them in court.

What is really needed are not appeals to legal and constitutional principles, but instead a reaffirmation by educators of the commitment to academic freedom as a fundamental principle. The whole philosophy of higher education in Western society depends upon free speech and open inquiry. Leaders of colleges and universities, public or private, should defend those principles as inviolate, even when short-sighted politicians make it costly to do so. In the meantime, we should be thankful for judges like Avern Cohn, for the American Civil Liberties Union, and for students with the courage to take on entrenched university establishments in the fight for academic freedom. ❑

David Friedman, "Reply to Sheldon Richman," *continued from page 40*

("Problems") discusses the complications involved in accepting the simple formulations of libertarianism. The second chapter ("Where I Stand"—pages 41–43 of the article) suggests several possible resolutions to these problems, and rejects the abandonment of rights. My conclusion is not that natural rights are wrong (although I have serious doubts of claims, by Rand and others, to have in some sense proved them) but that they are, at least at present, useless for answering certain questions, and that if one wishes to answer those questions one must therefore look elsewhere.

Second, Sheldon Richman seems to believe that, to solve those questions, "the proper discipline is property law." But the issues I raise in the article are not limited to property law—they include questions of criminal and tort law, and could easily have been expanded to include contracts, procedure, and perhaps even constitutional law. The proper discipline for discussing these issues is indeed the study of law—all of it.

But to say that the proper discipline is law still leaves open the question of how one ought to decide what the law should be—precisely the question I started with. His answer cannot be that we decide it from moral philosophy, since he has just agreed that moral philosophy cannot do it. My answer, explored in the third chapter of the sequence, is that we use economics—that we look for the legal rules that (very roughly stated) maximize the total of human happiness. My defense of that answer is not that economics gives the best imaginable answer to the questions we want to ask, merely that it gives the best answer we currently know how to find.

I should perhaps add, in closing, that this position is not original with me. The idea that law either should be or tends to be economically efficient, and the exploration of what legal rules are economically efficient, are central elements in the economic analysis of law—arguably the most important, and almost certainly the most controversial, development in the legal scholarship of the past thirty years. Scholars in that field have been working through answers to just the sort of questions I raised in my article at least since 1960, when Ronald Coase published "The Problem of Social Cost," the article on which much of Law and Economics (including my chapter "Answers: The Economic Analysis of Law") is based. ❑

Exposé

How Congress Plans to Socialize Child Care

by Terree P. Wasley

Though something called "home economics" is taught in the schools, it has not led to economic understanding of family life. And, as if led by an invisible hand, a new sort of "homewrecker" has appeared on the political landscape, uninformed by economics and oblivious to reason.

I am a working mother. Now that doesn't mean that I rush my daughter to a day care center early in the morning and then hustle off to my job. It does mean that I work 12–15 hours a day caring for my daughter in my home, by myself, while my husband is at work. I'm a "stay-at-home" working mother, and if the child care legislation recently passed by the House and Senate is signed by the President, along with other "stay-at-homes," I will struggle under an increased economic and tax burden. And many two-income families will receive increased financial assistance for their children's out-of-home day care at my expense.

Last year the Senate passed the ABC bill, the "Act for Better Child Care." In March of this year the House passed H.R. 3, also known as the Hawkins/Downey bill. These two pieces of legislation are currently in conference, and when a compromise is reached it will go to the President for signing. Both the House and Senate versions allow "the camel's nose under the tent": a first step toward a comprehensive, federally subsidized and federally controlled "child development" program.

The Senate package would authorize a subsidy of $1.75 billion per year to help parents pay child care costs, primarily through direct payment vouchers or grants through the states, urge the growth of new facilities, and persuade states to meet model day care health and safety standards. The subsidy is coupled with about $2 billion a year in tax credits to help parents with the costs of day care and children's health insurance. The total cost of the plan is an estimated $10.5 billion over five years.

The House bill, costing an estimated $21 billion over five years, would expand the earned-income tax credit for low-income working families; increase block grants to states for child care services; expand Head Start for disadvantaged preschool children into an all-day, year-round system; and establish a school-based program of before-school and after-school day care. The legislation would require states to set health, safety and quality standards for day care within three years of the bill's enactment. It also would require providers to complete an average 15 hours training annually and require states to issue vouchers that parents could use to pay for the child care of their choice, including church-based child care.

One of the myths prevalent in the day care debate is that one-income or so-called "traditional" families are affluent and can easily afford living on one income. This is not true. The median income of two parent-two earner families in 1986 was $38,346, about 50 percent more than the median income of traditional families.* When my husband and I had our daughter, we decided that I would stay at home. This meant suffering the loss of my income, a tremendous economic sacrifice. We live in a smaller home, drive older cars, and do without many "yuppie" luxuries, such as compact disc players and car phones.

A comparison of the situation of families with both parents working with that of families in which only the father is employed shows that the husband's salary is roughly the same in either case. One-income families are not usually more affluent than two-income families; one-earner families have generally *chosen* a lower standard of living in order to care for their own children. The new child care legislation, if it becomes law, will increase the economic burden already felt by one-earner families.

* The Bureau of the Census, Current Population Reports, Series P60, No. 1Z9, *Money Income of Households, Families, and Persons in the United States: 1986* (Washington, D.C.: U.S. Government Printing Office, 1988), p. 58.

The child care legislation currently in conference is a return to the Great Society politics of the 1960s. It would penalize the stay-at-home parent by subsidizing parents who both work, making it more attractive for mothers to go to work and put the children in day care. It would centralize and bureaucratize child care by virtually eliminating small, family-like day care, because increased regulatory costs favor large, professionally run centers. It would place us on the downhill slide toward the total "socialization" of child care, Soviet-style, where children are cared for in large, impersonal day care settings.

It makes you wonder: what is the future of a society that would penalize parents who choose to devote more of their own time to raising their children?

Proponents claim that the legislation doesn't require much tax money. Whether or not $10 or $20 billion is a lot of tax money probably depends on how high your taxes are. But one thing is certain: the availability of money will arouse demands from special interest groups, bureaucracies and voting constituencies for more and more spending. And although proponents claim the program would expand the supply of child care, its long term effect is to reduce the supply and increase the price of child care: the licensing and regulatory requirements would put existing blood relative or local neighborhood care providers out of business and prevent further development of these low cost providers.

Supporters also claim that the bill will provide "direct assistance" to families. But according to a study by The Heritage Foundation, 30 percent of funds will be spent on administrative and regulatory compliance, with the rest paid not to parents but as direct grants to formal day care centers. Worst of all, for parents making the economic sacrifice to stay home, the measures make them pay higher taxes while making them ineligible for the subsidies, which are available only to families with both parents working. One wonders: what is the future of a society that would penalize parents who choose to devote more of their own time to raising their children?

Of course there *are* two-earner families who both work because they want a higher standard of living at the expense of putting their children in day care. Example: Friends of ours, who both work, sold their $200,000 luxury townhouse and moved to a $400,000 house when she was eight months pregnant with their first child. They drive luxury cars and recently took a two-week vacation to Europe. The wife has lamented to me about having to put their daughter in day care and wishes she could stay home. But she and her husband chose the accoutrements of a higher standard of living. They are trapped because without her income they can't pay the mortgage. But the trap is of their own design and choice, and they can escape at any time merely by accepting a less expensive standard of living. Not surprisingly, they are among the people who are clamoring for the child care subsidies provided by this legislation.

The solution to the child care dilemma is not more bureaucracy, more regulation, and more tax money. As a matter of fact, by constantly increasing the burden of taxation on the American people, government has been a primary cause of the growth of two-income families and the increasing demand for child care. In 1948, a family of four at the median family income paid 2 percent of its income to the federal government in taxes—today that same family pays roughly 24 percent! *

The growth of government spending and taxation has disproportionately affected families with children. Between 1960 and 1984, the average income tax rate for single persons and married couples with no children did not increase, but for a married couple with two children it climbed 43 percent; for a family with four children, tax rates soared 233 percent!* A primary cause of this distortion has been the eroding value of the personal exemption. To have the same value relative to income as it had in 1948, today's personal exemption would have to be raised to $6,468.

The government, by continually diminishing our standard of living, has undoubtedly transformed many "stay-at-homes" into two-earner families, greatly increasing the demand for child care. Now that they have created the demand, government inevitably feels the urge to control, to regulate, and to take actions that will increase the supply. Alas, the first of these actions defeats the last: control and regulation of any economic good reduces its supply.

The President has stated several times that he will veto any bill that does not meet his goals, which include: direct aid to parents; aiding the neediest families; not discriminating against stay-at-home parents; and not limiting day care choices. To date there has not been much movement in the conference committee, and sources on the Hill report that the Democrats are trying to postpone a compromise until election time, increasing pressure on the President to sign whatever package emerges.

This stay-at-home mother has a message for Congress and the President: Don't reduce the supply of day care by tightening regulations and eliminating small providers. Reducing the supply will only increase child care costs—exactly the problem the government says already exists and wants to alleviate. If you really want to help, don't socialize day-care but instead loosen controls and regulations and maximize choice for parents faced with child care choices. Don't penalize those who choose to stay at home by requiring them to subsidize those who prefer a second income to a traditional family arrangement.

And, ultimately, reduce the ever-growing need for a second income and the resulting child care decisions by lowering the tax burden on all taxpayers so they retain more of their income and more of their ability to make decisions about their lifestyle and their children free from government intrusion. ❑

* Tax rates present in this article include the income tax, and both the employee and employer share of the Social Security tax. These taxes are generally recognized to be direct taxes on a parent's wages. The combined tax rates are reduced by the value of the earned income tax credit.

* Alan C. Carlson, "What Happened to the Family Wage?" *The Public Interest*, Spring 1986, 11–12.

Re-examination

Defining a Libertarian Foreign Policy

by James S. Robbins

It's a long and curvy road from principle to policy.

The debate over foreign policy (mainly between Stephen Cox and Sheldon Richman) in the last two issues of *Liberty* offers yet another demonstration that foreign policy is among the most troubling sectors of public policy formation, one which doesn't follow the same rules as other areas. Ideological orientations simply do not seem to entail corresponding foreign policy outlooks, and when they do it is usually because of domestic policy concerns or emotional predispositions.

For example, in the mid-1980s, those on the Left regularly defended the Sandinista regime, boldly proclaiming that the United States had no business interfering in the internal affairs of other states, and, a moment later, declaring that it is a moral imperative that the United States take concerted action to bring about the end of apartheid in South Africa. Those on the other side of the political spectrum would hold to the opposite view—boycott Nicaragua, not South Africa. These viewpoints were inconsistent only because their adherents chose to elevate their policy preferences to the level of moral absolutes, which were, unfortunately, conflicting. But this did not stop them from holding them.

Some libertarians, perhaps a majority, believe that the United States has no business interfering in the affairs of other states, neither Nicaragua nor South Africa, and should end all foreign involvements, aside from the most basic (such as maintaining embassies). This attitude reaches its most extreme form among those who believe any such activities are neo-imperialistic, or that embassies represent an illegitimate subsidy for those who live or do business abroad and should be scaled back or discontinued. Others believe that the state has an obligation to defend the liberties of the American people, and if this requires a measure of intervention, it is permissible—but only in pursuit of the above-mentioned goals. Still others view the international realm as fundamentally anarchic; the rights that citizens of the United States enjoy are the product of our laws and traditions, and in the state of nature beyond our borders any action which the government has not denied itself is permissible.

Stephen Cox criticized the notion of "creedal isolationism," i.e., that the United States has a moral imperative to pursue a foreign policy that rejects intervention in the affairs of other states, and maintained that any creedal policies are inflexible and unworkable. Instead, he argued for a more flexible approach, one that allows intervention under certain circumstances. Sheldon Richman countered by pointing out that the morally unrestrained policies of the past have led to an increase in the domestic power of the state, and that restricting the scope of state power abroad contributes to the libertarian goal of limiting governmental expansion at home.

Trying to move from libertarian principles to foreign policy prescriptions is a complicated process, in part because there is not universal agreement as to what the basic tenets of libertarianism are. And while libertarian theory is mostly concerned with domestic politics and the relationship of the individual to the state (as opposed to the relationship between states), some basic foreign policy guidelines can be discerned.

Elements of a Libertarian Foreign Policy

For a foreign policy to be libertarian it would seem to have to conform to the basic libertarian conception of the role of the state in the international arena, namely to protect the citizenry in their life, liberty and property against foreign aggression.

This must, however, be balanced against the historical fact that the process of defending the people's liberties can bring about threatening growth in the domestic power of the state. The quandary arises in guaranteeing the state's ability to protect the people from aggression without allowing the state to use this defensive role for self-

aggrandizement.

One approach to this is the "creedal isolationism" mentioned by Stephen Cox. This approach vitiates the defensive role of the state except in the most extreme circumstances in order to guarantee that no opportunities for domestic growth will arise. The problem with this approach, from a practical standpoint, is that the growth of domestic state power becomes most prevalent only during extreme emergencies. Most circumstances that involve intervention, or its potential, don't contribute to the growth of the state at home. Thus isolationism stands best on a moral ground—that the United States simply has no right to intervene abroad. Such a position implies certain others, such as the notion that the sovereignty of the state is limited and different from that of the individual, and that there are constraints on the state that go beyond the law and Constitution—not only is the state not above the law, but there is a third force above the state and the law.

Another position is the traditional anarchist argument that the state is the cause of conflict, and the way to eliminate conflict is to eliminate the state. The practical problems with this latter position (besides how to get rid of the state) involve non-state actors, such as terrorists, whose activities can have as great an impact as some state actions.

Utopianism, Realism and the "Isolationist Tradition"

Neither creedal isolationism nor anarchism have had much influence on the formation of U.S. foreign policy. Two other schools of thought have predominated, the Utopian and the Realist. Utopianism was a successor of the classical liberal school, which saw free trade as a guarantor of peace. The Utopian approach was normative—it stressed what should be more than what actually was. In the early years of the Twentieth Century, the Utopian school was dominant. It influenced William McKinley, Theodore Roosevelt, and especially Woodrow Wilson, who raised the banner of Utopianism in his crusade against Imperial Germany. According to Utopian thought, the United States entered the Great War as an unwilling arbiter of international morality to enforce a more just world order (to "make the world safe for democracy"). The Utopians rejected the old wisdom of the balance of power and the use of force, on which they blamed the outbreak of the war, and sought to create international harmony through legal agreements, mass democracy (to keep states honest), increasing multilateral trade relations (to make conflict unprofitable), and, above all, reliance on human reason. The Utopians were interventionist, but their aim was the prevention of conflict. Of course, with the post-war backlash against Wilsonianism, the Utopian vision did not reach its full flower in the United States, but one can see Utopian elements in the Kellogg-Briand Pact (which "outlawed" war), and the various arms control measures of that period.

A libertarian foreign policy must recognize that there are those in the world who would, given the chance, destroy this country and the liberties its citizens enjoy, who would hold our citizens hostage or destroy aircraft for their parochial causes, end the freedom of the seas on which world trade depends, and generally make mischief.

A competing paradigm was the Realist model. The Realists believed that power and interest, not reason, shaped international behavior, and the United States should act accordingly. The empirically-oriented Realists looked to such things as economy, resources, population, geography and other objective indicators to dictate policy concerns and approaches. The Realists were also interventionist, but unlike the Utopians, they saw no "mission" for the country. Rather, they sought only security. Realism's heyday was in the decades following the Second World War, when the Utopian school had been mostly discredited. [1]

Utopian and Realist impulses can be seen throughout American history. But where does Isolationism fit into the discussion? Is it Utopian, Realist, both or neither? In fact, what has been called Isolationism in American history is an attempt to give the moral authority of Utopianism to an essentially Realistic mode of behavior.

Earl C. Ravenal has written that isolationism is "the fundamental American orientation towards the world." [2] Isolationism is generally thought to be part of the American foreign policy tradition. But the notion of an isolationist tradition is less resilient than it first appears. The United States is inarguably more active in the international arena today than it was before 1945, and the policies of the early years of the country may seem isolationist by comparison. But before the Second World War the U.S. was not the dominant world power, nor was it threatened by the expansionist policies of another major state. Isolation on principle was not a motive force in policymaking; the only principle was to take action when necessary. The United States had fewer reasons to pursue an activist foreign policy, and thus did not.

American international cooperation began with the Revolution, during which the Continentals were allied with France, Spain and the Netherlands. No one (to my knowledge) argued at that time that the rebellion should go it alone. After the 1783 Treaties of Paris, America seemed to draw back from the world stage. As Cox notes, Washington's Farewell Address is often cited as the native expression of American isolationism. It warned against involvement in the political affairs of foreign states, and of entangling alliances. But this was not a statement of idealism meant to serve as a guide to foreign policy for years to come. The address, delivered in September, 1796, was drafted not by Washington but by Alexander Hamilton, and the entangling alliances he had in mind were those he suspected the more radical Jeffersonians, given the chance, would forge with France. Washington's foreign policy prescriptions were simply episodes in the series of exchanges between the Federalists and the Republicans which had been going on for several years, and had no creedal isolationist basis.

During the first half of the Nineteenth Century, the United States actively defended its interests, using force

where necessary, and sometimes at whim. We became involved in wars with Britain (1812–1815) and Mexico (1846–1848). In terms of smaller-scale military action, U.S. soldiers fought or demonstrated in Tripoli, the Dominican Republic, Algiers, Equatorial Africa, Cuba, Puerto Rico, Greece, the Falkland Islands, Sumatra, Argentina, Peru, the Fiji Islands, Samoa, China, Smyrna, Turkey, Nicaragua, Japan, Uruguay, Paraguay and Colombia. They were dispatched to pursue pirates, to punish locals for offenses against American trade, to avenge the murder of American seamen and to free hostages.

Westward expansion is another example of U.S. intervention. What, after all, was Manifest Destiny but a creedal justification for imperialism? I refer not to the conquest of the Indian nations (although the issue is relevant here also), but rather to U.S. actions against European powers on this continent. They can only be considered isolationist if one believes that the territory we annexed belonged to us anyway, and we were only exercising our legitimate rights. The European states did not see things that way. Isolationists often cite the Monroe Doctrine as evidence of the American noninterventionist tradition, but that doctrine (variously interpreted at different times and by different policymakers) was intended to solidify U.S. territorial claims, and was aimed against Britain, Spain, France and Russia. During the period leading up to the Civil War the U.S. took a number of interventionist steps, such as backing a coup in California, landing the U.S.S. Ontario in Oregon to take possession (ignoring Russian and Spanish claims to the area), occupying Florida, concluding an annexationist peace with Mexico, and countless smaller actions. In addition, there was extensive diplomatic activity between the United States and European countries concerning the disposition of North America, Central America, and the Caribbean.

After the Civil War the United States went into a period of withdrawal, yet still used force to punish transgressors when the situation warranted. But with the Spanish American War and the subsequent Presidency of Theodore Roosevelt, America came out of its relative isolation and embarked on a period of active involvement in European and world politics. The occupation of Hawaii, the post-Spanish War colonization of the Philippines with its attendant guerrilla conflict, the Portsmouth conference at which Roosevelt mediated the end of the Russo-Japanese War, the U.S. coup in Panama, and sabre rattling against German expansion in South America were some of the more obvious by-products of this phase. The United States also became a signatory to international agreements such as the Hague Convention. This period culminated in American involvement in the First World War, in which Wilson took an explicitly Utopian and idealistic line.

The traditional anarchist argument is that the state is the cause of conflict, and that the way to eliminate conflict is to eliminate the state. The practical problems with this latter position—besides how to get rid of the state—involve non-state actors, such as terrorists, whose activities can have as great an impact as some state actions.

Wilson's vision of a post-war democratic world was not to be. The world did not see the spread of democracy, but rather the rise of fascism and communism. The United States did not stay at the center of European affairs or participate in the League of Nations. But it maintained a presence through war-debt negotiations, various arms and conflict control agreements (such as the Kellogg-Briand Treaty and the Washington Naval Agreement), and numerous, traditional small-scale interventions (e.g., Panama, Turkey, China, Honduras, Russia, Nicaragua). It was only in the period 1933–1940 that U.S. soldiers were not regularly sent abroad, apart from troops permanently stationed overseas in the Pacific. (This says something about the aggressive tendencies the revisionists ascribe to FDR. He seemed less willing than his predecessors to use force against our neighbors.) Then came World War II and, in its aftermath, the most active phase of U.S. foreign policy, with the Marshall Plan and other massive foreign aid programs, the Truman doctrine and other "containment" strategies, a series of multilateral military alliances (NATO, CENTO, SEATO), membership in the United Nations, and wars in Korea and Vietnam.

The notion that the United States has an isolationist tradition is thus questionable. If defined in the narrow sense of not being allied with European powers or directly involved in their conflicts, such a tradition existed. But it existed because there was little reason for the United States to get involved before the advent of unrestricted submarine warfare. But if one looks at other examples of political or military activity, the tradition is as interventionist as isolationist. The U.S. has intervened wherever and whenever it felt its interests were threatened, especially in the Western Hemisphere, which we claimed as our excusive sphere of influence. Seen in this light, the invasions of Grenada and Panama were not aberrations, but consistent with the historical American use of force abroad.

This does not mean that these policies went unopposed. There have always been those who decried the use of U.S. force abroad, just as there have been those who thought force was not used often enough. But the point I am trying to make is that while there may

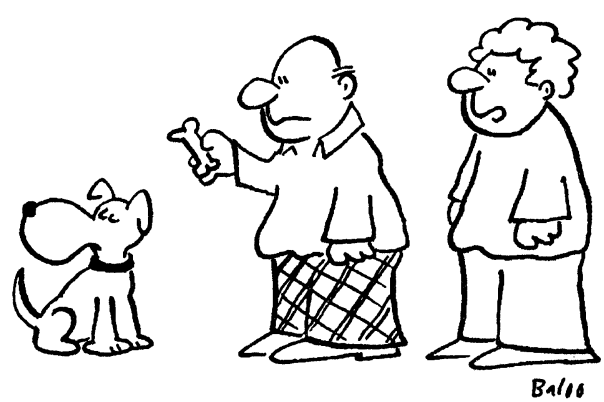

"Oh, he doesn't beg anymore — he got some kind of Federal Grant."

have been an isolationist intellectual tradition, it was not the primary determinant of American international behavior.

Forms of Foreign Involvement

There are many types of foreign involvement. In previous essays, debate concentrated on its most extreme forms, namely wars. In the Cox/Richman exchange, the word "intervention" was used often, but was never clearly defined. It seemed as though the word "war" was being used interchangeably with "intervention," and while most wars are interventions (unless one is acting in self-defense), not all interventions are war.[3]

And are all wars bad? Ethan O. Waters raised the issue of the *bellum justum,* the Just War. Theories of Just War have been debated since written history began, and as long as the debate has raged there have been those who dismiss all Just War theories as propaganda used by the state to rationalize its actions. But this is not a reasonable position, unless one believes all wars are univocally evil—a view that few people maintain.

Almost everyone, except perhaps those most committedly pacifistic, would agree that a war undertaken out of self-defense is a just war. And, likewise, most readers will agree that a purely aggressive war against a harmless adversary is unjust. Between these poles lie the battleground for a libertarian policy. Unfortunately, there are few clear-cut cases of pure aggression or pure defensive action. So by what standard does one judge the other cases? Take, for example, pre-emptive aggression. A neighboring state has amassed forces and one is nearly certain that an attack is coming, but shots have not been fired. May one act? More to the point, may one attack? It depends on where one places the situation in relation to permitted (defensive) war and unpermitted (aggressive) war.

The issue is complicated by the fact that wars have practical consequences for domestic politics. Sheldon Richman points out, correctly, that wars have been responsible for most of the growth of state power this century (and last century—certainly the Civil War represents a quantum leap in Federal power, at the expense of the states and the people). Deference to executive excesses by Congress and the Supreme Court has been common during conflicts, and a similar dynamic can be seen in almost every political system. The Roman Republic institutionalized this in the temporary office of dictator, the occupant of which had tremendous latitude to deal with a crisis, but lost all his powers when it abated. Unfortunately, in the United States the provisional powers granted the state have tended to become permanent.

However, this does not mean that all armed interventions have augmented state power uniformly. Two of America's wars, the Korean and Vietnam conflicts, saw action taken to limit executive discretion. The former witnessed the Steel Seizure Case (*Youngstown Sheet and Tube Co. v. Sawyer* [1952]), in which President Truman was prevented from taking over the steel mills for the war effort. The latter saw the decline of the Imperial Presidency, and was the impetus for the now-questionable War Powers Act and other Congressional checks on the executive branch. Of lesser acts of intervention, it is difficult to see how they added to domestic state power. Consider, for example, the U.S.-backed Bay of Pigs invasion. I doubt that this increased the influence of the state (except Castro's). The invasion of Grenada, a conflict the United States won, also did not add to the domestic power of the government. Lesser activities have lesser effects; there is a difference between the crisis atmosphere generated by a war, and the dynamics of small-scale interventions. This is why "the growth of the state does not bar all interventions"—because not all interventions contribute to the growth of the state (especially those that fail).[4] Sheldon Richman argued that interventions usually have bad effects, and the example of Grenada does not, by itself, disprove his point. But enough examples can disprove it by showing that pernicious domestic effects often do not follow intervention. The United States has intervened with arms over 170 times in its history, and most of these events had no domestic impact at all. Cases of intervention by means other than force are more numerous and had even less impact. It would be better to say that, generally, the larger the scale of intervention, the worse the domestic effects. Small, quick invasions like Grenada do little domestic harm, except to make invasions more likely in the future.

Sometimes inaction can be more harmful than action. A good example is the Second World War. In situations like this, intervention is the lesser of two evils. Yes, the war led to the expansion of state power. But it was a war we would probably have had to fight sooner or later, and a later war against stronger adversaries would have entailed greater sacrifices and led to even greater state expansion—if we won. Some revisionists believe that the conflict was unnecessary; that Roosevelt suckered the Japanese into attacking, and that Hitler was bullied into declaring war. I have no argument with the idea that FDR wanted a war to end the economic depression which the New Deal had lengthened. But I cannot accept the concept that the Japanese militants and the Nazi Übermenschen would have halted their expansion of their own volition once they came up against the American sphere of influence. It seems peculiar to me that those who are the first to criticize the excesses of the American government will give the benefit of the doubt to states far more restrictive and intrusive simply because our government opposes them. This approach is exemplified in the argument advanced by Ger Alperovitz that Truman used the A-bomb not to force a Japanese surrender but to intimidate Stalin. Perhaps Truman wanted to do both of these things—and Stalin was

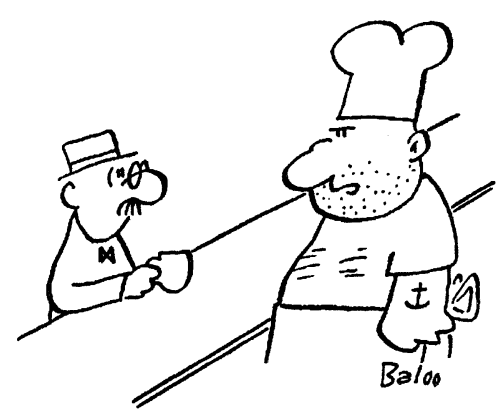

"You want a free refill? — Oh, a *tough* guy, eh?"

definitely someone who needed to be intimidated. Libertarians should be concerned with the increase in power of any state, not just the United States.

The debate in Liberty dealt primarily with the morality and ramifications of war, but there are other important types of international behavior with which libertarian policy must contend. Alliances are one such form. Can a libertarian foreign policy endorse any alliances, military or civil, bilateral or multilateral, entangling or otherwise? I can see no reason why it cannot, provided the alliance is a good one, based on mutual reciprocity, serving a reasonable purpose, and not outliving its usefulness. (As Charles De Gaulle once said, "Alliances are like pretty girls and flowers; they last as long as they last." [5]) And are other international agreements, such as arms control accords, outside the pale of libertarian foreign policy options? I would put them in the same category as alliances. So long as the agreements are in our interests and the net result is positive, they are permissible.

Another controversial activity is covert action. Where is the line to be drawn regarding intelligence activities? Is the passive collection of signals intelligence to be permitted? What about human intelligence operations on the ground within the adversary camp? Is sabotage allowed? What about kidnapping? I think any of these activities could be integrated into a libertarian framework depending on circumstances. If we knew terrorists planned to plant a bomb on a civil aircraft, sabotaging that bomb would seem a prudent move. If a terrorist has been indicted in this country for crimes he allegedly committed but he cannot or will not be extradited, taking him in by force would seem acceptable. After all, if he were an American citizen there would be no question in the matter. Assassination should be disallowed, as should any action which, if taken on American territory, would be illegal. Overall, however, good intelligence activities contribute markedly to the security of the country, and may be used to preempt situations from becoming so serious that more overt force is necessary. The primary problem with allowing an intelligence service to become strong is that members of the organization or political leaders might be tempted to misuse the power (as exemplified in the Iran-Contra scandal). But that is an argument for better oversight, not for giving up our first line of defense.

What about foreign aid? This issue wasn't raised in the Cox-Richman debate, and that may be because on this issue there is little dispute. Libertarians usually see these payments as nothing more than welfare writ large, and an inappropriate activity for the state. For most libertarians, the reason foreign aid is objectionable has more to do with the fact that such grants are immoral transfer payments (i.e., an unjust use of taxes) than that they are interventionist (or internationalist) in nature. But if foreign aid can be shown to contribute to the security of the United States, it is no more than a transfer payment that is paying a soldier for defending the country.

Though isolationists often cite the Monroe Doctrine as evidence of the American non-interventionist tradition, the truth is that doctrine was intended to solidify U.S. territorial claims, and was aimed against Britain, Spain, France and Russia.

The four forms of international behavior I have discussed—armed intervention, international alliances and agreements, intelligence activities and foreign aid—share two characteristics: none are inherently anti-libertarian, but all of them have applications that violate libertarian precepts.

The Practice of Principle

Morality-based foreign policies are attractive to politicians. They allow appeals to "higher principles" as justifications for their actions, and make for good rhetoric. But this may lead to complications. The latest manifestation of idealistic interventionism was the Reagan Doctrine, which stated that the United States would aid any anti-communist insurgencies. The underlying assumption was that it was always in American interests to oppose communism. This is a sound assumption much of the time, but there is no reason it need be a "doctrine."

Consider, for example, Afghanistan. The United States did not intervene when the communist government took control in 1978, but only when the Red Army invaded in 1979. The invasion led to the Carter Doctrine, the Olympic boycott, and the end of detente.The U.S. did not involve itself in this conflict because of its support for democracy, or opposition to socialism. It got involved for one reason: to oppose the Soviet Union.

The Mujahedin, many of whom are anything but democratic, became a moral cause, and received billions of dollars in support. The most important and costliest contribution was the Stinger missile, which imposed stalemate and made the contemplated Soviet pullout an imperative. When Soviet troops left, rational U.S. foreign policy ends had been met. But because so much moral capital had been invested in the Mujahedin and their cause, we were unable gracefully to decrease the amount of material aid without being accused of "bungling" when the Mujahedin did not prevail. Afghanistan, a major interventionist success, is being perceived as a failure. The irony, of course, is that the Reagan Doctrine was never universally applied. Some anti-Communist rebel groups received a great deal of funding, and some (such as RENAMO in Mozambique) received next to nothing.

The realities of power tend to blunt the clean edges of idealism, and it is easy for libertarians to adopt a doctrinaire approach to foreign policy because they don't have the responsibility to carry out these policies. The example of the socialists of the Second International in the years before the outbreak of the First World War is instructive. Their primary international paradigm was trans-national class solidarity. But as some of the socialist parties began to achieve a measure of power (particularly the German SPD), they realized that their model did not reflect reality, and that if conflict came the workers would be more than happy to march to the front to shoot each other. The more they clung to the model, the wider the gap between theory and reality became, and when war arrived the International collapsed.

Foreign policy decisions in this country are seldom based on ideological concerns or theories of international behavior. Rather, they are ad hoc and reactive. And this is the way they should be. Cox writes that "Intervention is not always right, and neither is isolation." I agree. Sometimes it is necessary to get involved, and sometimes necessary to remain aloof. To do either always and on principle would be impractical and counterproductive.

A libertarian foreign policy must recognize that there are those in the world who would, given the chance, destroy this country and the liberties its citizens enjoy, who would hold our citizens hostage or destroy aircraft for their parochial causes, end the freedom of the seas on which world trade depends, and generally make mischief; and it must at the same time be flexible enough to deal with these threats in whatever way is most effective. This does not mean invading a country whenever we get upset over its domestic policies. But it does mean aiding our friends and trading partners to ward off aggression, defending the freedom of the seas, and making the world safe not for democracy but for us. Sometimes this involves negotiation, sometimes intimidation, a show of force, or actual conflict. Each situation must be judged on its merits. And the standard of evaluation should be that an action is permissible if undertaken to defend the life, liberty and property of the citizens of this country by whatever means necessary, providing the domestic effects are not sufficiently negative to make the intervention nonsensical (that is, the cure is not worse than the disease).

To say that it is impossible to determine when a threat is sufficiently severe to merit attention because no decision-maker is objective or really wants to be, or that because we can't be sure that force will always be used correctly that nothing should ever be done (unless we are directly attacked) is not tenable. Policymaking and decision-making are not activities which can be conducted with scientific precision. The most that can be done is to erect sound principles for the decision-makers to follow as guidelines to action, and maintain structural mechanisms within the government to make certain that the powers with which they have been entrusted are not abused. This is easier said than done (especially when policymakers do not share libertarian assumptions), but it is a practical approach, and consistent with libertarian principles. ❑

Notes:

1 There are other theoretical approaches to international relations—Behaviorism, Neorealism, Post-Behaviorism, Pacifism and others—but they are not important for the purposes of this discussion. I will refrain from presenting a bibliography in this essay, both because of considerations of space and because those readers who have a deeper interest can readily find many general works on the topic. However, I will submit two titles. *Contending Theories of International Relations* by James E. Dougherty and Robert L. Pfaltzgraff, Jr, is an invaluable survey of the various schools of thought, and a good starting point. For information on the Utopian and Realist schools, see E.H. Carr's *The Twenty Years' Crisis, 1919–1939*, a classic of international relations literature.

2 Ravenal, "Nonintervention: A Libertarian Approach to Defense," *Reason*, 9 (3), July, 1977, pp. 16–20.

3 Some define war as any exchange of gunfire or use of force, and would list the Tripoli bombing and the shelling of Lebanon as war. These are examples of aggression, but are not "war." I do not mean to diminish the implications of the actions, but their association with war certainly diminishes that term.

4 Furthermore, preventing the domestic growth of the state is not the primary aim of libertarian foreign policy. Defending the interests of citizens abroad is.

5 Incidentally, the debate over "who started it" so far as NATO and the Warsaw Pact are concerned is somewhat futile, and takes on chicken-and-egg proportions. However, one should note that as early as 1944 Stalin had already selected the future leaders and elites of the East European states from Communist émigrés who had come to the Soviet Union earlier in the decade (or before), and a directorate was set up inside SMERSH to see to it that they were in place as soon as possible. Of these men only Jarulzelski remains.

"Fever Swamps," Reflections, *continued from page 16*

although the conspiracy itself goes back to ancient Sparta. The JBS dimwits would be left cold by the intelligent, witty approach Rockwell used with Chronicles' readers. So Rockwell carefully tailored his writing for this odd audience.

Rockwell opens his column in TNA with a brief discussion of a proposal to force businesses to provide a variety of privileges for the handicapped. He makes several intelligent points about the measure, but to satisfy his audience, he also hints at the conspiracy of "big companies," "Rockfeller-Republicans" and "big corporations" that are behind it. He tops this analysis off by bringing up the spectre of AIDS, a particularly hot button for right-wing paranoids. He tosses in a silly bit of misinformation—that since "AIDS Dementia Syndrome affects the brain long before outward symptoms appear, what employer wants HIV-positives making important decisions?"—ignoring the fact that only a small number of AIDS victims develop dementia, and that only a small proportion of HIV positives have developed AIDS.

He concludes his column with an attack on the Clean Air Act, he states his case in the jargon of the paranoid: the measure is "being prepared for us by our bipartisan masters," it is part of a campaign started by "the original liberal Republican, Teddy Roosevelt" on behalf of "the lumber barons and railroad interests associated with his mentor, J.P. Morgan." But along the way, he makes a couple points about pollution that any libertarian would applaud: for example, that "when any [resource] is owned in common, people tend to abuse it because they do not have to bear the cost."

Now this isn't exactly my cup of tea. I could do without the conspiracy mumbo-humbo and the rant against AIDS victims. But by including them, Rockwell makes his basically libertarian message palatable to the dimwit paranoids in the Birch Society. As nearly as I can tell from skimming the rest of *The New American*, Rockwell's is the most intelligent piece in it by a wide margin. And—who knows?—it might help some Bircher grow out of his simplistic conspiratorial world view. It certainly can't do any harm. And, meanwhile, the banner of liberty is raised to yet another audience.

—RWB

Reviews

None Dare Call It Treason . . . 25 Years Later
by John A Stormer. Liberty Bell Press, 1990, 406 pp., $21.95

Call It Puerile

William P. Moulton

All of us in the Goldwater generation have vivid memories of *None Dare Call It Treason,* the privately-published little tome by Missouri schoolteacher John A. Stormer that made such a splash on the campaign scene in 1964. Every Barry HQ, YAF grouping, John Birch Society chapter and local conservative club in the country had a passel of this red-and-black paperback for use as intellectual, or at least polemical, ammunition. The cover price was seventy-five cents, but no one actually paid this. They could be ordered from the author for a dime each in quantity lots, and for mega-purchases the unit price could be negotiated down to almost zilch. One northern Michigan businessman ordered 60,000, which he lavishly distributed among the area's right-wing associations. Stormer liked to brag that over seven million were printed, which is probably true, although I am sure that nowhere near that number were actually read. (After November 1964, virtually every active Goldwaterite was stuck with multiple copies—I still have a dozen or so.)

What was the book about? Well, the kinds of things that seem very fascinating and sinister when one is 16 but which sophisticated and knowledgeable conservatives eventually outgrow. A lot of conspiracy theories, sort of half-digested and slopped one to every fact and historical event of the last 50 years. Anti-communism, of course, but of a rather superficial and puerile variety ("First, we will take Eastern Europe . . . overripe fruit into our hands" and other bogus quotations, references to a creature known as "Nicolai" Lenin, that sort of thing). Warnings of a hedonist-one-world-mental health-sex education-Council on Foreign Relations-Rockefeller plot against Christian civilization. In short, the values and anxieties of the primitive patriotic right.

After his initial *opus,* not much was heard of Stormer for quite a few years. Somewhere along the line he found Jesus, and most of his writings in recent times have been strictly religious in subject matter, attracting little attention. Now, however, he has come out—again under a private imprint—with the twenty-fifth anniversary edition of *None Dare Call it Treason.*

As the title indicates, this is an updating (through November 1989) of his original classic. The first thing one notices, however, is that it is updated in an amateurish and clumsy fashion. Basically, the old book is still there, with new material tucked in wherever it (sort of) fits. Thus, one encounters long passages taken from the original work, complete with its 1963-4 time frame. It is somewhat disconcerting to constantly read about 1960 as the most recent election, of Richard Nixon as a recent vice-president, and of various long-dead individuals as if they are current office-holders. There are also parts of the book which, while not so glaringly anachronistic, are simply outdated. As an example, it is no longer easy, in this country, to railroad people into mental institutions—there are vastly stronger safeguards compared with the situation in the early '60s. To read Stormer, however, you would think that one could still put old Aunt Bessie "away" with just a call to a doctor. Many other cases could be cited (in this book, the GOP is still divided into a ruling liberal wing and a nascent, struggling conservative faction). Oh, yes, "Nicolai" Lenin is still around, although he is, confusingly, called by his correct name in one passage.

Most of this can presumably be attributed to laziness. If we discount the anachronisms—not an easy task—is there anything of value in Stormer's new book? Sadly, not much. When he is correct, he is obvious and not very deep (socialism doesn't work, Stalin wasn't a nice man). The rest of the time, he veers off into all manner of Birchite and nut-right foolishness, just as in his earlier work. The Christian element is much stronger now. "Humanism" is more specifically identified as the enemy. Of course, there are truths buried here and there, but their value is destroyed by the miasma of wild accusations and inflammatory rhetoric that surrounds them. As a tool to present a pro-freedom, pro-free market case to thinking people, Stormer's book is worthless.

Like many on the primitive right, Stormer seems to be a sincere, well-meaning person. The problem is, such people never seem to advance beyond a very elementary point of political understanding. They get a few basic ide-

as, decide that anyone who rejects them is the enemy, and that all one has to do is mobilize the masses of God-fearing, decent patriotic Americans, and they never advance any further. They never develop the tools of real scholarship, never try to come to terms with the intellectual foundations of opposing ideas, and never realize that to effect great changes you sometimes have to appeal to the mind, not just to so-called decent instincts. Without these understandings, all their effort is just wind up the chimney. ❑

Fractional Money,
by Neil Carothers. Bowers and Merena Galleries, Inc., 1988, 372 pp., $19.95.

Money and the Root of Evil

R. W. Bradford

Few people realize that prior to 1872, American coins *never* circulated to any appreciable extent. The needs of domestic commerce were met by a bewildering array of tokens, bank notes, and foreign coins. What few coins were manufactured by the U.S. Mint more often than not were turned directly over to brokers who exported them for profit.

The history of American coinage is to a remarkable extent the history of government incompetence and chicanery. Neil Carothers tells the story with scholarship and panache in his now classic *Fractional Money*, originally published in 1930 and recently brought back into print by the numismatic publisher Bowers and Merena.

Fractional Money is much more than a history of pocket change. It is the story of how the U.S. government mismanaged its money so badly that for nearly the first century of national existence, it left commerce without anything even resembling a uniform circulating currency. Coins played a far more important role in commerce in the past than they do today. Paper money was not issued by the federal government until the Civil War, and during the next half century it played a relatively minor role. Only with the creation of the Federal Reserve System in 1914 and its growing power in succeeding years did the U.S. dollar became a paper commodity, backed only by the promises of politicians. Before then, it was a unit of metal.

But what metal? In the late eighteenth century, two metals were commonly used in coins: gold and silver. Each was easily minted, fairly scarce, and valued for its beauty . . . each was a suitable metal for coins. Not surprisingly, coins were minted of both metals, and the monetary unit defined as a fixed amount of either of the two.

Needless to say, this attempt at bimetallism failed. Price is a market phenomenon. In the real world, the prices of all commodities fluctuate constantly. The amount of gold that is equal in value to one ounce of silver today will be worth a bit more or a bit less tomorrow. Government can no more legislate the price of gold in terms of silver than it can legislate the price of anything else. The early history of American coinage is the history of politicians' failure to understand this simple fact.

Originally, silver and gold were fixed at a 15 to 1 ratio; that is, one dollar face value of silver coin weighed 15 times one dollar face value in gold. In 1792, this approximated the ratio in the marketplace, but by the end of the decade, the ratio in the market had risen to 15.75. U.S. gold coins were overvalued, and consequently driven from circulation.

The silver dollar fared little better. Although intended to approximate the silver content of the Spanish dollar (as minted in Mexico), it actually contained slightly less silver. However, the difference was small and the coin attractive, so it was accepted at par in the West Indies. Yankee traders quickly learned that they could swap their U.S. dollars for the heavier Spanish dollars in the Indies, then take the Spanish dollars to the U.S. Mint and have them recoined (at no cost to themselves) into a larger quantity of U.S. dollars, which they could take to the Indies to swap for even more Spanish dollars. This endless chain was cut in 1804 when Jefferson ordered the Mint to stop the manufacture of silver dollars altogether.

For the next thirty years, the only coin issued by the Mint in any quantity was the silver half dollar. But thanks to the requirement that the Mint strike the coins at no charge and the limit on appropriations, the number of half dollars minted was so small that it was used mainly as a reserve currency by banks.

In the early days of the Republic, Congress was so leery of government-induced inflation that it actually legislated what amounted to a *tri*-metallic system. The original law, written by Alexander Hamilton, provided for a copper cent weighing in at 264 grains, which would make it nearly the size of an old-style silver dollar! Washington reduced this clumsy and bulky coin to a more practical size by executive order in 1795.

For the next 65 years, Congress authorized and the Mint coined a variety of coins that simply failed to meet the demands of commerce, and the nation continued to get by as it had prior to independence, with a motley variety of tokens, paper money and foreign coins, with an occasional almost accidental interruption for the circulation of U.S. coins. For example, in 1851 the minting of tiny 3 cent silver coins was authorized by Congress to facilitate the sale of postage stamps. At the time silver was

overvalued and had been driven from circulation, but through a Congressional oversight the 3 cent coins (nicknamed "fish scales") contained less silver than other silver coins and thus could circulate as subsidiary coinage. These quickly became virtually the only non-gold coins in circulation: Carothers cites newspaper accounts of people paying for an inexpensive item with a $5 gold piece and receiving a ladle of more than a hundred of the tiny coins as change.

The inflation of the Civil War drove *all* coins from circulation. (They were replaced with lightweight tokens and postage stamps.) It was not until the general revision of the coinage laws of 1873 that a sensible system of coinage was created, and then it was only by accident. As a result of lobbying by competing interest groups and sheer serendipity, Congress abolished the standard silver dollar, and authorized a new coin, the "trade dollar," intended to circulate in the Orient, withdrew authorization for the silver dollar, and made smaller silver coins redeemable in gold. The Trade Dollar was not redeemable in lawful money; its legal tender status was at first limited to $5 and later abolished. Taken together, the effect of these measures was to abolish bimetallism and put the U.S. on the gold standard, thereby enabling a sound dollar and a genuinely subsidiary coinage for the first time in American history.

Fractional Money *is the story of how the U.S. government mismanaged its money so badly that for nearly the first century of national existence, it left commerce without anything even resembling a uniform circulating currency.*

Carothers writes from the perspective of a classical liberal familiar with the virtues of the gold standard. His work is of immense value to anyone interested in American history, monetary history, or the history of coinage. And it is a genuine pleasure to read. ❑

Honest John Vane,
by John De Forest. Pennsylvania State University Press, 1988, $22.50.

Honest John De Forest

Bill Kauffman

John W. De Forest is a forgotten Yankee novelist who ought to be remembered, not least for *Honest John Vane,* the most merciless dissection ever penned of the criminal class inhabiting the U.S. Congress.

Son of the Connecticut gentry and coiner of the phrase "the great American novel"—alas, he never wrote it—De Forest spent the last five decades of the 19th century fictionalizing the signal events and people of the American past; Puritans, the Revolution, sectionalism and the War Between the States, the corruption of the GOP.

What rotten luck the man had! His entrancing treatment of the Salem trials, *Witching Times* (1857), never emerged from out of Hawthorne's shadow. His realistic Civil War novel, *Miss Ravenel's Conversion* (1868), was forgotten in Stephen Crane's wake. And *Honest John Vane* (1875), his masterful satire inspired by the Grant Administration's Credit Mobilier scandal, had no heroine to match the ineffable Lightfoot Lee of Henry Adams's *Democracy.*

Adams, De Forest, Gore Vidal (*1876*), Mark Twain and Charles Warner (*The Gilded Age*): American Mugwumps, the cussed independents, have always been fascinated by the age delimited by the death of Lincoln and the rise of Populism. Something went very wrong with our America in that era, aptly designated "the Great Barbecue" by Vernon Parrington. The Republic of virtue was giving way to . . . something else. De Forest had been a stalwart of the small libertarian wing of the Republican Party, but the culture of corruption sickened him, and he fled into the arms of Tertium Quid. The young reformer became a New England conservative, and a bitter one to boot. De Forest's declaration of independence, *Honest John Vane,* could have borrowed an epigraph from Brahmin *par excellence* James Russell Lowell:

> Since office means a kind of patent drill
> To force an entrance to the Nation's till

Honest John Vane traces—acidly—the congressional career of its mediocre namesake, the representative from Slowburgh. John Vane is a refrigerator magnate, a prosperous burgher of middling intelligence whom the Republican bosses—venal but eager for some good P.R.—nominate for Congress. Vane is not exactly stupid, *à la* Dan Quayle, but his mind is marked by an "Eden-like nakedness." De Forest explains:

> As for political economy, he had never seen a line of Adam Smith, Mill, Bastiat, or any of their fellows; they not being quoted in 'the papers' which furnished his sole instruction in statesmanship, and almost his sole literary entertainment. He was too completely unaware of these writers and of their conclusions to attack them with the epithet of theorists or of *doctrinaires.* All that he knew of political economy was that Henry C. Carey had written some dull letters about it to the *Tribune,* and that the Pennsylvania iron-men considered him "an authority to tie to." His vague impression was that the science advocated the protection of native manufactures, and that consequently it would be worth looking into whenever he found a moment's respite from business and politics.

De Forest describes Vane's campaign platform with a characteristic blend of wit and contempt:

> His "war record" was admitted to be unimpeachable; that is to say, he had consistently and unflinchingly denounced the Rebellion "from its inception"; if he had not fought for the Union on the battle-field, he had fought for it on the stump and in the chimney corner.
>
> . . . He contended that it was our mission, and consequently our duty to interfere on behalf of oppressed Cuba by bringing it within the pale of our own national debt, and generally to extend the area of freedom over such countries as would furnish us with a good market for our home productions, and a mild climate for our invalids.

The Honorable Vane is elected and comes to Washington full of high-minded intentions, foremost "his plan for renovating and purifying the Republic by rescinding the franking privilege."

"Honest" John Vane is easily converted to the High Church of Internal Improvements; he is soon knee-deep in the Great Subfluvial, a crooked crackpot endeavor to build a tunnel linking Lake Superior and the Gulf of Mexico.

He does not remain a naif for long. In current parlance, he "grows." The Mephistophelian operative Darius Dorman defines Vane's choice as between "failing as a watchdog of the Treasury and succeeding as lapdog of the lobby."

Dorman's partner, the corrupt Senator Ironhead, encourages Vane to forget reform and "take up some great national enterprise. Get your name associated with a navigation scheme, or a railroad scheme." Slowburgh's paladin is easily converted to the High Church of Internal Improvements; he is soon knee-deep in the Great Subfluvial, a crooked crackpot endeavor to build a tunnel linking Lake Superior and the Gulf of Mexico.

Vane's role in the Great Subfluvial rip-off is uncovered; to save his seat (and his sobriquet), he mounts a defense that would be the envy of Jim Wright and Barney Frank.

Honest John Vane was a commercial failure. It was dark and pessimistic; Vane's moral decay seems ineluctable, his redemption impossible. In the pages of *The Nation*, young Henry James complained that an "aroma of . . . vulgarity" pervaded the book. Just so; for the subject was politics.

(De Forest himself was not above hypocrisy. In the wake of *Honest John Vane* and its companion, *Playing the Mischief*, he had the nerve to ask President Hayes for a diplomatic appointment. He was turned away, of course.)

Like many writers whose books languish unread, De Forest blamed America's readers, whom he came to view as blockheads. He wrote William Dean Howell "I don't understand why you and I haven't sold monstrously, except on the theory that our novel-reading public is mainly a female or a very juvenile public, & wants something nearer its own mark of intellect and taste, as for instance, 'Helen's Babies' & 'That Husband of Mine.'"

In his dotage, De Forest asked, with a mixture of humor and pathos, "Can it be . . . that I was a great man once for a little while, and missed knowing it? If so, I hope the thing will come to light publicly . . . a century or so hence."

Well, it hasn't. John W. De Forest is gone and forgotten, and republican virtue is deader than James Russell Lowell. Only John Vane survives. He's reelected every two years. ❑

(Other De Forest titles have also been reprinted by Pennsylvania State University Press.)

Booknotes

Feminism triumphs – Earth destroyed by asteroid

Feminism is a corrosive ideology that denies important truths about sex-linked behavior and attempts to force men and women into a unisexist ideology that doesn't meet genuine human needs. Or so Nicolas Davidson argues in ***The Failure of Feminism*** (Buffalo, New York: Prometheus Books, 1988, 392 pp., 26.95).

There is a substantial body of feminist theorizing asserting the opposite, including Betty Freidan's *The Feminine Mystique*, the book usually credited with giving birth to the modern feminist movement. But Davidson isn't much interested in engaging in actual argument against this feminist tradition. Rather, he mostly engages in contradiction, matching assertion with counterassertion, spewing his manhood over the pages as he assails the ill effects of feminist denial of the significance of gender in sexual morés, family relationships and child rearing. Advising (in his chapter "An Open Letter to American Men") that men "should habitually assume that whatever men in general do, is right and good" doesn't seem like the work of someone engaged in intellectual discussion; it seems more like a member of the He-Man Woman Haters Club conspiring with his buddies on how to win arguments with those bitchy, difficult *girls*.

There is certainly a lot to be said against feminist ideology, and indeed Davidson says some of it. Chapters 7 and 8, "The Rise and Fall of Cultural Determinism" and "Advances in Behavioral Biology," are useful and sensible as they show how certain feminist assumptions about the infinite mutability of human cultural roles are based on outdated or debunked evidence; here, Davidson is engaged in true and effective argument. But too much of *The Failure of Feminism* is taken

up by fierce flashes of Davidson's pride in his masculinity and how, dammit, he's not gonna let any girl tell him he's not right to be proud.

Some of his digressions are just plain weird. Why should we care that he thinks rock 'n' roll isn't as good as it was in the sixties? How relevant is his defense of the advantages of "male" qualities like abstract logic and aggression by explaining how they will save humanity someday from the fate of being smashed to smithereens by a giant asteroid? (You see, we can use the A-bomb—a product of this abstract logic and aggression, saith feminists—to blow up the asteroid before it hits us! Davidson harps on this silly fantasy a couple of times, and even devotes a long footnote to it.)

Debunking feminist proscriptions for government-enforced social and economic leveling along gender lines is a noble activity. Unfortunately, Davidson doesn't seem to be man enough for the job. —Brian Doherty

Beyond Conformism — A novel about a Catholic priest? No thanks, *I'm* not a Catholic!

Well, I'm not either. But J. F. Powers' novel, ***Wheat That Springeth Green*** (New York: Knopf, 1988, 335 pp.), is a book for everyone who can appreciate either brilliant achievements of an ironic literary style or incisive analysis of conflicts between individuals and institutions, religious or secular.

The protagonist of *Wheat That Springeth Green* is Father Joe Hackett, who figured in some stories in Powers's mordantly humorous collection *Look How the Fish Live,* one of the finest books of short stories to appear in the past twenty years. Father Joe runs a parish in some awful suburb in Minnesota, during the late '60s. He tries to raise money, quarrels with the Archbishop's bureaucracy, drinks, quarrels with the parishioners, is investigated by the health department as a possible carrier of venereal disease, drinks, tries to make friends with the young, Vietnam-era priests who wash onto his doorstep, drinks, watches Twins games, philosophizes, drinks.

"Frequently reported, of course, like flying saucers, were parishes where priests and people were doing great things together. 'But I've never seen one myself. . .' Joe said."

Feeling this way, however, Joe still has enough spunk in him to hit a local journalist in the face "with a custard pie of theology" when the journalist tries to embarrass him into offering prayers for the success of H.R. 369, which would benefit an industry in the neighborhood.

"'The Church tells us to pray for things that lead to salvation, for grace and so on, but for temporal things only insofar as they conduce to that end.'

"'I see. May I quote you?'

"'No.'"

Well, Father Joe's not perfect, but his imperfections, besides being funny, offer insights into individuals of high ideals who rebel against and yet are implicated in institutions and communities bent on soulless conformism.

Yet Joe is also Powers's means of showing how the self is *saved* from conformism. Salvation, in this book, comes almost as much from a sense of humor as from a sense of God. It is humor as much as faith that demonstrates that we have souls and vocations separate from the institutions that try to control us.

When a pompous young man shows up at the rectory to ask Joe if he's been spreading VD (which of course he hasn't), Joe's assistant, Bill Schmidt, answers the door.

"'Come in,' Joe heard Bill say.

"'You Hackett?' Joe heard a man say.

"'Me Schmidt—*Father* Schmidt,' Bill said. (Nice going, Joe thought, hit him again.) '*Father* Hackett's in the other office.'" —Stephen Cox

No Anti-Nuke Kooks — Here is one of those weird yet nifty little self-published books with which the libertarian movement—being filled with self-assured, self-absorbed types who are consumed with a sense of mission and certainty that *what they have to say is of vital importance*—is so rife. But R. W. Grant's ***Trashing Nuclear Power*** (Manhattan Beach, Calif.: Quandary House, 1988, 137 pp., $6.00) is better than most. It does not descend into crankiness or ascend to the stratosphere of abstract theorizing that attempts to explain everything about reality, human nature and freedom from the vantage point of the dark inside of the author's skull. It's a short, snappy, functional introduction to debunking anti-nuclear power hysteria, interleavened with parodies of anti-nuke kooks. (Unfortunately, the parodies often descend to the sophomoric level of your average college conservative newspaper trying desperately to "bug the liberals.")

The book is not nearly as thorough as Petr Beckmann's definitive *The Health Hazards of Not Going Nuclear,* of which it sometimes seems to be a summary, but it's good for a quick run-through on the real hazards of nuclear energy and the way they are exaggerated by activists and the media. And there's a strong undercurrent of love for personal and economic freedom throughout; which is just what we should expect from the author of *The Incredible Bread Machine.* —BD

War Criminals Everywhere — The latest effort on the dread subject of *Nazis*—***The Nazi Hunters*** by Charles Ashman and Robert J. Wagman (Pharos Books, 1988, $18.95 319 pp., rev. paperback ed. Jan 1990, $4.95)—is one of those books that publishers and booksellers love (Naziism still sells) and critical reviewers hate (no one wants to appear to be pro-Nazi or even anti-anti-Nazi). But whatever the risks, I have to give low marks to this volume.

Veteran journalists Ashman and Wagman (the latter the authorized biographer of Hubert Humphrey) have attempted to cover, as the title makes clear, the field of Nazi-hunting—the tracking down of Nazi war criminals and bringing them to justice. The obvious cases are presented—Eichmann, Dr Mengele, Barbie—together with many persons still being sought (mostly obscure figures known only to those who are looking for them). The "good guys" are also covered—Serge and Pieate Klarsfeld, Simon Wiesenthal, the World Jewish Congress, the Anti-Defamation League.

Why do I find this book infuriating? Well, briefly, because it is a repository of all the intellectual and judgmental

errors to which the media are prone when dealing with the subject of National Socialism. These errors are exemplified by a number of unexamined, and usually unacknowledged, premises, to wit:

1) Naziism is not merely evil (adjective); it is Evil (noun). It is literally unique, and any attempt to place it in a historical context is obscene.

2) There is no such thing as an ex-Nazi or a lukewarm Nazi or a nominal Nazi (though no one denies that there are ex- and reformed Communists, for example).

3) A Nazi equals a Nazi War Criminal (in fairness, the authors of this book deny that this is their frame of reference [p. 77] but they give no evidence of putting this denial into practice).

4) If anyone with even a shred of credibility (e.g., someone who claims to have been in a concentration camp or any European Jew over the age of 60) says you're a Nazi war criminal, then you're a Nazi war criminal. (The authors do admit that the case against Chicagoan Frank Walus was an error, but this is treated as an aberration that could never happen again, due to allegedly foolproof safeguards that have been introduced into the investigative processes of Nazi hunters.)

5) Objections to any aspect of Nazi hunting, such as the use of Soviet-supplied (manufactured?) evidence, the question of jurisdiction, of *ex post facto* law, of the questionable activities of the Office of Special Investigations (the Nazi-hunting unit of our Justice Department) and the like are motivated by pro-Nazi sentiments or at the least by malevolent ill will toward victims of that ideology.

6) If you are from Eastern Europe, especially the Ukraine or the Baltics, and are actively anti-Communist, you're already under suspicion of being (depending on age) either a Nazi war criminal or a sympathizer.

Much more could be said about this whole business, especially concerning the moral indecency and intellectual debility that arise from the persistent use of the double standard (especially of the "Communists are well-meaning but over-zealous, while Nazis are Satanically evil" variety). The bottom line is that the authors, while not as unjust and careless with facts as are some who touch upon this subject (e.g., Christopher Simpson, author of *Blowback*) are too given over to moralistic high dudgeon, false historical linkages, and the blurring of vital distinctions to be credible.

—William P. Moulton

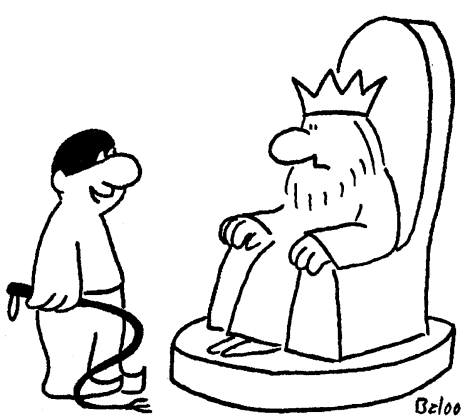

"I finally got him to talk, Sire — He said, 'EEEARRRGH!'"

Un-intellectual attacks — Conservatives have leapt on Paul Johnson's ***Intellectuals*** (New York: Harper & Row, 1988, 385 pp., $22.50) with a frenzy. They herald it as some sort of intellectual triumph for their cause. Its popularity with conservatives is, I believe, a demonstration of just how intellectually bankrupt contemporary conservatism is.

Intellectuals consists of short, gossipy life stories of a number of people whom Johnson characterizes as "secular intellectuals." (Despite the implications of the ads from the Conservative Book Club, Johnson doesn't use the term "liberal intellectuals," though the political sympathies of most of the book's victims are utopian socialist or party-line communist.) Although Johnson gives no precise definition of what he means by "secular intellectual," he describes them as those who "arose to assert that they could diagnose the ills of society and cure them with their own unaided intellects: more, that they could devise formulae whereby not merely the structure of society but the fundamental habits of human beings could be transformed for the better." (1-2)

Of course, not every character assassinated in the book really fits comfortably in this category; I don't see that it applies to Hemingway, for instance, who thoughtlessly followed Communist Party line for much of his life, but devised no grand schemes of his own. But it isn't really "intellectuals" *per se* who Johnson is attacking here, or even "liberal intellectuals"; most everyone attacked in *Intellectuals* is what is more commonly known as an "artist"; the book is about ninety percent novelists, playwrights and poets with one publisher (Victor Gollancz) thrown in for no apparent reason other than that Johnson had some nasty stories to tell about him, too. Only Karl Marx and Bertrand Russell don't fall into any of these "artist" categories. The only real common denominator in this motley collection of writers, thinkers and dreamers is the amount of squalid things Johnson has to reveal about them.

Only the Marx chapter actually points out where his personal deficiencies lead to defects in his intellectual work, making it a valuable short introduction to Marx debunking. But the remainder of the book fails to engage intellectually. Johnson's research seems to have been nothing more than reading a few standard biographies of the subjects, picking out the negative details and relating only them; I doubt anyone's life could survive a biographer insistent on cobbling around 30 pages of damning details. Thinking that this blatant assembling of *ad hominem* attacks somehow leads to any conclusions about the merits of the ideas that these tortured characters professed or developed is a vile error, and the praise which this book has garnered in conservative circles is disturbing.

Johnson is a pellucid and engaging writer, and considering the inherent naughty appeal of this sort of gossipy account, one would at least hope *Intellectuals* would be entertainingly readable. Alas, no; it descends to numbing repetition of a depressing litany of bad debts, illegitimate children, mistreatment of friends and lovers,

and self-absorbed misanthropy. These stories are all too similar; it almost seems like a number of lives cut from the same template. I can't help suspect that this template has more to do with the psychological nature of being an artist rather than being a "secular intellectual." Would any random selection of other artists whose notions Johnson and his readers find more palatable yield accounts of exemplary lives of moderation, caring and forthrightness? I doubt it.

And Johnson's tone is too restrained; there should be more *bite*. *Intellectuals* might have been fun if he took more devilish glee in relating the tales of how screwed up the lives of these respected personages were. As it is, the misguided idea behind the book, its dull repetition of detail and its lack of juicy, flesh-rending delight or humor make it a failure on nearly all counts. —BD

Not the soothing sounds of white noise, but black rage . . .

Public Enemy is Number 1

Brian Doherty

Even if you consider rap to be nothing more than another annoying, nasty expression of popular youth culture with no more value than its ability to piss off adults (like rock 'n' roll in the fifties), you might have heard of Public Enemy. Winner of the *Village Voice* Critics' Poll Album of the Year for 1988, they are the inamorata of the radical edge of Eastern literary/political establishment rock critics. They are outspoken supporters of Nation of Islam leader, Louis Farrakhan. They were chosen by filmmaker Spike Lee to create the soundtrack exemplifying self-conscious black ghetto rage, and a type of music infuriating to whites, with their song "Fight the Power" in his movie *Do the Right Thing*. Their latest LP, *Fear of a Black Planet*, went gold the first week of its release. Presumably, some of these 500,000 buyers were white.

They are the first aggressively political black rap group to achieve widespread sales and attention outside the ghetto of black charts, radio and media. And their cachet and level of attention from white media and white record buyers seems to go up in proportion to the heat generated by their controversial public pronouncements and personas.

One of their members raised a ruckus—and spurred a boycott attempt on their record label—by telling a Washington *Times* reporter that Jews are the "major source of wickedness around the globe." Most casual media-watchers might be familiar with them only through the tempest last fall created by this comment, made by their "Minister of Information" Professor Griff (William Griffin). Since that story hit the papers, outraging many readers, the band fired Griff, then restored him to the group with a different title; he has now left the group again.

Firing him made the group the subject of "sellout" accusations by some of their more strident black fans; white liberals were appalled by his reinstatement. Griff's final departure seems to be the result of his own disillusionment with the level of his ex-bandmates dedication to Allah; in a recent interview in the rock magazine *Spin*, he explained that Chuck D. (Charles Ridenhour), Public Enemy's lyricist and frontman, was only in it for the money. He added that only Allah-inspired mercy kept him from killing Chuck for daring to dismiss him in the first place.

Despite the hassles this internal wrangling may have caused the group, the public outrage justified their long-standing insistence that they were "Public Enemies." Many Jews, and others, indeed now see them as just that.

The democracy of the marketplace has made Public Enemy the leading political voice of a resurgent black radicalism expressed through a music that sounds, to untrained ears, like unbearable noise. (Air raid sirens are an integral part of their musical vocabulary, and "Bring the Noise" is the title of one of their best songs.) If the voice of the pop marketplace has some relevance to the lives and attitudes of its audience, then it might be a matter of some interest, or even alarm, that a group like Public Enemy is selling so many records.

But with all their noise and posturing, what are Public Enemy trying to *say*? Are they just pop stars looking for a unique marketing niche as embodiments of the frightening, primal potency of the black male, a myth that now has the added resonance of white racial guilt toward blacks? Successful salesmen stepping into the "radical chic" niche left by the Black Panthers (cited as "Influential Inspirations" on P.E.'s latest record sleeve)? Chuck D. is an art school graduate; is he genuinely the bad-ass revolutionary who has inspired the FBI to tap his phone, as he insists in the song "Louder Than a Bomb"?

Probably not; but this is also probably irrelevant. If "to be is to be perceived," then Chuck and his crew are everything they pretend to be; taken seriously as voices of revolutionary rage by white intellectuals (see the *Village Voice*) and feared as examplars of deep-seated black anti-semitism by some Jewish activists.

Whatever their explicit message, anti-semitism did not seem to be a part of it prior to Griff's public pronouncement. But, in a demonstration of either stunning *chutzpah* or a stunning lack of sensible discretion in the face of political realities, they have now decided to address "the Jewish Question," and in an especially crude and offensive way. Their first single after the Griff media explosion was called "Welcome to the Terrordome," and Chuck explained it was meant to function as a "black CNN"—a look at 1989 through the eyes of an aware, intelligent black man. And here's what he had to say about *l'affaire Griff* and the resulting rage of the Jewish community: "Crucifixion ain't

no fiction/So-called chosen, frozen/ Apologies made to whoever pleases/ Still they got me like Jesus."

Whew, has anyone told this art school graduate that Jews don't like people bringing up ancient canards about being Christ-killers? Or being satirized as God's chosen people? Or, more frighteningly, does he feel that in addressing a presumably intelligent, black audience, such talk was accepted and understood?

Chuck insists that he is not anti-semitic; Jews are the same as any other white person to him. What this means is unclear. Public Enemy rarely say anything specifically or virulently anti-white; however, they do insist on the historical primacy and superiority of the black race. ("Cream of the Earth/ And was here first/And some devils prevent this from being known/But you check out the books they own/ Even Masons they know it/But refuse to show it/But it's proven and fact/ And it takes a nation of millions to hold us back" goes the conclusion of their cleverly titled "Party for Your Right to Fight," making them the first pop band I know of to finger Freemasons as demonic conspirators, a "fact" beloved of certain right-wing fringe crazies.)

The democracy of the marketplace has made Public Enemy the leading political voice of a resurgent black radicalism expressed through a music that sounds, to untrained ears, like unbearable noise.

So maybe it is just "black pride" rather than revolutionary, anti-White, anti-semitic rabble-rousing that P.E. are pushing. Despite those offensive lines from "Terrordome," much of *Fear of a Black Planet* is dedicated to praising peace and inter-racial harmony, with an emphasis on the black underclass getting its act together. ("Teach a man how to be a father/To never tell a woman he can't bother/You can't say you don't know what I'm talking about/But one day/Brothers gonna work it out." If this advice were followed, the major social pathology of the underclass—single mothers trying to raise children—could be eliminated.) AIDS, treating women with respect, and dealing sensibly with interracial mating are also addressed. Their approach to interracial mating is interesting; there are songs attacking both blacks ("Pollywannacracka") and whites (the title track) for their aversion to black-white sexual union.

But they are unquestionably anti-American, or at least anti-American government. "Picture us chillin' out on the 4th of July/And if you heard we were celebrating, that's a worldwide lie" they declare on their previous LP, *It Takes a Nation of Millions to Hold Us Back.*

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Bigger print now in The (Libertarian) Connection, open-forum magazine since 1968. Subscribers may insert one page/issue free, unedited. Lots of stimulating conversation. Eight issues (one year) $20. Strauss, Box 3343Z, Fairfax, VA 22038.

Personals

Michael, 25, Libertarian vegetarian seeking relationship with like minded woman. Write P.O. Box 161 Hewlett, N.Y. 11557.

Pro-life, pro-animal-rights Libertarian would like to exchange ideas with likeminded persons. P.O. Box 254, Calpella, CA 95418.

Accusations of U.S. government wickedness abound on their records. The collapse of the sixties black power movement, and the murders of Malcolm X and Martin Luther King, are blamed on it. ("It was your so-called government that made this occur/Like the grafted devils they were"). As blacks in America they pledge no allegiance to the federal government. In the elaborate jailbreak fantasy "Black Steel in the Hour of Chaos," Chuck's arrest is precipitated by ignoring a draft notice ("They wanted me for their army or whatever/Picture me giving a damn/I said 'Never'"). P.E. links continued white guilt over slavery to support of the U.S. government that sanctioned it; in "Who Stole the Soul?," they ask the modern white person "Why'd you try to fool the black?/It wasn't you, but you pledge allegiance/To the red, white and blue suckers that stole the soul."

But are listeners even paying attention to any of these lyrics, much less understanding them? The appeal of Public Enemy's information-age funk is as much to the feet and ass as to the intellect. The plain fact is, they are the most inventive and dynamic group making pop music today. They make irresistibly funky dance music, taking beats, riffs and hooks sampled from all over rock and funk history, and combine them in sonically adventurous ways.

And, despite all their serious pretensions, they are funny as hell. Chuck's blustering bass voice is counterpointed by the trebly interjections of his clownish partner, Flavor-Flav. Flav relates to Chuck like the archetypical little sidekick of the big, tough alpha male; constantly shouting encouragement and ego-stroking warnings about Chuck's big, bad self. And when he takes the lead, as on *Fear*'s hilarious but biting indictment of the inefficiency of government rescue services for ghetto residents ("911 is a Joke"), he manages to be funny while expressing genuine moral outrage, like many great comedians. Libertarians might appreciate his recognition of the differences in incentives between government and private services; "I'll call a cab 'cause a cab'll come quicker," Flav declares, and respondents to 911 calls only "come when they wanna/So get the morgue truck, embalm the goner/They don't care 'cause they stay paid anyway." I wonder if trendy left-liberal heroine black folk singer Tracy Chapman will ever realize a truth as obvious as this?

Public Enemy *are* disturbing, both in their sound and their message. As such, they are a welcome relief in a pop landscape too often marred by unimaginative, unexciting mediocrity. And I'll confess to a twisted sort of admiration for commercial artists daring enough to violate the *zeitgeist* with the impunity of Public Enemy. ❑

Letters, *continued from page 6*

The shopkeepers here want a lot of help from the government. They want local, state, and federal officials (and taxpayers) to promote tourism, provide off-street parking for tour buses, provide clean and odor-free public toilets, landscape the business district, provide parks, nature walks, and bike trails along the creek and in the forest, support art and cultural activities, support the Chamber of Commerce, and restrain trade by keeping out factory-outlet stores.

Of course they don't like paying taxes; they don't like the State telling them to keep their wastes from contaminating the creek; they don't like being denied zoning variances; and they don't like some damn committee telling them how to build their stores.

Millard H. Perstein
Sedona, Ariz.

Keep It Simple

How can a so-called libertarian magazine publish a piece of nihilism like Loren Lomasky's "The Great Gulf in Libertarian Theory" (May 1990)? Simple solutions to complex problems is what libertarianism is all about, and the complexifying rantings of people like Lomasky only confuses libertarians!

Pat Sicard
Miami, Fla.

Manipulating the Spineless Press

Regarding Gary S. Meade's exposé of Walter Williams ("A Closer Look At Walter Williams," May, 1990), I heard Williams on the Gene Burns program in Boston, and he doesn't sound like a "right-winger" at all. In addition to his capitalist expertise, his tone of voice is resonant and confident, and he projects a well thought-out message of liberty in a relaxed, authoritative manner.

I am also not ashamed to say that Williams' race is another reason to consider him as an LP candidate. Can't you imagine a guilt-ridden, spineless press compelled to cover a Williams candidacy out of fear of being accused of racism? "Affirmative Action?" Perhaps. But if you play the game of hardball presidential politics you must make room for compromises.

Scott Garfinkel
Brookline, Mass.

Taking God to Court

Ethan Waters errs ("Clergy abuse," Jan. 1990) in equating false promises of earthly happiness with what he lightly terms "eternal bliss." Salvation is not an offer made by men. Rather, it is promised by God to all who believe in His Son Jesus.

It's easy to say that fallible humans fail to live up to the promises we make to each other. I would, however, be very interested in seeing the verification of Mr Waters's contention that God, too, is guilty of breach of contract. Seems to me that by the time we are in a position to empirically verify the truth or falsehood of the promise of salvation, we're not likely to be able to pass on the answer to Ethan Waters.

Andrew S. Rogers
Lynnwood, Wash.

Jesus Loves Libertarians . . .

I'm very comfortable with my Christian faith, my Baptist religion, and my libertarian politics. There is nothing contradictory between Christianity, as most Christians practice it, and libertarian principles. Loving one another is not abrasive to forsaking force and fraud. Christians have no warrant from God to slay the unbeliever. In fact, the only weapon he provides is the live of Jesus Christ. Baptists and other Christians have not been instructed by Him to enforce morality with guns and prisons. A much more difficult tool is called for—the example of a Christian life.

I contend from time to time with my co-religionists about this and other politi-

cal points. An honest Baptist will eventually agree that we have no right to use the power of the state to enforce either faith or religion on another person.

Perhaps libertarians will be successful in convincing Christians that they are wrong in attacking Christianity and religion. Personally, I think it makes more sense to show them that faith and politics are two distinct realms requiring different solutions.

Frank Gilbert
Little Rock, Ark.

. . . And Talks About Himself in Third Person

Contrary to the letter of Tim O'Brien (May 1990), I did *not* mislead readers in my March letter. *Interpreter's One-Volume Commentary* (1972, p. 698), Matthew 25:14, Luke 19:11 and the Catholic Inquisition support my interpretation: and I stand by my original letter.

stormy MON
Denver, Col.

Secure Is More Than Free

Stephen Cox, in "Isolating the Error of Isolationism" (March 1990), cites the supposedly libertarian premise that "all people have the right . . . to enjoy their property . . . secure from the coercive influence of others."

Cox would rather discuss the practical aspects of intervention, but the word *secure* here prevents us from leaving the moral grounds. Secure does not mean simply free; it is too big an idea, too big for a universalizable right. Security is freedom from danger, and it's no more a right than freedom from hunger, pain, or fear.

People violate our security every day, without necessarily violating our rights. For example, I am not at all secure when my neighbor (who is almost as loony as Mr. Cox's hypothetical neighbor) decides to practice his skeet shooting out back after a few beers. But he does, and I don't have a right to stop him.

I do sometimes wonder, though, whether my neighbor's behavior will eventually reach a point (say, after eight or ten beers) at which intervention will be justified. I think there are two possible answers: 1) no—unless the guy actually starts shooting at me or mine, I cannot (morally) use force against him; and 2) yes—when he gets really threatening, he is committing assault, which is akin to aggression. Of course, intervention in such cases is more usually called defense.

None of the above, of course, deals with the state at all; I have been using the house-country analogy that Cox calls "faintly ludicrous." Yet it seems entirely reasonable to discuss moral issues in terms of individuals, because individuals are the ultimate moral agents and because a state is just a group of individuals. The rights of a state are no greater than the rights of each person in it, if only because the rights of an outsider are not changed one whit by the fact that his neighbors have formed a group that they call a state.

Perhaps this is an anarchist's view of the state. As R. W. Bradford points out ("Cox Agonistes," May) it is impossible to argue for state intervention if you accept the anarchist view of the state. But how does one make a truly principled argument from a limited-statist point of view? If the state is by definition an initiator of force, how can anything it does be morally acceptable? After all, the state is not a voluntary organization; it is supported by taxes, not by contributions.

Or is it? Do limited-statists have a vision of a voluntary state, one that derives its just powers from the consent of the governed? Such a state might well have the right to collect monies, maintain courts, and do whatever else its members permit. Even so, how does the legitimacy of this state give it the right to intervene in the affairs of its neighbors? The question brings back to the house-country analogy: my neighbor has the right to shoot his skeet or whatever else he wants as long as he doesn't get aggressive. Maybe I could pay him to find a new hobby.

Jeanne Morris Anderson
Orlando, Fla.

The Unofficial Truth

I enjoy government bashing as much as the next person, but Karl Hess' claim ("The 'Official Truth,'" May 1990) that "government schools carefully and purposefully inculcate 'official truth' rather than encourage critical thinking" is too much! He'll have to substantiate this claim by naming names before I'll get excited. I've just retired from twenty years on the faculty of a community college and nobody every tried to program me or any one I ever came into contact with during my training or tenure.

I agree with Hess that there is an overemphasis on test scores, but that comes as much from employers wanting an easy means of selecting applicants as it does from the school's (government or private) wanting an easy way to demonstrate their effectiveness.

Maribel Montgomery
Albany, Ore.

The Market for Intellectuals

The issue raised by George H. Smith ("Scholarship as Leechcraft," March 1990) is an important one.

We need to face the moral consequences of accepting jobs at government-subsidized institutions—which includes virtually all universities in the modern world, including most which are nominally private. Speaking as a college professor, I can defend my employment choice as a moral decision, and I believe most other libertarian college professors can do likewise.

The plain fact is that there is no market for what Smith, with unintended irony, calls "market intellectuals." If all libertarians refused to accept state-subsidized university jobs, there would be essentially no libertarian intellectuals, with the exception of writers of free market boiler-plate. This was exactly the situation thirty years ago. The growing acceptability, and respectability, of libertarian ideas among college professors is a major reason for optimism about the future of liberty.

An effective strategy for achieving a libertarian society is a moral priority. It is necessary to convince mainstream intellectuals of the importance of liberty before a libertarian society can ever emerge. Competing successfully with non-libertarians in the academic environment is the only viable strategy for persuading the intellectual community to abandon statism. Arguments and criticism from outside academia can't work, because they will be ignored by the academic establishment.

Refusing this challenge is eguivalent to surrendering all possible libertarian influence in the intellectual world. The statists would be guite happy to monopolize college teaching positions. Universities represent the field of battle in the war of ideas. If we are too squeamish to fight this battle, the other side will win by default. Libertarians who refuse to compete in the market for ideas when they have the chance only serve the cause of statism.

Gary M. Anderson
Northridge, Calif.

Notes on Contributors

Chester Alan Arthur is political correspondent for *Liberty*.

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John Hospers is editor of *The Monist*, a journal of philosophy, and the author of numerous books, including the third edition of *An Introduction to Philosophical Analysis*.

Bill Kauffman is author of the novel *Every Man a King*.

Richard Kostelanetz has written many books of criticism and cultural history, as well as poetry and fiction.

Rex F. May is the *real name* of *"Baloo"* and *"Oso,"* under which monikers his cartoons appear in numerous publications, including *The Wall Street Journal*.

William P. Moulton collects antiquities, fossils and right-wing political ephemera.

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Charles Thorne is a litigation attorney in private practice who has written extensively on legal and political matters.

Terree P. Wasley is a Washington-based economist who writes extensively on tax and health care issues.

The Future of *Liberty* has a lot to offer!

- **Me and AIDS,** Richard Kostelanetz ponders the reality and illusions of sex in the Age of AIDS.
- **Taking a Stand,** On the fiftieth anniversary of peacetime conscription, James Bristol reflects on his life as an anti-draft activist in World War II, his refusal to accept Conscientious Objector status, and his life in prison.
- **The Butterfly Effect,** If a butterfly flaps his wings over Hong Kong, there will be a tornado at Mont Pelerin. Chaos theory is the rage these days; Richard W. Fulmer explains its implications for libertarians.
- **Life with Ayn Rand,** John Hospers recalls further colloquies with Rand and the day he was expelled from Rand's Circle.
- **Talking about Devolution,** In a futuristic short story, Harvey Segal explains how the United States devolved into several smaller, freer countries shortly after the Soviet Union broke up.
- **RU 486 and Legal Wisdom,** Dr. Ron Paul provides a *pro-life* libertarian case for not banning the notorious "morning after" pill.

Plus: David Hudson on the War on Cash, Jane Shaw on ecology and the news media, Chris Sciabarra on Rothbard's politics, and Leslie Fleming on farming for government dollars.

Terra Incognita

Nicaragua

New development in political science, as reported in the London *Economist*:

> In his unsuccessful campaign to retain power, President Daniel Ortega and the Sandinista party passed out cigarette lighters and condoms emblazoned with Sandinista advertising.

London

Insensitivity plagues the halls of power, as demonstrated in the Detroit *News:*

> British Labor Party Member of Parliament Susan Heal on the unfairness of Conservative Prime Minister Margaret Thatcher: "She's always telling people to stand on their own two feet. Well, how does she think that makes handicapped people feel?"

Bismark, N. Dak.

Ecumenical note from the northern prairies, as reported in the Miles City (Mont.) *Star*:

> Gov. George Sinner declared North Dakota a drought disaster area on April 25, and endorsed "a prayer crusade by members of the North Dakota Conference of Churches, and a rain dance by Indians."

Pittsburgh

A spectre is haunting Europe, as reported by the *Associated Press*:

> An apparition of the Virgin Mary in Medjugorje, Yugoslavia, which has drawn millions of believers foretold the collapse of communism in Eastern Europe, say participants at a conference on visions of the mother of Jesus, held in the Steel City. The conference is focusing on three reported apparitions and what believers see as their tie to what they call communism's collapse.

Regina, Canada

Amazing discoveries in the social sciences, as explained in the *Globe and Mail.*

> A study done recently for the city of Regina looking into hunger produced a virtually unanimous report on the following points when it came to the causes of poverty: "It was not due to waste. It was not due to laziness, mismanagement, bingo, booze or willful neglect. It was due to the fact that the families were without money."

Israel

Another government victory for family values, as reported in *World Press Review*:

> Israel's "present system of high taxes, low wages, and a tortuous bureaucracy stifles initiative, but it also makes us better fathers," Joel Rebibo writes in the independent *Jerusalem Post*. Israel's inefficient economy and lack of economic opportunity, he says, prevent most Israelis from sacrificing family values for material rewards.

Namibia

Disquieting note in the United Nation's battle to bring modern agriculture to the Dark Continent, from a dispatch in the Detroit *News*:

> The United Nations, which is distributing farm tools to thousands of recently returned refugees in Namibia, is reconsidering its plan to hand out machetes to farmers in the tense political climate of the newly-independent country.

Iran

Progress toward a modern economy in the land of Xerxes, reported by the Detroit *News*:

> Frustrated by widespread shortages and crippling inflation, radical politicians in Iran have proposed the death penalty for "economic crimes," such as hoarding and trading on the black market. "Those who are sucking the nation's blood should be decisively dealt with," parliamentary speaker Mehdi Karrubi said.

Houston, Texas

Disquieting result of parental interest in the intellectual development of their offspring, as noted in the Grand Rapids *Press*:

> Four children, ages 6 to 13, were discussing black history with their mother when the 13-year-old asked to go to the bathroom. When he did not return, his mother went to check on him.The children heard a shotgun blast and their mother walked into the living room clutching her chest and boy went outside and waited for police.
>
> The boy told police he shot his mother because he couldn't stand her nagging any more.

San Marcos, Calif.

What strikes fear into the hearts of government officials, revealed in the North County *Blade-Citizen:*

> "It's kind of frightening, the number of auto-related services in San Marcos compared to other cities larger" in size, Planning Commissioner Trish Hannan said, explaining a proposal to outlaw any new auto-related businesses.

Texas

Latest advance in police uniforms, as reported in the London *Economist*:

> The National Guard proposed "Project Cactus" last year to stop the flow of drugs into the country from Mexico. According to Lieutenant Colonel Ed Komandosky, the troops would wear cactus costumes and hide near drug-smuggling corridors, ready to call in federal agents to make arrests.

New York City

Advances in understanding the philosophy of Ayn Rand in evidence at *National Review*:

> Objectivism is based on the worship of the self—there is no reality prior to the individual's understanding of it.

Richmond, Va.

How a Republican Administration used drug policy to harass Democratic activists, as discussed in the Washington *Post*:

> A third-grade pupil who took an unopened can of beer to show-and-tell at school was suspended for three days, an action that the girl's mother said today was "asinine."
>
> "I am furious," said Melissa Woodfin, whose daughter, Haley, 8, also must undergo counseling for bringing the can of Billy Beer to show her classmates last week. Melissa Woodfin said her daughter removed the can of beer from a display case at home and took it to school. The beer, no longer made, was named to honor President Carter's lamented beer-swilling brother.
>
> School officials said the steps were taken under a strict drug- and substance-abuse policy.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.)*

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"The ball of Liberty is now so well in motion that it will roll round the globe." —Jefferson

Letters

Listening to Synthetics

A friend of mine gave me the May issue of *Liberty*, asking that I read Bill Kauffman's review of the work of Ed Abbey ("Novelist, Naturalist, Anarchist").

What a pleasant surprise! I was expecting a defense of industrialism against subversive monkey-wrenching. Especially since I have long thought it was libertarians that Abbey was writing about in *Desert Solitaire* when he said, "There are some who frankly and boldly advocate the eradication of the last remnants of wilderness and the complete subjugation of nature to the requirements of—not man—but industry. This is a courageous view, admirable in its simplicity and power, and with the weight of all modern history behind it. It is also quite insane."

If libertarians can forge some kind of a synthesis of the ideas of Ed Abbey and Ayn Rand, sprinkle it with a little compassion and stir in a pinch of humor, I'll listen to you. Probably the rest of the world will too.

Carlyn Rice
Pocatello, Idaho

Meanwhile, Back at the Ranch

I thought that R. W. Bradford's portrayal of *A Texan Looks at Lyndon* (in his reflection "All the way with LBJ," July 1990) as "right wing screed" was uncalled for. I knew its author, Mr Haley, who lived at Canyon (near Amarillo). In the early sixties, he and his son were prosecuted for planting 20 acres more wheat than their allotment allowed. Has not *Liberty* flailed the farm subsidies? Haley was fighting them long before *Liberty* graced the newsstands.

Doyle Henry
Casper, Wyo.

Side Effects

James S. Robbins argues that some "lesser interactions" like the invasion of Grenada do not add to the domestic power of the government ("Defining a Libertarian Foreign Policy" July, 1990). Maybe not directly, but there are other effects to consider:

1. Increases in the popularity of the President, making it more likely that he will get his way in elections and on Capitol Hill.

2. Building a core of flag-waving, my-country-right-or-wrong "super-patriots" that make a flag burning amendment and other liberty restrictions more likely.

3. Hardening the citizens to such actions by the government, whether in foreign lands or here at home.

4. Diverting public scrutiny from other situations, which the government can then handle outside the public eye,

There may be other and possibly more important concerns, but these are enough to make one stop, think, and decide against the supposed harmlessness of these "lesser interventions."

Charles A. Hall
Marion, Ind.

Defining a Policy Analyst

"Who is this guy?" I asked myself angrily, turning to the Notes on Contributors, after reading "Defining a Libertarian Foreign Policy," by James S. Robbins. It's like the anger one gets while enduring a bad movie, hoping it will get better but it never does. And, I even got the same clues you get from these movies. The first line was a tip-off, with Robbins personifying the synthesis "Unity in the Idea" of Hegel's dialectic with respect to the ideas of Stephn Cox and Sheldon Richman on foreign policy. This not-so-subtle one-up-manship is followed by pages of drivel that end up justifying every foreign policy stance ever held by this country. Then, as if dismissing everything he had just written, he throws out the libertarian hook: ". . . the standard of evaluation should be that an action is permissible if undertaken to defend the life, liberty, and property of the citizens of this country . . ." Yeah, right.

Kent Christiansen
Curtice, Ohio

Benefit of Academe

In his letter to the editor (May 1990), Tibor Machan criticizes George Smith's essay ("Scholarship as Leechcraft," March 1990) which castigates libertarians who work for the state: "Let George prove that I, who fit the formal characterization of the Welfare Intellectual, working as I do at a State University, have sold out, stopped working hard, or failed to be public in my opposition to public education."

Is this the same Tibor Machan who writes in the July issue of *The Freeman* that "No one has the right to benefit from acts or practices that violate the rights of others."?!?

Perhaps Machan has opposed public education. But he must know very well the source of his income. He knows as well as Smith that the source involves "the intentional violation of individual rights." Many people (myself included) did not "consent" to the taxes we pay that are used to pay Machan's salary. Yet Machan cashes his paycheck anyway!

Robert A. Markley
Phoenix, Ariz.

Having it More than One Way

Brian Doherty's review ("Feminism triumphs—Earth destroyed by asteroid!" July 1990) of my book *The Failure of Feminism* is a little hard to make out, though it is clear he feels an *ad hominem* is preferable to argument. Thus, he says that I "don't seem to be man enough for the job" of criticizing feminism. Here, apparently, traditional masculinity is the standard to which Mr Doherty cleaves. Yet much of his review is devoted to accusations that I assume the pose of a "He-Man," show "flashes of pride in masculinity" (Good heavens!), and the like. In these places, Mr Doherty evidently regards masculinity as a silly myth, as a "macho" delusion. Since, as a libertarian, he presumably holds reason to be the standard of truth, he can't have it both ways.

This same disregard for standards of reality enables him to accuse me of belonging to the "Woman Haters Club." It is, of course, a standard accusation of anti-feminists that they hate women; a notion plausible only to those who imagine that feminists represent women. In reality, it is feminists who, hating women, wish to change them; and those of us who like women who resist this indescribably perverse effort. It was not for nothing that Ayn Rand described feminists as "the commandoes of the haters' army."

Mr Doherty also seems exercised over my pointing out that the atom bomb—ultimate symbol to feminists of the supposed destructiveness of masculinity—actually has some peaceful and important uses, such as destroying asteroids or comets that may one day collide

continued on page 4

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Inside *Liberty*

September 1990
Volume 4, Number 1

2 Letters on synthetic libertarians, right-wing Texans, judges without principles, feminists in the dock, and conclusions about "ought."

5 Reflections on saying "yes" to: Noriega, Bart Simpson, Japanese pork, and bad rap; and saying "no" to: presidential lips, Baltic bombs, the Defense Department, and the setting sun.

Features

17 The "Meech Lake" Fiasco and Freedom Michael Krauss explains the weird world of Canadian politics to Americans jaded with unity and individual rights.

21 The American Devolution In this *ficción*, Harvey H. Segal looks back at the future and sees America come apart at the seams.

24 Poetry by David Starkey.

25 Fighting the Draft in World War II Jim Bristol commemorates the 50th anniversary of peace-time conscription in America by relating his refusal to accept a draft deferment and his consequent experience in federal prison.

29 RU 486 and Legal Wisdom Dr Ron Paul argues that pro-lifers should oppose the banning of the "abortion pill," and explains how he came to believe that abortion is wrong and ought to be opposed.

34 Is Environmental Press Coverage Biased? Jane Shaw explains why journalists often abandon objectivity when reporting on the environment.

39 The Butterfly Effect A butterfly flaps its wings over Mont Pelerin, and there is a hurricane in Big Water, Utah. Richard Fulmer explains an unintended effect of chaos theory: the collapse of the rationale for big government.

42 Conversations With Ayn Rand John Hospers recalls the time when he was Rand's partner in philosophic speculation during the heady days when she began her radical movement in philosophy, and relates his inevitable expulsion from her circle.

Reviews

53 Rebels Without Good Cause Stephen Cox investigates radicals with tenure and finds that they believe that A does not equal A and will give you an F if you don't agree.

56 On the Rights Track Greg Johnson argues that Tibor Machan's *Individuals and Their Rights* is a brilliant exposition of libertarian natural rights theory.

57 Rights Derailed Ethan Waters argues that much of Machan's book is is unintelligible, and that when Machan rises to intelligibility he defies common sense and common experience.

63 Me and AIDS Richard Kostelanetz goes behind the seamy world of mainstream AIDS journalism to find the less-than-apocalyptic truth.

65 Yet More Talk About Ayn Rand James S. Robbins evaluates Virginia Hamel's holier-than-Rand attack on Rand's critics.

67 Mencken Agonistes, Part 2 R. W. Bradford celebrates the defeat of the Mencken-haters.

66 Classified Ads

69 Notes on Contributors

70 Terra Incognita

Letters *(continued from page 4)*

with the earth. If he doesn't like this example of the utility of what feminists are pleased to abuse as "male technology," he could easily have thought up other examples of his own.

Finally, Mr Doherty concedes my central point: that current scientific knowledge of sex differences vitiates the cultural determinism on which, as he puts it, "certain feminist assumptions" rest—yet he manages to utterly miss its significance. What is at stake, as I spell out repeatedly in the book, is not certain assumptions of feminism, but the viability of feminism itself, whose claim of female oppression can only be sustained in the absence of any inherent, socially significant gender differences. The alert will recognize that if, as Mr Doherty concedes, I have managed to show that such socially significant gender differences do exist, I have indeed demolished feminism as an intellectually viable entity.

Nicholas Davidson
New York, N.Y.

Judges Were Made for the Law, Not the Law for Judges

If a libertarian judge can interpret the Constitution to reach a libertarian end then what does it matter that his interpretation is incorrect or that the reasoning behind his decision is fundamentally flawed? The results are good, therefore we should not question the methods used. The problem with a legal philosophy such as this is that it ignores the fact that the law exists not for a philosopher-judge to create his particular utopia but to establish an objective order within which to deal with the problems faced by society and that the proper function of the judge is to apply the law to the situation at hand, not twist it to fit his ends into something completely different from what it was. The alternative—judges becoming unaccountable law makers—is ultimately destructive of even the most libertarian society since it is more likely that a judge will use the law to increase the power of his employer (the state) than that he will use to increase individual liberty. A social order, libertarian or totalitarian, established from above on an unwilling or unconvinced populace has assured its own destruction.

Mr Schaffer's desire (see Letters, July 1990) to see libertarian judges interpret the law to increase individual liberty even in cases where that interpretation may be incorrect is understandable. After all, from our vantage point it seems much easier to have less than one thousand federal judges and maybe five Supreme Court judges who are libertarian judicial activists use the existing legal system to circumvent the will of the president, the Congress and even a majority of the American people to create a libertarian society than to engage in the long, hard, and seemingly doomed task of convincing the American people that libertarianism is the only ethical and workable political system known to man. The problem with a strategy such as this however is that it is doomed to failure precisely because it "goes over the head" of the American people and attempts to impose, by judicial fiat, a libertarian political order on them whether they want it or not. Instead of believing that they are being liberated by brave judges, it is far more likely that the American people will react to libertarian judicial activism in the same way they reacted to the episodes of judicial activism in the 1920s in the economic area and in the 1960s in civil liberties, they will feel that some elitists somewhere have attempted to thwart their will by imposing on them political, economic, and social policies that have greatly affected their lives without consulting them, they will be angry, and they will be correct.

Mr Schaffer is correct when he says that the only way to make our legal system more rational is to make it more libertarian. However, by leaving that task to a handful of unelected judges, he dooms his strategy to the same dustbin of Constitutional history where we will find theories such as substantive due process and, before long, the idea of an unrestricted right to privacy somewhere in the Constitution (though no one seems to know precisely *where*). In the end, the only way that a true and lasting libertarian society can come into existence is if the people become convinced that only by recognizing and protecting each individual's rights to life, liberty, and property will society become free and prosperous. Such a strategy will be difficult and will undoubtably take much longer than some sort of libertarian legal revolution but, by recognizing the fact that the people should be the court of last resort in political matters it is much more stable and much more in line with libertarian beliefs. Given the choice, however, between a political movement that takes, say, 20 years, and a quick legal change that collapses after 20 years and then taints libertarian philosophy as authoritarian, I think any consistent (and sane) libertarian will choose the former.

Douglas Mataconis
Piscataway, N.J.

Capitalism Without Kosko

Bart Kosko ("Libertarianism Without Romance," May 1990) argues that we should dispense with the moral realm as a foundation for a defense of capitalism: the benefits of free markets are unrelated to ethics ("free markets are like brains") and, anyway, ethics provides us with no valid arguments since "ethical statements are neither true nor false." Unfortunately Kosko's positive argument for capitalism, by itself, does not justify anything like what libertarians would call capitalism (or free markets or voluntary exchange, etc.), and it fails to do so precisely for ethical reasons.

So what is capitalism? I will accept Kosko's definition, and then I will give you mine: exactly the same as Kosko's, except that in any actual set of institutions that satisfy it, I own everything that Kosko would have owned under his definition. I submit in advance that this is an extremely minor change to Kosko's definition, and that it will modify capitalism in such a tiny way that (almost) none of us will notice, and that none of the real benefits of capitalism—"expo-nential equilibration, unsupervised learning, insensitivity to small perturbations"—will be lost. Except to Kosko. And if he can produce anything other than an ethical objection to my definition, I would love to hear it.

Gordon Sollars
Montclair, N.J.

continued on page 68

Letters Policy

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

Reflections

Saying "Yes" to Noriega — Let's see if I've got this straight. First, the U.S. Army, at taxpayers' expense, trained a Panamanian by the name of Manuel Noriega to work in (what the Army calls) intelligence. Then for years the Central Intelligence Agency, at taxpayers' expense, paid large amounts of money to Noriega to induce him to act as a source of (you guessed it) intelligence. The CIA made these payments with full knowledge that Noriega was heavily involved in international drug dealing. Still later, the former head of the CIA (that's right, old "kinder and gentler" himself) ordered the U.S. armed forces to unleash their awesome firepower on the people and property of Panama for the ostensible purpose of (I'm not making this up) arresting Noriega and bringing him to the United States, where he could be given a fair trial and found guilty of violating (I know it sounds bizarre, but I have it on high authority) U.S. laws against drug trafficking.

To make sure that Noriega would not squirrel away his ill-gotten millions, U.S. authorities requested that the governments of the several countries in which Noriega maintains bank accounts freeze the accounts. Pretty smart, eh? There was just one catch. Defendant Noriega, now whiling away his time in jail in Florida, has a crackerjack team of attorneys preparing to defend him against the charges on which he will in due course be fairly tried and found guilty. These attorneys don't come cheap. They have already spent about $1 million for investigators, translators, computer jocks, paralegals and, of course, their own fees of several hundred dollars an hour each. Poor Noriega, his funds frozen, is unable to pay his defense team.

So who will? I kid you not: you and I will—at least for a while—because Noriega is going to receive a loan from the U.S. government (repeat after me: of the people, by the people, for the people). U.S. District Judge William Hoeveler has approved a plan to use public funds—that is, money originally extracted from you and me and other law-abiding citizens—to pay Noriega's lawyers.

But not to worry. We're supposed to get the money back (you and I won't get it back, of course, but our duly elected officials and their agents will). If Noriega loses his case, he forfeits his loot to the government, and thus the loan is repaid. But what if (don't bet on it) Noriega wins? No problem. He has signed an affidavit promising that if he wins he'll reimburse the government. And if you can't trust Noriega, whom can you trust? —RH

Art and money — Taking a cue from the anti-McCarthyites of the 50s, the American arts community is demonstrating that it will not supinely knuckle under to the philistines and puritans of the 90s. Organizations are doing the heretofore unthinkable: refusing cash benefactions from the National Endowment for the Arts. "There are a great many literary magazines that can't afford to act on principle. But we had to make a statement," said George Plimpton in declining a $10,000 NEA grant to the *Paris Review* of which he is editor. Others have done likewise.

They are protesting the endowment's inclusion of a form to be signed by grantees affirming that the project avoids "sadomasochism, homoeroticism, the sexual exploitation of children or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific merit." "Very dangerous," murmurs Plimpton. A man who has passed days attempting to evade charging 280 pound linemen should know whereof he speaks.

Still one wonders whether this episode qualifies for the Hall of Fame of civil liberties defenses. It's easy to understand how an artist may lose face among his pals if he shows himself to be squeamish about the sexual exploitation of children, but how severe a breach of one's integrity can it be to attest that the funded work possesses some artistic merit? Compared to earlier resistance to political witch hunts and the human carnage of a hapless undeclared war, the artists' revolt seems, well, Norman Rockwellish.

So I offer this suggestion to Plimpton, et al.: refuse the money on the grounds that it has been coercively extracted from unwitting, unwilling payers. That would be truly avant-garde. —LEL

A new Trinity — The three most popular men in America today are Nelson Mandela, Mikhail Gorbachev, and Bart Simpson. I am not sure what to make of this, but it doesn't sound good. —EOW

Lip-reading — "How do you tell whether a politician is lying?" the old joke goes. "If he is moving his lips."

George Bush demonstrated the truth that underlies the joke in his statement on June 25 about "tax revenue enhancements," welshing on the promise that got him elected President: "Read my lips. No new taxes."

Of course, only a few true-believing Republican morons took Bush's solemn word of honor seriously in the first place. But the most effective politics is moral posturing, and Bush's promise scored big with voters. They doubted his promise, but they appreciated a politician who made a firm and unequivocal promise against new taxes.

By standing by his word for two years—setting some sort of record for a politician—Bush earned the goodwill of most Americans. The question now is: will voters accept his flip-flop as inevitable, or will they react against the president and his party?

The flip-flop came at a particularly bad time for the Republicans, who already suffer from losses from a popular rejection of their stand on another of their major issues.

For more than a decade, Republicans have profited handsomely from the abortion issue. By advocating the criminalization of abortion, they got money and support from the religious right, a vociferous and active minority group. It was a pretty cheap way to get support because the Supreme Court in the *Roe* v. *Wade* decision had ruled that just about any restrictions on abortion were unconstitutional. The majority that favors legal abortion never got too upset about the Republicans' stand on abortion, since it couldn't be enacted into law.

But with the *Webster* decision last year, the Court put the issue back before the public. This has Republicans in a difficult position: they can continue to oppose abortion, thereby offending the 70% of the electorate who favor legal abortion, or they can waffle on the issue by retreating from their previous stand, which would make them look like wimps. Most Republicans wish the abortion issue would go away.

The Republicans have called for making it a criminal offense to fail to show sufficient respect for the flag. This is too big a fish for the shysters on the Supreme Court to swallow: despite their amazing ability to twist the Constitution to any shape they want, they can't figure a way to make flag burning exempt from the very plain meaning of the First Amendment.

By solemnly promising "no new taxes," Republicans had been able to tap a huge reservoir of support from the overwhelming majority of Americans who pay far more in taxes than they receive in benefits. The public relations campaign by the left-liberal establishment in favor of higher taxes has borne fruit: many Americans have more or less resigned themselves to higher taxes (or so the polls tell us). But an awful lot of voters remain opposed to paying even higher taxes than they do now, and are willing to support politicians who promise to oppose them. And now Bush has wiped out oppostion to higher taxes as an issue.

To fill the void, the Republicans have come up with a new issue: the flag. The Republicans have called for making it a criminal offense to fail to show sufficient respect for the flag. This is too big a fish for the shysters on the Supreme Court to swallow: despite their amazing ability to twist the Constitution to any shape they want, they can't figure a way to make flag burning exempt from the very plain meaning of the First Amendment.

The Republican call for a constitutional amendment to ban flag desecration has struck a resonant chord with many Americans, just as early in this century laws banning racial integration struck a resonant chord with many Americans. Democrats mostly have argued that putting a limit on freedom of expression as guaranteed by the First Amendment is not a very good idea. So the Republicans are busy forcing votes on the Amendment and related measures so they can use the votes of Democrats in Congress to score points with voters and divert attention from the abortion issue.

The elections this fall will likely be fought over abortion and flag-desecration. Unless, of course, some renegade Republicans stick to their guns on taxes. Here's hoping some do, and win big. —CAA

Angry at the sun — Bush's lie about taxes shouldn't be a surprise to anyone. He has spent his career as a civil servant crawling his way to the top, and part of that career as head of the CIA, a job that doubtless does little to inculcate habits of forthrightness and honesty. He has spent his whole life immersed in a subculture built around secrecy and deceit—politics.

Political relationships, because of their authoritarian nature, encourage dishonesty. Underlings lie to their superiors to curry favor by telling them what they think they want to hear. Superiors lie to underlings to get them to do their bidding. And when the veneer of democracy is thrown over the process, everyone in power lies to the voters in order to remain in power by telling them what they want to hear. Bush divined that what the American people wanted to hear in '88 was "no new taxes." So he said it. But anyone who thought he meant it for a minute hasn't lived in a democracy long enough.

Perhaps feeling angry about this fact of political life is futile and pointless:

> That public men publish falsehoods
> Is nothing new . . . Be angry at the sun for setting
> If these things anger you.

So wrote Robinson Jeffers a half century ago. And he didn't even know about George Bush. —BD

Mandelamania — The British Royal family visited, and the United States treated them like kings. The Pope arrived, and our prayers were with him. Gorby and Raisa came to town, and the Gorbasm commenced. Then came Nelson Mandela, and the world stopped turning. The adoration of Mandela seems to defy logic—it may well be that the ancient wisdom about Americans needing heroes is correct. He is the nominal leader of one of the last contending communist-oriented movements in the world, in an era when socialism is being placed alongside Zoroastrianism as a source of political guidance for the future.

To call the African National Congress communist is hardly a smear. Given their state-centered economic and social

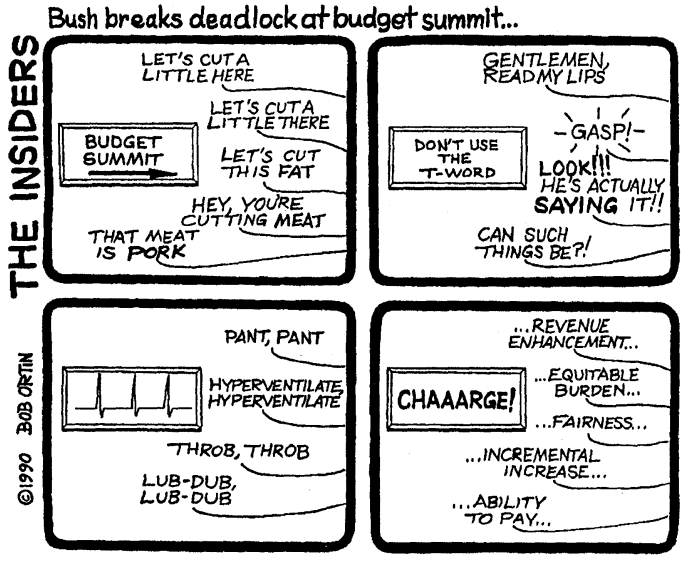

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policies, I would call it an objective description. He is also, however, the symbolic leader of the struggle against racism in South Africa, and he well fits this role, with his stately bearing and energetic stage presence. In this sense he is similar to Ronald Reagan. Furthermore, like Reagan he fell asleep at awkward moments, and snubbed his Yankee daughter and grandchild when he was in Boston.

Mandela's American tour eventually brought him to Atlanta, corporate HQ of the Civil Rights Movement, where he laid a wreath at the tomb of Martin Luther King, Jr. However, the ANC leader refused to commit himself to a policy of nonviolence, claiming that South Africa wasn't ready for it. This is interesting, considering that Dr. King took his political inspiration from Mahatma Gandhi, who perfected his strategy of nonviolence in South Africa. I suppose the ANC showed its opinion of the Mahatma a few years back when it burned down his old house in an attack on the nearby Indian community. Nevertheless, Mandela joined in a soulful chorus of "We Shall Overcome."

Mandela's mission in the United States was fundraising, and his emotive speeches were well calculated to this effect. He tailored his words to his American audience, which was far more wealthy, far more emotional, and far more ignorant of actual conditions in Africa than anyone on his home continent. I spoke to a Nigerian journalist who met with Mandela in Lagos before he came to the United States, and he told me that Mandela stressed the need to work with the de Klerk government to come to an equitable solution of the South African problem, and to pursue moderate policies while preventing radicals, both black and white, from disrupting the process. Can you imagine the tremendous let-down Mandela's American fans would have felt if he came over here and said something reasonable and pragmatic like that? So instead we were treated to slogans and posturing, both from Mandela and from every American political hanger-on in his vicinity. It is an election year, after all. —JSR

U.S. pork exports up — The Bush Admin-istration has decided to help reduce the trade deficit by exporting pork barrel politics. It seems that the government of Japan doesn't waste as much money on so-called "public works" as the U.S. does, and this gives the Japanese an unfair advantage. So the Bush Administration threatened trade restrictions against Japan unless it increased pork barrel spending.

Japan resisted valiantly, but in the end agreed to spend 430,000,000,000,000 yen (about $2,844,000,000,000) on "public works" over the next ten years—a lot of money for bridges and highways. Now it's hard for me to visualize spending in the trillions of dollars, so I decided to figure out how much spending is required per acre.

As a matter of fact, it amounts to about $31,000 per acre of land in the entire country. But most of Japan is forest, farms and grassland—according to The World Factbook, Japan is 69% forest, 16% farms, and 3% grassland. Presumably the "environmental president" would not want to pressure Japan into paving over its forests or farms. So the $2,844,000,000,000 will have to be spent on the remaining 12% of Japan that is developed for use other than farming. This amounts to an average of $257,685, or about 38,949,045 yen per acre. That's enough to cover each acre in 3 layers of Japanese one yen coins, and still have 10,157,624,704,404 yen (or $67,202,280,545) left over.

In exchange for Japan's spending $3 trillion dollars on pork-barrel boondoggles, President Bush announced he had decided to go back on his promise not to raise taxes. The idea apparently is, you shoot yourself in your foot and I cut my arm off.

Of course, the overwhelming bulk of the remaining 12% is privately owned, and used for housing, industry and recreation. So the foregoing analysis grossly underestimates the rate at which the Japanese government will have to plow money into its publicly owned non-forest, non-farm land.

Maybe Japan should just pave over their whole damn country. Maybe they'll have to, in order to spend all the money they've promised to spend. However you cut it, by the time Japan spends the $2,844,000,000,000 on "infrastructure" it ought to have some of the best damn bridges and highways in the world.

I hope Bush doesn't decide we need to spend that much on "public works" in this country. If my own little county spent money at that same rate, it would have to spend $3.5 billion a year on "infrastructure"—or about 200 times the total amount my county currently spends on everything.

The theory behind the arm-twisting apparently is that such wasteful spending will make it more difficult for the Japanese to produce goods of higher quality at lower prices than American firms who are burdened with U.S. taxes for domestic pork-barrel spending. "We would have liked to have seen more," one U.S. negotiater told The Wall Street Journal, which reported the Bush Administration had requested an expenditure 500,000,000,000,000 yen.

The Wall Street Journal reported that the U.S. is making concessions also: "U.S. negotiators said President Bush's announcement Wednesday that he would support an increase in tax revenue proved to the Japanese that the

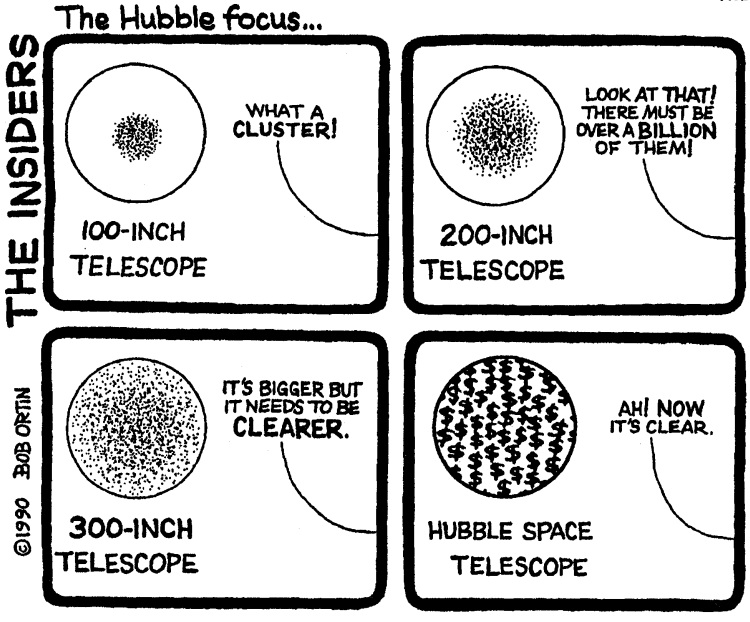

U.S. is serious . . ." In other words, in exchange for Japan spending trillions of dollars on pork-barrel boondoggles, President Bush announced he had decided to go back on his promise not to raise taxes. The idea apparently is, you shoot yourself in your foot and I cut my arm off.

What will be next? The U.S. negotiates for Germany to bomb its own auto factories, in exchange for which we will make Ralph Nader president? The Oakland A's agree to make José Canseco use a chopstick for a baseball bat, in exchange for the Mets playing Dr Ruth Westheimer at shortstop?

Stay tuned. —RWB

Let no man put asunder — Queen Elizabeth II, visiting Quebec, offered an opinion on the notion that Quebec might secede from Canada. "Those who have been conquered," she advised, "should stay conquered."

Okay, I admit it, I'm kidding. What she actually said was, "Those who have joined together should stay together." Just because she misrepresents history, there is no reason I should.

—EOW

Elitism in defense of the state is no vice — As I toil at my computer in the middle of the night, I occasionally turn on my television and tune it to PBS at 1:00 a.m. to catch Today's Japan, a news program from the Japanese government's television network. It's usually pretty dull, but it occasionally has something interesting—perhaps a report on a new hypertech toilet or of a new way transporting mollusks live by truck so that gourmets in inland cities can eat them while they are still wiggling. I like TJ because it's easy to follow without watching, which is nice because I can't see my television from my computer desk. If something interesting comes up, I can use it as an excuse to take a break and watch the video.

After TJ, my local PBS station runs a potpourri of PBS programs: talking heads, furry animals, high school science movies—the usual flotsam and jetsam of public TV, distinguished only by being so boring that PBS won't run it during their primetime or even on Sunday afternoons.

And so, the other day, I audited an episode of Bookmark. I had never seen it before, but I quickly gathered it is a talk show about a single recent book. Host Lewis Lapham, editor of Harper's, was joined by three guests: Kevin Phillips, the author of the book under discussion, The Politics of Rich and Poor; Richard Cloward, "professor of sociology and social work at Columbia University, an authority on America's class wars, and author of Why Americans Don't Vote," and William Greider, "an extraordinarily astute observer of national political and economic affairs, formerly a managing editor at the Washington Post, who now writes an occasional column for The Rolling Stone Magazine."

Already Lapham had dropped a hint or two about his program: William Greider is the National Affairs Editor of Rolling Stone, not merely an "occasional columnist." And the magazine is called Rolling Stone, not "The Rolling Stone Magazine." Apparently Lapham moves in circles where a rock and roll magazine—even one with pretentions—is not so respectable that one would bother to cite it by its correct name. Greider, for his part, seemed perfectly happy to have his position with such a magazine played down—Rolling Stone is apparently good enough to pay his salary, but his involvement should be minimized when appearing in the august environment of public television.

In The Politics of Rich and Poor, Phillips argues that during the Reagan years there was a tremendous shift of income from poor to rich. "What exactly happened in the last ten years?" Lapham asked him to kick off the show. "I mean, how large was the shift from one end of the society to the other?"

"Well that's it. It was really enormous," Phillips responded. "People have just underrated how much. There's one statistic that shows the top 1%—that means about 600,000 people—increased their share of national income from about 8% to somewhere between 12% and 14% depending on the numbers you credit. Now that's somewhere between $100 and $200 billion." The panelists nodded sagely, impressed with Phillips' mastery of his subject.

Wow! What statistics! Phillips certainly is an expert.

Let's see . . . if 1% of the population is 600,000, then the U.S. population is about 600 million. That's more than twice the accepted population figure; no wonder there are complaints that the Census is missing some people in their counts. If an increase of 4% in national income amounts to $100 billion, then national income is about $2.5 trillion—or about half the figure published by the Commerce Department. None of the panelists did the simple arithmetic involved, once again demonstrating that PBS is an ideal place to cite bogus statistics to support one's position.

It never occurred to the members of the panel that they are part of the elite in America, that they live at the expense of American working people. They were content with the give and take of the discussion—giving each other compliments and taking the taxpayers' money to spend on European vacations and $500 suits and other accoutrements of fine living that the poor saps who subsidize them can only dream about.

The discussion was virtually a gang bang on businessmen and high-income individuals, the "elite" that has despoiled this country during the Reagan years. The host and panelists were pleased that Phillips, a maverick conservative political analyst, had come over to their view that the rich constitute an elite and ought to be punished for their wealth, preferably by being separated from it.

I say "discussion," but that isn't really the right word. Discussion involves give-and-take, disagreement and the comparison of alternating positions. What Bookmark offered was a love-fest, with each individual lavishing praise on the others and agreeing with what the others said. The only disagreement I recall was when Phillips disagreed with the view that all businessmen were bad; he personally knew some that agreed with him that most businessmen were bad—these particular businessmen weren't such bad guys.

Not only are the elite bad people, they are living high on the hog at the expense of ordinary Americans, they agreed. Funny thing, from where I sit, these guys look like members of the elite. I dare say not one of them wore a suit bought

off the rack. I suspect they eat more meals at fine restaurants than at Denny's and have never seen the inside of a Taco Bell.

What's more, they seem to have little compunction about living high at the expense of ordinary Americans, the practice they had just denounced. None seemed to be bothered by the fact that the show on which they were promoting their books and magazines is telecast by PBS, which is financed by tax money taken from ordinary, non-elite Americans, who prefer to watch other television networks, financed by advertising or subscription. In fact, all seemed quite happy to promote the sale of their books—and the flow of royalties into their pockets—at taxpayer expense. (Lapham neglected to plug William Greider's most recent book while introducing him, but Greider remembered to plug it a half dozen times during the course of the program.)

Nor did Lapham complain about the largess that his magazine enjoys at taxpayer expense by means of subsidized postage rates. (*Harper's* is a "non-profit" foundation, so it can send out junk mail at less than half the cost that its private competitors pay.)

No, it never occurred to Messrs. Lapham, Greider, Cloward or Phillips that they are part of the elite in America, that they live at the expense of the American working people. They were content with the give and take of the discussion—giving each other compliments and taking the taxpayers' money to spend on European vacations and $500 suits and other accoutrements of fine living that the poor saps who subsidize them can only dream about.

— RWB

Down the Hatch — On June 21, the Senate failed to override the President's veto of a bill to disembowel the Hatch Act, which prohibits federal employees from engaging in partisan political activities. The impetus behind the measure had come from federal employees unions, who were looking for a method to increase their political power. "Eastern Europe has opened up and, by God, we've been left behind" whines the boss of the American Postal Workers Union. He knows what buttons to push. Nothing sells better nowadays than invidious comparisons between newly-liberated Eastern Europe and the bad ol' U. S. of A.

I am not altogether certain that people on the federal dole should even be allowed to vote. But when I think of the side effects of getting rid of the Hatch Act I have second thoughts.

But are the Hatch Act restrictions unreasonable? They were enacted to eliminate political pressure in the federal workplace, and to protect federal employees from feeling intimidated into supporting certain political causes dear to the hearts of their superiors. Amending the Hatch Act would "create the freedom for public employees to be politically coerced. If this bill is enacted, there might be more speech, but not necessarily more free speech," Sen. William V. Roth has pointed out.

Personally, I am not altogether certain that people on the federal dole should even be allowed to vote. So my initial inclination was to be unsympathetic to this endeavor. But when I think of the side effects of getting rid of the Hatch Act I have second thoughts. Nasty political pressure will be brought to bear on everyone in federal workplaces, making the working environment that much less attractive. And anything that tends to make working for the government seem less appealing is fine by me.

So I was disappointed by the President's veto. Sure, repealing the Hatch Act would have led to more vocal pressure groups on the stump for more and bigger government—but by bringing the stridency of unionized partisan political pressure to the federal workplace, it would also probably discourage as much actual governance as it encourages theoretical governance. A bureaucrat busy bugging the guy at the next desk about political contributions or arguing with his coworker about whose turn it is to canvass the bad neighborhood is a bureaucrat not busy infringing on my freedoms—and the person at the next desk is that much more apt to look for honest work.

—BD

The truth goes marching on, part XIV — Recently in Detroit a number of local organizations sponsored a large meeting to honor the late Paul Robeson. It featured a retrospective of his films and songs in addition to a wide variety of speeches praising the famous black entertainer's accomplishments. Now Robeson was many things. He had one of the most beautiful singing voices ever heard—a rich, deep baritone that is still a pleasure to listen to on fifty-year old recordings. He was a capable actor, although his talent was often wasted in mediocre jungle-chieftan movies—Americans weren't ready for black leading men in the thirties and forties; even in such roles, however, Robeson always projected powerful presence and dignity. On the stage he was even better—commanding in his favorite roles of Othello and the half-mad Haitian emperor Henri Christophe.

Paul Robeson was also a Communist Party hack of the very worst type. Not only did he parrot, repeatedly and publicly, every imaginable Stalinist cliché, and relentlessly follow every twist and zag in the Party line, he did something that black leaders ought to regard as even worse: he took such positions even when they were damaging to his own race. This was not because of any sort of racial self-hatred, nor was he trying to suck up to whites. He simply placed the interests of the communist movement above all else. Even when the NAACP and other Negro groups were pushing for anti-lynching legislation during World War II, Robeson savagely denounced their efforts, referring to them as "kluxers" for daring to raise any issue which might even minutely detract from the war effort and thereby inconvenience our Soviet allies. A few years later, at the height of the cold war, Robeson endlessly repeated the imbecilic notion that, if war came with the socialist bloc, American Negroes would take up arms for the USSR, not the United States. Naturally, white racists ate this up. Robeson never abandoned his committment to the unworthy cause that he had chosen, even as his influence and his career waned during the fifties.

Yet here we have the organizers of the Detroit memorial calling Robeson a great "civil rights leader" (which is not true in any sense) who fell victim to McCarthyism for daring to

"speak out for his people." One spokesman called him a "great emancipator."

Truth may be mighty, and may triumph in the end. The trouble is, the end can be a damn long ways away. Meanwhile, how often does one have to support it by rehashing issues which should have been settled years ago? The point is not to sully the memory of Paul Robeson, who should probably be regarded as a tragic figure more than anything else. But it is wrong to claim that, his artistry aside, Robeson left a positive heritage. His politics were poisonous. There is no meaningful sense in which he can be thought of as a "black leader." He was simply a CP loyalist who was black. He should be remembered not as a hero but as a supremely talented person who was seduced by the most destructive ideology of our time. —WPM

South Africa and the herd of independent minds — There are few better current illustrations of the "herd of independent minds" phenomenon than fashionable American thinking about South Africa. All seem to favor "disinvestment," which forces American companies present there to unload their businesses, no doubt at bargain prices. The principal beneficiaries of such fire sales are white South African entrepreneurs, who garner a viable enterprise at a fraction of its real worth; the principal losers are the stockholders of the parent American company on one side and the black workers on the other. In part because they were American, absentee owners were more likely to employ and promote blacks than white South African bosses; once American influence would be excised, the old ways of discrimination could return. Were I a black South African worker made destitute again because of pressure from abroad, I would be justifiably angry at the comfortable Americans whose agitation prompted my poverty.

I wonder about Bishop Tutu's enthusiasm for disinvestment. Knowing something from histories of the Jewish holocaust about the collaboration of "leaders" in the face of oppressive force, I have more than once conjectured that perhaps these black leaders are being employed, or blackmailed, by the South African secret police.

Don't you notice, I can hear someone say, that the most visible black South African leaders favor such disinvestment, some quite passionately? Indeed, they do, and I wonder about it, beginning with Bishop Tutu's almost manic enthusiasm for it. Knowing something (initially from histories of the Jewish holocaust) about the collaboration of "leaders" in the face of oppressive force, I have more than once conjectured that, perhaps, these black leaders are being employed, or blackmailed, by the South African secret police. Any underhanded motive we can attribute to the CIA or the KGB can also be imagined of their South African counterparts. Don't you wonder as well about Jesse Jackson's favoring disinvestment? I do, but I am not the first to notice that Jackson will favor almost anything that appeals to his constituency. (He also advocates enlisting the American military in the "war on drugs," which is another counterproductive idea, setting up our lowest-paid civil servants to be bribed and thereby setting a dangerous precedent for hiring American soldiers for private ends.)

Precisely because discussion of the South African situation ignores the fate of black African workers, certain truths get lost. One is that African blacks are trying to sneak into the Republic of South Africa, to break down its border, simply because jobs are more plentiful there than in the surrounding black-run states. A second is that South Africa has more deeply established bureaucracies, media, and commerce than the surrounding "republics," some of which are one-party dictatorships, others of which have hierarchies of feudal exploitation that channel wealth to their leaders, none of which offers the general populace, black or white, many civil rights. The fundamental liberal deceit here (as in judgments of Israel) is to compare the Republic of South Africa to Western European states rather than to its immediate neighbors. The disingenuous assumption is, to be frank, racist, which is to say that the white people running South Africa (or Israel) should be made accountable to standards inapplicable to neighboring blacks (or Arabs); the other side of the deceit is, of course, even more profoundly disquieting—the implicit assumption that since black or Arab behavior cannot be judged according to Western European standards, they must be fundamentally inferior to whites. Why aren't people more aware of the implications of popular pieties? —RK

An Azerbaijani nuclear force? — In the mid-1980s, at the height of nuclear-freeze mania, it was widely asserted that the world was "closer than ever before in history" to nuclear war (the Cuban Missile Crisis notwithstanding). Nuclear issues, and particularly total nuclear war, were common themes in public discourse. However, with the dismantling of the Soviet East European empire and the relaxation of tensions between East and West, the issue of nuclear war has receded.

It is true that the likelihood of the sort of nuclear conflict envisioned by deterrence strategists, i.e. an all-out exchange between the United States and the Soviet Union in a war-time setting or by sneak-attack, is slim. But the probability of other forms of nuclear conflict at lower levels has increased in the past five years. Consider the following scenarios:

1. Terrorists in the Soviet Union, motivated by nationalism, religious fundamentalism, or ideological concerns, take over a missile silo or weapons stockpile and use the weapons against the United States, China, Israel, Moscow, or another target;

2. Motivated by a need to unite the Soviet Union in times of increasing domestic chaos, government leaders (either resurgent internationalist socialists or Great Russian Pan-Slavists) set off a war of expansion into an economically robust but militarily weakened Western Europe, which leads to nuclear exchanges;

3. During a new Russian revolution/civil war, authorities who control the nuclear arsenal, facing imminent death at the hands of their domestic enemies, launch a grudge attack against foes, real or imagined, at home or abroad.

None of these scenarios is likely to take place soon, but each, I submit, is at least as likely as the nuclear war scenarios of the 1980s. The difference is that while the earlier deterrence strategies were based on assumptions of rationality, and at

least potentially preventable, the scenarios described above are based on less predictable, more passionate concerns. And when one looks outside the Soviet Union to the number of potentially hostile developing nations and non-state actors which are developing or attempting otherwise to acquire nuclear and ballistic missile technologies and capabilities, and the possibilities of accidental launch, the situation becomes even more unstable.

There are some things the United States can do to decrease the likelihood of future nuclear conflict. Propping up Gorbachev in his attempt to chart a moderate course of reform in the Soviet Union is one of the easiest but least effective measures, because he has not shown promise in creating stability, and has few good long-term prospects in any case. A second, more difficult and more effective measure would be to intensify efforts to reduce the numbers of ICBMs and SLBMs in U.S. and Soviet arsenals, perhaps even to the point of using the United Nations to monitor all such weapons, or giving over our nuclear arsenal to an international coordinating commission which would control all such weapons worldwide. The U.N. hasn't shown itself to be a very effective arbiter of conflict in the world, but it might contribute to stability through administration; the U.N. bureaucracy would render the weapons useless!

The third and most important policy option is the speedy deployment of a ballistic missile defensive system. The long-term logic of strategic defense (to stave off the missile threat in the developing world) should be compelling enough, but destabilization in the Soviet Union should make it imperative. Furthermore, while many critics pointed out that an SDI system would not be effective against massed ICBM attacks, such a defensive shield would be very useful against an uncoordinated or partial launch.

Recently, Soviet troops began to evacuate all military nuclear materials from the Baltic States. Elite forces were sent to Baku to garrison nuclear sites there. It is clear that the Soviet leadership doesn't trust the people of the Republics not to try to get hold of nuclear weapons. So why should we? —JSR

Military industrial complexities — With the disintegration of the Warsaw Pact, all hopes for propping up U.S. defense spending have collapsed. The sharks circling the "peace dividend" are heating the political waters to froth. Within the military-industrial-congressional complex, brothers-in-arms are fast becoming fratricidal, each determined to save his own projects, if need be at the expense of any or all others.

The Bush administration originally requested defense budget authority of nearly $307 billion for fiscal year 1991, projecting real reductions of about 2 percent annually through 1991, about the same rate of decline as during the past five years. But everyone from George Bush on down recognized that Congress would not approve so much military spending, and the President quickly made a small concession and signaled a willingness to cut further.

Sen. Sam Nunn, the influential chairman of the Senate Armed Services Committee, first blasted the administration for failing to take into account the tremendous changes in the East Bloc, then made a noteworthy speech calling for much larger reductions in forces, especially in Europe. Nunn proposed military spending of just $297 billion, which translates into a real cut of nearly 7 percent from this year's spending, after adjusting for anticipated inflation of 5 percent. It now appears that the defense budget ultimately will be cut even more than Nunn proposed.

Although sizable cuts seem inevitable, which programs will be cut or eliminated remains to be seen. With history as our guide, we may confidently expect that the particulars of the retrenchment will be determined far more by political maneuvering than by strategic considerations or solicitude for the public interest.

Every domestic base or munitions plant is located in someone's congressional district. So, as an administration official remarked, "you are dealing with pork, self-interest, and local politics. Geopolitics and grand strategy take a back seat." Already, plans to terminate production of the M-1 tank after 1991 have roused lawmakers from Ohio and Michigan, where the tank factories are located, to mount a stiff defense of the armored behemoths.

With history as our guide, we may confidently expect that the particulars of the retrenchment will be determined far more by political maneuvering than by strategic considerations or solicitude for the public interest.

Efforts to protect workers now in defense-related jobs have given rise to a Democratic plan, supported by several large industrial unions, to direct 0.5 percent of the defense budget, about $1.5 billion annually, into operating conversion programs and assisting displaced workers. The administration, which denies the reality of any peace dividend, and the Defense Department oppose the proposal.

Inside the Pentagon, interservice rivalries have taken on new urgency. Each branch of the military seeks to preserve programs to develop and produce the kind of weapons "platform" that sustains its identity. The Air Force places priority on high-tech flying machines with human pilots, including the C-17 transport, the new stealth fighter, and the bomber, a

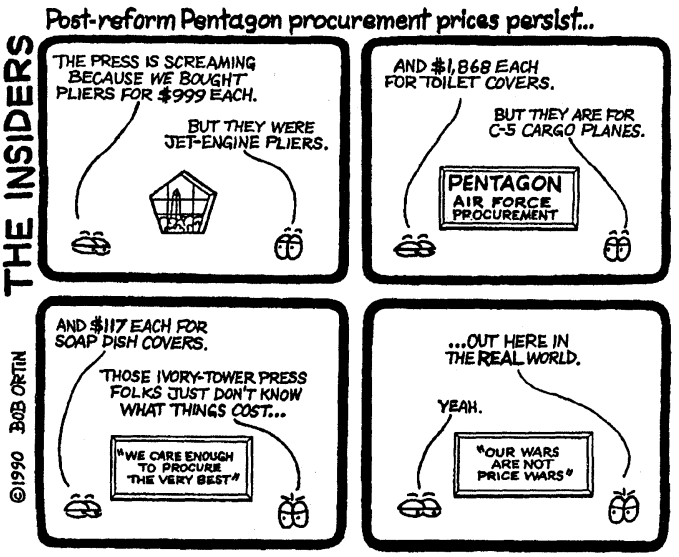

vastly expensive weapon system already in deep political trouble. The Army wants to proceed with development of a new generation of light attack helicopter and a replacement for the heavy M-1 tank. The Navy clings tenaciously to its fourteen aircraft carriers, each accompanied by an imposing and costly complement of combat and support vessels.

Each service has expressed a willingness to sacrifice personnel—in the case of the Army, perhaps 25 percent of the troops—in order to preserve the development and production of new weapon systems. Not surprisingly, the arms contractors, who continue to wield considerable political clout, also support this choice.

Reacting to congressional pressures for larger budget cuts, Defense Secretary Dick Cheney artfully proposed that substantial savings could be realized by closing domestic bases. Rep. Les Aspin, chairman of the House Armed Services Committee, protested that Cheney's plan puts "a political gun to the head" of Congress. Members of Congress prefer that foreign bases be shut down first—no political retribution will touch American legislators if they offend only German voters. Aspin has called for creation of a new base-closure commission to relieve Congress of responsibility for future base closures.

Increasingly, desperate members of Congress are turning on one another. For example, East Coast lawmakers, seeking to preserve jobs in their own districts, have asked the Navy to reassess the desirability of proceeding with construction of the new "home port" in Everett, Washington. The Washington State delegation immediately counter-attacked. Other internecine fights will break out as defense dollars, a major source of pork-barrel benefits, grow scarcer.

The present infighting seems out of proportion to the resources at stake in the context of what happened during past defense retrenchments. The current reduction is the fourth major cutback since 1945. Each of the preceding reductions began from a relatively higher level: the military share of GNP reached more than 40 percent during World War II, more than 15 percent during the Korean War, and 9 percent during the Vietnam War. Now defense absorbs less than 6 percent of GNP, so by this measure there is less to quarrel over. But the absolute amounts are enormous. And, in any event, in politics the fighting often grows fiercer when the prize is shrinking. —RH

Nervous implosion — Years from now, after the Russian Revolution has run its course, social scientists will study the Party Congress of 1990, analyzing the class backgrounds of delegates, estimating the influence of various kinds of political patronage in their appointment, and emphasizing the increased number of bureaucrats, as opposed to workers and peasants, in the assembled throng. The social scientists may not notice that there was a moment in the congress at which the party announced that it had lost its nerve.

It came when Eduard Shevardnadze, Foreign Minister and one of Gorbachev's chief lieutenants, rose to defend himself against the accusations and ridicule of the hard-line Marxists who dominated most of the proceedings. "Everyone who comes to this tribune is tense beyond limits," Shevardnaze said. He was acknowledging that the office no longer protects the man, even psychologically.

Social scientists are able to quantify votes, income, answers to questions in polls. They are unable to quantify "nerve." They therefore ignore it. But there was a moment in 1789 at which the French aristocracy lost its nerve, and a moment in 1989 at which the despots of Central Europe lost theirs. Nerve can maintain a state when nearly all political resources are gone. And immense political resources are of no avail when nerve is lacking; witness Reagan's would-be revolution.

The hard-line Marxists of contemporary Russia are as lacking in nerve as Shevardnadze—no, more lacking. They forced him to defend himself for his youthful piety toward the authoritarian state they worship.

"I had the sin of writing poems as a child," he admitted. "One of them I dedicated to Stalin. . . . We were naive and believed Stalin. Later, we believed in Kruschev: 'Dear Nikita Sergeyevich.' Then came Brezhnev and all the rest. Then came you."

But the old-fashioned Marxists don't care about poetry; they care about keeping themselves out of jail, and they know that this may be their last chance to do so. they listened in silence as Boris Yeltsin lectured them on the distinct possibility of their sharing the fate of Erich Honecker. Then they did almost nothing, except to block the free-market reforms that might rescue some semblance of their legitimacy as a ruling party. Without the nerve either to tyrannize effectively or to reform effectively, they are lost. —SC

Black is innocent — Jury nullification is the principle that jurors can and should judge the law as well as the facts of any given case. Accordingly, juries can decide to simply not enforce a law regardless of the facts of the case.

For a while it seemed that America's sleaziest politician, Mayor Marion Barry of Washington, D.C., had discovered a clever way to get around the usual prohibitions against even mentioning this principle aloud in court.

Both Barry and his attorney mentioned something that *sounded* like jury nullification in press conferences. It would take only one juror to deadlock Hizzoner's trial, you see, and thus bring the whole thing to an end or require an impossibly expensive reprise of the entire sordid mess.

But Barry's tactic isn't based on any high-minded dedication to ancient Anglo-Saxon common law principles, or a desire to end judicial tyranny. His goal is jury nullification based on pure, unalloyed racism. He is saying, roughly, "to hell with the law. Who cares whether it should apply here or not. The

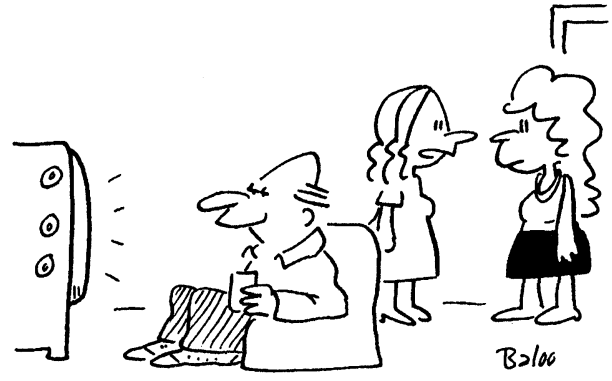

"The doctor says it's male-pattern laziness."

whole thing is a racist plot against the greatest black mayor in America. It is part of a sinister plan by which whites are attempting to end black leadership." It is pure entrapment by the white persecution which, he can state without even a giggle, even "taught" him how to smoke crack (for which he was arrested) through the instructions of the babe who set him up for arrest.

Barry has seen the face of God in his arrest, and calls upon the Savior frequently. He regrets the furor over his arrest because it was caused by his being so slavishly devoted to the welfare of Washington that he hadn't time left over to save his soul. If he had spent more time being Marion Barry, rather than Moses, it wouldn't have happened. As for the succession of infidelities that mark his marriage, well what can a man so busy saving you do to relax anyway?

But Barry's version of jury nullification is even less wholesome than the crimes and indiscretions of which he is accused. The complaint of undeserved black guilt is familiar. The Barry position, that blacks should be judged innocent because they are black is a stratagem that is as clever as it is unprincipled, and as likely as any action in recent years to inspire racial tension. —KH

Another lie — When Americans think about what a liar George Bush is, they first think of his famous read-my-lips promise against raising taxes. But he made an even more outrageous lie, one that I suspect will be remembered long after his lie on taxes is forgotten.

It has long been a cornerstone of U.S. foreign policy that the Soviet Union's conquest of Lithuania, Latvia and Estonia was illegal and these three tiny nations are, so far as the United States is concerned, free and independent states. Every world map issued by the CIA contains a special notice in tiny type stating; "The United States Government has not recognized the incorporation of Estonia, Latvia and Lithuania into the Soviet Union." And the U.S. continues to maintain diplomatic relations with the original governments, which still staff embassies in Washington, D.C.

President Bush has been especially vocal in his support for Baltic independence, repeatedly, unequivocally and enthusiastically telling Lithuanian-American voters in Ohio that he supports the right of self-government and independence of Lithuania and abhors its conquest by the Soviets.

So what happens when the tiny nation of 3 million gets up on its hind legs and declares its independence from the Soviet Union? Does Bush make good his long held, often repeated promise to support it?

"Wait a minute . . . How do we get *back* from the moon?"

Guess again. Not only does he refuse to recognize the independence of the tiny country, but he uses the moral power of the presidency to cool public support for Lithuanian independence and the diplomatic power of the United States to prevent other nations from extending diplomatic recognition, all because he doesn't want any harm to come to his buddy, "reform-minded" Mikhail Gorbachev—never mind that so far Gorbachev's reforms have all tended to increase his own power.

And so, in the absence of diplomatic or moral support, and squeezed by the Soviet state's embargo on food and energy, the Lithuanians rescinded their declaration of indepen-dence, and the world yawns.

For Bush's inauguration, his advertising men came up with the slogan, "From George to George," a reference to the inauguration of George Washington two centuries ago. I wonder if they were trying to tell us that in 200 years, the Presidency had passed from the hands of a man who couldn't tell a lie to a man incapable of telling the truth. —RWB

Deficits vs spending — Each year the federal government spends more than it takes in. What sort of problem is this?

According to the news media, the problem is "the deficit." This seems a curious way to characterize the problem. Past tax increases have not eliminated the deficit. They have signalled even higher spending. But the federal government spends more than it takes in every year, no matter how much it takes in. The deficit is a manifestation of that problem, a consequence of it. The problem is that the federal government spends too much.

So why do the media and policy-making class tell us the problem is "the deficit"?

I have no special insight into the hearts of those in government and media, so I can only hypothesize.

Look at the issue another way. Imagine there were a budget surplus. I know, it's quite a stretch, but just suppose. Would the media and policy-makers be whining about the "surplus problem"? Would they advocate tax cuts?

I think they describe the problem as "the deficit" because the deficit can be eliminated (or reduced) by raising taxes. But over-spending can be eliminated (or reduced) only by cutting spending, which means reducing the power of the policy-making class.

Look at the issue another way. Imagine there were a budget surplus. I know, it's quite a stretch, but just suppose. Would the media and policy-makers be whining about the "surplus problem"? Would they advocate tax cuts?

We can get an idea of what would happen by looking to what has happened in the other Washington—the state of Washington. Budget deficits are actually illegal in Washington state, so whenever a deficit looms the legislature wrings its hands and raises taxes. When I moved to Washington a decade ago, the state was faced with a deficit thanks to the Carter recession. The big source of revenue is the sales tax, since its state constitution prohibits an income tax and requires a vote of the people to be changed.

How did the state respond to the "deficit crisis"? By raising

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by

Virginia L. L. Hamel

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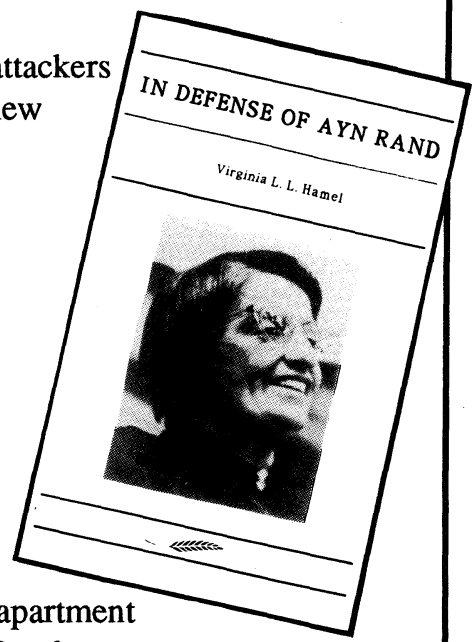

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taxes, of course. During the early 1980s, the sales tax was raised by 56%. But eventually the recession ended and retail sales picked up. With the sales tax rate set so high, tax revenues increased faster than spending. Did this result in a "surplus crisis"? Did politicians and the media call for tax cuts?

Guess again. The surplus was no "crisis" at all. It was an "opportunity." And the politicians took advantage of the opportunity by spreading the excess loot among their favorite special interests, government employees and teachers. In fact, the legislature actually raised excise taxes in the face of the surplus.

The next time retail sales dip, of course, there will be another "deficit crisis." And another increase in taxes. And the words "spending crisis" will never be heard from any member of the policy-making class. By stating the problem as one of "deficits" rather than "spending," they have stacked the deck in favor of higher taxes. —RWB

Bum rap — The Miami-based rap band 2-Live Crew has made history: Its members are the first recording artists to get an album banned by a federal judge.

The band is probably incapable of achieving any other distinction. Musically maladroit, witless and dull, 2-Live Crew was just a minor-level fad in the rap world until this happened. It was infamous for being really filthy and stupid in its views on sex and women. It was famous for nothing else. It was nothing I'd ever care to listen to and nothing I'd ever think of defending on aesthetic grounds.

Musically maladroit, witless and dull, 2-Live Crew was just a minor-level fad in the rap world until it was banned.

But then U.S. District Judge Jose Gonzalez declared its LP As Nasty As They Wanna Be obscene, and Broward County Sheriff Nick Navarro went into action. He sent his brave troops to arrest record store owner Charles Freeman (not very free, apparently) for selling the LP to a deputy, and dispatched a fleet of squad cars to apprehend three members of the band for performing their "obscene" songs before a crowd of adults at Club Futura in Hollywood, Fla. This has made band members martyrs and heroes in the struggle to protect free expression in the United States.

Our dedication to freedom of expression only becomes meaningful in the hard cases, and at first glance 2-Live Crew seem to be a hard case. Crude, stupid, vulgar—do we really want to defend this sort of thing?

Some very "liberal" members of our society apparently don't care to sully their fingers by doing so. People are being arrested for singing to a group of adult paying customers or selling an album, and all Mindy McNichols, the legislative director for the Florida branch of the National Organization for Women can say is that the Crew represent "sexism," and thus, apparently, are getting what they deserve.

But really, the Crew doesn't need your defense or mine. The 1.3 million people who have put up their own money as evidence of their desire to hear 2-Live Crew have already provided all the proof necessary to put the lie to Judge Gonzalez's contention that the band's music defies community standards and has no redeeming social, literary or artistic value. This stuff is music, and people obviously value it enough to spend money on it.

Cases like this show how untenable the notion of "prevailing community standards" is in defining obscenity. 2-Live Crew is loved and appreciated by one large segment of the population; it is reviled by another large segment. I thought that the First Amendment was in the Constitution to keep questions about who are and aren't allowed to express themselves out of the dirty arena of democracy. The notion that there is something called "obscenity" that has removed itself from First Amendment protection by its nature—a nature that is impossible to define in a way that means the same thing to everyone—is patently absurd.

The fact that localities have decided to put laws against this ill-defined something on the books, and that judges and constabularies are wasting their time enforcing these laws is an insult to taxpayers who are allegedly getting some civic order from their government. (To put some perspective on Sheriff Navarro's concentration of energy and resources on 2-Live Crew: in 1989 Broward County suffered from 115 murders, 830 sexual assaults, 25,478 burglaries, and 11,190 car thefts.)

Of course, what people are really getting is a power apparatus that allows men like Nick Navarro to arrest some men who spent their evening leading a crowd through a chant of "Fuck Nick! Fuck Navarro!" Navarro insists there was nothing personal in his arrest decision; just doing his job enforcing a judicial reading. Judge Gonzalez was just applying Florida's obscenity statutes. No one is at fault here; just the wheels of justice grinding, blindly as ever.

Some blacks, including Crew leader Luther Campbell, don't see it that way, and I think they have a point. No "dirty" white entertainer, like, say, the notorious comic Andrew Dice Clay, has suffered from a judicial ban. And 2-Live Crew didn't come to the attention of a federal judge until their album began selling outside the ghetto of the black charts. It's when "filth" began infecting young white adolescents that blind justice began noticing. (I spent much of the last few years as a clerk in a record store, and 2-Live Crew were the rap purchase of choice for local white rednecks, apparently because of the very nastiness that aroused Judge Gonzalez' ire.)

But not all blacks see it Campbell's way. The NAACP, servile supporters of the white liberal power apparatus, have made pains to dissociate the Crew's insulting rhymes and outrageous sexual braggadocio from "the black experience." Anyone with even a passing knowledge of black American folkways knows how absurd that claim is. An appreciation for rhyming wit, insult and sexual brags are not unknown among black men, except apparently ones who have spent their whole lives trying to squeeze special favors out of the federal government.

But despite how genuinely a part of "black culture" 2-Live Crew are, or how bad their music is, obscenity laws are a pox upon a free society, and anyone who is the victim of them deserves our support, moral and otherwise. And it's been gratifying to see that some folks in Broward County are not sitting back and taking it. T-shirts are circulating that read "I used to live in America, now I live in Broward County." And one enterprising Crew supporter broke onto Sheriff Navarro's communications band frequency and played two minutes of "Me So Horny," a 2-Live Crew song. Good to see there are still people out there behaving like citizens of the United States, rather than subjects. —BD

Report

The "Meech Lake" Fiasco, Canada's Future, and Liberalism

by Michael I. Krauss

If any province of Canada failed to ratify the Meech Lake accord it would mean the end of Canada. Meech Lake failed. So we were told . . . But now what?

It's difficult to describe, in concise language that remains intelligible to an American audience, the complex political problems assailing Canada. After the recent unsuccessful attempt to modify its constitution, television commentators have pronounced the impending demise of Canada. This seems grossly premature to this expatriate. Libertarians who delight in the collapse of governments should not cheer too soon, or (I hope to show) too loudly about this possibility. Nevertheless, Canada's failure to validate what has been known as the "Meech Lake Agreement" is of interest to classical liberals.

To understand Canada's constitutional crisis it's essential to look back to 1982, when the Great White North "patriated" (as Canadians are wont to say) its constitution from London. Before 1982, the basic structure of Canadian government was determined by an 1867 British statute (the *British North America Act*) which could therefore only be amended by the House of Commons in London. The B.N.A. Act essentially set up a federal, but otherwise British, structure. The structure was British in its Austinian positivism and its pure majoritarianism: that is, virtually no fundamental individual rights were placed out of the reach of legislatures. The structure was federal (much more so, as it turns out, than in the U.S.) in that sovereignty (which, remember, is vested entirely in the state, not in the people) was divided between the federal government and the provinces. [There were four provinces in 1867. There are now 10 provinces and two administered territories. Newfoundland, the tenth province, entered Canada in 1949.]

Although the British link pleased many Anglo-Saxon Canadians, the desire to "patriate" or Canadianize the constitution was a dream for Pierre Trudeau, the intellectual Quebec social-democrat who ruinously governed Canada through the 1970s and early 80s. Paradoxically for an anti-American who demonstrated very little respect for individual rights [1] or private property, [2] Trudeau also suggested that a Charter of Rights be annexed to the Constitution. Although a US-style document, the Charter of Rights differed significantly from its American counterpart in that it enshrined *group* rights (to "multiculturalism" and other similar nonsense) and permitted governments to adopt valid legislation overruling protected rights, as long as they did so explicitly.

Unfortunately for Trudeau, it was obvious that any "patriation" and modification of the Constitution would require the consent of all eleven governments (Ottawa and the ten provinces), since unanimous consent had always been obtained for modification requests to London in the past. Unanimous consent was impossible this time, since Quebec's government had been, since 1976, run by the socialist and separatist Parti Québécois. Undaunted, Trudeau and nine other Premiers hammered out an agreement one evening in Ottawa, while Parti Québécois' leader René Lévesque sulked across the Ottawa River in Hull, Quebec. The proposed new Constitution was sent to London, where Britain's parliament ratified it and finally washed its hands of the whole Canadian mess. A subsequent Canadian Supreme Court decision rejected the Parti Québécois' challenge to the validity of the process by ruling that this non-unanimous Constitution was "legal but illegitimate," since it violated unwritten conventions of unanimity.

When Trudeau's "Liberals," [sic] who were detested across the country for their impoverishing nationalizations and bureaucratic expansion, were defeated by Brian Mulroney's "Progressive Conservatives" [sic] in the early 1980s, the pressure to "legitimize" the Constitution by obtaining the consent of Quebec became acute. On the one hand, Mulroney had been elected with substantial support from Quebec nationalists; on the other hand the Parti Québécois was ultimately defeated and replaced by Robert Bourassa's Liberals, who were overt allies of Mulroney's Conservatives (remember, I said this would be complicated). After much posturing and negotiation amidst a totally indifferent population all ten premiers agreed, at a 1986 meeting at Meech Lake (or *Lac Meech*) in western Quebec, to a formula that would be acceptable to Quebec, and that would lead it to sign the new constitution. The agreement would become valid only when approved by all ten provincial legislatures, within three years following the first ratification.

English Canada is now forced to respect individual liberty of expression for minuscule French populations, while Quebec routinely tramples on its Anglophone minority.

The Meech Lake agreement provided, *inter alia*, that:

- Quebec would be guaranteed 3 of the 9 seats on the Supreme Court, and would have a determining voice in the selection of these Justices;
- Quebec would be recognized as a "distinct society"; this would quite possibly lead the Supreme Court to validate Quebec legislation that would be unconstitutional if adopted in other provinces (for example, legislation oppressing English speakers in the province);
- All provinces would have to agree to any amendment to the composition of Canada's Senate. The Senate, an appointed body of political hacks like the UK's House of Lords, is essentially powerless. Meanwhile, Canada's House of Commons (70% of whose members come from populous Ontario and Quebec) lacks any regional or provincial check or balance. Western provinces especially had hoped for an elected, US-style Senate with equal provincial representation, to prevent future grabs like Trudeau's National Energy Policy, wherein Ontario and Quebec conspired to fix the price of (and then nationalize part of) Alberta's oil industry;
- All provinces would have to agree to the creation of a new province. Any new province to be created in Yukon Territory or the Northwest Territories would be English-speaking, of course, and thus a Quebec veto to their generation was likely.

Readers will have noticed that *nowhere* in the patriation process, Lake Meech negotiations, or in the ratification provisions, was opinion or concern for individual Canadians provided for. Canadians were mute about the patriation process to begin with, and have traditionally accepted government intervention meekly, but as they saw provincial legislature after provincial legislature ratify the agreement many of them became increasingly apprehensive.

Some English Canadian displeasure was undeniably a manifestation of bigotry. Decades-old coercive legislation in many English provinces has triggered massive assimilation of those provinces' once-substantial French-speaking minorities, and many Canadians remain bitter that French-speaking communities remain in the country. However, much dissatisfaction with Meech Lake was productive. Criticism was voiced of the blatant double-standard whereby English Canada is now forced to respect the individual liberty of expression for (remaining) minuscule French populations, while Quebec routinely tramples on its Anglophone minority. The "distinct society" clause[3] seemed to give a constitutional seal of approval to a particularly disgusting Quebec law outlawing most English signs in that province, and perhaps even to recent proposals in Montreal whereby many children (precluded from attending English language public schools) would be watched and prevented from speaking English to each other in hallways and during recess. Canadian Indians were outraged to see white men frustrating their only chance at something resembling self-government (in the Northwest Territories and the Yukon). Western Canadians were bitter that Senate reform seemed forever precluded by the agreement.

Ottawa has great leverage over the provinces through an incredible maze of existing "transfer payment" programs (this federal leverage would, interestingly, be reduced were the Meech Lake accord passed). Equalization of wealth across Canada is a constitutional act of faith that permits thousands of Maritime fishermen to ply their trade for 8 weeks per year and then receive 44 weeks of federal *largesse*. Cooled and berated by a faltering Mulroney whose scandal-plagued government's approval rating had dropped to 16% as the Meech Lake deadline approached, eight legislatures ratified the Meech Lake accord between 1986 and 1989. Manitoba's Premier was won over *in extremis* by Mulroney's promises (threats?), and its legislature would have been the ninth to ratify were it not for its sole Indian MPP (Member of Provincial Parliament), who became a folk hero across English Canada when he refused to concur in the unanimous consent required to bypass that parliament's procedural strictures. Among the Premiers, only Newfoundland's Clyde Wells (elected after the signing of the Meech Lake agreement) re-

If Quebec secedes it will likely constitute a northern Argentina, unless the corporatist mentality of much of its political elite changes.

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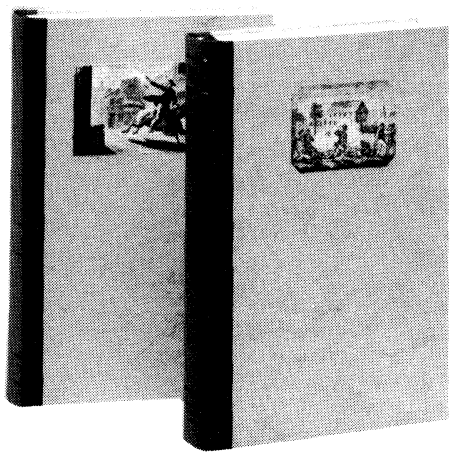

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mained unconvinced. Destitute little Newfoundland [4] (importantly, *not* Mr Wells himself) is certainly Canada's most Francophobic province, as a result of an incredible 1950s hydroelectric deal whereby the newly admitted province essentially sold almost all its enormous future hydroelectric potential to Quebec for nothing. [5] Mr Wells lost no popular support by refusing to "appease" Quebec.

So Meech Lake is dead. Quebec is still not "part of the constitution," although I venture to say that 90% of Québécois do not have the foggiest notion what that phrase means, precisely because it means nothing, legally. But many Québécois' nationalistic pride is undoubtedly bruised.

What will the future bring? Francophone Quebec businesspersons have gleefully displaced Anglophone executives fleeing the province's recent spate of rights-violating legislation. The Free Trade Agreement with the U.S. [6] and Francophone corporate control of the lucrative subsidy process in Quebec City has given these industrialists the temerity to push for independence. But there's little to cheer about here for those who value liberty: unless the corporatist mentality of much of its political elite changes, if Quebec secedes it will likely constitute a northern Argentina.

I just don't think it will happen, though. Politicians and political elites have lost face, of course, and in their efforts to salvage their honor they could blow the country apart. But technical questions will, I think, vanquish the nationalistic fervor presently gripping *La Belle Province*. How will Canada's humongous public debt be divided between Quebec and English Canada? How will Quebec maintain its credit rating and the financing needed for its nationalized megaprojects at James Bay if it alienates Wall Street? How will the millions of Canadians who have worked in both Quebec and English Canada receive their pensions? What will become of "Rupert's Land," a huge territory constituting over 30% of Quebec's land mass that was detached from the Northwest Territories and ceded by Ottawa to the province in the 20th century, and whose Indian and Inuit population will insist on "seceding" from Quebec and rejoining Canada. I could go on and on . . .

> Nowhere *in the patriation process, Lake Meech negotiations, or ratification provisions, was concern for individual Canadians provided for.*

The simple fact of the matter is that classical liberals are a rare species in Quebec, while collectivist social planners and Francophone bigots already have most of the legislative tools they need in the present Canadian context. [7] The technical problems alluded to above should lead them to cease their posturing after a time. For their part, English Canadian elites desperately fear the departure of Quebec, which could set off a process of disintegration and toll the bell for a country historically constituted as a bastion of mercantilism. Canada will likely muddle through, in disunity and bureaucracy, as the Sweden to our north. There just aren't enough liberals in either part of the country to set things right. ❑

Notes:

1. His brutal repression of political protest in Quebec in 1970 is possibly without precedent in North American history.
2. Trudeau nationalized much of Alberta's petroleum industry, without compensation. He ceaselessly criticized foreign (i.e., American) investment in the country, and ultimately restricted it greatly. both these measures, and some others, greatly impoverished Canadians.
3. The Meech Lake Accord contained a clause modifying the Constitution by inserting a declaration that the interpretation of its provisions by the court must take account of the fact that, inside Canada, Quebec constitutes a "distinct society" and that it can take measures of self-preservation.
4. Newfoundland has approximately 600,000 people, or 2.3% of Canada's population. Over half of its wealth consists of transfer payment from Ottawa. Quebec's 6,800,000 people constitute 28% of the country's population.
5. The infamous "Churchill Falls Agreement" has allowed Quebec to export Newfoundland electricity to other provinces, and to U.S. states, at fabulous profits. In a rare show of free-market sentiment, Quebeckers have always maintained that "a deal is a deal." Newfoundlanders accurately perceive that the federal government's refusal to reopen a contract signed by Newfoundland's inexperienced 1949 premier is eloquent recognition of Quebec's influence in federal politics. If Quebec were to secede from the Canadian federation, the agreement would arguably no longer be enforced.
6. See Michael I. Krauss, "A Kinder, Gentler Nation?: Fear and Loathing on the Campaign Trail in Canada," *Liberty*, March 1989, pp. 23–28.
7. Quebec has quasi-embassies, and its own foreign policy. It has its own flag. It controls its own immigration. It does not have a national anthem yet, but it does have its own national holiday.

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History

The North American Devolution of 2022

by Ausra Kamenets von Bleichroeder

It's difficult to believe today that a half-century ago the United States of America was a world financial and political power and universally believed to be among the most stable and enduring regimes in history. But, a century ago, Germany was ruled by a "Thousand Year Reich" that lasted but 12 years.

Lanyi—the first president of Transylvania and sage of Cluj—often complained of being bored by the predictability of North American politics. "Look at whatever is now happening in Europe," he used to say, "and in ten to fifteen years the same scenario will be replayed from Montreal to Merida." And in fact the American devolution came fourteen years after the *Abtrennung* of 2008 reversed the uneasy German *Anschluss* of 1991. It came eleven years after the old Russian Federated Republic split into nine sovereign states, shattering the myth that devolutionary zeal was confined to the other nationalities of the old empire.

But it would be a mistake to dismiss the upheaval of 2022 as little more than the reflexive clone of a European progenitor. It was the culmination of a long series of distinctively American developments.

Harbingers of devolution surfaced as long ago as the 1990s. In an effort to avoid higher taxes, responsibility for some long-established federal functions was shifted downward to the fifty states. At the same time, relations between the congressional and executive branches not only deteriorated but grew increasingly vindictive. James F. Baker—the peripatetic, thoroughly unpopular, one-term president who succeeded George Bush—was a conspicuous target of congressional wrath. Deprived of his costly White House air fleet during his last year in office, he had to endure the plebeian indignity of flying—no more than 20,000 kilometers annually—by commercial carriers.

Air Force One . . . lost

But the first institutionally conspicuous milestone on the road to devolution was the twenty-seventh Amendment to the old U.S. Constitution (2005). It was easily adopted after a frightening acceleration of inflation was halted by plunging the economy into a recession that, in turn, resulted in a large federal budget deficit. After some false starts, the drafters agreed on a tamper-proof formula for ending deficit financing. They mandated a gradual retirement of the huge outstanding debt, consisting of the obligations both of the treasury and of federal agencies for which taxpayers were contingently liable. Under the new formula, Congress was compelled to budget for annual surpluses. If, for any reason, there was a shortfall of revenue, the treasury could borrow, but any new debt had to be retired within a year from the revenues of a tax hike. The incurring of additional debt by any independent federal agency was prohibited.

The end of deficit financing

Not long after the amendment's adoption, the U.S. government ceased to be an active player in the world's money markets.

The reshaping of the U.S. monetary system was even more radical than the fiscal reforms. Unlike the constitutional amendment, the Monetary Reform Act of 2007 was narrowly passed after a bruising legislative battle. For political reasons, the bill—celebrated or reviled for ac-

Money at the root of the "evil"

Ausra Kamenets von Bleichroeder is Professor of History in Koenigsberg University of the Republic of Kurland and Director of the Americas Institute in Petrograd, Greater Karelia. This article is excerpted from her forthcoming book, *North America in Devolutionary Transition, 2005-2022*, to be published in November 2037 by the Devo Society of the Free State of Saxony.

complishing a "triple castration"—did not formally abolish the country's central bank, popularly known as "The Fed," but instead rendered it impotent. First, the requirement for privately-owned banks to maintain reserves at the Fed was abandoned, thus freeing the banks of the Fed's control. Second, the Fed was forbidden to buy or sell government securities in order to control total bank credit and the supply of money. Third, all legislation was repealed that prohibited or inhibited private banks from issuing notes that circulated as currency.

Although seldom stated with candor by the architects of the reform, their agenda was a regime of private money, and their success in achieving it was striking. By the centenary of the Fed in 2013, its once familiar greenish banknotes had all but disappeared. Inflation and interest rates declined steadily and the dollar grew firmer on foreign exchanges.

But what few, if any, of the monetary reformers realized was that they had taken an inadvertent but significant step toward devolution. Without a central banking mechanism, a means of creating money by fiat, it becomes difficult for a state to finance the costly programs required to placate special interests. A failure to satisfy those interests—whether they are ethnic, economic, or ideological—makes the state, especially a large and diverse state, vulnerable to centrifugal forces.

The storm before the drought

Some writers insist that the American devolution was fortuitous, that—in light of the successful fiscal and monetary reforms—the big house of American federalism might still be standing were it not for the severe drought of 2015–17. This is a dubious proposition. The national unity was severely strained by irrepressible economic and social conflicts. Federal programs that fattened the incomes of farmers by raising retail food prices were bitterly assailed by organized consumers. Inhabitants of states that prohibited prayers in public schools protested federal grants-in-aid to states that permitted them. Defenders of choice in reproduction struck back at their enemies, both on the Supreme Court and in the state legislatures, by smuggling abortion pills into communities where their use was outlawed. Like a house of cards, the federal edifice was vulnerable to any gust of wind. The drought created a crisis by augmenting and intensifying long smoldering conflicts.

The proposed "subfluvial"

Drought affected seven southwestern states—Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah—and revived a long-forgotten irrigation project that was conceived in the early 1960s, another time of deep anxiety over water. It called for tapping the Great Slave Lake in the Northwest Territories of Canada, melting the ice by nuclear-powered heating units, and transporting the water southward through a vast network of canals and tunnels that would extend for more than 15,000 kilometers. The cost of the undertaking was initially estimated—not very scrupulously, as it appeared—at a staggering $5 trillion, about what was required to operate the entire federal establishment for a year.

The Parched Seven, as the affected states were dubbed, were represented by powerfully articulate delegations in Congress. But under the reformed fiscal-monetary regime, pushing Great Slave through Congress was a daunting challenge. There was no soft option, no way of shifting the burden of the project—the interest and repayment of principal on a debt of at least $5 trillion—to generations yet unborn. No federal government bonds could be issued for its construction, and there was no longer a central bank that could grease the skids by acting as their purchaser of last resort.

A modest proposal

Critics from other states, with facetious delight, suggested that Great Slave be built by private enterprise. They were certain in the knowledge that the Parched Seven would never agree to pay anything even approaching a reasonable price for the water. Another alternative was to finance Great Slave through annual appropriations, a hard choice that led to a hopeless stalemate. Delegates from the Seven proclaimed that theirs was a truly national project that would work to the advantage of all the states in the federal union. But antagonists were quick to counter that benefits of Great Slave would in fact be largely confined to the Seven, pointing out that farmers who immediately benefited from existing irrigation were not adequately charged for the water and realized windfall gains when they sold their lands. So the only remaining choice—not surprisingly a course that was summarily rejected—was to go it alone through a compact between the Seven that would finance Great Slave by costly loans and higher state taxes.

The regions divided

Had the drought been broken by ample rainfall in 2016, Great Slave and the animosities surrounding it would have been quickly forgotten. But it persisted, and the country was caught up in a sectional antagonism that degenerated into an orgy of incivility. The eminent Breton philosopher, Jean-Jacques Moulin, a veteran observer of the North American scene, was so shocked by what he read, saw and heard that he coined the term "regional racism" to characterize it. A group of young American historians, in a prescient expression of concern, declared flatly that Great Slave was more dangerously divisive than the "cold war" hysteria and witch hunts of the 1940s and 1950s.

A nadir of vulgarity

New York and Los Angeles became rival nerve centers of a sordid propaganda war. The southern California political strategists—the "Orange County Motherfuckers" as they were called in New York—accused an effete Northeast, an insular Middle West, and a smug Southeast of calculated indifference to the welfare of the Seven. As the rhetoric grew shriller, there were intimations of intended genocide by water deprivation. A nadir

of vulgarity came with the appearance of an auto bumper sticker in the fiercely hostile state of Tennessee. It read: "Piss for the Parched."

In light of a tradition of strong American chief executives—Jefferson, Jackson, Lincoln, and Roosevelt—it's fair to ask why the White House was so impotent in the face of an unravelling federal union. The short answer is that were the gods bent on the destruction of the union, there could not have been a more ideal agent of their design than the last president of the United States, Ronald Reagan Dart, first elected in 2016. A third-generation member of the Orange County cabal and a former governor of California, the affable Dart was somewhat more cerebral and alert than his namesake. But even a more generously endowed person could not have overcome Dart's political disabilities. A persistent campaign of clever obfuscation failed utterly to persuade the public that he was somehow other than what he was widely perceived to be: a narrow-minded partisan who did not blanch from squandering the dwindling prestige of his high office on the lost cause of Great Slave.

The revisionist honor roll

Long before the Dart administration, the American presidency fell under the critical scrutiny of a persuasive group of revisionist historians. Abraham Lincoln, though still secure in the pantheon of great chief executives, was chastised for his harsh treatment of northern dissidents during the Civil War. At the same time there was an enthusiastic rehabilitation of John C. Calhoun, a once vice-president and states-rights proponent who defied Andrew Jackson by leading South Carolina's abortive attempt to "nullify" the import tariffs that the Congress levied in 1832.

In 2018, when it was clear beyond the shadow of doubt that the rest of the country would not bear any of the burden of providing the Parched Seven with water, the unspoken alliance that sustained the nearly century-old system of farm subsidies came unstuck. Once

The end of log-rolling

that shock was absorbed, frustrated legislators, anticipating the next break in the chain of reciprocity, began asking themselves, "Why stroke them when there'll be nothing in it for us?" The upshot was that other, once untouchable federal programs fell like so many dominoes: aid to dependent children; import quotas on textiles, steel, autos and microchips; river and harbor improvements; federal nurseries; interstate highways, military bases, and many more.

A noteworthy aspect of those turbulent times—in light of prior European experiences, a display of insularity that bordered on arrogance—was the bankruptcy of the language of political discourse. The term "death of

The so-called "death of politics"

politics" was a cliché tirelessly repeated by both politicians and news commentators, as if what they were witnessing had never happened anywhere before. But of course politics—the politics of devolution—was very much alive. What was mourned as a death was in fact a transformation.

During the election campaign of 2020—a bitter contest so close that it almost went to the electoral college—Ronald Dart ran on the slogan, "Bring the country back together again!" But it was of no avail. Even though the drought was over and Great Slave all but forgotten, the shattered structure of federalism was beyond repair.

Late in December of 2021, the governors and congressional delegations of the Seven gathered at Palm Springs, California and resolved that, as a prelude to the formal dissolution of the union, residents of their states should no longer pay any federal taxes. Propositions to that end were then overwhelmingly approved by a referendum in each of the seven states.

The next nine months were crowded with conventions, referenda, and delicate negotiations as the individual states formed regional alliances, not only among themselves but with contiguous Canadian and Mexican provinces. Southern Florida, to no one's great surprise, decided for close ties—including dual citizenships—with Cuba. Oregon, Washington and the northern counties of California joined with British Columbia. When the Seven signed

"Ecotopia" at long last

their open-border, free immigration treaty with Mexico, there were wry jokes about the ultimate revenge of Antonio Lopez de Santa Ana, who lost the 1846–48 war with the United States.

By September of 2022, it was apparent to all that the *de facto* devolution made Washington a nullity. One senator moved that a symbolic semblance of union be preserved and that the motto of the Great Seal of the United States of America be changed from *E Pluribus Unum* to *Ex Uno Plures*. But she was voted down. On Sunday, September 25, at high noon, the union was formally dissolved in the last joint session of the U.S. Congress. None of the oratory was memorable, but Angelo Minsky O'Toole, a representative from St. Louis, caught the spirit of the occasion when he closed his remarks by quoting from T. S. Eliot's "The Hollow Men":

This is the way the world ends
This is the way the world ends
This is the way the world ends
Not with a bang but a whimper.

Washington today is a pitiful remnant of its former glory, a shrinking city on the southern end of the Mid-Atlantic group of sovereign states. The

The final resting place

Pentagon, once the world's largest office building, became a privately-owned legal center, and for a time housed as many as 9,000 Washington lawyers and their staffs. But the big structure fell on hard times and is now the home of a struggling casino-bordello. Efforts to preserve the Capitol as a museum failed, and in 2029 it was sold, dismantled and reassembled in an American theme park near Sapporo in the alpine republic of Hokkaido. ❑

Note: This *ficción* was written by Harvey H. Segal.

Poetry

At the Funeral of Someone I Did Not Know

Business has brought me here,
duty and curiosity.
Amazingly, I've never been
to one before. Even so,
there is nearly nothing
that books and TV shows
have not prepared me for:
the dark suits and women
with handkerchiefs to their eyes,
the hush and pall.

But the Lord of Hosts is full
of surprises at the most somber times.
Is it the fresh black paint,
the hairspray and cologne,
the heaps of flowers,
or something unfamiliar
which obliges me to pay my last respects
with a stunted, "Ah-choo!"
and then another?

Embarrassed, I smile
in the face of all these mourners.
They cannot know
how reassuring it is to find
that, despite my Plath-like
perambulations around the fact,
I will not join
the dead poet's society.
I am, after all,
allergic to death.

by David Starkey

The Submission of Job

The record shows that I was innocent.
I paid with my suffering
the price of a casual (though to Him piquant)
double-dare. For seven days,
even those with most reason
to envy my prosperity were speechless.

Of course, when their surprise faded
they showed carnivorous teeth
and were quick enough to discover guilt.
They pummeled me with unlived truths.
Had they been less self-righteous,
they might have protested,
as I am still tempted to do
in moments of doubt or hatred,
that if we are cursed when most devout
and saved when most in sin,
the only problem is knowing
the proper time to surrender.

Who dares scorn my anger?
My cheeks were covered with boils, tender
as a virgin's sex, yet He cuffed me,
and caressed Elihu's never-shaven face.
I wailed at the clouds,
pulled my hair from its roots.

But the liquid stars trembled
and poured forth a Voice.
Like a gossiping schoolchild
who suddenly finds his master at his back,
I shut up quick.
His proof stood before me,
a proof that later generations
could only surmise. Not humility,
as is supposed, but common sense
made me yield to the proud
creator of the crocodile,
He who seeks no justification,
whose conundrums are the stuff of life.

Memoir

Fighting the Draft in World War II

by Jim Bristol

Although the price of liberty may be eternal vigilance, the cost of conscience is often the loss of liberty. But when liberty is *already* lost, conscience sometimes has a *choice* of slaveries . . .

September 1990 will mark the fiftieth anniversary of the passage of the Burke-Wadsworth Bill, which imposed peacetime conscription upon American citizens for the first time in U.S. history. The first registration for a peacetime draft for all males from 18 to 45 took place on October 16, 1940.

The Burke-Wadsworth Bill contained a provision that both granted legal recognition to conscientious objectors (because of "religious training and belief") and authorized alternative service for them ("work of national importance under civilian direction"). Non-combatant work in the armed forces was open to recognized conscientious objectors (CO's) who in good conscience could wear the military uniform.

Pacifists had worked extremely long and hard throughout the summer of 1940 to secure inclusion of the CO provision in the law. Not only were the three historic peace churches (Friends, Mennonites, Brethren) involved in this effort, but in addition, agencies from some of the mainline churches, notably the Methodists, as well as the War Resisters League, Fellowship of Reconciliation and certain concerned individuals were included in the endeavor. This CO provision represented a giant stride forward from the treatment accorded objectors to the military service demanded by the World War I draft. Then there had been no recognition of the CO's conscience, and certainly no opportunity for alternative service. Men had been inducted into the armed forces in spite of their protestations. Thereafter, they frequently had been physically abused, even tied up by their thumbs or soaked with cold water in below-freezing cells because of their refusal to wear the uniform.

Certainly there was justifiable cause for rejoicing in the pacifist community over the accommodation arrived at in the conscription legislation. The right of conscience had been recognized, established, legalized. No conscientious objector, provided he could convince the draft authorities of his sincerity, need face ill treatment or imprisonment.

In due course, Civilian Public Service Camps provided "work of national importance [allegedly] under civilian direction," operated separately by the Friends, Mennonites and Brethren, later by a Catholic agency, and several years later by the government. After an initial period of largely "boon-doggling" projects, a number of extremely significant undertakings for Civilian Public Service workers developed: "human guinea pig" experiments, a starvation unit, work in mental hospitals, "smoke-jumpers" fighting forest fires from the air, to name just a few.

Some Did Not Rejoice

Why then did some of us fail to rejoice? Why were we lukewarm in our response to the considerable achievement of making recognition of conscience part of the law of the land? As so often happens in pacifist circles, there were many different answers; here is mine.

The CO provision in my view was (and still is) a major civil liberties achievement, but it paled before the harsh fact of the first peacetime military conscription in American history. Moreover, it was even diabolically true that the CO provision made the law "better," and rendered it acceptable to more people.

Of course, those who worked so hard to include the CO recognition in the Burke-Wadsworth Bill were deep-

ly opposed to conscription. A subtle process sets in, however, when we strive to modify that to which we are "unalterably opposed." In working to insert our provision in a piece of legislation, we tend to give tacit approval to that legislation and to assume that its enactment is a *fait accompli.*

The Conscientious Objector provision was a major civil liberties achievement, but it paled before the harsh fact of the first peacetime military conscription in American history. Moreover, it was even diabolically true that the CO provision made the law "better," and rendered it acceptable to more people.

Obviously, in this regard all of us face a genuine dilemma. Do we stress the "prophetic" strain (to use religious terminology) of our opposition to war by opposing the entire draft system, including its beneficent provisions; or do we emphasize our "pastoral" concern for our fellow pacifists and work to make obedience to the draft less onerous? My conclusion after fifty years of immersion in draft-related experience is that there is no single correct answer. Some of us are constrained to oppose the entire conscription system as totally as possible, while others of us are impelled to do our utmost to assist those who comply with the law of the land (believing also in the importance and worth of the positive humanitarian service they perform). Of course, at times all of us do some of both.

My Own Experience

In 1940 I was pastor of a Lutheran church in Camden, New Jersey. During the five previous years (in spite of the teachings and practice of the Lutheran Church) I had become a pacifist, and in the 1940 discussion in pacifist circles found myself so strongly opposed to military conscription that I spent my summer vacation in Washington DC fighting against the enactment of the Burke-Wadsworth Bill.

I did this because of my conviction that conscription was wrong for the nation. Although under the provisions of the then-pending legislation I, as a minister, was exempt for perpetuity, the law was hurtful to America in my view. It was undemocratic and totalitarian. It denied the validity of moral and religious values, and constituted a step toward our involvement in World War II.

When the legislation became law, I remained convinced that military conscription was wrong for the nation. Yielding to strong pressure from Church authorities and equally strong intercessions from friendly pacifists, I registered on October 16, 1940, with grave misgivings. Almost at once I realized that I had done the wrong thing, and several months later I broke the law by refusing to answer my Selective Service questionnaire. Five months after that I was arrested, and seven weeks later I received an eighteen-month prison sentence.

During that seven-week period, I was incessantly visited, entreated, reasoned with, cajoled, and even threatened with being defrocked as a Lutheran minister. Fellow members of the clergy, church officials, Selective Service representatives from state headquarters, friendly pacifists, and well-intentioned personal and family friends all bore down upon me. More than once, either directly or through intermediaries, I was presented with a range of options, including the opportunity to comply with the law simply by signing a blank questionnaire. (Shades of a pinch of incense before the bust of Caesar. . . .)

The argument repeatedly urged upon me was that I was misguided to put myself outside the law. Here was legislation that provided for those who conscientiously opposed war, and I was deliberately placing myself *outside* its generous provisions. To this I replied: "I want to do just that. To me it is a vicious, war-generating, reprehensible law, and it is harmful to the nation. I have always respected the law of the land, but I want to put myself as far as possible outside *this* law."

When I was arrested and taken before the U.S. commissioner, I tried to explain this point to him by citing the Hebrew prophets' insistence that a King's particular action was wrong, not because it hurt them or trod on the toes of a religious institution, but because it spelt disaster for Israel. The next day's newspaper quoted the commissioner as saying: "He thinks he's the Apostle Paul or something."

Gradual Acceptance

Not surprisingly, I received no support from the Lutheran Church in my stand against conscription. Individually, however, a number of Lutheran ministers, including one highly-placed official at national headquarters, gave strong and practical support to me and my wife and our 20-month-old daughter, despite not agreeing with what my conscience had led me to do. These people believed that being true to the dictates of conscience was central to the Christian faith.

In 1941, there had been no Civil Rights Movement, no Vietnam-era resistance. Good people obeyed the law. That was a given. Many of my friends and associates found it totally incomprehensible and actually ridiculous that I should go to prison, leaving my wife and daughter to fend for themselves, just because I would not sign a piece of paper. My action was considered utterly irresponsible, or worse, and my wife Dee Bristol shared the blame. "Why do you let Jim do this?" she was asked.

Those who worked for CO recognition were deeply opposed to conscription. A subtle process set in, however, as we sought to modify that to which we were "unalterably opposed." In working to insert our provision in a piece of legislation, we gave tacit approval to that legislation and tended to assume its enactment as a fait accompli.

In a written statement explaining

why I was doing such a manifestly ill-advised and silly thing, I stated that I did this "for all wives and all daughters everywhere" in the hope that this action would contribute, however minutely, to some day bringing an end to war. It was not that I loved my own family less when I loved them as members of a worldwide family that included even the wives and daughters of my country's enemies. On the whole, I regret to say, my explanation fell on deaf, or at least uncomprehending, ears.

Also not surprisingly in the world of 1941, the reaction of the pacifist community was decidedly mixed. At that time, only a handful of us had been led to break the law. The acceptable objector stand was to perform alternative service under the law (by 1945 about twice as many men were to serve as noncombatants in the armed forces, but to the best of my knowledge there was not much discussion about that). Although there were glorious and heartening exceptions and we did receive support, a larger part of the pacifist community treated us "absolutists" rather like second-class citizens, the Civilian Public Service men being truly the fair-haired boys. I think that often we were an embarrassment to our fellow pacifists, and that frequently they were hurt by our rejection of the law with its hard-won and rejoiced-over provisions for CO's.

As time went on, this attitude changed and softened somewhat. An increasing number of objectors at one stage or another broke with the system. Then, inevitably, people began to accept—and a number to comprehend—a stand taken over and over again. At the end of World War II, following their experience with the Civilian Public Service camps, the American Friends Service Committee said: "Never again; never will we administer conscription in the future."

Yet even as late as 1948, when the draft was reintroduced after a brief suspension, a new organization had to be created, the Central Committee for Conscientious Objectors, in order to assist and undergird the "absolutists" and non-religious objectors. And it was not until the Vietnam era that a widely representative gathering of Friends from the continental U.S., including the American Friends Service Committee and the Philadelphia Yearly Meeting in the second Richmond "Advices Against War and Conscription" (1968), avowedly approved the draft resistance position as opposed to supporting the individual conscience of the individual resister. (In 1948, in Richmond, Indiana, the first "Advices" issued by a similar gathering of Friends did not support draft resistance.) It took a long time (approximately thirty years in some cases) for many in the pacifist community to accept draft resistance as co-equal with CO recognition and service within the law.*

Fifty Years Against the Draft

In the half century that has elapsed since 1940, I have remained an unregenerate opponent of the entire conscription system—still passionately against the draft *per se*. I do not share the depth of concern of many of my colleagues in the anti-draft movement about provisions for CO's, Selective Service definitions of the valid CO position, and this or that specific Selective Service regulation. I have at times been involved in efforts to improve or to prevent regression in the Selective Service handling of CO's (and over the years I have counseled a great many law-abiding CO's), but my rejection of the entire heinous apparatus is such that my eyes do not light up and my pulse does not quicken about matters that are to me only peripheral issues for those arrayed against the draft.

Let me cite a case in point, which also reveals my own ambivalent feet of clay. In the early 1960s a move developed in Congress to change the procedure for sending CO's to perform their alternative service. The proposal was to first induct all CO's into the armed forces; then those classified to do civilian work would be dispatched from the armed forces to do so. At short notice I joined with several others to work in Washington against this, and we were able to side-track the proposal. Returning to Philadelphia, I sent an explanation of our "victory" to the American Friends Service Committee peace education staff nationwide and quickly received a response chiding me for claiming victory. "The draft system," I was told, "is still intact." ❑

* Illustrated by Quaker experience, this does not pretend to be a catalogue of organizational positions.

Doing Time

Federal Prison was not as bad as I had feared. When I was arrested (taken in handcuffs before a U.S. Commissioner) without prior warning, I was deposited in a county jail until bail could be raised by my ever-resourceful wife. Later I spent ten days in that same jail, awaiting transfer to Danbury. It bordered on something out of Dickens. The federal institution was a welcome change—mostly clean, with food (in contrast to slop) three times a day.

How did the prison experience affect me? In many ways, very little. It taught me much about the hypocrisy and duplicity of many members of the administrative and custodial staffs; but at the same time I discovered that others in the same penal system were people of sincerity and integrity.

The incarceration experience did engender in both my wife and myself a cynicism about "good people" and "good institutions" that has remained with us ever since (amply reinforced, I might add, by much that we have encountered outside of prison during the intervening half-century).

Certainly the experience did not "teach me a lesson." I was in no sense rehabilitated. I felt no shame as I entered prison, or while inside, or when I reentered society. My "crime," as it turned out, but not my incarceration, did change my life. Ten months after my release I left the Lutheran pastorate, never to return. For 46 years I have

worked and volunteered as a peace activist.

Two vows that I made in Danbury have long since been broken. One was never to spend more than $1.50 on a meal. The second was not to attend so many (from my prison perspective, rather useless) meetings. Gradually my addiction to meetings returned.

How did other prisoners treat me? As a coward or traitor? Prisoners are not monolithic; different inmates treated me quite differently. Even those who were most hostile never accused me—or other CO's—of cowardice or treason. Rather, we were judged to be unpatriotic, unAmerican ingrates who refused to support our country.

Prison did not "teach me a lesson." I was in no sense rehabilitated. I felt no shame as I entered prison, or while inside, or when I reentered society.

However, waves of bad feeling toward CO's did ebb and flow through the prison population from time to time. After the declaration of war in December 1941, most of our fellow inmates expected that with the attack on Pearl Harbor we would leave Danbury and "join up." It was virtually impossible to explain to them why we would not do so, and the first wave of bad feeling swept through the institution. To some extent the fortunes of war determined the advent of hostility and ill feeling. A major enemy advance or a crushing Allied defeat (in 1942 and early 1943) could trigger considerable animosity from our fellow prisoners.

Another CO working on the prison farm and I refused to load string beans and tomatoes onto Army trucks from a nearby encampment. It was not that we opposed soldiers eating; but we could not see ourselves as producers of food for the armed forces. For our refusal to work as ordered, we were assigned to the pick and shovel gang and for several months dug ditches. We both experienced hostility from the population in general, and from our fellow diggers in particular. The only black person on the gang, however, befriended us, and in ten days or so we were accepted by the rest of the group.

As weeks became months, I spent considerable time listening to the difficulties and frustrations faced by a number of my fellow prisoners. Six years in the ministry had already taught me that people often want, not a "physician of souls," but just someone to whom to tell their troubles. The barrier that existed between chaplain and inmate was not there in my case. Also, I was able to help men compose letters that were of particular importance to them, and assisted some illiterates in learning to read. Such associations rather naturally served to promote friendliness and to lessen potential hostility.

Let me cite three examples of relationships that come to mind years later. For many months I was housed next to "John Doe," an army sergeant who, while intoxicated, had set fire to a hospital. He was tough, hard-boiled, foul-mouthed, ill-tempered, ill-mannered, very patriotic and he hated CO's. Yet almost from the first day of our close proximity he virtually clung to me. Three times a day he fell into the chow line next to me; for months on end we ate every meal together. And at night we had almost interminable conversations (often extremely long "listens" on my part). Some weeks after my release, I received a letter thanking me for being such a good friend to a Danbury prisoner. It was signed, "John Doe's mother."

A bootlegger who worked in the institution's tailor shop was dismayed at the worn and tattered shirt I was issued prior to my monthly visit with my wife. In some miraculous fashion (prison propagates miracles), he brought me within minutes a brand-new shirt that I was almost embarrassed to wear. Later that day as my wife was arranging for a taxi, his family (by pre-instruction) intervened and took her in their car to the railroad station.

Finally, I recall that every now and then while I was walking around the yard one or another inmate on the kitchen detail would put his arm around my shoulder and shake my hand, leaving in my palm a hard-boiled egg or a slice of roast beef from the officers' mess.

Did I suffer? Definitely not. At the same time let me say that I would urge anyone to think very carefully before "doing time"; it is no picnic. Inmates are under constant surveillance even when asleep (guards shine flashlights—often in your face—to be certain you are still there). They are lined up and counted in one of several locations six or seven times a day, and everything comes to a halt until "the count" is reported accurate. If their work detail goes outside the institution's walls, they are "frisked" in each direction. The tension is all-pervasive; it never lets up.

My wife's extremely precious visits came once a month. Her next-to-last visit was suddenly and arbitrarily terminated. Though the visit was re-established just as she was getting in a cab to leave, I began to shake all over, and continued to shake not only during the balance of the visit, but also uncontrollably for hours thereafter—the result of pent-up tension, I believe, touched off by utter and despairing helplessness.

The separation from family was, it goes without saying, horrendous—one hour visits between husband and wife, with censored letters in-between. And no display of affection was permitted at visiting time (no longer true). My 20-month-old daughter was becoming ever more adorable—at least, so I was told. None of this was easy to experience.

I did not count the days; never did I mark each day off on a calendar as some did. Each person does time in his own way. The admonition of Holy Writ stood me in good stead: "Sufficient unto the day is the evil [or whatever] thereof."

After all these years I still have a recurring dream in which I am once again incarcerated. It is always a dreadful dream. I am always grateful to wake up.

—Jim Bristol

An earlier version of the first part of this essay appeared in the January/February 1990 issue of *The Nonviolent Activist*; reprinted with permission.

Essay

RU486 and Legal Wisdom

by Ron Paul, M.D.

Many opponents of abortion argue that RU486 ought to be banned because the it can be used as an "abortion pill." Ron Paul finds three reasons to differ with his fellow pro-lifers: RU486 has valuable uses unrelated to abortion, drug bans doen't work, and, besides pills don't kill fetuses, people kill fetuses.

There was a time when medical awards were presented to great scientists who cured diseases. Today awards sometimes are given for *other* kinds of achievements. In September 1989, the most prestigious American medical award, the Albert Lasker Medical Research Award, went to Dr Etienne-Emile Baulieu, the French scientist who developed RU486, the controversial abortifacient that stops the development of a fertilized egg.

In accepting the Lasker Award, Baulieu observed that today, even with legalized abortion, 200,000 women die each year throughout the world as a result of this procedure, and "many hundreds of thousands of women are wounded physically and psychologically." (Evidently, legalized abortion is not as safe as some have claimed.) Baulieu frankly admitted that his research was done for the purpose of facilitating safe abortion—not for developing some of the positive ways that RU486 might be used.

Of course, abortifacients have been around for thousands of years. But many have been notoriously dangerous, proving deadly to the mother as well as the fetus. With RU486 modern science has produced a drug that efficiently induces abortion without causing great danger to the woman's health. RU486 is a derivative of norethisterone, a widely-used artificial progestational agent. The earlier RU486 is used, the more effective it is. When used with a prostaglandin in the early weeks of pregnancy, it is nearly 100 percent effective in causing an abortion. It blocks the receptor sites for the naturally produced progesterone that is necessary to prepare the uterus for implantation when an ovum becomes fertilized. Thus the sites either *refuse to accept* or *reject* a fetus.

Although designed as an abortifacient, RU486 will likely be used in many other situations as more knowledge is gained of its properties. Theory suggests that it may help in treating estrogen-dependent breast cancer, endometriosis, and Cushing Syndrome. It is quite likely that it will serve as a true contraceptive without causing abortion.

Although RU486 is legal in China and France, it is not legal in the United States. Not surprisingly, conservative right-to-lifers have demanded that it be banned, apparently on the theory that banning it will prevent its use.

Conservative pro-lifers should know better than to fall prey to this sort of thinking. They do not propose banning guns because criminals use guns to rob and kill. "Guns don't kill," they argue, "people kill." The same sort of thinking applies to drugs, including abortifacients: *Drugs don't abort, people who use certain drugs cause abortions.* No one has proposed that the surgical currette or the suction currette be banned in order to stop abortions. Everyone knows that these instruments can be used for other purposes.

I believe that those who argue for banning RU486 should consider the results of such a ban. Prohibition would raise its price and increase the chances that contaminated and poorly measured forms of the drug would be used, causing more complications. One need only look at the total failure of the "drug war" to realize that this approach would lead to more trouble, not less.

Banning RU486 will not prevent its use as an abortifacient. The hard cold fact is that very early abortions on demand will soon be easily available in the form of a "morning-after pill," from doctors or from the underground, if not made available over the counter.

If physicians or others deliberately

prescribe and inject drugs or use mechanical means to destroy a legally identifiable living human being, their acts must be construed as acts of aggression and should be punishable by law. But as an advocate of the right to life and as a libertarian, I do not think it would make sense for me to advocate the banning of abortifacients, any more than it would for me to advocate banning guns or hard drugs. The aggressive acts that result from the irresponsible use of guns or hard drugs should not be tolerated—they should be punished by law. But the law should do nothing about the peaceful possession and use of guns or hard drugs.

If RU486 is used in very early pregnancy, when pregnancy is virtually impossible to detect, no known government agency, physician, or district attorney could possibly prove that a crime was committed without preemptive and excessive police activity.

The same should be true of abortifacients.

Hard Cases and Good Laws

Some will argue that prevention of the implantation of the embryo is an overt act of aggression, since it will cause the death of the embryo, albeit indirectly. It may be argued that an embryo resulting from rape is no more deserving of death than any other embryo. I respect this view, but I believe that the embryo resulting from rape is clearly not a result of a volitional act of the woman. She is not responsible for it or obligated to accept it. Personally, I believe the presence of an ovum that is fertilized through the act of rape prior to implantation should not preclude the woman's right to alter her own endometrium. The egg fertilized through rape is a direct threat to the woman's well being.

Still, the point really isn't what I or other right-to-life proponents think about this early stage, because it's not legally or medically provable whether altering the endometrium did actually prevent implantation of an embryo. It's worth a philosophical discussion, but it cannot provide a justification for coercive legislation. Neither is forcing pregnancy tests on all women at the time of their menstrual period worthy of consideration.

If RU486 is used in very early pregnancy, when pregnancy virtually is impossible to detect, no known government agency, physician, or district attorney could possibly prove that a crime was committed without preemptive and excessive police activity. This would not make early abortions "right," but a government limited to the purpose of protecting life and liberty can do nothing more. A position such as I have outlined, although it would not prevent early and easily accessible abortion, would still command respect for life and liberty. Using a "morning-after pill" to abort a two to three week fetus is beyond government capacity to police.

A recent Supreme Court case (*DeShaney* v. *Winnebago County Social Service*, February 1989) speaks to this issue. Four-year-old Joshua DeShaney was beaten into a coma and left with permanent brain damage by his father. One day before the beating, a social worker visited the family in response to reports of child abuse. Joshua's mother filed suit against the state government and the social worker, arguing that the government failed to protect her son from injury. In a novel twist on the due process clause of the constitution, the mother argued that the child had been "deprive[d] . . . of life, liberty, or property without due process of law."

Obviously, the father was guilty of violent behavior, and deserved punishment. But the question before the court was whether government employees (police) are liable and obligated to protect citizens from potential harm, when warned of potential danger. Conservative Chief Justice William Rehnquist wrote for the majority (6–3) that the due process clause was intended "to protect the people from the state, not to insure that the state protected them from each other." The state, Rehnquist argued, "[can]not become the permanent guarantor of an individual's safety."

It would be nice if government could protect us all from potential harm without any violation of our civil liberties. But government can't do this without serious infringement of our liberties. Any attempt to do so would require a lot more than just social workers sticking their noses into our affairs—we would need an entire army of police. The notion that government must guarantee us against all harm is pernicious, as the Court pointed out.

Unfortunately, we already see this concept creeping into society. Government agents from the CIA, the FBI, the Secret Service, the IRS, the DEA, the FDIC, and the SEC are snooping all the time, running sting operations and preempting every move in the world of commerce. It's a dangerous policy, and must not become an accepted procedure for promoting social change.

The DeShaney decision relates to the issue of whether the state ought to try to prevent violence directed against the fetus early in pregnancy. In the first two to three weeks of pregnancy, the diagnosis is tricky. Without government intrusion beyond all comprehension, it is impossible to make a perfect legal and medical diagnosis of pregnancy before the time of the first menstrual period after conception.

As tough as it is for pro-lifers, we must accept the fact that a society free of abortion and the elimination of early abortions can come only through moral persuasion, in the marketplace of morality and ideas.

Proving that an abortion has or has not been performed with an abortifacient in the first three weeks of pregnancy would be nothing less than a social and legal nightmare.

Moral Alternatives

As tough as it is for pro-lifers, we must accept the fact that a society free of abortion and the elimination of early

abortions can come only through moral persuasion, in the marketplace of morality and ideas. It will not be achieved through unreasonable and intrusive legislation.

The choice to use the "morning-after pill" should be personal. It would involve a moral decision, and for many it would be a serious religious matter. The responsibility for eliminating *all* abortions, and having a society where even the "morning-after pill" was never used to abort a pregnancy, is the moral responsibility of individuals and of their families, churches, and other private groups. Those not content with stopping only overt acts that produce abortion should direct their energies toward education, religious or otherwise, not lobbying. If the anti-abortion effort should fail, its advocates cannot merely blame the absence of strong laws, they must assume some of the responsibility.

Placing the ultimate responsibility on *the individual* to bring about a truly moral and nonviolent society where *all* life and liberty are protected neither ducks the issue nor capitulates to pro-abortionists. Refusal to admit that government should not station a social worker in every home in the land to prevent child abuse does not amount to legalization of child abuse. Similarly, refusal to allow government intrusion into the complex and subtle biological processes of very early pregnancy does not amount to a legalization of abortion. ❑

Genesis of a Pro-Lifer

As a resident physician at McGee Women's Hospital in Pittsburgh, I frequently visited operating suites to observe different procedures. One morning, without knowing what was in each room, I made the rounds of the operating rooms. Shortly after entering an operating room, I was abruptly awakened from the daze I was in, having been up most of the previous night. Two surgeons were in the middle of a hysterotomy, a C-section performed for pregnancy at less than term. Soon after I entered the room, the infant was extracted, weighing approximately two pounds, crying weakly, gasping for air.

Up until that moment, everything for the previous ten years that I had learned was directed toward preserving life and improving the health of all my patients. What followed was ghastly. The infant was placed in a basin on the floor in the corner of the room, and everyone pretended not to hear the weak cries and the final gasp as the baby expired. No longer could I avoid thinking seriously about abortion. I would be involved in this issue for my entire career as an obstetrician. I would need to come to grips with the issue of abortion.

My choice of profession and my philosophical rejection of the initiation of force against other human beings has kept me thinking and refining my beliefs about abortion to this day. Whether abortion is right and ought to be legal are serious issues. As time has passed, the two sides of the issues have grown increasingly bitter and emotional. Abortion probably won't be resolved in this century, and the manner in which it is resolved will determine the future of the United States. It is not an isolated problem, accidentally dumped on us. It is a fundamental problem involving deep-seated philosophic and moral commitments of all of us.

Shortly after the episode in the operating room, I sought counsel from the Chief of the Obstetrics and Gynecology Department. He argued strongly in favor of abortion. He was responsible for the department's policy of defying Pennsylvania's law prohibiting abortion. During the 1960s, defiance was commonplace around the entire country. The move was on to repeal, ignore, or have overthrown all prohibitions against abortion.

In my discussion with my chief, he strongly argued for abortion to eliminate the fetus diagnosed with serious disease or handicaps. I pointed out to him that some diseases can't be diagnosed until late pregnancy, or at the time of birth. He agreed and consistently argued that late abortion should thus be permitted. He even went on to say that if a 24-hour observation revealed serious abnormalities, infanticide made sense to him. Pursuing this line of thinking, I asked about an even later diagnosis of six months or a year and, again, he consistently argued that infanticide up to one year made sense to him. He thought that one year, though, was ample time to evaluate the infant. Only after one year could the infant be vested with his inalienable right to life, and only after some individual or committee approved. I found the consistency of his argument compelling, at the time, and I still think it is today: anyone who favors abortion and does not accept infanticide is ducking the issue.

That was when I realized that there really is such a thing as a "slippery slope" and my professor was on it, sliding out of control. The Kevorkians are already begining to appear. I could not walk on that slope. I became firmly pro-life. I accept the biological fact that life begins at conception, and the philosophical fact that all life is precious and deserves protection of the law. I believe that applying the principle of nonaggression to an unborn human being is a strong libertarian position, not a weak one. Those who make an exception to this principle are the ones who waterdown libertarianism.

This is not always an easy position for a libertarian to hold, especially in the context of the circumstances surrounding the criminalization of abortion. But certainly it makes a lot more sense than my professor's view

—Ron Paul

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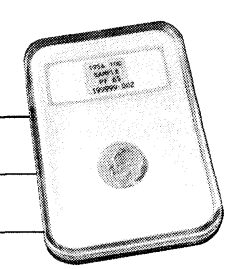

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Appraisal

Is Environmental Press Coverage Biased?

by Jane S. Shaw

The ideal is straightforward: the news media should stand outside partisan politics; they should assess the world of public life in as objective a manner as possible. But the wall of separation between ideology and journalism is usually hard to discern. And when it comes to ecological matters . . .

The January 2, 1989, issue of *Time* magazine deviated from its usual "Man of the Year" cover, heralding instead the "Planet of the Year" and describing the perils facing the earth and what might be done about them. Plant and animal species are disappearing at a rate 1,000 times faster than they did in the past, *Time* said; the "greenhouse effect" is warming up the earth; chlorofluorocarbons (CFC's) are destroying the ozone layer; hazardous waste is befouling land and sea; the "population bomb" is endangering the world.

"Let there be no illusions," sermonized writer Thomas A. Sancton. "Taking effective action to halt the massive injury to the Earth's environment will require a mobilization of political will, international cooperation and sacrifice unknown except in wartime."[1] Reading this, you had to sit up and take notice.

The "Planet of the Year" issue is already something of a classic because it was an almost perfect efflorescence of the contemporary doomsday mood, rich with unfounded claims, exaggerations, errors, and bad advice. Indeed, every claim stated above is either scientifically unsupportable, or vastly overstated.

This issue gained additional notoriety some months later when Charles Alexander, the science editor at *Time* who was primarily responsible for that issue, spoke at a conference on environmental issues. "As the science editor at *Time* I would freely admit that on this issue we have crossed the boundary from news reporting to advocacy." Andrea Mitchell of NBC News echoed the same theme. "Clearly the networks have made that decision now, where you'd have to call it advocacy." [2] David Brooks, a *Wall Street Journal* editor who attended the conference, took down these quotes and in an article asked the obvious question: Whatever happened to objective reporting?

Is it appropriate for a news reporter to be an outspoken advocate of a specific environmental agenda when it is considered unprofessional to be a proponent of a political candidate or a political policy? In other words, is environmental protection a noncontroversial issue of the sort that motherhood used to be? The answer, of course, is no. Environmental issues have many ramifications. Once you start advocating environmental positions, you must take positions on public policies that can affect jobs, health, and even lives.

Time's editors came out with specific recommendations to save the Earth. For example, they urged that the government insist that auto makers improve fuel efficiency to 45 miles per gallon by the year 2000; urged a complete ban on manufacture of CFC's; said the government should set standards for recycling of waste; proposed that the government should fund family planning organizations, including the UN Fund for Population Activities; and urged ratification of the UN Convention on Law of the Sea, which would regulate mining and other commercial development of the sea. Every one of these raises important issues—issues of ethics, costs, health, and the proper role of the government.

The Costly Policies They Blithely Propose

Yet journalists ignore even rudimentary implications of their policy proposals. For example, *Time*'s recommendation for toughening the federal fuel efficiency standards would cost lives. To meet the tighter standards,

automakers would have to lighten their cars even more than they have already. Lighter cars give passengers less protection in accidents. Robert W. Crandall of the Brookings Institution and John D. Graham of the Harvard School of Public Health have concluded that mandatory fuel economy standards cause hundreds of deaths every year. [3]

There are harmful effects from banning chlorofluorocarbons, too. CFC's are inert gases that are widely used in air conditioning and refrigeration (and formerly in aerosol sprays). The theory is that as these gases rise into the stratosphere, they destroy the protective ozone layer; they also are believed to contribute to global warming. The reason that CFC's are used in the first place is because they are relatively inert and nontoxic; substitutes will almost certainly be less safe and more expensive. Robert Watson of NASA, for example, says that if CFC's were banned, "probably more people would die from food poisoning as a consequence of inadequate refrigeration than would die from depleting ozone." [4]

Sometimes, of course, the results of furor about supposed dangers are merely more government boondoggles, such as the $10 billion Superfund program that supposedly cleans up hazardous waste sites. Fear that places like the Love Canal dump in New York, Times Beach in Missouri, and Stringfellow Acid Pits in California were causing birth defects and cancer created and bankrolled this program. But Superfund, a political pork barrel, has cleaned up only about 50 sites since it was enacted in 1980. [5] Yet reputable studies have failed to confirm any serious health effects from such sites. A 1985 compilation of health studies at 21 well-publicized waste sites did not find epidemiological evidence of any long-term health effects. Researchers from the Environmental Defense Fund reviewed these and other studies and agreed that no "serious, life-threatening" diseases had turned up in statistically significant numbers, although they argued that better designed studies might have revealed "subtle effects." [6]

The perversity of media-fed scares is epitomized by the Alar scare last year. Alar is a growth regulator that is used on apples to keep them from falling from the tree too early and ripening too fast in storage; it is regulated by the EPA as a pesticide, though that isn't really what it is. The EPA has banned a number of pesticides and was considering a ban on Alar because it caused tumors in animal tests. Suddenly, the Natural Resources Defense Council pushed for a ban and, following a well-orchestrated public relations campaign, newspaper articles and television shows terrified mothers about giving their children apple juice made from apples that might have been treated with Alar.

Exactly how dangerous was Alar? Bruce Ames, head of the biochemistry department at the University of California at Berkeley is a well-respected researcher on environmental risks (he developed the Ames screening test for possible carcinogens). In a letter published in *Science Magazine,* [7] Ames and a colleague attempted to put the Alar scare in perspective. He noted that the potential hazard from UDMH, the carcinogenic breakdown product of Alar, from a daily lifetime glass of apple juice is less than the risk from the natural carcinogens you get from eating one mushroom daily, and less than the risk from the carcinogens you get from the aflatoxin in a daily peanut butter sandwich. Yet because Alar is "synthetic" rather than "natural," we focus on it while ignoring the other carcinogens. Ames estimates that we are ingesting about 10,000 times more natural pesticides than synthetic ones! (It may be hard to believe that pesticides are natural, but that is how plants protect themselves from predators.)

The "Planet of the Year" issue of Time *is an almost perfect efflorescence of the contemporary doomsday mood, rich with unfounded claims, exaggerations, errors, and bad advice.*

Furthermore, says Ames, the use of Alar reduces the need for pesticides on apple orchards in some places; and Alar-treated apples may be less susceptible to molds, so that juice from Alar-treated apples may have fewer toxins. By not being able to use Alar, producers may supply fewer apples, making the price higher and leading consumers to substitute less healthy foods. At the height of the scare, the New York Public School system stopped selling apples. Think of the junk food that schoolchildren ate instead.

The Dubious Issue of Global Warming

With global warming, the press has pulled out the stops. An Associated Press article [8] in December, 1989, reported that the "threat of an environmental cataclysm is replacing nuclear holocaust as the scariest menace to civilization." The writer cited a number of problems—clean air, ozone depletion and extinction of species. Then: "All these concerns will be secondary, however, to the one overriding issue that touches them all—global warming."

Yet global warming is far from an "overriding issue." Many scientists doubt that global warming is even a problem. Less than fifteen years ago, a book called *The Cooling* [9] predicted a new Ice Age and received respectful scientific comment. Now, largely but not entirely because we had a spate of warm years, the fear has changed direction.

Readers of *Liberty* are aware that the global warming issue is highly debated, as climatologist Patrick Michaels indicated in a recent issue. [10] Although it is an undisputed fact that carbon dioxide has been increasing in the atmosphere, possibly by as much as 35% since the Industrial Revolution, it's far from certain that CO_2 and other "greenhouse gases" are trapping more heat than they used to. There is evidence that global temperatures have increased slightly over the past century—although not in the continental United States. But the increase in temperature that has apparently occurred is far less than the computer models predict. Michaels concludes that "the globe has warmed up approximately one-half as much as the lower limit suggested by combinations of climate

and ocean models." [11] Furthermore, these models on which scientists base their views about global warming predict greater warming at high latitudes than near the equator, but, says Michaels, "high latitude temperatures have simply not responded in the predicted fashion" [12]—and, in fact, they rose rapidly before the major emissions of greenhouse gases. If computer models designed to predict temperatures on the basis of the greenhouse theory can't describe accurately what has happened so far, how can we count on them to predict the future correctly?

Michaels is not the only skeptic on global warming. Others include Reid Bryson, director of the Institute of Environmental Studies at the University of Wisconsin at Madison; Kenneth E.F. Watt, Professor of Environmental Studies at the University of California at Davis; Hugh Ellsaesser of Lawrence Livermore National Laboratory; and Andrew Solow of Woods Hole Research Center. Some scientists contend that the small amount of warming that has apparently occurred represents a natural evolution from the "Little Ice Age" that ended during the 19th century.

Charles Alexander, the science editor at Time, *said, "I would freely admit that on this issue we have crossed the boundary from news reporting to advocacy."*

In general, the doubting scientists have been ignored by television and the press. About 18 months after this issue first became headline news, a few skeptical articles began to appear, and some writers have begun to insert caveats in their articles. In its "Endangered Earth Update," *Time* did mention some critics of the environmental craze. However, it devoted less than a page of its seven-page "Update" to the critics, lumped them with Reagan officials James Watt and Anne Gorsuch Burford as destructive naysayers, and claimed that they are on the defensive. [13] The juggernaut rolls on.

The Lurid Reporting of Chemical Dangers

Don Leal and I have conducted an informal survey of how two prominent newspapers, the New York *Times* and the Washington *Post*, report on chemical dangers. Our purpose was to compare coverage with the same newspapers' treatment of AIDS. By most standards, the advent of AIDS truly is a crisis, yet we found that the tone and language of articles about AIDS are carefully chosen to avoid alarm and clarify the risks—far different from the way chemical risks are discussed.[14]

To give you an idea of the way these newspapers treat chemicals, consider a New York *Times* article headlined "Congress Again Confronts Hazards of Killer Chemicals."[15] It began: "'The most alarming of all man's assaults upon the environment is the contamination of air, earth, rivers, and sea with dangerous and even lethal materials,' Rachel Carson wrote a quarter of a century ago in her celebrated book *Silent Spring*. Today there is little disagreement with her warnings in regard to such broad-spectrum pesticides as DDT, then widely used, now banned."

In fact, there is and has been substantial dispute about her warnings. The author of the *Times* article notes that the book was "excoriated by the chemical industry," but never mentions that scientific opinion then and now also questions many of Ms. Carson's conclusions. For example, Norman Borlaug, who received the Nobel Prize in 1970 for his agricultural research, said in a 1971 speech that *Silent Spring* presented a "very incomplete, inaccurate and oversimplified picture of the needs of the interrelated, worldwide, complex problems of health, food, fiber, wildlife, recreation and human population."[16]

Toxic waste provides a particularly attractive opportunity for fear-mongering. In a New York *Times* article, "Trying to Shut Off The Toxic Spigot," [17] Philip Shabecoff describes "a rapidly emerging belief among scholars, policy makers and environmentalists, and even within industry, that simply attempting to dispose of the increasing stream of hazardous effluents is a case of applying a Band-Aid to a hemorrhage." Yet even the Environmental Protection Agency's internal report, *Unfinished Business*, which reflects the views of career professionals, concluded that public concern about chemical waste disposal exceeds the actual health dangers[18] and, as I reported earlier in this article, no long-term health effects have been confirmed scientifically from any of the hazardous waste sites that have been extensively studied.

Is it appropriate for a news reporter to be an outspoken advocate of a specific environmental agenda when it is considered unprofessional to be a proponent of a political candidate or a political policy?

Perhaps the most extreme sort of coverage turns up in "comprehensive" articles about a particular supposed disaster. In late 1986,[19] the Washington *Post* reviewed the case of the Stringfellow Acid Pits, a southern California waste dump that figured in the political tangle leading to the resignation of Anne Gorsuch Burford in 1983. The front-page article by Michael Weisskopf says that the Pit "brought environmental havoc to Glen Avon [the town where the pit is located]: property loss, livestock deaths and human illnesses, including high rates of cancer and heart trouble. More ominous is the poisonous horizontal plume that is spreading underground as fast as three feet a day toward the Chino basin, which provides water for 500,000 people within a 30-mile radius."

The story is sprinkled with phrases such as "the plume of carcinogenic chemicals," "DDT-laced soil," "walking time bombs," and statements such as "[E]cological trouble was brewing beneath the surface," and "A list of the toxic substances dumped at Stringfellow looks like a chemical alphabet soup."

Yet the hazards themselves are rather different. Weisskopf reports that the level of TCE (trichloroethylene) in the water under Glen Avon was 40 parts per billion or "eight times the state's public health standard." Sounds terrible, but Bruce Ames wrote in an article published months prior to the *Post* story that this level of TCE is less hazardous than ordinary chlorinated tap water!

And about a month after the *Post* article appeared, the State of California issued its report on Stringfellow. [20] It concluded that "[b]ased on the present study, there is no reason to believe that the Stringfellow site has had a serious impact on the community's health." The state found no unusual incidence of cancer, miscarriages, or birth defects. The only increased incidence was reported ear infections and skin rash, symptoms not normally associated with groundwater contamination. Of course, the state of California is not an unimpeachable source, and some impacts over time still could occur. But where was Michael Weisskopf when this reassuring news came out?

Why does the press treat environmental issues in an inflammatory way? One reason is that news is entertainment, and certain kinds of stories entertain people better than others.

The Source of the Problem

Why does the press treat environmental issues in an inflammatory way? One underlying reason is that news is entertainment, as economist Michael C. Jensen observed in an insightful lecture, [21] and certain kinds of stories entertain people better than others.

Keeping up with the news is interesting to many people. More of us probably watched the news when the earthquake hit San Francisco than would have watched the World Series that night. "60 Minutes" is consistently one of television's most popular shows. But because we rarely have a chance to affect the news, we have little incentive to develop an accurate understanding of what is happening. For the most part, we simply want to be superficially informed and therefore entertained.

Reporters, editors, and producers advance professionally to the extent that they come up with entertainment their readers and viewers want. What they want seems to consist of two chief elements: a simple, clear story-line (in Jensen's words, readers have an "intolerance of ambiguity") and a dramatic story that pits good against evil.

Even the least controversial stories must have a strong story line. I remember an experience at *Business Week* that illustrates how the need for a strong story line may get in the way of the truth. I was assigned the lead news story (not the cover story, but the first story in the section about what had happened in business the previous week). This was a few years after the oil crisis of 1979, and my job was to find out whether the recent drop in gasoline prices was sizable enough for Americans to "hit the road" the coming spring—that is, to plan on increasing their automobile travel. *Business Week* reporters around the country called the national parks, Disney World, travel agencies, and other such places to find out if bookings were up and if they could discern a trend. Relying on such reporting, I had to decide whether tourism and travel would be going up.

If travel was going up, I had a good lead story; if the drop in gas prices was having no discernible effect, I had either no story or a very unimportant one at the end of the news section. It was impossible to have a story that said, "On the one hand, some people are going to travel more this summer, but on the other hand, a lot of people are going to stay home." That wouldn't qualify as news.

Unfortunately, the reporting was ambiguous. In some places, it looked as though tourism was on the rise; in others, reservations were similar to what they had been for a few years. I was faced with a decision. If I decided that travel was not going to increase, I would lose a prominent spot in the magazine that week. Certainly, my incentive was to focus on an upswing. In the end, I did.

A reporter has to go with a strong story line or "spin" if he wants the story to be published. Of course, readers want more than that, too. Jensen points out that they like stories about people and about conflicts between good and evil—that is, good and evil people. The demand for such stories is nothing new. Jensen quotes H. L. Mencken: "In so far as our public gazettes have any serious business at all, it is the business of snouting out and exhibiting new and startling horrors, atrocities, impending calamities, tyrannies, villainies, enormities, mortal perils, jeopardies, outrages, catastrophes—first snouting out and exhibiting them, and then magnificently circumventing and disposing of them."[22]

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Mencken wrote that in 1920, when federal funds were not so readily available as they are today to pour money into "solving" or regulating problems like global warming, Alar, and CFC's. Today, the press doesn't have to "dispose" of the problems it "uncovers"—eager politicians will grab headlines claiming to correct them.

The Role of Ideology

To understand why the press acts as it does, one must also consider ideology. In *The Media Elite,* [23] S. Robert Lichter, Stanley Rothman, and Linda S. Lichter surveyed the elites in journalism as well as top business executives and civil service executives. Each person was asked to rate himself or herself on the political spectrum; and the journalists described themselves as more to the left of the spectrum than did either of the other groups, including government employees.

My personal experience convinces me that this ideology influences journalists in their daily work. This shouldn't be surprising—many of us in journalism were attracted to the profession partly because we felt it offered a chance to correct some of the world's problems.

At *Business Week,* for example, a number of my colleagues had an inordinate hostility to Ronald Reagan. They felt that his policies were "right-wing"—whatever they meant, it was bad—and were moving us in the wrong direction, away from a strong government role back to unrestrained capitalism. They often joked harshly about him and disparaged him and his associates in private. Their attitude toward Reagan undoubtedly affected their writing. Even the editor-in-chief realized this. Before the election of 1980, when "supply-side economics" was just beginning to be discussed in Washington, he found that he had no journalists covering Washington who were willing to treat it seriously. He hired a reporter from outside to find out what this new phenomenon was.

When you combine ideology with the need for every story to have a "spin," and as dramatic a spin as possible, you almost inevitably will get less than purely objective stories. Rothman and Lichter documented the bias in a detailed study of journalistic treatment of the safety of nuclear power in recent years.[24] They found that the journalists they surveyed were far more opposed to nuclear power than were the scientists who actually study nuclear issues. They also found that journalists tended to interview and quote scientists who were more opposed to nuclear power than was typical of their peers; furthermore, these scientists tended to write for the public at large more than for their colleagues in peer-reviewed journals—a fact that Rothman and Lichter interpret as evidence that these outspoken scientists are not among those most respected by their peers. Undoubtedly, however, they offer the press a better story than other scientists do.

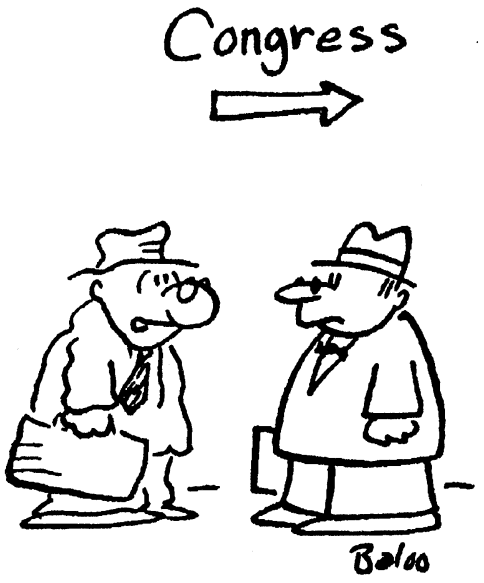

"To make a long story short, somebody herbicided my grass roots!"

And Then There is "Herd" Journalism

A third factor that contributes to poor reporting is the phenomenon known as "pack" or "herd" journalism (symbolized by the crowd of noisy reporters following every move of the president). Once a story reaches the front page, competing newspapers and magazines fall over themselves to report the newest development and to "be on top of" the story as it evolves. The need to stay with the pack means that a few leading publications often determine which stories get covered and what angle they take. As a reporter for *Chemical Week* magazine, I remember being told to change the spin on a story to conform to The New York *Times*'s version; at *Business Week,* which would eschew such overt pressure, stories in The New York *Times* often influenced the topics the magazine chose and the way it treated them.

It's a mistake to put the entire blame for poor environmental reporting on journalists. Erroneous ideas and assumptions are deeply entrenched in the minds of influential people today—as anyone who has tried to defend free markets at a cocktail party surely knows.

On some subjects, cracking the prevailing wisdom is just about impossible. I am sure that most people in the nation still think that Hooker Chemical was responsible for the leakage of chemicals from Love Canal, even though a well-documented report in *Reason* showed that the school board forced Hooker to sell the land and then ignored its extensive warnings about the chemicals. The article (published in 1981) was picked up by ABC's *Nightline,* but, even then, it was not widely reported. It did not penetrate public consciousness and has been ignored ever since.

We are currently seeing a similar tendency in the treatment of acid rain. A ten-year government study assessing the effects of acid rain was recently completed. In the journal *Regulation,*[25] the original research director of the study wrote the following: "Extensive surveys in natural forests and commercial plantations over the eastern and northwestern states have failed to identify any regional decline that could not be attributed to natural causes, with the possible exception of red spruce

continued on page 41

Introduction

The Butterfly Effect

by Richard W. Fulmer

A butterfly flaps its wings over Mont Pelerin, and there is a hurricane in Big Water, Utah. Richard Fulmer explains an unintended effect of chaos theory: the collapse of the rationale for Big Government.

The maxim, "If you can't measure it, you can't manage it," is subscribed to by many in and out of government. Complaints have been growing now for years, however, that the government cannot, in fact, "measure it."

Statistics are the preoccupation of the bureaucratic mind. Theoretically, they indicate which policies to follow and which to abandon—which actions are having their intended effects and which are not. How high should taxes and tariffs be? Should the Federal Reserve inflate the money supply or apply the brakes? What will be the effects of this or that piece of legislation? The answers to these and other questions, we have been told, can all be supplied by the federal bean-counters in Washington DC.

Now we find that our government does not even accurately know how many American citizens there are, much less what our trade imbalance is. Each month Wall Street is sent into a buying or selling frenzy when Washington releases the latest trade figures only to discover later that the numbers were wrong as the result of errors in the data or because of the acquisition of new data.

These problems will hardly come as a surprise to readers of this magazine, but to believers in the efficacy of bureaucracy, they apparently have been something of a shock. The experts are "concerned," and a "special initiative" has been launched by Michael Boskin, the Administration's chief economist, to rectify the situation. [1]

No doubt an increased expenditure of tax money at the Census Bureau, Commerce Department, Bureau of Economic Analysis, Bureau of Labor Statistics, *et al.*, may result in better numbers. But will the numbers be good enough to enable Washington to effectively micro-manage our increasingly complex economy?

Almost thirty years ago an accidental discovery provided solid basis for doubt. In 1960, Edward Lorenz, a research meteorologist at M.I.T., created a computer model of the earth's atmosphere. Fed by such data as temperature, air pressure, and wind velocity, the computer generated recognizable, ever-changing patterns. Here then was the proof that Nature itself was deterministic. Given enough data, the right formulas, and a computer, we could accurately model even the most complex phenomenon. Quantifiable causes had quantifiable effects, and if we could identify and measure the former, we could predict the latter.

But then, in the winter of 1961, it all fell apart. Lorenz, wishing to more closely examine a particular sequence of modelled events, started a run at the mid-point. Instead of using the same initial conditions normally input to the system, he took his numbers from a printout which his program had previously generated. To his surprise the numbers generated from the new run quickly diverged from the original calculations. They should have been identical—exactly matching the data from the earlier run—and yet they were different.

Lorenz eventually realized that the problem was that the data on the printout which he had copied showed three decimal places—one part in a thousand. The computer, on the other hand, used six decimal places in its calculations. These tiny, almost immeasurable, differences had caused the two runs to diverge dramatically within a relatively few iterations.

Because of the iterative nature of mathematical models like Lorenz's, the cumulative effects of inaccuracies in the data and in the calculations grow rapidly. For example, the temperature that is calculated for tomorrow, given today's conditions,

becomes the input for calculating the next day's temperature, which, in turn, is used to determine the following day's conditions, and so on. Errors creep in due to inaccurate and incomplete starting data, and because the model's mathematical formulas can only approximate the complex processes at work. These errors, piled one on top of the other, eventually cause the projections to diverge from actual conditions.

By collecting more data with greater precision, and by improving the formulas we can hope to project further and further into the future. "But suppose the earth could be covered with sensors spaced one foot apart, rising at one-foot intervals all the way to the top of the atmosphere. Suppose every sensor gives perfectly accurate readings of temperature, pressure, humidity, and any other quantity a meteorologist would want." [2] At a given instant, all of the sensors are read, and the information fed into a computer.

Even with such incredibly accurate starting information the computer would still be unable to calculate the weather at a given point a month from now. ". . . The spaces between the sensors will hide fluctuations that the computer will not know about, tiny deviations from the average." [3] The instant after the data is collected, these fluctuations will shift the weather toward a path different from that calculated by the machine.

Enormous effects, then, can be the result of immeasurably small and undetectable causes—causes that perhaps cannot be identified even in hindsight. This concept of "tiny differences in input . . . quickly becoming overwhelming differences in output" was "half-jokingly known as the Butterfly Effect—the notion that a butterfly stirring the air today in Peking can transform storm systems next month in New York." [4] But the consequences of Lorenz's discovery are quite serious. It meant, Lorenz realized, that despite the quantity or accuracy of the data amassed, "*any* physical system that behaved nonperiodically would be unpredictable." [5]

Before Lorenz, we had illusions of someday not only predicting, but controlling the weather. Now scientists understand that while we may change the weather on a small scale (perhaps by seeding the clouds), we can never know if in the long run the change is for the better or the worse. This is because we cannot calculate what the weather would have been had we done nothing. We can only know, in hindsight, what it was after we altered it. The rainfall we cause in Wichita today, may result in a killer hurricane ravaging the Caribbean next year, or it may prevent a hurricane—we can never know.

Complex though it is, the task of mathematically modelling the atmosphere is trivial in comparison with that of modelling an economy or a society. The weather is the sum of the interactions among individual molecules—society the sum of the interactions among individual human beings. The analogy between the weather and society ends, as must all comparisons between human and non-human phenomena, where free will begins. Free will makes all of the necessary calculations infinitely more obscure.

Though the analogy between weather and society ends—as must all comparisons between human and non-human phenomena—where free will begins, the "Butterfly Effect" ensures that even a society made up of robots could not be accurately modelled.

Perhaps, then, the collectivists' distaste for the individual is more practical than philosophical. How can a bureaucracy be expected to exert control over a society if unrestrained individuals insist on introducing random variables? Yet suppose free will could be stamped out, and the actions of every individual were to become as predictable as those of an oxygen molecule. The "Butterfly Effect" would ensure that even a society made up of such robots still could not be accurately modelled.

I do not wish to suggest that mathematical models should not be used. If their limitations are understood, they can be quite useful. Nor am I suggesting that because we cannot know the ultimate consequences of our actions, we should therefore cease all activity. Certainly the knowledge that I cannot foresee every link in the chain of events that will result from my leaving for work each morning should not keep me from my job. I am suggesting, however, that the knowledge that we

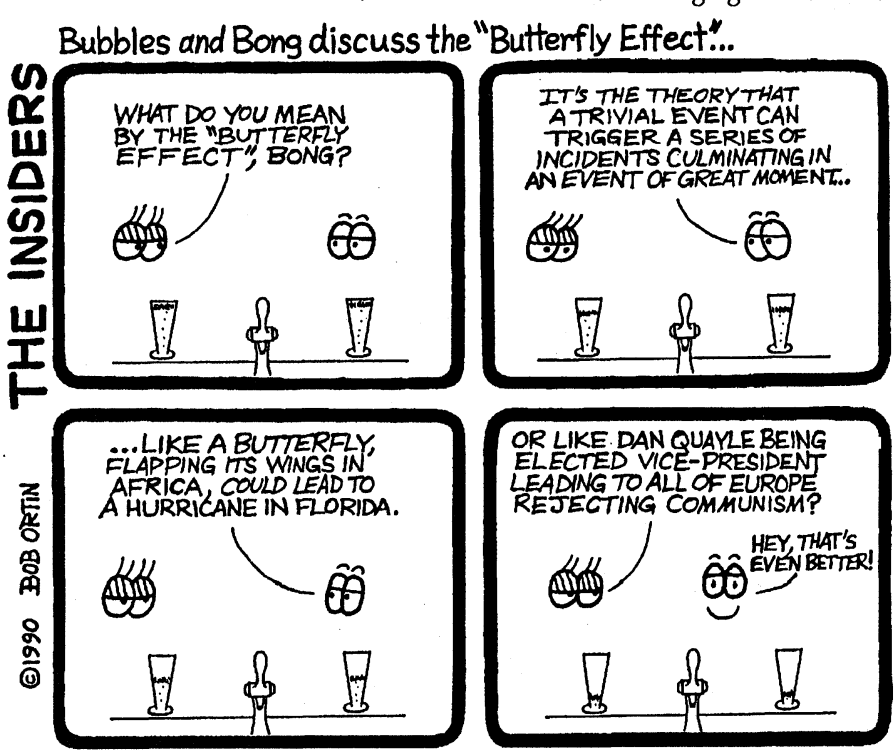

are fallible should make us hesitate before trying to control the lives of others.

Because we control our own actions, and because we have the mental ability to project into the future, we have the capacity to anticipate events. But this capacity falls rapidly as our direct influence over those events is reduced, or as those events become increasingly separated from us by time or distance. Before attempting to control others "for their own good," we should remember that we always possess incomplete knowledge. Despite our best intentions, we may easily hurt the people we are trying to help.

Marxism was born in an era of belief in the ultimate ability of science to reduce all human experience to exact mathematical formulas. The faith that philosophers had in science did no more than mirror the faith of the scientists themselves. Until the end of the 19th century, the prevailing view among physicists was that deterministic laws were sufficient to explain and predict all natural phenomena. They are not.

Enormous effects can be the result of immeasurably small and undetectable causes—causes that perhaps cannot be identified even in hindsight.

Eventually the implications of the Butterfly Effect will find their way into the minds of philosophers and social scientists, and from there to the popular imagination. Perhaps then the naive faith in the ability of our government, or of any government, to manage a nation's economy will finally pass away into a well-deserved oblivion. ❑

Notes:

1. Holman Jenkins Jr, "The Nation's Figures Indicate a Number of Deficiencies," *Insight*, May 1, 1989.
2. James Gleick, *Chaos*, Viking, New York, 1987, p. 21.
3. *Ibid.*, p. 21.
4. *Ibid.*, p. 8.
5. *Ibid.*, p. 18.

Shaw, "Is Environmental Press Coverage Biased?," *continued from page 38*

trees in the high elevations of the northeastern Appalachians." Now consider the New York *Times* headline on its story about the study: "Researchers Find Acid Rain Imperils Forests Over Time." [26]

It's a mistake to put the entire blame for poor environmental reporting on journalists. Erroneous ideas and assumptions are deeply entrenched in the minds of influential people today— as anyone who has tried to defend free markets at a cocktail party surely knows. Nevertheless, a good part of the cause is inherent in the nature of journalism. Reporters seek news that tells a dramatic story; to find it, they often identify crises that don't actually exist. Furthermore, since they tend to be on the left of the political spectrum, they are willing, perhaps eager, to encourage more government involvement—and apparent crises help that along. Voices that challenge the prevailing way of looking at a problem are largely ignored, and the articles frequently lead to the adoption of policies that are costly and damaging as well as unwarranted. ❑

Notes

1. *Time*, January 2, 1989, p. 30.
2. David Brooks, "Journalists and Others for Saving the Planet," *The Wall Street Journal*, October 5, 1989, p. A20.
3. Robert W. Crandall and John D. Graham, "The Effect of Fuel Economy Standards on Automobile Safety," *The Journal of Law and Economics*, Vol. XXXII, April 1989, pp. 97–118.
4. Quoted in Alston Chase, "The Ozone Precedent: We've Got a Policy, But Do We Have a Problem?" *Outside*, March 1988, pp. 37–38.
5. This estimate was reported in "Profits Are For Rape and Pillage," by Gretehen Morgenson with Gale Eisenstodt, *Forbes*, March 5, 1990, p. 94.
6. Amanda M. Phillips and Ellen K Silbergeld, "Health Effects Studies of Exposure from Hazardous Waste Sites: Where Are We Today?" *American Journal of Industrial Medicine* (8:1-7, 1985).
7. Bruce N. Ames and Lois Swirsky Gold, "Pesticides, Risk, and Applesauce," *Science*, Vol. 244, May 19, 1989, pp. 755-757.
8. By Mitchell Landsberg, an Associated Press reporter, seen in *The Billings Gazette* on Dec. 27, 1989.
9. By Lowell Ponte (Englewood Cliffs, New Jersey: Prentice-Hall, 1976).
10. Patrick Michaels, "The Greenhouse Effect: Beyond the Popular Vision of Catastrophe," *Liberty*, January 1990.
11. Michaels, p. 28.
12. Michaels, pp.28–29.
13. *Time*, December 18, 1989, p. 68.
14. For more information on this subject, see "AIDS and Hazardous Waste Reporting," by Jane S. Shaw, in *The Washington Times*, July 3, 1989.
15. October 11, 1987.
16. Quoted in *Toxic Terror*, by Elizabeth Whelan (Ottawa, Illinois: Jameson Books, 1985), p. 67.
17. By Philip Shabecoff, September 21, 1986.
18. U.S. Environmental Protection Agency, *Unfinished Business: A Comparative Assessment of Environmental Problems (Volume I: Overview)*, February 1987, p. 76.
19. Michael Weisskopf, "Toxic-waste Site Awash in Misjudgment," *The Washington Post*, Nov. 16, 1986, p. 1.
20. "A Report to the Legislature on the Stringfellow Health Effects Study," State of California Health and Welfare Agency, Department of Health Services, December 1986.
21. In his talk, "Toward a Theory of the Press," given at the Third Annual Interlaken Seminar on Analysis and Ideology, Switzerland, June 1976, Michael C. Jensen offers the key insight that news is entertainment and discusses a variety of implications stemming from this insight. The talk is reprinted in *Economics and Social Institutions: Insights from the Conference on Analysis and Ideology*, edited by Karl Brunner (Boston, The Hague, London: Martinus Nijhoff, 1979).
22. This quote from H.L Mencken's, "On Journalism," in *The Smart Set*, April 1920, is reprinted in *A Gang of Pecksniffs*, ed. by Theo Lippmann, Jr. (New Rochelle, N.Y.: Arlington House, 1975), p. 65 and cited by Jensen.
23. *The Media Elite*, by S. Robert Lichter, Stanley Rothman, and Linda S. Lichter (Bethesda, Maryland: Adler & Adler, Publishers, Inc., 1986).
24. Stanley Rothman and S. Robert Lichter, "Elite Ideology and Risk Perception in Nuclear Energy Policy," *American Political Science Review*, Vol. 81, No. 2, June 1987, pp. 384–404.
25. J. Laurence Kulp, "Acid Rain: Causes, Effects, and Control," *Regulation*, Winter 1990, p. 45.
26. By William K Stevens, *The New York Times*, December 31, 1989, p. 1.

Memoir
PART 2

Conversations With Ayn Rand

by John Hospers

In our last issue, John Hospers related what it was like to talk philosophy with Ayn Rand. Now, in the conclusion to his memoir, he details some of their philosophical differences, and relates the inevitable falling out between the philosopher and the visionary. . . .

Ayn occasionally expressed some disquiet (perhaps resentment) that she was not recognized as a philosopher by the contemporary philosophical community. In spite of long philosophical passages in *Atlas Shrugged*, philosophers had never taken note of her views, and her philosophizing in *Atlas* had largely fallen on deaf ears in the academic community.

I told her that philosophical discussion goes on almost entirely in philosophical journals. What about philosophical books? she asked. "Yours is a philosophical book," I said, "but it is a novel. It's not that philosophers don't read novels—though a lot of them don't—but they don't consider it their professional duty to do so." Besides, I added, she had acquired a right-wing image in the popular press, and that is a position that most academicians are strongly opposed to. There were a few well-placed curses from Ayn about the prejudices of the "liberal establishment."

I told her that if she wanted to become known in philosophical circles, she should write a piece or two and submit it to the *Journal of Philosophy* or the *Philosophical Review* or the *Review of Metaphysics*. After its publication, I said, it would be studied, commented on, and probably criticized. She would then respond to these criticisms, which again would evoke more from others, and at that point, I said, "I guarantee that you will be known as a philosopher."

But she never did this. She did not want to enter the arena of public give-and-take with them. She wanted them to come to her. What she wanted of philosophers, other than recognition, is not easy to say. I am sure she would have cursed them soundly if they offered criticisms. Even a mild criticism would often send her to the stratosphere in anger.

At the same time, I must add, she would often tolerate criticism, even revel in responding to it, if (1) it was given "in the right spirit" (the vibes had to be non-hostile) and (2) it was sort of "on the right track"—the sort of thing that could be said by someone who was "on his way to the truth" but hadn't yet arrived there; then she would "correct him" painstakingly and in detail.

I sometimes pondered how people could approach so differently the enterprise of philosophy. I thought of the composers Igor Stravinsky and Richard Strauss; each occupies a high place in contemporary music, but neither could tolerate the other's musical idiom. Similarly, was it just a difference of style among philosophers? Surely not. Each comes to philosophy as a satisfaction for a felt need. I had been "burned" early on by over-eager philosophic generalizations, and I was weary of systems in which different philosophers said opposed things, with no apparent way of resolving the issues in favor of the one or the other. I had come to the conceptual-analysis route as a way of resolving (or sometimes dissolving) problems that had long haunted me. Ayn had aimed instead at a "final philosophical synthesis," and regardless of its strengths or weaknesses, that is what she had to present to the world.

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Human beings are distinguished from all other creatures by the power of choice. I agreed with Ayn about this—we know that the dog scratches at the door but we don't know that he chose to do it (nor do we know that he didn't). But I tended to disagree with Ayn about some of the things that (according to her) we choose. Do we really choose "to think, or not to think"? I for one (I said) don't remember making such a choice. I would often think about things, perhaps because I am a

questioning sort of person and don't usually take things on faith. Yes, often when confronted by a specific problem, I have said "I'll think about it." But when my first acts of thinking occurred I no more chose "to think or not to think" than I chose "to be or not to be."

But more than that I considered the scope of human choice to be much more *limited* than she did. Some limitations we would both agree on: a dunce can't choose to be a genius, and a crippled person can't choose to walk (he can only choose to try, unsuccessfully). Without practice a person can't choose to do shorthand or typing at 60 words a minute. Neither can a person, just by choosing (or even by choosing *and* trying), extricate himself from situations that have been years abuilding. An obsessive-compulsive cannot just stop doing whatever he obsessively has been doing for years, such as putting the key in the lock three times and then tapping the floor three times (or whatever his ritual is). And if a teenager ran away from home to escape alcoholic parents and now has lived on the city streets for two years, she can't just suddenly "straighten out" and become a normal citizen—the gutter-instincts (survival by any means) are just too strong by now. And so on for thousands of cases in which we may unthinkingly believe people could have chosen to do what we want them to do.

At this point in my diatribe Ayn reminded me that people do escape from the slums, that with determination they overcome seemingly impossible odds and sometimes become leaders in society. Prepared for this observation, I granted that it was true; but the fact that one person, A, can do this, doesn't show that other persons, B, C, and D, can also do it. Each of them acts under somewhat different conditions from A. They have one common denominator, slum upbringing; but some had the love and trust of their parents, and the wherewithal to prepare them to surmount adversities, and others did not; some had father-figures with whom they could identify; and so on. (If a person tries hard *enough*, he will succeed; but what is meant by "hard enough"? Would you call it "hard enough" if he did not succeed? Doesn't the statement come to the tautology "If you try till you succeed, you'll succeed"?)

Anyway, all this preparatory conversation was so much chaff in the wind, for Ayn hit me with the charge that I was sure she would come up with sooner or later. "You don't believe in freedom at all, you are a determinist."

I knew what dense philosophical thicket lay in waiting here, with vague and overlapping meanings of crucial terms like "free," "determined," and "caused." I hesitated even to embark on it. One must come at the issue from so many different aspects, breaking one stone and then another along the way—and most people lack the tenacity to go through it all, they want quick and easy solutions, so that they can repeat certain verbal formulas and convince themselves that they have the problem mastered. So I began simply: "Determinism is just universal causation. Everything that happens has some cause or other, that's the core meaning of 'determinism' (to which other meanings have sometimes become attached). The causes may be matter or mind, spirits or God—all that determinism says is that everything has a cause, even if we never find out what all the causes are." This was determinism in its most neutral, vanilla-flavored sense, without the punch it was supposed to pack, for there was nothing in my formulation that made it incompatible with freedom, yet that was the main feature which led many people to oppose it.

Ayn was quite shocked that I took ESP seriously. Didn't I know that reality does not work in that way? Perhaps so, I said, but whether it does or doesn't is not something we can know by just pontificating about it from our armchairs.

Of course, I continued, if everything is caused, events in human life are caused too. Every decision you or I make is caused. But so what? I decide to rake the leaves because I think the lawn looks unsightly. So what's so hostile to freedom in that? Would it be better if I *causelessly* raked the lawn?

But of course, no matter how many actions are caused by decisions (or other things going on in the mind), ultimately these events in the mind are caused by things that take place in the world outside the mind. They may be hereditary factors or factors in the environment, all very complex indeed, but if my decisions are caused, so are the factors that caused *them*, and so on back. And over the hereditary and early environmental factors I had no control at all. So am I really free?

Once the term "free" is raised, more clarification is called for. (I discussed this with Ayn at much greater length than I have indicated here.) The word "free," I began, does have a use; it does describe something. Ordinarily we say that I am free when I am not coerced, when no one has forced me to act as I do; I act as a result of my own choice, unforced and unconstrained by others. If she marries him because she wants to, she does so freely, but if she is dragged to the altar she is forced. This is a rough-and-ready distinction that everyone understands and uses. Does determinism (I said) really deny this? Determinism says "My act is caused"; freedom says "I caused my act." The difference is between the active and the passive voice.

Ayn started to object, but I went on. Sure, you can find causal antecedents of human actions in the brain, in the environment, in parental influences—in such complex causation as this there are antecedents to be found all over the place. Most of the factors, however, we don't know at all, such as what makes one person make this decision and another person in the same circumstances make a different decision. In the human realm we are very far from having established determinism as we have done in physics and astronomy, where we can predict an eclipse to the split-second a hundred years ahead. Determinism *asserts* the universality of causes in the human realm, without having gone much of the distance toward proving it that has been accomplished in the natural sciences.

Ayn expressed the belief that in the area of human choices, there are indeed causes, but that a person in so acting is self-caused (*causa sui*). I expressed

doubt as to what this could mean. If something is caused, isn't it caused by something else, something other than itself? How could my decision cause itself? Cause has to do with origination, and how could the origin of choice X be choice X itself? We can say, truly, that *I* caused my choices—that I, a complex set of actual and dispositional characteristics, caused this act of choosing to occur—but that is not the same as saying that X caused X. I was not able to see *causa sui* as anything but a desperate attempt to escape "the dilemma of determinism."

Ayn didn't accept the distinction between necessary and contingent at all. For her, it seemed every statement that is true is necessarily true. "Doesn't everything that happens have to happen?" she once asked me.

At any rate, what I wanted to make crystal clear to Ayn was that the "principle of determinism" (or Causal Principle), that everything that occurs has a cause, is not merely a statement (true or false) about nature's workings; I tried to give her a sense that it had a much more complex and ambivalent epistemological status than that, which rendered labels like "true" and "false" extremely dubious.

I tried to make the epistemological point very simply. Suppose a chemistry student gets some quite unexpected results when he repeats a laboratory experiment. He then reports to his teacher that the same effects don't always arise from the same cause: he set up the experiment exactly the same both times, yet got different results (an orange precipitate in the first case, none in the second). Conditions C produced result E-1 the first time and E-2 the second time—different effects from the same cause! Yet his teacher wouldn't tolerate this for a moment. Maybe he had some evidence that the C's weren't the same—he might find an impurity in the liquid the second time that wasn't there the first. But more usually he had no evidence at all—there was a difference in the E's, he reasoned, so there had to be a difference in the C's. And we would say this whether we know it or not, whether we ever discover it or not.

And so on in general, I said. If after repeated trials we discover the cause of something, we say that confirms the Causal Principle even more; but if after repeated trials we fail to discover the cause, we don't say it had no cause, but only (and always) that it's there but we haven't *discovered* it yet. Isn't this a remarkable asymmetry? Isn't this very peculiar—a principle that discoveries confirm but no discoveries can disconfirm? A principle that parades as a truth about the world, yet is apparently immune to refutation by discoveries about the world? What does this show? Isn't there "something funny going on" here? Aren't we trying to run with the hare and hunt with the hounds? Isn't this asymmetry a ground for suspicion?

I was not sure whether Ayn followed the direction in which I was pointing, but I went on. I suggested that the much-vaunted Causal Principle was not a statement about the world at all—not like "All birds fly," which can be disconfirmed by finding a few ostriches. That which can be confirmed by experience but not disconfirmed by experience is not a statement about the world. It might be an *a priori* truth, like the Law of Identity, not subject to, and not requiring, confirmation by experience. But I could not think it *a priori* because it made claims about nature which, I suggested, could only be confirmed by observing nature—which can't be done from one's armchair. Instead, I suggested that it was a kind of scientific rule-of-the-game ("heuristic maxim") that has stood us in good stead because when we used it in the past we have found lots of causes, but one which we don't permit to be disconfirmed, for there's nothing that we could do that we need to count as disconfirming it. It's a rule, the following of which has pragmatic value—it helps us to find more causes; but since it isn't falsifiable it doesn't count as an empirical rule, which is what it would be if it were like "All birds fly" or "All bodies gravitate."

Something may look like a plain and simple statement about the world, the only question about it being "Is it true or false?" But what looks like a statement needn't be a statement, and perhaps this one isn't—instead maybe it's a rule that we use to guide our future scientific activities, or express a faith in some ultimate uniformity of nature. And if it has that status, then our talk about the Principle of Determinism being *true* or *false* is mistaken from the outset. We have been misled into thinking it has this simple true-false status at all.

I could not expect Ayn or anyone else to grasp the import of this at once: to someone who has spent most of a lifetime asking "Is it true or is it false?" it is disorienting and mind-blowing to be told that this distinction may not be applicable to the question at hand. One has to see how this approach can be applied to other philosophical problems (not just determinism), and how it clarifies or dissolves those problems rather than leaving them forever intractable. But to appreciate all this requires much more one-on-one philosophizing than I had done with Ayn. I had high hopes that we might yet do it. But whether it was the defects of my presentation or her disinclination to think outside the traditional categories with which she had operated for many years, I was never able to get far with her on this—it remained *terra incognita* to her, and her responses seldom indicated that she had grasped the true import of what I had said.

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It seemed to me that she failed to appreciate the subtle shifts of meaning of crucial terms that often occur midway in a discussion, and result in total confusion unless the shifts are pointed out when they arise. She seemed to have a number of ideas packaged together under the heading she called "determinism" and assumed that the term retained the same meaning in its various contexts of use (a common enough error). One example that I particularly remember is that she would say that according to determinism a person never *could* do other than he did; and that if exactly the same circumstances were to arise again (according to determinism), the same result would occur.

"And if the same thing *didn't* recur," I said, "then you'd conclude, without further evidence, that some factor in the

circumstances leading up to it were different this time. And you would say it," I insisted, "as an *a priori* assumption, without any independent evidence that any of the conditions were different." I remember using this analogy: A says "All swans are white," and B replies that there are black swans in Australia; to which A replies, "If they're not white, they're not swans."

I tried to open up to her the logic of the word "could." I said that "could" is an *ability word:* when someone says "You couldn't have done otherwise," this charge invites the retort, "Not even if I wanted to?"

And of course if I had wanted to I would have done something different—I would have continued reading the paper instead of going to the kitchen. My wanting to do X instead of Y could well be the deciding factor that caused me to do X instead of Y. So, I said, it isn't true that I couldn't have done Y; I would have done Y if I had wanted to.

But the next step, of course, was "According to determinism, you couldn't have *wanted* anything other than you did." But what, I said, does "couldn't" mean in this sentence? That I wouldn't have wanted anything else even if I had wanted to? No? If not, then what *does* "could" mean in this sentence? I suggested that it would be preferable to say that if exactly the same conditions were repeated the same event *would* have happened—and then show the unprovability of that statement because of the impossibility of tracking down all the conditions.

"A is A" is something of which we need to remind ourselves constantly. But it is not, I said, an empirical statement: we don't have to go around examining cats to discover whether they are cats.

Ayn was impatient with such subtleties. When we recapitulated, she would always return to the position that if you are a determinist you believe that nothing *could* have happened except what did happen. And once again I would inquire what "could" might mean in that sentence—and we would start on the merry-go-round once again.

Of course, I went on, there are (as usual) other senses of "could" as well, not specifically applying to human action. We may say that when you let go this pencil from your hand it *could not* fly upwards, that it could not do anything but go downwards in accordance with the law of gravity. But that is only to say that the downward motion of the pencil is the one that accords with laws of nature. That is, if you *assume* certain laws of physics, then the pencil could not (logically could not) have moved in any other way. The "could" here is a logical "could" (not an empirical one) expressing the logical connection between statements—statements of the laws of nature, statements about the mass and volume of the pencil, and the third statements (the conclusion) about the behavior of the pencil. We can say that *granted* certain premises, this behavior *could* not have been other than it was. (But, I added, saying that the pencil could not have behaved otherwise is already a departure from the central meaning of "could," which has to do with ability.)

✦

I never made much progress with her on determinism, but when we talked one evening about a specific kind of causation—extra-sensory perception—I evoked in her an unexpectedly vigorous response.

I do not remember how the subject arose, and I didn't even consider it a philosophical area of discussion, but I was describing to her Soal and Bateman's book *Experiments in Parapsychology*. I explained that out of thousands of tries, a few people made very good subjects; they were able to state with considerable accuracy truths that (as far as we knew) were discoverable only by sense-perception, but which they could not have known through sense-perception.

A man was sealed into a room evening after evening, and there was no possible communication between this room and another room three doors away—there were scientists who averred that there was no way a person in Room 1 could convey information to someone in Room 4. In each of these

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two sealed-off rooms, cards were being pulled from a deck one per minute. Every minute a bell would ring, at which moment a card would be pulled from a deck in one room and the subject in the other room would write on a piece of paper which card he thought it was. There were five different kinds of cards (apple, elephant etc.) and thus one chance out of five of guessing correctly. Getting the correct result slightly above chance (20 percent) for a time wasn't particularly noteworthy, but getting results like 40 percent correct over 100,000 attempts was quite remarkable, the chances against this being some trillions to one. Yet several subjects were reported to have done just that, and no one knew how. Ayn looked skeptical but allowed me to proceed.

In spite of Ayn's lack of concern for shifts of meaning in a word or phrase, I had to be very careful what terms I used in her presence, for some terms would trigger in her an instant conclusion that was quite foreign to anything I meant.

Moreover, I went on, the subjects had improved with practice. From a fifth they had gone gradually to a quarter and even to a third. No one could figure out how they got the ability to do this. They themselves didn't know: they weren't aware at the time that they were guessing correctly, they just "put down the first thing that popped into their heads." And then the rules of the game were changed—"You will now write down the card that was being pulled *last* night at this point in the sequence"—and their achievements vanished (went down to chance), but came up again with practice to the previous fraction.

And then, most curious of all, the rules were changed once more: "You will write down the card that *is going to be pulled* at this point in the sequence *tomorrow* evening." Again the results went down to chance, but again with practice the record gradually improved. But the implications of it shocked me: How could they possibly know the future? What if between tonight and tomorrow night the entire building burned down? And so on.

Ayn was now taken quite aback, and thought I should give no credence to any of this. It implied reverse causality, she said, and that was impossible—something at a later time causing something at an earlier time. I agreed that reverse causality was impossible—such as the rain tomorrow helping the crops grow today. But I didn't think the example involved reverse causality but only precognition. We all predict the future, I said, usually with some evidence; what made this case peculiar was the ability of the person to make a correct prediction again and again without apparently having any evidence whatever. (At least there was nothing known to science that we would call evidence.) That was what I found different about this kind of case, and I couldn't think of any explanation.

Ayn was quite shocked that I would take any of this "mystery-mongering" seriously. (It was hard to convey briefly the import of entire books on the subject, and the extraordinary lengths to which people had gone to make sure there was no sensory route by which A could have known B.) Didn't I know that reality does not work in that way? Perhaps so, I said—and I added I didn't much care whether reality does work in that way or not—but whether it does or doesn't is not something we can know by just pontificating about it from our armchairs: we have to go the difficult route of empirical investigation to find out whether people can know truths about the universe that are not mediated through sense-organs. One cannot know this *a priori*, I claimed; one has to go the more difficult route of checking it all out in detail. But I gathered that she considered this all a matter of necessity—that it was necessarily the case that nature doesn't work in this way. She was more disturbed about my permissiveness on this subject than I had thought she would be. Instead of saying that nature *can't* work in this way, the question for me was whether in fact it does; if it does, then it won't do to say that it can't.

For me, the question of what caused what is entirely a contingent matter, on which we can make judgments only in the light of observation of the world. But it dawned on me that Ayn didn't accept the distinction between necessary and contingent at all. For her, it seemed (though I never got it in just these words) every statement that is true is necessarily true. "Doesn't everything that happens *have* to happen?" she once asked me.

I replied that one would first have to inquire about the meaning of the phrase "have to." In most locutions, "have to" involves a command or order—"I have to be in by midnight." When one says that events in nature, such as a comet entering the earth's atmosphere, have to happen, it sounds first off as if this event is being commanded, perhaps by God. But this is surely not what most people mean when they say it. Perhaps we mean that *if* one accepts certain laws of nature (concerning gravitation, mass, velocity), and if one grants certain initial conditions (Comet X is in such-and-such a position at such-and-such a time), then Comet X *must* be another place at a specific other time. (Not that the comet must—but that the statement—the conclusion—logically must be true *if* the premises are true. The "must" is about the relation between *statements*, not about phenomena in nature.) When I say that if I let go of this pencil it must fall, doubtless I am saying that the statement that it does (or will) follows from certain laws of nature plus initial conditions. But it would be clearer if I just said that the pencil *will* fall.

There are many uses of "must" and "have to" (I took her through several more) and I told Ayn that I thought she was telescoping several disparate uses of the term "must" into one, without distinguishing among them, and that this might be why she was led to make such a statement as "whatever happens must (has to) happen." (If you take it quite literally, I said, it seems like a more extreme fatalism than any view I have ever countenanced.)

✦

Ayn usually let me take the initiative in deciding what subjects we should discuss. The conversations described in this paper reflect largely my choice of topics—these were the things about which I was interested in sounding her out. I reflected later that in this respect

I had probably made a mistake. Only occasionally did we get around to discussing topics that were central to her philosophy. That is why some topics central to her are largely absent from these pages. Her papers on these subjects had yet to be written.

✦

"A is A" is, I insisted, a tautology, but an important one: every time a person is guilty of a logical inconsistency he is saying A and then in the next breath not-A. Thus "A is A" is something of which we need to remind ourselves constantly. But it is not, I said, an empirical statement: we don't have to go around examining cats to discover whether they are cats. (We might have to examine this creature to discover whether it is a cat.)

But, I said, statements of what causes what, such as "Friction causes heat," are empirical statements; we can only know by perceiving the world whether they are true. How, I wondered, can the Law of Causality be merely an application of the Law of Identity? You could manipulate the Law of Identity forever and never squeeze out anything as specific as a single causal statement.

But (I went on) I could see how such a confusion might be generated. A tautology can easily look like something else. "A thing acts in accordance with its nature" might be one example. This might be taken as an instance of the Law of Identity: if a creature of type X acts in accordance with laws A, B, C, and this creature doesn't do that, then it isn't an X. If dogs bark and growl and this creature hisses and meows, it isn't a dog; that is, we wouldn't call anything a dog that did this. So we can plausibly classify the statement about what we call "a thing's nature" as special cases of the Law of Identity. But this, I insisted, tells us nothing about the world, but only about how we are using words like "dog" and "cat."

I realized that Ayn read almost no philosophy at all. And I was amazed how much philosophy she could generate "on her own steam," without consulting any sources.

What is a thing's "nature" supposed to be anyway? I went on. Is a thing's nature its definition? Some might say yes: it's the nature of water to be two parts hydrogen and one part oxygen. But one might also answer no: it's the nature of water, one might say, to flow downwards, and this is no part of any (usual) definition of "water." It wouldn't even be true if atmospheric pressure were ever so much less than on earth (it might evaporate and not flow). So to answer the question, we have to know what the person means by talking about a thing's nature. Often, I suggested, when we talk about a thing's nature we are talking about a set of dispositional traits: thus, "It is the nature of cats to prowl"—yet so far as I know the tendency to prowl is not listed in the definition of "cat." Or, when we say "I used to think his lying was just a quirk, but now I think it's his nature," we are saying that his tendency to lie is a more fundamental trait than we had previously thought.

I could see that Ayn was getting bored, so I summarized the moral of the tale: that statements about "X's nature" sound simple and easy, but that under this linguistic simplicity lies a morass of vagueness, which comes out only gradually as we explicate one case after another in which we actually *use* the expression. I seemed unable to convey to Ayn any sense of this; and yet, it seemed to me, what was wrong with the usual philosophic formulations, including hers, couldn't be appreciated without going through the detailed "digging" required to turn up these disparate meanings, and their confusion with one another from which the errors flow. Philosophic formulas, I said, merely give us "philosophy on the cheap."

✦

It was inevitable that sooner or later we would get to the subject of definition. I never had an opportunity to present my views on this systematically, from the ground up. I had done this in some detail in my book *Introduction to Philosophical Analysis*, in the long 100-page introductory chapter entitled "Words and the World." I gave her a copy of the book and encouraged her to read the relevant chapter. But she never did; I was disappointed by this, for I had thought we could use this material at least as a starting place for discussion, but in time I realized that she read almost no philosophy at all. And I was amazed how much philosophy she could generate "on her own steam," without consulting any sources.

She began by insisting that one should search for true definitions, and I responded that definitions were neither true nor false. But it shortly turned out that I was talking about definitions of words and phrases, and she was talking about definitions of things (entities in the world) or, sometimes, concepts of those things. But I expressed ignorance as to what the phrase "the definition of a thing" meant. (We also discussed "definition of concepts," examining the differences between words and concepts.)

I suggested that there were no true or false definitions. "The word 'sym-

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phony' once referred to any orchestral composition, without voice, in four movements," I said. "Then, as in Beethoven's 9th, voices would sometimes be introduced and the work would still be called a symphony, so that was no longer a defining feature. Then in the 20th century came one-movement symphonies, such as Sibelius' 7th, so the four-movement requirement fell out. What happened was that the word 'symphony' was no longer used to describe what it had described before. But there is no true or false definition of 'symphony.'"

A simple case to the contrary, Ayn said, was that H_2O is a *true* definition of water; if someone said water was HO or H_2SO_4, he would be *mistaken*.

I responded that I saw nothing but confusion in this. "It depends on what you mean in the first place by the word 'water.' If by 'water' you *mean* H_2O, then course 'Water is H_2O' is true because you've already defined water to mean that. All you get that way is 'H_2O is H_2O,' a simple tautology. But of course you might not already mean that by the word 'water'—early man surely did not. He meant the liquid that flows in streams and rivers. In that meaning, it is true that water is H_2O—that is, the liquid in streams and rivers has the chemical formula H_2O. That is a true statement about water—an empirically true statement, not a definition. Once you are clear what you mean by the word, the issue is resolved."

For a person who was always insisting on "iron-clad definitions," I found Ayn's linguistic habits quite sloppy.

Ayn alleged that man is a rational animal, and that this is a true definition. It is true, in other words, that that's what man *is*. I replied that it all depends what you mean by "man" *in that sentence*. As a rule we employ a biological definition of man—man is a creature with two legs, two arms, walks upright, etc.; that's how we identify creatures as human without knowing anything more about them than our senses present to us. Now, the creature that fulfills that biological requirement is also a rational animal (that is, has rational potentialities, even if unfulfilled)—that is a true statement: not a definition, but a statement about the creatures identified by the first (biological) definition. (Of course, again, if by "man" you already mean "rational animal," then it's a sheer tautology.)

We could say, I suggested, that man is a laughing animal, or an aesthetic animal (the only creature that enjoys works of art), a volitional animal (the only creature capable of choice), and perhaps several others. But, as Ayn aptly pointed out, these features are less *fundamental*. If we were not rational animals we would not be able to comprehend works of art or see the point of jokes; the rationality explains the other characteristics, not vice versa. I assented to this; but I insisted that my point still held, that if "man" is already defined as a rational animal, the statement that man is a rational animal is a tautology (merely an example of A is A); whereas if "man" is defined biologically, as we ordinarily do, then the statement that man is a rational animal is true, but not a definition.

A *stipulative* definition, I said, merely tells others how we're going to use a word ("I'll use this noise to mean so-and-so"), and a stipulation isn't a true statement, just a proposal to use a noise in a certain way. A *reportive* definition is a report of what a word is used to mean in a language-group. Thus, "A father is a male parent" is a report (in this case a true one) of what the word "father" is used to mean in the English language. And finally, if you already mean by "father" a male parent, the definition of "father" as male parent is *presupposed*, and the statement "A father is a male parent" comes to "A male parent is a male parent," another instance of "A is A." Confusion comes only if we get these scrambled together.

Is "Steel is an alloy of iron" a true definition of steel? No, I said, it *is* a definition of "steel" if that is what you choose to mean by the word "steel." It is also a true report about how users of the English language use the word "steel," and as such it is a true reportive definition. And if you already mean "alloy of iron" by the word "steel," then again you have a tautology, Steel is steel, A is A. It seemed to me that these distinctions clear up the question. In every case we *define* words and phrases, and we *describe* things (using the words or phrases).

Whales were once thought to be fish. When it was discovered that they were mammals, wasn't this a discovery of the true definition of whales? The discovery (an empirical one), I said, was that those creatures which we called "whales" (on the basis of their shape, size, and general appearance) also had the feature of being mammalian. We then changed (or biologists did) the definition of the word so as to include being mammalian as a defining feature; biological classification on the basis of mammal, reptile, etc., had already long been in place; so after the discovery nothing that looked like a whale but was a fish would have been *called* a whale. The re-definition of the term was simply an adaptation to existing methods of biological classification. But the discovery, that these creatures were mammals, was an empirical one, like the discovery that some nebulae are actually galaxies.

This is one of the issues that seemed so obvious to me that I did not see how anyone could think otherwise. That is why I tended not even to remember opposing remarks as long as they were not clear to me. Rather than misreport what Ayn said, I have chosen not to say anything about her remarks: what I said is very clear to me, what she said is not.

At the time being described, Rand's non-fiction works, including *Introduction to Objectivist Epistemology*, had not yet been written. I would like to think that our discussions helped motivate her to write some of these non-fiction works. At the time of our discussions she was writing very little. Time was on her hands, and perhaps that was one reason for inviting me back.

✦

She vehemently denied the validity of certain distinctions, like analytic vs. synthetic and *a priori* vs. *a posteriori*. Both were Kantian distinctions, and her hatred of Kant may have played a part in the rejection; but more likely her rejection of the distinctions played a part in her hatred of Kant.

Already at the time of our discussions there was critical talk in philosophic circles about the analytic-synthetic distinction. Is it analytic to say

that all green things are extended? Quine had asked, and concluded that the failure to provide a satisfactory answer was due to the unclarity of the term "analytic," not to any defects in "green" or "extended." But the examples I used were of the very simplest sort: "All A is A" is analytic, I said (it's another formulation of the Law of Identity), and "All A is B" is not. "Lions are lions" is analytic and "Lions are fierce" is not—to determine that you have to observe lions. And the same for *a priori*: you don't have to go to the next room to discover whether the cat is a cat, but you do have to in order to find out whether the cat is lying on the bed there.

Why did Ayn deny a distinction that seemed to me so obvious—perhaps not for far-out cases like colors being extended, but for ordinary "A is A" type cases? She seemed to think, as Leibniz had done for different reasons, that the distinctions do not apply because all the statements are really in the same bag. *All* the features of lions, whether now known or not, are really a part of their definition. All statements about X follow from X's definition—that seemed to be the view.

But I did not see how this could be so. That this table is a solid object does follow from (or is contained in) the definition of a table. But that we are now sitting at this table does not. Nothing in any definition of a table known to me could possibly tell us whether it is true that we are now sitting at the table.

Perhaps the issue has a different focus: This would not be the egg that it is if it had not been laid by this hen, and I would not be the person I am if I had not been born to the specific parents I had. True—but would I also have to have the characteristic of having been born at the moment that I was? If I had been born a day earlier (to the same parents etc.), wouldn't it still have been me? True, it wouldn't have been me if the birth had taken place in ancient Greece—the parents wouldn't have been the same, etc. But would one really be prepared to say that *all* features of me are defining, including the mole on my cheek and the fact that a bee had just stung me? I saw nothing but endless confusion in that way of trying to deny the difference between necessary and contingent statements.

I tried using some examples, of the kind that made my students catch on to the distinction most quickly. That this flower is red, that there are six of them on this plant, that such plants exist at all—these are contingent statements, they depend on the way the world is, which can't be known *a priori*; that 2 + 2 = 4, that the angles of a triangle equal 180 degrees, that if A is larger than B then B is smaller than A—these are necessary truths, I tried to explain, even if one doesn't accept the analytic-synthetic distinction.

Or again, with regard to possibility and impossibility: I can't jump 20 feet high, but I (logically) might, and if I claimed to do so my statement would be false, but there would be no contradiction in it. But if I claimed to have gone backward in time, and disappeared from 1961 to 2500 B.C. (and what could that mean?), and actually helped the Egyptians build the pyramids—this, I said, was a logical impossibility, because contradictions would be involved in asserting it: I would be saying that (for example) the pyramid-building occurred without me (I wasn't born yet) and also that I participated in it (by "going back" in 1961 to 2500 B. C.); and that there were, let's say, 5,368 persons building the pyramids and (with the new addition of myself) there were 5,369—but there (logically) couldn't have been both 5,368 and other than 5,368. And so on. She granted the impossibility in the second case, but perhaps not for the reason I mentioned. To her all impossibility was of one stripe, and she did not admit the distinction between logical and empirical possibility.

✦

I stated a problem (or pseudo-problem) which seemed to fascinate my students: "How do you know that you and I are seeing the same color? True, we both pass the color-blindness tests, and you say you see green when you look at the tree, just as I do, but how do I know you aren't the victim of a "reversed spectrum," for example that you regularly see red where I see green and vice versa, but of course you call it green like everyone else, since that's the word you've been taught to use in describing the color of trees? But perhaps if I could see what you're seeing, I'd call it red, or something else. After all, how do I know?" Maybe the outcome has no practical import, but it's a nice theoretical question anyway—the sort of thing that science seems unable to answer.

I cannot say that Ayn was fascinated by this question. She regarded it as rather trivial. But she heard me out. I suggested that you can (usually, perhaps always) get to what a questioner means by his question, if he can tell you what sort of thing would satisfy him as an answer—what precisely does he want to know? Now consider these possibilities (I said): (1) Suppose it were technically possible, as one day it may be, to connect one person's eyes and optic nerve with another person's brain. You could, then, quite literally see through the other person's eyes; and then you would know whether the leaves looked the same color to you as they did when you looked through your own eyes. You'd be able to compare what you saw with your former eyes with what you saw through your new eyes. Perhaps when you did this you would say, "They still look the same to me," and that would settle the question; or you might say "They don't look as they used to at all," and that too would settle the question.

But of course (I pursued) one may object that this won't do. (2) Exchanging eyes isn't enough, runs the objection. The interpretation of these visual data takes place in the brain. To settle the issue, I would not only have to have your eyes, I'd have to have your brain (or at least a part of it). But now we run into what's called the problem of per-

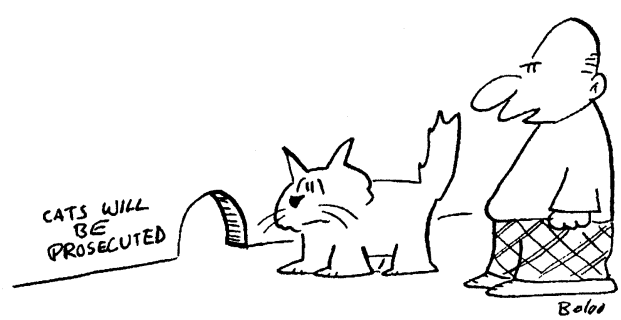

"Oh, don't be so *gullible*!"

sonal identity. If my brain were put into your body and vice versa (assuming this to be as technically possible as exchanging eyes) would it still be me? Would it still be me, with all my brain's memory-traces now inside *your* head? Here we run into a problem that's more than a technical problem; what is it that constitutes one's self, if not one's perceptions, dispositions, and memories? How can I exchange brains with you and still be me? Thus, if this second alternative is the one demanded to resolve the problem, then unlike the first alternative, it can't be solved: the conditions demanded for the solution are self-contradictory.

Ayn wasn't very impressed with all this. She didn't consider the issue to be of any importance in the first place. She was temperamentally unsympathetic to this way of doing philosophy. And she had no patience with the distinctions I used in order to arrive at a solution. For her it was a non-solution to a non-problem.

✦

In spite of her lack of concern for shifts of meaning in a word or phrase, I had to be very careful what terms I used in her presence; for some terms, if I used them, would trigger in her an instant conclusion that was quite foreign to anything I meant. When I mentioned that a theory in science can be accepted or rejected on pragmatic grounds—as a device for explaining the most by means of the least—she would hear the term "pragmatic" and accuse me of being a pragmatist. And then I would explain at some length that I was not a pragmatist in any sense that *she* probably had in mind—for example, I did not hold that the truth of a statement had anything to do with its utility. I only used the term within a definite context, with a meaning defined within that context—and one should not jump to the conclusion "You're a pragmatist," for I wouldn't even know what she meant by the term in *that* sentence.

For a person who was always insisting on "iron-clad definitions," I found her linguistic habits quite sloppy. I was aware that Rome wasn't built in a day and that she had not grown up in a tradition in which sensitivity to these matters was considered important—one just strode over the issues in seven-league boots (my characterization, not hers). Still, philosophic outcomes depend so much on just such subtleties that I became discouraged when after many hours of discussion she showed no more awareness of where I was really coming from than she had when we started.

I had no problems with her ignorance of modern logic or physics (such as Heisenberg's principle), but when the very issues she raised required a finely honed instrument to grapple with them insightfully, and she seemed quite unaware of what that instrument could do, and remained so after time, I gradually became as discouraged with her as she was impatient with me.

✦

Somewhere she had picked up the idea that philosophers in the twentieth century were skeptical about the existence of an "external world" (tables, trees, stars, etc.). I told her that skeptical arguments in this area were still extensively examined, in the tradition of Hume, but that no one so far as I knew had any actual doubts about the existence of the chair they were sitting on, and so on. But that, she said, was the mistake: they don't doubt it in practice but they do in theory—they don't practice what they preach. I explained that when skeptical arguments occur, as in Hume, they have to be met, in an attempt to make theory accord with practice; one can't just assume that "common sense" is always right. I explained a similar situation in Zeno's paradoxes, and Parmenides' attempt to deny the reality of motion. I said there were lots of problems about the relation of the world to the senses by means of which we perceive it.

I did mention, almost incidentally, an attempt to prove that we know the existence of the external world for certain, namely by Prof. Norman Malcolm in his essay "The Verification Argument" (in Max Black's anthology, *Philosophical Analysis*). Instantly she picked up on this, inquiring about Malcolm as a possible ally. She wanted to know more about him and even to invite him to New York for a personal meeting. She did not read his article, or anything else by him, but I outlined the rather complex argument of the article for her in two typed pages, trying to state his premises accurately and show how they yielded his conclusions. She expressed gratitude to me for doing this. But, she wondered, why should a person go to such lengths to defend a thesis that was so obvious? I realized that to Ayn the existence of the physical world was axiomatic and didn't require defense, and told her that she would probably find no particular ally in Malcolm, who was most interested (in the essay) in exploring the implications of terms like "verification" and "certainty." At any rate, there the matter dropped. She took my word as to what his arguments were, and as far as I know she never read anything to enlighten her further on the issue.

✦

We discussed many other philosophical issues, often in a brief and fragmentary way, before concentrating on something else. I omit here those issues of which I could not now give an accurate account from memory. In many cases I remember more clearly what I said than what she said. Her nonfiction works had yet to be written, and what I endeavor to record here is what she and I said then, not what we might have said later. Moreover, most of my readers will probably be acquainted with her position on various issues, but unacquainted with mine; and I want to provide some conception, however brief and unsystematic, of where I was coming from on the issues we discussed.

✦

When we discussed metaphysical and epistemological issues, a certain tension between us would very gradually and almost imperceptibly arise. I could usually avoid an unpleasant scene by attributing (correctly) the view being discussed to some actual philosopher, living or dead, and then she could curse the philosopher in question and take the heat off me. It's not that I wanted to avoid responsibility for the view, but I wanted to avoid unpleasant scenes, which only impeded the progress of our discussions, and achieved no worthwhile end that I could think of. But it was clear that I was not "giving in" to her brand of metaphysics, and equally clear that my methods of what I liked to call philo-

sophical clarification were falling on arid ground in the present case. I became somewhat discouraged, especially since she seldom acknowledged an error and seemed less interested in learning than in defending prepared positions. Moreover, what seemed like a blinding philosophical light to me would be a total dud to her, and her highly abstract philosophical pronouncements often seemed to me confused, unclear, or false, effective though they might be as banners for enlisting the philosophically unwashed.

✦

Meanwhile, several incidents occurred that distressed me. There was a professor at a midwestern university who had been denied tenure some months earlier, for saying that he wouldn't mind too much if his daughter slept around a bit before she decided on whom to mate with for life. The faculty was up in arms against the university administration for terminating him, and started a nation-wide petition on his behalf. I had also signed a petition requesting that he not be terminated.

When I showed Ayn the letter to which I had responded on his behalf, Ayn saw my name on the letterhead and urged me strongly to dissociate myself from any attempt to defend him. He should not have referred to his daughter publicly in that way, she said. I asked her whether she really thought he should be denied tenure just on account of having said what he did. And Ayn's reply stunned me: he should have been terminated from his job, she said, even if he'd *had* tenure. Knowing all that tenure means to someone who has worked for years to earn it, I found her reply shocking and astonishing.

✦

Newsweek wrote a terribly unfair piece about Ayn. I responded to it by letter, trying to answer their charges point by point. I gave Ayn a copy of my letter. *Newsweek* never published it, but that, said Ayn, made no difference; what mattered was that I had come to her defense by writing it and responding to the false charges.

Not long after, New York University's philosopher Sidney Hook attacked her in print, and she wanted me to take him on as well. Knowing Sidney, I was disinclined to do this. He already knew about my acquaintance with Ayn, but we had never discussed it further (I hardly ever saw him). Should I now condemn him publicly and destroy a long-standing friendship? I knew that this friendship would be at an end if I condemned him.

Ayn was sure that nothing less than a public condemnation was required to prove to him how much I was devoted to "intellectual objectivity." But she had very little conception of the manners and morals of professional academicians—they can get along well and even be friends, while disagreeing strongly with one another on rather fundamental issues. The philosophic arena was one for the friendly exchange of diverse ideas. But for her, it was a battlefield in which one must endlessly put one's life on the line. I was not willing to risk years of occasional friendly communion with Sidney by condemning him publicly, even if I thought he was mistaken in some of his allegations.

But for Ayn this was a betrayal. It almost cost us our friendship. In the end she attributed my attitude to the misfortune of having been brainwashed by the academic establishment, at least with regard to their code of etiquette.

I once mentioned to her my friendship with Isabel Hungerland, a distinguished aesthetician from Berkeley with whom I would discuss issues at philosophical conventions. Ayn inquired what her politics were. "As far as I know, she's a liberal," I said. "What!" exclaimed Ayn, "a friend of yours—a liberal?"

I realized then that I was expected, once I knew Ayn, to sacrifice the friendship of all persons with political (and other) views opposed to hers. Not that I would *have* to—I was supposed to *want* to. It was immoral of me to continue to deal with such people. With many of them, as with Isabel, I had a kind of relaxed, laid-back relationship, never talking politics at all from one year to the next, and often not knowing what their political views were. But now I was supposed to excommunicate them all. "If thine hand offend thee, cut it off." I was not willing to plant a flag on a new terrain and thereby disavow my allegiance to all other views, and I deeply resented Ayn's attempt to steer me in that direction—or should I say, her assumption that I would "of course" do such a thing.

It wasn't that I would have been unwilling to declare where I stood, if I had been totally convinced and was prepared to defend it. I try not to back off of commitments. But my whole way of coming at philosophy was quite different from hers, and in spite of various attempts I don't think she ever understood mine. With her, it was as if she were developing a Euclidean geometry from a set of axioms; I, on the contrary, was the gadfly who kept puncturing the axioms or finding their meaning (in some cases) to be vague or confused. As a result of this I was convinced that "the high *priori* road" was not the way to go in philosophy; I was sure that a careful, step-by-step, case-by-case approach, frustrating though it might be in the work required and the time needed to get anywhere with it, was the only road to progress. This wearied her, bored her, and ultimately repelled her.

✦

The more time elapsed, the more the

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vise tightened. I could see it happening; I hated and dreaded it; but knowing her personality, I saw no way to stop it. I was sure that something unpleasant would happen sooner or later. The more time she expended on you, the more dedication and devotion she demanded. After she had (in her view) dispelled objections to her views, she would tolerate no more of them. Any hint of thinking as one formerly had, any suggestion that one had backtracked or still believed some of the things one had assented to previously, was greeted with indignation, impatience, and anger. She did not espouse a religious faith, but it was surely the emotional equivalent of one.

When I was authorized by the American Society for Aesthetics to ask Ayn to give a twenty-minute talk at their annual meeting, which would take place this time in Boston the last weekend of October 1962, I passed on the offer to her at once. She accepted, with the provision that I be her commentator (all papers were required to be followed by a response from a commentator). She thought that I would understand her views better than those who had no previous acquaintance with them. I consented.

And so it was that on the last Friday night of October 1962, she gave her newly-written paper "Art and Sense of Life" (now included in *The Romantic Manifesto*). In general I agreed with it; but a commentator cannot simply say "That was a fine paper" and then sit down. He must say things, if not openly critical, at least challengingly exegetical. I did this—I spoke from brief notes and have only a limited recollection of the points I made. (Perhaps I repressed it because of what happened shortly thereafter.) I was trying to bring out certain implications of her talk. I did not intend to be nasty. My fellow professors at the conference thought I had been very gentle with her. But when Ayn responded in great anger, I could see that she thought I had betrayed her. She lashed out savagely, something I had seen her do before but never with me as the target. Her savagery sowed the seeds of her own destruction with that audience.

When her colleague Nathaniel Branden and I had a walk in the hall immediately following this exchange, there was no hint of the excommunication to come. But after the evening's events were concluded, and by previous invitation I went to Ayn and her husband Frank's suite in the hotel, I saw that I was being snubbed by everyone from Ayn on down. The word had gone out that I was to be (in Amish terminology) "shunned." Frank smiled at me, as if in pain, but he was the only one. When I sensed this, I went back to my room. I was now officially excommunicated. I had not so much as been informed in advance. It was all over. In the wink of an eye.

So now a two-and-a-half-year friendship was at an end. It had come with such suddenness, I couldn't quite handle it at first. The long evenings with Ayn were now a thing of the past. I was now the one to feel a sense of betrayal.

But my pain was not entirely unmixed with relief. The pressure had been mounting, and certain tensions between us had been increasing steadily. Being forced to choose between friendship and truth as I saw it (even if I saw it mistakenly), was not my way of conducting intellectual life. I would sooner or later have had to escape from the vise, I reflected. Perhaps it was better this way, with an outside event precipitating the break. Sooner or later, probably sooner, I would have been too explicitly frank or honest, and she would have had an angry showdown with me, and that would have been that. Or so I told myself. At any rate, along with the pain and the desolation, I felt a sense of release from an increasing oppressiveness, which had been inexorably tightening.

At dinner earlier that evening, when the radio announcer said that Kennedy would not call off his blockade of Cuba even at the risk of nuclear war, Ayn had said, "Good!" Privately I wondered whether she had also said "Good" in connection with the break in our relations. Perhaps she merely reflected with regret that the years of her efforts on my behalf had been largely wasted.

At any rate, that night was the last time I ever saw her.

✦

But I heard her once after that. In the late summer of 1968, not long before the Big Break, Nathan phoned me in California and said "I want to put you on the line to someone." The conversation with Ayn was very brief. "I understand that you are presenting my philosophy to your classes," she said. I replied that I was—I considered Ayn's views in several of my courses, without thereby implying that I did so with total agreement. She seemed gratified, and wondered how I was, and then turned the telephone back to Nathan.

✦

I thought of her endlessly during the years. Her enthusiasm for ideas, her intensity, her unfailing bluntness and those piercing eyes—the image of these things was never far away from me, especially when I assigned some of her essays in my classes and discussed them with students point by point. But I never regretted that I had not been enveloped further in the web of intellectually stifling allegiances and entanglements, the route I had seen so many of her disciples go.

In the next few years, as her nonfiction essays appeared, I read them avidly and made many notes and comments in the margins—points to raise with her, questions to ask her. But of course I never got to ask them.

And then, almost fifteen years after my expulsion, I heard on the radio that she had died. I felt, even after all these years, a devastating sense of loss. It was hard to stay in control during my talk at the memorial service for her in Barnsdall Park in Los Angeles.

How often, on visiting New York, I had almost stopped at her apartment building. No, I thought, her friendships are broken but her enmities last. It wouldn't be any good. And surely she had treated me pretty shabbily. But I thought of her, up there in that apartment, without Frank now, and I wanted to be mesmerized by those piercing eyes once again, and have another all-night discussion as in the old days.

I never got up the courage to take that step. It would probably have been useless. The occasion is past, and the past is gone forever.

That, I thought to myself with a certain grim irony, is at least one necessary proposition to which she would have given her assent. ❑

Reviews

***Tenured Radicals: How Politics Has Corrupted Our Higher Education,* by Roger Kimball. Harper and Row, 1990. 204 pp., $18.95.**

Rebels Without Good Cause

Stephen Cox

There is more than one "reality," and no perception of "reality" is any "truer" than any other.

Everyone's "reality" is "constructed by" his or her race, class, and gender.

No appeal to supposedly objective reasoning can transcend the barriers of race, class, and gender.

The naive belief that objective reasoning can achieve transcendence merely demonstrates the degree to which the believer has been imprisoned by cultural assumptions produced by race, class, and gender.

Language is not a means of communication across such barriers but the code in which they chiefly manifest themselves; language is not a means of self-liberation through self-expression but a means by which the self intensifies its imprisonment, fondly imagining that it can discover reality or "presence" by manipulating verbal symbols, symbols that appear only in the absence of the reality they purport to symbolize.

Literature is nothing but language of this kind; it is an encoding of race, class, and gender, and a revelation of absence rather than presence.

We cannot say that there is any body of "great" or "important" thought or literature that professors should teach and educated persons should know; one's belief that there is such a body of thought or literature merely demonstrates the extent to which one is imprisoned by the non-objective assumptions encoded in one's own peculiar culture.

The principal duty of American scholars is to impress the foregoing ideas upon the minds of their colleagues and students, so that the academic profession—and, ultimately, American society in general—can be freed from the white, male, capitalist, objectivist, western tradition that has established hegemony here.

These, as Roger Kimball asserts, are the beliefs of the most influential scholars of the humanities at America's most influential academic institutions.

Influence, in this case, obviously has little to do with persuasive reasoning. The reader has undoubtedly noticed several gaps of logic in the argument sketched above. The gap is particularly large between the last thesis and the others. How can a skeptical denial of anyone's capacity to say anything objectively true about reality manage to produce a crusading zeal to convert an entire profession to some particular truth—a truth, by the way, that is so far from being self-evident that it can be reached only by the most elaborate and eccentric processes of reasoning?

Certainly this is a truth that never dawned upon the leftwing radicals of the distant past. Marx, for all the cultural relativism inherent in his notion that historical progress constantly alters the values appropriate to humanity, never dreamed that Shakespeare would be pilloried in the classroom as a "dead, white male." Lenin, for all his theories about the relation between ideas and power, never imagined that Pushkin would be left in the dustbin of . . . what? History? Or mere metaphysics of a crackpot kind?

No one arrived at the views of Kimball's tenured radicals by conducting careful philosophical analysis of the ways in which knowledge is formed, or by pursuing conscientious literary analysis of the ways in which language achieves its effects. Most students of philosophy know the difference between factors that impel and factors that compel. They understand that people's concepts may be influenced by traditions, gender roles, class backgrounds, and racial attitudes; and they understand that the language necessary to form concepts exerts an influence on concepts themselves. But they also understand that to influence something is not necessarily to constitute it or determine it in its totality. The diversity of views that always obtains among people of the same race, gender, class, tradition, and language indicates to serious students of human behavior that these factors do not compel any group of people to adopt a monolithic and untranscendable set of assumptions.

Serious students of literature know that even dead, white males have not all written the same book, or anything like the same book. They know that the diversity that gives life to any particular culture, including the culture of "the west," must be carefully analyzed before generalizations can be made about any intellectual constraints imposed by that culture. Serious students of literature cannot help being aware of the peculiar ability of language to transcend immediate interests and circumstances. It is this ability that allows you and me (and the literary radicals about whom Kimball writes) to know whatever can be known and to say whatever can be said about any work of literature other than the one we may happen to be writing right now. Or, to look at the other

side of things, it is this ability that allows Kimball's tenured radicals to write a whole library of books excoriating the ideas of white, bourgeois westerners like themselves.

At one time, and not too long ago, literary theorists were fascinated by the capacity for transcendence that is inherent in language and literature. As Wayne Booth (one of the best of these theorists) observed, we *know* when Jane Austen is being ironic; we *know* that her deadpan, seemingly uncritical descriptions of characters are meant to convey the idea that she actually detests those characters. This is a wonderful thing to know, because it indicates in the most basic way the ability of language and literary intention to transcend their circumstances and communicate an understanding that is true—and, if you will, objectively true—over nearly incredible distances of time, space, and mentality. The audience, white or nonwhite, male or female, American or Japanese, capitalist or socialist, *understands* Jane Austen. Many lifetimes after her death, the words that she chose make her a vivid presence, not a mysterious "absence"; and this is reason enough to call her a great writer.

Marx, for all his cultural relativism, never dreamed that Shakespeare would be pilloried in the classroom as a "dead, white male."

What shall we say of people who cannot follow such elementary arguments as this, or who attempt to escape from them with sophistic contentions about some vast cultural hegemony that imposed the same "false consciousness" on Austen and on every imaginable reader of Austen, or who regard the trite and obvious conclusions reached by the argument as insupportably oppressive?

One thing we can say is that such people—who tend to be located in academic departments of literature—are not concerned with *literature* at all. They are concerned with something other than literature, something that stands between literature and them, something that hopelessly obscures their view of the subject. But what is it?

Part of it is politics, as Kimball's subtitle claims. The arguments of the tenured radicals would not swing the way they do if the lodestone of "Marxist" politics did not attract them.

In his recent book, *Skeptical Engagements*, literary critic Frederick Crews argues persuasively that the crucial element in contemporary cultural theory, its rebellion against the idea of a truth accessible to language and logic, results from its attempt to evade an understanding of the failure of Marxism. Because nothing is more truly and objectively apparent than this failure, a dogmatic adherence to Marxism can be supported only by a hostile "interrogation" of all claims to "truth" and "objectivity." The idea that Marxism can, quite simply and objectively, be said to have failed induces the academic theorist to deny that anything can be as simple as it looks and to claim that all assertions of "objectivity" are merely the tools of white, male, bourgeois hegemony.

Crews's argument is probably correct. Many people in the American literary academy, protected by the nature of their work from an intimate knowledge of economic and political fact, have staked their careers on Marxist methods of analysis. They have cultivated the oppositional mentality endemic to Marxism, enjoying the opportunity to imagine themselves as rebels and prophets rather than academic bureaucrats. The effort to save at least this oppositional mentality from the wreck of Marxism has engendered a truly virulent hatred for everything that might threaten the radicals' preferred self-image, including any vestiges of a Marxist respect for factual analysis of history.

So class struggle takes definitive leave of the factory and moves into the classroom, where it can be played quite safely as a game of words. The immediate object of attack is not economic conditions, which are pretty good for the tenured radicals, but books and logical processes. And the weapons of attack are passages of cast-iron prose, prose that is incomprehensible, not just to the working class and their capitalist-imperialist-male-hegemonist oppressors, but (one suspects) to the writers themselves.

Kimball cites some wonderful examples of this "cruelly abstract" prose. Among them is a gem (or just a hard, ugly stone) by Peter Eisenman, a celebrated theorist of architecture. Of all the arts, architecture is most concerned with the practical requirements of humanity. Regarding humanity's practical requirement of shelter, Eisenman observes in an essay in the interestingly titled book *Houses of Cards*:

> But as shelter also exists in the mind as an idea, in its metaphysical state architecture is a conceptual reflection on physical presence, an "absence" in a material sense. From this perspective, what was earlier described as a traditional architectural history founded on dominant vectors of truth can also be seen as an ideological effort to screen architecture's intrinsic absence behind an emphasis on its physic. It could be said that this screening is a sign of the endurance of anthropocentrism's privileging of presence and centeredness, even beyond its own crisis.

Well, Ellsworth Toohey could not have said it better. No, he could have said it better, because he was created by someone who knew how to write. Kimball appropriately observes (p. 125) that "if the issue is architecture considered as a 'physic,' I suppose one could admit that there is something emetic about [Eisenman's] passage." But Ellsworth Toohey would have been proud to have written any number of the academic radicals' gratuitous attacks on the once-unnoticed evils of "centeredness," "presence," and intellectual "privileging."

The crucial element in contemporary cultural theory, its rebellion against the idea of a truth accessible to language and logic, results from its attempt to evade an understanding of the failure of Marxism.

One senses that academic theorists must keep themselves pumping such

heavy verbal iron in order not to notice too clearly the otherwise obvious paradoxes in their works and lives. These are dogmatists who assert that no dogmas can be true, upper-middle-class scholars who are determined to destroy the "culture" of the "bourgeoisie," rebels against the scientific and humanistic faith in progress who constantly congratulate themselves on the "progress" of their own "research."

Another paradox is suggested by the outraged academic reactions to Kimball's witty and provocative book. Friends of contemporary literary theory have insisted that Kimball has misread and misrepresented the theorists he discusses. I have discovered no proof that he has done so. But suppose he has? The only standard to which the misinterpreted avant-garde theorist can appeal is the standard that he or she rejects—the standard of objective truth and fidelity to literal meanings, a standard of truth and fidelity that, according to the avant-garde theorist, can never be attained. And *this* is a paradox that has been noted throughout the last twenty years and more of critical warfare about literary theory, a paradox so very apparent that it's a wonder everyone in the game isn't laughing about it.

Tenured members of elite institutions are smart enough to figure out that certain ideas are obviously wrong, provided the tenured professors are given a decade or two to do so.

But what the academic outrage over Kimball's book mainly reveals is not a touchy concern for scholarly accuracy but a wounded self-importance. As Kimball suggests, self-importance is the most pervasive quality of the theorists' prose—indeed, of their whole attitude. The professors of literature have "given up literary criticism to play at being . . . philosopher[s]" (Kimball, p. 150), but they aren't philosophers, and they can sustain the act only by suspending a well-merited disbelief in their own pretensions.

The function of Kimball's book is the puncturing of these pretensions, in case they are taken seriously by the general, university-educated audience that from time to time interests itself in the doctrines that academics preach to the unsuspecting young. Kimball does not attempt to make converts from the hard core of contemporary radicals. He assumes that his audience consists merely of men and women of common learning and common sense, people who will be spontaneously horrified by such propositions as those listed at the beginning of this review. Kimball's book is not a work of philosophy or literary theory; it is a polemic, and an effective one for its chosen audience.

Should this audience be disturbed by the academic assault on truth and objectivity that Kimball describes? Yes and no. Academic fads that are deeply saturated by nonsense are fairly normal in the humanities, and are ordinarily of somewhat short duration. It is true that we are enduring a particularly destructive fad, one that is opposed, as Kimball believes it is, to every fundamental humanistic value. But tenured members of elite institutions are, believe it or not, smart enough to figure out that certain ideas are obviously wrong, provided the tenured professors are given a decade or two to do so.

It is questionable if very many students ever understand enough of the cultish jargon of deconstruction and other nihilistic trends to be deeply wounded by the specific ideas that they express. Some students may even be led to their own independent explorations of ideas by reflection upon the nihilists' skeptical questions. The nihilists' answers are wrong, but some of their questions, I cheerfully concede, are those that every educated person should ask: Is objectivity possible? How can we assess claims of truth? Is everyone's mentality irreversibly biased by his or her environment? Can we really communicate with one another? Of what does cultural "greatness" consist?

Tenured radicalism probably does the most serious damage to two groups of people: the young men and women who might have become interested in Jefferson or Eliot or even Marx, but who will never read them because their professors of history and literature are busy trying to radicalize people's cultural assumptions; and the young men and women who could become brilliant exponents or critics of traditional western values but who must struggle hard to succeed in academic professions in which the shots are, for the moment, being called by ungenerous dogmatists.

But truth is hard to beat, especially with a set of metaphysical propositions as dull as they are false. Ultimately, people of real learning will emerge victorious in the struggle for the university's soul (or at least its wits). In the meantime, it's important for all such persons to know that others can see through the nonsense. Kimball is one of the people who are letting them know. ❑

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Individuals and Their Rights,
by Tibor Machan. Open Court, 1989. 250 pp, $32.95 hc, $16.95 sc.

On the Rights Track

Greg Johnson

Tibor Machan's *Individuals and Their Rights* is the most interesting work in libertarian political philosophy since . . . well, since Machan's last book on political philosophy, *Human Rights and Human Liberties,* a work that had the misfortune of following too closely on the heels of Nozick's *Anarchy, State, and Utopia* and which withered in its shadow.

Granted, a lot of writing has been done since 1975. Henry Veatch, Friedrich Hayek, Jan Narveson and Loren Lomasky have produced original and insightful books. Hans-Hermann Hoppe has also written on the subject. But Machan's works are distinguished by his attempts to systematize and advance what I consider to be the most fundamental and powerful defense of capitalism yet: Ayn Rand's neo-Aristotelian approach to rational egoism and natural rights.

Every page of *Individuals and Their Rights* is marked by Rand's explicit arguments or implicit agenda. In highly compressed form, her and Machan's case for capitalism runs as follows: Man is a being of a specific nature. Two of man's most distinctive and fundamental powers are free will and reason. Man is a living being, and life is contingent on specific courses of action. Those courses of action that lead to human flourishing are the good. Those that lead to suffering and death are the evil. If man chooses to live, then he must employ his reason to guide his actions and alter his environment to gain values. Rational and productive action is man's means of survival.

Since man is a social being, and since men have the power to interfere with rational and productive action, it is therefore necessary for men to derive social principles that are based on human nature and which allow each individual to pursue his own life in a social context. These principles are human rights. Since the initiation of force and fraud are the primary means by which rational and productive action can be interrupted, it is right that man be protected from them; he has *a right* to be protected from them. The social system that arises when force and fraud are outlawed is laissez-faire capitalism.

Machan presents this case in seven chapters and buttresses it with two long "postscripts." Chapter 1, "Rights-Theory at a Glance," is something of a smorgasbord, presenting Machan's understanding of the natural rights tradition, arguing for the possibility of a theory of nature at all, and commenting on such topics as the relationship of modern science to morality, the place of value in a world of facts, and free will. The content of Chapter 2, "From Classical Egoism to Natural Rights," is clear from the title. Chapter 3, "Grounding Lockean Rights," is the metaphysical and epistemological core of the work, presenting Randian views on these matters in highly compressed form and fending off a number of critics. Chapter 4, "Rights as Norms of Political Life," states a view of negative rights but consists largely of critiques of opposing views. Chapter 5 deals with property rights, Chapter 6 with capitalism and free trade, and Chapter 7 deals with political authority, including Machan's views on anarchism. The two postscripts deal, first, with the necessity of a natural law and natural rights approach to political philosophy, and, second, with refutations of several welfare-statist philosophers.

Individuals and Their Rights is not, however, a mere rehash of Rand's arguments. Granted, Machan does not do much to deepen Rand's case (although in a pinch he always manages to pull a distinction out of his sleeve). But this is no cause for criticism. Philosophy is not art and should not be judged by its standards. In art, originality might be an end in itself. But in philosophy, the truth and the good are the goals. Any philosopher who sacrifices them in pursuit of mere originality has betrayed the philosophic quest. It is a far greater virtue to graciously accept a truth from the hands of another than to create a fiction of one's own. In this regard, Machan has been far more gracious and courageous in giving Rand due credit than many other philosophers who are glad to accept her insights, but who are terrified to mention her in print.

Machan's main contribution to the neo-Aristotelian program is his attempt to address its critics. His book abounds with illuminating points about Quine, Gewirth, Hampshire, Harman, Kant, Rawls, Nozick, Kuhn, Popper, Vlastos, Dworkin, et al. He is especially good in arguing for the necessity of a natural rights approach to libertarianism, as opposed to subjectivist, utilitarian, Kantian, and state-of-nature theories.

Tibor Machan's Individuals and Their Rights *is the most interesting work in libertarian political philosophy since . . . well, since Machan's last book on political philosophy.*

Of course, I would have to forfeit my book-reviewer's card if I didn't find some problems with Machan's work.

The book's biggest problem is its hybrid nature. On one hand, Machan wishes to set out systematically a neo-Aristotelian defense of natural rights. On the other, he wants to beat back the numerous metaphysical, epistemological, and moral assailants of this position. And he wants to do both in about 200 pages!

Machan's motivation for this approach is quite virtuous. He recognizes that one cannot simply begin one's philosophizing with floating political "axioms." Every political philosophy stands

or falls upon answers to more fundamental metaphysical, epistemological, and moral questions. In short, every political theory must be grounded in a wider philosophical system. Furthermore, he recognizes that a new school of thought which does not engage in critical, scholarly dialogue with other schools is dooming itself to permanent marginality.

But the systematic nature of philosophy does not require that a treatise on rights *contain* a sustained presentation and defense of a complete philosophy. A completely elaborated metaphysics, epistemology, and ethics would require hundreds, if not thousands, of pages. It would be a hell of a long preface. And it would be even longer if it took into account all of the relevant scholarship. Thus it is quite reasonable to produce a book on rights theory that simply *lists* its more fundamental assumptions, promises their full elaboration and defense in other works, mentions the contemporary literature in footnotes, and devotes most of its space to a detailed, systematic elaboration of the topic at hand.

Obviously, Machan realizes this. But I don't think that he realizes it enough, for *Individuals and Their Rights* is a hybrid work, trying to pack a systematic philosophy and a sustained polemic into a single slim volume. And by trying to grasp too much, Machan lets too much slip through his fingers. His defense of essentialism, for example, is very provocative, but one wonders if it is really enough to address the concerns that give rise to anti-essentialist positions. And the same goes for many other points.

And while Machan is busy sniping at his foes, there are many issues in rights theory that are left dangling. For instance, it seems that Machan doesn't quite get Ayn Rand's distinction between "intrinsic" and "objective." On page 3 Machan announces that "I argue that from the time that human beings emerged, they had the rights that they now have, however clearly or unclearly this was recognized." I think that Rand would disagree with this, and for good reason.

Rand considers a right to be a moral *principle*, i.e., a conceptual identification of a fact of reality. And conceptual identifications are conscious, human achievements. They do not exist whether they are recognized or not. Only human nature exists whether it is recognized or not. Rand considers rights to be objective because they are conceptual identifications based on human nature. She would consider Machan's rights to be intrinsic because they are supposed to exist regardless of man's conceptual achievements.

This may seem to be a nit-picking distinction, but it has important implications. One of the great appeals of subjectivist or conventionalist theories of rights is that they avoid some of the absurd conclusions to which intrinsic concepts of natural rights lead. A classic problem that intrinsicists face is the punishment of criminals. If criminals have intrinsic rights to life, liberty and property, then are not capital punishment, incarceration, and fines viola-

continued on page 62

Individuals and Their Rights,
by Tibor Machan. Open Court, 1989. 250 pp, $32.95 hc, $16.95 sc.

Rights Derailed

Ethan O. Waters

According to Ayn Rand's theory of rights, all human beings by their nature possess inalienable rights, so it is always wrong for anyone to initiate the use of force against another human being. Rand's theory has for many years been a pillar of libertarian thought. Rand developed her theory of rights as an element in her philosophy of Objectivism, first articulated in her novel *Atlas Shrugged* and later promulgated in essays and lectures by Rand and her disciples Nathaniel Branden and Leonard Peikoff.

In the hands of Ayn Rand and Murray N. Rothbard (its other major proponent),* rights theory brooked little criticism, and seemed to possess a moral vigor that many found very convincing. But lately, it has lost a bit of its cachet. As libertarianism has matured and the dominance of Rand and Rothbard has slipped, natural rights theory has been questioned, criticized and found wanting. For one thing, Rand's conception of rights seemed to lead to numerous absurd moral positions. For another, there seemed to be serious logical lapses in its derivation. Worse still, at least from the viewpoint of academic philosophy, Rand-Rothbard rights theory seemed a little goofy and not quite respectable.

Along comes Tibor Machan with *Individuals and Their Rights*, the most detailed attempt yet to develop and defend Ayn Rand's rights theory in a way that is philosophically respectable and tenable. Machan is well aware of many of the criticisms of natural rights thinking, especially the criticism from academic philosophers. And he works very hard to meet these objections, restating the case for natural rights in philosophic vernacular to make it more palatable to other philosophers and reformulating rights theory a bit here and there in the process. *Individuals and Their Rights* is the state-of-the-art in Randian rights theory.

Which fact only underscores the philosophical weakness of Randian rights theory. While Machan's tinkering

* The main elements of Objectivism are classical realism, egoism, rights-based liberalism and a romantic aesthetics. Rothbard adopted Randian rights theory more-or-less intact, but developed it within the context of his own sketchily drawn neo-Thomistic thinking. Although Rand's and Rothbard's rights theories are essentially identical, they lead different ways: Rand's to the minimal state that characterizes classical liberalism, Rothbard's to anarcho-capitalism.

corrects some of Randian rights theory's minor flaws, it fails to address the major problems. Furthermore, it fails to provide good arguments, is abysmally written, deals superficially with complicated issues, and makes gross philosophic errors. The case for Randian rights remains seductive but ultimately unconvincing.

One of the most peculiar aspects of *Individuals and Their Rights* (henceforth *IATR*) is that, despite the fact that it is a detailed elaboration and defense of Ayn Rand's theory of rights, at no point does Machan credit Rand for it. Three brief quotations from her political writing is as close to an acknowledgment as he comes. My first thought is that he wanted to avoid crediting Rand because she is so unrespectable among academic philosophers. But this cannot explain it: on page 78, he writes, "About conceptual knowledge my account owes a great deal to the analysis provided by Rand."

Where Machan rises to intelligibility, he defies common sense and common experience.

But to his credit, Machan is not afraid to step on a few Randian toes by deviating from Obvjectivist dogma. For example, early on Machan persuasively argues that recent "purely mathematical objections to [Aristotelian logic] do not serve to deny Aristotle's basic metaphysical position," a point that had been anathema to Rand and her more orthodox followers.

Still, much of what passes for thinking in *IATR* is philosophic gloop. What is one to make of a passage like this?

> It is individuals who are supposed to have rights. These rights are significant, however, only if they are natural, grounded in something other than convention, "contract," or interest. *The reason is that by "natural" is suggested a base that may reasonably be taken to refer to what all individuals of the kind that would be candidates for rights-possession may be said to be.* (7–8, emphasis added)

Sometimes Machan rises above this sort of gobbledygook, providing us a paragraph whose meaning is fathomable:

> If one chooses to be part of human community life, one is implicitly consenting to the necessary conditions for such association, namely, respect for other people's sovereignty over their own lives and the reasonable securing of those conditions, that is to say: enforceable basic rights. (58)

Here, where Machan rises to intelligibility, he defies common sense and common experience. For one thing, who among us "chooses to be part of human community life"? We are born into it; we grow to maturity within it; we are educated within it; we earn our sustenance within it; we spend our entire lives within it.

Even if one accepts that the rejection of a hermit's life is in some sense an important choice we make, how does it follow that we must agree to "the necessary conditions of such association"? The Founding Fathers chose to live in the British Empire just as much as we choose to "be a part of human community life." Were they compelled to accept the "necessary conditions for such an association," namely agreement to the rule of a distant tyrannical monarch?

And even if one is somehow convinced that choosing to live with other human beings entails accepting the "necessary conditions" of such an association, why must we consider "respect for other people's sovereignty over their own lives" as one such condition? Such mutual respect for sovereignty has seldom been in evidence in human society, yet human society persists.

Machan is so mired in the worst aspects of academic philosophy and so fixated on his peculiar Randian notions that he cannot see why so many people find this sort of thinking absurd. Indeed, all he can do is dismiss their type of objection as expressions of a "fundamentally antimetaphysical approach to ethics" (59)!

But, curiously, Machan's most interesting characterization of morality seems also "fundamentally antimetaphysical":

> "Morality . . . could be the general principles that members of the species must themselves discover and follow in order to do well at life. That this kind of morality does not possess the fantastic characteristics of the categorical imperative—true in all possible worlds, for all possible agents, regardless of their circumstances—might be a disappointment. It is not such, however, in terms of realistic expectations about the nature of human morality." (18)

This understanding of morality is *precisely* that of Herbert Spencer, and is not dissimilar to the views of at least one other twentieth-century philosopher, George Santayana. After reading this interesting paragraph, I expected a discussion of ethics with an at least slightly relativistic and fact-based edge. But Machan does not develop this viewpoint to any appreciable degree. Indeed, Machan heaps scorn on the libertarian philosopher who has gone the furthest in this direction: he lumps Spencer's moral philosophy with Marx's as "typically, normally, indeed in every case" in violation of the "ought implies can" principle (103).

Still, Machan's view that morality is fundamentally *instrumental* and *prudential* (41–44) is, I think, correct. But typically, normally, indeed in every case he undermines this view with overly strict, apodictic reasoning.

Rights and Values

The first section of the first chapter of *IATR* is sensibly called "What are rights?" Machan answers that "rights seem to be *social conditions that ought to be maintained*, moral principles pertaining to aspects of social life . . . A right binds us to refrain from preventing others from acting in certain ways . . ."(2, italics in original) All this is quite sensible, but it doesn't constitute much of a definition. Unfortunately, Machan never explores the matter of definition at

Machan is in the curious position of arguing that a person can become a slave (i.e. alienate his right to liberty) by committing aggression but not by voluntary exchange. In a Machanesque society one can consent to his own servitude by violating the law, but cannot consent to his own servitude by agreeing to it himself!

any length. For a philosopher convinced that definition plays a crucial role in arriving at truth (see his recapitulation of Randian concept theory on pp 78-82), this is astonishing, to say the least.

One consequence of his fuzzy definition of rights is that he balls up the distinction between conventional and natural rights. Conventional rights, Machan says, "presumably . . . exist as a matter of social agreement, tradition, temporary convenience, historical happenstance." Natural rights, on the other hand, "exist because of the nature of their possessor." What does this mean? Well, "the right to copy some software if one is a member of a computer club would usually be conventional, institutional, special. It would not be natural. . . . The right to life, however, is often held to be natural. . . . [J]ust in virtue of one's being human and living with other human beings, one is said to have the right to live" (3).

But his characterization of the conventional is a caricature, and his use of the natural is simply wrong. Just as Rand lumped all those not commited to her metaphysically-obsessed view of reason as "whim-worshippers," Machan considers those rights not grounded on his view of human nature to be the result of "historical happenstance" or "temporary convenience," insinuating that rights by "social agreement" are arbitrary and irrational. But the rights that most beneficiaries of western liberalism have possessed—the rights to life, liberty and property—did not arise arbitrarily. They arose out of the ordinary, everyday interaction that characterizes human society with regard to the ordinary, everyday *facts* of social life, and they have been articulated and defended in a rational fashion with long-term *human* interests in mind. In what category, one wonders, does one place such rights?

But by posing this dichotomy between "natural" and "conventional" rights, Machan is able to dismiss such rights as irrational and arbitrary—and not worthy of consideration. Yet they have a utility demonstrated in experience, and it just doesn't make sense to dismiss them as conventional and arbitrary. The dichotomy Machan draws between natural rights (i.e. those spun out of Machan's [or Rand's] head), and conventional rights (i.e. those rising out of historic happenstance) is false and misleading.

There is another serious flaw in Machan's distinction between natural rights, which he characterizes as fundamental and universal, and conventional rights, which arise out of "agreement, tradition, temporary convenience, [or] historical happenstance": Universal, fundamental rights are often derived and articulated in a context completely foreign to natural law.

In this country, for example, everyone has the right to free speech, and free speech is fundamental to other rights, so it qualifies as a natural right by Machan's definition. Yet the right to free speech is often articulated and defended on grounds of convention, constitution, or utility; which, if we are to follow Machan, precludes it from being a natural right.

Machan also asserts that a legal right is a "descriptive" concept, as opposed to a "moral" one (1). But *all* rights—whether legal, moral or whatever—are *normative* and *prescriptive*, and in this sense similar. (See the writings of H.L.A. Hart on this matter: Hart is right, er, correct). Curiously, in light of his acceptance of the distinction between "moral" and "descriptive" concepts, Machan takes the typical Randian position that "Values may be regarded as a different type of fact, nothing more" (18). He proceeds to back this audacious statement up by—surprise!—a *"sketch* of a theory" [italics added] in the typical Randian manner. "Values," we are told, "came into existence with the emergence of life." Then: "Since to the living perishing is cessation of being, what contributes to perishing logically comes to be regarded as bad or a disvalue, from the viewpoint of the existing being" (19). Here we are presented with only the most extreme of circumstances, per usual Randian manner: to live or not to live. We are not given any examples of a living being having values that are *not* based on living or dying, though surely values also pertain to weakness and strength, thriving and stultifying, choosing marginally different options, and—it unfortunately seems to go without saying—the *feelings attendant* upon these circumstances.

But Machan quickly moves on: "From this experience-based concept it follows that to contribute to the likelihood of cessation is a disvalue, to contribute to continuation is a value. Good and bad, then, are features of living being. They are objective, relational features or aspects of living" (19). Machan concludes this discussion of value by mentioning that *moral* values arise with free will: "Only if the standards of good and bad can be freely adhered to or evaded does the framework for ethical or moral standards of right and wrong emerge" (20).

But does his "sketch of a theory" solve anything? To the extent it succeeds, it does so only by being a sketch, by avoiding the complexities of the issue. Consider just one: If life-enhancement is the ultimate standard of moral value, then surely suicide is a great evil. Subjectivists, always concerned with emotions, dispositions, etc., have no problem either explaining or defending a person who wants to commit suicide; objectivists like Machan, however, should feel the push of their own arguments to prohibit suicide (if life is the greatest value, it is immoral to disvalue life, and coercion is surely a lesser evil than letting a person disvalue the greatest value). Machan, a *libertarian* objectivist, deals with this problem by *not dealing* with it, by never addressing it. This seems inexcusable to me: those who place the utmost importance on the decision whether to live or die should at least *mention* suicide!

While Machan's tinkering corrects some of Randian rights theory's minor flaws, it fails to address the major problems. Also it fails to provide good arguments, is abysmally written, deals superficially with complicated issues, and makes gross philosophical errors.

Now, what is common to these failings is the old objectivist/subjectivist split. Machan, an objectivist with a capital O, should be more attuned to the difficulties here. But in *IATR* the objectivist/subjectivist split in value theory is in evidence as a problem not dealt

with, not as a problem solved.

Rothbard's Wrongs

Machan takes Murray Rothbard to task for one of Rothbard's few deviations from the Randian theory on rights:

> Nor can one own oneself, as some libertarians (such as Murray N. Rothbard) maintain: A person is not two beings, one the self who owns, the other the self who is owned. I am myself and cannot at once also own myself. (139)

Like so many Objectivist and Objectivistic "arguments" this sounds superficially convincing. But before joining Machan in rejecting the notion of self-ownership * as absurd, let us consider the following argument:

> Nor can one control oneself, as some libertarians (such as Ethan Waters) maintain: A person is not two beings, one the self who controls, the other the self who is controlled. I am myself and cannot at once also control myself.

Whether self-ownership is a permanently valuable contribution to political thinking I do not know, but it certainly makes a lot more sense than does Machan's facile rejection of it. And one wonders: why does Machan reject self-ownership? Does grafting self-ownership onto Randian rights theory make rights theory any less intelligible? The only problem that I can fathom with self-ownership in the context of Rand-Rothbard rights theory is that it might lead to the notion of slavery: ownership implies the right to trade, and if one trades oneself, one becomes a slave, which is a bad thing. Machan eliminates this problem by defining property as *"anything tradable or exchangeable that may be of value to persons"* (140, his italics), thereby excluding one's person from one's property and end-running the problem of a human being's selling his person. Rothbard eliminates it by arguing that one's self is "inalienable" property, a unique sort of property that cannot be bought, sold or traded. These two solutions seem pretty similar to me: they define the problem out of existence.**

This is all the more curious in light of the aspect of *IATR* that has most annoyed other critics: Machan's argument that when a person commits a crime he *actually consents* to his own incarceration. Machan is in the curious position of arguing that a person can become a slave (i.e. alienate his right to liberty) by committing aggression but *not* by voluntary exchange. In a Machanesque society one can consent to his own servitude by violating the law, but cannot consent to his own servitude by agreeing to it himself!

Formal Illogic

Unfortunately, in addressing his audience of academic philosophers, Machan adopts a curious approach: first, he says what kind of argument he is going to make; then, he notes that numerous philosophers have disagreed with his type of argument; he then quotes several of his opponents' caveats and briefly argues against their notions; he then claims to have proven his point . . . usually without having developed his thought outside of these defensive maneuvers. Most of the book seems to be organized this way, and a more exasperating method could hardly be imagined.

Those who read *Individuals and Their Rights* might suspect that Machan had simply set for himself a task too difficult to handle in any of the ordinary forms. Machan himself recognizes this problem. In the Preface (there is an Introduction, too, covering much of the same territory, only in more space) he writes that he "had to decide between charging ahead, not heeding actual or possible criticisms except to present what one takes to be a good argument, and looking often at criticisms that can steer one toward treating important problems a theory must confront. It is simpler to read a work with the former style. But when one's views are out of the mainstream on a variety of philosophical fronts, such a technique is a luxury" (xvi).

Puzzling over the form of the book, I have come to the conclusion that he should have emulated another thinker "out of the mainstream," the Austrian economist Friedrich von Wieser. In Wieser's last treatise on economic theory, *Social Economics*, the expository sections are placed in normal type, and the argument proceeds almost without reference to other theories or writers; Wieser's many critical comments are then placed in smaller type after the relevant controversial sections of his exposition. This method made for a very readable treatise, despite the noble Austrian's almost Machanesque prose style. Machan, I think, could have used this form to great profit.

What Machan apparently does not realize is that his subject needs not a cursory treatment, but a robust one; *IATR* is too brief to demonstrate his thesis. Indeed, what is peculiar about *IATR* is how quickly Machan disposes of opposing views and how quickly he drops his own points.

What is most striking to me is how Machan does not realize how fundamentally anti*natural* his "naturalistic" thinking is. He has no interest in exploring the myriad ways people in different cultures "choose" their particular form of "human community life." What are the means of rationalizing divergent moral views? What kind of reasons do people come up with for acting and interacting in the ways they do? In what sense can their reasoning be said to be good or bad, and from what perspectives? Since any community that *survives* can be said to meet at least *some* requirements of "the necessary conditions for such association," what does this mean for the idealizing methods of a universalistic ethic (such as Machan's—or most libertarians)? Because these questions are not even considered, the reader will find no clue here, and will learn nothing really practical about morality.

"Rational persons," writes Machan, "treat doors as doors need to be treated and learn what doors are . . ." But Machan is so interested in coming up with an airtight description of how *people* "need to be treated" that he has shut his mind to the many ways in which people *are* people, thus leaving his ethical theory as isolated and closed-off as ever. ❑

* Self-ownership is a notion that has played an important part in liberal political thought at least since Locke. One suspects that Rothbard grafted the notion to Rand from Auberon Herbert, the 19th century British quasi-anarchist, who developed the concept of self-ownership most rigorously. During the 1950s, Rothbard wrote under the name "Aubrey Herbert."

** My own guess is that Machan's rejection of self-ownership has its origin in the old, rather personal squabble between Rothbard and the Randians.

IT IS A FRIGHTENING FACT . . .

. . . and hard to believe - but any day now you could be accused of violating one or more of the **millions** of laws which, like an ever-expanding spider web, entangles each of us. In such a case you may find yourself facing a jury who could ruin your life! Particularly if you are self-employed. It is more than scary when one realizes that most citizen-jurors are unaware of their rights, duty, purpose and **power**, and that such **uninformed** jurors have been used like mindless, programmed robots to imprison thousands of Americans for violating so-called 'victimless crime laws', which are concocted in a perpetual stream by our public servants.

Such gross injustice hangs like a cloudy pall of doom over each of us. Because we Americans **are no longer taught** the simple truth - that **the most important reason** we have trials by citizen juries is **TO GUARD EACH OTHER'S GOD GIVEN RIGHT TO INDIVIDUAL LIBERTY** . . . liberty that our country was founded to secure! And for this **vital purpose** each juror has the awesome power to nullify (veto) any law before the jury . . . which in his judgement violates individual rights of peaceful Americans or is unjust, unclear . . . or just plain bad.

TO 'NULLIFY' A LAW, it takes **only one juror** who votes 'not guilty', then adamantly **refuses** to change his vote - even though it might appear that the accused did indeed violate a law. This **'hangs'** the jury . . . freeing the accused. Some trial judges will deny that our citizen-jurors have the right to nullify law. But in 1789, John Jay, the first chief justice of our U.S. Supreme Court, stated:

"The jury has a right to judge both the law
as well as the facts in controversy."

More recently in 1972 the court stated in a case between the U.S. and Dougherty:

"The pages of history shine on instances of the
jury's exercise of its perogative to disregard
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Johnson, "On the Rights Track," *continued from page 57*

tions of the criminals' rights? If this is the case, then the protection of one person's rights entails the violation of another's, which implies that there is no moral difference between committing a crime and punishing a criminal. Given this sort of implication, is it any wonder that people wish to reject inalienable natural rights?

Machan's way out of this problem is to claim that criminals implicitly consent to their punishment. But what in the world does "implicit" consent mean? To consent to something is a cognitive act. "Implicit" consent seems to be a cognitive act that one hasn't actually acted out. This strikes me as extremely dubious.

Another attempt at solving this problem is to claim that criminals forfeit their rights. But again, the intrinsicist conception of rights runs into problems. If rights are intrinsic to human nature, then the forfeiture of rights is tantamount to the forfeiture of part of one's nature. But what does this mean? Granted, it is often said that criminals behave like animals. But they behave only *like* animals. They do not literally *become* animals.

I think that Rand's answer to the problem would be closer to forfeiture than to implicit consent. Since Rand does not hold that rights are intrinsic, she does not have the problem of claiming that a criminal forfeits his nature. Rand thinks that the choice to live is at the root of morality. If a man chooses to live a fully human life, then he must use reason to guide his actions and produce the goods that he needs for survival. Certain social conditions must also be maintained, and these are delimited by rights. But if a man does not choose to live a fully human existence, if he chooses to live by force or by fraud, the social conditions delimited by rights need not be secured for him. He has no rights because he has not chosen the kind of life that makes rights necessary or possible. His forfeiture of rights does not, however, involve the forfeiture of his nature. Instead, it follows from the fact that he had chosen not to fully realize his nature.

Particular criticisms aside, one must ask the cash value question: Does Machan present a persuasive case for libertarianism? Yes and no. If the measure of persuasiveness is the ability to win converts, then the answer is no. The hybrid nature of the book ultimately saps its argumentative punch. But if the measure is the ability to demonstrate that the neo-Aristotelian approach is a live option that must be reckoned with, then the answer is yes.

In order to answer the question of persuasiveness, one must determine *who* is the target of persuasion. Machan's arguments will be best received by libertarians, as well as by philosophers in the Catholic and continental traditions, all of whom are at home with broad, abstract, and systematic philosophy. The neo-Aristotelian program clearly meets these criteria. Unfortunately, Machan's presentation is too sketchy to be totally persuasive to such an audience. There are just too many loose ends and sudden jumps.

But Machan is clearly directing his arguments at mainstream analytic philosophers. And if this is Machan's audience, then his book's virtues will make it unpersuasive. In spite of stylistic choppiness, Machan's philosophical vision is very broad, abstract, systematic, and radical. Moreover, his parameters and assumptions are clearly realistic, his tone is serious and dignified, and he presents his arguments in natural language.

Nothing could be calculated to displease analytic philosophers more. In order to have better persuaded his chosen audience, Machan should have written a narrow, concrete-bound, piecemeal, and ultimately cautious work. And he would have had to adopt a frivolous, unserious tone; cook up wildly arbitrary thought experiments; and present it all with a rhetoric of unnecessary variables, unnecessary arguments, and unnecessary Rubik's cube complexity—without which analytic philosophers feel somehow cheated. And if Machan were to adopt this strategy of persuasion, then there would not be much left to persuade people of. Besides, someone has already written *Anarchy, State, and Utopia.*

Based on my experiences, most analytic philosophers labor under a self-induced pinheadedness, a self-stifled abstract capacity that makes them immune to the power of any systematic vision. Combine this with a pervasive inability to differentiate irony and snideness from refutation, and you have a singularly unpromising audience. Can Machan really expect to be understood and appreciated by such people as he quotes in the following? "What is it for a right to exist anyway? As Henry Aiken put the issue, this matter is confronted by most theorists

> . . . *simpliciter*, out of any context of inquiry or concern [and will] entangle you in a murky swamp of speculation about the nature of being *qua* being, or reality as reality. . . . such speculations . . . turn out invariably to be disguised queries about the meanings, or better, the uses and roles in our discourse of the words 'being,' 'existence,' and 'reality.'" [Machan, pp. 65–66]

Aristotle bequeathed us metaphysics, the science of "being *qua* being," an inquiry that deals with reality in the broadest, deepest terms. And Henry Aiken, typical of analytic philosophy, has turned from the "murky swamp" of thinking about reality toward the dazzling clarity of semantics. Can one reasonably expect that a theory of ethics and rights based on reality will not be equally trivialized?

Granted, analytic philosophy still dominates the philosophical mainstream; therefore, it cannot be ignored. But it is becoming increasingly clear that the analytic establishment is nearly brain-dead, kept alive only by inertia and the tenure system. A new, more speculative and systematic philosophical pluralism is emerging. Perhaps, then, it is time for libertarians to seek out other schools of thought—such as neo-Thomism, phenomenology and hermeneutics—for a more comprehending audience.

Although Machan ultimately raises more questions than he settles, *Individuals and Their Rights* is an important work. Machan makes it abundantly clear that metaphysical, epistemological, and moral issues are vitally connected to the defense of libertarianism. He has also issued a number of promissory notes for the full elaboration and defense of Rand's neo-Aristotelian agenda. One hopes that forthcoming works—such as Douglas Rasmussen and Douglas Den Uyl's *Towards Liberty: A Neo-Aristotelian Approach to Natural Rights*—will help to redeem those notes. ❑

Misinformation and Manipulation,
by Joe Peacott. B.A.D., 1990. 28 pp., $2.00 .

Me and AIDS

Richard Kostelanetz

Can I be the only woman-loving single male to be puzzled by AIDS journalism? On the one hand I read that AIDS is a threat to guys like me, who are single with a history of variety; on the other hand, I don't know of anyone like me who has contracted it. Hearing that AIDS is a threat to the general populace, I am reminded of the monologist Sam Kinison's challenge to his audience, "Straights die of AIDS, right? Name one." No one is ever mentioned, perhaps because there is none.

This last, unfashionable, thought occurred to me a few years ago when, in the course of a "complete physical examination," I asked my Greenwich Village-based physician for an AIDS test in addition to all the others. He refused to give it to me, on the ground that although he had lots of AIDS patients, "I've never seen anyone like you who had it." "Whaddya mean," I replied, adding, hysterically, "I'm promiscuous." He replied that he knew my body well enough to know that I was not gay and did not use intravenous drugs. A few months later, I had an AIDS test in the course of obtaining life insurance and, of course, scored negatively. Around the same time I met an administrator at the New York City Health Department who told me that the office adjacent to his had fulltime investigators checking out AIDS victims who were NIRs, as he called them—who, since they did not fall into any of the categories of those especially susceptible, had "No Identifiable Risks." In every case, he explains, someone who has initially appeared or claimed to be an NIR turned out not to be, and that in New York City, a reputed AIDS hotbed, there were no male NIRs—absolutely none.

It would seem that this is a truth that has been kept out of print. On one side, the conservative press would like to scare the straight population out of having any sex at all, especially with anyone other than a monogamous mate. On another side, a press respectful of gay aims would like the public to believe the disease affects more than homosexuals and IV-druggies, if only to justify appeals for government-funded research and care. The cynical assumption is that the general public and its politicians would be less inclined to do this if the disease did not threaten straight males. On yet another side is an anti-male "feminist" press that, for one or another reason, would simply like to discourage sex with men.

I personally felt that sanity had disappeared from the world when the editor of a midwestern university quarterly returned to me a wholly risk-free erotic fiction he had previously accepted (and which has since appeared elsewhere). "We are in the age of AIDS, not the age of 'Paradise Now,'" he wrote me. "And I have two children nineteen and twenty-two, for whom I worry. I'm not going to pretend the age of license runs on and on. I can't believe it does." Believe me, nothing portrayed in that blithely wholesome story would get anyone AIDS. (A buddy of mine suggests that anyone who retires from heterosex for fear of AIDS is, as he puts it, "an idiot who believes everything he or she reads in newspapers.")

Even though New Yorkers hear about AIDS every day, it is remarkable how few of us personally know anyone with AIDS. My accountant, a Chinese-American who manages a float for an international bank, told me recently that he knows of no one, while another friend, a pharmacology professor at a city medical school, told me recently of a colleague he identified as the first he knew to die of AIDS. The assumption that AIDS was confined to a sleazier element of the gay population than most of us would know—unstable, self-destructive people whose notions of pleasure were beyond my imagination, many of whom were also involved in IV drugs—seems reasonable. (As I observed two decades ago, drug-use appeared to separate the social life of my New York City contemporaries more definitely than class, race, religion, politics or anything else. Just as no one I knew well was heavily involved with heroin or even cocaine, so none would have AIDS.)

Since for me, as for others, even in New York City, AIDS existed largely in the media, I began to assume a few years ago that, even though several colleagues are gay, no one I knew would die of it.

Then in 1988, a young lover of a fellow artist succumbed suddenly; he had told only his closest friends and, indeed, looked reasonably well only a few months before. I also received a call from a college friend, an unmarried small-city stockbroker who never told me he was gay, though the possibility occurred to me. Calling me from a hospital from which, he said, he would not emerge, he related a history of illnesses, beginning with recurring pneumonia, that I had been aware of individually, without putting the details together. It was an embarrassing conversation. He was forced to tell me what I should have figured out myself—that he had AIDS and would soon die. When I mentioned my ignorance of AIDS, in part to excuse my own insensitivity, he replied that most homosexuals my age, in their late forties, were no longer promiscuous. What I learned is that my friend contracted it, so he thought, from his housemate for the 1980s, an attractive young man who presumably got it from a "rougher crowd" in Washington DC, at the beginning of the decade.

So distressed have I become by the literature on AIDS that I no longer read it. The only sensible articles I've seen

were in, of all places, *Spin*, a *Rolling Stone*-competitor founded by Bob Guccione, Jr. The writers there showed why AIDS had not devastated healthy male heterosexuals. Quite simply, if the disease is communicated from blood to blood or sperm to blood, a male could contract AIDS through a contaminated needle or through anal intercourse (which appears to be how most non-IV-using gays get it) or through the kind of penile lesions that, apart from risk, would make sex painful. For a woman to get it from an AIDS-infected male, she would need to have vaginal lesions; for a male to get it from an AIDS-infected woman, he would need to have lesions as well for any exchange of blood to take place. All this is to say that even without condoms it would be very difficult for a healthy heterosexual male to contract AIDS and, it follows, even less possible for him to give it to a woman.

In short, the journalistic myth that in sleeping with new people "you're sleeping with all the others they have slept with in the past decade [or whatever]" is truer in the spiritual sense than the physical. A second factor in contracting AIDS, especially among gays, appears to be bad health, especially bad health caused by excessive promiscuity ("I stopped counting at three thousand," a friend told me), the excessive use of poppers or other speeds, or "excess, in general," as I heard a gay spokesman say. Immune deficiency exploits general bodily weakness.

The conservative press would like to scare the straight population out of having any sex at all, especially with anyone other than a monogamous mate. The anti-male "feminist" press, on the other hand, would simply like to discourage sex with men.

These observations reminded me of a wisdom learned early in my adult sex life: there are certain people, who, no matter how available and attractive they appear to be, are best avoided, if not for one self-protective reason then another.

Since reading Paul Goodman three decades ago, I have been an anarchist. I've always treasured the anarchist ability to reverse the issues radically. Instead of thinking in terms of "full employment," why not consider total unemployment, or a society where nobody needed to work? Instead of advocating "compulsory education," why not consider how much better public schools might be if the kids who didn't want to be there were set free, and how much better off society would be if they could be given jobs, even at substandard wages? And so forth. So I eagerly turned to a reprint from *Anarchy* magazine, *Misinformation and Manipulation: An Anarchist Critique of the Politics of AIDS*. Its author, Joe Peacott (previously unknown to me), opens sensibly by noticing that "while a serious problem, AIDS is not the plague that the mainstream press, government and AIDS organizations say it is":

> In the U.S., breast cancer kills 42,000 a year; 94,000 die in accidents, 46,000 in car accidents; 466,000 die of cancer; and almost 1,000,000 die of heart disease. AIDS has killed 49,976 (as of 2/28/89) since the outbreak began; 11,000 died of AIDS in 1987. The point is not that AIDS is not a problem, but simply that it is one of the many diseases and dangers people are at risk of, and significantly less dangerous for most people than many other things. Many more gay men will die of AIDS, but I have yet to see an article in the gay press advising homosexual men to avoid high-risk eating activities, such as eating meat and dairy products, while we are constantly told to avoid any remotely risky sex.

The second truth of Peacott's article is how few straight men have AIDS, in spite of the repeated statistic of 4% of non-drug using AIDS victims. "A study in Denver of approximately 1,000 persons seen in a VD clinic [already a self-selected minority] showed *zero* [his emphasis] cases of HIV infection in low-risk individuals, i.e., non-IV drug using heterosexuals who did not have sex with IV drug users. A similar study in Seattle of 343 people showed no infections in persons who were not homosexual men." None.

Peacott then cites an article in the *Journal of the American Medical Association* that estimated that "the risk of acquiring HIV infection during a rubber-free penis-vagina sex with a low-risk person is approximately 1 in 5 million for one encounter, and 1 in 16,000 for 500 encounters. The researchers stated that 'the risk of AIDS from a low-risk encounter is about the same as the risk of being killed in a traffic accident while driving ten miles on the way to that encounter.'" Peacott concludes: "unprotected sex with a low-risk person is safer than sex with a condom with someone in a high-risk group. But most AIDS 'experts' and activists seem unwilling to discuss this view, and prefer to spread the myth that 'we're all at risk.'"

A buddy of mine suggests that anyone retired from heterosex for fear of AIDS is "an idiot who believes everything he or she reads in newspapers."

Very much an anarchist, Peacott concludes:

> While driving without a seatbelt is arguably more risky than wearing one, I find driving more comfortable without one. The risk of injury while driving, whether strapped in or not, is small, and I'm willing to accept the possibility of increased, but still small, risk of driving without a seatbelt in order to make driving more enjoyable. . . . Providing people with honest information about relative risks associated with different sexual activities, instead of unsubstantiated anti-sex warnings, would enable individuals to make informed decisions about their behavior and what level of risk is acceptable to them. A risk-free life would also be a pleasure-free life, and the total elimination of risk from their sex lives, even at the cost of eliminating sexual pleasure, as the AIDS educators recommend, is an attempt to narrow people's options and manipulate their behavior under the pretext of concern for their health.

What annoys Peacott most is the liberal myth responsible for so many of the lies about AIDS. This myth holds that only by getting the general public alarmed, hysterically alarmed, can we expect to get the government involved. This is the same logic that informed the "war on poverty" and now informs the publicity about homelessness. Peacott's theme is that government intervention "causes more problems than it 'solves.'"

First, the FDA restricts the release of drugs that have benefitted AIDS victims, such as ganciclovir or aerosolized pentamidine. I remember my late friend desperately enlisting his father, a lawyer, to get a drug available only in Japan because my friend thought it might benefit him more than AZT (whose dubious origins have been acknowledged by other gay anarchists, such as Ian Young, in *AIDS & the Fate of Gay Liberation* [1985]). As the medically diagnosed victim of terminal illness, he had the right, in my opinion as well as his, to test whatever he wanted on himself. On human grounds, he had an implicit license to test whatever he wanted on himself.

More dangerously, the FDA has set up such a complicated obstacle course for the approval for any new drug that a research company finds development worth doing only in exchange for a monopoly of its sale. Thus, if the drug is successful, it exacts a price well in excess of costs.

> Deregulation of drug research and manufacture would also result in the production of many new drugs to fight AIDS. Abolishing the system of drug patents would bring down drug prices dramatically and allow new manufacturers to more easily enter the market. These two developments would result in more varied and cheaper drugs to use against AIDS (and other diseases as well).

All this is obvious to me, and would have seemed obvious to my late friend (who voted for Reagan), even though the less-government option never occurs to such prominent gay writers as, say, the best-selling Randy Shilts.

However, as a true libertarian, Peacott takes a more radical step by advocating the elimination of the prescription system that, as he puts it, "prohibits people [even terminally ill people] from making their own choices about what drugs they wish to take, and forces them to go along with the dictates of government-certified physicians if they wish to get any drugs at all." Paul Goodman would have noticed such unnecessary obstacles; after all, he objected to marriage licenses on the ground that "the government has no right to license sexual relations."

The rationale for Peacott's proposal is that ill people would consult one another, or "consumers' guides," much as they do now in the purchase of, say, a new car or a new television set. Therefore, the advice of a physician (who doesn't sell drugs) or your local pharmacist would be only one of several sources of information. It seems to me that the current AIDS crisis, if approached with libertarian wisdom, should provide the leverage for thinking intelligently about risk in loving relationships, and then for getting the government out of the disease-business altogether. ❑

In Defense of Ayn Rand,
by Virginia L. L. Hamel. New Beacon Publications, 1990. 84 pp., $14.00.

Holier than Rand

James S. Robbins

The most recent contribution to the battle over Rand's reputation is unusually frank in its advertising: what other self-published work is described in its ads as a "booklet"? It is reasonably well-produced, though inflicted with typographical errors and dense typesetting.

In Defense of Ayn Rand is a compilation of three essays by Virginia L.L. Hamel, each responding to a recent work on Ayn Rand: Barbara Branden's *The Passion of Ayn Rand*, Murray Rothbard's "The Sociology of the Ayn Rand Cult," and Nathaniel Branden's *Judgment Day*. These are extremely detailed essays which appeal especially to those to whom minutiae are important.

Although Hamel defends Rand, her work is neither endorsed nor promoted by the official post-Rand Objectivist inner-circle, whom Hamel describes as "human scavengers [who] have descended to feed on her commercial name. . . ." (v)

According to Hamel, Barbara Branden used "dishonest methods to arrive at invalid, negative conclusions" about Rand (8-9). Among her blunders are *ad hominem* attacks, false assumptions, psychologizing, and mistaking perception as fact. In the course of this 12-page essay, Hamel gives an extremely detailed defense of the Rand/Branden romance, portraying Nate as a self-serving seducer and Rand as the idealistic romantic. She admits that there are some things that cannot be answered, and looks to the publication of Rand's journals for the final word on some questions. Hamel seems overly optimistic here: considering the fact that those who own Rand's journals also have vested interests in what they might reveal, any published version would not be credible.

In the course of her critique of *Passion*, Hamel offers a stunning defense of Rand's practice of excommunicating longtime friends and associates from her life, a fate that befell virtually *all* her colleagues:

> Just as one constantly cleans one's house of dirt, worthless and harmful objects, so too one should clean one's life of dirty, unreliable, unethical people. This is not a sign of neurosis but objectivity and reason applied to human relationships.

The second essay, also 12 pages, is a bit weaker than the first. In response to Rothbard's charge that the Rand movement was a cult, Hamel argues that this could not be so because Rand herself opposed cultism, and Randism, as the embodiment of reason, could not give rise to a cult of anti-reason. But Hamel admits that some Randists were of the cult type, and one suspects that reason as an ideal may be worshipped in an irrational way. Surprisingly, Hamel did not argue that the cultist aspects were the result of the scheming of those beneath Rand (i.e., the Brandens), although she brings this possibility up in the third essay. She may have been motivated by a desire not to affirm anything written by Rothbard, whom she describes as "the living example of Ellsworth Toohey" (29). She calls for a boycott of *Liberty*, by the way, on grounds of Rothbard's affiliation with it: "Since dueling has been outlawed, perhaps letters to the publisher of *Liberty*, followed by cancellation of subscriptions would stop this public defamation of a great woman. If not, perhaps a John Wayne Galt is needed." (Bill Bradford, publisher of *The Sociology of the Ayn Rand Cult* and *Liberty*, is quite willing to duel, he told me; his choice of weapons is invective at 20 paces.)

Hamel's booklet provides a grim testimony on intellectual life. I felt like a Reformation-era Lutheran reading the commentaries of the Catholic Church. Like a Lutheran, I can consult the holy scriptures without having to deal with acolytes and other self-appointed intermediaries to explain their meaning.

The third essay, the longest (36 pages) and most interesting of the three, is a criticism of *Judgment Day*, Nathaniel Branden's version of Life with Ayn. Like the first two essays, it meets every charge with a response. But this time, Hamel includes information from previously unpublished sources.

Hamel managed to get a copy of the coroner's report on the death of Nathan's second wife, Patrecia, which contradicts in a couple insignificant details part of his story of her death. For example, in *Judgment Day*, Branden says Patrecia was taking the prescription drug Dilantin to control her epilepsy; according to the coroner's report she was taking Phenobarbitol. If you enjoy clinical descriptions of corpses of drowning victims, you'll love this part.

Hamel also obtained material from court records on the Branden divorce and subsequent monetary wranglings. The details of the Brandens' wrangling has precious little to do with Ayn Rand, the ostensible subject of the booklet, and isn't really very interesting. And it's apparently not very accurate either. She claims that the litigation between the Brandens revealed that they had earlier agreed with Rand that in exchange for their copyrights to articles from *The Objectivist*, both promised never to make derogatory references to Rand. Alas, Hamel has misconstrued the court records beyond recognition: according to Barbara Branden, Rand

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Personals

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proposed such a settlement, but it was refused out of hand by the Brandens, and Nathaniel ultimately used his own writing from *The Objectivist* without Rand's permission.

Hamel is on firmer ground when she question's Nate's version of an encounter between his third wife, Devers, and Rand herself. According to Nate, Rand was polite and even complimentary to Devers, who tracked Ayn down at her apartment—something about as believable as John Galt volunteering at a homeless shelter. Other sources state that Ayn found Devers a pest. Hamel also claims that Devers rearranges the furniture in her home in an attempt to communicate with aliens. (I am not making this up!)

What *In Defense of Ayn Rand* added up to for me was a grim testimony on intellectual life. I felt like a Reformation-era Lutheran reading the commentaries of the Catholic Church. Like a Lutheran, I can consult the holy scriptures without having to deal with acolytes and other self-appointed intermediaries to explain their meaning. But if you want to get a picture of just how silly some of these cultists can be, pick up a copy of this book and enjoy. ❑

The Mencken controversy has blown over, but not before the lowest blow of all . . .

Mencken Agonistes, Part 2

R. W. Bradford

The publisher of *The Diary of H. L. Mencken* shamefully decided to publicize the book by spreading the canard that the *Diary* proved Mencken to be anti-Semitic and anti-black. A fair number of newspaper writers took the bait, and within weeks a campaign to destroy Mencken's reputation was on. As article after article appeared in the New York *Times* and the Washington *Post*, it began to look as if Mencken's reputation might be permanently sullied.

Libertarians with a taste for Mencken's delightful writing and curmudgeonish old-fashioned liberal values came to his defense. Murray Rothbard defended Mencken in the pages of *Chronicles* and I used the controversy as an excuse to write about Mencken in *Liberty*. Murray and I took on fairly easy tasks: few of the conservative readers of *Chronicles* or the libertarian readers of *Liberty* fell for the smear.

Sheldon Richman took on a tougher challenge: defending Mencken with incisive letters-to-the-editors of newspapers who had published attacks. One of his letters came to the attention of the editor of *The American Scholar*, and Sheldon was invited to defend Mencken in its pages, where Sheldon did a brilliant job of refuting the slander.

William Manchester wrote a lengthy letter to the New York *Times* of Feb 4 that virtually demolished the case against Mencken. It wasn't even a fair fight: unlike Mencken's attackers, Manchester had known Mencken both as a person and as a scholar. He concluded his letter: "Mencken has been silent for 34 years now. His work stands, and it towers. He was a master polemicist; he always gave better than he got, and he really needs no defense. But as one who cherishes accuracy in literary history, I am appalled by the distortions of his considerable role in it. And I am deeply offended by the smearing of my old friend by ignorant liberal bigots."

The war of words over H.L. Mencken's alleged bigotry is over, and the good guys won. As evidence, I note that John Kenneth Galbraith and Arthur Schlesinger, Jr. have risen to defend Mencken. The leftist attack on Mencken could not even convince leftists as credulous as Galbraith and Schelsinger!

In the entire recent campaign of vilification, the most peculiar attack came from Garry Wills in *The New Republic*. Like many critics who don't care for Mencken's politics, Wills trumps up a charge of bigotry from the very thin evidence in Mencken's diary.

What distinguishes Wills's attack, however, is its nasty personal flavor. Not content to portray Mencken as a bigot and to denounce his political views, Wills insists that he was cold, unloving, and anti-sexual.

To support the view that Mencken was sexually puritanical, Wills cites a passage from the *Diary* about Mencken's "repugnant memory of the bold teenager that 'seduced' him: 'I was seduced at fourteen by a girl of my own age, and she had thrown off the pall of virginity before I tackled her.'"

Having read the *Diary*, I didn't share Wills's impression of Mencken as puritanically anti-sexual, so I hunted up the passage Wills cited. Here it is in its entirety:

> "I was seduced at fourteen by a girl of my own age, and she had thrown off the pall of virginity before I tackled her. The girl renounced fornication soon afterward, settled down to rectitude, married well, and at last accounts was a much respected grandmother. Such experiences at an early age probably do not harm: Havelock Ellis once argued that they were most likely beneficial."

Is this a "repugnant memory"? Or was it cynically yanked from context to support an absurd misinterpretation?

Wills explains how Mencken's marriage was a cold and distant relationship of unequals. For one thing, he notes, "She [Mencken's wife] ended her letters, as his mother might have, 'I worship you.'"

I recently had read the letters between Mencken and Sara Haardt and I didn't remember any of hers closing with "I worship you." Opening the book at random, I read through the first half dozen of her letters I encountered. Here are the closings:

> "All my love"
>
> "You've been so precious, and I love you . . . love you . . . beyond everything."
>
> "I miss you so."
>
> "Darling, I love you . . . love you . . ."
>
> "Darling, I love you so."
>
> "I am so happy I am dizzy. You're the most perfect person in the world. I adore you."

These didn't seem to support Wills's view, so I turned to the beginning of the

book and began reading the closing of every letter from Sara. I eventually found the letter that closed with "I worship you." It really didn't stand out in the context of 86 other letters, most of which closed quite affectionately, even passionately. Hardly the way one's mother would close a letter.

At the same time, I scanned the closings of Mencken's letters to Sara. Here are a few samples:

"I am now a week nearer to seeing you! And thinking of you all the time. I love you."

"I miss you dreadfully, and love you completely."

"My dear, I love you beyond everything. I am horribly homesick for you."

"I'll love you forever."

"I love you."

"You will receive such a hug when I reach Baltimore that you'll yell for the police. What a long siege it has been! And I love you more and more."

Are these the words of the cold and unloving husband as Wills portrays Mencken? I dare say that Mencken's closings are neither more worshipful nor less worshipful than his wife's. Nor do I find a hint of the status relationship that Wills espies.

It's hard to believe that much harm will come of Wills's literary McCarthyism. critical readers of Wills's review will observe its hysterical tone and do something radical: actually read Mencken's Diary.

The meat of Wills's character assassination follows, and uses the same technique: he snatches a brief passage from context, embroiders it with unsupported assertions and characterizations, and sneers at the ridiculous caricature that he has thus created.

Even so it's hard to believe that much harm will come of Wills's exercise in literary McCarthyism. Certainly a few momes who get their opinions exclusively from *The New Republic* will hate Mencken even more than they did before, if they had ever heard of him. But more critical readers of Wills's review will observe its hysterical tone and do something radical: actually read Mencken's *Diary*. And those who do will learn a lot about Mencken and his times, and about Garry Wills's small-mindedness. ❑

Letters, *continued from 4*

Seduced by "Ought"

In his zeal to defend moralistic libertarianism, Sheldon Richman begs the very question he advances in his critique of Bart Kosko ("Bart Kosko and the close of his system," July 1990). Richman tries to demonstrate the cognitive value of at least certain ethical statements by pointing out that "One ought to accept as true a conclusion reasoned properly from true premises."

Richman is right when he says that this sentence is almost certainly both meaningful and true. But is it not an ethical statement, despite the seductive presence of the verb "ought" within it. More precisely, it is true only insofar that the sentence can be interpreted in non-ethical terms (for example, as a statement about probable outcomes of action based on experience) that it offers meaning and truth.

Richman has obfuscated two distinct senses of the word "ought," or fervently hopes that we will do so. If we read his sentence as an ethical statement, then it actually says "It is morally preferable (more virtuous) to accept as true a conclusion reasoned properly from true premises." I question how true or meaningful this construction is: After all, does this statement not assume a link between congruence with perceived reality and moral worth that has not yet been proven?

It is only when we construe the sentence in a non-ethical way—that is, construing "ought" as a word that pertains to our likelihood of achieving desired outcomes—that cognitive value can be seen. "It is operationally preferable (more prudent) to accept as true a conclusion reasoned properly from true premises" makes sense.

The strongest proofs of libertarian ideas lie in the real world of human performance. Facts speak louder than ideals. We weaken our cause when we insist on appealing to moral arguments; while one may walk away from Rand's arguments for the sanctity of the individual because one disagrees with her moral arguments, it is tougher to dismiss Mises, Hayek or Friedman when they argue from facts.

Kosko raised an important point. Libertarianism is hardier when it stands on its pragmatic merits rather than its moral ones.

Tom Flynn
Buffalo, N.Y.

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Ends and Means of Freedom

Mark Schaffer (Letters, July 1990) demonstrates that libertarianism and ethics can be mutually exclusive. "So what if a judicial decision can be construed as activist," he asks, "if it is in a libertarian direction?" Since this translates to the end justifying the means, why not just stuff the ballot boxes to elect libertarian candidates?

Not every law we oppose is forbidden by the Constitution, regardless of our wishes. Too many people, including Supreme Court justices, fail to separate their policy preferences from their reading of the Constitution. They begin with a particular policy preference and then chisel a constitutional interpretation to justify overturning any law that runs counter to that preference. Perhaps the best example is *Roe* v. *Wade*. Pro-choicers defend Roe as a bulwark against legislated restrictions on an inherently personal decision; pro-lifers attack it as sanctioning murder. Neither side much cares whether or not the decision is constitutionally sound.

Certainly, it is important to reduce the power of the state but at what price? The notion of abandoning democratic principles to achieve a libertarian utopia sounds to me like the basis of a movie script depicting an Orwellian nightmare.

Phillip Goldstein
Brooklyn, N.Y.

Notes on Contributors

Chester Alan Arthur is political correspondent for *Liberty*.

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

Jim Bristol is a longtime peace and anti-draft activist living in Philadelphia.

Stephen Cox is Associate Professor of Literature, University of California, San Diego.

Brian Doherty is a journalist and musician.

Richard Fulmer is a senior systems specialist working in Houston, Texas, where he charts the climate of political opinion.

Karl Hess has been a member of the Socialist Party, the Republican Party, the Libertarian Party, and numerous quasi-political and non-political organizations, including the Black Panthers.

Robert Higgs is Thomas F. Gleed Professor of Business Administration in the Albers School of Business, Seattle University, and the author of *Crisis and Leviathan*.

John Hospers is editor of *The Monist*, a journal of philosophy, and the author of numerous books, including the third edition of *An Introduction to Philosophical Analysis*.

Greg Johnson is a graduate student in the School of Philosophy at the Catholic University of America.

Richard Kostelanetz was born the day Emma Goldman died, May 14, 1940, which he says "may or may not be important."

Michael I. Krauss is Professor of Law, George Mason University, Arlington, Virginia. Before moving to the U.S., he was a Professor of Law at the Université de Sherbrooke in Quebec, and was a member of the Québec Human Rights Commission.

Loren E. Lomasky is Professor of Philosophy at Bowling Green University, and author of *Persons, Rights, and the Moral Community*.

Rex F. May is the *real name* of *"Baloo,"* the *nom de plume* trademarking his cartoons that appear in *Liberty*, *The Wall Street Journal* and other publications.

William P. Moulton collects antiquities, fossils and right-wing political ephemera.

Bob Ortin lives in southern Oregon, far away from "insiders" of the state.

Ron Paul, M.D. is a practicing physician who lives in Texas. After spending three terms as a member of the House of Representatives, he was the Libertarian Party candidate for president in 1988.

James S. Robbins is a doctoral candidate at the Fletcher School of Law and Diplomacy, Tufts University.

Harvey H. Segal's latest book, *Corporate Makeover: The Reshaping of the American Economy*, was published by Viking Penguin in September 1990. He is now writing a book on devolution.

Jane S. Shaw is Senior Associate of the Political Economy Research Center in Bozeman, Montana.

David Starkey has written poetry for *Hawaii Review*, *Kansas Quarterly*, *South Carolina Review* and other journals. He lives in Baton Rouge with his wife and two daughters.

Ethan O. Waters lives and reads between the lines far away from the Madding Crowd.

Coming in *Liberty*

- **In Search of the Historic Gorby** — Is Mikhail Gorbachev an *apparatchik* or an idealist? Is he a heroic figure trying to bring democracy and free institutions to the Soviet Union? Or is he trying enhance his own power and save the Soviet State? James Robbins investigates Gorbachev's long career in search of answers.
- **You Too Can Be a Junior G-Man** — David Hudson explains how the government has bent over backward to help bank tellers, businessmen, and ordinary citizens fulfil the dream of becoming operatives of U.S. law enforcement . . . even if they don't have that particular dream.

Plus: Richard Kostelanetz on Glenn Gould, drug addict; Karl Hess on the true hope of civilization, teachers; Alex Tabarrok on the master expositor of free markets and weird metaphysics, George Gilder; Chris Sciabarra on the critics of Rothbard, some of them quite astute.

Terra Incognita

Birmingham, Mich.

Progress at last in the battle against unauthorized Arbor Day activities, as reported in the Detroit *News*:

Police have accused a resident of this wealthy white suburb of Detroit of planting a red oak tree in his yard. The "city tree and shrub regulations" require that only locust trees be planted on his block.

Berlin

The trauma that consumers face in an unregulated economy, as reported in *The Wall St Journal*:

"I've always known that salt packages are white and sugar packages are blue," said Baerbel Bohley, a member of East Berlin's city council. "Now, we have to read the labels of many different packages we don't recognize. This feeds a more general uncertainty."

San Diego

Evidence of the burden that the public imposes on television stars, as reported in the Los Angeles *Times*:

Dr. Michael Resnick, who appears regularly on the ABC television show "Home" and is the star of "Staying Healthy," a syndicated television news feature, failed to respond to a subpoena in a rape case. (He had examined the victim—an 18-year-old retarded woman—shortly after the trauma.)

When defense attorney Robert Boyce contacted him, he angrily refused to testify. "He told me that he would make sure my client was convicted," Boyce said, and threatened, "'I'm going to rip your face off.'"

When contacted by Deputy District Attorney Laura Rogers, he said that the victim "was *so stupid* she wouldn't be able to communicate," and refused to testify because he was "too busy with his television career in San Diego, Los Angeles and New York."

St Paul, Minn.

New tactic in the War on Drugs, as reported by *Associated Press*:

The local telephone company, U S West, announced that in an effort to thwart drug purchasers who use push-button telephones to place orders for drugs, it is replacing push-button pay telephones with dial telephones at various locations in the Twin Cities.

Manton, Mich.

Commentary on small-town life, as reported in the Detroit *News*:

Sheriff's officers arrested David Goward, 22, and Scot Reid, 19, on charges of arson, after the two men allegedly set fire to a vacation cabin in the woods northeast of town. According to the investigator the two men started the fire "for the excitement." Both men are members of the Manton Fire Department.

White Plains, N.Y.

The spread of humane values in the suburbs of New York City, as reported in *The Enterprise* (Westchester County):

County legislator Paul Feiner denounced "the erosion of acceptance and tolerance for our fellow man," which contrasts sharply with "the concept of diversity on which America was built." Feiner also proposed that cigarette machines be banned in Westchester County so that "people would have to buy cigarettes over the counter."

South Butler, N. Y.

Advance in forensic logic, as reported by the Detroit *News*:

Dr. C. Dupha Reeves, Wayne County coroner, explained why he identified the remains of a rabbit as those of a human baby. "It was the body of something. Because I was told a mother and child died in the fire, I assumed it was the body of the child."

Washington, D.C.

Advance in political logic, as reported in the Washington *Post*:

"If it doesn't get any worse, I don't see any real justification for throwing out the baby with the bath water," said Rep. Stan Parris (R-Va), commenting on the issue of home rule for the District of Columbia.

New York

Challenging new college text, published by Continuum Publishing:

The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory, by Carol J. Adams.

Lansing, Mich.

The wheels of government grind slowly, but they grind exceedingly fine, as reported in the Detroit *News*:

The State of Michigan is considering abolishing two regulatory boards: the Board of Massage and the Board of Horology. The Board of Massage was established in 1974 to "police and license the scientific art of body massage," but has not met since 1979. The Board of Horology was established in the mid-1960s to protect the public from "incompetent watchmakers," and has not met since 1980.

Rangoon

Observations on human liberty from Burma's head of state, the Hon. Gen. Saw Maung, as reported in *The Wall St Journal*:

In explaining why opposition political parties cannot be allowed to express their views via radio or television, the Burmese leader said, "We cannot allow a party to do something freely if it affects the freedom of the public."

Saginaw, Mich.

Ethics, aesthetics and jurisprudence converge, as revealed by the Grand Rapids *Press*:

For the past 12 years, as long as he has lived at his Saginaw home, Gene L. Graham has parked his cars on his front lawn. But on Nov. 10 he got a ticket for parking on the grass.

The law is intended to keep Saginaw clean, said Rod Dixon, Saginaw zoning coordinator. "If you allow parking on the front lawn, you have cars right up by the house," Dixon said. "That doesn't look right."

San Francisco, Calif.

Interesting aesthetic development, as reported by the Detroit *News*:

Visitors to the Phoenix Inn in San Francisco who think the 45-foot egg-shaped pool of water in the motel courtyard is a swimming pool had better think again. It's art.

It was a pool before the owner of the newly refurbished hotel commissioned New York artist Francis Forlenza to paint a mural on the pool bottom. Then the owner learned that a California law requires all pool bottoms to be painted white for safety reasons.

Pending a requested exemption from the state law, a sign posted before the pool says: "This Is Not a Swimming Pool. This Is Art."

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita.*)

WHY SHOULD YOU BE READING FREEDOM DAILY?*

OCTOBER 1990 FREEDOM DAILY
"Racism, Control, and Rock and Roll"
by Jacob G. Hornberger

"Racism and the Market Process" by Richard M. Ebeling

"Discrimination" by F.A. Harper

NOVEMBER 1990 FREEDOM DAILY
"The Vietnam War" by Jacob G. Hornberger

"Foreign Policy and Foreign Wars"
by Richard M. Ebeling

"Conscription" by Daniel Webster

"CIVIL RIGHTS LAWS ARE AMONG THE MOST REPUGNANT FORMS OF POLITICAL CONTROL IN AMERICAN SOCIETY. Not only are they a severe violation of the principles of freedom, they also have totally failed to achieve their purported end—the elimination of racism in America. . . . Are there any examples of where the market, rather than the government, has broken down racial barriers? Yes . . . in one of the most controversial activities in 20th century America: rock and roll. . . ."

Jacob G. Hornberger, Founder and President, Future of Freedom Foundation,
OCTOBER 1990 *FREEDOM DAILY*

"JESSE JACKSON CONSTANTLY REFERS TO THE 'ECONOMIC VIOLENCE' OF A MARKET ECONOMY. What is the nature of the 'economic violence'? The market, it seems, manifests its 'violence' by not providing everyone with a guaranteed job where and when they want it, at the wage they would prefer to have. And the market does not provide free of charge either food, lodging, health care or retirement insurance. 'Economic peace' can only be assured, it seems, through the welfare state, government management of trade and industry, and government-guaranteed work and wages. Benevolent slavery all over again. . . ."

Richard M. Ebeling, Ludwig von Mises Professor of Economics, Hillsdale College,
and Academic Vice-President, Future of Freedom Foundation
OCTOBER 1990 *FREEDOM DAILY*

"WHEN DISCRIMINATION IS NOT ALLOWED ACCORDING TO ONE'S WISDOM AND CONSCIENCE, BOTH DISCRIMINATION AND CONSCIENCE WILL ATROPHY in the same manner as an unused muscle. Since man was given these faculties, it necessarily follows that he should use them and be personally responsible for the consequences of his choices. . . .Man must be left free to discriminate and to exercise his freedom of choice. This freedom is a virtue and not a vice. . . ."

F.A. Harper (1905-1973), Founder of The Institute for Humane Studies,
George Mason University, Fairfax, Virginia
OCTOBER 1990 *FREEDOM DAILY*

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Un-common policy sense.

Privatization and Educational Choice by Myron Lieberman. The author argues that conventional approaches to educational reform will fail because of the bureaucratic structure of the public schools and the interest groups that block reform. Only by fostering private and even profit-making schools that compete with public schools, he contends, will we achieve lasting improvements in American education. 1989/386 pp./$35.00 cloth/ $12.95 paper

NATO at 40 edited by Ted Galen Carpenter. In this volume 17 distinguished policymakers, scholars, and policy analysts assess the value of the NATO alliance after 40 years. They question continuation of the U.S. financial drain in the face of federal budget deficits and changing circumstances in Europe. 1990/274 pp./$39.95 cloth/ $14.95 paper

The Economic Consequences of Immigration by Julian L. Simon. Drawing on a wide range of data covering long stretches of history, the author presents startling findings that squarely contradict much of the conventional wisdom concerning immigration. He concludes that it is, on the whole, beneficial to U.S. natives. 1989/432 pp./ $24.95 cloth

The Crisis in Drug Prohibition edited by David Boaz. The contributors to this book argue that, as did the prohibition of alcohol in the 1920s, drug prohibition—not drug use—is causing today's alarming crime rates, as well as corruption, the spread of AIDS, and abuses of civil liberties. The contributors, including Baltimore mayor Kurt Schmoke, Princeton professor Ethan Nadelmann, and attorney James Ostrowski, agree that some form of decriminalization is in order. 1990/134 pp./$8.00 paper

The Excluded Americans by William Tucker. Tucker examines the problem of homelessness as a true investigative reporter should—both by camping out with the homeless in Grand Central Station and by analyzing the data of the social scientists. He concludes that homelessness is largely the result of rent control and zoning policies. A Regnery Gateway book. 1990/256 pp./$17.95 cloth

The Politics of Plunder by Doug Bandow. In this collection of columns on policy issues ranging from agricultural subsidies to gay rights, Bandow shows how politicians and bureaucrats have failed to respect the Founding Fathers' intent to create a government of limited powers. 1990/507 pp./$34.95 cloth

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Liberty

November 1990 Vol 4, No 2 $4.00

Investment Advisors Confess: "What's Wrong With Investment Advice"

Why We Should Leave the Middle East

by Sheldon Richman

You, Too, Can Be Drafted into the War on Drugs

by David Hudson

Searching for the Home of Truth

by R. W. Bradford

Sex, Drugs and the Goldberg Variations

by Richard Kostelanetz

Also: *Leslie Fleming* from the family farm; *Stephen Cox* on Armageddon; *Ronald Lipp* from Eastern Europe; *David Friedman* on why we do right; and other articles and reviews.

"The history of Liberty is the history of limitations of government power." —Woodrow Wilson

Letters

Job's Jobs

It seems to me, a Christian, that libertarians and classical liberals could take a different view of Job than the angry cynicism of David Starkey's poem ("The Submission of Job," September 1990). Job ended up doubling his wealth (Job 42: 12, 1: 2–3), surely a respectable reward for his suffering. Job was a political leader (1: 3, 29: 7–25), but he probably spent as much time running his ranch as running his country (judging by his ranching success); ruling wasn't a full-time job even for 1:3's "greatest man . . . of the East" (New International Version). No welfare program tried to help him in his distress, and no regulations kept him from regaining prosperity (with Yahweh's blessing) after his family and friends got him venture capital (42:11). What libertarian wouldn't prefer Uz to the U.S.?

The Job of Starkey's poem reminds me of Van Til's little girl who must sit on the Father's lap in order to slap His face. Complaints about justice presuppose the universal and just God of the Bible; a lesser deity or none at all reduces complaints to personal pique, and no binding standard makes one person's pique binding on another. Tactical prudence might elicit compliance, but what god (and I too am on my Father's lap) would be pleased with submission as Starkey's Job offered? Better submit to the Bible's God in His way. Maybe Starkey could write eloquent poetry about submission to Stalin or Social Security, or even (with a different tone) to Yahweh.

Andrew Lohr
Lookout Mountain, Ga.

Oh Say Can't You See?

Chester Alan Arthur asserts that the Supreme Court "can't figure a way to make flag burning exempt from the very plain meaning of the First Amendment" ("Lip-reading," September 1990). Allow me to offer two. For purposes of this exercise I'll even stipulate that flag burning is "speech," OK?

Not all speech is protected by the First Amendment. There is considerable (U.S. Supreme Court) precedence holding that obscenity is not protected. Nor is commercial speech, nor are so-called "fighting words." These last are words which according to the court are "likely to provoke the average person to retaliation." This might include racial, ethnic or religious slurs and perhaps just calling someone an S.O.B. If in fact Gregory Johnson's flag burning was "speech," it was certainly "fighting words"—if the outrage of vast numbers of Americans is any indication. Indeed, the whole purpose of the burning was to outrage, to provoke, otherwise why bother? As fighting words, this "speech" is not protected. Simple, huh?

Or, try this. The burning of the symbol of The United States of America is obviously the symbolic means of calling for the violent overthrow of the government thereof. This adheres to our enemies (who also burn American flags), giving them aid and comfort. In short, this is an act of treason as recognized by Article III, section 3 of the Constitution and is clearly not constitutionally protected.

On the bright side, it is comforting to know that if I were to "moon" the Honorable Justices as a demonstration of my political displeasure with their decisions, they'd understand and even support my right to do so.

Warren Michelsen
Page, Ariz.

Randiana qua Libertariana

Hospers's article on Rand ("Conversations with Ayn Rand," July 1990) was the best piece of Randiana I've read and the best thing I've seen in *Liberty*. Every sentence had the ring of truth, and he was careful to stop where his memory stopped.

Thomas Porter
Reseda, Calif.

Dotting the I's, Crossing the T's, Changing the Numbers

John Hospers' approach to philosophy may be superior to Rand's ("Conversations with Ayn Rand [part 2]," September 1990), but about parapsychology she was right and he was wrong.

We now know that S. G. Soal, coauthor of *Experiments in Parapsychology*, was a fraud. Careful statistical analysis of one his experiments, possibly the same one Hospers describes so glowingly, indicates that he altered his target numbers after he got a look at the guesses of his "psychic" subjects, to produce as many matches as he desired. Specifically, he changed the numeral 1, which he wrote with a short stroke, into a 4 or 5, as needed.

Taras Wolansky
Jersey City, N.J.

Final Determinations

Hospers was very sloppy in his discussion of determinism; if determinism is true, then doing something because one wants to (i.e. one wills it) is impossible because antecedent causes have predetermined what one "wants" (which includes not only the choices available but also what one will choose). The falseness of determinism can be revealed when one realizes that one can truly change one's mind, in spite of powerful existential factors; it is easy to ignore that "values" can only have meaning to beings who can freely choose them. (I find it hard to believe that it took Ayn Rand so long to change her mind about Mr. Hospers and his "Green Party" intuitions.)

Alexander N. Knight
Rochester, N.Y.

Rand Derailed Freedom's Train

John Hospers didn't mention it in his last article about his relationship with Ayn Rand, but years after their last meeting when he was running for president in 1972 as the candidate of the newly formed Libertarian Party, Rand was asked at a Ford Hall Forum what she thought about Hospers's candidacy. Her reply was something to the effect that Hospers was nothing but a publicity-seeking crank, and that the best candidate to vote for was Richard M. Nixon, for to do otherwise would be to risk sending our nation down the track aboard George McGovern's hell-bound train.

Like many libertarians, I had been greatly influenced and inspired by Rand's books and articles, but I also had grown increasingly uneasy with Rand's public inconsistencies—such as when she said anti-Vietnam War draft resistors should be shipped off to Russia—so her flippant rejection of the Libertarian Party was the last straw for me. I also wasn't much impressed with her shabby treatment of Hospers, whom I had met at the Libertarian Party's founding convention

continued on page 4

Liberty

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Inside Liberty

November 1990
Volume 4, Number 2

2 **Letters** on Job, John Hospers, Ayn Rand, Ron Paul, and other people.

7 **Reflections** on things not being what they seem—in particular, *Pravda*, patriotic thieves, Caucasian Eurasians, friendly ferrets, and (of course) "free market" Republicans.

Features

15 **Opportunities on Freedom's Frontier** Ronald Lipp explores the realities of Eastern Europe and its prospects for liberty.

21 **The Search for Home of Truth** R. W. Bradford visits the ruins of two failed utopias, one of which died a natural death, and the other of which was murdered.

29 **You, Too, Can Be a Junior G-Man** David Hudson explains how the War on Drugs has led to the conscription of ordinary people.

33 **Smokes, But No Peace Pipe** Scott Reid explains how the black market in cigarettes on Canada's Indian reservations has led to a new French and Indian War.

37 **Meanwhile, Back at the Farm** Leslie Fleming, a farmer from Oklahoma, tells the tale of how the State bought off the farmers. They weren't cheap, but they were easy.

41 **How to Profit in an Unfree World** Douglas Casey, R. W. Bradford, Richard Stroup and David Friedman tell us how to invest—and how to think about investment advice.

48 **Why is Anyone Virtuous?** David Friedman gives a positive explanation of why so many people behave morally, even when it would seem to be in their interest to lie, cheat, and steal.

51 **Death in the Sands** Sheldon Richman kicks sand into the bullies' faces; Stephen Cox, Robert Higgs, and Leland Yeager stir up a little action of their own.

54 **Ed Crane** An interview with the controversial libertarian activist who brought competence as well as vision to a movement sorely lacking in the former, if not the latter.

Reviews

65 **Up from Armageddonism** Stephen Cox makes the case for optimism by making fun of the pessimists.

68 **Sex, Drugs and the Goldberg Variations** Richard Kostelanetz explains what went wrong with a biography of Glenn Gould, the late master of the keyboard.

70 **The Microcosmic Mind of George Gilder** Alexander Tabarrok reconsiders George Gilder's obsession with quantum physics, microchips, and God.

73 **Rational Man and All the Rest** Robert Higgs says eminently reasonable things about irrationality.

75 **Classified Ads**

77 **Notes on Contributors**

78 **Terra Incognita**

Letters *(continued from page 2)*

in Denver, and whom I considered a courageous, generous man for offering to carry the party's banner its first time out.

Mark Coleman
Honolulu, Hawaii

Up the Hatch

Everything Brian Doherty wrote in "Down the hatch" (September 1990) is wrong. The attempt to reform the Hatch Act has nothing to do with on-duty political activity. Rather, it is an attempt to restore the privacy and First Amendment rights of federal employees *on their own time only*.

The reality of the existing Hatch Act is that individual federal employees are reprimanded, embarrassed and fired for the most minuscule acts committed in their own private lives. While I was a federal employee, I was ordered to go to account to the head of personnel. My crime? I had signed a petition to get some candidates for office on the ballot. A friend of mine was fired because he helped out a friend making a bank deposit of the proceeds of a fund-raising dinner. The dinner was to raise funds for a third party presidential candidate. The hapless employee did not even attend the dinner; he merely helped out by depositing the proceeds in the bank.

Furthermore, federal employees in general are more sympathetic to libertarian ideas than is the public at large. That is because federal employees know firsthand the incredible stupidity and wastefulness of so many federal programs. It is stupid for libertarian publications to discount the support of federal employees.

Richard Winger
San Francisco, Calif.

Self-Medication and Diverse Values

Ron Paul's "RU486 and Legal Wisdom," (September 1990) was rather courageous, considering Dr Paul's anti-abortion beliefs and the controversy surrounding RU486.

He mentions the dangers of a "slippery slope" that surrounds the issue of deciding when an infant, born or unborn, acquires human rights. Where do we draw the line? This is similar to the problem of determining when an adult ceases to be human (and loses his or her human rights) because of irreversible (at least, with present technology) brain

continued on page 6

Stimulate

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Your Mind!

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Plus writings by Leland Yeager, William Niskanen, John Hospers and others; and a short story by Jeffrey Olson. (72 pages)

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•"The Wonderful Wizard of Liberty," by Ethan Waters
Plus articles and reviews by Stephen Cox, Jeffrey Friedman, Tibor Machan, David Steele, Michael Krauss, and others. (72 pages)

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volume three

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January 1990

•"The Death of Socialism: What it Means," by R.W. Bradford, Stephen Cox, Sheldon Richman, and William P. Moulton
•"The Greenhouse Effect: Myth or Danger?" by Patrick J. Michaels
•"The Case for Paleolibertarianism," by Llewellyn Rockwell
•"How Rockefeller Soaked the Poor," by Richard Kostelanetz
Plus articles and reviews by Charles K. Rowley, Richard E. Wagner, David Gordon and others; and an interview with Barbara Branden. (80 pages)

March 1990

•"Humanity *vs* Nature," by John Hospers
•"Isolating the Error of Isolationism," by Stephen Cox
•"Capitalism without Democracy, Hong Kong without Hope," by R. K. Lamb
•"Mencken: The Man *vs* the State of Opinion," by R. W. Bradford
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July 1990

•"The Orwellian University," by Charles Thorne
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Plus articles and reviews by John Baden, Brian Doherty, David Friedman, Bill Kauffman, Sheldon Richman, James S. Robbins, Mark Skousen, Terree Wasley and others. (72 pages)

volume four

September 1990

•"Is Environmental Press Coverage Biased?" by Jane Shaw
•"Conversations with Ayn Rand (part 2)," by John Hospers
•"RU 486 and Legal Wisdom," by Dr. Ron Paul
Plus articles and reviews by Michael Krauss, Stephen Cox, Richard Kostelanetz and others; and a *ficción* by Harvey Segal. (72 pages)

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Letters *(continued from page 4)*

damage. These issues will always represent potential slippery slopes because they involve values, rather than scientific/technological determinations of fact, and there is substantial human disagreement on these values.

In free markets, different value systems can coexist; with legal systems, they cannot. Laws such as those punishing murder, burglary, rape, and assault are widely accepted by most people in the West. Most other laws probably are not. Increasing tensions are being produced in our society from enforcement of laws with which considerable numbers of people are in disagreement.

All the articles on RU486 that I have seen, including those in scientific journals, agree that a black market in the drug is inevitable. It may already exist. RU486 is the final nail in the coffin of government control of abortion. It may also help bring down the "war on drugs" and the FDA by involving millions more people in the process of making biomedical decisions for themselves.

Sandy Shaw
Los Angeles, Calif.

Steps on the Slippery Slope

I completely agree with Dr Ron Paul when he says that those who oppose abortion "must accept the fact that a society free of abortion . . . can come only through moral persuasion."

Dr Paul correctly points out that enforcement of strict anti-abortion laws would pose a real threat to liberty. One has only to look at Ceausescu's ban in Romania to appreciate this. And Dr Paul is right again when he cites the potential benefits of this drug. Indeed, he barely scratched the surface of possible non-abortifacient uses for such an agent, including its use as a research tool. But what is particularly apt is Dr Paul's implicit recognition of the essentially religious nature of differences of opinion concerning the mattter of abortion.

Even Saint Thomas Aquinas, probably the greatest theologian of the Catholic Church, summarily rejected the materialism of a fertilized egg/person equivalence and affirmed the Church doctrine of his day "'that the body alone is begotten by sexual procreation, and that after the formation of the body the soul is created and infused.'" And, in an age when scientists were willing to believe that tiny human forms were physically crammed into each and every sperm cell, Pope Innocent XI ruled in 1679 that "no abortion is homicide" because "the fetus . . . lacks a rational soul and begins first to have one when it is born." (The present ban on abortion by the Catholic Church dates only from 1869.)

The belief that fertilized eggs and their early products are human persons is clearly and unquestionalby a religious one. The political process, therefore, cannot fairly resolve disagreements about such a proposition. For the same reason, it cannot be fairly said that those not sharing such a belief "are the ones who water down libetariansim." On the contrary, to infuse libertarianism with religious sectarianism is what will weaken its position most.

Dr Paul appears to have taken a little step towards being pro-choice. I invite him to take a few more.

Tim Gorski, M.D.
Arlington, Texas

Does He or Doesn't He?

Dr Paul argues that RU486 and other abortifacients can make prenatal homicide virtually impossible to prove without intrusive police action. Yes, preventing prenatal homicide is a problem. The womb is the most dangerous place in the world for a child to be. Some postnatal homicides pass undetected, too. What if the wonders of science facilitated such activity, and each of us had a little list of people we would not miss? If an abortion-type mentality were the norm, what kind of world would we have made?

Dr Paul defended one use of abortifacients. "I believe the presence of ovum that is fertilized through the act of rape prior to implantation," he said, "should not preclude the woman's right to alter her own endometrium." (Implantation begins about a week after fertilization. By then the new human being is, actually, at the blastocyst stage and has about 150 cells). Once conception occurs, the child is in the mother's power and is propelled by her fallopian tube into her womb. By altering her endometrium, she prevents implantation and causes her child to fall out and die. Dr Paul became pro-life when he was shocked by the sight of a two pound child lifted out of the womb and left to die in a late term abortion. What if that child had been conceived by rape? I don't see any principled difference between evicting the child and letting him or her die before implantation or doing so afterwards.

Doris Gordon
Wheaton, Md.

By Right and by Golly

Allow me to answer Robert A. Markley's letter ("Benefit of Academe," September 1990) in which it is suggested that I contradict myself when I claim both that I have no right to benefit from stolen property and that I have not sold out by working for a state university.

I do not consider it my basic, natural right to receive the salary I get from the state university. That is not inconsistent with my accepting it and living off it. Similarly, I do not consider it my natural right to drive on public roads, to use the U.S. mails to send letters to *Liberty*, to enjoy police protection, etc.—in short to benefit from stolen goods and conscripted services. But neither do I consider it my duty to refuse these in each case when I benefit from them.

There are many things from which one benefits without this benefit being one's "by right." Unfortunately we live in a community in which fewer and fewer things can be claimed to be one's own "by right." I am pretty sure this applies to Mr Markley and Mr Smith, not just to libertarians and others who teach at state institutions.

Tibor Machan,
Auburn, Ala.

The Superficiality of the Is/Ought Identity

Should we not say that "2 = 3"? Two does not equal three, but is it wrong to say that it does?

It may appear so. We use ethical shorthand to instruct children, "you should not write '2 = 3' because it is false," or to instruct undergraduates, "You should not write '2 = 3' unless it ends your proof by contradiction."

continued on page 27

Letters Policy

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

Reflections

To live and die in L.A. — Los Angeles Police Chief Daryl F. Gates told a Senate Hearing on Sept 5 that casual drug users "ought to be taken out and shot." His recommendation, he said, was aimed at those "who blast some pot on a casual basis," not those who are addicted to illegal drugs. "We are in a war," he said, and casual drug use "is treason."

That same day, the Partnership for a Drug Free America released a survey that showed that marijuana use in 1989 was down to 30% among teenagers and 14% among adults—which means, I suppose, that if Chief Gates has his way and kills 30% of the teenage population and 14% of the adults, there will be all the more reason to call L.A. the "City of Angels." And it will help solve the problem of urban sprawl as well. —RWB

Just (Ku)wait a minute — When the Pentagon announced its contract awards on September 4, the list included a $140 million contract for McDonnell Douglas to begin building 40 F/A 18 fighter attack planes for sale to the government of Kuwait. You remember, the government that fled Kuwait on August 2 just ahead of invading Iraqi troops. At the time of this writing (September 17), prospects look good for a government without a country but with a hell of an air force.

A Pentagon official explained that the sale, which had been in the works for several years, was proceeding normally because "the government of Kuwait still exists." Yes, and so does the Albanian monarchy.

This deal could get complicated should the Kuwaiti government have the funds but not the territory to take delivery when the aircraft are ready in September 1993. But fear not. There's always an active resale market for military hardware. —RH

The East is pink — A new newspaper has hit the streets—*Gay Pravda*! The layout is just like the regular *Pravda*, except for the three medals in the upper left-hand corner of the front page—the profiles of Lenin have been replaced with the word "Gay" in Russian. The paper covers gay issues from a Soviet perspective, but because authorities frown on this particular manifestation of *glasnost*, it has to be printed in the Netherlands. It is smuggled into the USSR and distributed for free. Can *Vegetarian Izvestia* be far behind? —JSR

No more Charlie Chans! — News on the art front continues to be heartening. In the previous issue of *Liberty* I reported on the efforts of American art folk to combat the censorship crusade of the antediluvian Jesse Helms and his odious cronies. Rather than sign a form attesting that their work, when taken as a whole, has serious literary or artistic merit, organizations actually chose to refuse cash benefactions from Washington.

We note this month an actually stirring defense of fundamental principles. A New York actors' union has resolutely voted not to let British actor Jonathan Pryce reprise on Broadway his London role as a Eurasian brothel owner in the hit play "Miss Saigon." So, despite an advance sale of $25 million, the show will not open this year. Those who allege that labor unions have become supinely bourgeois will have to rethink in the light of this heartening blow against racism, capitalist exploitation, and frivolous foreign imports.

The clear message is that we no longer are willing to tolerate so-called creative types offending against social justice. Artistic license is one thing, but violating the right to glamorous leading roles of Asian-American members of Actors' Equity is another. As I write, Senator Helms has not yet issued a public comment on the incident. Nor, for that matter, has Werner Oland. —LEL

They've got rhythm — On September 16, an enormous crowd, led by the mayor of Moscow, demonstrated in that city, calling for the resignation of Soviet Prime Minister Nikolai Ryzhkov and for implementation of the "500 Days" proposal, a "radical" program for selling off government assets, eliminating subsidies, and, in general, transforming the USSR into a market economy during the next year and a half.

The day before the demonstration, Ryzhkov appeared on nationwide television to forecast dire results from any sudden freeing of the economy. "We must not," he said, "give in to the shock therapy spoken about so much; we should advance more rhythmically." Rhythm, to Ryzhkov, apparently means a constant alternation between advancing and withdrawing modest proposals for reform. So far, Ryzhkov's rhythm method has succeeded better than such methods ordinarily do: it has effectually prevented any new birth of prosperity.

Two things can happen: either the 500-day marketization proposal will be adopted, and the old economic system will be swept away, or it will not be adopted, and the old system will die somewhat more slowly, but much more painfully. In either case, Leningrad will not be named Leningrad 500 days from now.

On the same day in which Ryzhkov was making what seems to be his last stand against capitalism, former President Reagan showed up in Gdansk, Poland, where he was met by crowds chanting, with a healthier rhythm than Ryzhkov's, "Thank you, thank you!" A friend of Lech Walesa presented Reagan with a saber, in honor of his having helped the Poles "chop off the head of communism."

I didn't like a lot of things—maybe most things—about Reagan. But there's something to be said for calling an evil empire an evil empire, and for doing what one can to hasten its end. The Polish crowds confirmed the rest of the world's

impression that the empire didn't simply fall; it was also pushed. —SC

***One man's pet is another man's buzz saw*—** Although it has been illegal to own a pet ferret since 1933 in California, the Golden State has only recently begun to enforce the law by selectively arresting a few of the owners of the estimated 1 million pet ferrets residing there. "Owning a ferret is like having a buzz saw for a pet," said Lt. Al Stegall of the California Fish and Game Department, after arresting a 54-year-old woman on charges of keeping a pet ferret. According to a study cited by California officials, there have been 425 attacks by pet ferrets in California, Arizona and Oregon during a ten-year period, or about one attack per year for each 29,000 pet ferrets. (Ferrets are legal as pets in Arizona, Oregon and 42 other states.)

California establishes cultural trends that are felt around the world. A few days after I read about California's attack on ferrets, I came across a UPI story from Beijing, where city officials have called for "a resolute undertaking of the 'wipe out dogs campaign,'" urging owners to "beat and eliminate" their pets. Dog owners were criticized for "disturbing social order and endangering people's health." — RWB

***Game point*—** Most of us probably remember the lionization of Red China—excuse me, People's China—which began in 1970 with Henry Kissinger's ping-pong diplomacy and never completely died out, although the true believers have grown less confident after the passing of the Great Helmsman in 1976. Many foolish things were said about the mainland Chinese regime during those years, and of course there was plenty of negative response as well. One point on which nearly everyone was in accord, however, was the complete irrelevance of the Republic of China, or Taiwan. At best it was seen as an embarrassing anachronism, a stumbling block fencing us off from a natural rapport with the real China. Certainly the keeping up of diplomatic relations with the ROC was seen as a quaint romanticism, to be indulged in only by those countries with no serious stake in Chinese affairs.

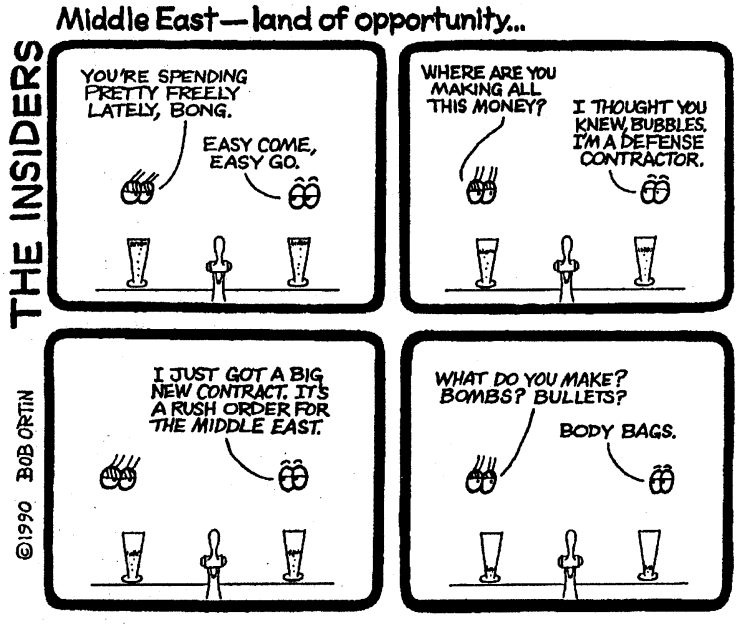

Reality, however, has a habit of coasting along according to its own rules, and the economic strength of Taiwan has waxed by leaps and bounds while the mainland colossus has stagnated. Recently several nations have, for completely non-ideological and non-symbolic reasons, reestablished formal relations with Taipei. In each case, Beijing immediately and angrily broke ties with the offending country. The nations which made the switch—Grenada, Liberia, Lesotho and Belize, with a few more about to follow—are not political giants. Their motive, however, is interesting. Each has pointed out that Taiwan simply has more to offer, in terms of trade, technology and, where needed, foreign aid. The foreign reserves and technical know-how of the ROC dwarf those of Beijing. The recent diplomatic moves are simply one more sign that the era of totalitarian nations getting by on exports of bluster, bombast, and bankruptcy is over. —WPM

***With friends like this* —** According to a front-page article in *The Wall Street Journal* (April 27 1990), the Bush administration contains a "powerful blocking coalition" of dedicated free-marketeers, to wit, Sununu, Darman and Boskin. The three high-level *apparatchiks* are said to regard free markets, economic growth, and free trade with religious reverence. If only it were so.

The article goes on to explain that the three stalwarts are not "reflexively anti-government." They favor various "selective" government interventions, including government funding of child care. They want more government funding of research and development that is "too esoteric or expensive for the private sector." In the words of Deborah Steelman, a Washington lawyer and former Bush campaign adviser, "These are people who believe problems can be fixed and believe government can be brought to bear to fix them . . . that all it takes is the right brains and right political skills."

If these guys are what passes for free-marketeers nowadays, the collectivists have very little to worry about. —RH

***Linguistic harassment* —** In mid-September, the news media gave considerable publicity to a Pentagon report which stated that over half the women in the U.S. armed services had reported instances of sexual harassment from male military personnel. I can easily imagine such harassment in an environment which has historically been overwhelmingly dominated by men, so my initial thought upon reading the headline was that this must be a serious problem.

However, after reading the articles in question, I had to conclude that a lot of shaky concepts were being used to hype the figures. Sexual harassment was characterized, at least in the published reports, by example rather than by definition. What were some of the actions referred to as being in the forbidden zone? Telling jokes of a sexual nature while a female was within hearing. Making "sexist" remarks while in a woman's presence. Referring to a woman or to women in general in a "suggestive manner." Ogling. Leering. Brushing against a female.

Of course, instances of harassment up to and including rape were also noted. But this merely muddies the waters further and makes it more difficult to deal with

real problem cases. It is the equivalent of stating that a racist is someone who opposes affirmative action, or who doesn't care for Bill Cosby, or who lynches black people. In both cases, no useful concept is being utilized. Cases of actual wrongdoing are lost in a fuzzy glop of words.

Such is the result of the politicization of thought and language that has bedevilled this century. —WPM

While the mom's away the Feds will pay

— Some months ago, Anna Quindlen, a New York *Times* columnist, argued in favor of government-supported day care. She called day care "the superstructure upon which working mothers build every bit of the rest of their lives" and deplored the failure of corporations, the government, and men generally to alleviate this burden.

Of course, I have no objection to day care voluntarily provided by companies; but as for government-provided day care, the points made in recent articles in *Liberty* are absolutely correct. Americans are about to bring down on themselves another HUD (to adopt a useful analogy offered by *The Wall Street Journal*)—a rigid, costly system that will worsen the problem that it is designed to solve. It will raise the cost of day care by excessive bureaucracy and credentialism, and remove freedom by establishing tight controls on the kinds of day care that can be provided.

I'm bothered by the attitude of the professional women like Quindlen, who bolstered her argument with stories about sitters who leave for vacation and never return or sitters who quit without notice after a second baby is born. If professionals can't find good care for their children, or are unwilling to pay for it, why do they think that government intervention will provide it? The only possible reason is their faith that the higher cost will be spread among so many taxpayers and workers that they won't have to shoulder the burden they are carrying now. In other words, these women believe that they ought to be subsidized by people who don't have young children.

I wish, instead, that professional women had the courage or insight to admit that problems with day care stem from choices that they make. Once a woman decides to have a career and also have children, trade-offs are inevitable. Whether children suffer from day care is a question the experts are trying to answer; however it's pretty certain that children severely hamper a woman's career, for a few years at least and possibly forever. Why not accept the fact?

The mother's dilemma is easy to understand, of course. Motherhood isn't the career it used to be. Merely a century ago, mothers had large numbers of children and daunting tasks (they did appalling things like scrubbing clothes by hand on metal washboards and hanging them in the sun, not to mention cooking chickens after slaughtering and plucking them, and tending vegetable gardens to put food on the table.) Today, homes can be kept clean with a few hours' work (preferably by someone who comes in); food preparation is comparatively easy; and husbands are more cooperative than ever before (even if surveys show that their contribution is far from the feminists' ideal). At the same time, professional careers are exciting and rewarding, and for many educated women, staying home all day with illiterate and often unintelligible toddlers is a sacrifice.

But leaving is difficult, too. Frankly, I suspect that the push to institutionalize day care is a way of dealing with guilt about leaving children in the hands of others. I suspect that Quindlen advocates government-supported day care because it creates the soothing feeling that the fundamental problem lies outside oneself.

Since so much of politics is perception, not reality, this self-delusion may work. Thousands, perhaps millions, of women have probably been convinced that they are "owed" good day care. Rhetoric of that sort will pass day care legislation. It will also lead to disappointment for children and mothers, but when that happens, as with HUD, there will be plenty of villains to castigate. —JSS

Innovation in government — Those who argue that government employees lack creativity in solving problems will have to re-evaluate their hidebound opinions in the light of U.S. Attorney General Richard Thornburgh's recent approach to a problem that had vexed him and other Administration officals for some time.

The problem was that a mail-order firm in North Carolina was selling condoms, frilly nightwear, explicit videotapes and other "marital aids" with impunity. It had been charged with obscenity in a North Carolina court—but thanks no doubt to a resurgence of liberalism in the bailiwick of Jesse Helms—had been exonerated.

Yet the operation poses a clear and present danger to the public welfare. If allowed to flourish—who knows?—people in Gouge Eye, Oregon, or Shallow Water, Kansas, might find themselves inundated in the raw sexual licentiousness that engulfs North Carolina.

Obviously, the business must be closed down. But how?

Eureka! In a moment of inspiration, Thornburgh came up with a solution: simultaneously indict it in two different jurisdictions thousands of miles apart, jurisdictions carefully chosen so that extremely intolerant juries and judges may be expected.

And so, the Justice Department charged the firm in courts in Utah and Kentucky with trafficking in pornography. Now the firm must again defend itself against the charges it was acquitted of in North Carolina. It must hire two separate teams of attorneys at great expense. And it must win both cases to stay in business!

The beauty of the Attorney General's approach is that it succeeds even if it fails. If the firm mounts two separate defenses in Utah and Kentucky and manages to be acquitted, it can do so only at tremendous expense to itself. And the

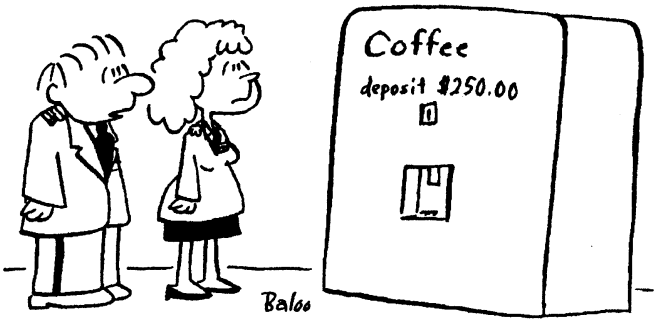

"I'm putting in for a transfer—I can't *afford* to work at the Pentagon."

Attorney General can follow up with indictments in the courts of Guam, Puerto Rico and Alaska. —RWB

My daughter Jennifer has been seized by the state. — She entered first grade in the local government school in northern Virginia, and the program to mold her into a good citizen began immediately. First, she was compelled to sign a form notifying her that distributing drugs at the school was grounds for expulsion. Then she was instructed to recite the pledge of allegiance every day, though the teacher never explained what it is or why she should say it. The latest presumption was a special assembly about the coming war in the Middle East. She was informed that the United States was defending Saudi Arabia and would never start a war. She will also be subjected to a counseling program, whose objective is to instill proper community values. We can keep her out of that, but possibly at the cost of making her an outcast among her classmates. Obviously, much of my time in the next several years will be spent keeping Jennifer from learning her civics lessons too well. When will we get tuition tax credits so that someone besides the rich can avoid this good-citizenship indoctrination? —SLR

E.A.R.T.H. Farce — When the latest round of the ecology craze broke, executives at CBS must have collected their best creative minds and asked them how to make some green out of Green. The result is *E.A.R.T.H. Force*, a television show that premiered September 16. The premise of the show is simple: assemble "a doctor, a physicist, a dolphin-chaser and a guy who hangs out with gorillas," add a mercenary for flavor, and loose them on the bad white men who are polluting the planet. Sounds reasonable. And because it's a private sector initiative, the E.A.R.T.H. Force doesn't have to worry about bureaucracy or laws.

"The Parthenon is in ruins, but plastic is forever," the "nature boy who is too radical even for Greenpeace" exclaims. The "dolphin-chaser," a female marine biologist, called away from her work says "I can't leave here, I have a whole school of yellowtail contaminated with PCB!" In another scene, a young American armed with a bolo defeats gringo surveyors who are planning the destruction of a section of rainforest, presumably to allow the locals to slash-and-burn it in more traditional ways. And this is only a sampling of the kind of shameless stereotypes and clichés around which *E.A.R.T.H. Force* revolves.

The force is assembled by a capitalist whose nuclear power plant has been sabotaged by a CIA rogue elephant who plans to build an A-bomb. They scorn the capitalist for not cleaning up the environment unless he can "make a buck on it," but work for him anyway for the good of the planet. The Force is so sanctimonious that I was tempted to root for the nuke plant to blow them up. The most sympathetic characters in the show are the supporting cast who have to put up with the green idealists. The Force members don't like

Fantasy

A place much like our own

"But Mr. Freeman, how could private industry possibly provide telephone service the way it provides national defense? After all, with the development of the Doolittle strategy, the hypersonic seeker, and Taft diplomacy, we have successfully defended freedom for decades with 100,000 troops! But with eight million operators, we still can't get decent phone service. The Post Office Phone System will never be privatized."

Solomon Freeman looked east over Puget Sound at the distant lights of Seattle. The first *Liberty* conference had filled the new Port Townsend Convention Center with hundreds of curious individuals, all with questions like this one. They were afraid of their new world, even as they gloried in its arrival. What would happen to their lives when President Paul carried through his promise to privatize the phone system, the way he had already given the national parks to the Sierra Club? Port Townsend, on the edge of the newly created Olympic Conservancy, was booming with the influx of nature-lovers attracted to this beautiful and well-managed preserve. But would that which worked so well for trees and animals, work with switchboards and hand-cranked telephones?

Ever since Michael Faraday had invented the telephone in Britain, governments had built giant, showy telephone systems, each trying to outdo the others with the mightiness of their networks. Elaborate palaces of communication adorned world capitals. Massive cables with millions of wires carried signals across the country to those congressional districts fortunate enough to have one of the giant National Telephone Bases. Border translation stations, staffed with thousands of bilingual specialists, hummed with the commerce of the planet, moving vital data between financial nerve centers in mere hours. It would be hard to imagine private firms running a massive system such as this!

Solomon thought a minute, then spoke:

"I don't know exactly how American business will rebuild the phone system. Perhaps radio signals will be used, or those transistors that Lockheed Labs came up with. I'm an economist, not an engineer; all I know is that market incentives tend to stimulate solutions that are both unpredictable and attractive. If I were smart enough to solve the phone problem, I would be out getting rich, not sitting here talking to you.

"My job is to be smart about markets, and markets are the tools that non-specialists like you and I use to procure the best efforts of specialists for our needs. I can plausibly show that markets are the best way to do it."

"Well," said the questioner, "I guess I'm not convinced. Private corporations can obviously provide services like defense and issuing money, but how can they provide national-sized goods without national investments? That doesn't make sense!"

"By the way," he added after a moment's silence, "can I borrow a $50 gold piece from you, so I can make a call?" —Keith Lofstrom

The *Liberty* Editors' Conference

Share the Excitement!

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Panels

Liberty in the Post-Socialist World, with **Sheldon Richman, David Friedman, Robert Higgs, Stephen Cox** and **R.W. Bradford**. (Video: V101; Audio: A101)

Spending the Peace Dividend, with **Robert Higgs, Sheldon Richman, James Robbins** and **Richard Stroup**. (Video: V102; Audio: A102)

Beyond MADness: foreign policy without the "Evil Empire" with **Stephen Cox, Robert Higgs, Sheldon Richman** and **James Robbins**. (Video: V103; Audio: A103)

The Revolution in Eastern Europe. with **Ron Lipp** and **James Robbins**. (Video: V104; Audio: A104)

Right and Wrong in an Unfree World, with **R.W. Bradford, David Friedman, John Hospers, Loren Lomasky** and **Sheldon Richman**. (Video: V105; Audio: A105)

Heroes of Liberty: Chodorov, Paterson, Mencken, Conan the Barbarian, Tannehill, Cage, others, with **R.W. Bradford, Doug Casey, Richard Kostelanetz, Sheldon Richman** and **Stephen Cox**. (Video: V106; Audio: A106)

Liberty and the Environment, with **Jane Shaw, Richard Stroup, John Hospers, R.W. Bradford** and **David Friedman** . (Video: V107; Audio: A107)

Do Rights Make Sense? with **David Friedman, Timothy Virkkala, John Hospers, R.W. Bradford, David Ramsay Steele**, and **Loren Lomasky.** (Video: V108; Audio: A108)

Seminars

The Economic Case For and Against Anarchy, by **David Friedman** with comments by Richard Kostelanetz. (Video: V109; Audio: A109)

*Did the Libertarian Movement **Really** Start in Murray Rothbard's Living Room?* by **R.W. Bradford**, with comments by Stephen Cox. (Video: V110; Audio: A110)

The Politics of the Avant Garde, by **Richard Kostelanetz**, with comments by Stephen Cox. (Video: V111; Audio: A111)

Does Economics Make Sense? by **David Friedman** with comments by Robert Higgs. (Video: V112; Audio: A112)

Children's Rights **by Loren Lomasky** with comments by Timothy Virkkala. (Video: V113; Audio: A113)

The Poverty of Libertarian Fiction by **Stephen Cox** with comments by Douglas Casey. (Video: V114; Audio: A114)

Game Theory, Evolution, and Freedom, by **Ross Overbeek** with comments by David Ramsay Steele. (Video: V115; Audio: A115)

War and Prosperity: Did World War II Cure the Great Depression? by **Robert Higgs**. (Video: V116; Audio: A116)

Agent or Victim: Reconsidering the Insanity Plea by **John Hospers**. (Video: V117; Audio: A117)

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each other much either. In one scene, "nature boy" tries to show how much of a man he is to the skeptical physicist by bragging that he has "two PhD's, and an honorary from Oxford." This was obviously written by someone who thinks that multiple academic credentials are an indication of special gifts which the audience will admire and respect. I found the scene hysterical.

In the end, the two-hour pilot becomes just another shoot-em-up because the real stuff of environmentalism, like laboratory testing and litigation, is pretty dull for TV. But the hilarity was relentless. In order to halt the CIA man's tugboat, the force had to drop bombs around it. "You want me to throw these into the river?" Dolphin-chaser says. *"What about the fish?"* Luckily, pollution had done them in years earlier. The show ends happily, with Green triumphant and the capitalist—who meets Nature's justice by dying of cancer contracted during his career—bequeathing the Force an "unlimited" endowment to pursue eco-justice.

Presumably, if this show lasts, we will be treated to further agitation as the Force rights wrongs and works out its ego problems. It's the kind of program that could set back environmentalism for years, but the odds are that it won't outlast the ozone layer. —JSR

The Sensible White North — When countries around the world are turning away from socialism but the United States is going the other way, Americans easily become discouraged. Now come the Canadians to cheer us up by proving that they, not we, are the farthest behind the times. Ontario, that most reliably sensible of the country's provinces, has actually elected an avowedly socialist government. The New Democratic Party (NDP) won 74 of the 130 seats in the Provincial Parliament.

Aside from showing that goofy things can happen anywhere and anytime, this election demonstrates the inherent instability of a three party system. The NDP got only 38 percent of the popular vote but elected a strong majority of the legislators. Liberals got 32 percent, Conservatives 23 percent, and fringe parties—including the Libertarians—the remaining 7 percent. In situations like this, tiny parties can sometimes exercise great leverage, so Ontario's libertarians can still hope.

Meanwhile the future looks grim. The NDP is committed to a long list of destructive and unjust policies ranging from stricter enforcement of rent controls and expansion of the province's comparable-worth wage regulations to a confiscatory tax on short-term real estate capital gains and a government takeover of auto insurance.

Even under the Conservatives and the Liberals, Canadians have been suffering for decades from oppressive welfare-state measures. It now appears that even worse policies are in store. Will Canada have to reach Poland's depths before its people wake up? —RH

You can never find a wimp when you need one — Is Saddam Hussein a vicious, vile, Hitlerian worm? Of course he is, and if there's a level of Hell where the damned are made to suffocate on nerve gas for all eternity, he's riding a missile straight for it. But even though the suffering he's inflicted upon the poor citizens of Iraq and now of Kuwait has been atrocious, will we be making the world a better place by mowing these poor people down in batches of a hundred thousand, or (if our war never escalates beyond the current level of "interdiction") by subjecting them to a regime of slow starvation? Fighting a war that seals up the Persian Gulf or creating a blockade that cuts off 20% of the world's oil supply is not going to have a salutary effect upon the price of crude. Transforming Kuwait into another Gallipoli is not going to liberate these unfortunate people.

So, on the off chance that George Bush is still open to solutions that smack of wimpdom, here's my suggestion: forget Kuwait. It's gone. History. Saddam wants oil money and we want oil, so let's do business. Leave enough of a token force in Saudi Arabia that it is clear to all that if Iraq ever attacks, it will be engaging itself in combat with U.S. forces, with all that this entails. Withdraw the rest of the soldiers. If Saddam tries again to build a nuclear reactor, let the Israelis flatten it, like they did in 1981. And if you really want to help a small country which has been occupied by a tyrannical neighbor, try giving something other than the cold shoulder to the legitimate representatives of the people of Lithuania. —SJR

Beggar thy neighbor — In recent months, mayors in several large cities have led widely publicized campaigns to increase the number of their citizens counted by the census, in the hope of increasing their share of federal aid and congressional representation. Such campaigns routinely appeal to ideals of civic duty, social responsibility, and the like.

The odd thing is the degree to which local and national media play along with this nonsense, treating each such campaign as a noble and public-spirited cause. I have not yet seen a single article pointing out that the mayors are engaged in a large and expensive game of beggar-thy-neighbor. Every extra head counted in Chicago does indeed mean extra money for Chicago—but it is money that would otherwise go to New York, or Boston, or Mississippi, or. . . . Similarly, every extra head counted in New York means less money for Chicago. If all of the politicians succeeded, by herculean efforts, in increasing their official populations by ten percent, the net effect would be zero, since the relative populations would be unchanged.

It is tempting to put the media attitude down to cowardice and corruption, on the theory that no Chicago newspaper is eager to stick pins in Mayor Daley. But that does not explain the failure of New York newspapers—better yet, newspapers in some city that is not campaigning to swell its official popu-

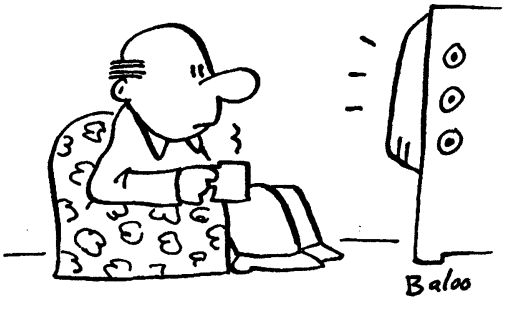

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by Doug Casey,
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Were you one of the 2 million readers who made Durk Pearson and Sandy Shaw's book, LIFE EXTENSION, a major best seller? Have you seen them discuss incredible scientific breakthroughs on one of the hundreds of television appearances they have made (with over 30 appearances, they set the record as the most popular guests ever on the Merv Griffin show.)

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About their first book *LIFE EXTENSION: A Practical Scientific Approach*, Malcolm Forbes wrote, "No wonder and thank goodness this science grounded, eye-opening, mind boggler is a best seller." The *New York Times* called the book, "... the fountain of youth."

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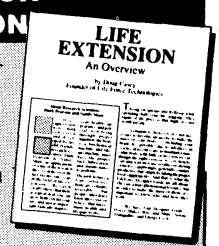

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lation—to prick the balloon. Perhaps I just do not read enough papers. It is hard to believe that our reporters have actually reached the point where it does not occur to them that new Federal dollars—and congressional seats—do not fall like manna from heaven. —DF

Comparable worth? — Millions of Americans who enjoy our forests vicariously from their homes in the cities by means of PBS television shows of cavorting furry animals, majestic trees and babbling brooks object to the notion that parts of the National Forests might from time to time be harvested. In fact, substantial numbers of Americans object to the harvesting of timber on privately owned land. The idea that forests might be cut down for land for human habitation is downright sacrilegious.

But how many Americans are worried about the fate of grasslands? How many Americans plan their vacations to include trips through the National Grasslands? How many object to the plowing of prairie for agriculture or habitation?

When loggers enter a National Forest to harvest the trees growing there, they are sometimes confronted by radical environmentalists. When ranchers drive their cattle onto a National Grassland to harvest the grass growing there, who is there to confront them? How many Americans even know that National Grasslands exist?

From an economic perspective, the most desirable forest land in the U.S. lies along the Pacific Coast. Those who seek to harvest trees in these forests are opposed by many on the grounds that what they do is "harmful to the environment." As a result, thousands of square miles of "old-growth" forest are protected from harvest.

From an economic perspective, the most desirable grassland in the U.S. lies between the Mississippi and Missouri Rivers, centering on the state of Iowa. Before the white man came, virtually all of Iowa aside from its river valleys was tall grass prairie. Today, it is the richest agricultural land on earth. In the entire state, comprising some 36,019,000 acres, how much land has been preserved as tall grass prairie? How much has escaped the plow? 585 acres, consisting of a 160-acre plot north of Manson, a 25-acre plot near Guthrie Center, and "most of" a 160-acre plot west of Lake Okoboji have never been plowed or grazed; another 240 acres near Lime Springs have been grazed but never plowed.

But in Washington State alone, National Parks protect a total of 1,654,761 acres, nearly all consisting of old-growth forest, and more is protected by other entities.

Every day environmentally sensitive Americans bewail the loss of old-growth forest. But how many protest the much more widespread loss of old-growth grassland? Why the disparity between the treatment of forest and the treatment of grassland? Are forests more environmentally sound than grasslands? Are forests more important to the ecology of the planet? Has God, or some Mega-Biologist, declared forest superior to grassland?

Are forests more environmentally sound than grasslands? Are forests more important to the ecology of the planet? Has God, or some Mega-Biologist, declared forest superior to grassland?

The difference, I believe, is sentimentalism. Millions get vicarious pleasure from forests. But *nobody* enjoys a grassland enviro-fantasy. A tree is a majestic and lovely thing; forests often are situated on land that is rugged and beautiful. Grasslands tend to be flat; in the spring they are soggy; in the summer they grow so thick one cannot walk through them; in the fall they die. To most people, they are not very pretty.

Why don't we all get honest and admit that the real reasons we want to save the Pacific forest are aesthetic? There's nothing wrong with having an aesthetic or sentimental human-centered ideology of conservation—especially because an honest appreciation of our real motives for desiring conservation will allow us to consider sensible means of conservation in the future.

I love forests and mountains as much as anyone; I love them so much that I have chosen to live among them. But I recognize that this is an aesthetic response. It is not an ecological, metaphysical or religious principle. Just as I cannot rationally object to the sod-busting our ancestors did in Iowa, I cannot rationally object to the harvesting of "our" forests.

Of course, some old-growth forests ought to be preserved, just as some tall grass prairie ought to be preserved. Because people seem to love the forest more than the grassland, it makes sense that more forest be preserved. But we must recognize that this decision, like other economic decisions, is made to satisfy the wants of consumers, and that the forests preserved for our enjoyment are consumer goods.

Most of all we must realize that the notion, implicit in so much environmental longing, that all remaining forests must be preserved makes no more sense than would a decision to preserve all of Iowa a century and a half ago. —RWB

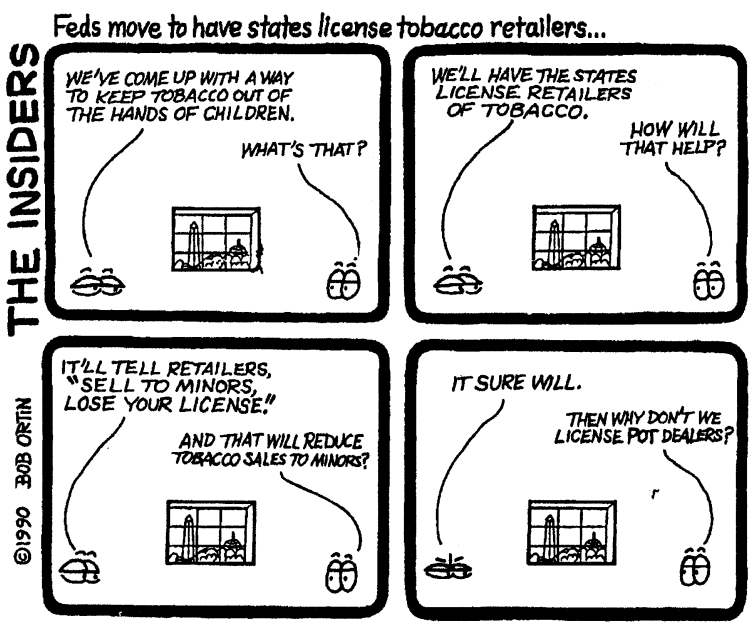

Exploration

Opportunities on Freedom's Frontier

by Ronald F. Lipp

Will Eastern Europe stumble from Communism to the subtler tyranny of the paternalistic welfare state? Or will Eastern Europeans seize the opportunity to create a genuinely liberal society? Ronald Lipp explores the realities of Eastern Europe.

I recently spent three weeks in Czechoslovakia and Poland, meeting with government officials, politicians, academics, students, businessmen, and workers. What I saw, heard, and learned there led me to realize that we face a unique opportunity to advance the cause of liberty and of human progress, but that the task before us is an extraordinarily challenging one. The death of socialism has left an ideological vacuum in Eastern Europe, and a genuine interest in liberal ideas. But progress toward liberty is always difficult, and the stuggle has hardly begun.

A scant year ago, the world was suspended between anticipation and disbelief as the Soviet monolith shuddered and trembled and wearily sloughed off its outer armor, an iron curtain grown too heavy to bear and too rusted to carry its own weight.

In August, 1989, by dint of a reborn Solidarity, Poland became the first country to divest ruling power from a Communist party by democratic means. Within a few months, even byzantine Bulgaria was in upheaval and cries of rebellion emanated from the black hole of Albania.

Soviet hegemony in Eastern and Central Europe is now wrecked beyond repair. The Warsaw Pact is finished as a military force and COMECON is nearly so as an economic one. The principal showcase of Soviet-style socialism as an export commodity has turned into the most transparent demonstration of its physical, social, and moral bankruptcy.

The stunning and still unbelievable events of this *annus mirabilis* are cause for celebration almost without regard for what is yet to come. But it is still quite uncertain what *is* to come or what we can do to influence the next course of events. It is now time not only for some very hard thinking, but also a revival of the habit—largely dormant since at least the late 1940s—of assessing the six former Soviet satellites as separate cultures, and not some amorphous mass of agony and longing.

Opportunities For Liberty

In the aftermath of World War II, the United States and other Western powers successfully infused a large measure of democracy and capitalism into Germany and Japan, notwithstanding pre-war German and Japanese hostility to liberal values. This was achieved in part because of the great loss of capacity and legitimacy that the institutions of both countries suffered during the war.

Stable societies, on the other hand, resist radical innovation, no matter how efficacious its promised benefits or compelling its logic. Marxism has been intellectually bankrupt since at least the 1940s (some would say since Lenin's introduction of the New Economic Policy in 1921) and democratic socialism lost the moral and economic high ground a generation ago. Nonetheless, after more than a decade of Reaganite conservatism on one side of the Atlantic and the Thatcherite version on the other, neither the U.S. nor the U.K. give the slightest hint of being ready to abandon the basic features of the welfare state in exchange for the gains in economic well-being, personal freedom, and enhanced morality promised by laissez-faire capitalism. At least in the United States, the growing wave of public risk-aversion and ecological hysteria is likely to give the health and safety fascists an irresistible weapon to increase the scope of state intervention and coercion over the next few years. None of the other major nations of the West seems likely to counter that trend in fundamental ways.

And so it should be no surprise that in the 1990s, the principal opportunities for expanding human liberty and for providing a practical demonstration of the benefits of a liberal soci-

ety lie instead in the newly emerging countries of Eastern Europe. These countries have borne fifty years of intimate, daily exposure to the blessings of unvarnished state compulsion and coercion. They have experienced an ever-growing gap between their well-being and that of the West. They have endured the humiliation of queues, controls, and petty bureaucrats at every turn, the demoralization of dead-end jobs in dead-end lives, and the bitterness of subjugation to a regime that no longer even believed its own incantations about the moral necessity for self-sacrifice in the name of a proletarian utopia or for the sake of a struggle against an imperialist enemy that gave its masses both more bread and more freedom. These societies need no map to chart the road to serfdom.

These countries are caught like grist between the great tectonic plates of a collapsing Soviet state and a reunified Germany preparing its ascent to European dominion.

These countries may also be inoculated to some degree against the chief temptation of our day: the reliance on the state to save society from environmental depredation attributed to individual greed. No Western country has suffered the kind of environmental damage inflicted by the socialist regimes whose avowed goal was the creation of a workers' paradise. In Poland, it is reported that a quarter of the farmland is seriously contaminated with toxins.* In Czechoslovakia, half the drinking water may be unfit for human consumption and the water in some rivers apparently is unsuited even for industrial use. According to some reports, emanating from the territory of the Silesian coal fields and the surrounding industrial district in southern Poland and northern Moravia, half the newborn infants are underweight, premature, or deformed. One study found heavy metals contamination in one hundred percent of the placenta from new mothers. The Polish press recently reported that 400 of the 1000 buildings in the village of Jachymov, Czechoslovakia, near the uranium mines, are to be torn down because of radiation levels as much as 25 times the government-permitted standard.

It is also clear that the revolt of these countries was not only a protest against poverty or foreign domination or a reflection of native temperament. For it took place not only among destitute Poles, but more-or-less affluent East Germans. Not only among mercurial Bulgars, but among phlegmatic Czechs and relatively comfortable Magyars. Not only among Poles and Czechs suffering a sense of Soviet domination, but among Romanians suffering largely from home-grown tyranny, and even among Bulgarians who regard the Russians with esteem. The single common currency that denominated all these uprisings was the impulse to throw off the yoke of oppression: the passion to be free.

And yet these revolts were not alike and not all these countries have the same aspirations or potentialities. Among them, three stand as the most fertile prospects for our hopes: Poland, Czechoslovakia, and Hungary. The partisans of other East Bloc nations, as well as of the various Soviet nationalities may make impassioned and attractive claims for their own candidates, but we should place our capital according to the odds, and these three surely have the inside track.

Together with the Baltic states, Poland, Czechoslovakia and Hungary represent the eastern edge of Western culture, the place where the traditions of the Renaissance and the Enlightenment confront the Oriental. Unlike the Baltics, they have already made their break from Soviet hegemony. They look West. For better or worse, they lie more within the cultural orbit of Berlin than Moscow. Their religious tradition is Catholic and Protestant, not Orthodox or Muslim. Whatever their internal dissensions and rivalries, they are largely free of the tribal blood thirsts of the Balkans and the depths of mysticism and collectivism in the soul of Russian culture.

But even among these three, Poland and Czechoslovakia seem best prepared by history for this moment. By perverse irony, the Hungarians, who began the exit from socialism first, resorting to the clever half-measures of Hungary's Goulash Communism, may need to fall back and undo these steps before things can yet be done right.

But Why Should We Care?

Even if the possibilities described above are true, should we care, or care enough to help potentiality become actuality? We have, after all, an aversion to utopian crusades and a strong disinclination to be officious intermeddlers. Even so, there are at least three reasons why the prospects sketched above should matter to us very much.

First, liberty in any country serves our interest. And these are not just any country. Their heritage is Copernicus and Chopin; Dvorák, Capek, and Mahler; Pulaski and Mme. Curie; Liszt and Bartók—which is to say: our own. The most confirmed advocate of non-interventionist foreign policy and the most committed opponent of altruism as a moral principle must recognize the virtue of voluntary assistance to the advocates of liberty in these countries as an affirmation of our own highest values.

"How did the peace talks go, dear?"

* Reliable and verifiable statistical and other information is very hard to come by in these countries and a certain degree of skepticism needs to be applied. In some instances, authorities obviously have a strong incentive to hide or obscure evidence of misdeeds or shortcomings. In other cases, parties have a similar interest in exaggerating evidence of distress.

Second, these countries occupy a vital geopolitical position. Their reemergence as independent nations is part of a larger rearrangement of the European scene now under way. These countries are caught like grist between the great tectonic plates of a collapsing Soviet state and a reunified Germany preparing its ascent to European dominion. It is of some import whether these Central European nations present a free and democratic counterweight to those developments.

Finally, these countries possess an importance, all out of proportion to their size, as bellwethers for the next generation. In the 1960s and 70s, victories in such obscure places as Angola, Ethiopia, Mozambique, Nicaragua, and South Yemen buttressed the Marxists' self-confidence in their role as the inevitable beneficiaries of history, and thus contributed mightily to Western pessimism. The adoption by Poland, Czechoslovakia, and Hungary of genuinely liberal—and not social democratic, illiberally "liberal"—models could have a similar (though more beneficial) impact in our time.

Turmoil Within

With the collapse of the Communist regimes, Poles, Czechs, and Slovaks have been faced with the immediate issue of what political and economic system is to follow. In Poland, the ten-year struggle of Solidarity has provided considerable opportunity to debate that issue. It is therefore of some moment that the new government opted for a cold plunge from socialism to free-market capitalism, adopting the plan identified with Finance Minister Leszek Balcerowicz. Since the beginning of the year, Poland has moved rapidly to liberate prices and wages, supplant state monopolies with plans for privatization, create a convertible currency, and invite foreign investment. While it is not yet clear how far the Balcerowicz forces would like to move toward laissez faire, the plan does not seem to envision the "middle way" of democratic socialism as its goal.

Other powerful free-market and libertarian forces are also at work in Polish society. In 1985 the Krakow Industrial Society emerged as apparently the first association of businessmen and intellectuals in Eastern Europe advocating the replacement of socialism with a market economy. The Society has advanced the idea of establishing a free enterprise zone comprising the entire province of Krakow. Its members have a wide entrepreneurial vision, including formation of the region's first private bank. On the political front, a number of parties support varying free-market agendas. One of them, the Conservative-Libertarian party, is headed by Janus-Korwin Mikke, a libertarian, who has published translations of Ayn Rand's works.

In Czechoslovakia, the transformation was sudden and largely unexpected. After the long suppression of Czech liberals, the strength of their influence is surprising. Vaclav Klaus, Czechoslovakia's free-market Minister of Finance and a darling of the media, is an unabashed admirer of F.A. Hayek and Milton Friedman. He is outspoken in his advocacy of an uncompromised market economy for his country, his belief in the importance of demonopolization and privatization, and his rejection of foreign aid as an inflationary influence and a deterrent to bold innovation. His chief economic advisor, Dr. Tomas Jezek, counts among his proudest achievements his translation of one of Hayek's works into Czech. Liberals have also assumed senior positions in the leading law and economics faculties in Prague. And entrepreneurial societies have sprung up in both Prague and Bratislava.

But for all this, the ranks of liberals and entrepreneurs are thin in both countries and their opposition is numerous and diverse. There is, in fact, good reason for pessimism about their prospects.

Opinion polls in Poland have shown the popularity of free-market Finance Minister Balcerowicz plummeting, while that of Minister of Labor Kuron, who is associated with state controls, is on the rise. In Czechoslovakia, gradualist political forces around Vice Premier Komareck have deflected many of Klaus's efforts.

In both countries, a wide range of political parties vie for public favor. There are no more communists, of course. "We are all democrats now," one *apparatchik* observed. But there are plenty of socialists who have only just replaced a hammer and sickle with a rose, as well as social democrats who point to the Swedish and the German models and whisper in the ear of a tremulous electorate about the hard times ahead and the evils of capitalism.

The residents of a Czech village are reported to have said that capitalism is wonderful. But how could they be so sure? Well, they had read that with capitalism, each business must make a profit. They would like very much a system where everybody makes a profit!

There are also Christian-Democrats, Peasant parties, and Catholic parties, trade union-based organizations and others whose programs are anything but laissez faire.

And, at least in Poland, conservative parties that may claim to be friends of free markets are far from libertarian, and are sometimes identified with fascistic and antisemitic elements. Thus, the Polish press reported and even emphasized that the Congress of the Right, held in Warsaw on May 1, was protected by young skinheads emblazoned with swastikas and brandishing truncheons.

Beyond politics is the problem of the *nomenklatura*. Neither country has yet ousted the bureaucracy that was at the heart of the old system and neither is likely to do so soon. In some ways, democratization has aggravated the problem. In Czechoslovakia, the collapse of the old regime liberated the university faculties from the Ministry of Education, giving the established—and very largely Marxist—faculty a kind of tenure Western academics can only fantasize. One liberal Czech professor has so despaired of reforming the university faculties from within that he is attempting to establish an entirely new school and is seeking Western help to launch it.

This swirl of conflicting and competing interests is the natural and per-

haps unavoidable consequence of societies in upheaval. Compounding the difficulty that confronts liberals in broadcasting their message in the midst of this cacophony is the fundamental confusion in these countries about the meaning of that message. A meeting was convened at the Prague School of Economics between a group of Czech students and the owners of an American retailer of libertarian books intent on bringing their wares to Prague. The room was pregnant with anticipation. What books would Czechs buy?

Increased freedom has given Warsaw seven sex shops vending paraphernalia imported from Germany, a problematic development in a traditional, intensely Catholic country.

"Well, nothing about socialism."

"How about *A Critical Examination of Socialism*?"

"No, nothing with the words 'socialism' or 'communism' in it, no matter what it has to say."

"How about 'freedom' or 'democracy'?"

"Oh, yes, anything like that."

"Or 'capitalism'?"

Silence.

"It has been a bad word for so many years, we're not sure how people will react."

The residents of a Czech village had less doubt how to react. Capitalism, they are reported to have said, is wonderful. But how could they be so sure? Well, they had read that with capitalism, each business must make a profit. They would like very much a system where everybody makes a profit!

Such confusions are not limited to students or rustics. An esteemed Czech economist has asserted, "there are 100 professors of economics in Prague. Perhaps six have more than a rudimentary understanding of price theory." Such things are not taught or studied in good Marxist schools. And a business consultant in Poland admits that he finds American financial statements quite difficult to read. He is particularly perplexed by the concepts of "return on equity" and "retained earnings."

A Warsaw businessman capsulized the problem. "We have lived under the Communists so long we have forgotten how to work. If things had kept on much longer, we might have forgotten how to think."

Liberals are confronted with two tasks. In the short run, they must convince the Polish and Czechoslovak peoples to opt for freedom and free markets almost as a matter of faith. In the long run, they must begin an educational process from the ground up so that faith may be replaced by informed conviction in sustaining a free society.

This daunting task will be aggravated by the worsening conditions in these countries. Poland has embarked on an audacious austerity program. In January, subsidies on food items were removed and restrictions on the pricing decisions of many retailers lifted. Food prices doubled. Sugar rose nearly threefold and coal, the most important fuel for heating homes, rose several hundred percent. Overall, prices rose by 60 percent while real wages fell perhaps 40 percent. For the average Polish worker, whose wages of about 900,000 zloty per month equate to perhaps $95, the pain was real. Triple digit inflation has now subsided to single digit, but a sharp recession is in progress, with production down by perhaps 30 per cent. As subsidies and shelters from competition continue to be lifted, the misery must increase and unemployment is likely to become a particular problem. Most socialist enterprises seem vastly overstaffed. A Polish newspaper reports that the state television station in Wroclaw employs a staff of 430 to produce a single half-hour program each day!

These developments seem to have resulted thus far in relatively little civil unrest, limited mainly to union protests, boycotts by farmers, and anxiety among pensioners. But popular discontent with economic developments and the pace of democratization has resulted in serious erosion of Solidarity's popularity.

University students, always a barometer of discontent, seem remarkably cynical about Solidarity and pessimistic about Poland's future and their own. Driven perhaps by these strains and the individual ambitions of its leaders, Solidarity celebrated its 10th anniversary by fracturing into two hostile camps—the Centrum Alliance of Lech Walesa and the Citizens Movement, which supports Prime Minister Mazowiecki.

Other strains have appeared as well. Anti-semitism appears to be widespread. Anti-German sentiments are also commonplace and, in view of Poland's history, more understandable than the anti-semitism. Increased freedom has given Warsaw seven sex shops vending paraphernalia imported from Germany, presumably a problematic development in a traditional, intensely Catholic country. The news media now contain sensational reports of burgeoning crime, including gangs virtually taking over Warsaw's central train station. The media also reported another dubious development of increased freedom and opportunity which will no doubt be charged to capitalism—Poland's first Ponzi scheme. A local entrepreneur, promising Poles 60 to 150 per cent interest rates on their savings, allegedly managed to bilk them of 50 billion zloty (some $6 million) before taking off for foreign climes.

Last winter was one of the mildest in recent Polish memory—an auspicious setting for introduction of the Balcerowicz plan. It would be too much to expect such good fortune to be repeated; good fortune has never been a Polish trait. The coming snows of '91 may test the fortitude of the Polish people to stay the course.

The contrast with Czechoslovakia could hardly be greater. The students seem to be optimistic and eager, if a bit frightened, to get on with their future. And Vlaclav Havel, the whimsical playwright-turned-President, remains a popular folk hero. But Slovak separatists are becoming increasingly vocal (a development that may not be inconsistent with the advancement of liberty) and other tensions simmer just below the surface. It is early days for the Czechs and the Slovaks. The time of testing has only just begun.

What Now Should We Do?

In this stew of confusion, competing claims, and economic turmoil,

Central European liberals hope to make their case while neither being drowned out nor drowned. They are struggling with antagonistic parties and rival social theories, with the Old World's long tradition of collectivism and native rivalries, and with their own fears and fatigue. It is impossible to overstate the urgency of their situation or the scope of their needs. The opportunities that these countries present may be historic, but they are also highly perishable.

A flood of Western governmental and private organizations have entered the fray to provide technical support and advice, from Peace Corps workers teaching English to financial consultants advising how to establish a stock exchange. A number of government aid programs have been created, with their usual prospect for mixed blessings, but, in any event, the amounts appropriated seem quite modest by comparison with the tasks (including recreating the entire infrastructure). A number of American and Western European universities have begun efforts to bolster their eastern counterparts. The newly inaugurated American Bar Association Central and Eastern European Legal Initiative has been formulated to provide technical assistance in instituting legal regimes to replace Marxist models of non-law.

Most of these efforts are probably good things. Even better will be the increase in numbers of American businesses and investors into Central Europe. It may be that the best way to advocate capitalism is to *do* capitalism.

But in general, these efforts are not directed by liberals or in support of liberals and they could just as well produce something like the German or Scandinavian social model as they could a laissez faire system.

What is required is a program consciously created by American advocates of liberty, directed at and for the benefit of their East Bloc counterparts, to provide them with aid and comfort, ammunition and moral support—an effort to build linkages amounting to a network. Its reach should extend to those in government, academia, the business community, the professions, and beyond.

Its specifics should be tailored to its targets and limited only by its resources. It might include supplying books, teachers, scholarships, seminars, and teaching exchanges, financing translations, financing joint ventures, and formation of joint efforts to tailor privatization studies to local conditions. Part of the effort should be to provide our colleagues in the East with information and access to useful programs by organizations that are not driven by our agenda. Perhaps one of the most useful early tasks is simply to coordinate and increase the flow of information to our colleagues about the various programs and activities already under way.

Above all, it should constitute a long-term commitment, intended to endure after the media pundits and other opportunists of the moment have moved on to other scenes, and be a core effort, not a sideshow to other undertakings. The point of the program should be as much to provide

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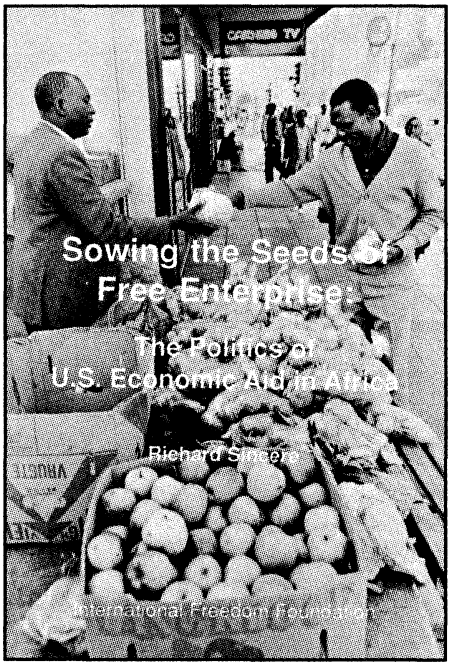

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moral support and to create a community of shared values and effort as it would be to impart specific information. Only a long-term, substantial enterprise will fill that bill.

Pieces of the puzzle are now being filled by various organizations. Policy groups like the Cato Institute, the Reason Foundation, and the National Forum Foundation are making an important contribution through seminars and other efforts, but these are generally limited aspects of their much broader and more diverse policy agendas. The Hudson Institute is engaged in a major reform effort in Hungary. The Institute of Humane Studies has established a permanent presence in Prague and appears to be engaged in the kind of sustained program that is needed, but its efforts are, of course, limited to its specific focus on student programs.

In sum, the objective is to build upon these valuable beginnings, to perform the larger task that no organization appears to have yet undertaken, and to enlist American supporters of liberty whose energies and talents have not yet been engaged.

Is all this really worth it? Can it make a difference to us? I think so. At a minimum, the opportunities to create liberal societies in Czechoslovakia, Poland, and Hungary may be beneficial there and may serve as springboards to increase freedom in the remainder of the region, including, in time, the Baltics and perhaps even the other Soviet Republics. But the real pay-off for us may be here at home.

There is something paradoxical about the current state of American public life. Over the past generation, conservatives and libertarians, pursuing their separate, but often congruent, agendas, have made substantial inroads in reducing government intrusions in specific areas of American life. In the same period, philosophical and economic arguments for personal liberty and free markets clearly have captured the high ground intellectually and—though it is less commonly recognized—morally.

Yet conservatives enter the 1990s with their energy flagging and the movement perplexed over the end of the Cold War, and libertarians are still outside the pale as a political force. The essential operative features of the welfare state remain in place and are expanding, and governance is a more openly manipulative process of grab-the-goodies pressure politics than ever before. Increasingly, pressure groups don't even bother with the ideological window-dressing considered indispensable a generation ago.

In consequence, we live in a society beset by cynicism about the character of the political process, distress about the vitality of American culture, and pessimism about the possibility of doing much about either. Yet the same American public was captivated by the triumph of Solidarity, the breach of the Berlin Wall, Vaclav Havel's impish charm, and—above all—the electrifying hunger for freedom across the East Bloc. Given half a chance, Americans still want to believe.

Building societies is neither as dramatic nor as photogenic as tearing down concrete walls and barbed wire. But if the hunger for freedom demonstrated in 1989 can be focused to create liberal societies in the east, perhaps it may, in fact, be refocused to capture the American imagination as well.

It may also represent the best opportunity, by combining libertarian efforts with those of other advocates of personal freedom, capitalism, and limited government, to reintegrate libertarian thinking into the mainstream of the intellectual community. This may be possible because foreign programs do not create the same intramural territorial complications as domestic ones do, and perhaps also because the issues in the East are so fundamental they are not yet partisan.

As we furnish aid and comfort to our eastern friends in the fight that lies ahead, we may find that they have something valuable to give us in return. There is more to the life of liberty than theory and analysis. Perhaps our friends in Warsaw and Prague, in Budapest and Bucharest, and in other places can enrich our understanding by teaching us about resistance to tyranny and oppression, about things endured and overcome and moral choices made. Let us give them the chance. ❑

The Search for Home of Truth

by R. W. Bradford

Home of Truth, Utah —The description in my guidebook, a 1940 WPA guide to Utah, was intriguing: "Home of Truth Colony is a religious community founded in 1935 by Mrs Marie M. Ogden, formerly a prominent welfare worker in New Jersey . . . members are required to transfer ownership of all property to the leader for use of the entire group, and thereafter are entitled to food, clothing, and shelter. Mrs Ogden claims that she founded the colony under divine guidance and that she allows members no meat, except fish and chicken, and forbids the use of tobacco and alcohol."

Wow! A charismatic leader who talks with God and imposes a utopian social order on the initiates—her Home of Truth Colony sounded like a cross between Jonestown, Guyana, and Big Water, Utah, with a liberal dose of the fictional Starnesville of Ayn Rand's *Atlas Shrugged.* Especially Starnesville, where Ivy Starnes mixed oriental religion and food faddism with collectivism and low-tech to create a utopia. Like Ivy Starnes, Mrs Ogden was apparently a person of some means: "She owns the county's only newspaper, the *San Juan Record,* printed in Monticello." And Home of Truth was a back-to-the-land movement, decrying the wasteful consumption of modern civilization: "The colony has no electrical nor sanitary conveniences; light is provided by candles and oil-lamps, and water is obtained from outdoor handpumps."

Ivy Starnes may have lived here.

In exchange for electricity, Home of Truth promised peace: Mrs Ogden "has prophesied that the grazing land beyond the gap will eventually be populated by thousands of Home of Truth colonists, and that the faithful will live in peace and prosperity while the rest of the world is caught in the destruction and misery of war."

I wondered: did Home of Truth deliver on its promise? Did thousands of colonists find good grazing land beyond the gap in the mountains? Did they prosper while the world suffered from the carnage of World War II? Filled with religious fervor, appreciation of the simple, low-tech life, and an understanding of the compulsory sharing that underlies the principles of welfare, did they find the harmony and prosperity that they sought? Whatever became of Mrs Marie M. Ogden and her devoted disciples?

My guidebook said that Home of Truth Colony was located on a dirt road 1.7 miles west of an oil-surfaced road at a point 11.6 north of Monticello, Utah. This point, my road atlas advised was a scant 1,200 miles southeast of my home in Port Townsend, Washington. The atlas also showed that the road running north from Monticello was now paved. Assuming that the road was still where it was in 1940, I could certainly get myself there; if Home of Truth survived as a prosperous community, it would be easy to spot in the desert. I packed my camera and a thermos of lemonade, got on my motorcycle, and set out to find it.

Southeastern Utah, for those of you who have not had the pleasure, is a lonely and beautiful place. It is desert country, and like desert country everywhere few people live there, and those that do are a little strange. But in this part of Utah, it is the land that grabs your attention and holds it. Scrawny

rivers flow through magnificent canyons. Vast flows of lava bake in the sun alongside towering spires of sandstone. There are more national parks than decent restaurants.

To the south—the direction I am heading—there are ominous clouds. To my left is a huge natural arch, more spectacular than any in Natural Arches National Park. My map has a tiny red square marked "Wilson Arch." I have never heard of it. Why is there no national park here, I wonder, no magnet for America's subsidized geriatrics luxuriating in behemoth Winnebagos and suburban families packed into tiny sedans? Perhaps its closeness to the highway accounts for its obscurity. If people can see it from the window of their car on U.S. 160, how can it qualify as a "natural wonder" worth a $5 per carload admission?

I speed by. I reach the point where I calculate that I must leave the highway. The road I select is paved now. I drive up it .6 miles and look to my left: could that rundown shack be all that is

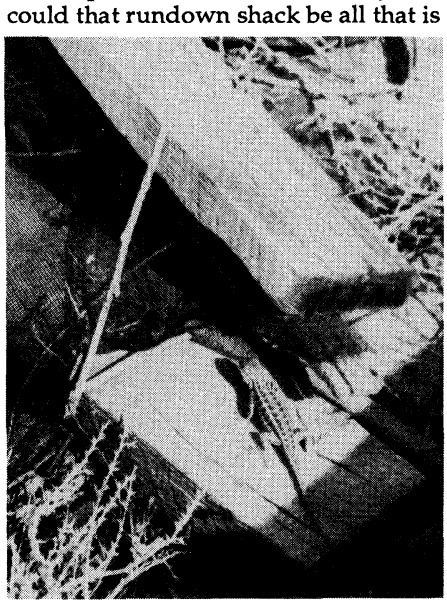

A current resident relaxes in his home.

left of "the Outermost Point," identified in my guidebook as "a group of frame buildings for the use of nonmembers and visitors?" Another 1.1 miles down the road I look for "the Middle Section," which I quickly identify by the low, Mesopotamian-style pile of rocks that I take to be "the unfinished cobblestone church" mentioned in the guidebook.

I continue down the road another 1.3 miles. Sure enough, I come across a group of buildings that must have been "the Outer Portal" identified by the guidebook. This was the most developed part of the colony, the home of Mrs Ogden and her elect.

It lay north of the road only a few hundred feet. I park my motorcycle and walk up a sandy track to the main group of houses. There is a deep gully in the track, where water runs during rainstorms. Anthills rise six inches high and a foot across. Four-wheel-drive trucks have been here since the last rain; tracks are all around.

It is easy to spot which house was Mrs Ogden's. It's the two-story one with several rooms and a long porch facing Shay Mountain to the southwest. "During the summer," the guidebook says, "the colonists make frequent trips to this mountain, remaining at its base while their leader ascends to the summit to receive revelations." Israelites at the base of Sinai while Moses ascends.

But there were no colonists at the base of Shay Mountain today, no Mrs Ogden at its summit talking to God. Neither were there happy colonists in the Outer Portal, and grazing land filled with the flocks of sheep and harmonious colonists beyond the gap. The houses are falling apart. If they were ever painted, there is no hint today. Every piece of glass is gone, every door is open, the only signs of twentieth-century occupation are the scraps of linoleum on the edges of floors. Litter is everywhere—the sort of litter that isn't completely broken down by 40 years of the desert: fragments of rusty metal, bits of barbed wire, leprous tin cans, weathered boards torn from buildings. I look in vain for the ruins of an electric motor.

In front of one building is a length of concrete sidewalk; by another is some rockwork. Between two buildings I come upon two trash barrels, one labeled, "Keep Utah Beautiful." They are about half-filled with beer cans, and more beer cans are strewn about.

The Outer Portal has become a place for local teen-agers to drink.

To the south the clouds grow darker. I walk back to my motorcycle and return to the Middle Section. There is a dirt track into it, passing through a gap in a barbed wire fence. I cross over a dilapidated cattle guard made of wood. I pass the rockpile foundation of the cobblestone church that was never completed. Ahead lies a house that appears to be covered with tar paper. Does someone live here? Am I trespassing? There are no vehicles about, but I park the bike and walk toward the house. "Hello? Is anybody home?" No one answers.

I soon discover why: through a window I see that the house is full of hay. I hear the sound of an animal: I have startled a jackrabbit, which runs from one sagebrush to another. Then the whisper of the desert breeze is interrupted by a sound that seems out of place: a quiet mechanical sound. I look about and discover that the ramshackle windmill to the west is turning. It is pumping water from a well and dumping it on the ground. There are no animals here to drink it. Has this windmill been quietly pumping water onto the thankless desert for fifty years?

But of course, this land *is* being used. There are cowpies everywhere, and someone has filled the house with hay and is probably caring for the windmill. This field is used for cattle, probably during the winter. Real production in the debris of utopia.

The clouds to the south look threatening. I mount my motorcycle and drive past the rockpile church to the paved road and back toward the Outermost Point.

At a weatherbeaten shack, I dismount, startling another jackrabbit. The shack has no doors, no glass. Nearby is a collapsed building.

It is anti-climactic. After you've seen the Middle Section, how can you be impressed by the Outermost Point? The sky is dark now—the clouds are fearsome. I am taking photographs when the first giant drops of water hit me. I head for the paved road, and it is raining hard when I reach it. I dismount and put on my jacket to protect me and my camera. I am in what in these parts is called a "gully washer." Yes, the gullies are washing: brown rivers of mud rush alongside the road, and I am back on the highway, racing through a downpour away from Utopia, leaving Home of Truth to jackrabbits, lizards and ants.

Ashram in the Desert

Rajneeshpuram, Oregon — Like Home of Truth, Rajneeshpuram was founded in the desert as a religious community centered around a charismatic leader.

But the the similarity doesn't go very far. Rajneeshpuram was large; Home of Truth small. Rajneeshpuram was famous; Home of Truth almost unknown. Rajneeshpuram was rich; Home of Truth poor. And ironically, while obscure Home of Truth is easy to get to, located only a few hundred yards from a paved road, well-known Rajneeshpuram is hard to find, a traveller's challenge.

In the early 1980s, Rajneeshpuram was the center of attention. Ted Koppel did live interviews with its officials, and the motels of nearby towns were filled with reporters from around the world. Its story was widely known: a guru, who went by the name Bhagwan Shree Rajneesh had left his ashram in India and moved to the United States. Bhagwan's religious teaching combined ideas and techniques from the Western human potential movement with those of the Eastern tantric tradition of sexual mysticism, a doctrine that found a market among well-off Americans. Bhagwan ("God") moved to a ranch in central Oregon that had been purchased by his disciples, and established a religious community, which he called Rajneeshpuram.

At its peak, somewhere between 2,000 and 5,000 people lived in Rajneeshpuram, and at one point another 15,000 or so visited to attend a religious festival. In the early 1980s, it appeared on road maps, a foreign sounding name on the southern border of Wasco County, about 50 miles northeast of Madras, a metropolis of 2260 souls in the high desert of central Oregon.

Rajneeshpuram no longer appears on road maps. But you can find it if you want to.

◆

I drive south on U.S. 97 to Shaniko. In the early part of this century, as much as five million pounds of wool were shipped from Shaniko each year, but overgrazing turned the land to desert, and in the 1940 census, its population had fallen to 55. My map lists it as a ghost town.

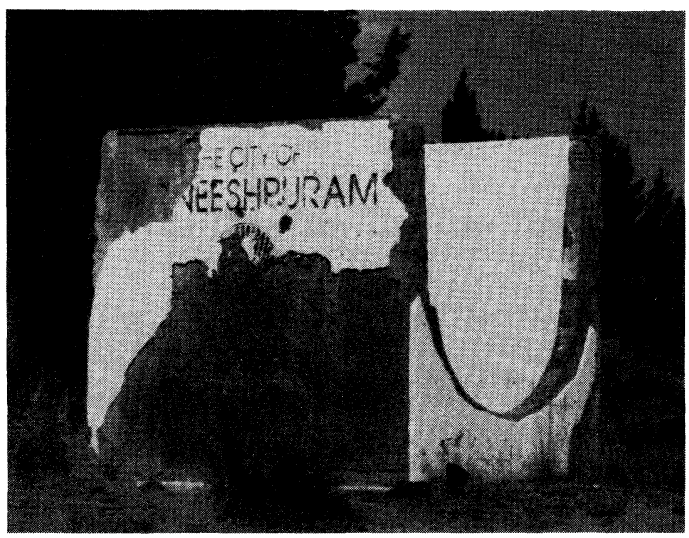

Baghwan lived here.

I stop at its only remaining commercial building, a gas station. How many people live in Shaniko, I ask. Less than ten, I am told. I note the billboard announcing in red, white, and blue letters a huge federal grant to improve its municipal water system. The paint on the sign has peeled away in patches; it dates from the 1960s, when the town boasted a population in the 30s. Today, its few remaining buildings bake in the sun, decaying. Grass grows tall in what appears to have been a park.

I turn south on a paved county road, passing through Antelope, the town of some 30 or 40 people that lies only about 18 miles from Rajneeshpuram. It is late afternoon; I check my odometer as I turn east on SR-218. According to my map, the road to Rajneeshpuram is 4 miles from the intersection. I wonder: will I be able to distinguish it from other dirt roads?

I have forgotten that this is the high desert, where mountains, winter snows, and freezing weather make road maintenance a real job. It is not the desert of Utah or Nevada, where a road can be plowed in the earth and remain in good shape for years. Roads are few in these parts. The first dirt track off the pavement I come to is about four miles up the road. This must be the place. I turn.

The road undulates and twists sharply as it climbs and falls. The only sign of civilization is a long-abandoned barn, left unpainted for decades, now the color of charcoal. On its side a white sign in block letters proclaims, "BELIEVE ON THE LORD JESUS CHRIST AND YE SHALL BE SAVED." This, clearly, was not the ashram. About three miles up the road I come to an intersection. This seems too close to the highway. I continue. The road worsens. The turns get sharper, the potholes bigger, the grades steeper. It is hard work maneuvering my motorcycle, but I proceed.

Where is the road to Rajneeshpuram? Should I have turned at the last road? Finally, I come to an intersection: an arrow to the left points to "Ashwood." From my map I see that I am south of the road to Rajneeshpuram. I backtrack, and turn down the road I had passed earlier.

It rises sharply, but the roadbed is better. I cross a cattle guard. There is a huge sign, "PRIVATE PROPERTY ABSOLUTELY NO TRESPASSING, VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW, CONNECTICUT GENERAL LIFE INSURANCE CO., CO-OWNER."

I am in Rajneeshpuram, or more precisely, I have entered the ranch the Rajneeshees purchased to build their home in the wilderness. But the ranch is huge—over 100 square miles—and it is

another 8 or 9 miles to the city proper.

Smoke rises somewhere in the distance. The air is fairly clear, but it burns my nasal passages and inflames my eyes. It is very hot and I grow apprehensive. Is Rajneeshpuram on fire? The only signs of man are the road and barbed wire fence and utility poles along its sides. Then I see a large concrete cube. On its front it says, City of Rajneeshpuram. It is chipped, and parts are missing.

The road ascends sharply: my altimeter indicates I am more than 3000 feet above sea level. The road twists and falls. The scenery grows more spectacular, with pillars of rock rising alongside the hills of muted greys, greens, and browns, covered with scrub. The land is unkempt.

And then I see a lake, sitting incongruously alongside the road. As I reach it I discover that it is a reservoir backed up behind a small earthen dam. Around another curve I see further signs of man. Buildings. An asphalt airstrip parallel to the dirt road. An apartment complex lies in a narrow ravine. It looks like it could be in a suburb of Denver. Or L.A. Or any other city. But not here, nowhere. On my left is a garage entitled "Siddartha." Modern street lights. Yellow poles labeled "Bus Stop" at intervals along the road. A bus station.

A ghostly town, but there is none of the decrepitude of a ghost town. It is a complete city, waiting in the desert for someone to live in it. Everything is new, modern. And empty.

The road curves. On the left is a Victorian house, an incongruity within an incongruity. It is lovely, and beautifully situated, surrounded by a creek and trees. The creek gurgles, four ducks swim in it, a breeze rustles the leaves of the trees. It looks like a nice place to live. And someone lives in it, a caretaker, I surmise. Next to it a street leads down a valley. There are many buildings down the street, but my view is blocked by trees along the stream; I cannot tell what they are. Like all the other side streets, it is barricaded.

I drive past a shopping mall. The road makes a large "S" curve. I drive on, past more bus stops, more buildings. An overgrown soccer field. A huge wall-less structure of the sort that prosperous ranches use to store hay, but it can't be for hay storage: the Rajneeshees were vegetarians, and had no use for animal feed. More bus stops, more streets, all barricaded. It is impossible to see most of the town from the county road, and all the sidestreets are protected by barricades and no trespassing signs.

Then the town gives out. I turn around and return to the center of town. I park my motorcycle and take a good look at a large green building across from the mall. It is "L" shaped, with several bay windows and a covered walkway. Signs on the windows say "New Releases, Photographs, Paperbacks, Bhagwan Magazine, Bhagwan Audio & Video." A wooden sign on the side of the building warns, "Absolutely No Trespassing, All Violators Will Be Prosecuted To The Fullest Extent Of The Law, Connecticult General Life Insurance Co." Aside from a rain gutter swinging in the breeze, the building appears to be in good repair. I peer in through the windows. Empty. I take some photographs, careful to walk only on the county road.

I walk toward the shopping mall. It is a two story structure, with four sets of french doors at intervals on either side of its main entrance in the center. I pace it off: it is 300 feet wide. A large, slightly weather-beaten sign over the main entrance says, "Devareeth Mall" in elaborate lettering. One of the doors has " AIR SA ON" written on it: not some strange oriental institution but a hair salon. Part of the roofing material is missing near one end. Otherwise the building is in good shape. It too is empty.

A ghostly town, but there is none of the decrepitude of a ghost town. It is a complete city, waiting in the desert for someone to live in it. Everything is new, modern. And empty.

◆

Mrs Ogden brought her flock to the desert of Utah, some 700 miles southeast of Rajneeshpuram and 45 years earlier, to establish their own Promised Land. Her followers gave her all their property and lived a communal life. Their neighbors in Monticello didn't care much for the colony ten miles north of town, but they didn't do much about their dislike. Eventually, as the colonists realized that their religion was bogus, they abandoned Home of Truth. And today Home of Truth is dead, rotting in the wind and sun of the Utah desert.

Before long, the local cafe was painted red and renamed "Zorba the Buddha," the town renamed Rajneesh, and old-time residents of Antelope found out what it was like to be treated as they had treated the Rajneeshees.

Bhagwan brought his flock to the desert of Oregon to establish their own Promised Land. The ranch they purchased in July 1981 was 18 miles over a rutted, single lane dirt track from their nearest neighbors, 50 miles from the nearest city. They got the water for their colony by damming up the tiny creeks that result when the snow melts in the spring, and by tapping the small aquifer that lies under their own property. It is impossible to imagine a more remote site for a colony, or one which impinged on its neighbors less.

Like the colonists at Home of Truth, they sought to make the desert bloom. Like the colonists at Home of Truth, their main assets were their own labor and the money they brought with them. Today, only traces remain of Home of Truth. Today, Rajneeshpuram is a city without people, waiting in the desert. Waiting for nobody.

Home of Truth died a natural death. Rajneeshpuram was murdered.

In order to live on the land they had purchased, the Rajneeshees had to get the permission of the politicians in The Dalles, the seat of Wasco County, a resort city on the Columbia River, located some 90 miles to the north. Thanks to the land-use regulations of the State of Oregon and of Wasco County, the Rajneeshees had to limit settlers to agricultural workers. But the Rajneeshees didn't want to use the land as a cattle ranch, populated by a

single family and one steer per hundred acres. They wanted to capture the land's scarce water and use their own labor to cultivate the desert. This required far more workers than does a ranch.

So in October, 1981, three months after purchasing the ranch, they applied to the politicians in The Dalles for permission to hold an election to organize a city on their land. The politicians granted them permission and the City of Rajneeshpuram was created.

But their neighbors called on a group of wealthy city-dwellers in Portland—150 miles and a world away—a group with the money and legal resources to fight the Rajneeshees. In December 1981, 1000 Friends of Oregon filed a lawsuit, arguing that the city was not in harmony with Oregon's comprehensive land-use program. When the Rajneeshees wanted to operate a printing press to produce pamphlets and books about their religion, 1000 Friends of Oregon reminded them that all buildings and operations not directly related to farm use were prohibited at the ranch, and suggested they locate their printing press in Antelope. Moreover, 1000 Friends warned them that they "may not rely on the hostility of Antelope residents" as an excuse for establishing their printing operation on their own land at the ranch.

So the Rajneeshees purchased a plot of land in Antelope and applied for a license to operate their printing press there. The city council of Antelope denied them permission. It occurred to someone on the city council that with fewer than 20 registered voters in the city, Antelope's city council could easily be taken over by the Rajneeshees—all they needed to do was to move a handful of people to their property in town. So the city council decided to abolish the city. The disincorporation measure passed the council, but it had to be approved by the voters. During the month between the council action and the election, more Rajneeshees moved to town, and disincorporation failed.

The next city council election brought a Rajneeshee majority. Before long, the local cafe was painted red and renamed "Zorba the Buddha," Main Street renamed Melvana Bhagwan Street, the town renamed Rajneesh, and old-time residents of Antelope found out what it was like to be treated as they had treated the Rajneeshees. They complained loudly, and found sympathy with most of the people of Oregon.

Illegal to occupy.

When Bhagwan drove the 50 miles to Madras, his car was surrounded by angry demonstrators shouting "Bhagwan out of Madras!" "Repent your sins!" and "America will be free!"

A siege mentality developed. Tempers flared. Before it was over, wild charges and crazy actions were taken by both sides. By 1985, the Rajneeshees were finished: their city had been declared illegal, their leaders put in jail, their treasury depleted by a huge number of legal battles and tax judgments.

The Rajneeshees reacted to their persecution in a bizarre, paranoid and vicious way, plotting to set fire to the county planning office, to assassinate the prosecutor and to poison a county commissioner. But the reaction of the people of Oregon to the arrival of the Rajneeshees was crazier: it dropped all pretense of tolerance and civilized behavior and engaged in an orgy of nativist witchhunting: setting fire to a Rajneesh-owned hotel, arbitrarily changing the voter-registration procedures a few days before an election to prevent a Rajneesh victory, and harrassing the Rajneeshees at every opportunity.

What would have happened had not the people of Oregon used the power of their government to destroy Rajneeshpuram? Eventually Rajneeshpuram might have suffered the fate of Home of Truth: members would have learned that subjugation to Bhagwan provided no more long-term satisfaction and happiness than the Home of Truth cultists got from subjugating themselves to Mrs Ogden, and they would have abandoned the colony.

More likely, the Rajneeshees would have fallen gradually from their faith but remained in their community for economic reasons (they had millions of dollars invested there), as the members of the Amana commune of Iowa did a century ago, eventually converting the communal property into individual property by a distribution of stock and land.

Either development would have denied the media a circus and the American public the entertainment provided by the Rajneeshee episode. And either would have proved less expensive to the people of Oregon, who had to pay the bill for the legal war against the Rajneeshees—and who continue paying the bill today: they must live in a society that cannot tolerate diversity. "America will be free!" they shouted at Bhagwan. Yes, Americans will be free. But only so long as they choose not to follow your religion, Bhagwan—only so long as they do not wish to live in their own city on their own land.

◆

As I kneel and focus my camera on the shopping mall I hear a voice: "Hello! What're you doin'? You better not trespass." A middle aged man walks toward me. I stand up and say, "I am on the county right of way." I am apprehensive.

But once I convince him I do not intend to trespass, the man is friendly and loquacious, like many who live in the desert. "The reason I cannot trust

everybody, I've tried to and I can't. I've let people come in here and walk around . . . I don't check these buildings daily, but I do weekly, and I find a goddam door busted back here somebody's gotten in, they think they can get into the mall, but there's nothing in the mall. You can look through the windows and see there's nothing in there. But they think there's gold in here . . .

"I feel fortunate that I haven't had vandals. I've been here 2 years . . . well make that 20 months. The city came to a screeching halt in 1985, approximately October or November of 1985, there were still people here because it still belonged to the Rajneeshees. The Rajneesh got out of here, taking his money with him and what have you. Sheela went the other way, went to jail over here in California for two years in one of those federal prisons where you can't play golf but once a week or tennis but once a day or some goddam thing you know and you can't have beer but once a week . . ."

I tell him I am writing a magazine article. He does not want his name used, he says. "A guy came out here and I didn't realize he was writing stuff in the back of a truck when I was talking he had a travel-all one of those large Chevy trucks and so when I got over here you know and I started to pile out and you know I saw the yellow pad and I said, 'What're you doin?' and he said, 'I just writing down what we're talking about' and I said 'you're going to have to clear that with the insurance company.' 'I will, I promise you that.' I said, 'Okay, if you don't I'm going to look you up.' And so he called the insurance company and the insurance company said, 'We won't talk to you.' So he went ahead and printed the fucking story and it wasn't 3 . . . 4 days later, goddam if I didn't get a call. 'We told you not to talk to anybody.' I said, 'Well what the . . . there's nothing in the paper that's derogatory.' He said, 'I know that. But they know how many people are there, they know this, they know that.' See what I'm saying, it's touchy."

How many tourists come here, I ask. "We had a helicopter come in here yesterday at 8 o'clock in the morning, people land their planes, hit the damn runway, touch down and are gone . . . if it was snowing I'd probably have 15 cars, if it was 95 degrees, I'd have one. You just can't predict who's coming through or when. . . . I told the guy up at the store, the cafe in Antelope, 'Tell everybody the place got rained out, or the roads are bad.'"

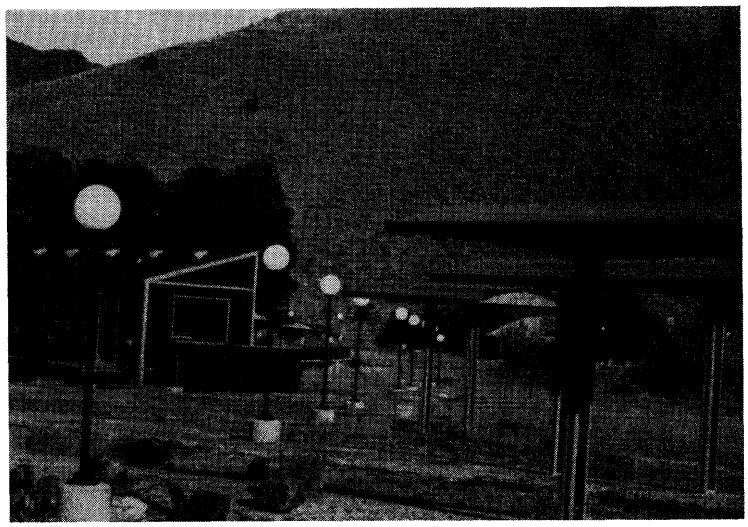

The last bus left in 1986.

What's going to happen to this place? It's been sold, he said, to an outfit called the Hanover Corporation, which will make it a resort. They paid $300,000 down on the deal. They won't walk away from that kind of down payment. The purchase price is between $5 million and $6 million.

"Can they use it as a resort?" I ask. "I read that it was emptied out of people because of a violation of Oregon's state-wide land-use regulation, after a lawsuit from an environmental group."

"Oh, no" he said. "It was closed down because Bhagwan was an illegal immigrant, and because he was flying in immigrants from Mexico and landing them on the strip."

It was repossessed by the insurance company in 1985. "They've had a goldmine dumped in their lap and they don't know what to do with it. These developers told me this fucking place is worth 50 million, it's worth a hundred million. There are computer line trunks under the ground here that will make your head spin. I mean this fucking place was *computerized*. It had the latest IBM computers in it.

"Were you ever down here in their heyday? It had the third largest bus service in the state of Oregon, teetering on the brink of being the second. There is a 170 room motel, you can see it through the trees.

"It was the biggest city in Oregon east of the mountains. Except for Bend. Bend is the fastest growing city in Oregon right now. People are flocking in from California and I wish to fuck they'd stay in California.

"Well what happens is they come in here long enough to establish residency. And then they go back to California. They use this as their summer place or their winter place to ski or what the hell they do. They got homes all over this goddam place and they don't live in 'em half the time. And then if I go down to the local bank and I want to get a fucking loan down there and all the money is loaned out to these people cause its cheap, taxes are cheap, and like one guy said in the cafe one day, it was years ago, and a truck driver came through and says, 'What do you guys got against Californians?' and he says 'If you want to move up here move, but bring your fucking money out of the bank, sell your house and move up here. Don't tell me what you did in L.A.' We're getting too fucking many board members there from L.A. I moved up to Bend in 1974 and it used to be the nicest little city, polite people, you know, you'd drive down the street and stuff and they'd stop and let you out of the side street and wave at you and stuff. I'm at the bank. Now I'm this way, I get in the fucking car and I raise hell. Now I'm at the bank and I'm waiting while the goddam people pile up in front of the bank at the entrance and exit and I'm trying to get out and cars are lined up down the street a half a block and do you think those fuckers could leave enough space so I could get out? I get out of the fucking car and I says to this guy, "Didn't you see me trying to get out of this goddam driveway?" And he says, "Oh, no. I didn't see you. I was just looking straight ahead."

The sun is low in the sky. It gets cold in the desert when the sun goes down, and I want to take more photographs. I excuse myself, finish my roll of film and leave. The sun is near the horizon, and I have 15 miles of dirt roads ahead of me. Again I smell smoke. It gives an odd color to the air, and burns my eyes and nasal passages. I had forgotten about it while concentrating on the road driving in, but paying more attention to the smoke I see that it comes from north and west of Rajneeshpuram.

I stop at the Antelope Cafe, and buy a paper cup of orange soda and copy of *The Rajneesh Chronicles*, a book that the caretaker had recommended to me. I ask the man working the counter whether many people come through looking for Rajneeshpuram. He has little interest in talking to outsiders like me. He points to a hand-lettered piece of cardboard. "I wrote that four months ago."

"I wish they'd stay in California. They got homes all over this goddam place and they don't live in 'em half the time. And then if I go down to the local bank and I want to get a fucking loan, all the money is loaned out to these people."

"To Guru Ranch. From store 18 miles. Take road to Fossil, turn right 4 miles, from here on Cold Camp Road go 4 miles, turn left on Muddy Road and continue to ranch. Leave this here."

The cardboard is soiled and a bit frayed from handling; I guess a few people had been through during the previous four months.

In Madras, I find a room at the Royal Dutch Inn. I mention to the proprietor that I had visited Rajneeshpuram. "That was the best thing that ever happened around here," he says. "In small towns everybody loves to hate somebody, they hate the Japanese, and they hate the Chinese, and they hate the Scots, and they hate the Spanish, and they hate the Italians and they hate the Poles, but when the Rajneeshees came to town they all put their arms around each other and hated the Rajneeshees." ❑

Letters, *continued from page 6*

These statements are ethical because "should" occurs in them. But they are *superficially* ethical statements. The longhand version removes the ethical term. For instance, "'2 = 3' is false and, in fact, your parents and I believe that we should pursue truth not falsehood."

Statements about ethical utterances can be true or false. The sentence "'Sin is wrong' contains three words" is true and not an ethical statement. Ethical statements themselves are not true or false. To refute this hypothesis you need produce only a single true or false ethical statement. So far no one has.

Sheldon Richman ("Bart Kosko and the close of his system," July 1990) states falsely that the statement "One ought to accept as true a conclusion reasoned properly from true premises" is a true ethical statement. I agree with him that the shorthand ethical statement provides good advice (except when our enjoyment of, say, fantasy or film or poetry depends on willful suspension of belief). It certainly provides good advice to students *if* they want to construct derivations correctly, *if* they want to pass exams, *if* ultimately, they want to increase their chances to survive and reproduce in this environment in this galaxy in this universe. The ethical or evaluative question is whether they should want these ends, not what provides efficient means to them.

I do not claim unconditionally that you should believe the conclusion of a valid argument with true premises. I claim only that if true premises logically imply a conclusion, then the conclusion is true. I omit the proof.

Medieval scholars sloganized this as "Truth should never imply falsehood." Today in multi-valued or fuzzy logic, where the truth value $t(A)$ of statement A can be any number in [0,1], we translate this slogan as "The truth value $t(A \rightarrow B)$ of the implication $A \rightarrow B$ decreases as the antecedent truth value $t(A)$ exceeds the consequent truth value $t(B)$." For instance,

$t(A \rightarrow B) = \text{minimum}\ (1, 1 - t(A) + t(B))$.

If the truth values $t(A)$ and $t(B)$ assume only the bivalent truth values 0 (false) and 1 (true), this equation gives back the truth-table definition of logical implication taught in 10th grade. Then $t(A \rightarrow B) = 0$ if and only if $1 = t(A) > t(B) = 0$, when "truth implies falsehood."

I state this formalism for two reasons. First, it makes the discussion rigorous and helps cut through the natural-language tangles of ethical shorthand and longhand. This helps avoid category errors like "Value-freedom refutes itself by valuing the valueless" and the like. Talk *within* ethical systems differs from talk *about* them.

Second, I feel (note the verb) that most libertarians need a sharp rap on the nose when it comes to logic, especially two-valued logic, and what it does and does not imply. Some libertarians still try to logically prove the truth of axioms, rather than simply stipulate them. Others believe, as Ayn Rand did, that we must or should believe in Aristotle's two-valued logical "laws" of either-or and noncontradiction. In fact these bivalent laws lead to bivalent contradictions—reflect on the set of all sets not members of themselves or the politician who says that all politicians are liars—and they represent a (measure-zero) special case of all possible like relationships. I do not claim unconditionally that you should advance from logical bivalence to fuzziness, from black and white to gray. I claim that you can fuzzify with rigor and consistency, and that you cannot maintain bivalence without self-contradiction.

So even the "certainty" of bivalent logic goes the way of ethical certainty. It reduces to pragmatic choices of systems and internal system consistency. In general you cannot utter "not- (A and not-A)" and "A or not-A" for sure, with unity truth value. These relations hold with partial truth values in more cases than there are real numbers.

So far no one has produced a true or false ethical statement. We do not have to like that fact. But we do have to take it, even if our presumed bedrock evaporates. It hurts. But emotions do not add up to truth. Appeals to God, philosophy, and wordplay only delay reckoning.

Ethics manipulates behavior. We utter ethical statements like "You did the right thing" and "You should tell the truth" to express our feelings and, most of all, to change the probabilities of our listener's future actions. We command as we commend. The two differ by only a vowel.

Bart Kosko
Los Angeles, Calif.

Un-common policy sense.

Privatization and Educational Choice by Myron Lieberman. The author argues that conventional approaches to educational reform will fail because of the bureaucratic structure of the public schools and the interest groups that block reform. Only by fostering private and even profit-making schools that compete with public schools, he contends, will we achieve lasting improvements in American education. 1989/386 pp./$35.00 cloth/ $12.95 paper

NATO at 40 edited by Ted Galen Carpenter. In this volume 17 distinguished policymakers, scholars, and policy analysts assess the value of the NATO alliance after 40 years. They question continuation of the U.S. financial drain in the face of federal budget deficits and changing circumstances in Europe. 1990/274 pp./$39.95 cloth/ $14.95 paper

The Economic Consequences of Immigration by Julian L. Simon. Drawing on a wide range of data covering long stretches of history, the author presents startling findings that squarely contradict much of the conventional wisdom concerning immigration. He concludes that it is, on the whole, beneficial to U.S. natives. 1989/432 pp./ $24.95 cloth

The Crisis in Drug Prohibition edited by David Boaz. The contributors to this book argue that, as did the prohibition of alcohol in the 1920s, drug prohibition—not drug use—is causing today's alarming crime rates, as well as corruption, the spread of AIDS, and abuses of civil liberties. The contributors, including Baltimore mayor Kurt Schmoke, Princeton professor Ethan Nadelmann, and attorney James Ostrowski, agree that some form of decriminalization is in order. 1990/134 pp./$8.00 paper

The Excluded Americans by William Tucker. Tucker examines the problem of homelessness as a true investigative reporter should—both by camping out with the homeless in Grand Central Station and by analyzing the data of the social scientists. He concludes that homelessness is largely the result of rent control and zoning policies. A Regnery Gateway book. 1990/256 pp./$17.95 cloth

The Politics of Plunder by Doug Bandow. In this collection of columns on policy issues ranging from agricultural subsidies to gay rights, Bandow shows how politicians and bureaucrats have failed to respect the Founding Fathers' intent to create a government of limited powers. 1990/507 pp./$34.95 cloth

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Exposé

You, Too, Can Be a Junior G-Man

by David Hudson

The "War on Drugs" has had many casualties, and one of them is financial privacy. And to win their war on privacy, the Feds have conscripted private business people and workers.

Are you an officer or employee of a bank or other financial institution? Are you a "person engaged in a trade or a business"? If so, congratulations; you are a junior G-man in the war on drugs, money laundering and tax evasion.

Surely you know, by now, of your obligation to report, on IRS Form 8300, any transaction involving $10,000 or more in cash. As a 1988 IRS news release says, "Since 1985, the law requires any person engaged in a trade or business, who receives more than $10,000 in cash for one business transaction, or two or more related transactions, to report these cash payments to the IRS." If you work for a bank, this obligation—and many related obligations—has no doubt been drummed into your head in formal training sessions, through written policy statements and procedure manuals, and by reading the trade press. But whether you work in a bank or another "trade or business," you face the same obligations and suffer the same penalties for failure to comply.

You are not to worry, though: it's so easy to be a junior G-man. The IRS even gives you a toll-free number to call. If you think that someone is disregarding his obligation to report the import or export of $10,000 in cash, just dial 1-800-BE-ALERT.

But considering who the victims of these new laws and regulations often are, it seems that *everyone* must keep alert.

A major concern of the IRS is the crime of "structuring," which involves making multiple or sequential currency transactions, each less than $10,000, to avoid triggering the required currency transaction report. Here is where the law-abiding American who prefers to use cash in his or her everyday transactions needs to watch out.

Anything Can Be Suspicious

Suppose, for example, you purchase a car for $12,000, and pay for it in three monthly cash installments of $4,000 each. Must this transaction be reported to the IRS? According to an IRS press release it must:

> For example, someone engaged in the trade or business of selling automobiles sells a $12,000 car to be paid for in three $4,000 monthly cash installments. If the seller receives payment of each installment in cash, that tradesperson would have to file the form within 15 days of receipt of the third installment.

Worse still, you run the risk of being accused (and convicted) of "structuring" your purchase to avoid a Currency Transaction Report (CTR). In any event, the car dealer is expected to deem this transaction "suspicious," and call the IRS toll-free.

The underlying presumption is that one is guilty of something whenever one pays cash. The statutory $10,000 threshhold means little: since "persons engaged in a trade or business" are required to aggregate related purchases and report them if they ever total more than $10,000, every cash transaction must be viewed as suspicious. If the person "engaged in a trade or business" fails to do so, he can be charged with the crime of assisting money laundering.

"Suspicious" activity can involve any "unusual activity." The ABA tells its members that "identifying this symptom requires a knowledge of the customer's account history. Any large currency transactions that do not fit the pattern of the account should be suspect." This, of course, could mean that if I never deposit or withdraw more than, say, $100 in cash to or from my account at one time, my depositing $1,000 from a successful trip to Las Vegas could result in the IRS investigating me.

Suspicious activity can even in-

volve non-financial dealings with your bank. The Florida Bankers' Association warns its members that "warning signs of illegal activity can be spotted from the time a customer opens a new account," and suggests that its junior G-men—excuse me, customer service representatives—should look out for:

- Lack of sufficient pieces of identification.
- The customer lives and works on one side of town and is opening an account on the other side of town.
- The customer is an older person having a relatively high Social Security number or vice-versa.
- The customer wants his new checks and deposit slips sent to a post office box.

I am not making this up; I wish I were. Consider the case of a 60-year-old refugee from Castro's Cuba who has just legally arrived in the United States. His Social Security number might just as easily have been issued to a five-year old; any child over five who is claimed as a tax deduction by his parents *must* have his or her own Social Security number. His only identification is his Social Security card, and his address is a post office box because he lives in an unsafe neighborhood. That's three out of four, and he might just get a knock on the door that reminds him of the old country.

Paranoid Government Runs Amok

The problem with this war on cash is that it flouts the tried and true concept of probable cause. Politicians and bureaucrats are passing laws and regulations that have the potential to criminalize every cash transaction. One who spends $100 per week, in cash, at the supermarket, spends $10,000 in less than two years. Is he guilty of "structuring" his grocery expenses? The law is deliberately vague.

Former Rep. Ron Paul (R-Texas), in his *Ron Paul Investment Letter*, wrote that

> all during the Reagan administration, under the special guidance of Ed Meese and the "Justice" Department, we saw a war on cash. Anyone using cash was portrayed as a criminal, and the money laundering statutes and regulations sought to suppress cash use and privacy. Remember: money laundering is not the crime of hiding drug profits. It is the crime of using cash—including your own honestly-owned cash that you have paid taxes on—without filling out a government form.
>
> And with the Bush Administration, the worldwide attack on cash has gone into high gear. . . .

Paul writes about an Indiana resident who "was indicted by a grand jury for structuring because he had withdrawn large sums of his own money over a period of weeks, but each transaction was under the official limit of $10,000. As hard as it tried, the government couldn't find any criminality." Despite the government's failure to even allege an underlying criminal act, the defendant was convicted.

It's so easy to be a junior G-man. The IRS gives you a toll-free number to call. If you think that someone is disregarding his obligation to report the import or export of $10,000 in cash, just dial 1-800-BE-ALERT.

This is paranoia. A paranoid government has, in effect, partially privatized law enforcement by conscripting the services of bank employees and businessmen.

Bank Tellers Target Customers

The American Banking Association is especially anxious for employees of its member banks to be good junior G-men. In the November 1989 *ABA Banking Journal*, an article in question-and-answer form called "Bank Secrecy Revisited" had the following exchange:

> Q: You've mentioned suspicious transactions. What must a bank do when it believes someone is intentionally structuring transactions to avoid reporting, or engaging in transactions that may involve illegal activity such as drug trafficking or money laundering?
>
> A: Treasury Administrative Ruling 88-1 states that the bank should immediately telephone the local IRS office and speak to a special agent in the Criminal Investigative Division. Alternatively, the bank can call 1-800-BSA-CTRS. In addition, the bank may be required to submit a criminal referral form to its primary federal supervisor. . . .

On October 31, 1989, the *ABA Bankers' Weekly* had a four-page "Special Report on Money Laundering: The Banking Industry's Response." An article entitled "On the front line" gives several examples of bank employees acting for the government, including:

> *Tellers stay alert*
>
> Puget Sound Bank of Tacoma, Wash., cannot say enough about its tellers.
>
> After noticing the purchase of four $9,000 cashier's checks at different branches over a three-day period, alert tellers reported the suspicious transactions to the Internal Revenue Service. . . .
>
> *Query draws heat*
>
> An attorney's call to a customer service representative with Signet Bank in Virginia began innocently enough.
>
> But when the questions turned to the threshold level for currency-transaction reporting, the employee alertly notified her boss. . . .

The article goes on to say that the Washington case led to the arrest of two men "on conspiracy, money-laundering and firearms offenses," and in the Virginia case "a search of the attorney's office produced records exposing a major rural narcotics-distribution ring." But we can be sure that if these examples of vigilance, instead of resulting in a "happy" ending, had resulted in the harassment and embarrassment, or worse, of a customer engaged in a wholly legal transaction, they would never have been written up in *Bankers' Weekly*.

Worried Bankers

Despite their officially-stated commitment to cooperating with the bureaucracy, bankers are worried. Miami attorney Gerald J. Houlihan, who specializes in banking issues, addressed some of his clients' concerns in a speech last October:

> We recognize that drugs represent the No. 1 foreign and domestic crisis . . . Indeed, in order to assist in the war on drugs, our Congress and our courts have willingly sacrificed individual rights otherwise guaranteed by the U.S. Constitution. . . .
>
> Money-laundering prosecutions represent the new hope for abolishing the drug industry. Unfortunately, although the policy has intuitive ap-

"I see sweeping change underway in the marketplace—out of financial assets and into hard assets. Those who think they're getting value with stocks are about five years too late . . . Likewise, people who have some savings and are counting on mutual funds, passbook accounts or the equity in their homes are going to be in for a most unpleasant surprise.

"Those who recognize this, and change their investment strategies accordingly, should make a great deal of money in the next few years, at the very time when most people are losing."

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"A hundred years from now, should mankind survive that long, Doug Casey may well be remembered as one of the great prophets, and financial geniuses, of our time."

—Robert J. Ringer, business author

We live in an era when the federal government has grown so large that its actions now dominate every financial and investment market. Though many brokers and advisors seem to ignore this fact, the reality is that government actions are a major influence on every financial decision you make. If you don't acknowledge this and arrange your affairs accordingly, you will always be among those who lose money by sudden shifts in the economy and business cycle, triggered by a government that has its own financial priorities at stake.

Crisis Investing is the *only* major advisory service whose whole strategy is to help you simultaneously to profit and to be protected from government actions that trigger predictable consequences in the investment markets. It recommends specific investments, high-potential speculative opportunities, tax avoidance methods, and tactics for increasing your financial privacy, all of which take advantage of the foreseeable actions of big government.

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peal, its application has been somewhat unrealistic. The government has underfunded our law-enforcement efforts. To compensate for this underfunding, it has constructed a complicated system of regulations which have unfairly shifted the burden of law enforcement onto the financial institutions. There is a perceived need to "force" our business community to join in this task. . . .

Financial institutions have been forcefully deputized as law-enforcement agents, at great expense, and without appropriate guidelines or assistance from the Department of Justice, the Department of Treasury, the comptroller of the Currency and the host of other regulatory and enforcement agencies.

Houlihan was especially concerned that "assets of legitimate banks are jeopardized by liberalized criminal and civil forfeiture laws," and by the possible "forfeiture of bank assets, whether capital-based or security interests, based on technical legal fictions that ignore practical and economic realities of the financial industry."

The January, 1990 *ABA Banking Journal*'s cover story was "Inside an OCC Compliance Exam." This article, written in cooperation with the Office of the Comptroller of the Currency and "a mid-sized institution we'll call Federal National Bank," covered all aspects of a bank's compliance with various laws and regulations. Executive Editor Steve Cocheo demonstrates that Bank Secrecy Act compliance can cause headaches:

One trouble spot is the exempt list. In a number of cases only post office boxes are listed, rather than full street addresses, as the law requires. . . . Another problem appears on some CTR's [currency transaction reports]—post office box numbers are listed in the address section. This is incorrect here also.

The exempt list is those customers, like supermarkets and department stores, that regularly make cash deposits of over $10,000 per day; the bank need not file CTRs on these customers.

But the examiner is worried about more than technical violations, like incorrectly filled-out forms. The article said that the author

[is] concerned by the bank's inability to track multiple currency transactions by the same customer at different times in the same day. The only method Federal National has—short of a customer going to the same teller, which would be doubtful if they were up to something—is running teller station tapes . . . [he] is going to recommend that the bank try harder by having tellers write down any unusual transactions—say over a given dollar amount—and reporting them to the head teller at the end of the day. This could enable them to do some manual aggregation of multiple transactions.

At the conclusion of the exam we are told that "The bank's composite rating for the entire examination was a '1'—the highest." No doubt "Federal National" had sent out some junior G-men to verify customer addresses, and stepped up informing on cash transactions below the reporting threshold.

Privacy For Money Launderers?

Time magazine, in its December 18, 1989, cover story on money laundering, noted that launderers rely heavily on electronic fund transfer networks:

The system depends on the collaboration, or often just the negligence, of bankers and other moneymen who can use electronic-funds networks and the secrecy laws of tax havens to shuffle assets with alacrity. The very institutions that could do the most to stop money laundering have the least incentive to do so. According to police and launderers, the basic fee for recycling money of dubious origin is 4%, while the rate for drug cash and other hot money is 7% to 10%. . . .

Even IRS agents are largely unprepared for the task of tracking transactions that can involve four or five banks, several shell companies and two or more currencies.

Few agents can be spared because IRS employees are working overtime to contain an explosion of smaller-time money-laundering cases involving car salesmen, ordinary investors, real estate agents and other entrepreneurs. . . .

Time, of course, is just confirming what many libertarians have known all along: the hidden purpose of any "crackdown" on money laundering is to increase the regulation and control of ordinary Americans. You know: "car salesmen, ordinary investors, real estate agents and other entrepreneurs." ❑

Report

Smokes, but No Peace Pipe

by Scott Reid

Jobs in the underground economy rarely provide the best security—as Canada's Indian population has recently discovered. Of course, security isn't *everything*.

December 1990 marks the 100th anniversary of the Battle of Wounded Knee which ended the Indian wars in the United States. In Canada, however, the wars are far from over. During the past few months, worldwide attention has been focused upon the unexpected outbreaks of armed violence on two Indian reserves in Quebec. The dispute first made the news in July, when residents of the Kanesatake reserve near the small town of Oka just west of Montreal refused to vacate a piece of land they had seized in March, after it had been slated for development as part of a golf course. The Indians claimed that they owned the land, since it had never been signed over to anybody by treaty. The unusual measure of seizing the land by armed force was partly a response to frustration with the court system, which they felt was ignoring their claims. It was also partly a result of their frustration with the media, which had been totally unresponsive to their previous non-violent protests.

On July 11, a force of 100 officers of the Quebec provincial police attempted, with the aid of assault rifles, tear gas, and concussion grenades, to extricate the Indians. The Indians fought back and one policeman was shot and killed. The police backed off.

In the wake of this confrontation, Indians elsewhere protested the decision by the provincial authorities to respond to force with force. On the same day, the residents of the Kahnawake reserve, located just south of Montreal, closed off access to the Mercier Bridge, which forms the main link between that city—like Manhattan, Montreal is on an island—and its suburbs to the south. This was an openly illegal and political action, designed to make life unpleasant for thousands of commuters.

Since that time, the situation in Canada has turned into something of a three-ring circus. Indians across the country have taken a variety of illegal actions. In the West, a favorite tactic has been to block railroad tracks which run through land that they claim. One band in Alberta has started to dig a large trench through which they intend to reroute a river on the basis that a dam being constructed by the provincial authorities will flood sacred sites. Robert Bourassa, the premier of Quebec and a supporter of *de facto* independence for his province, saw no irony in asking the federal government to send in troops to beat back Natives seeking *de facto* independence from Quebec. International observers were dispatched to watch the crisis in the heart of the country that probably exports more UN observers per capita to other peoples' crises than any other nation on earth. The observers were treated to, among other sights, the spectacle of mobs of peeved commuters pelting Indian women and children with stones and bottles. A final insult was added when Bishop Desmond Tutu of South Africa arrived to discuss the parallels between Canada's treatment of its Native population and his country's policy of *apartheid*.

One reason for the Indians' sudden willingness to use illegal tactics has already been mentioned: the Indians have discovered that the use of violence is the best, and perhaps the only, way of directing media attention to the issues that they consider to be important.

More to the point, however, Canada's Indians have a lot of grievances, some real and others imagined. Many Indian bands have never signed treaties. Having been denied the benefits granted to treaty signatories, they feel with some justice that they should at least have the benefit of the use of the land which they never signed away. Unfortunately, it is only a small step from this eminently reasonable position to one in which every piece of real estate in the country seems to be the subject of one claim or another. At

present, for example, 85% of the landmass of British Columbia is the subject of Native claims. During the course of the armed negotiations at the two reserves in Quebec, the province's deputy minister of Native Affairs revealed to the press that he had been informed by some of the Mohawk negotiators that their land claims would henceforth include the island of Montreal, a good chunk of the rest of Quebec, and parts of Ontario, New York State and Vermont.

Observers were treated to, among other sights, the spectacle of mobs of peeved commuters pelting Indian women and children with stones and bottles.

For some reason, the Federal Government has a policy of footing the Indians' legal bill for these land claims, many of which it must then oppose in court. Legitimate or not, the claims are the source of tremendous frustration to the Indians, especially when they are held up for years in the hopelessly backlogged court system. The land-claim subsidy has had the effect of radicalizing Indian leaders, who can afford to launch even the most frivolous legal battles with impunity. Indeed, Indian leaders must pursue each land claim with equal vigor, or they will be charged by rivals with the crime of selling out to the White authorities.

An even greater source of frustration and desperation for the Indians is the high-handed and frankly offensive behavior of the bureaucrats of the federal Department of Indian and Northern Affairs, who seem to govern the Indians based on the philosophy that they are a nation of retarded but malevolent children, in need of repeated spankings but controllable only through the frequent application of tooth-rotting sweets. The department, widely regarded as the least responsive and most bloated in the entire corpulent Canadian civil service, is governed by the Indian Act, a piece of legislation penned long before it became fashionable to regard Indians as members of the human race, and last amended 40 years ago. The Act gives the bureaucrats wide powers to interfere in the daily lives of the Indians. It is perfectly legal, for example, for some bureaucrat in Ottawa to lease out chunks of a reserve without the approval of the residents, or to veto a similar sale or lease by a band council. Profits earned by bands from the sale of land or natural resources are held by the Crown, for the ostensible benefit of the band. The bureaucrats, not the Indians, get to decide how to spend this money. The Act empowers the Department to disallow laws passed by band councils. "Welfare" is dispensed in plenty by the Department ($5000 per Indian in 1983), but little of it goes into the hands of individuals; most of it is distributed via the sort of in-kind programs most likely to destroy individual initiative, or into the hands of the band councils, which are sometimes corrupt. If these sound like the kind of policiesthat have turned American welfare and public housing into nightmares, that's because they are. There is considerable justice in the Indians' complaints about the "colonialism" of the Department of Indian and Northern Affairs.

On the other hand, the Indians haven't complained much about the special privileges that they are accorded under other provisions of the Indian Act. They are not required to pay tax on any income earned on a reserve; welfare is also tax-free, of course. This tax-free status ends when an Indian leaves the reserve to seek employment elsewhere. The difficulties facing the Indian who attempts to assert his independence and leave the reserve are heightened further by the extraordinarily low quality of the education he has likely received. Most reserves have a single school, and schooling generally ends before high school has been completed. The disincentives to work that are embodied in welfare plans everywhere are therefore greatly magnified for the Indians. It is not really surprising, under these circumstances, that unemployment among the Indians ranges as high as 90% in some locales.

One of the most important privileges open to the Indians under the Indian Act is legal exemption from provincial sales taxation of any product that they plan to consume on a reserve. Anybody who has worked in a retail store in Canada will be familiar with the sight of Indians pulling out the little cards that certify their tax immunity, thereby getting what amounts to a discount of 8% (Ontario), 9% (Quebec), or 13% (Newfoundland). Naturally, there is more than a little temptation for Indians to take the discount even if the merchandise is likely to be consumed off-reserve, or even if the real consumer will not be the Indian himself, but, say, a white friend or in-law. This is the key to understanding the recent violence, and the reason why it is almost certain to continue.

Imagine that the level of sales tax was not 8 or 9 percent, but 85%. Would the temptation to take that discount go up? This is the level at which cigarettes are taxed in most of Canada (the exact percentage varies from province to province). This means that the price for a package of cigarettes, legally purchased at the least expensive retail tobacco outlet in Quebec, is over $4.50 Canadian. In New York State, just forty miles from Montreal and the Kanesatake and Kahnawake reservations, the price of cigarettes is less than half that. This disparity creates an opportunity for Indians to profit, and the Indians take advantage of it.

The bureaucrats seem to govern the Indians based on the philosophy that they are a nation of retarded but malevolent children, in need of repeated spankings but controllable only through the frequent application of tooth-rotting sweets.

Cigarettes are an ideal commodity for smuggling. They are small and light, and therefore easy to transport. Individual packs are usually placed by the manufacturers in cartons of eight, which in turn are packed in groups of 25 in cardboard cases of an easily luggable size and weight. In Canada, one of these cases is worth roughly $900, nearly $800 of which is tax revenue.

The Akwasasne reserve, also in-

habited by Indians of the Mohawk nation, straddles the Canada-U.S. border, and serves as the main gateway for the smuggling of cigarettes into Canada.

The illegal trade in tobacco has given the Indians something that the bureaucrats at the Department of Indian and Northern Affairs and the endless intrusive regulations of the Indian Act have always kept from them: a genuine earned income and an alternative to the humiliations and frustrations of welfare and poverty.

The reserve is large and the Indians are well-distributed on both sides of the border, so smuggling is an easy matter. Once in Canada, the cigarettes are distributed to corner stores and tobacco shops across the nation, where they are sold to the retailers at prices well below those of legal wholesalers. Some direct sales to smokers take place at retail outlets on the reserves. In total, the business is said to be worth $500 million annually. It has been estimated that half the cigarettes sold in Nova Scotia are contraband, despite the fact that this province is hundreds of miles from the main international inlet for smuggled cigarettes.

The results of tobacco smuggling are not much different than those of smuggling illegal drugs. Since no smuggler has recourse to the law if a rival cheats him or steals from him, the smugglers have learned to arm themselves well. This accounts for the remarkable array of automatic weapons that the army has come up against on the reserves.

The illegal trade in tobacco has given the Indians something that the bureaucrats at the Department of Indian and Northern Affairs and the endless intrusive regulations of the Indian Act have always kept from them: a genuine earned income and an alternative to the humiliations and frustrations of welfare and poverty. Naturally, the various federal and provincial authorities are not happy about the fact that the Indians have chosen this particular road up from poverty, rather than one of the many sanitized and impassable routes laid out by government administrators.

The police have pushed hard to suppress this trade; for example the RCMP conducted a 200-man raid on the tobacco outlets at Kahnawake in 1988 that resulted in an armed stand-off that lasted 27 hours. Beginning in May of this year, police have been conducting customs-type searches of persons leaving the Akwasasne reserve in order to cut off the flow of illegal tobacco. This appears to have been at least partially effective, since between May and July, 50 or more of the 65 retail outlets on the Kahnawake reserve shut their doors, dumping hundreds of store employees back onto the welfare rolls.

Since the military blockade of the reserves began, sales of cigarettes at legal outlets in the surrounding region have soared. A huge part of the underground economy has now been forced to the surface, and at last the state can rake in some part of the hundreds of millions of dollars in tax revenue which it had been losing. I know of at least two Montreal-area tobacco outlets that have experienced sales increases of $50,000 per *week* over the past few months. Almost all of this increased revenue is destined for government coffers, of course.

The authorities have discovered by happy accident that what started as a dispute over the ownership of a golf course has given them the tools to cut off the illegal tobacco trade.

Once the troops have gone, the incentives to smuggle will be as great as ever, since none of the root causes of the crisis have been addressed. On the other hand, white politicians have discovered that the use of force against the Indians is popular, and will remain popular as long as the Indians are identified by the public as gun-toting thugs.

The Mohawk Warriors will be disarmed this time, but as long as the cigarette trade remains profitable, they will rearm themselves for future confrontations with the police. As the risk to life and limb of engaging in the trade goes up, it is unlikely that the number

continued on page 76

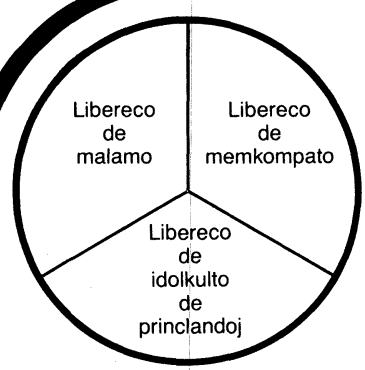

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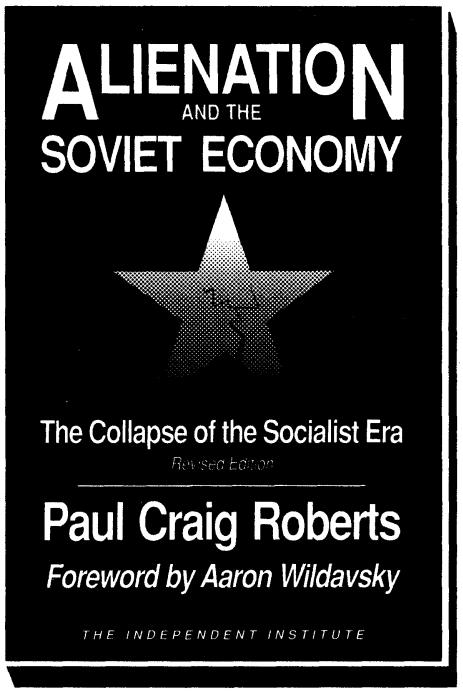

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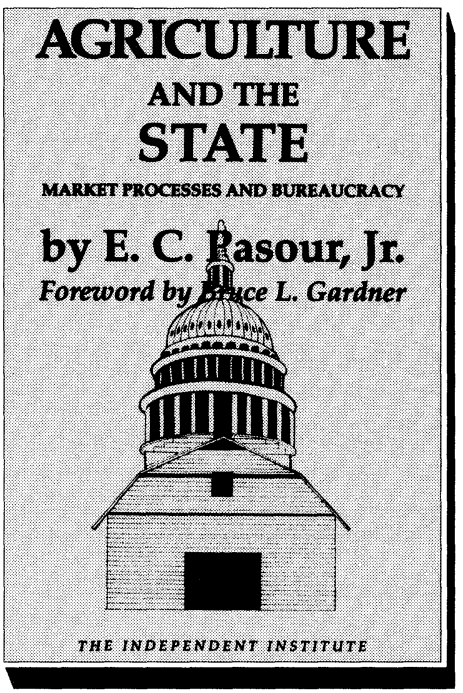

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Testimony

Meanwhile, Back at the Farm

by Leslie Fleming

Life on the farm is not very much like the Hollywood version. Nor is it much like you think it is.

"Farmers are the backbone of America," everybody seems to agree. I say *"No."*

I am a third generation farmer living outside Hitchcock, Oklahoma, on the farm that my grandfather homesteaded. (Okay, you want proof? I have in my possession Homestead Certificate #7856 for 160 acres sent to my grandfather, Henry J. Fleming on April 3, 1905, signed by one Theodore Roosevelt.)

I came into this world in June 1921, shortly before my Dad went broke farming wheat in Oklahoma when wheat prices collapsed after World War I. The collapse resulted when the war demand for wheat ceased after armistice. My Dad was one of several from this area who left for California during that depressing time.

We moved to Riverside, where we lived among the orange groves until World War II. I have done agricultural work since my high school days in the Future Farmers of America. When World War II began, I went into the army and my parents moved back to Oklahoma to take over Granddad's farm as he got ready to retire.

After World War II, I returned to the family farm. I married a small-town girl, which meant finding a place of our own, for the farmhouse had room for only one family. We rented a house and small pasture for $5 a month. We owned two cows and a few chickens, I helped my Dad on his farm, and I did artificial insemination of dairy cows.

A year later we bought 40 acres on which we raised chickens and dairy cattle, and I worked as a Dairy Herd Improvement Specialist (a record-keeper of the productivity and profitability of individual cows.)

In 1948 I experienced my first brush with socialism. The Agriculture Stabilization Committee—a federal agency set up as a truss to support the backbone of America—began collecting data so the individual vertebrae could vote on the proposal for federal price and acreage controls on wheat. I received three postcards demanding to know how many acres of wheat I intended to plant on farm B78. I ignored them. One day a young man in a new pickup arrived to find out the wheat acreage on farm B78. I asked what crops were excluded from controls and, puzzled, he asked why.

"Put those down," I said, "that's what I raise." Needless to say, most all farmers went for the wheat controls, and my neighboring vertebrae—including my Dad—told me they were glad I couldn't vote. That's backbone.

The GI bill for sending ex-soldiers to college was popular then, and it was thought that the GIs returning to the farm needed formal education too. An evening course in agriculture was set up in our local high school, where we GIs could go to night school once a week and receive a $97 a month federal allowance (if you were married with 1 child) for 4 years of participation.

It was a mess. The teacher seldom knew more than the students. Often he was just a local with a couple of years of college. During the four years the program was in operation, most members of the backbone used it as extra income to make things a little easier. I saw little evidence of anyone actually learning anything useful from the class.

My wife and I were getting along okay now. I had a large egg route, and we milked cows and sold the milk to a

processing plant. I still worked part-time as a Dairy Herd Improvement Specialist.

The year was 1952. The price of milk fell because of overproduction. A prominent dairyman in our marketing area began to agitate for a federal milk marketing order to secure a government mandated "fair" price. Under this scheme the bottled milk consumption pie was divided up among us dairymen with any surplus made into cheese or dried milk which the federal government would buy at a federally supported price. It was a federally run two-tier pricing system with each dairyman getting a daily milk production quota (a highly marketable item to other dairymen).

One day a young man in a new pickup arrived to find out what crops I was growing. I asked what crops were excluded from controls and, puzzled, he asked why.

"Put those down," I said, "that's what I raise."

I voted against it. The other local dairymen were for it. Interestingly enough, the big dairyman responsible for the push for the milk marketing order (rumor had it he was about to go broke) sold his herd and quota immediately thereafter while retaining his job at a fat salary as head of the Milk Producers Association.

Fate intervened. Our third child developed baby eczema, an allergy that is terrible to witness and about which little could be done at that time. A specialist said that an allergy that seems to be caused by dry weather can often be alleviated by moving to a wet climate.

I wrote to the Agricultural Colleges of wet-climate states looking for a position as a Dairy Herd Improvement Specialist. Oregon State College responded and we sold out, packed into a car and trailer and arrived in Oregon in 1955. (The baby eczema disappeared in 6 months.)

I worked for the Dairy Herd Improvement Association until, in 1956, a dairy herd I had been testing came up for sale. I made a deal to lease the land and buy the herd and equipment. However, I had to secure a loan.

I found more federal help for the backbone. The local bank wouldn't grant the loan without my selling the mortgage I held on the place in Oklahoma, something I wouldn't do. The bank loan officer enthusiastically told me to go to the local Farmers Home Administration office. He was sure I could get one of the low interest loans available for poor, worthy vertebrae.

He was right. I filled out all the papers and was approved. One of the requirements was that the family had to keep a budget and estimate the needs for the coming year. These needs would be discussed with the local administrator of the loan program. My wife was particularly irritated because she had to estimate even the amount of toothpaste needed for the coming year.

Once a month the local administrator would visit our dairy. His pitch was that now that I had qualified for a basic loan, he could loan more money for improvements with only his signature. His constant theme was to go deeper in debt, buy more cows, a new tractor, etc. When we paid off our loan in two years, he said, "This has never happened to me before."

It was during this period that the Eisenhower Administration brought the self-employed under the Social Security Act. They were collecting 3% on the first $4,200 of income. I needed the money to improve my operation, so I refused to pay. I wrote letters to the Oregon Congressmen and Senators and also to President Eisenhower. All of them gave me the run-around about why no one should be exempt from this wonderful program.

My refusal brought a visit from an IRS enforcer who calmly told me to pay or "they" would make an example out of me and . . . well, I wouldn't want anything to happen to my family, would I, as he nodded to my wife and son sitting across the room. He added, "If you are opposed to socialism, you haven't seen anything yet." I visited a lawyer in Portland, who convinced me of the futility of any appeal to the courts. I paid the assessment, 50% penalty and interest charged.

It was this inquiry into Social Security that showed me its true colors. It was not an insurance program but a universal welfare scheme for the elderly. The tax could be raised or lowered at the whim of Congress. In fact, the IRS enforcer told me they didn't know there were so many of us out there until the 70-year-old self-employed were eligible to draw Social Security after 18 months of tax payments. Seems a lot of old-timers began paying income taxes for the first time to get in on the gravy train. In fact the farmers had another advantage over city workers: they could inflate their yearly income so their social security checks would be bigger.

But that wasn't enough for the backbone of America during the Eisenhower Administration. The government set up something called the Soil Bank. This was an arrangement in which farmers could get paid for not farming part or all of their land. A lot of what we members of the backbone called "no account land" became farm land and put in the Soil Bank to be *not* farmed for a government check.

My refusal to pay social security taxes brought a visit from an IRS enforcer who calmly told me to pay or "they" would make an example out of me and . . . well, I wouldn't want anything to happen to my family, would I, as he nodded to my wife and son sitting across the room.

All this government "help" made me wonder if voters really wanted this much government. Surely not. I thought maybe I could do something. I had read *Income Tax—Root of All Evil* by Frank Chodorov. When I heard of a statewide group in Oregon called Volunteers for Constitutional Government working for the repeal of the 16th amendment to the U.S. Constitution, it made sense to me. My wife and I joined. We were encouraged.

WHY SHOULD YOU BE READING FREEDOM DAILY?*

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"The Vietnam War" by Jacob G. Hornberger

"Foreign Policy and Foreign Wars"
by Richard M. Ebeling

"Conscription" by Daniel Webster

"THE VIETNAM WAR TORE THIS NATION APART. Those who supported the war were accused of being warmongers. Those who resisted the war were accused of being unpatriotic. Who were the patriots and who were the traitors? The American people who supported the war, and the American people who resisted the war, were the patriots. So who were the traitors? The traitors were the American politicians and bureaucrats who waged the war."

Jacob G. Hornberger, Founder and President, Future of Freedom Foundation,
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"THE GLOBAL SOCIAL ENGINEERS IN WASHINGTON ARE BUSY SCRAMBLING for some way to maintain Washington's political control over international affairs and guarantee that America will remain "in harm's way," potentially drawn into numerous conflicts around the world. But to follow the path of attempting to set the world straight can lead to nothing but perpetual intervention and war in the name of world peace and global welfare."

Richard M. Ebeling, Ludwig von Mises Professor of Economics, Hillsdale College,
and Academic Vice-President, Future of Freedom Foundation
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"IF, WHILE READY TO OBEY EVERY RIGHTFUL COMMAND OF GOVERNMENT, he is forced from home against right, not to contend for the defense of his country, but to prosecute a miserable and detestable project of invasion, and in that strife he fall, 'tis murder. It may stalk above the cognizance of human law, but in the sight of Heaven it is murder. . . . May God, in his compassion, shield me from any participation in the enormity of this guilt."

Daniel Webster (1782-1852) American statesman
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It was 1960 and even though I was happy dairying, I decided I could do more if I ran for Congress from the 4th District in Oregon. As I traveled about the district I soon discovered there were many special interest groups interested in more government, not less. Needless to say my pitch for less government fell on deaf ears. I lost. The voters' lack of knowledge was apparent. Education must be the key, I thought.

Once a month the local administrator would visit our dairy. He said he could loan more money for improvements with only his signature. He constantly recommended going deeper in debt to buy more cows, a new tractor, etc. When we paid off our loan in two years, he said, "This has never happened to me before."

At that time fate intervened again. The owner of the land I was leasing died suddenly. The Oregon Highway Department proposed an access road through the land. I realized that it was probably best to get out of farming for now, so I sold out and became State Coordinator for the John Birch Society. The purpose of the organization was to promote less government through education.

During this period we seemed to be making good progress toward getting the Oregon State Legislature to pass the resolution for repeal of the federal income tax. Seven other states already had.

Then an actor by the name of Ronald Reagan, lecturing under the sponsorship of General Electric, made the Oregon service club circuit. His speech, "Losing Freedom on the Installment Plan" was a heartstopper for conservatives. But when he was asked about repeal of the federal income tax, his response was, don't waste time on *that*. He encouraged us, instead, to support the Hurlong-Baker bill before Congress. It was a proposed bill to lower federal income tax rates 25%.

Thus Ronald Reagan singlehandedly stopped our movement, at least in Oregon. And to my knowledge no other state has even come close to passing the resolution to repeal the federal income tax. I think maybe he did a similar job across the country. (Needless to say, I never voted for Ronald Reagan; I knew where he stood.)

I continued to promote less government through education, but much of the fire was gone. The year was 1972. Our last child had graduated from high school. With my mother now widowed in Oklahoma, but still managing the farm, we decided to move closer to her and try something new. We packed up and left Oregon to settle near Marshall, Arkansas, some 350 miles from the family farm in Hitchcock.

We bought an abandoned farm. It was an attempt to duplicate homesteading. We lived without electricity or telephone for eight months while I built a house. Soon our neighbors were dropping in for a look-see. They immediately advised us on how to get federal money to construct a stock pond, federal assistance payment for planting a pasture, and free federal fish to stock the pond.

We stayed in Arkansas ten years. In 1982, my mother, now 80, wanted us back, so we returned to the farm near Hitchcock. The area has changed. Gone are most of the houses on each quarter of land. Farming is large scale. Diversification isn't practiced any longer. It used to be that a typical farmer raised cows, hogs, chickens, and turkeys, and grew wheat, oats, alfalfa and had a garden. Today ours is largely a two crop area—cattle and wheat. Wheat is planted for the government and cattle are raised for Big Macs.

Agriculture bureaucrats are everywhere. There is the Agricultural Stabilization and Conservation County Committee, The Farmers Home Administration, the U.S. Soil Conservation Service, the County Agricultural Agent and the County Home Economics Agent. They are all dedicated to help us pieces of America's backbone to stand up straight. You see, as everyone knows, we of the backbone are fiercely independent.

Many farmers live in town. The family farm is history. The vertebrae now eat breakfast at the restaurant—and often lunch too, since the wife is so busy. It's a new pickup, golf games, hunting, fishing, ski trips, an ocean cruise or two and some even do a little gambling in Las Vegas. A wheat crop only requires 3 months work out of the year. A cattle herd adds 2 to 3 total months more of 8-hour days depending on the size of the herd.

Many a third-generation vertabra wants to play the rest of year. Those going broke around here do so for the same reason spenders in the city do: extravagance, poor judgment and the philosophy of "enjoy it now, pay for it later."

I'm not saying there aren't a lot of good farmers who make a living in spite of adverse weather or other conditions. But still, there is no warrant for calling *all* farmers part of America's backbone. In the end, this misleading rhetoric and misplaced sympathy only give further support to a multitude of federal socialistic agriculture programs, funded in the foolish and vain attempt to save individual vertebrae from the poor judgment that always gets them in the end, anyway. Worse yet, it further disables the *real* backbone, and puts America out of joint. ❑

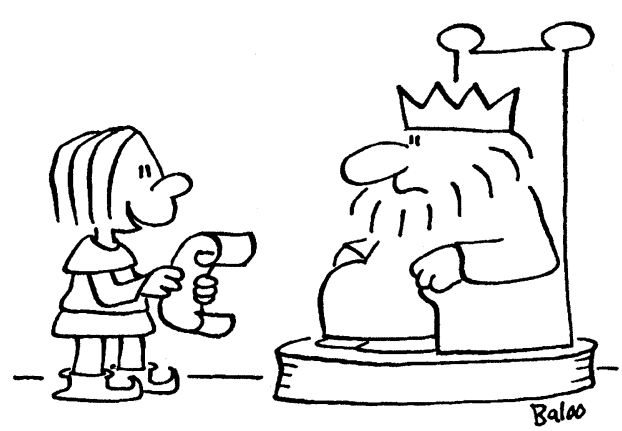

"This year's budget will balance perfectly, Your Majesty, if you switch to the Gregorian calendar!"

Seminar

How to Profit in an Unfree World

Are we on the verge of a depression? What investments make sense today? What good is investment advice, anyway?

Real world economics clashed with the theoretical economics at the *Liberty* Editors' Conference, when two leading economists squared off against two prominent investment advisors.

Douglas Casey is one of the nation's foremost investment advisors, author of *Crisis Investing*, the best-selling investment book in history, and editor of a widely-read investment advisory newsletter.

Besides editing *Liberty*, R. W. Bradford has for twenty years published a monthly investment advisory newsletter, which focuses on gold, silver and rare coins. During the 1970s, Bradford was also a dealer in rare coins and precious metals.

David Friedman is an Olin Fellow in Law and Economics at the Law School of the University of Chicago, and is the author of *Price Theory: An Intermediate Text*, currently in its second edition. He has also written numerous scholarly and popular articles and reviews, as well as his introduction to libertarian ideas, *The Machinery of Freedom.*

Richard L. Stroup is one of the leading figures in the growing field of property rights economics (or New Resource Economics), and has produced many articles exploring environmental and political problems, as well as offering many private-property solutions to these problems. He is co-author of a widely-used economics text, *Economics: Private and Public Choice.*

Casey: I always preface anything I'm going to say about investing with a caveat that my opinions plus ten dollars will get you a cup of coffee in Tokyo. You just can't guess what five billion people are going to do or buy and sell tomorrow morning. However, that having been said, I can give you my opinions.

There is a certain cyclical nature to the economy. There is such a thing as a business cycle, because of government intervention, and it has been especially evident over the past twenty years, with recessions in 1970, 1974–75, and 1980–'82. Now we're right on the cusp again, in much the same economic situation which we faced at the brink of these recessions. Each of these recessions was characterized by higher inflation, higher interest rates, higher unemployment, a lower real stock market, more business failures, and bigger business failures. You remember back in 1971 when Lockheed was about to fail, it was a major scandal that the government decided to bail them out for $250,000,000. That's walking-around money today. Since the boom of the past seven or eight years has been largely debt-financed and in many ways has been as artificial as the inflationary booms before it, I expect that this coming recession could be the big one that we've all been waiting for. I'm sure fond visions will pop up into many of your minds of libertrogs running around the countryside, grubbing for roots and berries and shooting statists with their AK-47s. There's an excellent chance that that's going to happen this time, if it's ever going to happen. So, that's the bad news, I guess.

The good news is that people will continue to accumulate capital, and that technology will continue to improve, which is the sort of thing that increases everybody's standard of living. We're halfway through an industrial revolution which started in the late 1700s, and by the time it's over, people all over the world will have gone from a state where life is solitary, poor, nasty, brutish and short to a state where people are numerous, healthy, wealthy and generally in control of the forces of nature. Unfortunately, by the time that happens, it is unlikely that anybody now in this room will still be alive.

A lot of what you want to do when you're investing de-

pends upon your time-frame—whether you're looking over the next couple of years, which I think will be extremely turbulent from a financial point of view, or if you're looking long-range, in which case I think you want to bet on prosperity. How do I handle this in particular? In my newsletter, which never purports to be more than just a running commentary on what I'm doing, I make no outrageous claims for my predictive ability—although my publisher does.

In portfolio-making, there are many paths up the mountain. I prefer one particular path; I'm a bit of a plunger. I see the ideal portfolio as being divided into ten separate and unrelated areas, each of which has the potential to rise ten times in value over the course of the business cycle.

"I expect that this coming recession could be the big one that we've all been waiting for. I'm sure fond visions will pop up into many of your minds of libertrogs running around the countryside, grubbing for roots and berries and shooting statists with their AK-47s. There's an excellent chance that that's going to happen this time, if it's ever going to happen."

This doesn't mean going out and buying ten separate and unrelated junior gold-mining stocks.

Here are some investments I would put in my theoretical portfolio at the moment—I say theoretical, because it's a lot easier to give advice than it is to follow it.

First, I would put in silver, that traditional religious icon of the hard money movement, because, at a price under $5, it's cheaper in real terms than it was in 1971. You've got to ask yourself, "If I'd known in 1971 what I know today, would I have bought silver at $1.29 an ounce?" Of course you would have, because it went forty to one by the time it reached its peak. So silver is the first thing.

Next, I'd take a few junior gold-mining stocks, because they've had a few ten-to-one runs in the sun over the past decade, and the quality ones are better values than they've ever been. I think they're going to have another, and perhaps final, ten-to-one run.

Third are the junior oil stocks, which, unlike the junior golds, have fallen out of bed and have just kept falling. They look like a flat-iron thrown from a bomber over the last ten years, if you were to draw a chart of their performance. They also have a ten-to-one potential.

Fourth would probably be a TED-spread, going long a million dollars worth of T-bills, short a million dollars worth of Eurodollars. Why? Because T-bills are the most secure and liquid form of short-term paper, whereas Eurodollars are the unsecured liabilities of international banks. That spread narrows and widens tremendously, and right now for some reason it's near its historic low.

Number five are Nikkei-Dow puts. I've been recommending them for the last year, since they've started to be traded. Most of them have tripled in the last few months, so they don't have the potential which they used to, but they're still an excellent hedge against the collapse of the Japanese market, which is still the most likely market to collapse anywhere around the world.

Sixth, for a speculation, would be the short sale of fraudulent companies and promotions, because you can have the best business plan in the world, with the best people and adequate capital, and the chances still are that the company you form is going to go to zero. But, if you get borderline criminals running the company, and most of the capital is spent on Learjet rides, and business plans are made only to incite greed in the hearts of the credulous, then it's a cinch that the company's going to zero.

Those are all easy things to do, for anybody who wants to. Other things that I like, as interesting speculations, are certain types of Third World real estate, where I'm interested in forming a partnership. There's a castle available in Mozambique that you can pick up for $70,000. Along with this 30-room, nearly indestructible castle is about 2000 acres of beachfront. It's outside of the capital, and people don't want to be outside the capital, because it's dangerous. But you pay your money, you take your chances. You can buy a townhouse along the sea in one of the Baltic states for about $5000. That's an excellent value, since it's between one and five percent of the cost of comparables in other Baltic countries. I think that now would be the time to buy something in Argentina or Brazil for ten-to-one returns. But, you've got to realize that this is pretty time and capital intensive, unless it's a limited partnership.

Periodically I get wiped out on investments, so I need something ten-to-one to make me even. The reason I put the portfolio together in that way is that let's suppose that you get ten areas and you allocate your money into all of them. And suppose, in the way things usually go, that you're dead wrong on 90% of them. That's probably a little worse than average, but still, you've kept capital together. That's more than most people are going to do in the next couple of years. But chances are, realistically, that you'll do better than ten-to-one. You'll get three or four total wipe-outs, you'll get a couple that stay the same, a couple that go down 50%, and a couple that increase fivefold. And that sure beats 6% at a savings and loan, the way I see it.

Anyway, that's the way I plan to play the game.

Bradford: The reason that people buy investment advice is because of what I call "the market for nonsense." Unlike Doug, I suffer from the handicap that I publish my own newsletter, so I can't have my publisher say wonderful things about me without embarrassing myself. Consequently, nobody says anything extravagant about me.

It seems to me that almost all investment advice is smoke. There's a tremendous demand for nonsense—for someone to tell you that "the price of gold's going through the roof tomorrow," or "the Dow's going to drop to 2000 by the end of the year," or any other type of specific investment advice. I believe that there are two reasons for this. One is that people tend to assume that the economy is very similar to the physical environment in which they live. They perceive it as some sort of mechanism, and they think that if they can learn enough about how the mechanism works, they'll

be able to predict the future perfectly. They also realize that while they personally don't understand how the physical world works, they can always go to a professor of something-or-other who will tell them. This is true of most aspects of our daily lives. I doubt that most of us here really know how an automobile works, in any significant detail. Yet most of us can drive one, and we all know to go to a mechanic when we have problems. So most people go to an investment advisor under the mistaken apprehension that they are experts. I believe that, by and large, however, there's a larger, much more important mistake that people make when they go to people like Doug and me for advice.

I think that they want to avoid responsibility for their own actions. From 1970 to 1980 I was a full-time dealer in rare coins and precious metals. During that time I got to know an awful lot of investors, many of whom invested foolishly and came to me for help liquidating their holdings at great loss. I discovered that a great many people do this over and over again. I observed that many such people blamed their advisors for their own mistakes. I also noticed that many investors will only act on the advice of their advisors. I developed the idea that they don't want to be responsible for their own actions. When they follow someone else's advice, and they lose, they don't have to feel bad about it. They're sorry they lost their money, but the "reason" they lost their money is because of what Doug Casey or Bill Bradford told them.

Most investment advisors tend to be market "gurus," to pretend that they have some sort of mystical understanding of the market process. After a while, their egos tend to get a little inflated, and they start to believe what their publishers write about them. Maybe it's a public choice economics kind of thing: they realize that if they couch their advice with the kind of qualifiers that I use, they will not sell many newsletters.

My goal is basically capital preservation, rather than substantial capital gains. That's an important difference between Doug and me. I'm not looking for ten-to-one shots. To me, the essence of investing is risk management. Most people would be better off putting their time into earning a living or having fun, and using their investment portfolio as a means of preserving capital and minimizing risk in a dangerous world. I was astonished to hear Doug say that he was looking for some ten-to-one shots to make him even. I'm happy to say that I'm already ahead of even, and I'm looking for one-to-ten shots to keep me even and maybe put me a little bit further ahead.

In the world today I think that there are a few economic observations that are both overwhelmingly likely and important to investors. I'm going to talk about one of them that will affect every one of us that's in this room. The United States is no longer the world's pre-eminent financial power. This is of fundamental importance to us. The reason is that the U.S. dollar has, since World War II, enjoyed an incredible demand *as a commodity* outside the U.S. The dollar has served basically the same role as a reserve currency that gold served from, say, 1815 to the end of the 19th century, and then decreasingly from the beginning to the middle of the 20th century. As the world's most liquid, easy-to-use commodity, there's a tremendous demand for dollars—paper dollars—for use on black markets in such places as Argentina and the Soviet Union.

But also, dollars are used for financing worldwide enterprises, so-called Eurodollars. The fact that the United States has been replaced by Japan as the world's pre-eminent financial power leaves us in, I think, a very dangerous position. The last time that this happened was when the Pound Sterling was displaced. Britain was the world's leading financial power in the late 19th century. Depending upon your interpretation, sometime early in this century, it came under fire from both the United States and Germany. It took care of Germany in World War I, and so instead of the Pound being replaced by the German Mark, it was replaced by the U.S. Dollar.

What I want you to consider is what life was like in Europe during the interregnum between the two World Wars. Americans went to Europe and couldn't believe how cheap everything was. William Randolph Hearst went over and bought entire monasteries and brought them back to use as toys for his guests in San Simeon. This is when the notion of the "ugly American" arose, because Americans went over and stayed at the finest hotels in Paris, and could live like kings. We see the same thing today with the Japanese, particularly here on the west coast, where Japanese tourists are common, and even more in Hawaii. In Hawaii there are complaints about the Japanese "buying up the state." What they're actually doing is buying up real estate and raising the prices. They're buying hotels and tripling the prices of rooms, because to a Japanese tourist, paying $300 a night for a room seems like a pretty reasonable deal. To an American, $300 seems outrageous. Japanese find American prices to be too cheap to be true. I remember seeing Japanese tourists at Waikiki lined up to buy $700 Louis Vuitton purses and other ephemera of the good life. Now I realize that part of the reason for this phenomenon is that America has somewhat lower tariffs on luxury goods than does Japan, but nonetheless it is instructive that there are few Americans buying luxury goods as casually as these Japanese tourists.

"The one good thing about silver is that there's little enough of it in the world that it is feasible for a group of wealthy individuals to corner the market, as they did in 1979. You can't do that with very many commodities. But still, I don't think that the prospects for it happening are very good. The last people to try it are having their assets sold off at bankruptcy auction right now."

I think that Americans can look forward to a generally declining standard of living the next thirty or forty years. I don't think that this is something that we'll have to face as individuals, but I think that it's something that we'll all have to pay attention to. I think that right now, investing in America is something like investing in Britain in 1920. Now, it's not that there were no good investments in the U.K. in

1920, it's just that the economy in general was going down the toilet, and continued to go down until around 1980, since that time there's been something of a revival. We're going to face the same sort of problem here. Long-term investments of the fundamental sort, in real estate, stocks, etc, are not going to be as good as they have been in the past.

I don't have any really good advice to give you, especially because making investments denominated in other currencies is never easy for Americans. It's been legalized for American banks to deal in securities denominated in other currencies—in other words, you can buy CDs in Deutschmarks and Japanese Yen now, but I know from history that countries that do this because they're in economic decline have a tendency to confiscate these investments from their citizens, so I don't consider these to be low risk investments. I remember during the '60s and '70s, when the Mexican Peso was kept on a par with the U.S. dollar at a ratio of 12 to 1, Mexican banks offered accounts in both dollars and pesos. The pesos paid higher yields, and Americans would go down there and buy pesos so that they would get 12% return. Mexicans frequently put their money in dollars, where they could get 4 or 5%. Then, when the peso collapsed, the Mexican government put a moratorium on withdrawals from dollar accounts, and converted them back to pesos at the old official rate, so that the accounts that you had put money into at roughly one peso to every 8 cents American were converted back at a value of about two tenths of a cent. Mexicans with foresight were rewarded with a lower rate of interest *plus* the devaluation of the peso. Now, Mexicans who came to the United States and opened bank accounts here didn't suffer from this, which means that rich Mexicans didn't suffer, just poor ones, and especially the poor who were inclined to save.

"Almost all investment advice is nonsense. But there's a tremendous demand for nonsense. There are two reasons for this. People tend to perceive the market as a mechanism, and think that if they can learn enough about how it works, they'll be able to predict the future perfectly. And people want to avoid responsibility for their own actions, to blame someone else when things go wrong."

I'm not suggesting that everybody should rush off and get a Swiss bank account, but I do think that you should consider a little bit of international diversification.

My special area of expertise is gold, silver, and rare coins, and I will say very briefly that I consider rare coins to be an extremely risky, highly leveraged venture. I would recommend that people put no more than 5% of their portfolio into rare coins, and I don't consider rare coins to be an essential component in any portfolio.

I disagree with Doug about silver. I think that the supply situation on silver has changed radically enough that the outlook for silver is not good. The one good thing about silver is that there's little enough of it in the world that it is feasible for a group of wealthy individuals to corner the market, as they did in 1979. There's only something like 700,000,000 ounces on the New York Comex, so simple arithmetic says that at $5 an ounce, 3.5 billion dollars would buy every bit of silver that could be delivered on the exchange. You can't do that with very many commodities. But still, I don't think that the prospects for it happening are very good. The last people to try it are having their assets sold off at bankruptcy auction right now.

Gold I see as a pretty safe investment at the moment. I don't see it as a way of making big money. My recommendation historically has been to tell people to put 10% of their assets into gold, more as an insurance policy than as an investment. You might want to up that to 15% right now, partly because gold is a good way of internationalizing your holdings without leaving the United States or going to a lot of trouble. Also, when you open a foreign bank account you have to report it to the IRS. This is obnoxious, and I suspect that when the IRS reviews your return for audit potential, this is one of the factors they look at.

I do want to mention the one aspect of real estate that I do think has potential, although it's awfully expensive to get into. This is Hawaiian real estate, since the Hawaiian real estate market is driven almost entirely by the strength of the Japanese economy. Buying land in Hawaii is therefore more akin to buying land in Tokyo than buying it in the U.S. So far, the Japanese have limited themselves to buying land on Oahu, and a few hotels elsewhere. I think there's a potential for profits there, although I don't expect spectacular profits.

I'd like to close with a quick question for Doug. Doug, you recommend that we sell short fraudulent enterprises. I wonder if you can tell us how we can sell short the United States government.

Casey: You know, they say the common stock of the United States is its currency, so as a speculation over the long term, if you're not too leveraged, I'd recommend going short Treasury bonds.

Stroup: Bill said that I'd been added to the panel to harass the investment advisors, so I'll do my best. It does seem to me that investment advice, if it's explained—in other words, if the kind of thinking that went into it is explained to you—might actually be useful, in the same way that arithmetic might be valuable to the investor. Accounting, economics, all these things might be valuable tools. They might not be very valuable in terms of telling you what to do, but they would help you to understand the world a little better. The kind of thinking that both these guys do might be useful and might have some sort of insight. Other than that his caveats were well stated.

Unlike Doug Casey, I don't worry about the problem of figuring out what five billion people are going to do tomorrow. Only if you're trying to figure out some retail trend would five billion people count that much. Almost all stock prices, it seems to me, are determined by what the most optimistic tiny percentage of all investors think about that particular market. In other words, any particular gold stock is held by that minute fraction of all investors who are most optimistic about that particular gold stock. The real prob-

lem is to figure out what that tiny percentage is going to do over the next day, week, or year. Now that does relate back eventually to what five billion people want to do at retail, but the connection is a little tenuous. A question every economist might be asked is, if you're so smart, then why ain't you rich? Most economists aren't all that smart. At least I'm not, and that's probably why I'm not rich.

The Casey theory, the AK-47 theory of investment, I have to question that a bit. I mean, even if Lee Iacocca or some other fascistic type person becomes President, it seems to me that it takes years to run down the infrastructure of a country so badly as to send us grubbing for roots and berries. That seems pretty unlikely, except in the event of nuclear war, or if Louis Farrakhan gets the bomb, or something of that sort.

The discussion of Third World real estate was one of the more interesting things that was talked about. I'm tempted to say, "Would you buy Third World real estate from this man?" Futures on Third World real estate do strike me as a fairly chancy investment.

Bill Bradford's advice struck me as so honest and straightforward that, well, what can you say? He doesn't pretend to much, so he doesn't make much of a target. The fact that Bill has found out, through the publication of his newsletter and *Liberty* that appealing to the aquisitive instincts of investors is more profitable than appealing to the taste for liberty on the part of readers does not strike me as overly surprising. Would that it were the other way around.

Friedman: I do have a couple of comments on what Bill said. First, Eurodollars are not part of the demand for dollars. They are things denominated in dollars, but it does not take any paper dollars or deposits with the Fed to keep them in existence, so whether or not there are lots of Eurodollars out there does not affect the exchange rate. How many paper dollars foreigners choose to hold does affect the exchange rate.

It may be true that the dollar is going to cease to be the international currency, but I think that we can overestimate the importance of that, I do not know how many paper dollars are out there. Obviously there would be some shift in the exchange rate if people who were holding paper dollars started sending them back, because that would enter into the supply and demand for dollars on the currency market, which is where the exchange rate is determined, but I find it hard to believe that the effect would be large enough to matter for more than a few years.

Of course, if the country is run into the ground, that will lower the demand for U.S. assets, but whether the country is well run is not the same question as whether the dollar is the major international currency. Consider Belgium. The Belgian franc is not a major international currency, but Belgium is still a nice place to live and probably a good place to invest. If the U.S. follows reasonably sensible policies, the only effect on most of us of the dollar ceasing to be the world currency will be that if we are travelling abroad and plan to trade on the black market, we'll have to carry yen instead of dollars.

Bradford: I'm embarrassed to admit that my inclusion of electronic dollars as opposed to paper dollars comes from the assumption that it's too simple-minded to limit one's definition of the dollar to paper currency. I thought I was making a concession to people like David who are professional economists. It's my understanding that dollars in bank accounts are also a part of the money supply.

The immediate thought comes to my mind when David says that only paper dollars count is that we'd all better hope that the war on drugs is a failure, because right now the biggest demand for U.S. paper dollars comes out of the international drug market. There was a time, before the government put restrictions on money-laundering, that the net outflow of paper dollars in the Miami Federal Reserve subdistrict was greater than all the rest of the United States put together. Nowadays, because of legal harassment of people who deal in cash, money laundering activity is scattered across the country, and we don't have that convenient figure to measure the effect of the drug trade on demand for paper dollars.

"The environmental problem is getting very much more serious, I think—not that the environment itself is getting worse, but that environmental policy is getting so much worse. That could screw things up for the standard of living."

I dare say that most of the people in this room have all the paper dollars they own in their pocket, and they probably don't add up to more than $100 each. There is a very large amount of U.S. paper money in places where it's actually illegal. I know that historically the value of a $100 dollar bill in the Soviet black markets fluctuates between 105 and 125 $1 bills, on the simple theory that it's easier to hide a $100 bill than 100 $1 bills. This was more or less the case all over Eastern Europe.

Friedman: Explaining the economics of exchange rates would take more time than we have available, so I will go on to another issue. Rick posed the question to economists, "If you're so smart, why aren't you rich?" One of the nice things about being an economist is that it's one of the few professions that has an answer to that question.

Bill commented earlier that in investing you can't just go to an advisor and get all the answers. If you actually go to an expert, a reputable academic economist, and ask him about investing, the answer you will get will be some variant of the "random-walk" theory of the stock market. What the economist will tell you is that there aren't any things out there that cost $10 and are obviously going to be worth $20 next month, because if something was obviously going to be worth $20 next month, the guy who has it wouldn't sell it to you for $10. That is a very abbreviated version of the efficient-market theory, which holds that all publicly-available information is embodied in existing prices. One implication of that is that when an advisor tells you that something is going to go up a lot you should not believe him.

Let me give you an example. The form of the advisor's argument is usually the following: something, say silver,

sells for $5. Here are the obvious reasons why it should be worth more than that. Since it should be it will be, so buy it now.

One example is an argument that was given by Doug: silver should be worth more than it now is because it has been worth more for almost all of the past ten or fifteen years; it is hard to believe that when it has usually been that high, it can continue to be this low. Another example, another way of arguing for the same conclusion, is to argue from the fundamentals, the factors determining production and consumption, and to say "Look, with silver at only $5 an ounce not very many mines will produce, consumption is increasing, so at this price supply will be less than demand, so the price is about to go up."

"Rick posed the question to economists, 'If you're so smart, why aren't you rich?' One of the nice things about being an economist is that it's one of the few professions that has an answer to that question. The economist's answer is, simply put, 'Economic theory tells you that there are no easy ways of making lots of money on the stock market.'"

The problem with these arguments is that everybody else in the market also knows what the price of silver used to be, and lots of other people in the market also know that at the current price some mines will shut down. There has to be something missing from your analysis or silver wouldn't be selling for $5 an ounce. You have to put on one side of the balance the various bits of evidence that silver ought to be worth more than and then say "Yes, but the fact that it's at $5 is not just random error, it's very strong evidence that I am missing something."

Casey: That's why straw hats cost less in the winter than they do in the summer. It's the same way with many investments. You just have to figure out when it's winter and when it's summer.

Friedman: Silver has a rather low cost of storage compared to hats. If you can prove that it costs this much today and that it's going to be worth much more tomorrow, it doesn't cost very much to buy some today and hold on to it until tomorrow.

What I am getting to is that the economist's answer to "If you're so smart why aren't you rich?" is "Economic theory tells you that there aren't easy ways of making lots of money on the stock market. Economic theory tells you that the prices out there on the market already reflect all the easy information, and therefore even if you are quite smart, there are no easy ways of getting rich on the stock market."

Well, actually there is one way, but it's fraudulent. Here's how you do it. Of course, I'm only telling you this because I know that nobody in this room would ever engage in such an activity.

First, get a list of a thousand people who are interested in investing. Second, write up a newsletter. You write it up very carefully. It should consist almost entirely of very bland advice that isn't going to be very right or very wrong—except for one thing. You pick one very risky thing —let's say the Peso, which might or might not be devalued this month. In five hundred of your newsletters, you say very confidently it's going to go up, with lots of good reasons—and in the other five hundred you say it's going to go down, again very confidently and with lots of good reasons. You keep track of who you mail out these newsletters to.

After a month or so it either goes up or it goes down, and you throw away half the names. You then prepare another newsletter (only five hundred copies this time), and in this edition you pick another very risky investment that you're pretty sure will go either up or down this month and you repeat the procedure, this time throwing away 250 names.

After you have done this three times, there are 125 people out there who know that you have called three long shots with perfect accuracy. You now sell them subscriptions for $300 a year for the next several years and get yourself another list of a thousand people.

Bradford: I did see an Alfred Hitchcock television show in which that exact method was used, except that instead of conventional investments, it used bets on horse-races.

All this talk about the issue of "If you're so smart why aren't you rich?" reminds me of a comic book I read as a kid. Huey, Dewey and Louie have bought a book entitled *How to Get Rich Collecting Clam Shells* or something like that. They follow all the advice in the book and make no money. They go to Uncle Scrooge and he explains that the way you get rich collecting clam shells is to write the book.

Friedman: Economists can give some useful investment advice—just not advice about how to get rich fast. The first standard piece of investment advice from any economist is to hedge. Let me give you a simple example from my life that you can apply to yours.

For six years my wife was an oil geologist for Shell. Once it was clear that she was going to be that for a while, we sold all our oil stocks. Why? Because, like most people, I am risk-averse.

I would rather have a certainty of a $50,000 income than a 50% chance of $100,000 and a 50% chance of zero. Given that she was an oil geologist, if the oil business in America was booming she would have a high income and we would have a high family income and oil stocks would go up. If the oil business was doing badly, she would have a low income and oil stocks would go down. We did not want to be overinvested in oil by having both half of our human capital and a chunk of our financial capital in oil. I wasn't willing to hedge by getting rid of my wife, so we sold the stocks instead.

The circumstances will vary with each one of you, but the trick is to ask "What are the events that would make me short of money, due to the nature of my own professional activities?" and then to say, "Fine, what are the stocks that will go up if that sort of event takes place?" When things are happening that will make me rich on my regular income, I'm willing to tolerate having my stocks go down.

That was the first piece of investment advice from an

economist. The second is, when you're playing the stock market, use inside information. Inside information is not limited to the sort of information that it is illegal to use. It includes any kind of special information or expertise that you have and most people don't that gives you a basis for disagreeing with the market.

My favorite example is that when the Macintosh computer came out, I had been using a microcomputer happily for two years. It seemed clear to me, looking at the first Macintosh computer, that it represented a major improvement in microcomputers. It was also pretty clear, reading *The Wall Street Journal* and other papers, that the market didn't agree with me. There were a few people like me who thought it was a great invention but most of the market was pooh-poohing it. So I bought stock in Apple Computer.

If I had been braver I would have bought more when it fell to a little more than half of what I'd bought it for, but I did hang on to what I had, and I think that my stock is now about three, maybe four times what I bought it for. That was an investment based on something that was not inside information in the legal sense, but was a kind of expertise or special knowledge that I happened to have.

From the audience: I'd like to know if the other panelists agree with Bill Bradford that we're going to see declining living standards in the U.S. over the next 40 years.

Stroup: Given the technology trends, it's hard for me to believe that living standards will go down, but one exception here, one thing that strikes me is that it may be that Bradford's right and Friedman's wrong about the value of the dollar and the value of the dollar to foreigners. David gave the example of Belgium. Without any seigniorage, without any use of their currency abroad, to speak of, they're doing okay. That's fine, but if we go from a situation of very heavy seigniorage where huge numbers of people, drug dealers and others, are holding paper dollars, to a situation where they have less faith in the U.S. and more faith in other currencies, and those dollars come home, you get two bad effects. One is a temporary effect, a tremendous havoc and inflationary pressure. The second is a long-term permanent effect—a loss of what amounted to interest-free loans. When people hold dollars abroad, it's like they're giving us an interest-free loan of the amount held.

Then, as well, we've got the environmental problem, which is getting very much more serious, I think—not that the environment itself is getting worse, but that environmental *policy* is getting so much worse. That could screw things up for the standard of living for sure.

Friedman: I think it unlikely that standards of living will go down—not impossible, but unlikely.

With regard to the comment Rick just made, I suggest a simple calculation. The present currency stock is in the hundreds of dollars per capita for the U.S. population. I don't know the exact figure, so I'll make a very rough guess and say it's $200 per capita. Let us take the most favorable possible assumption for Rick's argument about who holds the money—assume that every single one of those paper dollars is held abroad.

In that case we are getting an interest-free loan of $200 per capita per year. Let's also suppose for convenience that the relevant interest rate is 5%. That means that the increase in our national income due to foreigners holding our money comes to $10 per capita. I do not believe that removing that will have a significant effect on the U.S. GNP.

Bradford: If I said that American standards of living were going to decline, I certainly didn't mean it. The parallel I drew was with Britain, and I certainly don't mean to suggest that the average person in Britain in 1970 had a lower standard of living than the average person in Britain in 1910. What I meant was that relative to the rest of the world, the average person in Britain lived better in 1910 than later. I seem to recall that around 1980 there was some fear that the British standard of living had fallen below that of Italy, and was something like 17th on the continent of Europe.

"I think the standard of living is going to go down in absolute terms over the next couple of years. We're in for a depression—a period of time in which most peoples' standard of living drops significantly."

Casey: I'd agree with what Bill said, but I'd go further. I think that it's going to go down in absolute terms over the next couple of years as well. I think we're in for a depression. One definition of a depression is a period of time in which most peoples' standard of living drops significantly. There are other definitions, but that's a good one.

Friedman: I'd like to say that the [original] title of this panel—"Investing in Liberty"—seems to be somewhat different from what we have been talking about. There is a broader sense in which you could talk about investing in liberty. That is, you can talk about spending your time and energy and money on things that you think will not only produce financial returns, but which you think will nudge the world in the right direction.

To give one example, one of my current projects is a computer game. I hope that it will bring me money and fame and such, but one of the nice things about it is that it teaches some economic lessons, and perhaps even some libertarian lessons, since one of the ideas implicit in the game is that coercion is not the only foundation upon which organizations can be built. They can also be founded on mutual consent.

I think it is good for libertarian investors to ask themselves, "Of all the things which I might do and which might make me money, are there any which might also nudge the world in what I consider to be the right direction?"

Casey: I agree with that, but what has constrained me from talking about it is that, to my mind, you have to separate ideology from investment. If you make this or that investment because it's a good Christian investment or because it's a good libertarian investment, you're looking at factors other than its investment potential, and that will tend to reduce its potential to make money, which is, after all, the whole point. ❑

Explanation

Why Is Anyone Virtuous?

by David Friedman

Some people will steal if faced with an opportunity to do so with only a negligible chance of being found out. Yet the vast majority will not. Why are they honest? Is there any explanation aside from altruism?

One fundamental question in moral philosophy is why people should act virtuously. Another is why they do. One answer occasionally offered to one or both of these questions is that virtue is in the (enlightened) self-interest of the virtuous. We survive, after all, as part of a complicated network of human interactions. If I lie, cheat, and steal when dealing with others, they may do the same when dealing with me, making all of us worse off.

As stated, the argument does not carry us very far. In a large society, my behavior has very little effect on the behavior of others, so unless my gains from cheating others are very small or my losses from being cheated by others are enormous, my decision to cheat should make me, on net, better off. I can make that even more likely by adding hypocrisy to the list of my sins—preaching virtue, in the hope of persuading other people to be virtuous, while quietly practicing vice.

A number of more or less metaphysical solutions to this dilemma have been proposed, based on concepts such as "the categorical imperative" or "man qua man." An alternative approach, and one that I find more interesting, is to observe that most human interactions are, to a considerable extent, voluntary. My dishonesty may have a very small effect on the moral tone of the society in which I live, but it has a large effect on how attractive I am as a potential employee, employer, spouse, business partner, or friend. If my behavior is seen to impose costs (or benefits) on those who associate with me, other people will take that into account in deciding whether to do so. Honest employees are more valuable for most jobs than dishonest ones, hence likely to make more money. In this situation, at least, it would seem that honesty pays.

This argument implies that quite a lot of virtuous behavior follows from rational self interest; a lot, but not *all.* Suppose I have an opportunity to cheat or steal, can receive a considerable benefit from doing so, and believe that I am very unlikely to be caught. The argument seems to imply that each such situation should be evaluated on its merits.

Many years ago, when I was a college student arguing with Objectivist friends, I took considerable pleasure in pointing this out to them. They firmly believed that in such a situation I should not steal, but they never came up with a justification for that belief that I found satisfactory. Eventually they asked me to stop coming to their meetings—giving me the distinction of having been purged from an organization of which I was not a member.

I think I may have have found the answer they couldn't. It is an entirely amoral answer—it does not tell us what one ought to do, what acts are virtuous or why one should act virtuously. It does, however, provide a plausible explanation of why people do act virtuously—why, for instance, many people will decline an opportunity to steal even if they are confident they will not be caught.

To put it a little differently, it is an explanation of why the sort of behavior that we usually describe as virtuous is, for many people, a result of acting in their individual interest, narrowly defined. Still more precisely, it explains why and in what sense it is in my interest to behave, even when nobody is watching, in a way that makes it in other people's interest to associate with me.

I start with two observations about human beings. The first is that there is a substantial connection between what goes on inside and outside of

their heads. Facial expressions, body positions, and a variety of other signs give us at least some idea of our friends' thoughts and emotions. The second is that we have limited intellectual ability—we cannot, in the time available to make a decision, consider all options. We are, in the jargon of computer science, machines of limited computing power operating in real time.

Suppose I wish people to believe that I have certain characteristics—that I am honest, kind, helpful to my friends. If I really do have those characteristics, projecting them is easy—I merely do and say what seems natural, without paying much attention to how I appear to outside observers. They will observe my words, my actions, my facial expressions, and draw reasonably accurate conclusions.

Suppose, however, that I do not have those characteristics. I am not (for example) honest. I usually act honestly because acting honestly is usually in my interest, but I am always willing to make an exception if I can gain by doing so. I must now, in many actual decisions, do a double calculation. First, I must decide how to act—whether, for example, this is a good opportunity to steal and not be caught. Second, I must decide how I would be thinking and acting, what expressions would be going across my face, whether I would be feeling happy or sad, if I really were the person I am pretending to be.

My Objectivist friends firmly believed that I should not steal—even when I could not get caught—but they never came up with a justification for that belief that I found satisfactory. Eventually they asked me to stop coming to their meetings—giving me the distinction of having been purged from an organization of which I was not a member.

If you require a computer to do twice as many calculations, it slows down. So does a human. Most of us are not very good liars.

If this argument is correct, it implies that I may be better off in narrowly material terms—have, for instance, a higher income—if I am really honest (and kind and . . .) than if I am only pretending to be, simply because real virtues are more convincing than pretend ones. It follows that, if I were a narrowly selfish individual, I might, for purely selfish reasons, want to make myself a better person—more virtuous in those ways that others value.

The final stage in the argument is to observe that we can be made better—by ourselves, by our parents, perhaps even by our genes. People can and do try to train themselves into good habits—including the habits of automatically telling the truth, not stealing, and being kind to their friends. With enough training, such habits become tastes—doing "bad" things makes one uncomfortable, even if nobody is watching, so one does not do them. After a while, one does not even have to decide not to do them. You might describe the process as synthesizing a conscience.

This is probably easier when we are younger. Parents who want their children to be happy and who believe, for purely practical reasons, that honesty is the best policy, may choose to train them to be honest. If some virtues are behavior patterns hardwired into us by our genes, the same process may take place at an even earlier stage. If honesty pays, people who are genetically inclined to be honest will be more likely to survive and reproduce, and genes for honesty will increase.

The genetic explanation also suggests why people show their thoughts and feelings on their faces. No doubt a human being could be designed with no facial expressions at all—but who would do business with him? Who would marry him? Just as honesty is valuable in our associates, so is being a bad liar.

I believe that I have now answered my initial question. I have shown how, starting with rational self interest narrowly defined, one gets to virtuous people—people who do not steal even when they are sure that nobody is watching. I have not, in doing so, answered any normative questions. In particular, I have not shown that you should not steal—to do that, I would first have to show that you should pursue your self-interest narrowly defined. But I have given a possible answer for the positive version of the question—an explanation for the existence of virtue.

No doubt a human being could be designed with no facial expressions at all—but who would do business with him? Who would marry him?

It may occur to some readers that virtue is not all that exists. My argument seems, at first glance, to imply that everyone should be virtuous, which does not fit casual observation.

In fact, that is not what it implies; if my analysis is correct, we would expect to observe a world where many people were virtuous, but not all. To see why, consider the situation not from my standpoint but from that of my potential friends, employers, spouses, et. al. It is in my interest to be honest only if they are watching—not merely watching my individual acts to see if I act honestly, but watching my face, listening to my voice, observing in a thousand ways whether I am actually honest, whether I am the sort of person who would act honestly even if nobody were watching.

All of that watching is costly—it consumes some of the time and attention that they might otherwise spend on other things. In a society where everyone is honest, it is also unnecessary. So in a society where everyone was honest, nobody would bother to watch people to see whether they were honest—making dishonesty very profitable.

The answer to this apparent paradox, as to similar problems in game theory and evolutionary biology, is a mixed solution. Some people are dishonest, suffer the costs of being (some-

times) recognized as such, and receive the benefits of sometimes succeeding in their dishonesty. Because some people are dishonest, most people spend time and effort monitoring those they deal with—trying to determine both whether they are acting honestly and whether they are honest people. Because of that, many other people find it in their interest to be honest. The outcome is an equilibrium in which just enough people (selected from those best qualified—the most skillful liars) are dishonest to produce just enough monitoring to make it in the interest of everyone else to be honest. Extend the argument to all virtues—more precisely, to all of the patterns of behavior that are valuable to our associates and sometimes costly to ourselves—and you have a plausible explanation of the world we see around us.

Before ending this discussion, there are two more points to be made. The first is that although I have presented these ideas as my own, I am far from being the only one to have thought along these lines. The argument I have sketched here is worked out in much greater detail by Robert H. Frank in *Passions Within Reason* (W. W. Norton, 1988).

The kind of outline I have described is called an *Evolutionarily Stable Strategy* in the context of sociobiology and a *Nash Equilibrium* in game theory.

My second point is that a similar analysis can explain some apparently irrational vices as well as some apparently irrational virtues. Consider, for example, what a psychiatrist would describe as an aggressive personality—someone who picks a fight with anyone who does not treat him with adequate respect and deference. In the short run this seems like a losing strategy, since the stakes are rarely worth the cost of the fight.

In the long run, however, the results may be more attractive. The aggressive personality is someone who has trained himself to behave in a certain way—and that fact can be observed by others. Since, in most cases, the things at stake are not worth a fight, the other people usually back down and the bully gets his way without having to fight for it—which makes his strategy a profitable one.

Why are we not all bullies? For much the same reason that we are not all virtuous. The more bullies there are the more often one bully encounters another—and, since they are both following the same strategy, must fight him. As the number of bullies increases, being a bully becomes less attractive, until we reach a point where the gain of usually getting your own way is just balanced by the cost of sometimes having to fight for it. In sociobiology, this is called a hawk/dove equilibrium—named after the hawks and doves one finds in politics, not the kinds one finds in the wilderness.

Readers interested in a somewhat more lengthy treatment of the economics/game theory of the aggressive personality will find it in the game theory chapter (Chapter 11) of the second edition of my book *Price Theory: An Intermediate Text*. That chapter is not in the first edition, which is also still being sold. ❑

Reason Papers

A Journal of Interdisciplinary Normative Studies

Essays to Commemorate the 250th Anniversary of the Completion of David Hume's *A Treatise of Human Nature*

Edited by Stuart D. Warner

Articles

Hume on the Origin and Evolution of Religious and Philosophical Consciousness ..... *Donald W. Livingston* 3
The Virtue of Political Skepticism ..... *James T. King* 25
Hume's Account of Property ..... *Nicholas Capaldi* 49
David Hume on the Public Interest ..... *Stuart D. Warner* 77
Spinoza and Hume on Individuals ..... *Douglas Den Uyl and Lee Rice* 94
Natural Rights, Philosophical Realism, and Hume's Theory of Common Life ..... *Douglas B. Rasmussen* 122

Discussion Notes

In Defense of Moore's "Proof of an External World" ..... *John O. Nelson* 141
Race Isn't Merit ..... *Eugene Sapadin* 145

Book Reviews

William G. Scott and David K. Hart's *Organizational Values in America* ..... *David L Norton* 153
Hans-Hermann Hoppe's *A Theory of Socialism and Capitalism* ..... *Daniel Shapiro* 158

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No. 15 **SUMMER 1990**

Polemic

Death in the Sands

by Sheldon L. Richman

The U.S. sent its army to Saudi Arabia out of the best of motives: to prevent further aggression by a power-mad dictator. What could be wrong with that?

At this writing in mid-September, there is no telling how many parents will lose children, and children parents, in the savage sands of the Middle East. All we can say is that the chances are very good that Americans and Arabs will die.

As bad as Saddam Hussein is, he cannot hurt the American people. As Joseph Sobran has pointed out, it makes no sense to argue that Saddam wants oil so he can sell it to the oil-consuming West so he can get money to buy nuclear weapons so he can destroy the oil-consuming West. The term madman is being thrown around fairly promiscuously, but nobody is using it *that* literally.

As a matter of fact, people seem undecided about which would be worse: Saddam's selling the oil or *not* selling the oil. But there's nothing to worry about here. According to economist David R. Henderson, even under the worst assumptions, which are most unlikely to transpire, Saddam could barely touch the U.S. economy. Imagine, Henderson wrote in *The Wall Street Journal*, that Saddam holds Kuwait and takes Saudi Arabia and the United Arab Emirates. That would give him most of the Middle East oil. Total Middle East production per day before the invasion was 12.3 million barrels. The revenue-maximizing level of output in the Persian gulf fields is 8.3 million barrels a day—"a 4 million barrels per day production cut," Henderson writes. This may sound like a lot, but the world's daily output is 60 million barrels. So the cut is only 6.7%. For the short run, "adopting the grimmest end of the economists' range of estimates of elasticity, a 6.7% cut in world production would cause a 33% rise in price, to about $27 per barrel from the pre-crisis price of $20." Now if the United States were to continue importing 8 million barrels a day, without substituting domestic oil or reducing consumption, we would pay an additional $56 million a day, or $20.5 billion a year. That is less than one-half of 1% of the United States' $4 trillion GNP. This is a threat to our way of life? (Henderson estimates that the pump price of gasoline, under the worst conditions, would increase by 17 cents, or less than $80 per year per American.)

Since the $20.5 billion cost of doing nothing is based on a worst-case scenario, the actual cost will almost certainly be considerably less. Compare this to the cost of Bush's adventurism. Defense Secretary Dick Cheney says it will cost about $15 billion for the next fiscal year, assuming that open warfare doesn't break out. In other words, this is his *best-case scenario*. And that figure does not include the $7 billion in loans to Egypt that the U.S. will forgive in exchange for Egypt's support, nor the $4.5 billion in loans to Israel that it now appears will also be forgiven.

In addition, the Bush action has not kept the price of oil down: as a matter of fact, as I write these words, the cost of a barrel of oil is $30.95 per barrel—higher than it would be if we had done nothing. Add the higher cost of oil to the military expenses and the cost of forgiving debts to our "allies" and you get a total of $58.7 billion.

So the cost of the *worst-case* scenario for doing nothing—$20.5 billion—is far less than half the *best-case* scenario for Bush's plan. And this does not include the proposed aid to "front line countries."

Defending the Undefendable

What about the protection of Americans abroad? This is *Reason* magazine's defense of Bush's policy. There is the inconvenient detail, however, that our intervention is what endangers the Americans in Iraq and Kuwait. Saddam's refusal to let the American men go (let's not forget that the women and children have been getting out) is wrong, but so is the obvious American threat to the Iraqis, a threat the American hostages are intended to deter. There is a difference between taking hostages to deter an aggressor and taking them to facilitate aggression. Regarding the *Reason* editorial, one cannot coherently advocate limited

government while granting the state the power to defend citizens abroad.

Americans are free to travel, and they are everywhere. The power to defend citizens abroad logically requires worldwide police powers with all the domestic intervention that implies.

Laws and Threats

When Bush prattles about international law, it is hard to keep a straight face. Nothing undermines international law more than a policy of invoking it only when convenient and flouting it at all other times. Bush did not seem terribly interested in international law when he invaded Panama and when Ronald Reagan was trying to covertly overthrow the Sandinistas in Nicaragua. Our devotion to international law in the Middle East is laughable.

When Israel occupied Palestinian, Egyptian, and Syrian territory, it was okay with us. When Israel invaded Lebanon (remaining there to this day), it was okay with us. When Syria went into Lebanon, it was okay with us.

When Israel occupied Palestinian, Egyptian, and Syrian territory, it was okay with us. When Israel invaded Lebanon (remaining there to this day), it was okay with us. When Syria went into Lebanon, it was okay with us. When Iraq invaded Iran, it was okay with us. But when Iraq invades Kuwait, suddenly it ain't okay with us.

When Iraq invaded Iran, it was okay with us. But when Iraq invades Kuwait, suddenly it ain't okay with us. On the contrary, we organize a worldwide embargo, put up a unilateral blockade, and send troops to Saudi Arabia, although this all endangers the lives of 3800 American civilians.

What's the difference? Two things are worth mentioning: first, the invaded state is a compliant oil sheikdom that deferred to the United States in all important things. So is the next possible victim. Would there have been a tear for the legitimate government (read: feudal monarchy) of Kuwait had there been no oil there or in neighboring Saudi Arabia?

Second, an awesome threat was looming—to the U.S. military budget. A House committee had just cut $24 billion from the budget, including money for the Stealth bomber and the strategic defense initiative. The Senate had threatened cuts too. The Iraqi invasion came not a moment too soon to save the military-industrial complex from those who thought history had ended. It's enough to make one think that Saddam Hussein is on the CIA payroll.

New Garrisons for Old

Our newest ally in the Middle East is Syria's Hafez Assad. His army has been in Lebanon for years. No American sanctions. No American deployment. Are there fine distinctions here or simply evidence of hypocrisy? You'll recall that American policy favored Saddam during the Iran-Iraq war. That was when Saddam was the bulwark against Muslim fundamentalism. Days before the invasion of Kuwait, the administration was pushing food credits for Saddam's country. Now he's Hitler, and we're urged by the neoconservatives, Israel and others to destroy his regime and military power with a starvation blockade—an act of war under international law (incidentally, it was a starvation blockade during and after World War I that helped create the original Hitler.) Having meddled in the balance of power before, thereby building up Saddam, we are now at it again—building up Assad in the process. Is there a drunk driver running the government? In a few years we will be told that we must intervene to stop Assad from threatening our way of life. Or we will have to oppose an Iraqi Ayatollah Khomeini. The Shi'ites in Iran have already picked a fundamentalist successor to Saddam if the U.S. kicks him out. Does anyone (besides Henry Kissinger, I mean) seriously think the U.S. government can manage conflict in the Middle East?

President Bush actually mentioned the real reason for the intervention when he said before a joint session of Congress, "Out of these troubled times, a new world order . . . can emerge: A new era . . . . A world quite different from the one we've known." Right. Washington, D.C., which has such a sparkling record of creating economic and social order within our borders, will now proceed to impose order on the whole world in partnership with the Soviet Union—another master of domestic order! With the cold war over, the U.S.-led United Nations can finally realize its ambition. A friend wryly suggested that the most horrible nightmare of the John Birch Society seems to be coming true: a Rockefeller Republican allied with the Soviet Union is setting out to run the world.

The cost of the worst-case scenario for doing nothing—$20.5 billion—is far less than half the best-case scenario for Bush's plan.

In your heart you know who's right — It will be interesting to hear what will be said about the Kuwait affair by the various groups of intellectuals who believe that an isolationist foreign policy is essential to the pursuit of liberty. Which action will they think more evil, and more likely to be productive of future evils: Iraq's intervention in a neighboring country, to which Iraq happened to be heavily in debt, for the purpose of looting its public and private property and annihilating its existence as a country; or the intervention of the United States and numerous other nations, at the invitation of the invaded country's exiled government, for the purpose of making Iraq return to the status quo ante?

—Stephen Cox

The first victim — Those who have read the Constitution know that it gives Congress the power to declare war. Those who have observed events during the past 45 years know that this provision of our fundamental law is a dead letter. Although the United States has been involved in two major wars and scores of lesser engagements, not

When you cut through the nonsense, you discover what Bush has in mind. From now on, change must be approved by the United States. This puts the country with the most revolutionary heritage in the world on the side of the status quo. Unless we say so, borders arbitrarily drawn by presumptuous colonial powers will remain unchanged and feudal monarchs will stay in power. In a sense, Saddam Hussein did threaten Saudi Arabia, but not militarily. His unseating of Kuwait's Sabah dynasty imperiled by example the pro-American feudal and authoritarian regimes in the other Gulf states, as well as in Egypt and Jordan. That was contrary to the interests of the American government, though not of the American people. An imperial power cannot allow satellite states to leave their orbits without emasculating itself.

By the way, there is something unattractive in all the bellyaching about our allies not sharing the burden of the Gulf operation. The congressmen and other officials engaging in this sorry display want to be superpower big shots, but they snivel that our former conquests (Japan and Germany, whose American-imposed constitutions preclude militarism) won't help foot the bill. The only good thing that can come of this is the removal of American troops from Europe and Japan—the sooner the better.

But I don't expect it to happen. On the contrary, what we will get is an additional permanent foreign garrison. U.S. troops will be in the Middle East for a long time. Even if Saddam leaves Kuwait, he will always be seen as a threat. It's his "backyard." And even if we knock him off, there will be other threats. The ratchet of expanding government power will work in this instance as it does in all others.

If you want to know what else drives our policy, listen to the renewed talk of the need for an energy policy and control of prices. This is the long-term domestic threat of the Bush adventure. Nothing has been learned from the 1970s, when price controls and other intervention created the last energy crisis.

A friend wryly suggested that the most horrible nightmare of the John Birch Society seems to be coming true: a Rockefeller Republican allied with the Soviet Union is setting out to run the world.

Finally, let's hear it for "isolationism." In a tribute to the power of ideas, the warmongers among us are quaking at the threat posed by the few people who object on principle to our intervention in the Middle East. No smear is too extreme; for some neoconservatives, opposition is evidence of anti-semitism. They indict themselves by their hysteria. ❑

once has Congress declared war since World War II. In fact, increasingly the President and his inner circle refuse even to inform the Congress of a *fait accompli* in committing troops to foreign conflicts.

When the Bush administration decided to send a massive force to Saudi Arabia and its environs, Congress was out of town for the August recess. No matter. The legislators would have been by-passed in any event. Eventually congressional leaders were informed of the administration's decision, but, as *The Wall Street Journal* reported, they "were not asked for their views."

Insofar as the commitment of military force abroad is concerned, the U.S. government is as much a military dictatorship as any government on earth.

—Robert Higgs

Doing something right — Events in the Near East stir up the isolationist instincts of libertarians. What business do we Americans have playing world policeman? Why are we defending kings and emirs? Why should Americans risk their lives for oil-company profits?

I, too, want a world safe for isolationism. But we must begin from current realities. Rightly or wrongly, the United States over many years has drifted into a position that imposes special responsibilities. If we are to shed them, we should work for a safe transition.

Already, among themselves, many countries have now achieved a position that offers a lesson for the whole world. War is nowadays almost inconceivable among Norway, Sweden, Denmark, Iceland, Finland, the United Kingdom, Germany, Belgium, the Netherlands, Luxembourg, France, Switzerland, Austria, Spain, Italy, Canada, the United States, Australia, New Zealand, and perhaps a few other countries. They must be doing something right.

The Iraqi regime stands in glaring contrast. It has occupied Kuwait by armed force and has kidnapped foreigners innocently living there. The victims even include passengers on an airliner making an intermediate stop there at just the wrong time. The invaders have forcibly cut the U.S. embassy off from electricity, food, and water. The United States cannot simply walk away from such outrages without sending a signal that will impair chances for a peaceful world order.

Worry about defending unelected monarchies seems more a rationalization than a valid reason for copping out. Democracy is not an ultimate end in itself, not something worth making a fetish of. It is a political method, more suitable for certain countries or stages of development than for others. What libertarians value more highly is the right of individual persons to live their own lives and seek their own fulfillment in peaceful cooperation with one another at home and abroad.

Oil is no more the real issue than is democracy. The issue is peaceful relations versus predatory aggression.

If the United States still carries a special burden of leading collective action now, so be it. We can work toward lightening the burden and sharing it more fairly in the future. Meanwhile, action against the aggressor regime is justified precisely on libertarian grounds—an economic embargo if it will work rapidly enough, military action otherwise. —Leland B. Yeager

The *Liberty* Interview

Ed Crane

From 1976 to 1983, Edward H. Crane III was in effect Chief Executive of the libertarian movement. Many give him the lion's share of credit for the growth of the libertarian movement during those years, but some blame him for some of its current problems, and he was repudiated by the Libertarian Party in 1983.

For the first time in nearly a decade, Ed Crane speaks to libertarians: explaining what happened, settling old scores, sharing his strategic ideas, and explaining what he has been up to.

Ed Crane was national chairman of the Libertarian Party from 1974 to 1977 and helped manage Roger MacBride's 1976 Presidential campaign. In 1977, he founded Cato Institute, which quickly became the most important libertarian think tank. As Cato's president, he set policies that helped shape the direction of libertarian thinking. In 1980, he managed Ed Clark's Presidential campaign, the high water mark for the Libertarian Party.

But all was not peaceful in Crane's libertarian kingdom. About 1979, personal and ideological differences between Crane and Murray Rothbard, the leading libertarian idealogue, began to surface. Crane purged Cato of Rothbard and his allies in 1981. His grip on the LP began to loosen partly as a result of this falling out with Rothbard, partly because of the growing perception by party members that Crane was overly concerned with personal control, and partly because he seemed to be losing interest in the LP.

At the same time, Crane was changing the Cato Institute from an academic think tank to a public policy think tank. In 1981 he moved its headquarters from San Francisco to Washington, D.C., where today it is a respected member of the policy community.

Ed Crane remains a passionate advocate of liberty with strong opinions on a wide variety of subjects. He was interviewed by R. W. Bradford on August 27.

Liberty: You've been involved with virtually every aspect of libertarian or classical liberal activity in the last 20 years. You were involved in the foundation of the Libertarian Party and very much with its management, you've been involved with the Cato Institute, which began as an academic think tank and became a public policy institute. You published *Inquiry*, a major outreach magazine, and *Libertarian Review*, a movement magazine. Based on your experience, what kind of progress do you think we've had? Is liberty better off today than it was twenty years ago, and is the libertarian movement today better off than it was twenty years ago?

Crane: Well, I think liberty is clearly better off than it was twenty years ago. I mean, when you have the collapse of Communism and the liberation of hundreds of millions of people from that domination, then liberty is a net gainer.

Liberty: To what extent, if any, do you think that this is a result of libertarian activities?

Crane: The collapse of Communism is not the result of libertarian activities, but it is an advance for liberty. The growing sophistication of classical liberal and libertarian ideas can play a very important part in both eastern Europe and the Third World by providing a framework for a society to replace their current societies. I think there's a growing respect for the ideas in Great Britain. The Atlas Foundation has a network of classical liberal think tanks all around the world. They are not conservative think tanks. The growth of ideas internationally has been phenomenal. The situation within the United States is more problematic. I believe that there has been an underlying growth in libertarian ideas in this country, but that they don't manifest themselves in the political parties any more.

The applicants for internships and our summer programs here at Cato are really remarkable young people who are fully committed to a libertarian world. The Institute for Humane Studies has done such a good job in identifying young libertarian scholars and placing them, and it gets more applications for its scholarships from hard-core libertarians every year. There are libertarian think tanks around the country—the Pacific Institute, Reason, Heartland, Manhattan—there's been a real growth of the infrastructure.

The political situation is very complex in this country, but I think our ideas are gaining ground. Everybody talks about how contemporary liberalism in America is a bankrupt ideology, but I think that conservatism is also bankrupt. I mean, what do conservatives stand for anymore? Nothing. So it's almost as if it's the classical liberal/libertarian opportunity to go to the plate. We have the world view that has weathered the course of events. We know how the world works and why. There's a lot of work ahead of us, but conditions around the world are improving. I think, as George Gilder says, for instance, that technological developments are making it harder and harder for governments to control world events and to control people. Technology is on the side of

liberty.

Liberty: When did you first become interested in libertarian ideas?

Crane: Oh, I guess it was when I was in high school, which was a few years ago.

Liberty: When you were an undergraduate at Berkeley, were you involved in libertarian activities?

Crane: I ran for student government at Berkeley.

Liberty: How does this relate to your maxim that you should never trust anyone who ran for student government?

Crane: I ran on the platform of abolishing student government.

Liberty: I gather you didn't win.

Crane: No, I got beaten by Bettina Aptheker, actually. She pulled out her Communist Party card, which in 1964 or 1965 was a sure means to victory. I had always assumed that I would never be involved in politics because I was so out of step with the world. Then in 1972 I heard about the Libertarian Party convention in Denver, and I said what the heck, I'll go to it. As a libertarian, I had always valued diversity and the right to an alternative lifestyle, but until I walked in that room I had no idea just how many alternatives there really were.

Liberty: How many people were there?

Crane: Eighty-five, I think.

Liberty: What role did you play at that meeting?

Crane: It wasn't a very high-profile role. I helped with the statement of principles. I was in a room with John Hospers and a bunch of other people, and I participated in a floor debate over bringing the troops home from Vietnam. It was surprising the number of libertarians who favored staying and winning the war.

Liberty: Even in '72?

Crane: Yes.

Liberty: That was a rather implausible position by that time.

Crane: Yeah, it was. But in those early days it was kind of a right-wing spin-off. David Nolan ran the thing, and he was what I would call a right-wing libertarian.

Liberty: Your role in the Libertarian Party escalated rather quickly. You played a role in the '76 campaign. . . .

Crane: Actually, I played a role in the '72 campaign. If you are ever a player in a trivia game and you're asked who was the campaign manager of the first woman in U.S. history to receive an Electoral College vote, the answer is me. I ran Tonie Nathan's campaign. Then I became vice-chairman in southern California, in '72 I think. I flipped a coin with Bill Susel and I lost. I spent a lot of time driving around to all the 12 regions we had, going to meetings—I worked real hard. I remember John Hospers got 980 write-in votes for President in 1972, and I was real impressed by that. I said hell, if there are 980 people out there willing to go to the trouble of writing in a name, maybe we can make a go of it.

Liberty: When did you quit your job in the investment industry and get involved full time?

Crane: I was elected national chairman at the Dallas convention in 1974, and shortly thereafter I was made a vice-president of Alliance Capital Management in San Francisco. I opened up our first national office (it had previously been in David Nolan's living room). We rented some space across from my office at the investment firm. Instead of working late, as had been my habit, I wound up spending my lunches at the LP, leaving at 5:00 to go to the LP office, and going into the LP offices on the weekend. I finally came to realize that you couldn't do this thing unless you were doing it full time, and so one morning I just woke up and decided that I was quitting my job, packed everybody up, moved to Washington DC, and wound up running Roger MacBride's campaign in 1976.

Liberty: You were his campaign manager also?

Crane: Well, Bob Meier was the national chairman. Bob and I ran the campaign. That's all the national party did, then, aside from trying to build the state parties. I spent a lot of time making enemies in every state in America.

Liberty: I remember your memorable appearance as an actor in a spot for MacBride.

Crane: I was a reporter.

Liberty: Right.

Crane: We ran six—or maybe only five—network 5-minute spots. You know, we got a lot of inquiries from them. It helped build up the mailing list. And you know, we beat Gene McCarthy. We didn't get more votes than he did, but we got on the ballot in more states than he did. Whatever you want to say about Libertarians, they're damned good at getting on the ballot. I think we were on the ballot in 31 states. We got more votes than the American Party, so we were the third largest party in 1976.

"I voted for Ed Clark, but only with the knowledge that he was unelectable. My position was that I was going to get out of the country if he were elected President. I was afraid Alicia might blow in his ear and that might be the end of the world."

Liberty: After the 1976 campaign, according to press accounts, you started what amounted to an "Anybody But MacBride" campaign for the 1980 nomination.

Crane: Roger did a hell of a job in 1976. He put a lot of money into the campaign, he had credentials, he was a lawyer, but his views continued to rest on this tripod of issues: a strict non-intervention in foreign policy, respect for civil liberties, and a free-market economy. But when you went beyond that, he wasn't really interested. There's no reason, perhaps, why he should be, but he wasn't interested in talking about the specific issues of the day, and I thought that if the party was going to be able to grow, it needed somebody who would be ready to debate public policy issues in a more sophisticated manner than Roger wanted to—I don't want to say than he couldn't have done so, but he just didn't want to approach it that way and I thought that the party needed that. That's why we went with Ed Clark.

Liberty: Were you involved in the Clark '78 campaign in California?

Crane: Yes. I was a kind of unofficial advisor to David Boaz and Bob Costello and some of the people who were doing the nitty-gritty work. That was the campaign that really established the potential of the party. I had come back from the '76 campaign in early '77 to San Francisco, and I had sort of done my thing for the Libertarian Party, but I was appalled

to find out that after getting MacBride on the ballot in California in '76, they were talking about a write-in campaign for governor in '78. I thought if the California party didn't continue to grow, the whole thing was going to collapse. So rather than step out of it—I had just become head of the Cato Institute—I got involved again. I talked Ed into running for governor, we got him on the ballot and he got 357,000 votes, which was 5.6% of the total. In some counties he got into double digits. It was a very serious, high-profile campaign.

Liberty: It was an independent campaign, not a Libertarian Party campaign.

Crane: No, it was independent, that's right, on the ballot, but all the literature said Libertarian.

Liberty: If he had been on the ballot as a Libertarian Party candidate, do you think he would have done worse, and if so, how much worse?

Crane: My guess is he would have gotten 3.5% instead of 5.5%, something like that.

Liberty: It seems that in most of the races in the 1970s in which libertarians got good numbers, they were running as independents. I'm thinking of Kay Harroff's race in Ohio for example.*

Crane: Yeah, Kay was a woman and an independent and she did a good job of campaigning.

Liberty: What sort of problems did you have to face in the '80 campaign?

Crane: Oh Lord, that's a tall order.

Liberty: OK, what were the biggest problems?

Crane: First, I'll give you the background of the campaign. All the people who were associated with me in the Libertarian Party will tell you that I had said from the beginning that we either accelerate or we throw in the towel, that once the party stagnates, the media loses interest because you're no longer a serious deal, you're just another gadfly third party, around to pick up your two or three percent of the vote. But, as long as you are growing, they've got to keep an eye on you.

We knew that the odds were obviously against our continuing to grow, but that it was a highly leveraged opportunity, and that we ought to give it our best shot. Clark's campaign in 1978 gave us hope that we could do something serious in 1980. There were 2000 people at the 1979 convention in Los Angeles. The Los Angeles *Times*, one of the four or five most important papers in the country, ran three front page stories on the convention while it was in progress. There was a real sense that the Libertarians, who had just received nearly 6% in the gubernatorial race, and who were nominating the same guy to run for president, were really going to have an impact. To this day, I believe that we were on the verge of success.

"My thought all along was that this was a long-shot strategy that would come to an end the day the growth levelled off. So after the Clark campaign when it became evident that the party wasn't going to go anywhere, I stepped away from it."

Then came the Anderson candidacy. It was like a body-blow to all of us. When John Anderson, this dithering Congressman who didn't have any idea what he stood for—other than, it turned out, big government—opted to run as an independent (primarily, I think, because Gary Trudeau had called him "the lonely candidate") it was devastating for those of us who had spent years building up the party. Between 1972 and 1980, I had gone to every single national committee meeting the party had held. I spent a lot of time and money trying to build it into a viable force. There were internal disputes between me and other people in the campaign, but they were just a minor irritation. The Anderson candidacy was devastating.

"The Anderson candidacy was like a body-blow to all of us. When John Anderson—this dithering Congressman who didn't have any idea what he stood for—opted to run as an independent, it was devastating for those of us who had spent years building up the party."

Liberty: You did manage to get on the ballot in all 50 states and the District of Columbia.

Crane: That was a phenomenal achievement. I had gone into the convention in '79 realizing that we had an opportunity and a problem. The problem was fundraising. There was the Federal Election Campaign Act, passed almost explicitly to shore up the two-party system at a time, after Watergate, when there was a lot of dissatisfaction with the two major parties, and particularly with the Reagan-Carter race. But anyway, the contribution limitation meant that we needed to get a wealthy person on the ticket, and that's where the idea of David Koch came up. We got him on the ticket, and he committed to spend quite a bit of money on the campaign.

The opportunity was that the networks provided 5 minutes of prime time television space—not commercial time—which they sold for about $25,000 each. The regular cost of that time would have been more than a million dollars, so it was an incredible opportunity to really get the word out to a lot of people, and we took advantage of it. The LP had an opportunity in 1980 to really establish itself as a viable alternative—to draw in the kinds of people who were going to make the thing work.

Liberty: What kind of people did you have in mind?

Crane: One of the paradoxes of third parties is that the obstacles they face are so overwhelming that the only kind of people you can get to get a third party off the ground are ideologues, people who believe so fiercely that they are willing to put up with the problems, and get only one or two percent of the vote. At the same time, once you actually do get it off the ground, it's the same ideologues who assume an exclusionary attitude. You can't be a Libertarian unless you're a *LIBERTARIAN*. It's like being pregnant—you either are or you aren't, and if you endorse 98% of our platform and reject 2%, to hell with you, go vote for one of those other guys. In the other parties, if you reject 98% of our platform and accept 2%, come on in, you're one of us. There's a happy medium somewhere, which would have allowed the party a broader

* LP activist Kay Harroff ran as an independent for the Senate from Ohio in 1972. She got 80,000 votes.

outreach than there was.

Liberty: I gather you don't think the Libertarian Party has ever found that happy medium.

Crane: No, and I think it's a moot question right now. But we were really geared to take it to the world in 1980. We had serious, dedicated people working in every state, and then Anderson came along. I believe that the media would have been hard pressed to ignore Ed Clark, who's an articulate guy, a very knowledgeable guy, Harvard Law School, senior lawyer at Arco, a terrific candidate. You had this very large percentage of the population that thought the choice between Reagan and Carter was less than good. We figured that as we ran 47 prime-time TV spots, the media would find itself in a position where they have to start reporting on the campaign. But they never did. In that entire campaign, there were only two network TV spots, which I think were human interest spots, and not one hard-news story of what Ed Clark said that day, because John Anderson filled that role as the Alternative Candidate.

Liberty: In light of the fact that exogenous factors sabotaged the campaign, were you satisfied with the total that Clark got?

Crane: I was unhappy with it. We knew what it was going to be, from state and national polls. Ed insisted on going around saying that he was going to get several million votes, which is one reason why people were disappointed when he only got 920,000. He justified that by looking up "several" in the dictionary, where it said "two or more." He said "We can get two million," and in theory we could have. We were thinking that we were going to get 1.2 million. The reason it was less than that was that we did very poorly in California. If you do an overlay of Anderson's vote in 1980 and of Clark's in 1978, you find that they were the same people. Anderson got Clark's votes in California.

Liberty: As I understand it, you played an active role in the Randolph campaign in 1982 for the governorship of Alaska.

Crane: I went up there a couple of times to help him. They did a heck of a job. What did they wind up with, 16%?

Liberty: Something like that. However, people's expectations were that he'd do much better. The Republican candidate, Tom Fink, was reported in the press as having said that had he lost the primaries he would have jumped ship to Randolph. Rumors were rampant that a deal had been made so that after Fink lost the Republican primary, which it was presumed he would do, he would endorse Randolph, and Randolph would give him the LP lieutenant governor nomination. Do you know if such an arrangement was in fact made?

Crane: I don't know about about that.

Liberty: In the 1983 LP convention, people arrived expecting Gene Burns to have a lock on the Presidential nomination. But Burns didn't show up. Then came one of those bitter fights that seems to characterize LP activities. The people in the party coalesced around two candidates: Earl Ravenal, who was associated with you, and David Bergland, who was associated with everyone else, or at least with everyone who was unhappy with the leadership that you had provided to the Libertarian Party.

Crane: It's an interesting story. I was on a radio show in Orlando—they called me up about two weeks before the convention and said, "Why are you opposing Gene Burns for the nomination of the Libertarian Party?" I said, "I'm not involved any more with the Libertarian Party." So they said, "Who will you vote for for President?" and I said "Well, I assume I'll vote for Gene Burns. He's clearly better than anything the Republicans or Democrats are going to nominate." And I think that Burns had been sold a bill of goods by his handlers that Crane was going to launch a sneak attack at the convention, when in fact I liked everything I had ever heard about Gene Burns. But the people who had opposed me during my long tenure in the party were so used to having me be the villain that they continued to keep me a subject of their newsletters—and, I suspect, a subject of their pep talks to Gene Burns. So maybe he just said "to hell with it." But then I got a call from somebody saying that Gene Burns wasn't coming. A lot of us had been involved in the party for a long time, trying to build it in the way that seemed the best to us, and even though we hadn't been involved in party activities at the national level since '81, we got Earl to run. I think that was a mistake. I think Bergland ran a terrible campaign, but I don't think that a good campaign would have made any difference. There was no money, and Earl was a scholar, so it wouldn't have done his career any good. It was just a sort of knee-jerk reaction. I regret that whole episode.

"Too many libertarians assume an exclusionary attitude. You can't be a Libertarian unless you're a LIBERTARIAN. It's like being pregnant—you either are or you aren't, and if you endorse 98% of our platform and reject 2%, to hell with you, go vote for one of those other guys."

Liberty: That was your last involvement in the Libertarian Party at the national level?

Crane: It really was at the '81 convention.

Liberty: Was there a falling-out between you and the Clarks?

Crane: Well, Alicia and I never got along. Ed decided—or she decided, I don't know which—that his wife would be the best national chair, and we had a lot of problems during the campaign, a lot of it involving Alicia, so Ed kind of turned his back on the people who had worked on his campaign for the last couple of years.

I always felt, too, that Clark didn't acknowledge the role that the people who ran that campaign had played. I mean, we wrote the speeches for him, we got the press lined up for him, we got him on the ballot, told him what to say, and really worked our butts off against enormous odds, realizing that Anderson was taking all this away from us anyway. The men and women on his campaign worked seven days a week, late into the night. It was incredible, the effort, yet there was never any acknowledgement on Ed's part. Even the book we put out as part of his campaign.* He took all the credit for that, even though he didn't write a word of it.

Liberty: Who did write that?

Crane: Oh, several people. I think David Boaz wrote the bulk of it, but there were half a dozen people who had input into it. It was almost as if being a candidate for President got to him. He started thinking that he was someone terribly im-

* *A New Beginning*, Caroline House, 1980.

portant because he was a Presidential candidate. I guess it's a corrupting thing, to have people put microphones in your face all the time. I certainly think it's one of the reasons that all these people inside the Beltway are so self-infatuated. But anyway, it was one thing not to acknowledge all these people who had worked so hard for him, but then when he wanted Alicia to run the thing—and Alicia was not a competent administrator and had no vision other than that she wanted to contact the "grass roots," which meant God knows what—I think the party fell apart fairly rapidly. Then there was the unseemly firing of Eric O'Keefe and all that nonsense. It was through Ed that all this happened, so I guess you could say we had a falling-out.

Liberty: There were rumors at the '87 convention that because the party had come to its senses and nominated a real-world person like Ron Paul, you were about to return. Was there any substance to these rumors?

Crane: No.

Liberty: You know, you have kind of a mythic status in the Libertarian Party.

Crane: I have tremendous respect for people who want to stay with the Libertarian Party. I beat my head against that wall for a long time and I know what's involved. I know that the people in the party are passionately committed to liberty. I just decided that it's not the strategy for me. It wasn't that I decided it on a certain day. My thought all along was that this was a long-shot strategy that would come to an end the day the growth levelled off. So after the Clark campaign, when Alicia became chair and it became evident that the party wasn't going to go anywhere, I stepped away from it. I never had any intention of going back to it. As for the Ron Paul thing . . . I think Ron Paul's got the wrong image for the Libertarian Party anyway.

Liberty: What do you mean?

Crane: I think he's got a right-wing image. You know, a lot of New-York-bankers-controlling-the-world, conspiracy stuff. I think the constituent element for the Libertarian Party is the independent element, which he turns off.

"The true radical is the one who is the most effective in bringing about change in society. Waving a black flag, going up on a hill, and waving signs that say 'smash the state' isn't radical. It's just silly."

Liberty: You were accused of turning the Libertarian Party to a "low-tax liberal" party. Is that what you believe in?

Crane: In the classical sense of liberal. You know, I was attacked from all sides. The right-wingers thought I was a commie because I was a very strong non-interventionist and wanted to end the arms race. The radical caucus thought that I was a sell-out because I wanted to present ideas in a way that the public could accept. That's one of the problems with the libertarian movement: there's a sense of alienation toward the very culture and society that we're trying to win over. There needs to be a greater respect for people whose ideas we don't agree with, an acknowledgement that most people who have different ideas hold them with the best of intentions. You need to have a calmer, more mature outlook on how you present your ideas. My idea is that the true radical is the one who is the most effective in bringing about change in society. Waving a black flag, going up on a hill, and waving signs that say "Smash the State" isn't radical. It's just silly.

You've got to look at society rationally and say "How the heck do we do it?" I'm not saying that I have the best strategy, or that there's only one proper strategy. But I think that those in the Libertarian Party who felt that it must demand 100% compliance with every "T" crossed and every "I" dotted are wrong. That was counterproductive and very off-putting. If you believe that the ideology is as strong as I believe it is, then what you want to do is draw people in who are fundamentally sympathetic to these ideas. But a political party is not the institution to radicalize people. If you have a political party, it should say, "Look: if you're a Republican you believe in the free market. That's your most fundamental concern. You shouldn't have to sign off on militarism and this obsessive compulsion to conformity in the social area. Similarly, if you are a liberal and you are very concerned with civil liberties and the arms race, why should you have to be a Democrat and sign off on all this income redistribution and national economic planning? Why can't you have a party that's for free enterprise *and* peace *and* a tolerant attitude on social issues?"

Liberty: Whom did you vote for in '88?

Crane: I don't vote. It only encourages them.

Liberty: Whom did you vote for in 1980?

Crane: I voted for Ed Clark, but only with the knowledge that he was unelectable. My position was that I was going to get out of the country if he were elected President. I was afraid Alicia might blow in his ear and that might be the end of the world.

Liberty: There's a lot more to what you do at Cato than just economics or even applied economics. Your op-ed program seems to deal, for instance, with a broad range of issues. What other disciplines does the Institute do scholarly work in?

Crane: Well, of course foreign policy. You were tweaking us for not being radical enough, but if you look in the op-ed pages or on the TV, the only people who are opposed to the U.S. intervention in the Middle East are from the Cato Institute. We had an op-ed in the New York *Times, U.S.A Today*, we've been on C-Span, *The Oprah Winfrey Show* . . .

Liberty: Wow, who did you have there?

Crane: Doug Bandow. The other night Ted [Galen Carpenter] was on *The Larry King TV Show, Good Morning America* called this morning for Ted . . .

Liberty: Do you have a monopoly on opposition at this point?

Crane: I don't know of anyone else. One of the interesting things about the other libertarian think tanks, is that they're not saying anything about this. A lot of them don't do anything in foreign policy at all. I don't see how you can be in favor of human liberty and seek to promote it if you don't address the issue of war and peace. Randolph Bourne rightly characterized war as "the health of the state." Foreign policy is a serious issue, involving the deprivation of liberty.

Liberty: What are the most important policy issues with which Cato is involved today?

Crane: One primary concern is entitlements. We have tried to

develop alternatives to social security and medicare, by publishing the work of Peter Ferrara and others. We are working to develop policy options that would allow at least younger people to opt out of social security—to try to bleed the system at one end.

The second major focus of our attention is the military spending. We came out with a white paper on the military just when this Mid-East stuff started that called for a 62% decrease in military spending over time.

We also are very concerned about regulation. We publish *Regulation* magazine, which for years had been published by the American Enterprise Institute. Catherine England is our director of regulatory studies and we're trying to demonstrate why all sorts of government regulation is harmful to economic growth (not to mention human liberties).

"The problem with democracy is not the right to vote. The problem is that we get to vote on things we should never vote on."

We have a center for Constitutional studies that Roger Pilon works on. This is an area where libertarians have not spent a lot of time, mostly I think because many have the attitude that the Constitution is an illegitimate document to begin with, so why worry about it? However, it seems to us that the Constitution is a much better document than one might think having observed the way it has been abused over the years. We're trying to demonstrate that there are economic liberties in the Constitution that need to be enforced, that there is a right to privacy, and that individual liberty is the philosophical underpinning of the Constitution.

We also have a project on global economic liberty that is drawing on the kind of economic analyses that Peter Bauer and others have developed on Third World development. In the post-Cold War era, we're trying to point out that the great threat to the Third World is no longer that of being pawns of the superpowers, but of being pawns of the IMF and the World Bank. Private property and democratic capitalism are the answers to the problems of the Third World.

I just got back from Russia. It was so refreshing to be around bright people who care about first principles. It is stimulating to be in an intellectual environment in which people who make a difference in society care about the *nature* of a free society. Then I came back to Washington, to this swamp, where you can't even say these things. Really, the contrast is incredible. Dick Randolph has said that if it hadn't been for Seward's Folly, they'd be in a a free country today.

In Russia, I awarded a beautiful bronze bust of Hayek to Yevgeny Primakov, Chairman of the Council of the Union of the Supreme Soviet. He's one of Gorbachev's top guys. In the presentation ntral Committee. I said, "It is Cato Institute's sincere hope that this bust of F. A. Hayek will rest in a prominent place in the Kremlin where it will remind Mr Gorbachev and other leaders of the Soviet Union that there are answers readily at hand for the problems of the U.S.S.R." That was really a great experience.

Liberty: Many libertarians view democracy as just another form of statism. Is Cato committed to democracy, and if so, why?

Crane: Cato is committed to private property and a constitutionally limited government. The problem with democracy is not the right to vote. The problem is that we get to vote on things we should never vote on. It's all very nice to talk about the flaws of democracy, and certainly one is not in favor of the tyranny of the majority, but on the other hand, for people who have lived under authoritarian regimes and under communism, the idea of the right to vote is very important. Particularly in the Third World, democracy is perceived as a vehicle of liberation. The emphasis in democratic capitalism needs to be on capitalism. I think that one of the problems with our government is that when it talks about international trends or what's happening in Eastern Europe, it doesn't even mention capitalism.

Liberty: What do you think of Ludwig von Mises' argument in favor of democracy as a way of avoiding social violence?

Crane: Democracy, it could be argued, is violence itself. The question is not whether people should be able to vote, it's what they should be allowed to vote for.

Liberty: Allowed by whom? After all, sovereignty is vested in the people.

Crane: In terms of dealing with the world as it exists today, the anarchist approach seems less than viable.

Liberty: Are your objections to anarchy based on its theoretcial impractibility or on its political inexpediency in our culture?

Crane: It's based on the theoretical case as I understand it. I have always felt that anbarchists from Rothbard on down have been have not taken seriously the responsibility they have to deal with criminal torts in a society without government. And in a nuclear age, the idea of neighborhood ICBMs that anarchists will casually joke about strikes me as a problem that anarchists have not dealt with adequately. I think that the troubling points of anarchism have not been taken seriously enough by the proponents of anarchy. So I don't find it a compelling theoretical framework.

"The Advisory Neighborhood Council said that our building was 'too arrogant.' It was like straight out of The Fountainhead."

Liberty: What do you see as the proper role of government?

Crane: Government should be limited to providing a national defense against outside aggressors, a court system to adjudicate disputes (although a large number of the court cases that are taken by government today could be done by the private sector), and a police function and that's what I would limit it to.

Liberty: You said that you favor a limited government. What limits it?

Crane: Well in theory it's limited by a constitution, but in practice it's limited by an educated populace. It's an on-going process of education of convincing people that individuals have rights and that government should not infringe on those rights. And it's not an easy task. We don't live in a perfect society, or world, and until I'm convinced otherwise, I believe there is a legitimate role for government to protect rights that people bring into society before government.

Liberty: What rights do people bring into society?

Crane: Rights to life, liberty and property.

Liberty: Where do these rights come from?

Crane: Oh, come on, Bill.

Liberty: I don't want you to get too philosophical, but . . .

Crane: Some people say they come from God, some people say they are natural rights. I think intuitively that these are the rights of man. I don't find natural rights arguments particularly compelling. I don't think that anyone has been able to prove that these rights come from anywhere. I'm an administrator in the movement and maybe an entrepreneur. But I'm not the person to try to define rights. You know, I've always found the Austrian concept of unarticulated knowledge to be appealing. I think one can have an appreciation for a concept like rights and believe that it's correct and not have the slightest idea of how to prove it or defend it on a theoretical basis.

Liberty: Libertarians tend to believe in rights but often have the same qualms about anarchism that you have. Yet rights thinking seems to lead to anarchism. If you have an absolute right to life, liberty and property, what is a government there for? What can it do without violating those rights?

"There is nobody in the policy community who has come close to Cato's call for reductions in military spending. There is nobody who has done more to challenge the social security system. There is nobody who has done more to promote the legalization of drugs."

Crane: There is one school of thought that claims that the differnence between limited-government libertarians—and I mean *real* libertarians—and anarchists, is a semantic difference, that anarchists don't say that there shouldn't be government, they just don't call it government. That there would be a means of enforcing the protection of these rights, that a private police force and private court system and a private defence system—I mean a means of keeping invaders out—it's all private, but it's still government.

One problem with the word anarchy is that people think that anyone can do anything they want and that the person with the most muscle prevails in an anarchist system. In a certain interpretation of that word that is correct, which is why you form these mutual defense organizations. And that is a problem with democracy to0. It's not a questions of the right to vote, it's a question of what you can vote on. When democracy gets to the point—as it has today—where people vote on how much their neighbor can keep of what he earns, then obviously democracy is an evil institution. But if it's limited to who's going to administer the legitimate functions of institutions that protect these rights, then it's a legitimate institution.

Liberty: Probably the greatest debate among libertarians has been gradualism versus radicalism. During the '70s you were a major advocate of radicalism as a strategy. You told *Reason* in an interview in 1974, "The real threat to the Libertarian Party lies in the temptation to make the big time through compromise of our principles to gain votes immediately. The fact is that the only hope we have for continued success is to stick to our principles and never compromise. If we do that, there's nothing we can't accomplish." Yet the strategy at Cato is usually seen as a gradualist, piecemeal sort of approach, proposing policies that are more libertarian than the policies that are currently in effect but that don't reflect the radical thinking characteristic of most libertarians. Has your strategic vision changed?

Crane: There's a difference between gradualism and compromise. Compromise is giving something to the state in return for something else. At the Cato Institute, we are as radical as we can be on the issues and still be part of the debate. You can say that is selling out, or that is compromising. I don't believe it is. I think that we have put a libertarian perspective on the table of national debate, through very hard work, serious scholarship, and sophisticated packaging. There is nobody in the policy community who has come close to our call for reductions in military spending. There is nobody who has done more to challenge the social security system. There is nobody who has done more to promote the legalization of drugs. Our positions are not motivated by considerations of what they are going to do to our funding possibilities. I'll guarantee you that taking strong anti-war, anti-military positions doesn't help you get money from foundations. The same is true of our position on drugs. So I think we've done a good job of maintaining the radical edge for an institution that is strategically based to be part of the policy debate in America.

Liberty: Was Cato a public policy think tank from the start, or did this develop later?

Crane: In my mind it was. As it turned out, we had *Inquiry* magazine and we had a project called Academic Affairs, that took up the bulk of our budget in the early years, but as we jettisoned those projects, we just increased the amount of public policy work we did. I was impressed when I worked on the MacBride campaign with the success of the American Enterprise Institute and Brookings, and I thought that what we needed was a libertarian think tank. That's always what my view has been.

Liberty: How did *Inquiry* fit into your overall game-plan?

Crane: The early thinking was that "think" magazines were a highly leveraged way to get the ideas out there. It turned out to be an enormously expensive undertaking, and there were problems with the strategic approach we should take with the magazine. It just was absorbing too high a percentage of our resources.

Liberty: *Inquiry* was primarily marketed to the left, is that correct?

Crane: In the early going it was, and then in about 1981 we tried to shift it to be just a straightforward libertarian magazine without any sort of slant one way or the other.

Liberty: This was at the time that it subsumed *Libertarian Review* and became a monthly?

Crane: Yes. We renamed it *Inquiry: a Libertarian Review.*

Liberty: When *Inquiry* was still a biweekly, what kind of renewal rates did you get?

Crane: I really don't recall. They weren't that great. I think around 40%, something like that.

Liberty: I imagine that was one of the discouraging things.

Crane: That was attributable, I think, to the left spin that was on the magazine, which was probably a strategic error.

Liberty: What was the purpose in acquiring *Libertarian Review* in 1978?

Crane: That was going to be a movement magazine, something like *Liberty*.

Liberty: Why did you stop publishing it?

Crane: Cost again. I didn't want to, but the funders wanted to, so we shut it down.

Liberty: Do you get a significant amount of your funding from foundations?

Crane: Yes.

Liberty: Do you do a significant amount of fundraising with individuals?

Crane: Yes.

Liberty: What percentage of your budget comes from individuals?

Crane: Oh, I don't know. The smallest amount comes from corporations. I'd say it's around 50% foundations, 40% individuals, and 10% corporations.

Liberty: In 1987, in your interview with Bob Chitester you said that Cato was a "small two million dollar public policy institute." Was that a reference to your annual budget?

Crane: Yes.

Liberty: Is it significantly different today?

Crane: My budget for this year is $3.1 million, but it will probably be a little higher than that.

Liberty: Does that include a new building?

Crane: We're in the middle of a capital campaign for a new building. No, that is not included.

Liberty: How is that going?

Crane: We've raised about three million dollars.

Liberty: What's your target?

Crane: Ten million dollars. The fundraising has been quite satisfactory although we really haven't been out there aggressively trying to do it yet because we've been dealing with the District of Columbia Board of Zoning Adjustment and Advisory Neighborhood Council and Office of Planning and various other people who have more of a proprietary interest in the building than one might think appropriate. It's taking forever for us to get everything through, and only now have we got all the zoning permits and approvals. The first time we ran through our building, the Advisory Neighborhood Council said that our building was "too arrogant." It was like straight out of *The Fountainhead*. And so we had to go back. Finally our lawyers wouldn't let me go to the meetings anymore, because they thought that the people on the other side of the table didn't like me. I was ready to leap across the table, so I was happy to let somebody else go instead. But we've got that all done now. Construction should begin before the end of the year if everything goes according to plan. Knock on wood.

"If you are in the public policy business and you are relying on Austrians to provide you with public policy analysis, you're out of luck. Austrians are so focused on theory that it is very difficult for them to write about the real world. And that's, I think, a failing of Austrian economics."

Liberty: Murray Rothbard has charged that Cato is purely and simply the creature of Charles Koch, that he's responsible, practically alone, for funding the operation.*

Crane: The vast majority of funding comes from sources unrelated to Charles Koch. There are, for example, 40 individuals on our Finance Committee, which requires a five-figure contribution.

Liberty: Early on, Cato played a fairly important role in Austrian economics and lately it seems it has de-emphasized this, I guess as a part of de-emphasizing non-public policy scholarship in general. Is Cato doing anything with regard to Austrian economics right now?

Crane: Our summer seminar brings in an Austrian economist to explain Austrian economics from an Austrian perspective.

"I just got back from Russia. It was so refreshing to be around bright people who care about first principles. It is stimulating to be in an intellectual environment in which people who make a difference in society care about the nature of a free society. They I came back to Washington, to this swamp, where you can't even say these things."

But if you are in the public policy business and you are relying on Austrians to provide you with public policy analysis, you're out of luck. I'm interested in people who will analyze problems with government involvement in the economy, and I'd rather have a prolific, intelligent critic who was a non-Austrian than an Austrian who refuses to deal with the policy issue at hand or to learn the facts behind it. Austrians are so focused on theory that it is very difficult for them to write about the real world. And that's, I think, a failing of Austrian economics. There are other problems with Austrian economics. For instance, I think their business cycle theory is almost non-Austrian in its mechanistic approach to the structure of production. The Austrians have been too much of an exclusive club in any case. I remember one time there was an Austrian conference up at NYU early on in the mid-seventies, and Harold Demsetz had come to the conference. Now, Demsetz is a big-name economist. He's not an Austrian, he's a Chicagoite. Teaches at UCLA. But it was good for Austrian economics that this guy was there, participating and debating and therefore implicitly recognizing the importance of the Austrian ideas. There was a reception that first night, and Demsetz walked up to Rothbard and put his hand on his arm and said, "Rothbard, I have a bone to pick with you," in an obviously friendly and convivial way. Rothbard grabbed his arm away and stalked off to the other side of the room. This was a social cocktail party—it was very embarrassing. Later, I came to view this event as symbolic of some of the problems involving the Austrians. The unwillingness to pay any respect to people who disagree with them.

Liberty: Do you have an explanation for Rothbard's extremely hostile reaction to what he refers to as the "hermeneutics in-

* Charles Koch, president of Koch Industries, has long provided substantial financial support to a variety of libertarian organizations, especially those with which Crane has been involved.

vasion" of Austrian economics?

Crane: I hate to sound like I'm on Murray's side on this, but—and I'm no scholar—I don't think it makes much sense from what I understand of it. I think it's almost nihilistic. I know some of the guys over at George Mason University who are interested in it, and it seems to me yet one step further removed from Austrian economics itself.

Liberty: I've heard a theory that the hermeneutics "invasion" is purely and simply your handiwork; that you in a conspiracy with Roy Childs * imported it to take the hard uncompromising edge off Austrianism as a means of eliminating Murray Rothbard from any importance at the Cato Institute and the libertarian movement. Is there any truth to this?

Crane: [laughs] I think that hermeneutics sounds like silly stuff. I'm disappointed that the Austrians are moving in what I think is the wrong direction to the extent that they're interested in that. Bill Bartley wrote a great book, *Unfathomed Knowledge, Unmeasured Wealth.* He's a Popperian and a Hayekian and he's very critical of hermeneutics. I've become a big fan of Bartley's now. His death was a tremendous loss for libertarians.

Liberty: Yes, I think so too. He had an advantage over some of the other more-or-less Austrians in that he was a fine writer. I really think you can see his influence in *The Fatal Conceit,* which is far and away the most readable thing coming from Friedrich Hayek.

Crane: I reviewed that for *The Wall Street Journal* and was mildly critical of it, and Bartley told me that he agreed with my criticism. I think he felt that Hayek went a little too far with his cultural evolution stuff.

Liberty: Murray Rothbard once told me that a lot of people were attracted to Austrian economics because they didn't have to learn any math.

"Reagan didn't understand the significance of his own rhetoric. His lack of interest in appointments was legendary—he had people working for him who were essentially big government types. As a result, nothing fundamentally changed."

Crane: [laughs] Well, that's certainly what attracted me to it.

Liberty: What Austrians now do you think are doing interesting work, if any?

Crane: Oh, God. I don't really feel I'm up to speed on the work the Austrians are doing. I know that Jerry O'Driscoll and Genie Short are doing interesting work on financial service regulation, and they're two good Austrians, but they're engaged in the real world. I think that the guys over at George Mason at the Center for the Study of Market Processes are doing a good job of recruiting young Austrian types. I don't know what research they're doing, particularly.

Liberty: What about the work the Mises Institute is doing? Are you keeping up on that?

Crane: I'm not, really, I don't see a lot of what they do.

Liberty: What do you think of the National Taxpayers' Union?

Crane: I'm a big fan. I admire both Jim Davidson and David Keating. You know, they've been very good about criticizing the military. Most anti-tax groups stick to welfare stuff. They've been a credible source of information for the media for a long time. They worked on the balanced budget amendment, and almost got that thing through. I think they're a good group.

Liberty: Are there any other—I don't know if libertarian is the right word, but maybe libertarianist—reasonably effective groups that are engaged in the public policy debate in Washington besides NTU and Cato?

Crane: The Competitive Enterprise Institute, headed by Fred Smith, is very libertarian and very effective: a lot of energy, hard-core. They do a terrific job.

Liberty: Anyone else?

Crane: Well, there are groups that are certainly forces for good: the Institute for Research on the Economics of Taxation that Norman Ture runs. Roy Cordado is on their staff, he's a hard-core libertarian, and Norman's pretty damned good himself. There's Citizens for a Sound Economy. Wayne Gable runs that, with Paul Beckner, and they've got a lot of young libertarian people who work with them. I'm very keen, from kind of a political strategy standpoint, on circumventing the parties by using initiatives. Proposition 140 in California to limit terms is very important. The initiative in Oregon on educational choice is very important too.

"I think George Bush is going to go down in history as one of the worst presidents ever. The irony is that he's treated as a strong president when in fact it takes a strong person not to use the levers of power. He's an extremely weak person."

Liberty: I'd like to know your view of Charles Murray's work.

Crane: The work Murray did with *Losing Ground,* and even *In Pursuit of Happiness and Good Government,* is pathbreaking, radical work, even though it's not hardcore libertarianism. It is a very valuable tool in helping to combat the welfare state. I think a so-called more "radical" book would not be as effective in changing the terms of debate. I think those books are very radical tools, even though they are not very radical libertarianism. You don't buy that argument, do you?

Liberty: Actually, I sympathize with it. It seems to me there's a parallel between that and something that's happening in the libertarian movement, at least as it's reflected in the pages of *Liberty*: the debate between the consequentialists and the hard-core natural rights advocates. They differ in their reason for supporting libertarian ideas. The consequentialists believe that the world would be a better place if libertarian ideas prevailed. The natural rights advocates, in contrast, support libertarian ideas because they believe that human beings have a moral imperative to act in accordance with them. Murray is addressing those who, like the consequentialists, don't buy the "metaphysics" of libertarianism.

Crane: Exactly.

Liberty: Murray's arguments can mean something to people who are not members of the libertarian "church" . . .

Crane: And induce them to accept policies that are consistent

* Long-time libertarian writer, Roy Childs was Foreign Policy Analyst at Cato Institute in the late 1970s and early '80s.

with the libertarian "church."

Liberty: And also to induce them to reconsider some of their fundamental precepts, to consider some of the broader libertarian propositions and arguments. Sometimes it's easier to argue from the specific to the general than from the general to the specific. Most libertarians of the natural rights school see natural rights as a sort of trump card, one that you can play in any argument, and then walk away, having won the trick. Unfortunately, nobody but your brethren in the church will respect the fact that you've won. Everybody else just thinks you're a nut.

Crane: And it's the lazy way to do it anyway. It means you don't really have to learn the arguments of the other side, you don't have to learn the facts . . .

I'd rather have a prolific, intelligent critic who was a non-Austrian than an Austrian who refuses to deal with the policy issue at hand or to learn the facts behind it. Austrians are so focused on theory that it is very difficult for them to write

Liberty: To change directions, what's the U.S. Army doing in Saudi Arabia?

Crane: Well you'll have to ask George Bush. I'm appalled. It makes no sense from the standpoint of geopolitics. From the standpoint of American interests it is a horrible mistake. I think George Bush is going to go down in history as one of the worst presidents ever—everything from the S&L bailout to the Clean Air Act. And now he's a war president. The irony is that he's treated as a strong president when in fact it takes a strong person *not* to use the levers of power. He's an extremely weak person. When he sent our troops to Saudi Arabia, it was a knee-jerk cold-war reaction to a regional conflict of minimal concern to the United States.

Liberty: In 1987 you said that Americans opposed the Vietnam War because there was no perceptible national interest in our being there. I gather that you don't believe that the availability of relatively inexpensive oil from Iraq, Kuwait, the Emirates and so on constitutes a vital national interest.

Crane: Well, oil is a commodity, and it's always going to be available at a price. I don't think that Saddam Hussein conquered Kuwait so he could sit on its oil.

Liberty: What about the theory that he would act against Saudi Arabia and the United Arab Emirates?

Crane: Look, I recognize that this man is evil. But there is a historical claim that Iraq has had on Kuwait. There is no such claim against Saudi Arabia. To invade Saudi Arabia would be expanding too far south. There are limits to what Iraq can do. It is after all a Third World country in very poor condition following the Iranian war. I would have been surprised if he had invaded Saudi Arabia. But even then it would not have been in the U.S. interest to have taken a military posture against him.

Liberty: OK. Do you think that we'll see an increase in the marginal income tax rates this year?

Crane: You mean personal or corporate?

Liberty: Either one.

Crane: I don't think so. I think we'll see sin taxes, oil taxes, but I don't think they'll tamper with the personal income tax rate. I don't think that it would bother Bush to do that, but there are a lot of egos involved with the reform in the personal tax rate. Also, the prospect of war in the Middle East has made people sensitive to the prospect of a recession. As a result of this the likelihood of a tax increase is reduced. Newt Gingrich has called for a tax cut to stave off the danger of a recession. I think that some of the steam has gone out of the movement for a tax increase. That's the silver lining in the stupidity of this intervention.

Liberty: But do you think we're likely to see increases in the rates of personal income taxes in the next few years?

Crane: Yes.

Liberty: What do you think of the chances for the capital gains cut?

Crane: Good. It's the one thing the Republicans still believe in. If there is a recession—and I think there is a good chance we'll have one—that there will be a strong momentum for a capital gains tax cut. But I think on net that taxes will go up over the next few years.

Liberty: Does Cato support the capital gains cut?

Crane: Cato doesn't have a stand one way or the other. Our research indicates to us that the economy will be better off with lower taxes.

Liberty: How do you compare Bush to Reagan?

Crane: Although Reagan deserves credit for having brought some backbone to the Republican Party—he talked about reducing taxes and limited government and so on—he turned out to be very uninterested in the *process* of government. I don't think he understood the significance of his rhetoric. His lack of interest in appointments was legendary—he had people working for him who were essentially big government types. As a result, nothing fundamentally changed in Washington.

George Bush doesn't even have the rhetoric. He is a very weak president. When you have a president like Reagan who takes his time, going to bed early, not really caring what his aides are doing, or a president like Bush who is a weak person then the process of government inside the Beltway takes over, and it is a process that is continually justifying expansion and growth. I don't think as a practical matter you see a major distinction between one administration and the next—I mean there's a lot of talk about Carter as the malaise period and so on, but the trend line of government growth is pretty steady. If you didn't know who was a Republican and who was a Democrat, there would be no way to tell from the trend line. On the other hand, I think that Bush may turn out to be the worst president in a long time because he's going to be a tax *and* a war president.

"I don't think an alliance with the paleocons is a good idea. Liberty is a seamless web, and you don't achieve it by promoting this element of intolerance."

Liberty: But Reagan certainly promoted military spending.

Crane: Everybody in the Republican Party says that it was the buildup in the military that broke the back of socialism in the East. I don't believe that. I think it was just that contradictions of the socialist economies led ultimately to a meltdown and it

collapsed of its own weight. What military build-up did and the bellicose attitude towards the East did was to increase the risk of some conflict leading to thermonuclear war. I think that that sort of bellicose attitude in international affairs is exceedingly dangerous and Reagan got a lot of credit for something where he deserves a lot of criticism.

Undoubtedly the fact that so many economic resources went into the Soviet military did exacerbate their economic decline. But not to the extent that it justified the risk of war. You know, the conservatives were always saying that we underestimated the percentage of the Soviet economy being devoted to military spending, and it turns out that we did. But it also turns out that we had overestimated the size of the Soviet economy so greatly that the absolute amount of Soviet spending on the military was less than we had thought. The CIA in the early 1980s was estimating that the Soviet economy was 65% percent of the U.S. Gross National Product. I went to the Soviet Union in 1981, and I told my friends that I estimated it to be 15% of the U.S. GNP. That turns out to be what the KGB estimate was. The disparity between reality and the CIA figure was there for everyone to see. There was no GNP in the Soviet Union. They don't produce anything. Literally. It was interesting reading in the Washington *Post* when this whole Middle East nonsense got started that what had convinced Bush of the need for military intervention was CIA economists' estimates of the impact on the world economy of a potential cut-off of oil. So, these guys, who are demonstrably inept economists, are getting the U.S. into a war.

"There's always been a kind of intolerant attitude among people like Rothbard and Rockwell, on ethnic and cultural matters, and even on the question of sexual diversity. I mean, gay-baiting and racial comments, what kind of stupidity in this day and age?"

Liberty: You have referred several times to the Gross National Product. How meaningful a concept do you think GNP is?

Crane: It is a meaningless concept. The GNP number is a non-sequitur—it doesn't mean anything.

Liberty: On another subject, what do you think of Patrick Buchanan's apparent Presidential aspirations?

Crane: For Buchanan to run and point out that Bush lied to the American people about taxes, and that this war is insane, would be a nice thing. The problem with Pat Buchanan is that he's fundamentally a conservative, and he has terrible views on social issues, and he's not even good on free trade, but at least the son of a gun is willing to challenge the status quo. He says that the emperor has no clothes. While the people over at the Heritage Foundation are fawning over George Bush, Pat Buchanan is saying "This guy's a disaster." I admire him for that.

Liberty: Have you seen Lew Rockwell's endorsement of Buchanan in his syndicated column? *

Crane: No.

Liberty: Someone sent me clippings of Rockwell's *Orange County Register* column, and it appears that Rockwell is doing whatever he can on Buchanan's behalf. A couple of days ago Murray Rothbard told me that he is enthusiastic about Buchanan's campaign. Maybe this indicates a retreat from purism for Rothbard.

Crane: Well, you've got to stay on your toes to know what the party line is with Murray. He wrote one column recently about how they met with the Paleocons out in Rockford, at the Rockford Institute. Who did this? Was it the sell-out Cato Institute? No, it was the hard-core libertarians, he and Rockwell and whoever is in their inner circle right now. I thought, "My God!" There was no explanation or anything, just that they had done it. I mean, if we had done that, all hell would have broken loose. "See, we told you these people are horrible . . ." So, they've formed an alliance with the paleocons. I think *Chronicles** has got some good stuff in it. It's had some radical anti-state articles in it these days. But these people are neo-fascist in the social area. Some of it's just horrible stuff. I don't think an alliance with the paleocons is a good idea. Liberty is a seamless web, and you don't achieve it by promoting this element of intolerance.

You know, this idea that there has to be a certain kind of cultural view, that's one of the problems I have with Pat Buchanan. He wrote a horrible column on how the U.S. should give serious consideration to inviting some of the northeastern Canadian provinces into the United States because that would reinforce our Euro-ethnic heritage. That's borderline racist to talk that way. There's always been a kind of—I don't want to say racist—a very intolerant attitude among people like Rothbard and Rockwell, on ethnic and cultural matters, and even on the question of sexual diversity. That's the way Murray was in the old days. It's silliness. It is so unnecessary, and it's like an insecurity has made them focus on that stuff; I mean, gay-baiting and racial comments, what kind of stupidity in this day and age? What kind of maturity does that reflect? A true commitment to human liberty? It's kind of sad, really. It certainly is unfair to the libertarian movement to have so-called leaders who are openly seen as having those views.

Liberty: In his long and bitter attack on you in *Libertarian Vanguard* in September 1981, Rothbard said that you had been one of his closest friends for many years. Earlier on, you had said that you considered Rothbard to be a leading economic thinker. Obviously, Rothbard's view of you has changed, and your view of him has in some sense changed, since he's no longer affiliated with Cato. Has your view of Rothbard as an economist changed?

Crane: You know, David Friedman tells the story of how he was talking with an historian and a philosopher. They were all talking about how much they admired Murray. At one point the philosopher said, "Except in the area of philosophy. In philosophy, he really doesn't know what he's talking about." Then the historian said, "Well, he's a real sloppy historian." And David said, "Well, I'm not real keen on his economics."

I don't know. I'm a little disappointed that Murray seems to be so motivated by hatred of all the enemies that he sees out there. I don't advise anybody to get on his wrong side. ❑

* Llewellyn H. Rockwell, Jr, is president of the Ludwig von Mises Institute and a close associate of Murray Rothbard. His "The Case for Paleolibertarianism," in which he argued that libertarians should ally themselves with paleoconservatives, appeared in the January 1990 issue of *Liberty*.

* *Chronicles* is the monthly magazine of the Rockford Institute.

Reviews

The Sign of the Last Days—When?,
by Carl Olof Jonsson and Wolfgang Herbst.
Commentary Press, 1987, 287 pp., $7.95.

Up from Armageddonism

Stephen Cox

When I sit down to breakfast and open the Los Angeles *Times*, I prepare myself to discover the latest urgent warnings about the destruction of "civilization as we know it." I prepare myself to read that the world is in imminent danger of death by pollution, disease, famine, warfare, economic collapse, or a terminal crisis in moral values.

I begin to recover from the visceral effect of these predictable predictions only when I recall that, fifty years ago, W. B. Yeats heard the same apocalyptic tone in the self-assured voices of his contemporaries:

> For everybody knows or else should know
> That if nothing drastic is done
> Aeroplane and zeppelin will come out,
> Pitch like King Billy bomb-balls in
> Until the town lie beaten flat.

What *I* know is that there are two types of people in this world: people who imagine that things are heading for the final catastrophe, and people who imagine that things are not. The two groups are divided not by background or ideology but by temperament.

The apocalyptic mentality and the complacent mentality are equally at home among the religious and the nonreligious, among men and women, among blacks and whites, among liberals, conservatives, and libertarians. People believe or disbelieve in threats of apocalypse because they want to believe or disbelieve.

Notice what a small role evidence seems to play in the formation of the two mentalities. As a member in good standing of the complacent club, I have often attempted to console people who spend their time lamenting the bad condition and worse prospects of the current age. Never has even one of these people permitted himself to be consoled. No triumph of science, no improvement in material well-being, no evidence of moral improvement can produce a happy tremor in the apocalyptic heart. And, to be fair, I'm sure that I have often grieved my apocalyptic friends by refusing to draw the obvious conclusion from the symptoms of catastrophe that they constantly point out to me.

I therefore recommend Jonsson and Herbst's *The Sign of the Last Days* only to my fellow complacents. It would never convert the apocalyptic folk; it would only sadden them. But complacent people—to find a nicer word, let's call them optimists—can find in this book copious confirmation of their suspicion that things are better than they've ever been, and show no signs of a catastrophic change.

The Sign of the Last Days, which is published by a small, Christian press, is a book that merits a wider readership than it will probably achieve. Nonreligious as well as religious readers should enjoy it, despite its origins in the age-old debate within Christian circles about Jesus' prophecies regarding the "end-time," the time of his second coming or "advent."

When Jesus' followers asked him, "What shall be the sign of thy coming, and of the end of the world?", Jesus answered (in part) "Nation shall rise against nation, and kingdom against kingdom: and there shall be famines, and pestilences, and earthquakes, in divers places" (Matthew 24:3, 7). Apocalyptic forecasters as various as Billy Graham, the Watchtower Society, Seventh Day Adventists, the Worldwide Church of God, and Hal Lindsey, author of the ubiquitous *The Late Great Planet Earth,* have discovered in such words a prophetic "sign" pointing directly at the twentieth century. Didn't nation rise against nation in the two world wars? Isn't there famine in Ethiopia? Isn't AIDS a pestilence? Doesn't California have earthquakes?

As the authors of *The Sign of the Last Days* observe, however, the rest of Jesus' remarks shows that he was warning against a desire to forecast exactly when his second coming would be, rather than providing such a forecast: "And ye shall hear of wars and rumours of wars: see that ye be not troubled: for all these things must come to pass, but the end is not yet." Jesus warned specifically against false and "deceitful" prophecies of his coming (Matthew 24:5, 6, 11, 23–27).

To debunk the modern prophets who have appropriated Jesus' sayings, Jonsson and Herbst assemble armfuls of evidence indicating that the twentieth century is less, not more, disaster-prone than previous centuries. We now live in "a world where 99 percent of mankind do not starve, and 75 percent are not even malnourished" (p. 41). "Mortality at all ages has steadily de-

clined during the whole twentieth century in almost every country" (38–39). And if you think that warfare in the twentieth century has killed unprecedented numbers of people, consider the wars of the past, many of which you may never have heard of. Consider the Manchu-Chinese War of 1644, which may have killed 25 million people, or the Taiping Rebellion of 1850–1864, which is thought to have killed 20–30 million, many more than were killed directly in World War I, which historians have covered with so many grim superlatives (145–47).

Rare is the healthy, well-educated, mortgage-bearing, retirement-plan-subscribing, newspaper-reading citizen who has resisted the temptation to describe the nation or the world as trembling at the edge of the abyss.

The point is not, of course, to present the twentieth century as some kind of utopia, to turn people's eyes away from the crimes of Nazism, communism, and other varieties of militarism, or to convince people not to try to do something about the serious problems that afflict them. The point is to encourage people to gain a realistic perspective on human experience, including human progress.

Every reader will be gripped by the authors' dramatic evocation of the disasters and chronic miseries of the past, and every reader who is curious about the history of the present century will be interested by their review of evidence that puts in doubt certain common impressions of its horrors. Often the authors' data are surprising; at other times, they remind us of things we know but take too much for granted. I am thinking, for instance, of the reminder that "with the exception of certain American Indian communities, such as the Pueblo Indians," North America has never suffered an extensive famine since the days of Columbus (33).

Occasionally, I believe, Jonsson and Herbst color their picture of the past a little too dark. I think they are misled by their sources when they suggest that the "Justinian plague" of the fifth century A.D. killed 100 million people (96). I wish that they did not accept so uncritically the assertion of one of their sources that "from 1860 to 1880, there was not one night along the Barbary Coast [in San Francisco] without at least one murder and innumerable robberies" (171). Not even one night? In such cases, "innumerable" does seem to be the operative word: we just can't quantify the phenomena. But the greatest part of Jonsson and Herbst's information is reliable and judiciously analyzed. Their comparison of various kinds of statistics bearing on the effects of famine and warfare is especially impressive. Their presentation of evidence is everywhere clear and to the point.

Much to be appreciated, also, is their inclusion of many hilarious examples of the apocalyptic pronouncements that they are attempting to discount. I am very fond of a passage quoted from Billy Graham's book *Approaching Hoofbeats: The Four Horsemen of the Apocalypse*:

> The terrible hooves of the four horsemen will finally trample across the stage of human history with an unprecedented intensity, bringing in their wake deception, war, hunger and death on a scale that staggers the imagination. . . .
>
> How near are the horsemen right now? I do not know! All I can say with certainty is that every sign points to one fact: the hoofbeats of the four horsemen are approaching, sounding louder every day. (7)

In their own arguments Jonsson and Herbst provide detailed empirical evidence for what cheerful optimists normally discover merely by consulting their own experience. There is, after all, a simple test for determining if unfavorable comparisons of the present with the past have any general validity. To quote our authors: "Is your life or that of people in general more plagued than was the case in [for instance] the fourteenth century? Given a choice, would we choose conditions then . . . as preferable to those in this century?" (185). I have met only one person willing to answer this question with a straightforward "yes"—an academic who informed me that he would enjoy himself more by eating roots and berries among the California Indians of, say, 1350, than by living in modern California and purchasing his daily granola at the supermarket.

But despite the existential obviousness of the superiority of life in the present, Jonsson and Herbst provide a service by acquainting us with the degree to which present conditions demonstrate humankind's ability to learn some lessons. True, we haven't learned how to control earthquakes. But we have learned how to eliminate smallpox, how to feed the vast majority of the population, and how to settle the vast majority of disputes without resorting to war.

Even our ignorance of certain things can be attributed to our knowledge of others. People in the more-or-less capitalist nations of the world have discovered how to ensure their supplies of food, leisure, and basic freedom. They now have the resources necessary to lament those ills from which they still suffer as if those ills were more serious than the nearly forgotten evils of smallpox, chronic famine, and all-slaughtering invaders. They have the resources necessary to act, in their self-imposed ignorance, as if we were los-

The apocalyptic view of life is far from harmless when it becomes the tool of religious, political, or social activism. And in these times, it's an easy tool to use; one thing that is bad about the twentieth century is its congeniality to every kind of apocalyptic expectation.

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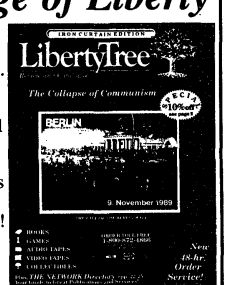

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ing rather than gaining control over the various possible threats to our existence.

Jonsson and Herbst present numerous examples of what might be called the press-agentry of disaster. I particularly like their quotation of a study of crime which reports that "in a period when the incidence of violent crime declined by 2.4 per cent, newspaper coverage of violent crime increased by 11.1 per cent." Jonsson and Herbst comment: "Lawlessness, then, often increases only in the newspapers" (175–76).

To some degree, the apocalyptic view of life is harmless enough; it's merely a way of giving a dramatic flourish to otherwise dull events. But it's far from harmless when it becomes the tool of religious, political, or social activism. And in these times, it's an easy tool to use; one thing that *is* bad about the twentieth century is its congeniality to every kind of apocalyptic expectation. Repeated revolutions of modern capitalism, science, and technology have established an expectation of continued radical change. They have so effectively demonstrated the specialness of the modern world as to undermine people's interest in the worlds that existed before it. Our acquaintance with change has reduced our acquaintance with history. The thinness of our knowledge of the past is indicated by the credulous acceptance, even among "experts," of wildly exaggerated claims about the evils of the present. People who think that the AIDS epidemic poses a specially dangerous threat to the existence of the race are remarkably ignorant about the threats posed by epidemics even as recent as those of the last two generations.

Once created, modern expectations of apocalypse can be especially hard to argue out of people's heads. Remember the predictions, in best sellers of the early 1970s, about global famine and a nearly universal proliferation of nuclear weapons? These predictions relied on a popular impression that unprecedented and virtually uncontrollable events were taking place—an impression that could be dispelled only by a careful study of very complex phenomena.

It's much easier to deny the assertion that the Pope is the Antichrist, scheming to destroy Christendom, than it is to deny that the "population explosion" in the Third World will lead to a worldwide holocaust unless the political and economic system of the world is drastically revised. To discount the former, you have to know a few Bible verses and a few biographical facts about John Paul II. To discount the latter, you may need to know something about the history and sociology of large areas of the globe, something about economics, something about agricultural technology, something about socialism's effect on the production of grains, etc., etc.

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I probably don't need to drag out any more examples of apocalyptic prophecies designed to serve political ends. We hear them constantly; we may even make them ourselves. Rare is the healthy, well-educated, mortgage-bearing, retirement-plan-subscribing, newspaper-reading citizen who has resisted the temptation to describe the nation or the world as trembling at the edge of the abyss. Listeners may even expect apocalyptic threats as a sign of political seriousness.

But *general* apocalyptic expectations can lend credibility to almost any *specific* claim. People who have absorbed the routine and general assertions of the 6 o'clock news about "the world ecology" entering "an unprecedented crisis" because of "catastrophic population increase" or "the effects of uncontrolled technology" will have little trouble accepting the claim that any particular country is approaching an ecological Armageddon.

And such visions, emanating from secular as well as religious sources, can lead to both comic and tragic excesses of bad judgment. Occasionally the excesses become so remarkably excessive that they are exposed even by the media, which ordinarily work so hard to propagate an apocalyptic mind-set. The LA *Times*, the whipping-boy of my first paragraph, reported recently on a "catastrophe that never came" in Nepal. According to Bob Drogin, writing in the *Times* on September 4, "The World Bank warned in 1980 that Nepal would run out of trees by 1995. The so-called 'eco-catastrophe' made headlines around the world." Western experts, and Western money, flooded into Nepal in an eleventh-hour attempt to do something drastic to "save the Himalayas."

In fact, however, overcutting of forests afflicted only a small part of the country. Elsewhere, apparently, forests were being successfully conserved by the native people who depended on them for wood. "Indeed," as the *Times* reported, "satellite photos and ground surveys show Nepal's mountains may have more trees today than 30 years ago." Drastic action, in the form of foreign advice and aid, was unnecessary, to say the least: "In the Kabhre Palanchok district east of Katmandu, workers couldn't find a barren area for their tree nursery. So they cut down a small forest to make room."

In other words, if catastrophe isn't coming, manufacture it, either in fact or in imagination. Against this modern tendency Jonsson and Herbst offer a useful and entertaining argument. ❑

"I'm afraid it's 'Picasso's Syndrome.'"

Glenn Gould: A Life and Variations,
by Otto Friedrich. Random House, 1989, 441 pp., $24.95.

Sex, Drugs, and the Goldberg Variations

Richard Kostelanetz

When I wrote a profile of the musician Glenn Gould for *Esquire* some two decades ago, I opened by quoting his "'two stipulations. You shan't interview any of my family or friends. They won't honor your request. Second, that we do as much of this as possible over the phone.'" I opened with this acknowledgement of his conditions not only to explain how my interviewing was done, mostly over the telephone, but to protect myself. There were some secrets he wanted to keep, and it did not take me too long to find out that they revolved around those two traditional taboos—sex and drugs. Since I was writing a seven-thousand-word piece that concentrated upon his professional achievements, it wasn't necessary for me to deal with these hidden dimensions; but since Otto Friedrich has written a book-length biography, the first to appear since Gould's 1982 death, from his research he should have discovered more than I did.

However, he didn't. Of Gould in the middle 1950s, Friedrich writes in his own voice. "[Gould] brought a bulky collection of sweaters and scarves in even the warmest weather, and he brought a large assortment of pills. The scarves and pills all reflected a justifiable anxiety about his uncertain health." A few pages later, Friedrich quotes Martin Mayer's testimony about interviewing Gould at the time: "He went to the bathroom and opened an attaché case, which opened up into a triple layer of medications." What were all those pills? Rather than investigate medical or pharmacological records, Friedrich initially resorts to speculation: "As for Gould's use of pills, it is worth recalling that this was the era of Miltown, a time when the newly discovered tranquilizers and energizers seemed to provide everyone with a harmless method of dealing with the stresses of life." Friedrich continues by citing a letter Gould wrote at the time, recommending that another pianist consider Nembutal, Luminal and, at times, Bevutal. And that's it.

Hold on, you say, this scarcely accounts for those three trays! Perhaps because I'm a decade younger than Friedrich and first met Gould in the late 1960s, it always seemed to me that he was "a head," as we said at the time, and that much of the superhuman energy displayed not only in his performances but in his conversations stemmed from the use of uppers. I have no more visible evidence than skeptical observations (including my own report of his "glassy-eyed demeanor" and now the record of Gould's auto accidents reported in Friedrich's book). When the sprint champion Carl Lewis commented upon the erratic performance of his competitor Ben Johnson, the Canadian who was able to beat him only some of the time (when he took drugs), I thought of his fellow Canadian Gould, whose basic interpretive devices involved radically shifting tempos—to play pieces either much faster or much slower than they had ever been done before. Though Friedrich explains how Gould died just after his fiftieth birthday—from a small stroke followed by a massive one, both probably caused by high blood pressure—he does not consider what any pathologist or pharmacologist could have told him: a principal cause of terminal strokes in younger people is excessive amphetamines or cocaine.

These questions about drugs are neither frivolous nor scurrilous. A recent biography of Jean-Paul Sartre noted how much of the practice and even the style of his writing depended upon amphetamines, while Allen Ginsberg has often remarked what drugs informed different poems of his. With these examples in mind, it is not unexceptional to wonder if psychotopic pills can radically affect acts of performance, even the performance of classical music. The music critic Tim Page is quoted as discovering Gould "definitely drugged in his later years," and others speak of the kinds of visible physical deterioration that could have come from an excess of uppers. Nonetheless, in the final year of his life Gould recorded, not at Columbia Records but in the privacy of his own studio, a second *Goldberg Variations* no less brilliantly than before. With those facts in mind, it is reasonable to ask whether Gould's ability to perform under adverse circumstances depended upon new medications or the ones he used before. If these hypotheses are credible, then it could be said that Friedrich has blown the chance to analyze the professional metabolism of the first truly *contemporary* classical musician.

Perhaps because I first met Gould in the late 1960s, it always seemed to me that he was "a head," as we said at the time, and that much of the superhuman energy displayed not only in his performances but in his conversations stemmed from his use of uppers.

Finally, in sharing the pianist's symptoms with doctors who did not know Gould's identity, Friedrich reports their conclusions that he "'was experimenting on himself in a pseudoscientific way,'" while ignoring the full implications of that attitude. Simply by failing to consider such possibilities for Gould, I wonder whether Friedrich discovered more than he's telling or perhaps his text was changed between original draft and final copy. (What suggests the latter possibility is the publish-

er's publicity sheet, which is sometimes written prior to typesetting—it speaks of Gould as "addicted to a wide variety of pills." However, in the book the epithet "addicted" is used not by Friedrich but only by someone he quotes.) After exposure of Ben Johnson's drug use a friend suggested that there should be two Olympics—one for those taking additives, and another for those without. Need we have two art worlds as well?

Friedrich suggests that many women found Gould attractive, especially in Canada where he was a celebrity, but admits to finding no one who actually slept with him. The option that is not mentioned, though it seems obvious to me, is that no one did.

About sex, the truth was opposite but no less hidden. It seemed to me quite clear that Gould was an ascetic who resisted touching people perhaps out of a neurotic fear of contaminating his body. (How did he deal with the perspiration, and smell, that must have accompanied his preference for heavy clothing? There is nothing in this biography about his odor.) Friedrich quotes his mother's gratification that even in his young twenties Gould hadn't discovered girls and then adds that this only child lived with his parents until his late twenties. Gould spoke to me of a special relationship with a woman he thought to be psychic but didn't say anything about sex. It was not difficult for me two decades ago to discover who she was—the wife of a fellow musician. When I met the woman in passing, she acknowledged the relationship but coyly refused to speak about it. Though Friedrich does not identify her by name, he adds what I did not know before (and don't entirely believe) — that "she rented a place near his apartment on St. Clair Avenue, and she lived there for four years. . . . Gould wanted very much to marry her, she recalls, but she finally decided against it." Friedrich then suggests that many women found Gould attractive, especially in Canada where he was a celebrity, but admits to finding no one who actually slept with him. The option that does not occur to Friedrich, though it seems obvious to me, is that no one did.

In contrast to most commentators on Gould, Friedrich acknowledges the radio programs that Gould produced initially for the CBC. Extraordinary montages of speech and sound (including music), mostly about other musicians or isolation in Canada, these features rank among the best of their kind, even though they are rarely broadcast down here and are largely unavailable on record. (The only one currently available appeared initially on the 1980 *Glenn Gould Jubilee* Album [CBS]. Perhaps because of its different origins, Friedrich does not connect it to the others.) However, because his knowledge of contemporary music composition is so limited, Friedrich is blissfully ignorant of their importance.

As I've pointed out elsewhere, in the last fifteen years of his life Gould devoted as much attention to those intricate audiotapes as he did to his pianistic recordings, because they represented a peculiarly contemporary way of realizing the kind of composing career he always envisioned for himself. As no less an authority than John Cage put it,

> I can distinguish three ways of composing music nowadays. The first is well-known—that of writing music, as I do. A new way has developed through electronic music and the construction of new sound sources for making music by performing it, rather than writing it. And a third way has developed in recording studios, which is similar to the way artists work in their studio to make painting. Music can be built up layer by layer on recording tape, not to give a performance or to write music, but to appear on a record.

By this last route, Gould was drawing upon all the competences he developed from editing audiotapes of his own piano performances, plus his growing interest in language composition. All this was discussed in a radio feature on "Glenn Gould als Horspielmacher" that I did for Westdeutscher Rundfunk in 1984; some of my text appeared in the semi-annual *Boulevard* in spring 1987. Though Friedrich quotes from my earlier profile (more often than he explicitly acknowledges) and then recommends it in his bibliography, he seemed not to know about these more recent considerations.

Glenn Gould: A Life and Variations is described as an authorized biography, which is to say that Friedrich was chosen by attorneys who required him to sign an agreement.

> The Glenn Gould Estate also promised to help open whatever doors need to be opened to whatever friends and relatives I wanted to interview. Despite the estate's involvement, however, [the attorney's] contract promised me that this would be my book, and that all the judgments in it would be my judgments. 'Subject to the foregoing,' as the document declares, 'it is understood that the final decision on the content of the Biography will be yours. . . .' The contract called for my manuscript to be sent to [the attorney] for his inspection, it gave him the right to point out anything he considered inaccurate or defamatory, and it required that I 'act reasonably in considering any such notice.' That is the extent of our agreement.

Perhaps, but perhaps not, the origins of this book account for why certain secrets were left for later biographers to expose. ❑

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Microcosm: The Quantum Revolution in Economics and Technology, **by George Gilder. Simon & Schuster, 1989, 426 pp., $19.95.**

The Microcosmic Mind of George Gilder

Alexander Tabarrok

Reading George Gilder's *Microcosm* is frustrating. Like a Shakespearean hero, it is tragically flawed; yet its virtues are so great that we wish it were not so.

Although George Gilder is often original and insightful, he is no great theorist; his great skill is as a popularizer and expositor of ideas, much like Isaac Asimov. Among his better known books are *Men and Marriage,* which infuriated feminists by arguing that patriarchy was a requisite for a stable society, and *Wealth and Poverty,* a moral and economic defense of laissez-faire capitalism. *Wealth and Poverty* was a bestseller that influenced public policy and rhetoric during the Reagan years. In *Microcosm,* Gilder argues that the computer chip is ushering in a new era of freedom. This thesis was presaged in the speeches of Ronald Reagan, perhaps because Joshua Gilder, George Gilder's son, was a presidential speech writer. Since the publication of *Microcosm,* Gilder's thesis has become the stuff of newspaper and magazine commentaries. It looks like *Microcosm* will enjoy the success and influence of *Wealth and Poverty.*

Microcosm is a peculiar book, particularly in its first and last chapters, where Gilder attempts to delineate a relationship between quantum mechanics, the microcosm, the computer chip, and God. He begins with the "overthrow of matter" and what he calls the "superstition of materialism." Science, he argues, no longer supports the materialist dogma that everything from the orbits of the planets to the thoughts in one's head are reducible to the deterministic laws of matter and its motion. In physics, for example, the quantum revolution has replaced the materialist view of Newton with one of immaterial waves of probability interconnecting throughout the universe.

If physics, once thought to be materialism's greatest achievement, no longer supports materialism, it's not surprising that the life sciences don't either. Gilder discusses the work of neuroscientist Wilder Penfield, who explored the brain with electrical probes. By stimulating different parts of the brain he could cause a subject to turn his head, blink his eyes, move his limbs and a host of other things. But though he could make the patient's hand move he could never make the patient feel that he had *willed* the hand to move. "Penfield found that the content of consciousness could be selectively altered by outside manipulation. But however much he probed, he could not enter consciousness itself. He could not find the mind and invade its autonomy" (p. 372).

Those in the Aristotelian realist tradition in particular will find useful leads to works in the new science of mind. Unfortunately, Gilder never develops a realist view of consciousness as an emergent order. Instead, he replaces Marx's materialism with a Hegelian Idealism, theorizing that reality consists ultimately of thought and mind.

Gilder's idealism seems clear. He writes, for example, of the "primal power of mind and spirit" (382). And he argues that "At the root of all the cascading changes of modern life . . . is the overthrow of matter" (12). "Thought is paramount," he continues, "even at the heart of matter itself" (13). This thought at the root of the universe guides what Gilder calls the "logic of technology" and the "logic of the microcosm."

Gilder argues that "the logic of technology, the logic of the microcosm, . . . is becoming the logic of history" (369). This sounds a bit odd coming from a philosophical idealist. In this context "the logic of technology" sounds a lot like the "laws of production." Is Gilder a crypto-Marxist? He claims not, because the "logic of technology" is not materialistic. The logic of technology, he argues, is dependent upon the logic of the microcosm which is dependent upon the logic of the quantum world. And the quantum world is governed not by interactions of bits of matter but by waves of probability.

This view is still materialistic, but—and this is where God enters the picture—the quantum world is one of thought. "Quantum physics" makes sense, Gilder argues, only if "it is treated in part as a domain of ideas, governed less by the laws of matter than the laws of mind." While mass "is always conserved, opposing thoughts can cancel each other out; sympathetic ideas can resonate together in the mind. The paradoxical stuff of the microcosm . . . seem[s] to represent the still mysterious domain between matter and mind, where matter evanesces into probability fields of information and mind assumes the physical forms of waves and particles" (29).

In the final pages it becomes clear that this thought in quantum physics is the thought of God. In quantum physics and the microcosm, says Gilder, "is the secret of reconciliation of science with religion. The quantum vision finds at the very foundations of the material world a cross of light . . . In this light, we can comprehend the paradox of the brain and the mind, the temporal and the divine, flesh and the word, freedom and fatality" etc.

Frankly, quantum physics may be strange but it's not *that* strange. Physics is still science and, Gilder's rhapsodies to the contrary, the quark is no cross of light. Quasi-theologians of all kinds have often attempted to find God in a microscope. Gilder's attempts are no better than those "Newtonians" who claimed, in exact opposition to Gilder, that the extreme order and *lack* of uncertainty in the universe was proof of God's wisdom and powers of design.

Gilder's mysticism may save him

from the charge of naive materialism, but it does not save him from determinism. He and Marx are, in this respect, two sides of the same coin. Marx, the materialist, denies the human mind in favor of the eternal logic of production. Gilder, the idealist, denies the human mind in favor of the eternal logic of the mind of God. This is not an improvement.

Marx, the materialist, denies the human mind in favor of the eternal logic of production. Gilder, the idealist, denies the human mind in favor of the eternal logic of the mind of God. This is not an improvement.

Happily, except for one or two issues, Gilder's mysticism does not interfere with the great body of his work. The best part of *Microcosm* is an exciting and beautifully written history of the microchip and its creators. What Gilder did for entrepreneurs in *The Spirit of Enterprise* he does here for physicists, electrical engineers, computer scientists (and, of course, more entrepreneurs). His prose sparkles as he tells the stories, the ambitions, and the lives of these fascinating people.

He tells of Andrew Graf "lying face down in the wet furrows of a muddy field somewhere near the boundary between Hungary and Austria." Graf is hard of hearing but he remembers "the yelp of dogs, the tromp of soldiers on a nearby road, the maundered words of a hunchbacked smuggler who had taken his money in exchange for directions to the border. He cannot turn back; in Budapest, they are arresting his friends" (83). Graf escapes as the suppression of the 1956 Hungarian revolution swallows his country; he comes to America and becomes Andrew Grove, president of Intel Corp., perhaps the most important company in the history of American microelectronics. As Gilder notes, Grove's rise to the top is one of the "implausible yet regularly repeated sagas of individual achievement which explain—in all cold realism—the triumphs of Silicon Valley. . ."(85)

The geniuses who created and exploited the microcosm are, as they should be, the focusing element in Gilder's book. But along the way there are some well placed attacks on government, which has tended to slow the revolution by interference and ineptitude. In the late 1950s and early 1960s, Fairchild and Texas Instruments were leading the way into the microcosm. They had virtually no government assistance but their competitors who continued to try to improve the dead technology of vacuum tubes had millions of dollars in subsidies and grants. If semiconductors had not been far superior to vacuum tubes, the new and superior technology might have lost the battle to the inferior-but-subsidized technology. Semi-conductors were far superior; "when the government needed a way to miniaturize the circuitry for its Minuteman missiles and its space flights, it did not use micromodules or any of the other exotic technologies it had subsidized. It turned first to Fairchild . . ." (80)

A similar story is told of the Japanese microcosm pioneers. The heroes this time were three Tom's: Tom Kubo, Tom Kamo, and Tom Kodaka, who built Tokyo Electron Laboratories—destined to become Japan's fastest growing company and the key capital supplier for Japan's microcosm revolution—with hindrance, not help, from Ministry for International Trade and Industry (MITI), the much eulogized "central planners" of Japan.

MITI officials, writes Gilder, "wax warm and expansive to the American intellectuals and politicians who come to learn of the marvels achieved in Japan simply by giving power to intellectuals and politicians," but such policies have little to do with the growth and dynamism of the Japanese economy.

In loving detail, Gilder explains the science behind the function and evolution of transistors, semiconductors, integrated circuits, parallel computers, artificial intelligence and much more. He also explains the fundamental ideas that have allowed us to explore and exploit the power of the microcosm. Among the skillfully handled subjects are information theory, Boltzman's probability analysis of entropy, Von Neumann vs Mead computer architecture, and analog vs digital systems. He makes these arcane subjects intelligible to the lay reader, building understanding developed in earlier sections to forecast the revolutionary effect microcosm technologies will have on business, society and politics. But one need only understand the broader themes, not the intricate details, to appreciate these chapters.

These forecasts, which range from geopolitics to SDI to music, are delightful. Gilder's destruction of the HDTV myth, for example, is powerful and riveting. Television, Gilder prophesies, is dead and HDTV stillborn. Since the television was introduced it has changed remarkably little. We now have more television channels, color, and better picture quality: but television is still the same passive, couch-potato medium that it was forty years ago. The microcosm will change all this. The cost of computing power, speed, and memory is plummeting while the quality continues to grow at an enormous pace. Soon, this revolution will create the reasonably priced technology necessary to transform television into a dynamic medium. Fast chips and large memories mean that television pictures can be manipulated by computers. This means not only a much higher picture quality than HDTV, but also real-time interaction.

Quasi-theologians of all kinds have often attempted to find God in a microscope. Gilder's attempts are no better than those "Newtonians" who claimed, in exact opposition to Gilder, that the extreme order and lack of uncertainty in the universe was proof of God's wisdom and powers of design.

To illustrate this, consider a play that is currently popular in Los Angeles. The play takes place in an old house, but instead of passively watching the action, the audience follows a character throughout the house. Audience members may follow any

character they choose and they can follow different characters whenever they want. By the time the play ends it's possible for everyone to have viewed what is, in effect, a different play. The real television revolution is not HDTV, but this type of dynamism and interaction that computers will soon make possible.

A government industrial policy designed to compete with the Japanese on HDTV will not only fail (the Japanese are at least 10 years ahead on HDTV technology), but may also distort and slow the eventual triumph of dynamic television.

Some of the changes in society that Gilder sees as emanating from the microcosm revolution, however, are exaggerated. He repeatedly speaks about the "great divide" that the "overthrow of matter" represents. Before the microcosm revolution, he asserts, wealth came from the "brute force of things" while today the "ascendant nations and corporations are masters not of land and material resources but of ideas and technologies" (17).

The trouble with all this is that wealth has *always* been a product of the human mind. Gilder writes about oil and iron and steel as though they were simply given to us, but, as Sheldon Richman has noted, "Nature, strictly speaking, does not provide resources: it provides materials. A resource is a product of man's mind; a material stamped with man's purpose." Gilder seems to think that if you can touch something it isn't a product of the human mind *because you can't touch the mind.* He is plainly wrong: the intangible mind produces many tangible products. If one is to take Gilder at his word, iron, steel and locomotives are not products of the human mind, while computer software is.

Gilder's mind/matter dichotomy abandons economics for technological determinism. His argument suggests that the Soviet Union and other planned economies did (and can continue to) function reasonably well as long as all that is being produced is material goods like trucks, steel, and railways. Socialism is now crumbling, he argues, because such material goods are no longer as important in the world economy as they used to be. This argument is ludicrous, but it has been taken up by otherwise-perceptive writers. Tom Bethell and Warren Brookes have already adopted this new vision as gospel.

Brookes has written that totalitarian nations "cannot survive in the information age." Going even further than Gilder, Brookes compares the breaching of the Berlin wall with electron tunneling. The true credit for the demise of socialism must go, he asserts, to physicists like Richard Feynman. Surely you're joking, Mr. Brookes! Bethell is slightly more reserved, but he too gushes about finally understanding why socialism is crumbling around the world.

Technology does not shape the state of liberty; liberty shapes technology. In the Soviet Union the internal combustion engine was used to create tanks and limousines for the apparatchiki who oppressed the masses. In the United States, the same technology became the American automobile, the most liberating and individualist product of the material age.

What Gilder and these other writers fail to see is that socialism was tried for 70 years and didn't work. Socialism *did not* produce the cars, trucks and other material goods the citizenry wanted. Even though the Soviet Union has more raw materials than any other country on the globe, the average Soviet citizen lived and continues to live an impoverished existence. The battle cry of *perestroika* is not "give me silicon chips, semiconductors and artificial intelligence systems," it's still "give me peace, land and bread." Centralized economies don't work because they lack two essential elements: free minds and free markets. Without these, innovation, growth and progress are impossible. Indeed, as Ludwig von Mises proved in the early 1920s, rational economic planning of any sort is impossible under socialism.

"Quantum technology exalts the one domain the state can never finally reach or even read: mind," Gilder writes. "Thus the move from the industrial era to the quantum era takes the world from a technology of control to a technology of freedom" (353–354). This confidence that microtechonology will free entrepreneurs from interference by states and bureaucrats is naive, to say the least. Technology has little to do with the prospects for liberty. Freedom and tyranny have existed side by side in pre-industrial ages (Athens and Sparta), in the industrial age (Great Britain and Tsarist Russia), and in all likelihood will exist in the post-industrial age. It may be true, as Gilder puts it, that if the state were to expropriate the means of production in an information age, most of what they would get would be sand. But there are other ways to shackle enterprise—the state is already regulating international finance even though the tools of this trade are computers and information flying at the speed of light down fiber optic lines.

Gilder's sanguineness has its origin, I suspect, in his philosophical presuppositions. Because he believes he has a hold upon the "logic of history," he can write without qualification that "The global microcosm has permanently shifted the world balance of power in favor of entrepreneurs" (358). But men have free will, and are not determined or predestined to accept liberty or tyrrany. As Ludwig von Mises put it, "Everything that men do is the result of the theories, doctrines, creeds, and mentalities governing their minds. Nothing is real and material in human history but mind" (*Money, Method, and the Market Process*, Kluwer, forthcoming, p. 289). How could Gilder, who writes of the "primacy of mind and spirit," disagree with this? Recall that in Gilder's system it is not the human mind that has primacy and efficacy but God's mind, as manifested in quantum physics and the microcosmic technologies quantum physics makes possible.

But worse yet, his view of the relationship between technology and liberty is not only wrong—it completely reverses the true causal connection. Technology does not shape the state of liberty; liberty shapes technology. In

the Soviet Union the internal combustion engine was used to create tanks and limousines for the *apparatchiki* who oppressed the masses. In the United States, the same technology became the American automobile, the most liberating and individualist product of the material age. In closed societies the ability to store immense amounts of data in a compact form is used to document and control thousands of people. In open societies, the same technology has created the compact disc walkman.

Despite these problems, *Microcosm* is a fascinating panoply of physics and metaphysics, science and religion, history and forecast. One has to admire the scope, if not always the content, of Gilder's vision. Early on in the book he describes Carver Mead, the prophet of the microcosm. Mead's approach, he writes, was "a lifelong effort to escape the momentary claims and crises of his field and to see the thing whole: to transcend the common sense of the day, the dense traffic of convention, the ways of the wealthy wisemen of the Valley, and uncover the deeper meanings . . ." (39) Gilder has approached his writing the same way, from *Men and Marriage* to *Wealth and Poverty* to *Microcosm*. ❑

Nuts and Bolts for the Social Sciences,
by Jon Elster. Cambridge University Press, 1989, 184 pp., $11.95.

Rational Man and All the Rest

Robert Higgs

Do people act rationally? And if we say either that they do or that they do not, what exactly do we mean? Differing answers to these questions establish the foundations of competing explanatory paradigms in the social sciences.

One approach is to say that everybody always acts rationally. Some people may look as if they are crazy, but if you could get inside their own (twisted) minds, you would see that, given their beliefs, they are choosing the means best suited for the attainment of their chosen ends. This approach regards the idea of irrational action as self-contradictory. If I stamp my feet and shriek upon entering my house to ward off evil spirits, well, who are you to say I'm acting irrationally? It works for me.

Ludwig von Mises took this position, maintaining that rationality relates "only to the suitability of means chosen for attaining ultimate ends." He added that "the choice of ultimate ends is in this sense always irrational." Mises warned, however, that "error, inefficiency, and failure must not be confused with irrationality. . . . The farmer who in earlier ages tried to increase his crops by resorting to magic rites acted no less rationally than the modern farmer who applies more fertilizer. He did what according to his—erroneous—opinion was appropriate to his purpose." In Mises's judgment, "the fundamental thesis of rationalism is unassailable" (*Theory and History*, 267–269).

Near the beginning of *Nuts and Bolts for the Social Sciences*, Jon Elster seems to embrace this point of view when he emphasizes that "the rational person can choose only what he believes to be the best means" (25). It soon becomes apparent, however, that Elster is convinced that people may act irrationally and they may do so in many distinct fashions. Irrational action is not just random; it can be modeled as systematic in its own (suboptimal) ways.

Although this theme is recurrent, the book has a much wider scope. Elster's ambition, which he achieves to a remarkable degree for such a short volume, is to survey and criticize the major explanatory mechanisms employed by social scientists—not the technical details but the logic.

So, for example, when Elster explains the rational choice model, he tells us that "what explains the action is the person's desires together with his beliefs about the opportunities" (20), and the beliefs may be mistaken. He moves quickly to indicate that preference orderings can be converted into utility functions, then to re-express the model as one of utility-maximizing action, and finally to conclude that because "all factual beliefs are a matter of probabilities" (26), the model becomes one of action aimed at maximizing mathematically expected utility, perhaps using subjective probabilities to arrive at the expected values. Next comes a presentation of the basic game theory setup, an explication of the Prisoner's Dilemma, and the conclusion that "rational choice is defined for an individual, not for a collectivity of two or more individuals" (29). All this is presented clearly and satisfactorily in a mere 17 pages.

We might have expected such mastery from Elster, who could be described either as a philosophically minded social scientist or as a philosopher interested in the methods of the social sciences. Since bursting onto the intellectual scene in the late 1970s, he has been a virtual whirling dervish as a writer. A recent catalog of the Cambridge University Press lists thirteen books with Elster as author or editor—and Cambridge is not the only publisher he has dealt with. Not just an author, he has occupied research and teaching positions in Norway and at the University of Chicago. The range of his interests and the acuteness of his intellect are impressive.

Nuts and Bolts, which he suggests might be subtitled "Elementary Social Science from an Advanced Standpoint," reflects his command of diverse subjects. Besides the materials on rationality and irrationality, the book includes discussions of altruism, emotions, social selection, and reinforcement, all under

the heading of human action. Under the rubric of interaction we find discussions of unintended consequences, equilibrium, social norms, collective action, bargaining, social institutions, and social change. Each topic receives consideration in a chapter of about ten pages of clear prose aided by a few simple diagrams. Anyone who wants to find out how social scientists explain human action in society could do much worse than to start here. Even readers already familiar with the social sciences can enjoy Elster's expository skills and his succinct evaluations of the strengths and weaknesses of different models.

For me, the most interesting chapters are the fourth, "When Rationality Fails," and the fifth, "Myopia and Foresight." There Elster argues that people frequently act irrationally and, in particular, go astray because of what he calls "weakness of will." With respect to irrationality in general, my own position is similar to Lincoln's on fooling the people: I believe that some people act irrationally (almost) all the time, and all people act irrationally some of the time.

So Elster gets no disagreement from me when he observes, for example, that "beliefs can be subverted by the passions they are supposed to serve" (37), as happens when people indulge in wishful thinking. Nor do I object to the claim that "especially when dealing with statistical matters, our minds are subject to cognitive illusions and fallacies" (38)—indeed, this has been pretty well documented by experimental psychologists. Elster thinks it is not unusual for people to "attach excessive importance to personal experience and current events, at the expense of impersonal sources and past events" (38), and hence to act irrationally. No doubt.

One approach regards the idea of irrational action as self-contradictory. If I stamp my feet and shriek upon entering my house to ward off evil spirits, well, who are you to say I'm acting irrationally? It works for me.

I balk, however, when he makes his argument about weakness of will. This is one of his favorite topics; he has discussed it in previous books and lectures. I accept that something we might agree to call weakness of will does exist, but cannot accept his account of it.

Weakness of will, in Elster's view, gives rise to irrational action, "the frustrating experience of doing what, all things considered, [one] would rather not do." It "arises when the discounting of the future takes a special form, which prevents us from holding consistently to past decisions" (45). For example, I resolve to become a nonsmoker because I believe that over the long term, all things considered, I'll be happier—in social science argot, I expect to get more utility—as a nonsmoker. Notice that my decision amounts to a commitment to a series of actions: not to smoke tomorrow, not to smoke the day after tomorrow, and so forth throughout an indefinitely long future. If, when tomorrow comes, I should fail to keep my commitment, Elster would view my action as irrational and as illustrative of weakness of will because I was "unable to stick" to my decision (45).

"The explanation of this inconsistent behavior," according to Elster (following the psychologist George Ainslie), "is that the future does not decay—that is, lose its value, from the point of view of the present—at a constant rate as it moves away from the present. Rather, it first decays very rapidly and then more slowly" (46). "The person's preferences at a given time are derived from a comparison of the present values of the options at that time: he prefers the one that has the largest present value. His intention at that time about what to choose later is based on that preference: he intends *now* to do *then* what he now prefers most" (46–47). Weakness of will manifests itself when the person subsequently experiences "preference reversal" (47). This means, for example, that when Tuesday comes, having a smoke offers him greater utility than refusing to smoke and thereby sticking to the commitment, made on Monday, to refrain from smoking until Wednesday.

Elster is juggling three distinct concepts: preference, intention, and action, especially the action of choosing among current alternatives. We can see more clearly what is at stake by reconsidering a statement quoted above, placing the emphasis differently so that the verbs rather than the adverbs are highlighted: the person *intends* now to *do* then what he now *prefers*.

Intentions are unconstrained: nothing precludes my intending to slay all my enemies in the year 2000. Intentions are solely mental commitments, futures contracts with oneself, so when we adopt them we bear no cost by foregoing a valued alternative—surely that's why the road to hell is paved as it is.

Notice that to intend something is not an action at all, at least not an action in the same sense as doing something. Intentions are unconstrained: nothing precludes my intending to slay all my enemies in the year 2000. Intentions are solely mental commitments, futures contracts with oneself, so when we adopt them we bear no cost by foregoing a valued alternative—surely that's why the road to hell is paved as it is. Likewise, we get no benefit from our intentions except the expectation that we shall get utility later when we act according to our (previously adopted) intentions.

Instead of saying that a person "prefers the [future option] that has the largest present value," Elster should have said that a person now expects to later prefer the future option that has the largest present *expected* value. The actual costs associated with an action must coincide in time with the act of choice among options. Preferences can apply only to one's ranking of the options from which one is currently choosing. Preferences divorced from

actual choice have no substance, because such free-floating valuations, although they may give rise to intentions, have no necessary consequences. For them, so to speak, there is no price to pay.

Of course, we make many choices, in a sense all of them, prospectively. The point is that we do so in view of the benefits and costs we anticipate we will attach in the future to the objects of our current choice. When tomorrow comes, we may evaluate the benefits and costs differently than we previously expected that we would. This alteration of valuations, in my view, reflects no inconsistency, no weakness of will, no irrationality. People learn, they change their minds—no problem.*

As I see it, weakness of will occurs when we violate a plan for a long-term course of action, a plan that seemed optimal when we embarked on it and, as such, continued to seem optimal at every subsequent time. Our deviation arises not because peculiarities in our discounting of future options give rise to preference reversal. Our deviation represents nothing more than a present choice with respect to one (present) element in a sequence of imaginatively linked actions, but this choice just happens to break the mental chain.

Suppose I set out to be a nonsmoker ten years ago. Day after day I adhered to my commitment faithfully. Now, today, I light up. My action has nothing to do with anticipations of the future. It has everything to do with the net benefit, as I perceive it, of a smoke right now. When I choose to have a cigarette now, I am not choosing among long-term plans. If I were making a prospectively inescapable commitment, I might prefer the nonsmoking plan just as I did before. Of course, having a single smoke now effectively sets aside the long-term plan to which I committed myself ten years ago. But present actions arise from present evaluations of benefits and costs. Weakness of will signifies nothing more than the dominance of the present as we make our choices from moment to moment.

Mises characterized such behavioral fluctuations as reflecting "irresoluteness with regard to the choice of ends. Wavering between various incompatible goals, the actor vacillates in his conduct of affairs. Indecision prevents him from marching straight toward one goal." Mises appealed to Freudian notions, especially rationalization, to account for the apparent "irresolute-

* New evidence: in an article on "Preference Reversals," *Journal of Economic Perspectives* [Spring 1990], Amos Tversky and Richard H. Thaler report the results of experiments indicating that "people do not possess a set of well-defined preferences for every contingency. Rather, preferences are constructed in the process of making a choice or judgement."

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ness." He observed that because the human actor is so often "a victim of illusions and wishful thinking," human history is "by and large a series of errors and frustration" (*Theory and History*, 280–282).

In my view, avoiding this sort of weakness requires that we attach greater value to what becomes in our own minds a commodity in its own right, namely, sticking to the long-term plan. That so many people routinely stick to such plans in so many ways testifies, I think, to the power of personal identity maintenance in determining people's behavior. One does not refuse a cigarette now because one would not enjoy it, all (present) things considered, but because one still wants to be the kind of person who does not smoke.

Elster's allegation of irrationality in connection with weakness of will illustrates the difficulties inherent in his unusually stringent conception of rationality. He supposes that an action cannot be rational unless it arises from three optimal decisions: "First, it must be the best means of realizing a person's desire, given his beliefs. Next, these beliefs must themselves be optimal, given the evidence available to him. Finally, the person must collect an optimal amount of evidence—neither too much nor too little. That amount depends both on his desires—on the importance he attaches to the decision—and on his beliefs about the costs and benefits of gathering more information" (30).

With respect to irrationality, my own position is similar to Lincoln's on fooling the people: I believe that some people act irrationally (almost) all the time, and all people act irrationally some of the time.

Like Mises, most people who define rationality require only the first of these conditions. Adding the other two creates all sorts of trouble, not the least of which is the indeterminacy created by the mutual interdependence of optimal beliefs and optimal evidence. No wonder Elster finds so many types of irrationality loose in the world.

Still, his observations and arguments challenge us to reconsider the nature of rationality and irrationality. This is more complicated stuff than many of us appreciate. *Nuts and Bolts*, with its excellent bibliographic essay, provides a provocative point of departure for those who would like to think more deeply about how we can understand human action and interaction. ❑

Reid, "Smokes, but No Peace Pipe," *continued from 35*

of smugglers will go down. After all, life is cheap on the reserves. The Indian community as a whole has the highest rates of alcoholism, drug abuse, and suicide in the country, to say nothing of the worst educational and health-care systems. The average Indian dies eight years younger than the average White Canadian. Infant mortality rates rival those of Third World countries. Under such conditions, it is questionable whether the increasing risks of involvement in cigarette smuggling will have the same discouraging effects that they would on a comfortable suburbanite.

If the federal and provincial governments really want to do something to improve the situation, they could start by drastically cutting tobacco taxes. These have traditionally been regarded as relatively painless "sin taxes," and have been a favorite target of cash-starved governments. Now that the real costs are more evident, they should be rolled back to more realistic levels (there is, of course, no hope of abolishing them). While they're at it, the politicians might want to consider alternatives to paternalism. If the bulk of the aid which the Indians presently receive were delivered to individuals rather than to bureaucrats and band leaders, individual Indians would gain a great deal of much-needed independence.

Along the same lines, why not take the money currently being donated to Indian leaders for use in land claims, and divide it up among the Indian population as a whole? If individual Indians judge that it is to their advantage to pursue specific claims, they will be free to do so. This would bring to an end most of the plainly silly claims presently being launched on government by leaders who know that their political futures rest on being perceived as the radical pursuers of even the most tenuous claim. That this would be a critically important reform is demonstrated by the fact that the claim of the Kanesatake Mohawks to the Oka golf course, pursued with such vigor, has been thrown out of court repeatedly in a string of decisions that date back to 1912. So, in one sense, the whole mess has been for nothing. But it would be nice to avoid future messes. ❑

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Terra Incognita

America

Novel way to protect the nation's wild stream beds, as reported in *Audubon* magazine:

Members of the Water Too! subsidiary of Earth First! have proposed planting Claymore mines in creek beds to discourage hikers from disturbing the natural flow of creeks.

Detroit, Mich.

Suggested prerequisite for Supreme Court justices, from A. Hughes in the Detroit *Free Press*:

"I oppose President Bush's appointment of David Souter to the U.S. Supreme Court. The American people cannot expect an impartial position or decision to support or uphold legislation that benefits American workers. Driving a foreign car creates a tendency to defend your purchase and certainly not to react to preserving jobs for America's work force."

Kansas City, Mo.

16,000 points of light in Kansas City, as reported in *The Arizona Republic*:

Volunteerism has been made mandatory for the 16,000 students in the North Kansas City School District. All students will be required to complete 36 hours of "community service."

"It's time to put the 'me' generation behind us," said Superintendent Gene Denisar when he announced the mandatory volunteerism on August 28.

Dublin, Calif.

Progress in the War on Ugliness in the Golden State, as reported by the Chicago *Tribune*:

Dublin, California, has passed an "anti-ugly" ordinance, providing fines of $500 to homeowners whose houses or yards are ugly.

Flossmore, Ill.

Retreat in the War on Ugliness in suburban Chicago, as reported by the Chicago *Tribune*:

After losing a lawsuit by a local resident, Flossmore has repealed its law prohibiting possession of pick-up trucks. Residents are now allowed to own pick-up trucks provided they park them only in garages.

Maine

Latest measure in the War on Something, as fought in the Down Easter State, as reported by the *Associated Press*:

Effective September 1, the sale of juice or other beverages in aseptic soft-sided paper cartons is illegal in the state of Maine.

Fountain Hills, Ariz.

New hope for the aesthetic partisans of khaki, as reported in *The Times of Fountain Hills and Rio Verde*:

The Committee on Architecture of Fountain Hills has announced that it will no longer allow "bright colors" on the exterior of homes. The standard acceptable color is "Navajo White," with a reflectivity of 78; colors that are either "brighter" or "whiter" are barred.

Omaha, Nebr.

Evidence that neither death nor taxes is as certain as widely believed, as reported in the Minneapolis-St Paul *Star Tribune*:

The U.S. attorney's office announced that it may request that the body of Ehsanolla Motaghed be exhumed so that it can verify that he is actually dead. According to the IRS, Mr Motaghed owes $156,000 in back taxes, and may have died to avoid paying them.

Lansing, Mich.

The new zoology, by a resident of America's Heartland, as reported by the Detroit *News*:

A lawsuit was filed against Lansing Police and the Ingham County Sheriff by "I am the Beast Six Six Six of the Lord of Hosts in Edmund Frank MacGillivray Jr. Now, I am the Beast Six Six Six of the Lord of Hosts. I am the BeastSassotlohiefmjn. I am the Beast Six Six Six Lord," who had changed his name from Edmund Frank MacGillivray Jr.

National City, Calif.

Professional ethics of law enforcement officers, as reported by the Los Angeles *Times*:

Eleven National City police officers were caught cheating on a promotion exam. No disciplinary action was taken against them, a city official said, because they were never instructed not to cheat.

Washington, D. C.

Impressive track record of the agency responsible by law for protecting our nation's natural treasures, as reported in the Detroit *Free Press*:

Twenty percent of the works of art and historic artifacts that belong to the Interior Department are missing, and many of the art works that can be found have been mistreated, according to an audit by the Inspector General. A $5,000 Apache basket was found in use as a trash can; several valuable Navajo blankets have been nailed to office walls, and a painting worth several thousand dollars was found by auditors in a wastebasket. "Misery of the Trail of Tears," by noted Indian artist Joe Tiger, was on display at the Interior Department headquarters when auditors first visited, but was missing when investigators visited a second time. It is valued at $50,000.

Boston, Mass.

Solemn promise of Marjorie A. Clapprood, candidate for Lieutenant Governor of the Bay State, as reported in the Boston *Globe*:

"We are going to get the ship of state back on solid ground."

Germany

Unforeseen complication of German reunification, as reported in the Detroit *News*:

As part of its liquidation sale in anticipation of German reunification, the East German Stasi (secret police) is offering for sale paper shredders, powerful searchlights, coffee pots and after-shave.

(Readers are encouraged to forward news clippings or other documents for publication in *Terra Incognita.)*

Morgan Silver Dollars . . .

. . . Pre-1900, at $18.50

Morgan silver dollars in Mint condition are currently available at historic low prices, offering the astute investor an excellent opportunity for profit.

The Morgan silver dollar is the most popular silver coin with collectors. And it's easy to see why collectors love these coins—they are big, and they are beautiful! No other coin approaches the classic Morgan silver dollar in terms of beauty, rarity, and collector appeal. Morgan silver dollars are the perennial "blue chip" of rare coin investments.

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And now, you can take advantage of the situation, by acquiring Mint State Morgan silver dollars.

During the past month, we have been busy bargain-hunting, acquiring quality Morgan dollars at prices so cheap that we can scarcely believe our good fortune.

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And to make the deal even better, the Morgan silver dollars we offer are all minted in the 1800s! As anyone who has acquired silver dollars has learned, the overwhelming majority of silver dollars available are dated 1921 and later and are relatively low grade. Early date Morgan dollars of this quality are difficult to locate in any quantity.

Each Morgan dollar we offer is in Mint State, personally graded by Allan Beegle, our chief numismatist. And all are backed by our exclusive guarantee: you may return any coin for a full, 100% refund for any reason, at any time within 15 days of when you receive them.

Warning: This situation will not last long. The sudden increase in the supply of high grade Morgans, combined with the softening price, has created a unique opportunity. As dealers sell off the coins they purchased, the available supply of Morgan dollars will get smaller, and the demand from dealers needing to build their inventories will increase. As a result, the price of these dollars may shoot up quickly.

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L20

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Liberty

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The Man From Mars

Who is this guy challenging Lech Walesa, anyway?

meltdown
The End of the Soviet Empire

David Boaz, Ralph Raico, James Robbins, Jane Shaw

Lies, Liberalism and Lip-Reading

by Loren Lomasky and Stephen Cox

Gordon Gekko, Michael Milken and Me

by Douglas Casey

Also: How freedom fared in the November elections; *Jim Robbins* on the alarming increase in premarital interdigitation; *Lawrence Person* on skatepunks and anarchy for fun; and other articles and reviews.

"All of our greatness was born of Liberty." —John Peter Altgeld

Mint State $5 Liberty $225!

During the past few weeks, the collapse of the organized market for so-called "investor" coins has created an unprecedented opportunity to acquire certain classic, old U.S. gold coins at remarkably low prices.

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But the panic in the market for extremely high grade certified rare coins has carried over even into blue chip markets.

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Much rarer than $20 Liberty or $20 St Gaudens!

The $5.00 Liberty is much rarer than the popular (and more expensive!) $20 St Gaudens or $20 Liberty.

The chart at the bottom of the page compares the rarity of these three gold coins. *By every measuring standard,* the $5.00 Liberty is the rarest of the three.

In terms of average mintage, the $5 Liberty is more than 3 times rarer than the $20 Liberty and almost 5 times rarer than the $20 St Gaudens. In terms of total mintage it is 70% rarer than the $20 Liberty and 16% rarer than the $20 St Gaudens.

And in terms of PCGS certified Mint State specimens, it is more than 3 times rarer than the $20 Liberty and almost 12 times rarer than the $20 St Gaudens.

A coin of beauty and historic significance!

The $5.00 Liberty was designed by Christian Gobrecht, the most important coin designer of the 19th century. Gobrecht's classically beautiful Liberty design graced the $5.00 gold coins until 1908—longer than any other U.S. gold coin.

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Coin	Mint State Population	Mintage Total	Mintage Average
$5.00 Liberty	14,595	60,483,607	297,949
$20.00 Liberty	50,249	103,828,017	918,832
$20 St Gaudens	171,189	70,290,333	1,434,450

Liberty

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Inside Liberty

January 1991
Volume 4, Number 3

4 **Letters** on taxes, schooling, altruism, philosophy, and scoops.

7 **Reflections** on peace-loving sports fanatics, clueless politicians, sloganeering artists, Marxists and Ku Kluxers in symbiosis, the Iron Lady, lip-sunk singers, and other oddities.

Features

13 **"A Pole Can Do It"** R. W. Bradford lifts the veil of mystery, lies, and disinformation surrounding the controversial Canadian Libertarian Party's candidate for Poland's—yes, you read that right, *Poland's*—presidency, Stan Tyminsky.

20 **The Explicit Social Contract** Robert E. Alexander presents the "fine print" of America's present polity for all to read—and sign.

21 **Election 1990: How Freedom Fared** Chester Alan Arthur surveys the November elections and appraises the state of mind of the nation's electors; Gene Berkman puts the Californian election in a nutshell

32 **The Production of Virtue in a Free Society** David Friedman explains why—contrary to common belief—people would be nicer in a market society than in more authoritarian systems.

33 **From Russia, With Surprise** David Boaz visits Moscow to discuss freedom, and the politicians *listen*.

35 **Marxism, Liberalism, and the State** Ralph Raico explains the meaning of liberty to those who have gone without.

39 **A Hero of Our Time** James Robbins polishes off the glowing reputation of Nobel laureate Mikhail Gorbachev, and finds reasons for resisting the urge to become a dictator buff.

43 **Abortion and Feticide** Eric Schendel argues for legalized abortion and against socialized medicine.

46 **Lies, Liberalism, and Lip-reading** Loren Lomasky makes a "cheap philosophical point" regarding the recent budget fiasco. Stephen Cox adds his money's worth.

49 **The Hope in the Schools** Karl Hess presents us with an encomium on the unsung heroes of the public schools.

51 **Gordon Gekko, Mike Milken and Me** Douglas Casey explains Wall Street ethics (such as they are).

56 **Rothbard's Libertarianism** Chris M. Sciabarra surveys the critics of Murray Rothbard, finds a common thread, and wonders: is something about to unravel?

63 **A Master of Black Dots and Strange Timbres** Richard Kostelanetz profiles one of America's greatest composers, Lou Harrison.

65 **The Bonfire of the Subsidies** Michael Christian finds something good about the European Community, Maggie ("Iron Lady") Thatcher's qualms notwithstanding.

Reviews

67 **Why the Academy Fails** William Moulton measures W. W. Bartley's *Unfathomed Knowledge, Unmeasured Wealth*.

69 **The Sick Man of Europe** Jane Shaw excavates among the ruins of the Soviet Union.

71 **Anarchy's Lighter Side** Lawrence Person on a science fiction writer's vision of skatepunks, UFOs, and guerrilla capitalism.

72 **Uncivil War** R. W. Bradford notes that the victors are still writing the history in his review of PBS's "The Civil War."

74 **Booknotes** on baseball, economics, individuality, and breasts.

77 **Notes on Contributors**

78 **Terra Incognita**

Letters

A Taxing Idea

Sheldon Richman ("My daughter Jennifer has been seized by the state," November 1990) asks when the government will send him tuition tax credits so that "someone besides the rich can avoid . . . citizenship indoctrination."

I am a little concerned with the popularity of tuition tax credits among libertarians. Aren't tuition tax credits really redistributed tax monies collected from all property owners, not only those who have children? At this time this money goes to support the public schools. With tuition tax credits, some of the same money, collected the same way, would go to individual families to be used for educational alternatives. Why should property owners who do not have children be forced to support Mr. Richman's choice of private education any more than they are currently coerced into supporting the public schools?

Instead of spending so much of his time trying to undo what other educators feel needs to be done to Jennifer, why not take that time and energy to create a home learning environment where Jennifer can explore and grow in the same effective way she no doubt did prior to her entrance into the Virginia educational monopoly? Homeschooling has become available and legal in virtually all the states precisely because so many ordinary people have refused to allow the seizure of their children by the state, and have given up belief in the inevitability of mass education.

Dave Meilstrup,
Santa Fe, N.M.

Medical Scoop

Kudos for scooping other opinion journals with Dr Ron Paul's analysis of the non-abortion uses of the so-called "abortion pill" (September 1990). *The New Republic*'s look at the same issue in its cover story on Nov 26, was three months' later than yours and not half as good.

Ronald Armstong
NewYork, N.Y.

El Supremo

I enjoyed the interview with Ed Crane (November 1990).

continued on page 6

Stimulate

There is a world of good reading in **Liberty** . . . and there has been ever since **Liberty** began publishing! Whether you want to catch up on what you missed, stimulate your mind, or complete your collection, now is a good time to buy. Enjoy!

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Letters *(continued from page 4)*

Whether Libertarians like the man or not, Ed probably has done more to further their cause than any other individual in recent years. Also, the Cato Institute probably ranks as the most effective of all libertarian organizations.

K. C. Blair
Santa Fe, N.M.

Rock Solid Rights Need No Excavation

From the interview with Ed Crane:

Bradford: "What rights do people bring into society?"

Crane: "Rights to life, liberty, and property."

Bradford: "Where do these rights come from?"

Crane: "Oh, come on, Bill"

That's it!!! Rights to life, liberty, and property form the central axiom of political philosophy. All attempts to derive these rights from some underlying principles, such as natural rights, utilitarianism, or extrapolations, interpolations, or deviations on those themes, are elephant shit.

Life, liberty, and property (rightfully obtained—not stolen) are the bedrock of libertarianism. If you dig deeper all you will find is magma.

Millard H. Perstein
Sedona, Ariz.

Moral Corruption, Anyone?

In "Why is Anyone Virtuous?" (November 1990), David Friedman explains why he believes most people are motivated to be virtuous and act honestly. I believe he fails to credit the basic reason why any person, motivated by rational self-interest, has no incentive to act other than with the highest integrity.

To make my case I must give credit to Ayn Rand for identifying altruism as the moral corruption that it is.

To a rational mind, a material asset has no value unless it has been earned, that is, unless the asset has been acquired in exchange for the fruits of his labor. To a rational mind, to quote the senior Friedman, "There Ain't No Such Thing as a Free Lunch" and something acquired for nothing has no real value. Happiness proceeds from achieving one's values and, if productive achievement is man's noblest activity, then the earnings of one's efforts represent the highest value one can achieve.

The motivation to theft or fraud logically proceeds from the altruist philosophy. The basic motivation of altruism is to be the beneficiary of the sacrificial offerings altruism preaches. Greed is the aspiration to the unearned. An altruist equates worth with value and he mistakenly believes that to acquire a material asset for free, that is, without having earned same, will bring him happiness and wonders why it never does.

When a young child is first told that he must never steal, the inevitable message is conveyed that to acquire that which one has not earned is a desirable objective and this, of course, is precisely the wrong message. A rational upbringing would teach a child that, for something to be of value, it must be earned.

All forms of mysticism have an altruist base and, as religion in one form or another is still pervasive, the desire of something for nothing is common among most believers. It is this wrong motivation that drives people to steal, commit fraud or even participate in gambling. To the rational mind, gambling represents making an investment where you know beforehand absolutely that the odds are against you, so on that ground alone one is disinclined to gamble. But a rational person also doesn't gamble because of his lack of interest in the remote possibility that he might suddenly acquire a windfall without having earned it. News stories are legion with the grief and disasters that have befallen winners of lotteries. This should come as no surprise because the one ingredient that could insure happiness is lacking.

The rational person, motivated by self interest, has no incentive to seek the unearned and hence cannot be tempted to a non-virtuous act. On the contrary, as his concept of value is inseparable from the need to earn his reward, he lacks all aspiration for the unearned. In dealing with his fellow man he is a trader, seeking values in voluntary exchange to mutual profit, neither seeking or offering the unearned. Therefore, the basic motivation of the rational mind to be virtuous is the recognition that this is the only path to happiness.

William Vandersteel
Alpine, N.J.

The Philosophical Mosaic

I read with very great pleasure and interest John Hospers's account of his encounters with Ayn Rand ("Conversations With Ayn Rand," July and September, 1990). I wish he would write a book about her so people could get a glimpse of her as seen through his eyes. This might show her in a more balanced and human light—emphasizing her life's major preoccupation—than did either of the Brandens' books.

I also wish is that Hospers had reported that there are *many* academic philosophers not influenced by Rand who nevertheless share her vision of philosophy. Indeed, many of the classical philosophers, such as Plato, Aristotle, Descartes, *et al* (even Kant) held out hope for a constructive philosophical undertaking, even as they carried out a great deal of critical analysis. Even Bertrand Russell approached philosophy with an eye to finding answers to fundamental questions and even believed that propositions of the sort Hospers treats as "heuristic maxims" may in some sense be statements that could be true about the world (in general or about its basic constituents).

If Hospers thinks that "philosophical formulas . . . merely give us 'philosophy on the cheap'," then by his account there are many very prominent figures in the history of philosophy who tried to get by with cheap philosophy—Hegel, Kant, Marx, to name just three who tried to come up with generalizations or basic truths about reality as a whole or as such.

Isn't there room for grand theorizing, something attempted in a sketchy way by Rand, and also for meticulous, detailed scrutiny? I advocate pluralism about styles of philosophizing—some suit some folks, others other folks, but most of them can be done well or badly. When done well, they have their value. And *à propos* Hospers's championing of critical philosophizing—does not criticism presuppose some valid criteria for assessing theories, hypotheses, concepts, distinctions, etc.? Why should we not attempt to identify those criteria? And might not there be some very fundamental criteria with some kind of base in "the nature of reality" itself? And perhaps we can come to learn even that.

I hope that the sadness I detected in Hospers's concluding paragraph is not a primary state of mind for him vis-a-vis his experiences with Rand. My much less prominent but somewhat similarly disappointing personal relationship with her is clearly overshadowed by the good fortune of having encountered her.

Tibor Machan
Auburn, Ala.

Reflections

I wanna hold your hand — Feel like a little innocent hand-holding? Then stay clear of Cincinnati. Commedore C. Canyon and John K. Harden were busted by alert officer Marty Polk, who saw them holding hands in a parked car in Eden Park, in flagrant violation of a 1974 Ohio law prohibiting "disorderly conduct for creating a physically offensive situation."

Little matter that there was not one case of the law being enforced since it was enacted in 1974, or that sitting quietly in a parked car is hardly a "physically offensive situation"; Officer Polk saw his duty. Could this be a case of deliberate harassment of homosexuals in the wake of the Mapplethorpe flap? No way, according to Polk—he said the situation would have been as offensive had it involved a man and a woman. Well, I guess Officer Polk had never been to Eden Park before, where this sort of outlandish hand-coupling has been going on for years, between members of the same or different sexes, married or unmarried, and even interracially.

I myself have engaged not only in premarital interdigitation but even osculation with a woman in Eden Park, in the presence of police officers, without once being cited for such a socially disruptive display. When the Cincinnati Symphony Orchestra holds evening concerts in the Park, people spread out blankets on the grassy hillsides and sit with arms and legs entwined, and some even snuggle. Simply outrageous. But it took two men sitting in a car holding hands while one consoled the other over the death of a relative to finally get the law enforcement authorities moving. And we are to believe that this was not a case of selective prosecution and legal harassment? It's a good thing Judge Joseph Luebbers threw out the charges, otherwise the Cincinnati Police would have to arrest practically the entire city just to prove they aren't hypocrites. —JSR

For Jesses' sake — Why is it that opposition to affirmative action injects racism into an election campaign, but support for it does not? —SLR

Demokratization — According to a recent *Wall St. Journal* article the only police item now in abundant supply in the Soviet Union is the PR-73 rubber truncheon. This useful gadget goes by the ever-so-ironic name of "demokratizator." You can't say those Ivans don't have a sense of humor.

Since imposition of an income tax is high on the list of nearly every Western expert offering advice on "modernizing" the Soviet economy, an income tax will likely be among the first "reforms" implemented for the benefit of the New Soviet Man, er. . . Taxpayer. The KGB is ready to function as the IRS. Few real changes will be needed, aside perhaps from fresh supplies of "demokratizators."

I wonder what snappy term the Soviets will come up for income tax forms, previously unneeded in the workers' paradise. In keeping with local custom. I suggest the "kollectivizor." —MH

Entrepreneurship as crime — Repercussions of events in the Middle East have given us new insights into our rulers' delusions of competence. Senator Lieberman of Connecticut provided one example on the TV show *Crossfire* of October 23, 1990. He complained that emotions, hunches, and worries had been driving the price of oil. Maybe the envisioned shortages would not occur after all. It was too soon for prices to respond. The market just was not working right, and he had introduced a bill to impose criminal penalties.

Lieberman evidently did not understand that all economizing and all entrepreneurial activity necessarily look to the future.

Libertarians should cite examples like this one in response to calls for "industrial policy" (or whatever its latest fad name may be). Besides the dubious economics of such policies, we should emphasize how they blend politics with business. Do we really want to give more power to people whose grasp of economics is as pathetic as Senator Lieberman's? —LBY

Have it Fidel's way! — Another indication of the revolution sweeping the socialist world is the opening of "McCastro's," the unofficial name for the new Cuban state-owned fast-food burger joint. The Havana restaurant is very popular, but those who want to "hold the pickle, hold the lettuce" had better remember just where they are. McCastro's isn't Burger King, and special orders are illegal. —JSR

A game to end all games — During the same week in which Mikhail Gorbachev was awarded the 1990 Nobel Peace Prize, two candidates leapt to the head of the queue for next year's award. Under the orchestration of coaches Lou Holtz and Dennis Erickson, football teams from the universities of Notre Dame and Miami succeeded in making their way through the tunnel leading to the field and then conducting practice without a single punch being thrown. Those unaware of the history of the teams' encounters may find this unremarkable, so I note for their benefit that the event is roughly comparable to Yitzhak Shamir and Yasser Arafat getting together for a cordial game of bridge. The coaches deserve congratulations; it is up to the wise men of Oslo to determine if they merit more.

Football is a game of physical conflict in which for each winner there is a loser, so it is no surprise that contests frequently take on the character of mini-wars. Genuine animus against the players on the other team seems to be conducive to peak performance on the field. However, it is not only within the confines of athletic stadiums that loathing trans-

lates into maximum exertion; the same phenomenon apparently characterizes the pursuit of social policy. For example, an administration convinced that controlled substances are detrimental to the health and productivity of American citizens finds educational messages a woefully inadequate means for communicating that concern. Nothing less than declaration of a "War on Drugs" will do. Appropriations adequate to equip a medium-sized army are solicited from a thoroughly complaisant Congress in order to bring "Public Enemy #1" to heel, imprisonments beating the number recorded by the South African regime during the darkest days of *Apartheid* duly follow, and supposedly friendly foreign governments are destabilized so as better to pursue the enemy. Taking a cue from Mao's Cultural Revolution, children are publicly praised for turning in traitorous parents. When these efforts are observed to yield minimal results, commanding general Bush, ably seconded by cheerleader Bill Bennett, whips up the troops to further exertions by calls for secret strikes against users and public executions of dealers.

There is, of course, nothing new in this rendition of policy-as-war. While fighting a hot war in Vietnam, Lyndon Johnson declared a cold War Against Poverty at home. Each disastrously misfired. Who can forget the egregious Jimmy Carter's characterization of his administration's energy policy as the "moral equivalent of war"? (To give George Bush the credit that he is due, his pursuit of oil supplies features a considerably more realistic similitude of war.) And if I may be permitted the insertion of an autobiographical note, I began my graduate studies in philosophy as the recipient of a National Defense Education Act fellowship, content in the knowledge that I was ensuring the security of my country by pondering Leibnizian monads and the existence of other minds.

There may be a good sociobiological explanation of why ordinary policy pursuits so routinely escalate into pseudo-declarations of war. Perhaps we are genetically programmed to apply ourselves maximally only when primal aggressive urges are tapped. Even if that is so, I note that an instinct which may have well-served our Neanderthal ancestors has proved itself to be of dubious efficacy in dealing with contemporary conundrums. Too often when we tap the arsenal of rhetorical armaments we end up shooting ourselves in the foot. What we need, I suggest, is a war on wars on whatever.

Oh yes: Notre Dame won a 29–20 victory over a Miami team which, deprived of its customary pregame brawl, seemed remarkably listless. —LEL

Just say, "Dough" — Cant, like clothing, has its fads and fashions, and the most *au courant* these days is the line that goes, in its most placard-ready form, "Say no to government-approved art."

Well, yes, I say, and nod approvingly and thoughtlessly, as I suppose I am meant to. Of course those using this slogan intend it as rhetorical heavy artillery in the war to save the National Endowment for the Arts from content restrictions in its federal funding of artists and art institutions. So what they really want is not an end to government-approved art; rather, they desire an expansion of it, to reach as far as the eye can see and the hand can grasp. They want *more* government-approved art, and more thoughtlessly government-approved art.

This is all quite obvious, and it has inspired me toward some fanciful thinking about an America where the only art form with skilled practitioners remaining is that of filling out grant applications to the federal government. We could have neo-classical grant applications (an attractively-proportioned, powerfully built young man carved from pure marble, exuding confidence and ability, draped with a sandwich-board sign reading "Give me money"), and Dada grant applications ("Give me money. Watch your overcoat.")—the possibilities are endless. It's a disturbing and absurd world, and it's just the sort of world that public supporters of the NEA deserve to live in. —BD

The Victory of Central Planning Over the Chaos of the Market, Chapter 11.— Leningrad city officials, in an effort to ward off starvation as the Soviet food distribution system continues to crumble, implemented food rationing for the first time since the German encirclement during World War II. Other cities are expected to follow suit. But Leningraders are lucky. Imagine what it would be like if, in addition to all their other troubles, they had to put up with exploitation by the marketplace. At least under socialism food is cheap—at least it would be cheap, if there were any. —WPM

Jennifer, the sequel — And now, another episode of *The Indoctrination of Jennifer: A Saga of Government Schools.* When we last left Jennifer, 7 years old, she was being forced to recite the pledge of allegiance by rote and was being warned that selling drugs was grounds for expulsion. She entered first grade able to read and to do simple addition, but many of her classmates were just beginning to read and apparently unable to count to ten. So naturally Jennifer was held down to the lowest level. What's worse, the teacher was using the look-say method of reading. At a parents' night early in the school year, she explained that she reads a simple story to the kids over and over until they memorize it. Then she has them recite the story from memory while sliding their fingers under the words on the page. "That's reading," she told parents. "That's bullshit," I thought as I sat listening to this. She then explained that she encouraged them to write about the stories read to them. Some kids, she explained, are only able to draw the characters. "That's writing, too," she said. "Let me outta here," I murmured to myself. After that we learned that this "teacher" planned to teach the kids addition—ready for this?—using calculators. That's the math equivalent of look-say. We insisted that Jennifer be moved up to second grade.

Things of course haven't improved. The cultural side of this education is actually worse than the academic side. Jennifer recently told us that she was required to wear an American flag pin everyday so that she would think about our troops in Saudi Arabia. Luckily it broke and they haven't given her another. We complained to the principal, who assured us it was supposed to be voluntary. (I can just imagine the file the principal has on us.) We opted her out of a "values" program that is little more than pro-state propaganda against drugs, alcohol, tobacco and caffeine! (The principal thought we must have made a mistake.) The schools are now the vanguard of a goddam temperance movement. Just the other day Jennifer displayed some other knowledge she was imparted:

mean people are cutting down the rain forests, killing animals and making the planet hotter. Somehow the schools left out a few details. I can't take it anymore. We're probably going to begin homeschooling real soon. —SLR

"Just checking, Ma'am"— My home town of Gainesville, Fla., has recently received some unusual national media attention for a nightmarish reason: Two months ago, within a three day period, some person or persons brutally murdered and mutilated five Gainesville college students, four females and one male.

This sort of occurrence, of course, creates public panic and disturbance. Never have I been in the center of so many confused, scared and angry people, and never have I witnessed at such close range and high speed the sociology of rumors. And never have I witnessed so much frightening credulity displayed on the part of normally intelligent, thoughtful people. People were ready to believe anything they heard, apparently using adrenalin as their only epistemological standard. If a rumor made them more frightened than before, they believed it. Body counts ballooned upwards in the public imagination; reports of unlikely and gruesome mutilation methods abounded. The stonewalling of police investigators fueled the fires of rumor.

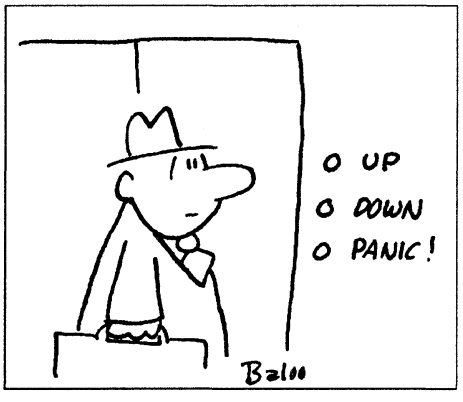

Understandably, people begin to feel somewhat grateful for the presence of police in these circumstances. Government's primal hold on the public imagination—as the preserver of civic order and safety—is in the forefront, and people forget what a shoddy job it generally does at maintaining that civic order.

Indeed, no one has yet been arrested or charged with the crime, though an unfortunate student who happened to be arrested in the wake of the crimes for assaulting his grandmother and who had a history of mental illness has been fingered in the public imagination and in newspaper headlines as a "prime suspect." Still, no more murders have occurred, or at least been discovered; so perhaps the large increase in police patrols around town has done part of the job that they are supposed to be there for.

But, as in all government activities, they can't resist doing just a little bit more. Though all reports of the forensics of the murder scenes indicate that there are no fingerprints or other obvious features to link suspects with the crime, police patrols around Gainesville have taken to performing random stops and fingerprintings of bikers and pedestrians. Florida Highway Patrol spokesman Ernie Leggett admits that there isn't any particular reason they are doing this, any suspicion they are trying to allay: "It's a cursory check," he is quoted as saying in the Gainesville *Sun*, "We're stopping people in the area if there are any questions why they're there. . . . This is not being done in an accusatory way." Apparently he intended this remark to ameliorate people's anger, and stave off attention from the American Civil Liberties Union.

I could understand if they were checking people who they had reason to believe were suspects; but they are merely using a panic situation to excuse random, causeless searches and fingerprintings, the sort of thing our Bill of Rights was meant to prevent. But, as always, the State feels that any crisis situation, real or imagined, excuses the use of any means possible or conceivable to meet its goals, whatever they may be, and never mind what the Constitution might have to say about it.

And crises are everywhere, as any newspaper reader is aware. Childcare crises, Mid-East crises, S&L crises—and the police-like minds of our "leaders" will forever be ready to excuse any action made in the wake of these crises with the casual assurance of police spokesman Ernie Leggett. We, whether citizens of Gainesville or just the United States, should not be calmed by this nonsense. We should be appalled. —BD

Another one bites the dust — The direct monetary cost to the American people of the Iraqi border build-up will be reduced the first year, perhaps by half, because of contributions from Japan, Germany, Saudi Arabia, the exiled Kuwaiti regime and the United Arab Emirates. But this money will come at the expense of constitutional integrity. The administration wants the Pentagon to be able to collect and spend any money raised from foreign sources without the approval of Congress. Legislation to that effect has been introduced. Thus, the people's theoretical representatives, to whom the Constitution gives control of the purse strings, would lose nearly all authority over the administration's military adventure. This would complete the reprehensible process begun by Harry Truman in 1950: now a President will be able not only to get us into a war without Congress's passing a declaration, he will be able to fight the war without Congress's appropriating the money. In the process of creating a new world order, George Bush is destroying the separation of powers, such as it is, at home. —SLR

Your people, sir, are a great beast — Feeling sorry for an entire police force is rare enough, in my case at least, to warrant a brief explanation.

The police force for whose members I now feel constrained to shed a figurative tear or two, is that of the District of Columbia.

First of all, its members are on the front line of William Bennett's maniacal, wrong-headed, losing, costly, destructive war on drugs. They must watch virtually helplessly as the capital's murder rate ascends to new international records. Warring over turf in the government mandated monopoly on drugs—making criminals the exclusive purveyors—is the admitted cause.

And most lately, they must put up with injuries and hate-filled demands for probes and punishments because they dared protect the civil rights of a group of unlovely people, the Ku Klux Klan.

The Klan was awarded a license to parade prominently through downtown Washington (a license that survived substantial court squabbling). The Peoples' coalitions, unions, and federations against this or that went into maximum outrage that someone of whom they did not approve had been

awarded the right to do exactly what The Peoples' coalitions, unions, and federations had long demanded for themselves: the right publicly to demonstrate no matter how unpopular the cause of the demonstration might be.

Now that the marching shoe is on the other foot, The People are howling in rabid fury.

Just as bad is the grotesque reasoning used to justify the attacks against the police who were protecting the Klan marchers:

It's all the Klan's fault.

If the Klan hadn't been so bold as to want to strut its obnoxious stuff in public then The People wouldn't have had to attack the police to exercise their special privilege of beating on people (lower case) and restricting freedom of expression and assembly.

After all the years of agony in establishing the right to protest in public (government) space, The People have taken a big, violent step toward trashing the entire concept because of their most egregious insistence upon a double standard. Protest, it now seems, has to be approved by The People. The People's Republic of China would understand. —KH

Cant and recant — "It turns out, of course, that Mises was right." No, that is not Murray Rothard. It is socialist Robert Heilbroner in the Sept. 10 issue of *The New Yorker*. In his article "After Communism," Heilbroner honors Mises as he contemplates the collapse of the Soviet Union and speculates about what is to follow. He doesn't get Mises' argument against communism quite right: "no Central Planning Board could ever gather the enormous amount of information needed to create a workable economic system" is how he paraphrases it. What Mises said was that without a real price system rational calculation is impossible. Heilbroner's paraphrase is actually one of Hayek's weaker formulations. But Heilbroner does seem to understand that the problem is related to prices. He shows this when he writes that the Soviet economy was inefficient "when projects had to be joined into a complex whole—a process that required knowing how much things should cost. Then, as Mises foresaw, setting prices became a hopeless problem, because the economy never stood still long enough for anyone to decide anything correctly." This is pretty close for someone like Heilbroner, and he does add, "There is no doubt that the market is an astonishing solution to the problem of creating a workable economic system."

But all this does not mean that he now favors capitalism. For him, capitalism still has booms and busts, mass unemployment, and — of course — Environ-mental Degrada-tion. Heilbroner still has much to learn and should keep on reading Mises. In Eastern Europe, he writes, the ideal economic system "will possess the vitality of capitalism without a class of powerful capitalists, a substantial amount of government guidance without a corps of bureaucrats. It may have a stock market but not a casino." —SLR

Where is the Soviet Rifle Association? — Soviet officials have recently been complaining of the vast number of illegal guns that are in the hands of the supposedly disarmed populace. These weapons, most of which are apparently handguns, are showing up not only in the possession of criminals, but at off-the-record gun shows and among nationalist paramilitarly units. The central government has been offering to buy black market guns on a no-name basis, and in July declared a period of amnesty for those who turned in their weapons at the police stations (20,000 handguns and three tons of military explosives were surrendered). According to informal Soviet sources, buying a machine gun is easy in the larger cities.

Now, a question for anti-Second Amendment activists in the United States. If the USSR has been unable, in a culture with no strong tradition of individual ownership of individual weapons, to keep its people from being, in the words of an editorial in Komsomolskaya Pravda, "armed to the teeth," do you really believe that Americans will be willing to surrender their guns. Or, are you willing to propose an even more repressive legal system than that of the Soviet Union in order to accomplish your goal? —WPM

Wrestling with Israel — No one can fully understand what is going on in the Middle East, especially the animosity toward the United States, without grasping the significance of American support for the creation and continuation of the state of Israel. Americans typically don't want to hear about this; they've been cynically taught that it is anti-Semitism.

But to the Arabs, who have several times been cheated out of self-determination, Israel is merely a new form of western colonialism. While the promoters of the state in the early days assured the Arabs that their rights would be respected, they told other audiences, as Chaim Weizmann put it, that they wanted Palestine to be as Jewish as England is English and America is American. The UN arrogantly divided Palestine, giving 57 percent to the Jews there, though they were less than a third of the population and had bought less than 7 percent of the land. Under this gerrymandering, the Jewish part had an Arab population of just under 50 percent. Without their consent, these Arabs had imposed on them what they reasonably regarded as a foreign western-backed government, an occupying power. Since then, the Israelis have used every pretext to expand their territory, killing and uprooting innocent people in the process. But only Palestinians trying to take back something that was stolen from them are called terrorists. The Palestinians who remained are second class citizens, which is to be expected; after all, it is a Jewish state, that is, it is for the benefit of Jews, not Arabs. Until we understand this situation and stop supporting Israel, Americans will remain the targets of Arab hostility and violence. —SLR

Comparative Integrity — In 1989, Milli Vanilli, a pair of corn-rowed pretty boys, were awarded a Grammy by the National Academy of Recording Arts and Sciences for "best new artist." But the group's status as "best" was quickly challenged: while offstage at a New Jersey concert, the alleged singers' alleged voices sounded over the speakers, inspiring New Jersey Assemblymen Neil Cohen and Joseph Mecca to propose labeling legislation for "live" concerts that feature vocals lip-synched to tapes.

Then, in mid-November, Frank Farian, the producer of

the Vanilli boys' 7 million-selling *Girl You Know It's True* LP revealed in a press conference not only that the duo lip-synched to tapes at their live shows, but that the tapes weren't even of their own voices. They weren't singers at all. When they let their success go to their heads—they declared after winning their Grammy that they were more important than Bob Dylan— and demanded to actually sing on the planned follow-up, Farian took action. He would make a new record with the people who actually sang on the first one, and Rob Pilatus and Fab Morvan, the frontmen, were out of luck and a job.

Walter Duranty, the Moscow correspondent for the New York *Times* during the thirties, wasn't a pretty boy, and doubtless sported a more conservative haircut than Rob and Fab. But he too was a complete fraud. While fully aware of the facts about the Ukrainian famine created by the policies of Joseph Stalin, he chose not to report them because of his professional dependence on the good will of Uncle Joe. As the *Times*'s man in Moscow, he had prestige and an "in" with the world's most powerful dictator; why risk that for the sake of something as silly as reporting the facts accurately and fully?

I'm sure Rob and Fab thought along the same lines. They were beloved of pre- and immediately post-pubescent young ladies the world over, they had accolades heaped upon them, and they were getting rich. Why rock the boat for the sake of the truth?

Duranty also was honored for his perfidy. He was awarded the Pulitzer Prize in 1932 for his coverage of the Soviet Union.

Here, unfortunately, is where the eerie similarities in the lives of Rob, Fab and Walter diverge. Mere days after Farian's revelation of the actual professional accomplishments of Milli Vanilli, the Nation Academy of Recording Arts and Sciences, in a show of integrity, withdrew the Grammy. This was the first time in history that an "artist" had ever been stripped of the award.

Years after the revelations of Duranty's lies—by scholars such as Robert Conquest, the personal witness of Ukranian refugees, and now even revisionist revelations from the Soviet government itself—the Pulitzer committee has still not seen fit to revoke Duranty's prize.

The episode illustrates what I have long suspected: that the pop music industry has a stronger sense of honor and integrity than the journalism industry. It is a fact that consumers of the products of either industry should keep in mind. —BD

"We are not a crook" — When it first became known that five U.S. Senators who had accepted gigantic "campaign contributions" from savings-and-loan cacique Charles Keating had intervened with Federal regulators investigating the fraud that Keating had perpetrated, thus delaying the end of Keating's operations and costing taxpayers billions more, the Keating Five responded that that they were just providing "constituent services." The suggestion that they were helping Keating in the same way that they help a widow whose social security check was lost in the mail amused the more cynical ("the same sort of services they would provide to anyone who funnels hundreds of thousands of dollars their way"), but virtually no one took it seriously.

So the Senate Ethics Committee hired itself a special prosecutor to investigate. Not surprisingly, he found a trail of corruption repulsive even by the lax moral standards of Washington, D.C. Three days before Thanksgiving, Keating's Senators responded. The "constitituent service" argument was gone, and in its place was a new argument: Senators would never take any action to harm their own reputations.

"The notion that I would risk my reputation and the reputation of this body, which I love, by raising money in any improper way," said Sen. Cranston, "is simply preposterous."

The crooked Senators seek to deflect the charge from themselves to the Senate itself. The idea is to make the members of the investigating committee, also members of the Senate, into allies by equating attacks on crooks in the Senate with attacks on the Senate. This defense is bogus, of course. Keating's Senators are not accused of the picturesque charge of being members of the U.S. Senate—they are accused of interfering with an enforcement action against a criminal because the criminal had given them money.

The second argument is sillier still. "The notion that I would risk my reputation is preposterous." By this theory, no person of good reputation would ever commit a crime. When a prominent member of the community is accused of murdering his wife, does anyone buy the theory that it is impossible for him to be guilty because he would not risk his reputation? The simple fact is that crooks most often engage in their criminal acts because *they don't think they will get caught*. This is as true for big-time criminals with good reputations as it is true for petty criminals with bad reputations. And it is true, I believe, for U.S. Senators who engage in criminal acts as well.

Neither of these arguments are original. Richard ("I am not a crook!") Nixon used exactly the same arguments in defending his role in the coverup of the Watergate burglaries. His accusers were attacking the institution of the presidency, he said, and besides, why would he risk his reputation by committing a petty crime? These arguments didn't save Nixon: his reputation went down the toilet, he resigned one step ahead of impeachment, and was saved from time in the big house by a pardon from his successor, a man he had appointed to office.

Ordinarily one would not expect Keating's Five to have any better luck with this argument than did Nixon. But there was one major difference between the situation of Keating's Five and Nixon's: Nixon was a Republican President who was investigated, accused and judged by Democrats in Congress; Keating's Five are bipartisan members of the Senate being investigated, accused and judged by other bipartisan members of the Senate. It will be interesting to see whether the same justice that applied to Nixon will apply to Keating's Five. —RWB

King in context — Reports that Martin Luther King Jr., as a graduate student, may have plagiarized his academic work are disappointing, but not crushing. (I say "may have" because despite a lack of footnotes, he reportedly always listed his sources in his bibliographies.) But let's assume the worst: what does that mean? It should not detract from King's many virtues. He was one of the first prominent opponents of the Vietnam War. He won his fame through an eminently li-

bertarian act: he inspired and organized a boycott of the municipal bus system in Montgomery, Alabama, because a city ordinance compelled blacks to sit in the backs of buses. His opponents were those who had long used state power to violate blacks' right of free trade and association. This was a time of laws, for example, against interracial marriage; a time when police connived at lynchings and the bombings of churches and homes. As Clint Bolick wrote in *Changing Course*, "King was an intellectual heir to Locke and Jefferson, Garrison and Douglass, Washington and DuBois. As did all his predecessors, King consistently drew upon the Declaration of Independence as the highest expression of his civil rights vision." As King put it, "there are certain rights that are neither confirmed nor derived from the state." When some blacks preached racial hatred and violence, King preached racial peace and nonviolence. "Black Power," he said, was "racism in reverse." However fuzzy his notions of freedom and nonviolence, he summed up the essence of individualism when he said that people "will be judged not by the color of their skin but by the content of their character." The civil rights movement has certainly got off this track. But we shouldn't let that overshadow King's achievements. As Bolick suggests, we should use the best in King to make civil rights an individualist concept again. —SLR

Bushwhacked on Downing Street — The excuse for the repudiation of Margaret Thatcher by her Conservative colleagues was her reluctance to surrender as much sovereignty to a united Europe as other countries were surrendering.

Mrs Thatcher had reservations from the start about the political and economic union of Europe, and for good reason. Having made miraculous progress in reversing Britain's headlong plunge into socialism, she feared that joining with socialist countries in a political union might undo the good she had done.

Of course, the European question was only the excuse for her ouster. Her rejection by her own party was made possible by a decision she had made that had proved unpopular to many British subjects: the replacement of property tax as the basis for funding local government with a "poll tax." The poll tax was a courageous attempt to advance her pro-capitalist agenda in the face of stubborn opposition from some town councils, which were controlled by the Labour Party.

The problem was that as Mrs Thatcher and her party had rolled back the power and size of government at the national level, many cities with Labour governments had stepped in and taken over the same idiotic government programs she had abolished nationally. Local government programs were financed by property taxes, and property ownership in British cities is far from universal. So the burden of expensive programs rested on a minority, often a tiny one. Needless to say, this made the programs palatable to most voters, who enjoyed their largesse without having to pay for them.

Mrs Thatcher's solution to the problem was to put a flat tax on all residents of a town. Now if a city government wanted to have an expensive new program, all of its residents would have to pay for it. To keep their taxes down, she believed, most people would withdraw support for the profligate spending of the local councils.

Needless to say, the new tax was not popular, especially in towns with Labour governments. It provided the radical left an opportunity to organize fairly extensive protests, which dominated British news for some time. Mrs Thatcher's popularity plunged.

Mrs Thatcher anticipated that there would be a negative reaction. But she knew that she didn't have to face re-election until 1992. This, she hoped, would be long enough for the benefits of her plan—the reduction of wasteful spending by local governments—to become manifest to voters.

Mrs Thatcher will not have the opportunity to see whether she was right. Weak-kneed Conservatives found encouragement in the public's initial negative reaction to the poll tax measure and found the nerve they needed to bushwhack Mrs Thatcher over the European issue.

Mrs Thatcher is not the kind of conservative we are accustomed to in the United States. Unlike Mrs Thatcher, American conservatives are always ready to compromise and even abandon their principles in the face of the slightest opposition.

Both issues that resulted in Mrs Thatcher's sudden expulsion were issues on which she had courageously taken well-reasoned positions—principled positions, pursued with courage, in the face of widespread opposition, positions aimed at weakening the power of the state.

Her repudiation is an occasion for sorrow for libertarians and classical liberals.

This is not to say that Mrs Thatcher is a libertarian. Her record on civil liberties is terrible: she acted to restrict freedom of the press and the rights of the accused, and even shifted the burden of proof to the defendant in certain criminal cases. Her primary motivation is not the enhancement of human liberty. She is a political conservative; that is, she has advocated policies of less government intervention in the economy and more government intervention in matters of civil liberties.

But Mrs Thatcher was not the kind of conservative that we are accustomed to in the United States. The difference lay not in stated goals, but in courage to pursue them. Like Mrs Thatcher, American conservatives advocate economic freedom and balanced budgets. Unlike Mrs Thatcher, they seem always ready to compromise these goals and to abandon them in the face of the slightest opposition.

Twenty-five years ago, Reginald "Rab" Butler, then the Chancellor of the Exchequer in the Conservative government of Harold Macmillan, explained that in Britain the word "conservative" didn't refer to the opposition to government control of the economy as it did in the United States. British Conservatives were more flexible; they recognized that a socialized economy was here to stay, unlike American conservatives (then typified by Barry Goldwater) who hoped to roll back the state's power over the economy.

Somehow, in the mid-1970s, at a time when anti-state feeling in Britain seemed at its low point, Mrs Thatcher had managed to convince enough of her fellow Conservatives that

continued on page 31

Report

"A Pole Can Do It"

by R. W. Bradford

Polish-Canadian libertarian Stan Tyminski exploded onto the world's stage by knocking off the Prime Minister of Poland at the polls. While the the establishment media in the U.S. and in Poland curse him as an insidious "outsider," suspiciously "unknown" to them, he is not unknown to *Liberty*'s editor.

"Lech Walesa's hopes for a quick decision at Poland's presidential polls have been frustrated," said the NBC television newsman. "The culprit is a darkhorse candidate who has spent the last two decades in Canada and Peru."

"The voters of Poland were clearly confused," added correspondent Tom Pettit. "Lech Walesa, the hero of Solidarity, was denied a clear-cut victory . . . Prime Minister Tadeusz Mazowiecki was humiliated, finishing a poor third. Voters rejected him and went for this man: Stan the Man Tyminski. Democracy is complicated, as Poland is learning."

"Tyminski's appeal was illusion," CBS news chimed in, "giving people the hope that they wouldn't have to suffer the pains of economic reforms anymore and that like Tyminski they could become rich."

That's how Stan Tyminski burst upon the consciousness of Americans on the evening of Nov 25: he was a "culprit" who had "humiliated" Lech Walesa, "the hero of Solidarity," and Tadeusz Mazowiecki, "the man who led Poland's first year of freedom," by tricking the voters of Poland, who are only "learning about democracy," with an "illusion."

As I write, Stan Tyminski is in the midst of a brutal campaign to be elected President of Poland. By the time you read these words, he may very well be Poland's first democratically elected president. He is a libertarian, and has already received more votes than any other libertarian in history. Who is Stan Tyminski? Where did he come from? Why is he running for the presidency of Poland? Why did so many Poles vote for him? And why are the television newsmen so hostile toward him?

Tyminski The Man

Stanislaw Tyminski decided to run for the highest office in Poland only 44 days before election day.

He had left his native Poland in 1969 on a student visa with only $5 in his pocket. "It was clearly visible that Poland was one big labor camp," he recalled twenty years later, "with borders and barbed wire and dogs. The average salary was $25 per month at that time. I lost most of my friends because they became Communists. . . . My mother wrote to me and asked me not to come back." After a short stay in Sweden, he moved to Canada and began to build a new life. He found a menial job in a radio store, then moved on to a position with Hewlett-Packard. In 1974, he went into business for himself, founding a small firm that designed computer systems for factories and power plants. His business prospered. By 1980, he was financially independent and looking to broaden his horizons.

A few year earlier, he had read a magazine article about an orphanage in Peru that seemed to be doing good work, and he had begun making contributions. In 1981, he decided to visit Peru and see first hand how it operated.

He spent some time in Peru. Before long, he founded a firm to haul fuel by barge to Iquitos, Peru's port on the Amazon River, deep in the rain forest. Petro Rápido was profitable until the Peruvian Army confiscated his barge, ostensibly for use in its war on drugs, leaving him with a loss of nearly a million dollars. This trauma prompted him to journey into the rain forest and live with the natives. "Stan got very close to the people and many of their mystic ways," his business partner in Canada told the New York *Times*. "I've been told that Shirley MacLaine

went through a similar experience and wrote about it." Tyminski himself wrote, "In my travels in the jungle, I found myself on the brink of hungry death and I had to learn to eat live ants and worms from palm trees."

Tyminski returned to Iquitos, where he founded a cable-TV company and settled down. He married a young Peruvian woman and began to raise a family. When he could find no good restaurant open on Sunday, he went into the restaurant business. Dissatisfied with the quality of local produce, he founded a farm to provide produce for his restaurant. Eventually, he also began a radio telephone company.

In 1985, he returned to Canada, where he continues to oversee his business interests both there and in Peru, eventually adding a farm and a tropical fish store to his Canadian interests. In 1987, he returned to his native Poland, where he founded a small computer company, to be managed by a relative.

"Stan is very friendly, solid sort of neighbor, a pleasant guy to talk to. While talking in the back yard one day, he mentioned that he loved gardening and that he had a farm in Peru. He has a farm here also and he used to grow corn and pumpkins and he'd be up there working on weekends and give everybody in the neighborhood corn and pumpkins at Halloween."

Transduction, the firm he had founded in the mid-1970s, continues to prosper. Its clients include Ontario Hydro, the giant electrical utility, and Dofasco, one of Canada's biggest steel companies. In 1986, Transduction won an award for the best Canadian product at the Canadian High Technology Show, for the "Black Beast," an industrial computer terminal.

Despite his prosperity, Tyminski was not one for conspicuous consumption. In 1987, he purchased a modest home for $250,000 in Toronto. "His kids go to the same school as my kids do, which is just down at the end of the street," his neighbor D'Arcy Dunal says. "Outwardly he obviously was doing quite well in his business, but there was no sign of lots of wealth. He doesn't drive a Mercedes-Benz or something like that. He drives a Chrysler mini-van, and his wife has a Honda."

His neighbors remember him as a pretty ordinary guy: "Stan was very friendly, solid sort of neighbor. And a pleasant guy to talk to . . . While gardening in the back yard he mentioned that he loved gardening and that he had a farm in Peru. He has a farm here and he used to grow corn and pumpkins and he'd be up there working on weekends and give everybody in the neighborhood corn and pumpkins at Halloween and stuff. It was quite a friendly gesture."

By 1990, Stan Tyminski was in a position that most people would envy. He was living a comfortable life with his beautiful wife and three children, made secure by his income from business interests on three continents. But he was not content.

Tyminski the Politician

For one thing, he remained a Polish patriot. He had left Poland because it was socialist, but he continued to hold a strong affection for his native land. For another, he was increasingly unhappy with political trends in his adopted country: Canada seemed to be heading toward socialism.

The event that radicalized him, according to his friend George Dance, was a reassessment of his house in Toronto which resulted in a bill for $65,000 in taxes. He contested it; ultimately the city sent a bailiff to seize his house. As a businessman, he hadn't cared much for government interference and taxes; as a Pole, he had witnessed the destructiveness of socialism at first hand; and he had read the radical libertarian fiction of Ayn Rand and the economics of Milton Friedman. He was ready to get involved in politics.

In May 1989, he heard a brief news item on the radio about an anti-tax demonstration. He called the station and found out that the demonstration was organized by the Libertarian Party. He contacted that group and at once felt he had found an ideological home.

The event that radicalized him was a reassessment of his house in Toronto which resulted in a bill for $65,000 in taxes. He contested it; ultimately the city sent a bailiff to seize his house.

The Libertarian Party that Tyminski joined was deeply in debt, thanks to extremely optimistic spending on the 1988 election campaign, and many thought it might go under. In May 1990, only 30 people attended its national convention in Toronto. Weighing heavily on the minds of most delegates was the question of whether the party ought to attempt a major campaign in the next federal election. The leading candidate for Party Leader, George Dance, argued that the party lacked sufficient resources; given the failure of the previous campaign and the enormous debt that it had caused, his argument seemed persuasive. But two other Ontario delegates disagreed: Roma Kelembet and Daniel Hunt believed that the only way to progress was to campaign aggressively.

They were plainly in a minority, but they had not come to the convention unarmed. They brought with them proxies from 68 other delegates and their friend, newly recruited member Stan Tyminski.

Proxies had traditionally been allowed at conventions of the LPC, but never before had anyone brought in enough to control the voting. The Chair ruled the proxies ineligible to vote; this ruling was appealed to the

convention. Proxy votes were not allowed on the issue. Eventually, a compromise was reached: the new Party Leader would have to receive a majority of both the delegates present and the proxy votes.

There were four candidates for Leader, but most support centered on George Dance and Tyminski, who favored an aggressive, expensive national campaign. In a recent interview, George Dance recalled the convention :

> Stan ended up running against me. He did an enormous campaign and impressed a lot of people. The big difference was strategic. I was saying that we have to build up the grass roots—build up the membership—before we can make a serious election effort. He favored a big campaign centered around the Party Leader. A big media campaign. The big argument against that was that the party can't afford a big campaign like we tried that in 1988 with a big advertising budget, which resulted in a huge deficit. Stan's answer to that was, "Well, what if I made a donation?" That was a clincher. More or less he'd pay for his whole tour, his whole campaign. That's what impressed people.
>
> Stan and I have worked pretty strongly together. I don't have any doubts about his principles. I consider myself an intellectual and I thought he could use a little more intellectualism. But on the other hand, I thought I could use a little more of what he had, which is drive and determination.

Tyminski was elected Leader of the bankrupt party. But he remained almost unknown among its members. A prominent LPC member told me last week, "Tyminski came out of nowhere—I mean, *nobody* knew him. He's as much a mystery man to me as he is to everybody else."

But Tyminski was the sort of person who got things done. Inspired by the thinking of other libertarians and by *The Trouble With Canada,* by William Gairdner, a book that applied libertarian economic thinking to the problems faced by Canada, he decided to write a book about the problems of Poland. He named his book *"Swiete Pay,"* or Sacred Dogs. In Poland, he told his Canadian friends, every family has a dog, and no matter how hungry the family gets, the dogs always eat well. Similarly, no matter how poor the people of Poland got, the bureaucrats always lived well at the expense of tax-paying Poles.

In August, he attended the meeting of the International Society for Individual Liberty in San Francisco, where he met many libertarians for the first time. One Canadian libertarian recalls the meeting:

> He didn't create an immediate impression. He talked mostly then about the problems he had inherited when he took over the party. He seemed to be down on everybody else who had preceded him, which is usual. As to his actual political beliefs or orientations he really didn't say anything at all. I also heard him give a short presentation at the convention. Again, he spoke mostly about the disarray the Canadian Libertarians were in.

Meanwhile, he had finished his book (which was co-written with Polish reporter Roman Samsel). But he could not find a publisher. Undaunted, he went to Poland and published the book himself, staying on to manage its advertising and promotional campaign. It became a best-seller.

On Oct 12, Tyminski called his friend Roma Kelembet and told her that two different Polish groups—the Green Party and a labor union in Gdansk—had called and asked him to run for President. But he was not comfortable with those groups. Over bowls of soup in a local restaurant, Kelembet suggested, "Why don't you run as an independent?"

Before long, he was being touted as a possible presidential candidate in Poland. At first, he dismissed the idea. The Autumn 1990 Bulletin of the Ontario Libertarian Party announced that he would be the keynote speaker at the party's annual meeting on Nov 24. It noted, "He is the author of a best-seller in Poland, *Sacred Dogs*, and is being touted in the media there as a possible presidential candidate. There is, though, one slight problem: he has his sights set on being Prime Minister of Canada, as the Leader of the Libertarian Party of Canada."

His neighbors got their first hint of his political activism in September, when he put up a yard sign for the Libertarian Party's candidates in the election for the Ontario Provincial Parliament. His neighbor D'Arcy Dunal recalls:

> He was just putting up a libertarian sign, and I said, "Geez, Stan, you are supporting the Libertarian Party?" That's when he told me that he in fact was the president [sic] of the party. We just had a casual discussion about the Libertarian Party. He said he enjoyed the group and had been to some a their conferences and things like that. We kind of got going and I read one of their flyers and we got discussing it. He mainly liked the party for the ideas that people had. As I understand it it's very much to the right, favoring lack of government control, freedom of the individual, and less taxes, so individuals would be able to be more efficient and the country would be better off.

The Libertarian Party of Ontario had a budget of $12,000 for the campaign, which didn't include any money for radio advertising. Tyminski strongly believed that radio advertising would help the campaign, so he contributed $4,000 to pay for it. Libertarians didn't win any seats, but they did amass 25,426 votes in the province, up 88% from their previous attempt in 1987.

Meanwhile, the pressure on Tyminski to run for Poland's presidency increased. On Oct 12, Tyminski called Roma Kelembet and told her that two different Polish groups—the Green Party and a labor union in Gdansk—had called and asked him to run for President. But he was not comfortable with those groups. Over bowls of soup in a local restaurant,

Kelembet suggested, "Why don't you run as an independent?"

The Presidential Campaign

It took only a moment for Tyminski to make up his mind. At 5 a.m. the next morning, he was on a plane to Poland, where he hired a staff and went to work. He had only 11 days to gather the 100,000 signatures needed to be on the ballot. He and his staff got the signatures.

The Poland whose presidency he returned to seek is a nation writhing in pain. The government of Prime Minister Mazowiecki has instituted broad economic reforms, designed to change Poland's economy from state control to free market and to repay its debt to the International Monetary Fund. Prices have been decontrolled and allowed to rise to market levels. Privatization has begun. This has done away with shortages. But at the same time, taxes have been increased. As a result, many people, especially the poor, have been unable to afford the bread that is now readily available in the stores. Under the program, income has been slashed by 40% and 1 million people thrown out of work.

He campaigned aggressively, financing the campaign from his own savings. "Money isn't everything," he said.

At the same time, there has been a major split within Solidarity, the labor movement that spawned the anti-communist revolution. Lech Walesa, its charismatic leader, turned against Tadeusz Mazowiecki, the man he selected to be Poland's prime minister. Better educated Poles tend to see Walesa as "a kind of Slavic Juan Perón," as Victoria Pope has written in *The New Republic*. "Walesa hates the allusion to the Argentine dictator, but he defends his position with a line that would have made Perón proud. He says he is simply a spokesman for the people: 'I speak what the masses feel . . . The masses release all their anger through me!" Walesa and his followers, meanwhile, see Mazowiecki and his administration as hopeless intellectuals, *"jajo glowy"* (eggheads).

One point Mazowiecki and Walesa agree on: the program of free-market and high taxes. Both men have also paid homage to Marshal Pilsudski, the Polish revolutionary who led Poland to independence in 1918 and returned as its dictator a decade later. According to the New York *Times*, some of Walesa's campaign posters have been photographed in such a way that they "evoke old pictures of the marshal," and Walesa has statues of Pilsudski prominently displayed in both his home and his office. Mazowiecki aired a television commercial starring the dictator's granddaughter, who is married to a senior official in the Mazowiecki government, saying that it is Mazowiecki "whose personality most closely resembled her grandfather's," and claiming that "Corporal Walesa" was no Marshal Pilsudski.

Despite the fame Tyminski had gained from his book, he was way behind Walesa and Mazowiecki. He campaigned aggressively, financing the campaign from his own savings. "Money isn't everything," he said. He traveled about Poland, everywhere giving the same message: "I am a capitalist. Freedom works. I make a good income, and my employees make a good income. Poland needs capitalism."

The other candidates and the news media ignored him or laughed at him. But on November 11, a poll showed that he had pulled into third place, with 15% of voters supporting him, and the laughter stopped. On November 18, the poll showed that he had moved into second place, favored by 23%. He had passed the Prime Minister in popularity.

The Polish press went crazy. In a burst of wild charges, newspapers accused Tyminski of evading the military draft, of being kept out of the army because he was insane, and of being a terrorist. "But it was unclear whether the attacks on Mr. Tyminski by established press organizations would not be counterproductive," the New York *Times* reported, "since for many years Poles say they have learned not to trust what they read in the newspapers or see on television."

Everywhere his message was the same. "I am a capitalist. Freedom works. I make a good income, and my employees make a good income. Poland needs capitalism."

This view was echoed by Krzysztof Ostaszewski, a Polish émigré at the University of Louisville, who keeps in close touch with events: "Everybody is united in attacking Tyminski. Just the day before the election, everybody was attacking Tyminski. I have to tell you that this is absolutely amazing, how this sort of curtain is drawn before Tyminski. The Polish media do not want to say anything about him. It's like I am living again in a Communist country because this is the way opposition leaders were treated when Communists ruled. This is the way Walesa was treated in 1984, and this is the way Kuron and Michnik were treated in 1977."

Walesa, who had earlier predicted that he would get 80% of the vote, told a crowd he would move away from Poland if Tyminski was elected. A member of Prime Minister Mazowiecki's cabinet resigned to devote his energy to attacking Tyminski.

On Nov 25, the people of Poland voted for President for the first time in more than six decades. Walesa finished first, with 39% of the vote. Tyminski finished second, the choice of 23% of voters. Prime Minister Mazowiecki finished third with 17% of the vote. Walesa had been forced into a runoff election on Dec 9. And his opponent would be Tyminski, by now dubbed "the man from Mars" by the hostile press.

Tyminski had achieved the impossible. In a matter of only 44 days, he

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— Lawrence Kudlow, "Money Politics," March 25, 1990

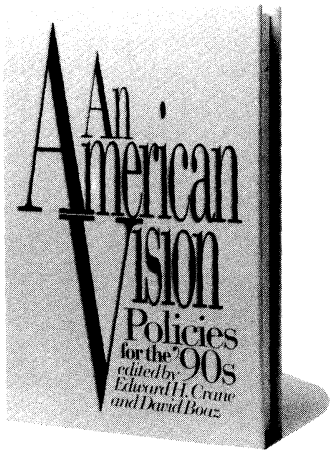

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had moved from Canada to Poland, declared his candidacy for the Presidency, obtained 100,000 petititon signatures, and convinced nearly a quarter of Poland's electorate to vote for him, ousting the incumbent prime minister and forcing a runoff election with Lech Walesa, who the day before the election, had announced that he would withdraw from the race if he failed to get a majority.

Walesa reacted like an angry father to his failure to gain a majority. His first reaction was to renew his threat to withdraw from the race, as if to punish the Polish people for denying him a majority. After sulking for a day, he announced he would remain a candidate, and reiterated his threat to leave Poland if Tyminski is eventually elected. In the wake of his defeat, Prime Minister Mazowiecki resigned his office and endorsed Walesa.

"Everybody is united in attacking Tyminski. Just the day before the election, everybody was attacking him. This is absolutely amazing. The Polish media do not report anything about him. They only attack him. This is the way opposition leaders were treated when Communists ruled. This is the way Walesa was treated in 1984, and this is the way Kuron and Michnik were treated in 1977."

Why have so many Poles supported Tyminski? Certainly, his outspoken pro-capitalist views have been an important element in his appeal, as has his aggressive, American-style campaign. But there are other important factors: Walesa and Mazowiecki discredited themselves with an incredibly dirty campaign; Tyminski's independence from political parties appealed to many Poles who dislike the whole notion of political parties (their only experience is with the Communist Party); his success as a businessman is very attractive; and the hysterical attacks on him may have backfired.

Hardball Politics

Politics in Poland is a nasty business. The Walesa campaign has repeatedly charged—as if this were a crime—that Mazowiecki is a Jew, despite Mazowiecki's persecution as editor of a Roman Catholic newspaper during the years of Communist rule . So it should not be surprising that the attack on Tyminski has been vicious.

The day after the election, for example, state-run radio invited listeners to call in with any revealing information on Tyminski, about, for example, his involvement "with a drug cartel or the KGB." At a press conference the following day, Tyminski was asked, "Could you please explain accusations that you are an agent of the KGB, that you are sick with epilepsy, that you are involved in the drug trade in South America and that each time you traveled to Poland in the 1980s you traveled through Tripoli, Libya, where you picked up your visa?" These charges are, of course, baseless. The only "evidence" that Tyminski has been involved in drugs, for example, is that he once lived in Peru; the "evidence" of his KGB ties is apparently nothing more than his willingness to increase trade with the Soviet Union.

The Tyminski campaign has made some irresponsible attacks of its own. Tyminski repeatedly used the word "treason" to describe the policies of Mazowiecki, which seems like an overstatement of the situation. And Tyminski's campaign manager for Canada told me that "there's a substantial rumor that Walesa has been a collaborator with the secret police," apparently in hopes that I urge others to believe it.

One criticism against Tyminski seems to have some validity: his program for Poland is vague. Early in his campaign, Tyminski aggressively advocated lower taxes and less bureaucracy, but since his victory over Mazowiecki, this program has taken a back seat, judging from news reports and his interviews on American and Canadian television. For example, when asked by a Canadian television interviewerer on Nov 27 about his "alternative" to the plan now in place, Tyminski answered:

> First of all, we have to develop our own strategic plan of development which is compatible with the best traditions of our own nation. We have to look for assets which are competetive on the international market. We have to show the world that, united as a nation, we can grow and prosper, and we have to show the international investment community that we are responsible as a nation, and this way we will attract foreign investment. And the next step will be technology. We have to grow it in our country. And after that, I hope, we will have prosperity.

It may very well be that this vagueness is a conscious strategic decision. According to George Dance, Tyminski spoke at a Libertarian Party open house in Toronto last summer about the surprising victory of Alberto Fujimori over Mario Vargas Llosa in Peru's presidential election:

The state-run radio invited listeners to call in with any revealing information on Tyminski, about, for example, his involvement "with a drug cartel or the KGB."

> He originally supported Vargas Llosa, but got disillusioned. He was impressed by the fact that Fujimori came out of nowhere and won. And he was unimpressed by Vargas because he blew this big lead. Practically and strategically, he was impressed by Fujimori's saying very little, speaking in generalities, merely being a fresh face. I think that's what he's trying to copy in Poland.

The vagueness charge has been trumpeted by his critics in the U.S. news media, but is hardly mentioned in Poland, where the more scurrilous charges predominate. Curiously, his

American critics seldom mention that Walesa is equally vague. (On the Canadian broadcast mentioned above, one of the experts on Poland commented, "The thing about Walesa is that he has made promises in every single direction. This is not new. This is how he's always been. He has a tremendous faith in himself, that he can make all these different promises, and at the precise moment he will know what to do. This egomania with him . . . This is almost theology. I think he really believes that he is God's vessel working in Polish history." And on an ABC *Nightline* program that raked Tyminski over the coals for his vagueness (after repeating charges that Tyminski was a drug dealer and a lunatic, and calling him a liar), Chris Wallace acknowledged that Walesa "is doing the same thing." Walesa himself acknowledges his vagueness. "Walesa says one thing in the morning and something else in the afternoon. Do not listen to Walesa's words too closely," Walesa said of himself. (He habitually speaks of himself in the third person.)

Tyminski's Canadian Libertarian friends are frustrated by his vagueness. After an interview on Canadian television, one sent him "a telegram giving him shit . . . he seems to be dancing on coals all the time, and I don't like it." Another told me that he had been trying to get him on the phone to urge him to be more explicit in his policy recommendations.

I am not so sure that Tyminski's refusal to spell out his progam is a mistake. Neither candidate has presented a detailed program, and I see little evidence that the Poles want one. On the main issue—the Solidarity program of moving toward free markets in an environment of high taxes and heavy bureaucracy—their views are well known. And as human beings, Tyminski and Walesa present a sharp contrast: Walesa is a politician, who believes he embodies the Polish people, confident that he can perform whatever miracles are needed to see Poland through troubled times ahead; Tyminski is an energetic and decisive businessman, who has started and successfully managed a number of enterprises, making a small fortune in the process, and who is determined to reduce taxes and eliminate bureaucracy. "A Pole can do it," he tells the voters. A Pole can be a success, make money, even become rich.

The parallels between Tyminski's campaign and Alberto Fujimori's campaign for the presidency of Peru go well beyond campaign strategy: both were political unknowns who caught the news media by surprise, both upset much better known opponents with international reputations, both were percieved by voters as good economic managers in part because of their association with a prosperous foreign country.

By the time you read these words, you will know whether Tyminski, like Fujimori, confounded the experts and won his election.

As I write, the Polish press and the international media are unanimous in writing off any chance that Tyminski will be elected. But they were also unanimous earlier in insisting that he would be unable to topple Mazowiecki in the first round of voting. At least one observer of Polish politics predicts that Tyminski will win the election. In an interview on Nov 30, Krzysztof Ostaszewski told me, "The momentum is incredible. Walesa's recent official announcements are full of fear. He is afraid of losing this election very much. He speaks in a very negative way. He says we can't do such a crazy thing. I think that Tyminski is going to win. This is going to be one of the most exciting developments of the 20th Century."

Tyminski, Libertarianism and the U.S. Media

Tyminski's involvement in the libertarian movement dates back only 18 months. This inexperience, combined with some of the press reports on his campaign, has led some libertarians and classical liberals to doubt Tyminski's libertarianism. The best evidence on the case can, I think, be found among his colleagues in the Libertarian Party, who seem quite convinced of his libertarianism, although some express doubts that it extends consistently to all matters of civil liberties. His candidacy so far, has done little to publicize libertarian ideas, through no fault of his own.

Between Nov 25 and Nov 28, I made a systematic attempt to monitor all the U.S. television network coverage of the campaign. The LP was mentioned only once, Tyminski himself brought it up in response to one of Chris Wallace's insulting questions about his alleged insanity and drug dealing on ABC's *Nightline*: "Let's talk about something else. I'm the leader of a legally registered opposition party in Canada—the Libertarian Party of Canada, and I'm well known in Canada, as the leader of this small party." Wallace responded by pointing out that an ABC reporter in Toronto had earlier quoted a Polish-Canadian leader as saying he hadn't heard of Tyminski, and quickly asking Tyminski another have-you-stopped-beating-your-wife question.

The show closed with comments by Jeffrey Sachs, the Harvard economist whose program Tyminski has criticized, who denounced Tyminski in these words: "The man is a chronic liar . . . I was amazed at the number of lies that he told just in the short interview that you had." What lies had Tyminski told: "He never said in Poland that he was a political figure. He made just the opposite point—that he was a businessman. In fact he's hardly a political figure in one sense. He's the head of an extremist right-wing party in Canada—so extreme, so much on the fringe, that it's never won a single seat in the Canadian Parliament." Obviously, Prof. Sachs was more than a little upset at the rejection of his economic program.

Of course, the hysteria of "experts" like Sachs and the American news media will have little impact on the decisions of Poland's voters. ❑

SOCIAL CONTRACT

between an individual and the United States Government

WHEREAS I wish to reside on the North American continent, and

WHEREAS the United States Government controls the area of the continent on which I wish to reside, and

WHEREAS tacit or implied contracts are vague and therefore unenforceable,

I agree to the following terms:

SECTION 1: I will surrender a percentage of my property to the Government. The actual percentage will be determined by the Government and will be subject to change at any time. The amount to be surrendered may be based on my income, the value of my property, the value of my purchases, or any other criteria the Government chooses. To aid the Government in determining the percentage, I will apply for a Government identification number that I will use in all my major financial transactions.

SECTION 2: Should the Government demand it, I will surrender my liberty for a period of time determined by the government and typically no shorter than two years. During that time, I will serve the Government in any way it chooses, including military service in which I may be called upon to sacrifice my life.

SECTION 3: I will limit my behavior as demanded by the government. I will consume only those drugs permitted by the Government. I will limit my sexual activities to those permitted by the Government. I will forsake religious beliefs that conflict with the Government's determination of propriety. More limits may be imposed at any time.

SECTION 4: In consideration for the above, the Government will permit me to find employment, subject to limits that will be determined by the Government. These limits may restrict my choice of career or the wages I may accept.

SECTION 5: The Government will permit me to reside in the area of North America that it controls. Also, the Government will permit me to speak freely, subject to limits determined by the Government's Congress and Supreme Court.

SECTION 6: The Government will attempt to protect my life and my claim to the property it has allowed me to keep. I agree not to hold the Government liable if it fails to protect me or my property.

SECTION 7: The Government will offer various services to me. The nature and extent of these services will be determined by the Government and are subject to change at any time.

SECTION 8: The Government will determine whether I may vote for certain Government officials. The influence of my vote will vary inversely with the number of voters, and I understand that it typically will be miniscule. I agree not to hold any elected Government officials liable for acting against my best interests or for breaking promises, even if those promises motivated me to vote for them.

SECTION 9: I agree that the Government may hold me fully liable if I fail to abide by the above terms. In that event, the Government may confiscate any property that I have not previously surrendered to it, and may imprison me for a period of time to be determined by the Government. I also agree that the Government may alter the terms of this contract at any time.

signature _____ **date** _____

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Report

Election '90: How Freedom Fared

by Chester Alan Arthur

Every two years, America goes through the same ritual. Every two years, statism becomes more deeply entrenched. Then again, maybe not.

The 1990 elections promised to be exciting and important. Early in the campaign, Republicans cautiously predicted smaller losses than usual for mid-term elections, or even gains, but their optimism was shattered by the budget talks, which enabled the Democrats to paint the Republicans as the party of the rich. At the same time, voters were becoming aware of the mega-billion dollar cost of the savings-and-loan crisis and of the role that many incumbents played in the debacle.

When the votes were counted, however, the results looked a lot like the same old stuff: voters re-elected practically all incumbent Congressmen and Senators. Democrats gained seven seats in the House and one in the Senate. These were a bit less than normal for mid-term elections, but within the normal range.

For most election analysts, the 1990 election was significant more for what didn't happen than for what did. "What did yesterday's election prove?" asked the New York *Times*. "Nothing . . . The voters' biennial Day of Decision turned mostly into a day of foregone conclusions." The Seattle *Times* began its election headline story, "Never mind the rascals. Throw the pundits out . . . instead of dumping their incumbents, voters re-elected [two local congressmen] and all their congressional colleagues—most of them by comfortable margins."

Despite the media perception that the 1990 election was a dull affair, there were developments of major importance to all Americans, and especially to those who seek to advance liberty.

Liberty and the Ballot Box

Political libertarians, especially those who run for office on the Libertarian Party ballot, are generally perceived by voters as radicals whose political programs are outright dangerous to Americans. Curiously, however, when given an opportunity at the ballot box to pass laws or amend their state's constitution, the majority of voters in 1990 seemed to agree with the libertarian position more often than not.

Consider, for example, the statewide ballot propositions decided upon by California voters. The Libertarian Party of California endorsed specific positions on 28 ballot propositions dealing with a wide variety of regulatory, tax and constitutional issues.

The state's voters agreed with the LP-endorsed position on 22 of the 28 issues, including all seven taxing-spending issues, both regulatory issues, four of six administrative issues, and nine of eleven bond issues. Voters disagreed with the LP position on six issues: small majorities favored bond issues for veterans and schools, voters rejected a measure to require that changes in the initiative process be approved by the voters, a measure to make tax increases more difficult, and a measure to subject governments to the same regulations on dumping toxic chemicals as private businesses. Voters also supported a measure to allow the state to put prison inmates to work for private firms to pay their upkeep and damage to victims. (Many California libertarians disagreed with their party's stand on this last measure.)

On average, 57.4% of Californians voted for the LP-endorsed position.

To investigate whether this is a national trend, I made a list of 32 ballot measures in states other than California in which I could identify a clear libertarian position. Included in the survey were all the state-wide elections that were reported in the New York *Times* and *USA Today*. Voters agreed with the libertarian position on 23 of 32 issues, including 13 of 17 taxing/spending measures and six of seven environmental/land use measures.

On average, non-Californians cast their votes for the libertarian position 55.6% of the time. Included in this average were some crushing defeats for libertarian positions: only 16% of Florida voters opposed a mandatory three-

day waiting period for handgun purchasers, only 31% of Nebraska voters favored a measure to limit increases in government spending to 2% per year, and only 33% of Oregon voters supported a broad educational choice measure that would have weakened the monopoly of government-owned schools. (This last measure was the work of Oregon LP activists and received significant funding from organizations closely associated with Ed Crane.)

Libertarians are generally perceived by voters as radicals whose political programs are outright dangerous to Americans. Curiously, however, when given an opportunity at the ballot box to pass laws or amend their state's constitution, the majority of voters in 1990 seemed to agree with the libertarian position more often than not.

Is there a lesson in this for libertarians? I am not sure, but the relatively high level of agreement by voters with libertarian positions on ballot measures compared with their low-level of support for libertarian candidates—particularly Libertarian Party candidates—may suggest that libertarian politicians might get greater electoral success if they concentrate more on actual issues and less on their ideological agenda.

Without a doubt, the biggest trend that was evident in ballot measures this year was that voters do not support environmental issues that cost money or that are likely to burden them with extensive regulations. Voters voted the environmental position on only 2 of 14 issues: 53% of South Dakota voters supported a measure requiring that very large-scale dumps get legislative approval; Arizona voters rejected by 66% an industry-backed plan to ease waste standards. Opposition to environmental measures extended from coast to coast: New York voters rejected a $2 billion environmental bond measure; Missouri voters rejected a "natural streams" measure that would have banned dams and restricted use of 52 rivers; South Dakota voters rejected a measure that would have required permits for mining operations in the Black Hills; Washington state voters rejected a state-wide land control measure that mandated regulators be environmentally sensitive; Oregon voters rejected an anti-nuclear measure and a measure to ban polystyrene foam and mandate recycling; and California voters rejected not only the well-publicized "Big Green," which would have subjected the citizens of the state to a wide variety of intrusive regulations and arguably done extensive harm to the state's economy, but also the more moderate "Big Brown" measure, a measure to spend $300 million to plant trees and even a measure to subject government bodies to the same regulations about toxic discharges as private companies.

On average, voters went against environmental positions 58.8% of the time. This hostility to the green agenda contrasts with the widespread public support for most of the goals of the environmental movement (i.e. clean air, clean water, etc). There are two reasons for this disparity. First, it costs money to clean the environment or to increase publicly owned wilderness or parks. While everyone favors a cleaner, healthier environment and more parks and recreational land in the abstract, not everyone wants to pay for them. Secondly, the public is gradually becoming aware that some so-called environmental problems (e.g. global warming, ozone depletion) are either scientifically dubious or are so poorly understood by science that taking radical action to attack them is simply imprudent.

Curiously, at the same time voters rejected environmental measures, Congress was passing and the President signing a new Clean Air Act. Ironically, the Act promises fewer benefits at higher costs than most of the environmental measures rejected by voters. Apparently, the lobbying and media manipulation game works better on legislators than on voters. "If you want to enact regulations that have high costs and low benefits," Jane Shaw observed in a recent *Wall St Journal*, "you are better off in Washington [than facing the voters]."

Throw the Rascals In!

According to the conventional wisdom, the party that controls the White

The Media "Coverage"

One of the problems in reporting on anti-incumbency behavior by voters is that nearly all election results available come from a single, monopolistic news organization which reports the votes selectively. All television networks and virtually all print news organizations have joined together to form the News Election Service (NES). In an attempt to economize, NES decided to report only votes for major party candidates and those third party or independent candidates who it believes will amass significant vote totals.

But predicting the vote for independent and third party candidates is extremely difficult, or, at the very least, beyond the ability of NES's experts. Consider, for example, the Libertarian Party's candidates for governor in 1990.

The LP fielded gubernatorial candidates in ten states. But the NES decided that the LP was running serious, credible races in only four states and ignored them in the other six. Here are the LP gubernatorial votes for the four states that NES reported:

California	1.9%
Georgia	2.6%
Oregon	1.3%
Vermont	1.0%
average	1.7%

Compare that to the LP gubernatorial votes for the six states where NES ignored the party's candidates:

Colorado	2.0%
Hawaii	1.1%
Nevada	2.5%
New Hampshire	4.9%
New York	0.7%
Texas	3.3%
average	2.5%

LP gubernatorial candidates got an average vote share 48% larger in states where NES didn't report their vote than in states where NES reported it. It wasn't just LP candidates whose votes went unreported: it also ignored the 9%

House can expect to lose 10 to 20 seats in the House of Representatives in an off-year election, but Republicans were optimistic for their chances as 1990 began. That optimism began to fade when President Bush backed down on his "no new taxes" pledge last spring and began negotiations for deficit reduction with the Democrats that control both houses of congress. The agreement that came out of the budget summit raised taxes and made minor cuts in welfare benefits offered old people under Medicare. The measure was rejected in the House by Democrats anxious to curry support from old people and Republicans not wanting to back down on taxes. In the wrangling that followed, the Democrats discovered a new tactic: blame the deficit on the "millionaires who don't pay their fair share" and insist that any tax increases sock it to the wealthy. With the airwaves inundated by campaign ads portraying Republicans as supporters of the millionaires, Democrats picked up in the polls and expected much bigger gains than usual. (The Democrats never mentioned that the income tax designed to "make the millionaires pay their fair share" kicked in at less than $50,000.)

Somehow, this appeal didn't seem to translate into many votes. It is not certain whether voters saw through the scam the Democrats were trying to put over on them, or rejected the appeals to the base emotion of envy, or the Republicans convinced most voters that their rhetoric aside, the Democrats favored higher taxes for everybody. But one thing is certain: when the votes were counted, the Democrats gained only a single Senate seat and seven House seats.

At the same time, voters were witnessing the disastrous savings-and-loan scandal. Congressional foolishness on this issue in the past decade will likely end up costing the taxpaying voters something in the neighborhood of $500 billion. The episode illustrated the inherent corrupting effect of the power possessed by Congress, as five Senators faced charges of intervening with regulators on behalf of an insolvent and arguably fraudulent savings-and-loan association in exchange for "campaign contributions" of hundreds of thousands of dollars. The episode was made more repulsive by the participation in the corrupt activities by John Glenn, the first American to orbit the earth and a national hero, and Alan Cranston, elected to the Senate originally as a idealistic left-liberal and advocate of the poor and oppressed.

In light of the budget mess and the savings-and-loan scandal, it was not surprising that public opinion polls showed a considerable anti-incumbent feeling. Yet when the dust had settled, nearly all incumbents were re-elected, leading many pundits to conclude that the public's dissatisfaction with "politics as usual" was over.

RIP . . . "Politics as Usual"

It is a serious mistake to interpret the low mortality rate of Congressional incumbents as evidence that voter satisfaction was reasonably stable. Congressional mortality is only one measure of dissatisfaction, and not a particularly good one. The political deck is stacked so strongly in favor of incumbent congresspeople that the removal of an incumbent is almost unknown. Consider some of the advantages that incumbents enjoy:

1) The vast power of their office stimulates campaign contributions from special interests, often amounting to hundreds of thousands of dollars per election.

2) In most states, congressional districts are gerrymandered to fit the spe-

---

of Kansas voters who cast their ballots for independent Christina Cline-Campbell, and the 10% of voters in Oklahoma who cast their votes for independent Thomas Ledgerwood.

NES also missed the boat on votes for LP senatorial candidates. It reported the votes of only one LP Senate candidate—in Hawaii: 1.4%.

Compare that to the LP candidates whose votes were not reported:

Delaware	1.0%
Montana	2.5%
New Hampshire	3.7%
New Jersey	0.7%
South Carolina	1.9%
Texas	2.3%
average	2.0%

Again, the unreported candidates got a much larger vote share than the reported candidates.

In some races, the NES's choices resulted in its causing its members to report election results that were simply inaccurate. One such case occurred in Washington's second congressional district. The Democratic incumbent, Al Swift, was widely regarded as a shoo-in. He averaged 86% of the vote in his most recent two re-elections. The Libertarian Party nominated Bill McCord, who wasn't expected to put up much of a fight. NES made a decision to count and report the votes only of Swift and his Republican opponent.

Because they were completely dependent on NES for election returns, the New York *Times* and *USA Today* knew nothing of McCord's vote, and recorded the final vote as follows:

Al Swift (Dem)	84,282	55%
Doug Smith (Rep)	67,642	45%

It looked like a tighter race than most people expected, but it didn't look like a very close race. But here are actual vote totals including votes for Libertarian candidate Bill McCord:

Al Swift (Dem)	84,282	50.8%
Doug Smith (Rep)	67,642	40.8%
Bill McCord (Lib)	13,831	8.3%

As a result of their dependency on NES, both the *Times* and *USA Today* seriously mis-reported the results of the race. Swift was not elected with the comfortable majority that they reported. He received only a bare majority of the vote. Had the Libertarians and Republicans supported the same candidate, there is a strong possibility that the seemingly invulnerable Swift would have lost.

How many other third party and independent votes were missed by NES? How many other misleading and inaccurate election returns were published by the New York *Times*, *USA Today*, the television networks, and your local newspaper? There is no way to tell. Aside from the re-porting service for Libertarian Party votes set up by volunteer LP members, there is no way to get the information. —CAA

Note: For more on the NES, see "A Conspiracy of Silence," Margaret Fries, *Liberty*, May 1989.

cific needs of incumbents.

3) Incumbents are allowed to campaign at public expense by sending newsletters and other advertising to constituents free of postage charges.

4) Incumbents have staffs of employees paid at taxpayer expense who work on "constituent relations" and other activities designed to increase voter support for incumbents.

5) Incumbents function as ombudsmen for constituents in matters involving the federal government; as the power of government grows, the political benefits of this function increase.

The Democrats blamed the deficit on the "millionaires who don't pay their fair share" and insisted that any tax increases sock it to the wealthy. Of course, they never mentioned that the income tax increase that was designed to "make the millionaires pay their fair share" kicked in at less than $50,000.

It is not surprising, given these advantages, that most incumbent congresspeople were indeed re-elected. And so the common observation in election post-mortems that anti-incumbency sentiments had been grossly overrated.

But the fact is, there was a great deal of evidence of changes in voter behavior. Term limitation measures were passed in California, Colorado and Missouri. In addition, there is substantial evidence that re-elected incumbents won by smaller margins. It is also worth noting that the voters of Vermont sent a Socialist to Congress, and voters in both Alaska and Connecticut elected independents to their governorships.

But perhaps the greatest evidence can be found in data that was overlooked by almost all analysts: the increasing vote totals of third party candidates. From coast to coast, third party candidates who had toiled in obscurity amassing miniscule vote totals suddenly found themselves with the highest vote totals of their political careers.

Across the nation, there were 28 seats in Congress that were contested by candidates of the Libertarian Party and both major parties in both 1988 and 1990. The LP candidates did better in 1990 than in 1988 in 27 of those 28 races. The average LP share of the vote total in these districts in 1988 was 1.6%. In 1990, the LP share averaged 3.2%. Libertarian vote share doubled in only 2 years.

In Washington state, there were two races for the State House of Representatives contested by the same Libertarian Party candidates as in 1988. In the 48th district, Tom Isenberg got 3.6% of the vote in 1988; this year he got 7.6%. In the 27th district, Rich Shepard got 2.7% of the vote in 1988; this year he got 15.8% of the vote, finishing ahead of the Republican in a heavily Democratic district. Was this the result of unusually active campaigns? Isenberg says he didn't campaign at all this year; in 1988 he campaigned actively. Shephard—whose vote share increased almost sixfold—tells the same story. "In 1988, I organized a campaign committee, set up a campaign breakfast, answered the various questionaires, attended candidate forums, advertised in local newspapers, and door-belled. In 1990, I answered questionaires and appeared in some local forums—no doorbelling, no advertising, no campaign breakfast, no fundraising. And this time I got five times as many votes."

As the experience of Isenberg and Shepard indicate, the move to the Libertarian Party was not the result of additional campaign efforts. Indeed, their much improved performance occurred despite their running much less active campaigns. Plainly, what happened in 1990 was *not* primarily the result of the activity of LP candidates. It was the product of a change in voter attitudes, a willingness to consider non-mainline alternatives, perhaps even a desire to express opposition to major party politics.

1992: The Year the LP Comes of Age?

The central fact of third party politics is that success or failure is dependent mostly on factors totally outside the control of candidates and activists. The success of LP candidates in 1990 was substantially the result of public dissatisfaction with current politics. In the wake of the savings-and-loan crisis and the corrupt politics of the budget "solution," voters were willing to look beyond the Republicans and Democrats on their ballots and vote for the Libertarian Party.

Other important exogenous factors that have tremendous influence on the success of LP campaigns are the presence or absence of other candidates who are not representing major parties. Voters looking for a way to express hostility to the mainline candidates will generally favor an "independent" who has substantial electoral experience as a Republican or Democrat over a Libertarian or other minor party candidate. This was the rock that sank the 1980 LP presidential campaign.

In addition, the public perception of the closeness of any race is of vital importance. When voters are convinced that a race will not be close, they are far less susceptible to the "why waste your vote" argument.

Now it is plainly far too early to figure what role these factors will play in 1992. The public's perception of the closeness of the race will not be known until the election is days away. Other major third party or independent candidates may emerge; we won't really know until the middle of 1992.

Likewise, a lot can happen between today and the 1992 election to change voters' satisfaction with the two major parties. But given the political situation and the electorate's mood today, it certainly looks as if there is an outstanding possibility that voters in 1992 will be very open to third party candidates. Both the crises that undermined voter confidence in the two party system—the savings-and-loan mess and the corrupt budget negotiations—are unlikely to abate. Chances are good that the savings-and-loan crisis will heat up considerably; quite possibly a few Senators may be censured or even impeached because of their involvement with savings-and-loan kingpin Charles Keating. Any such punishment will increase the public's feeling of disgust with the major parties. And if none

INDEPENDENT FROM BUREAUCRACY

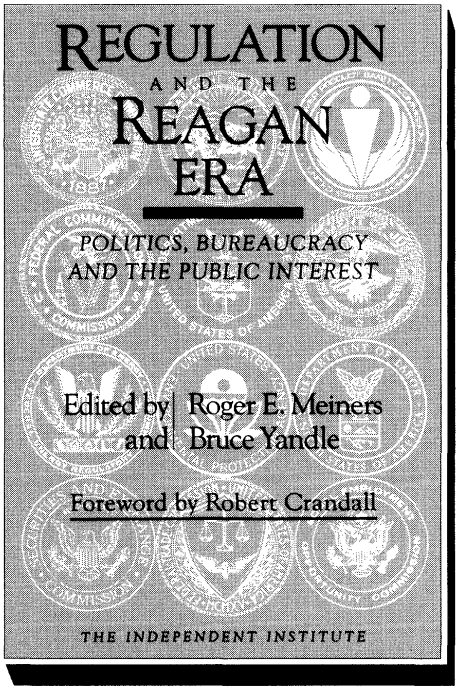

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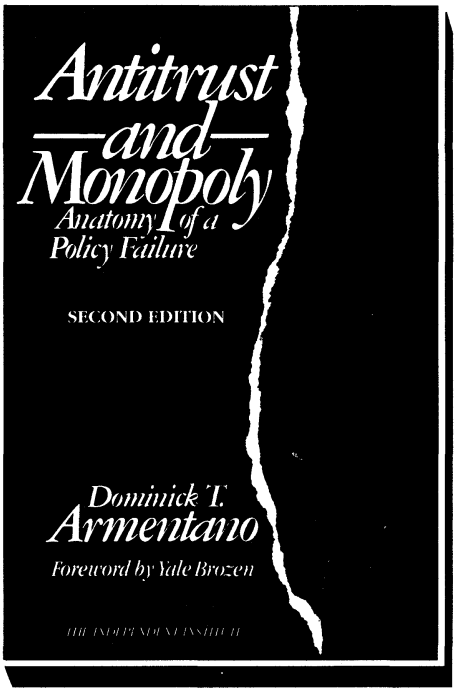

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are punished, voters will likely feel even more fed up with corruption in Congress.

The budget "solution" solved nothing; all it did was anger a lot of voters. The same sort of negotiations—and the same unpopular choices—will take place every year for the foreseeable future. As taxes are raised and spending cut, voters will likely increase their hostility to "politics as usual."

In addition, the chances are good that the U.S. will go to war in the Middle East. The war will cost a great deal, both in terms of money and men. When the fighting is over, a lot of American blood will have been spilt, a lot of American money spent, and (most likely) gasoline will cost even more than it does today. If the bipartisan support for the war continues, both parties will likely be hurt in the 1992 elections. But the bipartisan support for the President's actions is showing signs of breaking down. In the past few weeks, various Congressional Democrats have criticized the administration—some suggesting a less aggressive posture, others a more aggressive posture, others suggesting that a long-term occupation of Saudi Arabia with no war might be the best course of action. Curiously, however, when administration officials have suggested turning the issue over to Congress for a vote (what a quaint constitutional notion!) the Democrats have refused. If this cowardly course is continued by Democrats, voters are likely to say, "A pox on both your houses."

To top it off, the United States appears headed toward a major recession. Increased unemployment, higher inflation, and a general perception that the standard of living is declining will increase voter dissatisfaction—especially if occurring against a backdrop of increasing budget deficits, higher taxes, spending cuts and savings-and-loan losses in the hundreds of billions.

It is too early to know for certain. A lot can happen between now and November 3, 1992. But the prospects of the Libertarian Party doing very well in 1992 are excellent at this point. Of course, whether the LP will find a candidate able to articulate the libertarian vision and to raise funds necessary to take advantage of this situation is another matter. ❑

The Californians Are Restless

by Gene Berkman

What happens when an irresistible force meets an immovable object? We got a hint on November 6 in California. The not quite irresistible force is the public's disgust with "politics as usual"; the not quite immovable object is the incumbent government and the established parties that support it.

Widespread lack of confidence in government was clearly shown by the voters' rejection of ten proposed bond issues, four initiatives that included bond issues, and three proposed tax increases. California also adopted, if narrowly, the nation's toughest term limits on elected politicians. Libertarian and other alternative candidates received high vote totals in some races, and nine incumbents in partisan offices went down to defeat. Protest votes in a number of races resulted in winners elected with less than 50% of the vote; these included the races for Governor, State Treasurer and Attorney-General, as well as four Congressional and two State Assembly races.

Thumbs Down to Taxes

California voters rejected—largely for fiscally conservative reasons—most of the propositions presented to them. They passed, however, Proposition 140, a radical term limitation initiative that limits the Governor, other state officers, and State Senators to two four-year terms in office, and limits members of the State Assembly to three two-year terms. It also abolishes the state legislature's pension system, and mandates a 20% cut in the cost of operating the legislature. This proposal was put on the ballot by a coalition of conservatives, libertarians and taxpayer groups, and received support from about a dozen Republicans in the state legislature, Senator Pete Wilson (the Republican candidate for governor), and all three alternative parties.

The same coalition of conservatives, libertarians and taxpayer groups qualified an initiative Constitutional Amendment to require a two thirds majority of the voters to approve any new special or earmarked tax, or any increase in rates of such a tax. The campaign in support of this proposal received several million dollars from the beer, wine and liquor industry, which sought to head off proposed increases in alcohol taxes. The Taxpayers' Right to Vote Act (Proposition 136) lost with 48% voting in favor.

Voter disgust with Establishment politicians was reflected in the gubernatorial race. Senator Pete Wilson and the Republican Party spent about twenty million dollars, Diane Feinstein and the Democrats more than fifteen million dollars on the race for Governor. The pre-election polls showed an extremely close race, with a large undecided vote. Despite fears of wasting votes in a tight race, more than 350,000 votes were cast for alternative candidates, including more than 135,000 for Libertarian Dennis Thompson. Senator Wilson was elected Governor with 48.8% of the vote.

Dennis Thompson campaigned more actively than had the last two Libertarian candidates, but his campaign failed to raise significant amounts of money and received only limited publicity in the news media. He came in third, with 1.9% of the vote. The fourth place finish of the American Independent Party was aided by support from anti-abortion groups upset with Senator Wilson's pro-choice stand. The Peace and Freedom Party nominee, Maria Munoz, got 90,000 votes, an increase of more than 75% from her race for the same office on the same ticket in 1986. All told, third parties got 5.0%

of the vote.

Incumbents were re-elected in every race for state-wide office that they contested. But third party candidates did unusually well, garnering between 6% and 10% of the vote for each office. Libertarians led the minor parties in all races except the Treasurer's, for which there was no LP candidate.

Libertarians hoped to get their biggest vote in the race for Controller. Their candidate was Tom Tryon, a member of the Calaveras County Commission, and the LP's highest ranked officeholder. An estimated $20,000 was spent on television ads on his behalf, in hopes of receiving 2% of the vote, needed to maintain ballot status. Tryon received more than a quarter million votes, 3.7%, about twice as many votes as either of his minor party competitors.

But Tryon did not lead the LP ticket. That distinction went to Ted Brown, its nominee for Insurance Commission, who received nearly 400,000 votes, an astonishing 6.0% of the vote. It is suspected that Brown's outstanding vote total resulted from his last name. Another quarter of a million voters cast their ballots for the Peace and Freedom candidate, bringing the statewide third party vote for this office to 10%.

In the end, the LP's fear of losing ballot status was groundless: all statewide candidates except gubernatorial candidate Thompson received more than 2% of the vote, and Thompson missed that total by about 7,000 votes out of the 7 million votes cast. In addition, both the American Independent Party and the Peace and Freedom Party also received enough votes to stay on the ballot. The fact that hundreds of thousands of Californians cast votes for underfunded candidates of the three minor parties indicates substantial dissatisfaction with the status quo and the bipartisan leadership that dominates the state and federal governments.

Libertarian Strength in the Countryside

The Libertarian Party of California, with fewer than 2500 sustaining members, provided only minimal campaign support to its statewide slate, concentrating on the Tryon for Controller effort. But a number of county organizations can be credited for efforts for their candidates for Congress and the state legislature, reflected in unprecedented voter support for Libertarian candidates.

The San Diego County LP organization provided the candidate for Governor, three candidates for Congress, one for State Senate, and five for State Assembly. In the 45th Congressional district in San Diego, Libertarian Joe Shea received about 42,000 votes, over 27% in a two-way race against Republican Duncan Hunter. In the 43rd district, GOP Congressman Ron Packard had no Democrat challenger, but was held to 68% by PFP and Libertarian candidates who together pulled 32%. In 1985, Packard had been re-elected with 72% in a two-way race against a Democrat.

In San Diego, Libertarian Scott Olmsted received 35,000 votes for State Senate, more than 15% of votes cast. He came in behind PFP candidate Jane Evans, who polled more than 18%. Together they held Republican Senator William Craven to 66%.

Two incumbent Republicans in the State Assembly from San Diego were defeated. In the 75th Assembly district (AD), incumbent Sunny Mojonnier had legal problems, and lost with less than 41%. In the last two elections she had received about 70% of the vote. This year the Democrat won with 46%, with 11% going to Libertarian John Murphy. The LP benefitted from Republicans unhappy with the incumbent, but unwilling to vote Democrat.

In the 78th AD, pro-choice Republican Jeff Marston, only recently elected in a special election, lost his seat to a Democrat who received less than 46% of the vote. More than 6% of the voters backed Libertarian Ed McWilliams.

In the 76th AD, which San Diego shares with Riverside County, pro-choice Republican Tricia Hunter was re-elected with 58%. Democrat Stephen Thorne advocated legalizing drugs, and won only 28% in this conservative district. Libertarian Bill Holmes polled over 12,000 votes, almost 10%. A PFP candidate came in fourth with 5%. In San Diego's 77th AD, abortion foe Carol Bentley was re-elected with 53%, but pro-choice Republicans helped Libertarian Joel Denis pull almost six thousand votes.

Santa Clara County Libertarians ran candidates in the 12th and 13th

Election Notes for Sports Fans

A few days before the election, CBS Sports announced during a telecast of a football game involving the Phoenix Cardinals that if the voters of Arizona resisted pressure to declare the birthday of Martin Luther King a state holiday, the National Football League would move its scheduled Super Bowl out of Phoenix. Concerned that its threat might be taken as a threat by voters, the NFL denied it shortly after the broadcast. The measure, whose sole practical effect would be an additional paid holiday for state "workers," went down by a 51% majority.

Meanwhile, voters in Santa Clara, California, faced a measure to authorize a 1% tax on their utility bills to build a $153 million baseball park to attract the nearby San Francisco Giants, who are unhappy with their present ballyard. The usual argument—having a big league team in town would be an economic boon to local businesses—was trotted out. Perhaps the voters wondered why local businesses wouldn't pay for the ballpark themselves if it would be so profitable for them. At any rate, a slim 51% majority turned back the measure.

But sports fans did prevail in four races. In New Jersey, former All-American, All-NBA basketball player Bill Bradley was re-elected to his Senate seat by a thin margin over token opposition; the closeness of his race was blamed on the tax increases instituted by his party's governor, James Florio, who was elected two years ago on a promise of "no new taxes." In Maryland's 4th Congressional District, NBA player Tom McMillen was easily re-elected, as was Jim Bunning, former baseball great, in Kentucky's 4th District.

And voters in Brooklyn Park, Minnesota, elected as their new mayor professional wrestler Jesse "The Body" Ventura. —R. W. Bradford

Congressional districts; each polled more than ten thousand votes. Santa Clara Libertarians also backed three candidates for State Assembly who pulled 5% to 6% of the vote.

Several Libertarian candidates for State Assembly in two-way races received more than 20% of the vote. Eric Roberts received almost 28,000 votes in a race with liberal Republican Bev Hansen, for an LP total of 24%. Ronald Tisbert received almost 24,000 votes for 24% against GOP incumbent Phillip Wyman. And Dale Olvera received more than 21% against Democrat Richard Polanco in a Hispanic district in Los Angeles.

In more competitive districts with both major parties offering candidates, LP members received between 5% and 11%, in 18 races for State Assembly. LP members received between 5% and 8% in four races for State Senate and eleven Congressional districts in which they faced both Democrat and Republican opponents. These totals reflect a widespread desire for an alternative to the established parties and incumbent politicians. Libertarian candidates in particular drew strength from their opposition to taxes, gun control and drug laws.

A major part of the increase in support for LP candidates came from Republicans and independent conservatives unhappy with GOP support for tax hikes and new gun laws. This was the first election of the post-Reagan era, and growing conservative distrust of GOP leaders, including President Bush and Governor-elect Wilson, points to a growing base of potential support for Libertarian political efforts.

As Republican and Democrat politicians escalate the bipartisan war on drugs, marijuana smokers and civil libertarians are increasingly supportive of Libertarian candidates. The newsletter of California NORML mentioned the Libertarian Party and its candidates in several 1990 issues. Legalization of marijuana and other drugs was an important issue in most LP campaigns.

Republicans are also divided over the issue of abortion, and as the Libertarian Party develops a higher profile, it may gain increasing support from pro-choice Republicans. The start of such a trend was seen in several races this year.

Out in Left Field

The Peace and Freedom Party ran up big vote totals in several races. In the First Congressional district in northern California, PFP activist Darlene Comingore attacked incumbent Democrat Doug Bosco on environmental issues, and took almost 32,000 votes. The 15% of the vote cast for the PFP threw the election to Republican Frank Riggs, who won with just 43%. In the same area, PFP Assembly hopeful Bruce Anderson received around 16,000 votes, more than 13% in a three-way race.

In Los Angeles, Ivan Kasimoff received almost 15% of the vote in a two-way race against Democrat State Senator Diane Watson. Also in Los Angeles, Michael Long took 15% for the PFP in a two-way race against Assembly Democrat Curtis Tucker. In San Diego County, several PFP candidates received between 5% and 8% in four-way races.

Statewide, LP and PFP candidates faced each other in seventeen four-way contests for Congress and state legislature. LP candidates came in third, ahead of PFP, in ten of those races. PFP came in ahead of the LP in a three-way Congressional race and a three-way contest for State Senate, both against Republican incumbents in San Diego County.

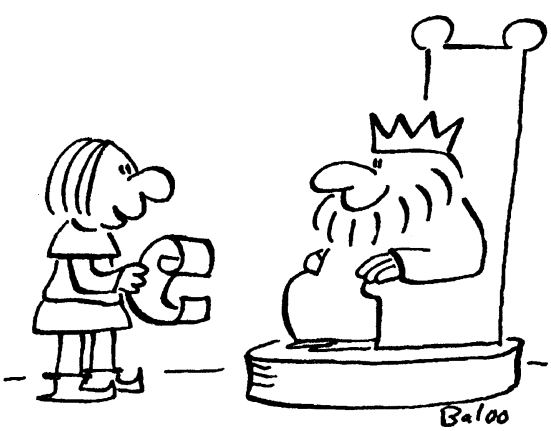

"Good news, Sire—our economic experts say that promising a tax cut will stimulate the economy almost as much as if you really *did* it!"

The third and smallest of the three alternative parties is the right-wing American Independent Party, which lacks local organization in much of the state. The AIP ran one candidate for House of Representatives, in Riverside County; Gary Odom came in third, ahead of Libertarian Bonnie Flickinger in a race that saw GOP Congressman Al McCandless reelected with 49% of the vote.

The fact that hundreds of thousands of Californians cast votes for underfunded candidates of three minor parties indicates substantial dissatisfaction with the status quo and the bipartisan leadership that dominates the state and federal governments.

The AIP ran ahead of the LP in a four-way contest for Assembly from San Diego. In Silicon valley, the other AIP candidate for Assembly came in fourth, behind the LP.

The "Libertarian Republicans"

Libertarian Republicans of California (LROC) ran one candidate, and was involved in several other campaigns in 1990.

LROC co-founder Eric Garris, a veteran of numerous LP campaigns, was the Republican candidate against Assembly Democrat Byron Sher in Silicon Valley's 21st district. Garris made legalization of drugs his main campaign issue. His opposition to taxes and gun control brought support from the Santa Clara Republican Assembly, while his pro-choice position on abortion brought him the support of the California Republican League (CRL), California Republicans for Choice, and Congressman Tom Campbell. Garris received 29% in a two-way race; this is four per cent ahead of the GOP candidate in 1986. In 1988, with no Republican in the race, a Libertarian received 13% in the district.

At least six other Republican candidates came out for legalizing drugs during the 1990 campaign. Barbara Ga-

lewski, with support from CRL and Republicans for Choice, pulled 38% against far left Congressman Ron Dellums from Berkeley's 8th district. In 1988, the Republican candidate was able to attract only 29%.

Also in the San Francisco Bay Area, Mark Patrosso received CRL support in his bid for Congress against 10th district incumbent Don Edwards. Patrosso, with backing of Republicans for Choice and Young Republicans, took 37%. LROC backed both Galewski and Patrosso, neither of whom had LP competition.

In Santa Clara County, CRL activist Lori Kennedy, with backing from LROC and Republicans for Choice, pulled 41% in a two-way race for state senate.

In Santa Barbara, GOP activist Carey Rogers received LROC support in her bid to unseat State Senator Gary Hart. Senator Hart is best known for his championing of a massive expansion of the educational bureaucracy. Ms Rogers also received support from CRL and Republicans for Choice. She received 35% with an LP hopeful taking over 4%.

In Los Angeles, two GOP Assembly candidates backed legalization of marijuana. Elizabeth Michael in the 45th district and Geoffrey Church in the 46th district polled very low totals against allies of the Waxman-Berman Democratic machine.

Eric Garris and a half-dozen GOP legalization advocates illustrate the fact that pro-freedom candidates can get the Republican nomination—in safe Democrat districts. Two GOP officeholders—Congressman Tom Campbell of Palo Alto, and State Senator Ed Royce of Orange County, have refrained from supporting new anti-drug measures, but most Republican politicians are enthusiastic champions of the war on drugs.

Facing the Future: 1992 and Beyond

On November 6, 1990, hundreds of thousands of Californians voted for Libertarian candidates. Millions of California voters joined with Libertarians to reject billions of dollars in new debt and tax hikes. Large protest votes resulted in eleven partisan contests won with a minority of the vote.

California may be on the verge of a multi-party system. Voters who backed Libertarian candidates cannot be counted as automatic votes for the LP ticket in future elections. But they have shown a willingness to vote Libertarian at least sometimes. By their numbers, they have shown that it is worth the effort to seek their votes.

Libertarian candidates will continue to benefit by splits in the Republican Party. Large numbers of conservative and liberal GOP activists are willing to vote for LP candidates in preference to their Republican factional opponents. Fiscal conservatives who want to oppose welfare state Republicans; gun owners opposed to gun controllers; and pro-choice Republicans unwilling to support abortion foes have shown a willingness to vote Libertarian, and we should more actively invite them to do so in future campaigns.

California has over a million independent and minor party voters. Split ticket voting is endemic throughout the state. Large percentages of the California electorate agree with Libertarian positions on specific issues. Communicating with the voters remains the most substantial and expensive challenge to Libertarian political activists. ❑

Frontrunner Stumbles

Andre Marrou, frontrunner for the Libertarian Party's presidential nomination, stumbled as he left the gate. In a letter to potential supporters dated and mailed one day after the elections, Marrou announced his candidacy and solicited funds to enable him to qualify for "the federal matching funds to recover income taxes looted from Libertarians."

Unfortunately, the letter contains false information about matching funds. "We only qualify for matching funds for money we raise between today and our September 1991 Nominating Convention," Marrou wrote. Actually, matching funds are awarded only for funds raised between Jan 1, 1991, and the nominating convention. Since the letter was mailed on Nov 7 by first class mail, nearly all the funds it raises will be paid prior to Jan 1, and thereby not qualify for matching funds.

"Every dollar you give now," Marrou advised, "will be matched by another dollar of federal funds . . . If you can give $1000, please do." Matching funds are limited to $250 per donor, not $1,000.

In addition, Marrou claimed that "Every dollar of matching funds will be used for television ads for our Libertarian Presidential Campaign." Under the law, all funds raised now and all matching funds awarded later *must be spent prior to nomination.* This means that any television ads would have to be run before the LP Nominating Convention over Labor Day weekend 1991—some 14 months prior to the election. Television ads run 14 months or longer before the election would obviously be a waste of money.

In sum, it appears that practically none of the funds raised by the letter will qualify for matching funds, and any matching funds captured will be wasted if spent on television, as promised.

The question of accepting matching funds from tax dollars is controversial among Libertarians. Many believe that it is simply immoral to accept tax money. Others think that as opponents of the redistribution of wealth, the LP appears to be hypocritical if it accepts tax dollars.

Whether one accepts these arguments or not, there are important prudential reasons against accepting matching funds. There are two kinds of matching funds available: general election and primary election. General election funds are available only to candidates who receive 5% or more of the popular vote in the general election. To date the best performance by any LP nominee was that of Ed Clark in 1980: 1.06%. So the chances that a LP nominee would top 5% seem negligible for the foreseeable future.

It would be relatively easy for LP candidates to qualify for primary funding, which is available to candidates seeking nomination. The problem is that all matched funds and matching funds must be spent prior to the nomination. The Libertarian Party holds its nominating convention more than a year before the general election. So far

continued on next page

Chester Alan Arthur, "Frontrunner Stumbles," *continued from previous page*

as the voters are concerned, the presidential campaign doesn't begin until the primary season starts in January of the election year— three months after the LP convention, three months after all matching and matched funds must be spent. So there is no prudent way to spend any tax dollars that an LP candidate might qualify for.

Marrou's credibility was also hurt by his claim elsewhere that his 1988 Vice Presidential campaign "independently raised over $200,000." According to statements filed with the Federal Election Commission, Marrou raised $163,655 for his Vice Presidential campaign. In addition, the letter failed to state that contributions are not tax deductible, as federal law requires.

Elsewhere in his letter, Marrou promised that his Project 51-92 fundraising committee for ballot access "will have North Carolina on the ballot by July 4, 1991." This may have been a political mistake: the mention of Project 51-92 brought to mind unpleasant memories. Project 51-92 claimed former LP National Chairman and 1984 Presidential nominee David Bergland as "Chief Advisor," prompting a quick denial by Bergland. It claimed to be a "Libertarian Party project," which was also contrary to fact. Indeed, William W. Hall, legal counsel for the LP wrote Morrou a stern letter, instructing him to stop claiming official status and to remedy his past misrepresentations: "You should do so in a way which is not deceptive." Hall warned him that he had failed to include the legally mandated warning that contributions are not tax deductible.

In a telephone interview a week after the letter was sent, Marrou responded to charges that the letter contained substantial false information about matching funds by denouncing the individual who had first pointed out the errors: "They originated with Alan Lindsay, well-known Republican, who is doing everything he can to hurt the Libertarian Party. Since I am currently the largest target in the LP, he's doing what he can to hurt me. You're probably aquainted with Alan Lindsay and his assorted nefarious schemes. In fact, it's so bad that I've heard accusafortions that he is in the employ of one of the two major parties, or perhaps both." He did acknowledge that there may have been "inadvertant mistakes," but that that the campaign has "been going along all the time with the best advice we can get . . . [The] regulations are voluminous, and trying to understand the regulations, as with most federal documents, is difficult." He then turned the phone over to Michael Emerling, Chief of Staff of the Marrou campaign, acknowledged that the letter did indeed include substantial errors. He said he would offer donors who respond to the letter a refund of their donations.

Others within the LP were not so easily satisfied. One prominent LP leader who had been inclined to support Marrou prior to the episode told me that the letter seemed to indicate that Marrou and his staff was either incompetent or dishonest, "neither of which is exactly confidence-inducing."

—CAA

"Bushwhacked on Downing Street," *continued from page 12*

wimpy acceptance of the statist status quo was not the proper policy, that to regain leadership, they must advocate a change in policy. A few years later, Thatcher's Conservatives came to power in Britain.

American conservatives came to power in Washington at about the same time. The taste of electoral victory and the power it brought turned the backbones of American conservatives to jelly. Their stated goals of cutting taxes, reducing regulation, and selling off government enterprises were always on the bargaining table, and were always traded away to achieve some transitory foreign policy goal.

Mrs Thatcher was different. She was tough, she was smart, she was principled, and she pursued her goals with determination. She read the opinion polls, but she took advantage of the fact that the only polls that mattered were those on election day. Her mistake was to overlook the fact that she also had to watch the polls of her own party's Members of Parliament. She overestimated the strength of their will, their good sense and their commitment to the same sound policies that she advocated.

Britain will be worse for the Conservative MPs' decision to dump her. And so will the world. —RWB

Thanksgiving mourning — On Thanksgiving morning, I got in my car to drive to a friend's place for the holiday dinner. Two nights before, he and I had watched a television clip of one of Margaret Thatcher's speeches. She was desperately fighting for her political life, but she had retained her pluck, her spunk, her nerve, and a few other things. "Thank God she's still there," Paul said. We wished her well, knowing that her opponent, Michael Heseltine, whose name suggests an unsavory bit player in a Victorian satire, was living up to the suggestion of the name. Heseltine, a political opportunist, was appealing for votes to the "wet," indeed miasmal, longing of the left wing of Thatcher's party for something called a "caring capitalism"—not a capitalism that works, mind you, but a capitalism that "cares."

The car radio brought me the network news: four minutes of meaningless "human interest" stories about the visit of George Bush to U.S. soldiers in the Persian Gulf, followed by a brief reference to the Macy's Parade and an even briefer reference to something that Maggie Thatcher had said about the Gulf. It wasn't until I found Paul's apartment buried in gloom that I realized what the electronic medium, with its normal alertness to history in the making, had not thought important enough to headline. "She's resigned!" Paul said. "Not much to be thankful for now."

We recovered, of course, but more distress was to come. The day after Thatcher perished at the hands of her own Conservative party, the liberal American press had much to say about the "fact" that her day had passed, taking with it her anachronistic "totally free-market approach." Statements this preposterous are simply an insult to one's intelligence;

continued on page 66

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Discussion

The Production of Virtue in a Free Society

by David Friedman

In *Liberty*'s last issue I proposed a positive explanation for moral behavior ("Why Is Anyone Virtuous?" November 1990, pp. 48–50)—that is, I explained why many people (for example) will not steal even if nobody is watching. The purpose of this note is to point out a simple and interesting implication of my analysis. Consider any personal characteristic, such as honesty, which benefits those around me at some cost to myself. Such a characteristic makes me more valuable as an associate. If others can observe it—if, as I argued earlier, it is easier to *appear* honest if you *are* honest—then honest people will be more attractive as employees, employers, spouses in any association with someone else who benefits by their honesty. Dishonest people will find that they are able to find jobs only if they are willing to accept lower salaries than honest employees and can hire workers only if they are willing to pay higher salaries than honest employers. In such a situation, an individual motivated entirely by narrow self-interest will find it in his interest to try to train himself in honesty—to synthesize the conscience. The size of this incentive to virtue depends on how large a fraction of our interactions are voluntary.

Consider two societies. In one, most associations are voluntary—we choose our jobs, our employees, our spouses. In the other, most associations are chosen for us. The former might be a competitive, free-market society, the latter a centrally planned socialist society where workers are allocated to jobs, or a traditional society where most people are born into a particular role and have very limited alternatives.

In the market society, since most who associate with me do so voluntarily and only if they think they benefit from the association, there are sizable costs to being dishonest and sizable benefits to being honest. In the other sort of society, these costs and benefits are much lower. If you are a worker in a centrally planned society, your job is determined and your salary set by someone far away, someone who does not know you and will not have to associate with you. The dishonest employee has the same opportunities as the honest one—and the additional opportunity to steal things when nobody is looking.

The same argument applies to vices. In my previous article I gave the example of someone with an "aggressive personality"—a strategy of beating up people who do not do what he wants. Committing himself to that strategy may be profitable, even though beating up people is costly, because people will back down, giving the bully his way without the cost of a fight.

One disadvantage to being a bully is that in a voluntary society people stay very far out of your way—they avoid the problem by refusing to associate with you. Bullies are not very attractive as employees—or as employers. So this strategy is likely to have a low payoff in a market. It still has some advantages since not all associations are voluntarily chosen—most of us, for example, have limited control over who our neighbors are. But the payoff will be much lower than in a society in which we are assigned or born into most of our relationships.

The implication of this argument is that a market society will have nicer people than either a traditional or a centrally planned society. Virtues will have a higher payoff, so more people will choose to become virtuous. Vices will have a lower payoff, so fewer will choose to become vicious. The result is precisely the opposite of the claim—that such a society breeds blind, narrow selfishness—often made by opponents of capitalism.

One important change in American society over the past fifty years has been the increasing frequency of laws—mostly designed to reduce racial discrimination—that require individuals, if challenged, to justify decisions such as hiring one job applicant instead of another, or renting an apartment to one of several potential tenants. Such laws may make racial discrimination more difficult, but they also make it harder to discriminate among individuals on reasonable but highly subjective grounds. An answer such as "I hired Smith because he seemed like a much nicer man than Jones," is not likely to convince a court or a fair employment practices commission. So one result of such laws is to lower the payoff of the strategy called virtue, and thus reduce the number of people who choose to follow that strategy. ❑

A market society will have nicer people than either a traditional or a centrally planned society. Virtues will have a higher payoff, so more people will choose to become virtuous. Vices will have a lower payoff, so fewer will choose to become vicious.

Journal Entry

From Russia, With Surprise

by David Boaz

Some intellectuals and politicians of the Soviet Union have awoken to the fact that only radical free-market solutions can save their country from chaos. But will liberalism sell in Petropavlovsk?

Gavriil Popov, the stooped, mustachioed economist turned mayor of Moscow, shuffles up to the podium. He tells the Soviet and Western participants in the Cato Institute's conference, "Transition to Freedom: The New Soviet Challenge," that prime Minister Nicolai Ryzhkov has betrayed the radicals by going back on his promise to submit to parliament a plan for rapid transition to the free market. Thus, Popov says, the radicals will take to the streets on Sunday to demand far-reaching privatization and the resignation of the Ryzhkov government. The next night, at an open forum attended by about 800 Muscovites, Popov delivers the most libertarian speech I've ever heard from a politician; he discusses the individualism and free markets of the 19th century, the unfortunate turn to Marxism and Keynesianism in the 20th century, and the bright prospect of a return to liberalism and capitalism by the beginning of the 21st.

What a delight to be in a country where "radical," "liberal," and "left" all carry the traditional meaning of support for democracy, free markets, and civil liberties. "Conservatives" defend the *ancien régime* of statism and privilege, as they did when the word was coined, and liberals call for progress toward private property and limited, decentralized government. Cato chairman William Niskanen reads in *The Economist* that the most popular words in the Soviet Union are, in ascending order, "radical, liberal, expert, economist." He's in heaven.

Outside the conference hall, it is easy to see why there is so much agitation for markets. Communism seems to do two things well: preserve old buildings—no creative destruction here—and build really big new buildings, row after row, block after block of ugly apartment buildings unsurprisingly reminiscent of American public housing. Our conference hotel, owned by the prestigious Academy of Sciences of the USSR, reminds us of a dormitory at a mediocre college after, say, 30 years of hard use. (Even that is too flattering; there are, for instance, no showers, and dishcloths suffice for towels.) We are stunned to learn that it was built a year and a half ago. The windows don't quite close (who would have anticipated mosquitos in Moscow in September?) the floors have buckled, the bricks on the front gate are held together with wire. Mysteriously, the elevator offers buttons for floors 1 through 10, though the building is only three stories high. In one elevator, the buttons have been installed wrong and the proper numbers are penciled in.

Earlier on this trip, I had discovered the same huge, ugly buildings in East Berlin. All my life I have anticipated the fear and titillation I would get from crossing to the other side of the legendary Berlin Wall. But now, as Sidney Blumenthal reported in a recent *New Republic*, the Wall is mostly gone, and traffic moves freely between East and West Berlin. Now East Berlin is just sad, ugly, and boring. Maybe the ex-Communist countries should keep small areas of traditional police-state communism around behind a wall, to attract tourists—the way the British keep the monarchy around.

Comfort and convenience are not hallmarks of communism. All the stories you've heard about communist toilet paper are true. Fortunately, we've all brought our own, along with bottled water. We leave the water in our rooms for toothbrushing and so on, and we get desperately thirsty through long, salty meals with nothing but Russian champagne and warm Pepsi to drink. As for meals, we're covered. Mayor Popov has generously arranged sufficient stocks

for us, which are brought to the hotel by armed guard. Twice a day, every day, in the hotel or at restaurants, we have the same meal. Variety is one of the spices of life missing in the Soviet Union. Meals on our own are much more difficult. One day several of us decide to spend the afternoon in downtown Moscow, eat dinner, and visit Red Square at night. Don't be ridiculous, our Russian host tells us, you can't expect to just walk into a restaurant and be served; there are restaurants, but you have to make reservations well in advance. We begin to wonder just who planned this system.

Gavriil Popov, the stooped, mustachioed economist turned mayor of Moscow, shuffles up to the podium and delivers the most libertarian speech I've ever heard from a politician.

And speaking of planning: In all of Moscow there is one really beautiful building, the colorful onion-domed St. Basil's Cathedral in Red Square. When you buy the official pack of 18 Moscow postcards, there's no picture of St. Basil's.

It's not easy to say what the dollar-ruble exchange rate is. In the hard-currency stores, prices are marked in "rubles," which turn out be worth $1.60 each. But at a bank you get 6 rubles (which cannot be used in the hard-currency stores) for a dollar, and the rate is anywhere from 10 to 20 for a dollar on the black market. But I never change any money on the black market because there is almost nothing I want in Moscow or Leningrad that can't be obtained for dollars. In Moscow, we have to go to the Arbat shopping street to find people selling the famous Russian matryushka dolls, black lacquer boxes, chess sets, and thousands of pins commemorating the triumphs of the Communist Party and the Soviet state. Walk down the street speaking English, and you will be offered other items, notably Gorby dolls—a set of matryushka dolls featuring a large doll painted to look like Gorbachev, with smaller dolls depicting Brezhnev, Krushchev, Stalin, and Lenin inside. Sometimes the inside dolls are displayed, but never the Gorbachev doll—presumably because of the law making it a crime to insult the president. Most purchases are made in dollars, but the sellers always look both ways for policemen and sometimes tell us to hand the money to their associates a block away. Things are more open in Leningrad—as soon as we step off a tour bus, we are besieged with opportunities to buy military uniforms, fur hats, and caviar, and no one seems concerned about taking dollars. Gorby dolls are displayed openly.

So far there seems to have been lots of *glasnost* but very little *perestroika*. The people at our conference talk freely about radical political and economic changes, the newspapers publish Solzhenitsyn and other former dissidents, our Leningrad tour guides boast of the support for changing the city's name back to St. Petersburg. During our three days in Leningrad, the words "Marxism-Leninism" come down from a prominent building formerly adorned with the slogan "Long Live Marxism-Leninism." But there are long lines for cigarettes and gasoline—not to mention Baskin-Robbins and McDonald's—and shortages of bread are reported. With no private property, no one has an incentive to produce more, to invest, to offer better service, or even to wash anything. The beautiful old buildings of Leningrad could keep a sand-blasting company busy for decades.

The participants in our conference are mostly liberal intellectuals; they include journalists, scholars, activists, and elected officials. They're much more pro-capitalist than intellectuals and politicians in the West, but many are very pessimistic about the prospects for privatization. Three of them, one a member of the Moscow City Council, corner me at a reception. (And I do mean corner; they stand much closer than Americans like, and I keep backing up until I'm flat against the wall, unable to move my feet.) We know that Russia needs private property and free markets, they say, so tell us how to get there. I offer a plan for privatization, then another and another, and they tell me that "the people" will reject each of them. The people are afraid of inequality, resentful that some of their neighbors may become wealthy. Finally, I tell them that there is no magic path to capitalism and prosperity, that if the Soviet people are genuinely opposed to private property, then Russia will remain poor and backward and will fade into the sidelines of history. They continue to press me for some sort of answer that will allow them to bring about a modern capitalist system, and I retreat, feeling guilty and depressed at having no answer for them.

When one of our party complains about something at the hotel, the desk clerk responds, "It's not my fault; it's the housekeeper's fault." Fred Smith, president of Washington's Compe titive Enterprise Institute, launches into an explanation of hotel management: "The customer doesn't care whose fault it is. When you're sitting at this desk, you are the hotel. He just wants you to fix his problem." The desk clerk has never heard of such a notion.

Travelling from Moscow to Leningrad, we take the overnight train, which turns out to be similar to Japan's love hotels. Young couples, married or not, forced to share a three-room flat with parents and siblings, spend the night on the way back, visit Leningrad for a day, then spend another night of conjugal bliss on the train. Over a bottle of champagne, three of us make bets on the Soviet Union's future. I say that bad as things in Moscow look, we Westerners are exaggerating the notion of crisis and collapse and that the system is going to muddle along at subsistence level with no real reform for the foreseeable future. A Wall Street whiz kid predicts bloodshed. But a libertarian economist, not given to optimism about what governments will do, is the only one of us who has attended the conference's final session on the 500 day plan drawn up by Stanislav Shatalin. It's a very radical plan, he says, it's already been passed by the Russian parliament (though not the Soviet Union's parliament), and Russia will be as capitalist as Western Europe in five years. ❑

Talk

Liberation from the Parasite State

by Ralph Raico

Suppose you had the opportunity to address a group of Russian social scientists and politicians: What would you say? Fortunately for us—and for the Russians—Ralph Raico recently had just that opportunity.

There is no need to emphasize for this audience the world-historical significance of the changes that are taking place today in east-central Europe and, especially, in the Soviet Union. This great transformation has led many people to reconsider the merits of an ideology once thought to be obsolete—liberalism.

Today I wish to deal with liberalism as it has been understood historically, and to consider its connection with a certain strand of Marxist thought—a strand that may well be much more important now than other elements of Marxism that have been emphasized in the past.

Liberalism has, of course, many meanings. Without arguing the point here, I wish to maintain that the most authentic form of liberalism has been concerned above all with two things: first, the expansion of the free functioning of civil society, and, second, and increasingly, the restriction of the activity of the State. In other words, by *liberalism*, I will mean *laissez-faire*, "Manchester" liberalism, also known as "dogmatic," "doctrinaire," and "dog-eat-dog."

Liberalism arose in the seventeenth and eighteenth centuries as Europe and America's response to monarchical absolutism. Where the monarchs by divine right claimed to control and direct all of the life of society, liberalism replied that, by and large, it is best to leave civil society to run itself—in religion, in thought and culture, and not least in economic life. The liberal slogan of *laissez-faire, laissez-passer, le monde va de lui-même* ("the world goes by itself") encapsulated this philosophy.

Sometimes through revolution, more often through piecemeal reform, liberalism accomplished much of its program, building, of course, on the inheritance of free institutions and individualist values of earlier centuries.

Throughout the western world a system developed based on freedom of thought, freedom of labor, clear rights of private property, and free exchange. Nowhere—not even in England or America—was this system consistently realized in every aspect of life. Still, as the great Austrian economist Ludwig von Mises put it, it was enough to change the countenance of the world. For the first time, mankind was able to escape the Malthusian trap. *With the enormous increase in population came a steadily increasing per capita income.* What this dry little fact meant in the lives of the many, many millions still awaits its poets and novelists. In reality, the only imaginative writer who has done justice to this vast transformation was the great novelist born in Leningrad, Alicia Rosenbaum, who came to America and wrote under the name of Ayn Rand.

But the bureaucratic-military State that had emerged in Europe in the early modern period, though excluded from some areas of social life, remained entrenched. Soon it began once more to expand. By the early nineteenth century, independent thinkers all across the political spectrum, from conservatives to anarchists, were alarmed at the growth of the parasitic State. This was a problem that concerned also Karl Marx and Friedrich Engels.

As has been sometimes noted, Marxism contains two rather different views of the State: most conspicuously, it views the State as the instrument of domination by exploiting classes that are defined by their position within the process of social production, e.g., the capitalists. The State is

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simply "the executive committee of the ruling class." Sometimes, however, Marx characterized the State itself as the exploiting agent. You will perhaps excuse me for quoting some passages from the works of Marx and Engels which are doubtless quite familiar to you. A brilliant passage occurs when Marx, in *The Eighteenth Brumaire of Louis Bonaparte,* comes to consider the State as it developed in France, and he refers to:

> This executive power, with its enormous bureaucracy and military organization, with it ingenious state machinery, embracing wide strata, with a host of officials numbering half a million, besides an army of another half million, this appalling parasitic body, which enmeshes the body of French society like a net and chokes all its pores . . . All revolutions perfected this machine instead of smashing it. The parties that contended for domination regarded the possession of this huge state edifice as the principal spoils of the victor. [1]

The only imaginative writer who has done justice to the vast transformation of society was the great novelist born in Leningrad, Alicia Rosenbaum.

Some twenty years later, Marx speaks of the Paris Commune aiming at restoring "to the social body all the forces hitherto absorbed by the State parasite feeding upon and clogging the free movement of society." In 1891, Friedrich Engels, referring to the United States, wrote:

> We find two great gangs of political speculators, who alternately take possession of the state power and exploit it by the most corrupt means for the most corrupt ends—the nation is powerless against these two great cartels of politicians who are ostensibly its servants, but in reality dominate and plunder it. [2]

I am myself far from being a Marxist, but I must confess that I find more truth in this description of the American political scene by Friedrich Engels than I usually find on the editorial page of the New York *Times.*

Thus, the conception of the "parasite State" is clearly enunciated by the founders of Marxism. Several decades before they wrote, however, an influential group of French liberals had already singled out the parasitic State as the major example in modern society of the plundering and "devouring" spirit. This school of liberalism elaborated a doctrine of the conflict of classes, and in this respect had not only a logical, but also a historical, connection with Marxism—as Marx himself conceded and as was conceded in later years by Engels and the thinkers of the period of the Second International, including Lenin. This earlier liberal school can moreover be taken as virtually the *ideal-type of authentic, radical liberalism.*

Let me cite Adolphe Blanqui, from what is probably the first history of economic thought, published in 1837. Blanqui's words will probably have a familiar ring to them:

> In all the revolutions, there have always been but two parties opposing each other; that of the people who wish to live by their own labor, and that of those who would live by the labor of others. . . . *Patricians and plebeians, slaves and freemen, guelphs and ghibellines, red roses and white roses, cavaliers and roundheads, liberals and serviles, are only varieties of the same species.*[3]

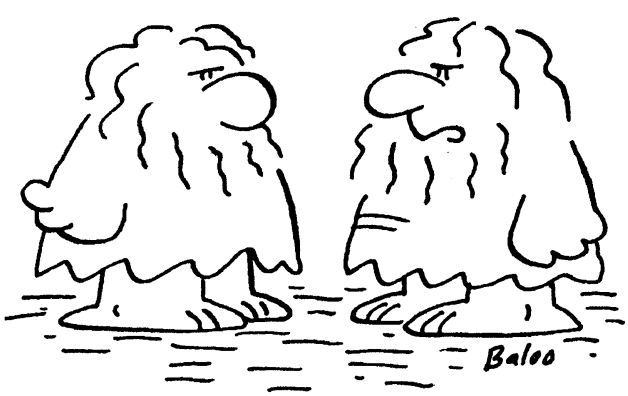

"If you don't like it here, why don't you go back to Atlantis?"

The school of authentic, radical liberals of which I spoke, and which influenced Blanqui, centered around a few young liberal intellectuals, Charles Dunoyer, Charles Comte, and Augustin Thierry. They can be considered the culmination of the tradition of French liberal thought. In turn, they continued to influence liberal thought up to the time of Herbert Spencer and beyond. They called their doctrine *industrialisme,* Industrialism.

The Industrialists agreed with Jean-Baptiste Say, who held that wealth is comprised of what has value, and that value is based on utility. All those members of society who contribute to the creation of values by engaging in voluntary exchange are deemed productive. This class includes not only workers, peasants, and the scientists and artists who produce for the market. It also includes capitalists who advance funds for productive enterprise (but not rentiers off the government debt). Say awards pride of place, however, to the entrepreneur. J. B. Say was perhaps the first to realize the boundless possibilities of a free economy, led by creative entrepreneurs.

But there exist classes of persons who merely consume wealth rather than produce it. These unproductive classes include the army, the government, and the state-supported clergy—what could be called the "reactionary" classes, associated by and large with the Old Regime. However, Say was quite aware that anti-productive and anti-social activity was also possible, indeed, altogether common, when otherwise productive elements employed state power to capture privileges.

The Industrialist doctrine may be summarized in the statement that the history of all hitherto existing society is the history of struggles between the plundering and the producing classes.

The Industrialist writers looked forward to "the extinction of the idle and devouring class" and to the emergence of a social order in which "the fortune of each would be nearly in direct ratio to his merit, that is, to his utility, and almost without exception, none would be destitute except the vicious and useless."

Augustin Thierry—whom Karl Marx later referred to as the "father of class struggle theory in French historical writing"—summarized the Industrialist doctrine of strict *laissez-faire*:

> Government should be good for the liberty of the governed, and that is when it governs to the least possible degree. It should be good for the wealth of the nation, and that is when it acts as little as possible upon the labor that produces it and when it consumes as little as possible. It should be good for the public security, and that is when it protects as much as possible, provided that the protection does not cost more than it brings in. . . . It is in losing their powers of action that governments improve. Each time that the governed gain space, there is progress. [4]

The function of government is simply to ensure security from those who would disturb the liberal social order either from within or from without.

However, as increasing numbers of individuals aspire to government jobs, two tendencies emerge: government power expands, and the burden of government expenditures and taxation grows. In order to satisfy the new hordes of office-seekers, the government extends its scope in all directions; it begins to concern itself with the people's education, health, intellectual life, and morals, sees to the adequacy of the food supply, and regulates industry, until "soon there will be no means of escape from its action for any activity, any thought, any portion" of the people's existence. Functionaries have become "a class that is the enemy of the well-being of all the others."

French liberals singled out the parasitic State as the major example in modern society of the plundering and "devouring" spirit, thus elaborating a doctrine of class conflict. In this respect, liberalism has both a logical and a historical connection with Marxism.

The concept of a conflict of classes linked to the State is one that permeates the history of liberalism, from beginning to end. It was especially conspicuous at the time of the struggle against the old "feudal" powers, but it is by no means limited to the period of that struggle. The most radical and authentic of the liberals perceived the continuing existence of class exploitation by means of the State in the later nineteenth and in the twentieth centuries as well.

As time went on, one area of State-exploitation captured their attention more than any other: militarism and imperialism. A very long list of examples could be given of the liberals who opposed their governments' overseas wars. The appropriation of the wealth created by the producing classes by the State's military bureaucracy and its capitalist suppliers was the theme of the most "doctrinaire" and consistent liberals for generations. In the same spirit, present day American writer Ernest Fitzgerald has identified the masses exploited by the military branch of the American State:

> it is undoubtedly true that subject population exploitation is a major objective of the military spending coalition. The people marked for exploitation, though, are not the masses of peasants in underdeveloped countries. The exploited masses are United States taxpayers, the most productive and easily managed subject population in the history of the world. [5]

What are the implications of this analysis for contemporary problems?

As the French liberals knew, the expansion of government activity keeps pace with the increase in the number of State functionaries, who must somehow justify their incomes and jobs. And today, throughout the world, in every regime, the number of State functionaries continues to grow. According to reports in the West, most of the relatively few Soviet bureaucrats dismissed under *perestroika* have been rehired in new intermediate agencies, production or research associations, and so on, sometimes headed by the former minister himself. It is estimated that the number of Soviet bureaucrats has actually *increased* by 122,000, bringing the total to around 18,000,000.

But the experience of the hydra-headed bureaucracy is by no means limited to the Soviet Union. Administrations elected on platforms demanding the reduction of the legions of functionaries—whether in Brazil or the United States—seem somehow never to be able to realize their original intentions. It was good of Deputy Prime Minister Leonid I. Abalkin to point out that the United States Department of Agriculture has more employees than the Soviet State Commission on Procurement and Food. The conclusion to be drawn, however, is hardly the one the Deputy Prime Minister seems to favor—that even a market economy requires great armies of bureaucrats.

There now flourishes, in every advanced country, a class of State-funded social scientists whose profession consists in discovering and defining — out of the infinite mass of human misery — particular "social problems" which will become the material for further State activity.

Most lucrative for the State has been war and preparations for war. In this connection, I must praise the courageous speech of Mr. Georgi Arbatov at the Second Congress of People's Deputies, in which he assailed the "huge and fabulously expensive war machine" in the Soviet Union. This is an example that cries out to be emulated by influential commentators in the West.

With the emergence of the Welfare State, the opportunities for the State "enmeshing society in a net and choking all its pores" become literally endless. There now flourishes, in every advanced country, a class of State-funded social scientists whose profession consists in discovering and defining—out of the infinite mass of human misery—particular "social problems" which will become the material for further State activity.

The monstrous growth of the State apparatus will not be stopped by those who, ignorant of economics and given to literary-moralistic musings, equate the private property, market economy

with totalitarianism. President Vaclav Havel of Czechoslovakia recently warned against "the stupefying dictatorship of consumerism and of pervasive commercialism." This "dictatorship," President Havel feels, will tend to produce alienation, and, in the speech in which he discussed this problem, he appealed to German philosophers to help prevent this plunge into alienation by turning to "the service of renewing global human responsibility, the only possible salvation for the contemporary world."

I doubt that we require the help of German philosophers to remedy the "ills" caused by an over-emphasis on the rights of the individual. In any case, what is this "dictatorship" of consumerism, this "mindless materialism," of which President Havel—and many other literary intellectuals in east-central Europe—speaks? Is it the provision of compact-disc electronic systems to tens and soon hundreds of millions of people, enabling them to listen to near-concert-hall-perfect versions of the music of Tchaikovsky, Rachmaninov, and Shostakovich? Does it consist in making available, in every Western country, well-produced paperback editions of all the great works of literature and philosophy, and of all the modern works as well—especially those that attack the "materialism" of the capitalist system? In America and other western countries, there are millions of people who have attained the degree of affluence that permits them to interest themselves, in an amateurish way, in original works of art—in drawings, paintings, sculptures, and photographs. Their homes are filled with such works, by local artists for the most part. Is the affluence that permits this middle-class amateurism another example of "materialism"?

Most of the relatively few Soviet bureaucrats dismissed under perestroika *have been rehired in new intermediate agencies, sometimes headed by the former minister himself. It is estimated that the number of Soviet bureaucrats has actually* increased *by 122,000.*

Here a touch of the old Marxist skepticism is in order, I think. For whom does President Havel speak when he derides "consumerism" and "commercialism"? Whose interests are served by eclipsing the market economy and the voluntary choices of consumers?

In the former socialist countries of east-central Europe, as elsewhere, there is, of course, in place a stratum of state-subsidized intellectuals, in the media, the arts, the press, and education. There is, moreover, a continuing process of the reproduction of this class. I suggest that their social position requires an ideology to justify the continuance of State-funds. Perhaps the task of "renewing [sic] human global responsibility"—whatever that may be—will be at the center of it.

The "vulgar Marxism" that in the past dismissed liberal ideology as "nothing but" the rationalization of the interests of the bourgeoisie cannot stand the test of critical examination. Moreover, if that notion were true, then there would be no reason for our Soviet friends to be here today, listening to the speeches of the "bourgeois ideologists" collected at this Cato conference.

I have stressed today a dimension of liberal ideology that clearly has great relevance for every nation in the world. A New Zealand scholar, J. C. Davis, has recently reflected on the rise of the Leviathan State during the past four hundred years, a process spanning the globe:

> The comprehensive, collective state with its assumption of obligations in every aspect of human life, from health to employment, education to transport, defense to entertainment and leisure, is a feature of every advanced state, whether of the East or the West, and of the aspirations of most Third World governments. Curiously, both revolutionaries and reactionaries, by their demands that the state more closely control social processes, have furthered the growth of Leviathan. [6]

This description is one with which both the great French liberals I have discussed and Karl Marx could have agreed. The question remains, what realistic alternative exists to State-parasitism? The answer provided by a contemporary French author, Raymond Ruyer, represents my own point of view, and, I think, that of authentic liberalism:

I am far from being a Marxist, but I must confess that I find more truth in Friedrich Engels' description of the American political scene than I usually find on the editorial page of the New York Times.

> One must fully recognize a great truth, which rings as a scandalous paradox and a challenge to the beliefs and quasi-religious faith of the intelligentsia, both in the West and the East, namely, that the only choice is between a bureaucratized political State, seeking power and glory in every domain, including those of art and science; and an "anarchical" regime of self-direction in every economic domain first of all, but also in culture. But the heart of the paradox is that it is only the liberal economic order that can promote "the withering away of the State" and of politics—or at least their limitation—it is not centralizing socialism. [7] ❑

Notes

1. Karl Marx and Friedrich Engels, *Selected Works in Three Volumes* (Moscow: Progress Publishers, 1983), vol. 1, p. 477.
2. Ibid., vol. 2, p. 188.
3. Jérôme-Adolphe Blanqui, *Histoire de l'Économie Politique en Europe depuis les anciens jusque'à nos jours* (Paris: Guillaumin, 1837), p. x. (Italics in original.)
4. *Censeur Européen*, 7: 206 and 205.
5. A. Ernest Fitzgerald, *The High Priests of Waste* (New York: Norton, 1972), p. xii.
6. J. C. Davis, *Utopia and the Ideal Society: A Study of English Utopian Writing 1516–1700* (Cambridge, Eng.: Cambridge University Press, 1981), pp. 8–9.
7. Raymond Ruyer, *Éloge de la Société de consommation* (Paris: Calmann-Lévy, 1969), pp. 266–267.

Profile

A Hero of Our Time

James S. Robbins

Maybe Gorbachev merely stumbled into the role of great reformer. But then, his whole life has been a string of lucky breaks.

Nobody was surprised when the 1990 Nobel Peace Prize was awarded to Mikhail Gorbachev. Gorbachev received the prize for doing in only a few months what Western diplomats and negotiators had tried and failed to do for forty years, namely allowing the East European peoples a measure of self-determination, and agreeing to withdraw Soviet forces from the former subject states, and for his reformist efforts inside the Soviet Union, where economic, political and social change has proceeded at a dizzying pace, especially compared to the stagnation in the 1970s and early 1980s.

True, Gorbachev had presided over the ruthless suppression of independence movements in Georgia, Azerbaijan and Armenia, and had applied pressure just short of force in the Baltic States and Moldavia. But peacefulness has never been a prerequisite of winning the Peace Prize: Henry Kissinger received the Prize in the wake of the Cambodian bombings, which were far more violent in terms of scope and casualties than Gorbachev's ventures into riot-control.*

A year into the new decade, Mikhail Gorbachev stands at the brink of an era that he created himself, mostly by accident. The Gorbachev era has been characterized by the dismantling, or perhaps the implosion, of the traditional system of Communist Party rule and its replacement with a political apparatus depending less on the direction of the Party and more on the hitherto emasculated and subservient state machinery. This transition from Party oligarchy to State "democracy" has been hailed as revolutionary, and it has produced some pretty considerable third-party benefits—most notably relaxed East-West tensions and the separation of Central Europe from the Soviet Empire. On the other hand, the rapid changes of the Gorbachev years have also led to internal instabilities and economic dislocations, lowering already abysmal Soviet standards of living to levels unplumbed since the days of Stalin.

Gorbachev's empire appears to be coming apart at the seams. Many of its problems are of his own making. The economic and political stagnation of the "Old Thinking" could, some people might argue, have been dealt with in a variety of fashions short of the radical overhaul the Soviet system has undergone, and in fact Gorbachev did pursue these avenues early in his career as leader. Many others, including most classical liberals and libertarians, would argue that the real problem has been that he has not gone far enough, fast enough.

When Gorbachev took his first steps towards reform, the question arose as to his sincerity. Was he another of the CPSU (Communist Party of the Soviet Union) General Secretaries who would preach a vaguely reformist line but continue the standard Communist practices? Or was he in fact a liberal idealist who would send the ailing Soviet state into a golden era of individual liberty and international peace? These two poles are so far apart that Gorbachev could not help but fall somewhere in the middle, I suppose, but in this case I believe that this is exactly where he belongs. He is neither an idealist of the socialist stripe nor a closet libertarian. He is a pragmatic politician, wise in the arcane science of rising through the labyrinthine Communist Party system, and in the art of political manipulation, but a babe in the woods when it comes to understanding economics or the advantages of freedom. The story

* Ironically, the Soviets also agreed unilaterally to lower troop levels more than was specified in the CFE treaty, after two decades of negotiation, rendering the agreement meaningless by the time it was signed.

of his rise to power may help explain how a man so ill-informed of the consequences of his actions could wind up leading the most important period of reform since the forced industrialization of the 1930s.

Gorbachev's story begins humbly enough. He was born March 2, 1931, in the North Caucasian village of Privol'noye, which means "free" or "spacious" (referring to the landscape) but has also been translated as "liberty." His parents were peasants and he lived a peasant life, operating farm machinery and staying close to the soil—a romantic background in the Old System, if you didn't starve. In 1950, he went to the Moscow State University Law School, sponsored by the regional party of the city of Stavropol, the nearest large city to Gorbachev's hometown. His peasant status may have helped him in getting to Moscow; under the Stalinist system, people of modest backgrounds were sometimes the beneficiaries of a sort of primitive affirmative action program designed to give the impression of an equal-opportunity classless society. But the law school was not as prestigious as a similar school might be in the West, since lawyers in the time of Stalin were less advocates than part of the state mechanism for control. Prosecutors were feared, and defenders were nonentities. Both were regarded with even greater suspicion and contempt than lawyers in the West. None of this had any effect upon Gorbachev's career, however, since he was less interested in legal studies than in political work. He is said to have had a propensity for making speeches instead of studying, which had the predictable effect on his grades. It did not slow his political progress, however. None of Gorbachev's early speeches appear to have been recorded, so one can only speculate as to their content. It is a pretty safe bet, however, that he was a little softer on Stalin, who was still running the country in those days, than are his present pronouncements.

Mikhail Gorbachev stands at the brink of an era that he created himself — mostly by accident.

Gorbachev became a member of the Communist Party in 1951, graduated by the skin of his teeth in 1955, and returned to Stavropol. The future president's departure from Moscow was not entirely voluntary. He tried to get appointed to a post with the Moscow Komsomol (Communist Youth) apparatus, which would have placed him at the center of power and on the fast track within the Party. But, according to Fridrikh Neznanskii, a former classmate of Gorbachev's, he was edged out of the race by another classmate who restructured "the votes the night before the selection was made." The outmaneuvered Gorbachev was forced to return to the provinces for the next twenty-three years.*

Back in the countryside, Gorbachev continued to work on his career in the Komsomol. In 1962 he became a party organizer of collective and state farms, and took a correspondence course with the Stavropol Agricultural Institute, from which he received a degree in Agronomy in 1967. In 1968 he became second secretary of the Stavropol *kraikom*, and was given charge of agriculture. Gorbachev tried some innovations in this position, such as limited private cultivation, but he appears to have not had much success, judging from the subsequent harvest years, which were poor. At this point Gorbachev, who was approaching 40, was lagging a bit behind his peers, and appeared to be set for a life as a mid-level bureaucrat.

In 1971 Gorbachev's luck changed spectacularly. He was made a member of the Central Committee of the CPSU. Admittedly, this is not as important as it sounds; the Central Committee contains hundreds of members, and has always been a rubber stamp for the decisions of the Politburo. Still, this promotion did signal that Gorbachev had found a mentor. It was usual in the Brezhnev era for individuals to rise through the Party ranks because of their connections rather than their abilities, and at this point in his life, Gorbachev was not into being an exception to the rules.

In the early '70s Leonid Brezhnev was approaching the height of his powers and was actively promoting supporters to solidify his control, but surprisingly, Gorbachev's promotion came because he was part of a competing group. His patron was Fedor Kulakov, a Politburo member and a rival to Brezhnev. There was even some speculation that at some point Kulakov might succeed Brezhnev as Party leader. But he died unexpectedly and mysteriouly in July 1978, leaving a political void. Gorbachev, of unproven competence and at age 48 just a baby by Kremlin standards, was never a contender for Kulakov's role within the power structure, but he was a small enough fry to be a perfect compromise choice for entry into the Politburo. Accordingly, he was appointed to that august body as a candidate (i.e. apprentice) member on November 17, 1979.

At long last Gorbachev was a genuinely powerful person. As the new minister for agriculture, he took control just in time to suffer the effects of the poor harvest of 1979 and, shortly thereafter, the American grain embargo imposed in the wake of the Soviet invasion of Afghanistan. This placed pressure on the Soviet Union (and Gorbachev) to raise output in 1980, both for purposes of prestige and to offset U.S. sanctions. Resources were directed away from other aspects of the economy and towards agriculture, but to no avail—1980 saw the usual disastrous harvest. But Gorbachev did not suffer the ignominy of so many previous heads of agriculture. Brezhnev thought himself an agricultural genius, and Gorbachev took care not to contradict the aging General Secretary, whose micromanagement left him with little to do. He made sure to agree with Brezhnev that the basis of Soviet agriculture was sound, and only "better administration" was needed. Interestingly enough, Brezhnev, and therefore Gorbachev, favored increasing the size of the "private plots," the 1.4% of peasant land which produces 61% of the

* Reportedly, the man who was appointed to the Komsomol post instead of Gorbachev was arrested on unspecified charges on the day that Gorbachev took power. If nothing else, Gorbachev has a long memory.

potatoes, 54% of the fruit and 34% of the eggs in the Soviet Union. (It has even been suggested that in January, 1981 Gorbachev planned, with Brezhnev's approval, to do away with many land use restrictions—excepting state ownership—but that this plan was scuttled when Ronald Reagan ended the grain embargo on April 1!) Whatever the case, Soviet agriculture continued to decline, and after the failure of a vaunted food program in 1982, Gorbachev had reason to expect the worst. Three years of such failure set him up as a scapegoat for the failings inherent in the system and in Brezhnev's detailed control of the agricultural sector, and the death of party ideologist and old Kulakov ally Mikhail Suslov the previous January had left him without a patron. It seemed clear that he would meet his (political) end at the November 16 plenary meeting of the CC.

But fate intervened. Three days after Breshnev attempted to dispel rumors about his ill health by standing atop the Lenin Mausoleum in bitter cold during the November 7 parade celebrating the 60th anniversary of the creation of the USSR, he died of a heart attack. Yuri Andropov was chosen General Secretary over Brezhnev crony Konstantine Chernenko. He immediately implemented an "anti-corruption campaign," the greatest purge of Party personnel since the time of Stalin. Gorbachev's adherence to the minority Kulakov-Suslov faction now became his chief asset. He was clearly no Brezhnevite; his adherence to the Brezhnev line on agriculture had obviously been a prudent career move and nothing more. This was sufficient to make him a member of the Andropov "reformist" camp. When Andropov's health began to wane in the spring of 1983, Gorbachev was in a position to move up in the world. A good harvest in 1983 (mostly the result of favorable weather) helped his prospects. When Andropov died in February, 1984, Gorbachev appeared to be one of the front runners to succeed him. This was quite a turnaround for a man who had faced expulsion from the Politburo only a little over a year earlier, and who had exercised very little real power before that.

It was usual in the Brezhnev era for individuals to rise through the Party ranks because of their connections rather than their abilities. Gorby's rise is a striking example of this.

Much of Andropov's authority had been based on fear; as KGB chief, he had spent a decade and a half collecting potentially damaging information on his opponents, suitable to pressure them to support him or to subvert them if they were persistent in their opposition. With Andropov dead this fear abated, and the Brezhnevites found new life. Chernenko emerged a narrow winner. Gorbachev may have acquiesced to this choice, assuming correctly that Chernenko, old and failing, would be swiftly done in by the job, leaving the path to power open and himself in the driver's seat.

The "anti-reform" group around Chernenko tried to reverse the process of the previous 15 months, but they underestimated the extent of Andropov's changes. "Reformist" Party members did not control the Politburo, but they did control much of the bureaucracy and the major media outlets and were able to launch a debate in the press over the shape of necessary reforms, so the anti-reform movement was stalled. Probably its biggest handicap was Chernenko's cautious approach. Chernenko had an old man's terror of change and was unable to stop the reformists from placing their own personnel in key positions, although his faction was able to slow the rate at which these appointments were made.

When agricultural output fell to its usual deplorable level in 1984, Chernenko was in a position to push for Gorbachev's dismissal. But he made no attempt—not even a half-hearted one—to do so. Chernenko's attempt to groom Viktor Grishin as a successor died with him in February. Gorbachev hastily convened a meeting of the truncated Politburo (several important Brezhnevites were out of town), and was elected General Secretary. Purists who get alarmed by this sort of thing will be disturbed by the rumor that there was not even a full quorum at this meeting. Even so, the vote for Gorbachev is said to have been tied. Andrei Gromyko, who once observed that Gorbachev had "a nice smile, but iron teeth," cast the deciding ballot. Gorbachev proved Gromyko to be correct by rewarding him with a pink slip.

Gorbachev is neither an idealist of the socialist stripe nor a closet libertarian. He is a pragmatic politician, wise in the science of rising through the system and in the art of political manipulation, but a babe in the woods when it comes to understanding economics or the advantages of freedom.

Luck, Pluck, and More Luck

Gorbachev came to power through a string of fortunate circumstances. He made connections in his youth, but not really the right ones—had he been more astute he might have linked up with the Brezhnevite faction in the 1960s, or found a way to stay in the capital after graduating from Moscow U. But after rising with Kulakov he was able to shift allegiances skillfully when expedient and to avoid the blame for the failures of Soviet agriculture under his administration. This was quite a political feat, although the timely deaths of Brezhnev, Chernenko, and Kulakov were essential to his success. Ideology was mostly unimportant, and there is nothing in Gorbachev's biography to suggest he had any more liberal leanings than did his predecessors. He came to power with no real plan. This fact explains many of the subsequent events.

Gorbachev's first few years in power were a period of consolidation. He continued Andropov's "anti-corruption campaign" with renewed

vigor, ousting adversaries and bringing friends into leadership positions. When he became more powerful he dropped the "anti-corruption" cover and began outright purges of his enemies, whom he replaced with people whose loyalty was to him and who would co-operate with his reform attempts.

To counter the influence of the Politburo, Gorbachev increased the powers of the Secretariat of the Central Committee. Then, in November 1988, he subverted the Secretariat by shifting many of its powers to six CC Commissions created earlier in the year. When the six Commissions, controlled by powerful and generally more conservative regional Party bosses, became difficult to deal with, Gorbachev got around them by distributing more power to local leaders, in many cases his own appointees, who were more amenable to his reforms. The Central Committee, which has been a focus of opposition, was purged regularly, most dramatically in April, 1989, when 110 members were released, promting a comment from *Izvestia*'s P. Gutionov that Gorbachev was making the Party "a debating society" instead of society's guiding force.

There is nothing to suggest that Gorbachev had any more liberal leanings than did his predecessors. But he was interested in shaking the dust out of the Soviet state, and the fact that he came to power with no real plan about how to do so explains many of the subsequent events.

And that was exactly what Gorbachev was doing. He had declared himself to be a reformer on the way to the top, and now he needed to follow through if he was to retain the support of those people who had taken him seriously. The Party had resisted his reforms, so he sought to implement them through the state organs instead. This process began at the Nineteenth Party Conference in 1988. Gorbachev enhanced the power of the Supreme Soviet (the parliament) at the expense of the CC, and created the Congress of Peoples' Deputies, an all-purpose reformist body with ill-defined but potentially broad powers. Elections to the Congress became referenda on Communist candidates, many of whom lost and were purged. The influence of the ministerial bureaucracy increased vis-a-vis the CPSU, and Party management of the economy and society diminished.

That is the situation today. The KGB, MVD and Ministry of Defense are watched by the Supreme Soviet, and as the duties of the Politburo have decreased, the Defense Council, a non-party organization, has stepped into the void as a stop-gap, to be replaced eventually by a new Presidential Cabinet. Gorbachev has gradually moved his power base and the governing power of Soviet society from the Party to the state while remaining in charge of both.

The shift from Party to state rule was more the result of expediency than theory. Gorbachev was not implementing a master plan for reform. Had the party gone along, Gorbachev would have used it. When it didn't, he adapted. He pursued reform until he met opposition; when it became too strong, he side-stepped the opposition, giving new power to another body.

But there are limits to the amount of twisting Gorbachev can do before he begins to run into barriers that cannot be circumvented. With the more radical reformers out of the CPSU, the remaining power is in the hands of die-hard socialists. Not surprisingly, opposition to reform within the Party remains strong, and is intensifying. Despite Gorbachev's efforts to reduce the Party's power, he cannot simply declare the Party over, since much of his legitimacy still rides on it.

Gorbachev also faces opposition from outside the Party. His use of the Congress to move reform forward has worked to a certain extent, but the Congress has become increasingly a forum for criticism of Gorbachev. Linked to this is opposition from nationalist groups in the various Union Republics, where Communists were defeated by significant margins in the Congressional and Republic elections. These groups have pushed for separation from the Soviet Union, taking Gorbachev's own decentralization scheme to its logical conclusion. Gorbachev has resisted these attempts (most notably in the Baltic States), but it is questionable whether he could react to mass secession by half a dozen Republics. This is vividly illustrated by attempts by President of the Russian Republic Boris Yeltsin to challenge the authority of the central government to any economic management of Russian resources. There have also been demonstrations by Russian nationalist groups favoring secession from the USSR. Such a development would leave Gorbachev a president without a state, and would effectively end his political career.

The future does not look promising for Gorbachev. But it never really has. Somehow he has managed to confound both his enemies and his friends and to slip by the many adversities he has faced.

Economic deprivation has also intensified, and these are points stressed by the opponents of reform in their quest to bring back socialism. Vladimir Yakushev, of the Workers' Opposition, has stated that these problems have arisen precisely because of the attempts to abandon socialism. Radical reformers, such as Nikolai Slyun'kov, counter that it is the slow transition to a market economy that is to blame, and that for reform to succeed the old system must be thrown out quickly and completely. This is probably the case, but such an argument may not seem relevant to people facing increasing shortages of basic necessities. They are more likely to flock to those who distribute immediate relief than those who promise future wealth but only after short-term sacrifice.

Whence came the radical reformers

continued on page 45

Critique

Abortion and Feticide Are Not the Same Thing

by Eric Schendel, M.D.

In the September issue, Dr Ron Paul argued that RU486, the controversial abortifacient, should *not* be banned. He also gave a moving account of why he believes abortion to be wrong. It is to this latter point that Dr Schendel responds.

The "slippery slope" that Ron Paul invokes to justify his opposition to abortion is a straw-man. In order to reach his conclusion that abortion is immoral, he employs two different definitions of abortion and ends up confusing fundamental libertarian principles.

The term "abortion" is commonly applied to both miscarriage and feticide. It properly refers to a miscarriage—that is, the premature expulsion of the fetus, an occurrence that until recently was natural. Its modern usage has expanded to include medical expulsion of the fetus. The word does not mean the fetus has to be dead.

Feticide, on the other hand, does mean killing the fetus.

An abortion is not the same thing as feticide. Technically, whenever a doctor uses pitocin to induce labor so that he does not have to come in at 2 a.m. to deliver the baby, he is performing an abortion, and doing so solely for the convenience of himself or the mother. Therefore it must not be abortion *per se* that Dr Paul opposes. Presumably he opposes abortion because he equates it with feticide, which he regards as a violation of the nonaggression principle.

It is true that libertarians, in common with most of humanity, regard human life as sacred and deserving of the protection of law. It may also be true that there is no rational way of defining the beginning of life other than at conception. Thus Dr Paul is correct that the nonaggression principle is involved. However, it applies only to feticide, not to abortion.

The reason involves another libertarian principle, one that is a corollary of the nonaggression principle. The corollary is that nobody has the right to force another person to be his slave. This principle is also fundamental: there are no exceptions.

An analogy will illustrate why abortion cannot be an exception. Suppose that a slave in the antebellum South went on strike and demanded his freedom. Suppose further that his master was incorrigibly lazy and refused to work, claiming it was the divine order of things that black people take care of white people like himself. And finally, let this slave-owner be poor, with only one slave and no other property of value. Then, if the slave persisted in his strike and the master in his refusal to soil his hands with honest labor, the master would eventually starve to death.

It is hard to imagine that anyone would support charging the slave with homicide. We would consider him a freedom fighter, not a murderer.

The implications would be similar even if the master were quadriplegic and physically unable (as opposed to psychologically unwilling) to work and feed himself. We might consider it unfortunate that no one was willing to feed the slave-owner, and if we weren't hypocrites we ourselves might help him. However we still would not consider the slave a murderer for striking for freedom.

The same arguments apply to abortion. A woman who decides to expel the fetus implanted in her by a rapist because she does not wish to be its slave (and, not coincidentally, perhaps risk her career, marital happiness, health or life by carrying it to term) is not committing murder. The fetus has no more right to live off her against her will than the slave-owner did.

Once she expels the fetus, it is no more her concern. If the rapist, Dr Paul or some do-gooder wishes to save it with modern (or future) technology, at his own expense and thereafter adopt it, she couldn't care less.

The infanticide bogeyman that Dr Paul uses in his argument against abortion can be understood in the same context. Linguistically the term, like feticide and homicide, refers to a killing. It conjures up images of doctors or parents murdering little babies.

Yet it is often used to refer to the act of abandoning an infant. In the past, parents placed unwanted children outside to die of starvation and the elements. In a sense they were saying, we don't want this baby, if you want him you can have him. In an age when abortion was not feasible and birth control was ineffective, many societies viewed infant abandonment as a rational method of family planning.

In the context of modern mores and the wealth created by the industrial revolution this seems shocking. Recall, however, that in a society living in poverty and on the edge of famine, one extra mouth to feed (not to mention one extra mouth every nine months) might be truly disastrous for the rest of the family. Dividing a subsistence diet barely adequate for four people five ways could result in severe malnutrition and illness. If the breadwinners became incapacitated, then the whole family, including the new infant, might perish. In such a context limiting family size was a moral necessity and often abandonment of the newborn infant was the only practical solution. Today such an unwanted child would be abandoned to an adoption agency.

The reason infant abandonment was acceptable lies in the fundamental distinction between killing someone and letting him die.

Similarly, in a larger context, when society as a whole faced famine as the result of drought, war or whatever, it would have seemed reasonable to practice infant abandonment. If someone had to starve because of limited resources, society would suffer least in the long term if it expelled the nonproductive members. Nowadays we would postpone childbearing, but in the past this was not a realistic option.

Thus historically many societies sanctioned infant abandonment, despite the consequences to the infant. They did this because they recognized that even the child's right to life did not supersede his parents' right not to be enslaved. At least in this context they realized that one person has no moral right to force another to be his slave. And even today we allow parents to abandon their children, although now we insist they abandon them to an adoption agency.

The reason infant abandonment was acceptable lies in the fundamental distinction between killing someone and letting him die. We see this distinction clearly in the case of the slave and his lazy owner. We acknowledge it, reluctantly, in the slave and a paralyzed owner. We are beginning to recognize it in "active" and "passive" euthanasia. However, neither the prochoice nor the right-to-live partisans acknowledge it in the issue of abortion versus feticide.

What, then, are the moral implications of abortion?

As mentioned before, the fundamental tenet of libertarianism is the non-aggression principle. It states that each individual has the right to demand to be left alone as long as he leaves others alone. This is a so-called negative right. An individual does not have the right to be fed because that would require that someone be forced to create the food and feed him. On the other hand, he does have the right not to be murdered, because that right merely requires that everyone refrain from murdering him.

We generally recognize the priority of negative rights over positive ones when they involve able-bodied adults. We are much more ambivalent when they involve children. Although nowadays parents may abandon their infants to an adoption agency, they may not leave them on a doorstep. This may technically violate the prohibition against slavery, but it would seem a not unreasonable compromise.

Similarly, the fetus does not have any intrinsic right to be fed and nourished, because such a right would make the woman its slave. The woman has the right to refuse to provide such material support, and her only means of refusing is to expel the fetus. That is the libertarian argument why abortion must be permitted.

However, once she expels it she gives up any claim to it, and thereafter any concerned citizen may adopt it. Today, of course, such adoption is not practical, but in the future it may well be feasible.

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This brings up another issue. There will be some women, such as those who have been raped, who not only will not want to carry the fetus, but will not want it to exist. In other words, they will not want a person around carrying their genes, perhaps because they detest the rapist, or because they fear they may develop maternal instincts toward it in the future. These women will want the right not only to have an abortion, but also to commit explicit feticide. Should that be allowed?

This concern now is moot, as it is impossible to abort a pregnancy in the first trimester without killing the fetus. At some point in the future it will have to be addressed. The justification for abortion outlined above does not clarify it. Any right to feticide depends on the definition of when human life begins. In point of fact, the current arguments for and against abortion actually apply to feticide.

A partial solution is to minimize the number of women who demand feticide. This could be done by explicitly granting women the right of total abandonment. That is, if a woman chooses to abandon her offspring, either by aborting it or by giving it up

for adoption, society should recognize no claim against her by the child. For example, it would have no legal standing as an heir. Both to enforce this and to grant the woman the emotional distance she needs to prevent activation of her maternal instincts, she should have the right to remain ignorant of whether the fetus survives, and if it survives it should have no way of tracking her down as long as she does not want to know whether it survived. This could be accomplished by placing all adoptable aborted fetuses in a pool, and keeping no record of their parents.

Although not relevant to abortion, Dr Paul's concerns about infanticide do have merit. The true "slippery slope" is the grey area between passive infanticide and true or active infanticide. Just as abandoning a baby to an adoption agency is moral, it is also moral for parents, physicians or society to refuse to provide (but not to prohibit others from providing) heroic medical treatment of severely deformed infants, thus allowing them to die. The slippery slope involves withholding lesser forms of medical treatment such as oxygen and feeding tubes, and progresses to ordinary feeding and finally the question of whether euthanasia is moral if it would spare the infant a slow and painful natural death. Any resolution of this very complicated issue involves consideration of when human life begins, at what point does damage to the brain deprive a human body of the essence of human life—certainly anencephaly should qualify—and implied consent.

In closing, it is worth mentioning that the abortion controversy is an example of the larger conflict between involuntary altruism and rational selfishness. However, unlike most examples of that conflict, it is one where most modern liberals are on our side. Therefore it offers an excellent opportunity to persuade the intellectual establishment of the folly of involuntary altruism and so-called positive rights. Developing a compromise national policy on abortion based on the distinction between true abortion and feticide may go a long way toward solving such problems as welfarism and the increasing trend toward socialized medicine. ❑

Robbins, "A Hero of Our Time," *continued from page 42*

to the Gorbachev camp? To answer this, one must return to the philosophy department of Moscow University in the 1950s, where young Raisa Titorenko, Gorbachev's future wife, studied and to which she later returned as a professor of sociology. Here, according to former International Department member Evgenii Novikov, she was very popular among the "leftists" on the faculty. She brought these people to the attention of her husband, and it was they who formed the key group in conceptualizing various aspects of the ever-changing course of *perestroika*.

But there are limits to Gorbachev's tolerance for these ideas. When they serve his ends, he endorses them; when they don't, he loses interest. *Glasnost*, for example, was originally a method of using public criticism to remove particularly resistant Party leaders. Criticism in a certain area would be opened up, a media campaign would result, the official in charge would be purged, and the campaign would end. *Glasnost* was also used as a means for introducing new ideas for reform, and for criticism of the Old Thinking, a favored theme. But there have always been exceptions to "openness," especially when criticism touches Gorbachev himself. In October 1989, he took to task members of the media and some Peoples' Deputies for their statements.

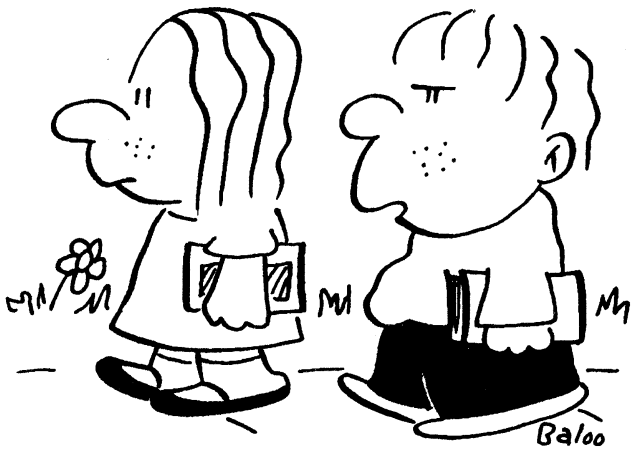

"What's all this stuff I hear about a teacher shortage? — *I* have plenty!"

The magazine *Argumenty i Fakty* (Arguments and Facts) had published a poll showing the most popular of the deputies, most of whom were members of the liberal Interregional group. Andrei Sakharov (who died a short time later) was ranked first, and radical reformist Yurii Afanas'ev fourth. Gorbachev was nowhere in the poll. He demanded the resignation of editor Vladislav Starkov, requested all letters critical of him received by the magazine, and accused those who received ratings better than his of being "a clique of gangsters striving for power."

Boris Yeltsin's dismissal from the Politburo for criticizing Gorbachev is also instructive in the limits of dissent. For Gorbachev, liberalism is a means, not an end.

The future does not look promising for Gorbachev. But it never really has. Somehow he has managed to confound both his enemies and his friends and to slip by the many adversities he has faced. Perhaps his survival and prosperity is a result of fear among his opponents, fear that "the other side" might take over and a crackdown or chaos result. Maybe it comes from Gorbachev's ability to wend his way through opposition in pursuit of his goal of a revitalized Soviet state. Perhaps both. In any case, his skill as a politician is manifest; and if by some unlikely twist of fate Mikhail Gorbachev manages to build a state which bears more than a superficial resemblance to the Western democracies, it will be an achievement well worth applauding. ❑

Budget-talk

Lies, Liberalism, and Lip-Reading

by Loren E. Lomasky

After a budget "compromise" that seems likely to compromise most of the budgets of America, our editors couldn't resist wondering about the ethics behind it.

They were, after Madonna's, the most memorable lips in America. Millions of voters read and liked what they heard. Buoyed by the slogan "No new taxes!" George Bush was elevated to the White House.

But that was then and this is now. Economic advisors have crunched their numbers and peered at the chicken entrails. They concluded that the deficit, rather than fading into nothingness, is ballooning again to $200 billion-plus proportions. Something "responsible" had to be done, and Bush is, as he has often informed us, nothing if not a prudent man. The lips, now noticeably drawn and parched, offered a new text: "revenue enhancement." Congress ultimately hummed along, though not before performing their best Abbott and Costello imitation.

Perhaps it would be wrong to make too much of this about-face. After all, the half-life of campaign promises matches that of trans-uranic elements for brevity. That this one persisted for a third of a term places it distinctly above the median. The hot breath of Gramm-Rudman was blowing on the national neck, and the reservoir of accounting chicanery had been sucked dry in previous budget years. Once congressional Democrats showed themselves willing to be implicated in tax increases, the political fallout appeared to be manageable. The next campaign could be waged on the backs of flag burners and a "No new Willie Horton parole!" pledge.

Still, the episode merits more than a cynical dismissal. For George Bush had gone to extraordinary lengths to paint himself into the corner of irrevocable opposition to tax increases. He deliberately rejected opportunities to add conditions or qualifications to the assurance. "No new taxes," it was, straight and unmixed, and the American public was rather taken by the figure of the erstwhile wimp drawing a line in the sand with his lips. Something very much like a contract was tendered to the voters, and a solid majority signed on the dotted line.

Now its terms have been unilaterally abrogated, and for no extraordinary reasons. War has not broken out, and though Operation Desert Shield is racking up costs in the billions, they are more than balanced by the collapse of the Soviet empire and the consequent "peace dividend" of which Mr Bush is the fortunate beneficiary. The economy is, admittedly, sputtering, but the president's about-face occurred while it was still comfortably to the far side of recession. To be sure, failed S&L's suck up federal dollars at an alarming rate, but that's not exactly a surprise. Political insiders have known for years of the hemorrhage to come, and it was on the inside that Mr Bush had prepped for the preceding eight years. No, the "unforeseen exigencies" plea is unpersuasive.

The above is intended not to score some cheap political point but rather a cheap philosophical point. Since the seventeenth century, the preferred mode of liberal democratic political theory has been that of the "social contract." Philosophers within this tradition stylize relations among ordinary citizens and their rulers as the product of a (hypothetical) contract in which all parties pledge themselves to binding norms governing their civic interchanges. No man is the natural ruler of any other, these philosophers maintain; it is only through rational consent that political duties emerge. Therefore, they urge, a political order is legitimate only if it could have been generated by such reciprocal promises.

Initial agreement, though necessary, is, of course, not sufficient to guarantee legitimacy. It is crucial that individuals be required to live up to the pledges they offer. If some comply with the terms of the compact while others remain at liberty to toss them aside as may seem expedient, the con-

tract is rendered null and void. The term of art employed by these theorists to refer to the abrogation of the political order is "state of nature." In some versions it is identified with the state of war.

Whatever else Mr Bush may be, he is surely no political philosopher. Yet his recent twistings and turnings have, I believe, interesting philosophical implications. Bush was not content in 1988 to package himself before the electorate as a wise and good man of considerable experience. Rather, as much as was in his power he undertook to bind himself to a fixed platform of opposition to tax increases. He would look ridiculous, be self-indicted as a liar, if the notorious lips subsequently wavered. By voluntarily foreclosing his political options, Bush gave every impression of entering into a social contract with the voters. Nonetheless, the deed has been done. Bush proposed, Congress disposed, and the American public will pay.

The casting of ballots has become merely an elaborate way to buy a pig in a poke, and though some pigs are more telegenic than others and squeal more pleasantly, it is an entirely open question just whose bacon will be brought home.

We have been graced with an almost laboratory-pure example of the frailty of the model of politics-as-contract. It was evidently the consensus of the electorate that they wished to be burdened with no additional taxation. A government whose legitimacy is devolved from being "of the people, by the people, and for the people" should, presumably, comply. It does not, and no recourse is at hand. One can be pardoned for wondering what our rituals of periodically trotting off to the polls can signify if they afford no assurance that even the most vociferous declarations of candidates will endure. The casting of ballots becomes merely an elaborate way to buy a pig in a poke, and though some pigs are more telegenic than others and squeal more pleasantly, it is an entirely open question just whose bacon will be brought home.

What then of the warrant of liberal democracy? Evidently it is more modest than its numerous celebrants profess. The periodic cumulation of votes by no means ensures the sway of anything representing a "general will." The process of translating citizens' preferences into policy determinations is distorted by high and persistent levels of noise. That is one reason why it is fatuous for the pundits to routinely bemoan the degradation of political campaigns into a cascade of sound bites and empty symbolic gestures. Why should voters invest time and energy to ascertain the wrinkles and nuances of platforms if these will routinely dissolve before the ballots grow cold? It is more sensible to regard candidate declarations as one does the alluring voices at the other end of the "Romance Hotline": endlessly titillating but with no consummation in prospect.

Admittedly, citizens in a democracy enjoy the opportunity to "throw the rascals out"—no small benefaction as any observer of last year's events in Central Europe should understand. The opportunity to jump between frying pans and fires is preferable to being consigned permanently to the flames. Americans do not live in the worst of political worlds, far from it. But neither is it one that can bear the full weight of the regnant democratic ideology.

Citizens in a democracy enjoy the opportunity to "throw the rascals out"—no small benefaction as any observer of last year's events in Central Europe should understand. The opportunity to jump between frying pans and fires is preferable to being consigned permanently to the flames.

We do not, through our political institutions, rule ourselves or anything close. However, when we act in our private capacity as consumers and producers, as friends, lovers, propagandists, competitors, adventurers,

The federal government has been spending money like a drunken sailor, and even the dimwits in Congress are aware that they can't continue to spend $200 billion more each year than they collect in taxes. So what do they do?

First they cut spending "to the bone." One wonders where in the body politic the fat ends and the bone begins: hidden in the 24-pound document that Congress passed is an appropriation for $500,000 for a Lawrence Welk Museum in Strasburg, North Dakota. An additional $5 million was set aside to pay for the construction of new parliament buildings in the Solomon Islands. A special tax concession of nearly $200 million to encourage the production of ethanol as an alternative fuel will end up benefitting a single company, Archer-Daniel-Midland Co.

Then, they reduced projected spending further by outright fraud. For example, they figured the cost of financing the multi-billion dollar interest bill of the national debt on the projection that interest rates will fall to 4.2% . . . an interest rate that hasn't prevailed in the lifetime of most Americans.

Then, reluctantly, they decided to raise taxes. Their first thought was to raise "sin" taxes—taxes on gasoline, beer, wine, etc. But this proved unpopular, so they discovered a new target: "millionaires who don't pay their fair share." This theme proves very popular with voters—very few of whom are millionaires.

Along the way, Congress killed the good features of the Reagan tax reforms, namely, cutting rates so people will have an incentive to work harder and doing away with deductions that encourage people to spend more time trying to manipulate their tax situation than they do working.

Their work done, members of Congress went home for some last minute electioneering, proud of a job well done. —R. W. Bradford

dreamers, and creators we do determine for what ends and with what degree of involvement we shall act. No amount of tinkering with the political mechanism will afford us similar opportunity to exercise an effective voice. That is why, although democratic institutions are important, limiting the scope of the state is even more important. It is not through reliance on the promises of our governors that we best ensure the possibility of leading satisfying lives but by narrowing the range over which they can, take your pick, do good on our behalf/play us for the sucker. This, more than any specifically democratic credo of "one person, one vote" or "power to the people" is the heart of the doctrine of classical liberalism. No wonder, then, that Mr Bush's lips cringe when required to pronounce the "L-word." ❑

The Evils of Theft

by Stephen Cox

"What's that in your hand, Johnny?" asked Mrs Reynolds, glancing down at the dollar bills that the little boy was counting on his way into the classroom. "Is that something you got during recess?"

"Yes, Mrs Reynolds."

"And how did you get it, Johnny?"

"I took it from LeAnn."

"And why didn't you take it from Tommy or Karen? They're the children you usually take money from."

"I already took all their money. They didn't have any left. But LeAnn still had plenty."

"Oh, I see. But what about Martha? I think she has some money."

"But Mrs Reynolds! Martha's my sister! I'd never take money from my sister!"

"That's right, Johnny. I forgot. You're such a nice little boy—and it's so good for the other children to have you for class president."

She gave the child an affectionate pat on the head. "Now get along in, Johnny. It's time for American history."

This isn't exactly what happens in America's primary schools—at least I hope they haven't degenerated quite that far. But it is what happens in that great big American history lesson, the television news.

On October 18, CBS Evening News displayed Congresswoman Barbara Mikulski delivering herself of the following remarks, *à propos* the budget crisis: "Let us remember: the middle class in this country has no more to give; the poor have nothing to give; so let's go and get it from those who got it."

Of course, it's Mikulski's grammar—or lack thereof—that makes the big, immediate impression. Then it's her rhetoric: the telling insertion of "in this country," that pointless cliché that emerges, like a tell-tale fragrance, in every remark of every modern-liberal politician. (Why do they say this? Where did it start? Is it an ineradicable residue of the hate-America syndrome that has cost liberals so many elections? Or is it the gesture merely of a feckless geographical pedantry, an insistence that everyone remember the simple truth that *this* is a *country* like every other *country* and that we are actually *in* it?)

Once you get past the words, however, you see the point. Mikulski assumes that Johnny will have sufficient justification for taking LeAnn's money if he can show that the other children have run out of money for him to take. The idea of repressing Johnny's (or the government's) desire for additional funds simply does not arise.

Another example of this new morality appeared on CNN's broadcasts of October 17. In a series of interviews conducted in a retirement home, a number of old people urged upon Congress its responsibility not to make them pay any of the increased costs of the medical and other services rendered them. One old person (no, if they're *senior citizens,* I want to see them act like it) maintained that if Congress did not help her—help her, that is, with money taken from taxpayers—she might have to ask her children for help, and this would represent an intolerable state of dependency.

Not a word was said, of course, about the nearly intolerable burden of Social Security payments that the government already imposes on everyone and about which one might expect lifelong payers of Social Security to be at least slightly concerned.

Anyhow: this person's new moral assumption is even more interesting than Mikulski's. The assumption is that it is right to coerce assistance from total strangers, but wrong to request assistance from family members; and, further, that one is independent so long as one depends on the taxpayers instead of on one's family.

Very interesting. But the most remarkable thing about the two televised moral lessons was the enraged self-righteousness of the new morality's teachers. The retiree screamed into the microphone, face distorted with rage, demanding her obvious rights as a human being; the congresswoman ranted like an angry parent reminding a fractious child of its obvious responsibilities.

But why the rage, if all is so obvious? Perhaps because it takes a lot of emotion to assert oneself as a moral agent in the service of a morality that is self-evidently absurd.

It grieves me to think of so gruesome a metaphor for a respectable old lady and a hard-working legislator, but the news of October 17 and 18 reminded me of nothing so much as a theft I once witnessed on a New York bus. A gang of young punks suddenly surrounded a well-dressed, older man; one of them screamed, "Hey man, he's got my watch! The */&%!*# stole my watch!", then ripped the watch from its astonished owner. As the gang leaped from the bus, they were all shrieking obscenely about the evils of theft. ❑

Sermon

The Hope in the Schools

by Karl Hess

Sometimes the solution to a problem is right under your nose. Sometimes your preconceptions—even (*egad!*) your ideology—prevent you from seeing that solution. For instance . . .

Check this one out for yourself. In the next six stories regarding education, as covered in your local newspaper, see how many consider education to relate to the cultivation of effective manners of thinking.

In my own experience in a very typical American small town with a daily newspaper, the answer is "none."

Where are the comments of the people who do the work in the schools—even in the government schools? What do teachers think about this? No one seems to care. The loudest voices in the education debate seem to be those of the teacher union pros. They want cash.

Check out your local school-board meeting. Let some fired-up young teacher talk about teaching and the meeting immediately shifts subjects. For instance, the subject changes at near light-speed when some teacher shyly suggests that high drop-out rates might have something to do with kids who are simply bored to death and, in point of fact, might learn more reading, writing, and arithmetic at a fast food eatery . . .

The debates and the stories about education do not even jiggle what is one of the most powerful special interest group in our nation: the administrators of the education system itself. And the politicians, well, they pose as the heroes, and usually get away with it.

Just as the nation has an "education president," my state of West Virginia has an "education governor." Both of these heroes of education approach the subject in a largely tectonic and vocational manner: pay higher salaries to teachers and administrators (particularly the latter), build more buildings, and buy more audio-visual gadgetry. Of course, these approaches fail miserably to help people become creative, self-managing, and literate enough to re-learn ways of working on a regular basis—which is the thing most needful in this age of megabytes and realigning markets.

In the county where I live, with a population of only about 40,000, the superintendent is paid $73,000 a year. What do we get for one of the highest salaries in the *entire* county? One of the state's highest drop-out rates and an annual graduation of students most of whom have trouble reading all the way through a newspaper. We also get actually illiterate young adults. And in our nearby college we get freshman classes many of whose members require basic remedial reading assistance to even have a faint chance of reading their class work assignment.

As always, there are distinguished committees of distinguished citizens that meet regularly to stare dumbfounded at a system that cannot even guarantee that every student in it can read an English sentence. So, naturally, they debate how to raise test scores.

If their arguments carry the day, my county will join those many others in which test scores keep going up while intellectual attainment obviously keeps going down.

And how is this educational Greshamism accomplished?

Many schools simply cheat. Test scores are becoming about as dependable as federal budget predictions. Others teach to the test and we can predict huge hunks of tax money soon being spent on "enrichened" school courses on how to take tests in school and in business and industry.

Companies that maintain personnel departments that take this test baloney seriously deserve the labor unrest, bankruptcy, and even psychopathic sabotage that the glassy-eyed test-taking whizzes, in their bored incompetence, will bring to them.

Now, I understand that the schools in a truly free society would avoid most of these problems because school attendance would be a matter of

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choice, not compulsion and, in order to have any student customers at all, the classrooms would have to offer more than the idiot-level drivel of most school text books.

But the sad fact may be that we don't even have a chance of a free market, laissez faire society so long as the landscape continues to be cluttered with perhaps nice but undeniably dumb or thoughtless people.

Grudgingly, then, I have come to accept the existence of government schools as something that will be with us for some time. It seems to me clearly impossible to even *fantasize* about a truly free society without considerable discussion of the school issue—and a discussion that includes a decent voice for ordinary teachers.

I hear from the teachers whom I respect—the ones who are not simple, sluggard time-servers watching their lives ooze on toward pension time and whose interest in children is mainly in passing them up through the grades, on schedule, with paperwork properly done—that what they want is neither complicated nor costly.

They merely want to be allowed to control their own classrooms, to use their knowledge to adapt to the reality they see before them: a raggle-taggle bunch of kids who learn in a dozen different ways, who can be excited or dulled out in even more ways.

They want administrators to stick to the maintenance work and not make minute educational policy decisions for every classroom teacher. They don't want to spend their time filling out semi-fraudulent forms to prove how well things are going. They know that the proof is in the pupil.

They know that the way you find out if Joanna can read is to ask the kid to read something. If you want to go fully radical, you could even ask what they understood the words to mean.

But there isn't time for all that, some officials say.

Nonsense. Beginning in the earliest grades, time could and should be divided up so that there is *no* time for anything else until the vital functions of reading and writing and basic reasoning have been mastered.

All that most classroom teachers want, whether they work in government or non-government schools, is to be free to do their work in that context.

In short, leave them alone. Sure, censure or separate them if they screw up intolerably or make everyone furious; but mainly leave them alone.

If they can teach and if the kids respond, glorify them. If they can't teach, and if the kids *don't* respond, then fire them with no more compunction than you'd sack any other dingdong. Teaching is important work, not to be left to the incompetent. It is not meant to fill file drawers with official statistics. It is meant to fill young human minds with the absolute glory of the human ability to think.

Personally, I am not in a panic about the "education crisis." The few who actually change the world with their dreams and gadgets are certainly present in greater abundance than ever. Not even the ninnies with the cruelest systems of oppression have been able to kill them off. (Good thing for the ninnies! They'd starve without the elite.)

But I am also an unabashed sentimentalist when it comes to my neighbors and their kids. For purely selfish satisfaction, I'd prefer to have them as bright as could be.

And that, to close this sermon, is why I am never again going to dump on teachers as a group just because they teach in government schools. I now know too many who truly, passionately believe in the power of the mind. They believe any child can be helped to develop that power.

They may not be libertarians but they are a significant part of the greatest hope we have for a free society. Sneering at them is as idiotic, in my view, as the thug-ugly stupidity of the Nazi hero who bled to death rather than let a Jew attend his wounds.

Libertarians truly need to think and rethink their relationship and possible influence on the schools (particularly the elementary ones). They know, you know, I know that most of our kids are going to go to government schools. If we start right there, seek out and support the lively teachers who just want to encourage kids to think, we might do a hell of a lot more for liberty than we could in a million fraternal prayer services denouncing the latest libertarian heresy. ❑

Exposé

Gordon Gekko, Michael Milken, and Me

by Douglas Casey

Judging by what's been going on in the financial markets recently, there's a lot of confusion on the subject of insider trading. It's getting harder and harder to know what's right and what's wrong. So, to get my philosophical bearings, I naturally turned first to our national repository of wisdom and moral rectitude: the popular media. The media's definitive statement on these matters in recent years—and an accurate reflection of the public's attitude as well—can be found in the 1986 movie *Wall Street*. Let's go to the movies!

Wall Street: The Movie

As you'll recall, the movie chronicles the rise of a young stockbroker named Bud Fox (Charlie Sheen) as he becomes a protege of corporate raider/speculator Gordon Gekko (Michael Douglas), his supposed corruption in the process, and his subsequent "return to grace." On a psychological level it's the story of how a "good guy" (exemplified by Fox's father) and a "bad guy" (Gordon Gekko) vie for moral possession of Bud's soul.

Bud's father—an unintelligent, pigheaded loser of a populist union steward—mentions that the FAA is going to exonerate his employer, Blue Star Airlines, for an accident; he gratuitously allows how he always had believed it was "those greedy cost-cutting" airplane manufacturers who were really to blame. This view provides a good clue to the filmmakers' values. Another is offered when the elder Fox originates: "The only difference between the Empire State Building and the pyramids is that the Egyptians didn't have unions." Sure. And the only difference between McDonald's and a bread line in the Gulag is the sesame seed buns.

Knowledge of the unannounced FAA decision is valuable to a stock trader, so Bud wangles an appointment with Gekko, using a box of Cuban cigars (which his straight-arrow dad must have liberated with a bribe to a customs inspector) as a door-opener. Bud discloses the Blue Star decision to Gekko, who naturally buys the stock in anticipation, making a bundle. This is presented as an illegal and unethical use of inside information.

Was it illegal? Who knows? The very concept of inside information is undefined and undefinable. The rationale against insider trading is to create a "level trading field" for all players, so no one knows anything before anyone else and there are no "unfair" advantages. Would it have been illegal if Fox had, instead of telling just one person, taken out an ad in *The Wall Street Journal* to inform the world at large? What about those who didn't read the paper that day; would they have grounds for a lawsuit claiming they were somehow injured because they didn't get to buy? That's up to the whim of some regulator to decide. Shouldn't it also be "inside information" if the few people who hear an official announcement first get to act on it first? What if Gekko just had a definite hunch about the decision and bought Blue Star based on that alone; how could he prove he didn't have illegal data? The concept of inside information is a witch hunter's dream. It's a natural for envy-driven losers, government lawyers, and the like.

Was Gekko's stock purchase ethical? Absolutely, since the information was honestly gained.

Next, Gekko convinces Bud to tail an Australian speculator around town so that he can figure out what stocks the Australian is planning to buy, and buy them first. Bud asks, "That's inside information, isn't it?" before embarking on field research that results in more successful trades. Is it inside information to follow someone around and conjecture what he's likely to buy based on who he visits? I can't see how it could be construed

this way; again, it's information honestly acquired.

Next Bud gains access to a law office, posing as a cleaning man, and copies some files detailing a takeover. Inside information? I don't know. But it certainly is theft. The movie is unable to draw a distinction between detective work and theft. The fact that a theft—a real, common law crime, the only one mentioned in the whole movie—has been committed is never once even mentioned.

The elder Fox originates: "The only difference between the Empire State Building and the pyramids is that the Egyptians didn't have unions." Sure. And the only difference between McDonald's and a bread line in the Gulag is the sesame seed buns.

A Hero in the Slime

It's hard to keep your attention on the vapid, dishonest little yuppie played by Charlie Sheen. The real focus is on the dynamic Gordon Gekko. He is not a particularly nice guy; he cheats on his wife, is very materialistic, and he doesn't give suckers an even break. And he probably doesn't care where or how Bud gets his information. But do you care where Standard and Poor's gets its data? No. You only care that it's accurate. Gekko encourages Bud to get information that isn't common knowledge; that's what makes for success in many legitimate endeavors. He never encourages Bud to become a criminal.

In fact, Gekko never does anything unethical throughout the whole movie except lie to the union people when he's about to take over Blue Star at the end. Other than that one instance, one can make a case that Gekko is actually a moral hero. Look at the facts, not the nasty patina with which the film paints him: Gekko rewards Bud for doing what appears to be good work; there is always fair exchange.

Gekko's infamous "greed is good" speech at the annual general meeting of Teldar Paper could have been written by Ayn Rand. Gekko explains how money is congealed life, representing all the good things one ever hopes to have and provide. Love, life and money are all good. And since they're good, so's the desire—the greed—to have as much of them as possible. The episode also illustrates why takeovers are usually a good thing. Gekko points to Teldar's dozens of vice-presidents being paid six figures to shuffle memos and build little satrapies with money that should be dividended out to the shareholders, and Gekko makes it clear that if he wins they'll be fired. He's absolutely right, and his actions throughout the movie can only serve to better the lot of thousands, maybe millions, of people.

Nonetheless, Bud is rightfly soured by Gekko's lie about Blue Star and he decides to turn state's evidence on Gekko after being landed upon by the SEC for some of his dealings. Bud wires himself, presumably to get a reduced sentence, and induces Gekko to say compromising things. It's at this point that the only morally unambiguous and satisfying point in the whole movie is made: Gekko, quite correctly, beats the daylights out of the sleazy little creep.

The hateful movie ends with young Bud having completely caved in to the ethical morass personified by his father. He says, "Maybe I can learn how to create, instead of living off the buying and selling of others." Maybe he's planning to retire to a hippie commune to make candles and baskets. Maybe he'd prefer Cuba, where most forms of buying and selling are illegal.

Try defending Gekko sometime, and watch the reaction you get; it's like trying to defend Hitler. People seem to have a very hard time making a distinction between their emotional reaction to a situation and the actual rights and wrongs involved. It's strange how seldom most people analyze moral issues; for many, an act is wrong just because a preacher or an official says it is. They rarely question whether people in positions of authority might have based their judgments on false premises or have a hidden personal agenda. Something is accepted as being wrong simply because everyone assumes it is, and after a while that unchallenged assumption becomes part of the social contract, from top to bottom. This stuff works in funny ways; now "Gordon Gekko" and everything he's supposed to stand for has become a cultural shorthand for all that's wrong with the U.S. financial system.

Ivan Boesky, the greatest inside dealer of the '80s, is a pariah, but not because he wired himself for many months, compromising his closest friends and associates in exchange for a reduced sentence. Rather he is ostracized because he used "inside information" to trade. Whether it was gained honestly or not (probably not, considering the basic character of the man) was never made clear; but that, apparently, was never even an issue.

This kind of thing has major implications for the markets over the long run. In that light, it's worth taking an in-depth look at that great real-life villain of the financial community, Michael Milken.

Robert Freeman was sentenced to four months and a $1 million fine for being on the other end of a telephone when someone commented "Your bunny has a good nose" in response to his conjectures as to whether a certain buyout would succeed.

Michael Milken as a Role Model

I presume you're as sick as I am of hearing the press decry the greed that supposedly characterized the '80s. It's not greed if a politically correct Jane Fonda or Bruce Springsteen makes $50 million in a year, but it is if a stockbroker makes that much. I'm a freedom fighter, you're a rebel, he's a terrorist.

Milken was the object of an intensive government investigation that took hundreds of thousands of man hours and cost many millions of dollars. It became a political issue with a life of its own. Milken had to be punished for something, somehow. After all, we can't have somebody who made

$500 million in a year live happily ever after, especially if he earned it honestly.

One of the most disappointing elements in this whole melodrama has been Milken's response to the government's Star Chamber methods. He agreed to a $200 million fine and a $400 million "contribution" to a fund for the "victims" of his actions, pleaded guilty to six trivial and technical violations, and apologized for being naughty. He has since been sentenced to a ten-year prison term, which may be reduced if he promises to be a good boy and become a witness for the prosecution in the ongoing pogrom against everybody ever associated with Drexel Burnham. Interestingly, four of the six counts to which he pleaded guilty related to the testimony of Ivan Boesky, who's recognized as a practiced, even enthusiastic, liar. The other two counts related to the testimony of one David Solomon, who was granted immunity for turning on his former associates. Whether these felons told the truth, or lied to please the government and save their hides, may never be determined, because there will never be a trial.

But Drexel Burnham, the firm Milken put on the map, didn't get much of a trial either when it was forced to pay a $650 million fine; Drexel's now out of business because of a lack of capital.

When Milken was first accused, he responded in part by distributing thousands of copies of *The Incredible Bread Machine*, a highly principled defense of the free market. It looked like Milken might take advantage of his situation to play Howard Roark or John Galt to a world-wide audience, exposing his persecutors as the real criminals in the melodrama.

But Milken backed off. Maybe he did so on counsel from his lawyers. Maybe Milken really became convinced what he had done was wrong. Maybe he thought it was wrong all along, and was just in it for the money. Maybe he's never been anything but a sharp bond salesman who can't see any philosophical points in the matter, and couldn't care less about them if he did. Or, maybe, he just figured that battling the government for the rest of his life, using a public defender after they seized all his assets under RICO, just wouldn't be worth the trouble. It's hard to say what one "should" do in a situation like his. But he certainly conducted himself far more honorably than Dennis Levine, Ivan Boesky, David Solomon, Boyd Jeffries, or many of the others involved.

Milken's troubles illustrate what can happen when you become too successful, too high profile, and the object of political hysteria in The Age of Envy.

In a nutshell, Milken and his colleagues, by financing numerous hostile takeovers to the great profit of all concerned, probably did more in a few years to clean up corporate misdealing than all the scores of regulators in history have done. He achieved this while earning a profit, in sharp contrast to the regulators, whose failures were financed by taxpayers forced to pay their salaries.

Inside Information

"Inside information" shouldn't be an issue as long as the information is honestly acquired. The market is a creature of information, and impeding the free flow of information in any way causes distortions. Regulation of "inside information" therefore opens the door to corruption which would not otherwise exist.

You may recall the recent case of Robert Freeman, which is even more of an abortion than that of Michael Milken. Freeman was sentenced to four months and fined $1 million for being on the other end of a telephone when someone commented "Your bunny has a good nose" in response to his conjectures as to whether a certain buyout would succeed. Apparently, the hysteria has reached a level where it's dangerous to overhear a rumor, whether you repeat it or not; it's dangerous even to form opinions that can't be grounded in a company's annual report. You can never know whether some witchhunting prosecutor might decide to make a hobby out of you.

It's dangerous to overhear rumors, whether you repeat them or not; it's potentially dangerous to even form opinions that can't be grounded in a company's annual report. You never know whether some witchhunting prosecutor will decide to make a hobby out of you.

The Milken episode is certainly a scandal, but not remotely the way most people think. There's no indication that Milken did anything that in any way injured anyone—with the possible exception of the incompetent managers he fired in the takeovers he financed. Indeed, many of Milken's supposed victims were signatories on the numerous full page ads that appeared in support of him after the indictment. So obscure were the charges against him that Judge Kimba Wood was reduced to using some pretty bizarre logic in trying to explain her ten-year jail term for Milken: "You committed crimes that are hard to detect, and crimes that are hard to detect warrant greater punishment in order to be effective in de-

"He was such a nice kid until he met those businessmen."

terring others from committing them." (One wonders, on the basis of this criterion, what sentence Judge Wood would pass on a very public crime, such as an assassination on national television.)

Insider trading has never cost a shareholder a penny. Other actions taken by insiders have, however, cost shareholders billions. Regardless of the rhetoric, the name of the game in hostile takeovers and proxy battles is always management versus shareholders, and when incompetent management is protected, the shareholders are the losers.

Try defending Gekko sometime, and watch the reaction you get; it's like trying to defend Hitler.

Management Versus Shareholders

Few investors—including me, until more recently than I really care to admit—scrutinize a company's management and directors with sufficient diligence. We naturally assume they're working for the best interests of their employers, the shareholders, if only because that's what they're being paid for. They have a legal duty as fiduciaries to always act in the interests of shareholders and to maximize the value of shares. Good management is ten times more important to a company's success than whatever comes second; clearly, when a company does well it's rarely because of dumb luck.

When the people running a company look at the millions or billions of dollars they control, some of them start asking themselves whether they don't "deserve" a little more of the action. Or maybe a lot more. So salaries start rising, there are lots of expense account dinners, the offices get redecorated, and the company buys everyone a country club membership. If management is bold, and the company big enough, arrangements will be made for the company to buy a jet, an executive retreat, and a fleet of BMWs.

Management starts to forget who it's working for, and if the directors aren't completely independent there's no one to prod its collective memory. Management may decide it's underappreciated by shareholders, who then assume the status of nuisance, and the game is on in earnest. It's as if your housekeeper were to decide she should sleep in the master bedroom, or maybe evict you from the house entirely.

Believe me, I'm only touching lightly on a few of the very most obvious techniques a self-dealing management can use to loot a company. And since management hires the accountants, retains the legal counsel, and writes the news releases and quarterly reports, it takes some real digging just to begin to find out what's going on, much less prove it and put a stop to it.

The interests of management are very often not only different from those of shareholders, but antithetical to them.

Management Buyouts

In larger companies, the top people are often power-seeking "suits" adept mainly at politicking and infighting. They don't create; they schmooze, cajole, flatter, maneuver, and intrigue. They're immortalized in song and story everywhere from "How to Succeed in Business Without Really Trying" to "What Makes Sammy Run." For every Warren Buffet or Boone Pickens, there are a score of Charles Keatings, antiheroes in the Randian mold. When characters like these see a big pile of money in a corporate till, they stop seeing the shareholders as employers, and view them as part mark and part adversary.

One of the most egregious examples of this is the management buyout of a corporation. Members of management are the only ones who can be expected to know exactly what assets and prospects a company really has, and what they're really worth. When they attempt to do a leveraged buyout, their conflict of interest is omnipresent, since they're on both sides of the transaction, as the buyers and as the supposed representatives of the seller. They have an obligation to shareholders to realize top dollar, but they're also trying to buy as cheaply as possible. Oftentimes, they try buying the company by borrowing the money from the company, and to add insult to injury, they're on the company's payroll while they're at it.

So what should we do to stop this sort of thing? Most investors would naively say: "That's why we have regulators. The SEC. The government."

The Regulators

The billions of dollars that regulators cost both investors and taxpayers every year serve no useful purpose that I can determine. Trying to get the regulators to expose fraud in a consistent and logical manner appears to be impossible. If management lined the shareholders up against the wall and machine-gunned them, it might be cause for an inquiry, but only if there was a lot of press coverage.

That's because regulators, like all bureaucrats, respond mainly to political pressure. The aggrieved shareholders don't elect them, and are too disparate a group to force them into action. And even if one or more shareholders wanted to press the issue, they'd have to invest 100% of the time and money, for no more benefit than any other shareholder who chose to remain on the sidelines.

Management, however, is usually very well connected, controls the treasury, and can pressure both lawmakers and regulators.

So if the regulators and lawmakers are no help, where will help come from? This is the role of the "takeover artists," the "predators," or the "corporate raiders." Contemporary rhetoric paints them as the bad guys, but they're the true heroes of the story.

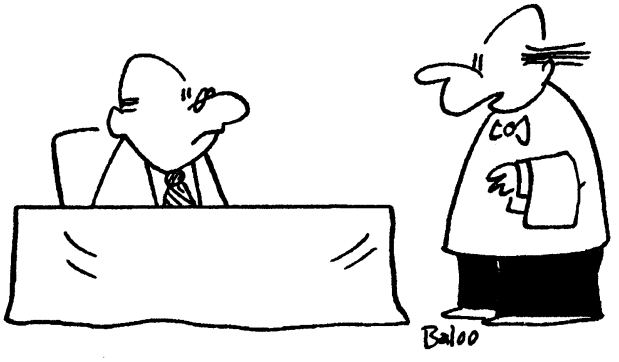

"I'm afraid there'll be a delay, sir—your power lunch exploded."

They're the people Mike Milken financed.

The Raider

Raiders keep managements honest by making buyouts when the stock price falls because of mismanagement. The sanctimonious blather issuing from managements about how they're defending "your" corporation from someone who wants to pay above market prices for it is always self-serving.

Most companies subject to takeovers are vulnerable only because their stock price is low relative to their assets, which occurs when their assets are being misallocated, or when the market has no confidence in management. In fact, a company can usually be taken over only if management doesn't own a meaningful amount of stock. Many managers of big corporations own very little stock in them; arguably, that's because they can see it's a poor long term investment.

Trying to get the regulators to expose fraud in a consistent and logical manner appears to be impossible. If management lined the shareholders up against the wall and machine-gunned them, it might be cause for an inquiry, but only if there was a lot of press coverage.

The raider's major weapon is the proxy contest, in which a dissident slate of directors endeavors to show other shareholders why they should "throw the bums out." Most proxy documents are written in legalese; reading them is not easy, but it is usually rewarding. Most shareholders, however, are either too ignorant or too apathetic to go to this trouble.

The much-maligned raiders and hostile takeover artists are almost always the good guys. It's a pity shareholders nearly invariably vote in favor of management; they usually should vote against them when there's an alternative slate.

"Parking" Stock

Parking stock is the practice of buying stock in another's name to conceal who the beneficial owner really is. It's done mainly to avoid alerting management that a stock is under accumulation for a takeover. A reasonable person might ask how that's any different from keeping one's hand hidden in a card game. Certainly it doesn't harm any existing shareholders, since they are under no obligation to sell their stock, which is probably going up anyway because of the added buying pressure. Then why is parking "wrong"? It's wrong because of the Williams Act of 1967, which states that once any group acting in concert accumulates more than 5% of a company's stock, it must halt buying and alert management of its intentions. This gives the officers and directors time to arrange for a "poison pill" to preclude shareholders from getting the higher-than-market price the outsiders would be willing to pay after buying as much stock as possible quietly. The Williams whose name this act bears is, incidentally, the same corrupt senator who later did time for bribery in the Abscam affair.

Parking is another artificial non-crime created by the establishment to safeguard itself.

The Bottom Line

Laws and regulations create distortions, and the opportunity for corruption. And the laws being passed making hostile takeovers impractical will go a long way towards destroying this country's capital markets. The entire byzantine system of securities regulation has become nothing more than a method of duplicating, in the private sector, the incumbent-protections system which has made it virtually impossible to oust a member of Congress. There is reason to believe that this will produce the same quality of person in the nation's boardroom that we presently see in public office. I for one do not find this prospect encouraging. The corporate raiders could help the nation to recover from this mess, but only if the markets are allowed to function without interference, and only if they can go about their business with a reasonable expectation that their activities won't make them into outlaws. But with Milken on his way to a decade-long stay in the big house, it is likely that his successors will choose to tread lightly. That's especially ominous at the end of one of the longest booms in history. ❑

If the regulators and lawmakers are not only not a help, but actually a detriment to the shareholder, where will help come from? This is the market function of the "takeover artist," the "predator," the "corporate raider." Contemporary rhetoric paints them as the bad guys, but they're the true heroes. They're the people Mike Milken financed.

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Essay

Rothbard's Libertarianism

by Chris M. Sciabarra

What do socialists, conservatives, Hayekians and Objectivists have in common? Well, one thing they share is their opinion of Murray N. Rothbard's thinking.

Murray Rothbard's libertarianism has inspired critical commentary from many different perspectives. Socialists, conservatives, Hayekians, and Randians have derided the Rothbardian version of libertarianism and its seemingly abstract designs for social change. Each of these critiques has drawn attention to a problematic distinction within Rothbard's theory, one that defines a universal ethos of non-aggression apart from culture and history, psychology and ethics. By taking into account the similarly constituted criticisms of each of these schools of thought, Rothbardians may be faced with the task of redefining the scope and meaning of their ultimate political goals.

Rothbard's impact upon the modern libertarian intellectual movement has been so profound that it is difficult to assess libertarianism as a political philosophy without taking into account his enormous contributions. One of Rothbard's most decisive contributions to libertarian thought has been his conception of libertarianism as a political project that can incorporate a diversity of voluntarist social institutions. For Rothbard, a voluntarist society sanctions a plethora of alternative lifestyles; communities may be collectivistic or individualistic, religious or secular, segregated or integrated. Robert Nozick, in much the same vein, has called this a "framework for utopia" in which "people are at liberty to join together voluntarily to pursue and attempt to realize their own vision of the good life in the ideal community but where no one can impose his own utopian vision upon others." [1]

For Murray Rothbard, libertarianism is a political philosophy, not a philosophy of life. It rests on one essential axiom: non-aggression. It views force as legitimate only as a response to initiatory violence. This ethos does not imply any specific "meta-libertarian" philosophical foundation. Walter Block, in true Rothbardian fashion, suggests that libertarianism may be justified by egoism, hedonism, Kantianism, common law, pragmatism, natural rights, utilitarianism, agnosticism, objectivism, and Judeo-Christianity. For Block, as for Rothbard, philosophical diversity is a source of libertarian intellectual vitality. [2]

But the Rothbardian vision embraces an illusive value-neutrality which, when stretched to its logical limits, may undermine the stability of a libertarian society. For example, Walter Block has argued that libertarianism is compatible with all philosophies of life, including Nazism. For Block, the evil of Nazism is not its "weird and exotic" world-view, but its dependence upon coercion as a social panacea. Block argues, somewhat facetiously, that in a libertarian society, Jews could be put in Nazi concentration camps, as long as they go voluntarily. [3] Though Block has embraced a consistent Rothbardian position, he seems to violate the spirit of the libertarian society. Rothbard's libertarianism uplifts the human imagination because it seeks to transcend coercion as a social relation, not because it implores the victims to walk "voluntarily" into the gas chambers.

And yet, Rothbard's "framework for utopia" abstracts the voluntarist ethic from culture and history, psychology and personal morality. His philosophy upholds freedom while it seems to ignore the wider context within which freedom flourishes and upon which it may genetically depend. Objectivists, socialists, conservatives and Hayekians have each criticized this kind of non-contextual political goal.

Rand versus Rothbard

Ayn Rand's influence on Murray Rothbard has been vastly underestimated. Perhaps because of deep sectarianism in libertarian political

circles, Rothbard has rarely acknowledged Rand as an intellectual forebear. His condemnation of the "Ayn Rand Cult" indicates his great disdain for the Randian movement. [4] Yet, Rothbard owes a huge philosophical debt to Rand. He is quoted by one of Rand's biographers as saying that he is "in agreement basically with all her philosophy"; the biographer goes on to state that "it was she who convinced him of the theory of natural rights that his books uphold." [5] However, the broader dimensions of Rand's objectivist philosophy separate it decisively from the Rothbardian schema. Our discussion will illustrate the essence of the Randian critique.

Murray Rothbard argues that "in a free society, no man would be permitted (or none would permit himself) to invade the property of another." [6] The Randian is obligated to ask, "Why?" Why would a man not permit himself to invade the property of another? The answer for Rand depends upon a huge philosophical (i.e., ethical and psycho-epistemological) edifice whose final prescription is non-aggression. "Non-aggression" is not an axiom in Rand's framework.

By contrast, Rothbard proposes an "axiom" of non-aggression that is allegedly value-neutral. Men may adopt any personal values they so choose, as long as they do not attempt to force their own conception of morality upon the social whole. Rothbard's praxeological methodology suggests, further, that he has endorsed a very narrow conception of "rationality" in human action. Praxeology defines "means" as broadly "rational," without passing judgment on the "rationality" of people's goals. For Rothbard, praxeological insight is wedded to libertarian ethos. Both praxeology and the non-aggression "axiom" sanction the rational character of human action, while abstracting it from the particular value-context within which such action is expressed.

Rothbard does not deny the possibility for a rational morality, but he argues that it is irrelevant to politics and to libertarianism. [7] "Libertarianism is an intellectual ideology," he emphasizes, and it "will get nowhere until we realize that there is and can be no 'libertarian' culture." [8] Rothbard seeks to apply the libertarian ethos to a variety of cultural contexts, and to show that libertarianism is consistent with a diversity of moral positions—egoism, altruism, utilitarianism, amoralism—provided that the people who hold these positions do not use a coercive means of implementing them. But this is a huge proviso. It may be that a libertarian ethos is not sustainable without specific personal and psychological convictions, cultural values or historical circumstances. Indeed, Rothbard's critique of "antimarket ethics" suggests that a libertarian society cannot be sustained if "altruistic humanitarianism" becomes a pretext for authoritarian social relationships.

In his praxeological critique of "antimarket ethics," Rothbard attempts to discredit certain ethical positions that he characterizes as "counterproductive," or based on existential errors and logical inconsistencies. According to Rothbard, any goal impossible of attainment should be abandoned. [9] "Altruism," a normative concept frequently derided by Ayn Rand, receives a similar treatment in Rothbard's works. When a person acts as his brother's keeper, he is made responsible for his brother's actions in every sphere of human existence. This suggests that the "humanitarian" is given power over his brothers as he compels them to follow a certain course of action. "Altruism" becomes a legitimation for authoritarianism. [10] Such authoritarianism is deeply incompatible with the spirit, if not the letter, of the Libertarian Law Code that Rothbard defends so vigorously.

Thus, Rothbard seems to suggest that certain ethical positions may subvert the libertarian framework which he advocates. This implies that libertarianism itself may require a specific meta-libertarian context, in contradiction to Rothbard's assertion that libertarianism is consistent with a variety of moral and cultural values.

By contrast, Rand argues that the free society will not survive in the absence of important moral, cultural, and psycho-epistemological preconditions. For Rand, any distinction between the personal and the political is self-defeating. The achievement of a truly free society is the outgrowth of a specific code of moral action, one that does not sever reason from ethics, or freely-chosen ethics from a rational, social existence. Hence, the Randian position opposes all acts of even "non-coercive" irrationality, such as racism or drug-using, even though it recognizes people's rights to engage in them. [11]

The Randian philosophy suggests that the narrow parameters of libertarianism obscure the broadly operative hegemonic principles in social reality. Robert Nisbet suspects that a focus on these principles may lead to a developing opposition within libertarian theory to the "coercions of family, church, local community and school," all of which might be viewed as being "as inimical to freedom as those of the political government." [12] Rand's philosophy attempts to develop this kind of focus. [13] It implores libertarians to concentrate on those "altruist-collectivist-mysticist" premises that underlie so many aspects of culture—including family and sexual relations, state, religious, and educational institutions, art, literature, and music.

Perhaps because of deep sectarianism in libertarian political circles, Rothbard has rarely acknowledged Ayn Rand as an intellectual forebear.

Thus, the Randian critique draws attention to a profound distinction in Rothbard's theory between an abstract notion of liberty and the context within which it is expressed. In this regard, Rand's insights have a strong affinity with socialist, conservative, and Hayekian critiques of libertarianism.

Critics On The Left

The relationship of the Left to Rothbardian theory is ambiguous. Rothbard argues that historically, the Left has advocated statist means for achieving progressive political ends. Despite Rothbard's opposition to socialism, it is clear that he owes a significant intellectual debt to the Left. Rothbard's power as a critical thinker derives from his unique synthesis of

many disparate strands of social thought. His Austrian economics is wedded to New Left historical revisionism. His natural rights philosophy is conjoined with anarchist class analysis. Politically, he has joined with the Left in condemning government encroachment of civil liberties at home and U.S. military interventionism abroad.

It is not surprising, then, that the Left has focused specifically on the contributions of Rothbard in its developing critique of libertarian theory. Stephen L. Newman writes that Rothbard's theoretical schema resembles an inverse Marxism. [14] However, inherent in libertarianism is a call for the abolition of politics as a solution to the crisis of public authority. Rothbard's libertarianism qualifies as a "form of anti-politics" and is "not a response to crisis—but a symptom of it." The anarchist solution, in particular, rips Locke out of his historical context and tries to institute a state of nature which amounts to a political *tabula rasa*. Rothbardian analysis becomes mere reification as his theories stand outside history. In the process, "libertarianism aims at nothing short of the privatization of social existence," neglecting the notion of politics as collective purpose. [15]

Rothbard's power as a critical thinker derives from his unique synthesis of many disparate strands of social thought. His Austrian economics is wedded to New Left historical revisionism. His natural rights philosophy is conjoined with anarchist class analysis.

This identification of anarchism with "depoliticization" is a hallmark of Marxist critique. The anarchists, according to Karl Marx, planned to transcend "alienated politics" by abolishing politics altogether. The solution, for Marx, was not "further depoliticization, but only repoliticization of the required type," one that concretized the need for genuine community. [16]

Of course, Rothbard's libertarianism does not aim to abolish "politics." It hopes to reconstruct the social polity by abolishing the state, which Rothbard views as an ideologically legitimated form of institutionalized violence. In its place, Rothbard envisions a society that embraces voluntary cooperation and interaction as its *modus operandi*. Yet, the Left does not merely criticize Rothbard for seeking to abolish politics; Rothbard is criticized because he abstracts a political solution from its broader context.

Predictably, the Left condemns Rothbard for his dependence upon voluntarist, "bourgeois" presuppositions. David Wieck denounces Rothbard's "severely individualistic conception of human being" and believes that "anarcho-capitalism" will lead to a judicial and legal domain dominated by the most wealthy. Mark Paul has called it a "rich man's anarchy." [17] This is essentially the same criticism leveled by Ronald Krieger. Krieger calls Murray Rothbard "the outstanding individualist utopian." He argues that in Rothbard's anarchy, the wealthy will rule like feudal barons, with their private para-military troops, mercenaries and vigilantes. [18]

However, the Leftist critique is not based solely on its disdain for capitalist institutions. Hal Draper suggests that "right-wing anarchism" is merely the laissez-faire "illusion" transmuted into a one-sided ideology. [19] Similarly, David Wieck argues that Rothbard:

> writes of society as though some part of it (government) can be extracted and replaced by another arrangement while other things go on as before, and he constructs a system of police and judicial power without any consideration of the influence of historical and economic context . . . Rothbard has pulled forth a single thread, the thread of individualism . . . [from which he] manufactures one more bourgeois ideology. [20]

Thus, Wieck suggests that libertarianism creates a radical distinction between abstract principles of non-aggression and their historical and cultural context. Wieck, writing in the Marxist tradition, understands that capitalism is a social system that depends upon a huge constellation of historical, cultural, economic and ideological forces. Marx may have been critical of bourgeois institutions, but he acknowledged their pervasive and revolutionary quality. The emergent principles of trade had a profound effect on all aspects of social interaction—from political economy to sexual relationships. In a provocative convergence with the Randian critique, Marxists sense that Rothbard's "framework for utopia" is a one-dimensional construction abstracted from those historical, cultural and social conditions that give it existential meaning.

Rothbard's libertarianism requires a widespread and passionate commitment to non-aggression. To accept the non-aggression "axiom" is to accept a revolutionary change in each aspect of our lives.

Critics On The Right

It is ironic that conservatives have been deeply critical of libertarianism, especially since there has been an attempt to depict libertarians as their "uneasy cousins." [21] Yet, the profound differences between conservative and libertarian philosophy are not illustrative of a spat between blood relatives. Traditional conservatism grows out of the Burkean response to the French revolution. For Edmund Burke, the excesses of the French revolution constituted a dangerous threat to civilized humanity. The revolutionaries, in their demands for the "rights of man," proposed a rationalist design for a new society that neglected man's religious passions, habits and traditions. Rights are of little consequence, claimed Burke, when severed from the context of political and social continuity, essential prerequisites for the establishment of any social order. [22]

The modern conservative reaction against Rothbardian libertarianism mirrors the Burkean critique. Ernest van den Haag, writing for *National Review*, believes that the libertarians are "beguilingly simple" in their prescrip-

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tions for social change. They are opposed to tradition, says van den Haag, and are hoping "to invent a social organization based not on history but on their rationalist principles." [23] Libertarians "have a tendency . . . to reduce life to economics, denying that it has any aspects which should not be left to the free market." [24] Their social philosophy is a "belated offspring of the eighteenth century Enlightenment, of rationalism in its most virulent form." Indeed, states van den Haag, the libertarian society is "wholly utopian (the word means 'no-where')." And though "utopia cannot be achieved . . . the destruction of an existing society may be. And it is quite likely to be succeeded by a worse one." [25]

The voluntarist society cannot be actualized by merely ordering people to live and let live. It will take more than a Libertarian Law Code to convince a fanatical Islamic fundamentalist that Salman Rushdie has a right to life.

Van den Haag ridicules Rothbard's positions on externalities, proportional punishment, and the Cold War. But at root, his attack on Rothbardian theory is based on the principle that "we are human qua social," and that our socialization provides us with shared values which are essential to the fabric of the social order. Libertarianism dissents from these values and "from history" itself.

Russell Kirk presents a similar critique of libertarianism. With a decidedly insulting tone, he characterizes libertarianism as "a simplistic ideology" that is radically doctrinaire and contemptuous of tradition and custom. [26] Kirk argues that libertarians "seek an abstract Liberty that never has existed in any civilization—nor, for that matter, among any barbarous people, or any savage." [27] Libertarianism disregards moral habits, social customs, history, and common sense. By giving primacy to "an absolute and indefinable 'liberty'," the libertarians have paved the way for "a Utopia of individualism." [28] Kirk accuses libertarians of being "metaphysically mad" because they "mistake our ephemeral existence as individuals for the be-all and end-all." [29] Of course, Kirk embraces a few "metaphysical" concepts of his own, when he writes that libertarians have ignored the dictates of Original Sin, Duty, Discipline and Sacrifice. But Kirk's essential argument is Hayekian in its implications. Allying himself with Hayek, he claims that the moral order is an outgrowth of "a long and painful social experience," of custom, habit and tested institutions. Libertarians would dispose of this historical legacy, and rule society "by a single abstract principle." [30]

Though Hayek's approach goes beyond traditional conservatism, it contributes a significant epistemological dimension to the conservative critique. Hayek denies validity to an abstract, universalized, trans-historical conception of natural rights. No human being is in a position to gain such a transcendental view of the world and to construct principles that could be universally appropriate for all contexts. This is an example of what Hayek calls a "synoptic delusion." [31] The constructivist thinker attempts to design (or "construct") social institutions as if he were outside the context of history, using the infinite powers of his Reason ("with a capital R," as Hayek would say). "Constructivism" is the "fatal conceit," endangering the future of wealth, morals and peace. [32]

The Hayekian attack on constructivist rationalism has been used by libertarians and classical liberals in their critique of socialist planning. Yet, Hayek's insights are equally applicable to the Rothbardian framework that aims for a social order based on the axiom of non-aggression. The Hayekian and conservative critiques suggest that Rothbard has created a radical distinction between the normative principle of non-aggression and the cultural and historical conditions that it ignores. These conditions are essential because they provide the context within which all social rules gain specificity. Disregarding context, Rothbard has embraced an ethos that is highly abstract and, ultimately, meaningless.

Convergent Criticism

So far, I have examined several major criticisms of Rothbard's libertarianism. Randians, socialists, conservatives, and Hayekians argue that Rothbardian libertarianism abstracts an "axiomatic" principle from its broader context. Randian critics claim that Rothbard's framework is inadequate because it is genetically dependent upon broader notions of personal morality, human psychology and culture. Socialists and conservatives argue that Rothbard has isolated a single principle from social reality upon which he has constructed an abstract, ahistorical "framework for utopia." Finally, the Hayekian critique suggests that this abstraction perpetuates a constructivist strategy for social change.

The convergence of Randian, conservative and socialist critique is not a theoretical coincidence. Each of these critiques views Rothbard's libertarianism as a fractured philosophy. Objectivism, socialism, and conservatism have a wider theoretical scope. By contrast, Rothbard's perspective suggests that a narrow adherence to a singular, abstract ethos of non-aggression will generate a respect for the multifariousness of the human condition. In fact, Rothbard opposes wider, totalistic philosophies because these often depend upon a doctrinaire view of the Good Life. Rothbard has argued that socialists, conservatives and objectivists have each shown a profound intolerance of alternative value frameworks.

Libertarianism requires a systemic change, a transformation not only of current social structures, but in the ways in which people think and act. The crucial question is how any libertarian values could come to predominate in a culture that is hostile to the voluntarist ethos.

Socialists and conservatives, in particular, have always shared a devotion to coercive and statist means for achieving their political ends. [33] And though objectivists renounce statism, their "cult" has thrived on purges, stultifying dogmatism and intellectual conformity. [34] Perhaps each of these schools of thought is intrinsically opposed to any framework that eschews a singular philosophy of life.

By narrowing his focus, Rothbard claims to have constructed a framework that does not depend upon the emergence of Libertarian Man. The libertarian ideal derives its strength from human diversity. And yet, it is apparent that Rothbard's society will not tolerate any moral ambiguity in the area of inter-personal human relationships. Libertarianism requires a widespread and passionate commitment to non-aggression as a way of life. But Rothbard has underemphasized those factors that may predispose human beings to accept voluntarism. He creates a Universal Libertarian Law Code without defining a more extensive system of values that may nourish and enrich the singular truth of libertarian politics.

The central problem, however, is not in defining that particular system of values. The most crucial question is how any libertarian or quasi-libertarian values could come to predominate in a culture that is hostile to the voluntarist ethos. This hostility is inevitable in contemporary, "hegemonic" culture. Rothbard argues that society is a complex mixture of market and hegemonic principles. It is the hegemonic principle that breeds coercion, exploitation, and the war of all against all. [35] It undermines the realization of the voluntarist ideal by corrupting people on a psychological level.

Rothbard believes that from a "praxeological" standpoint, the market economy is the only stable system. But "psychologically, the issue is in doubt . . . [T]hose who yearn for power over their fellows, or who wish to plunder others, as well as those who fail to comprehend the praxeological stability of the free market, may well push the society back on the hegemonic road." [36] By recognizing the destabilizing "psychological" dynamics of the market economy, Rothbard suggests that the libertarian society needs far more than a Law Code to sustain itself. At the very least, the Law's efficacy will depend upon a deeper understanding of why people yearn for power over their fellows, and how such power-lust can be transcended.

Libertarianism requires a systemic change, a transformation not only of current social structures, but in the ways in which people think and act. Each of us has, to a certain degree, internalized character traits which reinforce and reproduce the political coercions which subjugate us. To accept the non-aggression "axiom" is to accept a revolutionary change in each aspect of our lives. This profoundly human achievement could not be sustained in the absence of broader social, historical, cultural, psychological and ethical foundations.

It is here that a more comprehensive understanding of the hegemonic principle is decisive, because it compels libertarians to focus on the wider context. Ironically, it was the Italian Marxist, Antonio Gramsci, who once argued that true radical change could not emerge unless the voluntarist institutions of civil society were universalized. In essence, Gramsci claimed that the voluntarist sphere had to absorb the political sphere, making the use of coercion superfluous. [37] Gramsci's concept of hegemony identified power structures in each of society's institutions, including religion, education, family, law, communication, culture, political parties, and trade unions. For Gramsci, hegemonic power had to be fought in each of its manifestations. The new society is made possible only through the development of a "counter-hegemony . . . within the womb of the old society." [38]

Gramsci's conception of the insidious nature of the hegemonic principle has important implications for libertarianism. It suggests that the voluntarist society cannot be actualized by merely ordering people to live and let live. It will take more than a Libertarian Law Code to convince a fanatical Islamic fundamentalist that Salman

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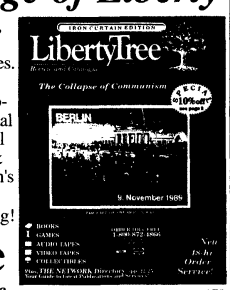

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Rushdie has a right to life. Like Gramsci, libertarians need to think "dialectically"—that is, they must understand that a society is a complex, sophisticated, inter-relationship of human actors, social institutions, structures, and processes. Each society is a self-perpetuating system, in which each of its constituent elements expresses the whole, and reproduces its distortions. By focusing almost exclusively on an axiomatic deduction of principles, Rothbardians obscure the broader "hegemonic" socio-historical and psycho-cultural context.

The critics challenge Rothbard to embrace a greater appreciation of this context. Rothbard's framework attempts to alter the principles by which human beings interact, without taking into account the real, concrete conditions that shape human action. If changing the totality of social existence is inconceivable, then changing social existence in disregard of the totality is unimaginable. Rothbard's libertarianism uplifts our sense of human possibility only if it incorporates a more comprehensive understanding of its own preconditions. ❑

Notes

1. Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), p. 312.
2. Walter Block, *Libertarianism* vs. *Objectivism: A Response to Peter Schwartz* (New York: Laissez-Faire Books, 1987), audio tape lecture.
3. Ibid.
4. Rothbard, *The Sociology of the Ayn Rand Cult* (Port Townsend, Wash.: Liberty Publishing, 1987).
5. Barbara Branden, *The Passion of Ayn Rand* (Garden City, New York: Doubleday and Company, 1986), p. 413.
6. Rothbard, *The Ethics of Liberty* (Atlantic Highlands, N.J.: Humanities Press, 1982), p. 41.
7. Rothbard, "Viewpoint: is liberty enough?" *Reason* 11, no. 8 (December 1979), p. 58.
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22. Edmund Burke, *Reflections on the Revolution in France* reprint ed., Thomas H.D. Mahoney, (Indianapolis: Bobbs-Merrill, [1790] 1955), p. 29.
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30. Ibid., p. 7–8.
31. Friedrich Hayek, *Law, Legislation and Liberty, Volume 1: Rules and Order* (Chicago: University of Chicago Press, 1973), p. 14.
32. Hayek, *Law, Legislation and Liberty, Volume 3: The Political Order of a Free People* (Chicago: University of Chicago Press, 1981), p. 129.
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34. Rothbard, *The Sociology of the Ayn Rand Cult*, op. cit.
35. Rothbard, *Power and Market*, p. 263.
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38. Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, ed. and trans. by Q. Hoare and G.N. Smith, (New York: International Publishers, 1971), p. 432.

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Profile

A Master of Black Dots and Strange Timbres

by Richard Kostelanetz

"The East is East and the West is West." Composer Lou Harrison is both.

"My feeling is that Lou Harrison is one of a handful of the most important living American musicians," the conductor Dennis Russell Davies told me recently, explaining why he premiered Harrison's Fourth (and Last) Symphony with the Brooklyn Philharmonic Orchestra at the Brooklyn Academy of Music in late October. In his home in Aptos, California, Harrison recalls, "The idea for this new work arose in a taxi crossing Miami two years ago. Having just conducted my Third Symphony (1982) which he commissioned, Dennis asked me if I might start thinking of another symphony for him. I didn't know whether I had another symphony in my head." A formal commission from the Brooklyn Academy of Music, on behalf of the Brooklyn Philharmonic, helped overcome his doubts.

Though Harrison's work is not played in New York as often as it should be, he has long been regarded as a major American musical figure, not only as a composer but as a critic and editor. Born May 14, 1917, in Portland, Oregon, the son of a businessman, he went to high school in the Bay Area and then began San Francisco State College. As a child, he had taken both dance lessons and music lessons, and had performed in plays. As a young adult, he studied French horn, clarinet, harpsichord, recorder, and percussion instruments; he studied privately with the composer Henry Cowell (1897–1965). At the same time Harrison befriended John Cage, a Californian only a few years older than himself; and the two share libertarian anarchist politics to this day.

Having already established himself as an accompanist for modern dancers, Harrison was hired by Mills College before he turned twenty, incidentally dropping out of college. Declared 4-F as a homosexual, he spent 1941–1942 in Los Angeles, working for the choreographer Lester Horton and studying with Arnold Schönberg, the Viennese composer who had emigrated there a few years before.

In 1943, Harrison moved to New York, where he met the composer Virgil Thomson, who introduced him to the idea of writing for a living. Thomson was the music critic for the New York *Herald Tribune*, and preferred on principle to hire composers as reviewers. Not long afterwards, Harrison replaced Paul Bowles, who was then a composer and not yet a novelist. Harrison also contributed reviews, profiles and previews to other magazines. In the judgment of Brooklyn College musicologist Carol Oja, "Lou's criticism of the 1940s, while small in quantity, was large in impact, spearheading the recognition of Ives, Ruggles, Varése and other then-forgotten modernists of an earlier generation."

Back in 1937, urged by Cowell to write the composer Charles Ives, then better known as a retired insurance salesman, Harrison had received a crate of photostats. He "lived with this material for a decade," as he puts it, preparing definitive scores for publication and performance, premiering certain pieces himself, and even writing missing sections for Ives's approval.

Only once did he actually meet Ives, who was customarily portrayed as too ill to accept visitors. "I went to his brownstone in New York City. Walking up the stairs I encountered Mr. Ives whirling a cane; I had to duck. His voice boomed, 'My old friend, my old friend,' even though I'd never met him before in my life!"

After suffering a nervous breakdown in the late 1940s, Harrison left New York, for which he still has distaste, and moved initially to North Carolina, where he taught at Black Mountain College for a year and then stayed another year on the first of two Guggenheim Fellowships. By 1954, he had moved back to the West Coast,

eventually settling in Aptos, a sunny hamlet just east of Santa Cruz, some ninety minutes south of San Francisco.

For many years he lived by his wits, working at times as a forest firefighter and even as a veterinary nurse in an animal hospital. "It was the only other job in which you could caress the customers all day," he jokes. He earned royalties on certain Charles Ives compositions, but not until the 1960s did these amount to much. (And then, according to stipulations in Ives's will, some were reassigned to the American Academy of Arts and Letters.) Harrison received occasional awards to compose and travel.

"I went to Charles Ives' brownstone in New York City. Walking up the stairs I encountered him whirling a cane; I had to duck. His voice boomed, 'My old friend, my old friend,' even though I'd never met him before in my life!"

His fiftieth year, 1967, was a turning point. He met William Colvig, a man his own age who was then working as an electrician in the San Francisco Opera House; the two have lived together ever since. Harrison also began to teach at the universities, beginning with San Jose State from 1967 to 1980, with occasional forays to the University of Southern California and Cabrillo Community College in his home town. In 1980 he was awarded the Milhaud Chair of Music at Mills College, continuing to teach there until his retirement in 1985.

Though Harrison and Colvig do not share a political philosophy—Colvig is pretty much a socialist, while Harrison is a libertarian (yes, they argue all the time)—they do share a compound at the top of a hill, a few miles up from the Pacific Ocean. Behind its high wooden fence is a sun-drenched ranch house with a high-ceilinged studio (called "The Ives Room") a modest trailer that serves as the composer's workroom, a platform that doubles as either a performance stage or, when screened, a crash pad, prosperous gardens growing food they eat, and Colvig's shack full of tools and scrap wood.

During the 1989 California earthquake—its epicenter was only two miles away—their home almost *became* scrap wood. On October 17, Harrison was sitting in a favorite living-room chair at 5:07 in the afternoon. "It hit without any warning whatsoever. I've been in a lot of earthquakes," he explains, as a veteran Californian, "and normally there's a rumble or some unsteadiness. Here there was nothing. It hit like a sledgehammer. The whole house exploded. Walls splintered. All the walls were shaking in different directions. The cracking, the crushing, the noise—it was terrible. I tried to get out and thought the door would be stuck, because the whole building was moving. Oh, it was terrible. And Bill wasn't here."

After explaining how he pulled open the door as the wall returned to an appropriate angle, he continues, "We couldn't get back into the house for several days. The kitchen was barricaded. There was glass all over. Besides, the thing was quaking all the time. Not too many months ago, I had a dream in which it happened all over again, and this time the house did disintegrate. Had it gone on for more than 17 seconds, as it did, the whole house would have disintegrated."

An ebullient bearded man, with a healthy resemblance to Orson Welles, Harrison identifies strongly with the West Coast in general and the Bay Area in particular—in spite of the earthquakes. The California license plate on his geriatric Mercedes reads "COMPOSR1," which might be immodest, were it not true. He thinks of West Coast music as profoundly different from East. "We don't feel we must torment ourselves or others, and are not afraid if our music sounds well. We're not afraid of new tunings." He is a successor to two California composers—not only to Cowell, who, as Harrison puts it, "as a twentieth century person didn't want to limit himself to one musical tradition," but also to Harry Partch (1901–1974), a true American eccentric who also explored alternative scales. This accounts for Harrison's long advocacy of "just intonation," which he equates with "truly tuned."

With typical precision his colleague John Cage says, "Now that he's older, his music is more devoted to what we would call, with all of its meanings, a music of the Pacific." Harrison acknowledges the influence of "Korean classic court music, Chinese late chamber music, Javanese court and folk music of which I know three traditions—Cirebon, Central Javanese and Sundanese . . . not 'Sudanese,' which is African." He houses a rich collection of instruments in the Ives room; and those he has not been able to buy Bill and Lou have made themselves, including the complete set of several dozen percussion instruments comprising the gamelan.

To fulfill the Brooklyn commission, Harrison turned first to "unused parts" of music written for the Erick Hawkins ballet *New Moon* (1989). "They were of a different kind from what the ballet needed, but since they felt wonderfully symphonic, I used them here." They became the new symphony's first movement. Not unlike J. S. Bach, Harrison draws frequently upon earlier works. For the second movement, he drew upon an earlier gamelan composition for four Native-American coyote stories, using only three of them for his second movement. "In both these movements, all the compositional procedures are lifted directly from Javanese gamelan. In the first movement, those techniques are used in a chromatic context, and they work. I have long maintained that the procedures of Javanese gamelan are what we used to call universal." That accounts for why all the instruments in the piece will be Western, except for three—a bell tree, a big gong, and a very large woodblockish instrument.

The California license plate on his geriatric Mercedes reads "COMPOSR1," which might be immodest, were it not true.

continued on page 66

Warning

The Bonfire of the Subsidies

by Michael S. Christian

The spread of monolithic states, with their ability to crush out individual freedoms on a continental scale, has always filled libertarians with apprehension. The sight of the EC crushing the ability of individual *states* to limit personal freedoms, however, is somewhat more gratifying.

The European Community, a group of sovereign states bound by far-reaching treaties, looms larger as additional states sign on or become included by twists of history. In October, the Community expanded to include the former East Germany. As it articulates its powers, its influence will grow even when the territory it covers does not.

The growth of governmental power can hardly be regarded as beneficent in itself. But from a libertarian perspective, the Community as it is now evolving can be the source of good as well as bad news, because as a federal government it is able not only to interfere with individuals but also to limit the onerous powers of local governments.

The Community is supposed to promote, indeed enforce, free trade among its members, free movement of citizens from one member state to another, and freedom from government-sponsored unfair competition. The advent of the Community is no clear victory for such freedoms, but it gives them a chance.

Europe is going through a process of federation or federalization from which Europeans and the rest of the world will benefit and suffer for decades and maybe centuries to come. The proportion of good news to bad news springing from the application of the powers of EC governmental bodies will determine whether, on balance, the establishment of the EC was a good or a bad idea.

I can already hear frowning libertarians saying that more government is never better government. In general, I agree, but consider the growing EC phenomenon that has been called the "Bonfire of the Subsidies."

This is a campaign by the European Commission to reduce the levels of state subsidies granted in various forms, primarily to local businesses, by EC member governments. Recently, for example, the Commission ordered British Aerospace to repay 44.4 million pounds to the British government in connection with its purchase of Rover. In that case, the Commission was applying EC doctrines designed to reach all kinds of subsidies that affect trade among member states.

For this purpose state financial assistance is broadly defined, so that prior approval may be required for many forms of subsidies, including tax exemptions, export assistance, equity participations, and state guarantees. The "Bonfire of the Subsidies" is certainly good news, a movement in the direction of freedom, not only because subsidies are granted at the expense of taxpayers, but also because they interfere with the businesses that do not benefit from them.

We can get an idea of what to expect from the EC by looking at the remnants of our own federal system. We should not forget that much of the history of federal enforcement of the Constitution has been good news. It has often served to restrain the individual states from interfering with the rights of individuals. For example, states fearing certain forms of speech (such as flag burning) or its content or its effect on citizens (such as the use of racial slurs to provoke violent responses), from time to time attempt to restrict our freedom of expression; the federal courts often step in to stop them.

Good charter documents of course are *designed* to define and limit the powers of groups, institutions, and majorities over individuals, but the Constitution is not the only fountainhead of federal restraints on state action. The expansive nature of federal systems is another. This is what Madison had in mind when he wrote:

> A religious sect may degenerate into a political faction in a part of the confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils

> against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other im-proper or wicked project, will be less apt to pervade the whole body of the union, than a particular member of it.

Federation is not always successful, but the tendency is there and is often effective. I am sure that were the state of Michigan independent, its citizens would have one hell of a time trying to import Japanese cars.

On the other hand, federal powers, like all governmental powers, are subject to abuse. Proof of this point is abundant and facile. How about federal deposit insurance, for example, or taxation for the purpose of making transfer payments? Federal abuse of individuals is also systematic and institutional; federal regulatory agencies have almost always been used to interfere with individual liberties (such as freedom of contract, much assailed by the FTC and other agencies). This has given us plenty of bad news from Washington.

However you feel about our federal government, its effects are likely to be mixed. Like the federal government of the United States, the EC interferes not only with states but also with individuals. It has, for example, recently proposed a new directive to ban various abusive clauses in supplier-consumer contracts, "abusive" being broadly defined. In other words, the directive would keep individuals from entering into fully enforceable contracts if the EC finds a clause abusive to the willing signatory of his own agreement.

Can more government mean less government interference? Sometimes, when the subjects of a government are *other* governments. So keep watching for good news and bad news from Europe. ❑

Kostelanetz, "A Master," *continued from page 64*

"Dennis told me he likes to do the fourth movement from the *Elegiac* [2nd] *Symphony*, the big chromatic job from the Ruggles idiom. I used to write a lot of it; and so I thought, well I'll essay another chromatic movement for him of that kind. I didn't manage to make it as dissonant," he laughed, "but it is fully chromatic. It has some Ivesian qualities too, to my surprise. I'm always surprised when Ives comes up, though I suppose I shouldn't be."

"I wanted to write an estampie, or stampede. The form has fascinated me for years. I first encountered it in medieval European music in New York, way back when. [My composer colleague] Alan Hovhaness and I were attracted to the form. It's a form I've adopted, which is in a lot of pieces written since then, but I'd never done a stampede as a finale. This time I did. That sort of worries me. It's a long and big piece that should go like the wind and be very exciting, but I don't know." The Fourth Symphony is, like so much of his recent work, an eclectic brew of influences both Eastern and Western, generally unfamiliar but always stylish.

This new symphony represents Harrison's most substantial work since the destabilizing earthquake. "I call the new piece 'Last Symphony' because I need a break from putting black dots on paper. I've written an awful lot of music in the past decade. All through my life I've done other things; but I haven't had a chance to do them recently, because I've been so involved in this pseudo-professional world." Among the seventy-three-year-old composer's current plans are collecting his writings into books, completing a sequence of abstract paintings, and traveling through his four favorite states—Utah, Colorado, New Mexico, and Arizona. He wants to purchase a Parascender, a propeller-powered parachute, and even showed me a video demonstrating it. "Should I ever write another symphony, probably for Dennis, I can call it 'Very Last Symphony!'" ❑

"Thankgiving Mourning," *continued from page 30*

where can you even start with them? Thatcher did not take a totally free-market approach. From the free-market point of view, she was full of shortcomings. Yet with all her faults, she was never out of date, because she was a living demonstration of a timeless truth: she showed that individuals with brains and moral determination could actually change their world.

When Maggie became Prime Minister in 1979, Britain was wallowing, as it had wallowed for decades, in a hideous mire of paternalism, class hatred and the kind of "moral" thinking that sees in socialism both the punishment and the cure of elitism. Both conservative and socialist "intellectuals" self-confidently preached a gospel of defeat and surrender. Capitalism was regarded on all sides as the embarrassment of the past, collectivism as the necessity of the future. Every dose of collectivism produced an economic seizure that called, inevitably, for stronger doses.

Maggie saw through it all. She knew that capitalism was the solution, not the problem. She announced the fact—and soon, leaders and future leaders of other countries were following her lead. She acted on the fact—and soon, the British economy responded with concrete evidence that she was right.

Thatcher shook up the universities by inviting them to look around for some private sources of financing. She shook up the church by inviting it to remember some things that the Bible has to say about individual freedom and responsibility. She shook up the diplomats by refusing to negotiate plain principles of right. She made good on promises of privatization by selling national property worth $57 billion.

You don't have to like everything she did to appreciate who she is. Just consider the contrast with George Bush: while he was sitting in Saudi Arabia, eating boneless turkey and serving up platitudes to soldiers who had been thoughtfully disarmed for the occasion, Maggie was standing in the House of Commons, responding in kind to the attacks of her opponents, and in the midst of the battle she was declaring, with a grin on her "iron" face, "I'm enjoying this." —SC

Reviews

Unfathomed Knowledge, Unmeasured Wealth,
by W. W. Bartley III. Open Court, 1990, xx + 315 pp., $17.95.

Why the Academy Fails

William P. Moulton

William Warren Bartley's *Unfathomed Knowledge, Unmeasured Wealth* is an exasperating book but also a rich one. I can think of no other serious book concerning which it would be more difficult to answer the question "What is it about?" It is, for example, about the ways in which knowledge grows, and the ways in which knowledge can be put to practical use. It is also about determinism and free will, and about how loose sexual behavior leads to the spread of AIDS, and about the dispute between Karl Popper and Thomas Kuhn regarding scientific methodology, and about the benefits that the nineteenth century colonial system bestowed on its subject peoples, and about the errors of Marxism, the problems created by academic tenure, the alleged sole responsibility and guilt of Germany for the First World War, the distortion of Popper's views by the late Anglo-Hungarian scholar, Imre Lakatos, the inconsistency of both conservatives and statist liberals in regard to freedom, Madison's concept of countervailing interests, and much more.

It is this breadth, this tendency to go off on tangents that frustrates and rewards the reader. One moment Bartley is highly abstract, the next almost absurdly concrete. And for my taste, there is simply too much Popper. Almost exactly one half of the book's pages, by my count, deal *entirely* with the views and professional career of the great philosopher of science. Indeed, the entire second half of the book could be titled "Selected Observations on the Academic Career of Karl Popper."

But in spite of its attention to Popper, the book is Hayekian to the core. That Bartley should be preoccupied with both Popper and Hayek is no surprise, of course. Before his death in early 1990, he had been designated official biographer to both, constructed several important books from Popper's lecture notes, and edited the first several volumes of Hayek's *Collected Works*. Like Hayek and Popper, Bartley is primarily concerned with knowledge, many forms of which can never be wholly objectified and conceptualized (a distinctly Hayekian notion). Consequently, "economic measurements" can be very misleading (Bartley, using Ricardo's words, says they are "vain and delusive"). Hence the choice of *Unfathomed Knowledge, Unmeasured Wealth* as title. While that title may not adequately describe the *content* of this work, it certainly conveys its flavor.

This is not to say that *UKUW* lacks original insight. Bartley offers many new applications (especially in Chapters 1 and 2) and even some new epistemological insights. His explanation of the ways in which truth can be "put to the worse" in a free and open encounter (contrary to Milton's famous aphorism) contrasts nicely with his subsequent analysis of the manner in which such a besting nevertheless advances the process of the discovery and growth of knowledge. Bartley points out a problem arising from the belief that truth is easily observed and should as easily triumph in any conflict with error: "The assumption that truth is manifest . . . leads to an interventionist or conspiracy theory of ignorance and error: that if what is true is not . . . obvious, then some party must have intervened to prevent its being seen [or must be engaged in a] conspiracy to suppress truth, whereas in fact interesting truths are anything but obvious, while error and ignorance are omnipresent regardless of intentions, and do not have to be 'explained' by conspiracy" (pp. 21–8). The relevance of this observation, not only to conspiracy theories of the Birchite variety, but to a movement centered around a certain late Russian-American novelist, will be obvious to most readers.

Bartley's prologue (what he dubs "a manifesto by way of a prologue") contains the most orderly characterization that I have ever read of freedom and the ways in which it can be lost. He begins by identifying freedom with two fundamental conditions: the liberty to supply (or not to supply) and the liberty to receive (or not to receive). He argues that all freedoms can be reduced to the ability to exercise these activities. He then enumerates the means by which freedom can be infringed. He subdivides these according to whether the basic infringement is upon the giving or upon the receiving of goods, services, and information. His categories are further subdivided according to the supposed motivation of the prohibitions—e.g., whether the alleged purpose is to protect life and safety, to regulate morals, to enforce a monopoly (such as postal delivery), or to protect and exalt the majesty of the state. The

prologue by itself makes this book essential reading for all varieties of classical liberals.

The core of *UKUW*, containing Bartley's main contributions to the methodology of the knowledge industry, is the section entitled "Universities and the Wealth of Nations" (pp. 89–149). In this rich segment Bartley, in effect, asks three questions.

Bartley argues that all freedoms can be reduced to the liberty to supply (or not to supply) and the liberty to receive (or not to receive). He then enumerates the means by which freedom can be infringed. I have never read a more orderly characterization of freedom and the way in which it can be lost.

First, *Is the theory of knowledge a branch of some larger discipline?*

Bartley's answer is that epistemology is a branch of economics: "the central concern of that branch of philosophy known as epistemology . . . should be the growth of knowledge." This formulation is, of course, unadulterated Hayek. The definition is in at least oblique opposition to the main stream of Western philosophy, which regards the central issue of epistemology to be the discovery of the relationship between sensation and understanding (what Aquinas called the "apprehension of order").

Bartley concentrates on the idea that knowledge is a form of wealth, and that therefore "epistemology is the economics of knowledge." The failure to understand this proceeds from the fact that "the theory of knowledge traditionally taught in universities neglects direct investigation of the growth of knowledge." Both philosophers and academic economists are to blame for this state of affairs, and have thus proven to be impotent to prevent the academy's onset of stagnation and sterility, especially in matters of scientific progress.

Bartley could have avoided some potential misunderstanding in these areas if he had made it clearer that what he terms theory of knowledge would be called by most philosophers an aspect of the sociology of knowledge. With this in mind, the argument is fairly persuasive.

The second question proceeds from the first: *Why are the institutions on which society presumably relies for the production and increase of knowledge seemingly inadequate for the task?* This has been answered in various ways by previous authors. Recent examples include Allan Bloom (*The Closing of the American Mind*), Nicholas Wade (*Betrayers of the Truth*), Richard McKenzie (*The Political Economy of the Educational Process*), and Charles Sykes (*ProfScam*). Bartley draws some inspiration from each of these, but arrives at a different, and to my mind, better answer. Bloom and McKenzie find the root of the problem in cultural corruption; Sykes finds the professorial system itself essentially corrupting; Wade finds the academy given over to a hopeless muddle of political tendentiousness and thought-policing. For Bartley, the problem is that the instititutional framework is not compatible with the ostensible goal of advancing human knowledge. He concludes that the entire university system is bureaucratic; it is structured to perpetuate itself and to further the careers of its members. The advancement of knowledge, the stated goal of the process, is actually little more than a by-product. For Bartley, the academic caste is locked into "fiefdoms, guilds and mutual-protection rackets."

The third question is, *What is there in the structure and organizational patterns of the knowledge industry that renders the entrenchment of "false philosophies" so easy?* Bartley indicates that the principal "false philosophies" that are firmly ensconced in today's major universities are "Wittgensteinian[ism], logical positivism, phenomenology and hermeneutics . . . behaviorism, pragmatism, determinism, and scientism." These doctrines prosper thanks to the incentive structure of universities: they lack a signalling mechanism for changes in the market of ideas. "For certain kinds of groups, universities are handy places in which to have a strong redoubt. They are handy for groups that are not competitive, that are peddling ideas for which there is little demand—ideas that do not work, that fail to explain, and whose proponents are . . . tempted to turn them into ideologies."

Being a representative of an ideology (or "school") makes academic life easier, since "internal scrutiny is more or less within the control of the professoriate." In such circumstances, "There is little hope of accelerating the advancement of learning . . . until it is more widely acknowledged . . . that individuals working in educational institutions are as self-interested as businessmen, but that the organizational framework in which they operate . . . tends to work against public benefit . . . because educational and professional institutions work contrary to market principles" (p. 100).

Consider Bartley's treatment of one of these "false philosophies." He argues against some of the central ideas of Thomas Kuhn, one of the pioneers of the sociology of knowledge and the originator of the "paradigm" explanation of scientific progress. Bartley identifies the irrationalist, subjectivist, and relativist implications of Kuhn's theory of paradigms, which holds that the discovery processes operative in science never actually advance toward a knowledge of reality but simply exhaust the conceptual potentials of an endless chain of successive attempts at explanation. Amusingly enough, however, Kuhn's paradigm model does seem to describe how the world of the universities collectively gropes with beliefs about the material world, to the credit of neither the model nor the universities.

For Bartley, knowledge is a form of wealth, and therefore epistemology is a branch of economics.

Though Kuhn's theory may explain how institutions produce generation after generation of bogus theories, it is Popper who explains how appropriate-

ly managed institutions achieve closer and closer approximations of truth. Bartley develops Popper's notion by showing that scientific and scholarly innovation takes place in the academic sphere only when this sphere interacts with (and faces competition from) people and institutions outside the academy. Bartley champions the independent and non-institutional innovator. He sees the universities as essentially dormant and nonprogressive.

Unfortunately, it is the academics who will most enjoy the Popperian segment of this book. Some of the material is so specialized that it seems plainly aimed at those with a professional interest in the arcana of the field of scientific methodology. Other chapters deal with intra-academic disputes, involving such matters as the alleged misinterpretation of Popper's positions by Imre Lakatos and the question of whether or not Wittgenstein's *Tractatus Logico-Philosophicus* implicitly refutes Popper's negation of inductive logic.

But there are interesting tidbits of information to be mined here and there from the book's long discussion of Popper. For example, I was surprised to learn that Sir Karl's most famous work, *The Open Society and its Enemies*, was initially rejected by more than twenty publishers, and that it was at length published by the firm of Routledge and Kegan Paul only after personal and private intervention by Hayek.

There are other informational jewels scattered through the book. To cite only one: the use of the term "iron curtain" was used to refer to the division between Communist countries and non-Communist countries in Europe long before Churchill popularized it in his famous speech in Fulton, Missouri, in 1946, and before Nazi Minister of Propaganda Dr Joseph Goebbels's similar use a year earlier: it was used in exactly the same context, in a forgotten book called *Through Bolshevik Russia*, published in 1920. (What does this have to do with the methodology of scientific discovery? Well, nothing, of course. Bartley's book is like that).

I am compelled to add a few trivial caveats. Was John Stuart Mill really an "innovative economist?" (p. 128) Was there no growth in per-capita production of wealth prior to the sixteenth century? (p. 92) Surely during the long peaceful summer of the Roman Empire (first and second centuries A.D.) there must have been some growth, and perhaps also during the Hellenistic era, to say nothing of the stable periods of the great eastern empires. "Soviet," when used in the context of "Soviet studies," clearly refers to the name of the country involved rather than to a principle of social organization and should be capitalized (pp. 102 et subq.)

But these are quibbles. Bartley's answer to the problem of the vitality of bogus theory in the academic environment by itself qualifies *Unfathomed Knowledge, Unmeasured Wealth* as an important book, and it offers the reader far more. With its publication, Bartley can no longer be considered to have been a mere epigone of Popper and of Hayek. ❑

***Meltdown: Inside the Soviet Economy*, by Paul Craig Roberts and Karen LaFollette. Cato Institute, 1990, 152pp., $9.95.**

The Sick Man of Europe

Jane S. Shaw

If you are excited and curious about the turmoil of the Soviet Union, but haven't followed the events step by step, this could be just the book for you. In just 150 pages, Paul Craig Roberts and Karen LaFollette draw a fascinating portrait of a crumbling Soviet economy—a world of deprivation, corruption, and fraud.

And they do more. Roberts has a rhetorical gift for arraying facts to maximize insight, and for shaping insights into sweeping generalizations. He is best known for his role in the 1970s when, as a *Wall St. Journal* columnist, he created an exciting vision of how tax cuts could unleash economic growth. When Reagan's policies stalled in the early 1980s, he was pilloried for having oversold the program. But that criticism faded as the Reagan years turned into a seven-year-long economic boom.

In a similar way, in *Meltdown*, he and LaFollette bring the facts to life, making the nature of the Soviet economy visible and comprehensible to the nonspecialist. (Actually, Roberts is a Soviet scholar; he wrote a scholarly study, *Alienation and the Soviet Economy*, in 1971.) By highlighting key characteristics of the Soviet system, they lay the foundation for understanding Gorbachev's strategy for dealing with it. They propose some ideas for how privatization could be achieved and, as a fascinating aside, they offer a persuasive explanation for why American intellectuals have always overestimated the Soviet Union.

The facts they build on come mostly from Soviet press accounts since the advent of *glasnost* and from reports by Western and Soviet observers. You read, for example, about the kind of food that can turn up in Moscow: cans of corned beef corroded with black spots; milk sausage with filler that degenerates into a "slippery piece of soap"; and "sandwich butter" (half real butter and half a whitish material).

You learn that a regional hospital in Mogocha has no plumbing; a new one-story clinic cannot open because radiators for hot-water heating cannot be found anywhere in the province. Botkin Hospital in Moscow (apparently one of the better hospitals, where Westerners are sometimes treated) has three toilets for 76 men, but no toilet seats or toilet paper. According to a *Pravda* report, the men's ward in a rural hospital is a "curtained-off corner with three beds"; equipment is virtually nonexistent.

They report that the official infant

mortality figure in 1988 was 25.4 deaths per 1000 live births (placing the Soviet Union 50th in world ranking). They argue that the actual rate is much higher. They tell how eight newborns died of toxic septic disease in a city hospital in Sovetabad; even after the first baby died, staff members couldn't keep the formula sanitary; then the hospital administration tried to cover up the deaths. According to a Soviet television documentary on ethnic strife in Azerbaijan, 65% of the babies born in the city of Sumgait are blue babies (suffering from lack of oxygen).

In Moscow, workers spend much of a typical day away from work, searching for basic necessities; blue-collar workers can do this because little work is expected of them and for the first two weeks of every month, raw materials are usually lacking anyway. Professionals, who do have to appear at work most of the day, hire shoppers to run around town for them.

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Outside Moscow, the basics are even harder to find. People survive on the produce they can grow in their tiny home plots and intercept food on its way to the cities for sale on the black market. "At isolated rural stops, peasants burst onto trains to buy oranges, apples, and milk from a train staff eager to pocket additional rubles for the service," write Roberts and LaFollette.

But *Meltdown* is more than a collection of such anecdotes. Without dwelling on economic details, Roberts and LaFollette offer several valuable insights into the Soviet debacle. Among them:

1). The Soviet Union is not, in fact, run by rigid, hierarchical central planning. Rather, the much touted central plan is an aggregation of agreements worked out by factory managers and their supply agents, the central planners. There are so many formal rules and regulations that the factory manager, who chooses which to accept and which to ignore, actually has considerable power.

The game is to wheedle enough supplies to enable the factory to meet or exceed the plan. Each plan target is expressed in "gross output"—goods measured by volume, size, or weight, or number. Quality as viewed by the consumer is not a factor. "If the factory's output is specified by weight, its products will be heavy. If the plan is expressed in volume, the goods produced will be very thin or flimsy," they write. Even Khrushchev complained about chandeliers so heavy they pulled down ceilings; more recently, the authors found seven citations in *Pravda*, over a two-year period, that described collapsing roofs or structural walls. "Production in the Soviet Union frequently amounts to destroying the original value of the inputs," they write.

2). In place of central planning, the Soviet Union is run by regional bosses with enormous power holding sway over a terrorized population. Roberts and LaFollette call these people "a depraved breed of rulers" who run their regions like medieval fiefs and have power akin to the satraps of Persia.

The central government's lack of control over such people explains Gorbachev's move to introduce democracy (as well as *glasnost*). Gorbachev is trying to create a separate base of power from which to reduce the power of the regional bosses. This explains his insistence on heading the Communist Party (the old, corrupt structure) and being President as well, thus heading the nascent democratic forces.

3). Western intellectuals failed to recognize that the Soviet system was an economic and moral disaster because they were blinded by their own alienation from the West. The authors offer a choice selection of Western apologists for the Soviets. Some are obscure today, like the Dean of Canterbury who stated in 1940 that Stalin would "stand out as a giant among pygmies" because he "trained and guided that great family of peoples that we call the Soviet Union toward the right exercise of power. . . ." Others are more prominent, such as John Kenneth Galbraith, who managed to write in 1984 that "the Russian system succeeds because in contrast to the Western industrial economy it makes full use of its manpower." (This sentence makes you hanker for more, but, unfortunately, it is the only quote from Galbraith in the book.)

Partly, the authors argue, intellectuals simply didn't recognize that the world Lenin created depended on violence. But more fundamentally, the hostility of Western intellectuals to their own society prevented them from looking objectively at other societies. Roberts and LaFollette cite Michael Polanyi's explanation that Western intellectuals have inherited an inconsistent mindset from the Enlightenment—fervently held moral goals, on the one hand, and cynicism about human motives, at least under the reigning capitalistic system, on the other. Intellectuals have always been indignant at the failure of Western society to live up to high moral standards (some people are allowed to be poor and live in crowded tenements, for example) but they disparage any moral achievements (the re-

"We're out of coffee — shall I slap you a few times?"

lief of poverty or the advent of sanitation) because they distrust the motives that bring about such improvements. This double-barreled antagonism has made it difficult for intellectuals to see the good in the West and has stunted criticism of any society that seemed to challenge the West.

"In academic life today, any work that affirms our society smells of patriotism and implies a lack of objectivity, whereas anti-Americanism has positive connotations," explain Roberts and LaFollette. Other countries and social systems that don't share the faults of the West are spared such criticism—because "to denounce opponents [would imply] affirmation of one's own society. . . ."

Meltdown is neither deep, nor long, nor detailed. But it is devastating as it describes a society on the ropes and illuminating in its interpretation of what went wrong. ❑

***Slam*, by Lewis Shiner. Doubleday, 1990, 233 pp., $18.95.**

Anarchy's Lighter Side

Lawrence Person

Ex-Cons. Cats. UFO's. Skatepunks. Computer networks. Anarchy. Any of those subjects by themselves might form the basis of an interesting and offbeat novel. But when someone combines them, as Lewis Shiner has done in *Slam*, you know you're in for a pretty strange trip.

Previously known for his science fiction and fantasy, Shiner has moved steadily away from the confines of genre categories in recent years. *Deserted Cities of the Heart*, his previous novel, deftly trod the line between fantasy and reality by combining magical realism, Pyregionian complexity theory and current political events in Central America into a strange and heady brew that won considerable critical praise both in and outside the SF field. With *Slam*, Shiner has shed genre labels entirely to craft his most successful and interesting novel to date.

Dave, a newly paroled ex-con who just did six months of hard time for tax evasion, seems to have landed the perfect cushy job for his return to the outside world. Like something out of a *National Enquirer* headline, a crazy old woman has died and left a fortune to her 23 cats, including a generous stipend for a live-in caretaker to tend them at her expensive beach house near Galveston. All Dave has to do is feed the cats, lay back, and take it easy while he finishes up parole.

That is, until he finds out that several people are interested in the house as they start to show up, one by one, on his doorstep. There's Bryant Whitney, who preaches a gospel based on UFOs, a world-trotting "adventuress" named Mary Nixon who keeps claiming to be different relatives of the deceased owner, and a blind and deaf husband-and-wife team of treasure hunters (he's deaf and she's blind). If this were not enough, the tendency of Dave's friend to have beer parties in the house and Dave's own "bad attitude" soon lands him in trouble with Mrs. Cook, his fundamentalist parole officer.

In his spare time, Dave plays with the late owner's computer and starts to read her books, which include such titles as *Guerrilla Capitalism* and *God and the State*. But his lessons in anarchy move from the theoretical to the practical when he finds himself in a relationship with Mickey, a girl half his age who lives with a band of teenage skatepunks in a deserted concrete house on the beach. Though Dave starts to enjoy his new life on the outside, his freedom is jeopardized when Terrell, a murderer, escaped convict and Dave's old cellmate, shows up at the house with two garbage bags full of marijuana and a penchant for some highly illegal guerrilla capitalism of his own. With his chances of staying out of jail moving rapidly toward zero, Dave decides that its time for him to disappear from society for good. . . .

Although *Slam* does deal with the effects of practical anarchy at the personal level, it is anything but a rigid polemical rant. Rather, it's a very good (and very funny) novel, and one whose writing shows considerable development over *Deserted Cities of the Heart*. Both the book and the prose are lean and unencumbered, filled with real people speaking real dialogue, and zipping along at an almost dizzying pace.

Indeed, by combining several interesting and diverse people in one novel, Shiner has captured a broad range of emotions and themes that reflect life in the late 1980s, from madcap comedy to serious social introspection. There's one very fun scene of a drug deal gone wrong that reads like Cheech and Chong doing the Marx Brothers; in another scene, a young skatepunk's heroin addiction has gotten so bad that he blows the one chance he had for corporate sponsorship at a big competition. Even when it comes to sex, that most timeless of subjects, *Slam* displays attitudes distinctly fixed in the late '80s, with Dave never having intercourse without first donning a condom.

Although Shiner's lean, streamlined prose is certainly far preferable to the turgid political tracts passing themselves off as fiction these days, things in *Slam* move so fast that you wish Shiner had pulled back just a little and put a tad more meat on the bones of this novel. The world of skatepunks that he shows us is so interesting and different from our own that he could easily have spent more time exploring it. By the same measure, there are many topics in this book (like computer bulletin boards and the underground economy) that Shiner only touches on for the briefest of moments, and many of these could have been explored in more detail without slowing the novel's almost frantic pace.

Still, these are minor flaws. With *Slam*, Shiner has fashioned a detailed, amusing and thought-provoking novel, and has also proved that, in *any* genre, he's an author to watch. ❑

The Civil War,
by Ken Burns. Public Broadcasting Service, 1989.

Uncivil War

R. W. Bradford

My mother's maternal grandfather was wounded at Shiloh. It took him several years to die. Whether he is included in the total 620,000 Civil War dead that the history books report I do not know.

I was an adolescent during the centennial of the Civil War, and like most red-blooded American boys, I found adventure and glory in the war. Of course, I knew, that a lot of people died. But the war had freed the slaves and preserved the Union. I had a fair idea of what it meant to free the slaves and only a foggy idea of what it meant to preserve the Union.

But as I matured, I came to appreciate the War's costs and consequences. And I began to wonder: Why did my great-grandfather and another 620,000 die? Why did my country suffer this horror? Was it worth it?

According to Ken Burns' 11-hour documentary on the Civil War, shown recently on PBS, the Civil War was a Good Thing despite its horrible costs, because it made the United States into a nation. Before the war, the producer tells us, people said "the United States are . . ." After the war, people said "the United States is . . ." In addition, the carnage was sanctified because it was a crusade against slavery.

I'm sorry, but I don't buy it. First of all, I'm not convinced that forging the United States into a nation was a good thing. It seems evident that what is meant by the phrase is that people began to perceive themselves as being fundamentally citizens of a particular nation-state and that centralizing power in this state is a good idea. This alone, I believe, would be sufficient to qualify the Civil War as a disaster, even if it had not cost the lives of 620,000 American men and God knows how much treasure.

Though Burns didn't explicitly state that the rise of collectivism was essential to the War and to the War's virtuousness, the message was plain enough: the suspension of *habeas corpus*, restrictions on freedom of speech, creation of the income tax, and imposition of the draft. There were other consequences, not mentioned: government control of banking and creation of the first federal government issued money come immediately to mind.

Nor do I find the idea that the noble goal of ending slavery somehow made noble the slaughter of hundreds of thousands of men. For one thing, it is not clear to me that very many of the participants were fighting against slavery. Few of the Confederate soldiers owned slaves, and many of them viewed the slave-owning class with a mixture of disdain and envy. For another, the Federal government and its soldiers claimed for most of the war to be fighting for "liberty and union, one and inseparable, now and forever," i.e. the idea that once a state joins the United States it cannot leave, and deserves to have its citizens slaughtered, its cities destroyed and its land burned over if it tries.

Lincoln's Emancipation Proclamation didn't free all slaves in the United States: those who were owned by people loyal to the Federal government were specifically exempt from emancipation, as were portions of the South already conquered by the Union.

The Emancipation Proclamation didn't end slavery at all; it only punished those who opposed the idea of union at the point of a bayonet by confiscating their slaves. In the re-election campaign of 1864, Lincoln's advisors warned him that freeing the slaves of Confederates wasn't very popular and urged him to emphasize the "union forever" theme instead.

I suspect that slavery would have been ended before long even if the Civil War had never been fought. Everywhere else in the Western world slavery was abolished during the 19th century without lunatic generals muttering "war is hell" and ordering thousands of men to their deaths, without picturesque creeks overflowing with human blood, without thousands of arms, legs and heads blown to pieces, without destroying every farm, home, and commercial structure over thousands of square miles and ravaging tens of thousands of square miles only slightly less brutally, without the suspension of fundamental civil rights, without institutionalizing government controlled money and banking, without increasing taxes to gargantuan levels, and often without leaving the legacy of racism that continues to cripple the South to this day.

The British Empire ended slavery by political reform, compensating slaveowners for their lost "property." The idea that a man can own another human being as property is horrible, and the idea that the slaveowner should be compensated for the loss of his slaves seems outrageous. But the price Britain paid to free her slaves was infinitesimal compared to the price America paid.

Brazil ended slavery by political reform. In Brazil today, I am told, there is far less racial prejudice than in the U.S. Is there a connection between the ebbing of racial prejudice in Brazil and its peaceful abolition of slavery and the persistence of racial hatred in the U.S. and our violent abolition of slavery? I don't know, but I suspect that the Civil War had the effect of strengthening and perpetuating the social attitudes that underlay slavery.

We can't go back to 1861 and see how things would have turned out if

the warmongers had not triumphed, if the Yankee radicals hadn't had their way, if the federal government had recognized southern states' secession, or if cooler heads had prevailed in Congress and the fabric of the Union hadn't been torn by the issue of slavery. We can only speculate.

But we can look at another conflict: the conflict between communism and democratic capitalism that began in the wake of World War II and is ending today. To my way of thinking, communism is as evil as slavery. In fact, communism in practice turned out to be pretty much the same thing as slavery: a social system based on the notion that some individuals ought to be under total legal control of others. It is slavery in a pretty dress, with a new ideological rationale.

Radical anti-communist forces within the United States advocated the same sort of approach toward the communist nations that the radical anti-slavery forces advocated in the decades before the Civil War.

During most of the past half century, radical anti-communist forces within the United States advocated the same sort of approach toward the communist nations that the radical anti-slavery forces advocated in the decades before the Civil War. Communism, they argued, is a vicious and evil social system, degrading its subjects, destructive of the human spirit. It must be fought tooth and nail, even if this means total war.

The radical anti-communists managed to get the U.S. government involved in two "limited wars" against communism. In Korea, we fought to a draw; in Vietnam, we suffered a humiliating defeat. But the radicals never got the U.S. involved in a total war against communism.

What would have happened if the radical anti-communists had won? If we had fought an all-out war against communism? Let us suppose that the Cuban missile crisis of 1962 had resulted in all-out war between the U.S. and the Soviet Union. Obviously, we would have been worse off if we had lost the war. But what if we had won the war, as we won the Civil War? Would the the destruction of communism have been worth the price we paid?

Once again, we can only speculate. We can't go back and change history to see what would have happened. But given the resources at our command and at the command of the communists, it seems quite plain that the war would have been even more costly, that even more young men would have been slaughtered, even more civilians killed, even more property destroyed, even more of our civil liberties and civil order destroyed. A generation decimated by the war, the productive capacity of our free system dedicated to destroying other human beings and their property, greater growth of the power of the state . . . these would have been some of the costs of destroying communism.

Instead, we went about our lives. Instead of inventing new means of killing, we invented computers, videogames, and compact disc players. Instead of killing each other, we got married and had kids. Instead of drinking radioactive water from canteens in filthy trenches, we drink water bottled halfway around the world and served with a twist of lemon. Instead of going off to war, we went off to Maui or Jamaica or Florida and relaxed on the beach. Instead of being inspired by the bellicosity of our war anthems, we were inspired by rock and roll, and jazz, and the blues, and any other kind of music we liked. Instead of driving new, more efficient tanks to our deaths, we drove new, more efficient cars to our vacation destinations. Instead of our nation and half the world being devastated, we worry about our landfills overflowing with disposable diapers.

No. We didn't have an all-out war on communism. And that meant that more than a billion people had to live under communism for another few decades, just as not having an all-out war on slavery would probably have meant that four million people would have had to live another few decades under slavery.

As I watched Burns' documentary, I wondered: would we be better off forgetting the Civil War, blotting it from our consciousness? For those who learnt from it, remembering its horror, its cost, and its paltry benefits, reliving the war is a dreadful experience. For those who failed to learn from it, the Civil War remains, in the words of one historian whose talking head appeared in the documentary, "a testament for the liberation of the human spirit for all time." It took less than a half century for Americans to go to war again, to forget the horror that war is and to remember the glory that politicians tell us it is.

Don't get me wrong. I am no pacifist. I have no objection to using violence in defense of my person, my family, my liberty, or my property. My dislike of war is purely *post hoc*, the product of seeing war and examining its consequences. There may be "good" wars. I suspect the American revolution qualifies. But seldom does any war justify its cost in terms of hatred, destruction, and carnage. ❑

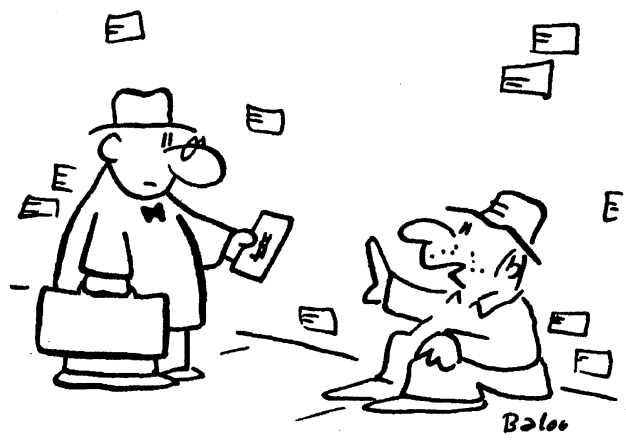

"Thank you, sir, but I had to give up panhandling — I couldn't afford the insurance."

Booknotes

Economic Man — After slogging through the turgid, repetitive prose and sloppy thinking of ***The Political Theory of Conservative Economists*** by Conrad Waligorski (University Press of Kansas, 1990, 260pp.), I can only conclude that my ignorance of conservative economics is blissful.

Waligorski's goal is to examine the normative political implications of the allegedly value-free economic thought of three thinkers who he insists on conflating as being examplars of "conservative political economy": James Buchanan, Milton Friedman and Friedrich von Hayek. But his inability to see any differences between these thinkers is only the beginning of the book's conceptual flaws.

His major problem in dealing with the thought of Buchanan, Friedman and Hayek is his admitted inability to deal with them as economists. He has no idea, either theoretically or historically, whether these guys have anything up on Keynes, Thurow or even Galbraith. He treats every discussion of government failure or the damage government interference can do to an economy or even the assertion that inflation is caused by government as unproven, unsupported, apodictic assertions on the part of three cranky guys in love with religious notions about "spontaneous order." In the book's final chapter, he paints "conservative political economy" as a religious belief.

Throughout his litany of complaints against free-market thinkers (they don't leave room for the expression of the popular will, they pay insufficient obeisance to majoritarian democracy, their concept of freedom is only negative, etc.), he continually ignores the fact that the significant normative difference between economic markets and political markets is the use of force. For someone who insists he is dealing with the normative implications of free-market economics, this is extremely strange, as is his ignorance of the fact that any non-coercive interaction is normatively fine in the eyes of a free-marketer of libertarian leaning.

By harping repetitively that Buchanan, Friedman and Hayek refuse to consider his conceptions of proper equality, democracy, community etc., because these interfere with the operations of the "market." Waligorski makes it appear that the only acts given ethical imprimatur by the likes of Hayek are buying and selling. Waligorski seems incapable of understanding that what gives the market such prominence in the theorizing of his subjects is that it is the arena of non-coercive exchange. And non-coercive exchange can certainly include the free play of affections, community feeling and every other good that Waligorski claims Hayek et al ignore in their single-minded devotion to the spontaneous order of the market.

I recommend any utility maximizer out there do the only rational and ethical thing: waste none of your time reading this wrongheaded, tedious tome.

—Brian Doherty

Examined Lives — Richard Yates's remarkable novel, ***Revolutionary Road*** (Vintage-Random House, 1989, 337pp., $8.95), was originally published in 1961. It has been admired by authors and critics, but it has dropped almost completely out of public attention, resting someplace in the obscurity to which books eventually go when no teachers require their students to read them.

The books that students are not required to read tend to be those that preach no special doctrine, embody no particular artistic ism, make no attempt to rival the scope of *War and Peace*. But some of these books just happen to be perfectly written, and *Revolutionary Road* is one such book. It is grounds for celebration, therefore, that someone has decided to reprint it, wrap it in a hideous glossy cover, and get it out on the shelves again.

Revolutionary Road is a merciless analysis of the life of a young couple occupying a house in a suburb of New York: two young people who are likable, sympathetic, and, in their way, thoroughly dreadful. Imagining that there is something special about themselves, trying to find it, and pretending that they have found it, Frank and April Wheeler become actors in a tragicomedy of diseased self-consciousness. They are the kind of people who just have to stop on the highway at night, a mile from home, so that they can indulge themselves in one more epic argument.

> "*Look* at you, and tell me how by any *stretch*"—she tossed her head, and the grin of her teeth glistened white in the moonlight—"by any *stretch* of the imagination you can call yourself a man!"
>
> He swung out one trembling fist for a backhanded blow to her head and she cowered against the fender in an ugly crumple of fear; then instead of hitting her he danced away in a travesty of boxer's footwork and brought the fist down on the roof of the car with all his strength. He hit the car four times that way: *Bong! Bong! Bong! Bong!*—while

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I certify that the statements made by me above are correct and complete: (signed) R. W. Bradford (publisher)

she stood and watched. When he was finished, the shrill, liquid chant of the peepers was the only sound for miles.

"God damn you," he said quietly. "God damn you, April."

"All right. Could we please go home now?"

With parched, hard-breathing mouths, with wobbling heads and shaking limbs, they settled themselves in the car like very old and tired people.

After a few of these scenes, the reader begins to feel shaky and old, too, but the shakiness and the oldness are rewarding, because they result from witnessing one of the most intense renderings of individual experience in American fiction.

And despite its focus on the lives of two people, despite its refusal to be *War and Peace*, *Revolutionary Road* manages to provide a full and exact depiction of the world surrounding its central characters. All the vapid conformity of their world, all of its horrifying pretense at cheerfulness, all of its secret pathos and heroism—everything is revealed and precisely named. *Revolutionary Road* is the rare work of fiction that is equally good at capturing the atmosphere of the bedroom and the atmosphere of the business office. It is also the rare work of fiction that holds attention both by its continuous seriousness and by its virtually continuous effects of ironic comedy. Look into it. —Stephen Cox

The Feminine Mystic — Robert Anton Wilson is one of my personal heroes. *Illuminatus!*, the novel he wrote with Robert Shea, was the major force in my own intellectual development, helping me toward an inchoate anti-state philosophy as an early adolescent. Wilson once claimed his goal in writing *Illuminatus!* was to make the state an object of ridicule for all educated men, just as Voltaire had intended *Candide* to render the Church. If all educated men would read it, Wilson's goal might yet be achieved. Contained within the novel's wonderfully picaresque and phantasmagorical plot is a witty and thorough assault on the psychology of dominance in all its manifestations, especially its most grotesquely hypertrophied—government.

Some of Wilson's attitudes have prevented him from achieving widespread respect from libertarians. He once described the difference between himself and certain orthodox libertarians as being that he doesn't hate poor people. His compassion for them has allowed him to embrace economic notions—from Henry George, Silvio Gesell, Buckminster Fuller and even Ezra Pound—which fall beyond the pale of *laissez-faire*. His curiosity about subjects such as UFOs and ritual magic have lumped him, in some people's opinions, with the "new age" crystalheads. He doesn't deserve this pigeonholing; his mind is skeptical and scientific enough to question all dogma, whatever the source, whether ostensibly mystic or scientific.

His latest book, ***Ishtar Rising*** (Las Vegas; Falcon Press/Golden Dawn Publications, 1989, 182 pp., $12.95) is an exploration of the rise and fall of the "feminine" principle in human cultures; he associates the feminine principle with political and social attitudes conducive to freedom. The book is a rewrite of an earlier work, *The Book of the Breast* (Playboy Press, 1974), and he uses social attitudes toward the breast as a synchronistic touchstone for the level of matrist, open, freedom-loving values in a culture.

With his typical eclecticism, he

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brings in Freudianism, troubadour love poetry, Eleanor of Aquitaine, Charles Dickens, and the history of chess in his attempt to show the connection between love for and openness about the female breast and the acceptance of freedom and intellectual openness as social values.

Wilson does not argue for a cause-effect relationship; he merely notes that certain trends seem to dovetail together, for whatever as-yet-unspecified reason. Call it speculative social anthropology, if you will.

The book ranges so far in its 182 pages that you could call it a lot of things. It always remains entertaining and intriguing, like everything Wilson writes. And it always shows a genuine passionate love for freedom from oppression, including the oppression of mindless tradition. This is another thing that makes him unbeloved of the *paleo* wing of the libertarian movement. Wilson is a proud defender of psychic and sexual freedom as much as of freedom from minimum wage laws. And he is skilled enough a writer to make the reader feel in their hearts the fierce indignation of which Jonathan Swift spoke on his tombstone—the indignation that lacerated his heart and spurred him to serve human liberty. Any writer that can communicate this feeling is worthy of respect and attention. —Brian Doherty

Two Hits — Long after his career as a slugging first-baseman had ended, Cap Anson solicited employment in vaudeville with the catchy slogan, "A better actor than any ball-player; a better ball-player than any actor." The problem with his claim (aside from twice eliding the word "other") is that the intersection of the universe of actors and the universe of ball players had but one member, which renders his claim trivial.

The same is true for the intersection of competent historians and biographers of baseball players. Until recently, biographies of ball players were left to sportswriters, i.e. to pseudo-journalists interested in a good story but unburdened by interest in truth.

That is why those interested in both history and baseball celebrated the publication of Charles C. Alexander's biographies of two of the game's dominant figures from the first two decades of this century, ***Ty Cobb*** (New York, Oxford: 1984) and ***John McGraw*** (New York, Viking: 1988). Both are well-researched biographies that try to sort out the truth from the stories of sportswriters.

Cobb and McGraw flourished in the pre-Ruthian era in baseball. In the 19th century, runs were created as much by baserunning and taking advantage of fielding errors (fielding gloves were a novelty and much less elaborate than today) as by hitting. In 1903, three developments reduced the role of hitting even more: home plate was widened from 12 inches to 17 inches, thereby increasing a pitcher's options; foul balls were counted as strikes unless a batter already had two strikes, and the spitball—a murderously difficult pitch to hit—was invented. For the first two decades of this century, the game was characterized by a paucity of scoring, the contest was as much intellectual as physical, and a premium was placed on single-minded devotion to winning both the intellectual and physical game. That era ended with the invention of the home run in the early 1920s, spurred on by the criminalization of the spitball and the juicing up of the baseball. The game in the "dead ball" era is difficult for most baseball fans to understand, let alone appreciate. Alexander in both cases does a credible job of recalling it.

The traditional baseball biography takes the form of a lengthy concatenation of anecdotes, some true and some not, with a sprinkling of statistical data mixed in, concluding with a moral for readers. During the 1960s and 1970s a new form emerged: debunking biography, as exemplified by John McCallum's *Ty Cobb* (New York, Praeger: 1975) and Ken Sobol's *Babe Ruth & the American Dream* (New York, Random House, 1974). While these were more credible than the traditional biographies, their lack of scholarly rigor allowed them to perpetuate myth, though less blatantly than traditional biographies.

Alexander has established himself, by default, as the premier biographer of the National Pastime. His emergence coincides with baseball's sabermetric revolution, in which analysts have looked beyond century-old shibboleths and strategies and begun to subject baseball to scientific investigation.

Alexander's prose sometimes betrays his academic background (past books include such page-turners as *Here the Country Lies: Nationalism and the Arts in Twentieth Century America* and *This New Ocean: A History of Project Mercury*.) One is tempted to say that the intersection of fine baseball writers and competent baseball biographers is a null set. But Alexander manages to rise above his academic sensibilities. He closes his biography of McGraw evocatively and perceptively:

> Throughout his career, whether as player or manager, he remained willing to do anything—or almost anything—to win a ballgame. That ethic made him a relentless, ruthless, sometimes less-than-honest man, sometimes a very stupid one. Demanding and dictatorial with his players, he could also be cruel and unjust. Off the field he often exhibited those same traits, at the same time that he could show abiding kindness and outrageous generosity. A bon vivant and a genuine international celebrity, he took little care of his health, lived his life generally as he pleased, and probably enjoyed himself most of it. He wasn't of our time—he probably wouldn't have wanted to be. But he's worth remembering.

If one wants to get a feel for what baseball was like in the early years of this century when it was becoming the nation's pastime, there is no better way than to read these two biographies.

—R.W. Bradford

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- **Libertarianism and Conservatism** — Richard Weaver argues that libertarianism and conservatism are not only compatible, they *necessarily* connect.
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- **On-Line Education** — David Friedman shows how computers can be more than expensive, bulky books.
- **Ayn Rand, Francisco d'Anconia, Bunnies and Carrots** — Christopher Faille considers Ayn Rand's analysis of the meaning of money.
- **Keep the Hot Side Tepid** — R. W. Bradford investigates the murder of the McDLT (no, the homicidal maniacs had nothing to do with Burger King or Wendy's).

Terra Incognita

London, England

There is no statute of limitations on treason, as reported by the Grand Rapids (Mich.) *Press*:

> George Washington has been found innocent of treason against the British crown in a mock trial that featured real British and American judges and lawyers and actors playing historical figures. The audience of 280, who paid $34 each to watch the trial, waved tiny colonial American flags as the verdict was announced.

Havana

Proof that the Trabant was only a stage on the way to the perfection of socialist automotive technology, as reported in the Seattle *Post-Intelligencer*:

> Horse-drawn carts have not yet appeared on downtown Havana streets, but they may soon: The official Communist Party daily *Granma* announced this month that 300 wagons are being built at the Nuevas Tecnicas El Morro factory in the city's Berroa industrial section. The factory is also producing 300 three-wheel carts that will be drawn by men, to replace gas-consuming vehicles.

Providence, R.I.

Disturbing evidence of either a senatorial coverup or an executive branch conspiracy, as reported in the Boston *Globe*:

> Senator Claiborne Pell of Rhode Island has disciplined an aide for using paranormal experiments as a reason for warning the Pentagon that President Bush and other top leaders may be disclosing a secret code word in their speeches. The aide claimed that the word "Simone" can be heard when recorded speeches by President George Bush, Defense Secretary Dick Cheney, and Secretary of State James Baker are played backwards.

Costa Mesa, Calif.

News from the front in the War Against Androgyny, as reported in the Orange County (Calif.) *Register*:

> Female bodybuilders Lorie Sencer, 28, and Bridget Morton, 20, were stopped by police officers as they were coming out of the women's restroom during a Billy Idol concert. "I told the cops 'We're women. Look at our breasts,'" Sencer said. Two staff members at the theater were ordered by the officers to examine Morton. "They took her into the first aid tent, and made her drop her pants," Sencer said.

Brockton, Mass.

Disturbing evidence that law enforcement officials lack the opportunity to view public service announcements, from the Detroit *News*:

> Authorities in Brockton, Massachusetts dismissed about 380 drug-related cases after former Police Chief Richard Sproules pleaded guilty to stealing about $170,000 in cocaine from the police department's evidence room. Sproules said he used cocaine every day for five years after trying some of the samples he took to anti-drug lectures.

San Diego

Specimen of the sort of verse that helped attract the votes of more than 85,000 American citizens for the candidacy of Dan Kripke, Democratic nominee for Congress in California's 41st district, from the Hon. Mr. Kripke's official campaign comic book:

> Let's keep our waterfalls, mountains, and air
> Forever pure, our coastline free from oil.
> Let's clean up all the toxic waste. Prepare
> A plan for managed growth. Then we can foil
> Developers, who want to jam our roads
> And overflow our beaches, parks and schools.
> We all must vote for stronger building codes.
> Our quality of life must set the rules.

Lobetal, Germany

Innovation in retirement benefits for former heads of state, as reported in the Seattle *Times*:

> Erich Honecker, the deposed head of the East German Communist government was declared homeless, and given a place to stay in a residential center for the mentally ill operated by Lutheran minister Uwe Holmer and his wife, Sigrid. "He was very friendly," Frau Holmer said, "but for us it was at first difficult."

Oakland, Calif.

The synergistic relationship between democracy and religion in the Golden State, as reported in the Los Angeles *Times*:

> Two days before the election, the Rev. Frank Pinkard offered a final exhortation to his flock: "If any of you all vote for Pete Wilson, let that be the last thing in the world you confess to me. I'll forgive you for going to Reno or Tahoe and playing the slot machines with the church money. I may even forgive you for drinking a little Jim Beam now and then. But the one thing I have problems forgiving you for is voting for Pete Wilson.

Chamonix, France

Objective evidence of the incompatibility of naturism and mountaineering, as reported in the Detroit *News*:

> A music teacher from Paris froze to death on Mont Blanc while meditating in the nude, police said Wednesday. The body of Ghislaine Sanchez, 37, was found near a glacier at 6000 feet. Doctors said the woman apparently was practicing one of the forms of meditation originating in Japan and Tibet that involves exposure to extreme cold.

Nesquethoning, Penn.

Evidence of the psychological diagnostic skills of law enforcement officials, as reported in the Lehighton (Pa.) *Times News*:

> Nesquethoning police have cited Warren Hoffman, 29, of 107 Mill St., for causing a public inconvenience over the weekend. He reportedly was playing loud music, shouting obscenities, and barking at the moon. Police said they believe Hoffman was lonely.

(Readers are encouraged to forward news clippings or other documents for publication in *Terra Incognita*.)

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☐ **February:** "Fighting Plunder with Plunder in Poland" by JGH; "Free Market Money—Instead of Political Manipulation" by RME; "Visions and Ideals" by James Allen; and RME's review of *Discovery, Capitalism and Distributive Justice* by Israel Kirzner.

☐ **March:** "Forget the Alamo (and the Flag)!" by JGH; "On the Edge of Hyperinflation in Brazil" by RME; and RME's review of *Free Persons and the Common Good* by Michael Novak.

☐ **April:** "The U.S. Government—Guilty as Charged" by JGH; "The Economics of the Drug War" by RME; "The Morality of Drug Controls" by Thomas Szasz; "An Open Letter to Bill Bennett" by Milton Friedman.

☐ **May:** "Dying for Freedom in Panama" by JGH; "Panama and the Canal: Children of American Imperialism and Socialism" by RME; "The Conquest of the United States by Spain" by William Graham Sumner; "Patriotism" by Herbert Spencer.

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☐ **November:** "The Vietnam War" by JGH; "Foreign Policy and Foreign Wars" by RME; "Conscription" by Daniel Webster; and RME's review of *Rock Around the Bloc* by Timothy W. Ryback.

☐ **December:** "Christianity and Freedom" by JGH; "Yes, Virginia, There is No Santa Claus" by RME; "Charity: Biblical and Political" by Russell J. Clinchy; and RME's review of *The Ethics of Redistribution* by Bertrand de Jouvenel.

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War & Prosperity

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by Robert Higgs

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by David Danielson

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Inside Liberty

March 1991
Volume 4, Number 4

4 **Letters** on dolphin-killing, overindulged educators, celebrity celibacy, and winning the Civil War.

7 **Reflections** on Israeli terrorism and Kurdish revisionism, nuking Moscow by mistake, decennial favoritism, bankers who just say "yes" and Jesse Helms as an anti-American mole. Plus: a special section on the war in Iraq.

Features

23 **The Myth of War Prosperity** World War II did not end the Depression, it prolonged it by half a decade. Robert Higgs explains why.

27 **Conservatism and Libertarianism** Richard Weaver explores the fundamental compatibility of these two philosophies.

31 **Keep the Hot Side Tepid** Environmentalism is a hot topic, but the cold truth is that too many environmentalists are lukewarm on intellectual honesty, as R.W. Bradford and John Baden demonstrate.

35 **Shadows in the Future** Ominous murmurs of reviving socialism in Czechoslovakia. Frank Fox reports on his conversations with Communist-Catholic politician Zdenek Masopust.

39 **The Way We Are** Stephen Cox meditates on the meaning of America while vacationing in the heart of Leviathan: Washington, DC.

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49 **The Love of Money and the Root of Evil** Christopher Faille dissects the Randian argument for money worship, and finds it wanting rationality.

51 **Downloading the Three Rs** David Friedman puts the future of education onscreen.

Reviews

53 **The "Science" of Catastrophe** Jane Shaw warns of the hazards of anti-apocolyptics and environmentalist debunking.

54 **Old Whine in New Bottles** Jan Narveson shows that the moral argument for socialism doesn't make any more sense than all the other arguments.

58 **The Illusion of Expertise** Richard Kostelanetz takes a look at the state of Latin American baseball journalism, and watches the lefties, er, leftists strike out.

60 **The Man Who Would Be President** Krzysztof Ostaszewski reviews Stan Tyminski's *Sacred Dogs*—the book that may yet change Polish history.

62 **A Plan for Poland** For your information: Stan Tyminski's campaign platform, translated from his campaign literature.

64 **Booknotes** on snooping, laughing at lawyers' expense, conserving conservatives, and taming the wild aphorism.

68 **The Last Pinko Show** Brian Doherty on Robert Redford's latest effort to portray inane love and insane politics.

69 **Notes on Contributors** Who we are, if not why.

70 **Terra Incognita** Excerpts from the official version of reality.

Letters

Save the Fetuses

Eric Schendel's distinctions between abortion and feticide ("Abortion and Feticide Are Not the Same Thing," January 1991), though technically correct, reveals a petty insistence on dictionary definitions, while ignoring the meanings words are given in everyday use. The fact that "live birth" is one of the complications of late-induced abortions gives the lie to this distinction.

I also find the assertion that "once she expels the fetus, it is no more her concern . . . she couldn't care less" to be dubious. If human beings were the rational creatures that so many of us libertarians like to pretend they are, then it might be so. But in truth, irrational behavior is more the rule than the exception for many.

Most importantly, I find Schendel's support of abortion by the principle of non-aggression to be unsound. The analogy with the slave and slave-owner, quadriplegic or whole, is simplistic. It misses an important point: most women become pregnant not by coercion, but rather as willing partners in sexual intercourse. Any resulting conceptus can hardly be said to have enslaved the woman, since pregnancy is a known risk of such intercourse, even for those women (and men) who use contraceptive measures. Women who willingly engage in coitus implicitly consent to the possibility of becoming a "slave." It is very telling that Schendel uses the example of a pregnant rape victim, a special case, and then goes on, as if his argument has lost none of its generality, to apply this to all women.

On a final note: Schendel's appeal to the ancient custom of infant abandonment is amusing but irrelevant. Tradition is not a sufficient reason, as I'm sure the ancients also practiced many other things that he wouldn't have us emulate. I am reminded of a "save the dolphins" ad I saw not long ago (I forget where): the dolphins' advocates asserted that the ancient Greeks had the same punishment for killing a dolphin as for killing a man, the implication being, of course, that we should wish to follow the example of so civilized and enlightened a culture. I chuckled at this, because the ad failed to mention that the punitive measure in question was

continued on page 6

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Letters *(continued from page 4)*

most likely death, which I'm fairly certain the dolphins' advocates do not espouse (at least not for killing a human being).

Patrick Guthrie, M.D.
Fayetteville, Ark.

Wrestling with Richman

I favor the replacement of government-directed foreign aid with private donations, or, as long as our personal resources are being depleted by taxes, by a system of tax credits that would let individual Americans decide what causes, if any, deserve their support. But opposition to government-directed foreign aid cannot excuse the publication of Sheldon Richman's "Wrestling with Israel" (January 1991) in a supposedly libertarian journal.

Yes, states *qua* states are nasty, and states at war triply so. And it is true that Israel has not been much of an exception to this rule. But those who see this as a confirmation of their anti-Semitic stereotypes would be well advised to compare the treatment of Arab Israelis with, say, the lot of Japanese-Americans during World War II.

Adam V. Reed
Morganville, N.J.

The Only Good Educator Is . . .

Karl Hess' stirring apology for teachers ("The Hope in the Schools," January 1991) failed to touch me. Perhaps I'm a bit jaded after serving the last two years on a school board in a district much like his and seeing at close range just how defensible those rare "good" teachers are.

Yes, I used to make excuses for them, too. I used to think the "administrators" were the real problem, dreaming up new forms for poor, overworked, underpaid teachers to fill out. Not so. Wrong on all counts. First, teachers are neither poor, nor overworked, nor underpaid. Compare their workload to workloads of, say, twenty years ago. Compute their hourly wages. Add the value of their benefits to their reported salaries. You may be surprised.

Not that administrators aren't part of the problem, but their real interest is in empire-building—more staff and more square footage; thus it is in their best interest to cultivate the friendship of at least a majority of the teaching staff, so they are very nice to the entire staff. Plus, they are all former teachers, so they know the drill.

Karl is right about one thing: the only time administrators or teachers ever get interested in such mundane subjects as student learning is when the school board or, in the event of a supine, rubber-stamping board (an all-too-frequent occurrence these days), a group of aroused and angry parents insists upon it.

But here's an interesting experiment: bring up the subject of student achievement tests in a roomful of teachers or administrators! It's not a pretty sight as all rush to assure you of the utter impossibility of such a task, using many of the arguments Hess used: the inadvisability of teaching to the test (the answer frustrated parents always give here is, "At least they'd be teaching *something*!"); the difficulty of measuring such an abstraction as "thinking" skills; the inaccuracy of the tests; the cultural bias of the tests; etc.

We all scorn bad teachers, forgetting that it costs school districts hundreds of thousands of dollars in legal fees and buyout costs to get rid of one bad teacher. "If only we could get rid of bad or mediocre teachers, then all would be well," we lament along with Karl Hess. "Just give those good teachers a chance, then we'd see some education happening," we cry. Sorry.

If you accept the proposition that a school system which relies totally on coercion will never produce anything except destruction; if you accept the proposition that anyone *in* that system becomes *part of* the system; if you accept the further additional proposition that any learning that occurs in such a system is an accident; then the conclusion is inescapable: *all* participants in that system are part of the problem.

If the "good" teachers want to solve the problem, they will have to leave the system. As a matter of fact, many have done so already.

If you think that is harsh, or cruel, consider this: Do you excuse the "good" Nazis, who "deplored" the actions of what they characterized as the low-class thugs working for Hitler? Do you excuse the "good" guards at the Berlin Wall, who "had to" shoot the escaping East Germans? Do you excuse the "good" bureaucrats who work for the IRS, the DEA, the DOD? No! They deserve nothing but condemnation and our utter contempt for contributing to our and *their own* enslavement.

Please, Karl, I have such respect for your warm and caring approach to creating a freer world, don't fall into the trap of looking for someone else to blame and justifying the bad actions of good people.

Jo McIntyre
McMinnville, Ore.

Fan Mail for Stan the Man

Thanks for the scoop on Stan Tyminski. The coverage (if you could call it that) that he got in our local newspaper was enough to make one believe in conspiracy theories.

How about a follow-up story on the criminal charges he faced before leaving Poland? Our newspaper left me hanging. Did he make the plane out of the country, or did the "authorities" nail him?

Bosco Hurn
Palm Beach, Fla.

Gresham's Second Law?

David Friedman's article, "The Production of Virtue in a Free Society" (January 1991), reminds me of something I learned while working for a variety of regulated companies: bad employees drive out good ones. When a regulated company cannot dismiss bad employees, the good ones either leave or become as lazy and corrupt as the bad ones. It's analogous to Gresham's law of money. You might call it Gresham's law of employment.

Also, I couldn't keep from smiling at Prof. Lomasky's metaphors ("Lies, Liberalism and Lip-Reading"). Delightful! And the end made me realize he was presenting a reasoned argument. What a wonderful linguistic journey from observation to conclusion.

Ron Harris
Dublin, Ind.

The South Rises Again

I enjoy your magazine and your writing, but: "But what if we had won the war, as we won the Civil War?" What is this "We" crap, Yankee? My great grandfather lost a leg at Seven Pines, but lived to have children including my grandfather.

Jule R. Herbert Jr.
Gulf Shores, Ala.

continued on page 8

Letters Policy

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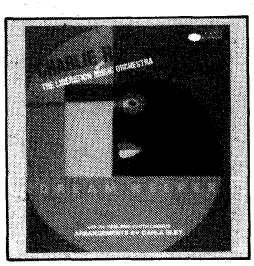

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BLUE NOTE

Letters *(continued from page 6)*

Variations on a Theme

The review (November 1990) of Otto Friedrich's biography of Glenn Gould continues the unfortunate practices of some reviewers and journalists to seek out the sensational (see its title: "Sex, Drugs and the Goldberg Variations") in discussions about the late pianist.

Surely the biography, written by an experienced senior editor at *Time*, should and does devote most of its attention to Gould's remarkable abilities as a thinker, intellectual explorer and keyboardist of the top rank. The reader will have a hard time sensing this in Mr. Kostalanetz' review.

Embellishing the legend, Kostalanetz says, "It seems to me quite clear that Gould was an ascetic who resisted touching people perhaps out of a neurotic fear of contaminating his body . . ." When this writer first met Gould he could not wait for me to get out of my car before shaking my hand vigorously. When I visited him again two years later he not only shook my hand but hugged my wife at the meeting and again the next day when we left. I spent five days closeted with Gould in his tiny studio at the Inn on the Park. We were together about eighteen hours each day. Note to the reviewer: There was no body odor. Incidentally, Kostelanetz claims to have interviewed Gould in person. Using the techniques employed throughout the review, allow me to raise an eyebrow. If you did, why no comment about his body odor in that context?

Glenn Gould slept frequently with many women. I have hard information to back up this statement. At least, it is as hard as the information Kostelanetz has to the contrary.

No more musically idiotic statement has been made in print in a long time than the reviewer's comment referring to Ben Johnson's erratic performances (he the Canadian sprinter) "I thought of his fellow Canadian Gould, whose basic interpretive devices involved radically shifting tempos—to play pieces either much faster or much slower than they had ever been done before." To suggest that a few idiosyncratic tempos employed by Gould, mostly in the Mozart sonatas, represents Gould's basic interpretive devices [sic] is to expose the reviewer's lack of familiarity with the entire (immense) Gould *oeuvre*.

Robert Silverman
Wilmington, Vt.

(Silverman is editor of *The Piano Quarterly*. "I like to think that Gould counted me as a friend," he adds.)

Kostelanetz responds: *When I was young, I was advised, not unreasonably, never to pretend to know what I didn't. That lesson seems to have escaped Robert Silverman, who asserts that I had not met Gould. He needed only check* Glenn Gould Variations *(Doubleday Canada, 1983), a book that contains my memoir of Gould along with his, where I say on page 128, "We have actually met, briefly several times. . . . I once made the mistake of warmly embracing his right hand just after a recording session. (He screamed, I heard something crack; he ran off to soak it in hot water, returned in a few minutes, apologized for his rude departure, accepted my regrets, and then sent the piano tuner home.)" That is a fairly stark, albeit embarrassing, anecdote about a face-to-face, or hand-to-hand encounter that you'd think would not be forgotten easily by anybody reading it. Most of us writers read entire books where works of ours appear, especially about "friends" who are also subjects where we claim expertise; Silverman must be different.*

However, perhaps it would be better if Silverman remained illiterate; for when he reads, he doesn't read very well. Nowhere did I suggest that I knew *Gould smelled or took drugs other than Nembutal, or abhorred sex, etc. The point of my critique was wonder at why his "authorized" biographer did not pursue these matters further. Such questions are not inappropriate in a review. As for whether Gould actually had hugged Silverman's wife, can we please have corroboration from a disinterested third party, or at least a photograph? As for Silverman's image of Gould's having "slept with many women" (simultaneously?), I'm waiting, nearly a decade after his death, for evidence of such group sex (?) or at least some second-party claims.*

Perhaps my hypotheses are wrong, but merely saying or wishing they are wrong is not a refutation but, need I say, just another hypothesis.

A War of Words

I would like to take issue with two of his assumptions in R. W. Bradford's review of "The Civil War" (January 1991).

First is Bradford's implication that "radical anti-communists" favored and advocated an aggressive, all-out war against communism (as embodied in the Soviet Union). As evidence, he submits that we were dragged into Korea by these "radicals," then into Vietnam. As I recall, however, we entered Korea under the aegis of that hotbed of frenzied anti-communism, the United Nations. We were of course brought into Vietnam by that radical arch-conservative John Kennedy, while massive escalation ensued under the administration of the peace candidate, Lyndon Johnson. Of course I cannot resist pointing out that U.S. involvement in Vietnam ended under the administration of someone with genuine McCarthyite credentials, namely Richard Nixon.

I also question Mr Bradford's assumption that we have successfully evaded WW III by engaging in an (absurdly long) list of admittedly productive and pleasurable activities. This silly list is merely an over-dramatization of the fact that war is destructive, while peace is not. It ignores that fact that often in warfare, at least one party (usually the defender) is an *involuntary* participant. Relaxing on the beach, enjoyable and non-destructive though it is, does not constitute defense against aggressive war.

David Batchelder
Pittsfield, N.H.

Bradford responds: *I didn't suggest that Kennedy was an arch-conservative, only that he was a radical anti-communist. I realize that the recent canonization of Kennedy has been accompanied by recasting him as a conventional left-liberal on foreign policy matters. But this is false. Consider: he founded the Green Berets, an elite jungle fighting force designed to fight communist insurgencies in the third world; he brought the world to the brink of nuclear war in a dispute with Kruschev in 1962; he started the Vietnam War, a conflict his predecessor had assiduously avoided. The equation of anti-communist bellicosity with the right wing is simply wrong: many American conservatives (e.g. Robert Taft) have opposed war on communism; many left-liberals (e.g. Johnson, Humphrey, Henry Jackson, Thomas Dodd) have been in the forefront of such crusades. The decision to go to war against North Korea was made by the U.S.; it went to the U.N. only to sanctify its policy.*

Nor did I assume that we evaded WWIII by "engaging in a list of pleasurable and productive activities." I argued that we were better off resisting the temptation to go to war, choosing instead to live productive and pleasant lives, allowing the communist empire to deteriorate from its own inherent flaws. Lying on the beach is no defense against war, but it is sometimes a preferable alternative.

Reflections

Building bridges, PBS style — In its report on the Polish presidential election, *MacNeil-Lehrer News Hour* observed that, "Today was for building bridges and re-uniting the nation." In the same report, it mentioned that the losing candidate, Stan Tyminski, had been arrested on suspicion of criminal slander of another candidate. A bridge? Or a ferry to Devil's Island? —RWB

Deja vu, all over again — Dan Quayle had quite a fright during his New Year's visit to American troops in Saudi Arabia. He ran into the commander of his Indiana National Guard unit. —SLR

Hello? Hello? Rationality calling . . . Intellectually, the coming few years may be better than we assume. There are signs that the last refuge of socialism in the U.S., the academic fortress, is crumbling. For one, articles in The New York *Times* and *Newsweek* have exposed the sad absurdity of "political correctness" on college campuses—a situation that until now bothered no one except conservatives and libertarians. A second sign is the remarkable ceding of victory to capitalism by Robert Heilbroner, a prominent left-of-center economist who has always hankered after socialism.

In the last issue of *Liberty*, Sheldon Richman reported on Heilbroner's announcement, fifty years late, that "Mises was right." Now Heilbroner has done it again. In a letter in *Dissent* (reprinted in the January 1991 issue of *Harper's*), he shares his anguished puzzling over why only the right, whom he represents by von Mises, Hayek, and Friedman, recognized the defects of socialism. With regret, he concludes that conservatives have a better understanding of human motivation than do the much more appealing and "progress-oriented" leftists.

True, the reader is embarrassed for him—for example, he talks about "visions" of human nature with no hint that he has read Thomas Sowell on the subject—but, articulate author that he is, he allows us to observe his mental struggle, and wins our sympathy by conveying how stunned he is by socialism's collapse.

Heilbroner (who's actually a fan of Adam Smith, though not for the right reasons) seems to be positioning himself as an interpreter of the outside world for his friends and colleagues in the academic citadel. Through the elite magazines, he is telegraphing messages to them from the real world. One of these days, someone will listen. —JSS

Now that Panama is safe for democracy . . . Here's an update on America's protection of democracy in Panama. A year after U.S. forces invaded Panama to apprehend its head of state and replace him with a new leader sworn in on an American air base, U.S. troops continue to patrol the streets of the Central American nation. They recently arrested an unruly national police chief. The latest blow for democracy is the assistance provided by the CIA in setting up a domestic espionage organization without the authority of the national legislature. The organization will be controlled by the president sworn in on the air base. The legislature is trying to investigate the matter. This should not mislead us into thinking that President Endara is entirely our man. He (and the legislature) reportedly balked at American demands that Panama rewrite its banking laws so that the U.S. will have access to bank records—drug war, you know. All of this should teach Saddam Hussein a lesson. —SLR

Nobel Prize nomination — Having awarded Soviet dictator Gorbachev the Nobel Peace Prize for his remarkable restraint in allowing the citizens of the Baltic countries to act as though they had the rights commonly recognized in Western countries for a full year before crushing them with tanks and spraying them with machine guns, the Norwegian Parliament might do well to consider awarding the Peace Prize to Saddam Hussein for the admirable restraint he showed in refraining from invading any neighboring countries for 18 months prior to his invasion of Kuwait in August, 1990. — RWB

Mr. East, meet Mr. West. You'll like each other — *The Armed Forces Journal International* (Oct. 1990) reports an interesting interview that appeared recently in the Soviet newspaper *Sovetskaya Rossiya*. The interviewee was Grigoriy Kisunko, former head of the USSR's antiballistic missile system. Kisunko sounded disconsolate. He described parts of the Soviet ABM system as the most "absurd projects of the century." It seems that vast amounts of money have been wasted because of misfeasance and cover-ups by industry and military officials.

According to Kisunko, the operation of the over-the-horizon warning radar was so bad that the operators misreported its functioning to superiors, claiming to have tracked U.S. missiles when they had actually learned of the launches from the press or KGB contacts. More than once their ruse proved embarrassing when U.S. launches were delayed or cancelled at the last minute. Confronted with their failures, they concocted new cover stories.

Kisunko criticized the Soviet anti-missile system ringing Moscow. If actually used, its nuclear weapons would destroy much of the city it is supposed to protect. He blamed this idiotic design on "political dilettantes" enamored with the nuclear weapons used to defend U.S. ICBM silos, which are hardened and therefore quite different from a city.

According to *Armed Forces Journal International*, "the Kisunko interview revealed a Soviet military research and development establishment far less effectively managed than is usually believed in the West," one in which weapons develop-

ers favor their own programs over the needs of Soviet defense, and military and political leaders lack the ability to make "sophisticated judgments about technologically complex programs."

Sound familiar? It should.

Here in the land of the free, the latest in a long, long line of similar scandals came to a head in December 1990. It transpired that the Navy's next generation bomber, the A-12, being developed jointly by General Dynamics and McDonnell Douglas, had a cost overrun of $1 billion to $4 billion (sources disagreed on the exact amount), was more than a year behind schedule, and failed to meet the Navy's weight specifications. The contractors were less than candid in their reports of the A12's progress, and a Pentagon audit found that they had collected hundreds of millions of dollars in advance payments unjustified by the actual work done.

Earlier in 1990 John Betti, the Pentagon's chief procurement official, dismissed criticism of the program, relying on the contractors' assurances that everything was all right. Accepting Betti's cheerful appraisal, Defense Secretary Dick Cheney strongly supported the A-12 and urged Congress to fund the plane's production, projected to cost $52 billion for 620 units.

As internal reports at the Pentagon continued to reveal rotten spots in the Rosy Scenario served up by Betti and the boys at the Naval Air Systems Command, heads finally had to roll. Betti resigned. Vice Admiral Richard Gentz was forced into early retirement, and two other Navy acquisition officers were censured and reassigned—heavy punishments in the procurement field, where hardly anything can prevent steady advancement through the ranks and then a cushy job with a contractor after an officer leaves the service.

In January the interested parties held a series of meetings to determine what to do next. All the experts and media commentators agreed—and I did too—that some sort of bailout would be arranged. Then, on January 7, Cheney stunned the experts and me by announcing that he was cancelling the A-12 program, having concluded that the contractors had defaulted. General Dynamics and McDonnell Douglas, of course, maintain that the problems were not all their fault. So the question will land in the courts, where it will take years to resolve.

In the wonderful world of defense procurement, it doesn't matter whether the Cold War is over or not, and it doesn't matter whether you're bending the metal in the USSR or the USA.

I admit that my fearless forecast was wrong this time, but standing back from this particular issue to contemplate the military-industrial-congressional complex as a whole, my faith in its capacity for well-paid ineptitude remains unshaken. The A-12, after all, is the biggest weapons development program ever terminated. The upshot: besides the billions the companies have spent, the taxpayers (via the Pentagon) have shelled out $1.2 billion, and there is not even a single airplane to show for all that money, nor will there ever be one. The real resources devoted to the program have simply disappeared into a black hole.

The A-12 would appear to have much in common with the Soviets' make-believe radars. In the wonderful world of defense procurement, it doesn't matter whether the Cold War is over or not, and it doesn't matter whether you're bending the metal in the USSR or the USA. Socialism doesn't work there, and it doesn't work here. —RH

Big, but not that big — As the projected cost of the S&L bailout has grown, commentators have struggled to put it into perspective. Writing in *The Wall Street Journal*, Michael Gartner compared the $500 billion S&L bill with various other government-imposed burdens. Perhaps the most arresting comparison, one repeated by other journalists, is Gartner's claim that even World War II cost the United States less. If only it were so.

Setting aside the more than $250 billion in benefits paid to veterans of the war since 1944, World War II spending amounted to about $300 billion in 40s dollars. Using the price index for government expenditures to put the spending in terms of 1990 dollars, the total comes to approximately $3,300 billion, or 6.6 times the S&L bill. Adding the veterans' benefits would make the comparison even more lopsided.

But that's not the end of Gartner's misapprehension. The S&L cost will be spread over many years in the future. A dollar in the future is worth less than a dollar now. Of course, nobody knows precisely how the outlays will be spread over the pay-out period, but in any event discounting the flow of future costs diminishes the $500 billion figure substantially. At an interest rate of 10 percent, for example, every dollar spent five years from now has a present value of just 62 cents.

Nor is that the last of the faults in Gartner's comparison. For the most part, the S&L spending will take the form of transfer payments. (Running the bailout operation itself will use up some real resources, but as a proportion this part of the cost will be almost negligible.) Taxpayers' money will be given to depositors in failed S&Ls. Some people lose money and other people gain money, but real resources are not *directly* affected by the redistribution. (Some *indirect* real effects may occur.)

Finally, the Gartner comparison does a disservice to those who lost their lives, their limbs, and their sanity in World War II. The $300 billion the U.S. government spent at the time prosecuting the war vastly understates its true cost, because the government simply took many resources without paying market values for them, including the services of 10 million young conscripts.

The S&L bailout is enormous and it is an enormity, but it cannot bear comparison with the costs of World War II in any valid sense. —RH

The literate person's guide to the postal monopoly — Nothing in America today seems to me quite as evocative of the old days in Eastern Europe as my local post office. There is always a line winding through the lobby, sometimes over thirty people long; there are always customers individually wondering why the service isn't better (since after all you're predisposed to part with your money); there are always employees who are visibly doing something other than serving, not to mention rushing to serve, the customers. I'm reminded of a summer Sunday afternoon in East Berlin, when I waited a full forty-five minutes to get an ice cream. No one complained, so accustomed were they to such

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persiflage, much like my neighbors must be at the post office.

Not too long ago, because I had stupidly acceded to an editor's request to send my letter "registered," I spent an equal amount of time waiting at the local post office. Although well over thirty people were on line, only one clerk was selling stamps. Another clerk behind him was reading a newspaper. When I asked why he couldn't handle me, the reply was that he was no longer authorized to sell stamps. (I remembered when he had been. Methinks he had a problem with juice that isn't fresh.) Another guy moving the mail around the post office gave the same reply. No one else in line said anything.

In both situations, the problem was the same. The East Berlin soda jerks behaved like the New York post office clerks in knowing that we had no place else to go. It seems to me that now that Eastern Europe has recognized the limits of state-owned monopolies, we should wise up and start to eliminate them here as well; and the business of delivering the mail would be a good place to start. Let UPS or Federal Express, or even ATT, compete. (The only other place you see snail-like lines is, of course, in urban traffic at rush hour. Since the state has a monopoly over the roadways, there is little incentive to expand the thoroughfare or construct a more efficient alternative.)

More than economics, or even the limits of human patience, is at stake in liberating the daily mail. My own opinion is that as long as the making of a telephone call is cheaper than the posting of a letter, Americans will talk and listen sooner than write and read, which is to say that the old-fashioned mail monopoly is also contributing to the new national illiteracy. —RK

The unintended consequences of Jesse Helms — Ever since writing *The End of Intelligent Writing* (1974), I've learned to separate literary politics and political results from public-relations fluff. That accounts for why it seems to me that the principal beneficiaries of attacks from Jesse Helms and his cronies have been artists whose works might have otherwise gone less noticed. Robert Mapplethorpe, Karen Finlay, et al., couldn't have found more effective press agents if they had all the money in North Carolina. If Helms has not yet been paid off by them (or, in Mapplethorpe's case, by his heirs), he surely deserves to be rewarded, once all involved get to heaven, with the most intimate benefits. He has given hoards of publicity-needy artists the easiest opportunity for grandstanding since the Vietnam War (as strange bedfellows does a climate of opportunism make). If not for Helms & Co., publicity hounds would necessarily confront the more difficult tasks of making better poems or stories or paintings or theater than they've done before. Meanwhile, those artists continuing their previous work have reason to feel disgust for both sides of the show.

The principal loss has been America's new and fragile reputation for cultural maturity (realized, don't forget, only in the 1960s), as we now look like a country whose culture is threatened by subliterate yahoos, subverted as, say, France or Germany or England or Italy or even Russia would never be. (Not even Bulgarians have an equivalent of Jesse Helms.) Just ask any European cultural professional what he thinks of this brouhaha and you'll realize that the KGB couldn't have found a more effective agent of subversion than North Carolina's Prince of Darkness. May he drown in the rubles he deserves, better, of course, to be prepared for his rendezvous with Finlay, et al. Only because he disguises himself as a "conservative" (and panders to North Carolina tobacco interests) do we fail to see Helms' real function as an anti-American mole; his apparent success in deception should be regarded as a sure measure of stealth.

The forgotten truth of Helms' attack is that the government cultural agencies deserve critical examination—that they have gotten a generous ride, blissfully free of watchdogs; but by limiting his attack on the NEA to purported obscenity (and thus missing all the more serious problems), Helms has implicitly undermined all other criticism of the NEA, now and into the future, no matter how substantial (much as McCarthyism undermined all attacks on university tenure to this day). Those involved in peculiar business at the Endowments couldn't have found a better ally if they tried. What made this last thought clear to me was a personal letter from a notoriously devious NEA administrator urging me to "kick Jesse Helms' butt," but the senator's was not the only butt deserving such retribution—no, no, no, not at all.

Only because Jesse Helms disguises himself as a "conservative" (and panders to North Carolina tobacco interests) do we fail to see Helms' real function as an anti-American mole; his apparent success in deception should be regarded as a sure measure of stealth.

For the same reason that Finlay et al. could capitalize on Helms' attacks, American art, and artists, will survive such a profoundly subversive media show. We Americans wouldn't have it any other way. —RK

"IRS, Mr. Halloway — I killed myself and came after you!"

The long road back — During the final stages of the destruction of the Berlin Wall, a former East German junior officer who was in charge of removing a large section complained about how the work was being overseen. "They just ordered me to take the wall down," he said, "but they haven't told me if I am following the rules." Some people simply aren't ready for freedom. —JSR

It's only television — Most economic reports on television news programs present a significant datum, such as a newly released unemployment figure, with no attempt to put it in context, followed by a series of interviews that usually

make things appear worse than they are. But occasionally the viewer is presented with enough data to be able to tell that what the numbers mean and what the reporters say they mean are two different things.

For example, on December 14, 1990, CBS news ran a feature on charitable giving, and the relationship between private donations and economic hard times. The tone was characteristically foreboding; the message was that private charities would be devastated by a recession. A chart flashed on the screen which purported to show that in every recession, the amounts given to charities plunged. The line graph showed dips in recessionary times, peaks in periods of growth. There followed statements by several directors of charities that they were in dire straits, and the implication was that government would have to redouble its efforts to take the pressure off. But this was a misrepresentation of the facts. The chart showed not that dollars given to charities dropped during recessions, but that the rate of growth in giving declined. However, the chart did not depict "total donations," but "percentage growth in donations." Donations grew in even the worst recessions. Furthermore, growth declined mainly before recessions began. In each cycle the growth-troughs arrived at the beginning of recessions, and were followed by sharp increases, implying that once a crisis arrives Americans respond, even though they are presumably less able to. So the reporter's message, that Americans turn their backs on their neighbors in hard times and the government must pick up the slack, was diametrically opposite to the data presented in the chart.

Another example of doom and gloomery at odds with reality was a December 25, 1990, NBC News report that Americans were being "ripped off" at the gas pumps by oil companies. Irate consumers and upset distributors were interviewed to establish the theme, and were followed by a graph to substantiate it. First the price of oil was displayed: $20.00 in June, $41.00 in October, and $27.00 in December. Meanwhile, "gasoline prices shot up to $1.37/gallon" in December, from $1.04 in June. This graph line, missing the October datum, appeared to show steadily climbing gas prices, even though they had dropped six cents in the past week (a fact reported by ABC the following evening). So the graph gave a superficial but erroneous impression of falling oil prices but climbing gasoline prices. But beyond this, where oil in December was up 35% since June, gasoline had only risen 31%, bringing into question the entire thesis of price gouging.

Television economic analysis is basically stream-of-consciousness reaction to the world with little basis in fact and no real concern for the boring old objective truth. —JSR

Dungeons and dollars — Even as the mists of hangovers were lifting, the first great controversy of 1991 was born: Is it Colorado or Georgia Tech that's Number One? But it is beyond all controversy that the United States has now clearly gained premiere status as the country that incarcerates the greatest percentage of its people.

According to a nonprofit research organization named "Sentencing Project," 429 of every 100,000 U.S. residents is behind bars—and not the kind from which the editors of *Liberty* imbibed New Year's cheer. For black males the incarceration quotient is sharply higher, 3109 per 100,000. This translates into one million Americans locked into intimacy with the criminal justice system. By way of contrast, the previous champ, South Africa, imprisons only 333 people/729 black men per 100,000. No one else comes close.

Why this less-than-enviable record? Well, Americans seem to rob more, rape more, and shoot more than do citizens of countries like Norway or Singapore. We are also inordinately fond of criminalizing matters of personal preference. The odd gambler or prostitute lands in a cell, but by the hundreds of thousands we stuff our jails with hostages of the War on Drugs. More and more states legislate mandatory prison sentences for drug sale or possession, including in some cases mandatory life terms. The result is that, though the overall crime rate has actually decreased modestly over the past decade, "get tough" sentencing guidelines have provided America with a prison population greater than the total population of, say, Boston.

The casualties of this war are not only those who languish in stir. While drug use and sale is a victimless crime, robberies and violence spawned by our nation's policies strike thousands of individuals who are, by any standard, innocent. And,

A 1989 study concluded that the annual cost of keeping someone behind bars is approximately $18,000, roughly the amount one ponies up for a year at Harvard. Fortunately, we have not yet become so debased as to inflict Cambridge on coke snorters.

of course, we pay—and pay dearly—for the privilege of venting our loathing for those whose chemical of choice happens not to be alcohol or nicotine. A 1989 Delaware study concluded that the annual cost of keeping someone behind bars is approximately $18,000, roughly the amount one ponies up for a year at Harvard.

Fortunately, we have not yet become so debased as to inflict Cambridge on coke snorters. Still, it's hard not to believe that there might be better use for the money now being siphoned off by the passion to imprison. Whatever bad things one might be tempted to say about Mr Bush, it cannot be denied that he is a man eminently capable of changing his mind. If the facts were clearly presented to him, just possibly he would be moved to relent. So let me try this: Decriminalize drug use, George, and you can employ the savings to bail out a couple more S&L's, and, with the loose change, dispatch a handful of additional regiments to Saudi Arabia. And who knows, if things go real well, maybe next year you'll need to raise taxes only a little bit. —LEL

Gassing the facts — "Not even Hitler used gas on his own people," said George Bush. No, this is not evidence that Bush is falling prey to the crackpot views of the holocaust revisionists, but rather part of his campaign to demonize Saddam Hussein. This was too much for at least one Jewish organization, which pointed out that Hitler did use gas on German Jews. I suppose Bush could reply that the German Jews were not Hitler's "own people."

Of course, the same can be said of the alleged victims of Saddam's poison gas, the Kurds of northern Syria. They have never wanted to be part of Iraq (or Turkey or Syria or Iran). They are victims of European colonial powers, who for their

own convenience, split the Kurdish nation among four countries. Incidentally, three analysts at the U.S. Army War College have concluded after exhaustive study that Iraq did not gas the Kurds. Bush knew of this report last summer, before the invasion of Kuwait. But he wasn't about to let a little fact get in his way. —SLR

The invisible hand, clapping — I just heard on television that Seattle police credit their experience at last summer's "Goodwill Games" with improving their ability to provide security now that the U.S. is at war. I applaud this recognition of the subtlety of unintended consequences, but I wonder: why is it that government officials can only observe unintended beneficial effects when the enterprise is a failed government boondoggle? —TWV

Bank shots — Bankers have the reputation of being cold-hearted skinflints. For all I know, that might be accurate. But not so bankers' bankers. Their generosity is unparalleled.

Some background: The Bank of New England is—or was—a premiere regional financial institution. But as the local economy began to smell even worse than Boston Harbor, the bank found itself with a remarkably large portfolio of non-performing loans. The death watch had been going on for months, and in early January the Federal Deposit Insurance Corporation stepped in to administer euthanasia. After taking over the bank, the FDIC announced that all deposits would be protected, even those in excess of the $100,000 covered by insurance. Why? "I really don't think they had the option of liquidating the bank," explained Kenneth Guenther, executive vice president of the Independent Bankers' Association of America. "It would have been devastating to consumer confidence."

Readers not trained in the further reaches of economic science may have trouble grasping Mr Guenther's subtle point. So let me explain. First, be aware that the consumers of whom he is speaking are not your average Mom-and-Pop small depositors. Instead, they are people who are liable to plunk down in excess of 100 grand in bank accounts. Some might have even been prep school classmates of Our President. Second, if these consumers were to lose the confidence they now so energetically place in deficit-plagued banks, dire events would follow. No, they wouldn't put their cash under mattresses; six- and seven-figured sums make too big a lump to sleep on. Instead they would transfer it to more conservatively managed institutions. The result would be prudent lenders having greater sums at their disposal while the reckless are forced out of business. And this would be dreadful because . . . well, I told you that laymen would have trouble following the argument.

The Bank of New England is, we have been told, "too big to be allowed to fail." But, of course, it has failed. That is why the FDIC is picking up the pieces, both those that it is obliged by law to scoop up and also those that, as an act of grace to the very wealthy, it is voluntarily assuming. The generosity does not, however, come without cost. Last year the FDIC lost $4 billion, this year it is expected to lose at least another $5 billion. To cover this hemorrhage of dollars, it is raising the cost of insurance coverage to all banks. That extra expense will lower profits of well-run institutions and render insolvent others that had been operating on the margin. Moreover, shrewd depositors will recognize that they are more secure placing their funds in very large institutions, no matter how slovenly administered, than in smaller ones that the FDIC might not feel constrained to bail out. For example, when minority-owned Freedom National Bank of Harlem failed last year, large depositors received only 50 cents on the dollar, and that after a loud public outcry. Why take a chance, even a small one, banking with the little guys when big ones afford immunity from losses?

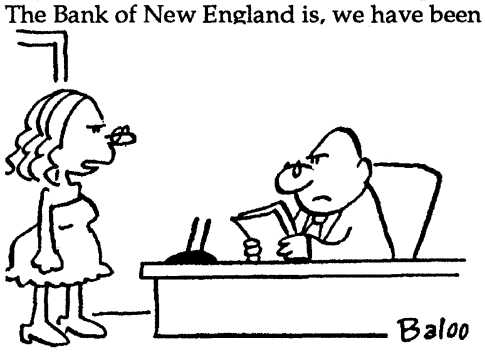

"Well, I sure didn't hear any capital letters when you *dictated* it!"

Is this any way to run a bank? Or a country? —LEL

Pick a decade, any decade — Anyone who reads "think pieces" in our country's major newspapers and opinion journals knows that a systematic rewriting of the history of the recently completed decade is underway. The eighties, we are told, was an epoch of mindless consumption, riotous greed, unmatched selfishness and moral squalor, leaving, for its survivors, an enervated civic order and a society ravaged by materialism, class division, environmental degradation, racism, corruption both public and private, and many more bad things. This analysis is presented in almost fairy-tale terms, with a few new twists (the king lived in luxury while the people starved, and besides he didn't recycle his garbage).

The 20s saw prosperity, peace, low inflation and the rapid flowering of the American middle class. The 50s were sort of the twenties with bomb shelters and hula hoops.

Well, I suspect that the decade can take care of itself. Accurate history has a way of getting itself written after a generation or so, unless emotions are still running very high (e.g. Nazism and the Holocaust) or source material is simply not (or not yet) available (e.g. some aspects of the Pearl Harbor attack). What I find more interesting is the rating of decades by the trendy left. Starting with 1910 (or 1911; I don't want to get into *that* controversy) the teens, thirties, forties (actually, first half only of same) and sixties are regarded as Good. The twenties, fifties (1946–1959), seventies and eighties are, of course, Bad. Without a detailed account, we can identify the teens as the decade of Progressivism and the First Good War, the thirties as the era of poverty, FDR and the rejection of the high living of the twenties, the abbreviated forties as the period of the Second (very) Good War, and the sixties as the epoch of social activism and the politics of rage. The twenties saw prosperity, peace, low inflation. and the rapid flowering of the American middle class. The fifties were sort of the twenties with bomb shelters and hula hoops. The seventies are more difficult to classify, featuring a kind of healing process after the social fragmentation of the late sixties as well as stagflation and a failed Democratic presidency. The eighties brought prosperity,

American power and, at the end, the rapid decay and virtual implosion of communism, the last event being, of course, not an American phenomenon but one that is arguably related in part to American policies.

If we distill the essences out of these respective eras, we come up with something like: war, statism, and the political culture of poverty and rage are good; peace and bourgeois values are bad. More fundamentally, the left seems to identify civic good with periods in which society is seen to place great collective demands on the individual (in the interest, allegedly, of combatting reaction, fascism, etc). These collective experiences are regarded as "authentic." More middle-class, personalized experiences are relegated to the margins of life and of history—more flotsam and jetsam of the passage of time. I, for one, hope that the nineties turn out to be another despised decade. This century has had more than enough noble collective enterprises. It could use some relaxation. —WPM

Best use of passive construction, 1990 — On December 26, Albanian President Ramiz Alia informed a Communist Party conference that during the past 46 years of Communist power in his country "mistakes were made."

According to the New York *Times*, however, "Mr. Alia stressed that the party 'does not intend to abandon its Marxist ideology.'" —SC

Flip-flops — Is there anything, anything whatsoever, for which the current administration stands? Clearly not keeping its sweaty hands off the tax button; that's old news. Nor does foreign policy give evidence of settled convictions. Last I heard, Mr Bush's pronouncement that Saddam Hussein is "worse than Hitler" remains uncontradicted, but that doesn't up the consistency quotient. Recall that as recently as last August 1, official policy had it that Saddam was a man with whom America could "do business." There are even rumors circulating that the president contemplates dropping Dan Quayle from the '92 ticket, the one person by comparison with whom he appears almost statesmanlike. No, courage of convictions is not this administration's strong point. But for one shining hour the White House seemed willing to draw the line on promoting racial discrimination in the name of so-called civil rights.

When Mr Bush vetoed Ted Kennedy's favorite bill of 1990, he solemnly declared in the accompanying message that he would not be a party to a system of quotas. And then just last month Department of Education lawyer Michael Williams announced that college scholarships set aside by race are in violation of the law. The fact that this opinion came from a 37 year-old black man rather than, say, Jesse Helms, gave it a certain luster. Could it be that we were to see a stand made on the principle that mandated racial discrimination is wrong, regardless of whether the beneficiaries are white or black?

No it could not. Backtracking from the flap that arose in predictable quarters, one of Chief of Staff John Sununu's ghosts "clarified" the position, saying in effect that racially discriminatory scholarships are okay providing that the bookkeeping is done just so. The casuistical splitting of hairs left neither liberals nor conservatives happy, embarrassed Williams, and proved if further proof is needed that backbones are few and far between in our nation's capital.

I note, in fairness, that as we go to press the place of Millie as favorite White House dog does seem unchanged and secure. —LEL

Fear and loathing in Eastern Europe — As the governments in Eastern Europe have abandoned the traditional Communist policy of officially respecting and sometimes even subsidizing Jewish culture while simultaneously discriminating against the Jewish population, the majority cultures have used their new-found freedom to indicate that intolerance towards the Jews is one policy of the *ancien régime* which they were sorry to see go.

This intolerance has been particularly evident in Russia and Poland, where many people seem to regard a streak of anti-Semitism as a healthy sign of genuine patriotism. Particularly disturbing are Lech Walesa's thinly veiled anti-Semitic remarks, which were issued during his successful campaign for the Polish presidency last fall. He indicated during the first round of the election that Tadeuz Mazowiecki, then the prime minister and one of his two main rivals for the presidency, might be a closet Jew and therefore not entirely loyal to the Polish state. When confronted about his remarks and by more direct anti-Semitic statements on the part of some of his subordinates, Walesa was unapologetic, and it apparently didn't hurt him with the voters, three-quarters of whom chose him in Poland's presidential run-off election.

Are the Polish anti-Semites incensed because the majority of Poland's Jews are inconsiderately occupying valuable landfill sites? Or is it simply that the Poles need someone to hate, and in the absence of sizable ethnic minorities or some downtrodden group of guest workers to dump on, Polish bigots have had to latch onto the Jews by default?

But why would any Pole even make the effort of being anti-Semitic? Poland's Jewish population has dropped from 3.5 million in 1939 to about 5000 today. This is a drop from 10% of the total population to a little over one one-hundredth of one percent. The biggest drop came, of course, during the Holocaust and in the exodus to Palestine in the immediate post-war era, but the population was still large enough that in 1968 an additional 30,000 were caused to flee by a burst of anti-Semitic nastiness on the part of the authorities. Those who were left were mostly the old and the particularly inoffensive; the average Polish Jew is over 70. Young Jews are so rare that there has been only one *bar mitzvah* in the past thirty years.

Are the Polish anti-Semites incensed because, in these hard-pressed times, the geriatric Jewish population is collecting more in old-age pensions than it is contributing to the economy? Are they upset because the majority of Poland's Jews are inconsiderately occupying valuable landfill sites? Or is it simply that the Poles need some out-group to hate, and that in the absence of sizable ethnic minorities or some downtrodden group of guest workers to dump on, Polish bigots have had to latch onto the Jews by default? —SJR

Wanna make a bet? — Have you heard about the bet between Julian Simon and Paul Ehrlich? Paul Ehrlich is a bi-

ologist best known for his alarming statements about how humans are destroying the planet by too much pollution, too much development, and, especially, too many people. The failure of the world to fulfill his predictions—such as his 1968 forecast of massive famines—mysteriously seems to have enhanced his popularity, not reduced it.

Julian Simon is an economist who disagrees with Paul Ehrlich on just about everything, and has done so for years.

In 1980, at the height of the alarm about rising energy prices and prominent worries about natural resource scarcity, Simon argued that natural resources were not finite in any meaningful sense. (His seminal 1980 article in *Science* has just been republished by Transaction Publishers in his book, *Population Matters*.) Simon issued a challenge to anyone to name a commodity (food, energy, or other resource) and set a date in the future. Whatever the date, Simon was willing to bet that the price would be lower in real terms, not higher.

Ehrlich, with two other academicians who specialized in energy and resources, responded. They chose five commodities (copper, chrome, nickel, tin, and tungsten) in amounts that made the price of each commodity $200, and bet that the price of the five would be higher than $1000 ten years hence—October 1990. Simon agreed that if the price (adjusted for inflation) was higher than $1000 in 1990 he would pay them the difference; if it was lower, Ehrlich would pay the difference.

As you have probably already figured out, and as reported by John Tierney in the New York *Times*, Simon won. Last October, Ehrlich quietly sent Simon a check for $576.07.

The fact that natural resource prices are lower (indeed, even without adjusting for inflation they would have been slightly lower) doesn't surprise me, of course. Economic theory and the evidence of history poke holes in apocalyptic predictions. As scarcity develops, prices start to rise, and people respond by finding substitutes and lower-cost technologies. Then prices fall.

But I learned something from the incident. As one who hears a lot of doomsday announcements—all of them proved wrong so far—I tend to distrust the motives of the people making them. Surely, I muse, people such as Ehrlich and Lester Brown of the Worldwatch Institute can't *believe* what they are saying; they can't be blind to all the scholarship on this issue.

At least in 1980, Paul Ehrlich meant what he said. He was willing to back up his gloomy prognostications with money (not a personal fortune, or course, but something). He was benighted and foolish, but not cynical. He was genuinely mistaken.

Today, I'm not so sure. Simon offered Ehrlich another chance to bet, with the stake as high as $20,000. Ehrlich told the *Times'* Tierney that Simon will eventually be proven wrong, that he is "like the guy who jumps off the Empire State Building and says how great things are going so far as he passes the 10th floor." But he did not take up the challenge. —JSS

The triumph of the hack — A small break with tradition by the Bush Administration may speak more to its treatment of the arts than all the hot air expended by it and Congress over the issue of NEA funding for dirty pictures.

On Sept 17, President Bush announced the appointment of John Mercanti to the post of chief engraver at the U.S. Mint. The announcement came as a surprise because the position of chief engraver was not vacant. It had been held by Elizabeth Jones since 1980, and Ms Jones had not tendered her resignation. Indeed, she has indicated that she would like to continue in that position.

Ever since the Mint was established in 1792, the position of chief engraver had been a lifetime job. I am not one of those who believes that it is a good idea to give out lifetime appointments to government employees. But surely when an establishmentarian, conservative president like George Bush dispenses with a tradition that goes back to the beginning of the American Republic, he must have a pretty good reason, right?

A careful examination of the numismatic press coverage of the issue reveals that Mr Bush has not chosen to share with us his reason for dispensing with tradition and showing Ms Jones the door, whatever his reason may be.

I found one clue. The Director of the Mint, Donna Pope, told the press, "I've always known John [Mercanti] to do excellent work in a timely fashion." Does this mean that Ms Jones missed deadlines?

Take a look at the photographs of the coins below. Which one is more beautiful? Which shows talent? Which shows creativity?

Take a wild guess. Which of these coins is the work of a distinguished sculptor, with a genuine feel for the medium, who studied medallic art for years in Europe and is widely acclaimed as a masterful artist? Which is the work of an illustrator of children's books with a degree from the Philadelphia Academy of Fine Arts, who landed a civil service job with the Mint at age of 31, and responded to a query about his appointment by suggesting that now his father-in-law, who had questioned his ability to earn a living, would have to eat his words?

The proof of an artist is in his art. These photos are the strongest argument I know in favor of Ms Jones and against Mr Mercanti.

Mercanti may be a fine illustrator of children's books. I don't really know. But one thing is certain: he is not a good medallic artist. His portraiture is simply awful: his busts of Eisenhower, Humphrey and Steinbeck lack any spark of life. Nor can he capture movement: it is simply impossible to believe that the figures passing the Olympic torch (pictured above) are mobile.

Jones, in contrast, shows a creativity and a skill that hasn't been evident in U.S. coins since early this century when the distinguished sculptors Augustus St Gaudens, A. A. Weinman and Herman MacNeil designed American coins. Her skill as an artist has been widely recognized and appreciated by numismatists; some even consider her the greatest U.S. coin designer of all time.

So should we conclude that Ms Pope is suggesting that Ms

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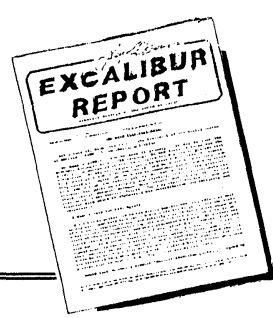

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Jones' work was not turned in on time? I don't really know, and, quite frankly, I don't care. Ms Jones' work is good art, perhaps even great art. Mr Mercanti's is schlock. If Michaelangelo were a few days late painting the ceiling of the Sistine Chapel, would you fire him and hire a housepainter to do the job?

Of course, I may be inferring too much from Ms Pope's remarks. Maybe they were just meaningless words that fill out a press release. I have heard rumors that the decision is in some sense "political," whatever that means in the context of art. Perhaps Mr Mercanti is a Republican while Ms Jones is a Democrat.

What sort of message does Mr Bush's decision to fire Ms Jones and elevate Mr Mercanti send to artists? As near as I can figure, it tells them that talent and skill and artistic flair and creativity mean nothing, and that unimaginative, plodding, and lifeless expression should be rewarded. —RWB

Guest Reflection

Helpless child in the road — There is a difference between morality, as I conceive it, and the notions of right and wrong that circulate in our society. Prudence demands that we accommodate these brummagem notions, to some extent at least, but it does not necessarily make the accommodation easy, as recently was demonstrated to me by a completely unexpected incident.

I was driving to my office when I saw a little boy in the middle of the street, stark naked and just big enough to walk. His skin blended with the dirt on the side of the road and I was horrified by the thought that he could be killed there. I stopped my car, put on my flashers and ushered him off the road. My next step was to find someone responsible for him, who would get him dressed and keep him out of the street. Since he was in the middle of the street and couldn't speak well enough for me to understand him, I didn't know where to begin.

My first challenge came in touching him. Should I hold him like one of my children? I tried to lead him with my finger but he refused to grip it. Should I take my shirt off and put it on him? I wasn't wearing an undershirt and the thought of me being half-dressed at that moment scared me. What would I do if he started crying? Suppose he had been molested prior to my finding him? Would I soon meet an hysterical mother? I couldn't leave him beside the road, and none of the passing motorists would get involved. In addition, my supervisor eventually would drive down the same road; could I explain to him what I was doing?

I went to the nearest house and called out repeatedly to no avail. I lifted the child, gripping him under the arms, holding his nude body as far from me as possible, and moved him to a grassy place where at least he wouldn't be standing on gravel. Should I enter the nearest house and maybe find whatever was there, or get involved in a terrible situation as a result of an unauthorized entry? By then, my yelling attracted a dog in the house, which came outside through a back door. Would I have to fight the dog? It was obviously his turf and I didn't belong. Would the dog attack the nude child as a result of my interference, or would the dog attack me in protection of the child? I took off my belt and wrapped it around my fist, expecting the worst.

Afraid to handle the child and afraid to leave the scene for fear of what might happen to him, I repeatedly asked passing motorists for help. One in particular I asked to "please call the police." Eventually I went to a nearby house soliciting help and found a neighbor who told me the child belonged in the house where the dog I had encountered came from. Eventually that neighbor called the police and together with the police we found the mother, the lost disposable diaper, and everything was back to normal.

The danger of the child being hit by a car was real, and a critical concern to me, but apparently posed no concern to a host of passing motorists. Why? Was I the only one who noticed the child? Were the other motorists doing the *right* thing in not getting involved? The child needed help and I assumed it was a good act that I stopped and got involved—but was it *right*?

What if the dog had been aggressive and I had harmed it or even killed it in self-defense or defense of the child? I had absolutely no idea to what degree I was trespassing. Suppose the owner came out and found me fighting with the dog or assumed I was molesting the child and shot me in self-defense. Was I dead wrong in conventional terms of right and wrong, even if, by my lights, my purpose was good?

When the mother's story was later told, would I be accused of something I didn't do? Had I created an unsavory position for the mother with the neighbors . . . or her husband? Should I have entered the house to find if the mother had an accident and rendered assistance? Was it cowardly of me not to enter the house to search for a parent or someone responsible for the child? Fear was certainly involved in my decision to not enter the house.

I felt guilty and ashamed. Instead of maintaining a single focus on the safety of the child, my mind had been astir with modern caveats.

When the police arrived and the mother eventually came out, she said she had been sleeping and didn't know her son could get the door open. I apologized for causing an uproar in the neighborhood, gave my name and address to the police officers, and left. The situation turned out okay, and nobody was harmed, but as I drove away I felt guilty and ashamed. Instead of maintaining a single focus on the safety of the child, my mind had been astir with modern caveats and concerns. I was not simply guided by good and evil, but also turned and twisted with our present-day notions of right and wrong; I was left feeling much less of a hero and more like someone I never wanted to become.

Maybe other people in the same situation would react differently. Most of us can conjure up a scenario in which we would emerge as a hero. But this is a sobering, even frightening world we have made for ourselves, and it is easy to be motivated by contemporary notions of right conduct that have more to do with the posturing and accusations of journalists and politicians than with a respectable understanding of good and evil. Sometimes it takes a situation like a helpless child in the road to remind us of what we have become. It sure did for me. —Charles Goines

The Gulf War

Over the precipice — Now, after months of dramatic diplomatic activity and propaganda efforts, the culmination has come in the form of the U.S. attack on Iraq. As I write (January 20) it is impossible to predict how long the war will continue or how its course will be run. One can, however, reflect on the events that led to this momentous climax.

The official U.S. line is that the story began with the "naked aggression" of Iraqi forces against the "legitimate government" and people of Kuwait. Without denying the aggression and the consequent atrocities of the Iraqis in Kuwait, one might ponder the ambiguities of the situation. The borders of the Middle East, artifacts of the dismantling of European colonial empires, are more or less arbitrary in relation to the histories and sentiments of the people of the region. The "nations" sketched by colonial administrators with straight lines on a map have little if any relation to the native territories of those loyal to the greater Arab nation or to smaller groups such as the Kurds. Kuwait itself is the product of a British deal with the Sabah family. Iraq and Kuwait have a long history of conflict, and the Kuwaitis have called for and received Western protection on previous occasions.

In any event, the legitimacy of the Kuwaiti regime has no foundation other than mere diplomatic recognition. Americans are supposed to consider it a self-evident truth that governments derive their just powers from the consent of the governed. By this standard, the Emir of Kuwait has no genuine claim to power. It is a travesty of justice for Americans, whose own nation was born in resistance to the claims of a monarch, to restore to autocratic power the multi-billionaire royal family, whose members are lounging comfortably abroad while their "white slaves" sacrifice life and treasure to retrieve the Sabah oil patch.

The Bush administrations' rationales fluctuated almost daily. In the beginning the United States ostensibly sought only to defend Saudi Arabia and the smaller Gulf sheikdoms. Oil, jobs, and "our way of life" were said to be in jeopardy. When such mundane objectives proved insufficient, foggier goals replaced them. Envisioning himself as the rightful heir to Woodrow Wilson and Franklin Roosevelt, George Bush would have us believe he is fashioning a "new world order." So Americans are fighting another war to end all wars. Hegel once said that "the only thing one learns from history is that nobody ever learns anything from history." Whatever its status as a universal truth, the aphorism fits the immediate case.

One thing Bush and many others think they have learned from history is the "lesson of Munich." The metaphor of ill-fated appeasement has served repeatedly as a rhetorical club with which any warmonger, no matter how intellectually obtuse, can knock down doves. Saddam Hussein another Hitler? Get serious. If history is to be used no more carefully than this, it really would be better if people remembered nothing at all. The two cases have hardly anything in common. That many people should consider them close parallels demonstrates the depth of their ignorance of the Middle East and, sadly, how promptly many people urge resort to arms whenever an international difficulty arises.

If an Iraqi invasion of Kuwait was such a horror, why did the State Department make no attempt to head off the invasion when its imminence was obvious? Having clearly signaled its indifference, why did the U.S. side react so violently when the impending event actually took place? Once the Iraqis had occupied Kuwait and the world sought a peaceful resolution, why did the government stubbornly refuse to consider a peace conference to discuss the major disputes of the region? The adamant refusal of the Bush administration to countenance the dreaded "linkage" looks like another case of the Israeli tail wagging its American dog.

Congress cowered in the shadows until the eleventh hour. Then, after a couple days of huffing and puffing and self-congratulation for their historic courage in undertaking what was no more than their plain constitutional duty, the solons delivered into George Bush's hands a *carte blanche* to take whatever military actions his mind or emotions might favor. Giving such open-ended authority, as opposed to a clear declaration for or against war, to a president of such manifest self-doubts about his masculinity was, at best, irresponsible. Once again, in the face of potential armed conflict, Congress simply rolled over to play dead. Gladly will the legislators share in any credit or glory that might present itself if the war goes well, but they will slough the blame onto the President if it goes poorly.

Envisioning himself as the rightful heir to Woodrow Wilson and Franklin Roosevelt, George Bush would have us believe he is fashioning a "new world order." So Americans are fighting another war to end all wars.

The plain fact is that U.S. forces initiated a massive attack on a country with which it was not at war, a country that did not—indeed could not—directly menace America. Is this not a clear case of the sort of action that libertarians condemn as axiomatically wrong? Inevitably many innocent people will be killed, wounded, or otherwise harmed. This war resembles virtually all others in that the masses of people on both sides are being cynically manipulated and sacrificed to gratify the vanities of the leaders and the ruling circles. To personalize the war, describing it as not against the Iraqi people but against Saddam, is morally equivalent to bombing a prison because one has a grievance against its sadistic warden.

No war is good. As Jeannette Rankin said, one can no more

win a war than one can win an earthquake. It is in the very nature of war that both sides lose, though sometimes they lose different things. At its best, war is a necessary evil, but this war was plainly not necessary.

Resort to war is an indictment of people's intelligence. In David Friedman's words, "the direct use of physical force is so poor a solution to the problem of limited resources that it is commonly employed only by small children and great nations." Resort to war displays a lack of imagination as well as a lack of humanity.

But now all such considerations have become moot; the reality of war is the great fact we face. Whether it lasts a week or a month or a year, it will have dire consequences whose long-term repercussions no one can foretell. Exacerbation of Arab enmity against the United States, acts of terrorism, upheavals against the Arab regimes that allied themselves with the Western infidels—these things seem more or less certain. When the shooting stops, none of the fundamental conflicts in the Middle East will be any closer to resolution, and some will be farther from resolution.

Within the United States, political divisions and animosities will be heightened. Great financial burdens will have to be borne, raising the government deficit even higher, with the usual pernicious effects. To the extent that the U.S. war effort comes to be viewed as a "victory," the military establishment will be glorified and overseas adventures encouraged for many years to come. The military-industrial complex will plunge its grasping hands even deeper into the taxpayers' pockets. A new cohort of war heroes will be created, destined to supply the Congress and the presidency with future politicians possessing the same martial mentality that helped to bring about the catastrophe that began on January 16, 1991. —Robert Higgs

Giving such open-ended authority, as opposed to a clear declaration for or against war, to a president of such manifest self-doubts about his masculinity was, at best, irresponsible.

Bush blunders, America suffers, Bush is rewarded — The Persian Gulf crisis and war are the result of three incredible blunders by George Bush. The crisis and war have already cost Americans billions of dollars, and it will probably cost billions more and the lives of thousands of soldiers before it is over.

Ironically, Bush has been rewarded for his mistakes.

On July 25, Saddam Hussein met with U.S. Ambassador April Glaspie to discuss Kuwait. Saddam had accused Kuwait of conspiring to depress the price of oil and had threatened invasion. Ambassador Glaspie sympathized with Saddam, saying that "many Americans" shared his hope for higher oil prices. And what could Saddam do about it? "I know you need funds. We understand that and our opinion is that you should have the opportunity to rebuild your country. But we have no opinion on the Arab-Arab conflicts, such as your border disagreement with Kuwait."

Saddam, I suspect, could scarcely believe his ears. Here was the U.S. ambassador saying that it was okay with the U.S. government if he invaded Kuwait.

A week later, Saddam actually did invade Kuwait, conquering it easily.

And how did Bush react? By standing by and allowing the conquest to stand, as his Ambassador had suggested? Well, no. George Bush went ballistic. He ordered American fighting men to Saudi Arabia and aircraft carriers to the Persian Gulf. He went to the United Nations to get an official sanction for a blockade of Iraq and for a war if the blockade failed. He ordered his diplomatic staff to build an international coalition to support the U.S. action, even offering huge bribes to other Arab and Islamic countries for their support. He got the United Nations to set a January 15 deadline for Saddam's withdrawal from Kuwait.

George Bush was planning for war. Never again would he be denounced as a "wimp."

The cost of Iraq's conquest of Kuwait (which Bush encouraged) and of the American occupation of Saudi Arabia (which Bush ordered) has been tremendous. The cost of oil skyrocketed almost immediately, costing Americans every time they filled up their gas tank or purchased home heating oil. The military build-up cost $2.7 billion dollars in fiscal year 1990, and will cost about $30 billion in fiscal 1991, exclusive of any costs for actual fighting.

But support for Bush's bellicosity was not universal, even among his allies. On January 14, for example, France proposed that the "allies" offer Saddam a deal: Iraq abandons Kuwait and the U.S. agrees to talk about Palestine. Bush brushed this proposal aside, saying that the U.S. would never "link" the issues of Palestine and Kuwait.

At 6:30 pm EST the following day, the U.S. unleashed the greatest air strike in the history of the world. The attack seemed to go exceedingly well, knocking out a wide variety of military targets with pinpoint precision. Americans rallied behind their president. "The war is over," some Americans said, "and we won."

But the war isn't over, and we haven't won. Of course, the events early in the war have gone well; it has been widely recognized that the U.S. has a tremendous air superiority. The problem is that the war will not be fought exclusively from the air. There are two other important fronts:

1) On the ground in Iraq. People don't live in the air; they live on the ground. And until the ground forces of Iraq are defeated, the war isn't over.

2) In the minds of Arabs. If Arabs rally against the U.S., a land victory in Iraq will be ephemeral. For one thing, the support of the Arab governments (e.g. Egypt, Syria) who joined the American-led "alliance," will certainly evaporate. For another, the remaining monarchies in the oil-rich Arabian peninsula (Saudi Arabia, the Emirates) will likely be overthrown. In the end, virtually all the Middle Eastern oil could end up in the hands of forces extremely hostile to the United States.

It is in the context of the battle for the minds of Arabs that Bush's cavalier dismissal of the French proposal to offer talks about Palestine in exchange for Iraq's withdrawal from Kuwait was a terrible blunder. Had the U.S. agreed to the proposal, the ball would have been in Saddam's court. He could have refused the offer, in which case his claim to be fighting for justice for the Palestinians would have lost considerable credibility. Or he could have accepted it, at a cost to the West of talk—not concessions—just talk.

But apparently, the U.S. government is committed to support Israel's policies above all, and avoiding any talks about Palestine is a very high priority for the Israeli government. Only the night before the U.S. attacked, Israelis interviewed on ABC's *Nightline* said they hoped for a shooting war against Iraq to shore up support for Israel in America.

During the immediate aftermath of the U.S. attack, there were demonstrations against the U.S. in Tunisia, Morocco, and Mauritania. There were no demonstrations in Egypt, whose support the U.S. had acquired for $7 billion, but it's hard to make too much of this, since demonstrations against government policy are illegal and are harshly repressed.

Whether Arabs rally behind Saddam as the war progresses remains to be seen. But that risk was greatly enhanced by Bush's dismissal of the French proposal.

The U.S. recognizes the independence of Lithuania and has never recognized its conquest by the Soviets in 1940. Yet the Bush administration responds to the literal crushing of Lithuanians beneath Soviet tanks with a mild rebuke, while unleashing the full force of American military might in defense of a wealthy monarch in the Middle East.

In addition to the higher cost of gas, heating oil and other petroleum products, the billions spent to buy the support of "allies" like Egypt and Turkey, the $30 billion per year to maintain the military force in Arabia, the American taxpayer will pay $1 billion *per day* as long as fighting continues. In addition, Americans will pay with the lives of those soldiers who die, and the health of those who are wounded, and the cost of caring for those maimed by the war.

And more. To fight the war in Arabia, the U.S. has concentrated virtually all its combat-ready troops at a location remote from what is ordinarily conceived as its defense perimeter, leaving the U.S. vulnerable to attack. (Unless, of course, we are using surplus troops, not really essential to our defense. If this is the case, of course, it would seem to imply that the President's repeated statement that our military forces were essential to America's defense has been a lie.)

And more still. In relations between the U.S. government and other nations, Bush's blunders have been very expensive. Already, they have run the risk of turning Arabs from Saudi Arabia to Yemen to Morocco against America. Already, they have allowed Soviet dictator Gorbachev to brutally suppress the pro-independence movement in the Baltic states. (It was no coincidence that Gorbachev chose the beginning of the war in the Middle East to order the machine gunning of Lithuanians. The U.S. recognizes the independence of Lithuania and has never recognized its conquest by the Soviets in 1941. Yet somehow, the Bush administration responds to the literal crushing of Lithuanians beneath Soviet tanks with a mild rebuke, while unleashing the full force of American military might in defense of a wealthy monarch in the Middle East. Presumably the administration's wimpy reaction is a *quid pro quo* for Gorbachev's moral support of the U.S. war.)

Before the blood has stopped flowing in the Middle East, the cost to America will be tremendous—in terms of dollars, in terms of lives lost, in terms of soldiers maimed, in terms of losing the initiative in the breakup of the Soviet Empire, in terms of the demonizing of America throughout the Arab world and the possible loss of influence in that part of the world which produces most of the world's oil, and in other ways we haven't yet imagined.

And all these costs are the results of George Bush's encouragement of Saddam to invade Kuwait, his quick movement of U.S. troops into Arabia, and his refusal to accede to the French peace initiative.

Ironically, George Bush has profited greatly by his blunders. His popularity within the United States has increased, as Americans have rallied around their president. His friends in the oil business have profited from higher oil prices. The chances that Congress will agree to his insistence that the U.S. government maintain a huge military establishment, despite the end of the Cold War, have been enhanced.

Whether Bush will gain in the long run depends on the U.S. prevailing militarily. But politicians have a relatively short time horizon: what Bush needs is a boost in his popularity and political effectiveness sufficient to re-elect him. And the election is only 21 months away. —R. Bradford

The first casualty — For months, as the president pursued his Persian Gulf policy, Congress did nothing. When criticism mounted that its inaction was causing its constitutional war-declaring authority to ebb away, Congress decided that it better debate the issue or face an adverse judgment by history. So the debate was held over President Bush's request for a resolution authorizing the use of force in response to Iraq's occupation of Kuwait.

But the debate was a fraud, a monumental act of self-deception by the U.S. Congress. There were basically two positions advocated by Congresspersons: Give the president the authority to attack that he seeks, or allow the blockade and sanctions to work.

The issue of a declaration of war, as required by the U.S. Constitution, was never debated. A debate over that issue would have been moot anyway because a state of war already existed between the United States and Iraq. The state of war has existed since August. The imposition of a blockade is an act of war. Laying siege to a state is an act of war. International law says it is. What else could it be? So the debate was not between those who want war and those who don't want it. It was a debate over war strategy. This is a far different issue, for while it is unquestionable that Congress has the constitutional authority to declare war, it has never had the authority to manage the conduct of a war.

How can it debate the issue while 400,000 troops are sitting in a war zone? How can there be truly free discourse about presidential pledges already made?

The narrow scope of the debate was apparent to anyone who listened to it. Nearly every advocate of continued sanc-

tions prefaced his remarks by saying that he shared President Bush's objectives and only questioned his methods. Nearly every sanctions advocate refused to rule out the future use of force.

A *genuine* debate over war powers would have examined the president's claim that he has the authority, in the absence of congressional approval, to send troops into a potential combat zone and to involve the country in a blockade against another state. These issues were never debated; Congress has allowed its constitutional authority to be further eroded.

Of course, this is not entirely Congress' fault. How can it debate the issue while 400,000 troops are sitting in a war zone? How can there be truly free discourse about presidential pledges already made? Voting against the president at that point was to invite accusations of undermining the credibility of the United States.

When the United States entered World War I, Randolph Bourne worried about the same issue. Calling a congressional declaration of war "the merest technicality," Bourne wrote that "before such a declaration can take place, the country will have been brought to the very brink of war by the foreign policy of the executive. A long series of steps on the downward path, each one more fatally committing the unsuspecting country to a warlike course of action will have been taken without either the people or its representatives being consulted or expressing its feeling. When the declaration of war is finally demanded by the Executive, the Parliament or Congress could not refuse it without reversing the course of history, without repudiating what has been representing itself in the eyes of the other States as the symbol and interpreter of the nation's will and animus."

The president committed troops, imposed a blockade, and promised to launch a war without congressional authorization, rendering the U.S. Constitution's provision that only Congress can declare war nugatory. — Sheldon L. Richman

Peace had its chance — The Gulf War is a just war: our armed forces are doing what we pay them to do. However, it is also a war that could have been avoided.

The Bush administration made a great diplomatic mistake when its envoy to Iraq told Saddam that "we have no opinion on the Arab-Arab conflicts, such as your border disagreement with Kuwait." This is reminiscent of how we got into the Korean war. In a January 12, 1950 speech to the National Press Club, Secretary of State Dean Acheson described the U.S. defensive perimeter in the Pacific, which included the Aleutians, Japan, Okinawa, the Philippines and points east. It did not include Korea, Formosa or points west. Acheson stated that "no person can guarantee these areas against attack," and that in case of conflict the indigenous peoples would have to defend themselves. He also said that if they failed, the U.N. would be called upon to provide assistance. Even with this caveat, it is easy to see how Stalin interpreted this as a signal that an attack on South Korea would not be resisted, despite the presence of U.S. troops there.

Apparently, the U.S. failed to learn that statements of this sort can be taken literally by potential aggressors. In the present case, one also wonders if Saddam Hussein could take seriously the risk of war with United States, a country which appoints a woman as ambassador. To him, this was a sign of weakness.

Once Saddam invaded Kuwait, the U.S. placed air assets on the ground within one day. This raised the stakes, and was probably not a good idea. Consider what happened when Iraq invaded Kuwait in 1973 over the same issues (borders, oilfields, islands) that motivated its recent invasion. Iraq occupied the northern part of Kuwait until an agreement was reached (mediated by the Soviet Union) in which Kuwait gave up some rights and paid some reparations. Iraq withdrew. U.S. intervention was restrained by fears of possible Soviet reaction. In 1990, this fear had been removed—bipolar stability had ended. Had Bush shown some voluntary restraint when the 1990 invasion took place, the 1973 scenario might have been replayed, and a major crisis averted. Had Iraq not left Kuwait, he could always have deployed our troops later. The only risk was that Saudi Arabia might have been invaded, but this was not a credible threat—witness the lengths Secretary Baker went to get our "invitation."

Though these two crucial blunders "manufactured" the crisis (whether it was intentional or not will be the source of controversy for some time to come), once the U.S. committed troops, the complexion of the situation changed dramatically. The troop presence itself became an issue, in fact the defining issue so far as U.S. policy is concerned. Negotiation entered a new phase, putting Saddam's character to the test.

It is of paramount importance to eliminate Saddam Hussein and the long-term Iraqi threat. Saddam Hussein is not a liberal fellow-traveller; he is an aggressor. That alone is not reason to be rid of him. His invasion of Kuwait proved his threat a dangerous, violent reality.

Peace *had* its chance, and it did not produce any proposals worth considering, even in the unlikely event Saddam Hussein had accepted them. They all (to my knowledge) promised either explicit linkage to the Palestnian question, or a Mideast Conference in which "all issues" would be laid on the table. George Bush rightly asserted that the precondition for any of these proposals must be the withdrawal of Iraq from Kuwait without condition, as per the UN resolutions; else international law would be made vacant, and the solution would amount to a *de facto* reward for aggression.

It is now of paramount importance to eliminate Saddam Hussein and the long-term Iraqi threat. Saddam Hussein is not a liberal fellow-traveller; he is an aggressor. That alone is not reason to be rid of him; but when he began to assert his force throughout the Persian Gulf region, it was cause for concern. The U.S. aided him against Iran, because it was believed that Iran was a greater threat to stability. But after the death of Khomeini, Saddam became the greater threat. His invasion of Kuwait proved his threat a dangerous, violent reality.

It has been argued that if Iraq is laid prostrate, Syria and Iran will be left in dominant positions. This may be true; but it is not a reason to neglect a current danger. To prevent future conflict the U.S. might try to be a little more far-seeing in its policies in the region, but that is an issue for post-war diplomacy. Past blunders provide reasons for caution, not excuses to do nothing. — James S. Robbins

Debunking

The Myth of War Prosperity

by Robert Higgs

Almost everyone—expert and lay person alike—believes that the experience of World War II is unambiguous: the war got the economy out of the Depression. This interpretation is dead wrong. In every meaningful sense, the war intensified and extended the Depression.

On October 22, 1990, while the Bush administration hurried to build up military forces in Saudi Arabia and its environs, *The Wall Street Journal* sounded a sour note. The three-column headline proclaimed: "Gulf War Might Not Aid U.S. Economy."

The subhead, as if it were solving a puzzle, explained that the "Mideast Scenario Differs From Past Conflicts." Clearly, the presumption is that war and economic prosperity go together. Any other relation seems anomalous. The experts quoted in the article agreed that previously war was an "unmitigated plus." Historically, military buildups were "stimulative," putting the economy "on an upward track."

The *Journal*'s story began by stating matter-of-factly that "it took World War II to pull the U.S. out of the Great Depression." Undoubtedly this episode is the classic case. While people may argue about the economic effects of World War I or the Vietnam War, almost everyone—expert and lay person alike—believes that the experience of World War II is unambiguous: the war unquestionably got the economy out of the depression. History texts tell the tale in dreary monotony. The experience is commonly regarded as the strongest evidence in support of the Keynesian prescription for curing lackluster macroeconomic performance.

The standard interpretation is wrong. It rests on evidence that will not bear scrutiny. It exemplifies bad economics and bad history. In large part, the prevailing misconceptions arise from the uncritical use of aggregative concepts and measures of economic performance. Rarely does anyone bother to ask what these familiar indexes really measure, what they really mean. Whatever the merits they may have in application to a peacetime market economy, the standard concepts and measures of national income accounting and the explanations derived from orthodox macroeconomic theories lose their meaning in application to a command economy. The prevailing misinterpretations of the performance of the U.S. economy during the 1940s have arisen because economists and historians have failed to appreciate that the U.S. economy during the war was a command economy.

The Consensus

What makes people believe that "the war got the economy out of the depression"? The evidence adduced usually features (1) great decline in the standard measure of unemployment, (2) great increase in the standard measure of real GNP, and (3) the slight increase in the standard measure of real private consumption.

The entire episode of apparent business cycle boom during the war years is understood by most writers as an obvious validation of the simple Keynesian model: enormous government spending, financed mainly by selling bonds and creating new money, spurred the military economy itself and had multiplier effects on the civilian economy, the upshot being increased real output and employment and decreased unemployment.

The authors of economic history textbooks all rely on data taken from standard statistical compilations, either the Commerce Department's *Historical Statistics* or the annual reports of the President's Council of Economic Advisors, to document their accounts of economic performance during the 1940s. No one expresses any awareness that those data—for example, GNP measures based on the Commerce Department's concept of

national product—might be problematic. The standard numbers receive universal acceptance at face value.

Employment and Unemployment

The standard measure of the unemployment rate (the number of persons officially unemployed as a percent of civilian labor force) falls greatly between 1940 and 1944, from 14.6 percent to 1.2 percent. Michael Darby's measure of the unemployment rate, which does not count those in New Deal "emergency government employment" as unemployed, falls from 9.5 percent to 1.2 percent. Either measure signals a virtual disappearance of unemployment during the war, but in the circumstances neither measure means what it is commonly taken to mean.

The country started in 1940 with an unemployment rate of 9.5 percent; the government then pulled the equivalent of 22 percent of the labor force into the armed forces; and, voilà, *the unemployment rate dropped to a very low level. No one needs a macroeconomic model to understand these events.*

The buildup of an armed force of more than 12 million persons by mid-1945 made an enormous decline of the standard unemployment rate inevitable. But the welfare significance of this decline is far from the usual one. Of the 16 million persons who served in the uniformed armed forces at some time during the war, 10 million were conscripted, and many of those who volunteered did so only to avoid the draft and the consequent likelihood of assignment to the infantry. The civilian labor force during 1940–45 was 54–56 million. Therefore the 12 million serving in the armed forces in 1944–45, most of them under duress, constituted about 18 percent of the total (civilian plus military) labor force, itself much enlarged during the war.

In short, the country started in 1940 with an unemployment rate (Darby concept) of 9.5 percent; the government then pulled the equivalent of 22 percent of the prewar labor force into the armed forces; and, *voilà*, the unemployment rate dropped to a very low level. No one needs a macroeconomic model to understand these events. Given the facts of the draft, no plausible view of the economy is incompatible with the observed decline of the standard unemployment rate. Whether the government ran deficits or not, whether the money stock increased or not, massive military conscription was sure to decrease dramatically the standard rate of unemployment.

So, the tight civilian labor market during the war reflected the creation of huge military employment, but military "jobs" differed categorically. They ranged (sometimes within the same job) from the abjectly disgusting to the intolerably boring to the unspeakably horrifying. Whatever their qualities, they lasted for "the duration." Often they entailed substantial risks of death, dismemberment, and other physical and psychological injury; sustained involvement in combat drove many men insane. Physical casualties included 405,399 dead and 670,846 wounded. To make the military jobs commensurable with the civilian jobs—a common statistical procedure in studies of the war labor market—betrays a monumental obtuseness to the underlying realities. Too often have economists and historians appraised the economic benefits of the war to the civilian population as if those benefits had no causal connection with the horrors of the battlefield. In reality all these events—economic as well as political and military, at home as well as overseas—were threads in the same blood-soaked tapestry.

To see more clearly what happened to the labor force, one can examine the part of the total (civilian plus military) labor force composing the labor "residuum," that is, all those outside nondefense employment. This includes the civilian unemployed plus uniformed members of the armed forces plus civilian employees of the armed forces plus everyone employed in the military supply industries. This measure rises from 17.6 percent in fiscal year 1940 to more than 40 percent during fiscal years 1943–45, then drops abruptly to about 10 percent during fiscal years 1946–49. The extraordinarily high level of the labor residuum during 1942–45 signals that the "prosperous" condition of the labor force during the war was spurious: official unemployment was virtually nonexistent, but four-tenths of the labor force was not being used to produce consumer goods or capital capable of yielding consumer goods in the future. The sharp drop of the labor residuum between fiscal years 1945 and 1946 marks the return of genuine prosperity.

Real Output

To find out what happened to real output during the war, historians usually reach for *Historical Statistics*. Economists typically reach for the latest issue of the annual report of the Council of Economic Advisors. Which source one consults makes a difference. Although the two series show roughly the same profile of real GNP during the 1940s, the latest Commerce Department version indicates (when indexed as 1939 = 100) a peak value of 192.7 in 1944, versus a peak value of 172.5 in 1944 in the series taken from *Historical Statistics*. The 12 percent difference is hardly negligible, even though it reflects only statistical as opposed to conceptual revisions during the past twenty years. Both series show a sharp drop of real GNP between 1945 and 1946: 12 percent in the older series, 19 percent in the newer.

The U.S. economy during 1942–45 was the exact opposite of a free market system. Every part of the economy was either directly controlled by the authorities or subject to drastic distortion because of its relations with suppliers and customers who were tightly controlled.

Economists and historians who employ the standard real GNP series seem generally unaware that the num-

bers may be conceptually problematic. By contrast, Simon Kuznets, a leading figure in the development of the national income accounts, expressed many concerns. In his *National Product in Wartime* (1945), Kuznets discussed a number of issues that analysts must consider when deciding how to construct national product measures for a nation at war. Noting that the "complexity of observable reality compels the investigator to select one set of assumptions from among many concerning the purpose, value, and scope of the economic activity," he observed that "a major war magnifies these conceptual difficulties, raising questions concerning the ends economic activity is made to pursue. . . [and] the distinction between intermediate and final products." He noted that "war and peace type products . . . cannot be added into a national product total until the differences in the valuation due to differences in the institutional mechanisms that determine their respective market prices are corrected for."

In refined estimates of national product that Kuznets later produced, he made an adjustment for the steep decline in the relative prices of munitions during the war, and he deleted nondurable war output (pay and subsistence of armed forces) from his estimate. The result was to eliminate most of the bulge of real GNP during the war years shown by the official Commerce data. He might have gone even further, however, to delete all government outlays for war purposes. The crucial question is: Does government war expenditure purchase a final good, and hence belong in GNP, or an intermediate good, and hence not belong?

William Nordhaus and James Tobin, in a monograph published in 1972, made numerous adjustments to the standard GNP concept to transform it into what they call a measure of economic welfare (MEW). They aimed to eliminate from GNP "activities that are evidently not directly sources of utility themselves but are regrettably necessary inputs to activities that may yield utility"; that is, they sought to eliminate spending that is "only instrumental." Accordingly they deleted—along with various other items—all national defense spending.

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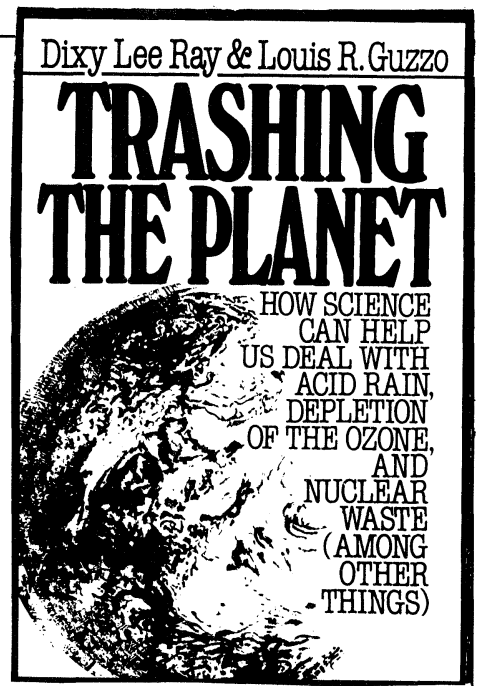

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Following the lead of Nordhaus and Tobin, one arrives at a measure of real GNP that shows no wartime prosperity whatsoever. Now one sees that real GNP in 1944, which the Commerce variant shows at a peak, was 12 percent *lower* than it had been in 1941. Only with the end of the war did the economy at last break out of its 15-year era of substandard performance, jumping nearly 27 percent between 1945 and 1946.

The "prosperous" condition of the labor force during the war was spurious: official unemployment was virtually nonexistent, but four-tenths of the labor force was not being used to produce consumer goods or capital capable of yielding consumer goods in the future. The sharp drop of the labor residuum between fiscal years 1945 and 1946 marks the return of genuine prosperity.

Finally, one can make an even stronger argument for rejecting the orthodox account of changes in real GNP during the war. One can simply argue that outside a more-or-less competitive market framework, prices become meaningless; all presumption that price equals marginal cost vanishes, and therefore *no* theoretically justified estimate of real national product is possible. Although mainstream economists cannot be expected to accept this argument, I believe it is sound.

Real Consumption

Some writers who recognize that the expansion of real GNP during the war consisted overwhelmingly of military outputs nevertheless insist that real private consumption also increased. In Seymour Melman's colorful but otherwise representative portrayal, "the economy [was] producing more guns *and* more butter. Americans had never had it so good."

This view is wrong. It fails to take sufficiently into account (1) the understatement of actual inflation by the official price indexes, (2) the deterioration of quality and disappearance from the market of many consumer goods, (3) the full effects of the rationing of many widely consumed items, and (4) the additional transaction costs borne and other sacrifices made by consumers in getting the goods that were available. When one corrects the data to provide a more defensible estimate of real consumer well-being during the war, one finds that it declined.

During the war years consumers suffered extraordinary welfare-diminishing changes. To get the goods that were available, millions of people had to move, many of them long distances, to centers of war production. After bearing extraordinary costs of relocation, they often found themselves crowded into poorer housing. Because of the disincentives created by rent controls, the housing got worse each year, as landlords reduced or eliminated maintenance and repairs. Transportation, even commuting to work, became difficult for many workers. No new cars were being produced; used cars were hard to come by because of rationing, and were sold on the black market at steep prices; gasoline and tires were rationed; and public transportation was crowded and inconvenient for many, as well as frequently preempted by the military authorities. Of course, in literally thousands of particular ways, consumers lost their freedom of choice.

One must also recognize that while consumers were actually getting less, they were working harder, longer, and at greater physical risk in the workplace to get the available goods. The ratio of civilian employment to population (aged 14 and over) increased from 47.6 percent in 1940 to 57.9 percent in 1944, as many teenagers left school, women left their homes, and older people left retirement to work. The average workweek in manufacturing, where most of the new jobs were, increased from 38.1 hours in 1940 to 45.2 hours in 1944; and the average workweek increased in most other industries as well, in bituminous coal mining by more than 50 percent. The rate of disabling injuries per hour worked in manufacturing rose by more than 30 percent between 1940 and its wartime peak in 1943. It is difficult to understand how working harder, longer, and more dangerously in return for a diminished flow of consumer goods comports with the description that "economically speaking, Americans had never had it so good."

Inappropriate Theories

None of the standard macroeconomic theories employed to account for the wartime experience provides an acceptable explanation. The standard models cannot do the job because none is a model of a command economy, and the United States during 1942–45 was a command economy. Regardless of the peculiarities of their assumptions, all the standard macroeconomic models presume the existence of genuine markets for commodities, factor services, and bonds.

None of these assumptions even approximates the conditions that prevailed during the war. Commodity markets were pervasively subject to controls: price controls, rationing, and in some cases outright prohibition in the consumer goods markets; price controls, prohibitions, priorities, conservation and limitation orders, quotas, set-asides, scheduling, allocations, and other restrictions in the markets for raw materials, components, and capital equipment. While taxes were raised enormously, many foods and raw materials received subsidies so that the price controls at the retail level would not drive suppliers from the market. Factor service markets were no freer, and in some respects were less free, than the commodity markets—recall the 10 million men conscripted. Credit markets experienced total control, as the Federal Reserve undertook to reduce and allocate consumer credit and pegged the nominal interest rate on government bonds at a barely positive level. Two-thirds of the investment in manufacturing plants and equipment from July 1940 through June 1945 was financed by the government, and most of the remainder came forth in response to tax concessions and other *de facto* subsidies authorized in 1940 to stimulate the rearmament.

continued on page 30

Essay

Conservatism and Libertarianism

by Richard M. Weaver

Many conservatives have suggested that libertarianism is merely a subset of conservatism. In this classic work, the late Richard Weaver argues that the reverse is true—conservatism is a special kind of libertarianism.

The subject of this paper is the common ground between conservatism and libertarianism—not *possible* common ground, for I am convinced that they already, or naturally, share the same place on the political arc even though sometimes they are found eyeing one another rather uneasily. Among the theorists in both groups it is true, we sometimes sense an unwillingness to come into a common front, apparently out of a feeling that this would require some fatal concessions. I hope to show that this is not so. It can be demonstrated that while the position of the conservative and that of the libertarian may not overlap exactly, they do have an overlapping and they certainly are not in necessary conflict.

The modifier which has been most frequently applied to my own writings is "conservative." I have not exactly courted this but I certainly have not resented it, and if I had to make a choice among the various appellations that are available, this is very likely the one that I would wind up with. I must say that I do not see any harm in it, and in this I am unlike some of my friends, unlike some people with whom I agree on principles, but who appear to think that the term is loaded with unfavorable meanings or at least connotations.

And there is, in fact, a concept of conservatism filled with disagreement which needs to be fought by everyone who believes that a conservative philosophy is useful and constructive. There are some people who appear to think that conservatism means simply lack of imagination. The conservative, unable to visualize anything else, just wants to sit down with the status quo. There are others who seem to think that conservatism means timidity. The conservative is a person who has a sneaking presentiment that things might be better but he is simply afraid to take the risk of improvement. There are some who seem to think that conservatism is a product of temperamental slowness. If your mind or reflexes don't work as fast as other people's, then you must be a conservative. In these conceptions, the conservative is always found behind, whether from mental or physical deficiency, or just plain fearfulness. Naturally, nobody looks to that kind of person for leadership.

But this is very far from my image of the conservative. A conservative in my view is a man who may be behind the times or up with the times or ahead of the times. It all depends on how you define the times. And this brings us at once to the matter of an essential definition.

It is my contention that a conservative is a realist, who believes that there is a structure of reality independent of his own will and desire. He believes that there is a creation which was here before him, which exists now not by just his sufferance, and which will be here after he's gone. This structure consists not merely of the great physical world but also of many laws, principles, and regulations which control human behavior. Though this reality is independent of the individual, it is not hostile to him. It is in fact amenable by him in many ways, but it cannot be changed radically and arbitrarily. This is the cardinal point. The conservative holds that man in this world cannot make his will his law without any regard to limits and to the fixed nature of things.

There is in Elizabethan literature a famous poem entitled "A Mirror for Magistrates." It contains stories of a large number of rulers, kings, princes and others, who got into trouble and came to untimely and tragic ends. The story from these that I remember with special vividness concludes with this observation as a moral—and it is a kind of refrain line throughout the account: "He made his will his law." And that has stayed with me as a kind of description of the radical: he makes his will the law, instead of following

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the rules of justice and prudence. Fancying that his dream or wish can be substituted for the great world of reality, he gets into a fix from which some good conservative has to rescue him. The conservative I therefore see as standing on *terra firma* of antecedent reality; having accepted some things as given, lasting, and good, he is in a position to use his effort where effort will produce solid results.

Radicals and liberals sometimes try to knock the conservative off balance by asking, "What do you want to conserve anyhow?" I regard this question as by now substantially answered. The conservative wants to conserve the great structural reality which has been given us and which is on the whole beneficent.

My instincts are libertarian, and I am sure that I would never have joined effort with the conservatives if I had not been convinced that they are the defenders of freedom today.

I might make this a little more precise by saying he wants to respect it, although of course respect must carry with it the idea of conserving. There is a famous saying of Francis Bacon which can be applied with meaning here. Bacon does not seem the most likely figure to be brought into a defense of conservatism, but then every great thinker will say some things of general truth. Bacon declared that man learns to command nature by obeying her.

The same holds for the moral, social, and political worlds. One does not command these by simply trying to kick them over. One commands them as far as it is possible to do so or appropriate to do so by obeying them—by taking due note of their laws and regulations and by following these and then proceeding to further ends. Of course, the conservative does not accept everything that is as both right and unchangeable. That is contrary to the very law of life, but the changes that he makes are regardful of the forms that antedate, over-arch, and include him. The progress that he makes, therefore, is not something that will be undone as soon as his back is turned.

The attitude of the radical toward the real order is contemptuous, not to say contumacious. It is a very pervasive idea in radical thinking that nothing can be superior to man. This accounts, of course, for his usual indifference or hostility toward religion and it accounts also for his impatience with existing human institutions. His attitude is that anything man wants he both can and shall have, and impediments in the way are regarded as either accidents or affronts.

This is very easy to show from the language he habitually uses. He is a great scorner of the past and is always living in or for the future. Now since the future can never be anything more than one's subjective projection and since he affirmed that he believes only in the future, we are quite justified in saying that the radical lives in a world of fancy. Whatever of the present does not accord with his notions he classifies as "belonging to the past," and this will be done away with as soon as he and his party can get around to it. Whereas the conservative takes his lesson from a past that has objectified itself, the radical takes his from cues out of a future that is really the product of wishful thinking.

As a general rule, I am opposed to psychoanalyzing the opposition, knowing that this is a game both sides can play. But here we have a case so palpable that one is tempted to make an exception. So many of these radicals seem to be persons of disordered personality. There is something suspicious about this impassioned altruism. They often seem to be struggling to cover up some deep inner lack by trying to reform the habits or institutions of people thousands of miles away. Something like this becomes thus an obsession, almost to the point—or maybe to the point—of irrationality. Not that I regard all desire to reform the world as a sign of being crazy. Even more than that I would go along with Plato and say that some forms of craziness may be divinely inspired. But here we come to an essential distinction, and a parting of the ways. There is a difference between trying to reform your fellow beings by the normal processes of logical demonstration, appeal, and moral suasion—there is a difference between that and passing over to the use of force or constraint. The former is something all of us engage in every day. The latter is what makes the modern radical dangerous and perhaps in a sense demented. His first thought now is to get control of the state to make all men equal or to make all men rich, or failing that to make all men equally unhappy. This use of political instrumentality to coerce people to conform with his dream, in the face of their belief in a real order, is our reason, I think, for objecting to the radical. As an individual he may think about molding the world to his heart's desire. He may even publish the results of his thinking. But when he tries to use the instrumentality of the state to bring about his wishes then all of us are involved, and we have to take our stand.

Here, as I see it, is where conservatives and libertarians can stand on common ground. The libertarian, if my impression is correct, is a person who is interested chiefly in "freedom from." He is interested in setting sharp

"Boy, I don't believe the post office sometimes — this was mailed to me during a previous life!"

bounds to the authority of the state or other political forms over the individual. The right of the individual to an inviolable area of freedom as large as possible is thus his main concern. Libertarianism defined in this way is not as broad a philosophy as I conceive conservatism to be. It is narrower in purview and it is essentially negative, but this negative aspect is its very virtue.

It took the study of John Calhoun to wake me up to a realization that a constitution is and should be primarily a negative document. A constitution—and we may think primarily of the Constitution of the United States in this connection—is more to be revered for what it prohibits than for what it authorizes. A constitution is a series of "thou shalt nots" to the government, specifying the ways in which the liberties of individuals and of groups are *not* to be invaded. A constitution is a protection against that kind of arbitrary interference to which government left to itself is prone. It is right therefore to

The libertarian is interested in setting sharp bounds to the authority of the state or other political forms over the individual. Libertarianism defined in this way is not as broad a philosophy as I conceive conservatism to be. It is narrower in purview and it is essentially negative, but this negative aspect is its very virtue.

refer to our Constitution as a charter of liberties through its negative provisions, and it is no accident that in our day the friends of liberty have been pleaders for constitutional government. I think conservatives and libertarians stand together in being this kind of constitutionalist. Both want a settled code of freedom for the individual.

This is a shared *political* position, but we can show that their agreement has a philosophical basis. Both of them believe that there is an order of things which will largely take care of itself if you leave it alone. There are operating laws in nature and in human nature which are best not interfered with or not interfered with very much. If you try to change or suspend them by government fiat, the cost is greater than the return, the disorganization is expensive, the ensuing frustration painful. These laws are part of what I earlier referred to as the structure of reality. Just as there are certain conditions of efficiency for operations in the physical world, so there are conditions for efficient operation in the social and economic worlds.

There is a concept expressed by some economists today in the word "praxeology." Praxeology, briefly defined, is the science of how things work because of their essential natures. We find this out not by consulting our wishes but by observing *them*. For example, I believe it is a praxeological law that a seller will always try to get as much as he can for what he has to sell, and a buyer will always try to pay as little as he can to get it. That is a law so universal that we think of it as part of the order of things. Not only is this law a reliable index of human behavior; it also makes possible the free market economy, with its extremely important contribution to political freedom.

The conservative and the libertarian agree that it is not only presumption, it is folly to try to interfere with the workings of a praxeology. One makes use of it, yes, in the same way that a follower of Bacon makes use of nature by obeying her. The great difference is that one is recognizing the objective; one is recognizing the laws that regulate man's affairs. Since the conservative and libertarian believe that these cannot be wished away through the establishment of a Utopia, they are both conservators of the real world.

My instincts are libertarian, and I am sure that I would never have joined effort with the conservatives if I had not been convinced that they are the defenders of freedom today. This fact is so evident in the contemporary world that one hardly needs to point out examples of it.

It requires only a little experience in politics or publishing for one to learn that the enemies of freedom today are the radicals and the militant liberals. Not only do they propose through their reforms to reconstruct and regiment us, they also propose to keep us from hearing the other side. Anyone who has contended with Marxists and

There is a difference between trying to reform your fellow beings by the normal processes of logical demonstration, appeal, and moral suasion and passing over to the use of force or constraint. The former is something all of us engage in every day. The latter is what makes the modern radical dangerous and perhaps in a sense demented.

their first cousins, the totalitarian liberals, knows that they have no intention of giving the conservative alternative a chance to compete with their doctrines for popular acceptance. If by some accident they are compelled physically to listen, it is with indifference or a contempt because they really consider the matter a closed question—that is, no longer on the agenda of discussable things.

The conservative, on the other hand, is tolerant because he has something to tolerate from, because he has in a sense squared himself with the structure of reality. Since his position does not depend upon fiat and wish fulfillness, he does not have to be nervously defensive about it. A new idea or an opposing idea is not going to topple his. He is accordingly a much fairer man and I think a much more humane man than his opposite whom I have been characterizing. He doesn't feel that terrible need to exterminate the enemy which seems to inflame so many radicals of both the past and the present.

This can be shown by relating an incident from the career of George Washington, who figures in my mind as the archetypal American conservative—a man versed in the ways of the world but uncorrupted by them, a man

whose unshakeable realism saved our infant republic. Washington, for example, had the very ticklish job of maintaining relations with radical, revolutionary France during both of his administrations. In 1789 there arrived in this country one Citizen Genet, new minister from the French Republic, whose commission it really was to stir up trouble. He tried to involve the United States in a new war with Great Britain, and he even threatened to appeal to the American people over the head of their government. He was the sharpest thorn in Washington's side for some while.

But the next year, 1794, came the fall of Genet's party, the Gironde, and the accession to power of Robespierre and his radical Jacobin government. Genet was replaced, and Washington was requested to send him back to France, where he undoubtedly would have faced the guillotine. But, and I here quote the words of a recent biographer: "Washington would take no agency, even remote, in the bloody business of the French terror; whatever Genet had done or tried to do, the president did not intend to order the young man to his doom. If Genet wished, it was agreed, he might have political asylum in America." So Genet became an American citizen and lived peacefully for forty years in our conservative republic. This impresses me as a classical instance of conservative tolerance and essential humaneness.

But thinking back to this period may remind us that Washington was himself a revolutionist, and this to my mind refutes any notion that a conservative must be distinguished by timidity and apathy. When the time is out of joint, he can be an active exponent of change. The difference is that he does not have the inflamed zeal of his counterpart, the radical revolutionist, who thinks that he must cut off the heads of his opponents because he cannot be objective about his own frustrations. It is interesting to know in taking leave of this subject that Washington's Farewell Address was noticed by the London *Times*. What it had to say was this: "General Washington's address is the most complete comment upon English Clubs and Clubbists, upon factions and parties and factious partisans. The authority of this revolutionist may be set up against the wild and wicked revolutionists of Europe, if not as an altar against an altar at least as an altar against sacrilege."

In conclusion, I maintain that the conservative in his proper character and role is a defender of liberty. He is such because he takes his stand on the real order of things and because he has a very modest estimate of man's ability to change that order through the coercive power of the state. He is prepared to tolerate diversity of life and opinion because he knows that not all things are of his making and that it is right within reason to let each follow the law of his own being. A rigid equalitarianism is to him unthinkable because he appreciates that truth so well expressed by the poet Blake: "One law for the lion and the ox is oppression." I therefore can see nothing to keep him from joining hands with the libertarian, who arrives at the same position by a different route, perhaps, but out of the same impulse to condemn arbitrary power. ❑

Higgs, "The Myth of War Prosperity," *continued from page 26*

In sum, the U.S. economy during 1942–45 was the exact opposite of a free market system. Every part of the economy was either directly controlled by the authorities or subject to drastic distortion because its relations with suppliers and customers who were tightly controlled. To suppose that the economy allocated resources in response to prices set by the free play of demands and supplies in underlying markets for commodities, factor services, and bonds is to suppose a complete fiction. So the assumptions that underlie standard macro models are unsatisfied by the empirical reality of the wartime economy.

The upsurge of military commodity production during the war—undeniably an awesome accomplishment when measured piece by piece in physical units of munitions—should not be viewed as an expansion phase of the ordinary business cycle, a phase that fits into the longer-term ebb and flow of the economy before and after the war. The war production surge was *sui generis* and must be understood on its own unique terms. Examined carefully, it bore no close resemblance to what is normally understood by the term prosperity. The U.S. economy during the war was exactly what the slogan said, an arsenal. As such, it produced what the authorities ordered, using the materials and methods they required and charging the prices they dictated.

"Now, see here . . ."

I would not want my argument to be understood as pacifistic. Anyone who views it as such is missing the point. In certain circumstances, people may prefer to turn away from their usual economic pursuits and take up the production and use of weapons. I am not saying that people who make such a choice are necessarily making a mistake. Indeed, if ever such actions were not mistaken, World War II was the occasion.

The point is simply that choices have costs. World War II has been portrayed as what amounts to a case of something for nothing: more guns *and* more butter—"the good war." It was not like that. Nor can we expect any future case to be like that. People cannot have their enemy's blood and eat it too. ❑

Keep the Hot Side Tepid

by R. W. Bradford

"Everything is connected." This applies not only to ecological science, but also to the ozone layer, intellectual dishonesty, and the McDLT.

For the past few years, there has been a persistent campaign against cheap plastic foam insulated boxes used by fast food restaurants. At first, the argument was that fully halogenated chlorofluorocarbons (CFCs) release free chlorine which destroys ozone in the stratosphere, thereby allowing more biologically effective ultraviolet light, or UV-B, to reach the earth.

Excess UV-B was suspected of harming plankton in the Antarctic. Plankton stands at the beginning of a food chain that culminates in the highest form of life: the plankton is eaten by a fish, which is eaten by another fish . . . which is eventually eaten by *Homo yuppicus greenius*. Not only that, it is argued, increased ultraviolet light can hurt crop yields of soybeans and wheat.

The conclusion seems inescapable: the use of foam leads to an ecological nightmare, the destruction of the earth and of life on it.

There are, however, problems with this theory.

• The ozone "hole" (actually a thinning of the ozone layer) over Antarctica is real and has been known to scientists since 1956. It occurs every spring, lasts a few weeks, and goes away. For reasons that are not known, the ozone "hole" got worse between 1983 and 1987; it was during this time that the CFC thesis was first proposed. Unfortunately for the advocates of the ban, the seasonal ozone "hole" has since stabilized, despite continued dispersal of CFCs into the atmosphere.

• Compared to other sources of atmospheric chlorine, CFC is small potatoes. Annual human production of CFCs peaked at 1.1 million tons, resulting in 750,000 tons of chlorine. Each year, the evaporation of sea water adds four hundred times as much chlorine—300 million tons—into the atmosphere. There are about 100 volcanic eruptions each year; most are in remote locations where emissions are not monitored. The eruption of Mt. St. Augustine in Alaska in 1976 injected about 318 million tons of hydrochloric acid directly into the atmosphere—more than 400 times the peak annual chlorine dispersal from CFCs.

• Even if one accepts the dubious propositions that CFCs are having a significant effect on the ozone layer and that depletion of the ozone layer increases the amount of UV-B to reach the earth, there is no reason to worry much over it. The simple fact is that at the same time that NASA satellites were reporting a depletion of the ozone layer (from 1974 to 1985), the actual amount of UV-B reaching the earth was *decreasing*. Of the eight locations in the U.S. where data have been recorded, the average annual decreases varied from 0.4% at Philadelphia to 1.1% at Minneapolis. The average decrease in the eight cities was 0.71%. (*Science*, Vol. 239, Feb 12, 1988, pp 762–3.) So far, the only places where UV-B radiation has been measured are these eight U.S. locations, and it is possible that the decreases are not indicative of the earth as a whole, and no one knows why UV-B is decreasing at these locations. But there is no evidence at all that UV-B radiation is increasing, and it is plain that the ecosystem is far more complex than most environmentally-sensitive people imagine.

• About two years ago, scientists in the Antarctic discovered to their surprise that real plankton, unlike hypothetical plankton, weren't harmed significantly by ultraviolet light. "Researchers aren't seeing any pronounced effect from ultraviolet radiation," according to Penny Penhale, the National Science Foundation's program manager for polar biology and medicine.

• The notion that excess UV-B threatens the yield of wheat and soybeans, however popular it may be on

public television, is without scientific foundation: both crops have long prospered in the tropics, where UV-B radiation is much higher than in the temperate zone.

Not surprisingly, the 1987–88 Annual Report of the Rand Corporation concluded: "The extent of ozone depletion and the severity of the consequences of projected emission levels are extremely uncertain. Projections of future depletion are based on complex simulation models that have not been reconciled with the limited available measurements . . ." Of course, one cannot totally dismiss any possibility that CFCs harm the environment. But in the absence of evidence to the contrary, there is no reason to believe the horror stories, let alone base laws on them.

Environmental horror stories often have a life that transcends scientific evidence, partly because they are good copy for popular news media, but mostly because they provide a rationale for those who advocate increasing the power of government and reducing individual liberty.

However, environmental horror stories often have a life that transcends scientific evidence, partly because they are good copy for popular news media, but mostly because they provide a rationale for those who advocate increasing the power of government and reducing individual liberty. As the popularity of socialism has declined in the past few years, opponents of human liberty have flocked to the environmental movement. In addition, scientists engaged in research funded by the government find it easier to obtain funding and to increase their funding if they arrive at cataclysmic conclusions.

Indeed, some scientists openly advocate lying to the public. For example, Stephen Schneider, proponent of the theory that CFCs are depleting the ozone, told a group of scientists: "[W]e have to offer up scary scenarios, make simplified, dramatic statements, and make little mention of any doubts we may have. Each of us has to decide what the best balance is between being effective and being honest."

So even today the anti-CFC story makes the rounds. When challenged, environmentalists often fall back to the position that depletion of the ozone layer can cause increased skin cancer in fair-skinned people. There is no doubt that skin cancer is caused by ultraviolet light, which is present in all sunlight. But the increase in skin cancer in recent years is attributed almost solely to the increasing popularity of the well-tanned look; scientists believe that skin-cancer could be eliminated altogether by keeping out of the sun or using sun-block lotions.

A year ago, Port Townsend, the little town where I live, outlawed the use of plastic foam, ostensibly because of the logic stated above. I say "ostensibly" because the focus of the public discussion of the issue was panic—panic about McDonald's. The gigantic purveyor of hamburgers had recently opened a restaurant in Port Townsend over considerable opposition led by operators of local fast-food joints and upper middle class leftish activists who see Port Townsend as a pristine community untouched by such hints of lower class America. Petitions were circulated, arguing that no one in Port Townsend wanted a McDonald's and urging the city council somehow to outlaw it, and besides, McDonald's buys beef from Brazil where rain forests are cut down for cattle pasture, which contributes to the greenhouse effect . . .

McDonald's was prepared. It knew from its research that local consumers would welcome lower-priced, consistently prepared fast food. It had acquired a piece of land already designated on the city's "master plan" for a restaurant. When the City Council publicly discussed ways to keep McDonald's out, attorneys for McDonald's stated that they would fight any legal harassment with all the resources at their command. And the city council backed down, reluctantly allowing McDonald's to build its tiny store.

However, the politically active elitists soon seized on McDonald's use of plastic foam boxes for its sandwiches, and trotted out the quasi-scientific rationale for banning the use of foam. The city council was happy to oblige: this was a way of getting McDonald's without much danger that McDonald's would sue.

As the activist elite had anticipated, no one on the city council was aware of the problems in the argument that CFCs cause ozone depletion and ozone depletion damages the eco-system. But McDonald's did bring up an argument that seemed, on the surface, convincing: the plastic foam that it used was produced by a new non-CFC process.

The anti-McDonald's forces countered this argument brilliantly. Port Townsend is a small town, they said, and its inspectors possess neither the scientific knowledge nor the laboratory equipment necessary to distinguish between foam produced with CFCs and CFC-free foam. So the only way to protect our environment is to ban all foam, whether it might be damaging the environment or not. And besides, they said, foam takes up a lot of room in landfills.

Those in the market for fast food at modest prices are not the same people who circulate petitions for the environment or lobby city council. They are mostly the poor and the young. They often don't even vote. So to hell with them.

McDonald's countered that it is implementing a program to recycle the plastic it uses, and pointed out that paper boxes for food packaging required coatings, which prevent their being recycled at all. It has since been discovered that the role of fast food packaging in landfill has been grossly overestimated: although most people suppose it amounts to some 20% to 30% of landfill, actual archeological investigations of garbage dumps reveal fast food packaging (including foam) amounts to less than 1/10 of 1%.

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But by this time it was plain that logic would not prevail against the anti-McDonald's eco-paranoia. The city council passed the law and residents of Port Townsend no longer are contributing to the destruction of the environment by using a product that might be manufactured with CFCs but isn't, and might take up a lot of space in landfills, but doesn't.

It also meant that people who want to buy a McDLT could no longer get it with its "hot side hot and its cool side cool." (The McDLT consists of the usual slab of ground beef on one side of a bun, with tomato, lettuce, cheese and salad dressing on the other. It is packaged in a foam container which keeps the two halves separate until eaten, with the "hot side hot and the cool side cool," according to McDonald's advertisements.) Unless eaten immediately after preparation, a McDLT served in Port Townsend is a mass of room-temperature goo, having more in common with garbage than with a sandwich. But no matter. Those in the market for fast food at modest prices are not the same people who circulate petitions for the environment or lobby city council. They are mostly the poor and the young. They often don't even vote. So to hell with them.

Now it appears that the gushy slop served by McDonald's in Port Townsend's will soon be served all over America: on November 1, in response to pressure from environmentalists, McDonald's announced that it is phasing out the use of foam boxes for all the sandwiches at all its 11,400+ stores. In a press release, McDonald's president Ed Rensi acknowledged that foam packaging is environmentally sound and admitted to submitting to pressure. The press release also quoted a leader of an environmental pressure group that had led the attack on McDonald's, claiming that McDonald's had "scored an environmental touchdown" by banning foam packaging.

Meanwhile, in Port Townsend, the environmentalists still don't eat at McDonald's. They prefer trendy little restaurants serving trendy little meals, smug in the knowledge that they are doing good. None seem to worry about the environmental sense of the water they drink with their meals, put into non-refillable bottles halfway around the world, transported to America on ships powered by non-renewable fossil fuels emitting hydrocarbons.

Curiously, the same New York *Times* that told of McDonald's cave-in to eco-hysteria, reported the latest in-beverage for socially-conscious residents of the Big Apple: Glaciér, which is water "from melting snow on the glacial tundra in British Columbia," bottled in *plastic* bottles, designed by "Phillipe Starck, the French designer who put his imprimatur on New York's Royalton and Paramount Hotels," and available only at Bloomingdale's at $1.49 per bottle. Glaciér will eventually be offered at "design and food stores" in New York and will, I suppose, one day find its way to Port Townsend's cafés, where environmentally smug residents will drink it in preference to the local tap water that comes from melting snow on the glacial tundra of the nearby Olympic Mountains.

There is a final irony to the whole episode. Why did McDonald's change to foam cartons in the first place, way back in the 1970s, when the McDLT with its cool side and its hot side was still just a gleam in Ray Kroc's eye? According to a statement from McDonald's, the company changed from paper to foam "because of serious concerns at that time from environmentalists about the destruction of trees, water pollution and the high use of energy involved in manufacturing paper."

What are the environmentalists really seeking? A cleaner environment? Or control of private businesses? Or maybe just control, period. ❑

Big Mac Attack

by John Baden

In recent years, McDonald's has worked with other Fortune 500 companies to recycle its foam packaging on an experimental basis. They succeeded in developing ways to recycle foam into long-lived and useful products including food trays, waterproof insulation board, office products, toys, videocassette cases, and combs.

McDonald's and Amoco Chemical Company, however, wanted to go further. They planned to team up in early 1991 to launch a major recycling effort. McDonald's would collect and compress the foam "clamshells" into bundles on-site, transport them to central facilities via United Parcel Service, and use them as feedstock in petroleum refineries.

A leading environmental group, the Environmental Defense Fund, brought pressure on McDonald's to stop using foam packaging altogether. EDF is noted for devising creative solutions to vexing ecological problems, often with incentive-based approaches. The work of Tom Graff, Zack Willie, and other analysts at EDF is widely respected and admired by policy analysts and economists. EDF may have done more than any other environmental group to pursue ecological integrity within the framework of private property rights and market incentives. But even this group is sometimes seduced by "politically correct" marketing opportunities.

Its campaign against McDonald's use of foam is apparently opportunistic behavior: EDF traded possible long-term ecological benefits for short-term gains in membership and income. EDF, like other major environmental groups, has become a captive of its expanded budget; it appears to have an addiction for members and money. Officers and professional staffs are expensive. To maintain their budgets, environmental groups must operate in part as a marketing organization offering a new and innovative range of products. They offer opportunities for citizens to invest their time and money in policy reforms linked to good intentions. Although recycling is the penance of environmentalism, the "clamshell" apparently was beyond redemption. The marketing prospects of attacking

continued on page 38

Interview

Shadows in the Future

by Frank Fox

Socialism may not work, and "social justice" may be little more than jargon. But in certain influential Eastern European circles, these ideas are not yet dead.

As we approach the year 2000, there is a growing inclination to write epitaphs on past ideologies and sing hosannas on the end of history. Yet it may be too early to sound a requiem over the demise of Marxist ideology in the world, to say nothing of other forms of socialism. During a recent trip to Czechoslovakia, I noted the emergence of a political leadership laying claim to a socialist tradition, one that identifies with the aborted reforms of the 1905 revolution in Russia rather than the Bolshevik *coup d'etat* of 1917. An interview with a leading Czech politician shed light on efforts to make the socialist ideology respectable again.

Zdenek Masopust is a Doctor of Laws, an editor of a prestigious law journal, one of forty-seven Communist Party members in the Parliament of Czechoslovakia and a Deputy Chairman of a Parliamentary Committee for Constitution and Legislation. He is also a practicing Catholic. I reached his small office on Narodni Trida, a wide street that leads to Wenceslas Square in Prague. Close by is the famous *Laterna Magika* theater, where live performances are synchronized expertly with film and recorded music. A few steps from his door one passes a dark arcade where a bronze sculpture of eight defiant hands with fingers spread in the familiar V sign, is illuminated by candlelight. The engraved date is 17/11/1989. On that day Czech police cornered and beat mercilessly, on that very spot, protesting students. Rumors of one death, and the widespread revulsion that followed, were important catalysts that precipitated the "velvet revolution" that eventually brought Vaclav Havel to the seat of power.

Masopust's cluttered little office and his rumpled attire were more in keeping with his academic career (he has been a teacher of international law for more than two decades) than with his current political prominence. I was especially interested in his views of the similarities between the American and Czechoslovak legal traditions, a subject on which he is an expert. After all, Czechoslovak independence was largely the result of the efforts of Woodrow Wilson. During President Bush's visit to Prague this past November, he informed President Havel that we would return to Czechoslovakia a letter that Wilson wrote to Thomas Masaryk, the founding father of the modern Czech state. It was a letter outlining a declaration of independence and a constitution.

Masopust, nonetheless, emphasized the differences between the two systems, offering arguments that are particularly relevant today. "America is a federation," he said, "a country that allows for ethnic and other differences, without calling into question the national compact that makes all people who live under it Americans. Our people do not have the experience of being governed by laws formulated by judicial precedent, by an evolutionary process as you have." He referred, with more than a touch of envy, to the American system, which on the eve of the second millennium functions under a Constitution that is reinterpreted while retaining its original character. This is in contrast to his own country where four distinctly different constitutions have been promulgated in seventy years. The chief stumbling block, he stated, was the question of minorities. The 10 million Czechs form about 65% of the population, but there are about 5 million Slovaks, enough that during World War II, its leaders, with Hitler's approval, established a rump state, and close to 700,000 Hungarians as well as

Germans and Gypsies. "Our first President, Masaryk, used to refer to our country as one tree with two branches, but no one sees such an idealized image anymore," said Masopust. This pessimistic assessment of Czechoslovakia's minorities problem was confirmed recently when Havel, in a speech welcoming President Bush, took the unusual step of addressing his countrymen on this very question. Pointing to the growing dissension between Czechs and Slovaks, he quoted Alexander Hamilton, who had warned Americans two centuries earlier that "Among the greatest obstacles obstructing the passage of the new Constitution, one can easily discern the undisguised interest of a certain group of people in each state to prevent the coming of all changes to restrict their power."

"Provisorium" was a word that Masopust used several times in our conversation. He meant by it a state of suspended animation in which he and his countrymen lived under Communist rule. "During the last forty years," he said in his precise manner, "we lived in a kind of historical *provisorium*. It was as if time had stopped. It seems we are now returning to a pre-1948, or even a pre-1938 stage. And this is particularly true of the problem between the Czechs and the Slovaks. Officially, we were always told that these ethnic frictions were a thing of the past, but obviously they were not. To an American all this may seem hopelessly out of date, like some 19th century romanticism, but believe me it is quite real."

Masopust made it clear that he questioned President Havel's ability to deal with the problems confronting the country, a view that one heard more frequently in Czechoslovakia than outside. A stonecutter working at the presidential palace, said to me "Havel? I give him two years. A man of ideals but he has no money. I mean, he has his own money, but the rest of us need it too. We have to get someone who will get us money. A good, honest man, but no good. Thank you very much." I heard more sophisticated comments about the President during my stay in Prague, but no one put it more succinctly.

"After December 1989, it was decided to drop all the traditional statements about a 'class struggle,' 'dictatorship of the proletariat,' 'leading role of the Communist Party,' and all that rubbish."

Masopust reserved his harshest comments for the Civic Forum, the umbrella party that oversaw the "velvet revolution" as the power of the Communist Party ebbed. "It seems to me," he said, "that the Civic Forum may be imitating too much the ways of the Communists. They exclude people. The so-called 'leading role' of the Communist Party has been replaced by the 'leading role' of another central committee." It should be noted that while the Civic Forum emerged as a leading party in Parliament with about a hundred deputies, the Communist Party has a respectable forty-seven, making it, in terms of numbers, the second strongest.

Masopust explained at some length the transformation of the Communist Party, which he said is now part of a pluralistic society. "After December 1989, it was decided to drop all the traditional statements about a 'class struggle,' 'dictatorship of the proletariat,' 'leading role of the Communist Party,' and all that rubbish." He was one of the pioneers of that transformation. "Now you may ask," he continued, "why we still call ourselves Communists. I have asked that question of myself, but I feel it more honest to do that. At least for now. Otherwise we would be under attack for just changing and running under a new firm." I was struck by his choice of such a business term, but it occurred to me that the language of trade and enterprise may have a special attraction for communists, whose envy of the capitalist system, even as they struggled against it, has not been sufficiently analyzed.

Masopust's comments on the Social Democrats, another party that lays claim to a socialist tradition, who received only 5% of the vote making them eligible only as an extra-parliamentary opposition party without voting power, showed his astuteness as a politician.

"I think that the Social Democrats lost in my country because of their own mistakes. They started with a strong anti-Communist platform and of course it was very nice to criticize what had been the 'official line.' Nobody believed it any more anyway. They were just beating a dead horse. But in my own travels when I campaigned for office I realized that the Communist Party was not just the leadership. There were hundreds and thousands of Moms and Pops in the villages. They never abused power because they had none and they didn't steal because they never had access to goods. They were just ordinary people with a simple idea of social justice. The Social Democrats missed a great opportunity. They should have said to those who had voted for the Communists in the past 'We take you. Forget the past. Nobody is perfect. Mistakes were made, but not by you.' Yes, they should have accepted the masses. You see, I really believe that there is a strong, decent, democratic left in this country."

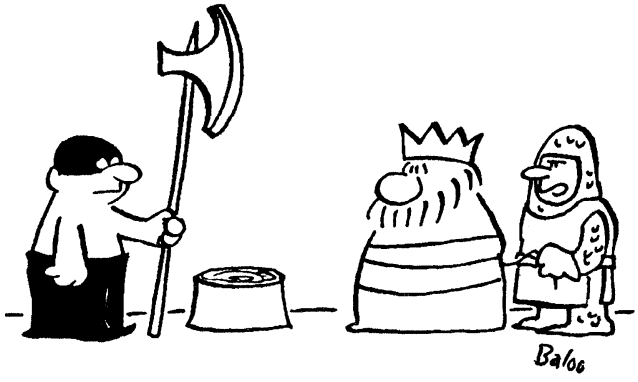

"Oh, quit whimpering — anybody would think you were the only king who ever had his head chopped off!"

Masopust himself is campaigning hard for the 1991 elections, particularly in the small localities. He claims he is getting a good response. "I tell them that I am in favor of a system of social justice. I am very critical of the former Communist Party that could not live on the one and a half billion crowns a year that were given by Party members and that even appropriated State property. My credibility with the voters is sound," he added with more than a touch of pride, "they see me as an expert on constitutional law, which I am. I feel good about myself."

His views were an interesting amalgam of ideas culled from the whole spectrum of economic theories. "Now this will surprise you," he remarked at one point, smiling mischievously. "I really believe that your former President Reagan was right when he said that a social revolution is not a vehicle for real change. For a social transformation to be really effective, it has to be done slowly, step by step. It is not for the barricades. And the ordinary person must benefit from the changes. I also agree with Milton Friedman when he says that there is no such thing as a 'free lunch.' All that society gives must be paid by someone. Social equality is not supposed to inhibit productivity. We have to reward excellence. It does not pay to become an engineer when the wages favor the worker. But I also believe that those who fail should not fall on their faces. We want to have motivation but at the same time we want to narrow the gap between the rich and the poor. In Germany, those out of work get five hundred marks as compensation. This gives them a chance to live a normal life."

"The Communist Party is not just the leadership. There are hundreds and thousands of Moms and Pops in the villages. They never abused power because they had none and they didn't steal because they never had access to goods. They were just ordinary people with a simple idea of social justice."

Masopust was certain that efforts to foist "Thatcherism" or "Reaganism" on Eastern Europe would not work. He looked rather to Scandinavian countries, Sweden in particular, to provide a model for the new *Sozialrechtstaat*, a socially-oriented constitutional state. The conflict in Eastern Europe, he insisted, would not be between capitalism or communism, but over the nature of government as it has evolved in Europe since the Middle Ages.

Masopust's view of the Soviet Union was not just critical, it was frequently derisive. "Do you want to know," he chuckled in anticipation of his punch line, "how the legacy of Marxism was distributed unequally among nations? The best got the Capital and the rest of us got the Manifesto." His frequent trips to Russia hastened his disenchantment with the Soviet style of socialism. "I must tell you," he said, "that although many of my Russian colleagues were members of the Communist Party, they represented themselves to me as Cadets [Constitutional Democrats]. I met enough of them in the Soviet Union to convince me that there was a tremendous gulf between words and deeds. I saw the misery. Who was it in your country who said 'I saw the future and it works?' Well, I saw the present and it didn't. I took my cue from that. Now maybe my timing was off, but that remains to be seen."

I asked about his Catholicism. There has been a cartoon of him, a Communist Party member, his hands folded in prayer. How did he reconcile his religious beliefs with membership in the Party? He saw no contradiction. He believes in a Church actively committed to social change. "Certainly, the Catholic Church should not let itself be portrayed as a church associated with wealth." His remarks on religion led to a more personal recollection of his experiences in his youth. Clearly he had always considered himself a dissident. He never supported the hardline leadership of the Clement Gottwald or Gustav Husak variety. He rejoiced with his countrymen when Alexander Dubcek proposed Marxism with a "human face." After the invasion by Warsaw Pact countries in 1968 there seemed little possibility for future reform. Masopust explained his joining of the Communist Party in 1981, a year before the death of Leonid Brezhnev, as a pragmatic step, an expectation that now an era was ending and the communist system might finally embark on a long process of reform. "I thought that this would go on for the rest of my life," he said. "Now who would have thought that it could come with a speed of light. So here I am, a Catholic, not a believer in the Communist Party, yet a member of it. Still, I don't feel that I should drop my affiliation like so much dirty linen. You know, when I was a student at the Charles University Law School I was almost expelled for my ideas. I took it as normal to have free elections and political competition. I was and am a firm believer in freedom of speech, of press and association. That was and is my credo."

"For a social transformation to be really effective, it has to be done slowly, step by step. It is not for the barricades. And the ordinary person must benefit from the changes. Milton Friedman is right when he says that there is no such thing as a 'free lunch.' All that society gives must be paid by someone. Social equality is not supposed to inhibit productivity."

For a man in his early fifties, Masopust's hopeful attitude about the future and his positive approach to his role in politics is in sharp contrast to the views of many of his generation. When one talks to people in their forties and fifties in Eastern Europe today one is conscious of a sense of ennui, a physical weariness, a feeling of hurt

that comes from a "missed life," from having lived bound hand and foot to an ideology that no one believed in. This is perhaps what Masopust meant by a "provisorium." Seldom before in history has the accidental chronology of birth meant so much in the lives of ordinary people. Was one born before or after 1945? Did he spend his formative years in an Eastern Europe still in the grip of an aging tyrant in the Kremlin, or did one begin his ascent (as did Gorbachev) during the relative thaw of the Khrushchev era? Did one live to see Havel installed in the Prague castle with enough years left on life's calendar to start anew, or did the moment of liberation come too late for an individual exhausted with years of struggle? Masopust seemed unusual in this respect. A middle-aged man, ready to start a new career, resolved to "give it a shot," as he would say from his well-stocked compendium of Americanisms.

Since my interview with Masopust, events in Czechoslovakia have shown that Communism is far from a spent force. True, there has been increasing criticism of the Communist Party within Czechoslovakia and large rallies supporting a government proposal to confiscate the Party's property and demands that the Party be banned altogether, its leaders expelled from Parliament and former officials placed on trial. This angry mood was stirred by the comments of Vasil Mohorita, the Party's First Secretary. This thirty-eight year old former head of the Communist youth organization made a speech announcing the end of the "national understanding," and calling for the start of a "hard and uncompromising" struggle. He has since explained that his remarks were merely in opposition to the government's economic plans and did not mean that his Party is opposed to a pluralistic system. Mohorita has suggested that at the upcoming Party Congress the name of his organization be changed to "Party of Labor and Democratic Socialism."

Masopust is certain that efforts to foist "Thatcherism" or "Reaganism" on Eastern Europe will not work. He looks rather to Scandinavian countries to provide the best model. The conflict in Eastern Europe, he insisted, would not be between capitalism or communism, but over the nature of government as it has evolved in Europe since the Middle Ages.

In spite of the criticism of the Communists, the Party has fielded candidates for local elections in 74 districts. President Havel's Civic Forum has done so in 73 districts. On November 23, in the first free municipal elections in 52 years, the voters gave the Civic Forum 35% of their votes, with the Communists coming in second with 17%. This was a decline for the Civic Forum, which in the June elections to Parliament had received 49.5%. Masopust may have been right about the Moms and Pops.

Conventional wisdom has it that underneath many of yesterday's Marxists there lurks a potential adherent of Adam Smith and that the almost magical expression "joint-ventures" brings a gleam to the eyes of even the most convinced socialist. Zdenek Masopust, dissident, Communist Party member and member of Parliament, a practicing Catholic, may be proof that there is a new and unnamed political movement that will embrace many of the theories that have been discredited. It is possible that eventually other countries in Eastern Europe (and perhaps Russia as well) will settle on some sort of a socialist ideology and individuals such as Masopust may emerge as alternatives to a freewheeling capitalism. Whether these future leaders in Eastern Europe will be like Zdenek Masopust, whose hero is the late Olaf Palme, or whether these will be like Vasil Mohorita, who still believes it is necessary to study the works of Marx and Lenin, or perhaps still another variety of a "man of the left," it is too soon to tell. ❑

Baden, "Big Mac Attack," *continued from page 34*

fast food foam were sufficiently attractive to the organization to get the recycling programs scuttled.

EDF's success in pressuring McDonald's to stop using foam carries an environmental cost: the loss of information that would have been produced by the proposed recycling experiment. Right now, we also don't know whether foam "clamshells" make more environmental sense than paper alternatives. We don't know whether foam can be recycled in a way that makes environmental or economic sense. We don't understand the costs associated with disposal of each. The McDonald's-Amoco effort would have provided at least partial answers to these questions.

Perhaps the effort would have conclusively demonstrated that the use of foam containers by the fast food industry makes a great deal of sense. On the other hand, they may have discovered that the cost of collection, transportation and processing exceeded acceptable limits. Regardless of the conclusion, in the process of investigating this question consumers, processors, and retailers might have discovered new data on behavior and technical innovations that would have transformed the packaging dilemma in unexpected and fruitful ways. At a minimum, we would have new useful information.

In the popular view, both McDonald's and EDF gained White Hats and Green Thumbs for their decision to ban the infamous "clamshell." However, there is reason for those of us who want to improve the environment to regret the decision to abort an important experiment which might well have improved the environmental record of a fast food system visited by 1 out of 7 Americans each day. This is a real loss. ❑

The Way We Are

by Stephen Cox

A visit to the mysterious East gave *Liberty* senior editor Stephen Cox an opportunity to reflect on the origins of free people.

Three of my friends and I planned to visit Egypt during our Christmas vacation, but in November we cancelled our trip, victims of a baseless fear that war would soon break out and we would end up cowering in the Cairo Hilton, besieged by Islamic fundamentalists. But we wanted to go somewhere, and somehow it was decided that we would visit the one place on earth more formidably exotic, to a bunch of Californians, than ancient Africa.

We would undertake a pilgrimage to Washington, D.C.

After all, the Washington Monument is just a larger, heavier obelisk; the capital as a whole is just a more elaborate display of pyramids. But to be on the safe side, we also arranged to escape from the crocodile-faced gods of Washington for a few days in the Virginia countryside.

We did it all: we meditated in the galleries of Congress, hassled our Representative for tickets to the "VIP" White House tour, stoically endured the lighting of the White House Christmas tree, celebrated the real Christmas at St. John's Church, saw much and learned little at the glittery Smithsonian, studied the topography of the battles of Chancellorsville, the Wilderness, and Yorktown, admired the view from Jefferson's piazza, and repressed our urge to correct the guides at Williamsburg. And what we discovered in D.C. and Virginia was, indeed, stranger than anything we would have found in Egypt. We discovered the strangeness of our normal lives, the triumphant strangeness of our liberty.

The liberty invented by people like Jefferson and defended by people like Washington and Lafayette had, in an important sense, made us the people we are—and allowed us, in ways inconceivable to inhabitants of other times and places, to transcend ourselves and see ourselves in the making.

At Jamestown in southern Virginia, men in armor stockaded themselves against the swamps and "savages" and dreamed of ripping off enough wealth to live happily back in Europe. From this messy experiment in exploitation grew an America that finally demonstrated to Europe, and the rest of the world, that real wealth lies not in tobacco, furs, or even gold, but in an open society. To walk through those swamps now, on a nice sunny day with a good rental car a few steps behind, ready to deliver you, in half an hour, to the pancake and waffle shops of Williamsburg, is to ask yourself: What would I be like if certain seventeenth- and eighteenth-century experiments had not taken the course they did? Who would I be without the freedom and "material" progress provided by the open society?

Well, who were "you" even as recently as three or four generations ago? Judged by the lives of my ancestors, I was a poor farmer or shopkeeper anchored firmly in backwoods Illinois. Judged by the lives of *their* ancestors, my three friends were farmers and fishermen eking out a living in Sweden and along the north coast of Norway; and they were young Russians living in Lithuania, anxious to escape the tsar's conscription. Their relatives still live in Scandinavia and Eastern Europe. Some of them are still trying to escape from societies in which they cannot become what American liberty has enabled the four of us to be: a physicist, the head of a successful company, a film editor, a college professor—people who share a culture of freedom and have the modest resources necessary to participate fully in that culture.

Only in a society of limited government and its inseparable complement, free enterprise, would we four be sufficiently free from poverty and from ethnic and legal barriers to decide that we would all like to travel across the continent to gawk at the underside of

the Capitol dome and, in a few days, manage without much trouble to do just that.

You may be thinking that something more than this might be expected from the American experiment in liberty; you may be thinking that its positive results have often been tardy and limited and that its survival is by no means assured. You may be thinking about what bad art that Apotheosis of Washington on the underside of the Capitol dome really is.

Sure, I agree with you. But the ability to see America, or any other free society, in the context of its history, to see it as an experiment rather than an unchangeable structure—in the way in which Egypt and Russia and every other pre-capitalist society regarded itself — this is the gift of self-transcendence that the open (all right, the relatively open) society gives everyone who cares to enjoy it.

And there are times when one sees oneself very clearly by looking at something else. There were a lot of those times for us. We—the descendants of some very serious immigrant types—rediscovered the pleasure that the sheer exuberant silliness of modern American capitalism gives to us. Don't miss those waffle shops in Williamsburg.

We rediscovered the exact degree of embarrassed respect that we as Americans have for the embodied expressions of our imperfect constitution. On some mornings, the Supreme Court building does look as "majestic" as it's supposed to look.

And we rediscovered our respect for things that really are majestic but don't look that way, or any particular way. On a bright winter afternoon, we drove up a little ridge at Chancellorsville and looked down a long field of stalks glowing orange in the setting sun. Here on May 3, 1862, a Sunday morning, Jeb Stuart's 30 pieces of Confederate artillery opened fire on opposing Federal troops, setting the neighboring woods ablaze and forcing the Union army to retreat from Chancellorsville and escape toward the river. We walked casually to where the cannons stood and watched a family of wild deer lunging through the orange stalks. If this be mysticism, make the most of it. ❑

Poetry

Beijing Memo

Unexpected spring
took the cities by storm:
blossoms filled the streets
encircling the square.
First, the flowers,
then, the air,
mountain-fresh and wild
as the ocean wind.

Beneath the wall,
murmuring laughter rang;
new songs were sung
by three thousand voices.
Then, three thousand silences.

There are some things
that don't yet have words,
which lies cannot destroy.
When salt's in the wind,
seed's ripe for planting.
Someday, we'll laugh again.

Something To Be Said

There is something to be said
for every dream in every head,
but my advice is to be shy
of every flag that passes by.

For every flag I've ever seen
was once a fragment of a dream,
torn from the sky by iron fists,
nailed naked to a piece of stick.

Why rush to join the brief parade?
That banner bright is sure to fade,
for, captive, dreams betray our trust
as ranks of iron run to rust.

There is something to be said:
Those who dream are never dead.
But those who give their dreams away
find iron by night and dust by day.

—*W. Luther Jett*

au naturel rights

by David G. Danielson

Public nudity is a crime, despite the fact that nudity is usually considered a sign of vulnerability . . . the very opposite of aggression, which is the hallmark of criminality. What's really going on here?

A member of the National Rifle Association once asked me if I believed in the right to bear arms. I answered, "Sir, I'm a libertarian. I believe in the right to bare *everything*."

That's a right the Reagan-Meese Department of Justice clearly *did not* believe in. Among that prudish team's parting gifts to America was the Child Protection and Obscenity Enforcement Act of 1988. Thanks to the Act, parents who are nudists run the risk of being arrested as "child pornographers" merely for taking family pictures at a nudist resort. Also at obvious risk are publishers of nudist periodicals. Publication of an updated edition of Lee Baxandall's *World Guide to Nude Beaches and Recreation,* the skinny-dippers' bible, was delayed while the publisher worried over the possibility of incurring the government's wrath.

There was good reason to worry. Consider the ordeal of internationally known photographer Jock Sturges. The FBI called on him one day, with a van. Into it they loaded all his darkroom equipment, computer equipment, business records, and thousands of negatives—damaging many of the negatives by careless handling. Meanwhile, an associate of Sturges, photo technician Joe Semien, was arrested by the FBI. Semien was incarcerated and interrogated for two days, before being released at a *habeas corpus* hearing. What had caused the FBI to subject Sturges and Semien to this Gestapo-like treatment? Believe it or not, it was one roll of film containing pictures Sturges had taken on a clothing-optional beach in France, showing parents and kids walking on the sand. Neither the grown-ups nor the kids were doing anything sexual, mind you, but they were nude. Under the vague Reagan-Meese Act, that's evidently all it takes for law enforcement agencies to consider photographs "child porn." It isn't child molesting or the sexual exploitation of children that the Act attacks. It's nudism.

"[The Act] is not about protecting children at all," observed columnist Tom Teepen in the Atlanta *Constitution.* "The federal law books already boast 32 obscenity and child pornography statutes; another is hardly needed. But pressed by the censorious Reagan administration and the religious right, senators and representatives enacted legislation that could cost honest publishers and booksellers their business and sentence them to prison for publishing and selling mere nude pictures. Child pornography was just the excuse, a respectable-seeming cover for lawmakers intent on patently unconstitutional ends."

State and local governments are no more hospitable toward nudists. In fact, even semi-nudists can be in for a rough time in some jurisdictions.

In May 1990, police arrested four men and a woman on Sarasota, Florida's North Lido Beach, for the crime of wearing a string swimsuit known as a thong. The five had violated a city ordinance banning exposure of the "anal cleft." After mug shots and fingerprinting, the dangerous criminals were put behind bars until they could make bail.

The Reagan-Meese Act on the national level, and North Lido Beach's ban of "anal cleft exposure" on the local level, barely scratch the surface. The U.S. abounds in laws against public nudity. The crime is often referred to as "indecent exposure."

But what needs exposing is the logic behind the legislation: just what kind of "crimes" are these acts? Is walking down Main Street in the buff comparable to murder? Rape? Robbery? Or more like smoking marijuana, burning flags, or gambling . . . that is, crimes by virtue of violating public opinion rather than by virtue of harming another human being? It seems to me to be the latter, although many a prude has tried to convince me that there would, indeed, be "victims" if

anti-nudity laws were repealed. Consider, for instance, the "pragmatic" argument for these laws.

The Pragmatic Prude

"If the government allowed naked people to walk down Main Street," so the argument goes, "motorists would be distracted by the sight and accidents would result."

I fail to see how this argument differs from that of a racial bigot, who claims: "Seeing a mixed couple holding hands as they stroll down Main Street, would distract and upset me, as I drive by, increasing my chances of an accident. Therefore, mixed couples should be prohibited by law from holding hands in public. The civil rights people won't like it, but let's be pragmatic; such a law will prevent accidents."

Feminist nudists have objected to anti-nudity laws on the grounds that these laws entail gender discrimination. A bare-chested man isn't "nude," says the law, but a bare-chested woman is. Granted there are differences between men's chests and women's. But then there are differences between Arnold Schwarzenegger's chest and Pee Wee Herman's.

To both the bigot and the prude, I would answer: if you have such fears, perhaps you should choose to let someone else do the driving, someone more mature and self-controlled than you.

In truth, of course, if public nudity were legalized, the sight of a naked pedestrian would very quickly lose its novelty and would be no more distracting to motorists than is the sight of a gorgeous clothed pedestrian at present.

Church and State

Humility, most religions teach, is a virtue. Translated into an imperative, it is the command: Don't be a show-off. If you show off your mind, your creativity, your industry—if you show the world just how productive you can be—the government will penalize you with progressive taxes, and your chances of entering heaven will decrease to less than the chances of a camel passing through a needle's eye. If you show off your body, you will likewise be in for a rough time from churches and states. Cover up your mind, cover up your body, don't show off, is the egalitarian command of both institutions. The church holds humility to be a virtue, and the state enforces that "virtue" at the point of a gun.

Thus, historically, in Islamic theocracies, women have been legally required to keep their faces covered in public. Similarly, in our Christian theocratic state, women, under penalty of law, have historically been required to keep their breasts covered, and both genders to keep their genital areas veiled. In both Islamic and Christian dictatorships, the church holds that certain portions of the human anatomy, because they are sexually appealing, are therefore "evil," "dirty," "dangerous," and should be hidden. And in both societies, the government's message is: politicians have the right and duty to enforce, at gunpoint, the church's hostile attitude toward the flesh.

If no pragmatic, secular, rational justification can be found for anti-nudity laws, then we should face the fact that these laws are nothing more than the product of religion's traditional bias against the flesh (and its traditional bias *for* humility). And if that's the case, then the principle of Separation of Church and State would seem to require the repeal of laws against public nudity.

The KGB versus Nudists

Let us not forget about that other widespread religion: communism. "For communism is a religion, too," notes Petr Beckmann, "with its church (party), its priests, its scriptures, its rituals, its dogmas, its liturgy; the communist claims about dialectical materialism and Marxism-Leninism being a science are just so much more mumbo-jumbo."*

As do other religions, communism preaches humility: don't show off, don't display the pride of thinking for yourself and questioning the party line. Being so like other religions in these respects, it is no surprise to find communism differing not at all from other faiths in its attitude toward nudism.

Slavenka Drakulich, a Yugoslav political writer, has noted just how anti-sex Eastern bloc countries are: "The puritanism of the Soviet media has thus far forbidden any representation whatsoever of female sexuality. . . . *Playboy* and other men's magazines featuring female nudity are considered pornographic and are confiscated at the borders of the Soviet Union and the Eastern bloc countries. But even relatively innocent publications are suspect. Last summer a colleague of mine who works for the Yugoslav political journal *Nin* went to the Soviet Union. He brought with him a magazine that had on its cover a picture of a woman sunbathing topless. A customs official snipped off the portion of the picture displaying the woman's breasts and returned the magazine to its owner."

If the emperor truly had no clothes, perhaps he wouldn't be an emperor. Without his majestic robes or sparkling military uniform, what scrawny, wrinkled, or obese dictator would be as impressive as the brawny worker he seeks to awe and rule? There's nothing wrong with a Saddam Hussein that a public de-pantsing couldn't cure.

But she does not believe that this censorship is motivated by typically Western concerns about the exploitation of women. "A woman is deemed a worker and a mother first, and a woman second. A unique female identity is not recognized; its emergence must await better times." Whether or not *glasnost* will unravel Soviet prudery remains to be seen, but she is skeptical, for the experience of Yugoslavia

* Petr Beckmann, *A History of π [Pi]*, Golem Press, 1971.

in the 1960s reveals just how revolutionary nudism can be:

> In that decade, the press was hit by a wave of nudity, first in low-brow magazines, like *Adam i Eva* and *Cik*, and eventually in serious newspapers, including *Vjesknik*, the bulletin of the Socialist Alliance of Croatia. Nudity was one of the signs of democratization and greater freedom of the press, and that process did not occur without bureaucratic resistance. There were cries for censorship, and some issues of the magazines were banned or even burned. Should we take that response as a sign of socialist concern for the humiliation of women? Again, no. Sexual repression is the hallmark of patriarchal authoritarian societies. Paradoxical as it may sound, in Yugoslavia pictures of a naked female body were a sign of freedom, of liberation from moral and ideological strictures.

Much to her credit, Ms Drakulich was unafraid of drawing a surprising (if unpopular) moral from this analysis:

> Did the appearance of women as sex objects, among other things, encourage the development of a consciousness of female sexuality apart from childbearing? Was it in the pages of the male chauvinist press that women for the first time were publicly granted the right to their own sexual identity—closely linked to male pleasure, of course, but still an autonomous entity? Did it, perhaps, work to women's interest, however odd that may sound? And in that case, doesn't the Soviet Union need a nude *glasnost*?

The Law's Double-Standard

Feminist nudists have objected to anti-nudity laws on the grounds that these laws entail gender discrimination. A bare-chested man isn't "nude," says the law, but a bare-chested woman is. Granted there are differences between men's chests and women's. But then there are differences between Arnold Schwarzenegger's chest and Pee Wee Herman's. If one bare-chested human is "nude" in the eyes of the law, then it is unjust for the law to say that another bare-chested human isn't.

In 1986, eleven plaintiffs filed a class action suit against the Cape Cod National Seashore, in an effort to eliminate a long-standing regulation against the nude use of beaches at Cape Cod. After two years of legal effort had been spent, along with $36,000 provided by the Naturist Society and other nudist organizations, the battle was abandoned because of a disagreement over tactics.

Most of the funding for the fight came from Lee Baxandall, president of the Naturist Society, who felt Cape Cod's anti-nudity regulation should be fought on first amendment grounds, as a violation of freedom of expression. But six of the plaintiffs wanted the regulation fought on *fourteenth amendment* grounds, as discrimination against women. After all, the regulation forced women, but not men, to cover their chests in public.

Explains Nikki Craft, one of the six: "Some of us have come to realize that shirt-free rights for women and first amendment rights for nudists are incompatible legal strategies when used in the same case. In a case where the plaintiffs are shirt-free women, a first amendment challenge must begin by accepting the presumption that a bare-chested woman is 'nude,' but the logic of gender equality rejects this sexist principle. If a bare-chested man is not 'nude,' then neither is a bare-chested woman. The Cape Cod National Seashore's anti-nudity regulation treats women differently than men by requiring us to keep our chests covered. This unmistakable gender discrimination, based on male-defined mores and a sexist definition of 'nudity,' is the issue that our demonstrations were meant to challenge, and the predominate concern we had hoped our case would address." She prefers to use the fourteenth amendment to fight anti-nudism laws, because, "These first amendment arguments will win even more rights for the commercial exploiters of sex, for proprietors of topless bars, for pornographers and perhaps, at some point, even nudists and naturists, but it is highly unlikely that women as a class will benefit."

The shy taxpayer, it seems to me, has no right to order the nudist taxpayer to cover up, nor has the taxpaying nudist the right to order the taxpaying prude to disrobe. Any facility that both nudists and shy folks are compelled by law to fund should be a clothing-optional facility.

While Ms. Craft's objection to the law's definition of "nudity" is well taken, she's mistaken that women "as a class" don't benefit from the first amendment approach to fighting anti-nudity laws. Freedom of expression benefits women "as a class," unless Ms. Craft thinks it's a class whose members have nothing to express. And she seems oblivious to the possibility that some *women* might be, or might like to be, proprietors of topless bars. In any event, all women should be free to go into that business, so the freedom of such proprietors is in the interest of women "as a class." (Though Ms Craft's snide use of the

continued on page 50

"I can't believe it — they threw me out for violating local community standards."

Autobiographical Note

Freedom Now

by Linda Locke

In 1970, Morris and Linda Tannehill published The Market for Liberty, *a book hailed by many as a pioneering work of "no government" libertarianism. After the Tannehills' self-published edition went out of print, new editions were published by Arno Press (1972) and by Laissez Faire Books (1984). It remains in print to this day, more than 20 years after its original publication.*

The Tannehills were divorced shortly after publication of the book, and before long, both fell into obscurity. Morris Tannehill founded a psychological cult, worked as a typesetter, a night clerk in a motel, and other marginal occupations. He died of liver failure in 1988.

The primary author of The Market for Liberty *was Linda Tannehill, who reclaimed her maiden name shortly after the divorce. She dropped out of both the libertarian movement and the mainstream of American life. We asked her for a "memoir of her personal history." Here she tells her story.*

I live on the road, in a converted school bus that i fixed up myself (and very nice it is, too). I spend winter in the southwest, and the rest of the year wherever inclination takes me, usually following the Rainbow Gathering if it's not held too far from where i am. Last summer, it took me to northern Minnesota, and the summer before to Nevada. I maintain myself financially as an independent craftswoman, making and selling rope sandals. I live pretty marginally, money-wise.

I lived in the Missouri Ozarks for 13 years, most of that time as part of a small back-to-the-land group. We had 25 acres and raised almost all our own food—we had an organic garden and orchard, plus chickens, pigs, beef and dairy cattle, and bees—and boy, did we eat well! It was something i'd wanted to do ever since i was a child, and i enjoyed it a lot. But traveling is also something i've always wanted to do, and you can't devote yourself to a piece of land and still travel a lot. So now i'm doing the travel things and enjoying them too.

I've fallen in love with the area around Glenwood, New Mexico. The isolation, the scenery, the wilderness, and the independent-minded people all make it my kind of place. My long-range goal is eventually to buy a couple acres somewhere around there and maintain it as a home base, giving me the constant option of traveling or staying home in a place i love.

As far as "history and memoirs," i think the only significant thing about me is that i stopped theorizing about a free society and instead devoted my energies to living as a free person. I opted out of the producer-consumer-taxpayer system in which most people are enmeshed—i refused to be a cog in the Establishment's machine. So i live wherever i want (in some of the most beautiful country there is) and come and go when i please. I have lots of free time because i work only enough to keep myself in necessities (and it's amazing how little is *really* necessary to one's comfort and happiness). I meet interesting people from many walks of life and have lots of friends. In short, i've spent the last couple of decades living the way i *want* to, and not the way i "have" to.

Many people tell me they envy my lifestyle and wish they could do it too. I tell them they can, if they can get free from the artificial "need" for material goods that leads to three forms of slavery: consumer slavery, wage slavery, and debt slavery. And most of them sigh, and keep on wishing. I can only conclude that freedom belongs to those with the courage to grasp it. ❑

Biography

The Woman *vs* the State

by William Holtz

While other fighters for liberty talked a good game, Rose Wilder Lane put her life where her words were.

As the New Deal moved into its second decade and the U.S. entered World War II, intellectual interest in libertarian ideas had almost vanished. By 1943, support for freedom was at its nadir.

That year, three woman novelists published books that began the renaissance of liberty. One, Ayn Rand's *The Fountainhead*, was a novel that sold moderately well when released and eventually became a bestseller. The other two were works of non-fiction: Isabel Paterson's *The God of the Machine* and Rose Wilder Lane's *The Discovery of Freedom*. Neither sold very well, but both provided intellectual succor for libertarians during the dark war years and eventually became classics of libertarian thought.

The commercial failure of *The Discovery of Freedom* did not discourage Rose Wilder Lane from continuing her battle for human liberty. She was convinced that government controls of prices, production, and distribution would suppress the natural productivity of the American people and needlessly distort the economy. Late the previous year, she had begun to write a column for the Pittsburgh *Courier*, a small weekly black newspaper, which she now used to articulate her opposition to wartime rationing.

Against the background of a short history of the inefficiencies of planned economies, she granted the good intentions of the government but raised the question of the government's role in personal economic affairs once the war was ended; clearly she was attempting to educate a voting public for a future repudiation of the New Deal.

In her private letters, her tone was less moderate and the occasion became one in which her principles demanded a personal symbolic act:

> I have no ration card and shan't have one; every time the radio says, "You must get your ration card," I turn purple with rage and snap it off; no radio lives to say must to me. I do not believe in rationing, in principle; I am certain it causes more shortages than it relieves; for instance the meat shortage now was caused by "control" of feeds, and price-fixing, which made farmers kill off their calves and young stock because of uncertainty about what orders would be issued next. Also, I can live without buying any food, so let those who can't, have whatever is in the groceries. All I need is flour and salt; even sugar I rarely use, I still have most of a 25 lb. sack . . .

As spring came, she planned a large garden in the yard of her home near Danbury, Connecticut, and negotiated with neighbors to go shares on a cow, a few pigs, and some chickens. It would be the Ozarks of the turn-of-the-century again, as it was when she was young: homemade butter and cheese, fresh meat and vegetables in season, and hams and home-canned foods in the winter. And remembering the scarcities of Europe after the last war, she had already in 1939 hoarded six cases of Ivory soap against an uncertain future. For a long time she had informally traded baked-goods to her neighbors for occasional rides to town. Only the rationing of cigarettes would stump her, if it should occur, and she looked forward to the chance to quit a habit of twenty-five years.

Alarmed, Mary Paxton Keeley, an old friend, offered to send her rationed goods, as Rose herself had sent scarce items to her old friend Elsie Benedict in embattled England. "Thank you a lot," Rose replied, "but you mustn't send me rationed things."

> I intend to get along without them. And if you think a minute you will see that I can't refuse to get a ration card and at the same time take coffee and sugar and so on from people who do; that would be just taking a stand and then getting out from under the

consequences.

She went on to elaborate the principle. "Of course it does not matter what we get along without. It isn't that I mind not having anything.

She said, "Yes, I wrote that. What have the State Police to do with any opinion that an American citizen wants to express?"

The trooper said, more sternly, "I do not like your attitude."

A furious American rose to her full height. "You do not like my attitude! I am an American citizen. I hire you, I pay you. And you have the insolence to question my attitude? The point is that I don't like your attitude. What is this—the Gestapo?"

> But it seems to me that what our boys are fighting for, America's real meaning, is going to get lost behind their backs if we who stay at home don't defend it. If we let our country be national-socialized, if we let ourselves submit to politicians' "control" of everything we do and get so used to it that we don't get rid of every one of these restrictions upon personal freedom just the minute that the war is won, then this whole war will be just waste motion and lost lives. For what is the use of getting rid of Hitler if we let our own country adopt his political philosophy? As Roosevelt says, it is the Nazi philosophy that must be got rid of. And it can not be got rid of by believing it. It can only be got rid of by "little people" like you and me, who won't submit to bureaucratic regimentation.

And so she prepared for her own long winter. In time, she had 1200 jars of food of all kinds safely stored down in her cellar. [1]

* * *

The spring of 1943 brought her yet another battle, really more of a picket-line skirmish, but one that vaulted her briefly into the national news and gave her another hearing. She was accustomed to listening to radio commentator Samuel Grafton, who one day asked his listeners' opinions on an extension of Social Security. Rose had seen the end of a version of Social Security in the chaos of the Weimar republic; she could see the economic implications of an unfunded national obligation that operated like a Ponzi scheme; and she was appalled that her government should presume to choose for its citizens how they should prepare for their old age. She had recently spoken on the radio against Social Security, and the facts of her argument were fresh in her mind. On a postcard she scribbled a brief message:

> If school teachers say . . . "We believe in Social Security," the children will ask, "Then why did you fight Germany?" All these "Social Security" laws are German, instituted by Bismarck and expanded by Hitler. Americans believe in freedom, in not being taxed for their own good and bossed by bureaucrats.

Fearing that her professional name would draw undue attention—perhaps hoping that her message would carry the force of a voice from "the little people"—she signed her married name, Mrs. C. G. Lane, and gave her address.

At some point in the mails, her postcard passed under the eyes of the Danbury postmaster, who, in the tense wartime atmosphere, thought it subversive, and copied the message and sent it to the state FBI headquarters. What followed was an exercise in error, bureaucratic bumbling, and general bad judgment that left the Bureau with egg on its face and spread Rose's name and picture across the nation's newspapers. It also produced an FBI file of over a hundred pages.

The first error was that her name was mis-copied as C. G. Lang, and when an FBI record search yielded no one by that name at her address, the matter was turned over to the State Police for investigation, who sent out a young trooper perhaps over-impressed with the importance of his mission. The remainder of the story is best told in Rose's own words, for that is what made it to the papers. She had cast herself as a character in a small drama:

> Two weeks later she was digging dandelions from her lawn, when a State Police car stopped at her gate. A State Trooper, uniformed and armed, walked up to her. He said that he was investigating subversive activities for the FBI, and asked her whether anyone in her house had sent a postcard to Samuel Grafton.
>
> She said that she had sent one. The State Trooper leafed through a sheaf of papers clipped to a board, found a typed copy of the words she had written, held this before her eyes and asked sternly if she had written those words.
>
> She said, "Yes, I wrote that. What have the State Police to do with any opinion that an American citizen wants to express?"
>
> The trooper said, more sternly, "I do not like your attitude."
>
> A furious American rose to her full height. "You do not like my attitude! I am an American citizen. I hire you, I pay you. And you have the insolence to question my attitude? The point is that I don't like your attitude. What is this—the Gestapo?"
>
> The young State Trooper said hastily, "Oh no, nothing like that. I was not trying to frighten you."
>
> "You know perfectly well that your uniform and your tone would frighten a great many Americans in this neighborhood who remember the police methods in Europe. You know, or you should know, that any investigation of opinions by the American police is outrageous!"
>
> "Oh, come now," the trooper protested. "At least give me credit for coming to you, instead of going around among your neighbors and gathering gossip about you. I only want to know whether you wrote that postcard."
>
> "Is that a subversive activity?" she demanded.
>
> Somewhat confused, the trooper answered, "Yes."
>
> "Then I'm subversive as all hell!" she told him. "I'm against all this so-called Social Security, and I'll tell you why." And for five minutes she told him why. "I say this, and I write this, and I broadcast it on the radio, and I'm going to keep right on doing it till you put me in jail. Write that down and report it to your superiors."

By the time it reached print the story had no doubt been polished by several tellings in letters to her friends ("it's really too bad that only the dandelions heard me," she wrote Dorothy Thompson). But someone drew it to

the attention of the National Economic Council, a small New York-based group of conservative businessmen and laissez-faire theorists who published occasional pamphlets and a monthly review of books. "What is this, the Gestapo?" was published anonymously under their imprint and mailed widely throughout the country. When the story was picked up by the national newspapers, the FBI was forced into embarrassed denials of impropriety and Rose had suddenly a wider national exposure than her books had ever gained her.

Locally, her new fame won her an audience before the Danbury Lions' Club, to whom she gave a talk warning against creeping socialism, the New Deal secret police, and communist-inspired books in the schools; this talk was also reported to the FBI by a Danbury informant as "seditious." As a curious cap to this story, and an indication of the complex consistency of her thought, Rose wrote directly to J. Edgar Hoover himself, acknowledging the necessity of a national secret police to protect the country in time of war, in fact praising his work—but insisting on the necessity of keeping it within the limits of "American principles":

"It seems to me that what our boys are fighting for, America's real meaning, is going to get lost behind their backs if we who stay at home don't defend it. If we let our country be national-socialized, if we let ourselves submit to politicians' 'control' of everything we do and get so used to it that we don't get rid of every one of these restrictions upon personal freedom just the minute that the war is won, then this whole war will be just waste motion and lost lives.

> To this end, whenever a policeman or an investigator puts so much as a toe of his boot across the line protecting any American citizen's right to free thought and free speech, I regard it as that citizen's duty to refuse to permit this, and to raise a loud yell.

Which, of course, she had. She might have been less charitable to the FBI had she known the extent of their records on her, which included her association with the Pittsburgh *Courier* (itself under surveillance for subversion) and her 1919 connection with the Finnish Singing Society, identified as a propaganda wing of the Industrial Workers of the World.[2]

* * *

The FBI files also contain a record of her next exercise in subversion, which was an attempt to reduce her income below taxable levels. It was, of course, the next logical step in her exercise in self-sufficiency; its immediate occasion was probably a fee of $1750 for a *Reader's Digest* reprinting of *Let the Hurricane Roar*. This had always been her most popular book: its message of struggle against overwhelming adversity was appropriate for a wartime audience, and no less a person than Sinclair Lewis had recently thought to offer it in an anthology for a book club. But the *Reader's Digest* fee effectively doubled her income for the year, and the tax bite was correspondingly large. She found an attorney who was willing to set up a trust to receive her income and pay out all but her necessary expenses to charity. By now, no one depended on her income but herself; her mortgage was paid and she really needed only enough to buy a few staples and pay her taxes. She was receiving sixty dollars a month for her Pittsburgh *Courier* column, which sufficed for her needs, and she had the satisfaction of seeing little or none of her earnings going to a government she vociferously condemned. Rose described her stance and her strategy in another talk to the Danbury Lions' Club, making a story which was duly picked up by the news wire-services and widely reprinted. A reporter from a New York newspaper had called for an interview and quoted freely from her remarks. NOVELIST HAS GIVEN UP WRITING AND INCOME TO FIGHT NEW DEAL was the heading next to her picture:

> Rose Wilder Lane, novelist, has taken to the storm cellar until the Roosevelt administration blows over. She calls it "resisting regimentation."
>
> "I stopped writing fiction because I don't want to contribute to the New Deal . . . . The income tax was the last straw. I don't see why I should work to support the Writers War Board, the OWI and all such New Deal piffle while men are dying and there is work to be done at home."
>
> "I raised a pig, butchered it last fall, 600 pounds of beautiful pork. I get around the butter and sugar rationing by making by own butter and using honey as a substitute for sugar."
>
> She smiled. "Would you like to see my wealth?" Leading the way down to the cellar she pointed to rows of canned vegetables and fruits on the shelves. "Eight hundred jars. Corn, peas, beans, tomatoes, pickles, green peppers, beets, berries, all raised in my own garden. That's genuine social security."
>
> She spoke earnestly. "The thing to do, if you think such practices are wrong, is to resist them. The American people did it with prohibition. The colonists did it when King George III tried to overtax them. The New Deal is going back to King George's economy and scarcity. I feel very hard times are coming. . . .

She intermittently fought off solicitations from the Social Security Administration to accept a number and enroll for a retirement income. In this, her honor was at stake as much as in her refusal to accept a wartime ration book. To the end of her days she remained without a number and without its benefits.

The column was clipped and sent to the FBI by someone who had attended the earlier Lions' Club meeting; it was, the informant claimed, "extremely seditious."[3]

Thus the war years passed as she fought her own battles on her three-acre patch of independent soil, dividing her time between her garden, her

kitchen, and endless hours at her typewriter where she wrote endless letters to the small band of fellow-thinkers she had found across the land. As the war ended and, shortly after, war-time rationing and price-controls as well, someone from the Chicago *Tribune* recalled her notoriety of 1943 and sent a reporter to Danbury to see how she was faring. "He found her more of an individualist than ever and with a cellar full of meats, fruits and vegetables to prove that anyone with similar convictions and ambitions could have sat out the war without a ration card." Virginia Manor, an aspiring writer, now something of an acolyte, was with her again and in the interval Rose had acquired two Maltese terriers:

> Although she hadn't done any canning from the time she was 12 until she began her self-subsistence a few years ago, Mrs. Lane refuses to consider herself a pioneer in undertaking to feed herself, her young companion, Virginia Manor, who also writes, and her two dogs named Jonathan Edwards and Henry David Thoreau.
>
> She has taught Virginia how to churn butter and this product along with all the others, is made at a fraction of retail store cost. Virginia keeps the household books and maintains their inventory, but no attempt is made to figure production costs.
>
> The only items on the cellar shelves prepared with the use of sugar are the jellies and preserves made by Virginia who explained: "I had a sugar card when I came here but I know better now." [4]

* * *

At the end of 1951 Rose turned sixty-five and became eligible for Social Security benefits. To pay income tax had been bad enough: she acquiesced only to the fact of the government's power to seize her property, and she had in some years been able to keep her earning below taxable limits. But recently she had found her royalties subject to taxation and her status classified as "self-employed"; and to submit further to participation in an unfunded Ponzi scheme, by which the government would pre-empt her earnings and spend it for her own good—ultimately, she was sure, bankrupting the nation—was just too much. The National Economic Council was a non-profit organization; by law, it could choose not to bring its employees under Social Security coverage. For reasons she could never fathom, the Council chose otherwise; and rather than submit her tiny monthly check to an immoral deduction, she ceased her work on the *Review of Books*. In the years following, she would take some comfort in a mock-conspiracy with the handyman who worked about her place not to deduct Social Security taxes from his wages; and she would intermittently fight off solicitations from the Social Security Administration to accept a number and enroll for a retirement income. In this, her honor was at stake as much as in her refusal to accept a wartime ration book. To the end of her days she remained without a number and without its benefits.

> The Internal Revenue Collector sent me a bill, including fine, for my not having paid the Self-Employment tax one year (no space for including it, no mention of it, having been on my tax form.) I sent a check. At intervals since then, various Authorities have been trying to force a Social Security number on me. They telephone and tell me I must have one; since I have none, they are giving me one. I tell them I won't have it. I get forms, my humble request to be entitled to Social Security Benefits; with command, Sign here and return to—I put them in the wastebasket. I get orders to appear at such an hour, such a date, at such an office, with all records and receipts to show cause—I reply that it is not convenient for me to appear—etc., etc. I even get an order to appear and support with documents my claim for refund of the tax-and-fine that I paid; I return this, writing across it, I have made no such claim. The telephone rings, and I am informed that I am being given the necessary Social Security number; I say that I have none and shall not have one; I will have nothing to do with that Ponzi fraud because it is treason; it will wreck this country as it wrecked Germany. I won't have it; you can't make me. [5] ❑

Notes:

1. Letters to Mary Paxton Keeley, Jan. 26, 1943.
2. The details of this episode come from the FBI file on Rose Wilder Lane, obtained under the Freedom of Information Act. "What is this—the Gestapo?" (New York: National Economic Council, August, 1943). The story received two columns, with Rose's picture, in the Washington *Post*, Aug. 10, 1943; and shorter notice in many other papers, as well as several editorials. Her letter to J. Edgar Hoover is dated Sept. 9, 1943.
3. Diary, April 7, 1943. Letter, attorneys Pullman and Comley to George Bye, Dec. 6, 1943. Letter, Jasper Spock [for George Bye], to RWL, Nov. 22, 1943. Receipt to RWL from George Bye, Nov. 18, 1943. Sinclair Lewis's special interest in *Let the Hurricane Roar* is described in William Holtz, "Sinclair Lewis, Rose Wilder Lane, and the Midwestern Short Novel," *Studies in Short Fiction*, 24 (Winter 1987), 41–48.
4. The story, by Charles Ootthart, made the newswires again; I quote here from a clipping from the Kansas City *Star*, Oct 25, 1946.
5. Letter to Jasper Crane, May 9, 1958; also Dec 11, 1954.

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Refutation

The Love of Money and the Root of Evil

by Christopher C. Faille

The search for certainty has led some proudly to proclaim that "A is A." So far, so good. But when the apostles of certainty go beyond this, it is time to ask, "A is A *What*?"

It is true to assert of anything that is, that it is; or of anything that is not, that it is not. This was announced to the world by Aristotle in his *Metaphysics* and it has come to be known as his "identity principle." It is also sometimes represented algebraically: "A = A."

The late gadfly novelist, Ayn Rand, offered arguments that marched implacably but implausibly from that principle to a very complete and very anti-statist political and social program. Now obviously one can not just say, "The IRS ought to be abolished because A equals A." Such an argument would produce a giggle in some, conviction in none. The premise and the conclusion must be mediated, either by cogent deductive reasoning or by rhetorical trickery.

In Rand's *Atlas Shrugged*, one key character, Francisco D'Anconia, crashes a wedding reception and gives a speech defending both money and the love of money against the proverb that speaks of such love as the root of all evil. The defense runs, in pertinent part, as follows:

"Have you ever asked what is the root of money? Money is a tool of exchange, which can't exist unless there are goods produced and men able to produce them. . . . Money is made possible only by men who produce. Is this what you consider evil?

"When you accept money in payment for your effort, you do so only on the conviction that you will exchange it for the product of the effort of others. It is not the moochers or the looters who give value to money. . . . Is this what you consider evil?"

He goes on at length, and by extension so does the author who created him, on the principle that one should never use a single page of print to make a point when thirty pages will suffice. Let's try to represent this argument in formal terms, as a chain of propositions each supporting the next, from the most fundamental of assumptions to the desired conclusion. By virtue of another, even longer, speech later in the book, broadcast to the nation by one of Francisco's associates, we can make explicit certain steps in the argument that the wedding speech only implied, and so we can produce the following schema:

1. Everything is what it is (identity principle).
2. A man must act in accord with what a man is.
3. Man is productive (by what Francisco calls "the best power within you").
4. Therefore, Man must act in a manner consistent with productivity.
5. This productivity is the "root" of all market values, and so it is the root of money.
6. Any man who professes to despise money is a hypocrite, in that he is false to his own nature or human essence.
7. Thus, only men who love money are to be trusted.

This speech gives us a litmus test by which we may judge the worth of the reasonings in the Randian system as a whole. Unfortunately, it also flunks the test. There is no cogent deductive reasoning, only rhetorical trickery, in the above. Part of the trick lies in the metaphor of the "root" and in the premise that the love of a root implies the love of the thing so rooted. I see no such implication, and Francisco gives me no reason to believe in one.

Let's take the metaphor seriously. One might do this by imagining a philosopher named Hare-istotle, a rabbit wise in logical lore, who reasons much the same way:

"If I love carrots, I must love the greens. How dare anyone suggest that I should not love the greens, that they might make me ill? Have you ever considered what is the root of the greens? They are the top of the plant, and they cannot exist unless nour-

ished by the delicious yellow stuff beneath the surface of the soil. Is this what you consider evil?

"Anyone who pretends to despise the greens while chomping away happily at their root is someone who is not to be trusted, who neglects the best digestive powers of rabbits, who is, indeed, a looter of carrots."

I submit that Hare-istotle would be wrong, for just the same reason that Francisco is wrong. A wise rabbit will "love" foods that are good for him or her and will shun those that are not. The question, then, is not one of nature or of essence or of anything else invoked in the usual scholastic terminological net. The question is one of effects. Is this (carrot or money or whatever) good for me? And if so, in what way? Under what circumstances is it good?

I should be very clear about what I do not mean. I do not mean to endorse the moral value of poverty or condemn anyone's effort to make more money than they spend each week. I mean to condemn the type of reasoning Francisco employs, and to prove that it cannot reach his desired pro-capitalist conclusion because that sort of reasoning cannot reach any cogent conclusion. Objectivists misuse the notion of "reason" when they apply it eulogistically to such chains of propositions as that above.

I would agree, by the way, that it is not reasonable to express contempt for money. This is to say that I would be willing to assent to proposition six in the above chain, suitably rephrased. But that still will not get me to the desired conclusion. After all, Francisco wants to teach us, or to teach the crowd gathered at the wedding, or at least such of them as may have ears to listen, that money ought to be loved. But he spends most of his time arguing that it should not be despised. Obviously, there is something incomplete in this way of ordering the possibilities.

But I want to make another point, one that applies to each of the final three propositions in the above schema: This use of the term "money" as a unitary object of concern or even of affection is an instance of misplaced abstraction. Abstraction, an essential part of any logical operation, is nevertheless the cognitive equivalent of fire. We can recognize that it has been indispensable for civilization but we still ought to treat it carefully lest we be burnt. Speaking abstractly of the good or the bad or the indifferent nature of "money" is an extremely careless handling of matches.

Of course the ubiquity of money does require that I must make many particular monetary judgments. But the only sort of judgment required is quite particular indeed: should I buy this wrench at retail? Could I get a better price from a wholesaler? Am I in a position to make productive use of such a tool? Would the warranty from the retailer justify the higher price? No hating, loving or even respecting need be involved in any of this, and certainly not a hating, loving or respecting of money *per se*, money in general, or money as the object of a bizarre wedding toast.

That speech is but one example—unfortunately a representative one—of the deductive chains that Ayn Rand, philosophic metal-worker to the masses, sought to forge. Her arguments can have a certain superficial, emotive appeal, but unspellbound lovers of liberty must be wary of getting caught, and intellectually bound up, by these chains. ❑

Danielson, "Au Naturel Rights," *continued from page 43*

adjective "commercial" indicates that she is very intolerant of business activity on *anyone*'s part, and thus blinded to some of the legitimate interests of members of her class.)

A Property Rights Issue

Public nudity is ultimately a property rights issue. If buses, subway trains, buildings, parks, and beaches were not only privately owned but *not regulated*, the owner of a particular enterprise would decide whether to allow customers to go about in the buff. Many park entrepreneurs, for instance, would likely offer clothing required facilities, and some would operate exclusively nude facilities. Others would offer "clothing optional" areas, just as some restaurants offer "no smoking" areas.

But in a mixed economy, such as ours, where nudists are forced, via taxation, to pay for various buildings, vehicles, and recreational areas, they have a natural right (or, if you will, an *au naturel* right) to use these facilities *sans* apparel. The shy taxpayer, it seems to me, has no right to order the nudist taxpayer to cover up, nor has the taxpaying nudist the right to order the taxpaying prude to disrobe. Any facility that both nudists and shy folks are compelled by law to fund should be a clothing-optional facility.

The Clothed Road To Serfdom

If the emperor truly had no clothes, perhaps he wouldn't be an emperor. Without his majestic robes or sparkling military uniform, what scrawny, wrinkled, or obese dictator would be as impressive as the brawny worker he seeks to awe and rule? A naked Hitler might have generated giggles, not obedience, from the German masses. In my view, there's nothing wrong with a Saddam, Castro, or Qaddafi that a public de-pantsing couldn't cure.

Nudism and a freedom-loving spirit often go hand-in-hand. Virtually all libertarians recall the first line in Ayn Rand's *The Fountainhead*. "Howard Roark laughed." But how many remember the second line? "He stood naked at the edge of a cliff." ❑

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Essay

Downloading the Three Rs

by David Friedman

Book-learning is not the only form of learning, and lecturing is not the only form of teaching. Do you want to play a game?

Some years ago, while writing an economics textbook, I came up with some ways of using a computer to help teach certain economic concepts. My publisher arranged to make my programs available to students who used my book. As part of our promotional efforts, I attended a number of American Economic Association meetings, spending much of my time demonstrating the software to interested professors.

As a result of demonstrating the programs, talking to the professors, and looking at the software other publishers were demonstrating, I reached two conclusions. The first was that most economics professors believed that most educational software was useless. The second was that they were right. The reason most of the software was useless was that it used a computer to do things that could be done almost as well—sometimes better—by a book.

Typically such software—variously labelled as computer tutorial, programmed instruction, or computer workbook—consisted of screens of text and figures explaining economic ideas. The computer was used to move students from one such screen to another on the basis of their answers to questions about the material, in the process telling them whether or not their answer was right.

Asking students questions and telling them if their answer is correct can be done quite easily on paper. Making the order of the presentation depend on the student is not much harder—it is, for instance, routinely done in "plot it yourself" children's books, where at various crucial points the reader is asked to choose alternative a, b, or c and jump to a new page according to which one he chooses.

So far as I could tell, the basic theory of such software was that computers were sexy, high tech objects, and students would be so excited to get their fingers on them that they would be willing to study with care and interest the same material—in blurry letters on a computer screen—that would put them to sleep if printed in a textbook. It is not a very plausible theory. Computers, after all, were also large, heavy, expensive devices, hard to read in bed (this was before modern laptops), and with resolution greatly inferior to print on paper.

What was wrong with such software was nicely summed up in the question that professors would ask me when I started talking about my programs: "how many chapters of your book do you have on disk?" The answer, of course, was "none." The chapters of my book were where they belonged, between its covers. The software was an attempt to teach particular concepts in ways that could not be done by either a book or a teacher.

My point so far is not that computers cannot be useful for teaching—on the contrary, I believe they can—but that they usually are not. They are a new tool, very different from the tools with which we are familiar, and we have not yet developed the body of ideas and skills necessary to use them. At present, each useful new program requires a new clever idea.

Such programs do get written. One very simple example is the program my son used to help learn how to type. It was a video game. At the center of the screen was a spaceship with a wizard sitting on it. He was being attacked by missiles, each labelled by a letter. If you hit the corresponding key on the keyboard, the wizard threw a lightning bolt and destroyed the missile. The sequence of letters was designed to first teach the student to use single keys on the home row, then sequences on the home row, then keys elsewhere on the keyboard.

It was not a terribly good video game; my son would probably have preferred space invaders or the like. But it was good enough to convert

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typing drills from a deadly dull chore to a mildly entertaining game—with the result that I was able to persuade him to spend half an hour a day learning to type.

Another example is an old Apple II game called *Robot Wars*—one that I have sometimes described as the world's only computer game. Playing the game consisted of writing a program. The program, written in a simplified assembly language, controlled an imaginary robot. One register recorded his X position, another his Y position, another his X velocity, and so on. Put new numbers in the velocity registers and the robot accelerated or decelerated accordingly. In a similar way, the program controlled the direction in which the robot's gun turret was pointed, sent out radar bleeps, recorded the echo sent back by a potential target (and its range), fired the gun at other robots, and reported any damage suffered from attacks by other robots.

Once you had programmed your robot and your friend had programmed his, it was time for battle. The two of you sat back and watched your robots fight it out on the computer screen, each following the instructions built into his program. If your robot stopped every other second to check his damage register in order to see if he had been hit, the result was to slow him down—with possibly lethal results. On the other hand, if you had programmed him never to check his damage register, he would simply stand there while the other robot, having located him, gradually blew him to bits.

Thus the success of the robot depended on the skill of the programmer. The better designed the program, the faster and smarter the robot. After losing a few rounds of battle, you could stop fighting and rewrite your program, trying to eliminate whatever flaws you had observed on the battlefield. The inventors of the game had made learning assembly language programming—the acquisition of a difficult and sophisticated intellectual skill—into, literally, child's play.

Programs like these represent a small fraction of current educational software—but the fraction that matters. Over time, there will be more. Ingenious people will figure out how to use computers to make more and more of the business of learning into an interesting game. That is, after all, what learning is supposed to be—as I can easily check by watching my five month old daughter learning to control her hands and feet, or her fourteen year old brother conquering ever more astronomical levels in Super Mario Brothers.

What is wrong with most educational software was nicely summed up in the question that professors would ask me when I started talking about my programs: "how many chapters of your book do you have on disk?" The answer, of course, was "none."

In ten years, if I am right, a substantial fraction of what children now learn in the first twelve years of school will be available on disks suitable for your home computer. It will be fun and it will be cheap. The effects on our educational system should be interesting. ❑

A Macintosh program apparently based on *Robot War* is *Robowar*, available as shareware. My son's typing program was *Master Type*.
—DF

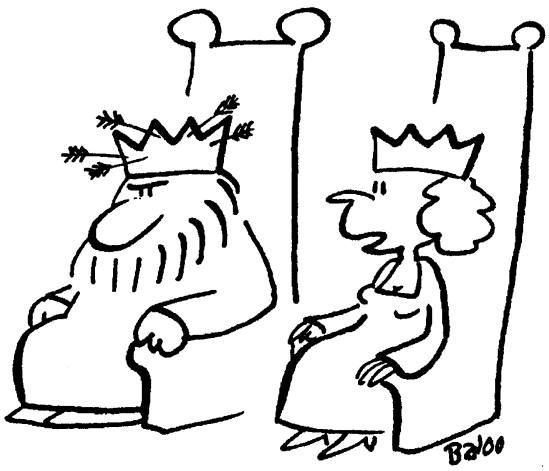

"I told you an open house was a bad idea."

Reviews

Trashing the Planet, by Dixy Lee Ray with Lou Guzzo.
Regnery Gateway, 1990, 206 pp., $18.95.

The "Science" of Catastrophe

Jane S. Shaw

As one who deplores the widespread and erroneous public alarm over many environmental issues, I was eager to read Dixy Lee Ray's new book. A biologist by training, Ray is a former chairman of the Atomic Energy Commission, a former Governor of Washington, and a plain-speaking woman. And she is fed up with uninformed, apocalyptic claims that the world is heading toward environmental disaster.

But I was somewhat disappointed. *Trashing the Planet* does offer commonsense talk about most of the environmental scares of the past decade, from Alar and acid rain to nuclear energy and Ozone depletion. Indeed, Ray (who wrote this book with Lou Guzzo) is refreshingly blunt. On acid rain, she writes: "Any federal funds . . . should be spent on research—not on boondoggles to satisfy the mindless cries to 'do something' from those who would substitute passion for science." Nuclear energy, she says, is "an unparalleled success. Nuclear generation of electricity is safe. In the more than a quarter century of commercial operation in the United States and the Western World, there have been no fatalities, no significant releases of radioactivity to the environment, and no one has been exposed to radiation in excess of the very conservative limits that have always characterized the nuclear industry."

The trouble with *Trashing the Planet* is that the range of sources Ray uses to support her arguments is often less than impressive. Although portions of the book are authoritatively documented, others are not, and occasionally she fails to cite any sources at all.

The chapter on pesticides, for example, relies heavily on secondary sources, including works sponsored by individuals or organizations with reputations as advocates, such as the National Council for Environmental Balance and the American Council on Science and Health. These undoubtedly contain good information and there's nothing wrong with citing them or authors such as Elizabeth Whelan and Edith Efron; but they should not, it seems to me, be the final source of one's factual information. Relying on them rather than on peer-reviewed scientific literature does not provide the credibility that I, for one, was hoping for.

I started reading *Trashing the Planet* to find out Ray's views on the ozone depletion issue, which I have been following. She makes it clear that there is significant doubt about whether global stratospheric ozone is being lost (the natural variation, she says, can be as much as 15%), and that the source of the chlorine that apparently leads to depletion "has not been unequivocally established." Ray cites several natural sources of atmospheric chlorine that dwarf human-produced chlorine.

The claims she makes are vivid, and if they represent the full story they pose a persuasive challenge to the ozone depletion theory. But my enthusiasm dimmed when I looked at the footnotes. On the possible origins of stratospheric chlorine, Ray cites only four sources. One is a chapter in a book by S. Fred Singer, one of the few prominent scientists who is dubious about the prevailing theory. Singer's book is a valuable repository of information, but he is less skeptical of the prevailing theory than is Ray. In the relevant chapter he writes: "There is little doubt that chlorine chemistry is the *immediate* cause of the seasonal (October) ozone decrease at around 18 km in the southern polar regions—rather than purely meteorological effects based on dynamics or direct solar influences related to the solar cycle. It is also probable that the major source of the chlorine is man-made chlorofluorocarbons [CFCs]—although no precise estimate exists of the chlorine contributed by various natural sources . . ." In other words, he retains doubt, but he goes a long way toward recognizing the merit of the depletion-proponents' views.

Ray's second source is a popular article in *National Review*—also by Fred Singer and thus not a source of much additional information. The other two sources are articles by Rogelio Maduro, one in *EIR*, and one in *21st Century*. *EIR* is published and was founded by Lyndon LaRouche. While I know no more about LaRouche than most people know about ozone, his publication is not in the mainstream of scientific literature. *21st Century* is a more scientific journal, but is also related to LaRouche. (One staff member calls them "sister publications.") I admire the scientific detective work that went into Madu-

ro's *21st Century* article, "The Truth Behind the Ozone Hole Scare," and I look forward to reading more from him, but I don't consider these articles definitive sources of information. Neither is likely to convince people who are on the fence about these issues.

I also noticed errors in the footnotes to *Trashing the Planet*, including two misspellings, an erroneous quotation, and a misplaced citation. Given the large number of notes, perhaps such errors are unavoidable. More bothersome was the inclusion of several statements that weren't footnoted at all.

Ray and Guzzo offer common-sense talk about most of the environmental scares of the past decade, from Alar and acid rain to nuclear energy and ozone depletion. The trouble is that although portions of the book are authoritatively documented, others are not, and occasionally they fail to cite any sources at all.

On page 51, in a chapter debunking recent environmental scares, Ray writes: ". . . there are now approximately 60 to 100 million people who are dying each year as the direct or indirect result of anti-pesticide campaigns that have caused restrictions or bans on the products that could have prevented such deaths." This astounding claim is not footnoted. (It may be embedded in articles cited in the separate chapter on pesticides, but I don't know how to find it.)

Another sweeping statement is found on page 127, where Ray discusses the safety of nuclear power by comparing it of the safety of coal. "Again, to put that calculated risk into perspective, there are about 10,000 deaths every year from using coal to generate electricity, so for nuclear power to be as dangerous as coal-burning, we would have to have a great many meltdown accidents per year. Since we have not had any and there have been no fatalities at all, clearly nuclear power is safer than using coal."

Yes, I am sure that nuclear power is safer than the use of coal. But where did the 10,000-deaths figure come from? Not from mining accidents (about 600 people die in mining accidents each year). It must be some probabilistic total of deaths, including the coal and utility industries' contributions to cancer and black lung deaths. But no footnote tells me where to find its origin.

Perhaps I am falling into the critic's classic error of complaining because an author didn't write the book I wanted. Evidently, Dixy Lee Ray wanted to write something more popular and readable (and perhaps easier to put together) than the authoritative book I expected. But Ray's reputation led me to expect the latter and, as a footsoldier in a war of information, I want more than a boost in morale; I want ammunition, artillery, and air power. ❑

***The Meaning of Socialism*, by Michael Luntley.**
Open Court, 1989, 214 pp., $32.95 (cloth), $14.95 (paper).

Old Whine in New Bottles

Jan Narveson

Michael Luntley claims to offer "a pathbreaking defense of socialism on ethical grounds" in his new book, *The Meaning of Socialism*. But *any* defense of socialism has to be on ethical grounds, once one realizes that such routes as simply predicting it on historical-determinist grounds are non-starters. And not just any old theory will do; we need to have the right ethical theory

Yet by Luntley's own admission, he offers no such genuine theory of the sort required. In its place, he serves up some supplementary arguments that involve both the stale old Marxism one thought he was rejecting, and some further, unsupported value judgments that not only seem irrational, but end up supporting enough of the worst features of socialism to leave us in about the same mess that other socialisms have produced. In the end, the appearance that he's "defending socialism on ethical grounds" is strictly appearance. What we are given, instead, is a set of fraudulent reasons for rejecting the free-market view of society.

Socialism, he tells us, is "in crisis": it has lost its sense of what it is, what it should be doing, or why. *The Meaning of Socialism* is an attempt to settle that matter. And what is most refreshing about Luntly's book is its candid recognition that socialism involves the *rejection of liberalism*. At one time, socialists thought that their system would give more people what they wanted. But Luntley appreciates that socialism consists in massive *interference* with liberty, understood as letting people do what they want. "Too often people are deflected by considering the question of how we should interfere without giving an answer to the question of whether, if we do interfere, we have legitimate license to interfere. That is the central philosophical question that socialism must answer before any of its particular prescriptions can be put into effect" (p. 11). Bravo! This puts things in their proper light. For too long, too many people have supposed that somehow socialism was more liberal than liberalism, was "ultra-liberal," indeed "radical." Not so. Radical liberalism is libertarianism, the view that we shouldn't, if at all possible, intervene in free arrangements *at all*. Socialism says, "Hell no: Let's interfere!" It is, then, a species of moral conservatism, and a denial of liberalism.

So how do we justify this interference? If we are going to reject liberalism, then which version of ethical conservatism are we going to put in its place? "Central to any credible version of socialism," says Luntley, "must be the idea that there is such a thing as *the good life* . . . there must be a conception of social life, a conception built upon ideas about what things are good and bad irrespective of whether or not many people currently view these things as good or bad" (3). Luntley proclaims as "constitutive of socialism" the following principle, which he calls "The Good Principle"; "There is more to the achievement of the good life than the satisfaction of individuals' actual preferences" (11).

The interesting thing about this proclamation is not that it's heroic and path-breaking, but that it's a platitude. It is the mark of wisdom to appreciate that the good life is more than the satisfaction of one's current preferences, whatever they may be. But it's a further mark of wisdom to realize that nothing, so far, follows from this. In particular, it doesn't follow that we will identify our good life with the satisfaction of someone *else's* preferences—certainly not those of the Central Committee! But one notes the enormous danger of elitism if we misread this "principle"—which is exactly what Luntley winds up doing. For if ordinary people do not know what is good for themselves, then who does? "It is because of the idea of there being something called 'the good life' that socialists have a license for interference" (4). But who *issues* the license in question? Well, maybe some intellectual who has figured it all out. Plato, maybe, or Marx. Or Dr Michael Luntley and his fellow members of the Socialist Philosophy Group at London. To his credit, Luntley appears to appreciate the danger: "The models that spring readily to mind—the busy-bodying do-gooder and the totalitarian despot—are clearly unpalatable" (4). Thus "We need to know what model of interference can be legitimized by our notion of the good life." Yes, indeed. Especially since there is, after all, a model of *non*-interference at hand.

As Luntley also appreciates. He spends some space on Robert Nozick's "Entitlement" theory of justice, agreeing that Nozick's criticisms of various alternative liberal theories are cogent, but rejecting his conclusion *because he rejects its individualistic premise.* And why reject the premise? Because, he says, it implies "the economism of values," that "the good life amounted to no more than the condition of individuals having their preferences satisfied" (10). And more of that sort of stuff.

For too long, too many people have supposed that somehow socialism was more liberal than liberalism, was "ultra-liberal," indeed "radical." Not so. Radical liberalism is libertarianism, the view that we shouldn't, if at all possible, intervene in free arrangements at all. Socialism says, "Hell no: Let's interfere!"

But he has missed the point. Liberalism does not depend on this last claim as a thesis about what value and the good life is. Instead, it depends only on the claim that Luntley in fact accepts: that there is no *agreement* on what The Good Life is. And *that* is the real problem of politics. Of course if we all knew what The Good was, then we could just discuss ways to pursue it. (Incidentally, it still wouldn't follow that the right way to pursue it would be by massive interference in people's freedom. Maybe freedom is *part of* the good life, after all. And maybe collective pursuit of The Good would be inefficient. As indeed seems more than just a "maybe.") But in any case, as Luntley is the first to recognize, we do *not* know what it is. So there are, as yet, *either* no political implications at all from his Principle, rather than Socialist ones; *or* else it is the very recognition of this "ignorance" that must supply whatever input into politics there can be from the idea of The Good.

Luntley tries that tack, in fact—but chooses what is demonstrably the wrong way. In his version, we will organize society as a kind of huge round-table discussion in which we try to decide what The Good is. But his version, his further theory of politics, depends entirely on one, spectacularly unwarranted move: the discussion isn't allowed to be a *free* discussion. Whatever The Good might turn out to be, its pursuit, for some reason, *must* be *collective* rather than individual. He calls for an "idea of the good as a collective notion, something about which we need to argue together and construct between us," something that "transcends individual choice" (7).

There are two problems here.

First there is the same old problem as before: even if that's what The Good has to be, *whose* view of the individual-choice-transcending good are we going to adopt, and why? It is, after all, a matter on which we each must form our own opinion, and none of us can claim to know that we have the right one. Different people will claim to "know" quite incompatible things. So a dilemma now looms for Luntley. Is he arguing that people should *not be allowed* to do *what they think best*? That they are instead to be forced to do what *somebody else* tells them is best? *Even if they don't agree?*

Luntley *claims* to reject this sort of totalitarianism. But when we come to his vision of politics, which we are told would be a sort of "Camelot discussion," in which we sit around figuring out what The Good is, there turns out to be a rule: "to protest at the results of the round-table debate amounts to no less than to want to disengage altogether from civil society, to break away and construct one's own debate on the good." Gee! And moreover "in disengaging from the round table, one sets up one's own notion of the good above the authority of that notion which is independent of any particular agent . . . Any attempt at the breakaway good implicitly sets up the vision of some agent or group as better than that which depends on no particular agent at all" (125). So we'll just suppress those deviants, right? In short, the collectivity—meaning all the others who don't share your view—*knows best.* So much for avoiding totalitarianism!

Neglecting the awesome illogic of his reasoning here, let's just ask how can he possibly go on to say, "Accep-

tance of The Good Principle seems to take away the authority residing in the individual and give it to another agent. This is a mistake . . ." (12) But if it's a mistake, then he must take back this nonsense about the majority being absolutely authoritative over the individual. Absent a reasonable solution to the plainly insoluble problem of preserving the individual's free judgment while at the same time insisting that it may always be overridden by the Collectivity, there is a serious question what the interest of this whole study could possibly be thought to be.

It is the mark of wisdom to appreciate that the good life is more than the satisfaction of one's current preferences, whatever they may be. But it's a further mark of wisdom to realize that nothing, so far, follows from this. In particular, it doesn't follow that we will identify our good life with the satisfaction of someone else's preferences — certainly not those of a Central Committee!

The second problem with his characterization of The Good as a "collective notion" is that he seems not to appreciate that the market idea is *itself* a social notion. The free market exists when people recognize, as a social, collective rule, that individuals have the right to own property, to use their bodies and minds as they see fit. Their recognition of this right consists in their accepting a duty not to interfere with these free actions of individuals. But *this* social rule has the enormous advantage of being the *only* collective rule compatible with individual freedom and autonomy. This is, I suggest, the only rational way in which society can cope with the problem posed by nonagreement about The Good. Note too that if everyone *did* agree on The Good, then there would be *no difference* between the free market and whatever arrangement, be it collective or something else, that the grand agreement on the Form of The Good turned out to be—since by hypothesis everyone would voluntarily embrace and act on it. But in all other cases—for all practical purposes, *all* cases—free market institutions would be available to allow people with differing views to interact on a basis of recognition of their respective rights to differ. The market enables those who disagree to disagree without violence. Socialism, on the other hand, consists in letting either the majority or—far more likely—the Central Committee, use virtually unlimited violence against essentially everyone, essentially all the time. How could anyone think that that is a better way to run things?

There's a curious streak of political nostalgia in this work. Luntley talks about "reviving a lost political culture, a shattered notion of what a civil society might look like" (187). It would be interesting to know when this supposedly lost ideal ever flourished—in King Arthur's time, perhaps? (There's all that talk about "Camelot," after all!) It is an enchanting thought that socialism consists in a yearning after lost innocence, lost community. Ah, for the good old days in which The Good was known (just ask good ol' King Arthur—no problem!). Enchanting, yes. Quite out of touch with the aspirations of most actual socialists, of course. And, much more importantly, a yearning that can only lead to more totalitarianism if taken seriously.

Well, what connection is there—the reader must be thinking by this time—between this second-order "pursuit of the idea of The Good" stuff and what we used to call "Socialism"? To try to make a longish story short, it seems that in capitalism "the criteria of moral agency are supplanted by the criteria of economic agency." Luntley claims to reject most of the standard Marxist criticisms; but then, having chucked some of socialism's stale ideas out the front door, he reintroduces them via the back. It seems that in socialism, "economic agency" is going to be subordinate to more ultimate values—to The Good, even if we don't know what it is. We'll just subordinate people to the *search* for The Good, instead. And how do we do this? Well—what do you know?—by guaranteeing high levels of welfare support to the unemployed, unlimited educational opportunities for all, and the rest of it. All of course, at public expense—i.e., the expense of the *very people the socialists claim to be "helping."*

It should be appreciated that Luntley's supposedly new critique of capitalism is just as misguided as the old one. The idea that there is some kind of evil, materialistic, "economic agency" that *replaces* "more fundamental values" in a market economy is simply all wet. For the *moral* values of capitalism are *not* "on the market": respect for the rights of your fellow men, including their property rights, is a genuine moral value, distinct from the value of cheese or Mercedes-Benzes. What capitalism does do is to allow people to interact as best they can, each according to his perception of what is desirable and undesirable, within this general framework of liberty. So the Luntleyan critique is simply off base. But it's a bluff anyway. What Luntley really is saying is the same old stuff that Marxists have always been telling us: profit is evil, because it lets some people end up with more money than others, *and* it allows them (Gasp!) to spend it as they please, on things that the Luntleys of this world

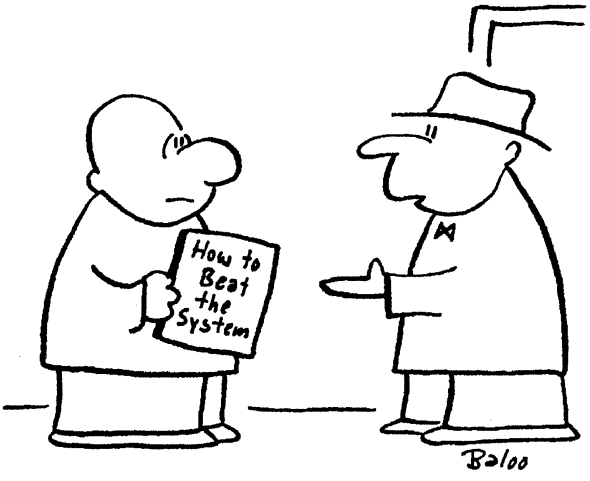

"I'm from the Government, sir — I'm afraid I'll have to take that book."

find frivolous, instead of on More Important Things, things that are "transcendental necessities" for *"citizenship."* These, we are told, include health, education, and housing, which "are not to be counted as marketable goods about which questions of just distribution are apposite" (129). They are "primary goods," which means that of course we can tax people all we want in our efforts to provide them for all.

Take welfare claimants, for instance: "we have to provide a level of benefit far in excess of current levels and, quite probably, in excess of the wages of many who are currently in full employment" (134). This, as a modest amount of elementary economics will tell you, is economic suicide. But then, we Labour Party folk don't worry about how all this is to be paid for, since, after all, the whole thing is out of the economic sphere altogether—it's The Good, right?

Having chucked some of socialism's stale ideas out the front door, he reintroduces them via the back.

Or take health and housing. The availability to *anyone* of what we would currently count as minimal medical care was *zero* prior to roughly 1920. (The chances that a medical person would kill you rather than cure you didn't get far below 50–50 until well into this century.) Until the late 19th century, even in advanced industrial societies, indoor flush toilets were essentially nonexistent. Roman Emperors lacked amenities normal to American welfare recipients. Isn't it more than a little daft to urge that somehow society has been cheating all of these billions of people out of their social birthrights? Yet that's what his "justification" of these draconian measures consists of.

Luntley accepts a free-market account of justice "for those goods for which there are problems of distribution . . . . things like cars and continental holidays" (138). But he doesn't see the favored things on his list as being like that—with them, The Committee rules. And *they* don't allow Ms Citizen to make up her *own* mind about *how much* health, education, and welfare she will have, no siree! So he can "justify" taxing the dickens out of her to supply her with these "goods" whether she wants them or not. The fact that Ms Citizen will thereby end up in poverty, which *she* doesn't think is part of The Good, isn't allowed to count. After all, she, the poor sod, doesn't know what's Good for her, right?

There isn't much in here about state ownership of the means of production, to be sure. But what we have instead—massive intervention via taxation, etc.—will do just fine. Learning the lessons of economics isn't a big thing with enthusiasts for socialism.

"My claim is not that it is impossible for an individual to be good under capitalism. That would be silly. My claim is that it is not possible for society to be good under capitalism." People under capitalism "do not flourish within a civil order of the good" (76). Isn't it interesting how much you can accomplish with an argument that began with the admission that we *don't know* what The Good is? Of course, if you simply *define* the notion of civil order in nonliberal terms, as Luntley here does, then his "claim" is "true," in the same way that all arbitrary definitions yield "truths"—namely, empty verbalisms, not actual claims at all. But apart from this semantic maneuver, the argument comes to precisely and absolutely nothing. You've been had, gentle reader!

Luntley agrees that earlier on he "dodged all the difficult questions . . . like, what level of health care . . . what level of access to education is a condition for citizenship, etc." But, he says, "First, these questions are not really my concern . . . I do not pretend to have the answers to all the particular issues that arise when we start asking questions like [those]. That is not a philosophical enterprise . . . . It is no more and no less than an exercise in the Camelot debate" (148–50). What is really dodged, though, is the question of why individual citizens with differing views about The Good should be compelled to subordinate—or is the word "enslave"?—themselves to a majority of their fellows on such issues.

Mrs Thatcher, we are told, holds that "Jerusalem will be built upon the shifting sands of contracts and bargains struck between self-interested individuals operating in an otherwise moral vacuum. Such an unimaginative and naive vision would be laughable if it were not, currently, so powerful." "What, then, is missing? The idea of a civil society . . . traditions of thought and feeling that help us to define our place within the communities in which we live. Indeed, at root, we have lost our communities. . . ." (198) ". . . We can set the requirements of human life over those of the requirements of Capital" (200).

So there we have it. Enough of this nonsense about individual rights and pursuing one's own version of the good life. Let those with the higher light on The Good do that for us! Or at least, let your fellow citizens, suitably guided by the Central Committee of Guardians, do it for you. And if all of this strikes the reader as the provision of even worse reasons than those we were given before for adopting a totalitarian social system—one that has the additional demerit of being a proven failure on top of it—then you have, I believe, gotten the right message. Fortunately, philosophers aren't kings! ❑

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***El Béisbol*, by John Krich.**
Prentice-Hall, 1990, 272 pp., $8.95.

The Illusion of Expertise

Richard Kostelanetz

El Béisbol purports to be an impressionistic tour of Latin American baseball. As a veteran visitor to Puerto Rico (and a *fanático* of the baseball there), I turned first to see what he said about a world I knew. The first mistake to strike my eye comes on page 43 in the reference to "Hiram Bluthorn Stadium, the home of the [San Juan] Metros, named after the first Puerto Rican to sneak through the big leagues' color barrier." However, the player's last name was Bithorn. My suspicion was that Krich was confusing the Puerto Rican pitcher with Charles Bluthorn, the financier who put together the Gulf & Western conglomerate that owns, among other properties, this book's publisher. What confirmed my hunch was the reference on p. 121 to "Gulf + Western Corporation chairman Hiram Bluthorn," which, all would agree, is quite a promotion for a ballplayer breaking an employment barrier. (No, I'm not making this up. I wish such mistakes could be blamed wholly on copyeditors' cooping, to use the New York police term for sleeping on the job.)

Krich doesn't mention that the Bithorn Stadium also houses the Santurce Crabbers, Santurce being the larger city surrounding San Juan. One convention peculiar to the place is that Santurce playing at home occupies the third-base dugout, whose roof is emblazoned "Santurce," just as the top of the first-base dugout has "San Juan" in large type. Finally, just beyond the ticket windows is a statue of Bithorn, his left foot raised, his facial features visibly caucasian. Since 1942 was Bithorn's rookie year, whatever barrier he might have broken was not racial. Indeed, the real question Krich should address is why Puerto Rican players took so long to get to the majors. Cubans had entered thirty years earlier, with Mike González in 1912. He played for twenty years before becoming a coach and interim manager in 1938 and 1940, a full two years before Bithorn appeared. One of Krich's deepest prejudices, you see, is that the only Puerto Rican baseball players worth noticing are as black as Roberto Clemente or Vic Power, thereby excluding any mention of Dickie Thon, say, or the current Metros star, Hector Villanueva; for the truth visible to anyone watching Puerto Rican baseball is that the teams, like Puerto Rico itself, represent a rainbow coalition.

Even on so benevolent a subject as baseball, some writers find it necessary to fake information in order to support their preconceived leftist ideas.

Another problem is that like the j-school graduate (he may or may not be) Krich believes in the epistemology of the interview as preferable to firsthand experience. So the Puerto Rican chapters have extended quotations from Rubén Gómez, Vic Power, Mrs. Roberto Clemente, and a scout named Nino Escalera. Perhaps because Krich arrived just before New Year's Day, after the conclusion of the regular Winter League season (but before the beginning of the playoffs), there is no evidence of him actually attending a professional game in Puerto Rico. Indeed, there are symptoms to the contrary. He deprecates the stadium food, whereas I'm prepared to testify that the piña colada ($2.00), fresh out of the blender with crushed ice, ranks among the best in all San Juan. The meat *empenadas* at $0.75 are preferable to any mainland hot dogs eaten by me. Though Krich speaks of the San Juan *fanáticos* as unruly, consider this contrast: At Yankee Stadium, which I patronize regularly, a security man inspects your bags as you enter, confiscating anything that might be thrown, while beer is sold only in paper cups. At the Bithorn Stadium, there is no security person at the entranceway, and the beer vendor gives you the can along with the paper cup. (There is also a guy with a roving cart containing the fixings for mixed drinks. Such a civilized amenity would be unthinkable in New York.)

As a lefty journalist, Krich is predisposed to like Nicaraguan ball even at the risk of ignorant slander of other Latins: "The backstop netting [in León, Nicaragua] functions as protection from foul balls—not, as in other Latin countries, to shield the players from projectiles hurled by the disgruntled rabble." Well, at Bithorn, there isn't enough backstop netting to fulfill Krich's purported protective function, and there is no equivalent of the Yankee Stadium net that runs from the top of the backstop to the mezzanine. Krich rhapsodizes further about Nicaragua: "It takes a nation in its birth throes to show how our national pastime might have looked in the days before computerized scoreboards or press releases, Astroturf or covert operations." However, that's exactly how baseball looks at Hiram Bithorn, which, as I have said, Krich may not have actually seen.

He reminds me of certain Paleo-Stalinist writers who think that as long as their politics are "correct" they can say whatever strikes their fancy.

On p. 49, Krich speaks of receiving during "the seventh-inning stretch" an invitation to spend New Year's Eve with Escalera's family in Ponce, which is on the other side of the island, a few hours away from San Juan. Krich then describes how he is driven out and back

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— Lawrence Kudlow, "Money Politics," March 25, 1990

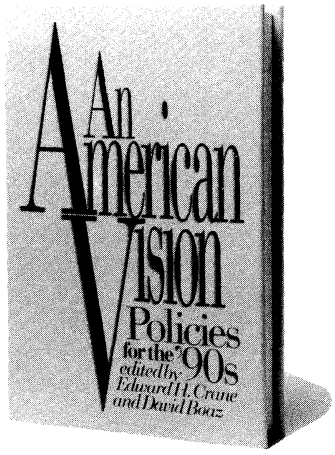

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on the same night, wholly without incident. The obvious problem with this story are, first, that there is no seventh-inning stretch at Bithorn (and no national anthem either—a detail a lefty writer might have noticed, were he there) and, then, that you're advised to stay indoors on New Year's Eve, especially after midnight. Some Puerto Ricans celebrate the New Year by firing guns into the air, and every year innocent bystanders get hit. My recollection of a New Year's Eve only three years later is that you could hear the bullets well into the night.

El Béisbol has no interviews with current players in Puerto Rico, whether native born or from the mainland; no interviews with mainland stars recently playing there (Don Mattingly won the batting title just before his debut with the Yankees); no notice of the advertising logos on the backs of the players' uniforms (as a mainlander you'd think that all the Arecibo players were named "Bud Light") nothing about the Major League alumni who continue to play here (e.g. in 1990–91, Iván de Jesús, Juan Beníquez); no appreciation of the quality of play (high minor league); no observation of players talking to the fans during the game; nothing about the bilingual scoreboard that freely alternates "DH" with "BH"; no comment upon the regular schedule that differs from those on the mainland in having nearly continuous travel from day to day (no home stands, no extended road trips); nothing about the Puerto Rican minor leagues that play every Sunday in local parks. I could go on.

Krich also makes generalizations that, with more experience of his subject, he could have modified. For instance, on page 20, he thinks the Texas Rangers are called *Llaneros*. Well, that might be true elsewhere in Latin America, but the principal Puerto Rican paper, *El Nueva Día*, calls them the *Vigilantes*. Admittedly, you would need to have experienced Puerto Rico and its baseball to begin to discover what might be wrong with Krich's book. About the other sections I cannot speak; but based upon what I know, it is fair to say that for all of its superficial plausibilities *El Béisbol* is written out of ignorance, only for those who are even more ignorant. ❑

***Swiete Psy*, by Stanislaw Tyminski.**
Officina, 1990, 263 pp.

The Man Who Would Be President

Krzysztof Ostaszewski

The presidential election in Poland was expected to be a two-way conflict between the advocates of rapid reform, represented by Lech Walesa, and the advocates of a go-slow strategy of privatization and deregulation, represented by Tadeusz Mazowiecki, the former prime minister.

The date of the election was declared only about six weeks before the first round was to be held, and presidential candidates were required to submit a petition with the validated signatures of one hundred thousand eligible voters, thereby presenting a nearly impossible task to all potential candidates except for Mazowiecki and Walesa, who knew what was coming and were prepared for signature collection. Two reasonably popular figures from the opposite ends of the political spectrum—Janusz Korwin-Mikke, a conservative libertarian, and Kornel Morawiecki, from the nationalist left—failed to collect the signatures in time. Then Stan Tyminski showed up.

Tyminski chose a different approach. He offered anyone who signed his petition a free copy of his book *Swiete Psy* (Sacred Dogs). He had no problem collecting the signatures.

Then Tyminski started gaining popularity and decisively beat Mazowiecki in the first round of the election. But neither he nor Walesa (who finished first in the election) received a majority, so a runoff election was required. For a while, it seemed that the momentum on the side of Tyminski was strong enough to duplicate the stunning victory achieved by Fujimori in Peru. (Earlier in 1990, Alberto Fujimori had emerged from relative obscurity and won the Peruvian presidency over the overwhelming favorite, Mario Vargas Llosa.) However, in the second round Walesa played perfectly, distancing himself from many of the attacks on Tyminski, using Poles' fear of the unknown, and obtaining the unconditional support of the Catholic Church.

Tyminski did not beat Walesa, of course, but his campaign is fascinating in its own right. *Sacred Dogs* played a central role in his surprising success, and it is an unusual book indeed.

Sacred Dogs is an ideological declaration of economic war. It is a call to arms for Polish guerrilla capitalists. Extending the metaphor of guerrilla warfare and even quoting Mao Tse-tung, Tyminski states that if a nation is to gain prosperity, it must penetrate "enemy" territory—in other words, successfully enter foreign markets.

Tyminski proceeds to list Poland's assets. He declares that the 15 million Polish emigrants around the world are the country's greatest resource: most of these expatriates are either energetic entrepreneurs, or at least very thrifty. They are never unemployed—those likely to be unemployed apparently stayed in Poland.

Tyminski then launches an attack on the Polish economic system. The first problem is the tax system: it is extremely complicated, includes a 43% payroll tax, income taxes, very high tariffs, sales taxes, expensive licenses, and taxes on office space. Finally there is the tax that Tyminski hates most: the turnover tax of 20% of the value of any trade between any two producers. This tax has effectively eliminated the possibility of any cooperation between enterprises, making Polish factories into bloated monstrosities trying to produce everything on their own, yet turning out nothing for customers.

The Mazowiecki government increased the turnover tax for private businesses from the 6% rate that prevailed under the communists to the current 20%. Ironically, the government collected more revenues than it needed, and was running a surplus during a severe recession. (Of course, we in America know better than to raise tax rates during recessions.)

Tyminski sees the government's job as allowing people to make money. He explains the basic principles of Western-style accounting and financing, and shows that they can easily be introduced in Poland. He calls for bringing capitalism to Poland by cutting the size of the government, eliminating corruption, and easing taxes. Most of all, he calls for Polish guerrilla capitalists to start exporting to the West, to sell to any market they can enter. He observes that productivity is the key to prosperity, and that it is Marxist nonsense to believe that productivity can only increase via more machines and more capital investment. People's individual creativity is the real key to productivity.

Tyminski sees the government's job as allowing people to make money. He calls for bringing capitalism to Poland by cutting the size of the government, eliminating corruption, and easing taxes. Most of all, he calls for Polish guerrilla capitalists to start exporting to the West, to sell to any market they can enter.

He goes on to give his own opinion of socialists: People who do not like individualism or the free market (the "common sense system") must have a peculiar sense of justice, he argues, since they want to solve all problems by using force. His distaste for bureaucrats is strong: "Just try to tell a bureaucrat that you have a better idea about what to do with your hard-earned money than to pay it in taxes!"

He demands accountability of government, privatization through recognizing pension and other benefits in equity claims and giving shares in companies to the workers.

The most controversial proposal in *Sacred Dogs* concerned nuclear power. Although Tyminski gives a long description of the Chernobyl accident, sympathetically recounting the efforts of the workers and firemen who worked to control the meltdown, often not fully aware of the danger involved, he supports nuclear energy. Much more controversially, he calls for Poland to develop its own nuclear weapons. This position led to some pretty severe criticism from the Western media, but the position deserves to be considered in the light of Polish history.

In the late Middle Ages and Renaissance, Poland was one of the richest and most powerful states in Europe. It was spared the religious wars, intolerance, and misery of the times. It was a major producer of wheat, allowing its population to live in relative prosperity.

However, the Republic (the king of Poland was elected) declined rapidly in strength in the eighteenth century. In 1772, large parts of Poland were annexed to Russia, Prussia, and Austria. This is referred to as the First Partition of Poland. A second partition followed in 1793, between Prussia and Russia, leaving the Polish state only a small fraction of its pre-partition territory. In a last, desperate attempt to retain independence, a hero of the American Revolution, Tadeusz Kosciuszko, led an uprising against the Russians in 1794. This was crushed by the overwhelming Russian military power, and Poland was erased from the map of Europe through the Third Partition between Austria, Prussia, and Russia. The various minority nationalities inhabiting Poland did not at first mind the new rulers, who seemed to offer greater stability than had been possible under the Polish Republic. This resulted in an animosity [on the part of Polish nationals] towards foreigners, replacing the traditional Polish attitude of tolerance. As the repeated attempts to regain independence during the nineteenth century failed, the Poles looked anxiously to the West for help. But it never came. World War I weakened the occupying powers, and allowed Poland to regain its independence during the interwar period. But World War II started with the Fourth Partition of Poland, between Germany and Russia (as Poles joke, the even-numbered partitions are always done without the Austrians).

People who do not like individualism or the free market must have a peculiar sense of justice, he argues, since they want to solve all problems by using force.

All of this helps to explain Tyminski's concern with nuclear weapons. He would like to ensure that there are no future partitions. If this seems to be an unhealthy way of thinking, consider the popularity *in the West* of the familiar argument that Russia must control Poland in order to protect itself from aggression *from the West*—despite the fact that the invasions from the West by Napoleon and Hitler took place, in each case, immediately *after* Russia itself eliminated Poland from the map of Europe. Consider that nearly as many Poles died in Auschwitz as Jews, and that the elimination of the Poles was also a goal of the Nazis.

Understandably, Poles view their country as a tragic, helpless victim of its own innocence and the treachery of its neighbors. Unfortunately, they tend to view themselves as doomed—losers no matter what the odds—often recovering only after emigrating to America. Polish sacred dogs (i.e., leftist intellectuals and bureaucrats) howl for free money from the West, because Poland is so weak, so poor . . .

Tyminski does not seem to be affected by the psychological scar that history has left on many Poles. Not surprisingly, the sufferers of the victim complex did not take kindly to Stanislaw Tyminski or to the self-confident tone of *Sacred Dogs*. He was, during the course of the campaign, accused of every crime imaginable. The intensity of

continued on page 64

Stanisław TYMIŃSKI Kandydat niezależny na Prezydenta

TEZY PROGRAMU GOSPODARCZEGO listopad 1990

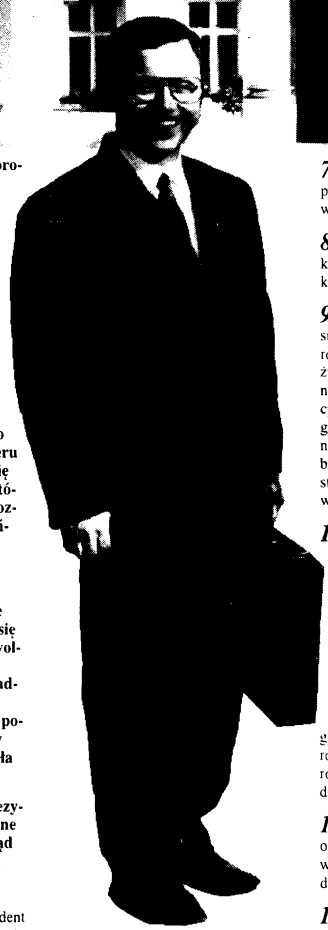

Sytuacja Polski wymaga nowego programu. Uważam, że mój program wyzwoli możliwości i połączy nas w celu rozwoju gospodarczego kraju.

Moja wizja przyszłości pozwala zapomnieć o różnicach między lewicą, prawicą i centrum. Mój plan jest wynikiem wiedzy i doświadczeń, które zdobyłem w Polsce, Szwecji, Kanadzie, U.S.A. i Peru. Przez ostatnie lata często przyjeżdżałem do Polski. Znam dobrze mój rodzinny kraj, jego problemy. Obecna sytuacja to film, który już raz widziałem w Peru kilka lat temu. Ten film zaczyna się po roku planów gospodarczych, które duszą inflację bez możliwości rozwoju. Ja wiem, jak ten film się kończy i mogę ten film Wam opowiedzieć. Nie chcę aby tak się stało w mojej Ojczyźnie.

Znam powiedzenie, że każdy może popełnić błąd jeden raz i nauczyć się już więcej go nie powtórzyć i nie wolno popełnić tego samego błędu po raz drugi. W Polsce produkcja spadła o przeszło 30 % w 1980 roku. W dziesięć lat później sytuacja się powtarza. Nie możemy dopuścić, aby w przyszłym roku produkcja spadła o dalsze 30 %.

Jestem w pełni świadom, że na Prezydencie spoczywają dzisiaj szczególne obowiązki i jako kandydat na urząd Prezydenta Rzeczpospolitej Polski przedstawiam mój program.

1. W chwili obecnego kryzysu Prezydent ma obowiązek wyegzekwować od Rządu rozwojowo-strategiczny plan gospodarczy, który da szansę konkurencji na rynkach międzynarodowych.

2. Naczelnym obowiązkiem Prezydenta jest dziś wzmocnienie Ducha Narodu oraz wyczucie zagrożeń suwerenności ekonomicznej i terytorialnej.

3. Na arenie międzynarodowej chcę przedstawić wolę przełamania kryzysu i popierać wszelkie inicjatywy rozwoju naszej Ojczyzny. Reputacja Polski obniża się wskutek kłótni, wewnętrznych walk i niepotrzebnych emocji. Stanowi to poważną przeszkodę w rozwoju inwestycyjnym. Jako Prezydent będę starał się zdobyć zaufanie Polaków na emigracji.

4. Prezydent ma obowiązek docenić historyczną rolę Kościoła katolickiego. Czas wielkiej zmiany wymaga oparcia na wartościach duchowych.

5. Nasz kraj musi okazać szacunek dla wszystkich mniejszości narodowych. Jest to warunkiem włączenia Polski do gospodarki światowej.

6. Odbudowa i rozwój zależy od pracy obywateli. Moim dążeniem jest system, w którym wartość każdej pracy będzie doceniona.

7. Zapewnienie godnego życia i pomocy potrzebującym jest moim celem i wymaga wyraźnego podkreślenia w Konstytucji.

8. Prezydent musi walczyć z korupcją, która jest rakiem narodu i wymaga radykalnego lekarstwa.

9. Każdy kraj, który wydostał się z kryzysu musiał przejść przez takie same etapy rozwoju. W pierwszym etapie należy dążyć do wymiernych sukcesów opierając się na własnych atutach, a więc zakładach pracy, które już mamy, korzystnym położeniu geograficznym i nam właściwych cechach narodowych. Drugi etap - inwestycyjny był bowiem zawsze i wszędzie następstwem sukcesów dokonanych własnym wysiłkiem.

10. Polska jest krajem przemysłowo-rolniczym i dlatego też niezbędne jest ścisłe powiązanie ekonomiczne między rolnictwem i przemysłem. Rolnictwo uważam za najważniejszy strategicznie punkt obrony naszego kraju w obliczu międzynarodowej konkurencji ekonomicznej.

11. Wojsko Polskie zgodnie z historyczną tradycją musi być silne. Szczególnie teraz, jako użytkownik nowoczesnego sprzętu, ma do spełnienia historyczną rolę, nie tylko obrony naszych granic, lecz również technologicznej edukacji młodzieży.

12. Budżet państwa musi być jawny i ogłaszany co kwartał. Musi to być budżet wzrastająco rozwojowy, a nie tylko rozdzielczy.

13. Rzeczpospolita Polska ma być krajem rządów prawa.

14. System podatkowy ma gwarantować równość wszystkich podmiotów wobec prawa. Jasna, jednostronicowa deklaracja roczna będzie podstawą płacenia podatków. Pracownicy, a nie tylko zakłady pracy muszą mieć możliwość zysku, możliwość zarobku, możliwość rozwoju.

15. Jak najszybciej, ale dopiero po wolnych wyborach, Parlament powinien opracować nową Konstytucję. Powinna ona być zgodna z naszym charakterem narodowym oraz zapewniać warunki konieczne do wyzwolenia najlepszych zdolności każdego obywatela.

16. Polska jest ofiarą międzynarodowej wojny ekonomicznej. Natychmiast potrzebujemy strategicznego planu walki o dobrobyt. Jego przygotowanie i efektywna realizacja będzie podstawowym obowiązkiem przyszłego Rządu.

17. Pierwszym zadaniem jest reforma niesprawnego systemu gospodarowania państwowych zakładów przemysłowych. Kierunkiem długofalowym jest ich prywatyzacja. Powinien to być jednak proces, w którym pracownicy tych zakładów mogą stać się ich współudziałowcami w drodze swobodnej decyzji. Należy także zachęcać do inwestycji kapitał zagraniczny, dając jednak preferencje kupna akcji pracownikom. Zakłady uspołecznione należy traktować jako prywatne, gdzie każdy może godnie zarobić.

18. Wykształcenie i wyzwolenie możliwości twórczych naszej młodzieży jest najlepszą gwarancją dobrobytu, a dla starszego pokolenia wyższej emerytury.

19. Wraz ze wzrostem budżetu państwa muszą rosnąć nakłady na opiekę zdrowotną, kulturę i szkolnictwo.

20. Musimy bronić nasz kraj przed zatruciem środowiska.

21. Inflacja złotówki będzie faktem przez następne kilka lat, aż do zrównania poziomu gospodarczego Polski z krajami Zachodu. Trzeba jednak zapewnić bezpieczeństwo ludziom potrzebującym pomocy. Wzrost cen jest nieunikniony, ale o wiele ważniejszy jest wzrost dochodów. Wartość złotówki to wartość naszej pracy. Im nasza praca jest bardziej produktywna, tym silniejszy będzie nasz pieniądz. Inflacja jest spowodowana przez brak mechanizmów wyzwalających rozwój produktywności. Chcę udowodnić że możemy dobrze żyć i zarabiać bez konieczności emigracji z naszej Ojczyzny.

Stanisław Tyminski

Warszawa, 26 października 1990 roku.

Stanislaw Tyminski

Independent Candidate for the President of Poland
Theses of the Economic Program
November 1990

Poland's situation requires a new program. I believe that my program will free new opportunities and unite us all in order to achieve economic development.

My vision of the future will allow us to forget about the differences between the political left, right, and center. My plan is a result of all the knowledge and experience I have gained in Poland, Sweden, Canada, the U.S.A., and Peru. In recent years I have often visited Poland and I know my homeland and its problems well. The present situation is like a film of what I saw happen in Peru. The film begins with a year of economic planning to kill inflation, without allowing for growth. I know how the film ends and can tell you the whole story. It is a film I would rather not see played in my homeland.

I know the saying that everyone is allowed to make one mistake, learning from that mistake so as not to repeat it. In 1980 Poland had a 30% drop in economic output; ten years later the situation has been repeated. We must not let another drop like that occur the coming year.

I am fully aware of the great responsibilities that must be faced by the new President. As a candidate for that position I present my program.

1. In the current crisis situation the President has an obligation to demand from the government a strategic economic plan that gives Poland a chance to be competitive internationally.

2. The major duty of the President is to strengthen the spirit of the nation and to deal with all threats to the nation's economic and territorial sovereignty.

3. I want to demonstrate to all the world our will to overcome the current crisis by supporting initiatives for development. The reputation of Poland is hurt by internal conflicts and unnecessary emotions. This is a significant obstacle in the investment process. As President I would seek to gain the trust of all Polish emigrants.

4. The President must respect the historical role of the Catholic Church. In this time of great change, we seek strength in our spiritual values.

5. Our country has to respect all national minorities. This is a precondition for the Polish economy to join the economy of the world.

6. Rebirth and growth depend on the work of the citizens. I want to create a system where work is rewarded.

7. Life of respect and help to the needy is one of my goals and should be included in the Constitution.

8. The President must fight the corruption that is destroying our nation; it must be dealt with radically.

9. Every country that succeeded economically had to go through the same stages of development. In the first stage success is achieved by using the nation's advantages—that is, the existing infrastructure, geographical location, and national character. The second stage—the investment one—is always predicated on success in the first stage.

10. Poland is both an industrial and an agricultural nation, so it is necessary for us to have cooperation between industry and agriculture. I believe agriculture is a strategic asset in international economic competition.

11. The Polish Armed Forces must be strong, in line with our historical tradition. Especially now, when modern technological equipment is used, the armed forces not only protect the borders of the nation, but help give our youth a modern education.

12. The government budget must be openly published every quarter, and must serve the goal of economic development, not just distribution.

13. The Republic of Poland must be governed by the rule of law.

14. The tax system must guarantee equality of all subjects before the law. The tax forms should be simple: a one-page annual declaration should be sufficient. The workers as well as companies should have an opportunity to make money, increase profits, and grow.

15. As soon as possible after a free election to the Parliament, a new Constitution should be written. It should be consistent with our national character and create conditions for freeing the best talents of all citizens.

16. Poland is a victim of the international economic war. We must develop immediately a strategy for our economic well-being. The preparation and effective realization of this battle-plan will be the main duty of the new government.

17. The first goal of the plan should be to reform our ineffective system of using the existing infrastructure. The long-term goal must be privatization. Privatization should be performed in such a way that workers can choose freely to become co-owners of the enterprises they work for. Foreign capital should be invited to invest in Poland, but the preference should be given to the workers. Companies owned by the government should immediately become like private businesses, allowing their workers to earn decent wages.

18. The education and freeing of the creativity of our youth is the best guarantee of economic well-being for everyone, and of higher pensions for the elderly.

19. As the budget of the government grows, so must grow the expenditures for health care, culture, and education.

20. We must protect our country from the destruction of the natural environment.

21. Inflation of the zloty is necessary for the next couple of years, until our economy catches up with the West. We must, however, help those in need. Prices must rise, but it is more important that wages rise. The value of our currency is created by the value of our work. If we are more productive, our currency will become stronger. Inflation is caused by lack of mechanisms freeing creative productivity. I want to prove that we can live well, and earn good wages, without having to leave our country.

(signed) Stanislaw Tyminski
Warsaw, October 26, 1990
translated by Krzysztof Ostaszewski

hatred towards Tyminski was, I must say, shocking to me. I cannot recall anyone attacking their opponents that way since the Communists tried to destroy Walesa in 1982, or when Michnik and Kuron (Communists who turned against communism in the 1960s, now prominent in the Mazowiecki camp) were attacked in 1978. (Ironically, it was Michnik who led many of the most vicious attacks on Tyminski.)

One of the silliest charges against Tyminski was that he was a KGB agent. This charge was so poorly researched that it would have embarrassed Joe McCarthy. The "proof" was the claim that Tyminski had obtained visas to travel to Poland at the Polish embassy in Libya. The story was denied by Tyminski, and seems somewhat hard to believe, since Tyminski holds a Polish passport and does not need a visa to travel to Poland! As well, there is the fact that Tyminski's Canadian tax return shows that his income last year from his various business activities was over $400,000, according to *Echo*, a Polish weekly published in Toronto. This is a rather impressive side operation for a KGB agent. It also dispels the charge that Tyminski wasn't as rich and successful as he had claimed to be.

While supporters of Walesa and Mazowiecki made all sorts of outrageously slanderous charges against Tyminski, he was unable to speak freely. He has been charged with slandering a public official (in the heat of the campaign, he called Mazowiecki "a traitor to the Polish nation") under the same law that the Communists used to employ to silence their opponents: it was once used to jail Kuron and Michnik.* Imagine having a law like that in the United States, dragging to court everyone who had ever made such a statement about Ronald Reagan; we could reduce the population of New York by 50%! None of this is likely to attract the foreign investment that Tyminski had hoped to attract, nor encourage Polish emigrants to return to their homeland.

All in all, *Sacred Dogs* is a well-written manifesto. The main message is stated clearly and with persistence. As is to be expected in a book of this sort, there is much that simply does not get mentioned. The fact that Tyminski was the leader of the Canadian Libertarian party is never discussed, and libertarian, objectivist, or conservative ideas are not discussed as such. The book is, most of all, a call to arms, in the guerrilla capitalist war, and a call to win that war.

Tyminski was attacked for using a former communist propaganda journalist Roman Samsel to help him write the book—well, the propaganda work is done very well, so Tyminski apparently chose a good advisor. In fact, in view of the immense popularity of capitalism in Poland now, it seems that the book greatly helped his campaign.

Much less impressive, on the other hand, was a short brochure issued by Tyminski in the second round of the election (see previous page). It emphasizes that Tyminski would, as president, support environmental taxes with no property basis, subsidies for agriculture, state-run education, and other socialist ideas. These elements were also present in *Sacred Dogs*, but they are much more prominent in his program. Perhaps he was defeated in the second round because the self-help message of the book ceased to be the dominant factor in his campaign.

Now that the election is over, what Tyminski may or may not have done as President is moot. For good or ill, Walesa is in power. I would have given up on Poland if Maziowiecki or anyone to the left of him had won. There is, however, hope in the victory of Walesa, who apparently wants capitalism in Poland. ❑

* In January, a Polish court agreed with Tyminski's argument that his alleged slander was of Mazowiecki *qua* political candidate, not Mazowiecki *qua* government official, and therefore fell under the jurisdiction of a different provision of the law, one whose prosecution required the consent of the victim of the alleged slander. Mazowiecki did not agree to the prosecution, so the case was dropped.

Booknotes

A Talk on the Wild Side — Thomas Szasz is a great writer, perhaps the greatest writer-psychiatrist since Sigmund Freud, with whom he otherwise shares little; for Szasz's deity is another Viennese iconoclast, Karl Kraus (1874–1936), a kind of Austrian Mencken best remembered for such aphorisms as "psychoanalysis is the disease of which it purports to be the cure." Szasz's professional books are filled with well-worked, resounding sentences. With ***The Untamed Tongue: A Dissenting Dictionary*** (Open Court, 1990, 200 pp., $34.95 cloth; $15.95 paper), he drops the professional paraphrenalia for sharp sayings that he collects under thirty topics. His unit of choice is less the sentence than the paragraph or the paragraph-long sentence. Every reader will have a favorite; mine is this:

> Writing philosophy betokens intellectual conceit—that one has something fresh to say about the human condition; writing poetry, emotional conceit—that one has sensitivities and sentiments worth sharing with strangers; and writing aphorisms, esthetic conceit—that one can say something worthwhile elegantly and entertainingly.

Like any good essayist Szasz is the master of the unfamiliar analogy:

> The idea that it is a grave moral wrong to treat money as a commodity generated the illicit trade in money; similarly, the idea that it is a grave moral wrong to treat drugs as a commodity now generates the illicit trade in drugs.

(I bet you never thought of that one before; I certainly didn't.)

Indeed, Szasz's central insights are that the results of some human efforts might be the opposite of what is claimed (as in the epigram about psychoanalysis) and then that language can be imprisoning or liberating, perhaps with a twist of a phrase or the discovery of an appropriate analogy. Otherwise, several themes reappear continually, such as his critique of social mechanisms that deflect individual responsibility and free will, his acceptance of human instincts as inevitable, and his contempt for the psychiatric profession.

Occasionally he presents us with clumsy constructions that reveal a lack of awareness of the ambiguities of English, which is, after all, not Szasz's first language. In the book's second paragraph, the opening word, normally a verb with an object, is used confusingly as a noun without a modifier, forcing most of us to reread: "Control communicates care and devotion to children, condescension and disdain to adults." Szasz strives too often to be cute, with the kind of childish glee that makes you want to pat him on the head.

But most of the time he deserves a pat on the back. The literature program of the National Endowment for the Arts gives a "Senior Fellowship for Literature . . . to individuals who have made an extraordinary contribution to American literature over a lifetime of creative work." If only to protest the idea of literature as limited to poetry and fiction, I last year nominated the great musical lexicographer Nicolas Slonimsky (who didn't win); this year I'll nominate Thomas Szasz. —Richard Kostelanetz

Avoid the Shysters! — Given the inconvenience that the growth of laws and proliferation of lawyers and lawsuits has visited upon us, the market for anti-lawyer jokes is very strong. Republican-turned-Libertarian-turned-Republican Sam Steiger has collected anti-lawyer jokes and just plain nasty epithets for years, and for some reason was inspired to publish them in book form as part of his 1990 campaign for Governor of Arizona.

Kill the Lawyers! (Prickly Pear Press, 1990, 95pp, $9.95) may be a bit peculiar as a campaign book, but it does have a lot of good jokes. Some are short:

> What's black and brown and looks good on a lawyer? A Doberman pinscher.
>
> It was so cold in Prescott one day, I saw a lawyer with his hand in his own pocket.

Some are a bit longer:

> A lawyer died unexpectedly and appeared at Heaven's gate where St Pete was faithfully keeping accounts.
>
> "This is an outrage!" thundered the attorney. "I'm much too young to die . . . I'm only 33 years old."
>
> "We have your age as 98."
>
> "What kind of arithmetic arrived at that incorrect number?"
>
> "We added up your billable hours."

Kill the Lawyers! is well designed and handsomely printed, but there aren't as many jokes as one might expect. The jokes are interspersed with photographs of Steiger, anecdotes about his life, bits of anti-lawyer doggerel, and cartoons.

—R. W. Bradford

Privatizing "Intelligence" — Herbert Mitgang's *Dangerous Dossiers* (D. I. Fine, 1988, $18.95) is an account, more outraged than amused, of our intelligence agencies' utterly inept surveillance of major American writers: Faulkner, Hemingway, Sinclair Lewis, John Dos Passos, Theodore Dreiser, John Steinbeck, Archibald MacLeish, John O'Hara, among others. Mitgang exploited the Freedom of Information Act to get files that were previously unavailable. (Perhaps I should acknowledge a bias before proceeding. The most devastating rejection slips I ever received came from the FBI and CIA. Both replied, back in 1976—after I had lived for a decade mostly in the East Village, publishing in a variety of alternative journals—that they had "no record pertaining to you." To think that I thought these guys were into scissoring.)

Mitgang's theme, reiterated for page after page, is that the FBI, CIA, and the like portrayed politically innocuous writers as subversives, collecting whatever what was told them, often in utter ignorance of the writers' work. Their political "intelligence" was often no better than their literary moxie, as they couldn't understand, for instance, how the Italian writer Ignazio Silone could be both anti-Communist and anti-Fascist. Similarly, many non-Communist native writers had files "opened," as they say, simply for being visibly anti-Fascist. Damaging information, no matter how inaccurate or personal (and thus politically irrelevant), was sometimes leaked to cooperative journalists and the writers' professional antagonists. *Dangerous Dossiers* is a story of inefficent insidiousness run amok, without any overseeing checks from, say, another government agency or inquiring journalists, and all at public expense. The soberist lines in the book comes from John Kenneth Galbraith on his FBI file: "Unparalleled in my experience as a mine of misinformation, the file also proves, and here beyond the most pallid shadow of a doubt, that the government of the United States has, in these matters, a collossal capacity for wasting money."

What this suggests to me is a conclusion that escapes an earnest liberal like Mitgang—that such intelligence-gathering should be privatized, which is to say not only that the government should be forbidden to keep files on the political proclivities of its citizens, but that such watch-dogging should be assumed by whoever wants it. Only a socialist country insists that government incompetence be allowed to continue (usually for such devious reasons as the continued employment of the civil servants). Back here, if you do a job badly, you're fired, with the assumption that everyone involved, including yourself, would be better off if you worked elsewhere. The rule should be that once the government bungles a job assigned to it, one solution to be considered is not "better" bureaucrats but dissolution of that responsibility.

If private individuals or even corporations want to collect such information on purportedly "subversive" writers and artists, distributing their findings to an inevitably skeptical audience, they are welcome to do so—it's free country, as we say; and they're also welcome to waste their own money chasing after false suspects. It would be at minimum amusing to see the Robert Welchs of this world in competition with one another. But for heaven's sake, never again should unchecked government agencies be involved.

Speaking of our intelligence departments, I'm reminded that the East Germans had the second most successful intelligence agency in the world (after the Israelis). It placed spies high in the personal office of Chancellor Willy Brandt, in the West German counterespionage agency, in the economics ministry, to name a few who were caught or defected east. The fact that no East German spies were discovered here means either that there were none or that they eluded detection. My own hunch is that the second conclusion is more likely; and now that the Stasi has gone, its files becoming public, we may discover that our so-called counter-intelligence agencies were no more effective at catching them than they were at following our

major writers. In that case, shouldn't we suggest privatizing as well the fundamental functions of the FBI, the CIA, and the like? —RK

One Time a Great Notion — When this periodical polled libertarians a few years ago, many were surprised to learn that Barry Goldwater finished eighth as an intellectual influence, ahead of such notables as Spooner, Locke, Heinlein, Spencer, Mill and Nozick. This is understandable: the Arizona Senator spoke out strongly against the state at a time when anti-state thinking was a very scarce commodity. I was 13 years old when I read ***The Conscience of a Conservative***, Goldwater's 1960 book summarizing his political vision, and I remember to this day its impact on my thinking. What America needs, Goldwater wrote, were political candidates elected to office on the following program:

> I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them. It is not to inaugurate new programs, but to cancel old ones that do violence to the Constitution, or that have failed in their purpose, or that impose on the people an unwarranted financial burden. I will not attempt to discover whether legislation is "needed" before I have first determined whether it is constitutionally permissible. And if I should later be attacked for neglecting my constituents' "interests," I shall reply that I was informed that their main interest is in liberty and that in that cause I am doing the very best I can.

Liberty! What an interesting notion, I thought. Clearly, this was not the kind of talk I was hearing from other politicians, from my teachers, from the news media. Goldwater carried out his libertarian theme imperfectly, but that didn't matter. It had got me thinking about liberty, and within a couple years, between games of baseball and trying to get girls to notice me, I self-consciously identified myself as a libertarian.

I hadn't reread the book for nearly three decades when I got a copy of a new edition (Regnery Gateway, 1990, 117pp, $17.95). As I read it over, I was surprised that it is very much a politician's book, full of bromides and caution. Despite its libertarian thrust, it is a conservative book, militarily hawkish, compromising on its principles. But it remains a significant book: probably more than any event, its publication started the conservative movement on its way to political victory and it certainly launched Goldwater's campaign for the presidency.

The Regnery edition is handsomely produced on acid-free paper, so it should be a hit with libraries and others who want books that will last several lifetimes. It also contains a new introduction by Patrick J. Buchanan, the smartest of the current crop of political conservatives. Buchanan's introduction is mainly a brief conservative interpretation of recent American political history, glorying in its success. Buchanan does admit to one failure of conservatism, by the way, that "we failed utterly, however, to check the growth of government." The earlier edition was a best-seller and millions of paperbacks were sold in the 1960s, so this edition should appeal primarily to those too lazy to visit a used bookstore, or who need a book that will outlive them, or can't get their fill of Buchanan from his television appearances and columns. —RWB

Trash-free — There is no doubt that Ronald Reagan's reputation has suffered since he left the presidency. The man who was the most powerful, the most popular, and the most radical president of the century while he was in office, it seems is now remembered as some sort of doddering old fool who slept while his staff ran the administration, waking up occasionally to memorize a few lines to read to the American people.

One aspect in the decline of Reagan's reputation is simple to understand: Americans, especially intellectual Americans, have an inordinate respect for power and for those who wield power. I noticed the influence of the sucking-up-to-power syndrome on Reagan's reputation within hours of his

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election in 1980. There was a subtle change in his treatment in the electronic media. The same television commentators who spoke of him with ill-disguised contempt prior to his election suddenly were speaking of him with respect that almost seemed like adulation.

So long as Reagan remained popular and therefore powerful, this attitude from the media hardly wavered. Only when the Iran-Contra story burst and the Republicans lost the Senate in 1986, enabling the Senate to embarrass Reagan by hassling him on appointments, stalling legislation, harassing him with niggling investigations and the like, did the tone of the media change. But he remained President and remained fairly popular with the public, so mostly the journalists and intellectuals counted the days till he was out and they could really begin to dump on him.

I suppose that it is a measure of my own cantankerousness that as Reagan's reputation with the public has declined his reputation with me has risen. To some extent, the change in my view of his presidency is the product of the man who followed him. George Bush makes him look pretty good by comparison. Reagan, whatever his flaws (and there were many) at least had the courage of his convictions. Bush, on the other hand, seems to have no convictions at all, as he twists and turns with every breeze in public opinion.

Reagan's reputation seems to have suffered as much by the hands of his former aides and advisors as from his enemies. His staff, it seems, has discovered that the easiest way to cash in on their years in the White House is to write books that trash their former boss. David Stockman, Michael Deaver, Larry Speakes, Donald Regan . . . the list seems endless. Whether this is an illustration of the corrupting influence of power or the loathsome character of the authors I shall leave to the psychohistorians.

Curiously, so far as I know, the only two of Reagan's advisors who have written trash-free memoirs are both in the same classical liberal or libertarian intellectual tradition as am I: William Niskanen and Martin Anderson. I'd like to believe that this is a result of the decency that is inherent to the social philosophy that we share, but I suspect this is only wishful thinking.

The Hoover Institution has just published a new paperback edition of Martin Anderson's very fine book, ***Revolution*** (Hoover Press, 1990, 500+lii pp, $11.95). Niskanen reviewed the first edition in these pages two years ago, and I shall not try to add anything to his review. But the new edition includes "The Reagan Legacy," a new 27-page essay by Anderson that merits comment, so comment I shall.

Anderson's goal in "The Reagan Legacy" is plain: to defend Reagan against his critics. He tackles the most frequently heard criticism with gusto. The Reagan that Anderson knew was not a somnambulist who let his staff run the country. Indeed, Anderson argues, Reagan was a very competent executive who made the key decisions and set policy on all important issues. Elsewhere in his book, he gives an insider's view of Reagan's decisions on economic issues. In his new chapter, he tells of Reagan's most important foreign policy decision: to begin meaningful nuclear disarmament.

According to Anderson, Reagan had been seeking nuclear disarmament since 1976. He realized that so long as the arms race was one-sided (with only the Soviets actively building up their nuclear forces) there was no hope for disarmament. Only if the Soviets could be convinced that the U.S. would not allow them to have nuclear superiority would they be willing to disarm.

So Reagan began a buildup of both offensive and defensive weapons by increasing arms spending and beginning work on the "star wars" defense shield. At the same time, he took the offensive in the war of words (his famous "evil empire" speech), partly in an effort to show the Soviets that he was sincerely committed to preventing their long-term nuclear stability.

The break came in 1983, when Andropov had written Reagan suggesting they talk peace. Reagan responded in a hand-written letter on July 11. That letter, published here for the first time, certainly seems extraordinary: it suggests that the two of them take the initiative for disarmament, by-passing normal diplomatic channels: "Historically our predecessors have made better progress when communicating has been private and candid. If you wish to engage in such communications you will find me ready." Reagan's efforts culminated in the 1987 INF treaty for mutual reduction of nuclear forces.

History's judgment of Reagan will likely depend on future events and the influences of intellectuals not yet born. For the present, Anderson's vigorous defense at the very least reminds us that Reagan was not the sleepy actor his critics portray. —RWB

Up from Libertarianism

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***Havana*, directed by Sidney Pollack.**
Starring Robert Redford and Lena Olin.

The Last Pinko Show

Brian Doherty

Actor Robert Redford has long been enamored of "liberal" and "progressive" causes, and he's even lectured at and raised money for a film school sponsored, funded and run by the Cuban government. Knowing this, and knowing that director Sidney Pollack, who collaborated with Redford in *Out of Africa* and *Three Days of the Condor*, has partricipated in past Havana Film Festivals, I wondered how well my stomach would hold up under rich assaults of liberal pieties in the latest film collaboration between the two, *Havana*.

The film is a love story set in revolutionary Cuba in late 1958, the last days of the Batista regime. Considering the bad reputation of communist revolutions these days, some commentators have found political significance and messages in this film that just aren't there. Maybe it's hard for them to imagine that Pollack and Redford would work on a movie in such a setting and *not* have it suffused with images of noble *campesinos* in the hills, grotesque displays of wealth on the part of disgusting Americans and the Cuban ruling class, and constant harping on the iniquities of the Yankee, Batista regime of corruption, gambling and prostitution.

The film doesn't lack these elements entirely. They're there, but understated. They don't stick out in the viewer's mind as much as does the typically unconvincing movie story of sudden, sweeping, overpowering love arising between two entirely different people who just met. The happy (and ridiculous) couple are Redford, playing Jack Weil, an American who makes his living at high-stakes poker in the fleshpots of Havana, and Lena Olin as Roberta Durán, the wife of a wealthy Cuban who is also a leader in the rebellion against Batista.

Redford meets Olin on a ferry from Key West to Havana, where she pays for his help in driving her car, loaded with radio transmitters for the rebels, into Cuba. Redford plays the classic Hollywood world-weary, cynical rake who only cares about "snatch and poker," in the estimation of his friend, a casino owner named Joe Volpi (played by Alan Arkin) whose quiet wit, sense of resignation and love of his work make him the movie's most likable character.

Havana doesn't deal seriously with the Cuban revolution. There are a couple of scenes of village carnage and a mob riot on New Year's Eve, after the news of Batista's flight from the country is announced, that certainly didn't make me feel any sympathy for the cause of a city full of savage vandals. But, except for a short speech from rebel leader Arturo Durán about poor villagers dying of tuberculosis and one from a Colonel in the secret police about how the rebels are out to destroy everything that people like Redford come to Havana for, the reason why someone might feel dedicated either for or against the rebellion are not addressed. The viewer can't understand what motivates Olin in her apparent passionate desire, as the wife of a Cuban of old wealth, to risk herself for Castro's cause. But this actually helps the viewer believe it when she abandons the cause without any apparent soul-searching, to take a boat ride around the world with Redford, for whom she falls after her husband is taken by Batista's secret service.

In fact, all one gathers about the whole issue of communist revolution from this film is that it allows rich, guilty Americans to assuage some guilt about their own ineffectuality or inadequacy, while not apparently affecting, in any perceptible way, the lives of the poor and disaffected in whose names it is fought.

I'm not denying that there isn't perhaps some very deep truth in this view of communist revolution. But the explicit discussion of the theme doesn't get farther than Arturo Durán telling Redford that "Politics is hope," and Redford responding with tough gambler wisdom about how politics is just politics, and how he likes playing poker with politicians, because they are so easy to beat. Why? Because they don't understand that sometimes it's better to lose with a winning hand so you can later win with a losing one. It's easy to see this as perhaps a metaphor for the idea that repressive, seemingly all-powerful governments like Batistas would be better served by giving in strategically while they still have the upper hand. It's also easy to see it as a superficially mysterious, deep-sounding platitude intended to fit the film's too-obvious extended metaphor about gambling as a way of life.

Maybe it's hard to imagine that Pollack and Redford would work on a movie set in Cuba and not *have it suffused with images of noble* campesinos *in the hills, grotesque displays of wealth on the part of disgusting Americans and the Cuban ruling class, and constant harping on the iniquities of the Yankee.*

Despite any fun one might get from looking for political wisdom, or any sort of coherent political message at all, in this film, it's still a boring, slowly-paced mess. At about two and a half hours, it's about an hour too long, and I can't remember the last time I saw a film I was so ready to walk out on at any minute. I've seen too many characters like Jack Weil get their cynical armor pierced by the love of an idealistic and beautiful (always beautiful) woman to have any interest in watching the old cliché be played out one more time, especially in such a tedious version. ❑

Notes on Contributors

John Baden is Chairman of the Foundation for Research on Economics and the Environment.

"Baloo" is the *nom de plume* of *Rex F. May*, a cartoonist whose works appear in *The Wall Street Journal* and other publications.

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

Stephen Cox is Associate Professor of Literature, University of California, San Diego.

David G. Danielson is a Madison, Wisconsin freelance writer. His columns often appear in *The Wisconsin State Journal*.

Brian Doherty is a rock journalist in Gainesville, Florida.

Christopher C. Faille is an attorney practicing in Connecticut. He graduated from Western New England College, School of Law, in Springfield, Massachusetts in 1982.

Frank Fox is Professor of History (specializing in East European History) at Westchester University, in Westchester, Pennsylvania.

David Friedman is a poet, science fiction afficionado, and economist. His writings have been published in English and Bulgarian.

Charles Goines commutes to his work in Washington, DC. He is not a politician.

Robert Higgs is Thomas F. Gleed Professor of Business Administration at the Albers School of Business, Seattle University, and the author of *Crisis and Leviathan*.

William Holtz is Professor of English at the University of Missouri in Columbia, Missouri. He is currently working on a biography of Rose Wilder Lane, from which his article in this issue (p. 45) is excerpted.

W. Luther Jett is a teacher-consultant living in Buckeystown, Maryland, with his two guitars. He worships Eris, goddess of discord.

Richard Kostelanetz is a writer and multi-media artist living in New York. He is the author of *The End of Intelligent Writing*, *The Grants Fix*, and numerous other books.

Linda Locke is a free spirit and co-author (as Linda Tannehill) of *The Market for Liberty*.

Loren E. Lomasky is Professor of Philosophy at Bowling Green State University, and author of *Persons, Rights, and the Moral Community*.

William P. Moulton limits his activity, though not his vision, to Northern Michigan.

Jan Narveson is Professor of Philosophy at the University of Waterloo, in Ontario, Canada. He is the author of *The Libertarian Idea*. His review (p. 54) was written during a term as Visiting Research Scholar at the Social Philosophy and Policy Center, Bowling Green State University, Ohio.

Krzysztof Ostaszewski is Assistant Professor of Mathematics at the University of Louisville, in Louisville, Kentucky.

Scott J. Reid, an assistant editor of *Liberty*, has travelled far and wide, but never to Poland.

Sheldon L. Richman is senior editor at the Institute for Humane Studies at George Mason University.

James S. Robbins accurately predicted the date of the beginning of the Gulf War, but not in writing. He lives in Massachusetts.

Jane S. Shaw is a Senior Associate of the Political Economy Research Center in Bozeman, Montana.

Timothy Virkkala, an assistant editor of *Liberty*, shares at least one characteristic with Saddam Hussein: he didn't think Bush would attack Iraq.

Richard Weaver (1910–1963), one of the leading conservative intellectuals at mid-Century, was the author of numerous books and essays, including *Ideas Have Consequences*.

Terra Incognita

Philadelphia

The long arm of the law in the City of Brotherly Love, as reported by the Detroit *News*:

> T. Milton Street, assistant budget director for the Philadelphia Traffic Court, was suspended after it was learned that he had $1,967 in unpaid Traffic Court violations. Street had refused to pay fines, for offenses including running a stop sign, reckless driving, driving without a license, and driving an unregistered vehicle.

Los Angeles

The Widow of the Sainted Kennedy the Younger offers advice to an overweight nation, as reported in the Los Angeles *Times:*

> Ethel Kennedy, the near-reclusive widow of Robert F. Kennedy, told the *Ladies Home Journal*: "When the Iraqi invasion occurred, I really hoped the President would ask us all to tighten our belts."

Sacramento, Calif

Vanity goes to unusual lengths in the Golden State, as reported in the Chicago *Tribune*:

> Of the 333 citizens of California who chose to include the word "wop" or "dago" on their "vanity" license plates, 162 have appealed the decision of the Department of Motor Vehicles' regulatory panel on vanity license plate nomenclature to prohibit the use of those ethnically charged terms. "I'm outraged," said Ron Cascio of Sacramento, who appealed to be allowed to keep his "No. 1 Wop" plate.

Terra Incognita

Hayward, Calif.

Proof that while faith may move mountains, it has difficulty with automobiles, as reported in the New York *Times*:

> A man who said God told him he could drive through cars with his flatbed truck hit 18 vehicles and injured 12 people on Saturday, authorities said.

Rapid City, Mich.

A new way (or is it an old way?) to enforce community standards, as reported in the Manistee (Mich.) *News Advocate*:

> The Crossroads Bar, embroiled in controversy over the years for its entertainment, was destroyed by fire early Thursday evening. Arson has been ruled out. On a nightly news program Rev. Coffia of Martyrs Memorial Baptist Church threatened the owners, saying if they rebuilt the bar, the church will pray for even greater destruction.

Midwest City, Okla.

Ecologically sound use of food wastes, as reported in the Detroit *Free Press*:

> A man who became enraged that his Thanksgiving turkey was not defrosted was charged with assaulting his wife with the frozen bird, police said.

Green Cove Springs, Fla.

Evidence that victory is at hand in the war on euphemisms, as reported by the Washington *Post*:

> The 1941 children's literary classic *My Friend Flicka* was pulled from fifth- and sixth-grade optional reading lists by school administrators after parents complained it contained vulgar language. The book contains the word "bitch," in reference to a female dog.

Yuma, Ariz.

Sexism can take the most insidious forms, as reported in the *Arizona Republic*:

> Members of the Desert Herdsmen may have to find a new name. It's not that they want to change the name of their Yuma County 4-H club. The federal government says they have to. "Herdsmen," the federal government says, is "gender specific" and violates federal regulations.

Washington, D.C.

Good help is hard to find even in the insect world, as reported in the Detroit *News*:

> The egg-laying queen ant at the National Zoo was decapitated by worker ants a few days ago, but her loyal subjects were still tending to her, unaware that she is dead. The worker ants—all daughters of the queen—lopped off the queen's head apparently by mistake while trying to squeeze her through a small hole in their nest to a better location.

New Delhi

A speedy and public trial, by the standards of modern India, as reported by the *Associated Press*:

> J. M. Kochar, R. M. Banthiya, S. N. Murteja, and J. K. Batra, were acquitted of feloniously purchasing substandard motor parts while working for a transport company in 1957. Of the 64 witnesses called by the prosecution, only 12 ever testified. Sixteen of the others died, and 36 were lost track of before the trial could be completed. The average age of the defendants at the conclusion of the trial was 70.

Bethesda, Maryland

Unintended consequences of state involvement in Arbor Day activities, as reported in the New York *Times*:

> The governor personally apologized today for a state work crew that had mistakenly cut down seven trees bordering the yard of Arun Vohra. Mr Vohra had notified the Maryland Highway Administration about a diseased pine tree on state property in front of his house. A few days later he returned home and found that the tree was still standing but that six other trees had been cut. Mr Vohra complained, and soon another state official came to his house and was shown the diseased pine. Mr Vohra marked the pine with a ribbon.
>
> Some time later he returned home from work and found that the massive cedar a few feet from the pine had been cut. The pine was still untouched.

Wall St.

Cruel and unusual punishment of America's ex-junk bond king, as reported in the Detroit *News*:

> Convicted junk-bond king Michael Milken will have to go to prison without his curly hairpiece. Unless he has a medical reason, Milken will have to to leave his wig home because of rules to "prevent hairpieces from being used as part of a disguise or to conceal weapons, keys, or contraband."

Beverly Hills, Mich.

Innovation in stewardship, as reported in the Detroit *Free Press*:

> A Beverly Hills minister who told authorities he robbed banks to pay for high-priced call girls wants people to pray for him. The Rev. Roy Alan Yanke is charged with two counts of unarmed bank robbery. But FBI agents say they have a statement from the 37-year-old fundamentalist Christian in which he admits to a dozen other robberies. His congregation has been "understanding."

Guymon, Okla.

Proof that voters in the Sooner State are tolerant of diversity on the bench, as reported in the *Wall St Journal*:

> Final results of the Nov 7 election for the office of District Judge in this northern Oklahoma city:

Frank Ogden (incumbent)	9,377 votes	(91%)
Josh J. Evans	959 votes	(9%)

> Frank Ogden died on August 9.

Raleigh, N. C.

Advance in animal rights in the Tar Heel State, as reported in the New York *Times*:

> Elijah Lawrence was sentenced to one year in prison for kicking a police horse. "I can't condone assault on a law officer," said Judge James Fullwood, announcing the sentence.

Tokyo

Advise on dating from the magazine *Brutus*:

> "Order a tea immediately when your date shows up at a coffee shop to meet you. . . . Smile even at waitresses and passers-by to better your image. . . . Don't order drinks that make you look like a wimp. . . . And finally, enjoy sex."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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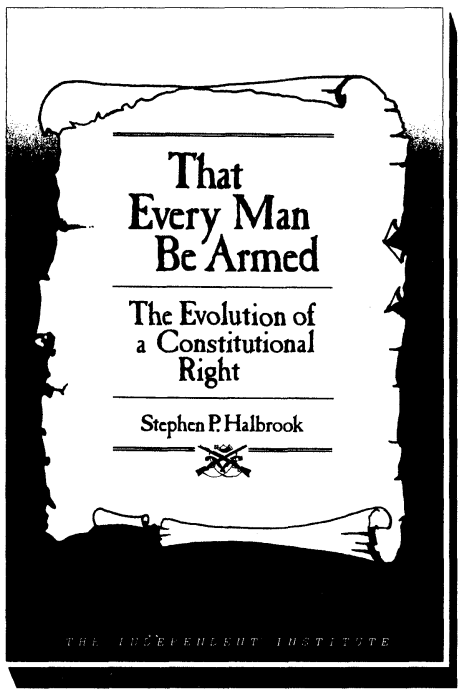

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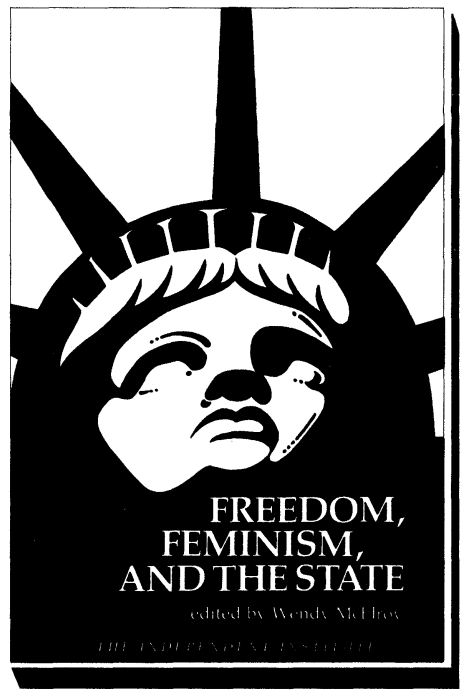

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After graduating from Johns Hopkins, Kris Mauren was on the management track at a major hotel corporation, based in Hawaii. But he was restless. Today, after an intensive training program under an IHS Nonprofit Management Fellowship, Kris is Executive Director of the Acton Institute for the Study of Religion and Liberty.

When her country opened up in the dramatic events of December 1989, Maria Valeanu of Romania determined to find out more about the prosperity of the west. A query to the Adam Smith Institute of London led her to IHS, where a Nonprofit Management Fellowship in the summer of 1990 prepared her for setting up the Institute Libertate in Bucharest.

Jo Kwong has a Ph.D. in natural resource economics and could be researching and teaching at a university. But she chose a different route. In 1987 she was awarded the first IHS Nonprofit Management Fellowship and is today helping to direct the Atlas Economic Research Foundation, while continuing to write and speak extensively on market solutions to environmental problems.

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Inside Liberty

May 1991
Volume 4, Number 5

4 Letters on using meat-grinders, not using clothes, abusing language, and disabusing oneself of nonsense notions.

9 Reflections on Babe Ruth's crimes against civilization, George Bush's rank among Big Spenders, military alliances coming in from the cold, cops and pundits getting what they deserve, putting teachers in their place, and the romance of right-wingers, hot-to-trot.

Features

What it means
"Victory" in the Gulf
What it means

19 Losing Our Heads in the Gulf by R. W. Bradford

20 Two Kinds of Patriotism by Robert Higgs

22 Liberty Triumphs in the Desert by James Robbins

25 No Victory for Liberty by Sheldon Richman

29 The Peace Movement: RIP by Stephen Cox

32 Beer, Chips and the Gulf War by Matt Kibbe

33 Give George Bush His Due by Loren Lomasky

35 Journalists and the Drug War While other pundits worry about the press' servile role in the Gulf War, David Boaz considers their much more ominous role in America's longest-running war, the War on Drugs.

38 In the Woods A poem by William Meyer, Jr.

39 The Free Press: Jealous of Its Freedoms, Careless With Ours Unknown to the largely anti-capitalist journalists, the best case for the free market lies right under their noses: their defense of their own industry. Richard Miniter rubs their noses in this odd fact.

43 Something Anarchical In Denmark Benjamin Best visits the "Free State of Christiania," in Copenhagen, before utopia turns to oblivion.

45 In Quest of the Elusive Dr Cepl On a whirlwind tour of Eastern Europe, Ronald Lipp braved a socialist-designed, bureaucrat-run transit system in an almost-vain quest for a mysterious free-market theorist, and found a LOT of trouble.

49 Publish and Perish Lawrence Thompson explores the nature of poetry, drugs, prostitution and totalitarianism in this tale of a dystopian future.

54 Rescind Gorby's Nobel Prize! The Norwegian Storting has granted Soviet leader Gorbachev the Nobel Prize for Peace. James S. Robbins tells why the august Scandinavian body should take it back.

55 California's Man-Made Drought California may seem like a hot-bed of capitalism, but its water system is, in fact, a regulated, subsidized, government mis-run mess, rivalling the worst of Soviet boondoggles.

Reviews

59 Economy as Ecology The perennial question of man's place in the universe has been raised to new importance by the environmental movement. John Baden takes a new look at this problem and at a breakthough approach to its resolution.

61 Hope for a Troubled Land Scott Reid ponders the plight of that beleaguered nation, Canada, and considers a program for its recovery.

63 On the Side of the Angels Leland Yeager restates the truth about capitalism and one of capitalism's most effective advocates.

64 The Brain as Market Peter Reidy reveals the ominous parallels between bad computer science and bad economics.

68 The Paleo-Stalinists in America Richard Kostelanetz questions the privileges of the "politically correct," and uncovers the Stalin in the soul of . . . conservatism.

Letters

Liberty's Regress

What has gotten into you? I refer to the steadily declining discussion of the abortion question.

First you published R. W. Bradford (September 1989), who argued that the root of the problem was the fact that the transformation from egg (whose destruction all agree is not murder) to person (whose destruction all agree is murder) is gradual. Positing any specific point in this development as the beginning of personhood (and the protection of the state) is therefore arbitrary in a certain sense. But it is no more arbitrary than positing a point at which a child becomes sufficiently mature that he can be held responsible for contracts, something which libertarians (and others) have no problems with. He concluded with a discussion of various stages of prenatal development and the prudence of defining one or another as the beginning of personhood. This was a sophisticated and challenging argument, notable in its avoiding the sophistry that characterizes both libertarian pro-abortion and libertarian anti-abortion arguments.

You followed that with Ron Paul's discussion of abortion and the so-called "abortion pill" (September 1990). Dr Paul wanted to avoid the slippery slope that Bradford walked across, but was reluctant to do so because he realized that with modern medical technology, prohibiting abortion entails a massive invasion of privacy and a tremendous increase in police power. This was characterized by a subtlety that is seldom seen in libertarian discussion of the issue.

Now you publish Eric Schendel's piece ("Abortion and Feticide Are Not the Same Thing," January 1991), arguing that abortion is morally acceptable because "The fetus does not have any intrinsic right to be fed and nourished, because such a right would make the woman its slave," which would violate "the fundamental tenet of libertarianism, the non-aggression principle." This is just the sort of sophistry that Bradford warned against.

Isn't it time that libertarianism outgrew its reliance on the non-aggression principle in its analysis of every possible social problem? Non-aggression is a fine general moral truth, but it is not a magic key—some problems just can't be settled by reference to non-aggression, as the long controversy over abortion has demonstrated. Neither side can convince the other, but each can offer devastating criticisms of the other's position.

It seems to me that the top priority of both sides is to avoid walking on a slippery slope by defining away the controversy. The anti-abortionists define away the controversy by insisting that a microscopic fertilized egg is a human being; the pro-abortionists define away the problem by insisting that pre-natal life is some sort of aggression.

I am not sure that Bradford's solution is the best one, but I believe he made a major contribution by insisting that the gradual development of human life requires that we negotiate our path along the slippery slope.

I question your judgment in publishing Schendel's piece. It takes the argument back to the same silly and futile level of the 1970s: anti-abortionists offer devastating criticisms of pro-abortionists, to be followed by pro-abortionists' devastating criticisms of the anti-abortionists, neither making any progress on the issue.

Michael Townshend
Chicago, Ill.

Gristle for the Mill

Eric Schendel, M.D., argues that "Abortion and Feticide Are Not the Same Thing," and as he uses the words, "feticide" means actual killing, while "abortion" means only removal/letting die.

However, if one doesn't believe the preborn are persons with rights, the distinction is unnecessary. Why agonize over an appendectomy?

And if one is willing to concede prenatal personhood, the distinction is irrelevant in discussing abortion as it takes place in the real world. The events that are actually taking place on operating tables are feticides—dismemberment and poisoning.

But the article doesn't address personhood. And it sidesteps whether feticide is permissible under libertarianism: "This concern is moot, as it is impossible to abort a pregnancy in the first trimester without killing the fetus." That's rubbish. It is certainly possible to remove the kid alive—even though death will result due to lack of sustenance afterward. By Dr. Schendel's own distinction, that's not "killing." Or, does "She'll die anyway" mean that it's OK to shove her through a meatgrinder?

It makes sense to talk about the killing/letting die distinction in discussing whether parents owe their children care and support; such an obligation would bar even "non-feticide" abortions if they threatened the kid's health. But does Dr Schendel really mean that the mother (and implicitly the father) is like a slave in a slave/master relationship? This is a "slavery" where the "master" had precisely nothing to say about setting things up. Odd, I thought slavery was the other way around. Or did the kid force the parents to have sex? (Powerful little devil—even before being conceived.)

The article leaves us with a choice that was obvious in the title: we can admit that it's all right to outlaw feticide, or we can defend feticide as permissible on its own face.

Until that choice is confronted, advancing the killing/letting die distinction as a defense of abortion is just a word game: let's pretend that abortion in the real world is just letting die, not explicit killing.

John Walker
Washington, D.C.

Abortions Are Not Eviction Notices

Eric Schendel's essay is so full of logical fallacies and historical inaccuracies it is hard to do it justice in the space of a letter, but I am infuriated enough to try.

All forms of legalized abortion involve either poisoning or hacking to pieces the prenatal infant. Unless Schendel believes it should be legal for a landlord to evict tenants after blocking the only exit to his property with a giant meatgrinder, his entire case evaporates like dew in sunlight.

Historically most of humanity has never viewed human life as "sacred." Chattel slavery and human sacrifice were the universal norm in almost every human culture (including Greece and Rome at their supposedly "glorious" height). Nor is there a culture that I have found that differentiated between abandoning their children and, say, burying them alive. Schendel's ideal of the "non-

aggressiveness" of abandonment is his own innovation undreamed of by the people who practiced it.

There is no analogy between a black slave refusing to work for his master and a child conceived through no fault of his or her own. Obviously, parents who put a child at risk by bringing him or her into existence are contractually obligated to keep him or her from harm.

Mark Horne
Oakland Park, Fla.

A Ruling on Innocents

Dr Tim Gorski commits a monstrous error and disparagement of the Catholic Church when he writes in his letter (November 1990) that Pope Innocent XI ruled in 1679 that "no abortion is homicide because 'the fetus . . . lacks a rational soul and begins first to have one when it is born,'" adding that "the present ban on abortion by the Catholic Church dates only from 1869."

I invite Dr Gorski to look further into Pope Innocent's "ruling," as I did. Lo and behold, the quoted "ruling" is one of sixty-five propositions that were *condemned as errors*. (*Various Errors on Moral Subjects* (II) [Condemned in a decree of the Holy Office, March 4, 1679.] [Denzinger])

Dr Gorski cites St Thomas saying the human "soul [is] created and infused." That being the case we must consider not only the rights of the child but also the rights of God as He purposes the creation. The child and its acts and its property (even if no more than its body) belong to God. After the child is born it begins a quest for happiness. God has revealed to us what we must do and believe to gain eternal happiness through the Catholic Church, not to be confused with the Conciliar Church ("Vatican II"). An aborted child will not get this opportunity even though God would want him to pass the rest of this life and be happy with Him in the next life.

The living body at all times has a soul; you cannot have living matter without a soul. St Thomas speculated that the entity was first actualized by a vegetable, then animal, then human soul. *When* the human soul makes its appearance is not relevant (it is now considered at the moment of conception). The safest course is to consider it there upon conception: even if one says the entity may not yet be a human, he may not "shoot" at it as he cannot deny that it may be a human.

So the abortionist not only violates the rights of the child (which it gets, incidentally, from God) to enable it to carry out its duties of life, but also the rights of God, Who would set the child up to carry out a virtuous and meritorious existence. I would not care to be in the "shoes" of an unrepentant abortionist when he passes to an account of what he did upon the completion of his life's existence here. How can he justify himself?

Edward C. Facey
Hillsdale, Mich.

Notes on the Unemployment Equilibrium

Robert Higgs ("The Myth of War Prosperity," March 1991) convinces me that WWII was not a time of prosperity. However, the claim that the war prolonged the Depression by 5 years implies that, if there had been no war, the prosperity of 1946 would have occurred in 1941. That doesn't seem likely. Higgs says the GNP jumped nearly 27% between 1945 and 1946. Does he think it would have jumped 27% in 1941 if there had been no war? Why? It certainly didn't jump 27% between 1939 and 1940. Why would the next year have been greatly different?

The facts presented here point to a slightly different theory: not that the war *prolonged* the Depression, but rather that, although the war years were not prosperous themselves, the war changed the economy in some way causing a return to prosperity in 1946 and following years

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that would not have happened if there had been no war. If this is not so, then the question some economist should answer is: why did the GNP jump up 27% in 1946 instead of returning to the depressed level of 1940?

As a layman looking at this information, I can see one rather chilling "accomplishment" of the war. It reduced unemployment in 1946 and later years from what it might have been by removing from the labor force about half a million formerly able-bodied men, namely those who had been killed or permanently disabled by the war. That's a hell of a way to solve an unemployment problem.

Jim Stumm
Buffalo, N.Y.

None Dare Call It . . .

Higgs puts me in mind of a person who opens an oyster, examines it carefully and concludes rightly that it contains nothing more than a meaningless speck of sand. If 1939 was a bummer and 1946 was a winner, then it seems reasonable to assume that World War II had something to do with it.

Let's call it a grain of sand, shall we?

John R. Carter
Earlysville, Va.

Higgs Responds: To demonstrate that the war years themselves were not really prosperous was the whole point of my article. I agree that certain wartime events helped to recreate the possibility of genuine recovery once the war ended. I think I know what some of those events were—there's material for another story.

As for the oyster, when I opened it I found it full of human blood.

Clothed Alone

David G. Danielson's argument for a right to public nudity ("*au naturel* rights," March 1991) is flawed by a failure to consider the rights of those he calls "prudes." For any communication to take place, both a sender and receiver are required. No communication can be considered "free" unless both sender and receiver are willing participants in the process. Freedom of expression does not include a "right" to a captive audience. If potential or actual receivers of communication cannot exercise their collateral right to shun unwanted messages from senders, the process, by definition, ceases to be "free." In other words, my right to avoid unwelcome messages, i.e. to be left alone, is as sacrosanct as anyone else's

continued on page 8

Stimulate

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Letters *(continued from page 6)*

right to speak his mind.

To allow a tiny minority to engage in public behavior that is considered unacceptable by the greater society is to deny the latter its right to be left alone. In a libertarian utopia private property and market force's will determine where one can freely strip, urinate, masturbate, blast boom boxes, or burn the flag. Until then, a community need not tolerate behavior widely viewed as anti-social any more than a theater audience need tolerate a boorish heckler. To suggest otherwise is to endorse a tyranny of the dysfunctional minority over the harmonious majority.

I wonder: would Mr. Danielson defend public sexual activity or elimination of body wastes ? It seems to me that the logic of his defense of public nudity would defend these as well.

Phillip Goldstein
Brooklyn, N. Y.

Query

Do you need Robbins' interventionist perspective ("Peace Had Its Chance," March 1991) any more than you need a communist perspective?

Tom Palven
Farmington, N.J.

A Better Comparison . . .

It would be more interesting to discuss what level of naiveté about war and the state is displayed in James Robbins' view that "the Gulf War is a just war."

Eric O'Keefe
Spring Green, Wisc.

Not All Thumbs

Thumbs down to Higgs, Bradford & Richman. Thumbs up to Robbins.

Chuck Esposito
Dunwoody, Ga.

Yet Another Comparison . . .

The Gulf War marched off to a great start with two excellent commentaries—by Robert Higgs and R.W. Bradford. So why did *Liberty* want to go on into the casualties—by Richman and Robbins?

It was like a new Libertarian Party member who works hard and well for the Party and votes the straight Libertarian lineup. But some son of a Bush from the Republicrat Party wins the election.

So then the libertarian gives up. It is time, he says, to forget our differences, get behind the new president and give him our full support for his righteous cause.

Judas Priest!! *Pitiful*!

D. M. Fowle
Redondo Beach, Calif.

Value for Value

Christopher Faille ("The Love of Money and the Root of Evil," March 1991) missed the full force of Rand's "love of money" speech in *Atlas Shrugged*. It is not simply that productivity is the root of money, as Faille reads it. He missed some key moral premises, elided from the very two *AS* paragraphs that he partially quoted, i.e., the principle that men must deal with each other "by trade and give value for value"; this is "that moral principle which is the root of money."

Further in the *AS* passage: "Money rests on the axiom that every man is the owner of his mind and his effort." Money, as the non-coercive exchange medium of traders, rests on a root principle of *justice*. It is largely in this sense that the novel's character loves money, as an institution of just dealing.

Ross Barlow
Sugar Grove, Pa.

Quaere

Bravo for Christopher Faille! We Rand-bashers will never quit.

Why do you suppose her writings continue to be more popular and lasting than our noble criticisms?

Westley Deitchler
Deer Lodge, Mont.

The Value/Recreation Dichotomy

Linda Locke can have her freedom. From my perspective, the only freedom you have is the freedom from happiness, since it's impossible to have happiness if you have no values—and riding around in a school bus isn't a value, it's a recreation.

I love having a nice house, with children to raise, and, along with my wife, earning money as a "free" person, to pay for the values that I work for. Sometimes it's not so much fun—but I never heard that freedom was always supposed to be "fun."

Brad Gillespie
Webster, N. Y.

Biodegradable

How can Bradford tell us with a straight face that the impact of styrofoam is less environmentally harmful than that of paper packaging? It is obvious that paper biodegrades easily and harmlessly, while styrofoam lasts forever; it is also obvious that stryofoam—a form of plastic—befouls the environment far more than paper, which is made from a natural product, wood.

Bradford has lost his credibility with me.

Margaret Miller
Portland, Ore.

Degraded Logic

I was disheartened at Bill Bradford's lapse into demonizing in his otherwise well-argued article. Bill reveals that the secret motive of environmentalists is "reducing individual liberty . . . Opponents of human liberty have flocked to the environmental movement. . . What are the environmentalists really seeking? A cleaner environment? Or control of private businesses? Or maybe just control, period."

This is pure projection, psychologizing environmentalists in terms foreign to their actual intellectual and motivational backgrounds. No doubt some so-called "environmentalists," especially professionals in government or in big green lobbying organizations, are in it for power and pelf. However, I'd bet that the vast majority of those who volunteer their time and money (or risk even more as do Earth First! monkey-wrenchers and real-life Ragnar Danneskjolds aboard the Sea Shepherd) are in it mostly for their ostensible reasons: for love of specific lands and waterways and forests and wildlife threatened with destruction, as well as out of a general desire to preserve the integrity and robust power of Earth's life support systems.

A case in point is the Port Townsend McDonald's contretemps. Bill got straight the facts that were fit for newsprint, but the motives and lifestyles he ascribes are his own fabrication. I know hundreds of probable "environmentalists" from my affiliation with Port Townsend's thriving Food Co-op, and very few could be described as "upper middle class" (too many food stamps!) or "elitists." They'd hardly say "to hell with" "the poor and the young"—heck, many of them *are* the poor and the young! Not being tourists, they don't usually sit in "trendy little restau-

continued on page 53

Letters Policy

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

Reflections

Oil slicks vs mass carnage — Is it just me, or did it seem to you that prior to the ground invasion, most Americans were more upset by the oil slick on the Persian Gulf and the threat it posed to wildlife than the thousands of deaths resulting from the U.S. bombing of Iraq? What does this say about Americans' sense of humanity? —RWB

An honest congressman? — Tommy Robinson, returning to farming in Arkansas after six years in the U.S. House of Representatives, as quoted by the Newhouse News Service: "The country would be better off if Congress was abolished. . . . I'd rather die a broke farmer than be a career member of Congress. My conscience will be a lot cleaner."

—RH

Mrs O'Connor, call your literary agent — If you know an Objectivist (or Student of Objectivism) whom you wish to twit, here is some (chuckle) intellectual ammunition. Recently the Chicago *Tribune* published a long feature titled "1000 Years of Progress: The Millenium in Review." One segment by John Blades deals with the ten best and ten worst books of the past millenium. Those on the "best" list range from the obvious (*War and Peace, Hamlet, Moby Dick*) through the dubious (*Ulysses*, the Snopes Trilogy) to the obscure (*The Tale of Genji*). The "worst" list is even more amorphous and subjective. Be that as it may, number two—the second worst book of the past ten centuries—is identified as *Atlas Shrugged*, described as the "most protracted, militant and demented expression of Rand's objectivist philosophy." What is the very worst book? Alas, it is not *Mein Kampf, Capital*, or some deep philosophical work, but *Paul Clifford*, a forgotten novel by Edward Bulwer-Lytton. Of course, in their grim and humorless zealotry the Objectivists will see the whole thing as an attack on values, on all values, on values as such, on values because they are values, on reason because it is reason . . . oh, to hell with it. —WPM

Proof of the viability of mass transit — On March 27, Seattle had its third and final "Oil-Free Wednesday." On the theory that air pollution results from automobiles, which are used because public transportation is too expensive, the city of Seattle allowed everyone to ride buses for free.

A local television news crew interviewed bus riders, but failed to find a single rider who chose to ride the bus because it was "Oil-Free Wednesday." Despite the heavy publicity the program had received, most riders did not know their ride was free until the bus driver refused their fare, and bus ridership was no higher than usual. The experiment cost the city $80,000 in lost income. It's a mistake to evaluate the program in terms of increased ridership, reduced automobile traffic or reduced oil consumption, a spokesperson explained. The program was a success, she said, because it had generated inquiries from other cities all over the country. —RWB

L.A. law enforcement — Three police officers grip their long billy clubs with both hands and swing as though they are playing baseball, and going for the long ball. But it isn't a baseball they are bashing: it is a man lying prone on the ground. As they continue to beat the helpless man, twelve other police officers circle around, keeping civilians out of the area.

It was not a scene of a movie being filmed on location, so no Hollywood film crew recorded the action. It was not an arrest staged for the television semi-documentary "Cops," so no videotape crew was there.

But George Holliday was there. He had heard the commotion in the street outside his apartment; he had grabbed his videocamera and went onto his balcony. For a minute and a half he stood there, recording the beating. "I was just amazed at what happened," he said later. He had "a feeling of 'What the hell could he have done to deserve such punishment?'"

The man lying helpless on the city street was a 25-year-old unemployed black construction worker and ex-convict named Rodney King. The police filed a report saying that was driving 115 miles per hour and that his injuries were the result of his resisting arrest.

But two days later, George Holliday took his videotape to a local NBC television affiliate, which ran it in their local news report. The tape electrified local viewers and was quickly shown on national news programs. It instantly proved that the police had lied when they claimed King had resisted arrest: the only sign of resistance was a feeble attempt to raise his head, only to have a police officer stomp on it. Very quickly it was proven that the police had lied about their original charge against King as well; the manufacturer of his Hyundai pointed out that its top speed was well below 115 mph, and audio tapes of the pursuing police's radio messages made only one mention of his speed: a Highway Patrolman said, "They're about 55 miles an hour, I think."

George Holliday's videocamera recorded the police officers striking the helpless man a total of 56 times; no one knows how many times he was hit before Holliday started filming. When it was over, Rodney King was taken to the hospital, his leg broken, his skull crushed, his eye socket fractured, his face disfigured and partially paralyzed. As we go to press, physicians say that the paralysis will likely be permanent.

No charges were filed against him. Los Angeles Police Chief Daryl Gates did, however, suspend the three officers who clubbed and kicked the helpless man. He took no action against the sergeant in command, and the other eleven police officers who stood by and watched have not been disciplined.

The incident was "an aberration," Chief Gates told the press.

Practically every person in America has seen the beating, thanks to George Holliday's amateur videotape. By all accounts, the public is unanimous in its shock. The viciousness of the beating was simply repulsive.

Everyone was shocked, that is, except for one small voice. In a syndicated column published in the Los Angeles *Times* on March 10, self-proclaimed "paleolibertarian" Llewellyn H. Rockwell explained that the beating was a good thing. "[The videotape] is not a pleasant sight, of course; neither is cancer surgery. Did they hit him too many times? Sure. But that is not the issue. The issue is safe streets versus urban terror."

"Today's criminals know that they probably won't be convicted, and if they are, they face a short sentence—someday," he explained. What is needed is police who act on the following principle: "No matter the vagaries of the court system, a mugger or rapist [should] know that he face[s] a trouncing—proportionate to the offense and the offender—in the back of the paddy wagon, and maybe even a repeat performance at the station." Rockwell went on to denounce the fact that "we are seldom shown videos of old people being mugged, women being raped, gangs shooting drivers at random or store clerks having their throats cut."

Practically every person in America has seen the beating. By all accounts, everyone is shocked—everyone, that is, except Llewellyn H. Rockwell, who argues that the beating was a good thing.

Now aside from the fact that the victim of the police beating was accused not of mugging, rape, drive-by shooting, or throat-cutting but of failing to yield to a police vehicle, one has to wonder what has happened to such notions as fair trials, innocent-until-proven-guilty, and a-government-of-laws-not-of-goons.

Rockwell concludes: "Liberals talk about banning guns. As a libertarian, I can't agree. I am, however, beginning to wonder about video cameras."

This, I submit, is obscene.

Defending the right of police to beat up those accused of a minor offense on the ground that this is the only way to make our streets safe is despicable. Suggesting that the police have a right to do so in secret is worse. In this context, the libel of stating these opinions "as a libertarian" pales into relative insignificance.

"Don't let Fred bother you — He always makes such a big deal out of April 15th."

I have long argued for an open and tolerant libertarianism—a libertarianism that is based on a common belief that the power of the state ought to be reduced and human liberty maximized, but that is generous to the wide variety of opinion within that framework. Now I have found that there are limits to that tolerance.

During the past year, Rockwell has grown increasingly hostile to libertarianism. One of his complaints has been that libertarians take political positions so unpopular as to place them outside the mainstream of middle-class America. It is bizarrely ironic that Rockwell has chosen to identify himself as a libertarian when he has taken a stand that is reprehensible to virtually every American.

"Every decent man is ashamed of the government he lives under," H.L. Mencken wrote. Lew Rockwell, however, is actually proud of his government when it mercilessly beats a man accused of nothing more than a minor traffic offense. By advancing the idea that a reign of terror conducted by secret police is necessary to the health of society, Rockwell has, I believe, resigned from more than the libertarian movement. He has resigned from decent human society. —RWB

¡Viva la videocamera! — The personal videocamera, one of the great products of human ingenuity and capitalism, has earned another distinction that every libertarian should applaud: it is the consummate anti-1984 device. In Orwell's *1984*, the state watched the people. Thanks to the videocamera, the people can watch—and record—the state. Recently, a man trying out a new camera caught a bunch of white Los Angeles cops in the act of administering a brutal beating to a black man whose only outstanding crime seems to be that he was on probation for a past offense. In the end, the police released the man, complete with internal and external injuries, without charge. The spectacle of cops pounding the defenseless guy with billy clubs, while other cops watched in apparent approval, has shocked decent people everywhere, including many who used to support the police regardless of what they did. People seem to be getting the idea that the only thing unusual about the LA case is that it was captured on tape. The bright side is that the next time a cop is tempted to abuse one of us, a voice in his head may remind him that he may really be on candid camera. As a libertarian, I'm no believer in government handouts. But if I were, I'd have the government issue each citizen a videocamera. All the better to catch state thugs in the act. Any libertarian who would apologize for police brutality in the name of making the streets safe (!) is a pale libertarian indeed. —SLR

Rockwell postscript — On March 21, eleven days after his original column had outraged the nation, Rockwell revised his column for publication in *U.S.A. Today*. He excised the passage defending secret police beatings of traffic offenders and the suggestion that videocameras be banned to prevent the public's learning of such beatings, replacing them with a generalized denunciation of violent criminals and defense of policemen, this time explicitly endorsing secret police beatings only of criminals caught in the act of a violent crime. Perhaps Rockwell had seen the error of his ways. Or perhaps the outrage of decent people against his earlier column had intimidated him. —RWB

Should we laugh or cry? — In mid-January President Bush displayed his humanitarianism by making two noble gestures.

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First, urging Americans to oppose abortion, he proclaimed a national Sanctity of Human Life Day, calling on "all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and the dignity of every human being."

Second, in the wake of the Red Army crackdown in Lithuania, Bush condemned the Soviet actions and urged the Gorbachev regime "to refrain from further acts that might lead to more violence and loss of life."

At the same time, notwithstanding his deep reverence for human life, Bush unleashed the fiercest military attack in history against the hapless Iraqis. Scores of thousands quickly perished, including professional soldiers, conscripts, and civilians—men, women, children, and infants. It appears that some lives have greater sanctity than others. —RH

What more cruel than a dream betrayed? — Bishop Hewlett Johnson, the late Anglican Dean of Canterbury, though forgotten now, was in the salad days of the fellow-travelling phenomenon one of the prize exhibits on the Stalinoid left (nitwit division). I use the term "nitwit" not facetiously, but as a description of a particular type of "soft" Stalinophile (the "hards" were the conscious, clear-headed advocates of totalitarianism—G. B. Shaw is the archetype.)

Bishop Johnson is genuinely funny, though never by intention: "Efforts have been made to deny the reality of Russian electoral rights. Some critics, for example, point to the fact that there are no opposition candidates," "Lenin's personality matched his purpose. He was singularly lovable."

Johnson and his ilk saw the Great Soviet Experiment through the gentle eyes of fuzzy-minded, sentimental, naive middle-class reformers. They thought the Soviet Union was very nice. They thought Mr Stalin was very nice. They thought the new Soviet Constitution, with its guarantee of at least some forms of freedom of expression and dissent, was very nice. The fact that there was absolutely no provision in the entire Soviet system for any means to enforce or claim these rights would never have occurred to them. Documents meant what they said, just as in other nice (but less "advanced") countries such as Britain and America.

Bishop Johnson wrote quite a few books about wonderful socialist nations—first the big one, then, later, China, Cuba, and North Korea. Though I am probably the only one who reads them these days, the Soviet books, at least, enjoyed a vogue in the thirties and forties. At times Johnson is genuinely funny, though never by intention. A few random samples: "Efforts have been made to deny the reality of Russian electoral rights. Some critics, for example, point to the fact that there are no opposition candidates"; "Stalin is no Oriental despot or dictator. His willingness to lead his people along unfamiliar paths of democracy shows it"; "Lenin's personality matched his purpose. He was singularly lovable."

A recurring theme in the good Bishop's writings is the supposed difficulty that future generations will have in trying to explain to their children what capitalism was. He suggests that it might be a good idea for every family to keep a few little artifacts around as educational tools to help explain to youngsters what the bad old vanished world was like. Examples that he recommends include a little money, a layoff notice, a bourgeois newspaper, a toy soldier, and a few other odds and ends—souvenirs, we would call them. None of these things, of course, would have any relevance in the new, perfectly planned society.

It is interesting to note that a recent wire service story reports that in the nations of eastern Germany, Hungary and Poland there is a thriving market in the flotsam and jetsam of the old order—bits of Soviet uniforms and decorations, secret police paraphernalia, Party emblems, little busts of Lenin and other commies, DDR flags, that sort of stuff. Soon, one may hope, these mementos will be the only corporeal remnants of communism in these lands. The day when it will be difficult for parents to explain to their offspring just what tyranny was like is on the horizon. Poor Bishop Johnson. I doubt he would find this state of affairs very nice at all. —WPM

Fallout from the Gulf — Riding a wave of popularity greater than that of any president since Harry Truman in the euphoric aftermath of WWII, George Bush looks all but unbeatable. Bush's new strength improves the prospects for the Libertarian Party. The most powerful factor working against voting for third party candidates or independents is the "why-waste-your-vote" argument. With a popular incumbent crushing an unpopular opponent in the polls, this argument becomes far less appealing. In addition, the LP's opposition to both the Gulf War and the Drug War will likely help it. Both wars are sufficiently popular that the chances the Democrats will nominate anyone critical of them are nil, but enough Americans are fed up with them that turning to a third party candidate may be very appealing, especially if the election looks like a landslide.

The Libertarian Party is rather badly situated to take advantage of this opportunity. Neither of its announced candidates have the resources to raise the funds or mount the sort of campaign capable of capitalizing on this opportunity. Whenever the LP has come up with substantial candidates capable of mounting such a campaign, it has been faced with a presidential race in which its prospects were poor because of the perception of tightness in the race between the major party candidates and consequent devastation by the why-waste-your-vote argument. Ed Clark had to face the Reagan challenge to the incumbent Carter, with John Anderson siphoning off protest votes. Ron Paul had to compete in the first presidential election without an incumbent in two decades. In 1984, when Reagan was a shoo-in, the LP nominated David Bergland, an articulate libertarian, but a man with no national standing, no organization and no means of raising funds. I suspect that unless the LP can attract new talent, it faces that same fate in 1992. —CAA

Take the money and run. — Every Congressman who's had his nose in the trough since 1980 faces a temptation next year: if he retires from office, he can keep the campaign funds he has accumulated during his tenure. But if he is reelected, he will have to turn the money over to charity or to another political campaign.

There's big money involved: Stephen Solarz, for example,

stands to pocket $1,393,257; Dan Rostenkowski $1,052,462; Tom Foley $703,361. All told, this deadwood stands to lay its hands on about $41 million.

How this came about is a nice specimen of how Congresspeople behave. Among the reforms Congress passed in 1979, in an effort to reverse the public's stereotype of Congressmen living it up on gifts from wealthy "friends," was a provision prohibiting Congresspeople from using campaign funds for personal purposes.

This reform was badly needed, the Congresspeople figured, but it shouldn't affect them ; after all, they were elected originally on condition that wer could maintain their Congressional standard of living in retirement by tapping the bribes (oops, campaign funds) that they have salted away, and that cutting them off from this largesse would not be fair. You know, a deal's a deal, and all that.

By 1989, enough new Congresspeople had taken office that the right to these slush funds seemed like a privilige. So when they gave themselves a huge pay raise that year, they put an expiration date on the privilige. Incumbent Congresspeople were allowed to take their accumulated loot into private life provided they retire by 1992.

Consequently, some cynics have suggested that a lot of Congresspeople will decide not to run for re-election next year. I personally have my doubts. It seems to me that most of those that serve the public in Congress are not motivated by the lucre. They are not after money: they are after power. And once they retire, the power is gone. What good is a million bucks if you don't get the limo, aren't invited to the glitzy parties, can't hobnob with the President, hassle businessmen in Congressional hearings, or get to meet Meryl Streep when she gives her expert testimony on agricultural chemicals?

Indeed, many "grandfathers" have self-righteously refused the loot, suggesting that their preference of power over money demonstrates their strong sense of ethics. "This factor has been overstated," the Hon. Vic Fazio (D-Cal.) says, "because it conforms to the worst that most people want to believe about members of Congress."

I got news for you, Vic. My worst fear is not that you'd take the cash and party. My worst fear is that you'll raise taxes, pass a bunch of stupid laws that impinge on our freedom, waste the money you collect via taxes, and generally make life miserable. And you did all those things during the past year alone.

Personally, I think the $41 million they can grab if they retire would be a bargain. Hell, on one issue alone, their creation of the savings-and-loan debacle, they have already cost the taxpayer something on the order of $500 billion, or more than twelve thousand times the cost of showing them the door. —EOW

Who do you think you are, Babe Ruth?

— The boxing world was surprised when Greg Haugen won the junior lightweight boxing title on a split decision over Hector "Macho" Comacho on March 9, at least so I read in the papers. It seems that Haugen is 35 years of age, over the hill by pugilistic standards, and had never been seen as a championship boxer in the first place.

The boxing world got its second surprise when it learned that Haugen had tested positive for marijuana. It is a measure of the pervasiveness of anti-drug hysteria that the Nevada Boxing Commission fined Haugen $25,000, sentenced him to 200 hours of community service, and took away his championship. Given the fact that no one has even suggested that anyone got an athletic advantage from smoking marijuana, this last punishment is especially inappropriate.

Consider what would have happened if the sports world reacted to alcohol prohibition the same way it reacted to marijuana prohibition. Between 1920 and 1932, the possession and consumption of alcoholic beverages in the United States, except under certain very limited circumstances, was a criminal matter, just as the possession and consumption of marijuana is today.

It is well-known that many famous athletes regularly violated the earlier Prohibition. One of the most flagrant was Babe Ruth, the home run king. Ruth was known to drink an entire case of champagne in an evening's partying with a bevy of prostitutes, and he drank publicly almost every day of his career.

It is well-known that a great many famous athletes regularly violated this law. One of the most flagrant was Babe Ruth, the home run king. Ruth was known to drink an entire *case* of champagne in an evening's partying with a bevy of prostitutes, and he drank publicly almost every day of his career. His imbibing was, I would think, even more heinous than Haugen's. For one thing, he often did so publicly, thereby setting a horrible example for the youth of the day. Haugen's marijuana use was discovered only by means of a sophisticated medical test; today's youth would not ever have heard of Haugen's violation

of the prohibition were it not for the boxing authorities' testing him and publicizing their findings. What's more, marijuana smoking is only semi-criminal: in many jurisdictions it is only a misdemeanor. The Babe's drinking, in contrast, was felonious and actually a violation of the United States Constitution.

What would have happened if the Babe had been treated like Haugen? Well, I guess he would have been stripped of his achievements and honors. The 60 home run mark that he established in 1927 would be taken away, as would all his home run titles except one (in 1919, before Prohibition took effect). So would his six runs-batted-in titles, his sole batting title, his major league record slugging average (.847 in 1920) and 10 other slugging crowns, his major league record for most walks in a season . . . in fact, without the accomplishments of his years of regularly indulging in illegal substances (1920–1933), Babe would be a pretty ordinary ball-player for his era: 8 years played, 77 home runs, .297 batting average.

One thing is certain: those certainly aren't the numbers that get one elected to baseball's Hall of Fame. Maybe the baseball commissioner should pry Babe's plaque off the wall in Cooperstown. —RWB

Not all naked aggression is bad — U.S. leaders shed many crocodile tears in public because of the atrocities of the Iraqi troops against the Kuwaitis. Lest one jump to the conclusion that the U.S. government is quick to condemn atrocities against the innocent, one might recall Cambodia. Between 1975 and 1978 more than a million people perished—and many who survived might well have envied them—at the hands of the Pol Pot regime. The Khmer Rouge received then, and continues to receive today, the support of the U.S. government. —RH

Only in Albania — The internal unrest in the last Stalinist state, Albania, has at last begun to flow over its borders: Albanians are fleeing to Italy in small boats. I hope that this indicates that the end of Albanian socialism may be at hand. This mass emigration poses a very important question for Americans: why haven't we thrown open our borders to these people?

Throughout the Cold War the United States had an open-border policy towards the Communist countries. But very few could escape to claim the asylum we offered. During the past few years, the collapse of communism has enabled large numbers of inmates of those sad countries to escape. How did the U.S. react? By putting immigration restrictions in place. Apparently, refugees from communist countries were welcome only so long as we knew few could escape. Once again, our policy gives only lip service to freedom. These immigration restrictions don't just hurt the refugees from foreign oppression. They hurt us as well, by denying the country a highly motivated group of people.

Of all those fleeing communism in recent years, the Vietnamese came here in the greatest numbers. Have they harmed this country? Not at all. They have made positive contributions through their hard work and commitment to what we think of as traditional American values, but are in fact the values of hard-working, decent, and self-interested people worldwide. A self-selection mechanism was at work—those who fled were those who had the ambition, drive, intelligence, and wherewithal to flee. The United States was the beneficiary of this Vietnamese "brain drain." This is the same self-selection mechanism that has ensured the United States the most ambitious immigrants in the world.

So it would be with the Albanians. Here is a group of people who want something better for themselves and their families, and are willing to go to extraordinary lengths to get it. Shouldn't the United States economy be the beneficiary of their ambition? Ambitions such as these made the United States an industrial power in the nineteenth century, when GNP growth *and* immigration levels were at unprecedented highs. —JSR

The bottom line on Reagan — Ronald Reagan had been out of office only four months when I began to feel nostalgia for him. That's all the time it took George Bush to wimp out on gun control and the minimum wage, two issues on which Reagan had stood firm. "At last I have found out," I wrote in these pages, "what it takes to make Ronald Reagan look good: George Bush."

I just came across another reason to look back fondly at the Reagan presidency. *The Wall Street Journal* published a chart listing for each postwar president the rate of domestic spending increases and taxes as a percentage of "Gross National Product."

And which president ranked first? You guessed it: George Bush. Domestic spending has increased 10.0% per year under Bush. And taxes as a percentage of so-called Gross National Product are higher under Bush than any other post-war president. Indeed, the ratio of taxes to "GNP" has risen faster under Bush than any other recent president except Carter, climbing 1.06% per year.

And how does Reagan rate? Domestic spending rose at a 1% annual rate under Reagan, the lowest of post-war presidents. Taxes as a percentage of "GNP" actually declined under Reagan. The rate of decline was 0.26% per year, also the best performance of any president since World War II.

For your information, here are the average annual rates that taxes have increased as a percentage of "GNP" during recent administrations:

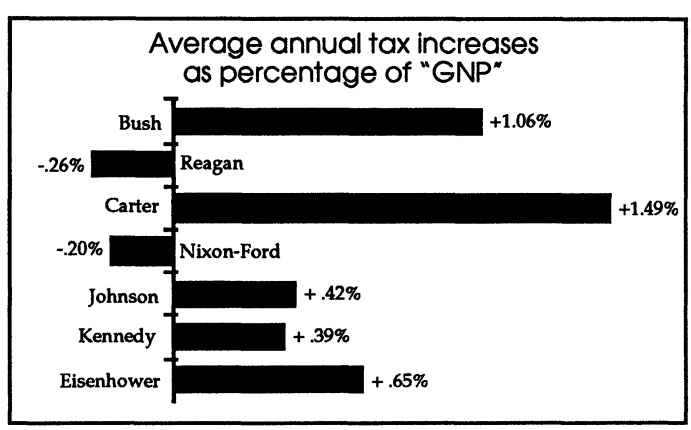

This chart is really a measure of how deeply the federal government goes into the pockets of its citizens. This is only a partial measure of the growth of government: it does not include the growth of regulation and interference. But it is illuminating. For example, who would have figured that taxes rose faster under Eisenhower than under "big spenders" Kennedy or Johnson?

It is also interesting to note that although the only two administrations in which taxes declined were Republican

(Reagan and Nixon-Ford), two of the top three tax increasers were also Republican (Bush and Eisenhower).

But most of all, it illustrates a critical difference between Reagan and Bush: Reagan actually was able to reduce the level of taxation; Bush has raised taxes at a very rapid rate, despite his "read-my-lips-no-new-taxes" promise. The 1.06% annual increase in the tax rate under Bush is no small matter: in only ten years of such increases, taxes would rise as much as they did from Truman to Carter.

Apparently the old adage that "absence makes the heart grow fonder" is true of politicians as well as lovers. At least it seems to be the case with Ronald Reagan. When he was president, it was easy for those of us who value liberty to focus on his failure to cut back the scope of government, his huge budget deficits, his invasion of financial privacy, his idiotic "war on drugs," his failure to abolish the departments of Education and Energy. These failures were partly the product of his own pro-big government impulses. But politics is the art of the possible, and some of his failures were no doubt the result of the impossibility of getting change through a hostile Congress.

Though I hesitate to call Ronald Reagan the "best" president of the past half century, I think it is fair to say he is the "least bad" of a bad bunch. —RWB

Is the Cold War over? — Yes, the Warsaw Pact is history, and the USSR joined with the U.S. coalition in supporting the use of violence to expel the Iraqis from Kuwait. But many things remain as they were, and some things are just too bizarre to believe.

The USSR, after all, still maintains the largest armed force in the world, and its strategic weapons remain in place, aimed at the same old targets in the West. Despite some cutbacks in military forces and procurement rates, the Soviets continue to produce weapons at rates far above those of the West. Modernization of strategic nuclear weapons continues, as does the production of new submarines and silos to contain them.

Although military production accounts for perhaps 25 percent of the national product, the generals protest that severe cutbacks are impossible: there's no place to house the soldiers released and no money to convert the factories from bombers to borscht. So the Soviet military-industrial complex plows relentlessly ahead, monopolizing the best and brightest resources as the economy crumbles around it. The Ministry of Defense recently released a draft of its 10-year reform plan. The proposed reforms don't cut very deep. In fact, the plan envisions defense costs in the late 1990s above those of the early 1990s.

In view of the many facts attesting to the continuation of the Cold War—at least as far as the Red Army and the KGB are concerned—it comes as something of a shock to read in *Armed Forces Journal International* (January 1991) that the Germans (remember, they're on *our* side) have agreed to honor the contract wherein the old East German regime agreed to supply the Soviet Army with antitank missiles similar to the U.S. Army's TOWs.

Let's see if I have this straight. The United States and its NATO allies continue to prepare for war with the Soviet Union, and vice versa. Meanwhile NATO member Germany maintains on its territory hundreds of thousands of armed Soviet troops, who are not scheduled to leave for years; and the Germans bankroll the building of housing in the Soviet Union for the troops now in Germany. Simultaneously the Germans produce weapons to shoot at the Soviets and weapons for the Soviets to shoot back at them.

Have our leaders followed Alice down the rabbit hole? —RH

The rocky road of love — The romance between the self-proclaimed "paleo-libertarians" and "paleo-conservatives," so carefully arranged by Llewellyn Rockwell (chief "paleo-lib" Cupid) and Thomas Fleming (chief "paleo-con"), has survived its first date.

The occasion was the first "open" meeting of the John Randolph Club in Dallas in early December. Prior to this meeting, the romance had taken the form of a few private meetings between top leaders of each paleo-hyphenate. A genuine political courtship must involve the rank-and-file, but there were obvious problems: while the leaders of both groups were willing to sweep profound ideological differences under the rug for the sake of the romance, it remained an open question whether the rank-and-file of each group would find their counterparts to be . . . well, maybe a little too rank.

Paleo-libertarians, for example, might have problems accepting the sexism of the paleo-cons, or their opposition to free trade. Paleo-conservatives, on the other hand, might prove reluctant to get in bed with people who advocate free immigration or free speech, not to mention anarchism.

The carefully-arranged romance between the "paleo-libertarians" and "paleo-conservatives" has survived its first date. As is typical of first dates between the customarily lonely, each seemed to be willing to accept the bizarreries of the other, at least for the time being.

In most romances, one party is usually more anxious to make the relationship work; in this case it is plainly the paleo-libs, whose two major spokespeople, Llewellyn Rockwell and Murray Rothbard, have started a periodical, *Rothbard-Rockwell Report,* in which they have downplayed differences between libertarian and conservative values and ideas, and explicitly promoted the idea of a marriage with paleo-cons. The paleo-lib house organ has focused a remarkable amount of its energy on establishing common ground with the paleo-cons by promoting sexual intolerance (in the form of gay-baiting and sexual in-

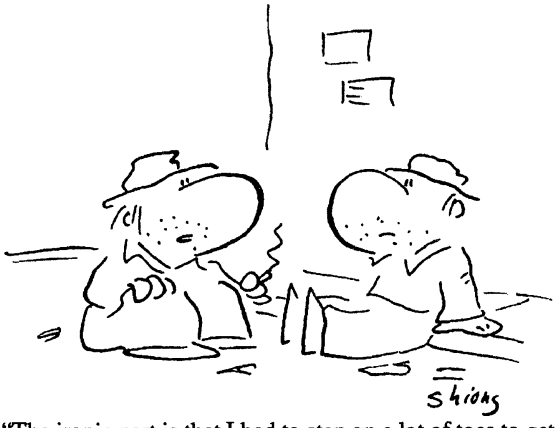

"The ironic part is that I had to step on a lot of toes to get where I am today."

nuendos about libertarians who support sexual tolerance) and racial intolerance, sometimes by implication (repeated *ad hominem* attacks on Martin Luther King) and sometimes explicitly (describing segregation in the South in the 1940s as "race relations as they were, can be, and should be"). In contrast, the chief paleo-con journal, *Chronicles*, has hardly acknowledged the existence of the paleo-libs, though it has published writing by both Rockwell and Rothbard.

So it was with great interest that I awaited the meeting in Dallas. Would the carefully contrived courtship heat up into a genuine romance? Alas, no invitation was extended to yours truly. But happily, I managed to interview at length three prominent libertarians who did attend, so I report mostly on what they said. Two of my sources head libertarian think tanks; the third is a member of the board of the Center for Libertarian Studies, publisher of *RRR*.

As at any first date, the two sides were a little infatuated and a little wary, sounding each other out, wondering just what each other's idiosyncrasies were and whether the romance could blossom.

Like the paleo-libs, the paleo-cons attending tended to be middle-aged white males. But differences in culture were evident. "These conservatives were all smoking in this hotel room," the CLS board member told me. "It wasn't a real big room and some of them were even smoking cigars toward the end. Obviously, they thought, 'Well, we're not going to be pushed around by any goddam health nuts or any anti-tobacco activists.'"

There were two points at which the infatuees almost went home alone. The paleo-libs were taken aback when paleo-con Tom Fleming claimed, "Lynch law is good law." And many paleo-cons paled when a libertarian jested that the Grand Canyon should be used for landfill.

There were two points at which the infatuees almost went home alone. The paleo-libs were taken aback when Tom Fleming, the very able and intelligent editor of *Chronicles*, claimed, "Lynch law is good law." And many paleo-cons paled when a libertarian jested that the Grand Canyon should be used for landfill. (Curiously, in his effusive account of the meeting, Murray Rothbard incorrectly credits this *bon mot* to Lew Rockwell, whom Rothbard promotes as "Mr Anti-Environment.")

As is typical of first dates between the customarily lonely, each seemed to be willing to accept the bizarreries of the other, at least for the time being. But are wedding bells in the offing? Ironically, it was the CLS board member who was most dubious about the prospect for nuptials. Indeed, he was downright hostile to most of the conservatives present, describing various prominent paleo-cons as "goofball" or "manic-depressive" or "semi-pychotic." (He used this last term to describe one or another paleo-con three times in a 15-minute interview.)

He was singularly unimpressed with the quality of the discussion: "It struck me as being almost like a 1970 libertarian bull session. [The paleo-cons] seemed to be surprisingly primitive in their analysis of some of these questions . . . They hadn't really thought through the implications. At one point, Fleming made some childish comments about revolution . . . [Another libertarian] and I were going, 'What the hell is this guy talking about? I mean, he can't really be serious!' At one point he condemned the idea of civil disobedience as being unsupportable on some philosophical grounds or other, some sort of Russell-Kirkean grounds, but somehow he defended the idea of revolution as being the alternative and he made some sort of 1970-type macho statement. I don't know whether it's because these guys are sort of pro-Southern secessionism or what or if he was just doing it to be sort of bratty or shocking. Maybe to conservatives it is real shocking, but to libertarians who have been around twenty years it seems kind of old-hat, goofball. Jesus Christ, what's this guy talking about? It just struck me as being rather juvenile."

Nor did the CLS board member think much of the prospects for wedding bells, though he thought the mating ritual may have been the problem: "There are definitely certain bridges to be crossed. I think we'd have had a lot more understanding if we'd have simply been sitting around playing poker and drinking beer."

Murray Rothbard, not surprisingly, considers the romance to be heating up and the Dallas meeting to be of "historic" importance. "On foreign policy," he said, "there was virtual unanimity," despite the fact that the paleo-libs favor absolute isolationism as a matter of principle and the paleo-cons support "conservative nationalism," which includes U.S. intervention in Latin America.

One of the libertarian think-think presidents believes the apparent consensus on foreign policy was partly "because it was the first session and there was a certain courtesy and tendency to not question [what was said.] But I do think there was a greater consensus on foreign policy than on drugs, immigration, and so on . . . The greatest common ground was the hatred of the neo-cons, Bush, and national centralization of power." The romance is going nicely, he told me; the paleo-libs may successfully introduce libertarian ideas into the conservative mainstream. A lot of the credit is due Rockwell, he said, who "really tried to play down the libertarian position on immigration to promote harmony."

The other think tank president was less optimistic: he thought the meeting illustrated the lack of common ground between conservatives and libertarians, and he judged the prospects for any long-term relationship to be poor. —RWB

A teacher's place is in the home? — The welcome policy push for choice in education tends to obscure another important development—the growth of home schooling. Although figures are inexact (partly because it's illegal in some states to teach your child at home if you are not a certified teacher), the latest estimate is that nearly 500,000 children are home-schooled, a significant increase over the 1970s when one estimate was that 15,000 children were taught at home.

Libertarians would do well to endorse this movement, which represents a last-ditch stand against state coercion. Its strongest proponents (more than 90% in one study) are conservative Christian families, apparently upset with poor performance and objectionable moral teachings (or lack of moral teaching) in the public schools.

To me, this trend toward home schooling, however small in

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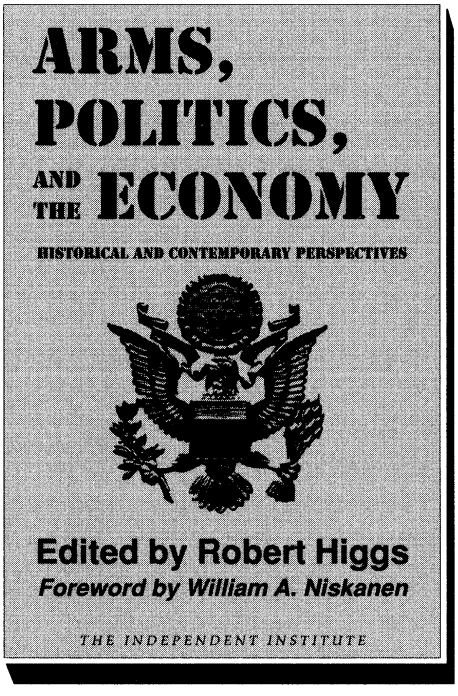

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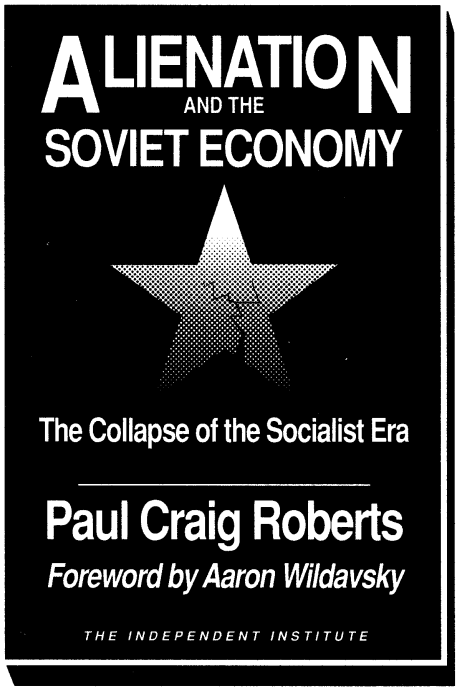

ALIENATION AND THE SOVIET ECONOMY

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absolute numbers, offers hope for coping with some social problems. As I have written before, one of the problems facing women today is that motherhood is often less than a full-time occupation, especially for families with only one or two children. The pull of "careerism" is very strong even for parents who would like to spend more time with their children.

Could home schooling restore the primacy of the family by giving mothers (it would be mostly mothers, though it wouldn't be limited to them) something worthwhile and challenging to do while staying at home with their children? It's a thought to ponder.

William R. Mattox Jr has taken this idea further. Writing in *Policy Review* (Winter 1991), Mattox claims that the biggest problem facing American children is not lack of daycare or poor nutrition or even poverty but lack of time with their parents. "The American family today lives in a time-pressure cooker," he writes, supporting this claim with a study (based on personal time diaries) showing that in 1985 parents spent 40% less time with their children than parents did in 1965.

What to do? Mattox urges that parents find more time through such things as "flexible hours, part-time work, job sharing, and most especially home-based employment opportunities." Furthermore, he says, if this were combined with free choice in education, an array of "part-day" or "part-week" educational programs might emerge. These would allow parents to teach some subjects at home while leaving others to the classroom, and would mean a true revolution in education and a big step toward freedom.

True, it's hard to envision real freedom in education, since the political opposition from public school teachers and districts is intense. But public school education is so poor that demands for choice are mounting. Support for vouchers is coming from such mainstream places as the Brookings Institution, and the recently appointed undersecretary of education, David Kearns, wants a voucher program that includes both public and private schools. Where there is turmoil, there is hope for change, and home schooling may be an important part of the result. —JSS

U.S. taxpayers support the KGB — Late in 1990, ostensibly to aid starving people in the Soviet Union, President Bush released more than $1 billion in agricultural credits to finance shipments of U.S. farm commodities to the USSR. At the receiving end, President Gorbachev assigned the KGB to distribute the food to the needy.

Only a complete fool would believe that the KGB would refrain from using the goods to reward itself and its friends and to augment its already substantial control over the faltering economy. Yet the Bush administration chose to direct still another subsidy toward U.S. farm interests and to prop up the anti-democratic Gorbachev regime, which is roundly hated by most people in the Soviet Union.

An enquiry would seem to be in order: either the U.S. government didn't know the KGB would grab the food, which implies that its intelligence is no good; or it did know, which implies that it intentionally transferred resources from U.S. taxpayers to the KGB. —RH

Invincible ignorance at the Trib — It's no secret to those who live in the midwest that the Chicago *Tribune* has drifted to the left in recent years. The one-time bastion of small-government, anti-welfare-state Republicanism now routinely endorses Democrats, supports every new expansion and intrusion of the state, and denounces the eighties as a "decade of greed." To those of us who cut our ideological teeth on the

continued on page 34

Guest Reflection

What they didn't tell you at B-School

— Corporations get a bad rap in most news media—including NPR, PBS, the weekly news magazines, the major networks, movies like *Roger and Me* and now even in *Barron's* (is nothing sacred?), with its violent attacks on Michael Milken (by Ben Stein), Jude Wanniski (by Joe Queenan), and waste management companies (by Abe Briloff). Sound-minded *Barron's* publisher Robert Bleiberg should fire these wanna-be Woodwards and Bernsteins on his staff.

But do the masses really listen to the news angle on corporations? I doubt it. My theory is that the vast majority of Americans formulate their anti-corporate bias from a far more virulent and accessible source—fiction.

In particular, the Lowest Common Denominator of various ages watch *Captain Planet* on Saturday morning cartoons, *Dallas* on Friday night, and movies like *Robocop, Total Recall, Darkman* and a variety of other flicks that portray business folk as murderers, philanderers, alcoholics, and worse.

- The *Robocop* school of management recommends killing your customers.
- The *Dallas* school of management puts a bar and a wench in every office.
- The *Total Recall* school of management says to choke off the supply of oxygen to your customers. What a way to run a utility!
- The *Darkman* school of management favors killing all small landowners.

Very few business people watch these shows, because they're too busy working. And what are they working at? Trying their damnedest to *please* every customer. No bars, no wenches, no murders of their competitors.

This story gets interesting when you consider the litigation explosion, and the proliferation of jury trials of individuals against corporations. Who populates juries these days but the LCD—raised on *Dallas* and *Captain Planet*, at worst, or the latest PBS shockumentary on polluting businesses, at best.

I just participated in a jury trial of a rich person suing a cash-poor corporation. I thought the corporate case was airtight, but the jury found in favor of the wealthy plaintiff—a jerk—for $600,000 in back wages and damages. Afterwards, the clerk in this court told me that he had never seen a jury trial in the last five years which found for a corporation defending against an individual.

My theory is that anti-business propaganda on TV and in the movies is fueling an anti-corporate bias that is totally out of touch with the character of most corporations: civic-minded, customer-minded, hard-working, caring. They have to be that way or they lose their most precious resource: Customers. —Gary Alexander

Losing Our Heads in the Persian Gulf

by R. W. Bradford

The quick-and-easy victory in the Gulf War has unified Americans as has no event in recent years. George Bush has enjoyed the highest popularity of any president since the euphoria at the end of World War II, the "Vietnam Syndrome" is dead and buried, and Americans can celebrate again.

But should they?

Not according to several of Liberty's *editors. But* Liberty's *editors are as much divided by the War as other Americans are united by it.*

In the next 16 pages, they explain what to make of the Gulf War and the quick-and-easy U.S. victory.

It is not at all surprising that libertarians disagree with one another on the Gulf War. For most libertarians, just about the only legitimate function of the state is the repulsion of aggression, and the Gulf War is one of the few state actions of recent years that so qualifies. Iraq invaded a helpless neighbor for purposes of plunder, no question about it. Saddam Hussein is a genuinely bad guy.

On the other hand, the war has very substantial costs in treasure and lives, not to mention damage to the body politic: it is already being used as a justification for the U.S. to play the role of world policeman and for other increases in the power of the state. So the issue was a tough call for libertarians like me who believe foreign policy should be motivated by both morality and prudence.

And, of course, some libertarians believe that virtually any foreign intervention by the U.S. is morally wrong and should always be opposed. These libertarians are outspoken in their opposition to the war.

So there's no surprise that libertarians are divided on the issue. What is surprising—and disappointing—to me is the degree to which the Gulf War has inflamed passions. Judging from the letters and phone calls we have received, many libertarians are so worked up on the issue that they are unable to keep a level head on their shoulders.

Several readers, for example, have written to accuse *Liberty* of being horribly one-sided on the issue. Most of these letters consider *Liberty* to be anti-war, but some consider *Liberty* to be pro-war. The truth is that *Liberty* is neither. *Liberty* takes no stand on the issue. Our editors take stands, and because our editors disagree with one another, the commentary on the war that we have published has sometimes supported the war and sometimes opposed it.

Mostly the letters characterize the position they attribute to *Liberty* as thoughtless, idiotic, or worse. Typical of these letters is one from a reader responding to the four short comments on the war from our March issue. It begins by attacking Robert Higgs' analysis at considerable length, and proceeds to rake over the coals both my own piece and Sheldon Richman's. Naturally, what was most interesting to me was the attack on my piece, which was characterized as "opposing the war."

But not a single sentence or phrase in my piece suggested I "opposed the war." Not one.

Yes, my piece was extremely critical of the Bush administration's handling of the crisis that led to war: I believed then and remain convinced today that if the Bush administration had acted prudently, Iraq would never have invaded Kuwait in the first place, and that its diplomatic blunders after the Iraq invasion have cost the people of the United States dearly. But this does *not* amount to "opposing the war."

Even more troubling was the letter-writer's assertion that our coverage had been one-sided, a criticism I also got from a frequent contributor to *Liberty*, who wrote of his disappointment at *Liberty*'s "knee-jerk" reaction against the war. We have published criticism of the war by Sheldon Richman and Robert Higgs. But I don't think it reasonable to characterize either of their analyses as "knee-jerk." Even more troubling to me was the claim that *Liberty*'s analysis had been uniformly anti-war.

While it is certainly true that *Liberty* has published more analysis that can be characterized as anti-war than can be characterized as pro-war, it is simply incorrect to suggest that we have published only anti-war writing. Didn't these people—and the others who wrote with similar complaints—read Jim Robbins, Steve Cox, and Leland Yeager's writing on the subject?

This same sort of loss of perspective, it seems to me, is evident in much of the feedback we have received from libertarians opposed to the war: the most common theme is an indignant how-dare-you-publish-pro-war-bullshit.

My own guess is that the Gulf War has so inflamed the emotions of libertarians that they have lost their perspective. In a certain sense, this is not surprising: *most* Americans have lost perspective. Wars have inflamed passion and destroyed perspective ever since the need for widespread public support for war became manifest at the beginning of the democratic age. But I had thought—hoped, actually—that libertarians were better equipped than most people to keep their cool during state-induced crises, thanks to their relatively sophisticated tools for analyzing state action. Perhaps I was wrong. □

Two Kinds of Patriotism

by Robert Higgs

Genuine patriotism involves something other than loyalty to one's government, willingness to fight its wars, and celebration of its military victories.

The fighting in the Persian Gulf region prompted numerous manifestations of what is commonly called patriotism, in the form of flag-waving public displays of approval for Operation Desert Slaughter. The people who made a spectacle of "supporting the troops" seemed convinced that those who did not favor the war were giving aid and comfort to Saddam Hussein and betraying "our boys" (and girls). After an absence of nearly twenty years, the love-it-or-leave-it crowd emerged in full force.

According to polls conducted during the first month of the war, a large majority of the American public supported the Bush administration's decisions to initiate and continue a fierce military assault on Iraq. Moreover, in assessing the credibility of the administration and the military as opposed to the news media, most Americans expressed far more trust in the government's story than in the media's. One poll found 57 percent of the respondents wanted more censorship, even though the news was already being controlled to a degree without precedent in the past forty years. As Knight-Ridder's Dick Polman observed, "When public passions run high in wartime, skepticism often yields to nationalism."

An impassioned public gives vent to its nationalistic impulses in many ugly ways. Not only were Arab-Americans and foreign Arabs living in the United States harassed and threatened; Pakistanis, Koreans, and others mistakenly identified as "the enemy" suffered similar abuse. As usual, an inflamed public demands not just Americanism but "one-hundred-percent Americanism," which in practice usually boils down to something worse than nativism.

This appalling conduct proceeded from little more than herd instinct. Many Americans viewed the Gulf conflict as simply "us" against "them." It seemed never to occur to these self-righteous folk that the United States may not be God's gift to the planet, divinely destined to dominate all who inhabit the earth.

Ironically, those who most visibly supported the war—lower middle class whites—stood to suffer the greatest losses, for they are the segment of the population whose members compose the bulk of the ground combat forces and therefore are at greatest risk of being killed or wounded in a shooting war. Why did the mothers and fathers of this class seem to relish the prospect of their own children's being placed in jeopardy?

The root of this pathetic behavior is the confusion in the minds of many people between the nation and the government that rules the nation. Blind, subservient obedience to the state (remember the "good Germans" under Hitler?) and unwarranted trust in the president's honesty and judgment caused a multitude to act as if the inter-

ests of the government coincided with their own interests. Our rulers must take special delight in the enthusiastic public expressions of patriotism, which confirm that the government's deceptions, manipulations, and frauds have achieved the desired effect. Joyful producers of cannon fodder—what more could any Spartan state desire?

The editors of *The Wall Street Journal*, who have never met a war they didn't like, opined on February 11 that the obtrusive flags and yellow ribbons bespeak something deeper in the public mood. In their views denizens of the "mainstream culture" were reasserting their pride in themselves after enduring twenty years of post-Vietnam villification by writers and broadcasters inhabiting an effete elite culture. The identity and self-interest of these professional naysayers are said to hinge on constant criticism of America's shortcomings. The intellectuals view workaday patriotism as an unjustified and even dangerous effusion of "blue-collar workers, right-wing Republicans and Southern yahoos."

The *Journal*'s editors, self-appointed spokesmen for the silent majority, proceeded to ask: "What about the sum total of daily effort, production, good works and individual achievement that coexisted alongside the problems . . . ?" The question is apt. But not even the most affirmative answer to it justifies or excuses the outburst of pseudo-patriotism. For while the *Journal*'s question speaks quite properly of individual efforts productions, good works, and achievements that one ought to weigh against the ills of the nation, the conclusion refers to "the country's faith in *itself*"—as if the whole society were a purposive entity rather than a conceptual abstraction.

The truth is that we are some 250 million separate persons composing a nation, an aggregate with neither heart nor soul. We agree on very little. The genius of America—the ideal that has made it a workable and relatively productive society—is a social, political, and constitutional order in which diverse individuals enjoy a relatively high degree of freedom from interference by those who disagree with their ends or their means. If there is anything uniquely admirable about this so-

What it means "Victory" in the Gulf

What it means

ciety it is the protection of individual liberty.

Even a cursory study of American history demonstrates beyond question that the greatest sacrifices of the people's liberty and the most savage plundering of their pocketbooks have been associated with the nation's involvement in war or events likened to war, such as the Great Depression, which Justice Brandeis called "an emergency more serious than war." The association is not mere coincidence; it is a matter of cause and effect.

Emergencies, especially wars, lead most citizens to slacken their resistance to the persistent efforts of the government to extend its control of economy and society, including our precious civil liberties. Supporting the government's foreign military adventures that are unnecessary to defend the population from attack means voluntarily giving up our lives, liberties, and property to those who stand ever ready to take and dispose of them for their own purposes. Citizens who forgo the active employment of their rational and moral faculties during wartime transform themselves into putty in the hands of deceitful and unscrupulous rulers.

Genuine patriotism is something else altogether. Unlike the chauvinism now passing for patriotism, it has nothing to do with nationalism, jingoism, and xenophobia. It involves a deep familiarity with, special appreciation of, and preference for what is uniquely American—the land itself, the ideals, creations, customs and language, the oddities and gentle perversities. Authentic American patriots value tolerance, social and religious pluralism and above all, liberty.

Genuine patriotism does not just come with the territory. People cannot genuinely love something about which they are profoundly ignorant. Effort and experience must come first. Having worked to know America, its darkness along with its light, one may still love it. But an easy, automatic allegiance, acquired at the maternity ward, has no more foundation than a sheep's commitment to its flock.

Although true American patriots love what is genuinely lovable about their country, they do not do so invidiously. There is no need to hoist America by shoving down the rest of the world, and only a fool would try to do so.

This country can boast of much, but it also lacks much: the cleanliness and tidiness of Switzerland, the grandeur of the great mountains of Nepal, the ancient culture and civilization of Egypt, the venerable philosophies and classic art of China, the music and literature of a dozen European countries, the poetry of a hundred alien tongues.

Fortunately, there is utterly no conflict between authentic American patriotism and membership in the world community. And there is certainly no sense in which Americans are entitled to make war against others who do not make, or even threaten to make, war on them. Mass murder is a hideous action, and no one should support it on the strength of the accident of having been born at a certain time and place, subject to rulers drunk with power and disoriented by their ambitions.

It ought to be a maxim, as Auberon Herbert declared, that what one person cannot do morally, no collectivity of persons can do morally, and certainly

Citizens who forgo the active employment of their rational and moral faculties during wartime transform themselves into putty in the hands of deceitful and unscrupulous rulers.

no government can do morally. Ordinary Americans have no just quarrel with the ordinary Iraqis to whom the U.S. attack brought so many deaths and such vast destruction.

Even if the war in the Gulf had been morally justified, it was unwise; it will be productive of immense mischief for years to come. Among the evil consequences of the pseudo-patriotic support for it will be immediate and delayed diminutions of American liberties that an overreaching government

might otherwise have been unable to affect. Knowing that the populace will swallow foreign adventures happily, future administrations will resort to them whenever plausible occasions present themselves. Of course, plausibilities can always be trumped up.

No one should forget that war is the health of the state. Delmore Schwartz stripped away the glorious mask of war when he called it

> Organized pain, a formal agony:
> In war's magnified ache, brilliantly blared,
> The poor mistake their grandeur and their grief;
> Adding their weakness, they affirm the state . . . .
>
> (from "Coriolanus and His Mother")

To distract us from our real troubles and the oppressions they have heaped upon us, politicians lure the populace with the siren song of war:

> the song that is irresistible:
> the song that forces men
> to leap overboard in squadrons
> even though they see the beached skulls.
>
> (from "Siren Song," by Margaret Atwood)

Genuine patriots do not encourage their fellow citizens to make that fatal leap. □

Liberty Triumphs in the Desert

by James S. Robbins

One effect of the war has been the explosion of certain myths, myths that no reasonable person should have believed, though many, of course, did.

Throughout this conflict we witnessed the sad spectacle of isolationist libertarians opposing U.S. intervention in a situation justified by both strategic need and idealist creed. It makes one think that isolationists stand for not much of anything in the foreign policy realm, except blind reaction. An article in the March *Liberty* quoted pacifist Jeanette Rankin—the same person who alone voted "no" on the war resolution with Japan. What sort of moral standing does she have? Most libertarian literature I came across used the same old bromides all the other critics were using, bromides that have been laid to rest, at least temporarily, by reality.

The first is that there is something called the "Arab Nation" or the "Arab Masses." There is an underlying (though unintended) tone of racism to these claims, a myth reinforced by those who want to see an Arab uprising (e.g., supporters of the PLO) and those who fear Arab nationalism (John McLaughlin and Patrick Buchanan were very big on this score). But as Faoud Ajami pointed out, the deep divisions in the Arab world over the war pretty much put to bed the idea of a pan-Arab identity. The Arabs, to their credit, were not swayed by the irrational mystique of the "Arab leader," a force Arabs were said not to be able to resist. Former Egyptian strongman Nasser was brought up in this context *ad nauseam*, and even in defeat Saddam was predicted to have prestige, even though Nasser's was ended by the 1967 loss to Israel. By the time this goes to press, Saddam may be the newest "Arab martyr."

Those states that sided with Saddam mostly did so for reasons unrelated to Arab nationalism. Jordan did so because King Hussein, an alien ruler among a mostly Palestinian population, had to placate his people. They, and the PLO, supported Saddam because he supported them—a nice geostrategic move from a man who had not previously shown much interest (other than rhetorical) in the Palestinian cause. Of course the PLO made a tactical blunder not only by backing the wrong horse, but by alienating Kuwait and Saudi Arabia, their major sources for funding. Yemen sided with Iraq, but Yemen is a traditional enemy of Saudi Arabia, so that was no surprise. Algeria may have been the purest example of a disinterested pro-Saddam Arab state, but even Algeria would not promise the beaten Saddam sanctuary. And most of Saddam's supporters vanished after his army was crushed in the field. The sight of Palestinians in Amman throwing stones at the Iraqi Embassy the day the pullout from Kuwait was affirmed pretty much sums things up.

The Arab states opposing Saddam were also driven by national self-interest. Syria and Saudi Arabia are obvious candidates, since Saddam threatened them directly. Egypt got into the fray in order to boost its own prestige, and assert its claim as the leading Arab state. The Arab opponents of Saddam were said to be ruling groups out of touch with their people. Domestic unrest was predicted. But most of the unrest was in Amman, Jordan (which was also the media center for the "Arab Masses" reports). Opposition leaders and fundamentalists were interviewed giving their insights into why Saddam should not be opposed. But what else were these people supposed to say? They are the opposition, after all.

Pan-Arabism has again shown itself to be a mythical force, appealed to in times of calm but unable to stand up to pressure. It is also, like the Pan-Slavism of the nineteenth century, a handy tool for any dictator or demagogue to use

while furthering his own political ends. Let us not forget the heartfelt Arab unity displayed on August 2, 1990; Saddam loved Kuwait so much he wanted to marry it to Iraq.

A related point was fear of Arab-Israeli conflict. Here again was another irrational fear, namely that Israel would retaliate if attacked no matter what, and that the coalition would then split apart as the Arab States took the field against the common Zionist foe. But it was not to be. Not only did Israel restrain itself from responding to Saddam's Scud terror-bombings, but even Syria affirmed the right of Israel to mount defensive strikes if it was attacked. Self-interest overcame native hostility, and the Middle Eastern diplomats showed themselves to be more than a match for a scenario that caused American pundits (including myself, I must confess) many worried hours.

The course of the war, and the shortness of the ground conflict, beat even the most optimistic predictions, which made the most pessimistic seem all the more ridiculous. Unfortunately, libertarians latched onto them, supplanting rational analysis of warfare with doomsday scenarios. Honestly, just because one opposes a policy doesn't mean one has to tune out. Thousands of casualties were predicted, yet we barely topped a few hundred. This was because critics based their numbers on analyses of the Iran-Iraq war, the worst example possible. Did these analysts expect the United States to send 16 year olds against machine-gun nests armed with sticks? The type of offensive we were going to pursue was obvious as early as last fall—an envelopment, a replay of the 1940 Manstein Plan for the invasion of France. Yet still one heard about trench warfare, stalemate, Iraqi artillery, and so forth.

Another bromide was that the price of oil would skyrocket, and here libertarians abandoned an earlier, more rational and market-oriented line, namely that world oil markets were glutted and prices would not increase. This argument was used to oppose U.S. troop deployment; once the troops were on the ground, arguments had to be crafted to oppose the possibility of their use. It's sad that objectivity is so easily abandoned, because the first argument turned out to be true. As the ground

What it means "Victory" in the Gulf

What it means

war commenced, gasoline prices were only three cents above their August 1, 1990 level, and this included the additional five cent gas tax instituted this winter. In other words, the price was lower. Even the destruction of the Kuwaiti oil facilities seems to have made little impact on world crude prices. I suppose now isolationists will argue that because of this the war was meaningless. So it goes.

The war exploded other myths that weren't espoused by libertarians. One was that the press corps is the watchdog of the people against the government. This concept has haunted the country and inflated the egos of newsmen since the Vietnam era, but will no longer. Press complaints about restrictions were not echoed by the American people, 80% of whom thought more restrictions were needed. The coverage was fascinating, primarily because it was often live, though press priorities were sometimes hard to figure (e.g., breaking away from an important briefing because sirens had been heard in Dahran, long after the Scuds had been shown to be impotent against Patriots). And though the reporters complained that press briefings were not informative, it was often because they either didn't understand what they were being told (the reporter who thought we were concentrating battlefield preparation bombing behind the lines was a classic case) or asked the wrong questions. Still, these were people skilled at Pentagon reporting, covering budget battles, weapon system developments, Defense Department politics and the like; they were not military specialists. Some took umbrage at a sign that appeared outside the Pentagon briefing room welcoming the "temporary war experts," but their surprise at the course of the war showed their limitations. The final act was when Western journalists were taken captive in Basra while trying to cover the anti-Saddam unrest, and some national press organizations demanded we not pull the troops out until they were released.

The war settled a debate which had lingered since the 1980s over defense priorities. In the mid-1980s, a school of defense reformers arose which espoused low-tech solutions to the problems of modern warfare. Citing the cost of high-tech weapons, these planners built models showing that cheaper, cruder weapons applied *en masse* would achieve as good if not better results for less money. They also claimed that the "smart" weapons were too complex to work. The war showed them wrong on both counts. In the first place, the weapons worked, and magnificently so, on land, sea and in the air. In the second place, if they had been replaced with dumb weapons, the consequences for civilians (and thus for U.S. diplomacy) would have been horrendous. For example, instead of putting one smart weapon through an air shaft to knock out a bunker, the entire block would have had to be bombed, World War II-style. The arguments against the Strategic Defense Initiative were shown so pathetically wrong by the performance of the Patriot that the Union of

We have restored American prestige. If there was any question internationally about the power of the United States, there is no longer. Isolationists may argue about the utility of this, but such a show of force will generally intimidate international troublemakers. The world will be more peaceful for a few years, barring a Soviet meltdown.

Concerned Scientists is now trying to disassociate Patriot from SDI.

Those are the myths. But what have we done? In the first place we have restored American prestige. If there was any question internationally about the power of the United States, there is no longer. Isolationists may argue about the utility of this, but such a show of force will generally intimidate international troublemakers, and I expect the world will be more peaceful for a few years, barring a Soviet meltdown.

The Soviet Union has been further marginalized on the world stage, despite its various "peace proposals," which only accomplished delaying the ground action (and the liberation of Kuwait) for a week. With the rapid erosion of Soviet influence has come unforeseen fringe benefits, such as increased cooperation from Syria, a Soviet client state looking for a new patron.

The United States helped remove a dictatorship, or at least render it ineffective. This is always good in the zero-sum world of governments; one less tyranny is better than one more. We also freed Kuwait, at least from Saddam. If it will free itself from its own problems, that would be even better.

The domestic political fallout from the war is difficult to gauge. Democrats tried quickly to shift attention from the war to domestic problems, until their pollsters informed them that they were generating resentment. Since then they have fallen back on the claim that "votes of conscience" against the war are out-of-bounds in future political races. I doubt this will get them very far either, especially if there are more examples of the type of duplicity practiced by Senator Kerry, who sent letters to constituents supporting or denouncing the war based on what he thought they wanted to hear. However, I also doubt the Republicans will be able to translate the war into gains on the local (Congressional) level, since it is a year and a half before the elections, and there are many issues to be addressed. George Bush is the biggest winner; few serious Democrats will be considering a run against him in 1992, unless some sort of national crisis interposes. This will bring the less viable candidates to the fore (such as Jesse Jackson, George McGovern and John Silber), further tarnishing the image of the Democratic Party.

The only reservation I have about the outcome of the war is that it was so successful it has set a tough standard to meet. I doubt that future wars on this scale will be as quick, as clean, and as easy as this one was. Public expectations may be raised so high that the normal sort of reverses one can expect during warfare would have greater than usual effect. On the other hand, whenever the next war is, critics will be in the forefront reminding everyone that it "won't be another Iraq," just as Iraq was to be no Panama, and Panama no Grenada. One thing is certain—none of them were "another Vietnam," and we can only hope Desert Storm has put that shameful episode behind us once and for all. □

Don't take my word for it. — I am known to be somewhat skeptical about the government's honesty and intentions. So take it from an impeccable source, the New York *Times* (March 3, 1991), where Thomas L. Friedman and Patrick E. Tyler give a blow-by-blow account, based on extensive information provided by anonymous "senior officials," of the decisions leading to the U.S. war against Iraq.

The lead paragraph reads: "The Bush Administration began planning an offensive campaign to dislodge the Iraqi forces from Kuwait early last fall even as Administration officials insisted in public that the only mission of United States forces was to defend Saudi Arabia and enforce United Nations sanctions."

So the diplomacy, the Baker-Aziz meeting, the get-out-of-town deadlines, and all the rest of the hocus pocus was indeed as much a sham as it appeared to be. Despite the handwaving, designed to give the President the appearance of "going the last mile" for peace, the administration actually set in motion its juggernaut of war as early as August and allowed nothing to deter it from its hellbent course.

—Robert Higgs

A new record for slaughter — The U.S. triumph over Iraq appears to set a new record for slaughter in wars between the high-tech West and low-tech third-world countries. According to press reports, Gen. Schwartzkopf estimates Iraqi losses at 100,000, compared to allied casualties of 150. This 667-to-1 kill ratio was achieved by superior U.S. technology and financial resources. (Those "smart" bombs and missiles cost a lot of money.)

The old record was set by the British on September 2, 1898. A force of 28,000 British and Egyptian soldiers attacked the Sudanese capital of Omdurman, defended by an estimated 50,000 Sudanese, or "dervishes" (devils) as the British called them. The British were armed with rifles, the "dervishes" with knives and muskets. But it wasn't the rifle-vs-musket advantage that carried the day for the British. Here's how Winston Churchill tells the story:

> "At a critical moment the gun boat arrived on the scene and began suddenly to blaze and flame from Maxim guns, quick-firing guns and rifles. The range was short; the effect tremendous. The terrible machine, floating graceful on the waters—a beautiful white devil—wreathed itself in smoke. The river slopes of the Kerreri Hills, crowded with the advancing thousands, sprang up into clouds of dust and rock. The charging Dervishes sank down in tangled heaps . . . The infantry fired steadily and stolidly, without hurry or excitement, for the enemy was far away and the officers careful. But presently the mere physical act became tedious . . . And all the time out on the plain on the other side bullets were shearing though flesh, smashing and splintering bone; blood spouted from terrible wounds; valiant men were struggling on though a hell of whistling metal, exploding shells, and spurting dust—suffering, despairing, dying."

When it was over, the British and Egyptians had lost 40 men. The Sudanese dead were estimated at 11,000. The kill ratio of 275-to-1 was a record that looked like it would hold up for centurries. But, as they say in sports, "all records are made to be broken," and in the U.S. war against Iraq, the technological advantage of our high-tech equipment compared to the Iraqi tanks proved even bigger than the advantage of Maxim guns over muskets.

But the aftermath of the slaughter was the same: the British drove their enemy back to the Stone Age (in fairness, the Sudanese had hardly emerged from it by the time of the Battle of Omdurman); the U.S. drove its enemy back to a "pre-industrial age," as the U.N. delicately put it. General Kitchener, who headed British forces, became a national hero, just as General Schwartzkopf has. The slaughter at Omdurman also increased Britain's military confidence and encouraged them to further military adventures, notably its disastrous invasion of the South African Republic and Orange Free State a year later. —R. W. Bradford

What it means
"Victory" in the Gulf
What it means

No Victory for Liberty

by Sheldon L. Richman

Most Americans look at the balance sheet of the war, see one hundred American soldiers dead and one hundred thousand Iraqis dead, and are pleased. But if they placed truth, freedom and the Constitution on that sheet, they might come to a very different conclusion.

What is there for opponents of George Bush's Gulf War to say now that it has ended swiftly and (at least as of mid-March) decisively? Does the military outcome refute those who counseled against the intervention? Many supporters of the war seem to think so. Republican politicians, newspaper columnists of various stripes and talk-show hosts would have the dissidents publicly confess to gross misjudgment, motivated by a hatred for everything American, before taking a vow of silence and slinking away into the night, leaving them to their boisterous celebrations of what columnist Haynes Johnson calls America's "unalloyed sense of national standing."

But not so fast. The military victory does not refute the dissidents, not many of them, anyway. True, those who expected huge American casualties were proven wrong. But the case against the war for many people had nothing to do with expected casualties. It was a principled, anti-imperialist case. Anyway, the radical dissidents were not the only ones who expected large-scale American deaths. Military people and conservatives such as Patrick Buchanan did too. (Buchanan, whom no one has charged with hating America, said in August that Bush's policy had "quagmire written all over it.") In a subtle way, the error validates a larger point made by many opponents of the war. Predictions of heavy casualties were influenced by the administration's gross fear-mongering about the awesome power of the Iraqi military. "A lot of what was said from here [the Pentagon] was carefully orchestrated disinformation," a Defense Department spokesman told The Washington *Times* after the war. The Iraqi military was said to be the fourth largest in the world (a place it held with several other countries) and very well equipped. Some skeptics and opponents of the war pointed out that its awesomeness was mostly on paper: after eight years of war with Iran, it managed to win only a small slice of territory. Moreover, it was mainly outfitted with Soviet-made equipment. Need more be said? Nevertheless, the Bush line about Iraqi power, particularly about the notorious Republican Guard, carried the day. Given this fearsome data about Iraq's power, predictions of heavy casualties were not out of line. Nor was the judgment that the potential costs were too high to make any foreseeable benefits worthwhile.

Now we have seen that the Iraq military was not all that powerful or even vicious. (While Saddam was using the primitive Scud and no chemical weapons, the U.S. government was using such barbaric devices as cluster bombs and fuel air explosives—known as the "poor man's nuclear weapon"—and such barbaric measures as bombing *retreating* bumper-to-bumper convoys.) Iraq's impotence gives the lie to Bush's hysterical ranting about Iraq's threat to dominate the Middle East and to imperil our very way of life, and makes a mockery of the Saddam-as-Hitler buncombe. Other differences abide: Hitler had a world-class military and a large industrial economy. Saddam Hussein had neither; he was simply the ruthless dictator of a Third World country who beat up a small neighbor. It happens all the time and will keep happening. Why did we have to get dragged in?

Thus, the dissidents are shown to be correct insofar as they doubted that the reason for this war was the need to stop a powerful madman who threatened civilization. And as long as we're talking about bad predictions, how about the warmongers' prediction that only a credible preparation for war and unflinching support for President Bush would maintain the peace? As Maxwell Smart might have said, "Missed it by *that* much."

A further word about the small number of American casualties: Stalin said that one death is a tragedy, a thousand is a statistic. The American public seems to have turned that around: a thousand deaths would have been a tragedy, a few is not. How much satisfaction should one take in the fact that, apparently, fewer than 100 American men and women died in the war? A person can only die once. Each fatality is a major tragedy for the

victim and his (or her) loved ones. Reservist Christine Mayes of Rochester Mills, Pennsylvania, was 22 years old. The day she left for Saudi Arabia she became engaged; she asked her husband-to-be to hold her engagement ring so she wouldn't lose it. Shortly after getting to Dhahran, an Iraqi Scud missile hit the barracks she was in and killed her. Yes, Saddam Hussein's men fired the Scud. But that is far from the whole story. How many Scuds had Saddam fired at Saudi Arabia (or Israel) before George Bush launched his war? And who is responsible for Christine Mayes being in Dhahran? Each of the deaths is a similar catastrophe. Individualists should not take satisfaction in the "small number" of casualties.

The dissidents also expected many Iraqi casualties, and in this they were right on the money. The problem is that most Americans don't care about enemy casualties. At least 60,000 Iraqi conscripts, and probably many more, died at the hands of the American and allied military. The Washington *Post* says that heaps of corpses were buried in mass graves in the desert. The civilian toll may never be known. Baghdad and Basra took horrible poundings. The leader of Iraq's Kurdish guerrillas says 3,000 civilians were killed or wounded in northern Iraq alone. Maybe the United States wasn't targeting civilians, but Air Force General Merrill A McPeak said that the precise hits exemplified by those videos at the military briefings represented less than 7 percent of the 88,500 tons of bombs dropped. More than 62,000 tons of bombs missed—or hit targets said to be selected in error. While 90 percent of the 6,250 tons of "smart" bombs were said to have been on target, only 25 percent of the 81,980 tons of unguided bombs were on target. (It took 790 sorties to knock out 33 bridges, according to Gen. Norman Schwarzkopf.) The total tonnage dropped was more than was dropped during eight years in Vietnam. In fact, it constituted the most intense aerial bombardment in history. Buildings were obviously not the only things being blown to smithereens. It is interesting to note that some of the heaviest bombing of Baghdad came just hours before Bush's cease-fire went into effect. Why? And why has the subject of civilian casualties been dropped by the intrepid Fourth Estate? Lastly, how many deaths occurred *after* Saddam accepted UN Resolution 660 calling for withdrawal?

Perhaps the scariest consequence is to be found in the incessant declarations that the Gulf War has finally killed the Vietnam Syndrome. Frankly, I've always been a fan of the Syndrome.

The civilian deaths in the bombing of the Baghdad shelter sparked widespread discussion about just-war theory. The majority view was that although the civilian deaths were unfortunate, this was war and civilians sometimes die in war. Besides, since Saddam Hussein allowed the civilians into the shelter, which the U.S. government says was a military facility, guilt for the deaths lies with him. Let's examine this.

I am willing to stipulate that a reasonable moral code would not condemn someone for killing an innocent

I was a fool for the U.S. Army — A week or so after President Bush announced that the Gulf War had ended, I received a letter from a reader of an investment newsletter that I write. He quoted from the newsletter my prediction of "substantial casualties" should the U.S. invade Iraq. "I expect this sort of thing from the wacko peacenicks but I'm surpised at you and disappointed in you," etc.

I defended myself vigorously. "I am sorry that my analysis was not entirely accurate," I wrote him. "But as I state in every issue of [the newsletter], 'all information is derived from sources believed to be reliable, but accuracy cannot be guaranteed.' In this case, I based much of my analysis on statements of the U.S. military, and those statements turned out to be false. In part this was deliberate: according to reports in the Washington *Times* and *The Wall Street Journal*, the military systematically misled the press and the public into thinking that Iraqi military strength was far greater than it actually was." General "Butch" Neal admitted as much: "We might have created a picture that they had a better capability than they really possessed."

When I read Sheldon Richman saying something very similar in his essay on the Gulf War, I suddenly realized that Richman and I were were making excuses for our own failure. What we explained was true enough—that our expectations were in line with statements by America's military leaders—but we had failed to answer a very important question: Why did we believe these statements?

Consider the situation during the military buildup and the war itself. The press could go only where the military wanted it to go. It could see only what the military wanted it to see. Virtually its only source of information was military spokesmen. And dispatches from the war zone had to be cleared by military censors. Plainly, the press reported what the military wanted it to report.

And what did our military leaders want the press to tell the American people? Put yourself in their situation. Would you want to portray your opposition as weaker or stronger than it actually was?

If you portray the opposition as weaker, the casualties will be far more than people expect. Wives, husbands, fathers and mothers of the dead soldiers will be notified of deaths they did not anticipate. How will the people back home react? Will they support continuation of the war? Or will they doubt both your credibility as a military leader and the wisdom of continuing the war?

That is exactly what happened in Vietnam. By all accounts, the turning point in Vietnam was the Tet offensive. As the Vietnamese new year (Tet) approached in 1968, the evening news was full of reports that the North Vietnamese and Viet Cong were hurting badly, that they wouldn't be able to fight much longer. In a desperate ef-

person when it was the only way to save his own life. What I would like to know is what that has to do with what happened in Baghdad? Before the United States started the war against Iraq, the Iraqi military was no threat to any Americans. It is a moral travesty to start a war without provocation and then to claim that the war justifies exposing innocent people to the clearly foreseeable risk of injury and death. One criterion of just-war theory is proportionality. There was no threat to the American people or the integrity of their society; thus the U.S. government should not have been endangering innocents. But, some will say, we were protecting innocent Kuwaitis who were being subjected to Iraqi atrocities. What this answer implies is that the U.S. government may kill innocent Iraqis in order to save innocent Kuwaitis. I submit that this is a choice that the U.S. government should not be permitted to make. The basic principle of a decent, not to mention libertarian, foreign policy must be the same as that of the physician's oath: Do no harm.

Many dissidents predicted that there would be adverse consequences from Western intervention in an area long

What it means
"Victory" in the Gulf
What it means

resentful of Western intervention. It is too soon to say that these predictions were wrong. I believe they will prove right. The resentment of the Muslim world, from Rabat to Jakarta, is too strong to discount.

Dissident predictions also dealt with the domestic consequences of the war. Here libertarians are particularly well qualified to speak. The war cost lots of money. How much in total is hard to say now, but the estimates have run as high as $86 billion. The Congressional Budget Office and General Accounting Office say $45 billion and $34.4 billion, respectively. But that is just the beginning. There is talk on Capitol Hill about veterans' benefits and a new GI Bill. Before the war the debt was running at $300 billion this year. How soon will it be before the first tax bill comes up? Oh yes, we are assured that U.S. allies will kick in some of the money. I doubt the amount paid will be anywhere near what has been pledged ($53.3 billion in cash, services, and equipment). Moreover, I hope the taxpayers of those countries raise hell about their governments' promises, which were made under duress. There is subtle taxation without representation in all this. The whole thing is quite unseemly.

(Incidentally, I have had it with the Orwellian guff about "our troops" risking their lives for us. These are people who have chosen a profession that punishes them for thinking about what they are actually doing. They shoot whomever they are told to shoot. And what are we to make of those military parents, men as well as women, who screw up their children by putting themselves at the mercy of an employer who can order them into war at any time and can imprison them if they refuse?)

Another domestic consequence of the war will be in the area of energy policy. Bush's recent energy proposal seems to emphasize production, but it is far from the deregulation we need. Anyway, when Congress gets hold of the Bush proposal, it will probably become a fascistic mandatory conservation program. And we all know how

continued on page 28

fort, the Communists made a massive offense against the U.S. Their attacks on U.S. and South Vietnamese positions were horribly expensive in terms of their own soldiers' lives, nearly destroying their ability to continue to fight.

But they did manage to increase U.S. casualties. As Americans saw reports of the battles on their television sets, saw the body bags being loaded onto planes, and read about losses in their evening papers, they lost confidence in their military leadership and lost the will to continue the war. By any military measure, the North Vietnamese lost

Facing this situation—having total control of what the press reports and every incentive to overestimate the strength of the enemy—what would you do?

the battle. But by destroying the credibility of the American military leadership, they had broken the will to fight.

What happens if you portray your enemy as having greater military power than it actually has? If you have miscalculated, and your casualties are many, the people are prepared. This is what you had told them to expect, and your portrayal of the enemy as a subhuman beast has presumably given the people the resolve to support the war effort despite the casualties. On the other hand, if casualties are less than you have intimated, how will people react? Will they say, "You are a fool to have believed the enemy was so strong. We need new, competent military leadership."? Of course not. They will rejoice that their brothers, sisters, sons, daughers, fathers and mothers will *all* return home. They will celebrate. They will declare you to be a brilliant strategist, a great hero and a great man.

Now I ask you: facing this situation—having total control of what the press reports and every incentive to overestimate the strength of the enemy—what would you do?

I think it is pretty plain that only an exceptionally honest person would overcome the temptation to give the press a less than candid appraisal of the enemy's power. It is also pretty plain that politicians like President Bush, Defense Secretary Cheney and General Powell do not rise to the top because of their candor. Politicians prosper by bending the truth, by talking around the truth, by withholding the truth—and by lying.

Defense Secretary Cheney, General Powell, and President Bush were in a position where they had every opportunity to lie and every incentive to lie.

Yet I believed them. Like most Americans, I was caught up in the phony news coming from the Gulf. I was a fool.

— R. W. Bradford

good Bush is at resisting the Democrats in Congress when it comes to meddling with the economy.

Perhaps the scariest consequence is to be found in the incessant declarations that the Gulf War has finally killed the Vietnam Syndrome. Frankly, I've always been a fan of the Syndrome, so I'm sorry to see it go. Rep. Dante Fascell (D-FL), a key warmonger in the House, said recently, "Right now there's no 'Vietnam Syndrome.' It's behind us. We know now that the American people are willing to go to war and to win. And in the rest of the world there is a great respect not only for the power of the U.S. but for the Western values that we have been espousing for so long." (Such as the cheapness of life as indicated by a policy of leveling cities?) According to Evans and Novak, burying the Vietnam Syndrome was one of the biggest motives for prosecuting the war. A senior White House aide told the columnists, "This is the chance to get rid of the Vietnam Syndrome. We can show that we are capable of winning a war." The commanders in this war were junior officers in the Vietnam years. No wonder Bush rebuffed every hint of a nonmilitary resolution and why the administration's nightmare scenario was an Iraqi withdrawal from Kuwait before Saddam's military was destroyed.

For those wishing to limit the power of government, there is a danger that the victory will make people think that fighting and winning wars is easy, that from now on, as Bush put it, "what we say goes." This is true not only because the war was over quickly but also because it was so sanitized. There was almost a sense that no one was really dying. Thomas E. Mann of the Brookings Institution said that "the experiences of the war are positive beyond our wildest dreams." Democratic pollster William Hamilton said, "My gut tells me this war has been a good thing for the American psyche. People feel good that something we did worked." Evans and Novak wrote, "A fearsome, transcendent America is emerging from Bush's flawless conquest of Saddam Hussein." And Rep. Bud Shuster (R-PA) said, "The Gulf is evidence that the United States is no longer the wimpish America we thought it was." (Wimpish indeed! In Vietnam, where the United States fought "with one hand tied behind its back," the military killed about two million Vietnamese and dropped more bombs than in all of World War II. In light of the demands made on Saddam Hussein, it is revealing that the U.S. government has yet to give mine maps to the Vietnamese so they can locate the left-over mines that as recently as 1989 were still killing people.)

But is the Vietnam Syndrome really over? That depends on what we mean by it. If it means the American people's reluctance to engage in protracted and seemingly purposeless wars that kill lots of Americans, then it has not been dispelled. Before the war, a majority of Americans favored fighting Iraq—unless the the cost would be 1,000 casualties or more. Then the majority opposed it. This war was fast and light on American deaths. But will they approve a war in the Third World that they believe will be long and bloody? I don't think so. But the problem is that many people will conclude that wars with countries bigger than Panama and Grenada need not be protracted and bloody, and thus they will be more willing to go to war. So the Vietnam Syndrome may be weakened. God help us.

If the United States had lost the war, would Iraqis have been patrolling the streets of Washington the next day? No, the American people would not have really lost anything, except perhaps their naive illusions about their government. Only George Bush and his clique would have lost. (Yes, the war was *about jobs!)*

These obituaries for the Vietnam Syndrome got me thinking about what the terms "winning" and "losing" mean. What if the United States had lost the war? Would the Republican Guard have been patrolling the streets of Washington the next day? Would Saddam's picture have been hanging in our living rooms? Would my kids be learning Arabic in school? The American people would not have really lost anything, except, one would hope, their naive illusions about their government. Only George Bush and his clique would have lost. (Yes, the war *was* about jobs!) In winning the war, what do the American people really win? A more activist government. Thanks, but no thanks. I'll take a loss. The upshot is that there is a fundamental conflict of interest between the people and the state. From a libertarian standpoint, the war was a bad proposition going in and it has remained a bad proposition. There was no threat to us, and in fact the whole damn thing was unnecessary. The United States built up Saddam Hussein during his war with Iran, after encouraging his invasion in 1980 by channeling reports to him exaggerating Iran's military weakness. The U.S. then apparently aided Kuwait in its provocative activities before the 1990 invasion. When the invasion of Kuwait came, George Bush worked overtime to prevent an Arab solution and thus to prevent war. In other words, having created the monster Saddam when they needed him to fight the hated hostage-takers in Teheran, U.S. policy-makers decided to dismantle him when that need disappeared. For enlightening accounts of American *realpolitik* in the Gulf since 1972, including treachery against the Kurds, see Christopher Hitchens' article "Why We Are Stuck in the Sand" in the January 1991 *Harper's* and Michael Emery's "How the U.S. Avoided Peace" in the March 5, 1991, *Village Voice*. See also Dilip Hiro's *The Longest War*. These and other articles in the alternative press, which are invaluable in understanding U.S. foreign policy, demonstrate that in war, it is rarely the case that one side is all good and the other all bad. There are governments on both sides. Libertarians shouldn't have to be reminded what that means.

The ultimate questions for any libertarian finding himself seduced by the easy victory over Iraq, and its apparent "can-do" lessons about intervention, are these: Is it likely that the power of the U.S. government will be reduced as a result of this war? And will the government's heralded new prestige advance or choke the remnant of liberty the American people still possess? □

What it means
"Victory" in the Gulf
What it means

The Intellectual Poverty of Opposition to the Gulf War

by Stephen Cox

"There is nothing new under the sun." It is even more true that there is nothing new in the organized "peace movement."

One of the most salient images of the Gulf War originated not in the deserts of Arabia but in the deciduous campus of the University of California, Berkeley. It was a picture of six or seven war protestors lying on the ground, pretending to be dead. They were surrounded by a mob of at least 50 journalists and cameramen—an enormous, many-eyed monster toiling desperately to perceive and reproduce.

When I saw that picture, I knew that the anti-war movement was dead, even though publicity still fed on it.

I knew it was dead, not because I saw that so few people turned out for it, but because I saw that its arguments had died.

An anti-war movement, at least in America, is not an organization that goes out and *does things* that might actually stop a war. An anti-war movement is an organization that argues. Although arguments may be louder when voiced by 60,000 people than by six, they aren't necessarily stronger or more effective.

In 1967, I called the Detroit *Free Press* to announce that an anti-war organization of which I was a member would soon gather at the Federal Building to protest the Vietnam War, and wouldn't it be nice if the *Free Press* decided to cover the event? The guy on the other end of the line responded only by giving me permission to "go make a fool of yourself if you want to." No coverage.

But the Gulf War protests were covered by the media down to the last six participants. And they meant nothing. They meant nothing because they had nothing serious to argue.

Notice—I didn't say: because they hadn't an issue worth arguing about. There may well have been such an issue in this war, but the issue didn't emerge. And those among my conservative and libertarian friends whose anti-interventionist principles led them to make common cause with the mainly left-wing war protestors should notice what a peculiar spectacle these people made of themselves and the honorable cause of peace.

This is brutally evident, of course, in the case of the upper middle-class theater piece that I have just described: the die-in. A die-in is intended to acquaint people with the strange fact that in a war, people die. The die-in's motivating assumption is that its audience is too stupid to discover this fact in any other way, but *not* so stupid as to miss the die-in's curious logic. The audience is expected to understand immediately that a bunch of healthy, self-confident, would-be politicians lying around in jogging clothes in front of the Biology Building actually *represents* an equal number of poor mutilated human beings lying dead in the ruins of a third-world city.

Further, the audience is expected to be both sophisticated enough and sympathetic enough to derive precisely the right set of political attitudes from the performance. Passers-by are not expected to decide, for instance, that thank God these protestors aren't up to some real mischief, that at least this idiotic form of protest keeps them down on the pavement.

It's hard, therefore, to decide whether one's intelligence is being flattered or insulted by the latest example of the educated classes' attempts at persuasive argument. It's easier just to ignore it all, trying not to worry about the educational system that turns out people whose idea of discourse with their fellow-citizens is to lie around playing dead.

But this is the discourse of gesture. What about *real* discourse, the argument of words?

Here, there's nothing much to report. We've heard it all before. That doesn't make it wrong, but it does make one wonder about the idiotic form in which it's now being presented.

My general assumption is that in any given argumentative situation, people want to bring their *best* arguments forward. So, what pacifist slogan was rejected as *less* than the best when, last summer, the bumper stickers on anti-war Volvos suddenly blossomed with declarations to the effect that "You Cannot Simultaneously Seek Peace and Prepare for War (Albert Einstein)"? Have the displayers of such

signs ever considered what they might say if anyone ever took them seriously enough to reply, "Well, why can't you?"

Of course, the Einstein sticker and the "Arms Are for Hugging" sticker and all the rest of them are the devices of generic pacifism, the kind of thing you see even when the country is not turning its plowshares into swords quite so briskly as it was during the past few months. They are the last, sad pieces of intellectual wreckage left by the pacifist movement, a movement to which the modern world owes much of its moral sensitivity, a movement that has been sinking slowly, over long years, into utter imbecility. In so far as anti-interventionist principles are based on pacifist principles, I am afraid that they have been shipwrecked, too.

"No Blood for Oil!" I find this a particularly daring argument against the war, especially when it appears on the rear end of an oil-burning vehicle conveying an anti-war activist to work.

But let's leave the wreck of generic pacifism and consider the arguments used specifically against the Gulf War, arguments that are often echoes, not of grand pacifist hopes (and naivetés), but of the shrewder, though smaller, skepticisms of earlier epochs.

One of the arguments most frequently hurled against the recent war was the "Why the hell are we there, anyway?" argument, which was used so tellingly against World War I and Vietnam. It's a specific argument, meant for those specific situations in which we *don't* even know why we're there. But this year, any argumentative hose fits any historical nozzle. Apparently, the assumption is that if the Vietnam War wasn't adequately explained, the Gulf War probably isn't being adequately explained either.

Now, you may agree or you may not agree with the administration's explanations of why the hell we were in the Gulf. The explanations, however, were readily available:

1. Iraq invaded and destroyed its neighbor.

2. Unpunished actions of this kind create precedents for invasions of other countries, particularly by the original aggressor.

3. When Iraq invaded and destroyed its neighbor, it took control of oil resources that are important to the United States, and it threatened other resources in the neighborhood.

4. Only the United States had the power and determination to lead a campaign against Iraq.

As I say, one doesn't have to agree with these explanations. One can certainly come up with arguments against them. But if the anti-war movement had good counter-arguments, why did we hear so many of its spokesmen alleging that the administration had "never given any clear account of why we are there," and that the administration "veers from one argument to another—first they say we're in the Gulf to punish aggression, then they say we're there because we need the oil, and then they say we're there to protect other nations. What can you do with all these contradictions?"

This gives us all fair warning of the care we need to use in conversing with anti-war activists. If you ever talk with such a person, make sure that you say only one, very simple sentence, and that you say it over and over, using the same words every time. Don't be caught remarking to the activist that it might be nice if he stopped over to your house, *and* had a drink, in order to get better acquainted *and* to meet your friends *and* to discuss world affairs. He'll tell you that you're veering crazily from one idea to another, and that if you're not insane, you're a criminal.

Or maybe he'll simply scream continually: "No Blood for Oil!" I find this a particularly daring argument against the war, especially when it appears on the rear end of an oil-burning vehicle conveying an anti-war activist to work. It's similar in form to the slogans of previous war eras: "No Blood for British Interests" (WWI); "No Blood for Dictators" (Vietnam); "Not One Cent for Tribute" (the wars of the French Revolution). Oops! That last one's an old *pro*-war argument. Sorry. The form of pro-war and anti-war arguments is sometimes so similar that one forgets where one is with them.

But "No Blood for Oil" is less similar in *content* to any of these slogans than it would be to "No Blood for Clothes" or "No Blood for Food." And again, what if you responded: "Well, why not?"

Well, why have I been dwelling on the small change of argument, on slogans and bumper-stickers? Why don't I talk about those hours-long speeches that people still deliver at the better antiwar rallies? Part of the reason is that during the last war I was often a participant in such affairs, and I never knew, even then, even one person who was argued into an anti-war position by an anti-war speech. By anti-war articles, yes; by speeches, never.

But the anti-war articles with which the "establishment" press was recently filled were all, as far as I could see, just rhetorical variants of slogans and stickers such as the ones quoted above—and as for the speeches, well, as far as I could tell, they were *worse* than the Vietnam speeches.

The extended verbal arguments seemed to come in four major varieties:

1. "This war is bad because it's an anti-feminist, anti-gay, anti-black, anti-homeless-people war." This is the non-war anti-war argument, the argument that has nothing to do with the war.

2. "This war is bad because the American people are going to rise up and protest and kick ass and make the politicians run for their lives and occupy the Chancellor's office and call off classes and really kick ass." This is the pro-war anti-war argument. It's not compatible with any pacifist argument, but the thought is, I guess, that maybe nobody will notice. In any event, we're expressing ourselves.

3. "This war is bad because young Marines [who in daily life are normally hated and feared by the protesting classes] will be coming home in body bags oozing blood in quantities sufficient to prove how horrible a thing war really is." This, in essence, is just another pro-war anti-war argument, just as crude and transparent in its motive, but remarkable for its implication

that no one before this minute has ever considered the idea that war has human casualties, and for its determination to deny even a shred of imagistic dignity to those casualties.

4. "This war is bad because we gave Saddam Hussein some weapons, and now we realize what a mess we've caused, so we're trying to clean it up." This is the there's-no-time-like-the-past argument. There's another like it: "This war is bad because we didn't intervene in Lithuania, so why should we intervene anywhere else, I ask you." These arguments, which would teach the present to live supinely in thrall to the past, are akin in their effect to that changeless staple of anti-war oratory: "War never solved anything!" Well, it solved Hitler. It solved Xerxes. It solved Jefferson Davis. It solved, but for our intervention, the Iraqi problem with Kuwait.

What it means "Victory" in the Gulf

What it means

But seriously, folks: Do you really expect people to believe that if I'm stupid enough to sell a gun to the lunatic down the street, then for this reason I shouldn't try to rescue one of his victims, after I come to my senses about the situation? And do you really expect people to believe that just because I don't pick a fight with the James Gang, I shouldn't fight with the guy who's trying to mug my little sister?

The rest of what I have to say is an open letter to the libertarians who recently joined anti-war coalitions and who adopted, or at least tolerated, such arguments as I have mentioned.

If you are sincere when you argue in this way, then you are in serious intellectual trouble.

If you are not sincere, then you are not the only one who realizes this about you. Almost any audience would have strong suspicions—almost any audience except the people whose politics or personal interests will lead them to agree automatically with any anti-war argument you care to fling at them. But these are the people who don't need any of your arguments.

Your arguments imply something, not just about your own sincerity, but also about the way in which you view your audience. They imply that your view is not very favorable. They imply that you believe that your audience is one for whose sake intelligent arguments need not be developed.

And this is really too bad. After all, the country might need some intelligent arguments against war, the next time a war comes around. □

Gassing his own people — In the last issue of *Liberty*, Sheldon Richman reported that "three analysts at the U.S. Army War College have concluded after exhaustive study that Iraq did not gas the Kurds." Several readers and at least one editor of *Liberty* wrote to express disbelief in Richman's statement, asking that he be required to put up or shut up.

So I called Richman for the source of his claim. Within five minutes, he faxed this back to me:

> To get the study rebutting the charge of Iraq's gassing the Kurds, write to Stephen C. Pelletiere, Strategic Studies Institute, U.S. Army War College, Carlisle Barracks, PA 17013. It is called "Iraq Power and U.S. Security in the Middle East" (1990) and it is free. An excerpt:
>
> > "Having looked at all the evidence that was available to us, we find it impossible to confirm the State Department's claim that gas was used in this instance [against the Kurds after the Iran-Iraq war]. To begin with there were never any victims produced. International relief organizations who examined the Kurds—in Turkey where they had gone for asylum—failed to discover any. Nor were there any ever found inside Iraq. . . . In March 1988 [during the war] the Kurds at Halabjah were bombarded with chemical weapons, producing many deaths. Photographs of the Kurdish victims were widely disseminated in the international media. Iraq was blamed for the Halabjah attack, even though it was subsequently brought out that Iran too had used chemical weapons in this operation, and it seemed likely that it was the Iranian bombardment that had actually killed the Kurds." (p 52)

During (and since) the war, it seems to me that hardly a day went by when I did not hear on the television news the claim that Saddam gassed his own people. It is apparent that this "fact" was of crucial importance in selling the American people on the proposition that Saddam was a monster who had to be removed.

This "fact" has a lot in common with the "facts" that helped sell America on World War I and the Vietnam War: although it was widely believed and had tremendous motivating force, it just wasn't true. The "fact" that got the U.S. public worked up in support of World War I was the cruel and unjustified German torpedoing of the Lusitania in 1915, a passenger ship serving no military purpose, and the consequent death of 1198 innocent people including 128 Americans. After the war, the U.S. and British acknowledged that the Lusitania secretly carried 4,200,000 rounds of ammunition; many authorities believe it was the explosion of this ammunition that caused the ship to sink so rapidly at the cost of so many lives. Congress first authorized U.S. military action in Vietnam after the military reported an attack on an American ship in the Gulf of Tonkin. Subsequent investigation revealed that the attack consisted of some Americans seeing something that might have been torpedoes coming their way, but then again might not have been.

What ought we conclude from this? I am not really sure. At the very least, we should remember to take the statements of our government and military leaders with a grain of salt, especially when they incite us to war. Or maybe a mountain of salt.

— R. W. Bradford

Beer, Chips and the Gulf War

by Matt Kibbe

"War is hell." Or maybe war is a football game . . . the Super Bowl, only bigger, with even neater instant replays and bigger tailgate parties. And weren't those Nintendo pictures of bombs homing in on their targets neat?

"Truth is the first causality of war." This little news-bite of wisdom appeared, *ad nauseam*, throughout the networks' coverage of the Persian Gulf conflict. Broadcast journalists in Dhahran, smartly dressed in their best Banana Republic nouveau-military combat fatigues, would continually mouth the phrase, as if doing so somehow released them from the burdensome task of actually uncovering and reporting the truth.

Instead of a hard-nosed, honest look at the war, the American viewing public was treated to a 24-hour-a-day media extravaganza seemingly more appropriate for a professional football game. Call it the Gulf Bowl.

At any time of the night or day, regardless of whether I chose to watch ABC, NBC, CBS or CNN, I could flip on my set to see the same large, three-dimensional letters slowly unfold across the screen. WAR IN THE GULF they would read, accompanied by the same sort of portentous music usually reserved for the Olympics and the Super Bowl.

I have to admit that I was one of the nervous types, more concerned with the potential loss of American lives and the potential wholesale transfer of power to the state than I was with the potential price of gasoline. I fully expected U.S. military involvement in the Gulf to devolve into a pointless massacre, ultimately resulting in the further de-stabilization of an already schizophrenic region—regardless of whether Coalition forces won or lost.

But what I saw on my TV screen wasn't hellish at all. Heck it was almost fun. Cold Bud in hand and a bag of chips at my side, I could just sink back with the remote control and flip through the endless flow of game stats, hourly press events, and chalkboard strategy sessions. All of the elements of a good ball game were right there on the screen. Plenty of Scud interceptions; tens of thousands more sorties completed. The Patriots were having a very good season.

Multi-colored charts illustrated casualties with little Iraqi jets and tanks stacked up against little U.S. jets and tanks. Happily, in both cases our stack was much, much smaller than theirs. Everyone understood that each one of those little jets and tanks represented big jets and tanks that had contained real live people, now probably dead, but it was easy to lose the human context and get caught up in the slick presentation of the data.

Slicker still, the networks had instant replay. Thanks to the modern technological wonders of warfare, Americans everywhere watched as the cross hairs of smart missiles coldly converged upon the front doors of Iraqi buildings. Then, black. "A clean hit," the attendant representative of the military might have observed. " . . . Let's see that play again." And we did, dozens of times, during hourly ritualistic press conferences in which nothing of substance was ever conveyed. Like Saddam's rhetorical blather, it was all very Orwellian.

Every network had at least one retired general or admiral on the payroll, adding institutional color to the play-by-play combat coverage. These pay-per-view experts each sat by, ready at moment's notice to reinterpret technical military jargon into common English and second guess the opinions and predictions of some other "expert." Some even had chalkboards, *à la* retired NFL coach and sportscaster John Madden, with which to hash out potential war strategies. Would we go with the long bomb or flank left into Iraq around Saddam's elite Republican Guard?

Just about everyone seemed to pick up on the sports motif. "If this was a real football game," said one Air Force Sergeant stationed in the Saudi desert, "we'd probably be winning fifty to nothing." Reflecting on the quick success of the ground war, Desert Storm Commander Norman Schwarzkopf triumphantly observed: "Once we had taken out [the Iraqi Air Force], we did what could best be described as the 'Hail Mary' play in football."

Even President George Bush, Head Coach of the Coalition team, got into the spirit of the game, promising to kick Saddam Hussein's ass all the way back to Baghdad. It was a hyperbolic victory unmatched by anyone, including the Iraqi dictator himself. Never mind that Bush would not lose a drop of sweat, let alone a drop of blood, fighting. He had delegated that unfortunate task to other, apparently more expendable, Americans.

The only important media incident occurring during the war that was not treated as a major sports event was the

major sports event of the season—the Super Bowl. It was transformed into one big Persian Gulf pep rally. The only thing missing was Bob Hope's monologue. Instead of asking questions relevant to the game, network reporters with apparently nothing better to do asked the ball players to analyze the war, which they did. Now I have absolutely nothing against professional football players, but as a group they are better known for cameo appearances in Lite beer commercials then they are for their keen geopolitical insights.

In all fairness to the broadcast media, the war-as-football theme probably originated with the United States government. What the viewing public back home would see and more importantly what they would not see, was strictly regulated by U.S. military censors in Saudi Arabia. It had to be that way, it was claimed. Saddam was watching CNN. As a result, every report you and I watched or heard had already cleared the stringent test of the Joint Information Bureau (JIB). Or was that the Ministry of Truth?

Of course, the main reason for the censorship was political spin-control. As one Air Force doctor who had treated wounded soldiers in Vietnam put it, "two things people should not watch are the making of sausage and the making of war. All that front page blood and gore hurts the military."

Unlike Vietnam, play by play coverage of this war was seldom, if ever, muddied by the bloody human costs being incurred during battle. Personally, I did not see a single dead or wounded American soldier. Not one. *Ignorance is strength* seemed to be the JIB's operational rule of thumb.

With all content removed for strategic purposes, the media was left with nothing to do but stack toy planes. The big question is: Why did the networks accept their new assignment as government lap dogs with such zeal? Their war coverage was at best a superficial treatment of what I suspect most of us would consider a dead-serious issue.

As you read this, the New World Order promised by President Bush—the stated *raison d'etre* behind the war—ought to be close at hand, if not fully realized. No more death, no more

What it means "Victory" in the Gulf

What it means

oppression, and no more injustice in the world. Our teammates in the Gulf Bowl, particularly the governments of the Soviet Union, Saudi Arabia, Syria and Kuwait will all have stopped their own oppressive ways and replaced their ugly dictatorial regimes with something decidedly more democratic and beautiful. The Middle East in general will be free of senseless violence and omnipotent governments.

If all goes as promised, the supposed benefits of the Persian Gulf war will far outweigh any costs incurred during the battle.

Or will they? "Our liberty," warned Thomas Jefferson, "depends on freedom of the press, and that cannot be limited without being lost." The government may have won the war, but the American people have paid dearly in both lives and liberties. □

Give George Bush His Due

by Loren E. Lomasky

I am not alone in having used these pages to reprove and burlesque George Bush. Indeed, I don't recall his receiving many plaudits in *Liberty* from anyone. But it would be churlishly obstinate now not to give him his due. Bush's Desert Shield/Storm policy was energetically formulated, insistently pursued, brilliantly executed, and has made America and the world a more secure place in which to live.

Libertarians don't like war. (Let's hope that, at least in this one regard, we are not a minority.) We hate the cheapening of life it necessarily embodies, and history affords us good reason to fear the degradation of freedoms that typically accompanies calls to arms. For all that, sometimes going to war is justifiable. All except extreme pacifists concede that one may permissibly defend oneself against overt acts of aggression. That right to exercise self-defense is simple in principle but complicated when the contending parties are states. There does not yet exist a well worked-out libertarian theory of when countries as such—rather than individuals acting singly or in voluntary confederation—may permissibly pick up the sword. Instead, libertarians too often retreat to a seductive purity of decrying all

Only one firmly determined to keep blinkers in place come what may can fail to acknowledge that Operation Desert Storm was, on balance, a decisive victory for liberty and global civility.

action that carries the imprimatur of governments. In our best of all possible worlds there would be no governments or, if there were, these would have the character of voluntary protective associations. Actual governments are thoroughly contaminated by their coercive excesses. It follows that any state activity is to be condemned, mobilization for war most of all.

This is easy—too easy. We do not live in our best of all possible worlds, and I don't expect we ever shall. We can, though, continue to theorize about what such a utopia would be like. The activity is worthwhile because, if nothing else, it

keeps us sensitive to injustices that are not widely perceived to be such. (*Someone* ought to keep shouting that Social Security and Wars on Drugs are vicious!) But if, utterly enamored by these ideal constructs, we decline to think hard about how reasonably to evaluate choices between admittedly flawed alternatives we neuter ourselves, we become ideologues who cannot be taken seriously in practical matters.

Iraq, both before and after devouring Kuwait, had distinguished itself as the most thuggish and dangerous resident of a neighborhood in which barbarism has long been the rule. Its deeds were bloody and it aspired to worse. Destruction of its war-making capabilities was a consummation devoutly to be wished. That has now occurred, and sensible people should be delighted. We should positively exult in the fact that this result was achieved at a cost orders of magnitude lower than could reasonably have been predicted.

Nonetheless, costs there were. Some 100 American and allied soldiers perished. That total is dwarfed by Iraqi casualties—not, alas, only those who thoroughly deserved to find themselves at the business end of a Tomahawk missile. A different sort of cost was the political necessity of embracing Syria's odious Assad, a butcher of no mean accomplishment in his own right, and of having to defer to the theocratic strictures of a Saudi Arabia that still has one foot firmly planted in the Islamic High Middle Ages. And, if yet one more chorus of the nagging refrain is needed, the Kuwait that has now been liberated never was and probably will not soon become anything close to a liberal democracy.

Still, only one firmly determined to keep blinkers in place come what may can fail to acknowledge that Operation Desert Storm was, on balance, a decisive victory for liberty and global civility. (Please, though, can't we come up with a more digestible term than "New World Order"?) So, hats off to a president whose penchant for prudence did indeed this time yield a bonanza, to troops who fought gallantly and well, and to a country whose citizens overwhelmingly realized that this was the right battle for the right reasons at the right time. □

Moulton, "Invincible Ignorance," *continued from page 18*

old *Tribune*, the change has been as disconcerting as it would be if *Our Sunday Visitor* turned its back on Holy Mother Church and endorsed Seventh-Day Adventism.

Even so, I was shocked by the March 17 inaugural column of the *Tribune*'s new financial editor, John McCarron. After giving an account of the volume of junk mail that a new editor receives, he singles out one category that he finds "enormously entertaining"—the studies (he puts the word in ironic quotes) sent out by free-market think tanks. Although he finds them all contemptible, he singles out for special abuse the Cato Institute. McCarron begins his attack on Cato, which he sarcastically terms "my favorite" among these groups, with a diatribe against the life and views of Marcus Porcius Cato the Elder, a Roman Senator of the second century B.C. best remembered for his role in instigating the destruction of Carthage; apparently McCarron is under the impression that the modern institute is animated by the values of this particular ancient Cato. The problem is, the Cato Institute was not named for Marcus Porcius Cato. It was named for *Cato's Letters*, a series of pamphlets with libertarian themes written by John Trenchard and Thomas Gordon in the early 18th century that helped to inspire the American Revolution. Trenchard and Gordon chose the pseudonym Cato after one of Marcus Porcius Cato's descendents, a fellow remembered as an examplar of resistance to despotism, because he chose suicide rather than submission to Julius Caesar. "Cato" has, in both the French- and English-speaking worlds, long been used as a pseudonym by people writing on behalf of liberty.

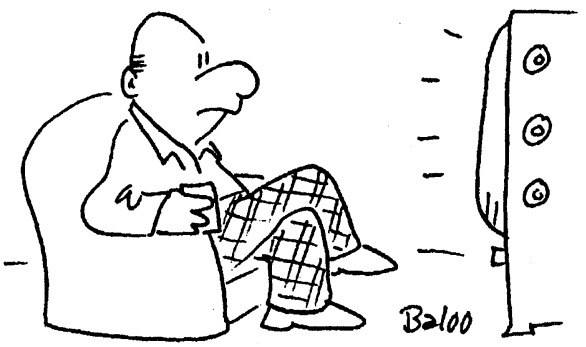

"The story you are about to hear is sort of true . . ."

This passed right over McCarron, which I suppose shouldn't surprise us. Except for one thing: every issue of *The Cato Journal*, the Cato Institute's major publication and the subject of McCarron's glee, explains why the Cato Institute chose its name.

In any event, the new financial editor of the august *Trib* doesn't like the policy prescriptions of any major free-market institute. After subjecting their every recommendation to ridicule (without, however, providing any argumentation; typically, he simply dismisses the Laffer Curve as "bunk"), McCarron then suggests that the academics at these think tanks are merely insincere hacks on the lookout for cushy positions, but has second thoughts: "Then again, it could be that the supply-side academics who lend their credibility to these organizations believe this stuff. Legalize freedom, and all that." Finally, he wonders when "the Heartland, the Heritage, the Reason, the Cato or the Somebody [will] explain why deregulation and lower taxes didn't spare us from Michael Milken, the savings and loan ripoff, the wreck of the single-hulled Exxon Valdez . . . and a few other legacies of laissez faire."

To have a person of leftist inclinations and total economic ignorance in a responsible position at a major newspaper is by now commonplace. For him to be financial editor, and for his articles to appear in the paper's business section, is, one hopes, much less common. Would it really have been too much of a strain for the *Tribune* to have found, for this job, someone whose understanding of economics rises above puerile left-liberal clichés? —WPM

Commentary

Journalists and the Drug War

by David Boaz

Before the press enlisted in the Gulf War, it was enrolled in another, more protracted, war.

"War is the health of the state," wrote Randolph Bourne in 1918, explaining why wars, destructive as they are, are often popular with those who run the state. War has always been, for instance, an ideal reason to raise taxes on an otherwise recalcitrant citizenry. Indeed, Thomas Paine said in *The Rights of Man* that the British government didn't raise taxes to fight wars, it fought wars to raise taxes.

Throughout American history governments have used the exigencies of war as an excuse to constrict the constitutional liberties of American citizens. Among the extensions of federal authority conducted under cover of wartime are conscription, standby censorship authority, the Trading with the Enemy Act, the income tax, tax withholding, wage and price controls, rent control, and Prohibition, which really began with the Lever Act of 1917. Not to mention the imperial presidency.

Advocates of extensive government recognize the truth of Bourne's insight. When the British scholar Michael Foot was leader of the Labor Party, he was asked for an example of the kind of socialism he favored. He replied, "The best example that I've seen of democratic socialism operating in this country was during the second world war. Then we ran Britain highly efficiently, got everybody a job. . . . The conscription of labor was only a very small element of it. It was a democratic society with a common aim." Here Foot has put his finger on it, to mix a metaphor: Outside of wartime it is very difficult, indeed impossible, to rally millions of free citizens around a common aim.

The American socialist Michael Harrington also hailed the efficient planning and social justice practiced by the American government during World Wars I and II. Unlike some more bloodthirsty rulers and court intellectuals, collectivists such as Foot and Harrington don't relish the killing involved in war, but they love its domestic effects: the centralization and extension of government power.

The connection between war and overweening government was also noted by conservative William F. Buckley, Jr., who wrote at the dawn of the Cold War that "we have to accept Big Government for the duration—for neither an offensive nor a defensive war can be waged . . . except through the instrument of a totalitarian bureaucracy within our shores."

The media, of course, play an important role in the modern state's warmaking abilities. It is through the media that the citizenry must be rallied, and so it is essential that the media not confuse the issue through debate and dissension. As Paul Fussell writes of World War II in his recent book *Wartime*, "Because in wartime the various outlets of popular culture behaved almost entirely as if they were the creatures of their governments, it is hardly surprising to find that they spoke with one voice. Together with skepticism, irony, and doubt, an early casualty was a wide variety of views about current events."

But wars are dangerous in the nuclear age, and ever since Vietnam we're not even sure we'll win. So today—or at least until the election of President George "Old Death and Taxes" Bush—the government looks for crusades that may be designated metaphorically as wars, or as the moral equivalent of war, a term originated by William James, who wanted to conscript American youth into a vast social-work army to "get the childishness knocked out of them." Now this isn't all bad; better metaphorical wars than real wars. But

metaphorical wars do have a lot of the unfortunate consequences of shooting wars.

The modern era of metaphorical wars probably originated with the War on Poverty, which began about the same time as the Vietnam War and ended about as successfully. There was great media acclaim for the War on Poverty and little real debate. It was a war, after all, and America could do anything if she just put her mind to it.

Later we got President Jimmy Carter's Moral Equivalent of War—the energy crisis, with its Jamesian emphasis on government direction, sacrifice, and reduced living standards. This too was warmly embraced by the national media. Establishment liberal columnist Joseph Kraft wrote that President Carter must "generate a sense of urgency" about the crisis, while establishment conservative George Will headlined his column, "Hit Us Hard, Please, Mr Carter."

Who would have thought that a generation of journalists who laughed at Reefer Madness *in college would have enlisted so readily in the War on Drugs?*

Time gushed over Energy Secretary James Schlesinger, who "views the energy crisis as a blessing in disguise, a beneficial testing of the nation's spirit and ability to cope. In his estimation, the crisis, if handled properly, will provide the opportunity for the American people to recapture the old virtues of sacrifice and a sense of shared destiny." Schlesinger no doubt would have considered it defeatism to point out that a simple lifting of price controls would end the energy crisis, as indeed it did just four years later.

And then we got the war on drugs. Much more than Carter's Moral Equivalent of War, this one has it all—a well-defined enemy, threats to children, gun battles, bodies in the street. Like shooting wars, it brings with it a lot of deaths and a lot of civil liberties abuses. War fever and the need to rally 'round the general may explain why there was no media criticism of Bennett's statement on "Meet the Press" that we need to move beyond beheading drug dealers to start executing bankers who "trade in drug cash"—virtually every banker in today's world.

Who would have thought that a generation of journalists who laughed at *Reefer Madness* in college would have enlisted so readily in the War on Drugs? Yet every television network and major newspaper enthusiastically became part of the propaganda machine. *Newsweek* runs cover stories on "The War in America's Cities" and promises to cover it "as aggressively and . . . as regularly as we did . . . the war in Vietnam." And it did: eight cover stories in 1988-89, articles on the drug war in 29 issues during 1989 alone. Drugs are an epidemic, *Newsweek* says, "as pervasive and dangerous in its way as the plagues of medieval times." *U.S. News and World Report* calls drugs "the nation's No. 1 menace." CBS News has a running segment called "One Nation, Under Siege," and the Washington *Post* reports on Washingtonians who are "on the front lines."

When Drug Czar—and what a warlike term that is—William Bennett unveiled his battle plan at the National Press Club, the club's president, Peter Holmes of the Washington *Times*, who presided over the event, selected only softball questions from those submitted by the audience (including two tables full of oppositionists). There were tough questions submitted about the efficacy of Bennett's strategy, the past failures of alcohol and drug prohibition, and so on, but the hardest-hitting one put to him by the National Press Club was, "Do you think bureaucratic turf wars will interfere with your strategy?"

(Bennett, of course, has been replaced by ousted Florida governor Bob Martinez, who has little to recommend him for the position except, apparently, President Bush's feeling that Republican chief executives who violated their campaign promises not to raise taxes should stick together. But in keeping with our theme, it's interesting to note Bush's stated reason for his choice: He praised Martinez for having "signed more than 130 death warrants" and thus having earned a "battlefield promotion.")

Concern over drugs rose from 10 percent to 60 percent in national polls in less than a year—while reported drug use was falling. Why? It might have something to do with the constant media hype about drugs—*Time* and *Newsweek* covers, nightly network coverage, whole shows devoted to drugs. The media's stance in the drug war, so reminiscent of Paul Fussell's recollections about World War II, was summed up by Associated Press senior columnist Walter Mears: "In President Bush's renewed war on drugs, there's no political argument about the enemy, the objective or even the weapons." Not much for journalists to do but get the word out, then.

Journalists always have a weakness for terrifying statistics—Paul Ehrlich's population projections, Mitch Snyder's homelessness numbers—and the drug war provides plenty of them. Crack-addicted babies have become a genuinely frightening media story, with columnist Jack Anderson and former New York *Times* editor A. M. Rosenthal leading the pack, warning that 375,000 crack-addicted babies were born last year. What's the truth? It's hard to say. But considering that the 1988 Household Survey on Drug Abuse reported that some 484,000 people used crack on a monthly basis, it would seem unlikely that 79 percent of them had babies. Bennett's official strategy document claimed "as many as 200,000 babies are born each year to mothers who use drugs" as well as "100,000 cocaine babies are born each year." Bennett told Ann Landers' 90 million readers that 100,000 babies each year are born to mothers who use crack—upping the ante from simple cocaine.

The only hard number is a report of 8,974 "crack baby cases" in eight cities. Drug researcher Dale Gieringer suggests that that makes Bennett's 100,000 figure plausible, though it seems likely that New York, Los Angeles, Chicago, Miami and four smaller cities would have a lot more than 9 percent of all the crack babies in the United States.

Newsweek quotes a researcher as saying, "It's as if the part of the brain

that makes us human beings capable of discussion or reflection is wiped out." But in fact two out of three crack-exposed babies show no obvious problems at birth, and Dr. Ira Chasnoff, director of the National Association for Perinatal Addiction Research and Education, says that crack babies develop "within the normal range for cognitive development and are not, as some people have stated, brain damaged."

It's also unlikely that anyone would have figured out from the media coverage of crack babies that women have four times as much risk of delivering low-birthweight babies if they use cocaine throughout pregnancy, compared to three times as much risk if they use tobacco regularly. Occasional cocaine use creates a risk factor of 1.8, about the same risk created by having three drinks a day.

Journalists and politicians have swallowed whole the most alarming allegations about the danger and addictiveness of crack. Peter Jennings said on the ABC Evening News that using crack "even once can make a person crave cocaine for as long as they live."

For journalists the silver lining in the unprecedented flow of drugs into the United States is the opportunity for great photographs of Drug Enforcement Administration agents or local law-enforcement personnel with huge quantities of captured cocaine.

Pat Buchanan declared on CNN's "Crossfire" that "I've talked to people in the drug war, and they say . . . crack—if some kid gets involved in that and gets hooked on that, in a couple of weeks you can finish off a human being." Rep. Patricia Schroeder (D-Colo.) asserted on PBS's "Firing Line" that crack has a 70 percent addiction rate. Yet the government's own figures report that about 2.4 million people have tried crack while only 484,000 have used it in the past month—an addiction rate of 20 percent at most.

The media have also credulously reported assertions by Bennett and other drug warriors about the effects of drugs on worker productivity: drug abuse costs the United States $34 billion—or maybe $60 billion—a year, drug users are 3.6 times as likely to injure themselves or another worker in the workplace. "Drugs: Silent Killer of Profits," headlines the Boston *Globe*. These figures seem to stem from two "studies," both of which have been thoroughly discredited by John P. Morgan of City University of New York Medical School. A Firestone Tire and Rubber Company study was never published, just discussed in an in-house newsletter, and in any case drew its conclusions from interviews with workers who had sought or been referred for treatment—hardly a random sample. A Research Triangle Institute study found that households containing someone who had ever been a regular marijuana user had lower incomes than other households—thus the lost-productivity claim. But it showed nothing about current marijuana use, and it failed to account for the possibility that marijuana use might be more prevalent among those with lower economic opportunities. (And as drug policy researcher James Ostrowski has pointed out in a major study for the Cato Institute, 80 percent of the RTI study's estimated social costs of drug abuse are more properly described as the costs of drug *prohibition*.)

For journalists the silver lining in the unprecedented flow of drugs into the United States is the opportunity for great photographs of Drug Enforcement Administration agents or local law-enforcement personnel with huge quantities of captured cocaine. It seems that not a week goes by without a report of "New Hampshire's biggest drug bust," "the biggest drug bust in middle Georgia history," "the largest drug bust ever in the United States outside of Florida," "the second-largest drug bust ever by European law enforcement," and—drum roll, please—"the largest drug bust in history." Dollar figures are always provided by helpful police flacks—cocaine with a street value of $3.3 million, $20 million, $73 million, $2 billion. By going to Arkansas personally to lead a nationwide series of raids on marijuana fields, former attorney general Edwin Meese III got his picture in every paper in the country—ironically wearing his Adam Smith tie as he raided small businesses. Perhaps the high point of media hype for the DEA was NBC's three-night miniseries "Drug Wars: The Camarena Story," featuring Tom Brokaw as himself.

These days the media seem willing to blame everything on drugs. The bombs mailed to federal judges were immediately blamed on drug defendants—until a civil rights lawyer received one. KPIX-TV in San Francisco produced a segment, also broadcast on KING-TV in Seattle, saying that marijuana caused cancer. Other than the California doctor who made the charge, no one has offered any evidence of such effects by a drug that was described by administrative law judge Francis L. Young of the Drug Enforcement Administration as "one of the safest therapeutically active substances known to man." Journalists at first even fell for President Bush's televised claim that drugs are sold in Lafayette Park, across the street from the White House. (Though considering more recent reports of journalists being offered drugs in Justice Department corridors, that one may not seem so unlikely.) One might even point out the frequent use of the term "drug-related murders" when every cop on the beat knows that such murders are a result of drug prohibition, not drug use.

One purpose of the drug war is to give liberals a chance to demonstrate their toughness. Liberals who were never very keen on fighting communism have been gung-ho about invading Colombia, assassinating Panama's tinpot dictator Manuel Noriega, and using the military to keep out drugs.

One of the biggest distortions of the

media war on drugs is the emphasis on illicit drugs rather than alcohol and tobacco. *Newsweek*'s 29 stories on drugs in 1989—many of them multiparters—compared with 5 stories on alcohol. Nobody covers alcohol or tobacco regularly as "a plague upon the land." Yet tobacco kills about 390,000 Americans a year, alcohol about 150,000, while total deaths from illegal drugs are about 5,000 a year. According to Ostrowski, "for every death caused by the intrinsic effects of cocaine, heroin kills 20, alcohol kills 37, and tobacco kills 162" (assuming the same number of users). There are apparently no deaths traceable to marijuana. Alcohol is clearly the drug with the most social costs in terms of accidents, violence, lost productivity, and effect on babies. But you wouldn't know it from watching the evening news.

Media credulity about drugs didn't begin with the Bush years, of course. Why did Washington *Post* editors and Pulitzer jurors believe Janet Cooke's pharmacomythological tale in 1980 about an eight-year-old heroin addict? Because they knew almost nothing and believed almost anything about drugs. That same year the media were up in arms about an invasion of heroin from Iran; "Mideast Heroin Flooding Europe," the New York *Times* warned, while the Los Angeles *Times* chimed in with "Iran Heroin Flooding U.S., Agents Report," explaining that "more than 10 times the amount available in the late 60s may end up in the United States." A year later a Drug Enforcement Administration agent acknowledged to *Inquiry* magazine that the flood never arrived.

Drug legalization, the moral equivalent of the anti-war movement, has been relegated to fringe television time and occasional op-ed articles. Politicians and their handmaidens in the media have scared people so much that they're ready to jettison the Bill of Rights—perhaps, for some officials, the real point of the drug war.

Rep. Charles Rangel, the Harlem Democrat who heads the House Select Committee on Narcotics Abuse and Control, illustrated the wartime mentality in his response to former secretary of state George Shultz's call for legalization. Such a policy, Rangel said, would be a "declaration of defeat," and even discussions of it "do not belong in any true forum for national policy making." Jesse Jackson makes the wartime analogy explicit: "If someone is caught transmitting the death agent to Americans, that person should face wartime consequences." President Reagan's assistant secretary of state for narcotics, Ann B. Wrobleski, declared Eli Lilly & Co. "AWOL" in the war on drugs when it declined to sell the government a herbicide to be sprayed on coca crops in Peru and Bolivia.

The drug war serves several related purposes right now. One is to provide a new national enemy as the Cold War winds down—a reason to keep the military budget up. The movie *Lethal Weapon 2* jumped on two bandwagons by making its villains South African drug dealers. But South Africa, abhorrent as its political system is, is not really very threatening to Americans, so drug dealers will have more staying power—though Japanese businessmen, "invading" our shores with cars and VCRs, may yet edge out the drug dealers. And most recently, of course, we have discovered another Hitler in the Persian Gulf, and the outbreak of a shooting war has made even a War on Drugs seem uninspiring.

Another purpose of the drug war is to give liberals a chance to demonstrate their toughness. Liberals who were never very keen on fighting communism have been gung-ho about invading Colombia, assassinating Panama's tinpot dictator Manuel Noriega, and using the military to keep out drugs.

Finally, like everything in Washington these days, the drug war feeds the tax lust of the establishment, including both the permanent government and the media. Lesley Stahl of CBS News couldn't wait for Bennett to finish explaining his drug program so she could ask him breathlessly, "Doesn't this mean we'll need a tax increase?" Democrats and network journalists joined in the chorus for a tax hike to fight the drug war. After Budget Director Richard Darman conceded to a congressional committee that yes, the Bush administration would support a tax increase in case of war, conservative economist Herbert Stein rejoiced; well, then, he said, how about the war on poverty, the war on illiteracy, the war on drugs, whatever, let's get on with it.

Politicians have only to say the magic word *war* to get journalists enlisted in their latest crusade. Maybe if the word were banned from political discourse we could rediscover the tradition of adversary journalism that was awakened during the Vietnam War, the tradition by which journalists hold governments accountable for their actions. Journalists gathering at the National Press Club to debate changing the name of the H. L. Mencken Library, while people die a few blocks away in an unwinnable war, would do well to recall Mencken's words: "The function of a newspaper in a democracy is to stand as a sort of chronic opposition to the reigning quacks." ❑

In the Woods

Sundays my father silently drove
from town to the church where he sometimes
loudly preached. Mostly I came along
to see the dead black clock
against the high back wall,
resting on knotted wood floors,
and to hear the bell clang high
outside, high amid the green
branches of the terrible high pines.

—*William Meyer, Jr.*

Argument

The Press: Jealous of Its Freedoms, Careless With Ours

by Richard Miniter

The press benefits from the wide-open, unrestricted free market more than any other profession. So what have journalists got against free markets?

Journalism is the freest of all trades or professions. Indeed, the print media suffers from practically no government regulation at all. Neither federal nor state governments censor the press, with certain very narrow exceptions. And courts have protected the press from licensing and other regulations that restrict entry into the field, or otherwise hamper free operation.

Part of what sets the newspaper industry apart from other businesses is the First Amendment. The nation's founders thought the freedom to speak one's mind so important that they sought to safeguard this liberty explicitly in the Constitution. In fact, the First Amendment is so unambiguous and the press has been so vigorous in the defense of its rights that it is much freer now than it has been at most times in our nation's history. There are few legal constraints regulating what a journalists may write, and no state-imposed barriers to securing a post at a newspaper or launching a new publication. Obscenity, as affirmed in *Miller v. California*, is now defined so narrowly that obscenity laws are virtually ineffectual. Similarly, libel and slander claims have been severely restricted by the courts. Since 1966 the Freedom of Information Act has given the press access to most government files.

One need not pass a state-mandated test or hold a degree from a trade school or college to be a journalist. In fact, until ten years ago, most working reporters didn't have college degrees, and even today, few hold degrees in journalism. While credentialism is creeping into the print media it has yet to exercise the kind of control it enjoys over most professions. To be hired at any newspaper, large or small, one merely has to prove one's merit. Usually this is done by supplying clips of previously published articles and personal references. High school and college newspaper positions are easy to come by, yet experience in these positions is more help to an aspiring journalist seeking his first professional job than is a journalism degree. A novice can talk his way into a job at a mid-sized newspaper by passing a grammar and editing test and can work his way into writing in a manner of months. I know—I did.

Nor are newspapermen subject to state regulation, which is not to say that their professional standards have suffered. In order to raise the standards of their craft, newspapermen have formed a plethora of voluntary associations, ranging from the Society of Business Editors to the Society of Environmental Journalists. And they publish trade journals, such as *Editor & Publisher* and *The Columbia Journalism Review*, to disseminate new ideas and techniques. What's more, these societies and publications confer awards to particularly talented practitioners of their craft, further boosting the quality of journalism by introducing another form of competition into the marketplace. This is regulation as it occurs in the free market: regulation by example, competition and persuasion; that is, regulation without compulsion.

There are no restrictions to starting newspapers. The only qualification for a newspaper publisher is sufficient funds. Many small town newspapers set up shop with little more than a computer, an eager staff, and a few well-thumbed reference books. There

are practically no restrictions on newspaper ownership.*

Newspapers receive no state subsidies, benefit from no tariffs, and rarely lobby for special privileges. They function within the free market. And their revenue comes from their customers: advertisers and readers.

The "Decline" of the Newspaper

There are those who believe that journalism is not healthy today. They note that many newspapers are dead or dying, and that press lords are cannibalizing the rest. Surely, they would insist, the press is suffering in the free market.

Freedom of the press is the cornerstone of the foundation of a free society and it's the building block that's most nearly intact. The press is the ultimate liberal institution, (mostly) self-governing and self-critical, evolving as society evolves. What works well for journalists could work equally well for other professions.

It is true that large urban daily newspapers are fading away. In 1950 New York City supported 12 major newspapers and New Yorkers purchased 6 million more copies than they do now. Newspapers such as the New York *Herald Tribune* and *The Sun* have disappeared, and evening newspapers, once ubiquitous, are rare today. Even once-successful major city newspapers face declining circulation. In 1949 New York's *Daily News* had over 2,245,000 readers; in 1990 it had a little over 1,097,000 readers. Worse still, a crippling strike almost forced it to close its doors forever.

But the plight of urban newspapers is not a market failure. While the total number of urban newspapers has declined, the remaining city papers have picked up new readers. The New York *Times* had about half of one million readers in 1950 and can boast over one million today. This is an example of what economists call a market consolidation.

Another cause of declining city newspaper circulation is that many people rely exclusively on television and radio for news, drawing down demand for newspapers. The growth of television news is obvious to anyone. But it is not the whole story. Forty years ago, you could get week old news in magazines, day old news in newspapers, and a superficial report of hours-old news on radio or television. Today, cable television offers a variety of news reporting around the clock, ranging from the general (CNN, CNN Headline) to the highly specialized (ESPN, FNN), and anyone with a home computer can get up-to-the-minute news on an incredible array of subjects by tapping into sophisticated information systems.

The flight from city to suburbia has also fundamentally altered the market for news. Considering that thousands of newspaper readers just up and moved from city to country, the circulation decline of major metropolitan newspapers is not mysterious. It is simply a matter of people preferring their hometown paper to a distant city publication. As the readership of city papers fell off, causing some failures, the circulation of suburban newspapers rose sharply. *Newsday*, a Melville, New York-based daily, grew from 96,000 readers in 1950 to over 700,000 in 1990; it is now the largest suburban newspaper in the New York area. The Asbury Park *Press* (Neptune, N.J.) had only 22,000 readers in 1950 but attracts almost 160,000 today. The *Times-Herald Record* (Middletown, N.Y.) grew from 10,000 readers in 1950 to over 85,000 today.

This dramatic transformation of urban and suburban newspapers is not limited to the east coast. While the urban Los Angeles *Herald-Examiner* went out of business in 1989, California's *Daily News* has grown from a small semi-weekly in the 1970s to a suburban daily with a circulation over 180,000. Readers' needs have changed and so have the newspapers they buy.

The de-centralization of information has led to a transformation from a cluster of outlets in large cities to a broad array of urban and suburban newspapers. And with this change came the end of the "city outlook" of the majority of the mass media. So some of most famous newspapers of this century are no longer in print. But a greater public good has been served. As the market process corrected what one could hard-heartedly call a "surplus" of newspapers, newspapers emerged that could better serve the public. Suburban papers grew and urban papers adapted. Even mammoth newspapers such as the New York *Times* have added sections to appeal to the concerns of non-urban residents. That would have been unthinkable in the 1950s.

And not only have suburban newspapers benefitted from the transformation of the newspaper industry. The 1980s witnessed an unprecedented number of magazine start-ups. Most of these new journals were directed at a specialized readership or niche markets. Free weeklies, such as the *City Paper* (Washington DC), have also benefitted from the decline of urban newspapers. They provide a news source for readers who might otherwise not pick up a paper at all. What's more, the self-proclaimed Alternative Press provides a wide range of views that might not be printed by mainstream papers. How many articles from the L.A. *Weekly* could find a home in the pages of the Los Angeles *Times*?

One need not pass a state-mandated test or hold a degree from a trade school or college to be a journalist. A novice can talk his way into a job at a mid-sized newspaper by passing a grammar and editing test and can work his way into writing in a manner of months.

* One notable exception: the Federal Communications Commission restricts the common ownership of newspapers and broadcasting stations in the same community.

Since newspapers exist in one of the freest markets in America, they could not help but adapt to a changing readership. The problem was not simply that too many newspapers were chasing an ever-shrinking number of urban readers, but also that the total amount of national advertising garnered by newspapers fell sharply. In 1950 national advertising accounted for about 25 percent of newspaper revenues; by 1978 it had dropped to about 14 percent. This really hurt. Since the late 19th century large, urban newspapers had held a major share of the national advertising market. But this is not the case of journalism suffering as an industry. It is a case of an industry in the midst of a wrenching transition. Some firms will adapt and prosper and others will wither and die. That's normal and healthy.

Newspaper bankruptcies are not new in America. William Leggett, legendary editor of the New York Evening *Post* in the 1830s, earlier edited three other newspapers, each of which failed. He speculated that the causes of the bankruptcy of these journals had less to do with demographics than with the political leanings of his would-be readers: "He who strives to be a reformer, and to discharge his high trust with strict and single reference to the responsibilities of his vocation, will be sadly admonished by his dwindled receipts that he has not chosen the path of profit, however much he may be consoled by knowing it is that of honour." In other words, one cannot keep a newspaper going that people simply do not want to read, no matter how noble it is.

On the other hand, not all editors must choose between profits and reforming editorials as Leggett did. Most strike a balance between the two and manage to make money. Fortunes have been made in the newspaper business—from William Randolph Hearst to Rupert Murdoch.

The Myth of the Malignant Monopolists

The widespread denigration of Hearst and Murdoch as "press lords" and "greedy monopolists" is a sign of anti-capitalism, not of understanding how the newspaper industry functions in society. Murdoch and those before him created jobs, spurred innovation, bankrolled necessary capital improvements, and created new forums for information. Indeed, Murdoch is single-handedly responsible for bringing the British press into the modern era. "Incredibly, as recently as four years ago, British newspapers were still printed with hot lead, a process that had changed only by degrees since Gutenberg's day," Murdoch told the Manhattan Institute last November. Since Murdoch opened his high-tech printing plant in 1986, Fleet Street has undergone an electronic revolution.

True, Murdoch invested in his new plant and equipment because he was after "greater freedom and flexibility, and higher profits." He wasn't seeking a renaissance of British journalism. But that's what happened: with new technology it became a lot cheaper and easier to start a newspaper; and since 1986, several new British newspapers have sprung up. Murdoch didn't know he would inspire an information revolution. But he does realize that the market operates in mysterious ways. "When the beaver gnaws down a tree,

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—*Roger Wells, Buchanan, Va.*

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he is not thinking of his vital ecological role. Nevertheless, he has one," he observed.

Calling Murdoch or anyone else a "monopolist of the media" is a corruption of language. As wealthy as he is, Murdoch does not own every media outlet in New York, London, or anywhere else. Nor could he; the ease of entry into publishing makes monopoly practically impossible. Even if a single firm owns all the newspapers (or the single newspaper) in a given market, it cannot exploit its position: competition quickly arises in the form of suburban papers, "free" weekly papers, broadcast television, cable, electronic networks—if not in the form of a daily newspaper. So long as entry into publishing is unrestricted, monopoly is not a problem.

Most reporters seem blind to the benefits of competition. The same reporter who frets over "cut-throat competition" in the industries he writes about fails to appreciate the role it plays in his own. Competition tests ideas; it's what makes The Wall Street Journal *superior to* Pravda.

The reason we have one-newspaper towns nowadays is that people receive news from a myriad of other sources—even in small towns newspapers compete with radio and television stations—and the demand (both in advertising and readers) for a second newspaper is not great enough to support one. The sole newspapers of St. Louis and Kansas City were both challenged by new papers recently, but both rookies struck out.

Freedom in the Press

The news media have operated in an environment with less government interference and more freedom than virtually any other enterprise. They have been exempted from many taxes and regulations (for example, most states exempt newspapers from sales tax and have special provisions in their child labor laws to exempt newspaperboys). Because of the First Amendment, entry into publishing is practically without restriction, and competition has been heavy. Indeed, growing appreciation of the First Amendment has actually increased the press' freedom to publish.

It is the press alone, among our civil institutions, that remains largely free of government control. Indeed, the history of almost every other sector of civil society is the story of a continual, incremental surrender of liberty. Gun control, compulsory schooling, peacetime conscription, racial quotas, immigration quotas, land use laws, and the income tax were unknown until this century. Journalists often appreciate the blessings of their own liberty. Ironically, they seldom are much interested in securing the blessings of liberty for others.

Most reporters seem blind to the benefits of competition. The same reporter who frets over "cut-throat competition" in the industries he writes about fails to appreciate the role it plays in his own. Competition tests ideas; it's what makes *The Wall Street Journal* superior to *Pravda*. It's ironic that competition has such a bad name among journalists—members of a profession in which competition is usually friendly and collegial. One thing is clear: if reporters properly understood the principle and workings of competition, they might look at government monopolies in transportation and education differently.

Most journalists are indifferent—or downright hostile—to the principles of the free market. Yet they understand the principle of free speech, if only because it allows them to perform their vocation with the smallest hindrance.

There seems to be an implicit understanding on the part of many journalists that free speech is important because knowledge is necessarily limited. They realize that only when the broadest diversity of views is presented can something akin to truth be transmitted. Few journalists, however, understand the implications of the general principle of limited knowledge. Because no one person or group of people can ever possess all the requisite knowledge about any one thing, the only way to discover truth is through the clash of opinion. If knowledge is limited, then government action should always be suspect. For as surely as no man possesses perfect knowledge, no government agency has special access to Truth. A big, centralized state with limited knowledge has the capacity to make big mistakes. Reporting the missteps of the Leviathan should be the bread and butter of reporters in a democratic society. This insight, grasped by earlier generations of reporters and editors, has been lost on ours.

About the only criticism of government that most reporters are liable to voice is that government does not have enough power—power over nonjournalists, that is. Investigative reporters, a term once thought redundant, today preoccupy themselves with that ever-shrinking segment of society the state has yet to fully police. The "story" is that the State is not "helping" certain people as much as it should, or that the ideals of social democracy have been betrayed.

It wasn't always like this. Once reporters were skeptical of government enterprise, rooting out corruption and incompetence among bureaucrats and politicians. What journalist today would write, as H. L. Mencken wrote early in this century, "The ideal government of all reflective men, from Aristotle onward, is one which lets the individual alone—one that barely escapes being no government at all"?

Freedom of the press is the cornerstone of the foundation of a free society and it's the building block that's most nearly intact. The press is the ultimate liberal institution, (mostly) self-governing and self-critical, evolving as society evolves. The freedom enjoyed by the press is both a case study of how liberty works and a vision of how liberty would operate in other lives and occupations. What works well for journalists could work equally well for other professions.

The freedom that the press enjoys offers the best case study for a free society. If journalists came to understand this, they might be more friendly to liberal ideas. Or, anyway, they might stop warning us about the horrors of deregulation. ❑

Something *Anarchical* in Denmark

by Benjamin Best

On his recent tours through Europe, Benjamin Best smelled something peculiar in Denmark. Perhaps it was freedom. You be the judge.

Christiania is a functioning anarchist community covering 85 acres, surrounded by Copenhagen. About a thousand utopian socialists and anarchists, hippies, drug-freaks, bikers and down-and-outs call it home. The laws of Denmark and Copenhagen are not applied to Christiania, and the police rarely enter the area.

Most "CA-nits" (as the inhabitants are called) do as they please without concern for government regulations. Christiania has its own flag (three yellow circles in tandem on a red background) and its own radio station, along with many shops, cafés, businesses and co-operatives.

For hundreds of years, the site of Christiania was a military compound consisting of the large barracks and parade area adjoining a series of bastions that jut into Stadsgraven, a body of water that acts as a moat. The Danish military abandoned the compound in 1971, with no immediate plans for it. Some hippy squatters moved in, publicizing their find with a photo-tour that appeared in an underground newspaper. Would-be settlers came in droves, and declared their new land the "Free State of Christiania." No government official was prepared to evict the squatters forcibly. In 1973 the government officially acknowledged the existence of Christiania, declaring it a "social experiment" which would be allowed to continue for another three years.

By 1976, government opinion had soured, and the supreme court declared that the inhabitants of Christiania should leave "without unnecessary delays." The inhabitants did not budge, and government authorities were still unwilling to take the steps a forcible eviction would require. Christiania continued to exist in this legal limbo for eleven more years.

The "Free State" is divided into nine physical areas, and is organized by co-operatives, which regularly meet to discuss common problems. No taxes are paid to Denmark, though residents do pay "rent" to their local co-op. The payment of "rent" is enforced only by social pressure, and many residents do not pay. Revenues from "rent" are divided into three funds: water/electricity, area fund and common fund. CA-nits send a yearly check to the Ministry of Defense, which holds legal title to the land, for water and electricity. The Ministry deems the amount inadequate, but so far has not cut off utilities.

A monthly meeting of representatives from the co-ops and the nine areas distributes the common fund to a health house, "garbage gang," radio station, kindergarten, community newspaper, post office, etc. General meetings of CA-nits represent the highest authority in the community.

Christiania does have rules. Cars and weapons are not permitted. Hard drugs are prohibited. Christiania residents addicted to hard drugs are moved outside the community for rehabilitation. Hashish is sold openly, but is mainly restricted to a single street, rechristened "Pusher Street" by residents. It is the main thoroughfare.

Many "visitors" to Christiania arrive at the front gate in a taxi-cab, make a beeline to Pusher Street, and then return to their cab with their merchandise. When I visited in 1987, I was taken aback by all the signs that say "no cameras, " but when I visited

last summer, I learned that this only applies to Pusher Street. A hash dealer who is being photographed may well destroy your camera.

As Karl Popper has observed, the "paradox of tolerance" is that tolerance often allows free rein to some very intolerant people. A motorcycle gang known as the "Bull Shit" claimed Christiania as part of its turf, and became engaged in a gang war with the Danish chapter of the Hell's Angels. In 1987, the body of a murder victim of their turf war was discovered entombed in concrete.

Christiania seemed like a microcosm of anarchy in a world of statism. I could see drugs being sold openly, and there were public baths where naked men, women and children bathed together without inhibition. Big dogs were common, and it seemed to me they played the role of the Colt 45 in the Old West—personal self-defense.

Most of the residents of Christiania co-operated completely with Copenhagen police in the removal of the corpse and the removal of the "Bull Shit" from Christiania. Undoubtedly this incident, along with repeated complaints from the governments of Norway and Sweden that Christiania is a major conduit for drugs arriving in Scandinavia, led to a new decision by the Danish parliament. A "control group" was established (by parliamentary majority), with a mandate to adapt Christiania to its surrounding society without destroying its special characteristics.

So when I visited Christiania last summer, things had changed since my visit three years earlier. The motorcycle gangs were gone. But drugs were still sold openly, and there were public baths where naked men, women and children bathed together without inhibition. Big dogs were common; it seemed to me they played the role of the Colt 45 in the Old West: personal self-defense. I walked through Christiania several times, observing the people, the dogs, the stores, the bars, the restaurants and the buildings (some of which were graced with fabulously beautiful psychedelic artwork). I felt the fear and fascination of being in the midst of what was either anarchy or a pirate community—particularly at night, when the dogs became abundant and savage dogfights were frequent.

I didn't see much evidence of the parliament's "control group." As far as I could determine, the only actions the "control group" had taken were to require the licensing of bars and cafés serving liquor and to prohibit the on-premise selling and consumption of drugs at those establishments. Some bars have complied with the anti-dope requirement. But others have not, and in many such cases the police have conducted raids, confiscating everything that wasn't nailed down. I visited a couple of these cafés; they contained little else than dilapidated wooden furniture and a bunch of people sitting around with drinks and dope. Dope is also smoked fairly openly on the streets of Christiania.

Vast sections of "rural" Christiania lie along the Stadsgraven. Here there are many farm animals, tents and odd-looking structures that were never built to conform to any building code. I also saw an enormous greenhouse—and can only speculate on what is grown inside.

In the beginning, a large number of CA-nits lived on government welfare. Others commuted by bicycle to jobs or schools in Copenhagen. But as in North America, the hippies of the '60s and '70s became the entrepreneurs of the '80s and '90s. The community has grocery stores, repair shops, a bakery, an art gallery, a print shop . . . all of which operate without government taxation or regulation. The *Spiseloppen* restaurant, near Christiania's front gate, has a reputation of being one of the best eating establishments in Copenhagen. I was escorted past barking dogs and clutter into a new plant shop where I bought a cactus. At Green Hall, a large warehouse, I watched a forklift truck unloading a pallet of building supplies off a flatbed truck. I was amazed to see that the front of the bicycle factory was made of large glass panels. Obviously, the owner has no fear of break-ins or thieves.

I spoke to a man who had been living in Christiania since the beginning, one of the principal operators of the well-known "Faggot House" theatre-café. He described Christiania as "80% Klondike, 20% Utopia." He resented the fact that the capitalistic drug merchants on Pusher Street earn a large amount of money that does not benefit the Christiania community as a whole. He was, nonetheless, proud that Christiania had never become a haven for prostitution or gambling.

I attempted to explore some of the barracks residences, but found that a door on each floor locked out strangers such as myself. Although all property in Christiania was originally up for grabs, most CA-nits now have a clear idea of where the boundary lines are drawn between what belongs to them and what does not. The squatters have become *de-facto* owners of their rooms and rural lands.

Christiania is moderately independent of its surroundings. Hash is sold openly and no one pays taxes. Most inhabitants do as they please without concern for government regulations. Christiania has its own flag and its own radio station, along with many shops, cafés, businesses and co-operatives.

To me, Christiania seemed like a microcosm of anarchy in a world of statism. How long it will retain its character, I am not certain. In 1991, after 20 years of occupation, the squatters will become legal property owners under Danish law. Will legitimization of ownership become a pretext for taxation and government regulation of CA-nits? ❑

In Quest of Dr Cepl

by Ronald F. Lipp

Seeking one of Czechoslovakia's leading free marketeers, Ron Lipp felt as though he had entered a twilit zone, a domain unfamiliar to him, though perhaps not to Franz Kafka.

Everybody told me to talk to Dr Cepl. The attaché at the American Embassy had urged me to. Dr Jezek in the Ministry of Finance was more emphatic. "Go see Cepl. He is the most important guy in Prague for you. If you see nobody else, see Cepl."

Dr Cepl is the Vice Dean of the Law Faculty at Charles University, the principal Czech law school. Since the Dean, Ivan Mucha, is a sociologist, you might say that Cepl is the leading Czech legal academician. He is also an advocate of capitalism and freedom, a supporter of the anticommunist movement, and a scholar of property rights. Unfortunately, he was in England during my week in Prague. Dean Mucha told me Cepl would be back the next Monday and gone again to Venice on Sunday. No wonder Cepl had withstood the Communist regime. He was never in town long enough for them really to oppress him.

Before I left Prague for Poland, Mucha had given me Cepl's telephone numbers, both at Charles University and at home. I began calling from Warsaw on Monday afternoon, asking the hotel operator to try both numbers. The phone lines to Prague were busy. For the next two days I tried to call between appointments and in the evenings. The lines stayed busy. The operator was beginning to recognize my voice. We were not developing a close relationship.

On Wednesday, I finally got a free line to Prague. No answer at the Law School. Then I remembered. It was a Czech holiday. I asked the operator to try Cepl's home. The line to Prague was busy.

On Thursday morning, I tried again—a breakfast-time call to catch Cepl when the law school opened. The operator rang through. A baritone voice said "Hello." "Dr Cepl, please." "Speaking." I explained my mission and my keen desire to see him before I left for the States the following week. The voice replied, "I go to Venice Sunday and I must prepare my lecture on Saturday. I have a little time tomorrow, but tonight would be best. You can stay over so we have time to talk."

"I will try my best to come tonight, unless the arrangements are impossible. Otherwise, tomorrow for sure." Cepl promised to be in his office from 1 to 2 p.m., so I could call with the details of my arrangements.

Now all I had to do was get there. Prague is a scant 300 miles from Warsaw, 50 minutes by air; about like a trip from San Francisco to LA. At home, I would have driven to the airport, bought a ticket on the next shuttle with United or U.S. Air and been in Cepl's office a couple of hours later.

Exhilarated at connecting with Cepl, I grabbed a quick breakfast with my daughter Stacie and set off with her to make arrangements. LOT and CSA, the Polish and Czech national airlines, provide the only air service—one or two flights a day in each direction. The hotel receptionist told us that the nearest LOT office was at the Forum Hotel, a 10 minute walk.

At the Forum, the LOT agent said that a flight would leave for Prague at 4:00 that afternoon, with a return flight to Warsaw scheduled for 8:20 the next morning and that space was available on both. After an extended struggle with a computer keyboard, which she approached with some trepidation—punching at each key experimentally as though it might explode—she was able to reserve space for me. "But," she said, "tickets can only be issued at the LOT office near the Marriott Hotel. And you will need a Czech visa to get into Prague and a new Polish visa to get back into

Warsaw. Oh, and I think the visa office at the Czech Embassy closes for the day at 11 a.m."

Stacie and I ran for the door and hailed a cab. "Fifty thousand zloty if you get me to the Czech Embassy right away!" The cabby gave me an enthusiastic smile, stripped the gears, and shot down the street. Perhaps my offer had been excessive.

We arrived at the Embassy at 10:15. A queue of a dozen or so stood before the visa window. Most of them looked like students. All of them looked unhappy. Someone passed back a blank visa application from a stack near the window. "You need to fill this in. You also need two photographs and $17 in cash. If you're American, it has to be in dollars."

"Fifty thousand zloty if you get me to the Czech Embassy right away!" The cabby gave me an enthusiastic smile, stripped the gears, and shot down the street. Perhaps my offer had been excessive.

I always carry a stash of small U.S. bills when I travel; sometimes they open doors when nothing else will. And before starting the trip, I had entertained the fantasy of somehow getting into Lithuania, so I had stuck a couple extra visa photos in my wallet. Now my only problem was the clock and the line in front of me.

There seemed to be two clerks working the visa window. From time to time, one of them appeared, accepted an application, and retreated into a back office. A few minutes later, he would emerge with the stamped visa and the queue would shorten by one.

At 10:55, there were still eight or nine people in front of me. This wasn't working. "I have an urgent meeting in Prague tonight," I announced to the crowd. "Would anyone like to sell his place in line to me?" The group turned to look at me, rather startled. A German youth, second in line, expressed interest. He was going to Czechoslovakia by land and could get his visa at the border. But it would cost him more and, being German, he would have to pay in Deutschmarks. I had some left from a stopover in Frankfurt. We struck a bargain at 40DM and I took over his position. My prospects were looking considerably better. I was now second to a young Japanese girl. "I wish I could help you," she said, "but I have a train reservation for today."

At 10:57, a visa clerk appeared. "No more today," he declared and retreated to the back office. The crowd erupted. Several applicants began shouting and someone banged his fist on the glass partition of the visa window.

The clerk returned, accompanied by an older woman who seemed to be his assistant. The crowd crushed against the window. "No more. Come back tomorrow."

As the clerk neared the window, I shouted with as much authority as I could muster: "I have an urgent meeting at Parliament tonight in Prague. You must issue this visa." The Japanese girl poked my ribs with her elbow. "And this young lady is with me." I thrust my hands through the window. In one hand I held my LOT reservation slip for the afternoon flight and the calling card of a prominent Czech legislator I had visited a few days before. It was the most intimidating card I could find in my wallet. For once, I figured the abominable Polish telephone system would work to my advantage. The was no way the clerk would call Prague to verify my story.

The clerk took the papers and examined them with his assistant. They exchanged anxious glances. Abruptly, he grabbed the visa papers from my other hand and strode from the room.

A few minutes later, he returned with the precious visa. "What about my companion?" The clerk looked first at one of us, then the other. His lips curled into a contemptuous smile. "No more today; come back tomorrow." He slammed the window shut. "I'm sorry; I tried," I told her as I retreated from the office.

It was now 11:15. The only police office in Warsaw which extends visas is located across the Vistula River on the other side of town. A cab delivered Stacie and me to a drab barracks-like building and another queue. By 11:45, I was before the visa officer, who explained that I must complete a lengthy form, go to a bank for a visa voucher, which would cost me 130,000 zloty, and return with a voucher receipt.

I left Stacie at the station to complete the form while I set out to find the nearest bank. At the corner, an elderly Polish gentlemen who spoke excellent English offered directions. Take a right, go two blocks, and turn right again. The destination turned out to be an apartment building. No bank. I stopped a young man. He had no English, but spoke French. I should have gone left, he told me, not right.

By Warsaw standards, the bank was a breeze. After a short wait at the information window, the clerk directed me to the voucher window. Only three customers stood ahead of me. At my turn, the voucher clerk completed the form and sent me on to the cashier's window, where I paid for the voucher and got my receipt. Less than half an hour altogether. I felt lightheaded.

Back at the police station, Stacie and I rejoined the queue. When my turn came, I entered the visa office and produced the receipt and the application which Stacie had completed for me.

"Good. Return tomorrow for your visa."

"But my plane leaves in three hours."

"This is for today?"

"Yes."

"Wait outside."

The hall outside was a long, windowless corridor of faded, greasy-looking walls faintly lit by greenish fluorescent bulbs. The walls were broken by seven or eight doors, all of them closed. I noticed that all the doors, except for the one to the visa office, were padded and covered with shiny vinyl. I remembered stories about rooms with such doors. I decided not to think about them. The clerk appeared from the visa office carrying my forms. She went by me without a glance and tried one of the doors. It was locked. So were the others. My watch showed 12:30. Lunch time. She disappeared up the stairs at one side of the corridor. The building was silent.

After what seemed a very long time, the clerk returned with my passport, bearing a new visa stamp. She handed me a blank form titled "Visa Application." "You must complete this form and present it at the airport passport control before leaving the country." I glanced at the application. It asked the same questions as the form I had already completed for her. I was about to ask about this, but something told me not to. I took the application and said "Thank you." We left the building.

We returned to our hotel after 1 p.m. I placed a call to Cepl to give him the good news. There was no answer. I gave Stacie Cepl's office number and the home number which Dean Mucha had given me, and left her to continue trying Cepl while I went to buy my airline ticket.

I arrived at the LOT office near the Marriott hotel and joined a long queue the International Ticket window. It was 1:30 p.m. By 2 o'clock, I had made it to the front of the line. I waited to give the clerk my reservation form, but couldn't catch her eye. I then noticed that she and the clerks at the other two positions had quit attending to customers and seemed to be clearing away their papers. I tried to ask the clerk at my position for help getting a ticket. She ignored me. A Polish man in the next line explained that the shift had just ended. But where, I asked, were their replacements? "Oh," he said, "the next shift won't start till 2:30."

The law school at Charles University is housed in a cavernous neoclassic stone building with the air of a mausoleum. No lights were burning. A faint twilight suffused the building from windows in the perimeter and a kind of skylight above the central staircase.

Three other women drifted in behind the counters. They hung up their coats. One of them polished her nails. Another read a magazine. A third conversed with her neighbor. The queues waited for the half hour to go by. At 2:30, the new shift started. The clerk took my reservation slip and processed my ticket. I then joined the queue at the cashier's office. At 3 o'clock, I emerged with a ticket and hurried back to the hotel.

Stacie had still been unable to reach Cepl. I threw the notebook containing all my notes and addresses and a change of clothes into a small bag. I asked her to keeping trying him at the office and at home and headed for the airport.

The international terminal at the Warsaw airport is a study in controlled chaos, filled to the bursting point with milling crowds of East Europeans, Germans, French, Pakistanis, Japanese, Egyptians, and black Africans, with assorted trunks, suitcases, duffels, and shopping bags, trying to find the right queue for check-in, passport control, customs, security, or transit bus to be taxied to their planes. Somehow it all seems to come together, although one very distinguished looking orthodox gentlemen seemed to be in some difficulty with the authorities over his passport, an Indian family was engaged in a heated discussion with a customs agent over something in their luggage, and an irate German couple was rescued at the last moment from boarding a plane bound for Sofia instead of their intended flight to Paris.

After the day's tensions, I relished for a change the tedium of the slow progression through the snakelike queues, knowing that I had papers and passage in hand. In due course, the transit bus took us across the tarmac to the LOT Tupelov. The half-empty plane took off on schedule and arrived without incident in Prague at 5:30.

As I rode in the cab from the Prague airport to the city center, I savored the prospect of my return. There is a magic to Prague, especially in the old town with its endless winding medieval streets, all the more tender for their long neglect. And I was returning with the comfort of one who at least superficially knew his way around. On the other hand, I had had first-hand experience with the folly of arriving at night without accommodations. These days the hotels are overwhelmed by the onslaught of tourists, businessmen, foreign government delegations, and assorted passers-through. I didn't much care for the thought of finding a room if Stacie hadn't connected with Cepl.

The law school at Charles University is housed in a cavernous neoclassic stone building with the air of a mausoleum. The building was nearly deserted when I entered. A few students scurried out the main door. I ascended the steps of an enormous entrance hall to the main floor which contained the faculty offices. No lights were burning. A faint twilight suffused the building from windows in the perimeter and a kind of skylight above the central staircase.

I realized for the first time that I was really alone. I could not imagine that the Dean had simply abandoned me here, but he had been gone a very long time. And what did I really know about this man?

I wandered down the corridors, examining the names on calling cards placed on each office door. The typewritten letters were barely legible in the dim light. I found Cepl's office and knocked. There was no response. I pounded the door harder. The sound echoed off the stone walls of the corridor. Then there was only silence.

In my earlier visit to the law school, I had met with Dean Mucha in his office, a spacious chamber that entered off his secretary's office. I had written down her number: room 54. I worked my way through the corridors until I found the number. The place card announced: secretary to Dean Mucha. I tried the door knob. It was locked. I pounded on the door. No response. I began to feel very tired.

I walked down the hall to the next door. This should be about the location of the Dean's own office, although I didn't remember such a door during my earlier visit. I turned the knob and pushed on the door. It swung open,

pulling me into the office where Dean Mucha sat around a table with several students.

The Dean sprang in surprise from his chair. The students looked up in amazement. One of them dropped his papers on to the floor. My cheeks turned hot.

"We are conducting a seminar," the Dean announced, rushing over to me. I blurted out my story. The Dean took me by the arm into his secretary's office and led me to a couch. "I will check on Cepl." The Dean returned to his office in a state of agitation and began speaking into the phone. He then rushed from his office into the hallway, leaving by the same door I had entered. A few minutes later, he returned and came into the secretary's office in an evident state of agitation. "It seems Cepl is in the building, but he cannot be found." He again began making calls on the phone.

I found Cepl's office and knocked. There was no response. I pounded the door harder. The sound echoed off the stone walls of the corridor. Only silence.

The calls were to no avail. The Dean replaced the telephone receiver, still obviously agitated. I pressed my apology on him for the disruption I had created and urged him to resume his seminar.

The Dean returned to his office. I sat down on the couch in his secretary's office. Through the open door between the offices, I could hear the proceedings, but not quite see the assembled group. I removed the notebook from my bag and began recording the events of the day.

Every few minutes, a student passed within sight through the open doorway and exited into the hall. With each departure, the conversation in the adjacent room grew quieter. After a while, the Dean appeared in the doorway, glanced in at me and, without a word, disappeared into the hallway, closing the door behind him. I looked at my watch. It was 7:00 pm.

By 7:30, the light was growing too dim to write by. It occurred to me that through this whole experience, not a light had been turned on in the school. I walked into the Dean's office. It was empty and dark. A door on the far side lead to a vast conference room, equally dark and silent. I returned to the Dean's office, opened the door to the corridor. The hall was nearly in blackness, a faint light coming from a skylight above the entry well.

I realized for the first time that I was really alone. I could not imagine that the Dean had simply abandoned me here, but he had been gone a very long time. And what did I really know about this man? Did his agitation reflect concern for my situation or outrage at my unseemly intrusion? I decided it was time to take matters in my own hands.

I went to the phone at the secretary's desk. It was a multi-line instrument. I had no idea what code was necessary to get an outside line. I tried Cepl's home number. A man answered, sounding somewhere between drunk and half asleep. He spoke in a slurred Czech. "Prosim, Dr Cepl," I said. The attempted dialogue, between his slurred Czech and my few words of phrase-book Czech and German and useless English, established that he was not Dr Cepl, did not speak German or English, and wished that I would do something I was glad I could not quite understand. I hung up. Perhaps a wrong number. By the third attempt, reaching the same fellow, I realized that the home number for Cepl, given to me in Mucha's hand, was wrong. And this was the number that Stacie had been trying all day from Warsaw.

By some odd impulse, I rang Mucha's home number. Perhaps I could find out if he had gone home. I rehearsed the speech, should it be his voice which answered the phone, by which I would demand to know what was going on. His wife answered. She too spoke only Czech. I tried to explain that I was in Dean Mucha's office, that he had left, and that I was trying to get Dr Cepl's home number. She grew very excited and our conversation lapsed into incoherence. I apologized for the interruption, and hung up the receiver.

I now realized that my last link to Cepl and Mucha was broken. I was on my own. I remembered that the Intercontinental Hotel was across the street from the school. They might have a room or know where one was to be had. In any event, they had a secretarial service which had been marvelously helpful in deciphering the strange hieroglyphics of the Prague phone book; perhaps they could find Cepl's real phone number, if he was listed.

I decided to go to the Intercontinental. I was loathe to leave my bag with my notebook and clothes, but if I took them, Dean Mucha might return and think I had left for good. So I turned on a light in the room, extracted my notebook, and left my bag with a note propped against it. "Dean Mucha. I have gone to look for you. Please don't leave without me." I stepped into the corridor, trying the door from the outside. The last thing I needed was to be locked out in the hallway. The doorknob turned. I left it ajar anyway. I descended the stairs of the main entrance hall and walked to the front doors of the building. They were locked. All of them. I walked around to the ground floor windows, hoping to slip out one. All had heavy metal bars. The side doors were also locked.

I stood in the main entrance hall, barely able to see the stairs in front of me in the fading light. I imagined myself a few hours earlier in the Czech Embassy in Warsaw desperately struggling for a visa to bring me to this place. I felt somehow transparent.

As I ascended the stairs to return to Mucha's office, I was overcome with the silliness of my reactions. I have always thrived on challenge and adventure. So here I was. Maybe the trip would be for nothing. At worst, I would spend a cold night in a strange building.

On the way up the stairs, I came by a men's room. One necessity accounted for. On returning to Mucha's office, I decided, like Robinson Crusoe, it was time to take inventory of my resources. It was dark outside, well past 8 o'clock, so I began turning lamps on in the offices. Against one wall of the

continued on page 58

Fiction

Publish and Perish

by Lawrence Thompson

Wilson Standish drained the contents of his glass and placed it down on the table. The man sitting before him personified everything wrong in his life. Hans Prendergast, his partner, had married the woman he loved and corrupted their magazine, *The Elemental*, into highly profitable, commercial pap. He had long ago reconciled himself to the realization that Mary was beyond his reach. He knew it when they started *The Elemental* together twenty years before. He didn't have to like it, though. And he would never reconcile himself to the shame of his own failed poetry. Never.

"You're cheating on Mary," Standish accused coldly. He gripped the glass while slowly swirling the amber fluid within. Prendergast wrung his hands nervously.

"Yes, goddammit!" Prendergast glanced furtively about the Club, as though he feared they were being overheard despite the hush fields surrounding the booth. "How did you know?"

"You just referred to an Anonymous as 'she' and in the twenty years I've known you, you've never done that. You're publishing your lover's work, aren't you?"

"My God, Wil, don't tell anyone," whispered Prendergast desperately. "I have my reputation to worry about."

Standish grimaced. "Why do you do this? Why do you see other women behind Mary's back? Why not just leave her?"

"And ruin my career? You know very well she held onto fifty-one percent of my share in the firm. It's not fair: before I came, all you and Mary had was a half-assed poetry journal. It's been twenty years, Wil, twenty years since you introduced me to Mary. . . a lifetime. I was the one who popularized the magazine. I steered us into publishing on the public net. If it weren't for me, the firm probably wouldn't be here today." Prendergast slugged back the remainder of his drink. Wiping his mouth with his hand, he added "You've never been married . . . you don't know what it's like to be a prisoner."

"You're right." Standish glared with disdain at his partner and added sarcastically: "I wouldn't know anything about that." Prendergast made him feel bland and ordinary, emphasizing a life devoid of excitement or adventure: a life without poetry.

It had come again, though. Out of nowhere, a poet of such honesty and strength as Standish had not encountered in many, many years. The poems were listed as Anonymous but unmistakable in their genius. Their themes, liberty and enslavement, spoke directly to Standish. Hundreds of others had felt the same, inquiring over the net and in person as to the identity of the poet. He had to know for himself. He had to find her.

When the State polices speech, is there any consolation in thought and art? Alas, the Muse of Poetry may be more indifferent than benevolent, and in a world of malevolent politics, where is the respite?

"Who is the woman?"

"A prostitute. She advertises in *The Elemental*. After I began to see her, I agreed to publish some of her poems in return for . . ." He paused and looked knowingly at Standish. "Additional favors." Standish's expression soured further.

"How could I have known that her poems would be popular?" exclaimed Prendergast. He fell silent as a serving girl set another drink on the table. After she moved away, Prendergast leaned forward and whispered fearfully, "Government men were asking about her."

"What did you tell them?" He tensed for the answer.

"Everything, of course."

Standish closed his eyes and spat, "You ass!"

"What was I supposed to do?" whispered Prendergast furiously. "I don't want to be jailed for sedition. The Government could ruin us both."

"What's her name?"

"Why should you care? You have nothing to do with this matter."

Standish gritted his teeth and said, "Perhaps I just want to find out if she thinks you're a bastard for the same reasons I do. Now give me her name."

Laura Freeman's infocell on the net read, "For sugar and spice and any device, try this little girl." Standish felt somewhat soiled as he keyed in the same access code used, doubtlessly, by countless others before him. The screen strobed as the vidphone rang at the source. It flashed for a long time. He was about to give up when the face of a young woman appeared on the screen. She squinted back into the screen through hair that floated about her face in straggly waves.

"Yeah, what?" She yawned audibly.

"Ah, yes," stammered Standish, "I would like to set an appointment . . . if possible."

"'Set an appointment', eh?" She grinned wearily and raised her baby finger in a mock gesture of civility. "Sure, no problem. Come on over. I'll get out the silverware and put the tea on." Her laugh tinkled across the net like breaking glass. There was a pause. The screen blurred and crackled. Standish struck the dented frame of the vid-unit and cleared the interference. "Come to 422 Flanders Row. Apartment Zero." He saw that her eyes were large and sharp. The pupils were condensed to minuscule pinpoints. The wild eyes made him feel as though she couldn't really see him, as though she were in a religious ecstasy.

"Which sector?" The screen began to stutter again.

"It's in the Arcade. See ya later, honey." The transmission died with a flurry of electronic hisses and wails. Standish blinked, and then stepped out into the acrid summer air of the city. An impatient man, who had been waiting for the vidbooth, swore at him as he stepped by.

Standish walked the short distance to a taxi stand and tripped the electronic hailer. It failed. He flipped open the panel for the telephone back-up. In a nasal whine, the operator told him a taxi would arrive momentarily.

While waiting for the cab to arrive, he watched the breathtaking orange glow of the sunset illuminate the skyline. Pollution sunsets, he had heard it said, were the most beautiful and spectacular. Long ago, he thought it would have inspired a poem; one that might have been filled with beauty, elegance, simplicity and a little bit of sadness. Poems like the mysterious anonymous verse he had seen appear over the past weeks in his own magazine: the poems of Laura Freeman. Recalling them, he felt again the innocent force of the words that recoiled against the locks and bars of some unknown, unseen prison. He could almost feel the extraordinary light illuminate his face and body, freeing him from a gray world of shattered dreams.

A taxi floated momentarily between Standish and the sunset, casting a shadow over him. The snake-like hiss of hover repulsors assaulted his ears as the craft settled gracefully to the ground. A door slid open to allow him entry. The grubby passenger compartment was spartan and contained only a single bench-type seat and a window too dirty to see through. The face of the cabbie appeared on a screen set into the wall before him.

"Where to, mac?" The tired face hadn't seen a razor for two or three days.

"422 Flanders Row in the Arcade."

"'Flanders Row . . . where the poppies grow'? You sure you want to go there, bud?"

"Quite sure," sniffed Standish indignantly.

"Your funeral." The uncaring face vanished from the screen, leaving Standish on his own for the journey into the city core. The taxi began to rise unsteadily, as the repulsors cut in and out. The vehicle jerked into motion and the engine wailed ominously. My funeral indeed, thought Standish nervously.

After some minutes, he heard the distant rush of the repulsors. The cabbie appeared on the screen again. He plucked a cigarette out of his mouth and said, "Okay, 422 Flanders Row. Are you sure this is where you want to be?"

"Yes, thank you," he insisted, and paid the charge by running a credit disk through a slot.

He watched the breath-taking orange glow of the sunset illuminate the skyline. Pollution sunsets, he had heard it said, were the most beautiful and spectacular. Long ago, it would have inspired a poem . . .

Standish stepped out of the cab onto Flanders Row. Garbage lay strewn over the crumbling pavement. Glancing a short distance, he could see a fallen structure blocking the old road. There were no pedestrians anywhere to be seen. Unnerved by the eerie silence, he climbed the steps and entered 422.

Inside the antechamber, Standish regarded a panel of numbered buttons. The screen had been smashed but there must have been a viewer hidden somewhere inside the room, for the main door slid open when he buzzed. Moving through the lobby, he nodded nervously to a crazed old man sitting on an overturned crate. A mangy cat shot past as he approached Laura Freeman's door. He knocked and listened to the soft, quick patter of bare feet.

"Who is it?" asked a muffled, feminine voice.

Standish cleared his throat nervously. "I called earlier."

The door flew open to reveal a youthful girl with auburn bangs and a saucy smile. A shabby apartment framed her slight form. A large bed was pushed against the wall near a tiny kitchenette. A worn-out sofa and chair dominated the center of the

small room.

"Come on in," Laura beckoned with a wicked grin. She moved ahead of him into the center of the room. She wore only a white T-shirt and baggy oriental pants, tied at the waist. Turning to him, she folded her arms and stuck a business-like stance.

"I take MasterCard, Amex or debitdisk. And cash, of course. One fifty, and I'm yours for the night. Anything else, more or less, can be negotiated."

"That is acceptable," replied Standish, dropping a wad of cash on a side table. They stood staring at each other for several moments until, impatiently, Laura spread her arms and asked, "Where do you want to start?"

He nodded toward the overstuffed sofa. She began to work at the knot holding up her pantaloons, but he stopped her with a gesture. "There is no need to remove your clothing. If you are comfortable the way you are now, that is fine." She shrugged and slumped into the chair. He sat opposite her on the couch, uncomfortable and out of place.

"So, what's the score?" she asked brazenly.

"I just want to talk for a while."

"Hey, that's two nights of talking in a row. Last night it was some lady. Okay, let's shoot the shit."

"Poetry," replied Standish in a measured voice. "I want to talk about poetry."

"This is very weird," intoned the girl. "That rich lady yesterday? She wanted the same thing. What's happened, anyway? Doesn't anybody like sex anymore?"

"The man you gave your poems to? He's my partner."

"Yeah, he's one of mine: a big-time netman. He said he would publish them. I'm kind of surprised that he did. I don't know why anyone would care about that stupid poetry. Why is it worth a hundred and fifty bucks to you?"

"Have you been reading the underground papers recently?"

"No, they just fire me up and then depress me."

"Your poetry is being voiced by the revolutionaries and anarchists. You seem to have struck a chord with them."

She sat bolt upright. "Oh shit! Does the Government know that it's me who wrote them?"

"Most certainly. Prendergast told them."

"That sonofabitch! If I ever see him again, I'll castrate him." Laura slumped back into the chair as the rage drained out of her. She looked pale and tired, like someone who had had nothing but bad deals in life. "I guess that means I'll have to split again." She put her hands to her head and groaned. "Why, why, why?"

"Because the poetry you have written is some of the best I have read in a long time. You have a tremendous talent. You're extraordinary. You should be thankful."

Laura laughed. "Oh, this is special. Some guy shows up, tells me I'm in bad with the Government and that I should be thankful?" She shook her head. "I've got nothing to be thankful for now."

"That's not true," replied Standish in dismay. "What you have, your gift, is very special. Some people would kill to have it."

Laura furrowed her brow in thought. "I don't have a gift. It's an urge. A compulsion. A curse. Once I heard that people took drugs to bring on creative urges. I do the opposite. I drug up to shut down the urges. Which reminds me . . ." Laura stood and bolted across the room. She returned with a small, black box and a bottle of cheap liquor. Flipping up the lid of the box, she retrieved a syringe and a small glass flask of clear liquid. She talked as she prepared the injection. "I don't see what's so hot about the creative urge. It builds up in me like a volcano and when it explodes I see myself for who I really am . . . not a pretty sight. When I'm stoned, I become ordinary."

"You're wrong," protested Standish. "Your poems are brilliant and you don't even have to make an effort. What more could you want?"

"I want what you and everyone else have. I want diamonds and money." She glared at him, her tiny face outraged. "I want to be able to buy boys and girls! Whenever the poetry comes on, it reminds me of everything I'll never have: a mother, a father. I'll never get to grow up like normal kids. I'll never live in a house in the country. Those are ordinary things for ordinary people. I may be extraordinary but I'll never be free. So don't you tell me about what I need." Tying a rubber hose around her upper arm, she held up the syringe, then filled it with the drug, tapped it and punctured the needle into her arm. Standish flinched at the sight but Laura made no expression at all.

"For sugar and spice and any device, try this little girl." Standish felt somewhat soiled as he keyed in the same access code used, doubtlessly, by countless others before him.

"What is it you want to be free of?" asked Standish, shifting nervously in his seat.

"Look around you," she answered wryly, pulling the needle from her arm, the drug gone from the syringe. Unscrewing the lid of the bottle, Laura popped a pill into her mouth and slugged back a mouthful of alcohol.

The effect of the drug visibly dulled her moments after she took it. "Honeydew," sighed Laura, lolling in the exquisite ecstasy of the drug. "The milk of paradise: that's what the woman yesterday said. About my poems, not this stuff." She waved her hand over the narcotics paraphernalia and laughed. "The whole world has gone crazy." She grinned like a lunatic. "Why did you come here? Not just to tell me that you love my poetry, unless you're as crazy as the rest of the world."

Standish drew in a deep breath then let it out slowly before speaking. "Many years ago, I tried to be a poet but I failed to write good poetry." He paused and laughed softly. "I suppose that makes me a bad poet, then. There was a woman and she loved my poetry."

"And you loved her?" asked Laura.

He smiled. "I suppose I did. We started the magazine together. Then she married Prendergast and he took over."

Laura reclined further back in the chair. "The same one who ratted on me?"

"Indeed. The same."

She shrugged. "What can you expect . . ."

"Have you ever been in love, Laura?"

"Every night, mister. Every night." She smiled at him in a way that made him blush. "Some nights are more wild than others, though." She stood slowly, breezed like ether across the space between them and slumped down beside him. Pressing herself close to him, she took his hand. Standish placed an arm

around her awkwardly. She melted to his side, drifting away into a deep sleep. For two hours she drowsed in narcotic bliss, awakening to find Standish holding her just as he had when she dozed off. "Jesus!" she exclaimed sleepily. "Sorry about that. It was the drugs that did it. You're not getting much value out of this body tonight." She rubbed her eyes. "Feel like doing some damage to each other yet?" He shook his head. She gripped his chin with her hand and shook it.

"Okay, lover, but I'm starting to feel a bit slighted." She lifted herself up and kissed him. "You can know me better than anybody if you want." She grinned. "I'll even make poetry for you." Standish slipped from her side and stood, his face flush and red.

Laura furrowed her brow in thought. "I don't have a gift. It's an urge. A compulsion. A curse. Once I heard that people took drugs to bring on creative urges. I do the opposite. I drug up to shut down the urges.

"No telling when the Government men will get here," she remarked, folding her arms. "Today. Tomorrow. Maybe never. But you got to make up your mind tonight." Laura stood and crossed over to him, swaying slightly. Her face held an expression of mild annoyance, as though she had had an offering thrown back in her face. "Maybe I should just split now."

"You don't have to run. I will take you into my protection. You can stay with me."

"Come off it," exclaimed Laura. "I'm sixteen and you've got to be forty. I'm supposed to be the naive innocent and you the worldly cynic, not the other way around. I guess that comes with being so damned extraordinary. I've been wanting to get out of town anyway. It stinks." She took his hand in hers.

"You can have more money if you need it," he said.

"I won't turn it down. What I want to say is this: if you want to do it with me right now, I would really like that." She took his hand and placed it against her chest. Beneath her breast, he could feel the gentle meter of her heart.

"Do you recognize this girl?" The sad-eyed detective stared inquisitively at Standish over the body of Laura Freeman. The blinding whiteness of the walls, floors and sheets in the morgue was broken only by the dismal gray of Detective Hollow's long raincoat and the dull blue pallor of Laura's skin. Standish slumped a little when he saw her lying there. Waves of hair framed her head, making her look as though she floated in water. The slackened jaw and the bulging eyes . . . It reminded Standish of Laura's own description: volcanic. He felt tired and frustrated, as though the world were whirling madly out of control and, for all his efforts, he could change nothing. Certainly it was too late to do anything for Laura. The muses had taken her in the final ecstasy.

"Her name is Laura Freeman. She was a poet."

"Among other things, perhaps," replied Detective Hollow wryly. "She overdosed," he added casually. All routine. "Palcaline and IXT. A very deadly combination, as you can see. May I ask about your relationship with the deceased?"

"I wasn't her client, if that's what you mean," retorted Standish testily.

"I believe you, Mr.Standish. Do you know why?" Standish did not respond. "Because yours was the only name in her book that was not in code." Hollow smiled grimly. "She was a bright girl. Our people in cryptology were impressed." He pulled the shroud back over her face and shoved the slab back into the cooler. The sound of the fridge door slamming shut resonated throughout the death house with a horrible finality.

"She's free at last," whispered Standish. "For she on honeydew hath fed, and drunk the milk of paradise."

"What was that you said?"

"Just something Laura told me when I met her. I only wanted to help her."

"You tried," offered Hollow. "That sets you apart from almost everyone else in the world."

"Do you know where she came from or who her parents were? What's her story?"

"I thought maybe you would know. She came out of no place special and she's vanished back into it. I suppose you and I make up the beginning and end of her story." Standish nodded. For Laura, he was her alpha and Hollow, her omega.

"What is to become of her body?"

Hollow shrugged. "Incineration is the standard procedure. It'll be done later today."

"No," stated Standish firmly. "Would it be possible for me to take possession of the body. I wish to have it buried properly."

Detective Hollow stared at Standish with sad eyes. "Sure," he said. "No problem."

As they walked into the stale city air outside the morgue, Hollow grabbed Standish by the arm and thrust a wad of papers and notebooks into his hands. "These were amongst her personals. You may as well have them."

"Her poetry?" asked Standish softly. Hollow nodded.

"It would be best if you didn't mention how you got those poems. I know what they're all about."

"I thought you might be Government," confessed Standish suddenly. "I thought this might be a trap."

Hollow shook his head. "I'm MainForce. I'm a cop. But accidents still happen to people like me. See that those get published but be careful." The gray figure of Detective Hollow turned on his heel and began to walk away. Turning back, he asked: "Do you think she'll be famous someday?"

Standish replied, "Without doubt!"

"Isn't it always the way?" He smiled sadly, shook his head and disappeared around a corner.

Wilson Standish occupied the front pew of the empty cathedral. The priest mouthed the last prayers of the funeral rites over the flower laden casket of Laura Freeman. Some had wondered why Standish had made such grand arrangements for a common whore. All he would say to them was that the passing of such an extraordinary individual should be marked by an extraordinary funeral.

Ashes and dust, he thought. And yet, the sadness had passed. Laura had found release from the prison of her genius and now he could not but thank God that he was not possessed of that same destructive, volcanic force that had consumed her. Laura had written and died in the false love of a thousand strangers and in the unattainable dream of normalcy.

He had tried to help her. In return, perhaps unwittingly, she

had given him a great boon. An ordinary man in a world without love, Standish for a fleeting moment had been touched by the extraordinary. He felt it first in traces when he read her poems then, most powerfully, in that rundown apartment on Flanders Row. The warm glow of the extraordinary had not left him. She was still with him in her poetry.

The ceremony ended. The priest folded his vestments and placed them on the altar, gently and carefully smoothing out the wrinkles. Shaking hands with the padre, Standish noticed for the first time a rack of candles near the entrance. A single flame flickered amongst the assembly of tallows.

"Who lit that?" he asked.

"I did." He turned quickly to find Mary Prendergast standing behind him. Tall and attractive, Mary wore a black dress suit and sad smile. "You went to seek her out for the same reason I did."

Out of the corner of his eye, he saw a shadowy figure lurking in the darkness at the rear of the cathedral. Turning, he tried to penetrate the shadows but the figure had vanished. The look in Mary's eyes showed that she had seen it as well.

Standish nodded and followed her gaze back to the coffin. "Must it always be so? Must they always perish?"

"She has not perished," expressed Mary with soft-spoken passion. "The Government would have to wipe her poetry from each of our memories before they could wipe her away completely." She walked up to the coffin and laid a single yellow rose upon it. Her fingertips brushed gently along the smooth wooden surface of the box. She turned away and put her arm through Standish's. They walked slowly down the aisle away from the altar. ❑

Letters, *continued from page 8*

rants" sipping non-refillable Perrier bottles; instead, from what I see, they usually buy foods with a minimum of packaging and processing, eat at home, and dispose of their wastes through composting, reuse, and recycling. Bill's "upper class" jibe may have some basis in terms of the average education and intelligence of members of the co-op, but a lot of them live their lives of voluntary simplicity regarding resource consumption.

I think his case that the significance of CFCs has been blown all out of proportion is very convincing, and I bet that if this case were presented calmly and sympathetically to the environmentalists that I know, it would receive a fair hearing and be grudgingly accepted.

Steve Schumacher
Port Townsend, Wash.

Bradford responds: Ms Miller's letter illustrates the folly of relying on so-called "common sense." Shortly after my article was published, *Science* published an elaborate examination of the environmental impact of polystyrene cups versus paper cups, which provided several fascinating specimens of how the truth is often counterintuitive. The article noted, for example, that the biodegradation of a paper cup is more harmful than incinerating that same cup. Biogradation produces methane and carbon dioxide in a 2:1 ratio, while burning produces carbon dioxide only. "Depending on the model chosen, a molecule of methane has 5 to nearly 20 times the warming effect of a molecule of carbon dioxide." The incinerated cup only seems worse, because it releases its pollutants all at once, while the biodegraded cup releases it slowly.

The article also notes that, although a foam cup is made entirely of hydrocarbons (oil and gas), the manufacture of each paper cup uses more hydrocarbons than does a foam cup, and the balance is tipped further in favor of foam if the paper cup is lined to make it resistant to liquids. An unlined paper cup uses 28% more petroleum, 33 gr of wood vs 0 for a foam cup, and 36 times as much other chemicals. It also consumes about twice as much steam, six times the electricity, and emits far more pollution into the atmosphere and ground water. In sum, it appears the environmental impact of a paper cup is far greater than the impact of a foam cup. ("Paper Versus Polystyrene: A Complex Choice," by Martin B. Hocking, *Science*, Feb 1, 1991, pp 504–5.)

It notes, without comment, that a paper cup costs about 2.5 times as much as a foam cup. This is not surprising: all the extra electricity, water, wood, petroleum, and other chemicals that go into manufacturing a paper cup cost money. This suggests a sensible rule of thumb: the lower the cost of a product, the less its environmental impact. Talk about counter-intuitive!

Mr Schumacher makes some serious charges against me. I plead not guilty to several, but am willing to cop a plea to one.

I did not suggest that the secret motive of environmentalists is "reducing individual liberty." I said that "environmental horror stories often have a life that transcends scientific evidence, partly because they . . . provide a rationale for those who advocate . . . reducing individual liberty." My claim that opponents of human liberty have flocked to the environmental movement is a factual claim, having nothing to do with the motives of environmentalists. It is a claim easily substantiated by simple observation.

Mr Schumacher is on firmer ground in his criticism of my claim that environmentalists are really seeking "control, period," as opposed to a cleaner environment.

I would hope that my meaning was clear from the context (which Mr Schumacher does not quote): I was referring to environmentalists who first pressured McDonald's to use foam packaging and then pressured them to use paper packaging.

In retrospect, I ought to have put a qualifier in the question asked at the beginning of my final paragraph, so that it asked, "What are these environmentalists really seeking?" This would have eliminated any possible ambiguity. I am convinced that while many in the environmental movement are ill-motivated, many (myself included) are not.

I cannot argue with Mr Schumacher's characterization of the opinions and lifestyles of his friends within his food co-op. However, I do not believe that members of his co-op constitute the power elite that was responsible for the banning of foam packaging in Port Townsend.

A postscript: consumers are no longer in danger of finding a tepid mass of goo packed in a cardboard box when they order a McDLT at McDonald's in Port Townsend. No, the city has not decriminalized polystyrene form. The Port Townsend McDonald's has removed the McDLT from its menu.

A Petition to the Norwegian Storting

Rescind Gorbachev's Nobel Peace Prize

Honorable Members of the Storting:

You awarded Mikhail Gorbachev the 1990 Nobel Peace Prize for his "leading role in the peace process which today characterizes parts of the international community." Although there was some merit to your decision at the time, recent events have demonstrated that rather than playing a "leading role in the peace process," Gorbachev has increasingly taken belligerent actions destructive of peace both within the various Soviet Republics and within the larger community of nations.

It is true that Gorbachev made some notable accomplishments: for example, finally allowing the Eastern Europeans to chart their own destinies. But the withdrawal of Soviet troops from the former Warsaw Pact has not been smooth, and the Soviet Union has taken the opportunity to leave trouble in their wake, such as fueling antagonisms between Czechs and Slovaks in Czechoslovakia. You also cited the "greater openness he has brought about in Soviet society" which "helped promote international trust." But you chose to overlook the first Baltic crackdown and the bloodshed in Azerbaijan in which Soviet troops hacked demonstrators to death with entrenching tools. Since then Gorbachev has made a second move against the Baltics, and political unrest on the Soviet periphery has continued. New restrictions have been placed on the Soviet media (overt restrictions, not the subtler forms such as denying newsprint to the opposition papers), and some independent publications have been shut down. Criticism of Gorbachev is illegal—even unconstitutional—and the situation grows worse daily. Of the Soviet economy not much needs be said; Gorbachev certainly won't be awarded a prize for economics.

Gorbachev was the second Soviet citizen to win the Nobel Prize for Peace, following Andrei Sakharov, who won in 1975. Sakharov, the father of the Soviet H-bomb, was punished for his opposition to the war in Afghanistan, reflecting the spirit of munitions manufacturer Alfred Nobel. Freed from internal exile by Gorbachev, Sakharov was also one of the first victims of the contraction of *glasnost* when his criticisms of Soviet policy began to be "edited" from electronic and print media. Gorbachev himself muzzled Sakharov on the floor of the Congress of Peoples Deputies.

How can you recognize both Andrei Sakharov and Mikhail Gorbachev as forces for peace, when one strove to repress the other?

On March 11, 1991, the largest anti-government demonstrations since 1917 were held across the Soviet Union, the demonstrators united by a common theme—the ouster of President Gorbachev. On the same day, you awarded Lithuanian President Vitalis Landsbergis the Norwegian Peace Prize, indicating that you yourselves recognize the importance of his opposition to Gorbachev's repression of the legitimate aspirations of the Lithuanian people.

How can you recognize both President Landsbergis and Chairman Gorbachev as forces for peace, when one is striving to repress the other?

Of course, Gorbachev's mixed record does include some important steps towards the resolution of conflicts. But to say "things might be worse" does not recommend Gorbachev for this important award. A Nobel Laureate should be held to a higher standard of scrutiny, one of unimpeachable motives and unqualified results. Mikhail Gorbachev has failed on both these counts.

It would be impractical to get Gorbachev to return the $710, 000 awarded with the 1990 Peace Prize. But the title can be easily revoked, and in light of his record, *it should be revoked.* I therefore beseech you to consider taking this historic step, to rescind the honorific Nobel Laureate that was given to President Gorbachev.

Sincerely,
James S. Robbins

Assessment

California's Man-Made Drought

by Richard L. Stroup

Like the Soviet economy, California's water has been managed by government for years. And like the Soviet economy, California's system of water management is breaking down. But solutions to California's man-made drought are at hand—if only we can transcend Soviet-style thinking.

While the bombs were falling on Kuwait and Baghdad, *The Economist* took time out to discuss "another desert war," the one in California over water. *The Economist* correctly understood that California's crisis is not meteorological, but rather institutional. California's five-year drought has merely brought to the surface, and to public visibility, problems that stem from political and bureaucratic control of a natural resource.

In the West, water is wealth. Because politics controls water in California, the result is the equivalent of war—fighting among all the factions seeking politically controlled wealth.

Normally, special interests as powerful as California farmers are able to get their way in the political setting. But a drought is different. Populist forces—in this case, an uninformed citizenry stirred up by the media and environmentalists antagonistic to diversion projects in the first place—shed a glaring light on the special advantages of the farmers, and the pendulum starts to swing the other way.

Currently, the State Water Project is cutting off all its farming customers, and the federal Central Valley Project is cutting deliveries by 65%. One farmer quoted by the Associate Press said that the farmers are "really frustrated." After all, "We're good conservationists. We take care of our grounds. We deal with the insects, the pesticides and the politicians. And then we have folks who have captured the media attention by bad-mouthing us."

Such facts as these are fueling the war over water in California:

• Federal water delivered to farmers is so heavily subsidized that farmers pay about 15% of the capital cost, and none of the operating cost, on the Federal water they get. (That doesn't mean that all the current farm owners enjoy a windfall; many of them bought the privilege of "cheap" water by paying the full capital value of this privilege from the previous landowner.)

• More than half the federally irrigated land in California is devoted to crops that are in surplus, are heavily subsidized, and probably would not be grown there without subsidy.

• Cows get far more water than all the people and non-agricultural industry in California. Irrigated pasture and alfalfa for livestock consume 8.3 million acre-feet of water annually, while municipal and industrial uses together represent less than 4 million acre-feet. (An acre-foot is enough water to cover an acre of land with a foot of water, or 326,000 gallons.)

• Rice and cotton farmers use over 6 million acre-feet of heavily-subsidized water per year—enough to put the entire state of Connecticut under 2 feet of water. Even with the huge water subsidy, the farmers are not competitive on the world markets: rice farmers have been paid up to 3 times the market price for their product and cotton farmers 1.5 times the market price, thanks to government price supports. This is not surprising: rice is a monsoon crop and cotton is traditionally grown on moist Mississippi delta land; neither crop is usually grown on dry desert land.

• Farmers pay far less for water than municipal users: federal water prices to farmers in the Central Valley Project are $1.50 to $8.00 per acre-foot while urban California users pay roughly $200 per acre-foot.

• During the drought, some water-short municipalities have made gardening by homeowners illegal. A picture in *Time* in February showed a Los Angeles resident being apprehended for the crime of watering his hedge.

Water wars pit every water-using faction against every other. City dwellers are angry with farmers for

using too much water, while farmers are angry with environmentalists for opposing dams, and "no-growth" advocates don't want water for cities, either. But once the rain falls, the issue will disappear from the headlines and the political battles almost surely will again be won by the farm lobby. They may quietly wring additional huge taxpayer subsidies (to "make up" for current reductions in water deliveries).

Property Rights to the Rescue

Firm, tradable property rights to water would bring a quick cease-fire to this war and slow down the further legislative thefts that are likely to come when the voters' backs are turned. When property rights are recognized and voluntary exchange is allowed, it is in everyone's interest genuinely to "reason together" about water or any other commodity. If your rights to the water are secure and you can easily transfer them when you wish, I must learn what you want and modify my offer to you until I gain your voluntary agreement. You, too, have every incentive to be reasonable and no cause to be fearful of my taking something involuntarily from you.

It is not surprising that rice and cotton farming require huge subsidies in the form of cheap water and price supports: rice is a monsoon crop and cotton is traditionally grown on moist Mississippi delta land; neither crop is usually grown on dry desert land.

In a market, the winners of a specific water allocation pay for what they get, while those who "lose" (that is, bid too low) save their purchasing power for other opportunities. Bids lead to voluntary cooperation, and higher prices (because all interested parties are free to make bids) spur entrepreneurial innovation in conserving water.

In spite of low levels of rain, there is plenty of water in California. If markets were allowed, federal analysts, environmentalists and economists agree, water in California could be reallocated so that all classes of users would gain—and many would reap huge gains. Only a small percentage of the water would change hands and virtually no water users would lose. Threats to the environment (and to taxpayers' wallets) from proposed new projects would evaporate.

About 85% of the water in California is used in agriculture, which produces 3% of the state's economic output. All non-agricultural users could increase their use of water by more than 35% if willing agricultural water users sold them 6% of *their* water. Since much crop water is wasted today (because of political restrictions), a 6% decline of agricultural water would have a small effect on agricultural capacity. Indeed, it would be virtually unnoticed if some of the revenue received by farmers were plowed back into more efficient irrigation schemes, better use of replenishable groundwater, and less-water-intensive cropping patterns.

Today, however, California water allocations are tightly controlled by California politics. And this leads to war. After all, I may be able to get your water, or force you to use it as I wish, via political manipulation. If I can successfully portray you as greedy and unworthy, you may lose political legitimacy (as some farmers feel is happening to them right now). Or I may join in a coalition that simply overpowers you politically. Winning such battles may allow me to get what I want with no compensation to you whatever.

Both the winner and loser pay in time, effort and money to fight the battle, but as long as political control reigns, the loser can plot to gain back what the winner has won. You cannot buy a political result—you can only rent it. The war never really ends. Any victory is temporary.

Of course there are, in a sense, private property rights to California water. Under the traditional "appropriation doctrine" (which developed in much of California and the West because of the relative scarcity of water), the initial claimant established ownership of the right to the use of the water by diverting it from a stream or river. If you claimed it the water was yours to use, and you had that right as long as you used the water.

The problem today is that the right to water is not always firm and often is not freely tradeable. To begin with, the right never was a complete one—only a usufruct right, that is, a right to "use" water. Title to the water itself remains with the state. In addition, trades are regulated by the state. This is rationalized (and to some extent justified) by the need to account for return flows, protecting those who had a right to those flows. (Indeed, only the consumed portion of a diversion right, not any return flow, should be tradeable.)

Federal water delivered to farmers is so heavily subsidized that farmers pay about 15% of the capital cost, and none of the operating cost, on the Federal water they get.

Once the government, especially but not exclusively the federal government, took charge of damming rivers and diverting water, joint ownership by irrigation districts became common, and the right to trade at all came under tighter political control. What might have been a natural evolution to more complete property rights, as water rights became more valuable, was blocked by government control—that is, by politically dominant factions.

Solving the Problem

The solution to the problem is not inherently difficult. It is not even necessary to stop or reverse the subsidies currently in place, to settle disputes and get water into the hands of people who want it the most. By enabling the same factions that cause such bitterness and harm in a political setting to operate in a market, no water-users will be hurt and virtually everyone will be better off.

The federal government and the state of California should simply allow those with rights to the special water allocations to sell their rights when they so desire. Past subsidies need not

be taken away; a farmer who is offered $80 for an acre foot of water will treat it as worth that much, even if he only pays $8 for the water. Transferable property rights could also serve the growing demand for amenities. Instream flows can receive additional protection if fishing groups, for example, are allowed to bid for water rights. Environmental groups also could direct some of their immense flow of funds—the top ten groups now spend $500 million per year—to this purpose.

In the process, some people will become wealthy. Farmers receiving water at a few dollars an acre-foot will sell it for hundreds. But no one will be hurt, and they will be selling value that simply doesn't exist now, while the trades are prohibited.

The federal government is on record as officially favoring water trades, in principle, and a few trades of this sort have actually occurred in California. But principle seldom overrides pragmatism in politics, and it's not clear that any politician has the incentive to push what is in fact a "win-win" situation. The idea of free trade is almost always disturbing to people who have operated in a protected setting; farmers are fearful that they will somehow lose their rights if trading is allowed, and "fairness" critics think that farmers shouldn't get rich on taxpayers' money (even though they are already using the same taxpayers' money and not necessarily getting rich).

Urban users, some of whom have been arrested for the "crime" of watering their gardens, are forced to pay a price more than 125 times as high as farmers in the Central Valley.

Whether politicians or bureaucrats can buck this opposition remains to be seen. The lack of property rights in politics means a lack of entrepreneurial authority and incentive. Change is always difficult and costly, and to ask a politician to bear the cost—personal and political—of bringing about change, without the promise of large personal gain, is to ask too much.

Politics also provides "standing," in what sometimes becomes a kangaroo court, to anyone with a voice or political clout. Unlike the common law courts, those seeking to control others need not provide evidence that they personally have a legitimate stake in the issue (such as experiencing direct harm). Politics generally demands no rules of evidence. The mere suspicion of harm can (and does) lead to draconian requirements.

The lessons from California's drought should be applied to natural resource management and conservation generally. We have seen how and why political control of a resource necessarily leads to distorted prices, hampered trade, reduced efficiency, inequities and endless, unnecessary strife. The individual voter simply cannot be counted on to monitor and control politics effectively in the public interest. Each voter, knowing that he or she will not cast the decisive vote in an election, remains largely ignorant (though often with strong opinions) and often doesn't even bother to go to the polls. Liberty—the right to act unless others are illegitimately harmed—and economic progress are the resulting victims.

By contrast, the same voter's purchase of a product or a share of corporate stock is entirely decisive. The buyer will be stuck with the purchase, and pay for it personally. Thus, both products and investments are selected and monitored with far more care than are politicians, their policies, and their appointees. We should trust resources more to such markets, and less to the political "market."

What would have resulted, had this been done much earlier with California water? Many dams could have paid for themselves privately, and those who paid and claimed the water would probably own them in a way which would now hold them personally accountable. The rest of the water supply projects should not have been built. The California agricultural economy might be less frenetic, but more solid. Taxpayers inside and outside California would be privately financing other, more productive projects. The "other desert war" would never have been fought. ❑

Ayn Rand and Her Movement

In an exclusive interview, Barbara Branden reveals intimate details of life inside Rand's circle. The fascinating topics include the weird psychological manipulations within the group, the expulsion of members in kangaroo courts, the glaring errors in Nathaniel Branden's memoir about his affair with Rand, and Rand's fight in a posh Manhattan restaurant with Alan Greenspan.

This account, expanded from its original printing in the January 1990 *Liberty*, includes information that cannot be found in any other source. And it is available only from Liberty Publishing. $4.00 per copy, ppd.

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-Benjamin Franklin

(back) (front)

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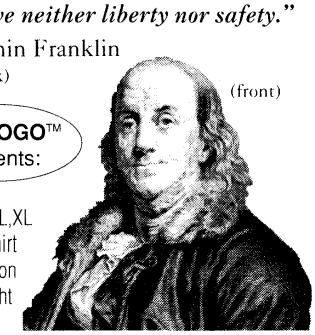

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Lipp, "In Quest of Dr Cepl," *continued from page 48*

conference room I noted a long leather couch. It would do nicely as a bed. An annex off the secretary's office included a small kitchen with fixings for coffee and, in a small refrigerator, a half filled bottle of wine, a roll, a piece of cheese, and a tin of pineapple. Not exactly a sybaritic feast at the Hotel Pariz, but I wouldn't go hungry. I sat on the couch and resumed writing my accounts of the day.

And then Mucha returned. "I think we must try Cepl at home." He opened his address book to look up the number. I observed over his shoulder that it differed by one digit from the number I had been trying all day. Mucha engaged in an animated telephone conversation in Czech, then handed the receiver to me.

"This is Cepl. I think you have betrayed me—you have appealed to higher authority." The voice was a scratchy baritone with an unmistakable mirth lurking beneath the syllables.

"On the contrary," I rejoined. "It is you who have betrayed me. You have conspired with the phone system to defeat my mission."

"In Czechoslovakia, no such conspiracy is necessary. The telephones manage this obstruction quite well on their own."

He told me he had received a call from Mrs Mucha who was beside herself and had the impression the Dean had become a missing person. I tried to explain my earlier conversation, speaking to both men at once, but Mucha's manner became all the more agitated.

Cepl proposed that I should take the subway to his stop, where he would meet me. I should take supper and stay the night. We could talk at leisure. "You will know me. Look for a tired, old Czech peasant who is quite tall."

Mucha escorted me through the building, unlocked a door and told me he regretted he could not join Cepl and me. I apologized again and told him that next time I would do a better job of making arrangements in advance.

An hour later, I sat in a warm, cozy kitchen over supper and a glass of Moravian wine, chatting with Cepl and his wife. We adjourned to his parlor and talked long into the night about communism and repression, about intellectuals condemned to years in prison or exile or shoveling coal for factory furnaces, about the underground and the students' revolt, about the new Prague Spring and whether it would last a little longer this time.

When weariness at last overcame us, he gave me a cot in an adjacent room to catch a few hours rest before my early morning plane back to Warsaw. I lay there, revisiting the day's events. I had gone through so much to get to this evening's conversation. And it was such a trifle against what the Czechs and the Poles endured every day. I would go to Warsaw in the morning and to California in a week. But I would be back. ❑

Abortion is Unlibertarian.

Agree? Disagree? Undecided?

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Do you have a tough question for pro-life libertarians? Libertarians for Life is preparing a collection of libertarians' questions and answers on all aspects of the abortion debate. We'd love to have you participate. Please send your questions to:

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Doris Gordon, National Coordinator

Reviews

Bionomics: The Inevitability of Capitalism,
by Michael Rothschild. Henry Holt, 1990, 423 pp, $24.95.

Economy as Ecology

John Baden

From 1971 to 1978, I was with the Environment and Man program at Utah State University in Logan, Utah. Since my home was a ranch near Bozeman, Montana, this involved a regular commute, affording me plenty of opportunity for observation and reflection.

My route took me through the little town of Preston, Idaho. There was a billboard on the edge of town with a single, straight forward declarative sentence:

The American Constitution Is Divinely Inspired.

I saw that sign dozens of times and always wondered: how do they know? I have immense respect for our Constitution, but I couldn't think of an empirical test of its divine origin. Yes, the Founders gave our nation the recipe for the world's most successful large-scale constitutional experiment. But success is hardly conclusive proof of divine origin. Luck or great intelligence could lead to the same end. The socialistic Hutterite communes of the Northern Plains have been highly successful for over a century while the Mormon's United Order failed in less than a decade. Yet few in Utah believe that the Hutterites are the Chosen.

Although I never figured a way to prove or disprove the divine inspiration of the Founders, I found myself thinking about our Constitution and the men who wrote it. The Founders understood that nearly all polities are predatory: governments normally work as engines of plunder. The only reason that people prefer the predatory state to anarchy is that it economizes on violence, freeing people to specialize in production rather than looting or self defense.

People use politics to gain control of the coercive power of the state. Political entrepreneurs arise promising order in exchange for the opportunity to administer justice—and for a claim upon a portion of the society's wealth. Whatever their initial motives, the temptation to plunder normally follows and eventually dominates political decision making. Triangles of special interests, administrators and elected politicians work creatively to tax, regulate and take from some to give to others. This pattern is highly persistent. It provides some measure of regularity, making anarchy nearly everyone's last choice.

To the degree that order fosters wealth creation, this exchange has a positive sum. Exploitation, however, is inherent to this system. The Founders' major intellectual problem was to design a constitution, a set of rules for making rules, that gave the state sufficient power to maintain order while constraining opportunities to use the coercive apparatus of the state to the advantage of special interests. The Constitution that they wrote is an attempt to minimize plunder by the state. And, judging from the predation that characterizes most states in the world today, it is a fairly successful attempt.

The Founders' understanding of political economy remains unsurpassed. *The Federalist Papers* stands as one of the greatest works of political philosophy. It is a powerful intellectual tool and provides a science of politics. In my judgment, it a genuine classic of political economy, ranking alongside *The Wealth of Nations.*

Such classics are, of necessity, most rare. They integrate important and disparate findings into a new perspective, enabling us to understand patterns and relationships that were previously unseen. Discovering such a work is like finding glasses for a 3-D movie: we glue them to our corneas and the world never again looks the same.

James Buchanan and Gordon Tullock's *The Calculus of Consent* (1962), which introduced economic logic to public sector decision, is an example of such a work of scholarly origin. Marion J. Levy's *Modernization and the Structure of Society* (1966) is another. Both these revolutionary books are the work of sophisticated scholars. Not surprisingly, works by those innocent of the formal academic process normally lack the sophistication of those that pass through peer review filters.

The Political Economy Book of the 90s?

Michael Rothschild's *Bionomics* is my early nomination for the 1990s' book-that-matters in political economy. It is a challenging and eye-opening look at both nature and society, an important expansion of our understanding of political economy. It is all the more remarkable because Rothschild has written a brilliant and sophisticated work without any formal training in economics.

Rothschild's approach is unconventional, in that it lacks the highly sophisticated formal proofs that characterize the work of professional economists. The absence of such proofs, while potentially a weakness in the eyes of professionals, is perhaps one of *Bionomics'* strengths. It makes *Bionomics* acceptable to those whose natural sympathies lie more with St. Francis than with Milton Friedman.

The prime failure of economics, Rothschild argues, is that it "remains wedded to the classical Newtonian paradigm of a mechanistic model" of the world. "Sadly," he writes, "several generations of economists have spent the last century elaborating a system of thought that tries to explain the intricate relationships of economic life with concepts invented to describe the motion of planets" (44).

Our economy and our ecology share more than the Greek root oikos *(eco). The economy is better understood as an ecologic system, as opposed to a machine isolated and insulated from the environment.*

In Rothschild's view, the cost of mathematical elegance is insulation from the real world of economic evolution. Science's mechanistic models are inappropriate for organic, creative systems like the economy. By simplifying assumptions, he argues, mathematical and econometric models exclude precisely those features that make an economy vibrant.

For him, the ecosystem, not the machine, is the appropriate model for an economy. In an ecosystem, he explains, resources flow up the value-added chain like energy moving up through tropic levels of an ecological system. Instead of replicating their genes in progeny as frogs make tadpoles, firms convert resources into products. Hence "products are like the sea shells abandoned by molting crabs—shaped by the genes, but not alive" (215). The analogy goes further; major urban areas with their great economic diversity parallel the ecological diversity of the rainforests. And governmental suppression of economic activities (through, for example, price controls) replicate the destruction of the rainforests.

The problem with contemporary economic theory, Rothschild argues, is that it misses the essential evolutionary feature of capitalism. Natural selection is analogous to economic competition among firms. Only when the spontaneous coordination of the market is permitted expression, he argues, can prosperity and freedom replace command-and-control impoverishment. (Essentially he discovers for himself what Hayek explained in his classic essay, "The Use of Knowledge in Society.") Hence, progress is dependent upon how political and economic institutions utilize or ignore knowledge. This process is the time-lapsed analog to biological evolution. When economic dynamics are misunderstood "momentous policy decisions hinge upon political mood swings and raw intuition, unaided by any deeper comprehension of how an economy works." This is the fundamental problem of democratic capitalism.

Rothschild applies his understanding to vexing problems of education and human capital development, poverty, capital investment, pollution, and parasitism in the corporate and governmental arenas. His proposals for reform are prudent, temperate and modest. He sees America's public school education system, for example, as the functional equivalent of the Soviet agricultural system. As a solution Rothschild advocates removing the "parasitic hook" of public school bureaucracies. "Students and parents," he says, "like shareholders, must be granted the power of choice" (312). While his conclusion is not original (most political economists support such proposals) Rothschild's use of the "parasitic hook" of biology is compelling. His discussion of parasitism would fit well into *The Federalist Papers*:

> To create an environment where cooperation flourishes, the elimination of exploitation in all its forms should be the chief objective of a society's laws. But keeping antiparasitic laws in step with a rapidly evolving economy isn't simple. Identifying the economy's true parasites and writing laws that destroy their hooks requires a bionomic perspective. (292)

Rothschild understands that our economy and our ecology share more than the Greek root οικοσ (eco). The economy is better understood as an ecologic system, as opposed to a machine isolated and insulated from the environment. Economy and ecology are linked in a potentially positive-sum game where nature bats last. But only when our legal and economic arrangements tie the right to act with a responsibility for the action's outcome can we expect a positive-sum game.

Rothschild has it right. Though not exposed to important fields such as public choice theory, he has rediscovered and integrated many subfields of economics. His vision, while profoundly effective, however, is not without precedents.

For example, public choice theory emphasizes the importance of institutions and how the information and incentives they create affect opportunistic behavior (e. g., *The Calculus of Consent*, 1962). Austrian economics emphasizes spontaneous order and the impossibility of wide-scale planning (e. g., Thomas Sowell's *Knowledge and Decisions*, 1980). "Law and economics" stresses the importance of secure property rights to achieve progress. All reject the mechanistic approach that Rothschild holds in disdain.

Aside from Milton Friedman, whom Rothschild quotes once, the leaders in the development of this sort of nonmechanistic economic thinking have escaped his notice; his endnotes and index contain no reference to Alchian, Buchanan, Coase, Demsetz, Epstein, Hutt, Kirzner, Mises, Niskanen, Olson, Posner or Tullock.

Clearly, political economy incorporates a far richer, more subtle and sophisticated body of knowledge than Rothschild realized. And as a Harvard-trained J.D. and M.B.A. the odds are small that he would have been exposed to the views of public choice or Austrian economics. Which makes his work all the more remarkable.

I applaud the development of a "bionomics" paradigm that harmonizes liberty, prosperity, and ecological

integrity. The greatest value of *Bionomics*, however, will come when people understand the pervasive reality of economic forces and how they may be harnessed to achieve policy reforms that foster liberty and prosperity. ❑

***The Trouble with Canada*, by William Gairdner. Stoddart, 1990, 470pp., $29.95 [Canadian].**

Hope for a Troubled Land

Scott J. Reid

In Canada, the publication of a major book offering a libertarian analysis of the political system is a pretty rare event. The classical liberal paradigm is so alien to Canada's intellectual class that William Gairdner's *The Trouble with Canada* is only the second book-length attempt in living memory to look at Canada from a classical liberal point of view.

As might be expected in an intellectual climate as stifling as ours, *The Trouble with Canada* is not the product of a professor of Canadian Studies. Its subtitle "A Citizen Speaks Out" suggests its homely origins, which are borne out by its contents. For example, Gairdner insists on referring to the parliamentary, common-law system of government as the "English" model, and to the bureaucratic, centralized system as the "French" model. These designations have something to do with the contrast between the British constitutional monarchy and the regime of Louis XIV. But they don't particularly relate to Canada's present-day French-English cleavage. Given the contempt with which the "French" model is treated in the book, it is all too easy for the casual reader to consider the book to be anti-*Quebecois*.

"This is a book," Gairdner declares on the opening page, "designed to change minds." It would not be wise to speculate whether *The Trouble with Canada* will have any impact upon the drugged Canadian masses, but it has certainly influenced one man's career. It was this book that inspired Stanislaw Tyminski to write *Sacred Dogs*, the book that launched his campaign for the Polish presidency. Tyminski was new to libertarian ideas when he ran for president, and it seems likely that most of his knowledge of libertarian philosophy at the time of his election bid was based upon his reading of Gairdner's polemic.

The Trouble with Canada is on the whole easy and pleasant to read, and its relaxed and conversational tone may do much to help it achieve its author's stated goal. It is neatly divided into two sections of equal length. The first is essentially an introduction to libertarian thought, chock-full of references to people like Thomas Sowell, Milton Friedman, Charles Murray, Walter Williams and F. A. Hayek. It is a depressing comment on the ideological climate in Canada that such a section would be considered necessary in a book that is, after all, about public policy, not philosophy.

The second half of the book holds greater interest for those already conversant with libertarian theory. Here Gairdner focuses on showing how Canada has been led from prosperity to relative impoverishment by the policies of a government more intent upon solving ethnic tensions than with making the economy work. An enormous amount of money has been spent on what Canadians like to call "national unity." Official bilingualism, "multiculturalism" (i.e. subsidies for self-proclaimed ethnic minority leaders), and intergovernmental transfer payments to Canada's less wealthy provinces have all been adopted in the name of keeping the country from splitting apart on ethnic lines. Judging from the current state of public opinion in Quebec, where polls show that about two-thirds of the population favor independence, these efforts have not been enormously successful. Whatever their success, Gairdner notes, these efforts have been expensive. He calculates that the bill for official bilingualism was $350 million in 1987 and that multiculturalism cost $53 million in 1986–88. This is big money in a country whose population is smaller than that of California.

But this is only part of Canada's problem. Canadian public policy has concentrated on issues of social "justice" (i.e. wealth redistribution), the protection of uneconomic industries through high tariffs and stifling regulation, and the pre-Thatcher British-style nationalization of sectors of the economy viewed as being too important to leave to the businessmen.

Not surprisingly, these programs have resulted in the creation of a whole range of new special interests, and have transformed the political system from a relatively open English structure to a byzantine "French" bureaucratic model, in which only well-organized pressure groups have access to the political leadership. Consequently, the system is vulnerable not only to pressures from the original series of conflicting interests, but also to lobbying by a wide variety of special interests created by the system itself. As these groups achieve success in encouraging new spending programs, taxes have soared relative to levels in the United States, funding for the original transfer programs has been redirected, and the country has been left with a system in which economic growth has been sacrificed in order to transfer wealth from the politically weak to the politically strong, with no noticeable benefit to the underprivileged or to the cause of national unity.

Gairdner spends much of the second section exploring the dynamics of some of these interest groups. One of the more perverse, and one in which he has a special expertise, is the state-supported system of amateur athletics. (Gairdner is a former Olympic decath-

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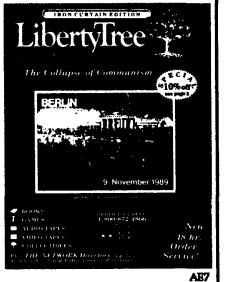

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lete.) State funding of amateur athletics was started as a way of raising the national consciousness and sense of national pride of Canadians. If our athletes could take on the world, it would show that Canada is capable of playing an important role on the world's stage. In fact, however, Canada's Olympic athletes have become a national embarrassment. The Ben Johnson scandal—he and his teammates doped up at the taxpayers' expense—is only a symptom of the whiningly self-indulgent attitude adopted by Canadian "amateurs." Gairdner describes a meeting of Olympic athletes which he attended in the early 1980s:

> [A] serious suggestion was put forth that hundreds of these athletes had been "deprived" of education because they were competing for Canada. They were demanding "compensation for lost education." In a recent newspaper article, [a professor of physical education] . . . lobbied for a minimum salary for international athletes at $32,000 per annum . . . We are told that training is a full-time occupation today. But this is nonsense . . . . No one is physically capable of real training more than four hours a day—and of this, very little, at most half, can be all-out training. Beyond this, there is only high-class athletic pampering, or time-wasting. What are they doing with the other twenty hours each day? I suspect that Parkinson's Law sets in, and the job fills the time allotted. (383–4)

The analysis in the second part of *The Trouble with Canada* is backed up with a 33-page section containing annotated graphs of economic statistics. At first I found it disconcerting to have to refer back to this section, instead of finding the graphs embedded in the text in the usual manner. But this section does have an advantage: it provides a quick and ready reference to consult after the book has been read.

Gairdner's policy recommendations are interesting, and I regret that he did not devote more time to fleshing them out. He recommends that Canada adopt the sort of decentralized federal system described in, of all places, Leon Louw and Frances Kendall's *South Africa: The Solution*. Gairdner's recommendations do have merit, although I can't imagine the Canadian intellectual elite being favorably impressed with the notion that we should reform our political system on the basis of recommendations originally proposed for the pariah of nations. Following Louw and Kendall, he advocates the adoption of a highly decentralized federal system in which governments would be forced to compete with each other to gain and keep "customers" (residents and investors). A properly structured decentralized system might also overcome Canada's ethnic divisions without the expense and futility of nationwide official bilingualism. He also recommends the use of popular initiatives as a way of limiting the legislative and budgetary discretion of the politicians. This sort of thing is old hat in the U.S., but in Canada the idea of direct democracy is practically revolutionary—should Gairdner's suggestion gain much popularity, we can expect shrill warnings about the dangers of consulting the unwashed on matters of state from the various beneficiaries of the status quo.

Canada has been led from prosperity to relative impoverishment by the policies of a government more intent upon solving ethnic tensions than with making the economy work.

In America it would seem naive for an author to present such a series of constitutional proposals for serious consideration. Canada, however, is going through a period of internal crisis, and new sets of proposals are being set forth continually. Most are drafted by bureaucrats and politicians with an unhealthy stake in the status quo. (Even the authors of a recent report of the Quebec Liberal Party recommending *de facto* independence for their province cannot bring themselves to recommend an end to those delicious intergovernmental transfer payments!) If Canada's renewal is to be successful, there will be need for more genuinely original and different proposals of the sort set forth by Gairdner. ❑

Capitalism, by Arthur Seldon. Basil Blackwell, 1990, xiv + 419 pp., $29.95.

On the Side of the Angels

Leland B. Yeager

Born in 1916 in London's East End, raised in near-poverty, a First Class Honors graduate of the London School of Economics, Arthur Seldon has been a university economics tutor, economist in the brewing industry, adviser to the Australian government, and vice president of the Mont Pelerin Society (a group of liberal-oriented scholars, businessmen and activists that first met at Mont Pelerin, Switzerland in 1947). He is now retired with the title of Founder President of the Institute of Economic Affairs, which he and Ralph (now Lord) Harris established in London in 1955. The IEA has published hundreds of books and pamphlets meeting high academic standards, many written or edited by Seldon himself, applying classical liberalism to a wide range of policy issues.

Now Seldon gathers the fruits of a lifetime of observation, study, reflection, writing and, evidently, personal contact with participants and controversialists on all sides of public issues. His words carry conviction when he says that the purpose of his book is the "defence and assertion of the common people, especially the poorest in every continent" (p. 96).

Seldon defines socialism and capitalism by their reliance predominantly on the state or on the market for economic organization. He shows socialism's poor performance, reviewing both theoretical arguments and the actual experiences of recent decades. He argues in convincing detail that capitalism could have performed even better than it has if only the state had not preempted or interfered with private enterprise and inventiveness, as in education, medicine, housing, and retirement programs. Environmental problems, also, could have been handled more successfully by better definition of property rights and fuller enlistment of market incentives. "The real or supposed defects of capitalism . . . are not endemic: they are largely the results of overgovernment or mis-government. They can be removed. The real defects of socialism—suppressed unemployment and inflation, widespread privation and injustice, overweening authority, suppression of freedom in economic activity, political rights and cultural life, ingrained nepotism and jobbery, and much else—are endemic. They are parts of the system; without them socialism is unworkable" (218–219).

Seldon answers the moral case against capitalism made by clerics and other intellectuals—and by those "High Tories" who look down their noses at what they see as the grubbiness of capitalism. What these critics call greed, he thinks, might better be called the urge to improvement and responsibility to self, family, friends, and associates. He compares how "greed" operates and how well or poorly it is disciplined under capitalism and socialism.

As an example Seldon cites the debate about a market in transplantable organs. Many people feel "a sense of revulsion against the use of the human body for monetary gain." But what is so moral about condemning patients to death by suppressing the voluntary transactions that could have supplied the necessary organs? (Or do the moralizers recommend compulsion?) "Is the ultimate political value to be that the antipathy to commercialism shall prevail in order to buy votes on the cheap? Is nothing safe from the political process?" (309)

Seldon is perhaps at his best in analyzing government. If political democracy is good, many people seem to feel, then applying it to more and more aspects of life is good also. Invoking the theory of public choice, Seldon gives many reasons why people's preferences get registered much less accurately through the political process than in diverse voluntary transactions. He explains why political control of economic affairs favors the elite, the wordsmiths, the maneuverers and schemers, and the seekers of government-conferred advantage, over ordinary people. It is not surprising that intellectuals number among the last-ditch defenders of quasi-socialism, grudgingly conceding the market's virtues but now hoping to enlist them as an instrument of government control.

The banal expression "on the side of the angels" that heads this review expresses a judgment. In championing capitalism and rejecting socialism, Seldon is right, aggressively right, magnificently right—but tedious. His book will disappoint those who trusted several rave reviews. Readers will indeed find many new or freshly phrased ideas and observations, but perhaps not enough to justify all they must slog through to find them. The book is overlong, repetitious, and disorganized. Many sentences ramble on at Germanic length. Seldon wastes space challenging the neglectable pronouncements of even the least informed and least insightful critics of capitalism. He uses the book as a vehicle for numerous asides, repeatedly, for example, criticizing *The New Palgrave Dictionary of Economics* (published in 1987). He engages in name-dropping far beyond giving credit for ideas or referring the reader to other publications. Many autobiographical remarks concern the circumstances in which he encountered or expressed particular ideas or made particular observations.

Those who might be swayed from socialism will not, I fear, find Seldon's book persuasive. They will be repelled by its tedium, its oracular tone, and its apparent reliance on appeal to the authority of the many right-thinkers mentioned.

On balance, though, the book deserves praise. Seldon's insights into the contrast between the rival systems has many dimensions; his analysis of how well they expose poor performance to monitoring and correction is especially impressive. He understands the implications of intrusion of the political process into the everyday lives of ordinary people. *Capitalism* is a valuable compendium of capitalist arguments and of socialist errors held up to critical examination. ❑

Mind Over Machine,
by Hubert and Stuart Dreyfus. The Free Press, 1986. $10.95, 230pp.
The Improbable Machine,
by Jeremy Campbell. Simon and Schuster, 1989. $19.95, 334pp.

The Brain as Market

Peter Reidy

According to an ancient and destructive delusion, human thought and action work by the conscious application of explicit rules. Finding and stating these rules is thus seen as the task of legitimate science and as the key to our practical mastery. Though this notion has never yielded much by way of results, its believers have not given up the faith—but then, this is to be expected: hard-as-nails rationalism, for all its pretensions, has always been a faith, not a science.

The rationalists' critics tried to tell them that they'd gotten it wrong from the start and that their failure was not a mandate to work harder. No amount of tinkering would come up with the "right" rules, and no new technology would make the theory work, because it fundamentally and fatally misconceived the subject matter. The way to understand the action of an orderly intelligence, the critics said, is to understand that orderliness as the outcome, rather than the deliberate rationale, of countless acts undertaken without regard for that outcome.

One of the most recent forms the rationalist delusion has taken is the discipline of Artificial Intelligence, now approaching its half-century mark. If you thought I was talking about economics, that is the point of this review: the parallels between the "connectionist" model of intelligence and the accompanying critique of AI on the one hand, and free-market economics and its critique of central planning, on the other, are too striking to ignore. The insights of Adam Smith and Friedrich Hayek capture a bigger piece of the world than anybody had thought.

Connectionism is, briefly, the recognition that the brain is not a single "processing unit" addressing passive memory the way a computer does. Physiologically, psychologically and epistemologically, its activities are dispersed among distinct, interacting neurons; thought is the activity of *patterns* of interaction in ways the processor-and-memory model can't capture. This is why AI has never lived up to its promises and has never caught on in industry, medicine or education. *Mind Over Machine* quotes one piece of breathless hype:

> What will happen when we face new options in our work and home, where more intelligent machines can better do the things we like to do? What kinds of minds and personalities should we dispense to them? What kind of rights and privileges should we withhold from them? Are we ready to ask such questions? (p. xvi)

—and anybody who has followed the popular press since the late 1940s has seen plenty more like it. Ironically, one of connectionism's accomplishments so far has been "neural net" computing, which, by rejecting AI's traditional machinery and assumptions, has made progress on just those problems of recognition, generalization and common sense that computers have notoriously failed to solve.

The two books take different but compatible approaches. *Mind Over Machine* is an overt polemic, as well as a work of philosophy. *The Improbable Machine,* the work of a science writer, is given more to exposition and suggestion than to argument.

The Dreyfuses are brothers and are both professors at the University of California at Berkeley; Stuart teaches engineering and operations research while Hubert (who seems to have had the larger hand in the book) teaches philosophy, in which capacity he has been making enemies in AI since the mid-sixties. His battle memoirs are among the most entertaining passages of this and his earlier book, *What Computers Can't Do.* A strength of both his books is his grasp of intellectual history; he understands that most ideas have a longer ancestry than their promoters realize. Keynes once observed that the most stridently unintellectual people are usually "the slaves of some defunct economist." Ironically, the economist in turn is usually in debt to some even longer-dead philosopher. The Dreyfuses trace the rationalistic prejudice back to Plato (who was also the inventor of social engineering), forward through Descartes and Leibniz to Husserl and down to today's propeller-heads. The opposing strain descends from Socrates and Aristotle through Pascal, Wittgenstein and Merleau-Ponty. The Dreyfus brothers' view of Socrates was new to me: the point he was *really* trying to make by confounding and confusing his contemporaries was that the clear-cut definitions and knock-down arguments with which they started were inappropriate at the borders of understanding. His interlocutors' pomposity came from their having reached the stage of adult conceptual thought without having mastered its application. Compare this to Hayek on the Religion of the Engineers, which he makes out as the nineteenth century's misapplication of its new-found technological mastery.

The brain—described physically or psychologically—faces information costs and finds its most efficient path to its objectives.

The authors of both books are conversant with several scientific fields, not just computer science and brain research but statistics, logic and experimental and educational psychology as

well. One pleasure of reading them side-by-side is witnessing their different but mutually consistent treatments of the same experimental evidence. I was also pleased to see them answer both of the common objections to connectionism.

The first objection is that the anti-rationalist (*not* anti-reason) position is unscientifically "mystical" or "soft." They point out that what they have to say about thinking is already established science about several systems in inanimate nature—that they are *holistic*: their observable properties are properties of the whole *qua* whole and not subject to ordinary mechanical analysis. Holograms are of this nature, and so are soap bubbles. This passage from *Mind Over Machine* reads like something out of Austrian economics:

> [Neuron nets] function like a soap bubble—an entity composed of molecules each physically attached only to its immediate neighbors and sensitive only to local forces—which is nevertheless formed by the interaction of all the local forces so that the whole determines the behavior of the local elements. (p. 92)

The second objection is the technoids' claim that the brain is so cumbersome and fallible as to be downright inferior to computers for any purpose of rational calculation, and so experiments have shown. *Have they?* the authors wonder. If you ask people to solve by intuition the sort of problems whose precise solution requires the sentential calculus or Bayesian probability, people will usually get them wrong. They rely on contextual clues (which aren't necessarily explicit statements) and make the most of whatever information the experimenter supplies; what they make of it is usually too much. But by analyzing case after case from the experimental literature the writers show that what makes for weakness in a contrived laboratory situation is a strength in the real world, where filling in gaps, going by experience and knowing more then we realize are our salient strengths.

Campbell calls this set of abilities the brain's "worldliness." Readers conversant with economics will want to put this another way, saying that the brain—described physically or psychologically—faces information costs and finds its most efficient path to its objectives. This path may not be what an outside observer, going perhaps by some quite sophisticated rules but lacking the data available to an individual actor, would have chosen. One of Campbell's chapters uses the myth of "The Reporter in the Corridor" to describe the relation of consciousness to the neural events that underlie it:

> If a connectionist network is like a huge parliament or congress in the throes of debate, then the alert, conscious mind is like a newspaper reporter hanging around outside the locked chamber, notebook in hand, waiting to be told what happened. The reporter is not allowed inside the room while the debate is in progress. All the ferment and frenzy of individuals exciting and inhibiting one another, forming coalitions, sending messages back and forth, takes place behind closed doors. When we recognize our grandmother wearing a new hat, we are aware of the fact that it is she and not our aunt or sister, but we have no idea how that decision was reached. (201)

Remember the Fifth Generation that was announced with such fanfare in the early eighties, a grandiose scheme by which the government-industry partnership was finally going to make Artificial Intelligence work? The last I heard, they were calling it a success because it had produced so many useful side-effects on the way to nowhere.

A more familiar way of making the same point is by an analogy to the consumer making buying decisions. Most of us don't follow the international labor, commodity and capital markets, yet when we spend money on consumer goods, our "judgments" affect those markets all they need to. Elsewhere in the book, Campbell mentions Hayek and quotes him thus:

> [Economic knowledge] never exists in concentrated or integrated form, but solely as the dispersed bits of incomplete and frequently contradictory knowledge which all the separate individuals possess. The most significant fact about this system is the economy of knowledge with which it operates, or how little the individual participants need to know in order to be able to take the right action. (187)

The price we pay for the brain's speed and adaptability is its tendencies to stereotype and to jump over gaps to conclusions that are sometimes wrong and sometimes right but not (yet) justified. Campbell explains such habits as side-effects of its tendency to find order in its world and, where it can't find it, to supply it. He even cites a theory of dreams in evidence. By the psychoanalytical account, the sleeping mind encodes repressed knowledge with an eye to making it unintelligible to us. On the new theory of J. Allan Hobson, the dreaming mind, like the waking one, makes sense of things, the "things" being random electrical discharges from the lower brain.

Campbell's determination to follow through on his theme leads him, however, to some weird philosophical judgments. I doubt that Kant would welcome the news that experimentation bears him out on causality, because he didn't think empirical evidence could bear one way or another on the sort of philosophy he was

"I prefer to think of myself as *neo*-apathetic."

trying to do. And Aristotle's doctrine of categories isn't a mistaken psychology. It isn't psychology at all.

The history of AI, as the Dreyfuses tell it, amply confirms the parallels to socialism. Constructivist-rationalist AI, like constructivist-rationalist socialism, faces up to its spotty record from time to time with something to the effect of, "Up until very recently, our opponents had more on the ball than we admitted, and we should have taken them more seriously. But that was then. *THIS* time we've got it licked." The cycle between two such declarations by socialism's apologist used to be a couple of decades. For AI, it takes about five years. Practitioners of go-by-the-rules social planning have always made the most of what little they had to show for it and loved to tout their "Potemkin villages" to anyone willing to be taken in, cultivating a press that was eager to be cultivated. *Mind Over Machine* is rich in stories of how educators, academics and the military have ridden the AI bandwagon to tax-supported fortunes. Remember the Fifth Generation that the Japanese announced with such fanfare in the early eighties? If you don't, Q. E. D. It was a particularly grandiose and well-publicized scheme by which the government-industry partnership was finally going to make AI work. The last I heard, they were calling it a success because it had produced so many useful side-effects on the way to nowhere.

Connections between the intracranial and the social are there for the taking, yet I suspect that some fundamental insight, which would put them all into a single scheme, still awaits discovery. One of my reasons for recommending these books is the hope that some reader will find it. ❑

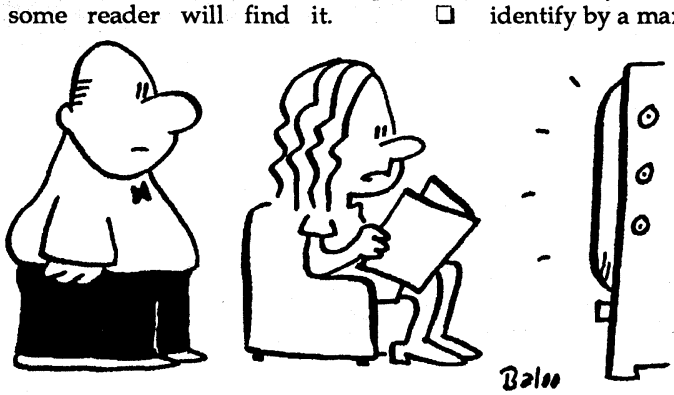

"Sometimes I wonder about PBS — a four-hour special on 'the History of Boredom.'"

It is not only the Left that reserves for itself the privileges of the "politically correct."

The Rise of Paleo-Stalinism

Richard Kostelanetz

Several months ago, I submitted a letter to the editor of *Chronicles*, which had previous published my writing and had a new piece in its editorial inventory. The letter has not yet appeared in *Chronicles'* pages, and I think its subject is an important one, so I shall summarize it here.

On page 51 of the May 1990 issue of *Chronicles*, amidst signed notices, is an unsigned purported review of recent performances by the sometime porn starlet Annie Sprinkle and, by extension, of the National Endowment for the Arts' grant to the Kitchen, the Manhattan cultural center presenting her. There is no evidence that the anonymous reviewer had witnessed the performance in question—no descriptions, no specific impressions; indeed, it is reasonable to suspect that he or she (or it) has never seen Ms Sprinkle. Far be it from me to defend Ms Sprinkle, who is not without literary wit (and therefore capable of defending herself) or the grant to the Kitchen (which has come to epitomize the modish mediocrity and inefficiency favored by government cultural funding). I wish, instead, to limit myself to one issue, which I'll identify by a maxim: *reviewing what you do not know is intellectually impermissable.*

When I was an undergraduate (at Brown, 1958–62), students who reviewed what they had not read, instead relying on secondary sources, were customarily flunked. No one would dispute the conclusion that *Chronicles'* editors must be hewing to lower, grade-schoolish standards. What would the editors of *Chronicles* think of a purported review that dismissed their magazine without ever having seen it? Do they wish to define a "paleoconservative" as someone who would "never fall for the Golden Rule"? Or is it their point that Ms Sprinkle is not entitled to scrupulous review, given her background, just as some might think *Chronicles* is disqualified from such considerations, given its "conservative" outlook or yahoo (i.e., midwestern) origins?

The next question raised by this infraction is how many other reviews in *Chronicles* are similarly uninformed. 10%, 30%, 50%, 100%? (If the last, wouldn't *Chronicles* earn the "literary" distinction of being the first American opinion journal to be wholly fictive?) Since I knew about Ms Sprinkle, I could cry "foul"—but what about all those reviews of subjects I know nothing about?

And this is not an isolated incidence. A few years ago, I caught frequent *Chronicles* contributor Jacob Neusner fabricating quotations in its august pages. Since the quote in question—purportedly from *Chronicles* itself!—was attributed to *me*, I could expose it as surely false. But this misquotation was never acknowledged in those pages: no apologies, *errata*, or anything of the kind.

As *Chronicles* continues to publish Neusner, it is hard not to assume that certain (perhaps all) *Chronicles* contributors are allowed to fabricate evidence and examples, with full editorial blessing. You either have integrity or you don't; the road between is called opportunism.

The fact that Neusner teaches at Brown prompts the thought that perhaps the observed decline in standards

there should be blamed not upon the students but upon professors' setting bad examples as well as evident lapses in effective policing of their abuses. ("Call the campus cops, honey, he's doing it again.")

I cannot help but wonder about *Chronicles'* editorial policy: do the editors feel that contributors must be permitted vulgarities commonly associated with the looniest left? Or perhaps they simply assume that card-carrying paleoconservatives are entitled to "privileges" not available to other intellectuals. They should recognize, however, that this amounts to the Stalinist position that loyalists, whose "politics are correct," need not observe human niceties required of the unenlightened.

Or perhaps the "con" in "paleocon" actually refers to covert lefties working overtime to discredit the intellectual Right?

As a sometime contributor to *Chronicles*, this worried me enough to present its editors with the above facts and speculations. Not only did they not reply, but they failed to deal with any of the questions within the magazine itself, implicitly confirming that, in their considered judgment, the worst suspicions must be correct—that *Chronicles*, "a magazine of American culture," is not paleo-con but paleo-Stalinist, wishing to control more than it should, beginning with dissent from itself—or, at the very least, neo-opportunist. (How politically adrift it must feel to be paleo-Stalinist today—sort of like a Monarchist after the fall of the Romanovs!)

The whole episode reminds me of an earlier example of foot-in-throat abuse that appeared in the tome *Culture and Politics*, by the sometime chairman of the NEA's sister institution, the National Endowment for the Humanities, Ronald Berman, who has also contributed to *Chronicles*. On page 128 he writes:

> But if art has become bourgeois, the artist has not. The artist thinks of himself as a political revolutionary. The function of his art is to express a position on public issues and to serve ideas. Also, to embody a particular kind of alienation, and to show that the aesthetic object is less important than the personality shaping it. The two sets of ideas are contradictory but not exclusive; the most established of museums will exhibit the blank canvas or empty frame which is a calculated insult to its own existence.

Now, apart from the vulgarity of generalizing about a profession full of individualists (with the kind of encompassing terminology that Berman would eschew for, say, "the academic"), this is wholly wrong on general terms. I should know, because I live among thousands of artists, in New York's Soho, where the general sentiment is that they (we) have all become too bourgeois, in part because so many more of them (us) than before are now able to live off their work or from such closely related jobs as teaching art.

Secondly, very few artists (less than 10% for sure, probably less than 5%) think of themselves as political revolutionaries, for better and worse. Thirdly, the fashion for expressionist esthetics, described in the fourth sentence, expired by 1964, some two decades before Berman writes. The snide remark about museums does not begin to understand why they have been, and would continue to be, selective in their exhibition of allegedly "blank" (i.e., monochromic) canvases, or even why they should be.

The riot of ignorance in this paragraph is out of control. Even worse, following the example of Professor Berman, Ph.D. (Yale), in generalizing from insufficient examples, one could say that all professors-turned-government-cultural-officials talking about contemporary art are slipshod in formulating their critical ideas and grossly ignorant in their use of evidence.

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Several pages later, Berman approvingly quotes Daniel Bell, the Henry Ford II Professor of Sociology at Harvard and a professional know-it-all (Ph. D., Columbia), describing:

> At the Cinematheque in 1968 the German artist Herman [sic] Nitsch disemboweled a sheep onstage, poured the entrails and blood over a young girl, and nailed the carcass of the animal to a cross.

I object to this because I was there; I saw the performance (which I didn't much like) on March 2, 1968. Since there was no stage but a single-level space, it is also clear that Daniel Bell not only was not there (perhaps instead out carousing with the *Chronicles* reviewer) but that he did not have sufficient literacy to understand the point of the performance or the tradition of "Vienna Actionism" in which Herman*n* Nitsch worked. Immediately prior to this remark, Bell, as quoted by Berman, deprecates an event I had not seen:

> In the "Destruction of Art" symposium held in the Judson Church in New York in 1968, one of the participants suspended a live white chicken from the ceiling, swung it back and forth, and then snipped off its head with a pair of hedge-clippers. He then placed the severed head between his legs, inside his unzippered fly, and proceeded to hammer the insides of a piano with the carcass.

With good reasons for doubting Bell's veracity, I called Jon Hendricks, the art archivist who organized that 1968 Judson Church event. He told me that the chickens were not killed; they were rescued by Michael Kirby, who confirmed that fact. The first part of Bell's second sentence describes a Ralph Ortiz performance piece done not in New York City but in London; the second part of that sentence about destroying the piano describes a private performance done not at Judson but elsewhere in New York City and then exclusively for a film.

Hendricks then added that in the Nitsch performance, the sheep was not "disemboweled," because it was legally impossible to purchase in New York City a sheep still containing its intestines, and that as the lamb was held up by two men other than Nitsch, pseudo-blood was poured down on Hendricks himself, who was not "a young girl." Were Bell a baseball player, we'd say he was not fielding, at the risk of an occasional error, but hitting, striking out many times over. What would the conservative wings of the UCSD English department think, what would the Harvard sociology department think, what would the editors of *Chronicles* think, if either were described in print as "a pack of bulldykes in drag"? (Oops, there I go invoking that damn Golden Rule again.)

For evidence of "distinguished scholars" who do fake research, and for dunces who then recycle ignorance with approval, we need go no further than a chaired professor of Harvard and his admirer, the former chairman of the NEH, now a Professor of English not in the privately financed Ivy League, thankfully, but the state-supported University of California at San Diego, both holding hands in intellectual purgatory with the anonymous *Chronicles* reviewer. These subversives are transforming not only the Ph.D. degree but academic, editorial, and governmental cultural positions into licenses to display patent idiocy, shaming not only themselves but our culture.

How would you, a reader of this magazine, feel if characterized by someone you did not know, whom you had not even met, as, say, "a notorious vegetarian." What would you think if the purported expert on your activities was a "politically correct" reviewer for *Chronicles*? A Harvard professor? The sometime chairman of the NEH? What would your judgment be of the purportedly intelligent human beings responsible for selecting *Chronicles'* reviewers? Harvard professors? The chairmen at the NEH? The problem is not just the fabricating of evidence and experience; what we see is a riot of irresponsibility as profound, because rooted with those invested with authority (not enlisted men but officers), as that ever instigated by "radical students" in the 1960s. And so decadent are our times, there are few to expose and oppose it.

One problem of academic stars or conservative reviewers writing about things they know nothing about is similar to that of star athletes using illegal drugs—they set a bad example for the children; and perhaps some of the remedies now used upon drug-abusing athletes might be applicable to members of professions that, if only to preserve collective reputation, must keep higher standards than sports (mere "games"). I'm not a great believer in the efficacy of punishing adults (such as professional athletes) for victimless crimes; but if a couple of these fakers were suspended for a year without pay (a true paleo-con solution, if ever there was one), dollars to donuts there would be a noticeable improvement in our cultural climate. Until these malefactors become more effective at self-policing, anyone reading them should remember what they would in any lawless environment—*caveat emptor*.

Most of us publicly caught making such egregious mistakes would acknowledge them (initially by publishing letters exposing them) and then rush to apologize profusely; but then about issues of intellectual integrity and professional humility, most of us are more conservative than these paleo-Stalinists. ❑

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Notes on Contributors

Gary Alexander is a writer and editor living in Virginia.

Chester Alan Arthur, political correspondent for *Liberty*, should not be confused with the dead president (or *any* president, for that matter).

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"Baloo," "Shiong," and *"Holle"* are *noms de plume* of *Rex F. May*, a cartoonist whose works frequently appear in *The Wall Street Journal* and other publications.

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Coming in *Liberty*:

- **What's Wrong with Mises and Rand** — ***Milton Friedman*** examines the dark side of two libertarian demigods.
- **The Passing of John Gray** — ***Loren Lomasky*** finds the lessons in scholar John Gray's recent repudiation of classical liberal political philosophy.
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Terra Incognita

Annapolis, Md.

Unique campaign tactic employed in the Maryland Free State, as reported by the Chicago *Tribune*:

When Gov. William Donald Schaefer saw a passing motorist give him the "thumbs down" sign during his re-election campaign, he tracked down the name and address of the motorist and wrote her a letter advising her that her "action only exceeds the ugliness of your face." Gov. Schaefer was re-elected with 59.6% of the vote

Channelview, Texas

Evidence that at least some parents are still willing to make sacrifices for their children, as reported by the Detroit *Free Press*:

Wanda Webb Holloway has been accused by police of attempting to hire a hit man to murder Verna Heath, "for the purpose of enhancing the probability of her daughter being elected cheerleader" at the Johnson Junior High School. Mrs Webb, described by police as a "mother who would go to almost any length to further the career and popularity of her daughter," believed that the murder of her daughter's competitor's mother would so upset the girl that she would withdraw from the cheerleading competition, clearing the path for her own daughter. She originally offered $7,500 for the murder of both mother and daughter, but later revised her offer downward to $2,500 for the murder of the mother only.

Raleigh, N. C.

Advance in the status of animals in the Tar Heel State, as reported in the New York *Times*:

Elijah Lawrence was sentenced to one year in prison for kicking a police horse. "I can't condone assault on a law officer," said Judge James Fullwood, announcing the sentence.

Columbus, Texas

Evidence that marksmanship is one of the more important criteria for law enforcement employment, as reported in the Houston *Chronicle*:

Police Chief P. K. Reiter will be allowed to keep his job, despite his conviction for shooting a deputy sheriff in the buttocks, in an altercation that developed when the Chief found the deputy in his estranged wife's bed. The charge against Reiter was reduced to a misdemeanor.

Windhoek, Namibia

Evidence of an alarming increase in Third World litigiousness, as reported by Reuters News Service:

A number of Namibians were denounced as unpatriotic by the Cabinet for criticizing President Sam Nujoma's bodyguards' policy of shooting passing motorists to clear a way for a high-speed presidential motorcade. Among those denounced was Helmut Goldbeck, a farmer, who was shot in both legs during one such incident on Jan 1.

Flagstaff, Ariz.

Evidence of educators' ability to make acute distinctions, as reported in the Arizona *Daily Sun*:

A public forum has concluded that a "formal policy of open enrollment wouldn't be appropriate for Flagstaff's schools." Pam Brown of Northern Arizona University "warned that choice could destroy the American way of life. It's not appropriate in Flagstaff or the United States."

"Choice allows a parent to choose their children's school. Education should benefit both the individual and society. Choice only benefits the individual, she said."

Cleveland

Interesting explanation of why the U.S. was spared chemical warfare in the Gulf, as reported by Reuters News Service:

Six Sioux Indians, including two medicine men, flew to Arabia to conduct peace rituals in the desert. "The trip was prompted by visions of the Earth's destruction. The medicine men say their visions showed a chemical or biological weapon that the United States doesn't know anything about."

Halifax, N.S.

Dedication to the future of freedom, as revealed in Canadian higher education, according to the Halifax (Nova Scotia) *Chronicle-Herald*:

Dalhouse University's main library has censored a banned book display for Freedom to Read Week. It replaced the banned book with a book formerly banned.

Ottawa

Defense preparation in the Great White North, as reported by *Macleans: Canada's Weekly Newsmagazine*:

Work crews in Ottawa welded manhole covers shut to prevent Iraqis using sewers in battle against the Canadians.

London

Britain prepares for war, as reported in *The Wall St Journal*: The British Broadcasting Corp banned the Beatles' song "Give Peace a Chance" as "too controversial."

West Palm Beach, Fla.

Penological innovation, as reported in the Palm Beach *Post*:

Judge Mary Lupo sentenced a robber to write 50 "handwritten, individualized notes" to servicemen in Saudi Arabia.

Keithville, La.

Note on the ethical treatment of animals, as reported in the Maui (Hawaii) *News:*

A group of game wardens, sheriff's deputies and wildlife biologists spent nearly eight hours trying to rescue a black bear caught in a pine tree, so they could remove it to the Big Lake Wildlife Management Area. After spreading a net below the tree, a veterinarian fired several tranquilizer darts into it. But the bear didn't budge, so the authorities reluctantly decided to cut down the tree. They discovered they were rescuing a plastic bag filled with garbage.

Lt. Dalton Green of the Department of Wildlife and Fisheries, was convinced that the large black object was a bear, although he did admit that "in 20 years with Wildlife and Fisheries, I've never heard of one in this area that was confirmed. They've had a lot of sightings reported, but we've never even found a track."

Olympia, Wash.

Proof that at least one politician has a sense of priorities, as reported in the Detroit *News*:

Ralph Munro, Washington's Secretary of State, modeling a kilt made of his favorite plaid, explaining why the state should declare an "official state tartan": "It's just as important as a state rock."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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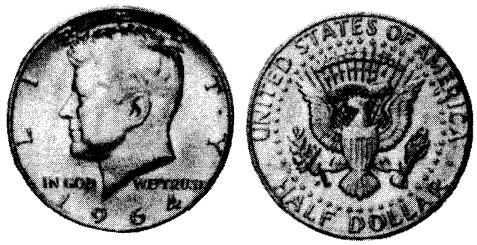

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Inside Liberty

July 1991
Volume 4, Number 6

4 **Letters** on what we should publish, when we should fight, why religion is irrelevant, and who is and is not a Stalinist.

7 **Reflections** on spawning bureaucrats, harvested yews, sipping saints, drunk fact-finders, a plethora of poets, and other examples from our modern bestiary.

Features

17 **Say "No" to Intolerance** Milton Friedman examines two libertarian heroes—Rand and Mises—and finds not only feet of clay, but the besetting sin of the ideologue.

21 **The Owls Are Not What They Seem** R. W. Bradford discovers that the spotted owl—in whose defense timber harvests have been stopped in an area the size of four states—is not an endangered species, at all.

25 **Making Peace with Environmentalists** John Baden shows libertarians how not to offend environmentalists when talking about ecology.

27 **Cleaning Up After Socialism: Depolluting the USSR** Socialism leads not only to economic crisis, but to ecological crisis. James Robbins shows the size of the mess, why it happened, and the hope for recovery.

33 **Giving Capitalism a Test Drive** David Friedman goes for a spin in a communist truck and a capitalist truck.

35 **Class Warfare in Italy** Scott Reid reads between the lines of Italy's medieval past, and learns a lesson about force.

38 **I Am a Casualty of the War on Drugs** Stuart Reges challenges the legitimacy of the War on Drugs, thereby revealing the war's latest casualty: free speech in the academy. The new McCarthyism has arrived.

41 **A Long Way from Philadelphia** Sheldon Richman visits Moscow, lectured communists on the death of socialism and listens as Russian intellectuals plot the liberation of the Soviet nations.

45 **Economics After Socialism** Mark Skousen talks with Robert Heilbroner, the famous socialist economist, about how far he is willing to repudiate socialism and what he *really* meant when he wrote "Mises was right!"

51 **Tools vs Philosophy** Karl Hess compares the historical importance of tools and ideas. Ideas come up short.

Reviews

53 **Socialism With a Drooling Face** William Moulton puts the ravings of an American journalist in their place.

55 **Liberal Obituary?** Loren Lomasky takes a thorough look at the "post-liberal" notions of ex-libertarian scholar John Gray.

61 **Ex-Nazis Say the Darndest Things** . . . and so do their professorial supporters. Richard Kostelanetz deconstructs the Paul de Man scandal, and Deconstruction as well.

63 **Booknotes** on good guys like Kraus and Mises, bad guys like Howe and Cannon, and those, like Reagan, whose reputations are still in the dock.

68 **Final Words** on the late Ludwig Lachmann, by Israel Kirzner.

65 **Classified Ads**

69 **Notes on Contributors**

70 **Terra Incognita**

Letters

Nut-Shelled

It seems to me that the arguments of those libertarians who supported the Gulf War can be summed up in a single sentence: "As libertarians, we favor limited government—that is, government whose powers are limited to policing the world with the lives and fortunes of the American people."

Jacob G. Hornberger
Denver, Colo.

A Question of Balance

You should not feel compelled to print the views of those who were bamboozled into supporting America's recent orgy of death in the Middle East. I can and do read this sort of effluvia in the mainstream media, *The Wall Street Journal*, the *New Republic*, etc.

I was attracted to the libertarian movement after spending half a lifetime in the Middle East because it advocated non-intervention abroad. The essence of this is the notion that the government lacks the right, or indeed the ability, to choose friends and enemies for its citizens. The beauty of our movement is that we will not endorse a process by which our wealth, our lives, our names, or the power of the state are used to kill people whom any individual citizen may not wish to kill. Or so I thought. If James Robbins is so enamored of military adventures abroad, he has the right, and perhaps the duty, to join those adventures, preferably supported with funds voluntarily donated for the purpose.

Meanwhile, *Liberty* must be an island of sanity in a crazy world. When the government, through its powers of manipulation and deceit, manages to convince the people every few years that it is time for another war, we must be able to turn to *Liberty* for clear and unambiguous discernment of truth.

You do not "balance" your free market articles with pieces extolling communism or Nazism. Nor need you counter your own wise anti-imperialist analyses with war propaganda.

William G. Kelsey
Elgin, Tex.

Repugnant Arguments

Why did *Liberty* find it necessary to present a "balanced view" of the most re-

continued on page 6

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Letters *(continued from page 4)*

cent U.S. adventure into world politics? The popular press has presented sufficient propaganda for the war without need for airing any additional support in the leading journal of freedom.

Especially repugnant is the view down the long "professorial" nose of Stephen Cox ("The Intellectual Poverty of the Opposition to the Drug War," May 1991). Somehow Cox finds the emotional appeal of the "peace movement" less valid than the equally emotional view presented by the State. Is Cox suggesting the 1967 peace movement, of which he was admittedly a part, somehow was more logical and rational?

Cox seemed especially upset with the "war never solved anything" argument. He seeks to deal a devastating blow by citing the demise of Hitler and Jefferson Davis. He fails to mention that wiping out Hitler along with a few hundred thousand Germans made way for Stalin's almost complete domination of Eastern Europe for 40 years. Jefferson Davis was, among other things, fighting for self-determination for the South, in the spirit of the American Revolution. This little effort cost lives of only a half million or so Americans.

A libertarian need not look far for reasons to oppose this war or any war in recent history. War invariably increases the "health" of the State. If libertarianism is the promotion of liberty, then libertarians should oppose any event increasing the State's power.

C.R. Estes
Camarillo, Calif.

Addressing the Real Issue

I think the Libertarian Party platform summarizes fairly well the libertarian position on the proper role of the U.S. military:

"Any U.S. military policy should have the objective of providing security for the lives, liberty and property of the American people *in the U.S. against the risk of attack* by a foreign power." (emphasis added)

Now I could understand (and, indeed, would even enjoy and appreciate) arguments against this conception of foreign policy. However, I am incensed that your three pro-war libertarians never even made the slightest attempt to address it.

Libertarians did not object to the war out of concern for the existence (or lack thereof) of some kind of "Arab nation," or for fear of the possibility of an Arab-Israeli conflict, or out of concern over the price of oil, as Robbins claims.

Libertarians did not object because we are pacifists, because the Bush administration continually changed rationalizations, or out of sympathy with leftist pap about gays and the homeless, correcting previous U.S. foreign policy blunders, etc. as opined by Mr Cox.

Nor are we completely lost in defining what constitutes a genuine threat in a statist world as claimed by Mr Lomasky.

I believe that it was incumbent upon the three to show evidence either that the United States was in imminent danger of attack by Iraq (and it had better be convincing to justify the extraordinary move of taking such drastic pre-emptive action) or else that libertarian non-interventionism is a mistaken policy to begin with and that "defense" should be defined more expansively (as, for example, Jimmy Carter did in declaring the free flow of oil through the gulf to be a "vital national interest"). To do neither was inexcusable in a magazine of your usual high quality.

Tim O'Brien
Madison Heights, Mich.

A Parable for Our Time

The Gulf War has shown me a libertarian phenomenon I hadn't noticed.

Imagine this: a little girl has fallen into an abandoned well. She's crying, so she's still alive, but no one knows for how long. The fire department is tunnelling nearby, trying to intersect the shaft without knocking debris into it. It's all national news, and TV crews fill every motel.

Where are the libertarians? Bringing coffee and sandwiches to the firemen and being generally helpful? You know the answer. They're picketing, posturing in front of the cameras with signs protesting this use of taxpayer dollars.

continued on page 67

Letters Policy

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

Reflections

Wake up call — Americans are obsessed with the insignificant, more concerned with the garments of power than with what power does.

Witness the brouhaha over the recent hospitalization of George Bush. Call *me* when he's dead. —TWV

No new Taxol — Among the more humanistic rationales presented by environmentalists for the preservation of the Amazon and other rain forests is the potential that important medical advances might be made utilizing chemicals derived from rain-forest flora and fauna. One such drug recently has been found in the United States: Taxol, a derivative of the bark of the northwestern Pacific Yew, has been used successfully to combat ovarian cancer. Because it takes fifteen kilograms of bark to produce one gram of Taxol, Pacific Yews are being hewn down with startling rapidity, and this in turn has attracted the attention of environmentalists who want to preserve the yew. The fact that the yew offers an important cancer-fighting tool would seem to guarantee its future in any case, but the environmentalists don't want it preserved in managed plantations, but rather in its natural habitat, old-growth forests. So the upshot of this situation seems to be that we have to preserve forests because they may contain miracle cures for human ailments, but if we want actually to use them, we can't, because that would mean cutting down the trees. I'm glad *that's* all straightened out. —JSR

Actions vs words — I don't think anyone was surprised that the Kennedy name has again been connected with abuse against women. The William Kennedy Smith rape indictment seems part of the normal course of affairs for this family. And one cannot help but be touched by the naiveté of the victim, who was surprised that no one reacted to her cries for help; after all, the Senator himself was in the next room! (Perhaps at their next Presidential convention Republicans can chant, "Where was Ted?") But what is most interesting is the relative silence among feminists on this event, particularly when NOW and other organizations have recently been attempting to raise consciousness on the "date rape" issue. Could it be that because of Kennedy patronage for their causes in the halls of Congress the feminists turn a blind eye to other, more seedy congresses in which the Kennedys are involved? One need only ask oneself what the reaction of Molly Yard would have been had a nephew of John Sununu stood accused of rape at his family's "compound" in Palm Beach, while his uncle ignored the victim's cries of help. And recall Senator Kennedy's vivid description of the alleged perils that would have faced women and minorities in "Robert Bork's America"—were they any worse than the more immediate perils any woman risks who flirts with one of the Kennedy clan? —JSR

Whose "diversity"? — The University of Chicago Law School recently had a one-day student boycott in favor of "diversity." Two things struck me about the event. The first was the strangeness of protesting against a University by boycotting classes. It is rather as if I decided to punish my local supermarket for its misdeeds by filling up my shopping cart with groceries, paying for them, then going home without taking the groceries. Yet everyone involved, including the local media, took the idea of the boycott seriously, which suggests a rather odd idea of the relation between the students and the school.

The other interesting thing was the meaning of "diversity." For the students organizing the boycott, it pretty clearly was shorthand for "hiring more black and female professors, admitting more black and female students." This suggests the following question:

"Suppose the school is considering hiring a new faculty member. You discover that he has expressed the opinion that intelligence is to a considerable degree genetic, and that the distribution of intelligence probably varies significantly with race and gender. Is this fact an argument for or against hiring him?"

If the real objective is intellectual diversity, the answer is obviously "for." The opinion is a defensible one that is almost never expressed by faculty members, at least at my school, so a new hire willing to defend it would make the faculty more intellectually diverse. But I would give high odds that most of the students boycotting in favor of "diversity" would give the opposite answer. —DF

It depends on which whistle is blown — Let's see now. Progressives believe that public policy should be conducted in the open glare of public scrutiny. We learned that from Watergate and Iran-Contra and the Pentagon Papers. So now that Timothy Maguire, a student at Georgetown University Law School, has discovered, while working in the records office, that the school has a secret policy of admitting and promoting black students according to different criteria than those applied to others and has revealed this policy in a magazine article (but without giving names), left-liberals should laud him as a courageous whistle-blower and hero, right? Well, no. You see, the policy involved gives grossly preferential treatment to blacks, and is therefore politically correct. To expose and implicitly criticize the policy is to give support to racism, fascism and other bad things. Therefore the PC elements at Georgetown are unanimous in their attempt to have Maguire *expelled*, and it ap-

pears that they may succeed. So beware: If you are ever going to blow a whistle, blow it at some certifiably reactionary policy, or you may end up being politically goddam incorrect. —WPM

Of saints and sippers — "Take a little wine for thy stomach's sake," St. Paul advises his sidekick Timothy. To the best of my knowledge, the remark passed without repercussions. But though the apostle was intermittently waylaid throughout his career by skeptical Pharisees and exasperated Romans, he never was challenged by the Bureau of Alcohol, Tobacco and Firearms. St. Paul, meet Robert Mondavi.

For the past three years Mondavi wines have carried on their backs an encomium to the cultural and historic significance of wine:

> Wine has been with us since the beginning of civilization. It is the temperate, civilized, sacred, romantic mealtime beverage recommended in the Bible. Wine has been praised for centuries by statesmen, philosophers, poets and scholars. Wine in moderation is an integral part of our culture, heritage and the gracious way of life.

But now BATF has banned the label. Why?

The bureau has adopted a policy of rejecting label copy that it may consider "untrue," "ambiguous," or tending to create a "misleading impression." According to Jerry Bowerman, BATF branch chief, the Mondavi statements run afoul of those criteria. Displaying philosophical sophistication not often evinced by federal functionaries, Bowerman notes, "Part of it says 'drinking in moderation.' The thing is, what is moderation to one person is not moderation to another." He adds, "Although we agree that it is a positive statement, it only shows one side."

Is BATF surprised that a company's advertisement would show only one side—its own? In fact, even that isn't quite accurate; per governmental orders, the label carries a prescribed warning about dangers consequent on alcohol use. Still, selling wine violates no law, and enterprises engaged in a licit trade are entitled and expected to promote their products. May they, though, use words like "moderation" that can mean different things to different people? Well, I recently conducted a quick survey of two dozen ads in my Sunday paper, and I wasn't able to find one without a possible trace of ambiguity. In fairness, though, advertising copy is semantically spartan compared to the contents of the speeches of Mr Bowerman's boss, George Bush, or even the text of Holy Writ. Recall that it was St. Paul himself who declared, not without a hint of satisfaction, that he was "all things to all men." Mr Bowerman, I trust, would not be amused.

Is the Mondavi affair merely one further inane intrusion by meddlesome bureaucrats into the regulation of business? It is at least that, but I suspect it is more. It could not have escaped the notice of eager BATF functionaries that the administration they serve has, in recent years, offered some harsh comments on individuals' derivation of satisfaction via chemical means. Might they have suspected that an application of conspicuous zeal would hold them in good stead in high places? Because the courts have given regulators the right to censor commercial speech, the temptation to exercise that right when it is in their own perceived self-interest is irresistible.

If Robert Mondavi is at liberty to appreciate wine but not announce that fact to others, the free society has suffered another nibble. It is not only the pursuit of commerce in wine that has been impeded but also the commerce in ideas.

If Robert Mondavi is at liberty to appreciate wine but not announce that fact to others, the free society has suffered another nibble. It's not only the pursuit of commerce in wine that has been impeded but also the commerce in ideas. Although the Mondavi case is, by itself, of little significance, it stands as decisive refutation of the Court-approved theory that commercial speech is different in kind from "Constitutionally protected speech" and thus subject to the whims of governmental flunkies. Despite the Bowermans of this world, Mondavi is entitled to express their viewpoint, and when BATF refuses them that right we are all deprived of the opportunity to consider what they have to say. As St. Paul might observe, "The good that they would, they do not." —LEL

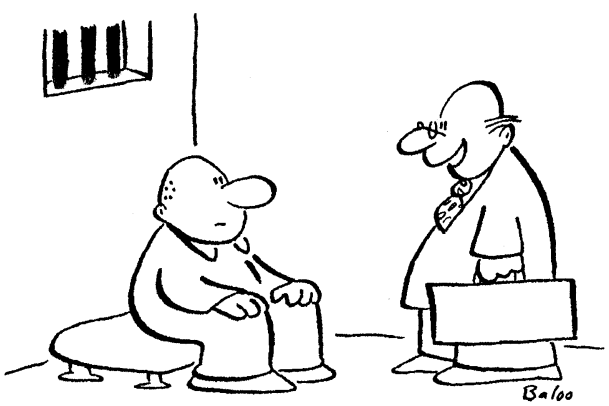

"Congratulations — I got your sentence reduced from tar and feathers to crazy glue and confetti."

Horse trading in the USSR — Whatever one thinks of Mikhail Gorbachev's politics, one can't help but admire his tactical acumen. Just as it appeared that Gorbachev had been "captured" by the Stalinists in his government, he concluded a deal with Boris Yeltsin, his "main rival," thereby outflanking the Stalinists. Yeltsin threw his support behind the Gorbachev plan for Soviet Federalism and in return the Soviet President gave up control of the Siberian coal mines to Yeltsin. Such a deal! The next time the miners go on strike, which should be sometime this fall, they will be calling for Yeltsin, not Gorbachev, to step down. So in return for helping him stamp down the Communists and setting up the Federal plan favored by Gorbachev, Yeltsin received a heap of troubles of which Gorby was gladly rid. Gorbachev may

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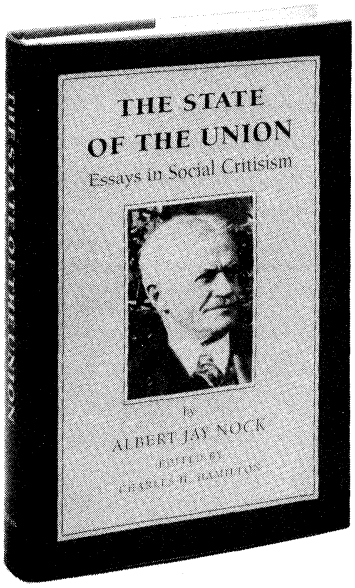

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not be a Capitalist, but he knows a thing or two about horse trading. —JSR

Thriving Leviathan — For nearly a decade we had to put up with complaints about something that never happened, namely, the Reagan administration's drastic dismantling of the federal welfare state. Yes, the Reaganauts did attempt a little deregulation, almost all of it during the first term and most of that a carry-over from Carter administration initiatives. Still, to be fair, one must admit that the Reagan administration did slow down the growth of regulation and discretionary nondefense spending relative to the trends established during the previous two decades. With the election of Ronnie's errand boy, one might have expected more of the same.

But no. Not even close. During the first two years of the Bush administration, discretionary nondefense spending grew faster than during any administration since FDR's. Bush's cadre of establishment Republican advisers, cabinet secretaries, and their minions have galloped stride for stride with the spendthrifts who compose the Congress.

Nor have the bureaucrats been left behind. According to the "unified agenda of federal regulations," as cited in the New York *Times* (28 April 1991), the Bushmen are preparing a record number of new rules. To be exact, 4,675, which is up from an average of about 4,000 a year between 1983 and 1988. The *Times* reports that the new rules range far and wide, including such critical areas for the government's guiding hand as "peanut marketing quotas, tobacco price supports, restrictions on imports of honeybees and zebra mussels, auto emission standards, child labor rules, restrictions on fishing for black rockfish off the coast of Washington and rules for disposing of tissue from dead whales."

During the first two years of the Bush administration, spending grew faster than during any administration since FDR's. Bush's cadre of establishment Republican advisers, cabinet secretaries, and their minions have galloped stride for stride with the spendthrifts who compose the Congress.

Thank God for the bureaucrats. Without their beneficent intervention, we'd have dead whales everywhere—a situation almost as noxious as the politicos who spawn these stinking regulations. —RH

Not with my kids you don't! — Although Brookline, Massachusetts may compete with north-west Washington D.C. for record liberal democratic voting percentages, its citizens aren't *totally* backward. When the Brookline School Committee undertook reforms to multiculturalize the public school curriculum, parents came down hard. It seems that the sorts of reform policies that these left-liberals support in the abstract for the nation as a whole aren't the kinds of things they would like foisted on their own children in their own schools. Peggy Means McIntosh of Wellesley College, a consultant for the Brookline Schools, has taken the most flak. In the course of laying out a one-hundred year program for reforming the school—quite an act of hubris for a collectivist—she decried education based on male-oriented vertical thinking, which focuses on "excellence, accomplishment, success and achievement," and would rather the school inculcate lateral thinking (common to women and minorities, allegedly), in which "learning is not seen as mastery, but as our connection to the world." While Ms McIntosh's lack of mastery is manifest, the situation suggests a model for any proponent of sweeping social reforms. Whenever such schemes are dreamed up, they should be applied only to the children of the reformers. If they don't work out, fine. Only the families responsible for them will suffer. If they do work out, then maybe in a hundred years other people will choose to get involved—that is, if they are tired of excellence, accomplishment, success and achievement. —JSR

Gassing his own people, the sequel — In the last issue of *Liberty*, I confessed that I had been fooled by the U.S. Army: its spokespersons had made numerous statements to the effect that Iraq's army was extremely potent and any U.S. invasion would take a terrible cost in American blood, and like any good patriotic American I had believed them, only to feel foolish when the U.S. Army took care of the Iraqis like a skid-row bum kills a bottle of Thunderbird. I should have realized I was being lied to, I confessed, because I knew that (a) the military had no compunctions about lying; and (b) the military had every motivation to lie.

In that same issue, I reported that, contrary to President Bush's public statement and the repeated theme of those seeking to demonize Saddam (all the better to slaughter his people), a study by the U.S. Army War College had concluded that Saddam had not, in fact, ever gassed the Kurds.

A few days ago, I got a letter from Mr John R. Carter of Earlysville, Virginia about the gassing-the-Kurds controversy:

"When the news of Halabjah [where the Kurds were gassed by someone] first appeared, Saddam Hussein was our ally and a long-time recipient of U.S. aid. Clearly the incident was an embarrassment to our government. As all governments are wont to do, ours proceeded to take steps to mitigate the blot on the escutcheon of our good friend Saddam Hussein.

"Look at the source of the study that white-washed Hussein: the U.S. Army War College. Would you care to argue with me if I were to assume that the U.S. government commissioned it?"

Mr Carter was too diplomatic to point out that I had been fooled again. But his point is well-taken: when Saddam was our "friend," he was a good guy, not the sort of fellow who would gas anybody (except maybe the Iranians, who were subhuman demons at the time); when Saddam was our enemy, he was the sort of person who would "gas his own people," a claim that helped demonize him so that the American people would not get upset at our armed forces killing 100,000 Iraqis, many of them innocent civilians.

The question remains: who did gas the Kurds? The answer, I fear, will never be known. There is testimony that the Iranian air force dropped the gas. There is also testimony that the Iraqi air force was the culprit. The parties involved all

have axes to grind, and none have moral compunctions against lying to achieve their ends. The Kurds wanted to convince the U.S. that they are helpless victims of Saddam deserving U.S. assistance, which provides them with a strong motive to convince us of the Saddam-the-gasser-of-his-own-people theory. The Iraqis wanted continued U.S. aid in their war of aggression against Iran, so they had reason to blame the gassing on Iran. The Iranians wanted the U.S. to believe that Saddam was a war criminal, so they had reason to blame the gassing on him. The U.S. government, however, had a double-bladed ax to grind: When Saddam was our pal, he was innocent; when he was our enemy, he was guilty.

Which leads me to conclude with the same words as I closed my original piece. "What ought we conclude from this? At the very least, we should remember to take the statements of our government and military leaders with a grain of salt, especially when they incite us to war. Or maybe a mountain of salt." Good advice. I wish I'd taken it myself. —RWB

Shooting down the Patriot — No one can forget the raving about the astonishing effectiveness of the Patriot missiles, which were said—remember, all we actually saw were some lights in the televised sky—to have streaked flawlessly to intercept the Iraqi Scuds, thereby demonstrating the worth of all the high-tech weapons ever built and the wisdom of proceeding forthwith to develop Star Wars.

Like a lot of other claims dished out to a credulous public by the government's propagandists, the Patriot's performance seems to have been rather less impressive than we were led to believe. Information compiled by the Israelis shows that casualties and damage caused by Scuds increased after the deployment of the Patriots. In the pre-Patriot period, 13 Scuds arriving at Israeli cities wounded 115 persons and damaged 2,698 apartments; in the post-Patriot period, 11 Scuds arriving at Israeli cities wounded 174 persons, killed four, and damaged 9,029 apartments.

U.S. authorities claim that 45 of 47 Scuds fired at Israel and Saudi Arabia were intercepted. But these claims use a loose definition of "intercepted" that does not mean destroyed or kept from causing damage on the ground. Not only did parts of the Scuds, including in some cases the warheads, continue on their way after being "intercepted," causing great damage on impact with the ground, but the Patriots themselves sometimes fell back to earth and exploded.

According to MIT professor Theodore Postol, who has studied the Patriot for years and recently testified before the House Armed Services Committee, "It is possible that if we had not attempted to defend against Scuds, the level of resulting damage would be no worse than what actually occurred." His conclusion: "when you strip away the hoopla, there's not a lot there."

Perhaps, after all, the Patriot and Star Wars do have much in common. —RH

The Law of Unanticipated Consequences — As I write, celebration of the glorious U.S. victory in the war against Iraq seems to have quieted somewhat. Just when all red-blooded Americans were looking forward to the greatest Fourth of July festivities ever, the damned Kurds had to go and spoil it. Not content to stay put in Iraq, where Saddam's forces could annihilate them, the troublesome Kurds insisted on fleeing into the mountains, where they deposited themselves in squalid camps and proceeded to die by the thousands from hunger, exposure, and disease.

Of course, no part of this unfortunate event should be attributed to the magnificent American military effort, which confined itself to such manifestly justified activities as (what U.S. pilots described as) the "turkey shoot" of thousands of defenseless Iraqis trapped in an enormous traffic jam on the road from Kuwait City to Basra. Needless to say, the God-fearing U.S. leadership never intended to jeopardize the pathetic Kurds, not even when urging them to rise up against Saddam's government, clearly implying that U.S. forces would assist them in throwing off their longtime oppressor. It was just a little slip-up that the U.S. forces then stood by with arms folded while Saddam's army slaughtered the hapless Kurdish rebels.

In the Oval Office all is well. The latest poll shows an 80 percent approval rating for Bush and a headline in the New York Times *informs us, "Pride in Victory Lingers, if Clouded by Middle East Chaos and Kurds' Agony." Who says crime doesn't pay?*

President Bush later admitted that he had not anticipated Saddam's fierce attack on the Kurdish and Shiite rebels; nor had he expected a massive Kurdish exodus. In the words of an anonymous administration official, "How could we have anticipated this?"

How indeed? The Bush government decided to unleash the most powerful military attack in history against a country torn by ethnic and religious conflict and surrounded by hostile nations, each with its own intrigues projecting into Iraq. Yes, how could Bush and company have known what would happen after the shooting stopped? How could anyone have known?

But given this irreducible uncertainty, wouldn't a modicum of caution have been in order? Too brimming with testosterone to delay their mock-heroic rush to war, Bush and his lieutenants plunged headlong into the witch's cauldron of the Middle East, with no clear idea of what would happen next, with no plan for putting the shattered pieces back together, with no conception of the quagmire they would be stuck in after their "victory."

So now the U.S. government, supercop of the New World Order, is stuck there, too deeply involved to extricate itself. But let's be fair; if it has not succeeded completely, still it has achieved much. It has left Kuwait a fetid, burning wasteland unfit for human habitation. In the wake of the glorious American victory, hundreds of thousands of people are dead—thank God, few Americans, the only ones who really count—vast numbers wounded or sick, millions threatened by epidemic diseases; the Gulf is polluted with oil, the skies darkened by dense smoke, the land and buildings of Kuwait and Iraq devastated, hundreds of thousands (maybe mil-

lions) of Kurds and Iraqi Shiites reduced to refugees if they survive at all. And Saddam Hussein, Bush's personal reason for plunging the nation into war, is still in power.

But in the Oval Office all is well. The latest poll shows the respondents give Bush an 80 percent approval rating, so it appears that he'll still be laughing as election day approaches. The headline in the New York *Times* (21 April 1991) informs us, "Pride in Victory Lingers, if Clouded by Middle East Chaos and Kurds' Agony." Who says crime doesn't pay? —RH

Drunk with power — For years the coterie of professional busybodies calling themselves Mothers Against Drunk Driving (MADD) has, along with its other tactics of fear and harassment, distributed a list that purports to give the punishments meted out to drunk drivers in various foreign countries. Most of the penalties listed are considerably more severe than those which are typical in the United States. The purpose, of course, is to chastise us Americans for our hideous leniency toward this particular type of transgressor.

In its most recent form, the table includes such alleged policies as the following: In the Soviet Union, the intoxicated driver has his license revoked for life. In Turkey one is driven twenty miles into the country by the police and made to walk back to town to accompanying public chastisement. Sweden is said to impose a mandatory sentence of one year at hard labor. In France, one is presented with a one-year term plus a fine. El Salvador, in an effort to cut down on recidivism, is said to execute first offenders by firing squad. In Costa Rica, we are told, the gendarmes remove the offender's license plates for a year. The Aussies, relying on the power of public obloquy, supposedly print the names of miscreants with the heading "He's/She's drunk and in jail." And much more along these lines. These claims have been so heavily pushed that they have found their way into many other outlets, including teachers' manuals, police reports, restauranteurs' legal advisories, and *The Law Enforcement Journal* of the Police Officers Association of Michigan. They have been widely used in legislative debates and in informal discussion.

The problem is that upon investigation almost all of this information proves to be false. Either the penalties don't exist or they are applied only in very extreme cases involving alcohol-related fatalities or habitual offenders. Needless to say, drunk drivers are not executed in El Salvador, where the maximum sentence for such an offense is a one year suspension of one's license. The Swedes impose fines and, in more severe cases, up to six months in jail. In Turkey, although repeated offenses can earn up to three months in jail, the problem is not regarded as a serious one and there are few prosecutions. The twenty mile ride seems to be a folk myth, as is the humiliating photo caption attributed to Australian newspapers. Even the USSR, whose drunken-driving laws are complex, imposes jail time only against those who are "repeatedly found in a state of intoxication" while operating a vehicle. Licenses can, in the most serious cases, be suspended for up to five years. The gap between MADD claims and reality is similar right down the line.

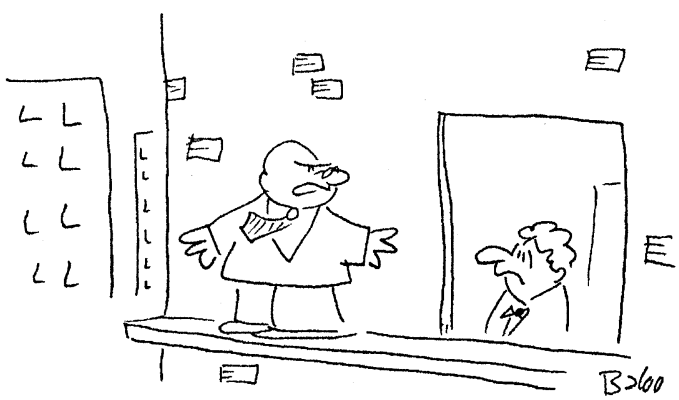

"This is your last chance, Ferguson — Get out here and jump with me or you're fired!"

It turns out that at least some MADD officials were aware of the problems with their claims. Maria Chaloupka, assistant director for public affairs at the organization's national headquarters, told a Detroit *News* interviewer that attempts had been made in the past to verify some of the information which had been compiled by various staff members, but without success. In addition, there have been occasional letters from foreign embassies complaining about the negative images of their respective countries that the Mothers were spreading. Micky Sadoff, MADD's national president, gave the excuse that such lists have been around so long that their authenticity has been taken for granted.

One suspects that "fabricated" would be a more accurate verb than "compiled," and that the length of time that something has been "around" is not a particularly scholarly criterion. But let that go. The important question is, why do people do these things? What leads to such vulgarization of discourse and argumentation? Obviously, there is a tendency among many advocates of a cause to bolster a weak case by means of what Huck Finn called "stretchers." There is also a more sinister attitude, typified formally by Marxism but probably as old as human thought, which simply holds that if one's cause is just, one need not adhere to any standards in implementing it. In addition, many people implicitly follow a sort of "warm fuzzy" approach to belief—i.e., if I hear or read something that gives off good, non-threatening vibes, and makes me feel better, it's true, or at least it's *true enough for me.*

Whatever the mixture of motives, and whatever one thinks of this particular organization, the whole affair leaves a bad taste in the mouths of those who value truth. The use of falsehoods to bolster a cause generally proves dysfunctional over the long haul, and sometimes at once, especially in a society given to open discussion. To quote an old saw, "Everyone is entitled to his own opinion, but everyone is not entitled to his own facts." —WPM

War weary — In the May issue, Bill Bradford expressed some surprise at readers' reaction to *Liberty*'s Gulf War coverage. He noted that readers were accusing *Liberty* of being "horribly one-sided," but, ironically, some of these outraged readers considered *Liberty* anti-war and others considered it pro-war.

I understand these readers' feelings because I, too, had

some problems with *Liberty* on the war. I thought that *Liberty* opposed it; but this impression was based more on my recollections of previous writings of *Liberty* editors than on what they actually put on paper in the March issue. I think this happened because, while the war was going on, I didn't want to read very intensively about why we shouldn't have gone to war. I didn't want to be reminded by people as knowledgeable as Robert Higgs that the one constant of war is an ever-expanding state; or see Bradford point out the discrepancy between George Bush's support of a small monarchical family and his failure to support the struggling Lithuanians. Such facts are too painful and demoralizing for someone who simultaneously is thinking that, given Saddam Hussein's actions, the U.S. government may have made the right choice. Had Saddam Hussein captured Saudi Arabia, he would have had $50 billion or so in annual oil revenues, which would have armed him for even greater harm.

Only after war was "over" (in some dimensions), and the devastating aerial bombings had receded into history, was I willing to take a more objective look. And, of course, I found out that some libertarians actually supported the war. But I also had to face up to the 667–1 kill ratio and Bradford's soul-searching over why he believed the military's claims about Iraqi strength, to mention just a few of the sad idiosyncrasies of this war.

As I see it, the fundamental moral problem is that any war leads some people to their deaths or to permanent injury, and it is unclear (at best) whether the people who make the decisions have the right to send them. The tragic deaths of innocent civilians I place on the head of Saddam Hussein, who could have prevented the deaths at any time (no one has suggested that he initiated a just war).

But the American military deaths are the result of a decision made by George Bush. The fact that our armed forces are voluntary, not based on a draft, trims the magnitude of the decision, but only slightly. Was he right to send them? I don't know.

When a war is justified, a large number of people benefit from the deaths of soldiers. They benefit because a tyrant is rebuffed and future tyrants are warned off future aggression. The Gulf War is probably such a case. But the question is whether the benefit to others justifies the coerced deaths, and I don't have a philosophical framework that tells me this is so. All I can do is be grateful for the sacrifice made by those soldiers and hope that in some very large sense they have not died in vain. —JSS

Wars for liberty — There are good *a posteriori* reasons for libertarians to support a foreign policy of political neutrality, or "isolationism." For one thing, there is a very strong correlation between foreign intervention and the loss of individual liberty. For another, the costs of war often exceed the costs estimated by war's advocates, and the benefits are generally far less.

But libertarians are people of principles. Like Herbert Spencer, we are not content until our arguments are put into *a priori* form. With foreign policy, however, this is not as easy as most seem to think. It is not enough simply to make the equation "Non-interventionism equals non-aggression," and let it go at that.

This was demonstrated very well by Sheldon Richman in his essay "No Victory for Liberty," in the last issue. He provided many practical, *a posteriori* reasons to oppose the war in the Persian Gulf. But his one paragraph on first principles (pp 26–27) was spectacularly under-argued. And his conclusion was glaringly unconvincing. Consider: "The basic principle of a decent, not to mention libertarian, foreign policy must be the same as that of the physician's oath: Do no harm."

I submit that this prescription is neither decent nor libertarian. In fact, Richman himself seems to disagree with it. The first sentence of the paragraph concedes: "I am willing to stipulate that a reasonable moral code would not condemn someone for killing an innocent person when it was the only way to save his own life." Well, isn't it also okay, under certain circumstances, to put in harm's way—and even kill—

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innocent bystanders (and what philosophers call "innocent shields") in order to repel an aggressor?

Those who give a negative answer to this question trouble me. What are they willing to fight for? Will they cave in to every cleverly contrived threat?

Those who say the question is irrelevant to the Gulf War because Americans were never threatened also trouble me. Are they so opposed to that ol' bugaboo, altruism, that they are opposed *on principle* to charitable defense? If they see a violent conflict, do they have *no* impulse to use physical force to stop the fighting? Does "live and let live" also always mean "live and let die"?

And I wonder: Are those who say my question only applies to individuals, but not states, so utopian that only the most radical of arguments applies to our current world? I respect these people only when they refuse their social security checks and cease driving on public roads (and then only for the consistency of their folly). Contrary to one of our letter-writers this month, Prof. Lomasky's "Give Bush His Due" dealt with this problem as it relates to the issue at hand. I need not rehash the good professor's argument.

For those seeking a moral rule about foreign intervention, I offer the following: "Intervene in those conflicts when a) it is in your interest to do so, and b) you have good reason to believe you can make the situation better, and the resulting peace *just*." —TWV

Where is John Galt? — Twice last week, a uniformed representative of the U.S. government brought me information on the location of Galt's Gulch, the secret hideout in the mountains of Colorado for the heroes of Ayn Rand's *Atlas Shrugged*.

First, Tim W. Ferguson reported in *The Wall St Journal* that Galt's Gulch was "somewhere nearby" Colorado Springs.

Then *Freedom Network News* reported that Fort Collins is "Galt's country, located near where Ayn Rand located her retreat in *Atlas Shrugged*."

Now it's a fact that Fort Collins and Colorado Springs are about 120 miles apart, so unless the word "near" means at least 60 miles, it is pretty clear that at least one writer got it wrong. Of course, *Atlas* is a work of fiction, so one might think its author took a few liberties with geography; perhaps her description makes it impossible to figure the location of the Gulch any more precisely.

To think in such a way is to underestimate Ayn Rand, whose pride as a craftsman would not allow such inaccuracy. In fact, we know fairly accurately where Galt's Gulch was located: somewhere in southwestern Colorado, almost certainly in the San Juan Mountains, about 175 west of Colorado Springs and 250 miles southwest of Fort Collins.

We have two sources for this information:

1. Rand tells us where Galt's Gulch is in *Atlas Shrugged*. Though her description is not terribly precise, with a little analysis we can figure it out. Dagny Taggart, *Atlas*'s heroine, finds herself marooned in Colorado on a train abandoned by its crew "about eighty miles from the Oklahoma line." Oklahoma's border with Colorado is only about 50 miles long; plainly, she is in southeastern Colorado. Since the train was westbound, she was likely somewhere fairly close to the New Mexico border.

The next time you travel through Colorado and someone tells you that you are near "Galt's Gulch," check your premises. Or a road map.

Dagny finds an airport, buys a plane, and flies "northwest" to "Afton, Utah." Afton is a fictional city. But it evidently lies somewhere in extreme northeastern Utah, else a flight northwest from southeast Colorado wouldn't get there. As soon as she lands in Afton, she learns that the man she came to see had just left. She follows his aircraft, heading "southeast toward the highest mountains that obstruct the path of the sun." She follows it for some time—Rand doesn't tell us how long—until she sees the plane she is following "dropping, toward a ground she could not see and dared not think of. Like remnants of broken jaws, strings of granite dentures stood between her ship and his; she could not tell what lay at the bottom of his spiral motion. She knew only that it did not look like but was certain to be, the motion of suicide." The plane disappeared into a valley: "The bottom of the valley looked like a stretch of the earth's crust mangled in the days when the earth was cooling, left irretrievable ever since." The level of the ground "in this part of Colorado" was 8,000 feet. As she flew lower, down to 8,700 feet, "The flash of light that hit her had no source." She had crashed into the force field that camouflaged Galt's Gulch.

So, heading southeast from northeast Utah over high mountains, where the ground level was 8,000 feet, she had found Galt's Gulch. Depending on the exact location of Afton, Utah, there are only three possible mountain ranges over which she could have been flying: the San Juan, the La Garita or the Sangre de Cristo.

2. Barbara Branden tells us in her authoritative biography of Rand, "For the location of *Atlas Shrugged*'s Atlantis, the hidden valley where the men who have gone on strike spend a month together each summer—they call it 'Galt's Gulch'—Ayn had studied a Union Pacific Railroad map until she found an isolated valley high in the most uninhabited section of the Rockies. She and Frank drove to the location of the valley in Colorado—and found, to their astonishment, that there was a beautiful little town there, the town of Urey."

There are a couple of problems with Branden's account. For one thing, railroad maps generally show the locations of towns, as almost certainly would the road map that Rand and her husband used (assuming they didn't head into the wilds of Colorado without a map), so it seems unlikely that Rand was "surprised" to find the town. And there is no town or city in Colorado named "Urey."

But before we dismiss Branden's account altogether, we should consider the source of her information. A primary source of Branden's biography, and almost certainly the source of this passage, was a transcription of taped interviews with Rand that Branden made in the early 1960s. There is, in the San Juan Mountains, lying at about 8,000 feet above sea level, a beautiful town named Ouray, but pronounced "Urey." In its physical setting, Ouray almost duplicates Galt's Gulch. The country around Ouray is so wild and beautiful that it is easy to imagine how even a nature-hater like Rand could be overwhelmed by it. Nearby are several mountains of more than 14,000 feet, and the road south of Ouray rises to more than 11,000 feet. That road is US-550, a highway that could very well be incorporated into the trip from New York to Los Angeles during the course of which Rand visited "Urey."

Of course, "Galt's Gulch" is fictional, and it is impossible to identify its exact location. But we know that Rand modeled it on a place like Ouray. And we know that she located it in a place like Ouray, except more isolated. It seems very plain from Rand herself and what we know of her that Galt's Gulch was located in the San Juan Mountains, somewhere near Ouray.

So the next time you travel through Colorado and someone tells you that you are near "Galt's Gulch," check your premises. Or a road map. —RWB

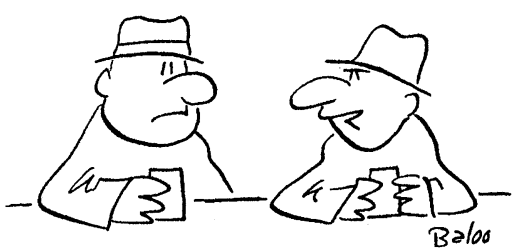

"If you think it's bad now, just consider the millions of kids growing up right now with Pee-Wee Herman as a role model!"

The scribbling on the wall — A teenager from Los Angeles, Daniel Bernardo Ramos, has been suspected of writing the word "Chaka" 10,000 times on other people's

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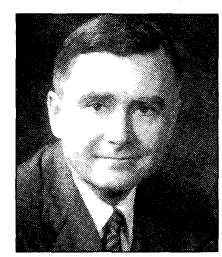
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Views From A Heartland Campus

property. Soon after he was sentenced to spend 1500 hours cleaning up graffiti, he was arrested for trespassing. A wide-tip marking pen was found in his vicinity.

I don't care much about Daniel Ramos, but I do care about a remark that his mother made in an interview with the LA *Times*.

"'I don't know what to do, my head is like this,' Maria Ramos said, holding up a clenched fist and visibly trying not to cry. [Daniel's] friends, she said, call him up on the telephone 'every 10 seconds. They tell him, "What you do is art." He believes it.'"

Mrs Ramos thus characterized, as well as anyone ever has, the central problem of recent cultural phenomena—their total *lack* of defining character.

I'm not saying, of course, that contemporary culture has no characteristics. It's loud. It's ugly. Sometimes it even smells bad. We know what rap music sounds like, what Madonna looks like, what performance art sometimes smells like.

But all the characteristics in the world don't add up to defining character. This is only culture because somebody's friends say that it is—and they can say that about anything.

Coleridge observed that the question "What is poetry? is so nearly the same question with, what is a poet? that the answer to the one is involved in the solution of the other." But what definition of "poet" could possibly express the distinctive character of the persons whose "readings" I see advertised under such titles as

TWELVE SAN JOSE POETS
or
NINETEEN POETS AGAINST CENSORSHIP.

I'm against censorship, too, but the idea of nineteen poets in the same place at the same time strikes me as evidence either of a miracle or of an amazingly loose definition. Name, if you can, nineteen poets who lived at any time in the nineteenth century, and anywhere on this continent.

"Poet" is now a generic term.

There are other generic terms. "Artist" is one. How many "artists" live in your town? Many times more, I'll bet, than the artists who lived in fifteenth-century Florence. How many times have you seen a news story about, say, someone being run over by a truck, and the witness happened to be "Joe Jones, 39, artist"?

This does not mean that Joe performs any actual artistic work. He probably dresses like an artist, smokes like an artist, sneers like an artist, and his friends call and tell him, "What you do is art."

Some people go all the way, of course. They are willing to stand on a stage and demonstrate their opposition to "censorship" by making noise, throwing colored objects, or trying to embarrass the audience. Is this "poetry," or is it "art"? It's hard to tell. Although both "poet" and "artist" are generic terms, there's a genus that unites even these loose baggy monsters: the art person. And there's an even more inclusive category: the political person, the person who is obsessed with "political statements."

Almost all art persons are obsessed in this way, even though the statements have nothing to do with voting or any other aspect of the political system. They presuppose as little study of political ideology as contemporary "art" presupposes of Raphael or Matisse. They are merely demonstrations of the kind of person one is—a member of the "art community."

Certain members of the art community get lucky. They get noticed by rich people. They get written up in journals and get grants from the government. They spend their time talking about how the government wants to shut them up and about how Bush has "all our names on his list," pending the time when he "turns his imperialism inward."

The remaining members of the art community are indistinguishable from these people, except in their failure to get lucky. The unlucky ones spend their lives working behind the counter in coffee houses, where they talk about how the government wants to shut them up and about how Bush has "all our names on his list," pending the time when he "turns his imperialism inward."

What happens to real artists, the ones who can actually create works of art, the ones who are really distinguishable from one another and from all the people who perform the peculiar and no doubt difficult act of pretending to be something that they can't even understand.

I don't know what happens to the real artists, and when I think about it, I feel like Mrs Ramos, holding up her clenched fist. —SC

Guest Reflection

The utility of envy — Most *Liberty* readers are probably aware of the significant role of envy in laws attacking the "rich" in the U.S. and other countries and of how this emotion is playing a significant role in preventing economic reforms in Soviet bloc countries. I have often wondered how this emotion works and why it is so powerfully built into humans. What function does it serve?

A few months ago, I was listening to a news report discussing U.S. diplomats leaving Iraq, and it mentioned that they were flying first class. It raised my hackles when I heard that because I often have to fly coach because of the high cost of first class and I knew that, at least to some extent, my taxes were being used to pay for the diplomats' tickets. Feeling this envious emotion, it got me to thinking. It may be that envy is an emotion that made sense when there was a communal "pot" of available resources, because then if somebody had more, you had to have less. Such a feeling might still make sense for government wealth transfers, but not for wealth earned in a free market. Most people have not learned to distinguish between them, hence, people continue to feel envy when others become richer through market activity.

The bottom line is that, just as people can use a television without understanding anything about how it works, America has become rich but Americans don't know why. This vital knowledge must become more widespread if we are to avoid the destruction of much of our wealth. —Sandy Shaw

Talk

Say "No" to Intolerance

by Milton Friedman

When Prof. Friedman gave this talk at the 1990 Future of Freedom Conference, he was introduced as one of the three "great libertarians" of this century. An appropriate introduction, for his subject was the two *other* "great libertarians."

Thank you very much. I'm embarrassed by that introduction and by your welcoming of me, because I'm afraid that you might not be quite so enthusiastic at the end of the talk. The virtue of being among people with whom you agree fundamentally is that you can talk about some of the harder issues, which you don't want to talk about in other circles. I want tonight to talk about basic libertarian beliefs and values. (I refer to myself as a liberal in the true meaning of that term: a believer in freedom. Unfortunately, we've had to use the word "libertarian" because, as Schumpeter said, "As a supreme if unintended compliment, the enemies of the system of private enterprise have thought it wise to appropriate its label.") As a long-time liberal-libertarian, I am puzzled by a paradox. On the one hand, I regard the basic human value that underlies my own beliefs as tolerance, based on humility. I have no right to coerce someone else, because I cannot be sure that I am right and he is wrong. On the other hand—and this is the paradox—some of our heroes, people who have done the most to promote libertarian ideas, have been highly intolerant as human beings, and have justified their views (with which I largely agree) in ways that I regard as promoting intolerance. Equally important, as I have observed the libertarian movement, there's a related strand of utopianism in the libertarian movement that I believe is also productive of intolerance and is fundamentally inconsistent with the basic values that I believe we stand for.

Why do I regard tolerance as the foundation of my belief in freedom? How do we justify not initiating coercion? If I asked you what is the basic philosophy of a libertarian, I believe that most of you would say that a libertarian philosophy is based on the premise that you should not initiate force, that you may not initiate coercion. Why not?

If we see someone doing something wrong, someone starting to sin (to use a theological term) let alone just make a simple mistake, how do we justify not initiating coercion? Are we not sinning if we don't stop him? Only two bases for a negative answer occur to me that make any sense. One—which I regard largely as largely an evasion—is that there's no virtue in his not sinning if he's not free to sin. That may be true. But then, that doesn't apply to me. It may be no virtue for him. That doesn't mean I should let him sin: am I not sinning when I let him sin? How do I justify letting him sin? I believe that the more persuasive answer is, can I be sure he's sinning? Can I be sure that I am right and he is wrong? That I know what sin is?

This is a complicated and difficult problem. Let me give an extreme example. I am on Golden Gate Bridge and I see someone getting ready to jump. He's going to commit suicide. Am I entitled to use physical coercion to stop him, assuming that I am capable of doing so? On the libertarian basis of not initiating coercion, one would have to say no. Yet I am sure that most of you, like me, would stop him if we could. We'd grab him. We'd justify that temporarily by saying "He doesn't really intend to do that and it's irreversible and we've got to stop him from doing something irreversible."

We grab him. We hold on to him. And he gives a perfectly plausible reason why he wants to commit suicide. Are you going to let him go? In principle you should say yes. In practice, I doubt very much that many of us, assuming that we had the power to hold him, would just let him go.

What this demonstrates, fundamentally, is that no simple principle is really adequate. We do not have all the answers, and there is no simple formula that will give us all the answers. That's why humility, tolerance, is so basic, so fundamental. Because the

only way that we can get a little closer to those fundamental principles is by being tolerant, by considering and respecting the opinions of people who disagree with us.

And yet, as I've already said, how can we square that with the intolerance demonstrated by people who deservedly are heroes to libertarians? There is no doubt in my mind that Ludwig von Mises has done more to spread the fundamental ideas of free markets than any other individual. There is no doubt in my mind that nobody has done more than Ayn Rand to develop a popular following for many of these ideas. And yet there is also no doubt that both of them were extremely intolerant.

It is of course desirable to have a vision of the ideal, of Utopia. But we can't stop there. If we do, we become a cult or a religion, and not a living, vital force.

I recall a personal episode, at the first meeting of the Mont Pelerin Society—the founding meeting in 1947 in Mont Pelerin, Switzerland. Ludwig von Mises was one of the people who was there. I was also. The group had a series of discussions on different topics. One afternoon, the discussion was on the distribution of income, taxes, progressive taxes, and so on. The people in that room included Friedrich von Hayek, Fritz Machlup, George Stigler, Frank Knight, Henry Hazlitt, John Jewkes, Lionel Robbins, Leonard Read—hardly a group whom you would regard as leftists. In the middle of that discussion von Mises got up and said "You're all a bunch of socialists," and stomped out of the room.

You need only read Barbara Branden's *The Passion of Ayn Rand*, a fascinating book, to recognize that what I've said applies to Rand as well. Barbara Branden tells a story that refers to both Rand and von Mises: "One evening, the Hazlitts [that was Henry Hazlitt, whom I mentioned] invited Ayn and Frank to dinner with Dr and Mrs von Mises. The evening was a disaster. It was the first time Ayn had discussed moral philosophy in depth with either of the two men. 'My impression,' she was to say, 'was that von Mises did not care to consider moral issues, and Henry was seriously committed to altruism. . . . We argued quite violently. At one point von Mises lost his patience and screamed at me. We did not part enemies—except for von Mises at the moment; about a year later he and I met at a conservative dinner and his wife made peace between us.'"

The important thing to me is less their intolerance in personal behavior than the philosophical doctrines on which they claimed to base their views, which seem to me to be fundamentally a source of intellectual intolerance. So far as von Mises is concerned, I refer to his methodological doctrine of praxeology. That's a fancy word and it may seem highly irrelevant to my topic, but it isn't at all. Because his fundamental idea was that we knew things about "human action" (the title of his famous book) because we are human beings. As a result, he argued, we have absolutely certain knowledge of the motivations of human action and he maintained that we can derive substantive conclusions from that basic knowledge. Facts, statistical or other evidence cannot, he argued, be used to test those conclusions, but only to illustrate a theory. They cannot be used to contradict a theory, because we are not generalizing from observed evidence, but from innate knowledge of human motives and behavior.

That philosophy converts an asserted body of substantive conclusions into a religion. They do not constitute a set of scientific propositions that you can argue about in terms of empirical evidence. Suppose two people who share von Mises' praxeological view come to contradictory conclusions about anything. How can they reconcile their difference? The only way they can do so is by a purely logical argument. One has to say to the other, "You made a mistake in reasoning." And the other has to say, "No, you made a mistake in reasoning." Suppose neither believes he has made a mistake in reasoning. There's only one thing left to do: fight. Karl Popper—another Austrian, like Mises and Hayek—takes a different approach. If we disagree, we can say to one another, "You tell me what facts, if they were observed, you would regard as sufficient to contradict your view." And vice versa. Then we can go out and see which, if either, conclusion the evidence contradicts. The virtue of this modern scientific approach, as proposed by Popper, is that it provides a way in which, at least in principle, we can resolve disagreements without a conflict.

So much for von Mises. That's a very brief statement and I recognize that it doesn't do justice to either praxeology or Popper. But that's not relevant here.

The same thing is true of Ayn Rand, as her phrase about Hazlitt's supposed commitment to altruism suggests. Rand did not regard facts as relevant, as ways of testing her propositions. She derived everything from the basic proposition that A=A. And from that follows everything. But if it does, again, suppose two Objectivists, two disciples of Ayn Rand, disagree, or that a disciple disagrees with her. Both agree that A is A. There's no disagreement about that. But for one reason or another they have different views on another subject. How do they reconcile that difference? There is no way. And that's the basic reason for the stories that Barbara Branden tells in *The Passion of Ayn Rand* about what happened when people disagreed in any minute detail with Ayn Rand.

I believe that there's an enormous paradox there. But don't misunderstand me. Nothing I say lessens my admiration in any way for the role that both von Mises and Rand played in promoting the ideas of liberty and free markets. And yet I believe that they teach both a positive and a negative lesson. The negative lesson is that we must beware of intolerance if we're going to be really effective in persuading people. The writings of both Rand and Mises—and much libertarian literature—take for granted that hard questions have easy answers, that it's possible to know something about the real world, to derive substantive conclusions, from purely *a priori* principles.

Let me take a real example. How many times have you heard someone say that the answer to a problem is that you simply have to make it private property. But is private property such an obvious notion? Does it come out of the soul?

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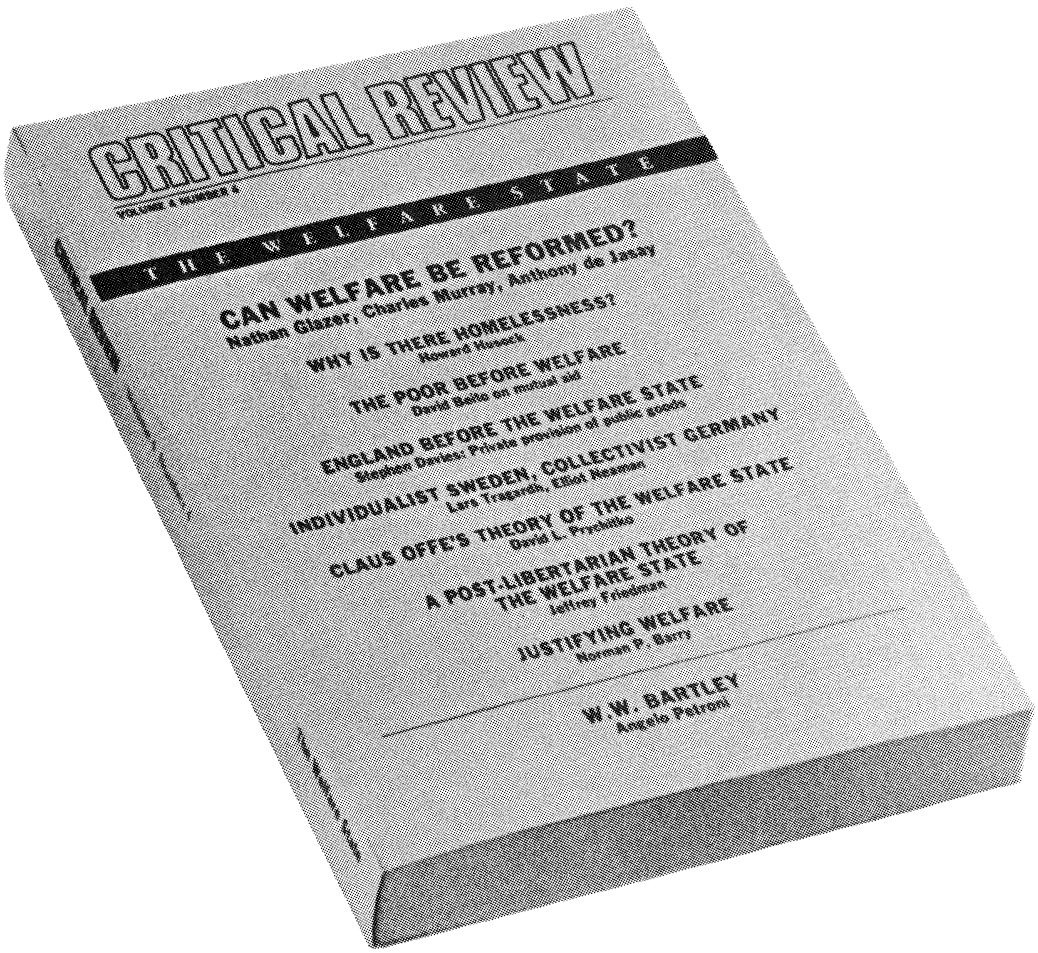

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I have a house. It belongs to me. You fly an airplane over my house, 20,000 feet up. Are you violating my private property? You fly over at 50 feet. You might give a different answer. Your house is next door. You have a hi-fi system. You play your hi-fi at an enormously high decibel count. Are you violating my private property? Those are questions to which you can't get answers by introspection or asking whether A is A or not. They are practical questions that require answers based on experience. Before there were airplanes, nobody thought of the problem of trespass through air. So simply saying "private property"is a mantra, not an answer. Simply saying "use the market" is not an answer.

Am I a statist, as I have been labelled by a number of libertarians, because some thirty years ago I suggested the use of educational vouchers as a way of easing the transition from socialism to freedom?

Let me give you two recent examples that also are relevant to the same theme—utopianism. I'll touch on them very briefly: vouchers and negative income tax. Re vouchers—and I'm now speaking of schooling vouchers—schooling is, next only to national defense, the largest socialist enterprise in the United States. And it is clearly as much of a failure as the socialist enterprises in Poland or Hungary or Czechoslovakia or East Germany. It shares the characteristic features of those failures. The characteristic feature of socialist failure is that you have a group, the *nomenklatura*, who do very well, you have masses who do very poorly, and the system as a whole is highly inefficient. That's exactly the case with our school system. Those of us who happen to live in high-income suburbs, as well as high-paid teachers and teacher-administrators, do very well out of the system.The poor suckers who live in the ghetto or who don't have any money, they do very poorly out of the system. The system as a whole takes two or three times as much resources to operate as are necessary, and it doesn't do a good job when it does. So it's clearly a failure.

In the Future of Freedom Foundation's *Freedom Daily*, for September 1990—again, a group that is doing good work and is making an impact—Jacob Hornberger wrote, "What is the answer to socialism in public schools? Freedom." Correct. But how do we get from here to there? Is that somebody else's problem? Is that a purely practical problem that we can dismiss? The ultimate goal we would like to get to is a society in which people are responsible for themselves and for their children's schooling. And in which you do not have a governmental system. But am I a statist, as I have been labelled by a number of libertarians, because some thirty years ago I suggested the use of educational vouchers as a way of easing the transition? Is that, and I quote Hornberger again, "simply a futile attempt to make socialism work more efficiently"? I don't believe it. I don't believe that you can simply say what the ideal is. This is what I mean by the utopian strand in libertarianism. You cannot simply describe the utopian solution, and leave it to somebody else how we get from here to there. That's not only a practical problem. It's a problem of the responsibilities that we have.

The same issue arises with respect to welfare, social security and the rest. It may be that the ideal is—and I believe that it is—to have a society in which you do not have any kind of major or substantial governmental system of welfare. Again, nearly thirty years ago I suggested, as a way of promoting a transition from here to there, a negative income tax as a substitute for and alternative to the present rag bag of welfare and redistributionist measures. Again, is that a statist solution? I believe not. We have participated in a society in which people have become dependent on government hand-outs. It is irresponsible, immoral I would say, simply to say, "Oh well, somehow or other we'll overnight drop the whole thing." You have to have some mechanism of going from here to there. I believe that we lose a lot of plausibility for our ideas by not facing up to that responsibility.

It is of course desirable to have a vision of the ideal, of Utopia. Far be it from me to denigrate that. But we can't stop there. If we do, we become a cult or a religion, and not a living, vital force. These comments apply, I believe, to the largest socialist enterprise in the U.S. as well. That is, of course, national defense. Like everyone else in this room, I am appalled by the waste of the defense industry. I am sure that if you and I could only run it, we could do it for half the money, and do it a lot better. But although I have tried for many years to figure out a way in which we could run defense as a private enterprise, and despite the hopes of some anarchist libertarians like my son, that we can, I have to admit that after some 30 years now, he's never been able to persuade me that we could. I suppose that just shows how intolerant I am. At any rate, simple slogans like "The market will take care of it" or "noninterventionism" do not resolve the hard problems. We may very well agree on the direction we want to go in, but just how we're going to go there and how far we're going to go, that's a much more difficult problem.

The writings of both Rand and Mises—and much libertarian literature—take for granted that hard questions have easy answers, that it's possible to know something about the real world, to derive substantive conclusions, from purely a priori *principles.*

Let me close by noting that admirers of von Mises seldom quote the following of his statements: "Government as such is not only not an evil but the most necessary and beneficial institution, as without it no lasting cooperation and no civilization could be developed and preserved." Now that's an idea to chew over. Thank you very much. ❑

The foregoing is an edited transcript of a talk given to the International Society for Individual Liberty in August, 1990.

Essay

The Owls Are Not What They Seem

by R. W. Bradford

Extinction of a species is a horrible thing, and no decent human being would want to be part of it. The northern owl has been declared "threatened" and an area the size of four states set aside for its survival. What could be wrong with that?

Extinction is forever. When the final breeding pair of a species dies, that species will never exist again.

This fact is profoundly moving to most people. If a species becomes extinct, it means that we will never again see it, never be able to benefit from it. And more. Extinction means that a species is lost not only to man, but to the entire ecosystem of which it is a part. The extinction of a species might mean environmental disaster.

When we were children we learned of fantastic creatures of long ago, strange flying creatures with wingspans of Learjets, giant reptiles of awesome visage, predators armed with tusk, tooth and claw, an astounding variety of creatures with all sorts of odd anatomies. We also learned of species that became extinct recently because of man: the passenger pigeon, whose flocks once blackened the skies of America's midwest, the dodo bird of the Indian Ocean. We saw films of the whooping crane, big, goofy looking birds of strange beauty; we were told that they were nearly extinct, but that we were working to save them.

We are glad to learn that the whooping crane is surviving, because we find the prospect of extinction—particularly extinction caused by man—to be odious. We feel sorrow for the species lost. We will never again enjoy their beauty. We will never know whether an extinct species might have contained in its body a substance that could cure cancer.

Extinction is forever.

That is why most of us support government action to protect species facing extinction. That is why there is a broad consensus in support of the Endangered Species Act, which empowers the federal government to take action to prevent extinction.

I live on the edge of America's most magnificent forest, the temperate rainforest of majestic Douglas fir, hemlock, ferns and mosses that blankets the Olympic Mountains. This forest is the home of a few thousand people who earn their living from harvesting timber and from tourism. It is also the home of the northern spotted owl.

It is said the northern spotted owl is threatened with extinction. Last summer, the U.S. Fish and Wildlife Service determined that the northern spotted owl is a "threatened species," meaning that its survival as a species will be protected by the U.S. government. The northern spotted owl is a shy creature; it lives only in the old growth forest. Its survival is threatened by human encroachment. When loggers harvest an area, that area is no longer habitat for the northern spotted owl.

To protect the owl from the threat of extinction, the U.S. Fish and Wildlife Service last year declared approximately 3.2 million acres off-limits to logging and development establishing a permanent old-growth habitat to ensure the survival of the northern spotted owl as a species. An official of a timber association, worried about the livelihood of loggers and their families, suggested that perhaps the lumberman should be declared an "endangered species." His suggestion—which may have been a joke for all I know—was quickly denounced by spokespersons for several environmental preservationist organizations. After all, loggers and their families are not a separate species; they are *Homo sapiens*, just like other Americans.

On April 26, the Fish and Wildlife Service declared another 11.6 million acres protected. People who earn their living from the timber industry were outraged. The area closed to human activity is as big as Massachusetts, New Hampshire, Connecticut, and Rhode Island combined. According to timber industry experts, the move will put 100,000 people out of work. Government experts estimate that

30,000 jobs will be lost. I don't have much faith in either of these "expert" estimates—the "science" of economic prediction seems bogus to me—but it does seem plain that the impact of the exclusion of human beings from this huge area will have dramatic and unpleasant consequences for a lot of human beings.

The spotted owl has been in the news a lot longer in the northwest, where I live, than it has nationally because the people liable to be hurt live around here. When it first cropped up, I was curious to know whether I had ever seen a northern spotted owl while hiking in the mountains. Bird-watching is a hobby of mine and owls are among my favorites, hard-to-find and rather mysterious. So I got out my copy of Roger Tory Peterson's *A Field Guide to Western Birds*. To my surprise, I could find no listing for the northern spotted owl. The closest I could find was the "spotted owl," or *Strix occidentalis*. So I checked my copy of *The Audubon Society Master Guide to Birding*, a three volume set. In volume 2, I again found the spotted owl (*Strix occidentalis*), but no mention of the northern spotted owl. The habitat of *Strix occidentalis* seemed to include that of the northern spotted owl: "Pacific Coast from S.W. British Columbia to S. California. Also in mountains of S. Colorado, extreme W. Texas, Utah, Arizona and New Mexico; Mexico south to Michoacán." This seemed confusing: was *Strix occidentalis* the bird that was the subject of controversy?

Secretary Lujan is not aware that the northern spotted owl—in whose defense his department is willing to ban human beings from an area the size of four states—is a not a separate species at all.

Bird-watching is only a minor hobby for me, however, and I have no particular connection to the timber industry—aside from cursing the hard-driving logging trucks on forest roads when I am driving in the mountains to one of my favorite trailheads. So I put the matter aside as one of life's small mysteries.

When the government closed the additional 11.6 million acres to protect the northern spotted owl, I remembered my curiosity over the matter. I called my local library for a copy of the Endangered Species Act, and was referred to a law library. The ESA is lengthy and verbose, too expensive to copy, so I spent an hour or two looking through it.

The law contained the key to the mystery of the northern spotted owl:

> A "species" includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds in nature . . . "endangered species" means any species which is in danger of extinction . . .

There you have it. According to the Act, "species" does not refer to what a biologist means when he says "species" or what ordinary people speaking the English language mean. The survival of the spotted owl, aka *Strix occidentalis*, is in no way endangered or threatened. But the habitat of the spotted owls who live in the Pacific Northwest is receding. This is all the ESA requires.

As Congress sees it, a "subspecies" or a "distinct population" is a "species." By this same logic, I suppose, a subcommittee is the same thing as a committee, a submarine is the same as a marine, and substandard is the same as standard. We may not like it, but like they say in those public service announcements about draft registration, "it's the law."

Now it may be that I should not have been surprised to learn that "species" as used in the Endangered Species Act has a different meaning from the term as used by biologists or ordinary people. Perhaps I am just ignorant: as a public citizen, I ought to keep up on Congressionally-mandated linguistic legerdemain.

But one thing is plain: I had a lot of company in my ignorance.

According to an article in *The Economist*, Secretary of the Interior Manuel Lujan, the man in charge of enforcing the Endangered Species Act, has responded to the crisis with a "suggestion to net some of the birds and breed them in zoos." Since the spotted owl of the Northwest is the same as the spotted owl that is prospering in Colorado, Texas, Utah, Arizona, New Mexico and Mexico, breeding them in captivity isn't necessary to save the species. Apparently, Secretary Lujan is not aware that *Strix occidentalis*—in whose defense his department is willing to ban human beings from an area the size of four states—is not a separate species. He made the same mistake that I (and probably most Americans) made: he inferred from the fact that the northern spotted owl has been considered for protection under the Endangered Species Act that the northern spotted owl is a *separate* species, which might be able to be saved by captive breeding.

What will be the fate of the loggers and owls of the Pacific Northwest? Not surprisingly, loggers are incensed by the loss of their livelihood. Northwest Congresspeople have raised a hue and cry on their behalf, and many people are beginning to see the folly of some aspects of the Endangered Species Act. If construed and wielded properly the ESA can prevent just about any human activity anywhere, just as it has in this case.

By including "subspecies" and "distinct population" in the definition of "species" and by defining "harm" to a species to include encroachment on its habitat, all that one needs to do is identify a single species that cannot survive changes in its habitat in a given area, and the Fish and Wildlife Service can regulate human activity (or ban it altogether) in that area in order to ensure the survival of the "distinct population."

This is exactly what is happening. Buoyed by their success in closing the forests of the Northwest, preservationists are pushing to remove human habitation elsewhere. The salmon that spend most of their lives in the Pacific Ocean return to spawn to the same streams in which they were bred; therefore they constitute a "distinct population." There are streams in Idaho in which the population of salmon has declined sharply since civilization came to the Columbia River basin. To protect each of these many "species," the dams on the Columbia River that provide

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both power and water will need to be removed. Without power or water, the people of the Columbia River basin won't last long.

The radical preservationists may be overplaying their hand. They *may* pull off the ban on logging, but I doubt they will get all the dams along the Columbia removed. The more pressure they put to use the Endangered Species Act to prohibit human activity, the more they endanger the law itself. Already, they have managed to annoy *The Economist*, normally quite sympathetic to environmental concerns. In a report on the controversy headlined "Owlmageddon," it noted that "environmentalists have grown increasingly shrill" and described the situation as a "tragi-comedy in which the spotted owl has been mysteriously transformed into a sacred cow."

The same line of thinking that the radical environmentalists have used to close 14.8 million acres to human activity could be used to perpetuate slums. Just imagine: the "inner-city rat," a distinct population group, depends on its habitat of rundown housing, unhealthy sanitary conditions, and the wide availability of garbage. Any action that alleviates these conditions would impact the habitat of the inner-city rat, thereby threatening its survival as a distinct population. Therefore, every sort of change—from government slum clearance to gentrification—must be prohibited.

The argument that preservationists are using, if applied consistently to its logical conclusion, has the effect of pretty much banning all human activity everywhere.

The argument that preservationists are using, if applied consistently to its logical conclusion, has the effect of pretty much banning all human activity everywhere. Every activity of human beings has an effect on the environment for the simple reason that we are a part of the eco-system. And "distinct populations" of various animals and plants live everywhere. To protect every "distinct population" of every species or subspecies is tantamount to prohibiting human activity altogether.

How are those of us who treasure wilderness to react to all this? The first thing we must do is reject the radical preservationist argument on environmentalist as well as humanist grounds. It is simply not viable in the long term: we cannot reasonably expect human beings to sacrifice their own lives and prosperity in favor of other animals. We have to realize that the decisions we make are economic decisions: there are advantages and disadvantages to the alternatives we choose between, and some of the choices we make will have the effect of changing the animal populations with which we live. The radical preservationist argument is fundamentally anti-human.

We must also remember that rejection of the radical preservationist argument does not mean that we must accept the other extreme. It is quite possible to appreciate the beauty in nature, to enjoy wilderness at a profound level, to be sensitive to the possible harm from environmental damage, while eschewing the absurdities of the radical preservationists. We should remember that to preserve wilderness, we need not preserve *all* wilderness or roll-back civilization; we can preserve nature on a selective basis; we can respect nature, work hard to learn its mysteries, and do our best to preserve what we increasingly value.

We should also remember that as wilderness recedes, civilized people will value what remains more highly, and will preserve it if they can afford to. The problem of diminishing wilderness is self-limiting. Similarly, as species—not subspecies or distinct populations—are threatened with extinction, the incentives to save them will increase. These incentives to protect wilderness and wild species work only in a prosperous society.

In a poor society, wilderness doesn't really have a chance. As the population grows, the wilderness is inexorably destroyed: when the alternative is starvation, people prefer to clear land in order to harvest its timber and animals and to bring it under cultivation. The social and private cost of preservation of wilderness is simply too high for people on the margin of subsistence.

This process has pretty well exterminated wilderness in China and India, and threatens the remaining wilderness elsewhere. At the present time, the wilderness of Madagascar—and the unique endangered species that it harbors—is being rapidly destroyed. The only way of protecting the remainder that seems to show any promise of success is subsidy from wealthy Western nations.

The pre-civilized practitioners of radical preservationism—unlike their civilized analogs—have an economic incentive for their beliefs: for hunter-gatherers, failure to preserve the wilderness means starvation, since the wilderness is the sole source of the food and other products that they hunt and gather.

In a certain sense, wilderness preservation is a luxury good; that is to say, only those who are prosperous will care enough to preserve wilderness. For this reason, those concerned with survival of wilderness should also be concerned with the prosperity of mankind. "Environmental sensitivity," as John Baden has observed, "is hostage to human prosperity and security."

Of course, there exist pre-civilized human beings who practice religions that revere wilderness as much as do the radical preservationists. The pre-civilized practitioners of radical preservationism—unlike their civilized analogs—have an economic incentive for their beliefs: for hunter-gatherers, failure to preserve the wilderness means starvation, since the wilderness is the sole source of the food and other products that they hunt and gather.

Some radical preservationists—those who understand the full implications of their beliefs—advocate a re-

continued on page 26

Guide

Libertarians and Environmentalists

by John Baden

How we see them, how they see us, what they can learn from us, what we can learn from them, and why we are natural allies.

Why are so many people who are sincerely concerned about the environment put off by what we classical liberals and libertarians have to say about environmental issues? The reason, I think, lies in the ways that classical liberals approach environmental issues. Classical liberals tend to see environmental issues primarily in the context of their social philosophy, a social philosophy that most environmentalists find sterile or outright mysterious.

Like most Americans, environmentalists are mystified by the notion of individual rights that many classical liberals see at the root of their social philosophy. Whether this is the result of our failure to enunciate that philosophy adequately or their failure to give individual rights theory sufficient consideration or of the inadequacy of individual rights theory itself remains open to question. But the fact remains that when classical liberals or libertarians respond to a specific environmental concern (e.g. the deterioration of the ozone layer) with talk of individual rights, we may as well be speaking Sumerian as far as most environmentalists (and most other people as well) are concerned. Happily, libertarians and classical liberals realize this, and seldom respond to environmentalist concerns with the theoretical case for an ethic of individual rights.

Environmentalists start with goals and evaluate proposals for reform largely in accord with the intentions of the advocates.

Yet we often criticize environmental thinking on political, scientific or economic grounds. These approaches are seldom constructive and rarely win allies.

The Watermelon approach. We note that some environmentalists have a Marxist-collectivist agenda, that they are "watermelons"—green on the outside but red on the inside. In this view, enviros use green paint to camouflage and legitimize an authoritarian, often "red" agenda. These "watermelons" use environmental concerns to legitimize the imposition of their preferences upon others by means of political coercion. If citizens see huge impending ecological losses, they are much more amenable to expanding the power and authority of government.

This response holds some validity: certainly Barry Commoner, Lester Brown, and other prominent environmentalists assert that today's environmental crisis demands extreme actions backed by governmental force. But it is also plain that many environmentalists are not championing the growth of government—Randall O'Toole, for example, has been severely critical of the National Forest Service because of its bureaucratic short-sightedness. By viewing all enviros as "watermelons," classical liberals not only are wrong—they are wrong in a way that often alienates them from potentially constructive cooperation with people who support environmental groups.

The Scientific Critique approach. Many classical liberals note that some enviros grossly exaggerate ecological problems, thereby kindling and exploiting people's fears. And this charge is undeniably true, in some cases. For example, the Natural Resource Defense Council exploited alar (and the celebrity status of Meryl Streep) to expand its membership and budget, and when it had finished the job, its public relations firm boasted about its successful enviro flim-flam.

Classical liberals observe that advocates of immediate and radical environmental reform often discount the benefit of scientific research; they neglect, for instance, the substantial disagreement among scientists on issues like global warming, and simply declare the issue settled and demand action now. But good science is cautious and modest in its claims, and is not inclined to issue dire warnings of catastrophe or even significant change.

This response to the environmental

challenge is often valid, and though it is certainly intellectually respectable, it is not always appropriate: most environmental criticisms have scientific foundation. To many environmentalists, scientific criticism sometimes sounds like an apology for environmental degradation.

The Economic approach. Many classical liberals observe that environmentalists don't appreciate the power and value of economics in understanding and solving environmental problems. Their preference for government intervention betrays an ignorance of the types of incentives that governmental managers face when managing an institution, enterprise, or eco-system. They tend to classify environmental disasters as market failures rather than political failures. Thus the catastrophic management of so-called "National Forests" by the Department of Agriculture is blamed not on the perverse bureaucratic incentives forced on the forests' managers, but on the private enterprise system.

Once again, there is considerable validity to this criticism, but it is not terribly convincing to environmentalists, who fear that environmental damage would continue unabated in the sort of society that liberals advocate. Their worries are not without foundation: some who claim the mantle of classical liberal economics seem to argue for the right to pollute.

This approach also often alienates environmentalists with its apparent sterility. The economic approach seems to neglect the importance of considering communitarian or ecological values. What economists think of as the strength of their discipline—its *wertfreiheit*, or value-free-ness—is perceived as cold-heartedness and indifference. And environmentalists are moved more by the spiritual and ethereal than by considerations of efficiency and productivity.

Classical liberals should remember that they share an intellectual heritage with most environmentalists: the concepts of spontaneous order, adaptation and evolution are central to both. We also share a healthy skepticism toward politics and large institutions and concentrated power.

What is needed: an integrated approach

Classical liberals should remember that they share an intellectual heritage with most environmentalists: the concepts of spontaneous order, adaptation and evolution are central to both. We also share a healthy skepticism toward politics and large institutions and concentrated power. And most of us are seeking the same goal: the freedom of self-actualization in an environment of ecological integrity.

Classical liberals have important insights into how society and governments function; most environmentalists have insight into how the natural world functions. Classical liberals are more sensitive to issues of human freedom; environmentalists to ecological integrity. I am convinced that each group can learn from the other, that environmentalists can benefit from liberal insights into economics and politics and that classical liberals can benefit from environmental insights into ecology.

As classical liberals, we seek institutions that value honor and civility while holding the individual accountable for his or her actions. We should also support incentives and voluntary cooperation as means to ecological integrity. We should promote a more environmentally sensitive culture for reasons of liberty as well as ecology.

When working with environmentalists, we must be modest in our claims of authority and sensitive to their wisdom and insight. This is basic decency, and eminently liberal. We understand that "watermelons" exist as a minority within the environmental community and we understand the importance of science as a check upon unconstrained visions of ecotopians. However, when working with environmentalists we need not belabor these points. Instead, we should stress how our approach yields environmental quality while promoting individual liberty.

The key task for classical liberals is to foster institutions that harmonize liberty with ecology. Success requires the cooperation of environmentalists. ❑

Bradford, "The Owls Are Not What They Seem," *continued from page 24*

turn to such a society. But the likelihood that civilized people will choose to return to pre-civilization is negligible, if the demonstrated preferences of human beings, whether newly civilized or long-civilized, are any indication. The challenge we face is not how to drive humanity back into pre-civilization as recommended by the Earth First! bumpersticker "Back to the Pleistocene!", but how to maximize environmental values in a way consonant with the survival and prosperity of civilized human beings.

In my view, the best way to do so is to maximize the ethos of liberty and the legal protection of private property. The destruction of wilderness, for example, has been stimulated by the existence of taxes on land and by the subversion of property values. Vesting government with control of land can preserve wilderness only so long as those who want wilderness preserved are in political control of the state. You can't buy political control, you can only rent it, and the rent must be paid over and over.*

As population grows, the constituency favoring development will increase; as their numbers and political power grow, wilderness will tend to recede. But private owners determined to keep their land wild can do so irrespective of the political situation, provided they have absolute title to their land, free from taxation and the threat of confiscation. The assault on private ownership and control of land that seems pandemic in the Western world shortens the time horizons of landowners, encouraging them to develop in order to gain benefits that may be lost if they lose title to their land. And taxes on real property increase the cost of owning wilderness to a point where few landowners can afford it, and provide constant and vivid reminders of that cost. ❑

* This was illustrated nicely by the experience of those opposing building the Alaskan pipeline. The proposed pipeline had been stalled for years when the 1973 Arab oil embargo occurred, but in a matter of a few days, Congress authorized the pipeline under political and economic pressure, and environmentalists lost all they had gained.

Report

Cleaning Up After Socialism: Depolluting the USSR

by James S. Robbins

Socialism spelled ecologic disaster of a magnitude dreamed of only by anti-*capitalist* doom-sayers. Now that capitalism has a chance in the Soviet Union, it is time to see whether the environment does, too.

With the collapse of socialism in the Soviet Union and Eastern Europe, and in the wake of Mikhail Gorbachev's campaign for openness and economic reforms, an ecological catastrophe has come to light that dwarfs any of the pollution problems faced by the United States or Western Europe. Seventy years of state ownership of the means of production has wasted resources, polluted and dried up waterways, made air unbreatheable and brought radiation sickness to the peasants and workers of the proletarian paradise. Those environmentalists in the West who lay the blame for worldwide environmental damage on capitalist development and call for stringent state controls might benefit from looking at the cumulative effects on the environment of the most complete form of government control in history.

The Environment under Central Planning

The Soviet pollution problem is partially the result of the sheer size of the Soviet Union. With such expansive territories to exploit, Moscow probably did not believe that pollution would ever be much of a problem. Waste products, solid, liquid or gaseous, would simply be swallowed up in the Soviet fastness. In the early days of Soviet industrialization, this may have been true: production levels were relatively low, and cumulative effects of pollution had yet to come into play. Perhaps the lack of immediate, severe negative results encouraged Soviet planners to push the environment further. But there were more important factors at work.

In contrast to the Marxist argument that centralized, socialized industry is more efficient and thus less polluting than industries working in the "anarchical" market order stands one of the oldest arguments against communal property: what belongs to all belongs to none, and instead of all caring for the common property, none will. This was Aristotle's argument against the communalism of Plato's *Republic*.[1] In fact, because no one owns it, common property will be the first to be abused, and at the highest cost to both the environment and the people. This generally was the case in the Soviet Union.

The emphasis on production over all other factors began with the organization of the centralized, socialist economic structure during the first years of the Stalin regime. Since the death of Lenin, factions within the Communist Party had debated the future course of the Soviet economy. The "geneticists" (whose ranks included Stalin, at first) believed that state economies were organic entities that could not be shaped by the will of man, but rather could at best be guided towards socialistic goals. They favored continuing the semi-free New Economic Policy; some, including Bukharin, wanted even fewer economic restrictions. The "teleologists," on the other hand, were of the opinion that markets were the creation of man, whether unconsciously or not, and thus could be shaped as humans dictated. They favored rapid industrialization, collectivization of agriculture, and a completely centralized, planned economy.[2]

After eliminating his rivals, Stalin abandoned NEP and took up the teleological program, which guided Soviet economic thinking until the Gorbachev era. Five-year-plans were drawn up, forcing industrialization and collectivization upon the Soviet population. Thereafter, Moscow directed every facet of economic life, in theory at least. (Soviet black markets always provided a significant portion of foodstuffs and some light manufactured goods.) The Party composed the Plan, giving individual ministries control over whole sectors of the economy. At the end of

the state organizational chains were the plant managers and other overseers, upon whose shoulders fell the inglorious task of making production levels meet the Plan. If they met or exceeded goals, they were given bonuses; if they failed, they were disciplined or sacked. Thus the self-interest of every plant manager was to raise his output regardless of the method or the costs to other plants, the community, or the environment.

Here was the root of the problem. Stalin had put in place a system geared towards increasing production (and supporting the Party/State apparatus) with no appreciable oversight except that which monitored output. Managers were allowed to use practically any means to achieve their goals; the state simply didn't care about external costs like environmental pollution. As a consequence, although environmental degradation was pandemic in the Soviet Union, it was not even viewed as a problem for most of the Soviet era.

The Bolsheviks set the tone of Soviet resource policy by determining that all resources were a "free gift of Nature," thus the state's for the taking.

When ecology became an internationally sensitive topic during the 1970s, the Soviets claimed to be in the vanguard in environmental protection. In their view, capitalism was less organized, more exploitative, more wasteful and thus less environmentally healthy than socialism. This theme quickly became a central theme in Soviet "green" propaganda, and was a part of its integrated campaign against the Western democracies.[3]

Although the Soviets claim that their environmental protection policies began with Lenin, the first broad-based environmental laws were passed in 1972, when the need for some sort of protection became manifest.[4] By the early 1980s, the Soviet leadership could point to the most complete set of environmental protection laws of any industrialized state. Soviet ecology was ostensibly protected by a series of "Fundamental Laws" each focused on specific sectors of the environment, e.g. the Fundamental Law on Water Pollution Control (1970), the Fundamental Forestry Law (1977), the Fundamental Law on Protection of Wild Animals (1980) and the Fundamental Law on Air Pollution Control (1980). These laws were passed in the Presidium (the pre-*perestroika* Soviet Parliament) and implemented through regulations by the various Soviet state ministries represented in the Council of Ministers.

But there was a vast gulf between the laws and actual practices. The detailed environmental protection code had practically no effect on polluters or pollution. Often the agency charged with enforcement was the same ministry responsible for the problem. Ministries were not allowed to compromise production targets for environmental reasons, and the persistent failure to achieve those targets provided further disincentives to curb pollution (since expending ultra-scarce resources in the attempt further decreased production). Those few independent agencies in charge of monitoring pollution had no power or means of enforcement.

Overlapping administrations created bureaucratic paralysis; there were over 25 agencies involved in environmental management at the Union level in 1984. (Lake Ladoga, near Leningrad, fell under the jurisdiction of about 100 different agencies.) Most enforcement was left to local agencies, which were either subordinated to powerful Ministries, or powerless to stop them. Some Ministers who failed to apply the laws to protect the environment were publicly chastised and occasionally sacked—especially if they were in political trouble for other reasons—but they never had the opportunities, the powers, the incentives, or even the inclinations to meet the standards of Soviet environmental laws. And with no independent judiciary (or any judiciary in the proper sense of the word), there was no way for private citizens to bring about change from below.

An additional problem was the Soviet military, whose production of both conventional and nuclear armaments accounted for a great deal of pollution. Maintaining a sizable military force was a top priority for Moscow throughout the post-war period, and though the military factory system was not wholly independent (it came under Party and KGB purview, after all), it was not about to face production limitations because of environmental concerns.

In sum, Soviet environmental laws have had little effect, and it is doubtful whether they were ever intended to be anything more than a propaganda device. Like the pre-Gorbachev laws on immigration (which promised free movement of peoples), or Republic membership in the Soviet Union (which allowed secession), Soviet environmental legislation promised a great deal, but lost most of its force in the administrative process. Despite the claims of the Communist leadership, saving the environment was not a primary concern of the Soviet state; maximizing industrial and agricultural production, the primary enemies of the environment, was.

The Scope of Environmental Damage

Environmental degradation in the Soviet Union dwarfs that in any non-socialist industrialized country; the only comparable damage can be found in the Soviet-dominated states of eastern Europe.

Water pollution is the most immediate ecological problem in the Soviet Union. In 1988, only about thirty percent of the USSR's sewage was treated to standards that would be considered minimal in the West. Fifty percent was improperly purified, and twenty percent not treated at all.[5] As a consequence, it is risky to drink the tap water in many Soviet cities, which lack the necessary treatment technology. Investment in pollution control or treatment devices has never been high on the Party list of priorities, and where facilities are available, they are often not properly maintained or even functioning.

The Soviet Union has plenty of water, but most of it is located in Siberia; 75% of the population and 70% of Soviet industry is located in an area that contains only 16% of the Soviet Union's water. The centrally planned, bureaucratic ministries have been unable to redistribute water economically. Even greater strains are placed on the Soviet water supply by the inability of the Soviets to recycle water: although the United States actually uses more water than the Soviet Union (551.2 cubic kilometers in 1985, compared to 364.9 cubic kilometers in the Soviet Union in

1988), 77% of the water used by the United States is returned to the environment after processing; in the Soviet Union, half the water is rendered totally unrecoverable, which places greater strains on the water supply.[6]

The Soviet Union irrigates as much cropland as the United States, but the irrigation canals are of poor design. In some areas, 60% is lost. Furthermore, irrigation is poorly monitored and uneven; some areas have been over-irrigated and turned into swamps, while others receive too little water. The Soviet irrigation system was constructed primarily to support cash crops, most importantly cotton, which is grown across the south of the Soviet Union. The most dramatic victim of this policy has been the Aral Sea.

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The Aral Sea, which is mostly in Uzbekistan, was once home to a respectable fishing industry and the center of Uzbek agricultural life. This changed with the coming of cotton, which was introduced by the Tsar after conquering Central Asia, then re-imposed by Lenin after the Revolution. The social structure of the entire region was reshaped towards one goal: maximizing cotton production. The major consumer of cotton was and is the Soviet military. Cotton is also an important hard-currency export crop. The Soviet imposition of the monocultural cultivation of cotton was no different than any other colonial regime in which a European power harnessed an Asian or African people to produce the agricultural raw materials to feed production at the center of empire.

The Aral Sea and its tributaries, the Amu Darya and Syr Darya rivers, seemed a limitless source of water for irrigation, and in the 1950s Soviet engineers began rerouting water to open new lands for cultivation. But by the 1980s the limits had been reached. Current diversion of tributary waters is nearly 100%, and the Aral Sea has lost over two-thirds its original volume, and nearly 40% of its surface area. Forty years ago, the Aral Sea was the world's fourth largest lake; now it ranks sixth and is continuing to shrink. Toxic salt-dust blown up from the exposed seabed has been deposited 1000 kilometers distant, and airborne dust has been cited as the cause of eye and throat diseases. Some of the diverted water becomes contaminated in the cotton fields by fertilizers and pesticides, and instead of flowing to the Aral Sea, enters the water table. This has created severe health problems, including rising local infant mortality rates (often from contaminated breast-milk).[7] Ironically, the decreased size of the Sea has reduced its ameliorating effect on the local weather, and the growing season has contracted, forcing some cotton growers to switch to cultivating rice. Thus the subordination of the environment to production has harmed both. Uzbek nationalists have protested the cotton monoculture and called for its overthrow.[8] Moscow has relented somewhat on cotton production levels (bringing them down to rates that are at least realistic, i.e., those that the region had been fulfilling anyway), but the Aral Sea continues to shrink, and Soviet experts believe it will disappear around 2010.[9]

The Soviets planned even more environmentally disastrous hydrological projects, the most notable of which was the Water Diversion Project. First conceived by Stalin, it would have diverted the courses of entire rivers in Siberia, so that those now flowing to the north and emptying into the Arctic Ocean would instead flow south to Central Asia. This idea was left dormant until the Brezhnev era, when detailed plans were drawn up for the construction of the necessary canals. But political debate over the necessity and reasonableness of the plan sharpened. Russian nationalists objected that many historic sites would be flooded, and ecologists warned against damage to fish habitats and increased levels of salinization in areas bereft of fresh water. Western scientists became concerned about the effects on the arctic region; with drastically decreased fresh water input, salt concentrations could melt portions of the polar ice cap and have severe effects on worldwide climate patterns and ocean levels.[10] With the accession of Gorbachev the plan was dropped, and though it occasionally reappears in the academic press, few take it seriously. It is, however, illustrative of the lengths to which the "teleological" mentality will go to attempt to bend nature to its will.

The Aral Sea is not the only body of water facing peril in the Soviet Union. Pesticides, heavy metals, and oil products have taken a heavy toll on the Caspian Sea, severely threatening the sturgeon in the world's largest lake. This is an important consideration for the Soviet Union, since caviar earns the Soviets $1–$2 billion annually in hard currency. (The Soviets have attempted to ameliorate the loss of the sturgeon by introducing hardier Mississippi River paddlefish.) The Black Sea is mostly dead, killed by pesticide and fertilizer runoff from the Dnieper and the Danube, industrial wastes from surrounding factories, and pollution from intense naval operations.

Not all major bodies of water in the Soviet Union have been severely degraded, however. Lake Baikal, the deepest lake in the world (5,712 ft) and home to several unique species of animal life including the world's only freshwater seal, has survived relatively unscathed by pollution. But waste water and debris from two nearby pulp and paper combines have raised concerns. The facilities were constructed in the early 1960s as part of an effort to exploit nearby timber resources (20% of all the world's trees are in the Soviet Union). However, the effort met unexpected public opposition; only two of the planned combines were constructed, and they were fitted with special pollution control devices to protect the lake.[11] Whether Baikal was saved by aroused citizens is moot, however. Baikal is dotted with the vacation dachas of powerful government officials, as it has been since before the Revolution. The worries of these politicians that their private retreats would be fouled by industrial pol-

In 1988, only about thirty percent of the USSR's sewage was treated to standards that would be considered minimal in the West.

lution may have had more influence than the complaints of environmentally sensitive people.

Because of these limits, and its remoteness, Lake Baikal has so far been spared most of the problems faced by the Aral, Black and Caspian seas. While it has not been turned into a chemical bath, Lake Baikal still faces environmental problems. Wastewater from the paper combines, even after treatment, has harmed Baikal's animal life. The epishura crayfish, for example, which itself acts as a cleansing agent by filtering water through its gills, has been endangered by the pollution, and "crayfish cleansing" has dropped by 7%.[12] Some of the untreated or untreatable water has been diverted to settling ponds in the nearby Solzan gully, which is now filled with toxic sludge. A mudslide or an earthquake (real possibilities in this area of high seismic activity), or heavy rains and spring flooding, could send the sludge directly into Lake Baikal, with disastrous consequences. One possible approach to the problem (mentioned in *Pravda*) is diverting the pulp mills' effluents into the Irkut River, where a higher silt content would help absorb impurities. Local Party officials want to change the combines' specialization to something people in the region can use, such as furniture. But environmentalists would just as soon close them down.[13] Air pollution is a serious problem in the Baikal region. Dust and gas emission from the paper combines cover over 2,000 square kilometers. The dust is killing broad stands of fir trees in the area, the very resource that the combines were constructed to exploit.

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Air pollution is a greater problem in Soviet cities. A 1979 Soviet environmental publication stated, "Of all the other national capitals, Moscow, the largest industrial and cultural centre of the Soviet Union, has the cleanest air."[14] Ten years later, the Soviet government admitted that 50 million people in 102 Soviet cities were exposed to air pollutants that exceeded national standards. Industries have become cleaner recently by switching from coal to natural gas, but pollution rates are still high. There are some smoke and particle control systems operating at Soviet power stations, but there are few systems for neutralizing sulfuric and nitrous gasses, so while the quantity of particulate matter in the air is declining, the quantity of gasses is increasing.[15]

Transportation accounts for approximately 60% of Soviet air pollution. Soviet cars run on leaded gas without emission control devices, and emission standards are rarely if ever enforced. Attempts to deal with the problem have ranged from increasing the use of tunnels under cities (to trap pollutants) to banning some forms of motor transport.

Solid waste, mainly produced by the mining industry, accumulates at the rate of over a billion tons annually, and the total accumulation has displaced and rendered useless about 40,000 square kilometers of agricultural land.[16] Because Soviet agriculture is already overextended and is not likely to be expanding into new areas soon, and because much of the solid waste problem is centered near the Siberian coal mines, this is not as desperate a problem as the other forms of pollution. However, the seepage of waste into the water table will have long-term negative effects on the surrounding wilderness areas, as well as more immediate effects on the health of the miners and those who live nearby.

The Chernobyl nuclear disaster continues to produce environmental policy fallout. In January, 1990, the Ukrainian government issued a decree authorizing the evacuation of radiation-contaminated villages in the Zhitomir and Kiev oblasts. These areas were at first thought to have escaped contamination, but persistently abnormal background radiation levels, high levels of cesium in milk and mounting incidences of radiation-related diseases forced the government to take action.[17]

Because of the long-term effects of Chernobyl, nuclear power has come under increasing scrutiny both in Moscow and at the local level. New projects have been halted, and power stations under construction have been placed on hold, particularly in the Ukraine, which hosts one-third of Soviet nuclear plants. In the fall of 1989, the Ministry of Nuclear Power and the Ministry of Medium Machine Building (the agency in charge of the production of nuclear weapons) were merged to form the Ministry of Nuclear Power Generation and the Nuclear Industry. This Ministry, like most of the products of *perestroika*, was supposed to be more open and responsive to environmental problems, but reform has been slow because of pressures from the military, which uses breeder-reactors in power stations as its source for plutonium for nuclear weapons. The Soviet Union has recently allowed international inspection of its nuclear facilities, and when plants have passed minimum standards, the international approval has been used against local governments and anti-nuclear groups, countering their claims that power plants are unsafe.

Where nuclear projects have been scuttled, the Soviets have turned to coal and hydro-power to make up for the deficiency. This has posed new challenges. Soviet coal plants are notoriously dirty, and increased coal mining amplifies environmental and health woes associated with the mining industry. While hydropower is normally considered a "clean" alternative source of energy, decaying wood debris in areas flooded by dam construction have raised phenol levels in the water to as much as ten times accepted concentrations. (Phenol is absorbed through the skin and can cause damage to the central nervous system, liver and kidneys). Furthermore, ill-timed releases of water from the dams have altered the natural currents of streams and rivers, damaging season-sensitive plants and animals, especially migratory birds and fish.

Recent Reform Efforts

Efforts to change Soviet ecological priorities began in the early 1980s, when members of the Writer's Union of the USSR, most notably Russian Nationalist Valentin Rasputin, began publicly to oppose the River Diversion Project.[18] After the disaster at Chernobyl, international scrutiny was brought to bear on Soviet

environmental conditions, and the Soviet domestic press took a new, reform-oriented line. Grass roots environmental groups began to form nationwide, and Gorbachev, in his drive to make the Soviet economy more productive, and perhaps realizing that economic reform could not be pressed without attention to the looming ecological catastrophe, began to institute administrative reforms.

In 1988, the Soviet Union took its most important steps towards coming to grips with its pollution problems. A joint Central Committee and Council of Ministers resolution from January ("On the Radical Transformation of the System of Natural Conservation in the Country") identified several major problems in the Soviet Union's environmental policy, such as the failure to consider environmental factors when formulating development goals, insufficient coordination of protective agencies, failure to hold enterprises responsible for the pollution they cause, the absence of environmentally sound technologies, lack of commitment in central government agencies, inadequate prosecution of violators of environmental laws, and insufficient attention to the problem paid by mass media and the educational system. In order to counter these deficiencies and implement the new policies, the State Committee for Environmental Protection (*Goskompriroda*) was formed, centralizing most of the duties which previously had been spread among various agencies.[19] *Goskompriroda* was empowered to require detailed analyses, similar to environmental impact statements, before major projects are undertaken. It was also given the power to bring action against polluters, the first such agency ever to have that prerogative. Since its Moscow staff totals less than five hundred, *Goskompriroda* relies heavily on regional officials. New incentives for local action have been put in place, especially allowing local governments to keep funds raised from fines imposed on polluters. (Under the old system, the money was placed in a general fund, which discouraged local enforcement.)

Soviet environmental laws have had little effect, and it is doubtful whether they were ever intended to be anything more than a propaganda device.

Fyodor Morgun, the agency's first director, told the 19th Party Conference in July, 1988, that "for a whole era our party and professional propaganda have been intolerably passive as far as ecology is concerned. For many decades, the environment has been undergoing catastrophic pollution. . . ." [20] However, Morgun, a Party *apparachik*, was not particularly well-suited for the task of overhauling the environmental protection system, and in 1990 he was replaced by Nikolai Vorontsov, a zoologist who had opposed the Lake Baikal pulp mills as President of the Conservation Section of the Moscow Society of Naturalists. Vorontsov became the highest-ranking non-Party Soviet official since the Revolution. His appointment has raised hopes among environmental activists, but without corresponding changes at the lower levels in *Goskompriroda*, the outlook is not terribly good.

It is doubtful that simply passing more government regulations will mitigate the problem. As political scientist Barbara Jancar has written, "the Stalinist regimes with their one-party monopolies are at the extreme end of a regulatory philosophical spectrum which has dominated environmental thinking since the 1970s."[21] The Soviet Union did not get into its current situation because of a lack of regulation or state power. Rather, it was the centralized government, which adopted policies based on the needs of the ruling oligarchy without consideration of long-term effects or local concerns, which caused the Soviet environmental nightmare.

Although the formation of *Goskompriroda* was a step forward in environmental regulation, so far no action has been taken to reduce the powers of the polluters to damage the environ-ment in the first place, which would entail abolishing the Ministries that control Soviet industry and agriculture, and turning control over to private owners. This would not of itself end pollution—capitalistic states have suffered environmental damage from private action—but it would make the violators of the law more accessible to the regulatory authorities and to the courts, since no longer would the offender be an untouchable state Ministry, but a private owner. This would also give the owners incentives to find less polluting methods of production, and thereby avoid sanctions and legal remedies. Even a halfway measure, like turning over control of enterprises to local governments could have substantial impact, since they would also lack the power and remoteness that characterizes State ministries.

The Soviet Union did not get into its current situation because of a lack of regulation or state power.

Gorbachev's campaign for restructuring the Soviet economy promises some of these changes. The 1987 Law on State Enterprise contained some positive measures, such as raising charges for the use of natural resources (which will discourage waste), and establishing fines for toxic discharge. The state monopoly on the production of pollution abatement technology will be eliminated in hopes of fostering competition and stimulating development. But like so many of the *perestroika*-based innovations, these changes haven't been sufficiently or completely implemented by the central government and have met with resistance from lower levels.

Further market-sensitive reforms would do a great deal towards solving the Soviet Union's pollution problems. The lack of a rational system of prices encourages waste, because natural resources are not distributed according to their true value, but by fiat. The Bolsheviks set the tone of Soviet resource policy by determining that all resources were a "free gift of Nature," thus the state's for the taking.[22] The inefficiency of the Soviet system is reflected by relative rates of resource use: compared to the United States in raw materials per unit of national income, the Soviet Union uses 2.3 times more oil and natural gas, 3.1 times more steel, 2.8 times more chemical fertilizers and twice the electrical power.[23] Allocation based on private ownership and real prices would encourage enterprises not to waste resources, but to find more effi-

cient ways of using them. And with the elimination of central economic planning, enterprises would be freed of production quotas imposed by Moscow, which engendered waste through the promise of "bonuses" for overproduction, and allowed to find rational market niches.

In the meantime, local environmental groups continue to be the most effective agents for change, if only by stopping new projects that threaten to pollute, and calling into question the need for those currently under operation. "Green" candidates have also been elected to the Congress of People's Deputies. They don't wield effective power, but they do use the Congress as a forum for discussion of environmental issues, helping prevent ecological problems from being censored or ignored.

Cleaning up after socialism will be a difficult task, but not an impossible one. Americans can play an important part in seeing that the job is done right, and by helping reform the Soviet economic system from the bottom up.

Aid From Abroad

The United States and Western European countries have taken some interest in the environmental problems plaguing the Soviet Union. This is the result, in part, of Western interest in seeing the Soviet economy move towards a market orientation, and, particularly in the case of Europeans, of an attempt to forestall the Soviet problem from spreading over the border any more than it has. (Eastern European nations have been the primary recipient of aid for pollution control thus far, because of their proximity to Western Europe and the relative amenability of their governments to cooperate in reducing pollution.)

The Soviet Union provides a potentially vast market for United States pollution abatement technology and expertise. Pollution cleanup is a longer-term but still viable enterprise in which U.S. companies may seek to invest. While increased foreign aid to the Soviet Union will no doubt help stem the worst of the pollution problems, the long term solution must be found in market mechanisms, not state-to-state programs.

Joint-ventures between Soviet government- or privately-owned anti-pollution enterprises and United States firms would give Americans an opening into this developing market, while also guaranteeing capable oversight and quality control. Allocation of cleanup funds by the United States government or by corporations to independent environmental groups in the Soviet Union (instead of to Moscow) would help see to it that the funds are actually used in the projects for which they were intended. As in any dealings with the Soviet Union, there are few clear roads for free market action. The best that can be done, for now, is to try to minimize the damage caused by state interference in private efforts to deal with the ecological dilemma.

Continued support for democratic reforms in the Soviet Union is another important aspect of the environmental program. More democratization will have the effect of making certain the problems are not swept under the rug, as they had been in the past; so long as local governments, special interest groups and private citizens in the Soviet Union have some access to the reins of power, they will be able to keep public debate alive, and to press for necessary reforms. In the long term, democratic reforms will open the way for private conservation action, which is the only true solution to the problems the Soviet Union faces.

Cleaning up after socialism will be a difficult task, but not an impossible one. The long-term solution to the problem of pollution lies in privatization of property and the creation of an independent judiciary, so that every perpetrator of environmental damage can be taken to court by those he harms. Americans can play an important part in seeing that the job is done right through helping reform the Soviet economic system from the bottom up. □

Notes

1. See Aristotle, *The Politics*, Ernest Barker translation, London: Oxford University Press (1982), pp. 48–56.
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3. See Joan DeBardeleben, *The Environment and Marxism–Leninism*, Boulder, CO: Westview Press (1985).
4. Vladimir Chudnov, *Nature Conservation in the USSR*, Moscow: Novosti Press Agency Publishing House (1975).
5. D.J. Peterson, "The State of the Environment: the Water," *Report on the USSR* 2(11), March 16, 1990, pp. 14–19.
6. Ibid.
7. James Critchlow, "Desertification of the Aral Region: Economic and Human Damage," *Radio Liberty Research Bulletin*, August 26, 1987.
8. "Central Asia Without Siberian Water," *Environmental Policy Review* 1(1), June, 1987, pp. 23–32.
9. See R.W. Bradford, "We Will Bury the Environment," *Liberty* 3(5), May, 1990, pp. 11–12.
10. Peter Sinnot, "Water Diversion Politics," *Radio Liberty Research Bulletin*, August 17, 1988.
11. "Lake Baikal: The Pollution Continues," *Current Digest of the Soviet Press* 38(2), pp. 12,19.
12. *Ibid.* No doubt many epishura have been killed because of concentrations wood pulp and other impurities which have clogged their gills during the "cleansing" process.
13. "Writer vs. Minister on Baikal Pollution," *Current Digest of the Soviet Press* 38(7), pp. 5–7,22. Even *Pravda* admits the Irkut diversion scheme would be a "lesser of evils" approach.
14. Yuri Sinyakov, *Standing Up for Nature*, Moscow: Novosti Press Agency Publishing House (1979), p. 29.
15. "Environmental Budgets in the USSR and Various East European Countries," *Environmental Policy Review* 1(1), June, 1987, pp. 33–37.
16. Barbara Jancar, "Democracy and the Environment in Eastern Europe and the Soviet Union," *Harvard International Review*, Summer, 1990, p. 13.
17. David Marples, "Zhitomir Residents Express Concern Over Radioactive Fallout," *Report on the USSR* 2(4), January 26, 1990, pp. 25–27.
18. "1986: The Year of Public Criticism," *Environmental Policy Review* 1(1), June, 1987, pp. 12–22.
19. *Pravda*, January 17, 1988, pp. 1–2.
20. Quoted in Marjorie Sun, "Environmental Awakening in the Soviet Union," *Science*, 26 August 1988, pp. 1033–1035.
21. Jancar, *op. cit.*, p. 59.
22. DeBardeleben, *op. cit.*, pp. 248–252.
23. Igor I. Altshuler and Iurii N. Golubchikov, "Ecological Semi–Glasnost," *Environmental Policy Review* 4(2), July, 1990, p.5. Given problems of GDP calculation and currency conversion difficulties, these figures can only be used as rough indicators.

Explanation

Giving Capitalism a Test Drive

by David Friedman

The advantages of limited government — or even *private* government — need not be explained by recourse to confusing philosophical jargon. Simple, practical economics does the job quite nicely.

One argument often made against complete laissez-faire is that government intervention is needed to provide commonly used facilities such as roads and sidewalks and to deal with such mundane externality problems as the conflict between my desire to play loud music at night and my neighbor's desire to sleep. One reply sometimes made by libertarians is that most such problems can be dealt with by proprietary communities. The developer who builds a group of houses also builds the local streets and sidewalks; each purchaser receives, along with his house, the right to use the common facilities and to have them maintained. Each purchaser also agrees, when purchasing, to pay his share of the cost of such maintainance, according to some preset formula.

Such private arrangements, which are in fact quite common, can deal with externalities as well. A colleague of mine used to point out that in his (private) community he could not repaint his front door without the permission of his neighbors—that being one of the terms of the contract for that particular community. In a condominium, which is essentially the same arrangement packed into a single building, the contract is likely to include procedures for resolving disputes among neighbors as to what behavior in one apartment inflicts unreasonable costs on adjacent apartments. In any proprietary community, the contract is likely to contain arrangements by which the signatories can jointly modify it in order to deal with new circumstances.

The existence of such institutions raises an interesting question: In what sense are they not governments? As a British acquaintance put it to me, his relationship with his condominium association and his local authority are essentially the same. Each of them has authority over his behavior as a result of his decision to live in a particular place—an apartment in the condominium in the local authority. Each imposes rules on him. Each "taxes" him—although the condominium does not call the money it collects for maintanance and repairs taxes. Each can change the rules and the taxes imposed on him by similar, democratic methods—a vote of his fellow citizens in the one case, his fellow residents in the other. While the condominium association may be a useful solution to a set of problems, in what sense is it a private solution? Or, to turn the argument around, if libertarians approve of such institutions when they are called condominium associations or proprietary communities, why do we disapprove of them when they are called governments?

One possible answer to this question is to invoke libertarian ideas of natural rights by arguing that the proprietary community, unlike the government, came into existence without violating anyone's rights. The developer bought the land from its owners and resold it to purchasers who had agreed to the government-like restrictions included in the purchase contract. The local government, on the other hand, came into existence because, at some point in time, a majority of the inhabitants (or possibly a majority of the citizens of some larger political body within which it is located) decided to create it—thus imposing their rules on everyone already living there, whether or not he agreed.

That is a possible answer, but I do not think it is one likely to convince many non-libertarians, nor is it one

that I find terribly interesting. The purpose of this essay is to offer another answer, and one that does not depend on our particular view of rights. There are good practical reasons why the way in which the "government-like" institutions came into existence matters, quite aside from the question of whether anyone's rights were violated in the process.

My suspicion is that local governments are bigger than proprietary communities for much the same reason that communist trucks are heavier than capitalist trucks.

To see the reasons, consider the following question: You wish to buy a truck, and have a choice of two. One was built in Detroit, one was built in the Soviet Union. Which do you choose?

Most people would choose the capitalist truck. Why? Both are trucks. If they are identically built, they should function in exactly the same way—why does their history matter? Why should we care about the ideology of a truck?

The answer, of course, is that the two trucks are not identically built. The capitalist truck was built under a system of institutions in which people who build bad trucks are likely to lose money. The communist truck was built under institutions in which people who build good trucks are likely to lose money, and often other things as well—since the result of building good trucks is likely to be not meeting your assigned quota for the month. Even before checking out the trucks, we have a good reason to expect that the communist truck will be worse built. In particular, we can expect that it will be heavier—since quotas were frequently set, not in number of trucks, but in tons of trucks.

Precisely the same answer can be made for the difference between the "government" of a condominium or proprietary community and the larger government within which it is located. The private developer who created the former had a private incentive to design the best possible political institutions. What he was selling, after all, was both a house and a share in a "government." The more attractive the form of the community association appeared to the purchaser, the higher the price he would be willing to pay for the house.

It could be argued that a similar constraint applies to the political institutions that create and modify local governments. The voters, after all, also want to live under desirable institutions, so the political entrepreneur who is creating a new local government or modifying an old one also has an incentive to try to create attractive institutions. That is true to some degree, but much less than in the case of the proprietary community. There are reasons why democracy does not work nearly as well as capitalism.

For one thing, the individual voter has very little incentive to try to find out whether the proposed political changes are actually in his interest, since his vote has only a small chance of determining what actually happens. The individual purchaser, on the other hand, "votes" by buying or not buying a house in the community. If he votes no, he will not be under that particular set of institutions, if he votes yes he will, so he has a substantial incentive to investigate the institutions before he buys—or at least to check out current property values and the current condition of common facilities in previous communities sold by the same developer. That argument is one of the reasons why not only communist trucks but even democratic socialist trucks are likely to run worse than capitalist trucks.

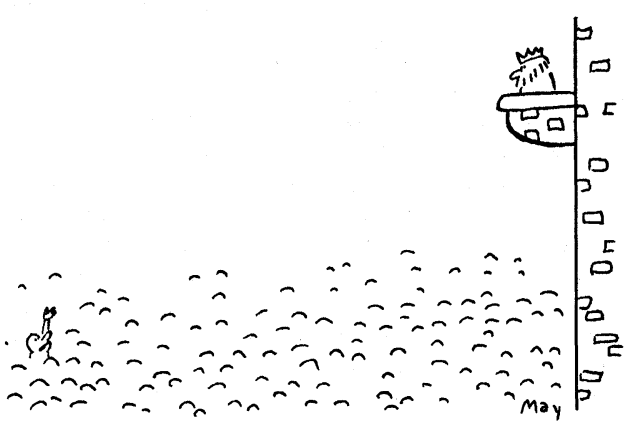

"Sire, some of us feel that we're not getting enough individual attention . . ."

One of the most important characteristics of a government is its size. The average American lives under a local government ruling at least tens of thousands, perhaps hundreds of thousands, of citizens. The average inhabitant of a condominium or proprietary community, I would guess, lives under a "private government" of about a hundred citizens. I doubt this is an accident. My suspicion is that local governments are bigger than proprietary communities for much the same reason that communist trucks are heavier than capitalist trucks.

The preference for capitalist trucks is not merely a matter of ideology. A sensible communist would also prefer capitalist trucks. Indeed, communists who had the opportunity to shop in the West routinely demonstrated their preference for capitalist goods.

The preference for capitalist trucks is not merely a matter of libertarian ideology. A sensible communist would also prefer capitalist trucks. Indeed, communists who had the opportunity to shop in the West—an opportunity frequently given as a reward for party loyalty and other communist virtues—routinely demonstrated their preference for capitalist goods by buying them in as large a quantity as possible. More recently, what used to be the Communist world has demonstrated its preference for capitalist trucks on a somewhat larger scale. ❑

Class Warfare in Italy
Or: How I Became a Libertarian on My Honeymoon

by Scott J. Reid

In this benighted age of complacent statism, those who explore or profess liberal ideas tend to the intellectual end of the personality spectrum. They are far more inclined to read a book than to watch sports on TV or go shopping at the local mall. I am no exception to this rule. When my bride, Poh Lan, and I went to Italy on our honeymoon, I dragged along two fat books on social theory. By the time we were halfway through our visit, I had read enough, and I had seen enough ancient fortresses, dungeons and torture chambers to arrive at the rather conventional liberal realization that politics is, and always has been, about the struggle of competing interest groups to use the coercive apparatus of the state to milk each other and the rest of the population. By the time we arrived at the little hilltop town of San Gimignano in Tuscany, I found that I had become sophisticated enough to read the story of the clash of long-dead classes and interest groups just by looking at the architecture they had left behind. This means, I suppose, that I was well on my way to becoming a full-blown bore at cocktail parties.

San Gimignano's fifteen stone towers are its claim to fame and tourist success. There once were seventy-two, so I was assured, although it is hard to imagine that so many relatively large buildings could have been stuffed into such a confined space. The whole town, which is tidily nestled within the confines of an ancient stone wall, covers an area equivalent to five or six blocks in downtown New York City. Perhaps the definition of tower was being used somewhat generously in making this claim. On the other hand, if you visit the crypt of the young girl, Saint Fina, who was made into the town's patron saint, it is possible to gaze upon the nearest thing to a photographic view of the town as it appeared in the days of the early Renaissance. There, upon the walls of the tomb, is a fresco by no less an artist than Ghirlandaio of the young saint upon her deathbed, and through a painted window it is possible to gaze out onto the town as it looked in the 1400s. Ghirlandaio, like all of the early Italian discoverers of the magic of perspective, was fascinated with his newfound ability to reproduce scenery and cityscapes exactly as he saw them. So there is a very good chance that what he preserved in paint is a near-photographic vision of San Gimignano as it appeared over 500 hundred years ago. The town was in those days a forest of towers, a miniature premonition, in brick and stone, of Manhattan or downtown Montreal.

The towers were built by the families of the local nobility. At first I wondered how there could have been so many noble families in such a small town, but it seems that these were the aristocrats of the entire surrounding countryside—perhaps even of an area as great as that of the nearby Republic of San Marino, for San Gimignano was as much an independent city-state in the era of the towers (c. 1100–1350 A.D.) as San Marino is today. In those days, every city in Tuscany was a forest of towers. Bologna still has two of them, although they have started to lean precariously over the centuries, and may not stay upright much longer.

The towers have survived here, said *Let's Go* (my travel book), because the city-state of San Gimignano lost its independence to Florence before the *popolani* (the "people," i.e. the merchant class) could take power as they eventually did in most of the other city-states of Italy. Upon gaining control of the state, one of their first acts was to tear down the towers which had been both status symbols and fortresses for their rivals, the landed aristocrats. *San Gimignano, Town of Fair Towers* (a colorful and overpriced picture-book) informed me that the tow-

ers were saved again at a later date by a punitive zoning law passed by the occupying Spaniards against new construction within the city walls. Were it not for this injunction, the towers would have been replaced by baroque *palazzi*. This may be the only recorded instance in history of any good coming out of a municipal zoning law.

The rest of the story of San Gimignano's towers I had to piece together on my own. In medieval, agrarian, feuding Italy, the nobles could not live securely on their estates because of the perpetual danger of war between the dozens of petty city-states of the day. The aristocrats wanted to live well. It could probably be stated as a general rule that they would, whenever possible, spend the entire surplus of their serfs' production upon themselves—probably mainly on luxury and prestige, since it seems unlikely that the unstable economy provided many opportunities for the productive investment of this surplus. Since, as Adam Smith notes in one of his tangential observations in *The Wealth of Nations*, the purchase of expensive baubles such as jewels and works of art was difficult in the fragmented feudal economy, the nobility had to devote their efforts to other forms of consumption. One possibility was the holding of great feasts, and any student of medieval European history must naturally think of gratuitous warfare, crusading, and the like as ways of burning off the equivalent of what we would call government surpluses. But in addition, a landed aristocrat could not be without his family seat, his country manor.

It must have been most distressing to see your noble family's country palazzo *burned down every time there was a petty war. Medieval Italy had no equivalent to the united (if tyrannical) governments of France or England, under which the magnates could build sprawling country houses like Hampton Court before getting their heads lopped off by the king.*

Of course, it would have been most distressing to see your family's country *palazzo* burned down every time there was a petty war. This was a perennial problem in medieval Italy, which had no equivalent to the united (if tyrannical) governments of France or England, under which the magnates could build sprawling country houses like Hampton Court before getting their heads lopped off by the king. The only spot where a grand house could be safely built was within the walls of a fortress, which is what San Gimignano more or less was.

The town's location was well chosen, providing both security and wealth. It was on an easily defensible hilltop, and standing along what was in those days the main road between Rome and the north, with the result, presumably, that tolls could be generated.

Within the confines of the town walls, space was at a premium and grand villas on the Roman or Florentine models could not be constructed. Nor, indeed, could anything that took up space. Thus, prestige accommodation could only be provided by building *up*. This same phenomenon produced, at a somewhat later date, the tall narrow *palazzi* of Venice, that Poh Lan and I had been much amazed by when we had first seen them the week before. The buildings of San Gimignano predate those of Venice, however; the techniques of the day did not permit the creation of the great works of architectural art which the Venetians made their homes. So, building for size and prestige was the only way to go. This was one reason for the construction of towers. If the family next door had a tower 100 feet tall, there simply was no question of you settling for one which was only 80 feet tall. One particularly ambitious individual planned to set a new height record with a pair of perfectly matched twin towers—which still stand and bear a remarkable resemblance in miniature to New York's World Trade Center—only to be thwarted part way through by an injunction of the municipal/national government that nobody could build higher than the *Torre Grande* (big tower), which is attached to the town hall/national legislature, and stands over 170 feet tall—high enough to give me asthma for a week, when I tried climbing it. This law was, incidentally, the earliest non-biblical height-limitation statute of which I am aware.

The other, and equally intriguing, reason for the construction of the towers was San Gimignano's splendid commercial success. Its position on the main road would seem to have yielded substantial rewards, for the town expanded sufficiently to necessitate the construction of a second wall outside the first. The merchants who profited from the trade along the road presumably brought wealth to the entire community. However, they were after a bigger prize than just increased profits (and the attendant increased taxes): they would have liked to seize control of the government.

I come from the merchant class myself, so I can sympathize with them. No doubt the old landed aristocracy was milking the commerce of San Gimignano for all it was worth. Having lived off the backs of their serfs for so long, they could conceive of nothing more natural than enjoying the fruits of the merchants' labor as well.

Not ideally constructed for warfare, the towers were not meant to dispel armies, just rioters. In the same way modern states place steel plates on their tanks but only relatively light body armor on their riot police.

But here was a problem. The serfs lived outside of the city walls. Should they rebel, they would have been no more of a threat to the aristocrats than the Florentines and Siennese whom the walls had been built to hold back. Indeed, poorly armed and poorly organized, they would have seemed a great deal less threatening. The merchants, however, lived within the walls. In

such a small town there was no hope of segregating the merchants into a ghetto or of driving them entirely out of the town.

With the *popolani* perpetually on the verge of launching a *coup d'etat*, the homes of the aristocratic oligarchs had to be transformed into miniature fortresses. This was the second function of the towers. No matter that they were not ideally constructed for warfare (for example, the arrow-slits at the summit of the Torre Grande afford a clear view of the neighboring square, but not of the base of the tower itself)—they were not meant to dispel armies, just rioters. In the same way that modern states must place steel plates on their tanks but only relatively light body armor on their riot police, the rulers of San Gimignano were willing to use lighter and less efficient protections against their internal enemies than against their international rivals, who had to face the truly formidable city wall. Nonetheless, in recognition of the danger that the merchants could gain control of the streets, the towers were interconnected by a system of aerial walkways, some of them fifty feet or more above street level. The doorways that led to these are still visible, high above the ground, and the Torre Grande is to this day connected to the next building by an enclosed pedestrian bridge over a stone archway.

Given sufficient knowledge of the way the world works, it is possible to read the architecture of a dead society like one reads the Congressional Record: between the lines.

What I found most interesting was the way in which the conflicts defining the state apparatus and the economic environment came to be written in the artifacts left behind. Given sufficient knowledge of the way the world works, it is possible to read the architecture of a dead society the same way one reads the Congressional Record: between the lines. The long-passed Republic of San Gimignano seems like a metaphor for the societies of the modern world.

Nothing has really changed since San Gimignano's days of glory, except the technology of exploitation. A state must still defend itself on two fronts, against the outer world of competing states and against its own citzens as well. However the modern state, thousands of times larger than the tiny republics of medieval Italy, is able to hide its apparatus of coercion behind the vastness of geography. We only heard that we were strangling Iraq; we did not see it in person; we did not smell the burned flesh. The water cannons that will keep us in line if we get too rambunctious are tidily kept out of eyeshot until needed. The state still rules, as it always has, through the threat of violence, but it is the extortionist's threat, vague and menacing, never fully in our view. How very different and wonderful it was to visit a place constructed in the days when the tools of oppression had been solid and immobile, and where the true relationship of man and state was plain for all to see. By the time we left San Gimignano for our next destination, I was a confirmed libertarian, and Poh Lan was probably wondering what she had gotten herself into, marrying such a peculiar bird. ❑

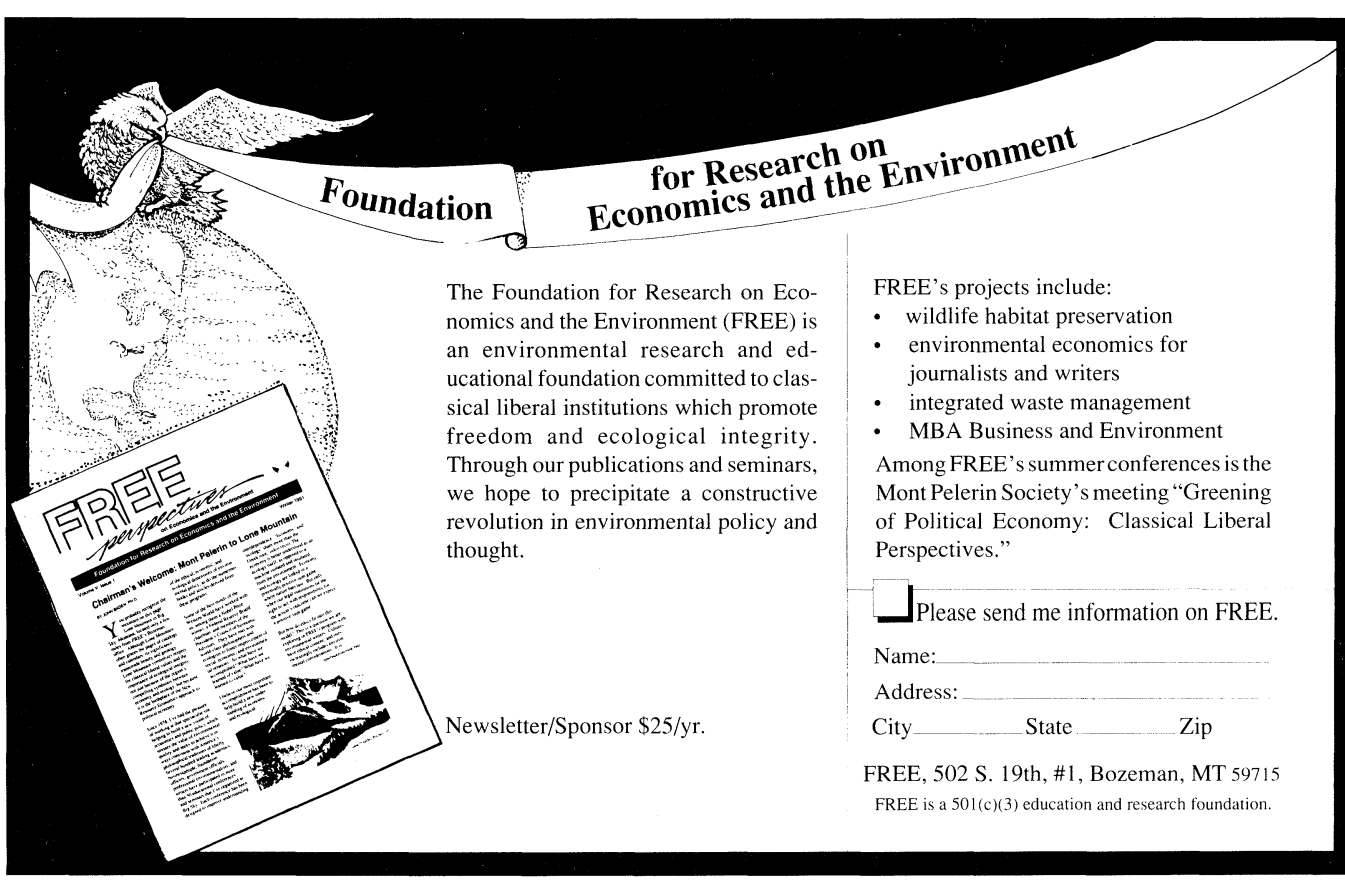

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Confession

I Am a Casualty of the War on Drugs

by Stuart Reges

What happens when a university teacher challenges the authority of the state? Not much, unless you get the ear of Drug Czar Bob Martinez, in which case you lose your job.

Six months ago I set out to test the limits of government control over universities by speaking out in favor of the right to use drugs. Drugs have been a positive influence in my life and I know from my own experience that the government's propaganda campaign grossly distorts the realities of drug use. The final straw came for me last October when the federal government, under the provisions of the Drug-Free Schools and Communities Act, forced Stanford University to adopt a new stricter alcohol and drug policy in order to continue to qualify for federal funds.

My experiment became very real on April 12th, when national drug "czar" Bob Martinez all but demanded that Stanford University, my employer, fire me. Today I find myself at the center of a controversy about drugs, free speech, the relationship between universities and government, and the relationship between universities and their faculties.

I have been at Stanford for over ten years. One of the elements of the Stanford philosophy that I have come to appreciate most is its decision to treat students as adults. Stanford's previous policy on alcohol and drug use was to respect the privacy of students, faculty, and staff—as long as people behaved responsibly. This, I think, is a libertarian attitude and Stanford's *definition* of responsible behavior was almost always drawn along libertarian lines (i.e., individuals were not allowed to threaten the rights or property of others). This policy has worked extremely well at Stanford, illustrating that when you give people freedom, they behave more responsibly than they do in an atmosphere of mistrust and regulation.

To protest the new policy, I wrote an article for *The Stanford Daily* in which I discussed my views on drugs, my opposition to the new policy, and my intention to violate it. I chose my backpack as a battleground, because it seemed to be a good symbol of my concern over privacy. If they can limit what's in my backpack, I reasoned, then they can require me to take a drug test and they can limit what students do in their dorm rooms (actions that I consider incompatible with the university's mission). So I mentioned in the article that I had carried illegal drugs in my backpack while on campus and that I would do so in the future.

Stanford ignored my article, as I expected. Nobody at Stanford wanted the new policy anyway and I think everyone hoped to ignore it. Some even argued that Stanford should respond to the government's political move by enacting the new policy but not enforcing it.

Coincidentally, another incident that has become important to my story happened just after Thanksgiving. I was at the airport waiting for the bus that goes to Stanford when a former student asked me whether I'd be willing to advise him about whether to experiment with a drug called MDA that I had mentioned in my article. We had an hour-long conversation in which he told me about his previous experiences with LSD and marijuana and his particular fears about MDA. I told him that his two fears (addiction and loss of control) were bad reasons to avoid MDA and that my own experiences with the drug were excellent. In essence, I advised him to try it. This conversation on the bus, which occurred off school property and at the initiation of the student, became the focus of the public controversy—even though it is not covered by Stanford's alcohol and drug policy or by the Drug-Free Schools and Communities Act.

I decided to test the waters a bit more by writing a letter to several government officials to see whether they could prod Stanford into taking action. I enclosed my article and, to make them angry, I mentioned that the university had not reponded to it.

I heard second-hand that Ronald Bucknam of the Drug Prevention Program in Higher Education was very angry about my letter and that he was trying to get people in Washington to do something. But nothing happened. Drug Czar William Bennett left office the same week I launched my letter campaign, so I never wrote him. I did nothing further for several months, mostly because my attention was diverted by the Gulf War. But towards the end of March I wrote Bucknam another letter to let him know that Stanford still had not taken action and that I was giving dorm talks explaining my views on drugs.

Shortly after Bob Martinez was sworn in as the new national drug czar, I sent him a letter as well, telling him that it was "about time that I included you on my list of government officials to harass." I was in a whimsical mood that day and went on to say that "I am doing everything I can to make fools of you." Much has been made of the "rudeness" of my letter to Martinez, so let me quote a bit to give you an idea of the challenge I posed to him:

> The students that I talk to find it very encouraging that I can so openly defy government and Stanford policy without reprisal, proving my point that such policies have an effect only to the extent that people, out of fear, voluntarily change their behavior. I do not fear any of you, I have not changed my behavior, and nothing bad has happened to me. On the contrary, my stand against you has brought me additional respect, new friends, and an apparently endless stream of invitations to discuss my beliefs with students who are trying to make tough decisions about whether or not to experiment with drugs and/or whether or not to take the risk of continuing to use drugs in light of government persecution.
>
> If your office gives you any power to try to force me to change my behavior, I suggest that you apply it immediately, because right at the moment you look rather silly at Stanford to me and the numerous students that I talk to.

I included all of my correspondence to Bucknam in my letter to Martinez and a copy of my previous article.

Three weeks later I received a phone call from a reporter for The Washington *Post*, asking for my comment on Martinez' letter to our university president. I hadn't heard of the letter, so he explained the situation to me. Martinez had written to Stanford expressing concern about me and reminding the university of its legal responsibility: "In all candor, I would find it beyond comprehension that a man who openly professes to have encouraged an undergraduate to ingest MDA could continue to enjoy faculty privileges at a pace-setting institution like Stanford University. I was myself a teacher for many years. I can think of no action more radically at odds with the responsibilities an educator has to his students."

As I walked out of my class on the afternoon of Friday, April 19, I was handed a letter explaining that I had been placed on administrative leave pending an investigation. Within an hour, the university had broadcast a press release announcing my suspension (oddly, they hadn't even bothered to inform my boss or the chairman of my department).

The whirlwind of national attention began on Sunday when the Washington *Post* ran an article on my protest and the government's response. Fortunately, Mike Isikoff, the reporter for the *Post*, framed the debate as a question of how the war on drugs will be waged at universities, particularly as it relates to freedom of speech and academic freedom. The next week and a half was one of the most hectic times of my life. The Washington *Post* begat National Public Radio, The Los Angeles *Times*, and The New York *Times*, who begat CNN news, who begat CBS Evening News, who begat CNN's "Crier and Company" and "Crossfire," and so on. I quickly became the most popular speaker on campus. I have spoken at nineteen dorms since the story broke, with an average attendance of 50-60 people and the discussion going on for an average of two and a half hours.

My backpack is probably the most photographed backpack in history, but almost all of the news stories and debate has centered on advocacy.

In responding to an editorial in *The Stanford Daily* that supported my right to express my opinion on drugs, Stanford President Donald Kennedy said that "we are talking about conduct and riot protected speech. While the distinction is not always simple, it is not—as *The Daily* editorial suggests—true that words, or even 'personal conversation,' necessarily constitute protected speech. Criminal conspiracy, incitement and other long-established crimes are primarily verbal, but that does not protect those who commit them from prosecution and punishment . . . It seems unconscionable for responsible persons on this campus to recommend the use of illicit drugs."

Stanford has been coerced into becoming a partner in the war on drugs, extending the government's ability to punish drug users. That is a big step backward for this institution and for the future of freedom in this country.

House Narcotics Chairman Charles Rangel issued a press release about me on April 24th arguing that "free speech is one thing, but speaking freely about an illegal activity such as drug abuse and drug possession should not in any way be rewarded." (Of course, I never asked to be rewarded; I suspect Rangel wanted me punished.)

The media did a fairly good job of reporting what I had done and why I did it. But my critics (for example, Congressman Rangel) have distorted my words and done their best to sidetrack the issue. They tried to reduce my case to an argument about crack cocaine and heroin, even though I am not a user of either, nor have I ever publicly or privately advocated their use. In an attempt to portray the issue as government protection of the weak

and helpless, they talk about the "kids" and "impressionable youngsters" at Stanford whom I might lead astray.

I'm sure they would have attacked my professional record had they been able, even though it is not really relevant to the fundamental questions in my case, but they have been frustrated to find that my job performance is quite good. Stanford President Kennedy gave me an award six years ago for "Outstanding Service to Undergraduate Education"; the following year, the Dean of Engineering gave me the "School of Engineering Distinguished Advisor Award"; and the undergraduates recently voted me one of their top twelve favorite instructors.

I stirred up this controversy because I think the government is going about the business of purveying its view of the truth in a way that is entirely wrong. I share Jefferson's view that ideas should compete freely with each other and that if you perceive that someone is spreading untruth, you should fight him by telling the truth, not by resorting to coercion. As Jefferson eloquently argued in *Notes on Virginia*:

> Reason and free inquiry are the only effectual agents against error. . . . They are the natural enemies of error, and of error only. Had not the Roman government permitted free inquiry, Christianity could never have been introduced. Had not free inquiry been indulged at the era of the Reformation, the corruptions of Christianity could not have been purged away. If it be restrained now, the present corruptions will be protected, and new ones encouraged. Was the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now. Thus in France the emetic was once forbidden as a medicine, the potatoe as an article of food. Government is just as infallible, too, when it comes to systems in physics. Galileo was sent to the inquisition for affirming that the earth was a sphere: the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error. . . . It is error alone which needs the support of government. Truth can stand by itself.

Universities should be the citadels of "reason and free inquiry." Faculty members should never be censured for the opinions they express, even if those opinions involve recommending the breaking of university policies or laws. In certain circumstances, I suppose, speech can cross over into conduct in cases of libel or incitement. But such cases should be handled by the court system and not by the university. (My legal advisor, incidentally, has told me that I am not guilty of any such crime).

Unfortunately, many faculty member do not share this view. In a recent poll Stanford faculty members were asked, "Do you think that recommending that a student should use an illegal drug is punishable conduct or protected free speech?" The results were: 54% punishable conduct, 28% don't know, and 18% free speech. Things haven't changed all that much since the McCarthy era. In 1949 Stanford's president Wallace Sterling explained why communists ought to be excluded from Stanford's faculty: "I doubt very much that a member of the Communist Parry is a free agent. If he is not a free agent, then it would seem to follow that he cannot be objective. If he cannot be objective, he is by definition precluded from being an educator."

At the same time his administration was pressuring Stanford to fire me, President Bush was making a speech defending free speech on campuses at the graduation ceremony for the University of Michigan. "Ironically, on the 200th anniversary of our Bill of Rights, we find free speech under assault throughout the United States, including on some college campuses," he said. "Disputants treat sheer force—getting their foes punished or expelled, for instance—as a substitute for the power of ideas. Throughout history, attempts to micromanage casual conversation have only incited distrust . . . We all should be alarmed at the rise of intolerance in our land, and by the growing tendency to use intimidation rather than reason in settling disputes."

Had Bush changed administration policy? For a fleeting moment, the thought occurred to me that Bush had come to appreciate the importance of free speech. But, of course, Bush was denouncing only attempts by leftists to intimidate free speech. Suppression of free speech by rightists and by Republicans is just fine, as subsequent events were to demonstrate.

On May 10, the university informed me that my employment would be terminated effective May 15th. They chose not to fire me over the advocacy issue, although they expressed concern about it. They fired me because of my admission that I had carried illegal drugs in my backpack and the fact that I had once not prevented two underage students from ordering a before-dinner drink at a restaurant. I will file a grievance, but I doubt that I will manage to change their minds.

All I have done is talk, and the government can't take me to court for that. So they have punished me by forcing Stanford to fire me.

The backpack and the issue of my not preventing students from drinking are just excuses. This is most evident from the fact that they did nothing in November—not even write a letter of concern—even though I had broadcast to the entire campus that I was carrying illegal drugs in my backpack. They didn't act until Bob Martinez wrote a letter five months later. It seems clear that their action was motivated by government pressure, not by a desire on their part to censure me over the backpack.

I have never been found guilty of a drug-related crime. The head of the Stanford Police stated publicly that he can't even get a search warrant issued based on what I've said. All I have done is talk, and the government can't take me to court for that. So they have punished me by forcing Stanford to fire me. Stanford has been coerced into becoming a partner in the war on drugs, extending the government's ability to punish drug users. That is a big step backward for this institution and for the future of freedom in this country. ❑

A Long Way from Philadelphia

by Sheldon L. Richman

In the halls of the Communist Party Central Committee, supporters of individual liberty plot the transformation of the evil empire into a free society.

You know you're in a different world the moment you enter the Moscow airport. The walls are a dingy brown and the lighting is too dim. When we arrived at mid-afternoon, there was hardly anyone about. It felt like a ghost town. The contrast with the airport in Frankfurt, where I had switched planes, couldn't be more stark. Frankfurt airport is like a popular shopping mall. There are shops of all kinds, even a pornography shop. Crowds bustle all over. The atmosphere is bright and lively.

My first emotion in the Soviet Union was anxiety. A Soviet officer looked at my passport and visa for the first time, then raised his hand and told me to wait. "Uh oh, what does he want from me?" I thought. I hadn't noticed a group of people approaching the door. He was stopping me to let them in first. He waved me on. I felt relieved.

I went to Moscow to attend a conference on *perestroika* co-sponsored by the Cato Institute, along with the Independent University and *Komsomolskaya Pravda*, the newspaper of the Young Communist League. Because we were there on quasi-official business, we were afforded VIP treatment at the airport. This meant our luggage would not be searched. We didn't know this until we arrived and I was immensely relieved to hear it. It's not that I had anything in my bags I shouldn't have had (just loads of food and bottled water), but I found the thought of some Soviet goon rummaging through my belongings revolting. I would not make a good Soviet citizen.

A week earlier I did not even know I would be going to the Soviet Union. I had joined the Cato Institute staff just weeks before. Ed Crane, Cato's president, mentioned the upcoming conference and casually asked if I'd like to go. I confess that I experienced mixed emotions. A chance to see the USSR on the eve of its capitalist revolution was too tempting to turn down. But I'm not one who likes to rough it. I've heard enough about the conditions there to know that a visit is no luxury vacation. The water should not be used even for brushing teeth. Their food is of dubious quality. And the chance of being caught in an upheaval always exists. I prefer to watch such things on CNN. At any rate, I did not expect to actually be invited to go. I had no role in the conference; the trip didn't seem like a perk one is liable to get a couple of weeks into a new job.

One week before departure, I got a call at my home from Cato's conference director, Julie Riggs, instructing me to bring four passport photos to work the following day so that my visa application could be submitted. Time was short. The application would have to be sent in immediately. I felt a rush of excitement, until I recalled that my passport had long expired; I had not been out of the country for about 15 years. Besides, it was in a safe-deposit box somewhere in Philadelphia. I had heard that you could get a passport in one day if you were willing to stand in line for hours. So first thing the next morning I headed to the passport office in Washington, D.C., and told the clerk that I needed one-day service. "You will need a letter from your employer saying that you must have it," she said. Okay, I thought, I'll play their game. In about an hour I had an impressive letter signed by Ed Crane explaining that my presence at the conference was indispensable. I had the passport by 3:30 that afternoon. Ed Crane's name can move bureaucracies. At least, in the USA . . .

So there I was standing in the VIP lounge at Moscow airport being greeted, along with my traveling compan-

ions, our co-sponsors and several students who would graciously be at our service for the next few days. They offered coffee. Hmm, I thought, coffee is made with water. "No thanks," I said. (Silly me. It is made with boiled water. Soviet coffee turned out to be quite good, if you like it strong.)

When our visas and customs declarations were checked (we had to state that we had no guns or narcotics) and our bags retrieved, we were led to a bus for the trip to our hotel. You'd think that if any thoroughfare in a major city would get special attention it would be the one from the airport to the heart of town. Not in Moscow. As we traversed this main road, we were appalled by the sheer ugliness all around. Run-down housing projects squatted on every block. Mortar was crumbling. Windows were broken. There were no lawns; just mud. Dazed people trudged to who-knows-where. *Nothing* was attractive. The Visible Hand was everywhere in evidence. About the only thing that stood out was a newly opened Pizza Hut. The day was overcast. Just as well: sunlight would have been out of place here.

By Moscow standards, the rooms of the Oktyabrskaya might be the tops, but they would have a hard time beating your local Motel 6 out on the highway: one narrow bed, no wall-to-wall carpet, a couple of ugly towels in the bathroom, and the worst toilet paper you have ever seen.

In a while, the bus passed through a gate and up a drive to our hotel, the Oktyabrskaya, built in the Brezhnev years for the Central Committee of the Communist Party and said to be the best hotel in Moscow. Lately it has been open to Westerners, as a source of badly needed hard currency. The Oktyabrskaya had a stately look to it. Yet I noticed little things. Over each door at the entrance, for example, was what looked like a camera pointing toward the ground. In the United States this would indicate automatic doors. These doors you had to open yourself. Were the door openers broken? Or were the cameras watching us? Inside the hotel, an ivory-colored staircase climbed to the lobby. On either side was an escalator: neither was operable during our stay. The lobby had a grandeur about it. Another ivory staircase swept to the second floor. On the first landing was a white bust of Lenin.

We checked into our rooms. By Moscow standards, the rooms of the Oktyabrskaya might be the tops, but they would have a hard time beating your local Motel 6 out on the highway: one narrow bed, no wall-to-wall carpet, a couple of ugly towels in the bathroom, and the worst toilet paper you have ever seen. (That's another thing you bring with you.) The room was clean, however, and some interesting accoutrements were provided: both regular and shortwave radios besides the rotary telephone, television (Soviet programming stinks), and a refrigerator.

After nosing around the room, I unpacked my clothes, freshened up, changed, and headed down to the hall where our conference would be held. The Cato people—Crane, Roger Pilon, and Jim Dorn, who put the conference together—were going over the program, which had to be revamped to accommodate the Soviet speakers. I was expecting at most to chair a panel on foreign policy. (Cato's foreign policy director, Ted Carpenter, was supposed to do that, but he became ill the day we were to leave. I was prepared to pinch hit.) But on entering the hall, I learned that the foreign policy panel had been scratched. Only one foreign policy expert was originally on the program and he didn't show. Instead, we would have three panels on economics over two days. This was appropriate; the conference title from the beginning was "All the President's Men: Perestroika Yesterday, Today, and Tomorrow."

Ed turned to me when I entered. "Could you give a ten-minute talk tomorrow on the knowledge problem?" he asked. Happily, it was one of the three or four topics I can speak on at the drop of a hat. (The problem would be getting me to stop.) "Sure," I said. The meeting ended. I returned to my room and scribbled some notes on my topic. It was nearly time for the opening reception.

The reception room was actually charming, with porcelain chandeliers and wall fixtures. In the middle of the room was a table laid out with caviar, ham, other foods, Stolichnaya vodka, and a delightful lightly carbonated pear drink. I picked over the food carefully—maybe too carefully—knowing that I had a jar of Skippy chunky peanut butter upstairs in case I didn't get enough to eat. Aside from our traveling party, which included Cato friends from around the country and one from South Africa, the reception was for the Soviet citizens and journalists who would be attending the conference. Our guest speaker was Vladimir Bukovsky, the famed Soviet dissident and exile who had recently been allowed to return to Moscow for his first visit in over 15 years. Bukovsky is an earthy, friendly man, who regaled us with stories of his visit to his boyhood school. He told us the latest Gorbachev joke: Gorbachev looks at a portrait of himself and says, "Well, do you think they will remove us?" The portrait responds, "Me they will remove. You they will hang." There is talk in Moscow about a proposal for a "round-table discussion" on the country's crisis involving all the factions. Bukovsky is against it. He ends his talk by saying he's glad he "never negotiated with communists." (This didn't sit well with another reformer, who later would snipe that the view of the Soviet Union must be much better in Cambridge, England, where Bukovsky lives.)

Our conference formally began the next morning. The turn-out was fabulous. The room was filled and news cameras lined up across its width along a center aisle. The first panel, titled "What Is To Be Done?" featured both good guys and bad guys: Gavriil Popov, the free-market mayor of Moscow; Grigori Yavlinsky, former deputy to the Russian prime minister; Vadim Bakatin, former minister of internal affairs and a member of the Presidential Council; and Yegor

Ligachev, former member of the Politburo and the leading reactionary.

Ed Crane greeted the audience, saying it was time to get beyond "Gorbachev's tired old statist cliches." This prompted Bakatin to shoot back that there was no need for "Mr Crane's clichés" either. About all Bakatin could do was urge the country to "calm down." Ligachev, the unreconstructed communist, said that the country had been doing fine before Gorbachev tinkered with it and that the Communist Party could solve the problems. No one in the audience appeared to take this seriously. Bakatin and Ligachev, who were invited by the Soviet sponsors, said what was expected of them. What disappointed us was what the good guys had to say. Popov, who had become known as a radical free-market advocate, said that the government must protect the people "from the extremes of the market." He called for an "administrative state," like the Japanese state, which would "interfere" to combat monopoly and other bad things. He said the country is not prepared for a "long and painful transition" to a market economy. Yavlinsky made similar statements.

The morning session, in sum, was a downer. If the good guys were this bad, what hope was there? How could the liberal forces decide on means if they couldn't agree on ends? Things picked up in the afternoon, however. Boris Pugo, the minister of internal affairs, didn't show. That left Roger Pilon, who would chair the panel; Ruslan Khazbulatov, Russian President Boris Yeltsin's first deputy; and me. Pilon opened with an important statement laying out the legal requirements of a private-property economy: an independent judiciary, protection of property and contracts, etc. Khazbulatov followed with remarks praising Adam Smith. I was next, with my talk on the calculation problem, pointing out that without property there was no exchange, without exchange there were no (true) prices, and without prices there could be no economic calculation. Hence the failure of socialism.

It was an unforgettable experience. There I was, sitting on the stage of a hall built for the Soviet Communist Party's Central Committee, lecturing on why socialism cannot be reformed and why, as Mises and Hayek had long ago explained, an industrial economy was doomed without private ownership of the means of production. I couldn't tell how my remarks were being received, but I could hear the translator turning my English into Russia as his voice was piped into the spectators' ear pieces. All I could think of was how far—literally and figuratively—this Jewish kid from Philly had come.

I explained to the audience that since the market, through prices, uses knowledge held by all members of society, capitalism embodies respect for the people, unlike socialism, which operates as if the people know nothing worth knowing. As I closed my remarks, I noted that there will be many excuses for not privatizing the country, but that the reformers must clearly articulate the necessity of property rights. "Take the advice," I said, "of that great capitalist company Nike, whose slogan is 'Just Do It.' Ladies and gentlemen, Just Do It!"

During the question-and-answer session, an American reporter for United Press International said that when business is left alone you get things like the S&L crisis. Roger Pilon leaned over to me and whispered, "Leave it to an American reporter to be the biggest jerk at the conference." He explained to the reporter the role of government deposit insurance in indemnifying the S&L managers against loss. The reporter responded that it sounded like the government had indeed left business alone. Later he refused to listen when I tried to explain that the problem was that the government had failed to leave the rest of us alone.

At the end of the session many Soviets came to me to ask questions: Was I ever a communist? How long had I been studying communism? Should the government have any role in the economy beyond protecting property rights and contracts? They were eager to get books on the subject and learn more. Two young men said they would like to become businessmen, but they could not. Don't let the system crush you, I said. "This system could crush anyone," one of the men said. "The fucking communists," the other added. I offered to send them copies of Ayn Rand's *We The Living*. They had never heard of Ayn Rand.

That night we were taken to the Kremlin to see a ballet. It was nice, but many of us were restless and wished to walk around. We left at intermission and walked to Red Square, where we made wisecracks in front of Lenin's mausoleum. (One of the Russians assisting us during the conference, a charming young woman named Irena, told me that some students had been arrested a few weeks earlier for using their bodies to spell out the Russian equivalent of "Fuck Lenin" outside the mausoleum.) We had a beer at the the bar of the Intourist Hotel before heading back to the hotel.

There I was, sitting on the stage of a hall built for the Soviet Communist Party's Central Committee, lecturing on why socialism cannot be reformed and why an industrial economy was doomed without private ownership of the means of production. All I could think of was how far this Jewish kid from Philly had come.

The next day, at the final session, we finally heard what we came to hear: radical free-market declarations. The panel, chaired by Jim Dorn, consisted of Stanislav Shatalin, author of the 500-day plan for a market economy that was rejected by Gorbachev last September; Nikolai Petrakov, former chief economic adviser to Gorbachev, who resigned because he had been ignored; Alexei Emelyanov, a pro-market reformer; Vasily Selyunin, a liberal economist; Larisa Piyasheva, a radical liberal economist and a Cato adjunct scholar; and Ilya Zaslavsky, a local legislator and liberal activist. Some highlights: Emelyanov: "We swerved from the natural road in 1917. . . . We robbed the peasants of

their land." Selyunin: "The industries belong to the people and should be returned to them. . . . No, we don't need socialism." Shatalin: "I say an unequivocal *yes* to private property. . . . We must de-ideologize the economy." Zaslavsky: "Capitalism should be built in this country. It cannot be done without pushing the Communist Party out of power." Petrakov: "I am opposed to economic dictatorship. I support economic freedom."

A bust of Lenin was two rubles, or eight cents. It sits on my desk at the Cato Institute; I tell people it is Mitch Miller.

The session was exhilarating. There might be hope for this country yet!

Our afternoon was free. Some of us went to the Arbat, a pedestrian street where people sell souvenirs, primarily lacquer boxes and "matryoshka" dolls, those nesting wooden dolls. Certain merchants would accept dollars, but only on the sly. There was no lack of entrepreneurship. Men and women vigorously hawked their wares, pointed out the advantages of shopping at their table, and kids tried to sell "military watches" or to bum chewing gun. (I carried lots of Nestle's Crunch for these occasions.) When I told one vendor that he was a capitalist, he told me in broken English that this was not so: capitalism meant high prices; his prices were low. I gave him a Cato button that said, in Russian, private property and capitalism. (People all over Moscow were wearing these buttons by the time we left.) We saw a few people making speeches or satirizing Gorbachev along the street, indicating a nonchalance that presumably did not exist before *glasnost*.

That evening we held the closing reception, but the guest speaker, former foreign minister Eduard Shevardnadze, never showed. Why, I do not know. It was nonetheless a memorable evening. With the help of *Fortune* magazine's bureau chief, Paul Hofheinz, I chatted with Petrokov, a jovial man who also betrays a pessimistic fatalism. He explained that he took his wife and child to the McDonald's in Moscow, where it cost him an average Russian's weekly salary to dine. Later that evening our traveling party went to a state-owned restaurant where we were served excellent appetizers and then steak and limp french fries. The company made up for what the cuisine lacked.

The cab ride home provided one of the best anecdotes of the trip. Our driver, a 65-ish man, was wearing a Philadelphia Phillies cap. I pointed to it and said I was from Philadelphia. I didn't expect him to understand, but he replied in broken English that his niece lives in the suburb of Bala Cynwyd. Ed Crane asked him if there would be a revolution in the country. His face lit up as he said, "June," adding, "Yeltsin!" He explained, I think, that Nostradamus had predicted the revolution. Ed then asked if he had ever heard of Larisa Piyasheva. "Economist," he said. He then started naming the radicals, as though he had been to our conference: Selyunin, Zaslavsky, and so on. But this wasn't all. He next picked up from his seat an article he was apparently reading and said, "Brutzkus." Boris Brutzkus was a Russian critic of the Soviet system who understood Mises' refutation of socialism. If this is typical of the cab drivers, the country may straighten itself out quickly.

For Americans everything was cheap. The official exchange rate has been raised from 6 rubles to the dollar to 27 rubles to the dollar. A large meal might cost 100 rubles or under four dollars. Souvenirs were also a steal. I bought a large "matryoshka" doll for 300 rubles, about 11 bucks. A bust of Lenin was two rubles, or eight cents. (It sits on my desk at Cato; I tell people it is Mitch Miller.) With the help of a Russian I bought two beautiful military officer's hats—at about 40 cents apiece. When I was totalling up my buys for the U.S. customs declaration, I realized that the souvenirs I bought, including several toys for my three kids, came to about 15 dollars. (In defiance of Soviet law, I brought about 330 rubles home with me, primarily because it wasn't worth the 12 bucks to stand in line to reconvert them.)

On our last day in the Soviet Union, Lenin's birthday, my South African friend Hylton Appelbaum, Irena, her boyfriend Kiril and I tooled around Moscow, seeing the sights—the KGB building, the Bolshoi Theater—and stopping at stores where real Muscovites shop. How depressing: dim and decrepit, the selection pitifully limited, the lines long. People stand in the stores trying to resell at marked up prices what they just stood in line to buy. This saves others from waiting. Who said the Russians need to learn entrepreneurship? We lunched on cheese-bread and dumplings at a private co-op Czech restaurant. Irena, a translator, and Kiril, a physician, are young and idealistic. Naturally they want out of the Soviet Union. They would like to get married, but they can't afford an apartment. "I don't want my children to grow up here," Irena says. The American immigration quotas are tight, so they plan to try for South Africa.

Later that afternoon, we went to the office of *Komsomolskaya Pravda* for a meeting with the editorial staff. They greeted us with espresso and pastries. They were eager to learn about the requirements of a free market. We were eager to hear what they are thinking. The editor said their goal is the economic education of the people. We left fearing that they feel they have all the time in the world to debate their problems and that they can discuss means without first agreeing on ends.

Our flight from Moscow was scheduled for 6:15 the next morning. We had to leave the hotel at 4 o'clock. I didn't get much sleep. Before checking out of the room I spread out on the desk all the food and candy I was leaving. A surprise for the maid. I also left my American toilet paper.

There was snow on the ground as we made the trek by bus to the airport. Lines at customs were long, but we got VIP treatment again. Because of the weather, the airport had been closed, and they had to de-ice the Lufthansa DC-10. As we took off I felt some relief to be departing. A short while after take-off the German pilot came on the public-address system with welcome words: we were leaving Soviet airspace. All of us burst into applause. ❑

Conversation

Economics after Socialism:

Mark Skousen interviews Robert Heilbroner

Last September, economist Robert Heilbroner resigned from the socialist movement, saying "Socialism has been a great tragedy of this century . . . Mises has won." Libertarian economist Mark Skousen wanted to know more about Heilbroner's change of mind.

In a recent series of articles in *The New Yorker*, Robert Heilbroner shocked the socialist world by announcing his resignation. The debate between capitalism and socialism is over, he declared. "Capitalism has won!" Later, he boldly stated, "Socialism has been a great tragedy this century." Such statements would not make headlines if they were made by a free-market economist, but when they come from the Norman Thomas Professor of Economics at the New School for Social Research, we all take notice. Heilbroner, a respected thinker, is the author of many influential books, including *The Worldly Philosophers*, the most popular book ever written on the history of economics.

Mark Skousen is an economist of a very different sort. After receiving his PhD. from George Washington University in 1977, Skousen made an unorthodox career choice: he became an financial writer. He advanced very quickly in the field, and by 1980, he was editor of one of the most-widely-circulated investment advisory newsletters and remains today one of the most influential investment writers. Along the way, he has written a number of best-selling investment books. He is currently Adjunct Professor of Economics and Finance at Rollins College in Winter Park, Florida, and is also the author of two books of serious economic thinking, *Economics on Trial* and *The Structure of Production*.

Skousen and Heilbroner met in Heilbroner's beautiful 2-story apartment on Park Avenue in Manhattan, on April 8, 1991.

Skousen: You've made some startling statements recently about the collapse of socialism. "The debate between socialism and capitalism is over. Capitalism has won." Also, "Socialism has been a great tragedy this century," and "Mises was right." Doesn't this represent a dramatic reversal in your philosophy?

Heilbroner: There's no question about it. These are statements I wouldn't have written five years ago.

Skousen: Did you expect communism to collapse economically?

Heilbroner: I never had any particular high expectations for the Soviet Union. I had been to the Soviet Union and I envisioned this very creaky bureaucratic inefficient operation. The Soviets seemed to be in a steady state, just clinking along, producing small quantities of bad consumer goods and large quantities of quite good military goods. That's what everyone, including me, thought. But no one expected a collapse! Nobody—not the CIA, not any foreign intelligence—foresaw this collapse. So it took me by surprise.

Skousen: You wrote your first article about the collapse of socialism and the triumph of capitalism before the Berlin Wall was torn down.

Heilbroner: I think it was very clear from 1988 that things were going poorly in the Soviet Union and the Eastern Bloc. I remember having dinner with Peter Bernstein [co-author of *The Debt and the Deficit*] and we were talking about what's going on in the Soviet Union. He said the system there just doesn't work. And I said, that's right, that's right! That's what really sparked my first piece. We are witnessing an extraordinary living example of a system breaking down. Mises was right. My article made a big splash.

In Eastern Europe, there began talk about some kind of radical transformation from a planned society to a market society—market society is a euphemism for capitalism. What was unforeseen was Gorbachev giving the green light. I didn't expect the move to a market society without having a revolution. I thought there'd be a gradual deterioration of planning.

Skousen: In Paul Samuelson's 1989 edition of his famous textbook, *Economics*, he wrote, "The Soviet economy is proof that, contrary to what many skeptics had earlier believed, a socialist economy can function and even thrive." Do you think this kind of statement is an embarrassment to the economics profession?

Heilbroner: We felt, and I still do feel, that a command economy is like the military. The army is very good at moving mountains and doing what the Pharaohs did,

building large scale monuments. They build thousands of miles of railroads and large dams. They brought about massive industrialization and mobilized the masses, and they did it very well and very rapidly, or else they never would have held off Hitler.

Socialism can do that. What socialism can't do is to produce the complex array of goods required once a society leaps from a peasant society to an early industrial society. It's very hard to run the damn thing with the absence of market signals.

Skousen: Isn't that what the Austrian economist Ludwig von Mises predicted fifty years ago?

Heilbroner: I went back and read Mises and Hayek. They said that central planning couldn't work, but I don't think they're really clear about why it breaks down. Oskar Lange and other socialists had naive notions about the way the command economy could function, that when inventories would go up, they'd cut prices, and that would solve the problem. That's not the way it works.

"I'm certainly not as naive as I was. But I'm just as skeptical as I ever was about the difficulties of capitalism."

Skousen: You are really the first one in the socialist camp to admit that your views about capitalism have changed. Here you are the Norman Thomas Professor of Economics at the New School of Social Research, a hot bed of socialist thinking . . .

Heilbroner: Socialist, I don't know. It certainly is a hot bed of institutionalist thinking, New Deal thinking.

Skousen: What has been the reaction to your articles about the triumph of capitalism over socialism?

Heilbroner: It made me either famous or infamous. Many conservatives quoted me, I got a lot of favorable letters. But I knew I was going to run this risk of being considered a turncoat.

Skousen: In the 1930s, the Keynesian revolution really caught on when several influential economists, such as Alvin Hansen at Harvard . . .

Heilbroner: He was one of my professors when I was an undergraduate there.

Skousen: . . . changed sides from being a classical economist to being a Keynesian. Do you see yourself in the same role, except in the other direction?

Heilbroner: That's a hard question. I'm not trying to hedge it, I'm trying to find the right way to answer it. I'm certainly not as naive as I was. But I'm just as skeptical as I ever was about the difficulties of capitalism. I think there's a range of outlets for capitalism. I don't think economic growth is the only criteria for success. Fairness and justice are essential, too. I think of some of these modern-day welfare states which can produce very remarkable results. Austria is very welfarish, very state managed, very conservative and very successful. But there isn't a socialist left in Austria. That's what I call successful capitalism. I'm a great believer in welfare capitalism.

Skousen: Have your socialist colleagues been very critical of your change of heart? In a recent issue of *Dissent*, a forum for radical thinkers, they seemed to be . . .

Heilbroner: No. I'm a member of the board of *Dissent*. I made the point that just because socialism has lost does not mean that capitalism has won. We're not out of the woods yet.

Skousen: Isn't it true that the socialist camp is in a state of crisis, and they are groping to redefine socialism in this post-socialist era? One suggested that socialism is nothing more than market capitalism with a sense of community.

Heilbroner: Well, the question is, what's left of the idea of socialism? We know it's not what was in the Soviet Union, not Hungary or Czechoslovakia. Maybe it's Sweden. That's closer to my idea of socialism. But there's really no answer right now.

Maybe socialism is nothing more than the best kind of capitalism. I'm not afraid of the word socialism. Socialism has always had very high moral objectives even though it has been besmirched by Soviet atrocities and belligerence. To me socialism as a democratic ideal has always stood for equality and justice.

Skousen: You've written the most popular book ever on the story of economics, *The Worldly Philosophers*. I believe it's sold 3 million copies. Based on your new views, what would you change?

Heilbroner: Very little. There's almost nothing in the book about socialism.

Skousen: But maybe there should be.

Heilbroner: I don't think so. I revised it rather recently.

Skousen: In your latest edition, you quote Joseph Schumpeter, one of your teachers at Harvard, who was very pessimistic about the future of capitalism and predicted that socialism was the wave of the future.

Heilbroner: In the 1940s, he said, "Can capitalism survive? No, I do not think it can."

Skousen: Obviously he was wrong.

Heilbroner: Oh, yes, very wrong. Schumpeter was convinced that socialism was the wave of the future because corporate management would be afraid of taking market risks. The game wouldn't be worth the gamble. But Schumpeter really didn't care about the demise of capitalism. He considered himself a preferred member of the talented elite, who could make socialism run even better than capitalism. I now have an entire chapter devoted to Schumpeter and his contradictions. He's a wonderful man.

Skousen: Your book has a chapter on Marx, a chapter on Keynes, and a chapter on Schumpeter, but you do not even mention Mises, and hardly quote Hayek at all, yet these Austrian economists have proven to be prescient. Don't they deserve greater exposure to students of economics?

Heilbroner: There's two characters here, Mises and Hayek. I spent the summer reading Hayek, his book *The Constitution of Liberty*. He doesn't call himself a conservative, and he doesn't sound at all like a conventional economist. Hayek rationalizes; he has this remarkable picture of the market system generating information so that people can do the things they need to do. He writes very beautifully. I find that when Hayek is good, he's very good. But it's slow, hard reading.

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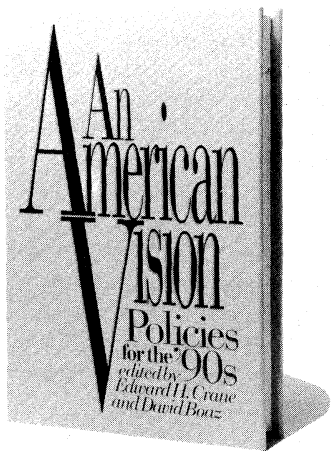

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On the other hand, I find Mises impossible. I just don't buy the practicality of his theory of praxeology. I can't take his book, *Human Action*, seriously. He said that socialism is impossible, but he was not terribly convincing to me. He was so dogmatic.

Skousen: Aren't all the great economists dogmatic? Is that an excuse for you and Samuelson and others to ignore the Austrians? Students can go through an entire course in economics and never hear the names of Mises and Hayek.

Heilbroner: I doubt that about Hayek. Mises is a special case.

Skousen: Haven't you contributed to the neglect of Mises?

Heilbroner: In my day, hardly anyone read Mises and *Human Action*, nobody that I can know of. His book on socialism is generally regarded by most people as so ill tempered, so overdone.

"What socialism can't do is to produce the complex array of goods required once a society leaps from a peasant society to an early industrial society. It's very hard to run the damn thing with the absence of market signals."

Skousen: You don't think you were biased in *The Worldly Philosophers* by failing to include the free-market movement (the Chicago School and the Austrians) in the 20th century?

Heilbroner: The purpose of *The Worldly Philosophers* was to represent, as best I can, the existing body of thinking out there. I could have included all sorts of crazy people lurking in the shadows of economics . . .

Skousen: But you chose Veblen over Mises, over Friedman.

Heilbroner: Veblen is a major personality in the history of economics. You can't say that about Mises. I can show you a library full of books on Veblen. It isn't that I made it up. It wasn't arbitrary. I mentioned Galbraith in passing, but I'm not a big fan of Galbraith.

Skousen: So you don't feel you were biased in your selection of economists?

Heilbroner: I have my biases, my beliefs. When I went to college I was a liberal . . . *everybody* was a liberal in the 1930s. Later on in my thirties and forties I became more of a radical. I felt that liberal analysis was too shallow. Later on yet in the fifties and sixties, I became more conservative. And I've been all three ever since.

Skousen: In your recent articles about the triumph of capitalism and the tragedy of socialism, you make constant mention of Mises and Hayek.

Heilbroner: That's true. Just recently now, there has been a reemphasis in the Austrian school. Economists like Don Lavoie [at George Mason University] are doing some interesting things. He's very bright.

I don't know the Austrians that well. I grew up at a time when the Austrians were ignored. As social philosophers, they never had any impact.

Skousen: I hear that Mises and Hayek are having a big influence in Eastern Europe.

Heilbroner: Yes, they are quoted a lot. And so is Friedman. I don't know what's going to happen in Eastern Europe.

Skousen: Speaking of Friedman, you also ignore the Chicago school in your book. Why?

Heilbroner: The trouble with Friedman is that his approach is completely non-revolutionary. For Friedman, capitalism has no past and no future. It has no tendencies, no trends. It always lives within the shadow of being subverted by some power-crazy bureaucrat. So I don't take Friedman seriously as an historical economist.

Skousen: How do you view the future of capitalism over the next 30 years?

Heilbroner: Capitalism is, and always has been, in a state of crisis. This is the great problem of our age. Capitalism is going to continue to produce dynamic results, both good and bad. If it works very badly, I don't know what to do next.

Skousen: To what extent do you think the government rather than the capitalist system is responsible for these crises? Do you buy any of that argument?

Heilbroner: Not much.

Skousen: Take Friedman's argument that the Great Depression was not caused by the market, but by monumental blunders by the government's central bank. The money supply shrunk by a third. Do you accept his thesis?

Heilbroner: I think it's very close to what happened. I'm quite sure that many government efforts backfire. When government pushes button A, you don't always get result A. They push B, and get something else. On the other hand, what Friedman, Hayek, and Mises don't say, and what I do say is that tremendous problems come out of the workings of the market. Problems from ecology to the banking crisis. To deal with these problems, you have one of two choices. You can do nothing and let the problems run their course, which may be very dangerous, or you do something. It's either laissez faire or intervention by the state.

We know that intervention never produces quite the results we expect. Take deregulation. It produces both good and bad results. We have the hub system in the airlines, which a lot of people don't like. We have deregulation of AT&T, which I hate.

"Hayek has this remarkable picture of the market system generating information so that people can do the things they need to do. He writes very beautifully. I find that when Hayek is good, he's very good. On the other hand, I find Mises impossible."

I always come back to the dynamics of the system, which is not always foreseeable. I dimly foresaw an ecological crisis coming. There seems to be an increasing concern that something is going on. It's not being produced by the government, it's part of the natural workings of the system. Is the market going to take care of this by itself?

Skousen: Peter Drucker argues that in order for a nation to solve environmental problems it must be wealthy. You become wealthy through market capitalism and then you deal with the environmental issues.

Heilbroner: Yes, he might be right.

Skousen: You have said that socialism as a theory is dead. Is Marxism also dead?

INDEPENDENT FROM BUREAUCRACY

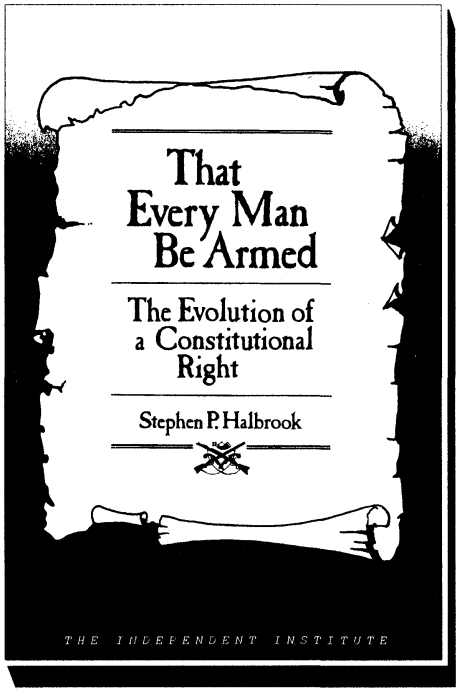

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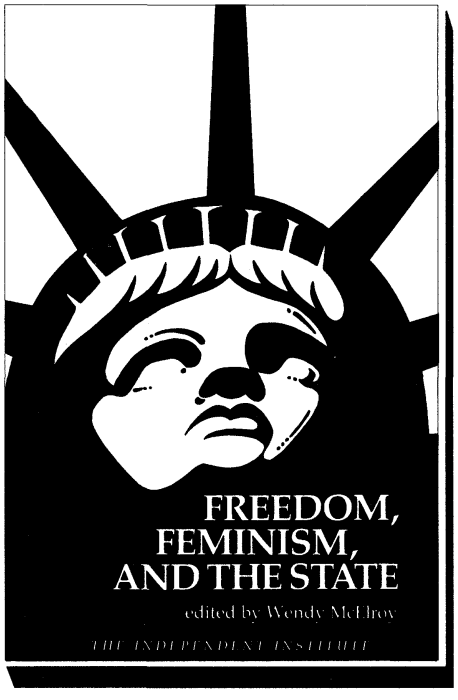

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Edited by WENDY McELROY
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Heilbroner: No, I don't think Marx is dead. The Soviet system is dead. There isn't really anything left to it. But of Marx's entire opus of writings, only one percent is about socialism. He was primarily interested in capitalism, and what he said about capitalism is I think very profoundly important.

I came to terms with Marx when I wrote a little book, *Marxism: For and Against*. What got me into trouble with both the right and the left was the word "and." I was both for *and* against Marx. What I like about Marx is his view of philosophy and history. Marx stressed capitalism's internal dynamics, the essence of capitalism. I don't see how you can be an economist unless you've absorbed that. But what I'm against is the Marx*isms*, the connection with socialism. The revolution toward socialism, I've never bought that. What comes out of this process, as Marx describes it, could be very ugly.

"The trouble with Friedman is that his approach is completely non-revolutionary. For Friedman, capitalism has no past and no future. It has no tendencies, no trends. It always lives within the shadow of being subverted by some power-crazy bureaucrat. So I don't take Friedman seriously as an economist."

But Marx has a lot to say about the capitalist system. There is a tremendous tendency today by conventional economists to see most problems descending out of the blue. On the conservative side, they descend from the government. On the liberal side, they descend from an oil shock or something outside the system. But it's really all the workings of the system, the technology of the market, the striving, the pushing, the shoving, and all that.

I wrote a column a long time ago in which I said that it's common to speak about inflation as an ailment. But it's not an ailment. It's the way the system works. It isn't sick or well. That's just the way the system works around the world. You see how it works and then you change the dynamics.

Skousen: You mentioned inflation, which brings up the book you wrote with Peter Bernstein, which has had a profound impact. When it first came out in 1963, it was called *A Primer on Government Spending*. The new edition is called *The Debt and the Deficit*. The Federal deficit is now approach $500 billion a year, if you include off-budget items. Haven't we reached a crisis stage because you and other economists are apologists for the deficit, saying that it really doesn't matter?

Heilbroner: Not quite. The deficit is a very scary word. But I've always felt that you have to look at it from the perspective of national wealth. How big is it compared to national wealth? And, you know, we're right in the middle of the range, same as Canada and Japan.

Skousen: But it's moving up as a percentage of national wealth.

Heilbroner: All capitalist governments borrow money. The real question is, what do they borrow it for? If you could show that we borrow money for good things, such as rebuilding the cities, who would complain? Then you wouldn't have this silly business about crowding out. It isn't crowding out, it's just shifting over. Instead of building a private plant you build a public plant.

Skousen: But what if the government is spending most of the deficit on the military? It's just poured down the sands of the Arabic desert. . . .

Heilbroner: By the same token, when you reach the end of a dish of ice cream, that's it.

Skousen: It's consumed, but nobody's being killed or destroyed. Somebody's enjoying the ice cream. There's a big difference.

Heilbroner: It isn't that I pooh pooh the deficit. I pooh pooh the alarmists, people wringing their hands about the deficit. What I really call for is an examination of what the deficit is spent on. We may disagree on what is good. Herbert Stein is a conservative economist who thinks you should count military assets like tanks as a part of capital public wealth. I don't think so.

Skousen: You're not bothered by the fact that the Treasury can raise all the money it wants at 8%, while major corporations, who are in the business of providing consumer goods and capital, have to pay 10%, 12%, even 15% and are struggling to raise funds? Aren't you concerned about the crowding out effect of large Treasury financing?

Heilbroner: It's a question of risk differential.

Skousen: No, it's also a question of supply of capital.

Heilbroner: American corporations can get capital anywhere in the world these days.

Skousen: Not if they can't afford the interest payments.

Heilbroner: Don't kid yourself. Companies who have to pay 13% just don't have good bonds. They aren't safe.

Skousen: A recent study found that 80% of all new capital financed in the 1980s was government related. You don't think that's a problem for corporate financing trying to compete with the government?

"I don't think Marx is dead. The Soviet system is dead. There isn't really anything left to it. But of Marx's entire opus of writings, only one percent is about socialism. He was primarily interested in capitalism, and what he said about capitalism is I think very profoundly important."

Heilbroner: One of the reasons the Treasury market is so large is that there's tremendous demand for government securities. The New School for Social Research as well as other institutions park money there because it's sure money.

When Britain reduced its national debt under Thatcher a few years ago, there was a tremendous liquidity squeeze in London. People need those pieces of Treasury paper to do business!

Skousen: What's your vision of the world in the beginning of the 21st century?

continued on page 69

Tools *vs* Philosophy

by Karl Hess

Ideas have consequences. And a life of their own. But tools are the embodiment of ideas so practical that their "own life" is, inevitably, ours as well.

Social and political philosophers analyze the world and try to clarify aberrations in the way we behave. They collect and interpret raw data on group behavior. Economists, especially those who actually are interested in economics and not in ward politics, help us understand why we cannot get rich by taking in each other's laundry or why we are unable to build a solid customer base by cheating and overcharging if there is market entry for competition.

The various sorts of social scientists provide the contentions among different ways of controlling or liberating tools, property, and produced wealth. But not one of them, so far as I can see, has ever by a theoretical statement, or opinion, fundamentally changed the way we live together.

They formalize the rhetoric of history's vocabulary. They are the most highly lauded of intellectuals and even seem to define the term itself.

But consider: What was the first great transforming *idea* that turned humans from draught animals to creatures with enough time on their hands to contemplate rhymed speech and develop civil manners, the common law, music, and space travel?

It was not Plato's notion of a philosopher prince. It was not Aristotle's common stonemason's notion that A is A.

The great idea—the one that made human ascent to the stars *inevitable*—was the horsecollar or ox yoke. It was the agency of the first transfer of human need for energy to a non-human source. Once the ox was yoked, the nuclear turbine could not be far ahead! The principle had been established. Humans could derive energy to do work from non-human, even inanimate sources. Even the discovery of fire seems pallid beside this. Fire did not become a source for energetic work, as a replacement for the ox, until years and years later, when technologies of smelting and then the steam engine were developed. One brought the Iron Age. The other brought the Industrial Revolution. Now *those* were changes.

Social and political scientists tell us why we should live differently. Philosophers try to explain the scientist's prescriptions.

Tools *change* the way we live.

Philosophies are powerfully held opinions. They can organize systems to command the use of the tools in this way or that way, to how they are to be used by this bunch of people or some other bunch.

No tool, once conceived, has ever been known to have been successfully banned or monopolized except locally and temporarily, by any philosophy, law, or any other sort of opinion—no matter how powerful or popular the opinion.

Tools eventually prevail whether you or your political theory like it or not.

The Chinese nobility was said to have rejected the use of gunpowder for war (perhaps to keep the warring field safe from gun-toting peasants.) The Europeans did not reject firearms. They were worried about the egalitarian English long bow. And neither ban nor bother stood a chance against the roaring whirlwind of human ingenuity, whence came the boom of the powder and the swoosh of the shaft.

If all nuclear weapons finally are banned, this will not contradict the point. The energy source will persist—safer, cleaner. The missile delivery systems will endure—perhaps to carry the mail, tourists, and ores back from the asteroids. Only a particular mechanism of nuclear detonation will be banned—and even that could be quickly revived in some political windshift or fairly easily stored away in some high-tech survivalist's cabin in the woods. Tools are immortal.

None of the great philosophers have had the impact on *this* living world as has the mass production of the automobile—the inevitable development of merging the first nonhuman motor, the non-human animal, with the altogether human device, the cart (whether the cart was intended to roll on wheels, skids, oiled logs or the

bones of dead slaves).

There may be 73,000 PhDs granted to prove that unless we had kings, queens, the Magna Carta, or the U.S. Constitution, we never would even have *had* the automobile.

I disagree. I believe that once a tool is demonstrated, and once that someone finds that it makes his or her work easier or more effective, the tool will, like it or not, *be used*.

Engineers devise things that do work for us and they can do this, often, without understanding exactly how all of the parts work or why.

If it works, it works.

Do I think that social and political scientists should be banned from even *having* opinions about tools? Absolutely not. Do I resent that they, more than any other intellectuals, easily promulgate those opinions and cajole or force others to follow them? Damn right I do.

Do I want my buddies in the tool room to make all of the decisions about tools? Don't be a ninny. Tool *users* should form their own opinions and then have to negotiate with other users as to what to do about it—in roughly the way the rules of the road at sea were worked out by merchant seamen who had far more important work to do than to be harassed by pet behavioral theories, conflicting signals, and collisions. (Incidentally, the arena in which such negotiations are carried out could be called a marketplace.)

I yearn to redirect to the people who *change* the world, the praise they deserve.

Three hundred years before the birth of Christ, Euclid stated his *Elements*, making it more practical to measure land for ownership, to design better sails, to make navigation more dependable. Euclid could be said to have opened the door to the modern world. Christ has influenced millions, of course. But the behavior of those millions has not changed much. They still lie, cheat, steal, and kill with abandon—ironically, often in Christ's own name.

In about 1000 AD, Venice consolidated its empire in the Adriatic. Ho hum, just more empire building made lofty with some new political rhetoric. At the same time, the mathematician Sridhara proposed the concept of the zero in number theory. Zero is one important reason you can count to twenty without taking off your shoes.

In the 1660s there were at least 50 major treaties and wars. Politics was sweeping the earth. At the same time, Isaac Newton described the differential calculus. When war becomes just a dim memory, some part of some mission into deep space probably will be enhanced by the calculus. If war persists, the calculus will help us hit targets better. Of ideas developed at the time it has clearly more clout than the socio-politico ones.

In 1760 the British imposed the Stamp Act on Americans while Watt perfected the condenser that made the steam engine possible, the Industrial Revolution inevitable, and America a productive powerhouse. But score a big one for an idea here. America was founded on the idea of individual liberty. No wonder it perfected the Industrial Revolution.

Perhaps the American Revolution is the only social-political idea that can equal the world changing ideas of science and technology.

The French Revolution? I do not feel it can stand up as a world-changing force against even one of the technological developments of the time, say Whitney's cotton gin or, a few years later, his development of the manufacturing technique of interchangeable parts for mass-produced machinery.

The Russian Revolution and subsequent tyranny was not diminished by ideas so much as by appetites and practicalities. People wanted material things. Free markets provide such things. They are proven practices more than ideologies.

The market and owned property is more ancient than any currently popular ideology, even Christianity.

A substantial black market in cars and car repairs surely helped pave the way for *perestroika* which, in turn, must now face the truly radical pressures of material appetites fanned by faxed, photocopied, video-taped and personally computed information. The Eastern European peoples yearning for freedom are yearning for, admittedly, an abstract idea; but they are yearning for it in hope of using today's marvelous tools and earning the material rewards associated with the tools.

In 1903, when Lenin and Trotsky formed the Bolshevik faction of the Russian Social Democratic Party, the Wright brothers' plane successfully flew. The Bolsheviks gave us their version of Oriental despotism (how neat!); the Wright brothers showed us that highways could be almost infinitely flexible skyways. Any real arguments about the world changing going on there? Certainly, the thousands killed by thugs had their lives changed. Certainly the airplane was a major killing tool. But the world, and all who survived, moved just a tad closer to human understanding through human contact—and also a bit closer to leaping off into space itself. Who really had the long-term right stuff, the Dayton mechanics or the Kremlin killers?

The most powerful contrast for me is between two events in 1962: while the U.S. mission was being established to "save Vietnam," Crick, Wilkins, and Watson got their Nobel Prizes for describing the molecular structure of DNA. Thanks to those three peaceful men, not to raging armies, the world will never be the same again. Speaking merely as a member of the race involved, I could not be more exalted or excited by the prospect.

Ordinary people in the ordinary communities of their lives change the way they behave on the basis of the tools available to them or that they develop for their special purposes.

The tidal change in the status of women, at least in the Western world, had been an idea for centuries. But only when computers unisexed symbol manipulation, when machine shops became cybernated, when muscle was replaced by mind in more and more of the work we do, did the change actually happen.

The *idea* of throwing off collectivist totalitarianism certainly galvanized resistance in Eastern Europe where people obviously want to change the way they behave. But it has been phones, faxes, copying machines, modems and computers, tape recorders, radio, and television—the tools—that made it possible for the idea to become effective, and in a relatively peaceful manner. The pacification of revolution through the tools of communication is an epic change in the way humans behave.

At any rate, for what it's worth, I urge consideration of this proposition: Listen to the ideas, of course, but *follow the tools* to see if and how the way we work and live is going to change. ❑

Reviews

The End of Laissez-Faire: National Purpose and the Global Economy After the Cold War, **by Robert Kuttner. Knopf, 1991, xii + 304pp., $22.95.**

Socialism With a Drooling Face

William P. Moulton

We older libertarians, for whom the Goldwater campaign is a living memory rather than an historical footnote, always had a special place in our hearts for John Kenneth Galbraith. I mean, we really hated the sonofabitch. Well, JKG is still around, but he's old now, and does possess a certain style and wit. People a lot worse have come down the intellectual pike since then, so some of us have moderated our rancor toward the towering Scots-Canadian economist. I, for one, simply don't think about him much anymore.

I'm no longer one of those people who have a psychological need to concentrate their perception of evil and error on a specific human focus. If I *were* so inclined, however, one contemporary candidate for my focus would be syndicated columnist (and former economics professor) Robert Kuttner. His previous books include an attack on the tax revolt of the 1970s (*Revolt of the Haves,* 1980), an argument on behalf of egalitarianism as the key to economic prosperity (*The Economic Illusion,* 1984), and a passionate plea for leftist academicians and media people to drop their pretense of nonpartisanship and neutrality and become open activists on behalf of the Democratic Party (*The Life of the Party,* 1987). He is also economics editor of *The New Republic.*

Kuttner's books are always a mite difficult to review, since they contain very little fact or analysis. Rather, they are works of passion. Kuttner is a man with a very strong commitment to a few core ideas. These ideas, rather than (or at least more than) any particular facts or events or reasoning, animate his conclusions. Of course he is not unique in this. And in fairness to Kuttner we must grant that—though statist to the core—he is not in the extreme constructivist tradition of St Simon, George Bernard Shaw, or Sidney and Beatrice Webb. He does not demand that the world be entirely remade according to the dictates of an abstract concept; in fact, he considers himself to be a highly practical man, evincing a strong disdain for economic theory. He does, however, accept the basic statist assumption that central control and direction are desirable. This seems to be more an attitude on Kuttner's part than a formal ideology, but he applies this prejudice throughout his writings.

Among the core beliefs that permeate and animate *The End of Laissez-Faire* is the notion that statist institutions and policies are good in themselves—that they promote our sense of community, bind us together within a penumbra of shared values, experiences, and emotions and, in fact, make us what we are as citizens. (In other writings, Kuttner has especially emphasized Social Security and the Post Office in these regards.) The institutions and policies may have other benefits, in terms of efficiency or humanity, but such factors are secondary.

Another Kuttner belief is that the absence or uncertainty or inapplicability of economic theory in any particular situation automatically devolves to a need for massive government intervention. Since he thinks that theory is pretty much a chimera, such "need" for intervention is well-nigh constant and total.

Kuttner also believes that America suffers from a peculiar inability to strike a balance between central economic planning and a certain necessary amount of personal and entrepreneurial freedom. "In most modern economies, the instruments of government have been refined to make constructive social partnerships possible. . . . Foreign governments, far more explicitly enmeshed in their private economies than ours is, have proven that it is possible . . . to pursue a broad public good." This is a very Galbraithian notion—foreigners are said somehow to have a talent for "rationalizing" their economies and societies, while Americans stumble along in a fog of chaos, waste, and uncertainty. What is needed, Kuttner suggests, is a reinvestigation of government "as a dispenser of services but more fundamentally as an instrument of democratic decision making" in governing the economy.

The prosperity and free markets of the Pacific rim nations present a problem for conventional left liberals, which Kuttner solves by arguing that the success of these economies is the result of central planning of a protectionist and quasi-mercantilist nature. His attempts to isolate the aspects of central economic control which, supposedly, are the causative agents of the success of Japan, Korea, Singapore, Taiwan, Malaysia, and Hong Kong are feeble and diffuse. He seems only dimly aware of the serious and extensive economic scholarship indicating that governmen-

tal planning in these countries, whatever its intentions, has been a hindrance, not a boon, to their development.

Much more importantly, he fails to deal with an obvious question: why do many Third World nations combine central planning and massive economic intervention with poverty and stagnation? According to the Kuttner thesis, Tanzania, Cuba and India should be prosperous. The answer, of course, is obvious. Economies with a strong free-market orientation do well; those without such a policy do not. All of the mercantilism, protectionism, subsidies, credit allocation, cartelization, and the like advocated by Kuttner are, to the extent they are applied, just screw-ups and irritants in relation to the overall picture. They help a few industries, but hinder many, and contribute nothing positive to economic performance.

Foreigners are said somehow to have a talent for "rationalizing" their economies and societies, while Americans stumble along in a fog of chaos, waste, and uncertainty.

Which brings us to the final big Kuttner idea: protectionism, or more precisely in his case, the use of protectionist policies as a primary tool of a national industrial policy. His arguments on behalf of "managed trade," as he prefers to call it, are stale and commonplace. Most seem to be slogans left over from Dick Gephardt's abortive presidential campaign: We need fair trade, not free trade. Japan has trade barriers, so why shouldn't we? Uncle Sam is being played for Uncle Sucker. Free trade keeps unemployment, and the threat thereof, acute enough to ensure labor discipline. We are exporting decent American jobs and McDonaldizing the domestic work force.

The primitivism of Kuttner's thinking is especially evident in his arguments for protectionism and for a national policy of picking "winners" and "losers" among industries and technologies. Although he is not in the same class as those aging Marxoids who are still in the thrall of a vision of ever-larger factories and mills churning out a few basic products, Kuttner has trouble dealing with the knowledge and communications revolution that has largely erased the significance of national borders and has turned the planet into an economic community in which nations can run but cannot hide from the rigors of international competition. Kuttner believes that it's both possible and desirable for major economies to achieve some sort of stability and wage-price balance by hunkering down behind trade barriers. His contempt for economic theory seems to leave him confused and lost here, as it does so often.

Virtually all economists recognize the mutual benefits of free trade, but Kuttner is blind to this understanding. He wallows in a sea of disparate policy recommendations, thanks to his historicism and concrete-boundedness. Thus he alleges that in the case of semiconductors, "for the moment, retaining and restoring U.S. capacity in that crucial sector takes priority over liberalization of markets as a systemic goal." On the other hand, "in other countries and at other times nations may decide that interventionist subsidies and other market manipulations are imposing costs that exceed benefits."

Kuttner's confusion here perfectly illustrates the problem of argumentation with those who dispense with theory altogether. In the absence of theory, or at least an examination of the context of any given economic phenemon, interventionism in any given area *seems* to make sense. After all, if people are poor, whip up some extra money and give it to them. If prices then rise, impose price controls. If jobs then begin to disappear, create new ones. And so on. After all, if nothing is connected and everything is possible, why not mandate the minimum wage at $50 per hour and the price of bread at 5¢ a loaf? When one abandons any attempt at comprehensive theoretical understanding, one also abandons any hope of grasping the intricacies of concrete situations.

What, finally, does Kuttner advocate in terms of American economic policy? Let's call it a kind of retarded Marxism—"socialism with a drooling face." Economic matters should be treated as part of a unified national, and even global, policy. This means restrictions not only on domestic entrepreneurship, but on the free movement of goods among nations. We need comprehensive industrial policy. Strong industries must be fostered, weak ones either protected or eased out of their misery. Everything must, of course, be reregulated. Credit must be allocated by central authority. And on and on. The astute reader can pretty much flesh out the rest.

If all this sounds like a hodgepodge, it is. When one rejects the notion of the market as a natural order, the advocacy of piecemeal, jerry-built policies is virtually demanded. In classical Marxist terms, Kuttner is a "reformist"; that is, he believes that capitalism can be gradually mutated into something else without sudden revolutionary change. And of course it can be. The irony is that people such as Robert Kuttner, who reject the horrors of the fully implemented Soviet-style command economy, tend nevertheless to outdistance Marxists in terms of belief in the omnicompetence of the state to bring about perfection. Marxists at least believe in certain ineluctable laws of historical development, while left-liberals of the Kuttner type tend to assume the state can accomplish anything and everything, providing of course that experts like themselves are in charge. This may be termed the "If only I and a few people just like me were given absolute power, everything would turn out all right" syndrome.

His arguments against free trade seem to be slogans left over from Dick Gephardt's abortive presidential campaign: We need fair trade, not free trade. Japan has trade barriers, so why shouldn't we? Uncle Sam is being played for Uncle Sucker. . .

The End of Laissez-Faire provides a marvelous illustration of how the rejec-

tion of any such principles leads to an interlocking directorate of error (and terror). Richard Weaver remarked that ideas have consequences, and John Maynard Keynes observed that so-called practical men of affairs are usually in the unknowing grip of the ideas of long-dead academics. The example of Robert Kuttner lends strong support to both aphorisms. ❑

Liberalisms: Essays in Political Philosophy,
by John Gray. Routledge, 1989, ix + 273 pp., $29.95.

Liberal Obituary?

Loren E. Lomasky

It is my melancholy duty to inform the readers of *Liberty* that, for the second times in recent months, a notable exponent of libertarianism recants. (The other is Robert Nozick, *The Examined Life: Philosophical Meditations*).* John Gray is best known for his Mill scholarship, culminating in *Mill on Liberty: A Defence* (London: Routledge & Kegan Paul, 1983), in which he advances a strikingly original interpretation of Mill's advocacy of the liberty principle, finding it both consistent with the consequentialism of *Utilitarianism* and intrinsically well-conceived. His search for foundations adequate to a liberal order next focused on Hayek, whose work he characterized as an "attempt to restate liberal principles in a form appropriate to the circumstances and temper of the twentieth century [which] has yielded a body of insights wholly comparable in profundity and power with those of his forbears in the classical liberal tradition."† The twelve previously published essays of *Liberalisms* appraise the contributions to liberal thought of Isaiah Berlin, Karl Popper, Herbert Spencer, John Rawls, and Michael Oakeshott, as well as providing reexaminations of Mill and Hayek. In the first eleven of these, Gray extracts themes that he finds supportive of the institutions of a liberal polity. It is only in the twelfth, "Mill's and other liberalisms," originally published in 1988, that he begins to display serious reservations with the liberal project as such. That dissatisfaction is brought to a head in the volume's "Postscript: after liberalism" in which he purports to "exhibit in a systematic and detailed way the failure of liberal ideology" (p. 240) and sketch the contours of a viable post-liberalism. Precisely because Gray's engagement with liberal thought has been so continuous and substantial, the capital sentence he now pronounces over it merits attention.

Gray Areas

Although Gray has oscillated under the sway of diverse influences, the two thinkers whose impact has been most pronounced and persistent are Isaiah Berlin and Michael Oakeshott. From Berlin, whose works include the enormously influential "Two Concepts of Liberty," Gray adopts Berlin's understanding of moral life as necessitating a choice among values that are *incommensurable* and *incompossible*. Though these words may not be part of ordinary vocabulary, the concepts are easily understood. "Commensurable" means "judged by a common standard," or, roughly speaking, "measurable." Moralists from the dawn of philosophy have thought that life's goods can be weighed against one another or ranked on a scale of better and worse. "Compossible," on the other hand, means "compatible." Moral thinkers often argue that a maximally satisfactory life is one that gives expression to the whole gamut of virtues: "a sound mind in a sound body" and all that. This conception of the *compossibility* of values is underscored by Socrates' assertion that all the virtues are one and, more than two millennia later, romanticism's insistence that the full flourishing of an individual is the development of all his potentials. A life in which some capacities are developed at the expense of others is thereby stunted.

Berlin rejects both commensurability and compossibility. Neither within an individual life nor a political order, he maintains, is a frictionless harmony among all goods attainable. One necessarily makes choices that close off some options as they open others. For example, the pious humility of a monk cannot be combined with a freebooting warrior's courage. To opt for one sort of life—and its accompanying virtues—is necessarily to reject others. Moreover, this setting of a personal direction cannot be charted via a convenient mapping of values that displays their relative preferability. No monolithic standard of value can guide choice because each mode of life embodies a standard distinctly particular to it. One must, willy-nilly, choose—and do so in the face of the fact that what one forgoes are genuine human goods. Commitment to a mode of life is thereby costly and, because that is so, choices are momentous, sometimes tragic.

Like a suitor finally grown disenchanted after a long courtship, Gray is inclined to magnify newly perceived flaws.

What do incommensurability and incompossibility entail for political structures? Berlin maintains that they are supportive of liberal society; although liberalism is no more able than any alternative political structure to secure the totality of value, it is uniquely open and receptive to value-competition. That is, the preeminence of liberty, conceived as nonrestriction of options, does not represent an arbi-

* Cf "Beyond Philosophy," by Loren E. Lomasky, *Liberty*, November 1989, pp 61–64.

† *Hayek on Liberty* (Oxford: Basil Blackwell, 1984), pp. 1–2.

trary placement of the value of liberty vis-a-vis all others but rather the disposition at a political level to countenance rather than cut off competition among values. This disposition is sustained by an understanding that there can exist no Olympian height from which all contending forms of life can be neutrally and dispassionately evaluated. Rather, any alleged Archimedean point itself encapsulates a distinctive commitment to some virtues and principles at the expense of others. Liberal society is the repudiation of both the moral monism of Plato's Form of the Good and a millenarianism in which all discord is ultimately swallowed up in a perfect and complete harmony.

Liberal principles rule out paternalistic or perfectionistic appeals, but they neither can nor should be expected to sketch once and for all the boundaries of impermissible interference.

Unlike Berlin, Gray does not accept the proposition that liberalism is the most appropriate political response to the plurality of incommensurable value. Already in the 1980 essay, "On negative and positive liberty," he suggests, "It might be thought, for example, that the advocacy of value-pluralism and of the priority of liberty are not mutually supportive . . . but rather pull in different directions" (65–6). This will be so if sanctioning a perpetual competition among a diversity of values itself competes with the advocacy of other values as primary: that of communal solidarity, perhaps, or of equality.

Gray's suspicion of liberal credentials deepens under the influence of Oakeshott. For Oakeshott, as for Berlin, diversity among modes of human experience is the primary datum. But Oakeshott rejects as vain the attempt to formulate a principle of liberty that will definitively regulate the interplay of contending practices. This is not because of any disinclination on Oakeshott's part to prize liberty but is rather the consequence of an abiding conviction that the manufacture of commanding principles for the conduct of politics is an illicit trade, amounting to the intrusion of *rationalism* into politics. By "rationalism" Oakeshott means the view that only what can be stated in explicit, theoretical terms merits recognition as genuine knowledge; it is the product of an imperialistic scientism (epitomized by the logical positivism of the 1930s) that condemns as irrational practices not hewing tightly to the model of the natural sciences. Those institutions, customs, and ways of life unable to produce on demand a comprehensive justification of their fittingness are classified by the rationalist as superstitious recrudescenses meriting neither regard nor preservation.

In *Liberalisms'* pivotal essay, "Mill's and other liberalisms," Gray turns the Oakeshottian critique of rationalism against Mill, whom Gray characterizes as vacillating uneasily between two liberal doctrines. The strand predominant in *On Liberty* and *Principles of Political Economy*, culminating in the attempt to formulate "one very simple principle" for the regulation of liberty within civil society, is found to be bankrupt, failing for at least three reasons. First, Mill's harm principle provides at best only necessary and not sufficient conditions for the restriction of liberty; it tells us that we may limit individual liberty only to prevent harm to others, but it neither indicates which circumstances constitute harms of the relevant sort nor does it specify how great an imposition on liberty is justifiable in order to preclude those harms. Thus it "tells us what we may not do, but not what we ought to do" (221). Second, Mill's indirect utilitarianism presupposes our ability to make well-founded judgments concerning aggregate social welfare. That contention is notoriously troubled by the problem of interpersonal utility comparisons but, as argued by Berlin and Joseph Raz, it is impugned at an even more fundamental level by the existence of incommensurable and incompatible possibilities within an individual life. Third, Mill's liberty principle is vulnerable to infiltration by claims of aggregate welfare. Although we have reason to believe that adherence to noninterference will generate a lesser sum of utility when more is attainable, it is difficult to provide a rationale for not acting directly to achieve maximum overall utility. This is a general disability of theories that attempt to combine a theory of rights that prohibits sacrificing the interest of some persons for the sake of others with a consequentialism that aims at maximizing overall well-being. The upshot of these three considerations is that "no 'one very simple principle,' of the sort Mill tried to state and defend in *On Liberty*, can possibly be derived" (224).

Gray is more sympathetic to Mill's "other liberalism," characterized as those elements congruent with the philosophies of Scottish enlightenment thinkers and such French liberals as Tocqueville and Constant. Despite Gray's announcement that he will set out the contours of this alternate strain, that promise remains curiously unfulfilled; instead, he presents Rawls' theory as the preferable, yet still unavailing, alternative. Reprising the discussion of "Contractarian method, private property and the market economy" (161–198), Gray credits Rawls with avoiding the pitfalls of a maximizing consequentialism, substituting for Mill's harm principle the greatest equal liberty requirement (and, in writings subsequent to *A Theory of Justice*, moving to a disaggregated listing of basic liberties), and with constructing a genuinely political doctrine that avoids moral provinciality. Nonetheless, claims Gray, "Rawls' move fails, and its failure carries with it the coherence of liberalism as that political philosophy devoted to the priority of liberty, however conceived" (231).

Evidently Gray believes that the superficial hospitality liberalism extends to value pluralism conceals a deeper-seated intolerance.

It fails for three reasons. First, there is no reason to attribute *fixity* to Rawls' list of basic liberties. Within any particular political culture, the importance of various liberties waxes and wanes; privileging in theory those that enjoy

predominance at some (inevitably arbitrary) one time is unduly conservative. Second, the contents of basic liberties are underdetermined by the theory of justice as fairness; it provides no counsel for ascertaining whether, for example, pornography falls under the protection of freedom of expression. Third, it is disputable whether even for a societal time-slice, one may nonarbitrarily order liberties into the two exclusive categories of basic and nonbasic. In that case, claims Gray, "liberalism itself becomes indeterminate and barely coherent." This, he adds, is "a result that undermines liberalism in both its revisionary and its classical formulations" (232–3).

Gray's retreat from liberalism is brought to provisional closure in his "Postscript: after liberalism." Three liberal strategies, exemplified in the writings of more than a dozen theorists, are sketched and criticized. Each is held to fall short of justifying its pretensions of providing universally valid foundations for political practice. Gray diagnoses the upshot to be a liberal reason at the end of its tether, forced to recognize itself as no more than the outcropping of one ungeneralizable moment of the development of Western political life. It is, however, *our* particular inheritance, and were its products simply excised from post-liberal politics, the result would be a shambles. Instead, Gray commends what he calls a "Post-Pyrrhonian" mode of political inquiry, to be characterized by a finely-grained "phenomenology of the forms of moral and political life we find among us" (263), but minus recourse to the abstractions and counterfeit systematicity that have heretofore gripped liberal political culture. He prescribes, crediting Oakeshott and David Hume, attention to the conventions of primordial moral practice combined with a pragmatically Hobbesian quest for sustainable articles of peace that might modulate conflicts among inescapabably plural conceptions of the good. Individual liberty is, of course, one of the moral ideals that infuse our inherited institutions, but it is not automatically to be assigned priority over all others. The task, to borrow Oakeshott's metaphor, is that of achieving ongoing balance so as to remain afloat among the perpetually shifting currents of political life, rather than mechanically steering by a navigational chart into safe harbor.

Life Without Principles

Like a suitor finally grown disenchanted after a long courtship, Gray is inclined to magnify newly perceived flaws. For example, against the Hayekian claim that a liberal order is most conducive to the growth of welfare-enhancing knowledge, he responds, "it is far from clear that developments in medicine . . . have tended to enhance the quality of human life on balance" (241). Such hyperbolic skepticism is inherently unconvincing and tends to obscure his more interesting contention that growth of theoretical knowledge may be conjoined with, indeed encourage, a diminution of practical knowledge. Moreover, his newly-found conviction that the liberal project is bankrupt prompts a string of off-handed dismissals of liberal variants. The force of these single-sentence verdicts is more epigrammatic than argumentative. Yet despite the frenetic pace of the "Postscript," Gray's second thoughts present what may reasonably be taken to be the single most serious contemporary challenge to liberal thought. Unlike communitarian nostalgia for a fabricated era of unquestioned moral certainty, Gray's post-liberalism forthrightly acknowledges that it is our destiny to live amidst a plurality of moral conceptions and that political life for us must be an exercise in accommodating diversity rather than a retreat to neo-medieval cloisters. If this is a form of conservatism, it is neither a God-and-Country Know-nothingism, nor supportive of an oppressive central state apparatus, nor a doctrine of society as a hierarchically structured social organism. What it seeks to conserve are predominantly practices formed under the sway of liberal individualism, dispensing only with their illegitimate philosophical progeny.

The following four charges seem to be at the heart of Gray's indictment of liberalism:

1. *Spurious universality* — Liberalism represents itself as prescribing universally valid principles for the organization of political life when it is instead no more than the distillation of one localized form of civil life.

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Thomas Jefferson
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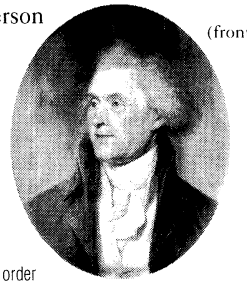

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2. *Value pluralism* — Although liberal theory ostensibly embraces diversity, there exist intrinsically valuable forms of human life that can neither be accommodated by a liberal order nor accommodate it.

3. *Inversion of theory and practice* — Liberalism professes faith in the adequacy of a set of regulative principles for the governance of political life, but whatever cogency principles enjoy derives from particular practical judgments.

To suppose that liberals must be blind to goods that thrive under other forms of government is to misconceive the logic of liberal justification.

4. *Indeterminacy* — A liberty principle is inevitably indeterminate, unable to distinguish in nonarbitrary fashion between protected activities and those liable to curtailment.

The objections are mutually reinforcing. If all possible forms of human flourishing were able to coexist within a liberal order, then a claim on its behalf to universality would be plausible. However, because individuals may have reason to value modes of life to which liberal sociality is necessarily antagonistic, they similarly have reason to reject the proclaimed bindingness of liberal principles. Modern Western individualism is one among a multitude of structures within which human beings have lived worthwhile lives, giving us reason to preserve and extend its traditions. These, however, do not ascribe unvarying priority to liberty but rather incorporate a diversity of moral goods that resist Procrustean theorizing. No "one very simple principle" can do justice to the internal complexity of civil association and the strain of trying to adjudicate all conflicts in terms of such a monolithic maxim is palpable.

If these charges constitute an integrated package, they nonetheless are in tension with each other. Gray faults liberalism both for a hubristic universality and for a lack of determinate application. How any political system could satisfy both demands is hard to see. If the scope of normative standards is very broad, then it cannot reasonably be demanded of them that they provide an algorithmic decision procedure for the resolution of all possible conflicts. Whether or not liberalism should be understood as claiming to prescribe universally (a question to which I turn below), Gray correctly notes that it presents itself as considerably more than a synopsis of local procedures. What degree of determinateness can it be expected to display? If liberal principles were entirely neutral among competing moral demands, then they would indeed be a practical nullity. It does not follow that liberalism must ape a Benthamite calculus to avoid vacuity. Principles can carry weight without uniquely prescribing. They do so in virtue of functioning as a *normative filtering device* that allows passage to certain considerations but not others. Such principles do not, however, obviate the need for prudence and fine-grained discrimination at the level of ground-floor decision-making.

An example may help clarify this point. Gray faults liberal theory for its inability decisively to resolve disputed questions surrounding issues such as pornography, euthanasia, and abortion. This is to misconstrue significantly the status of foundational normative principles. The priority of liberty does not, by itself, establish which actions are to count as illicit intrusions into individuals' protected sphere. What it does adjudicate with tolerable clarity is the admissibility of reasons submitted as bearing on the disputed issue. The contention, say, that a taste for pornography is debased and therefore merits no protection, or that immersion in pornography harms its consumer, are summarily rejectable irrespective of whatever evidence can be gathered to support their truth, while a claim that pornography harms women and thus merits restraint is at least the sort of proposition which, if true, can be acknowledged in a liberal society as a justification for a ban on pornography.

Nothing, of course, is easier than simply to assert the existence of some vaguely specified harm and I do not mean to suggest that every artful effort in this direction overcomes the liberal presumption against interference; the alleged harmfulness of pornography seems to me an instance in which that burden conspicuously fails to be satisfied. The point, though, is that such determinations cannot be made at the level of abstract theory and that taking this lack of determinateness as in any way damaging to liberal credentials is unreasonable. Reflection on how the pornography debate actually tends to be framed within a liberal individualistic political culture illustrates quite clearly the error of Gray's claim that a principle of free expression is impotent. We observe that a premium is placed on construing the trade in pornography, however implausibly, as one in which specifiable harms are imposed on assignable, nonconsenting victims. That way one can be both liberal and a smiter of smut. The principle is not vacuous, but it does not adjudicate issues of who is harmed by what. There is, we might say, a division of labor in political life between high-level theory and particular application, and it is obtuse to expect the former to do the job of the latter. Liberal principles rule out paternalistic or perfectionistic appeals, but they neither can nor should be expected to sketch once and for all the boundaries of impermissible interference.

I turn next to Gray's allegation that liberalism professes a universalism it is unable to substantiate. The cogency of the criticism varies depending on which liberal theorist is under consideration. Admittedly, a strain of Wilsonian optimism exists, commending always and everywhere the institutions of liberal democracy. Mill edges closer to this position than most political philosophers, but even he denies application of the liberty principle to "those backward states of society in which the race itself may be considered as in its nonage," leaving their governance instead to "an Akbar or a Charlemagne, if they are so fortunate as to find one. "* Others, including Kant, Rawls, Hayek, and James Buchanan are yet more circumspect in their cautions concerning the prior buildup of social capital requisite for a stable liberal order.

Gray can, then, ascribe to liberal the-

* J. S. Mill, *On Liberty*, Chapter 1.

ory at most an avowal of *conditional* universality, the desirability of a liberal order for any society capable of instituting and maintaining it. A Weimar Republic, fatally riven with cancers rendering it unable to ward off the Brown Shirts, need not be counted politically successful no matter how hospitable it may have been to liberty during its brief lifespan. This is not in any obvious sense to fall into Pollyannaish optimism.

More plausible is the diagnosis that liberalism suffers from incurable valuational myopia—and this seems to be the gravamen of Gray's indictment:

> Liberalism, which in its applications to personal conduct aims for toleration and even [sic] pluralism is in its political demands an expression of intolerance, since it denies the evident truth that many very different forms of government may, each in its own way, contribute to an authentic mode of human well-being. From the first, liberalism has always strenuously resisted this commonplace observation, since it cannot but undermine the claim to universal authority of liberalism as a political faith—a claim which exhibits the structural similarity of liberalism to the evangelizing Christianity of which it is the legitimate offspring. (239)

Gray finds liberalism hoist by its own tolerationist petard insofar as it refuses to accord legitimacy to nonliberal or illiberal governmental forms. In at least three respects the accusation is contestable. First, as noted above, any universality claimed by liberalism is conditional. The analogy to evangelizing Christianity is, in that respect, not sustainable.

Against misanthropes within and Ayatollahs without, armaments offer better defense than arguments. So far, so good. But Gray is mistaken in supposing that this spotlights a lacuna peculiar to liberalism.

Second, Gray cites no text exhibiting a denial of "the evident truth" and one may believe that the omission is not accidental. I am unaware of any credible liberal theorist who maintains that *no* authentic human good may be served by a nonliberal regime. Human beings need security of person and property; provision of these is not, of course, the monopoly of one form of government: a justification of *liberal* government is, simultaneously, a justification of liberal *government*. Nor is an ability to surmount the state of nature the only positive attribute of illiberal regimes. Tyrannies may address themselves, often more successfully than free societies, to patronage of the fine arts, sustenance of meaning-conferring religious faith, promotion of the martial virtues, and making the trains run on time. Although they thereby promote authentic human values, they nonetheless remain tyrannies.

Advocacy of liberalism need not deny all value to these accomplishments. Indeed, to acknowledge rights that serve as side constraints is necessarily to commit oneself to forgoing valuable outcomes that might otherwise be attained (for example, those that could be achieved via making people do what's good for themselves, whether they want to or not). To suppose that liberals must be blind to goods that thrive under other forms of government is to misconceive the logic of liberal justification.

Third, and most fundamental, Gray fails to support his characterization of liberalism as a distinctive "faith" aiming to advance its own projects under the guise of a bogus tolerationism. Libertarianism, as well as most other liberal variants, explicitly withholds from the state an entitlement to favor differentially some rights-respecting projects at the expense of others. Individuals, acting severally or jointly, are, it goes without saying, free to do so. Here is another respect in which liberal politics essentially incorporates a normative division of labor. Liberalism does not, of course, maintain a studied neutrality among all projects: a display of impartiality between the would-be murderer and his intended victim is no part of the liberal prospectus. The positive role of the state is understood to be the protection of individual rights, primarily or exclusively understood as

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claims to noninterference within a morally protected zone in which individuals are free to pursue those projects that are distinctively their own.

This is not an unfamiliar conception; indeed it is the one that Gray endorses in the early essays of *Liberalisms*. Evidently he now believes that the superficial hospitality liberalism extends to value pluralism conceals a deeper-seated intolerance. "It is obvious," he writes, "that many virtues and excellences are weak or absent from liberal societies. The virtues of a courtier, of a warrior, or of a pious peasant, presuppose a social order which cannot coexist with a liberal society" (260).

The absence of a vibrant trade in buggy whips does not mean that trust-busters ought to be on the lookout for a transportation cartel.

Gray's point appears to be that professions of openness by a political culture to diverse manifestations of human flourishing are falsified if there are modes that fail to find accommodation within it. Even restricting attention to forms of flourishing that do not inherently incorporate encroachments on the like flourishing of others—Carlos the Terrorist; Batman's nemesis, the Joker—the claim is unpersuasive. In free regimes as well as in free markets, some enterprises wax and others wane. Open entry is not rendered a sham even when it is largely predictable that certain products will not enjoy sufficient market demand to prosper; the absence of a vibrant trade in buggy whips does not mean that trust-busters ought to be on the lookout for a transportation cartel. Similarly, a shortage of pious peasants is not a reliable sign of intolerance to that form of life. (It would, if the shortage were the consequence of a ban or prohibitive tax on piety, but that is not Gray's claim.) To shift metaphors, an open society is not committed to making itself into a museum for the preservation of fragile social forms.

Gray's point may at bottom be this: to individuals who are wedded to a mode of life that is unable to thrive within a liberal milieu, no argument (whether concerning the universality of human rights or the knowledge-enhancing attributes of civil society or the principles of justice to which individuals would assent behind a veil of ignorance) will provide them sufficient reason to abandon the way of life that is theirs. Ever since Socrates attempted to demonstrate in *The Republic* that "justice pays," political philosophy has sought for the perfect reformatory argument, one capable of placing reluctant compliants in a logical armlock of "Be moral or be miserable!" from which no egress is possible. However, notes Gray, "the spectacle of the retired torturer or well-defended tyrant basking like a lizard in the sun of his self-esteem and the affection of his family tells another story." It is, he charges, "one to which the liberal mind is deaf" (260). So construed, the charge of spurious universality accuses liberals of advertising their credo as one that provides to every rational person conclusive reasons for acceptance when, in fact, the liberal package suits no more than one localized moment of political life. The advertisement is deceptive; more than that, it is self-deceptive.

If this is indeed Gray's argument, it seems to me to be correct in every respect but one. He aptly diagnoses liberalism's susceptibility to the illusion that the form of civility it champions necessarily commends itself to all rational agents. Liberal thinking may simply afford no handle to grasp the preferences of some individuals. This is a hard fact, but not a fatal flaw in liberalism. Against misanthropes within and Ayatollahs without, armaments offer better defense than arguments. So far, so good. Gray is mistaken, though, in supposing that this spotlights a lacuna peculiar to liberalism. Normative justification cannot move the immobile; every polity confronts the necessity of protecting itself against those who are deaf to appeals of reciprocal forbearance. A more realistic standard for justification is that it provide, to each person with an interest in cooperating with those who are themselves amenable to cooperation, terms each has reason to acknowledge as satisfying that interest. This is not the occasion to argue that liberal civil association satisfies this standard, or that illiberal forms of government necessarily fail to do so. I note only that Gray's charge of spurious universality is beside the point. Whatever may be the case for evangelizing Christianity, political philosophers need not accept as an article of faith that all souls are salvageable.

I turn finally to Gray's post-liberal Pyrrhonism. Despite the presence of a few evocative remarks, these half dozen paragraphs of constructive political theory are too sketchy and impressionistic to support more than the most cautious critique. Clearly they are meant to be an elucidation of the Oakeshottian primacy of practice over theory, the negative half of which is to be accomplished by exorcising the myths that have heretofore sustained liberal institutions. The positive component is a "return to history, in which we seek to uncover the genealogy or archaeology of our present forms of life and to understand them as historical creations" (263).

Suppose that the archaeological project were carried off with virtuoso flair: how would that resolve the problem of political decision-making? To catalog every nuance and wrinkle of the traditions we have inherited (and, in an era of free cultural trade, those that we have imported) does not inform us which of these have historically promoted welfare and which retarded it, let alone which today remain vital.* Protagonists on all sides of sharply disputed issues will be able to muster elements of tradition that may credibly be

* It may be useful to imagine Mr. Gorbachev surveying the residue of Soviet history in search of guidance for how to move to the next state of his policy of *perestroika*. If he finds—as indeed he would—that the gulags, Lubyanka executions, and Katyn Forest massacres dominate whatever shreds of freedom may have briefly characterized Lenin's New Economic Policy, should that incline him toward a reaffirmation of Stalinist practice? Would a demonstration of the rarity of civil association within the Russian experience imply that liberalization is an illegitimate foreign import? (I hasten to note that a consistent theme of Gray's writings is an unqualified opposition to totalitarian barbarisms. These queries are not meant to suggest otherwise, but neither is their *ad hominem* thrust entirely accidental.)

taken as supporting their case. Conservatism is one authentic response to tradition, but so also are reform and reaction. (And for societies that claim revolutionary antecedents, a return to history may take a distinctly radical shape.) This is indeterminacy with a vengeance!

Gray faults liberalism for its inability to resolve definitively debates surrounding pornography, abortion, and euthanasia, yet is there reason to believe that a post-liberal politics will enjoy more success in this regard? If anything, one might suspect, it will be more deeply enmired in perplexity. I argued previously that liberal principles can at least filter out inadmissible reasons, but moral phenomenology is unreservedly promiscuous. Thus it is normatively barren. To catalog everything is to adjudicate nothing. It is vain to hope that by bringing a microscope to traditions our quandaries will find themselves resolved. Rather, what is required are both high-level and intermediate principles through which assessments of relative justificatory weight can be made. These principles are, I remain convinced, fundamentally liberal.

Final Verdicts

What we have here, I believe, are the provocative yet unformed thoughts of a theorist very much in transition. Gray, after years of patiently winnowing libertarian themes, has come to despair of a successful consummation and leaps forthwith into a moral phenomenology from which principles have been exiled. His headlong rush in the "Postscript" through more than a dozen liberal formulations is laced with one-line summary verdicts that are elegantly barbed yet quite resistible. I do not see that they do any lasting damage to liberal aspirations.

Despite its too-precipitous verdicts, *Liberalisms* is a significant work of substantive political philosophy. Its previously published essays are subtle and searching treatments of important liberal thinkers and liberal motifs. Our understandings of Mill, Berlin, and Hayek are notably enriched as a consequence of Gray's investigations. His concluding second thoughts are no less instructive. Although the proclamation of the bankruptcy of liberal theory in all its modes is overly ambitious and underly sustained, Gray has identified several junctures at which reconsideration is called for. I am convinced that, despite the emptiness of his post-liberal phenomenology of morals, John Gray has given us the most trenchant critique of liberal theory that we possess. ❑

***Signs of the Times*, by David Lehman. Poseidon, 1991, $21.95.**

Ex-Nazis Say the Darndest Things

Richard Kostelanetz

Sub-titled "Deconstruction and the Fall of Paul de Man," David Lehman's *Signs of the Times* is engaging literary journalism, where the author is allotted sufficient space to present a wealth of research, along with his own opinions, in a generally readable style. His first subject is the growth in America of a French-born literary theory called Deconstruction; his second, more remarkable subject is the curious career of its principal American advocate, Paul de Man.

Born in Belgium in 1919, de Man showed up in New York City in the late 1940s, working at a Doubleday bookstore. He befriended literary powerhouses who recommended him to one another until he became, successively, an instructor at Bard College, a Junior Fellow at Harvard, a professor of Comparative Literature at Cornell, and, even though his publications were remarkably few, a Sterling Professor at Yale. Just after he died of cancer late in 1983, a younger colleague, Jonathan Culler, once of Yale, then and now of Cornell, told the professors gathered at the annual year-end meeting of the Modern Languages Association that de Man's passing was a major cultural tragedy.

Four years later, a Belgian graduate student, who initially admired de Man, discovered that from mid-1940 to November 1942 de Man had contributed over 170 articles to the principal French-language collaborationist newspaper and a dozen more to the principal Flemish-language pro-Nazi newspaper. More than one of these articles expressed antisemitic sentiments typical of that time and place and, alas, not too different from those found in scattered writings by Ezra Pound and T. S. Eliot, among other modernist heros. Were that not scandalous enough, further research revealed that, once in America, de Man had lied about his wartime past, not only portraying himself as a participant in the antifascist resistance, but also identifying himself as the son, rather than the nephew, of the quisling intellectual, Hendrik de Man. It was also discovered that the younger de Man left behind in Belgium a wife with three of his sons, as well as a bankrupt art-book business that had put his father into debt. Though he may not have legally married this mother of his sons, he clearly did not obtain a divorce before marrying an American student in the early 1950s. The irony is that these revelations made de Man far more famous in death than he had ever been in his life.

While Lehman is fairly knowledgeable about American cultural life, he misses a central Belgian truth, which is the traditional antagonism between the Flemish-speakers and the French. Most European radio stations are friendly concerns, whose employees regularly greet one another in the hallways. But the one in Brussels is different: its headquarters is divided into two wings, with the French on one side and the Flemish on the other. The French wing is RTBF, the Flemish, BRT, and you're advised to address your letter to a Flemish-speaking employee at BRT (and a Frenchman at RTBF); otherwise, your letter won't be delivered. I once

asked the French producer of new music programs about his Flemish counterpart, whom I met separately. He replied curtly, "It is easier to work with Bulgarians." Employees in the hallways look at the floor sooner than greet one another, I guess for fear of using the wrong language. In such a divisive culture it is scarcely surprising that, as one young Flemish colleague told me recently,

Lehman attributes de Man's rise to two factors—his personal charm and the publication of articles so difficult they must be taught. I think there is a third reason: de Man's ability to marshall the support of powerful people whose own reputations would be jeopardized if the truth about his past got out.

"Many Flemish intellectuals supported the Germans at the beginning of the War, because the French [Belgians] treated us so badly." In this context, the most indicative essay in the posthumously published collection of de Man's *Wartime Journalism, 1939-1943* (University of Nebraska, 1988), is the last, "Northern and Southern Dutch Literature of Today," in which de Man, whose mother tongue was Flemish, praises southern Dutch (i.e., Belgian) as "a healthier stem" than northern (Netherlands) for having resisted French influences.

Regardless of whether young de Man was an antisemite, he was surely an opportunist, articulating the prejudices of his immediate circumstances. As his pre-war colleague Edouard Colinet put it in *Responses: On Paul de Man's Wartime Journalism* (Univ. of Nebraska, 1989), "Paul was convinced, as were the majority of Belgians at the time, that the Germans had won the war." With this thought in mind, consider what I take to be the most revealing fact about his American career—that most of his articles appeared in magazines or commemorative volumes that extended invitations. Few of his publishers followed the predominant scholarly process of accepting only unsolicited manuscripts that are then submitted to editorial committees. This reluctance to risk peer-review leads me to believe that de Man must have been one of those writers who think they should precede their work into publishing situations, rather than letting their work precede them, which means that even in America de Man must have been, and thought of himself as, a professional butt-kisser.

To my mind, de Man's principal sin was not his succumbing to the demands of collaborationist newspapers but propagating subterfuges that survived his lifetime. That they were hidden so long brings up what I, in contrast to Lehman, take to be the bigger, more collective scandal of this history—that de Man was not caught before he died. Why hadn't another literate Belgian connected the Yale professor to the author of articles that were written under the same prominent name? (Remember that all this happened within our lifetimes.) What should we make of the silence of Georges Poulet, a distinguished literary scholar and frequent guest-professor here, whose half-brother Robert Poulet, de Man's newspaper colleague during the war, was sentenced to death in July 1945 and then, after the sentence was commuted, exiled? (Lehman mentions neither Poulet.) And what about J. Hillis Miller, who popularized Poulet before becoming a proponent of deconstruction and, after the revelations, a fierce point man in the attack on de Man's critics?

Buried in footnote 20 of Cynthia Chase's contribution to *Responses* is the remarkable revelation that de Man in 1969, just prior to coming to Yale, told Harold Bloom about his wartime antisemitic article, even offering to make a copy for Bloom, who refused it. Why hadn't authorities at such reputed "research institutions" as Harvard, Cornell, and Yale investigated de Man's wartime past? Or at least suspected his reticence about those years? After all, American intellectual life is a fairly critical world, thanks to our continuing commitment to free speech, with reputations being continually questioned, as well as promoted and demoted. The truth is that a lot of people are guilty of the simple sin of failing to use their heads.

Lehman attributes de Man's rise to two factors—his personal charm and the publication of articles so difficult they must be taught. The first explanation is insufficient, as many people are charming (while hierarchical academia seems more comfortable with both butt-kissers and egregiously difficult personalities than other American institutions); the second is more credible. It has often been said of post-T. S. Eliot poetry that it was obscure enough to be destined for the classroom; it would not be read otherwise. De Man's essays have a similar quality, which accounts for why they appeared not in intellectual periodicals comparable to *Partisan Review* or *Liberty* but publications whose subscribers are 99% professors or their institutions. This accounts for why deconstruction has had no visible impact upon the writing of contemporary literature or even the frontline criticism of it.

I think there is a third reason, which was de Man's evident ability to marshall the support of powerful people whose own reputations would be jeopardized if the truth about his past got out. I see him as another example of

De Man must have thought of himself as a professional butt-kisser.

that pantheon of basically speckled people who succeed because they persuade enough colleagues to take a vested interest in their success. In the literary world, such colleagues are usually publishers, like Jean-Paul Sartre's Gallimard or his associates on the monthly *Les Temps Modernes*. Here the collaborators were other professors, beginning with Theodore Weiss, who recommended de Man to Harry Levin, who had de Man appointed a Junior Fellow at Harvard, then as now America's most prestigious grant for a young scholar. Later supporters included Geoffrey Hartman, who campaigned for de Man's coming to Yale, and Jacques Derrida, the North-African-born

founder of French deconstruction, who made de Man his principal American spokesman. (Lehman fails to note that all these backers were Jewish in background and that, to my recollection, none has ever lost his job for courageously challenging his immediate circumstances, which is what in retrospect we think de Man should have done.) Once the wartime scandals were revealed, the latter two, especially, rushed to defend their colleague's memory; they had to do so to protect their investments.

To my mind, de Man's principal sin was not his succumbing to the demands of collaborationist newspapers but propagating subterfuges that survived his lifetime.

I would be remiss if I did not say something about deconstruction. To my Anglo-Saxon head, the books of Derrida, as well as his followers, are unreadable. They become less inpenetrable, I'm told, if you are accustomed to reading French theory, especially in the original but even in translation; for experience of frogthink, or in this case frogwrite, especially in the authoritarian setting of a classroom, becomes the best preparation for further frogspeak. I think deconstruction has something to do with highly speculative, if not fanciful, analyses that find a subtext in conflict with the main text, one interpretation being as good as another in a purportedly anti-authoritarian spirit. Since most American proponents are securely tenured, you can be sure that the one hierarchy not challenged is that of the universities and that this fundamental hypocrisy limits their "radicalism" to rhetorical gestures aimed exclusively at the peanut galleries of academia. It is in such authoritarian hypocrisy, and precisely in such hypocrisy, that I see a connection between academic deconstruction and the other purportedly anti-authoritarian opportunisms of our time, among them fascism and, let's be frank, communism—all of whose practices diverge dramatically from their promises.

In Jerusalem several years ago, I witnessed a question-and-answer performance between the great god Derrida and a mostly academic audience, all speaking non-native English. It was quite a lively show. Whenever Derrida got a question, you could see him fumble for the beginnings of an answer, but once he got on track, an elaborate digression followed, at once elegant and idiosyncratic, until he reached a pause. You wondered whether he would then turn to the left or to the right, each seeming equally valid, only to admire the next verbal flight that led to another roadstop, with similarly arbitrary choices before continuing or concluding. Question after question, he improvised similar rhetorical gymnastics.

This form is familiar, I thought to myself. It resembles 1950s jazz, epitomized by Charlie Parker's solos—elegant in individual riffs, but ultimately inimitable and pointless. (Remembering Derrida's origins, I had the image of him in North Africa listening to Voice of America's most popular program from the 1950s to the 1980s, Willis Conover's Jazz Hour, which has always favored 1950s jazz with minimal announcer commentary, and then wondering whether he could talk, and think, as Parker played.) What separates Derrida and his followers from traditional literary criticism is this commitment to improvisatory thinking, with all of its possibilities and, alas, limitations.

This book is about "signs," to be sure, but less about the times in general than the universities and individuals involved. You wonder what might have happened if evidence of the lies had emerged during de Man's lifetime? My suspicion is that the same vested interests would have come to his defense, because American academia today is less a profession with self-correcting mechanisms designed to remove the bad apples than the air-headed equivalent of the teamsters' union, prepared to go to bat for a fellow worker, no matter his sins—all illustrating the nihilism of the tenure system. ❑

Booknotes

Beware the Bogus Insight — The frequent reader of biographies and character sketches soon realizes that there are certain boilerplate phrases and descriptions that can be trotted out on almost any occasion. Though these pre-digested analyses can be positive in nature, they are perhaps more frequently used when the writer is trying to denigrate a subject . . . and realizes his case is weak. Thus, if a man is successful and prosperous he can be said to be greedy and materialistic. If he is sober, clean-living and free of scandal (e.g., David Souter) it can be alleged that he is aloof and distant from the concerns of ordinary people. If a woman (e.g., a certain recent First Lady) is neat and meticulous in her dress and appearance, it is easy to portray her as a glitzy airhead with no concern for substance. The list could be extended almost indefinitely.

In reading former White House correspondent Lou Cannon's ***President Reagan: The Role of a Lifetime*** (Simon & Schuster, 1991, 948pp., $24.95), I was struck by a couple of examples of this technique. Cannon places considerable emphasis, as have a few other Reagan observers, on the fact that Reagan, though a friendly man, has few close friends. This is always given as a criticism, with an underlying assumption of the subject's coldness and insincerity. Yet I wonder: how many people have more than a few "close friends"? Is it really possible to have a multitude of close friends? After all, there are only 24 hours in a day. In the case of Reagan we are, in addition, dealing with a man who has led a busy life for over fifty years. Isn't his having only a few intimates merely what one would expect?

As an extension of this theme, Cannon states that aides, speechwriters, and the like "came and went in Wash-

and Sacramento, without altering his purposes or changing his conception of himself." Think about this for a moment. Isn't Cannon merely saying that Ronald Reagan is steadfast in his views and character? Would we really want a president who "altered his purposes" or "changed his conception of himself" every time a new staffer got his ear?

If there is a lesson here, it may be this: when you read about a public person, look for real insights, if the author has any to offer. Beware the all-purpose, prefabricated analysis.

—William P. Moulton

Another Father For Us All — I first read about Karl Kraus (1874–1936) in the concluding chapter of Erich Heller's *The Disinherited Mind* (1957), an introduction to modern German literature that was popular in colleges thirty years ago. As the editor of his own magazine, *Die Fackel* ("The Torch"), Kraus was the equivalent of H. L. Mencken, roughly his contemporary, and yet more versatile, producing satire, plays, and translations, in addition to a steady stream of iconoclastic essays.

Heller made great claims for this figure, a Viennese writer who was a successor to Sigmund Freud and a precursor of Ludwig Wittgenstein. Heller indulged such superlatives as "an elemental spiritual force in the beauty-parlor of the soul" and "an untranslatable rare fusion of spontaneity and subtlety, of ethical integrity and intellectual complexity" equal to Kierkegaard and Kafka. In the years since I read that Heller essay, Kraus became one of those names that flashed in my mind as I entered a bookstore, prepared to buy and especially read.

Though nearly every German-speaking intellectual has in his or her library a handsomely boxed recent reprint of perhaps a dozen volumes of *Die Fackel*, the first Kraus book to appear here, *No Compromise* (1977), came from the publisher Frederick Unger, likewise a Viennese. Though its translations, by several hands, were often inept (the opening essay should be titled "Acronyms," rather than, as it is, "Initials"), certain sentences strike me as classic even with dashes of clumsiness: "People would rather catch venereal diseases than forego their cause, for it is still easier to be cured of them than of the inclination unintentionally to catch them."

In These Great Times (Harry Zohn, ed., University of Chicago, 1990, 263 pp., $14.95) is the first American edition of a collection that, though edited by a Brandeis professor, was published initially in Montreal in 1976 and then reprinted in Great Britain in 1984 before its appearance here. For anyone who has not read Kraus before, a good place to start is "In Praise of a Topsy-Turvy Life-Style," in which he portrays his personal habit of sleeping during the day while writing through the night. His principal rationale is that "stupidity gets up early; that is why events are accustomed to happening in the morning." As a result, by the time he arises and visits his favorite café for the evening newspapers (remember he is writing *before* the advent of continuous radio news), he is able to get a longer, less hysterical perspective on the day's activities.

Given such procedures of epistemology, it is scarcely surprising that Kraus is particularly piqued with the sins of journalists, beginning with reporters who described WWI battles without actually seeing them. As Unger explained, "He pinpointed and attacked abuses in politics, in the administration of justice, as well as in art and literature, as they were presented in the press. He held the press accountable for these abuses because it was the press that aided and abetted the all but universal corruption." It is also important to note that he customarily attacked individuals who exemplified sins, rather than pursuing the safer, always more fashionable but ultimately less effective path of dueling with abstractions. No wonder I find in Kraus an intellectual father I'd known about but had not recognized before.

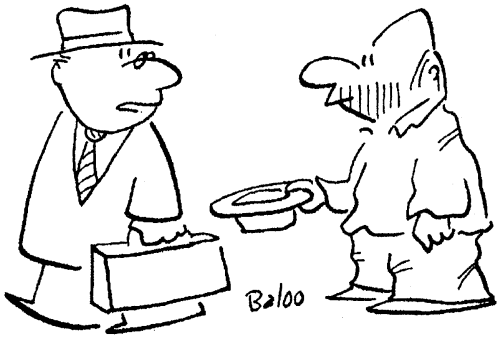

"I have some change, yes, but it's hardly *loose*."

While pleased to have this essay in English, I wonder about the quality of translations, also by several hands, in the Zohn book. Whereas the most famous Kraus aphorism is known to me (through Thomas Szasz) as "Psychoanalysis is the disease of which it claims to be the cure," here the rendering is, "Psychoanalysis is that mental illness for which it regards itself as therapy." That is so inferior there is reason to question everything else. Indeed, given Kraus' commitment to clear expression as a moral imperative, inept translations are doubly sinful.

Szasz's book, ***Anti-Freud*** (Syracuse University, 1990, 180 pp., $12.95), which originally appeared in 1976 as *Karl Kraus and the Soul Doctors*, provides a fuller introduction to Kraus' activity, focusing upon the continuing quarrel with Freud and his followers. An appendix to *Anti-Freud* is fresh translations, by Szasz and his brother residing in Germany, of only a few aphorisms. These are superior enough to suggest that, more than a half-century after Kraus' death, we are still waiting for a definitive English translation of his rich and terribly sympathetic intelligence. —Richard Kostelanetz

A Contribution to the Critique of Political Economy — The concept of Mark Skousen's new book ***Economics on Trial: Lies, Myths and Realities*** (Business One Irwin, 1991, 314pp, $21.95) sounded like a dream come true: he set out, he explains in his acknowledgments, to "simply but thoroughly dissect the large number of dubious theories and questionable doctrines taught in the [economics] classroom." Toward this end, he surveyed the top 10 most used economics textbooks on the college level, and set out to debunk the mistakes and distortions contained therein.

I took a course in economics using one of the books on Skousen's hit list, five years ago, during my freshman year of college. I came out relatively unscathed. But this was mostly because I let nearly all of it (a standard muddle of Keynesianism and econometrics) slip from my brain over the next two years before developing a genuine interest in learning about economics. Skousen's book, happily for me, is organized to hit concepts in the same order I hit them in my coursework, so this book would make a good companion for someone taking collegiate economics in the standard manner.

Skousen's approach, which he is careful not to ideologically label, is largely Austrian. This is the approach of choice for most libertarians, because of its insistence on individualism and subjectivism in economic analysis, and its insistence that forceful interference with the free expression of subjective values in economic choices will result in a lessening of prosperity and a misallocation of resources.

Skousen is not the world's clearest or most engaging writer, and *Economics on Trial* definitely assumes some previous exposure to economics, as its concept implies, so it shouldn't be anyone's introduction to free market economics; if it is, it will probably not convince. It would be useful, though, to the intelligent student who takes Econ 101 and wonders how it is that savings can be good for individuals yet bad for the aggregate "economy." (Skousen exposes the Keynesian paradox of thrift as being not paradoxical at all, but simply muddled, mistaken thinking based on a misunderstanding of the linkage between saving and investment and a simplistic, demand-side view of how businesses make production decisions.)

Skousen also makes hay of standard explanations of inflationary recessions, multipliers and the real value of a gold standard. He also discusses subjects more concrete and empirical: national debt, income inequality, investment prediction and the real record of socialist economies.

The book ends with a chapter extolling the value of Austrian thinking and positing it as a possible "next wave" of economic thinking. This is too optimistic of Skousen, it seems to me; he himself explains why Austrian thinking is ignored by most modern economic thinkers (its free-market orientation, its disdain for mathematical models, and the "bitter *ad hominem* attacks" in which Mises sometimes engaged, which has poisoned the whole method in the eyes of most economists). —Brian Doherty

The Epitome of the Fake — In his newest book, ***Selected Writings*** (Harcourt Brace Jovanovich, 1990, 490 pp., $30.95), Irving Howe demonstrates once again that he is the epitome of the fake—the guy who isn't what he says he is. A proponent of the independent intellectual life (epitomized by his touchstone Edmund Wilson), he has spent half of his seventy years in the academy and an equal amount of time editing a political quarterly that is perennially begging for money, both positions surely at the cost of intellectual independence. A professed radical, he conveys in these pages profoundly conservative views of art and behavior. A professed literary modernist, he dislikes most of the most innovative writers of the 20th century (the exceptions being William Faulkner and James Joyce, the academics' favorites), instead preferring variations on nineteenth-century social realism. Perhaps this taste accounts for his noticeably limited appreciation of irony, among other subtleties of modern literary art.

Though a city-certified "distinguished professor," purportedly setting an example for aspiring scholars, Howe doesn't have sufficient scholarly integrity in reprinting a 1950s essay on the French writer L.-F. Celine to include quotations from more recent, superior Celine translations. (The truest mark of privilege is, of course, that you can get away with faults for which the underclass—in this case students—would be penalized.) In spite of his repeated claims in the preface to wide interests, Howe's criticism is limited, on one hand, to modern literature, to the exclusion of the other arts, and, on the other, to unexceptional left-wing complaints.

He reveals a similar limitation in equating American Jewish history with his own group—the descendants of Yiddish-speaking immigrants from Eastern Europe—to the neglect of other Jewish Americans. (Compare this to, differences in ratios notwithstanding, a history of Black Americans that focused only on West Indians.) The implicit assumption is that the other Jews aren't worth acknowl-

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Records

Principles of Objectivism, 20-volume set, #849, mint condition, autogaphed. Best offer. RECORDS, c/o 2534 Durant Avenue, Berkeley, CA 94704.

edging. Similarly, for all his appearances as a publicist for Jewish-American literature, he acknowledges remarkably few of the writers belonging to that category, typically missing many of the best (beginning with Gertrude Stein and Irvin Faust). A proponent of social opportunity, he has participated in efforts to eliminate competition in his own profession, beginning with attacks on the Communist writers (mostly Jewish) in the fifties, continuing with attacks on younger writers (again mostly Jewish) in the sixties and seventies.

A self-described "born outsider," he had regarded the business of writing as a vehicle for being accepted, for "making it," typically flattering persistently the powers upon whom his success depends. His career prescription is simply saying strongly, at times colorfully, what his audience wants to near—sort of the liberal literati's Jesse Jackson. A professed socialist, he has long earned enough money to place him in the top 5%, if not higher; and he lives, indicatively, not among the working or bohemian classes but on New York's Upper East Side. That explains why, for all of his purported identification with the underclasses, he has sought the machinery of personal power and its abuses.

Having succeeded, he now has the outlook of someone professionally authoritarian, knocking down competitors as you would ambitious students with views contrary to your own, toward the end of wishing to expand or at minimum to preserve one's privileges. That economic anomaly accounts, as well, for why he should be a socialist with little understanding of economics, beginning with the economics of his own life. Nor does he risk an education in economics, because that would force him to ask self-disturbing questions. His mind-set is less that of an intellectual, exploring issues relating to one's own life (or those similarly situated), than a publicist, whose most natural format nowadays is not the critical review but the book introduction.

An admirer of writers who have taken professional risks (epitomized by George Orwell, another touchstone), he has shown remarkably little courage in challenging his faithful audience or immediate editors; rarely does he risk any professional move they might find unacceptable. (Contrast him to Allen Ginsberg, say, or, more closely, Leslie A. Fiedler or even Murray Rothbard.) What is thus disagreeable is not his individual opinions, which are piously "humanistic" and thus rarely unacceptable, but the inflationary pretense encasing them. Characteristically, he opens his commercially published autobiography *A Margin of Error* (1982) in conversation with a fellow "democratic socialist," the courageous and independent Italian writer Ignazio Silone, with whom Howe has little in common other than his political beliefs.

Though preaching to the converted may fatten a critic's wallet, it eventually limits his or her influence. The principal professional achievement of *Selected Writings* is that certain essays are reprinted for the second and third time by a commercial publisher. In the end Howe has had not a literary career, but a publishing career. The two are not the same. The former should be based upon significant thought and discovery; the basis of the latter is the production of prose that fits snugly into the columns of whatever magazine and can later be sold between hard covers. There is nothing intrinsically wrong with devoting your life to giving publishers what they want, but there is something disingenuous about claiming you are really doing something else. Interestingly, though Howe speaks constantly of his intellectual career, his name does not appear in any general (nonsectarian) intellectual history known to me.

One would like to think Howe has learned something in the forty years of writing selected here; but absent from his upwardly mobile life has been the kind of professional suffering that shocks a more humane intellectual into questioning whether he may have been wrong or inconsistent or unnecessarily authoritarian or hypocritical. It is not surprising that Howe is particularly beloved by those who can hold similar contradictions in their heads, successful sometime lefties whose lives differ drastically from their professed values, whose doings deviate regularly from their sayings, who read him mostly to find the hypocrisies of their outlook reaffirmed. By now Irving Howe has become a litmus test for discovering readers who are, shall we be frank, likewise fakes. —Richard Kostelanetz

Mises for the Millions — Ludwig von Mises is, I believe, the most important social theorist of this century. His contributions to our understanding of how society functions are enormous, and his development of praxeology is a magnificent achievement. Happily, most of his writing is readily available. *Human Action*, his *magnum opus*, has been in print more or less continuously for more than forty years, and his other important works are also nearly all in print.

Mises' life was long and extraordinarily productive. In addition to his scholarly writing, he also wrote for the general public. This is a good thing, for much of his academic writing is . . . well . . . a bit recondite. Curiously, his most readable book, *Liberalism* (Jena: Gustav Fischer, 1927; New York: Van Nostrand, 1962) is one of his most radical. In it, for example, one will find no hint of the peculiar justification of the military draft that somehow found its way into *Human Action*. It also contains an eloquent argument for the legalization of drugs, explicitly including hard drugs like heroin. For some reason, *Liberalism* seems less widely read than his other works, which is too bad: *Liberalism* belongs on the reading list of every person who values human liberty or wants to understand how a free society functions.

Mises also occasionally wrote articles and essays for newspapers and magazines. Bettina Bien Graves has collected and the Foundation on Economic Education has just published a valuable anthology of Mises' journalistic efforts, along with a few miscellaneous previously unpublished (in English, anyway) papers and addresses. ***Economic Freedom and Intervention*** (FEE, 1991, 263pp, $29.95 hc, $14.95 sc) may not be Mises at his best, but even second-rate Mises is

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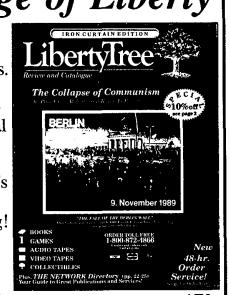

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better than the writing of most economists or social thinkers.

This is not to say that *Economic Freedom and Intervention* is mostly second-rate Mises. Much of it is very valuable. For example, his 1956 essay "The Plight of Business Forecasting" presents a concise discussion of why neither economists nor anyone else can make scientific predictions of the future. Mises made the case a bit more rigorously in *Human Action*, but this piece is more readable. It certainly should give pause to economic advisors or investors who think an understanding of Austrian economics will help them with their investments.

Also very valuable is a compilation of Mises' reviews, introductions and comments on books. Here we find Mises' comments on Adam Smith, Friedrich von Hayek, W. H. Hutt, Israel Kirzner, Murray Rothbard and others.

Economic Freedom and Intervention is a valuable collection of the miscellaneous Mises, of value to every serious student of Mises or Austrian economics, and—thanks to its incorporation of many journalistic pieces—of interest to anyone who cares about human liberty.

—R. W. Bradford

Letters, *continued from page 6*

Taxation is surely wrong, but something else is wrong too. What is it?

Tom Porter
Reseda, Calif.

Money Where the Mouth Is

Please cancel my subscription. I was surprised and dismayed to find in your May issue four articles supporting the U.S. military intervention in the Persian Gulf. Statist viewpoints of course abound in magazines everywhere. I expected *Liberty* to be my singular source of the libertarian perspective.

Libertarians oppose the initiation of the use of force except in self-defense. The four authors, all self-proclaimed "libertarians," support extorting my money in the form of taxes to pay for their war. If they love intervening in the Persian Gulf so much, why don't they fly to the Middle East and join the fight, or at least pay for the action themselves? Why force me to pay against my will?

John Wahl, M.D.
Columbus, Ga.

The Last Refuge

Just what is wrong with defining "patriotism" as expressing one's blind obedience to the commands of one's rulers, rather than belief in the philosophies upon which one's nation was founded, as Robert Higgs argues? ("Two Kinds of Patriotism," May 1991)

After all, doesn't "patriotism" literally mean "love of father"? Most Americans are, frankly, latent homosexuals and sado-masochists. They continue to re-elect by 98% the very rulers who screw them. And Americans are literally aroused as they watch the President standing so straight and narrow on TV, like an erect penis. And they revere their phallic-shaped missile, named after a word meaning "love of male authority."

Scott Garfinkel
Brookline, Mass.

Well, Maybe Next to Last

In "Only in Albania" (Reflections, May 1991) J. S. Robbins describes Albania as "the last Stalinist state." What about North Korea, Cuba, Ethiopia?

name withheld by request
Ann Arbor, Mich.

Another Casualty

Thank you for the excellent article by David Boaz "Journalists and the Drug War" in the May 1991 issue. The "War on Drugs" is in reality a war on American civil liberties. It is the most serious threat to liberty since McCarthy and so far appears to be an unopposed juggernaut. It's only a matter of time before the remake of "Reefer Madness" with the cast of "21 Jump Street" shows up at our neighborhood theaters.

Recently, I have heard a barrage of "public service" messages from the "Partnership for a Drug-Free America" on the local radio station. These spots show a contempt for truth that would turn Paul Joseph Goebbels, propaganda minister of the Third Reich, green with envy. They are run so frequently that I have stopped listening to the station. I find it especially offensive that as "public service" announcements these spots can run unchallenged, unlike the "political announcements" they actually are.

Charles S. Reavis
Dallas, Tex.

Not *My* Problem . . .

As a new subscriber, I missed all of the letters and articles that prompted the first four letters in the May 1991 issue concerning abortion. From the names, it appears that all four writers are male. I have news for you guys—abortion is not your problem and it is not your business.

I concluded years ago that I would never have an abortion and that if anyone else wanted one, it was a matter between that person and her doctor.

The willingness—nay, eagerness—of these writers to determine the moral correctness of someone else's private and personal medical decisions seems out of place in a publication called *Liberty*.

Richard B. Allen
Houston, Tex.

Labor Theory of Value?

In the letter you titled "Moral Corruption, Anyone?" (January 1991), William Vandersteel explains that rational people have no desire for unearned wealth because wealth derives its value from the work embodied in it, therefore unearned wealth has no value, therefore no rational person wants anything he didn't earn.

I take it that Mr Vandersteel never, ever stoops to pick up a quarter lying in the street, and indignantly returns all gifts.

Joy Beeson
Voorheesville, N.Y.

Ruth *vs* Haugen

Babe Ruth's drinking was never "in violation of the U.S. Constitution" ("Who do you think you are, Babe Ruth?" May 1991) because the 18th Amendment did not outlaw the use or possession of alcohol, but only its manufacture, transportation and sale.

The foundation for current law on possession of marijuana lay on an international treaty, the Single Convention on Narcotic Durgs, which was devised by the Federal Bureau of Narcotics with the specific intent of shoring up its constitutional authority.

Dale Gieringer
Oakland, Calif.

Final Words

Ludwig M. Lachmann 1906–1990

On December 17, 1990, Ludwig M. Lachmann, one of the most important influences in the contemporary revival of Austrian economics, passed away in Johannesburg, South Africa, after a long illness, just weeks short of his 85th birthday. Ludwig Lachmann spent a long, productive life pursuing the study of the social sciences in general, and of economics in particular, with single-minded dedication, penetrating insight, and utter intellectual honesty.

Born in Berlin in 1906, Lachmann studied in Berlin and Zurich, obtaining the degree of Doctor rerum politicarum from the University of Berlin in 1930. He came to England in 1933, and pursued research under Hayek at the London School of Economics and subsequently at the University of London. A period of service as a faculty member at the University College of Hull was followed by his appointment, in 1949, to the chair of Economics and Economic History at the University of Witwatersrand, Johannesburg, South Africa. In 1972 Lachmann became Professor Emeritus, and spent a substantial part of the subsequent fifteen years (until the spring semester of 1987) as a visiting Research Professor in the Austrian Economics Program at New York University, this having been made possible by far-sighted Moorman Foundation financial support. At a gathering held at New York University celebrating his eightieth birthday in February 1986, Professor Lachmann was presented with a festschrift (*Subjectivism, Intelligibility, and Economic Understanding*, New York University Press, 1986) in which twenty-four scholars from around the world paid him tribute. In the course of more than a full half century of vigorous research activity, Lachmann wrote five books and monographs, and scores of journal articles. (A valuable survey of that work up until 1976 was provided by Walter E. Grinder as the Introduction to Ludwig M. Lachmann, *Capital, Expectations, and the Market Process*, Kansas City: Sheed, Andrews and McMeel, 1977).

Though it is far too early to attempt any full assessment of the emergence, development, and completion of Ludwig Lachmann's work, I shall endeavor in what follows to capture certain central elements in his rich, lifelong exploration of the social sciences. I am abundantly aware of the additional difficulties surrounding this hasty, preliminary statement; my feelings of profound affection and admiration for Ludwig Lachmann, recollecting some thirty years of personal friendship and correspondence, render me a most imperfect judge; to complicate matters even further, I had, for twenty out of these thirty years found myself locked in a friendly (but quite insoluble) disagreement with Lachmann on certain fundamental points of economic understanding. It will be for future scholars to provide the full scale, dispassionate historical and critical assessment that the prolific work of Ludwig M. Lachmann so richly deserves and demands.

The central thread running through Lachmann's work is, unquestionably, his radical subjectivism. He believed that economic understanding calls for recognition, not merely that external events influence human action only as they have been filtered through the human mind, but also that each human mind is active and idiosyncratic in interpreting external events and in thus arriving at what it knows and what it expects. It was this conviction that led him, as early as 1959, to assert that as "soon as we permit time to elapse we must permit knowledge to change, and knowledge cannot be regarded as a function of anything else." In his most recent works, Lachmann pursued the implications of this insight with a consistency undeterred by what some have considered the nihilism towards which he appeared to be gravitating. Lachmann was never one to concern himself with conforming to current intellectual fashions and fads. Even where intellectual honesty led him to question the positions maintained by writers for whom he had enormous regard, he never flinched.

In fact there seems to have occurred a steady deepening, or radicalization, of Lachmann's subjectivism during the last forty years of his life. In 1950, in his inaugural lecture at the University of Witwatersrand, Lachmann was clearly expressing a view of economics largely built upon Mises (whose recently published *Human Action* he was to review enthusiastically a year later in *Economica*). When, in an act of rare kindness to a lonely young Misesian, Lachmann first wrote to me in 1961, he was most explicit in his commitment to "praxeology" and to its Misesian character. Yet, as the years passed, it became clear that for Lachmann the subjectivism of Mises (and even more so, the subjectivism of Hayek) came to seem incomplete. The focus of Lachmann's intellectual attention began to shift from Mises to Shackle. In his letters to me of the sixties Lachmann had described Shackle as an important writer who should be seen as a potentially valuable ally; but after Shackle's *Epistemics and Economics* (1972) it was clear that Lachmann saw its author as embodying that perfection of subjectivist insight towards which Mises provided only the first approach. (See Ludwig M. Lachmann, "From Mises to Shackle: An Essay," *Journal of Economic Literature*, March 1976). The major shortcoming in the Austrian literature, Lachmann maintained, was its failure to extend subjectivism to encompass expectations. It was Shackle's great virtue, in Lachmann's eyes, that, by underscoring the subjectivism of expectations, he decisively unmoored human action from any deterministic constraints imposed by external events.

Despite his differences with the Austrians, it should be emphasized that his enormous personal and professional admiration and respect for both Mises and Hayek were never in question. Neither, oddly enough, was his dedication to the classical liberal ideals of free markets and limited government, though it often seemed even to his friends that his own radical subjectivism undermined support for these institutions. It was with the Austrians that Lachmann found the common ground needed to accomplish what he saw as his overriding intellectual and scholarly duty—the nurturing of a younger generation of economists impervious to what he held to be the blight of late twentieth century economics, the distortions wrought by viewing economic phenomena through the spectacles of determin-

istic, mechanical, general equilibrium models. This he saw as his life's goal. In the sixties he could have been pardoned for seeing this goal as almost beyond reach. (In a poignant passage in a 1969 letter to me, Lachmann wrote: "If we two start quarrelling, what becomes of praxeology?") Yet at the time of his death, barely twenty years later, he could (and did!) look with calm satisfaction at the scores of younger Austrian scholars and colleagues in this country and abroad including especially, Gerald O'Driscoll, Mario Rizzo, Don Lavoie, and Stephan Boehm whose economic perspective had been profoundly affected by his patient, sparkling teaching and writing. He could point to the revival, in universities around the world, of appreciation for those subtleties in economic understanding that emerge from a recognition of the need to proceed beyond "subjectivism as the expression of 'human disposition' to subjectivism as a manifestation of spontaneous action."

Ludwig Lachmann was the eternal intellectual optimist. In his voracious and extraordinarily retentive reading, he discovered nuggets of truth in the writings of thinkers with whom he disagreed most vehemently. Out of these, building on the work of his intellectual heroes, Weber, Mises, Hayek, Hicks, and Shackle, Ludwig Lachmann constructed an edifice of economic understanding peculiarly his own. In erecting this edifice and actively nurturing a sympathetic audience for subjectivist economics until only weeks before his passing, Lachmann made his lasting intellectual contribution to the understanding of society and—perhaps in ways that he did not himself always quite appreciate—to the understanding of how the market society can systematically foster that social coordination upon which human well-being depends.

We have lost a delightful, encyclopedic colleague who told us the truth with white-hot passion discreetly clothed in the most elegant old-world courtesy. How we shall miss this stern but beloved teacher, this warm, but ever-honest friend!

—Israel M. Kirzner

An earlier version of this obituary appeared in the Winter 1991 Institute Scholar, *a publication of the Institute for Humane Studies.*

Notes on Contributors

John Baden is chairman of the Foundation for Research on Economics and the Environment and a rancher from Gallatin Gateway, Montana.

"Baloo" is the *nom de plume* of *Rex F. May*, a cartoonist whose works frequently appear in *The Wall Street Journal* and other publications.

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

Stephen Cox is Associate Professor of Literature at the University of California, San Diego.

Brian Doherty is a journalist and musician living in Gainesville, Florida.

David Friedman is the author of *The Machinery of Freedom, Price Theory: An Intermediate Text,* and numerous articles.

Milton Friedman, a Nobel Laureate in Economics, is a fellow of the Hoover Institution on War, Revolution, and Peace at Stanford University.

Karl Hess is the only editor of *Liberty* quoted in *Bartlett's Familiar Quotations*.

Robert Higgs is Thomas F. Gleed Professor of Business Administration at the Albers School of Business, Seattle University, and the author of *Crisis and Leviathan*.

Israel M. Kirzner is Professor of Economics at New York University, and the author of *The Economic Point of View, Competition & Entrepreneurship* and other books and articles.

Richard Kostelanetz, a resident of New York's Soho district, has written many books and articles about contemporary culture and art.

Loren E. Lomasky is Professor of Philosophy at Bowling Green State University, and author of *Persons, Rights, and the Moral Community*.

William P. Moulton works with words and trilobites in a quaint town in northern Michigan.

Stuart Reges is a computer scientist, formerly employed as a lecturer at Stanford University.

Scott J. Reid, a vice president of a Canadian department store chain, has travelled with his wife to many exotic places, including Asia, Europe, and Port Townsend, Washington.

Sheldon L. Richman is Senior Editor with the Cato Institute.

James S. Robbins is a writer and foreign policy analyst living in Massachusetts.

Jane S. Shaw, former economics editor of *Business Week*, lives and writes in Bozeman, Montana.

Sandy Shaw is a research scientist and co-author of the best-selling book *Life Extension*.

Mark Skousen is an investment advisor and economist living in Florida. His most recent books include *The Structure of Production* and *Economics on Trial*.

Timothy Virkkala is assistant editor of *Liberty*.

Skousen, "Economics After Socialism," *continued from page 50*

Heilbroner: Who the hell knows? I do take ecology very seriously.

Skousen: Do you envision an Orwellian future with a totalitarian government monitoring every citizen's action?

Heilbroner: No. I have a picture in which humanity around the globe faces enormous challenges having to do with ecological survival. It will have to make radical changes in its energy sources.

Skousen: Are you optimistic about a new Europe, with the breaking down of political and military barriers, an open economy?

Heilbroner: I'm very bullish on Europe.

Skousen: Is Keynesianism dead?

Heilbroner: Oh, I don't think so. Keynes is a major figure. He changed the vocabulary of economics. He made two significant contributions: First, that the national economy could be open to manipulation. Second, Keynes's rather benign view of the future of capitalism, you know, interest rates will go down, more goods will be produced, and so forth. I think it's a little shallow, but I like it.

Schumpeter is more interesting and more imaginative, but I don't think he ever had the policy impact Keynes has had. And now in this modern era, there is no successor to Schumpeter. Not even the people on the left have any scenario. They have scenarios of capitalist breakdown. They have scenarios of mounting tensions in the world. But they have absolutely no vision beyond the present scene. ❑

The foregoing is an extended version of an interview that appeared in the May 27, 1991 issue of Forbes *magazine.*

Terra Incognita

Prince Edward Island, Canada

Horticultural note from Canada's smallest province, as reported by *Macleans: Canada's Weekly Newsmagazine:*

Residents of Prince Edward Island can be fined up to $25,000 for growing potatoes without government permission under a new law. Special "Potato Police" have been given the right to use force to search without warrant the backyards of residents of the province.

United States of America

The sad state of American public policy, as reported by the Detroit *News*:

AFL-CIO chairperson Lane Kirkland described the proposal to reduce tariffs and trade barriers between the United States and Mexico as "a disaster worthy of Stalin's worst."

Aspen Hill, Md.

Advance in the humanitarian treatment of animals, as reported by the Milwaukee *Journal*:

The organization People for the Ethical Treatment of Animals (PETA) rescued 76 rabbits from Montgomery Village Intermediate School in Gaithersburg, Md, where it claimed the animals were treated inhumanely. PETA found homes for 28 of the rabbits, placed 29 in an animal sanctuary, and killed the remaining 18 rabbits. "The euthanasia was carried out with a great deal of concern," a spokesperson said. In a related move, PETA sued to prevent the euthanasia of two monkeys at a research laboratory in Louisiana.

Traverse City, Mich.

Bad news for good little boys and girls, as reported by the Traverse City *Record-Eagle*:

Police here arrested the Easter Bunny during his morning break at the Cherryland Mall, charging the famous bunny with failure to pay child support. The Bunny was not handcuffed.

Alexandra, New Zealand

More bad news for bunnies, as reported by the *Associated Press*:

The city of Alexandra, which calls itself "the rabbit capital of the world," held a mass shooting of bunnies as part of its annual Easter Festival. Cash awards were made to those who killed the most.

Fort Lauderdale, Fla.

A new challenge for court procedure, as reported by the *Associated Press:*

After Penny Pellito, of Miramar, sued the Home Depot on grounds that an injury she sustained in its hardware store had "impaired her ability to 'block out pain,'" defense attorney James Zloch asked the judge to order her not to use her "psychic powers to read the thoughts of witnesses and jurors." Judge Paul Marko III refused the motion.

Aukland, New Zealand

The consequences of neglecting household safety, as reported by the Detroit *News*:

Brian Arthur Furnell, 46, who cut his little finger in a domestic accident two years ago, and receives state support because of the disability, has filed a claim for additional disability payments with the State Accident Compensation Corporation: "I cannot play 10-pin bowling because it is painful to hold the ball, lovemaking is impaired because of the irritating pain in my hand, and I am also concerned I could break the finger in a fight or something, so I keep out of the bars I used to go in."

New York

Evidence that multi-national corporations believe in the afterlife, as reported in the Seattle *Times*:

Sony Corporation invited ragtime pianist Eubie Blake to accept its "first Legendary Innovator Award," adding that his presence at the award ceremony would enable him to be "introduced to industry people who can be instrumental in furthering" his career.

Blake, however, could not attend the ceremony. He died in 1983 at the age of 100.

Tokyo

Breakthrough in the science of psychology, as reported by NHK-TV:

Research scientists have proven that the application of eye makeup is an effective treatment for clinical depression.

Dallas

Scientific note from the Lone Star State, as reported in the Dallas *Morning News*:

Gail Huitt, hairdresser for Texas governor Ann Richards, explains the secret of Gov. Richards' extraordinary hairdo: "I rat the tar out of it. I spray the hell out of it. We get it up there. We defy gravity."

Shihezi Province, China

Sociological advancement in the workers' paradise, as reported in the *Farmer's Daily*:

A man and wife who had moved into a pigpen in order to evade government regulations limiting their offspring to one, were evicted along with their four children, and the pigsty bulldozed. They were practicing "illegal birth warfare."

Birmingham, Ala.

Evidence that proportionality and sober judgment may not be the sole guides in American jurisprudence, as presented by the Associated Press:

District Judge Jack Montgomery, in response to Mayor Richard Arrington's charge that he is soft on criminals, raised the bail for Isaac Peterson from $5,000 to $9,000,000,000,000, or about three times the national debt.

Washington, D.C.

The Army discovers reasons to sympathize with ancient scribes, whose errors were written in stone, as displayed in the non-cuneiform columns of the Detroit *Free Press*:

Fourteen survivors of the Vietnam War are listed among the dead at the Vietnam Veterans Memorial. A spokesman for the Army said that the errors appear to be the result of "typing mistakes," and would not be corrected.

Easton, Pa.

How trial by jury protects citizens' rights, as reported in the Easton (Pa.) *Press*:

When shoppers attempted to enter several local stores, they were stopped by deputy sheriffs and forced to identify themselves and show proof of their identity. They were then asked whether they were county residents and whether they had immediate vacation plans. Those who answered yes to the first question and no to the second were taken into custody and taken to court where they were impaneled on a jury.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita.*)

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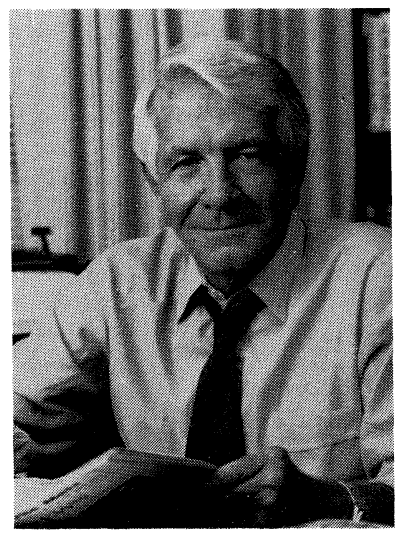

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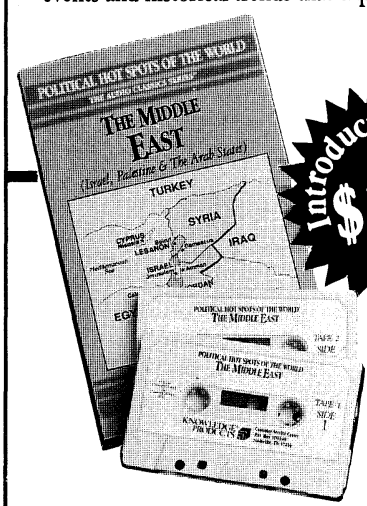

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Spending the Peace Dividend, with **Robert Higgs, Sheldon Richman, James Robbins** and **Richard Stroup.** (Video: V102; Audio: A102)

Beyond MADness: foreign policy without the "Evil Empire" with **Stephen Cox, Robert Higgs, Sheldon Richman** and **James Robbins.** (Video: V103; Audio: A103)

The Revolution in Eastern Europe. with **Ron Lipp** and **James Robbins.** (Video: V104; Audio: A104)

Right and Wrong in an Unfree World, with **R.W. Bradford, David Friedman, John Hospers, Loren Lomasky** and **Sheldon Richman.** (Video: V105; Audio: A105)

Heroes of Liberty: Chodorov, Paterson, Mencken, Conan the Barbarian, Tannehill, Cage, others, with **R.W. Bradford, Doug Casey, Richard Kostelanetz, Sheldon Richman** and **Stephen Cox.** (Video: V106; Audio: A106)

Liberty and the Environment, with **Jane Shaw, Richard Stroup, John Hospers, R.W. Bradford** and **David Friedman.** (Video: V107; Audio: A107)

Do Rights Make Sense? with **David Friedman, Timothy Virkkala, John Hospers, R.W. Bradford, David Ramsay Steele,** and **Loren Lomasky.** (Video: V108; Audio: A108)

Seminars

The Economic Case For and Against Anarchy, by **David Friedman** with comments by Richard Kostelanetz. (Video: V109; Audio: A109)

Did the Libertarian Movement Really Start in Murray Rothbard's Living Room? by **R.W. Bradford,** with comments by Stephen Cox. (Video: V110; Audio: A110)

The Politics of the Avant Garde, by **Richard Kostelanetz,** with comments by Stephen Cox. (Video: V111; Audio: A111)

Does Economics Make Sense? by **David Friedman** with comments by Robert Higgs. (Video: V112; Audio: A112)

Children's Rights **by Loren Lomasky** with comments by Timothy Virkkala. (Video: V113; Audio: A113)

The Poverty of Libertarian Fiction by **Stephen Cox** with comments by Douglas Casey. (Video: V114; Audio: A114)

Game Theory, Evolution, and Freedom, by **Ross Overbeek** with comments by David Ramsay Steele. (Video: V115; Audio: A115)

War and Prosperity: Did World War II Cure the Great Depression? by **Robert Higgs.** (Video: V116; Audio: A116)

Agent or Victim: Reconsidering the Insanity Plea by **John Hospers.** (Video: V117; Audio: A117)

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How to Write Op-Ed Pieces and Get Them Published, by Jane S. Shaw. (Video: V118; Audio: A118)

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by William Moulton

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Canada Explodes (No One Cares)
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"We are here to let in the light of Liberty upon political superstition." —Benjamin Tucker

Letters

. . . A Good Man Is Hard to Find

JSR's "Actions vs Words" is probably worse than the feminists he is trying to slander.

Feminists are not really bad. All they want is a good man who can do the dishes.

Norman Gorback
Plantation, Fla.

Self-Incrimination at Stanford

I found Stuart Reges' article "I Am a Casualty of the War on Drugs" (July 1991) most interesting. He stated that "Stanford's previous policy on alcohol and drug use was to respect the privacy of students, faculty, and staff—as long as people behaved responsibly . . ." (p 38) And Reges' account suggests that unofficially that remained Stanford's policy even after the official policy statement was changed in order to continue to receive federal funds. Why didn't that satisfy Reges? Was it responsible behavior on his part to by-pass the Stanford administration and bait government officials directly with harassing letters? Those letters didn't make fools of the government people; what they did was to make plain Stanford's duplicity in accepting the funds without intent to enforce the policy. Refusal of the funds would have been the appropriate action to guarantee academic freedom. As it is, Stanford faculty know for sure what Reges should have been smart enough to figure out for himself—government money is more important to running Stanford University than is free speech.

I hope you will keep us informed on how Reges fares in a job search.

Maribel Montgomery
Albany, Ore.

The Last Leftist

I suspect that Robert Heilbroner is unaware of just how well his talk with Mark Skousen ("Economics After Socialism," July 1991) demonstrates the poverty of the Left. His hatred of the ATT break-up is nothing more than knee-jerk anti-capitalism, and his praise for Keynes reveals an economist concerned not with his science, but with his leftist ideology.

What, after all, were Keynes' "significant contributions"? Heilbroner cites Keynes' belief that "the national economy could be open to manipulation" and his "rather benign view of the future of capitalism." But much more significant were Keynes' contributions to economic theory: his concern with the role of expectations in the market process and his explanations of secondary depressions. Heilbroner's appraisal of Keynes was an appraisal of Keynes as politician and prophet, not as economist. Serious discussion of Keynes' ideas will persist. But considering Heilbroner's judgment, I predict that one of the best things about "economics after socialism" will be the unplanned obsolescence of lightweights such as Heilbroner.

David Sheldon
Gresham, Ore.

Mises-ing the Point

In your July 1991 issue two very good men, Milton Friedman and Robert Heilbroner, take some cheap shots at a very great man, Ludwig von Mises.

Friedman ("Just Say 'No' to Intolerance") tries to characterize the philosophy of Mises as a dogmatic religion. Friedman merely begs the question—is economics an aprioristic or empirical science?—when he says that, because it isn't empirical, Mises' economics isn't a science but a religion. Logic and mathematics aren't empirical either. Are they religions, too?

Heilbroner ("Economics After Socialism") will give only the most grudging credit to Hayek and Mises. Yes, they were right all along, socialism can't work, but they were never really very clear about the reason for it—that you can't run an economy without market signals. Well, if Heilbroner didn't learn this from Hayek and Mises, who did he learn it from? And why doesn't he ever mention the real hero, why just Hayek and Mises if they had nothing to do with his belated enlightenment?

D. G. Lesvic
Pacoima, Calif.

Another Paradox of Tolerance

Apparently Dr Friedman does not recognize the paradoxical character of his critique of Ayn Rand ("Just Say 'No' to Intolerance"): Rand is wrong to think that she can have objective moral knowledge because it shows that she lacks humility. Yet, it seems, Dr Friedman thinks that humility is an objective value and he is able to make the moral judgment that Rand lacks it!

Also, Karl Popper is by no means the simple empiricist and realist about facts Dr. Friedman seems to think he is. And even when explicated more completely, there are serious doubts about the wisdom of Popper's analysis of disagreement—see, for example, David Stove's *Popper and After: Four Modern Irrationalists* (Oxford: Pergamon Press, 1982).

In most developed sciences it has become evident that facts are not obvious or plain to apprehend. They are theory-laden and often the issue is whether the theory backing up the identification of the facts is a sound one, compared to other live options. This opens the door to seeing moral facts as part of our universe. And when it has become evident that some act or person is morally wrong, it is not always sound policy to tolerate it.

Tibor Machan
Auburn, Ala.

A Does Not Equal A-Priori

I am surprised at Milton Friedman for repeating the old canard that Ayn Rand "derived everything from the basic proposition that A=A" ("Say 'No' to Intolerance," July 1991).

The law of identity, in her view, was an axiom that sets the fundamental purpose of thinking (to identify the nature of what exists) as well as the fundamental constraint (to avoid contradiction). It is the *methodological* foundation of knowledge. But the whole *content* of our knowledge comes from observing the world—with induction, not deduction, as the primary engine of cognition. Ayn Rand was an explicit foe of any rationalist effort to deduce a philosophy from a self-contained set of axioms.

She also held that certainty is possible to man, a thesis with which Friedman is certainly free to take issue. But I cannot help wondering if he really means what he says. He argues that the basic premise of libertarianism is based on the absence of certainty. "I have no right to coerce someone else, because I cannot be sure that I am right and he is wrong." But is Friedman unsure even of this argument, and of its conclusion? What if someone argued that because certainty is impossible, persuasion is pointless and coercion is the only means of dealing with people? And what can we say to someone

continued on page 4

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Inside Liberty

September 1991
Volume 5, Number 1

2 **Letters** on whether or not to tolerate intolerance, plundering economists, latter-day leftists, and dogs of war.

7 **Reflections** *Liberty*'s editors on snatching bodies, hatching owls, botching health care, watching Jeopardy, hugging George Bush and other matters ethereal and mundane.

Features

18 **The *Real* Clarence Thomas** He's a natural rights advocate who quotes Karl Hess and Malcolm X and admires Ayn Rand. R. W. Bradford and James Taggart explain why George Bush may be getting a lot more than he bargained for.

23 **Monumental Destruction** Frank Fox finds that, while abstract reasoning may be a necessary weapon against ideology, *some* reformations are best accomplished with a sledge hammer.

26 **Experimenting with Marijuana** It's illegal. They say it leads to Reefer Madness. But it also relieves nausea and restores appetite. Robert O'Boyle looks at the medicinal value of marijuana, and gives the straight dope on its utility in the fight against cancer and AIDS.

28 **Gross National Product: A Bogus Idea?** R. W. Bradford explores the history and rationale of the ubiquitous economic measurement. He is *not* impressed.

31 **Buying Gasoline in Ethiopia** Robert Miller braves custom officials, crocodiles, and elephantiasis on his trip through Eastern Africa—armed with a jerry can and a sense of humor. He brings home some *very* interesting souvenirs.

37 **When Bombs are Smarter than People** Bart Kosko examines the implications of introducing fuzzy logic and "spread spectrum" communications into modern warfare. *War Games* was just the beginning.

39 **The Unraveling of Canada** North America: Home to the United States, Canada . . . and *the sovereign state of Quebec*? Scott Reid explains why Canada will soon break into two or more nations, and why no one cares.

43 **The Suicide of Canadian Culture** Why is the Great White North an artistic vacuum? Barry Chamish was there when Pierre Trudeau wrote the death sentence for Canadian culture.

45 **50 Really Stupid Ways to Save the Earth** Put away your biodegradable notepaper and pick up a shovel. Karl Hess knows precisely what to do with nut environmentalism.

47 **Persuasion *versus* Force** Mark Skousen believes that civilization is best measured by how little coercion is required to keep it intact.

51 **The Phylogeny and Ontogeny of Rights** James McClarin examines the rights of super-apes, sasquatches and parameciums.

Reviews

53 **The Gospel of Duty, According to Buckley** William Moulton is grateful that Bill Buckley's new National Service manifesto, *Gratitude*, at least provides a valuable (if unintended) service for opponents of "national service."

56 **Respecting the Unrespectable** John Hospers defends compassion and questions Paul Taylor's rationale for respecting nature.

62 **The War of the Words** Sheldon Richman defends the "Bolshevik" *Webster's Third* against charges of permissiveness and sabotage.

67 **Art and Literature: Retail and Wholesale** Richard Kostelanetz explores the economics of art and criticism.

69 **Notes on Contributors**

70 **Terra Incognita**

Letters *(continued from page 2)*

who actually enjoys using force? What sort of defense do we have for freedom or tolerance if we can't say for sure that coercion is wrong?

Milton Friedman is a great and tireless champion of liberty. At some basic level, surely, he's sure of what he's fighting for.

David Kelley
Verbank, N.Y.

Vouch-Safe, Vouch-Free

It is, of course, a big honor to be mentioned by Professor Friedman in his article "Say 'No' to Intolerance" (July 1991). Dr Friedman has played a very important role in my own intellectual development, and his deep dedication to freedom has, of course, influenced and inspired thousands all over the world. By taking the proponents of vouchers to task, I certainly had no intention of disparaging the work of this great advocate of liberty.

Unfortunately, many people see vouchers as an end rather than as a means to an end. As Dr Friedman points out, the end is education decisions being left to parents and the free-market process. But we at FFF believe that the best and most direct route to this goal is not through vouchers, but through the repeal of compulsory-attendance laws and school taxes, and the selling off of school property—and through the constitutional separation of school and state.

Jacob Hornberger
Denver, Colo.

Stealing Friedman's Plunder

With all of the due respect that Milton Friedman gives for Mises and Rand, we would like to suggest that Friedman, Bradford, et. al. are starting out with assumptions that should be seriously questioned.

An assumption that we start with is this: that stealing is the wrong way of dealing with our fellow man.

Friedman points out that "libertarian philosophy is based on the premise [assumption?] that you should not initiate force, that you may not initiate coercion." How are taxes collected other than using force, coercion? Taxes are theft, if you accept those premises. As Bastiat said in *The Law*, "How is this legal plunder to be identified? Quite simply. See if the law takes from some persons what

continued on page 6

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Plus articles and reviews by John Baden, Brian Doherty, David Friedman, Bill Kauffman, Sheldon Richman, James S. Robbins, Mark Skousen, Terree Wasley and others. (72 pages)

September 1990

• "Conversations with Ayn Rand (part 2)," by John Hospers
• "RU 486 and Legal Wisdom," by Dr Ron Paul
Plus articles and reviews by Michael Krauss, Stephen Cox, Richard Kostelanetz and others; and a *ficción* by Harvey Segal. (72 pages)

November 1990

• "Opportunities on Freedom's Frontier," by Ronald Lipp
• "Up From Armageddonism," by Stephen Cox
Plus articles and reviews by David Friedman, Robert Higgs, Sheldon Richman, Richard Kostelanetz and others, an interview with Ed Crane, and a symposium on investing. (80 pages)

January 1991

• "Gordon Gekko, Mike Milken and Me," by Douglas Casey
• "Lies, Liberalism and Lip-Reading," by Loren Lomasky
Plus articles and reviews by David Boaz, Ralph Raico, Lawrence Person and others; plus special election coverage. (80 pages)

March 1991

• "Keep the Hot Side Tepid," by R. W. Bradford
• "The Myth of War Prosperity," by Robert Higgs
Plus articles and reviews by Richard Weaver, Jane Shaw, David Danielson, Jan Narveson, Krzysztof Ostaszewski and others. (72 pages)

May 1991

• "Journalists and the Drug War," by David Boaz
• "Something Anarchical in Denmark," by Ben Best
Plus a symposium on the Gulf War; and articles and reviews by John Baden, Richard Kostelanetz, Richard Miniter, Richard Stroup and others; and a short story by Lawrence Thompson. (72 pages)

July 1991

• "Say 'No' to Intolerance" by Milton Friedman
• "I Am a Casualty of the War on Drugs" by Stuart Reges
• "Ex-Nazis Say the Darndest Things" by Richard Kostelanetz
Plus articles and reviews by David Friedman, Karl Hess and others, and Mark Skousen's interview with Robert Heilbroner. (72 pages)

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Letters *(continued from page 4)*

belongs to them, and gives it to other persons to whom it does not belong." What other description of taxation does anyone need?

Even the United States Supreme Court agrees: "To lay with one hand the power of the government on the property of the citizen, and with the other bestow it on favored individuals . . . is nonetheless *robbery* because it is done under the form of law and is called *taxation*" [emphasis added] *Loan Association v. Topeka* (1874).

Does the person who 'fences' stolen goods, condone theft? Does that person assist in the illegal plunder of property? Considering the number of arrests of people who 'fence' stolen goods, some people think so.

Is the person who suggests the use of educational vouchers, in effect, condoning theft? After all, educational vouchers are only made possible by the use of coercion to put the vouchers into effect.

And to have a negative income tax—there must be a positive income tax somewhere. If we agree that taxes are theft, then this can only mean that Friedman condones theft, that he endorses force and coercion. Therefore he can hardly call himself a liberal/libertarian.

Abby Rodgers
Thorndale, Pa.

Spring Cleaning

This may seem utopian, but why should I be tolerant? I am *right*. Mankind is in its present jam because liberalism rules not; patience and prudence have no place in a political purification program. The cause is rife with equivocators nineteenth century conditions would have pruned in adolescence ere they grew to feel their nonsense is true. Where is Garet Garrett when I need him?

Steve Smith
Dayton, Ohio

Caught in the Cross-Fire?

I have no wish to enter the well-trodden debate over the morality of U.S. involvement in the recent Gulf War, nor the rather sterile debate of whether *Liberty* should indeed cover the debate.

The implications of Virkkala's note in the July magazine ("Wars for liberty"), however, do warrant comment. Virkkala supports Sheldon Richman's comment in a previous article that "a reasonable moral code would not condemn someone for killing an innocent person . . . to save his own life."

He then takes this further and says it's "okay" to kill innocent bystanders in order to repel an aggressor, concluding with a "moral rule" that foreign intervention is acceptable when "it is in your interest" and when you "believe you can make the situation better."

I would reject this as just and sufficient reason for intervention or for killing. Virkkala's moral rule sounds awfully like "the end justifies the means," which I understood to be the basis for Marxist and most other evil "morality" throughout history, and the antithesis of libertarianism.

Absent from Virkkala's code are several tenets which have formed the basis of Christian teaching about a just war for centuries. War is inherently evil, but can be justified in extreme circumstances. The cause itself must be just; it must be grave; all reasonable alternatives must have been exhausted; and innocent casualties must to the greatest possible extent be avoided or minimized.

Perhaps these tenets are not the complete answer, but they do add an important moral dimension to what appears to be Virkkala's purely practical rules. I hope I'm never an innocent bystander in the way of Virkkala's interests. I might just get killed.

Adrian Day
Annapolis, Md.

Selective Censure

Recent letters and articles in your publication have correctly voiced libertarian objections to the tax-funded military interventions initiated by the U. S. government in the Persian Gulf area. However, the vehement indignation seems suspiciously selective in singling out this specific activity for censure, while ignoring so many others. It is apparent that many writers were far more upset by the nature of the activity than by the fact that it was subsidized and managed by governments.

It is quite true that the intervention in Iraq was not a legitimate function of the United States government. Libertarians should therefore point out that foreign intervention is not a proper government activity, that coercively collected taxes should never be used for such purposes (and that other nations' use of draftees was triply obscene). However, most of the actions taken by American soldiers in Iraq were quite correct, appropriate, and not at all contrary to libertarianism.

If General Schwartzkopf had been the operations manager for a private, voluntary, mercenary force that had been employed, say, by victims of Mr Hussein's violent initiation of force, it would be very difficult to raise objections based on libertarian principles. Unfortunately, if such were the case, current U. S. laws would have branded him an "outlaw." Other laws would have prevented his group from obtaining weapons, forbidden its voluntary financing, barred reconnaissance by orbiting satellites, and generally made it impossible for legitimate retaliatory actions to have been carried out by non-government groups. It is these laws that are objectionable to libertarians—not the military actions themselves.

Despite the impressions left by several writers, libertarianism is not pacifism.

Bruce A. Martin
Middle Island, N.Y.

The International Leash-Law

One argument that the various articles on the Gulf War have failed to address is what I call the rabid dog argument.

I'm sure that all libertarians would agree that when a man's dog develops rabies it is the responsibility of the owner to shoot or otherwise dispose of him.

For years our wonderful government supported Saddam Hussein with military and other goodies. When he developed rabies and invaded Kuwait it became our responsibility to shoot him. Let me emphasize this: to shoot him, not the entire damn country. After all he was our dog, bought and paid for.

Of course, the same argument possibly could be applied to George Bush with equal legitimacy.

James Odle
Glendale, Ariz.

continued on page 22

Letters Policy

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

Reflections

Dope on the Court — It seems as though every time a Republican president nominates a halfway decent man for the Supreme Court, it turns out the guy smoked dope in college. First Daniel Ginsburg was forced to withdraw his name from consideration and now the media is making a stink about Clarence Thomas' inhaling "a few puffs" of marijuana while in college.

Of course, it is not surprising that Judges Ginsburg and Thomas tried dope while in college. They were both in college in the 1960s, at a time when just about everyone at least tried dope. At my *alma mater*, dope smoking was *de rigueur* even among football players and frat-rats, not to mention Jewish intellectuals and alienated black radicals.

If we are to disqualify from consideration for high office everyone who smoked dope in college, we will be left with an entire generation of leaders who were socially-isolated malcontents or weanies. The prospect of a Supreme Court consisting of such people is terrifying. —EOW

Honor thy father, or go to jail — The Florida Supreme Court has upheld a lower court ruling that a divorced mother must "do everything in her power to create in the minds of [her children] a loving, caring feeling towards the father." Finding that the children's anti-paternal feelings were the result of motherly brainwashing, the Court ruled that the father had a "constitutionally protected inherent right" to a "meaningful relationship with his children." Next on the Court's agenda: to determine whether everybody has the right to have a nice day. —JSR

Oops! — Ten years ago the Environmental Protection Agency considered dioxin the most toxic of all synthetic chemicals. Dr Vernon N. Houk, an official for the Center for Environmental Health, repeatedly recommended that the people of Times Beach, Missouri, a town of 2,242 where dioxin-contaminated oil had been spread on the streets, abandon their homes. In 1982 they did so.

The homes and other property were purchased by the federal government, and eventually a nine-year, $200 million cleanup of the dioxin-contaminated soil was begun.

Now comes Dr Houk to say that it was all a mistake. If dioxin is a carcinogen at all, it is "a weak one that is associated only with high-dose exposures." Other experts have reached the same conclusions. Studies of the former Times Beach residents have found no evidence of ill effects on their health.

Dr Houk comments: "We should have been more upfront with the Times Beach people and told them, 'We're doing our best with the estimates of the risk, but we may be wrong.' I think we never added, 'But we may be wrong.'"

So thousands of lives have been upset, hundreds of millions of dollars have been wasted, countless people frightened, and an expensive, pointless cleanup initiated—all because the government insisted on protecting people from a substance for which the evidence was insufficient to justify the fear.

However the story ends at Times Beach, we can be sure that the name of that unfortunate little town will live on in the environmentalists' storybook of horrors, along with the lurid tales of Love Canal and Three Mile Island and other sensational myths. The stories that report the corrections never get much press. For the news media, there's more money to be made by scaring people than by reporting the truth.

—RH

Defending the indefensible — In March, a black man in Los Angeles accused police of beating him brutally after stopping his car for speeding. The police offices involved responded that they had used only the force necessary to subdue him. The incident wouldn't have amounted to anything if a man who lived nearby hadn't recorded it on videotape. Two days after the beating, the man took his videotape to a local television station.

That night people saw what had happened. What they saw horrified them. As the black man lay prone on the pavement, surrounded by a dozen police officers, three policemen beat him mercilessly with clubs. In the few seconds recorded on tape, the police clubbed him 56 times. The man made no attempt at resistance.

Virtually the only public voice raised in defense of the beating came from Lew Rockwell, the head of the free-market oriented Ludwig von Mises Institute who aspires to be a nationally known commentator. In a column in the Los Angeles *Times*, a watered-down version of which later appeared in *USA Today*, he justified the beating on grounds that "the issue is safe streets versus urban terror," and went on to blame the person who videotaped the beating, declaring that "Liberals talk about banning guns. As a libertarian, I can't agree. I am, however, beginning to wonder about videocameras." Along with many other libertarians, I was shocked both at his defense and his claim that his defense was libertarian. In the May *Liberty*, I recapitulated the story of the beating and criticized Rockwell's defense of it, as did Rick Henderson in the May *Reason*.

Rockwell remains convinced that his defense of the beating was a good thing. In the most recent issue of the Ludwig von Mises Institute's *News Notes*, he takes credit for its publication in the Los Angeles *Times*, and in a letter to *Reason* Rockwell defended the beating again, writing this time as President of the Mises Institute. I suppose it's appropriate for

Rockwell to take credit in the name of the Mises Institute, since the Institute syndicated his column on the subject to the *Times*.

Meanwhile, Rockwell's colleague at the Mises Institute, Murray Rothbard, has risen to defend his friend. Rothbard argues that those critical of the police beating had failed to understand the "context" of the beating because "videocameras are dumb, and people who follow them blindly are even dumber." Here's the "context" that, according to Rothbard, was missed by the "dumb" people who were shocked at the sight of a man lying prone and helpless on the concrete as a group of cops smashed him to pieces:

1) Rodney King is a bad person.

2) Rodney King was "maniacally speeding" and tried to avoid the police, and refused to get out of his car when the police stopped him.

3) The police couldn't use a choke hold on him because "the noxious forces of left-liberalism . . . had gotten the choke hold outlawed as being unfair to poor criminals."

4) The cops shot him with a taser gun, but that didn't stop him from "dancing around maniacally."

5) Some weeks later, when police tried to arrest King for hiring the services of a prostitute, King "tried to run down a police office with his car."

In this "context," Rothbard writes, the cops had no alternative but "beat Rodney King into submission with batons. Except a couple of baton blows couldn't do it. *Why* did the cops keep beating King again and again with their batons? The Rasputin factor; he simply wouldn't go down."

Rothbard has some facts wrong (e.g. the police records indicate King drove as fast as 55 mph, hardly "maniacally speeding"). But even if his argument were factually correct, it isn't very convincing. Does an attempt to elude police for a speeding ticket justify a beating? What if the driver also refuses to get out of his car? What if goddam liberals won't let the cops use a choke hold on the speeder? (As I recall, the "noxious left-liberals" couldn't get the choke hold outlawed until the police had killed more than 25 people in custody by using it.) What if the taser gun doesn't knock the driver senseless? Then are the cops justified in beating him senseless as he lies helpless on the pavement? And what does King's behavior weeks after the incident have to do with it anyway?

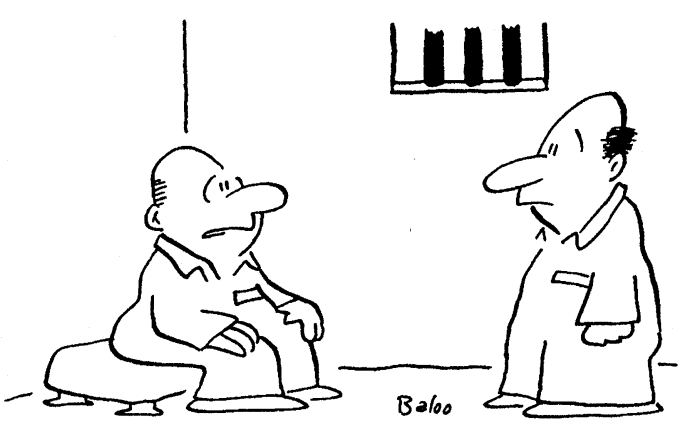

"I went to sleep in my car, and they arrested me for-impersonating an officer."

One thing is plain: Murray Rothbard remains a master rhetorician. His articles never conclude before he has used every persuasive strategy possible. In this article, he used an *ad hominem* attack on Rodney King, a bad person. But that's not all. He includes *ad publicatoruem* attack on the publisher of *Liberty*. It would have been too obvious to respond to what I wrote about Rockwell's column. Instead, Rothbard analyzes my life: "Bradford is just a business man who decided to buy himself a libertarian magazine. Well fine, but so what? What's he ever done apart from that? The fact that he *calls* himself a scholar and philosopher should cut no ice with anyone."

I can remember Rothbard calling me a scholar (after I'd written an article critical of someone he disliked), but I never have. But I enjoy the romantic view of myself as a literary J.P. Morgan, buying up journals. But most entertaining is his notion that only philosophers or scholars should be allowed to comment on newspaper columns. That should keep the noise down in political circles. —RWB

Lew Rockwell remains convinced that his defense of the L.A. police brutal beating of a black motorist accused of speeding is a good thing. He bragged about it in the Ludwig von Mises Institute newsletter, attacked Reason *magazine for criticizing him, and sicked Murray Rothbard on* Liberty *for the same offense.*

Zero coherence — Clarence Thomas smoked dope. Big surprise. The Bush administration pooh-poohs those who use this against his appointment to the Supreme Court. Just a youthful indiscretion. Anyway, he's renounced his sin.

How does this (eminently sensible) attitude jibe with the drug war strategy of targeting users with draconian property takings and tougher jail sentences? How does it mesh with the anti-drug rhetoric of "just saying 'no,'" or all the hysterical calls for hanging dealers on street corners? Isn't it time for the Bush administration to admit publicly what it has tacitly admitted—that people's private drug use just isn't any big deal, isn't anyone's business, and isn't worth violating civil liberties and wasting the citizenry's tax dollars?

If drug use isn't enough of an issue to disqualify one from a seat on the Supreme Court, how can it disqualify you from your right to life, liberty and property? —BD

Compulsory volunteerism in the Free State — A proponent of mandatory "voluntary community service" for Maryland high school students stated that the program will teach students, "To be fully human, you must serve." It's a shame the Thirteenth Amendment is keeping all of us from realizing our full human potential. —JSR

Zappa for President? — Rock-classical composer/guitarist/smartass Frank Zappa—whose name had been bandied about as a potential Libertarian candidate in '88—

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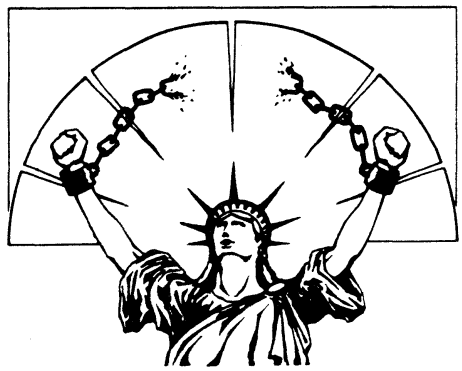

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Platform Committee
Bylaws and Rules Committee

Wednesday, August 28

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200/20—the Bill of Rights and Libertarian Party Birthday Bash
Heartland Institute Dinner*

Thursday, August 29

Breakfast with Larry Pratt (Gun Owners of America)
Keynote Address—David Nolan
Platform Report and Debate
Bill of Rights Panel (on the floor)—Nadine Strossen, Red Beckman, Jarret Wollstein, Mike Grossberg
European Capitalism
"So You Want to Be a Candidate?" (activist workshop)
Advocates II—Carole Ann Rand
Get on the Ballot (workshop)
Build Your State Party (workshop)
Drug Legalization Panel (on the floor)—Richard Dennis, Dan Polsby, and opposition speakers
A Taste of Chicago and the Second City Touring Company

Friday, August 30

Breakfast with Karl Hess
From Conservative to Libertarian, from Liberal to Libertarian (on the floor)—Joseph Sobran, Richard Dennis
Platform Debate
Campus Activism (workshop)
Marketing and Fundraising—A Tough Job (workshop)
Get on Cable TV (workshop)
Tax Cut Action! with Mark Skousen and Jim Tobin
Privatization Panel
Presidential Candidate Debate
Chicago City Tours and LP Tent at the Chicago Jazz Festival

Saturday, August 31

Alternatives in Education Panel—Martin Buchanan, Joe Bast, more
FIJA Workshop
Brunch—The LP's Future, with Dick Boddie and Andre Marrou
Presidential Nomination
Banquet and Dance

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has officially announced his intention to run for president in '92, but as an independent. I've heard that matchmakers within the Libertarian Party are trying to hook up with him, but with the convention only a month and a half away, the arrangement seems unlikely to be consummated. Besides, Zappa is too iconoclastic to want to be saddled with any party identification. He announced his intentions in an interview in the July issue of the rock culture magazine *Spin*. Libertarians of my acquaintance were impressed, particularly by his suggestion to abolish the income tax.

Zappa first came to the (non-rock world) public eye as a star witness against Tipper Gore's record labeling initiative in the mid-'80s. Hey—strong on civil liberties *and* economic freedoms! The very definition of a proper libertarian, right?

Well, I think it more than possible that Zappa is a libertarian by inclination. At least his broaching of the idea of the abolition of the income tax shows he's not just another idiot liberal showbiz loser. Could you imagine Ed Asner saying something like "the only thing the income tax does to everybody who pays it is it pisses you off because you earned that money and now the government is taking it away from you"?

Zappa also seems to understand that there are good *practical* arguments for gutting the income tax: he cheers the enormous economic boom that would result from an income tax abolition.

But on other issues he seems slightly soft in the head. He makes reference to "Reagan's depression during '82–'83, when his economics first took its toll." What could he mean by this? What policy unique to Reagan created this? This sounds like typical thoughtless left-liberal rhetoric about the "decade of greed," usually based on the widespread (and untrue) assumption that Reagan was a vicious slasher of social spending.

Pop artists are generally idiot-savants utterly ignorant of politics (and everything else), and political thinking usually casts a pall of hypocritical solemnity over music that is death to the pop aesthetic.

Zappa responds to the hopeless mess of the state education system with lame, vague prescriptions to "meet [children] halfway and install equipment into classrooms that are going to be able to deliver data into the language that kids already understand." In rap, I suppose? No, Zappa is merely pulling on the tired old McLuhan "post-literate" string here.

But he still has a positive side. He stands up to sensitivity pressure groups—he resisted a request to apologize for his song "Jewish Princess" by the Anti-Defamation League of the B'nai B'rith. He is also leery of democracy and very sincerely pro-free expression. He refuses to debate other candidates when he runs, just because he thinks they're all hopelessly full of shit. But of course.

Is this whole question anything more than a fanciful exercise in badinage? Would it really make any strategic sense for the Libertarian Party to pursue the candidacy of a long-hair modern classical/jazz/pop-rock composer? Especially one whose music is as alternately silly, scatological, overly mannered and ill-conceived as Zappa's?

Well, why not? As I see it, what you want to do with a party like the LP—that is, one with no hope of winning a national election—is gain media attention for your organization and ideas, however possible.

Zappa would certainly deliver on press attention. He points this out as one of the pluses of his candidacy. "You know what the other guys are going to say before they say it. And television is an entertainment medium. Now, you don't know what I'm going to say. Now you're in the middle of an election year and it's real dull. Do you think they would send someone over to talk to me every once in a while just to liven things up a bit?"

He has a point. But, of course, he'd just be a laughingstock—right? Could be. Just consider his hair, his past, hell, even his *views*. But perhaps his persona may help people think about heresies like abolishing the income tax—if only for a minute. And once that thought is in people's heads, who knows?

I am dubious about the combination of pop and politics on aesthetic grounds. Pop artists are generally idiot-savants utterly ignorant of politics (and everything else), and political thinking usually casts a pall of hypocritical solemnity over music—as over an extended family at the funeral of a universally hated patriarch—that is death to the pop aesthetic.

But on political grounds the marriage is fine with me. Anything to get attention, as the fisherman said to the salmon swimming upstream. We libertarian salmon ought to welcome a Zappa candidacy, LP related or not. —BD

RIP Leningrad, 1924–1991 — An old Soviet joke goes: A man at an employment agency was asked several questions. Where was he born? St. Petersburg. Where did he grow up? Petrograd. Where does he live now? Leningrad. Where would he like to live? St. Petersburg. Well, if he's still alive, he will get his chance. In a recent referendum, 54% of the citizens of Leningrad voted to change the name of their city back to St. Petersburg, honoring Tsar Peter the Great, who carved the port city out of a swamp to increase access to and contact with the developed west.

Soviet cities have been changing their names for several years now, casting off Communist-imposed titles in favor of their traditional names. Leningrad, the birthplace of the revolution, was the largest of the renamed cities. But Lenin's experiment, if destroying a country can be called that, has failed miserably. His name and those of his cohorts are being wiped from the maps, just as the names of ancient despots were obliterated from marble columns by their newly freed subjects. The *Bolsheviki* thought they acted for the ages, but history has shown otherwise. —JSR

How to succeed in business — First, form an oil-and-gas exploration company. Call it, say, Apex Energy Co. Get a buddy to join you in contributing capital. The two of you together should invest only $3,000 while retaining 51 percent control of the venture.

Get the rest of the capital you need—say, $2.3 million—by

selling stock to and borrowing from venture-capital corporations that operate with federal guarantees. This should not be difficult, so long as the venture-capital firms are controlled by a longtime friend of your father. The Small Business Investment Corporation, an institution created to assist politically well connected guys like you, will dispense the money.

Now, make yourself the president of Apex at a salary of $160,000 a year plus expenses; give your buddy a salary of $80,000 a year plus expenses. In a few days the two of you will have recovered in salary more than you invested in the company. Your first business move should be to buy an oil-and-gas lease for $150,000 from two other companies already owned by you and your buddy.

Fourteen months later, report that Apex has lost $708,000 and its stock has no value. But don't worry. If the remaining assets of the venture-capital outfits (now being liquidated) that lent you the capital are insufficient to cover the losses, the taxpayers will take care of everything.

Finally, resign from your position as president of Apex and look for another job—a similar one, of course.

Sounds too good to be true?

Not so. Just ask Neil Bush. —RH

Owl spotted — Footnote to the Northern Spotted Owl controversy: a number of spotted owls have been sighted in second generation forests in eastern Washington. This is big news indeed.

You will recall (from my discussion, "The Owls Are Not What They Seem," July 1991) that by defining the word "species" to include "subspecies" and "distinct populations" of a given species, the Endangered Species Act had enabled the spotted owls that live in the mountains along the northern Pacific coast to be classified as a species, despite the fact that substantial populations live elsewhere and are not threatened. The only way to protect this new "species" is to prohibit timber harvesting, since the spotted owl can survive only in old growth forests.

The discovery of the spotted owl living happily in second growth forests around Wenatchee in eastern Washington strikes two blows at the notion that timber harvests in the coastal mountains should be stopped: (1) it demonstrates that the spotted owl can indeed live in areas that have been harvested; (2) it suggests that the spotted owl was not nearly as "endangered" as had been believed.

Why hadn't the spotted owl been seen in eastern Washington before? Like most predators it is shy around humans and naturally has a low population density. And nobody had looked for them before.

This is another unhappy episode of the government disrupting thousands of people's lives and wasting millions of dollars, because of wrong conclusions arrived at by politically motivated scientists. —RWB

Up from inebriation — In the July issue of *Liberty*, I reported that the ever-vigilant Bureau of Alcohol, Tobacco, and Firearms is at work protecting us against winemakers who have the audacity to proclaim on the labels of their products that drinking wine is a cultured, civilized activity. It gives me pleasure now to note that BATF's cuddling embraces are not restricted to hoity-toity sauvignon sippers. The beer drinkers who made this nation great enjoy its protections too.

BATF has come down hard on G. Heileman Brewing Co.'s attempt to market a new malt liquor called "PowerMaster." (No, that's not a brand of cordless drills.) According to bureau spokesman Tom Hill, the name constitutes an illicit form of advertising. While beers typically have an alcohol content of 3.5 per cent and malt liquors 5.5 per cent, PowerMaster is cranked up to a jolting 5.9. Federal law forbids brewers from mentioning alcohol content either in advertising or on labels. Heileman may have thought it had hit upon a clever way to subvert the law's intent, but it couldn't sneak its subliminal ploy past the watchdogs at BATF. (Well, actually it did sneak it by. BATF first gave Heileman approval to market PowerMaster and then, once thousands of cases were already on their way to the stores, rescinded the agreement. Being a federal bureau means you don't have to live with your mistakes; the other guy does.)

If consumers were afforded alcohol content information, might they then elect to moderate their inebriation by choosing a less potent brand? Sure—and Dan Quayle might resign the Vice Presidency to study phenomenology at the Sorbonne.

Some naive folk believe that the government's job is to police deceptive advertising. That may be true in Third World backwaters, but not here. Consumers can fend against falsehoods for themselves; Uncle, though, will protect them against incursions of *truths*. Why? Well, if Joe Sixpack knew that he needed only eight bottles of PowerMaster to get sozzled instead of 14 Buds, then he might decide to drink less and enjoy it more. Although that would carry some ecological benefit—fewer aluminum cans tossed onto roadsides, less water consumed by flushing toilets—its liabilities are profound. They include . . . well, I'll let the readers of *Liberty* figure it out for themselves.

Why this prohibition for beer when wine and whiskey labels declare in large type their alcohol content? The answer is obvious. The characters on *thirtysomething* sip wine; real Americans guzzle beer. If they're thrown off their stride, consequences for our nation's well-being could be profound. Suppose that Ford assembly line workers had spent the previous evening downing PowerMasters: would *you* drive the cars they put together the next day? (Please don't write in to tell me about the new Honda in your garage. Neither I nor BATF would be amused.)

If consumers were afforded alcohol content information, might they then elect to moderate their inebriation by choosing a less potent brand? Sure—and Dan Quayle might resign the Vice Presidency to study phenomenology at the Sorbonne. Remember, these are beer drinkers we're talking about. For them, a little knowledge is a dangerous thing and more than a little entirely out of the question. BATF knows its clients. Let them be entertained by commercials replete

with bouncing C-cups and superannuated jocks; just don't tell them what's actually in the brews they hoist.

Heileman may have received its just come-uppance, but BATF's work has beerly commenced. "We've been collecting advertising. If we find any to be similar in nature, using the term 'power' or connoting strength, we will be writing those companies letters telling them to cease and desist that type of advertising," announces Mr. Hill, BATF's spokesman.

Buy that man a Perrier! —LEL

Unhappy campers — Scouting has been in the news recently for policies that exclude gays from being scoutmasters and atheists from joining at all.

Eight year old atheist Mark Welsh sued the Cub Scouts after they denied him membership. I don't have any problems with atheists or homosexuals—or atheist homosexuals—joining any organization. But is the issue here discrimination or free association? Certainly the Boy Scouts of America are discriminating against atheists who want to be scouts. But does anyone, whatever his religious orientation, have a right to be a scout? Or does the organization have the right to decide for itself what it regards as proper qualifications for membership?

Mark Welsh's attorneys claim that the scouts are a public organization and may not discriminate. According to this reasoning, the scouts are "public" because they "recruit in the public domain." Thus, the argument goes, they must admit members who disagree with their social philosophy.

But this legal definition of "public" is wrongheaded. It runs roughshod over property rights, invites governmental intrusion into what is properly the private domain. The prior moral distinction between public (government owned) and private (everything else) has been lost. So why can't Mark Welsh (or his father) form his own atheist scout group? Why can't gay outdoorsmen raise their own troops? And by what right do federal judges intrude on the God-fearing, gay-fearing scouts to tell them with whom to camp? —JSR

Exporting misery — There is an old joke to the effect that U.S. problems with international competitiveness could be relieved if only we traded according to our comparative advantage: Japan sends us cars and VCRs, and we send them lawyers.

Unfortunately, a variant of the joke is being adopted as U.S. foreign policy in an apparent attempt to prevent the newly liberated nations of eastern Europe from developing.

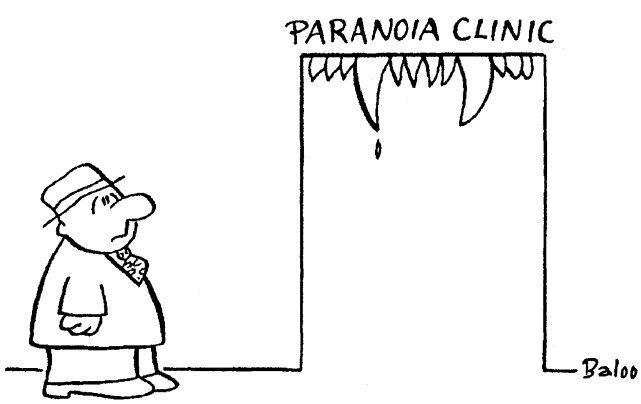

The Bush administration is sending six teams of government lawyers to the former Soviet bloc countries to instruct officials there in how to frame and enforce antitrust laws.

For a century, antitrust laws have generated counterproductive distortions in U.S. markets. They have given rise to business uncertainties—at times (e.g., 1897–1911, 1938–1941) extreme and pervasive uncertainties. They have helped to shield uncompetitive firms from the gale of creative destruction. And worst of all, they have placed in the hands of government officials a power that cannot help but be wielded in an arbitrary and capricious manner. The antitrust laws have served as a perennial threat to the economic liberty of consenting adults.

Adam Smith observed that there is a lot of ruin in a nation. Given that the American economy has survived for 101 years with antitrust laws in effect, he was obviously right.

Antitrust laws are, and always have been, a bankrupt policy instrument, as Dominick T. Armentano (*Antitrust and Monopoly*, 1990) and others have shown conclusively. How utterly in character that the federal government should give other governments the rope needed to hogtie their economies. —RH

The body snatchers — Who owns one's corpse? A recent court case has raised this question. A hospital removed the corneas from a man's corpse and donated them, contrary to the instructions the man left while alive. His family is suing for redress, but the courts have thus far taken the position that "no-one owns a corpse." Health care workers may apparently loot bodies for organs when there is sufficient need, with no recompense to the deceased's estate.

Why can't one's body be willed to one's heirs, just like any other property? One's body is as much one's property as one's house or car. In fact, it is more than one's property. It is pre-property, a basic factor in one's existence. Treating a corpse—or any other property—as a free resource results in exploitation, shortages, and the replacement of legal for market mechanisms.

Why should judges decide where body parts go? Why not the market? The most often heard retort is that this would mean "organs for the rich." But this is not likely. By establishing regular payment mechanisms for body parts, the market will expand and prices will seek clearance level. Certainly prices would decline from current levels, thanks to tremendous supply and paltry demand. The technologies associated with organ preservation would progress faster, driven by the lure of profit.

We can only hope that, by recognizing that property rights cover corpses, this line of thought can be buried. —JSR

Billions for bombers, but not one cent for defense — The Pentagon has revealed that Northrop Corp. has been at work for several years on secret development of a "stealthier" cruise missile, a weapon with more than 100 miles range that can be fired from the ground or the air.

The political strategy seems to be that, given all the hoopla about the "smart" weapons used in the Persian Gulf war, the announcement might give a boost to Northrop's B-2 "Stealth" bomber, whose enormous price tag has become

painfully visible to members of Congress. After all, even the $15 billion projected to be spent for 8,650 stealth missiles looks like small potatoes when compared to the projected cost of the B-2s, which go for $860 million each . . . that comes to $64.5 billion for the 75 units the Pentagon would like to procure.

The B-2, the plane famous for having no known mission, looks as if ultimately it will be a loser in the political wars. Even Congress has some budget restraint. But if no more than the 15 already in production ever emerge, the program will still rank as one of the dumbest in the history of a government department notorious for dumb projects. — RH

A self-defense — When I wrote "No Victory for Liberty" (May 1991) I may have under-argued the "do no harm" principle (I wasn't writing a book), but that doesn't invalidate it (as contended by Virkkala, "Wars for liberty," July 1991). It seems to be good advice not only for states, but also for individuals. It means that if you cannot do good, at least do no harm.

However, there is a big difference between states and individuals. Individuals are generally accountable for their actions, and they pay their own expenses. States are not and do not. The history of diplomacy is a sordid saga of presumption and imposition. If a state presumes to defend a people from foreign aggression and forecloses other effective alternatives, the people, until they change the system, are justified in expecting protection, just as they may call the cops. Thus, my statement that a reasonable moral code would not condemn someone for killing an innocent person when it was the only way to save his own life would also apply to that state when it was actually defending the people living under its jurisdiction.

My point in the article was that when its people's safety is not at issue, the state should avoid doing harm, whether or not it can do good. Virkkala grows vague and mushy when he wonders why the principle about killing innocents does not apply when other people are being aggressed against. It has nothing to do with being heartless (the heartful should be free to help at their own risk.) If we are to limit state power, we of course do not want the the government doing international charity (!) work (like the murder of 100,000 conscripts and some number of civilians?). This is a critical point in the debate over limiting or expanding state power.

I disagree with Virkkala when he writes that distinguishing the state from private persons is utopian, whatever he means by that. If anything is utopian it is Virkkala's last paragraph. States do not make foreign policy that way and never will. There is a basic conceptual problem that impedes the carrying out of his seemingly simple advice: if we are talking about an individual, I know who the *you* is in "Intervene in those conflicts when it is in your interest to do so and you have good reason to believe you can make the situation better." But what the heck does it mean if we are talking about the state? —SLR

Have you hugged your President today?

— I grew up in the northern midwest, but during my adolescent years (*not* long ago), my part of the country was still racially segregated in every meaningful sense. That is one reason why my heart warmed so at the picture on page one of my local paper—President Bush warmly hugging Jack Prater, the young black physicist who was Caltech's outstanding graduating senior at this year's commencement.

Go ahead, call me naive. Call me a sucker for symbolism. This is the kind of symbolism that does no harm. The President wasn't handing out promises; he was congratulating achievement. I know that Americans are scandalous overhuggers, but I would rather see a hugging president than an imperial one. A hug may be smarmy (though this one didn't look that way), but at least it's a symbol of equal humanness.

That's a good side of America. A bad side quickly emerged, when Mr Prater, who seems like a very nice man, commented: "I asked him if I could hug him, and he said I could. I didn't want anyone to shoot me." The "anyone" he had in mind was the gang of armed guards that follows the President around, as numerous and as scary as those hundreds of identical cats that used to infest the Mighty Mouse cartoons. It's ridiculous.

I know that Americans are scandalous overhuggers, but I would rather see a hugging president than an imperial one.

And of course they don't "protect" just the president. When Teddy Kennedy (and who the hell is he, anyway?) was running for the presidency a few years back, he visited my university, which is 12 miles from the airport. The interstate highway was emptied for him. Helicopters shadowed his route. Sixty-six motorcycle patrolmen followed his car (I didn't count the ones that preceded it). Cherubs descended on rose-petal clouds.

No, I'm lying about the cherubs. But everything else is true. Hugs and guns: it seems that we've got our symbolism a little mixed up. Maybe it has something to do with the President's defensive remark at the Caltech ceremonies, where he said, "I am not a government basher." Too bad. But would you consider scaling it back a bit? —SC

Damned if they do, damned if they don't

— Over the decades of keeping Ivan at bay, American taxpayers have shelled out trillions of dollars. Now that the Cold War is declared won by the West (never mind that the military-industrial complexes on both sides apparently have not heard the news), one might have expected that the taxpayers would get some relief from foreign-policy burdens. But no.

Gorbachev and his *apparatchiki* have discovered a more effective way to deal with the West. Rather than threatening with tanks and missiles, they now turn to blackmail. They speak darkly of the chaos that will envelope the USSR and hence the whole world if they do not receive massive infusions of Western aid. Just imagine, they urge, what calamities would befall Western Europe if, rather than being invaded by Soviet tanks, it were invaded by Soviet refugees seeking subsistence and employment. Worst of all, if the West does not prop up the Gorbachev regime, it might be overthrown by "hardliners."

So there's a catch-22 for U.S. taxpayers. If the USSR continues the Cold War, we lose. But if the USSR gives up the Cold War, we still lose. It's enough to make you wonder: if heavy U.S. tax burdens are invariant with respect to Soviet actions, then maybe, just maybe, the root of the problem does not lie in Moscow. —RH

Queue and eh? on nationalized health care — In the aftermath of the U.S. triumph in Operation Desert Slaughter, the Democrats are desperate for an issue they can use to assail President Bush in the campaign of 1992. Their old stand-by—that Republicans lack compassion for the poor—isn't playing very well these days. So they have decided to pump up hysteria over the "crisis" in health care.

Now, the crisis consists not in increasing mortality or morbidity rates or in declining standards of care. It consists in the desire of one and all to shift the higher costs of high-tech health care onto somebody else.

The Democrat's scheme, abetted by the news media, seems to be succeeding. According to a recent *Wall Street Journal/NBC News* poll, four out of ten people surveyed think that health is either the first or second most important problem for the federal government to solve. The respondents don't blame the government for creating the mess in the first place—insurance companies, doctors, and hospitals get credit for that. Even among self-described Republicans and conservatives, big pluralities think the government must "do something." Sixty-nine percent of the respondents say that would support a universal, government health-care system like Canada's.

Even though the Bush administration seems opposed to such a drastic expedient, Darman and company are hard at work on an alternative reform that will surely give the federal government a more prominent role in the health-care system than it has now.

In the midst of the political *sturm und drang*, the General Accounting Office released a study claiming—I am not making this up—that a Canadian-style system would be much more efficient. It would save an estimated $67 billion per year in insurance and administrative costs, which would be sufficient to cover the full cost of insuring all those now uninsured plus the current out-of-pocket costs of consumers of health care.

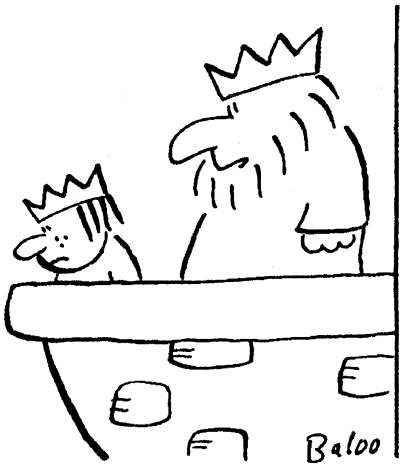

"They are pretty repulsive, Son, but you must remember that the rabble are an important element of the economy."

Pondering these developments, I recall my own experience with the national health system of Great Britain and what I learned from a Canadian physician I knew in Pennsylvania. In Britain, rationing of care is a stark reality. How will this agree with Americans, who tell the pollsters that they are opposed to rationing and unwilling to limit the types of tests and procedures available under a government plan? My physician acquaintance in Pennsylvania had fled Canada in disgust, after finding the entire system mired in mindless bureaucracy and concluding that the decisions made under the system required him to be a party to unconscionable actions in treating, or failing to treat, his patients.

As usual, when convinced—however spuriously—that a crisis exists, Americans cry out for government to "do something." And regardless of which party holds power, the government responds. But should the country adopt a full-fledged government health system, people will live to regret their credulity and impetuousness. Their bodies as well as their pocketbooks will suffer. —RH

A few kind words about George Will — One of the most irksome forms of sophistry is the evasive argument. I am sure you are familiar with the maneuver: a disputant aims his fire at irrelevant details of an argument, ignoring his opponent's logic and evidence. I suppose this is done out of a fear that one's actual position will not withstand scrutiny, or will not appeal to a large enough portion of the audience being addressed. At other times such a ploy may be a roundabout attempt to soften an argument or make a viewpoint seem less radical.

For example, both liberals and conservatives frequently condemn political activism on the part of clergymen. The reason usually given is that men of the cloth should stick to their own field and not intrude into secular affairs. This argument is patently insincere. Liberals do not commonly object to ministers, priests and rabbis leading anti-apartheid movements or calling for more public spending. Similarly, few conservatives fly into a tizzy upon hearing of clergy who are active against abortion or pornography. In both cases, people are looking for an argumentative shortcut. It is easier, apparently, to say "He's meddling in worldly affairs when he should be sticking to his pulpit" than to present cogent and reasoned arguments for one's stands.

I am always glad when someone forgoes such evasive methods, adopts the principles of Occam's Shaving Kit, and gets to the point. I must, for example, give credit to columnist George Will for his recent arguments for strong gun control.

Unlike most gun-grabbers, Will does not attempt to skate around the Second Amendment. More importantly, he doesn't adhere to the specious notion, common among anti-gun activists, that the amendment is intended only to protect the right of members of state militias to bear arms while on active service. Will is aware that the term "militia" meant, in ordinary

WHY SHOULD YOU BE READING FREEDOM DAILY?*

✦✦✦

18th-century Anglo-Saxon usage, the whole of the adult citizenry (or at least the male citizenry). He quotes George Mason, an early advocate of adding a bill of rights to the Constitution, as stating "Who are the militia? They consist now of the whole people." Nor does he maintain that the Second Amendment is an outmoded reflection of a vanished eighteenth-century society.

Will also eschews the oft-quoted claim that the U.S. Supreme Court has ruled that the Second Amendment doesn't protect the rights of individuals. In fact, the high court has ruled on Second Amendment issues only a handful of times, most recently over fifty years ago, and its rulings have involved only peripheral matters (taxes on guns, ownership of firearms by felons, and the status of sawed-off shotguns, for the most part).

Will, in short, does not weasel. He hates what he calls the "carnage that is a consequence of virtually uncontrolled private ownership of guns" and admits that our Bill of Rights protects that ownership. He doesn't shrink from the obvious conclusion. As he states in a recent column, "Gun control advocates . . . should squarely face the need to deconstitutionalize the subject by repealing the embarrassing [second] amendment."

Now, I am not a great admirer of George Will; his smarmy, patronizing, statist brand of conservatism is among the less appetizing aspects of the intellectual American right. Moreover, I think his views on gun control are completely wrongheaded. However, I do give him credit for honesty and probity, and for dealing with the real issue rather than burying it in a sea of evasion. Now, if only those right-wingers who advocate censorship of everything they don't like will come out and call for repeal of the First Amendment, we can clear the air even further. —WPM

Guest Reflection

The no-tell cartel — What's the difference between a lawyer and a gas-filled blimp? Only the blimp can advertise.

At least that's the situation in Florida. In December 1990, the Florida Supreme Court conceded to the Florida State Bar's request for new, more restrictive rules on lawyer advertising. The new rules effective this year make Florida second only to Iowa in circumscribing a lawyer's freedom to advertise. Ads may now be submitted to the State Bar for review and approval, although its opinion is not binding. Firms responsible for running ads found to violate the new rules may have to forfeit any revenue those ads generate.

The new rules prohibit the use of celebrities or actors. If there is a voice in the ad, it must be either the lawyer's or one of the law firm's full-time employees. And less-than-sombre tactics such as dramatizations or music with lyrics are also banned. There can be no mention of fees, unless certain disclosures are made and there are no promises about quality.

In adopting these new rules, Florida bucks the liberalizing trend most states have followed in the past decade. The Florida State Bar apparently views the relaxation of rules against legal advertising as desecration of the professional image of a lawyer—which everyone knows is exemplary. Unregulated advertising can "adversely affect the public's confidence and trust in our judicial system"—which is also at an all-time high. Further, the State Bar expressed worry that advertising may prejudice juries against certain lawyers and their clients.

The State Bar's opinion itself reflects several prejudices. It says that commercial-type advertising can create unwarranted expectations in lawyers by those untrained in the law, thereby demonstrating an embarrassing lack of confidence in prospective jury members. And though the State Bar's expressed intention is to protect this public, it is likely that just the opposite will be achieved.

The social benefits of advertising freedom are repeatedly demonstrated. Advertising allows the advertiser to communicate what he is offering in the marketplace and this information aids those with money to spend. With a state-mandated closed club (as in the case of state-licensed attorneys) advertising is even more important. Those lawyers who do advertise in "unlawyerly" ways at least succeed in shaking some dust off the club's brocade curtains. Their commercial-type advertisements contain a whisper of the dreaded word: competition.

The lawyers and judges who voted against advertising freedom advertise something rather frightening for the future of everyone's freedom—its decline.

To their credit, some lawyers are suing.

Yes, occasionally, doing what's just and practicing law do coincide. —Ann Rogers

Ron Paul in Jeopardy — The Libertarian Party has achieved the status of trivium. On July 15, the final answer on *Jeopardy*, the syndicated television quiz show, was: "In 1988, Ronald E. Paul, the candidate of this party, received the third most votes for President." All three contestants got the question correct. —KRB

Rational garbage in Montana — Responding to the recent wave of environmental concern, the small city of Bozeman, Montana, has initiated a plan to save future generations by pricing trash on a per garbage-can basis. Bozeman is not running out of land suitable for landfills (this is Montana, after all), so there's no special need for such a program, but the method selected is basically a good one. Each family has to tag its bags or cans with easily purchased tags that cost 65 cents for 20 gallons or 95 cents for 33 gallons.

With each family now paying for the amount of garbage it disposes (after a flat $40-a year service fee), each family has an incentive to cut back on its garbage, and is free to use whatever means it wishes. This is not only "politically correct"; it also makes economic sense. It is far better than mandatory recycling and is a great improvement over the previous system, an annual garbage fee based on the number of rooms in each family's house!

Unfortunately, now that this program has been in effect for just over two weeks, there are some casualties, the chief one being the recycling business. The Lions Club has closed down one of its bins for collecting aluminum cans because it is losing money and because people are dumping trash at the collection site. And Carl Weissman & Sons, which used to recycle cardboard, has been so overwhelmed with cardboard that it has stopped the program.

My guess is that eventually Bozeman citizens will come to accept the fact that if they want cardboard and old chairs picked up at their doorstep, they have to pay for it. A few will

go to the trouble of taking cardboard and other recyclables to recyclers who, over time, will be able to handle greater volumes. The policing of "midnight dumping" on the property of others will presumably improve.

I hope that the Bozeman city fathers and mothers don't react by instituting mandatory recycling, which would be costly, unnecessary, and a waste of many people's time. Recycling is not a sacred rite in which people should be forced to participate. But people should be held accountable for the full costs of their waste disposal. As long as they pay those costs, there is no justification for reducing their freedom to consume products and dispose of whatever waste they wish. —JSS

Libertarians' dilemma — The Libertarian Party certainly faces a tough choice at its upcoming convention in Chicago. Only two candidates have announced for its presidential nomination: one a "motivational speaker" who has failed his bar exam sixteen times, the other a former state legislator who can't keep his facts straight when speaking in public. Neither have the status to command media attention or the means of raising the funds necessary to run a serious campaign.

The Democrats face a similar problem: no person of genuinely national status seems interested in their nomination. But there is one massive difference: the Democrat nominee has the worst prospects of any Democratic candidate since the Civil War, while the Libertarian nominee will have his party's best opportunity ever. With Bush running away with the election, the ever potent why-waste-your-vote argument is dead in the water, and with both parties getting together to raise taxes and engage in an insane war against drugs, the LP has its best opportunity in its twenty-year history.

If the party could come up with a candidate with the stature, articulateness and resources of Roger MacBride, Ed Clark, or Ron Paul, it could do what those candidates all hoped to do: make a real impact on the national scene. The nomination of Dick Boddie or Andre Marrou, I am afraid, puts the LP back in its old rut on the road to obscurity.

My own guess is that Boddie will get the nod, thanks to his histrionic abilities as a speaker at LP conventions. I have seen him perform, and while his fundamentalist-preacher style is not my cup of tea, it is pretty plain that he impresses party members. And he may be the better candidate for all I know.

Is there a dark horse in the shadows? Ron Paul, Gene Burns, Ed Clark and Mark Skousen have been mentioned, but so far as I know, none are willing to take the plunge. Of course, strange things have happened at past LP conventions, so you never know. But right now the LP is in the odd position of having all the pieces in place for its best results ever, except that no well-qualified people want to run. —CAA

Honoring our anti-war dead — In the American history textbook impressed upon me in high school, there was a picture of Jeannette Rankin, identified as the only member of Congress to vote against U.S. entry into World War II. The caption also noted that she had voted against U.S. entry into World War I, had been a pioneer advocate of women's rights and was the first woman to serve in the U.S. Congress. But she was not a career office-holder: her two terms in Congress coincided with the U.S. entry into both world wars.

I am sure the authors considered this as a sort of enriching morsel, intended to stimulate reluctant high school students into an interest in American history. I filed the datum away as a curiosity, the sort of effluvium with which a teenager fills his head.

A year or two later, I saw Jeannette Rankin on *Sixty Minutes*. She was an old lady by then, and had abandoned her native Montana for Georgia. She was feisty as hell, explaining to all the world why she thought the U.S. had no business in Vietnam. She was a tough old lady, who heated her small house with the Sunday edition of the New York *Times*. She became a minor hero to me. Above all, I admired her courage in refusing to allow the Congress to declare war on Japan unanimously.

A few years ago, I heard from a friend that there is in Missoula, Montana, a park honoring Jeannette Rankin, and I decided that one day I would visit it. So, in June, I journeyed to Missoula to visit the park that honors her. . . .

Nearly every city has a park or memorial to its war heroes. What other city has honored an anti-war hero, even as shoddily as Missoula has honored Jeannette Rankin?

The office of the motel at which I stay is full of antique advertisements and store promotional materials; its proprietor is very proud of his 2 star rating from the auto club. But neither the proprietor nor his wife has heard of Jeannette Rankin Park. However, his wife has an idea. "Why don't you give him one of those books about Missoula?" she says to her husband. He thrusts into my hand a slick, staple-bound book.

In the privacy of my room, I examine the book. It contains lots of ads, a map of the town, and information about local tourist attractions. But not a word about Jeannette Rankin Park.

Missoula is a big city by Montana standards—40,000 people—but it seems small enough that some combination of reconnoitering and querying natives will lead me to the park. After forty minutes of driving around town, asking people I stop on the streets, stopping in small businesses and inquiring, I am no closer to finding it. Jeannette Rankin Park may as well be on the surface of the moon as far as the people I talk to are concerned.

I come across the police station. Here, I figure, is my opportunity. I walk in and ask the dispatcher, a friendly middle-aged woman. "I've lived here all my life," she says, "and I've never heard of it." But she is friendly and helpful the way people in Montana all seem to be, and after several phone calls she tells me, "I think it might be at the south end of the Madison Street Bridge."

I check my map and head to the bridge. Traffic is not heavy—it is 8:00 p.m. by now—but it is obvious the bridge carries a lot of traffic. The four lanes of traffic split into two one way streets at the south edge of the river. Straight ahead, on the point formed by the diverging streets, is a large sign, "Jeannette Rankin Park."

No parking is allowed, so I continue south. A cross street forms the southern boundary of Rankin Park. It allows park-

continued on page 25

Appraisal

The *Real* Judge Thomas

The most interesting aspect of Clarence Thomas is not his color, or his smoking habits, or even his past, but his *philosophy*. Here are two rather different views of his character and judicial philosophy.

Who is Clarence Thomas?

by R. W. Bradford

George Bush's nomination of Clarence Thomas to the Supreme Court caught many people by surprise. All that most people seem to know about Judge Thomas is that he is a black federal judge who criticized affirmative action while heading the Equal Employment Opportunity Commission during the Reagan administration.

Libertarians know a good deal more about Judge Thomas, thanks to Bill Kauffman's perceptive interview published in *Reason* (November 1987) and Judge Thomas' contribution to *Assessing the Reagan Years*, an anthology edited by David Boaz and published by the Cato Institute.

In "Civil Rights as a Principle Versus Civil Rights as an Interest," his contribution to the Boaz anthology, Thomas reveals an appreciation of liberty that one seldom encounters from Reagan appointees or Federal judges:

> In 1980, I was confident that great strides could be made on behalf of individual liberty . . . Although we are able to take credit for much good, I believe that the administration's efforts did go awry, in both rhetoric and substance. Perhaps its faults can best be examined if I focus on one particular theme: our failures to enunciate a principled understanding of what we were about and to articulate the meaning of individual rights and how we might best defend them.

Elsewhere in the essay, Thomas characterizes Barry Goldwater's speech accepting the Republican presidential nomination in 1964 as "perhaps the most powerful contemporary statement defending freedom based on our founding principles." He quotes at length from Goldwater's speech. A sample:

> We can see in the sanctity of private property the only durable foundation for constitutional government in a free society. And beyond that we see and cherish diversity of ways, diversity of thoughts, of motives, and of accomplishments. We don't seek to live anyone's life for him. We only seek to secure his rights, guarantee him opportunity to strive with government performing only those needed and constitutionally sanctioned tests which cannot otherwise be performed.

He praises the speech for its "eloquence and good sense," bemoans the fact that Goldwater alienated black Americans by opposing the 1964 Civil Rights Act, and warns, "unless Americans begin to take seriously Goldwater's warning, our troubles may prove overwhelming." When is the last time you heard a federal judge quote the words of *Liberty* editor Karl Hess, who wrote this extraordinary plea for human liberty? When was the last time you heard a federal judge express such love of liberty?

In his interview with Bill Kauffman, Thomas is dubious about the Equal Employment Opportunity Commission (EEOC), the agency that he headed at the time, as well as many other government activities:

> In a free society, I don't think there would be a need for it to exist. Had we lived up to our Constitution, had we lived up to the principles that we espoused, there would certainly be no need. There would have been no need for manumission either. Unfortunately, the reality was that, for political reasons or whatever, there was a need to enforce antidiscrimination laws. Or at least there was a perceived need to do that.
>
> Why do you need a Department of Agriculture? Why do you need a Department of Commerce? You can go down the whole list. You don't need any of them, really.
>
> I think, though, if I had to look at the role of government and what it does in people's lives, I see the EEOC as having much more legitimacy than the others, if properly run. Now, you can run the risk that the authority can be abused. When EEOC or any organization starts *dictating* to people, I think they go far beyond anything that should be tolerated in this society.

Later in the same interview, Thomas says, "I don't think that government has a role in telling people how to live their lives. Maybe a minister does, maybe your belief in God does, maybe there's another set of moral codes, but I don't think government has a role." This prompted Kauffman to ask, "So would you describe yourself as a libertarian?" Thomas answered:

> I don't think I can. I certainly have some very strong libertarian leanings, yes. I tend to really be partial to Ayn Rand, and to *The Fountainhead* and *Atlas Shrugged*. But at this point I'm caught in the position where if I were a true libertarian I wouldn't be here in government.

L. Gorden Crovitz of *The Wall St Journal* has reviewed the 19 opinions that Thomas has written since becoming a federal judge 15 months ago. His conclusion: "these rulings . . . are textbook examples of judicial restraint." Thomas is dubious about the notion that judges should make law *ex nihilo*, or discover new rights or obligations hidden in the Constitution. Thomas' idea of judicial restraint is favored by many conservatives, concerned about the activities of the courts during the past 40 years. But it hardly suggests that he buys into the conservative social agenda. I suspect that, given his libertarian inclinations, there's not much chance he will ally himself with social conservatives on the court. Even in 1987, when he was a highly visible member of a very conservative administration, he was reluctant to call himself a conservative. "I'm willing to accept it for the sake of discussion, so I don't have to spend a whole lot of time on definitions, etc," he told Bill Kauffman. "But I'm just Clarence Thomas. I'm an individual."

We should remember that judicial restraint is a two-edged sword. During the early part of this century, it was the left, not the right, that called for judicial restraint. At the time, courts were inclined to outlaw social legislation on the ground that it ran afoul of rights *implicit* in the Constitution. For example, in 1905 the Supreme Court ruled in *Lochner v. New York* that a law limiting the length of the workday in bakeries was unconstitutional on the ground that it violated the "right to contract," a right found nowhere in the Constitution. This is the judicial activism of today's left-liberals (e.g. William Brennan, Thurgood Marshall), who have found different rights (e.g. the right to abortion) hiding in the Constitution. Leftist support for judicial restraint evaporated when the leftist judges with different political agendas replaced the conservatives on the Court.

There is a possibility that Judge Thomas' commitment to individual rights and "natural law" (which he calls "the best defense of liberty and of limited government") might overcome his commitment to judicial restraint, making him a judicial activist like Brennan or Marshall, but with a very different agenda. To date, Judge Thomas has shown no inclination toward such activism. Indeed, he seems committed to restraint even when it is distinctly politically imprudent to do so: he has dared to suggest that the Supreme Court's landmark *Brown v Board of Education* decision may have been bad law, in that it was not based on sound judicial thinking and the U.S. Constitution, but rather on "psychological evidence" and "compassion." It is safe to say that if Thomas were not black, Bush's nomination of him would have unleashed a Niagara of vicious criticism.

When is the last time you heard a federal judge cite the words of Karl Hess, praise Ayn Rand and quote Malcolm X from memory?

Thomas' philosophy of law also will likely preclude judicial activism of the sort many libertarians favor (e.g. eliminating practically all government activity by means of extension of the "taking" provision of the 14th Amendment) and result in his coming down against the *Roe v. Wade* decision that found protection of the right to abortion in the 9th Amendment. By the same logic, I doubt that he will find any prohibition of abortion in the Constitution, as many anti-abortionists of the "abortion-is-murder" school do. (To date, the public speculation about his views on abortion has centered on his Roman Catholic upbringing; most observers believe he will be an anti-abortionist. From what I read of his character, I doubt his religion will be a significant factor in his decision. He has shown himself to be quite capable of separating his own personal views from his legal thinking. Also, he has demonstrated independence from the Roman Catholic Church in two ways: (1) he is divorced and remarried; (2) the church he currently attends is Episcopalian.)

Nevertheless, it remains possible that, once ensconced in a position of power with lifetime tenure, Thomas will emerge as a judicial activist. But I doubt it. Thomas seems too committed to judicial restraint, and his independent mind and powerful intellect suggest that he will be able to keep the law separate from his own personal political philosophy in a way that judicial activists seem unable to do. But if Judge Thomas proves to be a judicial activist of a libertarian sort, he would at least be a breath of fresh air in what is shaping up to be a rather dull and stodgy Court.

In a profile in *The Atlantic Monthly*, Juan Williams called Thomas "a sad, lonely, troubled and deeply pessimistic public servant," which I suppose is the way an establishment liberal might view an independent, proud man who is dubious about the value of government. Thomas' success in the world is a testament to his own perspicacity and hard work. As a child, he was dirt-poor. He learned the pain of racism growing up in the segregated South and being educated in the "integrated" North. He flirted with the Black Panthers and quotes Malcolm X from memory. At EEOC, he had two flags behind his desk: the stars and stripes and the Revolutionary War flag featuring a coiled snake and the warning "Don't Tread on Me."

I don't have any idea whether the Senate will confirm Bush's nomination

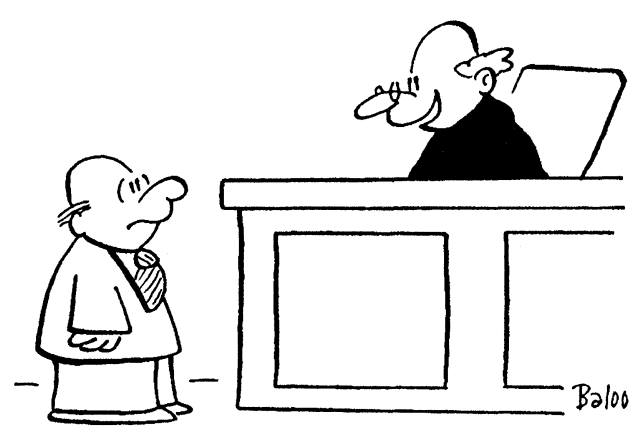

"I've been waiting for a case like this my entire life — you really *did* yell 'Fire!' in a crowded theatre?"

of Thomas. But I sure hope it does. My own guess is that if the Senate confirms Judge Thomas, he will surprise a lot of people. He has shown himself to be independent, intelligent, tough, and sensitive to human liberty. That's more than we can say for most of the possible candidates or most of the members of the court. ❑

Judge Thomas *versus* the Constitutional "Mainstream"

by James Taggart

Judge Clarence Thomas' views on constitutional interpretation are potentially "dangerous," says left-leaning constitutional scholar Laurence Tribe. Thomas' writings are "strange" and "further outside the mainstream of constitutional interpretation than [Robert] Bork," writes Geoffrey Stone, the liberal dean of the relatively conservative University of Chicago Law School. "Most troubling," according to syndicated columnist Clarence Page, is that "Thomas' writings are extensive and replete with appreciation for a legal notion called 'natural rights.'" From the perspective of these modern liberal commentators, the "conservative" views of Judge Thomas must indeed seem dangerous and strange, yet this is deeply ironic because Thomas draws many of his ideas on constitutional interpretation from such venerated Americans as Thomas Jefferson, Abraham Lincoln and Martin Luther King.

What scares modern liberals also worries many conservatives. As Judge Thomas declares:

> Natural rights and higher law arguments are the best defense of liberty and of limited government. Moreover, without recourse to higher law, we abandon our best defense of judicial review—a judiciary active in defending the Constitution, but judicious in its restraint and moderation.

But conservatives of the Borkian stripe deem natural rights approaches to the Constitution anathema. They are wary of a roving judiciary, unanchored by the text of the Constitution. They rather like majorities, and they wonder about Judge Thomas' "restraint and moderation." To this conservative charge, Judge Thomas responds directly, "Rather than being a justification for the worst type of judicial activism, higher law is the only alternative to the willfulness of both run-amok majorities and run-amok judges." While conservatives of both the activist and the judicial restraint schools would like to claim Judge Thomas as one of their own, Judge Thomas will not be had. He believes in judicial restraint and moderation, but his is a hybrid strain derived from a different source.

Judge Thomas' version of judicial restraint hails from higher law principles as embodied in the Declaration of Independence and, by implication, the Constitution, rather than from sheer deference to majority will. He is as concerned with run-amok majorities as he is with run-amok judges; he believes that both violate the principle of self-government ("government by consent of the governed"). "The first principles of equality and liberty should inspire our political and constitutional thinking," he has written. But what do these first principles mean? The Declaration states that "All men are created equal." On the meaning of these famous words, Lincoln opined during his speech on the *Dred Scott* decision:

> I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all man created equal—equal in "certain inalienable rights, among which are life, liberty, and the pursuit of happiness."

From our equality flows our liberty. Because "no man is good enough to govern another" (Lincoln) or "no man is the natural or God-anointed ruler of another" (Thomas), we can do what we will with ourselves and the fruit of our labors, except to the extent that we have consented to be governed according to the Constitution. By higher law Thomas simply means that the principles of equality and liberty hold true regardless. From these first principles come our natural rights. People deserve to be treated in certain ways simply because they are human beings. These rights are inalienable: "neither conferred by nor derived from the state" (M. L. King).

While Judge Thomas' views on constitutional interpretation may be difficult to reconcile with contemporary constitutional practice as exemplified by either left-liberal activism or conservative judicial restraint, it is far from clear that his heterodoxy would be a bad thing. And no matter how "strange" his views may seem to the current orthodoxies, the change that Judge Thomas would bring to the Court would arguably stem from the best within the American political tradition.

Admittedly, constitutional theory is not identical to moral or political philosophy. Nevertheless, legitimate problems remain and must be addressed by a natural rights advocate even in the context of constitutional interpretation.

Any natural rights advocate must confront the issue of giving specific content to our general, inalienable rights. Life, liberty and property sound great in the abstract, but what do they mean in concrete cases? Natural rights theory applied to the Constitution could easily become a double-edged sword. Judge Thomas recognizes this peril when he discusses the Ninth Amendment ("The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"). He observes:

> That [amendment] would seem to be a blank check . . . Let's say the Court did discover a right to welfare. Then one can imagine it requiring Congress to raise taxes to enforce this right . . . maximization of rights is perfectly compatible with total government and regulation. Unbounded by notions of obligation and justice, the desire to protect rights simply plays into the hands of those who advocate a total state.

People have rights; they deserve to be treated in certain ways simply because they are human beings. These rights are inalienable. In Martin Luther King's words, they are "neither conferred by nor derived from the state."

How does Thomas reconcile his advocacy of natural rights with his lack of enthusiasm for the Ninth Amendment?

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— Lawrence Kudlow, "Money Politics," March 25, 1990

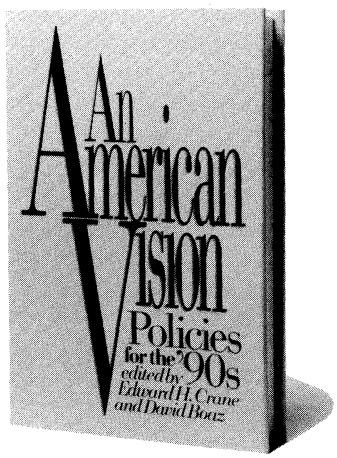

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The answer appears to involve the issue of defining a specific content for natural rights. His approach involves shifting the burden of proof and the corresponding presumptions in constitutional cases. The point would not be to identify what specific rights we enjoy but rather to recognize that the identification of such specific rights is not necessary because our general, inalienable rights secure for each individual a sphere of personal jurisdiction and control. The burden would be on the government to justify its intrusion into this sphere by pointing to a specific provision in the Constitution. As Judge Thomas comments, "[In] government of limited powers, each use of political power would have to be approved under the Constitution." In this context, Judge Thomas discusses Alexander Hamilton's objection to the Bill of Rights:

> [He] maintained that the entire Constitution was itself a bill of rights, which limited government power. To add a series of amendments that would explicitly deny to the national government certain powers over various subjects would imply that those subjects, and perhaps others besides, could be regulated in other, unspecified ways.

It should also be noted that Judge Thomas does not completely scorn the Ninth Amendment:

> Once a bill of rights was required for the passage of the Constitution, it would appear that the Ninth and Tenth Amendments meet Hamilton's original objection. If we understand the Ninth Amendment thus, it has a great significance in that it reminds us that the Constitution is a document of limited government.

Natural rights and the Ninth Amendment serve the same purpose in Judge Thomas' approach to the Constitution. He does not consider either to be a basis for carving specific individual rights out of the edifice of Leviathan. Rather, in his view, natural rights and the Ninth Amendment merely signal that it should be the government which bears the burden when it seeks to intrude on our general freedoms.

Natural rights and the Ninth Amendment serve the same purpose in Judge Thomas' approach to the Constitution. He does not consider either to be a basis for carving specific individual rights out of the edifice of Leviathan.

Any constitutional advocate of limited government like Judge Thomas faces the additional problem of how to define our consent to be governed under the Constitution. A century ago, Lysander Spooner rejected the whole notion of implied consent.* If Spooner is correct, the whole constitutional enterprise is seriously suspect.

Judge Thomas' writings are thin on this point. According to him, "[Government by consent] means by majority rule, *but not just by any majority rule* (emphasis in original)." Offering the words of Thomas Jefferson as an explanation, he quotes, "Though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable. Let the minority possess their equal rights which equal law must protect . . . and to violate would be oppression." Jefferson merely says what we already know from his language of inalienable rights, namely, that our consent can only go so far. Ultimately, we want to know how far, but we should not demand more clarity on this from Judge Thomas than we would from anyone else. Though Judge Thomas may be ambiguous on this point, he is not "devilishly ambiguous," as some modern liberal commentators suggest. At least he starts from the rights of individuals, not from the prerogative of the state. (For contemporary "liberals," the problem does not really exist.)

Beyond constitutional interpretation, Judge Thomas' writings resonate with themes familiar to libertarians and classical liberals. While he seems much more persuaded by the moral as opposed to the economic argument for limited government, he is not unaware of the negative consequences of government intervention in the economy. Similarly, as chairman of the Equal Employment Opportunity Commission, he focused on justice in individual cases rather than broad goals and timetables.

What kind of Supreme Court Justice would this individual make? One can rarely tell ahead of time, but the tea leaves look better than they have in quite awhile. ❑

* See *No Treason: The Constitution of No Authority*, 1870.

Letters, *continued from page 6*

Blaming the "Victim"

The comments of Robert Higgs on the Gulf War are unworthy of a libertarian publication. Yes, there are good reasons for libertarians to have opposed this war, but it is inexcusable to portray America as morally guilty in the destruction resulting from Iraq's invasion of Kuwait. Iraq committed a clear act of military aggression against Kuwait. America acted to undo it. Whether we should have aided Kuwait is debatable, our morality for having done so is not.

Mr Higgs' views betray someone unable to distinguish between perpetrator and victim. His displeasure at the fate of "thousands of defenseless Iraqis trapped in an enormous traffic jam on the road from Kuwait City" reads as though they were citizens on a Sunday drive. The pertinent fact is that those "defenseless Iraqis" were armed soldiers, part of a brutal occupying army, and guilty of initiating widespread atrocities. Iraq was given ample opportunity to withdraw from Kuwait—its army and booty intact. That many soldiers died in a war to repel an invasion is unpleasant but hardly unexpected.

Next, in this "Iraq as victim" view of things, is the fate of the Kurds. When Bush publicly stated his hope for an overthrow of Saddam, everyone understood that he was encouraging a military coup. It was only in hindsight that opponents of the war determined that Bush had promoted the Kurdish uprising and "clearly implied that U.S. forces would assist them." In fact, U.S. objectives were clearly limited to no more than forcing Saddam from Kuwait and ending Iraq's military threat to its neighbors. If "getting" Saddam was "Bush's personal reason for plunging the nation

continued on page 68

Smashing the Idols of Socialism

by Frank Fox

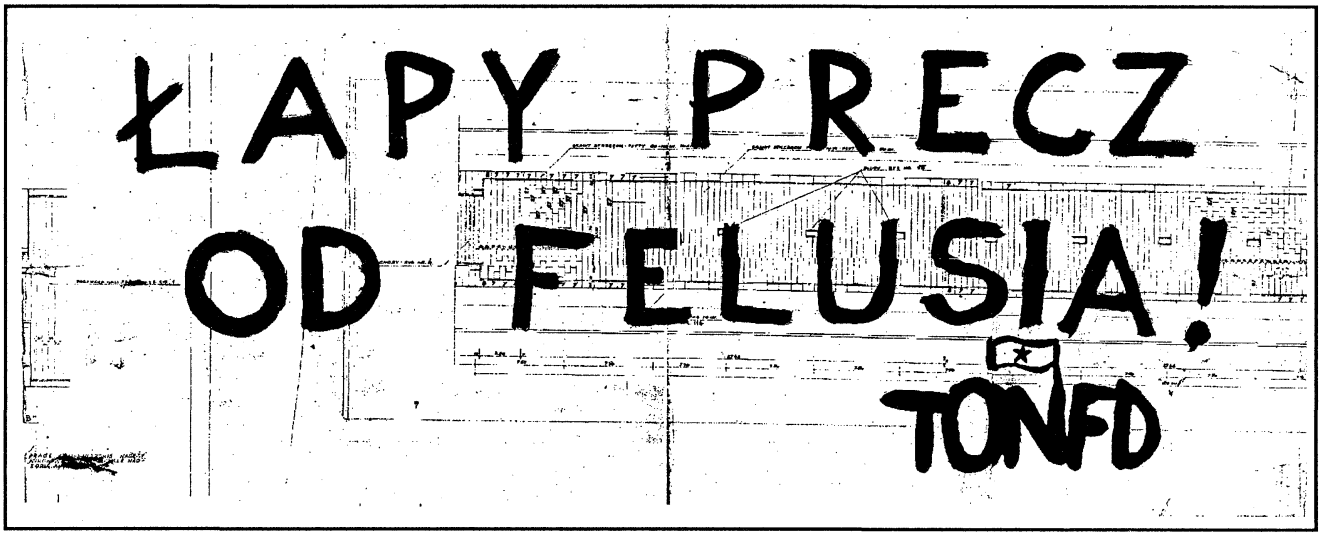

Warsaw, November 1989. A time of dramatic change and colossal wrecks. . . .

A friend phones to tell me a crowd has gathered at Dzerzhinski Square. I grab my camera and tape recorder and in a few minutes I am there. A crowd of young people has encircled the statue of Feliks Dzerzhinski, the Polish-born founder of Lenin's secret police, *Cheka*. This monument to the man who invented modern state terrorism has been the object of scorn for many years. Students deface the statue at every opportunity, painting the nose and fingers different colors each week. The authorities have had to post a twenty-four hour guard on it.

Some young people are taping hand-painted posters to its base. The signs are painted on architectural drawings; these are students from a nearby art institute. "Keep your hands off Feliks!" one sign says. Another: "Feliks, don't leave us!"

An acrobatic young man climbs to the top of the pedestal, about six feet off the ground, pries off a few of the brass letters, and quickly paints on others. The sign had said, "The Soul of the Polish Revolutionary Movement"; now it says "The Ass of the Polish Revolutionary Movement."

The crowd starts to tear away some of the smaller stones set in place around the entire monument. The militia looks on sheepishly. Some are smiling. As the larger pieces of granite loosen, a chain of volunteers begins to load them on waiting lorries. A young, dark-haired girl places a bunch of flowers at the base of the statue and drapes herself with a black shawl in a mocking show of mourning.

I had read in a Warsaw newspaper that the Mayor was about to make a decision on the removal of the statue of Feliks Dzerzhinski. It explained (though no one believed it) that the removal was made necessary by the construction work on the city's Metro, a project that began in 1939 and remains unfinished.

It is obvious to the authorities that they cannot move the huge statue away today. A contingent of police surround the statue, and the crowd disperses. The statue will be moved tomorrow.

The next day I arrive early but workers have already begun to remove the statue. A crane is beginning to lift the statue from its pedestal. The huge figure of the terrorist policeman rises above the crowd. It cracks suddenly in several places, scattering the people below. The head falls off, then the torso. The rest of the statue swings wildly above the square. People forget the danger and begin to laugh and to collect pieces of the statue as souvenirs.

Seldom in history have so many bronze, marble, and stone monuments been toppled from their pedestals as in the last two years in the Soviet Union

and its former colonies. The Communist system and its symbols are collapsing—literally and figuratively—before our eyes.

My monument watch began in 1975 in Prague. Friends showed me an empty site where a huge, granite statue of Stalin formerly looked over the Vltava (Moldau) River, competing with the church steeples of that beautiful city. As an apocryphal story had it, someone had tied a knapsack to the statue with an inscription: "Time to go!" During the Prague Spring of 1968, Stalin "went." "Marxism with a Human Face" was crushed when the tanks of the Warsaw Pact countries invaded Czechoslovakia. But no one ever restored the statue. I stood on the spot that Stalin had occupied, its base the size of a football field, while my laughing companions photographed me. It was not until I saw the destruction of the statue of Feliks Dzerzhinski in Warsaw fourteen years later that I actually witnessed the demolition of a socialist icon.

Crowds carried a bust of Stalin with a sign around its neck, "Nic Netrwa Vecne" ("Nothing Lasts Forever"); the "Velvet Revolution" was underway.

Several decades of our troubled century seemed simultaneously present as I travelled through Poland in 1989. I was witnessing the hyperinflation of the 1920s, the growing nationalism (and its junior partner, anti-semitism) of the 1930s, the scars of wartime and the unfinished reconstruction of the 1940s and 1950s, the street theater and student demonstrations of the 1960s and the unmistakable signs of the "me" spirit of the 1980s, all scanned from the vantage points of an emotional rollercoaster, leaving me excited and exhausted.

November 1989 was the month the foundations of the Communist world trembled and some of its most enduring leaders fell. In East Germany, Erich Honecker said that the Berlin Wall would stand for another hundred years. A few days later, the Wall was torn down and Honecker was under arrest. In Czechoslovakia, police brutally attacked students. A few days later, crowds carried a bust of Stalin with a sign around its neck, "Nic Netrwa Vecne" ("Nothing Lasts Forever") and the "Velvet Revolution" was underway. In a stunning reversal, recently jailed Vaclav Havel became President. Eastern Europe and the Balkans were in ferment.

An anomalous situation developed in Poland, the country whose first independent trade union movement precipitated these changes. General Jaruzelski made peace with opponents while retaining the Presidency and Solidarity was transformed from outlaw to government. I had arrived in Poland as the country prepared to celebrate its traditional Independence Day. The modern Polish state was officially recognized on November 11, 1918—a result of Woodrow Wilson's Fourteen Points and the work of Josef Pilsudski, the Polish patriot whose anti-Communism made his name anathema to Poland's Communist leaders.

Now, as I walked the streets of Warsaw, his portrait was everywhere. The radio was playing over and over the stirring music of "My Pierwsza Brygada" ("We are the First Brigade"), a march always associated with Pilsudski's legions. But Poland's celebration of its Independence Day, its first in forty-four years, was eclipsed by the momentous events occurring in Berlin, where communism was collapsing even more dramatically. Poles listened to radio and television reports from Berlin, happy that socialism was dying, worried about the unification of Germany.

During this period, Polish newspapers reported increasing attacks on statues of Lenin and Stalin and World War II Russian memorials. At Nowa Huta, the site of a huge steel mill, members of the "Fighting Youth" splashed paint on a huge statue of Lenin and tried to firebomb it. After the militant youths made three attempts to destroy the statue, the authorities decided to dismantle it. The official version was that the statue had been removed for repairs and would, eventually, be placed elsewhere. The Communist Party paper, *Trybuna Ludu* ("The People's Platform"), noted that in the city of Szczecin (pre-war German Stettin) a group calling itself "Fighting Solidarity" had "profaned" a monument dedicated to the victorious Red Army that had liberated the city in 1945. Another story told of people removing a tablet honoring Lenin and substituting one of Marshal Pilsudski.

In 1990 the contagious statue-bashing reached epidemic proportions. In August, an eighteen-foot bronze statue of Stalin was smashed in the Mongolian capital of Ulan Bator. The destruction of a Lenin statue in the Soviet city of Lvov, a Polish city annexed by the Soviet Union during World War II, continued the demolition of hated images. The monument had been built over a foundation of Jewish and Catholic tombstones. In no time the joyous battering spread to the Republics of Armenia, Moldavia, Lithuania, Latvia, and Estonia.

Reaction was not long in coming. Gorbachev's decree of October 13, 1990 called for a halt to the removal of statues of Lenin and suspended decisions of local authorities that allowed it. This stern directive came at a time when a memorial to the Victims of Fascism was damaged in the Ukrainian city of Donetsk.

The decree outlawing the dismantling of Communist statuary didn't stop the use of pneumatic drills, picks, hammers, and bare hands. The iconoclasts added humor to their arsenal. On November 7, the day given to traditional celebrations and parades commemorating the victory of Communism in 1917, Moscovites held aloft such symbols of disdain as a plucked chicken with a funeral wreath draped around its scrawny neck as officials standing atop Lenin's mausoleum could only watch and endure. In Bulgaria, a loyal ally in the good old days, there wasn't even the customary parade. The enormous

A young man pries off a few of the brass letters, and quickly paints on others. The sign had said, "The Soul of the Polish Revolutionary Movement"; now it says "The Ass of the Polish Revolutionary Movement."

red star in Sofia that lit up the sky for miles around had been snatched from its lofty perch by a helicopter in a Felliniesque scene. The ashes of the Bulgarian Communist hero, Georgi Dimitrov, were removed from his mausoleum and furtively interred elsewhere.

As 1990 drew to a close, even Albania—which had suffered in its dialectical straightjacket longest—turned against its socialist heroes. On December 21, 1990, the 111th anniversary of Stalin's birthday, officials decided to remove a large, bronze statue of the tyrant. At midnight a flatbed truck carried away a cloaked figure, its head hanging over the back. As morning came, workmen labored behind a red curtain to chip away at the marble base; when they were finished, only rusty iron rods still protruded from the ground. Radio Tirana announced that all names and symbols associated with Stalin were being removed. By the end of the month, crews carried away the bust of the former dictator, Enver Hoxha, from the House of Culture. A forty-foot statue of Hoxha was demolished as several hundred demonstrators burned his collected works and pictures.

Destruction of hated symbols is as old as the habit of creating objects of veneration. Iconoclasm, a religious movement that sought the destruction of religious images, has had a long history in the Eastern Roman Empire, an area that strongly influenced early Russian society. The persistence of icon worship, the worship of material symbols of faith while pursuing a spiritual otherworldliness, is a contradiction that touches the deepest human emotions. Yet it is clear that the people living in Eastern Europe draw a distinct line between their spiritual symbols and the humiliating presence of monuments to misery and misrule.

The rage expressed in the demolition of Communist statues is a measure of the desperation and helplessness felt by a people who were left with no means of exacting justice, unable even to confront their flesh and blood enemies, left instead to gaze mutely on the inanimate and heartless symbols of impersonal rule. The massive Socialist statues reduce history to a fable—except unlike a fable, the story they tell is without remorse, reconciliation, or moral resolution. Perhaps only when the statues of Lenin are broken up, when his mummified remains are disinterred, and the mausoleum from whose lofty perch statue-like figures survey the crowds is finally dismantled, will we see the start of a new Russia. ❑

Reflections, *continued from page 17*

ing between 5 p.m. and 8 a.m., but it was a one-way street going away from the park. So I circle the block and park in front of the park, thankful that I had arrived after 5 p.m.

Jeannette Rankin Park is a triangle of land, bounded on all sides by one-way streets. There is a sidewalk, with an unexplained 25-foot gap, along the cross street.

The park has seven trees. Its lawn is green and has been mowed within the past week or two, but that's about the best you can say for it. There are two small flowerbeds, with minimal signs of cultivation, and two small picnic tables. Heavy power lines and sodium-vapor lights hiss along the streets.

The memorial to Jeannette Rankin consists of a round pool, approximately 15 feet in diameter. It is made of what appears to be corrugated copper metal bent into a circle, with pebble-imbedded concrete facing out. The sides of the waterless pool stand about knee-high. A sidewalk leads to the pool from the sidestreet, with seven spherical junipers along each side. There is a pedestal with a plaque commemorating Rankin where the walkway meets the pool. It is faced with the same sort of pebble-imbedded concrete as is the pool:

> JEANNETTE RANKIN, THE FIRST WOMAN IN CONGRESS.
>
> JEANNETTE RANKIN, BORN, REARED AND EDUCATED IN MISSOULA, WAS ELECTED TO CONGRESS FROM MONTANA IN 1916 AND 1940.
>
> SHE WAS A PIONEER IN THE CAUSES OF PEACE, WOMEN'S SUFFRAGE, WOMEN'S EQUALITY AND THE RIGHTS OF CHILDREN.
>
> DEDICATED JUNE 11, 1980, ON THE OCCASION OF HER 100TH BIRTHDAY.

The top of the pedestal has been damaged—probably by vandals—and the plaque is now secured by ordinary mortar. Adjacent to the pool is a concrete box containing some kind of filtering or pumping mechanism. The box has been bashed in, revealing its flimsy construction of thin concrete over screen and rebars, faced with pebbles. The pumping mechanism lies broken and useless, its corroded copper pipes attached to nothing.

Two park benches face the pool. There are fourteen evenly spaced evergreens—junipers, I think—surrounding it, and two smaller junipers abut it. The walkway to the street is torn up, and barriers of yellow "no admittance" ribbon warn away those who might want to use it.

I have come a great distance to pay my respects to Jeannette Rankin, and as I stand on the triangle of land with cars whizzing by, I wonder: what do I do now? I decide to picnic here as the sun sets in the June Montana sky.

In a half hour I am back with a paper bag containing a half chicken and a mountain of french fries, purchased at the Double Front Chicken Restaurant for $4.00. I sit at one of the picnic tables and eat my greasy meal. I think about Rankin's life, about her courage, about her feistiness, about her love of peace. Nearly every city has a park or memorial to its war heroes. What other city has honored an anti-war hero, even as shoddily as Missoula has honored Jeannette Rankin?

Among the televised reports of the triumphal return of our heroic conquerors of Iraq, Vietnam war veterans complain that they are not honored in the fashion of veterans of other wars. In the little town where I live, there is a modest memorial to them; in the nation's capital, there is a grandiose memorial to them, erected at a cost of millions of dollars, and visited by millions each year. And two thousand miles away, on a triangle of grass in Missoula, Montana, is a memorial to Jeannette Rankin, erected of cheap materials, vandalized, left in a state of decrepitude, forgotten by all except an occasional eccentric tourist like me. —RWB

Report

Experimenting with Marijuana

by Robert O'Boyle

James O. Mason, chief of the Public Health Service, has signed a new policy directive discouraging the granting of permission to new applicants for marijuana as a medicinal drug. "If it's perceived that the Public Health Service is going around giving marijuana to folks, there would be a perception that this stuff can't be so bad," he said. "It gives a bad signal."

Smoke roiled in the red-plastic bong until I removed my thumb from a hole in its side. I inhaled deeply and leaned back on the couch. It's illegal, expensive and hard to come by. But it worked: A few tokes of marijuana and within 10 minutes my nausea began to recede. A signal for appetite rang aloud in my mind.

In the midst of our nation's drug war, I sat relaxed, hungry and high.

It vanquished nausea and raised appetite like no prescription drug I had tried. Had I discovered a panacea for nausea, an antidote for weight loss and a tranquilizer for fear?

Doctors and researchers have known for years that marijuana—regarded aside from morality and myth—can be effective medicine. And I had read enough literature and gathered enough Personal Tales to figure I should give it a try.

But how could I justify breaking the law? Could I be sure it was safe, especially with my immune system already impaired? It's not an easy topic to broach; the use of marijuana as medicine stands in the crossfire of a worldwide assault on drugs.

✦

The subject wasn't always taboo.

During the late 1970s and early 1980s, the federal government provided marijuana for cancer patents in Washington and across the nation through a research program set up to document the drug's medicinal benefits.

Today doctors can prescribe the drug Marinol, a type of synthetic marijuana, to combat the nausea and vomiting associated with cancer chemotherapy. But Marinol is not commonly available for people with other serious illnesses who stand to benefit from the drug. And in virtually all cases, marijuana itself is no longer legally available.

For the glaucoma patient, marijuana reduces fluid buildup in the eyes, a condition that can lead to blindness. There are reports the drug eases spasms associated with multiple sclerosis. More widely documented is the drug's effectiveness in reducing the chronic nausea brought on by chemotherapy and radiation treatment for people with cancer.

Could it also help people with AIDS, many of whom live with chronic stomach upset from AZT, currently the only drug treatment approved for the disease?

Roger Roffman, author of a 1982 book on marijuana as medicine, believes marijuana likely does hold potential powers of nausea-reduction for the AIDS patient:

"It would probably be very helpful, especially where the patient is struggling with nausea and vomiting," said Roffman, an associate professor of social work at the University of Washington.

Results from a recent study at San Francisco General Hospital involving people with AIDS and AIDS-related complex support the assumption: Researchers found the drug Marinol, which contains marijuana's main active ingredient, delta-9-THC, produced weight gain in 10 percent of the patients. Weight loss in another 20 percent of the study's cases slowed with the use of the medication.

The wasting syndrome is one of the devastating aspects of AIDS: The body's immune system, already weakened by the HIV virus, begins to crumble as the patient loses appetite and stops rebuilding reserves.

✦

The effects of both marijuana and Marinol go beyond the reduction of nausea, however. Both drugs enhance

appetite, reduce pain and induce relaxation.

In studies with both drugs, patients report experiencing a "high," a subjective mood change often described as mild euphoria.

But while Marinol is commonly prescribed for cancer patients undergoing chemotherapy, there's little precedent for its use for people with AIDS.

And in the march against drugs, legal access to marijuana has essentially been cut off. The federal government has given a small number of individuals the right to smoke marijuana for health reasons, but its widespread use for cancer patients ground to a halt during the 1980s as the nation began its assault on the recreational use of drugs, and as Marinol became available for medical use.

But while both marijuana and Marinol offer health benefits, some experts believe smoking marijuana is more effective than ingesting the synthetic pill.

Smoking marijuana provides almost immediate relief from nausea, says Roffman, allowing the patient to more easily control the dosage. With Marinol, absorption of THC in the bloodstream can vary greatly, rendering the drug ineffective one day and over-whelming the next.

Today, several groups, including the Alliance for Cannabis Therapeutics in Washington, D.C., continue to fight for the right to use marijuana for medical purposes.

It's illegal, expensive and hard to come by. But it worked: a few tokes of marijuana and within 10 minutes my nausea began to recede. A signal for appetite rang aloud in my mind.

Drug laws, meanwhile, have become more restrictive. In Washington state, a 1989 law classifies possession of less than 40 grams (about 1 1/2 ounces) of marijuana as a misdemeanor with penalties of up to $1,000 in fines and 90 days in jail.

Reviewing my personal experience and the information I've gathered, I remain uncertain about whether people with AIDS should pursue marijuana as medicine.

The challenge, for doctors and people facing life-threatening illnesses, is to legitimize research on the medical advantages of marijuana. More information is needed on the drug's potential benefits and possible harmful effects, particularly for the AIDS patient.

In the meantime, the medical profession could prescribe broader use of Marinol.

Although little precedent can be found, and the tide of anti-drug sentiment washes against wider use of the drug, there is no law preventing a doctor from prescribing Marinol for people with AIDS. Use of the drug may prove to be an important breakthrough in easing symptoms of AIDS and other long-term and life-threatening illnesses.

With more research, and more compassionate legislation, we may find the same is true for marijuana. ❑

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Exposé

GNP: A Bogus Idea?

by R. W. Bradford

The Gross National Product is cited by economists and news commentators as a means of measuring prosperity, and by government planners as a tool for the economy. But does it make any sense?

I just had the pleasure of watching a delightful documentary entitled "Gross National Product." It was an episode of one of my favorite television programs, "Economics USA," a series produced by Wharton Econometric Forecasting Associates and served up by my local government-owned television station as a "college telecourse."

The concept of GNP, it explained, was developed during the 1930s at the instigation of Sen. Robert LaFollette, who wanted it as a tool for fighting the Great Depression. "The greatest economic crisis in our history is a grave national emergency," Sen. LaFollette pontificated from an old newsreel, "which makes it imperative that we fight the Depression on all fronts. Congress must formulate a sound program to this end." (I wonder: if you were freezing to death, would it be necessary to invent a thermometer to warm yourself up?)

At any rate, Congress charged Simon Kuznets, an economist with the National Bureau of Economic Research, with development of this new measurement. At the time, the program explained, "the lack of information about the economy was, in Kuznets' words, a 'scandal.' The data available were as he put it, 'neither fish, nor flesh, nor even red herring.'"

Kuznets came up with the idea of adding together the sales of all goods and services and calling the total "national income." It is this aggregate that came to be called GNP. In January 1934, Kuznets published his report, showing that national income had fallen by $40 billion since 1929. The report showed that we were worse off than before, thereby verifying what everyone already knew. Just how Sen. LaFollette and Congress used this to formulate a sound program to fight the Depression on all fronts, the program did not say.

But the program did go on to explain one way in which GNP data were useful: for instituting the central planning needed to win World War II. "Without knowing the size of our real GNP, it would have been virtually impossible to judge how much production was physically possible," Dr Richard Gill explained. "Also, it was a question of how many goods would be left over for civilian consumption. And what taxes the government would have to levy to keep the economy from overheating. So, GNP figures were very useful during the war, as they have in fact been in all of the decades since."

Dr Robert Nathan, who helped administer the economy, explained how GNP helped us defeat the Nazis: "The steel industry, which had great impact, came around and said, 'You're silly! We were down to 15–20% of our capacity utilization for some years at the depth of the Depression.' And it was a heck of a fight, but I tell you this, I don't think we would ever have won that battle if we hadn't had the GNP weapons to demonstrate what an overall fully employed economy accomplishes."

The narrator went on to explain: "There was another capacity that had to be measured and planned for: civilian needs. Why was it important to know how much could be devoted to the war, without jeopardizing the basic supply of food, clothing, housing and transportation? When FDR led the country into World War II, he depended heavily on the GNP framework to predict the kind of arsenal our democracy could become [sic]. In fact the economy exploded during those four years. Seventeen million new jobs were created, the index of industrial production doubled, and the GNP grew 75 billion dollars." All this was accompanied, in the telecourse, by films of the war, factory scenes, and the like, and interspersed with film clips of Roosevelt and other political leaders.

Now maybe I'm not as smart as the college students who take this course, but I still don't see how GNP helped win the war. Did Dr Nathan really mean that without GNP figures the government would have been unable to coerce or convince steel fabricators to make more steel? I don't remember that in pre-GNP wars manufacturers were immune to government pressure. Did the narrator really mean that without GNP figures we would have spent so much on the war effort that there would have been inadequate food, clothing and housing for civilians? I don't recall people starving naked in the streets in World War I. Did Dr Gill really mean that without GNP taxes would have been so low that the economy would have "overheated"? (Just what does it mean for the economy to "overheat" anyway?) I can't recall our losing any wars because of low taxes. . . .

That is the nearest this "college telecourse" came to explaining how the GNP is used as a tool. It did, however, offer more evidence of its value: Simon Kuznets was awarded the Nobel Prize in Economics in 1971 "for giving quantitative precision to economic entities."

The concept of GNP is not perfect, the telecourse went on to say. With the rise of the environmental movement in the 1960s, we learned that GNP doesn't take into account pollution and environmental degradation. The program switched to interviews with politicians about pollution and film of smokestacks.

In the course of a half hour program designed to explain how GNP is useful, the economists at Wharton were able to do no better than offer dubious examples of how it helped us kick Nazi butt and assert over and over again that it is very useful. Okay. Fun is fun, and "college telecourses" broadcast over PBS are always good for a laugh. Nevertheless, the fact remains that when economists or news commentators or just about anybody else talks about how the economy is doing, they almost always talk about the Gross National Product. It is almost impossible to get through the evening news, or to read a serious discussion of the economy or analysis of recent economic history without hearing or reading about GNP.

One might think that advocates of free markets would avoid using a tool designed for the expansion of government power. But this is not the case. Robert Higgs, for example, in his essay "The Myth of War Prosperity" (March 1991), relied heavily (though not exclusively) on GNP data to support his argument that the Great Depression was actually prolonged by World War II. In a recent interview, Ed Crane, head of the the free-market Cato Institute, cited GNP data in his comments on the situation in the Soviet Union.

It is plain that free market thinkers like Higgs and Crane are not using GNP as a tool for government control of the economy. They are using it for the same purpose that Sen. LaFollette legislated its creation: as an indicator of the health of the economy, as a measure of how prosperous people are.

This raises the question: just how well does GNP measure prosperity?

GNP is an aggregate of certain kinds of economic activity: the volume of goods traded for cash to a user (as opposed to a middleman). But all sorts of economic goods are omitted from GNP: those that are produced autistically, those that are "exchanged" within the family but outside the cash nexus, and those that are bartered.

If I wash my car, the only effect on the GNP is the cost of the water and soap that I use. Suppose that I give the neighbor kid $5 to wash my car. In this case, the GNP is increased by the cost for the water and soap, plus the $5 I give the neighbor kid. But is the economy really more productive if I give the neighbor kid $5 than if I wash my own car?

When I get my shirt washed at a laundry for $1, the GNP is increased by $1. Suppose I marry my laundress and I no longer pay cash to her for washing my shirt. Is the economy more prosperous in the first case than the second?

I go to my dentist and get a root canal. He charges me $300, and the GNP is increased by $300. Then he hires me to paint his house and pays me $300. Now the GNP is up $600. Now suppose that instead of paying him cash, I agree to paint his house in exchange for the root canal. No cash changes hands. The GNP is $600 less than if we had paid each other cash rather than bartered. Is the economy more prosperous if we pass the $300 back and forth than if we barter?

This suggests a simple way to increase the GNP. All we need do is get Congress to pass a law mandating that every person in this country wash the nose of exactly one other individual, pay him $20,000 for doing so, and exempt such nose-washing fees from taxation. The income of each individual in the United States would go up by $20,000; the GNP would double. But each individual would be left with the same amount of money as before; each would have done a trivial amount of labor; each would have had a trivial service performed on his behalf. That's all: essentially no effect on the economy or on anyone's well-being.

When I get my shirt washed at a laundry for $1.00, the GNP is increased by $1.00. Suppose I marry my laundress and I no longer pay cash to her for washing my shirt. Is the economy more prosperous in the first case than the second?

The GNP is proposed as a measure of our economic prosperity. But would we be any better off in the wake of such a doubling of the GNP?

The problems with GNP have become at least dimly evident even to those enamored with econometric modeling. At the conclusion of the "college telecourse," Dr Richard Gill pretty well conceded that most everything he had said in the program about GNP's value and validity was bogus: "GNP does not measure economic welfare. But it is certainly something worth measuring in its own right." After all this talk about what a useful and powerful measuring tool it is, he admits that it is a measurement only of itself. (Immediately after this rather damaging admission, however, Dr Gill's eyes brighten and he

gushes, "Our hats are off to the scholars who make such measurements possible!")

Shortly after Ed Crane cited various GNP evaluations of the Soviet economy, I put the question directly to him: "How meaningful a concept do you think GNP is?" He replied: "It is a meaningless concept. The GNP number is a non sequitur—it doesn't mean anything" (*Liberty*, November 1990).

So why did Crane cite GNP numbers on the Soviet Union? Why do economists still bandy about GNP figures like they mean a great deal?

The rise of the natural sciences has led to the notion that the methods used in the natural sciences will work in any field of enquiry. For economics to be valid, the theory goes, it too must crunch numbers.

The answer to this question is twofold, I think.

First, GNP may not mean anything, but plainly we want it to. Practically everyone who advocates any change in government policy needs a way to verify or disverify the value of the changes he advocates. If you advocate deregulation, you need to prove that deregulation works. By the same token, if you advocate increasing regulation, you want to have a way to prove that increasing regulation works. GNP provides that way: it gives us a number that we can believe, that sums up just how prosperous we are. We can point to it and say, "The GNP is up. Our policies are good."

Indeed, many economists have a tendency to define GNP in such a way that it reflects their own policy preferences. Simon Kuznets, for example, subtracted all sales of illegal goods and services from the GNP, because illegal goods are not really goods at all, but are "bads," and illegal services are really "disservices." This led, presumably, to an increase in GNP in 1934, when the cost of alcoholic beverages was transformed from a debit to an asset with the repeal of Prohibition.

Similarly, Murray Rothbard proposed replacing GNP with Net Private Product, which he defines as aggregate spending minus government spending, on grounds that government spending is a "depredation."

Second, the rise of the natural sciences during the past few centuries has led to the notion that the methods used in the natural sciences will work in any field of enquiry, and the notion that any field of endeavor that fails to model itself on the natural sciences is not really valid. The natural sciences are all about measurement, accumulation of data, and interpretation of data. For economics to be valid, the theory goes, it too must crunch numbers.

There is another reason, I think. GNP is not totally bogus. It doesn't measure prosperity, it isn't the magic key that enables the government to control the economy in an optimal fashion, and it isn't a perfect way to measure the effect of policy changes.

But it is a raw indication of economic activity in the monetary sphere. As such, it is a very rough indicator of economic prosperity. The fact that the aggregate cash income rises or falls from one year to the next correlates fairly well with our own observations, just as Sen. LaFollette learned when Simon Kuznets' figures suggested that the Depression the nation suffered from was real. Year-to-year comparisons of GNP figures provide rough estimates of changes in economic prosperity.

But comparisons of GNP from one culture to another or from one generation to another are misleading and just plain silly. When we read that the per capita GNP of Bangladesh is $130 and that of the United States is $16,320, that does not mean that the average American is 125 times better off than the average Bangladeshi. If we consumed 1/125th as much food, clothing and shelter as we do now, we would starve and freeze to death. The difference between our GNP and theirs is not accounted for wholly by differences in material well-being: it is mostly attributable to differences in our economies. A greater portion of what a person eats, wears and lives in is produced outside the cash economy in Bangladesh than in our economy.

The same is true of comparisons from one generation to another. Per capita GNP has increased 20-fold in the U.S. during the past century. But that doesn't mean that we are 20 times better off than our ancestors. Much of the increase is the result of our purchasing goods and services that we formerly produced for our own consumption or produced within our families.

This process continues today. In the past generation, the number of meals eaten in restaurants has increased markedly, as have supermarket sales of semi-prepared and fully-prepared foods. This change has increased the GNP. But the deep-fried "apple pie" we eat at MacDonald's is no substitute for Grandma's apple pie.

It is precisely because changes of this sort take place over periods of years that year to year GNP comparisons have some validity, while decade-to-decade comparisons have hardly any.

The Gross National Product is not a magic bullet that cures economic depressions or a breakthrough concept that enables us to understand how an economy functions. It is simply another economic index, and like most such indexes, it has extremely limited validity. I suspect it is about as valuable a tool as the Conference Board's Consumer Confidence Index. A rising GNP suggests a prosperous economy, a falling GNP an unprosperous one.

The economists at Wharton could do no better than offer dubious examples of how GNP helped us kick Nazi butt and assert over and over again that it is very useful.

Simon Kuznets criticized economic data before his invention of GNP as "neither fish, nor flesh, nor even red herring." So far as I know, he never explained into which category GNP falls. I think we can answer that question: the GNP is a red herring, a slippery concept that often misleads or confuses. It is plain that such limited validity as it possesses as an economic indicator is inverse to the cultural or temporal distance of the economies compared. ❑

Adventure

Buying Gasoline in Ethiopia

by Robert Miller

Braving a river rapids is one thing. Braving a Third World dictatorship, alien infections, and killer hippos is something else, as Robert Miller discovered when he led an expedition down the Omo River in Ethiopia.

Buying gasoline is usually a simple task. We might ponder the causes, effects and solutions to the world's energy problems. But on a day to day basis we generally figure that we can buy gasoline pretty much at will.

Not long ago, I was nearly defeated in an attempt to buy 20 gallons of regular in Addis Ababa. I was there to complete the plans for a river trip intended to be an adventure for the participants and a source of profits for the organizers. As a condition for our river trip, one branch of the government wanted us to supply another branch of the government with gasoline that only a third branch of government produced and sold. Fair enough. I put my gasoline-buying algorithm in gear. Step one was finding a gas station. I rose early, ate a breakfast of raw hamburger with chilies and a cup of thick coffee. At the door of the hotel I turned right and headed north up the street. Intuitively, I reckoned I'd encounter a gas station within 20 minutes. I passed government buildings, the Hilton, the Cuban and East German compounds. I took mental notes of the streets (most unnamed; none straight; few in a grid pattern). I wandered into a residential slum area. I got lost. I decided to call a taxi, return to the hotel and start over. Addis Ababa has no public phones; I knew no Amharic except for "good morning." If only I could get directions to a public landmark I could start over.

The Imperial Palace of the deposed Haile Selassie seemed like a good bet, so I accosted a passerby with "tenayistling" and with my best "I'm lost" body language queried, "Haile Selassie?" The poor woman's face turned white with cornea and teeth. I may as well have asked for Yasser Arafat at a B'nai B'rith conference. News travels fast in the slums of Addis. A policeman soon approached, asked for my papers, and with barely intelligible English escorted me back to my hotel.

This time I turned left and headed South down the street. I encountered a commercial district. Lots of shops, kiosks, schools, safes and bookshops. I couldn't help myself. I had to sample the delights of a "people's" bookstore. Did you know that the collected works of Joseph Stalin take up 20 volumes and that Bulgarian farm collectives publish a monthly journal in English? But I was no closer to finding a gas station although I had acquired an Amharic/English dictionary that I thought might help.

Ethiopia is predominantly Christian, and I began to feel quite nervous as I discovered I was in the midst of the Moslem quarter, outside the gates of the Addis mosque. No gasoline here—just cold penetrating stares. Being of Cuban extraction, I tried exuding an air of Cubanness to cover my aura of lost gringo tourist. It was a subtle distinction lost on the average Ethiopian, but it made me feel better.

I wandered into the largest open air market on the continent. Flies buzzed a welcome. Perhaps jerry cans were available here. I kept an eye out for a pots, pans and containers vendor. I should have watched my step. Rivulets of sewage flowed over the ground in complex dendritic patterns under and around beggars, drunks and amputees. Distracted, I walked into the breasts of an Aunt Jemima look-alike. Time to retreat, I had the will to continue but my nose's endurance faltered at the raw, over-aged meat stalls.

What had gone wrong? Surely, a determined random walk in one of Africa's largest cities ought to produce a gasoline station. Several warm beers later at the hotel bar I made a tactical re-evaluation. I'd entrust my fate to a taxi. Addis Ababa has no mass transit—no buses, no trains, no rental cars, no rickshaws, few bicycles or mopeds.

No taxis as we know them. But they do have collective taxis, all painted blue and white, most of them Morris Mini-minors. If you want a ride, stand on a main street, wave frantically, and one may stop. Tell the driver where you're going and if he's going near there, you've got a ride. If not, repeat the procedure. I tried my hand at it. A tiny Peugeot with six people pulled over. The driver looked at me searchingly. My Amharic failed me. I lost that ride.

I hopped into the next taxi without asking about the destination or negotiating a fare. The driver beamed with pride at his foreign passenger. After several other passengers had been dropped off and new ones picked up I worked my way up to shotgun and made him understand where I wanted to go. He drove right up to a gas station with a long queue of taxis. I beamed with success—prematurely. The station had no containers. None. Of any kind. Anywhere.

Wilderness adventures and socialism are incompatible. The wilderness is freedom and self-reliance; socialism is regimented and paternal.

✦

I never did want to go to Ethiopia. As a Cuban refugee and certified capitalist, a river trip in communist Ethiopia wasn't my idea of a good time. Wilderness adventures and socialism are incompatible. The wilderness is freedom and self-reliance; Marxism is regimented and paternal. But I like a challenge, and I love adventure. And Roy Smith offered me 40 percent of the take. I couldn't refuse. His job was to sign up ten paying customers; mine, to do everything else. Fair enough.

Roy comes from a venerable British explorer tradition with a target fixation on Africa. Since the reign of Queen Victoria, the African bush has drawn these men like stray dogs to a landfill. Roy had left his mark during the MauMau uprising of '52, the Suez crisis of '56 and had various first ascents on peaks in East Africa. Together we had led mountaineering excursions in Kenya and Tanzania. Now the Omo river beckoned.

The Omo has its source in the mountainous plateau just south of Addis Ababa. Flowing south for 500 miles (and down 9,000 feet) it enters Lake Rudolph on the Kenya border. It never reaches the sea. Only one road crosses the upper gorges. The middle reaches are virtually inaccessible and not fully under the control of the revolutionary government. There are no maps. A California outfitter, Sobek, had pioneered Omo river trips during the reign of Haile Selassie. We contracted to hire their rafts. I was to precede our expedition by a few weeks and organize food, equipment, permits, transportation and logistics. My contact in Addis was the National Tourist Office.

Before leaving Arizona I sought out one of Sobek's boatmen who, luckily, made his home in the nearby town of Jerome. Star—my cynicism blossoms when confronted by individuals who effect a single name—agreed to meet me at a roadside vegetable stand.

"Take plenty of food" he cautioned. Star had a disconcerting way of answering in vague, Sixties freak-speak banalities. Everything was either heavy, far out or cosmic. But he did focus concretely on food.

"We lost all the oranges in the first rapid" he declared. Sobek, catering to a young, health-conscious clientele, tried to provide a diet of fresh produce and meats. To accommodate this culinary philosophy required extraordinary effort. Rafts were stacked with boxes of fruits and vegetables. Giant ice chests were constructed of imported plywood and styrofoam and stocked with ice from the Addis Hilton to keep slabs of meat from putrefying in the humid heat. Midway down the river a planned four-wheel drive resupply of provisions, including more ice and meat, sometimes made contact as scheduled, sometimes not, depending on the vagaries of weather, bureaucracy, rapids, hippos or any number of unpredictable contingencies, but always at great expense and trouble. Star had gone hungry or dined on rotting fare and the experience had never left him. I decided on a regimen of dried and canned goods with no resupply.

Ethiopia has few parallels. Coffee and honey were first domesticated there. Recent archaeological discoveries confirm it as the cradle of mankind. The Ethiopians have always rallied to repel foreign invaders from the medieval hordes of Islam to the Victorian English. Aside from a short and brutal foray by Mussolini in the 1930s, Ethiopia has never been colonized. But its isolation and sovereignty have nurtured pride and equanimity of character along with a variety of *sui generis* religious beliefs. Besides animistic traditions, it is home to an ancient sect of Judaism born of the very first stages of the Diaspora. Most Ethiopians are members of the Ethiopian Orthodox Church, itself a branch of the Coptic Church, one of many pre-reformation Christian traditions that do not recognize the suzerainty of Rome. The Ethiopian Church is an amalgam of Jewish and early Christian practices.

About the time of the Italian invasion, a revivalist sect called Rastafarians made their appearance in Jamaica. These people worshipped Haile Selassie under his pre-coronation name (Ras: prince, Tefari Makonnen) as the son of God, the true Messiah. The cult eschews white dominance, pork and second-hand clothing. They are noted for their dreadlocks, long dishevelled peppercorn curls, and use of cannabis.

Ethiopian cuisine revolves around raw meat, sourdough pancakes made with tef, an indigenous grain, chilies and mead. Pasta dishes, introduced during the Italian occupation, remain popular. Before the Revolution, the imperial family and nobility owned all the land. Peasants belonged to the land. Now everything belonged to the Dergue, or Central Committee, chaired by Mengistu Haile Mariam (Mengistu, might of Mary).

But back to the gasoline. We were due to terminate our trip at the newly established Mui National Park and Game Preserve. The park has no road access, no accommodations, no campgrounds and no game save for scattered Cape buffalo and a few zebra. The animals are poached by marauding Sudanese and local bandit bands. The park has three rangers, one thatched hut, a wind sock and an ine-

briated observation tower made out of sinuous though stiff vines, the function of which, the ranger assured us, was to "watch for enemies of the people." Several years earlier, the park had been endowed with a massive six-wheel drive Volvo flatbed truck. We were hoping to employ this vehicle to transport us the 30 miles between the Mui/Omo river junction and the wind sock where an Ethiopian Air Lines DC-3 might pick us up. The availability of the Volvo was contingent on our supplying gasoline and a mechanic.

I was able to obtain four heavy-duty plastic jerry cans from a government hardware store after securing the necessary permits (the permit ensured I had a valid need and wasn't just indulging in impulse buying). I went back to the gas station. No sale. Frustrated, I went to the National Tourist Office. They informed me, after the requisite wait and red tape, that I needed a permit and a ration card to buy gasoline. Fine; would they supply me with these? No, they would like to comply with my request, but it was not within their jurisdiction. Where could I get the necessary papers? At the Ministry of Transit. I went to the Ministry of Transit. I waited in socialism's ubiquitous queue. Sorry, the Ministry did not issue gasoline ration cards to foreigners unless they possessed a Certificate of Necessity issued by the Ministry sponsoring their visit. I got angry and ran back to the N.T.O. If they knew I needed a Certificate of Necessity, why did they send me chasing paper all over Addis? They apologized. They issued me a Certificate of Necessity and even called up the Ministry of Transit to obviate my need to stand in line. With my three documents in hand, I decided to call it a day and retired to eat and drink too much at a Syrian restaurant.

Being of Cuban extraction, I tried exuding an air of Cubanness to cover my aura of lost gringo tourist. It was a subtle distinction lost on the average Ethiopian, but it made me feel better.

John Harrington's 1596 contribution to civilization is a perfect example of form following function. It is ideally suited for the purgative functions of both sexes, though very young children sometimes fall in. Whether by design or happenstance, the rejected contents of a sick stomach seldom miss the bowl. A sober vomitee can bend over the mug and steady himself on the tank. A drunk can settle down on the floor, relax and hug the commode. But there was no position I could take when amoebic dysentery attacked my gut. Every orifice in my body had to disgorge something, and if one went, they all would go. I needed a bathtub with a four inch drain.

After a night of Ethiopian toilet hugging I showed up at my favorite gas station with my four jerry cans, Certificate of Necessity, Purchase Permit, Gasoline Ration Card and cash. Again, no sale. The permit was dated yesterday and was good only on the day of issue at the gas station specified on the back; this station being for taxis only. Back to the N.T.O. for a translator and the Ministry of Transit for a new permit. Three days after beginning my quest, I stood satisfied but helpless on an Addis curb with 20 gallons of regular.

Conrad had been teaching mathematics at the University of Addis Ababa since before the revolution. He spoke Amharic well, a language related to Hebrew, and coordinated Sobek's Omo trips in Addis. Our contract with Sobek, besides the basic raft rental included our use of Conrad as a liaison and general information factotum. Lacking maps—except a trusty Michelin road map to N.E. Africa—Conrad would supply us with a written description and log of major rapids and tributaries along our 350–450 mile descent. But Conrad was suspicious and guarded his turf like a building inspector scrutinizing an owner-built home. Ethiopia had allowed me in as a tourist leading a group of tourists with dollars to spend. I could not engage in any business other than as a retail consumer. Though I bristled at the restrictions, we fulfilled the letter of the law by contracting with Sobek in the USA and signing on our passengers in Colorado. Still, the transfer of equipment and consummation of the trip would take place in Ethiopia.

For purposes of dealing with the government, Roy and I saw ourselves as Sobek sub-contractors. Not so Conrad. He would have no part of it. To him we were potential competition, or at worst, unlawful commercial adventurers that might imperil Sobek's de facto monopoly. I begged; I cajoled; I tried to reason, all to no use. My dad used to say that if you ignored a problem long enough it would go away. I decided to follow his advice.

Winston Churchill, in the midst of the Battle of Britain, sought relaxation in the tedium of bricklaying. I spent the rest of the day sequestered in my hotel room measuring food portions into zip-lock bags. I hope Churchill found bricklaying as relaxing as I found this prosaic activity.

But the gasoline was still a problem. No taxi would convey 20 gallons of gas as this was against the law. I had to hire a lorry. Lorries could be hired between 5 and 7 a.m. at the southern edge of Addis. My hotel was on the northern extremity. I needed a good run, so I rose early and jogged to the industrial area, found a 2-ton Benz flatbed with an eager conductor and was soon on my way. We stored the gas at the N.T.O. since my hotel would have nothing to do with it—against regulations.

Hotels in Ethiopia are either for locals or foreigners. My hotel, the Tourist, was the cheapest of its class. In keeping with the new regime's political proclivities, each floor had one communal toilet and shower facility. My room was 2 by 3 meters and was finished in a bare rose stucco, with a single light bulb dangling from a ten foot ceiling. For atmosphere the management piped in the capital's all-news radio station: items on the latest milk production figures in Romania and the progress of Tanzania's rural self-education brigades. Hot water was sometimes avail-

able between 11 a.m. and 2 p.m., electricity only in the evenings. The clientele was mostly vacationing Djiboutians.

I needed a rest from bureaucrats and rules. At heart I'm an anarchist. It runs in the family. My brother was drafted for the Korean War and discharged for being temperamentally unsuited to taking orders. I have always been self-employed. My home has no electricity or phone. I have my own well. No street address, just a sectional description.

To avoid the bureaucrats for a day I concentrated on provisions. I went shopping. Twelve people for 21–28 days. No ice, no fresh food. All canned and dried. Addis has no Safeway, and the open air market looked like a dangerous way. I made the rounds of the neighborhood grocers. Once they had been thriving, cutthroat concerns run by East Indian or local entrepreneurs. Now they were franchises of the Dergue with identical stock and prices managed by bored and surly attendants. I bought dried lentils, black beans and rice, coffee and English tea, canned Russian mackerel (with scales and bones) and tinned ground pork parts, Eritrean wine and Italian spaghetti, dabo-kolo (a deep-fried, potato chip-like snack), berbere (a spicy gravy base) and Ethiopian peanut butter; and, of course, Cuban sugar. Winston Churchill, in the midst of the Battle of Britain, sought relaxation in the tedium of bricklaying. I spent the rest of the day sequestered in my hotel room measuring food portions into zip-lock bags. I hope he found bricklaying as relaxing as I found this prosaic activity.

In addition to miles of whitewater, the Omo offered movable gauntlets of hippopotamuses. Unlike most animals who scatter when startled, hippos plunge to the center of the stream. Never mind that our rafts were usually there.

Money is freedom. So Ethiopia has strict currency control laws. Every dollar brought into the country, every dollar exchanged into Birr ($1 = 2 Birr), every Birr spent must be declared, receipted and tabulated on a currency control ledger. Roy and I are honest men, but we ran afoul of the system. Intimidated by the Uzi-toting red guard at the customs desk, Roy underdeclared his bankroll by 50 percent. Ethiopia has a very simple formula for tourists: you can take out as much foreign currency as you bring in minus $50 per day, every day, whether you spend it or not. Birr cannot be exported, and they can only be exchanged for foreign currency within these regulations. Roy had got himself into a muddle. But even before he arrived, we had our first financial crisis.

One week before embarcation the N.T.O. raised their fees by 300 percent. Visa, Mastercard and Karl Malden couldn't have helped. I had to call Roy and have him bring more money. At the Ministry of Communications I was able to snare an international phone line after a two-hour wait. Roy answered the phone out of a deep sleep. When it comes to money, Roy is parsimonious to a fault—he's from Lancashire. Instinct took over and all he could say was "NO." So I said I'd cancel the trip and come home. This woke him up. Would I lend him some money? "No." (He must not be fully awake yet.) So I spelled it out for him: You must raise the fee we are charging each customer by a commensurate amount. Since he and the crew were flying separately, the additional funds would be given us in Addis. This solved the N.T.O. problem but left us holding lots more dollars than we had entered Ethiopia with. It's the only time in my life too much money has posed a problem. Currency violations could be a capital offense.

Travel within Ethiopia is strictly proscribed without permits. My most important chore was to ensure that all the requisite travel permits were issued and in order for every member of our group. For this we paid the N.T.O. over $1,000. Yet each day, like a baroque courtship ritual, I would have to oil the gears of officialdom. "The permit applications are being processed, Mr Robert" (in Ethiopia the family name comes first). Sobek cancelled many a trip for want of permits.

It was on one of these daily trips that I met our tour guide, Efrem. All tourists must be accompanied by an N.T.O. guide. Efrem was 24 years old and hosted a tape worm. This assignment was punishment for a bookkeeping infraction on a previous excursion with East German big-game hunters. He spoke English well but none of the languages we expected to encounter along the banks of the Omo. For $2,000 we were getting two parasites in one. Our safari guide could neither swim nor cook nor handle a gun. But he was a natty dresser, with pointed leather shoes, sleeveless cardigan and stylish afro.

✦

The day Roy and the rafters flew in, I cancelled the expedition. The Ministry of Parks and the N.T.O. were feuding. The six-wheel drive Volvo, according to the latest memorandum, would henceforth only be used for game management and not for tourist transportation. With nothing to lose, Roy and I stormed into the minister's office and demanded our money back. We played good cop/bad cop: I ranted and raved; Roy begged and bribed. We were lec-

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tured on business ethics and our organizational acumen was impugned. We threatened bad publicity. Finally the minister at N.T.O. phoned the minister at Parks; we got the Volvo.

The day we left for Gibe bridge over the Omo gorge I celebrated by getting drunk and belligerent on Eritrean wine in defiance of the rules for riding in a bus.

At least six separate rebellions hound the Dergue. In the north, Eritrea, an Italian colony until 1952, is trying to strike out on its own. In the Ogaden, ethnic Somalis want to join Somalia. Somalia periodically lends them a hand. Between Eritrea and Somalia, the Tigre People's Liberation Front and the Oromo Liberation Front hold sway. On the west, Sudan gives sanctuary to Ethiopian rebels and poachers, and Addis Ababa retaliates by supporting Sudanese guerrillas. Nationwide, a nascent anti-Marxist resistance is showing birth pangs. At the Gibe crossing, a detail of Baby Thompsons guarding the WWII truss bridge met our seditious little group of tourists. Efrem rescued our cameras from confiscation. We set to work ferrying our gear down the embankment and kitting up our boats. I personally carried the gasoline.

The Bodi couldn't tell whether we were male or female. I assume our hair, clothing and white skin confused them. So they felt for our genitals. Their innocent arrogance was so disarming we took no offense.

There are three cardinal rules in the sport of river running: always wear a life jacket; tie everything securely to your craft; and never float what you can't see. John Wesley Powell, on his first descent of the Colorado River, had an oak desk chair strapped to the high deck of a dory as a makeshift crow's nest. Sometimes only stopping and climbing the banks will reveal the severity of a drop. Most rapids are caused by the damming of the current either from accumulated debris or resistant strata.

In addition to miles of whitewater, the Omo offered movable gauntlets of hippopotamuses. One day we counted 300. Unlike most animals who scatter when startled, hippos plunge to the center of the stream. Never mind that our rafts were usually there. Suckling mothers and bulls in rut know no fear. One surfacing hippo heaved a fully loaded raft five feet in the air knocking Efrem into the drink and precipitating a rush of would-be humanitarians into the water after the non-swimmer. Another overprotective cow charged my raft with a five foot jaw spread. With her canines less than a foot from the air chamber she feinted and dove. We had to change our non-violent tactics. One hundred pounds of shot-put size cobbles and aggressive shouts and postures effectively cleared our way. During the night these overgrown pigs graze on the hillsides. Their trails to and from the river are like eight-foot ball chutes in a giant bowling alley. While the hippos monopolized the sandy, sylvan beaches, we camped on rocky, sloping promontories.

Sex will kill us if it doesn't save us. Living organisms procreate and spread without regard for consequences. In North America we annihilated our aboriginal population and repopulated a continent from scratch. In this part of the world, wall-to-wall people are the rule. Yet for 200 miles down the upper Omo we saw not a soul. As romantic adventurers we revelled in the absolute wilderness; as a skeptic, I wondered: Where are the people?

I have never been able to pronounce tse-tse fly, but I certainly felt its sting. About the size and color of a deer fly, the bite is slightly milder than a hornet's and the itch of the welt is comparable to a black gnat's. The insidious effects are not apparent immediately: sleeping sickness and elephantiasis. No shorts or bare backs on our rafts.

Cooling off with river water was no antidote for the heat and humidity. If the crocs didn't snare you, the schistosomes would. Entering through the pores, the parasite lodges in the nearest available organ, lays its eggs and, years hence, brings about its host's demise. Often there are no initial symptoms. And crocodiles, unlike alligators which are shy and retiring, stalk human prey. I was beginning to understand why the upper Omo was unpopulated.

Camp routine included all-night watches in two-hour intervals. As we boiled the next day's water supply, we'd watch the parade of curious eyes at the perimeter of light. High, large and far apart eyes precipitated frenzied spurts of fire feeding. It was a good time to read, write or reflect.

"Saalam, doctor, saalam!" yelled the Mursi hunter with a penis that hung to his knees and grapefruit-size testicles. It was the only European word he knew. Both our doctors just shook their heads. We had no way to treat elephantiasis.

Two weeks down the river a Bodi hunting party waved us over—eight tall, handsome Nilotes armed with WWI Italian carbines and a gourd, no clothes or hair. As we approached shore, Anita, our Swedish doctor, warned us against disembarking barefooted. River blindness, transmitted by a beach-borne parasite that travels up the sole of the foot, was endemic to the area.

The Bodi couldn't tell whether we were male or female. I assume our hair, clothing and white skin confused them. So they felt for our genitals. Their innocent arrogance was so disarming we took no offense. One woman was flattered when she was invited to a tryst in the bushes. Another, a recent divorcee, was disheartened no Bodi hands touched her crotch. But most of the stroking they saved for our rafts, so we obliged them with a ride down to their village. We traded razor blades, fishhooks and empty tin cans for eggs and jerked hippo meat. They knew money had value, though they could not differentiate between denominations and preferred coin to paper.

Sobek, in the interest of preserving the native cultures, had developed a set of guidelines for trading. Anything the river peoples had was fair game. But in

return, trip participants could only offer items already in use by them: fishing line, salt, razor blades and such. No Sierra Club T-shirts, Swiss Army knives or pressure cookers. I can't patronize another human being; we offered anything we could spare.

Navigation on the river was "by ghesse and by God." Our Michelin road map for N.E. Africa supplied the broad strokes. Sobek had compiled a pilot describing major tributaries and landmarks with running time between them at low, medium and high water levels. Interpreting their descriptions and differentiating between rapids and tributaries required lots of Zen guesswork and accurate timing. After calibrating our progress, we settled on eight-hour days full on the oars. One rapid, Gypsy's Bane, consumed half a day of portage and lining.

Cooling off with river water was no antidote for the heat and humidity. If the crocs didn't snare you, the schistosomes would.

"Saalam, doctor, saalam!" yelled the Mursi hunter with a penis that hung to his knees and grapefruit-size testicles. It was the only European word he knew. Both our doctors just shook their heads. We had no way to treat elephantiasis. Anita put on her best bedside manner and gave him two aspirin.

We were lucky to have two doctors on board. Anita, our expert on tropical diseases, suffered a miscarriage halfway through the trip. Dr Dean, the GP from Texas, was knocked unconscious while cleaning an electric fish we mistook for a common catfish. It was their surgical skills that really saved us: a maverick snag disembowelled Roy's raft; it needed over 100 stitches to become river worthy again. All for naught. A few days later a hungry croc administered the coup-de-grace to the left front chamber of his Avon Pro so we loaded up everything on my boat for the run out. That crocodile swallowed all our profit.

Mursi country presaged the end of the trip. The river broadened as it entered the edge of the Sahara, and we encountered no more rapids. Along the banks the tropical forest was thick, but inland the country resembled central Arizona. The Mursi differed from the Bodi in the females' use of labrets, some a full 6 inches in diameter. Cattle marked the edge of tse-tse fly territory. Log dugouts with live chickens would periodically glide out to trade.

At first we felt confident we wouldn't miss our take-out—"a small tributary on the right preceded by a right bend just past a left bend marked by a prominent pink cliff with a white streak and a Mursi village on the opposite bank." As we neared the Mui tributary, doubts beset us. For one, Mursi villages are seasonal and their location is changed periodically in search of agriculturally productive land. The "pink cliff" was a band of loosely consolidated conglomerate strata overlaying the entire region and exposed at every bend. The "white streak," that I originally pictured in my mind's eye as a water stain, turned out to be a caleche lens—every cliff had at least one.

Somehow we found the right spot.

Logistics at the Mui Game Reserve went as planned. The six-wheel drive Volvo was operational and met us on schedule. I personally fed it the 20 gallons of gasoline we had nursed down the river. Our DC-3 was only two days late, inducing a massive depression among our crew. We hoisted the wind sock and chased the buffalo off the landing field. It was all we could do.

"It's a staph infection," announced Anita prescribing an antibiotic ointment. I was skeptical. My testicles had never been so swollen, raw and painful. I pictured in my mind the Mursi hunter with elephantiasis. Dr Dean declared it looked like herpes and prescribed fresh air (no ointments). I knew it wasn't herpes. The tropics sure breed some strange critters. Our raft decks sprouted large mushroom colonies out of the layers of the plywood. Afterward Conrad told me a Blister Bug had bitten me. I'd be back to normal in a week.

Back in Addis the real hardships began. My visa had expired while on the river, and Roy and I had to devise a way to smuggle $4,000 out of the country. The visa extension was easy—Efrem accompanied me to the Department of Immigration and explained why I had been unable to renew on time.

The $4,000 took more imagination. Part of it was in Birr. We could legally convert some to dollars at the National Bank, so we did. And we got every member of our group to help out. The rest of the Birr we traded to our crew so they could buy last minute mementos. We then converted the remainder into $100 bills thereby consolidating the loot. We paced and brainstormed for half a day in the hotel room. I love my life. I categorically refused to smuggle any money out. The consequences were just too dire. But Roy and cash are hard to part, and he had experience smuggling guns in Africa.

I suggested making a neat incision along the edge of one of our sleeping pads, placing the money inside, and gluing it together again. Too much work thought Roy. Instead he removed the arch support from the Nikes he'd worn daily on the river and glued the sole pad over the wad of bills. Then he placed the rancid shoes in a stuff sack with his dirty river clothes and stuffed the lot in his duffel bag. He was lucky he opted not to wear them.

At the airport, I didn't even enter by the same door as Roy. Wherever he went, I went the other way. The first hurdle was baggage check. Two armed guards ransacked our luggage for contraband. Roy was three booths away, nonchalant as he could be. The guards pulled out his dirty clothes bag, opened it, pulled out his shoes, took one cursory glance at them and told him he could repack his belongings. But I still didn't relax.

Just before boarding the plane we had to pass currency control. We lined up. The white telephone booth-size cubicles had a quick-draw curtain for privacy. Each departing passenger was subject to a strip search and a full accounting on his currency control ledger. One well dressed East Indian was escorted at gunpoint out of the booth and back into the airport. He was all eyes, sweat and terror, punctuated by the humiliation of unshod feet. The guard carried his shoes in his hands.

When the plane took off and finally entered Sudanese airspace our relief

continued on page 38

Analysis

Smarter Weapons, Harder Fights

by Bart Kosko

"Military intelligence," the old joke runs, is a contradiction in terms. But "intelligent weapons" are a whole different story.

Smarter weapons will complicate warfare in the future. The chess pieces will have eyes and minds of their own; both sides will put silicon brains in their boxes. Smaller countries with higher machine IQs may balance, or even overpower, larger countries with larger weapon stockpiles and more uniformed brawn.

Today's Patriot missiles and Tomahawk cruise missiles have limited machine intelligence: small onboard computers house tightly written computer programs. These software programs carry out sophisticated mathematical instructions to estimate their own and enemy positions, match digital TV scenes to scenes stored in missile memory, and adaptively control and guide the missile to its target.

The machine IQs of weapons will rise dramatically in the next decade as computers and sensors shrink and replace hardwired instructions, more communications go wireless, and the new neural-network and fuzzy-logic species of machine intelligence move from the laboratory and commercial marketplace to Pentagon shopping lists.

Today in Japan, engineers race to endow laptop computers with supercomputer abilities by inserting flash memory chips and RZSC (reduced instruction set) processors, devices destined for nose cones and missile tips. The spread-spectrum cellular phone systems, under test in Los Angeles and San Diego, ensure privacy by preventing "enemy" jamming and interception. Future swarms of cruise missiles and ICBMs will likely use spread spectrum to communicate with one another in flight. The communicating swarms will share incoming sensor data and command instructions, reassign targets, and reallocate surviving missiles—reallocate themselves.

The U.S. government has developed spread-spectrum technology for half a century at taxpayer expense. Until recently, the government has usually demanded that workers in the field hold a security clearance. The first patent for frequency-hopping spread spectrum communications was filed in 1941 by actress Hedy Lamarr, of Samson and Delilah fame. She sought to thwart the Nazi attempt to increase the moron-level machine IQ of torpedoes and teamed up with an acoustics expert to do it. Researchers have since developed spread-spectrum systems for electronic warfare in fighter aircraft.

Yet this technology holds the most promise for the individual. Spread spectrum represents one of the few computer-age technologies that works at every level to increase privacy and decrease external interference. Rather than compress more information through a tiny frequency window or bandwidth, spread spectrum spreads out signals across large stretches of the frequency range, which extends from zero frequency at the bottom to light frequencies at the top. A spread signal looks like low-intensity white noise across any given band of frequencies. You cannot intercept the signal unless you can "derandomize" the white noise. You cannot jam the signal or interfere with it unless you jam most or all of the frequency range, and that can bankrupt even governments. But you can overlay multiple spread signals to achieve genuine multiplexing and to help alleviate the new crisis in modern communications--limited and overcrowded frequency bandwidth.

Look for smart weapons that communicate with spread spectrum within the decade. The U.S. Army has already funded a massive effort to de-

velop handheld spread-spectrum radios for infantrymen. Sometime in the next century spread spectrum should help make "wireless" buildings, cars, and individuals.

Fuzzy logic is not a fantasy. It's already in use. In the past year the Japanese have used fuzzy-logic computer systems to run subways intelligently, to focus camcorders and TVs, to schedule traffic and elevators, to control microwave ovens and car transmissions, to guide washing machines and vacuum cleaners and robot arms—even to arrange flowers. In June, Japan's Ministry for International Trade and Industry estimated that fuzzy products and systems in Japan in 1990 generated $1.5 billion in sales, (70% of this in consumer electronics) and should generate $2 billion in 1991.

Fuzzy logic will allow inflight experience to modify a missile's decision units, smooth out control and guidance, and doggedly track deceptive targets. In principle a fuzzy-logic warhead or grenade could prevent its own detonation when it detects friendly troops or buildings nearby.

Future arms races will advance to machine-IQ races, from metal and chemical contests to information contests. When machine bulk meets machine brains, bulk loses. That's a lesson Saddam Hussein failed to learn, and goes a long way toward explaining why his casualties numbered over 100,000 while Allied casualties numbered about 100. Every military leader and planner has seen the video clips of SCUD vs. Patriot missiles and has read the newspaper scoreboards. They will accordingly restructure their plans and budgets. Overnight higher machine IQ has become the new ante in arms races around the world.

Future arms races will advance to machine-IQ races, from metal and chemical contests to information contests. When machine bulk meets machine brains, bulk loses. Overnight higher machine IQ has become the new ante in arms races around the world.

The good news is governments can increase the machine IQ of weapon systems more cheaply than they can increase weapon stockpiles or increase and train recruits. This will reduce the perceived need for spending on defense. The bad news is governments will do it, thereby increasing their power and ability to do mischief.

Smart weapons will proliferate in arsenals faster than personal computers have appeared in offices. Every military will have them. For smart weapons provide a new shield as well as a new sword. No one wants a neighbor who can shoot down your weapons and still hit you with his. U.S. and European hightech firms will compete with the Japanese electronics giants to supply the software and computer and sensor components, and in small enough pieces that other governments cannot easily monitor or control.

Every country might face in microcosm the instabilities of a futuristic Star Wars (SDI) shield between it and its neighbors. As the shields go up, those without shields may see their last chance to attack with their old arsenals. As machine IQs go up, the possible conflict scenarios will increase astronomically in complexity and in sensitivity. Decision makers will face more and radically different possibilities with no experience of any of them. The lessons of military history may offer no more guidance to future military leaders than an abacus blueprint offers to a computer-chip manufacturer.

Smarter weapons can lead to thicker skins and mutually assured defense. Or they can lead to thinner skins and pinpoint strikes instead of diplomacy. It can go either way. ❑

Miller, "Buying Gasoline in Ethiopia," *continued from page 36*

was palpable. We yelled and hugged and counted our money.

✦

Most of us developed a variety of strange symptoms about six weeks after our return home. Roy's were the worst: loss of weight and appetite, dizziness, intermittent fevers of a violent nature. His doctor referred him to the Centers for Disease Control in Atlanta, part of the National Institutes of Health. The NIH took a very solicitous attitude toward our group and began running extensive tests immediately.

"Why don't you mail that in Prescott?" asked Fran, the postmistress at Chino Valley.

"Because this is a U.S. Post Office and I'll be sending out one a week for the next six months and Prescott is a far drive away." Fran had never dealt with Overnight Express Mail and the prospect of reading reams of instructions and filling out new forms set her to quivering. She had become postmistress through a complex process of political patronage. Her brother-in-law had been a one-term state legislator and the job had been offered to her husband. The regimentation ill-suited him, but they needed the money so she accepted the post. Fran worked hard and had a good heart but complexity overwhelmed her.

"What's in there that's so important?"

"Fresh biological material that must arrive in Atlanta within two days." In fact, I was mailing small ice chests with stools on ice and in formaldehyde and blood samples.

Eight of us tested positive for schistosomiasis and two for amoebic dysentery.

A few years later, Roy returned to Ethiopia. He ran the Omo all the way to Lake Rudolph. He received dual grants from National Geographic and the Ethiopian government. For the former he conducted a team of scientists for a variety of environmental studies. For the latter he acted as an agent of the Dergue helping to extend the central government's control over the lower Omo basin.

Mengistu Haile Mariam was deposed in June of this year. ❑

Report

The Unraveling of Canada

by Scott J. Reid

Eighty percent of Canadians believe their country will split apart. Scott Reid explains why his country is doomed, and wonders: is its death a good thing?

The drab world of Canadian politics has been transformed.

As Americans watch Yugoslavia and the Soviet Union break apart every night on CNN, they are missing an equally dramatic disintegration in their own backyard. Probably because so many Americans find Canada so boring, they are missing its break up. Ironically, the reason that Canada is coming apart at the seams is the same: Canadians now find the notion of Canada to be boring.

Like the break-up of the former socialist nations, this is a recent and largely unexpected phenomena. Five years ago, Canada was enjoying a period of unprecedented unity and prosperity. The economy was in the midst of the longest boom of the postwar era. The political situation had, on the surface, never been more stable. The popular Progressive-Conservative government held a vast majority in the House of Commons and separatist sentiments in Quebec had dimmed.

Today, the situation is radically different. Over half of the population of Quebec now favors independence. A referendum will be held on the issue by the end of next year. Eighty percent of Canadians think the country is likely to split apart.

The party structure has collapsed both at the federal level and within Quebec. New ethnic-based parties have started to take the place of the old-line parties, signalling the death-knell of a system of French-English coalition government that dates back 150 years. This turn probably means that the old-line parties will be unable to patch together a last minute deal to keep Quebec within Canada. The federal Conservatives have become the least popular governing party in Canadian history. Polls indicate that if an election were held today, the Tories would finish *fourth*, behind the Liberals, NDP, the Reform Party, winning only fifteen percent of the popular vote.

A Lack of Accord

The seed of Canada's destruction was its peculiar system of government by ethnic accommodation. Canada's population is approximately 75% English-speaking and 25% French-speaking. Because Quebec is more homogeneous than English Canada and tends toward block voting, putting together a winning electoral coalition has always involved capturing almost all the seats in which French-speakers form the majority of voters, supplanted by a minority of the seats in English Canada. This is sufficient to provide a majority in the House of Commons. This has entailed that successful Canadian political parties must be non-ideological. Instead of a left or right in Canadian politics, there has been a constant battle for the hearts, minds and pocketbooks of French Canadians.

French Canada has been collectively obsessed with the preservation of its distinctive culture. This is understandable for a community of six million French speakers nestled in a continent of two hundred million English speakers. Since the early years of the Canadian confederation, this has meant that Quebec has been very jealous of its rights, and distrustful of the central government. Lately, however, this concern has tended to manifest itself in the form of demands for special protection for the collective rights of ethnic groups. The resulting policies have often been upsetting to the generally liberal and individualist sentiments of English Canadians.

The best example of this kind of policy is official bilingualism, which was originally designed to provide government services across Canada in both official languages, but which has long since become an elaborate affirmative action program for bilingual people (most of whom are middle-class Quebecers). Many other programs, such as federal transfer payments to the provincial governments, have been redesigned to provide disproportionate benefits to Quebec.

Confederation, as it is now structured, denies French Canadian nationalism its ultimate aspiration—independence for Quebec—offering in

its place a smorgasbord of subsidies and special deals in return for keeping its soul in perpetual hock.

English Canada dreams much more modestly of prosperity and the right of individuals to equal treatment before the law, but such things are impossible when the state is structured around bribing Quebec to remain in Canada. So English Canada has had to satisfy itself with a make-believe "national unity," a sort of booby prize.

At least one French-Canadian observer appreciates the bizarreness of the situation. Christian Dufour has written:

> Well, from one ocean to the other, Canada is presenting a bilingual image that is stronger than ever, while in Quebec, for the first time since 1760, the official image is exclusively French. If one sticks to the image, not only is Quebec sovereign, but it has succeeded in partially annexing Canada. [1]

In April 1987, Prime Minister Brian Mulroney called the premiers of the nine English provinces to his lakefront summer home to discuss constitutional changes. Once the nine politicians arrived, he locked them in a room and told them they could not leave until they had agreed on a new constitutional order that dealt with a series of demands set forth by Quebec Premier Robert Bourassa.

The premiers emerged early the next morning, clutching the "Meech Lake Accord," a package of constitutional amendments designed to satisfy Quebec. It was exactly the sort of constitutional arrangement you might expect from a bargaining session that more closely resembled an all-night poker game than a constitutional convention. The original text of the Meech Lake Accord was full of the kind of mistakes that get made by hurried, tired people. Had the Accord become the law of the land, Canadians would have awakened the next morning with a constitution as coherent as alphabet soup.

Under the terms of the constitution, the provinces must approve amendments within three years of their proposal. The June 23, 1990, deadline passed with two provinces failing to pass the package of amendments. But it had lived long enough to become a test of the extent to which English Canada would contort itself to placate Quebec.

The rising popular tide against the Accord in English Canada, the staunch French-Canadian stand that it must be swallowed whole, and the absurd machinations of the politicians caught up in a crisis of their own making was the stuff of high drama, or else low farce. As expected, the death of the Accord caused an uproar. After its demise, the fundamental philosophical disagreements of French and English Canada, which always had been fastidiously swept under the carpet, could no longer be ignored.

Confederation, as it is now structured, denies French Canadian nationalism its ultimate aspiration—independence for Quebec—offering in its place a smorgasbord of subsidies and special deals in return for keeping its soul in perpetual hock.

Prior to the Accord, ethnic demands were accommodated by alternating administrations. The collapse of the Accord destroyed the century-old formula for winning elections by alienating each of the two constituent groups to such an extent that they could no longer bring themselves to support the same party. Most Quebecers seem finally to have decided that they are no longer willing to sacrifice the goal of national independence . . . or at least that in the future the bribes necessary to keep their province in Canada will have to be extraordinarily large. In the rest of Canada, the population has slowly been coming to the conclusion that if Quebec wishes to remain a part of the country it will have to do so without subsidies and on the same terms as the other provinces. [2]

New Parties for Old

Clearly these are incompatible visions. Each has given rise to a new political party. The past year has seen the rise in English Canada of the previously obscure Reform Party and, in Quebec, of a newly-formed separatist party, the Bloc Québécois. The leaders of the old-line coalition parties insist that these new parties signal the rise of intolerant "tribal" politics. This is simple nonsense. The Reform Party and the Bloc Québécois are the political vehicles for the fundamental values of the nations that they respectively represent.

The antipathies typical of genuine tribal politics—recently witnessed in places like Azerbaijan and Yugoslavia—are notably absent from either the Reform Party or the Bloc Québécois. Preston Manning, leader of the Reform Party, stresses in virtually every speech that it is Canada's system of government and *not* the existence of the French minority that is the source of the country's woes. Linden Bouchard, the leader of the Bloc Québécois, has stated that the Reform Party is the real voice of English Canada, and has even suggested a tactical alliance between the two parties in Parliament following the next election. (The Reform Party response has been unenthusiastic, since it is Bouchard's intention to make that session of Parliament into Canada's last as a united country).

The credibility of both the Liberal and Conservative Parties rests on the dying French-English coalition. It looks like both parties will be displaced by the new ones.

Still, the spectacular unpopularity of the Conservative government is only partly the result of its outmoded way of thinking. It is also wrapped up in the personal unpopularity of Prime Minister Brian Mulroney, who is the most vilified Prime Minister in Canadian history. In Quebec he is disliked; in the rest of the country he is despised. He is seen as having sold out the national interests for the sake of maintaining his support in Quebec. It is difficult to find an American parallel to Mulroney. Imagine a politician who combines, in the popular estimation, the backbone of Jimmy Carter, the honesty of Richard Nixon, the moral rectitude of Joseph McCarthy and the understated good taste of Lyndon Johnson.

Curiously, Mulroney is the only thing holding the Conservative caucus together. As an English-speaking Quebecer who has thoroughly assimilated the Québécois culture, he is tolerable to the Quebec MPs. The Quebecers also tolerate him because they feel he stands

a better chance of cutting a deal with their provincial government to renegotiate the constitution than anybody else. Mulroney's English-speaking MPs would probably be happy to get rid of him. Unfortunately, doing so would split the party and cause an immediate election, which would almost certainly result in nearly all Conservatives being tossed out of office. So they cling to their prime minister and will probably continue to do so until their hand is forced. If nothing else intervenes, a new election must be held in the autumn of 1993 whether Mulroney wants it or not. But things may come to a head sooner. If as expected the Québécois cast a "oui" vote on their independence referendum, the Quebec Conservatives would almost certainly split from the English-speaking Conservatives, causing an immediate election.

The Liberals have an equally great problem—though it is better hidden. The party is horribly in debt, and is able to produce literature, advertising, etc., only on the good graces of its suppliers of these goods. These suppliers will be willing to work on credit (or even for free) only so long as the Liberals have a realistic chance of forming a government in the near future and paying back these debts in the form of political favors. Once it becomes clear that the Liberals do not stand a realistic chance of forming the next government, the services available to them will dry up almost at once and they will find themselves, quite literally, bankrupt. Already some suppliers are beginning to distance themselves from the Liberal Party and to look for prospects in other parties.

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The Party for Secession

The Bloc Québécois is a one-issue party. Modeled on the "Rassemblement jurassien," a Swiss party that spearheaded the secession of a French-speaking region from a German-speaking canton, the party represents Quebec's regional interests and nothing else. Its stated purpose is to help win Quebec's independence and then to disband. In a sense, this makes the Bloc Québécois a perfect reflection of the obsessive core values of Quebec society. Its membership includes socialists and rightwingers, united by a single all-powerful bond: the assertion that Quebec, as a corporate entity, must have absolute control over its own destiny.

The leader of the Bloc Québécois, Lucien Bouchard, was once Prime Minister Mulroney's right-hand man. However, Bouchard's loyalty to his province proved stronger than his ties to the Prime Minister. He broke with his old friend when the Meech Lake Accord failed, declaring that since Quebec had negotiated the Accord on its knees, it would soon find itself reduced to negotiating on its stomach. For thirty years Bouchard had been Brian Mulroney's closest friend. They have not spoken since.

The Bloc Québécois is now a substantial presence in Parliament. A total of seven members sit under its banner, including four former Conservatives and two former Liberals. Only one of the Bloc's MPs was elected under its colors; the rest "crossed the floor" of the House of Commons and have never faced an electoral test of their decision. However, this is not a reflection of a lack of strength or popularity. The most recent polls indicate that if an election were held today the Bloc would get upwards of 40% of the vote in Quebec.

Even more significantly for the Bloc's prospects, the electoral machinery in Quebec is working in its favor. The federal Liberal electoral machine, which delivered almost every seat in the province to Pierre Trudeau in election after election, is in ruins. The Conservatives have never had a machine in Quebec, but depended instead upon the support of the Parti Québécois electoral machine in 1984 and the provincial Liberal electoral machine in 1988. [3] All of this was done informally. This time, the Bloc Québécois has the formal support of the Parti Québécois, and Liberal Premier Robert Bourassa is probably too clever a political actor to be caught lending the support of his party to the unpopular Conservatives in the next election, since this would damage his nationalist credentials and deprive him of the opportunity to become the first prime minister of an independent Quebec.

The result will probably be that the Bloc Québécois will take every single Francophone seat in that province (about 65 of Quebec's 75 seats). The Conservatives have no support among the English-speaking minority and the loss of the French vote will almost certainly result in the loss of all or almost all the seats in the province which is their power base.

For the first time in this century, Canadians will have elected legislators who actually represent the views and interests of their constituents. This does not bode well for Canadian unity.

The Party for Expulsion

The rise of the Reform Party has been considerably less spectacular than that of the Bloc Québécois, but is no less troubling for the Conservatives.

The party was founded in 1987 by Preston Manning, a Calgary-based management consultant. It has attracted Westerners who feel that their interests are no longer represented by the Conservatives. This alienation is also a reflection of something more profound. The core principle of the accommodation formula of government is that the country consists of two founding nations of equal status and that the collective rights of these two groups are more important than the individual rights of Canadians as citizens. This has never gone over well in the West, where the egalitarian and individualist spirit associated with the America Revolution has had its strongest impact in Canada.

None of the federal political parties

made any attempt to represent the philosophy of individual rights. In the mad rush to build their popularity in Quebec, the Liberals and New Democrats (a socialist party with 43 seats in the 295 seat House of Commons, mostly from the West) threw their support behind the Meech Lake Accord. These two parties had never been strong advocates of individual rights or economic freedoms to start with, and their enthusiasm for Meech Lake left Canada with three parties advocating a collectivist line and none representing the individualist core values of English Canada.

The Reform Party is far more libertarian than any major party in the United States. The Party's policy manual, called "The Blue Book," is consistently free-market on economic matters.

For their pains the Liberals and the New Democrats got nothing. In the 1988 general election, the Liberals won only 12 seats in Quebec, and the NDP none at all. The Reform Party, meanwhile, quietly gathered support in the West, although it failed to win any seats in the House of Commons. (A Reform MP was elected a year later to fill a vacant seat. Canada's first elected senator is also a Reformer.)

The Reform Party is far more libertarian than any major party in the United States. The Party's policy manual, called "The Blue Book," is consistently free-market on economic matters. It favors privatization of most government corporations, including the Post Office; legal limitations on deficit spending; a flat tax; and an end to the subsidization and cartelization of Canadian agriculture.

The Blue Book favors referenda on sensitive issues—especially on constitutional reforms—as well as the right of recall and public initiative. These institutions, which are taken for granted in the United States, are nearly revolutionary to Canadians. In general, the thrust of the Reform Party's populism is to redesign the federal government on the model of some of the better-run American states.

The Reform Party has risen to third place in the polls, nationwide, and seems likely to shut out the Conservatives (who have been stuck in fourth place for the better part of a year) and the Liberals in the West. The Party is also rising rapidly in the polls in Ontario, which is home to half of all English Canadians.

Inside Quebec

The extent to which coalition politics has disappeared in Canada is revealed by a parallel set of changes taking place in the party structure in Quebec provincial politics.

In Quebec, the non-French (mostly English) minority is proportionally smaller than the French minority in Canada as a whole (17 percent versus 25 percent). This is enough of a difference that, despite the block-voting habits of the English, Quebec politics does not parallel the federal model, which revolves around coalitions that jealously guard their constituents' rights and interests. On the contrary, provincial legislation has increasingly restricted minority rights.

Traditionally the English vote in Quebec went to the provincial Liberal party. Assuming that the English vote would fall to them no matter what they did, Premier Bourassa and the Liberals set about actively courting the nationalist vote following their re-election in 1985. In 1988, they deliberately abandoned the English speaking community by passing a law that severely limited minority language rights

Like the Conservatives in Western Canada, the Quebec Liberals made the incorrect assumption that they would never face a challenge from the advocates of individualism and individual rights. In 1989, two tiny English-rights parties, the Equality party in Montreal and the Unity Party in rural Quebec contested the Liberal Party's dominance in the English speaking community. The Equality party managed to elect four members to the National Assembly. (The two English-rights parties have since united under the Equality Party name.) Two of the districts that elected Equality candidates had voted Liberal ever since their creation; the other two had voted Liberal for fifty years.

The Equality Party has since expanded its agenda. Like the Reform Party, it represents free enterprise and civil libertarian points of view. It recently won praise when it was the only party in the Quebec legislature with the nerve to do battle with Hydro Québec, the largest public-owned utility in North America, and probably the most arrogant. The Liberals and Parti Québécois have always gone soft on Hydro-Québec because—and this speaks volumes about the philosophical divide between French and English Canada—the utility has portrayed itself as the industrial expression of the Québécois national spirit.

While the Equality and Unity parties ran candidates only at the provincial level, a new one-issue *federal* party representing the English minority has arisen in Quebec. The Option Canada Party was founded a few months ago in the English speaking-rural area of Quebec known as the Eastern Township. It has spread rapidly into the Montreal area that contains the vast majority of Quebec's non-Francophone population. Its single issue? The partition of Quebec so that the English-speaking areas of the province may become Canada's eleventh province. It is too early to tell if this party will have any success in the next federal election. I suspect that if the separation of Quebec is a realistic prospect at that time, the Option Canada Party will take all the English seats in the province.

The collapse of ethnic accommodation politics will be complete. Federally, the only old-line party to survive the collapse will be one that never represented the coalition point of view: the NDP, which has never had a serious base of support in Quebec and has elected only one member of Parliament in that province. If the next election is fought after a positive vote in the upcoming referendum on independence, my guess is that the Reform Party and the New Democrats will split English Canada between them, with the Liberals limping along in third place. The Bloc Québécois will probably dominate Quebec.

This bodes well for the representation that Canadians will receive in the next Parliament. For the first time in this century, Canadians will have elected legislators who actually represent the views and interests of their constituents.

continued on page 44

Testimony

The Suicide of Canadian Culture

by Barry Chamish

Protectionism's effects are suicidal for a nation: it keeps "infant industries" infantile, and makes healthy concerns weak and pathetic. The same is true of protectionism in the arts.

By 1975, three of my novels and a collection of my short stories had already been published in Canada. All had been widely reviewed and two had won prestigious literary awards. I was only 22 years old. And I decided that it was time for me to emigrate from Canada.

I left because of the new government policy ostensibly aimed at furthering the arts in Canada, but actually aimed at repressing free thought. The policy might best be called "Legislating a Canadian Identity."

The mastermind of the policy was Prime Minister Pierre Trudeau, an over-rated intellectual who posed as a liberal but had a lifetime history of socialist activities. His position? That the future of Canada was best assured by creating a unique—read *non-American*—culture.

Trudeau began small, forcing radio stations to fill 30% of the airwaves with the work of Canadian artists in the hope of begetting a local music industry. Since only about 10% of Canadian songs were worthy of an audience, radio station owners sought every loophole in the book to fill their air time with what the legislation demanded. Suddenly, any foreign record with the slightest Canadian tie was counted "Canadian." Songs from the musical "Hair," for instance, were written by two Canadians. So, shortly after the passage of this legislation, whoever recorded a song from the play—be he from New Jersey or Tahiti—suddenly became Canadian, whether he liked it or not. By exploiting these loopholes, the radio stations complied with the letter of the law, if not the intent.

Trudeau next passed a law forcing television stations to broadcast 60% Canadian content. This did not work at all, but since most Canadian television was government-owned, the policy continued. This proved to be a tremendous stimulation to the cable-television industry, as Canadians sought to avoid the pure bilge forced upon them by the authorities. Thanks to the miserable fare available on local TV, cable television in Canada thrived—a full decade before the cable industry caught on in America.

Though the intent was to produce a profitable local industry, the opposite occurred. No Canadian television series has ever been seen on the screens of any respectable country, and Canadians themselves have abandoned their local stations for American networks. The policy stimulated the Americanization of Canada in another way: the advertising on the cable networks was almost entirely for American products.

Still the government refused to acknowledge the irrationality of the policy.

The magazine industry became the next target. The government simply forbade all foreign magazines from publishing in Canada. Both *Time* and *Reader's Digest* had profitable Canadian editions; the government ordered both to shut down. The hope was that a Canadian magazine industry would replace the foreigners. To evaluate the policy, simply walk down to your local newsstand to see if you can buy a Canadian magazine.

Onward to books. McClelland and Stewart, the country's largest publisher, was broke. In accordance with the new policy, the government promised to keep McClelland afloat on the proviso that it only publish Canadian content. The result? A peculiar style of literature that dominates Canadian writing to this day. In order to receive subsidies, publishers must cater to the tastes of the Canadian government. Here are some of the preferred characteristics of this new literature:

1. A constant mention of Canadian place-names, no matter how irrelevant to plot.

2. A mixture of English, French and especially "Native" characters.

3. A political point of view that must be Liberal, or left. (This, because a Liberal administration initiated the policy and the bureaucrats watching over the subsidies were Liberal appointees.)

4. Anti-American diatribes — welcome proof of "Canadianess."

5. Images of geese, snow, beavers or anything found in a frigid climate.

One might think that the academics in Canada would have rebelled at such intervention. But not only did Canadian liberal arts departments toe the line, they toed with a vengeance. One after another, unprofitable literary journals became totally dependent upon government grants to survive. And, one after another, professors passed on the goal of finding a "Unique Canadian Identity" to their students, who bought the guff without serious opposition.

The policy spread to art galleries, dance companies, theater troupes. No one in Canada objected. No one except the most talented artists. They left in droves; the most visible refugees were the original editors of *The National Lampoon*.

During the 1970s, hundreds of magazines, books, plays, radio shows and films were all spawned by a few Canadians who had travelled to New York to set up shop. From Broadway's *Lemmings* to television's *Saturday Night Live* to Hollywood's *Animal House*, Canadian born wit changed both American and world humor. Such creativity may have been born in Canada, but it could not be tolerated there.

When government determines artistic policy, it guarantees that the result will be mediocre. Before the Bolshevik Revolution, Russian literature was arguably the finest in the world. But when the Soviet Union decided to regulate its writers, to censor its artists in the interest of ideology, a vast tradition died. Only a few expatriates have managed to keep the vestiges of a once great culture glowing—and that, only weakly.

I addressed the podium and innocently asked if petty nationalism didn't create petty literature. The explosion at Mount St. Helens, I suspect, was quieter. I was cursed, insulted and more than a few times accused of outright treason.

Yet Canadians outside the arts have passively watched their finest leave, and allowed pap to rule.

Shortly after my third book was published, I gave a reading from it to a very enthusiastic audience. Afterward, I was greeted by Dorothy Livesay, a renowned poet in Canada. I was very talented, she informed me, but I wrote like an American. At the time, I took the statement as a compliment. She intended it as a warning.

Based on the success of this novel, I was invited to a conference of literary figures, in part organized by Livesay. For two days I listened to speakers planning ways to keep dreaded American books from Canadian bookstores and classrooms, plotting to replace the banned literature with the Canadian brand. Finally, I addressed the podium and innocently asked if petty nationalism didn't create petty literature. The explosion at Mount St. Helens, I suspect, was quieter. I was cursed, insulted and more than a few times accused of outright treason. I knew then that I could never write honestly if I stayed in Canada. Two months later I landed in Israel.

People often ask why I chose to leave a country as rich as Canada to move to such a poor, besieged one. I always answer that Canada is the most boring country in the world (excepting, of course, Finland). When they don't believe me, I ask them to name their favorite Canadian movie. That usually answers the query. When it doesn't, I ask them to name a Canadian invention, or even a product.

Since I've removed myself from the deep repression of Canadian culture I've had perhaps 350 publications, including work in *The Atlantic, Newsday* and Boston *Globe*. But I have no doubt I would have quit writing had I stayed in Canada. I would rather surrender my career before allowing bureaucrats to tell me what and how I should write.

And I think the multitudes of ex-Canadian artists who have relocated to Los Angeles, New York, and London since 1975 would agree. ❑

Reid, "The Unraveling of Canada," *continued from page 42*

This does not bode well for Canadian unity. Neither side will be willing to make the concessions the other side wants, and there will be no party apparatus such as the Conservatives and Liberals have always had, to force MPs to vote against the interests of their constituents in order to save the country. Given the kind of country that Canada has become, you have to wonder if this is not a good thing.

Canada seems to be doomed to split in two anyway, but the rise of the new parties guarantees it. If my country has to die of something, an overdose of democracy is probably better than most of the alternatives. ❑

Notes:

1. Christian Dufour, *A Canadian Challenge / Le Deli Québécois*. Lanzville, British Columbia and Halifax, Oolichan Books, 1990, and the Institute for Research on Public Policy, 99.
2. The Report of the Citizens' Forum on Canada's Future (Ottawa, 1991) indicates that less than thirty percent of non-Quebecers who attended its group discussions supported "Unity, at any costs." Over half favored the position "All provinces must be equal," which is unacceptable to Quebec. A much smaller percentage —around 5%—favor kicking Quebec out of Canada. See Figure 3, on page 159 of the English-language text of the Report.
3. Party names in Quebec are confusing: the provincial Liberal Party is in no way connected with the Liberal Party of Canada, and the Parti Québécois is a purely provincial party founded separately from the Bloc Québécois.

50 Really Stupid Ways to Save the Earth

by Karl Hess

Recently I came across "50 difficult things you can do to save the Earth," a collective effort by members of various U.S. environmental groups at the invitation of *Earth Island Journal*. Here is the list, with my comments following.

1. *Bury your car.*
   Now you'd think that such concerned folk would recommend that it be sold for scrap. That way it would be recycled. The steel industry has been recycling metal for decades. Oh, I forgot. Steel mills use electricity. (See point 4)
2. *Become a total vegetarian.*
   Many people in Africa depend on insects such as locusts as a major source of protein. Perhaps you could talk them into eating more beans. But then how would you visit them (see point 43) prior to rebuilding the schooner fleet? Oops, schooners require old-growth timber . . . (See point 13)
3. *Grow your own vegetables.*
   Sure, I and others have grown vegetables even on urban rooftops, but snow is a problem and the time taken to do it is a luxury not everyone can afford. Later, of course, lots of time will be available because there will hardly be anything else *to* do except grow them veggies and trudge dozens of miles to help build houses (out of saplings).
4. *Have your power lines disconnected.*
   You won't have much time to use any electrical device anyway after hoeing, raking, and trudging your way through this entire agenda.
5. *Don't have children.*
   Save the Earth by ending the human race. Neat idea.
6. *Restrict the population of motor vehicles.*
   But, but . . . I thought we'd bury 'em all!
7. *Don't build cars.*
   Well, that would take care of restricting the motor car population. But does that include buses? (See point 43)
8. *Stop building roads.*
   So that no fugitive motor car could escape burial, I suppose.
9. *Replace roads with homes, parks, and gardens.*
   How about at least leaving some footpaths so that folks in Maine could trudge to Florida for their natural Vitamin C or folk music festivals?
10. *Halt weapons production and exports.*
    Have you tried that one out on the Pathet Lao or the Shining Path?
11. *Stop the sale, distribution, and export of cigarettes.*
    Joints too? Horrors.
12. *Send money to Brazil to provide urban jobs for impoverished workers now forced into the rain forests.*
    How come they get urban jobs while the rest of us are demolishing roads and picking berries? And where do we get money when we have to work without electricity, have no cars, and still have to plant and hoe, plant and hoe?
13. *Blockade a lumber truck carrying old-growth trees.*
    Okay, but let pass the trucks carrying firewood, fresh pine lumber, plywood, and so forth? Don't forget, firewood can replace electricity and, with enough burning, cause interesting waves of lung disease in those urban areas populated by working Brazilians subsidized by non-working Yankees.
14. *Spend a month tree-sitting.*
    Now, let's see, is that sitting *with* a tree, or *in* a tree? And who will bring us our vegetables?
15. *Try to live within the world average income ($1,250 a year) for one month.*
    That would come to $104.17 per month—a princely sum for those of us who have buried our car, sworn off meat and grown our own veggies.
16. *Cut up your credit cards.*
    Well, you can't be wrong *all* the time.
17. *Unplug your television.*
    And miss all those Public Television shows?
18. *Undertake a "Conservation Sab-*

bath"—one day a week without consuming electricity or fuel.

Is that before or after we bury all the cars and dig up the roads?

19. *Fast one day each week and send the money saved on food to help feed the hungry.*

Sorry, but since we started growing all our food we'll have to send turnips instead.

20. *Adopt a homeless person.*

And send *him* or *her* out to tend the veggies.

21. *Raise the minimum wage to a survival income.*

See point 15.

22. *Enact a maximum wage law.*

No worry, if the rest of the agenda succeeds, there won't *be* any wages.

23. *Tie politicians' salaries to the average working wage.*

The tie is tight already. Where do you think those political salaries come from, anyway?

24. *Replace majority rule with proportional representation.*

And the proportional reps would what? Require a *majority* vote on stuff? Pass laws with proportional provisions for various groups? *Oy vey.*

25. *Replace the electoral college with direct democratic elections.*

Hmmm. Whatever happened to proportional representation? You're taking the biggest majority vote of all.

26. *Abolish the CIA and the National Security Act of 1949.*

Okay. But we might need a little help from anyone not ripping up the roads, etc.

27. *Pass a nature amendment to the U.S. Constitution.*

Now let's see, would that be to limit nature, zone it, make it pay a fair share of taxes, or what?

28. *Oust Presidential advisor John Sununu.*

And replace him with the *Earth Island Journal* collective?

29. *Plant one new tree every day.*

Okay, but remember, Eskimos in Alaska haven't had much luck with trees the past few hundred years.

30. *Go to jail for something you believe in.*

Wherever is the jail going to get *its* veggies? How will it transport its inmates? Is tax resistance okay as something to believe in? How about slaughtering people you don't like because you believe them to be inferior? And while everyone's in the clink, who attends to the rest of the agenda?

31. *Don't own pets.*

Let 'em run wild. There's nothing more "natural" than a pack of feral dogs.

32. *Allow all beef-producing domestic cattle to become extinct.*

Would that be extinction by .44 Magnum or lethal injection? Or how about starvation or being eaten by feral dogs?

33. *Redirect the military budget to restoration work; convert weapons factories to peaceful research; retrain soldiers for ecological restoration.*

And, besides, they'll be used to walking on rough terrain such as all those ripped up roads. But that research item sounds suspiciously like letting technology in through the factory door. Do you really want that, in view of your other points?

34. *Remove the U.S. Forest Service from under the Agriculture Department; place USFS, the Bureau of Land Management, and the Fish and Wildlife Service under the Environmental Agency.*

Come on, collective, couldn't we just bury them along with the cars?

35. *Consume only products produced within your bioregion.*

Since bioregions are much larger than countries or states, doesn't that raise the ugly question of roads and tracks and stuff?

36. *Don't eat anything that comes in a package.*

Here, clerk, just shovel that granola into my bag (made from the hide of a now extinct beef cow).

37. *Don't buy anything that comes in a box.*

Okay, okay, let's get this package and box thing sorted out once and for all.

38. *Require operators and owners of nuclear power plants to live within one mile of the site.*

Sure, sure, without cars they'd *have* to. But what are those nuclear plants going to be doing? Remember—we disconnected the power lines!

39. *Mandate federal recycling and institute a refuse tax on solid waste.*

Groan. Get out the shovel, Jack. We're going to have to dig up that damn minivan after all.

40. *Pipe polluted water back into the water supplies of the companies that do the polluting.*

We trust that includes all units of government, the acknowledged largest polluters on the continent.

41. *Don't own anything that runs on batteries.*

Sure. What the hell. By the time we get in from the hand planting, hoeing, reaping, and road ripping we're too tired for any of those gadgets anyway.

42. *Hand over all the excess packaging to a store manager on each visit to the grocery store.*

Pardon our continuing confusion, but aren't *we* supposed to be growing all our own food?

43. *Travel by bus, never by air.*

Okay. So we don't bury the buses but we *do* bury the planes?

44. *Stop using toilet paper and Kleenex; use washable cloth.*

What's wrong with your fingers, Mac? They're washable.

45. *Extend the life of your wardrobe by learning to make and mend your own clothes.*

Phew. I really thought that loincloths were going to be mandatory on this one.

46. *Give money to every single panhandler you meet.*

Including the ones who make more than you do? And how can we make sure there'll be enough dough left over for those folk in Brazil?

47. *Democratize your workplace; start a union or a collective.*

Like the Teamsters? Or like those wildly successful collective farms in the USSR?

48. *Learn to farm.*

Tell it to all those farmers living off government subsidies.

49. *Liberate a zoo.*

Nothing like a bunch of rattlesnakes, panthers, hippos and elephants romping through the neighborhood.

50. *Ask your boss if you can take the day off to work on healing the planet . . . with pay.*

What boss, what work, what pay? I thought all that stuff was obsolete according to the implications of most points 1 through 49. ❑

Suggestion

Persuasion *versus* Force

by Mark Skousen

"Free to choose" and "responsible for choosing." These are not mere slogans. They are also the triumph of civilization.

Sometimes a single book or even a short cogent essay changes an individual's entire outlook on life. For Christians, it is the New Testament. For radical socialists, it may be Karl Marx and Friedrich Engels' *The Communist Manifesto*. For libertarians, it may be Ayn Rand's *Atlas Shrugged*. For Austrian economists, it may be Ludwig von Mises' *Human Action*.

Recently I came across a little essay in a book by Alfred North Whitehead, the British philosopher and Harvard professor, that captured my interest. The book is *Adventures of Ideas*, and the essay is "From Force to Persuasion." Actually, what caught my attention was a passage on page 83, only one page in the entire 300 page book:

> The creation of the world—said Plato—is the victory of persuasion over force . . . Civilization is the maintenance of social order, by its own inherent persuasiveness as embodying the nobler alternative. The recourse to force, however unavoidable, is a disclosure of the failure of civilization, either in the general society or in a remnant of individuals. . . .

Now the intercourse between individuals and between social groups takes one of these two forms: force or persuasion. Commerce is the great example of intercourse by way of persuasion. War, slavery, and governmental compulsion exemplify the reign of force.

Professor Whitehead's vision of civilized society as the triumph of persuasion over force should always be paramount in the mind of all politically active citizens and government leaders. It should serve as the guideline for the libertarian ideal.

Let me suggest, therefore, a new libertarian creed:

"The triumph of persuasion over force is the sign of a civilized society."

Surely this is a libertarian creed that most citizens, no matter where they fit on the political spectrum, can agree on.

Too Many Laws

Too often lawmakers resort to the force of law rather than the power of persuasion to solve a problem in society. They are too quick to pass another law in an effort to suppress the effects of a deep-rooted problem in American society rather than seeking to recognize and deal with the real cause of the problem, which may require parents, teachers, pastors, and community leaders to persuade people to change their ways.

Too often politicians think that new programs and new taxes are the only way to pay for citizens' retirement, health care, education or other social needs. "People just aren't willing to pay for these services themselves," they say.

Oliver Wendell Holmes once said, "Taxation is the price we pay for civilization." But isn't the opposite really the case? Taxation is the price we pay for failing to build a civilized society. The higher the tax level, the greater the failure. A centrally planned totalitarian state represents a complete defeat for the civilized world, while a totally voluntary society represents its ultimate success.

Thus, legislators—ostensibly concerned about poverty and low wages—pass a minimum wage law and establish a welfare state as their way to abolish poverty. Yet poverty persists, not for want of money, but for want of skills, capital, education, and the desire to succeed.

The community demands a com-

plete education for all children, so local leaders mandate that all children attend school for at least 10 years. Winter Park High School, which two of my children attend, is completely fenced in. Students need a written excuse to leave school grounds and a written excuse for absences. All the gates except one are closed during school hours, and there is a guard at the only open gate at all times to monitor students coming and going. Florida just passed a law that takes away the driver's license of any student who drops out of high school. Surely that will solve the problem!

Now students who don't want to be in school are disrupting the students who want to learn. The lawmakers forget one thing—schooling is not the same thing as education.

Many high-minded citizens don't like to see racial, religious or sexual discrimination in employment, housing, department stores and restaurants. Instead of persuading people in the schools, the churches and the media that discrimination is unchristian and morally repugnant, lawmakers simply pass civil rights legislation outlawing discrimination. Well, so much for that problem! Does anybody wonder why discrimination is still a serious social disease in our society?

Is competition from the Japanese, the Germans and the Brazilians too stiff for American industry? We can solve that right away, says Congress. No use trying to convince industry to invest in more productive technology, or trying to reduce the tax burden on business. No, we'll just impose import quotas or heavy duties on foreign products. Surely that will make us competitive.

Drugs and Abortion

Is drug abuse a problem in America? Then pass legislation prohibiting the use of certain high-powered drugs. Surely that will solve the drug-abuse problem. Yet it never addresses the real problem, which is why people misuse drugs in the first place, and how can these needs be satisfied in nondestructive ways? By outlawing drugs, we fail to consider the beneficial uses of these drugs in medicine and we fail to consider the underlying cause of increased drug or alcohol misuse among teenagers and adults.

Abortion is a troublesome issue, we all agree on that. Whose rights take precedence, the baby's or the mother's? Apparently millions of pregnant women prefer abortion because it's a quick little clean operation that can eliminate in a day all the outward signs of sexual irresponsibility. Did you let your sexual desires get carried away? Forget to use a birth control device? No problem—you can get an abortion down at the local clinic. You know, right next to the drugstore, where you forgot to buy the condoms.

Political conservatives are shocked and embarrassed by the millions of legal fetal killings that take place every year in America and around the world. How can we sing "God Bless America" with this eyesore plaguing our nation? So, for many conservatives the answer is simple: Ban abortions! That will solve the problem. This quick fix will undoubtedly give the appearance that we have instantly solved our national penchant for genocide.

Yet wouldn't it be better if we tried to answer the all important question, "Why is abortion so prevalent today, and what can we do to prevent the need for abortions? How can we persuade teenagers, for example, that sexual irresponsibility only creates more problems than the temporary pleasure it gives?"

There are those in society who want to ban handguns, rifles and other firearms, or at least have them tightly controlled and registered. Is there is crime problem? Don't worry. We can solve the murder and crime problem in this country, simply by passing a law taking away the weapons of murder. No guns, no killings. Simple. Thus, they look to change outward appearances, but they show little interest in finding ways to discourage a person from becoming criminal or violent in the first place.

I am convinced that the libertarian movement will remain a fringe movement so long as libertarians think only in terms of freedom and not in terms of responsibility for their free actions. Too many libertarians equate liberty with libertine behavior. That the freedom to have an abortion means that they should have an abortion. That the freedom to take drugs means that they should take drugs. That the freedom to use handguns means they can use them irresponsibly.

More than Just Freedom

It is significant that Professor Whitehead chose the word "persuasion," not simply "freedom," as the ideal characteristic of the civilized world. The word "persuasion" embodies both freedom *of* choice and responsibility *for* choice. In order to persuade, you must have a moral philosophy, a system of right and wrong that governs you. You want to persuade people to do the right thing, not because they have to, but because they want to.

In this context, let us answer the all-important question, "Liberty and Morality: Can We Have Both?" The answer is, absolutely, we must have both—or eventually we will have neither. As Sir James Russell Lowell said, "The ultimate result of protecting fools from their folly is to fill the planet full of fools."

Our motto should be, "We teach them correct principles, and they govern themselves."

Freedom without responsibility only leads to the destruction of civilization, as evidenced by Rome and other great civilizations of the past. As Alexis de Tocqueville said, "Despotism may govern without faith, but liberty cannot." In a similar vein, Henry Ward Beecher added, "There is

"Of course I believe in objective truth — at least as far as *I'm* concerned."

no liberty to men who know not how to govern themselves." And Edmund Burke wrote, "What is liberty without wisdom and without virtue?"

My challenge to all libertarians today is to take the moral high ground. Neither the Republicans nor the Democrats think any more in terms of persuading people; they feel the need to force their nostrums down our throats at the point of a bayonet and the barrel of a gun, in the name of the IRS, the SEC, the FDA, the DEA, or a multitude of other ABCs of government authority.

In this context, let us answer the all-important question, "Liberty and Morality: Can We Have Both?" The answer is, absolutely, we must have both—or eventually we will have neither.

Our cause is much more compelling when we can say that we support drug legalization, but do not use drugs. That we tolerate legal abortions, but choose not to abort our own future generations. That we support the right to bear arms, but do not misuse handguns. That we favor the right of individuals to meet privately as they please, but do not ourselves discriminate.

In the true spirit of libertarianism, Voltaire once said, "I disapprove of what you say, but I will defend to the death your right to say it!" If we are to be effective in convincing others of a libertarian world, we must take the moral high ground by saying, "We may disapprove of what you do, but we will defend to the death your right to do it."

In short, my vision of a libertarian society is one in which we discourage evil, but do not prohibit it. We teach our children and our students not to abuse drugs, but after all our persuading, if they still want to use harmful drugs, that is their right—so long as they do not infringe on the rights of others. We may discourage prostitution and pornography by insisting that it be restricted to certain areas and to certain ages, but if people really want it, no one is going to be jailed or fined. If an adult bookstore opens in your neighborhood, we don't run to the law and pass an ordinance, we picket the store and discourage customers. If we don't like violence and sex on TV, we don't write the Federal Communications Commission, we join boycotts of the advertiser's products. Several years ago the owners of Seven Eleven stores removed Playboy and Penthouse from their stores, not because the law required it, but because a group of concerned citizens persuaded them. Truly, these actions reflect the spirit of libertarianism.

It is the duty of every advocate of human liberty to convince the world that we must solve our problems through persuasion and not force. Whether the issue is domestic policy or foreign policy, we must recognize that passing another law or going to war is not necessarily the answer to our problems. Simply to pass laws prohibiting the outward appearance of problems is to sweep them under the rug. It may hide the dirt, but it doesn't dispose of the dirt properly or permanently. Libertarians should do more than simply oppose federal funding of abortions, they should also favor the "fully informed" consent rules before a woman can get an abortion. Under this approach, abortion may not be prohibited, but it would be discouraged.

Convincing the public of our message, "that persuasion instead of force is the sign of a civilized nation," will be a lot of hard work, but it can be rewarding. The key is to make a convincing case for freedom, to present the facts to the public so that they can see the logic of our arguments, and to develop a dialogue with those who may be opposed to our position. Our emphasis must be on educating the public. For we shall never change our political leaders until we change the people who elect them.

A Vision of a Libertarian Society

Martin Luther King Jr. gave a famous sermon at the Lincoln Memorial in the mid-1960s. He said he had a dream about the promised land. Well, I too have a vision of an ideal society.

I have a vision of world peace, not because the military or the police have been called in to maintain order, but because we have peace from within and friendship with every nation.

I have a vision of universal prosperity and an end to poverty, not because of foreign aid or government-subsidized welfare, but because each of us have productive, useful employment where every trade is honest and beneficial to both buyer and seller, and where we eagerly help the less fortunate of our own free will.

I have a vision of an inflation-free society, not because of wage and price controls, but because our nation has an honest money system.

I have a vision of a drug-free America, not because drugs are illegal, but because we desire to live long, healthy, self-sustaining lives.

I have a vision of an abortion free society, not because abortion is illegal, but because we firmly believe in the sanctity of life, sexual responsibility, and family values.

I have a vision of a free society, not because a benevolent dictator commands it, but because we love freedom and the responsibility that goes with it.

Taxation is the price we pay for failing to build a civilized society. The higher the tax level, the greater the failure.

I end my remarks with these words taken from a Protestant hymn. The author is anonymous, which I think is appropriate, for it expresses the aspiration of every man and every woman in a free society.

Know this, that every soul is free
To choose his life and what he'll be;
For this eternal truth is given
That God will force no man to heaven.

He'll call, persuade, direct aright,
And bless with wisdom, love, and light,
In nameless ways be good and kind,
But never force the human mind. ❑

THIS MODERN WORLD by TOM TOMORROW

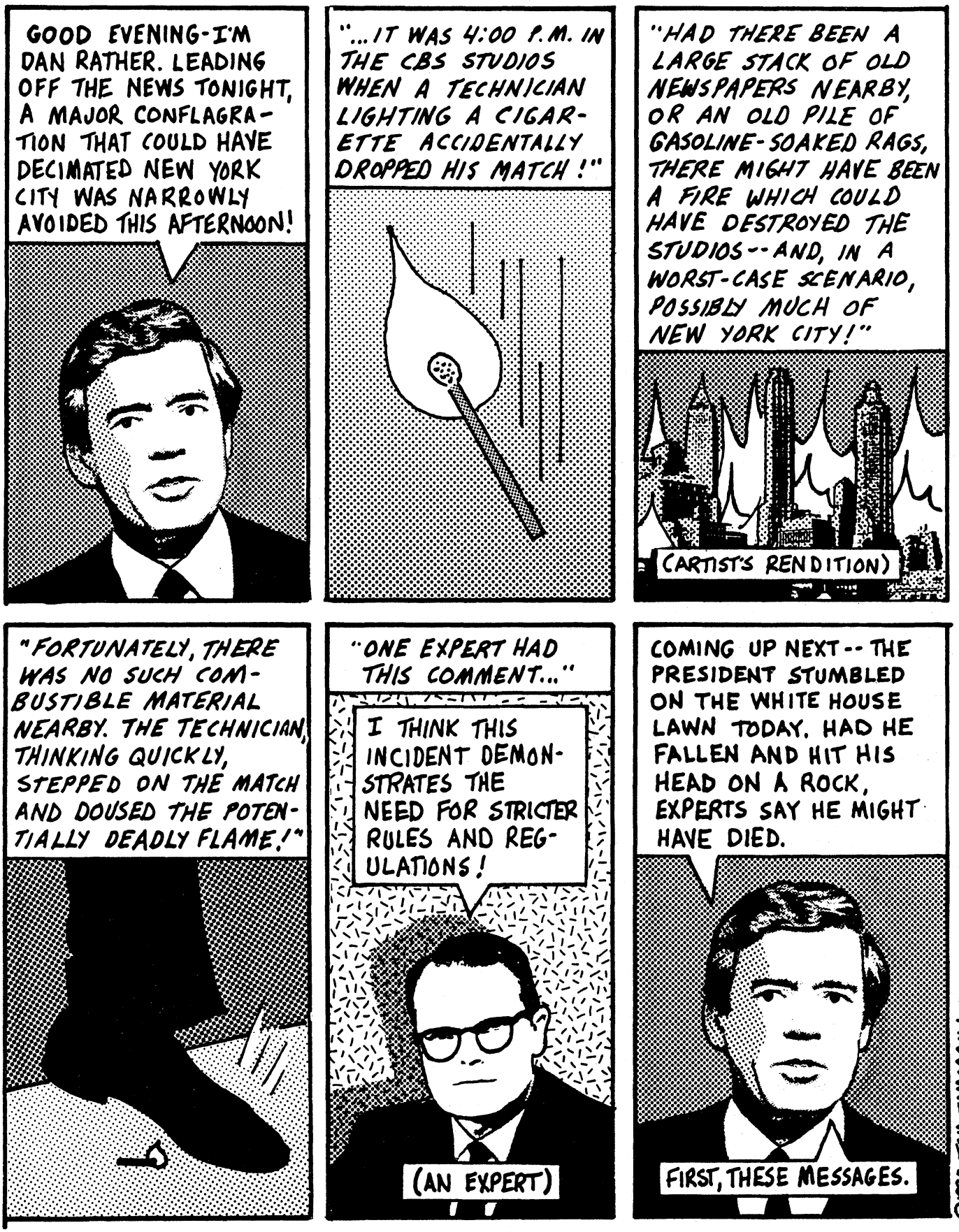

Challenge

Questions on the Phylogeny and Ontogeny of Rights

by James McClarin

Warning: the American Association of Stodgy Philosophers (AASP) has determined that the following essay will cause readers to both think and laugh.

The animal rights and abortion rights battles are merely two tips of a very large iceberg lurking beneath the plane of debate chosen by most rights theorists: It is our lack of sufficiently rigorous criteria for establishing precisely when the condition of "rights" exists, and when it does not.

What follows is a series of situations—most of them hypothetical—in which "common sense" may not be sufficient to determine the presence of rights. I hope to elicit not conviction but caution: it is time to recognize that many important questions remain unanswered, that our philosophical evolution is incomplete.

Early Man

Assuming humans have inalienable rights, at what point in our evolutionary past might these rights have appeared, and did they do so gradually or suddenly? If gradually, we must assume these rights were something less than inalienable at any point before their full emergence. Would that mean there can be conditions under which modern humans are something less than human (idiots, fetuses), and therefore not in possession of inalienable rights?

On the other hand, if inalienable rights appeared suddenly on our phylogenic tree, what was the agent that caused this sudden condition? Was every member of the gene pool instantaneously transformed, or was it only one specimen, with the condition passed on as birthright to its descendants? Was the sudden possession of rights unrelated to other conditions, such as intellectual capacity, language, and emotional development, and if so, did it mean that every member of the entire evolutionary line—no matter at what level of development—was thenceforth in possession of inalienable rights?

The Super-Ape

Upon isolating several hundred gene factors affecting intelligence in gorillas, scientists in the year 2007 succeed in concentrating all such factors in one gorilla ovum, and are able to induce development of the egg without fertilization, by parthenogenesis. The result is a female ape of super IQ. Though this ape has characteristic difficulty with vocal language, she excels in non-verbal communication, mastering the word processor in several human languages by age three. This whiz ape goes on to publish philosophical treatises in *Liberty*, eventually landing a job as editor of the *Daily Libertarian News*—America's largest circulation newspaper.

Does this animal possesses inalienable rights? Upon what basis?

Human Body Parts

In 2008, a crack surgery team succeeds in keeping alive portions of an accident victim's body: advanced, miniaturized life-support hardware maintains his brain and one leg. However, there is no practical way to rejoin these surviving body parts. The leg is fitted with a walnut-sized electronic brain that enables it to stand, jump and take bus trips downtown where it hops about, drawing incredulous expressions from fellow pedestrians waiting for the light to change at cross-walks.

The leg is clearly human in genetic composition, and it's alive. Is it a human life, possessing a "right to life"? If someone killed it, should they be prosecuted for murder?

Meanwhile, the surviving brain is encased in a motorized, suitcase-sized mobile life-support unit with assorted sensory apparatus, mechanical arms and electronic speech. The brain is able to communicate, watch movies, go to the bank or the baseball game, or even go deep-sea fishing.

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Does this brain have an inalienable right to life, and on what basis?

Continua

A doctor examines 800 mentally impaired persons ranging from comatose individuals unable to perform any non-autonomic action, to those able to talk and look after themselves to some extent. Do all of them possess rights? Do some possess more than others?

Various brain-damaged individuals in the 21st century are given electronic brain booster components, enabling them to live useful lives. The interfaced electronic components range from 1% to 99% of brain mass. Do all of these people have full human rights? Why or why not?

Scientists in the 21st century finally succeed in crossing humans and chimpanzees, and soon several mixes exist: 1/4 humans, 1/2 humans, 3/4 humans, etc. Where on this continuum do "human rights" begin?

"Ontogeny recapitulates phylogeny," or so we used to be told in biology class. This famous phrase commemorates a curious characteristic of the flesh: namely, that during its growth, the human fetus resembles a progression of fetuses of lower animal forms in the species' evolutionary past. A human fetus resembles that of a fish, an amphibian, a lower mammal and a lower primate on its way to looking human. Do rights follow ontogeny as ontogeny follows phylogeny? That is, does one possess rights only upon reaching a certain stage of development?

If animals share rights with humans, which animals are we talking about? Does a dog share rights with its fleas or heartworms? Does a snake have more rights than an earthworm? Does a nightcrawler have more rights than the single-celled paramecium? And does the ciliated paramecium have more rights than the flagellated euglena? (The euglena contains chloroplasts, and is a member of the plant kingdom despite it's animal-like motility.) Using euglena rights as a reference point, what distinguishes higher animals from higher plants where rights are concerned?

A future android robot has the capacity for abstract thought, humor, creativity and introspective analysis, which it combines to produce several excellent submissions to and serves as chairperson of the politically dominant Libertarian Party for a term before an octogenarian Democrat assassinates him. Should the Democrat be tried for murder? If so, at what point in the evolution of artificial intelligence do these rights emerge?

Insectoid space aliens land and inform us that our notion of rights is all wrong. Should we respect their inalienable rights as if they were simply misguided humans?

What's the Porpoise?

Grocery store tabloids finally get a chance to report a true story. Insectoid space aliens land after studying our TV transmissions—their translator units sounding like big-time wrestlers and used-car dealers—and inform us that our notion of rights is all wrong. Should we respect their inalienable rights as if they were simply misguided humans? By what criteria would we attempt to establish their possession of "human" rights? Should we test porpoises and fetuses with the same criteria?

Another tabloid story comes true. While negotiating with the San Francisco 49ers, a huge, hairy sasquatch, is poisoned by a jealous free agent. Should the free agent be charged with murder? Why or why not?

The point of all this idle speculation is merely to reveal that our smug assertion of inalienable human rights rests on a wobbly foundation of inadequate definition.

This is a call to all sides in the rights debate to concede the need for a lot more philosophical development before resorting to extreme actions. It is not a call to stop being political or educational—only to pursue such aims with a little more humility and a renewed dedication to truth. ❑

Reviews

Gratitude: Reflections on What We Owe to Our Country,
by William F. Buckley, Jr. Random House, 1990. xxi + 170 pp., $16.95.

The Gospel of Duty, According to Buckley

William P. Moulton

Gratitude is William Buckley's most controversial offering of the past fifteen years or so. Reviews from all sections of the political spectrum were decidedly mixed—there were grumblings even among the Conservative faithful. The controversy did not center on style, readability or topicality, nor did it have much to do with whether one, in general, liked or disliked the author. Rather, the focus of the ferment was the book's central motif: its advocacy of a system of compulsory (or nearly so—see below) national service for American youth.

This was a bit much for many, maybe most, conservatives and for at least a sizable minority of liberals, although some of the latter made it fairly clear that they would favor a similar proposition if it were to emanate from a source having more progressive motives. This book, shall we say, raised eyebrows.

My primary intention in reviewing this opus is not to promote discussion of, or even to condemn, what Buckley advocates. I am well aware that the number of libertarians and classical liberals who are favorably disposed toward any concept of national service (as the words are used in today's political milieu) is approximately zero. Instead, I bring this book to the attention of *Liberty*'s readers because it touches on some matters that are worth thinking about but, in fact, tend to be neglected by the kind of people who should be examining them.

WFB has long been one of the more libertarian figures among the major avatars of American Conservatism. Certainly his championing of the decriminalization of marijuana and his mostly tolerant attitude on social issues place him at a considerable remove from, let us say, Russell Kirk or Pat Robertson or Ernest van den Haag. Yes, sometimes he disappoints and sometimes he veers off on some tangent of sheer silliness, viz. his one-time obsession with the so-called Shroud of Turin.

In spite of this fairly decent record, Buckley has flirted with the idea of national service for some time. In his 1974 book *Four Reforms* he briefly and vaguely recommended something of the sort, stating that it needed more thought in order to get around the objections that would arise from those concerned about the level of coercion in society. In the intervening years, he has obviously formalized his views on the matter and, in his mind at least, overcome the objections and reservations to which he alluded in his earlier book.

Gratitude is a slim volume in eleven short chapters of which three contain almost all the meat. Chapter Two, "The Patrimony and Civic Obligation," argues for the fundamental principle involved. "We are accustomed to hearing it said that criminals ought to repay their 'debt' to society. The term of obligation is used too narrowly. Those who do not [commit crimes] also owe a debt to their society, if only because it pauses to distinguish between those who [commit crimes] and those who do not" (p. 11). This is really the core of the argument.

Buckley himself acknowledges that his reasoning is general, rather than deeply rigorous. We live in a great country, and we should feel gratitude, reverence, and love toward it. He does marshal some heavyweight sources, but utilizes them sparingly. He touches upon the Aristotelian and Thomistic roots of natural law, but more as they pertain to the necessity of a social order and a state than as they relate to the notion of civic duty. He cites Alexander Hamilton's observation that in the event of a "general distemper of the people" (what we would today call a massive alienation, disaffection, and apathy) a republic had no prospect of survival, and Pope Leo XIII's 1891 encyclical *Rerum Novarum*'s compendium of warnings of the dangers of an unfettered individualistic liberal order. He scatters in a few other arguments from authority or, at any rate, arguments that bolster their case by reference to authority. For some reason, Buckley neglects Cicero, whose careful and eloquent delineation of the Roman concept of *civitas* would provide much more powerful backing for the idea of active patriotism than do the cited sources.

In Chapter Four, "Anticipating the Libertarian Argument," Buckley takes advantage of being able to formulate his opponents' positions in a manner guaranteed to maximize the ease of their refutation. He is aware, at least in general terms, of the strong qualms and frequent outright opposition that

the very idea he is pushing rouses in many people, including many with whom he is in profound agreement on most matters. As he states, "One needs . . . to face up to the charge that we are engaged in a grand manipulation of the human personality by the state" (48). He responds by merely observing that totalitarian attempts to remake human nature (he cites only the example of Maoist China) have failed: "The idea of Mao-ism died, officially, at Tiananmen Square: died figuratively and literally.

Buckley takes advantage of being able to formulate his opponents' positions in a manner guaranteed to maximize the ease of their refutation.

[This], followed so soon by the events in Eastern Europe, was the gratifying answer to George Orwell. If all the instruments of Chinese Communism under Mao were insufficient to change human nature, it is unlikely that . . . the state will ever be equal to the challenge" (48). This analysis is probably accurate, but it doesn't seem to occur to Buckley that there are many crimes and degrees of oppression and horror that state power has unleashed that do not aim at the creation of a new human typus. Robespierre, Stalin, and Mao are a special kind of case. To put it another way, flamboyant tyranny is not the only, or necessarily even the most complete and successful form of statism. (By very rough analogy, isn't Warren Beatty, rather than Ted Bundy, the archetype of successful male sexuality?)

Buckley is prescient enough to realize that some opposition to his program, even among those he respects, will not be won over. He quotes former Reagan advisor Martin Anderson as claiming that in programs for national service, ". . . one finds the sharp fangs of coercion and compulsion, the faint whiff of envy and hatred of the young and the ideological yearning for demands for a totalitarian society" (49). Buckley also notes that Milton Friedman (whom he describes as "my hero") has likened national service to the principles of the Hitler Youth (which WFB erroneously calls the Hitler Youth Corps).

Buckley's replies to classical liberal arguments are rather thin. Most are dismissed by mere specifications of the type, "No, this won't happen because the program will be designed so it doesn't happen. Next question." This is a favorite, and probably necessary, rhetorical technique used by authors of utopian and dystopian novels, but it is not very convincing outside of fiction.

Finally, in Chapter Nine, Buckley gets to the meat of his proposal. Who would participate? Ideally, everyone, beginning at age eighteen. For how long? Very complicated—no straight answer. For convenience, let's say that most would serve for one to two years, but some would stretch it out over a longer period. (Some, also, would begin later.) What would they do? Oh, all sorts of things. Work at hospitals, nursing homes, hospices and psychiatric centers. Help with alcoholism and drug treatment programs. Provide home health care. Participate in Big Brother/Big Sister programs. Do maintenance work at just about any public site. Join the Guardian Angels. Count snail darters. Many other things. What are the inducements? At this point the whole project becomes somewhat labyrinthine. To his credit, Buckley backs away from overt compulsion in the form of military-style conscription. His arguments against coercion are more pragmatic than principled, it is true, but he is, I think, sincerely trying to remain within the parameters of a basically pro-freedom outlook. "The argument that it is [wrong] for the state, should its citizens determine upon its advisability, to draft the entire eighteen-year old population for the purpose of finally qualifying it for fully active . . . citizenship is difficult to make. . . . However, prudential arguments against conscripted national service are entirely convincing" (113).

So what would Buckley do? His system would use a carrot-and-stick approach. The federal government would provide some cash payments, and extensive tax credits, to be applied against the liabilities incurred following one's national service periods. The government would deny "some or all" public subsidies to those who refuse to participate. These would, or could, include direct payments (Social Security, student loans, farm subsidies) indirect revenue-enhancers (depreciations, deductions, and rebates in tax policy; deposit guarantees; special mortgage interest rates for veterans), and, more darkly, such accoutrements to civilized life as driver's licenses, and admission to certain public places of service, relaxation and entertainment. I said Buckley tried to be non-coercive. I didn't say he tried nearly hard enough.

Being a libertarian sometimes places me in a quandary. I don't approve of most "benefits" on the above list. Yet one has to make distinctions. To say one doesn't think driver's licenses should be required to let you drive is not the same as saying you shouldn't be given a driver's license. The latter means, in every practical sense, you shouldn't be allowed to drive. Similarly, I oppose public subsidies. I do not, however, think I am obliged to say "I would be indifferent to a federal policy of giving farm subsides only to decent married farm couples of European stock who attend church regularly, since the people denied subsidies have no right to such bounty in the first place." I'm not saying that I would campaign for a restoration of the complete subsidy program, any more than I presently go about campaigning for churches to be taxed. I'm simply saying that rejection of the root assumption behind some so-called benefit does not automatically mandate a moral blindness about possible abuse in its actual implementation.

Some libertarians veer off toward a sterile anti-American position, forgetting that it is almost impossible for a movement that hates its own society and nation to build anything approaching a mass base.

Buckley is aware of the fact that the program he advocates would result in

a two-tier system of citizenship. The closest parallel that occurs to me is the distinction between citizens and *humiliores* during the Roman Empire. Buckley sees this in rather abstract and elevated terms. The dark side of such a system seems not to occur to him. He writes avidly of "encouraging civic distinctions" and draws a comparison with the distinction between veterans and non-vets when it comes to VA benefits. All this is unconvincing. Buckley should be perfectly capable of visualizing the ugly and socially disintegrative effects of a society permanently divided into "good citizens" and "unpatriotic shirkers."

There's not much more to say about this book *per se*. Buckley presents as strong and reasonable a case as can be made for a program of national service. It falls short in every respect—economic, cultural and moral. It is riddled with evasions and false assumptions, not the least of which is the idea that there are vast areas of human needs that cannot be provided for by the marketplace. His list of these market failures seems almost Galbraithian in scope. Even apart from considerations of liberty, autonomy and self-direction, Buckley simply does not make a case that the service he envisions is in any sense necessary for the fulfillment of "social needs," or that it would improve the tone of civil society in any significant way.

This book does touch upon, without really discussing, some issues that both conservatives and libertarians ought to think about. Many strong, free-market, limited-government conservatives seem to have a schizoid attitude toward our particular nation-state. They despise government, especially the federal government, as it functions as a day-to-day instrument of confiscation and oppression. But they love "America" and despise its critics. Such an outlook might be summed up as "God damn those SOB feds, but if you trash Uncle Sam it'll be over my dead body!" Of course, there is a valid distinction between the government and the nation. Even so, there is a constant tension evident in most conservative pronouncements on these matters, just as would be evident within someone who professes to hate the Pope and his bishops and priests but love the Catholic Church. Whether conservatives can resolve this tension I do not know, but they ought to give the matter some thought.

As for libertarians, it has long been my belief that for the most part they neglect political theory. Except for sincere and consistent anarchists, libertarians do not have a coherent intellectual relationship with the civic order under which they live. I do not refer here to grumbling about the depredations of the State, or even to that certain feeling of alienation that nearly all ideologues experience in a culture such as ours. What I am getting at is the fact that libertarians don't seem to know what to make of the United States of America. Again, anarchists don't really have a problem, other than with the caution that prudence dictates. If one really, in one's heart of hearts, regards all governmental authority (or all authority, period) as illegitimate, then loyalty, "gratitude," identification with national leaders, and a sense of common citizenship present no problems.

> Gratitude *is worth reading, if only to see the way in which an intelligent right-winger with a sincere but flawed devotion to freedom grapples with some important issues that are of interest to libertarians. Besides, it's short.*

But for the large number of libertarians who advocate limited or minimal government, there is a tension similar to what conservatives feel. This tension is even more intense for libertarians, because they embrace liberty as a central political virtue. This tension manifests itself in various ways. Some of us revere the republic's radical Whig, quasi-libertarian roots, but can't forget this is the same country whose government so casually sideswipes so many lives in so many ways. We tend to glorify the American people for their historic devotion to freedom, but we can't ignore the high degree of public support for many (probably all) of the massive invasions of privacy and liberty that the state inflicts on its citizens. We—at least, quite a few of us—want to exalt America and put forth a claim to be the most consistent upholders of its heritage. But too much sticks in our throats. Some libertarians, unable to resolve this dualism, veer off toward sterile anti-American or "fuck the state" fences, forgetting that it is almost impossible for a movement that hates its own society and nation to build anything approaching a mass base. Others submerge all distinctions under an anti-statist rubric, making the U.S. and Britain become the moral equivalent of Stalin's USSR and Hitler's Germany, and one's local police identical to the KGB or Gestapo. (Objectivist Peter Schwartz alludes to this phenomenon with some acuity in his generally dreadful booklet "Libertarianism: The Perversion of Liberty.")

Whether these tensions felt, consciously or otherwise, by libertarians and the better sort of conservatives can be resolved is, of course, a difficult question. For me, William F. Buckley's struggle with them was the most interesting aspect of *Gratitude*. Probably most libertarians would, in the normal course of things, be inclined to pass over this book, turned off either by its subject matter or its author. It is worth reading, however, to see the way in which an intelligent right-winger with a sincere but flawed devotion to freedom grapples with some important issues that are of interest to libertarians. Besides, it's short. No pictures, though. ❑

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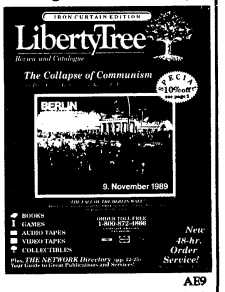

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Respect for Nature: A Theory of Environmental Ethics
by Paul W. Taylor. Princeton University Press, 1986, 398pp., $37.50.

Respecting the Unrespectable

John Hospers

The environmental movement and the animal rights movement have both achieved prominence in the last decade or so. In the popular mind they are often confused with each other, perhaps because they share a common element, the value of non-human living things. Yet they are quite different; indeed, each conflicts with the other at some points.

The pollution of the earth's air and water, the deterioration of the soil and the destruction of forests and wetlands, the need to preserve endangered species, the problems associated with the disposal of garbage and toxic wastes—all these are typical environmental issues. They focus on the general state of the biosphere rather than on any individual life. Animal rights advocates, on the other hand, emphasize the sanctity of all life, the wrongness of injuring and killing animals (regardless of species), and the immorality of using animals for our ends.

Paul Taylor's book is unique in its combination of both emphases. Taylor is an environmentalist, yet he is also convinced of the wrongness of taking animal lives. Unlike Tom Regan, who wrote *The Case for Animal Rights* [1]—a book that Taylor's somewhat resembles—Taylor does not defend a theory of animal rights: that is, he does not hold that individual animals have any *claims* against us, but only that we have certain *obligations* toward animals. Though in practice their views often seem similar, their basic approaches are strikingly different. For Regan, the creatures who possess rights, and to whom human beings have duties, are *sentient beings*, capable of sensation and feeling. It is because animals can experience pain and suffering, as people do, that we should treat them with the same consideration and respect. It is wrong to inflict pain, suffering, and death on animals capable of experiencing these things. Such states are intrinsically evil, and it is wrong knowingly to cause them when there is any alternative. This is an eminently plausible position, anticipated 200 years ago by Jeremy Bentham, who said we have duties to animals, not because of their intelligence or rationality or any other feature than their *capacity to suffer*.

Taylor, however, does not take this position. His case begins with the concept of a creature's good.

The Fundamentals of Respect

Most animals have *interests*. They care what happens to them, they have desires that they seek to realize. Creatures of countless species have interests. But Taylor does not limit the scope of human duties to creatures with interests, wide though that scope is. He extends it to all entities that can be said to have a *good of their own*—a much broader concept, which includes many species that have no interests at all. Plants do not have interests, yet they can be harmed or benefited. Things happen to them and can be done to them that promote or inhibit their lives. Something may contribute to the good of an individual organism without contributing to the good of the entire species—such as fertilizing a particular plant. And something may contribute to the good of the entire species even if it harms or kills the individual member—the individual deer may be eaten by predators, but the loss of weaker or sickly members contributes to the good of the species and indeed of the whole ecosystem (p. 70).

That a being has a good of its own (that it can be harmed, for example) is a fact about it. It is an *is*-statement, as we say in philosophy. That a being should be treated in a certain way is an *ought*-statement. Statements about *inherent worth*, which is Taylor's basic conceptual tool, are ought-statements. Taylor says that to have respect for nature is to regard the plants and animals of the earth's ecosystems as possessing inherent worth; but what exactly does this mean?

If we use other persons merely as means to our ends (slavery is an obvious example), we are using them as instruments: they have instrumental worth to us but not inherent worth. We treat them as having inherent worth when we treat them as *ends-in-themselves*—for example, when we do something that contributes to their good even if it does not contribute to ours. Taylor's thesis here is very Kantian, except that Kant applied it only to human beings. Taylor takes this Kantian principle of treating all human beings as ends-in-themselves and applies it to all living things. When we are concerned with their good and not merely with what advantage we can obtain from them, we are treating them with *respect*. "The entity in question must not only be thought of as having a good of its own; it must also be regarded as having inherent worth. When so regarded, the entity is considered to be *worthy of respect* on the part of all moral agents" (72).

The lioness doesn't pause to consider whether the antelope has harmed her. Why should people be different? Why should the person choose not to harm rather than to harm?

Worth is different from merit. Someone who is a good carpenter has more merit as a carpenter than someone who is incompetent. The merits of individuals are unequal: that is, individuals vary in the degree to which they fulfill standards of merit for a given enterprise. Merit involves much individual variation; worth does not. "If we regard persons as possessing inher-

ent worth as persons, then they all possess the same worth, since it is their simple personhood itself which is the ground of their worth" (77).

Now, if one stipulates that the phrase "inherent worth" is going to be used in such a way that only one thing—being a person—is to count toward a person having it, then, since everyone is (equally) a person, everyone has equal inherent worth. Q.E.D. But this is a mere linguistic victory. If you use the terms that way, the conclusion follows. Similarly, if the *only* thing that gives *non*-human species inherent worth is (as Taylor says) that they are living organisms that can be harmed or benefited, then *of course* it follows that all living things have the same inherent worth. (And if we use the word "triangle" to mean grass, and all grass is green, then all triangles are green.)

The phrase "inherent worth" is not much used in popular parlance. But "worth" by itself is, and as we ordinarily use it, people have very different worths. We consider an honest, reliable person to have greater worth than someone who regularly lies and cheats. They might both be said to have the same "initial worth" in the sense of being equally worthy of consideration (or of a fair chance), just as everyone is said to be equal before the law (deserving of equal consideration). In any case, many people will object strongly to Taylor's allegation that all living things have equal inherent worth. Human beings, they say, have greater worth; humans have rationality, freedom of choice, a sense of right and wrong—and no other animal has these things. Therefore, they say, human beings have greater worth.

Taylor opposes any suggestion that human beings have greater *inherent* worth. We have capacities that other animals lack, he says, but they also have capacities that we lack. If we say that human beings have rationality, and therein lies their greater worth, it can be replied that antelopes and jackrabbits are swifter, and are superior in that respect. "Why should these capacities be taken as signs of our superiority to them? From what point of view are they judged to be signs of superiority, and on what ground? After all, many non-human species have capacities that humans lack. There is the flight of birds, the speed of a cheetah, the power of photosynthesis in the leaves of plants, the craftsmanship of spiders spinning their webs. . . ." (129) The speed of locomotion promotes the cheetah's life just as reason promotes (or *can* promote) human life.

Human survival, Taylor reminds us, is totally dependent on the health of the earth's biosphere, but the well-being of the biosphere in no way depends on human life. The environment got along quite well for millions of years before people came into existence (114). And the loss of human beings from this planet would not be a loss to any wild species; in fact they would be better off because their air and water would not be polluted and their habitats destroyed.

One more concept: something has *intrinsic value* for us when we find it enjoyable or pleasant or worth-while for its own sake. The experience of enjoying music is intrinsically worth-while even though it may lead to nothing in the future—that is, it may have no instrumental value. Even the experience of getting high from a dangerous drug is intrinsically worth-while, although it is instrumentally bad—it may lead to a lifelong addiction in which all other values are crowded out. The experience of pleasure is intrinsically good, and of pain intrinsically bad, though some pleasure is instrumentally bad (leads to misery and distress) and some pain is instrumentally good (for example, when it leads to the correction of a diseased condition).

Most writers on ethics and animals, myself included, [2] have made extensive use of the concept of intrinsic value, because only sentient beings are capable of experiencing pleasure or satisfaction (positive intrinsic value) and pain and distress (negative intrinsic value), and the capacity for such experience seems to define our duties to animals. Taylor, however, does not take this line; intrinsic value plays no great role in his book. For Taylor our duties to animals are based on their having a good of their own, which has different content from one species to another.

"Respect for nature" is what Taylor calls an *ultimate moral attitude.* Taylor takes this attitude to have several components:

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1) A disposition to make certain *judgments*, specifically "to regard all wild living things in the earth's natural ecosystems as possessing inherent worth" (the valuational dimension);

2) The disposition to *aim* at certain ends and pursue certain purposes, specifically to avoid harming or interfering with the natural status of wild living things (the conative dimension);

3) The disposition to follow *rules of behavior* that are conducive to that end (the practical dimension);

Suppose that your dog is being slowly bled to death by woodticks, in places where the dog cannot reach. Are you morally required to be impartial as between predator and prey, letting the dog bleed because you shouldn't intervene in nature's workings?

4) The disposition to have certain *feelings* with respect to nature, e.g. to feel pleased about the maintenance and prospering of wild communities of life (the affective dimension). People show respect for nature when they act "out of consideration and concern for the good of wild living things" (84).

Respect is not the same thing as love. "Respect is not a matter of simple personal affection the way love of nature is" (90). In respect for nature one is concerned about nature's well-being. One may have a special fondness for a particular species, and this is a part of one's love of nature in general. But respect is not based on any such emotional appeal. That an animal or plant is attractive to us is irrelevant to our adopting an attitude of respect toward it. We may not even like the creatures in question; they may be uninteresting or repulsive to us. But their unattractiveness to us should in no way affect our impartial concern for their well-being.

Most people, most of the time, do not have this disinterested concern for living things. People tend to care most about the animals they can use in some way—eating them, using their skins as clothing, using them in medical experiments, and making human labor easier. And among animals that serve no particular material function we tend to favor animals we *like*: some people like dogs better than cats, others cats better than dogs, but not many like rats.

One wonders whether Taylor believes there is anything wrong with this: we can't really help liking X better than Y; it is not clear why we should not act on this preference—as we all do in choosing a marriage partner.

The Rule of Non-Maleficence

Among the major implications of Taylor's view for our day-to-day actions is the rule of *non-maleficence*. "The most fundamental wrong in the ethics of respect for nature is to harm something that does not harm us" (172).

A falcon kills a hawk. This doesn't violate the rule, says Taylor, because the falcon is not a moral agent, and is incapable of wrongdoing, even though it does harm the hawk. Only human beings are moral agents and thus capable of wrongdoing. But if a falcon has been taken from the wild by a falconer, who trains it to hunt and kill other birds, this is a violation of the rule, because it is a bit of human conduct that is aimed at "controlling and manipulating an organism for the enjoyment of a sport that involves harm to other wild organisms. A wrong is being done but not by the falcon, even though it *is* the falcon which does the actual killing and even though the birds it kills are its natural prey. The wrong that is done to those birds is a wrong done by the falconer" (173).

One may wonder why we should have such a rule: after all, other animals constantly harm creatures that have not harmed them. The lioness doesn't pause to consider whether the antelope has harmed her. Why should people be different? Perhaps the lioness, like other animals, just does what she has been genetically programmed to do, whereas a person has freedom of choice and can choose to harm or not to harm. But why should the person choose not to harm rather than to harm? The usual answer seems to be "Because for a human being to inflict unnecessary suffering or pain is wrong." But this is not Taylor's reply. He would say, rather, that harming other organisms is at odds with respect for nature. Yet when it comes down to individual cases, it is far from clear which particular actions exhibit respect for nature and which do not. When, for example, are we harming other creatures? If capturing and training falcons is wrong, as Taylor says, what about taming horses and riding them, or harnessing them to the wagon or the plough? We are certainly interfering with their lives, and making them do things that (at least at the time) they don't want to do. Sometimes they do have a better life afterward, but are we harming them when we do these things?

Killing animals in experimental laboratories, for however worth-while a purpose, would seem to be prohibited by Taylor's rule—the rats and guinea pigs have not harmed *us*. The animals killed in hunting them for sport have not harmed us either. Neither for that matter have the animals we kill for food or hides. If you take the rule to mean exactly what it says, we cannot use animal skins for protection against freezing, unless you happen to find an animal that is already dead and then skin it. The animals we kill for food haven't harmed us either, and this includes fish as well as livestock. Taylor apparently commits us to vegetarianism.

The practical implications are enormous. It may be possible to live as a vegetarian in 1990 (at least in the United States), but it was not possible, in most parts of the world, in 1790. And our ancestors who lived in the Ice Age could not have survived, and thus made our own existence possible, by living on plants.

As if anticipating these obvious difficulties, Taylor has provided an escape-hatch. "It may be the case," he says, "that in circumstances where the only means for obtaining food or clothing essential to human survival is by hunting, trapping, or fishing, these actions are morally permissible" (183). The reason he gives is that "the duty to provide for human survival"—though he has not till now mentioned this as a duty—outweighs the duties of non-maleficence and non-interference. Once the rule has been diluted, the waters are confusingly muddied, and one wonders what other exceptions may be looming on the horizon. (If trapping animals is permissible,

that's already a big exception.)

Indeed, some are: in a later passage (293) he considers "the hunting of whales and seals in the Arctic, or the killing and eating of wild goats and sheep by those living at high altitudes in mountainous regions. In these cases it is impossible to raise enough domesticated animals to supply food for a culture's populace, and geographical conditions preclude dependence on plant life as a source of nutrition." The reason given here is that "if humans refrain from eating animals in those circumstances they would in effect be sacrificing their lives for the sake of animals, and no requirement to do that is imposed by respect for nature." Well and good—but "something's got to go," it would seem—if killing animals is permissible in these circumstances, we must amend the rule that we shouldn't harm those creatures that don't harm us. And it surely waters down his commitment to vegetarianism, though I am not quite sure by how much.

There is yet another qualification to the rule. It is permissible, says Taylor (294), to kill wild animals for food "where environmental conditions make it impossible to use domesticated animals or to grow edible plants." In this as in numerous other passages one gets the impression, though it is not said straight out, that killing domesticated animals is all right (perhaps because they are not "natural species"—or because they have been raised for that purpose?). This would really put an enormous dent in Taylor's vegetarianism, making his position not very different from that of the normal American consumer of beef, lamb, and pork. If indeed it is all right to kill sheep and cows for food, then the whole thrust of Taylor's argument is quite opposed to that of Peter Singer's defense of vegetarianism because of the cruelty involved in raising and killing livestock, particularly on today's factory farms. [3] Taylor, by contrast, seems to have no compunctions about this at all.

Taylor opposes any suggestion that human beings have greater inherent worth. We have capacities that other animals lack, he says, but they also have capacities that we lack.

If we ignore these exceptions and take Taylor at his original word, then we get a suicidal result: if we can't kill animals and can't use plants as food, what is left? Life can live only on other life—that's the way the system works. We inevitably kill millions of microorganisms every time we take a step onto the grass. Anyway, Taylor says it is "less wrong" (295) to kill plants than to kill animals—though I am far from sure what "less wrong" means: if an act is wrong at all, it would seem, it can't be right. Or is this a way of introducing still more qualifications to the nonmaleficence rule?

The argument for vegetarianism that Taylor emphasizes is a pragmatic one that is not a consequence of his rule. It takes five times more acreage to produce a pound of protein from cattle than from vegetables. "We can drastically reduce the amount of cultivated land needed for human food production by changing from a meat-eating culture to a vegetarian culture . . . Vegetarians use much less of the surface of the Earth to sustain themselves than do meat-eaters. And the less humans use for themselves the more there is for other species" (296). But this "empirical argument" won't work. If we were all vegetarians we *could* get along on much less acreage. But in a short time the ever-increasing human population would expand onto that spare acreage (would we really give it over to the birds and the buffalo?); the saving would soon be more than offset by the increased population requiring that protein. There would be less acreage required per person, but there would be more people. [4]

A Lack of Reciprocity

Suppose a creature *does* harm us; now killing it is all right, just as it is all right to kill a human interloper in self-defense. But does this mean "if they *have* harmed us"? Once a lion or bear has harmed us it's probably too late for

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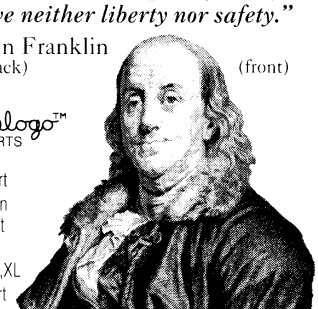

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retaliatory measures; to save ourselves we have to strike first. Or perhaps he means "if they *may* harm us, but haven't done so yet"? But they always *may*, I suppose: one dog in ten thousand may bite you, so should you take retaliatory measures against any dog you see? Or perhaps it means "if they *probably will* harm us." This is more plausible, but quite indeterminate. Perhaps you may shoot a lion if he is taking an unfriendly interest in you, but not when it is lying placidly on the ground. At what point one's life is threatened is not always clear.

Taylor seems to assume that the system of nature is perfect as it is—nature with its merciless machinery for keeping the fittest alive and throwing the rest aside, nature with its vast profusion of creatures suffering from pain or starvation or being torn to pieces by predators or strangled by snakes.

It would seem, according to Taylor, that if you walk in an area where there are grizzly bears and one of them attacks you, you can kill it in self-defense. But then again, what are you doing invading its terrain? Isn't the bear simply protecting its own turf, as you would yours? Aren't *you* the interloper?

And if you can defend *yourself* against dangerous wild creatures, what about defending others? Can you kill a dangerous creature if it is a threat to *anyone*? A cobra is a threat to virtually anyone in its proximity, so perhaps you should kill it before someone in your family or the village suffers a horrible death?

And where does this end? Dangerous animals threaten not only humans but other animals. Why protect only oneself, after all, or even just one's own species? Here Taylor puts us in a box. And if we extend our considerations to threats of starvation because of the scarcity of essential resources, things become even weirder. Don't we end up having permission to kill any creature we wish, because *every* creature is a serious threat to *some* other creature?

The Rule of Non-Intervention

Taylor's second rule is even more extensive: not only should we not harm what hasn't harmed us, we should leave nature quite alone; we should not intervene in its processes or in any wild creature's life or activity. We should "let wild creatures live out their lives in freedom" (174). We may not take them from the wild, or put them in zoos, or adopt them as pets—not even by taking them out of danger, not even restoring them to health if they have become ill in the wild (174). We break this rule, says Taylor, even when we take trees or flowers and transplant them in landscaped grounds, or exhibit them where more people can see them. We must "refrain from capturing them and removing them from their natural habitats, no matter how well we might then treat them" (174). It would be wrong to take a parrot from the jungle (even from an area overpopulated by parrots) and give it a secure life in your house, or even in a zoo.

In general, I agree, non-interference with nature is usually good advice. For one thing, humans have done much damage to nature, polluting the air and rivers and oceans, destroying rainforests and creating future deserts, and eradicating numerous plant and animal species. Moreover, even when we intervene with good intentions we often make things worse. "Don't feed the monkeys!" (or other animals in the wild) is advice one constantly hears on safari: they get used to being fed, then become vicious when they are not; worse yet, they can become unable to survive in the wild. When we don't know exactly what we are doing we usually produce a long string of unintended and unforeseen bad consequences. But Taylor's command "*never* interfere" is worrisome.

The only intervention that Taylor approves is intervention that is *restitution* for damages people have already done. "Some interference with or manipulation of the natural world by humans is compatible with respect for nature . . . [e.g.] when a polluted river, lake, or marshland is cleaned up. Another example would be the effort to reintroduce a species, such as the peregrine falcon, which had been extirpated from one of the original habitats. . . . In all circumstances of this sort, however, the final end of the human practices involved must be to promote or protect the good of the creatures themselves" (94).

Let's say I see, on the beach, a water-bird whose foot is caught under a rock. In this case the injury is not the result of anything that humans have done—so this is not a case of restitution. Should I let the bird suffer a slow death under the rock? Surely almost anyone would think of my rescuing the bird as a commendable action: I am not only easing its pain, I am enabling the creature to be healed, to fly again, and to realize its own good—to fly freely in accordance with its nature. Why should I not help nature along a bit? Why is it incumbent on me *never* to change nature except to rectify bad situations that humans have brought about?

But Taylor is tough on this point: the duty of non-intervention "holds even if such intervention is motivated by a desire to help a species-population survive or a desire to correct natural imbalances in a biotic community" (176). If a species is endangered by past human interventions such as DDT, we should help it survive to be as it was prior to human intervention, but if it would have become extinct without human intervention, we should allow the extinction to occur even if we could have prevented it.

When rabbits were introduced to Australia, they bred so fast that they almost took over the continent; to prevent ecological catastrophe they were killed by the millions. Doubtless Taylor would approve: it was people who introduced these mammals into a continent that lacked them, and the slaughter of rabbits could be regarded as restitution to all the native creatures that were killed. (More precisely, it was restitution to other members of the species; to those killed no restitution can be made.) This example illustrates dramatically the difference between Taylor's view and the animal rights view. For animal rights advocates the rabbits were as much subjects-of-a-life as any other creature, and they should not be made to die: to kill them was to put an undeserved end to their existence. True, the rabbits ate the crops and whatever

else they came across, but these actions were not wrong on the part of the rabbits because rabbits are not moral agents and can do no right *or* wrong.

Laissez-faire?

How far then should the rule be carried, "Leave nature alone"? Should we not try to prevent natural catastrophes, such as fires that if they spread will kill thousands of birds and trees? Perhaps we shouldn't—we are learning more about what benefits periodic fires confer on the soil in forest country. But is that *always* the case? Must the non-intervention rule be inflexible, with no exceptions? Couldn't there be some fires that it *would* be best to stop? How does one know this, prior to a description of the individual case?

Should we never construct bridges and dams, never try to redirect the course of a river? Such activities can greatly affect wildlife. Sometimes building a dam might facilitate a revival in a flagging bird or insect population, or enable a species to flourish which would otherwise become extinct because of drought, or threat of starvation (no fish to eat), or being overrun by local predators. Surely there could be conditions in which we could rescue a species of great beauty or other value (value to us, presumably) from extinction? And in that case why should we *not* do it? Just out of reverence for Taylor's non-intervention rule? And would this not be (as some philosophers have said of rule-utilitarianism) mere rule-worship?

Why should purposeful action on our part necessarily be worse than the impersonal operation of nature's laws and processes? Nature is, it seems, totally indifferent to the suffering of its creatures.

We must weigh one value against others. Sometimes we'll decide that intervention is on the whole better in a given case. To make non-intervention an exceptionless rule is too stringent. Sometimes we let nature take its course, as when park rangers let thousands of elk starve to death every winter in Yellowstone Park. But when a species such as the grizzly is endangered, we intervene to save it.

Attitudes Towards Nature

Following Peter Singer, Taylor entreats us to avoid not only racism (giving unfair advantage to members of one race over another) and sexism (giving unfair advantage to one sex over another), but also *species-ism*. By this Taylor means that we should not play favorites among creatures or species, since they all have the same inherent worth. But this is surely contrary to our usual attitudes and practice: we tend to see animals as friendly or hostile, valuable to us or useless, beautiful or repulsive. We see a snake kill a bird, and consider the snake an evil aggressor and the bird an innocent victim. We empathize with the antelope being eaten by a lion, though the lion is only doing what nature equipped it to do—what as a carnivore it *must* do to stay alive. We should not even take sides, says Taylor, against the bacteria and in favor of the larger organisms whom the bacteria can kill. We should remain neutral as between predator and prey, parasite and host, disease-causing and diseased. (Even when *we* are being killed by germs?)

Though our attitudes toward animals depends upon our interests, Taylor says that we *ought* not allow this partiality towards certain kinds of creatures keep us from giving them all equal respect. Presumably giving them all equal respect has *some* consequences for action—but precisely what? Suppose that your dog is being slowly bled to death by woodticks, in places where the dog cannot reach. Are you morally required to be impartial as between predator and prey, letting the dog bleed because you shouldn't intervene in nature's workings? We need not consider the woodticks as evil—they are surviving in the only way they can. Nevertheless may I not be justified in removing the ticks from the dog—not necessarily because it is my dog (thus eliminating one kind of partiality)—I might do it for a passing stray—but because the dog is in dire distress and I can alleviate his pain? Doesn't that count at all? Or is every humanitarian impulse to be stifled in the interests of "respect for nature"? By alleviating the dog's distress may I not be causing the universe to contain just one bit of extra intrinsic good, particularly if ticks in being killed feel no pain but the dog before being relieved of the ticks feels very great pain?

In view of the current overpopulation of cats, and the fact that many of them die of starvation in our cities, many of us think (and veterinarians almost unanimously) it would be a good idea to have female kittens spayed. When I have this done, I am not taking away from the cat a satisfying life, but I am preventing an increase in the number of cats. Surely this is a good thing to do? But it *is* a clear and unmistakable intervention in the course of nature. (So is putting painlessly out of the way animals born lame or blind or diseased.)

It may be possible to live as a vegetarian in 1990, but it was not possible in 1790. And our ancestors who lived in the Ice Age could not have survived, and thus made our own existence possible, by living on plants.

Yet Taylor seems adamant on this: we must keep hands off. Why? Because "by doing so our conduct manifests a profound regard for the integrity of the system of nature. Even when a whole ecosystem has been seriously disturbed by a natural disaster (earthquake, volcanic eruption, flood, drought, etc.) we are duty-bound not to intervene to try to repair the damage" (176). Taylor seems to have an unwritten assumption here, that *the system of nature is perfect as it is*—nature with its merciless machinery for keeping the fittest alive and throwing the rest aside, nature with its vast profusion of creatures suffering from pain or starvation or being torn to pieces by predators or strangled by snakes. Why is that system so perfect that we may not alter it—not its laws (we can't do that), but certain particular circumstances in which the laws operate?

Admittedly many of our most humane efforts will be counterproductive. If predators are removed from a region to protect the deer, the deer population explodes and then, lacking natural enemies, they multiply until the grasses and shrubs are eaten down to the ground and the land can no longer support the kind of vegetation on which the deer have previously survived. (That has happened in the American Southwest.) It seems that prey-species can't long endure without predators to kill the weaker members of the species. But I count this as a tragic aspect of nature's workings, not something I revere as a part of my "respect for nature." Nature awes me (and this may be the underlying spring of the respect), but it also appalls me.

Why should purposeful action on our part necessarily be worse than the impersonal operation of nature's laws and processes? Nature is, it seems, totally indifferent to the suffering of its creatures. The way to make a species prosper, as nature is now, is for the fittest to survive at the expense of the less fit, sentencing them to the extreme penalty, death, for what is not their fault. But it doesn't follow that we should never intervene on behalf of nature's creatures, even though such attempts are often futile, any more than that a person should never rebel against a tyranny.

"Nature, red in tooth and claw," wrote Tennyson, "with ravine, shrieks against man's creed." And shouldn't we shriek against nature's ways? Can't more good sometimes be accomplished by *not* doing things nature's way? Perhaps respect for nature is not a proper attitude. Is a nature that operates as it does *worthy* of our respect? ❑

Notes

1. Tom Regan, *The Case for Animal Rights*. Berkeley: University of California Press, 1983.
2. See my article "Liberty and Ecology," *Liberty*, September 1988, and the follow-up article, "Humanity vs. Nature," *Liberty*, March 1990.
3. Peter Singer, *Animal Liberation*. Prentice-Hall, 1975.
4. For more on this, see an excellent recent book on ecology, *In Defense of the Land Ethic*, by J. Baird Callicott (Albany: State University of New York Press, 1989), and Holmes Rolston II, *Philosophy Gone Wild* (Buffalo: Prometheus Books, 1986).

Thirty years ago, the publication of a new dictionary was a scandal.

The War of the Words

Sheldon L. Richman

This year is the thirtieth anniversary of the great dictionary brouhaha. I was only twelve years old in 1961, and having grown up believing that nothing is less controversial than the dictionary, I was shocked to learn years later that it could create the kind of storm you would only expect in response to an archbishop's being caught handing over state secrets to a Russian agent in a bordello run by satanists. But that is the response that greeted Merriam-Webster when it brought out its *Webster's Third New International Dictionary*.

What could have caused such an outcry? Many journalist-reviewers and some of our most respected newspapers and magazines denounced the Third as a permissive affront to every standard of decency. The critics charged that by adopting the modernist notion that use determines propriety, Merriam-Webster had abdicated its solemn responsibility to guide those who consulted its dictionary. The abdication took the form of labeling too few words "nonstandard," "substandard," and "slang," and of eliminating the label "colloquial."

How deeply the dictionary offended can been seen in the intensity of the criticism. Merriam-Webster was damned for joining the "say-it-as-you-go school," which imperiled our ability to communicate. Wilson Follett's review in *The Atlantic* was titled "Sabotage in Springfield." (Springfield, Massachusetts, is home to Merriam-Webster.) Follett called the Third "a fighting document . . . out to destroy every obstinate vestige of linguistic punctilio, . . . every criterion for distinguishing between better usages and worse . . . . Why have a dictionary if anything goes?" In *The New Yorker*, Dwight Macdonald wrote that Webster's lexicographers "have untuned the string, made a sop of the solid structure of English, and encouraged the language to eat up himself."

Jacques Barzun, writing in *The American Scholar*, called the Third "undoubtedly the longest political pamphlet ever put together by a party. Its 2662 large pages embody—and often preach by suggestion—a dogma that far transcends the limits of lexicography." The New York *Times* referred to the dictionary as "Webster's Third (or Bolshevik) International." The journal of the American Bar Association editorialized darkly that "a serious blow has recently befallen the cause of good English." Imagine that coming from lawyers!

Perhaps the deepest insult was the declaration by the *Times*, The Washington *Post*, and *Life* that they would continue using Webster's Second. This reaction undoubtedly inspired the American Heritage Publishing Company to announce that it would buy Merriam-Webster, junk the Third, bring back the Second, and press ahead on a Fourth. American Heritage failed to acquire the company (Encyclopedia Britannica got it; there is still no Fourth in the works), so it published its own dictionary, one dedicated to preserving the purity of American English with the help of a panel of distinguished writers and speakers—who agreed on little except that the Third was a travesty.

The reviewers criticized some forty items out of 450,000 words. Most commonly mentioned were *ain't, finalize, irregardless, due to, disinterested* (as a synonym for *uninterested*), *like* (as a conjunction), *transpire* (for *happen*), *different than*, and *infer* (as a synonym for *imply*). Other detested words or usages were *alright, bimonthly* (to mean twice a month), *contact* (as a verb), *enormity* (as

a synonym for *enormousness*), *implement* (as a verb), *none* (with a plural verb), *shambles*, *unique* (with a qualifier), *deprecate* (as a synonym for *depreciate*), and *fortuitous* (to mean lucky).

Philip Gove, editor at Merriam-Webster, defended his dictionary in the *Times* and elsewhere. He justified the dropping of *colloquial* on grounds that it "has been almost universally misunderstood and misused by being read as an arrow calling attention to words to be avoided. It became clear that the sharp distinction between formal and informal was never as clear as sometimes drawn in the Second Edition and certainly not among professional writers." On another occasion he wrote that "there are many different degrees of standard usage which cannot be distinguished by status labels."

Other defenders argued that the role of a dictionary is to report on the current state of the language, not on the prejudices of the lexicographer. They said that the Third gave more guidance than the critics intimated, with notes such as "used by speakers and writers on all educational levels though disapproved by some grammarians." Bergen Evans, a rare "liberal" language commentator, pointed out that the issue of the New York *Times* containing its critical editorial had 153 words and constructions not recognized by Webster's Second and nineteen condemned outright. "In short, all these publications are written in the language that the Third International describes, even the very editorials which scorn it. And this is no coincidence, because the Third International isn't setting up any new standards at all; it is simply describing what *Life*, the Washington *Post*, and the New York *Times* are doing." He ended his review by saying that "anyone who solemnly announces in the year 1962 that he will be guided in matters of English usage by a dictionary published in 1934 is talking ignorant and pretentious nonsense."

The New York Times *called it "Webster's Third (or Bolshevik) International." The journal of the American Bar Association editorialized darkly that "a serious blow has recently befallen the cause of good English." Imagine that coming from lawyers!*

A lesser dictionary publisher could not have excited this controversy. Merriam-Webster is the legal descendant of Noah Webster, who published his first *American Dictionary of the English Language* in 1828. After Webster died in 1843, George and Charles Merriam bought the right to use his name. (It is now in the public domain.) In 1909 G. & C. Merriam Co. published its first *Webster's New International Dictionary*, with over 400,000 entries. The second edition followed in 1934. This dictionary became the bible of the American language, the Supreme Authority (Merriam-Webster's slogan) in matters of definition, usage, and pronunciation. From the courtroom to the sitting room, looking it up in Webster became the unappealable method of resolving semantic disputes.

Equally important in laying the groundwork for the battle was the increasing prominence of the science of linguistics. Linguists study how people use the language; they do not judge that use. As the linguist Charles C. Fries put it: "There can . . . never be in grammar an error that is both very bad and very common." This was a break from the traditional view, best expressed by the post-Civil War commentator Richard Grant White (whom Harvey A. Daniels calls the Edwin Newman of his day): "There is a misuse of words which can be justified by no authority, however great, by no usage, however general." This clash of standards, perhaps cultures, between the descriptivists and prescriptivists often touched political and philosophical issues, such as egalitarianism, relativism, and skepticism. In particular, the prescriptivists implied that the disbelief in external linguistic standards (beyond the requirements of clarity) necessarily entails a disbelief in objective moral standards.

The descriptivists openly threatened the established order in 1952 when the Commission on the English Curriculum of the National Council of Teachers of English published *The English Language Arts*. The document, a product of modern structural linguistics, touted five principles as the foundation of the teaching of English: 1. language changes constantly; 2. change is normal; 3. spoken language is the language; 4. correctness rests upon usage; and 5. all usage is relative. It rejected the terms "good English" and "bad English," except in a relative sense, defining good English as "that form of speech which is appropriate to the purpose of the speaker, true to the language as it is, and comfortable to speaker and listener. It is the product of custom, neither cramped by rule nor freed from all constraint; it is never fixed, but changes with the organic life of the language." Bad English, it continued, "is that use of language which is unclear, ineffective, and inappropriate to the linguistic occasion, no matter how traditional, 'correct' or elegant the words or phrases employed." Since it had been issued by English teachers, the document constituted for some a danger to the children of the United States. The prescriptivists were ready for a fight.

The vitality of English lies in the freedom it encourages. The freedom of English is inconceivable in such a language as French, where everything is condemned that does not conform to a definite set of rules laid down by grammarians.

Gove was a perfect adversary. He subscribed to the linguists' five principles and insisted that a dictionary "should have no traffic with . . . artificial notions of correctness or superiority. It must be descriptive and not prescriptive." But had Gove's dictionary broken radically with past lexicography? It seems not, although Merriam-Webster's press release indicated it had. Most lexicographers had been descriptivists. Although Samuel Johnson had aspired at first to preserve the purity of English with his dictionary, by the time he wrote the preface, he had changed

his mind: "[I] now begin to fear that I have indulged expectation which neither reason nor experience can justify. . . . the lexicographer [may] be derided, who . . . shall imagine that his dictionary can embalm his language. . . ."

Likewise, the *Encyclopedia Britannica*'s ninth edition (1875–1889) noted that the lexicographer's intention should be "not to reform the language, but to present it with all its caprices, anomalies, irregularities, beauties, defects —in a word, as the nation has made it." Dr. Isaac K. Funk, in the preface to the 1913 Standard Dictionary of the English Language, added his eminent voice to this view: "The chief function of a dictionary is to record usage." And Clarence L. Barnhart's general introduction to the highly regarded 1957 Random House American College Dictionary said this: "This dictionary records the usage of the speakers and writers of our language; no dictionary founded on the methods of modern scholarship can prescribe as to usage; it can only inform on the basis of the facts of usage." The dictionary included an article on usage by Charles C. Fries, who had been damned for inspiring *The English Language Arts*. The article equated the belief in "correct" and "incorrect" usage with the belief in the flatness of the earth.

Finally, an endorsement of descriptivism is to be found in the venerated Webster's Second itself. The Introduction noted that unlike in the past, "it has become necessary for a general dictionary to record and interpret the vocabularies of geographical and occupational dialects, and of the livelier levels of the speech of the educated."

The Third and its derivative college dictionaries have survived the onslaught and are widely used today. The *Ninth New Collegiate Dictionary* was on the New York *Times* best-seller list close to two hundred weeks. But their reputations were sullied and the effects linger. Recently, Donald McCloskey, in *The Writing of Economics* (1987), wrote, "Being up to date is unimportant in a dictionary. . . . The big Merriam-Webster *Third Webster's International* is not good, because it does not tell you what usage good writers prefer. Its college offsprings . . . therefore are suspect."

It may be only a coincidence, but just as the anniversary of the great dictionary brouhaha was approaching Merriam-Webster published its first *Webster's Dictionary of English Usage*. Professor John Algeo once said that "anyone who compares usage books will recognize that they propagate by inbreeding." The authors of these books, having the same notion of standard English, tend to offer the same kind of advice, though they disagree on many concrete issues. Professor Algeo will now have to amend his statement. Webster's usage dictionary is unlike any other; it is an extraordinary work of revisionist history that should be considered the standard source for many years to come. It is the place to learn how disputed words and expressions have been used since their introduction into English and how a writer's prose is likely to be received if he uses one of them today. The book is delightfully written, laced with humor and a bite directed at the popular usage authorities, who, while always sure of their opinions, are often ignorant of the history of the language.

"The English language would not have been what it is if the English had not been for centuries great respecters of the liberties of each individual and if everybody had not been free to strike out new paths for himself."

As you skip through the 2,300-plus entries covering the bloodiest usage disputes, you become aware that many of the rules that Fowler, Follett, Strunk and White, Bernstein, the Morrises, and others have enounced for years with such certitude are actually *ipse dixits* that defy usage history. For example, the usage books carp about the lost distinction between *disinterested* and *uninterested*. Theodore Bernstein, in *The Careful Writer*, says, "If one is *disinterested* in a situation he is neutral and has no selfish interest in its outcome. For some reason, however, many writers seem uninterested in using it correctly."

But the usage dictionary, taking more than two pages, shows that the story is not so tidy. It notes that the earliest meaning of disinterested, before 1612, was the simple negative of interested. The ethical sense was apparently first used in 1659. "Curiously," it goes on, "the earliest uses of *uninterested* are for ethical senses (both 17th century); the modern use is not attested until 1771." So in the beginning the meanings of the two words were reversed from what the usage authorities say they should be. Samuel Johnson's and Noah Webster's dictionaries listed both meanings for disinterested. But contrary to the commentators, the usage dictionary concludes that the distinction between the words has not been lost and that the ethical sense of disinterested "is used more than twice as often (in published writing) as the other sense."

A similar revision is found in the entry on *aggravate*. The "worsen" and "annoy" senses came along fourteen years apart in the late sixteenth and early seventeenth centuries. Neither was the original definition, which was "to make heavier." The commentators say the "newer" *annoy* sense is not used by "careful writers." This is a charge of sloppiness against Haliburton, Austen, Dickens, Melville, Shaw, Lewis Carroll, Trevelyan, Dreiser, Cheever, Styron, Sandburg, William L. Shirer, and William F. Buckley.

The story is much the same for many commonly condemned usages, including *lay* for *lie* and *infer* for *imply* (Thomas More coined the two senses of infer in 1528 and 1533). With the help of 20,000 illustrative quotations, the usage dictionary gives the history of each word's use, a history of the criticism, an analysis and examples of contemporary use, and sometimes a recommendation. It does not advise readers to adopt a usage merely because of its honorable pedigree. The entry defending "the reason is because" (found in the writing of William Morris and E. B. White) ends with this: "If it is not your natural idiom, there is no reason for you to cultivate it. But if it is your natural idiom and you choose to continue with it, you will surely be in some very distin-

guished company."

But *Webster's Dictionary of English Usage* is more than a guide to usage. It is almost a brief in defense of Webster's Third. Its editor, E. Ward Gilman, says he did not have the Third in mind when he and his colleagues were preparing the book, but Frederick Mish, Merriam-Webster's general editor, says the controversy has had a lasting effect on the company. Mish, who was not with Merriam-Webster when the Third was released, says the staff was "dumbfounded" at the response. "I always thought that if maybe we had done a little more in the Third [to explain the history of usage]," Mish said, "the response might have been different."

It is instructive to see how *Webster's Dictionary of English Usage* treats the words for which the Third was most commonly attacked. In each case, the usage dictionary's entry indirectly makes a reasonable case for the Third. Take *finalize*, which drew so much fire. The Third's offense was in declining to label it and thus treating it as standard. It gave examples of the word's use by Dwight Eisenhower, S. J. Perelman, *Newsweek*, and Robertson Davies. But many usage commentators do not like the word. The *American Heritage Dictionary*'s usage note says that "careful writers" avoid it and that 90 percent of its expert panel termed it "unacceptable," apparently because it is thought to be bureaucratese. According to Webster's usage dictionary, *finalize* was in standard business use in Australia and New Zealand in the 1920s before it came to the United States in 1927. Inexplicably, the critics failed to notice that Webster's Second had listed the word as standard.

All usage books condemn *irregardless*. From the fuss, you would think that the Third urges people to use it. In fact, it labels the word *nonstandard*. But that is what drew the flak. The Third puts that label on words "that can hardly stand without some status label but are too widely current in reputable context to be labeled *substandard*." The usage dictionary says that the word began in dialectical speech early in the century and that it became so widely used in nonstandard speech that Ring Lardner had a character say it in a 1921 story. The word continues to be commonly used, "although its bad reputation has not improved with the years. It does occur in the casual speech and writing of educated people, and it even finds its way into edited prose on rare occasion," for instance in the New York *Times*. Despite this, the usage dictionary ends with this recommendation: "But *irregardless* is still a long way from winning general acceptance as a standard English word. Use *regardless* instead."

How about *due to*? The Third came in for criticism because it did not stigmatize the phrase when used as a compound preposition, as in "The game was called due to rain." According to the language commentators, *due to* may only be used as an adjective: "The effect is due to the cause." Again, the critics of the Third failed to consult their beloved Second. Although in early editions it called the prepositional use erroneous, in the late 1940s it said the phrase was "in common and reputable use," though it acknowledged the objections. The new usage dictionary states that "in our judgment, *due to* is as impeccable grammatically as *owing to*, which is frequently recommended as a substitute for it. There has never been a grammatical ground for objection. . . . The preposition is used by reputable writers and is even officially part of the Queen's English—the OED [Oxford English Dictionary] Supplement gives a quotation from Queen Elizabeth II."

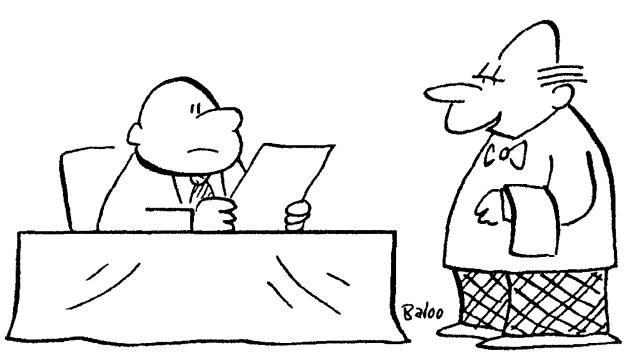

"If the businessman's lunch isn't substantial enough, sir, may I recommend the bloated plutocrat's lunch?"

Of all the blasphemies committed by Webster's Third, the most often mentioned, and misrepresented, was this concerning *ain't*: "used orally in most parts of the U.S. by many cultivated speakers, esp. in the phrase *ain't* I." This was prefaced by the cautionary remark, "though disapproved by many and more common in less educated speech," but the critics could not abide the absence of a stigmatizing label. Webster seemed to be saying that *ain't*, meaning "am not," "is not," and "are not," was standard. (The use of *ain't* to mean "have not" and "has not" was labeled substandard.)

Modern English is nothing if not resilient, as evidenced precisely by the chronic distress about its health, distress that began 300 years after its birth.

Over four pages, the usage dictionary charts the obscure history of this most despised and persistent English word. The entry states that the Third's judgment was "based on the information then available," adding that the editors were influenced by the results obtained by linguistic geographers regarding the tag question *ain't* I?" (This use has been defended by Fowler, *The American Mercury*, and William Safire, among others.) But, the entry concedes, "There may be legitimate reasons for a certain skepticism about the use of *ain't* I. One is that much of the Linguistic Atlas material was gathered about a half century ago; it is hard to know if the information is still valid." Nevertheless, Merriam-Webster says it has a "fair amount of indirect evidence from letters and such showing that ain't occurs frequently in inverted expressions, such as questions." It gives examples from Henry Adams, Alfred Lord Tennyson, Ellen Terry, and Flannery O'Connor (the last from a letter: "My cousin thought this a remarkable coincidence, illustrating how remarkable coincidences can be. Now ain't it?"). The entry insists that *ain't* "is in widespread use but usually in particular circumscribed ways that tend to remove the stigma from its use."

This may not convince everyone that the Third was correct, but the fact that *ain't* has been an issue for so long may be evidence in the dictionary's favor. Would the authorities make such a big deal if only the uneducated, who don't read usage guides, were using the word?

A clear pattern emerges from *Webster's Dictionary of English Usage*. Many of the condemned usages had been common in the best writing centuries before they were branded ungrammatical by some seventeenth- or eighteenth-century self-appointed authority, usually someone who thought English was vulgar compared to Latin. Many other usages are products of intelligible linguistic processes that have given us uncontroversial words and senses before. Lasting change, it turns out, is rarely the result of illiteracy or ignorance.

Judging by the usage dictionary, no one at Merriam-Webster believes that "anything goes." (Alexander Haig's unique use of *caveat* as a verb did not win it a place in the usage dictionary.) The lexicographers believe, rather, that how people, including the most respected writers, have actually used the language over long periods is more important than opinions about usage. The tacit message is that, fundamentally, people don't follow linguistic rules; instead, rules are the codified reflections of how people have spoken and written. But they are subject to change, as they were in the past, and the dictionary ought to tell us how they have changed. The Third was often criticized for using too many examples from contemporary speakers and writers. This was probably overstated by the critics, but why shouldn't the examples in today's dictionary focus on contemporary usage? Dr. Johnson's did.

At the level of good manners, Webster's usage dictionary is an implicit plea that the epithets "illiteracy" and "barbarism" not be shot off so easily. No one has to like any particular usage. Simple abstention or the setting of a better example, however, would be preferable to hectoring. Even if one sees the resistance by guardian-commentators as necessary to the "invisible hand" process, or spontaneous order, that guides change in the language, there is surely no reason for them to be ill-mannered. We are all important to the process.

There is much evidence that descriptivism is more widely accepted now than thirty years ago. The usage dictionary has not been reviewed nearly as much as the Third was; so far, it has been well received, even by the popular language commentators William Safire and James J. Kilpatrick. It has excited no controversy to speak of.

Does this mean the descriptivists have won the day? They have some important facts in their favor. It is hard to take seriously the warnings that the language has deteriorated or is doing so. There is a big difference between losing a distinction and losing a particular expression of a distinction. Even if *disinterested* were lost, the referent is not. What is wrong with *detached, objective, impartial*? Modern English is nothing if not resilient, as evidenced precisely by the chronic distress about its health, distress that began 300 years after its birth. As Allen Walker Read puts it, "The give-and-take of communication, along with the necessity of being understood, establishes the boundaries that keep American English viable and healthy." "Anything goes" is a straw man.

The vitality of English, as Mencken, Read, and others have acknowledged, lies in the freedom it encourages. The great grammarian Otto Jespersen wrote that the freedom of English is "inconceivable in such a language as French, where everything is condemned that does not conform to a definite set of rules laid down by grammarians. The French language," Jespersen continued, "is like the stiff French garden of Louis XIV, while the English is like an English park, which is laid out seemingly without any definite plan, and in which you are allowed to walk everywhere according to your own fancy without having to fear a stern keeper enforcing rigorous regulations. The English language would not have been what it is if the English had not been for centuries great respecters of the liberties of each individual and if everybody had not been free to strike out new paths for himself." ❑

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Competitive co-existing governments, wave of the future (Multi-governments, many chiefs, Panarchy, etc). The Primer LeGrand Day's *A New Dimension of Freedom* now in paperback: $6.00. MG Publications, Box 2108, Reseda, CA 91337-2108.

Discount Books: Up to 50 percent off. All new! Mencken Award winner "Wartime," only $15. "After Apartheid," $10. "Other Path," $9. Over 400 titles: politics, history, biography, investment, sci-fi, self-help, cosmology, film, theater, etc. Also: "Question Authority" buttons, stickers, 3/$4. "Bill of Rights: VOID" posters, $10, 2/$15, 3/$20. Send SASE for extensive catalog. FPA, Box 15548, Columbus, OH 43215.

Business

Mailing list for rent! Rent *Liberty*'s list of subscribers and single-issue buyers. The most libertarian list around! Write: Liberty, PO Box 1167, Port Townsend, WA 98368; or call (206) 385-5097.

Literature

Free-Market Environmentalism offers ways to protect the environment without adding to the power of the state. To learn more about it, write Jane Shaw, Political Economy Research Center, 502 S. 19th Avenue, Bozeman, MT 59715.

CompuServe Users: Interested in discussing liberty? GO ISSUES, read Section 3 and Library 3 on Individualism. Lively discussions.

Periodicals

Living Free newsletter. Forum for debate among freedom-seekers, survivalists, libertarians, anarchists, outlaws, since 1979, now includes news summary: "my libertarian mail." $8.00 for 6 issues, sample $1.00. Box 29-LB, Hiler Branch, Buffalo, NY 14223.

Bigger print now in **The (Libertarian) Connection**, open-forum magazine since 1968. Subscribers may insert one page/issue free, unedited. Lots of stimulating conversation. Eight issues (one year) $20. Strauss, Box 3343Z, VA 22038.

A noted critic examines the economics of art and literature — and criticism.

Art and Literature: Retail and Wholesale

Richard Kostelanetz

Neither art nor literature has value at birth; each assumes value only when sold. There, however, the similarity usually ends. For these two art forms are sold in different ways. Literature is a wholesale biz and visual art, retail—this is the principal merchandising difference between the two. Books are sold in quantities of thousands, paintings in quantities of one.

What is the significance of this? It means, first of all, that when it is said a novelist "sells well," his publisher is selling not thousands of copies but *tens* or *hundreds* of thousands of copies. When a painter "sells," so to speak, the number of items changing owners can be less than a hundred. In literature, it is possible to speak of popular, if not mass, responses to a new work; in visual art, one cannot. Finally, a book is sold for only several times production costs, as are men's shirts and other wholesaled items; a painting is sold for many times the cost of its materials, adding even the expense of labor.

An art dealer is a retailer, a professional who knows most of his customers. A book publisher doesn't know the end customer at all; he sells the titles on his new list only to bookstore managers, who in turn retail the literature. Such a market difference engenders different selling techniques on the part of dealers. When a painter brings slides of his work to an art dealer, the dealer should be thinking: "Can I sell this work to my regular customers—to Jill and Joe, Sally and Bob?" A book publisher, confronted with a similar opportunity for taking on a new work, has no knowledge of his ultimate customers. Thus, his question will be framed differently: "Does the proposed manuscript resemble anything that I have recently wholesaled successfully? Does it resemble anything a competitor has wholesaled successfully?" In making publishing decisions, a book seller is forced to base them not upon his sense of customers' tastes but upon projections of sales estimates, which are usually based upon the actual sales of prior books similar in kind.

This difference between wholesale and retail also accounts for the different function of such devices as reviews and advertisements. Reviews are necessary in wholesaling, because press attention brings the new work to the attention of a larger audience of possible buyers. In Broadway theater, most notoriously, favorable reviews in the daily press are necessary for survival, because nothing else can reach thousands of potential ticket-buyers during the initial weeks of a theatrical run. In visual art, reviews appear in both newspapers and the trade press—the art magazines. As the latter customarily appear after a show has closed, they have little impact upon sales. (Their real function, it is joked, is certifying that an exhibition actually happened.)

Collectors of visual art don't follow newspaper reviews, which they know to be irrelevant. Such newspaper reviews are followed instead by (1) browsers, who tour the galleries on weekends; and (2) curators who must justify their enthusiasms to someone else, and who thus need a favorable review to substantiate their purchase to, say, a board of directors. An example would be a director of a university museum. Every time I see a Philip Pearlstein painting in a university museum, as I often do, I imagine that Hilton Kramer, who was Pearlstein's dogged supporter during Kramer's tenure at the New York *Times*, helped sell it to them.

Because visual art is retailing, most new art is sold in these three ways, in descending order of importance: (1) from dealer to collector, which is to say that a previously satisfied customer is sold something new; (2) from collector to collector, which is to say that one collector recommends an artist to another collector, as they might exchange hot stock tips, or the second collector admires an artist's work in the first collector's house; (3) from artist to collector, which is to say that a collector asks an artist already in his collection whom else he should consider purchasing. Obviously, serious collectors are more likely to trust an artist than any reviewer, which is another way of explaining why in visual arts, unlike theater, a burgeoning reputation can survive negative reviews. A successful art dealer needs not good reviews but a good track record to succeed, just as a stockbroker must; and one element those two retailers have in common is that both persuade people to part with rather large amounts of money.

Visual art editions represent a promoter's attempt to wholesale what had previously been retail; and even though he is dealing in visual art, a print promoter is essentially a wholesaler, selling not to individual collectors but to local dealers, especially outside his immediate turf. The print promoter, in contrast to the book publisher, produces editions in smaller numbers and claims that his product will increase in value, which is to say that even in his wholesaling the art dealer is performing a most extraordinary magic (of selling something for many times its production costs), a legerdemain that I find insufficiently appreciated in the art world. Contrast him or her to the retailer who says, "Look, this cost me six; I'll sell it to you for eight," and you will realize how rare in even decadent capitalism is the art dealer's talent.

A successful art dealer needs not good reviews but a good track record to succeed, just as a stockbroker must, and for the same reason: both persuade people to part with rather large amounts of money.

Trade publications have different functions in literature and the visual arts. The reason why most art gallery advertisements in magazines resemble

the tombstones of stockbrokers is that such advertisements don't sell art, but are instead intended to establish credibility with artist, customers and colleagues. One art dealer told me that an ad with a full color reproduction of an artist's work is actually aimed not at regular customers but at other dealers, ideally in other cities, who might think the work reproduced suiting the tastes of their own regular customers. Art magazines influence not art sales but art discussion, which is to say table chatter, whether over coffee or drinks in artists' studios, or over the lunchrooms in art schools, where art magazines are read with far greater seriousness than literary magazines in the writing schools. Therefore, what is really reviewed in art magazines, especially in longer articles, is not art per se but terminologies of understanding.

Don't underestimate the power of newspaper publicity in merchandising new titles. The hoopla surrounding the discovery of Andrew Wyeth's "Helga" paintings indicated that what was really for sale was not paintings for only a few million dollars, but art books for many millions more. Don't underestimate either the power of book reviewing in mass merchandising of culture. It is commonly said that any new book reviewed on the front page of the *New York Times Book Review* will, regardless of whether the review is favorable or not, sell ten thousand more copies. (This was told to me by a former editor of the *Review* in the course of dismissing the art world as strictly business, but I had to remind that if the new book retailed for $20.00 then two hundred grand changed hands. Few gallery shows are so successful.)

In a book of mine published over a decade ago, *The End of Intelligent Writing*, I showed how the *New York Review of Books*, co-founded and co-owned by a Random House vice-president, has consistently favored Random House produce, first in reviewing them, second in using Random House writers as reviewers, third in prepublishing excerpts from books on the Random House list; and one reason why Random House has been more successful at merchandising certain kinds of political criticism and literature has been the collaboration of the *New York Review*. Not even the most ambitious art gallery, not even the most rapacious art collector, ever tried to do something similar in visual art, because it would, in truth, be unnecessary. For all of Hilton Kramer's blathering to the contrary, art magazines are less vulnerable to corruption than book reviews.

Nonetheless, precisely because visual art is retailing, its corruptions necessarily involve far fewer people. The principal accrediting agency in establishing reputation is the public museum which doesn't sell art as much as raise the prices for art that had previously been sold. (There is no comparable institution in literature.) That is why collectors like to sit on the boards of such museums, like to court staff curators, not only for advice on their own purchasing, but also to advocate shows that would draw upon their own collections, etc. The principal problem of the visual arts world, as I see it, is that the number of galleries that actually sell work, rather than show it, are too few, the number that can influence museums is too few. That accounts for the current phenomena, familiar to all, of insufficient disparity in institutional taste. It seems to be nothing short of scandalous that, in exhibiting contemporary art, the most prominent museums in New York City have essentially the same enthusiasms, confirm the same myths, etc.

Not even the most ambitious art gallery ever tried to do something similar in visual art to what The New York Review of Books *does in literature, because it would, in truth, be unnecessary. Art magazines are less vulnerable to corruption than book reviews.*

There isn't really a free market that allows the establishment of great reputations apart from those institutions, even though we know that in visual art, more than any other art, the top reputations of a certain time are likely to be forgotten at a later time. Don't forget that MoMA's favorite artist in the 1950s was Ben Shahn. In part because the art world is smaller than the literary world (and just as there are fewer art magazines than literary magazines, so there are fewer art critics than literary critics), reevaluations of, say, painting's past take place with far greater rapidity. ❑

Letters, *continued from page 22*

into war," Bush clearly had the means to do so. His actions, in this regard, speak louder than the psycho-babble put forth to the contrary.

Lastly, incredibly, Higgs characterizes Iraq under Saddam as a country "surrounded by hostile nations, each with its own intrigues projecting into Iraq." Let me get this straight, Iraq was threatened by its neighbors?(!) Think about that bizarre statement for a moment. Kuwait and Saudi Arabia contributed billions to Iraq and are military pigmies; Iran, militarily exhausted, feared Iraq (just who did start that war?); and Syria, an enemy yes, but hardly a match for the larger and better equipped Iraqi forces. Higgs takes the prize for making the most outlandish anti-war statement.

Oppose the war, fine, but let us not be duped by anti-war claptrap that makes no distinction between aggressor and victim, and buys into every leftwing conspiracy theory.

Lyndon Cramer
Ashland, Ore.

Egregious Aggression

I'm not going to renew my subscription and I thought you might like to know why.

Robert Higgs' and Sheldon Richman's articles (May 1991) were so demagogic in character that it makes me doubt whether the magazine can be counted on to conduct dispassionate *reasoned* analyses of the issues.

I couldn't believe I was reading *Liberty* and not the Jesse Jackson newsletter when Higgs went on about the lower classes being duped into supporting the war despite the fact that they "stood to suffer the greatest losses." This has been true of every war since the beginning of time and results simply from the fact that there are usually at least a thousand times more lower and middle-class people than there are rich people.

I am speaking as one who opposed our entry into the war, for basically isolationist reasons.

I will miss *Liberty* very much, but I just *have* to take a stand versus this anti-war know-nothingism.

Emmett McArliffe
St. Louis, Mo.

Notes on Contributors

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

"Baloo" is the *nom de plume* of *Rex F. May*, a cartoonist whose works frequently appear in *The Wall Street Journal* and other publications.

Kathleen Bradford is the resident voice of sanity at *Liberty*.

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

Barry Chamish's forthcoming book, *The Fall of Israel*, a study of official Israeli corruption, will be released this November.

Stephen Cox is Associate Professor of Literature at the University of California, San Diego.

Brian Doherty is a journalist living in Washington, DC.

Frank Fox, a historian living in Pennsylvania, just returned from his most recent trip to eastern Europe.

Karl Hess, the author of many books, including *Community Technology* and *Capitalism for Kids*, is currently working on his autobiography.

Robert Higgs, the author of *Crisis and Leviathan*, is also editor of the recent *Arms, Politics and the Economy: Historical and Contemporary Perspectives*.

John Hospers is the author of numerous philosophical writings, including *An Introduction to Philosophical Analysis* and *Libertarianism: A Philosophy for Tomorrow*.

Bart Kosko has just published with Prentice Hall a textbook on machine intelligence, *Neural Networks and Fuzzy Systems*, and edited its companion volume, *Neural Networks for Signal Processing*.

Richard Kostelanetz is an independent artist, writer, critic, composer and what-have-you.

Loren E. Lomasky is Professor of Philosophy at Bowling Green State University, and author of *Persons, Rights, and the Moral Community*, as well as numerous reviews and essays.

Jim McClarin spent nine years searching for Bigfoot in the Pacific Northwest, and refused military induction on the grounds that killing other humans was not what Christ had in mind.

Robert H. Miller is a climber, kayaker, capitalist and Cuban refugee who dabbles in construction and writing.

William P. Moulton is the pseudonym for a person bearing the same name.

Robert O'Boyle is a free-lance writer living in Seattle, who writes a regular column, "Living with AIDS," for the Seattle *Times*.

Scott J. Reid, a writer living in Ottawa, Ontario, is currently writing a book about the end of the Canadian idea.

Sheldon L. Richman is Senior Editor of the Cato Institute.

James S. Robbins is a writer and historian living in Massachusetts.

Ann M. Rogers is an attorney and writer living in Florida. Her writings have appeared in *The Freeman*, *Affaire de Coeur*, *Jest* and many other periodicals.

Jane Shaw is a writer and former Economics Editor of *Business Week* now living in Bozeman, Montana.

Mark Skousen is an investment advisor and economist living in Florida. His most recent books include *The Structure of Production* and *Economics on Trial*.

James Taggart doesn't own a railroad, or have a sister named Dagny. He is an attorney practicing in Seattle.

Tom Tomorrow is a cartoonist living in San Francisco.

Ethan Waters is a writer who joyously resides in Southern California.

In the next *Liberty*

Letter to a Political Mentor — During the 1960s, David Horowitz was a leading figure of the "New Left." He isn't anymore. In this letter to Ralph Miliband, his former mentor, he explains why, providing important insights into the greatest development of the past half century.

Third City Report — A crack team of *Liberty*'s editors and correspondents report from the Libertarian Party national convention in Chicago—from the convention floor, the "caucuses," the huckster room, the streets, and the barrooms, with the sort of no-holds-barred coverage available nowhere else.

Terra Incognita

Indianapolis

Interesting civil service reform in the Hoosier State, as reported by United Press International:

Genell Jones, a supervisor for the Indiana Department of Transportation, required two employees who had used foul language in her presence to wash out their mouths with soap.

Soviet Union

How Soviet democracy under Gorbachev imitates American democracy under Reagan, as reported in the Baltimore *Sun*:

President Mikhail Gorbachev has ordered a crackdown on smut and pornography to "safeguard public morals," and appointed a blue-ribbon commission to investigate how other countries suppress pornography.

"A couple of days ago, I saw on television a certain professor citing Chinese art to illustrate interesting sexual positions," Gorbachev said. "This came as a great shock to the public. People are asking, 'Does the government have any power at all?'"

Albany, N.Y.

Report on the war against alcoholism in the Empire State, as reported in the Middletown (N.Y.) *Times-Herald-Record:*

Sen. Thomas Libous has introduced a measure to ban sales to minors of non-alcoholic imitation beer. "We spend millions of dollars annually educating young people about the negative consequences that result from alcohol abuse," he explained, "yet we allow access to a beverage that is brewed, packaged and marketed as a beer substitute. As a society, we are sending conflicting signals."

Chicago

Cultural note from the Heartland, as reported in the Detroit *News*:

Sherman Arnold of Taylor, Michigan, will be inducted into the Elvis Impersonators Hall of Fame in Chicago on June 7. Taylor, who has impersonated Elvis Presley since 1956, will join other Elvis impersonators in the Hall of Fame, which is sponsored by the Elvis Presley Impersonators International Association. Requirements for admission include 20 or more years of experience, "occasional charity work," and "good taste."

Kissimmee, Fla.

A new twist in penology, as reported by the Associated Press:

Durward Faulk, convicted last year of the attempted murder of his wife, has petitioned the court to reduce his sentence to a form of house arrest. He threw his wife Charlotte out of their boat, knowing that she could not swim, and circled around waiting for her to drown. After neighbors rescued her, she filed for divorce and helped convict him of the attempted murder charge.

He was joined in his petition by his wife, with whom he had reconciled. "It is an unusual situation," Faulk said. "I realize that."

Orlando, Fla.

East meets West in the Middle of Florida, as reported in the Detroit *Free Press*:

The Maharishi Mahesh Yogi, the man who brought "transcendental meditation" to the U.S. has announced that he will build a $1 billion theme park called "Veda Land" next to Disney World. Veda Land will be designed by Doug Henning, the magician, and will include "a building that levitates over a pool of water and a chariot ride into the molecular structure of a rose petal." The Yogi also announced plans to sell "yogi soap" and a bottled water called "Himalayan Bliss."

Sofia, Bulgaria

Half-measures in the transformation of Bulgarian society, as reported in the Los Angeles *Times*:

Workers moved in and carried away to an unknown destination the upper half of the 50-foot statue of Lenin mounted opposite the former Communist Party headquarters, leaving just the legs.

Singapore

Advance in the legal status of non-human primates, as reported by the *Chicago Tribune*:

Under a 1983 ruling, monkeys in this island nation must have identification cards, complete with photograph and handprint.

New York

Observation on the ethos of the decade just past, as reported by the New York *Times*:

James Dierdon, director of the film *A Kiss Before Dying*, explained why the protagonist of the film (played by Matt Dillon) murders young heiresses: "In a way, his motives are good. He wants to better himself. It's just that he takes the yuppie ethic of the 80s to an obsessive level."

Seoul

The unique contribution science has for our understanding of social problems, as reported in *Time*:

Explaining the recent rash of suicides to an interviewer, Han Wan Sang, a Professor of Sociology at Seoul National University, said that "Self-immolation is an extreme form of the ignition effect."

Washington-on-the-Brazos, Texas

A bold move to increase the historical sense of Lone Star State citizens, as reported in the Detroit *News*:

The exhibit "Chew, Chew, Chew and Spit, Spit, Spit: Tobacco in the Texas Republic" opened at the Star of the Republic Museum. "Even Sam Houston spit on somebody's porch," said curator Sherry Humphreys. "These are just things that people don't normally think about."

Michigan

Advancement in the rationality of the legal order, as reported in the New York *Times*:

In an attempt to "clarify the rules so the public knows exactly what's legal," Michigan's Department of Natural Resources has announced regulations for the picking up of road kill within the Great Lake State:

1. Endangered species, all migratory birds, and most non-game birds can be picked up only by a "scientific or educational institution with a state and federal permit."
2. Game birds and mammals can be picked up during the hunting season by any individual in possession of a valid hunting license. They will be counted toward the licensee's hunting limit.
3. Certain game mammals can be picked up out of season by any individual "after a conservation or local police officer issues a permit."
4. Animals not covered by the regulations can be picked up without specific permits.

A person who violates the law, for example, by removing a dead robin on the side of the road, can be fined $500, jailed for up to 90 days, and be required to reimburse the State for up to $1,500. Removing a dead sparrow, on the other hand, is legal.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita.*)

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by Patick A. Heller

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And the funny thing is, the Peace silver dollar is the most popular silver coin with collectors. It's easy to see why collectors love these coins— they are big, and they are beautiful!

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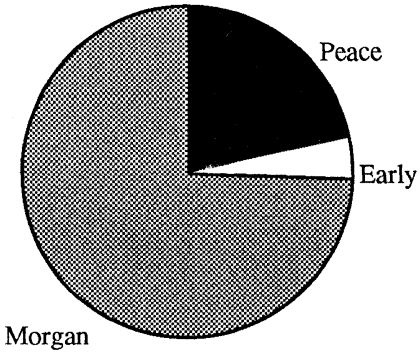

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Panels

Liberty in the Post-Socialist World, with **Sheldon Richman, David Friedman, Robert Higgs, Stephen Cox** and **R.W. Bradford**. (Video: V101; Audio: A101)

Spending the Peace Dividend, with **Robert Higgs, Sheldon Richman, James Robbins** and **Richard Stroup**. (Video: V102; Audio: A102)

Beyond MADness: foreign policy without the "Evil Empire" with **Stephen Cox, Robert Higgs, Sheldon Richman** and **James Robbins**. (Video: V103; Audio: A103)

The Revolution in Eastern Europe. with **Ron Lipp** and **James Robbins**. (Video: V104; Audio: A104)

Right and Wrong in an Unfree World, with **R.W. Bradford, David Friedman, John Hospers, Loren Lomasky** and **Sheldon Richman**. (Video: V105; Audio: A105)

Heroes of Liberty: Chodorov, Paterson, Mencken, Conan the Barbarian, Tannehill, Cage, others, with **R.W. Bradford, Doug Casey, Richard Kostelanetz, Sheldon Richman** and **Stephen Cox**. (Video: V106; Audio: A106)

Liberty and the Environment, with **Jane Shaw, Richard Stroup, John Hospers, R.W. Bradford** and **David Friedman**. (Video: V107; Audio: A107)

Do Rights Make Sense? with **David Friedman, Timothy Virkkala, John Hospers, R.W. Bradford, David Ramsay Steele**, and **Loren Lomasky**. (Video: V108; Audio: A108)

Seminars

The Economic Case For and Against Anarchy, by **David Friedman** with comments by Richard Kostelanetz. (Video: V109; Audio: A109)

Did the Libertarian Movement Really Start in Murray Rothbard's Living Room? by **R.W. Bradford**, with comments by Stephen Cox. (Video: V110; Audio: A110)

The Politics of the Avant Garde, by **Richard Kostelanetz**, with comments by Stephen Cox. (Video: V111; Audio: A111)

Does Economics Make Sense? by **David Friedman** with comments by Robert Higgs. (Video: V112; Audio: A112)

Children's Rights **by Loren Lomasky** with comments by Timothy Virkkala. (Video: V113; Audio: A113)

The Poverty of Libertarian Fiction by **Stephen Cox** with comments by Douglas Casey. (Video: V114; Audio: A114)

Game Theory, Evolution, and Freedom, by **Ross Overbeek** with comments by David Ramsay Steele. (Video: V115; Audio: A115)

War and Prosperity: Did World War II Cure the Great Depression? by **Robert Higgs**. (Video: V116; Audio: A116)

Agent or Victim: Reconsidering the Insanity Plea by **John Hospers**. (Video: V117; Audio: A117)

Workshop

How to Write Op-Ed Pieces and Get Them Published, by Jane S. Shaw. (Video: V118; Audio: A118)

Liberty

November 1991 Vol 5, No 2 $4.00

Thelma and Louise: Feminist Heroes

The Road to Nowhere: What's Left of the Left's Utopia
by David Horowitz

Technology Will Make You Free!
by Robert Higgs

Economics and Ecology
by R. W. Bradford

American Psycho: Evil, or Just Misunderstood?
by Panos Alexakos & Daniel Conway

Women *vs* the Nation-State
by Carol Moore

Also: What will happen in the ex-Soviet ex-Union; *Karen Shabetai* corrects the "politically correct" (and Dinesh D'Souza); Plus other Articles, Reviews, Fiction, and Humor.

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Inside Liberty

November 1991
Volume 5, Number 2

4 Letters on being inconsistent about murder, inconstant about freedom, inconsequential about epistemology, and incognizant of the real nature of Boy Scouts.

7 Reflections *Liberty*'s editors rethink the renaming of Leningrad and sports teams; react to Clarence Thomas, Jeffrey Dahmer, and John W. Hinckley; reveal what they think about reburying communism, reviving Castro (cough, cough), and reflect on Rockwell repudiating Rothbard.

Features

14 The Spectacular Death of Soviet Communism The thing to do with a spectacle is *watch* it. Communism may be dead, but Russia remains worth watching, in more than one way, as Stephen Cox, Ronald Lipp, and Loren Lomasky explain.

21 The Road to Nowhere Why do so many Western intellectuals still worship at the profane altar of the Left? David Horowitz, once a devotee of the Left, knows, and tells.

35 My Kind of Town Chester Alan Arthur visits the 1991 Presidential Nominating Convention of the Libertarian Party, and reports on what happened in the convention room, the huckster room, the barrooms, and the smoke-filled rooms.

45 Economics and Ecology, Sophisticated and Vulgar R. W. Bradford uncovers the latent world-views of two very different, very similar sciences, and their degraded offspring.

50 Women vs the Nation-State Carol Moore shows the road feminists should take if they wish to end violence against women.

53 A Case of Mistaken Identity Panos Alexakos and Daniel Conway consider the boycott of *American Psycho* by the American literary establishment and discover that censors don't have to be right-wingers to be ill-informed about art and illiberal about culture .

58 The Structure of Crystal J. E. Goodman tells a tale of independence, majority tyranny, and telepathy.

Reviews

61 Feminism, Outlawry, and Individualism Miles Fowler looks at *Thelma and Louise* and sees what other critics missed: an honest exploration of individual autonomy and dignity.

63 The Message Within the Massacre *Terminator 2*: Are the ideas behind the movie as formidable as its visual effects? Charles Ziarko looks at the intellectual content of this summer's biggest crowd-pleaser.

64 Leviathan at Bay? Robert Higgs challenges the vision of two free-market economists. It does not take a prophet's insight—just good economic sense—to see that freedom is neither inevitable nor imminent.

70 Correcting the "Politically Correct" Karen Shabetai compares what Dinesh D'Souza says in *Illiberal Education* with what she witnesses on campus. D'Souza is attacked because he is pretty much right about the self-righteous leftists in the academy. But the exceptions are instructive.

74 Ethics vs Economics Leland Yeager defends mainstream economics from two moralistic critics: one left-liberal, the other right-libertarian.

77 Notes on Contributors Who we are and what we do, if not why we do it.

78 Terra Incognita Excerpts from the real and unreal worlds of the media, the state and the booboisie.

Letters

Ambiguity vs Principle

Mark Skousen's "Persuasion versus Force" (Sept. 1991) seems wishful, and often careless. To raise taxes is not the "opposite" of "the price we pay for civilization." It is a second best, which is a very different thing. Of course, persuasion is always better than force, but what shall we do about those who won't be persuaded? Shall traffic cops argue with the eccentric who likes to go through red lights? Shall we allow society to undergo whatever processes it generates in the absence of law? Maybe Skousen would be happy to entrust himself to such a dispensation, but not me.

It isn't so much that I disagree with Skousen's view, as that I can't go along with its tone. Do I think there ought to be laws requiring people to buckle up in cars? My clear answer is "Yes and No." I don't think it is a matter that can be *morally* justified or condemned without reservations, whatever side you take. *Political* justification is another matter. It may make very good practical sense for one society (in which there is a record of bad driving) to pass such a law; and very bad sense for another, with a record of safety and caution, to do so. Why must there be absolutes in such matters? Sticking to one's "principles" is both the sign of a good person and of an inflexible one. Life is too contingent to be legislated, once and for all; but life is also too dangerous not to be constrained by law. I see no escape from living with ambiguity, and I manage to do so every day.

Robert Heilbroner
New York

Quick Fix on Murder

Mark Skousen ("Persuasion *versus* Force," Sept. 1991) refers to abortion as "genocide" without any explanation or justification. But he defuses his claim by assuring us that he doesn't favor the conservative "quick fix" of banning abortions, but wants simply to educate people to be more responsible.

Then in the next paragraph, he says, "Is there a crime problem? Don't worry. We can solve the murder and crime problem in this country, simply by . . ." At this point I figured he was going to continue

continued on page 6

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Letters *(continued from page 4)*

with "banning murder and crime," after which he would argue that people should be taught responsibility so that they won't rob and murder others. But he addressed only the question of banning weapons. I still don't know whether he regards anti-murder laws as a mere "quick fix."

If abortion really were murder, it would be entirely proper to ban it. Indeed, a society in which murderers went unpunished would be the height of irresponsibility. Skousen's failure to apply the same argument in both cases suggests that he doesn't really believe his own rhetoric about abortion.

Further on, he states that libertarians "should also favor the 'fully informed' consent rules before a woman can get an abortion." In other words, he wants to require women—by means of coercion, as far as I can tell—to be subjected to a lecture before the government permits them to have an abortion. Yet in the same paragraph, he writes, "It is the duty of every advocate of human liberty to convince the world that we must solve our problems through persuasion and not force." Skousen's basic thesis is excellent, but there are some severe inconsistencies in the way he presents it.

Gary McGath
Penacook, N.H.

Bad Medicine

Mark Skousen's "vision of a drug-free America" begs all sorts of unexamined assumptions. Does he really mean a society where no one takes medicines or ingests chemicals? Or, is he using the term "drug-free America," as I believe the drug war rhetoric implies, to mean a society where no one uses illegal psychoactive substances? If so, do the present categories of licit and illicit accurately reflect actual abuse? What about the statistically far larger problem of legal drug abuse (e.g., alcohol, tobacco, prescription tranquilizers)? My personal experience and the scientific evidence suggests that even illicit psychoactive drug use can be compatible with, and sometimes promote "long, healthy, self-sustaining lives."

Similarly, his vision of an abortion-free society" is problematic. What about life-endangering pregnancies? Will an abortion-free society also be rape-free? Are all unwanted pregnancies the result of irresponsible sex? Respectable, faithful women who were virgins at marriage have abortions, too. Seems to me that responsible use of effective contraception will reduce the need for abortions more than "belief in the sanctity of life" and "family values."

Ellen M. Martin
Berkeley, Cal.

The Non-existent Libertarian

An entirely erroneous idea of what libertarians are would be formed by anyone reading Mark Skousen's comment (p. 48): "Too many libertarians equate liberty with libertine behavior. That the freedom to have an abortion means that they should have an abortion. That the freedom to take drugs means that they should take drugs. That the freedom to use handguns means they can use them irresponsibly." I don't know who Mr Skousen has been consorting with, but my own experience over more than 20 years has *never* included such a "libertarian" as he describes here. I don't believe such a person exists.

David King
Milford, Wyo.

Repulsive Libertarian

I was repulsed by your decision to endorse the nomination of Clarence Thomas for the U.S. Supreme Court ("Who Is Clarence Thomas?", Sept. 1991). I am amazed that anyone could sincerely call themself a libertarian without gagging at the thought of giving this man the power to help interpret the Constitution.

Judge Thomas opposes individual rights. You stated that the Ninth Amendment could be used to find such "rights" as a right to welfare. In assuming that Judge Thomas' position in this regard is similar to your own, you have negligently ignored the context of the criticism Thomas made of the judicial history of the Ninth.

While the Ninth could conceivably be used to expand state power, Thomas was criticizing the opinion in *Griswold* v. *Connecticut*, which did as much as anything the court has ever done to limit arbitrary state power. The right the court found in this case was privacy.

The State of Connecticut had strict laws against contraception. If I remember correctly, the Griswolds were busted for possesion of a condom. This case was a landmark of individual freedom and civil liberties. This is what Thomas may wish to reverse.

Control over reproductive life is a very basic right. Anyone who values this right (or any other) should probably oppose Thomas.

T.E. Watts
Corpus Christi, Tex.

Rothbard's Ice Sculpture

I was interested to read Murray Rothbard's comments on R.W. Bradford's *bona fides* (as reported in "Defending the indefensible," Sept. 1991), particularly his statement that Bradford is "just a businessman" and "the fact that he calls himself a scholar and philosopher should cut no ice with anyone." I was reminded of a passage from *Atlas Shrugged* in which the decrepit Philip Reardon took his brother Hank to task:

> Since when did you take to abstract philosophy? You're only a businessman, you're not qualified to deal with questions of principle, you ought to leave it to the experts. . . . (p. 863)

Murray Rothbard has chosen an interesting role model. Life imitates art.

Nelson Michael Nelson
Ashmont, Ohio

First Things First

Regarding James Robbins' "Unhappy campers" (Sept. 1991): There is certainly room for libertarians to argue that private voluntary associations ought not to be compelled to admit gays or atheists. (Of course, making that argument implies defending associations' right to keep out women, blacks, or even libertarians.) But none of this rhetoric applies to Scouting USA, which hasn't been a voluntary private association for 75 years. Since Scouting is a creature of government, atheists (and everyone else) have the same right to participate in it as they have to be included in the activities of any governmental or quasi-governmental body. It also follows that Scouting's policy of requiring belief in a god is improper, since it is more tightly bound by the First Amendment than any private organization. Atheists, gays and secular humanists (among others) are

continued on page 60

Letters Policy

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

Reflections

Semper Fidelis — You've heard the old riddle:

Question: What happens if the Soviet Union takes over the Sahara Desert?

Answer: Nothing for thirty years . . . then they have a shortage of sand.

Well, it's not a joke anymore. In September Cuba decreed rationing of yet more commodities in short supply. Among the items on the list is—cigars!

I'm skeptical of an activist foreign policy, but don't you think it's important that we do what's necessary to support Fidel so that he doesn't go the way of Ceaucescu, Honecker, and the other dinosaurs? If we lose Cuba, who will be left to serve as the salutary example of the woes of socialist planning?

Old jokes, like old buildings, merit preservation. —LEL

Doubts about Thomas — *Liberty* said good things about him. The Cato Institute entered the ring on his behalf. Many libertarians expressed enthusiasm for a Supreme Court nominee who respected natural rights. At last by accident of race, an anti-Bork arises to carry the banner of libertarian jurisprudence to the Supreme Court.

But as I write this, three days into his confirmation hearings before the Senate Judiciary Committee, Thomas has run so far from his previous record that the Senators would be hard pressed to catch a glimpse of him through the cloud of dust. No, natural rights have no place in constitutional jurisprudence, they are merely a dalliance for the amateur political philosopher. No, he would not bring America back to the dreaded days when Supreme Court justices put "rights of contract" above "individual rights." (And who the hell makes contracts—rocks?)

Apparently, we can expect no intellectual integrity, backbone or dedication to property rights from Clarence Thomas. No lingering influence of the thinking of Richard Epstein, who interprets the Constitution's takings clause as invalidating most economic regulations of the past 60 years, or of the anti-majoritarian Stephen Macedo. No, Thomas is merely another mouthpiece for the sort of jurisprudence advocated by the pathetic members of the Senate Judiciary Committee.

Thomas lacks the courage to articulate his own extraconstitutional concept of rights. He doesn't deserve the support of libertarians, no matter whether his future career proves his performance this week to be mere camouflage. Until a public figure dares to articulate libertarian thinking proudly and loudly, there is no victory for libertarianism. —BD

The supreme job interview — Judge Thomas could have used some old-fashioned job-search advice for his nationally televised job interview, the Senate Judiciary Committee hearings. Properly instructed, he would have come off much better, and not as he did: uncomfortable, maudlin, and dishonest.

The secret of the job interview is not to let your anxiety get in the way of demonstrating your qualifications. No matter how much you may want a job (and it is obvious that Thomas *really wants* to be a Supreme Court Justice), you must hide the intensity of your desire within the bright garment of *interest in the job*. Interest in and knowledge of the position you are applying for is contagious; prospective employers tend to fall for those job-seekers who can competently communicate their fascination for the work.

This technique is a little hard to put across when your desire for the job is very high, and when the prospective employer has severe qualms about you. To keep his cool, I recommend the prospect play the following game: pretend that (a) he knows he is the best person for the job and (b) he also knows that the employer doesn't really know what he is doing. This forces him to concentrate his energies on hiding his contempt for said employer behind a cheerful exterior. This can be very convincing if his expertise and interest in the job are also clearly demonstrated.

In Judge Thomas' case, this should have been a breeze. There is no group of professionals *more* contemptible than Congress, so (b) should have been easy. And though Thomas may agree with the majority of pundits that (a)—his qualification for the job—is a bit hard to swallow, a little lite-egoism should come easily enough (a person who does not believe in himself does not deserve to get what he wants, anyway). In Thomas' place, I would have found it hardest to disguise my contempt for my interviewers. I mean, it would be hard to resist humiliating, say, Senator Biden after he lectured that there are "two kinds of natural law: good natural law and bad natural law." Thanks, Senator, for that expert opinion. —TWV

Second thoughts on Thomas — In the September *Liberty*, I wrote an essay reviewing the career and public statements of Clarence Thomas, lately anointed by George Bush for a lifetime gig on the Supreme Court. I concluded my article by hoping that Thomas would be confirmed.

This seems to have annoyed a few of *Liberty*'s readers and editors. The recurring theme of their comments is: in light of Thomas' performance at the Senate confirmation hearings, do I regret what I said about Thomas? I have seen some of the hearings, and acknowledge that Thomas has backtracked from some of his more sensible libertarian views. But my answer to this question is an emphatic "No!"

In an ideal universe, he would have articulated a radical

liberal agenda with such force and persuasiveness that Senators Kennedy, Metzenbaum, Biden and the rest of the moronic lot would have seen the foolishness of their own views, embraced the libertarian agenda, and used the power of their position to influence the nation toward human liberty. But this isn't the best of all possible worlds. It's a world where George Bush is president and most Americans favor a strong and powerful state. The issue is: of the possible candidates for the Supreme Court that Bush is liable to nominate and the Senate likely to confirm, who would be best for liberty and classical liberal ideas? Who out there who meets these qualifications is more sensitive to libertarian ideas than Clarence Thomas? Who cares more about liberty, Clarence Thomas or some clone of David Souter? George Bush nominated him for the Supreme Court; so far as I can determine, no one has nominated him for God.

What about his apparent backtracking from his past rather radical libertarian views? Does this make him into some kind of evildoer? It seems to me that there are two ways to explain his apparent backtracking: he is lying or telling the truth.

If he is lying, then he still harbors his subversive libertarian views, and the worse that can be said of him is that he is playing politics by the same rules as those politicians who are grilling him. (In a *Wall St. Journal* op-ed piece, Jim Robbins recalled how Teddy Kennedy argued that questions of ideology were entirely irrelevant when the nominee in question was Thurgood Marshall. Where are the critics questioning how Kennedy has backtracked on his views?) If he is a semi-crypto-libertarian playing the political game, he is a better choice for the Court than other potential Bush appointees who are acceptable to the Senate.

If he is telling the truth, then he has had a remarkable intellectual change. He cannot be counted on to be the friend of liberty that one might have hoped for from examining his record. But at the very least, he will remain a person who has had an intimacy with libertarian ideas. If his change of mind was real, I believe, he would still be a better Supreme Court judge than any alternative on the horizon.

If he is lying, then he still harbors his subversive libertarian views, and the worse that can be said of him is that he is playing politics by the same rules as those politicians who are grilling him.

It is surprising that so much of the criticism directed at Thomas is ignorant of the difference between judicial philosophy and political philosophy. How, some libertarians ask, can Thomas favor human liberty and the same time criticize the notion of a right to use contraception in the Ninth Amendment? How, Ted Kennedy asks, can Thomas oppose Jim Crow laws while criticizing the epic *Brown v Board of Education* decision that did away with school segregation? The answer to these questions is: the end does not justify the means. More specifically, the desirable ends of establishing the right to use contraception and abolishing state-mandated segregation do not justify the means of writing new meaning into the Constitution. One can favor a right to contraception without insisting that the right lurks in the Ninth Amendment, just as one can oppose government-imposed segregation without buying into the sociological arguments of the Warren Court.

It seems plain to me that in matters of law, Thomas believes that the language of the Constitution means what it says, though it might be a good idea to consult original intent from time to time, and that there is no need to invent new provisions and attribute them to the Constitution. (This is, more or less, what is generally meant by "judicial restraint.") At the same time, as a social thinker, he favors a social system that maximizes individual liberty, within the natural order of things.

Where's the contradiction? —RWB

No more Borks — Ask Judge Thomas a tough question and you can count on him giving you an answer about how his poor but proud grandfather inspired him to rise above the poverty and ignorance of his youth. As a black man, supported by a very popular President, Senate approval was a sure thing, unless Thomas blundered. Ever since Robert Bork made the mistake of actually telling the Senate Committee his opinions, evasive answers from Supreme Court candidates have been *de rigeur*. So it's not surprising that Clarence Thomas' answers were as long-winded and boring as the questions he was asked. Why blow it by telling the truth or by being articulate? —CAA

Prince William Sound update — A recent editorial in the Detroit *Free Press*, devoted to excoriating the Exxon Corporation for the umpteenth time, included among its condemnations the following charge: "Some of the clean-up methods used by Exxon . . . have done more harm than good; one government scientist observed that 'the environment would have been better off if . . . we had let nature take its course.'" I leave it to the reader to imagine the *Free Press'* editorial rage if, following the *Valdez* accident in March 1989, the oil company had announced that it was going to "let nature take its course." —WPM

Lexicographic note — "Cease-fire" is a Yugoslavian word for "reload." —JSR

Rockwell rethinks Rothbard — It is a matter of historic record that the Libertarian Party platform's plank on children's rights is a summary of Murray Rothbard's thinking on the subject, and that as a member of the LP's Platform Committee in 1981, Rothbard vigorously drove back an attempt to modify that plank.

In a column in the rightwing tabloid *Justice Times* and in *Rothbard-Rockwell Report*, Rothbard's "paleolibertarian" pal Lew Rockwell has attacked that same plank as "something from the Planet Zucchini," because it implies that "your ten-year-old daughter could be lured to a nearby house and sexually molested for a pornographic film, which is then televised, and you couldn't complain so long as she 'consented.'" For the crime of advocating Rothbard's children's rights theory, the LP is denouncd by Rockwell as the "Molestitarian Party."

Rockwell doesn't even mention some of Rothbard's more

exotic "children's rights" theories, like the free market in babies. Now *there's* a position sure to warm the heart of the cultural conservatives that Rockwell and Rothbard are cozying up to.

Perhaps the reason so many Americans disdain libertarians is not they are libertine, drug-using, anti-traditionalist grifters (as Rockwell and Rothbard argue), but because they engage in political and moral thinking in the manner of Murray Rothbard. —BD

Travel suggestion — Conservatives are always urging people to stick to the old values. They are presumably heartened to know that long-time American Communist chief Gus Hall is sticking with that old-time Leninism. Hall is, understandably, somewhat miffed with the (former) Soviet Union these days, but he has found a new worker's paradise. Upon his return from a recent visit to North Korea, Gus told a gathering of progressives that "The world should see what North Korea has done. In some ways, it is a miracle. The capital is one of the nicest, finest cities in the world. If you want a nice vacation, take it in North Korea." Right. Sure. Gus, Gus, it's time to go home and write your memoirs. —WPM

Nations are not moral agents — In the September *Liberty*, a reader took issue with what I had written earlier about the Gulf War. Now, disagreeing with me is no sin, and I do not intend to subject anyone to a point-by-point rejoinder. Rather, I would like to call attention to the rhetoric of the reader's objection, because it is characteristic of how most people talk about such matters. It is also a mode of discourse certain to muddy the moral waters.

In the reader's words, "it is inexcusable to portray America as morally guilty in the Gulf War," because "Iraq committed a clear act of military aggression . . . Mr. Higgs' views betray someone unable to distinguish between perpetrator and victim." The reader objected to "anti-war claptrap that makes no distinction between aggressor and victim."

Notice that the words "America," "Iraq," "perpetrator," "aggressor," and "victim" are all grammatically singular, suggesting that each denotes a unitary actor. That's the problem.

In fact, neither America nor Iraq is an actor, a person capable of bearing moral weight. Both of these terms are conceptual, describing an aggregate of actors. Therefore, the possibility exists that each aggregate may contain persons differing in their moral responsibility for an action taken by one or more members of the group. Virtually always this is the actual case. It certainly was in the Gulf War.

In my comments on the war, I neither blamed nor absolved "Iraq" or "America." Of course Saddam Hussein and many of his military subordinates committed wrongs. But the Iraqi armed forces included many conscripts and others who had no wish to take part in the occupation of Kuwait and who remained in the army only out of fear for themselves or their families. Moreover, there is no evidence that every Iraqi soldier committed atrocities. Such unabridged culpability is implausible.

On the other side, obviously, George Bush alone bears responsibility for initiating the immoral actions taken by U.S. and allied forces, although each individual who acted wrongly must also answer for his or her complicity in obeying orders to commit wrong acts. Although the official U.S. version characterizes the attack against Iraq as aimed exclusively at military targets, the claim is unacceptable. Even if one were to accept the military's notion of what constitutes a military target, it remains the case that the attacks were ordered and carried out with full knowledge that there would be extensive "collateral damage," that is, destruction of civilian property as well as deaths and woundings of innocent men, women, and children.

The upshot is that the allied attackers knowingly decided to kill innocent Iraqis, judging the benefit of slaughtering the guilty to be greater than the cost of killing the innocent. I submit that no one is morally entitled to make such a judgment except in self-defense or in aid of another person in immediate need of defense.

Why is it so difficult to perceive that what is most wicked about modern warfare is the massive undiscriminating scope of the destruction wreaked? Have long-range artillery and high-altitude bombers given rise to a new morality?

Why is it so difficult to perceive that what is most wicked about modern warfare is the massive undiscriminating scope of the destruction wreaked? Why do people who take great care not to lump the innocent with the guilty in other circumstances completely lose sight of the need for moral discrimination during wartime? Have long-range artillery and high-altitude bombers given rise to a new morality?

The reader objected to my having described the Iraqi forces trapped in the traffic jam on the road out of Kuwait City as "defenseless" because they "were armed soldiers, part of a brutal occupying army, and guilty of initiating widespread atrocities." Besides, "Iraq was given ample opportunity to withdraw from Kuwait."

Needless to say, individual soldiers in Kuwait had no control over whether the Iraqi army withdrew or remained. Only Saddam, and perhaps some of his commanders, wielded such power. As for "defenseless," I used the word with precision, meaning that the Iraqis on the road were incapable of defending themselves against the attack on them. Of

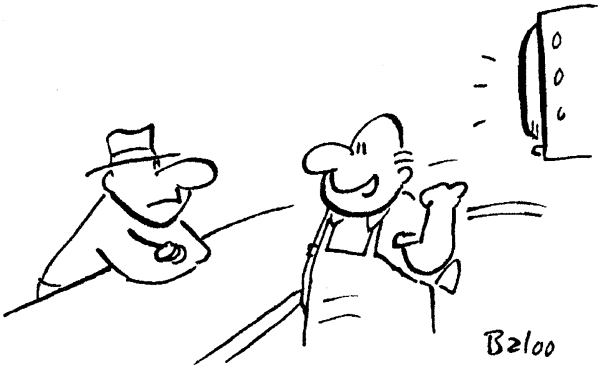

"Oh, the drinks aren't cheaper — we call it 'Happy Hour' because we turn the news off."

course, they had some arms, but the nature of their arms and their position left them, quite literally, defenseless. It was the allied pilots—not I—who described the needless slaughter along the highway as a "turkey shoot."

Nor will it do to dismiss concern for the soldiers because they made up a brutal army guilty of looting and atrocities. No doubt some of them were guilty as charged, but others were not. The A-10 pilots who wantonly showered them all with rockets and bombs were neither capable of nor interested in making the necessary moral distinction.

Our leaders would always have us rally mindlessly around their flags. They urge us to believe that all of us are without blemish and all of the designated enemy are reprehensible if not criminal. So long as we permit ourselves to be deceived by this morally bankrupt aggregation, we shall never see our moral options clearly. And we'll continue to prop up evil politicos who know full well what constitutes the health of the state. —RH

Wise beyond her years — My 7-year-old daughter Jennifer has been free from government schooling for only about two months, but already she is showing signs of a remarkable recovery. For example, she asks questions that show real political sophistication and that seek the underlying motive for government action. At the Libertarian Party convention in Chicago, Jennifer watched the crowd of people busy at the work of nominating a presidential candidate and asked, "Why does President Bush allow them to do this?" —SJR

They got one thing right — I've never been known as a champion of Marxian historical analysis, but I do believe in giving credit where credit is due, and the Marxists did get one thing right. After a period of dictatorship, the Marxist state *does* wither away. In fact, it looks as if it frequently withers away pretty damn fast. —WPM

Lips that touch meat will never touch mine — In the wake of the public revelations about the Donner Passesque culinary habits of one Jeffrey Dahmer of Wisconsin, the righteous souls at People for the Ethical Treatment of Animals (PETA) issued an advertisement comparing Dahmer's methods of nourishment with those of the average flesh eater—animal flesh eater, that is.

The ad quoted horrific media reports of the scene of Dahmer's crimes, and then said something along the lines of (I'm paraphrasing from memory here) "Does this appall you? It should—and it's still going on every day, in slaughterhouses across the country."

But does anyone believe PETA's rhetoric—even PETA? The kind of radical animal rights position PETA presents here—the kind that purports to see absolute and unconditional moral equivalence between men and animals, at least as far as men are concerned (carnivorous animals are, of course, not held up to obloquy as meat-eating persons are)—is akin to socialism in its goal. It attempts to fabricate out of whole cloth moral feelings that are so far divorced from the natural, functional moral feelings of the typical human that they are impossible for anyone to really live by, however much one might intellectualize oneself into thinking one does so.

Human revulsion toward a cannibalistic mass murderer is difficult to extend toward people who indulge in an eating habit which, whatever its practical or moral merits, has enjoyed almost universal practice among humans throughout history.

While my own circle of friends is made up largely of vegetarians and vegans—even a few hardcore PETAites—I would like to think that they hold me, an occasional eater of fowl and fish, in higher regard than the average person holds Jeffrey Dahmer. Although most humans feel a certain small strain of moral responsibility toward even total strangers, I don't think they feel this way to totally strange animals. And I think the mavens of PETA need to examine themselves to see if they really feel, on the bus going to work in the morning, as if they are surrounded by Jeffrey Dahmers. —BD

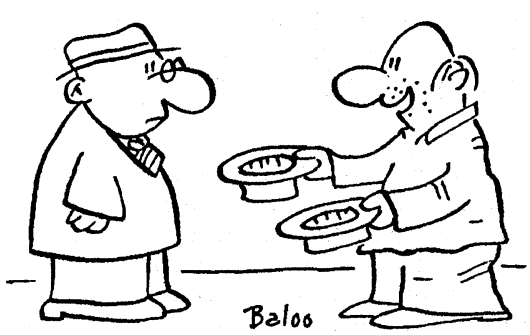

"It's not greed, sir — it's *ambition*!"

Old tyrants for new — In the September issue of *Liberty*, James Robbins reported that the people of Leningrad had voted to change the name of their city back to "St. Petersburg," the name given it by its founder, Tsar Peter I, called Peter the Great. On September 7, the parliament of the Russian Republic confirmed the plebiscite, so now the change is official. As Robbins suggested—and who could deny it?—lovers of freedom should welcome this slap in the face to the ignorant but supremely willful Marxist tyrant who founded the Communist autocracy in Russia.

That's not—or shouldn't be—the whole story, however. It was, to say the least, misleading to observe simply, as Robbins did, that Peter "carved the port city out of a swamp to increase access to and contact with the developed West." What a strange sheen for a professed libertarian to put on a figure who himself was one of the great tyrants of European history. The fact of the matter—known to anyone familiar with Russian history—is that Peter built St. Petersburg as he did everything; by mercilessly wielding the knout. The Russian historian Vasili Klyuchevsky explained: "The new capital . . . was paid for partly by levying heavy taxes and partly by using the forced labor of people driven in from all parts of the country. It would be difficult to find anywhere in military history a massacre that accounted for more men's deaths than St. Petersburg and Cronstadt. Peter called his new capital his 'paradise,' but for the people it was a mass

grave."

Peter's attempt to ape the West economically consisted of the ruthless application of the crudest mercantilist principles, force-feeding industry by means of taxes squeezed from an already destitute peasantry. Of course, he succeeded only in further impoverishing his country. His overriding aim was the creation of a modern army and, especially, navy, to solidify Russia's position as a power so that she could menace Europe for centuries to come (here he was successful). Personally, he was in the grand tradition of his imperial predecessors. Peter the Great tortured and murdered people with his own hands. A "modernizing" touch was that he set himself to learning modern anatomy the better to practice the art of torture on his victims. Ironically, in the end, Peter's fervent promotion of "westernization" via massive coercion turned many patriotic Russians against the West. To them, the "West" meant the tyranny of St. Petersburg.

A libertarian ought to be a bit more suspicious when he comes across a ruler who has been accorded the title, "the Great." —RR

An adventure in moral lunacy — I just returned from a week-long Cato Institute conference. I had many intense, thought-provoking discussions with a lot of sharp, informed people; I also had a lot of bewildering, aggravating encounters with people I cannot help but regard as somewhat lunatic. I suspect anyone who has spent concentrated periods of time surrounded by libertarians knows the feeling.

I found the largest range of conflict with others on questions of moral reasoning. Libertarians often show little subtlety in their moral thinking. Perhaps this is the result of the influence of Ayn Rand's Objectivism (which I will wholeheartedly accept the moment someone can explain to me how it is objectively true that a man—*a* man, mind you, not man *qua* man—*must* respect others' rights in order to live, when history is filled with countless examples to the contrary). Or maybe it's because we tend to like to reason deductively from axioms like non-aggression or man acting using scarce means to achieve subjectively-valued ends.

A participant at this conference proposed that it would be morally acceptable for libertarians to form ragtag death squads to roam the landscape of our statist-ridden nation, killing all government employees living vampirically off the stolen lifeblood of we the citizenry.

This horrified me viscerally. I thought: surely he must be kidding. But he explained his thinking to me calmly and quietly, the same way he defended the death penalty on the grounds that regression analysis studies prove its deterrent power. It's a simple matter of justice. Theft and pillage, past the point where any reasonable reparation becomes impossible (he thought, and I agree, that the relationship of the government to its citizens is such a case), must be rectified by violence; death is a just punishment.

But just as morality, dealing as it does with values rather than facts, cannot be objective, so justice cannot be mathematical. Justice is more an art than a science, depending on a sense better characterized as "taste" than as "good computational ability." One should be offended by injustice the way one is offended by a bad smell, not the way one is offended by someone neglecting to carry his tens when adding.

If we wish to compare cash values in a reparation system of justice, that can be done; but value and utility judgments can't be done the same way. One death for one death makes a certain sort of simple mathematical sense; one death for x dollar value plundered isn't any sort of meaningful equality whatever.

And the simple mathematical sense of "eye for an eye" doesn't lend it any sort of ethical validity. I would not want my murderer executed, necessarily: his death adds nothing to my utility, and in fact continues a cycle of violence and hate that I'd just as soon see stopped—because it is only by curbing the prevalence of violence and hate that a libertarian society based on free and fair trade between individuals, rather than force, can be achieved. And this, I assume, is the goal of *all* libertarians.

A participant proposed that it would be morally acceptable for libertarians to form ragtag death squads to roam the landscape of our statist-ridden nation, killing all government employees living vampirically off the stolen lifeblood of we the citizenry. This horrified me.

Sure, those who make up the current crop of government employees are to some degree or another guilty of coercing we the citizenry. But our current political system has made all of us, however unwittingly, both victims and beneficiaries of theft. I think it best, when and if this question ever becomes meaningful (as it has already for the citizens of Eastern Europe), to call for mercy rather than for bloody vengeance.

Mass murder of those with attitudes and past histories that don't jibe with the currently accepted social order is the strategy of Stalin. Stalin wasn't wrong merely because his goals were wrong. —BD

Soichiro Honda, R.I.P. — We libertarians ought to take a moment out from savaging the crooks and scoundrels of the world to honor Soichiro Honda, founder of the great Japanese motor firm, who died in August. Honda was a genuine hero. Even the New York *Times* and "All Things Considered" obituaries couldn't help but portray him as a man whose greatness was tied to his being a capitalist.

What made him great? He was the consummate entrepreneur; he always figured there was a better way to do things. He had a positively Randian passion for engines and automobiles. And he defied the Japanese government and the allegedly indomitable Ministry of International Trade and Industry (MITI) when they told him to stick to light motorcycles and leave auto-making to others. Government officials "tend to become an obstacle when you try to do something new," he said. Honda loved his work and resented bureaucrats' telling him what he could not do. He began as a

mechanic, liked to get greasy. He thought a company president should eat lunch with his employees, and believed that a high school diploma was worth less than a movie ticket (he didn't get past the tenth grade).

Who did Honda think he was ultimately working for? "Each individual should work for himself—that's important," he said. "People will not sacrifice themselves for the company. They come to work at the company to enjoy themselves." Let's see the cultural determinists and relativists explain him.

—SLR

Communist Party of the Soviet Union, R.I.P — The Communist Party of the Soviet Union has died in Moscow of complications of New Thinking. It was 88 years old.

Born in London of the Russian Social Democratic Party on August 23, 1903, the CPSU (then known as the Bolsheviks) was, by age two, a leading juvenile delinquent. In 1917 it defeated its sibling rivals, the Mensheviks, to complete a hostile takeover of Russia, renaming it the Soviet Union, and itself the CPSU, in 1925. The CPSU worked as a social engineer in the 1930s, experimenting with agricultural collectivization and rapid industrialization with mixed results. The CPSU fended off a hostile takeover bid by Germany's NSDAP from 1941–1945, and afterwards became a successful exporter of World Revolution. In the 1960s and 1970s the newly affluent CPSU turned to cultural pursuits and amassed the world's largest collection of nuclear weapons. But the record growth of the 1970s was followed by reversals in the 1980s. Weakened by a rapid series of leadership transplants in the mid-80s, the CPSU became afflicted with *perestroika* in 1986. Its condition slowly worsened, and over the next few years the CPSU saw its empire fall apart. After suffering a massive coup on August 19, 1991, it was decapitated August 23, and died a few days later.

The CPSU is survived by its former partner the Chinese Communist Party (divorced since 1967), and progeny North Korean, Cuban, Vietnamese and numerous bastard Communist Parties.

Funeral Services will be held in philosophy and sociology departments in universities throughout the United States.

—JSR

Politically correct math — The school districts in several heavily black cities, led by Detroit, have adopted a policy of purchasing only those textbooks that reflect black heritage and "black values." This has led to a variety of sillinesses, from the packing of literature textbooks with deservedly obscure black authors to attempts to posthumously alter the race of Hannibal, Cleopatra, and St. Augustine. Initially only the humanities were affected. Now, however, some districts are demanding black-oriented *math* texts.

A problem has arisen. It seems that the original contribution of black people to mathematics is somewhat underwhelming. In today's academic and educational world, of course, intentions and correct beliefs come before truth and convenience. Accordingly, it should be no surprise for the reader to learn that at least some Detroit schools are opening the school year *sans* math textbooks. Supposedly a Texas publisher has been commissioned to come up with a suitable tome. I hesitate to even guess at what will result, but I venture that Detroit students will be better off while learning *without* a text than with what is to come.

—WPM

A team by any other name — The Huron Indians were a branch of the powerful Iroquois nation in New York prior to 1800. For a variety of reasons they fell by the historical wayside. Many were killed by other Indians in long forgotten tribal wars. The rest drifted westward, eventually merging with the Erie nation in Ohio. Most of the group settled in Michigan and Wisconsin where they became known as Wyandottes. Ethnologists believe that there have been no full-blooded Hurons since about 1825. Today a few hundred people of partly Huron extraction use that name to identify themselves.

For over sixty years the Eastern Michigan University football team has been called the Hurons. As far as is known, no one complained. Certainly there is no record of any of the remaining Huron or Wyandotte Indians voicing the slightest objection. In 1988, the EMU administration appointed a committee to investigate changing its name. This body sent questionnaires to more than 2,200 students, alumni and faculty—but not to any Hurons. Of those who responded to the survey, 86 percent favored keeping the old name and logo. This wasn't what the board wanted to hear. In what a local

continued on page 76

Guest Reflection

William Connole, R.I.P. — A New York *Times* obituary of July 19 told of the passing of "William Connole, Early Consumer Champion, 68," whom it described as "champion of consumer interests and strict industry regulation" as a Federal Power Commissioner from 1955 until 1960.

During the Eisenhower years, Connole was the lone supporter of wellhead natural gas price ceilings when his fellow commissioners openly questioned their newfound authority to regulate producers as public utilities. In 1961, however, President Kennedy appointed a new slate of commissioners favoring aggressive price ceilings based on original depreciated cost. What did such strict regulation do to the market? It brought moratoriums on new natural gas service beginning in the late 1960s and physical shortages in the winters of 1970–71 and 1976–77.

In 1978, President Carter had had enough of shortages and crises, and strong-armed the Natural Gas Policy Act through Congress to begin the arduous process of natural gas decontrol. On January 1, 1993, wellhead gas prices will be completely deregulated for the first time since 1954. Similar to the experience with oil decontrol, gas prices have fallen as they have become less regulated. Today's wellhead gas prices are over 50% below their 1983 peak, adjusted for inflation.

Today there is virtually no academic or even *political* appetite for the type of regulation Connole once championed. Like Communism and Socialism, we tried it, suffered from it, and learned an expensive lesson. For which we should "thank" Connole—but *not* the New York *Times*.

—Robert L. Bradley, Jr.

"The high-beta think tank of the '90s will be the free-market libertarians at the Cato Institute."

— Lawrence Kudlow, "Money Politics," March 25, 1990

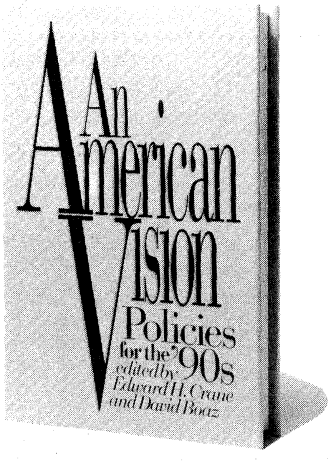

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—*New York Times*

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Elaboration

The Spectacular Death of Soviet Communism

The collapse of totalitarianism: almost nothing better could have been imagined. Could *real* liberty be just around the corner?

Jubilee or Apocalypse?

by Stephen Cox

Like those of most other libertarians, my reactions to the August Revolution were strong but mixed.

My first reaction, of course, was something like Yes! Yes! The year of jubilee has come! Oh, that I should live to see this day! And I immediately remembered another day, a day in 1962 when the natural rowdiness of my junior-high-school classroom was chilled to silence by the possibility that it might in a matter of minutes be blown to bits by enormous weapons of steel—machines created by the Bolshevik state, that model of all modern tyrannies. Never again, I hoped, would any child hear a certain peculiarly choked sound in the voice of a radio announcer enunciating the word "Soviet."

My second reaction was the smug lack of surprise with which we libertarians commonly greet bad news for the state. We knew that something like this was going to happen. We knew that Lenin and Stalin were right in believing that Marxism requires totalitarianism, that it cannot compromise with any kind of freedom, and that once any part of society is liberated from any of Marxism's lies, Marxism cannot remain in power. The Soviet middle class (ironically, the sons and daughters of Marxist *apparatchiks*) had been freed from some of those lies; only if Boris Pugo and his friends had been willing and able to crush the life out of the middle class could the *coup d'etat* of August 19 have succeeded. Since they were not willing or able, their coup could only make them intolerable; it could only lead to counter-coup and counter-revolution.

(Here I can't resist calling attention—harumph!—to my role as prophet. In *Liberty*'s September 1990 issue I pronounced the doom of the Russian Marxists, in terms that have an eerily truthful ring: "Without the nerve either to tyrannize effectively or to reform effectively, they are lost." And, in the November issue, discussing the 500-day marketization proposal that floated to the surface about that time, I predicted that whether the proposal was adopted or not, "Leningrad will not be named Leningrad 500 days from now." As of September 7, it's not. I'm sure you remember these prophecies.)

My third reaction, however, was to remind myself that this revolution would bring its share of surprises; revolutions are only partially predictable. The general laws of modern revolutions were sketched by Crane Brinton, an historian of the last generation. Drawing on his theory, we can expect a revolution to begin when the great majority of the effective political class (people with guns, money, or influence) has had it with the state as currently established. August 21, 1991, showed that the Russian EPC had had it with Marxism-Pugoism.

But once the old political arrangement is thrown off, there will be a new arrangement, an arrangement in which actions must be taken, decisions must be made, and disagreements are bound to arise. Once Pugoism is gone, the Russian EPC will not remain united by its opposition to Pugoism. It will fracture into opposing political groups. What is usually unpredictable is whether or not such opposing groups will attempt to eliminate one another, as they did, for example, in England in the 1650s, in France between 1789 and 1793, and in Russia between 1917 and 1928.

If they do begin eliminating one another, then the revolution can be expected to evolve through successive schisms within the EPC, in each of which one or more parts of that body will be purged and, quite possibly, killed. The process ends when there is only one group left alive, all others having been liquidated (as in Stalin's Russia); or when the members of cast-off groups, having been left alive in some numbers, manage to coalesce against a leadership that has, through successive purges, reduced itself to a tiny and enfeebled minority (as in Robespierre's France or post-Cromwellian England).

There are three ways in which revolutions can be brought to an end and a stable—though not necessarily a good—post-revolutionary system can be achieved:

1) Competition within the EPC can be ruthlessly and successfully repressed (the Stalinist or Russian way to stability).

2) Ruthless competition within the EPC can be exhausted and survivors brought to the point of compromise on their political goals (the English way in 1660, the French way in 1794).

3) Competition within the EPC can be limited before the revolution starts to devour its own children (the American

way). Washington, Madison, Franklin, and their friends created a system in which political competition would not turn murderous because most of the possible goals and tools of power were made off-limits to politics. That is the meaning and value of limited government.

Libertarians should be watching the Russian Revolution of 1991 for signs that it is likely to turn out in one or another of these three ways. We'll see clearly enough if Yeltsin has Gorbachev taken out and shot, thus starting a revolutionary cycle of the "Russian" or the "French" type. But we also need to watch for signs that the revolution is taking an "American" turn, and we need to do all we can to encourage opinion in Western countries to encourage Soviet opinion to take such a turn. Any signs are good if they show that the means of power, which are property—property in land, in labor, in factories, in the machinery of distribution, in the means of disseminating opinion, in the bodies of military conscripts—are being placed beyond the limits of political control and therefore of political competition.

We needn't care very much about who is in the Russian government and what that government looks like on paper; we need to care about what is *not* involved with government—and this goes for whatever investment or relief Westerners decide to send the Soviets' way. Our message must be, Send it if you want, but don't send it to a government!

We must also be careful to answer, whenever we see them, all assertions that we are witnessing the defeat of "Russian communism" but not of collectivism. We should remember with lively gratitude that we stand at the end of a long line of men and women who preserved the ideal of individualism against the ideal of collectivism, not merely that of communism. They preserved an intellectual banner to which intelligent people in every society could repair—and are now repairing. Ignored and scorned, often reviled, and sometimes brutally silenced, their arguments demonstrated the folly of every form of collectivist tyranny. Communist Russia and Nazi Germany were merely their richest examples of what follows from collectivism's fallacies.

The economic and political desolation of Moscow does not excuse the economic and political desolation of Detroit or New York City or Liverpool. All of them exemplify the fact that collectivism is a cruel hoax. New Yorkers are fortunate that the engines of "paternalistic" social control are not administered by the KGB, but that does not mean that collectivist measures can ever be justified. True to our heritage of liberty, we must seize this moment, when the prestige of liberty is at its height, to state the case for liberty more distinctly and more confidently than we ever have before. ❑

We should remember with lively gratitude that we stand at the end of a long line of men and women who preserved the ideal of individualism against the ideal of collectivism, not merely that of communism.

After the Coup

by Ronald F. Lipp

I am glued to the television, scanning the news reports. My mind is crammed with phosphorescent images of rumbling tanks, chanting crowds, fires in the streets, young Muscovites with frightened eyes, and Russian parliamentary debates. I have endured Presidential news conferences, endless panels of talking heads, and Diane Sawyer's smug and simpering media-pundit-jet-setter interview with Boris Yeltsin during his darkest hours. Between times, I've scoured the wire service reports on Compuserve and telephoned friends in Warsaw to see how their nerves were holding up with fifty thousand Soviet troops on their soil and more in Germany to the west. I'm approaching sensory overload and, besides, I'm running out of blank video cassettes.

It is 1989 all over again, only this time in the very heart of the Evil Empire. For a frightening moment, it looked like 1989 in Tiananmen Square, with the heirs of Brezhnev pronouncing their resolve to restore order in the center while the armored columns threatened death on the streets. The Black Berets wasted no time transforming the threat to reality in the Baltics. The return of the Cold War was palpable. Yet overnight this nightmare seemed transformed to a reprise of the events of Wenceslas Square and the destruction of the Berlin Wall—exuberant throngs massed before Moscow's White House, celebrating victory and cheering a triumphant Boris Yeltsin.

But of course this isn't 1989 and the USSR isn't Czechoslovakia. We are witnessing not the liberation of a subjugated nation but the disintegration of an unnatural amalgam of peoples and tribes that have been held together for the past 70 years, largely by the strength of brute force and a brutalizing ideology. When the Party is over, the hangover will remain in the form of a wrecked economy, an alienated populace, and a collapsed and chaotic political and social structure in which competing forces struggle for survival and ascendance. With everything in flux, much will remain obscure for a good while longer, but a few things are already clear and worth noting.

1 *The commonplace image of the Russian people as an inert and submissive mass is wrong.*

While the failure of the coup of August 19 seems to have many causes, and may even have been ordained to failure, the popular rallies in Moscow, Leningrad, and elsewhere and the fragmentation of authority and discipline within the Army and the KGB puts the lie to this notion.

2 *Gorbymania is forever discredited.*

Many in the West accorded Mikhail Gorbachev a fawning admiration as a superman and a closet democrat—a secret champion of human liberty and free markets who was struggling as best he could to advance those values within the Communist system. This view was dead wrong. It was Gorbachev's own hand-picked inner circle that did him in and his policy of vacillation and manipulation that provided them the opportunity. On his return to Moscow, Gorbachev repeated his loyalty to the Communist Party (albeit one he vowed to reform), asserted that the Union would be dissolved over his dead body, gave only grudging support for privatization, and continued an evasive and

equivocating position on Baltic freedom. Only when the impossibility of these positions was forced upon him in a public, humiliating manner, did he once more shift to a reformist pose.

Figures as diverse as Col. Viktor Alksnis, the former KGB officer and member of the "conservative" Soyuz movement, and Elena Bonner, widow of human rights champion Andrei Sakharov, blame Gorbachev for establishing the conditions of the coup. Many others hold him responsible for the earlier atrocities in the Baltics and elsewhere. The legislative and prosecutorial investigations may someday tell us more about Gorbachev's real activities. But for now it is enough to understand that Gorbachev was an able, sometimes brilliant technocrat, energetically committed to rooting out inefficiencies and corruption in his system, to sloughing off the Cold War burdens, and to tapping the resources of the West—but at heart dedicated to Communism and his own power. It is also clear that he didn't have a clue or a conviction about how to put reform in place.

Only the libertarian vision of the essential independence and autonomy of the individual, distinct from any tribe, denomination, culture, or state, offers an alternative to the turmoil that lies ahead.

The Gorbyphiles who still cling to their illusions should pause to consider the refusals of Eduard Shevardnadze, Gorbachev's former Foreign Minister, Alexander Vakovlev, a reformer and one time Gorbachev advisor, and Gavriil Popov, the immensely popular reform mayor of Moscow, to sign on to the new Security Council of the "new" Gorbachev.

3 *The coup is dead; long live the coup?*

The coup of August 19 has been thwarted. Its leaders are dead or imprisoned, charged with treason. Other plotters and sympathizers are being rooted out. The Communist Party has been uprooted, and may even be outlawed, its property and archives seized and its affairs under investigation. The KGB's troops have been transferred to Defense Ministry control and Felix Dzerzhinsky's statue outside KGB headquarters toppled. Massive reorganization of government functions is underway at a frantic pace. But there is no real evidence that introduction of a rule of law is in the offing.

To date, we have witnessed the defeat of the Coup of Apparat, with tanks as tools of public relations, by the Coup of the Populists, with the popularity of the Yeltsins, Sobchaks and others riding on the momentum of the moment. In crucial respects the new coup is as extraconstitutional as the old one. Within hours of Gorbachev's return to Moscow, he and Yeltsin announced a pact to fill each other's posts if either should be disabled. Replacement of various officials in the Union government, often by insinuation of Yeltsin's proteges by simple fiat; seizure of Communist facilities; closure of pro-Communist media; and suspension of the functions of organs thought to be out of sympathy with the reform movement have been achieved with little apparent regard for the legality of these moves. Most remarkably, the People's Congress of Deputies, whose members were chosen two and one-half years ago in elections widely heralded as a model of the new freedoms, has been treated as virtually irrelevant. Gorbachev and Yeltsin preside as co-Chairmen of the Congress, although neither holds that post.

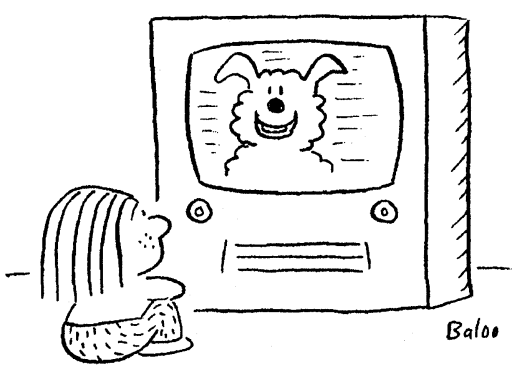

"Hi, boys and girls—Captain Fred has been deposed in a coup, and I'm Dudley Doggie . . ."

In dangerous times, strong action, regardless of the legal niceties, may be essential to prevent chaos or the reemergence of the hard liners. And so these moves may be only a disagreeable necessity on the road to democratization. But appeals to necessity and the public order are always the slogans of demagogues—as they were of the junta just deposed. We have as of yet no evidence that the rule of law as a foundation for human rights will prevail in the new regime. We do have the ancient tradition of Russian autocracy and ambition and inklings of such aspirations by Yeltsin himself—he was quick, after all, in response to declarations of independence by other republics, to assert Russian claims to portions of their territories. We should bide our time in assessing the new order in the former USSR.

4 *Decentralization is not democratization.*

It *is* the former USSR—at least with this qualification: if the new populist leaders are able to survive in power with their moral sanction reasonably intact for another six months—that is, through the next winter—the reimposition of the old order, whether by a political coup or a military intervention, will be impossible. With that caveat, the train of decentralization has left the station and cannot be derailed. At least some of the republics will aspire to genuine independence; some will seek a degree of political autonomy with economic cooperation, perhaps amounting to integration.

Many in the West fawningly admired Mikhail Gorbachev as a superman and a closet democrat—a secret champion of human liberty and free markets who was struggling as best he could to advance those values within the Communist system. This view was dead wrong.

But neither democratization nor free markets are assured by this process, and the prospect for the protection of genuine individual liberties is the most uncertain of all. The republics are the homes of ancient ethnic feuds, distilled and distorted through seven decades of repression. Some of the republics fear and

loath each other more than they do Russia or the Center. Several have primitive economies coupled with repressive Moslem regimes—the same incendiary combination which proved so uncontainable in Iran. Several are deeply conservative repositories of Communist strength. In a union of republics with equal voices, it is not at all clear that the forces of liberal reform would be prevalent. And throughout the republics there is scant experience with and few cultural moorings for the institutions and value systems which safeguard freedom and free markets in the United States.

5 *America blew it with Gorbachev; It must not make the same mistake again.*

The United States, and to a greater extent the Germans and some others, committed a major foreign policy mistake in (a) accepting Gorbachev's reformist rhetoric at more or less face value and (b) investing its moral and political capital heavily and almost exclusively in Gorbachev. The Bush Administration should recall with some chagrin how recently it regarded Boris Yeltsin as a yahoo to be kept at arm's length.

But we should not now make the same mistake with Yeltsin himself. Too much is at stake for American foreign policy to hinge upon the survival of one man. Or on his reliability. Yeltsin has established undoubted credentials for personal bravery and charismatic appeal. He also talks like a more committed democrat and economic reformer. On the other hand, his evident will-to-power, and the uncertainties of his real aspiration and convictions should give us pause.

6 *We must stand as a force for Liberty, not only for a New World Order.*

United States support for Mikhail Gorbachev was founded in the perceived opportunities for a reduction of superpower tensions and the arms race, both laudable goals. As the Soviet Union destabilized, this support continued in the apparent interest of stability itself. While stability is an appropriate value, particularly with respect to Europe's dominant nuclear power, American policy has slid from promotion of stability under conditions which are compatible with the defense of human liberty to one in which stability risks becoming the enemy of that more fundamental value. American policy now appears grounded in the administration's vision of a new world order with the United States as the promoter, if not guarantor, of the status quo. The United States went to war over the integrity of Kuwait, but ignored the plight of the Kurds until the publicity given their plight became irresistible. U.S. policy toward Yugoslavia is intelligible only as a defense of existing territorial bounds. And the United States slavishly supported Mikhail Gorbachev long after he became a reactionary force and an opponent of aspirations in the Soviet empire for autonomy and independence.

But the United States is not fundamentally a superpower or a nuclear power or a great power. Our unique heritage and moral claim is as the principal repository of the ideal of innate individual rights. This is why the students at Tiananmen Square erected a replica of the Statue of Liberty and citizens of Czechoslovakia, Hungary, and Poland

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looked to America and the American Revolution for their moral vision. If we risk this role in the interest of Pax Americana, we risk all.

Even on mere utilitarian grounds, a statist policy is misguided. The breakup of the Soviet empire, the bloated heir of its tsarist predecessor, is the last major item of unfinished business left over from the 19th century. It will occur. The nationalist impulse that has propelled the dissolution of the other great multiethnic empires will not be thwarted. We had best not be perceived as allied with the forces of reaction and repression.

American policy has slid from promotion of stability under conditions that are compatible with the defense of human liberty to one in which stability risks becoming the enemy of that more fundamental value.

7 *We should lend a helping hand, not play sugar daddy.*

Late in 1990, the European Community authorized emergency food aid to help the Soviets get through the coming winter. Three-quarters of it never reached its intended markets. Much of the remainder did not reach consumers until the following summer.

We have a strong interest in the successful transition of the Soviet Union, but we must resist the argument that American central planners should take up where their Soviet counterparts left off. The most beneficial form of emergency treatment would be the immediate legalization and promotion of private enterprise in the production, harvesting, distribution, and sale of agricultural and other consumer products. Massive hoarding at both producer and consumer levels and disincentives to produce or bring goods to market are the crucial current impediments to consumer welfare. At present, much private activity is carried on in the black market. Though widely disparaged in the Soviet Union, the black market is *the* market. Legitimization of the profit motive to galvanize entrepreneurial activity by millions of Russians, Ukrainians, Kazaks and others will do more to ensure order and survival than the massive governmental aid programs popular with central authorities.

Of course, we can do more, particularly in the way of offering technical assistance, enlisting the expertise of those in the private sector in the West. And some level of financial aid may be politically irresistible and occasionally even desirable. Even then it should be as diffused and localized as possible, almost never to the Center, perhaps to the Republics, better yet to individual cities and districts. And wherever we can, it should be channeled to the development of private resources. Loans to at-risk entrepreneurs are always better than grants to public agencies. Promotion of small private activity will also considerably ameliorate the coming crisis of privatization and fragmentation of massive state enterprises.

8 *The libertarian vision has a unique role to play in the coming reordering of the world.*

So long as the Cold War persisted, the libertarian vision of the central and fundamental importance of individual rights was in many respects irrelevant and, in the view of some, even antagonistic to Western interests. A broad range of Western attitudes coalesced in agreement about the necessity for maintenance of a united military and political stance in defending Western civilization against Soviet and Chinese communist enemies who were understood as fundamentally opposed to our way of life. With the collapse of Soviet hegemony, now almost irreversible, and Chinese revolution likely to follow in short order, the challenge is quite different. The devolutionary, nationalist, and irredentist forces at work converge to promote the ascendance of traditional collectivism: of ethnic tribalism, democratic socialism, and sectarian chauvinism. These forces already create serious risks to the successful transformation of Czechoslovakia, Hungary, and Poland. They promise to be more virulent in the former Soviet republics. Only the libertarian vision of the essential independence and autonomy of the individual, distinct from any tribe, denomination, culture, or state, offers an alternative to the turmoil that lies ahead. ❑

Putting Together the Post-Communist Puzzle

by Loren E. Lomasky

Post-coup, and each day's news reports chronicle the continuing dissolution of the Soviet Union. The country comes apart, and whether that will be for good or ill not even Ted Koppel seems to know.

But from a more removed, less voyeuristic perspective, the real unfolding story is not disintegration but integration. The Stalinist concatenation of 15 so-called republics never was a political union in anything but name. Only the constant threat and practice of terror counteracted the centrifugal force that impelled escape from a tyrannical center. Now that the vestigial reflexes of that terrorism seem to have expended themselves in one final, dismal paroxysm, we observe not a nation breaking into pieces but rather a collection of national and subnational groups sharing little more than the common history of an imprisonment from which they have mercifully been released.

Remarkably, rather than giving full rein to reciprocal suspicions and jealousies, they have initiated promising overtures of mutual cooperation. In this as in other matters, Boris Yeltsin has shown himself to be the truly indispensable man. Resisting temptations to declare the suzerainty of a Greater Russia—and a greater Yeltsin—he has given his blessing to the Baltic states' declarations of independence and has begun to forge pacts of accommodation with Byelorussia, the Ukraine, and other neighbors. Meanwhile, Mikhail Gorbachev grudgingly relinquishes the stewardship of the Communist Party and issues increasingly more irrelevant pleas for the maintenance of central governmental institutions. (Question: Which of these men, do you suppose, has enjoyed the constant, unreserved support of George Bush, and which did he scorn as a buffoon and disruptionary force?)

Will these first steps toward an emergent federalism across much of what used to be the Soviet Union enjoy a happy culmination? No one can say. But at

least this much seems true: unless a sustainable federal order does arise, the region's economic and political prospects are dismal. For the erstwhile Soviet Union has little else on which it can draw. Its economy, as everyone knows, is a shambles. Democracy is the buzzword on everyone's lips, but there is no good reason to believe that, by itself, the occurrence of elections will even remotely begin to ease the economic and political difficulties these peoples face. Elections may well instead become a new means of dispossession as newly empowered majorities learn how to feather their nests at the expense of minorities. (One of the few genuine accomplishments of Soviet totalitarianism was to hold such beggar-thy-neighbor impulses in check.) Moreover, there exists no tradition of democracy within any of the constituent parts, and the post-Second World War experience of decolonized countries indicates how difficult it is to manufacture a democratic civil society from scratch.

Liberalism itself enjoys there no more than a modest pedigree. Russia did experience an efflorescence of liberal theorizing during the latter part of the 19th century but, thanks to the first Bolshevik coup, it never had the opportunity to embody itself in any institutional base. And seven decades of Marxist preaching instilled in much of the population a deep suspicion of liberal economic practices. If there is one thing that rankled the ordinary citizen more than his own poverty, it was the thought that someone, somewhere might actually be getting rich.

I am not suggesting that democracy and liberalism are unworkable in the vicinity of the Urals. I do mean, though, that they will not thrive of themselves. Nothing can more advance the likelihood of the emergence of successful liberal democratic societies than a radically decentralized federal order—and nothing can as well counteract the illiberal policies and perversions of democracy that are certain to erupt from time to time. For what federalism builds on are traits already deeply ingrained by the Soviet experience: competitive envy and a disposition to recognize and flee from tyranny.

The great virtue of decentralized systems is that they encourage both experimentation and the "exit option." It is harder to dragoon a dozen or two relatively autonomous units into conformity with sterile policies than it is one mega-empire. If even a small number of states manage to secure flourishing, non-predatory institutions, there will be pressure on their neighbors to emulate. (We have seen a version of this process at work in the enlargement and integration of the European Economic Community.) And the pressure will be increased by the circumstance of people "voting with their feet," removing their bodies and their productive assets from low-return to high-return environments. Even would-be dictators need someone to whom they can dictate; if the price of retaining "constituents" is concessions toward liberalization, then liberalization there will be.

The crucial question, then, concerns the climate for federalism. And there the auguries are mixed. On the one hand, cooperation will be encouraged by the awful ponderousness of the Soviet legacy. State planning eschewed competition, that loathsome capitalistic disease, but instead constructed giant enterprises in which production of key goods for the entire economy was concentrated. With the breakup of the empire, each republic now finds itself oversupplied with factories producing a few items and woefully undersupplied with the means for producing many others. Autarky is impossible; they will either trade or die.

On the other hand, ethnic rivalries undercut federalism's prospects. If killing one's neighbor is far more pleasant than trading with him, then costs of non-cooperation may be willingly borne. And a fracturing along ethnic lines largely vitiates the exit option. Azerbaijanis don't relocate to Armenia—period. "Self-determination" (of the Wilsonian sort—nationalities not individuals) is another popular buzzword, but if its culmination is a plurality of separate, virtually homogeneous enclaves, the consequences will almost certainly prove disastrous. The best hope for a functional federal order is a relatively small number of racially and religiously heterogeneous states.

So no prognostications, no cheery claims that brighter days are inevitable. They're not. But if the Bush administration is genuinely concerned to nurture the seeds of a viable New World Order, it could do worse than to reflect on the not inconsiderable fruits of its own country's federalist heritage and advise: Go thee and do likewise. ❑

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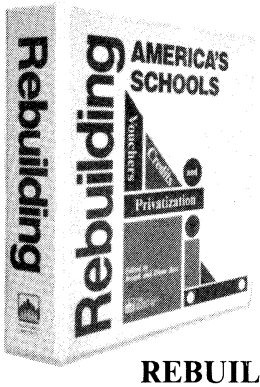

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From the Best-selling authors of
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Deconstructing the Left

From Vietnam To the Persian Gulf

by
Peter Collier & David Horowitz

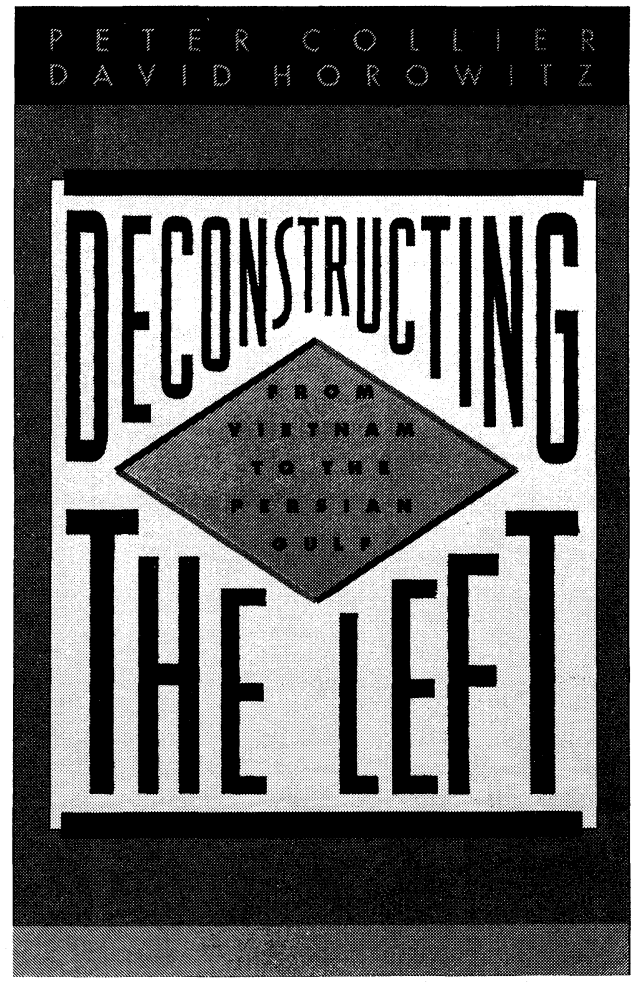

All over the world Marxism is a bankrupt political force, but not on American campuses where socialist fantasies and anti-American impulses are alive and well. On the faculties of American universities the reign of the 'politically correct' continues unabated. *Deconstructing the Left* is a powerful challenge to this radical orthodoxy by ex-radicals Peter Collier and David Horowitz.

Best-selling authors of *The Rockefellers* and *The Kennedys*, Collier and Horowitz have been called "our premier chroniclers of American dynastic tragedy" by the *Los Angeles Times*. But they have long worn another hat as political journalists, writing provocative analyses of Left Wing movements like the Black Panthers and the Weather Underground. Their recent book of political essays *Destructive Generation*, was hailed by the *Washington Post* as "the most powerful anti-Communist polemic since Whittaker Chambers' *Witness*." In the 1960s, they edited the New Left magazine *Ramparts* and were active in protesting America's role in the Vietnam War. Twenty years later, they wrote a celebrated article in the *Washington Post* magazine (included in this volume) in which they said "goodbye" to their radical past: "to the self-aggrandizing romance with corrupt Third Worldism; to the casual indulgence of Soviet totalitarianism; to the hypocritical and self-dramatizing anti-Americanism which is the New Left's bequest to mainstream politics."

Deconstructing the Left is a collection of vintage Collier and Horowitz polemics on radical student politics, the Vietnam War, Fidel Castro, the Sandinistas, Angela Davis, Alex Cockburn, Jame Fonda, AIDs, McCarthyism, left wing racism, radical ecology and the Persian Gulf War.

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Epistle

The Road to Nowhere

by David Horowitz

During the 1960s, David Horowitz was a leading figure of the "New Left." He isn't anymore.

In this letter to his former mentor, he explains why.

Annus Mirabilis (1989)

Ralph Miliband
London

Dear Ralph,

It has been over a decade since this silence as durable as an iron curtain descended between us. In these circumstances, I have had to depend on others to learn how you regard me these days: How, at a recent social gathering, you referred to me as "one of the two tragedies of the New Left" (the other being a former Brecht scholar who now publishes guides to the nude beaches of America); how my apostasy has inflicted an emotional wound, as though in changing my political views and leaving the Left I had personally betrayed you.

I understand this. How could it be otherwise for people like us, for whom politics (despite our claim to be social realists) was less a matter of practical decisions than moral choices? We were partisans of a cause that confirmed our humanity, even as it denied humanity to those who opposed us. To leave such ranks was not a simple matter, like abandoning a misconception or admitting a mistake. It was more like accusing one's comrades. Like condemning a life.

Our choice of politics was never a matter of partial commitments; to choose the Left was to define a way of being in the world. (For us, the personal was always political.) It was choosing a future in which human beings would finally live as they were meant to live: no longer *self-alienated* and divided, but equal, harmonious and whole.

Grandiose as this project was, it was not something we had invented, but the inspiration for a movement that was co-terminus with modernity itself. As you had taught me, the

Left was launched at the time of the French Revolution by Gracchus Babeuf and the Conspiracy of the Equals. ("The revolutionary movement, which began in 1789. . ." wrote Marx, "and which temporarily succumbed in the Conspiracy of Babeuf, gave rise to the communist idea . . . this idea . . . constitutes the principle of the modern world.") With a terrible simplicity the Babouvists pledged themselves to "equality or death," swiftly finding the latter—in a prophetic irony—on the Revolution's own busy and bloodstained guillotine.

The new radicals proclaimed a Theology of Reason in which equality of condition was the natural and true order of creation. In their Genesis, it was the loss of equality that was the ultimate source of mankind's suffering and evil, just as the arrogant pride of the primal couple had provoked their Fall in the religious myths now discarded. Private property became a secular version of original sin. Through property, society re-imposed on every generation of human innocence the travails of inequality and evil and the toils of injustice. Redemption from worldly suffering was possible only through the Revolution that would abolish property and open the gates to the socialist Eden—to Paradise regained.

The ideas embodied in this theology of liberation became the inspiration for the rise of the political Left, and have remained so ever since. It was only half a century later, however, that Marx first articulated the idea of a historical redemption, in the way that became resonant for us:

> *Communism* is the *positive* abolition of *private* property, of *human self-alienation*, and thus the real *appropriation* of *human* nature through and for man. It is therefore the return of man himself as a *social*, i.e., really human, being . . .

Our choice of politics was never a matter of partial commitments; to choose the Left was to define a way of being in the world. For us, the personal was always political.

This was our revolutionary vision: By an historical coup we would create the conditions for a return to the state of true humanity whose realization had been blocked by the alienating hierarchies of private property. All the unjust institutions of *class* history, that had distorted, divided, and oppressed mankind would be abolished and human innocence reborn. In the service of this cause, no burden seemed too onerous, no sacrifice too great: We were the Christopher Columbuses of the human future, the avatars of a new world in the womb of the old. How could I divorce myself from a mission like this without betraying those whom I had left behind? Without betraying you, my political mentor and closest comrade.

We had met in London at the beginning of the Sixties and you quickly became my guide through the moral wilderness created by the disintegration of the Old Left. I was the scion of Communists, troubled by the crimes the "Khrushchev Report" had recently unveiled; you had distanced yourself from official Communism, becoming a charter member of the New Left in the spring of 1956. Even as the unmarked graves of Stalin's victims were re-opened and their wounds bled afresh, the New Left raised its collective voice to proclaim the continuing truth of its humanitarian dream. Stalinism had died, not socialism. In the moral and political confusion of those years, it was you more than anyone else who helped to restore my radical faith.

To be sure I was a willing disciple. To abandon the historic project of the Left required a moral stoicism that I lacked. No matter how great the enormities perpetrated in the name of socialism, no matter how terrible the miseries inflicted, the prospect of a world without this idea, and its promise of justice, was unthinkable to me. To turn one's back on socialism would not be like abandoning a misconception or admitting a mistake. It would be like turning one's back on humanity. Like betraying myself.

And so I, too, refused to give up on this idea that inspired and ennobled us. I joined you and the pioneers of a New Left who had condemned Stalinism and its brutal past and pledged to keep the faith.

We did not ask ourselves then, however, a question that seemed unavoidable to me later: What was the meaning of this refusal to admit our defeat? For thirty years, with only a minority in dissent, the best, most vital and compassionate minds of the Left had hailed the flowering of the progressive state in Soviet Russia. They had made the defense of Soviet "achievements" the *sine qua non* of what it was to be socially conscious and morally correct. Now the Kremlin itself had acknowledged the monstrous "mistakes" of the progressive experiment, confirming the most damning accusations of its political adversaries. In the face of such epic criminality and collusion, what was the urgency of our renewed dedication to the goals that had proved so destructive in the first place? Why were the voices of our enemies not more worthy of a hearing in the hour that seemed to vindicate them so completely? Why were we so eager to hurry past the lessons they urged on us, in order to resume our combat again?

Our radical generation was hardly the first (and not the last) to repent in such careless haste. The cycle of guilt was integral, in fact, to the progress of the Left. It had begun with the radical birth in that dawn of human Fraternity and Reason, which also devolved into fratricidal terror and military empire. How had the redemptive illusions that inspired the Left been renewed so relentlessly in radical generation after generation, despite the inexorable rebuke of human tragedy that attended each of its triumphs? How did the Left negotiate its rebirths?

In the interlude following Stalin's death, when our generation was reviving its political commitments and creating the New Left, we did not stop to ask ourselves such questions. We were all too busy being born. But two decades later, when I had reached the end of my radical journey and had had my second thoughts, I was able at last to see how our own modest histories provided the text of an answer.

You have had no second thoughts. Even as I write, you and your comrades are engaged in yet another defiant resurrection of a new generation of the Left, as eager to believe in the fantasy of a new world as we were then. In this *annus mirabilis* of Communist collapse, when the socialist idea is being repudiated throughout the whole expanse of the

Soviet empire by the very masses it claimed to liberate, you and your comrades are still searching for ways to deny what has happened.

For you and the avatars of the next Left, the socialist idea is still capable of an immaculate birth from the bloody conception of the socialist state. You seek to evade the lesson of revolutionary history by writing the phrase "actually existing socialism" across its pages, thus distinguishing the socialism of your faith from the socialism that has failed. The historic bankruptcy of the planned societies created by Marxist dictators, a human catastrophe extending across nearly three quarters of a century and encompassing numberless ruined lives, is not to be entered in the balance sheet of the Left. This would require of you and your comrades an accurate accounting and agonizing self-appraisal. Instead, the bankruptcy is to be seen as someone else's.

There is nothing new in this shell game. It is the same rescue operation we ourselves performed on Stalinism after 1956, when our slogan was: Stalinism is dead, long live socialism. Today you see the demonstrations for democracy bringing an end to Communist history and you are certain that this has no relevance to the ideas that inspired that history in the first place:

> Communist regimes, with the notable exception of Yugoslavia after 1948, never made any serious attempt, or indeed any attempt at all, to break the authoritarian mould by which they had been cast at their birth. *Conservative ideologists have a simple explanation of this immobility: its roots are to be found in Marxism. In fact, Marxism has nothing to do with it.* (Miliband, 1989, emphasis added)

"Actually existing Marxism" is dead. Long live Marxism. This is the political formula of the Left—of your Left—today. Veterans of past ideological wars, like yourself, will be crucial in selling this hope to a new generation. I cannot help thinking how thirty years ago there was an individual who provided the same hope for you, and who since then has become the intellectual model for my own second thoughts. Perhaps you are tempted to bury this connection. For there were not two, but three New Left apostasies that touched you directly, and of these, the defection of Leszek Kolakowski was by far the most painful.*

We called ourselves progressives, and others did as well; but we were the true reactionaries of the modern world whose first era has now drawn to a close.

A philosopher of exceptional brilliance and moral courage, Kolakowski had been the intellectual leader of our political generation. Even his titles—"Responsibility and History," "Towards a Marxist Humanism"—read like stages of our radical rebirth. By 1968 those stages had come to an abrupt conclusion. When the Czechs' futile attempt to provide Communism with a human face was crushed by Soviet tanks, Kolakowski abandoned the ranks of the Left. He did more. He fled—unapologetically—to the freedoms of the West, implicitly affirming by his actions that the Cold War did indeed mark a great divide in humanity's destiny, and that the Left had chosen the wrong side.

In the service of our cause, no burden seemed too onerous, no sacrifice too great: We were the Christopher Columbuses of the human future, the avatars of a new world in the womb of the old.

Kolakowski's apostasy was challenged by Edward Thompson, then the foremost English New Leftist, in a 100-page "Open Letter" which you published in *The Socialist Register 1973*. Written in the form of a plea to Kolakowski to return to the radical fold, the Letter began by paying homage to the example he had set for us all seventeen years before, and which Thompson now claimed as a "debt" of "solidarity":

> What we dissident Communists [of '56] did in Britain . . . was to refuse to enter the well-worn paths of apostasy. I can think of not one who took on the accepted role, in liberal capitalist society, of Public Confessor and Renegade. Noone ran to the press with his revelations about Communist "conspiracy" and no-one wrote elegant essays, in the organs published by the Congress for Cultural Freedom, complaining that God had failed . . . We refused to disavow 'Communism' because Communism was a complex noun which included Leszek Kolakowski.

Here Thompson put his finger on a central reflex of the New Left revival: our refusal to break ranks with our comrades and join the camp of our Cold War opponents; in short, our ability to repudiate the catastrophic outcome of a generation of radical effort without abandoning the radical cause. Not even the crimes of Stalin could break the chain of our loyalties to the revolt against bourgeois society that had been launched at its inception by the Conspiracy of the Equals. Because Communism was a "complex noun" which included Kolakowski, we were able to preserve our allegiances to an Idea that still included Communism, if only as a deformed precursor of the future to which we all aspired. Because Communism was a complex noun we refused to concede that Marxism or Socialism—integral elements of the Communist Idea—were themselves condemned by the Stalinist nightmare. Kolakowski provided the bridge across which New Leftists could march in a popular front with Communists to carry on a struggle that they had begun nobly, but soon distorted and then tragically perverted. Because Kolakowski was himself a complex noun, having spoken out for intellectual honesty and humanist values while he remained

* In commenting on the "sharpness of tone" in your review of Kolakowski's trilogy on Marxism you explained: "I think this is in part attributable to a strong personal sense of disappointment at Kolakowski's political evolution. I have known Kolakowski since the fraught days of 1956 and have always thought him to be a man of outstanding integrity and courage, with a brilliant and original mind. His turning away from Marxism and, as I see it, from socialism has been a great boon to the reactionary forces of which he was once the dedicated enemy, and a great loss to the socialist cause, of which he was once the intrepid champion. I felt that loss very keenly. . ." Miliband, 1983, pp. 226–7.

a Communist, we could do this without giving up our critical distance or self-respect.

Kolakowski, of course, was not alone. A generation of Kolakowskis had appeared after '56 to incite and inspire us. When you and I met in London in 1963, it occurred to me that if someone as morally serious and intellectually dedicated as you could still devote himself to Marxism and the cause of the Left—despite Stalinism and all that it had engendered—it was possible for me to do so too.

Kolakowski replied to Thompson in the 1974 edition of *The Socialist Register*, which I read in America. Struggling, then, with my own doubts, I was drawn to his arguments which seemed to promise an exit from the ideological *cul de sac* in which I had come to feel trapped. In these passages he exposed the web of double standards that stifled radical thought and transformed it into a self-confirming creed.

As you know, there is no hallmark of leftwing discourse so familiar as the double standard. How many times had we been challenged by our conservative opponents for the support (however "critical") we gave to totalitarian states where values we claimed to champion—freedom and human rights—were absent, while we made ourselves enemies of the western democracies where (however flawed) they were present. In the seventy years since the Bolshevik Revolution perhaps no other question had proved such an obstacle to our efforts to win adherents to the socialist cause.

We were partisans of a cause that confirmed our humanity, even as it denied humanity to those who opposed us. To leave such ranks was not a simple matter, like abandoning a misconception or admitting a mistake. It was more like accusing one's comrades. Like condemning a life.

In his reply, Kolakowski drew attention to three forms of the double standard that Thompson had employed and that were crucial to the arguments of the Left. The first was the invocation of moral standards in judging capitalist regimes on the one hand, while historical criteria were used to evaluate their socialist counterparts on the other. As a result, capitalist injustice was invariably condemned by the Left under an absolute standard, whereas socialist injustice was routinely accommodated in accord with the relative judgments of an historical perspective. Thus, repellent practices in the socialist bloc were placed in their "proper" context and thereby "understood" as the product of pre-existing social and political conditions—i.e., as attempts to cope with intractable legacies of a soon to be discarded past.

Secondly, capitalist and socialist regimes were always assessed under different assumptions about their future prospects. Thus capitalist regimes were judged under the assumption that they could not meaningfully improve, while socialist regimes were judged on the opposite assumption that they would. Repressions by conservatives like Pinochet in Chile were never seen in the terms in which their apologists justified them—as necessary preludes to democratic restorations—but condemned instead as unmitigated evils. On the other hand, the far greater and more durable repressions of revolutionary regimes like the one in Cuba, were invariably minimized as precisely that—necessary and temporary stages along the path to a progressive future.

Finally, in leftwing arguments the negative aspects of existing socialism were always attributed to capitalist influences (survival of the elements of the old society, impact of anti-Communist "encirclement," tyranny of the world market, etc.), while the reverse possibility was never considered. Thus Leftist histories ritualistically invoked Hitler to explain the rise of Stalinism (the necessity of a draconian industrialization to meet the Nazi threat) but never viewed Stalinism as a factor contributing to the rise of Hitler. Yet, beginning with the socialist assault on bourgeois democracy and the forced labor camps (which were a probable inspiration for Auschwitz) Stalinism was a far more palpable influence in shaping German politics in the Thirties than was Nazism in Soviet developments. The "Trotskyite conspiracy with the Mikado and Hitler"—the cabal which the infamous show trials claimed to expose—was a Stalinist myth; but the alliance that German Communists formed with the Nazi Party to attack the Social Democrats and destroy the Weimar Republic, was an actual Stalinist plot. Without this alliance, the united parties of the Left would have formed an insuperable barrier to the Nazis' electoral triumph and Hitler never would have come to power.

The same double standard underlies the Left's failure to understand the Cold War that followed the allied victory. Leftist Cold War histories refuse to concede that the anti-Communist policies of the Western powers were a reasonable response to the threat they faced; instead, the threat itself is viewed as a fantasy of anti-Communist paranoia. Soviet militarism and imperialism, including the occupation of Eastern Europe, are discounted as defensive reactions to Western containment. But the same Western actions, in particular the anti-Communist military build-up, are then alleged to have had no influence on the subsequent unilateral Soviet withdrawal from Eastern Europe which summarily ended the Cold War. In sum, positive developments in the Soviet bloc come from within; negative developments are consequences of the counter-revolutionary encirclement.

The double standard that informs the argument of the Left is really based on a single stance towards historical reality. It is the expression of its own false consciousness, the reflex by which it defends an identity rooted in its belief in the redemptive power of the socialist idea. *Of course the revolution cannot be judged by the same standards as the counter-revolution: the first is a project to create a truly human future, the latter only an attempt to preserve an anti-human past.* This is why, no matter how destructively it fails, revolution deserves our allegiance, and why *anti*-Communism is always a far greater evil than the Communism it opposes: Because revolutionary evil is only a birth pang of the future, whereas the evil of counter-revolution is its desire to strangle the birth.

It was this birth in which Kolakowski had finally ceased to

believe. The imagined future in whose name all these actual revolutions had been relieved of their failures and absolved of their sins was nothing more than a mistaken idea.

When Kolakowski's reply to Thompson was printed in *The Socialist Register 1974*, you prefaced its appearance with an editorial note describing it as a "tragic document." At the time, I was in the middle of my own political journey and this judgment was like the first stone in the wall that had begun to separate us. For I already had begun to realize just how much I agreed with what Kolakowski had said.

It is clear to me now, in retrospect, that this moment marked the end of my intellectual life in the Left. It occurred during what for me had been a period of unexpected events. In Vietnam, America had not stayed the course of its imperial mission, as we had said it would, but under pressure from our radical movement had quit the field of battle. Our theory had assured us the capitalist state was controlled by the corporate interests of a ruling class, but events had shown that the American government was responsive to the desires of its ordinary constituents. Closer to home, a friend of mine named Betty Van Patter had been murdered by a vanguard of the Left, while the powers of the state that we had condemned as repressive had been so impotent in reality as to be unable even to indict those responsible. These events—for reasons I need not review here—confronted me with questions that I could not answer, and in the process opened an area of my mind to thoughts that I would previously have found unthinkable.

The shock of these recognitions had dissolved the certainties that had previously blocked my Political sight. For the first time in my political life, I became inquisitive about what our opponents saw when they saw us. I began to wonder *what if*. What if we had been wrong in this or that instance, and if so, what if they had been right? I asked these questions as a kind of experiment at first, but then systematically until they all seemed all to be pushing towards one question: What if socialism were not possible after all?

"From each according to his ability to each according to his need," the slogan Marx inscribed on the banners of the Communist future, is but an expropriated version of Adam Smith's Invisible Hand: the pursuit of individual interest leads to the fulfillment of the interests of all.

While I was engaged with these doubts, Kolakowski published a comprehensive history of Marxist thought, the worldview we all had spent half a lifetime inhabiting. For three volumes and fifteen hundred pages Kolakowski analyzed the entire corpus of this intellectual tradition. Then, having paid critical homage to an argument which had dominated so much of humanity's fate over the last hundred years (and his own destiny as well), he added a final epilogue which began with these words: "Marxism has been the greatest fantasy of our century." This struck me as the most personally courageous judgment a man with Kolakowski's history could have made.

By the time I read your review of Kolakowski's book, my own doubts had been mostly resolved. Consequently, I approached what you—my old friend and teacher—had written, in a mood of apprehension, even foreboding. For I already knew that this would be our final encounter on my way out of the community of the Left.

It was appropriate that the final terrain of battle should be Marxism. Thompson had it right, our allegiance *was* to Marxism. Not to this particular thesis or that doctrinal principle, but to the paradigm itself: politics as civil war; history as a drama of social redemption. * If we remained in the ranks of the Marxist Left, it was not because we failed to recognize the harsh facts that Marxists had created, but because we did not want to betray the vision that we shared with the creators.

Even as the unmarked graves of Stalin's victims were re-opened and their wounds bled afresh, the New Left raised its collective voice to proclaim the continuing truth of its humanitarian dream. Stalinism had died, not socialism.

And so the question that would irrevocably come to divide us was not whether Marxists had committed this revolutionary crime, or whether that revolutionary solution had veered off course, but whether the Marxist Idea itself could be held accountable for the revolutions that had been perpetrated in its name. In the end, it was ideas that made us what we were, that had given us the power of perennial rebirth. Movements rose and fell, but the ideas that generated them were immortal. And malleable as well. How easy it had proved in 1956 to discover humanitarian sentiments in Marx's writings and thus distance ourselves from Stalin's crimes; how simple to append the qualifier "democratic" to "socialist," and thus escape responsibility for the bloody tyrannies that socialists had created.

It was on this very point that Kolakowski had thrown down his gauntlet, declaring that Marx's ideas could not be rescued from the human ruins they had created, that "the primordial intention" of Marx's dream was itself "not innocent." History had shown, and analysis confirmed, that there was no reason to expect that socialism could ever become real "except in the cruel form of despotism." The idea of socialism could not be freed from the taint incurred by its actual practice and thus revitalized, as Thompson and the New Left proposed, because it was the idea that had created the despotism in the first place. Marxism, Kolakowski had announced at the outset of his book, was an idea that "began in Promethean humanism and culminated in the monstrous tyr-

* "At the core of Marxist politics, there is the notion of conflict [as] . . . civil war conducted by other means. [Social conflict] is not a matter of 'problems' to be 'solved' but of a state of domination and subjection to be ended by a total transformation of the conditions which give rise to it." Miliband, 1977, p. 17.

anny of Stalinism."

You understood the gravity of the challenge. The claim that the "Promethean" idea of the Left had led directly to the socialist debacle depended on making two historical connections—between Marxism and Leninism, and between Leninism and Stalinism—thus establishing the continuity of the radical fate. Your response was one of contempt:

> *To speak of Stalinism as following naturally and ineluctably from Leninism is unwarranted. However, to speak of Stalinism as 'one possible interpretation of Marx's doctrine' is not only unwarranted but false.*

A decade has passed since you wrote this. In the East it is the era of *glasnost*, the silence of the past is broken, the lies exposed, and the Soviets themselves now acknowledge the genesis of Stalinism in Lenin. Yet, even if you were still tempted to resist this connection, it would not detain us. For it is the causal link between Marxism and Stalinism that is the real issue, encompassing both.

Stalinism is not a possible interpretation of Marx's doctrine. What could you have been thinking to have blotted out so much of the world we know? Forget the Soviet planners and managers who architected the Stalinist empire and found a precedent and rationale in Marx for all their actions and social constructions, including the Party dictatorship and the political police, the collectivization and the terror, the show trials and the *gulag*. These, after all, were practical men. Consider instead the complex nouns who managed to be Marxists and Stalinists through all these nightmares of the socialist epoch: Althusser and Brecht, Lukacs and Gramsci, Bloch and Benjamin, Hobsbawm and—yes—Edward Thompson too. Subtle Hegelians and social progressives, they were all promoters of the Stalinist cancer, devoting their formidable intellects and talents to its metastatic growth. Were they illiterate to consider themselves Marxists and Stalinists? Or do you think they were corrupt? And what of the tens of thousands of Party intellectuals all over the world, among them Nobel prize winning scientists and renowned cultural artists who saw no particular difficulty in assimilating Stalin's *gulag* to Marx's utopia, socialist humanism to the Soviet state? In obliterating the reality of these intellectual servants of socialist tyranny, you manifest a contempt for them as thinking human beings far greater than that exhibited in the scorn of their most dedicated anti-Communist critics.

Capitalist injustice was invariably condemned by the Left under an absolute standard, whereas socialist injustice was routinely accommodated in accord with the relative judgments of an historical perspective.

Stalinism is not just one *possible* interpretation of Marxism. In the recorded history of revolutionary movements it is undoubtedly the prevailing interpretation—of all the interpretations of Marx's doctrine since the *Manifesto*, the one adhered to by the most people for the longest time. Maoism, Castroism, Vietnamese Communism, etc., the ideologies of the actually existing Marxist states—*these* make up the category of Stalinist Marxisms. This is the truth that Leftist intellectuals like you are determined to avoid: the record of the real lives of real human beings, whose task is not just to interpret texts but to move people and to govern them. When Marxism is put into practice by real historical actors, it invariably takes a Stalinist form, producing the worst tyrannies and oppressions that mankind has ever known. Is there a reason for this? Given the weight of this history you should ask rather: how could there not be?

What persuaded us to believe (as you still do), that socialism, having begun everywhere so badly, should possess the power to reform itself into something better? To be something other than it has been? To pass through the purgatory of its Stalinist tragedies and become the divine comedy of our imaginations?

For we did believe in such a transformation. The socialized foundations of Soviet society would assert themselves, producing a self-reform of the Soviet tyranny. This was our revised version of the faith we inherited: the socialist future was real. In the Sixties, when the booming capitalisms of the West made such radical prospects seem remote, there was actually a saying among us to the effect that the first socialist revolution would take place in the Soviet Union.

The lineage of this idea could be traced back to our original complex noun. *Trotsky*: the legend of the revolution, who had defied Stalin's tyranny in the name of the revolution, who had refused to give up his principles but gave up his power instead. While the Father of Peoples slaughtered millions in the 1930s, Trotsky waited in his Mexican exile for Russia's proletariat to rise up against its new masters and restore the revolution to its rightful path. But as the waves of the opposition disappeared into the *gulag*, and the prospect of rebellion became impossibly remote, even Trotsky began to waver in his faith.

By the eve of the Second World War, Trotsky's despair had grown to such insupportable dimensions that he made a final wager. He declared that the cataclysm the world had just entered would be a test for the socialist faith. If the great war did not lead to a new revolution, socialists would be compelled to admit their defeat, viz., that "the present USSR was the precursor of a new and universal system of exploitation," and that the socialist program had "petered out as a Utopia" (Deutscher, 1963, p. 468). Trotsky did not survive to see the coming of peace and the unraveling of his Marxist dreams. In 1940, Trotsky's personal dilemma was resolved when one of Stalin's agents gained entrance to the fortress of his exile in Mexico, and buried an ice pick in his head.

But the fantasy survived. In 1953, Stalin died. When his passing led to a period of "de-Stalinization," a new Left generation convinced itself that the long awaited metamorphosis was at last taking place. With Stalin's death came the Khrushchev thaw, the famous speech lifting the veil on the bloody past, and a relaxation of the terror. To those on the Left who had refused to give up, these were signs that the Stalinist insect, having lodged itself in the cocoon of a backward empire, was at last becoming the socialist butterfly of which they had dreamed.

We had our own complex noun to explain the transforma-

tion. Our mutual friend, Isaac Deutscher, had emerged from the pre-war battles over Trotskyism to become the foremost interpreter of the Russian Revolution to our radical generation. What made Deutscher's analysis so crucial to the self-understanding behind our revival was that he recognized the fact that Stalinism, in all its repugnance, was Marxist reality and had to be accepted as such. You accepted this then, though it has become convenient to you to deny it now, just as you accepted the Leninist version of Marx's doctrine as the only socialist outlook that had actually produced a revolution. (There were social democrat Marxists, of course, who opposed Lenin and Stalin from the beginning. But they were sentimentalists—"socialists of the hearth," you used to call them—who were content merely to tinker with capitalism and lacked the political fortitude to actually make a revolution.)

Deutscher began, then, with the reality that was given to us: the fact of Stalinism, as it had taken root in the Empire of the Tsars. But instead of despairing like his mentor Trotsky, Deutscher began to explain—after Stalin's death—why Stalinism, in spite of itself, was being transformed into socialism. In Trotsky's own theories Deutscher had found an answer to Trotsky's pessimism. While Trotsky worried that there would be no revolution from below, Deutscher explained to us why it was coming from above.

Stalinism, Deutscher wrote, was "an amalgamation of Marxism with the semi-barbarous and quite barbarous traditions and the primitive magic of an essentially preindustrial . . . society." In short, Stalinism was the fulfillment of Lenin's famous prescription: *with barbarism we will drive barbarism out of Russia*:

> Under Stalinism . . . Russia rose to the position of the world's second industrial power. By fostering Russia's industrialization and modernization Stalinism had with its own hands uprooted itself and prepared its "withering away." (Deutscher, 1966, p. 21)

The backwardness of Russian society had provided the Bolsheviks not only with a revolutionary opportunity, but also an historical advantage. They could avail themselves of modern technologies and social theories. Instead of relying on the anarchic impulses of capitalist investment, they could employ the superior methods of socialist planning. The result of these inputs would be a modern economy more efficient and productive than those of their capitalist competitors. (This very argument was made to me by a "democratic socialist" in Nicaragua 30 years later. Sandinista Marxism was an "alternative" and superior path to modernization.)

According to Deutscher, in mid-century the socialist bloc, which had hitherto provided such grief for radicals like us, was poised for a great leap forward:

> With public ownership of the means of production firmly established, with the consolidation and expansion of planned economy, and—last but not least—with the traditions of a socialist revolution alive in the minds of its people, the Soviet Union breaks with Stalinism in order to resume its advance towards equality and socialist democracy.

The ultimate basis of this transformation was the superior efficiency of socialist planning:

> . . . superior efficiency necessarily translates itself, albeit with a delay, into higher standards of living. These should lead to the softening of social tensions, the weakening of antagonisms between bureaucracy and workers, and workers and peasants, to the further lessening of terror, and to the further growth of civil liberties. (Deutscher, 1966, p. 58)

Deutscher wrote these words in 1957, a year in which the Soviets celebrated the fortieth anniversary of the revolution by launching the first man into space. The feat exemplified the progress that had been achieved in a single generation and heralded the approaching end of the Soviets' technological "apprenticeship" to the West. The message of Sputnik to the faithful all over the world, Deutscher predicted, was "that things may be very different for them in the second half of the century from what they were in the first." For forty years, their cause had been "discredited . . . by the poverty, backwardness, and oppressiveness of the first workers' state." But that epoch was now coming to an end. With the industrial leap heralded by Sputnik, they might look forward to a time when the appeal of Communism would be "as much enhanced by Soviet wealth and technological progress as the attraction of bourgeois democracy has in our days been enhanced by the fact that it has behind it the vast resources of the United States."

In our New Left fantasies, the political nightmare of the socialist past would be redeemed by the deus ex machina *of socialist plenty. The present economic bankruptcy of the Soviet bloc puts this faith finally to rest and brings to an end the socialist era in human history.*

This was the vision of the socialist future that the Soviet leadership itself promoted. In 1961, Khrushchev boasted that the socialist economy would "bury" its capitalist competitors and that by 1980 the Soviet Union would overtake the United States in economic output and enter the stage of "full communism," a society of true abundance whose principle of distribution would be "from each according to his ability to each according to his needs."

As New Leftists, we took Khrushchev's boast with a grain of salt. The Soviet Union was still a long way from its Marxist goals. Moreover, as Deutscher had warned, any future Soviet progress might be "complicated, blurred, or periodically halted by the inertia of Stalinism, by war panics, and, more basically, by the circumstance that the Soviet Union still remains in a position of overall economic inferiority vis-a-vis its American antipode." Actual socialism was still a myth that Stalinism had created. But like other socialist barbarisms, it had a redeeming dimension: the myth had helped "to reconcile the Soviet masses to the miseries of the Stalin era" and Stalinist ideology had helped "to discipline morally both the masses and the ruling group for the almost inhuman efforts which assured the Soviet Union's spectacular rise from backwardness and poverty to industrial power and greatness."

It was Deutscher's more sober assessment that was truly intoxicating. Its mix of optimism and "realism" became the foundation of our political revival. The turn Marxism had taken in 1917, creating a socialist economy within a totalitarian state, had posed a seemingly insoluble riddle. How could

socialist progress be reconciled with such a stark retreat into communal darkness? What had happened to Marx's insight that the productive mode determined the architecture of social relations? Building on Trotsky's analysis before him, Deutscher showed the only way out of the dilemma that would preserve our radical faith.

And no doubt that is why, thirty years later, even as the tremors of *glasnost* and *perestroika* were unhinging the equilibrium of Communist empire, you returned to Deutscher's prophecy as a revolutionary premise. "Much that is happening in the Soviet Union," you wrote in *The Socialist Register 1988*, "constitutes a remarkable vindication of [Deutscher's] confidence that powerful forces for progressive change would eventually break through seemingly impenetrable barriers."

Nothing could more clearly reveal how blind your faith has made you. To describe the collapse of the Soviet Empire as a vindication of Deutscher's prophecies (and thus the Marxist tradition that underpins them) is to turn history on its head. We are indeed witnessing a form of "revolution from above" in the Soviet Union, but it is a revolution that refutes Deutscher and Marx. The events of the past year are not a triumph for socialism, but a tragedy.

In 1989, for two hours' labor at the minimum wage, an American worker could obtain, at a corner "Sizzler," a feast more opulent, more nutritionally packed and gastronomically diverse than anything available in the socialist world at almost any price.

The rejection of planned economy by the leaders of actually existing socialist society, the pathetic search for the elements of a rule of law (following the relentless crusades against "bourgeois rights"), the humiliating admission that the military superpower is in all other respects a third world nation, the incapacity of the socialist mode of production to enter the technological future and the unseemly begging for the advanced technology that it has stolen for decades from the West—all this adds up to a declaration of socialism's utter bankruptcy and historic defeat. This bankruptcy is not only moral and political, as before, but now economic as well.

It is precisely this economic bankruptcy that Deutscher did not foresee, and that forecloses any possibility of a socialist revival. For all of these post-Khrushchev decades, that revival has been premised on the belief in the superiority of socialist economy. Thus the claim, so frequently heard in Leftist quarters, that the "economic rights" and "substantive freedoms" of socialist states took precedence over the "political rights" and merely "procedural freedoms" guaranteed by the capitalist West. Faith in the socialist future had come to rest on the assumption that abundance would eventually flow from the cornucopia of socialist planning and that economic abundance would then lead to political deliverance—the Deutscherian thesis.

In sum, in our New Left fantasies, the political nightmare of the socialist past would be redeemed by the *deus ex machina* of socialist plenty. The present economic bankruptcy of the Soviet bloc puts this faith finally to rest and brings to an end the socialist era in human history.

This is the reality you have not begun to face.

It is important to understand this reality—the close of an historical era. But this can be accomplished only if we do not deny our own history and reality. You can begin this retrieval of memory by recalling your critique of Kolakowski ten years ago, which set down the terms of your defense of the cause to which we were all so dedicated.

Your complaint against Kolakowski, you remember, was that in demolishing the edifice of Marxist theory he had slighted the motives of those who embraced it and thus failed to explain its ultimate appeal. Kolakowski had portrayed Marxism as the secular version of a religious quest that went back to the beginning of human history: how to reconcile contingent human existence to an essence from which it was estranged—how to return humanity to its true self. For Kolakowski, Marxism was the messianic faith of a post-religious world. Naturally, such an explanation would be insulting to you. You rejected it as "superficial," inadequate (you said) to explain Marxism's attraction to "so many gifted people." Marxism's appeal was not to those hungry for religious answers, but to people who responded to the call "to oppose great evils and to create conditions for a different kind of world, from which such evils would be banished." The call to fight these evils was the crucial factor in enlisting people in the cause of the Left, and you named them: "exploitation, poverty and crisis, war and the threat of war, imperialism and fascism, the crimes of the ruling classes."

Let us pass for a moment over the most dramatic of these evils—exploitation, crisis, war, imperialism, fascism, and the crimes of "ruling classes," including the vast privileges of the *nomenklatura*—from which you will agree Marxist societies have not been free since their creation. Let us consider, rather, the poverty of ordinary people, whose redress was the most fundamental premise of the revolutionary plan. Let us look at what has been revealed by glasnost about the quality of the ordinary lives of ordinary people after 70 years of socialist effort, not forgetting that 40 million human beings—the figure is from current Soviet sources—were exterminated to make possible this revolutionary achievement.

Official statistics released during glasnost indicate that after 70 years of socialist development 40% of the Soviet population and 79% of its older citizens live in poverty. * Of course, judged by the standards of exploitative capitalist systems, the entire Soviet people live in a state of poverty.

Thus, the Soviet Union's per capita income is estimated by Soviet economists as about one-seventh that of the United

* Zbigniew Brzezinski, 1989, p. 237. For facts about Soviet society cited below cf. also "Social and Economic Rights in the Soviet Bloc," special issue of *Survey*, August 1987. Richard Pipes, "Gorbachev's Russia: Breakdown or Crackdown?" *Commentary*, March 1990 Walter Laqueur, *The Long Road to Freedom, Russia and Glasnost*, NY 1989. *Wall Street Journal*, June 28, 1989.

States, somewhere on a par with Communist China (Heilbroner, 1990). In the Soviet Union in 1989 there was rationing of meat and sugar, *in peacetime*; the rations revealed that the average intake of red meat for a Soviet citizen was *half* of what it had been for a subject of the Tsar in 1913. At the same time, a vast supermarket of fruits, vegetables and household goods, available to the most humble inhabitant of a capitalist economy, was permanently out of stock and thus out of reach for the Soviet people. Indeed, one of the principal demands of a Siberian miners' strike in 1989 was for an item as mundane and basic to a sense of personal well-being as a bar of soap. In a land of expansive virgin forests, there was a toilet paper shortage. In an industrial country with one of the harshest and coldest climates in the world, two-thirds of the households had no hot water, and a third had no running water at all. Housing construction was notoriously shabby and space so scarce, according to the government paper, *Izvestia*, that a typical working class family of four was forced to live for 8 years in a single 8 x 8 foot room, before marginally better accommodation became available. The housing shortage was so acute that at all times 17% of Soviet families had to be separated for want of adequate space.

After 50 years of socialist industrialization, the Soviet Union's per-capita output of non-military goods and services placed it somewhere between 50th and 60th among the nations of the world. More manufactured goods were exported annually by Taiwan, Hong Kong, South Korea or Switzerland, while blacks in segregated South Africa owned more cars per capita than did citizens of the socialist state. The only area of consumption in which the Soviets excelled was the ingestion of hard liquor. In this they led the world by a wide margin, consuming 17.4 liters of pure alcohol or 43.5 liters of vodka per person per year, which was five times what their forebears had consumed in the days of the Tsar. The average welfare mother in the United States received more income in a month than the average Soviet worker could earn in a year.

Nor was the general deprivation confined to households and individual consumption. The "public sector" was equally desolate. Soviet spending on health was the lowest of any developed nation and basic health conditions were on a level with those in the poorest of third world countries. A third of the hospitals had no running water, the training of medical personnel was poor, equipment was primitive and medical supplies scarce. (U.S. expenditures on medical technology alone were twice as much as the entire Soviet health budget.) The bribery of doctors and nurses to get decent medical attention and even amenities like blankets in Soviet hospitals was not only common, but routine. So backward was Soviet medical care, 30 years after the launching of Sputnik, that 40% of the Soviet Union's pharmacological drugs had to be imported, and much of these were lost to spoilage due to primitive and inadequate storage facilities. Bad as these conditions were generally, in the ethnic republics they were even worse. In Turkmenia, fully two-thirds of the hospitals had no indoor plumbing. In Uzbekistan, 50% of the villages were reported to have no running water and 93% no sewers. In socialist Tadzhikistan, according to a report in *Izvestia*, only 25–30% of the schoolchildren were found to be healthy. As a result of bad living conditions and inadequate medical care, life expectancy for males throughout the Soviet Union was 12 years less than for males in Japan and 9 years less than in the United States—and less for Soviet males themselves than it had been in 1939.

Educational conditions were no less extreme. "For the country as a whole," according to one Soviet report, "21 percent of pupils are trained at school buildings without central heating, 30 percent without water piping and 40 percent lacking sewerage."* In other words, despite sub-zero temperatures, the socialist state was able to provide schools with only outhouse facilities for nearly half its children. Even at this impoverished level, only 9 years of secondary schooling was provided on average in the Soviet Union, compared to 12 years in the United States, while only 15 percent of Soviet youth were able to attend institutions of higher learning compared to 34 percent in the U.S.

In the counter-revolutionary year 1989, on the anniversary of the Revolution, a group of protesters raised a banner in Red Square that summed up an epoch: "Seventy Years on the Road to Nowhere." They had seen the future and it didn't work.

Education, housing, health were the areas traditionally emphasized by socialist politics because they affected the welfare of the people and the foundations of its future. In Deutscher's schema, Soviet schools ("the world's most extensive and modern education system") were the keys to its progressive prospect. But, as *glasnost* revealed, Soviet spending on education had declined in the years since Sputnik (while U.S. spending tripled). By the 1980s it was evident that education was no more exempt from the generalized poverty of socialist society than other nonmilitary fields of enterprise. Seduced by Soviet advances in nuclear arms and military showpieces like Sputnik, Deutscher had labored under the illusion of generations of the Left—that the goal of revolutionary power was something else than power itself.

For years the Left had decried the collusion between corporate and military interests in the capitalist West. But all that time the entire socialist economy was little more than one giant military industrial complex. Military investment absorbed 25% of the Soviet gross product (compared to only 6% in the United States) and military technology provided the only product competitive for export. Outside the military sector, as *glasnost* revealed, the vaunted Soviet industrial achievement was little more than a socialist mirage—imitative, archaic, inefficient, and one-sided. It was presided over by a sclerotic *nomenklatura* of state planners, which was incapable of adjusting to dynamic technological change. In the Thirties, the political architects of the Soviet economy had over-built a heavy industrial base, and then as if programmed by some invisible bureaucratic hand, had rebuilt it

* *The USSR in Figures for 1987*, p. 254.

again and again.

Straitjacketed by its central plan, the socialist world was unable to enter the "second industrial revolution" that began to unfold in countries outside the Soviet bloc after 1945. By the beginning of the 1980s the Japanese already had 13 times the number of large computers per capita as the Soviets and nearly 60 times the number of industrial robots (the U.S. had three times the computer power of the Japanese themselves). "We were among the last to understand that in the age of information sciences the most valuable asset is knowledge, springing from human imagination and creativity," complained Soviet President Gorbachev in 1989. "We will be paying for our mistake for many years to come."* While capitalist nations (including recent "third world" economies like South Korea) were soaring into the technological future, Russia and its satellites, caught in the contradictions of an archaic mode of production, were stagnating into a decade of zero growth, becoming economic anachronisms, what one analyst described as "a gigantic Soviet socialist rust belt."† In the 1980s the Soviet Union had become the first military power in the world, but this achievement bankrupted its already impoverished society in the process.

Nothing underlined this bankruptcy so starkly as the opening of a McDonald's fast-food outlet in Moscow about the time the East Germans were pulling down the Berlin Wall. In fact, the semiotics of the two were inseparable. During the last decades of the Cold War, the Wall had come to symbolize the borders of the socialist world, the Iron Curtain that held its populations captive against the irrepressible fact of the superiority of the capitalist societies in the West. When the Wall was breached, the terror was over, and with it the only authority ever really commanded by the socialist world.

The author of our century's tragedy is not Stalin, or even Lenin. Its author is the political Left that we belonged to.

The appearance of the Moscow McDonald's revealed the prosaic truth that lay behind the creation of the Wall and the bloody epoch that it had come to symbolize. Its Soviet customers gathered in lines whose lengths exceeded those waiting outside Lenin's tomb, the altar of the revolution itself. Here, the capitalist genius for catering to the ordinary desires of ordinary people was spectacularly displayed, along with socialism's relentless unconcern for the needs of common humanity. McDonald's executives even found it necessary to purchase and manage their own special farm in Russia, because Soviet potatoes—the very staple of the people's diet—were too poor in quality and unreliable in supply. On the other hand, the wages of the Soviet customers were so depressed that a hamburger and fries was equivalent in rubles to half a day's pay. And yet this most ordinary of pleasures—the bottom of the food chain in the capitalist West—was still such a luxury for Soviet consumers that it was worth a four hour wait and a four hour wage.

Of all the symbols of the epoch-making year, this was perhaps the most resonant for Leftists of our generation. Impervious to the way the unobstructed market democratizes wealth, the New Left had focused its social scorn precisely on those plebeian achievements of consumer capitalism, that brought services and goods efficiently and cheaply to ordinary people. Perhaps the main theoretical contribution of our generation of New Left Marxists was an elaborate literature of cultural criticism made up of sneering commentaries on the "commodity fetishism" of bourgeois cultures and the "one-dimensional" humanity that commerce produced. The function of such critiques was to make its authors superior to the ordinary liberations of societies governed by the principles of consumer sovereignty and market economy. For New Leftists, the leviathans of postindustrial alienation and oppression were precisely these "consumption-oriented" industries, like McDonald's, that offered inexpensive services to the working masses—some, like the "Sizzler," in the form of "all you can eat" menus that embraced a variety of meats, vegetables, fruits and pastries virtually unknown in the Soviet bloc.

These mundane symbols of consumer capitalism revealed the real secret of the era that was now ending, the reason why the Iron Curtain and its Berlin Walls were necessary, why the Cold War itself was an inevitable by-product of socialist rule: In 1989, for two hours' labor at the minimum wage, an American worker could obtain, at a corner "Sizzler," a feast more opulent, more nutritionally packed and gastronomically diverse than anything available to almost all the citizens of the socialist world (including the elite) at almost any price.

In the counter-revolutionary year 1989, on the anniversary of the Revolution, a group of protesters raised a banner in Red Square that summed up an epoch: *Seventy Years on the Road to Nowhere*. They had seen the future and it didn't work.

This epic of human futility reached a poignant climax the same year, when the socialist state formally decided to return the land it had taken from the peasants half a century before. The collectivization of agriculture in the Thirties had been the very first pillar of the socialist Plan and one of the bloodiest episodes of the revolutionary era. Armies were dispatched to the countryside to confiscate the property of its recalcitrant owners, conduct mass deportations to the Siberian *gulag*, liquidate the "kulaks" and herd the survivors into the collective farms of the Marxist future.

In the final class struggle, no method was considered too ruthless to midwife the new world from the old. "We are opposed by everything that has outlived the time set for it by history" wrote Maxim Gorky in the midst of battle: "This gives us the right to consider ourselves again in a state of civil war. The conclusion naturally follows that if the enemy does not surrender, he must be destroyed." The destruction of the class enemy—the most numerous and productive element of Soviet society at the time—was accomplished by massacres, by slow deaths in concentration camps and by de-

* Figures from Brzezinski, 1989, p. 36; and George Gilder, 1990. Gorbachev cited by Gilder.

† Z, "To the Stalin Mausoleum," *Daedalus*, Winter 1990.

liberately induced genocidal famine. In the end, over 10 million people were killed, more than had died on all sides in World War I.

But the new serfdom the Soviet rulers imposed in the name of liberation only destroyed the peasants' freedom and incentive, and thus laid the foundations of the final impasse. Before collectivization, Russia had been the "breadbasket of Europe," supplying 40% of the world's wheat exports in the bumper years 1909 and 1910. But socialism ended Russia's agrarian plenty and created permanent deficits—not merely the human deficit of those who perished because of Stalinist brutalities during the collectivization, but a deficit in grain that would never be brought to harvest because of the brutality inherent in the socialist idea. Half a century after the socialist future had been brought to the countryside, the Soviet Union had become a net *importer* of grain, unable to produce enough food to feed its own population.

These deficits eventually forced the state to allow a portion of the crop to be sold on the suppressed private market. Soon, 25% of Soviet grain was being produced on the 3% of the arable land reserved for private production. Thus necessity had compelled the Soviet rulers to create a dramatic advertisement for the system they despised. They had rejected the productive efficiencies of the capitalist system as exploitative and oppressive. Yet, the socialist redistribution of wealth had produced neither equity nor justice, but scarcity and waste. At the end of the 1980s, amidst growing general crisis, Soviet youth were using bread as makeshift footballs because (to satisfy the demands of social equity) its price had been made so low that it was now less than the cost of the grain to produce it. This was a microcosm of socialist economy. Irrational prices, bureaucratic chaos, and generalized public cynicism (the actually existing socialist ethos in all Marxist states) had created an environment in which 40% of the food crop was lost to spoilage before ever reaching the consumer. And so, half a century after 10 million people had been killed to "socialize the countryside," those who had expropriated the land were giving it back.

The road to nowhere had become a detour. (*Soviet joke: What is socialism? The longest road from capitalism to capitalism.*) Now the Soviet rulers themselves had begun to say that it had all been a horrible "mistake." Socialism did not work. Not even for them.

Of all the scenarios of the Communist *Götterdammerung*, this denouement had been predicted by no one. Ruling classes invariably held fast to the foundations of their power. They did not confess their own bankruptcy and then proceed to dismantle the social systems that sustained their rule. As this one had. The reason for the anomaly was this: the creators and rulers of the Soviet Union had indeed made a mistake. The system did not work, not even in terms of sustaining the power of its ruling class.

The close of the Soviet drama was unpredicted because the very nature of the Soviet Union was without precedent.

It was not an organic development, but an artificial creation: the first society in history to be dreamed up by intellectuals and constructed according to plan. The crisis of Soviet society was not so much a traditional crisis of legitimacy and rule, as it was the crisis of an *idea*—a monstrously wrong idea that had been imposed on society by an intellectual elite; an idea so passionately believed and yet so profoundly mistaken that it had caused more human misery and suffering than any single force in history before.

This suffering could not be justified by the arguments of the Left that the revolutionary changes were "at least an improvement on what existed before." Contrary to the progressive myth that radicals have invented to justify their deeds,

If socialism was a mistake, it was never merely innocent in the sense that its consequences could not have been foreseen. From the very beginning the critics of socialism had warned that it would end in tyranny and that it would not work.

Tsarist Russia was not a merely pitiful, semibarbaric state when the socialists seized power. By 1917, Russia was already the 4th industrial power in the world. Its rail networks had tripled since 1890, and its industrial output had increased by three-quarters since the century began. Over half of all Russian children between eight and eleven years of age were enrolled in schools, while 68% of all military conscripts had been tested literate. A cultural renaissance was underway in dance, painting, literature and music—the names Blok, Kandinsky, Mayakovsky, Pasternak, Diaghelev, Stravinsky were already figures of world renown. In 1905 a constitutional monarchy with an elected parliament had been created, in which freedom of the press, assembly and association were guaranteed, if not always observed; by 1917, legislation to create a welfare state, including the right to strike and provisions for workers' insurance was already in force and—before it was dissolved by the Bolsheviks—Russia's first truly democratic parliament had met.

The Marxist Revolution destroyed all this, tearing the Russian people out of history's womb and robbing whole generations of their birthright opportunity for decent lives. Yet even as this political abortion was being completed and the nation plunged into its deepest abyss, the very logic of revolution forced its leaders to insist that the nightmare they had created was indeed the kingdom of freedom and justice the Revolution had promised.

It is in this chasm between reality and promise that our own argument is joined. You seek to separate the terror-filled actualities of the Soviet experience from the magnificent harmonies of the socialist dream. But it is the dream that begets the reality, and thus requires the terror. This is the revolutionary equation you want to ignore.

Deutscher had appreciated the political truth of this equation, without ever comprehending its terrible finality. The second volume of his biography of Trotsky opens with a chapter he called "The Power and The Dream." In it, he described how the Bolsheviks confronted the situation that they had created: *"When victory was theirs at last, they found that revolutionary Russia had overreached herself and was hurled down to*

the bottom of a horrible pit." Seeing that the revolution had only increased their misery, the people began asking: "*Is this. . . the realm of freedom? Is this where the great leap has taken us?*" The leaders of the Revolution could not answer. "[While] *they at first sought merely to conceal the chasm between dream and reality [they] soon insisted that the realm of freedom had already been reached—and that it lay there at the bottom of the pit. 'If people refused to believe, they had to be made to believe by force.'*"*

So long as the revolutionaries continued to rule, they could not admit that they had made a mistake. Though they had cast an entire nation into a living hell, they had to maintain the liberating truth of the socialist idea. And because the idea was no longer believable, they had to make the people believe by force. It was the socialist idea that created the terror.

Because of the nature of its political mission, this terror was immeasurably greater than the repression it replaced. Whereas the Tsarist police had several hundred agents, the Bolshevik *Cheka* began its career with *several hundred thousand*. Whereas the Tsarist secret police had operated within the framework of a rule of law, the *Cheka* (and its successors) did not. The Tsarist police repressed extra-legal opponents of the political regime. To create the socialist future, the *Cheka* targeted whole social categories for liquidation.

Across the vast empire of societies that have put the socialist idea to the test, its fate is now obvious to all. Mises, Hayek, Polanyi, and the other prophets of capitalist economy are now revered throughout the Soviet bloc, even as the names of Marx, Lenin and Trotsky are despised.

The results were predictable. "Up until 1905," wrote Aleksander Solzhenitsyn, in his monumental history of the Soviet *gulag*, "the death penalty was an exceptional measure in Russia." From 1876 to 1904, 486 people were executed or seventeen people a year for the whole country (a figure which included the executions of non-political criminals). During the years of the 1905 revolution and its suppression, "the number of executions rocketed upward, astounding Russian imaginations, calling forth tears from Tolstoy and . . . many others; from 1905 through 1908 about 2,200 persons were executed—forty-five a month. This, as Tagantsev said, was an *epidemic of executions*. It came to an abrupt end."

Then came the Bolshevik seizure of power: "In a period of sixteen months (June 1918 to October 1919) more than sixteen thousand persons were shot, which is to say *more than one thousand a month*." These executions, carried out by the *Cheka* without trial and by revolutionary tribunals without due process, were executions of people exclusively accused of political crimes. And this was only a drop in the sea of executions to come. The true figures will never be known, but in the two years 1937 and 1938, according to the executioners themselves, half a *million* "political prisoners" were shot, or 20,000 a month.

To measure these deaths on an historical scale, Solzhenitsyn also compared them to the horrors of the Spanish Inquisition, which during the 80 year peak of its existence, condemned an average of 10 heretics a month. The difference was this: the Inquisition only forced unbelievers to believe in a world unseen; Socialism demanded that they believe in the very lie that the revolution had condemned them to live.

The author of our century's tragedy is not Stalin, or even Lenin. Its author is the political Left that we belonged to, that was launched at the time of Gracchus Babeuf and the Conspiracy of the Equals, and that has continued its assault on bourgeois order ever since. It is the responsibility of all those who have promoted the Socialist idea, the realization of which required so much blood to implement, and then did not work in the end.

But if socialism was a mistake, it was never merely innocent in the sense that its consequences could not have been foreseen. From the very beginning, before the first drop of blood had ever been spilled, the critics of socialism had warned that it would end in tyranny and that it would not work. Already in 1872, Marx's arch rival in the First International, the anarchist Bakunin, described with penetrating acumen the political life of the future that Marx had in mind:

> This government will not content itself with administering and governing the masses politically, as all governments do today. It will also administer the masses economically, concentrating in the hands of the State the production and division of wealth, the cultivation of land . . . All that will demand . . . the reign of *scientific intelligence*, the most aristocratic, despotic, arrogant, and elitist of all regimes. There will be a new class, a new hierarchy . . . the world will be divided into a minority ruling in the name of knowledge, and an immense ignorant majority. And then, woe unto the mass of ignorant ones! (Dolgoff, 1971, p. 319)

If a leading voice in Marx's own International could see with such clarity the oppressive implications of his revolutionary idea, there was no excuse for the generations of Marxists who promoted the idea even after it had been put into practice and the blood began to flow. But the idea was so seductive that even Marxists who opposed Soviet Communism, continued to support it, saying this was not the actual socialism that Marx had in mind, even though Bakunin had seen that it was.

So powerful was the socialist idea that even those on the Left who took their inspiration from Bakunin rather than Marx, and later opposed the Communists, could not bring themselves to defend the democratic societies of the capitalist West that the Marxists had put under siege. Like Bakunin, they were sworn enemies of capitalism, the only industrial system that was democratic and that worked. Yet their remedy for its deficiencies—abolishing private property and the economic market—would have meant generalized poverty and revolutionary terror as surely as the statist fantasies of Marx. By promoting the socialist idea of the future and by participating in the war against the capitalist present, these

* Isaac Deutscher, 1965, pp. 1–2. The internal quote refers to a passage from Machiavelli that Deutscher had used as an epigraph to *The Prophet Armed*, "the nature of the people is variable, and whilst it is easy to persuade them, it is difficult to fix them in that persuasion. And thus it is necessary to take such measures that, when they believe no longer, it may be possible to make them believe by force."

non-Marxist soldiers of the political Left became partners in the very tragedy they feared.

Of all Marx's critics, it was only the partisans of bourgeois order who understood the mistake that socialists had made and thus appreciated the only practical—which is to say the real—social bases of human freedom: private property and economic markets. In 1922, as the Bolsheviks completed the consolidation of their political power, the Austrian economist Ludwig von Mises published his classic indictment of the socialist idea and its destructive consequences. "The problem of economic calculation," Mises wrote, "is the fundamental problem of socialism" and cannot be solved by socialist means. "Everything brought forward in favor of Socialism during the last hundred years . . . all the blood which has been spilt by the supporters of Socialism, cannot make socialism workable." Advocates of Socialism might continue "to paint the evils of Capitalism in lurid colors" and to contrast them with an enticing picture of socialist blessings, "but all this cannot alter the fate of the socialist idea."

Across the vast empire of societies that have put the socialist idea to the test, its fate is now obvious to all. Mises, Hayek, Polanyi, and the other prophets of capitalist economy are now revered throughout the Soviet bloc, even as the names of Marx, Lenin and Trotsky are despised. Their works—once circulated only in *samizdat*—were among the first of *glasnost* to be unbanned. Yet, in the socialist and Marxist press in the West, in articles like yours and in the efforts of your comrades to analyze the "meaning" of the Communist crisis, the arguments

Without socialism, the peoples of the Russian Empire, might have moved into the forefront of the modern industrial world, even as the Japanese have, without the incalculable human cost.

of the capitalist critics of socialism, who long ago demonstrated its impossibility and who have now been proven correct, are nowhere considered. It is as if they had never been made.

For socialists, like you, to confront these arguments would be to confront the lesson of the history that has passed: The socialist idea has been, in its consequences, one of the worst, the most destructive fantasies to ever have taken hold of the minds of men.

And it *is* the idea that Marx conceived. For 200 years, the Promethean project of the Left has been just this: To abolish property and overthrow the market, and thereby to establish the reign of reason and justice embodied in a social plan. "In Marxist utopianism, communism is the society in which things are thrown from the saddle and cease to ride mankind. Men struggle free from their own machinery and subdue it to human needs and definitions." That is Edward Thompson's interpolation of Marx's famous text in the first volume of *Capital*:

> The life-process of society, which is based on the process of material production, does not strip off its mystical veil until it is treated as production by freely associated men, and is consciously regulated by them in accordance with a settled plan."

The "fetishism of commodities" embodied in the market is, in Marx's vision, the economic basis of the alienation at the heart of man's estate: "a definite social relation between men, that assumes, in their eyes, the fantastic form of a relation between things." The aim of socialist liberation is humanity's reappropriation of its own activity and its own

The communist idea is not the principle of the modern world, as Marx supposed, but its anti-principle, the reactionary rejection of political individualism and the market economies of the liberal West.

product—the reappropriation of man by man—that can only be achieved when private property and the market are replaced by a social plan.

"From each according to his ability to each according to his need," the slogan Marx inscribed on the banners of the Communist future is but an expropriated version of Adam Smith's Invisible Hand: the pursuit of individual interest leads to the fulfillment of the interests of all. But in the socialist future there is no market to rule over human passions and channel self-interest into social satisfaction, just as there is no rule of law to protect individual rights. There is only the unmediated power of the socialist vanguard exercised from the perch of its bureaucratic throne.

All the theorizing about liberation comes down to this: The inhabitants of the new society will be freed from the constraints of markets and the guidelines of tradition and bourgeois notions of a rule of law. They will be masters in their own house and makers of their own fate. But this liberation is, finally, a Faustian bargain. Because it will not work. Moreover: the effort to make it work, will create a landscape of human suffering far greater than before.

Towards the end of his life, our friend Isaac Deutscher had a premonition of the disaster that has now overtaken the socialist Left. In the conclusion to the final volume of his Trotsky trilogy, *The Prophet Outcast*, he speculated on the fate that would befall his revolutionary hero if the socialist project itself should fail:

> If the view were to be taken that all that the Bolsheviks aimed at—socialism—was no more than a *fata morgana*, that the revolution merely substituted one kind of exploitation and oppression for another, and could not do otherwise, then Trotsky would appear as the high priest of a god that was bound to fail, as Utopia's servant mortally entangled in his dreams and illusions.

But Deutscher did not have the strength to see the true dimensions of the catastrophe that socialism had in store. Instead, his realism only served to reveal the depths of self-delusion and self-justifying romanticism that provide sustenance for the Left. Even if such a failure were to take place, he argued, the revolutionary hero, "would [still] attract the respect and sympathy due to the great utopians and visionaries . . .

> Even if it were true that it is man's fate to stagger in pain and blood from defeat to defeat and to throw off one yoke only to

bend his neck beneath another—even then man's longings for a different destiny would still, like pillars of fire, relieve the darkness and gloom of the endless desert through which he has been wandering with no promised land beyond. (Deutscher, 1963, pp. 510–511)

This is the true self-vision of the Left: An army of saints on the march against injustice, lacking itself the capacity for evil. The Left sees its revolutions as pillars of fire that light up humanity's deserts, but burn no civilizations as they pass. It lacks the ability to make the most basic moral accounting, the awareness that the Marxes, Trotskys, and Lenins immeasurably increased the suffering of humanity, and blasted even those blooms that the civilizations they destroyed had managed to put forth.

Without socialism, the peoples of the Russian Empire might have moved into the forefront of the modern industrial world, even as the Japanese have, without the incalculable human cost. Instead, even the most productive of the Soviet satellites, East Germany, once the Prussian powerhouse of European industrialism, was condemned to a blighted economic standard below that of Italy or Spain.

Consider the history of our century. On whose heads does the responsibility lie for all the blood that was shed to make socialism possible? If the socialist idea is a chimera and the revolutionary path a road to nowhere, can the revolutions themselves be noble or innocent? Can they be justified by the lesser but known evils they sought to redress? In every revolutionary battle in this century, the Left has been a vanguard without a viable future to offer, but only the destruction of whatever civilization had actually existed.

Consider: If no one had believed Marx's idea, there would have been no Bolshevik Revolution. Russia might then have evolved into a modern democracy and industrial state.

Hitler would not have come to power. There would have been no cold war. It is hard not to conclude that most of the bloodshed of the 20th Century might not have taken place. For seventy years the revolutionary Left put its weight on one side in the international civil war that Lenin had launched, and against the side that promoted human freedom and industrial progress. And it did so in the name of an idea that could not work.

The communist idea is not the principle of the modern world, as Marx supposed, but its anti-principle, the reactionary rejection of political individualism and the market economies of the liberal West. Wherever the revolutionary Left has triumphed, its triumph has meant economic backwardness and social poverty, cultural deprivation and the loss of political freedom for all those unfortunate peoples under its yoke.

This is the real legacy of the Left of which you and I were a part. We called ourselves progressives, and others did as well; but we were the true reactionaries of the modern world whose first era has now drawn to a close.

The iron curtain that divided the prisoners of socialism from the free men and women of the West has now been torn down. The iron curtain that divides us remains. It is the utopian dream that is so destructive and that you refuse to give up.

Your ex-comrade,
David

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Report

My Kind of Town

by Chester Alan Arthur

From Maine to California, from Florida to Alaska, Libertarian Party members came to Chicago to choose a Libertarian Party candidate to challenge George Bush. Our correspondent reports from the convention hall—and the barrooms, the huckster rooms, and the smoke-filled rooms.

It was the best of times. It was the worst of times. Or so it seemed as Libertarian Party faithful congregated in Chicago on August 29 at their quadrennial presidential nominating convention. The party's outlook for the 1992 election was excellent, if it could find a good candidate. But that was a pretty big "if."

In 1988, the LP had run its first genuinely national presidential campaign since 1980. Mistakes had been made—notably the failure to invest in television advertising—but the party had reemerged as the nation's dominant fringe party, finishing third in the balloting in all but 5 states. In 1989, the Party had survived an acrimonious national convention that resulted in one of its intellectual mentors abandoning it to form an alliance with religious conservatives. But in the 1990 Congressional elections, LP candidates had polled (on average) *twice* the vote percentage they had polled in 1988. Party membership had grown from about 6500 in 1988 to 9500 as delegates converged in Chicago.

Meanwhile, exogenous events were going the Libertarians' way. Communism had collapsed and a broad consensus had emerged in favor of the market economy—a rather heavily taxed and regulated market, but a market nonetheless. It had become evident that the savings-and-loan crisis, created by Congress and the President, was beginning to cost voters big bucks. The complicity of several members of the Senate with the outright fraud perpetrated by a certain class of corrupt pseudo-entrepreneurs had become obvious to virtually all Americans, further eroding their bovine inclination to vote only for the candidates of major political parties. The huge popular success of the slaughter of Iraq had made Republican President Bush seem invincible, scaring off such Democratic figures as seemed to have any chance of popular success, making the 1992 presidential election look like a complete rout, and weakening the most powerful factor limiting LP vote totals, the "why-waste-your-vote" argument.

In the face of an outstanding opportunity, only two people expressed an interest in the LP nomination: Andre Marrou, who had parlayed his single term in the Alaska legislature into a vice presidential campaign in 1988, and Dick Boddie, long-time party member distinguished mainly by being one of the few blacks in evidence at most LP gatherings.

Both had serious drawbacks as candidates. On November 7, 1990, Marrou mailed out a fund-raising letter proposing that his campaign ought to accept matching funds out of tax money, suggesting that donors make contributions in the names of their children to help meet requirements for matching funds, and claiming that contributions made at that time would qualify for federal matching funds. In fact, only contributions made between January 1, 1991, and the nomination qualify for matching funds, and it is illegal to make contributions in the names of one's children.

Even more importantly, Marrou had virtually no prospect of raising the kind of money needed for a credible national campaign. He lacked the assets of recent LP presidential nominees: Ron Paul's fundraising base, Ed Clark's access to a wealthy running mate, and Roger MacBride's personal resources.

The alternative candidate seemed even less viable. Dick Boddie, a professional "communicator" and "motivational speaker," is remembered by many activists as a man who a few years ago sent out a direct mail effort to raise money to feed his family. The quality of his political judgment has been demonstrated by two remarkable

gaffes. The press kit he mailed to the media shortly after he announced his candidacy included a newspaper article which reported that he had flunked his bar exam 13 times, and had never been licensed to practice before the bar, a fact he blamed on white racism. Whether his explanation rang true or not, this was not the sort of information that would enhance his reputation. In an interview with an Oregon newspaper in June, he criticized voters for electing so many "faggots" to office, although under subsequent questioning he added he had nothing against homosexuals. In addition, his argument that abortion is murder but nevertheless should be perfectly legal hurt him among Libertarians. Like Marrou, Boddie lacked any credible plan for raising the funds necessary for a national campaign.

The pre-convention campaigns of Marrou and Boddie consisted mostly of appearances at state LP conventions and direct mail advertising to delegates. The Marrou camp argued that their man had "paid his dues" as a longtime activist, and presented a fairly specific campaign agenda and goals. The Boddie camp based its campaign mostly on Boddie's skin color and his charisma as a speaker. His slogan was "This Bod's 4 U in 92."

The choice between Marrou and Boddie troubled many party leaders, several of whom had tried to convince other, more credible candidates, to enter the race. At one time or another, Ed Clark, Ron Paul, Mark Skousen and Gene Burns were approached and cajoled. But none was interested.

The Boddie camp based its campaign mostly on Boddie's skin color and his charisma as a speaker. His slogan was "This Bod's 4 U in 92."

The situation was a stark contrast to 1980 and 1988, when the party was much smaller, ballot access much more difficult, and the presidential race perceived as much closer (thereby enhancing the "why-waste-your-vote" argument), yet the LP managed to attract articulate candidates who had access to the resources needed to mount viable national campaigns. The dream of mounting a viable national campaign was alive with the LP rank-and-file, but it had died among those *capable* of mounting such a campaign.

☆ ☆ ☆

This was the situation when I arrived in Chicago Thursday morning, the first day of the convention. I arrived shortly before noon. After getting my press credentials, I began to work the convention. I spent the afternoon talking to delegates, hucksters, and members of the staffs of the candidates.

Several *Liberty* editors were there: Bill Bradford, Karl Hess, Ross Overbeek, Sheldon Richman and Steve Cox. Bradford and Hess were delegates; Richman an alternate (though he refused to pick up his credentials), and Overbeek, Cox and I were observers. Several of us met for dinner and an editorial meeting that lasted until past midnight.

As I left our meeting, I realized that I had spent relatively little time listening to delegates and getting a feel for the mood of the convention. I headed to the 46th floor, where the candidates maintained their hospitality suites, hoping to find at least a few hangers-on. When the elevator doors opened, I was greeted by a group of delegates who explained that the hospitality suites had closed down and they had been shooed out. The only place open, I was told, was a room that promised a "science-fiction film festival." So several of us went there.

The "film festival" consisted of an ordinary hotel room with perhaps a dozen people sitting on the floor and beds watching videotapes of old science fiction films. Not wanting to disturb the esthetic experience of the others, our small group and one or two film lovers moved into the bathroom, where I engaged the others in a sort of mass interview. It was a fairly typical LP bull session. All present either supported Marrou or were leaning toward him, my first hint since arriving that Marrou had the nomination sewn up. Aside from that, the "bathroom caucus" disagreed on just about everything, until I asked them how many popular votes they expected the nominee to get in the general election, where estimates ranged from one million to three million.

Sometime after 1:00 a.m., I retired to my room, reflecting that the lowest anticipated vote total was higher than that achieved by the generously funded and extremely articulate Ed Clark in 1980.

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On Friday morning, I polled *Liberty*'s editors. Karl Hess supported Andre Marrou (no surprise there: Karl was Marrou's "honorary national chair"), as did Bill Bradford; Steve Cox and Ross Overbeek leaned toward Dick Boddie (or perhaps more precisely, away from Marrou); Sheldon Richman maintained an admirable detachment, satisfied to observe only.

The day began with a breakfast to honor Karl Hess, which I watched via video from a remote location. Seated on stage in an easy chair, Karl was his usual affable and charming self, one moment reflective, the next joking, always wise.

Andre pushed the pipe away, explaining he was "off drugs," and regaled the crowd with advise that they ought to give his campaign money, vote for him and work on his behalf.

Then it was off to the convention floor and the exhibit room (or, as I prefer, huckster room), where I continued to track down rumors (there were plenty), poll libertarians and chat with friends. I missed LP founder David Nolan's rousing keynote address. I have little tolerance for rousing oratory, but I was assured by connoisseurs that it was a fine performance.

By now the convention was in gear, drearily going about the usual credentials and platform business. Here the Libertarians seemed determined to be as dull for their C-Span cable audience as the Republicans and Democrats are for their major network audience; the issue of whether to break for lunch was passionately fought over for some 15 minutes. After lunch, I resolved to hang around for debate on the abortion issue, but by 2:00 I was advised by a convention insider that the way things were going, the abortion issue wouldn't come up until the next morning.

So I decided to try to find the huge anti-drug-war rally that had been advertised by posters plastering the convention and the downtown area. According to the posters, the rally would be held that afternoon at the monument in Lin-

coln Park, which stretches for miles along the shore of Lake Michigan. Alas, convention authorities and the hotel's concierge advised that Lincoln Park has many monuments, and they had no idea at which one the rally would be held. I had no alternative but to hike the lakeshore in search of the rally. I waited until mid-afternoon to head out on my expedition. After hiking a half hour or so in the liquid heat, I found the rally, a sorry group of some 200 souls listening to Jack Herer, the guru of hemp legalization. Herer explained to the assembled multitude that if hemp were legalized, clothing would be cheaper and better, paper would be made of hemp instead of wood, thereby curing the greenhouse effect and saving the tropical forests, and the ocean would be filled with lemonade. The next speaker up was Andre Marrou, who was almost immediately offered a pipe by a couple of scruffy characters. Whether the pipe was filled with anything more than tobacco and whether its purveyors were hippies, or actors, or undercover agents for the DEA I could not tell. Andre responded by pushing the pipe away and explaining that he was "off drugs." Andre regaled the crowd with advice that they ought to give him campaign money, vote for him and work on his behalf. After he finished, perhaps 20% of the "crowd" left, including me.

Next up was the big debate between contenders Boddie and Marrou. At last a chance to see the candidates in action. There was a consensus that Boddie would win the debate, mostly because he was relaxed and affable in public, in contrast to Marrou's generally stiff performance.

The debate had a peculiar format. Delegates submitted written questions in advance to the chair of the debate, Mary Gingell. From among these, she chose the questions to ask the candidates. In addition, each candidate would have a brief opening and closing statement. The idea, according to Gingell, was to enable the delegates "to witness how each of these gentlemen will handle the tough questions that will be asked of him if he becomes our nominee."

A sample "tough question": "If you are elected, what happens to Air Force One?" Here is how the candidates responded:

"That's interesting. I had someone tell me that they would support me totally for my total position of reducing the size of government and privatizing everything except Air Force One, and I suspect that person is here in the room. We have to have our Air Force One. However it would not be paid for from taxpayers through the force of taxation." (Boddie)

"First of all, Air Force One will become Non-Force One. That big an airplane is not needed. I don't know why the President can't travel in those air buses in the sky like the rest of us. [Applause] I've been doing this for years, I see no reason to stop now. Lastly, I am a pilot. I can fly. I flew a couple of days ago. And I continue to fly. I hope to fly as President. Thanks." (Marrou)

Candidates were limited to one minute to answer the questions, but the most effective answer took only 14 seconds. The question was, "How will you attract media attention?" Boddie walked slowly to the podium and looked out at the audience, saying nothing. After five seconds, delegates began to laugh nervously. Four seconds later applause broke out. Boddie continued to look out at the convention for another

The whole world is watching

One of the obstacles to the growth of the Libertarian Party—and to other fringe parties—is the difficulty getting publicity. One of the problems faced by C-Span, the public affairs cable network, is filling its schedule, especially on holiday weekends, when even politicians tend to be with their families.

And so two years ago, C-Span covered the LP Convention in Philadelphia, held over Labor Day weekend, as tradition requires. C-Span's ratings compared to other networks are negligible, but other networks won't cover the LP. The coverage benefited the LP in two important ways: it helped party members feel their efforts amounted to something, and it exposed a small number of television viewers to the Libertarian Party. The rostrum at the 1989 convention prominently displayed the LP's toll-free telephone number, and by the time C-Span had stopped running reruns of the convention, some 1600 people had called for information.

There was one other effect: many delegates felt the need to perform for the camera. From time to time, someone from the convention floor would go to the lobby where many delegates were talking with each other or just hanging around, and shout, "They're aren't very many delegates on the floor. This doesn't look too good on C-Span." A flurry of delegates would move onto the floor. Delegates were very conscious of C-Span, and adhered to the agenda very tightly to accommodate the cameras.

This year, C-Span expanded its coverage. And the hotly contested presidential and vice presidential races provided a modicum of drama. As a result, the number of inquiries on the toll-free telephone line was much higher than in 1989. A week after the convention ended, the total number of inquiries had reached 10,000.

The opening credits for the coverage reported that there are 300,000 registered Libertarians in the U.S. This statement is patently false,* but it is easy to understand why an LP functionary might want to hype the figure. A C-Span reporter asked keynote speaker David Nolan to verify the figure, and Nolan responded gamely: "You know, I don't have an exact figure. I know that there are approximately 50,000 in California, I know that California has roughly 1/8 of the nation's population so I would assume that we would have a maximum of 400,000 and a minimum of 200,000. So I would say that the figure you quoted earlier, I believe, of 300,000 is in the ballpark."

There were a few embarrassing moments, like the debate over whether to seat "the Givot children" as delegates from Alaska, whose delegation wasn't full. The children, aged 11 and 13, are the progeny of longtime activist and Platform Committee chair Steve Givot of Illinois.

But overall, activists were thrilled that C-Span was paying attention to them. — *CAA*

* LP ballot expert Richard Winger reports that the total number of LP registered voters from the states that report totals is 60,010, and there are perhaps 20,000 to 40,000 in the other 21 states that register voters by party.

five seconds and then walked back to his seat. Without saying a word, he had conveyed the central theme of his campaign: the novelty of his black skin would open doors for the LP.

The biggest difference between the two candidates was on the issue of the federal income tax. Marrou wanted to abolish it (and the IRS) immediately. Boddie warned of harmful economic consequences of quick abolition and said the income tax should be phased out gradually:

> I would gradually do away with the income tax because it is my feeling that if we were to abolish the income tax, and do away with the 16th amendment, we could definitely cause a collapse of our economy. So I wouldn't be quite that radical, though I have been known to be radical in the past. But I would like to do away with taxes, I would like to do away with the Internal Revenue Service, I think that the issue of government waste is a pervading issue with all of us, that is the major thrust.

The "bathroom" caucus disagreed on just about everything until I asked them how many votes they expected the nominee to get in the general election, where estimates ranged from one million to three million.

The only other issue that separated the candidates was campaign strategy. Since both candidates lacked the wherewithal for a high visibility campaign, or the means of getting it, both had put together plans to maximize such impact as was possible. Marrou had dropped his plan to accept matching funds because most LP members strenuously opposed it; and he had failed to raise enough money to qualify. Now he promised television ads with 1-900-telephone lines (the income from which would pay for the ads), and the raising of substantial sums of cash from the gun lobby *and* the women's lobby. Boddie, on the other hand, was convinced that his skin color would provide ample free advertising and publicity.

Marrou tended to answer the questions in Marrouspeak, a peculiar concatenation of cliché that he has somehow mastered. His answer to a question about Israel is typical:

> The United States did not create Israel, the Israelis created Israel. The United States is not responsible for the State of Israel, the Israelis are responsible for the State of Israel. We should stop foreign aid to all countries. That certainly includes Israel. Israel has always been able to finnance itself, primarily through fund raising with the American Jewish community. I encourage them to do that. This is the United States of America, I am an American, I am a Libertarian, and we should be defending the United States of America.

By most accounts, Marrou won. He achieved this feat by not being stiff and boring, and actually displaying a sense of humor. (Sample: after Boddie had said, "I'm tired of being called a librarian, a Liberian, a libertine, a Larouchie, or whatever," Marrou quipped: "Speaking for myself, I don't mind being called a libertine. Just kidding folks, just kidding." You had to be there.)

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Steve Cox was bewildered by Marrou's suggestion that the right to keep and bear arms was the most important of the Bill of Rights. Shortly after the debate he asked Bill Bradford to try to arrange an interview with the candidate. Marrou campaign manager Jim Lewis referred Bill to the candidate himself. Marrou responded tersely, "Every time you've interviewed me, you trashed me. You've insulted my children. I'm not going to talk to you." This unique way of attracting media attention greatly amused Bradford's fellow editors, especially those inclined toward Boddie. "Marrou is probably just under a lot of stress," Bill responded lamely, surprised that Marrou had children, let alone to learn that he (Bradford) had insulted them. Later that evening he was seen sporting a Boddie button, and he eventually switched to "none-of-the-above."

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Every LP convention I attend strikes me as more and more like a Republican convention: more suits, more dresses, less so-called counter-culture. Marijuana smoke wafted through the halls of the Westin Hotel in Seattle in 1987 as the LP nominated Ron Paul for president. In Philadelphia in 1989, the only dope I noticed was in the pipe of a representative of the Libertarian Republicans. In Chicago, the nearest thing to dope I encountered was a rumor that maybe the hemp hucksters might have some. (Reliable sources advised me that they didn't.)

Organizers had been particularly worried about the possibility that marijuana might be smoked at the convention. Thanks to a local ordinance, the convention was required to hire off-duty Chicago police officers to make sure that fire exits were not blocked, and organizers feared that they might be prosecuted as conspirators if the cops spotted any dope. They heaved a collective sigh of relief when the convention ended without incident. But there was one major difference between Libertarians and Republicans: as usual the LP crowd was overwhelmingly male—somewhere around the traditional 90% mark.

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Friday evening, I ran into my old friend Benjamin Best, who was in Chicago to sample the pleasures of the LP convention at the Marriott and the Science Fiction convention at the Hyatt. Ben was not the only person attracted by the opportunity to partake of both conventions: gold badges from the SF con were sported by perhaps 10% of those attending the LP convention.

Hoping for a lively anecdote from the SF con to add a little zip to my convention report, I accompanied Ben to the SF con, where Erwin S. ("Filthy Pierre") Strauss was holding court in the lobby. Filthy publishes the oldest continuously published libertarian periodical, *Libertarian Connection*, an unedited compilation of single page articles by its 100-odd (and I do mean odd) subscribers. Filthy is the world's leading authority on science fiction conventions (he wrote the standard reference book on the subject) and a very interesting fellow, so I jumped at Ben's invitation. I hadn't seen Filthy since the 1980 Students for a Libertarian Society confer-

Isolated in a hotel amidst hundreds of libertarians convinced that they were about to take power we the United States, we reverted to the fantasy world of childhood.

ence in Ann Arbor, Michigan, where Filthy had endeared himself to me at the debate between Ed Clark and socialist Barry Commoner by providing incidental music on his melodica, a strange lung-powered keyboard device. Awaiting the debaters, Filthy played a *sotto voce* version of "Send in the Clowns," and when Commoner walked onstage Filthy greeted him with an uptempo "Darth Vader's Theme."

We found Filthy in the lobby of the Hyatt surrounded by a small group of his fans, regaling his audience with anecdotes and a quick wit. I invited him to write something for *Liberty* about the science fiction convention. He politely refused, but did offer me one anecdote. "Conventions have changed. Yesterday when Timothy Leary registered here, they asked him for identification. That wouldn't have happened 25 years ago." Those disappointed at the lack of Libertarian weirdness might do better to visit science fiction conventions, where the lobby was enlivened with people wearing bizarre costumes.

Determined to use the evening ferreting out rumors, I resolved to spend time in the hospitality suites of the LP con. I found them on the 46th floor of the Marriott, where both candidates had suites from which they dispensed booze and political buttons. Free booze is always a major attractant, and delegates and other revelers filled both suites, to the point where the air conditioning system was overtaxed.

Painfully sincere partisans collared delegates who failed to display political buttons, most of whom seemed to glory in the attention. In the Boddie suite, a delegate inclined to Boddie complained to his campaign manager about Boddie's "negative" campaigning. The campaign manager got hot under the collar and began to berate the delegate. After a minute or two, the delegate turned to leave the room, saying, "I don't have to stand here and listen to this abuse," whereupon the campaign manager followed him down the hall shouting insults.

At about 10 p.m. at the Boddie suite an announcement was made that there would be a debate at 12:15, to which only delegates were invited. There would be no cameras from C-Span and no members of the press, so this would be a genuinely "no-holds-barred" debate. Naturally, my interest is drawn to any event from which I am barred, so I resolved to attend the debate.

But first, I decided to attend the Gay Caucus. It wasn't nearly as lively as the hospitality suites, but it also had its moment of high comedy, when an earnest operative of Dick Boddie squirmed in a very amusing fashion when asked to explain why his hero had denounced "faggots" to an Oregon newspaper, copies of which the Marrou campaign had thoughtfully provided to the Gay Caucus.

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The witching hour swept near, and I returned to the exhibit area where the debate was scheduled. When I arrived, Dick Boddie was already there, sitting on a sofa, as a very loud man standing on the sofa explained that we were here "in order to air certain things, certain

Libertarian Politics?!?

I never *really* realized how bad government could be until I watched libertarians try to join it. I'm not sure which candidate, Richard Boddie or Andre Marrou, was the better libertarian, but both are indisputably presidential timber. That's not a compliment.

What's there to say in retrospect, looking back on the presidential nominating convention, except that it might be best to chuck it all and vote for Donald Duck? It's not that either candidate is a bad man, though neither seems a paragon of virtue, either. From my limited interaction with both, each seemed genuinely committed to libertarian ideals. But both of them clearly wanted the presidential nomination badly enough to trade libertarianism for politicianism as soon as the going got tough.

Visiting the Boddie hospitality suite was like walking into a cross between a revival and a late-night infomercial, as freethinking libertarian after freethinking libertarian gave testimony to the power of "Dick," the man who showed them the libertarian light. Boddie himself was nowhere to be seen most of the time; instead, a guy named Jerry was serving as master of ceremonies, reading letters from fervent Boddie-ites who couldn't make it to The Big Event and inviting members of the Boddie clan up to speak about The Candidate. Most of the people there seemed like decent folk, but there was something odd about them, a glint of maniacal devotion in their eyes. Talk to them about Boddie's weaknesses and they immediately grew defensive; quiet, rational discussion became impossible. A couple of days later, when Boddie announced that the immediate abolition of the income tax would cause an "economic collapse," one of them explained that this was really "sarcasm." *Don't worry*, was the consensus. *Put your trust in "Dick."*

The Marrou hospitality suite, on the other hand, felt like the last remnants of a party trying to figure out how to get home at five a.m. Marrou wasn't there. Neither, one could not help but suspect, was anyone else, although it did *appear* as though there were people moving around. Intelligent, rational discussion was possible here, only there was little point to engaging in it. If the most troubling thing about Boddie was his fanatical supporters, then the most troubling thing about Marrou was his supporters' utter refusal to engage in even the most polite fanaticism. The strongest arguments heard for Marrou were that he had paid his dues and usually knew what he was talking about—good qualities, to be sure, but hardly sufficient for a standard-bearer.

It would have been nice if some of the libertarian pagans at the convention had alchemically united Boddie's speaking ability and Marrou's track record. But they didn't, and the convention wound up nominating Marrou, after a campaign so filled with deals, dirty tricks, mudslinging, broken promises, and politics in general that I was almost certain, as I rode home Monday afternoon, that I would not vote this year. Libertarian conventions are fun—the panels, speeches, exhibits, and general conversation were all worth the trip—but Libertarian politics is just as repulsive as every other kind. What, really, was the point of all this? It's not like we ever stood a chance of winning on any large scale—and, even if we did, it probably wouldn't do much good. After all, when was the last time a government voted itself out of existence?

Three days later, the central government of the USSR did just that, leaving me as confused as ever. —*Jesse Walker*

differences perhaps . . . maybe it's not appropriate that we hear them in public. I mean, every organization, every family, has their own dirty laundry perhaps, things that have to be hashed out," repeating that this debate was for delegates to be able to ask questions without C-Span's cameras or reporters snooping around. Naturally, this announcement stimulated my interest. No attempt was made to bar me or several other reporters wearing highly-visible press badges. And someone was openly videotaping the proceedings.

After explaining the rules, the moderator told the crowd of about a hundred that Marrou had declined to attend and that Boddie would be the only debater. Dave Raaflaub of Michigan pressed his way to the front and explained that he had thrown his hat in the ring, and was given a seat on the sofa.

Despite the protestations of the organizers, it quickly became evident that the event was more a Boddie rally than a debate. The first question was: how can the LP attract more minorities? Boddie responded:

There would be no cameras and no members of the press, so this would be a genuinely "no-holds-barred" debate. Naturally my interest is drawn to any event from which I am barred.

Okay. I think the question simply is, how do we go into the next realm of humanity out there who does not look white male conservative. Sometimes when I'm speaking, rational, arrogant, other times, somewhat offensive to most minorities. I'm not accusing anyone here of anything, but I'm saying it's fairly obvious from your rational mind that there's something going on that equates to what Jerry has just related.

I think the way we can get those groups, I was just on WBO something radio talk show a black talk station show within the hour, if those people see we are not as cut and dried as they perceive us to be, they will then take the step and come forward. Not only will I stand forward in this movement as a libertarian, but I will also say I am seeking other support outside of this route. I think it's imperative that we affect Hispanic people, that we affect Native American people, that we affect African American people. How do we get it? Make me the candidate, friends, and I'll show you how we get it. Basically its done through a thing called, a little bit of ability to communicate and a hell of a lot of ability to care about what you're communicating. I happen to believe that most Americans are libertarian. They're just in the process of discovering it, and I think I can help them discover it. That's how it works.

The crowd responded with tumultuous applause.

The crowd wasn't the only partisan element. So was the moderator, who at one point jumped in and answered a question for Boddie.

But Boddie did have to face tough questions. Shortly into the debate, the following dialogue took place:

Questioner: You said on TV that you would phase out the IRS, phase out the income tax. Does that mean that people who didn't pay their income tax between the time that you are elected and the time that the income tax actually disappeared that you'd be putting people in jail or threatening them with jail if they didn't pay their taxes in the interim? Or is it not true what you said on TV?

Boddie: None of the Above.

Questioner: Or was this not true what you said?

Boddie: Okay. Listen up. You're attempting to show that I'm a hypocrite. [Laughter from audience.]

Boddie staffer: No. I know this guy. He's asking an honest question . . .

Boddie: I talked about gradual income tax today for the first time on that dais in that debate. None of you have ever heard those words come out of my mouth ever before that. Now let me tell you why I did it. There are more people watching that debate in this party than who have ever watched anything we have ever done in the history of this movement. And I, coming from Ries and Trout positioning book—read it sometime—said, if Andre is going to get you guys to say, yea taxation is bad, and do away with the IRS, then you get the big cheers. I can get cheers, but I was going to be Dick Boddie erudite this time. My position was simply not a contradiction, but it was ten million people watching this rational black guy . . .

[Much cheering]

A bit later, Boddie responded with a lexicographic note when asked whether he would continue to use the word "faggot" in his public statements:

Boddie: Yes! New information, gentlemen. In the black community, the word faggot does not refer to homosexuality. It is twofold. One of the definitions is a negative regarding homosexuality. And the other is a black expression regarding somebody you don't like. [audience laughs] It has nothing to do with sexual preference... I'll say the "Big N" too sometime!

From the audience: And not just referring to black people!

Boddie: You got that too, my man!

Raaflaub distributed a few leaflets, explained how he figured proportional representation would solve the world's problems, and was generally quite amiable. Relatively few questions were put to him. This was not surprising, since practically no one had any idea who he was. ("I'm an attorney, real estate broker, securities broker, pilot, licensed auto mechanic and a businessman, okay? And I've got a part time job delivering newspapers, for steady income. I've been active in the Libertarian Party since '85. I've run for the Michigan Supreme Court, the U.S. House of Representatives, the State Senate, the council, I led the Libertarian ticket in the mayor's race this last time, I've run for Ann Arbor board of education, and for the Board of Regents.") At the debate's end, he proclaimed that Boddie was a better candidate than he was. I suspect he didn't pick up many votes.

After the "debate," I asked Raaflaub why he had missed the real debate on the convention floor that afternoon. He was at a quick printer, he explained, typing up his campaign literature and waiting for it to be printed. The print shop had a poster of basketball superstar Michael Jordan, next to which the smiling Raaflaub had posed for his campaign photograph.

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Saturday morning, the abortion issue finally made it to the floor. The anti-abortionists proposed an amendment to the platform dropping all reference to abortion. The amendment was quickly tabled by a 2/3 vote. The abortion-is-murder crowd will have to wait another two years to try to move the Libertarian Party into the fever swamps of reaction.

I retired to the huckster room, where

conversation was lively and I continued my search for an LP delegate who believed that his party's candidate would receive less than a million votes in 1992. Around noon, I went to lunch at the hotel with a couple of friends, where we were entertained by the attempts of a pair of enormously fat libertarians to bankrupt the hotel by systematically devouring its all-you-can-eat buffet.

At the Gay Caucus, an earnest Boddie partisan squirmed in an amusing fashion when asked to explain why his hero had denounced "faggots" to an Oregon newspaper, copies of which the Marrou campaign had thoughtfully provided.

The main business of the convention was set for 2:00 p.m., and delegates were determined to begin on time, since the C-Span cameras would begin transmitting the proceeding to the nation at 2:09. Both major candidates used video in their nominating speeches, taking advantage of C-Span's presence. Marrou was nominated by Karl Hess, who was cheered lustily, before deferring to a videotaped collection of television spots which Marrou hopes to use in his campaign if he can only find the money. Boddie showed a video endorsement of his candidacy by 1984 LP nominee David Bergland. The longest and most passionate speech came from Dick Boddie's dad, a retired minister, who brought fire and brimstone to the convention. Alas, the power of his preaching was mitigated by his repeated references to the "Liberation" Party. Some among the Boddie camp tried to put a good face on this goof by explaining that he was only trying to illuminate the relationship between libertarianism and the black liberation movement. None-of-the-above was nominated by Bill Bradford, who was hissed roundly for suggesting that the announced candidates may not be the gifts from heaven portrayed by their campaigns.

A computer system had been installed to expedite balloting, but it was not used for the presidential race. The idea, apparently, was to heighten the theatricality for the benefit of C-Span. The final vote was Marrou 257, Boddie 187, none of the above 20, Raaflaub 6, others 12.

Marrou's margin of victory was substantial enough to frustrate attempts to identify any single factor that put him over the top. Nevertheless, I suspect the most important element in his campaign was the videotape he sent to all delegates in August. It began with a 14 minute advertisement for Marrou's nomination, which recalled the success of the Clark campaign in 1980 (still the LP's high-water mark) and promised to duplicate that success in 1992, while building the party and the movement. Next came four one-minute television commercials for Marrou, which were scheduled to run on local television in Chicago during the campaign, illustrating Marrou's commitment to television advertising. It concluded with a 10 minute feature on campus organizing, underscoring Marrou's commitment to that neglected market.

The videotape was skillfully produced and gave Marrou credibility and substance that the Boddie campaign could not convincingly claim. If any single factor was responsible for Marrou's nomination, it was this videotape.

Next up were the nominations for the Vice Presidential race. Going into the convention, there had been only one candidate, Mary Ruwart of Michigan. Ruwart had distinguished herself by advocating peace within the party and by getting some 79,126 votes running for the Michigan Board of Education. Marrou supported her candidacy, which didn't seem too surprising, since party activists had been talking about their romantic relationship for some time. But the word at the convention was that she and Marrou had broken up last spring and Marrou was now engaged to Norma Segal, a New York LP activist. One rumor floated around the convention that their "engagement" was a sham; according to another rumor, they planned to marry two days after the convention ended.

But Ruwart was not the only name entered in nomination. Dick Boddie, bloodied but not destroyed by his bid for the presidential nomination, threw his hat in the ring. So did Dr Nancy Lord, a physician and attorney from Washington, D.C. who had distinguished herself by getting 961 votes (0.6% of votes cast) in her race for mayor of Washington, D.C. in 1990.

Lacking the patience to sit through the tedium of all the nominating speeches, I retreated to the lobby and pressed my search for even one delegate who expected the LP presidential candidate would fall short of the million mark. I was attracted back into the convention hall by the sound of singing: the nominating speech for a fringe candidate took the form of a "folk" song! But the entertainment was short-lived and in a few minutes I again retreated to the lobby.

I was deep in interview when a friend rushed in. "Come back to the convention hall," he said. "Andre has just said we should nominate Ruwart on grounds that the other candidates are liars!" "Did he actually say liars?" I asked. "Well, no," he responded, "but he as much as said so." I rushed back into the convention hall, but Marrou had finished his talk. I asked several delegates just what Marrou had said. They agreed that my friend had got the gist of Marrou's remarks right, though none could remember exactly what he had said. All agreed that his speech had been insulting and that delegates had greeted it with hisses and boos. (Later I listened to a tape of Marrou's speech: "It is important that we have someone who delivers on their promises . . . I need someone on the ticket who has never broken her word with me." Here he was interrupted by loud booing from the delegates. "I ask you to endorse Mary Ruwart.")

"I'm an attorney, real estate broker, securities broker, pilot, licensed auto mechanic and businessman. And I've got a part time job delivering newspapers, for steady income."

It was again time to vote. This time, the tedious drama of the roll call was dispensed with. Chairpersons of the various state delegations entered their state's votes on the computer, and the secretary read the votes state by state. Boddie had finished first with 179, well short of the 221 needed for nomination. Ruwart had finished a strong second with 129 votes, Lord third with 98, with

35 votes for others.

At this point, party stalwart Don Ernsberger noted that the convention hall had to be set up for another meeting, and moved to recess until the following morning. The motion passed, and the multitudes disassembled. As I waited for my elevator, I was told that a veteran of the notorious "Crane Machine"* had persuaded Nancy Lord to drop from the race, destroying my last hope for a dramatic floor fight.

The big event that night was a banquet to be addressed by the presidential nominee and by Ron Paul, the party's 1988 presidential candidate. But I lacked the stomach for rubber chicken and fundraising. I escaped the hotel with the *Liberty* editors. What a relief it was to walk through the surf crashing against the shore and enjoy a good burger at a neighborhood joint.

Genuine hospitality is not to be found in hospitality suites, unless your idea of hospitality is beer, chips and obnoxious louts hollering at you about how you should vote.

We returned to the hotel to find it festooned with signs for hospitality suites, and with the vice presidential nomination wide open, I figured it would be an interesting night.

My past experience at LP Conventions suggests that genuine hospitality is not to be found at most hospitality suites, unless your idea of hospitality is beer, chips and obnoxious louts hollering at you about how you should vote. The Texas LP hospitality suite is usually an exception to this rule, so it was my first stop. Alas, it was as quiet as a morgue, and I began to yearn for hollering louts. There was a post-it note on the bar announcing that Tim Leary was at the Boddie suite. This sounded intriguing so I retreated to the elevators, where I ran into several other revelers who hoped to tune in with the 60s guru. We descended on the Boddie suite *en masse*, only to discover that its door was closed. A volunteer stuck his ear to the door and reported that he could hear people talking inside. Someone suggested we knock, but shyness suddenly overcame us. Someone pressed a doorbell. In a moment of mass hysteria, all of us ran down the hallway to the elevators. We were once again 7-year-olds, ringing doorbells and running away. Isolated in a hotel amidst hundreds of libertarians convinced they were about to take power in the United States, we had reverted to the fantasy world of childhood.

I returned to the huckster room, in which a hospitality suite for *Nomos* was advertised. Only a half dozen people were there, apparently frightened away by the announcement that the beer cost $5.00. Still seeking out delegates so I could get a sense of the convention, I headed toward the elevator. As I passed the lobby by the banquet hall, people were pouring out. The dancing had begun, and since as usual 90% of those in attendance were male, refugees were abundant. I struck up conversations with several, trying to get a feel for the upcoming Boddie-Ruwart showdown. It was a gaudy scene: besides the LPers in their Sunday best, there were tuxedo-clad celebrants at a meeting of the Arab-American Anti-Defamation League and a party of Nigerian-Americans in colorful African clothes.

I was interrupted by a friend telling me about a debate in the huckster room between Mary Ruwart, Nancy Lord and Dick Boddie. Nancy Lord? Yes, he said. She had changed her mind and decided to stay in the race.

Mary Ruwart was speaking to a crowd of perhaps a hundred or so. There was no public address system but there was a band playing loudly in the next room. Ruwart's rather quiet voice simply could not be heard above the racket. I asked a witness what the agenda was, and he said Boddie had already spoken and left. An anarchist punk struck up a conversation with me, and others around began to shush us, so we moved away from the debate. A few minutes later, I saw out of the corner of my eye that Nancy Lord was speaking. She was too far away to make out her words, but unlike Ruwart, she had one hell of a set of pipes, gesturing broadly as she shouted at the assembled multitude.

I spent the rest of the night boozing it up, talking to whomever came by. The conversation had relatively little to do with the business of the convention and consequently was quite interesting.

The next morning, I crawled down to the convention floor in time for the 10:30 call to order. The head of one state's delegation grabbed me and asked, "How can anybody vote for Boddie? He's a liar. First he said that he was going to run for the Senate if he didn't get the presidential nomination, then he runs for vice president instead. Then he promises to drop out of the race if Andre apologizes to him for calling him a liar, and Andre does apologize at the banquet. Then Boddie stays in the race." I walked out into the lobby where I was buttonholed by a Boddie supporter, offering to give me a scoop. She explained what happened the previous evening inside Boddie headquarters. Boddie had indeed agreed to withdraw if Marrou apologized and helped him raise funds at the banquet to pay off his campaign debt. And at the banquet, Andre had apologized, but didn't help Boddie raise funds. So all bets were off. This being the closest I had come to an inside story, I went back to the Boddie-hater. Of course Andre didn't help Boddie raise funds, she said, because Boddie had already changed his mind about dropping out. A well-known activist and writer beckoned me. He too had a scoop. He had heard—from a reliable source (he couldn't tell me who, because he had promised to keep his source confidential)—that Marrou's engagement was a sham and that Marrou and Ruwart were still sweethearts. Who is the source? I pressed. Well, it's someone who knows someone high up in the Marrou camp, he said.

The delegates cast their votes and the secretary read the totals: Lord 179, Boddie 161, Ruwart 64, others 16. Ruwart dropped out. The secretary called for another ballot: Lord 223, Boddie 185, others 9. Nancy Lord was the nominee.

I had already been advised by everyone that there would be no contests in the elections of party officials. The convention was, for practical purposes, over. So I went to my room and packed.

There was a panel discussion "The Sixties to the Nineties" scheduled for 3:00 p.m. in the convention hall. It fea-

continued on page 44

* The "Crane Machine" was a political organization headed by Ed Crane that ran the Libertarian Party from roughly 1977 to 1983, at the time the LP had its greatest success. After losing control of the LP at the 1983 national convention, the Crane Machine walked out of the party *en masse*.

Vice Presidential Realpolitiks

How the deals were made and how they came apart.

It was plain to everyone on the floor of the convention that some deals were cut during the vice presidential race. Everyone heard rumors, but most had only a glimmer of what was happening. I have since interviewed several of the individuals involved in the deal-making. Most spoke freely, some on the condition that I not quote them directly. Others refused to speak at all. This account has been pieced together from those interviews.

When the convention recessed on Saturday evening, the vice presidential race was up for grabs. Mary Ruwart, the choice of presidential nominee Andre Marrou, had received only 129 votes, 92 votes short of what she needed to win the nomination. Dick Boddie had finished first with 179 votes, and the nomination appeared to be within striking distance for him. Nancy Lord, who had finished third with 99 votes, went to Boddie's suite, intending to withdraw and throw her support to Boddie. Boddie wasn't there, but Ed Clark was. He was very unhappy to hear that she planned to withdraw, and told her so. He convinced her to stay in the race.

Jimmy Blake, an activist from Alabama who had supported Marrou on the first ballot but who remained on excellent terms with Boddie, tried and failed to convince Marrou that Boddie would make a good running mate. Hoping for peace in the party, he went back to Boddie and tried to convince him to withdraw. Boddie explained that for him it was an economic decision: his campaign was in debt and he had a massive hotel bill. Blake suggested that he might be able to raise that amount on a confidential basis.

Blake talked to David Nolan and Ed Clark and a few others, and they figured they could come up with the money. Shortly before the banquet started, Nolan, Clark and Blake asked Boddie to meet with them without any of his advisors. He agreed. Boddie told them that he was upset at Marrou's suggesting to the convention that Boddie was a liar, but mostly he was concerned about his campaign debt. "The issue came down to how much were they going to guarantee me to drop out. The banquet was on while this negotiation was taking place. I teach negotiation so I was watching this thing kinesthetically, as if I were watching a scenario. They were under pressure of time, so we had to get the deal done quickly, because we didn't know whether Andre would apologize." Boddie was tired and isolated from this staff, and he made a decision about which he almost immediately had second thoughts: he agreed to take the deal. Andre would apologize, Boddie would withdraw, Nolan, Clark and Blake promised that they would see that Boddie's $5000 hotel bill was covered, and do a fundraiser on Boddie's behalf. "So the deal was made," Boddie explained. "We shook hands on it," one of the others told me.

Nolan, Clark, and Blake left. Clark went to talk to Andre about an apology and Boddie met with supporters. He explained the deal to them. They were unhappy, and Boddie himself already felt some misgivings. "I went and talked to my people, and they said, 'If you had the money to pay for all the bills, what would you want to do?' I said, 'I want to be Vice President.' They said, 'Well go for it.' So the deal was off. I reneged. It pissed off a few people."

Boddie went to the banquet. "But I didn't come down to concede," he says. Ed Clark came over and asked him whether it was true that Boddie had backed out on the deal. Clark was visibly upset by Boddie's decision ("I never saw Ed lose it like that," Boddie said), but there was nothing that could be done. Boddie made an attempt to raise some funds. "I came down to grab the mike, and [Michael] Emerling [Marrou's campaign manager] never let us on. So we passed out our fundraising things to all the people and went back to our room."

By this time, word had already spread among delegates that Boddie had withdrawn, and Lord's campaign had taken off. Plainly delegates were unhappy with Mary Ruwart, despite the strong support she received from the presidential nominee. Or perhaps I should say "because of" the strong support for her by Marrou. Certainly Marrou's intemperate endorsement of Ruwart before the assembled convention annoyed many delegates, who did not care for his suggestion that the other candidates were liars. And many delegates were wary of Marrou having his ex-girlfriend as his running mate.

But Ruwart's problems ran deeper. At a luncheon talk on Saturday, she spoke very positively about her mother's near-death experience and made remarks sympathetic to New Age mysticism. Most LP activists have little tolerance for anything smacking of mysticism, thanks to the influence on them of arch-atheist Ayn Rand.

Another factor no doubt was Nancy Lord's strong support from Ed Clark, who argued that Lord's articulateness and credentials—she holds doctorates in medicine and law—made her an extremely attractive candidate. Clark is respected for his wise counsel and unflagging support over the years and for his energetic and extremely effective candidacy for the presidency in 1980.

Late Saturday night, Marrou made a last-ditch effort to get the nomination for Ruwart. About midnight, he called a member of the Boddie team up to his suite. "He said that he wanted Lord and Boddie out," he told me. "If Boddie wouldn't drop out, Marrou said he would 'fuck Dick Boddie' . . . It wasn't an emotional outburst, it was a very calculated thing."

Marrou fared no better in an attempt to get Lord to drop out of the race. He called in a key Lord supporter (and one who had supported Marrou on the presidential ballot) and asked him to convince Lord to drop out. In very colorful language, the supporter told Marrou that even if he wanted to, he couldn't convince Lord to quit the race, and made it very plain that he thought Marrou was acting like a fool.

The next morning Lord was nominated. Boddie had come very close to winning the nomination: if Lord hadn't changed her mind about dropping out and endorsing Boddie, he probably would be Marrou's running mate. Instead, he left the convention with no nomination, a big campaign debt, and none of the cash promised by Clark, Nolan and Blake. "They came up with the *promise* of the money," Boddie explained. "That's very important. Had they had the money there, I'd have probably bit." —*CAA*

"My Kind of Town," *continued from page 44*

tured guru Timothy Leary, novelists Robert Anton Wilson and Robert Shea, and former SDS leader Carl Oglesby. This was not officially part of the convention, and there was a separate admission charge of $10, all of which was to go to the LP.

It was a bizarre event. A convention official announced that there would be no public address system, and convention people proceeded to tear down the tables and chairs in the hall, apparently trying to make as much noise as possible. One even removed his walkie-talkie and turned its volume up full blast (and I do mean *blast*) so he could hear it as he tore down tables. The racket was so loud that it was virtually impossible to hear the speakers. Party officials were happy to take everyone's $10, but otherwise were as rude and unpleasant as possible. After 15 minutes, I gave up on the panel and made my way to the airport.

"Come back to the convention hall," he said. "Andre has has just denounced Nancy Lord and Dick Boddie as liars!"

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For Dick Boddie, the highlight of the convention was his meeting Muhammad Ali, who was at the hotel autographing books. Ali had seen Boddie's posters and asked to see Boddie. Boddie entertained the former champion with impersonations of Howard Cosell and of Ali himself. Ali laughed and said, "You're one of them pretty niggers, like me." Ali autographed one of Boddie's posters, which now hangs on the wall of Boddie's office.

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The next night, I caught Marrou on the *MacNeil-Lehrer News Hour*. He made only a couple minor gaffes (contrary to his statements, Abe Lincoln did not have a beard when elected president in 1860, and the first national law against marijuana was passed in 1937, not 1934.) But he articulated a radical program in an dignified manner. He confounded Roger Mudd, who apparently had never encountered anyone who thought government might not be the solution to every problem.

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It has been said that one oughtn't inquire too closely into the manufacture of laws and of sausages. The same may be said of political conventions. Political conventions don't bring out the best of a party. They tend to be run by those who enjoy the in-fighting, manipulation and other machinations that constitute politics.

The delegates at major party political conventions tend to be political hacks pursuing power and position, so they are inclined to vote as they are told. The LP has no power to dispense and very few positions to fill. So the rank-and-file delegates at LP conventions tend to be far more independent than those at major parties' conventions.

At an LP convention, the delegates make the final choice. The delegates at Chicago had a lot of fun, got a little giddy at times, and got worked up over obscure points of libertarian theory. But they also showed remarkable maturity and judgment. They elected good people to their party's offices and nominated a ticket that is probably the most attractive available to them.

Yet in the final analysis, what happens at LP conventions isn't what the Libertarian Party is about. The party is an enterprise that sells liberty to ordinary citizens. It moves libertarian ideas from the philosophic salon and the academy to the community. The party is people talking to their neighbors and co-workers and going through their neighborhood door-to-door talking to strangers about notions that most of them don't like. The party is people is writing letters-to-the-editor, and running for office and being branded a nut.

The party is a lot of people doing a lot of thankless work. Progress is slow. As anyone who has canvassed his neighborhood knows, rejection is frequent. But this is vital work, real work, work far more important than convening in Chicago to decide whose name appears at the top of the ballot. □

Ron Paul Runs Again?

According to reports in the Sept 17 editions Washington *Post* and Washington *Times*, Ron Paul is considering challenging George Bush in the Republican primaries next year. In an interview, Paul told me that if he ran he would stick to a single issue: Bush's tax increase. The idea, he said, was to provide a means for disgruntled anti-tax Republicans to protest against Bush.

Newly-elected Libertarian Party chair Mary Gingell issued a press release taking advantage of Paul's trial balloon to plug LP nominee Andre Marrou and to criticize Bush. But most Libertarian Party leaders were unhappy with the proposal. One prominent LP leader told me that the move would be very harmful to the LP and its candidate, Andre Marrou, and said he had privately encouraged Paul not to run. Other LP leaders expressed similar misgivings, although one leader told me she thought it was a good idea.

It is difficult to estimate whether a Paul candidacy would advance liberty or not. Certainly, a sizable protest vote against Bush would be a good thing, as would any publicity for libertarian ideas generated by a Paul campaign. If Paul did well, the Bush forces would certainly denounce Paul's activities as a Libertarian, which would help publicize the LP. But it is likely that the Paul challenge would get nowhere, vitiating libertarian energy and resources in the process.

All this is probably academic: Paul expects to make a decision in mid-October, and in my judgment, the odds are he won't run. He decided against another LP bid for personal reasons, and I think those same reasons will prevail on any bid for the Republican nomination.

The report in the *Times*, by the way, reported that Paul "sat out the Libertarian nominating convention this time around, since the party has fallen into the hands of radical hippies." This detail, provided to the *Times* by Lew Rockwell, is false: Paul attended the Libertarian convention, spoke at its closing banquet, and told a television interviewer that "1992 is a great year for Libertarians, not only because liberty is a great message, but because the Republicans and Democrats have messed up the country so badly. We Libertarians are going to get a tremendous vote."

—*CAA*

Analysis

Economics and Ecology: Sophisticated and Vulgar

by R. W. Bradford

Economics and ecology are very much alike, and very different. Both sciences infiltrates popular culture, and vice versa. For good *and* ill.

It used to be that economics was the "dismal science," reminding us of the limits to progress, prophesying disaster. Now it is ecology that is dismal, for it is ecology that warns us that calamity lies around every corner.

What follows is an analysis of the similarities and contrasts between economic and ecologic thinking at both the sophisticated and vulgar level.* Economic and ecologic issues are very much in the political arena virtually everywhere in the Western world, so economic and ecologic thinking often focuses on policy recommendations. Consequently, it will seem, from time to time, that I am ignoring the very important distinction between the positive and the normative. In anticipation of this objection I offer an excuse. I am analyzing the ideas positively, but when I discuss policy implications I usually am commenting on the internal logic of the complex positions that have ethical components. To the extent that I assume a definition of the good, I use a common, widely agreed-upon, and rather sparse definition, something like, "it is generally better for humans to be happy and prosperous than for them to be unhappy and poor." I fully appreciate the problem of the relationship between the positive and the normative. But that is beyond the scope of this article.

The Evolution of the Terms

Both economics and ecology are evolutionary sciences. It seems appropriate, then, to begin with a short discussion of their linguistic ontogeny.

The first usage of the term *economy* cited in *The Oxford English Dictionary* dates from 1530: "The Doctrynal Principlis and Proverbys Yconomie, or Howsolde Keepyng." *Economy* entered the language from the Latin *œconomia,* an ecclesiastical term for management of the church. The Latin word had its origin in two Greek words: *oikos,* meaning household; and *nomos,* meaning order: it originally meant something like "household management." This meaning survives today in phrases like "home economics" and the adjective "economical."

The use of the term *economics* as the study of the production and distribution of wealth was an indirect result of the rise of liberal social thinking. The subtle and gradual transformation of the meaning of *economy* from "household management" to "management of the production and distribution of wealth" grew by analogy out of the rise of nationalism and mercantilism. As liberal thinking supplanted nationalist and mercantilist thinking in the seventeenth century, *political economy* gradually came to refer to the study of how the system of production and distribution of wealth functions, without any implication of management. By the 19th century, to be an *economist* carried a strong implication of being an advocate of *laissez faire*. Indeed, a phrase like "socialist economist" or "Marxist economist" was often seen as a contradiction. During the past century or so, the term *economics* supplanted *political economy* and economists became much less wedded to *laissez faire.*

The term ecology has been with us for a much shorter time. The *OED* places its first use in an 1873 translation of Ernst Haeckel's *History of Creation,* "The great series of phenomenon of comparative anatomy and ontogeny . . . chorology and ecology." Haeckel was the most influential proponent of evolution on the Continent during the later 19th century; he is best remembered for his now-discredited "phylogeny fol-

* By *vulgar,* I mean economic or ecologic thinking as engaged in by the man-on-the-street; I do not refer to the idea of "vulgar economics" as developed by Marx.

lows ontogeny" maxim. Haeckel coined the term from *oikos*, the same Greek root from which we get *economy*, and *logos*. I suspect he chose his roots to suggest an analogy between the social world and the biological world, between *economy* and *ecology*. The entry in the *OED* (1902), written shortly after the word first gained currency, defines *ecology* as "the science of the economy of plants and animals . . ."

The Similarity Between the Sciences

Economics and *ecology* share more than etymology. The economist—or at any rate, the classical liberal economist*—and the ecologist see something very similar when they look at the object of their studies. They see a system composed of interacting organisms: for the economist, the system consists of all human beings; for the ecologist, the system consists of all living things. Just as the economic system regulates itself by feedback loops (e.g., the price "mechanism"), the ecologic system regulates itself by feedback loops (e.g., natural selection). The systems that both see are evolving, ever-changing: the economic system evolves as human beings invent new technologies and develop new forms of social organizations and institutions; the ecologic system changes as the physical environment changes and the species mutate and evolve.

The economist and the ecologist see something very similar when they look at the object of their studies. They see a system composed of interacting organisms: for the economist, the system consists of all human beings; for the ecologist, the system consists of all living things.

Both these systems seem to function splendidly without any of the organisms that constitute them having either understanding or appreciation of the systems in which they function. Just as humans developed most of the institutions of the modern economy before the science of economics existed, the ecosystem has survived billions of years without anyone understanding it.

Both the economy and ecosystem are equilibrating systems. Indeed, they are as much *processes* as they are *systems*. Both the economic process and the ecologic process are evolutionary in nature: the living things that constitute the ecosystem are constantly changing, as are the institutions and tools of the humans that constitute the economy. The evolution of neither has been linear. Just as the economy of Western Europe devolved during the millenium from 200 A.D. to 1200 A.D., so the ecosystem devolved with the radical changes during the Cretaceous period. Periods of rapid and major disequilibration occasionally interrupted periods of relatively stable equilibration.

Just as the liberal economist sees the intervention of force in the economy as generally harmful and potentially disastrous, so the ecologist tends to see man's intervention in nature as generally harmful and potentially disastrous. Many economists and ecologists are inclined, it seems to me, to underestimate the robustness of the system they study: just as the economist is liable to see potential disaster in any interference with the free exchange of goods, so the ecologist is liable to see disaster in any interference by man with the natural order. The economist who foresees calamity in the enactment of, say, minimum wage laws is perceived—with good reason—as an alarmist when no disasters follow, though he can identify harmful consequences of the measure. † Similarly, the ecologist who predicts calamity if, say, a certain dam is built, is perceived as an alarmist when no disaster follows, though he can identify negative consequences of the act.

That the economy and the ecosystem are extremely robust should be apparent. The economy has survived and progressed through human history and pre-history, despite the omnipresence of interference with trade by government and brigands and the persistence of wars. The ecology has survived despite cataclysms of such magnitude that we have difficulty imagining them: the rise, fall and drift of continents, the crashing to earth of huge meteorites—not to mention such "minor"events as ice ages, volcanic eruptions, and earthquakes.

Part of the reason that economists and ecologists tend to see any intervention, no matter how small, as potentially disastrous is that their deep appreciation and understanding of the way the system works take on an esthetic character. The elegance and beauty of the free market are disturbed when, say, governments enact restrictions on imports, just as the elegance and beauty of the ecosystem are disturbed when a forest is cleared and crops are planted.

I suspect the tendency to overestimate the fragility of the economy and ecosystem is the result of the inclination to think of the systems as if they were the discrete systems with which we are most familiar: man-made machines, which are fragile indeed: a tiny speck of sand in the fuel system of a gasoline engine can have a disastrous impact on the performance of an elaborate and sophisticated automobile. This inclination is understandable. Machines are everywhere at hand; they fascinate us and are relatively easy to understand. Show me a small boy who is not fascinated by the workings of a clock, and I'll show you a dull boy.

By their very nature, machines are different from the ecosystem or the economy. In comparison to the ecosystem or the economy, machines are absurdly simple mechanisms consisting of a relatively small number of specially designed components each essential to the operation of the machine. Machines are designed by individual people to achieve a single purpose or a few purposes. It is not surprising that a machine fails when exogenous matter enters it and interferes with the operation of a component or two, or when an external force breaks a part.

The economy and ecosystem, on the other hand, are non-teleological, evolutionary systems that nevertheless con-

* Henceforth in this article, when I use the when I use the word *liberal* I mean classical liberal or "libertarian," and when I use the term *economist* or *economists* I am refering to classical liberal economists.

† I do not suggest that minimum wage laws are harmless, only that they are not necessarily calamitous.

sist of huge numbers of teleological components. When exogenous matter enters them or they are subject to external force, their components (living things in the ecosystem, humans in the economy) react, adjust, try to accommodate themselves to the change. Some components may be destroyed or damaged, and this may change the character of the system, but the system itself survives and continues to function. The system is destroyed only when the shock is extremely great: an epidemic that kills everyone; a collision of an asteroid into the earth.

Economists have defined harmful intervention in a way that is both simple and elegant. But ecologists have failed to articulate any comparable simple, unambiguous principle for identifying harmful environmental intervention.

The Tension Between the Sciences

For all their similarity, there is a tremendous tension between liberal economics and ecology. There are two reasons for this tension. First, liberal economists have "solved" the problem of defining intervention, but ecologists have not.

For the liberal economist, only certain kinds of human action constitute intervention of the sort that is generally harmful and potentially dangerous: those that interfere with voluntary human interaction. The rationale goes something like this: in an uncoerced social action, all parties have an *ex ante* increase in utility; in a coerced action, at least one party has an *ex ante* decrease in utility. This elementary fact, in combination with the observation that both individuals and the commonweal tend to prosper in a system in which force is minimized and limited largely to the suppression of criminal (i.e. force-initiating) acts, leads to a reasonably clear and unambiguous definition of those interventions that are generally harmful and potentially dangerous: those acts in which one individual or combination of individuals initiates the use of force.

This definition of harmful intervention is both simple and elegant. It provides a rule of thumb, a line of thinking, that can be applied to a whole array of policies and situations, giving unambiguous answers. This is very pleasing to the liberal economist. I sometimes think that the beauty of this logic and the elegance of the social system it implies account for the primary appeal of liberal thinking.

Except for one school of ecologic thinking, ecologists have not articulated such a simple and elegant principle for identifying interventions that are generally harmful and potentially disastrous. All around us, we observe examples of harmful intervention, and we can imagine far more catastrophic examples. The massive detonation of nuclear devices would certainly qualify as intervention that is calamitous on a global scale. It also seems disastrous when humans radically change the topography of the land, interfering with the natural system that keeps rivers from washing away the biologically active topsoil; or when they clear tropical rain forests, destroying a complicated ecosystem that is home to millions of species, many practically unknown to man. The introduction of the rabbit to Australia seems in retrospect a disaster: it displaced many unique species that had evolved in the splendid isolation of Australia and created a huge problem for the people that live there.

But carrying this sort of thinking to its logical conclusion seems to take one to some very peculiar places. If cultivating the land leads to ecologic disasters in the tropical rain forest, why doesn't it lead to disaster in the temperate plains of the American midwest? Or does it? Perhaps the most important differences between the "despoliation" of the temperate rain forest of the Pacific Northwest and sod-busting in Iowa are that the sod-busting wrought more subtle changes and happened a century and a half ago so we no longer observe the "disastrous" changes it caused.

If introducing the rabbit to Australia is an anthropogenic ecological disaster, then what about introducing cattle to the American West? What about the domestication of cattle and other animals? What about introducing *Homo sapiens* to America? Or to Europe or Asia?

The problem with that line of thought is that it seems to suggest that all human activity is harmful and potentially disastrous. It seems to imply that human civilization—and even pre-civilization—was an ecological disaster. The domestication of animals and cultivation of plants were interventions in the natural order of things; so, indeed, was the hunting of animals and gathering of plants.

This sort of thinking—its advocates usually call it "deep ecology"—provides a simple and elegant criterion for determining whether an act constitutes intervention of the sort that is generally harmful and potentially dangerous. But it also has problems that make it unacceptable to most ecologists. And, indeed, to most human beings.

To follow the ethical imperative of deep ecology is virtually to dispense with civilization, to reduce human population to a fraction of its current level, and to reduce the standard of living of those who survive (or are allowed to survive) to an extremely primitive level. Deep ecologists are well aware of this. I recall hearing a prominent deep ecologist argue that it would be wrong to interfere with a rat that is attacking his baby. One of the most popular slogans among members of EarthFirst!, the largest deep ecologist organization, is "Back to the Pleistocene!"

Just as some ecologists (e.g. deep ecologists) are convinced that human society inherently tends to destroy the ecosystem, some economists (e.g. Murray Rothbard) believe that any sort of ecologic concern is a smokescreen for increasing state power, thereby destroying the natural order of the free market.

There are other problems with this line of thought. It is peculiar, to say the least, to begin an inquiry with the observation that *Homo sapiens* is simply a part of nature—distinguished from other species, perhaps, by its superior intelligence, but only in matter of de-

gree—and proceed to conclude that the human must be set apart from nature. Humans, and only humans, are denied the right to pursue their own self-interest. No one ever told the tiger that it couldn't migrate across Africa, or the seagull that it couldn't fly to new land

If introducing the rabbit to Australia is an anthropogenic ecological disaster, then what about introducing cattle to the American west? What about the domestication of cattle and other animals? What about introducing Homo sapiens *to America? Or to Europe or Asia?*

or the apple that it could not drop its fruit where it would be eaten by a herbivore, carried to a new location and planted in a pile of excrement. This brings to mind another of the tensions—one is tempted to say contradictions—within this sort of thinking: at the same time the deep ecologist elevates man to a pedestal as a unique moral force in the universe, he denies him the right to base his ethics on his own prosperity or the preservation of his own life, or the prosperity of his progeny or fellows. Curious.

Furthermore, this view seems to suggest that nature is a static system, a mechanism,* rather than an evolving system. Although we may prefer a mechanistic, static system—it seems more comfortable than an ever-changing system—the evidence seems overwhelming that nature is constantly evolving.

The fact that ecological thinking seems to lead to such counter-intuitive ethical imperatives is problematic. How it will be resolved I do not know, but I am happy to speculate. As I see it, there are three possible resolutions:

1. Ecological thinkers may develop a definition of intervention that does not include all human action, just as economic thinkers have developed a definition of intervention that is a small subset of human action.

2. Ecological thinking may be rejected for its inability to provide such a criterion.

3. The "Back-to-Pleistocene" thinking may prevail.

My own guess is that the first resolution will occur. Partly, I arrive at this speculative conclusion because the other two options are so silly. Ecologic harm and disaster do occur; the inability of ecologic thinkers to provide consistent criteria for distinguishing between ecologically disastrous human action and ecologically benign human action does not change that fact. Simply identifying man as a part of nature, thereby justifying any action whatever is no solution at all.

Neither is the deep ecological answer. "Back to Pleistocene" may make a flashy bumpersticker and be intellectually satisfying to a few individuals, but it is unlikely that very many people will support a program that would eliminate almost all human beings and greatly reduce the standard of living of the survivors.

So I think ecologists have strong incentives to develop criteria for distinguishing between "bad" intervention and "good" intervention, though perhaps not in the relatively simple and elegant fashion that the liberal economists have done. In fact, the criteria may be quite complicated, involving investigation of the consequences of specific actions or categories of actions. There may be no simple and elegant rule of thumb of the sort liberal economists use to identify harmful economic interventions.

Still, this may not be all that different from the solution posed by the liberal economist. The proscription of force-initiation seems simple and elegant on first examination, but on reflection it is much more complex. It is plainly initiation of force if I shoot you with a gun or hit you with a rock. But what if I hit you with a sponge? It is plainly trespass if I graze my sheep in your front lawn. But what if my little girl chases a butterfly into your yard? It is plainly assault if I spray you with poison gas. But what if I exhale on you?

It seems to me that the development of criteria to identify harmful ecologic intervention will necessarily take man down from the strange pedestal on which the ecologists tend to place him. And it will recognize that any attempt to develop a standard of value other than human life is just plain silly. In fact, acceptance of this last notion may go a long way toward providing the criteria we are seeking. If we adopt moral criteria that are anthropocentric (as I think we must), then distinguishing between actions that ought to be prohibited on environmental grounds from those that ought not is a simpler task: actions that do real harm to people or to their animals or plants should be prohibited; other actions should not. (Of course, the Lockean property rights model of animals as domesticated property must be revised to include wild and free-ranging animals.)

The second source of tension between the economist and the ecologist is the suspicion that the economy and the ecosystem (or society and nature) may not be able to equilibrate. Some ecologists (e.g. deep ecologists) are convinced that human society inherently tends to destroy the ecosystem. Similarly, some liberal economists (e.g. Murray Rothbard) believe that any sort of ecologic concern is a smokescreen for increasing state power, thereby destroying the natural order of the free market. It is noteworthy that both the deep ecologists and Rothbardians are also the most appreciative of the simplicity and elegance of categorical imperatives. But the recognition of the complexity of real-world ethics does not really dispense with the problem: it remains within the realm of possibility that civilization is inimical to nature. The evidence for this seems pretty slim to me. After all, humans have survived within the ecosystem since time immemorial. While there are certainly specimens of ecologic degradation in the world today, I see no evidence that the ecosystem is terminally ill.

What's more, I don't see why the liberal economist would object to proscription of actions that do substantial ecological damage. Ecological damage does real harm to people, and real harm is actionable within the liberal legal tradition. Of course, there remains a vast amount of ecologic research that must be done to determine whether real harm has occurred or will occur, partic-

* "Plants, microorganisms, and animals (including people) . . . [are] parts of a vast complex of natural *machinery*" (emphasis in original), Paul Ehrlich, *The Machinery of Nature* (New York: Simon & Schuster, 1986), p. 13.

ularly on global issues like the greenhouse effect. Solutions to such problems may be difficult and complex, but not impossible.

Vulgar Notions

The man on the street, in contrast, looks at the economy and ecosystem and sees something very different. Where the economist or biologist sees a self-regulated, super-organic system, the man on the street sees a system that will likely self-destruct unless collective action is taken. In a curious way, the man in the street's views of the economy and the ecosystem are the inverse of the economists' and ecologists' views of those same phenomena. When the average citizen looks at the economy or the ecosystem he doesn't see order at all. He sees chaos.

In the vulgar view, the economy will run amok if left unregulated by the state. Without anti-trust legislation, huge monopolies will develop that will squeeze the life out of the people. Without minimum wages and a whole panoply of legislation designed to protect employees, individual workers will be forced into penury or virtual slavery.

To the ordinary citizen, order comes only from conscious design. The notion that the use of a piece of land by its owner might be "rational planning" is considered just plain absurd.

If it weren't for regulation of the conditions in restaurant kitchens, we would all be poisoned by now. Without zoning, your next door neighbor would open an abattoir. Without restricting imports of agricultural goods, farmers would be forced off the land. Without laws regulating the labor of children, five year olds would be working in coal mines.

Similarly, nature is chaotic if left alone. If we are in the woods, we had better pack out all of our refuse, including our urine and defecation, lest we forever scar the wilderness. If we don't remove predators, the deer population will be wiped out.

The way Americans have dealt with the "problem" of the Alaskan wolf spectacularly illustrates this inclination to intervene. During the entire 124 year period that Alaska has been under the sovereignty of the United States, it has been the least densely populated place under American control. Presumably, therefore, it was the place where man's impact on the ecosystem was least. Yet for 85 of those years, the U.S. government has encouraged wolf-killing, paying cash rewards to people who kill wolves. For 32 of those years, the U.S. government has prohibited wolf-killing, threatening wolf killers with fines and imprisonment. In only 7 of those 124 years—from 1952 to 1959—has the government taken a non-interventionist stand on wolf-killing. If the state doesn't intervene in wolf-hunting, apparently, Alaska will either be overrun with wolves or the Alaskan wolf will become extinct with horrible ecologic consequences.

To the ordinary citizen, order comes only from conscious design. Go to any meeting of any board of land-use regulators, or any legislative body considering land-use regulation, and you will find people talking about the need for "rational planning," by which they mean planning by government employees or elected representatives. The notion that the use of a piece of land by its owner might be "rational planning" is considered just plain absurd.

The man on the street is confident that government action can impose order on the chaos he observes in the economy and the ecosystem. We can save the American eagle by building new habitat for him. We can protect the shoreline by erecting barriers. We can end poverty by outlawing low wages and guaranteeing jobs to all. We can make our cities beautiful and functional by regulating where and how people work, live and play.

Because of the apparent self-destructive nature of the economy and the ecosystem (or at least any ecosystem that includes man), these systems must be carefully managed.

The Evolution of the Debate

I am not terribly optimistic about the course of near-future events. The rise of ecology as a legitimate science has not led to dispassionate policy-making, and I see little evidence that it will do so soon.

Liberal economists can play an important role in challenging the simplistic formulations of ecological super-organic theory, helping to prevent the corruption of a science. Indeed, liberal theorists have had to deal with many of the same problems that ecologists now struggle with, and their experience could be very valuable in developing the environmental sciences. For example, J. E. Lovelock's idea of treating the Earth as an organism has engendered problems similar to those that Herbert Spencer encountered when he compared society to an organism. The discussion among social scientists about this notion—and Spencer's own disclaimers—would be very useful to biologists and others dealing with Lovelock's extraordinary perspective.*

The tendency to overestimate the fragility of the economy and ecosystem is the result of thinking of them as if they were the discrete systems with which we are most familiar: man-made machines, which are fragile indeed.

But it is likely that the best work of liberal social theorists will fall on deaf ears, and be appreciated only after much damage has been done. I suspect the world will repeat the disaster of socialism. Though liberal economists provided many good criticisms of socialism in the nineteenth century, it was only after the Russian Revolution that the real knock-down argument against socialism was penned. Even that was dismissed until the argument was demonstrated on the front pages of newspapers and on the Cable News Network, with enough repetition for even the most ideologically reluctant of intellectuals (e.g., Robert Heilbroner) to notice. ❑

This paper was presented at the North American regional meeting of the Mont Pelerin Society on August 24, 1991, in Big Sky, Montana.

* See J. E. Lovelock, *Gaia* (New York: Oxford University Press, 1979), and Herbert Spencer, *Principles of Sociology*, 3rd ed., Vol. I (New York: D. Appleton & Co., 1891), pp. 3–7, 437–450.

Manifesto

The Woman *vs* the Nation-State

by Carol Moore

The next step for feminism is not more political power, but less—for everyone.

Patriarchy and patriotism — both from the same root word, *pater* (father) — are simply two sides of the same authoritarian coin. Patriarchy is the ideology that males should rule. Patriotism is the worship of male-dominated states. Males have created — and still create — political culture worldwide, so it's no surprise that male values, needs and ambitions dominate.

An excellent example of this is the recent war in the Persian Gulf. Two powerful patriarchs warred over territory and flung highly personalized threats and taunts. Young men and women died for the power and pride of two arrogant males.

Male-dominated culture — patriarchy — discourages individual men and women from expressing the mix of assertion and cooperation, independence and compassion that is natural to individual men and women. Our culture indoctrinates men — often savagely — into dominance and aggression, and bullies women into dependence and passivity. To deal with this sad situation, feminists have offered a variety of solutions.

Liberal feminists insist that men give women an equal say in the creation of the attitudes and structures forming our cultural, economic and political institutions. They want these to reflect women's values and needs as well as men's. If that means starting from scratch, so be it!

Anti-authoritarian feminists — anarchists, libertarians, decentralists and ecofeminists — believe that women have the least to lose and the most to gain from the dissolution of centralized nation-states. This "manifesto" outlines some of the benefits women will gain from radical decentralization of political power.

Anti-authoritarian feminists know that as long as people believe the patriarchal nation-state is legitimate — as long as it survives — males will retain disproportionate economic, personal and political power over women. They will continue to deprive women of the respect, love, and opportunity that women merit. And they will continue their war against other nation-states and against "mother nature."

Anti-authoritarian feminists are not merely estranged from male-dominated nation-states; we reject their legitimacy and seek their abolition. Anti-authoritarian feminists decry the fact that large nation-states control the most personal aspects of their lives, destroy local economies and communities, despoil the environment, and use military might to control their citizens and threaten people of other nations.

The predominant argument anti-authoritarian feminists use against patriarchal nation-states is that males maintain their dominance primarily through the threat and practice of personal, political and military violence. They see a spectrum of male violence from violent pornography, forced prostitution, child abuse, woman-battering, criminal and police violence, political oppression, and environmental destruction to weaponry, militarism and war. Anti-authoritarian women go beyond opposing mere initiation of force, distrusting the violence some libertarian men, left and right, revel in when they discuss personal or national defense. Such feminists believe only a culture as free as possible of violence can ensure women's freedom.

Institutionalized violence results in centralized, elite control of economies, which entails inequality and poverty for women and powerless classes. (Some call this "structural violence," but it boils down to real violence: economically unjust laws enforced by threats of police violence.) So long as it remains legitimate for men to dream of gaining and maintaining centralized power through state violence, violence against individual women will remain a small matter.

Putting an end to male personal, political and military violence will mean the rapid dissolution of the na-

tion-state system. The threat or use of police and military violence created and maintains almost all nation-states. As the uprisings in the Soviet Union and Yugoslavia have shown, empires and nation-states quickly begin to dissolve into smaller ethnic, religious, racial, or regional entities once that threat weakens.

Anti-authoritarian feminists offer as an alternative to the nation-state decentralized, non-violent communities joined only in voluntary regional confederations. Women hold diverse visions of the political, social and economic makeup of the ideal community. Men and women might create an endless variety of communities once freed from centralized control: women's communities, gay and lesbian communities, religious communities, "proprietary" communities run like hotels, socialist communities, wilderness protection communities, farm-based communities, urban yuppie communities, business park communities, etc. Their sizes could range from a few thousand to several hundred thousand individuals.

To prevent communities from becoming mere patriarchal mini-despotisms, anti-authoritarian women promote consensual decision-making and non-violent sanctions. To be truly democratic, and to avoid the unfair deal-making that characterizes systems of majority rule, decisions should be made with the maximum of consensus. Unless individuals enter a community under explicit contractual arrangements, a super-majority of 75% or more should be required for ratification of all decisions.

In this way, communities would create only rules or laws that enjoy overwhelming support. Special interest legislation would be a thing of the past.

Confederations of communities, which would have strictly limited powers, also would use consensus decision-making in their assemblies of representatives. In both, all elected officers would be held to strict standards of accountability and serve a limited number of terms.

Violence would no longer be used to regulate society, enforce laws and resolve conflicts. Non-violent sanctions such as peer pressure, publicity, boycott, and protest could be equally effective and less open to abuse. These new forms of controls would eliminate the warrior ethic and weapons of war. Nonviolent civilian-based defense and peacekeeping would deal with the minor inter-community conflicts that might arise in a demilitarized world.

Of course, radical decentralization of power will be achieved only when a critical mass of citizens adopts the values that society traditionally has indoctrinated women into accepting: compassion, cooperation, equality, and nonviolence. Though it may be true that many men and women already share these values, most undoubtedly remain afraid to challenge the elites that fiercely defend male dominance. Inspiring those sympathetic individuals — male and female — to work toward creating a society based upon such humane and libertarian values is our most important task.

Creating such a society may not be as difficult as it seems, for the benefits of decentralization are inspiring in and of themselves:

Increase Love and Respect: Even in advanced societies, male-dominated families, schools, churches, work places, media, legal and political systems, as well as individual men, continue to hammer away at women's self-confidence and self-esteem. A recent study shows women are twice as likely as men to suffer depression because of pessimistic attitudes, the stresses of child care, poverty, and sexual and physical abuse.

Women remain dependent upon — even addicted to — their romantic relationships with men. The desire to gain and keep a man's love remains most women's strongest motivation. Self-help books like *The Cinderella Complex, Women Who Love Too Much,* and *Men Who Hate Women and the Women Who Love Them* sell millions.

Women must come to realize that so long as the patriarchal nation-state survives men will retain the delusion that they are superior to women who are at the "bottom of the hierarchy." They will continue to deprive women of respect, love, and opportunity. When women challenge the legitimacy of the nation-state, they deprive men of the ultimate trappings of pride and power.

If enough women call for the abolition of the partriarchal state, they might convince men that women are serious about demands for liberation. Eventually, men might give women love and respect equal to that which women have traditionally given men.

End Political Oppression: The patriarchal nation-state ruthlessly suppresses all threats to its authority. Most states play off racial, ethnic, religious, cultural and regional factions, manipulatively giving and taking rights and privileges.

Most nation-states abridge the rights to freedom of speech, press and association, to protest, privacy, fair trial, etc., usually in the interest of "national security." Government controlled education and mass media are often mere propaganda vehicles. But once we end the patriarchal game of competition for power and control, many conflicts between factions will diminish or resolve non-violently.

Equalize Political Power: Worldwide, the vast majority of elected and *de facto* representatives and rulers of nation-states — and of constituent states and city governments as well — are men. Irritable husbands, family and child-care obligations, the inability to raise money or mobilize supporters, and direct rebuffs from male politicians have discouraged women from enter-

"I *told* you we should have assimilated!"

ing politics. Meanwhile older males have continued to teach younger ones the ropes and give them the resources to enter the political arena. Finally, many women find the male struggle for political power so distasteful that they leave politics to men, thus ensuring their continued dominance.

Community government, the one political arena where women have the most interest and the most influence, is increasingly under the control of male-dominated national governments. But once we bring 98% of political decision making down to the community level, it will be open equally to all, not just politically savvy men.

Anti-authoritarian feminists believe that women have the least to lose and the most to gain from the dissolution of centralized nation-states.

Minimize Violence and Crime: Crime is a side effect of patriarchy. Most hardcore criminals are victims of poverty and child abuse. But many are men simply carrying patriarchal violence to its logical extreme, wantonly resorting to theft, blackmail, extortion, battery, rape and murder.

Recently, this tendency has escalated because of the patriarchal "war on drugs." Male elites distrust psychoactive, "consciousness expanding" drugs because individuals using them tend to question patriarchal lifestyles. Authorities prefer to punish rather than heal those who abuse drugs. The crackdown on drugs has driven up prices, turned unemployed ghetto youths into criminals, and has wound up creating more powerful and harmful drugs than those originally outlawed.

Ending poverty, eliminating patriarchal violence, fostering compassion and cooperation, and educating individuals about drug use and abuse would eliminate the most heinous crimes. As much as possible, communities would deal with non-violent crime by non-violent means such as publicity, fines and expulsion.

End Economic Exploitation: Male culture demands men strive for wealth in addition to power, using state power to take economic advantage of the weak. Patriarchy stifles compassionate ideas of voluntary redistribution of wealth from the financially talented to impoverished individuals and worthy charitable and community efforts.

As the failures of socialism have shown, socialist states become little more than bureaucratic battlegrounds for dominant males. They crush economic initiative, productivity and efficiency. In state capitalism, competitive males know that gaining access to state power and gaining great wealth go hand in hand. Many "evils of capitalism and the free market" are really the evil consequences of patriarchy.

Through taxation and inflation nation-states rob citizens of 30% to 75% of their incomes. The money goes to military spending, to subsidize big corporations or inefficient state-owned enterprises, and to support bloated bureaucracies. National laws centralize and cartelize critical industries, especially banking, finance, insurance, utilities, transportation, housing, farming and the medical and legal professions. Elites benefit while workers, small business, and local economies suffer.

However, without the support of national governments, big government bureaucracies would collapse and corporations would go broke or dissolve under the pressure of competition. Workers, small businesses and local communities would see an explosion of opportunities that would allow women's businesses and cooperatives — and businesses sensitive to women's needs — to flourish.

Improve Social Welfare: Social welfare programs are the great bribe nation-states use to mollify their people. Bureaucrats running these programs have a vested interest in keeping people dependent and impoverished; their jobs depend on it. State-provided social security, welfare, medical care, education, child care, etc. are usually poor alternatives to what an efficient economy, compassionate voluntary organizations, and systematic voluntary redistribution of wealth can provide. The truth is, national governments use social welfare programs to excuse the larger wrongs done in the name of the nation-state.

Protect the Environment: Ecofeminists point out the psycho-social connection between the subjugation of women and the "rape of mother earth." Nature is just another "resource" to be used in the male quest for wealth and power. National governments promote and subsidize environmentally destructive projects, permit the careless exploitation of "public" land, sanction poisonous levels of pollution, and build and use environmentally destructive military weapons. A culture influenced by women's values would extend compassion to nature and create sustainable economic and conservative environmental attitudes and institutions.

As long as it is legitimate for men to dream of gaining and maintaining centralized power through state violence, violence against individual women will remain a relatively small matter.

Women have worked to end the cruelties of patriarchy — sexist language and behavior, discrimination, rape, woman battering, militarism and war. Now women must lead the struggle against the cruelest patriarchal institution — the nation-state. Once enough women grasp this idea and begin to act on it — and enough men join us — the real revolution toward freedom, peace and justice worldwide will have begun. ❑

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Re-Appraisal

A Case of Mistaken Identity: The Boycott of *American Psycho*

by Panos D. Alexakos and Daniel W. Conway

It seems that book-banners, both those who use the power of government censorship and those who limit themselves to intimidation in the marketplace, cannot tell their friends from their enemies.

Even before it was published, Bret Easton Ellis' *American Psycho*,[1] the concretely detailed sketch of a yuppie serial killer, managed to outrage a significant portion of the American reading public. Now that the book is "safely" in print, it is apparent that the attempts to prevent its publication and discourage its sale were both illiberal and misinformed. After wading through nearly four hundred disgusting, repetitive, blood (and Evian)-soaked pages, the reader unexpectedly discovers that Ellis is not an unregenerate sociopath, but a neo-puritan moralist who counsels us to heed his apocalyptic warning about the end of the moral world. In the end, Ellis is not so much an enemy of traditional morality as he is a spoiled prodigal son romantically yearning for a kinder, gentler America. His filthy imagination notwithstanding, Ellis is cut from similar moral cloth as those who condemn him. He may need (and even desire) to have his hand slapped, but prurience alone does not warrant the *de facto* censorship with which his book has been threatened. *American Psycho* may be a very bad book, and Ellis a very bad boy, but their recent treatment by the vanguard of political correctness underscores the long-standing democratic belief that controlling the flow of ideas is always a very bad idea.

The initial calls for a boycott of *American Psycho* were prompted not by the book itself, but by the pre-publication circulation of Ellis' unedited manuscript, which several outspoken critics were too quick to condemn. In October of 1990, for example, *Time* magazine titled its preview of *American Psycho* "A Revolting Development," even though the book would not be released until March of 1991.[2] In November of 1990, *Spy* magazine followed suit with its own condemnation of Ellis' manuscript. In December of 1990, Roger Rosenblatt, writing for *The New York Times Book Review*, suggested that Ellis had "los[t] sight of what writing is supposed to be," and urged his readers to "thumb through [*American Psycho*], for the sake of normal prurience, but don't buy it."[3] Without bothering to wait for the edited, published version, these critics dismissed Ellis' book as offensive, claiming that he shamelessly trades on the lurid brutalization of women and minorities. On the basis of this judgment, one critic pre-emptively denounced the book as "base, misogynous, and dangerous."[4]

The ensuing flood of public sentiment against *American Psycho* persuaded Simon and Schuster to renege on its commitment to publish Ellis' manuscript. In November of 1990 Richard Snyder, the CEO of Simon and Schuster, terminated the project, allowing Ellis to pocket his $300,000 advance payment. Snyder's eleventh-hour reversal must have come as a surprise both to Ellis, whose editor had requested "only minor revisions," and to the publisher of S&S's own trade division, who had planned "to market [*American Psycho*] aggressively, with muscle and energy."[5]

But the success of this pre-emptive censorial strike was short-lived: within a week of being dumped by Simon and Schuster, *American Psycho* was purchased by Knopf and Co. for publication in its Vintage Contemporaries series. Ellis' book was finally published in March of 1991, a full two years after he had initially delivered his manuscript to Simon and Schuster.[6]

Having survived the threat of direct corporate censorship, *American Psycho* now faces the threat of a boycott orchestrated by "politically cor-

rect" critics who lay claim to a quasi-official authority. The organized boycott of *American Psycho* manifests the moral agenda of the post-Marxist, conservatively democratic New Academic Left, a group apparently intent on leaving its mark on the American mind. The case of *American Psycho* reveals not only the dangerous political implications of relying on political correctness to guide moral behavior—a trendy form of conformism—but also the hypocrisy that renders suspect the otherwise defensible moral agenda of the New Academic Left.

These critics have attempted to stigmatize Ellis by categorizing *American Psycho* as politically unacceptable reading, something along the lines of *Hustler* magazine. *Mademoiselle* (May 1991) reports that the Los Angeles chapter of NOW—the National Organization for Women—has recommended a (partial) boycott of the book's publishers, Knopf/Vintage, until the end of 1991 or until the publishers remove the book from their active list of titles.

As a consequence of the opposition mobilized against *American Psycho*, many bookstores have refused to stock the book, claiming that it lacks redeeming social and aesthetic value. This boycott obliges prospective readers to request the "banned" book explicitly, a situation that implicates these "deviant" readers in a series of normalizing judgments.

No boycott, no matter how concerted or popular, constitutes an act of censorship. But the effects of an organized boycott, especially if directed toward a book[7] and orchestrated by critics whose collective power approximates that of an established authority, can resemble in important respects the effects of censorship. We might say that the boycott of *American Psycho* constitutes an act of *de facto* censorship, for it effectively renders inaccessible certain "offensive" ideas, and thus exercises indirect control over the literary tastes of American readers. J. S. Mill's anxieties about the "tyranny of the majority" are here realized, for the enemies of *American Psycho* are acting under the questionable assumption that certain social ideals need neither be legitimated nor justified.

Ellis' critics have so thoroughly distorted the discussion of *American Psycho* that even the standard moves of literary criticism—e.g., the distinction between an author and his characters—have been abandoned. While Shakespeare is not usually held responsible for the machinations of Iago and Macbeth, Ellis is routinely vilified for allowing Patrick Bateman, his sociopathic anti-hero, to exist at all. Ellis is accused of condoning (or even applauding) Bateman's sadistic and brutal acts, as if Ellis had willed such a creature into existence. Ellis' imagination may be robust and filthy, but it certainly does not possess motive force.

After wading through nearly four hundred disgusting, repetitive, blood (and Evian)-soaked pages, the reader unexpectedly discovers that Ellis is not an unregenerate sociopath, but a neo-puritan moralist who counsels us to heed his apocalyptic warning about the end of the moral world.

Critics hold Ellis accountable for his anti-hero's acts of excessive brutality against women and minorities, claiming that such acts reflect the author's own latent misogyny and racism. But it is both suspect and dangerous to elide the important difference between committing acts of violence against women and minorities and dramatizing such acts in a work of fiction—especially in a work like *American Psycho*, whose moral objective is to expose (and thus perhaps neutralize) the Patrick Bateman supposedly resident in all of us. This oversight places an inordinate emphasis on imaginary acts of abduction, rape, torture, mutilation and murder, and thus trivializes their real counterparts. Ellis, after all, did not create sadism and misogyny *ex nihilo*, and he certainly does not endorse them authorially.

This criticism, furthermore, betrays a myopic understanding not only of Bateman, but of Ellis' novel as a whole: Bateman's violence is not restricted to acts of misogyny and racism, but is utterly undiscriminating. In addition to murdering society women, hookers, Chinese delivery men and African-Americans, Bateman also murders random passersby, homeless people, children, dogs, white male investment bankers, taxi drivers, homosexuals, policemen, and anyone (and anything) else he encounters while in the throes of a psychotic rage. A body count of *American Psycho* is likely to reveal a predilection for sexually-related violence, but this tendency is partially attributable to the fact that Bateman, an attractive, heterosexual white male, often exploits his own sexuality to lure his prey into his sadistic, private hell.

To focus exclusively or primarily on Bateman's violence toward women and minorities is to lose sight of the larger nihilistic horizon that frames his sordid existence. Imputations of misogyny, racism, anti-semitism, homophobia and xenophobia all misleadingly suggest a latent moral context to his character, a value system on the basis of which he despises only certain groups. Such accusations only serve to distract our attention from Ellis' larger aims. Patrick Bateman is an equal-opportunity psycho: women and minorities fall victim to his rage, but so does everyone and everything else that crosses his path. He is a misanthrope, a narcissist, and a solipsist; but most precisely, he is a nihilist.

The public outrage over *American Psycho* revolves around two criticisms voiced by the vanguard of political correctness: that it relies excessively on lurid accounts of sex and violence and that its author lacks genuine aesthetic ambition. We find *American Psycho* every bit as disgusting as advertised, yet we nevertheless resist the claim that this public enactment of Ellis' sordid fantasy life—if that is what it finally is—breaches the standards of acceptable literature and good taste.

This charge, though firmly anchored in the book's repetitive reliance on senseless violence and sociopathic behavior, is woefully inadequate, at least in a liberal society, to justify the *de facto* censorship threatened by the boycott of this book—especially in light of the copious diet of sex and violence regularly consumed by the American public. Witness, for example, the popularity and serialization of mo-

vies such as *Jaws, Rambo, Friday the 13th,* and *Halloween;* and the proliferation of and tolerance for pornographic movies and magazines, sex clubs and sex toys. We may dislike Ellis' book, and we may despise Ellis himself by association, but our likes and dislikes do not justify the campaign to discourage booksellers from stocking it. *American Psycho* is not the problem with contemporary American culture, but only a reaction to it. An organized boycott of this book will not significantly eliminate or retard the cancerous violence, misogyny and hatred that pervade our culture.

But the critics of *American Psycho* do not justify their call for a boycott on consequentialist grounds alone. Their second, more dangerous charge against *American Psycho* is that it is not art at all, but a piece of trash devoid of aesthetic value. If *American Psycho* is not art after all, or so the argument goes, then we need not be concerned that a successful boycott might amount to an act of *de facto* censorship. This position is not only dogmatic and arbitrary, but, in light of recent political forays by the New Academic Left, hypocritical. Many of the same critics who appealed to the First Amendment to defend Robert Mapplethorpe's access to a public forum now seek to deny Ellis' access to a similar forum.

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This second charge is also patently false. Artists generally aim at shocking their audiences, at probing the boundaries of current moral sensibilities; Ellis' reliance on graphic, repetitious violence therefore cannot disqualify his aesthetic pretensions. It seems that the vanguard of political correctness has confused its own (conservative) aesthetic tastes with art itself. On its own, this confusion is harmless enough, but it becomes dangerous in a political climate in which political correctness stands virtually immune to demands for justification. Ellis may be an undistinguished artist, an artist inexpert at his craft, a "Diet-Pepsi minimalist,"[8] an artist whose insecurities are manifest in his clumsy reliance on gratuitous violence and cheaply manipulated moral outrage, but he is an artist nonetheless.

His artistic project, which may or may not outstrip his native talents, is eminently defensible, and even a bit old-fashioned: Ellis desperately wants to write a purely nihilistic novel, a novel that would depict in its most naked and pristine form a world absolutely vacated by the categories, standards, and discourse of morality. As an aspiring chronicler of nihilism, Ellis even boasts a pedigree of sorts: his splashy first novel, *Less Than Zero,* presumed to chart the zoned-out, drugged-out, fast-tracking world of preppy nihilism; his second novel, *The Rules of Attraction,* documented the lubricious—though ultimately unsatisfying—sexual habits of bored, jaded, spoiled, collegiate nihilists. In *American Psycho* Ellis moves on to tackle the potentially more complex theme of yuppie nihilism.

This sort of artistic project is neither new nor revolutionary. In fact, Ellis' aesthetic ambitions situate him squarely in an identifiable, and even venerable, tradition of writers. Diderot, Dostoevsky, Nietzsche, Camus, Sade, Kafka, Genet, Beckett and Malraux readily come to mind, as do such contemporary artists as Burgess, Ballard, Bataille, Cioran, Miller, and Burroughs.[9] Like Ellis, many of these authors see Western Culture moving inexorably towards an entropic state in which the demise of transcendent values renders the world and everything in it equally valueless—a state commonly known as *nihilism.* The collapse of our culture's values signifies not simply the untenability of transcendent values in our epoch, but also a general impotence to generate new, empowering evaluative systems. As a consequence of this breakdown, the cultural elements traditionally bound and organized by these values now float freely in a meaningless void. Nietzsche warned that we would require increasingly stronger stimulants to mask or displace the suffocating monotony and horror of living in a one-dimensional and monochromatic wasteland.

No boycott, no matter how concerted or popular, constitutes an act of censorship. But the effects of an organized boycott, especially if directed toward a book and orchestrated by critics whose collective power approximates that of an established authority, can resemble in important respects the effects of censorship.

Enter Patrick Bateman, the anti-hero of *American Psycho,* a young, successful, affluent, Harvard-educated investment banker on Wall Street. He is sharp, vital, healthy, attractive, possessed of a glib rap on a wide range of issues including music, clothes, fabrics, etiquette, electronics, social and political problems, food and even the relative merits of bottled waters. What Bateman lacks, and must lack in Ellis' nihilistic yuppie twilight zone, is *purpose* (even his violence is random), *values* (since everything is equal,[10] he now agonizes over the choice between decapitating a waitress and ordering arugula), *meaning* (he often claims that his life is a senseless hell), and *love* ("I just want to be loved" p. 345). Like so many of his artistic predecessors, Ellis warns that a world devoid of sense, value and depth, and dominated by exchange relations and politesse, will engender the need for stimulants of a horrifyingly greater magnitude than those currently in vogue.

Bateman's quest for an antidote to the tedium of this one-dimensional world leads him to commit crimes of sadistic brutality. Because nothing matters any more, except manners and the

accumulation of wealth, Bateman has recourse to a series of progressively stronger stimulants—endorphines, alcohol, cocaine, rape, torture, mutilation, murder, necrophilia, cannibalism—to alleviate the monotony of living in a meaningless universe. Ellis thus warns us that the coke-snorting, insider-trading, night-clubbing, body-building, partner-swapping investment banker of today may all-too-easily evolve into the cold-blooded, brutal, psycho mutilator of tomorrow. Only the dangerously attenuated vestiges of traditional morality separate a power lunch of ceviche and arugula from a midnight snack of entrails and genitalia.

Ellis warns us that the coke-snorting, body-building, insider-trading, partner-swapping, night-clubbing, investment banker of today may all-too-easily evolve into the cold-blooded, brutal, psycho mutilator of tomorrow.

Ellis has been mocked for what critics view as his failure or inability to imbue his characters with either depth or interiority, and for his tiresome emphasis on the banal exterior details of their lives. But surely it is a conscious strategy on Ellis' part, a strategy consistent with the project of depicting a nihilist world, to reject outright the notion of a soul or moral character. As an author preoccupied with the problem of nihilism, Ellis acknowledges his debt to Dostoevsky, but defines his own aims in contrast to the latter's.[11] Dostoevsky's voyages into the psychological interior often culminate in the discovery of a kernel of human goodness, a soul amenable to moral considerations. Although many of these voyages chart the amoral, nihilistic, primeval nature of human beings, at least some of his characters turn out to be remediable. It may be helpful to think of Ellis as attempting a more sinister, post-Christian exploration of nihilism, one that dissolves to an inexorable, dystopic future that offers no prospects for "personal salvation."

Ellis consequently adopts the opposite strategy to Dostoevsky's: Bateman has no interior psyche to be plumbed, no soul to be discovered or redeemed. He is fully constituted by a finite number of material predicates. He is a pure exteriority, and thus totally amoral. Constitutionally unable to distinguish between human beings and inanimate objects, he wanders a metastable world in which everything exists to alleviate his ennui, a task his indiscriminate and infirm tastes aim to accomplish by exciting in him an ever increasing fury. Because Bateman's "psyche" is coextensive with, and therefore reducible to, his possessions and physical attributes, Ellis has no choice but to document *ad nauseam* the details of his character's appearance, activities and possessions. If "virtue," "soul," and other moral/metaphysical constructs are no longer intelligible standards for measuring human beings, as Ellis seems to think, then external attributes and possessions must prove the measure of the man.

All of Ellis' characters lack interiority. They are interchangeable placeholders for one another, constituted by purely material attributes—clothes, wealth, looks, etc.[12] Characters in the novel regularly misidentify one another because they are virtually indistinguishable. On one occasion, Bateman even manages to elude police investigators because both he and his victim were routinely mistaken for other interchangeable young investment bankers. Hence the preoccupation of Ellis and his characters with the material trappings of yuppiedom: there is absolutely nothing else to notice about oneself.

The excessive, gratuitous violence for which Ellis is criticized is symptomatic not of his failure to define a legitimate aesthetic project, but of his failure to fulfill the project he has chosen. Bound by his desire to create a world without depth and characters devoid of interiority, Ellis is confronted with the difficult task of relying exclusively on the predicates of exteriority to convey his vision of nihilism. Because he has strategically forfeited all recourse to characters like Ivan Karamazov, Kirilov, and Raskolnikov, whose rich and twisted inner lives provide testimony to the despair of nihilism, Ellis must construct the consummate nihilist out of surface predicates alone. Ellis consequently has little choice but to convey his vision of nihilism by means of a tiresome repetition of the details of materiality. He *must* rely on excessive and graphic violence.

But although this is perhaps a plausible aesthetic strategy, it is not ultimately successful. Ellis cannot present nihilism on its own terms because he has access to no perspective from which nihilism in itself can be viewed. The best he can do is to reach down into his own moral psyche and extract what seems excessive to him and to his time. He therefore succeeds only in presenting nihilism as non-morality, and not as nihilism itself. This presentation results, finally, in his misguided and ineffective campaign to bludgeon his readers with an unimaginative and commonplace vision of non-morality—as if the sheer repetition of debauched violence could somehow generate the pure nihilism to which he has no access.

American Psycho is an aesthetic failure because its vision is not ultimately nihilistic, but apocalyptic, and as such old-fashioned. Its rhetoric consistently draws our attention to Ellis' quaint desire to warn us against the atrocities that a bankrupt culture might engender in order to stave off an ennui of epidemic proportions. In order to encourage his readers to identify affectively (and positively) with the many victims of Bateman's violence, Ellis predictably resorts to the familiar categories of poverty (the homeless man); friendship (the ex-lover); and innocence (the children and the puppy). Episodes involving these images are clearly designed to alert us to our impending moral bankruptcy.

The New Academic Left, blinded by the dogmas of political correctness, has unwittingly attacked a potential ally, an author whose values and aesthetic tastes are ultimately as traditional as its own.

In his zeal to alert us to the dangers of nihilism, Ellis clumsily interjects his own voice into the novel, thus creating the requisite moral distance between himself and his central character—a distance critics have doggedly overlooked. "This is not an exit," reads a sign that occupies the book's final image (399).

The unremarkable moral message of Ellis' book shines through: Patrick Bateman *is* a psycho; he is not normal; he is not like us; we have strong reasons not to be or to tolerate him. Mamas, don't let your babies grow up to be yuppies . . . or move to Manhattan, for that matter.[13] In the end, Ellis succeeds in *reinforcing* the moral perspective of the American Heartland at the expense of the debased "values" of solipsistic, urban, consumerism that he wants to undermine. What Ellis ultimately delivers is not a depiction of pure nihilism, but a poorly written rehash of Protestant eschatology. Because Ellis cannot present nihilism as nihilism, the Other as Other, his recourse to a strategy of saturation compounds his aesthetic failure by exposing the limitations of his literary imagination.

As in most cases of *de facto* censorship, the public outcry against *American Psycho* is neither warranted nor informed. *American Psycho* is not responsible for the misogyny and racism that its critics detect in it, but is instead a reaction to the pervasive misogyny and racism that Ellis detects in the fabric of American life. The belief that social ills are best addressed by attacking the artists who expose them is both misguided and dangerous. If we genuinely want to eliminate misogyny and racism from our lives, we can invest our collective resources much more profitably than in illiberal—and ultimately self-narcotizing—practices such as boycotting books.

The New Academic Left, blinded by the dogmas of political correctness, has unwittingly attacked a potential *ally*, an author whose values and aesthetic tastes are ultimately as traditional as its own. This "friendly fire" has resulted in an embarrassment of renown for an otherwise undistinguished author, and in simple embarrassment for his critics. ❑

Notes

1. Bret Easton Ellis, *American Psycho* (New York: Vintage Contemporaries, 1991). All further references to the book will be made parenthetically in the body of this essay.
2. *Time*, October 29, 1990, p. 100.
3. "Snuff This Book! Will Bret Easton Ellis Get Away With Murder?," *New York Times Book Review*, December 16, 1990, pp. 3,16.
4. *Newsweek*, Vol. 117, #9, March 4, 1991, p. 59.
5. *Time*, p. 100.
6. In reconstructing the publication history of *American Psycho*, we have drawn from the following articles: "Confessions of a Serial Killer," Peter Plagens, *Newsweek*, Vol. 117, #9, March 4, 1991, pp. 58-59; "Generation Gaffe," Pagan Kennedy, *The Nation*, April 1, 1991, pp. 426-28; "Children of the Pied Piper," Norman Mailer, *Vanity Fair*, March, 1991, pp. 155–59, 220–21.
7. In a column entitled "For Booksellers, Questions and Answers About *American Psycho*," the editors of *Publishers Weekly* (March 15, 1991) point out that "The board of directors of the American Booksellers Foundation for Free Expression believes that there is a genuine distinction between picketing/boycotting aimed at most consumer products as opposed to those directed against books. While other products are replaceable, the ideas contained in any one book are not. Any effort that succeeds in interfering with access to those ideas is contrary to the spirit of what the First Amendment and free speech are all about."
8. John Barth coined this term during a lecture at The Pennsylvania State University to refer to a group of young writers, e.g., Ellis, Janowitz, and McInerney, all of whom are fascinated by the problem of contemporary nihilism.
9. Compare the vocabulary of *American Psycho*, for example, with Sade's *Juliette*, Miller's *Sexus*, Ballard's *Crash*, and Burroughs's *Naked Lunch*.
10. "Soon everything seemed dull: another sunrise, the lives of heroes, falling in love, war, the discoveries people made about each other" (282).
11. By citing Dostoevsky in the epigraphs to *American Psycho*, Ellis apparently means to foreground the theme of nihilism and clarify his aesthetic differences with Dostoevsky.
12. "Everybody's rich . . . Everybody's good-looking . . . Everybody has a great body now" (23); "Everyone is interchangeable." (379); "Surface, surface, surface was all that anyone found meaning in" (375).
13. In an essay entitled "The Twentysomethings, Adrift in a Pop Landscape," (New York *Times*, December 2, 1990), Ellis writes, "We're basically unshockable . . . This generation has been wooed with visions of violence, both fictive and real, since childhood.
"If violence in films, literature and in some heavy-metal and rap music is so extreme . . . it may reflect the need to be terrified in a time when the sharpness of horror-film tricks seems blunted by repetition on the nightly news." (cited in Mailer, p. 157.)

For Those Serious About Libertarian Politics!

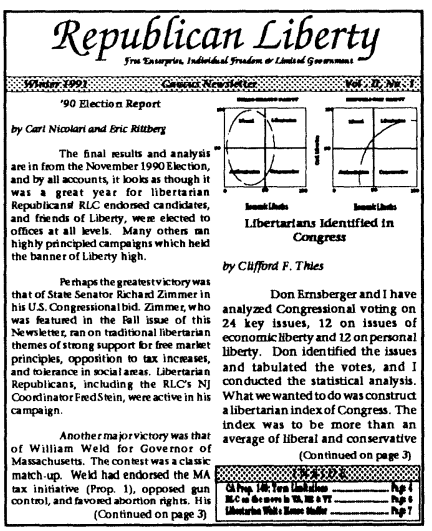
Republican Liberty
Free Enterprise, Individual Freedom & Limited Government
Winter 1991 Caucus Newsletter Vol. 2, No. 1
'90 Election Report
by Carl Nicolari and Eric Rittberg
The final results and analysis are in from the November 1990 Election, and by all accounts, it looks as though it was a great year for libertarian Republicans! RLC endorsed candidates, and friends of Liberty, were elected to offices at all levels. Many others ran highly principled campaigns which held the banner of Liberty high.
Perhaps the greatest victory was that of State Senator Richard Zimmer in his U.S. Congressional bid. Zimmer, who was featured in the Fall issue of this Newsletter, ran on traditional libertarian themes of strong support for free market principles, opposition to tax increases, and tolerance in social areas. Libertarian Republicans, including the RLC's NJ Coordinator Fred Stein, were active in his campaign.
Another major victory was that of William Weld for Governor of Massachusetts. The contest was a classic match-up. Weld had endorsed the MA tax initiative (Prop. 1), opposed gun control, and favored abortion rights. His
(Continued on page 3)
Libertarians Identified in Congress
by Clifford F. Thies
Don Ernsberger and I have analyzed Congressional voting on 24 key issues, 12 on issues of economic liberty and 12 on personal liberty. Don identified the issues and tabulated the votes, and I conducted the statistical analysis. What we wanted to do was construct a libertarian index of Congress. The index was to be more than an average of liberal and conservative
(Continued on page 3)
Inside
CA Prop. 140: Term Limitations ..... Page 4
RLC on the move in VA, MI & VT ..... Page 6
Libertarian Walk-a-Mile Stroller ..... Page 7

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Fiction

The Structure of Crystal

by J. E. Goodman

What hope is there for the exceptional, the eccentric, the uncanny, when the collective knows exactly what it wants from them?

Outside the glass, white crystal swam furiously against the wind, buffing the ground, and dancing drunkenly through the skeletal trees of Holding Facility Burnt Acres. The wind threw itself again and again against Colin's window, buffeting it with sharp sporadic blasts of force. The window held, and continued to shine Colin's faded reflection back at herself. It was a mirror, overlayed with frosted cellophane. The window, like the door, was bolted.

Colin stared ruefully out at the gathering mists, and thought:

"Sometimes, they kill the adolescents."

Colin shook her head, reminding herself of the futility of such a train of thought. She lifted her chin from the sill, and angled her gaze back into the room.

It was a comfortable chamber, although it pretended to no grandness. There was room enough for the short, steel bed with gay, checkered sheets stretched tight across the mesh, one chair, and a narrow wooden desk, but no more. The walls were blue, and polished to a fine finish. Some psychologist had predicted that this particular shade would help to calm one's nerves. Colin reflected that it would calm her, at that, if it were not for the incessant howling of the storm outside.

Sighing, Colin sat back down and picked up a science book; her most beloved pastime these last few agonizing hours. She pried her fingers underneath the textured leather cover and opened the book to a page.

Colin was fourteen, young, and small for her age. Petite hands, and slight waist added up to an indefinable sense of frailty that Colin had always carried with her. Her hair, a dark nut-tinged brown, fell to the edge of her shoulder blades, often falling in her face so that she was constantly brushing strands of it back from her view. This, too, added to her look of youth. Her large, almond colored eyes in her olive face completed the picture. It was not commonly held that Colin was beautiful, or even pretty, but she had an air about her. That air now held a tinge of fear.

Colin was soon to inherit her race. She was to become a telepath, if she survived.

Colin had been but seven when her cousin Kyle had returned from Holding Acres Four. Kyle had been seventeen; a strong, sturdy youth about to become a man. Despite the decade of difference between their ages, Colin had always sensed a certain friendship with Kyle—a friendship that extended most certainly beyond that of mere relation. As she had grown in age and maturity, Kyle had been a guiding force, a pair of gentle, smiling blue eyes that sometimes aspired to laughter. They had shared jokes, they had shared moments of camaraderie, they had grown close.

One morning, before sunrise, Kyle had been mysteriously smuggled out of the house and into Holding Acres Four. As shocking as Kyle's tense and sudden exile had been, the reaction of her parents to the move had alarmed Colin much more. Normally warm and inviting, they had become violently close-lipped—reacting to Colin's questions as if she had uttered the vilest of obscenities.

The unnamed taboo was broken four days later when Kyle returned, flanked by two relatives whom Colin had never met. Upon entering his old house, Kyle had immediately disappeared into his bedroom. He failed to re-emerge. Over the next few weeks, the household had filled with distant relations who came quietly, and filed into Kyle's room one by one. They left just as quickly, shaking their heads in sorrow. Only once during this time did Colin see her cousin—it had been late at night, and she had caught him in one of the corridors directly outside of his room. She had smiled up anxiously at him, babbling with childish energy at his sight. But the blue eyes had inexplicably lost their previous illumination, and Kyle had barely looked at her. He said only one thing: "No." And that word he said with a look of sheer distaste, an utter repugnance at the necessity of mouthing it. Then he had turned, opened his door, and allowed the room to swallow him once again.

Three days later, Kyle left forever.

That night, Colin's mother came to her, and gently explained that Kyle would not be coming back. With horrible adult understanding in her eyes, Colin's mother had tucked her daughter into bed and knelt down at the side of it.

"Dear one—as we grow, we change," she had said. "In these first years, you grow only in length, and height, and knowledge. Soon, you will begin to grow in yet other ways. Your body will change: become ready for new roles such as parenthood—body pairing. Your mind, too, will change. Although you have vision, you cannot now see. As a little one, you speak through sounds of your mouth, baby sounds. When you change, you will speak through clearness and color, and pictures. You will forget the mouth sounds, and you will become an adult." Her mother stroked Colin's head softly.

"But sometimes . . . sometimes there is a mistake. Your mind does not grow, it stays as a baby's would: blind and deaf to the pictures and color. It does not happen often. But it happens. And if it does, you must go away. Society is not . . . comfortable . . . among those who cannot see. It . . . shames us. Kyle has gone away." She shook her head. "He will be happier now, elsewhere."

Thus Colin came to know the facts of life.

Tenderly, Colin rifled the pages of her science book. She had gone into maturation while still in school. Knowing this, her teacher had supplied her with materials to read, while Colin rested in the waiting cell at Holding Facility BA. Colin had always been a favorite student of hers, and—at the old, veteran age of fifty-six—she sympathized with what the adolescent "must now be feeling."

Colin held a sacred part of her heart open for science—that was what she aspired to master, sometime in the vast reaches of her future. And now, although it could not entirely erase her reality, the pages of the book worked to sooth Colin well.

Again, she read the strange markings that accompanied the scientific pictures. The pictures—flash-concepts—were the meat of the books. Adults communicated in flashes, whereas children and adolescents had to make do with the irritatingly less effective method of sound communication. Using pictures as a language, adults could convey millions of minute details in a single instant. The drawings in the book worked much like this, and formed the heart of true scientific inquiry.

In the book, flashes were arranged near each other so that they conveyed a sense of cause and effect; they described a theory. The ink-markings, a writing method created solely for scientific purposes, could be found beside the pictures. The markings—each mark symbolizing some bit of information—were clustered into rough groups, and when "read" together, provided the reader with mathematical notation. While the markings could never replace flash-concepts, they could supplement them . . . especially in the more arcane fields of inquiry, such as Physics. Adults rarely bothered with the codes, preferring the flashes as faster and subtler. But, Colin mused, could not the inkings be used in certain, precise ways that the flashes could not? Could they not—in technical manuals at least—usurp the role of flashes altogether? She made a mental note to suggest the theory to her teacher.

A draft fanned through the room and Colin shivered, pulling her black, rough parka even closer around her body. She lay down the text, and picked up the only other possession allowed to her . . . her novel. She scanned the pictures for awhile, and then put that book down, too. In some places, there were writers who were trying to incorporate the scientific ink-marks into the art of literature. To most, the notion was considered faddish, and dismissed. Code-marks were all right for science, but why try to use them in Art?

Colin fervently wished that the waiting would end. A chill ran scurrying up her spine, and little flashes of color budded from somewhere behind her painfully sensitive eyelids. Colin curled up on the cot, reasoning that sleep, at least, might be productive. As dreams overtook her, she sang to herself; a strange song, without words. Words weren't effective enough.

At the age of thirteen, Colin had learned a second truth. This time, it had not been a relation who had served as the object lesson, but a friend. Shang—a schoolmate of hers since Colin's early learning days—had come suddenly upon the time of maturation. With the memory of Kyle still fresh in her mind, Colin had watched nervously as Shang was escorted from her house into one of the private Holding Acres miles away. Maturation came upon you suddenly, but sometimes it would be days before it ran its course and one finally came out, able to see. Not many came out blind, but Colin steeled herself for the possibility. She had not prepared herself for Shang to die there.

Once in a great while, individuals were born possessing an abnormally high sending faculty. These could wreak havoc with the collective. They could not be controlled. They were not tolerated.

A society of telepaths is not necessarily a stable one. That which can send can overwhelm the receiver, if the signal is but strong enough. As a government, it is a pure democracy—a mental dictatorship of the majority. But this collective rule can be shaken, given a powerful enough will.

At birth, all of Colin's race possessed a psytronic mind shield, a damper over the newborn's senses that protected it from the maddening, unceasing bombardment of images it had not the skill to filter. A child's mind, unprotected, became a cipher that could not tune, and could not be shut off, but merely focused all signals to a single point of blinding white noise. Those born without a shield did not remain sane for long.

The skill-to-filter was a talent gained instinctively, unconsciously; usually in 10–20 years. At puberty, the mind shield dropped for the first time. The child became an adult. The blind one, a telepath. At any time thereafter, the individual was free to raise or lower the shield at will. Normally—excepting majority pressure—that shield was impenetrable.

But nature can be unpredictable. Once in a great while, individuals were born possessing an abnormally high sending faculty. These could wreak havoc with the collective—potentially, they could breach their neighbor's mindshields, establish a personal tyranny. Such individuals were an inherent risk, a danger to society. They could not be controlled. They were not tolerated.

Shang—according to regulatory policy—was admitted to Holding Facilities Four at nine p.m.: twenty minutes after she had first begun to show the early symptoms of maturation.

She was carefully monitored. At eleven fifteen, the shield began to clear. Minutes later, abnormally high pulses were detected on Shang T'Gaven's A.M.U. The abnormality was checked, and confirmed.

At eleven seventeen—as required by State law—Shang T'Gaven was quickly put to death by lethal injection. At twelve two, her guardians were notified.

Colin found out weeks later.

Colin gasped as she awoke, choking back the horror. The visions had become too vivid . . . much too vivid. Isolation and dreams had come to press the lesson home, the year-old ghost of Shang rising up to brush against the tips of Colin's memories. Here, and now, she could not suppress her fears.

In the dream, the adults had led her into a room more narrow even than her present cell. A window had shattered, and the scattered glass on the floor mingled with the snow as it poured sporadically through the gap in the pane and melted on the cold, ice-white tiles. The flashes of color were coming more frequently, leaving Colin little time to think between fits, or to compose herself. A woman taped the sensors to her temple, and locked her in place. They inserted the I.V., the needle painfully cold and sharp as it entered her vein. It was to be the watchdog. Her ability would be blossoming soon. If it proved to be too strong, the needle would let loose with the killing poison, and Colin would be dead in seconds. Society could not have a potential threat to their welfare among them. The ability opened up within her, gaping with potential like a bottomless well. Mental feelers uncurled, stretched for the first time as like a newborn babe . . . the poison came, shooting up her arm with dagger-like intensity. Colin was . . .

Awake.

Outside, the storm had commenced a new assault upon the windowpane. Pieces of ice slammed against the window, bouncing off it and burying themselves, humiliated for failure, in the snow. The night fell like a black, velvet cloak upon the trees, the contrast only accentuating the crisp, cold, whiteness of the snowflakes. An abnormally large hailstone fell against the glass, and the glass gave way. A crack fanned out from the puncture, and a fresh gasp of cold seeped into the room, reaching out for Colin.

Finally, the adults came. They locked the door behind them as they left, leaving the blue room to itself, and to the storm.

The needle, an antiseptic sliver of silver, violated Colin's flesh. Wincing, she closed her eyes tightly, and listened as the adults read coordinates off from the monitor. Colin began to pray.

The ability opened up, fanning ever outward like ripples in a pond after a stone has been thrown in. Colin felt the muscles of her very mind tense, flex. The colors bloomed inward, and then spread to every corner of her being; with this, came clarity. Then, blackness . . .

They left her in the room alone. This time, the door was unlocked. On the following day she would be allowed to return home to her parents, the weather permitting. During her absence, someone had taped cardboard over the break in the window pane. Sheltered from the storm, the room had filled with sweet lazy warmth. Out of sight, the adults muttered to each other in sorrowful clicks, flashing pity for the girl toward each other in rapid, fanning bursts. They felt no fear that she might overhear . . . the unfortunate girl was blind—a leper now, isolated from society. The tragedy still ripe in their minds, the adults tactfully left the girl to her personal agony.

Colin brushed a strand of dark hair back from her olive forehead. She gathered her books, and shrugged off her parka, for it was not needed anymore. She smiled to herself, thinking that now she would be allowed to live to become a scientist. The memory of the brilliant colors echoed through her mind, and, for the slightest moment, she allowed herself to relax long enough to glimpse them again. Let them think that she was blind and dumb. Given enough power, you can hide almost anything. ❑

Letters, *continued from page 6*

forced to pay taxes; at the very least, that ought to buy the right not to be shut out.

Frankly, the sight of a libertarian writer defending Scouting as it presently exists strikes me as incongruous. Shouldn't we try to privatize it first?

Tom Flynn
Buffalo, N.Y.

Less Strict a Standard, Please

In James McClarin's fantastic journey ("Questions on the Phylogeny and Ontogeny of Rights," Sept. 1991) searching for the justifiability of ascribing rights to human beings we have nothing more than an arbitrary imposition of a standard of theoretical adequacy that I and many others in the natural rights tradition have shown to be totally unjustified. In my *Individuals and Their Rights* (Open Court, 1989) I devote nearly the entire first chapter to advancing arguments—not nasty quips and putdowns—in support of a contextualist approach to testing ethical and political theories. In brief, the gist of these arguments is that demanding that one answer all of the "what if" type questions McClarin puts McClarin puts to rights theorists is unfounded. To know that we have certain rights that, say, chimps or ants lack, does not require proving beyond a shadow of a doubt that forever in the history of the universe ascription of rights to other beings will be impossible. Only metaphysical claims need to be held to such standards of proof.

Had James McClarin given this basic epistemological issue any thought, he might have spared us his efforts at denigrating all the hard work natural rights libertarians have undertaken to explain human political and economic life.

Tibor Machan
Auburn, Ala.

First Rank

I had the privilege of hearing Jeannette Rankin speak at a rally at the to University of Georgia during the height of the Vietnam War era. Like Bill Bradford ("Honoring our anti-war dead," Sept. 1991) I was awed by the integrity and longevity of this singular public figure who spoke out against every major U.S. war in the 20th century.

Thanks, Bill, for a lovely, poignant, and long overdue tribute to a courageous woman who withstood the winds of war.

David Rosinger
Decatur, Ga.

Reviews

***Thelma and Louise*, written by Callie Khouri, directed by Ridley Scott. Starring Susan Sarandon, Geena Davis, and Harvey Keitel.**

Feminism, Outlawry, and Individualism

Miles N. Fowler

By now I suspect that everyone knows that the movie *Thelma and Louise* begins with a killing. While traveling, Thelma Dickinson (Geena Davis) gives a handgun—a gift from her husband—to her friend, Louise Sawyer (Susan Sarandon) for safekeeping in her purse. Later Louise finds a man they just met (Timothy Carhart) assaulting Thelma in a roadhouse parking lot.

The viewers are confused about this situation. One ought to contact the police or the manager of the roadhouse, but would they come in time? Would they come at all? How do you prove that coercion rather than persuasion was used by the alleged rapist? These might be among the issues that people who see *Thelma and Louise* debate, but the movie is really not interested in exploring those questions: the film's clearer focus is the consequences of the choices that the women *do* make.

Louise pulls out the gun and forces Harlan (the rapist) to let Thelma go. If cool heads prevail, the three might walk away at this point. Unfortunately, both Harlan and Louise are angry. Harlan opens his mouth. Louise gives him a piece of her mind. Harlan says, "I should have fucked her anyway," and "Suck my cock!" Louise raises the gun and fires, "in cold blood," according to Richard Schickel of *Time* magazine, "with malice aforethought, however briefly considered."

They decide to flee to Mexico. The film makes no attempt to explore why they run. There is only the desire to escape to Mexico, not to be caught; and an unspoken determination not to be relieved of their dignity by way of being relieved of culpability for their crimes. Although Thelma does not identify at what point she believes that their options soured, she later observes that no matter what they did, "we'd still have our lives ruined." Only the manner and degree of their humiliation and punishment would have differed had they made different choices, she believes.

To its credit, *Thelma and Louise* stands accused of being politically incorrect. The gossip columnist Liz Smith worries that no one in the movie is concerned about condoms and AIDS. "Basically, it's a recruiting film for the National Rifle Association," says Richard Johnson of the New York *Daily News*. For John Leo of *US News and World Report*, the movie represents "a fascist idea that there's rebirth and spiritual realization in crime, particularly violent crime." But Thelma and Louise are not reborn because of violence. (A movie in which only one person is shot to death almost qualifies as pacifist by today's standards.) Rather, these protagonists feel reborn because they get to change their lives through their own initiatives. As Janet Maslin of the New York *Times* put it, "I think if anything rankles men who see [*Thelma and Louise*], it is that these women make their decisions on their own." Elsewhere she wrote, "One of the most invigorating things about this film is the way its heroines . . . crystallize their thoughts and arrive at a philosophical clarity that would have been unavailable to them in their prior lives."

Though philosophical terms actually elude them, the two discuss the shift of consciousness taking place as they become outsiders, independent of everyone but each other. Although Louise first describes the external situation, lecturing Thelma that "things've changed," it is Thelma who attempts to describe the inner transformation accompanying the outer one. "Something's crossed over in me," she says, "and I can't go back." And, later: "Louise, are you awake? . . . I don't remember ever feeling this awake." Physiologically, Thelma may just be feeling the Wild Turkey she is taking in massive doses; but Louise, who is not drinking quite as much (she's driving), seems to know what her friend means.

Some critics do not like the philosophy of *Thelma and Louise* and are especially concerned that the movie passes off an antinomian nihilism as feminism. Margaret Carlson, a senior writer at *Time*, complained that "for these women, feminism never happened . . . " She is correct: neither Thelma nor Louise would be likely to say, "I am a feminist." For these great-great-granddaughters of pioneers, the ideals that leap to mind when needed come from the myths of outlaws and outcasts, those singular, eccentric, and, yes, often lawless characters who abandoned civilization, made up their own rules as they went along, and spit in the eye of anyone who told them what to do. Thelma and Louise owe far more to Calamity Jane than to Betty Friedan. As Callie Khouri, the woman who wrote *Thelma and Louise* has said, "It's not about feminists; it's about outlaws."

Khouri's disclaimer notwithstand-

ing, there is a feminist position lurking in the movie that has entirely escaped the critics; perhaps it was missed because it is an *individualist* feminist perspective. Consider: the critics virtually all agree that Arkansas state police investigator Hal Slocumbe (Harvey Keitel) is the only decent man in the picture; but no one has noticed that he can also be seen as representing the insidious father-knows-best paternalism of the state. Most critics, like most feminists, just don't see that the issue of dependence

Thelma and Louise owe far more to Calamity Jane than to Betty Friedan. Thelma and Louise *is not about feminists; it's about outlaws.*

and independence breaks the narrow confines of contemporary statist ideology. Hal is a well-meaning liberal, trying to do to Thelma and Louise what the state tends to do to all of us: deny us the right to make our own mistakes and achievements and live with the consequences for good or ill. "A patient, sympathetic man," wrote Schickel, "he is this myth's wise father figure." In a similar vein, Carlson lamented that Thelma and Louise are not "able to reach out to the one decent man who could help them." Instead, the women deliberately refuse to reach out to someone who wants to make excuses for them. On the telephone, Hal tells Louise that he knows something happened to her long ago in Texas that might mitigate her responsibility for the murder. We never learn what it was. Thelma asks Louise, point blank, whether she was raped in Texas, but Louise flatly refuses to discuss it. Hal knows what it was, and he is practically working on her diminished capacity defense, but Louise does not want the wise father figure saying that she was temporarily insane at the time that she pulled the trigger: "The poor thing didn't know what she was doing."

Hal's duty is to investigate Louise's past because she is a murder suspect, but he presumes too much. "Louise," Hal says, "I almost feel like I know you." At this Louise snaps, "Well, you don't." Like everyone else that Thelma and Louise encounter, Hal never thinks to ask what the two women feel or want. Perhaps he assumes that they would want to come as close as possible to restoring the status quo ante, but, as this becomes more and more impossible, his desire to protect the women becomes more and more of an unrealistic obsession. "Don't let them hurt those girls," he ends up screaming at his boss, Max (Stephen Tobolowski). "These women are armed and dangerous," Max reminds him firmly. Do I read more into this than is there (obviously a genuine hazard in view of other critics' fantasies), or does Khouri deliberately have Hal say "girls" to underscore that he does not see Thelma and Louise as responsible adults, while Max regards them as adult "women"? Is Khouri saying that women outlaws have to commit violent crimes in order to be taken seriously?

Even granting that women might, for some reason, have relatively more self-restraint *vis-a-vis* violence than do their male counterparts, Thelma and Louise do not wish to be belittled for it. They want to be acknowledged as responsible for their actions even though every illegal act they commit narrows their options.

That Thelma and Louise discover their taste for freedom in such straitened circumstances is ironic but hardly implausible. It is a truism that we are far more likely to appreciate the freedom to exercise our rights when they are most diminished and threatened. As the number of choices is reduced, we want desperately to exercise what latitude we have left. The exposition of this paradox is the only, perhaps weak, justification I can think of for an otherwise too tragic ending. While it would be disagreeable to see the women surrender their newfound self-esteem, surely their sense of themselves is not so fragile that they could not keep it from their captors and live, too. After all, the movie works well as a comedy, satirically turning society's values upside-down. The fugitives commit various serious crimes, and then Louise snaps at Thelma, "Don't litter!" They relish their newly-affected outlaw life-style even when they have committed no crime. "Where'd you get that hat?" Thelma asks. "I stole it," answers Louise with a trace of bravado, even though we know that she bartered for the hat. Yet the movie seems to occur in two universes—one where the two women are innocent pranksters, the other where they are in real trouble as a growing army of police from at least two states and the federal government treat their crime spree very seriously. An ending in which the women triumph even in captivity would have been fittingly funny. Instead, the ending derives from the tragic, serious universe.

Thelma and Louise is not an important enough movie to quibble over its ending; but neither is the ending important enough to spoil the innovation of putting two women in the kind of pals-on-the-run picture that traditionally casts

The movie seems to occur in two universes—one where the two women are innocent pranksters, the other where they are in real trouble as a growing army of police from at least two states and the federal government treat their crime spree very seriously.

only men or a man and a more-or-less subordinate woman. (Comparisons and contrasts of *Thelma and Louise* with movies such as *Deliverance* and *Getaway* come easily to mind.) It remains for a future movie to realize the individualist feminist theme more completely than does *Thelma and Louise*. This film does demonstrate, however, that as much as Hollywood likes to indulge in collectivist rhetoric, popcorn buyers prefer to

"No freeman shall ever be debarred the use of arms."

Thomas Jefferson
(back)

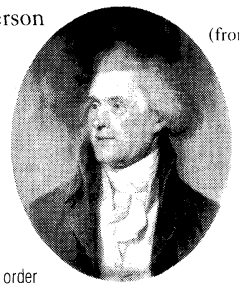

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cheer for the protagonist who is more at home in an individualistic system. The best way to make movies in which women as characters have the same dignity and opportunities as men is to create female characters who are their own women and who succeed or fail on their own terms. ❑

***Terminator 2: Judgment Day*, written and directed by James Cameron. Starring Arnold Schwarzenegger, Linda Hamilton, Robert Patrick.**

The Message Within the Massacre

Charles Ziarko

When I finally paid my four dollars and sat down at a bargain matinee to watch *Terminator 2: Judgment Day*—74 days after its debut, and well after it had established itself as the popular success of 1991—some ideas were brutally apparent to me that seem to have eluded (or been evaded by) other critics.

Although embellished with computer animation, digital sound, and *au courant* anti-nuclear and anti-intellectual ideas, *Terminator 2* is little more than a Sixties' blue-collar biker odyssey, resurrected and elevated to the realm of mythic time-travel sci-fantasy. Think of it as an H. G. Wells philosophic trip in reverse.

What makes it so potent to such enormous numbers of people, I think, is the development of the principle characters. The Primal Man, The Terminator—played by Arnold Schwarzenegger, who is, in the public eye, indistinguishable from his roles—is a man of amazingly few words, and not very articulate ones at that. Like John Wayne and Clint Eastwood before him, he has no emotional life and no sex drive whatsoever (though he is, himself, an object of desire). He knows what he knows, and nothing else.

His dramatic counterpart, the Primal Woman (named "Susan Connor"), is certainly his equal in superhuman stoicism, though with an added human dimension. As the mother of the Primal Teen, she is singularly ferocious in protecting and sacrificing for her young. Connor, played by Linda Hamilton (the "beauty" in the TV series *Beauty and the Beast*), is remarkably *un*beautiful, which immediately stamps her, in our current culture, as "realistic." Sex to her, too, is of no apparent significance other than as a long-ago biological function.

Evil, as portrayed by a competitive Terminator of significantly superior abilities, is wholly devoid of any human dimensions at all. All the better to obviate the need for sympathetic consideration and inspire blind hatred. Although he can conveniently simulate the appearance of recognizable people, the Evil Terminator behaves in ways that certainly run counter to common standards of humanity.

Confronted with these characters, it is not difficult to see why so many inarticulate people find a chord of recognition played on their emotions, to the despair of the literates who fail to make the same connections.

What is disturbing to watch—more than the emphasis on horrifying violence, the fiery holocausts, or the gratuitous vulgarity with which all the central characters communicate—is the implicit sociopathy of the film:

(1) *Indefensible vigilantism:* The Primal Man, the Primal Woman—and her impressionable son, the Primal Teen—run rampant over other people's rights and destroy great amounts of other people's property. (I, for one, sat there as the end credits crawled by, wondering just how the woman and her son planned to explain the multi-million-dollar devastation they had wrought during the course of the story. After all, none of the witnesses who might have exonerated them were available, being dead.

(2) *Inexplicable injustice:* The "heroine," on a mission to eliminate the one man whose innovation will trigger an unimaginable holocaust in the near future, fails to complete her philosophically defensible mission because she can't bring herself to kill the man in front of his wife and child—thus implicitly condemning "billions" to die in a future holocaust because of her one stroke of "humanity."

(3) *The efficacy of crime:* In startlingly explicit and unnecessary detail, the Primal Teen shows a friend how to hotwire an automated teller machine and steal a considerable amount of money, without regret or penalty. (How many times, I wonder, will that stunt be imitated by impressionable teens who "saw it in the movies," and at what cost in vandalism to the companies that provide this service?)

The anti-intellectualism of *T2* is vividly implicit in the burning (a high-tech revival of book-burning) of all materials relevant to a technological innovation that is "too dangerous for the world to know." (By the way, isn't that what environmentalism is all about, really?) And the tired anti-nuke propaganda (now made quaint and obsolete by current and evolving political history) is rendered stunningly explicit in the most impressive visual effect of the entire picture—the atomic disintegration of an entire city and its population, including the heroine, during her "dream" of the future she is trying to prevent.

The writers of the picture have certainly not been inept, or hesitant, in planting these, as well as other, equally repugnant ideas. In *T2:*

(1) common charity is senseless, because it is inherently dangerous. (Everyone who stops to offer help during the many chases is immediately immolated or killed in other equally horrifying ways, all for the sin of innocent charity); or,

(2) suburban home life, as evidenced by the Primal Teen's foster family at the beginning of the picture, is so slovenly and disgusting that it makes the legendary *Tobacco Road* seem like a welcome resort; and,

(3) uniformed police officers are not trustworthy custodians of Justice, since they may be easily infected, and cor-

rupted by, Evil. (Although this observation is corroborated almost daily by the media, does it deserve to be concretized as mythology, given the increasingly violent state of our society?)

The filmmakers of *T2* have shrewdly kept an eye on all potential factions of the paying audience, providing (1) an unimaginably tough, sexless heroine/mother, to attract a female audience other than the blue-collar men and boys to whom the concept is basically oriented, (2) a Latino family of unrealistically angelic temperament, to whom the mother and son relate emotionally, and (3) a breath-takingly upscale Black family, centered on a Black Man whose superior intellect is solely responsible for a technological innovation of unparalleled brilliance—and whose life and gifts are sacrificed, nobly, to save the human race.

The film has been competently made, though at an inexplicably and indefensibly high quoted cost, given the unusually simple nature of the material. It is certainly viscerally exciting; a day-time high-speed chase involving two motorcycles and an enormous truck, early on in the film, is particularly outstanding. The cast—almost entirely unknown—has been well-chosen, and Linda Hamilton is memorable, given the debatable nature of the part. The camerawork, though pedestrian, is serviceable; the music, undistinguished, is well-employed.

Although embellished with computer animation, digital sound, and au courant *anti-nuclear and anti-intellectual ideas,* Terminator 2 *is nothing more than a Sixties' blue-collar biker odyssey, resurrected and elevated to the realm of mythic time-travel sci-fantasy.*

But ideas, widely disseminated, *do* have consequences. As Victorian philosopher Mary Poppins once observed, "A spoonful of sugar makes the medicine go down." Does this particular collection of myths, at this time, really serve society constructively? Were we, perhaps, better off in the days when the much smaller universe of big-studio production operated under the proscriptions and constraints of a production code of ethics and behavior? What kind of people find an evening's entertainment in two-and-one-quarter hours of fantastic fireballs, gruesome evisceration, blood-letting, and the wanton destruction of other people's private property—even in the interests of a plot structured around achieving "Justice"? And what influence will these ideas, once retained, continue to have, long after *T2* passes into Hollywood folklore as "the big one of 1991"?

I once told a director for whom I was working that his film was not just a collection of pictures of his friends (whom he had generously cast in all of the principal parts)—it was Ideas, Alive. He had no conception of what I was talking about. ❑

***Quicksilver Capital: How the Rapid Movement of Wealth Has Changed the World,* by Richard B. McKenzie and Dwight R. Lee. Free Press, 1991, xvi + 315pp., $24.95.**

Leviathan at Bay?

Robert Higgs

We Americans have cheered the collapse of socialism in eastern Europe and the Soviet Union. We celebrate as the people of those unfortunate places, long bound and exploited by their governments, strive to create institutions more compatible with individual liberty and economic prosperity. Ironically, we Americans ourselves seem hellbent on making our own governments ever larger and more intrusive. As much of the world makes a U-turn on the road to serfdom, Americans plod doggedly toward that dismal destination. The prospect has driven some libertarians to despair.

But now, like a shaft of light penetrating the darkness, comes *Quicksilver Capital,* a new book by political economists Richard B. McKenzie and Dwight R. Lee. Where there was gloom, McKenzie and Lee see only brighter tomorrows. Despite what many of us had thought and feared, Leviathan is actually on the road to extinction.

The key to their argument is the character of recent technological changes. McKenzie and Lee (hereafter M&L) explain that in the past governments have grown by fastening themselves onto an economy characterized by large production units employing immense amounts of immobile physical capital. For a long time such production facilities made sense because they allowed firms to benefit from economies of scale. But when governments taxed and regulated economic activities more and more, the owners and workers had no easy means of escape, because of the high cost of moving the capital essential to their productive activities. However, during the past three decades, technological changes have been cumulating to alter the old conditions of a capital-intensive mass-production industrial economy.

The information revolution associated with computers and miniaturization has changed the character of the economic world. Plants are getting smaller and more specialized. Mass production is losing, custom production is winning. Physical capital is relinquishing its central place in the technology of production. The crucial resources are now information and human capital, people's embodied skills and knowledge.

Resource mobility has become much greater, especially among nations. People can move themselves far more easily than they can move factories. And information can be flashed around the world at nearly the speed of light. No longer do national boundaries limit transactions. Economic activities all over the planet are being drawn into an ever

denser network of interdependence. Nations are becoming increasingly irrelevant to prevailing patterns of economic cooperation and coordination.

Because of the increasingly international character of business competition, the nation state is losing its hold over the resources it exploits by means of taxation and regulation. M&L argue:

> Governments are not completely autonomous, self-controlling social institutions in which only politically devised, formal constitutional precepts constrain policy choices. On the contrary, governments are constrained by economic forces that, to a significant degree, exist outside of political systems, regardless of their conservative or liberal stripes. These exogenous economic forces have changed, giving rise to changes in direction for government policies. (xi)

Sooner or later, Goliath governments will be slain by computer-nerd Davids hurling microchips.

M&L devote a substantial portion of their book to describing the technological changes that undergird their argument. Although most of these are more or less familiar, the details still boggle the mind. Consider, for example, the increase in the number of international phone calls, from 3.3 million in 1960 to 478 million in 1986 (73). Today, a single computer chip with 10 million transistors can perform electronic operations in four billionths of a second (41). As the microprocessors have become more powerful, the cost of information processing has fallen to a tiny fraction of what it was just twenty years ago, and it shows no sign of stopping its descent. International travel and business transactions have grown apace, much faster than economic activity as a whole. International investment has mushroomed. "Today," M&L remark, "the Japanese would probably have second thoughts about bombing Pearl Harbor simply because so much of Japan is already in Hawaii via the buildup of Japanese investments" (244). The same argument might be made, of course, about many other formerly hostile countries.

Sooner or later, Goliath governments will be slain by computer-nerd Davids hurling microchips.

Governments now confront a new reality about the resources they tax and regulate: if you abuse them, you lose them. Firms will look abroad for a safer haven, subcontracting portions of their activity or even relocating entire facilities abroad where governments will treat them with greater solicitude. The New York Life Insurance Company now has its claims processing done in Ireland. Instant electronic communications and regular air express service make this alternative cheaper than domestic processing (51). American Airlines employs more than a thousand people in Barbados to enter data into its computers (52).

As economic activity moves abroad, it escapes the tax touch and regulatory reach of the government at its origin, weakening that government accordingly. A government had best tread lightly, lest all its victims flee. Such considerations are now causing governments around the world to reduce their burdens on domestic economic activities, to privatize state enterprises, and to give greater scope to markets.

Reining in Government, Herding the Evidence

The foregoing is McKenzie and Lee's argument in brief. In its main outlines it is sound. To some extent one can perceive that international business competition is fostering international governmental competition in today's world. If this were all that M&L contend, one would have little to quarrel with. But they go farther. They argue that the process is already well advanced and that even in the United States, the prospect that resources will flee if treated too harshly is visibly restraining the growth of government. Because M&L's book is likely to receive—and well deserves to receive—considerable attention, this thesis merits careful scrutiny.

Throughout the book, M&L make exaggerated statements about the extent to which governments, including those in the Western mixed economies, are being reined in. They say that "government's role is being constricted, and much is being done to privatize remaining govern-

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ment activities . . ." (13). Margaret Thatcher and Ronald Reagan, they assert, "cut government power in their respective countries . . ." (22). M&L portray entrepreneurs as "ready to jump jurisdictions in response to the slightest policy provocation" (83). They claim that Gorbachev has "demonstrated that greater prosperity could be had by reducing the onerous burden imposed by government" (158)—this in a chapter entirely too worshipful of Gorbachev, the most hated man in the Soviet Union.

Governments now confront a new reality about the resources they tax and regulate: if you abuse them, you lose them. The New York Life Insurance Company now has its claims processing done in Ireland. American Airlines employs more than a thousand people in Barbados to enter data into its computers. A government had best tread lightly, lest all its victims flee.

"Workers from around the world," say M&L, "can immigrate to this country via modern electronics" and "foreign firms can readily shift production around the world to circumvent trade restrictions" (232–233). "In the last decade or so, governments appeared to have passed through a 'competitiveness threshold' that has caused something of a quantum leap in their concern for efficiency and their responsiveness to one another" (156). Each of these statements is an exaggeration, if true at all.

To their credit, M&L make many qualifying statements, acknowledging, for example, that "the world will likely be beset for a long time to come by governments holding enormous power to tax and regulate" (16), and "admittedly, much capital, particularly in the form of factories and workers, is still difficult to move or altogether immobile" (18). They concede that "not all plants and firms are getting smaller. Economies of scale still exist for a number of industries . . . Not all equipment has become miniaturized" (46). They admit that the data they present in support of their thesis are "inherently limited" and "do not measure all dimensions of the changes in governments' influence in their respective economies" (116). But in the end, though they recognize that there are countervailing "political moves to extend government regulation" (145), they insist that "markets are progressively being freed" (145) and "government growth is certainly waning relative to the size of the national economy" (18).

This last claim carries a major part of the burden of supporting their thesis. Near the end of the book, while making a final qualification of their argument, M&L say that "to date, the evidence only supports constrained growth relative to national income" (248). In other words, despite some claims they make along the way, M&L refrain from claiming that Western governments have ceased to grow, either absolutely or relatively. They claim only to have documented a slowdown in the rate of growth of government relative to the economy. This is a weak claim, even if it is true.

To see why the claim is weak, just imagine a simple hypothetical case. First, measure the relative size of government as M&L do, by the amount of government spending as a fraction of national income. Then, construct a case in which this fraction starts at zero and increases each year by one percentage point. Obviously, this sort of increase will eventually result in the government's spending becoming equal to the entire national income and, by construction, the result will have been attained in a steady fashion. But notice that the percentage rate of growth of the relative size of government declines each year. For example, in the second year, the growth rate is 100% (that is, the relative size of government increases from 1% to 2%); in the 51st year, the growth rate is 2% (relative size increases from 50% to 51%); and in the 100th year, it will be just over 1% (relative size increases from 99% to 100%).

Substituting actual for hypothetical data, this is precisely the measure of slowdown that M&L employ. Even if government spending as a percentage of national income were an acceptable index of the true relative size of government—which it is not because governments have so many alternate ways to control resources besides spending—a decline of the growth rate of government's relative size becomes virtually inevitable at some point. This sort of evidence just doesn't carry much weight, yet it is the strongest sort M&L offer.

They understand, of course, that governments can compel private citizens to carry the load by regulation or mandated private expenditures (e.g., pollution abatement costs or mandatory health insurance for employees), and they pay some attention to what has been happening on the regulatory front. The trouble here is that there is no index of regulation even vaguely resembling the orthodox measures of government spending and taxing. Regulations come in nearly limitless variety, from the trivial to the very important. Busy bureaucrats alter them constantly, making some more demanding, and others less demanding. Some they enforce vigorously, others laxly, some not at all. Make-believe measurement, such as counting the rate of growth of pages in the *Federal Register* (183), is just silly.

One has little choice but to rely on experts' judgment as to the weight of the evidence. Remarkably, M&L cite two experts who contradict their thesis. William Niskanen, a member of Reagan's Council of Economic Advisers for several years, has opined that "the regulatory momentum was clearly slowed, but it was not reversed" (186); and Murray Weidenbaum, Reagan's first chairman of the Council of Economic Advisers, has written that "on balance it is clear that the United States has become more protectionist since Ronald Reagan moved into the Oval Office" (189). In view of these claims by exceptionally well-informed observers, one wonders how M&L can conclude that "the late 1970s and the whole of the 1980s have witnessed a significant containment, at least, of the relative expansion of governmental . . . regulatory powers . . . " (199) Are M&L still playing that little trick with the relative increase of the fraction?

Whatever they may have in mind, no one can talk about the trend of regulation as a whole with much confidence. Regulatory constraints cannot be measured like height or weight, so specula-

tions about the relative rate of growth of the overall regulatory burden are necessarily pretty airy. My own opinion, for what it is worth, is that on balance the extent of regulatory constraints on the U.S. economy—whether at the federal, state, or local level—has continued to increase during the past decade, just as it did earlier. As to the rate of increase, I would not even hazard a guess.

In making their arguments, McKenzie and Lee blur certain related ideas or actions that are different in important ways. For example, the collapse of socialism in the East Bloc is not directly comparable to the retrenchment of government in the West. The headline of a recent article in *The Wall Street Journal* (July 18, 1990) by James Buchanan makes the point succinctly: "Socialism Is Dead; Leviathan Lives."

Outside of university campuses in the West, hardly anyone embraces socialist ideology anymore, and the regimes of the centrally planned economies are beating a retreat, although where they will end up remains to be seen. Full-fledged central planning is dead as an idea and dying as a practice. Nevertheless, as Buchanan noted, "there remains a residual unwillingness to leave things alone, to allow the free market, governed by the rule of law, to organize itself." It is quite possible that while governments are surrendering power in the East Bloc, they are still gaining power in the West, at least in the United States.

Finer distinctions need to be made, also, between information and human capital. Most forms of information can be moved around the world almost instantly at very low cost. But the knowledge, skill, and other productive attributes embodied in human beings (human capital) can be moved only at considerable cost. It will not do to suppose that any given package of human capital can be shifted from country to country for the price of an airline ticket. Most people prefer to live in their own culture. Barriers of language and culture, among others, impede the flow of people around the world.

Likewise, one must distinguish between financial capital and physical capital. The former can be electronically shifted at will in many instances, but the latter is much more costly to transfer abroad and often is not mobile at all (e.g., railroads, highways, dams, water and sewer systems, electrical and gas utilities, networks of telephone lines, large plants and most other structures). Nor is it necessarily the case that a flow of financial capital must entail the potential for a subsequent flow of physical capital (59).

McKenzie and Lee fail more than once to distinguish between the location of capital and the location of the title holder of the capital. The Japanese-owned hotels in Hawaii are not really little pieces of Japan, as M&L seem to suggest in their quip about Pearl Harbor. Those properties are completely subject to U.S. tax and regulatory powers, and the Japanese cannot pick up the hotels and carry them back to Tokyo in the event that the local regulations become too onerous. Regardless of the citizenship of the hotel owners, the hotels will stay where they are. (Of course—and this may be the stronger point in favor of M&L's thesis—investors will refrain from making new investments in a jurisdiction where the government has treated or threatens to treat them abusively.)

McKenzie and Lee fail to give the devil of nationalism its due. In their view:

> The "national interest," once a unifying banner, no longer elicits automatic accord among citizens of many nations . . . Citizens now have economic and social ties to countries other than their own. (65) The distinction between "us" and "them" has simply become muddled. (10) Many domestic voters will, no doubt, identify with the economic interests of their foreign sources of supply, jobs, sales, and incomes, and will vote accordingly.(76)

Even without dwelling on the simplistic idea regarding how people decide to cast their votes, I find these claims remote from reality. Around the world, as socialism recedes and police states loosen their grips, ethnic groups tear at the throats of their ancestral enemies. Just consider the events in the Soviet Union and Yugoslavia. If nationalism is in decline, I would like to see some evidence. Perhaps the formation of the new arrangements in Western Europe is consistent with the view that nationalism has diminished, but we must wait to see how durable the new European Community proves to be. In the United States, the outbreak of rabid

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nationalism associated with the Gulf War should convince everyone that American nationalism is as robust as ever.

In discussing tax policies, M&L insist, just as they do with regard to the growth rate of relative government spending, that "the pace of growth in taxes has slowed" (195). Again, this is a weak claim, because such a slowing of the growth rate of taxes measured as a fraction of national income is inevitable at some point; the test is biased toward supporting their hypothesis. Moreover, M&L recognize and document that both the absolute real tax bill and the relative tax burden have continued to grow in the West, including the United States (127, 194–195). The total U.S. tax burden, relative to GNP, was higher during the 1980s than during any previous decade.

Despite the claims they make along the way, M&L do not claim that Western governments have ceased to grow, either absolutely or relatively. They claim only to have documented a slowdown in the rate of growth of government relative to the economy. This is a weak claim, even if true.

Furthermore, federal budget deficits began to grow during the 1960s, became much larger during the 1970s, and reached extraordinary levels (more than $200 billion per year) during the mid-1980s. The Bush budget deficits to come will far outdistance those regarded as astronomical during the Reagan years, reaching perhaps as high as $350 billion in a single year. This evidence of accelerating fiscal irresponsibility offers very cold comfort to those expecting an imminent retrenchment of government.

Even when McKenzie and Lee make unobjectionable arguments concerning the direction of causes or effects, they often rely on mere assertion regarding the magnitudes. Thus, when told that technology "has reduced the required scale of operation for many businesses, enabling them to disperse their activity to the corners of the earth" (35). One wants to ask: how many firms fit this description? With reference to the "growing hordes of people who have little economic allegiance except to the concept of meeting competition on a world scale" (80), one wonders just how big the hordes are. Presented with the claim that "greater capital mobility incorporates a nontrivial, potentially powerful inducement for governments to at least consider lowering their tax prices" (101), one is curious about how M&L know the inducement is nontrivial.

Lost Horizons

McKenzie and Lee are well-known members of the public choice school, but in this book they have taken off their public choice hat; at any rate they do not wear it on every page. As a result, they fail to provide a convincing argument regarding the mechanism by which the pressures of international business competition will be transmitted to government policies. Again and again they say that the government will "have to" lighten up, that it "must" lower taxes or regulatory burdens, that it will be "forced" to do so (57, 85, 105, 111, 235, 237, 239, 240). But why must it? Governments have been abusing their subjects from time immemorial. Why must they act differently now?

Part of the answer, of course, lies in M&L's claim that recent technological changes have pushed people beyond some "threshold" (156), and in the future they will be able to shift their resources at such drastically reduced cost that the flight will radically diminish the tax base, inducing rulers to back off for fear of impoverishing themselves. While the broad logic of this argument makes sense, its quantitative sufficiency is debatable, as already noted.

Furthermore, as M&L recognize in a footnote (273), "in response to growing economic constraints, governments, under some circumstances, may seek to substitute more covert regulations for more overt taxes." This is an important public choice argument that works against their thesis. Other public choice arguments also contradict or at least diminish the force of the thesis once we get into the details of the transmission process.

To abstract from minor complications, a public choice analyst supposes that elected politicians, and hence bureaucrats, do what they do because they are rewarded in various ways for doing it. They get campaign contributions (and ultimately the power, pleasure, and perks of office), bribes, adulation, and so forth from those—predominantly organized special interests—who "buy" the policies created or maintained by government officials.

Suppose now that people can take their resources out of the country more readily. What happens in the political "exchange" process? People who reward politicians in exchange for tax breaks, regulatory constraints on competitors, subsidies, income supports, and other largess will continue to do so, although a few may conclude that political payoffs are no longer the best option and depart the country. In any event, concentrated benefits will continue to trump dispersed costs in determining who organizes effectively for political action.

Even more important, politicians will continue to act based on a very short time horizon. They will worry more or less exclusively about winning the next election, even if they must do so by enacting policies that, in the long run, will destroy the economy and the politicians who feed off it. If incumbents fail to act in this short-sighted manner, they will tend to be displaced by challengers who will promise to do so. (The underlying institutional flaw is the absence of a "political capital market," in which politicians could gain wealth and other objects of their desire by paying attention to the longer-run future.)

The sorts of pressures M&L's argument requires must necessarily act slowly; not enough resources are sufficiently mobile in the short run. It is easy to imagine the politicos going down with the ship, as they have more than a few times in the past. McKenzie and Lee have not convinced me, even granted the technological and economic changes they so convincingly document, that anything in the established political system precludes this outcome.

They argue that "technology can give rise to new methods and sources of competition that were not envisioned when special-interest government programs were passed" (106); that "technology has enhanced the relative political weight of the general interest of the larger voting public, *vis à vis* all of the vari-

ous narrow concerns of special interest lobbies," giving rise to so-called "new-breed lobbying" aimed at the masses rather than the smoke-filled rooms (107); that "governments are now less able to respond to special-interest political demands" and "interest groups are now less able and willing to bribe or pay off" the politicians (108).

But where's the evidence? Certainly not in the data on political contributions by special interest groups. Certainly not in the daily news reports of politicians repeatedly preferring the special interests to the public interest. McKenzie and Lee recognize that, contrary to their thesis, "well-organized interests will often effectively exploit the opportunities offered by the new technology to engage in 'new-breed' lobbying for purposes that expand government programs and increase the scope of government waste." Yet they conclude that, "on balance . . . new-breed lobbying has forced greater restraint in government." This conclusion is sheer wishful thinking.

Around the world, as socialism recedes and police states loosen their grips, ethnic groups tear at the throats of their ancestral enemies. Just consider the events in the Soviet Union and Yugoslavia. If nationalism is in decline, I would like to see some evidence.

Just consider some current events in the United States. The S&L bailout grows ever larger, reaching into the hundreds of billion of dollars—far greater than all previous bailouts in U.S. history combined. In addition, the Treasury is being called upon to shore up the Federal Deposit Insurance Corporation, as commercial bank failures threaten to bankrupt the fund.

Environmental regulations grow tighter almost daily. Last year's Clean Air Act, for example, requires the public to take extreme measures to combat a trivial acid-rain problem that could be dealt with at far lower cost. Perhaps the most troublesome recent environmental development is the imposition of severe restraints on real estate developments and farming activities in order that so-called "wetlands" not be disturbed. In addition, the Endangered Species Act is being used to close millions of acres of federal forest lands to logging, driving the timber industry of the Northwest nearly out of existence ostensibly for the sake of keeping a few spotted owls at ease.

Antitrust actions are making a comeback under the Bush administration. The Microsoft Corporation, the most gloriously successful competitor in a gloriously competitive industry, is now being investigated and harassed by federal antitrust officials, and Microsoft may be restricted in some way or even broken up to give less successful competitors a better chance. Also, the federal government has just injected itself deeply into the child-care business. Regulatory standards are sure to follow, thereby insuring that the care of children, especially poor children, will suffer. The nationalization of health insurance looms just over the horizon. In view of these events and so many others pointing in the same direction, how can M&L conclude (145) that "on balance, markets are progressively being freed"?

Ideas Have Consequences

McKenzie and Lee have little to say about ideology; there is no entry for it or any of its synonyms in the index. This is a crucial omission. So long as the dominant ideology gives support to an active, intrusive government, mere political or even constitutional impediments can do little to restrain the government's interventions. Nor, as I've already argued, can economic pressures of the sort M&L emphasize be relied upon to push politicians far from their accustomed course. M&L appear to believe that the past decade or so has witnessed an ideological turnaround. I am persuaded that no such turnaround has occurred.

Linda L. M. Bennett and Stephen Earl Bennett recently published *Living With Leviathan: Americans Coming to Terms with Big Government* (University Press of Kansas, 1990), a book that exhaustively examines public opinion survey data regarding Americans' views on big government. The findings, though not without certain ambiguities, will not encourage friends of liberty.

For one thing, during the past 25 years increasing proportions of the randomly sampled respondents have had no opinion at all about the size and power of the national government in the United States. Evidently they view it either as a fact of nature or as beyond conceivable change. Maybe they just don't care.

So long as the dominant ideology gives support to an active, intrusive government, mere political or even constitutional impediments can do little to restrain the government's interventions.

The trend in the 1980s was toward greater approval of the idea that the federal government should use its powers more vigorously (Bennett & Bennett, p. 33). In 1989, large majorities favored more government spending for environmental protection, health care, fighting crime, reducing drug addiction, and education. Only on foreign aid did a majority think the government spends too much money (B&B, 90–91). Reporting on a 1987 poll, the Bennetts note that "at the same time that majorities said government controls too much of people's daily lives, majorities—sometimes over-whelming majorities—called for more governmental activism" (B&B, 106). Survey indexes show that younger people were more egalitarian and less individualistic than older people in the 1980s (B&B, 124–125).

Where is the hope for the future of liberty? The Bennetts conclude:

> The increasing belief in egalitarianism, particularly among younger Americans, means that there will be no constituency for smaller government in the foreseeable future . . . Americans are coming to terms with the leviathan they have helped to create . . . Many of those who complained about too much federal control of their lives nonetheless favored increased federal involvement in a wide range of domestic issues. To-

> day, those who call themselves liberals and conservatives no longer dispute whether the government should or should not be involved in almost every aspect of life . . . Even as government expanded to do more, Americans saw less reason to be concerned about that expansion . . . There is no longer any sizable constituency in the United States committed to major, across-the-board cuts in governmental spending for a host of domestic programs. In fact, at the end of the 1980s, there [was] a growing public cry for more spending to address domestic problems, particularly drugs . . . In all likelihood, future office seekers and their public opinion advisers will quickly take into account America's willingness to accept a permanent service state. (B&B, 134–137, 142, 145)

Obviously, these findings flatly contradict M&L's claim that there is an "expanding view in the West that government cannot be the solution to all social ills" (18).

The Open Future

McKenzie and Lee's book is a major contribution to the ongoing debate about the growth of government in the United States and elsewhere. Their central thesis makes sense. I know of no other argument of equal force that forecasts an imminent cessation of the growth of government in the West. But the argument is weak in its account of the transmission mechanism from international business competition to international governmental competition; just saying that governments will "have to" restrain their predations is insufficient. The argument needs to consider more seriously the counterarguments of the public choice school, especially with respect to the foreshortened time horizon of politicians. And it must somehow resolve the tension between its vision of a contracting government (if not already, then soon) and the brute fact of a dominant ideology in the West that insists on using government as the social and economic "problem solver" of first resort.

McKenzie and Lee have written an enormously provocative book, filled with fascinating facts and arresting insights. But they have argued more as advocates than as social scientists dispassionately testing a hypothesis. It remains for others to rise to that challenge. ❑

***Illiberal Education: The Politics of Race and Sex on Campus,* by Dinesh D'Sousa. The Free Press, 1991, x + 319pp., $19.95.**

Correcting the "Politically Correct"

Karen Shabetai

Even being caught reading Dinesh D'Souza's *Illiberal Education* can provoke censorious responses from the politically correct (p.c.) on university and college campuses. In a casual conversation about the book with assistant professors (one from an east coast English department, the other from a west coast humanities department), one proudly remarked that she wouldn't spend $19.95 for it while the other gleefully told the anecdote of a colleague who had stolen the book from the university bookstore to avoid "actually paying money to support such a book." The story was met with a nod of approval from the other and I was faced with raised eyebrows from both of them when I—anti-p.c., and a woman no less, without tenure!—confessed to reading the book.

More than raised eyebrows greeted historian Eugene Genovese after his positive review of D'Sousa in *The New Republic.* In bold letters on its cover, *The Village Voice* trumpeted: "Eugene Genovese. Historian, Marxist reactionary. Double Agent." His crime? Genovese merely recommended that *Illiberal Education* should be read because it raises the level of a debate that has been dismayingly low and ill-informed.

The issues involve who is being taught, what is being taught, and who is doing the teaching on today's university and college campuses. While there is general agreement that the student body, faculty, and curricula should be multicultural, reflecting the increasing diversity of American society, there is disagreement about how that diversity should be represented. Should there be a system of racial quotas, as Berkeley has institutionalized in its admissions policy, to insure representation of minorities and not over-representation of others? Should Western Culture continue to dominate the curriculum? What are the effects of an Afrocentric curriculum? If merit considerations in faculty hiring are deemed unfairly elitist, what should replace them? Why are there so many racial incidents on today's campuses in this new climate of post civil-rights tolerance?

While D'Souza is not always right in his answers or even fair—he seems to have an irresistible urge to be glibly polemical—his is the most comprehensive study of the issues. The polarized climate of mutual suspicion on campuses today often makes it difficult for anyone to hold a position that doesn't neatly fit into one extreme or the other. *Illiberal Education* is a flawed but worthwhile attempt to occupy a part of this neglected middle ground, albeit the part tilting to the right.

Few professors of the humanities would oppose representation of various ethnic groups in required courses; few would oppose active encouragement in the hiring of faculty and the admission of students who have academic merit but who have not been accorded a fair opportunity because of discrimination. But often academics with such inclinations find themselves pushed by their more extreme colleagues into supporting much more radical agendas, or, if they object, are themselves suspected of racism. Thus the many who are sympathetic about the need for opening up canons and curricula but who oppose the new orthodoxy of political correctness and so-called multiculturalism do not feel free to express their views. It is this undermining of free speech and academic freedom that comprises D'Souza's principal concern.

D'Souza uses the University of Michigan to illustrate the tyranny and hypocrisy behind the so called "gag laws," university rules against speech that, according to Michigan's policy, "stigmatizes or victimizes an individual on the

basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap, or Vietnam-era veteran status" (142). As D'Souza says, "such hostility to free expression in the name of race and gender sensitivities is now the norm, not the exception, on the American campus" (144). He cites many cases that confirm that fears about speaking out on sensitive subjects are well-founded. Under such conditions, the debate cannot be an open one.

The new censoriousness is inseparable from what D'Souza characterizes as the victim's revolution on campus (the name of his first chapter). The victims are "those who suffer from the effects of Western colonialism in the Third World, as well as race and gender discrimination in America," and the revolution, which he likens to the cultural revolution in China, seeks to revise everything on campus from admissions procedures to classroom content to the "habits and attitudes of the students in residence" (13). The changes are all in the name of multiculturalism and diversity, the current buzz-words of leftist humanities professors and administrators. To the uninitiated, multiculturalism and diversity sound like worthy commitments, but often they are mere code words for a new totalitarian academic politics that seeks not to revise the current curriculum to provide representation of non-Western culture, but to dismiss Western culture as necessarily racist and sexist, the product of "dead white males."

Multiculturalism and diversity may sound like worthy commitments, but often they are mere code words for a new totalitarian academic politics that seeks not to revise the current curriculum to provide representation of non-Western culture, but to dismiss Western culture as necessarily racist and sexist, the product of "dead white males."

Those of us who have taught Great Books classes know of course that the so-called canon is not conservative, merely affirming the status quo, privileging and safeguarding white male values. We know that such courses teach critical thinking, thinking critical of the very traditions out of which these books emerged. Furthermore, from the accounts offered in *Illiberal Education* and elsewhere, one wonders if, in the courses designed to replace Great Books courses, students are given a full and honest representation of non-Western civilizations, with their own histories of racism and sexism. In fact, what D'Souza illustrates is that non-Western texts are taught to promote a radical Western political agenda. Two former instructors in Stanford's Western Culture Program during its last years lament its passing and the creation of its replacement, CIV (Culture, Ideas, Values). They "fear that CIV essentially teaches affirmation, not criticism, even as it adopts an outwardly contemptuous stance toward mainstream Western culture . . . [T]he new course may look more cosmopolitan, but 'by design' it is actually less subversive (in context)" (Daniel Conway and John Seery, "The Demise of Western Culture," in *Curricular Reform: Narratives of Interdisciplinary Humanities Programs*). D'Souza challenges the new Afrocentric curriculum for teaching what he calls "lies and inventions about the [African] continent, its history, and its culture."

To support their multicultural agenda, leftists point to the increased incidence of racial incidents on campuses. D'Souza distinguishes between two kinds of incidents: indisputable racial incidents and those labeled racial, though in most cases not clearly so upon examination of evidence. About the former, D'Sousa exposes double standards held by campus administrations. In most cases white students who suffer discrimination from black students have no recourse, while white racists are usually (always, in D'Souza's examples) punished, often unfairly. "The victim revolution" gained strength, he argues, with unproductive results for race relations.

The latter kind of incident—involving *charges* of racism—is central to the p.c. debate and to anyone concerned about academic freedom. D'Sousa documents shocking violations of academic freedom, in which professors have been intimidated into giving up certain courses because students have found the material unsympathetic to minorities. For instance, a sociology professor at Michigan (Reynolds Farley, author of *Blacks and Whites: Narrowing the Gap* and *The Color Line and the Quality of Life*) was charged with "showing 'insensitivity' to Malcolm X when including details about his past life as a pimp." He also "quoted some 'prejudicial statements' in class 'to help describe the history of race relations'" (149). He finally gave up offering the course because the current climate wouldn't permit "an intellectually or historically balanced survey"; what they wanted was "a polemical course" (150). The kind of harassment and condemnation that this professor suffered is not atypical on today's campuses; there have been many published accounts of such incidents, the most famous being the case of Professor Stephan Thernstrom at Harvard, who had to give up teaching a course on race relations because of restrictions on his speech in the classroom (*The New York Review*, July 18, 1991).

When asked to discuss the subject, p.c. representatives too often avoid productive debate either by grossly exaggerating or retreating into strategic blandness.

That students should challenge such a course is insignificant compared with the official response of many universities involved in such controversies. Many administrators are so intimidated by the new moral majority that they will not defend the academic freedom of their professors—that is if they are on the "wrong" side of the issue. At my own institution, when many students and professors expressed outrage that a Farrakhan crony should be paid with university funds to give a shockingly anti-Semitic speech on campus, our president refused to condemn him and instead invoked First Amendment guarantees of freedom of speech.

Our president showed himself to be so intimidated that he wouldn't even go

on the record as condemning violent and blatant anti-Semitism. (I might add that this same president has already attended a mandatory sensitivity workshop for an insensitive joke he made about Hispanics). While I do not think that such a speech should be sponsored by a university organization—in this case, with money from mandatory student fees—I believe that the matter is debatable, indeed should be debated in the spirit of a liberal academy. Yet, such debate is closed off in today's atmosphere of selective tolerance.

There are some lapses both in tolerance and temperance in *Illiberal Education*. One such occurs in the course of noting two oddities: the "striking displays of open-mindedness on southern campuses" as compared to hostile racial attitudes on campuses "on the liberal East Coast"; and the fact that "upsurges of racial hostility appear to be increasing in frequency," when, ironically, "student attitudes on race have grown more progressive" (127). Attempting to account for these "oddities," he explains that racism has changed—that there is a new kind of racism produced by affirmative action. It occurs when students observe preferential treatment of minorities at the expense of individual white and Asian students. This so-called new racism, which D'Souza seems to condone, is based not on "prejudice," but on "conclusions," "and is derived not from ignorance, but from experience" (240–241). D'Souza's claim is that this new racism would disappear with the dismantling or at least the radical revision of affirmative action. In this section of his argument D'Souza implicitly blends a skepticism about affirmative action with blatant racist behavior. In D'Souza's subtle manipulation of argument, the numerous incidents of blatant racism, from the sending of hate-mail to minority students to violence against individuals and their property, become conflated with the attitudes of inarticulate but earnest students who offer D'Souza their observations about the injustice of affirmative action. These anecdotes have nothing in common in tone or content with the blatant racism he implicitly couples them with.

Less troubling, but equally careless is D'Souza's analysis of literary theory. Writing on Duke University's recruitment of "superstars," he blames literary theorists for the erosion of academic standards at Duke and elsewhere. For the most part, he misunderstands and oversimplifies current literary theory, turning it into a synonym for leftist ideology. There are some theoreticians who confirm D'Souza's argument, like Barbara Herrnstein-Smith—whose work he copiously quotes. Her arguments for cultural relativism are well-known for their polemics and oversimplification. While she has, unfortunately, been influential, she is neither representative, nor without a number of convincing detractors. D'Souza makes an error common to those not trained in literature—he assumes that theories which question the existence of indisputable foundations for truth and knowledge lead, inevitably, to relativism if not nihilism. He quotes the prominent Americanist Sacvan Bercovitch to support his claim: "Individualism, self-reliance and liberal democracy are no more or less absolute, no more or less true to the laws of nature and the mind, than the once eternal truths of providence, hierarchy and the divine right of kings" (159). But this claim does not mean that such values (the traditional American ones that he lists) have no merit or that they cannot be upheld and supported, only that their truth-value cannot be taken as given, that they are a product of specific cultural activities. It is worth remembering that current literary theory's emphasis on context is not merely a fashionable Continental import but a basic tenet of our homegrown philosophy of pragmatism. Theory, in short, is not monolithic. It has been used to support a number of diverse agendas. While far from being politically neutral as some have argued, theory has no inherent affinity with any particular political agenda. Though there are particularly infamous theoreticians like Heidegger and De Man whose politics are certainly abhorrent, to blame theory in general for the crises in higher education is an instance of the pious simplicity that has characterized the debate of the far Left and Right.

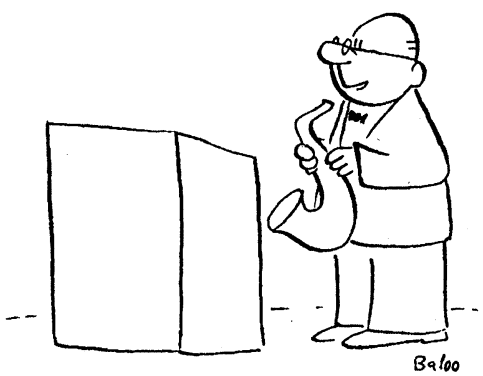

"What I have to tell you today cannot be expressed in mere words . . ."

Some manifest this self-righteousness when they refuse to read *Illiberal Education* merely because of its author's resumé. To note that he was an editor of the *Dartmouth Review* is supposed somehow to sum up the book. In fact, in *Illiberal Education*, D'Souza subtly attempts to put his past "activism" into perspective as he calls antics of the *Review* sophomoric and reminds his readers that its staff are largely "sophomores"! Further, he admits that the attacks in the *Review* and like student publications are often "reflexive, ill-considered, unkind, and lacking in historical perspective" thus becoming "further symptoms, rather than remedies, for campus maladies" (19).

What I have witnessed first-hand convinces me that D'Souza's account is close to the actuality, at least in English departments.

Judging from most reviews of his book, D'Sousa hasn't gotten much credit for his new temperance. Virtually ignored by his critics is his concluding section entitled "Three Modest Proposals." (No, he does not seem to be alluding to Swift.) In it he offers what are for the most part fair-minded and intelligent solutions to the problems that he maps out in his book. He urges a genuine diversity in the curriculum and on campus, a balanced syllabus in humanities classes that would include western and non-western literature. He doesn't want to end affirmative action; he proposes reworking it to ensure that disadvantaged children who show promise will have a fair chance of being admitted to good institutions. The criterion would have to be financial and intellectual, not racial. Pretty bland stuff, pretty middle-of-the-road, but how neglected!

D'Souza's critics haven't responded to his proposals; in fact, their responses either fail to engage the issues by offering grotesque caricatures of the anti-p.c. position, or characterize their own stance in such evasive terms that no meaningful debate is possible. For instance, when Robert McNeil on McNeil/Lehrer tried to get Stanley Fish, the chairman of Duke's English department, to characterize the kind of changes that p.c. advocates were attempting to make on campuses, Fish responded with the suave sophistry that he is famous for. He said that the changes have not only already occurred but have become widespread orthodoxy, offering as evidence a junior high school student in West Virginia who is studying women's-rights-advocate Mary Wollstonecraft in an eighteenth-century literature course. I can't think of a single professor, white, male, and even old, who would be shocked by this, indeed who wouldn't himself have included Wollstonecraft in relevant courses. But Fish would have us believe that his innocuous example sums up the results of a decade's worth of outcry over canon reformation. When asked to discuss the subject, p.c. representatives too often avoid productive debate either by grossly exaggerating or retreating into strategic blandness.

This is not to say that the opposition isn't guilty of the same tactics; it is, of course. But right now in many, if not most, of the English departments on our better campuses, p.c. is the majority position, or at least is tyrannous enough to appear to be so. My own hunch is that most academics in these departments go along with the p.c. agenda because they aren't sure how to oppose it without betraying their own humanist and liberal beliefs—or rather, without sounding as if they were agreeing with an Allan Bloom or a D'Souza—or even Representative Henry Hyde or George Bush, who have recently joined the debate with characteristically simple-minded statements.

What rational person wouldn't like to join Michael Kinsley (*The New Republic*, May 20, 1991) in his incredulity about the existence of p.c. tyranny on college and university campuses? Kinsley characterizes *Illiberal Education* as "an any-weapon-to-hand collection of slightly suspect anecdotes." And indeed, one can't help noticing how D'Souza's recorded conversations with undergraduates, seldom articulate but always sincere, unfailingly confirm his claims. Were such accounts not at least shamelessly edited to suit his purposes? While the urbane wit of the skeptical Kinsley has the ring of truth, what I have witnessed first-hand, and what I have heard from reliable sources second hand, convinces me that the slightly suspect D'Souza is closer to the actuality.

From ample accounts it is clear, for instance, that in many departments, especially English departments, recent faculty appointments are made based on political qualifications, not on departmental needs. Of course not all such decisions are purely political. The problem is the *extent* to which these decisions are political. The usual way to escape the grossly political—by invoking a "quality of mind" argument—is met not only with anger but also with anguish. For in the p.c. lexicon "quality of mind" has become a shoddy codeword that attempts tacitly to impose "white-male" standards to keep out minority candidates. What epitomizes p.c. behavior in such instances is not a forthright, pragmatic admission that, yes, politics is pervasive in hiring, but nearly the opposite—a bit of calculated theatrics that takes comfort in an offended self-righteousness, a posture that ensures that debate ends when politically touchy subjects are invoked. And the sooner debate ends, the easier it is to make emotional appeals of victimhood to guilty white liberal colleagues who invariably cave in.

This is not to posit some innocent or apolitical past. Certainly equally nox-

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ious scenarios were in the past ritually enacted in any number of departments (and probably still continue in some places), with politics and self-interest of a different sort dominating decisions. It is not nostalgic to wish for a more balanced future; it is the place of the university to rise above such petty politics.

Perhaps the p.c. debate is actually a perverse, even grotesque version of the perennial crisis in education that used to be simply summarized with the line, "Why Johnny Can't Read." Now that SAT scores have fallen again to record lows, the fault is said to lie neither with teachers nor with parents nor with television but with "dead white male" authors. The p.c advocates have reached this *reductio ad absurdum* with unflinching seriousness, and why not? Things seem to be going their way. But how long can an enterprise survive where Plato, Shakespeare, Blake et al. are considered the *problem* and rather than part of the *solution*? ❑

***Capitalism and Individualism: Reframing the Argument for the Free Society*, by Tibor R. Machan. St. Martin's Press, 1990, xiv + 182 pp., $29.95.**
***The Moral Dimension: Toward a New Economics*, by Amitai Etzioni. Free Press, 1988, xvi + 314 pp., $24.95.**

Ethics vs *Economics*

Leland B. Yeager

Amitai Etzioni and Tibor Machan both fault standard economics for neglecting ethics. Etzioni snipes from the left-liberal position, Machan from the libertarian right.

Etzioni sees a struggle between two paradigms of social science. The first is an entrenched, rationalistic-individualistic, neoclassical approach. Imperialistic economists extend it to all social relations. The second is a social conservatism that sees individuals as morally deficient, often irrational, and needing strong authority to control their impulses, direct their endeavors, and maintain order.

Etzioni claims to offer a third paradigm (labeled "I&We"). Individuals can act rationally and independently, advancing their own interests. Whether they can, however, hinges on how well they are anchored within a sound community and sustained by a moral underpinning. Etzioni's program, linked to a deontological ethics, would investigate the conditions necessary for rational and effective individuals, viable communities, and efficient markets.

Etzioni offers programmatics, not substance. He provides no clear alternative to existing social science. Nor does he call for moving policy in the socialist direction; he has heard of the virtues of the market and the defects even of government. Instead, his book is a running denigration of what he takes to be standard economics and a grab-bag of complaints about the market. Economics supposedly ignores ethics, ignores the communitarian yearnings of the human psyche, plays down cooperation, overemphasizes efficiency in a narrow, market-oriented sense, and is too crass in general. Competition is not perfect, exchange does not occur among equals (power is at work instead), special interests try to corrupt the government, and so forth.

Etzioni's method is to string casual musings together, interspersing them with many sweeping citations to writings in economics, political science, psychology, and other fields. Chapter 8, especially, contains much pointless brooding over the meaning of rationality.

Etzioni cites, with apparent approval, several experiments in which psychologists lie to unwitting subjects, putting them into cooked-up situations or onto guilt trips to see how they will react. I am reminded of later research reported by the Urban Institute in December 1990. The Institute had sent out people to pose as job applicants and lie about their backgrounds. The results purportedly provided additional evidence of employers' discrimination against blacks. But other interpretations come to mind. Perhaps personnel officers sensed something wrong with the applicants, even if they did not explicitly identify it as dishonesty. Perhaps white applicants, by and large, had more experience in lying convincingly than blacks. Who knows? Anyway, doing social research is not a persuasive excuse for dishonesty, especially not in a book that trumpets ethics.

It is easy to agree with much of what Etzioni says about the importance of community and about the fact that the individual, instead of being totally autonomous, is largely shaped by his society. What repels me is his tone—his intimations that he is saying something new, discrediting standard appreciations of the market economy and requiring a radical reformulation of main-stream economics.

Much of Machan sounds like Etzioni. He too complains about the imperialism of standard economics. Most classical-liberal economists, including members of the Chicago, Austrian, and public-choice schools, argue in a self-defeating manner. They rely (he says) on the *Homo economicus* model of human nature; like Thomas Hobbes, they see the individual as a coldly rational utility maximizer, driven by narrow self-interest. They defend capitalism only for its efficiency, its material results.

Machan tries to distance himself from these economists by defending capitalism as the economic system most consistent with individual rights. He starts with a "classical" individualist conception of human nature. The individual's most basic moral responsibility is to strive to live a happy life. To fulfill that responsibility he (or she) needs a sphere of personal jurisdiction or moral space; he needs rights to use and govern his own life, to be free from coercion or aggression by others, and to control his belongings. Private property is no mere instrument for creating wealth efficiently; it is a means of allowing each person a realm of exclusive jurisdiction, secure from trespass, in which he can be the major moral force in his life. "[C]apitalism . . . enables its citizens [sic] to strive for a noble life on their own" (p. xii). The tradition of Lockean natural individual rights, and

the social and political institutions it recommends, come closest to according with premises and aspirations like these.

Machan judges economics, or neoclassical economics, by some writings and some conversational remarks of some economists. Yet no one, even if he understands the moral beauties of capitalism, can constantly be reciting them; no one can say everything that he believes in single mouthfuls, continuously. Furthermore, the division of labor is just as unavoidable and useful in scholarly work as elsewhere. It is quite legitimate for some economists to specialize in the technical and even the materialistic aspects of their subject, leaving its ethical aspects mostly to others.

True enough, criticism sometimes is deserved. I don't like George Stigler's occasional pose as the hard-boiled, cynical scientist any more than Machan does. This is only a minor aspect of Stigler's writings, though, and I could name worse offenders. (So can Etzioni.) Machan could have, for instance, attacked Walter Block's *Defending the Undefendable;* apart from the problem of giving the book undeserved publicity, its perniciousness requires fuller exposure than, to my knowledge, it has received so far. Yet by denigrating a discipline in great chunks, Machan spreads confusion about what the proper targets of criticism are. Criticism should focus on the exceptional specific examples and perpetrators of economics gone cynical, smart-alecky, and amoral.

I wonder whether Machan is equipped to supply focused criticism. Although he does recognize Adam Smith's contribution to ethics, he (like Etzioni) seems unaware of how large the literature on the areas of overlap between economics and ethics is. It includes, for example, writings of David Hume, John Stuart Mill, Frank D. Graham, William A. Orton, Frank S. Meyer, Gaston Leduc, Michael Polanyi, Alexander Rüstow, James Buchanan, Henry Hazlitt, and my hero Wilhelm Röpke. On the question of what sort of self-interest, if any, economic theory presupposes, Machan and Etzioni would have done well to absorb Philip H. Wicksteed's *The Common Sense of Political Economy* (1910).

Machan misrepresents several of the writers whom he does mention. Thomas Hobbes did not maintain that human nature consists in the ruthless pursuit of narrow self-interest. He was exploring the conditions necessary for peaceful and fruitful cooperation. He was stating the case for government rather than anarchy. His case appeals, in part, to the plain fact that some persons do habitually behave, and many persons occasionally behave, in a predatory and ruthless manner when they think they can get away with it. Peace and prosperity presuppose protection against such behavior. The American Founders, analogously, were trying to shape a system of government that could prevail against scoundrels occasionally gaining office; but they did not thereby assert that human beings are scoundrels by nature.

Etzioni provides no clear alternative to existing social science. Nor does he call for moving policy in the socialist direction; he has heard of the virtues of the market and the defects even of government. Instead, his book is a running denigration of what he takes to be standard economics and a grab-bag of complaints about the market.

Machan is on shaky ground in saying that F. A. Hayek and Milton Friedman believe in "moral skepticism." He criticizes Hayek (5, 83–84) for denying that the market achieves justice, evidently not paying adequate attention to Hayek's meaning and argument. In "the jargon of normative economics," Machan mistakenly tells us, "[m]arket failures [are] freely conducted bad deeds in the market" (51).

Garrett Hardin is the victim of his perhaps most remarkable misinterpretation. Evidently alluding to Hardin's celebrated article "The Tragedy of the Commons"—but without giving the actual citation—Machan imputes to Hardin the conclusion that this tragic aspect of life is unavoidable and "that life is somehow inherently morally absurd" (128). Actually, as Machan does partially remember, Hardin was pointing out the harm from failing to establish private property rights in resources and activities that might reasonably have been treated as common property when life was simpler and populations smaller. Instead of preaching acquiescence in moral absurdity, Hardin was trying to provoke thought on how to deal with problems of "the commons," recognizing that not all of them are amenable to what he called "technical solutions."

Etzioni rejects a utilitarian grounding for ethics, recommending some sort of moderate deontological position instead. He properly says that the moral status of acts should be judged by intentions rather than consequences, but he seems not to recognize that a sophisticated utilitarianism dissolves the supposed tension between the two criteria. Still, to his credit, he does recognize that utilitarianism comes in different versions.

Machan forbears from repeating his earlier and frequent caricaturing attacks on utilitarianism. Still, his arguments read like strained attempts to differentiate his message from what does, after all, follow better from a straightforward if reasonably sophisticated utilitarianism. (This is how his message comes across; I am not conjecturing about motive.) One occasional device is to hold doctrines in supposed rivalry with his own guilty by association. For example (64), Hobbesian individualism is determinist and nominalist. (Determinism is bad, freedom good; but the discussion of this technical issue of philosophy on pages 39–40 is hardly satisfactory.)

Machan writes gauzily, with a high ratio of verbiage to substance. Although short, his book is still too long. Instead of deliberate padding, it betrays slight care to prune away irrelevant miscellaneous comments, unnecessary words, excessive repetition, clumsy phrasing, and banal examples (the pet rock recurs *ad nauseam).* The pages on policy about pollution exemplify argument left in an incoherent, rough-draft-like stage.

I might not bother to mention such defects in books by writers who (like Etzioni) do not even claim to be campaigning for the libertarian good society. A review of a libertarian book in a libertarian magazine, however, may properly ask how effective it is likely to be as an instrument in the struggle. Both Machan's writing style and his captious attacks on those whom he should recognize as allies make his book distasteful to this reviewer. ❑

Reflections, *continued from page 12*

paper termed an "absurd excess of political correctness," it unilaterally changed the team moniker to "Eagles."

Word of the name change eventually reached "victims" of the old designation. The Huron descendants were almost unanimously opposed to the change. Wyandotte tribal spokesman Bob Bennett, after consulting about 400 fellow tribesmen, began campaigning for a restoration. Reporter James Ricci interviewed Hurons from Quebec to Oklahoma; almost all resented the university's dropping of their ancestral name. Chief Leaford Bearskin of the Oklahoma Wyandottes considers the use of the tribal name to be an honor. Grace Morning, daughter of a chief, said "We all feel that the name ought to stay the way it has been." A descendant of Huron Chief Joseph White told Ricci, "Keeping that word alive ensures that we won't be completely forgotten. People will want to know more about those it named."

What we have here is the typical arrogance of so many modern institutions. Led by those who would rather sacrifice any principle than be suspected of being politically incorrect, they casually sideswipe the lives and memories and honor of those with whom they don't even condescend to communicate. —WPM

Red justice — With the gratifying failure of the attempted coup in what used to be the USSR, some have begun to warn of a possible "witchhunt" against members of the Communist Party. President Gorbachev himself expressed his concern, and the alarm has been dutifully repeated in the American (and Canadian) media. Boris Yeltsin has been criticized for shutting down CP organizations and journals. On CNN's *Crossfire*, Stephen Cohen, the usually intelligent Soviet analyst at Princeton, lamented that roving crowds had torn down statues of Red leaders. (Whereupon the inimitable Pat Buchanan shot back: "They tore down statues of Lenin, of Sverdlov, who had the Tsar and his family murdered, and of Felix Dzerzhinsky, the founder of the KGB? You got a problem with that, Steve?") The trouble with the "witch-hunt" metaphor is that, as they used to say in Joe McCarthy's day, witches don't exist and Communists do.

No one is proposing that all of the 15,000,000 or so Party members should be punished. And it might well be that any punitive actions against even Party leaders would be imprudent, aggravating Russia's already grave problems. But there is, after all, the question of justice. Twenty or thirty million people, or more, were killed by the leaders of the CPSU. More people died at Kolyma than at Auschwitz. Aren't there even any Kolyma camp guards around who could be put on trial?

On July 26th, Lazar Kaganovich died, at the age of 97, peacefully, in his Moscow apartment. A year before, he had given a newspaper interview, and appeared to have his wits about him. Through all the years of *perestroika* and *glasnost* Kaganovich remained undisturbed. No one thought even to subject him to an *interrogation, scare* him a little, rattle his old bones. Who is Kaganovich you ask? Roy Medvedev wrote that he was "a man on whose conscience there are quite as many crimes as there were on the consciences of those who were hanged in 1946 at Nuremberg." In fact, since Hitler, Himmler, and Heydrich were absent from Nuremberg, this is an understatement. For twenty-five years, Kaganovich was Stalin's faithful henchman, in charge, among his other duties, of collectivization, and, later, of suppressing political deviation in the capital. Kaganovich was the Butcher of the Ukraine. During the Purge Trials he was the director of the Great Terror in Moscow. How come you don't know who Kaganovich was? How come so many are so concerned with avoiding a "witch-hunt" of Communist criminals, rather than with bringing them to justice? How come no one seems to care? —RR

Make the criminal pay — John W. Hinckley, confined to a mental hospital, does not have deep pockets. Nevertheless, he is being sued. Three of the four victims of his 1981 attempted assassination of Ronald Reagan—James S. Brady, Thomas K. Delahanty, and Timothy J. McCarthy—have filed a suit in civil court to obtain damages in the six-figure range. Mr Reagan has not joined the plaintiffs; perhaps a lawsuit of this type doesn't seem "ex-Presidential."

A judge has ruled not to dismiss the case, arguing that Hinckley's alleged insanity (oops! *proven* insanity) at the time of his crime does not bar any claims for civil damages. This may seem crazy, but it is not.

The common law tradition makes an important distinction between criminal and civil matters. Though there are a number of ways the civil differs from the criminal, the most relevant for the present case is that criminal law is much more concerned than civil law with *motives*. And that is as it should be: the criminal is defined not so much by what he does but *how* and *why* he does it.

Consider: if, while driving down the road you run over a pedestrian (me, for instance), it matters a great deal to me, to my family, and every decent-minded person whether or not the act was accidental. If your hand slipped or your car malfunctioned, no one in his right mind would wish to treat you with the wrath reserved for the hired killer (or sociopath or whatever) who *deliberately* runs me down.

In either case, it is in *all* of our interests to make the perpetrator pay for the deed. But it is also in our interest to make the deliberate assailant pay *more*. There is a whole spectrum of differences between the accident-prone and the thoroughly criminal that only fools fail to acknowledge. After all, one of the most important purposes of law is to deter criminal acts.

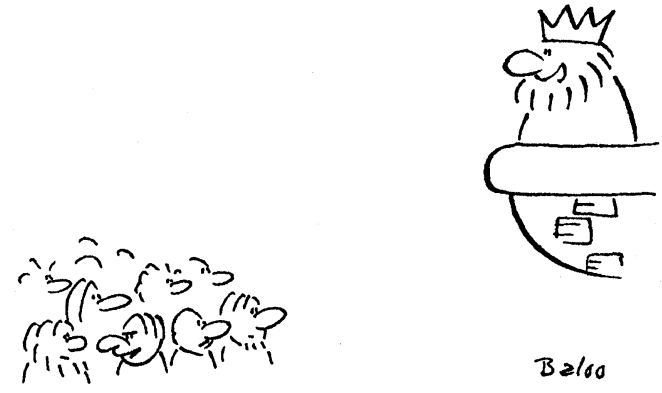

"I hate it when he says 'In my humble opinion.'"

But to treat a rights-violator who acts out of *malign* intent the same as the good-intentioned *accidental* rights-violator completely emasculates the deterrent effect of law. It is also morally repulsive—a near-complete levelling of values, an example of true nihilism.

Back to cases.

The insanity defense is an attempt to deal with certain types of motivation and character. It is, in effect, one distinction among many regarding motive, similar to the distinctions among, say, the various kinds of negligence and levels of criminality. Now, it is true that the insanity defense is over-used and often misapplied, causing numerous problems. Much the same can be said for negligence. It may also be the case that, as Thomas Szasz has argued, the whole concept should be "thrown out of court," so to speak (though I am not yet convinced of this). But this is beside the point in the Hinckley suit.

Whatever the quality of intent—whatever degree of criminality, if any, and regardless of "insanity"—liability for a wrongful act can still be assigned to the perpetrator in civil court. Whether you (to return to my earlier example) ran me over intentionally or accidentally, you *still* can be held liable for my hospital bills, forced to make up for lost income, even made to assuage my mental anguish with a few added C-notes. America has not drifted so far away from the tradition of strict liability that such common-sense pleas are futile. Hinckley may be tried (and found liable, we can hope) for bagging James Brady et. al., despite his "insanity" verdict.

The curious may wonder what the plaintiffs expect to get out of Hinckley. Are they really going after Hinckley's well-to-do (and Bush-supporting) family? There would be a certain logic in this, since it was his family that paid for the attorneys who made the case for insanity, and got a jury to believe it. But it seems unlikely; there is talk, instead, of intangible assets, such as (according to the New York *Times*) "rights to his writings, his life story and the video-taped deposition he gave for his case." Just when I thought there was no good use for TV-movies or ambulance-chasing, tell-all journalism, some lawyers have figured it all out. —TWV

Notes on Contributors

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Charles Ziarko has worked for many years in the movie industry in Los Angeles. He may not have seen it all, but he has seen *enough*.

Coming—soon!—in *Liberty*

✓ 1991 marks the **75th Anniversary of the National Park System** and the **100th Anniversary of the National Forest System.** And so, with all due respect (read: scant) we have postponed our celebration of this occasion until *1992*. *John Baden, R. W. Bradford, Randall O'Toole,* and *Karl Hess, Jr.* explore America's largest experiments in socialism!

✓ **The Way It Is:** Ambition, greed, a chaos of competitive interests—sound like a leftist critique of capitalism? No! *Leland Yeager* looks at American politics and diagnoses the real problem: Democracy!

✓ **Bionomics and Austrian Economics:** In this fascinating discussion, *Michael Rothschild* explores the similarities and differences between his new paradigm ("bionomics") and the ideas of Hayek and Mises. Neither economics nor ecology will ever be the same again!

Terra Incognita

Gibraltar

Latest heroes of the British Empire, as reported by the *Associated Press*:

Britain has awarded bronze medals for bravery to six parakeets who served aboard the HMS Manchester in the recent Persian Gulf War.

Detroit

News bulletin from the War on Male Chauvinism, as reported in the Detroit *News*:

Yvonne Roussell told police that she burned down the Poinciana Apartments in midtown Detroit because "she was angry her boyfriend took her eyeglasses," according to court records.

Seattle

Innovation in law enforcement, as reported by the Seattle *Post-Intelligencer*:

The Seattle School District has installed video cameras on some of its school buses to keep track of which students "are responsible for unruly behavior."

Kenya

Fighting deflation in the Third World, as reported by *The Wall St Journal*:

A tourist from Spain was sentenced to a month in jail for "destruction of Kenyan currency." He tore up $15 in Kenyan currency as he prepared to leave Kenya.

Fort Lauderdale, Fla.

The perils of fighting vice, as reported by the Detroit *News*:

Vice-Mayor Doug Danzinger, conservative crusader against topless bars and adult bookstores, resigned from office after Deputy Prosecutor Jeffrey Willets revealed that Danzinger was the client of a Kathy Willets, a local prostitute and Deputy Prosecuter Willets' wife. The Deputy Prosecuter revealed the client list after he was forced to resign from his position after being charged with living off the earnings of a prostitute.

New York

Acute observation of the Sage of the radical American Left, as reported by the *Associated Press*:

The Communist Party of the Soviet Union will "go underground and then bounce back," according to Gus Hall, longtime leader of the American Communist Party. "Communism is *not* dead."

Oakland County, Mich.

More perils of fighting vice, as reported by the Detroit *Free Press*:

Prosecuting attorneys in this suburb of the Motor City have announced a new service for book and video store owners: they will privately preview videotapes to determine whether they are pornographic. "Hard-core porn is harmful to the community," explained Prosecuting Attorney Richard Thompson. Meanwhile, he is holding onto XXX-rated videotapes he seized "for investigation" from several bookstores. No charges have been filed in these cases.

Ft Worth, Texas

Evidence of the value of a trained, professional police force, as reported by the Detroit *News*:

"I did what I was trained to do," said Officer Edward J.Parnell, explaining why he hit a handcuffed prisoner 28 times with a nightstick.

Canada

Interesting military development in the collectivist utopia to the north, as reported by the Toronto *Globe and Mail*:

Canada's army now has more generals (130) than it has tanks (113).

Connecticut

Unique celebration Independence Day in the Nutmeg State, as reported by the Detroit *Free Press*:

Campers at Hammonasset State Park in Madison were awakened by rangers announcing over loudspeakers that everyone, including those who had paid for that evening's campspaces, must immediately vacate the park or be arrested for trespassing. No refunds were given. The closure was ordered by Gov. Lowell P. Weicker, as a tactic to convince the state legislature to enact an income tax.

Denver

The business acumen of the city of Denver, as reported by *The Wall St Journal*:

Although local passenger traffic is down by 7 million passengers in the past four years and a whole corridor of gates has been roped off because no planes are using it, Denver is building a new airport, the world's most expensive, costing $2,400,000,000.

Fairfax County, Va.

Evidence that local government is more responsive to the needs of citizens than to demands from the press, from the Fairfax County (Va.) *Journal*:

The new county building for Fairfax County includes such amenities as a private elevator to take county supervisors from their underground parking spaces to their first floor offices, private saunas, a $35,000 granite conference table, and $1,000,000 worth of landscaping, including $40,000 for ten trees. In an unrelated development, county officials announced that reporters could not visit the county building unless accompanied by "a member of the county's public affairs office." In response to a request from a reporter, County Deputy Public Affairs Director Barbara Gorden announced, "We're not doing press tours for a while. It's gotten to the point where it's taken a lot of our time and we have a job to do here."

California

Yet more evidence that the private sector cannot provide public goods, as reported by the Sacramento *Union*:

Senator Cecil Green, Chairman of the Senate Public Employees and Retirement Committee, has introduced a measure to abolish the state's "adopt-a-highway" program, which saves the state $5 million per year by using volunteers to clean the litter along state highways. The problem, according the Sen. Green, is that in some cases, "the signs [along the highway] which bear the name of the donor of the litter-pickup service are being looked upon as advertising mediums."

Tokyo

Further evidence that the U.S. is lagging behind Japan in research and development, as reported by *Reuters* :

Triumph International Japan is offering a special brassiere to celebrate the bicentennial of Wolfgang Amadeus Mozart's death: "When you hook it up, it plays about 20 seconds of a Mozart variation," a spokesman said. The bra, in indigo blue with musical staff motif with matching panties, is studded with tiny lights that flash when the music plays.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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Panels

Liberty in the Post-Socialist World, with **Sheldon Richman, David Friedman, Robert Higgs, Stephen Cox** and **R.W. Bradford.** (Video: V101; Audio: A101)

Spending the Peace Dividend, with **Robert Higgs, Sheldon Richman, James Robbins** and **Richard Stroup.** (Video: V102; Audio: A102)

Beyond MADness: foreign policy without the "Evil Empire" with **Stephen Cox, Robert Higgs, Sheldon Richman** and **James Robbins.** (Video: V103; Audio: A103)

The Revolution in Eastern Europe. with **Ron Lipp** and **James Robbins.** (Video: V104; Audio: A104)

Right and Wrong in an Unfree World, with **R.W. Bradford, David Friedman, John Hospers, Loren Lomasky** and **Sheldon Richman.** (Video: V105; Audio: A105)

Heroes of Liberty: Chodorov, Paterson, Mencken, Conan the Barbarian, Tannehill, Cage, others, with **R.W. Bradford, Doug Casey, Richard Kostelanetz, Sheldon Richman** and **Stephen Cox.** (Video: V106; Audio: A106)

Liberty and the Environment, with **Jane Shaw, Richard Stroup, John Hospers, R.W. Bradford** and **David Friedman.** (Video: V107; Audio: A107)

Do Rights Make Sense? with **David Friedman, Timothy Virkkala, John Hospers, R.W. Bradford, David Ramsay Steele,** and **Loren Lomasky.** (Video: V108; Audio: A108)

Seminars

The Economic Case For and Against Anarchy, by **David Friedman** with comments by Richard Kostelanetz. (Video: V109; Audio: A109)

*Did the Libertarian Movement **Really** Start in Murray Rothbard's Living Room?* by **R.W. Bradford,** with comments by Stephen Cox. (Video: V110; Audio: A110)

The Politics of the Avant Garde, by **Richard Kostelanetz,** with comments by Stephen Cox. (Video: V111; Audio: A111)

Does Economics Make Sense? by **David Friedman** with comments by Robert Higgs. (Video: V112; Audio: A112)

Children's Rights **by Loren Lomasky** with comments by Timothy Virkkala. (Video: V113; Audio: A113)

The Poverty of Libertarian Fiction by **Stephen Cox** with comments by Douglas Casey. (Video: V114; Audio: A114)

Game Theory, Evolution, and Freedom, by **Ross Overbeek** with comments by David Ramsay Steele. (Video: V115; Audio: A115)

War and Prosperity: Did World War II Cure the Great Depression? by **Robert Higgs.** (Video: V116; Audio: A116)

Agent or Victim: Reconsidering the Insanity Plea by **John Hospers.** (Video: V117; Audio: A117)

Workshop

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Inside Liberty

January 1992
Volume 5, Number 3

4 Letters Our readers take *Liberty* into their own hands.

7 Reflections *Liberty*'s editors on Magic Johnson, motorcycling, liberal sensitivity, David Duke, political chicanery, honoring dead composers, and other matters, ephemeral and eternal.

17 The Thomas-Hill Affair Sex. Racism. Gross injustice. Trendy politics. Washington D.C.'s answer to *L.A. Law* is reviewed by our critics — Jane Shaw, David Friedman, Richard Kostelanetz, and Bill Kauffman.

Features

23 The National Park Disgrace R. W. Bradford observes the 75th Anniversary of the National Park Service.

31 Rocky Mountain Low Karl Hess, Jr., explains how the National Park Service is turning one of America's most spectacular regions into an ecological nightmare.

38 Why Term Limits Lost Chester Alan Arthur analyzes what went wrong with Washington State's recent term-limitation initiative. R. W. Bradford wonders why we should care.

41 Beyond Austrian Economics: The Economy as Ecosystem Michael Rothschild explores the common ground between a new paradigm of economics, "bionomics," and the "Austrian school" of Mises and Hayek.

53 America's Population Registration Act Brian Doherty reveals the ominous parallels between the recent civil rights bill and South Africa's justly hated apartheid.

55 How to Think About Pollution The Swedes got it right when they awarded the Nobel Prize in economics to Ronald Coase. David Friedman shows how Coase pioneered a solution to the problem of pollution.

Reviews

60 Post-Randian Objectivism: R.I.P. Ayn Rand's "intellectual heir," Leonard Peikoff, has written a book. David Ramsay Steele performs the autopsy.

61 Will Objectivism Ever Become Respectable? Henry B. Veatch, the eminent Aristotelian, looks for the Peripatetic among the fugitive arguments presented by Ayn Rand's oracle, Peikoff.

69 Democracy Diagnosed Leland Yeager adds some choice libertarian and Public Choice thoughts to Alan Ehrenhalt's *The United States of Ambition*.

71 Drug Policy Abuse The Heritage Foundation puts its $10 worth into the propaganda effort of the war on drugs. Mark Thornton demythologizes the establishment crusade.

72 The American Meteor Gary Alexander surveys the life and writing of America's most popular socialist author, and finds much to admire.

Departments

74 Classified Advertisements What our readers want to sell . . . or freely give.

77 Notes on Contributors Who we are and what we do, if not why we do it.

78 Terra Incognita Excerpts from the real and unreal worlds of the media, the state, and the *booboisie*.

Letters

Give Me Accuracy or . . .

Historical inaccuracies usually lay hidden in some obscure paragraph, so you can imagine my surprise and dismay to see one in the headline of an advertisement in the November *Liberty*.

Patrick Henry made his famous speech which concluded with "Give me liberty or give me death" on March 23, 1775.

What he was doing in 1776 I know not nor do I care. Mr. Henry gerrymandered James Madison's district in an attempt to stop him from being elected to the House of Representatives (he had already blocked his appointment to the Senate) and I haven't forgiven him for it yet.

John R. Carter
Earlysville, Va.

First Things First

One little correction of David Horowitz's article ("The Road to Nowhere," November 1991): He states that the Soviets celebrated the fortieth anniversary of the revolution by launching a man into space in 1957. Actually, the first man launched into space, Yuri Gagarin, made his trip in 1961. (Sputnik was an unmanned satellite.) Not a big deal, but it's nice to get these things straight.

Gary McGath
Penacook, N.H.

Marx: Worse Than You Think

The argument of David Horowitz is overwhelming. Yet even now he is still understating the case. Thus he says, "From the very beginning . . . the critics of socialism had warned that it would end in tyranny . . ." But the critic he cites is Bakunin, writing in 1872. Yet nearly thirty years earlier, in 1844, before even the first publication of the *Communist Manifesto*, his then collaborator Arnold Ruge, who was "still a democratic not a socialist revolutionary," protested that the realization of the dreams of Marx would be "a police and slave state."

It is of the last importance to appreciate the significance of such refusals to attend to seriously argued criticism. For his indifference to the likelihood of that servile outcome indicates that Marx himself was not, what so many have asserted that he was, someone who — however misguided — was sincerely and wholeheartedly devoted to the cause of human emancipation and betterment. Had he been, Marx could not but have been worried by that likelihood. For abundant biographical evidence of his actual motivation, compare Leopold Schwartzschild's *The Red Prussian*.

Antony G. N. Flew
Bowling Green, Ohio

Vulgar Politicians

I question R.W. Bradford's attribution of "vulgar" notions of the economic and ecologic systems to "the man on the street," in his "Economics and Ecology, Sophisticated and Vulgar" (November 1991). I believe that the "average citizen" has a reasonably correct intuitive sense of his proper place in society and nature. It is the politician that is convinced that "the economy will run amok if left unregulated by the state" and that "nature is chaotic if left alone." It is the politician's constant exhortations and promises that stir up a vocal minority to become political activists. It is an avalanche of legislation that forces the average citizen to take sides on issues that he sees will have an important effect on his life and well-being. I think that the statistics on low voter turn-out and low return rates of survey questionnaires support my view that the average citizen really wants to be left alone to make his own contracts, to take his own risks and to be responsible for the resultant consequences. How else can Bradford account for the robustness of the systems he remarks upon?

Maribel Montgomery
Albany, Ore.

No Replacement Intended

I am sorry, but not surprised, that Tibor Machan (Letters, November 1991) viewed my combination of humor and inquiry (in my article "Questions on the Phylogeny and Ontogeny of Rights," September 1991) as "nasty quips and put-downs" and "denigrating all the hard work natural rights libertarians have undertaken . . ."

In the field of science, theories are constantly challenged by conditions they fail to explain. But new theories that do explain the exceptions to the rule are almost never developed by — and are almost always resisted by — those who brought forth the preceding theories. Indeed, a whole generation of adherents must frequently die off before an old theory can be replaced by a superior version. This is because we humans invest so much identity in our ideas (as opposed to our thought process) that curiosity withers, and any question raised against our ideas assumes the nature of personal attack. So it would seem in the field of philosophy as well.

While providing no replacement theory, my offering of exceptional cases clearly points to the need for further evolution in thought. It is my hope that these questions raised will spark new work by minds more agile than mine.

Jim McClarin
Cool, Calif.

Machan Sí, Yeager No!

I was astounded, angered, and dismayed to read Leland Yeager's review of Tibor Machan's *Capitalism and Individualism: Reframing the Argument for the Free Society* ("Ethics vs Economics," November 1991). Yeager is guilty of precisely the failings for which he faults Machan, and it is clear that Yeager doth protest too much. Yeager's main objections rest on what he tells the reader are Machan's misrepresentations of several writers. This is a serious charge to level against a scholar, more so when prefaced with the *ad hominem*, "I wonder whether Machan is equipped to supply focused criticism." A paragraph later, the reader finds Yeager shooting himself in the foot as he tries to set Machan straight with the following claim: "Thomas Hobbes did not maintain that human nature consists in the ruthless pursuit of narrow self-interest." I laughed out loud when I read this. My philosophy students would have wondered to see such a howler in print. They, at least, have read the first chapter of Hobbes' *De Cive*.

Yeager also misfires when he attempts to disarm criticism: "One occasional device is to hold doctrines in supposed rivalry with his own guilty by association. For example, Hobbesian individualism is determinist and nominalist. (Determinism is bad, freedom good; but the discussion of this technical issue of philosophy on pages 39–40 is hardly satisfactory.)" How much

continued on page 6

Letters Policy

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

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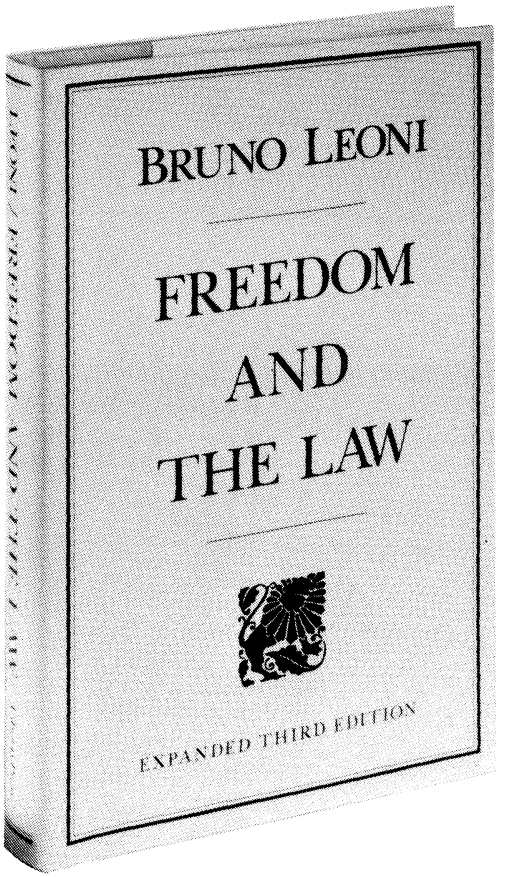

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Letters, *continued from page 4*

discussion does Yeager need here to get the point? Hobbes is a determinist; determinism categorically precludes freedom of choice; since "ought" implies "can," Hobbes' metaphysics renders morality inoperative. This is a simple matter of fact and logic, not guilt by association.

I am astounded that Yeager was so patently in error about such basic matters as these; I am angry at his sophistic attempt to manipulate the reader and I am dismayed that such a piece was ever published. It is the nastiest diatribe parading as a book review that I have ever read.

J. E. Chesher
Santa Barbara, Calif.

Ad Hominems on Stilts?

In his review of my book, *Capitalism and Individualism*, Leland Yeager has given very low marks to how I attempt to upgrade the defense of the free market advanced by many free market economists. I don't wish to dwell on Yeager's *ad hominem* attacks in which he asserts, without even bothering with a few direct quotations, that my book is pretty worthless. One cannot contest a case that has not been given even a modicum of defense.

I do wish to note, however, that the claim Yeager makes about how my position is in some sense utilitarian is one he has asserted over and over again not only about me but about nearly all the natural rights libertarian positions that have been placed on record. Yeager made this point at length in a piece he wrote some years ago for *Cato Journal*. I responded in a discussion note in the next issue of that journal, pointing out that Yeager has lumped together distinct notions — e.g., the teleological position of classical egoism and the consequentialist position of utilitarianism.

Why is my philosophy not utilitarian? Because utilitarianism is essentially only a value theory, while the classical egoism I defend is a moral value theory. Utilitarianism stresses that certain good end-states are to be achieved and if a system facilitates this achievement better than others, it is a good system. The classical egoist, in contrast, stresses that it is the facilitation of moral values that needs to be achieved, and if a system furthers such achievement in a superior fashion, it is better than others. The central difference between the two is that the former omits the essential role of human initiative — the moral component — in the achievement of values, while the latter makes such a human initiative a vital ingredient of the human good, both in ethics and in politics.

This is important for classical liberal and libertarian politics because while for utilitarianism it is feasible to argue that some coercive policies may (at least temporarily) facilitate the achievement of certain good end-states or values, for classical egoism it is not feasible that coercion could be good public policy. In some rare or emergency cases there may be some justification for coercion but not as a general policy.

Though I have argued against Yeager that this distinction is important, he has never even addressed it. He hasn't done so in his so-called review of my book, either. It would be at least civil of him to do that and not waste readers' time on all his *ad hominems* instead.

Tibor R. Machan
Auburn, Ala.

That's Not Libertarian, That's Sick

Your magazine is not worth the paper it is printed upon. I was appalled to read Chester Arthur's sick "report" ("My Kind of Town," November 1991) on the LP Convention in Chicago, which I was fortunate enough to attend. Your articles are hurting libertarianism. Friends who are trying to learn about libertarianism think we are a joke after reading your magazine. I suggest you close up shop, or change your format to report factual information about the principles of libertarianism. Your magazine should be a *professional* forum of ideas that will make the reader want to learn more about the philosophy.

R. Michael Borland, MD, PhD
Colora, Md.

Fungible Fellows

Chester Alan Arthur is interchangeable with Murray Rothbard or Lew Rockwell; and they are some of the most disingenuous fellows I've had the displeasure of an acquaintance.

I read *Liberty* for libertarian perspectives, not hatchet jobs on the Libertarian Party/movement by Arthur. I've read far more positive LP reporting in *The Wall Street Journal*.

Is a refund for my remaining issues available? Never mind — I wouldn't trust the editors of *Liberty* to send the check.

William J. Hickman
Granville, Ohio

One Small Non-vote for . . .

As a devout Szaszian, I resist having others define me. Thus, I must take issue with Chester Alan Arthur's reference to me. "Richman [was] an alternate (though he refused to pick up his credentials)," Arthur reported.

I was *not* an alternate. An alternate is someone who *asks* to be one and is so designated by a state delegation. Someone else, with neither my consent nor knowledge, designated me an alternate. I did not seek or express any desire for that status, which is why I refused to pick up the (not my) credentials.

I hope that sets the record straight.

Sheldon Richman
Woodbridge, Va.

A Noted Improvement

Just a short note to say thank you for your story on the Libertarian Party nominating convention. It put some of the missing pieces together for us.

However, you did commit one factual error in your coverage. Based on the board of directors' own personal experience with "rubber chicken" in Philadelphia, the entrée for the Presidential Banquet was tasty filet mignon with sinful chocolate cake for dessert. There was both wine and champagne for table libation. The operator of the convention, Libertarian Enterprises, remembered to have souvenir mugs and a dance band for those that complained in 1989.

Sue Walton
Libertarian Enterprises
Chicago, Ill.

Arthur responds: *I am surprised at Mr Hickman's finding that my report on the LP convention a "hatchet job on the Libertarian Party/movement," and his bemoaning the fact that "he has read far more positive LP reporting in* The Wall St Journal.*" I am an active supporter of the LP. But I am not a public relations flack for the party. My job is to report accurately and analyze honestly what I observe. If Mr Hickman disagrees with what I say, I invite him to state his disagreements and explain where I have gone wrong.*

Ms Walton is quite right about the food at the banquet; at least I have been told by several mouth-witnesses that it was bodacious. My "rubber chicken" comment was a reflection on the usual fare at political banquets. I have asked Liberty*'s editor to send our restaurant critic along next time.*

As for Mr Richman, well . . . some men achieve alternateness, others have alternateness thrust upon them.

Capitalist Psycho?

Panos Alexakos and Daniel Conway ("A Case of Mistaken Identity: the Boycott of *American Psycho*," November 1991) have ably defended their case that B.E. Ellis attempted to depict nihilism in his

continued on page 76

Reflections

None so blind as those who cannot eat

— In a recent article about deforestation in China, Chicago *Tribune* staffer Uli Schmetzer remarked, *inter alia*, that most people in one particular part of Yunnan province had been "bypassed by socialism's main achievements — adequate food production and modernization."

I wonder: do some journalists join the profession straight from another planet? Saying that food production is the main achievement of socialism (which in this context means communism) is like saying that emancipating European Jewry was the main achievement of Nazism. —WPM

David Duke and Teddy Kennedy, separated at birth?

— The great David Duke threat to democracy has come and gone since the last issue of *Liberty*. At least that's the way the media had portrayed it. Personally, if I had had the misfortune of being a voter in the Pelican State, it would have been a tough choice. Edwards is a sleazy crook, and Duke a racist (or, if we believe his change of heart, an ex-racist). Based solely on the issues, I suppose I would have voted for Duke: after all, I agree that welfare ought to be cut and that affirmative action is bad public policy. On the other hand, a Duke victory would no doubt increase the mischief he might do on the national stage. It is even possible that he might one day be president, if the economic situation gets much worse. This would be very bad news: Duke still advocates some of the stupidest and most destructive views imaginable (e.g. his opposition to free trade exceeds even that of Pat Buchanan and Richard Gephart).

I suppose it comes down to a question of Duke's character. As I see it, there are three ways to explain his behavior:

1. Duke remains a crypto-Nazi and crypto-Klansman right-wing nut. His denunciation of racism and his past bigotry is entirely false.

2. Duke had a genuine change of heart and mind. He is now a political conservative, sincere in his views.

3. Duke is a typical politician: he has no real convictions, but seeks power for the sheer pleasure of exercising it.

Personally, I think the third explanation is the likeliest, mostly because I don't think Duke ever had a seriously held conviction in his life. For one thing, I can't think of another highly visible political nut of any stripe, let alone any as exotic as Duke's Nazi-Klan variety, that simply put his goofy views behind and became a mainline politician.

This is not a case of a political nut cracking a major party to further his nutball ends, or attaining a major following for his goofy position. Since he became a Republican, Duke has advocated more-or-less respectable conservative Republican ideas, not much different from, say, Pat Buchanan's.

And Duke's career as a racist, though extensive, doesn't seem to support the notion that he was ever very sincere. At the same time he was a professional racist, for example, he worked part time writing a sex manual for women, and one of his Nazi buddies has said that he has witnessed Duke snorting cocaine. These seem more like the actions of an opportunist with no serious convictions than of a right-winger.

My own guess is that the American politician most similar to David Duke is Teddy Kennedy. He has advocated positions that he believes will advance his own political career and following. Kennedy was born into a wealthy Democrat family, so he adopted Democrat views. He was elected to the Senate on the basis of his brother's popularity. He has since advocated a rather silly version of left-liberalism, which has stood him well with the left-liberal Democrats and electors of Massachusetts, and allowed him to build a serious following within the Democratic Party.

Duke, on the other hand, was born into a poorer family in a rural backwater. Within that framework he achieved considerable success, at any rate as much success as one can manage in a tiny goofy movement. Somewhere along the line, it occured to him that there wasn't much future as a crypto-Nazi, but that there was considerable public support for political conservatism. So he had plastic surgery to make him handsome, declared himself a Republican, and articulated propositions that most Republicans believe but feel too intimidated to advocate openly. He parlayed the free publicity of his Klan past into election to office, and continues to exploit that notoriety today.

So who would have been a better governor, Edwards or Duke? Probably Duke. If elected, he would have been under extreme scrutiny. The first act of corruption would have been celebrated by the news media, local and national. He would have had every incentive to keep his nose clean, since he plainly aspires to play on a broader political stage.

On the other hand, a Duke victory would likely have fueled his presidential ambition and credibility, thereby advancing his idiotic anti-immigration, anti-free trade agenda. And, if I read his character incorrectly and he secretly is still a Nazi, he could cause even more mischief.

As I say, I'm glad I'm not a Louisianan. —CAA

The Tragedy of Earvin Johnson

— At a hastily-called press conference only a week into the National Basketball season, Magic Johnson told a stunned world that a routine physical examination for insurance purposes had discovered that he was HIV-positive.

Magic Johnson is by a wide margin the most famous person ever known to be infected with the AIDS virus. He brought to the basketball court a *joie de vivre* that made him more than a star basketball player. In an era in which sports stars are encouraged to be all-too-human, Magic seemed too

good to be true. Deeply involved in community affairs, always cheerful, never associated with any of the vices of star athletes, Magic was a role model that just about anyone could respect and admire. His grin was as wide as the Pacific Ocean and lit up his face with a joy that made him an effective spokesperson for just about everything he talked about: the need for kids to stay in school, the NBA, Pepsi, Converse shoes, Kentucky Fried Chicken, America . . .

But Johnson is more than an ordinary basketball star. He is the best player ever to play basketball. Knowledgeable students of basketball can argue long and hard about who else belongs on an all-time all-star team. They can argue forever about who is the second-best player. But there is no argument about who is the best.

True, other players are sometimes considered to be in Johnson's league by casual fans. For sheer scoring intensity, Michael Jordan is his superior. For elegance and beauty, Johnson didn't hold a candle to Julius Erving. All sorts of players have run the court faster, have jumped higher, have shot better. Johnson's hook shot was denigrated as a "baby hook"; it lacked the grace and beauty of teammate Kareem Abdul-Jabbar's. When Johnson broke for the basket, he often looked outright clumsy. His outside shot looked like something you might see in the schoolyard. His dunk was inelegant, almost geeky. His only skill liable to impress the casual fan was his ability to pass the ball with amazing accuracy.

Where Johnson excelled was at the mental game of basketball. He understood better than anyone else the seamlessness of basketball, the most synergetic of team games. Johnson understood this intellectually at such a level that it infused his being. When he stepped onto the court, he always seemed to know without looking where the ball and every other player were. He knew when a man was open for an easy shot. He knew when a defender could be beaten. He knew what to do all the time. And his skills were always adequate to do what he did best: win basketball games. His intellectual understanding permeated the core of his being. It was never a matter of his thinking what he ought do. It was always a matter of his knowing what to do and doing it, autonomically. But he was as far from being an automaton as a human being can be.

No one who ever saw him play questioned his hunger for victory. His intensity and devotion to basketball were like that of no other human being. He was emotionally transparent: the joy, the intensity, and the enthusiasm infused his soul.

One is tempted to compare him to Babe Ruth, who stands head and shoulders over all others who played the other great American game. But the similarities don't run very deep. Ruth excelled by having a single skill that transcended that of every other man to play the game: his ability to hit a baseball harder and farther. Johnson excelled by re-inventing the way the game is played, and excelling at virtually every aspect of the transformed game.

Earvin Johnson was the best at his life's work. He made the game of basketball an art of astonishing beauty.

I first saw Magic play when he was still called Earvin. It was 1977 and a friend told me I really ought to see this local high school kid play. "Earvin Johnson plays basketball like you've never seen," he told me. "You've got to see him." I was very busy with my work, so I told him to pick out an especially interesting game, and I would go.

The game he selected was between two high schools in Lansing, Michigan. Earvin played for Everett High, a suburban white school to which he had been bussed. The opponent that night would be Lansing Eastern, a huge inner-city school, with over 5,000 students. Eastern was a traditional powerhouse, and featured two players that year who eventually were to play in the NBA. I managed to get tickets when the game was moved from Eastern's home court, which seated only 5,000, to the Michigan State University's fieldhouse, which seated 15,000. Despite the NBA-sized arena and broadcast on local television, the game was a sell-out.

After the huge crowd packed the place, the lights were turned off and rock music turned on at a deafening volume. Spotlights focused on a huge hoop in one corner of the court. The announcer screamed over the blaring music, "Ladies and gentlemen, the Lansing Eastern Quakers!" Suddenly, black kids dribbling basketballs and dancing burst through the tissue-paper-covered hoop and a deafening roar filled the arena. The spotlight turned to another hoop in another corner. "Ladies and gentlemen, the Lansing Everett Vikings!" Through the hoop burst a bunch of little white kids and one tall black kid.

The game that followed was remarkable. Eastern played disciplined, high quality black bas-

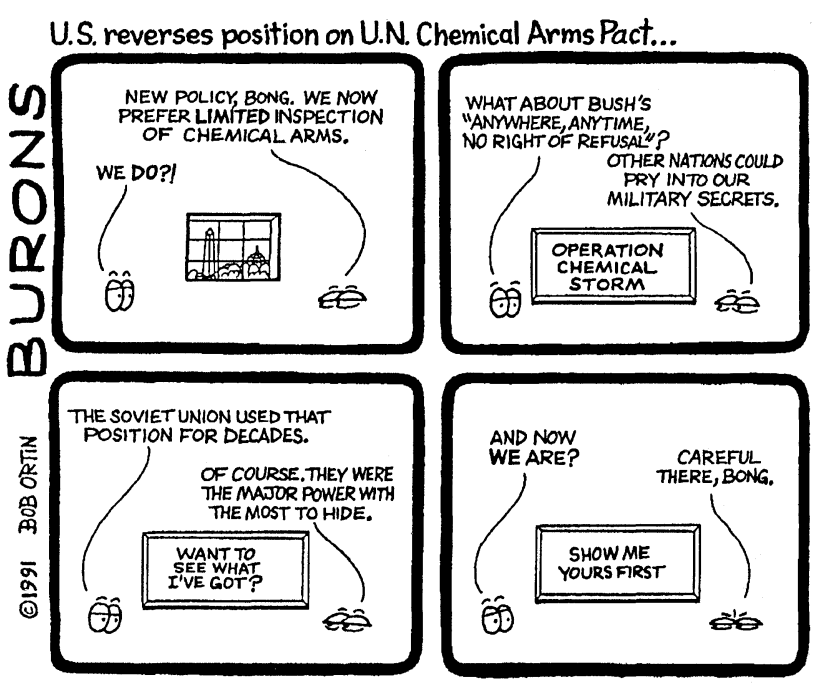

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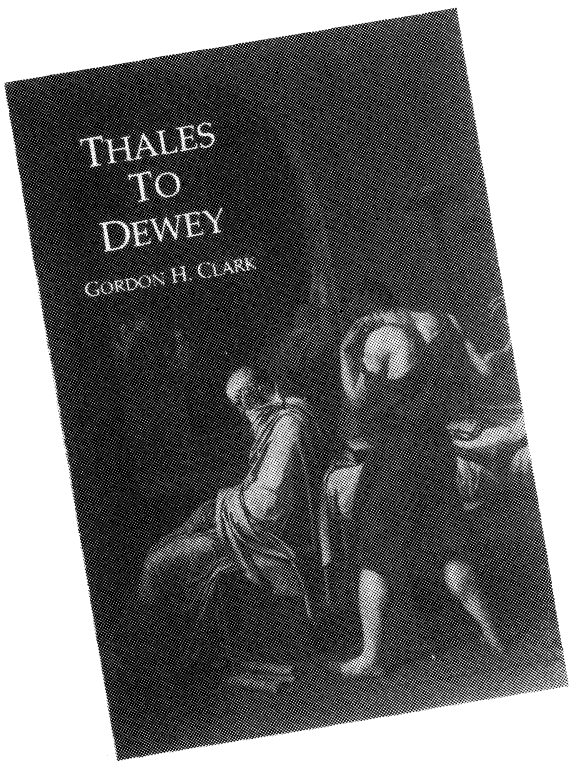

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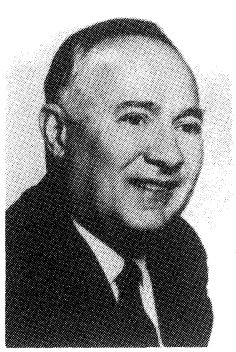

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ketball. Everett was a typical bunch of clumsy white kids and Earvin Johnson. Earvin already played the way that would amaze basketball fans when played in college and the pros. His team was grossly outmatched at every position but his. But that didn't seem to matter. He was double-teamed or triple-teamed, but somehow he'd get the ball and shoot an amazing bullet pass to a white kid who was open for a ridiculously easy shot. Or he'd move to the basket himself. Or he'd shoot long.

Earvin fouled out late in that game, and his team lost by a small margin. It was the only game his team lost that season, and the only game he fouled out of. He took that team of clumsy white kids on to a state championship, beating teams of giant, skilled black kids from huge schools.

Earvin got some national press, but mostly people said, "A 6'8" point guard? Who needs that?" The next season, he decided to go to the local college; when reporters asked what position Earvin would play, his coach responded, "Court." The team he joined was a run-of-the-mill college team. With Earvin running the team, it shocked the world by easily trouncing the top-rated Big 10 teams. It lost in the tournaments in a very close game with the team that went on to win the championship.

By Earvin's sophomore year, he was called "Magic" in the papers, thanks to the efforts of a university public relations man. He took Michigan State to a remarkably easy national championship. In the semi-finals, he led his team to an incredible 51-17 lead at the end of the first half, before the coach rested Earvin and the other starters. In the finals, the team easily defeated an unbeaten Indiana State team starring Larry Bird.

Earvin (he will never be "Magic" to me) turned pro the next year. He was drafted by the Los Angeles Lakers, an indifferent NBA team with only one star, Kareem Abdul Jabbar, a 7'2" giant center who never seemed to be terribly motivated. The story was the same: Earvin's mastery of the court made his teammates look like stars; his enthusiasm motivated them to play like champions. The Lakers breezed to a division championship and through the early rounds of the playoffs.

Going into the sixth game of the championship round, the Lakers held a 3-2 lead over the Philadelphia 76ers. The game was to be played in Philadelphia and the Lakers were expected to lose that game to the tough 76er team. Kareem, who had missed occasional games all year because of migraine headaches, announced that he had been stricken with another migraine headache and would not be able to play. He would be ready for game 7, which would be played on the Lakers' home court in Los Angeles and determine the championship.

The Laker coach decided to start Earvin at Kareem's position. Earvin took charge. In one of the greatest games in basketball history, the Lakers obliterated the 76ers. Kareem watched the game on television in L.A. There was no seventh game. Kareem played another decade never suffering another migraine sufficient to cause him to miss a game.

In four years, Earvin had joined three different teams, none of whom were expected to contend, and led each to a championship. He has played eleven more years with the Lakers, playing in 9 more NBA finals, winning four more NBA titles. He had more moments of triumph, and his share of injuries.

At first, his great talent was not widely recognized, and even today there are some who don't appreciate his contribution: *Earvin transformed basketball.* When he came to basketball, it was a game played by five guys anxious to show their individual talents, with scoring and rebounding considered the most important skills. Today, basketball is a team sport like no other. The best teams are those that play with a lightning-fast intelligence, always controlling the ball and the court, always knowing their teammates' and opponents' positions and abilities. This was Earvin Johnson's greatest contribution to the game. All the while, he brought an enthusiasm, a happiness and an intensity to the game that no one had seen before. He was always a joy to watch.

At his press conference, Earvin explained that he had tested positive for HIV and would be retiring from basketball immediately. But his life would go on. He would be a spokesman for HIV. He didn't know how he had become infected. He was happy to say that his wife was not infected. He was dignified, graceful, and charming, lighting up the room with his genuinely magic smile. He didn't shed a tear over his tragedy. I was not so strong.

Earvin Johnson was the best at his life's work. He made the game of basketball an art of astonishing beauty.

Basketball — and life — will not be the same without his presence on the court. —RWB

The joy of AIDS — What's remarkable to me about the Magic Johnson case is not the fact that a popular basketball player has been stricken by AIDS. I never imagined that popular basketball players were immune to disease.

What's remarkable is the overwhelmingly favorable publicity that the event has produced. No, I'm not referring to the outpourings of sympathy for Johnson; they are both proper and predictable. I'm referring to the outpourings of what can only be called glee about his having contracted the disease.

"America's Wakes Up to AIDS." That's the general format for headlines. "Now at last America can see that anybody can come down with the disease. And now at last something can be done about it." That's the general format for commentary.

How sickening this spectacle will seem to the general population, I can only guess. I know how sickening it is to those of us who have seen friends and neighbors die of AIDS, and know that it is far from an appropriate cause for political joy.

Every advocacy group on the cultural left seems to be impressed, excited, pleased. Johnson's terrible plight has bought them another huge slice of the spotlight. Or so they think. We'll see if they can make the general public, which for nearly a decade has been systematically scared to death by the liberal media, believe that

— although the government has been spending many times the money on AIDS that it spends on any other health problem, including problems more destructive of life than AIDS, it is culpable for not spending more;

— President Bush is an evil man for failing to provide a

cure for AIDS (much as, one supposes, medieval kings were thought to be evil if they were unable to cure victims of disease by touching their flesh);

— the sickness of a very wealthy man is conclusive proof of everybody's need for national health insurance.

Preposterous? Yet these are the conclusions that immediately leaped from the mouths and typewriters of countless liberal commentators brooding gleefully over Johnson's plight.

How sickening this spectacle will seem to the general population, I can only guess. I know how sickening it is to those of us who have seen friends and neighbors die of AIDS, and know that it is far from an appropriate cause for political joy. —SC

Lesion lessons — Having written in these pages about the scarcity of straight males contracting AIDS, I feel obliged to deal with the Magic Johnson story. I find dubious Johnson's claim that he doesn't know who gave it to him.

Remember that AIDS is transferred from the semen or blood of a carrier to the blood of a recipient. That accounts for why the most common path of dissemination is anal intercourse to a climax, where an erect penis has already torn rectal walls. Straight women are far more likely to contract it than straight men for the simple reasons that female genital lesions are not visible and many are insensible. A man, however, cannot only see such lesions, he can *feel* them. He knows about them when he washes himself; he can certainly feel them when his penis penetrates a woman. There is no way, other than operations requiring intravenous needles, that a straight male can become HIV-positive unless his lesioned penis penetrates a woman who not only has AIDS but lesions as well.

Assuming that Johnson was as generous with solicitous women as he was with solicitous reporters, and assuming as well that he has not been continuously plagued with lesions, I think he must have remembered the woman, or even women, with whom sex would have been, for him, an untypical pain. My hunch is that he's protecting, not the identity of his infector, but his reputation, from a partner, whom he'd rather not, because of *her* reputation, publicly identify. I know, because, less generous than Johnson (and less universally desirable as well), I have more than once decided it would be better, alas, to desist and apologize. Now that Johnson has made so much of his story public, the additions would be instructive. —RK

Enviro-communism — When the Cuban Communist Party held a conference in October, it seemed that the Caribbean Communists might finally join their former Soviet and East European counterparts and institute some form of economic and political reform. But at the end of the conference all that emerged was a call for a new war on crime — meaning a campaign against those few souls brave enough to engage in free-market activity in Cuba.

Facing an end to its Soviet subsidies, Cuba is reverting to a semi-industrial age. Oxen-training facilities have been set up to domesticate bulls to replace tractors. Bicycles from China ("socialist transportation") are replacing motor vehicles. Industries are failing, and agriculture is becoming more peasant-intensive.

The fate of Cuba under Maximum Leader Fidel Castro is another irony of Marxism. Where Marx saw a state withering away, there is a total state. Where Marx saw self-actualization there is regimentation in thought, action and dress. Where Marx saw peace there is perpetual war ("In the battle for agricultural production our hands are rifles!" a Cuban farm laborer stated). Where Marx saw technological progress, there is collapse. Where Marx saw plenty, there is poverty.

But this reversion to low-tech (or no-tech) may be appealing to EarthFirst!ers and other neo-Luddites. By their standards, Cuba represents progress, not collapse. So why not declare Cuba a Technology Free Zone (TFZ) and preserve it as a refuge for radical environmentalists, peasant revolutionaries and glorifiers of the noble savage? All man-made items, from aircraft to medicines to clothing, would be banned from the island. Cuba would be left to revert to its natural, pre-Columbian state. Then everyone who thinks that this is a proper mode of human existence can go to Cuba (or whatever they rename the place — EarthMother, Eden, Sanctuary, BioHaven, Bedrock, etc. — and escape the worries of the modern world. With luck it would take the inhabitants only a few years to achieve a paleolithic society. Guantánamo Bay naval base could be converted to a monitoring station from which anthropologists could gather data on life in primitive communities. The reintroduction of top predators would help keep population levels in check, though it might spur illegal weapons production among the humans — clubs, spears, perhaps even advanced bows and arrows. —JSR

This reversion to low-tech (or no-tech) may be appealing to EarthFirst!ers and other neo-Luddites. By their standards, Cuba represents progress, not collapse.

The cycles of freedom — In the November *Liberty*, Sheldon Richman wrote a eulogy for Soichiro Honda, the barely-educated Japanese mechanic and businessman who built one of the world's greatest industrial firms from scratch, against the wishes of his own government, in the post-war ruins of his country. In recognition of Richman's eloquence, I renounced my editorial *droit de seigneur* and passed up the opportunity to publish my own tribute to Honda. But I owe a very personal debt to Soichiro Honda, and I feel obliged to add a few words to Richman's.

Those who drive the exquisite automobiles manufactured

"I didn't mind when my wife first started talking to plants, but yesterday she threw a bar mitzvah for her wandering jew!"

by Honda Motor Company feel indebted to its founder, for the comfort, performance, economy and superb engineering of their cars. Those who value liberty are indebted to Honda for his superlative demonstration of what a good man, with practically no education, can accomplish to make the world a better place, if only he is left alone by his government. These are very great debts. But, like millions of people around the world, I owe far more to Soichiro Honda.

Honda's greatest achievement, not mentioned by Richman, was the virtual reinvention of the motorcycle. Prior to Honda, motorcycles were lumbering behemoths. Few dared to ride them far from their homes, thanks to unreliable engines and butt-breaking ergonomics. They were the toys of a tiny minority of individuals who didn't mind the endless maintenance, the cloud of smoke and broken parts left in their wake, the discomfort, the high purchase prices, or the constant danger of accidents from breakdowns at highway speeds.

Honda changed all that. He was a mechanic and designer. Gas was scarce in post-war Japan, and Honda hated public transportation. He made his first motorcycles in 1948. It was a natural thing for him.

Honda was never satisfied with what he did. He always worked to improve his product. His first motorcycle was a crude two-stroke engine, requiring the user to mix oil into the gas. Within a decade, Honda was winning international motorcycle races and exporting motorcycles to the United States. The 50 cc "Cub" sold for $215, got nearly 100 miles to the gallon, and ran like a watch. It introduced motorcycling to millions who would never have otherwise known its pleasure or utility.

In the years since, Soichiro Honda and the company he founded never stopped improving and re-inventing the motorcycle. Today, you can still buy a Honda with a 50 cc engine that gets 100 mpg. You can also buy a Honda with a 1500 cc engine that you and a passenger can ride all day in comfort, a Honda that you can ride up mountains and down ravines, a Honda that will do a quarter-mile from a standing stop in less than 11 seconds and will cruise at 157 miles per hour. Soichiro Honda invented whole new kinds of motorcycles.

I got my first motorcycle in 1966, when I was still a teenager. I was living by myself and working two jobs at the time, earning money to finance my college education. I bought the bike in hopes of cutting the expense of commuting among my jobs and the place I lived. But I quickly fell in love with the freedom of the road. My bike was Italian, not much better than the clunkers with which Honda competed two decades earlier, when he began making motorcycles. I never drove it more than 50 miles without a breakdown. But I loved every mile I drove.

When my father learned about it, he made me choose between it and the financial aid he provided for my college education. I sold it. The day I got my first job after college, I bought another motorcycle. This time, I bought a Honda. Since that day, I have always owned at least one Honda motorcycle and have ridden as much as I have been able to find time.

I got my first big motorcycle in 1984. It was a Honda Silverwing, a downsized version of a touring motorcycle, designed for long distance travel. My wife and I drove it across the continent that first summer. We were punished by the long days on the dreadfully overloaded motorcycle. But the bike never complained and we saw 12,000 miles of America, feeling the texture of the land and experiencing the freedom of the open road in a way impossible in an automobile.

"Motorcycling has always been about freedom," the magazine ad said. And anyone who ever sat on a motorcycle with the road stretched out before him knows that it's true. It's not surprising that four of the founding editors of this magazine ride motorcycles.

The next year, my wife bought her own Honda, and since then we have taken as many motorcycle trips as we could manage. We have ridden about 40,000 more miles on our motorcycles. We have ridden through America's great cities, across her scorching deserts (you haven't really lived until you have driven 500 miles in temperatures above 110°), over her rugged mountains, along her wild rivers, through her small towns, through her uncivilized places. I have ridden my Honda as many as 1,000 miles in a single day.

To ride a motorcycle is to experience freedom in the most visceral way possible. "Motorcycling has always been about freedom." That's the caption in a current ad for Honda motorcycles beneath a photograph of a highway stretching out to the horizon. Anyone who ever sat on a motorcycle with the road stretched out before him knows that it's true. It's not surprising that four of this magazine's founding editors ride motorcycles.

I would never have experienced this feeling of freedom, the intense physical and psychic pleasure if Soichiro Honda had been satisfied with public transportation in post-war Japan, or if he had obeyed the officials of his government who told him there was no future in motorcycles and tried to discourage him, or if he hadn't had the indomitable spirit and the devotion to continual improvement that characterized his life. For that, I owe him a lot. —RWB

"Can't you find a more realistic beard? My parents *believe* in this stuff, you know!"

Some rights are wrong — In Washington state a commission appointed by the governor is working to establish guidelines for revamping the state's health care system. In

"The high-beta think tank of the '90s will be the free-market libertarians at the Cato Institute."

— Lawrence Kudlow, "Money Politics," March 25, 1990

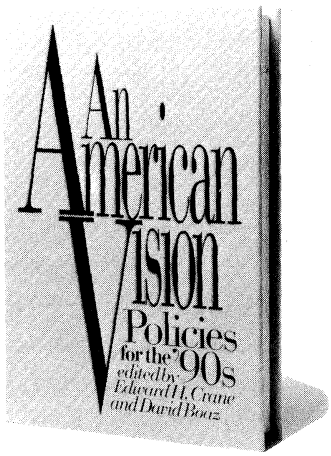

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mid-August the committee revealed some preliminary recommendations, which were succinctly expressed by the headline in the Seattle *Times* (Aug. 17, 1991): "Health care for everyone. Commission agrees on that, regardless of who pays for it." Could anyone, even in jest, more damningly characterize a government program?

The newspaper report led me to recall what U.S. Supreme Court Justice William R. Day once wrote (dissenting in *Wilson* v. *New*, 1917):

> Such legislation . . . amounts to the taking of the property of one and giving it to another in violation of the spirit of fair play and equal right which the Constitution intended to secure in the due process clause to all coming within its protection, and is a striking illustration of that method which has always been deemed to be the plainest illustration of arbitrary action, the taking of the property of A and giving it to B by legislative fiat.

Needless to say, the Supreme Court has not expressed such a view of the Constitution for more than 50 years.

The Washington commission envisions alternate systems for financing the state's new health-care program, which would guarantee a comprehensive set of services to which "every citizen should be entitled." One option would put the financial burden on employers and employees, another on taxpayers; or perhaps some combination of parties would finance the universal care. Individual recipients of care "would help pay for services based on their income." Regardless of the option selected from among these alternatives, many people will be forced to pay for the care of others.

Of course those others will remain perfectly free to behave as they wish, preserving or jeopardizing their health as their pleasure or caprice dictates. It's a free country. Your neighbor is free to smoke cigarettes, eat too much, drink to excess, use dangerous drugs, drive recklessly, or otherwise place at risk his and his children's prospects of physical wellbeing. You are free to pay for dealing with the consequences.

Besides the fundamental violation of genuine rights inherent in such programs, they are doomed to produce unsatisfactory outcomes. Socialism doesn't work in the USSR, and it doesn't work in Washington state. Much of the problem now plaguing the state's (and the nation's) health care system arises precisely because those who decide how to conduct their lives (i.e., what health risks to accept), whether to purchase insurance, and when to seek treatment do not bear the full costs of their treatment. When government compels third parties to shoulder the burden, in a system administered by a politically appointed "professional" commission that decides which treatments are "basic" and therefore should be a "right," the costs escalate and justifiable rights — the ones that every person can enjoy without trenching on the equal rights of others — go down the drain. —RH

One man's sensitivity is another man's callousness — A friend of mine, who doesn't share my political beliefs, sometimes suggests that I (along with others of my ilk) am deficient in caring for others. I try to remind him that *everyone's* sympathy is limited, and that individualists (like me) are sensitive to aspects of social discord that he is, in fact, remarkably insensitive to. It is not that libertarians are insensitive, but simply *differently* sensitive.

Evidence for my contention was well provided by the voting patterns for two recent ballot initiatives in the state of Washington. Voters in the rather conservative, "backwater" regions of the state overwhelmingly rejected both the pro-abortion and the euthanasia initiatives, but the more "liberal," city voters saved the abortion law, and a majority supported the doomed euthanasia law as well.

Whatever the ultimate merits of abortion and euthanasia, all should concede that support for either takes a certain degree of callousness: killing is not easy for sentimental souls. Few people uphold the value of any particular act of abortion or euthanasia as something intrinsically desirable; when defended, the value of these killings (of fetuses and the terminally ill, respectively), and of the laws allowing them, is always seen as instrumental. It is not because they like killing human organisms that collectivist liberals tend to support abortion; it is not because they hate the sick that these liberals wish to allow doctor-assisted suicides. The issues are seen as too complicated to apply compassion with a knee-jerk.

It is not because liberals like killing human organisms that they tend to support abortion; it is not because they hate the sick that these liberals wish to allow doctor-assisted suicides. The issues are seen as too complicated to apply compassion with a knee-jerk.

Left-liberals should be reminded of this. We should also call to their attention that the scare campaign directed against the euthanasia measure used the same kind of arguments that they regularly use against market capitalism: that the weak and the disturbed are most likely to be manipulated by indifferent (sometimes malevolent) professionals into making uninformed and deadly choices.

I suggest that those who are tired of modern liberals' seemingly invincible high moral ground regarding compassion study these issues, for here we find that the standard liberal rhetoric fails, and liberals are left with the same devices that the ideologically less privileged must use. —TWV

They just don't get it — The failure of centrally-directed command and control economies is admitted by just about every observer, apart from a few marginal sectaries. Even those who are emotionally crushed by the implosion of communism generally harken to some alleged "authentic" or "humanistic" impulse within the movement, not to its once touted scientific character.

Now, however, a small counter-reformation on behalf of central planning has arisen. Led by a few non-economist academics, the line of this proto-movement is, in essence, that the good guys gave up just a little too early, that computer technology would have soon come to the rescue with a new ability to rationally allocate every manner of capital and consumer goods. Probably the most succinct statement of this view to date appeared in a recent article for *The Globe and Mail* by Theodore Sterling, a professor of computer science in British Columbia. Sterling's piece is called "Tossing in the Towel Too Soon?" and the title pretty much says it all. Stating that "histo-

ry may record some day with irony that the communist countries abandoned central planning just when success was within reach," Sterling asks "why did central planning fail?" His answer is, basically, "lack of information-processing facilities." He has absorbed, perhaps merely through cultural osmosis, enough of the modern free market critique of socialism to realize that scarcity of knowledge is a key component thereof.

Where Sterling fails intellectually is in his lack of understanding of the fact that socialism *cannot generate* the kind of facts which a (hypothetical) efficient central planning bureau would require. Thus he sees the problem as simply one of scale. "Soviet planners have failed because they have simply been unable to exchange enough information. Is it technically possible to cope with information on this scale? Not now, perhaps, but soon . . . Technology is rapidly reaching a stage at which efficient socialist economics can become a reality." After some further animadversions on the wonders of modern data processing, Sterling opines that "It would be useful for the evolution of human society to see how well central planning can provide an adequate standard of living."

This is a truly bizarre concept. Apparently we are expected to say to the people who inflicted suffering and ruin on whole nations: "All right, you have one more chance. Try a little harder and choose your software carefully, and maybe this time you can get it right." Sorry, but that's asking for a little too much patience and forbearance on behalf of their victims. The central planners of the world should be kicked out of the ballgame for life. —WPM

Sounds of silencing — Everyone knows that the war between the present and the past has a political dimension. Few recognize, however, how far into even the most obscure corners of our culture you can hear echoes of this war. Consider the posthumous life of two American composers: Ives and Beach.

Charles Ives (1874–1954) was arguably the first modernist composer, and perhaps the first *post*-modern composer as well (he refused to stick to one tradition or aesthetic program, instead honoring, incorporating, and even *encompassing* as much music as possible). Often dubbed America's greatest composer, he is *without question* Connecticut's greatest claim to musical fame (though what the state had to do with his development is, well, disputable). So it is at least understandable why Connecticut State Senator Tim Upson (Rep.) introduced a bill to name Danbury's iconoclast the "State Composer of Connecticut."

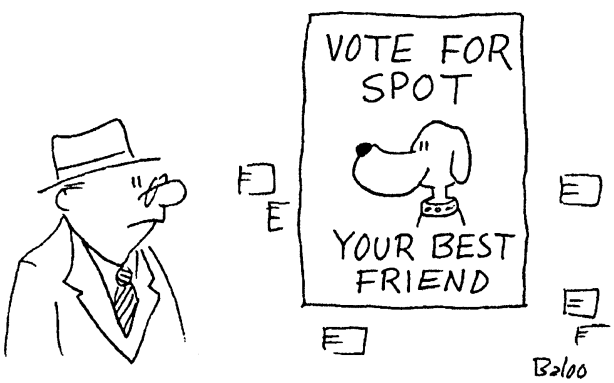

Politics being what it is, however, this seemingly innocuous bit of legislation was fated to be twisted in the winds of current ideological fashion. Democratic Senator James Maloney insisted that the state honor, instead, *living* composers. An imbroglio ensued. What began as an attempt to declare a simple truth wound up turned into yet another program of the Distributive State: every year Connecticut arts-organizations will bestow (oh-so-democratically) on a contemporary Connecticutian the title of State Composer Laureate. Ives will serve the first year, posthumously.

The difficulty of balancing the past and the present is even more startlingly demonstrated in a current non-controversy concerning Ives' contemporary, Amy Marcy Cheney Beach (1867–1944). I say *non-controversy* because I seem to be the only person offended by what everyone is calling her these days: that is, *Amy Beach*. During her rather successful career as a concert pianist and composer of Late Romantic music (she was certainly more successful in the profession than was Ives, who made *his* living innovating the insurance business) she referred to herself as *Mrs H. H. A. Beach*. Times they have a-changed, of course, and the acceptability of a professional woman referring to herself in such a sexist way is, of course, long past. And so contemporary critics, disk jockeys, and other collaborators of the tyranny of modern mores have changed her name for her.

We do not honor an individual by making her conform to our values, rather than hers, no matter how "reprehensible" her values may seem to us.

Now, I wholeheartedly applaud the spirit of this age on the matter of married names. I find patriarchal name changing a bit unseemly. I think it would be good and progressive if women, when they married, kept their old last names. It would be even better if *both* parties to the marriage altered their names, each in honor of the other. But I am not censorious about the issue: traditionalists should have the right and propriety to choose the custom that suits them. And I abhor the disrespect involved in not calling people by the names they choose for themselves. If you wish to go by a moniker such as Amadeus, or John Galt, or even Attila, I will not deny your preference. And this courtesy, or justice, should surely extend to the dead. We do not honor an individual by making her conform to our values, rather than hers, no matter how "reprehensible" her values may seem to us.

Amy Beach should be called by the name she actually chose: Mrs H. H. A. Beach. It is what she wanted. It is the only decent thing to do.

But what would Charles Ives have thought about these issues? What would he have thought of Mrs Beach's *nom de politique* — or current feminism, for that matter — considering that his ultimate word of opprobrium was "sissy"? (He used it against his Late Romantic critics, oh-so-sensitive to his provocative, dissonant music.) And how would his naive, extravagant faith in "The Majority" have fared had he witnessed his fate in the hands of the Connecticut legislature? I am reminded

of the words of a wise poet: "The minority has the majority./ The dead are outvoted." —TWV

Malice in wonderland — For years conservatives have been telling us that the political left is heavily motivated by, or at least aims much of its appeal at, the emotion of envy, and particularly its uglier manifestations — malicious hatred of ability and achievement and the desire to destroy their fruits. That some leftists think and feel in these terms is beyond doubt. As Exhibit A, I refer the reader to Detroit *Free Press* staffer James Ricci's column of October 24.

Referring to the disastrous and freakish fire that swept the San Francisco Bay area earlier in the month, Ricci offers a few conventional tongue-cluckings, then moves on to the red meat: "[W]hen it comes to the ruined million-dollar-plus dwellings and the sudden homelessness of their owners, a small, delinquent voice inside me murmured . . . *good*. . . . What was the source of this voice? The answer, I think, is political. For the past dozen years the rich, thanks to calculated government policies, have gotten amazingly richer. . . and the poor have come to be despised as mutants who somehow deserve the squalor and terror of their benighted neighborhoods. . . . This, perhaps, is the origin of that little voice. The voice that said, *good*, as stunned people wandered the charred ruins of million-dollar homes. *Good*, as fire victims bemoaned the loss of their art collections. *Good*, at the thought that nature at least pays no homage to net worth." [emph. in original]

Here, then, is the dark, corrupted heart of populism. It goes beyond what the Germans call shameful joy — glee at the misfortune of others. What Ricci is attempting is the formalization of such *schadenfreude* into a value system. He is saying that successful people deserve and ought to receive misery, despair, the shattering of their dreams. This is disgusting stuff. I'll take the old-line Marxists any time. At least they thought they were acting in accord with the laws of history, not of mere malice. —WPM

The genteel tradition strikes back — Until recently I had believed that one value all segments of the political right accepted, at least passively, was the idea of the rugged outdoor life. Even those who had no interest whatever in the idea of "retreatism" portrayed the notion of self-sufficient living benignly. As far as I am aware, even hopeless old stick-in-the-muds like Russell Kirk never actually condemned this particular kind of unconventional lifestyle.

Lately, though, it's beginning to look as though some of our conservative friends are developing bats in the belfry on this matter. I first noticed that something was amiss when an article on the national Libertarian Party convention by Jeffrey A. Tucker, which appeared in the September 21 *Human Events* featured the observation: "Neither Marrou nor the LP itself reflects conservative social dispositions . . . part of his pitch to the delegates was that he lived in the Alaskan wilderness for two years in the '70s which taught him 'self-sufficient living.'" A few days later, William F. Buckley devoted one of his columns to the LP. After briefly introducing Andre Marrou to his readers, Buckley opined that "Perhaps he is inactive because he is out of touch. He explained to the delegates proudly that he spent two years living in the Alaskan wilderness." There was similar sniping in *National Review* and from some of the *Chronicles* circle.

Sure, the whole issue is small potatoes, but still this seeming change in attitude mystifies me. After all, Marrou didn't march into the wilderness and launch the Alaska Free Love Free Thought Commune or commit some other red-flag offense of the type designed to bait conservatives. He simply lived for a time in a way similar to that of many of our ancestors. Has American conservatism become so narrow-minded and intolerant — or so wimpish — that the slightest deviation from the standard station-wagon-in-suburban-garage lifestyle is to be condemned out of hand? —WPM

A dubious achievement — Because the second set of Judicial Committee hearings on the nomination of Judge Thomas to the Supreme Court did not constitute a legal trial — despite the allegation of criminal wrong-doing — we are at liberty to call it anything we want. Shall it be *Hill* v. *Thomas*, or *Thomas* v. *Capitol Hill*, or *The People* v. *The Establishment*?

Whatever we call it, journalists seem to have concluded that the ordeal was some sort of "National Teach-In on Sexual Harassment." But like most media efforts at education, little got taught, and the lessons learned were not anything like what the pedagogues intended. Many had hoped that Anita Hill would become the "Rosa Parks of sexual harassment." Instead she became, in the eyes of the American public, sexual harassment's "Tawana Brawley." —TWV

A stalking horse of a different color — During the first few weeks after Lew Rockwell began his promotion of Ron Paul as a challenger to George Bush in the Republican primaries, I talked to Paul several times. "Are you running for president?" I would ask. And Paul would answer, "Almost certainly not," or "There's virtually no chance that I will." This made sense. For one thing, he didn't stand much chance of getting many votes. When he had left the Republican Party, he had denounced it in vivid terms, attacking its demi-god Ronald Reagan. Political parties and their faithful seldom care much for renegades, and turn-coats who return don't get much support. Ron Paul is a politically savvy guy; he knew his chances for success were negligible. In addition, Paul had strong personal and family reasons not to run.

Paul also assured me that his campaign, if it were to happen, wouldn't do any harm to the Libertarian Party campaign, since his campaign would be aimed at Republicans. When I asked him whether he thought fund-raising on his behalf might make it tougher for the LP to raise funds, he told me that any fund-raising would be aimed at Republicans.

But reports continued to reach me from certain libertarian-oriented Republicans that Paul was telling them a different story, saying that he would announce very soon. This left me wondering whether Paul was as straightforward as he had always seemed. So I told Paul about these claims and asked whether he had ever told anyone that he would run. "They never heard that from me," he said.

But when Lew Rockwell organized the Ron Paul for President Exploratory Committee and began raising funds, I figured out what was going on. Rockwell was using Ron Paul as a stalking horse for conservative pundit Pat Buchanan, who had long been exploring the possibility of challenging Bush in the primaries. For the past couple of years, Rockwell and Buchanan have promoted each other. Buchanan has given Rockwell

continued on page 54

The Thomas- Hill Affair

The High-Tech Lynching

by Jane S. Shaw

In recent years I have generally been proud to be an American and I have agreed with Winston Churchill that democracy, with all its flaws, is the best system of government. On October 11, 1991, my pride in America was shattered and I lost most of my faith in democracy. The Clarence Thomas "hearing" on sexual harassment proved that in the U.S. today there are no limits to the lengths to which elected officials will go to destroy their enemies. People who justify abortion on the grounds of a constitutional right to privacy saw no problem in peering without restraint into the most private life of a nominee for high office.

The Senate Judiciary Committee "hearing" was not about sexual harassment; it was, in Clarence Thomas's words, a "high-tech lynching." A mob of fanatic women and senatorial vultures set upon Thomas, erected a hasty gallows, and brought in a member of his race to tie the noose.

Whatever occurred or did not occur privately in the past between Clarence Thomas and Anita Hill should have remained private, unless Anita Hill chose to bring charges in a court of law. Only an institution that has abandoned all recollection of human decency would have subjected any person to a public ordeal that had no rules of evidence, no burden of proof and, above all, no stopping-rule. In a court proceeding, Thomas would be vindicated or legally convicted. Instead, as with the 17th century witchhunts, the method used to find out "the truth" was torture.

Most of these words were written halfway through the hearings. Some of my faith in majority rule was restored on October 15, 1991, when, to my amazement, the Senate confirmed Thomas' nomination. I was so surprised by the outcome that I began to think that my initial horror at the hearing must have been intemperate. After all, as the interrogation went on, I too became used to hearing on C-Span the kind of language that wouldn't be allowed on the David Letterman show, and I too began to treat the inquisition as though it was a legitimate part of the democratic process.

It appears that people were more judicious than I expected. Twice as many people believed Thomas as believed Hill, according to a New York *Times*/CBS News poll, but, more important, 56% of the people polled said that "if there was a doubt about whether the charges are true, he should be confirmed." After all, Hill was not even claiming that her career was hampered in any way by what Thomas had said or done; she was telling the world that his character is objectionable. The majority of viewers seemed to believe that at least the standard of proof required for a civil trial should have been necessary to reject the nomination. Perhaps they even favored the more stringent degree of truth required in a criminal trial (beyond a reasonable doubt). Furthermore, 59% thought the questions and testimony "[went] too far in what should be allowed in a public hearing." (Thirty-three percent thought they were appropriate.) These findings suggested that people generally had a sense of balance about the whole thing.

In spite of this partial restoration of faith, I will never forget the mixture of horror, sorrow, and sense of complicity I felt when the hearings began. This is the reaction I have always felt when I have seen discrimination against blacks in this country. For many women, Anita Hill's accusations evoked personal memories of sexual harassment, but to me, the hearings were a surrealistic re-enactment of the hatred, disparagement, and sexual stereotyping of the Negro that blots this nation's past. This fear and stereotyping was the cause of the American lynchings that occurred as late as the 1950s, but even more importantly are at the root of an excruciating self-hatred and guilt that I have read about in books like Toni Morrison's *Beloved* and which, I suspect, many blacks live with today.

The inquisition, with its humiliating examination of a racial stereotype, represented to me a kind of implosion of the civil rights movement.

I was an early recruit to civil rights. Starting in the 1940s, my family was part of a small but growing number of people, black and white, who tried to end segregation and discrimination against blacks in the St. Louis area. When I was about five years old, my parents sent me door-to-door in my neighborhood in Webster Groves, Missouri, asking my neighbors to vote yes in the next election so that I could go swimming next summer. The city government had recently built a swimming pool with taxpayer money, but did not admit Negroes, even residents of Webster Groves. Someone pointed out that this might be unconstitutional, so, in response, the city authorities closed the pool to everyone. The ballot proposal I advocated would reopen the pool the next summer on an integrated basis. (The proposal passed.)

Whatever occurred privately in the past between Clarence Thomas and Anita Hill should have remained private — unless Anita Hill chose to bring charges in a court of law.

My father, a clergyman, preached against segregation and attempted to integrate his suburban congregation (losing members along the way). Although he officiated at many weddings, he refused to attend any wedding receptions at clubs that excluded blacks. My sister entered government service to combat discrimination, first at the Missouri Commission on

Human Rights and later at the EEOC, where she is today. As for me, I was a civil rights activist during the Mississippi Freedom Summer in 1964.

Our actions were aimed at ending the blight of segregation and discrimination against blacks that we felt had undermined American and Christian principles. We felt that the civil rights movement was the way to correct this tragic legacy.

That civil rights movement has been over for a long time, but on October 11 it seemed to me as though it had never occurred, that we were back in the 1960s all over again, except that the killing wasn't occurring off a back road near Philadelphia, Mississippi, but in a dreamlike Kafkaesque trial on national television with everyone watching.

Today, the civil rights movement is a bitter and divisive system of privilege allocation. As far as I can see, this system benefits educated white women more than anyone else. They have made the most of the privileges provided by the Civil Rights Act of 1964 and subsequent affirmative action programs. No one who has read Thomas Sowell's analysis of affirmative action throughout the world would find this surprising. "Within the groups designated by government as recipients of preferential treatment, the benefits have usually gone disproportionately to those members already more fortunate," he wrote in *Commentary* (December 1989). "Group polarization has tended to increase in the wake of preferential programs...."

While achieving special privileges, educated white women (and their spokespersons) have perpetuated the myth that women (all women, not just minority women) are especially deserving of help. The evidence for this myth is the relatively low (but rising) representation of women in many parts of the work force. Since the reason for this non-proportional representation cannot be poor education or lack of money (these characteristics don't differentiate white women from white men), it must be sexual discrimination — or possibly a disadvantaged upbringing that makes women afraid of math and hard sciences, cautious about entering certain professions, and reluctant to assert themselves in a wide variety of conditions. A superstructure of regulation and subsidy has been developed to combat both discrimination and these supposed disadvantages.

While achieving special privileges, educated white women (and their spokespersons) have perpetuated the myth that women (all women, not just minority women) are especially deserving of help.

As an opponent of affirmative action, Clarence Thomas threatened the system of allocation that has resulted. I don't think that women were out to get him at the start; his enemies were the Democratic Party and the leaders of "civil rights" organizations. But when the sexual harassment issue surfaced, they were ready.

The concept of sexual harassment, especially as embodied in Anita Hill's accusations, approaches the outer limit of how far an idea — protecting people against job discrimination — can be stretched. Sexual harassment means something in a noncompetitive economic system in which most female workers are poor or truly disadvantaged in some way. But for most of the people who have been suddenly so vocal about it, the concept strikes me as absurd and interlaced with hypocrisy. It assumes a frailty and inability to cope with pressure that is belied by the job success of many of the women who complain about it.

Pressure to engage in sexual behavior in order to receive promotions is certainly deplorable. Such pressure ought to be curtailed by the company where it occurs — it is in the interest of the owner to do so — but when management fails to stop such pressure, the solution in a competitive society is for the pressured employee to leave. This solution is increasingly at odds with today's prevailing idea, promoted by court decisions, that once a worker has a job, he or she has the right to keep it. That is unfortunate since competition for employees disciplines employers far more effectively than government regulation, just as competition for sales disciplines producers.

The sexual harassment that women complained about during the Thomas hearing is a far cry from this kind of pressure. It involves, as virtually everyone knows by now, primarily talk, gestures, and pictures of a sexual nature. Here, too, if an individual can't stop this behavior, the proper remedy is to quit, as Robert Townsend, author of *Up the Organization* pointed out long ago. "If you're surrounded by witless slobs, join another company," Townsend said in his "Guerrilla Guide for Working Women."

The Wall Street Journal focused on this kind of harassment in a special editorial section published after the hearing (on October 18). It selected for its one case history the experience of a woman who tried to break into the male ranks on a metropolitan police department. The harassment that Ramona Arnold experienced in Seminole, Oklahoma was surely nasty and it involved sex-related materials and actions such as pornographic pictures and bathroom graffiti. It should have been stopped. But it took place in a highly political, probably unionized, government-run monopoly, where the discipline of the market was not present and her supervisors had little pressure to restrain objectionable behavior. In such a setting, an independent agency designed to protect employees may be appropriate. Thankfully, this situation does not represent the kind of environment that most people work in.

I'm skeptical about sexual harassment simply because during more than twenty years in the workforce, I never experienced anything that I would call sexual harassment. I have, however, experienced some awkward on-the-job situations that were related to sex, just as I experienced awkward off-the-job situations of a sexual nature. They undoubtedly reflected uncertainty about appropriate behavior, especially as mores changed over the past couple of decades.

Certainly, all people have to learn how to deal with the sexual side of their lives. Women have always had to deal with sexual advances, wanted and unwanted, and with behavior they consider crude. Exactly what is inappropriate is a matter of personal judgment and it may change over time. *Wall Street Journal* columnist Paul Gigot recently wrote about a film honoring congressman John Dingell. In it, his wife illustrates her husband's persistence by saying: "As the story goes, he asked me out more than a dozen times before he finally got me to say

yes. I finally said yes just to get him off my back!"

I have one remaining concern about the hearing and its outcome. Clarence Thomas prevailed because he defied expectations and came out swinging. He denied all charges and challenged the underlying racial stereotype that he was being made to represent. The price of his doing so may have been to lie about some things.

It is possible that some of the events described by Anita Hill are true. If so, they were isolated incidents and not reflective of Thomas's general demeanor or habits; nor was Hill's professional life harmed by them. They would not constitute a reason to deny him the nomination.

But if they are even in small measure true, Clarence Thomas lied. If that is the case, I'm sorry, because I hold to the view that people should be truthful.

Thanks to this unprecedented event, however, I now know more about the conditions under which lying may be acceptable. R. W. Bradford already speculated in the last issue of *Liberty* that Thomas may have misrepresented his views on legal issues during the original hearings. If so, said Bradford, "the worse that can be said of him is that he is playing politics by the same rules as those politicians who are grilling him." In political trials, it may be that if the only winning strategy is to admit nothing. Otherwise, you start on a slippery slope that will end you in a snake pit.

If Bradford's argument is fair, it applies much more sweepingly to Clarence Thomas' second ordeal. In a witchhunt and a kangaroo court, lying may be justified. My view today is this: If my particular torture was the public revelation of highly personal, private activities that caused no one harm, and if this information was presented in excruciating detail before a national audience, evoking degrading stereotypes whose images had already afflicted me during much of my life, and if, in some important way, I represented the hopes of many people who shared my color and my background, and especially the hopes of my mother, I would feel that God would forgive me if I denied the facts to my interrogators. ❑

The New Alger Hiss

by David Friedman

The scene is a congressional courtroom. A prominent public figure is defending his reputation against a voice from his past. The nation is watching. One of the two is lying — but observers divide, largely along political lines, on which. The accused party denies everything, argues that such an upright and thoroughly respectable person as himself could never have done such a terrible thing, and indignantly attacks the committee for subjecting him to such charges. The other side responds by pointing out that, if the accusation is true, the defendant has every incentive to deny it; if it is false, the accuser has no reason to make it. The defense replies that the accuser must be mentally unbalanced.

It could be *Clarence Thomas v. Anita Hill* in 1991. It could equally well be *Alger Hiss v. Whittaker Chambers* in 1949.

There are a lot of similarities between the two cases. Clarence Thomas was a former head of the EEOC and a federal judge. Alger Hiss was a former state department official and the President of the Carnegie Endowment for World Peace. Both were highly respectable people forced to defend themselves before a congressional committee against charges of wrong-doing. Thomas' accuser, Anita Hill, had been his employee and protégé; Hiss' accuser, Whittaker Chambers, had been (by his account although not by Hiss') a close friend of Hiss. In each case, the accuser was willing to submit himself to a lie detector test; the accused was not.

Clarence Thomas was a graduate of Yale Law School; Alger Hiss was a graduate of Harvard Law School. Thomas was accused of having committed sexual harassment some ten years prior to the accusation; since the statute of limitations on the offense had expired, the accusation was a danger only because of its effect on his reputation and future career. Hiss was initially charged with having been a communist, and eventually with having turned over State Department papers to Chambers, then a Russian spy, some ten years earlier. In that case too the statute of limitations had run. Hiss denied Chambers' charges in order to protect his reputation and maintain his job as president of the Carnegie Endowment. In each case the charge involved a sort of professional treason — loyalty to a foreign power by a member of the State Department, sexual harassment by the official in charge of preventing sexual harassment.

The Hiss case, like the Thomas case, became for many a symbolic combat between the forces of good and the forces of evil. Hiss eventually went to jail for perjury, but to this day there are people who still believe he was innocent.

In both cases, which side you supported depended in part on whether you believed the charges were true, and in part on whether you thought they mattered. Few of Thomas' defenders were willing to say publicly that talking dirty to a female subordinate ten years ago is no big thing, but I suspect that many of them felt that way. Many of the left-liberals who supported Hiss surely felt that what he was originally charged with — having once been a communist party member — was not a very serious sin. The Hiss case, like the Thomas case, became for many a symbolic combat between the forces of good and the forces of evil. Hiss eventually went to jail for perjury, but to this day there are people who still believe he was innocent.

There were, of course, some major differences. Hiss and Chambers, unlike Thomas and Hill, eventually fought out their battle in the courts. Hiss sued Chambers for libel; the case ended in a victory for Chambers. Hiss was himself indicted for perjury. The first trial ended in a hung jury. The second ended with Hiss convicted of perjury and sentenced to five years in jail.

One reason for the different outcome was that Hiss and Chambers, unlike Thomas and Hill, disagreed on facts about which it was possible to produce some real evidence. What eventually swung the committee to Chambers' side was a certificate of title showing the sale of a car that had once belonged to Hiss — a year too late to be consistent with Hiss' account of the transaction, and under circumstances strikingly consistent with Chambers' version. Without that, and a few

similar scraps of evidence, Hiss' strategy of blanket denial and indignant attack might have been as successful as Thomas' similar strategy forty-two years later. Chambers finally won his libel case, and ended Hiss' career, by producing documents and photographs of documents giving inside state department information — some typed on Hiss' typewriter and some written in his handwriting.

A second difference was in who was on which team. Hiss was a prominent New Deal liberal; his opponents were conservatives and anti-communists. Thomas was a conservative; his opponents were liberals and feminists. In both cases the accused was on the same side as the administration in power. Both were, in part, an attempt by the outs to get at the ins. Harry Truman was not very far left — but then, George Bush is not very far right.

The final difference was the outcome. Hiss lost; his defeat contributed directly to the career of Richard Nixon, a prominent member of the congressional committee before which he testified, and indirectly to the career of Joseph McCarthy. It became much easier to argue that people in high positions might be communists after one of them had been convicted in a court of law. Thomas won; it is too early to say what the effect will be on the intertwined issues of race, sex, law and politics that became, in various ways, what the two sides were fighting over.

I think there is a lesson to be learned from the similarity between the two cases, beyond the familiar observation that history sometimes repeats itself — not a lesson about Hiss and Thomas but about their supporters. One result of the Hiss case and its sequels was a clear division between liberals and conservatives on the question of means. The view of the liberals was that the whole procedure of summoning prominent people before a tribunal to force them, under oath, to affirm or deny accusations about their past misdeeds was fundamentally demeaning to the participants and corrupting to the political fabric of the nation. It led inevitably to smear tactics, leaks, guilt by association, friend betraying friend under pressure — a demagogic witch hunt. The conservative reply was that a witch hunt was not such a bad thing when there were real witches about. If Alger Hiss had been a communist spy, there might be others. Public hearings were a way, perhaps the only way, of alerting the public to the danger of traitors in their midst, communists in high places.

Each side said, and believed, that its position was one of principle. And yet, when the roles were reversed, when it was a prominent conservative who stood publicly accused of something that liberals strongly disapproved of, the two sides promptly switched principles. Suddenly it was the conservatives who found the whole process demeaning and corrupting and the liberals who found it useful, the conservatives who believed that public muckraking was a bad thing, and the liberals who believed that if the muck was there it ought to get raked, as publicly as possible. ❑

Sex, Race, and the Single Gentleman

by Richard Kostelanetz

As a single gent who has never worked in an office, I've always envied those who do, in part for access to nubile women in a circumstance more comfortable than, say, a singles bar. One inadvertent result of the nationally televised "sexual harassment" hearings may well be killing the possibility of office romance and thus — since most Americans work in offices — jeopardizing the rates of marriage and procreation for a decade. You'd think the "pro-life" forces would be the first to complain.

Perhaps we should regard as a meliorating effect the introduction onto national television of certain images unique to pornographic films, which were described with a vividness previously reserved, at least in New York City, for a single (easily blockable) cable channel after 10:00 p.m. Not only may Anita Hill's testimony prompt a boomlet in porn sales and rentals, but, should any censor later object to such pornographic descriptions over home broadcasting in the daytime hours, the obvious defense would be that not only Professor Anita Hill but several senators did it first!

Credit for publicizing the secret, unconfirmed FBI report goes to Nina Totenberg of National Public Radio, the same woman who — it should not be forgotten — exposed Douglas Ginsberg's marijuana smoking several years ago. That earlier journalistic punch not only forced Ginsberg to withdraw his nomination, it implicitly made it more difficult for anyone of his generation — anyone born after 1940 — to be nominated to such a high position, simply because nearly all of us, even the most conservative of us, have been exposed to pot. Since Thomas was nearly defeated, might not one result be making it less likely that any healthy heterosexual be nominated? Won't another result be a Supreme Court of David Souters? Can I be the only one wanting to withhold my contribution to my local NPR station?

With one ambitious black person exposing another in a national forum, I was reminded first of the "battle royal" in Ralph Ellison's *Invisible Man*, where young blacks bloody one another to the amusement of whites, and then of Abbie Hoffman, nearly a quarter century ago, calling Judge Julius Hoffman, presiding over the Chicago Seven trial, a "shanda for the goyim," which is to say a Jew implicitly working for the gentiles and thus, by extension, a traitor to his tribe. A similar charge could be aimed at Nina Totenberg, whom I assume to be Jewish; for by discrediting Douglas Ginsberg, who would have been the first Jew on the Supreme Court since Abe Fortas, she initiated processes that ultimately caused the selection instead of Anthony Kennedy. If Thomas had not been confirmed (and remember that it was a close call), one result of liberal passions could have been the opposite of what such liberals say they desire — a lily-white Supreme Court. If NPR were to exemplify the fidelity to the truth it expects of others, it should advertise itself, especially during its fund-raising campaigns, as "the network that brought you a Supreme Court that is *Judenrein* [to use the Nazi term for "clear of Jews"] and was, nearly, *Schwarzenrein* as well."

To my mind, a principal theme of the debate over the Thomas nomination was racism, which is to say the reluctance of too many people, both white and black, to accept in a black person an independence and intellectual complexity, an ambition to overcome stereotype, that would be perfectly acceptable in a white. When Eleanor Holmes Norton, for one, asked that Thomas be closer to "his black roots," she was really asking that he be subservient to black publicists, such as herself, to

a degree that would not be required of a white, no matter how "liberal." If, like myself, you can't imagine a feminist "activist" saying something similar of a female nominee, or a Jew of a Jew, you can measure how far African-American "leaders" have not yet come.

Similarly, the implicit theme of Anita Hill's testimony was attributing to the short, bespectacled, portly Thomas the stereotype of the oversexed darky who might want to seduce, marry (and then betray) your daughter. Nothing seemed to undermine the earlier characterization of Thomas as a "self-hating black" than another African-American's portrayal of him. I found it surprising that no one publicly noticed, given the presence of Thomas' hyper-caucasian wife beside him, that Ms Hill "may not be his type at all."

To my mind, Thomas' principal historical achievement was getting support from kinds of white Americans, beginning with Strom Thurmond (!), who had never before backed so wholeheartedly an African-American for such a high political office — to take his place in the political major leagues. In this respect, as well as his behavior during the Senate process, Thomas reminded me more than once of Jackie Robinson. If this isn't extending Jesse Jackson's "rainbow coalition," that epithet is a fake.

It seems to me that too many of us have been far too generous in automatically believing the accusers in charges of sexual harassment and child abuse — crimes that have no witnesses other than the purported victim, to which there is thus no real defense other than the defendant's reputation and perhaps the absence of others similarly victimized. Nothing more indicates how softly Anita Hill was treated, even by the big bad Republicans, than the fact that she was never asked about similar "harassment" in other situations in which she worked — never. Am I being too obvious to suggest that just because sexism (or racism or anti-Semitism) exists doesn't mean that every accusation of it is necessarily true?

What is ultimately being tested here is faith in a certain feminist ideology — whether someone believes that all male bosses harass female employees and thus that all accusations of harassment are necessarily true, no matter how long ago the affront purportedly happened, no matter how unlikely it seems, no matter that such charges suffer from the lack of either a witness and, most important to my mind, another victim similarly situated. After the rebuttal by not one but over a dozen women who had worked with Thomas, it seemed to me that only if an observer subscribed to the ideology, if one were a true believer, would he or she still support Anita Hill (and think Anita Hill's testimony should be the principal reason for voting against Thomas). I wonder whether uncorroborated charges such as Hill's will be so facilely acceptable after one prominent accuser is, in one way or another, exposed as faking?

Just as I did not believe Clarence Thomas' assertion that he had no opinion on *Roe* v. *Wade*, so I didn't believe Hill's claim under oath that no "individuals or organizations" approached her about embarrassing Thomas. As Juan Williams, among others, has reported (and Orrin Hatch has publicized), there were individuals and organizations scouring the country for "dirt on Thomas." Were Hill to be indicted for perjury, the prosecution should start by questioning the veracity of that statement. Thomas could be proved a liar by finding someone who remembers him expressing an opinion on Roe-Wade a decade ago; an investigation of Hill should begin by checking telephone records. Another difference between them is that Hill works as a university professor and thus in her everyday job has more opportunities than a federal judge, say, to get away with fibbing. Though Thomas, ever the gentleman, never attacked Hill directly, he did question her pretense of passive innocence, as did others after him — a meekness that seemed further incongruous before the fact that, speaking under oath, most of the other women from Thomas' office seemed a helluva lot more assertive than Anita Hill. (One fundamental difference in the duel was the authority of the purported witnesses — whereas Thomas had thirteen female colleagues from his office, Hill had only a four-person rainbow coalition of those who, since they worked in other offices, knew her story only second-hand. How many males would be able, if similarly charged, to get as many solid-looking women to support us?)

The real racism evident in the confrontation was the reluctance of too many people, both white and black, to accept in a black person an independence and intellectual complexity, an ambition to overcome stereotype, that would be perfectly acceptable in a white.

Too many commentators had trouble identifying Hill's "motives." It seems obvious to me that, thanks to leaks to the press (and then the urgings of her mostly white handlers/exploiters), she got caught up in having to defend publicly the stories she had occasionally told privately. It is interesting to speculate why some acquaintances of hers heard these stories, while others did not, beginning with female colleagues in the office, and why as well the stories were not known to friends or professional colleagues she shared with Thomas. The woman academic historian who had once worked in Thomas' office noted that African-American history is filled with conspiracies accounting for the lack of black advance, implicitly raising the question of whether on a subconscious level Hill might have craved this week of celebrity as a heroine risking martyrdom; and as the author of his own recently published book of black history, I am willing to wager pfennigs against dollars that on this level Anita Hill will realize a certain immortality. ❑

Clarence and Zora

by Bill Kauffman

We all learned so much from watching Clarence Thomas run the gauntlet of Senate windbags, indignant anchorpersons, and the phalliphobic bitches who make feminism so difficult to caricature. We learned that U.S. Senators are the only men in America who can say "Long Dong Silver" without cracking a smile; we learned that Richard Epstein's *Takings* contains heretical opinions to which no sane man can assent; we learned that "the women of America" are far more relaxed, tolerant, and fair-minded than the shrieking viragos who presume to represent them in the Imperial City.

What we did *not* learn was that Justice Clarence Thomas

has a fascinating intellectual lineage that threads through Malcolm X, Thomas Jefferson, Booker T. Washington, Richard Wright, and Thomas Sowell. The judge's closest ancestor, however, is the current darling of multiculturalists and Dead White Male-bashers, the novelist and folklorist Zora Neale Hurston (1901–1960).

We are experiencing something of a Hurston revival, thanks largely to Robert E. Hemenway's 1977 biography and Alice Walker's moving 1975 essay, "In Search of Zora Neale Hurston." College curricula are incorporating Miss Hurston's works; Afrocentrists are demanding that her novel *Their Eyes Were Watching God* (1931) be enshrined in the American canon alongside *Moby Dick, Huckleberry Finn* and *The Great Gatsby*. Hurston's rediscovery is a wonderful thing, but her politics — dismissed by one admiring scholar as "naive and dangerous" — keep getting in the way. Miss Hurston, you see, was a proud daughter of the South, a patriotic black nationalist, and a believer in limited constitutional government. When she talked politics, which she often did, she sounded an awful lot like Clarence Thomas.

Hurston was rooted in the rural South and raised by a Baptist preacher and a schoolteacher. Her hometown of Eatonville, Florida was, as she boasted, "the first attempt at organized self-government on the part of the Negroes in America." (Her father served three terms as mayor.) Alice Walker called Eatonville "a self-contained, all-black community where loyalty and unity are taken for granted. A place where black pride is nothing new."

What we did not learn from the hearings was that Justice Clarence Thomas has a fascinating intellectual lineage, one that includes a current darling of multiculturalists and Dead White Male-bashers.

Justice Thomas grew up in similarly healthy surroundings. In an interview with me in the November 1987 issue of *Reason* magazine, Thomas described life with his grandfather and hero, Myers Anderson: "We lived out in the country during the summer; we had chickens and hogs and corn and beans, but the staples we had to go to the grocery to get. When we came back with all these groceries [my grandfather] would go by peoples' houses, older people in particular, and he would just drop the groceries on the porch. Or if he harvested something, he'd just put it there and leave. If somebody's house burned down, he'd go start marking it off and we'd start building another house . . . There was a feeling that you had an obligation to help other people but it didn't come from government."

Her sturdy upbringing immunized Miss Hurston against cheap despair: "I am not tragically colored. There is no great sorrow dammed up in my soul, nor lurking behind my eyes . . . I do not belong to the sobbing school of Negrohood who hold that nature somehow has given them a lowdown dirty deal and whose feelngs are all hurt about it. . . . No, I do not weep at the world — I am too busy sharpening my oyster knife."

Self-help and black pride were the twin pillars of Hurston's political program. She scorned the incipient welfare state as "The Little White Father" and she insisted, "I do not share the gloomy thought that Negroes in America are doomed to be stomped out bodaciously, nor even shackled to the bottom of things . . . No, we will go where the internal drive carries us like everybody else. It is up to the individual."

Justice Thomas displays the same stubborn individualist streak. "I didn't come from the leadership ranks," he told me. "I came from the people that they're leading. My grandfather: that's the guy who got me out. It wasn't all these people who are claiming all this leadership stuff. It was this old man and this old woman."

He criticized civil-rights organizations that "tell minority kids that it is hopeless out there. Why is it hopeless? Because the government isn't spending enough money. . . It will always be hopeless if that's the reason. You don't have any control over that. What you do have control over is yourself. They should be telling these kids that freedom carries not only benefits; it carries responsibilities. You want to be free? Then you've got to earn your own living. You've got to learn how to take care of yourself, learn how to raise your kids, how to go to school, prepare for a job and take risks like everybody else."

Hurston confounded even her most enthusiastic boosters with her disparagement of the 1954 *Brown* vs. *Topeka Board Of Education* decision. She hated Jim Crow (witness her biting 1945 essay, "Crazy for This Democracy," in the *Negro Digest*) but she also chafed at what she thought was the condescension of the integrationists. "The whole matter revolves around the self-respect of my people," Miss Hurston wrote. "I regard the ruling of the United States Supreme Court as insulting rather than honoring my race. . . . It is a contradiction in terms to scream race pride and equality while at the same time spurning Negro teachers and self-association."

This is not separatism; it's spirit. Clarence Thomas played the same note in our talk: "I went to segregated schools. You can really learn how to read off those books — even if white folks aren't there! I think segregation is bad, it's wrong, it's immoral. I'd fight against it with every breath in my body. But you don't need to sit next to a white person to learn how to read and write."

Like Thomas, Hurston was chastised by the NAACP for her heterodox views. Roy Wilkins denounced her in language that critics of Thomas' nomination recycled: "Now is no time for tongue-wagging by Negroes for the sake of publicity. The race is fighting a battle that may determine its status for fifty years. Those who are not for us, are against us."

Henry Louis Gates, Jr., who has helped bring Hurston the wider audience her writings deserve, credits her with a "complexity that refuses to lend itself to the glib categories of 'radical' or 'conservative,' 'black' or 'Negro,' 'revolutionary' or 'Uncle Tom.'" She carried Eatonville within her, as Clarence Thomas carries Pin Point, Georgia and Myers Anderson. The lessons learned in small, nurturing communities are not easily translated into the boilerplate of conventional politics.

To those who listen only to the tedious dialogue of left and right, Zora Neale Hurston must seem an incoherent fool. She preached black cultural self-awareness and wrote paeans to Senator Robert Taft in the *Saturday Evening Post*. She was, as biographer Hemenway notes, "a Republican conservative and yet an early black nationalist." She was feisty and independent. She would've loved Clarence Thomas. ❑

Happy Anniversary, National Park System!

by R.W. Bradford

Welcome to your National Parks, where development is preservation, where the monopoly profit of developers is the common good, and where America's Revolution is celebrated by measures the Redcoats never had the nerve to try.

Enjoy your visit!

When I was editor of my college's student newspaper, some 25 years ago, a friend and I wrote a story that annoyed the newspaper's "advisor," the school's public relations director, to the point that she insisted we print an apology. When I advised her that the order amounted to censorship, she handed me a copy of the newspaper's "charter," a document drawn up by the college's administration. The document listed several ways the administration (and she, as its representative) was entitled to control what we published. When I mumbled something about "freedom of the press," she referred me to the preamble to the document. Sure enough, it proclaimed freedom of the press a sacred right and guaranteed that no one in the administration could interfere with the editorial policy or content of the newspaper. The apparent theory behind the charter was that we were free by virtue of the preamble, so the controls spelled out elsewhere could not amount to censorship. Stating a contradiction baldly, apparently, made it no longer a contradiction.[1] The theory behind the National Park System is a lot like that charter.

The rationale for creating national parks, especially in recent years, is to preserve wilderness before it is all destroyed. Yet the very creation of national parks invites development, destroying the very wilderness it is intended to protect. Indeed, the designation of a piece of land as a national park almost entails development, if only because the National Park System has developed political support for itself by publicizing its units.

"Canyonlands preserves an immense wilderness of rock at the heart of the Colorado Plateau."

That's the very first sentence in the elaborately printed informational brochure you get when you enter Canyonlands National Park.

Canyonlands is a huge tract of land at the confluence of the Colorado and Green Rivers in central Utah. It is about as inhospitable a piece of land as one can imagine. Travel is almost impossible: the topography is about half vertical and half horizontal. The area gets practically no rain, so it has scant agricultural value. Prior to its designation as a national park in 1964, Canyonlands had seen only two brief periods of development: in the 1930s, the Federal Grazing Service drilled two deep wells and converted 90,000 acres of its relatively flat top into grazing land; in the 1950s, the federal government encouraged prospectors to mine uranium there. Aside from these incursions, Canyonlands remained about as unvisited as any piece of land in the country: occasionally an adventurous person or two would mount a horseback expedition into it and return telling of its ruggedness, beauty and inaccessibility. More characteristic of human intervention was the escape of several outlaws into it in 1924. The police didn't bother to follow them, figuring their death inevitable.

But in 1964, Canyonlands was

1. The legal mind behind the document, I was told, was the college's Vice President for Legal Affairs, Phillip N. Buchen. In the years since, Buchen has enjoyed positions of influence and authority in Washington, D.C. by virtue of his friendship with Gerald Ford, the ignoramus politician whom Richard Nixon plucked from obscurity and appointed Vice President, holding the distinction of being the only President of the United States never elected to any office larger than a single congressional district. Buchen is currently in charge of "solving" the Savings-and-Loan mess.

made a National Park. The Park Service removed the cattle, paved the road through the pasture, punched roads to a few points overlooking the canyons, and built a Visitor Center. They closed most of the rough tracks that the uranium miners had cut a decade earlier, except a single road around the lower rim, which they improved.

The overwhelming majority of park visitors never go into the canyons at all: they drive to the Visitor Center, get pamphlets, watch the movie, drive to the overlooks and leave. I spent 2 days in the canyons last summer, during which time I saw only 6 other vehicles. The ranger told me that it is far more popular in the spring and fall, when temperatures are not so hellish. In fact, he said, the campgrounds (totalling about 45 campsites, some authorized to hold up to 20 people) are often totally booked.

At one overlook, the Park Service has provided a sign pointing out a long-abandoned track below, explaining that the damage done to the planet by the thoughtless miners would last a long time. Curiously, its discussion of the other road below, also built by miners but now maintained by the Park Service for the convenience of tourists, didn't mention the damage to the planet. Nor was there any suggestion that the building of roads, picnic areas, the Visitor Center, or the campgrounds also might have damaged the planet. Nor was there any mention of the damage done by the idiotic and uneconomic sinking of wells and development of its topland for grazing. Nor was there any mention of the fact that the miners who put in the roads so injurious to the planet and the ecosystem were operating on government land at the behest of the government.

Several outlaws escaped into Canyonlands in 1924. Police didn't bother to give chase, figuring their death inevitable.

Were it not for the actions of government — the development of grazing, the encouragement of mining, and the development of the land as a national park — the area would remain practically pristine, thanks to its rugged topography and hostile climate. As it is, about 300,000 people visit it each year.

In the case of National Parks, development is preservation, and preservation is development. We know it is, because the laws creating national parks say so, and because the literature distributed by the Park Service says so. In the National Park Service brochure I quoted, three sentences after explaining that the National Park "preserves an immense wilderness," explains, "Few people were familiar with these remote lands and rivers when the park was established in 1964." To assert a contradiction baldly is to make it no longer a contradiction. Censorship is freedom. War is peace.

The Parks' Purpose

National parks were designed for two conflicting purposes, preservation and use. The legislation establishing Yellowstone, the first national park, spelled it out: the Secretary of the Interior was to "provide for the preservation from injury or spoliation of . . . natural curiosities or wonders within said park and their retention in their natural condition . . ." but the land was to be "dedicated and set apart as a public park or pleasureing-ground for the benefit and enjoyment of the people."

The bureaucracy that administers the parks acts like any bureaucracy: it seeks to maximize its own well-being. Its funding comes from taxpayers via Congress, which tends to respond to its highly motivated constituents. The most highly motivated citizens have businesses that profit from the tourism engendered by the parks and tourists who use the parks. Tourist businesses are interested primarily in high traffic in the parks. Tourists are interested primarily in developing the parks and keeping the cost of park usage low. Both seek development; preservation is a low priority. So it comes as no surprise that the parks have been developed for use rather than preserved.

In the past few years, a third constituency has arisen: lovers of wilderness, whose interest is in preserving the wildness and ecological integrity of the parks. Just about the only use they approve of is low-impact hiking. This group grew out of the environmental movement of the early 1970s, and its members have never been very numerous. They are nevertheless very articulate and relatively wealthy, so their influence exceeds their numbers. Even so there are far fewer wilderness lovers than tourists, and their funding for lobbying is dwarfed by that of tourist-related businesses. In addition, evidence suggests their numbers peaked around 1975 and they are now declining.[2] Consequently, they tend to lose most battles against high-impact users.

Were it not for the actions of government — the development of grazing, the encouragement of mining, and the development of the area as Canyonlands National Park — the area would remain practically pristine, thanks to its rugged topography, and hostile climate. As it is, 300,000 people visit it each year.

Of course, the environmentally sensitive have managed to keep portions — often large portions — of many parks in a wild state. This is not surprising: many parks are so huge that ordinary tourists have little interest in substantial portions. But environmentalist victories in preserving wilderness have been limited to the less beautiful or otherwise less desirable portions of parks. Furthermore, these victories are temporary. So long as parks are under political control, the biggest users' wishes will ultimately prevail. Right now, the family tourist is satisfied with the Yosemite Valley proper, and is happy to leave much of Yosemite National Park to wildness and low-impact backpackers. But as the pressure of population increases, political pressure will mount for development of more remote areas. And the chances are overwhelming that that pressure will undo the current "victories" of

2. One indication: the number of back country hiking permits at most parks peaked in 1975 and has since declined.

preservationists.

But the National Park Service must give the appearance of responding to both conflicting interests and to both conflicting goals. It has done so by adopting a variety of murky, self-contradictory policies. The current official policy of the parks, adopted in 1968, is called "natural regulation," which stipulates that park managers must "maintain all the components and processes of naturally evolving park ecosystems" while at the same time permitting no "interference with natural processes." Ecologist Alston Chase explains the policy:

> The premise of natural regulation is that parks are self-regulating ecosystems that if left alone will maintain ecological equilibrium. And that assumes that parks, visited by millions every year, can actually be left alone.
>
> As a scientific hypothesis, natural regulation is as phony as the phlogiston theory. No park can be an island isolated from effects of civilization. Nearly all parks are missing major components, such as predators, needed for a complete ecosystem. And each continues to be disturbed by a range of human activities from acid rain to automobile traffic. So when "left alone" by resource managers, parks do not revert to their pre-Columbian conditions; rather they become less "original," often losing native species.
>
> Natural regulation fails to preserve "the primitive scene," but this fact has not prompted the Park Service to abandon the policy. Rather, the agency touts the strategy's ineffectiveness as a reason for expanding it, while giving it another name: ecosystems management. Natural regulation has not worked, the Park Service says, because parks are not large enough to be complete ecosystems. But if they are enlarged to encompass entire ecosystems, it claims, the policy of letting nature take its course will succeed.[3]

Not surprisingly, the Park System responds to the inherent contradiction in its official purpose by proposing further actions to enhance its wealth and power, just like any bureaucracy. And it will continue to do so. Unless the lovers of wilderness one day exceed the political influence of ordinary tourists, the development of the parks will continue. The ecosystems of existing parks will continue to deteriorate. (Of course, development of parks for tourists is not the only source of ecologic deterioration. The Park Service's ecologic management is also at fault, particularly its notion of "natural regulation.")[4] Those parks that are not developed for tourists are merely being held in reserve for future development.

The Park Service is the most popular bureau in the federal government. According to public polls, as much as 95% of the American public approves of its work. And no wonder: the Park Service has been given the most beautiful land in America and has made it available at negligible direct cost to the public. Not surprisingly, tourists are happy with this subsidy.

And what a huge subsidy it is. In a free market, demand is greater for more attractive tourist destinations than for less attractive ones; consequently, the more attractive destinations cost more to visit. Yet in the United States, the most attractive tourist destinations — Yosemite and Yellowstone — are priced so low that they are nearly free. In the spring of 1991, *USA Today* reported that with the recession, people had less money for vacations, so they planned more visits to inexpensive destinations like national parks!

The subsidies to users of national parks do not, however, help the poor. The cost of entry and use of national parks is kept artificially low, so the cost of visiting is far less than many other popular tourist destinations. But because national parks are usually located remote from population centers, the cost of getting to the parks is considerable, usually beyond the means of the poor. The national park subsidies, therefore, primarily benefit the middle class. This is apparent to anyone who has ever visited a campground at Yosemite or Yellowstone, and seen the travel trailers and motor homes equipped with satellite dishes, microwave ovens and other accoutrements of modern living. Many of these vehicles cost $30,000 or more — hardly the playthings of the poor.

Under pressure from the Reagan administration to keep costs down, the Park System now charges fees at many

3. "Unhappy Birthday," *Outside*, December 1991

4. Cf. Alston Chase, *Playing God in Yellowstone* (San Diego: Harcourt, 1985), "What Washington Doesn't Know about the National Park System" in *The Yellowstone Primer*, edited by John A. Baden and Donald Leal (San Francisco: Pacific Policy Institute, 1990), and Karl Hess, "Rocky Mountain Low," *Liberty*, January 1992).

of its properties. But these fees are practically unrelated to the impact of the user. Consider two cases:

- A Winnebago, with Mom, Dad, three kids, and the family dog, enters Yellowstone Park. The vehicle weighs 8,000 pounds and burns gas at the rate of one gallon per ten miles. The 5 people and one dog have a picnic, leaving several pounds of trash, plus substantial human and animal scat. The cost for all this usage is $5.00. If Grandma or Grandpa is along, the whole gang and their recreational vehicle get in free.
- A woman enters the park, driving a motorcycle. Her vehicle weighs 400 pounds and burns gas at the rate of one gallon per 50 miles. She picnics, leaving a half pound or so of trash, plus a small amount of waste. Her cost is $5.00. Yet she has done less damage to the roads, left less gasoline engine emissions, used less space, left less waste.

Death Valley National Monument was not created to preserve extraordinary features at all. It was created to subsidize two tourist-oriented businesses and to protect them from competition.

Why this disparity? The group most likely to vote — the elderly — is allowed to use the parks at no cost. And families — another politically powerful group — are given preferential rates. But people less likely to vote (e.g. single people, motorcyclists) pay more.

There are other reasons that fees are kept artificially low. The Park Service receives only a small part of the fees, and none goes directly to the park visited. And the Park Service has a powerful incentive to keep fees low: Congress is inclined to measure the public value of the Park System at least partly in terms of usage, so the higher the number of visitors, the more money the Park Service gets. When I first saw the Park Service claim that there are more than 3.5 million visits to Olympic National Park, I was astonished—until I learned that the Park Service included in those numbers people who drive along US-101, which twice enters the park briefly and is heavily used by area residents and miscellaneous travelers. Whenever someone drives between the two largest cities in the area (Port Angeles and Aberdeen), the Park Service counts the trip as 10.4 visits: 4 vehicles @ 2.6 visitors per vehicle.

Don't be surprised when you visit Yosemite and discover that it is a virtual city, complete with huge parking lots, a public transit system of huge busses belching foul-smelling diesel fumes, a police force, a courthouse, crime rates comparable to an urban area, and overcrowded jails. The Yosemite Valley is a city, except that its only permanent residents are park employees. Its managers have every incentive to maximize its ability to accommodate tourists, including the power to sell its accommodations very cheaply.

Park Pork

Of course, the Park Service has an agenda that goes beyond the public's wishes. It also responds to the pork barrel politics of Congress. On issues where the public is relatively indifferent, Congresspeople tend to use their influence to distribute loot to their own constituents. The results are bizarre.

Consider the case of two Park Service facilities in Pennsylvania.

Independence National Park in Philadelphia consists of Independence Hall, where the Continental Congress met and passed the Declaration of Independence; Old City Hall, where the Supreme Court first met; the restored house in which Jefferson wrote the Declaration of Independence; 16 other buildings from the founding of the nation; and adjoining areas.

One hundred miles away in Scranton, the Steamtown National Historic Site maintains "a third-rate collection [of early 20th century railroad engines] in a place to which it has no relevance," in the words of John H. White Jr, retired transportation curator at the Smithsonian Institution.

During the past five years, the Park Service has spent $35 million on Independence National Park, a sum insufficient to maintain the buildings. Eight of its 19 buildings are closed "until further notice." A leak in the roof of Independence Hall was discovered and patched barely in time to prevent serious damage to the rooms where, in Lincoln's words, "were collected together the wisdom, the patriotism, the devotion to principle from which sprang the institutions under which we live." Meanwhile, the Park Service has lavished $43 million on Steamtown.

What explains this disparity? Steamtown is in the congressional district of the Hon. Joseph McDade, who has the clout needed to bring the economic windfall to Scranton. In the halls of Congress, the Park Service is colloquially called the "Pork" Service; the money it spends is known as "little pork," to distinguish it from the much larger sums spent on energy and water projects ("big pork").[5]

Congress also uses the National Park System to play political games. The heavily-Democratic Congresses of the past 50 years have honored every Democrat president of that same period with at least one Park Service property. In all, 9 parks honor Democrats, and only one honors a Republican, despite the fact that Republicans have held the presidency most of that time.

Death Valley Developers

Four hundred miles west of Canyonlands lies Death Valley National Monument. It encompasses the lowest point in the United States[6] plus a vast stretch of surrounding territory — 2,981 square miles in all. If Death Valley National Monument were an independent nation, it would be larger than 19 of the member states of the United Nations.

Death Valley itself is rather small — only a few hundred square miles. Death Valley National Monument is many times the size of Death Valley; be-

5. For more details, see "A Shrine Suffers as Pork for Parks Is Larded Unevenly," *The Wall St Journal*, Jan 11, 1991, p 1.

6. Death Valley has been the lowest point in the U.S. since 1905. Prior to that date, the Salton Depression, 230 miles south of Death Valley, contained the lowest point in the United States, some 4 feet lower than Badwater in Death Valley. However, between 1905 and 1917, water from the Colorado River, which had been diverted for irrigation, spilled into the Salton Depression. Optimistic Californians christened the result the Salton Sea. Subsequent runoff from irrigation has kept the Sea from drying back to its original state. Runoff has also brought about 45 feet of silt, so even if the Salton Sea were allowed to evaporate entirely, it would no longer hold title to the lowest point in the United States.

sides the fabled valley itself, the national monument includes the Grapevine Mountains, the Black Mountains, the Funeral Mountains, the Confidence Hills, the Cottonwood Mountains, the Panamint Range, and various valleys between these mountains.

Why does Death Valley National Monument include so much of the surrounding country? Was that huge area included because it was necessary for "the preservation of the unusual features of scenic, scientific, and educational interest" as claimed by the president's proclamation that created it?

Well, no. The reason that it includes so much additional land is that Death Valley National Monument was not created to preserve extraordinary features at all. It was created to subsidize two tourist-oriented businesses and to protect them from competition. During the 1920s, Death Valley gained slight popularity with tourists, thanks to the development of inexpensive automobiles, its unusual name and the heavy exposure it received in Hollywood films. In 1925, a former gold prospector named Bob Eichbaum wrangled permission from Inyo County to build a toll-road suitable for tourist automobiles into the Valley, giving him a monopoly on tourist access. In May 1926, the road was opened. On November 1, he opened a tourist hotel in Death Valley.

Within a few weeks of Eichbaum's permit for a toll-road, owners of Borax Consolidated, the mining company that had shipped borax from Death Valley since it was formed by merger of smaller mining operations in 1899, began plans for their own tourist hotel. It opened for business on February 1, 1927. Both tourist facilities did their best to promote the area as a destination resort, paying substantial money to public relations firms, inventing phony marvels to excite tourists and the like. These were expensive undertakings, as was maintenance of the little-used toll-road.

Huelsdonk became a legend, renowned for his prodigious strength and his skill as a woodsman. But the "Iron Man of the Hoh" was a real person, and his life was destroyed.

So the tourist promoters faced two immediate problems: not enough tourists and the high cost of building and maintaining roads. In addition, they feared that if their expensive promotion of Death Valley as a tourist destination ever bore fruit, others would build hotels nearby, reducing their profits. The solution to these problems was simple: make the area into a National Park. This would solve all their problems, as historian Richard E. Lingenfelter explains:

> The commercial advantages were obvious. By making Death Valley one of the nation's official wonders, it would become a "must" for millions of additional tourists. Moreover, the government would then help advertise it and maintain all those costly roads. And finally, since all the lands within the park would be withdrawn from further settlement, the tourist bonanza could be kept in the hands of those already on the ground; no more newcomers could crowd in.[7]

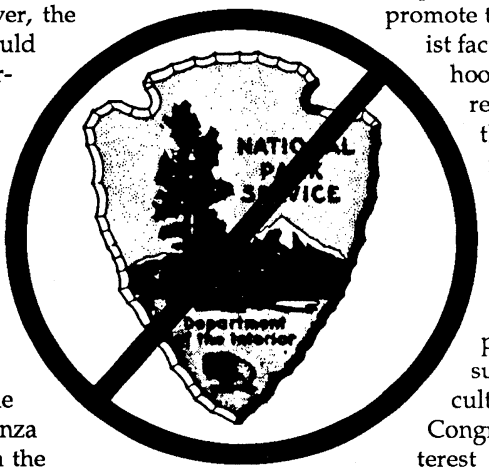

It seemed like it would be easy to do. Richard Stephen Mather, the founder and head of the National Park Service was a former public relations man for the same borax operations that were developing tourism and lobbying for the park. But he was reluctant to propose establishing a park without public support, which wasn't forthcoming. In 1929, Mather resigned because of health problems and was replaced by Horace Albrecht, who had grown up in the area and was an old friend of Christian Zabriskie of Borax Consolidated and several other principals in the scheme. Albrecht worried that he "might be unfairly accused of trying to do something at the Nation's expense for my boyhood friends," but he went ahead and ordered National Park Service personnel to begin plans for a national park.

The tourist operators' public relations men got stories published in the popular press; the New York *Times* commented that one of the portrayals of Death Valley "made the worst and hottest desert in the United States so luridly attractive that . . . it is all a normal person can do to resist dropping everything . . . and going there." In addition, the borax miners invested a half million dollars per year (big money in those pre-inflation days) in a weekly radio program "Death Valley Days" that promoted the idea of making Death Valley a national park. In 1930, Albrecht prepared a proposal to make a huge national park, which would promote traffic to the tourist facilities of his "boyhood friends," while relieving them of the expense of road maintenance and protecting them from competition. Despite all the efforts of the promoters, public support was difficult to rally and Congress had little interest in the measure.

So Albrecht came up with an alternate plan: make the area a "national monument" instead. Unlike national parks, national monuments do not require any act of Congress; the president simply proclaims them.[8] However, Herbert Hoover was reluctant to do so, perhaps because the former mining man feared public reaction to the unpopular measure to enrich the mining interests. But in November 1932, he lost his bid for re-election, and on Feb 11, 1933, the lame duck president (he had

7. *Death Valley and the Amargosa*, Berkeley: University of California Press, 1986, p. 464.

8. The National Park Service deliberately obscures this difference, explaining the difference between national parks and national monuments in these words: "Generally, a national park contains a variety of resources and encompasses large land or water areas to help provide adequate protection of the resources. A national monument is intended to preserve at least one nationally significant resource. It is usually smaller than a national park and lacks its diversity of attractions." *The National Parks*, (Washington, D.C.: Office of Public Affairs and the Division of Publications, National Park Service, 1989).

only 3 weeks left to serve) issued Proclamation #2028.[9] Death Valley and the surrounding area was now a national monument.

Given this sort of hypocrisy, there is little wonder that national parks fail in their stated goal of preservation. National parks are splendid illustrations of the difference between the reason and excuse for legislation. The reason they are created is generally to promote tourism to remote areas; the excuse that is publicly stated is to preserve the natural and historic wonders of these areas.

This hypocrisy is hardly unique: while proclaiming a need to preserve, special interests bent on profiting "at the Nation's expense" campaign and lobby for creation of national parks and monuments. Even the creation of Yellowstone National Park, much celebrated as the world's first national park and the undisputed jewel of the National Park system, was substantially the work of Jay Cooke's Northern Pacific Railroad, which was virtually the only means of public transportation that approached Yellowstone.[10]

The Park Service has been given the most beautiful land in America and has made it available at negligible direct cost to its users. Not surprisingly, users are happy with this arrangement.

Even today, seldom-visited little-developed areas are threatened by campaigns to make them national parks. The July 14, 1991, issue of *Pacific*, the magazine supplement to the Seattle *Times*, featured a cover story titled "HELLS CANYON: Some people think what we're doing to it is a SIN." Hell's Canyon, along the Oregon-Idaho border, is the deepest in the world, more than a mile and a half deep in one place. It is also a place of astonishing beauty, currently a "national recreation area" administered by the Forest Service.

The article cites Ric Bailey, "a logger-turned-truck-driver-turned-environmentalist," as its major source of the need to make the area a national park, and sympathetically portrays Bailey's concern for nature and opposition to logging and grazing nearby and administration of the area by the Forest Service. "Asking the Forest Service to manage the natural resources of the land," he says, "is like asking Madonna to sing gospel." It mentions in passing that Bailey has "powerful arms that come from guiding river rafts through the rapids," but fails to note that as one of the few guides granted the right to do so, his earnings would soar if the area gained popularity with tourists, as invariably happens after an area is designated a national park. It also fails to mention that the tourist influx from naming the area a national park would almost certainly do far greater environmental damage than the nearby timber-harvesting and grazing currently do.

The fact that a limited amount of timbering and grazing in the area is allowed at all is the result of a congressional aberration: when Congress created the Hell's Canyon National Recreation Area in 1975, it inserted a compromise clause that grandfathered existing logging and grazing. Congress' normal practice is simply to order all human activity to stop in the designated area, without regard for the rights or lives of the individuals involved.

In the early 1950s, "Jeff" Jaffarian of Seattle visited Washington's Olympic Peninsula and fell in love with the solitude. He purchased a piece of land and made it his home. One day in 1976, he walked down to the frontage he owned on Lake Ozette. As he neared the lake, he was astonished to discover signs from the Olympic National Park warning him not to enter the area under severe penalty of law. The area had recently been added to the national park, and he was liable to arrest for walking on his own land. (He ultimately settled with the Park Service, under threat of condemnation.)

In 1941, President Roosevelt added 187,411 acres to Olympic National Park and confiscated a two-mile wide strip of land down the Queets River for future addition to the park. John Huelsdonk went to the capital to protest. He was photographed carrying a sign, "This Isn't Russia — Secretary Ickes has no right to take our homes away from us." He asked the governor of Washington to call out the national guard to prevent the federal government from taking the land. His protest caused quite a stir. He was not just a cranky old man. He was a living legend.

In 1888, Huelsdonk had emigrated from Iowa to the wilderness of the Hoh River valley. Arriving in the forest with only a wet sack of flour, he survived on raw dough until he found a place to homestead. After returning to civilization for equipment he spent a year building a cabin, clearing land and planting seeds. Then he went back to Iowa, married his foster sister, and returned to make a home and raise a family deep in the wilderness, 20 miles from the nearest river that a canoe could navigate, 36 miles from the nearest settlement.

It was a hard life, but Huelsdonk, his wife and his four daughters persevered. Other families settled elsewhere in the area. Huelsdonk became a legend, renowned for his prodigious strength and his skill as a woodsman. He was reputed to have killed mountain lions with his bare hands. He got double wages when he hired himself out as a pack animal, since he carried a double load. He customarily traveled through the forest at a half-trot, leaving others behind. It was said that he carried a cast iron stove under each arm over the mountainous 20-mile trail into the valley where he settled. This may have been an exaggeration, but there is no doubt that the cast iron stove in his cabin was hauled in by someone. He was known far and wide as "the Iron Man of the Hoh." He became a legendary figure; before his

9. There seems to be a pattern of national parks benefiting from proclamations by lame-duck presidents. For example, the Olympic Forest Preserve, the precursor to Olympic National Park, was proclaimed by President Cleveland 7 days before he left office in 1897; the Olympic National Monument was proclaimed by President Roosevelt in 1909 two days before leaving office; an addition of vast acreage along the Queets River and the Pacific coast to the Olympic National Park was proclaimed by President Truman the day before he left office in 1953.

10. Cf. *The Yellowstone Story* (Vol 1), by Aubrey L. Haines, pp 170–171 (Yellowstone National Park: Yellowstone Library and Museum Association, 1977).

protest, many people didn't realize he was a real person.

But the Iron Man of the Hoh was a real person, and his life was being destroyed. Nearly everyone sympathized with the old man. Huelsdonk was a pioneer born a generation too late. His protest fell on deaf ears. The land in the valley he had settled was confiscated, his neighbors removed.

In the halls of Congress, the Park Service is colloquially called "little pork" to distinguish its spending from the much larger sums spent on energy and water projects ("big pork").

On the first day of the Senate hearings on the confirmation of Supreme Court Clarence Thomas, Senator Joseph Biden sternly warned Thomas that any attempt to require government compensation for property confiscated from people would be "a multibillion-dollar expense for taxpayers." Biden, and apparently most Americans, favor the current policy of simple confiscation of the property that people like John Huelsdonk worked a lifetime to achieve.

Initially, national parks were created on government owned land. But in recent years, many have been created on private land, acquired by forced sales, condemnations and other forms of confiscation. For example, the Park Service took over 700 private homes for the Indiana Dunes National Lakeshore, created in 1966. Ironically, the first national park to be built entirely on private land — involving the forced takeover of about 150 private homes — was the Minuteman National Historical Park in Concord, Mass., created in 1959 to help commemorate the Revolutionary War, a war fought against just this sort of government action.

Many landowners give up without a fight, but there are hundreds of cases of individual people's fights to keep their land, many of them quite tragic. Stories of the Park Service's persistence and brutality are legion. Almost invariably, the individual loses after a long and costly battle.

Sell the Parks?

The mismanagement, environmental degradation and waste that occur in the national parks are functions of their government ownership. Those who control the parks have neither incentives nor means to manage them wisely, since they are denied the feedback of the price system. What incentives they face (many of which have been discussed in this article) discourage management in a way that even approaches maximization of the assets' worth. They have few incentives to maintain the environmental integrity, since their control is short-lived and the process of environmental degradation moves slowly.

Privatization of the parks, though, would rid managers of most of these incentives to mismanage. Private managers — especially in an environment of competitive capitalism, rather than present-day "corporate (that is, *protectionist*) capitalism" — would have the well-known incentives of profit and loss to not only *preserve* the assets under their care, but to *increase* their value. This arrangement would not create a preservationist's utopia — as I understand it, no policy could succeed at that[11] — but it would preserve wilderness and maximize environmental integrity far better than any alternative that I have heard of, and certainly better than the present system.

The biggest cost to such a proposal would likely fall on the tourists, both middle-class gawkers and enviro-backpackers, both of whom benefit from the huge subsidies. And it is they who are most likely to object to such proposals the loudest and longest. Privatization of the national parks essentially entails the de-subsidization and de-socialization of one of America's biggest leisure industries. As the recent events in Eastern Europe show, the beneficiaries of socialism will only acquiesce to radical reform when it becomes obvious to them that they, too, are victims. So we can expect reasonable (no matter how radical-sounding) solutions such as privatization to be resisted until the best-known parks show obvious, extensive and spectacular *repeated* damage.

Until then, what we have is what we get.

A Birthday Party

Last October, the Park Service threw itself a party to celebrate its 75th birthday. Held in the counterfeit alpine city of Vail, Colorado, 300 bureaucratic bigwigs and a lesser number of invited guests had a swell time congratulating themselves on what a terrific job they have been doing running the parks.

I wasn't invited to attend. But about the same time I was invited (by bulk rate mail) to join the National Parks and Conservation Association. My first year's membership fee was only $15 — a far cry from the $1,000 per person the Vail soirée cost. That trivial sum entitled me to all the privileges of membership: a "stunning, full color" magazine, "NPCA Park-PAK," a discount on photo-processing, discounts on rental cars, and a "handsome window decal." And as a special bonus, I could get a fanny pack with the NPCA trademark. Wow! What a bargain!

Tourists who appreciate the wilderness or uncluttered natural beauty ought not fear. You won't find a travel trailer sporting a television antenna within miles of some of the most astoundingly beautiful places in America.

Plus I could help NPCA achieve their goals. Like outlawing chemical emissions that might cause acid rain. Making the National Park Service an independent agency, no longer part of the Interior Department. Starting tax-funded programs for "science, historic preservation and conservation programs."Confiscating land around the parks ("Setting more realistic boundaries for nearly 175 of the park units" the letter said). "Develop school programs and educate Americans of all ages in how to use, enjoy and care for their

11. This is not literally true: the preservationist utopia could be achieved by eradication of human life, a policy that some radical environmentalists come preciously close to advocating.

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parks." Lobby Congress on NPCA's agenda. "Alert today's young people (4th–6th graders) to tomorrow's park problems." Add more areas to the park system.[12]

Hmm. Increase funding for the Park Service. Add to the Park Service empire. Propagandize for Park Service goals, and teach people to obey the rules in the parks. Free the park service from the Interior Department.

Does the NPCA's agenda sound a little bit like the Park Service's?

The NPCA was founded in 1919, three years after the creation of the Park Service, at the suggestion of Stephen Mather, head of the Park Service. Its founder and first boss was Robert Sterling Yard, a friend of Mather's. "With you working outside the government and with me working inside," Mather told him, "we ought to make the national park system very useful to the country." Its current president (and the man who signed the junk mail letter to me) is Paul C. Pritchard, formerly deputy director of the Heritage Conservation and Recreation Service, now a part of the Park Service. So it's not very surprising that the NPCA reflects the Park Service's agenda.

I joined the NPCA. What the hell. Fifteen bucks isn't much money, and anyway I wasn't invited to the Park Service's $500,000 bash in Vail. Besides, I wanted the fanny pack.

Travel Advice

When Congress creates a national park it almost guarantees that area will be developed and its environment degraded. National parks become magnets for Winnebagos, attracting tourists in far greater numbers than prior to their designation as parks.

But tourists who appreciate the wilderness or uncluttered natural beauty ought not fear. You won't find a travel trailer sporting a television antenna within miles of some of the most astoundingly beautiful places in America. If you doubt this, I invite you to visit the Abert Rim in southern Oregon. It towers 2,000 feet high above U.S. 20 for more than 30 miles, and the last time I visited I had the highway entirely to myself. Or visit the Bruneau River where it runs though a narrow steep canyon of incredible beauty in southwestern Idaho. The nearest road isn't paved and has signs warning you to watch for planes with "objects" attached to their bottoms, lest you be hit by a bomb (the road runs through some sort of bombing range), and getting to the canyon involves a bit of a hike. But you won't find litter and you won't find Ma and Grandma fixing dinner in their microwave, while the teenage son listens to his boombox, dad watches television, and the two little kids play Nintendo.

National parks are splendid illustrations of the difference between the reason and excuse for legislation.

National parks can be considered a boon to those who seek natural beauty, wilderness experience or just solitude: just circle the national parks on your map with a red magic marker, put two circles around the most popular of them, and avoid going near them.[13] ❑

12. "The Reagan Administration may have been the most insensitive in history on the issue of national parks — adding less acreage to the park system than any other president in recent years." This is a very curious statement. For one thing, Congress creates new national parks, not the president. For another, it ignores the fact that on a single day (Dec 1, 1978) Congress added an astonishing 51,302,745 acres to the Park System, making it two-and-a-half times larger. The land added that day was about the size of Switzerland, Austria and Hungary combined. If Congress added to the Park System at the same rate as it did in 1978, the entire United States would be within the system in less than four years; the entire world is less than 8 years. So it oughtn't be too surprising that the pace slowed in the decade that followed.

13. Okay, visit the more interesting ones once. How else can you see the Grand Canyon, Old Faithful and El Capitán? If the parks of your choice have a slow season, visit them then. But don't count on finding uncrowded conditions in the spring and fall when families can't bring their kids: those Americans with the most spare time, the most wealth and the biggest subsidies — "senior citizens" — are wise to this fact. National parks in September and October are a lot like Sun City with scenery.

Exposé

Rocky Times in Rocky Mountain National Park

by Karl Hess, Jr.

Millions watch, but no one sees, as one of America's most spectacular tributes to natural beauty is being transformed into one of America's greatest ecological disasters.

Fourteen-thousand foot peaks of bare, angular granite stand sentinel over flower-bedecked alpine peneplains, abrupt sub-alpine slopes cloaked in spruce-fir and lodgepole pine, and stark montane hills and valleys dotted with ponderosa pine and grassy openings. The scene is captivating; the harmony of rock, tundra and strikingly uniform forests paints a portrait of near-pristine nature and untrammeled wilderness. Whether visiting Rocky Mountain National Park for the first time or the one hundredth time, visitors can only gaze in awe at the raw beauty of the landscape rising before them. Few other landscapes can compare with this small slice of the front range of the Rocky Mountains, just 50 miles north of Denver, Colorado.

Founded in 1915, Rocky Mountain National Park is one of fifty parks and 85 million acres managed by the National Park Service. Encompassing a mere 265,000 acres, it is tiny by the standards of the 8.3 million acre Wrangell–St. Elias National Park in Alaska — or, for that matter, the other seven Alaskan parks totaling over 22 million acres. In the lower 48 states, however, Rocky Mountain is substantial. Yellowstone, Olympic, Grand Canyon, Big Bend, Everglades and Glacier national parks are larger, but in terms of variety of spectacular natural beauty packed into a compact space, there is no comparison. Ranging from 7,800 feet in elevation to 14,255 feet, with 113 peaks in excess of 10,000 feet, the park attracts more visitors than any of its better-known rivals.

Testimony to what the eye sees at first glance in the mountainous landscape is a commemorative plaque housed at the headquarters of Rocky Mountain National Park in Estes Park, Colorado. The 1976 plaque, awarded by the United Nation's UNESCO Man and the Biosphere Program confirms the uniqueness of the Park and elevates it to a level of importance unsurpassed elsewhere in the Rocky Mountain West:

> ROCKY MOUNTAIN NATIONAL PARK IS RECOGNIZED AS PART OF THE INTERNATIONAL NETWORK OF BIOSPHERE PRESERVES. THIS NETWORK OF PROTECTED SAMPLES OF THE WORLD'S MAJOR ECOSYSTEM TYPES IS DEVOTED TO CONSERVATION OF NATURE AND SCIENTIFIC RESEARCH IN THE SERVICE OF MAN. IT PROVIDES A STANDARD AGAINST WHICH THE EFFECT OF MAN'S IMPACT ON HIS ENVIRONMENT CAN BE MEASURED.

Rocky Mountain's designation as a Biosphere Preserve is appropriate in view of its unique environment, its high ecological value and its overpowering aesthetics. It is special; it is unlike any other slice of the Rocky Mountain chain. But to suggest that the Park is now being protected, that it is somehow uniquely devoted to conservation, or that it really does provide *"a standard against which the effect of man's impact on his environment can be measured"* is a tragic mistake. The unparalleled beauty of alpine peaks and subalpine forests is an illusion; behind the illusion is the reality of an ecological disaster.

In Rocky Mountain National Park, the assumptions of protection and preservation meet the reality of environmental decadence and decline; the presumed efficacy of federal ownership of America's finest landscapes comes face to face with the truth of government mismanagement and National Park Service incompetence.

Symptomatic of the illness is the Park's meadow showcase, Moraine Park at the modest elevation of 8,000 feet. To the untrained eye, all appears well. A clear rocky mountain stream bisects an enormous mountain park, bordered on the north by ponderosa pine hills and on the south by a glacial

moraine forested in Douglas fir.

Closer inspection, though, reveals ominous signs. Dying willows dot the abnormally dry park. At certain spots, the mountain stream cuts unusually deep into the meadow soil, exposing raw vertical banks three to four feet high. On the Douglas fir moraine, the signs are even more disturbing. What should be a luxuriously vegetated forest floor is a desolate scene of trampled soil covered with a smelly mantle of elk scat. Trails made by elk cut deeply into the moraine and funnel erosive waters toward the meadow below. And the surrounding Douglas fir, many of which are dead or dying from beetle infestation, are scarred and at times girdled — too many elk horns have rubbed against too few trees. Even the few aspen intermixed with the ponderosa pine to the north are scarred and infected with a fatal fungus.

The view that the park is being protected is a tragic mistake. The unparalleled beauty of alpine peaks and subalpine forests is an illusion; behind the illusion is the reality of an ecological disaster.

Sadly, the disquieting picture of Moraine Park is not an anomaly. Similar symptoms of environmental decay plague every valley bottom and every mountain slope of the park's 265,000 acres.

The ecological crisis facing the park has very little to do with the area generally considered most threatened — the fragile alpine tundra lying above the spruce-fir treeline. In the arctic-like environment of 11,500 feet plus, park administrators and scientists have focused their dollars, their research and their writings. Yet, the region above timberline was never as fragile as administrators and scientists assumed.

Nor were the vast forests and scattered grasslands below treeline as sturdy and safe as conventional wisdom dictated. For it is among the trees and meadows below, obscured only by the false harmony of uniform forests and picturesque grassy openings, that ecological decline and environmental decay is most evident and most threatening.

Amazingly, fewer than a dozen of the almost 400 scientific and naturalist studies on the Park touch on the serious problems threatening the area's ecological integrity and environmental health. The remaining works focus on more theoretical and esoteric aspects of the Park's land and life. Indeed, administrators and scientists pursue their studies oblivious to the impending fate awaiting Rocky Mountain. But ask any one of them about the state of the land, and few if any will deny the seriousness of what lies ahead. All of them are aware of places like Moraine Park. All of them understand the nature of the problem. None of them have chosen to speak or write about what they know and fear is happening to the park. In this sense, Rocky Mountain's ecological and environmental crisis is a crisis of silence.

More fundamentally, though, it is crisis of mismanagement and bureaucratic ineptitude — a crisis connected with a long history of fire suppression and a laissez-faire approach to elk population control. In the final analysis, however, it is a crisis caused by the failure of public policy and the inherent distortions injected into land management by political and bureaucratic considerations.

Ecologic Disaster in the Making

Fire is the proper place to begin in diagnosing the Park's ailments. Historically, fire has always been an integral part of the Rocky Mountain ecosystem. Lightning strikes in the surrounding foothills would ignite dry and highly flammable grasses, shrubs and ponderosa pine savannahs. The flames move up canyon bottoms and mountain sides toward higher and more moist elevations that were otherwise immune from the effects of direct lightning strikes. As a result, places like Rocky Mountain National Park burned periodically, creating and renewing a landscape of immense vegetal diversity.

This is the nature of forests in the Rockies. As Robert K. Peete noted in his seminal work dealing with this forest ecosystem type, *North American Terrestrial Vegetation*, "Rocky Mountain forests are disturbance forests . . . with climax stands being less common than seral communities [and for this reason] the impact of modern fire suppression on forest communities throughout the Rockies needs to be investigated."

Making Rocky Mountain immune to the natural and periodic ravages of fire was the direct result of suppression efforts practiced on adjacent U.S. Forest Service lands and the extension of those practices to the Park itself. As those efforts took hold in the first decades of this century, the historic routes that fires followed were cut. No longer could fires move naturally from the dryer, more arid foothills into the wetter and cooler environment of subalpine forests.

Human intervention did not totally eliminate wildfires in the Park, but it did reduce their frequency. With the policy of fire suppression in force, fires occur at unpredictable and irregular intervals, during irregular sequences of multiple back-to-back years of extreme heat and drought. Of course, heat and drought were not uncommon to the Rocky Mountain region. But the duration and severity of heat and drought needed to prepare subalpine forests for lightning ignition were far from common. And the fires that did occur were less severe by virtue of rapid deployment of fire-fighters to battle the smallest of flames. For all practical purposes, Rocky Mountain National Park had become fire-proof.

Historically, fire was an integral part of the Rocky Mountain ecosystem. Places like Rocky Mountain National Park burned periodically, creating and renewing a landscape of immense vegetal diversity.

Fire suppression may have left Rocky Mountain National Park neater and trimmer in appearance and more pleasing to tourists. But today's park is

far less healthy by any ecological standard. There is no better place to investigate the impact of fire suppression than in Rocky Mountain National Park. By all measures, that impact has been and still is profound and severe.

Photographs taken of the Park at the time of its designation in 1915 contrast sharply with what meets the eye today. In place of the relatively uniform expanses of lodgepole pine and spruce-fir forests that now drape its mountain slopes, abundant clones of aspen, irregularly aged stands of lodgepole pine and spruce-fir, patches of successional ponderosa pine, and transient openings of grass and shrubs cloaked the park in a distinctive mosaic. This vegetal mosaic clearly lacked the uniformity and superficial beauty that attends today's virtual monocultures of a handful of tree species. Yet this unique mosaic contained a degree of biological diversity that has silently disappeared from the Park in the wake of almost a hundred years of fire suppression, resulting in today's monocultures that attest to man's unthinking intervention.

Declining diversity, though reason for alarm, is only half of the story. Nearly a century of fire suppression has allowed the Park's montane and subalpine forests to age and clutter the forest floor with ever-accumulating piles of fuel. Indeed, in areas of the Park longest insulated from fire, the diameters of standing live trees are matched or exceeded only by the diameters of downed timber littering the ground below. Fallen, old-aged trees piled one upon another create barriers from five to ten feet in height. Today, park scientists and fire-fighters wait in apprehension for the right combination of dry and hot years — the once-in-a-century combination that will ignite otherwise fire-proof forests into a conflagration equal to or exceeding the 1988 fires of Yellowstone.

When that conflagration begins — it is just a matter of time — one of America's most magnificent Parks will be consumed by flames. And this fire will be different from past fires. It will burn hotter, longer, and over a much larger area, because much more fuel has accumulated and there are fewer meadows to act as fire breaks and fewer successional forest stands to disrupt the course of the fire. This is the inevitable legacy of suppressing fire and weighing down nature with the albatross of institutionalized preservation and protection. And in the wake of this conflagration, soils will be sterilized and seed needed for renewal destroyed. Generations of Americans and many generations of elk, deer, beavers, bears, and cougars will be denied the unheralded beauty and ecological richness of Rocky Mountain National Park.

The Park Service's fire suppression policy, with its consequential reduction of biological diversity and increased probability of disastrous conflagration, has not taken place without protest. During the late 1960s and early 1970s, park biologists informed Rocky Mountain's superintendent of the escalating crisis. By the late '70s, their pleas were heeded. The park administration approved a series of controlled burns to test the efficacy of planned fire as a management tool.

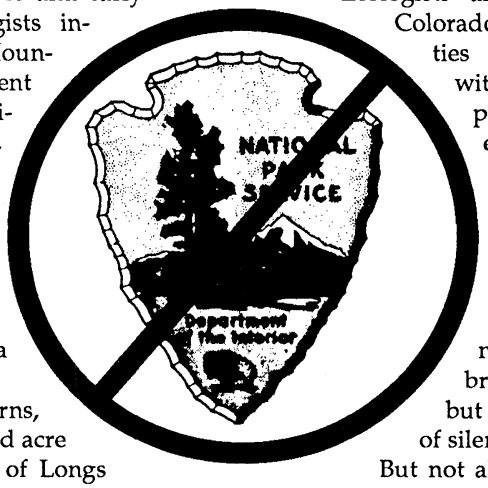

One of those burns, set for a 200 hundred acre plot near the base of Longs Peak, went awry. A change in wind and humidity suddenly intensified the fire, allowing it to spread over 500 acres. Although the fire stayed within Park boundaries, it caused alarm among park administrators and residents in the local area.

Without further review, the superintendent canceled all future controlled burns. He appreciated the harmful consequences of fire suppression. But he also understood that the *political* dangers connected with continuing controlled burns were real and far more imminent. One more error, one more miscalculation of wind and humidity, and his job and career might be lost. In contrast, the danger of a conflagration and the crisis of diminishing biological diversity were more distant problems. With any luck, his retirement would come long before the problems of fire and diversity surfaced in public view. In the meantime, he would remain insulated like the forest itself from the immediate fire-storm of public debate. Someone else could tackle the problem later. And that person — not he — would assume the brunt of responsibility for the Park's demise.

If the risk of major conflagration were the only ecological crisis facing the Park, the superintendent's gamble would have been reasonable, if not ethical. The risk of multiple successive years of severe drought and heat is slim, at least in the short term. And tourists are content with the veneer of natural beauty. The only other danger facing the superintendent is that scientists may blow the whistle.

Happily for him, most are willing to partake in a conspiracy of silence. Ecologists and biologists at Colorado's state universities were satisfied with the grants and privileges accorded them for research in the Park. Preoccupied with studying their small corner of the Park, they had no reason to break the unstated but understood rule of silence.

But not all are so compliant. The small staff of ecologists and biologists employed at the park itself feel differently. They have long argued for controlled burns, pointing out time and again the devastating possibility of a major conflagration. So certain were they of the impending crisis that they initiated in 1989 a massive inventory and classification of the Park's vegetation. In part, their motive was one of desperation. An exhaustive inventory and classification of the plants and plant communities of Rocky Mountain National Park would provide a beginning point in the restoration of the Park in the aftermath of the almost certain conflagration. The superintendent reacted to this report in a way they hadn't anticipated. In February 1991, he eliminated their positions, ridding himself and the Park of an embarrassing reminder of three-quarters of a century of failed policy and misdirected management.

Rocky Mountain's plant and wildlife ecologists were reassigned to

Yellowstone National Park and to a National Park Service research facility in Flagstaff, Arizona. The head ecologist was kept on board, though with specific instructions to engage in no further biological research. Instead, his function would be to contract all scientific work to outside biologists and ecologists — consultants who would be much easier to control and silence.

Not one of the scientists on the park's staff took the necessary step to blow the whistle on Rocky Mountain's administration. The crime of silence, as much as the crime of administrative ineptitude, lies at the heart of Rocky Mountain's ailing environment.

In taking this drastic action, the superintendent was responding to more than the irritating and embarrassing warnings of his staff regarding the impending fire crisis. He was reacting defensively to a more immediate crisis — a crisis already evident on the ground and one that Park scientists were pointing to with alarming urgency. Rocky Mountain's handful of biologists and ecologists were exiled not because of their predictions of future fire calamity. They were shipped out because they had documented and repeatedly pointed out an evolving crisis as ecologically immediate and environmentally threatening as a conflagration: Elk were on the rampage, tromping and eating Rocky Mountain National Park into an ecological oblivion no less calamitous than the hypothesized conflagration.

The Antlers of a Dilemma

Elk were not always on the rampage, of course. When the park was established in 1915, only thirty elk were counted within its boundaries — a minuscule number compared to the "large herds" noted a century earlier by Major Stephen H. Long's expedition. Within 15 years, though, the park's elk herd had recovered, expanding to over 300. By 1936 the elk herd was estimated to be in excess of 645 head and the first reports of resource damage were tallied by Park Service and Forest Service biologists. "Serious barking of aspen" was observed in 1930 and subsequent Park Service studies in 1936 revealed heavy overgrazing of park browse — the critical winter food supply of Rocky Mountain's rapidly expanding elk herd. Resource conditions continued to worsen throughout the park as elk numbers expanded at an annual rate of 17 percent, reaching an estimated peak of 1,525 in the early 1940s.

In response to heavy resource damage, Rocky Mountain biologists began an aggressive control program in 1944 to bring elk numbers back within the park's estimated winter range carrying capacity of 600 to 700 head. Within five years, elk numbers had fallen by more than 50 percent and remained at that level well into the 1960s. Resource conditions experienced a rapid turn around. Eight years following the beginning of elk control the first signs of range recovery were recorded. Throughout the '60s, grass and shrublands continued to heal, wet meadows recovered, and aspen stands enjoyed a long awaited reprieve from excessive barking by antlered bull elk. By all indications, save those associated with fire suppression, the park was finally recovering from its experiment in rebuilding its resident elk herd.

Indeed, everything might have remained stable and well had it not been for *natural regulation*, a new idea gaining popularity in Yellowstone National Park. The theory was simple and appealing — and untested. It held that wildlife populations — most particularly elk and bison — were self-limiting; that population numbers were held in abeyance not by natural predators such as wolves, or unnatural ones like man, but by the limits of the available food supply. Most importantly, the theory took it for granted that wildlife populations would reach equilibrium with their food supplies (the equivalent of carrying capacity) without damaging the vegetation base.

Concurrent with the implementation of natural regulation on Yellowstone's substantial northern range, a new staff of biologists and ecologists were assembled at Rocky Mountain in the late 1960s early '70s. The head scientist, a wildlife biologist and advocate of what was becoming the Yellowstone religion of natural regulation, provided a scientific rationale to the park's superintendent for stopping artificial control of elk. Whether he was unaware of the park's earlier *de facto* experiment in natural regulation or whether he simply believed the theory needed further testing is unknown. What is known, however, is that in 1973 the Rocky Mountain National Park elk herd was left to the mercy of the land and its vegetation. Hereafter, nature, not man, would determine the size and distribution of the park's principal wildlife attraction.

Unfortunately, events have not unfold as predicted. On top of a growing uneasiness about the implications of fire suppression, park scientists soon realized that the theory of natural regulation was not performing as predicted. Elk were now completely out of control, approaching by some estimates almost 4,000 head in 1991 — a level approximately six times the park's carrying capacity. So severe was the overpopulation problem that hundreds of elk had begun wintering in the backyards of Estes Park residents and roaming through the center of one of Colorado's fastest growing recreational towns. Indeed, by late spring, 1991, elk that normally migrated from town to alpine summer ranges were showing every indication of staying in Estes Park on a permanent basis. Given the choice between lush residential yards and overgrazed park ranges, elk had apparently selected the path of domestication.

So severe was the overpopulation problem that hundreds of elk had begun wintering in the backyards of Estes Park residents and roaming through the center of one of Colorado's fastest growing recreational towns . . .

It was this and other evidence that convinced the park's science staff of the limitations of natural regulation and

compelled them to warn the superintendent, time and again, of an ecological crisis in the making. And, in turn, it was the incessant warnings of the science staff, sounded in the context of a political climate supportive of the park's past elk policy, that drove the superintendent to make his fateful decision.

Rather than heed the messengers of impending crisis, the park's superintendent chose the path of least resistance. He summarily dismissed biologists and ecologists alike from Rocky Mountain National Park. From his perspective, ignoring the elk problem — as he had already done with the problem of fire suppression — made good bureaucratic and political sense. Elk, after all, were the wildlife centerpiece of the park. They were what tourists sought as they drove the park's highways. And they were quickly becoming lucrative mascots and desirable residents for a burgeoning Estes Park economy. To reduce the elk herd from 4,000 head to the carrying capacity of 600 in a torrent of government bullets would be foolhardy at best and political suicide at worst. It would mean working against the humane sensibilities of tourists, local residents, and concerned politicians.

Unfortunately, the superintendent's decision meant ignoring the escalating resource damage. Park naturalists observed declines in ptarmigan populations as a result of elk destruction of prime habitat. More significantly, the park's aspen stands were in a state of decay and deterioration. Mature trees in virtually every stand in the park were scarred by elk antlers and fatally infected with an invasive fungus. Seedlings that might have replaced the dead and dying aspen had been grazed in almost every instance, further sealing the fate of Rocky Mountain's aspen. Indeed, the only healthy and reproducing stand of aspen remaining in the park was now found in an elk-proof exclosure built in the 1940s. At the time the exclosure was built, aspen thrived both within and without.

Near the Fall River entrance to Rocky Mountain, an aspen-ringed meadow had long greeted tourists. But in the late '70s bull elk in historic numbers invaded the small aspen grove and systematically destroyed trees and seedlings alike. Today, not a single aspen tree remains in that meadow. On a broader scale, preliminary estimates based on 1990 field-truthing of vegetation units mapped in 1984 indicate that as much as 1/3 of the park's aspen that lies within elk winter range may have been destroyed in the brief span of eight years.

Loss of aspen, though, is only part of the story. Years of overgrazing by elk has taken a heavy toll on the park's extensive wetlands. Willow stands, home to plant and animal species found nowhere else in the park, are succumbing to the insatiable appetites of the elk. Willow communities located within lower elevation elk winter range are faring the worst. After two decades of natural regulation, landscapes once abundant in willow are barren, supporting more simplified and less productive plant communities. All that remains of the fields of willows are browning and dying stumps.

More than willows, however, have suffered. Before elk reduced it to barrens, Moraine Park had supported a complex of ponds at random and changing intervals along the meandering stream that bisected its considerable length. Those ponds had been built by beavers. In a natural process that predates white man's occupation of Rocky Mountain by several millennium, the aquatic mammals harvested mature willow stems and constructed sturdy dams. The resulting ponds provided habitat for the beavers and maintained high water tables necessary for willow regeneration. Later, as sedimentation filled in the ponds, beavers would harvest the next generation of mature willow and build new dams, continuing the historic and natural cycle of wetland rejuvenation. In this manner, Moraine Park maintained its wild and diverse character, keeping alive a crucial element of Rocky Mountain's ecosystem.

Desperate for winter forage, overpopulated elk ate the willow stems, depriving the beaver of its building material, thereby driving beaver from the area. In the absence of beavers, the ponds disappeared, lowering the park's water table and dooming to extinction those willows hardy enough to survive overgrazing by elk. As the willows disappeared, elk turned their attention increasingly to the lush understory of grasses and wildflowers that accompanied the former willow meadows. Elk overgrazing transformed the diverse collage of grasses and wildflowers into weedy expanses. The mountain stream that once meandered like a silver thread across the wetland's surface now cut into the drying soil, leaving in its wake exposed and deepening vertical banks devoid of vegetation.

And so Moraine Park, along with many of the other willow meadows within Rocky Mountain National Park — the very same wetlands that qualified Rocky Mountain as a Biosphere Preserve and that established it as a standard for measuring man's impact on environments not afforded similar

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protection — suffers destruction of its ecologic system. Once scenic and extensive willow wetlands, they are now weedy meadows supporting only dying remnants of their past diversity.

Except for a few isolated blue spruce trees, very little remains of what historically had been the finest examples of Colorado blue spruce stands in the West. Ironically, more blue spruce encircle the Kremlin in Moscow — a gift of the United States — than can now be found in the best of Rocky Mountain's campgrounds and picnic areas.

And the damage has not stopped at the borders of willow communities.

The coniferous forests that encircle park wetlands and willows have been trampled and defecated upon to excess. What was once pristine forestlands — at least along the edges of wetland marshes and willow openings — are the aesthetic equivalents of livestock water holes and cattle feedlots: mangled landscapes that make mockery of Rocky Mountain's high purpose.

A Symbol Felled

The picture emerging from almost two decades of natural regulation management is bleak — even more bleak when the complementing factor of fire suppression is taken into account. Elimination of periodic burns in the park as a natural ecosystem component has accelerated the elk crisis by speeding the demise of aspen and diminishing the size and quantity of grazing meadows. Moreover, problems unrelated to elk and fire compound the park's ecological crisis.

For example, the black bear population in Rocky Mountain is far less than the park's habitat would support under more natural conditions. Indeed, more black bears live around and are observed in the outlying western suburbs of Denver than in the valleys and mountains of Rocky Mountain Biosphere Preserve. Seventy-five years of bear control by park authorities has created a creature so fearful of people that its useful habitat is limited to the most inaccessible regions of the park — areas which, by virtue of trail and road development, account for only a small fraction of Rocky Mountain's 265,000-acre preserve.

Colorado blue spruce symbolizes as well as any species the conservation toll being taken by bad policy and poor management in Rocky Mountain National Park. The namesake of Colorado and the pride of the state's citizens, the tree grows in dense streamside stands where its blue tinged crowns spiral far above all other native evergreens.

Colorado blue spruce plays an important role in the unique wetland habitat that supports a species richness far in excess of its spatial significance. In the forests adjacent to the park, fragments of blue spruce communities can still be found. But in the park — the proclaimed sanctuary of Colorado's biological treasures — blue spruce forests have been displaced by Park Service campgrounds and picnic areas. Except for a few isolated blue spruce trees, very little remains of what historically had been the finest examples of Colorado blue spruce stands in the West. Ironically, more blue spruce encircle the Kremlin in Moscow — a gift of the United States — than can now be found in the best of Rocky Mountain's campgrounds and picnic areas.

Cut to the Chase

Alston Chase, in his memorable exposé *Playing God in Yellowstone*, offers several explanations of national park mismanagement. Scientists in the National Park Service, for example, are isolated from administrative decision-making and, for that reason, are unable to steer park management along a more ecologically sound course of stewardship. Superintendents, almost always selected from the ranks of police-trained rangers, have little appreciation for what biologists and ecologists have to offer toward the preservation of their respective parks.

National park management, Chase argues, is mired in a morass of administrative politics that over-emphasize tourism and policing at the expense of wildlife and vegetation science. To correct the problem, Chase believes, scientists must be accorded more power and prestige in the national park system. They must become the arbitrators of nature's course, applying their science prudently, reasonably and without the obstruction of administrative bureaucracy.

Despite Chase's idealistic call to resurrect science to a more respectable and creditable position in Park Service hierarchy, the experience of Rocky Mountain National Park suggests scientists would not behave any differently than the rangers who now man most park administration posts. For one thing, the science staff of Rocky Mountain must accept much of the blame for the ongoing ecological crisis. They were the first to recommend the policy of natural regulation.

And not one of the scientists on the park's staff took the necessary step to blow the whistle on Rocky Mountain's administration. Concerned with their own careers, they went no further than to warn the superintendent of the deteriorating situation. Certainly, they lost their positions; but they did not lose their jobs. Today, they are gainfully employed within the National Park Service. And not one of them has spoken or written publicly of the ecological decline of Rocky Mountain National Park. Their silence is no more excusable, nor any less reproachful, than the silence of academic researchers at Colorado's state universities. The crime of silence, as much as the crime of administrative ineptitude, lies at the heart of Rocky Mountain's ailing environment.

More importantly, there is every reason to believe that scientists are identical to administrators in the most crucial way. Faced with the same institutional incentives as their policemen counterparts, and subject to the same bureaucratic and political forces, scientists in charge at Rocky Mountain would be hard-pressed to mount any substantial reform.

The institutional logic of survival, of pandering to special interest groups, and the relative painlessness of living with a facade of natural beauty make the current course preferable. To buck the system of current management and attempt genuine reforms would entail risks far beyond any hope of gain. Allowing Rocky Mountain to continue

its environmental free fall is easier to tolerate and far more rewarding, given the array of institutional rewards and punishments.

Whoever the superintendent of the park may be, the unfortunate truth is that protecting career positions, projecting the proper public image, and propagating as large a budget as possible are more important than willows, blue spruce, beavers, ptarmigans and bears. It takes an unjustified leap of faith to assume, as Chase does, that ecological problems of the national parks are substantially the consequence of the wrong people being in control and that they are solvable by replacing those people with scientists. Nothing in the unfolding drama of resource deterioration in Rocky Mountain National Park supports such a supposition. Unbroken forests filled with legions of elk bring pleasure to the casual tourist who knows no better and perversely satisfies the local resident who, sadly enough, can derive profit only from the spiralling collapse of the park's troubled ecosystem.

There is yet another problem with Chase's explanation of the ecological predicament of America's parks. He blames an emergent and powerful environmental movement for an ideology of management, represented best by natural regulation, that threatens the ecological health and environmental well-being of the nation's park system. Although Chase's charge may have substance for Yellowstone and a handful of America's other mega-parks, it hasn't played much of a role in Rocky Mountain's decline. What is destroying Rocky Mountain National Park — and for that matter, Yellowstone itself — is not the park-ranger mentality. The cause, pure and simple, is government mismanagement — the historic failures, incompetencies and ineptitudes that attend federal ownership and that have long plagued millions of acres of forest and range managed by the U.S. Forest Service and the Bureau of Land Management.

What is destroying Rocky Mountain National Park is not the park ranger mentality. The cause, pure and simple, is government mismanagement.

The legacy of Rocky Mountain National Park is no less atrocious and unacceptable than the legacy of overgrazed BLM rangelands and overcut and excessively roaded Forest Service lands. The only difference is that Rocky Mountain's administration cannot claim the excuse of Congressionally-mandated "multiple use" for its errant ways.

Its mandate is clearly stated in the United Nation's Biosphere Preserve designation: *"to provide a standard against which the effect of man's impact on his environment can be measured."* By any reasonable measure, the National Park Service has violated that mandate and subverted the standard by which the world's human-impacted environments are to be judged and understood.

Violation of that mandate is not the result of insufficient control of people and resources by highly trained technocrats — the classic excuse offered by generations by scientifically-trained land managers. The problem is quite the opposite. Rocky Mountain's environmental degradation is the result of excessive control and regulation; of severing people from the land; of making resources the icons of adoration; and of diluting responsibility and accountability for the land's stewardship.

Eradicating the Predatory Bureaucrat

Effective solutions to the dilemma of Rocky Mountain National Park and the 49 other national parks that stretch from coast to coast must begin with the restoration of responsibility and accountability. Adding a new layer of scientific bureaucracy or putting even more land under bureaucratic control (as the National Parks Conservation Association advocates) will not stem the infectious ailment of predatory bureaucracy. They will only make the situation worse.

The creation of independent conservation trusts, established by Congress for a public purpose but owned privately by conservation groups, has been proposed. In my judgment, such organizations would better oversee protection and preservation of individual parks.

Terry Anderson, free market environmentalist and associate of the Political Economy Research Center, goes one step further. He argues persuasively that national parks might be better off under the care of the Disney corporation. Disneyland, not the National Park Service, is by his argument a more suitable manager and a more preferable steward for many of America's most cherished wild and scenic lands. Anderson's proposal is unlikely to gain much public support, at least right now. But his argument makes sense, and as the environmental disasters of Rocky Mountain and other national parks unfold, people will be more likely to consider radical proposals.

What once was pristine forestlands are the aesthetic equivalents of livestock water holes and cattle feedlots.

Successful protection and preservation of national parks like Rocky Mountain require fundamental changes in public policy and natural resource thinking. Such changes must provide incentives to care for willows, blue spruce, bears, ptarmigans, and beavers. They must entail new institutions that are capable of enforcing accountability and ensuring responsibility. Most of all, they must make good stewardship the final objective and the ultimate reward.

This means enacting far-reaching reform; seeking innovative ways to harness the vested interests of caring people to the ecological welfare and future of America's neglected and abused national parks. It means using the tools of private property and the processes of the free market when possible to attain the public ends that public institutions have failed to serve. Above all, it means eradicating the type of hypocrisy that shrouds the United Nations plaque at Rocky Mountain National Park headquarters. ❑

This article is based on a paper presented at the North American regional meeting of the Mont Pelerin Society on August 25, 1991, in Big Sky Montana.

Why Term Limits Lost

by Chester Alan Arthur

Only in times of challenge and crisis, it is often said, can the true mettle of the man be determined. The political establishment was just so tested, recently, in the Pacific Northwest. It brought out its big guns: lies, lies and more lies.

Three weeks before the election, polls showed that Washington state's term-limitation initiative had a lead of more than two-to-one among voters. Yet when the votes were counted, term limitation lost by a huge margin. Does this spell the end of the term limitation movement?

I don't think so. Term limitation was defeated in Washington by a combination of factors that are not likely to happen elsewhere.

1. The anti-limitation forces saw the issue as war, and were willing to dispense with any concern for truth. Rather than battling the issue on its merits, they based their case on a series of outright lies:

- Term limits snatch Granny's Social Security check right out of her hand, leaving her destitute.
- Term limits mean massive oil spills in Puget Sound.
- Term limits will take all the water out of the Columbia River and otherwise deprade Washington.
- Term limits mean higher electric rates.

The theory behind the first two lies is that term limitation was supported by David Koch, who eleven years ago was the Libertarian Party vice presidential nominee, and the LP opposes Social Security and certain environmental protection legislation. I suppose that if an out-of-state oil billionaire who believes that Washington state should have a law against murder also favors abolition of Social Security and the Environmental Protection Act, Washington voters should oppose anti-murder laws.

The theory behind the third lie is that Californians are evil people who, as "everyone knows," want to drain the Columbia River to fill their swimming pools. The main evidence of this is that periodically some nutball on the Los Angeles County Commission grabs some headlines by proposing diversion of Columbia River water to L.A. His scheme is always rejected out-of-hand as technically impractical and financially absurd. But it impresses a few yahoos in L.A. county and alarms the credulous of the northwest.

The fourth proposition is slightly plausible: electric power in Washington (and elsewhere in the northwest) comes partly from heavily subsidized hydro-electric boondoogles, and Congress may one day conclude that there is no reason northwest businesses and consumers should be sold electricity at half the market rate — though its relation to term limitation is a bit obscure.

But the centerpiece of the anti-limitation campaign was an appeal to pure chauvinism, the hatred of people who aren't like us. Californians have long been a popular scapegoat in Washington. Emmet Watson, a popular columnist in the state's largest newspaper, has practically made a career of crusading against Californians. They are buying up the land, building houses, and going into businesses that compete with locals — in short, they are ruining the state. They have strange, sick attitudes. So voters were vulnerable to an appeal to their base prejudices against Californians.

But how, pray tell, are Californians responsible for the term limitation initiative? Simple:

> Today in Los Angeles, Orange County and elsewhere in California, there's fresh hope . . . Californians are anticipating the approval of Initiative 553, the term-limits initiative. Finally, they sigh. Finally! Washington would be stripped of the strength it's held in Congress for more than three decades . . . the strength that allowed it to frustrate Californians' agenda of greed. Initiative 553 wasn't home grown . . . a citizens' idea that sprouted from the grassroots of Washington. Political conservatives in California and other

> states pulled some big bucks out of their wallets to finance it . . . In California, in the offices of politicians, the headquarters of developers, the ultraright political clubs of Orange County and elsewhere, they've probably begun to chill the champagne for the victory party.

This bizarre appeal to jingoism is not the desperate effort of a sleazy politician. The passages came from a column in the Seattle *Times*, published a week before the election. It was written by Richard Larson, the paper's associate editor. And to drive the point home, it was illustrated with a crude cartoon showing an evil Californian in black hat and black garb, clutching a child labeled "Washington." The child clutches a gun aimed at its foot. The Satanic Californian says "Pull the trigger, kid, it'll feel good."

The same issue of the Seattle *Times* included two news articles on the term limitation effort. Each mentioned that libertarian oil magnates David and Charles Koch were prominent supporters. Others mentioned include James Miller (of Washington, D.C., former Budget Director), Ralph Nader (of New York, another "ultrarightwinger"), and George Bush (of Texas, last I heard). It also mentioned the support of Sherry Bockwinkel of Tacoma, Washington (described as "a typical liberal Democratic activist") and from "several members of its steering committee who worked on the campaign of Michael Collier," a peace activist who challenged incumbent Congressperson Norm Dicks of Tacoma in his Democratic Party primary. The only Californian mentioned was Jerry "Moonbeam" Brown, hardly an ultraright Orange County type.

Does Associate Editor Larson read his own newspaper? Or does he cynically ignore the facts and base his campaign against term-limitation on an appeal to local narrow-mindedness?

Anyway, very early on, the opponents of term limits learned that heaping blame on Californians (or "Californicators," as they are called in in the northwest) works just about as well in Washington as attacking Jews worked in Hitler's Germany or blaming blacks (or "niggers," as they were called) worked in the Old South. Californians, voters were told, wanted Washington to pass term limits so it could dump oil in pristine Puget Sound, drill for oil off Washington's Pacific beaches, steal the water from the mighty Columbia River, and make Washington a California colony. The logic of this position was diaphanous: California has many Congresspeople, Washington only a few; if Washington Congresspeople lose their seniority, Californians will gain more power, which they will use for evil purposes.

It is, I suppose, not surprising that people in Washington should harbor such crude prejudice. What is remarkable is the willingness of establishment figures like Speaker of the House Tom Foley or *Times* editor Larson to appeal to this base prejudice.

2. Washington is similar to the Old South in another way: its citizens have an extraordinary love of Congress' seniority system and pork barrel politics. Its 1980 Senatorial race, for example, featured Warren Magnuson and Slade Gorton. Gorton was a popular Republican Attorney General, running in an overwhelmingly Republican year in a state that went heavily for Republicans in state-wide races. Democrat Warren Magnuson ("Maggie," as he was affectionately known) was obviously senile and physically decrepit. His campaign appearances were carefully staged so that he would not have to walk to the podium; his "speeches" were very brief, since he could barely utter an intelligible sentence. Gorton managed to win, but only by the slimmest of margins.

Similarly, when Tom Foley took over as Speaker of the House in 1989, the state's newspapers and its people carried on at length how Foley's seniority and power would deliver lots of federal loot to the state. The celebration of greed got so bad that Foley made several public statements warning that the days of the really majestic pork barrel were past, and that he would have to serve the nation as a whole, rather than use his position to pay off his constituents. (In Foley's whirlwind campaign against term limits, he forgot all about this and reverted to claims that his power could deliver the pork.)

The seniority argument didn't make much sense when one considers the lack of seniority of Washington's two incumbent Senators. Both Washing-ton's Senators are in their first term, and one is virtually a lame duck, thanks to public reaction to his novel idea of constituent relations (a prominent constituent withdrew his support of the Hon. Brock Adams, explaining that Adams had drugged his daughter and climbed into her bed). Nevertheless, the memories of the illustrious Maggie's fantastic seniority reverberated on the state's airwaves. "I always believed that Maggie could deliver more to the state with one phone call than some junior Senator could his entire term of office" typified public comment on the term limit issue.

Very early on, the opponents of term limits learned that heaping blame on Californians (or "Californicators" as they are called in the northwest) works just about as well in Washington as attacking Jews worked in Hitler's Germany or blaming blacks (or "niggers," as they were called) worked in the Old South.

3. Up against this rather formidable set of circumstances, the pro-limitation forces were slow to respond and inefficient in their expenditure of money. Given its love of the Congressional seniority system and pork barrel politics, and the popularity of its senior congresspersons, Washington was not a particularly good state to try to enact a term limitation measure that kicks senior congresspeople out of office. Given that handicap, the campaign could not afford to blunder. But blunder it did. It blundered horribly. And it never played its best cards. Given the huge lead in the polls, the campaign apparently didn't bother to respond to any of the attacks.

Here are some specific blunders:

• The campaign spent much of its advertising money early, before the

campaign had really begun. During the final two weeks of the campaign, with the airwaves full of anti-limitation ads and news of incumbents attacking limits, I did not hear a single ad supporting limits. I am told that the campaign spent its war-chest on general anti-politician spots, never countering the issues raised by the opposition.

For example, when the opposition was running its absurd but effective *ad hominem* attacks on "oil billionaires David and Charles Koch," the campaign could have countered effectively by advertising the fact that the largest contributions to the campaign against term limits came from Phillip Morris, the National Rifle Association, Boeing, major labor unions, the American Trial Lawyers Association, Anheuser-Busch, and Kaiser Industries . . . in short, big money lobbies anxious to protect their investments in special relations with elected officials.

• When most damage to the campaign was coming from the jingoistic attack on Californians, the term limitation campaign brought in — get this — former California Gov. Jerry Brown to campaign on its behalf. So far as I can tell, Brown is virtually the only Californian who publicly supported the measure — just the man to make the centerpiece of the campaign.

• David and Charles Koch blundered when they publicized their contributions. It would have been an easy matter to obscure their role in bankrolling the campaign: they could have made gifts to a variety of political committees in both Washington state and Washington D.C., which in turn could have contributed to the campaign. Instead, they funnelled their money into the campaign solely through the Committee for Campaign Reform. And there was no good reason for David Koch to speak to the press; whatever he said could be (and was) taken down and used against him.

• The campaign for term limits outspent its opposition by a factor of about 2 to 1. But it concentrated its spending on staff, consultants and direct mail. These activities don't translate into votes. In the critical area of broadcast advertising in the final weeks prior to the election, opponents of term-limits outspent them by about 2 to 1.

Whether the failure of term limitation in Washington will de-rail the campaign elsewhere remains to be seen. But the shame is that it didn't have to lose. If it had been competently managed, if it had spent its resources effectively, if it had avoided its blunders, Washington voters would have enacted term limits. And Tom Foley would be looking for a job. And cashing in his fat government pension. ❑

What's the big deal about term limits?

Sometime recently, when I wasn't looking, term limits became part of the libertarian creed, and I don't really know why.

Sure, incumbents have awesome power. Sure, they are influenced unduly by lobbyists and special interest groups. Sure, most incumbents are advocates of increasing government power. And sure, increasing government power is inimical to liberty. But so what? Incumbents tend to advocate increasing government power because most Americans want increased government power.

The problem that we advocates of liberty face is not the *incumbency* of elected officials who disagree with us. Our problem is that *most of our fellow citizens disagree with us*. This is an unpleasant fact. It is difficult to deal with. It is much more pleasant to believe that the reasons our policy recommendations are ignored is some sort of conspiracy or some sort of evil institutional arrangement. Conspiracies can be prosecuted and institutional arrangements can be changed more easily than our neighbors' beliefs.

Suppose that senior incumbents to elective office were mostly advocates of liberty who used the power of their incumbency to foil attempts to increase the power of the state. In that situation, would term limitation be a libertarian position?

Furthermore, I am not convinced that term limitation would have particularly salutary effects. Sure, it would be nice to knock Tom Foley, Alfonse d'Amato, Ted Kennedy, and Robert Dole out of office. But why should we be convinced that their replacements would be any better?

Although I didn't hear it mentioned a single time in Washington's recent battle over term limits, the U.S. does have one significant instance of term limitation: the 22nd amendment, which prohibits a person from being elected president more than twice or from acting as President for more than 10 years. This measure was the work of Republicans who got control of Congress in 1946 and were anxious to see to it that there would be no more FDRs.

What has been the effect of the measure? Since its enactment, there have been two presidents prevented from a third term: Eisenhower and Reagan. Both Republicans; shortly after Reagan's re-election, his political forces campaigned for a constitutional amendment to allow a third term.

Reagan was hurt badly by term limitation. Virtually as soon as he was re-elected in a landslide, the media began to refer to him as a "lame duck" president. The same wimpy Democrats in Congress who feared treading on the toes of the extremely popular Reagan in his first term, were emboldened in his second to commit all sorts of acts of *lese majesté*. A good case can be made that the whole Iran-Contra mess would never have been exposed had Reagan been eligible for another term. I doubt this is what the Republicans had in mind when they passed presidential term limitation. (Incidentally, I don't recall hearing Tom Foley or any of the other opponents of term limits argue to amend the Constitution to remove presidential term limits.)

I voted for term limits. I figured, what the hell, the campaign against it is loathsome, and it'll get rid of some bums. But it was a close call.

— R. W. Bradford

Comparison

Beyond Austrian Economics: The Economy as Ecosystem

by Michael Rothschild

In economic thought, the "Austrian school" has survived but not thrived. Michael Rothschild, the author of *Bionomics: The Inevitability of Capitalism,* adds a new component to the Austrian information set, and predicts a scientific revolution.

Economist Mark Blaug has made a telling point about the remarkable durability of equilibrium economics:

> Bad theory is still better than no theory at all and, for the most part, critics of orthodoxy had no alternative construction to offer. . . The moral of the story is simply this: it takes a new theory, and not just the destructive exposure of assumptions or the collection of new facts, to beat an old theory.[1]

Professor Blaug is correct. Equilibrium economics is, and always has been, fatally flawed. Even its staunchest proponents concede that the general equilibrium model bears little, if any, resemblance to empirical reality. And yet, the equilibrium approach endures, dominating the landscape of modern economic thought like an invulnerable colossus.

Decade after decade of devastating attacks by the "Austrians" and other heretics have barely altered the course of the "mainstream." To this day, equilibrium orthodoxy is passed down as gospel in virtually every microeconomics course. Though ignored by all practicing businesspeople, its mythology of smoothly intersecting supply and demand curves still distorts the perspective of policy-makers at every level of American government.

Though scientists may recoil at the notion that "bad theory is still better than no theory at all," the evidence supports Professor Blaug's assertion. Assaults on orthodox thinking have been necessary, but insufficient to upset the reigning economic theology. If equilibrium dogma is ever to be knocked from its pedestal, non-believers must respond to Professor Blaug's challenge and propose a new and better theory. In the vernacular, critics of equilibrium economics must "put up or shut up."

I have recently proposed an alternative to the equilibrium model, a new theory called *bionomics.*[2] Of course, no idea is truly new. Every concept has its antecedents. In this case, the principles of bionomics were drawn primarily from the rapidly advancing biological sciences. The few bionomic concepts not borrowed from biology were derived from the teachings of modern business strategy.

To the surprise of some, the development of bionomics was not directly influenced by the Austrian School. Like too many other students of economics, I was completely unaware of the Austrian tradition. But after *Bionomics* was published, a number of reviewers pointed out similarities between certain bionomic concepts and several Austrian ideas.[3] Though Austrian economics and bionomics follow two distinct logical paths, they converge in their rejection of equilibrium economics. Nonetheless, profound differences distinguish these two perspectives.

Bionomics in Brief

Bionomics argues that a market economy is a naturally occurring phenomenon. Like an ecosystem, a market economy is a spontaneous evolutionary process. Neither the market economy nor the ecosystem was planned. Neither system requires central management. Both the ecosystem and the economy are examples of what science now calls "self-organizing, chaotic" processes.

Key phenomena observed in nature — competition, learning, specialization, cooperation, growth, and several others — are also central to economic life. Moreover, the evolution of the global ecosystem and the emergence of modern industrial society are studded with striking parallels.

Coded information is the essence of both systems. In the biologic environment, genetic information, encoded in the DNA molecule, is the basis of all

life. In the economic environment, technological information, recorded in books, blueprints, scientific journals, formulae, algorithms, and databases, is the source of all economic life.

As humankind's ability to copy and exchange information improved, first with the invention of the printing press and more recently with the creation of the computer, the accumulation of scientific knowledge quickened and then accelerated again. Today, a staggering profusion of highly specialized firms — from fast-food chains to microchip makers to international airlines — employ tiny subsets of this vast body of coded information to convert raw materials and labor into the finished goods and services that satisfy human needs and desires.

Though ignored by all practicing businesspeople, mainstream economics' mythology of smoothly intersecting supply and demand curves distorts the perspective of policymakers at every level of American government.

Although the pace of economic evolution is stunningly rapid, its detailed processes are remarkably similar to those found in nature. Slight rearrangements of genetic code, known as mutations, are much like the modest alterations of technologic code, known as improvements. Major revisions of genetic code sequences, called recombinations, are analogous to the radical changes in technologic code called inventions.

In nature, new sequences of genetic code (manifested as organisms) that "fit" the environment are sorted from less efficient strains by natural selection. Similarly, certain new technologies (manifested as organizations) are distinguished from less effective alternatives by market competition. The chief difference between the biologic and economic forms of information evolution is speed. Technologic change happens at least a million times faster than genetic change.

Before developing this line of thinking any further, it is necessary to distinguish bionomics from Social Darwinism. Ultimately, the perverted logic of Social Darwinism led to one of the greatest tragedies in history — the Nazi Holocaust. Because of this horrifying result, biology became taboo for economic thinkers. *Bionomics* reopens this closed subject by arguing that the insights of modern biology, *properly applied*, can shed new light on the complexities of the economy.

Unfortunately, the appropriate use of biology's lessons in deciphering human social questions has been complicated by the recent rise of human sociobiology. Human sociobiologists employ far more sophisticated language than old-fashioned Social Darwinists, but the core allegation is the same: people are born to behave the way they do. Proponents of sociobiology see the diversity of human cultures as rooted in differences within the human gene pool. For them, culture does not emanate from the mind, but from the genes.

In sharp contrast, bionomics holds that economic development — and the social change flowing from it — is not shaped by a society's genes, but by its accumulated technical knowledge. Indeed, wherever advanced technologies have penetrated, cultural chasms once thought unbridgeable have narrowed to the vanishing point. Europe's current unification is but one example of this common process. Throughout human history, profound cultural change has been driven by the evolution of technological information, not the evolution of genetic information. Our genes have remained virtually unchanged for 200,000 years.

The Social Darwinists and sociobiologists argue by *homology* — a similarity based on lineal descent. Bionomics argues by *analogy* — a similarity that emerges from like circumstances. In bionomics, genes and knowledge are not connected, they are *parallel*. Our genes do not program us to become capitalists. The system known as "capitalism" is not an "ism." It is not a belief system, like socialism. Capitalism is simply the process by which coded technological information evolves. Human beings are the only agents of technological evolution on this planet, because we alone are biologically equipped to read and write. By virtue of an immensely long string of evolutionary accidents, we happen to be the only species able to code and decode strings of symbols stored outside our bodies.

On a day-in, day-out basis, biologic and economic life are structured and operate in much the same way. Organizations, like organisms, are built in complex hierarchies. One is made up of cells within tissues within organs within organisms within populations, while the other is comprised of work teams inside departments inside divisions inside firms inside industries. Some organisms and some organizations, like bacteria and sole-proprietors, are minuscule but found in huge numbers and varieties, while others, like great blue whales and

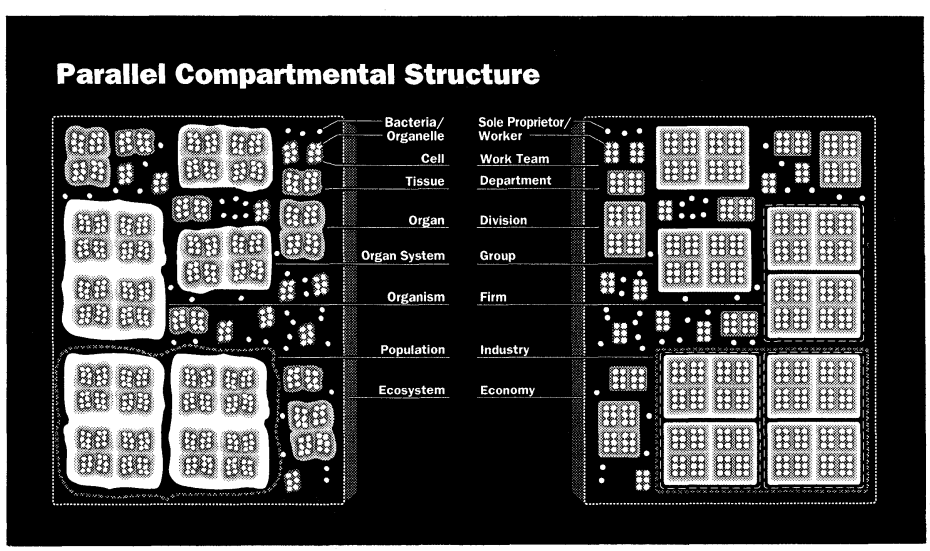

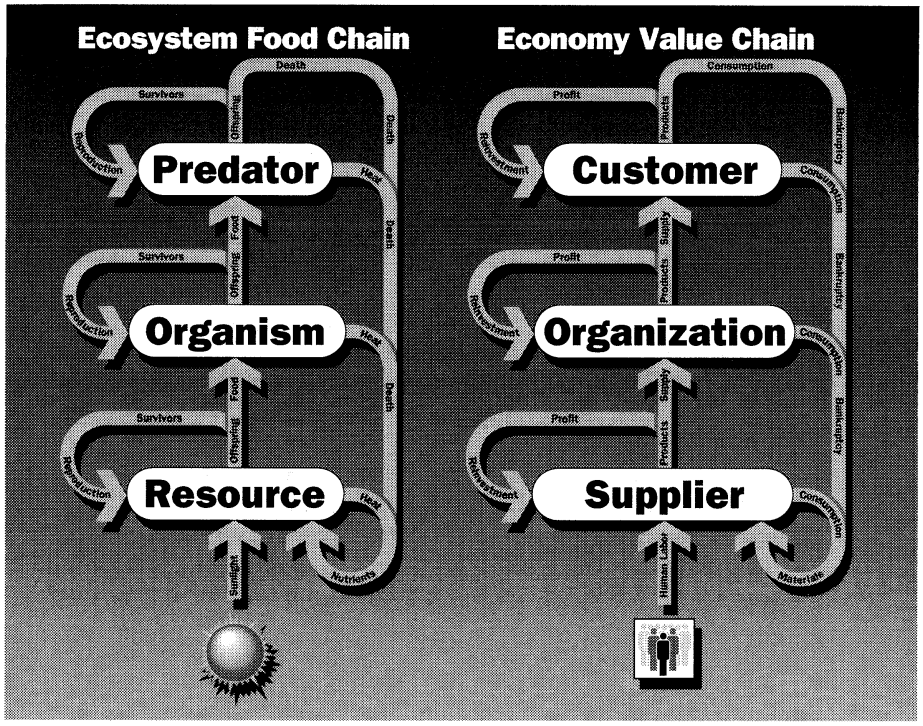

IBM, are massive and few.

No living thing can exist in isolation from the ecosystem. In a sense, every organism and every species is a node in a vast network of ecological relationships, called the food chain. Each is held in place by links to its resources, predators, and competitors. A similar webwork of relationships, called the value-added chain, defines each firm and industry. In effect, firms face essentially the same set of bionomic constraints faced by organisms. Each is held in place by relationships to its suppliers, customers, and competitors.

To survive and reproduce, a living thing must gather more food energy than it burns off while collecting that energy. For example, individual bumblebees collect more calories in nectar than they burn up as they commute back and forth to flowers. The gross margin collected from millions of flower visits pays the overhead of maintaining the hive. At the end of the summer season, the net energy profit of the hive is invested in drones and virgin queens, the bees that carry the social organism's genetic code. A bumblebee hive, like every other organism, is a genetic system that squeezes an energy profit from its ecologic transactions and reinvests that profit in copies of its genes.

To survive economically, an organization must use its unique technical know-how, its "corporate genes," to add value to the materials and labor it takes in. To attract buyers, most of that added value is passed along to customers, but a portion — its profit — is retained by the firm.

An organization reinvests its profits in technological information much as an organism reinvests in genetic information. But there is a crucial difference. Organisms must reinvest in virtually unchanged genetic sequences. By contrast, company managers decide what technologies to invest in. Whether this new technology is developed internally or purchased from outside suppliers, a firm's future "corporate genes" are, at least in part, a result of conscious choice.

Because resources are always limited — there is only so much "carrying capacity" in an ecologic niche or "market size" in an economic niche — the organisms and organizations that survive do so by being somewhat more efficient than their competitors. Simply put, there are two ways to become more efficient. The short-term process is called learning. The long-term process is called specialization.

All animals — from the lowliest single-cell protozoans to human beings — are able to learn. For example, a newly hatched bumblebee worker takes sixty minutes to gather up a full load of pol-

Bumblebee Hive Income Statement

All Amounts in Calories (except as noted)	Cold & Rainy Days (Avg. 10°C)	Warm & Sunny Days (Avg. 23°C)	Total Per Season	As % of Total Revenue
Revenues per Foraging Minute	1.77	1.77		
Direct Costs per Foraging Minute				
Warming Up	0.15	0		
Flying	0.28	0.28		
Subtotal	0.43	0.28		
Gross Profit per Foraging Minute	1.34	1.49		
Minutes per Avg. Foraging Trip	60	60		
Avg. Trips per Forager per Day	8	9		
Avg. Number of Foragers	17	45		
Cold or Warm Days each Season	40	75	115	
Total Revenue to the Hive	577,728	3,225,825	3,803,553	100.0%
Total Gross Profit to the Hive	437,376	2,715,525	3,152,901	82.9%
Overhead Costs				
Feeding the Queen			57,200	1.5%
Feeding Worker Larvae			1,515,024	39.8%
Incubating Worker Larvae			33,600	0.9%
In-Hive Worker Heat Losses			378,000	9.9%
Dead Workers at Disposal			10,020	0.3%
Subtotal			1,993,844	52.4%
Net Profit Available to Reinvest			1,159,057	30.5%
Feeding Queen/Drone Larvae			1,134,000	29.8%
Incubating Queen/Drone Larvae			16,200	0.4%
Subtotal			1,150,200	30.2%
Profit Not Reinv. (Sugar Left Over)			8,857	0.2%
Sugar Left Over in Grams			2.21	

Sources: Heinrich, *Bumblebee Economics* (1979); Heinrich personal communication, Author's estimates

Parallel Flow of Production

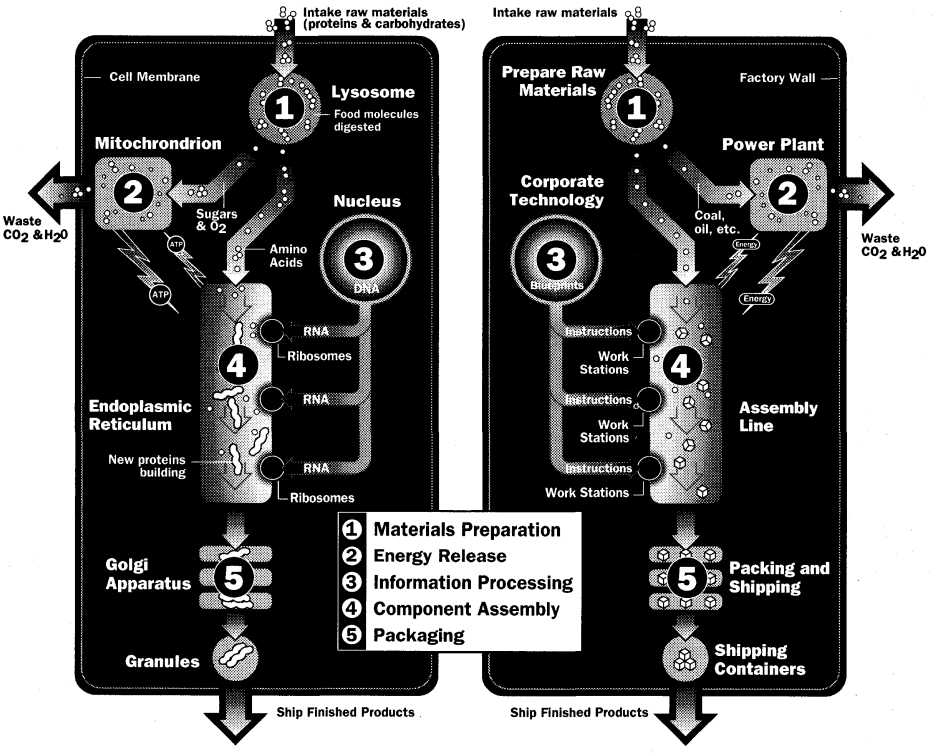

len and nectar from a jewelweed plant. An experienced worker takes just six minutes. This ten-fold efficiency improvement follows the familiar pattern of the "learning curve," where performance improves as a function of accumulated experience.

Organizations, like organisms, learn from experience. In high technology businesses, where production experience accumulates quickly from a small base, "learning curve" calculations are essential to the formulation of competitive strategies. But learning is not limited to high-technology. In fact, *all* products and *all* services, regardless of their high-tech or low-tech character, get cheaper as the producer's experience accumulates. Literally thousands of empirical studies have shown that the learning curve is a universal economic phenomenon. No study has ever shown the absence of learning.

Two factors tend to blind us to the universality of ever-declining unit costs. First, inflation masks historical cost declines, because we tend to think in terms of current dollars. Second, the vast production experience already accumulated in mature products like automobiles means that decades must pass before enough additional production experience accumulates to drive costs down noticeably. Nonetheless, adjusted for inflation, the cost of automobiles keeps falling. In real dollars, this year's Ford Escort is about 20% cheaper than a 1912 Model T.

Throughout the market economy, more and more consumer value is squeezed out of less and less labor and material as organizational learning translates the trials and errors of production experience into new technology. As real costs decline, the real standard of living rises.

The learning curve phenomenon has long been known to orthodox economists.[4] But it has been virtually ignored, perhaps because the learning curve obliterates the myth of rising marginal costs — the cornerstone of equilibrium logic.

Intimately related to the phenomenon of learning is specialization. To persist, every form of life tends to become more specialized, developing a particular way of getting by that only a few direct competitors in its niche can match. Avoiding head-on competition through specialization — in the wild and in the marketplace — leads to increasing diversity. Diversity, in turn, leads to greater interdependence and complexity.

For example, 60 distinct species of bumblebees inhabit North and Central America. Each one has been physically tailored by evolution to fit a particular niche along a "resource spectrum." Each specializes in a small group of plant species that live under certain climatic and soil conditions. Short-tongued bumblebees suck nectar from plants with shallow, open flowers, while long-tongued bumblebees collect their calories from flowers with deep corollas.

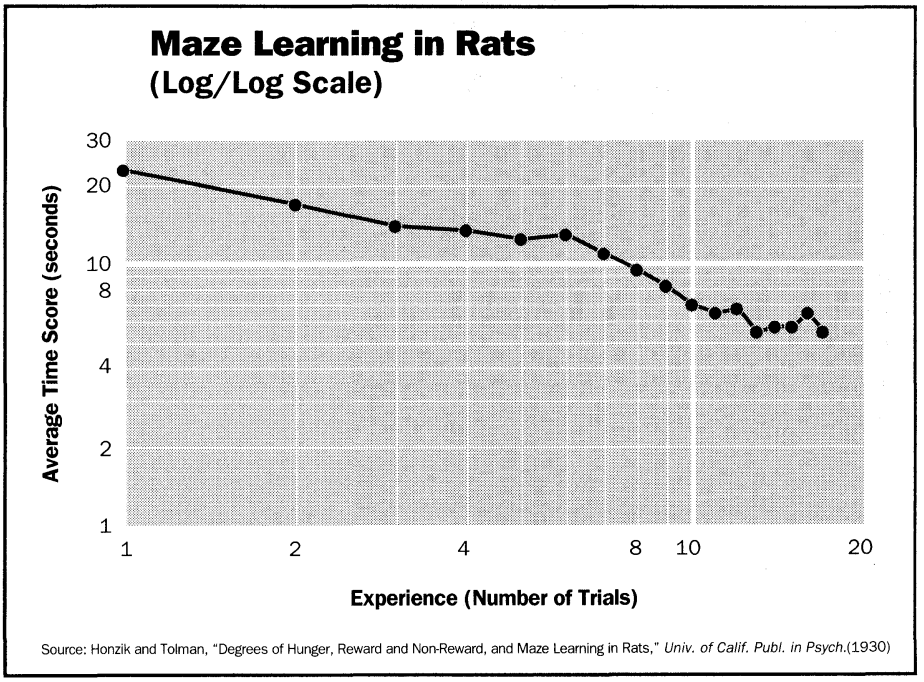

Source: Honzik and Tolman, "Degrees of Hunger, Reward and Non-Reward, and Maze Learning in Rats," *Univ. of Calif. Publ. in Psych.*(1930)

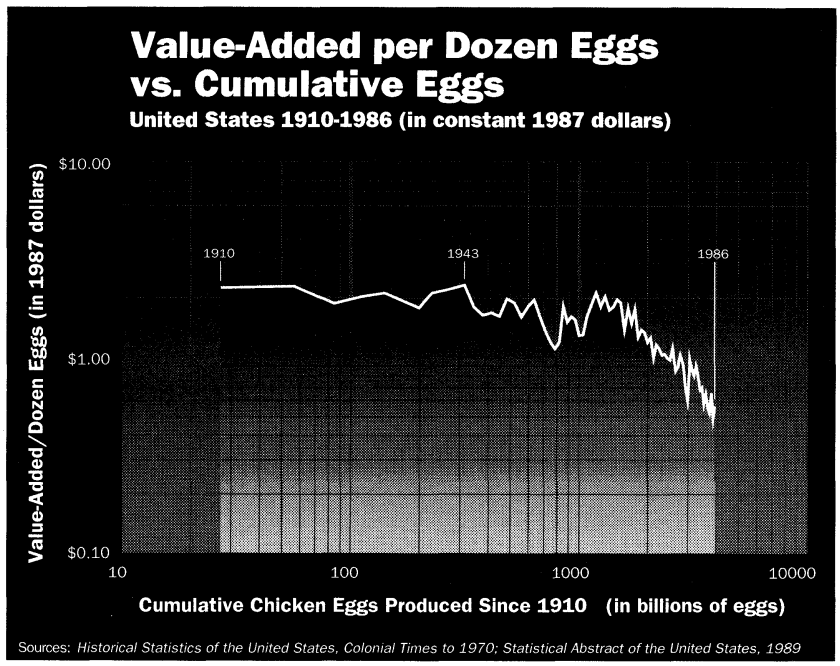

Sources: *Historical Statistics of the United States, Colonial Times to 1970; Statistical Abstract of the United States, 1989*

In the economy, companies behave much the same way. They constantly differentiate their products and services to minimize head-to-head competition. The fungible commodities so prominent in the models of orthodox economists are exceptions, not the rule. From the Bic ballpoint to the Mont Blanc fountain pen, from Motel 6 to the Ritz-Carlton, organizations jostle for position in market niches arrayed along price/performance curves. Some firms specialize in "downscale" customers with thin wallets, others tailor themselves to satisfy "upscale" buyers with deep pockets.

Over time, as learning and specialization proceed, price/performance curves keep getting pushed down. Like a vast amoeba, the economy grows, extending its pseudopods into previously unreachable price/performance regions. For example, the cost per seat-mile of a Boeing 747 is radically lower than that of an ocean liner. But until we had accumulated the technological information embedded in the 747, the size of the economy was constrained by costs of steamship technology. Propelled by organizational learning and specialization, technological evolution pushes back the economy's price/performance barriers in transportation, communication, agriculture, housing, and every other sector.

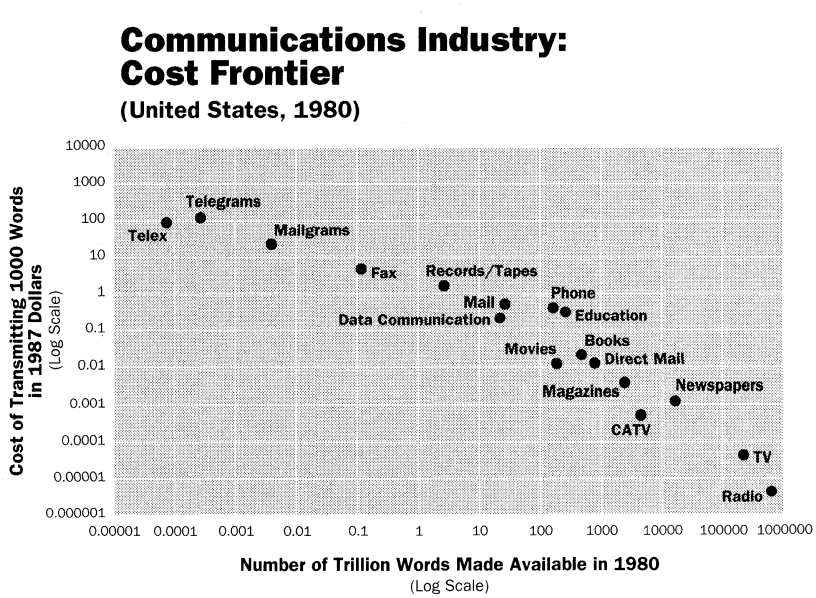

Source: De Sola Pool, et al., *Communications Flows* (1984)

Increasing specialization and diversity create new opportunities for mutually beneficial interdependence. Symbiotic relationships — common among species in nature — are echoed in the economy, where the vast majority of transactions is based upon mutual profitability. Taken over time, the twin phenomena of competition and cooperation have yielded the diversity and abundance of the earth's ecosystem in one realm and the complexity and productivity of the global market economy in the other.

As any careful observer of the ecosystem or the economy can attest, each system is incomprehensibly complex. And, to make matters still more complicated, both realms are being constantly restructured as evolution proceeds. New species and new industries, the manifestations of new sequences of genetic and technologic code, spring up whenever the ecologic or economic conditions permit. Simultaneously, long-established species and industries are driven to extinction by environmental shifts and new competitive pressures. Change, unpredictable change, is the only constant.

The awesome complexity of the ecosystem makes it difficult to believe that it runs itself. But, as Charles Darwin was the first to make clear, no conscious force is needed to keep the natural world going. Life is a self-organizing, "chaotic" phenomenon. From the interplay of hormones in the human body to the expansions and contractions of the great Arctic caribou herds, nature's intricately linked feedback loops maintain the ecosystem through a regime of erratic, self-correcting fluctuations. As recent ecological research shows, there is no "balance of nature," only the confusion of species populations exploding and plummeting chaotically. In biology, balance and equilibrium are achieved only in death.

Markets provide a similar network of feedback loops in the economy. Without central planning, buyers and sellers respond to erratically fluctuating prices for commodities, capital, and labor. A flexible, adaptive economic order emerges spontaneously from the chaos of free markets. Free market prices are inherently unpredictable. Like the "balance of nature," equilibrium prices are a myth.

No one is in charge of either system, and no one needs to be. In and of itself, competition for survival between rival strands of coded information compels learning and specialization which leads inexorably to greater efficiency, diversity, and complexity. These are the primal

forces driving capitalism. Every one of them has its close parallel in biology.

Bionomics and Austrian Economics Compared

Viewing the economy through the eyes of a biologist may seem strange to students of the Austrian school, and yet, several bionomic observations will seem quite familiar. This should come as no surprise. If two observers are watching the same real phenomena, their observations ought to share some commonality despite their different perspectives.

Although I am only now becoming acquainted with the Austrian literature and still have an enormous amount of reading to do, the major similarities and differences between Austrian thinking and bionomics seem clear to me. Take, for example, "methodological individualism," the Austrian principle that commands economists to pay attention to the behavior of individual economic actors rather than those of abstract entities like "the working class, "the banking industry," or "the economy."

In biology, focusing attention on individuals was one of the greatest of Charles Darwin's revolutionary intellectual contributions. Before Darwin, naturalists conceived of species as ideal archetypes. Differences among individual members of a species were dismissed as unimportant. It was Darwin who first realized that these tiny variations (or mutations) were the raw material of evolutionary change. By stressing the uniqueness of each individual organism, it was Darwin who first challenged the Platonic philosophical tradition of "essentialist" or class-type thinking.[5] Indeed, although Marxists from Engels on down have tried to draw support for their arguments by citing Darwin, such arguments have never held water, because of this profound philosophical difference. Abstractions like "the working class" are remnants of an intellectual tradition that Darwin seriously damaged with his own brand of "methodological individualism." Like the Austrians, Charles Darwin realized that an evolutionary system emerges as the collective result of uncoordinated interactions among unique individuals.

The system known as "capitalism" is not an "ism." It is not a belief system, like socialism. Capitalism is simply the process by which coded technological information evolves.

Indeed, the Austrian principle of "spontaneous order," where economic diversity and complexity emerge over time without central direction, owes much to the intellectual revolution fomented by Charles Darwin. The very notion that something as miraculously complex as the natural world could have arisen without the guiding hand of a divine central planner is echoed in the Austrian description of the economy as a "spontaneous order" emerging out of the chaos of individual "human action."

Another important similarity between the Austrian and bionomic views is the stress that both place on *dis*equilibrium. According to the Austrians, though equilibrium is the central obsession of orthodox economics, economic equilibrium is a myth. Bionomics could hardly be more emphatic in agreeing with the Austrians about the absurdity of the conventional fascination with equilibria. Going perhaps one step further than the Austrians, however, bionomics stresses that in the realm of complex systems, like organic life, disequilibrium is desirable and healthy. Living things stay alive only because the coded genetic information inside them manages to overcome (temporarily) the entropy that leads to eternal equilibrium.

The equilibrium myth so cherished by orthodox economists is, of course, intimately linked to their desire for stability. Fundamentally, the quest for stasis is a rejection of historical time. Like the Newtonian physics upon which it is based, equilibrium economics describes the world as if it were an eternally unchanging, cyclical clockwork mechanism. In the Newtonian system, once the trajectories of the planets are known, time is merely a variable in the precise calculation of their future positions. But taken as a whole, the Newtonian universe was static, timeless, and therefore perfectly predictable. The passage of historical time — the fact that time has a directional quality and is punctuated by unpredictable events — is irrelevant to an equilibrium system of endlessly repeating cycles. This is why "comparative statics" is the best that orthodox economists will ever have to offer and why a realistic model of the economy as a "dynamic system" will be forever beyond their reach.

The chief difference between the biologic and economic forms of information evolution is speed. Technologic change happens at least a million times faster than genetic change.

By contrast, both bionomics and Austrian economics place great stress upon the role of historical time. The market is not a stable mechanism where the smooth trajectories of demand and supply intersect at some calculable equilibrium position. According to the Austrians, the market is a never-ending process of discovery. The market is a necessary consequence of the fact that information is not "given," and that whatever information exists is imperfect and unevenly distributed.[6]

Again, in its rejection of the Newtonian "economy as equilibrium machine" paradigm, bionomics accepts the Austrian view of the market as a process. More specifically, bionomics views free markets as feedback loops, much like the feedback loops that govern biological life at all its levels of organization. Economic players endlessly adjust their activities and plans as they decipher the information fed back to them through price signals. No stopping point, no resting place, no equilibrium exists, because new information keeps appearing as the evolution of technological information proceeds.

Interestingly, in his famous essay "The Use of Knowledge in Society," Friedrich Hayek describes the workings of price signals by relying on an "economy as machine" analogy.

> It is more than a metaphor to describe the price system as a kind of

> machinery for registering change, or a system of telecommunications which enables individual producers to watch merely the movement of a few pointers, as an engineer might watch the hands of a few dials, in order to adjust their activities to changes of which they may never know more than is reflected in the price movement.[7]

Two decades later, however, in "The Theory of Complex Phenomena," Hayek begins to shift his position when he describes organic and economic phenomena as examples of the kind of complex systems that do not operate by simple mechanical rules.[8]

Having recognized these broad areas of agreement — methodological individualism, spontaneous order, disequilibria, and market process — it is essential to examine the points on which Austrian economics and bionomics appear to differ. Primary among these differences seems to be the definition of information and its role in the economy. Unlike the Austrians, bionomics places utmost emphasis on the role of science and technology. As human beings discover new knowledge, write it down (encode it as strings of symbols), copy and disseminate it, these strands of information upset previously existing value relationships. Jobs, companies, industries, and entire economies are continuously reshaped by the emergence of new technologies.

Taken over time, the twin phenomena of competition and cooperation have yielded the diversity and abundance of the earth's ecosystem in one realm and the complexity and productivity of the global market economy in the other.

To cite just one of a virtually unlimited number of possible examples, the polio vaccine obliterated the industry that produced "iron lungs." Injecting a new strand of technological information into the economy radically altered all the price signals flowing back to those involved in the "iron lung" business (hospitals, manufacturers, component suppliers, etc.) Despite what "mainstream" economists would have us believe, the "iron lung" industry had never achieved an equilibrium. Its participants survived economically by reacting to the same unpredictably fluctuating price signals that communicate essential economic data to the players in every industry. However, once the technological information embodied by the vaccine became part of the economy and eliminated demand for "iron lungs," decision-makers in that industry responded to this new information by shutting down. Of course, as the "iron lung" industry went extinct, a new industry grew up to produce and distribute the polio vaccine.

Because bionomics focuses so intensely on new technology as the driving force of economic evolution, it makes a somewhat stronger case than the Austrians in describing the market as a discovery process. If the economic role of new science and technology is ignored, or at least under-appreciated, then it is a bit easier for orthodox economists to counter that, even though equilibria never appear in reality, they could emerge in theory. And indeed, if the economy were a closed information system, not subject to the inflow of new knowledge, then it seems that the market's discovery process would eventually find and eliminate all sources of disequilibria. To dismiss the importance of new knowledge is to play by the rules of static analysis.

In "The Use of Knowledge in Society," Friedrich Hayek downplays scientific knowledge, pointing out instead the value of "the knowledge of the particular circumstances of time and place."[9] Though Hayek is entirely correct in emphasizing that "scientific knowledge is not the sum of all knowledge," he weakens his main argument by diminishing the role played by scientific knowledge. "Economic problems arise always and only in consequence of change," writes Hayek.[10] But change is not limited to temporary fluctuations, like the Florida freeze that sends orange juice prices straight up, that so characterize daily market function. Historic economic change — the directional, evolutionary change that alters society in fundamental ways — is driven exclusively by the accumulation of scientific and technological information, like

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A dichotomy drawn from the philosophy of biology may help clarify these issues.[11] Hayek's attention is focused on *proximate* causation; that is, how the market changes on a day-in, day-out basis. Bionomics supplements this correct analysis by stressing *ultimate* causation; that is, how the economy changes over time in response to the evolution of technologic code. Once this second source of change is recognized, it is unnecessary to give ground even to the orthodox economist's limited, theoretical claim of equilibrium. Because the economy is an open information system, new knowledge continually disrupts economic relationships that may have been drifting toward some kind of equilibrium. The faster information expands, the more impossible even the concept of equilibrium becomes.

A flexible, adaptive economic order emerges spontaneously from the chaos of free markets. Free market prices are inherently unpredictable. Like the "balance of nature," equilibrium prices are a myth.

Indeed, even while acknowledging the many similarities shared by Austrian economics and bionomics, one cannot escape the larger implications of their fundamentally different treatments of the concept of information. At least as I presently understand it, all the important distinctions between Austrian thinking and bionomics spring from their different views on information.

The Austrians appear to use the word "information" in its normal, vernacular sense — meaning knowledge about the state of the world. Bionomics, by contrast, relies on a far more restrictive sense of the term. In bionomics, information means a linear sequence of symbols that encodes knowledge. The Pythagorean theorem qualifies as information as does the piece of genetic code that tells a cell how to produce acetylcholine. In both cases, it is a linear sequence of symbols that captures and conveys meaning.

Thinking about information as encoded knowledge leads to several far-reaching implications that sharply distinguish bionomics from Austrian thought. For example, the Austrian principle of "subjectivism" holds that one cannot understand the economy unless one understands what individuals are thinking. Following Ludwig von Mises, many Austrians regard the study of "human action" (praxeology) as paramount. The logic of Austrian thinking is constructed upon the axiom that hu-man beings act purposefully to achieve chosen ends. From a purely scientific standpoint, the problem with these hypotheses is that they cannot be falsified by empirical evidence. There is no way to know what someone was really thinking or what the true purpose of his action was. Austrians acknowledge this by saying, in effect, that economics is not a natural science, it is a social science. As such, economics cannot be expected to play by the rules of science.

Bionomics does not dispute the importance of human perception nor does it deny the fact that every human being is unique and has perceptions that differ from those of everyone else. As previously noted, there is hardly a more central notion in evolutionary biology than the concept of individual uniqueness. However, bionomics does not regard human thought and human action to be the sole source of economic life. Thought and action are, of course, indispensable. But in an economic context, human beings must have something to think about and act upon. Bionomics holds that creative humans are engaged in an unending dialogue with encoded knowledge. Human beings and coded information are co-equal partners in the economy.

Historically, it is encoded information — sequences of symbols recorded outside of human bodies — that has played the pivotal role in economic life. Without writing, we would still be living as our Cro-Magnon ancestors did 40,000 years ago. We would not be "masters of the planet." We would be, as we were for the first 2.5 million years of hominid evolution, like every other species, completely subject to the vagaries of nature.

We are often told that *Homo sapiens* is unique because it alone has high intelligence and language. This is wrong. Bottle-nosed dolphins also have high intelligence and language.[12] What made our species special, what allowed us to create technological and economic civilizations, was our biological potential for literacy. Somehow our brains evolved the capacity to code and decode lines of written down symbols. Somehow we can scan the sequence of 42 symbols in

> The full moon's reflection shimmered upon the bay.

and see the image in our mind's eye.

Exploiting this unique physiological capacity, we, alone among the millions of species, have been able to observe nature and record our observations in a way that could be transmitted to others and to future generations. As we gradually compiled this extra-genetic code of written human knowledge, we were able to create increasingly sophisticated and productive economic systems.

Making room for bionomic ideas does not require the abandonment of accepted Austrian principles. These worldviews are not mutually exclusive. In fact, they strengthen each other.

Where every other species has survived by virtue of its evolving genetic code alone, we have prospered through the evolution of our technologic code. The creativity, thought, and action of individual human beings made this evolution possible. But one must ask, "If Newton (or Darwin) had not been born would we still be ignorant of classical physics and evolutionary biology? Or would other individuals have observed these patterns in nature and written them down to share with the rest of us?" Newton did not actually "stand on the shoulders of giants"; he studied their writings.

With their cuneiform writing system, the Sumerians were able to organize the first large-scale agricultural civilization. And after Gutenberg's in-

vention of movable type, Europeans were able to copy and disseminate new scientific knowledge, turn it into machines, and establish the first industrial societies. Without Gutenberg's printing press — a mechanism for accurate and inexpensive code replication — our science and therefore our economy would still resemble those of the Dark Ages.

Indeed, although it has only been in recent decades that we have come to appreciate the critical importance of information as an economic and social force, our unique ability to process coded information has always been our species' claim to fame. In fact, very recent anthropological studies suggest that the vital distinction between our forebears, the Cro-Magnons, and their neighbors, the Neanderthals, was that the Neanderthals never developed a system of notation. Our ancestors appear to have out-competed the Neanderthals, at least in part, because they were aided in their struggle for survival by the use of simple forms of written knowledge, like lunar calendars notched into reindeer bone and "tribal encyclopedias" painted on cave walls.[13]

Since bionomics regards the corpus of recorded human knowledge existing outside of our bodies to be more central to understanding economic history than the inherently subjective realm of our individual thoughts, bionomics need not distance itself from natural science. From the bionomic standpoint, the study of the human economy is as much a branch of "natural science" as it is a "social science." In fact, the term "bionomics," as used in its traditional scientific sense, means the branch of ecology that analyzes the relations between organisms and their environment. As used here, bionomics is more narrowly defined as the branch of ecology that studies relations between human beings and their technological environment.

Even to suggest that economics might be considered a branch of the natural sciences will strike many readers as radical, if not comic. We are all quite comfortable with the hermetically sealed boundaries that divide the humanities, social sciences, and natural sciences. Such verities are not to be challenged lightly. And to Austrian economists, with their traditional distaste for "scientism" — slavish imitation of the methods of science in fields for which these methods are inappropriate — the claim of a direct connection between economics and the natural sciences may seem absurd. But before jumping to any hasty conclusions, the thoughtful reader might like to reexamine precisely what is meant by "natural sciences."

Most people, and most scientists for that matter, still think of physics as the highest form of science. Following the philosophy of reductionism, they believe that all natural phenomena can, at least in principle, be explained by the laws of physics. In a nutshell, they believe that biological phenomena can be explained by the laws of chemistry and the phenomena of chemistry can, in turn, be explained by the laws of physics. Reductionists believe in the unity of the natural sciences, with physics as the repository of all final explanations.

For Austrian economists who accepted the reductionist line of reasoning, an attack on "scientism" was most sensible. Indeed, this assault was particularly necessary once Hayek had shown how socialist doctrine had developed from early 19th century attempts to create a "social physics."[14] The argument against scientism was straightforward: economics is not like physics, and since physics equals natural science, then economics is not a natural science. Consequently, any attempts to make economics seem like a natural science deserve to be exposed as fraudulent.

But what if the reductionists are wrong? What if biology is fundamentally different from physics? This is precisely the argument of Ernst Mayr, emeritus professor of zoology at Harvard and this century's foremost philosopher and historian of biology. While agreeing that no biological phenomena are inconsistent with the laws of physics, Mayr lists eight attributes that distinguish living organisms from inanimate matter. But of these characteristics, just one is utterly unique to living things. Mayr writes:

> Organisms are unique at the molecular level because they have a mechanism for the storage of historically acquired information, while inanimate matter does not. All organisms possess a historically evolved genetic program, coded in the DNA of the nucleus (or in RNA in some viruses). Nothing com-

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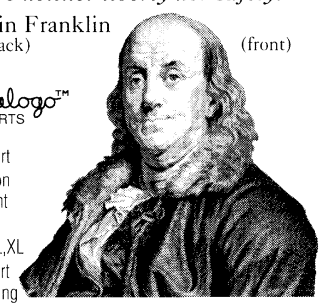

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> parable to it exists in the inanimate world, except for manmade computers. . . .
>
> The genotype (genetic program) is the product of a history that goes back to the origin of life, and thus it incorporates the "experiences" of all ancestors, as Delbrück (1949) said so rightly. It is this which makes organisms historical phenomena. The genotype also endows them with the capacity for goal-directed (teleonomic) processes and activities, a capacity totally absent in the inanimate world.[15]

With reports of breakthroughs in biotechnology and genetic engineering now common fare in the newspapers, it's difficult to believe that the existence of the genetic code was discovered only 38 years ago — in 1953. So Hayek could hardly be criticized for his 1941 broadside against "scientism" in *The Counter-Revolution of Science*. In fact, it has only been in the 1980s that leading philosophers of science have come to accept that the genetic code places biology in a position quite separate from all the other sciences.[16] Remarkably, Hayek himself largely anticipated this philosophical shift in the 1960s.[17]

In part, the recent emergence of biology as a science on a par with, or superior to, physics has come about because of the growing general awareness of coded information. The rise of information theory, the growth of computers and software, and the "Information Age" have sensitized philosophers of science to the implications of coded information as the very essence of every living thing. By now, it is plain to all who care to see that the manipulation of strings of coded information — whether the binary code of 1s and 0s in computer software or the four-letter (A,T,C,G) nucleotide alphabet of DNA — is becoming the dominant form of human economic activity. Building systems of coded information is to our economy what building machines was to the economy of the industrial era.

But even in the machine age, technological information was the enabling essence of economic life. This fact was not fully recognized because the physical mass of industrial products masked their "information content." Today, by contrast, we can readily see just how dependent we are on pure information. Indeed, in many cases, our vital economic systems have been stripped of their physicality and reduced to little more than coded information. Recall for a moment the havoc recently caused in cities all over the United States by just three lines of "bad code" in a 2.1 million line telephone switching system computer program.[18] With coded information now so obvious and prominent in modern economic life, it is incumbent upon economic thinkers to reassess certain long-held assumptions. Unfortunately, history shows that there is little hope that orthodox equilibrium economists will rethink the fundamentals. They crave stability and predictability and are likely to cling even more tightly to their Newtonian mythology. The real world of advancing technology and historical change is simply too alien to their static intellectual domain.

As long as Austrian economics relies exclusively upon fundamental concepts that are inherently unfalsifiable, it cannot expect to be regarded as more than a marginal movement.

But Austrian economists are particularly well-equipped to make sense of our bewilderingly complex high-technology economy. The validity of Austrian concepts like methodological individualism, spontaneous order, market disequilibria, and market process is reconfirmed daily by the empirical reality of economic life. What is missing from Austrian economics — and what bionomics may have to contribute to Austrian thought — is a way to connect these observations to the coherent and scientifically testable theoretical system of biology.

I must emphasize that making room for bionomic ideas does not require the abandonment of accepted Austrian principles. Here again, the way to avoid what may, at first blush, seem like a conflict is found in the biological dichotomy between proximate/functional causation and ultimate/evolutionary causation. Subjectivism and human action speak to the questions of proximate/functional causation, while bionomic principles address ultimate/evolutionary causation. Consequently, these worldviews are not mutually exclusive. In fact, they strengthen each other. Together, Austrian economics and bionomics can offer a comprehensive explanation of economic life — part social science, part natural science.

Consider: The "human action" stressed by Ludwig von Mises is always a response to the information that presently exists in society. In most cases, that information, as emphasized by Hayek, is simply a matter of knowing about things like local price differences for a commodity. But in other cases, particularly in a high-technology society, human action will be taken in direct response to the evolution of technological information. Now, of course, since individual perceptions of the potential economic value of a given new technology will differ, and because those differences in perception are inherently unpredictable, we cannot possibly forecast which human beings will act to take advantage of that potential opportunity. Some will immediately see the economic value in a piece of "new code," others will dismiss it, and still others will take a "wait and see" attitude. Since we cannot read their minds, we cannot predict who will do what.

However, we *do* know that if a new strand of technological code significantly improves performance and/or reduces the cost of an economic good (a kilowatt of electricity, a pound of coffee, a long distance phone call, etc.), then at least some alert entrepreneurs will leap on the opportunity. And from the standpoint of the economist, we do not really care which entrepreneurs do the leaping. It is enough to predict that new organizations and new industries will self-organize around the "technological genes" that scientists have encoded from their observations of nature.

In recent history, we have witnessed many examples of this evolutionary process. The science of quantum physics led to the technology of solid-state electronics. As it was enhanced through experience-based learning, solid-state electronics was developed into the integrated circuit and the microprocessor. Microprocessor technology, in turn, became the essential "technological genes" around which the personal computer hardware and software industries were built. Nobody planned it all. Even those most intimately involved with these

technologies were astonished by their explosive economic growth. The technologists and business people at Intel Corporation, the inventors of the microprocessor, could at first imagine only one application for their epoch-making technology — as a signal controller in hearing aids. But once the technology existed, it did not matter to the larger economy whether the inventors at Intel were rewarded for their breakthrough. If they had not seized the moment, someone else would have, and the economic and social impacts upon society would have been virtually the same.[19]

Supplementing the proximate/functional causation elucidated by the principles of Austrian economics with the ultimate/evolutionary causation revealed by bionomics is essential if economics is ever to break free of orthodox equilibrium thinking. In a recent speech, after acknowledging that "Ludwig von Mises has done more to spread the fundamental ideas of free markets than any other individual," Milton Friedman went on to argue that Mises' philosophy of subjectivism and human action "convert an asserted body of substantive conclusions into a religion. They do not constitute a set of scientific propositions that you can argue about in terms of empirical evidence. . . . The virtue of th[e] modern scientific approach, as proposed by Popper, is that it provides a way in which, at least in principle, we can resolve disagreements without a conflict."[20]

Professor Friedman's words are unduly harsh, but they help define the challenge facing Austrian economists as they look to the future. As long as Austrian economics relies exclusively upon fundamental concepts that are inherently unfalsifiable, it cannot expect to be regarded as more than a marginal movement. Without a paradigm that generates testable hypotheses, Austrian thinking will never overthrow the reigning orthodoxy. Though the hypotheses that flow from the "economy as machine" paradigm of orthodox economists have always proven to be false when tested against empirical reality, at least these economists accept as valid the intellectual rigor imposed by Popper's falsifiability standard. Without this objective standard, there can be no science. And without science, we are left to fathom the unknown with religion alone.

Recalling Mark Blaug's statement that "it takes a new theory, and not just the destructive exposure of assumptions or the collection of new facts, to beat an old theory," we can now understand why Austrian economics, despite its enormous superiority over equilibrium thinking, has failed to displace the orthodoxy. Penetrating criticisms and valid empirical observations are simply not enough. To date, Austrian economics has offered no testable new theory.

In the past, some have rationalized their disregard of the Popperian standard by attacking "scientism." But, along with virtually everyone else, most Austrian economists have failed to realize that science no longer equals physics

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and that modern biology — the study of the manifestations of coded information — offers an enormously fertile paradigm for economic thought. If Austrians are willing to supplement their traditional views with the lessons of bionomics, they will finally possess what orthodox equilibrium economists have always wanted but never had, a paradigm — "economy as ecosystem" — drawn from the natural sciences that actually comports with the reality of human economic life. Today, we are just beginning to imagine a synthesis of Austrian and bionomic concepts. But if, in time, these ideas are fully developed, we will have created the "new theory" that will satisfy Mark Blaug's challenge, and we will witness the long overdue paradigm shift in "mainstream" economic thought. ❑

This article is based on a paper presented at the North American regional meeting of the Mont Pelerin Society on August 24, 1991, in Big Sky Montana.

notes

1 Blaug, Mark, *Economic Theory in Retrospect* (Cambridge: Cambridge University Press, 1985), pp. 708 and 711.

2 Rothschild, Michael, *Bionomics* (New York: Holt, 1990).

3 Gilder, George, "Principles of Business Transformed Into the Laws of Nature," *The Washington Times* (December 24, 1990).

4 Arrow, Kenneth J., "The Economic Implications of Learning by Doing," *Review of Economic Studies* (June 1962), p.156. "The role of experience in increasing productivity has not gone unobserved, though the relation has yet to be absorbed into the main corpus of economic theory."

5 Mayr, Ernst, *Toward a New Philosophy of Biology* (Cambridge: Harvard University Press, 1988), p. 172. Mayr, Ernst, *The Growth of Biological Thought* (Cambridge: Harvard University Press, 1982) pp. 45–47.

6 Hayek, Friedrich A., "The Use of Knowledge in Society," *American Economic Review* (September 1945), pp. 519–30. Reprinted in Hayek, F. A., *Individualism and Economic Order* (Chicago: University of Chicago Press, 1948), pp. 77–91.

7 Hayek (1948), p. 87.

8 Hayek, Friedrich A., "The Theory of Complex Phenomena" in *Studies in Philosophy, Politics, and Economics* (Chicago: University of Chicago Press, 1967), pp. 22–42.

9 Hayek (1948), p. 80. "The shipper who earns his living from using otherwise empty or half-filled journeys of tramp-steamers, or the estate agent whose whole knowledge is almost exclusively one of temporary opportunities, or the arbitrageur who gains from local differences of commodity prices — are all performing eminently useful functions based on special knowledge of circumstances of the fleeting moment not known to others. It is a curious fact that this sort of knowledge should today be generally regarded with a kind of contempt and that anyone who by such knowledge gains an advantage over somebody better equipped with theoretical or technical knowledge is thought to have acted almost disreputably. To gain an advantage from better knowledge of facilities of communication or transport is sometimes regarded as almost dishonest, although it is quite as important that society make use of the best opportunities in this respect as in using the latest scientific discoveries."

10 In his later writings Hayek modified his argument, but in this essay at least, he does not mention historic economic change.

11 Mayr (1988), p. 17–18. "Broadly speaking, functional biology deals with the decoding of the genetic program and with the reactions of an organism to its surrounding world from the moment of fertilization to the moment of death. Evolutionary biology, on the other hand, deals with the history of genetic programs and the changes that they have undergone since the origin of life. A philosopher who fails to recognize both of these two very important and very different aspects of biology will arrive at conclusions that are at best incomplete, but more likely wrong."

12 Herman, Louis M., Douglas G. Richards, and James P. Wolz, "Comprehension of Sentences by Bottlenosed Dolphins," *Cognition* (March 1984), pp. 129–219.

13 Mercier, N., "Thermoluminescence Dating of the Late Neanderthal Remains from Saint Césaire," *Nature* (June 27, 1991), pp. 737–39. Stevens, William K., "New Finding Moves Up Age of Neanderthals," The New York *Times* (June 27, 1991), p. A6. Marshack, Alexander, "Upper Paleolithic Notation and Symbol," *Science* (November 24, 1972), pp. 817–28. Diamond, Jared, "The Great Leap Forward," *Discover* (May 1989), pp. 50–60.

14 Hayek, Friedrich A., "The Counter-Revolution of Science," *Economica* (February 1941), pp. 9–36; (May 1941), pp. 119–50; (August 1941), pp. 281–320. "All this is revealed to Saint-Simon by the Lord himself who announces to His prophet that He has placed Newton at His side and entrusted him with the enlightenment of the inhabitants of all planets. The instruction culminates in the famous passage from which much of later Saint-Simonian doctrine springs: 'All men will work; they will regard themselves as labourers attached to one workshop whose efforts will be directed to guide human intelligence according to my divine foresight. The supreme Council of Newton will direct their works.' Saint-Simon has no qualms about the means that will be employed to enforce the instructions of his central planning body: 'Anybody who does not obey the orders will be treated by the others as a quadruped'" (p. 28).

15 Mayr (1988), pp. 16–17.

16 Kitcher, Philip, "1953 and All That: A Tale of Two Sciences," *Philosophical Review* (July 1984), pp. 335-73.

17 Hayek (1967), p. viii. "Readers of some of my earlier writings may notice a slight change in the tone of my discussion of the attitude which I then called 'scientism.' The reason for this is that Sir Karl Popper has taught me that natural scientists did not really do what most of them not only told us that they did but also urged the representatives of other disciplines to imitate. The difference between the two groups of disciplines has thereby been greatly narrowed and I keep up the argument only because so many social scientists are still trying to imitate what they wrongly believe to be the methods of the natural sciences."

18 Andrews, Edmund L., "The Precarious Growth of the Software Empire," The New York *Times* (July 14, 1991), p. E1.

19 Gilder, George, *Microcosm* (New York: Simon & Schuster, 1989).

20 Friedman, Milton, "Say 'No' to Intolerance," *Liberty* (July 1991), p. 18.

Ayn Rand and Her Movement

In an exclusive interview, Barbara Branden reveals intimate details of life inside Rand's circle. The fascinating topics include the weird psychological manipulations within the group, the expulsion of members in kangaroo courts, the glaring errors in Nathaniel Branden's memoir about his affair with Rand, and Rand's fight in a posh Manhattan restaurant with Alan Greenspan.

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Observation

America's Bi-Partisan Apartheid

by Brian Doherty

There are few things more stupid than racism. One of those things "more stupid" may be, however, a supposed *solution* to racism.

South Africa recently abolished the cornerstone of its hated apartheid system — the population Registration Act of 1950, which officially classified individuals by race. Meanwhile, the United States Congress seems intent on enacting legislation that could lead to a similar classification system here.

The alleged "compromise " Civil Rights bill pushed through by Senator Danforth — which is actually a craven cave-in on the part of the alleged anti-quota Bush, whose own suggested bill was actually as much of a quota bill as the Democratic version he excoriated — is being passed, as usual, with no attention paid to its implications.

The basis of U.S. job-discrimination law is Title VII of the 1964 Civil Rights Act. One of its provisions says that nothing in it "shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group." This was added to deflect accusations that the Act would merely institutionalize reverse discrimination; in the language of the current debate, this provision ensured that Title VII would not be a "quota bill."

The 1971 Supreme Court decision in *Griggs* v. *Duke Power Co.* changed the emphasis of Title VII (in line with the actual practices of the Equal Employment Opportunity Commission, Title VII's enforcement agency) by insisting that legally challenged hiring practices had to be defended by proving that there was a "business necessity" for them, thereby shifting the burden of proof to the defendant. This was a severe departure from standard American legal tradition.

The 1989 decision in *Wards Cove Packing* v. *Atonio* raised the ire of *Griggs* lovers by requiring plaintiffs in job discrimination cases to "isolate and identify the specific employment practices that are allegedly responsible for any observed statistical disparities" between the percentage of minorities in the workplace and the percentage in the available labor pool, thereby slightly reducing the burden on the employer.

Even this tiny reduction in the onus on employers was too much for the Democrats and the Bush administration, both of whose bills cemented the principle of "guilty until proven innocent" on the employer in job discrimination cases. The "compromise bill" recently passed has finalized this heinous result.

Under these measures, an employer would be required to prove his lack of sinister discriminatory intent in his every hiring decision — by producing records he is forced to keep. The employer would do well to take great care to maintain the "right" numbers of minorities. In other words, he'd be a damn fool if he didn't hire by quotas, even if the bill explicitly bans quota hiring.

There is an even more striking result. When the government takes an interest in making sure the "right" mix of races prevails in every workplace, dispensing advantages for proper racial balance and imposing punishments for wrong ones, it can be an advantage to the *employee* to situate himself on the right end of the racial rainbow.

In 1988, Phil and Paul Malone were fired from the Boston fire department when their names were submitted to the fire commissioner on a list for potential promotions to lieutenant. The list was meant to be of blacks only. The commissioner knew the Malones — they were the department's only identical twins — and they certainly seemed white to him.

What the commissioner couldn't see with his eyes was that the Malones ini-

tially failed the department's entrance exam in 1975. They tried again in 1977, this time claiming to be black on their application forms. Because of a court-ordered affirmative action plan, the Malones' exam scores passed muster for blacks while still falling below the required score for whites.

When their deception was discovered, the Malones claimed blackness because of an old sepia-toned photograph they had seen of their great-grandmother. She looked black to them, they said. These shades of Pudd'nhead Wilson bring to mind the arcane regulations of the old Jim Crow south, where arbitrary percentages of "black blood" were said to make one black.

The Malones are not an isolated case. When their deception was discovered, Boston's mayor launched an investigation and found at least five more suspicious cases who were required to prove their racial status. Two were subsequently fired for racial classification tomfoolery. Similar cases have appeared around the country (usually, for some reason, in fire departments).

Consider the ramifications. When race determines an individual's legal status, an individual's race can no longer be left up to personal interpretation any more than can guilt or innocence. When people must prove their race in a court of law, it can't be long before concerned, sensible, practical judicial thinkers will see the need to define terms in court. They have to make decisions on proper employment practices based on the race of employees. However, in the American melting pot, race is a slippery, hard-to-define concept.

So what is to be done? Suddenly, the South African solution seems to make sense for America, although for benevolent purposes, of course: some official, unmistakable definition of race must be established in order to help people, not oppress them. I'm sure the federal bureaucracy, perhaps through some newly created commission, can come up with a good plan.

South Africa needed the Population Registration Act of 1950 because it wanted to create a system of laws in which race was always an issue. If the U.S. Congress insists on passing legislation that requires legal distinctions to be made based on race, the United States will approach the same vile destination through the back door. But the result will be the same: a society where decisions about people's livelihood and freedom of association are dictated by legally-mandated standards based on the phantasm of "race." ❑

Reflections, *"A Stalking Horse of a Different Color,"* *continued from page 16*

national exposure by inviting him to appear on his "Crossfire" cable television show and plugging Rockwell efforts a few times in his syndicated column; Rockwell has promoted Buchanan's candidacy in his syndicated column and praised Buchanan effusively in his newsletter, etc.

In the surge of popularity that George Bush enjoyed after his triumph over the devil Saddam, Buchanan got cold feet. But as the economy went belly up and Bush's popularity ebbed, Buchanan decided that maybe it might be a good idea to challenge Bush in the primaries after all.

But he wasn't sure. Once again, Rockwell managed to be of service to Buchanan. He floated the idea to a friendly columnist at the Washington *Times* that Ron Paul might challenge Bush, and secured Paul's permission to organize the Ron Paul for President Exploratory Committee (RPPEC).

In early October, Rockwell put out a direct mail solicitation of funds for RPPEC. By then, Rockwell and his colleagues had put together a fairly impressive letterhead, consisting mostly of libertarian intellectuals who are associated closely with (and funded by) Rockwell's Ludwig von Mises Institute, so-called "paleo-conservatives" with whom Rockwell has made an alliance, and Libertarian Party refugees. The letter, sent out over Burt Blumert's signature, was among the finest efforts of direct-mail-maven-turned-think-tank-boss Rockwell, eloquently explaining how bad Bush is and how wonderful a successful Paul candidacy would be. It concluded with an urgent note:

> Ron needs your name for this effort, your volunteer time if you can give it and your most generous contribution.
>
> $100, $50, $25, or any amount would be great. $250, $500, or $1,000 would be magnificent. Join the most exciting Republican campaign since Barry Goldwater.
>
> Barry lost, but he built a national movement, and that's the <u>least</u> that Ron can do, if you support him . . .
>
> Ron wants to run, but he must know he has your support for the long battle ahead. He faces, after all, a prevaricating president and a leviathan state . . .
>
> Time is <u>very</u> short. The New Hampshire primary is February 18th. A successful campaign must be geared up no later than December 18th. So we must finish "exploring" by November 4th.
>
> Please, rush the most generous amount you can. Give Ron the helping hand he must have. Join him on this historic adventure.

There was no mention that Ron had all but decided against any campaign. To the contrary, it claimed that "Ron wants to run," and made numerous other suggestions that Paul had all but committed himself to the campaign.

I asked Paul about the fundraising letter, which hundreds of Libertarian Party activists reported that they received. "I think they did real well. Lew (Rockwell) was telling me that it got the highest percentage return on mail out of any mailing he's ever done." It did so well that a second mailing, nearly identical to the first except it was dated "November 5th," and now reported "December 4th" as the deadline for "exploring."

It is perhaps a trifle ironic that Lew Rockwell, who left the Libertarian Party because, in his words, it had become a "haven for bunko artists" and had been "taken over by petty crooks," was raising money on behalf of a campaign that he knew almost certainly would never take place.

On November 20, Paul still didn't want to state publicly that he absolutely would not run. Instead, he told me that he was now "99.9% sure" that he wouldn't challenge Bush, "now with Pat Buchanan and David Duke in there, I think I'd be more a sideshow than anything else. So some of the arguments for it earlier — filling a vacuum — made more sense than they do now. I'm still thinking about getting on some talk shows and doing some things you know to stir things up a little bit, you know, to stir up a debate." —CAA

Explanation

How to Think About Pollution;

or, Why Ronald Coase Deserved the Nobel Prize

by David Friedman

Economics has undergone a revolution in the theory of "externalities," such as pollution, though you wouldn't know it if you listened only to the regulators and politicians.

When the Swedish Academy awarded the Nobel Prize in Economics to Ronald Coase this year, it surprised two different groups of people. The larger group consisted of people who had either never heard of Coase, or heard of him only as the author of something called the "Coase Theorem," generally presented as a theoretical curiosity of no practical importance. The second and much smaller group consisted of people who were familiar with the importance of Coase's work — and assumed that the Swedish Academy was not.

Some people get the Nobel Prize for doing a large amount of complicated and technical work that is difficult for an outsider to understand. Coase is at the other extreme. His contribution to economics has largely consisted of thinking through certain questions more carefully and correctly than anyone else, and in the process demonstrating that answers accepted by virtually the entire profession were false. One side effect of his work was a new field of economics: economic analysis of law, the attempt to use economic theory to understand legal systems. While there would probably be something called economic analysis of law if Coase had not existed, it would be a very different field.

One of Coase's important contributions to economics was to rewrite the theory of externalities — the analysis of situations, such as pollution, where one person's actions impose costs (or benefits) on another. His ideas are sufficiently simple to be understood by a layman, as I will try to demonstrate in the next few pages, and sufficiently deep so that they have not yet been entirely absorbed by the profession; to a considerable extent what is still taught in the textbooks is the theory as stated prior to Coase.

To understand Coase's contribution, it is useful to start with the theory of externalities as it existed before Coase published "The Problem of Social Cost," the 1960 essay that first introduced the Coase Theorem to economics. The basic argument went as follows:

In an ideal economic system, goods worth more than they cost to produce get produced, goods worth less than they cost to produce do not; this is part of what economists mean by economic efficiency. In a perfectly competitive private property system, producers pay the value of the inputs they use when they buy them from their owners (wages to workers in exchange for their labor, rent to land owners for the use of their land, etc.) and receive the value of what they produce when they sell it. If a good is worth more than it costs to produce, the producer receives more than he pays and makes a profit; if the good is worth less than it costs to produce he takes a loss. So goods that should be produced are and goods that should not be produced are not.

This only works if producers must pay all of the costs associated with production. Suppose that is not the case. Suppose, for example, that a steel producer, in addition to using iron ore, coal, etc., also "uses" clean air. In the process of producing a ton of steel he puts ten pounds of sulfur dioxide into the air, imposing (say) $100 worth of bad smells, sore throats, and corrosion on people downwind. Since he does not pay for that cost, he does not include it in his profit and loss calculations. As long as the price he sells his steel for at least covers his costs it is worth making steel. The result is inefficient: Some goods may be produced even though their cost, including the resulting pollution, is greater than their value.

It is inefficient in another respect as well. The steel producer may be able to reduce the amount of pollution by various control devices — air filters, low sulfur coal, high smokestacks — at a cost. Calculated in terms of the net effect on everyone concerned, it is worth

eliminating pollution as long as the cost is less than the pollution damage prevented — in our example, as long as it costs less than $10 to prevent a pound of sulfur dioxide emission. But the steel producer, in figuring out how to maximize his profit, includes in his calculations only the costs he must pay. So long as he does not bear the cost of the pollution, he has no incentive to prevent it. So the fact that air pollution is an external cost results in both an inefficiently high level of steel production (it may be produced even when it is not worth producing) and an inefficiently low level of pollution control.

There are two obvious solutions. One is direct regulation — the government tells the steel company how much it is allowed to pollute. The other is emission fees — referred to by economists as Pigouvian taxes (named after A. C. Pigou, the economist whose ideas I am describing).

The first step is to realize that an external cost is not simply a cost produced by the pollutor and born by the victim. In almost all cases, the cost is a result of decisions by both parties.

Under a system of Pigouvian taxes, the government charges the steel company for the damage done by its pollution — $10 per pound in this example. By doing so it converts the external cost into an internal cost — internalizes the externality. In deciding how much steel to produce and what price to sell it at, the company will now include the cost of its pollution — paid as an emission fee — along with other costs. In deciding how much pollution control equipment to buy, the company balances the cost of control against its benefits, and buys the optimal amount. So a system of emission fees can produce both an efficient amount of steel and an efficient amount of pollution control.

In order to achieve that result, the government imposing the fees must be able to measure the cost imposed by pollution. But, unlike direct regulation, the use of emission fees does not require the government to measure the cost of preventing pollution — whether by installing air filters or by producing less steel. That will be done by the steel company, acting in its own interest.

I have just described the theory of externalities as it existed before Coase. Its conclusion is that, as long as externalities exist and are not internalized via Pigouvian taxes, the result is inefficient. The inefficiency is eliminated by charging the polluter an emission fee equal to the damage done by his pollution. In some real world cases it may be difficult to measure what the damage is, but, provided that that problem can be solved, using Pigouvian taxes to internalize externalities produces the efficient outcome.

That analysis was accepted by virtually the entire economics profession prior to Coase's work in the field, and still is accepted by a good deal of the profession. It is wrong — not in one way but in three. The existence of externalities does not necessarily lead to an inefficient result. Second, Pigouvian taxes, even if they can be correctly calculated, do not in general lead to the efficient result. Third, and most important, the problem is not really externalities at all — it is transaction costs.

I like to present Coase's argument in three steps: Nothing works. Everything works. It all depends.

Nothing Works

The first step is to realize that an external cost is not simply a cost produced by the polluter and born by the victim. In almost all cases, the cost is a result of decisions by both parties. I would not be coughing if your steel mill were not pouring out sulfur dioxide. But your steel mill would do no damage if I (and other people) did not happen to live downwind from it. It is the joint decision — yours to pollute and mine to live where you are polluting — that produces the cost.

Suppose that, in a particular case, the pollution does $100,000 a year worth of damage and can be eliminated at a cost of only $80,000 a year (from here on, all costs are per year). Further assume that the cost of shifting all of the land downwind to a new use unaffected by the pollution — growing timber instead of renting out summer resorts, say — is only $50,000. If we impose an emission fee of a hundred thousand dollars a year, the steel mill stops polluting and the damage is eliminated — at a cost of $80,000. If we impose no emission fee the mill keeps polluting, the owners of the land stop advertising for tenants and plant trees instead, and the problem is again solved — at a cost of $50,000. In this case the result without Pigouvian taxes is efficient — the problem is eliminated at the lowest possible cost — and the result with Pigouvian taxes is inefficient.

Moving the victims may not be a very plausible solution in the case of air pollution; it seems fairly certain that even the most draconian limitations on emissions in southern California would be less expensive than evacuating that end of the state. But the problem of externalities applies to a wide range of different situations, in many of which it is far from obvious which party can avoid the problem at lower cost, and in some of which it is not even obvious which one we should call the victim.

Consider the question of airport noise. One solution is to reduce the noise. Another is to soundproof the houses. A third is to use the land near airports for noisy factories instead of housing. There is no particular reason to think that one of those solutions is always best. Nor is it entirely clear whether the "victim" is the landowner who finds it difficult to sleep in his new house with jets going by overhead or the airline forced by a court or a regulatory agency to adopt expensive sound control measures in order to protect the sleep of people who chose to build their new houses in what used to be wheat fields — directly under the airport's flight path.

Consider a simpler case, where the nominal offender is clearly not the lowest cost avoider. The owner of one of two adjoining tracts of land has a factory, which he has been running for twenty years with no complaints from his neighbors. The purchaser of the other tract builds a recording studio on the side of his property immediately adjacent to the factory. The factory, while not especially noisy, is too noisy for something located two feet from the wall of a recording studio. So the

owner of the studio demands that the factory shut down, or else pay damages equal to the full value of the studio. There are indeed "external costs" associated with operating a factory next to a recording studio — but the efficient solution is building the studio at the other end of the lot, not building the studio next to the factory and then closing down the factory.

So Coase's first point is that "externalities" are a joint product of "polluter" and "victim," and that a legal rule that arbitrarily assigns blame to one of the parties only gives the right result if that party happens to be the one who can avoid the problem at the lower cost. Pigou's solution is correct only if the agency making the rules already knows which party is the lower cost avoider. In the more general case, nothing works — whichever party the blame is assigned to, by government regulators or by the courts, the result is likely to be inefficient if the other party could prevent the problem at a lower cost.

One of the arguments commonly offered in favor of using Pigouvian taxes instead of direct regulation is that the regulator does not have to know the cost of pollution control in order to produce the efficient outcome — he just sets the tax equal to damage done, and lets the polluter decide how much pollution to buy at that price. But one of the implications of Coase's argument is that the regulator can only guarantee the efficient outcome if he knows enough about the cost of control to decide which party should be considered the polluter (and taxed) and which should be considered the victim.

Everything Works

The second step in Coase's argument is to observe that, as long as the parties involved can readily make and enforce contracts in their mutual interest, neither direct regulation nor Pigouvian taxes are necessary in order to get the efficient outcome. All you need is a clear definition of who has a right to do what and the market will take care of the problem.

To see how that works, let us go back to the case of the steel mill and the resorts. Suppose first that the mill has a legal right to pollute. In that case, as I originally set up the problem, the efficient result occurs immediately. The lowest cost avoiders are the owners of the land downwind; they shift from operating resorts to growing timber.

What if, instead, the legal rule is that the people downwind have a right not to have their air polluted? The result will be exactly the same.

One solution to the problem of airport noise is to reduce the noise. Another is to soundproof the houses. A third is to use the land near airports for noisy factories instead of housing. There is no particular reason to think that one of those solutions is always best.

The mill could eliminate the pollution at a cost of $80,000 a year. But it is cheaper to pay the landowners some amount, say $60,000 a year, for permission to pollute. The landowners will be better off, since that is more than the cost to them of changing the use of the land, and the steel mill will be better off, since it is less than the cost of eliminating the pollution. So it will pay both parties to make some such agreement.

Now suppose we change the numbers in the example, to make pollution control the more efficient option — say lower its cost to $20,000. In that case, whether or not the mill has the right to pollute, it will find that it is better off not polluting. If it has the right to pollute, the landowners will pay more than the $20,000 cost of pollution control in exchange for a guarantee that it will not exercise its right. If it does not have the right to pollute, the most the steel mill will be willing to offer the landowners for permission to pollute is $20,000, and the landowners will turn down that offer.

The generalization of this example is straightforward:

If transaction costs are zero — if, in other words, any agreement that is in the mutual benefit of the parties concerned gets made — then any initial definition of property rights leads to an efficient outcome.

It is this result that is sometimes referred to (by people other than Coase) as the "Coase Theorem." It leads immediately to the final stage of the argument.

It All Depends (On Transaction Costs)

Why is it, if Coase is correct, that we still have pollution in Los Angeles? One possible answer is that the pollution is efficient — that the damage it does is less than the cost of preventing it. A more plausible answer is that much of the pollution is inefficient, but that the transactions necessary to eliminate it are prevented by prohibitively high transaction costs.

Let us return to the steel mill. Suppose the mill has the right to pollute, but that doing so is inefficient — pollution control is cheaper than either putting up with the pollution or changing the use of the land downwind. Further suppose that there are a hundred landowners downwind.

With only one landowner, there would be no problem — he would offer to pay the mill for the cost of the pollution control equipment, plus a little extra to sweeten the deal. But a hundred landowners face what economists call a public good problem. If ninety of them put up the money and ten do not, the ten get a free ride — no pollution and no cost for pollution control. Each landowner has an incentive to refuse to pay, figuring that his payment is unlikely to make the difference between success and failure in the attempt to bribe the steel mill to eliminate its pollution. If the attempt is going to fail even with him, then it makes no difference whether or not he contributes. If it is going to succeed even without him, then refusing to contribute gives him a free ride. Only if his contribution makes the difference does he gain by agreeing to contribute.

There are a variety of ways in which such problems may sometimes be solved, but none that can always be expected to work. The problem becomes harder the larger the number of people involved. With many millions of people living in southern California, it is hard to imagine any plausible way in which they could voluntarily raise the money to pay all polluters to reduce their pollution.

This is one example of the sort of problem referred to under the general label of transaction costs. Another would occur if we reversed the assumptions, making pollution (and timber) the efficient outcome but giving the landowners the right to be pollution-free. If there were one landowner the steel mill could buy from him the right to pollute. With a hundred, the mill must buy permission from all of them. Any one has an incentive to be a holdout — to refuse his permission in the hope of getting paid off with a large fraction of the money the mill will save from not having to control its pollution. If too many landowners try that approach the negotiations will break down, and the parties will never get to the efficient outcome.

The law should define property in such a way as to minimize the costs associated with incompatible uses.

Seen from this perspective, one way of stating Coase's insight is that the problem is not really due to externalities at all, but to transaction costs. If there were externalities but no transaction costs there would be no problem, since the parties would always bargain to the efficient solution. When we observe externality problems (or other forms of market failure) in the real world, we should ask not merely where the problem comes from, but what the transaction costs are that prevent it from being bargained out of existence.

Coase, Meade, and Bees

Ever since Coase published "The Problem of Social Cost," economists unconvinced by his analysis have argued that the Coase Theorem is merely a theoretical curiosity, of little or no practical importance in a world where transaction costs are rarely zero. One famous example was in an article by James Meade (who later received a Nobel Prize for his work on the economics of international trade).

Meade offered, as an example of the sort of externality problem for which Coase's approach offered no practical solution, the externalities associated with honey bees. Bees graze on the flowers of various crops, so a farmer who is growing crops that produce nectar benefits the beekeepers in the area. The farmer receives none of the benefit himself, so he has an inefficiently low incentive to grow such crops. Since bees cannot be convinced to respect property rights or keep contracts, there is, Meade argued, no practical way to apply Coase's approach. We must either subsidize farmers who grow nectar rich crops (a negative Pigouvian tax) or accept inefficiency in the joint production of crops and honey.

It turned out that Meade was wrong. In two later articles, supporters of Coase demonstrated that contracts between beekeepers and farmers had been common practice in the industry since early in this century. When the crops were producing nectar and did not need pollination, beekeepers paid farmers for permission to put their hives in the farmers' fields. When the crops were producing little nectar but needed pollination (which increases yields), farmers paid beekeepers. Bees may not respect property rights but they are, like people, lazy, and prefer to forage as close to the hive as possible.

Coase, Property, and the Economic Analysis of Law

"The Problem of Social Cost" provides more than merely a revolutionary rethinking of the question of externalities. It also suggests a new and interesting approach to the problem of defining property rights.

A court in settling disputes involving property, or a legislature in writing a law code to be applied to such disputes, must decide just which of the rights associated with land are included in the bundle we call "ownership." Does the owner have the right to prohibit airplanes from crossing his land a mile up? How about a hundred feet? How about people extracting oil from a mile under the land? What rights does he have against neighbors whose use of their land interferes with his use of his? If he builds his recording studio next to his neighbor's factory, who is at fault? If he has a right to silence in his recording studio, does that mean that he can forbid the factory from operating, or only that he can sue to be reimbursed for his losses? It seems simple to say that we should have private property in land, but ownership of land is not a simple thing.

The Coasian answer to this set of problems is that the law should define property in such a way as to minimize the costs associated with the sorts of incompatible uses we have been discussing — factories and recording studios, or steel mills and resorts. The first step in doing so is to try to define rights in such a way that, if right A is of most value to someone who also holds right B, they come in the same bundle. The right to decide what happens two feet above a piece of land is of most value to the person who also holds the right to use the land itself, so it is sensible to include both of them in the bundle of rights we call "ownership of land." On the other hand, the right to decide who flies a mile above a piece of land is of no special value to the owner of the land, hence there is no good reason to include it in that bundle.

If, when general legal rules were being established, we somehow knew, for all cases, what rights belonged together, the argument of the previous paragraph would be sufficient to tell us how property rights ought to be defined. But that is very unlikely to be the case. In many situations a right, such as the right not to have noises of more than X decibels made over a particular piece of property, may be of substantial value to two or more parties — to the owner of the property and the owner of the adjacent factory in my earlier example. There is no general legal rule that will always assign it to the right one.

Coase demonstrated that what everyone else in the profession thought was the correct analysis of the problem of externalities was wrong, and, in the process, he opened up a whole new approach to the use of economics to analyze law.

In this case, the argument underlying the Coase Theorem comes into

play. If we assign the right initially to the wrong person, the right person, the one to whom it is of most value, can still buy it. So one of the considerations in the initial definition of property rights is doing it in such a way as to minimize the transaction costs associated with fixing, via private contracts, any initially inefficient definition.

For some problems, there is no legal rule, no form of regulation, that will generate a fully efficient solution. The real choice is not between an inefficient market and an efficient government solution but rather among a variety of inefficient alternatives, private and governmental.

An example may make this clearer. Suppose that, in the pollution case discussed earlier, damages from pollution are easy to measure and the number of people downwind is large. In that case, the efficient rule is probably to give downwind landowners a right to collect damages from the polluter, but not a right to forbid him from polluting. Giving the right to the landowners avoids the public good problem that we would face if the landowners (in the case where pollution is inefficient) had to raise the money to pay the steel mill not to pollute. Giving them a right to damages rather than giving each landowner the right to an injunction forbidding the steel mill from polluting avoids the holdout problem that the mill would face (in the case where pollution is efficient) in buying permission from all of the landowners.

A full explanation of how Coase's argument can be applied to figuring out what the law ought to be (more precisely, what legal rules lead to the best outcome from the standpoint of economic efficiency) would require a much longer article — perhaps a book. I hope I have said enough to make clear the basic idea, and enough to show the unique and extraordinary nature of one of Ronald Coase's principal contributions to economics. He started with a simple insight, based in part on having read cases in the common law of nuisance — the branch of law that deals with problems such as noisy factories next door to recording studios. He ended by demonstrating that what everyone else in the profession thought was the correct analysis of the problem of externalities was wrong, and, in the process, opening up a whole new approach to the use of economics to analyze law.

There is at least one more thing worth saying about "The Problem of Social Cost." Economists, then and (to some degree) now, tend to jump from the observation that the market produces an inefficient result in some situations to the conclusion that the government ought to intervene to fix the problem. Part of what Coase showed was that, for some problems, there is no legal rule, no form of regulation, that will generate a fully efficient solution. He thus anticipated public choice economists, such as James Buchanan (another Nobel winner), in arguing that the real choice was not between an inefficient market and an efficient government solution but rather among a variety of inefficient alternatives, private and governmental. In Coase's words: "All solutions have costs and there is no reason to suppose that government regulation is called for simply because the problem is not well handled by the market or the firm." ❑

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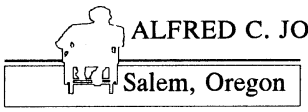

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Reviews

Objectivism: The Philosophy of Ayn Rand, **by Leonard Peikoff. Dutton, 1991, ix + 448 pp., $24.95.**

Peikoff's Objectivism: An Autopsy

David Ramsay Steele

According to a very old joke, an optimist proclaims that we live in the best of all possible worlds, while a pessimist harbors the horrible suspicion that such may indeed be the case.

In the words of Leonard Peikoff, author of *Objectivism: The Philosophy of Ayn Rand,* "this book is the definitive statement of Ayn Rand's philosophy — as interpreted by her best student and chosen heir" (p. xv). Upon perusing said work, I have to recognize the awful possibility that this description may be literally accurate.

Metaphysics

Peikoff tells us: "Whatever exists, exists. Whatever exists is what it is. In whatever form one is aware, one is aware" (7). Throughout this book, such inoffensive truisms are frequently intoned, sometimes belligerently, sometimes with solemn emphasis, always as though they were daring new formulations, distinctive to Randism, which we might have a hard time grasping. And evidently we do, for Peikoff affects to deduce from them all sorts of propositions which are more debatable.

For example, he claims to derive from the above the proposition that every entity "must act *in accordance with* its nature" (12). That is something of a leap. It's not clear that an entity has a nature in accordance with which it must act, unless this just means that it acts the way it acts, which I take to be true but not exactly this morning's news flash. "A thing cannot act apart from its nature, because existence is identity; apart from its nature a thing is nothing" (13). But that just begs the question whether things have "natures" other than mere descriptions of the way they actually behave, or of the ways they might behave in all possible circumstances.

From here Peikoff swiftly moves to cause and effect as "a universal law of reality" (13). By this he means determinism: every thing in a given set of circumstances can behave in only one way (*ibid.*). (It immediately follows that everything we are doing right now is the only possible outcome of the state of the universe, say, a billion years ago, but Peikoff doesn't seem to accept that corollary.) Peikoff even claims that cause and effect follows from the logical rule of non-contradiction.

Suppose that the way something behaves is that, in a specific, exactly defined state of affairs, it can do one thing with 50% likelihood or another thing with 50% likelihood. Such is the entity's nature, if you like that way of talking. An entity like that would contravene Peikoff's deterministic version of cause and effect but there is nothing self-contradictory about it. Peikoff may suppose there are no such entities, but he can't prove this, and he didn't arrive at that conclusion by logical inference from factual evidence.

Having come so far and so fast, Peikoff proves the non-existence of God in four lines comprising 36 words: "One may no more ask: who is responsible for natural law (which amounts to asking: who caused causality?) than one may ask: who created the universe? The answer to both questions is the same: existence exists" (15). Puzzling how Aquinas missed that one.

Epistemology

Peikoff holds that the data provided by our senses are "unchallengeable" and "*self-evident*" (35). He does seem to mean that our senses are infallible, that we can absolutely rely on our sensory experiences and our memories of those experiences. That appears to be the clear gist of pages 33–36.

For a page or two, we might think that Peikoff is telling us that our senses present to us the world as it actually is.

Peikoff seems to think that the most effective strategy is to issue a succession of hot-tempered incantations, often abusive, slovenly in logic, and so constructed as to head off thoughts subversive of his position.

This would be a highly unusual position to take. But although he begins by, perhaps inadvertently, giving us that impression of his standpoint, he then emphatically rejects it: there are differences in sensory "form" (37–39). If I see a thing as one color, and you see it as a different color, there is no disagreement between us; we perceive the same thing in a different form (37). These differences in form don't matter philosophically. It's the job of physics to discover the

way physical objects are, independently of the forms of perception (39). The form is not, however, subjective — meaning that it doesn't arise from the perceiver alone, but from the interaction between perceiver and object (39–41).

Rhetoric aside, that's akin to a simplified and uncritical kind of Kantianism. If we perceive *only* in "forms," as Peikoff holds, then it may not always be entirely clear what is due to the form and what is due to objects independently of perception (things in themselves). And if we perceive only in forms, surely some aspects of what we perceive (or of what we experience as we perceive) must be attributed to ourselves, and must in that sense be "subjective." And how can physics, if it depends upon sensory evidence, give us an account of physical reality independent of the forms of perception? Peikoff stops where the interesting questions start.

If I read him correctly, Peikoff holds that perception occurs before concepts are formed, and concepts are then based on accumulated past perceptions. Concepts, then, arise — somehow! — from stored prior sense experience. Interpretation begins only after pristine sense data have been collected. "Consciousness begins as a *tabula rasa* (a blank slate); all of its conceptual content is derived from the evidence of the senses" (34). "We begin . . . by looking at the world" (4).

That account is, in my opinion, virtually the opposite of the truth, and indeed barely coherent. An ordering and selecting principle has to be built and ready to operate before any mechanism can utilize information from the outside world. Before there can be observation, there must be theory. There can be no perception without interpretation. A fetus is programmed with theories, ready for application and revision. We are born theorizing, and we develop and refashion our inborn theories as we learn the skills of perception. To see a physical object requires a theory about the world, a theory that might be very different if we spent our first months in a world where holograms were commonplace.

It makes no sense to say that a baby begins by looking at the world — in the conceptless sense intended by Peikoff — for "looking" presupposes expectation

continued on page 66

Objectivism: The Philosophy of Ayn Rand, **by Leonard Peikoff. Dutton, 1991, ix + 448 pp., $24.95.**

Might "Objectivism" Ever Become Academically Respectable?

Henry B. Veatch

Speaking as the oldster that I am, I distinctly recollect how, some 25 years and more ago, a veritable Ayn Rand cult appeared to be spreading among students on American college and university campuses. Still, it was a cult that touched only the students and not the professors — at least not those professors whose calling was "academic philosophy."

Just why was it, though, that in those days there seemed to be so little meeting of minds between Randians and professors of philosophy? Perhaps it was that Miss Rand was nothing if not a fiercely independent thinker not given to tolerating fools gladly, and in her eyes the then regnant professors of philosophy — and most especially of moral philosophy — must indeed have seemed to be little better than fools. These professors apparently had neither time nor patience to develop an ethics that human beings could actually live by, or at least use to make sense and add meaning to their own lives as individuals. Philosophy then — yes, even moral philosophy and ethics — seemed to be very largely an affair of acquiring and then displaying certain highly sophisticated techniques of logico-linguistic proficiency.

In *Objectivism: The Philosophy of Ayn Rand* the author, Leonard Peikoff, makes it quite clear that he wishes to carry on the tradition of anti-academic philosophy as set by Miss Rand. He makes no bones of the fact that he himself writes not as a professional philosopher, but rather as a still devoted and undeviating Randian disciple. Indeed, Peikoff states that he not only studied with Miss Rand for a number of years before her death in 1982, but actually discussed with her at length many of his proposed formulations of her views that he had in mind for his own future book. And he makes it clear that even since her death he has been in close touch with orthodox Randians, thus ensuring the orthodoxy of his own presentation and defense of Objectivist ideas and principles.

Is it surprising, then, that directly in the preface to his book, Peikoff apparently disqualifies any prospective academic philosopher as either critic or reviewer? "This book," he says, "is written not for academics, but for human beings (including any academics who qualify)." And where does this put an unfortunate reviewer like myself? For what else can I do but plead guilty to having been a dyed-in-the-wool "academic" for the whole of my professional life? Perhaps I might plead at least some extenuating circumstances, in that, however benighted an academic philosopher I may long have been, in recent years I have been not just retired, but very much retired. And just conceivably, this might serve to restore at least some humanity to me once again!

The Orthodoxy and Its Critics

One can safely say that the academic moral philosophy that had become dominant, at least in this country, for nearly the whole of this present century — whether it be of Kantian or of utilitarian inspiration — was largely aimed at eliminating from ethics any and all concerns a moral agent might have with his own ends and purposes in life, and to direct those concerns instead toward such duties and obligations as one might have toward others. Accordingly, ethics in this view was to be construed as being exclusively a "duty-ethic" rather than a "desire-ethic." Likewise, one's moral stance, it was insisted, ought always to be one of "altruism," rather than "egoism." That is, to use a recently fashiona-

ble term, the proper attitude for a moral agent to cultivate should be one of "impartiality": any action that one takes one should always regard the interests and desires of others as being entitled to an equal and impartial consideration along with one's own.

It is little wonder that such a type of ethics should have become anathema in the eyes of orthodox Objectivists. For it is the very hallmark of Objectivism — at least as presented by Peikoff in his book — that it is no less than a human individual's own very end and goal in life that is at stake in any study and pursuit of what is rightly to be called ethics. More specifically still, Peikoff insists that, in Miss Rand's eyes, the end or goal or objective in life that every moral agent should aim at is none other than simply Life (with a capital "L"). And the Life that should thus be the all-absorbing object of concern to the moral agent is precisely his or her own life, and not the life of anyone else! An Objectivist ethics is every inch an egoism, and in no wise an ethics of altruism or impartiality.

An Objectivist ethics is every inch an egoism, and in no wise an ethics of altruism or impartiality.

Granted then that what we have been calling mainstream academic ethics in this country is the very antithesis of any ethics of a Randian or Objectivist type. Still, one wonders whether this quite justifies Peikoff in simply brushing academic ethics aside, as being the product of thinkers who, he suggests, might scarcely even be "human," and thus, presumably, not deserving of serious philosophical consideration and attention. Instead, would it not have been better for Peikoff to have paid serious critical heed to some of the classical formulations of the standard types of "duty-ethics," or "ethics of impartiality," if for no other reason than simply to determine just where and how they presumably went wrong, as well as how they might best be answered? Certainly Aristotle — to whom Objectivists profess allegiance — never failed to avail himself of what he called "dialectic," which for him involved a review of his predecessors, with a view to seeing how, by an exposure of their missteps and false starts, he could more successfully set his own philosophy on course.

But there is an even more striking reason to consider contemporary philosophy. For recently there have been signs of a revolt, right within the ranks of the academic philosophers, and particularly in the areas of ethics and moral philosophy — a revolt that would seem to be directed pretty much against the long-standing dominance of old-line analytic-linguistic philosophers. Indeed, this revolt might be seen as a radical new departure, a departure that seems to have a number of affinities with the Randian position in ethics.

Among these latter-day critics of the moral-philosophical establishment are some of the most outstanding of contemporary moral philosophers — Alasdair MacIntyre, Bernard Williams, and Martha Nussbaum. This is not to say that these established figures who have now become critics of the traditional ethical establishment are ready to be enrolled in the ranks of the Randians! At the same time, one does need to mention a number of younger one-time Randians (or near-Randians) who are now very much a part of the present-day academic scene, but who, understandably enough, have become sharp critics of the longstanding fashions in establishment ethics — Douglas Rasmussen, Douglas Den Uyl, and Fred Miller. One wonders why Peikoff nowhere mentions them in his book. Had he taken cognizance of what various of these contemporary critics have said about some of the long-standing fashions in analytic-linguistic moral philosophy, it would have rendered his own presentation of Objectivist ethics far more sophisticated and illuminating.

The Collapse of an Orthodoxy

Given this century's shift in fashion from an egoistic, or primarily self-regarding, ethics, to an altruistic or other-regarding ethics, just what, one might ask, is the reason or ground of justification for such a shift? Why is it to be supposed that a concern for my own interests should never take precedence over my concern for others, but rather that I should ever work to further the interests and concerns of others equally and impartially as compared with my own? "But just why?" one may ask. "And who says so?"

The root weakness of the usual academic philosophical answers to these questions was that its champions did not rely on any facts in nature or in reality in confirmation of their altruism and their partiality for a duty-ethic. Instead, they seemed to rely solely on mere considerations of logic and language.

In Aristotelian eyes, the standard for what a human being ought to try to be and become is just what his human nature requires of him.

Two centuries ago, Kant had tried to maintain that his "categorical imperatives," or absolute "oughts" requiring uncompromising consideration of others, were to be justified seemingly on the sole ground that for a moral agent to disregard such categorical "oughts" could not but involve the person in serious inconsistencies. And yet when subjected to careful logical analysis the inconsistencies turned out to be more apparent than real.

More recently, philosophers from the camp of the logico-linguistic analysis have sought to show that if someone should pronounce a thing — just anything at all — to be good, and it being granted that anything that is good needs to be promoted and pursued, it follows that any and every moral agent has a moral duty or responsibility to promote and pursue any and every good, regardless of whether it be his own good or not. But again, this supposed commitment on the part of moral agents always to further the good, whoever's good it might be, turns on a kind of linguistic legerdemain that has recently been shown to be rather readily exposable as little more than a curious sophism.

In fact, the sophism is found to lie in the original understanding of "good." No sooner does one come to see that the term "good" cannot be taken as a simple or absolute property just in itself, but rather ever and always as designating a good *of* something or somebody, or a good *for* someone or something, then

one quickly recognizes that when something is reckoned as a good of or for someone, it does not follow that the thing that is an acknowledged good of or for my neighbor must therefore be recognized as a good for me as well, and that I must therefore pursue as being an obligation incumbent upon me as well.

Aristotle for Objectivists

Objectivists and latter-day Aristotelians can agree on this critique of mainstream ethics, for both hold that the basic concern of the moral agent should be a concern for oneself and for one's own personal development and eventual flourishing. Nevertheless, there would seem to be a marked difference between the two when it comes to the ways in which they would go about justifying both the *telic* character (designating the element of purpose, or end, derived from the Greek word *telos*) and the *egoistic* character of their respective ethics.

Consider first the Aristotelian approach. The Aristotelian seeks to appeal to *nature* as the source of his justification for both the *telic* and the *egoistic* character of his ethics. Thus in Aristotelian eyes, the standard for what a human being ought to try to be and become, is just what his human nature requires of him.

True, one often hears it said that the end or goal or *telos* of man, as this was conceived by Aristotle, was simply that of happiness or *eudaimonia*; and certainly this is true. And yet *eudaimonia* or happiness for Aristotle is to be conceived as a person's full flowering, as it were, or his full perfection and development such as is demanded by his very nature as a person. Moreover, if one wants to know of what such a development must consist in the case of human beings, the Aristotelian answer is that it must consist of the cultivation and exercise of both the intellectual and moral virtues. In other words, a human being, in so far as he or she is fully and properly human, needs both to know what the score is, so to speak, so far as human life and existence are concerned, and to be so disciplined as regards his feelings and desires and emotions as to be able to act on that knowledge. In other words, the end or goal in life for an individual is simply that he learn to live rationally and intelligently.

How is it that an Aristotelian moral philosopher can claim to know these things — how can he profess to know both that there really is an end or *telos* of human life, such as we have just described, and what the basis for such a knowledge is? The basis for such a claim lies simply in the very facts of nature themselves. Nature discloses to us the difference between, say, health and disease — not just in the case of human beings, but with respect to living beings generally throughout the whole of animate nature. And as far as animate nature is concerned, we are forever being made clearly, and often painfully, aware of what it means for things to be in a flourishing or healthy condition, as over against their being sickly or deprived, and thus anything but flourishing.

"Still," one might well ask, "just where does one find the actual justification for introducing such standards of value — i.e. of good and bad, of better and worse — directly into situations where the only differences would seem to be purely factual ones? For although we human beings may be accustomed to reading value distinctions into differences between the healthy and the diseased, or between the flourishing and the not-so-flourishing, what warrant is

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there for our importing such values into what, objectively considered, are no more than factual differences alone?"

To this sort of challenge the Aristotelian reply is simply to insist that throughout the whole of nature there are discernible distinctions between what Aristotle called *potency* and *act* — between what a given thing might be or could be, and what it actually is. Accordingly, when it comes to explicit value distinctions — between "good," say, and "bad," or "not-so-good" — an Aristotelian holds that these connote just such distinctions as that between the actual as against the potential, and so, by extension, as that between the more developed and the less developed, the healthy as over against the diseased, or the flourishing as over against the not-so-flourishing. And so it is that value distinctions between good and bad are to be recognized as pervading the whole of nature, and so to be nothing if not empirically discoverable right in nature.

Peikoff disqualifies any prospective academic philosopher as either critic or reviewer. Where does this put an unfortunate reviewer like myself? For what else can I do but plead guilty to having been a dyed-in-the-wool "academic" for the whole of my professional life?

Even if one credits this Aristotelian line of argument, one might insist that even though value distinctions are a part of nature, this still does not imply that the morally good, as over against the morally evil, are both a part of nature, and thus discoverable and observable in the facts of nature. However, an Aristotelian answer to this sort of objection is not hard to come by: *for in just what does the distinction between moral value specifically and values consist?* It is a distinction that emerges as soon as one recognizes that human beings are beings possessed of reason and intelligence, and that they are able to discern differences in value and disvalue, or between good and bad, in situations they actually confront in the world. And being distinctive in their capacity for discerning such differences between good and evil, it is understandable why it is only human beings, as contrasted with other beings in the world, who, have the power to act on their knowledge, and thus have a responsibility — yes, a specifically moral responsibility — to choose the better and not the worse.

Against this background one can begin to see readily what the justification is for our typically Aristotelian contention earlier on that a human being's end or goal in life — that in which his perfection or well-being or true flourishing may be said to consist — is not anything that need be arbitrarily determined, or set up merely at will. No, the good for man, or that in which the true value or perfection for a human being may be said to consist — these are all things that are both discoverable in nature and grounded in nature, so that one's very conduct of life might be said to be prescribed for us ultimately by nothing less than actual natural laws.

Objectivism Without Foundations

But now what about the Objectivists? How do they make a case for their ethics, at least as presented in Peikoff's book? How does he justify an ethics that is both *telic* and *egoistic*? Alas, with respect to this question, it seems to me that not only is he unable to come forward with any discernible line of justification, he is not even sensitive to the *need* for such justification.

We have seen how Aristotelians believe their appeal to nature and to the natural world provides them with knowledge as to what man's natural end is and why such a natural end is to be reckoned as being a good, not to say *the* good, for man. But unfortunately, it seems that the Objectivists — at least as Peikoff presents their case — are unable to make any such appeal to nature in support of their ethics. In Chapter 1 Peikoff does recognize that both ethics and politics seem to presuppose and rest upon two more basic branches of philosophy, metaphysics and epistemology. Still there is no word here about nature, or about a knowledge of nature, in the form of a physics (for the Greek word for nature is simply *physis*), as being able to ground such knowledge as one might claim to have in either ethics or politics. Instead, Peikoff insists that physics is a scientific (in the modern sense of the word "scientific") discipline, and not a philosophical discipline at all. As a consequence, even if in Peikoff's eyes physics in the modern sense might conceivably be said to afford a knowledge of nature, it would not be a knowledge of nature that would have the slightest relevance, so far as ethics or politics are concerned.

If the Objectivists apparently do not appeal to nature as providing a foundation for their ethics, then where else can they appeal? And to this question, I am afraid that the answer is that there is *nowhere else*. In other words, their ethics would seem to be nothing if not simply lacking in any proper foundation or justification at all.

The end or goal in life for an individual is simply that he learn to live rationally and intelligently.

Suppose that right here we even call Miss Rand herself as a witness. For as Peikoff represents her position, it was her view that the true end or goal in life for a human being is simply Life. And yet without asking just what "Life," taken as an ultimate end might mean here, or whether possibly "Life" here is to be construed in terms of various alternative ways of life, in which certain of these ways might be designated as acceptable for human beings, and others not acceptable — waiving all questions

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of this sort, let us but focus directly on the question of justification as such: just why and on what grounds did Miss Rand hold that Life should somehow be the true and all-encompassing end or goal for human beings?

Alas, I am afraid that the Randians can then scarcely come up with any answer to the question of what possible justification there could be for such basic ethical principles as that Life should be taken as the true end or goal or *telos* for human beings, or that such a goal must be conceived in terms of an egoism, and not an altruism. For surely, it would do no good to argue, as I feel sure Miss Rand would not have wanted to argue, that merely because Life might be supposed to be that which all human beings do in fact pursue, it therefore is what they ought to pursue. Say that, and immediately all the linguistic analysts will jump down our throats and say that one cannot infer an "ought" from an "is." And in this, I believe that the linguistic analysts would be unhappily only too right.

Similarly, if Objectivists are not careful to specify the principle that what we call "good" or "value" is to be understood (not to say even "defined") as the actual as over against the potential, then it will do no good just to argue that "Life," as Rand and Peikoff call it, is what should fulfill us as human beings, and therefore is what we should strive to attain as human moral agents. For unless "good" and "value" are to be understood as the fulfilling or the perfective as over against the unfulfilling and the imperfect — and this directly within the order of nature itself — then an Objectivist ethics that would set up Life as being our proper human end or goal will unhappily be entirely without philosophical foundation.

No, not even the egoism of the Objectivists would seem justifiable apart from a recognition that an individual can only orient his life toward his own good. After all, no act can be the act of anything other than that very thing that is to be reckoned as having a potentiality for just such activity or actuality.

For all of the moral insight that Objectivists have displayed in their insistence upon an ethics that is at once *telic* and *egoistic*, they have nonetheless failed rather signally when it comes to providing anything like an adequate ground or justification for their insights. For all of Miss Rand's skill in depicting characters whose conduct and behavior is of a definite moral and ethical import — as being some of them wise and some of them foolish, some noble and some ignoble, some admirable and some despicable — for all of this, when one turns to the Objectivist philosophy behind Miss Rand's novels, one seems forced to say that as a philosophy, it fails to provide any adequate moral-philosophical justification for the moral and value judgments implicit in the novels.

And that perhaps accounts for the rather paradoxical nature of this review's title. For had the Objectivists paid a more discerning and discriminating attention to present-day academic philosophy, they might have seen their way clear toward basing their own philosophy on rather more solid Aristotelian foundations by way of justification. In short, academic respectability is not always and everywhere a thing to be avoided, certainly not by the Objectivists. ❑

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Steele, "Post-Randian Objectivism," *continued from page 61*

and purpose. A blank slate cannot be aware of anything, just because it is blank. If we want a computer to process the marks on a slate, we have to give the computer the capacity to analyze the marks, and that means to translate the marks into the computer's "language." The computer itself cannot be blank. Perception represents the world by constructing conceptual models; these models always have the character of incomplete and fallible hypotheses, and they can often be misleading, though they can sometimes be replaced by better ones.

That all seems perfectly obvious to me, though I don't claim to have made out much of a case for it here. Peikoff, however, has the space to make out his case, and, such as it is, it is depressingly feeble. He seems to think that the most effective strategy is to issue a succession of hot-tempered incantations, often abusive (demeaning all who disagree with him), slovenly in logic (I've given a few examples, but there are dozens of appalling non sequiturs), and so constructed as to head off thoughts subversive of his position, before these thoughts can be looked at closely. If Peikoff has ever lost his philosophical virginity — if he has ever seriously wondered about any philosophical question — he has taken great pains to conceal the fact in this book, which has the tone of an encyclical against heresies rather than an attempt to discuss inherently and delightfully fascinating issues.

The propaganda significance of the Randians' doctrine is that it enables them to avoid seriously considering any statement they view as arbitrary — any statement they particularly dislike.

Take this argument for instance, designed to show that our senses can never deceive us: "Obeying inexorable laws, the organs transmit a message to the nervous system and the brain. Such organs have no power of choice, no power to invent, distort, or deceive. They do not respond to a zero, only to something, something real, some existential object which acts on them" (35).

We cannot prove that there are any laws, nor whether any laws there might be are inexorable, as opposed to probabilistic, but let's suppose that there are inexorable laws. Perception is not done by the sense organs and then handed in a finished package to the brain. Perception is performed by the brain, using the sense organs, the way it might also use a hearing aid or a TV camera. The bit about the organs' lack of conscious intention is excruciatingly silly: if my radio emits a beep which I interpret as a noise occurring at the broadcast concert, the radio is not necessarily trying to trick me.

Truth

Peikoff describes some contentions as "arbitrary," by which he means that they are based on emotion and devoid of evidence (145). He maintains that such arbitrary propositions are "automatically invalidated" (145), neither true nor false (147). He goes on to say that statements made by a parrot cannot be true or false, since the parrot is not conscious (147). In the same way, arbitrary assertions are neither true nor false; they have "no cognitive standing" (148).

I am dying of thirst wandering around in the Sahara, and I seem to hear the voice of God telling me that if I walk half a mile due south, I will come to an oasis. I believe it, and set off in that direction. After a while it occurs to me that I must have been deluded, but for want of anything better to do, I keep on. I then discover an oasis at exactly the point predicted.

According to Peikoff it would be wrong to say that I found the proposition about the oasis to be true (or if the oasis had not been there, that I found it to be false). Thus his position is not, as he wrongly claims "the classical correspondence theory of truth," but a different kind of position which holds that a statement cannot be true (or false) unless you have the right frame of mind when you assert it, and unless you came to hold it in the right way. The psychological state of the utterer of a statement is supposed to cling to the statement like a ghost.

By contrast, I hold that a statement's truth or falsity is independent of its history or of its maker's motives. Furthermore, there is absolutely nothing wrong with any statement merely because it is based on emotion and devoid of evidence — it might, for all that, very well be true. We can look and see whether there is any evidence *after* the statement has been made. Propositions are not subject to original sin.

A refutation of Peikoff's position can be given along the following lines. A advances a claim p, based on emotion and devoid of evidence. B denies this claim, because of evidence he has collected. Investigation indicates that B is right. Now according to Peikoff's position, B's claim ("p is false") is true, whereas p is neither true nor false. But the denial of any true statement must be false. Hence, by *reductio ad absurdum*, Peikoff is wrong.

The point is not trivial, because the history of thought is filled with ingenious, beautiful, and ultimately fruitful theories which were based on emotion and devoid of evidence. Virtually all the ancient Greek cosmological speculations, such as the atomic hypothesis, fall into this category. In fact, as I indicated above, all human thinking commences from mental activity which is devoid of evidence, and "emotionally-based" in Peikoff's sense (though I don't like the description, since thought cannot arise from emotions alone). We are all born into the world holding theories for which we have no observational evidence — the vital role of such evidence is in causing us to abandon some of our theories, though we can then make progress by replacing the refuted theories with new, unproved, possibly better, but also usually false theories.

The propaganda significance of the Randians' untenable doctrine is that it enables them to avoid seriously considering any statement they view as arbitrary — any statement they particularly dislike. They can handle any such statement with all the anti-intellectual bigotry displayed in this disgraceful pronouncement of Peikoff's: "The proper treatment of such an aberration is to refrain from sanctioning it by argument or discussion" (150).

Peikoff shamelessly brings up the notorious piece of Randian illogicality that "It is impossible to 'prove a negative'" (148-49). After asserting this most strenuously, he then fills in some of the

finer detail: It is, in point of fact, possible to prove a negative (149). *En route* he advances the following argument:

> If gremlins, for instance, do not exist, then they are nothing and have no consequences. In such a case, to say: "Prove that there are no gremlins," is to say: "Point out the facts of reality that follow from the nonexistence of gremlins." But there are no such facts. Nothing follows from nothing. (149)

From the fact that gremlins do not exist, it does not follow that it makes no difference if they do or do not exist.

Science is a succession of false theories, though the theories may possibly get progressively closer to the truth.

Phlogiston, the Ether, the Collective Unconscious, and changes in human behavior due to a full Moon do not exist, and it's possible to point to facts that follow from their nonexistence. It may be, of course, that we cannot find any testable consequences of some entity's existence or non-existence, because it is too vaguely specified or for some other reason. But this is quite distinct from whether they actually do or don't exist. And it may be helpful to speculate about them anyway, since we really don't know what future tests may be devised for currently untestable theories.

Certainty

Peikoff asserts (153) that if a person follows the Randian epistemological policy he will never have to abandon earlier views in the light of new evidence. A Randian is always right all the time. Yet one page earlier he seems to accept that we can never be sure that a theory will not "be overthrown one day by new information as yet undiscovered" (152). His attempt to reconcile these two positions employs the example of blood types: four types were identified, but then it was found that some A-type blood was incompatible with other A-type blood — the Rh factor was subsequently identified. Peikoff has to say that the discovery of the Rh factor did not contradict the earlier theory. To support this claim, he maintains that the correct formulation of the earlier theory would have been: "Within the context of the circumstances so far known, [Type] A bloods are compatible" (154). He comments: "like all properly formulated truths, this truth is immutable." I suppose that any true statement is true immutably, but the question remains whether our attempts to get at the truth are infallible and incorrigible, if we follow some Randian recipe.

Peikoff overlooks the problem of induction. It is inseparable from the epistemological status of a *theory* that it goes beyond the observational evidence we have, and therefore can never be proved from that evidence. If we attach to any theory the proviso: "This holds only in the cases we have so far looked at," the theory becomes scientifically quite useless. The main point of any theory is to be applied to new circumstances, circumstances where it may, for all we know, not hold good. If we try to protect a theory from future refutation by attaching the qualification "within the context of the circumstances so far known," then either this has to be made precise enough to specify exactly when the theory does and does not hold good (in which case the theory still yields an infinite number of possibly false predictions), or the theory is effectively scuttled (since it comes to mean: "Either such-and-such will happen or it won't").

According to Popper, induction is logically invalid and science does not operate by induction. According to the surviving inductivists, such as the Bayesians, induction is valid and does work, but only by raising or lowering the probabilities of theories — and never raising them to 1. Either way, there is no escape from the fact that any theory, no matter how well corroborated, can never be shown to be true but could turn out to be false.

Peikoff states that: "A man does not know everything, but he does know what he knows" (154). He evidently means that if a man is a good Randian, he can never accept a false theory. On this view, individual or social knowledge grows by simple addition of new material, not by revolution. But this

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overlooks the problem of induction. The price of an interesting, non-vacuous theory is that we can never have conclusive evidence that it is true. Science is a succession of false theories, though the theories may possibly get progressively closer to the truth. Peikoff talks about "ideas" being "logically proved," but this has no applicability to scientific theories. No theory of empirical science has ever been logically proved, nor will one ever be.

Ethics

All the usual ingredients of the Randian ethical theory are reproduced here by Peikoff, irresponsibly ignoring the many serious criticisms that have been made time and again. The completely bogus argument from the immortal robot is trotted out once more (184–86). It is asserted that an indestructible robot could have no values, hence life is the basis of value. Now, it is hardly controversial to propose that life is one precondition for holding values, but from this it doesn't follow that life is a value.

Peikoff slips in a ridiculous false alternative, that if we don't accept 100 percent egoism, we have to accept 100 percent self-sacrifice for the benefit of others.

And it is bootless to bring in the indestructible robot, since there is no reason why such a robot (if it could exist at all) couldn't hold values. I now possess the capacity for preferring some states of affairs to others, in cases where this preference has no bearing on my survival. And if I became indestructible, there is no reason why I should necessarily lose this capacity.

There is the same old Randian trading on confusion between two usages of "life": on the one hand, biological survival, and on the other, something else (something poorly thought out, but at any rate, something which is not to be identified with biological survival, since it may justify deliberately nullifying one's biological survival).

Peikoff explains that: "When a plant turns its leaves to reach the sunlight, when an animal digests food" (and so forth) "the organism is pursuing the values its survival demands" (205). It's difficult to see why Peikoff thinks an unconscious organism can be said to have values, if a thermostat, or a tornado, or a crystal of salt, or a glass of water cannot. More seriously, Peikoff's statement displays his misunderstanding of biology.

According to the neo-Darwinian theory, individual organisms tend to maximize the reproduction of their genes in competition with other genes in the same population. This often leads individuals to pursue their own survival, but also sometimes leads them to sacrifice their own survival for the sake of spreading their genes. Most important features of living organisms are adapted to making them efficient machines for spreading their genes, and individual survival is purely instrumental. It is mistaken to say that: "As a living entity, each necessarily acts for its own sake; each is the beneficiary of its own actions" (205). For instance, individual members of most animal populations will typically risk their lives to help their siblings, who share an average of 50 percent of their genes. Such limited altruism persists because it is reproductively profitable (from the gene's point of view).

Therefore it is quite unwarranted for Peikoff to suggest that any departure from total devotion to self-interest will make self-preservation impossible (205). Consequently, there is no basis for the ridiculous false alternative unmistakably slipped in by Peikoff (208–09), that if we don't accept 100 percent egoism, we have to accept 100 percent self-sacrifice for the benefit of others. Most people are predominantly self-interested and somewhat altruistic. This state of affairs may be as inexorable as the law of gravitation, and it is quixotic to try to abolish it. That doesn't remove our ethical obligation to do something to help the poor and the weak, and to uphold the moral values of kindness, compassion, and consideration for others.

Carelessness

I have merely picked out a few of Peikoff's blunders. My main point is, not that this or that position of Peikoff's is wrong (though they are mostly demonstrably wrong, and where not wrong, vacuous or trite), but that Peikoff is the philosophical equivalent of William McGonagall, though far less enjoyable. Some of Peikoff's positions could be given a respectable defense by others, but in this book the most elementary standards of competent argument are flouted on every page.

Peikoff's approach is slapdash. He hardly ever reports anyone else's position accurately. Here, for example, is his account of an argument by Rawls:

> It is perfectly just, Rawls maintains, for society to sacrifice the men of intelligence and creative ability — to seize their products and redistribute them to the world's losers — because, he says, nobody worked to achieve his own gray matter; nobody earned his brain, which is a mere gift from nature. (108)

Peikoff refutes "this monstrous theory" by arguing that the notion of earning one's brain is illegitimate. He gives no page citation, and nowhere in Rawls is there any discussion of working to earn one's brain, but I presume Peikoff is referring to II:17 of *A Theory of Justice* (100–08). Here Rawls says: "No one deserves his greater natural capacity nor merits a more favorable starting place in society" (Rawls, 102), which is obviously true for those of us who reject reincarnation. Rawls is here summarizing an argument whose conclusion he rejects, and he quickly goes on to say that the distribution of natural talents does not rule out the possibility of justice: "The natural distribution is neither just nor unjust; nor is it unjust that people are born into society at some particular position. These are simply natural facts" (ibid.). Rawls defends a just society in which there are differences in wealth and income due to birth and other causes. He does also favor some government redistribution, but not for reasons recognizably like those described by Peikoff.

Peikoff cannot seem to cite anyone without misrepresenting them. He says that Spencer defended capitalism as survival of the fittest, and drew this idea from Darwin's theory of evolution (Peikoff, 356). He even misrepresents the Munich agreement of 1938 (110), saying that Hitler was demanding Czechoslovakia (instead of a German part of Czechoslovakia whose population wanted to join Germany). To commit one outrageous howler may be put down to misfortune. To cram so many into one book looks like undue carelessness. ❑

The United States of Ambition: Politicians, Power, and the Pursuit of Office, by Alan Ehrenhalt. Times Books, 1991, viii + 311 pp., $23.00.

American Democracy Diagnosed

Leland B. Yeager

Alan Ehrenhalt earned a master's degree in journalism, has worked as a political reporter, editor, and columnist, has been a Nieman Fellow at Harvard and a visiting scholar in political science at Berkeley, and is now executive editor of *Governing* magazine in Washington. His new book, *The United States of Ambition*, shapes his keen observations into an intelligible pattern.

The U.S. political system has changed vastly from what it was several decades ago. Old-style machines like the one bossed in Utica, New York, by Rufus Elefante (never elected to anything) are gone. Political parties have lost their organized character. Experienced politicians and party leaders no longer have much chance to screen potential candidates. Success no longer belongs to team players. The political process has become much more open to leaderless individuals seeking office on their own. "The skills that work in American politics at this point in history are those of entrepreneurship. At all levels of the political system . . . it is unusual for parties to nominate people. People nominate themselves" (p. 17).

Those who gain and keep office tend to be people who like politics, see it as a full-time career, and either enjoy campaigning or dislike its rigors less than most people would. They bask in publicity and put a relatively low value on privacy. As careerist professionals, they develop expertise in fund-raising and in exploiting technology and the media. Furthermore, people who have these tastes tend to be people who believe in activist government. Even out of genuine public spirit, they work to expand their scope for doing good in their favorite way, through exercising governmental power.

People with a negative image of government, seeing it as overly meddlesome, or whatever, tend to shun politics. Exceptions do exist, but they are just that, exceptions; and they tend not to persevere in politics as tenaciously as career-oriented devotees of activist government. Under our current system, furthermore, a party's success depends on steadily recruiting full-time talent. Government-bashing does not build majorities. Ronald Reagan's antigovernment rhetoric reinforced a distaste for political careers among young Republicans.

When conservatives occasionally come to power, they do not do much to roll back activist programs already in place. "Government programs acquire an inertia and a set of constituencies that make repeal look like onerous and politically costly work, even for a newly installed conservative regime that finds them unattractive" (64).

> [T]hrough the 1970s and 1980s, the Democratic party strengthened itself as the vehicle for people who grew up interested in government and politics and wanted to make a career of them. And the Republican party was forced to compete as the vehicle of those who felt that government was a dirty business and that they were demeaning themselves to take part in it. (222)

Ehrenhalt illustrates his points with case studies of local government (Concord, Cal., Utica, N.Y., Greenville county, S.C.), state government (South Carolina, Alabama, Connecticut, Colorado, Wisconsin), and members of Congress.

In Wisconsin, for example, the people "have never chosen the Democratic party *en bloc* to be the legislative majority. The question is not put to the electorate that way. . . . Wisconsin's voters have elected individual Democrats who outperformed their opposition at the tasks a modern political career requires. The electorate has not sent them to govern; it has merely maintained the conditions under which they could send themselves" (142).

In Wisconsin, "the GOP has become the party of Cincinnatus — the party of those who, in the final analysis, would rather be doing something else for a living. The Democrats are the party of those who believe, with [Assemblyman] David Clarenbach, that 'I can't think of anything I'd rather devote my life to'" (126).

As Ehrenhalt recognizes, his observations do not fully apply to the general election for President. For a brief period every four years, after the self-nomination process is over, the opinions and values of the electorate are decisive. However little the voters know about the vast majority of political choices confronting them, "they do have enduring images of what the two major parties are about in presidential politics" (270). They apply these images and they pay attention to the campaign as they choose between the two major candidates — or many of the voters do; so the qualification should run. Another qualification should be that the voters are choosing only between two candidates that they have not themselves deliberately nominated.

It is a gross fallacy to slide from the case for democracy as the least bad political method into the case for throwing more and more aspects of life into the political, meaning governmental, arena.

Ehrenhalt identifies a "central contradiction" of the U.S. political system that cries out for explanation: although voters have shown a clear preference for Republican presidential candidates over the last twenty years, this has done nothing to give the GOP a majority in the country as a whole (208). Yet his own method of analysis suggests how to explain this "contradiction," as well as the common observation (if it is correct) that voters tend to disdain Congress in general

while admiring their own particular representative.

Presidential elections deal with the big picture. Voters are interested and informed — relatively. They have a chance to express conservatism more effectively than in local and Congressional elections.

Voters may dislike the performance of Congress as a whole. Taking the system as given, though, they can sensibly elect a representative who knows how to manipulate it in defense of their interests. Forbearance from grabbing their own supposed share of federal largesse would not appreciably turn the system around. Responsible government — government responsible to the general public interest rather than overresponsive, piecemeal, to numerous local and special interests — is a public good; pursuing it has prisoners'-dilemma aspects. Why should one's own representative behave responsibly when few others would follow the example and when the payoff to himself and his (or her) constituents would be so slight and conjectural? Furthermore — as is one of the book's main themes — their representative tends to be a specialist in providing services to constituents and in projecting an attractive personal image.

Ehrenhalt mentions the chronic U.S. government budget deficit as an example of irresponsibility or dissipation of responsibility in the political and legislative processes (although he does not phrase the matter just that way; see pp. 245–250). More generally, the political system has developed a critical flaw: "It has allowed power and leadership, at many levels, simply to evaporate" (38).

What accounts for changes in the political system over the past few decades? Ehrenhalt makes or hints at several suggestions. Skill in communicating — in town meetings, in door-to-door canvassing, on television, in direct-mail literature — has gained in importance (p. 19). "The more campaigning becomes a science unto itself, the more public offices and rewards flow to people who have mastered its details" (206).

Air conditioning and jet planes helped change the character of Congress. More so than before, serving in it can and must be a year-round, full-time occupation; yet members can keep in touch with their constituents. But long weekends back in the district, together with heavier work loads, have further eroded camaraderie among the members (p. 234 in particular). On local as well as Congressional levels, an explosion in staffing has changed the legislative process, making legislatures both more competent and more active (138).

"The GOP has become the party of Cincinnatus — the party of those who, in the final analysis, would rather be doing something else for a living."

Redistricting under the 1962 Supreme Court decision and the civil-rights movement contributed to opening up the political system. Changed convention rules and the increased importance of primaries have altered the presidential race. Vietnam and Watergate created opportunities for antiestablishment, antiorganization types (152, 209–210).

Some of these points, obviously, are just as much features as explanations of the new system and require explanation themselves. Ehrenhalt does not, and does not claim to, provide anything approaching a full, well-articulated, persuasive explanation.

Still, he has made a praiseworthy contribution to political science. It meshes nicely with the work of public-choice economists. Perhaps more academically oriented researchers will build on his work, figuring out, for example, how to obtain statistics on the personal characteristics of politicians and how to test his insights in ingenious ways.

"Washington, D.C. police today arrested two Democratic Congressmen for impersonating Republican Congressmen!"

The book's two final paragraphs state a brief conclusion. Our political system is deficient in leadership, discipline, and the willingness to seek accommodation of divergent personal preferences. It generates a politics of posturing and stalemate. Yet it will not do simply to blame ambitious professional politicians for "this mess":

> We understand more than we might like to admit about city councils that can't defer to leadership; about state legislatures where every individual is a faction unto himself; about a Congress that lacks any sort of meaningful community among its members. We understand these problems, or should, because they are all around us in American life. For all our ignorance as voters and inattentiveness as citizens, we have a politics that is, in the end, appropriate to its time and place.

This rather lame conclusion overlooks the insights of Anthony Downs in *An Economic Theory of Democracy* (1957): It is perfectly rational for the individual citizen ordinarily to remain ignorant of political issues and give them only superficial attention. Any reform effort that hopes to succeed must take this circumstance to heart.

Ehrenhalt neither fully explains our political malady nor gives advice on how to cure it. Yet even unaccompanied by an etiology and a prescription, his diagnosis is well worth having. Although Ehrenhalt is not pushing any particular ideological line, his analysis tempts me to offer some libertarian embroidery.

Sheer eloquence, I conjecture, including a knack for devising memorable slogans, succeeds better in the political arena than competent concern for the sizes or importance of various supposed problems and of the benefits and costs of remedies offered. Knowing economics can hobble the honest politician, while the pangs of conscience spare the economic ignoramus as he prevails with promises and eloquence. Concern for the long run is a similar handicap, since looking good at election time is what counts.

These are among the reasons why the qualities and skills of a successful political campaigner do not coincide with those of a good government execu-

tive or legislator (as Ehrenhalt noted in Concord, Cal., p. 55). "The ability to canvass for votes in Iowa or New Hampshire does not have much to do with the qualities that make a successful president. But it has come to be a virtual prerequisite for anyone who wants the job" (206).

Ehrenhalt further helps us understand why the outcome of the political process does not necessarily represent the will of the people. It is a fallacy to say (as George Will and Herbert Stein do) that people must be pretty well satisfied with government as a whole; otherwise they would vote to change it. The voters do not have an opportunity to express themselves, and express themselves knowledgeably, on the character of government and its overall scale of activity. The political process operates with a bias toward bigness. Furthermore, voters are probably trapped in a kind of prisoners' dilemma (as suggested in remarks about Congress above).

Ehrenhalt's readers will see further reasons for skepticism about democracy as a good in its own right. Democracy is a particular political method, a method of choosing, replacing, and influencing our rulers. Ideally it offers us a way of avoiding or dismissing rulers who would destroy our individual rights. It is a radically inaccurate method of implementing the desires of the people, but the alternative political methods are even worse. It is a gross fallacy to slide from the case for democracy as the least bad political method into admiring political methods as such and into a supposed case for throwing more and more aspects of life into the political, meaning governmental, arena. Ehrenhalt's observations bolster the case for strictly limiting the scope of government.

Although reforms in the democratic process will not dispel the dangers of big government, Ehrenhalt's book should arouse interest in exploring them. The case for limiting the terms of governmental office looks better. So does the case for choosing legislators, or some of them, by lot rather than by election. So, perhaps, do the radical reforms suggested by F. A. Hayek in *The Political Order of a Free People* (1979).

Prospects for reforming politics and restraining government may look bleak just now. In the long run, though, experience, reason, and the growth of organized knowledge can change what is politically feasible. (The historical and intellectual demise of socialism is a case in point.) Ehrenhalt has made a solid contribution to this growth of knowledge. So doing, he provides grounds for optimism. ❑

***Winning the Drug War: New Challenges for the 1990s,* edited by Jeffrey A. Eisenach. The Heritage Foundation, 1991, $10.00.**

Drug Policy Abuse

Mark Thornton

The Heritage Foundation monograph *Winning the Drug War* is more like a trip to Fantasy Island than a substantive work on policy. It is conservative propaganda clearly demonstrating that Heritage's "war" bias goes beyond the military and foreign policy levels to include the war against drugs and the war against individual rights.

Winning the Drug War cleverly mixes the pro-war themes of Ed Meese and Bill Bennett (who wrote its introduction and concluding essay) with writing by people like John Matthews, the founder of Peter Bug's Shoe Academy, an institution that attempts to teach teenagers to read and sell products while at the same time helping the elderly. This mixture is the key to the book's method of propaganda: it attempts to justify the government's war on drugs by conflating the activities of the drug warriors with the successes of private and voluntary efforts to alleviate the problems associated with drug abuse.

The entries on private rehabilitation programs are interesting and informative. But they are logically distinct from the government's war. It is grossly misleading to describe the efforts of ministers, parents, school teachers, counselors, and doctors as a "war against drugs." These people do not use guns and bullets. They don't destroy lives. They don't kill. The government's war, on the other hand, does all these things.

The lead article by Carlton Turner, the first "drug Czar," attempts to put the government's "spin" on the undeniable fact that the drug war has made things worse. This involves considerable sleight of hand, since he must simultaneously claim that the war is being won *and* that the anti-drug army deserves more money and power because things are getting worse.

Turner acknowledges that more and more people are dying from taking illegal drugs. But what he cannot admit is that this is a direct consequence of the escalation of the government's war on drugs. As the government becomes "tougher" on drugs, both the risks and rewards of drug dealing increase, providing incentives to increase the potency of criminalized drugs, to develop more dangerous drugs, and adulterate drugs. Not surprisingly, this has meant more deaths. Emergency room visits associated with illegal drugs continue to climb at an astronomical rate, a fact the Bush administration has been forced to acknowledge.

The Heritage study confirms Santayana's maxim, "Those cannot remember the past are condemned to repeat it." America's "noble experiment" with alcohol prohibition never happened, so far as Heritage is concerned. "Government used to murder by the bullet only, now it's by the quart," commented Will Rogers on the increased death rate from alcohol poisoning. And prohibition increases crime. It drives up the price of drugs, forcing addicts into criminal activity to finance their habit. The extreme profitability of contraband drugs engenders turf wars among dealers, increasing the number of murders. Drug wars destroy job opportunities and stunt economic growth in the inner city, providing addi-

tional incentives to criminal activity. Drug dealers invest a portion of their profits in police protection, thereby corrupting those hired to protect life and property. And with police busy fighting the war on drugs (or lining their pockets with drug money) and prisons filling up with drug criminals, other crimes against life and property go uninvestigated and unpunished. Yet prohibition's effect on drug use is marginal at most. As Will Rogers observed, "Prohibition was better than no whiskey at all."

Although neither the Heritage Foundation nor the Bush administration have learned anything from Prohibition, the same cannot be said of a growing number of American People. A Gallup Poll [1986] found that five out of seven people felt that politicians who advocated spending more money on the drug war were not serious about fighting drugs but were merely using the issue to get publicity for themselves. Only one-third of those polled [1986] felt that if the federal government made a much greater effort to reduce drugs that drug use would decline "a lot." Of those with an opinion the majority felt [in 1989] that President Bush's plan will not significantly reduce drug use in the long run.

It is grossly misleading to describe the efforts of ministers, parents, school teachers, counselors, and doctors as a "war against drugs."

A recent survey sponsored by the Drug Policy Foundation found that 36% of the population supports decriminalization of drugs such as cocaine. An extremely long list of local politicians, retired law enforcement officers, writers, journalists, economists, musicians, and leading professionals have recently declared their support for drug law reform in the direction of legalization.

Winning the Drug War is an attempt to bolster the conservative hold on public opinion about illegal drugs. This grip was significantly weakened when three major supporters of the Reagan Administration—William F. Buckley, Jr., Nobel Prize-winning economist Milton Friedman, and former Secretary of State George Schultz — declared their support for legalization. It will weaken further as the public comes to understand that the war on drugs is a total failure in its stated goal, is destructive of America's heritage of individual rights, and is a tremendous waste of tax money. ❑

Jack London: Novels and Stories.
The Library of America, 1982, 1,020 pp., $27.50.

An American Meteor

Gary Alexander

After his death at age 40 on November 22, 1916, Jack London's literary career fell into disrepute. Critics panned his super-human heroes, his lifestyle, his socialism — or all three.

On this anniversary of his self-predicted flame-out, we should look again at how London described his own writings and see how well he fulfilled his destiny through his own work, and how he changed the direction of American fiction for decades after his death.

Here is one of the first letters he wrote to a newspaper editor, at age 22:

> Dear Sir:
>
> I have returned from a year's residence in the Clondyke, entering the country by way of Dyea and Chilcoot Pass. I left by way of St. Michaels, thus making altogether a journey of 2,500 miles on the Yukon in a small boat. I have sailed and travelled quite extensively in other parts of the world and have learned to seize upon that which is interesting, to grasp the true romance of things and to understand the people I may be thrown amongst.
>
> I have just completed an article of 4,000 words, describing the trip from Dawson to St. Michaels in a rowboat. Kindly let me know if there would be any demand in your columns for it — of course, thoroughly understanding that the acceptance of the manuscript is to depend upon its literary and intrinsic value.
>
> Yours very respectfully, Jack London.
>
> — Jack London to the San Francisco *Bulletin*, September 1898.

Freelance writers understand this process. Manuscripts go out; rejection slips flow back. The response to this young freelancer's letter was typical — a scribbled note on the bottom of his offer, saying: "Interest in Alaska has subsided to an amazing degree. Then, again, so much has been written, that I do not think it would pay us to buy your story."

Perhaps the editor was busy; perhaps he was offended by an eccentric spelling (Clondyke), or perhaps he was honestly tired of the subject itself, as he stated. But he missed a golden opportunity to print the first commercial piece by the greatest American writer of the first decade of this century, because he didn't catch the key passage of the cover letter, the three defining elements of London's style, which, in fact, set the tone for much later American fiction:

(1) to seize upon that which is interesting;

(2) to grasp the true romance of things;

(3) to understand the people one may be thrown amongst.

American fiction had become painfully purple by the turn of the new century. Samples of short fiction from leading literary magazines of the day, such as *Atlantic*, would sound Victorian to modern ears. Into this somnolence strode a strong new voice from a man who lived life to the edge. His life became a lesson to all young writers: If you want to write, you must first live a life worth telling, then write about what you've experienced. And if a writer ever lived his work, it was London.

"To Seize the Interesting"

Adventure surrounded London from the womb. He was sired in Oakland, probably by an itinerant astrologer (William H. Chaney); his mother was a spiritualist (Flora Wellman), who attempted suicide by taking laudanum and shooting herself while two months pregnant.

Mother and son survived and Jack was born on January 12, 1876. His astrological parents no doubt thought it significant that his chart revealed Saturn in evil aspect to Libra — a dangerous sign, but an omen of genius. When the baby was 8 months old, Flora married an older widower, John London, and named her son after his stepfather.

London's early resumé reads more like a prison record. With barely an eighth grade education to show for his misspent youth, he was at 14 an oyster pirate; at 16, a hobo; at 17, he sailed seven months on the sealer Sophie Sutherland; at 18, he joined the hobo army formed to protest mass unemployment following the Panic of 1893. He spent 8 months on the rails, from coast to coast in the U.S., and back via Canada. In between, in Buffalo, he spent 30 days in prison for vagrancy. In the 1950s, he would have been called a juvenile delinquent; in the 1990s, the product of a dysfunctional home.

He then spent a fateful year in the Yukon, returning with no gold but with plenty of tales to tell. He finished high school in an accelerated course, spent a semester at Berkeley and learned the rest on his own. The product of his Yukon year and frantic auto-didacticism was 50-odd Yukon stories — starting with "To the Man on the Trail" (January 1899) and culminating in his best-selling short novel, *The Call of the Wild* (1903).

The Yukon tales gave him the freedom and money to begin a series of socio-political-psychological novels, principally *The Sea Wolf* (1904), *The Iron Heel* (1906), and *Martin Eden* (1908). A sub-theme of his life as hero-celebrity was his work as a highly paid journalist recording major events of the day, such as the Russo-Japanese war (1904), the San Francisco earthquake (1906), the Johnson-Jeffries boxing match (1910), and the Mexican Revolution (1914).

"To Grasp the Romance"

London's first short story (sold to the *Overland Monthly* in January 1899, at age 23), "To the Man on the Trail," tells of a rough sort of justice played out in a northland tavern one winter night. London echoed modern libertarian sentiment when his hero toasted the man on the trail — who was technically a criminal — while offering a second toast to the misled Mountie chasing him: "Confusion to the Mounted Police." It was the first story in *The Son of the Wolf* (1900), the first of three books of collected Yukon stories published from 1900 to 1902. All 30 of these tightly-told tales "grasp the romance" of the northland.

But his style is better exemplified, perhaps, by the beginning and ending of one of his most anthologized stories, "To Build a Fire," written in the heat of the South Pacific in 1907 aboard London's boat, the Snark. It is the story of a doomed man trying, and failing, to start a fire one cold day:

> Day had broken cold and gray, exceedingly cold and gray, when the man turned aside from the main Yukon trail and climbed the high earth bank, where a dim and little-traveled trail led eastward through the fat spruce timberland. There was no sun nor hint of sun, though there was not a cloud in the sky. It was a clear day, and yet there seemed an intangible pall over the face of things, a subtle gloom that made the day dark.

You can catch the sense of doom from the beginning. Still, the ending is surprisingly peaceful:

> Then the man dosed off into what seemed to him the most comfortable and satisfying sleep he had ever known. The dog sat facing him and waiting. The brief day drew to a close in a long, slow twilight. There were no signs of a fire to be made and, besides, never in the dog's experience had it known a man to sit like that in the snow and make no fire. . . . A little longer it delayed, howling under the stars that leaped and danced and shone brightly in the cold sky. Then it turned and trotted up the trail in the direction of the camp it knew, where were the other food-providers and fire-providers.

What is remarkable is London's *concrete* "grasps" on "the romantic." One of the most graphic memories I have from my first reading of London's 1904 novel, *The Sea Wolf*, is that of Wolf Larsen climbing up the forecastle ladder with seven or more seamen clinging to him, trying to pull him back into their abyss to murder him. The men are yelling, "Give me a knife, a knife," but without a knife, they must rely only on their arms to hold him. Larsen's primordial strength gives him the power to lift himself slowly, step by step, despite the arms grasping every inch of his lower body, back up to the deck and safety. This is London's portrayal of survival of the fittest in action, the attempts by brutes, lower life forms, to keep the strongest from surviving. Yet the strong survive. One by one, the sailors who attempted to murder Larsen are themselves cast out to sea or murdered.

"To Understand the People"

When reading London's more philosophical novels and psychological short stories, I am reminded of Ayn Rand's skill in transforming Objectivism into skin and bones characters. In fact, London foreshadowed Rand when he said to a friend, "Don't tell the reader. Have your characters tell it by their deeds, actions, talk, etc. Then, and not until then, are you writing fiction and not a sociological paper."

Here's a passage from *Sea Wolf* that puts literal "yeast" around an idea. The captain, Wolf Larsen, is speaking — partly for Nietzsche's superman, partly for Spencer's survival of the fittest, but mainly for London's strong sense of a powerful human character:

> With nothing eternal before me but death, given for a brief spell this yeasty crawling and squirming which is called life, why, it would be immoral for me to perform any act that was a sacrifice. Any sacrifice that makes me lose one crawl or squirm is foolish, and not only foolish, for it is a wrong against myself and a wicked thing. I must not crawl or squirm if I am to get the most out of the ferment. Nor will the eternal movelessness that is coming to me be made easier or harder by the sacrifices or selfishness of the time when I was yeasty and acrawl.

Another example of rendering philosophy through character comes from

The Sociology of the Ayn Rand Cult

Murray Rothbard's controversial monograph on the nature of the Rand Circle in its heyday. Must reading for anyone interested in Objectivism, cultism, or the history of the libertarian movement.

$4.00 per copy, ppd.

Liberty Publishing
PO Box 1167
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Jack's socialist-hero Ernest Everhard in *The Iron Heel*. Devotees of Rand will notice the similarity to speeches by her heroes, in support of society's producers, and against the "moochers" (her word), or "metaphysicians" (London's word) of our age:

> Judge them by their works. What have they done for mankind beyond the spinning of airy fancies and the mistaking of their own shadows for gods? They have added to the gayety of mankind, I grant; but what tangible good have they wrought for mankind? They philosophized, if you will pardon my misuse of the word, about the heart as the seat of emotions, while the scientists were formulating the circulation of the blood. They declaimed about famine and pestilence as being scourges of God, while the scientists were building granaries and draining cities. They builded gods in their own shapes and out of their own desires, while the scientists were building roads and bridges. They were describing the earth as the centre of the universe, while the scientists were discovering America and probing space for the stars and the laws of the stars.
>
> In short, the metaphysicians have done nothing, absolutely nothing for mankind. Step by step, before the advance of science they have been driven back. . . . The difference between you and the Eskimo who makes a fur-clad blubber-eating god is merely a difference of several thousand years of ascertained facts. That is all.

And, suddenly, that *was* all. Jack London died early, as he said he would. It wasn't likely a suicide, in the conventional sense, but merely the price paid for high living in every facet of life — in food, philosophy, women, writing, drinking, curiosity, and non-stop adventure.

The Dreamer's Legacy

London died at a crucial time in history. Had he lived just one more year, he would have seen three things happen that he had predicted and worked toward: Prohibition, the Russian Revolution, and U.S. entry into World War I. He resigned in disgust from the Socialist Party just two months before he died, and three months after he died the Russian revolution began.

It's no secret that Jack London became the favorite American author of the early Soviet leaders. Two days before his death, Lenin had London's story "Love of Life" read to him again. "That tale greatly pleased Ilyich," said his wife. "That was the last time I read to him." Since his death, London has been the most widely read American writer internationally, now translated into over 60 languages.

Though he was America's most radical writer of the early 20th century, he was never, by any stretch of the evidence, a communist. He was more of an anarchist of the Russian bomb-throwing variety, not a socialist of the Marxian dialectic. Throughout his socialist speeches he used the terms "revolution" and "anarchy" far more than "socialism" or "communism." And it should be noted that his use of "socialism" was far from precise. When he was barely 20, the San Francisco *Chronicle* called him "the boy socialist of Oakland" — an entertaining oddity to Sunday supplement readers. When the paper asked the boy his definition of socialism, London answered: "It is an all-embracing term — communists, idealists, utopians, altrurians are all socialists." In the opinion of London, any man who strives for a better form of social organization than the one he is living under is a socialist.

In evaluating London, we should remember the youth of this "boy socialist." He did his best writing between

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Do we need God? If you believe that people can lead moral, ethical lives without the fear of eternal damnation **Free Inquiry**—the secular humanist quarterly—is for you. One year $25. Free Inquiry, Box 664, Dept C, Buffalo, NY 14226.

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I certify that the statements made by me above are correct and complete (signed) *R. W. Bradford*

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ages 22 and 36, and many of his views were as yet unformed, even when he died. (For instance, he had just discovered Jung. Who knows what road his works would have taken had the Jungian influence in his 1914 novel, *Start Rover*, had time to percolate?) Nevertheless, his philosophy is secondary to his style, which commands reading to this day, whatever one's philosophical baggage.

His heroes may be bigger than life, but the charm of London, like that of Rand or Victor Hugo, is that it inspires people to reach for unrealistic heights and thereby reach higher than they ever would have on their own. At age 15, I began reading Jack London and finished all his works during high school. At the age when he was living life so fully, I lived his life vicariously. In the process, he helped me to love life and learning (especially the self-directed kind). His longest novel, *Martin Eden* (1908) was my favorite. It made me decide to become a writer for the rest of my days. ❑

Letters, *continued from page 6*

controversial novel, but more needs to be said. Bateman, the title psycho, does indeed have a moral system: *you should earn your way in life.* Bateman is often indignant at people who don't work for a living, and he kills some of them when he can. (Show me a man's indignations and I'll show you his morality.) But since he also doesn't work for a living — he has a phony job that his daddy got for him — he is painfully aware of not "paying his way." He has no morality to fall back on, and expresses his frustration through rage and force.

Bateman is not a consequence of normal capitalism, which when it works reaffirms the link between reward and effort, but he is something libertarians should understand (perhaps by introspection). Lacking a social bond between himself (the nobody) and those who do "pay their way," he is back in the state of nature, Manhattan-style.

It is too bad that it takes a boring, second-rate novel like Ellis' to raise this issue.

Noel Criscoula
Port Townsend, Wash.

Question Nationalism

The only problem with Carol Moore's "The Woman vs. the Nation-State" (November 1991) is that she limited her description of *nationalism* by referring simply to the nation-state.

Nationalism is a term that is very easy to comprehend: it is the chauvinistic and jingoistic sentiment that dominates both societal and domestic life in the United States today. And, of course, it is a secular religion that treats all criticism as blasphemy, labeling the unfaithful as *unpatriotic.*

This may explain why critics prefer euphemisms like the *military industrial complex*, and the *welfare/warfare state.* The socialist doctrines of left- and right-wing nationalism are always subject to debate, but nationalism, itself, is seldom questioned.

Nationalism continues to be the prevailing sentiment that molds public and private life around the world today. And the United States leads them all with a larger percentage of its citizens behind bars than any other country on this planet.

So the question is: Why do some libertarians attempt to identify libertarianism within the political spectrum of left- and right-wing nationalism? Libertarianism is not a nationalist movement, and it never has been. Like America's founding fathers, the goal of libertarianism has been *to reform government*, not society. It should be obvious that the *spirit of nationalism* clashes with the revolutionary *Spirit of '76*, which founded America.

Bob Krel
El Paso, Tex.

But What About Toe Jam?

After reading Carol Moore's manifesto I thought it would be interesting to make a complete list of problems/issues that are *not* the result of the pornography-watching, prostitute-forcing, child-abusing, war-causing and politically oppressive Male Dominated Culture. Here it is unabridged: belly button lint, chronic halitosis and not getting salt and ketchup at a Burger King drive-through window. Although, come to think of it, I'm not so sure about belly button lint.

Tim Yule
Prince George, B.C.

Utopia *and* Oblivion

What Carol Moore presented in her article on the nation-state and war is a variant of the old paranoid conspiracy syndrome: blame the world's problems on some convenient-to-hate group, and then offer a Utopia as an alternative. She says that the world is currently dominated by something called "patriarchy," which causes war; get rid of the patriarchy and peace will emerge. This is the equivalent of saying that the world is currently dominated by (take your pick) capitalists, communists, pagans, monarchies, Jews, or white supremacists, and that by getting rid of them the classless society (or whatever) will triumph.

It would make just as much (or little) sense to argue that the world is run by matriarchy, as evidence by the fact that men's lives, in most societies, are considered less valuable than women's (cannon fodder being an exclusively male role); war is a female invention, caused by women inciting men to fight each other. Women, in war, remain a privileged class, immune by law from battlefield duty, and protected by convention from harm.

The real problem with Moore's article is her assumption that power could somehow be had without resort to force. This demonstrates a dangerous ignorance of what power really is. Power is the ability to compel people to do what one wants. Any power based solely on consensus would evaporate the moment someone refused to consent. Such a society as described by Moore would not survive its first challenge, either internal or external. Those who were willing to use violence against it — whether by an imperialist nation-state or a rampaging street gang — would inevitably have the advantage. To claim that such a society would be morally better than others would have no meaning to those citizens about to be victimized, enslaved or destroyed.

Finally: any man who does forswear violence will be immediately branded by women as a "wimp" and summarily rejected. Perhaps *Lysistrata* had it backwards: it was women who insisted that men march off in the first place.

Joseph Miranda
North Hollywood, Calif.

Notes on Contributors

Gary Alexander lives in Reston, Virginia. Like Jack London, he once spent 30 days in jail for non-violent civil disobedience, and has covered a local war. Unlike London, he prefers capitalism to socialism and plans to live long.

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"Baloo" is the *nom de plume* of *Rex F. May*, a cartoonist whose works frequently appear in *The Wall Street Journal* and other publications.

Bob Ortin [Baures] lives in southern Oregon, far from the madding crowd. He advises that the word "Burons" (his cartoon editorials) derives from the words "bureaucrat" and "moron."

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William P. Moulton lives in Michigan. He does not believe that this should be held against him.

James S. Robbins is a writer and historian living in Massachusetts. He does not care whether or not you hold this against him.

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The Third World Property Rights Dilemma — *James Dale Davidson* shows that the problems of poverty and environmental degradation in the "less developed countries" are closely related to the lack of clearly defined, enforceable property rights.

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The Ten Commandments of Orthodox Environmentalism — *James Huffman* has descended from the mount with the shards of an ideology, and offers for our edification the goals implicit in environmental extremism.

Who Wrote *Little House on the Prairie*? — To libertarians, Rose Wilder Lane is an important pioneer of libertarian thinking. To the general population, if she is known at all, it is as the daughter of Laura Ingalls Wilder, author of the *Little House* books. In this startling essay, *William Holtz* explains that it was Lane who should be given the lion's share of credit for authoring the hugely successful series. He also shows how she injected libertarian thinking into the classic children's stories.

Terra Incognita

Houston

Evidence of the finer sensibilities of the distaff side, as advised in a recent article by Jacsun Shah, in the Houston *Chronicle*:

> Yes, I am a man-hater, yes, I am a feminist. and why not? Women are dying. They die every day, at the hands of men. Men . . . beat them, rape them, dismember them. Hell yes, I hate men. . . . To all of you women out there, I say *hate*. You have every right to. . . . I knew the kindest thing I can do for the women of this world is to hate men with full force.

Kenya

Progress of democracy in the Third World, as reported by the Detroit *Free Press*:

> Daniel arap Moi, president of Kenya, denounced the Ford automobile as "an ancient and derelict vehicle, which could not move without support and which failed after every few kilometers." Energy Minister Nicholas Biwott, Moi's closest political ally, called for a boycott of Ford automobiles because it will help people understand that "the name stinks," he explained. The Forum for the Restoration of Democracy, a popular movement challenging Moi's one-party rule, is popularly referred to by its acronym, FORD.

Vancouver, British Columbia

Another triumph for multiculturalism, as reported in the Toronto *Sun*:

> The Canadian tax enforcement agency, Revenue Canada, has established 26 bilingual positions in Vancouver. However, since practically no one in the area speaks French, the bilingual employees "don't get many opportunities to speak in French," explained the head of the bilingual program. They have been told to practice their French by speaking to each other for one hour per week.

Houston

Amendment to a progressive notion in the war on crime, as proposed by Dr. Louis Girard, who has previously advocated castration or the removal of ovaries of those convicted of serious crimes, as reported in the Detroit *News*:

> "For lesser crimes, partial castration or removal of one testicle or one ovary could be considered.

California

Progressive measure to protect consumers in the Golden State, as reported by *The Wall St Journal*:

> A California law passed in 1987 allows home buyers to sue sellers who do not disclose all deaths at the property that occurred within three years of the sale.

New York

Travel advice from Augustus Hall, national chairman of the Communist Party, as reported by *Associated Press*:

> "The world should see what North Korea has done. In some ways, it is a miracle. The capital is one of the nicest, finest cities in the world. If you want a nice vacation, take it in North Korea."

Washington, D.C.

Protection for the endangered federal horse inspector, reported by the Detroit *Free Press*:

> The 1991 Anti-Crime Bill includes a measure making it a capital crime to kill any of the nation's 20 federal horse inspectors.

Montgomery County, Va.

Innovation in elementary education, as reported by the Montgomery *Journal*:

> The PTA Halloween Committee of the Highland View Elementary School has outlawed Halloween costumes that involve weapons, violence or suggestions of violence. Instead, they are encouraged to dress as "native Marylanders or regions in Maryland."
>
> Principal Myra Abramovitz, who instigated the changes, was praised by Superintendent of Schools Brian J. Porter: "It appears to be a very, almost brilliant way to connect a social holiday with teaching and learning at school."

Minneapolis

New means of achieving marital bliss, as reported by the Minneapolis *Star Tribune*:

> Many wives turn in their husbands for working on their automobiles in their yards or garages. "The husband has an old car, and she gets tired of looking at it, so she calls us," explained John Moncur, director of licenses in Minneapolis. "She says, 'I'm his wife, but don't tell him I was the one who called.'" In Minneapolis, it is against the law to "do any car repair in a residential neighborhood, whether for profit, fun, or just to save money."

Hamburg, Germany

Historical note on the value of fiat currency, as reported by *Reuters* :

> German Finance Minister Theo Waigel announced his ministry is investigating disposing of 4 million pounds of East German paper money by shredding it, mixing it with manure, and using it as compost. "Burning the notes would cost too much and be environmentally unfriendly."

Chicago

Evidence that there are limits to official corruption even in the Windy City, as reported in the Chicago *Tribune*:

> Arthur Gloria, 20, was arrested after he drove a stolen car to take an exam to become a police officer. He parked his 1983 Oldsmobile across a crosswalk, and an officer noted that its window was broken and its steering column "peeled." After verifying that the car was stolen, the officer waited for its "owner" to return. Gloria was arrested as he started the car by inserting a screwdriver into the steering column.

Kansas City

Theological observation from the Show-Me State, as reported in *The Wall St Journal*:

> In response to criticism of spending $45 million to build an additional runway at Kansas City International Airport when nearly one third of the airport is vacant, Kansas City Aviation Department administrator John Duba exclaimed, "O ye of little faith!"

Atlanta

Further evidence that the ways of the Lord are mysterious indeed, at least in the Peach State, as reported by *Associated Press*:

> Dozens of motorists report that their lives have been changed by their noticing an "image of the crucified Jesus" in a billboard of a plate of spaghetti overlooking Memorial Drive in Atlanta. Joyce Simpson, who was considering leaving her church's choir for a "professional career," stopped at a gas station and noticed the sign. "And I saw Christ's face," she said, explaining that she was inspired to stay with the choir.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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continued on back cover . . .

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continued from previous page

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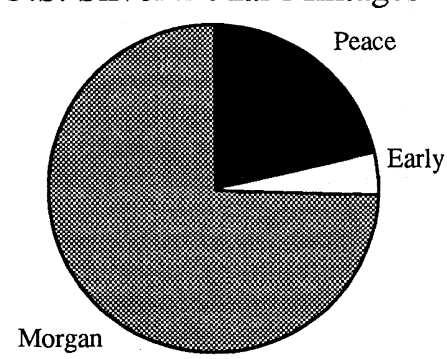

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Inside Liberty

March 1992
Volume 5, Number 4

4 Letters Our readers take *Liberty* into their own hands.

7 Reflections *Liberty's* editors on Presidents, living and dead; voters, active and inactive; breasts, implanted and deflated; taxes, cut and uncut; Russians, powerful and powerless; and other images, tightly focused.

Features

17 Patrick J. Buchanan James Robbins talked with Bush's right-wing challenger about America, Japan, illegal immigrants, drugs, the names of sports teams, and libertarian should support him.

21 Inside Pat Buchanan Chester Alan Arthur explores the mindscape of America's pre-eminent "paleo-conservative," looking for something even remotely libertarian.

29 Acid Rain and the Corrosion of Science Edward C. Krug, a scientist on the Reagan Administration's infamous "acid rain" commission, explains the real nature of the political pressure bearing down on science.

31 P.C. or B.S.? Meredith McGhan finds herself caught between the fascism of Political Correctness and the Stalinism of the Right.

33 America's Experiment in Sylvan Socialism John Baden has prepared an environmental impact statement on the U.S. Forest Service. The agency runs about as well as you can expect a government boondoggle to run.

37 No Accounting for Waste Randal O'Toole audits the U. S. Forest Service's accounting system: the bottom line is pork.

39 Albert Jay Nock: Prophet of Libertarianism? The great libertarian writer was a riddle wrapped inside a mystery wrapped inside an enigma. Stephen Cox unveils the genius behind the nut beneath the master.

47 Hong Kong After Tiananmen Kin-ming Liu examines the prospects for the future of his hometown.

51 The Ghost in the Little House Books William Holtz examines the professional relationship between Rose Wilder Lane, libertarian novelist, and her mother, Laura Ingalls Wilder, the official author of *The Little House on the Prairie* books.

55 Economics vs Bionomics? Ross Overbeek explains why he is not impressed with "bionomics." Michael Rothschild, bionomics' originator, explains why he isn't impressed with Overbeek.

Reviews

59 JFK, Conspiracies, and Me Oliver Stone made a movie. Lee Harvey Oswald shot a president. Sheldon Richman wrote this review. Where's the controversy? *Read on . . .*

61 A Paradigm Shifts Gears Jane S. Shaw puts the latest model of Public Choice through a test drive. Behind all the fancy new features lies a very practical development — constitutional politics — that means one thing: economics has gone into overdrive.

63 The Illusions of a Technique Lawrence White enumerates the benefits and hazards of cost-benefit analysis.

65 Booknotes on feminists, strangers, puns, lawyers, sports.

Departments

69 Notes on Contributors

70 Terra Incognita Excerpts from the real and unreal worlds of the media, the state, and the booboisie.

Letters

Steele's Aborted Argument

That David Ramsay Steele ("Peikoff's Objectivism: An Autopsy," January 1992) gave a critical review of Peikoff's latest book is an understatement. But do Steele's ideas (e.g., "a fetus is programmed with theories . . . we are born theorizing . . . we are all born into the world holding theories. . . .") improve any on those ideas of Peikoff that he characterizes as "barely coherent"? I doubt it; in fact, one of my fetal theories that I've never seen fit to revise is that "Steele is full of shit." (Just for a brief in-kind review. So, sue my grandfather!) Steele sounds more like an abortion clinic picketer than a critic of philosophy.

Not by way of defending Peikoff, Steele is no better for "(stopping) . . . where the interesting questions start." Like: How is a fetus so programmed? By whom? or what? Is every fetus conscious of its theories? Starting when? What theories does a fetus have? What meaning can a theory have to, and how can it be understood by, an embryo with no language or concepts? What happened to adults who wouldn't recognize a theory if one bit them? Will my revised theories be passed on to any eggs I fertilize? What embryo would not reject pro-choice theories?

Did Steele have his super-theory ever since he was conceived? Why didn't the rest of us get that theory? Perhaps the embryonic Steele was just so much better than me at reviewing, comprehending, testing, invalidating, and revising the entire phylogenetic universe of innate theories, and now he's on a higher level; a normal person would have been mentally exhausted before birth! Perhaps, again, I mistakenly place excessive value on my concept of "theory" and the role it plays in human learning and achievement.

David A. Braatz
Mt. Mourne, N.C.

Letters Policy

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

P.C. in the Sixties

Henry Veatch, though mostly right, is a little wrong when he says that, some 25 years ago, Rand's objectivism "was a cult that touched only the students and not the professors — at least not those professors whose calling was 'academic philosophy'" ("Might 'Objectivism' Ever Become Academically Respectable?" January 1992).

Leonard Peikoff, for one, was expounding Rand's Objectivism at that time as an academic philosopher (at Denver University), and so was I at the University of Colorado. From 1962 onwards, I assigned various works of Rand in my classes in social and political philosophy. I even had an article published in Rand's *Objectivist*.

This is not to say that I did not suffer for my temerity in certain ways at the hands of my department. Students were told by the chairman of the department (a great exponent of non-conformity of thought) not to take my courses. There was even hostility to my getting salary raises. In 1964 I had eleven articles published in various philosophical journals, some of the highest repute (e.g.: *Phil. & Phenomen. Research; American Phil. Quarterly; Phil. Studies; Analysis; The Phil. Review; October; Dialogue, The Canadian Philosophical Quarterly; Ratio; The Review of Metaphysics*). This was a time when publication was being touted as the *sine qua non* of and most meritorious of scholarly endeavors. On the recommendation of the department — most of whose members had no publications that year, but did have correct thoughts — I received the lowest salary raise of anyone.

So I know from first hand, let me say, the penalties of advocating unpopular causes in Academe, where as nowhere else is P.C. comparably mandated. But, let me add, I am happy that I stuck by my ideological guns and in retrospect would, given the chance, do exactly as I did then. I guess what I mean is: honesty does pay, in the noblest coinage of them all — self-respect.

John O. Nelson
Boulder, Colo.

No Clue

Neither David Ramsay Steele nor Henry B. Veatch seem to have a clue as to what the Objectivist movement is about. Mr Steele is inappropriately angry and vituperative, which are usually sure signs of a case without merit. Mr Veatch, whether intentionally or not, is a master at concealing the meaning of his sentences and paragraphs.

Robert J. O'Donnell
San Rafael, Calif.

Clue

R.W. Bradford ("Happy Anniversary, National Park Service," January 1992) has sharpened the horns of the dilemma of purpose faced by the National Park Service and by U.S. citizens. He illustrates the anguish caused by the impalement on first one horn and then the other. They can't rest on either point — that of permitted public access to, or absolute preservation of, National Park property. My mother, Lena Fletcher, daughter of the John Huelsdonk mentioned in the article, once wrote that the ideal National Park would be on the other side of the moon, hidden from view of the vulgar, and untracked or trodden by the feet of the elite.

My own characterization of "natural" National Parks comes from my experience and training in the administration of public zoos. The popular National Parks are oversized public zoological gardens, run by Park police rangers instead of zoo directors.

John A. Fletcher
St Paul, Minn.

Lesion: The Unkindest Cut

It's nice to see that *Liberty*'s commentary on "Magic" Johnson treats him as an individual and not as a symbol. However, as former host couple of several swing clubs, and with one of us trained in epidemiology, we find Kostelanetz's assumptions ("Lesion lessons," January 1992) about sexual transmission of HIV dubious.

First, his notion of "lesions" is too simple. HIV may well be transmissible through unbroken mucus membranes of the vagina, penis or rectum; even if not, a penile "lesion" may be no more than a roughened or abraded area, not particularly painful, especially during sexual excitement, when pain sensitivity is much reduced. Vigorous intercourse with someone with coarse pubic hair, or with insufficient lubrication, can easily produce such abrasions without either party's awareness.

Second, Kostelanetz must not be very promiscuous himself, or he would know

continued on page 6

The International Society for Individual Liberty presents:

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- **TOM GREY, Political & Economic advisor to the Prime Minister of the Slovakian Republic.**
- **ROBERT POOLE, JR., President of the Reason Foundation & leading authority on privatization**
- **DR. SVETOZAR PEJOVICH, of Texas A & M (authority on Yugoslavia and member of ISIL's Board)**
- **VICTOR DAVIDOFF, of the Free Market Foundation in Moscow -- also ISIL Rep for Russia**
- **KEN SCHOOLLAND, a former special advisor to the White House & current ISIL Board Member.**
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Letters, *continued from page 4*

that among people with several hundred sex partners, remembering more than a few dozen is very unlikely. Given the sports groupie scene in which Mr Johnson was probably participating, he is unlikely to remember many of his sex partners at all, much less recall a single act of vaginal intercourse as unusual.

Gracie & Zarkov
Berkeley, Calif.

Ominous Non-parallels

How could David Friedman ("The New Alger Hiss," January 1992) equate Clarence Thomas with Alger Hiss? Any similarity is drowned by two major differences:

1. The specific offense Thomas was accused of was bad manners in asking out a woman who didn't want to date him and using ribald language in her presence. The offense Hiss was accused of was turning over American secrets to a foreign power whose stated goal was the destruction of America.

2. The evidence that Thomas was guilty of his "crime" consisted of the unsupported assertion of a single witness. The evidence that Hiss was guilty consisted of the testimony of Whittaker Chambers plus extensive physical evidence.

Whether Mr Thomas was rude to Miss Hill we do not know, and I doubt we ever will. That is one of the problems one faces when making accusations years later without any evidence.

How Friedman could equate Thomas, whose guilt was never proven, with Hiss, who was proven guilty beyond reasonable doubt, is beyond my ken. Is *Liberty* finding it necessary to present both sides on major controversies even when the case is as clear-cut as this one?

Pat Williams
New York, N.Y.

A Question of Principle

I am disappointed by *Liberty*'s treatment of the Thomas-Hill hearings. Libertarianism is supposed to stand for the rights of the oppressed, the whistleblowers, the courageous victims of irresponsible authority. Yet in the premiere journal of the libertarian movement, four voices are raised in defense of Clarence Thomas, and not a single voice is heard defending Anita Hill. Indeed, Virkkala compares her to Tawana Brawley, and Kostelanetz suggests that Hill subconsciously "craved this week of celebrity." (This quickness to attribute Hill's testimony to psychological problems is not matched by any tendency to raise similar questions about Thomas.)

Thomas' support in the libertarian community is presumably due to the widespread perception that he is a closet libertarian. Of this I am skeptical; Thomas' record suggests that he is a traditionalist patriarchal conservative with some mildly libertarian views; his confirmation hearing suggests that he is a Bush-style pragmatist with no principled commitments. Neither prospect is heartening for defenders of liberty. But even if Thomas were the crypto-libertarian many take him to be, this would hardly warrant the unhesitating support he has received in the pages of *Liberty*. Shaw goes so far as to assert that even if Thomas is guilty of harassment, he was justified in denying it — and calling Hill's integrity in question — in order to win the nomination! And here I thought that as libertarians we were supposed to pride ourselves on not subordinating principle to expediency.

Roderick T. Long
Bowling Green, Oh.

No Cheers for Coase

I have not done any concentrated study in the ideas of Ronald Coase, but if David Friedman's elucidation of them ("How to Think About Pollution," January 1992) is accurate, I cannot concur in Friedman's cheer at his being awarded a Nobel.

Coase's notion of "least cost avoider" and Friedman's statement that "It is the joint decision — yours to pollute and mine to live where you are polluting that produces the cost" might seem strange to a libertarian. If you rewrite the sentence to read "It is the joint decision — yours to fire the gun and mine to be in the way of the bullet — that produces the murder," perhaps the problem becomes more clear.

Coase's ideas completely evade the notion of rights that should not be violated no matter *what* the cost of avoiding violating them is. He seems to imply that anyone has the right to anything he wants as long as he can convince a judge — who has no way, even theoretically, of calculating such a thing objectively —

continued on page 50

The Sound of *Liberty*

We captured the voices of *Liberty*'s editors and guests at the top of their form at a conference we held some time back, and offer their wise words on tape. Here is some of the excitement:

- *Liberty and the Environment*, with Jane S. Shaw, Richard Stroup, John Hospers, R.W. Bradford and David Friedman (A-107, V-107)
- *Making Sense of Rights*, with David Friedman, John Hospers, Timothy Virkkala, R.W. Bradford, Loren Lomasky and David Ramsay Steele (A-108, V-108)
- *The Economic Case* for *and* against *Anarchy*, by David Friedman (A-109, V-109)
- *Does Economics Make Sense?* by David Friedman (A-112, V-112)
- *The Poverty of Libertarian Fiction*, by Stephen Cox (A-114, V-114)

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Reflections

Happy Bicentennial — On the two-hundredth anniversary of the ratification of the Bill of Rights, the American Bar Association sponsored a poll in which respondents were asked to identify the Bill of Rights among four possibilities in an absurdly easy multiple-choice question. According to the New York *Times* (Dec. 15, 1991), just one-third identified the right answer. Only nine percent knew that the Bill of Rights was intended to protect citizens against abuses by the federal government, while 33 percent thought it was intended to ensure equality for all citizens. Almost three-fourths of the respondents said they would like the Constitution to guarantee adequate health care for everybody.

Maybe some people really do get the government they deserve. — RH

State of the union — As we begin another presidential election campaign, it's time perhaps to consider what this display of a "democratic people in action" actually means in America. Less than one-half of the eligible voters bother to vote at all. Of these, the winning candidate generally garners a bit more than half of the votes. He wins these by routinely lying ("Read my lips"), by shamelessly lavishing the wealth of productive people on every kind of mooching special interest, and by a brainless barrage of thirty-second television spots — paid for with money looted from the taxpayer. Those who do bother to vote know virtually nothing about the issues: they bask in what economists call "rational ignorance" (hence the brainless commercials). This, in essence, is the much vaunted "democratic process." How it could conceivably bestow the slightest shred of moral legitimacy on the victor is beyond me.

Meanwhile, Pat Buchanan's entry into the Republican contest is welcome news. It's unlikely that even the pugnacious Pat can force the supremely banal Bush to engage in real debate. But at least he can make the campaign fun to watch. — RR

No old taxes — In an effort to get the economy going again, President Bush has announced a 90-day moratorium on new federal regulations. No doubt this is a great idea, but it raises an interesting question: if Bush's regulations are hurting the economy, why does he promulgate them in the first place?

But promulgate them he has. As of October, the administration was working on 4,863 regulations. According to a study by National Chamber Foundation, the cost of regulation fell under Carter and Reagan from $5,800 per household per year in 1977 to $4,100 in 1988. Under Bush, the cost of regulation has already increased to $4,300. No wonder *The Wall St Journal* calls Bush the "Reregulation President."

So while there is no doubt that the moratorium is a good thing, why stop at 90 days? And why not abolish some of the other regulations that cost the average household $4,300 this year?

If the president wants a moratorium to goose the economy, here's one that will work a lot better than this wimpy 90-day holiday from new regulation: a moratorium on federal taxes. Let's see how hard people will work, how much they will invest, how prudent they will be if they can actually keep the fruits of their efforts.

Now there's a moratorium worth getting excited about! — RWB

My breasts, my choice — Expect the FDA's recent decision to ban silicone breast implants to lead to a tragic rise in fatalities associated with unlicensed, back alley breast implants. — BD

The plastic age of comedy — As a hobby, I enjoy watching the various historic fantasies produced (as "documentaries") by the Public Broadcasting System. They offer some of the most hilarious entertainment on television.

Case in point: *LBJ*, a television biography.

The idea, as I understand it, was to present a revisionist interpretation of Johnson to try to dispel the portrait that emerges from Robert Caro's meticulously researched multi-volume biography. Although Caro is a left-liberal himself, he is no fool. He sees Johnson for what he was: a vain, cruel, nasty person, who sought to enhance his own power and wealth by advocating and enacting massive increases in the size and power of government. This view scandalizes most left-liberals about as much as a fundamentalist is scandalized by evolution. After all, under Johnson, government grew at its fastest, with conventional left-liberal ideology holding near-monopoly power in the academy and the media.

The problem for left-liberals is that LBJ sunk us into Vietnam, a war we lost at considerable cost in men and money. But from the liberal perspective, Vietnam exacted a far more terrible cost: it destroyed people's faith in government, their confidence that if government tackled a problem it could solve it.

So the general thesis of PBS's *LBJ* seemed easy to predict: LBJ was a larger-than-life statesman who accomplished superhuman feats (the War on Poverty, the Great Society, civil rights legislation), but who had a tragic flaw (Vietnam).

So when my local PBS station ran *LBJ* in two three-hour blocks on two consecutive evenings, I taped the whole orgy for future enjoyment. Since then, whenever I need a boost in spirits of the sort that can only come from fantasy, I put a videocassette into my VCR and chuckle at LBJ's antics —

they are genuinely funny, from our perspective a quarter century later — and roll in the aisles over the attempts of the "documentary" to portray him as a tragic hero.

The other night I finally got to the show's last episode. And what a show it was! The story begins with film of the wedding of one of LBJ's ugly daughters. The narrator pompously intones, "It was August 6, 1966. There was war in Vietnam and riots in the streets. But there was still more Johnson hoped to do." What else, I wondered. War abroad and riots at home are pretty impressive accomplishments. Maybe a plague . . .

During the next 30 minutes, I was treated to perhaps the funniest television ever. Consider:

Several Johnson associates explain that he wasn't lying to the American people when he told them the war was going well. He wasn't lying because, for him, as a successful politician, the concept of truth had lost all meaning. All he cared about was saying things that would get people to do what he wanted them to do.

A black Johnson aide explained that Johnson met with him and other aides before dispatching them to Detroit to oversee the troops and tanks that Johnson was sending in to quell the race riots. LBJ delivered a histrionic little speech: "I don't want any bullets in those guns," he said softly. "I don't want any bullets in those guns!" he repeated a bit louder. "You hear me," he shouted, "I don't want any bullets in those guns! "I don't want it known that any one of my men are shooting pregnant nig . . ." Johnson stopped. "He was clearly embarrassed, and everybody in the room was embarrassed," the aide recalls. When the meeting ended, he asked the aide into his office. "He didn't say anything. I knew he wanted to say 'I didn't mean to say nigger.' But he meant to say nigger. And I knew he wanted to apologize. So he walked me over to the french doors that go out to the rose garden, the area where Eisenhower had had his putting green. He looked out, and looked at me, and looked down. There were pock marks on the floor from Eisenhower's golf shoes. He finally looked at me and said, 'Look what that son of a bitch Eisenhower did to my floor!' That was his way of apologizing. Very human, I thought."

The climax came when the narrator solemnly intoned an account of Johnson's four-day around-the-world tour in 1966. After visiting the troops in Vietnam and stopping in Pakistan, the President went on to Rome: "It was like a campaign tour of old. Johnson paid a surprise visit to the Vatican where he assured Pope Paul of his desire for peace. His Holiness presented the President with a fourteenth century painting. The President reciprocated with a foot-high plastic bust of himself."

Several Johnson associates explain that he wasn't lying to the American people when he told them the war was going well. He wasn't lying because, for him, as a successful politician, the concept of truth had lost all meaning.

This, I submit, is humor of the absurd carried to its limit. The only thing more absurdly funny is that there are millions of PBS viewers who don't get the joke. — RWB

Bushwhacked — What can you say when the high point of President Bush's trip to Japan was when he deposited his semi-digested lunch on the Prime Minister's fine tablecloth and suit? He spent most of the trip trying to force the Japanese government to force the Japanese private sector to buy more American products, especially cars and auto parts. In other words, America is now an exporter of economic fascism. His traveling companions were a bunch of corpulent corporate CEOs, including those of the Big Three automakers. (Where are the antitrust people when you need them?) I can see how the auto-parts deal might work; the head of MITI (the Ministry of International Trade and Industry) will call in the Japanese auto executives and order them to buy more American parts. But how will Japan's consumers be convinced to buy Chryslers, Fords, Buicks, and the rest? (It's hard enough to convince Americans to buy more of the same.) Since Bush's return, the Prime Minister has been saying that he made no promises. I hope he sticks to this line.

When Bush got home, he decided it was time to make a fool of himself in New Hampshire, where Pat Buchanan is hounding him. Doing his best impression of Daffy Duck, Bush sputtered that he was "sick and tired" of the Democrats hectoring him. (Coming from Mr Bush, this is an ominous phrase.) He said that when he wanted to go to war, he didn't need Senator Kennedy's permission; he just did it. (Anyone remember something called "the Constitution"?) In a burst of hysteria, he said that had he listened to the war opponents, we'd be paying $20 a gallon for gasoline. I'll save you the math:

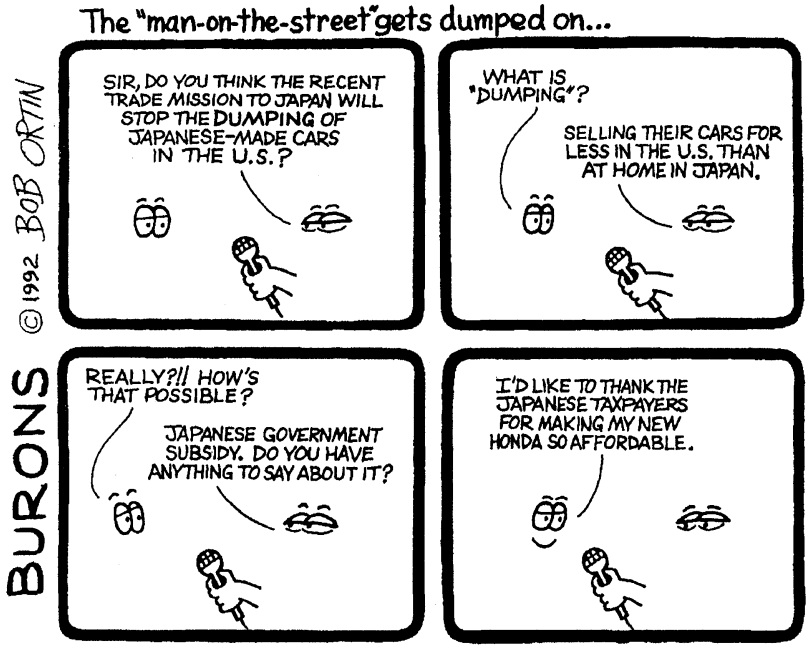

The Deadly Anomaly

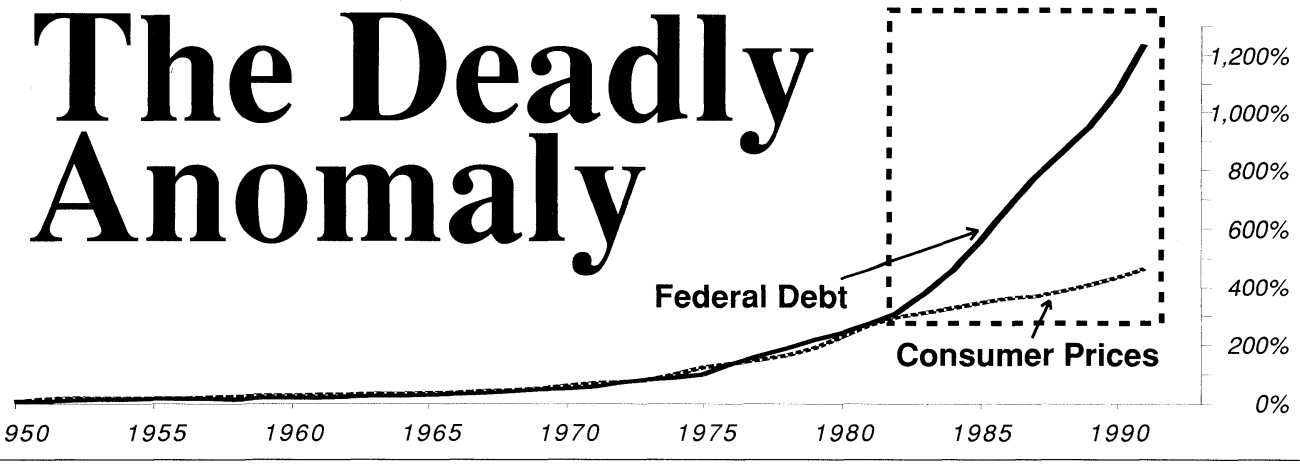

How this economic time-bomb points to the profit opportunity of the century.

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The great majority of economists are oblivious to the link between inflation and government debt, and have not noticed this ominous divergence in the growth of these two key measures.

One observer, however, has watched it with increasing alarm. Economist and author John A. Pugsley, who discovered the divergence, calls it, "The Deadly Anomaly."

Why "deadly?" Because it is dramatic evidence that the U.S. is in the middle of an economic bubble of historic proportions, and the collapse of that bubble will have lethal effects on the fortunes of most savers and investors.

A CLASSIC MANIA

The great investment bubbles of history—the Tulip-Bulb mania of 17th century Holland, the Mississippi bubble, the Roaring Twenties—all have one thing in common: *they were never seen as bubbles at the time.* Infected by the virus of soaring asset prices, the public became blind to fundamental principles of value. Amateur and professional investors alike fell victim to a euphoria that led to disaster.

It is happening again. Only this time the potential consequences are even greater.

While manias historically have occurred in relatively small asset markets (tulips, regional real estate, stocks, etc.), this time the bubble is in the biggest asset market in the world: *U.S. Treasury bonds.*

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During this past decade the nation has been on the worst credit binge in history. Total federal debt has grown from $800 billion in 1981 to about *$4 trillion* today. In just 10 years Treasury debt has more than quadrupled!

The most fundamental economic laws say that as the quantity of anything increases, *the price should fall, not rise.* Yet, in the face of an unprecedented deluge of federal IOUs, *T-bond prices have soared.* It flies in the face of reason, logic, and economic law.

INVESTOR MYOPIA

Investors are oblivious. In their euphoria they see only the bait: these bonds are assets. They fail to recognize the trap: these "assets" are also liabilities. Liabilities *that can never be repaid.*

Supporting his premises with detailed graphs and historical comparisons, Pugsley makes a sobering and incontestable case—a correction must occur, and the evidence is mounting that the correction is already underway. The anxiety over the Treasury bond auctions, fluctuating interest rates, a stalled stock market, a crisis in the banking system...all are only tiny hints of the dramatic upheavals that lie just ahead.

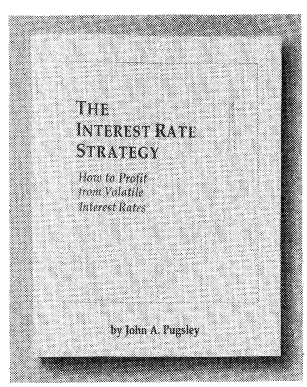

Because the majority of investors are oblivious of this approaching storm, *those who understand what is happening have a virtual license to steal over the next three years.*

Bond-market positions entered 24 months ago have quadrupled. They could double again within weeks. And positions held for the next two to three years could result in gains of 1,000%, 2,000% or more. That's right, we mean potential returns of 10-to-1, 20-to-1, or even greater.

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Some investors have worried that the immense gains of the past few months mean that they have missed the opportunity. Far from it. Those gains have occurred in just one segment of the plan. Two parts of this easy-to-implement strategy are now at ideal entry points, and even the 300% jump in the third part is no more than one-fourth of the anticipated move!

THE AUTHOR

John Pugsley is an internationally respected economist and financial author. His 1974 best-selling book, *Common Sense Economics*, accurately predicted the inflationary explosion that followed the demise of the Bretton-Woods agreement. Many readers made fortunes following his advice.

In 1980, when most economists were convinced that Reagan's tax reform would balance the federal budget by the end of his first term, Pugsley's book, *The Alpha Strategy* (8 weeks on the New York Times best-seller list), boldly warned that the U.S. would experience "the largest deficits in the history of the nation in the next five years," and showed small investors how to protect themselves.

His unique application of economic theory to commodity markets resulted in publication of *The Copper Play*, in which he predicted the price of copper had to double, and his original strategy resulted in dramatic profits for those who followed his system.

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After a three-year vacation from financial writing, John has returned with fresh insights born of careful, systematic research. His new flagship publication, *John Pugsley's Journal*, focuses the powerful lens of science and simple common sense on world events. Like radar in the fog, these principles illuminate unseen risks and opportunities that are invisible to conventional analysis.

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that's $840 per barrel.

George. I think you need a rest. A very long rest. —SLR

¡Contract sí, Pledge no! — Pat Buchanan's challenge to George Bush to take Bush's 1988 no-new-taxes pledge seems silly. Having broken his pledge before, why would anyone believe Bush would keep it this time? Why would we believe Buchanan's pledge, either, for that matter? After all, Buchanan has "changed his mind" on issues ranging from free trade to American military intervention; in the odd event that he was elected President, why should we believe he wouldn't change his mind on taxes?

The pledge is a contract without any provision for enforcement. But why not write the pledge in a way that it has teeth? Something like this:

The undersigned pledges that if he is elected President, he will oppose in good faith all efforts to increase taxes, including but not limited to increases in direct taxes, indirect taxes, user fees, and any other form of payment exacted from individuals or corporations by threat of fines, imprisonment, or civil action by the federal government. He further pledges to veto any such measure enacted by the Congress.

In the event that the undersigned fails in his above pledge, he agrees that:

1. He will immediately resign his office.

2. He will publicly apologize to the American people for his transgression.

3. He will turn over all his property, along with any income he might earn from any source whatever for a period of seven years, to a committee consisting of those members of the Senate who voted against said tax increase for the purpose of financing electoral campaigns of challengers to members of the Senate who voted for the tax increase.

In our present situation, a politician's word means nothing. Part of the reason is that most politicians are habitual liars. But so are members of other professions. The reason that politicians are able to lie with impunity is that they never accept contractual obligations. Now is the time to remedy this.

If Messrs Buchanan, Bush, Marrou and so forth want the voters to take seriously their opposition to future tax increases, then they should sign the contract. —RWB

Witness for the persecution — It has taken a year for it to happen, but at least it is happening. In October 1990 the American people and the U.S. Congress were appalled by the tearful testimony of a 15-year-old Kuwaiti girl — known only as "Nayirah" to protect her family — who said she had witnessed invading Iraqi soldiers tear 15 infants from incubators in a Kuwait City hospital and leave them "on the cold floor to die." The horrifying report helped fuel American anger against the Iraqi invasion of the distant emirate.

"Because a watched pot never boils."

After the war, reporters were unable to find a single other witness to the atrocity. It has now been revealed that Nayirah is the daughter of the Kuwaiti ambassador to the United States and that her appearance before the Congressional Human Rights Caucus was arranged by the public relations firm Hill and Knowlton, which had a multi-million dollar contract to represent Kuwait after the Iraqi invasion. According to John R. MacArthur, the publisher of *Harper's Magazine* and source of these revelations, Hill and Knowlton contributes money to the chairmen of the Human Rights Caucus and supports their congressional Human Rights Foundation. Nayirah's testimony may have been instrumental in swaying a significant number of votes to President Bush's war policy in the Persian Gulf. Seven U.S. Senators cited the atrocity story in floor speeches before voting for a resolution to authorize the use of force. That resolution passed by only six votes. The Human Rights Caucus knew their witness's identity but did not reveal it. No reporter pressed to find out who the girl was or how credible her testimony was. In other words: we the people were suckered by the state and its boosters. That's how foreign policy gets made in the real world. —SLR

Owning organs — Being on the waiting list for a heart transplant, I am understandably fixated on the harvesting of organs from people who, having assumed ambient temperature, no longer need them. First of all, there are, literally, tons of organs which go to waste by going to burial grounds. Even when someone has signed an organ donor card, there is a common reluctance of relatives to let the contract stand after the donor dies. This rather mean-spirited possessiveness is a major factor in keeping the supply of organs far below demand.

Lack of a free market for organs is the overall problem, of course. If volunteer organ donors could sign contracts with organ harvesting companies, and be paid for it, it would be far more difficult for fussy relatives to get in the way.

But my wife, Therese, has come up with a variation on the idea that strikes me as immediately practical. Why not, she asks, have life insurance policies specify that, after death, the remains of the insurance holder become the property of the insurance company. The company could then donate or sell the organs according to their own policy. Organs and other body parts for transplantation, from corneas to hearts, livers, and lungs are greatly important in sustaining life for hundreds of thousands of people. What a waste to just throw them away in what amount to neatly landscaped land fills. —KH

Magic — This not being a sports magazine, I won't trouble you with my disagreement's with Bill Bradford's assessment of Magic Johnson's impact on basketball ("The tragedy of Earvin Johnson," January 1992). Still, Bill's overall point is sound; Magic was a unique presence who transcended, if not transformed, the game he played. The comparison to Babe Ruth is, in that regard, entirely apposite. But let me offer another comparison, one at which I fear some people will take offense.

Magic Johnson is to basketball much like what Jack

Kennedy was to the politics of the early 1960s. Like Kennedy, Johnson brought enormous zest and energy to his calling. The one dispensed "Magic," the other "Camelot." Each unfurled a radiant smile wide enough to encompass a battleship. I was not politically precocious, but like others of my generation I somehow intuited that the world post-inauguration day was a new one. We were "Kennedy's kids" and remained such even once we came of age and began to scrutinize the darker side of his politics, even once we learned that paying any price and bearing any burden led ineluctably to jungles in Vietnam.

I will not say that Kennedy was as gifted a president as Magic Johnson was a basketball player. That isn't the point of the analogy. Rather, it is that each in his way defined an age. Both partook of greatness, but neither was without vices. Indeed, one vice they conspicuously shared. In Kennedy's case the craving for a continuous procession of fresh female flesh amounted to colossal imprudence partially redeemed by luck: for Johnson the luck has been terribly bad. Yet somehow what we now know about their appetites does not demean them as it does lesser men, as it surely does the youngest Kennedy brother. They — and Babe Ruth too, another conspicuously Dionysian figure — lusted as they did all else, with vitality and verve and a fullness of being that could not be confined within conventional limits, not as balm to middle-aged bloat.

Anyone of my generation will recall down to the small details just what he or she was doing on one awful November afternoon in 1963. For many of us another November day of sadness and loss is now to be indelibly etched in our consciousness. — LEL

What was the CIA doing in Camelot? —

I haven't yet seen Oliver Stone's *JFK*, and I am not sure when I will. Living 50 miles from the nearest first-run movie theatre has a marvelous way of helping one set priorities about which films to see.

But I've read enough about it to know that the premise of its whole argument is wrong. I refer to Stone's contention that JFK was murdered by a conspiracy of the CIA and other military-industrialist baddies who were upset that JFK was about to make peace with the communists and end the cold war. The fact is that JFK was the most militantly anti-communist of any American president in history, enamored of military solutions and the notion of restoring America's fighting tradition. The man who was elected by arguing that Eisenhower had let the Reds surpass the U.S. militarily (remember the "missile gap"?) and who founded the Green Berets would be the last man to want to make peace with the commies.

The etiology of Stone's fantasy is simple enough to understand. When Kennedy was assassinated, he was transformed in the minds of most people into a man of incredible virtue, almost a saint. His administration, which was beset with controversy and not particularly popular, became Camelot. If only Kennedy had been spared the assassin's bullet, then everything would have been okay. We'd have been spared the agony of Vietnam, the student demonstrations, the election of Richard Nixon . . .

On Jan 10, Professor Arthur Schlesinger, whose great claim to fame is his role in Camelot as a Kennedy advisor, joined Stone's fantasy world. In an article in *The Wall St Journal*, the famous historian cited the following evidence that JFK had had a remarkable change of heart:

1. In June 1963, Kennedy gave a speech in which he called for an end to the "vicious and dangerous cycle in which suspicion on one side breeds suspicion of the other."

2. At some point (Schlesinger doesn't say when), JFK authorized his UN ambassador to explore the possibility of re-establishing relations with Cuba. Kennedy had broken off all relations in 1961. The source Schlesinger cites is a quotation from something Bobby Kennedy said the following year.

JFK was the most militantly anti-communist of any American president in history, enamored with military solutions and the notion of restoring America's fighting tradition.

3. According to a statement made "later" by a deputy secretary of defense, JFK planned to withdraw from Vietnam by the end of 1965 (2 years later!), although for some reason (Schlesinger doesn't tell us) he continued to send additional troops to Vietnam while he was planning the withdrawal.

4. Sometime in 1962, Kennedy told Senator Mansfield, who had been critical of Kennedy's buildup of U.S. military forces in Vietnam, that he planned to withdraw in 1965.

5. In October 1963, JFK ordered the return of 1,000 American advisors.

That's it. A platitudinous speech, a recollection from his brother a year after the fact, a statement from a minor underling made some time later, a statement made to a powerful U.S. Senator who opposed Kennedy's policy, and an order to bring home 6% of the U.S. forces in Vietnam.

The January 18 *Economist* tells another story. Its book review section leads with a review of *Foreign Relations of the United States 1961–1963: Volume III, Vietnam, January–August 1963; Volume IV, Vietnam, August-December 1963*. These two volumes include virtually all documents from within the Kennedy Administration from 1963 relating to Vietnam. They were gathered from the JFK Library, the State Department, the National Security Council, the Defense Department, the Joint Chiefs of Staff, and the Secretary of Defense.

The *Economist*'s reviewer actually read all 1499 pages of this stuff. What he found was repeated rejections by Kennedy of any suggestion that the U.S. withdraw or scale back its military activity in Vietnam, even in the face of demands that he do so from his allies. Kennedy maintained the same position "in public and in private." The closest thing to a hint that a general withdrawal was contemplated is the October memo Schlesinger referred to. It ordered the return of 1,000 out of the 16,000 U.S. troops within the next 3 months, specifying that "no formal announcement should be made" of the minor withdrawal, probably to avoid anyone's misinterpreting the move as any sort of backing down.

"All through that difficult year," the reviewer writes,

"there is no evidence whatever of an 'independent' CIA policy, at odds with the president's, that might have served as the basis for an assassination conspiracy. Both before and after the coup [against the South Vietnamese government], the president had no discernible plans for a substantial withdrawal of American forces from Vietnam."

The reviewer quotes JFK's reiterating a policy of continuing American military presence in Vietnam, right up until his last statement on the subject a week before he was killed. "Did President Kennedy — as Oliver Stone contends in his controversial film *JFK* — plan to get out of Vietnam at an early date? This superb new two-volume documentary collection makes the answer clear; and it is no."

I enjoy a good conspiracy theory as much as the next guy, but c'mon. Let's keep them plausible. — RWB

GNPap — In this current milieu of defense cut proposals prompted by the disappearance of the only power potentially able to challenge the U.S. militarily, you can be sure to hear in the coming weeks (I have already) this absurd canard from defenders of more, or at least the same, defense spending: "Defense spending as a percentage of GNP is lower than during the Kennedy presidency."

Even stifling the usual cavils about the validity of GNP as a measurement, one is left with an argument standing on pure air. The cost of a nation's defense needs do not grow in lockstep with its economic productivity. In fact, why shouldn't they decrease over time like most other costs, particularly ones based on new technologies?

Apparently the "learning curve" in providing defense works only in calculating new ways to mulct the taxpayer. — BD

Engaging art — There are times when a single phrase clarifies things for me as effectively as an entire book. It happens when I've been thinking about something for a long time but still feel uncomfortable that I'm not able to put it all in place.

Until now, the most notable example came in two words among the many thousands of superb ones in Charles Murray's masterwork *In Pursuit of Happiness and Good Government*. He sought and found the two words that exactly sum up, in my view, what most people want in their lives, the things that mean happiness. The words are "affiliation and engagement."

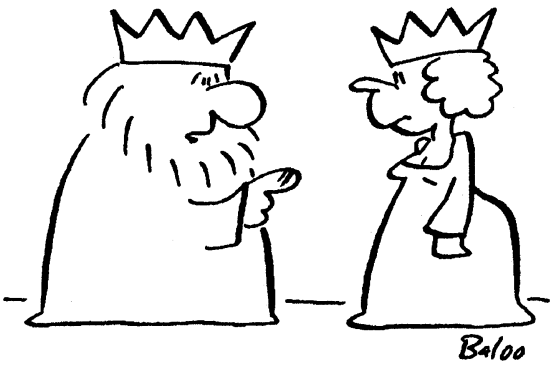

"I got a paper cut slashing the budget!"

Most of us want to be affiliated, to have friends, feel part of a shared culture or enterprise. And most of us want to be engaged actively in the construction of our future, rather than being mere victims of any untouchable determinism.

More recently, I have found in the writing of Albert Camus a single sentence that strikes to the heart of my own thinking about the unintelligibility of so much new art and music.

Camus, who earlier had clarified something else for me by saying, in *The Myth of Sisyphus*, that the only important philosophical question is suicide, is now revealed to me as having once said, "Art cannot be a monologue." In his view, it should *communicate* what the artist wants to say about the world of mind and materialism that we all share.

I look at Jackson Pollack paintings and I see linoleum designs. Only later do I discover that there is deeper meaning because while spilling cigarette ashes on the canvas, Pollack was involved in some sort of psychic crisis which, when understood, should elevate his otherwise plain painting to master status.

Well, that sums it up for me. I look at Jackson Pollack paintings and I see linoleum designs. Only after reading an essay by Sam Hunter do I discover that there is deeper meaning because, at this or that moment, while spilling cigarette ashes on the canvas, Pollack was involved in some sort of psychic crisis which, when understood, should elevate his otherwise plain painting to master status. Right.

Atonal music strikes me the same way. It is absolutely boring. But there again, the composer is said to be stretching the envelope, going where no ears have gone before and so forth. No wonder. Five minutes of listening to the same note, or no note, or a non-melodic, discordant and seemingly random array of notes, simply cannot engage most people whom I know. (This is not to say that the people who find high meaning in all this should not go ahead and feel superior about their sensitive natures. Maybe I and my friends *are* clods. So what? When you prick one of us clods do we not bleed?)

Listening or looking at something that is an expression of an artist's secret, unknowable angst is exactly the thing that drives me from the gallery or the concert hall. I do not go to such places to see or hear some secret Rorschach puzzle. As a registered clod I go to be enlightened, edified, exalted. I do not want to be caught in a monologue. I want to be affiliated and engaged. — KH

Live long and prosper — As a long-time member of the Consumers Union, I always look forward to its magazine, *Consumer Reports*. As a human being I am interested in living a longer and healthier life. So naturally, I was pleased when my January *CR* arrived with "Can You Live Longer?" emblazoned on the cover.

Inside I found a report entitled "Can Vitamins Help?" It

summarized the research that suggests that anti-oxidants (vitamin E, vitamin C and beta-carotene) "may offer protection against cancer, cataracts, Parkinson's disease and other disorders . . . Anti-oxidants are thought to be protective largely because they can inactivate free radicals, destructive molecules that can damage cells. . . . High levels of anti-oxidants — measured both in the diet and in the blood — have been associated with lower rates of [cancer, rheumatoid arthritis, cataracts, and cardiovascular disease] . . . it appears that the higher the anti-oxidant level, the lower the risk of disease, and vice versa. In some studies of diet and cancer, for instance, people with the lowest intake of beta-carotene had up to seven times the lung-cancer risk of those with the highest intake. In other reports, people with the diets richest in vitamin C were at the lowest risk for cancer of the stomach, oral cavity, and esophagus. And in a large study of 16 European populations, there was a strong correlation between high blood levels of vitamin E and a lower risk of death from coronary disease."

After citing more studies with similar results, the article notes that researchers believe the amounts of these anti-oxidants that one can get from changing his diet to maximize his intake "are too low to afford optimal protection from disease" and that "it's virtually impossible to get what appears to be an optimal dose of vitamin E by diet alone." They note that "even the relatively high doses recommended by these scientists [who recommend taking supplements of anti-oxidants in pill form] appear to be safe; the levels of vitamin C, vitamin E, and beta-carotene they consider optimal have not been associated with adverse effects." Finally they advise that the cost of the supplements, including government-recommended levels of other vitamins and minerals, is "about a quarter a day."

To sum up, there is a growing body of evidence that taking supplemental vitamin C, vitamin E and beta-carotene will help prevent a whole variety of horrible diseases; there is no evidence of any risk associated with taking the supplements; and the cost is very low.

What does *Consumer Reports* recommend based on this evidence?

a) *CR* recommends spending the few cents and few seconds needed to take supplements of vitamin C, vitamin E and beta-carotene in order to reduce your risk of cancer, cardiovascular disease, cataracts, and rheumatoid arthritis.

b) *CR* doesn't recommend taking supplements because the vitamin industry is completely unregulated.

If you guessed (b), you win. *CR* recommends against taking supplemental anti-oxidants, "although evidence is mounting" that they "slow aging and fight disease by protecting the body from free radicals." Why? "The nagging fact that the vitamin industry remains completely unregulated."

Personally, I'll take my chances on the unregulated marketplace, while loyal Consumers Union members are getting cancer, cataracts, rheumatoid arthritis, and cardiovascular disease, waiting for government regulation. — RWB

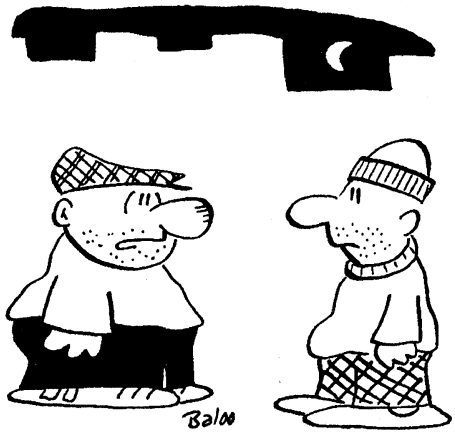

"I tried to mug Lee Iacocca, and he talked me into loaning him my gun!"

Creeping anarchism? — Anarcho-libertarianism is not for the faint of heart. Perhaps the hardest thing for most people to swallow is the idea that we need not have a government to provide police protection; the market could supply that service, too.

Remarkably, however, the United States has already moved far toward privatizing police services. According to the Justice Department's National Institute of Justice, as cited in *The Wall Street Journal* (November 15, 1991), "security companies spend $52 billion annually and employ 1.5 million people, compared to a budget of just $30 billion and a work force of 600,000 for public law enforcement agencies. Projections are that the balance will tip much further toward the private agencies by the turn of the century."

Unfortunately, responding to serious and violent crime continues to be mainly a government police responsibility. Are escalating rates of serious and violent crime any surprise? — RH

The unkindest cut — A common construction used by politicians these days is to say that if taxes are lowered, some way must be found to "pay for the cut." But they mean pay for state programs, not the tax reduction. Personally, I've never had any problems paying a tax cut — it's the tax hikes that have strained my finances. — JSR

Taking care — In a recent issue of *The New Republic*, Michael Kinsley takes journalistic note of the legal concept of "takings," developed by University of Chicago law professor Richard Epstein. Epstein argues that the provision of the Fifth Amendment that says "nor shall private property be taken for public use, without just compensation" effectively requires the government to pay just compensation when it takes away the right to use property while leaving nominal title untouched.

Case in point. In South Carolina, a man paid $975,000 for two beachfront lots on which he intended to build houses. Before he started building, the state passed a law making it illegal for him to do so, thereby rendering his property effectively worthless, or at any rate, worth far less than the $975,000 he paid for it. He has sued, and the case will be decided by the Supreme Court later this year.

The possibility that the Court may decide in favor of the victim has a lot of advocates of a more powerful government upset. If the government had to pay for the property it takes, then it would have to raise taxes, which would make taking property a lot less popular with voters.

Kinsley acknowledges that "good liberals must take the Bill of Rights seriously, including parts that are inconvenient." Nevertheless, he has little sympathy for the victims or for this particular provision of the Bill of Rights: "My liberal heart does not bleed much for the 'victims' of democratically enacted government regulations . . . Is the man whose land is reduced through zoning more to be pitied than the man who has no land to begin with?"

Kinsley concludes with that question, leaving it unanswered. Thank God, I am among readers of *The New Republic.* Here is the answer: No, the victim of a taking is no more to be pitied than a man with no land to begin with, no more than the victim of a "democratically enacted government regulation" against freedom of the press is to be pitied more than a man who has no press to begin with. Or than a victim of a "democratically enacted government regulation" against freedom of religion is to be pitied more than a man with no religion to begin with.

I've got news for you, Mike. Pity is not the basis of law.

— RWB

Hmmm . . . Isn't it interesting that the same people who did their best to destroy the so-called junk bond market, lynch Michael Milken, and generally abolish the market for corporate management now rail against CEOs who make millions of dollars a year running lousy companies? — SLR

End of a killer state — And so, at last, the bitch is dead. The Soviet Union is no more. From atop the Kremlin towers, the Red Flag, with its deeply ironic hammer and sickle — a hammer and sickle as the symbols of progress on the verge of the twenty-first century! — has been furled for the final time.

It was, while it lasted, quite a story, the premier example of Richard Weaver's maxim that ideas have consequences. A group of ignorant but invincibly willful Marxist revolutionaries seized control of a great country and set about realizing the Marxist dream. They soon discovered, in the period of "war communism," that it fell afoul of certain laws of reality, as Ludwig von Mises could have told them. Then, for the next six decades, they and their successors lurched from one expedient to another, dependent on bits of private property, black markets, Western prices and technology, and slave labor to survive. In the meantime, they established the model killer-state of the century, wiping out some 25 million of their compatriots, and terrifying millions of Europeans into fascism. Their errors and crimes blighted three generations of their own subjects and two generations of Poles, Hungarians, and others of the gifted peoples of eastern Europe. And all throughout, there were the lies, lies on an unfathomable scale, lies that plague us still today. What a pity that so many of those who welcomed the lies are not with us to see how it all turned out. I would give a lot to observe Jean-Paul Sartre, Simone de Beauvoir, Lillian Hellman, Paul Robeson, Owen Lattimore, and all the rest as they tried to cope with the shabby end of their cherished dream. Or Kim Philby and his ilk, who sold out England for its sake. Or, most of all (for these are matters of personal taste), Bertolt Brecht. The Communist Brecht, the most celebrated German playwright of the century, made a career out of willing the death of the business classes and private property through his hate-filled, biting sarcasms. I have the feeling that right now his clever sarcasms would be sticking in his throat. — RR

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Goodbye Gorby — What a spectacle: mighty Mikhail Gorbachev, leader of the fearsome USSR, owner of the dreaded black suitcase with the codes to launch those thousands of nuclear rockets that could incinerate and poison the earth, mighty Mikhail — whiling away his final days in office on makework tasks, reduced to political nothingness by the simple withdrawal of the subjects he had once ruled. The leaders of the republics simply declared that the USSR no longer existed and — *poof* — it didn't.

At the risk of making more of these political relabellings than they deserve, I cannot help feeling elated by this extraordinary denouement. The idea that people need not make a bloody revolution, that they might be rid of their glorious leader just by withdrawing his country from him — it's simply a thrilling event.

Now, in a completely novel way, perhaps the downtrodden people of the United States can begin to ask themselves, "Can it happen here?" — RH

A new year to celebrate? — January 1 is reserved by tradition and necessity for the nursing of hangovers. Most notable about this occurrence, however, is what did not hang over. The dawning of 1992 marked the first new year in seventy-five without the banner of the hammer and sickle waving over the heads of subject populations. What few of us believed we would see during our lifetimes has come to fruition. It is a new world that 1992 brings. But is it one in which we can lodge optimistic hopes?

The vanishing of the Soviet Union has not brought a vanishing of threats to peace and security. Some 27,000 nuclear weapons are lodged within the confines of the erstwhile empire. Although nominal central control over these has been established, four newly independent republics assert sovereign rights to their possession. Even before Gorbachev had vacated the presidential office, jockeying for position and power among the successor states had begun. Both borders and battleships became bones of contention. Civil war broke out in Georgia, and Armenians and Azerbaijanis evidenced their continued allegiance to mutual massacre. Shops are emptier than ever, and months of the long Russian winter loom ominously ahead. Increased civil unrest is certain. The world is understandably apprehensive.

The collapse of communism in its first home is, then, not the coming of the millennium. This should surprise no one. It is inconceivable that so momentous a shift of political forces

could occur without substantial ancillary shocks. Three quarters of a century of despotism and economic dislocation are not erased by substituting the initials CIS for USSR. Movement to markets and the rule of law have barely commenced, and their costs will be felt before their benefits are enjoyed. The media, attuned as always to what could/has/will go wrong, reports with breathless excitement every portent of problems. It is more than a little ironic that the overriding theme of commentaries about the first days of the post-Soviet era is Danger, Dismay and Doubt.

Perhaps the glum mood of American observers is encouraged by a recession that doesn't seem to know how to go away and an Administration whose only consistent concern is that the electorate not compel it to go away. Whatever the cause, this outpouring of uneasiness about the demise of the Soviet Union is misguided. The years ahead will be challenging — when have they not been? — but by any reasonable accounting the change is overwhelmingly for the better.

The foremost reason for optimism is, of course, that there no longer exists a great power whose chief industry is the manufacture and export of oppression. That human beings ought to be allowed to live, think, and work freely is no longer opposed by any serious ideology. The decrepitude of communism has been so thoroughly underscored that the message has gotten through even to our university departments. Weapons of destruction that survive the demise of the Soviet empire are, admittedly, a grave concern. But is the threat they pose greater than was the case, say, a decade ago? These devices, after all, had not been pointed at some obscure spot in the Indian Ocean. They were the prized assets of a regime that took seriously the goal of world domination through military and other means. It is, to be sure, worrisome that they now reside in several hands rather than one, but a crucial saving grace is that none of the inheritors possesses the will or ability to join the Great Dance of international power politics. It is their own houses that need fixing — desperately. Whatever leverage the West held over the Soviet Union to restrain its power-flexing ambitions was much less than now obtains *vis a vis* the independent republics. We can realistically conjecture that they will be willing to pay for the aid they so urgently need through progressive dismantling of destructive forces that can do them no real good.

There is, it goes without saying, much political and economic work for the republics to do. We should not lose sight, however, of just how promising their initial strides have been. They have avoided both reconstitution of an omnipotent central apparatus (as had been urged by Gorbachev) and fragmentation into jealously contending rump states. The loose confederal structure that has emerged promotes trade across borders without which economic survival is impossible, but it simultaneously encourages experimentation and emulation of those quicker off the mark by their stodgier brethren. Russia, under the direction of Boris Yeltsin's cadre of bright young economists who would more easily find themselves at home in the Libertarian Party than the Republican, has taken the lead in liberalization. It has instituted a bold program of price decontrol and privatization that will compel the institution of similar policies elsewhere. Ukraine, for example, is grumpily contemplating hordes of Russian shoppers descending on their shops and walking off with bushel baskets of subsidized goods. Politicos who prepped under Brezhnev may, for a time, attempt to send them packing. Eventually, though, they will be forced to concede that the only way to resist their incursions is by allowing prices to reach market-clearing levels.

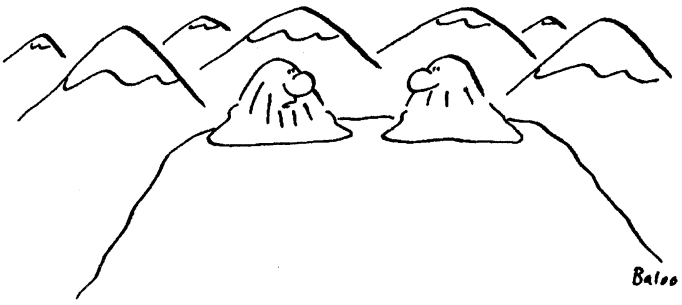

"This *is* a great place to ride it out, but how will we know when the recession is over?"

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This is a busy year for centennials: Columbus, the Bill of Rights. Nothing in human affairs is inevitable, but it is not impossible that our great-great-grandchildren will have another '92 to commemorate. In the meantime, only amnesiacs will fail to remember that a world with a Soviet Union was a considerably more chilling place than one without. — LEL

Economics, Russian style— I'm not sure Boris Yeltsin has got the hang of free markets yet. In January, he de-controlled prices, without privatizing enterprises. And I thought Richard Gephart's understanding of economics was thin! — RWB

The Liberty scoop — On June 8, 1967, three days after the Six-Day War started, the Israeli Defense Forces launched a two-hour air and sea assault on the *USS Liberty*, an unarmed but clearly marked American intelligence ship in the Mediterranean Sea. Thirty-four crewmen were killed and 171 were injured in the brutal attack, during which even the life rafts were shot up as sailors tried to leave the ship.

The Israelis claimed they thought it was an Egyptian ship. The Johnson administration minimized the episode, publicly accepting Israel's explanation and offer to pay damages. No investigation was ordered and heavy suspicion that the Israelis knew exactly what they were doing festered. The Israelis reportedly warned the United States that pressing the issue would lead it to reveal details of long-time Israeli-CIA cooperation. The hush-up was so effective that until this year the crew and ship were not publicly honored the way they normally would have been. Over the years, some authors

have ventured into the realm of revisionist history in attempts to turn the public's attention to the incident. Among the motives proposed for the attack was the *Liberty*'s having learned of Israel's plan to attack Syria the following day. Israel presumably feared that the United States would forward the information to the United Nations, which was trying to arrange a cease fire. It has also been written that the Joint Chiefs of Staff knew of the plan to attack the ship but delayed sending an order to move. The most complete account is James M. Ennes, Jr.'s 1979 Random House book *Assault on the Liberty*. Ennes was an ensign on the *Liberty*.

Now, 24 years later, syndicated columnists Rowland Evans and Robert Novak have published revelations that seem to show conclusively that Israel knew the ship was American. In their Nov. 6 Washington *Post* column they wrote that according to Dwight Porter, U.S. ambassador to Lebanon at the time, the American embassy in Beirut intercepted a message from an Israeli pilot to Tel Aviv stating, "It's an American ship!" Tel Aviv ordered the pilot to carry out the assault anyway. That Israel knew the nationality of the ship was confirmed by an Israeli officer (now an American citizen), Maj. Seth Mintz, who was in the war room when the *Liberty* was identified. "Everyone in that room was convinced it was an American ship," Evans and Novak quote Mintz as saying. (The U.S. embassy in Tel Aviv, per standard procedure, said at the time that it knew of no American ship in the area.)

This is a great scoop, but it is not the end of it. Two days after the column, New York *Times* columnist A.M. Rosenthal accused Evans and Novak of inventing the story by distorting what Mintz had said. Rosenthal had called Mintz and "got a furious denial that he had ever 'corroborated' that the Israelis knew. He said he had told the reverse to Mr Evans. . . . 'I was misquoted, quoted out of context, used, abused and screwed,' he [Mintz] said." In a letter to the Washington *Post*, Mintz repeated his charge, a serious allegation against two experienced journalists.

In a subsequent column, Evans and Novak stood by what they had written and surmised that the Israeli Mossad must have gotten to Mintz. Then in a letter to the New York *Times* they wrote that "a June 1991 videotape in our possession has Mr Mintz saying of the Israeli Defense Forces to a reunion of *Liberty* veterans in Washington: 'They knew . . . even when it was happening . . . pilots in the Mirage attack planes were saying it was an American ship.'" On the same page there was also a letter from John M. Hrankowski, a survivor of the attack. He wrote: "We met [Mintz] again last June 8 in Washington at our *U.S.S. Liberty* reunion. What he told us then and recently told Mr. Evans and Mr. Novak were the same. . . . I can have 12 crew members who were there . . . confirm what we heard." He also noted that "we the crew were told two hours after the attack never to speak of the attack, and that order remains in effect to this day."

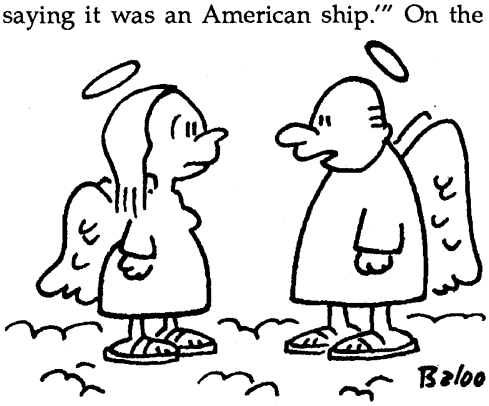

"Beats me — I haven't seen any Democrats *or* Republicans up here."

Oh, yes. There was another letter to the editor that day, sandwiched between the columnists' and Hrankowski's. It was from Seth Mintz. "I want to thank A.M. Rosenthal," he wrote, "for his accurate account of the events of 24 years ago involving the sinking [sic; the ship was not sunk] of the United States intelligence ship *Liberty* exactly as I gave them." — SLR

Warren Brooks, RIP — The cause of liberty lost a good and highly effective friend when Warren Brooks, the syndicated columnist, died of pneumonia December 28 at the age of 62.

Warren started out in the business world and did not move into journalism until 1975. His flagship newspaper was the Detroit *News*, though he was based in the Washington, D.C. area. He devoted his column to investigating the many ways the government makes us worse off. No one was better at this. His columns were always jammed with data and other juicy information. His most memorable and important work was in exposing the environmental movement for the sham it is. He was unequalled in his ability to scour the data, find the real story, and show that the environmental emperor had no clothes. He repeatedly demolished the claims about global warming, acid rain, radon, ozone, etc. He was a one-man debunker of the Clean Air Act and other hokum. Perhaps his greatest tribute was that "60 Minutes," a program not noted for sympathy to the free market, looked to him as a source of information.

That was Warren Brooks the newspaperman. Warren Brooks the man was first-rate too. — SLR

George Stigler, RIP — I knew Nobel Laureate George Stigler (1911–1991) only through his books, so, unlike his students, friends and family, my sense of loss at his death is not personal. Moreover, what I have had of him will always remain, in the books of his I hoard in my library and in the words of his I cannot forget. A leader of the "Chicago School," and an eminent advocate of free markets, he was also that rarity, a master of wit and irony. The world is a richer place for George Stigler having lived in it. — TWV

Two good friends — Two friends of liberty and contributors to this magazine have fallen to horrible diseases.

Phillip Salin, who wrote a wonderful scholarly exploration of the life and times of Scrooge McDuck and a fine survey of Nevil Shute's writings, fell victim to liver cancer in early December. Phil was a successful entrepreneur with a lively intellect, whose interest in liberty never flagged.

Robert O'Boyle, who wrote about the use marijuana to relieve the daily horror of AIDS with which he had been living for several years, finally lost his battle. His courage in the face of his fate was heroic: he took upon himself the task of writing a regular newspaper column, "Living With AIDS," helping raise people's awareness at the cost of torrents of hate mail and telephone calls.

We shall miss them both. ❑

The *Liberty* Interview

Patrick J. Buchanan

Pat Buchanan has made headlines lately with his challenge to George Bush. He has gained the support of some libertarians with his call for no new taxes and a non-interventionist foreign policy, while alienating others with his call for trade restrictions. He explains why he thinks he merits your support.

On December 30, I made an appointment with Pat Buchanan's New Hampshire press attaché for an interview the following evening, at his hotel in Manchester, New Hampshire, at an unspecified time after his last press appearance. New Year's Eve with Pat Buchanan. Out with the old, in with the new.

After hunting up a parking space some distance from Buchanan's Ramada Inn (a performance of Peter Pan had filled its parking lot), I hiked to the hotel and hunted up Buchanan's aide. "I have bad news," she said. "Pat isn't feeling well. It must be the flu." The interview was off, but I would be able to see him before he went to Mass and flew back to Washington if I could wait until morning.

Great, I thought. It was after ten, I was a long way from home, and I hadn't brought cash or credit card to pay for a room. It looked like I'd be spending the next 8 hours in a donut shop. I asked the aide if she knew of a 24-hour restaurant nearby. She didn't know of any, but Buchanan's national press attaché offered to help. He apologized for my having to wait all night and offered me the extra bed in his room. Good idea. He gave me a room key and I went up to his room.

As I was reviewing my notes, the door opened. It was another Buchanan operative, who invited me down to the bar. Why not? "I don't know how libertarian you are," he said as we headed to the elevator, "but there's a young blonde from the local campaign who'd like to take you home. She likes intelligent men." I graciously turned down this courteous hospitality. Had this guy confused libertarianism *with* libertinism? *I guess I was more enamored with "family values" than was the Buchanan campaign.*

We joined the party of Buchanan staffers in the rear of the bar. I had hoped for some interesting political discussion, but the closest I got was a graphic description by one aide of how he had beaten up a homosexual who had disrupted a Buchanan appearance, and warned him to tell friends they could expect the same if they tried anything. I whiled away the night, imbibing their champagne. Midnight, with its obligatory shouting, party hats, noisemakers, and more champagne. One of Buchanan's aides embraced me. "Libertarians," he said. "I love you guys!"

I arose early, got dressed, went over my notes, and went down to the dining room. An aide waved me over to Buchanan's table. A waitress appeared with a pot of coffee. We got down to the business.

— James S. Robbins

Liberty: You have used the term "America First" to describe your foreign policy views. Are you influenced in any way by the original America First Committee?

Buchanan: The original America First Committee's argument on the isolationist/interventionist issue is not really relevant today. That was over whether America should stay out of the war when Hitler was at the gates of Moscow and the Japanese were storming around China. I think that argument was really settled at Pearl Harbor.

A lot of the assaults on the people who supported America First are unfair. I think 83% of the American people wanted to stay out of the war before Pearl Harbor, and afterwards 99% said all the way to victory. It has been suggested that the phrase goes back to isolationism, and that's how Mr Bush is using it. What I mean by it is that Americans have got to start putting their own country, America, first. You have to make America first again, keep America first. It has to do with the struggles of the future that I see as shaping up between a dynamic Asian capitalism which wants to be dominant, and a European socialist super-state that's going to be headquartered in Brussels. In my view the phrase "economic nationalism," while inexact, comes closer to what I believe than the old term *isolationist*.

Liberty: What do you consider to be America's proper role in the international community, particularly in regards military force?

Buchanan: I like Jeane Kirkpatrick's phrase that America ought to become again a normal country in a normal time. I think that because we are a great, powerful nation that is envied by many other nations and in some cases despised by hostile dictators or hostile ideologies, we have to be the strongest nation in the world militarily — land, sea, air and space. I think we need a missile defense. But I don't think we are now in the same global struggle against Soviet Communism that we were in when I was a boy, when I was growing up and when I was in the White House. I think our enemy has collapsed in front of us. Its army has disintegrated and is walking home. While I think they were needed, our own ar-

mies can start coming home. And I think the burden of defense of countries like Japan and Germany can now rest almost fully on the shoulders of the Germans and the Japanese. To me that's not isolationism, it is common sense. It is not normal for a country like the United States, protected by two oceans, with two basically friendly neighbors north and south, to have huge land armies permanently on other continents. We are not an empire, we are a Republic. My idea is to try to restore the American Republic before it is lost in some globalist conglomerate called the New World Order.

Liberty: You were generally critical of the Gulf War effort, before and during. Do you have any criticisms given the aftermath of the war?

Buchanan: I thought a policy of containment would have worked with Saddam Hussein. I never saw him as Adolph Hitler or the Iraqi army as the all-conquering *Wehrmacht*. I didn't think Saddam represented a threat to the United States of America. Secondly, Saddam Hussein is obviously a thug and a killer. But I don't see any great moral distinction between his regime and that of Haffez el Assad and Rafsanjani in Teheran. It seems to be that the long-term threat, the greater threat to the Gulf and to the regimes which we support there, is going to come out of Teheran, not out of Baghdad. Iran is larger, it is driven by ideology and religious fanaticism, and it is virulently anti-American. Whereas Saddam Hussein is a single dictator who is one day going to pass from the scene. The single dictators have never impressed me as being as threatening to us as countries that are driven by an ideology that succeeds in one regime after another.

Liberty: Such as Islamic fundamentalism?

Buchanan: I thought the war would trigger an outbreak of anti-Americanism in the region, and while it was being fought it did, but it clearly subsided. But I think the long range danger in the Middle East doesn't come from Saddam Hussein marching all over that part of the world. You have the Turks, the Iranians, the Israelis, all very powerful, tough countries. The Saudis the United States can provide a defense for. So the way that region is going to change is internally, the way it is changing in Algeria.

The original America First Committee's argument on the isolationist/interventionist issue is not really relevant today. I think that argument was really settled at Pearl Harbor.

Liberty: Getting back to trade policy. Do you think that, corresponding to America First, other countries are practicing, for example, Japan First, Europe First?

Buchanan: I don't think there's any doubt the Japanese practice Japan First. Do you think that when the head of the Sumitomo Bank gets together with the head of MITI and the boys from the twenty-four Keiretsu cartels that somebody gets up and says "all we want is a level playing field," and "we must not violate the spirit of anti-trust?" I think the Japanese are a different country and a different society than ours. They have a lot of things to emulate, in terms of their desire for hard work, their family structure, their belief in their country and society. But there are a lot of things in Japan we don't want in our country. We don't want their type of organizations and hierarchical structure and the banzai attitude, if you will. We are a free people. I think we want to win our battle while preserving our way of life. They have these people living in these little houses, they have no space compared to Americans, and we don't want that.

This is where I run into trouble with my free trading friends. I don't doubt that one black worker in South Carolina making eight dollars an hour in a textile mill and supporting his family is probably not as efficient as say sixteen Chinese making fifty cents an hour. But the question is, why shouldn't we protect the job of that one black worker who is a fellow American, rather than opt for super-efficiency and buy the prison-made products of Deng Xio Peng?

This gets into the heart of my disagreement with the free-traders. I would not get into an argument with Milton Friedman over what is a more efficient allocation of goods. But to me there are values higher than efficiency. So I think the policy that applied in this country between 1865 and 1914, that made us the greatest industrial power in the world, when the standard of living of the average worker went up faster than at any time in our history — I think growth in the U.S. was something like average 4% per year. There were a lot of injustices in the Age of the Robber Barons, but America emerged from that the greatest industrial power in the world. If you are a new America Firster like me, that's not a bad thing. My good friend Murray Rothbard is going to have to come down here and instruct me on free trade pretty soon.

Liberty: So you would seek both to open markets abroad and protect them at home?

Buchanan: I believe in reciprocity. For example, we don't call the Brits and say if you want to fly British Air around the United States that's your privilege, lowest price, good competition. What we say is, look, if you guys want to fly to Chicago and Houston, that's fine, but we want to fly to Glasgow and Manchester. You give us so many stalls there, we give you so many stalls here. That's the way you deal with them. George Bush has abdicated his role, in a sense. The American President has to be on the side of American business and industry and concerned that we do be number one, because the country that is number one in manufacturing is going to be number one in technological innovation, and eventually number one economically and I think that eventually translates into military power. And do I think that if the Japanese became number one economically they could become a problem? Yes, in the long run.

Liberty: What sort of immigration reform would you favor? Do you see a cultural component to immigration?

Buchanan: I sure do. I think you enforce the country's law. You could halt 90% of illegal immigration in the southwest. There's only about 200 miles where they come across, and in one four-mile area some 300,000 were apprehended in one year. You can stop that with a depression in the ground, and if the President of Mexico doesn't like it, he doesn't like it. So I think you could halt illegal immigration.

And yes, I do see a cultural component here. The institutions of assimilation in the United States are really collapsing. The ones we used to have — say school, family, home,

church — that used to take the "refuse of Europe" and turn them into Americans in a generation or two, aren't working as they used to. At the same time we have an assault, a hostility, in the intelligentsia to western culture. It's manifesting itself in public schools and universities, attacks on the myth of heroes of the past, from trashing Christopher Columbus to taking the Confederate soldier out of the chair, taking the name off of Custer National Battlefield, "Hey hey, ho ho, western culture's got to go." You see it in the black community which was very Protestant Christian, patriotic, traditionalist in the '30s, '40s and even '50s. There's a new militance and radicalism and a desire to secede from western culture. We are a multi-ethnic country, but multicultural countries are in deep trouble.

Liberty: Do you see a similarity with the Austrian Empire?

Buchanan: Well that, of course, was smashed down. World War I was just a horrific, stupid disaster on all sides. But the way they were working the Austrian Empire — the dual monarchy and granting autonomies — to grow organically was the way to do it. But it was smashed apart. They enlarged these nations far beyond what they ought to have been, they took the Germans and carved them all up and gave them to various places and set the stage for World War II. It was just utter insanity. Utter insanity, the Treaty of Versailles.

Liberty: Do you see the United States being carved up in any similar fashion?

Buchanan: I want to keep America one. Maybe it's far down the road, what with some of these movements in the southwest, the militants in the Hispanic community. I think they're probably wrong, because I think most of the Hispanic immigrants want to become Americans. They want to learn English, and they want to be part of America. Most of them are Catholic, of the Catholic Spanish culture. Puerto Rico is of the Catholic Spanish culture and they said "we are a Spanish-speaking people of the Spanish culture." They voted that themselves. I think you can have an excellent relationship with Puerto Rico but it would be a mistake to make it a state.

Liberty: On the other hand, Canada seems to be carving itself up. The government recently gave half of the Northwest Territories to the Inuit, and the Quebecois are always threatening to leave.

Buchanan: I followed the Meech Lake Accord very closely, and I wrote a number of columns about Canada breaking apart. I was on television up there, and in a light vein I suggested we take over the Maritime Provinces and the rest of it. The Canadians went bonkers. The English-speaking Canadians have been leaving Quebec for a long time because there is sort of a cultural chauvinism in Quebec, but I understand the desire of the French Canadians to preserve their culture and heritage, and if more and more people are becoming more and more militant about this it's no problem for me. I think we ought to have a free-trade agreement with Canada. We ought to tell them whatever you decide up there is your business; we want free trade agreements with everybody to our north. If Quebec goes free we'll maintain the free-trade agreement with them. I think what's going to happen though is that Quebec is going to try to maintain its cultural identity sort of like the dual monarchy. I don't think they're going to break away and set up passport control and immigration control between Quebec and Canada, but I do see them telling the British speaking folk, if you want to leave, goodbye and good luck.

Liberty: Two months ago there was a controversy in the White House over Executive Order 11246 which established affirmative action in the Federal Bureaucracy.

Buchanan: I was involved in the fight over changing 11246 in 1986. I was on the side of Meese and Bennett and Linda Chavez, and we were opposed by Bill Brock and, some said, by Vice President Bush.

I would continue the present drug policy. . . . The truth is that the American people want the war on drugs prosecuted.

Liberty: If you were President, what would you do?

Buchanan: I would rewrite 11246 to specifically rule out racial or sex-based quotas in hiring and promotion. You have to get back to the idea of justice — justice and merit. These are arbitrary and invidious forms of discrimination. For example, when you give four points on a test to a veteran who has served his country, that is not invidious. If you are of a certain race, color or religion, and you get or lose points because of that, I think that is just patently un-American. You have to get back to the idea of excellence and merit. It's a problem in the whole country. Up here I went down to a plant I won't name and I asked some guy "What do you do?" and he said "I'm in human relations." I said, "Do the employees have problems with drugs?" and he said, "Yeah, but we also have to find out what the proper racial ratio is in this area." I said, "What do you need racial ratios for?" It was quite obvious. They wanted to make sure a certain number of employees are this and that color.

Liberty: Some libertarians have been mentioned in connection with your campaign. I'm thinking of Ron Paul, Murray Rothbard, Lew Rockwell. . . .

Buchanan: Ron Paul has been very helpful. He dropped out when I indicated I had an interest in running. He's been helping. Lew Rockwell is a good friend of mine. He's been very helpful. Murray Rothbard wrote me a wonderful letter. He's not 100% in agreement with me but he's 100% behind me.

Liberty: Do you have any disagreements with them?

Buchanan: Yes, but I'm sure they're with me. They're in the John Randolph Club of which I'm a member, which is a paleo-conservative/paleo-libertarian alliance. I was trying to get down to their meeting in January, but I'm afraid they have me on a fund-raising trip to California. So I'm going to miss it.

Liberty: In the past you have supported Bush's war on drugs. If you were President would you continue the drug war, or would you take a different approach?

Buchanan: I would continue the present policy.

Liberty: What do you think of legalizing soft drugs such as marijuana?

Buchanan: I'm against it.

Liberty: How about a Federally controlled program such as the English had for heroin addicts?

Buchanan: That failed, didn't it? My understanding is that most of the heroin programs in Britain have not succeeded. I wrote on it about fifteen years ago and haven't followed it closely, but my understanding is that they haven't succeeded. The truth is that the American people want the war on drugs prosecuted.

Liberty: What do you think about the Ninth Amendment? Do citizens possess rights not enumerated in the Constitution, and if they do, what are they and where do they come from?

Buchanan: Of course the Ninth Amendment is the one in whose penumbra they found the right to an abortion. I don't think there's any right to an abortion under the Constitution. There's a right to privacy inherent in a number of the Amendments, but I don't think it includes the right to an abortion.

Liberty: Do you take a positivist approach to rights? Do you believe that the rights written in the Constitution are the only rights? or are there natural or God-given rights that the Constitution only reflects?

Buchanan: I think there is a natural law which is consistent with Biblical Christianity, which tells you about man's moral obligations and moral rights. I don't think you can transfer those into the Constitution of the United States.

Let's get back to abortion, because that's the area where it's easiest to discuss it. There is no right to an abortion in the Constitution of the United States. Abortion is regulated by the states, some being liberal on abortion laws even in the '50s and '60s, and some being deeply restrictive. The Supreme Court had said that these are matters to be considered by the states themselves, and it was not a matter of Constitutional rights and prerogatives. There's no definition of how you deal with abortion in the Constitution of the United States prior to 1973.

I think there is a natural law which is consistent with Biblical Christianity, which tells you about man's moral obligations and moral rights.

Liberty: Do you find it ironic that the emanation of a penumbra resulted in *Roe* v. *Wade*, but the Supreme Court cannot get an emanation from the Second Amendment, which at least mentions the right to bear arms?

Buchanan: That's rank hypocrisy. I think the gun folks are exactly right that they ought to address the whole Constitutional issue. I'm surprised it hasn't come up before the Supreme Court. My guess is that some of these Federal laws are going to be tested before the Supreme Court. It seems to me that the right to keep and bear arms is clear.

Liberty: This is a "New Hampshire" question. Have you taken the Manchester *Union Leader* pledge not to raise taxes? Bob Dole didn't in 1988 and got into a bit of a pickle.

Buchanan: Don't worry, I'll take it. I will keep the promises that George Bush broke. Ask George Bush if he will retake it. It's sort of like Alcoholics Anonymous. George was up here and he was attending all the meetings and he suddenly disappeared for three or four years. When he comes back you know where he's been, but he'll take the pledge again.

Liberty: The issue of multiculturalism was highlighted during the World Series with the Atlanta Braves tomahawk chop. Are you offended by the Boston Celtics?

Buchanan: Of course not. The San Diego Padres. For heaven's sakes! Look, you have to take a look at peoples' motives. I'm a Washington Redskins fan. The reason they call themselves Redskins is because they want to say they have the ferocity and bravery and perseverance associated with the fighting tribes. It's not a term of insult. You don't pick a name like that because it's derogatory about your favorite team. I think the trouble is that a number of these militant groups are looking for some way to make out credentials as victims, that they are being harrassed and abused, when the American people are an extraordinarily tolerant people.

Liberty: What do you think of Reagan as president?

Buchanan: I think Reagan was an excellent President bordering on great.

Liberty: Nixon?

Buchanan: Nixon is the most interesting man I ever met, a pivotal figure in American history. He carried us through a terrible decade, and was a casualty of it.

Liberty: Teddy Roosevelt.

Buchanan: There are lots of things about Teddy I admire, lots of them. In terms of the personality of the man. A good President.

Liberty: Abe Lincoln.

Buchanan: Lincoln, huh? A subject of controversy. My great grandfathers fought on the other side. There's no doubt he's probably the most influential president in American history.

Liberty: Jefferson.

Buchanan: Jefferson was a tremendous man. I think Washington was the greatest figure in American history.

Liberty: What would you say if George Bush were sitting here? What would be your biggest complaint, or the thing you'd most want to say?

Buchanan: I don't have any personal quarrels with George Bush.

Liberty: Policy quarrels?

Buchanan: I like George Bush, even with policy quarrels. I think George Bush is a New World Order man, he's a big-government Republican, and he is a man of his times, a moderate Republican. I like him. It's simply that we are on the other side of a political divide, and the country is moving off in a new direction. I think he is yesterday, and we are tomorrow. But there's nothing personal about my quarrel with George Bush. He's never said — of course he did break the pledge on no new taxes — he's never said "I am Mr Conservative," and after the Cold War, which was a huge area where we agreed 100%, and in Reagan's administration we agreed 100%, we got all these new issues, and we found out that he's simply on the other side, and I'm on this side of the river. Our tribe's moving off in our direction, and his is moving in the other direction.

Liberty: Any final thoughts for libertarians?

Buchanan: My friends, there are only two trains, and neither of them is going exactly to your destination, but mine is closer. So get aboard. ❑

Exploration

Inside Pat Buchanan

by Chester Alan Arthur

What's inside Pat Buchanan? Blood and guts and . . . a love of liberty? Or authority? A brilliant mind . . . or an anti-intellectual's set of knee jerks? A heart . . . or a ticking time bomb?

Just when you thought the 1992 political race would amount to a showdown between Superwimp George Bush and some undistinguished (and indistinguishable) Democratic moron, Pat Buchanan jumped into the race and began to look as if he might mount a real challenge.

Happily for Buchanan, the nation's first primary is in New Hampshire. Granite state voters are different from voters elsewhere. For one thing, they are arguably the most anti-tax in the nation. Bush won their hearts in 1988 by promising no new taxes, a promise he cavalierly broke two years later, upsetting many New Hampshire people. (A naive lot, apparently: the promise of a politician is so worthless as to mean nothing.) Buchanan promises no new taxes, and invites Bush to take the same pledge. Bush is damned if he does and damned if he doesn't. Signing the pledge focuses attention on his broken pledge of 1988; refusing to sign opens him to charges of favoring higher taxes.

An extraordinarily high percentage of New Hampshire voters are Roman Catholic, like Buchanan. And like Buchanan they are not your big city, left-liberal Catholics: most are conservative economic refugees from feudal Quebec who find Buchanan's right-wing Catholicism far preferable to George Bush's elitist Episcopalianism.

Best of all for Buchanan, New Hampshire voters are not at all reluctant to slap a front-runner or even an incumbent President in the face. They almost knocked off Barry Goldwater in 1964; they embarrassed LBJ in 1968; they humiliated Ed Muskie in 1972. They are independent and not afraid to rub a bigshot's nose in dog dirt if they think it might be fun.

By all accounts, Buchanan is dead serious in his race. People close to him say he intends to be President. Of course, his chances of wresting the nomination away from George Bush are just about nil, and he surely knows it. The power of the Presidency is such that it is virtually impossible to deny him his party's nomination.

Only two incumbent presidents in this century have failed to win their party's nomination; in both cases, they withdrew. In 1952, the immensely unpopular Harry Truman, having botched the Korean War, lost China and eastern Europe to Stalin, and allowed Communists to infiltrate the U.S. government, dropped out early. In 1968, Lyndon Johnson, a man who truly loved the exercise of power, withdrew after having his nose bloodied in the primaries. But what really forced him from the race was the weariness engendered by his increasing awareness that he was losing the Vietnam War and a mad hope that he would be remembered better by future generations if he withdrew to help the peace talks. His power over the nomination was undiminished: he passed it on to his clownish vice president, Hubert Humphrey, so weak a candidate that he was trounced by the unlovable Nixon.

The most unpopular Republican incumbents of the century all wanted their party's nomination and all got it. Taft in 1912 was so unpopular that when his challenger Teddy Roosevelt ran on a third party ticket, Roosevelt clobbered Taft in both the popular and electoral vote. In 1932, the Depression had reduced Republicans from the nation's overwhelming majority party to a pathetic minority. Yet they were unable to dump Herbert Hoover, the man most Americans held responsible for their plight. In 1976, Gerald Ford easily won his party's nomination, despite the following handicaps: (1) he had never run for office in a constituency other than his own Congressional district; (2) he had been appointed to his job by a President who by common consent was a crook; (3) he was a complete boob, whose only endearing characteristic was his physical klutziness;

(4) his challenger, Ronald Reagan, was the clear favorite of his party and would soon prove to be the most popular Republican in history.

In a contest with Buchanan, Bush has more than the power of the incumbency in his favor. Buchanan has never run for any office. His closest brush with running for office came in 1988 when he considered running for president. The last time voters elected a president who had never before held high office was . . . never. The last time a political virgin was nominated for president was in 1940, when Republicans nominated Wendell Willkie, a big-business internationalist.

What Buchanan is seeking is not the 1992 Republican nomination. He is too smart to believe he can capture that.

Pat Buchanan is not your typical conservative Republican. For one thing, he is a good deal smarter and more articulate than most.

What he is after is the role of leader of conservatives, far and away the most powerful constituency within the Republican Party and arguably the most important political group in presidential elections. The "office" of conservative leader has been vacant since Reagan left the Presidency and began his well-earned senility. Bush managed to capture the Republican nomination by bribing the votes of conservatives with his no-new-taxes pledge and in the absence of any really exciting conservative challenger. But Bush is no conservative, and conservatives know this. For one thing, he is a scion of the Eastern Establishment. For another, he came by such conservative views as he espouses only after he became part of the Reagan Administration.

What's at stake in the Buchanan campaign is important. A good showing in the primaries could have many effects. It might pull Bush toward Buchanan's positions on taxes and trade. It might embarrass Bush, and increase public support for lower taxes. And Buchanan might win the leadership of the conservative movement, which could in turn lead to his capturing the Republican presidential nomination in 1996.

The hopes of those American conservatives who mistook Bush for one of their own have been dashed during his occupation of the Oval Office. Bush quickly backed down on gun control and the minimum wage law. Worst of all, he broke his "no-new-taxes-read-my-lips" promise, giving Congressional Democrats the tax increase they wanted in exchange for a compromise on spending that the Democrats immediately backed out on. For a while, he overcame his wimp image by invading Iraq. But he quickly lost it when for some reason he decided to leave the demonized Saddam in power and the situation in the Mideast as messed up as ever.

In the wake of Bush's surging popularity after the immensely popular invasion of Iraq, Buchanan put his presidential ambitions on hold. But as Bush's popularity plunged with the economy and it became increasingly clear Bush didn't have a clue about what to do about it, Buchanan saw his opportunity for a respectable showing and the prized leadership of conservative Republicans.

Pat Buchanan is not your typical conservative Republican. For one thing, he is a good deal smarter and more articulate than most. But he also differs from most conservatives on several issues:

- Buchanan opposes free trade, which he thinks creates unemployment. ("I don't want a level playing field," he told *Meet the Press*. "I want America to win."*)
- He worries that liberal immigration problems will ultimately result in white people becoming a minority in the U.S.
- He is critical of Israel, and of "Jewish influence" on American foreign policy.
- He has on occasion expressed isolationist arguments.

These views have earned him the enmity of many conservatives, inspiring William Buckley, for example, to devote virtually an entire issue of his magazine to a futile attempt to prove Buchanan to be an anti-Semite and inducing most office-holding conservatives to rally round Bush in hopes of future rewards.

All this plays into Buchanan's hands. As a lifelong resident of Washington whose life has been inextricably bound up in presidential politics, Buchanan has used the opposition of establishment conservatives as evidence that he is "outside the Beltway," a prerequisite of conservative leadership.

And so Pat Buchanan finds himself in New Hampshire, hectoring Bush for breaking his promise against new taxes and pandering to blue-collar voters with his nativism and opposition to free trade.

A Head Newly Buried

Like most libertarians, I welcomed Buchanan's challenge to Bush. Buchanan's tough stand on taxes is reminiscent of Bush's own 1988 stand. Buchanan's willingness to consider a less adventuresome foreign policy is refreshing. And best of all, Buchanan is the antithesis of Bush in matters of style: Bush is almost the platonic form of mush-mouthed wimp; Buchanan is articulate and forthright.

On the other hand, I wasn't about to join his crusade without learning a bit more about the man. For one thing, I didn't much care for his support of the war on drugs or his misgivings about freedom of speech.

Buchanan's isolationism also worried me. Traditionally, many libertarians argue against diplomatic entanglements and military intervention. At the same time, they support open immigration and free trade: "If goods don't cross borders, armies will." Critics of this position often caricature it as "let's bury our heads in the sand and isolate ourselves completely from the rest of the world." That's a cheap shot against the isolationism that libertarians traditionally advocate. But it seems a fairly reasonable way to characterize Buchanan's anti-trade, anti-immigration, anti-intervention view. Prior to Pat Buchanan's conversion to this odd form of isolationism, the only political figure I knew of who advocated this sort or extremely literal isolationism was José Rodríguez Francia, dictator of Paraguay from 1816 to 1840, who cut off all diplomatic relations

* One wonders: Is America so badly off that it cannot win on a *level* playing field?

with other countries and outlawed foreign trade, immigration and emigration.

Buchanan's isolationism is quite recent. During the cold war, he was a vociferous hawk, but when the Gulf crisis erupted in August 1990, Buchanan was articulate in opposition to U.S. intervention, and he remained opposed for several weeks before he flip-flopped and got on the bandwagon for the war. And he is not terribly consistent: currently, he calls for U.S. military intervention in Yugoslavia.

Far Right from the Start

What sort of man is Buchanan? Does Buchanan have libertarian inclinations of the sort that stirred the souls of Barry Goldwater and Ronald Reagan? I had followed his career as speechwriter and public relations flack for Nixon, Agnew and Reagan. I had read *The New Majority*, his rather silly 1973 *apologia* for Nixon (sample of his silliness: the first element of Nixon's legacy to America would be "an honorable end to American involvement in the war in Vietnam, a peace that does not disgrace the sacrifices of a decade"). I had read his *Conservative Votes, Liberal Victories* (1975), but about all I could remember about it was its call for a more powerful military and aggressive foreign policy, and its argument that conservatives should concentrate their efforts on capturing the presidency and increasing its power. I had read a fair sampling of his syndicated columns. I hadn't seen much of *Crossfire*, the television show that had earned him stardom, but I had seen a fair amount of him as a member of *The McLaughlin Group*.

Buchanan is the antithesis of Bush in matters of style: Bush is almost the platonic form of mush-mouthed wimp; Buchanan is articulate and forthright.

From all this, I had a reasonable handle on Buchanan's views. But I had only a vague impression of his character and his underlying political philosophy. So I got hold of a copy of *Right From the Beginning*, his autobiography. Written in 1987, it was the work of a Buchanan more mature than the public relations man who had written *The New Majority* or the fledgling political columnist who had written *Conservative Votes, Liberal Victories*.

Right From the Beginning is vastly different from his earlier books. For a start, its jacket is covered with praise from a variety of individuals ranging from George Bush to Diane Sawyer, from publications ranging from *Human Events* to *Catholic Standard*. On its cover, Buchanan smiles wryly at the camera, dressed in a well-tailored conservative suit, arms folded across his chest. This contrasts considerably from *Conservative Votes*, whose cover is bereft of reviewers' praise and shows a fat Buchanan with long greasy hair pulled back gesturing broadly as he speaks into a barrage of microphones.

It's a different book inside too. For the autobiography of a political figure, it is peculiar, detailing his childhood, puberty, college days, and the beginning of his writing career all along emphasizing his political and social views, but mostly ignoring his political career.

His story is of life in a very authoritarian Roman Catholic family: childhood filled with discipline, sports, and fighting; teenage years filled with drinking, driving, and fighting; a college career filled with drinking, partying, fighting, and a growing realization that he was a political conservative; a very brief career (6 weeks) as a reporter and 3 years as an editorial writer, during which time he continued to drink and party heavily, though he apparently gave up assaulting people he didn't like. His family was well enough off to have servants, vacation at the seashore, attend private schools and regularly buy new Oldsmobiles, which Buchanan and his brothers wrecked with drunken abandon.*

He was the third son in a family of nine children of an upper middle class Roman Catholic family in Washington, D.C. His father taught him to accept and obey the teachings of the Church, to obey his parents, to have good manners toward women, and to fight whenever he or a relative or a friend was insulted or thought he was insulted. "To Pop, fighting was a concomitant of man's existence." From the age of seven, young Pat and his brothers were required to work out at the punching bags. "While other boys were being punished for getting into fights as toddlers," he said at the grave of his father, "we were punished when we failed to hit a punching bag 400 times a day."

His story is of life in a very authoritarian Roman Catholic family: childhood filled with discipline, sports, and fighting; teenage years filled with drinking, driving, and fighting; a college career filled with drinking, partying, fighting, and a growing realization that he was a political conservative.

Not surprisingly, young Pat got into fights. With his training and the aid of his well-trained brothers, he fared better than most, and it is evident that he continues to take special pride in his fighting, especially his ability to "sucker punch" an unsuspecting victim, an ability he boasts of several times in his book.

His most serious brush with the law occurred in 1959 while he was a senior in college. Driving home his date, "a tall blonde from Virginia," he got stuck in traffic behind a slow-moving police van. He honked the horn to get it to speed up, but it didn't. So he honked some more and decided to pass. Not surprisingly, the police signaled him to pull over and began to write him a speeding ticket. Buchanan

* In his biography, Buchanan says his brothers wrecked six cars, but that he was only ever involved in one minor accident. Elsewhere in his biography, however, he tells of his involvement in other accidents, and *The Wall St Journal* reports that he "revels even now in talking about the 11 cars he and his three older brothers totaled in 24 months in a kind of juvenile demolition derby."

responded with a barrage of "X-rated language." He was ordered out of the car, at which time, he writes, "I can fairly be said to have been resisting arrest . . . I put a size ten-and-a-half cordovan where I thought it might do some good." Buchanan was finally subdued by the two cops and a passing citizen and tossed into the patrol wagon. Still feeling his oats, he "hammered with [his] fist on the thick glass pane separating the back of the truck from the front seat where the two cops were now observing the caged beast they had just apprehended." The two cops he had assaulted ended up in the hospital, and Buchanan was hauled to the police station where he continued to "mouth off."

Happily, Buchanan's father was well-connected, the appropriate lawyer was hired, the charges were reduced and he walked away with a $25 fine. That was less, he notes with evident satisfaction, than he customarily paid to Montgomery County "for a routine disorderly conduct." His adventure cost him more than $25, however: he lost his scholarship to Georgetown and was suspended for a year.

During his year away from school, he worked for his father's accounting firm and worried about his future. "Never again would I get arrested, and only once would I get into something that could remotely be called a fight. In that year, I grew up half a decade."

Twelve pages later, he recounts the last episode "that could remotely be called a fight." It seems another student had insulted Buchanan's friend, Oliver. "While I had nothing against [him], I had nothing for him either. However, Oliver was my best friend at school and I now recalled darkly" an episode where this person had made a sarcastic remark to him as well. "No one wounds me with impunity." Later that night he ran into his new found adversary in the library and directed "some caustic words" at him. When he responded in kind, "I sucker-punched him." Buchanan relates the story with detail, celebrating especially that he had *literally* "beat the shit" out of his victim.

Despite his tendency toward illegal behavior and his frequent arrests, Buchanan is proud that he was different from the '60s radicals who followed him:

> While our hell-raising in the '50s might appear of a piece with that done by the radicals in the 60s, there was more than a small difference. Some of the 60s young openly despise the government and the "system"; they regularly reviled the cops as "pigs." We weren't in the least unhappy with the "system." We loved the world as we found it. We didn't want to change anything.

Of course, it's not difficult to fathom Buchanan's good relations with police. As the son of a wealthy, well-connected family, his punishment never amounted to more than a slap on the hand. And shortly after graduation from college, even hand-slaps were a thing of the past. At the St Louis *Globe-Democrat*, where Buchanan wrote editorials, "we supported and defended the police and the FBI; and they, in turn, depended on us and fed us. They had a friend at the *Globe-Democrat* and knew it." The police reciprocated that friendship by granting Buchanan immunity: when stopped late one night for driving "suspiciously" (he provides no details, though he elsewhere explains he spent his evenings drinking heavily at a variety of bars and nightclubs), he simply "handed my *Globe-Democrat* press card to the officer, along with my driver's license. He straightened up: "Mr Buchanan, can you make it home; or do you want one of us to drive you?"

"No one wounds me with impunity. . . . I sucker-punched him." Buchanan relates the story with detail, celebrating especially that he had literally "beat the shit" out of his victim.

The End of the Beginning

At times, Buchanan seems extremely emotional. His eulogy for his father and his account of his oldest brother's sudden death, for example, are powerfully written, heavy with emotion. He writes with fiery emotion about his disgust at being prohibited from endorsing Barry Goldwater: "The fighting *Globe-Democrat* was taking a dive, going to the tank . . . this seemed craven and cowardly . . . I was acting editorial editor — the man to whom all phone calls were transferred. By the score, state legislators, businessmen, conservative leaders, and common folk telephoned all day long, to tell me we were a pack of gutless cowards. The men were choking with rage; some of the women were crying. All day long I took the abuse. For the first time, I was genuinely ashamed of the St Louis *Globe-Democrat*."

At other times he seems cold-hearted. As a supporter of capital punishment, he thought he ought to attend an execution. So he and his roommate (a reporter for the *Globe*) arranged for tickets to a gassing, which he coldly describes in intimate detail. Still not sure whether he himself "could have pulled the lever and put a fellow human being to death," he returned to the execution chamber six months later, this time alone, and stood next to the executioner as he killed the prisoner, apparently imagining himself pulling the lever that released the deadly gas. "Watching a man's life taken away from him is not pleasant . . ." he writes, and moves on to a defense of capital punishment.

By 1965, he began "to feel as though I had achieved all I was going to achieve." As the *Globe*'s assistant editorial editor, he "got no by-line. *Human Events* and other conservative publications might be reprinting my editorials, but nobody knew who had written them." He tried for a scholarship to Harvard, but blew it by getting into an emotional argument on capital punishment with his interviewer. Early in 1966, he figured another path to fame. He had "followed the tremendous press coverage of JFK's Special Assistants — men like Ted Sorenson and Kenny O'Donnell. To me they had the most glamorous jobs in national politics I could ever aspire to." He finagled an introduction to Richard Nixon, whom he believed would capture the Republican nomination for the Presidency, and convinced Nixon to hire him.

At this point his account of his life stops, though the book goes on for another 66 pages, consisting of a chapter detailing the tragic death by cancer of his oldest brother, two chapters on his political beliefs and his agenda for

America, and his eulogy for his father.

The Beginning of the End

As one might expect from the title, he also relates the development of his political thinking. "Development" might be too strong a word. I guess that's evident from the title too: his views were inherited from his father, not really developed at all. "I got my political education at a dining room table, at the head of which sat an authoritarian figure whose political heroes were Douglas MacArthur, Joe McCarthy, and General Franco."

His explains his father's admiration of Franco: "In 1935 and '36, reports poured in of the burning of churches and monasteries and the murder of priests and nuns for practicing the faith in which my parents believed. When Franco and his nationalist troops landed and marched on Madrid, they became the armed champions of millions of American Catholics."

To this day, he admires his father's choice of heroes, even in the case of Franco, the dictator of Spain from 1939 to 1975. "Franco didn't see himself as a dictator," Buchanan explains. "He saw himself as the Catholic savior of his nation. He did a better job for his country than some of the communist crowd."

To this day, he admires his father's choice of heroes, even in the case of Franco, Spain's dictator from 1939 to 1975. "Franco didn't see himself as a dictator," Buchanan explained. "He saw himself as the Catholic savior of his nation. He did a better job for his country than some of the communist crowd."

Despite the openly political tone of *Right From the Beginning*, there is precious little talk of first principles. Rather he seems a reactionary, yearning back to the 1950s, when he and his pals drank, partied and got into fights with Protestants, with his father supplying cars and money; when the Catholic was concerned only with obedience, confession and salvation; when the U.S. was rich and the rest of the world could go to hell.

This is as close as he comes to discussing his fundamental philosophy:

> What we [of the right] believe, rather, is that faith precedes reason, that affection precedes understanding; that before we come to know, we first believe. Growing up, we did not have to have it explained to us that we should stand by brothers and sisters and family and friends. That came naturally. To us, the right and honorable duty of men of words and men of thought is not simply to seek and record abstract truth, but to deploy our talents, the arguments of the mind, to defend the treasures of the heart: family, faith and country.

The anti-intellectualism implicit here is a theme repeated throughout the book. For example, in his introduction (an explanation of why he decided against running for president in 1988), he explains that the reason he objected to George Bush's calling Reagan's economic policies "voodoo economics" was not that he didn't like the word "voodoo," it was because "we thought it was redundant." *The Wall St Journal* reports that he dismisses economics totally, saying "We don't believe in that stuff."

The Buchanan platform of 1992 is not discernible in this 1990 edition of his 1987 book. He is not an isolationist; instead he advocates increased military spending, a more powerful army, and a willingness to confront our enemies wherever they are.

His confidence in the U.S. economy is almost infinite ("Materially, we have never been better off; the United States is the most vibrant, energetic society on earth.") Keeping it strong depends on maintaining free trade, which requires (surprise!) a more powerful president:

> In the fight to maintain open markets, worldwide, a strong President, again, is indispensable. Congress, composed of 535 moving parts, is incapable of resisting the concerted pressures of American corporations and unions.
>
> Among the great American achievements of the twentieth century is free Asia, democratic and capitalist, which arose out of the ashes of World War II and Korea. Hundreds of millions of the most capable and energetic people in the world are prospering, on the side of freedom, because of the bravery of American soldiers, sailors, Marines, and airmen, and the magnanimity and statesmanship of the postwar leadership of the United States and General MacArthur. *To squander all that in an absurd "trade war" because we cannot compete with Korean cars or Japanese computer chips would be an act of almost terminal stupidity.* [emphasis added]

What are America's other problems? Too much freedom of speech, for one thing:

> Since Rachel Carson wrote *Silent Spring* a quarter century ago, Americans have shown a robust determination to preserve our natural environment, to clear lakes, rivers, and streams of the raw sewage of industrial society. No commensurate concern, however, has been manifest over the raw sewage that, simultaneously, began to flow through America's culture, courtesy of the Supreme Court. In the Secular City, what enters the mind seems of less concern than what enters the stomach.

And something better be done about homosexuals, who are the cause of AIDS:

> Promiscuous sodomy — unnatural, unsanitary sexual relations between males, which every great religion teaches is immoral — is the cause of AIDS. Five years ago, when I wrote that New York City, on the eve of that celebration of sodomy known as "Gay Pride Week," should shut down the squalid little "love" nests called bathhouses, the incubators of the disease, I was denounced as a "homophobe" by the Governor and Mayor of New York. Because these men were morally confused, men and boys continued infecting one another in bathhouses, and continued killing one another. And, today, nine-year-olds are being educated in the use of condoms. But, it is not nine-year-olds who are buggering one another with abandon, spreading this deadly virus; it is not nine-year-olds who threaten doctors, dentists, health workers, hemophiliacs, and the rest of society by their refusal to curb their lascivious appetites.

A conservative president, he advises, should propose a second constitutional convention, with amendments to outlaw abortion, to authorize capital punishment, to make English the official language of the U.S., to fix terms of judges and allow Congress, with the President's approval, to overturn decisions of the Supreme Court, to abolish the constitutional provision limiting the President to two terms, to allow religion in the public schools, to outlaw

discrimination and affirmative action, and to allow the people to invalidate or make laws by initiative or referendum.

Mansions and Mercedes

How well will Buchanan do with the voters? It's really too early to tell, although his two big issues (his willingness to take the Bush pledge against tax increases, his opposition to free trade) seem to be working pretty well so far. But Bush has just put his campaign in gear, and he has a very intelligent, well-seasoned staff, so I wouldn't necessarily count on Buchanan doing terribly well nationally, though I think he will do well in New Hampshire.

No matter how much he tries to gain sympathy from the "little guys" by portraying himself as one of them, Buchanan is, and has always been, a wealthy individual. No matter how much he tries to play the role of someone from outside the halls of power, his entire career has been within the Washington political establishment.

One obvious area of vulnerability is Buchanan's elitism. No matter how much he tries to gain sympathy from the "little guy" by portraying himself as one of them, the fact remains that he is, and has always been, a wealthy individual. No matter how much he tries to play the role of someone from outside the halls of power, his entire career has been within the Washington political establishment, mostly in the halls of power.

A couple months ago, a libertarian journalist told me a story that illustrates his problem. Over dinner, Buchanan and he were discussing taxation. Buchanan suggested that a national sales tax might be a good replacement for the income tax. "The problem with that idea," the journalist said, "is that taxes should be felt by those who are paying them, and people don't much notice a sales tax. It's hidden in the price of what they buy." "How can you say that?" Buchanan responded. "When I bought my Mercedes the sales tax was $5,000 and I sure remember that!" Similarly, Buchanan's mansion (nicknamed "Tara" by his friends) seems more like the home of a wealthy celebrity than the sort of thing Joe Sixpack can identify with.

His Mercedes, by the way, has become a minor campaign issue. Buchanan's critics have suggested that it is hypocritical of Buchanan to advocate restrictions on imports while driving an imported luxury car. Buchanan now claims that the Mercedes is his wife's car, which came as news to his friends. ("You seem to drive around a lot in your wife's car," said his *Crossfire* co-host Michael Kinsley when Buchanan tried that line on him.)

Illiberal from the Beginning

Aside from Buchanan's newfound isolationism and opposition to tax increases, his views seem either indifferent or hostile to liberty. In his view, libertarians are a small segment of the conservative movement:

> There is also a libertarian annex in our conservative house now; its occupants see as the ultimate enemy of freedom the inexorable growth of government, which taxes away one in every three dollars America earns, and spends two in five. Dining with the social conservatives and the Religious Right, our libertarian cousins often appear ill at ease.

In a sense, Buchanan is correct. Many who value liberty do consider themselves as part of the political right. And many conservatives have strong libertarian impulses. Although they did not always live up to their rhetoric, the two most recent leaders of the American right were plainly inspired by libertarian ideas. Who can forget Barry Goldwater's stirring call to arms in *The Conscience of a Conservative?*

> I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them. And if I am attacked for neglecting my constituents' "interest," I shall reply that I was informed that their main interest is liberty and that in that cause I am doing the very best I can.

Or Ronald Reagan's paean to liberty in the speech that thrust him onto the national political stage:

> We are told we must choose between a left and right or, as others suggest, a third alternative, a kind of safe middle ground. I suggest to you there is no left or right, only an up or down. Up to the maximum of individual freedom consistent with law, or down to the ant heap of totalitarianism. Regardless of their humanitarian purpose, those who would sacrifice freedom have, whether they know it or not, chosen the downward path.

I could find no such corresponding homage to freedom from the pen or mouth of Pat Buchanan. In *Right From the Beginning*, I found the word "freedom" mentioned only twice. Once is his mention of "enemy of freedom" in his description of libertarians quoted above. Here is the only other mention that I found:

> If we Americans no longer share the same religious creed, the same code of morality, and manifestly we do not, the day is not far off when we will no longer share the same idea of virtue or freedom or patriotism, because, ultimately, these, too, are rooted in one's deepest beliefs, one's "religious" beliefs.
>
> Half a century of life has only persuaded me of the truth of what I was taught, even before I knew how to think. Country, family, and faith, these are the things worth dying for; these are the things worth fighting for; these are the things worth living for.

It would be far easier for libertarians to make common cause with a conservative movement led by Pat Buchanan if Buchanan showed some hint of a love of liberty, if Buchanan had employed his considerable talent as a writer and speaker articulating a love of liberty.

Something About the Sixties

The libertarian movement, as distinct from the conservative movement, was born in the cauldron of the 1960s, when many libertarians discovered that they didn't really belong in a movement that insisted on support for the Vietnam War, Richard Nixon, and especially the military draft. At the time, Pat Buchanan stood firmly against the libertarian position on all

"The high-beta think tank of the '90s will be the free-market libertarians at the Cato Institute."

— Lawrence Kudlow, "Money Politics," March 25, 1990

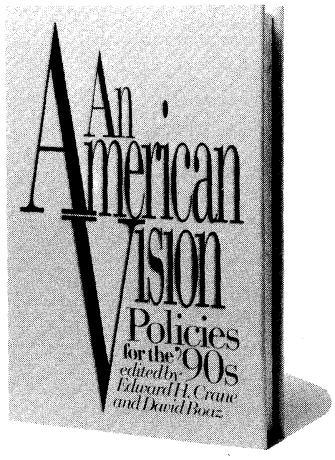

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these issues. And there is no indication that he has changed his position.

Richard Nixon was Buchanan's "mentor," and for Buchanan Vietnam was a righteous cause; we lost it only because (you guessed it) those damn liberals were running the country:

> The American military did not lose that war in Southeast Asia; the American soldiers fighting there never lost a major military engagement in seven years. When President Nixon approved the Paris Peace Accords in 1973, every single provincial capital was in South Vietnamese hands. No, the Vietnam War was not lost in the Mekong Delta, it was lost in Washington, D.C., in the corridors of our capital city, because the Establishment that had marched this country into Southeast Asia in the early and middle 60s lacked the mental stamina and moral courage to see that war through to victory. Vietnam was liberalism's last great adventure, and greatest debacle.

Buchanan has no sympathy for those who opposed the war or the draft. The demonstrators at the 1968 Democratic convention in Chicago, who were beaten wantonly by the police in an orgy of violence that sickened most Americans, "got what they deserved."

Critics often caricature isolationism as "let's bury our heads in the sand and isolate ourselves completely from the rest of the world." Though a cheap shot against the isolationism that libertarians traditionally advocate, it seems a fairly reasonable way to characterize Buchanan's anti-trade, anti-immigration, anti-intervention view.

Indeed, he writes nostalgically about the draft in the good old days:

> What is remarkable about those years is how little protest there was about mandatory military service. While there was no martial enthusiasm among friends or classmates, there were no demonstrations either, on campus or off. No one doubted we had a duty to serve our country. When JFK declared in his Inaugural, "Ask not what your country can do for you. Ask what you can do for your country," he was speaking out of a tradition in which we, too, had been raised.

My own break with conservatism came earlier, and over different issues. By 1965, I was trying to convince my college's chapter of Young Americans for Freedom to withdraw from the national organization of young conservatives and to state boldly our own radical libertarian ideas. I heard that a new YAF chapter in a nearby city had named itself the "Francisco Franco Chapter" of Young Americans for Freedom.

My first reaction was that it was a joke. After all, Francisco Franco was a *dictator*. True enough, he had defeated a Spanish government that had substantial communist influence, and communism was a bad thing. But he was also a dictator, complete with secret police, and he ruled over a country with no free speech, no free press, no freedom of religion, and no freedom of contract. By no stretch of imagination could he be considered a force for "freedom," the stated goal of Young Americans for Freedom.

Perhaps some of the more right-wing elements of the conservative movement might want to honor a dictator like Franco, but surely not a chapter of YAF, an organization of young and apparently rational conservatives. But my friend who brought me the news maintained a straight face and assured me he was not spoofing me. And the story was verified by others.

This provided me a powerful argument for withdrawing from YAF. The fact that a chapter of YAF would choose to honor a dictator simply because he was anti-communist — and that the national organization would accept a chapter named for him — nicely illustrated the problem that libertarians of that era faced when trying to get along with conservatives. Conservatives were focused on one thing, and one thing only: the evil of communism. And anyone who opposed communism was their friend, no matter how awful he might be in other respects.

So I pointed out to my fellow YAFers that we could hardly expect to be taken seriously in our attempt to articulate and realize the ideals of political freedom under the aegis of an organization that honors dictators. This argument, I believe, was critical. Shortly thereafter, what had been a YAF chapter was the Agorian Society, complete with a statement of principles that embodied radical libertarianism.

I doubt that libertarians want to be led by a man who considers Nixon his mentor and Franco a hero, who supported the War in Vietnam and supports the War on Drugs, who questions freedom of speech and waxes nostalgically about the draft.

Aside from an occasional rerun of *Saturday Night Live* from the mid-1970s (with Chevy Chase's running joke "Generalissimo Francisco Franco is still dead" leading his newscast), I hadn't thought about Franco in years. Until I began to investigate the presidential candidacy of Patrick J. Buchanan. Just as I wanted no part of a conservative movement that honored the Spanish dictator in 1965, I want no part of one now.

Will libertarians support Buchanan in his campaign for leadership of the conservative movement by means of making a respectable challenge to George Bush? This is a question that each will have to answer for himself. But my guess is that, as libertarians get to know him better, their support for him will dwindle. Although he agrees with some positions that libertarians advocate, his affinity with libertarian ideas seems negligible. Indeed, there seems to be a pervasive hostility to libertarian ideas.

Libertarians who feel at home within the broad conservative movement will shudder at the prospect of Buchanan as leader. Libertarians intent on building the libertarian movement (as distinct from the conservative

continued on page 54

Essay

The Corrosion of Science

by Edward C. Krug

The fears of the age have given rise to a new faith: environmentalism. This faith seeks the mantle of science, but eschews its methods. But science without its method is madness, leaving environmental policy tyrannous and vain.

Skepticism, not advocacy, is the heart of the scientific method. Thus, few human endeavors are so exclusively — and successfully — self-policing as is science.

Unfortunately, this is changing. Scientists face increasing incentives to abandon the scientific method as scientific hypotheses and conclusions are increasingly used to justify public policy. Many scientists have become environmental advocates, in the process abandoning scientific method, objectivity, and honest inquiry.

Advocacy disguised as science is this age's most powerful means of persuasion. But most people are unaware that many scientists have subordinated their science to political ends, so they continue to regard science as being objective "Truth." The well-misinformed public has been suckered into concentrating authority into the hands of a "knowing elite." The earth is said to be in crisis. But it is the growth of scientific advocacy — be it concerning acid rain, global warming, or any of a number of other supposed "catastrophes waiting to happen" — that is the real crisis.

Acid Rain

I have direct experience with one such creative use of hysteria: the furor over acid rain.

Green activists screeched long and hard about forests and fish being devastated by acid rain. A "silent spring" was supposed to occur as acid rain overwhelmed the geochemical buffering capacity of soils, lakes and streams in extensive areas of eastern North America and northern Europe. Evidence was scant. Nevertheless, they were able to enroll certain agents within the scientific community and government in raising their stormy petrel. In 1980 the EPA asserted that the average lake in the northeastern United States was acidified 100-fold in the last 40 years by acid rain. Not to be outdone, the National Academy of Sciences claimed that acid rain would double again this damage by 1990.

The Norwegian national acid rain program of the 1970s was the forerunner of the national acid rain programs of the 1980s. The Norwegian parliament's enabling legislation (Nr. 172/1974) stated that the express purpose of the program is advocacy disguised as science: "to provide material for negotiations to limit the emission of SO_2 in Europe" (Rosenqvist, 1990).

President Carter called acid rain one of the two great environmental crises of the century. Into this we-have-our-minds-made-up atmosphere, the 10-year National Acid Precipitation Assessment Program (NAPAP) was launched with the EPA at its reins. Under the auspices of Connecticut, I joined NAPAP's efforts in 1981.

By 1984 political pressure was so great that President Reagan was ready to forgo research and accede to the demand for an expensive crash program to stop acid rain. But the President required that the scientific experts agree with the accepted belief that the world would not last another five years under this "rain of acid." However, the scientists said that the world would not end within five years, so NAPAP and its research continued.

And the subsequent research results did not turn out as expected. For example, NAPAP researched the lakes of the Adirondacks — the area of the Northeast predicted most likely to have the massive lake acidification. We found, however, that the average Adirondack lake is no more acidic now than it was prior to the Industrial Revolution — not 100-fold more acidic as claimed by the EPA. And we found no measurable change in the acidity of lakes over the last 10 years, contrary to the National Academy of Sciences' 1980 claim that another 100-fold increase in acidity would occur by 1990 (Krug and Warnick, 1991).

The environmental community responded by charging NAPAP scientists with watering down our research results to appease political pressures. Yes, there were political pressures. But the pressures were to support the proposition that was the basis of NAPAP's existence, not to oppose it. The pressure we felt was to support the notion that acid rain is an environmental catastrophe.

Scientists have been sampling and analyzing the contaminants that make rain acidic for more than one century. But not as contaminants but as free fertilizer, "manna from heaven."

A Rose By Any Other Name

"Acid rain" sounds horrible. One envisions corrosive acid falling from the sky, burning and killing living objects below it. However, such acid rain as has been observed is anything but corrosive.

The nitrogen and sulfur "contaminants" that make rain acidic are essential macronutrients — elements required to sustain all forms of life on earth. It is a well-kept secret that European and American acid deposition monitoring networks started out of the national agricultural experiment stations. Agricultural experiment stations have been sampling and analyzing atmospheric deposition of nitrogen and sulfur for more than one century — not as contaminants but as free fertilizer, "manna from heaven."

The world's first national acid rain program (Sweden) determined the principal effect of acid rain was improvement of crop yield and crop protein content. In the United States, acid rain is fertilizing 300,000,000 acres of eastern forest. But rather than incur ridicule by reporting that the fertilizing acid rain *benefits* 99.9 percent of the forest, NAPAP emphasized only that acid rain *may* be damaging less than 0.1 percent of our forest — fertilization of red spruce in high altitude forest by acid rain *may* be increasing cold damage by making forest grow too long into the winter.

In the EPA-managed lakes program, the pressure to show damage was even greater. In assessing forest damage, we used the full amount of forest on which acid rain is falling to come up with the 0.1 percent damage estimate. But not so with lakes. Rather than use the full value of 200,000,000 acres of lakes receiving acid rain, only the approximately 2,000,000 acres of lakes most likely to be acidic were considered.

Statistics were used to exaggerate the acid-lake problem 100-fold. Only 35,000 acres of 200,000,000 acres of lakes are too acidic (pH ≤ 5) to support sports fisheries; and most of this acidity is natural.

The EPA's own research (DDRP Project) showed that the principal effect of acid rain was to increase regional levels of sulfate in water but not the acidity of water. What sulfate principally did was to increase concentrations of calcium and magnesium in surface waters — the effect of which is to improve fish survivability in dilute water by increasing ionic concentration. Calcium and magnesium are also nutrients and their leaching (along with that of other nutrients) may also be improving lake nutrient (trophic) status and food supply.

The real crisis of acid rain is its use as a political weapon of eco-terrorism.

Beware the False Prophet

Since 1981, when I began to study "acid rain," I have become aware of how useful sheep's clothing can be.

Early on in my studies, I observed that the forest scientists — their specialty being the above-ground parts of trees — knew that acid rain was not harming the above-ground parts of the trees. However, they accepted the environmental propaganda that acid rain was harming trees from below the ground, that is, through soils.

In my case, I accepted the environmental propaganda that acid raining on the above-ground parts of trees was damaging the trees. But, as a scientist, I could find no evidence that acid rain affects soils, my area of expertise.

We accepted the environmentalist propaganda about areas beyond our expertise because we believed the motives of environmentalists justified their conclusions. What we scientists were doing was forgiving environmentalists their sins because of their name — environmentalists. We scientists, who are trained skeptics, automatically and unthinkingly assumed that people associated with the "just cause" of the environment are themselves just.

But Jesus warned us of this error 2,000 years ago: False prophets wrap themselves in the "just cause" to get at the just people. They are like the proverbial wolf who wraps himself in sheep's clothing to get at the sheep. And we sharp-eyed Ph.D. sheep watched it eat red meat with all of those big sharp teeth and persisted in calling it a sheep.

Ten years later — after watching this "sheep" devour innumerable carcasses — I call the wolf by its name. Those who manipulate science as a tool of persuasion do not respect the sanctity of science. Nor do they respect the sanctity of an individual's right to self-determination. Their belief is that when given the truth people do not have the ability to make the "correct" decisions, so they must be lied to instead. Only the environmentalist manipulators of science have the ability to come to "correct" decisions.

These pseudo-scientific environmentalists view the present world order — which places power in the hands of the people — as resting on bad faith. They must feel ironic validation of their low opinion of us scientists in using our own institutions to force the world through a form of boot camp in which they break us down and remake us in a new green image. ❑

What we scientists were doing was forgiving environmentalists their sins because of their name, environmentalists. Trained skeptics automatically and unthinkingly assumed that people associated with the "just cause" of the environment are themselves just.

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P.C. or B.S.?

by Meredith McGhan

"Political Correctness" is more than a reactionary leftist attempt to stifle dissent, as this frontlines report explains.

I first heard the term "Politically Correct" in 1985 as a freshman — excuse me, fresh-womb-moon — at the University of Michigan at Ann Arbor. Then, the phrase seemed to refer to a fashionable collection of ideas, expensive Peruvian sweaters, and drug stories to be trotted out at the aptly named "progressive parties" held in dorms. That year I lived in East Quad, generally known as the P.C. dorm. That meant that if you walked through the halls at four a.m. you'd smell incense and marijuana, and see kids with long hair sitting in the halls or the lounge discussing the Grateful Dead or how much they regretted being born too late to experience the sixties.

Six years later, the University of Michigan still seems the best place to hold a conference called "The P.C. Frame-Up — What's Behind the Attack?" Last November, a group of faculty and graduate students did just that.

The conference was held in the wake of Dinesh D'Souza's bestseller *Illiberal Education,* which includes a chapter about racial incidents at Michigan, and the May commencement address at which President Bush in one breath lambasted P.C.'s attempt to control free speech and said that "political extremists" were "abusing the powers of free speech" by protesting his appearance at the University.

Alan "Just Call Me Alan" Wald, professor of English in Ann Arbor, contributor to the Detroit-based socialist magazine *Against the Current,* and co-organizer of the conference, presented the event as a challenge to the criticism of the Left by a tiny, vociferous group of conservatives. In Ann Arbor, these critics are mostly Republican, whose only real means of expression is in the pages of the conservative bi-weekly, *The Michigan Review.* An equal or greater number of left-leaning critics of P.C. exists on campus, as silent as the conservatives are loud. (After all, who wants to be vilified by both your own camp and the enemy's?) Throughout the conference, it seemed that the loud got louder while the silent, save for one or two brave souls, sank deeper into their seats.

Wald and the other organizers, all tenure-track academics, posited that the charge of "Political Correctness" is a false one, made by right-wingers trying to stultify the discourse that would lift the oppressed out from under the White Male Establishment and create a truly multicultural university — and, ultimately, a more "equal" society. The first panel continued the decades-long debate about whether social reform was really the university's job. If it is not, then the debate about P.C. is over.

Stephen Balch, of the National Association of Scholars, has argued that America's universities are being "harnessed for radical social change," and sometimes it seems like he is right. During my five years at Michigan I saw a short-lived speech code instituted after several incidents in which white individuals harassed black students.* Though the code was later ruled unconstitutional, it still seemed that all whites were being tarred with the racist brush, and interracial hostility continued to grow. Blacks suspected whites of racism and whites suspected blacks of suspecting them of racism. How many of us refrained from including our pink, peach, or guilty-liberal red in the new phrase "people of color?" How many of us, a few years later, remained silent when P.C. conference participant Jullianne Malveaux called the debate the "last gasp of the white male" and said that the black child who was

* See Charles Thorne, "The Orwellian University," *Liberty,* July 1990.

killed in Crown Heights died because "Hasidic Jews don't think they have to stop at red lights"?

It seemed that the anti-P.C. spokesfolk, glaringly in the minority, had been brought there to be attacked. Richard Bernstein, writer for the New York *Times*, was roundly hissed when he said he had "no political axe to grind," and Christina Sommers, a self-described liberal feminist from Clark University, ended up being lumped into the right-wing category for criticizing the extremist positions of certain female-supremacists. Sommers pointed out that many women did not feel oppressed in their chosen roles as wife and mother, and that some even enjoyed wearing makeup and fashionable clothing. "Thanks a *lot*, Christina," Alan Wald later said, rolling his eyes, implying that Sommers' comments had done a real disservice to women everywhere.

Don't worry — prosecution will be under civil, not criminal law, and that'll make it okay. An Orwellian feminocracy, a spike-heeled boot stamping a human face forever.

This sort of ironic disingenuousness appeared elsewhere as well. During the panel on affirmative action, I fell into line at the microphone to ask David Horowitz, ex-Marxist co-author of *Destructive Generation*, to clarify his views on preferential politics. When he equated affirmative action with apartheid, I was appalled, as was most of the audience. He was trivializing the condition of black South Africans and overdramatizing the misfortunes of a few whites and men.

Unfortunately, the mediator had just told Horowitz, whose presentation of his ideas in person is not nearly as cogent as on paper, that he would not be allowed to answer any more questions; time was running out. One of the grad student organizers, a white male, came up to me and told me to cut in front of two men to ensure that I, as a woman, would be heard. I was very uncomfortable, and refused. I wanted to be listened to as an individual, not as a token, I told the crowd when I reached the mike; several in the audience hissed and booed.

Later, I caught up with the organizer to explain further. I told him I had felt like I was in kindergarten again, my teacher pushing me to the front of the line, saying "Let the little girl go first." He was polite, though I could tell that he thought I was misguided. Though "sensitive males" are loath to admit it, it seems that paternalistic chivalry is not dead. It has only exchanged its armor for *de rigeur* ripped jeans below a cloak of rhetoric.

It is peculiar that a group of academics and intellectuals sees itself as the definers of the "rights" of the "people," while most of these "people" are not even part of the university community. The P.C. debate is irrelevant to the lives of most people and, as one audience member pointed out in the plenary session, merely a source of amusement to most of those who encounter it.

What does the Left want, anyway? This question was posed to law professor Catharine MacKinnon, a proponent of censorship and crony of Andrea Dworkin. "We just want to make the government ours," she answered, to the largely approving audience. Under the dictatorship of Catharine MacKinnon, the Constitution would be revised to preclude the First Amendment; "hate speech" (which does not, by the way, encompass the phrase "I hate you," but does include derogatory and epithetic *words*, even out of context), would be punishable. Government censorship of government-defined pornography would prevail. But don't worry — prosecution will be under civil, not criminal law, and that'll make it okay. An Orwellian feminocracy, a spike-heeled boot stamping a human face forever.

And speaking of epithets, "white male," once a purely descriptive term, is now a phrase as loaded as "Communist" used to be, at least at this conference. The Right charged everything they disagreed with as being "P.C.," but the Left was sure to come back with that phrase "white male." It was like two six year-olds engaged in a "your mother" contest.

By Sunday, it was apparent that the P.C. Frame-Up "Debate" had clarified nothing and exacerbated much. Wald recapped the conference at the Plenary Session, reiterating his original claim, with no evidence of irony, that the whole P.C. thing was just a paper tiger. Those who made it through the whole conference seemed even more at odds with one another than before. One left-leaning critic, after speaking out against the actions of a now-defunct campus anti-racism group, was told by an organizer that he evinced "traces of racism" that were in need of critical examination. A young white man with considered questions about affirmative action, who said he was "here to learn and not to be screamed at," was indeed screamed at by a black woman about the endemic oppression of blacks by society. A Hispanic man was booed when he said he'd rather be appreciated for his hard work than his ethnicity. And so it went.

I felt like I was in kindergarten again, my teacher pushing me to the front of the line, saying "Let the little girl go first." Though "sensitive males" are loath to admit it, it seems that paternalistic chivalry is not dead.

As the conference ended, people filed out of the auditorium. Many of them looked as drained as I felt. I wondered how many others were in my position: respectful of the educational offerings of a multitude of cultures but repulsed by speech codes and preferential admissions. I wondered how many others, like me, had once thought of themselves as on the Left, but now were sympathetic to the conservatives — if only because, in this one instance, conservatives were the civil libertarian underdogs. I wondered how many were leaving the conference more alienated than before. ❑

Diagnosis

America's Experiment in Sylvan Socialism

by John Baden

More than two decades before the Soviets took over Russia, they took over the forests of America. John Baden shows how socialist management in America has fared no better than in Russia.

Nearly twenty years ago I debated Milton Friedman at the University of Montana on the issue of the ownership and management of the public forestlands. I argued that the externalities inherent to commercial forestry are so large and so pervasive that continued public management by the federal government, though seriously flawed, was preferable to private ownership.

I took this position reluctantly. I recognized the extent to which political opportunism skewed public management during the 1960s; the terracing of fragile timberlands in the Bitterroot National Forest of southwest Montana and the amazingly duplicitous efforts of the Helena National Forest's supervisor to develop the submarginal, high elevation timber lands of what is now the Lincoln Scapegoat Wilderness were impossible to ignore. Nevertheless, I held to my position.

But over the years, as I worked with Rick Stroup, Garrett Hardin and others, the evidence mounted: the failures of political management have become clearer to me, as has the potential of the non-profit and for-profit sectors to deal with negative externalities and provide public goods. The arguments for government ownership and political management vanish. Milton was right all along.

The U.S. Forest Service (USFS) has custody over 192 million acres of national forest and rangeland — an area nearly equal to Texas and Louisiana combined. Like its younger cousin, the National Park Service, the Forest Service is commonly viewed as a stellar example of Progressive Era commitment and creativity in the area of environmental management. But the common view is an illusion:

- The Forest Service clearly and recurrently violates the spirit of its stewardship responsibilities.
- Its self-interest in budget expansion conflicts both with environmental protection and economic efficiency.
- It significantly injures private forestry.
- Further, the infamous below-cost timber sales of the Forest Service are becoming the forestry equivalent of the *Valdez* oil spill.

Far from being aberrations, these results are the predictable consequences of the institutional arrangements of the USFS. Not surprisingly, the Forest Service is similar to socialist enterprises elsewhere. When decisions are made by bureaucratic entrepreneurs, and budgets made with a political calculus, we should not be surprised at the failure of most reasonable tests of efficiency, equity and environmental quality.

A Very Strange Business

Imagine a corporation with marketable assets of over $50 billion, placing it in the top five of the Forbes 500 measured by assets. Its annual receipts are over $1.5 billion, placing in the top fifty of the Forbes 500 measured by income. But for the past two decades it has lost several hundred million per year, something that neither the board of directors nor managers seem inclined to change. A very *strange* business . . .

Originally, the nationalized forests were managed by the Department of Interior. But that department's continued monetary losses prompted Gifford Pinchot, an official of the Department of Agriculture, to convince Congress to transfer the forests

to his agency.

Pinchot promised Congress that he would operate the forests at a profit. But despite the vast wealth represented by the forests, neither Pinchot nor his successors have ever kept that promise.

The reason is simple. The managers of the National Forests have overlooked the first principle of silviculture:

Trees like to grow, where it's wet, warm and low.

Unhappily for the Forest Service, many of the National Forests are located where it's dry, cold or high. Only a few of the National Forests — those in the Pacific Northwest and deep South — are located where it is ideal for fiber production.

When decisions are made by bureaucratic entrepreneurs, and budgets made with a political calculus, we should not be surprised at the failure of most reasonable tests of efficiency, equity and environmental quality.

Consequently, Forest Service timber sales in Alaska, the Rocky Mountains, the Appalachian and Ozark Mountains, the Midwest, and New England generally sell for far less than the cost of simply arranging the sales. According to forest economist Randal O'Toole, money-losing timber sales cost U.S. taxpayers nearly $400 million in 1990.

America's 156 national forests are managed by 120 forest supervisors. According to the government, 76 of these 120 forest supervisors reported that their units lost money in 1987. Yet, revenues from areas that produce highly valued timber, the Pacific Northwest and the Southeast, covered the losses reported for the system as a whole.

The U.S. Forest Service policies of below-cost timber sales generally lead to substantial environmental destruction, economic waste and the erosion of civic virtue as bureaucrats, politicians and special interests defend continued support for money-losing and environmentally destructive practices. While managing timber for commercial harvest is economically feasible in the coastal Northwest and Southeast regions of America, massive subsidies are required throughout the central and southern Rockies. The 71 forests which, by Forest Service calculations, lost money in 1987 are located in regions outside the productive timber belts. These forests are environmentally fragile; for example, there is a high potential damage from sheet erosion.

The obvious solution is for the U.S. Forest Service to invest more in managing the productive forests of Oregon, Washington and the Southeast, while reducing expenditure in the Rockies. Alternatively, the Forest Service could abandon its socialist experiment by applying appropriate environmental safeguards and then transferring the productive commercial forests to the private sector.

The World's Largest Socialized Road-Building Company

Although the Forest Service presents itself to the public as the benevolent manager of the public's forests, it is more accurate to see it as the world's largest socialized road building company. Subsidizing the building of roads into remote areas is the most important way that the Forest Service subsidizes the harvest of timber otherwise unprofitable to log because of location (i.e., on steep slopes) or because of marginal commercial value.

The total mileage of roads built by the Forest Service is more than eight times the total mileage of the U.S. Interstate System. Almost 342,000 miles of roads have been constructed in the national forests and there are plans to nearly double this mileage.

Over the next 50 years, the Forest Services plans to construct 262,000 miles of new roads and to rebuild 319,000 miles of existing roads. The total mileage would go to the moon and back and then circle the earth four times.

Most of the logging that this massive program is designed to expedite is uneconomical and is dependent upon substantial subsidies from the federal government. To justify logging low-yield forests, the USFS lowers its standards: it classifies land as "commercial forest" if it produces 20 or more cubic feet of wood fiber per acre per year, while the standard for private firms is 3 to 5 times that amount. As a consequence of the incentives this low standard provides, the Forest Service consistently under-invests in its most productive sites and over-invests in money-losing, often environmentally fragile areas.

This is the predictable consequence of good management being hostage to political calculations. Decisions made in the political arena use political rather than ecological or economic criteria. As a result of these decisions, competing interests have created a budgetary "commons" with all the destructive competition that this entails.* The results include high environmental, ecological and economic costs and skewed private sector investment decisions in productive timber lands. Poor management of our public forests also places greater stress upon our ancient forests and upon rainforests throughout the world.

While building roads may seem to be a productive and harmless activity, the environmental consequences in mountainous forests are often far from benign. To build roads in mountainous terrain, it is necessary to strip the road site of its trees and then remove vast quantities of earth in order to make cuts, fills, and switchbacks, and to install pipes and culverts. Disturbing soil, sand, and rock destroys the network of vegetation that held it in place, making the area prone to erosion. Massive erosion and siltation from Forest Service roads adversely affect trout and salmon fisheries, farmers' and ranchers' irrigation systems, and the general quality of water. Road building entails clear tradeoffs between economy and erosion control. Efforts to reduce erosion are often expensive. Hence, the Forest Service managers are squeezed between economic costs and environmental demands. Private firms build roads to lower standards but also build far fewer miles of road — especially if they have to pay the full cost.

* See Garrett Hardin and John Baden, eds., *Managing the Commons*, W. H. Freeman and Company, 1977.

In the northern Rockies, some of America's finest trout and salmon rivers have been severely damaged by more than ten feet of siltation (mud) caused by Forest Service road building and logging. And, although some of Idaho's waters are finally recovering from road building and logging activities of the 1950s, the Forest Service is planning new developments on fragile soils that are destined to repeat the injury.

As the timber at lower elevations and in easily accessible valleys is harvested, the Forest Service builds its roads farther into the backcountry, which means at higher altitudes and on steeper slopes. As a general rule, the steeper the slope, the greater the danger of land slides, slumps, sloughs, and earth flows from logging and road building activities.

This increased road access to the backcountry effectively displaces many wildlife species. Although the Forest Service claims to close roads except when used for management or logging, they do so by placing a green steel gate across the road. Often this is a symbolic action offering a challenge to four-wheel drive enthusiasts and provides no significant impediment to motorcycles, snowmobiles, and all-terrain vehicles. Thus, areas of backcountry solitude originally intended for hikers, photographers, and hunters are converted into recreational areas for motor vehicles. The wildlife dependent upon solitude is effectively pushed from these areas.

The Forest Service sells timber in Alaska, the Rocky Mountains, the Appalachian and Ozark Mountains, the Midwest, and New England for far less than the cost of simply arranging the sales.

The roads and logging activities have also displaced trails. For example, in the 1940s, the U.S. National Forest had 144,000 miles of trails. By 1984, there were only 98,500 miles of trails. During that same period, the number of backpackers and other recreationists increased tenfold. Not coincidentally, backpackers contribute little to Forest Service budgets.

Bureaucratic Coffers

Unlike other federal agencies, the Forest Service is not entirely dependent upon Congressional appropriations for its budget. One-fourth of its budget comes from user fees, primarily from timber sales.

The Knutson-Vandenberg Act, passed in 1930, allows forest managers funds for reforestation. Subsequent amendments authorize managers to spend timber receipts on wildlife, recreation, watershed, and other forest "improvements." As a result, every branch of the agency depends on timber sales for a share of its budget.

What is unique about this arrangement is that while forest managers are allowed to spend a portion of revenues as they please, they are *not* accountable for the expenses used to obtain that revenue. The timber sales themselves are still funded through Congressional appropriations to the tune of about half a billion dollars per year.

When the Knutson-Vandenberg Act was passed the cost to taxpayers of arranging national forest timber sales averaged 50¢ per thousand board feet. At that time the Forest Service wrote rules requiring managers to return at least that amount to the U.S Treasury.

Since then, inflation has driven the cost of timber sales up to $50 per thousand board feet. But managers are still required to return only 50¢ per thousand to the Treasury. In certain circumstances, they don't even have to return that much.

The pseudo-profits from Knutson-Vandenberg — the K-V fund — added well over $250 million to the Forest Service budget in 1991. But it is only the largest of four similar funds created over a period of 60 years. The first, known as the brush disposal fund, was created in 1916 and is expected to contribute over $65 million to the Forest Service's 1991 budget, mostly for prescribed burning.

Under a law passed in 1964, managers can also charge timber purchasers for road maintenance. This fund is expected to add over $30 million to the 1991 Forest Service budget. Finally, under a 1976 law, the Forest Service can keep receipts from the sale of dead and dying timber in a salvage sale fund. This revolving fund started with $6 million but now adds well over $100 million to the annual national forest budget.

Over the next 50 years, the Forest Services plans to construct 262,000 miles of new roads and to rebuild 319,000 miles of existing roads. The total mileage would go to the moon and back and then circle the earth four times.

Together, these four funds contribute nearly half a billion dollars to the national forests' $2 billion budget.

Candid remarks from forest managers reveal that they regard timber sales as a fund-raising tool. "Any money that we don't keep in the K-V fund is lost," says an Oregon timber sale official. "It goes to the U.S. Treasury." (Imagine a CEO admitting that he regards dividends paid to shareholders as "losses.")

"If we don't spend the money," says an Idaho manager, "Congress is likely to waste it on B-2 bombers." A manager on the Caribou Forest is more specific: "If we return money to the Treasury, we are forgoing opportunities to do work that Congress will probably not fund."

Use of timber sales funds is highly discretionary and is subject to little Congressional oversight. While most of the funds are spent on timber-related activities, about 9 percent are spent on wildlife and smaller percentages on recreation, watershed, and range. Thus, bureaucrats involved with aspect of every national forest management stand to gain from timber sales.

Indeed, as the system is set up, *every* level of the Forest Service bureaucracy benefits from timber sales, thereby providing powerful incentives not just to sell timber, but to *lose money* selling timber. While most national forests

return some funds to the Treasury, after deducting K-V and similar funds and payments to counties in lieu of property taxes, total 1990 timber returns were only $372 million. This is $177 million less than the $549 million that the Forest Service spent out of tax dollars on timber sales and timber management.

Forest managers who want a large budget can essentially appropriate more money to their unit by selling timber: their agency keeps a share of the receipts, while Congress pays the cost of arranging sales and building roads.

What does the Forest Service do with all of the money it keeps in the K-V fund? Here are a few items:

- The Sequoia National Forest typically spends nearly $2,000 per acre on planting trees and other reforestation activities. This is over ten times the amount that private landowners spend for similar activity. Given the low inherent productivity of Sequoia Forest land, it is particularly extravagant.
- National forests in the Rocky Mountains hire cowboys to keep sheep and cows (which are themselves subsidized by taxpayers) out of clearcuts so they won't trample seedlings.
- The Helena National Forest settled a timber sale appeal brought by environmentalists by promising to spend over $70,000 of the receipts from the timber sale on wildlife and watershed mitigation measures.
- The Caribou National Forest spent $10,000 to hire a "recreation interpreter," no doubt to explain to recreationists why their forests were clear-cut at a monetary loss.
- The Hoosier National Forest planned to spend over $150,000 building a 10-acre fishing pond.
- The Gallatin National Forest uses K-V funds to close the logging roads so that grizzly bear and other wildlife will remain undisturbed by motor vehicles.

If the bulk of Forest Service expenditures served a great national economic interest, this activity might be defensible. But when the economic costs of securing the timber far exceeds any commercial value of the timber, there is no sensible public purpose served. In many cases, roads funded at taxpayer expense allowed access to timber that was too sparse, too marginal, or too slow-growing to justify the high price of the roads and other development costs. In essence, taxpayers are subsidizing environmentally destructive behavior that no private timber company or private landowner could afford.

The Politics of the Forest Service

The political logic of below-cost timber sales is straightforward. National Forests provide jobs and income to communities in all but ten states. To enhance its budget, the Forest Service provides a timber program in virtually every national forest, regardless of efficiency considerations. Consequently, the vast majority of members of the Senate and House of Representatives find it in their interest to vote for expanding Forest Service road building, logging and timber management.

So communities have become dependent upon subsidized logging. The politician benefits, the constituent who has a job benefits, the timber company that is subsidized benefits. The taxpayer ends up subsidizing the reduction in quality of an environment he increasingly values. Further, these subsidies reduce incentives for private investments in good timber growing sites and they help create an environment hostile to the forest products industry.

Politicians use "community stability" to justify subsidies. Whether the communities involved actually benefit is moot. In many parts of the West, recreation contributes more to the local economy than timber sales, and clearcuts contribute little to environmental recreational amenities.

In the Gallatin National Forest, for example, recreation (which involves a significant area of backcountry) provides more than 16 jobs for every job produced by the timber industry. Yet the Forest Service plans a massive road-building project to save seven timber-related jobs. Little attention is given to the impact upon 1,171 workers in the recreation industry whose jobs are partially dependent upon a relatively pristine environment.*

The slight attention given to the recreation industry is also a predictable consequence of the institutional arrangements and incentives faced by the Forest Service. Forest Service managers are rewarded for selling timber, even when the timber they sell loses money. Their discretionary budget is largely dependent upon volume of timber sold, not the profitability of the sale. Forest managers who want a large budget can essentially appropriate more money to their unit by selling timber: their agency keeps a share of the receipts, while Congress pays the cost of arranging sales and building roads. From the perspective of the district ranger, sales appear to generate profits, not losses, regardless of the true economics of the sale.

The managers of the National Forests have overlooked the first principle of silviculture: Trees like to grow, where it's wet, warm and low. Unhappily for the Forest Service, many of the National Forests are located where it's dry, cold or high.

On the other hand, most recreational activities produce no budgetary reward for managers because Congress permits fee collection only for developed campgrounds. Also, Congress is less generous in funding recreation activities than in funding timber-related ones. The result is that even if managers are more interested in recreation than in timber, the only way to fund many of their recreation programs is by selling timber.

Subverting Private Forestry

Below-cost sales, especially those in the northern Rockies and Alaska, influ-

* Randal O'Toole, *Reforming the Forest Service*, Island Press, 1988, p. 61.

ence people's perception of the entire forestry products industry. They have a negative political impact upon the political environment within which the industry operates. In the same way that the Exxon Valdez spill hurt nearly all domestic oil producers, below-cost timber sales in areas such as the Greater Yellowstone portray the industry as environmentally insensitive and dependent upon government largesse. Over the long run, the timber industry has a stake in eliminating below-cost sales.

Inciting public indignation and generating funds, environmental groups portray the timber industry as a wanton destroyer of wilderness and wildlife. However, this characterization should be understood in its institutional context. Unlike the U.S. Forest Service, private firms cannot force taxpayers to subsidize their operations. Those that lose money on sales go bankrupt. However, the U.S. Forest Service has no such constraint. Like a firm in a communist nation, a national forest cannot go bankrupt. Under existing institutions, political payoffs trump ecology, equity and efficiency combined. Institutional reform is in order.

Private companies manage their land for marketable products. They do not build extensive road systems into poor quality timber sites or systematically lose money on timber sales as the National Forest Service does. If a private company owns marginal timber land that is *de facto* wilderness, it is normally in their interest to leave it alone, to transfer it to a conservation group, or to manage it for its most highly valued use, for wildlife habitat or recreation from which they can capture benefits.

However, if they own a high quality timber site, it will be logged and managed in such a way as to maximize discounted returns. Private timber companies do not act primarily to placate Congress. They are more interested in generating profits via market exchange. Self interest leads private timber companies to behave in a more economically responsible manner than does the Forest Service. This generally results in far less environmental damage, for they rarely remove timber that will not pay its way out of the woods. ❑

Exposé

No Accounting for Waste

by Randal O'Toole

In 1984, when Congressional hearings were held on money-losing timber sales, the agency told Congress that it could not tell whether its sales lost money because its accounting system wasn't good enough. Congress responded by giving the Forest Service $400,000 to develop an accounting system, which is sort of like giving a fox access to the chicken coop to find out who is stealing the chickens.

In 1987, the Forest Service came out with its accounting system. They called it "Timber Sale Program Information Reporting System" or TSPIRS. This system enables the Forest Service to justify below-cost timber sales by counting payments by timber purchasers as receipts even though most of those receipts are not retained by the U.S. Treasury.

Many of the costs, whether paid out of the Treasury or timber receipts, are under-reported. Some costs are ignored altogether. Others, such as road construction, are amortized using a bizarre formula that spreads the costs out over hundreds of years — in some cases, over 2,000 years or more.

Of course, there is nothing wrong with amortizing road costs over several years, since roads are likely to be used for some time. But no road will last even 100, much less 2,000, years, without major maintenance and reconstruction costs. And road maintenance (which costs the Treasury $96 million per year) is left out of the equation altogether.

Embarrassed by the reports of 2,000-year amortization periods, the Forest Service is changing its formula for amortizing roads. But the new formula isn't much of an improvement. It divides road construction costs into four categories: subsurface, surface, culverts, and bridges. The surface will be amortized for 10 years, the culverts for 30, and the bridges for 50. The subsurface costs, which just happen to be two-thirds of all road construction expenses, are "added to the capitalized value of the forest" — that is, not counted at all. Not one cent of the $4.5 billion of taxpayer money spent on subsurface work would be counted under the TSPIRS system.

Top agency officials clearly emphasize timber targets because of their relationship to funding. As the Chief of the Forest Service says, "the Forest Service is energized by its budget." Congress gives the agency money and expects it to bring home the pork.

Most new road construction shouldn't even be considered to be capital improvements. To do so, they must add to the revenue-generating ability of the forest. But timber sales lose money, and building new roads doesn't make them profitable. And there is already a surplus of roads for recreation. Treating new road construction as a capital expense makes as much sense as would my filling in my

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backyard swimming pool with concrete at a cost of $10,000 — and expecting to be able to sell my house for $10,000 more.

The Forest Service will continue to amortize reforestation and other costs over hundreds to thousands of years. The net effect of changing the road amortization formula is to actually reduce the total claimed costs of the annual timber program.

Despite these subterfuges, TSPIRS still shows that a majority — about 65 out of 120 — of national forests lose money. Virtually all observers agree that about 20 forests operate at a profit, leaving just 35 in dispute. Yet the Forest Service has promised to take action reducing timber sales in only 22 or 23 forests — those that lose the most money. And under the agency's proposal, these forests will reduce their planned timber sales, but salvage and firewood sales will be exempt. Not surprisingly, most of the 22 forests sell timber mainly in salvage and firewood sales.

The Continuing Commitment to Pork

Although top agency officials appear committed to the timber program, those on the bottom are not so sure.

To maintain funding, the agency places a huge emphasis on Soviet-style targets, the most important of which is the timber target, or the "allowable sale quantity." This "ASQ" is supposed to be a maximum level that the forest can sustain, but Congress and the Washington, D.C. office of the Forest Service increasingly see it as the minimum level that forest managers will be allowed to cut.

In 1988, the supervisors of the Pacific Coast national forests sent the Chief of the Forest Service a video tape saying that they felt current timber targets were incompatible with other environmental values. Unless the targets were reduced, said one, "I can't be the steward of the public lands that you depend on me to be."

Inspired by the video, the supervisors of the Rocky Mountain national forests sent a letter to the Chief echoing this problem. The memo noted that "our timber program has been 35 percent of the National Forest System budget for the last 20 years while recreation, fish and wildlife, and soil and water have been 2 to 3 percent." Partly as a result of this imbalance, the supervisors said, "the allowable sale quantity [ASQ] issue will continue to be a problem for us and some supervisors feel our ASQs are unrealistic even with full funding."

The USFS amortizes the costs of its road construction using a bizarre formula that spreads the costs out over hundreds of years — in some cases, over 2,000 years or more.

In response to these communications, the Chief created a "New Perspectives" program that was supposed to give local people more say in how their forests were managed. But it is now apparent that New Perspectives was really nothing more than a way to identify and dispose of dissenters. In the past few months, one regional forester and several forest supervisors have been forced to retire or transfer because they failed to meet their ASQs.

Meanwhile, the supervisor of the Lewis & Clark Forest, a Montana forest whose timber program cost taxpayers $1.25 million in 1990, was given a pay raise and a cash bonus for meeting his timber target. His superior was quoted as saying "I just wish I had twelve other supervisors like him," an obvious reference to the fact that the other supervisors in the region failed to meet their targets.

Top agency officials clearly emphasize timber targets because of their relationship to funding. As the Chief of the Forest Service says, "the Forest Service is energized by its budget." Congress gives the agency money and expects it to bring home the pork. Local forest officials who won't bring it home will be replaced lest they threaten the entire agency's funding base.

America's Soviet-style bureaucracy rumbles along. ❑

Albert Jay Nock: Prophet of Libertarianism?

by Stephen Cox

What matters is that, for life to be truly fruitful, life must be felt as a joy; and that where freedom is not, there can be no joy. — Albert Jay Nock [1]

Albert Jay Nock (1870–1945) was a writer, famous in the time of his flourishing — the 1920s and 1930s — who is still revered by a devoted following. "Writer" in this case is not just a generic term. Nock was a writer in the firmest, most intransigent sense of the word. He made himself known by the armies of words he commanded, while he kept himself, the general behind the words, as elusive as any other personality in twentieth-century American literature.

Nock wrote for the *American Magazine*, a "muckraking" journal. He wrote for the liberal journal *The Nation*. He edited the radical journal *The Freeman*. He wrote volumes of essays. He wrote a book about Jefferson, two books about Rabelais, a book about education, a book about political theory (*Our Enemy, The State*, 1935), a book about Henry George, the radical economist, and finally a book about himself (*Memoirs of a Superfluous Man*, 1943) which is famous for its richness and diversity of opinions and for its reluctance to expose the personal experience out of which those opinions grew. A lifelong advocate of individualism, Nock paradoxically insisted that the biographer should ignore the individual "subject's private activities, his character, and his relations of whatever kind," except insofar as they are directly relevant to the subject's public role and profession. [2]

Among the details of his private life that Nock preferred to leave in the shade, and that remain in the shade even after the publication of an autobiography and two intellectual biographies,[3] are his reasons for becoming an Episcopal priest, his reasons for leaving the ministry, his reasons for marrying, his reasons for leaving his wife,[4] his relations with other members of his family, any romantic involvements he may have had after he left his wife, the nature and extent of some of his sources of income, and the purpose of much of his restless travelling in America and Europe. Apparently, no one knows why Nock travelled to Eastern Europe in 1911, or just what he meant when he said that he journeyed to various American cities doing "little job[s] . . . in regard to taxation," or just what happened on his "frequent Washington visits," or any details of his visit to "the German High Command" during the period before the U.S. entered World War I. [5]

Commenting on the great individualist's remarkable skill at keeping the facts of his "private activities" out of the hands of biographers, Charles H. Hamilton, the editor of a new and substantial collection of Nock's essays, observes that we don't even know if Nock was once, as has been claimed, a minor-league baseball player.[6] In a late "Autobiographical Sketch," Nock blandly avouched that "like Prince von Bismarck in diplomacy, I have no secrets. There is nothing in my history that for precautionary reasons I should have any wish to cover up."[7] Notwithstanding this disingenuous assertion, the private Nock may never be adequately known.

Clearly, however, the most important question is the one that Nock himself would ask: What was this man's significance in his major public role and profession, his career as a writer?

To many people, the obvious answer has seemed to be that Nock is significant as a writer of the libertarian tradition. During the 1930s, his outspoken advocacy of individualism ad-

vertised the fact that alternatives to the collectivist mentality were still available within the republic of American letters. He revived and intensified the distinction between state and society that had been important in the American revolutionary period but that had slipped the memory of many twentieth-century intellectuals. "Every assumption of State power," he said, "whether by gift or seizure, leaves society" — and therefore the individuals on whom society's life depends — "with so much less power; there is never, nor can be, any strengthening of State power without a corresponding and roughly equivalent depletion of social power."[8]

A lifelong advocate of individualism, Nock paradoxically insisted that the biographer should ignore the individual "subject's private activities, his character, and his relations of whatever kind."

Nock's frequent use of the term "libertarian" to denote a radical ideological position helped to popularize this sense of the word. His works, which were admired by conservative as well as classical-liberal opponents of the modern state, were an important medium through which American conservatism absorbed specifically libertarian ideas.[9] In large part, Nock's writing survives because his readers see him as a libertarian and, indeed, as a major figure in the libertarian intellectual movement of the twentieth century. Hamilton's collection of Nock's essays — well-introduced, well-edited, and remarkably well-chosen to represent both the force and the variety of Nock's ideas — provides a welcome occasion to consider some of the things that "libertarianism" may mean, in its historical context and in its reference to such highly individual thinkers as Nock.

Dissecting Some Isms

To discuss this topic, I will need to try dividing several pairs of related and intersecting "isms." I'll begin by making a basic distinction between philosophical libertarianism and psychological libertarianism. This sort of distinction has probably been made before, but if it has, it is worth remaking.

By philosophical libertarianism I mean a system of moral and political ideas grounded in a conscious belief in the right of all individuals to do as they please so long as they refrain from coercing any other individuals. The particular ideas associated with this belief may be wise or foolish. They may be influenced by values and attitudes as diverse as those of Henry David Thoreau, Ludwig von Mises, and Milton Friedman; they may even represent (as in the case of Ayn Rand, who roundly denied that she was a "libertarian") a political love that dares not speak its name.

Of course, every reader of this journal will find some reason to quarrel with the terms of my definition of libertarianism. It is intended to be suggestive, not scientific; and I reserve the right to revise it whenever I want. Its only purpose is to identify the kind of libertarianism that takes as a very high priority the systematic application of a far-reaching principle. The "movement" libertarianism of the current era is just that kind of libertarianism, the kind that easily provokes quarrels among its adherents about its own proper definition.

Psychological libertarianism, on the other hand, may never rise (or sink) to the level of philosophical dispute. System is not its first priority. Psychological libertarianism is an instinctual revulsion against the coercion of individuals. It may or may not be related to any definite or coherent political philosophy. When associated with political positions, it often appears, not as their basis, but as one of their attributes, and not necessarily as a logically appropriate attribute. People sometimes speak, in this way, of a "libertarian socialism."

The libertarian impulse may, perhaps, have lurked in human minds as long as there have been human minds. Probably some Hittites and Sumerians became furious at the oppression of local laws and customs and ended up wondering if anyone should be forced to do anything that he or she didn't want to do. As Nock saw it, libertarianism transcends specific historical conditions. That is the assumption behind his declaration that Rabelais, the sixteenth-century satirist, "was one of the world's great libertarians." That is why Nock could say that he himself "could not possibly have got through without" Rabelais.[10] The spirit of liberty in one era speaks freely to the spirit of liberty in another. Such is the nature and persistence of psychological libertarianism.

This idea allows me to notice another distinction between isms. There is a libertarianism of doctrine, and a libertarianism of inspiration. One may or may not agree with the teaching of Rabelais, Nock, or any other historical figure; one may or may not recover from their works any coherent libertarian doctrines, or believe that any such doctrines, once recovered, amount to philosophy; but one may nevertheless be inspired by their libertarian impulse. A libertarianism that is very poor in doctrine can be very rich in the spirit that calls its audience to thought and action; and the spirit can be found, as Nock found it, in many places and times.

But philosophical libertarianism is, in a fundamental sense, an historical phenomenon: there have been times when it existed and times when it did not. The libertarian attempt to construct a consistent ideological opposition to all economic and political coercion is a response to — the Marxists would say a rationalization of — the growth of a capitalist social order. It appeared only when there was some considerable evidence that society might be more orderly and productive if no central authority decreed its shape. This was once a counterintuitive idea, an idea that needed the support of clear practical evidence if it were ever to be taken seriously.

The evidence appeared at a particular place and time: the late seventeenth and eighteenth centuries, in northwestern Europe and America, where a long series of unplanned and often unwelcome events had produced conditions favorable to liberty. Philosophers of the Enlightenment were enabled to construct systematic defenses of politi-

cal and economic freedom — of liberalism, in the classical meaning of that term — and their ideas, once institutionalized in European and especially in American society, promoted further expansions of liberty.

But this does not mean that "Thomas Jefferson was a libertarian" or that "the United States Constitution is a libertarian document," in quite the sense that libertarian activists usually intend when they say these things. Libertarianism is only one branch of the great tree of liberalism planted by the Enlightenment. The branch grew slowly and unevenly; it is still growing — and, unlike most other organic growths, it reacts well to severe adversity. It often grows best when its parent tree is threatened with destruction. When the tree basks in the sunlight of power, the results are not uniformly inspiring.

Thomas Jefferson, the idol of Nock and many another libertarian, was capable of employing coercion in ways that would have knocked the breath out of Lyndon Johnson. In a peculiarly costly attempt to protect America from war, President Jefferson convinced Congress to embargo all shipping to or from foreign countries. Many other methods and institutions of the early Republic would wring the heart of a modern movement libertarian. But this is merely a sign that the liberal tradition varies with its responses to historical conditions and with the higher or lower priorities that individuals assign, at various times, to the various principles associated with it.

The doctrinal libertarianism of modern America descends, indeed, from only one of many lines of reasoning engendered by Enlightenment principles. From the Enlightenment belief in the natural rights of individuals one can easily derive the libertarian idea that government should always be jealously and severely limited. But from the utilitarian attitudes of the Enlightenment one can derive a very different idea — the idea that natural rights need to be protected by strong republican institutions, institutions active in promoting what the Constitution calls the "general welfare."

These two lines of thought, which seem so inconsistent to contemporary libertarians, might not seem inconsistent to people born a few generations before us. Their inconsistency might begin to seem remarkable only when the state's interventions in pursuit of the general welfare became extensive enough to make limited government appear almost a thing of the past. At that point, intellectuals who valued the American tradition of liberty had urgent reasons for sharpening their theories about the relationship of the state to the individual, for inventing forms of libertarianism more radical than anything that could simply be appropriated from the founding fathers.

A libertarianism that is very poor in doctrine can be very rich in the spirit that calls its audience to thought and action; and the spirit can be found, as Nock found it, in many places and times.

This happened in the 1930s and 1940s, the period to which today's philosophical libertarianism can most confidently be dated. Two major subspecies of libertarianism arose and eventually intersected. One was the classical liberalism of such Continental émigrés as Ludwig von Mises and Friedrich Hayek. Theirs was a liberalism that derived its greatest persuasive power from utilitarian analysis of the economic effects of modern unlimited government. The other subspecies of libertarianism appeared in the individualist philosophies of such writers as Isabel Paterson, Ayn Rand, and Rose Wilder Lane, a systematic but often primarily moral individualism that articulated itself in reaction to the New Deal at home and bolshevism and fascism abroad.

One can follow these two streams of modern libertarianism down the intellectual canyons of the 1940s and 1950s, noting their effects on "conservatism" and "libertarianism" as we know them now in America, and marking the influence of that other crisis-period of the state's expansion, the 1960s, on the different political identities of the people who call themselves "conservatives" and "libertarians." But this is not the time to map every feature of the ideological landscape. I need to return to the libertarian who prompted my attempt to separate various kinds of libertarianism. What Albert Jay Nock contributed to the libertarian movement was a powerful *impulse* and *inspiration*, not a seminal *doctrine* or a systematic *philosophy*. His contribution was nonetheless distinguished.

The Progressive Libertarian

Nock had been writing for more than thirty years as an impassioned psychological libertarian when he praised Rose Wilder Lane's *The Discovery of Freedom* and Isabel Paterson's *The God of the Machine* (both published in 1943, along with Rand's *The Fountainhead* and Nock's own *Memoirs*) as "the only intelligible books on the philosophy of individualism that have been written in America this century." He declared that "Rose and old Isabel [Nock was nearly 73, Paterson only 57] have shown the male world of this period how to think *fundamentally*. They make all of us male writers look like Confederate money."[11]

But why wasn't it Nock who made a *fundamental* addition to libertarian ideas?

One reason was the peculiar pressures of the era in which he came to full political awareness. Intellectually, he was a product not of the New Deal era but of the preceding Progressive era. He began writing when the greatest threat to individualism seemed, to most intellectuals, to arise more from the unprecedented growth of corporate economic power than from any new growth of state restrictions on the economy.

When Nock started writing about politics, around 1910, he wrote as a modern liberal much concerned with the "obstinate inequalities" of industrial society.[12] He developed excellent working relationships with Progressive journalists and politicians; although he was apparently not prepared to go all the way with their projects for the redemption of society, he was enthusiastic about going part

of the way. His opposition to the state was therefore by no means simple and straightforward. He suggested that every boy and girl be drafted to serve in an agricultural army devoted to the fight against insects, droughts, and floods. He called for "the labouring class" to "revolt" and to "outgrow governments," but he wanted to replace "the old idea of *government*" with "the new idea of *administration*."[13] As Michael Wreszin has observed, Nock was far from the only Progressive who nursed such illusions.[14]

Thomas Jefferson, the idol of Nock and many another libertarian, was capable of employing coercion in ways that would have knocked the breath out of Lyndon Johnson.

Nock would gradually perfect a principled suspicion of reformism. He observed the way in which sincere pleas for reform, when coupled with "faith in political action," encourage the growth of a restrictive state and thus play into the hands of collectivists: "Every governmental measure of 'social reform' meant more laws, more boards and bureaux, more coercions, controls, supervisions, surveillances, more taxes, and less freedom for the individual."[15] In this respect, the later Nock is clearly in the mainstream of modern libertarian thought.

But however suspicious of social reform movements he may have become, Nock never abandoned his Progressive-era suspicions of business. Late in life, he remarked, with fair accuracy, that "our business men do not want a government that will let business alone. They want a government that they can use."[16] It is interesting that in this respect, too, his feelings coincide with those of many libertarians of later generations. Even in Rand's *Atlas Shrugged*, that apotheosis of commerce, corporate leaders are almost without exception portrayed as exploiters, in league with corrupt politicians. Some libertarians of the future would also coincide with Progressives in their affection for popular initiatives as means of advancing liberty; ironically, they would use campaigns for tax limitations, legislative term limitations, and school vouchers as means of undoing social programs for which the Progressives campaigned. And libertarians who abandoned faith in such measures would often turn to anarchism, as did Nock, the erstwhile Progressive liberal, around 1914.

But none of this means that Nock, in his opposition to the state, ever arrived at consistent, or consistently libertarian, political principles. He retained his devotion to one of the most ingenious good-government theories of the Progressive era, the "single tax" idea of Henry George, author of *Progress and Poverty* (1879), who claimed to have shown "that *laissez faire* (in its full true meaning) opens the way to a realization of the noble dreams of socialism." The idea, as Nock explained it, is that the rental value of natural resources is property created by law, not by labor, and should therefore not be the subject of private "monopoly." Government should finance itself solely by local confiscation of this "economic rent."[17]

One might think that George's theory could seem formidable only in the toy republics of conceptually innocent, single-issue activists. Yet it was the kind of theory capable of exerting a strong appeal to sophisticated but essentially self-educated people. Nock, who lived as a boy in a small town in northern Michigan and studied at a small Episcopal college in which no modern subjects were taught, had to put contemporary issues together pretty much by himself. In such circumstances, the tendency is either to create one's own grand theory (as would the even more literally self-educated Isabel Paterson), or to attach oneself to a collection of little theories with large pretensions — like the theory of Henry George, of which Nock was intensely fond. Georgite phrases like "monopoly-interest in natural resources" (a synonym for the conventional system of private land ownership) came easily to his pen, and he liked to utter mysterious Georgite oracles, declaring, for instance, that "monopoly-values will as inevitably devour socialized industry as they now devour what the liberals call capitalistic industry."[18]

Although Nock's indebtedness to the liberal tradition made him a fervent proponent of free trade, his indebtedness to his favorite Progressivism left him confused about the notion of property rights, the first principle of traditional liberalism. Georgite ideas are very prominent in Nock's salient work of libertarian theory, *Our Enemy, The State*, which suggests that "confiscation of economic rent" is essential to a free society. Nock believed that if all the value of land were confiscated except the value "accruing from the application of labour," everyone would have access to land, and "obviously the reason for the State's existence would disappear, and the State itself would disappear with it."[19]

For some reason, Nock was unable to see the inconsistency between his idea of confiscating economic rent (a project that would, as one may imagine, require a strong and continuously active government) and his other idea of maintaining a government "which should make no positive interventions of any kind upon the individual." At one point in his book on Henry George, he recognizes the strangeness of George's proposal to let "the monstrously evil" national state confiscate "economic rent" and administer it "for social purposes." But "this advocacy of a national, rather than a local, confiscation of rent . . . was not close enough" to collectivism "to be disturbing."[20]

In his *Jefferson*, Nock depicts "economic causes" and "the economic exploitation of one class by another" as the engine of American history; and the "exploitation" is largely that of "speculation" and the "monopoly" of economic rents. He remarks elsewhere that "there is actually no such thing as a tariff-problem, any more than there is actually such a thing as a labour-problem; the only actual problem is the land-problem, and if that were solved, these two apparent problems would immediately disappear." Nock was capable of enumerating, among "various delegations of the taxing power, which have no vestige of support in natural right," both "tariffs" and "private land-ownership."[21] This sort of thing

makes one wonder exactly what he had in mind when he paid tribute to "the magnificent tradition of economic freedom," or when he declared that "without economic freedom no other freedom is significant or lasting."[22] Nock sounds like a modern doctrinal libertarian. . . . but just what does he mean by "economic freedom"?

In the last phase of his intellectual life, Nock added another theory to his stock, the notion of Ralph Adams Cram, an important architect, that the majority of people are not "psychically human"; evolution has left them mentally "neolithic." Nock claimed that this idea eased his mind and made him more tolerant. Why be disappointed by the human failings of people who are not quite people?[23] But the new addition to his collection of theories seems not to have jostled the others very far out of their niches. He still regarded himself as a proponent of human rights for everyone, despite the fact that his idea of the "human" had undergone a curious readjustment.

Nock's easy tolerance of his own contradictions becomes less surprising when one sees him as a psychological rather than a philosophical libertarian. True, his libertarianism always expresses itself in ideas and arguments; he enjoys using the word "fundamental"; he insists on the importance of "theory" and complains about the tendency of Americans to do without it. But this does not imply that systematic argument and coherent philosophy stand higher among his priorities than does his impulse to revolt against conditions that he regards as purely, simply, and "obviously" repellent to individualism, and to do so without caring how ideologically ungainly his revolt may seem. It was doubtless his disgust with his fellow-citizens' state-worship that made him wonder if they were not somehow lacking in humanity, but his philosophical skepticism on this score never stopped him from protesting the state's insults to their individual rights.

Nock began writing when the greatest threat to individualism seemed, to most intellectuals, to arise from the unprecedented growth of corporate economic power.

As it turned out, Nock's protests were capable of inspiring a good many people, in both the conservative and the libertarian camp, who agreed very halfheartedly with his specific doctrines. Nock resembles, in this way, his friend H. L. Mencken. Mencken called himself "an extreme libertarian," but few of his libertarian or conservative (or modern liberal) admirers could list the articles of his political creed, much less signify their agreement to them. Nock, like Mencken, offered not a coherent ideology but a gift of individual style, insight, and culture. He offered gifts more appropriate to the eye and heart than to the calculating brain; he offered the gift of joy in a special type of vision, a vision that endured and scorned the intellectual deformations of George and Cram and all the rest of his specific influences.

The Quality of Vision

In one of the essays in the new collection, some remarks on the American humorist Artemus Ward, Nock refers to the kind of vision that he himself possessed. Here he is concerned not so much with analyzing Ward as with evoking the spirit that responds to works like Ward's, and with identifying the possessors of that spirit. This "order" of people, he explains, are living among us

> singly or nearly so, and more or less as aliens, in all classes of our society — an order which I have characterized by using the term *intelligence*. If I may substitute the German word *Intelligenz*, it will be seen at once that I have no idea of drawing any supercilious discrimination as between, say, the clever and the stupid, or the educated and the uneducated. *Intelligenz* is the power invariably, in Plato's phrase, to see things as they are. . . . Those who have this power are everywhere; everywhere they are not so much resisting as quietly eluding and disregarding all social pressure which tends to mechanize their processes of observation and thought.[24]

This, as I take it, is both a precise and an inspiring statement of a characteristic libertarian idea — the idea of the good person, the free individual distinguished not by membership in an economic class but by personal attributes, not by wealth or power or even education but by the quality of clear perception from which all of a society's wealth or power or education must ultimately be derived.

Although Nock's indebtedness to the liberal tradition made him a fervent proponent of free trade, his indebtedness to his favorite Progressivism left him confused about the notion of property rights, the first principle of traditional liberalism.

Consistent with Nock's idea of the good person is his idea of good art. Art, for him, was inseparably associated with a directness and transparency of character and intention. That was why he was happy to think that he wrote good, plain, idiomatic American English, and why he declared that "when art becomes self-conscious it isn't art any longer."[25]

One must concede that Nock often violates this rule. In his defects, as in his strengths, he is a true American. Every nation has its characteristic forms of literary affectation, and the affectation to which Americans take most easily is a false innocence, a pretense that complex issues are in fact childishly simple. Like Mark Twain, Henry Adams, and other very complex personalities, Nock is most gratingly self-conscious when he pretends to be struck by the simplicity of everything he is thinking about.

In his essay "Anarchist's Progress," for instance, Nock claims to have stumbled upon "a very odd fact. All the current popular assumptions about the origin of the State rest upon sheer guesswork; none of them upon actual investigation." No one, he has found to his surprise, has "taken the plain course of going back upon the record

as far as possible to ascertain how [the state] actually had been formed." Odd indeed — until one reflects that states were first formed before "records" existed, or until one reflects that even conscientious "investigation" of a problem like this may have to include a certain amount of "guesswork."

But Nock leaves himself in his affected puzzlement no longer than one paragraph. He soon "discover[s]" that, notwithstanding the absence of early records, "all the scholars of the Continent" (by which he means "Professor Franz Oppenheimer, of the University of Frankfort") have now agreed on a "scientific" explanation of the origin of the state:

> The State did not originate in any form of social agreement [so much, in one phrase, for the social-contract liberalism of the Enlightenment]. . . . The State originated in conquest and confiscation, as a device for maintaining the stratification of society permanently into two classes — an owning and exploiting class, relatively small, and a propertyless dependent class. . . . No State known to history originated in any other manner, or for any other purpose than to enable the continuous economic exploitation of one class by another.

In the last phase of his intellectual life, Nock added another theory to his stock, the notion that the majority of people are not "psychically human"; evolution has left them mentally "neolithic." But he still regarded himself as a proponent of human rights for everyone, despite the fact that his idea of the "human" had undergone a curious readjustment.

But how, one might ask, does Nock, or Professor Oppenheimer himself, know any of this? No historical facts are marshalled, no counterarguments assessed; Nock, perplexed no longer, merely declares himself convinced: "This at once cleared up all the anomalies which I had found so troublesome." [26] Of Nock's argument for anarchism, one can say pretty much what Jefferson said about Plato's argument for the immortality of the soul: "were there no better arguments than his in proof of it, not a man in the world would believe it."[27]

In *Our Enemy, The State,* Nock argues that the state, which is merely the agent of "continuous economic exploitation," is entirely different from "government," which provides justice and protection of rights. But don't bother to look around for governments; in Nock's view, no society that has passed the hunter-gatherer stage has a government; they are all attached to states. Still: What about those state officials who, from time to time, have appeared to be interested in "government" rather than simple exploitation? Perhaps the functions of "the state" and the functions of "government" are sometimes exercised by the same people, thus blurring Nock's distinction between the two political forms.

To preempt such plausible objections, Nock (who has been quoting such state officials as Madison, Jay, and Jefferson whenever he finds their support useful) simply declares, as if recalling a self-evident fact:

> Taking the State wherever found, striking into its history at any point, one sees *no way* to differentiate the activities of its founders, administrators and beneficiaries from those of a professional-criminal class [emphasis added].[28]

There is a certain charm in Nock's delight in discovering that complicated issues are astoundingly simple. It's fun — but it's not philosophy. Nockian theory will take one only a short way toward understanding the operations of the state.

But Nock very often achieves a truer and more charming simplicity, especially when he is not writing directly about political theory (a subject that, perhaps, anarchists would do better to avoid, if only for the sake of their style). In his letters, he engagingly concedes that he was astonished at the commercial success of *Memoirs of a Superfluous Man* — "astonished and a little uneasy, for I suspected there must be a screw loose in it somewhere."[29] Nock is far from the only author who has harbored this suspicion about his own works, but Nock is the only author that I can recall expressing it honestly. He enjoys his ability to be honest in that way. He is equally capable of *seeing things as they are* in the curious moments when he anticipates his death:

> The reflection that one is doing something, — anything, — for the last time gives one an odd sensation. The other day, for instance, when I was looking over a lot of shirts it struck me that in all probability I shall never have to buy another shirt.[30]

In his discussions of other people's histories, Nock often delights one with the appearance of an unselfconscious vision. He does this, for example, in his portrait of General Kutusov, victor over Napoleon in the Russian campaign and himself a distinguished exemplar of unselfconscious understanding:

> He attended to routine, watching everything, putting everything in its place, holding everything up to the mark; but beyond that he kept his mind as far off the actual course of the campaign as he could. He read French novels, corresponded with his lady-friends, meditated on all sorts of non-military matters; and, most effective and rewarding of all conceivable relaxations, he snored. Like nearly all old persons, he dropped off to sleep easily, almost at will; and being big and fat, he snored; and when a person is snoring he is about as inaccessible and unsuggestible and selfless as a living human being can become. . . . Possibly, under certain circumstances, snoring should be regarded as a fine art and respected accordingly.[31]

"Being big and fat, he snored": this is true simplicity.

But Nock's simplicity always has an undercurrent of earnestness, and sometimes it is in deadly earnest. His coldly impassioned essay on the lynching at Coatesville deserves to be better known:

> On Sunday evening, August 13, 1911, at the hour when churches dismiss their congregations, a human being named Zack Walker was taken by violence out of the hospital at Coatesville, Pennsylvania, where he lay chained to an iron bedstead, in the custody of the law, suffering from a shot-wound, apparently self-inflicted.
>
> The bedstead was broken in half, and the man, still chained to the lower half,

> was dragged half a mile along the ground, thrown upon a pile of wood, drenched with oil, and burned alive.
> Other human beings to the number of several hundred looked on in approval.

Zack Walker was a black man who had killed a white man, perhaps in self-defense. But Nock finds his murder a proof that towns like Coatesville shelter something even more repellent than race-hatred: social conditions in which civilization is impossible, which prevent people from seeing such acts as the lynching of Zack Walker as "wholly alien, unnatural, and frightful."[32]

At this distance, it matters little if Nock's theories about anarchism or the single tax or the effects of social conditions in Coatesville, Pennsylvania, were accurate or not. The things that really matter are (to borrow Joseph Conrad's phrase) the "vibrating note of revolt" beneath Nock's level journalistic tone, and the passion that he thereby displayed for the type of civilization without which human life may seem nearly worthless. And what gives life to Nock's writing is, again, his ability to *see* something simply *as it is*.

Often this ability makes Nock an outsider even among his partisan friends. A person of strong pacifist inclinations, he nevertheless rebelled against the tepid rationalism and moralism of his fellow pacifists and urged them to see, for once, that many "common" people greet warfare as "the first glad sense of great definite purpose dawning into stagnant and unillumined lives," as the opportunity to do something that might shed an "interpretative light" upon existences otherwise apparently without significance.[33] One wonders how many of Nock's pacifist friends welcomed this insight into psychological phenomena so alien to their own way of thinking.

What gives life to Nock's writing is his ability to see something simply as it is.

Nock was probably correct in the impression, which grew on him with age, that he could not be of much help to specific political causes. Partial responsibility for this, unfortunately, must be assigned to inconsistencies and futilities in his own ideas, and to his sometimes haughty aversion to people who might actually have been able to do something in politics.[34] But it wasn't all his fault. He rightly felt that he had been born at the wrong time, that he was an individualist in a cultural milieu that was veering further and further away from individualism, and that his real job was to keep up the spirits of the "remnant" of unknown people in every walk of life who were trying to preserve their individual ability to see things as they are.

Nock called it Isaiah's job. God, as Nock told the Biblical story, informed the prophet Isaiah that he should keep preaching despite the fact that

> the official class and their intelligentsia will turn up their noses at you, and the masses will not even listen. . . . [But] there is a Remnant there that you know nothing about. They are obscure, unorganized, inarticulate, each one rubbing along as best he can. They need to be encouraged and braced up, because when everything has gone completely to the dogs, they are the ones who will come back and build up a new society.

Nock said that Isaiah's job was the best one around, because the only thing such prophets need to do is to "keep forking out [their] very best," knowing it will be appreciated by those for whose sake it was produced. Charles Hamilton, Nock's perceptive editor, is correct in remarking that the sadness of Nock's later writing can be overemphasized.[35] Nock sees Isaiah's job as free and joyful and inspiring to both the prophet and his audience.

Nock did not prove to be a prophet in the most literal sense. He couldn't predict the future. Everything didn't have to go completely to the dogs before a large-scale revival of individualist thought could begin. The individualist libertarianism of the present time derived comparatively few of its formative ideas from Nock. Nevertheless, Nock was a prophet. He was a seer; he saw things, and he often saw them as, indeed, they are. He sketched, as clearly as any of the alienated and marginalized individu-

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alists of his time, something like the "class analysis" that has become instinctive with modern libertarians. He saw the world in terms of intellectual and, if you will, spiritual classes, which are of more importance for the way the world actually runs than mere economic, gender, or racial classes. He saw the potential of the obscure, unorganized, inarticulate "remnant," and he prophesied to them, helping them to see themselves as significant and potentially powerful. That was a good job. ❑

Notes

1 Albert Jay Nock, "Our Pastors and Masters" (1921), *The State of the Union: Essays in Social Criticism*, ed. Charles H. Hamilton (Indianapolis: Liberty*Press*, 1991), p. 156.

2 Nock, "The Purpose of Biography" (1940), *State of the Union*, p. 8.

3 Nock, *Memoirs of a Superfluous Man* (New York: Harper, 1943); Robert M. Crunden, *The Mind and Art of Albert Jay Nock* (Chicago: Regnery, 1964); Michael Wreszin, *The Superfluous Anarchist* (Providence: Brown University Press, 1972).

4 A friend of a friend of Nock's tells me a story that seems in character: During a voyage across the Atlantic, Nock's friend screwed up his courage and asked him why he had left his wife. What was wrong with her? "Nothing was wrong with her," Nock answered. "She was perfect, perfect in every way. That's why I left her."

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10 Nock to Mrs. Edmund C. Evans, 29 September 1929, *Letters from Albert Jay Nock, 1924–1945, To Edmund C. Evans, Mrs. Edmund C. Evans, and Ellen Winsor* (Caldwell, Idaho: Caxton, 1949), p. 40.

11 Nock to Mrs. Edmund C. Evans and Ellen Winsor, August 1943; to Mrs. Edmund C. Evans, 7 August 1943; *Letters*, 181, 183.

12 Nock, "What We All Stand For" (1913), *State of the Union*, p. 147.

13 Wreszin, pp. 36–38; Nock to Ruth Robinson, 11 June 1915, 2 August 1914, *Selected Letters*, pp. 79, 63.

14 Wreszin, pp. 29–32.

15 Nock, *Henry George* (New York: William Morrow, 1939), p. 173.

16 Nock to Ellen Winsor, 22 August 1938, *Letters*, p. 105.

17 Henry George, *Progress and Poverty* (New York: Robert Schalkenbach Foundation, 1942), p. xvii; Nock, *Our Enemy, The State*, pp. 104–08.

18 Nock, "In the Vein of Intimacy" (1920), *State of the Union*, p. 217.

19 Nock, *Our Enemy, The State*, pp. 104–08.

20 Nock, *Our Enemy, The State*, pp. 131–32; *Henry George*, pp. 174, 150.

21 Nock, *Jefferson* (1926), reprint (New York: Hill and Wang, 1960), pp. 162, 163, 188, etc.; *Henry George*, p. 187; "Anarchist's Progress" (1927), *State of the Union*, p. 48.

22 Nock, "Anglo-American Relations" (1920), *State of the Union*, p. 88.

23 Nock, *Memoirs of a Superfluous Man*, p. 138.

24 Nock, "Artemus Ward" (1924), *State of the Union*, pp. 112–13.

25 Nock to Lincoln Colcord, 1 September 1944, *Selected Letters*, p. 166.

26 Nock, "Anarchist's Progress" (1927), *State of the Union*, pp. 46–47.

27 Thomas Jefferson to John Adams, 5 July 1814, *The Adams-Jefferson Letters*, ed. Lester J. Cappon (Chapel Hill: University of North Carolina Press, 1959), p. 433.

28 Nock, *Our Enemy, The State*, pp. 37, 50.

29 Nock to J. Howard Rhoades, 30 January 1944, *Selected Letters*, p. 155.

30 Nock to George P. Bissell, 2 September 1944, *Selected Letters*, p. 167.

31 Nock, "Snoring as a Fine Art" (1938), *State of the Union*, pp. 195, 197–98.

32 Nock, "What We All Stand For" (1913), *State of the Union*, pp. 139–41.

33 Nock, "Peace the Aristocrat" (1915), *State of the Union*, pp. 70–71.

34 I am thinking especially of Nock's sharp remarks about wealthy anti-Roosevelt people who dared to "make themselves most agreeable [to him], evidently on account of [his] opposition to the New Deal": Nock to Mrs. Edmund C. Evans, November 1937, *Letters*, p. 95.

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Hong Kong After Tiananmen

by Kin-ming Liu

The world's only surviving classical liberal polity is being given "back" to a tyranny. Can the polity — or the people — survive?

The bloody crackdown of the 1989 uprising in Peking by the Chinese Communist Party not only pushed mainland China over the edge of an abyss, but threatens to send Hong Kong reeling. What happened in Peking on June 4, 1989, emasculated the Joint Declaration signed by Britain and the People's Republic of China on December 19, 1984, which promised to hand Hong Kong over to China in 1997. After the blood flowed in Tiananmen Square, all those beautiful slogans such as "a high degree of autonomy," "one country, two systems," and "Hong Kong ruled by Hong Kong people" seem nonsensical.

The Tiananmen Massacre hastened the exodus from Hong Kong, leaving it a city of panic and despair. The British Government, which had kowtowed to Peking during negotiations over Hong Kong, tried to restore confidence in post-Tiananmen Hong Kong by launching a four-prong package:

1) the British nationality program;

2) a bill of rights;

3) direct election in the Legislative Council; and

4) an airport project.

This rescue package provoked a swift and angry response from Hong Kong's future sovereign. Peking demanded the British Government grant it the power to veto measures prior to 1997 so that all pre-1997 measures would be consistent with Chinese policies. The British Government once again bowed to Peking without a fight.

With abandonment on one side and brutality on the other, Hong Kong is doomed.

Peking's Trump Card

In the early 1980s, Britain and the People's Republic of China started negotiations on the future of Hong Kong. According to the Joint Declaration of 1984, Hong Kong will become a Chinese Special Administration Region (SAR) in 1997, with the Basic Law serving as a mini-constitution for Hong Kong. Peking had firm control of the Basic Law Drafting Committee which was established on April 10, 1985. The first draft of the Basic Law was released in April 1988 and the final form was endorsed by the Chinese legislature in Peking in March 1990.

The Drafting Committee consisted of 59 members appointed by the People's Republic — only 23 of them from Hong Kong. Most, if not all, of the Hong Kong members were conservative businessmen or professionals anxious to avoid offending Communist China. They might represent the elite establishment in Hong Kong, but definitely not the masses.

The people of Hong Kong vigorously supported the 1989 uprising in mainland China. Consequently, the Chinese Communist Party condemned Hong Kong as the base of "counter-revolutionary activities" and increased its control of the Drafting Committee. Peking controlled the Drafting Committee and thus the Basic Law was built to the specifications of the Communist Party. No one had really believed that the Basic Law could offer genuine, long-term constitutional protections for Hong Kong. Even so, the final form of the future mini-constitution gave Hong Kong people a big chill.

Peking had broken its promise of "one country, two systems" in a number of ways in the Basic Law:

a) The power to declare a state of emergency in Hong Kong would rest

with Peking, not with the Chief Executive of the SAR. The presence of the Army and the power to declare martial law would no doubt guarantee the absolute control of post-1997 Hong Kong by Peking.

b) The Hong Kong government would enact laws to prohibit activities that subvert the central government. Since Peking can interpret freely what kind of activities are "subversive," it can outlaw virtually any activity in Hong Kong that it does not like.

c) Hong Kong political organizations are prohibited from having any links with foreign groups. Peking wanted to make sure that no "counter-revolutionary activities" would be organized in Hong Kong.

The people of Hong Kong vigorously supported the 1989 uprising in mainland China. Consequently, the Party condemned Hong Kong as the base of "counter-revolutionary activities."

d) The most crucial blow was that the final interpretation of the Basic Law would rest with the Chinese National People's Congress Standing Committee, not with the final court of appeal in Hong Kong. This is clearly a violation of the Joint Declaration, which stated that the final power of adjudication shall be vested in Hong Kong. No matter how nicely the Basic Law was put together, it would become totally irrelevant through Peking's interpretation.

All these elements in the Basic Law undermine the Joint Declaration's promises to keep Hong Kong "unchanged for 50 years," to exercise "one country, two systems," and to grant Hong Kong "a high degree of autonomy."

When absolute power lies in the hands of the Peking government, and not with the Hong Kong people, there is no guarantee whatsoever that Hong Kong will not share the fate of Shanghai, i.e., become another dull and uncolorful city, absorbed into the vast totalitarian system of mainland China.

Since the Joint Declaration was an international agreement and the Basic Law grossly violated it, the British Government could have invited the opinion of international jurists on the issue. But the British Government did not stand up and fight for one of its last colonies.

Even if the Basic Law were well conceived, there would not have been much confidence in Hong Kong. With the Basic Law in its current form, confidence in Hong Kong is practically nil.

The British Nationality Package

Emigration from Hong Kong has been rising ever since Britain decided to turn Hong Kong over to China. According to the Hong Kong Government Secretariat, the number of emigrants were 30,000 in 1987, 45,800 in 1988, 42,000 in 1989. The Tiananmen Massacre in June 1989 triggered a bigger wave of exodus from Hong Kong. In 1990, 62,000 people left. 1991 figures are not yet available, but the government projected a rate of more than 1,200 people per week.

In hopes of slowing emigration and restoring confidence in Hong Kong in the aftermath of the Tiananmen Massacre, the British Government introduced the British Nationality Package, granting the right of abode in Britain to 50,000 key Hong Kong people and their families (adding up to a rough total of 225,000 people). If these 50,000 people were given this right, the British Government thought they would stay in Hong Kong. British passports would be their insurance.

The main attraction of the British Nationality Package was that, unlike other countries' schemes that require emigrants to satisfy residence requirements, successful applicants to the British scheme would get nationality for themselves and their families without having to leave Hong Kong at all. Ironically, the rights it conferred to the select group of "key" people were held by all Hong Kong British passport holders until the British Government passed the British Nationality Act, by which the British government prevented a potential influx of Hong Kong residents. The British Nationality Package was asking Hong Kong people to apply for something that should have already been theirs.

Most people in Hong Kong thought the number allowed was far too few to do much good. The authority, however, expected to receive a lot of applications. One million application forms were printed and 400,000 people were expected to apply. When the deadline for application came at the end of February 1991, only 65,674 people had applied, sending an embarrassing signal to Britain: few people wanted to settle in Britain.

The main reason, however, was intimidation from Peking, which had denounced the Package as a ploy aimed at perpetuating colonial rule beyond 1997 and as an unacceptable attempt to internationalize the Hong Kong issue. In addition, Peking stated it would not recognize the British Nationality conferred by the measure. Only Hong Kong Chinese who have settled abroad and have successfully applied to renounce their Chinese citizenship will be regarded as foreign nationals. Those who remain in Hong Kong after 1997 will be treated as Chinese nationals whether or not they hold foreign citizenship.

This did more than uproot the original intention of the British Nationality Package. It had a devastating impact on those Hong Kong people who had already secured or were in the process of securing passports from Australia, Canada, the United States, or other countries. They feared that, whatever the right of access to their adopted country overseas, they would still be denied permission to leave Hong Kong — just as mainland Chinese are presently compelled to seek clearance before travelling abroad. All of a sudden, foreign passports were no longer insurance.

Then Peking added another punch. Using its power in the Drafting Committee, Peking reformed the Basic Law to require that all senior Hong Kong government officials be Chinese nationals, with no right of abode elsewhere. This requirement went beyond the Joint Declaration which only stipulated that the Hong Kong chief executive and heads of major governmental departments be Chinese nationals. This was a serious blow to those senior civil servants who would like to stay in Hong Kong but also want to secure an

"exit route" should things go bad after 1997. Peking's position forces those Hong Kong people who have the ability to move to face the dilemma: to leave now or lose the right to leave. There is no middle way.

A Bill Of Rights

The British government tried another way to restore confidence in Hong Kong: it attempted to enact a bill of rights based on international human rights covenants.

According to the Joint Declaration, Hong Kong's current system will be kept unchanged for 50 years. The Declaration also states that the relevant provisions of the International Covenant on Civil and Political Rights will also be maintained. By establishing a bill of rights, the British government sought to guarantee the bulk of those rights into the laws of Hong Kong, thereby insuring they would also remain the law of Hong Kong for the next 50 years.

Peking's reaction, as expected, was hostile. Peking said that the bill of rights could not have a superior status to other laws since there was no such provision in the Basic Law. It also warned that Hong Kong laws that contravened the Basic Law would be repealed after 1997.

No one had really believed that the Basic Law could offer genuine, long-term constitutional protections for Hong Kong. Even so, the final form of the future mini-constitution gave Hong Kong people a big chill.

The bill of rights was passed in the Hong Kong Legislative Council and came into operation in June 1991. Peking announced that the measure would adversely affect the Basic Law and reserved the right to examine (after 1997) all the laws currently in force in Hong Kong, including the bill of rights, in accordance with the relevant provisions of the Basic law.

The bill of rights may uphold human rights in Hong Kong before 1997. But after that, there is no guarantee.

Direct Election In The Legislative Council

According to the Joint Declaration, when the British leave Hong Kong in 1997, they are to hand the power to the people of Hong Kong. As a result, after the signing of the Declaration, the British government planned the first direct elections to Hong Kong's law making body, the Legislative Council (Legco). The present Legco consists of 57 members — 31 government appointees, 14 from functional constituencies, and 12 from an electoral college. The latter two groups are indirectly elected.

The original plan of the British government was to launch direct elections in 1988, but it dropped this plan in the face of strong opposition from Peking. After considerable negotiation between liberal groups in Hong Kong and the government in Peking, a compromise was reached. Legco would have 10 seats for direct election in 1991.

The Tiananmen Massacre shocked even those conservatives in Hong Kong who usually side with Peking against any democratization attempt. They joined the broad movement to increase the pace of democratization. Omelco, a body comprising members from Legco and Hong Kong's policy making Executive Council (Exco), decided to push for a legislature of 60 seats: 20 chosen by voters, 20 chosen by functional constituencies, and 20 appointed by the government. It would start in 1991, and would gradually increase the percentage of directly elected members until 2003 in which all members would be selected by direct elections.

In the aftermath of the "turmoil" at Tiananmen, Peking voiced strong disapproval of the Omelco model and manipulated the Drafting Committee to form a model more to its liking, keeping directly elected members in the minority until 2003 when they would increase to 30 of 60 seats. In order to further tighten the control of Legco, the Basic Law stated that a maximum of 15% of the Legco members can hold foreign passports.

With this makeup Peking can be assured that the Hong Kong Legco would not pass any law contrary to Peking's interests.

The New Airport Project

The final and most important step the British government took in their hope of restoring confidence in Hong Kong was to launch an ambitious multi-billion dollar airport and port project. The current Kai Tak Airport has long been overloaded; proposals to build a new airport have been discussed for years. The British government decided to construct a new international airport at Chek Lap Kok on Lantau Island. The project was named the "Rose Garden" project.

Since the Joint Declaration was an international agreement and the Basic Law grossly violated it, the British Government could have invited the opinion of international jurists on the issue. But the British Government did not stand up and fight for one of its last colonies.

The new project was intended to stimulate Hong Kong's confidence in its economy. At first, it appeared more promising and straightforward than the other programs intended to restore confidence in Hong Kong. Peking gave words of approval at the beginning, but quickly changed its tune, announcing that it was infuriated that the British government had not "consulted" it concerning the airport project.

One factor in the conflict over the airport project was money. Peking was worried that the British government, by launching such an expensive project, would empty Hong Kong's financial reserves by 1997. Peking demanded that as much as US$ 6.4 billion (HK$ 50 billion) should be set aside from the reserves for the new SAR government. It seemed that this was one of the conditions the British government had to meet if it wanted to have Peking's blessing on the project.

In addition, a Hong Kong businessman, Gordon Wu, claimed that he

could build the new airport with only half the money the British Government said was needed. Wu's suggestion added weight to Peking's bargaining position with the British Government. Wu is one of the conservatives in Hong Kong who believe that they can continue their big business after 1997 if they do not offend Peking.

British Foreign Secretary Douglas Hurd visited Peking in early April 1991, hoping to receive Peking's approval of the project. Hurd was the most senior minister from an EC nation to visit China since the Tiananmen Massacre and he expected that Peking would show some appreciation for his helping end their diplomatic isolation. Nevertheless, Hurd left Peking without any blessing from the Communist Party on the airport project.

On July 4, 1991, the British Government and Peking reached an agreement to build the airport. The key phrase in the agreement was, "Any decision will give full weight to the Chinese Government's views." In other words, Peking would officially enjoy a form of veto power over all major issues in Hong Kong. Peking has already started its rule, well ahead of the official turnover date. This is, once again, a clear violation of the Joint Declaration. As a matter of fact, the memorandum of understanding could be seen as the second Joint Declaration between Britain and Peking. The second Declaration declares that Peking becomes the *de facto* ruler of Hong Kong before 1997.

Before and Beyond 1997

Trapped between Chinese recalcitrance and British spinelessness, the people of Hong Kong face a difficult future. The threat from Peking, of course, is the ultimate source of hopelessness in Hong Kong. However, several developments suggest that the British colony may face turbulence before 1997 as a result of the cowardice and shortsightedness of Hong Kong residents.

Many Hong Kong people seem not to mind the British government's ongoing subservience to Peking. Of course, it would be good if Britain did stand up for them. But why should Britain do anything but seek a "glorious retreat" from Hong Kong? Better not to do anything to irritate or offend Peking. Doing whatever Peking demands is the best course of action to safeguard themselves. Most Hong Kong people naively believe that if they do not offend Peking, Peking will let them continue business as usual in the future. Peking may let them have enough room to make money though some of their freedom would be gone. In other words, as long as they can still make money, Hong Kong people would not mind too much if they cannot speak freely or have to change their current ways of living. However, this is only wishful thinking.

With such an attitude, it is no surprise that many Hong Kong people are neither fighting for their own rights nor urging the British government to stand up for them, and even stand on the side of Peking whenever any conflict arises between London and Peking.

How can Hong Kong people continue to have business as usual if they let Peking take away the present key elements of a capitalistic society? How can Hong Kong people have business as usual if Peking replaces Britain's *laissez-faire* policy with tremendous restrictions? By letting Peking erode the Joint Declaration and create a repressive Basic Law without voicing a strong protest, Hong Kong people hasten the death of their own society. ❑

Letters, *continued from page 6*

that it would "cost" him less not to have it than it would "cost" the owner to give it up.

Coase also evades subjectivity of cost and posits a world where property rights are constantly floating and reassigned based on judicial decisions about "least cost avoiders" in the pursuit of the chimera of "zero transaction costs." I was surprised to see the cheering of such ideas in *Liberty*.

J. Mark Hardy
Ft. Still, Okla.

Sheltering the Libertarians

I always argue that libertarians don't need to be sheltered from the rantings of our opponents — or of our friends. We can decide for ourselves, and if new information turns us away from our principles, so be it. That's why I react so strongly to the letter from R. Michael Borland, M.D., Ph.D. ("That's Not Libertarian, That's Sick," January 1992).

Dr Borland concluded that articles in *Liberty* are "hurting libertarianism," and that those trying to learn about the philosophy shouldn't see it. He even wants to make sure they never see it by telling you to "close up shop."

Perhaps Dr Borland needs to learn how to discriminate. I recommend some *Liberty* articles to friends, and refrain from recommending others. I applaud some articles, and seriously question others. But I never presupposed (as the good doctor does) that I could tell you "Your magazine should be a professional forum of ideas that will make the reader want to learn more about the philosophy." I don't remember being given such a vote, and I don't recall seeing the good doctor's name on your editorial board. Keep up the good work.

Steve Buckstein
Portland, Ore.

The Word Out

I wholly agree with the letter from Dr Borland. This letter puts you on notice: just one more snide remark about libertarians who, with all our faults, are actually trying to get the word out to the voters, and *Liberty* will be off my bookshelf. Meanwhile, here is $19.50 for a further, single year.

A. J. Davies
Ridgefield, Conn.

A Question of Balance

After I read the January letters from Mr Hickman and Dr Borland I went back and reread C. A. Arthur's article on the Libertarian Party's National Convention ("My Kind of Town," November 1991). I have come to the conclusion that there is some truth on all sides.

I know that *Liberty* magazine was originally conceived as a forum in which libertarians could hash out the finer points of our ideology. In short, it was intended to be written by libertarians *for* libertarians, not as an outreach periodical. However, I can now find *Liberty* in a local bookstore. This means that outsiders can now read it. While I don't wish to read puff pieces, I also

continued on page 67

The Ghost in the Little House Books

by William Holtz

Rose Wilder Lane was more than pioneer of libertarian thinking. She was the novelist who turned her mother's stories into the hugely successful *Little House* novels. And along the way, she infused them with libertarian thinking . . .

The "Little House" books by Laura Ingalls Wilder have earned the admiration of many readers, parents as well as children, for their moving portraits of pioneer life. And some thoughtful readers have paused to acknowledge the extraordinary artistry that lies beneath their apparently simple surface. It is, of course, the art that makes them moving, that engages us in the life of the child Laura and her family. It is the art that carries us from the evocations of hearth and home, parental love and family security, in *Little House in the Big Woods*, through Laura's growth toward adolescence and the family's trials in their successive homes in the later books, to her hope-filled entry into mature married life in *These Happy Golden Years*. Embedded in her life are fundamental lessons in courage, honesty, loyalty, hard work, optimism, and self-reliance — all, we would like to say, essentially American values. And the books stand on an autobiographical presumption: the heroine carries the author's name, the Laura Ingalls Wilder whose life story was published only when she was in her sixties. She stands fixed in her readers' minds as a literary Grandma Moses, writing to the world out of the obscurity of her Ozark country home.

Only a few readers, and those only in recent years, have taken particular note that Laura Ingalls Wilder had a daughter, Rose Wilder Lane, whose career as a journalist and free-lance writer carried her around the world in the years 1915–1968. And fewer still have thought to inquire into the connection between mother and daughter as authors. The story is a complex one, to be filtered out of Lane's diaries, journals, and letters, and out of several surviving manuscripts in her mother's hand; but its essence can be simply told. Rose Wilder Lane was the ghost-writer behind her mother's books. The books unfold the story of Laura Ingalls Wilder, but the art that makes them move us comes from Rose Wilder Lane.

Lane was an accomplished popular biographer before her mother's books ever appeared. She wrote early biographies for newspaper and magazine readers of Henry Ford, Jack London, Charlie Chaplin, and Herbert Hoover. She was also an accomplished ghost-writer, well respected for her ability to make the manuscripts of less gifted writers publishable. She began this kind of work early in her newspaper days. Her skill also lay behind the best-selling *White Shadows on the South Seas* by Frederick O'Brien, and she later ghosted material for Lowell Thomas. In the 1920s she also rewrote several articles for women's magazines that appeared under her mother's name. So that when in the 1930s Laura Ingalls Wilder began a project of writing down her earliest memories of life in the woods of Wisconsin, it was entirely natural that she would turn her efforts over to her daughter for the revisions that would make a manuscript into a book. The result was *Little House in the Big Woods*, and what followed was more of the same.

We can trace Lane's hand in her mother's work in three veins. First, Lane's diaries record the weeks and months she spent over her mother's manuscripts during a decade filled with her own writing: "have to finish my mother's goddam juvenile," she wrote of *On the Banks of Plum Creek*, "which has me stopped flat." Second, a number of letters between mother and

daughter discuss in detail some of their disagreements over the final shape of the stories, in which Lane generally had her way: "Change the beginning of story if you want," her mother conceded in one instance. "Do anything you please with damn stuff if you will fix it up." And finally, we have manuscripts: an early composite story, "Pioneer Girl," out of which several of the later stories were quarried; and fair-copy manuscripts in Wilder's own hand of several of the later novels, which we can compare line-by-line with the published versions containing her daughter's final ones. Out of this comparison comes an appreciation of Lane's artful hand in converting her mother's rudimentary manuscripts into compelling tales.

Few have thought to inquire into the connection between Laura Ingalls Wilder and her daughter, Rose Wilder Lane, as authors. The story can be simply told: Rose Wilder Lane was the ghost-writer behind her mother's books.

What Lane accomplished was nothing less than a complete rewriting of labored and under-developed narratives. Her mother would deliver her own best efforts, elementary in grammar and punctuation and uncertain in spelling, in full expectation that her daughter would work her own magic on it. The manuscripts are replete with parenthetical asides and relentlessly factual directives. "The shumac (I don't know how it is spelled and my dictionary don't tell) . . ." "Ellen [the cow] was bred the first of September, before the October blizzard. It takes 9 months. The calf would come the last of May or first of June. We didn't get this straightened out in Hard Winter." From the manuscripts Lane would retain the story-line and many of the incidents, but little of her mother's original language. She rearranged material freely to achieve foreshadowing and thematic clarity. She added much exposition, dialogue, and description, often inventing incidents as well. She suppressed much that was tedious or irrelevant or inconsistent. Almost everything we admire about the Little House books — the deceptively simple style, the carefully nuanced flow of feeling, the muted drama of daily life — are Lane's contribution, fiction made from her mother's tangle of fact. Laura Ingalls Wilder remained a determined but hopelessly amateurish writer to the end.

The curious reader can get some sense of Lane's work on her mother's books simply by turning to the opening chapter of *Little Town on the Prairie*. In the manuscript, this is what Laura Ingalls Wilder wrote:

> It was springtime and the Dakota prairie lay so warm and bright under the shining sun, it did not seem possible it ever was swept by the winds and snows of the long, hard winter just past.
>
> Laura was glad to be on the homestead. She liked the spring wind and the sunshine. It seemed as though she could never get sunshine enough soaked into her bones.

However, in the published version, these words do not appear until the middle of the second chapter. Assessing the potential of the manuscript, Lane saw the need for a preliminary chapter to foreshadow Laura's introduction to town society and the world of work and to prepare the thematic conflict between home and society, country and town. Further needed was a retrospective summary of the previous book to justify Laura's delight in springtime on the homestead. Three carefully worked pages lead finally into a few lines from her mother's original version, and these too are subtly improved:

> Now it was springtime. The Dakota prairie lay so warm and bright under the shining sun that it did not seem possible that it had ever been swept by the winds and snows of that hard winter. How wonderful it was to be on the claim again! Laura wanted nothing more than just being outdoors. She felt she could never get enough sunshine soaked into her bones.

The Ideas of the Ideal Ghost

It would be simple enough to multiply examples of this kind. What is more interesting, however, is to trace through the manuscripts the changes Lane made to incorporate into her mother's stories a version of her own emerging political ideology. It is worth noting at this point that Rose Wilder Lane is an important link in the preservation and transmission of the persistent strain of radical individualism in American political culture that has most recently been called libertarian. Her *Discovery of Freedom* is an admired handbook of libertarian thought, and her novel *Free Land* dramatizes many of the principles she worked out more abstractly in *Discovery of Freedom*. Thus it is not surprising to find that she also took the opportunity to dramatize these same principles as she worked through her mother's manuscripts. Such themes began to emerge incidentally as early as *Little House on the Prairie*, as the resentful Ingalls family is moved off their homestead by an intruding government, as the later settlers on the Dakota prairie routinely flout absurd homesteading restrictions, and as Laura is schooled by her family in independence and self-sufficiency. "I hope you don't expect to depend on anybody else, Laura," her mother says at one crucial point in *The Long Winter*. "A body can't do that."

Lane made her mother not merely a romantic but also an ideological heroine. Not that her mother minded: she shared her daughter's political sentiments, and she was content to have the work that bore her name shaped ideologically as well as artistically by her daughter's hand.

Other changes were more deliberately ideological. Always hewing close to biographical fact, Laura Ingalls Wilder had written truthfully that her blind sister Mary was eligible for a state subsidy for her education, and that it would be accepted:

> Dakota Territory still had no school where the blind could be educated, but the territory would pay tuition, to the state of Iowa, for all Dakota blind children. And Mary could go to the Iowa College for the Blind at Vinton.

> Tuition included board and room and books.

This passage was excised from the published version, which shifted the whole burden of Mary's college costs to the family, primarily to Laura. A similar change was made in the incident in which Laura accidentally finds a book intended for her Christmas present. Originally, in the "Pioneer Girl" manuscript, this book had been identified as the poems of Sir Walter Scott. But in *Little Town on the Prairie*, this book becomes a volume of Tennyson's poems, and Laura gets just a glimpse of some heroic lines that tantalize her as she waits for Christmas:

> "Courage!" he said, and pointed to the land,
> "This mounting wave will roll us shoreward soon."

A disappointing Christmas comes, but she gets her book, and is able finally to read the whole of Tennyson's "The Lotos-Eaters," in which Ulysses' sailors loll in a drugged euphoria, lost to all sense of responsibility:

> Even that poem was a disappointment, for in the land that seemed always to be afternoon the sailors turned out to be no good. They seemed to think they were entitled to live in that magic land and lie around complaining. When they thought about bestirring themselves, they only whined, "Why should we ever labor up the laboring wave?" Why, indeed! Laura thought indignantly. Wasn't that a sailor's job, to ever labor up the laboring wave? But no, they wanted dreamful ease. Laura slammed the book shut.

Finally, we might look at Lane's reworking of one of her mother's chapters that will let us appreciate both the craft that makes a scene vivid in the imagination and the political consciousness that moved Lane to seize a remarkable opportunity to move her young heroine to her own dawning political awareness. In *Little Town on the Prairie*, in a chapter called "Fourth of July," Laura Ingalls Wilder had written this:

> Laura was wakened in the morning by the "Boom! Boom! Boom!" from the anvil at the blacksmith shop in town. It sounded like a great gun.
> "Come girls!" Ma called. "Time to get up. Don't you hear the cannon?"
> Breakfast was soon over, because everyone was in a hurry to go to the celebration.
> While Laura and Carrie washed the dishes and Mary made the beds, Ma packed the picnic basket.
> "I wish" she said, "that I had some of our chickens from Plum Creek."

This brief introduction Lane converted to the following:

> BOOM!
> Laura was jerked out of sleep. The bedroom was dark. Carrie asked in a thin, scared whisper, "What was that?"
> "Don't be scared," Laura answered. They listened. The window was hardly gray in the dark, but Laura could feel that the middle of the night was past.
> BOOM! The air seemed to shake.
> "Great guns!" Pa exclaimed sleepily.
> "Why? Why?" Grace demanded. "Pa, Ma, why?"
> Carrie asked, "Who is it? What are they shooting?"
> "What time is it?" Ma wanted to know.
> Through the partition Pa answered, "It's Fourth of July, Carrie." The air shook again. BOOM!
> It was not great guns. It was gunpow-

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der exploded under the blacksmith's anvil, in town. The noise was like the noise of battles that American's fought for independence. Fourth of July was the day when the first Americans declared that all men are born free and equal. BOOM!

"Come, girls, we might as well get up!" Ma called.

Pa sang, "'Oh, say, can you see, by the dawn's early light?'"

"Charles!" Ma protested, but she was laughing, because it really was too dark to see.

"It's nothing to be solemn about!" Pa jumped out of bed. "Hurray! We're Americans!" He sang,

Hurray! Hurray! We'll sing the jubilee!
Hurray! Hurray! The flag that sets men free!

Even the sun, as it rose shining into the clearest of skies, seemed to know this day was the glorious Fourth. At breakfast, Ma said, "This would be a perfect day for a Fourth of July picnic."

"Maybe the town'll be far enough along to have one, come next July," said Pa.

"We couldn't hardly have a picnic this year, anyway," Ma admitted. "It wouldn't seem like a picnic, without fried chicken."

Once the Ingalls family reaches the Fourth of July celebration, the manuscript furnishes just a hint that Lane seized upon to raise Laura to her moment of political illumination. Laura Ingalls Wilder wrote:

. . . the speakers were coming onto the platform.

They were all strangers to Laura. She listened carefully while one read the Declaration of Independence. He was a tall man with a grand manner, and his voice boomed out strongly as he read—

"When in the course of human events [it] becomes necessary for one people to dissolve the political bands which have connected them with another"—

Then another speaker talked about "our glorious country" and how our ancestors fought, bled and died that we might be free as the Declaration said we should be. How they, a mere handful of ragged patriots, had beaten the whole British army and won our independence.

Lane took this passage in hand and created a scene in which Laura listens to a speaker give a short history of the nation's wars and recite the Declaration of Independence — most of which appears in the text. In a clearly sacred moment, Laura, with "a solemn, glorious feeling," listens to the words she knows already by heart. At the end, "No one cheered. It was more like a moment to say, 'Amen.' But no one quite knew what to do."

Then Pa began to sing. All at once everyone was singing.

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing.
Long may our land be bright
With Freedom's holy light.
Protect us by Thy might,
Great God, our King!

The crowd was scattering away then, but Laura stood stock still. Suddenly she had a completely new thought. The Declaration and the song came together in her mind, and she thought: God is America's king.

She thought: Americans won't obey any king on earth. Americans are free. That means they have to obey their own consciences. No king bosses Pa; he has to boss himself. Why (she thought), when I am a little older, Pa and Ma will stop telling me what to do, and there isn't anyone else who has a right to give me orders. I will have to make myself be good.

Her whole mind seemed to be lighted up by that thought. This is what it means to be free. It means, you have to be good. "Our father's God, author of liberty —" The laws of Nature and of Nature's God endow you with a right to life and liberty. Then you have to keep the laws of God, for God's law is the only thing that gives you a right to be free.

The passage is wholly Lane's creation, and in it she has made her mother not merely a romantic but also an ideological heroine. Not that her mother minded: she shared her daughter's political sentiments, and she was content to have the work that bore her name shaped ideologically as well as artistically by her daughter's hand.

Neither woman ever acknowledged publicly the ghost that lurked in the Little House books. Lane even worked out elaborate strategies to preserve the appearance of her mother's autonomy, writing letters to her mother's agent and publisher that her mother recopied and sent on in her own hand. In later years, after the death of Laura Ingalls Wilder, Lane carefully supported the idea that her mother had simply written the facts of her life; and she protested vigorously any suggestion that any impulse toward fictional artifice, even on her mother's part, had shaped the narratives. For Lane's ultimate commitment was to the moral truth that lay behind the stories; and to doubt the simple autonomy of the author, or to doubt the literal truth of the "autobiography" thus told, would be to cast doubt on the deeper truth that the life of Laura Ingalls Wilder was intended to unfold. ❑

Arthur, "Inside Pat Buchanan," *continued from page 28*

movement) may support Buchanan on the theory that he will drive libertarians from conservatism, rather in the way many Republicans supported Wallace in 1972 in hopes of driving Democrats to the Republican party. But I doubt it: such Machiavellian machinations are foreign to most libertarians' thinking.

In the end, I doubt that libertarians want to be led by a man who considers Nixon his mentor and Franco a hero, who supported the War in Vietnam and supports the War on Drugs, who questions freedom of speech and waxes nostalgically about the draft.

In his interview with Jim Robbins (see pp. 17–20), Buchanan concluded his pitch for libertarian support with these words: "My friends, there are only two trains, and neither of them is going exactly to your destination, but mine is closer. So get aboard."

I am not really sure what the two trains Buchanan talked about are. One is plainly his candidacy, but what is the other? George Bush? The Democrats? David Duke? I don't know for certain, but I doubt he was thinking about the Libertarian Party's nominee, Andre Marrou. I have never been crazy about Marrou, but if I have to hop onto a presidential train, his is the one I shall get aboard. It may not have the biggest locomotive , but at least it's on the right track. ❑

Critique

Economics *vs.* Bionomics?

by Ross Overbeek

Michael Rothschild's "Bionomics" has been widely hailed as a brilliant new approach to economics. Ross Overbeek explains why he doesn't share that opinion.

As a computer scientist, currently doing research in biology and genetics, but with a background in economics, the relation between coded information, genetics and economics has always fascinated me. So naturally I was intrigued by Michael Rothschild's "Beyond Austrian Economics" (*Liberty*, January 1992). Wanting to investigate his thinking further, I read his book *Bionomics*.

As I make it out, Rothschild's basic approach can be summarized as follows:

1. An economy is a complex, hierarchically organized system. As such, it is analagous to biological systems. The processes of natural selection, mutation, recombination, specialization, and competition that are observed in nature carry lessons that should be studied if one is to come to an accurate understanding of a functioning economy.

2. The focus of conventional economics on equilibrium is a mistake. Life is made up of constant change. Increases in learning and technological innovation lead to rapidly changing environments. Any understanding of economic life must focus on adaptation to change, not on equilibrium.

3. Spontaneous evolutionary processes in the marketplace have direct analogies to evolutionary processes:

Evolution	Market
organism	organization
genes	technological data
mutations	modest improvements
recombination	major inventions

These analogies can provide insights into economic processes. Insights gained by observing biological communities should be explored when trying to understand how the market functions.

The similarity between Rothschild's theory and Austrian economics is striking. Indeed, it seems to me that virtually all of value in Rothschild's theory can be found in Austrian economics. And most of what remains of Rothschild is either misleading or irrelevant.

That is not to say that *Bionomics* is without value. It is certainly provocative (else I would not write this essay). And its analogy between biology and economics is at the very least a useful device for coming to understand and appreciate Austrian economics.

Rothschild vs Economics

Rothschild admits that he wrote *Bionomics* without ever studying Austrian economics. That someone overlooked Austrian economics in the intellectual environment of modern America is certainly comprehensible, but it is strange that anyone seeking to understand the intellectual underpinnings of capitalism would overlook such a body of work. One who argues that a coherent defense of the market process is needed but has not been provided might reasonably be expected to search for such a defense. It is hard to believe that anyone could search very hard without running into the works of Mises, Hayek, and Rothbard.

Having encountered Austrian economics, thereby discovering that many of his conclusions concerning the body of economic literature were simply wrong, one might expect Rothschild to examine carefully the corpus of Austrian thinking. Rothschild, however, seems to be more intent on maintaining the significance of his own work than coming to grips with the rich tradition of Austrian economics. Rothschild quotes, and then criticizes, Hayek:

> Interestingly, in his famous essay "The Use of Knowledge in Society," Friedrich Hayek describes the workings of price signals by relying on an "economy as machine" analogy.
>
> It is more than a metaphor to describe the price system as a kind of machinery for registering change, or a system of telecommunications which enables individual producers to watch merely the movement of a few pointers, as an engineer might watch the hands of a few dials, in order to adjust their activi-

> ties to changes of which they may never know more than is reflected in the price movement.

Two decades later, however, in "The Theory of Complex Phenomena," Hayek begins to shift his position when he describes organic and economic phenomena as examples of the kind of complex systems that do not operate by simple mechanical rules.

Rothschild criticizes Hayek for using a mechanistic metaphor. Had Hayek instead chosen neural systems that integrate a variety of complex phenomena into a single variable as his analogy, the intellectual content of his point would have been identical, and I expect Rothschild would grasp his point immediately. It is plain that Hayek chose a mechanistic metaphor only because it was most familiar to his readers and that his choice of metaphor is irrelevant to the validity of his point. Rothschild's pre-occupation with rooting out mechanistic thinking has led him away from understanding and appreciating Hayek's insights.

Rothschild blithely condemns economists past and present, apparently because they fail to employ his choice of terminology.

This sort of superficiality leads Rothschild to miss what other authors were saying. Consider the following passage from *Bionomics*:

> The sad truth is that two centuries after Adam Smith launched the study of economics, we still cannot explain how markets work. Trading and exchange — the most persistent features of the human economy — remain an enigma. Perhaps this is why Smith's celebrated phrase, "invisible hand," retains its broad appeal. Frustrated by our profound ignorance, we find such an expression soothing, even though it sheds no light.

This passage typifies not only Rothschild's condescending attitude but his wondrous ability to miss the point. Rothschild blithely condemns economists past and present, apparently because they fail to employ his choice of terminology. He does not see that the "invisible hand" metaphor was merely a way of calling the readers' attention to an important aspect of market interaction: that is, how human beings with limited knowledge and concern can adapt to changing circumstances and serve each others' needs, forming orderly arrangements despite their obvious lack of omniscience or universal benevolence. The "invisible hand" terminology, whether used by classical economists or the Austrians, was a literary way of stating the very kind of idea that Rothschild himself insists upon: the "unintended" order arising from the evolutionary, adaptive processes of capitalism. Of course Smith's use of the term was not fully satisfactory, but to interpret it as a sign of evasion is uncalled for: the "biological," evolutionary standpoint of economic science in the first half of the 19th century is widely recognized, at least among most historians of evolutionary theory. Contrary to Rothschild, Darwin and Russell were more influenced by economics than the economists of the Austrian school learned from the evolutionists (Menger's evolutionary approach merely carried on the Smithian insight into the marginalist revolution).

To Rothschild, technical information is of fundamental significance. In his view, a society is fundamentally shaped "by its accumulated technical knowledge." This raises the question: why is it that one society is prosperous while another is poverty-stricken, despite having essentially identical technical knowledge available. Why, for example, doesn't India do just as well as Japan? Indians have excellent libraries, they have access to most of the "linear sequences of symbols that encode knowledge" (Rothschild's notion of "information"), and their students include some of the brightest in the world. Yet Japan is prosperous while India is poor.

Rothschild's overemphasis on technical knowledge leads to him to fail to appreciate the importance of other factors, like capital accumulation, the organization of production, and the destructive nature of intervention. Indeed, the biological systems that Rothschild goes to for guidance are characterized by coercion, violence, and parasitism. He seems to be on no surer ground than the Social Darwinists, whom he unfairly maligns (simply by oversimplification).

To What Extent are the Analogies to Biology Helpful?

The most intriguing aspect of Rothschild's approach is his use of analogy between economic and biological systems. The analogies he draws must be examined carefully, since he derives so many of his insights from them.

Biological adaptation is driven by evolution. The central characteristics of this process are natural selection and replication. Natural selection in the biological world clearly has an analogy in the economic arena. But, as Rothschild is fully aware, the notion of replication does not. That is, a biological organism derives the fundamental aspects of its makeup from its genes, which are determined by its parents. The technological data available to an organization is not the product of its parentage. As Rothschild states:

> a firm's future "corporate genes" are, at least in part, a result of conscious choice.

What does this mean? The assertion that a corporation's "unique technical know-how" constitutes its genes, coupled with Rothschild's later insistence that technical information should be thought of as "a linear string of symbols," and not as knowledge about the state of the world, is at best confusing.

Why is it that one society is prosperous while another is poverty-stricken, despite having essentially identical technical knowledge available. Why, for example, doesn't India do just as well as Japan?

The notion that one should view an economy as made up of organisms (called organizations) that can alter their genetic makeup at will strikes me as bizarre. It has no analogy in the biological world. Surely, whatever insights are to be gained by comparison

to ecosystems must be examined very carefully given such a fundamental discrepancy between the analagous objects.

To illustrate the level of confusion these analogies can produce, let us consider the following argument from *Bionomics*:

> For the past 60 years, economic historians have pummeled each other with arguments about the inherent pattern of economic change. Joseph Schumpeter, a prominent twentieth-century economist, claimed that innovation was discontinuous, causing massive and sudden destruction of old industries by the new. Schumpeter saw this "creative destruction of capital" as the central process of capitalism. Others, led by A.P. Usher, pointed out that old industries usually prosper alongside new competitors for long periods of time. Usher stressed that when the great inventions are studied in detail, sudden "breakthroughs" are revealed to be little more than the final steps in a long chain of gradual technical refinements stretching over decades.
>
> Today, the experts are still choosing up sides in this debate between technologic catastrophists and gradualists. Never having studied biology, they remain unaware that punctuated equilibrium has resolved the 200-year-old debate over the pace of evolution by showing that sudden and gradual change coexist.

This follows a fairly lengthy chapter which covers the work of Niles Eldredge (see "Time Frames: the Evolution of Punctuated Equilibria" for the popular account) and Stephen Jay Gould relating to the evolution of trilobites. Rothschild summarizes these ideas thusly:

> Essentially, punctuated equilibrium says that evolutionary change happens neither overnight nor over millions of years, but rather in bursts that stretch for a few hundred or a few thousand years. It is pulsating evolution, a surge of relatively rapid change followed by a long period of stability or equilibrium. Punctuated equilibrium contends that once established, a species does not change. As long as it fits its ecological niche, there is no reason to change. If the environment changes, the species will migrate in an attempt to regain the ecological setting it needs. If the environmental shift is too extreme and migration fails, the species becomes extinct.
>
> But well before a species dies off in the normal course of events, small groups will drift away from the main population, either by getting lost during an annual migration or by simply wandering off in search of less crowded, greener pastures. If such a group is fortunate enough to find an acceptable place to live, it will survive in reproductive isolation. Over several generations, mutations will modify the physical characteristics of the group transforming the parent species into a new daughter species.

This is an accurate summary of Eldredge's views, and the trilobite investigation certainly did generate a fair amount of interest for those interested in evolutionary biology. But, what does it mean for an organization to "live in reproductive isolation"? What insights would a study of reproduction of organizations bring to our analysis of biological systems? None at all, so far as I can fathom. Rothschild's recounting of the development of the theory of punctuated equilibrium is interesting to biologists, but I find the analogy strained, and at best merely suggestive.

Rothschild and Capitalism

Rothschild argues for capitalism on the basis of a vague correspondence between the spontaneous organization evident in biological systems and within a free market. To say the least, this is not a completely solid foundation. So it is not surprising that in *Bionomics* the sort of capitalism that Rothschild envisions is far less consistent than that of the Austrians. Here are a few specimens of Rothschild's inability to understand the logic of the free market:

> Of course, to recognize the hidden costs of income redistribution is not to argue against the need for a safety net. It is painfully obvious that many people cannot possibly support themselves. Basic human decency demands that we assist the needy. No rational person disputes this. . . .
>
> Providing every American child access to a high-quality education would be the single most powerful antipoverty program ever launched. If this were supplemented with a comprehensive, lifelong system of government-backed loans for higher education, vocational training, and job retraining, America's weakening competitive position surely would be resurrected. . . .
>
> Financially, if for no other reason, this logic supports federally backed loans to private Soviet businesses. . . .

These arguments for the welfare state show not only a lack of appreciation of the many arguments against such institutions (they are not limited to "the hidden costs of income redistribution"), but also show the irrelevance of Rothschild's biological analogies. However you may argue for welfare state provisions, you must do so in completely economic terms: as mentioned earlier, adaptation in the biological world occurs in contexts of predation and parasitism as well as symbiosis and commensalism, thereby rendering fundamental criticisms based on a parallelism between biology and economics vacuous.

In these brief comments, I have been more harshly critical than I had expected I would be. There are serious shortcomings in Rothschild's thinking, but there is also considerable value. Rothschild is a stimulating writer, his writing is occasionally insightful, often provocative and sometimes outrageous.

But do not forget that he is a man who defines profits as "the savings achieved through learning" and capitalism as "simply the process by which coded technological information evolves." Don't expect precision, accuracy, or consistency; just enjoy the sparks from an unusual mind. ❑

Response

Contra Overbeek

by Michael Rothschild

Anyone who proposes a worldview that departs from the received wisdom had better be ready for a good jolt of criticism. But along with the ego bruises, thoughtful, well-reasoned criticism offers its own intellectual rewards. Knowing the sophistication of *Liberty*'s readership, I had thought Ross Overbeek would offer a stimulating response. But sadly, he failed to deliver the goods.

Upon careful reading, his remarks don't really amount to a serious critical essay, one that challenges the fundamental argument of *Bionomics*. Instead,

his piece is more a disjointed series of hit and run attacks. For the *Liberty* reader, this is complicated by the fact that Dr Overbeek chose to critique my book rather the *Liberty* article. Unless you have read *Bionomics* itself, you cannot know the full depth and power of the argument on which Overbeek launches his puny raids.

Again and again, Overbeek uses the same disingenuous technique. He abstracts one or two sentences — those bearing the surprising conclusions drawn after several pages of well-supported argument — and holds them up as if they were bald assertions.

Another technique is to rely on a reader's tendency to regard as sacred every phrase a great economist ever wrote. In one instance, he attacks me for pointing out that Hayek, in his earlier writing, had relied on the machine metaphor. As any reader of my article can see, I made no criticism of Hayek's larger argument in "The Use of Knowledge in Society." In fact, I wrote that Hayek's basic point was "entirely correct," merely showing that even Hayek could fall into the neoclassical trap of machine thinking.

In a time when we still hear endlessly about "pump-priming," "jump-starting" and "revving up" the "economic engine," I think it is absolutely crucial that thoughtful people expunge such powerful but misleading metaphors from their economic vocabulary. Like it or not, reliance on the "economy as machine" metaphor leads inexorably to "command-and-control" politics. My "preoccupation with rooting out mechanistic thinking" is essential for anyone genuinely committed to dismantling the ideology of state economic control and rebuilding a free society. For far too long, lovers of liberty have unwittingly put themselves at a massive rhetorical disadvantage by failing to recognize the inescapable political implications of the "economy as machine" analogy.

Overbeek blended his two techniques — taking a few lines out of their larger argumentative context and ridiculing any questioning of a great economist's words — when he rebuked me for finding fault with Adam's Smith's most famous phrase "invisible hand." But again, I stand by my point. "Invisible hand" simply doesn't tell us anything, and it certainly hasn't wielded much persuasive power with market skeptics.

Though I have immense admiration for Adam Smith, and make that fact abundantly clear in Chapter 2, even he didn't get it all right. Smith wrote at the very dawn of the Industrial Revolution; James Watt, inventor of the steam engine, was a personal friend. And yet, Smith never imagined that the economy was about to be transformed from agricultural to industrial. As great as he was, Smith didn't have all the answers. No one who treats economics as a science ever will pretend that he does.

It's only in religions and political ideologies that the sacred texts must remain forever unchanged. Science, by contrast, is an endless process of testing old ideas against newly discovered facts. I, for one, think that modern evolutionary biology has inadvertently given us enough new facts and concepts to make a far more compelling explanation of market action than the phrase "invisible hand." Chapter 23 in *Bionomics* makes that case, and I believe makes it convincingly. But Overbeek never even attempts to directly challenge this or any other link in the bionomic argument. Apparently, he thinks it more prudent to hide behind the names of the giants of economics.

Toward the end of his remarks, Overbeek begins to lose touch altogether and drifts away into outright misrepresentation. Yes, it is true that I believe that an economy's potential is determined by the current state of "its accumulated technical knowledge." But Overbeek's claim that I must therefore conclude that India and Japan should have equally robust economies is absurd. As I take extreme pains to point out in Chapter 28 — Soviet Capitalism — a society, to achieve the prosperity latent in a given state of technology, must first create a political environment of private property and free prices. India still has a socialist economy. Japan, in case Overbeek hasn't noticed, is an awesomely competitive capitalist society. If, all by itself, technology drove everything, economic thinkers wouldn't have to worry about politics. In part, *Bionomics* makes its contribution by showing why a political environment that guarantees private property and free prices is so crucial to robust technological evolution and the prosperity it brings.

Breaking his normal pattern, Overbeek tries to level one serious charge at the basic bionomic argument. He claims that the economy/ecosystem analogy fails because organisms replicate and pass on to their offspring the genetic information that they themselves inherited, while organizations consciously change their technological code. The way Overbeek puts my argument, the reader would believe that I hadn't myself elaborated on the differences between organisms and organizations, between genetic and technological information. But again and again, *Bionomics* makes the point that although the analogy is incredibly illuminating, it is not (and does not need to be) perfect. As the Postscript argues, just because a road map isn't perfectly analogous to the configuration of a city's streets does not mean that we should throw the map away. Like any other tool, you must use it intelligently. It is simply irresponsible, if not downright intellectually dishonest, to make it appear that the author claimed something he never claimed and then attack him for doing so.

With his last wild punch, Overbeek tells us "that in *Bionomics* the sort of capitalism that Rothschild envisions is far less consistent than that of the Austrians." He then cites as evidence of such inconsistency my support for a social safety net for the helpless, tax-supported public education (with school choice), and partial federal guarantees to reduce the risk of *private* investment in *private* businesses in Russia. Well, I do support these government activities. And *Bionomics* explains why the appropriate use of a limited government for specific community purposes (as intended by America's founding fathers) is not inconsistent with bionomic thinking. (See especially pp. 113–14.)

And this, in the end, seems to be what really bothers Overbeek. *Bionomics* is a serious effort to shift the fundamental paradigm of economic thought. The consequence of its success will be to move economics from the realm of ideology — with its eternal absolutes — to the domain of scientific inquiry — where every answer generates more fascinating questions. What is an ideologue to do when someone threatens to take away his plaything? ❑

Reviews

***JFK*, Warner Bros. Written by Oliver Stone and Zachary Sklar, directed by Oliver Stone. Actors include: Kevin Costner, Sissy Spacek, Joe Pesci, Tommy Lee Jones, Kevin Bacon, Donald Sutherland, and others.**

JFK, Conspiracies, and Me

Sheldon L. Richman

Damn Oliver Stone!

I remember exactly where I was when I first learned that John F. Kennedy had been shot in Dallas. Big deal. I don't remember where I was when I resolved to ignore the controversy that grew out of the assassination. I did not read the Warren Commission Report. I did not read the growing library of books alleging a conspiracy. My feeling was that unless I had lots of time to devote to the mass of facts and allegations, it wasn't worth getting into it at all. I had lunch with Mark Lane once and did not even bring up the subject. (Amazingly, neither did he.)

Damn Oliver Stone! Thanks to him I have been sucked into the morass of conspirology. It started when I read the newspaper articles and op-ed columns about *JFK*, most of them accusing Stone of distorting history and undermining confidence in the government. (One out of two ain't bad.) Then I went to see the movie.

JFK is great cinema but lousy history. The story is gripping and the three hours fly by. The acting is mostly superb. (The exception, for me, is Kevin Costner as prosecutor Jim Garrison. I am *not* a Costner fan. He has the passion and excitement of lentil soup.) Stone effectively portrays what he believes happened in Dealey Plaza on November 22, 1963. Unfortunately, he also plays loose with the facts to make his case more persuasive. He interweaves real footage and photos (including the famous 8mm Zapruder film) with his own creations; it is hard to know which is which. What's more, he shamelessly concocts events, such as the placement (presumably by the CIA) of stories about Lee Harvey Oswald in foreign newspapers within hours of the assassination. I would not object to Stone's showing his (weak) theory in the best possible light. Fabrication is something else entirely. Nevertheless, the movie is worth seeing.

At any rate, after seeing it, I read some more articles and pulled out my old copy of Carl Oglesby's *Yankee and Cowboy War*. (Okay, technically I had read a book on the assassination. But Oglesby's thesis is larger than that, so it doesn't count.) Finally, I did what I said I'd never do: I bought a book specifically about the Kennedy assassination. My defense is that it was written by a lifelong conspiracy buff and investigator who has changed his mind and concluded that Oswald acted alone. (*Conspiracy of One*, by Jim Moore; highly recommended.)

Luckily, I am fickle enough that within a short time I will move on to something else (perhaps the explosion on the *Maine*) and it will be impossible to get me to talk about the assassination. But until then, I, admittedly a non-expert, have a few things to get off my chest.

Unlike Clarence Thomas and *Roe* v. *Wade*, over the years I did think about the controversy and I even had a few casual discussions about it. As a libertarian, I was never appalled by suggestions that high reaches of the U.S. government might have been in on the assassination and coverup. But my enduring hunch, based on no research, was that the Warren Commission probably was right that Oswald was a "lone nut." (That hunch has been strengthened by subsequent reading.) My feeling was never that the government *wouldn't* do it. Rather, it was that the government *couldn't* do it. Let's face it, some CIA types couldn't pull off a "third-rate burglary" at the Watergate without getting caught. (Of course, as Oglesby thinks, burglar James McCord might have been a double agent out to get Nixon.) The Iran-Contra story was broken by a little newspaper in Lebanon. The government is not efficient. And a conspiracy of this sort, including coverup, would require a high degree of efficiency and many people. Why has no one talked — on his deathbed or after signing a million-dollar publishing contract including plastic surgery and a new identity? Where are the leaks? The documents? Something! And yet, while there is this presumed high efficiency, the Warren critics kept "finding" physical evidence that indicate conspiratorial incompetence: a dented shell casing, "obviously" doctored photos of Oswald, a grassy-knoll assassin who would have been easily spotted.

My suspicion of the conspirologists was also based on misgivings about their methods. (I had heard enough about those methods to be uneasy.) First, some of the writers rely heavily on purported eyewitness accounts. As a reporter, I covered criminal courts for three years, long enough to learn that eyewitness testimony can be the weakest form of evidence. It is notoriously

unreliable. Circumstantial evidence, despite its bad reputation with the lay public, can be the strongest kind of evidence.

Second, it is obvious to me that if one searches for indications of a conspiracy in an event as big as a presidential assassination one is bound to find some. As sure as the vice president succeeds the president on his death, a conspiracy investigation will beckon all kinds of nuts and attention-seekers claiming to have seen this or heard that. Besides, coincidences do happen.

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Third, there is the problem of falsifiability. A theory that can explain everything explains nothing. If every conceivable state of affairs neatly fits into the conspiracy picture something is wrong. Are there three shell casings lying neatly at the window sill where Oswald (or whoever) shot? Ah ha! Evidence of a conspiracy. Are there no casings on the grassy knoll where a co-conspirator allegedly shot? Ah ha! More evidence of a conspiracy. Notice also that the conspiracy must grow ever bigger. If the Kennedy x-rays and autopsy photos support the lone-gunman theory, someone will claim they were doctored or switched. Or that the body was. Next time you talk to a conspiracy advocate, ask him what piece of evidence would change his mind. If you get an answer, let me know.

Fourth, I sense a serious procedural problem in at least some conspiracy theorists. They work bass ackward. Here's an example. From Oswald's six-floor vantage in the Texas School Book Depository, he could have shot either while the motorcade approached him or while it moved away from him. (He did the latter, of course.) Some people have argued that the first option would have been preferable because it was easier. But, they continue, Dealey Plaza, which the motorcade turned into, was perfect for stationing three shooters. This so-called triangulation set-up increased the odds of a successful hit and made things so confusing for witnesses that it facilitated the cover-up. Ergo, the fact that Kennedy was shot while moving away from the book depository supports if not proves the conspiracy theory.

Note the reverse logic. Decision X would be useful in a conspiracy. Therefore, Decision X shows that there was a conspiracy. Nonsense. What if Decision X also made sense without a conspiracy? Oswald could have chosen to shoot while the car moved away because if he shot while it was moving toward him, he could have been spotted more easily. Everyone in the motorcade and along that part of the route would have been looking in his general direction; they would only have had to look up. If the car was moving away, most people would have had their backs to his position. Or maybe he intended to shoot at the approaching car, but dust blew into his eye.

Even if we can't think of a reason for the decision, that cannot be used to support a conspiracy theory. People can have all sorts of reasons for things that don't readily occur to someone examining a decision after the fact. A void is not proof. While independent, direct evidence of a conspiracy (bullets from different guns and different directions; such were never found) could shed light on a decision such as waiting until the car turned the corner, the reasoning cannot go in the opposite direction. Purported pieces of indirect evidence are bootstraps; the theory cannot pull itself up by them.

Implicit in the above is a plea for application of good old Occam's razor. Whenever two theories can explain the same phenomenon, taking into account the material facts, one should favor the simpler. Many conspirologists seem unfamiliar with William of Occam. If you strip away the obfuscation and extraneous matter and apply the razor, the assassination ends up looking like the act of the solitary Oswald.

Fifth, many conspirologists display the attitude that when Kennedy was killed, our last chance for radical reform of American society was cruelly snatched from us. This seems to account for their anger and their persistence in the face of a paucity of evidence for their theories. Central to many of those theories is a romanticizing of John F. Kennedy as a peacenik ready to withdraw from Vietnam and call off the Cold War. That is ridiculous, and the recently released Cuban Missile Crisis documents show how ridiculous it is. At least the Mafia-centered theories don't depend on such absurd romanticizing. They have their own problems.

I resist the temptation of going into specifics. Suffice it to say there are perfectly reasonable explanations for the single-bullet theory, the backward motion of Kennedy's head, and other supposed mysteries. And contrary to what the Warren Commission members and the conspirologists think, Oswald had more than 5.5 seconds to fire his three shots. (On all of this, see *Conspiracy of One*). I know, I know. Oswald was a Marine at a U-2 base in Japan. He (apparently) defected to the Soviet Union and while he was there Gary Powers' U-2 was shot down. The State Department lent Oswald money to return to the United States. He was the only member of a pro-Castro organization that shared a New Orleans address with an anti-Castro organization. He had connections with the Mafia, the FBI, and the CIA. (I'll assume these things are true.) And on and on. In an event such as this, there are likely to be strange, inexplicable details and coincidences. In themselves, they no more prove a conspiracy than the remarkable parallels between Kennedy and Abraham Lincoln prove a mystical connection between the two assassinations.

Next time you talk to a conspiracy advocate, ask him what piece of evidence would change his mind. If you get an answer, let me know.

I am open to evidence that I am

wrong. Whether Kennedy was the victim of a conspiracy is a purely factual matter. I have nothing at stake in this, and I am not wedded to my conclusion beyond its seeming fit with the facts. On the other hand, the conspirologists have had nearly 30 years to produce some hard evidence. Where is it? I certainly do not deny there are loose ends. They are all at the margin. And I for one will not be losing any sleep over them. ❑

***Public Choice and Constitutional Economics*, edited by James D. Gwartney and Richard E. Wagner. JAI Press, Inc., 1988, 422 pp., $56.50.**

A Paradigm Shifts Gears

Jane S. Shaw

In effect, this book launches constitutional economics (or constitutional political economy), a discipline that has emerged from public choice theory. Constitutional economics deals with the rules that govern politics, the "rules of the game" that are established before political exchange occurs. This subject matter was introduced in the 1962 book, *The Calculus of Consent*, by James Buchanan and Gordon Tullock, one of the landmarks of public choice.

But *Public Choice and Constitutional Economics* isn't the result of a deliberate application of constitutional economics. Rather, it's a precursor, a collection of essays that deal with constitutional issues written by authors who perceive that key protections of the U.S. Constitution have eroded. It offers such a dizzying array of perspectives and ways of looking at constitutional issues that it defeats easy summary.

In his foreword, William Niskanen says that the book brings to bear three new perspectives: public choice, constitutional economics, and law and economics. He could have included at least two others: property rights and the new institutional economics. All five are included by James Buchanan in his description of the "new political economy" in *The New Palgrave Dictionary of Economics*, and all apply to this book.

But even that list of perspectives understates the difficulty of getting a handle on the volume. Although all writers reflect conservative or libertarian views, the scope of a single essay in this book can encompass history, philosophy, economics, and law. Even essays that address similar issues draw on vastly different bodies of knowledge (they may include ethics, economic history, and legal history, to name a few). Roger Pilon's admission that he will step into some "fairly abstract and even arid regions, into the province of the philosopher, the better to get a picture of the larger issues before us" (p. 153) is not atypical. Each author establishes his or her own intellectual framework, so the reader is continually shifting focus. Although the same themes recur (such as substantive versus procedural restraints, the role of Lockean rights theory in the founding of the nation, and public taking of private property), they pop up unexpectedly. The eclecticism of the book may explain why I have taken a year and a half to review this book and perhaps why it has not been widely commented on; even *Public Choice* has yet to review it.

That said, there is much that is worthwhile in this volume. The first two essays, written by the editors, James Gwartney and Richard Wagner, lay out the theme and scope of the book and are probably worthy of a review in themselves. The first essay is a readable introduction to public choice. It begins with the underlying assumption of public choice, the self-interested individual, then summarizes the interests of the key political players (politicians and voters), and then identifies some of the results of their interaction in the political process. These include the ignorance of the voter about most issues and thus the poor monitoring of government; the shortsighted pressures inherent in political institutions; and bureaucratic waste.

The essay identifies what the authors believe to be the fundamental problem with democracy—the ability of "a winning majority to enrich itself at the expense of a losing minority" (17). In American history this has meant the growth of fiscal discrimination, that is, taxation and regulation of some people to benefit others.

The second chapter picks up on the constitutional theme, pointing out that the U.S. Constitution did, in fact, have such restraints when it was written, but those restraints have eroded. The authors indicate that many substantive protections of the Constitution, such as the requirement that taxes were to be uniform and used for "common defense" and "general welfare," have been removed by political forces (such as the inability of the Supreme Court to act independently of the legislative branch).

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Procedural restraints, such as requirements that laws be passed by two quite dissimilar legislative chambers (a correct description of the House and Senate in the early days of the Republic), have eroded as well, though sometimes through technological changes, the authors say, rather than deliberate action. Wagner and Gwartney think that changes in procedural rules (such as requiring "supramajority" decisions instead of majority rule) are the best hope for restoring constraints on Congress.

The editors have consciously made the current volume a historical document. The book includes James Buchanan's speech upon his acceptance of the Nobel Prize. This contains a historical nugget that should please inveterate library browsers: "One of the most exciting intellectual moments of my career was my 1948 discovery of Wicksell's unknown and untranslated dissertation, *Finanztheoretische Untersuchungen* (1896), buried in the dusty stacks of Chicago's old Harper Library." In this essay, Knut Wicksell introduced the idea that for taxation to be just, its goal and design should be unanimously supported by voters. This discovery, which corresponded with Buchanan's own thinking, set him on the road to public choice.

The editors include an abridged version of that essay (which Buchanan

The Paradigm Shift: A User's Guide

Public choice, which emerged in the late 1950s from public finance economics, offers a very far-reaching revision of our understanding of government activity. Thomas Kuhn's 1962 book, *The Structure of Scientific Revolutions* (University of Chicago Press, 2nd ed., 1970), may help illustrate its current status.

Kuhn shattered the traditional concept of scientific progress by arguing that a shared understanding of reality shapes the insights, investigations, and discoveries of any scientific field. He argued that every once in a while this "paradigm" falters and a new one takes its place. When the new paradigm takes hold, a scientific revolution has occurred.

Kuhn's book is about physical sciences, not social sciences, and he casts doubt on the ability of social sciences to accept paradigms. Economics, for example, would be a pre-paradigmatic field in Kuhn's view because it has so many competing schools. Nevertheless, each economic school does offer a view of the world that, rightly or wrongly, guides a body of research. The adoption of Keynesianism in the late 1940s and the disillusionment with it in the 1970s illustrate the course of a major but relatively short-lived economic paradigm.

Public choice is one of these paradigms, but it is still in the early stages of acceptance. It is certainly farther along than it was when James Buchanan stumbled across Knut Wicksell's book in the stacks of Harper Library, confirming Kuhn's view of pre-paradigmatic research: "[E]arly fact-gathering is a far more nearly random activity than the one that subsequent scientific development makes familiar . . . early fact-gathering is usually restricted to the wealth of data that lie ready to hand" (15).

It's farther along than it was when the paradigm was first offered in books such as *The Calculus of Consent* and *An Economic Theory of Democracy*. Only in a pre-paradigmatic era, says Kuhn, are books rather than specialized articles a chief source of knowledge, and only at that time is it possible for a layperson to easily follow the progress of a discipline. As the paradigm takes hold, says Kuhn, "specialized journals" and "specialists' societies" form (19). Public choice already has such a society and

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such a journal (*Public Choice*), and a narrower journal, *Constitutional Political Economy*, has begun publication.

But there is still much debate within public choice itself, as indicated by Charles Rowley and Richard Wagner, who began an essay in *Liberty* (January 1990) with: "Public choice scholars are a more diverse lot than the recent debate in *Liberty* . . . would seem to suggest." Not all public choice scholars even advocate limited government. Some of the leading early theorists, e.g. Kenneth Arrow and Anthony Downs, are quite comfortable with a large state role. Downs introduced the basic precepts in *An Economic Theory of Democracy*; in 1960 he wrote an article entitled, "Why the Government Budget is Too Small in a Democracy." Others, more interested in the application of game theory to politics, don't seem to have any ideology at all.

In Kuhn's view, once a paradigm is accepted, it becomes the guide for what he calls "normal science," the steady, unidirectional problem-solving that we usually think of as scientific progress. Public choice principles may not be comprehensive enough yet to offer that research guidance, except in narrow areas. One sign is the fact that some important issues simply haven't been addressed. While public choice theory can explain "capture" of regulatory agencies, for example, it hasn't so far explained why industry fails to capture others such as public service commissions. It seems to explain the role of special interests in a system with a variety of checks and balances (like the U.S.'s) but doesn't explain them so well in a parliamentary system (like the United Kingdom's). And it nearly always focuses on narrow self-interest as the only motivator of public officials; only recently has it begun to include ideology in its analysis.

Over time I believe that these *lacunae* will be filled. Public choice theory will expand its explanatory power and gain adherents (perhaps more from political science, which has been languishing without a paradigm, than from economics). It will eventually achieve the goal Kuhn establishes for a governing paradigm: "a reconstruction of the field from new fundamentals, a reconstruction that changes some of the field's most elementary theoretical generalizations as well as many of its paradigm methods and applications" (85). —*Jane S. Shaw*

first translated into English). And they include Gordon Tullock's comments twenty-five years after the publication of *Calculus*, in which he observes that since its publication there has been "substantially no work on constitutions per se" (140), in spite of much work on post-constitutional rules and processes. This may well be true, but it is a bit ironic; with the 1990 introduction of his new journal, *Constitutional Political Economy*, James Buchanan indicates that he believes such research can and will be done.

In his "Postscript" on *Calculus*, Tullock goes on to address one of the unanswered questions of the book: Why did the economic protections of the U.S. Constitution last for more than 100 years and then weaken? Earlier, Wagner and Gwartney argued that the cause was the advent of activist judges and willful legislators. But Tullock suggests that a key cause may be the expansion of civil service rules throughout the federal government (replacing patronage). He terms this expansion a "quasi-constitutional revision in the terms of employment of the federal bureaucracy" (144). Job protection for federal employees increased federal government power and reduced the power of the states.

Tullock's proposal is an example of the kind of interesting idea that gets somewhat buried in this book, which contains so much that is disparate. Another example is the observation by Terry Anderson and P. J. Hill that the 19th century evolution of corporations (generally viewed by economic historians as a major achievement) occurred because the stability of property rights guaranteed by the Constitution allowed entrepreneurial innovation in contracts. Today that stability is gone; the federal government and state legislatures routinely interfere with the innovative contracting that entrepreneurs have attempted in recent years through takeovers and mergers.

Many gems of this sort are buried in the book. Some have been or will be published elsewhere, so that they are not really lost; but I'm completely sure that the merit of collecting and thus preserving such a wealth of thoughts about constitutional issues outweighs the disadvantage that some will be ignored. ❑

***The Myth of Scientific Public Policy*, by Robert Formaini. Transaction Publishers, 1990, ix + 129 pp., $14.95 (paper).**

The Illusions of a Technique

Lawrence H. White

The pretensions of policy experts are worthy targets, and readers of *Liberty* will find it easy to agree with many of the conclusions of Robert Formaini's *The Myth of Scientific Public Policy*. Formaini, a veteran of the public policy arena through stints at the Cato Institute and the National Center for Policy Analysis, targets the techniques by which experts claim to evaluate government policies scientifically — namely the techniques of comparative risk assessment and cost-benefit analysis. The book's style of argumentation falls somewhere between being colorful enough to interest the educated layman and being detailed enough to satisfy the academic economist. Unfortunately, the arguments vary in strength and are occasionally hard to follow.

Formaini begins the book oddly. Though he treats cost-benefit analysis only after devoting a chapter to the economics of the Austrian School, his "overview" of risk assessment and probability theory precedes both discussions. One would have thought that Austrian ideas could be used to evaluate risk assessment techniques as well.

Having arranged the chapters as he did, he is unable to examine explicitly the relationship between Austrian subjectivism and subjective probability theory, which could have been both interesting and instructive. Instead, he devotes much of his first chapter to a rather unclear discussion of the theoretical differences between two schools of thought in probability theory, classical frequentists versus Bayesians. He notes in passing that "counter-intuitive outcomes . . . sometimes occur when the most obvious course of action is undertaken in order to make something safer" (11). Attempts to regulate obvious risks (requiring new drugs to pass FDA-approval tests; requiring infants to fly in protective seats rather than on parents' laps) can backfire by increasing less obvious risks (people die for lack of the drugs awaiting FDA approval; infants die on the highways when parents faced with buying additional airplane tickets take the family to grandma's house by car). This insight reflects the emphasis of Austrian economists on the unintended consequences of interventionary policies.

In the last section of the chapter Formaini seems to advocate deliberately biasing probability judgments so as to overstate the likelihood of "bad" events and to understate the probability of "good" events. Curiously, in light of Formaini's emphasis on the distinction between fact and value, he fails to note that your "bad" event may be my "good" event. The biasing adjustment he proposes is completely ad hoc, and the figure (2-1) he uses for illustration is neither appropriate nor necessary. (The figure does not show a true normal distribution, because a normal distribution is not truncated at its tails. Though trivial, this is just one of the minor inaccuracies that will bother an academic reader.) It is hard to take the proposal seriously. Perhaps Formaini thinks that it would raise the burden of proof on advocates for new government programs. But environmentalists, to name just one advocacy group, are already prone to justify government programs by overstating the risks of bad events if government does *not* intervene.

The second chapter, staking out the subjectivist position, spends half its space retelling the history of the Austrian School of economics. His account is sprinkled with details that seem irrelevant. Austrian economists are subjectivists in matters of economic method:

they believe that important social institutions (like money, language, and law) and social patterns (like market-clearing prices, positive interest rates, and the business cycle) are best explained in terms of individuals' subjective perspectives (preferences, information sets, and expectations). Austrians are not *epistemological* subjectivists, as Formaini suggests (24). That is, they do not characteristically deny that there is an objective reality "out there."

It is a long way from Austrian subjectivism to the tools of cost-benefit analysis, as the third chapter shows. Cost-benefit analysts attempt, usually on behalf of a government, to tote up an aggregate present-dollar measure of the costs and benefits of a project. (Confusingly, the summation formulas Formaini gives on pp. 45 and 50 lack any explicit variable for costs.) The analysts try to gauge how many dollars you and I and others would each be willing to pay to have the project instituted, or would lose from having it instituted. They simply assume that these dollar figures can be added up to arrive at a measure of net social benefits.

Formaini rightly insists that such toting-up is invalid because benefits are subjective. Analysts have neither any valid way to gauge willingness-to-pay apart from preferences voluntarily demonstrated in a market, nor any basis in economic theory for using dollars as a unit for comparing or summing benefits across individuals. There is no basis for assuming that worth-one-dollar-to-me is equivalent to worth-one-dollar-to-you. Costs are also subjective, because the cost of an action is the sacrifice of the next-most-(subjectively)-preferred alternative, so that costs too are not interpersonally summable. Alas, before Formaini reaches these key points, he detours through a broad-brush critique of neoclassical economics, and through a long discussion of the difficulties of choosing the correct discount rate to be applied to future costs and benefits.

At the end of chapter 3, as at the end of chapter 1, Formaini regrettably proposes ad hoc ways of adjusting the numbers that policy analysts produce. As before, the proposal is difficult to take seriously. (For one thing, it makes no apparent sense to adjust the intertemporal discount rate according to how "public" a project's benefits are.)

Even as it became obvious that the swine flu vaccinations were killing more people than the flu itself, the federal government was slow to back off from its program.

That Formaini offers such a band-aid proposal undercuts his important message that the problems with cost-benefit analysis are deep-rooted.

The book's fourth chapter is its most entertaining: it reviews the federal government decisions made during the Swine Flu episode of 1976. In that episode, the personal hunches of federal health officials were dressed up as scientific estimates to justify a crash program for vaccinating nearly all Americans against a rare strain of influenza. Even as it became obvious that swine flu vaccinations were killing more people than the flu itself, the federal government was slow to back off from its program. The lesson, Formaini hints, is that citizens need to be very skeptical of the (possibly self-serving) advocacy of programs by federal bureaucrats.

Having attacked the legitimacy of the "science" of public policy, in his concluding postscript Formaini ponders the obvious question of how policy is to be decided, if not on scientific grounds. Unfortunately, this discussion is a somewhat platitudinous endorsement of the American system of constitutionally constrained democracy. Formaini is surely correct when he insists that central planning by experts can never successfully replace free markets, but not when he steers close to identifying a free society with democratic rule: "Our final appeal, then, is not to the judgments of risk authorities

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or those who claim to speak for the public interest, but to the public itself operating through its cherished political traditions" (97).

My overall judgment of the book is similar to the well-considered judgment I heard Formaini express concerning a paper at an Austrian economics conference at Hillsdale College in April 1990. (His commentary is now published in Richard M. Ebeling, ed., *Austrian Economics: Perspectives on the Past and Prospects for the Future.*) To paraphrase: the important topic of this book deserves meticulous criticism, both to enlighten non-Austrians about our approach, and to educate fellow Austrians about the defects of cost-benefit analysis. Formaini succeeds to some extent in both tasks, though without great originality. The book would have been strengthened by a closer attention to detail, and by a deeper and more focused development of its main themes. ❑

Booknotes

I Am a Survivor of the Punic Wars — The pun is the most overused form of humor. Perhaps that is granting the pun too high a status. The pun is the most overused form of pseudo-humor. Yeah, that's more like it. The problem is that most puns are not very clever. In fact, most puns are just plain dumb. That's why I usually wince when I hear a pun.

Somehow, I got a copy of Don Hauptman's ***Cruel and Unusual Puns*** (Dell, 1991, 137 pp, $5.95). Maybe it was a Christmas gift. From someone who doesn't like me. I dunno. In a masochistic mood, I picked it up. What a strange joke book! It's clever. The punch lines aren't telegraphed. And it's funny. Don't ask me how Don Hauptman performed this miracle.

If you are in a mood to groan, to slap your knee, to laugh out loud, this is the book for you. More importantly, if a friend, spouse or co-worker tortures you with elaborate and moronic puns, this is the book for them, and not because it has lots of puns for them to memorize and spring on you at appropriate moments, either. It's a good book for them because it tells the difference between a good pun and a bad pun. It presents a general theory of puns. If you are lucky, they will read it, learn from it, and stop telling you their stupid puns.

There, I have done the impossible: I have reviewed a joke book without telling you my favorite jokes from it.

—R.W. Bradford

A Useless Edition — There's a new edition of ***Stranger in a Strange Land,*** by Robert A. Heinlein, expanded with material originally cut by its editor (Ace/Putnam, 1991, 525 pp., $24.95). As if the original version weren't long, boring and pretentious enough.

—Timothy Virkkala

Less is more, more or less — When *National Review* raised the price of a subscription and reduced the number of issues published each year, it sent out a letter to subscribers explaining, "You may be getting less, but remember, you're paying more!" That would be an appropriate advertising slogan for the new edition of ***Freedom, Feminism and the State,*** edited by Wendy McElroy (Independent Institute, 1991).

Not only has the price risen to $19.95 from $7.95, but about 30% of the earlier edition (published in 1982 by the Cato Institute) has been cut. Alas, the advertising that I have seen (Roy Childs' "review" in Laissez Faire Books' catalog) describes the elimination of "a few of the more marginal essays from the first edition"* has only partially revealed the extent of the cuts. In all, eight of the original 30 essays (totalling 110 pages) were eliminated, and a single 6-page essay added.

I recently read that 60% of American households did not purchase a single

* "More marginal"? One wonders how many of the surviving essays are marginal in Childs' view.

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book last year. I wonder whether part of the reason might lie in the escalation of book prices. The Cato Institute edition cost 2.3¢ per page, versus 8.2¢ per page for the Independent Institute edition. That's an increase of 266%, during a period when inflation has totalled something like 40%.

Nevertheless, it is nice to see *Freedom, Feminism and the State* back in print. This anthology is virtually the only collection of writing on libertarian feminism. This is certainly peculiar, given that both had their origins in attempts to free individuals from the state.

And even in its new, abbreviated form, this is a fine anthology. Although its entries from modern libertarian feminists are first rate, its particular strength is its wealth of early feminist thinking, including very stimulating writing from well-known anarcho-feminists like Voltairine de Cleyre and Emma Goldman, as well as lesser-knowns like Angelina Grimké and Lillian Harman. This material is hard to find, even in a first-rate library. Unfortunately, all but one of the essays eliminated from this new edition are from early feminist thinkers.

The single essay added (is it possible that only one worthwhile piece of feminist libertarian writing has appeared in the past nine years?) is a discussion of abortion by editor McElroy herself. It starts out very strong: "When I was eighteen, I chose to have an abortion. Accordingly, the question I am addressing here is nothing less than whether I have committed murder." Having put herself in the docket charged with murder, McElroy defends herself by claiming that the basic principle of libertarianism is "self-ownership," (without this principle, "there is no foundation for individual rights or for libertarianism.") She proceeds to argue that while she is a "self," a fetus isn't, so while it's wrong to kill her, it's okay to kill her fetus. Personally, I find this neither convincing nor challenging. For one thing, it is a very narrow argument, addressed only to libertarians of the natural rights school. Personally, I can think of lots of bases for libertarianism other than self-ownership. Even if one accepts the logic of self-ownership, her argument quickly degenerates into the well-known wrangle over when a zygote becomes a person. Despite her best efforts, I think the anti-abortionist argument that conception is the appropriate beginning of human life to be as convincing (and as unconvincing) as her argument for birth as the point at which a human gets self-ownership. It's amazing just how long and boring this debate can be.

Anyway, this new edition is better than no edition at all, but the individual seriously interested in the development of feminist individualism, or feminism, or individualism, should scour used-book stores for the first edition.

—R. W. Bradford

Witness for the Prosecution

— Publishers send some unusual books to *Liberty*, hoping we'll review them. When we received a copy of ***Wilkes: His Life and Crimes*** (Ballantine Books, 1990/1991, 292 pp., $4.95), we figured it to be of no particular interest to our readers. But I like mystery books and this was billed as a thriller, so I decided to read it for my own amusement.

A thriller it is not. It is a collection of witty and clever stories about the professional trials and travails of a New York City lawyer, ostensibly written by his "Dr Watson," Winston Schoonover. This lawyer, John Wilkes, continually battles with judges who are only interested in convicting anyone appearing in their courts, and with lawyers who hang around the courtrooms hoping to be assigned cases that they can plea bargain for a quick buck. He calls them "V-6s" for Violators of the Sixth Amendment.

Wilkes has a large bag of tricks. For instance, when during one trial he is unable to get a continuance on the basis of the merits of the case, his physician, Dr Simon Comfort, prescribes for him bedrest for an extended period. The ailment? *Litigious meticulosis.*

Many of the characters have strange names such as Dr Y. Knott, Miles Landish, Dr Salvador Tostado. I assumed they were figments of the author's imagination — that is, until I came to a very interesting case.

In defending a client accused of murder, Wilkes plans to argue that the man suffered from a dual personality and was not himself when he committed the crime. He knows the prosecution will call an expert witness to attack the credibility of his claim, so he decides on a pre-emptive strike: he consults every psychiatrist that the prosecution customarily uses to refute defense claims of mental illness, so that none will be available for the prosecution.

In desperation, the prosecution calls in Dr Skuz. "Dr Skuz was an impressive, convincing witness . . . . (He) said there was no such thing as a multiple personality. In fact, he said all mental illness was a myth created by elitist doctors anxious to establish a new psychiatric priesthood with an impenetrable jargon. They do it, he said, to lord it over us and make a fortune doing it."

Wait a minute! I know this man. It's that well-known debunker of psychiatric gobbledy-gook and an editor of *Liberty*, Dr Thomas Szasz. Which explains, I guess, why we got that review copy. This made me wonder: whom are these other characters based on?

— Kathleen Bradford

Totalitarian Sports Machine

— Wolfgang Schmidt, East Germany's world record holder in the discus throw, spots a dark red Volkswagen tailing him on his way to the gym. He floors the accelerator and careens around several corners, tires squealing. Just when he thinks he's lost the mysterious Volkswagen, an even more ominous apparition materializes: A motorcyclist, clad head-to-toe in black leather and wearing a black helmet and dark goggles, roars up from behind and hangs at his side, glaring at him furiously. Unable to shake him, Schmidt welcomes the sight of an approaching police car and slows down. The police car pulls around in front of Schmidt and screeches to a halt, cutting him off. The Volkswagen pulls up from behind with two more cars in tow. Two other cars move out of a cross street and block off incoming traffic. After a brief fusillade of slamming car doors, Schmidt emerges from his own vehicle to find himself surrounded by no less than thirteen *Stasi* agents and uniformed policemen. One of the policemen approaches the six foot six inch, two hundred and fifty pound blond giant. "You will come with us!"

So begins ***Thrown Free*** (which has the long, long subtitle: *How the East German Sports Machine Molded, Trained, and Broke an Olympic Hero and How He Won His Fight for Freedom*) by William Oscar Johnson and Anita Verschoth with Wolfgang Schmidt (Simon & Schuster, 1991, 310 pp., $19.95).

Schmidt spent nearly sixteen months in prison, including several weeks in solitary confinement. He lost nearly forty pounds of muscular bodyweight, and at one point was beaten with rubber truncheons for balking at entering the solitary confinement cell. His crime? After having been barred from competition because of his rambunctiousness and fraternization with Western athletes, he opined that just maybe he would leave his country for one where he *could* compete.

After his release from prison, Schmidt still dreamed of getting out of the country and competing again. Co-author Anita Verschoth, a New York and Zurich based associate editor of *Sports Illustrated*, was actually involved in several cloak and dagger operations designed to get Schmidt out of East Germany via Hungary and Austria. After the last attempt was foiled because of a bug planted in the Schmidt family home, Verschoth took Schmidt's case to some powerful people who carried clout with the East German authorities. Tired of all the bad press their treatment of Schmidt was generating, the authorities finally relented and allowed him to leave.

The Wall has since come tumbling down, the *Stasi* have been disbanded, and Wolfgang Schmidt—in spite of having been robbed of the prime years of his athletic career—has reemerged at age 37 as the world's best discus thrower. Living well *is* the best revenge!

— George M. Hollenback

Letters, *continued from page 50*

don't wish to read needlessly critical articles in it.

I assume that the editors want to do more than simply talk about liberty, that they actually wish to live in a libertarian society. Therefore, I question the editorial judgment of publishing Mr Arthur's article, as written. It did nothing to advance the cause of liberty. The Libertarian Party, just like any other human institution, is made up of fallible human beings. Articles that highlight that fact don't help. So, give the LP a break. If an author must criticize, then let's attempt a little constructive criticism. Also, when selecting articles, please consider the average Joe who is looking for an alternative to the traditional parties.

James J. Odle
Glendale, Ariz.

In Defense of Teddy Kennedy

You can well imagine my horror at reading Chester A. Arthur's reflection ("David Duke and Teddy Kennedy, separated at birth?") on the recent Louisiana Governor's race in your January 1992 issue. To say that Duke is better than his corrupt opponent — or similar to Teddy Kennedy — is a gross inaccuracy. No American politician that I am aware of has hands bloodied with the deaths of more than 6 million Jews and Gypsies. The only exception that comes to mind would be if the HIV/AIDS virus were genetically engineered by the U.S. government to depopulate "undesirables" from the world. Yet there is no evidence of Teddy's culpability in this affair; the evidence seems to point to Nixon.

Kevin Bjornson
Seattle, Wash.

Taking Exceptions

Please allow me to carry on with the discussion of Jim McClarin's views on natural rights, in light of his latest observations and claims (Letters, January 1992).

McClarin's main point is that natural rights theorists are stubborn if they fail to take his "exceptional cases" seriously.

Yet, McClarin's cases are not exceptional but fantastic. They are imaginary cases at best, assuming a great deal that is entirely speculative. Most natural rights theorists I know are perfectly willing to address actual cases that appear on first inspection not to be handled by their views. For example, cases involving *in vitro* fertilization, surrogate mothering, test tube babies, comatose human lives, mentally retarded persons, the criminally insane, adopted children, fetuses, etc. are important for natural rights theorists and they have managed to deal with them successfully. There is a lot of this that natural rights theorists actually discuss — e.g., I discuss some of these very issues in

continued on next page

my several books — and McClarin shows no awareness of that fact. That is what I lamented in my November 1991 letter.

But there is another matter to consider — are ethical and political theories the same as those scientific theories that are in need of periodic alteration? And is there such an area as "the field of science"? Is it not the case that there are different sciences, some with certain characteristics that require periodic alteration, others without such characteristics — e.g., biology and mathematics, respectively? In any case, not all sciences would seem to be equal and, more importantly, not all disciplines of human inquiry need to conform to those McClarin is thinking of when he talks about test cases.

Tibor Machan
Auburn, Ala.

Tools of the Trade

Michael Rothschild ("Beyond Austrian Economics," January 1992) implies that Austrian economists repudiate altogether the notion of equilibrium. Not so. They repudiate it as any part of a description of reality, but certainly not as a tool of analyzing it.

Rothschild requires empirical proof of everything, so he proposes "bionomics" — analogy between ecosystems and the market economy — as an empirical and therefore "scientific" reinforcement of aprioristic and therefore merely "religious" economic theory. No doubt he would also propose biomath for what is otherwise the mere religion of mathematics — some kind of ecologically based empirical proof that two plus two is four. While that might thrill Milton Friedman, I don't think it would have done much for Ludwig von Mises or Albert Einstein.

D. G. Lesvic
Pacoima, Calif.

Testing the Untestable

Rothschild argues that, "as long as Austrian economics relies exclusively upon fundamental concepts that are inherently unfalsifiable, it cannot expect to be regarded as more than a marginal movement. Without a paradigm that generates testable hypotheses, Austrian thinking will never overthrow the reigning orthodoxy."

What pray are the testable hypotheses yielded by evolutionary science? Are they falsifiable in the Popperian sense? Since the fundamental "data" in economics are in principle unobservable, how is a "testable" hypothesis to be constructed? What is to constitute evidence? What is to constitute proof?

Orthodox economists who offer this criticism, including Chicagoites, follow a methodological practice that violates many of the basic principles laid down by Popper. They follow the maxim "If you can't measure, measure anyway," adopt a multitude of stratagems for insulating their "hypotheses" from refutation, and successively narrow the "hypotheses" under investigation so as to render them operationally meaningless and irrelevant (though they maintain the appearance of doing serious "science"). This is what Hayek has called scientism.

The dichotomy between the social and natural sciences is not fundamental to the Austrians. Their paramount concern is to practice good, honest science. In economics, this involves acknowledging that some things we know not by observing statistics but by introspection and logic. The things we know from observing statistics and other social phenomena fall into the realm of history and are subject to interpretation. We can and do learn from history, biological as well as social, but not by falsifying unambiguous hypotheses.

Peter Lewin
Irving, Tex.

The ABC's of Information

Although Michael Rothschild's *Bionomics* is a marvelous achievement, it doesn't do justice to the development of the most important invention in the transmission of human knowledge — the alphabet.

Rothschild credits the Sumerians with being the first to make writing and copying "relatively easy" with their cuneiform writing on clay tablets. From there, he jumps ahead to the invention of better writing materials (papyrus, parchment, paper) as the next important step in the dissemination of knowledge, and then to Gutenberg' s invention of movable type.

The Sumero-Akkadian cuneiform writing that Rothschild loosely refers to as an "alphabet" is actually a hodgepodge of *several hundred* characters, many of which retain their earlier ideographic function of denoting an object or an abstract idea. Others are unpronounced "determinatives" that tell the reader that an adjacent word falls into a particular category. The remainder are consonant-vowel and vowel-consonant syllabic combinations along with sets of different characters that represent single vowel sounds. It was a cumbersome system that took years to learn.

Sometime in the first part of the second millennium B.C., an unknown Semitic genius somewhere in the Palestine-Sinai area hit upon the idea of a writing system in which each character stood for a different phoneme. This first real alphabet consisted of twenty-some consonants — a quantum leap in elegance and economy from the Sumero-Akkadian system that preceded it. (Although an alphabet consisting solely of consonants seems strange to us, it lent itself well to Semitic word structure; the reader knew from context which vowels to pronounce with the written consonants.) The Canaanite dialects, including Hebrew and Phoenician, and other northwest Semitic languages such as Ugaritic and Aramaic, soon adopted this alphabet.

Rothschild is absolutely correct in his assertion that economic development and sophisticated information systems are interdependent. This relationship between commerce and communication was exemplified by two of the earliest users of the alphabet, the Aramaeans and the Phoenicians.

The Aramaeans were the great inland traders of Mesopotamia. Their language, Aramaic, written in its own distinctive fluid script of the same name, became the international medium of diplomacy as well as commerce among the Assyrians, Babylonians, and Persians.

The Phoenicians were the great maritime traders of the Mediterranean basin and beyond, who spread their alphabet along their trade routes from outpost to outpost. Legend has it that they brought the alphabet to the Greeks.

Once the Greeks got the alphabet, they found that some of the letters stood for consonant sounds they didn't use — and began using those letters to represent vowels instead. The Greek alphabet therefore has the distinction of being the world's first complete alphabet with letters representing both consonants and vowels. Alexander the Great later spread the Greek language across the known world with his conquests, mak-

ing it that era's international language.

In this role, Greek was replaced by Latin, at least in the western part of the Roman Empire, a language written in its own distinctive Roman alphabet. (The Roman script was based on Etruscan, which was based on Greek.) Our own English, also written in the Roman alphabet, has since become the international language.

It was the alphabet that simplified Gutenberg' s task of inventing movable type. (What if poor old Johann had to mess with several hundred characters instead of two or three dozen?) It is an eloquent tribute to the alphabet that the first book Gutenberg printed was the Bible, a book originally written in three of the oldest alphabetic languages — Hebrew, Greek, and Aramaic.

George M. Hollenback
Houston, Tex.

The Culture of Progress

I believe Michael Rothschild's restriction of economic information only to "accumulated technical knowledge" is unnecessary and omits other information that *motivates* technical development and provides market incentives to make such development "economic."

While it is undoubtedly true that technical knowledge is the medium that permits scientific and technological development, they neglect the role of *cultural* knowledge in the motivation of technical progress and in the creation of markets for technical goods. Examples are legion, but here are some to consider: It is widely appreciated that the seminal figures in the development of rocketry (Tsiolkovsky, Goddard, von Braun) were inspired by the fiction of Jules Verne; without that inspiration on their part (and of others), it is at least questionable if rocketry would have developed at all or as rapidly as it has — leading to the economic boon of communication and weather satellites, and the radical expansion of our knowledge of the earth and solar system. In a much different context, it was fear of a political ideology — Nazism — that prompted the free world's Jewish physicists to unite in the creation of the atomic bomb — thereby making available a source of energy beyond all previous calculation, with yet unknown economic significance mingled with its influence on the political environment within which the market can perform its function. In both cases, it was not technical knowledge that spurred developments, it was *cultural* knowledge . . . in the form of literature and political doctrine.

Nor must we neglect the human needs that give rise to vast markets. We do not need the telephone to lecture each other on principles of science; we need the telephone to communicate family emergencies, arrange appointments, and a host of other *nontechnical* messages essential to our social survival. We do not watch the television primarily to absorb scientific lectures, but mainly to appreciate a new form of *art*: the simulation of life experience thorough acting and the technique of broadcasting moving pictures and sound. The great advance of printing, itself, was not to broaden the understanding of how to manufacture printing presses, but to disseminate the Word of God . . . at least originally. Recording on magnetic tape and optical disk is in service to rap musicians and classical composers. The list is endless, and serves to illustrate that it is *cultural* information that largely creates the economic *demand* for technological innovation. If the bionomic economists fail to reckon with this phenomenon, they will have divorced human action from its *motives* and thereby may lose the most fundamental of insights into the market economy and its development.

After all, the most fundamental phenomenon in biology is the association between stimulus and response — and the awareness that pleasure and pain elicit diametrically opposed paths of action. The analogy of biology cannot work if we suppose at the outset that the subject (the economy and its actors) are anesthetized.

Michael J. Dunn
Auburn, Wash.

Notes on Contributors

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

John Baden is chairman of the Foundation for Research on Economics and the Environment and a rancher from Gallatin Gateway, Montana.

"Baloo" is the *nom de plume* of *Rex F. May*, a cartoonist whose works frequently appear in *The Wall Street Journal* and elsewhere.

Bob Ortin [Baures] lives in southern Oregon, far from the madding crowd. He advises that the word "Burons" (his cartoon editorials) derives from the words "bureaucrat" and "moron."

Kathleen Bradford, copy editor at *Liberty*, reads mysteries when she gets the chance.

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

Stephen Cox is Associate Professor of Literature at the University of California, San Diego.

Brian Doherty is a journalist and former musician surviving in the nation's capital.

Mark Frauenfelder is a cartoonist and the publisher of *bOING bOING*, a magazine about brain toys, cyberpunk, psychedelia, etc.

Karl Hess is the only editor of *Liberty* quoted in *Bartlett's Familiar Quotations*.

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Dr Edward C. Krug is a soil and water scientist and director of Environmental Projects of the Committee for a Constructive Tomorrow. He has appeared on *60 Minutes* debunking the conventional doomsday wisdom about acid rain.

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Ross Overbeek is author or co-author of five textbooks and more than 60 articles on computer science or biology and was a member of the Joint Informatic Task Force for the Human Genome Initiative.

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James S. Robbins is a writer and foreign policy analyst living in Massachusetts.

Michael Rothschild is the author of *Bionomics: The Inevitability of Capitalism*, and president of the Bionomics Institute of San Rafael, California.

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Timothy Virkkala is assistant editor of *Liberty*.

Lawrence White is Associate Professor of Economics at the University of Georgia, and is the author of *Free Banking in Britain*.

Terra Incognita

Omaha

The thin blue line that separates civilized society from anarchy, as reported by the *Associated Press*:

> Tipped off that James Stennis, 48, might be armed, suicidal and dangerous, police surrounded his home and telephoned him, but he did not answer, so they ordered him to surrender with a bullhorn. The siege ended six hours later when Stennis, apparently a deep sleeper, woke from a nap and discovered his home was surrounded.

Boston

Fiscal prudence of legislators in the Bay State, as reported by the *Associated Press*:

> The General Assembly of Massachusetts has appropriated $75,000 for restoration of the town of Ripton. It is the first appropriation for Ripton since 1985, when the town received $85,000.
>
> The money for Ripton, which does not exist, was apparently added to the state's budget by pranksters. The budget also appropriated $300,000 to study "the precarious activities of the endangered howame antalyst."

Singapore

Environmental development in this progressive city-state, as reported by *The Asian Wall Street Journal*:

> The Environmental Ministry has ordered a ban on the manufacture, sale and import of chewing gum, citing an incident last year when pranksters smeared wads of gum on the doors of subway cars, preventing the doors from closing properly. Importers face fines up to $10,000 and traffickers $2,000.
>
> A government official explained: "I personally consider it rather obnoxious, seeing very good-looking young boys and girls wandering about with their jaws moving like cows chewing cud. If those who chew gum did only that, it is all right. But when they start sticking gum under chairs, on walls, or dropping it on the floor, then it becomes a social problem.

Indiana

Advance in jurisprudence in the Hoosier State, as reported in the Washington *Post*:

> The Supreme Court of Indiana conceded that forcing the inmates of mental hospitals to work was "coercive" because they "were not free to refuse work," but ruled nevertheless that the forced labor does not constitute "involuntary servitude," which is prohibited by the 13th Amendment, but "instead a 'civic duty' like jury duty or being drafted into the Army." The Court also ruled that even if the forced labor were a violation of the 13th Amendment, its victims would not be entitled to any damages, and that the workers need not be paid any wage for their labor.

Sacramento, Calif.

Commentary on legislative deliberation, from the Hon Dick Floyd, member of the California Assembly, as reported by the Sacramento *Union*:

> "I don't care what the figures are," Floyd said when asked to comment on a newspaper report that he had cited fraudulent data in support of a bill that he had sponsored. He had published a report claiming a bill forcing motorcycle drivers to wear helmets would save taxpayers $65 to $100 million annually for medical cost, citing the National Highway Traffic Safety Administration and the San Francisco Injury Center as sources of the figures. Both organizations denied having provided such statistics.

New Jersey

Culinary note from the Nutmeg State, as reported in the Bergen (N.J.) *Record*:

> New Jersey has banned the sale of soft-cooked eggs. Violators face fines up to $100. The ban was the first in the country, made in response to a directive from the Food and Drug Administration.

Detroit

Cultural note from the Motor City, as reported by the Detroit *News*:

> Four men were arrested and charged with the murder of a Domino's pizza delivery man. Police apprehended them at the address of the telephone number they had given when ordering the pizza. "We were just plain hungry," one of those arrested explained. They did not rob the deliveryman of his cash.

Roanoke, Va.

Dispatch from the War on Drugs, from the Roanoke *Times & World-News*:

> Police searched a room at a local motel after being tipped off that the tenants were suspected drug dealers. The room was occupied by "Rocken," a group of professional anti-drug crusaders, on the road between appearances at high school assemblies.

Lahore, Pakistan

Support for traditional values in the Third World, as reported by the *Associated Press*:

> Sohaid Roomi has sued a Moslem cleric who allowed Princess Diana of the United Kingdom to enter a mosque with her knees uncovered.

China

Latest social advances in the last great bastion of Marxism, as reported by the *Associated Press*:

> Chinese authorities have arrested an average of 7 people per day for violation of a new rule prohibiting public "show of affection" at Beijing University. In addition, new rules outlaw booing at official speeches, the "unauthorized gathering of a crowd" (which is defined as more than five people), and the breaking of bottles because *xiao ping*, the Chinese word for "small bottle" sounds like the name of the Communist Chinese leader, Deng Xiaoping.

San Jose, Calif

Interesting observation of the mating habits of *Americanus environmentalis*, as reported in the San Jose *Metro*:

> The Sierra Club has scheduled a hearing to determine whether Richard Bennett should be banned from Sierra Club functions. He is accused of being "very overt" in asking women for phone numbers while on an outing of the club's "singles chapter."

Middletown, N.Y.

Sexism and mandatory safety create a hopeless problem, as reported in the Middletown *Times-Record*:

> Janice DeYoung was convicted of failing to wear a seat belt. According to testimony from the arresting officer, she refused to put on her seat belt because "her breasts were too large to wear the shoulder strap . . . car manufacturers are sexist and they don't design belts to fit women."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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continued from previous page

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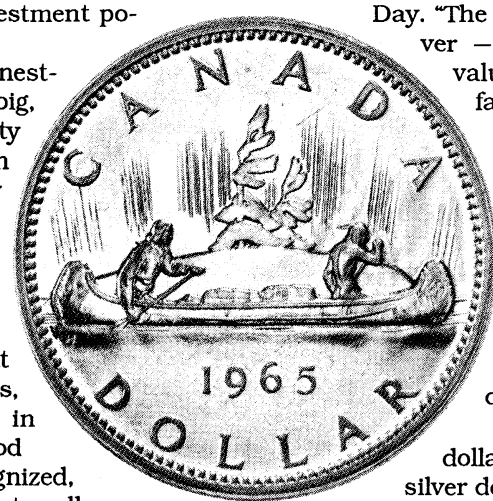

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Inside Liberty

May 1992
Volume 5, Number 5

4 Letters Our readers take *Liberty* into their own hands.

7 Reflections *Liberty*'s editors cast their eyes on yuppies with their snouts in the trough, rap music, cunnilingus, the New World Order, the inevitability of rape, raw fish, big lips, and other cultural matters.

17 Politics *Liberty's* editors follow the yellow brick campaign trail, searching for a candidate whose brains are not somewhere over the rainbow.

Features

21 Bill Clinton: Super Statesman *Chester Alan Arthur* proves that Bill Clinton is the Right Man for the Toughest Job in the World.

25 Cruel and Unusual Decision? In a recent, controversial Supreme Court decision, did Clarence Thomas defend the beating of prisoners, or what? *James Taggart* weighs the evidence.

27 Divorce, Czechoslovak Style *Ron Lipp* and *Vojtech Cepl* visit the Czecks and the Slovaks, and wonder whether this marriage can be saved.

30 Eastern Eyes *J. Peter Saint-André* explores Czechoslovakia, searching for an answer to the question: what does socialism do to a country? Well, everything is bad but the beer.

32 Little Czech Man *Frank Fox* discovers the true New Socialist Man.

34 NYSE at 200 *Gary Alexander* helps celebrate the 200th birthday of the world's most successful price-fixing conspiracy.

37 The Cost of Kids "I'm from the government, and I'm here to help you." Frightening words for anyone; truly scary for a child. *Karl Hess* tells why.

39 Workers in a Free Labor Market *Mark Tier* tells what it's like to live in a society without minimum wages or unions.

43 The Human Race Emerges *Vernon L. Smith* tells why our species has prevailed, and why others have wound up in the dustbin of prehistory.

49 There's No Such Thing as the Environment But there is a human environment, and it ought to include wilderness, civilization and liberty, according to *William Dennis*.

52 Why I Won't Live in Disco Bay *R.K. Lamb* wonders whether private property is all it's cracked up to be.

53 The Optimal Number of Criminals *J. Orlin Grabbe* knows. But first, let me sing you a little song.

Reviews

55 H.L. Mencken: Libertarian or Conservative? *R.W. Bradford* knows, but you'll have to read his review to find out.

58 Who is Richard Rorty? *David Horowitz* thinks he's a crypto-Stalinist. *Daniel Klein* thinks he's the future of libertarianism. You be the judge.

63 The Sex Lives of Animals *Kyle Rothweiler* discusses headless orgasms and bemoans the fact that Ayn Rand didn't leave any genetic traces.

64 The Triumph of the Indistinguishable *Richard Kostelanetz* ruminates on the irrelevance of modern literature.

65 The Line on *Nightline* *Eric Banfield* explains how the spontaneity of Ted Koppel's "Town Meetings" is faked.

66 Booknotes on John Chamberlain, Pat Robertson, and Definitism.

68 Final Thoughts on F. A. Hayek, one of this century's intellectual giants.

67 Classified Ads **69 Notes on Contributors** **70 Terra Incognita**

Letters

The Perplexed Critics

Stephen Cox ("Albert Jay Nock: Prophet of Libertarianism," March 1992) wonders what a good libertarian like Albert Jay Nock could have seen in the works of Henry George. Tolstoy's recent biographer wondered the same about Tolstoy. The wonderment of these modern writers would turn into amazement if they could confront the long list of highly respected lovers of liberty who, like Nock and Tolstoy, heard the clarion call of Henry George.

Actually, the old single-taxer has such a seductive appeal to libertarians that we can only applaud the strategy of contemptuous dismissal that modern writers employ. People need to be warned that Henry George was a crackpot, so they will know better than to read his works and risk being overpowered by his magic, as were Nock, Tolstoy, Winston Churchill, Admiral Spruance, Helen Keller, and so many otherwise right-thinking people.

Robert Tideman
San Francisco, Cal.

Wrangling for Fetuses

R.W. Bradford says that he finds the abortion debate "long and boring" ("Less is More, More or Less," March 1992). Tiring and frustrating I can understand, but not boring — for much more than abortion rides on the outcome. The become-a-person concept presupposes two classes of human beings, an upper class of persons and an underclass of non-persons. That libertarians, of all people, can hold this premise worries me very much. Yet I find it fascinating to watch abortion choicers wrangle among themselves while they search for solid ground on which to rest their case.

Doris Gordon
Wheaton, Md.

Fetus Theories

In his letter (March 1992) about my review ("Peikoff's Objectivism: An Autopsy," January 1992) of Leonard Peikoff's book, David Braatz addresses a series of questions to me. One or two of these appear to be good-natured leg-pulls, but in the remaining cases, where Mr Braatz seems to be genuinely perplexed, I will try to help him.

"How is a fetus . . . programmed? By whom? Or what?" By its genes.

"Is every fetus conscious of its theories?" I didn't suggest that any fetus was conscious of anything (though, in view of the fact that fetuses can be trained to recognize speech-patterns they will subsequently encounter after birth, I wouldn't want to rule it out, either).

"What meaning can a theory have to . . . an embryo with no language or concepts?" A cat can form the theory that if it hears a can being opened it is about to be fed. The same cat can then revise or discard that theory. So language is not essential to theory formation or revision. We don't know enough to be sure that a fetus doesn't have concepts. A non-conscious computer can form and evaluate theories. Aside from all this, I'm not committed to the view that the theories with which a fetus is programmed have any "meaning" to that fetus, any more than a theory embodied in a book or diskette has any meaning to that book or diskette.

"What happened to adults who wouldn't recognize a theory if one bit them?" Many adults wouldn't recognize an adverb, a natural number, or a litotes, but most adults employ these devices daily. Similarly, all adults have developed their intellectual capacities by formulating, criticizing, and revising theories.

"Will my revised theories be passed on to any eggs I fertilize?" In the opinion of August Weismann and me: Only if you catch these fertilized eggs later, and give them a good talking to.

In my review I pointed out that Peikoff always "stops where the interesting questions start." Mr Braatz complains, on the evidence of my review, that I'm no better. But surely this is unfair. A full-sized book on philosophy might be expected to pursue details that a brief review doesn't.

Furthermore, the Critical Rationalist standpoint that I broadly agree with is elaborated in a great many books and articles (Karl Popper's *Objective Knowledge*, Jagdish Hattiangadi's *How is Language Possible?*, Radnitzky and Bartley's *Evolutionary Epistemology, Rationality, and the Sociology of Knowledge*, to mention just a few). These works can hardly be accused of always avoiding the interesting or difficult questions. There are also many published writings sympathetic to the Randist point of view, but here the great majority are afflicted with the same peculiarity as Peikoff. They nearly all stop where the interesting and awkward questions begin. Their central dogma and implicit motto: "Nothing is the least bit puzzling!"

David Ramsay Steele
Chicago, Ill.

Equilibrate *This*

Contrary to Michael Rothschild's protest, Ross Overbeek was much too soft in his review ("Economics vs Bionomics?" March 1992) of Rothschild's book and article ("Beyond Austrian Economics," January 1992). Rothschild's biological analogy of economics may be appropriate in describing some processes, but much of Rothschild's discussion of "equilibrium" reads like the work of an overeager first-year graduate student who has discovered his first Ludwig Lachmann harangue.

Some economists overuse and misapply the theoretical construct called equilibrium, but this is no reason to condemn every use of it. In its proper place, such as comparing a world with rent control to one without (everything else being equal), the elementary texts' static equilibrium model is extremely useful in forcing students to think through all the implications of rent regulation.

Rothschild's vociferous defense of his writings ("Contra Overbeek," March 1992) suggests he is someone who hasn't read enough economics to quite know where his minor criticisms fit in.

Paul Geddes
Burnaby, B.C.

A Fine Point

In the March 1992 issue of *Liberty* Michael Rothschild says: "And *Bionomics* explains why the appropriate use of a limited government for specific community purposes . . . is not inconsistent with bionomic thinking."

Well, that's fine.

But it is inconsistent with *free-market* thinking.

Chris Pickering
Lakewood, Colo.

A Lone Reviewer and His Lonely Source

I am disappointed that my friend Sheldon Richman has chosen to write a semi-

continued on page 6

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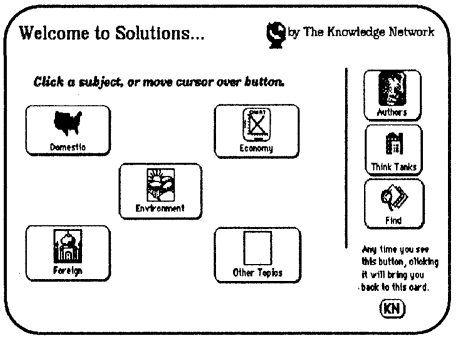

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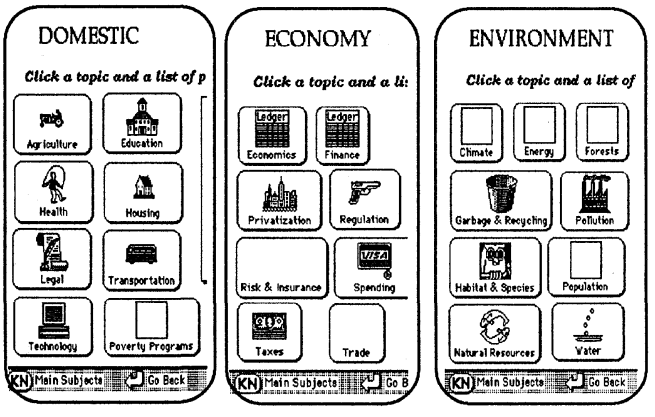

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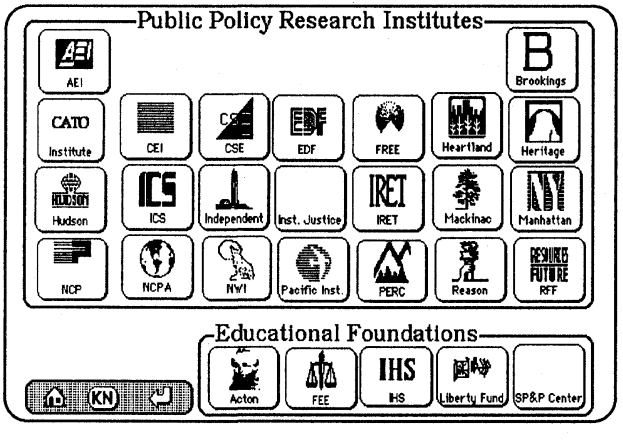

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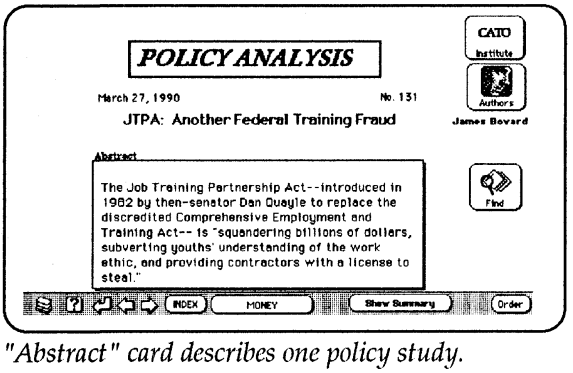

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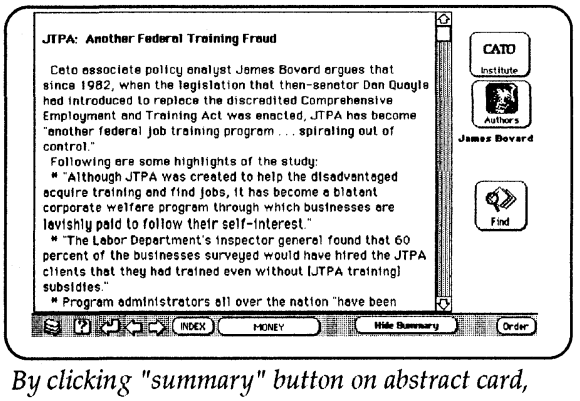

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Letters, *continued from page 4*

serious article on the Kennedy assassination ("JFK, Conspiracies, and Me," March 1992) based on an "enduring hunch" and the reading of one entire book on the subject.

Come on, Shel. You and I would be the first to criticize anyone who intended to write an article on international trade or antitrust policy based on an enduring hunch and one lonely source.

Our federal government may well be inefficient in productive activities but surely its recent bloody demonstration in Iraq leaves little doubt that it has no real trouble killing people — or censoring information. And, yes, conspiracies do tend to come apart over time (price-fixing conspiracies, for instance), but that does not mean that the public ever discovers the true nature of the activity. Anyway, all that is beside the point. The point is: is there evidence beyond a reasonable doubt that Oswald shot Kennedy or that there was no conspiracy?

You note that eyewitness testimony is the weakest form of evidence and I agree. But the circumstantial evidence tying Oswald to the shooting is far weaker than you assume. Since 1963 a cottage industry of private investigators has developed and has devoted its considerable energies to investigating the so-called "evidence" collected by the FBI and the Dallas Police Department. Each piece of circumstantial evidence has been examined in great detail: the rifle; the bullet fragments; the "magic" bullet; the bullet shells; the wounds in Kennedy and Connally; the paraffin test; the palm print; the photos of Oswald with the alleged murder weapon.

This "market process" in investigating evidence has many things going for it. One, it has been conducted by private citizens with private funds; two, it has been competitive and rivalrous; three, unlike the Warren Commission, these investigations started with the assumption of innocence and attempted to discover if the circumstantial evidence was strong enough to establish Oswald's guilt beyond a reasonable doubt.

Now, as with any market process, some of these investigations have been of higher quality than others, and one certainly has to be cautious. Nonetheless, to assert (as you do) that conspirologists have produced *no* "hard evidence" in thirty years is clearly irresponsible. Where *is* the hard evidence, you ask? Not surprisingly, Shel, it is scattered through those hundreds of books and articles that you have chosen not to read and that the establishment press has chosen to ignore or distort.

I agree that Oliver Stone's tale of conspiracy is good cinema but probably bad history. I don't agree, however, that any "perfectly reasonable explanations for the single bullet theory" have surfaced or that the circumstantial evidence establishes Oswald as the shooter beyond a reasonable doubt.

Dominick T. Armentano
West Hartford, Conn.

Falsifiability Falsified

Sheldon Richman suggests, "Next time you talk to a conspiracy advocate, ask him what piece of evidence would change his mind. If you get an answer, let me know." I am not a "conspiracy advocate," but I'll respond anyway. The honest answer is that no single piece of evidence would change my mind about anything, and I'll bet you'd have to answer the same way were I to reverse your question and hand it back to you. So this challenge may sound snappy, but it means nothing.

Edson C. Hendricks
San Diego, Cal.

Okay, You Are a Crass Political Opportunist

Like the blind men describing an elephant by its feel, Sheldon Richman and I found entirely different aspects of the film *JFK* on which to dwell.

What struck me was that few viewers could fail to leave the movie theater without a renewed distrust of their federal government.

Call me a crass political opportunist.

The voting public has already been treated, within its admittedly short attention span, to the S&L bailout, a sneaky pay raise, check-kiting revelations, broken presidential promises, Bill Clinton's sleaziness, and numerous other scandals, to which *JFK* can only contribute a motivation to "send a message" at the polls.

"Take that, you slimy crooks, I've just voted *Libertarian*!" That may be the sentiment of many voters come November. But to capitalize on such sentiments, Libertarians need to condition themselves to see the political opportunity in the events of the year, including Oliver Stone's recent film, and position themselves on the ballot in record numbers to receive the coming harvest of votes.

Jim McClarin
Nashua, N.H.

Off the Track

I was pleased to see Buchanan challenging Bush. Buchanan has principles, and Bush doesn't. But let's not lose sight of the fact that they are not libertarian principles. As C.A. Arthur points out ("Inside Pat Buchanan," March 1992), there is hardly anything recognizably libertarian in Buchanan's platform.

Buchanan's appeal to libertarians for support was that his train went closer to our station, but the scary truth is that even Bush's train is closer than Buchanan's. For example, Bush is for free trade and the voluntary military, while Buchanan is for protectionism and conscription.

Of course, Bush is no libertarian either. Since the Democrats also fail to be even remotely libertarian, that leaves the Libertarian Party.

A.J. Skoble
Terre Haute, Ind.

Another Choice Candidate

The Libertarian candidate for president is Andre Marrou. The *l*ibertarian candidate for President is Paul Tsongas.

When Paul Tsongas first made his views known, I thought to myself, "A major-party, pro-business candidate who is liberal on social and defense issues? Pinch me, I must be dreaming."

Liberty devoted more than 11 pages in its March issue to Pat Buchanan. Why not devote at least as much space to Paul Tsongas?

David Hoscheidt
Belleville, Ill.

A Note With a Touch of Finality

I have cancelled my subscription due to your persistent bashing of libertarians and of Ayn Rand's books. With friends like you, I need no enemy.

R.M. Borland
Colora, Md.

Letters Policy

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

Reflections

Congressional confessional — The Miami *Herald* has reported the reaction of Lawrence J. (Larry) Smith (D-Fla.), one of many Congressmen who have belatedly confessed to writing bad checks on the House of Representatives bank.

"My wife had a checkbook," Smith said. "She didn't know what was in the account. If she wrote a check, she assumed there would be money to cover. So did I."

This, as I take it, is the definitive statement of a politician's relationship to the economy. —SC

It's rough at the top — It's strange, all the fuss the CEOs of the Big Three are making about "fair trade" with Japan. It's not just a desire to protect their companies from foreign competition; there's an almost *personal* quality to it. These fellows seem to be genuinely hopping mad.

I suspect they're simply afraid of getting fired. We've heard a lot in the last few months about Japanese executives who do a better job for only a fraction of Iacocca & Co.'s bloated salaries. With free competition, what's to keep American shareholders from hiring one of them in our incompetent executives' place? —JW

Neighbors at the trough — *The Wall Street Journal* reports that a coalition of environmental groups is urging state and federal governments to spend about $50 million to buy up tracts or easements on Northeastern forestland. Hard times in the timber industry are causing as much as 400,000 acres of prime forest to go on the block. These groups think that the government should buy the land to keep it from being developed.

In doing so, they are ignoring a third alternative: Why don't they buy the lands or easements themselves? $50 million is not an excessive amount for these people — together, the top ten environmental organizations budget more than $500 million *each year*, and the median Sierra Club member has double the income of the median American. But no, the leaders think the *taxpayers* ought to fork over the funds for these "natural jewels." And if many of those taxpayers are struggling to make ends meet in the middle of a recession — well, that's too bad. Apparently, all citizens should feel good about paying more taxes to give affluent backpackers and hikers more land to play in, virtually without charge.

Yes, wilderness is a good thing, but the federal government alone has already set aside 88 million acres as wilderness; 118 million more acres are managed as wilderness while they are under study for permanent wilderness designation. These numbers don't even include the 43 million acres of national parks.

The environmentalists' pleas for government subsidies are no different from those made by business seeking government help. Only arrogance prevents them from realizing that they, too, feed at the government trough. —JSS

Have you stopped raping your wife? — It's been easy enough to see that radical feminists have it in for the boy-girl thing, find it disgusting, and aim to spoil it as much as possible. Catherine MacKinnon, professor of law at the University of Michigan and chief feminist crusader for anti-pornography legislation, has now suggested a rationale for making it illegal. In an interview with the Toronto *Star*, MacKinnon supported the new Canadian rape shield law, but went on to say: "In the context of unequal power [between the sexes], one needs to think about the meaning of consent, whether it is a meaningful concept at all. I'm saying we need to think about it. I think it's very questionable."

Got it? Every act of sex between a woman and a man, MacKinnon is broadly hinting, is an act of rape, because a woman cannot give valid consent. So feminism closes the circle: women are once again looked on as children, and sexual intercourse is always at best statutory rape.

Does that mean that women are to be deprived of sex altogether? Well, no. After all, MacKinnon's strictures apply only to vile acts with beastly *men*. Obviously, it's different when a woman loves a woman. . . . —RR

We arm the world — *The United States is the world's only superpower, and it ought to remain that way.* That's the conclusion of a "secret" Department of Defense study leaked to the press in early March. So I guess the world can look forward to "Pax Americana," or as George Bush explained the situation, "What we say, goes."

Perhaps it is time to change the name of the Department of Defense. There is precedent for a change. The Department of Defense was originally called the Department of War. Its name was changed in 1947 to reflect the "fact" that the U.S. was intent only on defending itself, harboring no hostile intentions toward other nations.

But with no real enemies left in the world, its new mission of maintaining the U.S. as the world's only superpower, or "what we say, goes," isn't really defensive. It seems to me the "truth in packaging" law ought to apply here. Perhaps we should call it the "Department of Offense," or "The Department of World Oppression." —RWB

Ghettoizing gays — We are used to waking up to find that terms or words we had used for years had, overnight, become impermissible.

There are no more girls, only women. There are no more Spanish-Americans, only Latinos. There are no more American Indians, only Native Americans.

But that is mere fashion, superficial and meaningless except for the amazing way in which, through a relatively small media circulation, the fashions shift and become temporarily standardized.

There is one manifestation of this, however, that is not superficial, and not meaningless. That is the standard condemnation of white males which has, slowly but surely, been narrowed to the condemnation of white male *heterosexuals*.

The white male part is objectionable enough, the sort of race-baiting that would be absolutely unacceptable in other contexts. (Even if some white males have deformed or horrified history, the majority, of course, have been as much victims of the regal males as people of any color and of any gender. Lumping all white males into one despicable category is no more helpful than lumping all of *any* racial or gender group into a stereotypical niche.)

The addition of "heterosexual" to the "white male" *auto-da-fé* is counter to every truly liberal hope. The obvious reverse-obverse of such incantation is to make a tribe of indistinguishable people out of every element of humanity.

Homosexuals, therefore, are made a tribe, not a collection of individuals. Is this what the hope for liberty of sexual preference has come to? One baleful effect is that when some, perhaps many, heterosexuals think of homosexuals they may be encouraged to think of them as just clones of the most obnoxious ones. There are countless other examples of this thoughtless stereotyping (religious fundamentalists, some conservatives).

The impulse to defend the liberty of people regardless of ethnicity or sexual preference is made needlessly uncomfortable by stereotyping. And it will get worse. Those homosexuals who want to condemn all heterosexuals are digging their own graves. It becomes part of the horrific ghettoization of people and the tribalization of debate — a curse on reason, a call to the most bigoted arms. —KH

Note to travelers — Two years ago, the U.S. government established the precedent for invading another country in order to arrest its head of state for a violation of U.S. law that is alleged to have happened entirely outside the U.S. I refer, of course, to the invasion of Panama for the purpose of arresting its president, Manuel Noriega, for violation of U.S. drug prohibition laws. Alas, the "cocaine" the Army found in his residence turned out to be tortilla flour, and the only witnesses the Department of Justice can dredge up are convicted criminals who are offered their freedom in exchange for testifying against Noriega, and their testimony doesn't really connect him to drug trafficking, leaving the Justice Department arguing that Noriega was a corrupt politician. Whether the Justice Department's "case" will convince a jury to put Noriega behind bars for good remains to be seen. Irrespective of the outcome, an interesting issue is raised: ought U.S. jurisdiction extend to other countries?

During the nation's first experiment with prohibition (of alcohol, not drugs), citizens of Canada and Mexico regularly dealt in liquor that they knew was going into the U.S. Yet the U.S. didn't invade Mexico or Canada. Were they guilty of dereliction of duty? Or have some fundamental notions of law changed?

It has reached the point where you have to inquire to the federal government to find out whether a law applies in other countries. A recent *Wall Street Journal* dispatch on the use of growth hormone as an anti-aging drug reported, "The treatment is beyond the reach of the U.S. Food and Drug Administration, which doesn't regulate foreign medical practice, an FDA spokesman says." It's nice to know that people in other countries can't be arrested for violating U.S. laws or regulations pertaining to medical treatment, at least for now. But what if the FDA changes its mind?

Meanwhile, how should a prudent American traveling abroad figure out which U.S. laws extend overseas? When

During our first experiment with prohibition, citizens of Canada and Mexico regularly dealt in liquor that they knew was going into the U.S. Yet the U.S. didn't invade Canada or Mexico. Were Prohibition agents derelict in their duty?

he goes to Germany and learns there are no speed limits on its *autobahns* and most cars are traveling at speeds of about 90 miles per hour, should he limit his speed to 65 until he checks with the U.S. embassy? When he goes to Martinique, where nude beaches are the rule, should he keep his swimsuit on until his embassy advises him whether U.S. decency laws are enforced there?

Perhaps the various federal departments should issue a pamphlet explaining to Americans (and to foreigners) which U.S. laws will be enforced *in partibus infidelium*, so that future invasions might be avoided. —RWB

The spirit of American enterprise — The heads of America's Big Three automakers bellyached for days in Tokyo about how few of their cars the Japanese buy. *Protectionism! Xenophobia!*, they cried.

Would you believe left-handedness? The Japanese drive on the left, which means they need the steering wheel on the right side of the car. The American companies don't make that kind of car for the Japanese market. They say they can't risk such an investment before knowing whether the cars will sell. Good to see the spirit of American enterprise is alive and well. Maybe the U.S. government should demand that the Japanese change their driving habits on grounds that left-side driving is a trade barrier.

By the way, how many Japanese cars would sell here if the steering wheels were on the right? —SLR

What's bugging you? — The Department of Justice is trying to force the nation's long distance companies to purchase expensive equipment to make it a simple matter for it to eavesdrop on private telephone conversations. When the phone companies complained that they don't want to spend the money, the Department of Justice suggested that they should pass on the cost to their customers.

This is one really terrific idea. If people were allowed to have private telephone conversations, it would be virtually impossible for the Department of Justice to enforce the laws

of the land. Making us pay for equipment to allow the Department of Justice to listen in on our phone calls is eminently fair: it doesn't place any burden on taxpayers, it doesn't make the phone companies pay, and it makes law enforcement more efficient.

Why stop at this? By the same logic, why doesn't the Department of Justice force us to bug our homes, so they can listen in any time they want? Why not make us put television cameras in all our rooms, so they can watch us as well? And this could be done at no cost to the taxpayer. All that would be needed is a change in the building codes. The only people who have anything to fear are those who are breaking the law. —RWB

What's my crime? — Regardless of what you might think of Michael Milken, the most revealing truth about his conviction is the common ignorance of his exact crime. I've asked colleagues, financial professionals, and even lawyers, in New York and elsewhere, and invariably they draw a blank. I challenge readers of these pages to tell us (without peeking at a source, of course). If no one knows what he is guilty of, aside from earning an amount of money thought by some to be obscene (and inventing, or reviving, an unusual financial instrument), what lessons are taught the kiddies by his incarceration? —RK

When to say "no" — I tend not to follow the legal trials and sexual tribulations of famous people, but recently they have been shoved in my face, right there on the televisions news.

Mike Tyson's rape trial is a case in point. When the trial started, I neither knew nor cared whether or not he was guilty. But when I learned that Tyson's alleged victim accused him of "forcing" cunnilingus on her, my curiosity was aroused. Rapists, I have always assumed, are primarily interested in their own pleasures and passions. Providing oral stimulation to their victims does not seem to figure into their game plan.

But even if the cunnilingus was not forced, the penile/vaginal intercourse that followed may still have amounted to rape. Consider: after oral stimulation to orgasm, the victim simply said, "No, that's enough." —KRB

One small step — Early in the presidential primary campaign Paul Tsongas stated, "You can't redistribute wealth you haven't created first." It just goes to show how far some Democrats have come in their economic thinking; at least Tsongas admits that wealth has to be made before it is seized. But he should work on his pronouns: The government redistributes the wealth; the people create it. —JSR

Forward, into the past — According to the Washington *Post*, the German office for the Protection of the Constitution is deeply worried about the estimated 4,000 neo-Nazis in the Federal Republic (out of a population of 80,000,000). These aren't the "skinheads": the chief activity of these characters seems to be publishing books and giving speeches denying the accepted history of the genocide of the Jews in the Second World War.

Such activity violates the German law against "insulting and defaming the memory of the dead," and the Office for the Protection of the Constitution has brought criminal prosecutions resulting in fines and prison sentences. The campaign has the public's strong support. Opinion polls conducted by the Interior Ministry find that the great majority of Germans believe that theirs should be "a well-fortified democracy," one that "actively defends itself" against its enemies. Accordingly, 72% of Germans favor banning "dangerous books," and 63% believe extremists should be denied freedom of speech.

The *Post* did not report how many Germans feel that, in order to defend democracy, writers of dangerous books should be sent to concentration camps. —RR

That's a rap — Rap music is making the covers of news and opinion journals across the land again. As usual, it does so as a baleful cultural force rather than as music. Its latest outrages against the polity include songs by Ice Cube on his *Death Certificate* LP that advocate burning down Korean grocery stores and shooting specific living Jews, and a video by Public Enemy that portrays the murder of Arizona public officials in retaliation for not celebrating Martin Luther King Jr's birthday as a national holiday.

I'll follow the pernicious trend in non-specialized coverage of pop music and mostly ignore the music *qua* music; I haven't even heard the Ice Cube record, and the Public Enemy song is not among their best.

But what does it say about our culture that such hate-mongering sells, and sells big? Nothing we shouldn't already know, actually.

Since *Billboard* magazine, the charter of record for pop music, switched to a system that records actual sales electronically by bar code instead of merely cobbling together reports from vendors whose accuracy could not be checked, it has been revealed that musical styles marginalized by radio pro-

THE MULTICULTURALIST'S WORST NIGHTMARE ...

grammers — rap, country, and metal — were actually what Americans liked the most. This led to a much-excoriated think piece by David Samuels in the November 11, 1991 *New Republic*, based on the discovery that rap's audience includes a large number of whites.

I don't think this is a big surprise to anyone living in the real world, attending high school or college with white people, or even occasionally watching MTV. But it inspired much brow-wrinkling at *The New Republic*, and the worried conclusions Samuels reached caused many of the hipper media outlets to guffaw and discount his analysis.

That may be all it deserves. After all, the phenomenon he "discovered" was obvious. Gee, white people digging a music indigenous to and initially loved by black audiences? Ever hear of jazz or rock'n'roll, David? His assumptions that it is only menacing, violent images of young black men that appeal to suburban whites were erroneous; rappers as benign — or as pale — as Hammer and Vanilla Ice sell as well with whites as Niggas With Attitudes or the Geto Boys. And of course, he showed a typical pundit's inability to approach pop music as music instead of as a cultural phenomenon.

Samuels expressed some seemingly deserved alarm that singers of such, umm, rampaging negativity are what appeals to American record-buyers nowadays. And of course, as the racially sensitive don't fail to point out, Ice Cube has his white analog in America's favorite rock'n'roll singer, the confused, manic-depressive midwestern boy W. Axl Rose, who likes to complain about immigrants, faggots, bitches, and niggers.

So is it something worth being frightened about, that hateful, scowling, misogynous, joyless dudes like Cube, Chuck D., and Axl are young America's spokesmen of choice?

Cheapjack sociological analysis of pop music loves to fall back on that hoary old Plato quotation about the walls of the city falling when the modes of music change — you can look it up. I think a more appropriate quotation is "All young people are fascists." Young people are attracted to ferocity of vision, to intolerance of the different, and to opposition to their elders. And for those raised by the '60s generation, hate-mongering creeps are just what they need to whet their craving for driving mom and dad nuts.

However cogent this analysis might seem, it is very probably irrelevant. Pop music appeals for reasons of sound as much as sense, and popularity feeds on popularity as much as on intrinsic appeal. Whatever is happening is what people tend to buy. And despite attitudinal, or musical, faults, the likes of N.W.A. and Guns'n'Roses provide a burst of energy and snotty enthusiasm that, to put it plainly, the young can get into.

Columnist Joe Queenan wrote a very funny column in the Washington *Post* attaching the rhetoric of rock critics' writings about hateful musicians to stories about the rise of the Nazi movement in Germany. The juxtaposition was amusing, but inappropriate. Pop musicians are most certainly *not* the unacknowledged legislators of the age. Ice Cube, no matter the wrongheadedness of his attitudes, does not present the threat to the commonwealth that a budding Hitler does. As rappers Niggas With Attitudes' very name suggests, what these pop singers sell is attitude, not ideology. In most people's lives, pop music is a distraction, a hobby, maybe even something of an obsession. And while exposure to too much bad thought will certainly dull, and even pervert, one's ethical sensibilities, these attitudes purveyed by Cube and Axl are derived from the culture already; they most likely possess little power to change anyone for the worse. Pop stars do not make waves in our culture; they are merely the pond that reflects the oncoming stone. —BD

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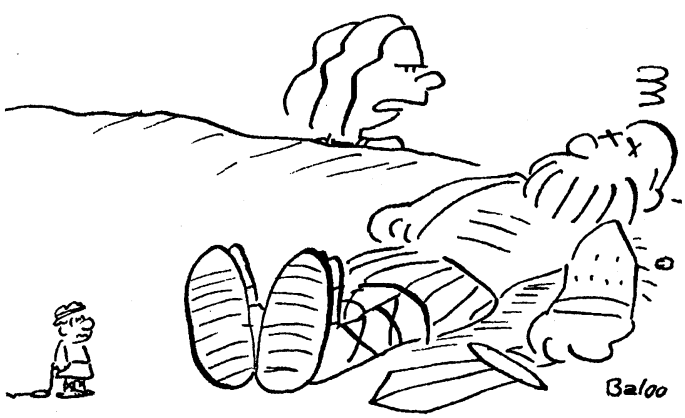

"Hey — Who hit my boyfriend?"

Dis "honor" — There is such a thing as too much respect. This struck home to me, recently, when President George Bush referred to Richard Milhous ("Tricky Dick") Nixon as "President Nixon." This is patently absurd: Bush is commander-in-chief of this country, and merits the title, but Nixon is not, and deserves no special honorific. (For those weak on history: the slime-ball was run out of office a long time ago.)

We should generalize from this. In a republic such as ours, people may adorn themselves with prenomens such as "Mister," "Missis," or "Miz," and whatever title of office they *now hold*; former office holders should make do with what we, the common folk, use every day of our lives. The current practice makes of political office an avenue for royal aggrandizement, and smacks of vulgar aristocratic pretension; it is elitist, anti-democratic, and as worthy of chucking out as was the king of England.

The Founding Fathers understood this principle, and wrote a condemnation of "title-holding" into the Constitution. But the old customs were reasserted, over the years, first by retired military officers using their old titles to garner public support for political office, and finally by politicians seeking to keep their names in the history books (and to get

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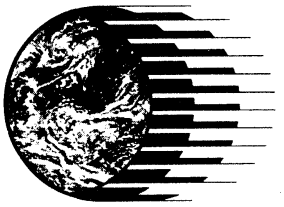

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on the boards of corporations). With all due respect to even those few retired politicians who are, in my court of private opinion, truly honorable, even those ladies and gentlemen should abandon such titles as "Honorable" when they leave elected office. (Any mail I get with a return address from "The Honorable Ron Paul," my favorite ex-Congressman, immediately goes into the round file.)

And as for Nixon, "Mister" seems too good. —TWV

Green in tooth and claw — Lately, there has been a good deal written here in *Liberty* about the problems of environmentalism — or environmentalisms, since there's more than one of them.

There's the scientific environmentalism that concerns itself with preventing abuses to nature that may also be physically harmful to man. There's the political environmentalism that expresses people's desire to assert their power over others by excluding them from the use of natural resources. And there's the type of environmentalism that authors in *Liberty* have labelled "aesthetic": the desire merely to protect the beauty of whatever you or I happen to regard as beautiful, no matter what the physical or political results may be.

I think that I personally have managed to escape some of these tendencies. I'm not much impressed by the fits that scientists are always throwing about Alaskan oil spills or acid rain on the plains of Maine. (Yes, I know that scientists have also located real threats to the environment and that the best scientists are finding ways of dealing with them. I'm talking about emotions here, not reason.) I suspect that a lot of what passes for science is a sublimated politics — and political environmentalism is a terrible thing indeed.

But I do have a weakness for aesthetic environmentalism — don't you? We wince at the thought of a bunch of houses being built on our favorite empty plateau; it's aesthetically offensive, and we wish, at least for a moment, that someone would just pass a law to stop it. If we value liberty — and fairness, too — we may then reflect on the immorality of coercion and the fact that we ourselves may live on what was in 1910 someone else's favorite empty plateau. I know that I live in such a place, and when I recall that fact, I stop wishing for the ecocops to turn on their sirens and bring everything to a halt.

But there's yet another kind of environmentalism, frequently underlying and strengthening the first three; I'll call it theological environmentalism. It's an expression — almost always a debased expression — of an absolutist religious idea about man's relationship to nature. I'm not thinking just about goofy cults that worship the earth goddess, or posters of a new Ten Commandments displaying rules like, "Thou shalt not value thine own species higher than another." I'm thinking about an idea so common as to form a cliché in almost everyone's mouth.

What brought this forcibly to my mind was (of all things) a recent perusal of the diaries of Joseph Goebbels, Hitler's Minister for Popular Enlightenment:

> 14 November 1939. "Yesterday: Beautiful autumn days now. Sun, mist, and falling leaves. How glorious the world is, and how little Man in general has done to deserve this glorious world."
>
> 23 May 1941. "A fine, mild May evening. What a beautiful world! But for people, wicked people! Nevertheless, one has to find a way of dealing with them, too."

The idea is simply that man by his very nature pollutes the physical world. The fact that even Goebbels, one of the wickedest of men, writes so easily in this way of "wicked people" merely illustrates how widely the theology had spread, even 50 years ago.

It's been with us, in fact, since the Romantic movement of the 19th century went to seed (or became "tainted," if you prefer the environmentalist metaphor to the environmental one). Romantics who reacted against orthodox religion wanted to maintain a sense of the sacred while rejecting the Christian idea of the Man-God. While Christians had been indifferent if not hostile to "nature" as a source of values, some Romantic writers began to regard it as the embodiment of a moral absolute. The role of the devil, in a world without a supernatural home for him, devolved to Man. And the bizarre theology of naked "nature" sank deeply into the popular consciousness, where it continues to influence thinking in all sorts of unanalyzed ways.

That's the diagnosis. What is the cure? Good public-policy analysis. Well-aimed satire at modern advocates of Dr Goebbels' antihuman naturalism. And equally well-aimed reference to the kind of Romanticism that did not go to seed, to the romantic belief in the human potential that led William Blake to proclaim that "where man is not, nature is barren." —SC

Loose lips — In Washington, DC, Joe Gillespie, the news and program director of WTOP-AM, has been fired because of an "insensitive remark" he made while being interviewed by a reporter from the Washington *Post*.

In discussing local TV news anchors, the reporter asked about one named Pat Lawson Muse, an anchor of color. Gillespie asked who she was. When told she was a news person of Channel 4, Gillespie replied, "Oh, the one with the lips? . . . Her lips, that's how I remember her."

Off with his head!

How sensitive must we be?

"Dolly Parton? Oh, the one with a pair of Siamese cats?"

"Jimmy Durante? Oh, the one with a big car?"

"Don King? Oh, you mean the one who isn't bald?"

Okay, so I'm insensitive. —KH

Here come the bums — When the New York *Times* starts complaining about left-liberal bias in the media, that's news. That's exactly what happened in Walter Goodman's column of February 19th. Goodman, for those not as addicted to the Newspaper of Record as I am, covers "intellectual" topics — Norman Mailer's latest public tantrum, the mutual recriminations of Norman Podhoretz and Irving Howe as to who is really harming the cause of Israel, the latest wrinkle in the Rosenberg case — all the issues of burning concern to the Manhattan literati.

This time, however, Goodman took on the TV news establishment. He noted that a typical news story on the homeless "will feature a hard-working, straight-living young couple or an attractive teenager and her child who have run into a spell of bad luck." But a recent report on the homeless in New York shows a very different picture. "More than two-thirds

of the single men and almost a third of the adults in New York City's shelters are on drugs or alcohol. . . . Fifty percent of homeless people have served time in jail." Thus "the homeless" — whose plight the media incessantly parade as the "dark side" of the "orgy of greed" we allegedly wallowed in in the 1980s — begin to resemble what used to be called, well, bums.

Goodman chides TV news producers for sending out to "advocacy groups to supply them with model victims for viewing purposes." Instead, he concludes, they should "tell what is, and let others take it from there." Well said. Now maybe the editors of the news pages of the *Times* will take his advice to heart as well. —RR

The new hawks — Who are the hawks these days? The Democrats in Congress, that's who. Led by Richard Gephart, the new hawks want to launch preemptive economic strikes against the new evil empire, Japan.

When the Republicans were the hawks, they at least had an appropriate enemy. The Soviet Union was aggressive. It did subvert American interests. It slaughtered millions of its own people and millions more in its enslaved extra-territorial gulags. The Republicans argued that Communism could not sustain a modern economy, but they apparently didn't really believe it. They lacked faith in their own prediction.

The Democrats now lack faith in their country, their corporations, their technology, and the future generally. They see a sort of shadowy replication of the Soviet evil empire. The crafty Nips are subverting American consumers by sneaking in high-quality automotive and electronic products. They're probably practicing industrial espionage — a Gephardt investigation of that outrage might not be far ahead. They are gulaging their workers into obedient robots doomed to live in some of the most high-priced urban areas on Earth. They have even stolen the ideas of a domestically shunned management theorist.

And they eat raw fish.

When will the perfidy, the outrages, the productivity ever end? — KH

Unoriginal sin — I do not expect profundity from politicians. For good and ill, we do not live in a time of philosopher-kings. But this year, with both Jerry Brown and Pat Buchanan on the campaign trail, I had thought that I might at least witness a clash of the *Weltanschauungen*. Much to my surprise, the first philosophically objectionable statement I heard uttered by a presidential candidate this year came not from either of these gentlemen, but from the *Libertarian*.

"Libertarianism holds that people are basically good, and if left to themselves, will do what is right," said Andre Marrou. Although I consider myself a libertarian, I believe this notion to be hogwash. I have another view of human nature, and see the responsibility required by equal freedom as a means of *restraining* people, people who, as often as not, will stick it to their fellows if they can. I am for *limited* government in large part because people are too dangerous to be trusted with *extensive* government.

But the most striking thing about Marrou's statement is not that a libertarian might believe it (in my experience, libertarians are as capable as anyone of holding nut-ball notions) but that a Libertarian presidential candidate would *say* it. Libertarianism is a *political* doctrine, and admits many foundations. Just as a Libertarian Hindu would not (I hope) publicly declare the basis of libertarianism to be contained in the concept *karma*, or a Libertarian Christian link freedom to some arcane interpretation of soteriology, so too should a Libertarian atheist keep his humanistic optimism to himself. Precisely *what libertarianism is* is controversial enough; muddying it up with non-libertarian positions in public should be anathema.

Of course, Marrou's homespun philosophy is also *impolitic*.

There are three basic positions on the nature of human goodness: people are basically *good* (but corrupted by "bad institutions"), basically *evil* (but capable, perhaps, of redemption and control), or a *mixture* of both good and bad. Most people who have given this matter any thought hold to some version of the last position. It is, after all, only common sense. A very small number holds to a variant of the second position. But both of these groups look upon believers of the first position as unrealistic utopians, nuts to be indulged and perhaps watched with wary eye. There is no good reason for a Libertarian politician to propound a non-libertarian point of philosophy that most people look upon as silly and possibly dangerous. It is not only bad philosophy, it is bad *marketing*. — TWV

It can't happen here? — Until *perestroika*, private enterprise was an economic crime in the Soviet Union. Now in Russia, private enterprise is supposed to be encouraged, but there is no governmental system for the enforcement of property rights. According to Barbara Mills, a lawyer who attended an international forum on law and cooperation held in Moscow, Russians at the conference rightly feared that, as a result, organized crime would flourish in what was the Soviet Union.

> They considered that the disruption of the economy, shortages of essential goods, lack of legal regulation and a thriving black market will encourage the growth of organized criminal enterprises. They foresaw this affecting the financial and banking systems as well as the market place. Unless regulation and an effective criminal law is in place soon, their forebodings are amply justified.

Most Russians and now most people in what used to be called the free world appear to agree that the outlawing of

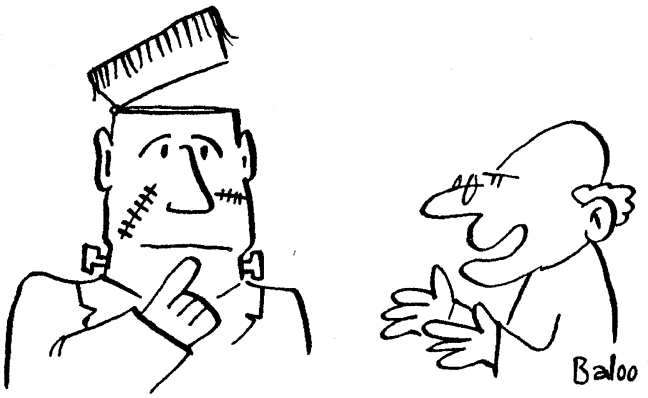

"*Think*, Dummkopf! — Where did you last see your brain?"

private enterprise was *not* a good idea. Or do they?

Most would also agree that regulation and effective criminal law *are* good ideas. Here, in the not-so-free world, many activities that are clearly forms of private enterprise have been just as clearly considered crimes — the retailing of cocaine, for example; or, during Prohibition, the retailing of alcoholic beverages; or, today, the retailing of alcoholic beverages except under strictly regulated, heavily taxed circumstances.

As a rule, governments that have been strong enough to enforce property rights and choose to do so, also choose to regulate economic activities in ways that sometimes amount to the criminalization of private enterprise. So, the freeness of your enterprising is relative and varies with the winds of legislative and democratic fancy; businessman today, criminal tomorrow.

Maybe my examples sound like particularly good candidates for decriminalization or deregulation. How about this: You and a few business associates have savings that you would rather not put in a bank at current interest rates, so you take a close look at a very risky, fresh, young distribution company in need of cash for expansion. You lend ten million dollars to the company at a rate far above what you would earn in a bank and, for the sake of liquidity, you have the company sign one thousand promissory notes of ten thousand dollars each. Then, from time to time, when you need cash, you sell the notes by putting a notice in a business journal explaining what they represent. Sounds like just the sort of thing that ought to be and probably is going on in Russia. Well, it would be illegal in every state of the Union (ours) several times over. The rules applicable to this fairly simple deal are complex and change frequently. Some of what I described would be criminal and some would simply fail to comply with extensive regulation affecting the offer and sale of securities, lending generally, advertising for the sale of securities, and so on. Good luck trying to get your various agreements enforced, and if you attempt enforcement yourself, that would be worth some jail time too.

Perhaps organized crime is the lesser of two evils.

—*Guest Reflection by* Michael Christian

New World DisOrder — Once, commenting on the end of the Cold War, I warned of a "legalistic, megacorporate, one-world peace on Earth." Right. Welcome to the New World Order.

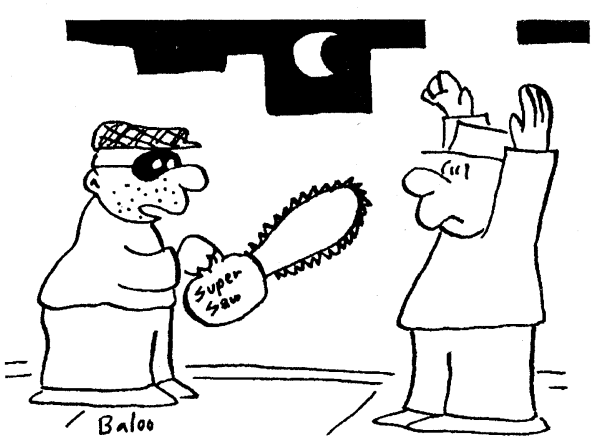

"It seems silly to me, too, but guns are illegal in this city."

So here we are — decadent soft-core-commercial anarchists operating out of multinational Japan's favorite two-bit Banana Republic, this mercenary entertainment state with a big Hollywood Rambo ego, all glitter on the edges and *profoundly* stupid in the middle. How can we *resist* the New World Order, irresistible as it is?

There's always been the idealistic hope, ever since The League of Nations, that in this time of increased interpenetration and communication, nations great and small could come together to blah blah blah *ad nauseam*. Forget it! The New World Order is the thousand-year Reich of the international well-behaved center, with a small sexually pent-up macho American adolescent core of police protectors and overseas mercenaries.

To resist the New World Order, spread chaos and confusion, first amongst yourselves. Don't come together. Come apart. Don't identify with the nation-state, the tribe, your race, gender, bulletin board, or dance club. That's how you get suckered. Be mercilessly politically incorrect. Be commercially successful by being pleasingly offensive. Subvert through media, not because you think you can "change the system" but because successfully tickling America's self-loathing funny bone is an amusing sort of foreplay. And believe us, everybody's gonna get fucked.

Holocaust German-style, 1940s: piled up dead Jews, gypsies, and communists in a concentration camp. Holocaust American-style, 1990s: Consumer goods spill out of the guts of bombed-out cars in a silent traffic jam in the Kuwaiti desert. With dead Iraqis hidden from view inside.

Johnny's come marching home. America is transformed in its pride. The American media completely capitulated to state censorship. *That job is done.*

Have no illusions. Something has changed. You blinked your eyes and there was suddenly a juggernaut. Blink again and it's breaking down your door. Abortion. Drugs. Freedom of speech. You wake up tomorrow and find out that *if it ain't whitebread, it ain't allowed.* We can see how fast that can happen.

So the New World DisOrder — which is all you have left — starts within yourself. It starts when somebody says "we should (or shouldn't) fight against Iraq" and you think, "What the fuck do you mean by *we*? I'm not gonna fight, you're not gonna fight, and I'm not a member of any nation-state. There *is* no we." The New World DisOrder starts when you realize that safe sex is boring sex, cheap thrills are fun, *and you're as atavistic as they are.* The New World DisOrder starts when you can no longer listen to debates about whether the nice guys or the mean guys can make the trains run on time.

—*Guest Reflection by* R. U. Sirius

Pre-school choice — In the small town where I live, choice in education is alive and well — for children under age six. Our town has traditional preschools, Montessori schools, playschools, and daycares that mix education, "socialization," and babysitting. They are found in churches, in grand old residences, and one in a bright new complex with sunlit rooms that open directly onto an enclosed patio.

The Yellow Pages lists eighteen such institutions, and this

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— Lawrence Kudlow, "Money Politics," March 25, 1990

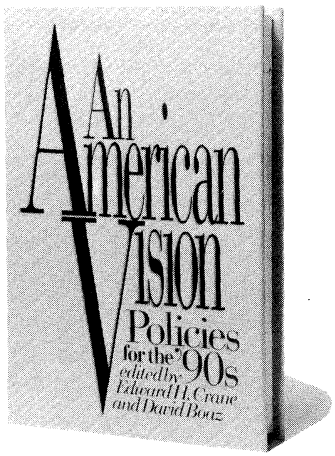

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does not include them all. Nor does it include the wide range of at-home babysitting, licensed and unlicensed, some of it by trained teachers who work at preschools earlier in the day. There is even an association, Child Care Connections, that helps you find the right place for your child.

This is a far cry from what you find when your child reaches kindergarten, and government-provided education begins. The choices drop dramatically, and by the third grade, you have only three: Your child goes to the assigned public school, your child goes to a very conservative Christian school, or you teach your child at home.

The rich variety of preschools is itself an argument for parental choice in education. But variety is only part of the reason why choice is so important. Unless consumers can back up their opinions with their pocketbooks, there will never be constructive change.

Consider the Methodist Preschool. You won't find this venerable institution in the Bozeman telephone book; you learn about it from other parents. It was started in the 1970s by a group of at-home mothers who wanted a good social experience for their children and some time off now and then.

The mothers hired a professional as part-time director and persuaded the Methodist Church to rent them facilities at low cost. (One requirement was that they put away all the materials at the end of the day so the classrooms could be used for other purposes.)

When the director hired teachers, most were women with families who wanted to work just a few hours a week. To accommodate their schedules, the school started late, at 9:45 a.m. (after all, they had to spend an hour getting the classrooms ready), and finished at 12:45 p.m. Two-year-olds attended once a week; older children, twice. The preschool had a warm, homey atmosphere, and it was so popular that you had to sign up by May to obtain a place for your child the following September.

Gradually, however, parents' interests changed in Bozeman. With each passing year, fewer parents were work-at-home mothers; more wanted outside care for their children for longer hours or more days a week. Daycares proliferated; Pooh Corner, a daycare that had started about the same time as the preschool, thrived financially, and built an attractive modern facility. The Methodist Preschool, still operating out of an aging church building, maintained its excellent reputation, but was falling out of step.

As a mother with a child there, I devoted a parent-teacher conference to voicing my disappointment with the limited schedule and the awkward hours. My comments were received sympathetically and I was told that other parents had expressed similar views. But I was also told that if I wanted change, I would have to do it through the parents' organization. I knew a more effective way to deal with my problem: I took my child elsewhere.

Apparently some other parents did the same, because in the fall of 1991, for the first time in years, some slots were unfilled. The school, which operates under a tight budget, was unprepared for this financial setback. It took immediate action — a fund drive to shore it up financially, and then steps directed toward the future. The director sent around a questionnaire to parents, asking them what they liked and didn't like about the school. One result was a decision to increase the number of days children could attend; I am sure there will be others.

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The school didn't have to listen when parents expressed their concerns. But it did have to listen when our expression took the form of dollars — elsewhere. As a result, the Methodist Preschool is undoubtedly today serving its customers better than it was. If it doesn't serve them well, it won't survive.

I despair for what will happen when my son has to go to public school. If I am dissatisfied, how can I possibly bring about change? Who will listen to me? I expect that the public school teachers will be as nice as those at the Methodist Preschool, but they will have their own ideas and priorities, and I will have no way to influence them. Bozeman citizens support their schools with their taxes, whether they want to or not. Without the ability to affect the school's finances by taking their children to other schools, parents have no leverage. Once again, I rue the day that this country began government education. —JSS

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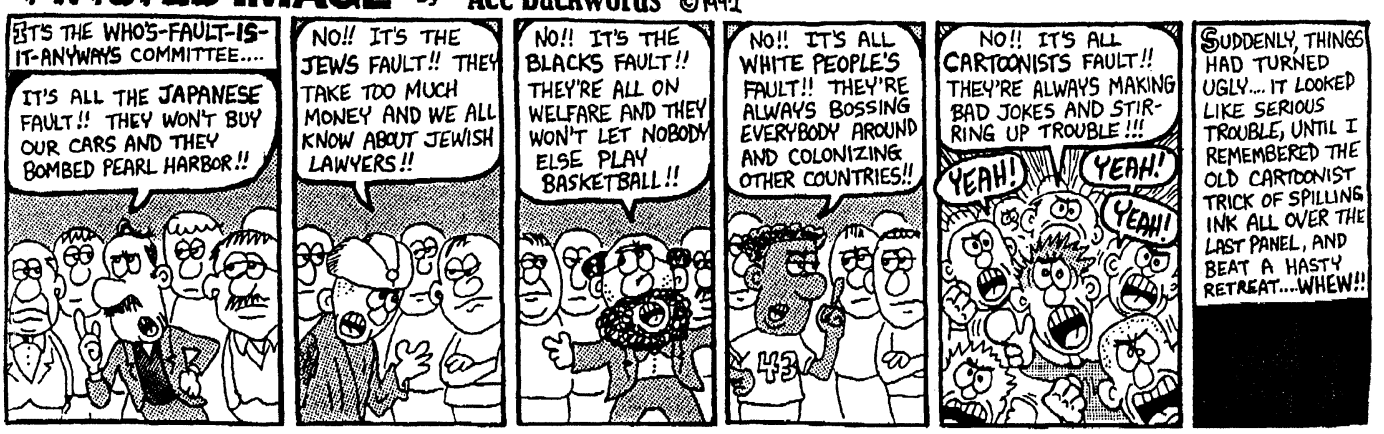

Politics

Sociopathic wimp — Is there any more contemptible figure on the political scene today than George Bush? For months this sorry excuse for a human being defended his budget deal that clamped the largest tax increase in American history on the backs of the people. Then he sent little Danny Quayle to New Hampshire to say that Bush had to agree to the tax increase or else he would not have been able to concentrate on the Persian Gulf crisis. (The trouble with that one is, he entered the budget deal with the Democrats five weeks *before* Iraq invaded Kuwait. Maybe Quayle was saying Bush knew it was going to happen — evidence of long-suspected administration complicity.)

Finally, just before the Georgia primary, Bush said he was sorry he had agreed to the tax increase. Why? Because he had broken his only 1988 campaign promise? Because it was economic insanity? No, nothing so honorable. Here's the reason: "Listen, if I had to do that over, I wouldn't do it. Look at all the flak it's taking." This act of contrition is supposed to win the support of tax-haters? The man is a sociopath. It's time like this that I wish there was a hell. —SLR

Them Dems — What a pathetic bunch of losers the Democrats offer the American public as Presidential candidates! The Hon. Sens. Kerrey and Harkin have already been rejected by the voters. Kerrey's mistake was to believe what the left-liberal pundits said about the 1990 elections, especially the defeat of Richard Thornburgh by Harrison Wolford in the Pennsylvania Senate race: viz, that the American people want socialized medicine, the sooner the better. Kerry got nowhere with "national health insurance," the central theme of his campaign.

No one told Sen. Tom Harkin of Iowa that the Great Depression is over, and that the tax-and-spend social programs of the 1930s don't cut it anymore. His attempt to start a bandwagon for old-fashioned, labor-union, populist socialism went nowhere, just like Kerrey's crusade for socialized medicine. It just took it a little longer to get there.

Paul Tsongas lasted a little bit longer. It is a measure of the bankruptcy of American politics that Paul Tsongas passes as a man of vision and courage. When he tells a group of middle-class Americans that he opposes Bill Clinton's proposal to cut their taxes by two dollars a year, he is praised as courageous. When he advocates Mussolini's old idea of a government-business partnership, he is praised as progressive. The polls show that wealthy, well-educated Democrats like him. Unfortunately for him, most Democrats are poor and uneducated. After being clobbered in Michigan and Illinois, his campaign went belly up.

Having spent the past several years of his life cashing fat checks from PACs and other fat cats for the California Democratic Party, Jerry Brown suddenly realized that big money from PACs and fat cats was destroying democracy. He limited his campaign contributions to $100, relentlessly trumpeted his toll-free phone number, and bought half-hour infomercials on cable TV, squeezed in among ads for juicing machines. Along the way he adopted term limitation and a flat income tax as campaign planks (a couple of reasonably sensible ideas with wide appeal), managed to turn just about every television news spot into a plug for his toll-free number (on one ABC interview, he gave the toll-free number three times!) and managed somehow to parlay these elements, along with his own undeniable power-lust, into a campaign that threatens to make him into a Democratic Party power.

Brown's appeal cuts across a wide cross-section of Americans, but it doesn't cut very deep. Early in his campaign, he supported free trade, denouncing protectionists as "crybabies who can't compete." Lately, he has been bashing the proposed free trade treaty with Mexico, as part of his strategy of sucking up to so-called "organized labor" (i.e, cartels to limit competition among working people). This managed to put him past Paul Tsongas in Michigan, at least, and keep his campaign alive.

Meanwhile, the race is being won by Bill Clinton, the Democrat best able to appeal to low-income, uneducated *lumpenproletariat*. His beautifully coiffed hair, the apparent genuine pleasure he derives from his empty demagoguery and from pressing the flesh, his marvelous ability to get away with breaking the rules (e.g., cheating on his wife, dodging the draft), his skill at evading issues . . . these are all qualities that stand very well with Democratic voters.

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It is likely that Clinton will win the nomination, and he has an excellent chance of unseating Mr Kind and Gentle in November. Shortly thereafter, the nation will no doubt go through a period of Clinton-mania, during which we will discover that young Bill is as exciting and fascinating a person as Michael Jackson or Mike Tyson. It may not be good government, but it is good entertainment. —CAA

Choices, not echoes — For voters won't support any of the establishment party candidates but aren't satisfied with Andre Marrou, here is a brief guide to six other Presidential hopefuls, who appeared at a March 1 forum in Boston sponsored by the Independent Voters Party of Massachusetts.

Bo Gritz, Populist Party: "A patriot, not a politician," Gritz

wants a "righteous nation" based on decentralized local self-government. He would limit the jurisdiction of the Supreme Court, disband the Federal Reserve, and stop interest payments on the national debt, because it is "ridiculous to pay interest on our own money." He favors "free enterprise — not corporations, not capitalism, but free enterprise!" He opposes free trade, because it means "we have to bend our knee to foreign dependency." His foreign policy rejects globalism, the U.N., and a world army. The former Green Beret says,"We've got one more hill to take — Capitol Hill." He warns that if the people don't take Washington by ballot in 1992, they won't have the chance in 1996.

Howard Phillips, U.S. Taxpayers Party: A moralist who believes in limited government and impending economic collapse, Phillips would end corporate subsidies, loan guarantees, and such informal links between government and business as trade representatives becoming paid lobbyists for industries or foreign governments. He will neither seek nor accept Federal election funds, on the grounds that no one should have to subsidize another's beliefs. He would reduce the size of the bureaucracy and end Federal pensions. He favors term limits, opposes the New World Order, and maintains the U.N. charter was "written by communist spies." He has offered to step aside if Pat Buchanan wants to mount an independent effort.

J. Quinn Brisben, Socialist Party: Seeking to "maximize freedom, equality, and economic justice," Brisben's solution to most things is to "attack poverty." He endorses socialized medicine, nationalizing the educational system to reorient it towards "real economic life," and fighting drugs and alcohol by giving people a reason not to take them. He would abolish the CIA and most defense programs. His economic plan is to "soak the rich" through a progressive income tax, and to "take control of the heights of the economy." He opposes free trade: "18th-century mercantilist rules work for the Japanese; they will work for us."

Earl Dodge, Prohibition Party: As the name of his party implies, Dodge would extend the drug war to alcohol. He also supports a grab-bag of limited-government proposals, including a balanced budget amendment, limits on the taxing powers of Congress, and national debt reduction. He would end all hiring quotas, and supports adoption over abortion.

Jack Thompson, Peace and Justice Party: Another supporter of limited government, mainly because "government can't devise a non-violent method to deal with other people," Thompson confesses that when he began his quest to bring truth to the people he thought they would rise up in indignation against the state, and grew despondent when they didn't. He thinks that most voters want to remain ignorant, because otherwise they would have to "change their corporate lifestyle." He hopes for the decline of the U.S. Empire and the rise of the U.S. nation, but if the citizens continue to be "greedy, ethnocentric barbarians," he doesn't want to lead them.

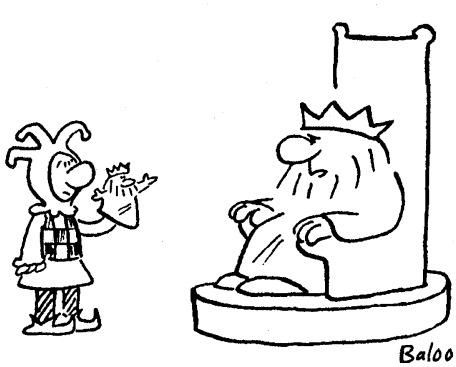

"Not funny!"

Michael Levinson, Republican Party: Levinson's platform is "World Peace and Food Chain Harmony." In 1971, he wrote a 212-page Homeric epic covering the history of mankind. If elected, he will sing the epic from night until dawn on January 20, 1993, to "bring to the Earth the first peaceful night in 5,000 years." If the Czechs can elect a writer, he says, the U.S. can have a poet. Levinson would deflate the world economy, so that in forty years "beer would cost a nickel and space travel free." —JSR

Fascism with a Democratic face — Mussolini would be proud. Bill Clinton and Paul Tsongas are both committed to the philosophy that government should be directing the economy within the context of private property. They can't call this central planning or industrial policy, because those terms are in disrepute. So they say "strategy," and "government-business partnership." Clinton slipped recently, however, when he said that although the Japanese have unemployment, at least "they have a plan." —SLR

Train without soul — I'd be less leery about jumping aboard Pat Buchanan's train, as he recommends libertarians do at the end of his interview in the March *Liberty*, if I didn't have the sinking fear that he might promise to make it run on time. —BD

Buchanan update — Pat Buchanan's campaign for the presidency isn't getting anywhere; as I suggested two months ago in these pages, New Hampshire turned out to be its zenith. The conservative Roman Catholic voters in the Granite State liked him just fine; at any rate, some 37% of the Republicans chose him over Bush.

He made a valiant effort to capture the redneck vote in the South, mostly by harping on the theme that Bush is soft on homosexuals, favors turning white folks' jobs over to nigras, and will let them damn furriners sell their peanuts and cars in the U.S. He bought lots of television time, airing a brief excerpt from a film funded by a grant from the National Endowment for the Arts, showing black homosexuals engaging in some activity repugnant to decent people, thereby hitting two themes with one ad. (He didn't mention that the maker of the film got his NEA grant while Buchanan's hero, Ronald Reagan, was president.)

But it didn't work. Mostly, I suppose, the problem was that rednecks didn't want to turn their back on an incumbent President who opposed abortion. But I suspect Buchanan's Roman Catholicism didn't sit too well with the Bubbas either.

He also failed to generate much enthusiasm among voters in Michigan or Illinois, doing worse in those Midwestern states than none-of-the-above did in South Dakota, where Buchanan was kept off the ballot by Bushite conspirators.

His presidential campaign may not be doing terribly well, but his campaign to wrest leadership of the conservative movement is chugging along. He is now reputed to have a mailing list of some 250,000 people, and has built a strange coalition of big-money textile and steel manufacturers (they like his opposition to imports), gay-bashers, small-town bigots, and right-wing Roman Catholics, plus a smattering of conservative intellectuals.

Early in his campaign, he had some support from libertarians, who liked his stand for an isolationist foreign policy and his opposition to higher taxes. A campaign for libertarian support was put together by Lew Rockwell, with Murray Rothbard as its major proponent. But his libertarian support dwindled when he stressed his opposition to free trade, and fell off more when he got into attacking gays. As nearly as I can tell from talking to libertarians, paleo-libertarians, and libertarian Republicans, his libertarian support these days is limited to Messrs Rockwell and Rothbard and a few of their minions. Even several of their close associates have told me that they can't stand Pat.

I am not sure whether Buchanan's protectionism or his opposition to homosexual rights cost him more votes. Free trade is one of the few libertarian planks that was accepted in the mainstream of modern economic policy some time ago, so the resurgence of the debate today can only seem like a major step backward. Sensing that Buchanan's protectionism was undercutting his libertarian support, Murray Rothbard came to his defense. "The phoniest charge leveled against Pat is that he is a dread 'protectionist,'" Rothbard wrote in the Washington *Times*. "As a free-market economist who believes in unrestricted free trade, it is my considered opinion that George Bush and all of the other candidates are far more protectionist than he."

Buchanan made a valiant effort to capture the redneck vote in the South, mostly by harping on the theme that Bush is soft on homosexuals, favors turning white folks' jobs over to nigras, and lets them damn furriners sell their peanuts and cars in the U.S.

Rothbard failed to mention who first leveled the "phony charge" that Buchanan is a "dread protectionist." So far as I can figure, this charge was first made by Buchanan himself only last year, in the forward of a book published by a protectionist lobbying group, in which he defended what he called a "protectionist" strategy. Worse still, Buchanan annoyed libertarians by making such a big deal about it. "The American farmers have a right to protection," he told peanut farmers in Georgia, "just like American workers and American industries do." Nor are libertarians happy to read in *The Economist* that Buchanan is privately saying he is "tempted by the idea of paying for credits [to the oil and gas, aerospace, textile, and ship-building industries] — and much more — by throwing up a wall of tariffs around the American economy."

While Rothbard was undoubtedly right in pointing out that George Bush has been far more protectionist in practice than in his public statements, not many libertarians bought the theory that it followed that he was more protectionist than Buchanan would be, in the odd event that he found himself in the oval office. Who is more likely to keep down trade restrictions: someone like Bush who argues *in favor* of free trade but is subject to a variety of incentives for trade restrictions from special interest groups, or someone like Buchanan who argues *against* free trade and is subject to the same incentives as Bush?

Two days before Super Tuesday, Buchanan attacked Robert Mosbacher, Bush's campaign manager, for meeting with a group of homosexuals. "I would like to see at least a statement from Mr. Bush that 'Mr Mosbacher doesn't represent us' — that he was off on a lark." Libertarians believe that a person ought to be able to choose to engage in any sexual activity with consenting adults, and the idea that *talking* to homosexuals is wrong seems bizarre. Buchanan's anti-gay campaign stimulated interest in his past writing on the subject, and it didn't take long for people to find his column of a year ago arguing that "a visceral recoil from homosexuality is the natural reaction of a healthy society wishing to protect itself," or his argument in favor of "thrashing" gay rights groups. "Homosexuality," he explained, "is not a civil right."

Meanwhile, the effect of free-market advocates Rockwell and Rothbard on the Buchanan campaign seems negligible. "Some of my friends in the conservative movement are thoroughly cerebral. They don't address the issues of the heart," Buchanan told an interviewer. "They say free trade, that's it. These are our people who are losing their homes, losing their jobs, losing their way of life. Unbridled capitalism — if you will, free trade theory — can be a very, very brutal force. It's a nice thing to sit in a think tank and say it's all for the best." On the other hand, "conservatives of the heart," he said, "don't get their conservatism by reading some tract by a dead Austrian economist." —CAA

Look who's talking — The latest (early March) attack on Pat Buchanan is that he is a fascist, or a neo-fascist, or someone who flirts with fascism. So wrote or said Charles Krauthammer, the Atlanta *Constitution*, and William Bennett. Now, Buchanan certainly has an odious authoritarian streak in him, and I don't mean to defend the man, but name me one Republican or Democratic presidential candidate who *isn't* a fascist. And who is William Bennett, our former drug Führer and education commissar, to call names? —SLR

One nonvote for Bill Clinton — The second Tuesday in November creeps up and what's a libertarian to do?

The answer is: anything he or she wants. Vote if you care to, otherwise take in a movie, shoot some pool, or stop down at the supermarket to scan the latest *National Enquirer*. No one vote makes any difference to the outcome and, alas, not all the libertarian votes put together send a discernible tremor to the political seismograph. No need, though, to be doleful. Although I am writing for and you are reading a journal of political opinion, we should not allow ourselves to become so wrapped up in the electoral fantasies playing in our mind's eye to forget that politics is only a small component of the good life, and that it is an arena in which individual efforts matter for far less than they do in business, recreation, or personal relations.

But even if your and my efforts don't matter worth a gnat's egg for what transpires at the polls, it is nonetheless undeniable that we shall be affected in ways predictable and not by how Americans collectively choose to vote. So it's worth briefly speculating on what would constitute better and worse outcomes.

In none of these speculations does the Libertarian Party play even a peripheral role. Readers of *Liberty* and inveterate C-SPAN viewers are aware that some guy named Andre is osten-

sibly running for president and may or may not be on the ballot in one's home state. But to regard this as of any more significance than, say, the final team standings in the Appalachian League displays a lapse of judgment. That's not just because the vote totals are bound to prove minuscule. Rather, it's because the Libertarian Party has become doubly irrelevant.

First, the party has become an increasingly embarrassing device through which to package a political platform. Barring occasional changes around the fringes, what libertarians as an organized (?) movement stand for remains constant. What then is the point of investing time and resources every four years to nominate someone as the alleged standard bearer of the cause? The novelty of the third party run has worn off, and now we are left with the ignominy of pledging our political troth with people whom even we cannot take seriously as potential national office holders. Ragtag nominees inevitably tend to trivialize the principles for which they stand. In this regard the plight of the Libertarian Party is the opposite of that of the major two parties. They have candidates who possess at least a minimum of personal credibility derived from experience and professionalism, but one can hardly speak with a straight face of Democratic or Republican "principles." Conversely, libertarianism is replete with principles and ideas, but those who seep to the top as its political exemplars cannot be taken seriously. And it is precisely seriousness that one forfeits by pretending that platforms are self-implementing algorithms such that excellences of character and intellect in officeholders are immaterial.

The Libertarian Party has grown increasingly peripheral as a vehicle for drafting and advancing ideas that enhance human liberty.

Second, the Libertarian Party has grown increasingly peripheral as a vehicle for drafting and advancing ideas that enhance liberty. For the past decade the action has been elsewhere. During the Reagan years a number of libertarians donned suits and insinuated themselves in policy-making corners of the administration. Their collective influence was too slight to redirect the fundamentally conservative tenor of Reaganism, but it nonetheless was orders of magnitude greater than that of the Libertarian Party. Of greater long-term significance is the efflorescence of classical liberal think tanks and foundations: the Cato Institute, the Institute for Humane Studies, Liberty Fund, and a half-dozen others. These increasingly attract bright, innovative minds who are certain to shape the next generation's theory and practice of politics. Heartening too is the iconoclastic vigor of libertarian journals of opinion such as the one in your hands. These phenomena matter far more for the development and promulgation of liberal thought than does the maundering of a marginal party.

Even if one believes that the preceding assessment is too pessimistic, it's abundantly clear that the winner of the November election will be either a Republican or a Democrat, probably George Bush or Bill Clinton. Is there anything to be hoped for in the contest between them?

Although it is tempting to speak of the "Republocrats" as an undifferentiated mass, which of these captures the electoral spoils is not immaterial to the prospects for liberty. We can see in retrospect that the Reagan victories over Carter and Mondale were on balance strongly positive. Preference for private over governmental activity was a pervasive Reagan theme, as was an acknowledgment of the oppressiveness of current levels of taxation. His reference to the Soviet Union as the "Evil Empire" was contemporaneously decried as a vintage Reaganesque gaffe, but it strikingly anticipated the critiques that erupted a few months later within the Soviet Union itself. To be sure, the Reagan rhetoric was more consistently pro-freedom than was the Reagan *realpolitik*, but a cynical dismissal of the significance of rhetoric is itself a species of naivete. It is not just what men do but also how they talk that affects their environment. Thus, from a libertarian viewpoint the Reagan years were ecologically friendly.

Now, however, resurgent Republicanism is thoroughly spent. George Bush evidently arrived in the White House with no aim in mind other than to remain there as long as he could. He is as pliantly responsive as any bar girl to each mood flicker from the paying customers. During the otherwise forgettable 1988 campaign he succeeded in establishing his lips as his most noteworthy organ and, true to form, it is only the most desultory lip service that he has given to individual liberty. Although it is impossible to attribute any consistency to the policies and pronouncements of this administration, it has been marked by a hankering to legislate morality (the pathetically inept "War on Drugs," rolling back abortion rights) and to internationalize the corporate state (Bush's obscure New World Order, service as a travelling shill for Lee Iacocca).

It is a well-confirmed law of political dynamics that administrations coming into office with a reformatory fire in their bellies grow increasingly fond of their own incumbency and lose their zeal. Once they run out of ideas — usually not a very prolonged process — they attempt to coast on their own momentum. If the Bush presidency is exceptional in this regard, it is in having not a jot or tittle to add to that of its predecessor. Four more years of Bush promise nothing but increasingly unconvincing simulacra of policy initiatives accompanied by general desuetude.

What of his potential successor? It is, admittedly, difficult to dredge up much enthusiasm for what remains largely an unknown quantity. Still, I judge that the best we can hope for is a Democratic victory — most likely Clinton's but any Democrat's will do. Throwing out the old rascals is an exercise that's at least minimally salutary in its own light, and stemming the excesses of conservative behavior-management is becoming a matter of some urgency. The Democratic propensity to cozy up to tyrannies without and economic micromanagers within is, to be sure, worrisome, but it seems unlikely that Clinton as president could offend more in these respects than does Bush.

I don't plan to cast a ballot this November; perusing the *National Enquirer* appeals more. But I'd be pleased if the majority of my fellow citizens who do decide to vote provide Mr Bush a well-deserved retirement. —LEL

The case for the Republicans — George Bush had better win in November. I'd hate to think all those Iraqis died in vain. —JW

Appraisal

Bill Clinton: Super Statesman

by Chester Alan Arthur

At last, the perfect specimen of *Homo americanus politicus*.

Bill Clinton's campaign has demonstrated that he is uniquely qualified to be president of the kind of national enterprise the United States has become.

The United States government is a huge enterprise. Every American is its customer: every American purchases a wide variety of goods and services directly from the government; every American is protected by insurance provided by the government; every American uses its transportation system. For these goods and services, every American pays directly (via users' fees and cash prices) and indirectly (via taxes). On average, Americans pay more than 30% of their income to the federal government and its subsidiaries.

It owns all the land in the United States: some directly (the so-called "public domain"), some through its subsidiaries, the states, and some indirectly (so-called "private property," whose "owners" must pay annual rents established by the federal government's subsidiaries [so-called "taxes"] and pervasive regulations over how such land can be used). Furthermore, every American is a part owner: each is granted a single share of stock, i.e. the right to cast a single vote in elections that choose who will manage the huge enterprise. Furthermore, the U.S. government establishes rules for its tenants/customers/employees/owners of an extremely pervasive nature: it tells them what they are allowed to eat and drink; where they can travel; what they can read; what sort of work they can do, who they can do it for, what price they can be paid for their work and what form the payment must take; what goods they can own . . . the list goes on and on.

What sort of individual is needed to head this incredibly complicated, wealthy, and powerful enterprise? Plainly, the most important characteristic is management ability. Because the owners/customers/employees/tenants are an extremely disparate lot, they want different things from their government. As great as the resources of this huge enterprise are, it cannot satisfy all needs of all its owners/customers/employees/tenants. The individual who heads this enterprise must therefore be skilled at convincing as many of its constituents as possible that their wants are being served. So a President must also be good at what is called "salesmanship" in private enterprise and "statesmanship" in government. That is to say, a good President must be skilled at the art of mendacity. We would prefer a President who can slicker other heads of state, in the way that, say, Stalin slickered Roosevelt at Yalta, or Hitler slickered Chamberlain at Munich.

How has Clinton demonstrated his superb qualifications to lead the American Enterprise? He has demonstrated skillful management, statesmanship, and the ability to formulate and execute long-term plans. Consider, for example, his brilliant handling of the the first big issue of his campaign, the Gennifer Flowers affair. Between 1977 and 1989, Mr Clinton maintained a clandestine sexual relationship with a young television and nightclub performer, demonstrating his extra-ordinary talent as a manager.

He was able to seduce Ms Flowers, teach her a variety of new techniques by which she could please him sexually, and induce her to live in a convenient location where his visits would cause minimal suspicion. He managed this with virtually no payment or giving of gifts, no dinners out, no promises of a rosy future together. He achieved this by the simple stratagem of convincing her, and keeping her convinced, that he was in love with

her.

And he sustained this for twelve years. That's longer than the average marriage in this modern era. And even after she inevitably severed their relationship, having finally realized that there was no future with him apart from occasional 30-minute "dates" at her apartment, he managed to keep her from revealing anything to the press for another year and a half.

For further evidence of his management skills, consider that he was able to sustain the loyalty of his politically well-connected and ambitious wife, an avowed and active feminist, a woman so independent that she refused to take his surname until she learned that her refusal was costing him votes. In addition, he kept his affair with Ms Flowers secret from voters in a state where the Seventh Commandment is taken quite seriously.

Any man who has ever tried to maintain a relationship with one woman is aware of the subtlety, care, and attention to detail that is required. Yet Mr Clinton was able to maintain a relationship with two women at the same time, satisfying them both.

Any man who has ever tried to maintain a relationship with one woman is aware of the subtlety, care, and attention to detail that is required. Yet Mr Clinton was able to maintain a relationship with two women at the same time, satisfying them both, heading off any ideas the older might entertain of divorce, or that the younger might consider of cutting him off.

This requires considerable "people skills," the sort of skills that a President needs in order to maintain relations with Congress, his staff, and the American people. Indeed, his treatment of Ms Flowers might well be considered the sort of treatment he promises to the American people if he is elected president. He will exploit them, teach them new ways of pleasing him, and induce them to change their lives in a way that will maximize his own convenience.

What he did literally to Ms Flowers he is already doing figuratively to the American people. And they love him for doing it, just as Ms Flowers loved him.

His handling of his campaign's second major issue was even more impressive. In 1969, Mr Clinton faced a serious problem. Convinced that the Vietnam War was immoral, he had already protested by trying to become an officer in the Army and in the Navy, where he could make a more effective protest than he might as an enlisted man. Unfortunately, he failed to meet the Army's and Navy's requirements for officers. Worse still, he did meet the Army's requirements for infantryman (i.e. cannon fodder), having passed the less stringent pre-induction physical. His student deferment had expired and his draft board considered him to be "at the top of the list" to be conscripted.

How could he articulate opposition to the immoral war if he were a common soldier? There must be a way . . .

Mr Clinton found the solution in Col. Eugene Holmes of the U.S. Army, a recruiter for the Reserve Officer Training Corps and the University of Arkansas at Fayetteville. He promised the Colonel that after spending a month or two studying in England, he would return to Fayetteville, enroll in law school, and join the Reserve Officers Training Corps. In exchange for this promise, the Colonel intervened with Mr Clinton's Selective Service Board, which awarded Mr Clinton a deferment from the military draft that might send him to Vietnam. On August 7, 1969, his draft board awarded him a 1-D deferment, a status reserved for young men who have joined a reserve unit or who are students actively taking military training.

Mr Clinton went to England, where he studied at Oxford University in preparation for the rigors of law school in Fayetteville. In that learned atmosphere, his conviction that the Vietnam War was morally wrong grew to the point where he thought it impossible for him to serve as an officer in the Army. He wrote to Col. Holmes, explaining that he no longer planned to enter ROTC. Col. Holmes, until that moment unaware that young Mr Clinton was attending tutorials at Oxford and not marching in ROTC drills at Fayetteville, pulled the plug on his deferment.

When *The Wall Street Journal* reported this story on Feb 6, Mr Clinton was quick to respond. Fearing that his subterfuge to avoid the draft might cost him substantial voter support, especially among those less fortunate in their attempts to avoid conscription, he sought to explain it in a way that might minimize damage. He had dropped his ROTC deferment, he explained, because he felt it morally wrong to keep it while his friends were dying in Vietnam, and he wished to put himself at risk to the draft. He was not motivated by a desire to gain for himself what many Americans might regard as a privilege of avoiding Vietnam, but by a simple concern for equity. Indeed, he was a hero: a man willing to put his life on the line for his country, even when he opposed its policy.

Unfortunately for Mr Clinton, Col. Holmes had saved a copy of his letter. And Col. Holmes gave a copy to ABC News. It was interesting reading.

After thanking Col. Holmes for "being so kind and decent" and "for saving me from the draft," acknowledging that "I had deceived you," young Mr Clinton explained how his conscience now required him to refuse to enter ROTC as a protest, even though this might result in his being drafted and sent to Vietnam. But he remained adamantly opposed to the War and to military conscription. Naturally, the Colonel might wonder, he wrote, why he did not resist the military, as so many other young men opposed to the war had done? He could not follow this course, he explained, "for one reason — to maintain my political viability within the system."

But the most important information in the letter was its date: December 3, 1969. Between the time when he had gained his deferment and that date, a change in the draft law was enacted across the Atlantic: young Americans would be selected for military service based on a lottery, according to the day

and month of their birth. Mr Clinton had had the good fortune to receive the lottery number 311 — a number high enough that the chances of his being drafted were nil.

His letter to Col. Holmes had not put himself at risk to the draft. That risk had been ended forever with his good fortune in the draft lottery two days earlier. The only practical effect of his letter had been to save him from what he surely regarded as a fate only slightly less awful: law school at Fayetteville and service as an officer in the Army. Now he was free to go to Yale, where he could continue to make contacts among the wealthy and powerful political elite with whom he had cozied as an undergraduate at Georgetown and at Oxford.

This episode plainly demonstrates Bill Clinton's resourcefulness and ability to make long-term plans. Other young men were worried about surviving, about getting along without their girlfriend, about their friends. But young Bill Clinton had the foresight to be concerned about his future "political viability."

Clinton's treatment of Ms Flowers might well be considered the sort of treatment he promises to the American people if he is elected president.

Furthermore, he was able to formulate and execute an extremely convoluted plan. What other young men on their way to Oxford University for graduate school managed to convince a Colonel that they were about to enter a local college and join ROTC, induce the officer to secure them a deferment, and then enjoy the delights of Oxford's famous tutorial system without the Colonel's finding out?

He also demonstrated a remarkable skill at what politicians call "statecraft," or what normal people call "lying." And not just the simple lies he told Col. Holmes and his draft board. In the midst of his presidential campaign, he was able to fabricate a plausible explanation of his earlier deceit that not only relieved him of guilt, but also made him a hero, almost a saint, willing to sacrifice his own life in service to the ideal of equality. (Of course, he hadn't counted on the possibility that Col. Holmes would have saved the letter and would release it to the press, proving him a liar to all the world. But that possibility was clearly a longshot, and we can hardly fault Mr Clinton for failing to anticipate it. And his ability to distract voters from the letter by charging that the Republican administration had leaked it was a master stroke.)

On other issues he has had as many positions as there are constituencies. When talking to businessmen, he is pro-business. When talking to labor, he is pro-labor. When talking to foreign businessmen he is trying to attract to Arkansas, he boasts of its right-to-work law; when talking to Jesse Jackson, he explains that he supports its abolition. When talking to Southerners, he is a "good ole boy," whose language if peppered with words like "feedin'" instead of "dinner" and "y'all" instead of "you." When speaking to his powerful Northern friends, he slips effortlessly into the language of Yale Law School.

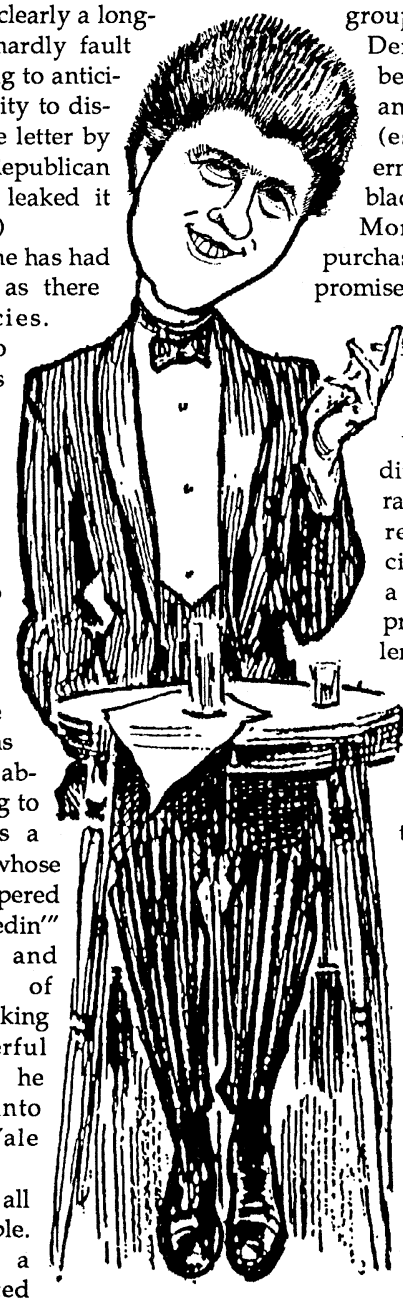

In sum, he is all things to all people. "He's always had a broad, multifaceted appeal, and different groups looked at different facets," explains George Stephanopoulas, an assistant campaign manager. This ability is exactly what we want in a president.

As a serious politician intent upon being elected president, Bill Clinton realized that he must have the support of the Democratic Party regulars (to win the nomination) and of the American people (to win the election). But this presented a problem: the two prerequisites are almost mutually exclusive.

In the past two presidential elections, those who won the Democratic nomination by pandering to the groups within the Democratic Party who can best deliver primary votes and delegates: unions (especially those of government employees) and black political leaders. Mondale and Dukakis purchased this support with promises to advance the goals of these groups; which is to say, begin new government programs that would require hiring additional bureaucrats, give raises to teachers and bureaucrats, support racial quotas, and push for a variety of left-liberal programs. The only problem with this strategy was that it insured their defeat in the general election for the simple reason that most Americans realize that new programs mean higher taxes, and that the programs don't really work anyway.

Getting the nomination still requires the support of these constituencies, and he sought and got it by the same means Mondale and Dukakis used: promising to work for their dubious agendas. But Clinton learned an important lesson from the mistakes of Mondale and Dukakis: while one may have to agree to make a deal with the special interests, there is no need to tell the voters about it. Although committed to the special interests, Bill Clinton has been reluctant to articulate their old, worn out left-

liberal agenda. By choosing his words carefully, he has projected his program as a sort of middle-of-the-Democratic road policy mix, very sketchy on details.

Realizing that most voters don't care too much about issues anyway, and are inclined to classify him as a non-liberal by simple virtue of his home state, he has worked much harder on projecting an image as a young, forward-looking, innovative thinker. In a masterstroke of statesmanship, he has repeatedly characterized his own reactionary left-liberal program as one of "basic, fundamental changes" in American government.

He demonstrated a remarkable skill at what politicians call "statecraft," or what normal people call "lying."

This claim is, of course, plainly false. What is basic or fundamental about giving the vast middle class a tiny tax cut, while increasing taxes on the wealthy? or increasing spending on government schools? or "putting people first"? or enacting a small cut in capital gains taxes? or forcing employers to spend 1.5% of their payroll on training? or giving more money for Head Start? or confiscating wetlands from private owners? or socializing medicine? or cutting 3% from federal government administrative costs? or "a prudent slowdown in strategic modernization"? or using "our economic and diplomatic leverage to increase material incentives to democratization"? or allowing local communities to "set their own standards with regard to pornography and enforce them within the boundaries of the First Amendment as established by the Supreme Court"?

These are the programs he advanced when he is pressed. But he is not pressed very often. From the coverage of his campaign that I have seen on television (the medium through which most Americans get political data), it appears mostly he just talks about how what he favors are "basic, fundamental changes." That characterization satisfies most Americans, whose lives are too busy to allow much time for evaluating complicated things like issues.

It is especially effective for Democrats, who like to think they want "basic, fundamental changes," but realize that the agenda pushed by Mondale and Dukakis guarantee more Republican victories. By de-emphasizing issues and concentrating on image, he is profoundly attuned to the wants of Americans.

His virtuosity at statecraft is further illustrated by his self-portrayal as a political outsider, which it seems quite clear the voters prefer over political insiders. His Arkansas roots help him a great deal here: anyone coming from a small, poor, ill-educated, and backward state like Arkansas is bound to seem like an outsider. "I am the favorite candidate from outside the Beltway," he says.

That truth is the diametrical opposite of the image. Clinton was educated at Georgetown, Oxford, and Yale, and has assiduously built relationships with powerful people all over the nation. In a recent *Wall Street Journal* article, Jill Abramson reported that "Nobody collects friends like Bill Clinton — and nobody puts them to better use. Inside the Clinton campaign, they are known as FOBs — Friends of Bill's — and they make up a remarkable network." When he was criticized for his draft evasion and Vietnam War hypocrisy, old friends Robert Reich (prominent Harvard economist), Strobe Talbott (*Time* magazine editor), Richard Stearns (Massachusetts judge), and Michael Mandelbaum (Johns Hopkins University security expert), all rose to defend him in the nation's press. When the draft and womanizing issues threatened his campaign in Georgia, it was Gov. Zell Miller and powerful Sen. Sam Nunn who came to his defense. The list of his friends is astounding: investment bankers, lobbyists, corporate bigwigs, Senators, Governors, political bosses, prominent academicians. He may be the most successful "networker" in history, with more friends among the wealthy and powerful than any other American politician.

Bill Clinton has taken to heart Abraham Lincoln's maxim, "You can fool some of the people all the time, and that's usually enough to get you elected." Twice within a single month he was caught telling barefaced lies: his denial of his affair with Gennifer Flowers and his claim that he risked the draft rather than get a deferment. Yet he convinced a substantial portion of the electorate that he had told the truth in both cases, and convinced much of the remainder that his carefully calculated lies were not really very important and certainly were not moral flaws. He got the support of traditional Democrat interest groups by promising to advance their agenda, but publicly advocated only wimpy versions of the traditional Democrat agenda, all the while portraying himself as the advocate of "basic, fundamental changes." He has painted Paul Tsongas as the tool of evil "Washington lobbyists" while embracing lobbyists and their money. He has portrayed himself as an outsider, while cultivating a circle of powerful insider friends.

Other young men were worried about surviving, about getting along without their girlfriend, about their friends. But young Bill Clinton had the foresight to be concerned about his future "political viability."

In sum, Bill Clinton has demonstrated that he is the Man for the Job. His handling of the Gennifer Flowers affair and his own marriage demonstrate magnificent people skills and management ability; his handling of his draft status demonstrates a remarkable resourcefulness; his handling of his campaign has shown remarkable salesmanship, skillful mendacity, and even statesmanship. He has shown that he is a uniquely skillful political leader.

Chances are excellent that he will be elected President. The nation will discover he is as fascinating as Hammer or Geraldo. And eventually, I am convinced, he will be remembered as a great statesman, along with Abraham Lincoln, Otto von Bismarck, Franklin Delano Roosevelt, and Joseph Stalin. ❑

Clarence Thomas: Cruel and Unusual Justice?

by James Taggart

He entered the Supreme Court after a storm of controversy, and he is still under a cloud of suspicion. What kind of justice does Clarence Thomas dispense?

The hounds of the establishment are dogging Clarence Thomas again. Justice Thomas recently penned a dissenting opinion (joined by Justice Scalia) that brands him, in the words of the New York *Times*, the "youngest, cruelest justice." The present controversy arose out of *Hudson* v. *McMillan*, a case that pitted a prisoner in Louisiana's state prison system against one of the prison guards who had kicked and beaten him after restraining him with handcuffs.

Rather than filing a traditional tort claim for assault and battery under Louisiana law, Hudson filed a Section 1983 claim. Part of an early civil rights law intended to provide former slaves with access to the federal courts in order to protect their newly won freedoms, Section 1983 claims must be based upon a violation of the Constitution or other federal law. Despite the prerequisite of a constitutional violation, attorneys often prefer Section 1983 claims because, unlike an action under state law, losing defendants must pay the plaintiffs' legal fees on top of any damage award. Indeed, for this reason, plaintiffs' attorneys face a strong incentive to frame their client's case in constitutional terms.

In Hudson's case, his attorneys argued that his beating constituted a cruel and unusual punishment in violation of the Eighth Amendment. A majority of the Court agreed, finding for Hudson on the grounds that "When prison officials maliciously and sadistically use force to cause harm, contemporary standards of decency always are violated."

In his dissent, Justice Thomas did not question the malicious or sadistic nature of the beating. Instead, he relied upon the minor nature of the injuries inflicted as a basis to limit what he considered the unjustified and unwise expansion of the Eighth Amendment. In his own words, "[A] use of force that causes only insignificant harm to a prisoner may be immoral, it may be tortious, it may be criminal, and it may even be remediable under other provisions of the Federal Constitution, but it is not 'cruel and unusual punishment.'" Thomas concluded that:

> Today's expansion of the Cruel and Unusual Punishment Clause beyond all bounds of history and precedent is, I suspect, yet another manifestation of the pervasive view that the Federal Constitution must address all ills in our society. Abusive behavior by prison guards is deplorable conduct that properly evokes outrage and contempt. But that does not mean that it is invariably unconstitutional.

At first glance, Justice Thomas' position does indeed sound detached, overly technical, and even callous. To better understand his argument, however, one must have some idea why he is concerned about extending the scope of the Cruel and Unusual Punishments Clause. In its entirety, the Eighth Amendment reads, "Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted." For the first 185 years since the Bill of Rights was added to the Constitution, the Supreme Court never applied the Cruel and Unusual Punishments Clause to anything beyond punishments prescribed by legislatures or sentences handed down by judges.

The year 1976 marked the first time in which the Court, in an opinion written by Justice Marshall, applied the words "cruel and unusual punishment" to the treatment or conditions of prison inmates. One strongly suspects that Thomas disagrees with the

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Court's 1976 decision to "cut the Eighth Amendment loose from its historical moorings," but his sense of judicial restraint appears to rule out a direct attack on this precedent. Instead, as previously mentioned, he would rely upon some threshold level of harm as a means to limit further unwarranted extensions of the Cruel and Unusual Punishments Clause. Unfortunately for Thomas, his indirect approach appears somewhat unprincipled and feeds the recent perception of him as an insensitive "hair-splitter." Of course, Thomas' desire to limit the scope of a constitutional protection available to individuals can be read as a setback for champions of individual rights. Nevertheless, on the basis of his dissent in *Hudson*, this conclusion may prove hasty.

The difference between the Constitution and the common law, both of which generally protect individual rights, lies at the root of Thomas' thinking. Properly conceived, the Constitution protects individuals from abuses of state power while the common law protects individuals from other individuals. Conduct that violates our common law rights does not always violate our constitutional rights. For example, if I am robbed and beaten by a street gang, my common law rights have been violated, but I have no constitutional claim. Consistent with this line of reasoning, Justice Thomas recognizes that a prisoner may have numerous common law claims against the guards who beat him; Thomas would simply deny that a prisoner has a constitutional claim for such mistreatment. Accordingly, the Eighth Amendment's protections would be limited to those infringements of individual rights which have no common law remedy: cruel and unusual punishments inflicted by legislative or judicial act.

However, a big question lurks behind the preceding argument: does the beating of an inmate by prison guards constitute an abuse of state power? The answer to this question should ultimately depend on how effectively a prisoner can seek redress under the common law against his tormentor. Theoretically, prison guards should be subject to the same liability standards for their torts and crimes whether they are employed by the state or by some private company. Consequently, if the liability standards were the same, there would be no abuse of state power and no justification for recognizing a cruel and unusual punishment claim outside of cases involving legislative and judicial acts.

Unfortunately, as a practical matter, agents of the state — including prison guards — enjoy what David Friedman has called "special rights" amounting to some form of immunity for actions in "the line of duty." Moreover, "the line of duty" is often interpreted quite broadly. Because of these "special rights," constitutional protection for prisoners has a certain appeal as a fallback position. But if one is sincerely concerned about violations of prisoners' rights, why scrap a system that was designed to protect individuals from precisely these kinds of violations? Why not instead reform the common law by eradicating any "special rights" for agents of the state? Better yet, why not privatize the prisons, thereby yielding the same effect?

At first glance, Justice Thomas' position does indeed sound detached, overly technical, and even callous.

Needless to say, the "defenders" of prisoners' rights who criticized Justice Thomas for his dissent in *Hudson* have not urged such reforms. For his part, Justice Thomas has not specifically urged these reforms either. But then, that's not really his job. ❑

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Clarification

Divorce, Czechoslovak Style

by Vojtech Cepl and Ronald F. Lipp

The Velvet Revolution was not merely the end of an old tyranny, but the beginning of a new enterprise. The problem with the new is that troubles have not ended with the passing of the old.

For forty years, the mortal confrontation between the Soviet Bloc and the NATO alliance imposed a Cold War imperative of solidarity among the members of each camp. The collapse of the old order has dissolved these bonds and unleashed a multitude of European ethnic antagonisms and irredentist movements — the residue of unresolved conflicts dating from the First World War which always lay just beneath the surface. The enormous capacity of these animosities for chaos and violence has been demonstrated by the ferocious civil war in Yugoslavia and the sporadic but persistent conflicts in places like Nagorno-Karabakh, Moldova, and Bulgaria.

Ethnic and national violence has been limited thus far to the fringes, especially to regions populated by unassimilated minority enclaves. But the potential for upheaval extends across a broader canvas, perhaps to the entire interface where cultures which are dominated by Western, and especially industrial and bourgeois, values confront those which are not. The test case for disorder in the heartland of Europe may be the conflict between the Czechs and the Slovaks.

For Better or Worse

Czechoslovakia was formed in 1918 from remnants of the Austro-Hungarian empire. Though the Czechs and Slovaks are Slavs and speak related tongues, there is in fact a deep and ancient gulf between their cultures and traditions. The Czechs have behind them a thousand-year history, first as an independent Bohemian kingdom and later as the most economically valuable portion of the Austrian Hapsburgs' domain. Their traditions are Germanic and bourgeois. In contrast, the Slovaks were for a millennium Hungarian subjects with a largely agricultural economy, subject to the more debilitating limitations of Magyar rule. Their only experience with independence was a brief period as a puppet Nazi republic from 1939 to 1945. Before 1918, the Czechs and Slovaks occupied different universes. Ever after, they have existed in uneasy amalgamation, the Czechs seeming to disdain their more countrified cousins, the Slovaks resenting perceived condescension and manipulation from the more numerous and wealthier Czechs.

During four decades of Communist rule, these tensions were relatively contained, but they resurfaced following the Velvet Revolution of November 1989. Early in 1990, widespread protests against the country's name in Slovakia touched off a political crisis. The choice of "Czech and Slovak Federative Republic" reflected recognition of the existence of two republics with an overarching federal government. Repeated efforts to define the powers of the three jurisdictions have foundered on the demands of Slovak nationalists for independence and the insistence of more "moderate" Slovak politicians that the federation must first be based on recognition of Slovak sovereignty.

Early in 1991, the coalition governing the Slovak Republic was seriously weakened when the Prime Minister, Vladimir Meciar, defected to the nationalist camp. His successor, Jan Carnogursky, envisions an independent Slovakia as a member of a federation of European states, but only after Slovakia has achieved economic autonomy.

The conflict has now become so personal that Vaclav Havel, the feder-

al President, who is venerated in Prague, has been jeered, jostled, and pelted with eggs during appearances in Bratislava, the Slovak capital. Havel has repeatedly called for a public referendum on separation, but at the end of 1991 that idea seemed to have died for lack of Parliamentary support. In recent weeks, Carnogursky, during televised remarks about the prospects for Slovak independence, has spoken of the natural alliance and friendship of Slovakia and Ukraine. In Carpathia, the Ukrainian district bordering Slovakia, calls have been heard for a plebescite on unification of the regions.

For a small, poor country attempting to reestablish itself, the hazards arising from separation into two even smaller countries are obvious. And the problems of dissolution — disputes over property, public debt, and the like — are formidable.

The Slovakian question has now become a dilemma of fundamental proportions. The Czech and Slovak Federation has degenerated into a political structure somewhere between federation and confederation. Preoccupied with constitutional and budgetary crises, it is in danger of paralysis. This threatens to undo the main achievements of the country since 1989, the replacement of a planned economy with free markets and transformation of a Communist society into one in which individual freedom, democracy, and decency are securely in place. If this conflict is not handled with understanding and skill, there is a potential for real trouble.

For Richer or Poorer

The country now faces three possibilities:

The first is to create a real and viable nation, with a genuine federation involving a more unitary state, based on the principle of loyalty to the federation and recognition of the individual, not the tribe, as the fundamental unit of society.

The second possibility is divorce. For a small, poor country attempting to reestablish itself, the economic and social hazards arising from separation into two even smaller countries are obvious. And the problems of dissolution — disputes over property, public debt, and the like — are formidable.

The third alternative is the status quo: maintenance of an unstable, fragmented political structure, burdened with an unworkable constitution based on the Leninist-Stalinist doctrine of sovereignty for all peoples, the right to separate, and the principal of parity of nationalities. This system leads to endless conflicts and paralysis in the name of ethnic parity. As some Slovaks would have it, each republic, although part of a federation, would have its own sovereignty extending to foreign affairs and international treaties.

And this third possibility is exactly what both Czech and many Slovak politicians now support. President Havel claims that his mission is to keep the country together. Many Czech MPs concur, saying, "I don't have a mandate to dissolve the country." Some also say, "I am a Federal MP, and I have a duty to defend the democratic Slovaks against the danger of an authoritarian fascist regime which will arise in Slovakia if the federation breaks up." These people remain infected with a commitment to "empathy" and to compromise at any cost — even if the cost is the destruction of the values for which the Velvet Revolution was fought.

On the Slovak side, many of the leaders make intransigent and unworkable demands which at the same time appear insincere. Slovak Prime Minister Carnogursky and the Christian Democrats claim that they want federation. But they also speak of "our own star on the European flag, our own chair around the European table." What they mean is subsidy now, divorce later — like the penniless medical student who will remain faithful to his working wife, but only until she has put him through medical school.

It is paradoxical that the Slovak politicians are the ones who advocate divorce since the Czechs are far better able to tolerate its consequences. For one thing, the mountains and rivers that form the borders of the Czech republic are the oldest and only natural and undisputed frontiers in Central and Eastern Europe. In addition, the Czech republic has no significant minorities problem. The Slovaks living in the Czech republic are mostly located in the vicinity of Prague, are entirely assimilated, and occupy many posts in the Czech government. Finally, the Czechs have progressed much farther along the road to reform and have, in fact, subsidized Slovak development. Nearly all hard currency income in the country is generated on the Czech side.

Divorce would eliminate the economic burden of current subsidies. Other benefits may accrue. For example, northern Bohemia has been foully polluted by sulfur and other wastes from power plants fueled by the brown coal, lignite. Much of this power is devoted to the huge energy requirements of Slovakian aluminum mills and factories. After a divorce, these power plants might be shut down.

The future of Slovakia looks far more troubled. The Slovaks, through no fault of their own, were burdened by the Communist governments with an idiotic economic structure, dominated by inefficient factories producing heavy machinery and weapons, with great energy requirements but no energy resources, heavily dependent on exports to East European countries, especially the Soviet Union. Their markets are collapsing, unemployment is rising rapidly and massive labor problems loom on the horizon.

Reform in Slovakia is seriously at risk. The post-Communist structure there includes much of the old regime and involves a mixture of strongly socialist, Catholic, and anti-Semitic influences that are not supportive of free markets or individual property rights. There is a preoccupation with social justice, social security, social certainty, and a "humanitarian," slow step-by-step approach to reform. But time is the enemy of real reform; opportunity delayed may mean opportunity forgone.

Slovakia also suffers from a serious

minorities problem. Four million Slovaks live with 600,000 Hungarians, half a million gypsies, and smaller numbers of Ukrainians and Ruthenians. Ethnic tensions are high. Earlier this year, attempts to legislate restrictions on the use of the Hungarian language in Slovakia led to unrest and were softened. Most of the ethnic Hungarians live in southern Slovakia, in the region bordering Hungary. Some political observers believe that within a week after separation of Slovakia from the Czechs, the Hungarian army will enter the south of Slovakia. There is, of course, political precedent for such a step, since this region was for a long time Hungarian territory and was occupied by Hungary during World War II.

Markets are collapsing, unemployment is rising rapidly, and massive labor problems loom on the horizon.

Slovakia's eastern border is also unstable. Ukraine includes a region, Ruthenia (or Carpatho-Ukraine) which was annexed from Czechoslovakia by the USSR in 1945. Many connections remain between these regions.

Given this situation, it is not surprising that Czech politicians are beginning to question the value of the present system. Even if the immediate crisis can be cooled by some expedient, the system's emphasis on tribal primacy and parity promises to leave the thorn of ethnic hostility firmly embedded in the country's social fabric. In the absence of fundamental reconciliation, this festering sore puts at risk all of the achievements of the past two years. And it is the Czechs who have the most to lose if their hard-won reforms come to naught.

In Sickness and in Health

A prognosis for the Czech and Slovak conflict depends upon one's view of the possibilities for social change and the real will of the people.

One popular view of social change holds that events can be manipulated to change the world. This is the old mechanistic, Machiavellian approach to society, which was also deeply ingrained in Marxist/Communist thinking. Against this, there is another, fundamentally different approach: an organic, Darwinian view which recognizes that society is an organism, with its own inner logic that results from its systemic structure and functional composition. If society is an organism, then we must act with some humility. Though we may struggle to understand those organic processes, we must recognize that our ability to manipulate society is severely limited; we may sometimes support some parts or suppress mildly other parts, but our control can only be partial, and we always risk doing harm.

The question of popular will requires understanding the basic sources of Slovakian discontent. Perhaps Slovak agitation only reflects the aspiration to be recognized and acknowledged. If so, those desires are valid and can be accommodated within a strong and unified Czech and Slovak federation.

Then again, the separatist movement may reflect only the desires of a small, ambitious elite at the top of Slovak society, an elite skilled in using vocal, disaffected minorities. Polls have shown that most Slovaks want to live in a federation with the Czechs. But at the same time, a majority of Slovaks also support those political parties and groups that advocate separation.

It may be, however, that the Slovakian discontent constitutes a real, authentic, revival of the 19th-century tradition of romantic nationalism — the same impulse that caused Czech patriots to labor zealously to create their own state. If that is so, and even if it goes against the grain of the general unifying tendency of modern Europe, the only solution is to respect it, to tolerate it, and to proceed with a fast, decent divorce.

And this divorce must proceed despite the cost, no matter how irrational it may seem, regardless of its grave economic, geopolitical, and psychological impact. Why? *To avoid the ghastly consequences that could occur if it is resisted.* ❑

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Travel

Eastern Eyes

by J. Peter Saint-André

The soul of man, under socialism, undergoes transformation. The result is not a triumph of the human spirit.

During the fall of 1990 and the winter of 1991, I was the first Western employee of a nuclear power plant in Temelin, Czechoslovakia. My job was to teach English to the engineers and technicians there, in preparation for a possible buyout by Westinghouse.

I went to Czechoslovakia because I wanted to find out, first hand, what it was like to live under socialism. I knew that, by arriving in Czechoslovakia so soon after the revolution, I would still be able to experience the imprint of forty-five years of totalitarian socialism, even though the dictatorship itself had been eradicated.

I wanted to learn more than a casual tourist would, and did so with a vengeance. I lived in socialist housing, the kind that makes Harlem housing projects look sturdy by comparison. I ate socialist meals in the company mess hall — grub that was terrible but, to be honest, was no worse than the dorm food at most American universities. I breathed socialist air filled with the acrid smoke of burning coal. I watched socialist television, read socialist newspapers, and flirted with socialist women.

Correction: to be accurate, there were no women in socialist Czechoslovakia. It took me a while to come to that paradoxical conclusion, but the evidence of my senses revealed only girls and mothers. Czech men would often ask me: "What do you think of our Czech girls?" And I would invariably reply: "Well, they're fine, but I like women." The girls were all very nice, mind you, but they were — well, girlish. Thanks to state control of housing and full nationalization of the construction industry, there were really only two ways for any of them to gain a coveted apartment: find a job guaranteeing state housing (usually in a "company town" whose population was up to 90% female), or find a mate who'd found a job guaranteeing state housing. The result was some strange matches, both to spouses and to companies. But that was the socialist way.

Feminism, in case you're wondering, never seems to have made its appearance in socialist society — after all, men and women were supposed to have been equal under socialism. Unfortunately, some were more equal than others. Women were, of course, expected to add their labor to society ("Those who do not work, shall not eat," said Lenin), and it seemed to me that just about every woman who wasn't either very old or with child was in the work force. The catch was that women performed all the traditional "women's chores" at home, too. It made for a busy day, but thankfully no one was really expected to do much work at work anyway, so there was no problem taking time off to shop. Besides, the socialist workday ran from 6:30 a.m. to 3:30 p.m., so that left plenty of time after work for housework in home sweet housing project, or what they affectionately call a *králíkárna* — literally, a rabbit warren.

There was an ever-so-slight amount of private property allowed under Czech socialism, but the emphasis is on the word *slight*. Even the kiosks selling newspapers and cigarettes (which in New York and other Western cities are hallmarks of small, private enterprise) were state-owned under socialism. Still, many houses did remain in private hands, especially in the countryside. This allowed people the opportunity to tend a little garden and to produce a supply of fruits and vegetables not available from the socialist collectives.

These private plots also afforded

the chance to build what people everywhere covet: their own home. In Czechoslovakia, if you had a relative with a private house, you could build a new house that shared the same plot of land. It was difficult but not impossible. The only problem was, you had to build it yourself. Thus, many of my Czech friends knew how to build a house from the ground up. And "from the ground up" meant just that. At the time I was in Czechoslovakia, it was virtually impossible to find bricks, the main ingredient of a Czech house. The only solution: manufacture your own.

When you have to manufacture your own bricks in order to build your own house, you are living in a society that has no effective division of labor. Just one more sign of how low human time and energy — human life — is valued under socialism.

The amazing thing is that Czechoslovakia was once a wealthy country. Czechoslovakia was no Russia or China, backward at the time of the Communist takeover and backward today. Czechoslovakia — especially the Czech portion — was industrially advanced and materially well-off, even as late as the Stalinist *putsch* of 1948. Times have changed. Once richer than their Austrian neighbors, today the Czechs must bear the sight of Austrian tourists' expensive cars on Czechoslovakian roads. The terrible swift suddenness with which this reversal took place testifies to the sheer destructive power of socialism. Unwittingly, the country has proven that it doesn't take long to destroy the physical and human capital of an advanced nation. And it has the scars to show for it.

Long-held traditions of craftsmanship were forgotten under Marxist rule. Many of my colleagues simply no longer knew how to work.

My friends hungered for material goods. *How much does a car cost in America?*, they asked me constantly. *How much for a bottle of beer?* Once, under this barrage, I asked myself how long would it take an American worker to earn enough money to buy a car, versus the same figure for a Czech worker. The average American must work 32 weeks to earn enough for an automobile; a Czechoslovakian worker of the socialist era had to slave away for 5 or 6 years. And even if you did own a car in Czechoslovakia, there wasn't much you could do with it: during the time I lived there, gasoline cost the equivalent of $50 a gallon. So much for a Sunday drive in the country.

After making similar comparisons of various other commodities, I concluded that the standard of living in the United States was at least five or six times better than that in Czechoslovakia.

My calculations, however, took into account only the quantity of goods, not their quality. In my experience, there was only one Czech product clearly superior to the American equivalent: beer. (One Communist leader was famous for having said, "Beer is our bread!") I lived in a town whose German name is Budweis, home of the original Budweiser beer. Czech Budweiser is far superior to American Budweiser. But the superiority of Czech products pretty much ended there. Examples abound, but my favorites were the paper products; I fondly recall writing pads made of what felt like (but wasn't) recycled paper, and especially the toilet paper, which gained added value because it could be used for fine sanding jobs around the *králíkárna*.

Service, too, remained of the standard socialist variety, which is why my Czech friends had a tremendous fascination for private shops, to the point that they knew the exact order in which the new private shops in town opened. They did not always understand the workings of such shops, however. Witness the continuing, unshakeable belief in the "just price," a relic one would think went out with the Middle Ages. When prices for some basic foodstuffs were liberated, there was especial controversy over eggs. Shoppers were shocked, not at the fact that there was a price increase — that would have been accepted under the old system, if it had been decreed by the government — but at the inexplicable fact that there were different prices for eggs at different locations around town. How in the world could a dozen eggs cost 1.09 *koruna* in one store and 1.06 *koruna* just down the street? People shook their heads, dumbfounded.

But the damage caused by socialism runs deeper than the price of eggs. Since the fall of the Iron Curtain, many have decried the litany of destruction in Eastern Europe. Visitors invariably comment on its unrelieved grayness. Very few buildings in the East look as if they have been painted or maintained since World War II, and when you do stumble upon a recently renovated building, it seems strangely out of place, a glimpse into another world.

There were no women in socialist Czechoslovakia, only girls and mothers.

Long-held traditions of craftsmanship were forgotten under Marxist rule, and knowledge of how to function in a market economy vanished. Many of my colleagues simply no longer knew how to work. Young people always worked hard for the first few years, my friends told me — until they realized the futility of effort.

Socialism destroyed the environment, too. Northern Bohemia is perhaps the most ecologically blighted region on this Earth. Even in my town in the relatively pristine region near the Austrian border, you didn't just see the coal smoke hanging in the air — you smelled it, breathed it, tasted it, felt it in your hair and clothes.

Throughout Czechoslovakia, the air and water have become so polluted that many women have trouble bringing pregnancies to term. My students would disappear for three weeks at a time, bedridden with nothing more serious than the common cold. Whole generations here have gone through life in what amounts to a state of malnutrition.

But the hunger that I found most disturbing was not of the body, but of

the soul. The overall effect of Communist dictatorship was not merely physical. It was a deeply spiritual degradation.

It is difficult to put that degradation into words. To me, its most striking sign was what I call "Eastern eyes." I could see and feel the resignation, the defeat, the despair, in the eyes of people I knew. It was all too rare to come upon a person with a spark of life in his eyes. If the eyes are windows onto the soul, then the soul of man under socialism is all but dead.

I also observed a reverse phenomenon: "American eyes." Americans stood out in Czechoslovakia for many reasons: their clothes, their gait, their manner of speaking, their energy. But the most apparent difference was in the eyes. One night, watching a diving competition on television in which some Americans were competing, I found that I could tell immediately which divers were Americans just from the spark of life in their eyes. Despite the ongoing encroachment of the state, we still live in what is, more than any other, the land of the free.

The spiritual destruction suffered by people in the East was further evident in the two emotions that sometimes seemed to color their entire existence: envy and guilt. The sheer amount of envy directed at those who were successful amazed and disturbed me. Again and again, I heard the refrain: "only crooks and communists can possibly succeed" — from which it followed that anyone who succeeded must have been one or the other. When a friend of mine applied for jobs in England and Saudi Arabia, he became bitterly resented by his coworkers for his ambition and desire for a better life, even though he hadn't even been hired. The simple fact that he wanted to be successful was considered a sin — and not a minor one, either. The experience made me realize for the first time how deeply embedded envy is in the radical egalitarianism of socialism.

Yet deeper even than the envy was the guilt. The Czech people I knew felt an ineffable regret over what had happened to their country — or, as they expressed it, what they had allowed to happen to their country. *How could we have allowed this degradation?*, they asked themselves. *How could we have accepted such inhumanity for so long?*

There were exceptions, of course. Those who fought openly against the old system, dissidents such as now-President Vaclav Havel and a small number of others who risked their lives signing Charter 77 and demanding that human rights be respected in Czechoslovakia, didn't feel this guilt. These very few remained pure, and consequently are respected and revered for their uncommon courage, the kind of courage that should never have to be displayed. Yet they are at the same time envied and hated, for the simple fact of their purity.

When I was in Czechoslovakia, the vilest epithet one Czech could hurl at another was *jsi stára struktura*: "you are old structure." It means: you sold out to socialism, you were an active part of the socialist power structure, you abetted the destruction of our lives and our country. It was reserved for the most diehard Communists, and in all my time in Czechoslovakia I never heard it addressed directly at any person, except in jest between good friends. It was too horrible a thing to accuse someone of in person. Yet once, in conversation, a Czech friend said to me, "You know, each one of us has a little bit of the *stára struktura* deep in his heart, and it will remain there for the rest of our lives."

That is the most damning indictment of socialism. ❑

Search

Little Czech Man

by Frank Fox

The communists prophesied the coming of a New Socialist Man. What they got, however, was not quite what they had in mind.

"MCC": *It is pronounced* am-che-che and is short for Maly Cesky Celowek, or Little Czech Man. It's an appropriate term for a person in a small, landlocked country, where Franz Kafka chose but the single letter "K" to designate an anti-hero, and Karel Capek used just three, "R.U.R.," for the title of his play about an automated society. It came into vogue in the late 1960s, and although no one that I have talked to in Czechoslovakia seems to know how it started, it was used by old and young. It referred to smallness of mind, a constriction of the spirit. And it seemed to fit the kind of person who represented the rank and file of the Communist society.

The acts of an MCC were mean-spirited, made in reprisal for another's good fortune, a furtive act of revenge meant for nighttime anonymity. If a restaurant made some money and mysteriously burned to the ground, it was probably the act of an MCC. If someone built a private pool and suddenly diesel oil was found sloshing and befouling that free enterprise project, it was very likely the deed of an MCC. It was like the joke frequently told about life in the Soviet Union, where a farmer hoped to see his neighbor's cow dead, rather than work to improve the milk yield of his own.

I have been to Czechoslovakia twice since the *Sametove revoluce* of 1989 (the "Velvet Revolution," so named by the country's current President, Vaclav Havel), and I have wondered about that infamous MCC in a society where

sharp humor, individual creativity, and attachment to democratic traditions were the norm. How could such a country become a place where malice to fellowman and obsequiousness to those in authority are now so commonplace? How could a land known for its dedication to hard work become a place of MCC shoddiness ?

I tried to pose these questions to my Czech friends when I visited Prague last year. My mention of MCC brought rare smiles to their faces. Yes, they knew many such people. The underachievement of an MCC was only exceeded by his overconfidence. His inefficiency (except in hounding nonconformists and informing on them) was legendary. There were some amusing consequences. In Prague, useless new bridges had been constructed while the old ones were in disrepair. Eventually, denounced by some MCC, a group of dissident writers, lawyers, doctors, and others obviously inexperienced at bridge building, were put to work. As it turned out, the bridges they built were the only ones that were structurally sound. My musician friend, whose passion was raising rare alpine flowers, said that motivation was the answer. An MCC was a passionless person who failed to find fulfillment in his public or private life. I saw my friend's point when he spoke of the flowers he was cultivating at his parents' house in the suburbs of Prague (he rattled off the Latin terms of the alpine plants as if they were his children's names) and said half-jokingly that the only work done thoroughly in his country was related to one's hobby.

How could such a country become a place where malice to fellowman and obsequiousness to those in authority are now so commonplace? How could a land known for its dedication to hard work become a place of MCC shoddiness?

His professional duties allowed him to travel frequently to Russia where the jerry-built socialist construction reminded him of home. In Leningrad, now known again as St. Petersburg, he ventured beyond the picturesque Nevsky Prospekt popular with the tourists, and found a city that was like a giant slum. Many shops were without window displays. Poor people trudged with containers for milk or beer to be filled in shops that were really no more than shacks. He had never seen such "establishments." In the larger stores, one had to pass through several doors to see what was inside. He wasn't sure whether this was an arrangement to keep out the cold or whether it was meant to symbolize the labyrinthine nature of Soviet life. He laughed when he recalled three women at three cash registers in an otherwise empty shop. I told him of an experience I had in a pastry shop in Warsaw where one saleslady put my pastry on a piece of paper, another weighed it, a third wrapped it, and a fourth collected my money.

I tried to analyze the phenomenon of the MCC as one of the more enduring and less appealing aspects of a Communist society. According to my friends in Prague, their home-grown variety of the MCC was a person hardly even conscious of his limited intellectual horizons, someone plodding through life with blinkers, like a horse in a mine. An MCC was described as a village boor who had tried to survive all kinds of regimes, and whose motto was: "we will dislike any government as soon as it touches the plate of food on our table." If he lived in the city and was a little better educated, an MCC was still a narrow-minded person. But was he the real culprit? Was he the true symbol of the degradation of mind that accompanied totalitarian terror? Was it possible that this blanket condemnation of an MCC, more a caricature than a portrait of a human being, was a facile shifting of responsibility from the shoulders of the cultured and educated to the work-bent backs of the *hoi polloi*?

On January 1, 1991, President Havel addressed the question of treachery and revenge in his New Year's greetings to the people of Czechoslovakia. Havel spoke movingly of the "elements of spitefulness, suspicion, mistrust and mutual recrimination [that] are creeping into public life." He conceded that people want to find "a living culprit," because, as he put it, "each of us feels let down, even cheated by the other."

In a number of Havel's plays the character Vanek appears, an "abnormal troublemaker," a man who is disliked because "he is disturbing the peace" of those who prefer promotions to principles, a man who confronts power with powerlessness. Vanek is a man of values, a man who will not betray anyone because he will not betray himself. One suspects that Havel identifies with such a character. The decades of Soviet rule have eliminated many Vaneks, even as they created legions of opportunists, a type of individual that some writers have dubbed *Homo sovieticus*. The Communists did not know very much about economics, but they did have a keen interest in psychology. Few movements in history have been able to enlist in their ranks the very people that were targeted for elimination. The Communists found their supporters among all the classes, in villages and in cities, in garrets and salons. The task for a future civil society, the kind that President Havel urges upon his own people, is one that allows for the transformation of an MCC into a Vanek, that encourages the growth of individuals who can combine simplicity with intelligence and kindness with strength. ❑

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NYSE Bicentennial

The World's Most Successful Price-Fixing Conspiracy

by Gary Alexander

America's most prominent symbol of unbridled capitalism — Wall Street — is nowhere near the model of *laissez faire* it is usually believed to be.

Two hundred years ago this month, on May 17th, 1792, the longest-running price-fixing scheme in American history began. There will be great toasts and celebrations to Wall Street this month, but few will recall the details of how the "Club" — as the schemers called themselves then — met in a private luncheon at Corre's Hotel, on a walled street in lower Manhattan, and agreed to keep their brokerage rates comfortably high.

That spring day, 24 brokers and merchants formed the New York Stock Exchange (NYSE), in order to create a monopoly of business stock trading in New York City. Their purpose was to create a cartel, as the NYSE's Original Charter makes clear:

> We the subscribers, brokers for the Purchase and Sale of Public Stock, do hereby solemnly promise and pledge to ourselves, to each other, that we *will not buy or sell* from this day for any person whatsoever, any kind of Public Stock *at less than one quarter of one percent* Commission on the Specie value and that we will *give preference to each other* in our Negotiations.

Starting with that minimum of only .25% commission, the Club eventually learned that it could demand a uniform price of 8% or 9% or more.

But the arrangement, lacking the coercive power of the State, was unstable. "Curbstone brokers" traded shares outside the NYSE's indoor market; from time to time, rival stock markets would come into being. Sometimes, these would outperform the NYSE. One, the American Stock Exchange, became quite successful, and prospers to this day. In the face of competition, the NYSE had no choice but to open its doors to new members, adopt innovations, or accept that it would lose business to its rivals. The Club could only preserve its market position by offering the stability, security, convenience, and access to information that a unified market with high standards provides. It followed this course, not out of a desire to perform a public good, but in order to survive and prosper.

Of course, from time to time, the NYSE tried other methods of gaining a dominant market share. During the Civil War, for example, when rival traders enriched themselves through speculation in gold, the NYSE pushed for legislation restricting the gold trade. Laws were passed, but this was the inflationary Greenback era, and demand for the metal was too great. The trade continued illicitly, the traders received even greater profits, and the laws were eventually repealed.

The Club finally gained state sanction in 1934, with the formation of the Securities and Exchange Commission (SEC). The SEC failed to stop the attempted price-fixing; indeed, its regulations made it more difficult to challenge the status quo. And the courts ruled that, since the SEC was regulating the industry, the latter's price-fixing was not unlawful or harmful.

From then on the stock market and the regulators performed a complicated dance, and the New York Stock Exchange became a cartel in fact as well as intention.

May Day, 1975

The Wall Street cartel was finally broken up on May 1, 1975, despite decades of stonewalling by the SEC. Today, there are over 100 discount brokerage firms, and 2000 banks which partake in the discount brokerage business on the side. As a direct result of broker deregulation, the cost

for big trades has now reverted to 1792 levels — about .25%.

So who lobbied for deregulation? Two of the biggest name players in the Club — Merrill Lynch and Salomon Brothers. Why would Wall Street blue-bloods like these put an end to their gravy train? Usually, the most powerful players in a game don't change the rules against their advantage. But the members of the Club were no longer the biggest players on the Street.

In the end, the biggest names in the Club were being trumped by an even stronger group of billionaire buyers, the "institutional investors," a relatively new phenomenon on the market.

By 1965 — when the Dow Jones Industrial Average first hit 1000 (a higher mark than its current level of 3200, adjusted for inflation) — Wall Street was in a relative torpor of trading. There were only 2171 trades of 10,000 shares or more for the entire year, representing only 3.1% of reported volume that year. With the rise of institutional investing in the late sixties, there were 17,217 such trades in 1970, representing 15.4% of volume.

Meanwhile, the bottom end of share volume was also growing rapidly (small investors always seem to come into the act after major peaks): There were fewer than 20 million U.S. shareholders in 1965, and over 30,850,000 by 1970. This greater demand for stocks by middle-class investors revealed a growing market need for lower stock commissions, but it took the clout of the institutional investors to make it happen.

During the Civil War, when rival traders enriched themselves through speculation in gold, the NYSE pushed for legislation restricting the gold trade.

Breaking Up the Club

The late 1960s witnessed the growth, and ultimate pre-eminence, of large-block traders who swapped five-figure share trades almost daily. They bought stocks for pension funds, insurance firms, and other multi-million-dollar accounts. They didn't like the fact that they were being butchered by the high brokerage fees of the Club, so they threatened to set up their own brokerage firms, outside the Club, if the brokerage rates weren't adjusted downward to reflect their economies of scale.

After all, institutions were paying the same high rates for big blocks of 10,000 shares that the little investor was paying for his 100 shares, and that didn't seem fair. At first, the institutional investors got no break on their large trades, but slowly and surely their clout increased. By 1969, they got the rule changed, giving them lower commissions on big block trades.

The institutions began to feel their oats with that first victory. Their next step was to bypass the NYSE whenever they could, in order to trade over-the-counter, with lower commissions. Trading in the secondary market saved them loads of money, even on their discounted high-volume rates. By 1971, the handwriting was on the wall — the institutional investors were the tail that wagged the dog. Only then did the Big Board and the Big Boys (Merrill Lynch and Salomon Brothers) agree to try to deregulate the exchange, and lobby the SEC for reform.

At first, the government tried to change the rates through evolution, not revolution. For instance, in 1971, the SEC allowed commissions on orders of $500,000 or more to be "negotiable." The next year, the SEC dropped the threshold for such negotiation to $300,000. The SEC wanted to move slowly in order to preserve the "orderly nature of the market" (and the Club's monopoly), but the investor's learning curve was rising too fast for the SEC to take such baby steps toward market freedom.

So, commissions were fully deregulated in 1975. In retrospect, the SEC was not the investor's friend. They waited until the big players lobbied for a change, and only then acted. Deregulation came about after seven years of angry recriminations between all involved players.

Some NYSE member firms claimed that their price structure was "absolutely essential for orderly business." They warned that chaos would break out on exchange floors if rates became negotiable. Such dire warnings are the eternal cry of the poked pig. More than a decade later, the major stock exchanges are still operational, in the face of all these warnings.

May Day Comes and Goes

Indeed, after all the prophecies of imminent doom, May 1, 1975 was something of a letdown. The day afterwards, *The Wall Street Journal* presented the following headline: "Revenues on Big Stock Orders Fall Only an Estimated 10%; Small Investors Just Yawn." All the scary premonitions evaporated in a fizzle once the feared event took place.

The Club finally gained the ability to fix prices in 1934, when the Securities and Exchange Commission was established.

A few new discount brokers emerged from the Club on May Day itself. Muriel Siebert, at the time the only female member of the Big Board, enraged her comrades in the Club by charging 40% less than the fixed fee on transactions up to $300,000, with the fee on the portion above that level being negotiable. Siebert's *Wall Street Journal* ads in May of 1975 showed a picture of Ms Siebert cutting a $100 bill in half to dramatize the level of savings at her firm.

The reaction of the Club was swift, and stern. Bear Stearns, which had previously cleared transations for Siebert, cut her off, refusing to deal with a deep discounter who had the audacity to mock the Club. Siebert simply found a new company to deal with, and remains a leading broker to this day.

Once the laws were changed, brokerage price competition was led by the likes of Siebert, Charles Schwab, Marquette de Bary, Jack White, Barry Murphy, Leslie and Thomas Quick, and others. Taken together, these pioneers

have saved American investors billions of dollars in commissions over the past 15 years. A few decades from now, some of these names may carry the same venerable ring of the old masters of 19th-century Wall Street — Merrill Lynch, Shearson, Hutton, and the rest.

As deregulation slowly took root in the investor's mind, an amazing thing began to happen. Almost immediately, the big institutions — who were still in the driver's seat, with the lion's share of cash and stock certificates — came into the big brokerage firms and demanded huge discounts of up to 90% on their trades. If they didn't get a big discount, they said, they would shop around for the lowest bidder among the newly-arisen discount firms. Of course the institutions got what they wanted, but the sad irony of deregulation is that the small investor had to pay a higher rate to rescue firms that were losing money on some of their institutional trades.

The small investor couldn't storm into a Wall Street brokerage firm, walk into the CEO's office, and demand a tiny 10% cut — much less 90%. So the fixed rates not only stayed high for the little guy, but the "full service" rates went higher than ever, in order to cover institutional losses. Though the old NYSE-fixed commission rates hit a maximum of around 7.5%, many big brokerage firms raised their full commission to 8.5% after the 1975 deregulation. Most small investors, creatures of habit, paid these rates, feeling more comfortable with big name brokers.

By 1985, a decade after deregulation, less than 20% of retail stock trading, by volume, was conducted by discount brokers. After the 1987 crash, however, the perception of the financial strength and market savvy of the big broker firms began to erode. None of the big firms warned their clientele about the dangerously high blow-off in the market after its peak in August, 1987. Investors weren't even warned to get out in mid-October, as the market began to careen out of control. When the crash came on October 19, they couldn't even reach their "safe, secure" broker on the phone.

As a result of the last few years' mass exodus from full-price to selected discount firms, many big brokers have raised prices and reduced services, just to stay alive. Hidden fees multiplied on their brokerage statements like hidden taxes do on the 1040.

The investor fallout was catastrophic to both discount and full-price brokers. In the three months between August and November, the number of individual share owners dropped from 53 million to 33 million. Many of the remaining investors became inactive. As a result, many big brokerage firms laid off thousands of employees in the late 1980s. One of them, Drexel Burnham, failed, largely due to government harassment over their junk bond financing.

Discount brokers also suffered, with several smaller, lightly-capitalized firms merging with bigger discounters, and some even going under. But that proved healthy for the industry, as the strongest survived and thrived. The surviving discount brokerage firms began to rake in new customers who felt betrayed by the constantly super-bullish "buy, buy, buy" mentality of the bigger firms. Why pay 8.5% for "good advice" to a broker who didn't even have the sense to get out before Black Monday?

As a result of this mass exodus from full-price to selected discount firms in the last few years, many big brokers have even raised prices and reduced services, just to stay alive. Hidden fees multiplied on their brokerage statements like hidden taxes do on the 1040. Almost every day's business section seems to tell of staff cuts or turmoil at a major brokerage firm. Still, there is plenty of room in the market for several full-price, full-service firms — and the discounters keep them honest. It could have been that way all along, if the Market had believed in the market.

The Mutual Fund Solution

One way the small investor has avoided commissions has been through mutual funds. By pooling all their small amounts of money into one large trading bloc, investors were able to get the advantages of institutional investors. As a result, there are now more mutual funds than stocks trading on the NYSE, and more than one new fund debuts each day. Fund assets have grown by more than 20% per year in each of the last ten years!

No scandal has accompanied this basically free-market growth. But now, we see a batch of new regulations considered by the SEC to further restrict competition between mutual funds. Of course, when regulations become more complex, regulated companies don't necessarily bleat — it gives them *carte blanche* to confuse their customers!

For instance, under planned SEC regulations, "no-load" funds will be able to charge a small (.25%) load and not disclose it to investors, and then tack the same fee on, year after year, as long as the investor holds the fund. Funds love that kind of regulation.

With the SEC in charge, that is precisely the kind of regulation they are apt to get. ❑

If you agree with Robert Hutchins...

"... knowledge without wisdom has brought us to the edge of destruction and may at any time push us over the brink."

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Essay

The Cost of Kids

by Karl Hess

We live in a "consumer society" with strange ideas on production and distribution. These ideas are nowhere stranger than when concerning the production and distribution of children.

To some parents, children are about as important as a new suite of furniture or a car. They are decorations, possessions, little more than animated dolls: cute, cuddly, and cost-free. Where unwanted offspring were once seen as a burden or even a disgrace, they have become status symbols. But unlike most status symbols, they can be had by the very poorest. There are few government programs to subsidize cars for people, but many to subsidize children.

Somewhere along the line, it has become conventional wisdom that children are a national resource. They aren't, of course. Nor are they social assets, public property, or "society's responsibility." They are individuals who, until self-sufficient, are the responsibility of those who produce or adopt them.

But don't expect to hear much about that responsibility today. Where children are considered a public resource, it is the public that ends up subsidizing children. Government assistance now guarantees the right of the poorest and the youngest to be fruitful and multiply, price tag be damned. There are notorious cases in which women on welfare, ordered to halt their seemingly endless production line with contraceptive implants, have refused, claiming their "reproductive right." That right, of course, is also the right to burden an entire community with the support of those children.

This attitude is by no means confined to the welfare-client poor. Middle-class and professional parents can be heard on talk shows everywhere, calling on the taxpayers to pick up the tab for the day-care facilities they see as essential to the collective welfare. Businesses are expected to help foot the bill for female employees' pregnancies by providing paid leaves of absence and a guarantee of job security once the child has been weaned. Now fathers are beginning to raise similar claims against employers, in order to be more involved in early child-rearing. Childbearing thus becomes another cost of doing business, not unlike a coffee break. Just another turn in one's career path.

The process continues, from birth, through day care, to school. The public school system, busy provider of entertainment for the pampered young and containment for their vicious peers, has taken on more and more of the costs once involved with raising children, not only during the school hours but into the evening and through the weekends. Education is only a small part of the modern school's mission; when push comes to shove, "socializing" children is the central function of the schools. Witness "social promotion" — a revealing phrase indeed — the practice of passing students along from grade to grade regardless of whether they can read or write. Reduced, lumplike, to mere social statistics, the children may thus be socialized, but they are neither educated nor cared for. Thoughtless parents tumble all over themselves to support this system, lest their status symbol be "held back" and thus reflect badly on them. That the child might be having difficulty learning is clearly secondary.

And at every turn, someone is bound to be shouting that hoary cliché: *Children are the responsibility of society.* Many parents, to their credit, protest this abrogation of their obligations, but others welcome it greedily. Having essentially declared their children public property, such people should not be surprised when the nation-state starts treating their offspring exactly that way, by drafting them for whatever adventure the politicians may have at hand.

Against all this, I maintain that children are *not* "social assets." Productive adults can be said to be a social asset in the sense that productive work is what makes a society possible and usually defines it. But not children. They are unproductive and very costly. Their *social* value is that they can grow up to be productive adults.

The real value of children comes, not from that grand abstraction

Society, but from their family, their neighbors, and, when they become capable of self-reflection, their selves. A community in which parents bear children without care or thought is one in which children are rudely stripped of their value. A community that subsidizes this behavior finds its young not just cheap, but worthless.

Who, then, should take care of the children? Who should try to keep them alive?

A sensible starting point would be to say that the cost of bearing children should be paid by those who bear them. It is this anchor of primary responsibility that has been torn away by the concept that, at the very outset, children are a *social* obligation and should not present a cost to parents, even those who are not poor. In the case of a truly abandoned or abused child, it could be said that the neighbors should pitch in and help out the victim. But the most fundamental, humane, and prudent approach should make sure that we don't overlook the point of primary responsibility, the first line of caring.

To some parents, children are about as important as a new suite of furniture or a car. They are decorations, possessions, little more than animated dolls: cute, cuddly, and cost-free.

Today, the rate in unwanted births, reflected in the statistics for abortion and illegitimacy, is at a remarkable high. So are the programs that make careless birthing relatively cheap. Ending these subsidies would not end unwanted pregnancies; it would, however, make the prospect of such pregnancies a more serious matter for the young and potentially irresponsible. With time, it would effect a change in social behavior.

But wouldn't making parents bear the full cost of their actions penalize innocent children? There is that risk, of course. There is always that risk when children are unwanted or unloved. And it can be argued that there are more, not less, of them at risk today because of the subsidization of their birth and upbringing. Removing the programs that make having unloved children a matter of little concern should at the very least make birth options more serious and, thus, more likely to be thought about in advance.

Beyond that, there is a way to help the innocent without providing subsidy for their upbringing. The traditional recourse for unwanted children always has been and remains adoption — making children available for people who actually want them and would be willing and able to bear the burden of bringing them up. Opening up the adoptive possibilities for more people, especially the working-class people who today are so often snubbed by the heavily regulated adoption agencies, would ease the pains of many unwanted children. A free market in adoptions is needed, so that adults who want children can bid for them openly and so that careless parents, not social workers, can receive the full price of letting their children go to a presumably happier home.

Fears that children bought on the open market would be subject to abuse should not be greater than the fear that children who remain with their biological parents will be abused. The current statistics on the abuse of children by birth parents are horrifying. Why should a person who puts up cold cash for a kid be more vicious than someone who refuses to? So long as private watchdog organizations exist, and so long as a child's freedom to refuse a parental relationship is protected — that is to say, so long as he or she is allowed the liberty of *running away* from an oppressive parent, biological or adopted — there is no more, and arguably less, to fear from a child-buyer than a child-seller. Being a child is a risky proposition no matter how you look at it. With a free market in adoption, unwanted children will have a better shot at finding a home where someone *does* want them.

But no adoption policy can be expected to provide relief so long as pregnancy is seen as a casual matter, and birth, merely an option for which others will have to pay. The first step toward reform remains the most vital: parents must bear the full cost of their children, and *know* that they will have to do so — *before* they become parents.

As callous as these comments may seem at first glance, they must be contrasted with the whining, loveless caterwauling of those who, suddenly having children, feel that what may have been a simple reproductive error should be elevated to the status of an unyielding demand on the public treasury. For parents who truly love their children and who would bear privations willingly to have and to raise them, the spectacle of such careless and cost-free childbearing must be particularly depressing.

A community in which parents bear children without care or thought is one in which children are rudely stripped of their value. A community that subsidizes this behavior finds its young not just cheap, but worthless.

Children are people. Bringing them into the world should be seen for the serious responsibility it is. Kids are costly. If they aren't worth it — don't have any! ❑

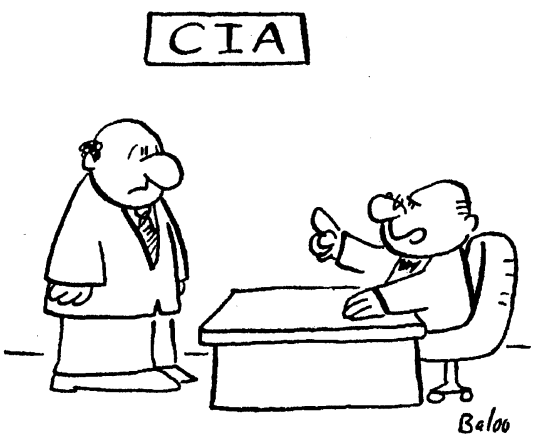

"A lot of agents get their covers blown, Barstow, but because they forgot and whistled 'Secret Agent Man'?"

Explanation

"Where Everyone Has a Job"

by Mark Tier

There are few cows more sacred than minimum wage laws, and few riper for slaughter.

Recently, on a ferry crossing Hong Kong's harbor, I struck up a conversation with a black musician from Seattle, who told me how much he preferred Hong Kong to the States. What impressed him most about Hong Kong was that "everybody has a job!" Each time he repeated this comment his eyes would almost caress the Hong Kong skyline. He spoke as if a place where everyone has a job was alien to his experience, as if he thought of Hong Kong as a fantasy land, a place that simply could not exist on Earth. Back home, he told me, unemployment, especially for blacks, is high.

He was also puzzled at the widespread influence of the United States here, and the evident esteem in which his country was held when his personal experiences were quite at variance to this image. Something he definitely did not miss, he said, was his treatment by the Seattle police. Back home, most blacks were poor and, therefore, treated badly by the police. Those who appeared to have money weren't much better off. The police assumed they were drug dealers, and treated them badly, too.

I don't have anything to add to the barrage of words written about the drug problem, except to observe that whenever and wherever prohibition has been tried it has failed. And it's failing again now. This man's sense of despair when discussing his life in Seattle led me to reflect that one reason people turn to drugs is the hopelessness engendered by the impossibility of finding a job. And that happens whenever minimum wage laws bar the unskilled from *ever* finding a job.

A minimum wage law is simply a form of price control: it prevents anyone from selling his labor below a certain price. Whenever a minimum price is established, some portion of the good or service involved will not find a buyer. Just as the European Community's establishment of a minimum price for butter has resulted in a a huge surplus (the "mountain of butter" that the E.C. buys from its dairy farmers), the establishment of a minimum wage inevitably creates a surplus of labor, called "unemployment."

Politicians and some economists claim that a minimum wage raises wages for all workers at the lower end of the pay scale. All the evidence is to the contrary: every country with minimum wage laws (or high unemployment benefits, which have the same effect, establishing a minimum below which it is unprofitable to work) also has high *and persistent* levels of unemployment. Only in countries with no minimum wage laws is there little or no unemployment.

The reason is simple: an employer will only offer someone a job when the value of his work *exceeds* the amount of his salary. When a minimum wage is set at, say, $4 an hour, only those people whose value to a company is greater than $4 an hour will find employment.

The Security of the Free Market

But without minimum wage laws, without unions, wouldn't the workers be "exploited"? Wouldn't they be at the employers' mercy? Not necessarily. In fact, when there are no minimum wage laws and no specially privileged unions, employees actually have far greater job security — a security provided by the market. This is demonstrated by the job market in Hong Kong, where there are no minimum wage laws, where there are no laws granting special privileges to unions, and, as this man put it so eloquently,

where "everybody has a job."*

Many years ago I employed a girl named May as a messenger and "gofer." This was her first job: she was 16 years old, she had finished four years of high school, her English was poor, she had no job skills of any kind, and she could not type, keep books, or anything else that might be demanded in a business. Indeed, she only had one qualification: she was eager to work.

She was hired to deliver messages, open the mail, make coffee, lick stamps, put things in envelopes, go to the post office, and do other menial tasks of this kind. I paid her the princely amount of HK$800 per month, about US$170 at the time, or 95¢ per hour.

Legislating the U.S. minimum wage in Bangladesh would not raise anybody's wages; it would raise the level of unemployment to somewhere between 98% and 99%.

In many respects, employing May was a luxury. It was a luxury not to have to make or get my own coffee; even more importantly, it was a luxury not to have to plan ahead. If I suddenly realized that I was short of cash, I could send her down to the bank rather than go myself. Similarly, at the last moment I could send her out to pick something up or drop something off. Many of the things she did could have been simply not done at all or done by other people in the company — or, with a little thought and planning, done far more efficiently. Employing her was not essential to the survival of the business.

The Best Kind of Training

By the time she'd been working with me for 12 months, her salary had *doubled* to HK$1,600 a month. Why? Because in that 12 months she'd learned many job-specific skills that made her far more valuable to the company than when she was fresh from high school. She was now keeping some records, typing labels, managing the petty cash, and other things she was unable to do when she started. Alone, none of these specific skills are of great significance. Taken together, her 12 months' "on-the-job training" had given her an education that she could receive nowhere else.

She also learned other things in that year: how to look after herself, how to manage her own time and money. She was also able to reward herself with things that only money can buy. In a word, she was learning *independence* — she was becoming *self-sufficient* in the real world. She learned a lesson the reverse of what she would have received on welfare, which reinforces the dependence experienced as a child and teenager.

Reinforcing Dependence

By denying unskilled teenagers the opportunity to work at their market value, however low, minimum wage laws interrupt the essential developmental process of *slowly* gaining independence from one's parents — and inevitably some people remain "stuck" in the child/teenager state for the rest of their lives, with devastating social consequences.

If there'd been a minimum wage set at, say, HK$1,600 a month, there'd have been no job for May in my company. May might *never* have received that one year of on-the-job experience she needed to learn the skills with which she could command that minimum wage of $1,600 per month. Instead, 12 months out of school, May could have still been unemployed and, worse, despairing of ever finding employment.

Perhaps she dropped out of school because her parents could not afford to keep her there any longer, as is often the case. For these people, no other form of training is affordable. A minimum wage law would have not only denied her a job at her market value, but denied her the opportunity to *rise above it* as well. Instead of being rewarded for her eagerness to work, and so increasing her market value by learning new skills, she could have been consigned like so many poor Americans to a life of never-ending, soul-destroying unemployment, the psychological experience of being told by society that you have no value, that you are *worthless*.

One government intervention entails another. In countries with minimum wage laws, governments often try to alleviate the resultant unemployment with all manner of training schemes. Such schemes have serious drawbacks, aside from increasing the tax burden on those in employment. Most importantly, they can never replace the experience of simply having a job, however menial that job may be. Part of the experience of your first few jobs is discovering what's possible, and what kind of things you'd like to do, things you can only find out in the real world, never in a classroom.

In Hong Kong most employees take night classes of one kind or another; and from these courses they learn something that will increase their market value in their current employment, or prepare them for their next. When you are paying for your own education, your motivation is far higher, and you choose something relevant to what you need or want. Being employed enhances that ability.

An argument often used in support of minimum wage legislation is that wages under the selected level are "too low," "below the poverty line," or in some other sense thought to be dehumanizing.

But the overwhelming majority of people who'd be employed below any minimum wage level are people like May, who quickly graduated from her low pay. The *turnover* of workers at that wage level (in a free labor market) is very high. There is a very big difference between someone who is working for the first time — who is probably living with her parents, and whose income, however low, is almost entirely available for discretionary spending — and the "average" worker who has to support 2.2 (or is it 2.3?) children. A wage that would certainly spell poverty to this "average" worker spells luxury to someone in May's position.*

* In fact, the current unemployment rate in Hong Kong is 1.5%. That's the general estimate of what economists call "frictional unemployment" — people voluntarily looking for another job.

* For example, the biggest tourism market in Japan is girls in their early twenties in exactly this position. Having no responsibilities, they can spend all their relatively low incomes on themselves — and, therefore, have the highest available spending power of any group for such luxuries as travel.

You might ask, why did I increase May's salary so that within 12 months it had doubled? I can assure you it was certainly not out of the goodness of my heart, though I do figure myself as a good employer. (Not all my employees will agree with that statement.) The reason was very simple: having discovered her increased worth, May was now in a position to seek another job at a higher salary if I did not raise hers.

This brings me to an amazing feature of the Hong Kong labor market, and of any labor market where there are no restrictions on the employment of labor: employees know their own worth — their market value — and if you don't pay them what they are worth, they find someone who will.

The Security of Knowing Your Worth

A free labor market provides workers with far more job security than any union-devised scheme. In Hong Kong, where "everybody has a job," every worker knows he can find an alternative job within a few weeks. And how do workers know what they are worth? They read the classified ads in the newspapers.

It used to worry me that the classified section of the newspaper appeared to be the most popular reading material in my office — until I realized that my staff was not planning to resign *en masse*; they were merely checking their market value and keeping themselves aware of the alternatives available. In a free labor market, each employee is responsible for his or her own welfare. The alternative to union- or government-"guaranteed" job security is knowledge of one's value in the marketplace, and that knowledge is freely and continually available from newspaper classifieds, employment agencies, and discussions with friends and associates, where the state of the job market is a continual topic of interest.

Most employees in Hong Kong, if they feel underpaid, will sign a contract for another job and only then give notice. So the employer must be sure the wages he is paying are in line with the market — otherwise, he'll lose his employees.

Of course, exploitation can occur under any system. But the possibility of exploitation is far lower in a free labor market, so long as the law of contract is respected and redress for any grievance is available (to *either* party — the employer can also be exploited). A free labor market fosters employees' psychological independence. The market "forces" them, as it were, to assume responsibility for achieving their own self-worth. Obviously, some people are more self-assertive than others; but the free market encourages the growth of self-assertiveness in all. Compulsory unionization, by contrast, is a reverse form of indentured servitude. Today, unions achieve power by government edicts suspending or modifying employer-employee contracts. The "closed shop," for example, enforces union

WHY SHOULD YOU BE READING FREEDOM DAILY?*

✦✦✦

membership as a prerequisite to employment in a particular industry or company, revoking freedom of choice, not only for the employer, but for all those who cannot get union membership as well.

Normally, such a union has "achieved" higher-than-market wages for its members through its ability to restrict the employers' choice of workers. Even the more highly-paid employees lose out; their options are *severely* limited, since it's impossible for them to command anywhere near the same salary in any other employment. And the longer they've been in this situation, the less able they are to adapt to the changes that inevitably occur in the marketplace: witness the recent example of New York's *Daily News*, where union intransigence (plus managerial misjudgment) looks like it will permanently end its members' sinecures.

Where the law of contract prevails, unions have no privileges beyond those freely and *voluntarily* granted by its members. Similarly, employers are free to refuse to deal with any union. It's interesting to note that in the United States, where the legal powers establishing unions have been eroded over the past decade, as people have become freer to choose they have generally chosen not to act through unions.

You might ask, why did I increase May's salary so that within 12 months it had doubled? I can assure you it was certainly not out of the goodness of my heart.

In Hong Kong, Western-style unions exist only in government, and as professional associations of lawyers, doctors, and so on. Private-sector unions are more like general welfare, watchdog, or mutual aid associations, having no state-granted powers of exclusion from the law of contract.

Cultural attitudes in Hong Kong impose an additional burden on the employer. Few people here will "confront" their boss and say, "Look, the going rate for my services according to the market is about 20% more than you are paying me. I think I deserve a pay raise." To avoid a confrontation of that kind, most employees in Hong Kong, if they feel underpaid, will sign a contract for another job and only *then* give notice. So the employer must *also* read the classifieds to be sure the wages he is paying are in line with the market — otherwise, he'll lose his employees.

In Hong Kong's free market for labor, wages are set by the impersonal forces of supply and demand. Most in the job market would report that wages are negotiated on an individual basis, between an employer and an employee. However, while this appears to be the case, the reality is different. The actual "negotiations" are taking place between competing employ*ers*, as a job-seeker considers a number of different job offers at the same time. The employer who fails to fill a vacant position has no alternative but to increase his offer to win over the potential employee, or another one.

For some people, other considerations are as important as wages, or even more important. With no government unemployment benefits or pensions, an employee can seek companies offering such benefits. Or if security is of paramount importance, an employee can seek that ultimate in job security: "work" for the government. A free market is a smorgasbord of possibilities, where government, by keeping out of the way, enables consenting adults to creatively and imaginatively achieve their potential (to the extent they desire to).

Clearly, the simple absence of minimum wage laws does not ensure jobs for all — the presence or absence of such laws in the middle of the Gobi desert would have no effect on the size, extent, or nature of the job market. Legislating the U.S. minimum wage in Bangladesh would not raise anybody's wages; it would raise the level of unemployment to somewhere between 98% and 99%.

. . . And Wages Can Fall

In any free market, prices can fall as well as rise, and that applies to the price of labor. In an inflationary environment, wages tend to rise more slowly or not at all during a recession; where price inflation is low or nonexistent, wages fall during a recession as a growing number of people compete for a declining number of jobs. This decline in jobs is inevitable as businesses lay workers off as sales slow; and some companies go bankrupt.

However, such a decline in wages leads some employers to create new, lower-paying jobs that were uneconomic at higher wage levels (as in the case of May). Such adjustments always take time, and during that time the level of unemployment will rise. In countries with a free labor market, unemployment usually *peaks* in the middle of the recession — at a rate that is normal during American and European *booms*.

It is no coincidence that countries with free labor markets have far higher rates of economic growth than the U.S. or Europe.

An economy-wide decline in wages reduces all businesses' costs, allowing the economy to adjust much more rapidly to a recessionary environment. In countries with no minimum wage laws, as is the situation in Hong Kong and most other Asian nations, recessions start later and end earlier than in the U.S. and Europe. This is partly the result of free markets for labor, but is primarily due to the fact that low or no government intervention in the labor market goes with less government intervention overall. Asian economies are thus far more flexible, and, therefore, adjust far more rapidly to changing world circumstances than the more rigid economies of the west.

It is also no coincidence that countries with free labor markets have far higher rates of economic growth than the U.S. or Europe. Slower economic growth is the inevitable price of government intervention. Minimum wage laws are a prime example of such destructive interference. ❑

Theory

The Economics of the Emergence of Humankind

by Vernon L. Smith

Tools, investment, cost-accounting, and mass killings of non-human animals are not limited to history's great civilizations: they are a part of prehistory as well. And economics can help us understand why.

This is about who we were in prehistory, and how we were shaped by economic principles. It is an exciting story, perhaps humanity's most important story; it may even be true!

Life Emerged Early, *Homo* Very Late

The Earth and our solar system are about 4.5 billion years old. Elementary life forms appeared 3.8–3.5 billion years before present (B.P.), about as early as life as we know it could have emerged. But multicellular animals are not found in the fossil record until 650 million years B.P. Those of modern form that are antecedents of humankind appear about 550 million years B.P.

In Africa, sometime between six and ten million years ago, bipedal protohumans split off from the forerunners of today's chimpanzees and gorillas. This is indicated by the fossil record and by genetic comparisons between living people and other primates. During this period a globally cooler and drier climate shrank forests, expanding grasslands and savannas. Grassland ungulates increased in number and diversity as the cost of harvesting their food declined; the resulting economic stress on forest dwellers brought the extinction of many ape species — although at least one ape species in Africa adapted by becoming more of a ground dweller.

Bipedalism may have been an economizing response, in several ways: it made carrying food and young offspring easier; it reduced heat stress by exposing less body surface to direct sunlight; it lessened the energy requirements of locomotion; it improved creatures' ability to see over obstructions, grass and shrubs; and it freed the hands for using, carrying, and later fabricating, tools. Although bipedalism predates the earliest recorded stone tools, early humankind may have used wood, bamboo, and other perishable material for simple tools, much as chimpanzees use sticks to reach for food.

If, as grasslands expanded, our ancestral protohumans were adaptively attempting bipedalism, then mutations favoring bipedalism would have economic value. The cooler, drier trend in climate that is associated with the emergence of bipedalism accelerated from 2–2.5 million years B.P. This coincided with a rapid evolutionary change in hominids and other African mammals leading to a more carnivorous, larger-brained, and more tool-dependent lineage of *Homo* whose expanding niche may explain the decline of other African carnivores. The earliest firmly documented stone tools are found at the Hadar site in Ethiopia, adjacent to the Red Sea; they are dated at 2.4–2.5 million years B.P. This and other sites show that stone tools were widely used in Southern and Eastern Africa by two million years B.P. Early tools were diverse, but the diversity appears to have been controlled by the random shape of the original blank, not by deliberate design. The combination of such stone tools with animal bone artifacts demonstrate the increased interest in meat by *H. habilis* over earlier hominids.

At the beginning of the Pleistocene, approximately 1.7–1.8 million years ago, *H. habilis* was replaced by *H. erectus*, generally thought to be the direct ancestor of *H. sapiens* and of you and me. We are still in the Pleistocene Epoch, enjoying a warming interglacial period that began about 17,000 years B.P. Within the past one million years interglaciations as warm as the one we are now experiencing have lasted only about 10,000 years whereas the periods

of glaciation have lasted more like 100,000 years. (Perhaps this will comfort those concerned with global warming.) Consequently, our ancestral development occurred under mostly glacial conditions, to which we adapted well. During these cycles of glaciation a world-wide redistribution of plants, animals, and humankind occurred.

Exodus I

A contemporary view of the emergence of humans is the "out-of-Africa model" in which humankind first evolved in Africa and then spread throughout Eurasia; the initial wave began about one million years B.P. In Africa the displacement of *H. habilis* by *H. erectus* may be explained by an increased emphasis on tool use and by meat-eating. *H. erectus* was much better endowed with a locomotor skeleton, and had a larger brain and the typically human external nose. These endowments suggest improved exertion capacity and hunting and gathering skill.

Within the past one million years periods as warm as the one we are now experiencing have lasted only about 10,000 years whereas the periods of glaciation have lasted more like 100,000 years. (Perhaps this will comfort those concerned with global warming.)

The greater adaptability of *H. erectus* is demonstrated by these creatures' colonization of previously unoccupied dry regions of Africa about 1.5 million years B.P. and by their dispersal to Northern Africa and thence into colder regions such as Eurasia and China, and to Java after one million years B.P. In the African and eastward expansion paths of *H. erectus* one finds evidence of tool use which required more investment in human capital — planning, foresight, and preparation effort — than is associated with *H. habilis*. Thus the finding that most of our current growth results from investment in human capital probably applies with comparable force to the last two million years of hominid development. The tool kit now includes hand axes, cleavers, and other large bifacial tools used for butchery, bone-breaking, and perhaps woodworking. It is likely that *H. erectus* could control the use of fire; the oldest evidence of its use date back 1.4 to 1.5 million years.

A longstanding puzzle is the geographical distribution of these tools in Southeast Asia. There the tools are less standardized and few hand axes appear. At one time this led to the conclusion that *H. erectus* was culturally retarded. A solution to the puzzle is now offered by the observation that the line across Southeast Asia below which one finds alleged "cultural retardation" corresponds to the distribution of naturally occurring bamboo. This area today contains over 1000 species of bamboo, which can be fabricated into knives, spears, projectile points, and traps. It would appear that *H. erectus* was not culturally degenerate in bambooland, but was simply substituting a lower-cost raw material for stone.

Exodus II

Up to about 400–500,000 years B.P., most human fossils are those of *H. erectus* in Java, China and Africa. Exceptions are assigned to early *H. sapiens*, which, in Europe, suggest an anticipation of the Neanderthals. The trend was different in Africa, where *H. erectus* appears to have evolved in the direction of modern *H. sapiens*. Neanderthals — traditionally believed to be our immediate ancestors — are thought to be a Eurasian descendant of *H. erectus*. They appeared 130,000 years ago or earlier, had a brain case at least as large as that of modern people, and, judging from the skeleton and muscle-ligament markings on the bones, had exceptional physical strength. They were adapted to cold climate, and made tools of wood and stone. They cared for family members who were handicapped or incapacitated, and were the first people who practiced burial. But they disappeared about 30,000 years ago.

Although modern *H. sapiens* or Cro-Magnons were once thought to originate 40–50,000 years ago, recent claims place them as early as 90,000 years B.P. Thus, Neanderthals may have overlapped Cro-Magnons for over 50,000 years, and are probably not central stock but a side branch. Prior to Cro-Magnon times, body form and behavior evolved together. Subsequently, behavioral evolution accelerated within a constant bodily form. 35,000–40,000 years ago, artifact assemblages began to vary tremendously across neighboring regions, and the pace of change accelerated dramatically. Cro-Magnons fashioned bone, ivory, and antler into projectile points, awls, punches, needles, and art objects. Their stone crafts included numerous shouldered projectile points of the kind suitable for spears, arrows, and darts. Graves, houses, and fireplaces became more elaborate. Ceramic-fired clay appears about 28,000 years B.P. Eurasian Cro-Magnons hunted in savannas and grasslands, principally for mammoth, bison, reindeer, antelope and horse that provided meat, hide, and sinew, as well as bone, antler and ivory. After 20,000 years B.P. the artifacts include spear throwers, stone inserts in antlers, harpoons, leisters, eyed needles, all manner of clothing, and the bow and arrow.

In Europe, between 34,000 and 11,000 B.P., there is widespread evidence that humankind had the means of making multiple kills. The staples were reindeer, red deer, horse, ibex, and bison. Evidence of the mass slaughter of horses and reindeer suggest they were forced into cliff-enclosed canyons, or driven off "jumps." The Cro-Magnon were adept at driving or stampeding game and using pit traps.

Super-predation and World Expansion

Modern *H. sapiens* spread from Africa through Europe and Asia in the last 50,000 years, jumped to Australia by about 35,000 years B.P., entered Alaska by 14,000 B.P., spread into the United States by 12,000 B.P., and in the next 1000 years reached the southern tip of South America. The last stages of this worldwide expansion were Madagascar and New Zealand in the last 1000 years.

A plausible hypothesis is that North America was discovered by advanced Paleolithic people who crossed the exposed Bering land bridge connecting Asia with Alaska about 14,000 years ago. Their descendants found an ex-

posed land corridor into Montana, then spread south and east throughout the United States. As suggested by Paul Martin (Agenbroad et al. 1990), they entered a continent that was an unprecedented "home-on-the-range" for now extinct mammoth, mastodont, ground sloth, giant beaver, horse, tapir, camel, llama, stag moose, pronghorn, shrub ox, yak, dire wolf, two species of extinct bear, two species of peccary, two species of extinct deer, two species of musk ox, two subspecies of bison, a cheetah, a saber-toothed and a scimitar-toothed "tiger," and more. Many of these animals, such as the ground sloth, were slow and would have been easily hunted, or like the mammoth, mastodont and horse were large gregarious herding animals. The herding behavior of these great animals implied low search cost for hunting parties armed with stone projectile points and strategic knowledge of animal behavior. Their great size meant high value per kill. Some prey such as the extinct plains bison may have been easy to stampede into arroyos.

Since there was no property in live animals, only in harvested animals, there was no incentive to stay the spear in anticipation of tomorrow's reproductive value, as there is with modern domesticated cattle. The resulting mass harvesting pressure on animals may have caused or contributed to the megafauna loss that occurred on the North American continent after 11,000 years B.P. Hunting parties left behind the fine-crafted Clovis fluted point found from Florida to Nova Scotia, in the high plains, the Southwest, across the Midwest, and in the South. That Clovis hunters killed mammoth is well-documented; it is also well known that these animals, which had been in America for over one million years, became extinct by 11,000 years B.P. Some sites contain the bones of camel and horse, although no incontrovertible evidence exists that these animals were hunted in North America. The horse became extinct in North America only about eight to ten thousand years ago. It was reintroduced by the Spanish in the 16th century and has thriven in the wild to the present day.

Since there was no property in live animals, only in harvested animals, there was no incentive to stay the spear in anticipation of tomorrow's reproductive value.

Between 11,000 and 9,000 years B.P. the Clovis point was replaced by smaller points, which were used to kill the *Bison antiquus*, and *Bison Occidentalis*, both larger than the surviving bison. It appears likely that Paleoindians killed bison in masses, sometimes of several hundred animals at a time. At the Olsen-Chubbuck site in Colorado where, 8500 years B.P., 200 *B. Occidentalis* were stampeded into an arroyo five to seven feet deep, and dispatched with projectile points. Apparently, at least 50 of the animals represented a wastage kill, since their remains show no evidence of butchery for consumption. Dozens of such kill-butchery sites are found in Colorado, Wyoming, Montana and Nebraska. Many are stampede jumps or traps with several thousand years of use. But the bison endures in the form of the smaller plains bison. It is possible that it survived by dwarfing, an adaptive response to the greater vulnerability of the larger subspecies to predation. In any case, by historical times the enormous carrying capacity of the land from Alberta to Texas supported far fewer species than before, but among them were perhaps 60 million bison.

Martin has summarized the evidence for the worldwide extinction of late Pleistocene megafauna. In Africa and Asia 15–20 percent of the genera disappeared from 80–60,000 B.P.; in Australia, 94 percent were lost from 40–15,000 B.P.; North and South America experienced a 70–80 percent loss in the last 15,000 years. This worldwide pattern correlates suspiciously well with the chronology of human colonization, leading to Martin's hypothesis that extinction was directly or indirectly caused by "overkill" conducted by exceptionally competent hunter cultures. This explains the light extinctions in Africa and Asia, where modern humankind "grew up"; this allowed gradual adaptation to humankind's accumulating proficiency as a super-predator. It also explains the abrupt, massive losses in Australia and the Americas — the only continents that were colonized suddenly by advanced stone-age humans (Martin 1984).

But the control cases for this "experiment" are the large oceanic islands, Madagascar and New Zealand. Both were colonized roughly 1000 years B.P., and both suffered a wave of extinctions then. If extinction was due to climatic change, why did Madagascar's extinctions not coincide with those of Africa 220 miles away? Why did European and Ukrainian mammoths became extinct 13,000 years B.P., while they survived another 2000 years in North America? Previous great extinction waves had affected plants and small animals as well as large animals, but the late Pleistocene extinctions were concentrated in the large gregarious herding, or slow-moving, animals — ideal prey for human hunters. Such large genera are also slower growing animals, have longer gestation periods, require longer periods of maternal care, and live longer than many other animals. Consequently they are more vulnerable to hunting pressure because reductions in their biomass require more time to recover.

Hunting and gathering provided the first affluent society.

It may seem incomprehensible that bands of men could have wiped out the great mammoth and two subspecies of bison, since modern bison and African elephants react violently when threatened. But such observations may simply tell us that these particular subspecies have survived because they were selected for these defensive characteristics. We know nothing of the behavioral properties of extinct species. While the African and Indian elephants are both members of the same genus, their fossil similarities fail to inform us that the Indian elephant is docile and easily trained for circus display, while the African elephant is much too unruly for this occupation. No one has successfully domesticated

the zebra, though the horse has been domesticated since ancient times.

Interpretations and Hypotheses

1) *Hunting and gathering provided the technology and institutions for the first affluent society.* One of the great myths of modern humankind is the belief that life in the Paleolithic was intolerably harsh, or as presumed by Hobbes, "solitary, poor, nasty, brutish and short." It may have been none of these. What is more likely is that hunting and gathering provided the first affluent society, sustaining and promoting humankind for almost all of their 2.5 million years of existence. The Hobbesian belief obscures the striking continuity in the ability of prehistoric humans to adapt to changes in their environment by substituting new types of capital, labor and knowledge for old, and by fabricating new products when effort prices were altered by the environment or by new learning. Malnutrition, starvation and chronic diseases have been rare or infrequent among the hunting and fishing peoples of the world. Studies of the African !Kung bushmen show that these people worked only 12–19 hours per week, that their hunting and gathering scored well on several measures of nutritional adequacy, and that their labor bought much leisure in the form of resting, visiting, entertaining, and trance dancing. Similarly, the African Hazda hunters worked no more than two hours per day, with plenty of time left for gambling and other social activities.

The aboriginal practice of awarding more wives to the most successful hunters would have favored the genetic selection of these traits.

2) *Opportunity cost conditioned the cultural and economic development of the human race.* This principle was articulated succinctly by the !Kung bushman who was asked by an anthropologist why he had not turned to agriculture as his neighbors had done. His reply: "Why should we plant when there are so many mongongo nuts in the world?" Why indeed, unless tastes and opportunity cost combine to demand it? The great migrations out of Africa, the invention of weapons for big game hunting, Eskimo adaptation to hunting sea mammals, humankind's eventual turn to agriculture: these can all be interpreted as responses to changes in opportunity costs, whether driven by environmental changes, by human learning, or by both.

A telling example of the influence of effort prices on prehistoric human choice is found in R. S. Lee's 1968 study of 58 of the world's extant hunter-gather societies. He shows a strong correlation between a society's distance from the equator and the importance of hunting over gathering in its diet. In the Arctic, hunting of land and sea mammals predominated, while in temperate latitudes up to 39 degrees from the equator, gathering was much the more important economic activity.

Economic models of human development are often held suspect because they appear not to account for the richness of culture. But culture can be interpreted as providing a system for transmitting information useful in responding to opportunity costs. Hunter cultures use elaborate ceremony to enhance recognition of the significance of the chase and its technology — to form in the young an indelible impression of the hunt, and to transmit human capital from one generation to the next. The magnificent Cro-Magnon art preserved on the walls deep in the narrow crawl spaces of French and Spanish caves have been interpreted as a means of "piling special effect on special effect in an effort to ensure the preservation and transmission of the tribal encyclopedia" (Pfeiffer 1982, p. 132).

Another example of the hidden economic function of culture is the magical practice of the Naskapi Indians of Labrador, who, when the caribou were scarce and the tribe hungry, resorted to scapulimacy, a divination in which the shoulder blade bone of a caribou was heated by fire until it cracked. As cracks appeared they were interpreted by a diviner as caribou trails, one of which the hunter should follow if he was to be successful. All this is commonly interpreted as showing the capacity of the Naskapi for belief in magic. But is scapulimacy functional? It sharpens the hunter's concentration and impresses the need for dedication. It also causes the hunter to choose a random hunting route, steering him away from previously successful ones, thus preventing the caribou from being sensitized to regularities in hunter behavior. This is precisely the argument for using mixed strategies in certain games of conflict. The Naskapi discovered that reading shoulder blades had survival value. "People are capable of formulating any number of strange ideas, not necessarily directed towards any particular end, but if they do have a practical application and are successful, they may persist. And if they persist long enough people will begin to believe in them" (Reader 1988, p. 139). They will also be incorporated into educational rituals so that the tribal learning is not lost to each new generation.

3) *Prehistoric* H. sapiens *accumulated crucially important human capital.* Economic success in hunting and gathering required an endowment of human capital normally associated only with the agricultural and industrial revolutions: learning, knowledge transfer, skill and design in tool fabrication, and social organization. The aboriginal use of fire for game and plant management demonstrates that prehistoric humans possessed intricate knowledge of the phenology of trees, shrubs, and herbs; they used fire to enhance the growth and flowering of food plants and to discourage the growth of competitors. Effective game and wild plant management required people to know where, when, and how to burn. Aboriginals knew that the growing season for wild plants can be advanced by spring burns designed to warm the earth, that in dry weather fires should be ignited at the top of hills to prevent wildfires but in damp conditions should be set in depressions to avoid extinguishment, that the burning of underbrush aided the production of acorns and attract moose, deer, and other animals that feed on the tender new shoots that follow a burn. It also prevented buildup of kindling and forest fires. How sad that this knowledge was unavailable for the management of Yellowstone Park in the half-century preceding the holocaust of 1988.

The life of a hunter-gatherer de-

mands skill, technology, a division of labor, knowledge of plant and animal behavior, climate, seasons, and winds, the habit of close observation, inventiveness, problem solving, risk bearing, and high motivation. These demands would have been selective in humankind's cultural and biological evolution, helping to develop the human capital and genetic equipment needed to create modern civilization. The aboriginal practice of awarding more wives to the most successful hunters would have favored the genetic selection of these traits.

It was as hunter-gatherers that people learned to learn. Young hunters needed to learn goal-oriented observation, to learn that ungulates often travel in an arc so that success could be increased by traversing the chord, and so on. Knowledge of animal behavior could substitute for weapon development. From knowledge of animal anatomy it was but a short step to curiosity about human anatomy, and to the first practice of medicine.

4) *Property rights are likely of ancient origin.* Although aboriginals everywhere have been observed to possess sophisticated property rights and trading traditions, there is no direct evidence about these matters in prehistory. But similarities between the cultural materials of late-Pleistocene and aboriginal peoples suggest that such social traditions originated at least as early as the period 40–20,000 B.P. The archeological record shows, before the first agriculture, a vast increase in property: spears, atlatls, seed-grinding stones, boiling and storage vessels, kilns, boats, houses, villages, bows and arrows, animal-drawn sledges, and domesticated wolves. New tools and techniques allowed new products of the hunt to substitute for the loss of big game. Gathering emphasized the seeds and plants that could be eaten while on the move. Now seeds were gathered that were inedible without soaking, grinding and boiling. This upsurge in personal paraphernalia implies more sedentary, and less nomadic, hunting and gathering. Knowledge of the seasonal cycles of plants and animals, of the use of fire in resource management, of techniques of storing, drying and preserving foods, all combined to make life more sedentary.

Property rights precede the state. Evidence for the existence of property rights and social contracting in stateless societies is incontrovertible.

But with the accumulation of personal property and real estate would come more complex property rights and contracting arrangements. George Dalton has summarized the economic and important political functions of the ceremonial exchanges of Northwest America and Melanesia, such as the potlatch, kula, moka, and abutu, which in substance are elaborate multilateral contracting mechanisms (Dalton 1977). The valuables exchanged bought kinship ties, military assistance, the right of refuge if homes and property had to be abandoned, and emergency help in the event of poor harvest, hunting or fishing. They bought political stability in stateless societies and a property-rights environment that facilitated specialization and ordinary exchange. Property rights precede the state.

Evidence for the existence of property rights and social contracting in stateless societies is incontrovertible. In North America, private ownership of fishing and hunting grounds, nut trees, and seed-gathering areas was common. Owning the right to fish a particular eddy or channel of a river did not depend on who owned the land along the river. The right was transferable by bequest or sale. Similarly, an individual could own sealing rights to a particular coastal rock. The Eskimos had a simple incentive-compatible rule of allocation among hunters when the prey was the dangerous polar bear: "The hunter who fixed his spear first in the bear gets the upper part. That is the finest part, for it includes the forelegs with the long mane hairs that are so much desired to border women's kamiks (boots)" (Freuchen 1973).

5) *Humankind was an intense user of the environment for self-interested ends.* Although today we associate environmental damage with the advent of industrial society and human population growth, it is likely that prehistoric humans had a comparable if not severer impact on their environment. Humans were probably responsible for the wave of animal extinctions beginning with the "invasion" of Australia 40–30,000 years B.P. and ending with the occupation of Madagascar and New Zealand. The losses were of species that had inadequate defensive capabilities. The winnowing left the more stubbornly resistant species, able to survive all but major destructions of habitat.

A second source of ecological change induced by prehistoric peoples was their transportation of seeds in hunter-gatherer migrations throughout the world. The introduction of botanical exotics into new regions has often been noted by archaeologists who have observed the association of various plants with campsites and dwellings. Finally, human use of fire had profound ecological effects. Authors who have studied patterns of land-burning by primitive peoples have concluded that many of the great grasslands were produced by periodic burning. The disappearance of grassland areas in Northern Alberta is attributed to Canadian restrictions on traditional Indian burning.

Although today we associate environmental damage with the advent of industrial society and human population growth, it is likely that prehistoric humans had a comparable if not severer impact on their environment.

6) *Long plateaus without change are punctuated by revolutionary leaps in biological and economic development.* There were three prehistoric revolutions in the development of mankind, before the agricultural revolution: bipedalism; the invention and development of tools, including fire; and the explosive accumulation of human capital by Cro-Magnon peoples. The Cro-Magnons produced an astonishing creative outburst — in tools, art, and hunting-

gathering techniques — beginning sometime after 40,000 B.P. This great acceleration in human capital formation and Cro-Magnon's rapid spread through the major continents set the stage for the agricultural revolution. Our ancestors gained the knowledge of animals and seeds required by the agricultural way of life. The megafauna that were the favored game of the chase were eliminated, thus tipping the opportunity cost balance in favor of tilling the soil.

If we are a "kinder and gentler" species than were our ancestors who slaughtered the great mammoth and bison, it is because we can now afford to be.

What accounts for the sudden acceleration of human economic and cultural development of 30–10,000 B.P.? Cro-Magnon people had already been firmly established in Africa for perhaps 60,000 years and had already begun their spread throughout the world. The most likely cause is the emergence of language, which would make possible the accumulation and diffusion of knowledge on an unprecedented scale. The experience and knowledge of the elderly would be a valued source of information. This explains why older and incapacitated people were cared for, and their value recognized by proper burial and enshrined in art. In aboriginal societies the medicine man or woman was often a person handicapped from birth or crippled by injury. Kokopelli, widely commemorated by Southwestern and Mexican rock art, is depicted as a hunchbacked arthritic figure who plays a flute. With the advent of spoken language, the relative value of information to physical strength would have changed dramatically.

The affluence made possible by improvements in food acquisition methods would have provided the released time necessary to give attention to language development and to the rituals and social interaction that demand communication capacity. Big game hunting placed new demands on planning and cooperation; memory, operated on by ritual, allowed knowledge to be preserved and accumulated. Writing, invented by 5000 years B.P., vastly accelerated the human capacity to preserve and accumulate thought. But by this time humankind's vast knowledge of seeds, eggs, and animals had already fomented the agricultural revolution, which was made all the more necessary by the disappearance of so many of the great game animals.

The Agricultural Revolution

In the Near East, beginning about 10,000 years ago, our ancestors abandoned the hunter-gatherer way of life that had served them so well for at least 3 million years. Plant cultivation in this area also coincided closely with the domestication of sheep and goats, followed later by that of cattle and pigs. Domesticated plants first consisted of eight or nine species of local grains, but about 3000 years after grain agriculture, various fruits — olive, grape and fig — were cultivated. All these plants were domesticated forms of the wild varieties indigenous to the area. Evidence for agriculture in New Guinea, where there were no animals suitable for hunting, is dated to 9000 years ago. In North America the earliest evidence of agriculture appears in Mexico 9–10,000 years ago, but products were added slowly, one by one, over thousands of years, as if cultivation were a hobby used to supplement hunting and gathering. When Europeans arrived in the 15th and 16th centuries, there was great variability among the North American tribes in their dependence on agriculture or on hunting and gathering. In California acorns and hunting were important means of subsistence. In the Pacific Northwest salmon fishing supplemented by gathering was paramount. On the Great Plains many tribes, such as the Pawnee, Cheyenne and Arapahoe, had well-developed horticulture and pottery arts. The peaceful Pueblos of the Southwest grew cotton, corn, beans, tobacco, and squash.

The influence of opportunity costs on tribal choice of culture is well illustrated by the effect of the reintroduction of the horse to North America by the Spanish. The Spanish mustang — a docile and easily domesticated member of the *Equus* family — was a revolutionary innovation to the Plains Indian, causing many tribes to revert to the bison hunt as a permanent way of life. The Cheyenne and Arapahoe abandoned their villages, agriculture, and pottery arts to become bison hunters.

Although Coronado and other *conquistadores* lost or abandoned horses in the 16th century, it was not until the permanent colonization of New Mexico in the first half of the 17th century that peaceful Indians, forced to tend their horses, learned horsemanship from the Spanish. During this period, horses and knowledge of them were acquired by various tribes, and by the 1650s the colonial settlements faced the formidable Apaches, on horseback. All the power of Spain in America failed to subdue them. Then out of the Rocky Mountain headwaters of the Arkansas River appeared a little-known tribe of hunter-gatherers who abandoned their homelands and took to the Plains on horseback. They became great bison hunters and by 1725 invaded the Apache lands of Colorado, Kansas, Oklahoma and West Texas. Entire tribes of Apache, who had been the scourge of the Spanish, disappeared. The invading Comanches exterminated the Eastern tribes and drove the Western tribes into Arizona and New Mexico. The Comanches were the greatest warriors ever to ride the high plains and plateaus of Texas, and were without peer on horseback, with men, women and children skilled in the saddle. Their raiding parties ranged up to 1000 miles, and across the Rio Grande into Mexico; their loot sometimes consisted of hundreds of horses in a single moonlight raid. They were known for their boast that the warrior tribes permitted Spanish settlements to exist on the fringes of Comanche territory only to raise horses for them. The Spanish were never again to control West Texas, nor were the Americans able finally to control bison country until 1875 when the remnants of the Comanche tribes finally surrendered at Fort Sill, and the bison were all but exterminated and replaced by the longhorn steer. For a century and a half the history of the American West was a

continued on page 51

Clarification

There Is No Such Thing as the Environment

by William C. Dennis

But there is a *human* environment, and it ought to include wilderness *and* civilization.

There is no such thing as *the* environment. Instead, there are an infinite number of environments — one best for the liver fluke, one for goldenrod, one for the timber wolf. In ecology, these are called niches, but even this word is too much a static mental construct. The environments in which individual creatures actually live are in a continuous state of flux; to be alive is to make a continuous adjustment to these ongoing changes. Stasis is death. Thinking about environment as a *thing* is sloppy thinking, and hinders us from thinking about the relevant environment for the discussion at hand.

The only environments we humans know much about are our own environments. Talk about trees having legal standing or non-human animals having rights is nonsense. We do not know enough about the interests of trees and animals to know what their rights are, and what we do know indicates how difficult coherent thought on the matter is. When we cut down an oak, we make room for lawn grass. The self-interest of a lion is not the same as that of a gazelle. And office towers make good homes for pigeons — and peregrine falcons — if not for chickadees and shrikes. It is difficult enough to deal with conflicts among human beings; we don't even know how to talk to the animals. In thinking about environmental issues, we had better stick to the things we know something about.

The Environment of Liberty

We actually know quite a lot about the best overall environment for human beings. The important point has been made simply and eloquently by the noted ecologist Paul Colinvaux:

> I suggest that the work of philosophers for centuries has given us an understanding of what a desirable human niche must be. It was written down most clearly for us two hundred years ago in America by a group of literate men who thought profoundly about it, even as they fought for the right of their people to have it. We may say that a satisfying human niche is bounded by a set of unalienable rights, among which are life, liberty, and the pursuit of happiness. (Paul Colinvaux, *Why Big Fierce Animals are Rare*, p. 232.)

In other words, the most favorable environment for human beings is the environment of liberty: limited government, secure property rights, entrepreneurial endeavor, and domestic tranquility. In the last few years, all over the world, we have seen that if people are given a chance they will choose some variation of this environment to live in. It is an environment that kings and priests and emperors and dictators and generals and their minions and dependents and intellectual apologists have long decried. But it is an environment that has proven to be popular with the people at large. And it is a fragile environment, discovered slowly and serendipitously over time.

The environment for liberty is an ecologically sound system as well. It makes room for the great variety of human tastes, desires, and beliefs. It encourages diversity. It avoids the "putting everything in one basket" syndrome of governmental centralism. It takes advantage of the complex social orders in which humans actually live.

Consider how much of the familiar rhetoric of the ecologist sounds like that of the classical liberal. The notion of the "tragedy of the commons" more than resembles the public choice analysis of government failure. Both ecologists and libertarians know that small changes may have big effects, and understand the impossibility of changing only one thing when so many complicated and hidden linkages of events are afoot. Both recognize that resources are limited — or, in economic language, that things have prices. Both know that needs are not demands, that it is not possible to satisfy all needs at

once, and that trade-offs must be made at the margin. And both comprehend the limited power of rationality (or "wisdom of nature") resulting from the local and subjective aspects of knowledge.

When we come to consider environmental policy questions, we should seek to enhance and expand the environment of liberty and, in doing so, we should think ecologically as well. This means that the scientistic, command-and-control, central management model of much contemporary public policy is a highly suspect way of dealing with environmental concerns.

The human animal is a highly adaptable species. It is in our nature to be manufacturers, hand-users, creating by art places to live, expanding and improving our niches in the process of building. In Darwinian terminology, we have developed a successful breeding strategy.

The Real "Speciesists"

The human animal is a highly adaptable species. It is in our nature to be manufacturers, hand-users, creating by art places to live, expanding and improving our niches in the process of building. In Darwinian terminology, we have developed a successful breeding strategy.

Some of the people who call themselves environmentalists accuse humans of being aggressors against nature. But since it is in our nature to be artificers — to create artificial worlds — the exercise of this characteristic cannot be unnatural. This cannot be aggression; it is the way we are. And we are most successful at being builders when we are good stewards of those natural resources that we find or create. Economic efficiency and good stewardship go hand-in-hand. Thus, the institutions that support free exchange are likely to be ecologically sound as well.

These same accusers often claim that those who hold views like mine are engaging in "speciesism": favoring one species (in this case, *Homo sapiens*) at the expense of all others. But this is a misleading charge. Given the land mass of the world and whatever combination of available water, carbon dioxide, and temperatures may exist, evolutionary theory states that at any one time the biomass of the planet, though in continual dynamic change, approaches the theoretical maximum. Life forms will tend to exploit all available niches until they are full.

This means that as human beings, together with their wild and domestic allies — hybrid wheat, dairy cows, redwing blackbirds, sheep, cats, cotton weevils, Russian thistle, marigolds, camels, etc. — increase in number (from 5% of the world animal biomass in 1860 to 20% today), this increase must be inversely proportional to the number of species that can share a limited environment and supply of energy. By natural processes, humans and their ancillary species will grow in number and other species will have to give way — a disappointment to some, but from the standpoint of the Norway rat or the valencia orange, a development altogether worthy of applause. The total biomass of dogs, for example, is already greater than all of their more self-sufficient relatives in the wild.

When certain environmentalists favor certain species over those allied with humans, they are failing to be species-neutral. *They* are the "speciesists," guilty of precisely the charge they make against the humanist view I advocate.

Despite all our highways and parking lots, humans and their artifacts only cover a small percentage of the Earth's surface. With the intricate construction of our cities, on net we may have actually enlarged the environmental space available to the planet's biota. Some writers, a few of them serious scientists, believe that the human destiny is to spread the species of planet Earth throughout the Solar System and beyond. If so, our presence here will be a boon for all the world's creatures.

Of course there are a number of very good human reasons for preserving a wide and representative variety of organisms, but the mere reduction in species numbers owing to the expansion of the human population is not one of them. There is nothing apocalyptic about this development, or even anything particularly unusual, other than the probable accelerated rate of its occurrence as our numbers have increased. Humans have *not* been a disaster for this planet.

Amenities and Trade-offs

A free society is likely to be a relatively rich society as well. Members of a rich, free, sophisticated modern republic generally desire peaceful neighborhoods, bustling urban centers, sports stadiums and concert halls, convenient shopping areas, individually based transportation systems, and much more as part of their environment. Outside the realm of rhetoric, there is little *real* disagreement over this; not many environmentalists are seriously reorganizing their lives to give up these goods. But those who live in such a society will probably wish to have a great variety of environmental amenities as well: golf courses, lawns, public parks, and other forms of local green space; wilderness areas; agricultural vistas; clean air and water; projects for species preservation; and other good things.

Richer is better, richer is safer, richer is more environmentally pleasing.

With these environmental amenities, as with all goods, there are bound to be trade-offs on the margin, disagreements over the proper mix of goods, conflicts over specific resource use, arguments over definition, and collective effects even when there is no common view or interest.

This leads to an important realization: there are few environmental public goods. Most environmental amenities affect people differentially, benefitting some and disadvantaging others in different ways and to different degrees. The preferable mix of environmental features varies considerably from person to person. Even where

agreement is substantial, actual preference often leads to disagreement.

Wilderness is a good example. Most American wilderness is found on public land (or "political land," in Terry Anderson's more apt phrase). It is primarily used by a fairly small group of relatively rich hikers and climbers and a rather larger group of nominally poor, but certainly able-bodied and employable, students. It is primarily *paid for*, not by these people, but by the already-overburdened taxpayer. In addition, other groups of potential users — lumberjacks, miners, cattle ranchers, oil producers — have more direct grievances with the wilderness advocates than those of the general public. So the average taxpayer labors a few extra minutes each year to pay for wilderness and foregone taxes on productive endeavor so that some people can have a free wilderness experience. This doesn't seem fair to me.

But the problem with the political provision of wilderness does not stop with the question of equity. Wilderness advocates are deeply divided on how to manage these lands over such questions as trails, bridges, access roads, hunting, group use, capacity limitations, wildlife management, rescues, campfires, off-trail travel, handicapped access, trail huts, and more. None of these conflicts have "correct" answers and with each policy decision, some are harmed, others helped. Bureaucrats make decisions about public resources that wilderness users have come to consider for all practical purposes to be their own. So hardly anyone is happy and grievances accumulate about resource use. Dealing with these questions in a political way only furthers the expansion of government at the expense of liberty — ironically, in the name of promoting "the freedom of the hills."

Over time, continued conflicts of this sort weaken the forbearance, goodwill, and republican spirit upon which a free government depends. Perhaps worse, the political provision of environmental amenities allows people to avoid facing up to the ecological principle behind the notion of trade-offs, and teaches the false idea that good things can be free of cost. In my mind, the reliance on the public provision of environmental amenities, as in the case of wilderness, wastes resources, leads to contentious wrangling, satisfies few, and weakens the institutions of liberty.

Putting Things Into Perspective

A richer, freer, more scientifically advanced world should be able to cope with environmental difficulties. As Aaron Wildavsky might say: richer is better, richer is safer, richer is more environmentally pleasing. And we know now the best framework for producing these riches: a liberal political order, with secure and transferable property rights, limited government, and freedom of action. With this formula in mind, it is not difficult to imagine how ecological issues should be approached. Create property rights in scarce resources. Turn wilderness areas over to non-political, non-politicized stewardship. Make polluters — not innocent taxpayers — pay cleanup costs. Above all else, unleash human creativity and initiative, so that new environmental problems that emerge can in turn be solved.

Once again, we are back to the environment for liberty.

The whole concept of "environment" is a construct of the human intellect. Only human beings can study the world in which they live and conceive of different and perhaps more desirable alternative futures. Even natural resources, which certainly appear to be hard reality, existed only as what geographer Erich Zimmerman called "neutral stuff" — until the genius of the human intellect saw possibilities for their use that had never been perceived before. The mind is the first and in many ways only resource — and liberty is surely the key to its highest exploitation.

In a free society, the mind need never be a resource in scarce supply. ❑

Smith, "The Economics of the Emergence of Humankind," *continued from page 48*

history of fear and terror of the Comanches who, before the arrival of the mustang, were a threat to no one, picking berries, digging roots and hunting miscellaneous game in the Eastern Rockies.

Finis

All we are today is a product of prehistory. If there is much that is new in historical time it is because we have had many millennia to accumulate the human capital made possible once our hunter-gatherer ancestors learned to learn. If we are a "kinder and gentler" species than were our ancestors who slaughtered the great mammoth and bison, if we can care enough to launch a massive effort to save three great whales trapped under the Arctic ice, if we can debate reintroducing the timber wolf into Yellowstone Park, it is because we can now afford to do all these things and have learned to treasure the value and power of individual responsibility for natural resources.

But growth has been episodic, not linear. We leaped from one plateau to another less than a half-dozen times after we escaped — so improbably — the primate origins that themselves required three billion years of sporadic change to create. Through all these sweeping changes, there is discernible the blurred, unconscious outline of continuity in humankind's development of the capacity to respond to effort prices, to create cheaper techniques and products to substitute for dearer ones, and to accumulate and preserve knowledge, our most precious capital asset. ❑

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Challenge

Why I Won't Live in Disco Bay

by R. K. Lamb

Private property, rule of law, and a culture of responsibility: these are the foundations for a free society . . . according to libertarian theory. But could the "private property" part be wrong?

Years ago, I lived in a mobile-home park in Everett, Washington. It was a "proprietary community," a down-home example of the theory advocated by many libertarians. A private developer had built it. He owned the land, and he set the rules.

Even the streets were private. But the speed limit was 10 m.p.h. — excruciatingly slow, I thought. As a mere resident, I had no vote in the matter. He also banned children. If a couple had a baby, they had to move out within a year.

When I decided to sell the mobile home, I found that there was one real-estate agent: the park manager. Legally he could not enforce his monopoly, though he would have if the law allowed it. In practice, he insisted on a 7% commission, and got it.

He also objected to plants. The entrance to our front door was a tunnel under a broadleaf lilac tree and a vine maple. "These'll have to go," he said with obvious distaste. He'd come around with his backhoe and rip the trees out himself, and bill me a hundred bucks. I had nothing to say about it. He was being lenient: he could have ordered me to dig up the trees any time.

The manager's mobile home had no trees — just a flat lawn and three trimmed camellias shoved up against the side of his tin house. Well, he was the manager, and he set the esthetic standards in his park. Plastic ducks and ceramic leprechauns were okay, but not vine maples. Too disorderly.

It was a relief to get back to the public streets. Nobody told me what to plant, or dig up. For a couple of lazy years, I harvested the back lawn with a Weed Eater once a year, when the grass dried out and got to be a fire hazard. In the mobile-home park they would've sent a boy to do it and billed me at the end of the month.

In the city where I live now they don't have mobile-home parks, but across the harbor is a proprietary community called Disco Bay, which is reachable only by motor launch. In Disco Bay, the only vehicles you're allowed to have are golf carts. The development company has a monopoly on the sale of these carts — and behaves just the same way theaters do when they set the prices on popcorn. The developer also has a monopoly on the ferry service. Every time it raises the fares the newspapers in town are full of complaints. Residents have staged demonstrations — though at Disco Bay itself, I believe they have no legal right to do so. It's all private property.

Libertarians are all in favor of private property, and a (near?) absolute right of the owner to set the rules. Libertarians are also in favor of such things as freedom of speech, of assembly, demonstrations and picketing, etc. But in a libertarian society, in what *place* are these to be exercised? Where do you see them now: on public streets? or in proprietary shopping malls?

Workplaces are also proprietary communities. Libertarians would be up in arms against any proposal for mandatory urine tests of, say, state university professors. But if a privately owned lumber company ordered drug tests at every one of its sawmills, what then? It's not a hypothetical case. Some companies now insist on testing for nicotine, in an effort to cut down on their health-care costs. This is private sector — if you don't like it, quit and work somewhere else. Completely libertarian.

You want all education to be private? So the private schools say: "Any student who comes here has to have

continued on page 54

Fiction

The Optimal Number of Criminals

by J. Orlin Grabbe

Johnny Latham was the sheriff of Mad Dog, Texas. Johnny had a problem. The boys over at the mayor's office provided him with an allowance according to the number of bona fide criminals he arrested. With this allowance he paid his expenses and kept whatever was left as salary. The way the mayor saw it, if there weren't any criminals, there was no sense in wasting money on law enforcement.

Johnny was sitting on the courthouse steps sunning himself. He rubbed the stubble on his chin, pushed back his hat, and reflected. If you just leave it be, the criminal element breeds like flies. Pretty soon there would be thieves, vagabonds, no-goods, and hell-raisers all over Mad Dog. Why then he could just mosey down the street and pluck 'em off the corners for a fast buck, just like taking whiskey from a Baptist.

No. The mayor wouldn't like it. Johnny knew that a crime wave would induce the mayor to cut back on the bounty per criminal. First, because the budget couldn't take it, and second because he would become increasingly reluctant to shell out good money to a no-good sheriff.

Then there was the matter of deputies. Hiring deputies was one way to keep the jails full. But more deputies meant more ways to split the profits. Also, as crime dried up, criminals would be more costly to apprehend.

In the course of Johnny's meditations a wandering minstrel-economist, possessed of a guitar and a merry countenance, came up the street.

"Hey there, feller, what brings you to Mad Dog?" Johnny demanded.

"I'm a wandering minstrel-economist," explained the wandering minstrel-economist.

Whereupon Johnny explained his difficult problem.

"I'll solve your problem for you," the minstrel-economist said, "but first I'll sing you a little song."

"Never mind that," said Johnny.

"What you've got is a capital resource management problem," the minstrel-economist said. He began to scribble with a pencil on the concrete steps. Johnny got m(k) dollars per criminal. This amount increased with the number of criminals, k, but at a decreasing rate, because of the mayor's reaction to the growth of crime. From m(k) he had to subtract costs per criminal, c(k). Costs increased as the number of criminals dropped, because it became increasingly hard to find and catch them. The number of criminals caught was a function, f(L), of the number of lawmen, L. Thus Johnny would maximize the discounted present value of the future profits per lawman:

$$\max_{L} \int_0^{\infty} \exp(-rt) \; \frac{1}{L} \, [m(k) - c(k)] \, f(L) \, dt.$$

Johnny looked at the equation in admiration.

"Now, for the next part, think of a fishery," the minstrel-economist said.

"A fishery?"

"Sure. Just think of Mad Dog as a holding tank for potential criminals.

"Now in a fishery," the minstrel-economist continued, "if the number of fish gets too large for the environment, the fish eat all the food and die out. On the other hand, if the number gets too small, well, your cost of catching them goes up. So we have to figure out just the right fishing rate to keep things as lucrative as possible."

Ain't that the truth, Johnny thought to himself. He had always figgered that organized crime and organized crime-fighting were two parts of the same dynamic feedback process, but he had never seen it spelled out quite so clearly before.

Since crime breeds crime, the growth of criminals, g(k), was a function of the number of criminals. They figured that

the environmental carrying-capacity for criminals in Mad Dog was N, since that was the population. As the number of criminals k approached N, the growth in crime would slow, since no-goods would squabble among themselves and thieves would find fewer things to rip off. So Johnny's state equation looked like this:

$$k = g(k)\left[1 - \frac{k}{N}\right] - f(L)$$

The minstrel-economist scribbled some more, eventually writing down optimal control and response equations. "Note," the minstrel-economist said, "that in equilibrium the discount rate r equals the marginal productivity of criminals, adjusted by a second term. The second term represents the marginal change in profit from an additional criminal, expressed as a percentage of the current-value shadow price of criminals."

"You got me there," Johnny said.

The minstrel-economist then proceeded to integrate the equations to obtain the optimal number of lawmen and the optimal number of criminals as a function of time, which, Johnny explained, only flowed six days a week in Mad Dog, because everyone liked to take Sundays off.

"I'll be darned," Johnny said with a sense of satisfaction. He was still looking at the figures when the wandering minstrel-economist disappeared into the sunset. This was no small feat, as it was only two o'clock in the afternoon.

Back in the office Johnny unlocked the cash box, took out a roll of bills, and stuffed them in his pocket. He went out and climbed into his Ranchero pickup. He headed down Main Street towards the local café.

He was ready to hire hisself some deputies. ❑

Lamb, "Why I Won't Live in Disco Bay," *continued from page 52*

his urine tested once a week." As a parent, I might like that a lot.

The fellow from Stanford University, caterwauling in the July 1991 *Liberty* that he'd been fired, doesn't seem to get this. He'd publicly proclaimed that illegal drugs (MDA) were swell, and he was recommending them to his students; he had taunted the federal drug czar personally; and in effect, he had dared the university to fire him. So it did.

What does this guy expect? By proprietary-community rules, Stanford can set any standard it wants. In a libertarian society it could insist on the right to search any lecturer's backpack — or his toilet bowl — as a condition for employment. In a private-property world, Stanford is just another private employer — and wouldn't your employer fire you if you went around telling clients to eat illegal drugs? Mine would. In a private-property world, any *employee* who insists on "academic freedom" against the management can damn well find another university to work for — or start his own. Only the university — the property owner — has academic freedom.

Libertarians are quick to denounce public-sector officials, but if it's a for-profit corporation squeezing them, they accept it. I know a guy who's dead-set against government ID cards in his wallet, but spends more than 40 hours a week with a Boeing photo-ID pinned to his shirt. I know another who'd never tolerate the government forbidding him to write, but has agreed as a condition of employment not to write articles like this one.

What do you want? A world where you can do mostly as you like? Or one in which today's public property is carved up into islands of private property, and the landlords have an unlimited right to set the rules? You'll get more rules, not fewer.

So what do you want more: A world where you can do mostly as you like? Or one in which today's public property is carved up into islands of private property, and the landlords have an unlimited right to set the rules? You'll get more rules, not fewer. The process won't be democratic. I didn't have any leverage against that mobile-park manager. My friend in Disco Bay is waiting months for his overpriced golf cart.

And if you *are* willing to live with that kind of control imposed by a businessman, what should be the political limits, if any, on the rules he imposes? Conversely, shouldn't the city council be able to impose more rules on public property than it does now? Why is it that in a mobile-home park I have no right to grow a vine maple, but in the publicly owned New York subway, bums have a right to camp out in the corridors, harass the customers and piss against the walls? No private owner would allow that.

You figure it out. Meanwhile, I'm not moving to Disco Bay — or New York. ❑

Errata

In the March 1992 issue we inaccurately referred to the late Mr Warren Brookes as "Warren Brooks."

We apologize for this error.

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Reviews

The Impossible H.L. Mencken, **Marion Elizabeth Rodgers, ed. Anchor Books, 1991, 707+lx pp., $15.00.**

H. L. Mencken: Libertarian or Conservative?

R. W. Bradford

Was H. L. Mencken a libertarian or a conservative?

Many libertarians and conservatives claim him as a member of their respective tribe, and it is easy to see why. In a literary career that spanned 50 years and 5 million words (his estimate), it should not be surprising that Mencken would have written passages that would warm the hearts of both groups. Conservatives take pleasure in his suggestion that habitual criminals be executed, libertarians in his rousing defense of first amendment rights. Both can delight in his brilliant attacks on the modern "liberal" state. Libertarians take heart from Mencken's occasional self-description as a "libertarian," conservatives from his self-description as a "reactionary or Tory."

As I read *The Impossible H. L. Mencken: A Selection of His Best Newspaper Stories,* I added to my store of evidence that the correct answer to the question of whether Mencken was a libertarian or conservative is a simple "No."

Throughout his career, Mencken took positions that were anathema to both conservatives and libertarians. Before I will be convinced that Mencken was a libertarian in the sense in which the term is commonly used today, someone will have to explain to me how Mencken's campaign for a municipally owned water system in Baltimore in 1912 is consonant with libertarian theory. Someone will have to explain away his sorrow in 1948 that the Federal Communications Commission doesn't prohibit ownership of television stations by newspapers, and this praise for tax-supported radio, penned in 1931:

> The B.B.C. [British Broadcasting Corporation] is a Government agency, and is supported by a small annual tax on radio outfits. It sends nothing shabby, cheap or vulgar onto the air. There is no bad music by bad performers; there is no pestilence of oratory by ignoramuses; there is no sordid touting of toothpastes, automobile oils, soaps, breakfast foods, soft drinks and patent medicines. In America, of course, the radio program costs nothing. But it is worth precisely the same. (pp. 50–1)

And this 1931 observation:

> For it is an absurdity to call a country civilized in which a decent and industrious man, laboriously mastering a trade which is valuable and necessary to the common weal, has no assurance that it will sustain him while he stands ready to practice it, or keep him out of the poorhouse when illness or age makes him idle.
>
> At the moment, of course, there is no time to discuss these things at length. The pressing business is to relieve actual suffering . . . the immediate problem is simply that of getting enough [money] away from those who have more than they need to succor those who have nothing. (211–2)

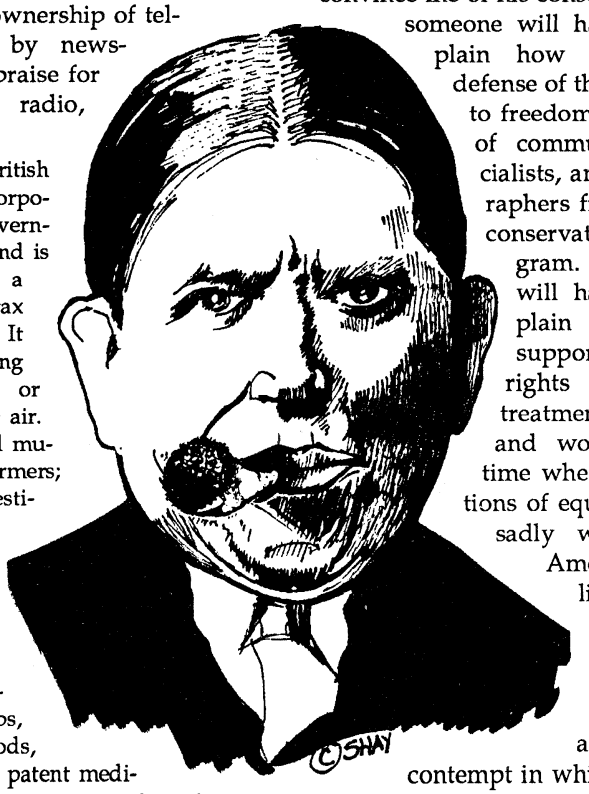

There's also lots in *The Impossible H.L. Mencken* that contradicts the claim that Mencken was a conservative. To convince me of his conservativism, someone will have to explain how Mencken's defense of the the right to freedom of speech of communists, socialists, and pornographers fits into the conservative program. Someone will have to explain away his support of equal rights and equal treatment of blacks and women at a time when such notions of equality were sadly wanting in American public life. In particular, someone will have to explain away the contempt in which he held religion, and his advocacy of such "radical" notions as evolution.*

In philosophy, Mencken inclined toward skepticism. Whenever he encountered a systematic philosophy or ideology, he expended considerable energy criticizing it. Further, he was in-

clined to characterize the bases of his own thinking as simple prejudices that he had held since childhood. Hence Stephen Cox's claim that Mencken "offered not a coherent ideology but a gift of individual style, insight, and culture."† Though Mencken himself would probably agree with Cox's view, I remain unconvinced.

Mencken had a coherent ideology, even though he was inclined to deny it and it does not fit neatly into any contemporary ideological box. Because he was an extremely critical thinker, he preferred not to think in terms of broad first principles. But that does not mean that his thinking lacked a coherent basis.

His political thought was what we would today call classical liberalism, modified by Darwinian and (curiously) Nietzschean influences. He advocated a coherent view of what government ought to do: it should defend people in the use of their own property and provide for the common welfare regarding what today would be called "public-goods" issues and in certain emergency situations. Although the range of government activities he advocated was not much by today's standards, it was far wider than most libertarians would gladly tolerate. This political philosophy is not very pleasing to those libertarians or those conservatives who claim him as one of their own. But it is consistent with virtually all of his policy recommendations and comments on political issues, including those that convince libertarians and conservatives that he is one of them as well as those that convince me that he is one of neither.

The Joy of Mencken

The publication of an anthology subtitled *A Selection of His Best Newspaper Stories* sounded like wonderful news to me. I have enjoyed reading Mencken since I was a teenager, and over the years I have read virtually all of his writing that is easily available and much that is not. In the former category are his books and the collections of his magazine writing that remain in print or are available at libraries; in the latter category are his very substantial contributions to *The American Mercury* (1924–1933).

But until the publication of *The Impossible H. L. Mencken,* his very considerable writing for the daily press was mostly beyond my grasp. Aside from a few pieces included in anthologies, I had to be satisfied with brief quotations that have appeared in various critical essays and biographies. The bulk of his newspaper writing was done for the Baltimore Sunpapers, which have never been available in libraries where I have lived.

Although the range of government activities Mencken advocated was not much by today's standards, it was far wider than most libertarians would gladly tolerate.

Furthermore, Marion Elizabeth Rodgers, who put together the volume, had already demonstrated very considerable talent in her edition of the letters between Mencken and his wife, Sara Haardt. And the book was big: more than 700 oversized pages. I salivated for it as a Catholic schoolboy lusts for his first candy after Lent.

When I first leafed though *Impossible,* I was disappointed. A lot of it was easily available in other anthologies. Here is "The Sahara of the Bozart," Mencken's evaluation of the culture of the American South and certainly his most widely anthologized essay. Here is Mencken's memorable translation of the Declaration of Independence into American, which is also found in *The American Language* and *A Mencken Chrestomathy*. Here is "A Neglected Anniversary," his totally fictitious "history" of the bathtub, anthologized in the *Chrestomathy* and rechristened as the title essay of *The Bathtub Hoax*. And "A Gang of Pecksniffs," the title essay of another anthology of Mencken's writing, and "A Carnival of Buncombe," the title essay of yet another Mencken anthology. Here also are his portraits of Coolidge and of Aimée Semple McPherson (both in *Chrestomathy*) and of Valentino (in *Prejudices* and *Chrestomathy*). Plus several selections from his writing on presidential races, previously anthologized in *The Carnival of Buncombe*. And on and on. All wonderful stuff, but why bother to anthologize such easily available material?

Nevertheless, I heaved *Impossible* into my baggage when I left for Hawaii last month. While other *haoles* sat burning on the beach enmired in the latest Danielle Steele or Robert Ludlum, I would read Mencken. Surely I would find *something* that was new to me.

And I did. There was lots and lots of new Mencken. Mencken on radio, on the history of the Sunday school, on the telephone, on the hot dog, on the automobile. Mencken on life in New York City, bald heads, San Francisco, the comics, Cuba, traffic jams, Israel, the American countryside, domestic life, the 1904, 1940, and 1948 presidential elections (missed in *The Carnival of Buncombe*).

The collection sparkles. It dazzles. It amuses. It provokes. It angers. Mencken is so lucid, so full of life and joy that reviews of his books usually consist almost entirely of long quotations from the book under review. Try as I may, I am unable to resist this temptation.

Here we have Mencken the reporter, describing a Ku Klux Klan rally:

> In the kleagles and other dignitaries, of course, this new voluptuousness went to great lengths. Some were clad in billowy gowns of sea-green satin, with turbans on their heads set with synthetic rubies. Others were swathed in yellow, red and blue. They were, in the main, men of girth and so there was plenty of room for showing off their finery. One imperial profligate rode upon a coal black charger, and had a slave to lead his mount by the bridle. His uniform was

* Mencken's politics are sometimes mischaracterized in even more bizarre ways. In 1934, Elizabeth Dilling, in her classically paranoid *The Red Network* (p. 306), identified him as a radical leftist. When questioned about her accusation, Mencken responded, "I was hoping this wouldn't get out, but now that Mrs Dilling's researches have exposed me, I might as well confess. I have been receiving $100,000 a year from Moscow since 1920, and for the past several years have been printing inflammatory propaganda in the papers . . . Woof! Woof!" (*Disturber of the Peace*, by William Manchester, 1961, p. 310)

† "Albert Jay Nock: Prophet of Libertarianism?" *Liberty*, March 1992.

> a mass of glittering gems, the love-offering, no doubt, of his lieges sweating on foot behind him. He acknowledged the huzzahs of the rabble with graceful sweeps of the left hand. A regal fellow, and much happier in patriotic work, you may he sure, than he ever was in the lime and cement business. (60)

Mencken reports from Dayton, Tennessee, on the famous trial of John Scopes, who was accused of teaching evolution in violation of state law:

> To call a man a doubter in these parts is equal to accusing him of cannibalism. Even the infidel Scopes himself is not charged with any such infamy. What they say of him, at worst, is that he permitted himself to be used as a cat's paw by scoundrels eager to destroy the anti-evolution law for their own dark and hellish ends. There is, it appears, a conspiracy of scientists afoot. Their purpose is to break down religion, propagate immorality, and so reduce mankind to the level of the brutes. They are the sworn and sinister agents of Beelzebub, who yearns to conquer the world, and has his eye especially upon Tennessee. . . . (573)

The 50 pages of Mencken's reports on the Scopes trial is worth the $15 cover price of the book by itself.

We also see a bit of Mencken the prophet. It took a half century for Mencken's prediction about federal insurance of bank deposits to come true:

> The Federal insurance scheme has worked up to now simply and solely because there have been very few bank failures. The next time we have a pestilence of them it will come to grief quickly enough, and if the good banks escape ruin along with the bad ones it will be only because the taxpayer foots the bill. (208)

We even see Mencken in a reflective mode:

> A home is not a mere transient shelter: its essence lies in its permanence, in its capacity for accretion and solidification, in its quality of representing, in all its details, the personalities of the people who live in it. In the course of years it becomes a sort of museum of those people; they give it its indefinable air, separating it from all other homes, as one human face is separated from all others. It is at once a refuge from the world, a treasure-house, a castle, and the shrine of a whole hierarchy of peculiarly private and potent gods. (126–7)

In all, *The Impossible H.L. Mencken* includes 685 pages of Mencken's newspaper writing, plus a foreward by Gore Vidal, an introduction by Marion Elizabeth Rodgers, and an index. Rodgers offers a brief biography that serves as a useful introduction to Mencken's writing. About Vidal's Preface, one can only surmise that the publisher figured it might sell books, though why Vidal would be thought helpful to sales of Mencken only God knows. On the very first page, Vidal makes an egregious error of fact: "From 1906 to 1948, [Mencken] was connected with the Baltimore *Sun*, as a columnist, feature writer, editor." In actual fact, for twelve of these 42 years (between March 1915 and February 1920, and again from February 1941 until sometime in 1948), Mencken wrote virtually nothing for the *Sun*, because of his disagreement with the *Sun* over matters of World Wars I and II and Franklin Roosevelt. But who, faced with the opportunity to read Mencken, would want to take the time to read Vidal?

The rest of the book recovers some of Mencken's best — and hitherto least accessible — writing. It's an excellent *hors d'oeuvre* for the uninitiated and a satisfying entrée for the longtime enthusiast. ❑

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Contingency, Irony, and Solidarity, by Richard Rorty. Cambridge University Press, 1989, 208 pp., $37.50 hc, $11.95 sc.

Irony, Cruelty, and Liberty

Daniel B. Klein

Most libertarians show essentialist or foundationalist turns of mind — "there is an absolute truth and an absolute right out there, and I'm putting my chips on libertarianism." Some theorists, notably Rand and Rothbard, would have us believe that "natural rights" or "self-ownership" or "consent" are essential, eternal moral Truths that they have discovered. There are profound problems with this approach, however, and those enmired in it might consider thinking *without* absolutes, essences, and foundations.

Libertarians seeking to unload the philosophical dead weight might do well to consider pragmatism. The chief articulator of pragmatism in America today is Richard Rorty, whose most recent volume, *Contingency, Irony and Solidarity,* expresses the pragmatist view of selfhood and political belief and relates these matters to the broader goal of avoiding cruelty.

The Pragmatist View of Selfhood

The pragmatist advises giving up the idea of a "real" or "permanent" or "essential" you. The way you have come to describe yourself is the product of blind contingencies — what family, neighborhood, tribe, or nation you were born into, what friends you happened to make, what books you happened to read, what schools you happened to attend, what jobs you happened to get. These contingencies affect the doings of the physical you — and, more importantly, the way you have come to describe those doings. They also bring you in touch with different cultures, from whole nationalities down to two-person relationships, each cohering by virtue of its own particular vocabulary. When theorizing about yourself, you snip shreds from these vocabularies and reweave them, creating something familiar yet new.

The way you describe yourself may be at great variance with how others describe you. Thorstein Veblen, for example, probably thought of himself as a revolutionary social theorist advancing the cause of humanity and equality. H.L Mencken described Veblen as a "doctor obscurus," a peddler of platitude, nonsense, and unconscionably bad English. Neither description, nor any other, has a privileged, metacultural status.

Selfhood is not only contingent, but changing. Over the course of your life you buy into, or create, different vocabularies to describe yourself. Some people change self-descriptions like others change automobiles. I used to describe myself as a "natural-rights libertarian"; now I describe myself as a "pragmatist libertarian." I used to describe myself as an "Austrian economist"; now, I don't.

The individual aware of the contingency of his own selfhood Rorty calls an "ironist" — an apt and charming term. The ironist sees no description of himself as having a privileged, metacultural status. The ironist is never very grave about himself, just as the pragmatist is never very grave about his message. The ironist doesn't claim to have a glimpse of his Real Self in his diary, just as the pragmatist doesn't claim to have a droplet of Truth in his working paper. The ironist has a self-description that is self-consciously contingent, is largely narrative-based, and will probably be superseded by a new self-description.

The person intent on developing a self-description that has never fit anyone else Rorty calls "the strong poet." The strong poet is not satisfied to wear prefabricated self-descriptions. He wants to fashion his own unique wardrobe, sewn from materials he finds in the cultures he moves in. To wear these self-crafted outfits, however, he must make clothes that fit properly. He can hardly fancy himself an innovative architect if he has never designed a structure. So to wear a new outfit, to describe himself as something new, the strong poet must *do* something new; otherwise, others will call him a loon. Nietzsche was able to think of himself as "the last philosopher" because, to his mind, he had debunked the Plato-Kant canon and laid that enterprise to rest. People who don't think Nietzsche accomplished this call Nietzsche a loon.

The pragmatist advises giving up the idea of a "real" or "permanent" or "essential" you. The way you have come to describe yourself is the product of blind contingencies.

In fashioning this unique wardrobe the strong poet must weave old material into new cloth — otherwise, he has no claim to newness. This entails a redescription of that which the strong poet stands in relation to; thus, for example, Nietzsche had to redescribe his predecessors in order to dress himself as the last philosopher. This process of redescription is the process of producing theory.

When a strong poet is also an ironist he faces a certain tension. As an ironist, the strong poet must fashion his wardrobe knowing all the while that there is nothing final about his description of things. He knows that his description will be superseded, that it will be the common cloth of future describers. Rorty refers to the product of ironist strong poets as "ironist theory."

Much of Rorty's book is devoted to exploring how ironist theorists have dealt with this knowledge that they will ultimately be superseded. Rorty exam-

continued on page 61

Richard Rorty, still fellow-travelin' after all these years.

Utopian Passions

David Horowitz

The monuments have fallen now; the faces are changed. In the graveyards the martyrs have been rehabilitated, and everywhere the names are restored. In a revolutionary eyeblink, a bloody lifetime has passed into history.

During the climactic hours of the Communist fall, someone — Boris Yeltsin perhaps — observed that it was a pity that Marxists had not triumphed in some smaller country, because "we would not have had to kill so many people to demonstrate that utopia does not work."

What more is there to say?

Nothing, if we could be sure that this was truly the end of it. If we could really close the book on the long, sorry episode of human folly and evil that the socialist experiment has turned out to be. If we could look on this futile tale of human suffering and deprivation as a tragic detour in the march of progress, now safely left behind. But to do so would be to court yet another illusion: That the chronicle of misfortune that makes up the socialist chapter in the human epic was indeed an aberration — the result of mistaken ideas now painfully corrected, rather than passions rooted in the human heart.

In some sense, of course, the entire episode of this failed utopia can reasonably be viewed as a colossal mistake. Few doctrines have been proven so wrong as the socialist doctrine of Karl Marx. None, by the very force of its error, has been the cause of so much human misery and heartbreak. Yet this merely identifies the paradox: How could such error inherit such power? What can account — even now, after the fall — for the continuing presence of Marxist paradigms and socialist values in America's universities and in other institutions of its intellectual culture?

At least a part of the answer lies in the oft-noted affinity of Marxist ideas for much of what is held to be modern and intellectually valuable in the cultural heritage of the West. It is for this reason that, through its entire bloody history, Communism has been able to draw on the support (and count on the forbearance) of many who were not themselves members of the radical faith. Here is a cold war balance sheet of their service recently drawn:

> It will always be a mark of moral and intellectual dishonor for the West, that in this historic and protracted encounter with the adversaries of freedom and democracy so many of our most gifted writers, artists, scientists, and intellectuals were more energetically engaged in opposing our own political institutions and the ideas essential to their survival than in questioning either the lethal political doctrines that were designed to destroy them or the elaborate edifice of cultural mendacity that was spawned by the Communist movement for the express purpose of bringing down the democratic societies of the West. (Kramer 1991)

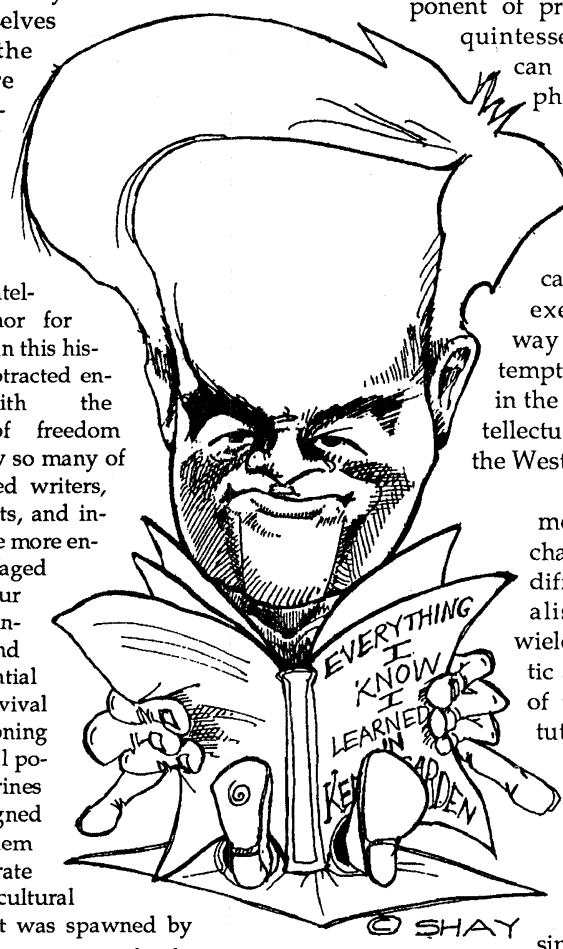

Now that Communism is buried, the same "progressive" voices are proclaiming that it is not "real socialism" but only a Soviet version that has died, that free-marketeers have not been vindicated by their Cold War victory, that the radical ideals of the socialist Left are not implicated by the crimes conducted in their name. Although Marxism itself is inevitably in retreat, a rainbow of parallel ideologies has emerged to take its place. The new paradigms are built on gender and race instead of class, but at their core is the same old utopian project: to create a world of perfect equality and human unity. At a moment when the wounds of whole continents lie open and bleeding in the East, in the West the utopian passion is being born again.

The extent of its progress is manifest in recent writings of the philosopher Richard Rorty, one of America's foremost academics, and the chief living exponent of pragmatism, the quintessential American philosophy. A philosophic skeptic and political liberal, Rorty's response to current radical enthusiasms exemplifies the way the totalitarian temptation still lives in the heart of the intellectual culture of the West.

Rorty's "postmodern" posture characteristically differs from liberalisms past in wielding a nihilistic axe to the root of the very institutions and traditions that make liberal society possible. As a result, his liberal faith — whose sincerity is not in doubt — comes to seem merely sentimental and thus provokes suspicions of hypocrisy from friends and enemies

alike. One of Rorty's students, New Left professor Cornel West, head of the African-American Studies Department at Princeton, puts the question to Rorty directly. How can Rorty "kick the philosophical props from under bourgeois capitalist societies and require no changes in our cultural practices?" West asks in *The American Evasion of Philosophy*. In the same book, he condemns Rorty for his "barren" philosophizing and his "fervent willingness to preserve the prevailing bourgeois way of life in North Atlantic societies. . . ."

In his reply to West, Rorty demonstrates the continuing attraction of the prophetic fantasies of the political left

Rorty's response to current radical enthusiasms exemplifies the way the totalitarian temptation still lives in the heart of the intellectual culture of the West.

for American liberals. Far from recognizing an ideologue like West as a political enemy, Rorty instead apologizes for his own ineffectuality in promoting a radical agenda: "Unless we pragmatic philosophy professors find some prophets who can serve as auxiliaries, we are not of much interest." Seeking to excuse any vigilance he might be seen to be exerting in defense of bourgeois society, Rorty explains that his concern is "largely a matter of urging that we hang on to constitutional democracy — the only institutional aspect of the 'prevailing bourgeois way of life' about which I get fervent — while patriotically striving to keep social protest alive" (Rorty 1991).

For Rorty, America's constitutional order is only an "aspect" of its existence, without organic relation to other institutions like free markets, private property, and the unpragmatically self-evident truths of a Judeo-Christian tradition. The radical assault on America's foundations is, in this view, a benign surgery, without radical consequences for the political liberty those foundations have made possible. In this way, Rorty can still think of himself as an apostle of American liberalism while embracing a project that is its radical negation.

In the end, Rorty's posture is that of the classic fellow traveller — to will the ends of revolution but not the means. Starting from the premises of universal skepticism and nihilistic doubt, he concludes with hope for the victory of believers of the radical faith:

> Pragmatism in the professorial sense is just a repudiation of the quest for certainty and foundations, which Vest has described as "the evasion of philosophy." This evasion is socially useful only if teamed up with prophecies — fairly concrete prophecies of utopian social future. (Rorty 1991)

This social utopia, Rorty had explained a year before the communist collapse, should be built on radical egalitarian foundations: "Suppose that somewhere, someday, the newly-elected government of a large industrialized society decreed that everybody would get the same income, regardless of occupation or disability. . . . That country would become an irresistible example. . . . Sooner or later the world would be changed" (Rorty 1988).

Indeed — as all the suffering of this revolutionary century attests — it would.

Rorty's wish to be "socially useful" is really a form of the religious desire that the modern temper denies, and that radical messianisms, like the Marxist faith, come forward to satisfy. This is the common aspiration that creates the popular front between the revolution and its apologetic liberal allies. For the abiding root of the revolutionary impulse lies not in the frailty of the human intellect, but in the weakness of the human heart.

For the Left, it is not socialism, but only the language of socialism that is finally dead. In the universe of post-modern relativists, there is no truth, no lesson that can be derived from this terrible experience, only competing "stories" of the past and future. To be reborn, the Left has only to rename itself in terms that do not carry the memory of insurmountable defeat, to appropriate a "narrative" in which the Leftist utopia can still propose itself as a moral "solution."

It is a task already well under way. In a Los Angeles *Times* essay that appeared one month after the dissolution of Communism in the Soviet Union, the head of the sociology department of one of America's leading universities proposed this revised version of the socialist myth:

> The grand social narrative of American life is what we might call the Drama of Democracy: a messianic, at times apocalyptic, struggle to secure a world where all people will be free, equal, independent and without want. (Alexander and Sherwood 1991).

In this way the same utopian fantasy that has filled the world with so much treachery and unhappiness in our time is being revived as a patriotic vision.

The conflict that now divides America's political culture is a familiar one. According to the radical myth, new style: "The dramatic tension (in America's social narrative) arises from the struggle to make this 'American

For the Left, it is not socialism, but only the language of socialism, that is finally dead. In the universe of post-modern relativists, there is no truth, no lesson that can be derived from this terrible experience, only competing "stories" of the past and future.

Dream' available to everyone." But contrast this with the conservatism of *The Federalist* #10, which found solace in the geographical vastness of the new republic because of the obstacles so many factions would pose to a party bent on socialist redistribution:

> A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it, in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.

In the post-Communist era, the dra-

matic tension of the American narrative differs in name from what it has been until now. But does it differ in substance? Can we not hear in these voices the same discordant agendas that have led to the tragedies of the past: the tension between democracy which is understood as limited government — the flowering of a diverse and inchoate humanity — and democracy as a total state? ❑

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Daniel Klein, "Irony, Cruelty, and Liberty," *continued from page 58*

ines this tension in Proust, Nietzsche, Heidegger, Derrida, and, to a lesser extent, Hegel, Freud, Habermas, and Foucault. Rorty celebrates these theorists, and ironist theorists in general. It is a kind and noble act on Rorty's part. These poor guys want to live on, and we're the only hope they've got.

The Pragmatist View of Political Belief

Pragmatism applied to political philosophy suggests that you abandon, if you haven't already, the search for foundations for your politics. A political philosophy, the pragmatists say, has meaning only to a community that recognizes its vocabulary. The ideologies we recognize — *New York Review of Books* liberalism, Heritage Foundation conservatism, Cato Institute libertarianism, and so on — have meaning to us by virtue of the cultures we belong to. But just as selfhood is contingent, so are these cultures. Forget the idea of there being a Political Truth, of which each political philosophy is a reflection or distortion. The interest in, language of, institutions of, and feelings expressed by each political philosophy originate and operate in culture, not God or His latter-day surrogates.

Every political community has its words beyond which justifications are not given. I say, for example, that video stores should be permitted to carry pornographic films because to do otherwise would circumscribe individual choice. If you ask, "Why should we value individual choice?," I ignore your question. The set of words beyond which the culture cannot give justification Rorty calls "the final vocabulary" of that culture. Every culture has a final (*not* permanent) vocabulary.

A pragmatist sees his political comrades not as superior beings from the planet Krypton holding up the torch of Truth and Justice, but as human beings engaging in discourse amongst themselves and seeking to expand their number and might. The attitude is similar to that of an athlete: winning is good, but most of the fun lies in playing the game. Truth and Justice are no more needed for what goes on in the intellectual-political arena than they are for what goes on in Dodger Stadium.

Cruelty

But Rorty is chiefly concerned, not with the pragmatist views of selfhood and political belief, but with "the worst thing we do," cruelty. Unfortunately, he never provides a concrete picture of cruelty, but he does make a helpful distinction. "The books which help us become less cruel," he writes, "can be roughly divided into (1) books which help us see the effects of social practices and institutions on others, and (2) those which help us see the effects of our private idiosyncrasies on others" (p. 141). Rorty deals only with the second realm of cruelty.

Both ironism and avoidance of cruelty are precious to Rorty, so not surprisingly he is concerned about the relationship between them. Do they conflict? Or are they complementary?

The ironist, Rorty explains, has his own redescription project to perfect (and keep on perfecting). Sensitivity to cruelty need not figure in at all. In fact cruelty may be the ironist theorist's goal, as it was for O'Brien in Orwell's *Nineteen Eighty-Four*. O'Brien saw himself as the master humiliator, the one who tortured others by redescribing them and coercing them into believing his redescriptions. When O'Brien made Winston say, "Do it to Julia," he obliterated a sacred piece of Winston's selfhood. Rorty sees Orwell as an ironist writer trying to socialize us against cruelty.

Rorty portrays Nabokov as also writing against cruelty, but a subtler form of cruelty. In *Lolita* and *Pale Fire*, Rorty tells us, Nabokov shows us characters who are not O'Brien-style sadists but who are unconcerned with the painful effects their behavior may have on others. Nabokov, like Rorty, urges us to be curious about the feelings of others. As Rorty points out, the ironist can leave a lot of distress in her wake since she is redescribing things — things which will usually include people's lives. Nietzsche said that greatness flows not from the willingness to endure pain but the willingness to inflict it. Rorty asks that the ironist be curious about and indulgent in the self-descriptions of others, taking great pains not to humiliate them. He emphasizes that even if we do not share a vocabulary with a fellow human being, that person still feels pain and suffers humiliation.

Despite this possible conflict between ironist theorizing and cruelty avoidance, Rorty sees no *necessary* conflict between the two. Any sort of theorizing threatens to redescribe and, therefore, to humiliate. A curiosity about and sensitivity towards others can be (and, Rorty feels, should be) part of our notion of self, part of our enterprise of self-perfection.

Rorty offers no integrated picture of

"The point is not that plundering the rich is immoral, but that it doesn't pay, doesn't reduce but increases inequality..."

UP from LIBERTARIANISM

by D. G. Lesvic

...offers a new economic argument for freedom, and answers its foremost critics, Rothbard, White, Hazlett, and Friedman, with their own words!

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maintaining a pragmatist/ironist attitude of self and community while avoiding cruelty. He invents no overarching theory capable of guaranteeing both of these. He does point out, however, that even if the two cannot be linked in theory, they can be linked in a person.

Again, Rorty's discussion of cruelty is limited to "seeing the effect of our private idiosyncrasies on others." Rorty's ideas here are penetrating and useful. But even in this narrower realm, I'd like to see his idea of cruelty, which clearly extends beyond the dictionary definition, made more concrete. In particular, I'd like to see a less vague discussion of "cruelty avoidance." What do we do when our actions reduce pain for some and increase pain for others? Do we weigh types of cruelty? If so, how? Is Rorty prepared to consider pain that has nothing to do with humiliation? If so, cruelty becomes quite broad. What about very indirect, unidentified pain, as when someone lets his dog crap in the middle of the sidewalk, or when a defense contractor milks the taxpayer with cost overruns? Since all of these sorts of pain are mixed together in practice, it would seem that we need to get quite beyond cruelty. Otherwise we make a shameless platitude of it.

To promote the word "liberal" for the ideas of tolerance and human decency is an abuse of language. Why not just use the words tolerance and human decency?

The "L" Word

My only serious dissatisfaction with Rorty's book is the label he uses for the belief that cruelty is bad: "liberal."

Rorty's cruelty discussion is entirely about cruelty in the realm of personal behavior. He is urging us to believe that it is bad to be cruel, that we should be kind, humane, generous, curious, sensitive, decent. I am not suggesting that he descends into bathos — he is quite effective. My dissatisfaction is with his *characterization* of his task; that is, in admonishing us to behave without cruelty he is urging us *to be liberal*. This is an audacious use of language. The term "liberal" has diverse meanings, but is most importantly saturated with a particular political meaning. To promote its usage for the ideas of tolerance and human decency is an abuse of language. Why not just use the words tolerance and human decency? With Rorty's terminology, gentlemen who write for *National Review* become liberal conservatives.

The result is a problem of sheer breadth. Suddenly a twelve-year-old boy who refrains from humiliating his peers becomes liberal, a woman who indulges her husband's notion of self becomes liberal, and a colleague who snickers at our ideas becomes illiberal. Furthermore, if cruelty goes beyond humiliation, if it means any kind of pain, a man might become illiberal for forgetting his daughter's birthday, a driver might become illiberal by making an rash maneuver on the road, a neighbor might become a liberal by maintaining a well-kept lawn.

It might be reasonable to use the term "liberal" to describe opposition to the cruelty of "social practices and institutions" — the cruelty realm that Rorty is expressly *not* concerned with — since this, at least, is a political matter. But then other problems emerge. Cruelty is an unworkable and desperately platitudinous guide for evaluating the desirability of social practices and institutions. As we move from personal conduct to social institutions the varieties and degrees of pain alluded to earlier are raised to the fourth power. What does cruelty tell us about the wisdom of the public school system, of the welfare state, of the 55 mph speed limit?

Beyond Rorty, Towards Liberty

Rorty's use of the term "liberal" is an attempt to breathe political interest into a superb work of philosophy and literary criticism. Wanting perhaps wider attention, he succeeds only in making a platitude of "cruelty." But if pragmatism has taught us anything, it is that we should steer away from platitudes. In expressing our political credo we should strive for concreteness. This entails using a vocabulary meaningful to others. In the words of William James, "A pragmatist . . . turns away from abstraction and insufficiency, from verbal solutions, from bad *a priori* reasons, from fixed principles, closed systems, and pretended absolutes and origins. He turns towards concreteness and adequacy, towards facts, toward action and toward power."

In the same spirit, libertarians should resist any temptation of seeing libertarianism as the valid political system of individual rights, of morality, or of justice. To outsiders such platitudes only obscure; to insiders such platitudes only self-congratulate. Libertarianism is the hope for freer markets, wider personal choice, less government intrusion, and less American military presence abroad. Libertarian intellectuals should be prepared to break down these phrases into concrete issues and to argue the virtues of libertarian positions on some of them. Anything less is just cant.

The players in the intellectual and political arenas must be able to talk issues and institutions — and this means knowing some of the stuff of the social sciences. The pundits who spin and sanctify foundational theories of natural rights are not only bores, but are a curse to the impressionable ones who pick up their way of thought. Libertarians should meet and join the intellectual institutions of our setting, carrying hunches and predispositions, not philosophical systems. They should learn to resist whatever lingering tendency they may have to use philosophy as an excuse for failing to meet the real demands of politics.

Cruelty is an unworkable and desperately platitudinous guide for evaluating the desirability of social practices and institutions. What does cruelty tell us about the wisdom of the public school system, of the welfare state, of the 55 mph speed limit?

Rorty challenges us to do just this. ❑

***The Dance of Life: Courtship in the Animal Kingdom*, by Mark Jerome Walters. Morrow, 1989, 208 pp., $17.95.**

Invitation to the Dance

Kyle Rothweiler

Maybe there's something wrong with me, but I can't get too excited about the wonder and mystery of the wooing and mating of birds, beasts, and bugs. They just look stupid to me, with inflated parts of themselves sticking out while they spasmodically dance — a dance of life, to be sure, but haven't those eagle-eyed nature-lovers yet noticed the essential silliness of life? Life is not evil, wicked, or vile; just cheesy, ill-made.

Once on gover'ment teevee I saw a nature show (I think it was the same program that had the bat-eating frog, one of nature's gruesome little wonders that will haunt me for the rest of my days) in which some tropical bird put on an exhibition worthy of the Fourth of July, complete with whirlings, whirrings, feather fireworks, orgiastic minuets — the works. It was not only jaw-droppingly gaudy, it was deafening. Meanwhile, the female (the exhibitionist was a male, of course — throughout the animal kingdom males are the undisputed masters of making asses of themselves) sat unmoved. She might even have dozed off.

It was hilarious and painful at the same time — even for a male of the species *Homo sapiens* — and the only thing awe-inspiring about the episode was its mammoth vulgarity.

The strange thing about it, though, was its parallel with human courtship. It was an old tale and an instructive one to those capable of learning. Whether as a cause or an effect of my jaundiced view of zoological courtship rituals, I turn the same eye towards the similar rituals of humans — the lipstick and codpieces and bustles and spats and purple hair. Every generation guffaws at the ridiculous methods the preceding (and succeeding) generations use to attract the opposite sex, and each generation does not hesitate to implement its own, equally risible ones. That the use of superficial criteria might in itself be laughable does not occur to anyone.

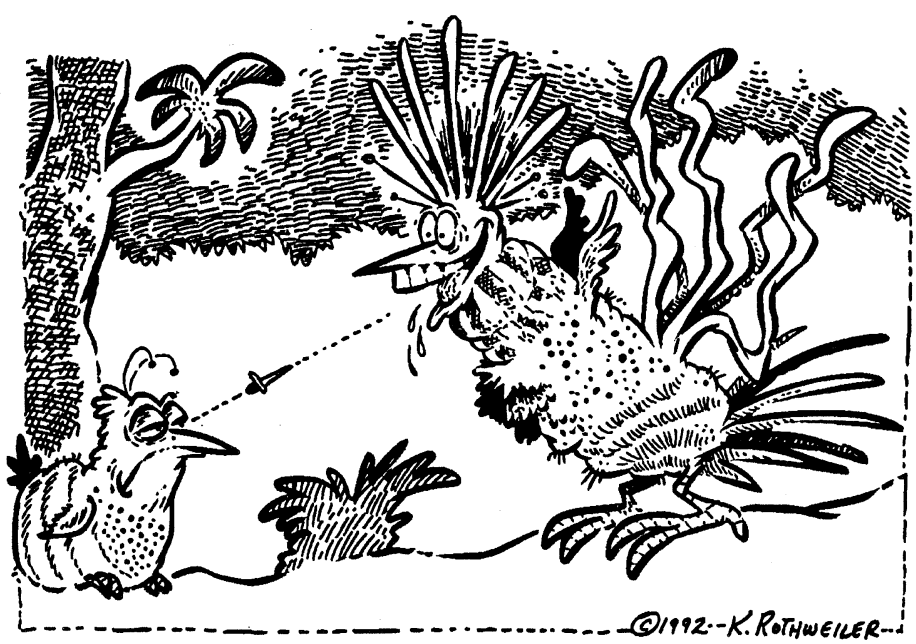

The present book deals with more than just mating rituals, however; it also deals with the mystery and wonder of intercourse itself. For example, some graphic portrayals of praying mantises mating bear the following caption: "During copulation, which takes up to half an hour, the female may tear off the male's head and eat it. Relieved of his brain and its inhibitory centers, the male will begin to mate with abandon, rocking his body with a fervor impossible while the brain is intact." This says more about the nature of the good old orgasm than anybody will care to admit.

Nerds and philosophers should find the chapter on "unconventional courting" encouraging because it deals with the weirdos and creeps of certain species and catalogs their success outside of the mainstream of the tacky mating display — for example, how Mike, one of Jane Goodall's chimps and a weakling, used technology to improve his "charging display." He didn't use credit cards, as might be expected, but three empty cans, "jingling them in front of him as he charged." Walters even goes so far as to quote Edward O. Wilson, who says that "outcasts are the cutting edge of evolution."

That's a noble thought, but why is it that those at the cutting edge of human evolution — Beethoven, Thoreau, Nietzsche, Mencken, Rand — left no genetic traces? Evolution was fine while it lasted, but it seems to have long since been superseded among humans by a form of willed de-evolution, a willed stupidity, and a good portion of that decadence is based on our inability or unwillingness to transcend the silly and superficial mating procedures of our animal origins. It is grotesque that human evolution hinges on the ability of females to look like Madonna and of males to flash wads of fiat currency. ❑

The Best of the Missouri Review: Fiction, 1978–1990.
University of Missouri, 1991, 322 pp., $32.50, $15.95.

The Triumph of the Indistinguishable

Richard Kostelanetz

I have a taste for literary magazines' self-retrospectives, not only because they purportedly collect the best from what previously appeared in their pages (which I also enjoy reading) but also because such self-selections enable me to see, far better than a single issue, what a magazine is doing (and wants to be known as doing). And so I eagerly opened *The Best of the Missouri Review: Fiction, 1978–1990*, just as I have opened many books like it, only to be disappointed this time — worse, to be quickly reminded why, of all the elements in most literary magazines, fiction has become the last to grab my attention.

What's missing from this collection is stylistic distinction. Indeed, in the absence of such quality, the contributors tend to resemble one another to an appalling degree. In lieu of quoting entire stories, let me illustrate my sense of uniformity by quoting, in sequence, the opening sentence (and in a few cases, two) from most of the stories in *The Best*:

> To begin, then, here is a scene in which I am the man and my friend Sarah Cole is the woman.
>
> "I think it's the other way around," the boy said. "I think if the quake hit now the bridge would collapse and the ramps would be left."
>
> The darkness completed itself around them, bringing the horizon to their feet.
>
> I'm trying to sing the most popular song of the year, "The Hop," by Danny and the Juniors, as I whip the towel around my arms and legs.
>
> Everybody who knew about it — and that was everyone in Breemsburg — told somebody else about the Ferguson place.

Is there anything in any of these sentences that would prompt you to read on? Any flash of style or perception or vision that would lead you to expect a special reading experience? Don't most of us assume that triviality of style is a sure index of triviality of content?

> When it became clear that I didn't know how to do anything to make a living, in other words when it became clear that the promise of my sensibility was not a lucrative promise, Daddy kindly sent me off to Tulane to get my M.S.W., it being agreed on all hands but my own really that social work was an appropriate field for a young woman who had insisted for many years that she was interested only in the nature of experience and what it meant to be human.
>
> "Next slide," the astronaut says. For a second the auditorium is as void and dark as space itself.
>
> At Gardner's Labor Day Barbecue in Cos Cob, Rangold suggested, after a few gin and tonics, that we form a consortium.
>
> My moment of truth, said Steadman, was when I told them how rich my family was, and I got in the fraternity.

Read these sentences aloud to friends and colleagues, as I have, and you will hear more guffaws than sentiments of praise. Do any of these stories get better after their initial sentences? Not as far as I can tell, though I am willing to assume, perhaps charitably, that this book's editors (and proofreaders) read them from beginnings to ends.

> "Oh, Haze," Sombra said. "Aren't you excited about tomorrow? Our new dresses and the school all decorated with flowers?"
>
> Lieberman had his eyes on his chicken salad and so at first didn't see the woman.
>
> I think the worst coward can ignore fear even when it sweeps over and over you like the second hand of a clock.
>
> That autumn when the young man came, there was a deep blue sky. Vera's car was there, no others, and Burt gave thanks for that.
>
> He is one of the boys from this school, so he wears a green military uniform and has a shaved head.
>
> It's late in the day, time to start thinking about where to hole up for the night.
>
> On that Saturday afternoon before the ice and while the exterminator was still roaming around her house, Jane phoned Diana Turnbridge to tell her that she was coming over, after all.

Say what you will about John Dos Passos, William Faulkner, Ernest Hemingway, Mark Twain, Gertrude Stein, or even Charles Bukowski and Donald Barthelme, but they have style, an instantly recognizable signature, that would grab the reader's mind from their opening sentences. Defend as you might such anthologies for the social virtue of "providing opportunity," such dreary uniformity wasn't so prevalent before the age of grants and creative writing programs. If you don't believe my sense of historical decline, compare this book with *Transition Workshop* (1949), *Best Short Stories from the Paris Review* (1959), or two mass paperbacks of fiction from *Partisan Review*: *Stories in the Modern Manner* (1953) and *More Stories in the Modern Manner* (1954).

Do any of these stories get better after their initial sentences? Not as far as I can tell, though I am willing to assume, perhaps charitably, that this book's editors (and proofreaders) read them from beginnings to ends.

Need I mention that the authors of these sentences are, in sequence, Russell Banks, Amy Hempel, Bob Shacochis, Ron Carlson, Barton Wilcox, Stephanie Bobo, Wally Lamb, Kent Nelson, Alice Denham, Connie Willis, Francois Ca-

moin, Kevin McIlvoy, Raymond Carver, Kathy Miller, Michael O'Hanion, and Robb Forman Dew? The only distinguished stories in the book are by David Ohle and Naguid Mahfouz, the latter not an American but an Egyptian who won the Nobel Prize. One hears about the flood of stories invading the offices of literary magazines, about the high ratio between those offered and those accepted. However, after reading a selection like this, it is fair to ask what editorial principles (or lack of them) animate the publishers of the *Missouri Review*. They seem no more successful at selecting "the best" than the literary fellowship panels at the National Endowment for the Arts, for perhaps the same reasons.

The back-of-the-book biographical notes tell us that many of these stories were reprinted in *The Pushcart Prize, Best American Short Stories*, etc., creating the impression of contagious plague. No, no, no, you say to yourself; this can't be true. But it is. And just how important is this secondary approval? The back flap says of one of the book's editors, "His fiction has been mentioned in *Best American Short Stories* and in the Pushcart Prize anthology." Note it was not included, just "mentioned." The second curious characteristic of the biographical notes is the persistent absence of any academic affiliation. (Isn't it pretentious to pretend that most of these writers might earn their livings in more interesting ways?)

How is it, why is it, in this land of cultural freedom, that aspiring fiction writers try so hard not to be idiosyncratic but undistinguished? Why is it that the powers-that-be are so eager to reward mediocrity? Americans don't play basketball this way; we don't do business this way. Why should the fiction world be such an aberration? Why should Thomas McGuane contribute this blurb: "An important anthology from an important place. . . . *The Missouri Review* has found the heart of American fiction"? Is McGuane insidiously urging expatriation? Defection? (To where?) There are no standards anymore, only colorless individuals competing for common power and common rewards in lieu of uncommon excellence. ❑

Ted Koppel's ABC interview show seems the paragon of unbiased television opinion journalism. But appearances can be deceiving.

The Line on "Nightline"

Eric C. Banfield

It was "live," but unreal.

On February 6, ABC-TV's Ted Koppel told the 1000 people packed into Mandel Hall at the University of Chicago that he wanted audience members to go to the microphones and get a little controversy going on the health-care issue. At 10:30 p.m. CST, *Nightline*'s "Emergency! Health Care in America" started, and Ken Prazak went to a microphone. He was the first one there, but ended up standing and waiting for over two hours. It didn't take long to realize that *Nightline* had no intention of letting him speak.

Before the show, Mr Koppel had told the audience that, although it was impossible to get everyone's comments, he would go around and call on people from the five audience microphones. But once the show started, it became apparent that almost every audience speaker was not spontaneously or randomly chosen. ABC staff determined when certain people, mostly with preapproved comments, would go up to the microphone. The staffer by Prazak's microphone repeatedly asked him to let those other audience participants speak first. He waited patiently.

For two hours ABC paraded a pathetic bunch of sob-story cases (recall the overweight diabetic), all demanding that someone else pay for their problems. Koppel occasionally "balanced" those comments with banterings from special interest groups and lame responses from token targets like insurers, doctors, lawyers, and politicians. The game was obviously rigged. The unrepresentative audience invited by ABC was heavily skewed in favor of "National Health Insurance" or "Universal Health Care." No libertarian views would be discussed. No one wanted to consider where the money would come from. No spontaneous comments would be allowed, no new ideas permitted.

The viewing audience at home missed the highlight of the evening. During almost the last intermission, Prazak ran up to the stage and yelled, "What about the free market, Ted? What about small businesses? All you've been doing is pandering to liberal crybabies." Mr Koppel politely asked him to go to the microphone, saying he would call on him.

Surprisingly, he did, and Prazak said something to this effect: "I'm self-employed, I'm one of the uninsured, and I don't want Universal Health Care. If you want to see an example in action, look at any V.A. hospital. That's Universal Health Care — government-provided and universally hated." (Maybe those scenes from the movie *Born on the Fourth of July* made an impact; the crowd was silent.)

Prazak pointed out that he didn't want to pay for others' drug abuse, alcoholism, and in-vitro fertilization. He pointed out the mistaken premise of both liberals and conservatives: that we're in any kind of free market system now, adding that the problem is government, which has turned health and insurance into socialist systems that the rest of the world is abandoning.

The "experts" denied our system is socialist, apparently because the government doesn't actually own the businesses. They ignore, of course, that taxation, regulation, and other interventions amount to *de facto* control. After other weak challenges from the "experts," Prazak referred to the new book published by the Heartland Institute in Chicago (*Why We Spend Too Much on Health Care*) and mentioned the idea of

Individual Medical Accounts. Only light applause followed.

Maybe "Nightline" means "standing in line all night" — waiting for a door that will never open. Ken Prazak deserves congratulations for busting down that door. Why did he finally run up to the stage? In his words, because he "got the idea that the only way to get attention was to act like a jerk." But once he started talking, Ted Koppel and his audience learned that the libertarians they ignore are intelligent, articulate, and passionate. The incident might make the host even more wary of taking unplanned audience comments, however.

This edition of *Nightline* demonstrated that a debate can be held at one of the world's finest schools and still be set up to go almost all night without an intelligent comment. "Emergency! Health Care in America" was an insult to the University of Chicago, as well as all Americans.

Koppel deserves maybe one handclap for letting Prazak speak, but ABC gets a big thumbs-down for the farcical ceremony it calls a "town meeting." The whole event showed that *Nightline* has no intention of putting on a rational debate with diverse opinions, preferring instead to pander to the emotions of the audience and feed them pap. ❑

Booknotes

Of the Renaissance — The individual seeking to understand the development of libertarian thinking in the middle of this century doesn't have many books to consult. George Nash's *The Conservative Intellectual Movement In America* (Basic Books, 1976) and John Chamberlain's memoir *A Life in the Printed Word* (Regnery Gateway, 1982) are about the only good treatments.

Nash's book is far the more important. Although libertarian thinking has not been terribly influential on the *lumpen* conservatives, it has been enormously influential among intellectual conservatives. Between 1945 and 1975, the period about which Nash writes, libertarian and classical liberal ideas were woven into the fabric of conservatism.

That fabric began to unravel in the late 1960s, as libertarian intellectuals began to distance themselves from conservatism. There were three reasons for this: libertarian ideas had become far more popular, the issues of the time (the Vietnam War and the military draft) had radicalized many libertarians, and conservatives had recruited elements from the religious and racist right that were downright hostile to liberty.

Nash provides a first-rate intellectual history of the right for the entire period. His account of the origins of its revival ("The Revolt of the Libertarians") and of the libertarian-conservative divorce ("Things Fall Apart") are especially interesting to those seeking to understand the history of the libertarian intellectual movement. Virtually all the important libertarian thinkers are discussed: Mises, Rand, Chodorov, Hess, Nock, both Friedmans, Rothbard, Hospers, Hayek . . .

If Nash is the historian of conservatism and libertarianism, Chamberlain is its chronicler. Chamberlain's memoir fills in some of the gaps in Nash's account. Chamberlain was a journalist and book reviewer. Always competent, seldom brilliant, he was in the midst of it all, adding flesh and detail to the *dramatis personae* that Nash so ably exposits. He played an important role in *The Freeman*, both when it was a libertarian fort and in its duller incarnation as the *Reader's Digest* of economic freedom, and in *National Review*, founded in 1955 and quickly becoming the center of conservative thinking.

Now there is a third book to add to that very small shelf. ***The Turnabout Years*** (Jameson Books, 1991, 254 pp, $12.95) is an anthology of John Chamberlain's writing from the version of the *Freeman* published between 1950 and 1953. It is a collection of 54 short book reviews and literary essays, discussing everyone from Ayn Rand to Whittaker Chambers to H.L. Mencken to Edmund Wilson to John Dos Passos to Edna St Vincent Millay to John T. Flynn to Henry David Thoreau, almost always with insight. A special pleasure to me was his review of *A Violent Innocence*, Alice-Leone Moats' delightful memoir of her childhood in revolutionary Mexico, a book I sometimes feared no one but me had ever read. — R.W. Bradford

The Devil and Henry Kissinger — There are, generally speaking, two sorts of conspirary books worth reading: those that present plausible conspiracies, and those that are really funny. The first group includes volumes by fairly respectable historians and journalists, on such topics as Pearl Harbor, Watergate, Italy's P2 affair, and CIA covert actions. Into the second category go the books about NASA faking the moon shots, the Bavarian Illuminati killing Joseph McCarthy, and Freemasons controlling the Vatican.

I had no doubt from the start that *700 Club* host Pat Robertson's new tome, ***The New World Order*** (Word Books, 1991, $16.99), would not belong to the first group. Robertson is, after all, the man who claims *The Smurfs* is Satanic propaganda. But I had high hopes for a conspiracy rant of the second type, a laugh-a-minute piece of unintentional science fiction I could enjoy between more serious readings. But no; it's not even that. There is a decent helping of pleasant nonsense here, and even a few bursts of intelligent commentary, but for the most part, this is simply *boring*.

Robertson argues that "humanist-occultic" thinkers, globalist planners, international bankers, multiculturalists, New Agers, and high-level Masons are plotting a One-World Government, and that Satan is behind it all. This is not only silly, it isn't even original. Right-wing cranks have been making claims like this for years, and usually with a lot more funky pizazz. *The New World Order* has none of the inappropriate capitalizations, claims of personal persecution, or poorly reproduced letters of warning to national leaders that make a good nut book.

Not everything he says is crazy. There does exist an eminently condemnable intellectual current that calls for a decidedly statist form of globalism: "collective security" enforced by the United Nations; single currencies for Europe, the Americas, and the Pacific, with fixed exchange rates; "free" trade that amounts to centrally managed trade. And perhaps, one day, a single world government, or at least a global central bank and powerful U.N. that together amount to a *de facto* world superstate.

But to link this with the New Age

"movement" (a misnomer: "New Age" is more a publishing category than a movement) by way of Freemasonry(!), is to enter the realm of logical ga-ga. Henry Kissinger calls for "one world"; the Ba'hai faith calls for "one world"; therefore, Henry Kissinger and the Ba'hai faith are part of a common one-worlder conspiracy. Or, more accurately: Pat Robertson does not care for Henry Kissinger; Pat Robertson does not care for the Ba'hai faith; therefore, Pat Robertson decides that both are out to get everybody. And writes a book about it. — Jesse Walker

Terrible Slow Bore — The cover of ***Reagan's Terrible Swift Sword*** (Jameson Books, 1992, $19.95) made it sound like it would be interesting. So I started reading it. I quickly began to wonder when I was going to get to something interesting, or even intelligible. By the time I finished the introduction and first chapter, I had read too much already. Have you ever read a bureaucratic manual? That's Donald Devine's writing style. Yuck. —Kathleen Bradford

The Ego and Her Own — I am the ideal reader for send-ups and satires of Ayn Rand and Objectivism; having never succumbed to the charms of what seems like every other libertarian's favorite dogmatist, I am not in the least offended when her inflated reputation is punctured. Indeed, I *rejoice*. And so it was that I eagerly plunged into the pages of Mary Gaitskill's first novel, ***Two Girls, Fat and Thin*** (Simon & Schuster Trade, 1991, 304 pp., $18.95), which had been reviewed elsewhere as Ayn Rand's worst nightmare, as something that definitely *did not* "take her values seriously."

The first chapters deliver on this expectation. Justine Shade, a journalist, is interviewing followers of "Anna Granite," author of *"The Bulwark"* and *"The Gods Disdained,"* and formulator of her own, individualistic philosophy, "Definitism." This is fun, but facile, and the novel quickly moves away from satire and on to its main theme: women who were sexually molested as children.

Much to my surprise, the novel is surprisingly sympathetic with its putative target. After three hundred or so pages relating the rather sordid stories of Shade and her chief subject, Dorothy Never, a fat, somewhat defensive Definitist, Shade discovers that Dorothy has handled the legacy of sexual abuse much better than she has (though she tends to feel superior, since Dorothy still defends much of Anna Granite's peculiar philosophy). The moral of the story seems to be that a cultish ideology can help a person cope with the sufferings and indignities some young people must endure. Broken egos can be repaired by a healthy dose of egoism, fragile selves strengthened by selfishness.

But Gaitskill does not moralize. She tells a story. She begins the book by quoting Vladimir Nabokov, and apparently emulates that Russian-American novelist, not Alice Rosenbaum (Ayn Rand): there are no Galt-like sermons. She is a fine writer, though not in Nabokov's league. For most readers, however, her novel pleases in ways that Nabokov's never do: it is much more straightforward, written in non-quirky language, and attentive to humdrum depths rather than the glittery surfaces and subtle ironies that the Russian-American made his stock in trade. Gaitskill elicits her reader's sympathies for her protagonists, something Nabokov occasionally toyed with, but never without a twist. *Two Girls, Fat and Thin,* for all its playfulness, is in no way avant-garde.

The biggest problem with the novel is its rather odd construction: Dorothy's story is told in the first person, Justine's in the third person. I found this confusing and pointless. Maybe I missed something, but I suspect that Ms Gaitskill was simply trying for some effect that is not yet within her powers to obtain.

— Timothy Virkkala

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Final Words

Friedrich A. Hayek

May 8, 1899 – March 23, 1992

An Intellectual Giant — F.A. Hayek was the most important social thinker of the 20th century. *The Constitution of Liberty* and associated writings in which Hayek developed the principles of liberty in a spontaneous order are now the point of departure for theorizing about order and liberty in modern complex societies. It is no accident that the brightest minds of the recently freed Soviet bloc states are today Hayek's most avid students. *The Fatal Conceit* — an essay he completed in his 90th year — is not only a profound meditation on the reactionary and tribalistic nature of the socialist enterprise but also establishes a framework for thinking about social evolution that is unrivalled.

There is more wisdom about modern complex societies in a single chapter of one of Hayek's major works — *The Constitution of Liberty, The Road to Serfdom,* or *Law, Legislation, and Liberty* — than in the complete Marxist oeuvre. It is a tragic irony of our present condition that a wrong-headed ideologue like Marx, whose false conceptions have led to millions of unnecessary deaths, unimaginable poverty, and countless wasted lives, should still be a basic intellectual text for American academics, while Hayek, who understood far better than anyone else the connection between intellectual planners and the tragedies of our times, should be all but invisible on college campuses.

Those who value liberty will take the occasion of his passing to dedicate themselves to reversing this indefensible state of affairs. —David Horowitz

The Road to Freedom — I was a graduate student at Columbia University when I heard another student mention a book by an author of whom I had never heard named Hayek. *"The Road to Serfdom,"* he said. "Should I read it?" I asked. "No," he said, "don't read it. The guy's a fascist."

Since I was not into political philosophy at that time and was busy writing a dissertation on aesthetics, I postponed any follow-up on Hayek. I did hear how "reactionary" the book was, and wondered how anyone could say such things as were reported. But it was not until several years later that I actually bought the book and sat down to read it and comment in the margins.

I came to it with a chip on my shoulder, prepared to dislike it. But the book was written so clearly and so elegantly that I read it at once from cover to cover. I was quite overwhelmed. *Why have I never heard this before?* I thought. *And why did those students at Columbia have such nasty things to say about it?*

Later when I came to know Ayn Rand, I learned from the fountainhead about the politics of envy. But by that time I was an ardent devotee. On three successive weeks Mises, Hayek, and Hazlitt gave talks in New York. Hayek was not quite pure enough for Rand, but I loved every minute of it.

I read some of his later works and I still use *The Constitution of Liberty* as one of the texts in my political philosophy course. But it is *The Road to Serfdom* that turned my head around, and from which I still quote passages, which I kick myself for not having been able to quote at the time they were written: "Once you admit that the individual is merely a means to serve the ends of the higher entity called society, most of those features of totalitarian regimes which horrify us follow of necessity."

—John Hospers

The Revolutionary Economist — Notwithstanding his great contributions to political philosophy, F.A. Hayek was first and foremost an economist. As an economist, his most significant and enduring contribution was to show how the success of an economy depends crucially on its ability to make productive use of the knowledge possessed by all its individual members.

Neoclassical economics long rested, and to an unfortunate degree still rests, on ridiculous assumptions about what people know. Often, the assumption is that everybody knows everything. Hayek stressed that nobody knows very much and each person knows different things. This "division of knowledge" is, for Hayek, the basic reason why central planning must fail, and only the free market can succeed in productively coordinating the actions of huge numbers of individuals. Conditions as specific times and places, known only to dispersed individuals, can be given due consideration only through a free market system, where changing prices direct individual plans toward mutual compatibility. Hayek expounded these ideas in his classic 1945 article, "The Use of Knowledge in Society."

Hayek also revolutionized our understanding of the nature of competition. For neoclassical economics, the competitiveness of the market depends on its structure: basically, the number and size of firms. Knowledge of demand and cost conditions is taken as given, either directly or via fixed probability distributions, to everyone in the market. Hayek maintained that this approach obscures the essence of how markets operate. His key insight is expressed by the title of a 1968 lecture, "Competition as a Discovery Procedure." He explained that competition consists in the attempts of market participants to find out (and act upon) what demand and cost conditions really are. No simple task, in a constantly changing world.

Although only the Austrian school has accepted Hayek's economic contributions fully, mainstream economics continues to absorb and build on them. Eventually, the result will be a much deeper understanding of how markets operate and why bureaucratic planning systems cannot replace them successfully. — Robert Higgs

The World Beyond Economics — I understand that the Second World War was important. I was involved briefly in it and at the time I thought it would have an imperishable effect on my life. But there was a contemporaneous event that has outweighed it and which *has* had an imperishable effect on my life: the publication of F.A. Hayek's *The Road to Serfdom.*

It was the respected conservative journalist, John Chamberlain, who brought the book to my attention. I wish that all conservatives would be as aware of the value of classical liberalism as that conservative always has been. Think of the difference it could make in the thinking of such quasi-cons as

George Bush! Oh, well. Hayek's thoughts will persist as inspiration and instruction for people far longer than the lipreading and lip-flapping of all the quasi-cons put together.

While not for a moment taking a back seat to anyone in admiration of Ludwig von Mises, I find myself referring to Hayek in my mind more than even Mises because I am convinced that there is a aspect of human action and of classical liberalism that must be considered along with the economic: the social aspect that Hayek illuminated as clearly as anyone so far. We need never slog along the road to serfdom if we just keep remembering what this glorious man has taught us. —Karl Hess

How He Will Be Remembered — Has anyone happened to comment on the *elegance* of Hayek's writing? It's not just an elegance of style (though he had that, too); it's an elegance of thought. And it's not the kind of elegance that comes merely from reducing the complex to the simple; it's the kind of elegance that comes from seeing through all the lumbering simplicities that can block one's vision of a complex but fully comprehensible world.

Consider Hayek's treatment of the problem of evil, as evil manifests itself in the modern political world. He published *The Road to Serfdom* in 1944, when many falsely elegant solutions to the problem were selling briskly in the marketplace of ideas. Evil arose (so prominent intellectuals speculated) from the inherent authoritarianism of certain nations, or from the inborn tendency of the masses to be dominated by exploiters, or from the inherently ruthless competition of nation against nation and class against class, or from the inevitably tragic fate of Man the Overreacher, ever struggling against himself.

Hayek defined the problem, in his apparently easy, commonsensical way, as a problem of "why the worst get on top." He applied to it an elegantly complex analysis of evolutionary processes in society. He saw that the modern socialist state, motivated by various more or less radical ideals of material and spiritual progress, makes promises to its citizens that it cannot even try to fulfill without employing means that frustrate their own ends. As the gap widens between promise and fulfillment, honest people in the political leadership tend to disassociate themselves from their experiment, leaving it to those who are unscrupulous enough to maintain their position by force or fraud. As the state extends its power, increasingly callous practices are required of increasingly callous people. The worst get on top, and try to stay there.

Political evil is therefore intricate but not mysterious, formidable but not invincible — because, although it is the product of terrifying economic, political, national, and psychological "forces," it is not rooted ineradicably in any nation, class, or inherited psychology. It is rooted instead in certain naive ideas about the way in which progress happens, and these can be replaced by better ideas. And to Hayek, in that great book *The Road to Serfdom*, there can be no question about the existence of "better" and "worse" ideas and conduct, just as there can be no question about the existence of a "top" and a "bottom" of society. Hayek indulges in no ornate and spurious skepticisms; he is fully at home with the language of commonsense morality; he shows that common sense is still capable of applications that are both hopeful and intellectually challenging.

What future ages will remember best about the intellectual life of the twentieth century may not be its astonishing affronts to common sense and decency. That sort of thing is never what any age willingly consents to study in its predecessors. What will recommend itself to memory will be this century's intervals of elegance and straightforward goodness, and Hayek will be remembered with them.

—Stephen Cox

Notes on Contributors

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David Horowitz is the author of *The Free World Collosus* and the co-author of *Destructive Generation*, among other writings.

John Hospers is the author of numerous essays and books in philosohy, including *An Introduction to Philosophical Analysis* and *Understanding the Arts*.

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Richard Kostelanetz is a critic, whose recent work includes *The Old Fictions and the New*, *On Innovative Music(ian)s*, and *On Innovative Art(ist)s*.

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Timothy W. Virkkala is assistant editor of *Liberty*.

Jesse Walker is editorial assistant at *Liberty*.

Terra Incognita

Greenfield, California

Environmentally conscious legislation, as reported in *The Wall Street Journal*:

Under city policy, builders of new housing developments now must agree to provide "two new adult-sized bicycles free of charge." City Manager Arturo de la Cerda explains the law will help reduce air pollution and traffic congestion.

Syracuse, New York

Advance in the war agains the sexual abuse of children, as reported by *Associated Press*:

After Denise Perrigo called a volunteer help line and asked whether it was normal to be sexually aroused while breast feeding, social workers arrested her for child abuse and put her infant daughter Cherilyn in an institution.

Ottawa

New government employment opportunities, reported by the Milwaukee *Journal*:

When Britain's Princess Diana toured a new unit at the Ottawa Heart Institute, there were no patients, so the hospital called in former patients to fill the beds.

Romania

Innovative problem-solving in the former Communist bloc, as reported by *Reuters*:

Three Romanians sat their dead uncle on a train seat for a 300-mile journey to the family graveyard because carrying the body in a hearse would have cost 30 times more than a train ticket. The relatives doused the clothed body with cheap alcohol to conceal the smell and told the conductor of the unheated, unlit train that the uncle was drunk.

Coeur d'Alene, Idaho

Progress in the war against vice, reported in the *Globe and Mail*:

Rose Christian has been the target of several undercover operations during the past year. Local zoning officials suspect the arthritic 70-year-old of being an Avon Lady.

Cortez, Colorado

Entrepreneurship in action, as described by the *Associated Press*:

Gary Balfour hates to see prairie dogs killed, so he developed a vacuum system powerful enough to suck the small mammals from their burrows, and is trying to market them as pets. The idea came to him in a dream.

Tezpur, India

The progress of anarchism in the animal kingdom, as reported in the San Francisco *Examiner*:

Several monkeys drove officials out of the Public Works Department and spent 25 minutes destroying government documents. Police were summoned but made no attempt to intervene. Monkeys are regarded as sacred by many Indians.

Bethlehem, Pennsylvania

The criminal mind in action, as reported by the Bethlehem *Express-Times*:

A man accused of participating in a robbery was so upset by a witness' identification that he blurted out, "How can he say it was me? I had a mask on."

Los Angeles

The pitfalls of the unregulated market, as reported by Reuters:

Seventeen inmates at the Peter J. Pitchess Honor Rancho Jail were injured in a riot that broke out when two inmates' negotiations of the sale of a bag of potato chips broke down.

Vancouver, British Columbia

Cultural observation from America's kindler, gentler northern neighbor, as reported by the *North Shore News*:

"What appeals to me about art in toilets is the element of surprise," said new North Shore cultural development officer Brenda Beck.

Berkeley, California

The perils of politically correct paint, as reported by the Associated Press:

"It smelled like really bad compost and body odor all mixed up together. It's like about 20 guys were in a room who hadn't taken showers for weeks." That was City Councilperson Nancy Skinner's explanation of why she had hired a contractor to tear out and replace the walls of her home after she had had them painted with all-natural, milk-based paint. "Our product is very simple," explained paint distributor Eugene Dunlap. "We don't put preservatives in it, so it has a very limited shelf life."

Houston

Prejudice lives in the Old Confederacy, as reported by *United Press International*:

State District Judge Carl Walker, Jr. rejected a bid from 4'6" Jeffrey Leibengood, 25, to arrange a pool of short juror prospects. Leibengood is scheduled to stand trial in the shooting death of his grandfather, 5'5" Robert ("Shorty") Shofner.

Leibengood's court-appointed lawyer initially wanted 50 juror prospects, all five feet tall or less, to keep his client from being tried by "giants." But Carrigan later changed his request and asked only for a "representative number."

New York

A new concept in cultural exchanges, reported in the Milwaukee *Journal*:

Marcello Alencar, mayor of Rio de Janeiro, came to Manhattan this week to persuade New Yorkers that his city, despite its reputation for high crime rates, is a safe place to visit. While there, his daughter-in-law, Patricia Alencar, was mugged in Bloomingdale's.

Collinsville, Ill.

Advance in the art of law enforcement, as reported in the Detroit *News*:

Sgt. David Jung apprehended 43 speeders in two hours by posing as a farmer astride a tractor in a field near a highway here. Illinois State Police routinely send police undercover as farmers to apprehend speeders.

New York

A new tactic in the War on Drugs, initiated by State Representative Guy J. Velella, as reported by the *34th District Report*:

Velella has introduced legislation to ban the sale of pencils that look like hypodermic syringes. Parents should join the fight against "these pencils," said Velella. "Since we have just finished another holiday season — one that is filled with plenty of gift-giving, even among children — please check with your children to ensure they did not receive any of the 'pencils' from friends."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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Inside Liberty

July 1992
Volume 5, Number 6

4 Letters *Liberty's* readers have a lot on their minds.

7 Reflections *Liberty's* editors expose condoms, hoses, Elvis, abortion, marijuana, Andre Marrou, and duplicitous advertising Down Under.

Features

13 The L.A. Riots The beating of Rodney King, the jury's verdict, the violent aftermath, and the talk, talk, talk. But what does it all mean? Our editors explain, explain, explain.

25 The Anti-Politics of H. Ross Perot *Chester Alan Arthur* takes a look at why H. Ross Perot has such popular appeal, and why the Republicans, Democrats and pundits underestimate him.

28 Remembering Roy Childs *George H. Smith* eulogizes the late libertarian theorist, promoter, and raconteur.

29 Serve the Children Well *Stuart Reges* looks at what happens when a Christian Scientist couple refuses to seek medical treatment for their child.

33 Irreconcilable Differences? Libertarians and conservative Christians are usually considered mortal enemies. *Doug Bandow* sets the terms for a truce — and the groundwork for cooperation.

38 The Myth of Metal Illness To some, heavy metal is a sign of social decline; to others, it is harmless party music. *Gracie & Zarkov* say it can be both. The difference: individual freedom — and responsibility.

41 At Long Last, Death *David Horowitz* defends the death penalty, and celebrates the execution of Robert Alton Harris.

43 Returning Roads and Bridges to the Market Privatizing roads and bridges isn't just a good idea: it's already happening around the world. *Terree Wasley* reports.

48 The "Lock" on the Electoral College There is a flaw in the way we elect our presidents. *David Brin* has an idea for reform.

Reviews

51 Just Discrimination Richard Epstein's new book argues that anti-discrimination laws should be repealed. Is he right? *James Taggart* weighs the evidence.

54 Another Road to Liberty? *Leland B. Yeager* and *David Kelley* review *Liberty and Nature,* Douglas Rasmussen's and Douglas Den Uyl's attempt to reform Ayn Rand's politics with a liberal dose of Aristotle.

60 How Not to Help the Homeless *Brian Doherty* argues that big government is not the kind of government the homeless need.

61 God and Man at Bay? *Timothy Virkkala* examines the theological personae of visionary historian Robert Nelson.

65 Are Humans Alien? *James S. Robbins* watches The Discovery Channel, and is shocked to discover that he is an alien.

66 Booknotes on the mystery of mysteries, the enigma of Zen anarchism, and the riddle of John Locke. And the nature of multiculturalism is shown to be not in the least bit puzzling — compared to Elvis, anyway.

67 Classified Ads **69 Notes on Contributors** **70 Terra Incognita**

Letters

Balph Eubank Redux

It is fascinating to me to witness the glee with which Timothy Virkkala repeatedly rails against Ayn Rand ("The Ego and Her Own," May 1992). I suppose this makes him feel wonderful, something he may not be able to do based on achievements such as writing very well received novels, having his ideas studied by many critics and supporters, and having made some rather interesting observations about various philosophical topics. As I see it, that is when someone "eagerly plunges into" put-downs of others who have done a whole lot more that is meaningful and useful than oneself.

Just exactly why editor R.W. Bradford believes it is vital to open his pages to such petty derisiveness is a bit of a puzzle. If I edited a magazine — indeed, when I did edit *Reason* for a while and since I have been editing *Reason Papers* — I would find better use of my precious space than have some pipsqueak, with nothing notable accomplished, indulge his vile sentiments.

Tibor Machan
Auburn, Ala.

A Little Betrayal

There was much truth in the article by Frank Fox ("Little Czech Man," May 1992), but some of it was shallow. The Czechs are acutely aware of the abundance of MCCs ("small-minded petty Czech") among them, for they are a close second to the Jews in telling self-effacing jokes about themselves. But it was not the Communists who invented the MCC. (Why is the fraction of such creatures smaller among the Poles or Russians?)

Consider three items of history.

1) In WWI, some 100,000 Czech soldiers of the Austro-Hungarian army deserted and took up arms in units attached to the French, Italians and Russians, knowing very well that if taken prisoner by the Austrians, they were summarily executed by being hung from the nearest tree. No MCC-ism here.

2) In a unanimity of determination that I was privileged to see only on one other occasion (Britain, 1940-41), the Czechs stood ready and even eager to take on Hitler's armies in 1938, and with France's treaty-mandated help, they expected to win. No MCC-ism here, either.

3) But during WWII, the Czechs were conspicuous by the absence of active guerrilla warfare. Yes, they sabotaged where they could, and they regularly defied the death penalty by listening to the BBC and by whispering anti-Nazi jokes in each others' ears; but they had almost no active guerrilla groups like, say, the Danes, who were fewer in number and had no forest-clad mountains in which to hide.

What caused the abrupt change?

The 1935 Munich agreement, when the West sold out the Czechs to appease Hitler. The MCC was born on September 30, 1938: defeat is only a relatively short-lived trauma; but betrayal will corrupt a nation's soul for a long time.

This lesson seems to be lost on many, notably on libertarians: they love liberty (don't we all?), yet many of them are lukewarm, and some downright hostile, to defending it by armed resistance.

Petr Beckmann
Boulder, Colo.

Free to Choose Among the Rules

In answer to R.K. Lamb's "Challenge: Why I Won't Live in Disco Bay" (May 1992): Of course, private property rights mean that many people's rules for the use of their property will differ from what R.K. Lamb (or anybody else except the owner) might prefer. The difference — and it's a big one — between the rules of private property owners and the rules of government-controlled property is that there is a very large number of private property owners and, therefore, a whole lot of different ideas about rules governing the use of private property. Hence, it is a lot more likely that R.K. Lamb (or anybody else) will find a workplace or community with rules he/she can live with in the private than in the public sector. Of course, the huge amount of government regulation of private property rights has reduced the variety in workplaces and communities that there would otherwise be.

Lamb thinks that, in a world of private property, you'd get more rules, not fewer. Lamb is wrong. In the U.S., there are now *hundreds of millions* of government laws, rules, and regulations on the books. In a system of private property, rather than *more* rules, you'd get more *differences* between the rules — in other words, more diversity, rather than the increasingly homogenized system of rules we have now imposed by the federal government.

Even the relatively limited differences between the states in the U.S. now provides some choices for improving personal freedom. Durk Pearson and I recently moved from California to Nevada (at considerable cost) and escaped much higher taxes and spirit-destroying regulations in Los Angeles/California. Then there are differences between counties, cities, and towns in each state. There are differences between large companies and even greater differences between large and small companies. *The greater the number of separate entities and the freer they are to set their own local rules, the more chance you'll find what you want.* Therefore, private property rights increase your chances for finding freedom, even if you don't own any property yourself.

Sandy Shaw
Privacy, Nevada

Rational Mediocrity

Richard Kostelanetz seems a bit disingenuous when he asks (in his May review of the *Missouri Review* anthology) why aspiring fiction writers try so hard to be undistinguished.

They try to be undistinguished because that will get them into print. All publications, even the most avant-garde, have decision rules and will only accept what slithers through the filter. Writers who submit stories to university literary magazines have, in fact, done their homework: obtained and studied sample copies of the tedious periodicals in which they hope to be published; taken courses at the dismal institutions which publish said magazines; and participated in stifling writer's groups where their manuscripts are nit-picked to death by the competition.

Letters Policy

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

The only possible outcome is the numb mediocrity so well demonstrated by the opening sentences quoted in the article. (And to those who will surely complain about Mr Kostelanetz unfairly lifting these sentences "out of context," I say they are perfectly in context. If fiction writers cannot engage readers in the first sentence, draw them in, compel them to keep reading, they have failed.)

Unfortunately for readers, the work of writers who do have idiosyncratic voices and unusual visions of the world and let their fiction reflect those gifts is in short supply, if not in terms of production, then certainly in terms of distribution.

Kathleen A. Rogers
Hull, Mass.

Generation X

With a nod to Richard Rorty, my friend Dan Klein ("Irony, Cruelty, and Liberty," May 1992) now describes himself as a "pragmatist libertarian." Klein's pragmatism inspires him to tell other libertarians how they should argue (they should abandon "essentialist or foundationalist" philosophy in favor of "the stuff of the social sciences"). This is odd. I would have thought that Klein, like Don McCloskey (another libertarian economist who draws on Rorty), would decry the pretension of laying down methodological rules that narrow the range of permissible discourse — especially rules for disciplines other than his own. By Klein's own account "the pragmatist doesn't claim to have a droplet of Truth in his working paper." Yet he supposes that "pragmatism has taught us" some truth about how libertarians should make their case.

Klein refers to foundational concepts (like natural rights, self-ownership, and consent) as "philosophical dead weight." Yet he goes on to affirm individual choice as his own foundational concept. He claims neither to have nor to need any justification for valuing individual choice. But he does explain (justify in a way) why he engages in libertarian political discourse: "winning is good, but most of the fun lies in playing the game." This, apparently, is the nub of pragmatist libertarianism: we should entertain libertarian ideas (or let them entertain us) not out of concern for truth or justice, but just for the hell of it. Doing so is "fun." Klein's most damning criticism of natural rights theorists is that they are "bores."

Klein tells us that "the feelings expressed by each political philosophy originate and operate in culture." If I were to undertake a cultural analysis of Klein's own antifoundationalist attitude, I might attribute it to his being a member of the rootless post-baby-boom "Generation X" culture personified by Wayne and Garth. Never mind philosophical "validity." Party on! Dan may have a more flattering description of himself, but, as he notes, "neither description, nor any other, has a privileged, metacultural status." I'm pretty sure I don't have to worry about offending him too much. As he tells us, "the pragmatist is never very grave about his message."

Lawrence H. White
Athens, Ga.

Rorty is Old Hat

To sing the praises of Richard Rorty as offering a fresh new perspective in philosophy is a bit like hailing the Flat Earth theory as a fresh new perspective in geography. There is nothing innovative about Rorty's stale relativism; it is simply the latest incarnation of a dreary, outdated sophistical fallacy that was refuted by Democritus and Plato 2,500 years ago — and every subsequent version of it has been refuted a hundred times over by more recent philosophers. There is no point in spending any more time on it. It is Rorty's theories, not those of his opponents, that represent "philosophical dead weight."

It is true that libertarian philosophers have not always offered adequate defenses of their theories, but this is a sign, not that they need to throw in the towel and abandon reality, but that they need to be more rigorous, and to take advantage of recent progress by academic practitioners of the science of philosophy. In the last thirty years, contemporary analytic philosophy has undergone a major transformation, shedding its positivist baggage and forging ahead into a revolutionary period of truly exciting and pathbreaking work (some "essentialist," some not) on the foundations of metaphysics, epistemology, and ethics. In the face of this invigorating explosion of genuine philosophical progress, to follow Daniel Klein in trumpeting Rorty's tired pragmatism as the path to philosophical salvation is tantamount to enthusiastically casting horoscopes in the shadow of a particle accelerator.

As for Rorty's enthusiasm for "irony" as an antidote to cruelty and arrogance, the greatest philosophical ironist of them all was Socrates, who used his irony to puncture the relativistic sophisms of his contemporaries, and who saw a commitment to absolute standards of Truth and Justice as the proper guarantor of intellectual humility and a due concern for the rights of others.

Roderick T. Long
Chapel Hill, N.C.

Failures All

Prof. Loren Lomasky finds the Libertarian Party "doubly irrelevant" ("One nonvote for Bill Clinton," May 1992). He finds that the novelty of a third party "has worn off," and that the LP is an "increasingly embarrassing device" because of "ragtag" candidates who don't have the professional experience or character to be credible to the voters. No longer a vehicle for "drafting and advancing ideas that embrace liberty," the LP has been passed by in favor of classical liberal think tanks, libertarians in policy roles within the Republican Party, and journals — such as *Liberty* — that exhibit "iconoclastic vigor."

There is no need to be so smug about the "failure" of the LP to advance candidates who are credible to the voters. There is more than enough blame to go around. To the national media, our vaunted think tanks are rinky-dink in comparison to AEI, Heritage, Brookings. The best and brightest libertarian minds labor in tank-town colleges and universities known more for their basketball prowess than their scholarship, and certainly not as prestigious centers of learning. Why don't we see them being interviewed by Bryant and Katie whenever major issues break? Has the *intelligentsia* ever heard of our publications?

For some reason, the libertarian movement — academic, literary, and political — has failed to click with the opinion makers. Is it any wonder that, with the opinion makers still on the side of the leviathan state, the LP has found rough going in attracting more than a smattering of average Americans?

Aside from Milton Friedman, I'm hard-pressed to identify *any* libertarian the national media would find credible. We need Lomasky and the other libertarian intellectuals to do a better job of defining and explaining liberty, so that people who are already "credible" will abandon

their current beliefs and "convert." If these academics had done a better job, perhaps the Jack Kemps, Bill Bradleys, Ross Perots, Lee Iaccocas, Libby Doles and Ted Turners would be fire-breathing, world-beating libertarians instead of "credible" but still statist alternatives to the gang in Washington.

Anyone in contact with the LP knows that any given cross-section will produce people far more intelligent and conversant on current issues than a similar cross-section of the major parties. Anyone who has run a race for the LP knows just how mediocre and mendacious their opponents are. And even when the most credible candidate is clearly the Libertarian, the third party label can be a killer because the electorate is conditioned to accept only major party candidates as credible.

The LP wants better candidates. LP leaders have actively sought out such people, only to be turned down. Yes, the novelty of the third party has worn off. But it can still provide a viable soapbox for popularizing the ideas of the professors, the think tanks, and the publications. Let's all pull together to better reach the *intelligentsia*, the opinion molders, the students, and the voters instead of pointing fingers and sniggering about the failures of one or the other segments of the movement.

David K. Walter
West Chester, Penn.

Salesman in the Mud

I'm writing in response to the essay in the "Politics" section of the May '92 issue of *Liberty* by one of your distinguished Welfare Intellectual (WI) contributors, Prof. Loren E. Lomasky. While I am thoroughly disgusted with the smug, self-important, and pompous attitude of leech crafters such as Prof. Lomasky, it is not his WI tendency that has raised my hackles in this case.The major irritation is the glib manner in which he appears to treat the Libertarian Political Party and the manner in which he degrades the few men and women who are the "Il-Bravos" in the perpetual struggle for liberty.

Lomasky's nonchalant slurs do the cause of freedom a serious disservice. I am a veteran of two "peripheral vehicle" campaigns and am currently gearing up for my third. I am firmly convinced that Lomasky's cavalier attitude towards those of us in the trenches is rooted in his own deep-seated fear of risking personal affront, insult, ridicule, and other unpleasantries that invariably await those of us who carry the colors to a skeptical electorate. People who spend virtually all of their time in ivory towers far from the din of the battle don't seem to be able to comprehend the type of effort and commitment that it takes to continually get up in front of a crowd of living, breathing voters. To say that people like us are becoming more "peripheral" is an insult that would not be thrown at us from one of our own. Oops, I forgot. He's a WI. In his ivory tower, he doesn't smell the smoke, feel the pain, or see the casualties. He simply sits back and pontificates at his leisure in his tax-funded, fur-lined bubble. He says we aren't effective in advancing liberty-enhancing ideas.

Well, Prof. Lomasky, as I write, Dr Dean Edel, a national talk show host, is heaping praise on LP vice-presidential candidate Dr Nancy Lord for decrying the futility of the drug war. Andre Marrou's brilliant campaign in Dixville Notch, New Hampshire, resulted in many millions of dollars' worth of publicity for the entire Libertarian philosophy. Katie Curic actually read the definition of Libertarian to Willard Scott on the *Today* show! And here in Blaine County, Idaho, home of world-famous Sun Valley, Bald Mountain, and Ezra Pound, I have the privilege of being the first and the second Libertarian to act "as a vehicle for drafting and advancing ideas that enchance human liberty" by conducting increasingly effective campaigns for public office. Before me, no one had ever heard of privatizing roads, nor had anyone ever considered that taxation might entail certain moral dilemmas. I am in this battle for the duration, and I intend to see liberty *win*.

I urge Prof. Lomasky to consider enhancing his own perspective by getting his shoes muddy in the trenches with the real leaders of this movement. If he doesn't feel up to the challenge, might he refrain from flipping oblique insults at the grunts who do the dirty work? Unless this product is sold, nothing will happen. And frankly, Prof. Lomasky ain't no salesman.

Joseph A. Rohner III
Blaine County, Idaho

True Supporter

I am always pleased to vote for the Libertarian presidential candidate, and thank God I have the chance to vote for the person and the platform that most closely match what I believe. Few Americans can truthfully make that claim.

Loren Lomasky's diatribe against the party was especially disheartening. Lomasky would rather pooh-pooh the LP and read *The National Enquirer* in his ivory tower. If people like him would get off their duffs and help find candidates who could be taken "more seriously," maybe the party would enjoy greater electoral success. Until then, I'll continue supporting the nominee. I take him more seriously than I do Bush, Clinton, or H. Ross Mussolini.

R. Kidwell
Baton Rouge, La.

The Jig Is Up

With all the Libertarian Party bashing that *Liberty* has carried lately, it is a wonder that they still advertise in the *LP News*! Or is that *Liberty*'s plan all along: to spread doubt among new LP members — to eat the child the libertarian movement has spawned?

Mark Sulkowski
Buffalo, N.Y.

The Place to Argue

I appreciate your publishing the angry letters from those cancelling their subscriptions, mainly because they're so funny. I am a libertarian candidate for U.S. House in Texas (one of the roughly 90 Libertarian candidates on the Texan ballot in 1992), but I certainly don't mind seeing opinions critical of the Libertarian Party. I would much rather see us work out our problems in a publication with a 99% Libertarian readership than anywhere else.

My *Liberty* subscription has been money well spent. The articles on the environmental damage caused by government ownership of resources here and in the ex-Soviet Union are especially valuable. I always refer college students to *Liberty*, along with the *Cato Journal* and *Reason*, as a source of serious contemporary libertarian thought.

Keep up the good work; who knows, maybe *Liberty* will be the beginning of a new publishing empire.

William H. Walker
Balch Springs, Tex.

Reflections

Support Bill Clinton, but don't vote for him — Slick Willy Clinton's egregious remark about experimenting with marijuana but never inhaling is the equivalent of saying: I experimented with whiskey but I never swallowed. I experimented with kissing but I never touched lips. I experimented with the piano but I never touched the keys. I experimented with driving but I never started the engine. I experimented with reading but I never looked at any letters.

We should now say that we experimented with the Clinton candidacy, but never cast a vote for him. What an a******! (I experimented with epithets but never said one aloud.) —KH

Bank on it — The House check-bouncing episode is a scandal all right, though not in the way most people imagine. It is pretty plain that some members took advantage of the House Bank to get interest-free loans by writing checks against funds that were not in fact in their accounts. But so what? Wouldn't you do the same if your bank would allow it? What's the crime here?

Not one cent of public money was ever at risk. The interest-free loans that some members enjoyed were at the expense of other members, who held funds on account without receiving interest.

On top of that, it appears that many check bouncers were innocent victims of the incredibly bad management of the bank: some members made deposits that just "laid around" the bank for days and even weeks before being credited to their accounts, during which time the depositors felt it reasonable that they could write checks against the funds.

Rep. Tom Foley, the Democratic cacique, announced that the "scandal" was over the day the list of bouncers was released. I suppose he meant that since no public money was ever at risk and many if not most of the bouncers were innocent victims of the bizarrely incompetent management of the bank that the public should stop worrying about it.

Foley is as wrong as he can be. Think about it. Just who is in charge of the House Bank? Who set its policies, hired its managers, and watched approvingly as it paid bad checks, failed to credit deposits, and otherwise operated in a less businesslike basis than the bank operated by the kids in Miss Johnson's fourth grade class? Who is responsible for its operations?

The House itself, through its elected leadership, that's who. This is exactly the same group of 435 knaves, con men, morons, and clowns that is *running the country*. —RWB

Tele-phoneys — Why advertise if you're a business with no competition? One reason is: to persuade your customers how lucky they are to have no alternative suppliers.

This is one of the minor pieces of information I have picked up while temporarily living Down Under. Australia Telecom enjoys a monopoly over the country's phone service. Folks realize that such is not the case everywhere and, apparently, some suspect that the situation isn't exactly fair dinkum. In an effort to reassure uneasy Aussies, Telecom repeatedly broadcasts a TV commercial exhibiting life in America. Its message: *too much choice!*

The plot, briefly, is this. A man who looks as if he could be the twin brother of *L.A. Law*'s Stuart Markowitz walks into a diner and is overwhelmed by an endless cascade of menu options. Scrambled eggs, poached eggs, eggs over easy, eggs over not-so-easy . . . by the time the waitress finishes listing them all it's too late for breakfast. But then the lunch alternatives prove to be just as numerous and just as intimidating. "America has more freedom of choice than a hungry man can handle," intones the smug narrator.

The real point of the promo becomes clear when the hapless and still-hungry American goes to a phone booth — presumably to place an emergency call to Meals-on-Wheels — and stares distractedly at the instrument before him. The obnoxious narratorial voice reemerges to inform us that the poor bloke may be involved with up to three phone companies before being able to commence his conversation. The moral: "America's dream is Australia's reality."

During my two months here I have become exceptionally fond of Australia and things Australian, so I hope this piece of propaganda meets the fate it richly deserves. Here's how you can help. The commercial's epilogue announces that a five-minute call to any site in Australia can be placed for no more than $2.75. So send an Australian a copy of your latest phone bill. And maybe a copy of your cable TV listings, too; that's another choice from which the government protects its citizens. —LEL

Marxism, mark two — Whatever happened to Marxism? Wisely, it has adapted to the current world environment by making a few little changes. Such as getting a new name —"cultural studies" — and dropping a few of its features from the days before it stopped having a power base anywhere but the American academy.

Michael Bérúbe put it this way, in a long, celebratory review of the revived movement published in the April 1992 *Voice Literary Supplement*: "though cultural studies' chief intellectual tradition is Marxism, it is an idiosyncratic, undoctrinaire, practical British Marxism. . . . The current Marxism of cultural studies, it turns out, is a Marxism that stopped believing in historical inevitability long before the Wall came down; it is a Marxism that denies the primacy or unity of

'class' (and emphasizes the relevance of race, gender, sexuality, subjectivity), no longer believes in the centrality of Europe, no longer believes that the base 'determines' the superstructure, that the ruling class owns the ruling ideas, that class struggle is inevitable, or that ideology is just 'false consciousness.'"

In short, it is just another of the fads we must endure so that the tenured can sing their own tunes to their captive audiences. —KH

When Elvis really ruled the waves — Would-be political wits of the world, be trendy: compare the presidential election to the Elvis stamp vote. Thrust your hip forward, Presley-style, and say, "Hey-hey. I bet more people are voting for the Elvis stamp than are voting for president. Heh heh heh." *No one* will remind you that seventy thousand others have already made the same joke, in one form or another.

For the record, I refused to vote for either stamp. Honorific postage stamps are not supposed to be issued until the person so honored is deceased, and the King's vitality status is still indeterminate. With Elvis sightings now being reported from Estonia, I find it very easy to believe that *le roi* does indeed live on, incognito, busily rooting out the last vestiges of International Communism. Come November, we may have yet another chance to vote for him, as the running mate of Texas businessman H. Ross Perot.

Remember: in our nation's direst hour, the King will return. Just as it would be improper to put Jesus Christ or King Arthur on a stamp, the image of Elvis must remain sacred. Boycott the Post Office. Keep the faith. —JW

Solidarity forever! — Susan Krieger, a lecturer at Stanford University's politically correct graduate course on feminist methodology in the school of education, recently ejected a male student from her course. Krieger said that the expellee "was not sufficiently committed to a gender outlook on social reality." She could not, of course, *mean* a "gender outlook," since the expellee was of a gender and obviously had an outlook. Ironically, the expelled student, although a hated male, was said to be trying his damnedest to have a *feminist* outlook.

There used to be places where females could flock together without male intrusion. They were called nunneries. Welcome, Stanford, to the Middle Ages! —KH

Operation criminal rescue — Having lost my only two children to abortion, I obviously have mixed feelings about it, as I suppose must almost everyone else. Abortion seems to me one of those issues where both sides are right and thus have good reason to be righteous. Precisely for that reason, a pluralistic society, in contrast to a theocratic or totalitarian one, should have no laws on the issue.

My principal objection to anti-abortion activists is that I think them dupes. Consider this question: Were abortion to be made illegal again, who would the principal beneficiaries be? Obviously, "doctors" who lost their licenses through malpractice or were never licensed at all, as well as those underworld types predisposed to deliver illegal services, which is to say gangsters. Indeed, were I either of these kinds of people, I would be working overtime agitating among anti-abortion dupes. I'm old enough to remember what kinds of people women had to deal with before abortion became legal, and they weren't the sort most of us would normally invite into our homes. The truth familiar to libertarians is that whenever the state makes illegal something that some people desperately want, the result is a sleazy black market. A secondary result is the imprisonment, at state expense of course, of otherwise law-abiding people. Abortion is in this respect no different from alcohol or recreational drugs.

Isn't it time to remind righteous people who want the state to make abortion illegal that the principal beneficiaries of your success will be criminals, and the principal chumps taxpayers who subsidize the prisons? Whose side are you on? —RK

Cartoon by Paul Pope

Loons at the helm — Washington, D.C., loon capital of the land, will begin making condoms available to students at all 16 of the city government's high schools beginning in the fall. Author of the dramatic plan, designed to fight an AIDS epidemic said to be spreading faster in Washington than in any other city, is the town's mayor, Sharon Pratt Kelly. She doesn't stop with schoolkids, either; inmates in all of the city's prisons and jails will also get to take part in the plan.

Here's the loony part. It seems that the inmates of our capital city's jails and prisons will not only be able to get condoms (and confidential AIDS tests). They will also get punished, if they are caught breaking the law that forbids them from having sex. And so The Ship of State careens on its way, left hands at the helm perfectly unaware of what the right hands are doing. —KH

What conspiracy? — Inspired by a Washington *Post* story describing "secret" Soviet subsidies to Communist

parties around the world, including in the United States, the Detroit *News* gloated, "as the files [in the old Soviet archives] open up, it's turning out that some of the things the 'paranoid' right was saying — that the Rosenbergs were guilty, that the KGB was a nasty organization, that Moscow was actively funding groups like the CPUSA — were true."

Is this the best the old Cold Warriors can do? The Rosenbergs were guilty — and the United States sponsored spies in the USSR, too. The KGB was a nasty organization — and so were (and are) the CIA and FBI. The USSR funded client parties around the world — and the American government did the same, funneling money to anti-Communist political parties of all ideological colors, in the industrialized West as well as the less developed nations.

Sorry, folks. Cold War revisionism still stands. —JW

Drop that hose! Come out with your hands up! — In Seattle these days, you can be arrested and fined for washing your car or watering your lawn. The reason? The city has enacted strict restrictions on water consumption, with fines of as much as $500 for using water in ways the city in its wisdom does not approve, and tripling the price of water. To put teeth in the law, it has assigned "several dozen" cops to enforce it.

I suspect this seems rather strange to those living away from the Pacific Northwestern Ecotopia. The most common characteristic of Seattle in most people's mind is that "it rains all the time." This image is not totally accurate: although Seattle gets substantially more rain than most places, its summers tend to be rather dry. More to the point, Seattle lies at the base of the Cascade mountains, which receive more than 100 inches of precipitation each year, mostly in the form of snow, which conveniently accumulates all winter and melts all summer, resulting in many huge rivers flowing into Puget Sound. In sum, Seattle is perhaps the best-watered large city in America, so blessed with abundant water that when the Chamber of Commerce held a contest to determine a new city nickname to attract tourists, the "Emerald City" won hands down.

Just as Seattle officials reacted to the shortage by enacting Stalinist-style restrictions on consumption, so they explain the cause of the shortage by echoing the perennial Stalinist explanation for poor crops: insufficient rain.

Just how "Emerald" Seattle will remain seems dubious. It is now illegal to water one's lawn, and the watering of gardens is only allowed, according to the Seattle *Times*, when the leaves turn dull, droop, or the color turns from green to brown.

Why is Seattle so low on water that it must enact such severe restrictions? Just as Seattle officials reacted to the shortage by enacting Stalinist-style restrictions on consumption, so they explain the cause of the shortage by echoing the perennial Stalinist explanation for poor crops: insufficient rain.

But the real reason for the shortage is the same as the reasons for the Soviets' sorry record of crop failures: central planning fails to meet consumer expectations because it lacks the information provided by markets. In the case of Seattle, the city has not increased the capacity of its water system since 1964, despite the fact that the market over which it has a legal monopoly has increased approximately 53%.

By and large, people are accepting the water department's explanation and supporting its policies. Seattle television stations report that patriotic citizens have been turning in neighbors spotted letting their children run through sprinklers on hot days or otherwise "wasting" water.

Part of this enthusiasm for mandatory conservation comes from the general eco-idiocy that has plagued local people. It is compounded by the usual guilt of both left-liberals and traditional American puritans who condemn all enjoyments not linked to self-denial.

The notion that it is possible to waste water is, from an ecological perspective, idiotic. Water consumed ends up in exactly the same place as water that is not consumed: either soaking into the ground, flowing into the ocean, or evaporating into the air. In any case, it is recycled by nature.

Nevertheless, sales of barrels made from recycled plastic for catching rain are reported to be sharply up. Unhappily, Seattle averages only 3.4 inches of rain during the summer. If the catchment system is 100% efficient (i.e. has no leakage and there is no evaporation) and every drop of rain that falls on the roof of a typical house is gathered into rain barrels this will yield only 700 gallons per month — enough to water an area about 16 feet square. This is to be achieved at a cost of about $160. Buying the same water from the city, even after the city tripled the price, would cost about $11. All this suggests that those hopped up on eco-idiocy and puritanical left-liberal guilt have managed to accomplish the impossible: they have discovered a way to invest even less efficiently than central planners do. —RWB

Educational simulacra — Too often, people who spend all their time in school start to mistake it for the real world. The measure of how well one can read, count, or think becomes, not the ability to do these things when it really matters, but the ability to do a mock-up of these activities on a test.

Despite several decades of radical critiques of schooling along these lines, children who prefer to ignore the required reading in favor of a more advanced book they prefer, or to fool around with a complicated computer program instead of doing simple math homework, or to play basketball very skillfully with their friends but goof off during gym, are rarely encouraged and often punished. They have lots of "potential," but, unfortunately, will not get with the program.

But the really odd thing to observe are the educators who *have* listened to schooling's radical critics. Unable to fake the real world, they try instead to build a mock-up of the individual soul.

So students are now taught "self-esteem" in the schools. No longer will they be senselessly belittled; now, everyone will be told in no uncertain terms that he is a unique, special

individual with unique, special qualities. They will all learn their unique, special qualities from a standardized self-esteem curriculum, written by social scientists who have done all the research on just what unique, special qualities should be encouraged at each age.

Students who prefer to develop their self-esteem through useful work or self-directed study will of course run afoul of the law. How dare they explore their real individuality in the real world, acquiring a real education in the process? Don't they like our simulations?

The old model of schooling could at least claim that, for all its faults, it was teaching most (some?) people to read and write. Calls for demonopolizing education could be met with worried warnings that the market could not provide children with this sort of education. The claim would be wrong, but would at least contain an air of plausibility. But the new model of schooling has no such defense. Can anyone honestly claim that no one would develop self-love and self-respect without school? I don't know anybody who learned self-esteem in the classroom, though I know quite a few who had it beaten out of them there.

With both compulsory conservatism and compulsory liberalism failing in different schools around the country, it might finally be possible to give voluntarism a try. —JW

Guides for the perplexed — Ellsworth Toohey, the scrofulous, sacrifice-preaching villain of Ayn Rand's *The Fountainhead*, is alive and well in the person of South African Supreme Court Justice Ismail Mahomed — the first black African to serve on the court.

Speaking at the recent commencement exercises of the University of Pennsylvania, Justice Mahomed referred to America's "institutional racism" in saying "let us be brutally frank, what you have done to restore the integrity of your domestic soul and to unite divisions of your own nation is not good enough." Apparently, it is an unsolved mystery why so many immigrants, legal and illegal, of all races, are voting with their feet to come to this oppressive land.

That aside, Justice Mahomed and his host offered a way that the graduating class, as privileged members of society, could make it up to the less privileged. They must "use their minds in the service of humanity." They must do this "not simply because the victims of injustice are entitled to demand justice from us, but because the expression of such love is necessary for the internal growth and fulfillment of the giver himself and for his own emancipation from fear and insecurity."

"The news is pretty boring tonight, folks, so to spice it up, I'll read it in my 'Mr. Bill' voice . . ."

Now let's see: there you were, going about your business, maybe even thinking about a post-graduation job working for (ugh) money, when what you really need for a secure, fear-free future is to put yourself into the yoke that Justice Mahomed holds out to you privileged children of a rotten society so that you can work for (slave for?) those who demand and deserve the service of your otherwise hopelessly selfish minds.

No wonder Penn is called an Ivy League school. It has some sort of vegetation for its brain cells.

Not to be outdone by a visitor to *his* campus, Penn's President Sheldon Hackney said that the graduates should "reject rugged individualism and embrace a sense of collective responsibility for the nation's social ills."

No wonder this is called an Ivy League school. It has some sort of vegetation for its brain cells. Incidentally, the 5,000 graduating students greeted the whiny weirdness with applause, thus giving an indication of just how much *they* had learned about *what* during their privileged years at Penn. —KH

Better late than never — "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

So reads the twenty-seventh amendment to the U.S. Constitution, which became the law of the land on May 4, when the legislature of Michigan became the 38th state to ratify it. It is a small but sensible move toward a less irresponsible Congress.

What's interesting about the amendment is its history. Congress approved it and sent it to the states for ratification in 1789, as the second of twelve amendments proposed to correct widely perceived flaws in the Constitution. Ten of those amendments (numbers 3–12) were ratified, and came to be known as the Bill of Rights. The pay raise amendment was ratified by six of the 13 states during the following three years, but no other states ratified it during the next 82 years. In 1873, Ohio ratified. Then passed another 105 years before Wyoming ratified it in 1978. Eight states down, thirty to go! During the past 15 years, it picked up steam, averaging two ratifications each year until Michigan put it over the top.

This naturally aroused my curiousity. The pay raise limit was the second of the twelve amendments approved by Congress, leaving only one, the first, still pending. What was that other amendment? Maybe something mandating a balanced budget, outlawing peacetime armies, or some other delightful limitation on government power? It took me a half-hour's rooting through my library to learn the answer:

a limit on the number of members of the House of Representatives. — RWB

John Dentinger, 1952–1992 — Readers of *Liberty* probably remember John Dentinger as a man passionately interested in the health of the libertarian movement, as the author of one of the most controversial articles that ever graced our pages: a stern reminder of the risks of libertarians becoming too closely identified with conservatives. But John Dentinger's interests were much wider than the movement. He presented libertarian ideas to an extremely wide audience as a writer for *Playboy* magazine and as an extremely prolific author of more than 100 op-ed articles, published in dozens of newspapers. He was always bright, always articulate, always witty, and usually wise.

He died in his home on March 19, from complications from AIDS.

Roy A. Childs, Jr., 1949–1992 — He was the *enfant terrible* of the libertarian movement in the late 1960s, doing more to popularize anarchism than any other individual. He wrote brilliantly and extensively on a wide range of subjects. His literary career reached its apex in the late 1970s, when he edited *Libertarian Review*. His literary output declined sharply thereafter; during the 1980s and 1990s it was pretty much limited to writing for the catalog of Laissez Faire Books.

He had a wide circle of friends, including this magazine. He was always generous with encouragement and advice, even promising on several occasions to write major articles for publication here, though he never found the time or energy to do so.

His brilliant conversation was admired by countless friends. He had a flare for drama; he loved gossip and knew more about the colorful personalities of the libertarian movement than anyone else. His own passing leaves the movement much less colorful, much less lively. He will be missed by his friends, who are legion, and by all who value human liberty.

Roy always had trouble controlling his appetites. Only days after leaving a clinic where he sought treatment in an attempt to lose weight, he checked himself into a hospital, where he died of a complication of obesity on May 22.

(A personal memoir of Roy Childs is published on page 28 in this issue.)

Vice-Presidential follies — Newspaper columnists and pundits have been full of advice for H. Ross Perot about whom he ought select as a running mate, generally advising that he select a well-known major party politician, to give his campaign "credibility." The name most frequently mentioned is Paul Tsongas.

Their advice is as wrong as wrong can be. Perot's whole appeal is as an anti-politician. Choosing a politician as his running mate would undermine that appeal. My guess is that Perot will follow his wise practice of ignoring the pundits and choose someone not associated with politics. If he wants to maximize his electoral chances, he should choose someone of genuine national stature — someone like Lee Iacocca or Norman Schwarzkopf. But Perot has never been one to share the limelight, so don't be surprised if he chooses someone not terribly well-known.

There is probably another reason that Perot won't chose Tsongas: Tsongas has already been selected by Clinton as his running mate in a secret deal. The evidence for this is circumstantial, but powerful.

Consider the situation before the New York primary. Coming into New York, Clinton was in serious trouble. Media reports of his character flaws were hurting him badly, and many Democrats were convinced that "anyone but Clinton" would make a good candidate. Jerry Brown's campaign was gaining momentum. Tsongas had dropped out of the race for lack of funds. There was a good chance the anti-Clinton vote would coalesce around Brown, allowing him to win the New York primary and derail Clinton's already shaky campaign.

Tsongas responded to this situation by announcing that if he got a good vote in the New York primary he might jump back into the race. This announcement heartened his supporters. Tsongas got nearly 30% of the vote, an extremely good showing for man who had officially withdrawn from the race and did not campaign at all. Despite this strong showing, he announced two days later that he had finally made up his mind for sure and was out of the race for good.

What can explain this strange behavior? The most likely explanation for this curious political dance is that Tsongas did it to help the Clinton campaign, for that was assuredly its only important effect. And it was easy to forsee: Tsongas would split the anti-Clinton vote, thereby insuring Clinton a victory based on the Arkansan's solid support from black voters and modest support from other Democrats. At the very least, Tsongas' re-entry into the race would take the wind out of Brown's sails. And Tsongas might very well finish second, effectively knocking Brown out of the race — which is indeed what happened.

Who stood to gain from these entirely predictable consequences of Tsongas' return to the race only to withdraw again after the New York primary? Bill Clinton, and no one else. If the anti-Clinton vote had united behind Brown, Clinton's campaign might very well have been dealt a fatal blow. Instead, he emerged from New York as the clear front-runner with enough delegate support to make his nomination inevitable.

Tsongas and Clinton are intelligent men. They could

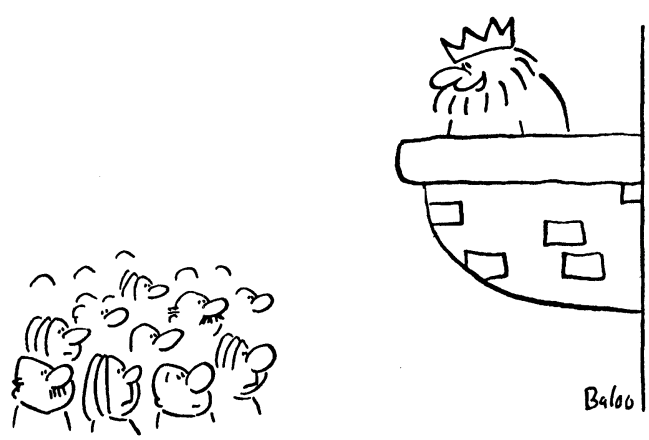

"We invade Burgundy tomorrow — I need a good narrative hook for my autobiography."

plainly see the tremendous advantages for Clinton of Tsongas' actions. But what were the benefits for Tsongas? The only one I can divine is that Clinton promised him something big — like the vice-presidential slot.

So don't be surprised if Slick Willie picks Tsongas as his running mate. The deal is probably already done.

Meanwhile, what about America's favorite running joke, Dan Quayle? Will Bush retain him? It all depends on how the president's prospects look at the time of the Republican convention. Bush has always been much more committed to personal relationships than to any sort of political principles, so his every inclination is to remain loyal to Danny the Dummy.

On the other hand, Bush undoubtedly realizes that Danny is not an asset to his candidacy. Indeed, it has probably occurred to him that in a close race, Quayle could be the factor that might sink his campaign.

When the Republicans meet in Houston, Bush will keep Quayle on the ticket if he figures his re-election chances are fairly safe. But if he's worried, Danny the Dummy just might be Danny the Dumped. Best candidate to replace him: Colin Powell. He's black, he's intelligent, he's articulate — qualities that Bush sorely lacks. —CAA

The Marrou mess — On April 9, two days before meeting in Ann Arbor, Michigan, members of the Libertarian Party National Committee received an express mail package. Inside was a request that NatCom remove Andre Marrou from the LP's presidential ticket on grounds that Marrou had a long record of deceit and fraud.

The letter was from Michael Emerling, a longtime Libertarian Party activist who had managed Andre Marrou's successful bid for the LP nomination. Emerling explained how long and how well he had known Marrou, and his shock at discovering that Marrou had engaged in a variety of fraudulent and otherwise ethically questionable activities, viz:

1. Marrou had lied about his personal history for many years, maintaining, among other things, that he had been married only twice, when in fact he had been married four times.

2. After he moved from Massachusetts to Alaska, he quit paying his court-ordered child support to his second wife.

3. While serving in the Alaska Legislature, he agreed to act as the City of Homer's representative in acquiring land to widen a public road. One of the landowners with whom he negotiated was himself. He paid himself $3999 for land that was essentially identical to land purchased from other landowners for $1499. Charges of conflict of interest on this matter and various possible violations of campaign financing laws were pending before the Alaska Public Offices Commission when Marrou left Alaska.

4. Without the knowledge or permission of other corporate officers, Marrou applied for and received a corporate Mastercard in the name of "Project 51–92," the political action committee that he, Michael Emerling, and Richard Winger had formed. He used this credit card to pay for various personal expenses. Emerling and Winger learned about it only when the card issuer sent letters to the committee threatening legal action.

5. During the period between his vice-presidential campaign in 1988 and his Presidential campaign beginning in 1991, Marrou obtained various goods and services on credit for which he never paid, including $519.88 to MCI, $91.89 to Chevron, $1,096.02 to Montgomery Ward, $246.50 to Hallmark Realty, $245 to the Las Vegas Water District (he failed to pay his water bill for half a year), plus $1904.42 to the Mastercard account of Project 51–92. He also failed to pay $113 in property taxes for the building that served both as his home and campaign headquarters, resulting in his being listed several times as a tax delinquent in Las Vegas newspapers.

6. He had insisted that his campaign schedule be arranged to maximize visits to New York, so that he could spend time with his girlfriend.

7. He attempted to get the campaign to pay for travel expenses of his girlfriend while she traveled with him.

There followed 21 pages of documents: a letter from the Alaska Public Offices Commission, explaining that it was no longer pursuing Marrou because he had left the state, letters from his creditors offering to settle for partial payments of funds due, a sorry record of his failing to make house payments, receipts for various payments of his personal debts made by his campaign committee, a copy of the delinquent tax notice, more letters from collection agencies . . . .

At the NatCom meeting, the agenda was Marrou and the mood was glum. The leadership of the LP was already unhappy with the campaign. In an unprecedented move that amounted to a foreclosure, it had ordered the campaign

continued on page 68

Los Angeles Burned for Your Sins

by R. W. Bradford

No one expected the jury in the trial of the police officers who beat Rodney King to return a verdict of "not guilty."

No one was surprised when angry young blacks took to the streets when they learned of the verdict.

No one could believe that the police would stand by and allow an orgy of looting and murder to take hold in the heart of the nation's greatest city.

Why did it happen? What does it mean? What will America be like, after the riots?

Liberty's editors sort through the rubble, looking for answers.

The trial — I watched most of the trial of four Los Angeles policemen accused of beating Rodney King, a black man who had attempted to elude officers who had clocked him speeding.

And a very strange trial it was. It was quickly evident that the defense was better prepared, more competent, and smarter than the prosecution — and that nevertheless the prosecution had an open-and-shut case.

The reason is that the prosecution had the best possible evidence on its side: The Tape. The Tape plainly showed a group of Los Angeles police officers beating Rodney King while he lay prone and helpless. The jurors could see with their own eyes what had happened.

Yet the defense had an awful lot going for it. The trial had been moved from Los Angeles to Ventura County. That is to say, from a racially heterogeneous city to an overwhelmingly white suburban county, from a city with a high minority population to a county where many people live to get away from minorities, from a city where many have experienced mistreatment at the hands of the police to a county where many policemen choose to live.

Six of the jurors were ex-military, and three others were government employees. All were comfortable with the idea that the government knows what's right, and much more sympathetic with police officers (their neighbors) than with black, inner-city residents like Rodney King.

The defense counsel worked very hard to convince this jury to ignore the evidence of their own eyes. Time and time again, defense attorneys referred derisively to the "amateur video." (One wonders: if the video had been professional would the defense have considered it more credible?)

Time and time again, defense argued that Rodney King was a threat to the police officers, who had no choice but to beat him and beat him and beat him. They argued that some of the blows from the police clubs may have missed, that those that connected weren't very powerful, that Rodney King lying on the ground was a constant danger to the officers, who in fact

were using only the minimum force required. They argued that, although the officers hadn't put it in their reports or mentioned it to anyone in the ten months between the beating and the trial, the officers were convinced that Rodney King was "on PCP" and therefore might have superhuman powers and absolutely no inhibition against making a desperate move that might kill many of them.

Time and time again, the defense tried to get the jurors to look at the case from the point of view of the accused, rather than as disinterested parties or as victims of police violence. Time and time again, the defense argued that the officers had acted in accordance with their training, skirting the question of whether the officers had broken the law.

It was a remarkable and fascinating effort, a well-crafted torrent of words, fascinating the same way program-length infomercials for baldness cures, instant wealth, and impotence remedies fascinate.

Besides The Tape, the prosecution had the fact that one of the officers had bragged of the beating in a computer message to other policemen, "I hadn't beat anyone up that bad in a long time." And the prosecution took advantage of a serious slip by the defense that introduced into evidence the description by one officer of his intervention in a domestic dispute of a black family earlier the day of the beating as a scene from *Gorillas in the Mist.*

But most of all, the prosecution had The Tape. And it plainly showed Rodney King lying prone on the ground, flailing as he was beaten, then lying still until an officer kicked him in the head, then reacting to the blows, only to be smashed with another torrent of two-handed smashes with the baseball-bats the cops carried.

As the case was going to the jury, I left on a business trip. The possibility that the officers would be exonerated did not occur to me. You see, there was The Tape. The best evidence possible. People could see what happened with their own eyes. Even if they lived in a suburb as refugees from black Americans, even if they heard months of sophistic arguments from skillful twisters of the truth. You see, there was The Tape.

The overwhelming majority of Americans agreed. Virtually all black Americans agreed: the evidence of the officers' guilt was utterly convincing. Most white Americans agreed. Liberals agreed. Even those who ordinarily are most inclined to apologize for police violence — political conservatives — agreed.

But the twelve members of the jury did not agree. After ten days deliberation, they exonerated the officers on ten of the eleven charges against them, and were unable to arrive at a verdict on one charge against one officer.

The verdict — "I think we were able to do what we set out to do, which was to get the jurors to look at this case not through the eyes of a camera, not through the eyes of an amateur video, but through the eyes of the police officers confronting this situation on March 3, 1991 . . . we put the jury in the shoes of the police officers . . . " That's how Michael Stone, attorney for officer Lewis Powell explained how the defense had won the case. "The videotape presents a distorted view of the scene. The jury is required to look at the case through the eyes of the officers."

The jurors had made a pledge to each other to refuse to speak to the press or to explain their decision. But as the nation stood by in shock, some of them broke that pledge and revealed why they had ignored the evidence of their own eyes.

In the first interview after the trial, obtained by Ted Koppel on condition he conceal the name and sex of the juror, a juror explained, amazingly, that the dozens of officers who surrounded King that night and the four officers who beat him were not in control of the situation at all. In fact, "Rodney King controlled the action." At any time, you see, he could have stopped flailing around and that would be the end of it. The juror referred to King as "the violent felon," a curious characterization, suggesting that the police who beat him knew he was not just a traffic violator who had tried to elude them, and that it is appropriate to beat him because of his past behavior.

"The Police Department had no alternative. He [Rodney King] was obviously a dangerous person, massive size and threatening actions . . . Mr King was controlling the whole show with his ac-

Reaping the whirlwind — Racism is ugly. There are two obvious ways to combat it. One is to affirm an individualistic standard of justice and appraisal, thus maintaining a high moral stance against the stupidities of prejudice. The other is to attack all stereotyping as prejudicial. Collectivists naturally choose the latter route, which has become standard in our culture.

The problem with the second approach is that stereotyping is inevitable. It is merely a form of generalization that, as generalizations go, can mirror reality in significant ways. (The significance is shown in the effectiveness of much ethnic humor; personally, I know the validity of many stereotypes of Scandinavians, and laugh at Scandinavian jokes. Many Jews do the same with outrageous Jewish and Yiddish humor.) Denying to people a legitimate means of coping with information about cultures derails normal processes of thinking, and confuses as much as it purifies. Reason is subverted.

Leftists have combined this attack on a thought process with a victimization logarithm that continually *calls attention* to the very racial categories that, according to the anti-stereotyping rule, are not supposed to matter.

We now reap the whirlwind. Afflicted by this double bind, people have no choice but to reject one message or the other, or both, or go "crazy." The rioters went "crazy." I fear that many white Americans will reject the double bind and embrace the stereotype of the irrational, black looter as not only a legitimate generalization (which regarding *race,* it is not), but also as an excuse to prejudicially despise black individuals. And thus will racial tensions escalate.

How many people will reject the modern double bind and adopt the standards of individual responsibility? How many will see the links between it and the idea of justice, the idea that best grounds condemnation of both police brutality *and* the jury's verdict? — *Timothy Virkkala*

tions," said one.

"Rodney King got what he deserved," another said.

"Based upon the testimony, the evidence, the information that was provided to us, [the officers' actions were] well within the scope of the LA Police Academy training. They used everything that they had at their availability," said another.

The stress and isolation of jury service took its toll. Juror accounts of the deliberation are replete with episodes of crying; one juror reported a "religious experience."

Plainly, at least some jurors had lost touch with reality. As Los Angeles burned and criminals roamed its streets looting and murdering in the aftermath of the verdict, one juror told Larry King on CNN that the riots were in no way connected to the verdict, and would have happened anyway. Another defended the racist *Gorillas in the Mist* characterization of a black couple by one officer as just his way of saying that they were "a close-knit family."

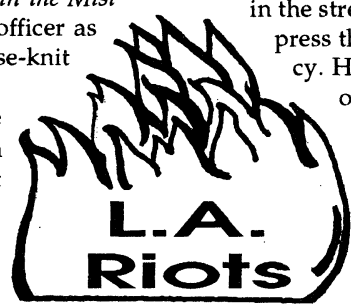

The prosecutor blamed his losing the case on the change of venue to Ventura County. "This would have been a 'perfect jury' in a criminal case with a civilian defendant, but could not have been worse for a case in which law enforcement offices were defendants," he explained. "These jurors were very pro-law enforcement. They were people who believe there is this 'thin blue line' separating law-abiding citizens from the jungle, the criminal element. They are people who have put police officers on a pedestal. They have had very positive experiences with police officers."

This is plainly a partial explanation at best. Ventura County may be filled with white refugees from the city who love the government. But they aren't fools, and they aren't blind. The evidence of The Tape was as plain to them as to people elsewhere. Only 18% of Ventura County residents agreed with the verdict, according to a poll by the Los Angeles *Times*. That compares to 13% of Los Angeles city residents.

It seems pretty plain that the stress of the trial, the isolation of the jurors, along with their possible latent racism and their authoritarianism made them susceptible to the sophistry of the defense attorney. The jury made the wrong decision, as sometimes happens.

The reaction — Orders had been issued to bar the press from police stations while the jury deliberated. But some reporters managed to slip in, and what they saw can only be described as a celebration.

"I'm elated, absolutely elated. I'm proud to be a Foothill officer, and I'm proud to be an LAPD officer. It's like this sick feeling is finally going to go away," Officer Corina Smith told a reporter, as she raised her fist in the air upon news of the verdict. Other officers at Parker Center the downtown police headquarters, applauded and cheered, shouting "Yes!" and "Go get 'em!"

Leaders of the black community had been worried that the verdict — whatever it might be — might lead to trouble in the streets. Police boss Darryl Gates had reassured the press that the police were prepared for any contingency. However, two-thirds of the patrol captains were out of town at a training session when the verdict was announced. Gates saw no reason to keep the day shift on duty after the verdict was announced; that would mean overtime.

In the black neighborhoods, the reaction to the verdict was shock and disbelief, just as it was everywhere else. The reaction was also despair. Here was a case where white cops had beaten a black man gratuitously and viciously. Unlike other, similar cases, it was not a matter of the word of the white police officer against the lower-class black. This time the whole matter was on tape. Justice would be done this time. But when justice was not done, what explanation was possible except naked racism? No matter how a black man acts, he is at the mercy of the white man.

Not surprisingly, many blacks felt rage. They wanted to kick some ass. White ass. They went into the streets, to the nearest commercial districts. By 5:00 p.m., about 50 young, angry black men had gathered at Tom's Liquor Store and Deli II, at the corner of Florence and Normandie. They were looking for trouble.

Timothy Goldman, a 32-year-old black ex-Air Force captain, heard about the verdict while riding in a friend's car. His friend turned on his police scanner, and found out

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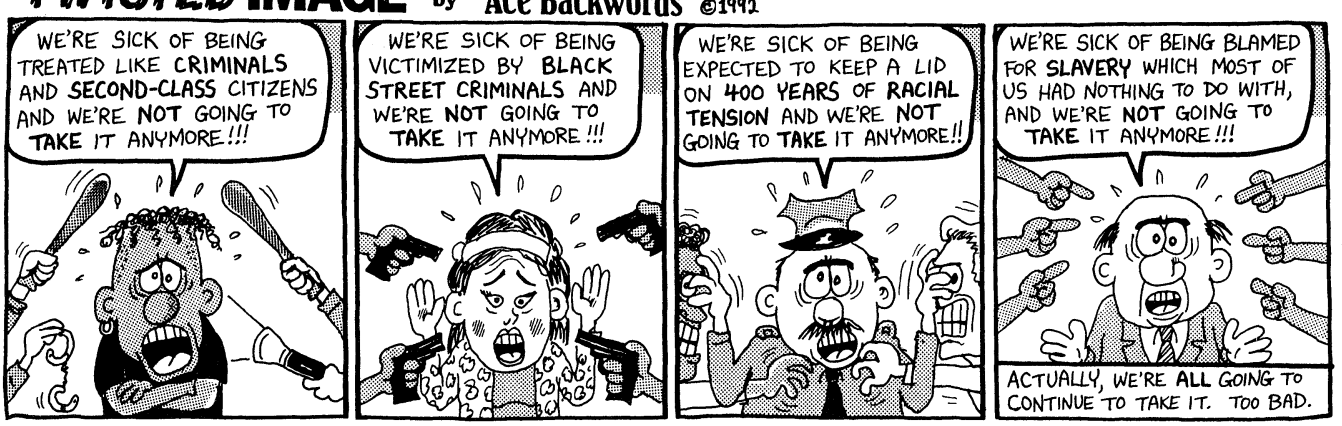

about the problem at Florence and Normandie. They drove to the intersection. Goldman had his new RCA camcorder with him, and decided to record what he saw.

It was 5:30 p.m. About 15 patrol cars were on the scene; a police helicopter hovered overhead; about 40 police officers were present, responding to a report of juveniles throwing beer cans at passing motorists. The police were trying to keep the young blacks from interfering with traffic. "I was able to see the police wrestling with an individual. It took three or four guys just to put one guy in a car," Timothy Goldman said. This struggle inflamed the crowd, which had grown to perhaps 100 people. "There were some bottles, cans, and sticks being thrown. It wasn't fighting and punching. None of that. It was just a lot of angry people out there."

His camcorder was rolling at 5:35 when he heard a policeman shout over a megaphone: "It's not worth it. Let's go!" The police got in their cars, turned around and peeled out. Wesley Wade, the manager of Tom's Liquor Store and Deli II watched the police turn tail and run. "I couldn't believe my eyes," he said Emblazoned on the sides of the retreating police cars was the motto, "To protect and to serve."

At 5:43 p.m., Lt Mike Moulin, field commander for the LAPD, ordered dispatchers not to respond to calls from the vicinity of Normandie and Florence. "I want everybody out of here. Florence and Normandie. Everybody out. Now."

Within seconds, the crowd took over the street, stopping virtually all traffic, attacking cars driven by whites and Latinos. Someone grabbed a metal sandwich board advertising Marlboro cigarettes and smashed the window of a white Volvo. The mob dragged out its white female driver and beat her. At 6:03, the mob smashed its way into Tom's Liquor Store and Deli II, looting its contents.

The riot was underway.

Meanwhile, Police Chief Darryl Gates left police headquarters to go to a political fund-raising dinner to oppose a charter amendment to make the LA police chief more accountable to elected officials. Asked by a reporter about the riot. Gates explained that his officers were dealing with the situation "calmly, maturely, professionally." By this time, his officers were gathered at a bus station, safely away from the violence and looting, awaiting instructions.

The riot — Darryl Gates did not decide to mobilize the police until 8:00 p.m., by which time the riot and looting were totally out of control. In an orgy of contempt for life and property that lasted five days, rioters looted, burned, beat and killed.

The riot that began with black outrage against the King verdict quickly degenerated into a battle between decent people and scum. The acts of heroism and the acts of infamy that played themselves out on the nation's television screens were committed by people of all races. And the victims of the rioting and looting were people of all

Riots in Jerusalem — As one who remembers the riots of the 1960s, I greeted the Los Angeles experience with profound shock. I knew that the inner cities were troubled, but I hadn't realized that nothing had changed for the good and that the same kind of event could happen all over again.

Editorial writers, too, were shocked, but not to the point of silence. Newspapers and magazines have never made money printing white space instead of ink, so there was a lot of jaw-flapping in early May.

The left had its explanations: The War on Poverty was always starved for funds; the Reagan Administration gutted what had been accomplished; George Bush is alienated from the people; racism and discrimination have worsened; and the Rodney King decision may have justified some reaction.

The right had its explanations: The War on Poverty bought a lot of poverty; welfare demolished individual responsibility; drugs and the decline of the public schools destroyed the family; drug wars decimated the community; black leaders are alienated from the black community; affirmative action programs exacerbate racism.

Like editorial writers, clergymen have had a lot to say on social issues during the past 25 years. But this time one local priest was properly at a loss for words. He did something unusual for a Episcopal clergyman in such instances: He turned to the Bible. He told us that he felt as Jesus must have felt when He surveyed Jerusalem and, in a passage recorded in Luke, said: "O Jerusalem, Jerusalem, you who kill the prophets and stone those sent to you, how often I have longed to gather your children together, as a hen gathers her chicks under her wings. . . ."

This was a refreshing and humble way of looking at this tragedy, which I feel is almost hopeless. Ultimately, our inner cities will improve only when individuals take personal responsibility for their lives. That means that not just welfare programs, but the very ideas that people hold, have to change. We have to go back to what I believe was the philosophy of Martin Luther King, Jr.: to address specific wrongs, especially those brought on by government itself, without blaming society or all white people for all the problems experienced by African Americans. People who blame others for their situations end up helpless and hopeless, and act in rage, and inflict pain.

Unfortunately, I don't see much hope for any return to more positive attitudes in the inner city. The nation is too polarized. The right is divided over the war on drugs while, on the left, *The New Republic*'s recognition that welfare has been a failure has led its editors to propose something almost as bad: government-guaranteed jobs. Thus even modest reforms are stalemated, and political decisions take the path of least resistance: pandering to entrenched interests — mostly, what *The Wall Street Journal* calls the "legacy programs of the Great Society."

So we have a tragedy on our hands, a very human tragedy. A great many people are living meaningless lives. They are suffering and they are causing enormous sorrow, and I can only fear how it will end. Remember, Jesus did not save Jerusalem; it was captured and largely destroyed in 70 A.D.

— *Jane S. Shaw*

races.

When it was over, the body count stood at 58; another 2,383 people had been injured; the fire department reported 5,383 "structural fire calls"; 16,291 arrests had been made; and approximately $1,000,000,000 in property damage had been sustained. Casualties were more than double those of the 1965 Watts riots; after adjusting for inflation, property destruction was more than five times as great.

The postmortem — Conservative Republicans and left-liberal Democrats were quick to blame each other for the riots. Conservatives blamed the riots on the failure of the Great Society programs; left-liberals blamed the riots on the heartless refusal of the Reagan and Bush administrations to pour as much money into Great Society programs as the Democrats wanted. Both sides of this inane debate are wrong, of course.

The conservatives *are* right when they assert that these programs have failed to address the problem at which they are ostensibly targeted — urban poverty among minorities — a fact that ought to be obvious even to left-liberals, who continue to crank out studies showing that inner city poverty is getting worse, not better. But poverty was neither the spark that started the riots nor the force that sustained it.

Somehow, the simple concept of justice has been forgotten by the left and the right, both intent on blaming the other. The evil of the looters was the same as the evil of the police who beat Rodney King: they had no respect for the lives and property of other human beings. It is this respect that is the hallmark of a civilized society. No amount of cash poured into government programs to alleviate poverty can instill this respect. Nor can the conservative's favorite approach — tough-minded "law and order" measures — so long as those measures are perceived by the police as licenses for abuse of people and their property.

One of the most persistent themes of the apologists for the rioters was that the whites, Asians and Latinos who were dragged from their cars and beaten now "know what Rodney King felt like." Whether this is literally true varies from case to case, but the suggestion that the beatings of these victims and King are essentially identical is wrong-headed. The victims of the rioters were gratuitously beaten by free-lancing criminals. This is horrible, of course. But it is a different kind of horror, perhaps even worse, when people are gratuitously beaten by the very individuals who are hired, trained, and employed to protect them from gratuitous violence.

The proximate cause of the riot is not hard to fathom. Riots and looting result when three factors concur: (1) some people are inclined to assault, rob, and murder their fellow citizens; (2) some people are unable to defend themselves; (3) those hired and duty-bound to protect people's lives and property do not do so. The first two of these conditions are omnipresent: there are always people who want to kill and steal, and there are always people whose lives and property they covet. The unique aspect of the events of April 30 to May 4 was that the police refused to protect the lives and property long enough that the criminal element was emboldened to take effective control of the streets, making it difficult for police to regain control.

Although the King verdict was the spark that ignited the riots, their cause was more complex. The racial animosity, envy and criminal tendencies of the looters were certainly important factors. But there is little doubt that the most important cause of the riots was the behavior of the Los Angeles Police Department, for it was the police that provided the opportunity to the looters.

When civil disorders threaten, the way to minimize the threat is to move in quickly with a massive show of force. The LAPD did the opposite: it responded with a show of cowardice, leaving the streets to the angry mob. Once the police retreated, the riots and looting were inevitable.

Like any bureaucrat who screws up, Chief Gates responded by making excuses. His officers couldn't fight the riots because they were busy protecting firefighters, he said. This was quickly and angrily denied by Fire Chief Donald Manning.

Gates' most ludicrous excuse was to blame his department's failure on those Americans outraged at the beating of Rodney King, who had "turned this once-proud organization into one that has adopted a softer approach because of unrelenting criticism over the Rodney G. King beating." Apparently, Chief Gates cannot tell the difference between officers beating a suspect in custody and protecting a citizen from an angry mob.

The cowardice of the police leadership was more-or-less openly admitted by some of Gates' underlings. "The officers' lives would have been placed in jeopardy, and they might have had to resort to deadly force," explained 77th Division Capt Paul Jefferson, defending the Lt Mike Moulin's decision not to defend the lives and property of the people in South Central. "So he decided to pull them out and regroup. He was the field commander."

Lt Moulin offered this excuse: "We were significantly outnumbered. My greatest concern was to have an officer injured or to have a citizen unnecessarily injured." Arguably, his refusal to do his duty did reduce officer injuries, at least for a few hours, but it is hard to see how abandoning the law-abiding citizens to the mob so they could be beaten up or killed prevented "unnecessary" injuries of citizens.

The LAPD proved itself to be little different from the gangs it so busily campaigns against. When it had Rodney King in custody, its heavily-armed officers beat him without mercy; but when a group of heavily-armed officers was faced by an angry but mostly unarmed mob of some 50-100 people, it left the scene because of the danger it faced.

"To serve and protect" is the stated purpose of the LAPD. Whom were its officers serving while they cowered at the bus station as innocent people were beaten and killed and property looted and destroyed? Whom were they protecting? Whom were they serving when they abandoned the good people of Los Angeles to the criminals? Whom were they protecting? Whom were they serving

when they beat up Rodney King? Whom were they protecting?

What upset the public — the decent people who make up the overwhelming majority of both black and white America — was not the brutality of the beating. After all, Americans of both races overwhelmingly support the death penalty, and I think it safe to say that gassing a human being is worse than beating him up.

What angered decent Americans was the *injustice* of the beating. King after all was suspected of nothing more than speeding, driving under the influence, and attempting to elude police officers. These are serious charges, but they are not the sort of thing that justifies the orgy of violence that the cops inflicted on Rodney King.

Excessive force and wanton violence inflicted by police is a serious issue, but one that is greatly underestimated because the sort of brutality inflicted on Rodney King almost always happens without witnesses and its victims are almost always members of relatively powerless social strata.

Ordinary citizens seldom find themselves at the receiving end of the "power blows" of the sort the cops inflicted on King. When they do, it's usually when they are engaged in some sort of protest or demonstration. Whether they are from the right (e.g. "Operation Rescue" activists) or the left (e.g. anti-war demonstrators), they are shocked and surprised at the violence and sadism inflicted upon them. And they are outraged.

But most Americans are never victims of this violence, and most never see it. That is the significance of the taping of the Rodney King beating: it provided a graphic record of the abuse of police power that could not be explained away, except apparently to a stressed-out jury in Simi Valley.

The riots again illustrated the impact of widespread portable video cameras. When the police attempted to deny or explain away their retreat from Tom's Liquor Store and Deli II, it looked like another case of the cops' word against a few witnesses, just like the Rodney King case at first was another case of the cops' word versus the testimony of the victim and a few witnesses. It was the amateur videotape made by Timothy Goldman that proved the cops' cowardice, just as it was George Holliday's amateur videotape of the Rodney King beating that proved the cops' brutality.

So it's no wonder that the attorney for Sgt Stacey Koon repeatedly referred to the "*amateur* video-tape" when addressing the jury, his voice dripping with sarcasm. And it's no wonder that a right-wing apologist for police brutality has suggested restricting private ownership of videocameras. As time goes on, it will become more and more difficult for the police to cover up their misdeeds with mountains of bureaucratese reports and torrents of excuses and verbiage.

At least three of the four police officers who brutalized Rodney King got away with it, this time. They were lucky. The police officers who decided to allow the rioting and looting to begin will not likely be so fortunate. They may not face criminal charges, but they face a public increasingly aware that many L.A. policemen are bullies intent upon brutalizing a certain class of society, unwilling to do the job for which they were hired, cowardly in the face of danger.

In the long run, the Rodney King beating, the trial of the offending officers, and the riots that the verdict touched off may result in changes in the role of the police. Perhaps, at long last, Americans will outgrow their infatuation with TV cops and demand that police actually do their duty, that they live up to the slogan painted on the side of the Los Angeles Police Department's cars:

"To serve and protect." ❑

Beyond the clichés — I'm sure that everyone has found his or her own treasures of absurdity in the media aftermath of the L.A. riots.

My own favorites include the bland statements of police apologists about the inability of roving gangs of cops to protect themselves from motorists, short of surrounding those motorists and beating them to the pavement, and the equally bland statements of liberal pundits, blaming the riots on the supposed discontinuance of Great Society programs during recent Republican administrations — programs on which, of course, Republicans, like Democrats, have spent hundreds of billions of dollars.

There's a refreshing simplicity about seeing people just face the facts and lie about them.

What disturbs me is the murky stuff now flowing from editorial pages and television speakers and other sources of "think pieces" in which simple political disasters get transformed into metaphysical dilemmas. "Are we one nation — or two?"; "Is this is the testing time of the democratic spirit?"; "What is this sickness lurking in the American soul?"; "Breakdown in the moral order: why and wherefore?"

I like metaphysical questions as well as the next person — better, probably — but this sort of thing can be pretty easily hosed off our national sidewalk.

Create a voucher system for education, so that poor children aren't socialized in the monopoly schools of the state; legalize drugs, taking the business glamor and immense profits away from the low-lifes and allowing the government to release more than half the inmates of its "correctional institutions"; eliminate the onerous taxes and license fees and "health" codes and "disabled persons access provisions" and zoning restrictions and all the rest of the legal barriers that prevent anyone but people with well-fed lawyers from starting their own business; stop using welfare to encourage single-parent families; repeal the minimum wage; find some cops who care about protecting private property more than protecting their egos; stop sending up literal and metaphorical space shuttles, and return the funds saved directly to the taxpayers: do these things, and the metaphysical problems that trouble the American spirit will shrink to quite manageable proportions.

You don't *want* to do these things? Now *that's* a problem worth pondering. — *Stephen Cox*

The Fist Inside the Glove

by John Hospers

Not very many blocks down the hill from where I sit, buildings are burning in Hollywood, and the television screen shows crowds of looters breaking into stores, stealing what they want, and even bowing before the camera as they emerge from the store carrying the loot.

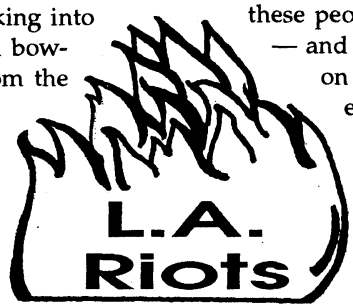

The television commentators meanwhile are outdoing one another with endless repetitiveness, making remarks about the affair, and interviewing various people involved in it. But there are some questions I would like to see put to them which nobody asks, and assumptions made which nobody appears to question.

Almost no one suggests that there might possibly be something wrong with taking other people's property and appropriating it for oneself. One roving interviewer did ask some such question to a middle-aged housewife who was making off with a new VCR while her small children looked on, and she replied simply, "It ain't stealing." (The reporter didn't ask the lady what she thought it was.)

Among those interviewed were social workers and ministers in the black churches; not one of them ever referred to this activity, displayed on the screen hour after hour, as stealing. When one referee on a radio program did refer to "looters," a caller responded with indignation, "They're not looters, they're your mother, your grandmother, your brother, the hungry family next door." The possibility that they might be your grandmother etc. *and* looters did not seem to occur to either the caller or the talk-show referee. Did the referee really think that all these people were really taking what belonged to them — and would he have referred to the TV sets and so on as "their own property" if asked 24 hours earlier? (In fact, as store-owners later testified, the first things the mobs took were not foods but liquor and cigarettes.)

The work of the looters was quite professional: a store would be ransacked and then torched at once, so efficiently that by the time the firemen with their police escort arrived, the building was past saving. Was no inquiry ever made as to the identity of these arsonists? Nobody I heard on TV or radio ever asked about this, nor did they show any curiosity about it; it was as if the fires were set by dark mysterious forces or impersonal powers, "acts of God" rather than acts of men. We heard a lot about the rioting's victims, but when there are a lot of victims don't there have to be *some* agents? (The idea that nobody knows who these agents are is about as plausible as saying that no Germans knew anything about the Nazi death camps, from one end of Germany to the other.)

Nobody seemed to exhibit any insight into how the situation could be resolved. Everyone calls for jobs, but there is no more appreciation among journalists than among the ghetto residents of the simple facts of economics — that enduring jobs can be created only on a free market, that nobody can have wealth if the wealth-creators are destroyed,

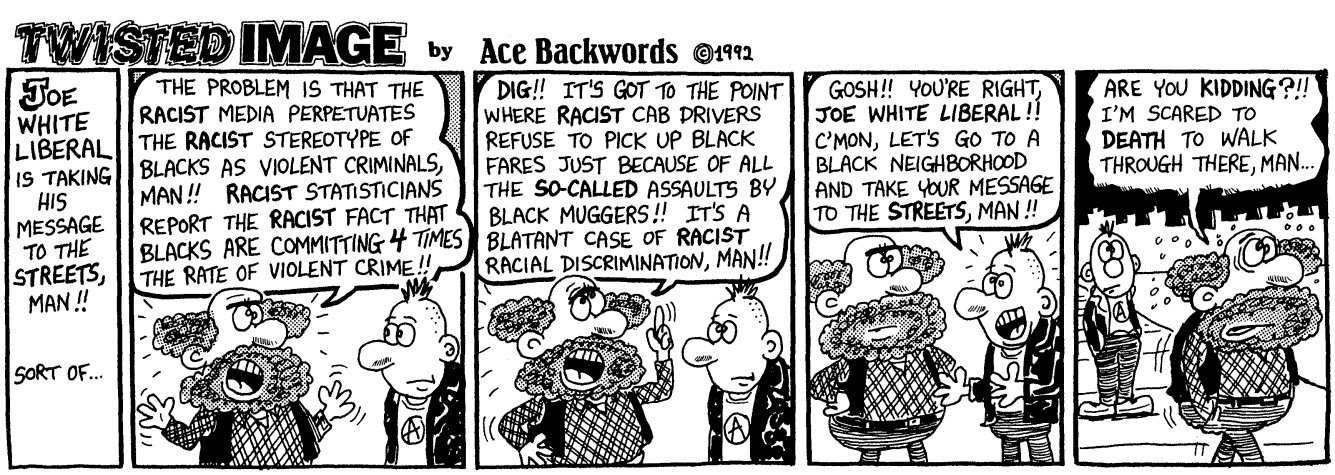

that people will not take risks if they will only be bankrupted for taking them. The "new government programs" are supposed to deliver jobs, but who is going to provide these jobs, and who is going to pay the wages? Not once, in all the talk about solutions, was there any recognition of the dependence of jobs on job-creators. The "jobs" were a kind of floating abstraction, existing out there somewhere. All we have to do is command them and they'll be there for us.

And if the added welfare and the jobs are not provided, what then? "Then you haven't seen nothing yet," said one of the gang members interviewed. Then we'll riot again, then we'll burn down the whole city. (One wonders what would happen during a *real* depression, with twice the unemployment that exists today.) And thus, in the midst of a crisis that was supposed to elicit sympathy, comes the undercurrent of threat, of blackmail: If you don't do what we want, we'll destroy you. More government billions spent, we'll still destroy you if we don't like what we see. And thus, from under the velvet glove, comes the iron first. Thus far, that is what emerges from the riots. ❑

Those who lose, those who gain — First, some rather unoriginal observations. The Los Angeles poor have some legitimate grievances. But the L.A. riots were not so much a protest as a looting spree. Those who gained most from the chaos (new clothes, food, liquor, cigarettes, VCRs, appliances, and stories to tell the great-grandchildren) and those who had the most reason to protest were probably, for the most part, not the same people. Persons A, B, and C had cause to protest, but persons X, Y, and Z stole the moment, and used it for their own illicit gain.

As such, the revolt is a pretty good paradigm for redistributive politics in this country at this time.

People act as individuals, even when rights are granted to them as a group. Almost invariably, those members of the group who were the best-positioned and strongest to begin with will receive the benefits aimed at their weaker brothers and sisters. So, for example, the primary beneficiaries of "affirmative" action programs meant to improve the status of American blacks are the blacks who need the help the least; their fellow African Americans will be assisted very little, if indeed their position does not grow worse. If a job must be given to a person of color, the middle-class black with the most training and experience will get it. (And the whites who lose out will usually be lower-middle-class laborers — *not* the wealthy white beneficiaries of past racism, who may well be administering the program.)

Here's another example, a bit closer to my experience. I've participated in a number of organizations whose meetings were dominated by men and only a handful of women. In order to make it easier for women to participate, some of these groups imposed rules that gave women speaking privileges (not allowing two men to talk in a row, for example). The result: the aforementioned handful of women used these privileges to the hilt, the other females by and large stayed quiet, and the meeker men were shat on at every opportunity.

In L.A., relatively well-off minorities — and white people — happily looted stores belonging to not particularly well-off small entrepreneurs. "Justice," welfare-state-style.

— *Jesse Walker*

Final verdicts — So far as the events in Los Angeles included demonstrations (and not just mayhem, vandalism, arson, and stealing), what specific redress of grievances were the demonstrators seeking, and of whom? Did they want the jury's verdict reversed, and if so, how and by what authority? Do the demonstrators want jury trial (and its expense) bypassed in cases whose desired outcomes are already clear in public opinion? Do they want to institute something like the people's courts of Nazi Germany to decide cases in conformity with approved national sentiment? Our legal system can sometimes reach wrong verdicts, and when I am in an arrogant enough mood to think that casually following the media makes me better-informed than the jurors who gave the case many weeks of concentrated attention, I agree that the King case was one of those in which error prevailed. But what reform of the system are the critics suggesting? Mayor Bradley and President Bush were hardly contributing to sound public discussion — instead, they were behaving irresponsibly — when they went on television to expose their personal pique at the verdict.

The media and the intellectuals have become too respectful of ill-focused demonstrations. Examples occur when picketers on both sides of the abortion issue try to sway Supreme Court decisions or when students at my alma mater seize any convenient issue to advertise that they are politically more correct than the college administration. (Martin Luther King's Montgomery bus boycott and other aspects of the civil-rights movement were examples, in contrast, of well-focused protests.) Demonstrations are particularly reprehensible, in my view, when the participants interpose their bodies to block access to abortion clinics or government offices or the sites of activities they deem ecologically harmful. Committing physical obstruction and threatening physical violence, impeding traffic, harassing pedestrians, and even mindlessly chanting slogans are the opposite of the actual discussion of public issues that can deserve respect.

— *Leland B. Yeager*

The anti-riot president — George Bush had an interesting response to the Los Angeles riots: "Wanton destruction of life and property is never a legitimate expression of outrage." Outraged wanton destruction of Panamanian or Iraqi life and property is, presumably, excepted from this otherwise hardfast rule.

— *Jesse Walker*

Phil, Bryant, and the Brothers

by Karl Hess

Taking his place alongside Darryl Gates as the most obnoxious public figure to be associated with the Los Angeles riots is television talk show host Phil Donahue. I say "associated with" because, should there be another riot, as the chorus of the outraged keeps threatening, Donahue will have contributed powerfully to the mood of justification that will have encouraged it.

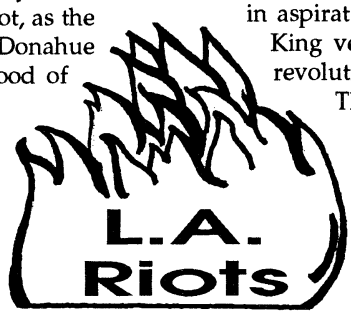

Phil Donahue is a constant and conscious offender against honesty, integrity, and good character. Rather than probing for underlying causes from his mighty, privileged position in the media, he is the foremost popular apologist for all those who cannot share his huge hunk of the American pie. He is the ultimate guilty liberal, indignant about everything that goes on in the world beyond his own coddled, rich lifestyle enclave.

In his prime performance, after the riot, he had as guests two African Americans who seem to be making the rounds telling guilty Euro-American liberal interviewers that if they don't get off their asses and "do something," the fires will rage again. The star of the show, the one to whom Donahue virtually genuflected with every softball question, was the inelegantly but appropriately named Li'l Monster. He is 26, married, and the father of a two-year-old son; he lives in a garden apartment, and is a member of a gang called the Eight Tray Crips.

In the corner of his left eye is a small teardrop, a badge indicating that he has either killed someone or gone to prison. On television he is shy about which. Police records are not so coy: he has done both. Indeed, he has been so noticeable in his criminal career that people locally have given him the honorific title O.G., for "Original Gangster."

Now, however, he has discovered what more traditional politicians have known for ages: you can get away with more murder as a statesman than as a lone felon. He has maneuvered himself into the middle of the apparently epic if tentative truce between the two major Los Angeles street gangs — oops, *neighborhood associations* — the Crips and the Bloods. One Christian minister has annointed him the virtual crux of the truce in which the two gangs will try to dominate their areas through media exposure and political clout, methods far more effective than the occasional drive-by shooting.

Li'l Monster, now said to be looking for an office to house his rise to power, wants 800 numbers in all of the area's phone booths, and a computer system with which to "network" with any gang members who want to participate in the new détente.

Despite his new image as a man of peace, Monster feels that the rioting in Los Angeles was justified and even noble in aspiration. He told an interviewer: "What this Rodney King verdict laid down was a revolution. When I say revolution, all you right-wing conservatives get afraid. The fact of the matter is revolution means nothing but change." (See? Nothing to worry about.)

Meanwhile, our host, aroused almost orgasmically by the gangster's delightful threats, bows, scrapes, fawns, condescends, and grimaces with pain as "the brothers" (not *his* brothers, just *the* brothers) give him the chance to accept, with masochistic frisson, all the guilt the Aldas and Asners have left up for grabs. Donahue seizes every grain of guilt like a coke-head sniffing up the good stuff.

Writhing in the Iron Maiden of his tortured sensitivity, he reminds the gang members with a telling smirk that *some* white people have this or that different view. His lap-dog audience quickly dismisses all these heretical, "racist" notions.

In the midst of this, one poor African American, a sad token in this Oberammergau of passion and prejudice, kept trying to say that people, as individuals, are responsible for their actions, and that no social action that does not demand this can quell the flames.

Hah! An Uncle Tom! The brothers are outraged.

Then there were several Koreans who got just a few words in edgewise. They come from oppressions even more ancient and lethal than the American slave experience, they said. They did not come to this country with wealth, but with energy and ambition. They were not privileged with special bank loans. They pooled funds with family and friends.

What is behind this obvious aberration? A conspiracy! As one of the brothers explained, there is a conspiracy in this country to keep African Americans oppressed, indigent, drunk, addicted, malnourished, and undereducated. And the Koreans play a central role in this, because they own so many liquor stores.

Paging Bill Cosby! Which Korean-owned liquor store does he abjectly and obediently patronize for reasons beyond his control?

Ordinarily, Bryant Gumbel stands in striking contrast to Phil Donahue. Bright, witty, and well-informed, Gumbel's probing questions and refusal to be awed by eminence make him one of the best interviewers on television. I really thought he might steer clear of the nonsense that infected the other network newshawks.

I guess I've come to expect too much from this ex-sportscaster. This time, he failed me completely. He may have avoided the loud lamentations and pretentious posturings of Mr Donahue, but he emitted a conscience-deafening silence that was in many ways just as bad.

Gumbel brought onto his program a young rap "artist" by the name of Sister Souljah (born Lisa Williamson). This young woman, speaking from a position in the upper ranks of economic privilege, is famed for a song that declares, "Souljah was not born to make white people comfortable. I am African first. I am black first. I want what's good for me and my people first. And if my survival means your total destruction, then so be it. You built this wicked system. They say two wrongs don't mean a right, but it damn sure makes it even." Doesn't that mean "kill honkies"? Isn't that roughly what Darryl the Hun has been teaching the LAPD about "niggers"?

This same young woman had been trotted out on NBC just a few days earlier to give what-for to the honky social scientist, my neighbor, Charles Murray. It saddened him that one so young could be so filled with hate for a system that had rewarded her more richly than Mozart — who, also oppressed, died in poverty and never lived as comfortably as the current tribulation of rap artists do today.

But then, who am I, a Euro-American, to dare suggest that Mozart was all that good? Mea Culpa, mea culpa — I suppose I must take myself to The God Donahue, whip myself mercilessly, fall before him and humbly ask his Divine Pardon.

To a Washington *Post* writer who ominously described her appearances on television as a "wake-up call," she explained her characterization of the riot as "wise" by saying: "I mean, if black people kill black people every day, why not have a week and kill white people? You understand what I'm saying?"

Yes, Sister, we certainly do — and so, sadly, do the young people who are making you rich while many of them live in poverty and dream of your promised revolution and the fire next time. ❑

"Dumb," dumber, dumbest — The dumbest analysis of the L.A. riots wasn't Dan Quayle's Murphy Brown remark, despite the fun television comics had with it. People are influenced by the art that entertains them; what happens on sitcoms is relevant to what happens to people. The notion that one of the underlying conditions that gave rise to the riots was the breakdown of the family and that Murphy Brown's decision to raise a child with no father didn't help the situation any may be debatable, but it isn't dumb.

For real dumbness, we have to look to other Republicans.

The runner-up award goes to "Sonny" Bono, formerly the honorable mayor of Palm Springs, currently Republican candidate for the U.S. Senate, who observed, "The riots were the result of years of frustration. They have said it over and over, 'We're frustrated, we're frustrated, we're frustrated.'"

The award goes to John Seymour, the Honorable Senator from California, who said, "This is the Watts Riot II, so to speak, only much more challenging." —*R.W. Bradford*

Social physics — Boiling points: L.A. police officers let off a little steam every now and then, and beat up on blacks, Hispanics, and the occasional white guy. Black, Hispanic and white citizens let off a little steam now and then, and beat up on each other. But the Rodney King beating was taped, and the public viewing of this tape set the bounds of a pressure cooker. The trial put the affair on slow boil. The verdict was supposed to release the pressure. But it was the wrong verdict, and merely sealed the cauldron. With the riots, the thing exploded.

All of which goes to show how little understanding of the idea of justice, rough or refined, hotheads exhibit. Rough justice would have had the riots attack directly the cops, or the Simi Valley jurors. But the crowds know not reason, the mob knows justice only for its lack. When the philosophy of "just let off a little steam" permeates a culture, innocents get scalded.

Elementary physics. —*Timothy Virkkala*

Great Society, great riots — After the Los Angeles riots, a great hubbub erupted over whether the mayhem demonstrated the failure of the Great Society antipoverty programs. Some Republicans suggested this, but, as usual, meekly backed off as soon as the Democrats took mock offense at the aspersions cast upon Saint Lyndon. Bill Clinton said it was just like the Republicans to look for someone to blame — and then blamed the riots on twelve years of Reagan/Bush "denial and neglect."

Joseph A. Califano, Jr., who was an aide to President Johnson and thus has a vested interest in the matter, dismissed the criticism, arguing that "these programs gave hope to people in difficult situations." That is actually part of the Great Society critique: the programs created expectations that could never be fulfilled, setting up America's inner-city poor for great despair. Califano, now reaching for anything resembling a refutation of the criticism, showed how silly an intelligent man can be by saying, "Most of the kids on the streets [of L.A.] are very young, they weren't around during the Great Society." — *Sheldon L. Richman*

Sgt Koon, sensitive guy — Less than two weeks after the riots, one of the officers who beat Rodney King circulated the manuscript of a book in which he told of shooting a black man. "Although he was a light-skinned black, his skin began to take on the gray pallor of death," recalled Sgt Stacey Koon. As other officers gathered around, one asked Koon whether he thought the man would die. "No way! You or I, we'd die, but not a Negro. They're too dumb to go into shock." He described his feelings about the shooting: "It was a high."

Koon recalled his reaction to learning that the beating of Rodney King had been videotaped: "Great! I was to star in an actual in-field incident, a classic use of force . . . I had become a celebrity." Actually, Koon wrote, he was already something of a celebrity among police because an earlier episode had been recorded on tape and been immortalized by use as a training film for Los Angeles cops. In this episode, he had kicked a Hispanic suspect in the groin — or as he put it: "My boot came from the area of lower California and connected with the suspect's scrotum about lower Missouri. My boot stopped about Ohio, but the suspect's testicles continued into upper Maine."

Koon explained that he is not a racist and does not condone police brutality. —*R. W. Bradford*

Pandering to the Mob

by David Horowitz

During the riots in Los Angeles, one columnist for a local paper confronted a family dilemma: How to explain the events to his eleven-year-old daughter. "Our problem in dealing with [the events] was how to counter — or explain — scenes that reinforced stereotypes of blacks that are already prevalent in American life. . . . Here, after all, were people breaking windows and stealing property, beating a helpless truck driver senseless, dancing around fires, taunting the police, boasting of their actions to TV reporters and otherwise behaving in ways that a well-brought-up, middle-class child of eleven is trained to avoid at all costs." And then the dilemma: "We could try to explain things sociologically ('poverty makes people do things they would not otherwise do and you have to understand their hunger for things they cannot afford') but it doesn't have much effect on children for whom poverty and hunger are unknown experiences."

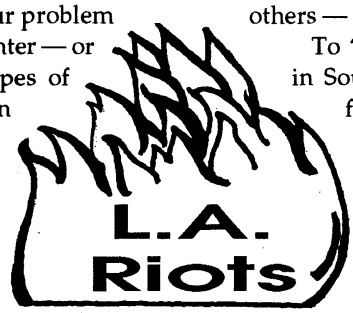

This is certainly the response of some well-meaning liberals. But it is morally corrupt, sociologically wrong, and also dangerous. In the first place, it is an insult to poor people and, in this case, black people, the vast majority of whom — eighty or ninety percent — do not (and in this instance did not) respond to poverty and deprivation by looting, brutalizing, murdering, and burning down the neighborhood. Forty percent of the rioters arrested had criminal records before embarking on this particular outrage that took place in Los Angeles. The others who looted and destroyed were a tiny minority of the citizenry of South Central. The vast majority of South Central did exactly what the rest of Los Angeles did: cowered in their homes watching their TV sets and wondering if there would be enough police with enough firepower to protect them and their homes.

It is this fear of mayhem that is, in fact, the core reason why South Central is a depressed area. It is too dangerous to open businesses there. It is dangerous even to go to school. The most positive steps that could be taken, in the wake of these riots, to make South Central a viable community would be steps that would increase the safety and security of its law-abiding majority, of its potential entrepreneurs and of its citizens who want to work. Strengthen law enforcement; disarm the criminals. This is perfectly feasible, but is not likely to happen if the official response to the riot is to "understand" violence and theft as the inevitable expressions of people who have been denied something that others — for whatever reasons — have not.

To "understand" the criminal behavior on display in South Central during the Los Angeles riot is the first step to forgiving it. Worse, it is a step on the way to encouraging any such outburst as a necessary means to "wake up" society, meaning the insensitive rest of us; it is to interpret an attack on hard-working and low-abiding citizens as a "cry of despair" rather than to see it for what it actually is: an assault on civilized order, and, therefore, a threat to the future of all. Such "understanding" is neither compassionate nor progressive. It is nothing more than an incitement to the next riot. And the next.

The same must be said for the "political" slogan that started the violence, *No justice, no peace.* This was heard most recently — and most ludicrously — at the "Save our Cities" rally in Washington, D.C., where it issued from the lips of Congresswoman Maxine Waters (from whom it has been heard more than once). *No justice, no peace* is nothing less than a call to criminal anarchy.

Of course, Congresswoman Waters is hardly unique in her zeal to legitimize criminality as justified rebellion. While the fires were burning, actor James Edward Olmos told innumerable television audiences that the riot reminded him of the Boston Tea Party and was nothing less than "a cry of the people." In the midst of the outrages, Princeton Professor Cornel West described the mayhem as a "rebellion," a description that has since become politically correct in circles where such niceties are observed.

Meanwhile, the L.A. *Times* and other papers have featured articles describing the "Path to Recovery" with gems like this: "We must abandon the LAPD's unwinnable 'war on gangs' and offer gang youth a legitimate podium to explain their proposals for social reconstruction." Sure. And why not poll Charles Manson for his ideas too?

Why is it that well-meaning citizens can find in their hearts compassion and understanding for murderers and criminals, who would as soon cut their throats as share the time of day, yet apparently none for the vast majority of the law-abiding inhabitants of South Central who normally live under a reign of terror whose brutalities were on display for all to witness during the Los Angeles events? ❑

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— Lawrence Kudlow, "Money Politics," March 25, 1990

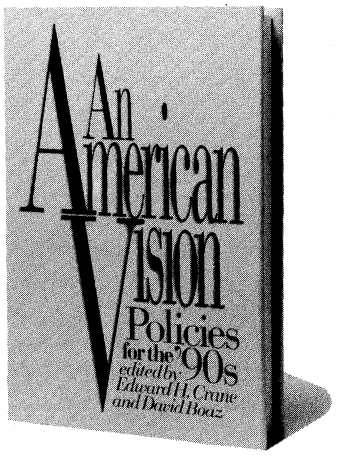

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The Anti-Politics of H. Ross Perot

by Chester Alan Arthur

In politics, bogus character usually beats real character. But what happens when a real character enters the race?

Why is it that the Presidency attracts such lowlifes? Look at the sorry group of people who are running. What do you see?

The incumbent is a man who is no more capable of resisting the impulse to break a promise than a dog can resist a fire hydrant, and who is so remote from common human morality that he simply cannot fathom why anyone would be upset with him for breaking his word.

The nomination of the opposition party is captured by a man who systematically misrepresented his past (his method of evading the draft, his experience with marijuana, his extramarital affairs) and who quickly abandoned his stated principles and cozied up to special-interest groups right and left.

This situation is not explained by Acton's axiom that "power corrupts, absolute power corrupts absolutely." These are not good men gone wrong. These are not men with a tragic flaw, men corrupted by the power of the presidency. These men chose careers in politics *because it is corrupt.* These are men without dignity, without integrity, without self-respect, without honor. These are men you would not want over to your house for dinner.

If there ever was a year that an outsider can be elected president, 1992 is that year. There is a convergence of anti-incumbent and anti-politician factors that seems almost supernatural in character. Consider:

1. The U.S. is suffering from a serious economic recession. People are out of work, incomes are down, real estate values are slumping.

2. The U.S. economy has been in decline for many years, beginning long before the recession. The technologies and industries that enabled the U.S. to become the richest nation on Earth are virtually all in decline. Who in their right mind thinks U.S. cars are as good as German or Japanese cars? When's the last time you saw an American-made television or VCR? American firms have even lost the domestic market for basic commodities like steel, clinging onto minor parts of the market by getting the government to restrict imports.

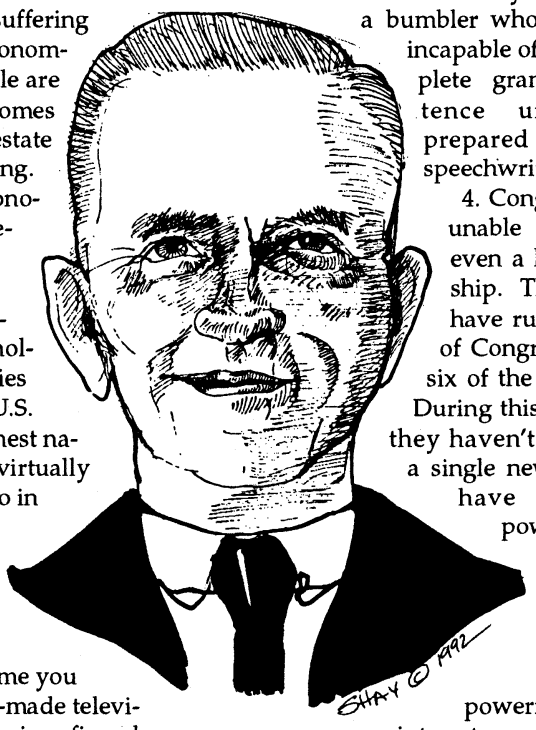

3. The Presidency is occupied by a bumbler who is practically incapable of saying a complete grammatical sentence unless it is prepared for him by his speechwriter.

4. Congress has been unable to provide even a hint of leadership. The Democrats have run both houses of Congress for all but six of the past 38 years. During this entire period they haven't come up with a single new idea. They have held onto power by delivering pork to their constituents, kissing babies, and sucking up to powerful lobbies and interest groups.

5. Congress has further embarrassed itself by its own internal corrup-

Illustration by Shay Marlowe

tion. Congresspeople enjoy a life of privilege that other Americans cannot even hope for, and that most believe to be actually immoral. The idea that Congresspeople should enjoy the services of cut-rate hair salons subsidized by taxpayers is simply repulsive. The House Bank scandal was the final straw.

The disgust with politics as usual was evident in the 1990 elections, when the Libertarian Party candidates suddenly found their vote totals doubling and tripling from past elections, despite running campaigns with less energy and funding than in the past.

Americans are fed up with politicians. They want something else. They want an anti-politician.

At a time when most Americans are fed up with the corruption of a check-bouncing Congress and a duplicitous president, Perot promises something different. Decency, honesty, leadership.

Descending onto this stage, as if carried on a cloud from heaven, is H. Ross Perot, the straight-talking Texas billionaire best known for rescuing two of his employees held prisoner in revolutionary Iran.

The contrast between Perot and the demented Bush and the sleazy Clinton is real and apparent to all. Where his opponents have spent a lifetime working in government, Perot has spent a lifetime in business. Where his opponents offer us the same old party politics, Perot offers us politics of management and leadership. Where his opponents frighten us with their evasions, mendacity, and "spin-doctoring," Perot talks straight: "There won't be any speechwriters or any handlers. There won't be any cosmeticians. I'm not going to get all that phony stuff. There will be no fund-raising dinners where for an extra thousand bucks you get your picture taken with me."

So it's not surprising that Perot has moved to the top of the polls. At a time when most Americans are fed up with the corruption of a check-bouncing Congress and a duplicitous president, Perot promises something different. Decency, honesty, leadership.

Perot is a salesman, and realizes that the surest way to make a sale is to sell himself, rather than his product. That is, to convince the customer that he understands the customer's problems and has mastered the means of solving them. As soon as the customer has confidence in the salesman, the sale is made.

This puts Perot ahead of the other candidates, who have never fully realized that most people vote for a man, not a party, an ideology, or an agenda. The normal road to success in American politics is navigated by building party contacts, pasting together positions on issues in a way that will ingratiate oneself to various elements of the electorate and potential campaign donors, honing the skills of political campaigning, hiring the right ad agencies and handlers, and avoiding blatant moral turpitude. The successful politician slowly rises through the ranks of government, looking out for the interests of his donors, constituents and allies, seeking higher and higher positions.

The public's appreciation of his character, of his ability, of his intelligence is a relatively minor concern. His handlers see to it that he has photo opportunities that enable him to project positive qualities, and his television spots are carefully crafted along similar lines. But these are mere afterthoughts. And they don't fool very many voters. Sure, incumbents get re-elected time and time again. But this is more the result of voters' natural fear of the unknown (a new congressperson), voters' appreciation of his congressperson's ability to deliver specific benefits, and voters' appreciation of the fact that the challenger is fundamentally the same.

So while other politicians are putting together an agenda designed to please certain constituencies, Perot is largely ignoring most such issues. While other politicians are busy doing politician work, Perot is busy grooming his image with the voters.

His "I'll-run-for-president-and-finance-my-own-campaign-with-$100-million-if-you-American-people-will-put-me-on-the-ballot-in-all-50 states" pitch to the voters is brilliant. In one bold stroke, he has energized volunteers to get to work doing one of the most difficult and expensive tasks of any political campaign, at the same time portraying himself as a reluctant candidate, drawn into the race by the demands of the public, while allowing him maximum credibility and publicity and running a campaign at practically no cost to himself.

In his carefully selected speeches and interviews, Perot projects himself as a straight-talking, honest, decent, "can-do" man who can provide real leadership. He answers questions in the finest pithy style appropriate for television sound bites, all the while denouncing sound-bite answers. There is none of the obvious evasiveness of conventional politicians, none of the rapid eye movement as the candidate tries to figure an answer that will maximize his votes. He affects the manner of a straight-talking man: he looks his interviewer in the eye, he bristles with indignation at imagined insults, he responds tartly and quickly.

Of course, his answers are frequently bereft of content. He is perfectly willing to say that he doesn't know what to do about a certain problem, reminding his questioner that he will assemble a team and study the problem and is confident he can come up with the best answer. In an age when the public is accustomed to evasion, this comes across as refreshing frankness.

Perot is a salesman, and realizes that the surest way to make a sale is to sell himself, rather than his product.

While politicians and political analysts are busy digging into Perot's background for dirt and chiding him for having insufficiently detailed stands on "the issues," Perot continues to gain support. His appeal is not that of a politician, but that of an anti-politician. His support comes from people in all walks of life and both political parties, but his volunteers are overwhelmingly people

not normally very involved in politics, with an extraordinarily high percentage of small businessmen.

When the American voter of 1992 looks at Perot he likes what he sees.

The fact that Perot can't detail how he will solve the problem of acid rain and is vague about how he will make America competitive in the world doesn't bother the typical voter. Issues like these are complicated and hard to figure out. But character and intelligence are easy to recognize. Perot is smart, he's honest, he talks straight.

Perot answers questions in the finest pithy style appropriate for television sound bites, all the while denouncing sound-bite answers.

Bush is dumb, and fairly honest as politicians go; that is to say, he doesn't steal everything he can lay his hands on, but talks like Professor Irwin Corey or one's senile grandparent. Clinton is smart as politicians go (i.e. he is crafty and skillfully evasive), is dishonest, and talks like a snake-oil salesman.

This is the first mistake most politicians and pundits make about Perot. Failing to understand his appeal, their attacks on him actually endear him to voters by proving him to be a genuine independent and a threat to politics as usual.

They make another critical mistake when they assume that he will fade as the campaign wears on, as John Anderson faded in the 1980 campaign. They ignore the fact that, unlike Perot, Anderson was a politician. As the 1980 campaign wore on, Americans gradually came to realize that Anderson was just another vote-sucker, glorying in the limelight, lusting after power.

More importantly, they ignore the fact that Perot has one advantage that no modern presidential candidate has had: a personal fortune sufficient that he can spend $100 million of his own money on his campaign. That is substantially more than the Democrats or Republicans can spend.

And that cash will come in handy when Perot begins to feel the impact of the impediments against independent candidates erected by the major parties. For the past century, third-party and independent candidates have started with high hopes and good prospects, only to find their campaigns mired in such problems as gathering signatures to get on the ballot, complying with regulations about fundraising, trying to build a campaign infrastructure, etc. These impediments haven't amounted to an insurmountable barrier to the campaigns. They have been more like a huge field of gooey mud in which the campaign armies must march while under enemy fire. The campaigns survive, but only at terrific expense. In the end, they emerge with a much slower gait. By the time the general election comes around, they are low on cash, unable to buy advertising, unable to impress the media.

But Perot's money will spare him these problems. He doesn't have to build a campaign infrastructure: he can simply rely on his business staff. He doesn't have to worry about ballot access: if the enthusiasm of his volunteers proves inadequate, he can spend a few million buying signatures from professional signature-gatherers. He doesn't have to raise funds: he can simply write a check.

A True Likeness

Like any political writer, I responded to Perot's rise in the polls by looking into his background, pouring over voluminous press clippings, studying Todd Mason's excellent biography of him, watching his performance in interviews.

The portrait of Perot that emerges is similar in many ways to the public persona he has so carefully crafted. Perot is extremely intelligent, a "leader of men," and a successful entrepreneur, who loves competition and hates losing. He is, in a general way, morally upright.

He first became famous by becoming rich, and he became rich by taking on computer giant IBM with a firm consisting of men recruited mostly from the military, and inspiring those men to fanatical devotion to the work at hand.

He stayed famous by his quixotic attempts to free American POWs in Vietnam, his massive campaign to reform Texas public schools, his command of the Texas War on Drugs, and his engineering of the escape of two of his firm's executives from revolutionary Iran.

Perot is also self-righteous, egomanaical, insensitive to others, and ambitious for power. His morality has slipped once or twice when his own money was on the table, but he has generally discovered, to his delight, that the policies that are right for his nation are also profitable for H. Ross Perot.

In searching for the political leader Perot most resembles, one is tempted to point to Winston Churchill or Adolph Hitler, men of similar ability to inspire others, similar self-righteousnes, similar intelligence and self-confidence, similar mastery of political imagery. But these comparisons fall short on one very big score: Churchill and Hitler were fundamentally politicians. Hitler failed at every other human activity. Churchill succeeded as a propagandistic news reporter, but that was only a prelude to his life's work as a politician.

Perot, as everyone knows, is an extremely successful businessman. By virtue of his intelligence, his pluck and some very good luck, Perot rose from modest beginnings to be one of the world's richest men. His quest for the Presidency is from outside the world of politics.

Failing to understand his appeal, pundits' attacks on him actually endear him to voters by proving him to be a genuine independent and a threat to politics as usual.

The political figure most like Perot, it seems to me, is Alberto Fujimori of Peru. A successful businessman, Fujimori turned to politics and found success as an outsider in a nation fed up with politics as usual. His policies seem a bit murky, but his personal morality shines in brilliant contrast to the usual slime that the rewards of public life in Peru attracts. Whether Perot will win

continued on page 32

Panegyric

Remembering Roy Childs

by George H. Smith

It has been nearly thirty hours since Andrea Rich called me with the terrible news: Roy Childs had just died in a Florida hospital, apparently from respiratory failure. I am pleased to write this tribute, a welcome relief from my tears.

Roy and I were close friends for twenty-one years; over the past six years, we talked on the phone virtually every day. He used to say that I knew him better than anyone else. That was a great compliment, for I loved the man dearly.

How does one explain Roy Childs? I am tempted to answer: For friends no explanation is necessary, for strangers no explanation is possible. Roy was a *presence* — physical, intellectual, and emotional. To meet him once was to remember him forever. Roy was an army of raw emotions which, as they careened and collided in his immense frame, were refined by a powerful intellect, expressed with a rich voice and tempered with a wry sense of humor. It is difficult even to imagine a skinny Roy Childs; everything about him was bigger than life.

It is also difficult to imagine the libertarian movement without Roy Childs. He was a colossus who profoundly influenced the early movement. Those who know of Roy only through his book reviews should read some of his early work on anarchism and political theory. Those articles reveal a mind of astonishing brilliance and depth, a mind fueled by a passion for ideas and a love of liberty.

Aside from his original contributions, Roy played a crucial role in the early movement. He disseminated and popularized the anarchistic ideas of Murray Rothbard, thereby giving libertarians a much-needed radical alternative to the more conservative views of Ayn Rand. The conflict and competition between those two paradigms, the Randian and the Rothbardian, excited many young libertarians and inspired them to explore new frontiers in libertarian theory.

There was yet another area where Roy played a crucial role, one he was especially proud of. Through his articles and reviews, Roy introduced a predominantly Objectivist audience to a broader philosophical framework, most notably to works by Aristotelian philosophers on epistemology and ethics. Those books provided valuable intellectual ammunition, and they helped to wean many young Objectivists from their cliquish, defensive attitudes.

J.S. Mill once said of Jeremy Bentham that he was a teacher of teachers. This was equally true of Roy, especially with me. During the early seventies, Roy told me repeatedly that I should branch out into fields other than philosophy. He complained (with characteristic tact) that I was "tabula rasa" when it came to history, and that philosophers who know nothing except philosophy are a social menace. (He believed the same was true of economists and other specialists.) Libertarianism would never progress without interdisciplinary scholars. Therefore, Roy asked rhetorically, why didn't I become one? Did I want to remain a boy Objectivist for the rest of my life?

I took Roy's advice to heart, and for the next eight years I devoted myself almost exclusively to history. Roy didn't always give good advice, but when it was good, it was very good.

Those were exciting times, the early seventies, when Roy and I lived in the same Hollywood apartments. I was writing my book on atheism, and Roy was writing a remarkable series of articles on "Anarchism and Justice" (published in *The Individualist*). Here we were — two budding intellectuals with prima donna tendencies whose daily diet of discussion consisted of epistemology, psychology, politics, theories of sex, and much more.

Inflamed with the innocence and enthusiasm of youth, Roy and I haunted libraries and bookstores, attended lectures, gave lectures of our own, participated in debates on anarchism, religion, and free will, and bugged Nathaniel Branden. Roy seemed delighted when I called him "the fountainhead of libertarian gossip." He quizzed everyone on the Rand-Branden split and had figured out the details of that scandal long before they became public knowledge.

We were flat broke during those years, but we didn't seem to mind. Pleasures of the mind substituted for creature comforts. Roy was happy if he had enough money to go to the movies and buy an occasional classical record. We brought in some money by writing book reviews at twenty-five dollars a pop, which kept us in frozen dinners and soft drinks for a week. Roy's biggest score came when he located a bookseller who had drastically underpriced a first edition presentation copy of *We the Living*, which Roy could resell for a handsome profit. But there was a problem: the dealer was thirty miles away, and Roy lacked transportation. Roy offered me twenty dollars if I would drive him on my motorcycle. So we piled aboard a 250cc "two banger" Yamaha and embarked on a sixty-mile journey along treacherous California freeways.

With Roy as my constant companion, I had a perpetual source of free entertainment. I often urged Roy to repeat his best routines for young fans, who would double-up with laughter as he acted out the role of a disturbed Donald Duck (complete with an authentic voice) who was doing "sentence completion" in group therapy. ("Mother was always . . . sitting on me. Mother was always . . . dunking me in water.") Or Roy might deliver his famous speech

continued on page 37

Serve the Children Well

by Stuart Reges

David and Ginger Twitchell don't believe in disease. The government does. Does it have the right to tell them how to treat their child — or to treat them as criminals if they turn out to be wrong?

Everyone agrees that on April 8, 1986, two-year-old Robin Twitchell died in his father's arms. The rest of the story is subject to debate. Most people accept the autopsy report that Robin Twitchell died of a bowel obstruction caused by a congenital birth defect. But because Robin's parents, David and Ginger Twitchell, are Christian Scientists, they would instead say that Robin was a perfect spiritual being — the "image and likeness," as the Bible says, of a perfect spiritual God — and as such, was not susceptible to bodily defects. Any manifestation of physical disease was therefore an "error" that could be corrected through prayer.

The government came down on the side of medicine. Because the Twitchells did not seek medical attention for Robin, they were indicted for manslaughter and tried by a jury of their peers.

Five years ago, Robin Twitchell came down with flu-like symptoms (fever and vomiting). Just as other parents might seek the advice and assistance of a doctor, the Twitchells sought the advice and assistance of a Christian Science "practitioner," a church member whose profession is to facilitate the spiritual healing process. Both the Twitchells and the practitioner claim that Robin had some ups and downs, and that he showed signs of recovery the day he died. They never believed that his illness was serious enough to cause death.

About eight months after their baby had died, the district attorney asked them to come in and discuss the incident. They did not hire a lawyer to advise them and answered all questions that were put to them. A year later they were indicted by a grand jury for manslaughter.

When they went on trial two years later, David Twitchell again agreed to answer all questions. The prosecution put great weight on what he saw as inconsistencies in David Twitchell's religious convictions. David testified that he had once sought the help of a dentist for a toothache that he couldn't cure through prayer and had allowed the dentist to administer novocaine. David also testified that if he had believed that his son's condition was seriously life-threatening, he would have sought medical care.

The Twitchells' account was disputed by neighbors who claimed to have heard the baby "moaning in pain" and by doctors who were convinced that the baby must have displayed extremely serious symptoms on the day he died, even though they weren't present at the Twitchell residence and had never examined Robin Twitchell's body.

There is also disagreement about what would have happened if the Twitchells had turned to medicine. Prosecution witnesses claimed that the condition is easily diagnosed with an x-ray and correctible through surgery. Defense witnesses countered that the condition is often misdiagnosed and that surgery is not free of risk.

Potential jurors were asked about their religious beliefs and the prosecution managed to have barred from the jury anyone who claimed to believe in spiritual healing. In fact, the prosecution seemed to distrust all Protestants and managed to produce a jury composed almost entirely of Catholics and atheists. There has always been tension between Catholics and Christian Scientists, especially in Boston, the predominantly Roman Catholic home to the international headquarters of Christian Science. To Christian Scientists, the trial seemed like nothing more than a political attack by the Irish Catholic district attorney of Boston

against their church.

Curiously, the Twitchells were never charged with child abuse or neglect. Massachusetts, like forty-two other states and the federal government itself, has a special spiritual healing exemption in their child abuse/neglect law. The 1971 law says that a child is not the victim of neglect "for the sole reason that he is being provided remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church." The Twitchells knew about this law and believed that it gave them the legal right to treat their children with prayer rather than medicine. The prosecuting attorney also knew about this law, so he charged the Twitchells with manslaughter instead. In their trial, the judge refused to allow the jury to hear about the existence of this law or the manner in which it affected the Twitchells' decision-making. The judge claimed that it was irrelevant because the Twitchells were not charged with child abuse/neglect, and it might prejudice the jury in favor of the Twitchells.

The trial seemed like nothing more than a political attack by the Irish Catholic district attorney of Boston against the Christian Science church.

In giving instructions to the jury, the judge seemed to deny the law entirely. She instructed the jury that parents must provide "all necessary and proper physical care" and may not rely exclusively on spiritual healing if it would expose a child to risk of serious injury or death. Three times during their deliberations the jury asked for a clarification of the state's manslaughter law, which requires a finding that the defendant showed a "reckless and wanton disregard for human life," but the judge maintained that the only question for the jury to decide was whether or not the Twitchells had provided all necessary and proper physical care for Robin. Not surprisingly, the jury members, none of whom believed in spiritual healing, concluded that the Twitchells had not, and found them guilty of manslaughter. Several jurors wept when the verdict was read. One juror was so angry by the instructions given by the judge that she wrote an extensive article about it for a Christian Science publication. The juror had wanted to acquit the Twitchells and was angry at the judge for wasting two months of her time only to turn around and give instructions that guaranteed a guilty verdict.

The Twitchells were sentenced to ten years probation, an indication that this was no ordinary manslaughter trial but, rather, a political event designed to send a message to Christian Science parents. It was a costly message, setting the taxpayers of Massachusetts back over one million dollars.

As a requirement of their probation, the Twitchells must check in with a probation officer twice a month and take their three other children for regular examinations by a doctor. The conviction also cost David Twitchell his administrative job at a Christian Science sanatorium. Medicare makes payments to Christian Science sanitoriums, just as they do to hospitals. But federal regulations would not allow the sanitorium at which David Twitchell worked to continue to receive federal funding if he continued in the post he held there, because he is a convicted felon on probation. It may seem odd that the federal government subsidizes a Christian Science facility with Medicare funds, but the legal precedent is actually quite common. Many state Medicaid programs and most large insurers reimburse Christian Science practitioners as they do doctors, and state and federal tax laws allow Christian Scientists to deduct payments made to practitioners as medical expenses.

Comparisons

To understand the implications of the Twitchell case, consider the following case.

Imagine that you are a believer in medicine who lives in a predominantly Christian Science society where most people use prayer to treat disease. Suppose that you have a child who appears sick and you, not believing in the power of prayer, seek medical care. Your doctor says that the child needs an operation to correct a congenital birth defect and you consent to the surgery. Unfortunately, the child dies. You believe that you are at no risk legally because a group of people like yourself who believed in the efficacy of medicine had convinced the legislature to pass a law exempting parents who relied solely on medicine from charges of neglect and abuse.

But the community is outraged. They admit that in a free society people with unusual beliefs should be granted some leeway in acting on those beliefs, and there are many who believe, although obviously not as strongly as you, that sometimes medicine does work. But they are outraged that you relied solely on medicine. Why didn't you pray? And even if you were so stubborn that you wouldn't pray yourself, why didn't you call in a spiritual practitioner to help the child, as everybody else does?

You are brought up on charges of manslaughter because you relied solely on medicine and did not turn to prayer, or even a combination of medicine and prayer. At your trial, anyone who expresses even a limited belief in the efficacy of medicine is barred from the jury and the judge does not allow you to explain to the jury your belief that the medical exemption to the child abuse/neglect law gave you the legal right to rely solely on medicine in treating your child. The prosecuting attorney thinks it highly relevant that you had prayed once when medicine did not seems to solve a toothache you had. Even so, the jury seems to believe that you are a kind and loving parent and seem to want to acquit you, but the judge says that parents are required to give "all necessary and proper spiritual care"

Several jurors wept when the verdict was read. One juror had wanted to acquit the Twitchells and was angry at the judge for wasting two months of her time only to turn around and give instructions that guaranteed a guilty verdict.

Why isn't everybody a libertarian?

Why aren't people breaking down doors to join the Libertarian Movement?

When you explain libertarian ideas, why aren't people dropping to their knees and protesting, "All my life, with open arms, I've waited for you and your message. How do I join? When's the next meeting? Is there a limit to how much money I can give?"

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Not even close, is it? Liberty wins hands down.

"You Libertarians have a 24 carat gold idea—freedom—and you can't even give it away. Ever ask yourself why?"
Congressman Sam Steiger, 1976

In 1976, I was the Arizona Libertarian Party's candidate for the congressional seat held by Morris Udall.

I lectured people who weren't interested. I debated when I should have discussed. I talked when I should have listened. I talked down to everyone.

If there was an offensive, shocking way of presenting a libertarian position—I used it.

Every so often, people would try to agree, but I didn't notice. I couldn't take 'Yes' for an answer.

My campaign taught me how to lose friends and alienate people.

Finally, it sunk in. My problem wasn't other people. It was the man in the mirror. Me.

Do You Lose Friends And Alienate People?

Some libertarians have a more–rational–than–thou attitude. Or smarter–than–thou. Or more–principled–than–thou. Or more–ethical–than–thou.

Are your 'discussions' really lectures? Do you try to convince by beating the other person into submission? Do you behave like a tormentor, not a mentor?

And when you fail to persuade, do you blame the listener? The other person isn't rational enough, or intelligent enough, or good enough? It's always their fault?

That is the road to permanent failure.

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I interviewed specialists in communications and persuasion. I asked questions and took notes.

I applied the scientific method to everything I learned. I tested every approach, technique and format. I observed and listened.

I began to write up my results. *How To Get Converts Left & Right* and *The Late, Great Libertarian Macho Flash* were published by *Reason.*

I followed these with more articles: *The Militant Mentality, The Myth Of Mushrooms In The Night, Leveraging Liberty With Language* and *Intellectual Judo.*

The libertarian audience wanted more, so I launched a seminar. *The Art Of Political Persuasion Marathon Weekend Workshop* has been offered all over the United States and Canada.

Then, I tested my teachings in the field. I was the organizer and fund-raiser for the 1988 *Marrou VP Campaign, Project 51–'92* ballot effort and the 1992 *Marrou For President Campaign.* Between Fall 1987 and Fall 1991 I raised more than $500,000 for these projects. $519,344 to be exact (source: FEC).

Now, after 12 years of study, testing and results, I have produced a three hour audio tape learning program: *The Essence of Political Persuasion.*

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Jim Lewis, 1984 Libertarian Party VP nominee and 1992 *Marrou For President* Campaign Manager.

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Vince Miller, President of International Society For Individual Liberty (I.S.I.L.).

"I have a set of these political persuasion tapes. I had to learn it before I could teach it. Thank you very much, Michael Emerling."
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and may not rely exclusively on medicine if it would expose a child to risk of serious injury or death. The jury, composed solely of people who believe that prayer and not medicine is the way to heal the sick, feel compelled to find you guilty.

Questions

The Twitchell case raises interesting questions. Do parents like the Twitchells have the right to turn to prayer exclusively for healing their children or does society have a responsibility to protect children like Robin Twitchell? Are we so sure of medicine that we can force it on parents who don't believe in its efficacy?

If so, which branches of medicine do we deem irrefutable and therefore mandatory? Are parents required, for example, to follow the advice of child psychologists even if they think that the psychologists' theories are invalid?

Many people seemed to think that the Twitchells should have used both prayer *and* medicine, to hedge their bets, so to speak. Dr Norman Fost, for example, who chairs the American Academy of Pediatrics committee on bioethics said, "The academy is very supportive of the role of religion in family life and health care. However, there are some conditions for which prayer plus antibiotics will do a lot more than prayer alone."

Christian Scientists turn away from medicine not because they have some stoic notion that disease is something to be endured as the inevitable will of God, and that the only appropriate remedy is to pray to God to be merciful. Christian Scientists resist this approach because it is antithetical to their religious beliefs. *Christian Scientists believe that there is no reality to disease.* They believe that healing is achieved by realizing the falsehood of the suggestion that a limitless spiritual being can be limited by a defective material body. To accept the possibility that the medicine or operation might work makes spiritual healing impossible. They further believe that their own experience and the experience of other Christian Scientists offer evidence that they are less afflicted with pain and disease than are those who rely on medicine.

Are we so sure of medicine that we can force it on parents who don't believe in its efficacy? If so, should parents be required to follow the advice of, say, child psychologists, even if they think that the psychologists' theories are invalid?

Christian Science parents who turn to prayer rather than medicine in treating their sick child are no less loving than other parents. They have no desire to see their children martyred for their religion. They are simply doing what all the other parents are doing, taking the measures that they think are most likely to make their child well.

A pediatrician and medical ethicist at Boston University, applauding the Twitchells' conviction, said, "No religion is going to be allowed to be a defense against abuse and neglect." The American Academy of Pediatrics is seeking the repeal of spiritual healing exemptions. If these efforts succeed, Christian Science parents will face a difficult dilemma: the law (which their religion demands they obey) will require them to seek medical treatment for their children. Most hospitals, however, require that parents sign a consent form intended to shield the institution from a lawsuit. These forms often require the parents to affirm that they realize medicine is an inexact science and that the treatment is not in any way guaranteed. Thus, Christian Scientists will find themselves legally required to submit their children for care to people whose practices they don't believe in and will additionally be required to release those individuals from blame for an undesirable outcome.

There is a fundamental question that underlies the Twitchell case: *What is the appropriate balance between parental and social decision-making when it comes to rearing children?* There may indeed be times when it is appropriate for the government to intervene on the behalf of a child, but there are good reasons to maximize parents' lattitude. Intervention can lead to as many or more dangers as nonintervention can, dangers that become strikingly evident in the case of the Twitchells. ❑

Arthur, "H. Ross Perot," *continued from page 27*

the presidency as easily as did Fujimori remains to be seen. Americans are far less desperate and far more reluctant to change than were Peruvians.

The Race Is On

With Perot in the race, the 1992 election promises to be one of the most exciting and interesting of the century. It seems likely that he will get a lot of votes, and he has a modest chance of winning. But it is not clear at all which of the major parties' nominees he will harm more. So far, it seems that most of his supporters would more likely support Slick Willy than Dumb George. But the race is still in its early stages, and that will change.

One things seems sure, though. He will hurt the candidacy of Libertarian Party nominee Andre Marrou. I don't mean to suggest that he will appeal to libertarians — his support for a business-government partnership, more spending on state schools, gun control, compulsory national service, and suspension of civil liberties will likely overcome most libertarians' natural tendency to prefer a businessman over a politician.

But most votes for LP presidential nominees don't come from ideological libertarians. They come from people pissed off at the system and unsatisfied with the alternatives offered by the major parties. Perot should capture this vote easily.

Perot has already stirred up the soup in the American political cauldron more than any libertarian ever has. And conditions are right for Perot to do very well in his bid for the Presidency. Whether Perot can take advantage of his opportunity remains to be seen, but to date he has played his cards right. ❑

Libertarians and Christians in a Hostile World

by Doug Bandow

The spirit of the age is both secular and statist. Libertarians and Christians often rub each other the wrong way. But there may be good reasons for a truce . . . or even an alliance.

While there is nothing in principle to cause libertarianism, a political philosophy, and Christianity, a worldview regarding one's relation to God and one's neighbors, to conflict, in practice there has been substantial friction on both sides. Although libertarians and theologically conservative Christians have often found themselves on the same side of economic and fiscal issues, they have always been uneasy allies at best. Indeed, on social policy — abortion, drugs, pornography, "morals" legislation in general — their differences seem irreconcilable.

One reason for this lies in modern libertarianism's origins as a reaction against oppressive state structures that had been buttressed by organized religion. Another is that many seminal libertarian thinkers have not been Christians. Classical liberalism, for instance, grew out of the Enlightenment, and many of its adherents were deists or atheists. More recently, Ayn Rand and her Objectivist movement have promoted both limited government and atheism. In fact, Rand, who is still revered by many libertarians, considered religion to be wholly irrational.

Furthermore, libertarianism, unlike conservatism, has never emphasized traditional values. To the contrary, it has proved a refuge for those seeking to avoid persecution by the state, especially for "moral" offenses. Thus, libertarianism has attracted many gays and drug users — unrepentant sinners in the eyes of many Christians. Although libertarians have neither pushed legislation to prevent people from not associating with homosexuals nor endorsed drug use, their tolerance of open sin has rankled Christians who believe such actions conflict with God's transcendent moral law.

At the same time, many libertarians have been offended by the apparent readiness of many Christians to use the law to buttress faith when people do not respond voluntarily. When preaching didn't stop gambling, churches supported a government ban. When homosexuality persisted despite America's formally Christian culture, the believers wanted the cops to arrest gays. In this way, many libertarians came to see Christians as enemies of freedom.

Unlikely Allies

Yet the imagined battle between libertines and puritans reflects stereotypes on both sides. Although many libertarians do believe in "moral diversity," libertarianism is merely a political philosophy regarding the relationship of man and state, not man and God. Similarly, while many Christians believe the government should enforce God's moral law, there is nothing Biblical about using coercion to enforce the Ten Commandments and Christ's directives. The conflict between the two perspectives reflects not their fundamentals but their application.

Thus, some activists on both sides have come to recognize that their areas of agreement are greater than those of their disagreements. The result has been a growing dialogue between conservative Christians and secular libertarians. In fact, despite some misgivings, the Libertarian Party nominated former congressman Ron Paul, a pro-life Christian, for the presidency in 1988. We should hope that such efforts at a *rapprochement* will expand in the future. Surely the two sides can work together to build a freer *and* more virtuous society, one in which religious believers can promote their moral values and live their faiths unhindered by the state while tolerat-

ing sin amongst their neighbors, while libertarians, though not held by law to Biblical moral standards, can better understand and respect the convictions of Christians.

Reasons for *Rapprochement*

Neither Christians nor libertarians have the luxury of treating potential allies as adversaries. The hold of Christianity on American culture is waning: although virtually everyone still proclaims a belief in God, most people's behavior reflects only limited adherence to the traditional Judeo-Christian moral code. And the state is increasingly antagonistic to Christian institutions and beliefs — requiring a Catholic university to fund gay groups, interfering with church discipline of errant members, barring the operation of Christian schools, funding sacrilegious art, and so on.

On social policy — abortion, drugs, pornography, "morals" legislation in general — the differences between libertarians and Christians seem irreconcilable.

While libertarians with less traditional moral beliefs may feel somewhat more comfortable today, they, too, are losing the larger war. The government continues to expand; individual liberty continues to shrink. And state interference is actually increasing in some areas of moral regulation, such as drug use. Indeed, a supposedly conservative Christian president has offended both libertarians and religious believers by supporting higher taxes, new spending programs, continued funding for the National Endowment for the Arts, and the drug war.

Since both groups seem to be losing what James Davidson Hunter calls the "culture war" — a Christian, of course, does not believe that God will ultimately lose, but would still like to bring the world into closer conformity with godly standards — it is imperative that each search out new allies. Secular liberals, because they believe in neither transcendent moral law nor individual freedom, are unlikely to prove solid friends of Christians or libertarians. Their occasional support for one position or another will always give way to an agenda that is overwhelmingly statist and secular. Several different groups of Christians — particularly Protestant evangelicals and conservative Catholics — have frequently made common cause with conservatives, but that alliance has produced little fruit; the same is true of many alliances between mainstream conservatives and libertarians. Many conservative activists, despite their verbal support for both traditional values and individual liberty, are as secularized and authoritarian as their liberal counterparts. How else to explain the very small practical differences between Democrats and Republicans on domestic, international, and social issues?

Thus, Christians and libertarians need not only to talk to one another, but to work together on issues of mutual interest. Their overall worldviews will remain sharply different, but they can coalesce when it comes to limiting state power.

All Christians and libertarians should agree on the need to protect religious liberty. Many Christians — at least those who consider themselves to be "conservative" today — and all libertarians can join to oppose expansion of governmental intervention in the economy. On foreign policy Christians are more fractured, with a more "liberal" minority closer to the libertarian position. The most serious differences, however, occur in questions of social policy.

If social policy becomes a debate over values, the gulf between conservative Christians and (secular) libertarians will be unbridgeable. The former believe that God has established timeless guidelines for personal behavior. Many of the latter believe morality to be a matter of personal choice, so long as it doesn't violate the rights of others.

However, there is room for cooperation if the issues are treated as issues of *policy*, that is, as the actions that should be taken by the various political institutions in response to social problems. One need not share the moral premise that homosexuality is right or wrong, for instance, to agree that cops should not be arresting people in their bedrooms for sexual activities.

Among the most important social issues in contemporary America are abortion, child care, drugs, education, pornography, sex, and welfare. In all of these areas there is room for greater understanding and cooperation among libertarians and Christians.

Abortion

There is probably no more divisive issue today than abortion. Indeed, it is an issue that splits both Christians and libertarians. The majority of the more theologically conservative Christians, particularly evangelicals and Catholics, are "pro-life" (as am I, in the interest of full disclosure). In contrast, the majority of libertarians are "pro-choice," though there is an active Libertarians for Life organization headed by an atheist.

There is no one scripture that speaks to abortion; however, the Bible does make it clear that life is sacred, including the child resulting from conception, who is considered to be a gift from God (Genesis 4:1). As such, a compelling reason should be required to justify killing the unborn. In the view of some Christians and many libertarians, the liberty/privacy interest of the woman provides such a justification, leading to a legal, if not moral, right to abortion. Indeed, many of these abortion rights advocates would argue that abortion is morally wrong, but nevertheless should not be proscribed by the state. The pro-life counter is two-fold: first, that there is another life involved which, since it cannot assert its own right to life, must be protected by the state; second, that the parents, by voluntarily engaging in the act that leads to pregnancy, do not have a right to terminate the life. (Such consent is obviously lacking in the case of rape.)

While the conservative Christian and majority libertarian positions obviously cannot be harmonized, they can at least be understood, and they need not make an alliance between the two groups on other issues impossible. Pro-life Christians can recognize the impor-

tance of freedom even while believing that the state must intervene to protect the unborn; libertarians can acknowledge the importance of the life of the unborn even while emphasizing the liberty of the woman and the difficulties in banning abortion. Moreover, libertarian support for voluntary action complements the efforts of churches and other Christian ministries to create counseling services and support structures for unwed mothers to allow them to keep their babies.

Child Care

Christians hold the upbringing of children to be fundamentally a parental responsibility; for philosophical rather than theological reasons, secular libertarians believe the same thing. (Some libertarians, a decided minority, would endow kids with adult rights, allowing them to "divorce" their parents.) Thus, both groups can unite to oppose government day-care initiatives. Such programs favor secular over religious providers; subsidize working women to the detriment of mothers who choose to stay home; promote institutional day care over babysitting by friends, relatives, and neighbors; and create regulatory systems designed to emphasize government rather than family values.

Many libertarians have been offended by the apparent readiness of many Christians to use the law to buttress faith when people do not respond voluntarily.

Some Christians might still back public subsidies for day care if they did not discriminate against religious facilities and came without "strings." (There is no scriptural mandate for such a program, of course.) Libertarians, in contrast, would oppose any subsidy program, although some might support an expanded tax credit/deduction for day care. Nevertheless, to the extent that proposals for new programs are advanced, Christians and libertarians could work together to reduce their expense and intrusiveness.

Drugs

The drug issue hosts another sharp clash between the perceived positions of Christians and libertarians. Christians generally believe the use of drugs to be a sin that is undermining society. Libertarians consider laws against drug use to be an intolerant interference with personal liberty, causing more harm than good. Can these positions be reconciled?

The Bible certainly warns against the abuse of drugs. One of "the acts of the sinful nature," wrote Paul, is "drunkenness" (Gal. 5:20). And Peter directed his readers not to live as the pagans, "in debauchery, lust, drunkenness, orgies, carousing, and detestable idolatry" (1 Peter 4:3). Moreover, Paul instructed believers to "honor God with your body" (1 Cor. 6:20), which he earlier described as "God's temple," a "sacred" vessel in which the Holy Spirit lives. "If anyone destroys God's temple, God will destroy him." (1 Cor. 3:16–17).

This suggests that people are neither to use licit substances, such as alcohol, to excess, nor use other products that pose a high risk of harming their bodies. It is hard to set clear rules on this basis because not all drugs are created equal: moderate use of cigarettes, which kill 430,000 people a year, is probably more dangerous than either social drinking or occasional use of marijuana. The physiological consequences of pure heroin, in contrast to the adulterated substances sold in the illegal market, are actually minor; the drug's real danger is its addictiveness. By contrast, PCP, synthetic heroin, and a variety of other substances clearly harm the body. At the same time, most Christians probably believe they have a separate obligation not to take illegal substances, even those that may be relatively safe, because believers are to respect authority and must be concerned about preserving the purity of their witness.

But the fact that Christians believe they are not to use illegal drugs — or perhaps legal drugs, for that matter — does not settle the *policy* question at hand: Should the government prohibit drug use, as it once did alcohol consumption? Although the civil and ecclesiastical authorities were closely related in ancient Israel, they were separated well before the time of Jesus and remain so today. In fact, the model of the first-century church is a community focused on enforcing Biblical rules on its own members, not on those outside the fellowship. Thus, when Paul learned that a member of the Corinthian church was involved in serious immorality, he did not urge the group to lobby for civil legislation, but instead instructed his readers:

One need not share the moral premise that homosexuality is right or wrong, for instance, to agree that cops should not be arresting people in their bedrooms for sexual activities.

> I have written you in my letter not to associate with sexually immoral people — not at all meaning the people of this world who are immoral, or the greedy and swindlers, or idolaters. In that case you would have to leave this world. But now I am writing you that you must not associate with anyone who calls himself a brother but is sexually immoral or greedy, an idolater or a slanderer, a drunkard or a swindler. With such men do not even eat.
>
> What business is it of mine to judge those outside the Church? Are you not to judge those inside? God will judge those outside. "Expel the wicked man from among you." (1 Cor. 5:9–13)

Thus, while there is nothing to prohibit Christians from supporting anti-drug legislation, there is nothing that mandates they do so. It is more a matter of reason than revelation.

On these issues, then, Christians and libertarians can open a dialogue. Is it right for people who oppose drug use to use government to jail those who use drugs? Although the Bible sets standards for personal conduct, it does not specify when the state is empowered to intervene to "bring punishment on the

wrongdoer," in Paul's words (Rom. 13:4). In my view, the best understanding of this phrase, especially in the context of his instruction to the Corinthian believers, is to punish those who commit crimes against other people, rather than those who transgress God's moral law.

Does drug use involve wrongs against other individuals? Drug use obviously has a social impact, but the impact of drug prohibition appears to be even more harmful. The full argument is obviously beyond the scope of this article, but a good case can be made that prohibition is a disaster, having funded violent criminal empires at home and abroad, resulted in an enormous increase in murder and property crime, sucked kids into the drug culture and criminal gangs, spread AIDS, and made drug-taking more dangerous. While a secular libertarian who believes he has an absolute right to take drugs will disagree on basic premises with a Christian who believes he has a godly responsibility to eschew drug use, they may nevertheless agree that, as a matter of social policy, legalization would be at least less costly than prohibition.

Although the Bible sets standards for personal conduct, it does not specify when the state is empowered to "bring punishment on the wrongdoer."

Education

Although Christians and libertarians have tangled over tangential educational issues, such as gay teachers and school prayer, they agree on far more fundamental matters, such as the importance of parental control of education. Thus, both groups should be able to work together to promote tuition tax credits, vouchers, and school choice, in order to reduce the monopoly advantages of the public schools and increase parents' abilities to send their children to private schools.

As for the operation of the public schools, there is room for compromise. Christians can recognize that with public institutions paid for by all taxpayers, including non-Christians (and homosexuals), they will not be able to enforce Christian morality. (Which, of course, is a fundamental flaw in the public schools from their perspective.) Thus, trying to bar gays as teachers, or impose Christian prayers in a secular classroom, will naturally result in resistance from non-Christians. Libertarians, on the other hand, can recognize that the question is not *whether* values should be taught in the classroom, but *which* ones. At the very least, libertarians could support an educational process that provides for fair treatment of religion in history classes and extracurricular activities, such as the open access law. Moreover, they could be more tolerant of the use of harmless religious symbols, since Christians, whose tax money is also going to fund the schools, understandably feel disenfranchised when their values are deliberately purged.

Pornography

For conservative Christians, the making and use of pornography is sinful. The Apostle Peter criticized those who, "by appealing to the lustful desires of sinful human nature," mislead others (2 Peter 2:18). Similarly, Paul wrote that God gave those who rejected him "over to shameful lusts" (Rom. 1:26).

Thus, Christians have a responsibility within their families and fellowships to discourage the use of pornography. They also can play a prophetic role to the surrounding community, including such activism as boycotts and protests, in an attempt to influence the purveyors of pornography. As with drugs, however, there is no Biblical mandate for civil government to ban the production or use of sexually explicit material. Paul's letter to the Corinthian church suggests that the community of faith is to be more concerned with the activities of those within than those without the fellowship.

With explicit Biblical direction on the issue absent, Christians must again rely more on reason than on revelation. They can demand not to be visually assaulted by pornographic advertising while walking in a public place, and many libertarians would go along with restrictions on the public display of sexually explicit material. Similarly, Christians and most libertarians can agree on the importance of protecting minors from being used in pornographic films and from acquiring pornographic materials. And libertarians, who oppose such government agencies as the National Endowment for the Arts altogether, have joined with Christians in opposing public funding for obscene art.

Libertarians are unalterably opposed to using government to keep pornography out of the hands of consenting adults. Christians might consider and accept the libertarian arguments. Christians should require a stronger justification for turning to the state than the revulsion they naturally feel at obscenity. And, in my view, the traditional rationales for arresting someone for looking at dirty pictures are too weak. Some people argue that pornography is accelerating the decline of society. Yet the availability of obscene materials is more a result than a cause of declining moral standards. Indeed, perhaps the most insidious pornographic phenomenon today is pervasive soft-core porn on TV, not hard-core obscenity in movies and magazines, which most Americans reject.

Some people have also contended that porn promotes sex crimes. However, it is important not to confuse correlation (those who commit sex crimes also like porn) with causation (porn *causes* them to commit sex crimes). In fact, the best evidence appears to be that the depiction of violence may encourage some people to commit violent crimes, while porn is largely passive. On this basis we seem to have more to fear from Freddy Krueger than Hugh Hefner.

Sex

The Bible sets up a clear moral code for personal sexual behavior: sex belongs within the covenant of marriage. Based on their personal behavior, most libertarians, like most people in general, do not believe in such a code.

Nevertheless, it is possible for

Christians and libertarians to work together in this area. For instance, both groups can oppose legislation that would force people to accept diverse sexual behavior, such as ordinances that require people to hire or rent to homosexuals and housing codes that order people to sell or rent to unmarried couples.

As for laws against non-marital sex, even Christians today seem reluctant to bring the bedroom into court. Libertarians might support a ban on sex in public places, but would oppose anti-sodomy laws (many of which also apply to heterosexuals) and criminal sanctions against adultery and fornication, which are still occasionally enforced in some states. Despite their belief that such activities violate Biblical norms, Christians could rightly take the same position, since God has not appointed them to enforce his law on their unwilling neighbors. To the contrary, it is Christ who will wield the winnowing fork and separate the wheat from the chaff at the time of the final judgment (Luke 3:17, Matt. 13:24–30).

Welfare

Libertarians oppose the government welfare system because it is little more than legislative theft, the taking of property from one group to give to another. They are also concerned about the pernicious consequences of welfare: its promotion of family breakup, illegitimacy, and dependency.

The Bible commands Christians to give, but individually, or through family and church. Government is not mentioned. Although there is no Scriptural proscription barring the creation of a public welfare system, Christians must be wary of establishing widespread transfer programs given the eighth and tenth commandments against stealing and coveting. Moreover, any such program should be consistent with other Biblical values, which in this case complement libertarianism: the importance of work, individual responsibility, and the family. In short, both Christians and libertarians would emphasize voluntary action. Some of the former might turn to welfare as a last resort, but both, again, should oppose the sort of expansive and disruptive system now in existence.

As for laws against non-marital sex, even Christians today seem reluctant to bring the bedroom into court.

Hope

The conservative Christian and libertarian worldviews are very different, but, despite the popular wisdom, not necessarily contradictory. Christians believe in a personal God who has revealed himself and established very clear standards by which men are to relate to him and each other. However, the circumstances under which people are to coerce other people through the power of the State are left largely undefined. And it is here where libertarians concern themselves. Although some libertarians are atheists, their religious beliefs can be separated from their political principles, which limit the right of individuals to initiate the use of force against one another.

Under these circumstances, a person can be both a Christian and a libertarian. I am such an individual. My Christian faith is transcendent, but because, in my view, there is no explicit Christian political system, my faith only informs, rather than sets, my political positions. Even Christians who are not libertarians and libertarians who are not Christians have many opportunities to cooperate on protecting religious freedom, restricting state expansion, encouraging private education, keeping the government out of child care, opposing welfare systems that destroy families, and so on. And given both groups' need to find additional allies, it is increasingly important that Christians and libertarians not only talk with each other, but work together. ❑

Smith, "Remembering Roy Childs," *continued from page 28*

explaining how Dracula was the ideal Randian hero. (Dracula pursued his rational self-interest according to the standard of "vampire qua vampire"; he despised mysticism as manifested in holy water and the cross; most significantly, it was he who penetrated and the woman who was penetrated.)

Roy and I often reminisced about those halcyon days; we wondered what had changed, and why. The libertarian movement seemed to have lost much of its vitality, and the viciousness of politics had turned many former friends into bitter enemies. Or maybe it was just us — older, wiser, and somewhat more cynical.

Roy's later years were not easy for him. Plagued with physical problems, and faced with the need to earn a living, Roy was unable to muster the time and resources to undertake major projects. He often spoke of his desire to write a book on the history and ideas of the modern movement. And he desperately wanted to have his own newsletter, so he could write the kind of incisive commentaries and articles he had become famous for as editor of *Libertarian Review*.

Unfortunately, these dreams were never realized. Roy had been stigmatized in some circles as "difficult," so he found it nearly impossible to obtain funding. Much of the movement he had helped create turned its back on him, and I shudder when I recall the pain this caused him.

Yes, Roy could be difficult at times, but he gave far more than he got. His ideas and his vision, the fruit of many years of intense intellectual labor, were free for the asking. He sparked enthusiasm in others when he felt none himself. He set up projects for others when he had no hope of getting one himself. He was a generous and kind man.

Some libertarians stuck by Roy to the end. I wish to thank those people on Roy's behalf. He spoke of you often, and with great affection.

Barely a day has passed since Roy ceased to exist, and I already feel pangs of terror and dread. So much of what I am I owe to him. I would probably have given up long ago, if not for his counsel and encouragement.

Farewell, my fine friend! Farewell! ❑

The Myth of Metal Illness

by Gracie and Zarkov

"I can foresee a music that is beyond good and evil."
— *Friedrich W. Nietzsche*

The moral insight of anarchy is the realization that no one else should be in charge of your head. The limits of anarchy are reached when no one is in charge of your head, including you.

Only a few rockers have yet given much thought to the problems of individual freedom and responsibility. Without an understanding of the relationship between responsibility and freedom, heavy metal promotes irresponsible "anarchy." Megadeath's cover of the Sex Pistols' "Anarchy in the UK" is a passionate cry against the oppression of the human spirit, but it provides no substitute other than mindless anger. The performers and consumers of heavy metal have absorbed some of the ideas of the Enlightenment, but selling the 18th century to droolers in a time of moral confusion can lead to a one-sided understanding of freedom, closer to Don Giovanni than Tom Paine.

"From Chuck Berry on, rock has provided anthems to teenhood and teen hoods." — Lester Bangs

"What gets to me is that I have read letters from fans of Mötley Crüe that more or less say that they like the band because they can get away with anything. . . ."
— Mike Monroe of Hanoi Rocks, which broke up when their drummer, Razzle, was killed by Mötley Crüe's Vince Neil in a drunk-driving accident

"There's a fine line between crime and pleasure."
— Izzy Stadlin of Guns N' Roses

The worst heavy metal bands pander to an audience whose idea of success is to have someone to haul you home, pay your bail, clean up after you, and hire lawyers to protect you from the consequences of your own stupidity. This amounts to a particularly pernicious version of the rebel archetype: the Bad Boy. The Bad Boy is the modern equivalent of Don Giovanni, the rebellious aristocrat who can get away with murder.

In general, social conditioning permits adolescents two opposed packages of behavior. One can be "good" — which is to say, sober, responsible, and dull — or one can be "bad" — that is, intoxicated, irresponsible, and exciting. In a moral universe where fun is assumed to be bad, "bad" easily becomes equated with fun. The confused moral positions of conventional society on sex, drugs, and violence are reflected in the confused fixations that heavy metal performers and consumers play out in their lives, music, and videos.

Further muddying the waters is the use of familial violence to control children. Studies have shown that violent adolescents and adults are produced by violent parents. The number of heavy metal performer interviews that contain some version of "then I had a big fight with my father and he threw me out of the house" is too depressing to count. The resulting damaged personality is glamorized by Bad Boy rockers.

There *are* bands more aware of the downside of the Bad Boy position: Skid Row's "18 and Life" video tells the cautionary tale of an angry young man whose lack of control causes him to kill his best friend. Testament's "Ballad" points out that being a Bad Boy is just as limiting a social role as being "good," and is more likely to get you killed. Even Kiss has a video fable against gang violence called "Hide Your Heart."

Still, under present conditions, adolescent males seem innately more reckless and violence-prone than the rest of humanity, and this is reflected in the music of male adolescents. This theme is amplified in Megadeath's "Wake Up Dead," where a young man admits that his actions might get him killed but will pursue them anyway, and in Motorhead's "Ace of Spades": "You win some, you lose

some, gambling is for fools/But that's the way I like it, baby, I don't want to live forever."

But what actually distinguishes socially unacceptable forms of recreational violence from acceptable ones, such as football? *Johnny B. Goode*, the worst movie of 1988, is the story of a high school football star choosing between sports and rock 'n' roll. The movie's theme song is the famous Chuck Berry tune for which the film was named, as covered by Judas Priest. The band's video crosscuts film clips of bone-crunching tackles, shady recruiting agents, and high school jock mayhem — that is, all the unfortunately true clichés of high school football — with the anarchic free-for-all violence of stage-divers and slam-dancers. The message is clear: if violence is your idea of fun, why participate in regimented violence in the service of adult interests? "Brainwashed wimps play football. Real men stage dive."

Given the statistics on injury and death in school sports, why are they glorified as "wholesome" and "character-building"? The usual justification for such regimented violence comes down to preparation for war. The core heavy metal audience — young males — is also the human crop that nations throughout history have harvested for cannon fodder. Viewed in this context, metal's obsession with war and violence becomes more intelligible.

I speak of great heroic days, of victory and might
I hold a banner drenched in blood, I urge you to be brave
I lead you to your destiny, I lead you to your grave
Your bones will build my palaces, your eyes will stud my crown
For I am Mars the god of war, and I will cut you down.
— Motorhead, "Orgasmatron"

"I look upon war with horror. You can bear this warning voice to generations yet to come. War is cruelty and you cannot refine it. War is Hell."
— General William T. Sherman

"Ask not what your country can do for you; ask what you can do for your country."
— John F. Kennedy

"I died for my country, will you?"
— Vietnam-era Poster with a photograph of a rotting World War I corpse

Metallica's brilliant seven-minute video, "One," uses footage from the 1970 film *Johnny Got His Gun*; like the movie, the song describes a war casualty who to the outside world is a vegetable, but inside is alive, totally isolated in his mind and continually wracked by pain. His only desire: "Oh God, help me, I wish for death." General Sherman would have approved.

Until the eighteenth century, continuous war among nations was regarded as inevitable. The same visionaries responsible for the ideas that spawned liberal revolutions in North America and Europe were the first to predict an end to war. The secret is simple: nations do not go to war against each other when their citizens are well-off and their economies intertwined. The way to end war is to encourage freedom and economic well-being for the entire human race.

Back in 1986, during the depths of the Cold War, the German band Shy sang, "Tear down the Wall . . . Who needs fools deciding?" Their video showed the regimented life of a clandestine rock fan in East Germany. She is caught and imprisoned, but one of her cell walls collapses through the Berlin Wall and she falls into a heavy metal concert in West Berlin.

There was a graffito on the Wall that said, "This wall will fall. Ideas become reality." Who could have possibly imagined how quickly this would come true?

"Why should freedom of speech and freedom of the press be allowed? Beliefs are much more fatal than guns."
— Lenin

I twist the truth, I rule the world, my crown is called deceit,
And still you play the sycophant and grovel at my feet
And all my promises are lies, all my love is hate
I am the politician, and I decide your fate.
— Motorhead, "Orgasmatron"

". . . suffer yourselves not to be wheedled out of your liberty [to publish] by any pretense of politeness, delicacy or decency. These as they are often used are but three different names for hypocrisy, chicanery and cowardice."
— John Adams

Freedom — it means nothing to me
as long as there's a PMRC!
— Megadeath, "Hook in Mouth"

Illustration by Paul Pope

In the summer of 1985, the Senate held a special set of McCarthyistic hearings inspired by the Parents' Music Resource Center (PMRC), a group pushing for "warning labels" for record albums. Dee Snyder, metal group Twisted Sister's frontman, was called to testify. Nattily dressed in blue jeans, mirrored sun glasses, and a black Twisted Sister T-shirt with his hair freshly permed, he proceeded to explain to the senators that he was protected by the U. S. Constitution, and that if they were offended by his music, that was too bad. Twisted Sister's "We're Not Gonna Take It" video, based on an incident from Dee's adolescence, is a cartoonish, in-your-face attack on the kind of stupid, authoritarian repression promoted by the PMRC.

The Bad Boy is the modern equivalent of Don Giovanni, the rebellious aristocrat who can get away with murder.

Twisted Sister also pilloried the mindless regimentation of American high schools in their video, "I Wanna Rock," and with good cause. As a committee of Fortune 500 business leaders reported in *The Wall Street Journal*, schools opt for "control rather than education" and offer an environment that "more closely resembles a factory than a haven for learning"

Therefore, it's not too surprising that rebellion and protest have become commercially viable products. A best-selling non-fiction hardback may sell less than 100,000 copies; a heavy metal group wouldn't even be considered a cult band with such disappointing sales. And a record or video's reach is extended when it is played for multiple listeners. Last year Americans spent $25 billion on records, compact discs, videos, and cable TV. Of that, teenagers alone spent over $2 billion on records, tapes, and CDs. The numbers for Western Europe and Japan are of similar magnitude. By contrast, now-imprisoned televangelist Jim Bakker grossed about $130 million in his best year. That is less than what two platinum metal bands gross for records, concerts, and T-shirts in a good year. It is now possible for young unknowns to become rich selling a message of protest or rebellion against government, church, parents, and social mores.

All over the world, war is being waged against the forces of oppression. But this war is not fought with guns, is not centrally directed, and is not financed by massive taxes and sacrifice. It is being fought with electronic signals, by millions of independent individuals, some of whom — such as these rock stars — are getting very rich.

We have entered the age of Electronic Guerrilla Warfare. Its weapons are telephones, faxes, modems, satellite TV, personal computers, Walkmen, and VCRs, the staples of modern culture. The only way a developed society can defend itself against these devices is to prohibit them entirely, a move that would seriously cripple its economic development. Nineteen eighty-four has been cancelled by the silicon chip.

"America is the well-wisher to the freedom and independence of all." — John Quincy Adams

What do you mean I don't support the system?
It's still 'We the People,' isn't it?
— Megadeath, "Peace Sells, But Who's Buying?"

We Americans should be ashamed of our government. We have been the richest and freest nation in the world for so long that we have become smug. With the collapse of totalitarianism as a serious threat to our survival, we no longer have any excuses for not living up to the patriotic ideals of the Founding Fathers.

We have a long way to go. The deficit cannot be cut because we all have a hand in the government porkbarrel. Congress has a reelection rate so high it would have been an embarrasment to the Politboro; even *The Wall Street Journal* calls it the U.S. House of Lords. Our popular culture promotes freedom while our government supports foreign dictators. Our inner cities are being destroyed by drug profit wars. The rate of incarceration in the U.S. is higher than South Africa's and China's; over two thirds of the inmates are incarcerated for drugs. Pornography serves as another excuse for censorship and sexual control. Laws are proposed against obscene lyrics, aimed at censoring rap and metal but capable of banning almost every opera in the standard repertoire. Repeatedly, in public opinion polls since World War II, the ideas contained in the Bill of Rights fail to gain majority approval.

The number of heavy metal performer interviews that contain some version of "then I had a big fight with my father and he threw me out of the house" is too depressing to count.

Having been "best" for so long, many Americans refuse to believe they can be better. America is in danger of becoming a rigid, reactionary society. The heavy metal bands know this and the kids know this. Authoritarians of all stripes revile and fear the music because it shoves this message into their faces, and there's nothing they can do to stop it.

Our society gives much lip service to freedom and individualism, but our schools teach, encourage, and often demand unthinking conformity to the usually rigid and authoritarian "community standards" that thwart kids' ability to be free, responsible, and happy.

The ultimate value of heavy metal lies in its dedication to the individual's efforts to create oneself in spite of social

continued on page 42

At Long Last, Death

by David Horowitz

Sometimes you must balance one life against another. But when you do this, watch for the weighted fingers of those who, pretending to wear the mantle of Justice, favor the guilty over their victims.

Robert Alton Harris is finally dead. Every day of the last fourteen years of his life, since he murdered two teenagers in 1978, was an injustice. It was an injustice that for fourteen years he was alive and his victims were not. It was an injustice that all America knew his name and his face and his troubled history, while almost no one would be able to name the two teenagers he murdered or describe a single aspect of their brief and innocent lives. It was an injustice that day after day, year in, year out, the media outdid itself to find ways to make this monster sympathetic, by interviewing his psychiatrists, by recounting the sins of his parents, by exploring the heart-rending effects of fetal alcohol syndrome in society at large, by finding other killers to care about, including a lone woman on death row in California and a condemned murderer who found a pathetic female to fall in love with him.

Seventeen years ago a friend of mine named Betty van Patter was murdered by the Black Panther Party in East Oakland. She was the mother of three children. No one was ever indicted for the crime. Her death was emotionally devastating for me, partly because I had got her the job that got her killed: bookkeeper for a Panther school in the East Oakland ghetto. It took many months for me not to wake up with tears in my eyes and a lump in my chest, grieving for Betty. For the seventeen years since, I have often found myself thinking about Betty and her children and now grandchildren, the suffering she endured and the awful vacancy in their lives. I will never be free from this memory or this grief.

I think, too, about Betty's murderers. For seventeen years I have watched them get on with their lives — a privilege they denied to Betty herself. One of Betty's murderers is alive and well and pursuing a career in Los Angeles. Another is in jail for a different murder. The third was a famous sixties leader, Huey Newton, who eventually met a sordid end as a junkie, killed by a dealer on the street. Huey and the first mentioned of these murderers have been lionized over these years in many books and by several documentaries on public television, including the award-winning *Eyes on the Prize II*. There are four Hollywood film projects currently in the works to celebrate them again. The rage I feel when such projects are announced is not easy to describe.

And I am not family or kin. What must it be like to be Betty's children, or the parents of the boys that Robert Harris murdered despite their pleas for mercy? What must it have been like to live with the knowledge that he was alive, just as two of Betty's killers are alive? That he has been the center of so much compassion and concern, while their sons are all but forgotten? That, too, is an injustice.

About ten years ago, as a reporter, I visited the Nellis School for Boys in Whittier, California. It consisted of a cluster of white cottages sprinkled like islands on a rolling green expanse. There were 400 murderers housed in these cottages when I visited Nellis, which is a division of the California Youth Authority. Every one of those murderers would be released in an average of three years. Back they would go to the streets of South Central to resume their criminal lives. That didn't just mean the certain deaths of other innocent victims of these killers. It also sent a powerful message to the generation just entering the streets: We don't care. Not about the murdered. Not about the dead.

This minimal sentence for a human death — which is nothing more than a lack of respect for human life — was the fruit of compassionate liberalism, at that time embodied in the administration of Jerry Brown. Brown had appointed a woman named Pearl West to head the Youth Authority and thus have jurisdiction over violent criminals under the age of 18. West had no background in criminal justice, but had contributed money to Brown's political campaign. I heard her speak once about the injustice that "society" had done to these young criminals. How her heart went out to them. How she tried to reduce the suffering and time they had to spend as wards of the state. As to the kids whose lives would be menaced when these criminals were released to the street, she obviously had not given a thought.

The death penalty was reinstated nearly fifteen years ago in California, a month before Robert Alton Harris snuffed out those two young lives. Another Jerry Brown appointment — Rose Bird — took it as her mission as chief justice of the California Supreme Court to see that the wishes of the electorate would be disregarded and that the law would remain a dead letter. Thanks to the efforts of Bird and the brightest lawyers of the ACLU, no murderer has been executed in California in all that time — until Harris. Instead, tens of millions of dollars, reams of newsprint, and armies of legal talent have been expended in the attempt to humanize the inhuman and to rescue the guilty from the fate they deserve.

Tens of millions of dollars, reams of newsprint, and armies of legal talent have been expended in the attempt to humanize the inhuman and to rescue the guilty from the fate they deserve.

This has sent a message to the families and friends of every victim of a capital crime: We don't care. A human life is not that important. The same message that has been sent to the criminal on the street.

For the parents of John Mayeski and Michael Baker, for the memory of the young boys themselves, for all the kids in South Central who live in daily fear for their lives, and for Betty Van Patter and her children — I am glad that Robert Alton Harris is dead. ❑

Gracie and Zarkov, "Heavy Metal and the Future of Freedom," *continued from page 40*

pressure to conform. The music's all-too-apparent negatives — glamorization of the Bad Boy image; nihilistic replication of social violence, but now turned against society — come from the personal pain and repression of its individual artists. Metal would not be commercially successful, with its dedicated and fanatical followers, if its message did not resonate in the souls of its audience. One sixty-five-year-old fan called heavy metal "the reaction of a free spirit to a dark and cruel world." Until our society recognizes and practices a form of child-rearing that emphasizes freedom and individual responsibility over mindless conformity, the shadow of repression will fuel what is offensive, frightening, twisted, and negative in heavy metal.

That negativity would probably disappear if "the pursuit of happiness" was seriously recognized as a right. For in the absence of the shadowy *sources* of its negative side, heavy metal would only be loud, boisterous party music. Intense experience — including intense music, intense sex, intense euphoria, and the pursuit of these experiences — is the positive aspect of heavy metal. Not all of us wish to mellow out into a grey suburban couch potato or a politically correct Birkenstocked existence. If people are responsible enough to pay for their own good times and not harm innocent third parties, no one has the right to restrain them.

Liberty is dangerous, as its opponents have pointed out since the Enlightenment. But 200+ years of action by the Illuminati's freedom information virus has convinced most of the world that freedom is essential. In free societies people are free to make mistakes. In 1992, we are more confident than ever before that liberty will triumph. There is no turning back.

Mothers and fathers must assume the time, effort, and responsibility to ensure that their children have the freedom to pursue their own happiness and the responsibility to handle this freedom. Otherwise, when the Slayer poster goes up on the bedroom wall, parents have no one to blame but themselves. ❑

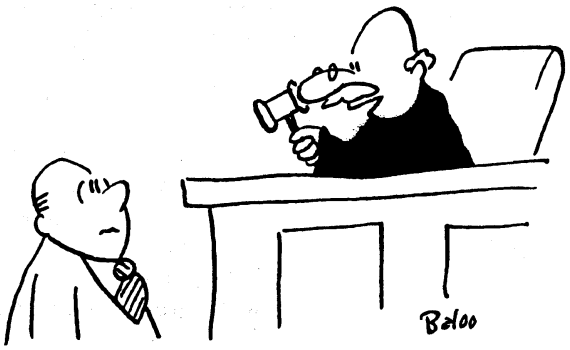

"The prisons are terribly overcrowded, so step forward and I'll just beat the daylights out of you with my gavel."

"I have sworn eternal enmity against any form of tyranny over the mind of man." — Thomas Jefferson

In this world we're living in, we have our share of sorrow,
The answer now is don't give in, aim for a new tomorrow.
— Judas Priest, "You've Got Another Thing Coming"

Returning America's Roads and Bridges to the Market

by Terree P. Wasley

Privatization of roads and bridges isn't just a good idea. It's happened before, and it's happening again, all around the world.

Trucker Wilbert Fuselier and 45,000 pounds of coffee were headed down Louisiana's Interstate 10 in 1989 when a shattering jolt threw him upward, slamming his head into the top of his cab. Five similar jolts hit his 18-wheel tractor trailer in quick succession as the driver bumped along. A veteran of I-10, Fuselier was prepared. On the ceiling of his cab he had installed an inch-thick strip of red foam rubber padding.

This painful scenario is reenacted countless times daily across America, where roads and bridges are deteriorating faster than governments can afford to repair or replace them. The quality of the nation's infrastructure has increasingly become a matter of governmental and public concern. Cost estimates for repair and update of the nation's highways are as high as $655 billion, and the cost to rehabilitate bridges could reach $50 billion.

With budget constraints at both federal and state levels, dollars for infrastructure repair are few and far between. But it hasn't always been this way, and frustrated government officials as well as frustrated motorists might learn a lesson from history. In the early nineteenth century, most roads in the United States were built, owned, and operated by private companies. It was only in the latter part of that century that state governments took over most road ownership and operation. And it wasn't until after World War II that the federal government became a major funder of road construction.

European nations, during this same time period, continued to permit private firms to build, own, and operate major highways. The tunnel under the English channel between Britain and France is being financed and built entirely by private firms. There are more than 8,000 miles of private toll roads across Europe, compared with only a little over 4,000 in the United States.

Myths About the Private Ownership of Roads

The notion of private roads is not new, but is burdened with many myths. Among them:

Myth #1: *Only the government can operate a road system that meets the needs of citizens.* The idea of private companies operating roads may seem strange to many Americans. Some experts believe there is a plausible basis for the premise that government must own and operate the roads. Besides the enormous resources available to government to operate the system, transportation is so vital that any breakdown would threaten the nation's security and economy. Can the U.S. entrust this function to private firms, which may go out of business, go bankrupt, or otherwise fail?

Unlike government, of course, market firms must rely upon resources voluntarily supplied by customers and investors. They cannot compel payment through taxation. But far from being a disadvantage, this encourages private firms to be more prudent in managing resources, more responsive to complaints, and more sensitive to market demand. Private firms have to make good decisions to stay in business. The purported benefits of the "public market," however, insulate government agencies from the *necessity* of making good decisions, as well as much of the information crucial to *making* good decisions. This lack of a link between services rendered and payments allows public agencies to ignore consumer wishes — as every motorist who has complained about a pothole knows.

At the same time, dependence on legislated sources of revenue makes

public agencies very sensitive to political pressures for special favors. Such political favors divert scarce resources from more urgent needs. Other more beneficial and more useful road repairs or construction will be delayed or abandoned because of the political manipulation of road finance.

Myth #2: *Roads are a "public good" and thus can only be supplied by government.* It often is assumed that roads are what economists call a "public good" — a good or service that of necessity must be made available to everyone. Common examples of public goods are defense and the criminal justice system. Because it is not possible to exclude non-payers from receiving the service, an individual user can avoid paying for the amount of service individually consumed. The demand for such a public good or service always exceeds the amount that a private owner can supply, given the private owner's limited ability to raise revenue from users. This gap is generally taken as an argument for the desirability of government supplying the service and compelling payment through taxes.

Prior to the 20th century, construction of American roads and bridges was usually a local and often a private matter.

Yet roads are not necessarily public goods. Those who do not pay tolls, vehicle registrations, or other charges for roads are easily excluded from using them.

Myth #3: *Roads are a natural monopoly.* A natural monopoly is said to exist if the cost of producing an extra unit of a good consistently declines as the scale of production increases, since the most efficient production then takes place when the producer is as large as possible — that is, a monopoly. In such a situation, the presence of competing firms would *raise* the cost of supplying the service.

A strong case can be made, however, that roads are not a natural monopoly. There are no significant economies of scale in road construction. In fact, the overlapping responsibilities of various agencies and levels of government, the dynamics of the political process, the intermingling of jurisdictional authority, and the inefficient nature of bureaucracy itself tend to raise administrative costs per unit of road as systems are enlarged, leading to substantial *dis*economies of scale. Construction costs have gone up by over 400% in the last 30 years, but administrative costs have risen by over 1,200% in the same period. Roads thus fail to exhibit the ever-increasing economies of scale that are requisite of a natural monopoly.

The "natural monopoly" argument that has been made for roads and bridges has not sufficed for other infrastructure that is privately owned, such as electric utilities, wastewater treatment plants, telecommunications systems, and water supply systems. These systems demonstrate how private ownership of infrastructure is compatible with common interests. Private infrastructure ventures have consistently shown to have faster procurement times, lower construction costs, lower operating costs, and more innovative design and operating concepts than public sector projects.

Myth #4: *Highways cannot compete with each other.* Most roads, particularly in urban areas, compete with each other to carry traffic and attract businesses or residences along their routes. Convenient and well-maintained routes would entice motorists to spend user fees on the facility, if they were allowed to do so. High-volume roads attract businesses dependent upon visibility and access, while low-volume roads are more useful for residential areas. This suggests that use of roads has many market-like aspects, intimating the possibility of a competitive market, managed by private market roadway operators.

Myth #5: *Only the rich will be able to travel, since low-income drivers would not be able to afford private roads.* Privately-owned roads in congested areas will give travelers greater choice of routes. Those who pay to drive on the private road will find less congestion. Those who remain on the public road too will find less congestion as a result of the addition of the private roads.

While some may object to a two-tier system for roads, this approach is already in effect in many other services. Take the post office, for example. One may choose to mail a letter or package through the U.S. Postal Service if one isn't too particular about reliable, quick delivery. However, if a letter or package needs to arrive quickly, one may choose an alternative delivery system such as Federal Express or United Parcel Service. One method is less expensive but slower, the other, more costly but faster.

Additionally, by providing the efficiencies discussed in Myth #3, privately-owned roads, by competing with other private and publicly-owned roads, will keep costs at a more reasonable level, giving more people the opportunity to use the private option — especially if less government financing of roads translates into tax reductions. If the user is faced with contributing what is deemed a reasonable amount for using the higher quality road, he may choose that option over the government-owned road that typically receives lower levels of maintenance.

Private Roads in American History

Prior to the 20th century, construction of American roads and bridges was usually a local and often a private matter. Originally, local townships maintained their own roads. This was fine so long as trips were short. But as the typical road trip lengthened, a growing number of travelers passed through several local jurisdictions, becoming what economists call "free riders." They paid nothing for benefitting from the roads that were built and maintained by local residents.

As the residents began to balk at providing roads for non-residents, the private market stepped in. Borrowing from English practice, Americans built private turnpikes. The first notable project was chartered in 1794 and connected Philadelphia and Lancaster, Pennsylvania. A private corporation, financed by shares sold to the public, built the entire 61-mile project in two years. Users paid at tollgates along the route. By 1840, more than 10,000 miles of user-financed turnpikes laced the

young nation, most of the mileage predictably in the more populated New England and Middle Atlantic states.

During the same period, governmental road construction was virtually nonexistent. In New York between 1790 and 1821, the state's expenditure of $622,000 on the construction of roads and bridges was dwarfed by private investment of $11 million in turnpike companies and $850,000 in bridge companies.

Europe and the Pacific Rim have never adandoned the concept of private road construction, and benefit from thousands of miles of private toll roads.

Meddling by government was the primary cause of the decline in private construction and ownership of roads. Although the roads were privately owned, state governments maintained tight control through heavy regulation. The imposition of caps on toll rates and restrictions on the placement of tollgates were introduced, sharply reducing turnpike profits. As profits and dividends declined, support for private roads waned, and state governments gradually garnered control over most roads during the mid-19th century. Still, in the first part of the 20th century, some roads were being built by and for private firms.

Private Roads In Europe and the Pacific Rim

While America's dependence on private roads decreased in the twentieth century, toll roads became far more common in Europe and Asia. The concept of paying to use a road, bridge, or other structure has been accepted in Europe since 1281, when tolls were collected on London Bridge. A 1977 study by the International Bridge, Tunnel and Turnpike Association found that Belgium, Britain, France, Italy, and Spain had 8,868 miles of toll roads, compared with 4,416 miles in the United States. Most of the national network of major roads in Western Europe are toll roads constructed and owned by private companies, and most of the major bridges and tunnels have also been built with toll financing.

The basic European model is for government to award a franchise or concession to a commercial entity for a period of time long enough to amortize its investment, typically 25 to 35 years. Then, the road is transferred to the government. This is known as the B-O-T method — for "build-operate-transfer." It has built some 5,300 miles of toll highways in France, Italy, and Spain, including 90 percent of Italy's motorway system. France adopted the B-O-T approach in the late 1960s, and nine semi-private and private firms have built and operate major motorways. French toll roads generate approximately $2 billion a year in toll revenues.

In early 1988, the Costain Group, one of Britain's largest construction firms, announced plans for three B-O-T projects, totalling $12 billion. One is a 16-mile motorway beneath the Thames River, the second is an upper deck on a motorway that encircles London, and the third is a high-speed rail line from London to the entrance of the Channel Tunnel linking Britain and France. The historic $14 billion Channel Tunnel, popularly known as the "Chunnel," goes one step beyond B-O-T since ownership will not revert to government. Though the project does have the authorization of the British and French governments, it employs neither government financing nor guarantees. It has raised funds through international banks and equity capital from public offerings.

Over the past decade, the B-O-T model has been used in the Pacific Rim. Indonesia is linking its islands of Bali, Java, and Sumatra with a network of toll roads and bridges. South Korea has developed a toll road network to bring farm products to the cities. Hong Kong has built its famed private harbor tunnels using this model. And Malaysia is using B-O-T to build the final 310-mile link in a 560-mile motorway from Singapore to the Thai border.

The Sydney Harbour Tunnel, under construction in Australia, is the largest privately-funded public works project in that country. It is a private joint venture of an Australian construction firm, a Japanese contractor, and The New South Wales Department of Main Roads. The tunnel, which is expected to be finished this year, will be operated privately until 2022, when it will revert to the government at no charge.

The most dramatic of the new Pacific rim projects is under construction today in China. Hong Kong entrepreneur Gordon Wu broke ground in April 1987 for a $1 billion, 155-mile private toll road linking Guang Zhou (Canton) with Hong Kong and Macao. Wu's franchise is for 30 years, after which ownership will revert to the Chinese government.

The United States — Private Roads Again?

Privately-built roads are coming back in vogue in the U.S., as money-strapped states and territories look for ways to finance new highways. The recently-passed transportation bill allows roads to be privately built, owned, and operated. Statistics compiled by the International Bridge, Tunnel and Turnpike Association show that sixteen states are considering $8.5 billion worth of proposals that would add 882 miles in toll roads and bridges. Dallas, Houston, Orlando, Miami, Chicago, Denver, Virginia, and Orange County, California are among the jurisdictions planning road projects.

The chief causes of America's highway and bridge difficulties are the problems inherent in public ownership of infrastructure.

California — In June 1989 the California legislature, as part of a $18.5 billion transportation bill, authorized private companies to build four demonstration tollways in the state. All four projects will involve the development of transportation facilities by the private market.

The projects are to be privately planned, funded, financed, built, and operated, although the state will own

the completed facilities and lease them back to the private developer. The projects will, therefore, follow the "build-transfer-operate" (B-T-O) model for public-private partnership. "California is the tort capital of the U.S.," says Robert W. Poole, Jr., president of the Los Angeles-based Reason Foundation and a member of CalTran's privatization advisory board. "Because of that they did not go with the B-O-T model. They went with B-T-O, so the state will own these roads from the day they open. That supposedly will reduce the liability exposure of the private market."

Plans are for tolls and developer fees to fund the projects. In addition to tolls, other revenue available to the private builders could include rents from private development of air rights; private real estate development at interchanges or station stops; transmission of data, water, and electricity; exclusive truck lanes; and anything else legal and profitable.

The cost of the three projects in Southern California is estimated at $2.1 billion. An environmental review was completed on the freeway project in Orange County and planners hope to break ground soon. The other three projects, including the one in Northern California, are still awaiting environmental review.

Colorado — A 1983 Colorado law gives private road companies the right and ability to build new roads. Road developers can file a claim on a transportation corridor, acquire the right of way by purchase, dedication, or condemnation, and finance, build, operate, and own a toll road. All of these powers are distinct from those of state and local governments with the exception that the counties along the route must approve the toll rates.

The Front Range Toll Road Company of Denver has proposed a $1.3 billion, 210-mile route from Pueblo to Fort Collins, running parallel to congested I-25 which passes through Denver. The project is envisioned as a "purely private" multipurpose utility corridor that would include pipelines, electric lines, and communications lines. As of August 1991, developers are in negotiation with several U.S. companies on financial support for the project, which will take three years to construct.

Puerto Rico — The San Jose Lagoon Bridge is a B-O-T toll bridge to be built near San Juan's airport. The bridge has been a top priority of Governor Rafael Hernandes Colon since it was announced as a privatization project in 1989. It will be built under an $83 million fixed-price contract. Environmental and land use permits have already been obtained, and construction is set to start as soon as the financing is completed. The private project is strictly designed and defined to avoid any co-mingling of public and private capital. No public funds will be involved in the construction of the bridge.

Virginia — The 1988 Virginia Highway Corporation Act opened the way for private companies to seek authority to construct and operate roads in that state. Soon after the law was enacted, the newly created private Toll Road Corporation of Virginia (TRCV) submitted a proposal to the Virginia Commonwealth Trans-portation Board to build and maintain an extension of the publicly-run Dulles Toll Road. The 14-mile extension from the Dulles International Airport to the town of Leesburg will be America's longest private toll road and is the first authorized in Virginia since 1816.

The road is being built at no expense to taxpayers. Completion of the project is expected by 1993 — at least 18 months earlier than the state could do the job, and without dipping into the $20 million surplus generated by the present toll road. Plus, it will leave untouched millions of dollars in Department of Transportation funds that can be applied to other road projects.

Meanwhile, according to Ralph Stanley, founder and president of the Toll Road Corporation, America's crumbling bridges and highways offer profitable opportunities for the private market. Stanley already has suggested that the Toll Road Corporation repair and rehabilitate bridges, acting as a general contractor, financing agent, and construction supervisor. Upon a project's completion, the Toll Road Corporation would collect tolls for a set number of years to pay off the project debt and make a profit.

Technology Smooths the Way for Private Roads

The biggest complaint against private roads is the stop-and-go process at toll booths. The new technology of electronic pricing, however, can make toll booths obsolete and allow non-stop travel. This technology is called the automatic vehicle identification device, or AVI. An identification card the size of a credit card is attached to the inside of the vehicle's windshield. As it passes the tollbooth or sails up the on-ramp the card signals to radio transmitter/receivers or underground electronic cables that the driver has already paid a month's worth of tolls and doesn't have to stop. Users receive a monthly toll bill similar to a utility bill or have the fees charged to their credit cards. This system is already in use on roads in Delaware, Texas, and New Orleans, and on the Coronado Bridge between San Diego and Coronado, California.

Automatic vehicle identification technology allows higher tolls to be charged during rush hours to divert non-essential traffic to cheaper off-peak hours. Other businesses already use differential pricing to rechannel demand to off-peak periods. Movie theaters feature mid-day reduced prices to fill otherwise empty seats. Many restaurants offer "early-bird" dinner specials to encourage people to dine at what would otherwise be less busy times. Electric utilities and phone com-

"I still say we should close up for lunch — we'd avoid a lot of customers that way."

panies offer time-of-day rate schedules in order to entice consumers to shift some of their demand to off-peak hours.

Charging drivers a price that reflects the replacement cost of the road plus the time cost of delays to other users caused by congestion has an important advantage over current practice: it would quickly regulate traffic to its optimal flow. According to economist Randall J. Pozdena, optimal road-pricing in California would require peak-period fees of about 65 cents per mile in urban areas, 21 cents on suburban roads, and 17 cents on fringe suburban roads. Off-peak fees would be 3 to 5 cents per vehicle mile across the board.

The market pricing of roads has a future: both the need to rebuild our transportation infrastructure and the increasing cost of congestion require it. "I'm sure that in 10 or 20 years, it will be a common feature of everyone's life around the world," says Carl Williams, Assistant Director of the California Department of Transportation. Williams estimates that peak-period pricing of new private toll roads and bridges has wide appeal. "The environmentalists should like it. The operators should love it. Business should support it, and the drivers should like it because they are going to get to use that facility at its highest and most efficient use level."

Public ownership of roadways creates a strong bias against market pricing for road use. Free access inevitably leads to over-use, which then leads to demands for additional capacity.

Other options to alleviate traffic congestion are also available to private market road management. Motorists could purchase a travel permit that would allow unlimited street usage for a given period of time. Like a "season's pass," such an arrangement would alleviate the need for metering travel patterns. For those with privacy concerns, instead of noting the exact travel pattern, monitoring devices could be set so as to record the number of times a client passed a limited number of points on the map, and highway owners could always provide toll booths on one lane, allowing the others to be monitored electronically.

Public Ownership: The Inherent Problems

The chief causes of America's highway and bridge difficulties are the problems inherent in public ownership of infrastructure. The incentives operating in the public market often lead to misdirected spending, the inefficient use of existing infrastructure, and a failure to maintain the infrastructure properly. Mismanagement and poor workmanship dog many federal highway projects.

Politics plays a crucial role in the allocation of infrastructure projects. Because each member of Congress insists that his or her state or district receive a pro-rata share of federal highway funds, numerous projects of relatively low priority are funded, leaving fewer dollars for more appropriate projects. In addition, members of Congress spend much time fighting over "demonstration projects," usually new roads or access ramps, often paid for out of the Highway Trust Fund. Congress managed to slip 157 of these projects into the last highway authorization bill in 1987, costing the taxpayer $1.4 billion. The 1991 highway bill includes 529 demonstration projects at a cost of over $5 billion for five years (and as much as $40 billion to totally complete all the projects).

Another obstacle to infrastructure improvement is the creative accounting used by the Aministration and Congress to make the federal budget deficit appear smaller. Receipts from gasoline taxes and other user fees are earmarked to the Highway Trust Fund, which is currently valued at $14.5 billion. In fact, there are no funds held in an actual account. The money goes into the general revenue pot and the Highway Fund is "owed" its amount. While the public believes that its gasoline taxes are going for road improvements, Congress refuses to spend much of this money because it would have to replace the money owed to the Highway Fund.

Unfortunately, public ownership of roadways creates a strong bias against market pricing for road use. Free access inevitably leads to over-use, which then leads to demands for additional capacity. This costly new capacity would not have to be constructed were market-pricing used on existing structures. The current practice of below-cost pricing encourages users to request more services than they are willing to pay for, while giving planners an exaggerated perception of investment needs from misleading signals about high demand.

The purported benefits of the "public market" insulate government agencies from the necessity of making good decisions, as well as much of the information crucial to making good decisions.

Private Goods, Public Hope

Private roads have a long and successful track record in the United States; it is only in the recent past that government has taken over road-building. Europe and the Pacific Rim have never adandoned the concept of private road construction, and benefit from thousands of miles of private toll roads. Several countries and a few states within the U.S. recently have undertaken private ventures in road and bridge construction. Government, commerce, and the traveling public can all benefit from new roads and bridges and the rehabilitation of existing ones. Government and taxpayers should find private market involvement a welcome relief from additional financial burdens, and commerce will hail new business opportunities. Certainly the American public will welcome additional routes to satisfy their transportation needs, reducing congestion, commuting time, and frustration. It is time to return America's roads and bridges to the market. ❑

Proposal

The "Lock" on the Electoral College

by David Brin

Everybody talks about the Electoral College, but nobody ever does anything about it. But something *can* be done.

It is as inevitable as mudslinging and inflated promises. Every four years we get re-acquainted with that peculiar American institution, the Electoral College, and each time we scratch our heads, wondering aloud why nobody has yet done anything about the old beast. What's it for? Why is it there? Why should we care?

Well, for one thing, without a clear understanding of the Electoral College, any independent or third-party effort in America is doomed to marginality at best. The Libertarian Party, and even H. Ross Perot with all his millions, can accomplish nothing without convincing citizens that votes outside the mainstream aren't wasted.

Officially, voters cast their ballots, not for a presidential candidate, but for electors from their state who are committed to that candidate. States get to cast a number of electoral votes totalling the sum of their congressional representatives. Traditionally, each allocates its electors on a "winner-takes-all" basis, to whomever garners the most popular votes inside the state.

Throughout the '92 campaign, newspapers will tout which "swing" states matter most, and which candidate has the best chance of reaching the magic number — 270 electors. We will be reminded that it's possible for a nominee to win the election despite gathering only a minority of the popular vote, as did Abraham Lincoln in 1860, Grover Cleveland in 1884 and 1892, Benjamin Harrison in 1888, Woodrow Wilson in 1912 and 1916, John F. Kennedy in 1960, and Richard Nixon in 1968. The worst example of the electoral college defying popular will occurred in 1876. In the tally of ballots cast by citizens, Rutherford B. Hayes was beaten soundly by his opponent, Samuel J. Tilden, and yet Hayes took office because of a backroom deal struck over disputed electoral votes.

As November 1992 approaches, these historical anecdotes will be rehashed. "What-if" scenarios will be spun, describing obscure procedures for settling a tie in the U.S. House of Representatives. As predictable as dirty tricks in October, there will be a flood of proposals to do away with the Electoral College altogether.

It certainly sounds simple enough; why not just decide the presidency by strict popular vote? Unfortunately, it's not that easy.

What if nobody wins a popular majority? Even a modestly successful bid by a third party (or a campaign for "none of the above") could prevent anyone receiving a clear majority in a tight election. The French, among others, solve this dilemma by holding a runoff election. Other, even less satisfying solutions include having Congress decide between the top two candidates and letting someone acquire the awesome power of the Presidency with a mere plurality. (In a three-way race, "plurality" could mean just 34% of the vote, with two-thirds of the country hating the actual winner.) The problems with selection by popular vote make one understand why the Framers of the Constitution turned their thoughts toward an intermediate stage, the Electoral College.

Eliminating the Electoral College requires a constitutional amendment. The amending process is glacially slow — as well it should be — and this daunts reformers. There is understandable reluctance to meddle with the Constitution without clear and substantial cause. But, as we shall see, an amendment isn't necessary to solve the problem.

Vested interests prefer the present system. Until recently, both major parties

profited from the present Electoral College system. Just as gerrymandered congressional districts give most representatives safe districts, the "winner-takes-all" method of parcelling each state's electors rewarded both major parties with solid home territories where power and patronage were secure.

This has changed over the past half-century. The Democrats' traditional "home block" — the "Solid South" — has dissolved, while the Republicans have gained a solid grip on the West. An end to the traditional balance proved disastrous for the Democratic Party's presidential prospects, in spite of their continued predominance in Congress and at the state level. From 1952 to 1988, 21 states have gone reliably Republican in presidential elections. Only six states and the District of Columbia have gone regularly to the Democrats.

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But does this "reliability" mean that *every* voter in, say, Kansas or Utah casts for the Republican, every election? Of course not. A so-called "Republican landslide" in each of those states seldom means the G.O.P. received more than 60% or 65% of the popular vote. What about the 40% or so who vote Democratic? For those people, living in a western state means, quite simply, that they are completely disenfranchised in Presidential elections. The same can be said of Republican officials or lawyers in Washington, should they foolishly live and register in D.C. itself.

But it is not the electoral college per se that distorts the system. It is the winner-takes-all method of allocating each state's electors that makes it possible for the popular vote winner to lose the election. It is what allows one party to take huge swathes of the nation for granted. It is the feature that disenfranchises large minorities, everywhere in the Union. Winner-takes-all guarantees that candidates lavish attention mostly on big states, where a little extra effort might win a jackpot of electoral votes. Finally, winner-takes-all is what almost guarantees that the party which represents more Americans than any other will not win the presidency for the foreseeable future.

Now here is the irony.

There is no provision for winner-takes-all anywhere in the Constitution.

For decades, both major parties used this allocation method to choose delegates to their national conventions. The Democrats eliminated it first, making rules to apportion convention votes according to the percentage won by each candidate in the primaries. Republicans followed suit within a decade. Both acted partly because of changes in Americans' sense of fair play. Yet most people still assume the unfair practice of all-or-nothing is constitutionally mandated for choosing electors.

Actually, in nearly every state, electors are awarded all-or-nothing for only one reason: *state laws* so mandate.

Consider Utah, with a Republican-dominated legislature and voters who can be relied on to regularly give the G.O.P. handsome majorities. Naturally, the dominant group in the assembly instituted winner-takes-all, to guarantee their own party all of Utah's electors for president. The same logic holds in states with Democratic-dominated legislatures, such as Hawaii.

In addition, winner-takes-all closes the door on third parties. Take the George Wallace campaign of 1968. Under proportional distribution, Wallace's popular votes would have won him enough electors to enter coalition negotiations with one of the major candidates. This possibility doubtless frightens both Republican and Democratic leaders, but should it? I find it hard to see how opening the system a bit would hurt democracy. It would be a very mild version of coalition politics compared with what other democracies successfully manage. America is an anomaly for allowing no provision for power-sharing, even when election results clearly call for it.

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In fact, the situation is neither hopeless nor monolithic. In 1972, for example, the state of Maine broke with winner-takes-all by enacting legislation that instead divided its electors among congressional districts. And in April of 1991, Nebraska Governor Ben Nelson signed a law providing for three of that state's five electors to be decided in congressional districts and two to be chosen at-large. If all states did this, the chance of mis-match between the electoral and popular vote majorities

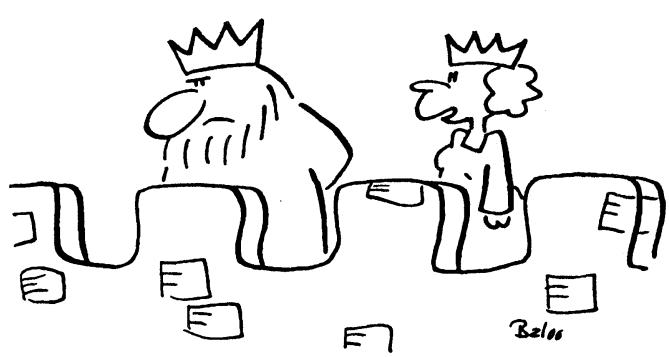

"The peasants are 99.8 percent of the population — you can hardly call them a 'special interest group.'"

would become negligible. Large minorities would no longer be disenfranchised. Confidence in our system would improve. Maine and Nebraska show how simple it would be to fix one of the major constraints artificially distorting our electoral system.

Perhaps "trades" might be arranged — Utah for Hawaii, etc. — so that neither party feels disadvantaged by acting first. Or state legislatures might be pressed to change as a simple matter of fairness.

Even more likely, some third party — such as the Libertarians — might file before the Supreme Court under the doctrine of "one person, one vote," since the present system arguably violates the voting rights of millions. There is even reason to believe that a temporary alliance with the Democrats could be struck, since the current arrangement gives the Republicans a lock on the presidency. Wouldn't Democrats prefer a system in which they might have to make deals with the Libertarians, and sometimes give Libs power on a few issues, to never again have a chance at the White House?

I find it hard to see how opening the system a bit would hurt democracy. America is an anomaly for allowing no provision for power-sharing, even when election results clearly call for it.

(From the Libertarians' point of view, coalition politics isn't shameful; it's how a fringe party gains experience and legitimacy in the eyes of a mass public. One thing is certain: the Democrats can live with a Libertarian Party that thrives, even opposing them, but the Republican Party could not abide such a development. Such an event might spell death for the G.O.P.)

It is well past time to reform the flaw in our presidential election system. In this era of growing democracy overseas, shouldn't we eliminate inequities in the system that is supposed to be a shining example to the world? The enemy in this case is *not* the Electoral College, a quaint institution which some scholars think may — under hypothetical circumstances — provide a unique, last-ditch safeguard to the Union. It isn't necessary to go through the trauma and risk involved in tinkering with the Constitution.

All we have to do is to make the process of selecting electors fair. In this nation, in this era, that should not be too much to ask. ❑

WHY SHOULD YOU BE READING FREEDOM DAILY?*

✦✦✦

Reviews

***Forbidden Grounds: The Case Against Employment Discrimination Laws*, by Richard A. Epstein. Harvard University Press, 1992, 502 pp., $39.95.**

Just Discrimination

James Taggart

In *Forbidden Grounds*, Richard Epstein takes on one of the most sacred of America's sacred cows. "A broad anti-discrimination principle," he observes, "lies at the core of American political and intellectual understandings of a just and proper society, not only in employment but also in housing and public accommodations, medical care, education, indeed in all areas of public and private life" (p. 1). This principle, Epstein argues, has been carried too far. Laws prohibiting private discrimination on the basis of race, sex, age, or handicap should be repealed.

At the broadest level, Epstein's argument for freedom of contract — a system that would allow hiring and firing for good reason, bad reason, or no reason at all — proceeds in three steps. First Epstein maintains that, assuming that private property rights are fully protected, the individual who is discriminated against would suffer only negligible economic harm even if a large segment of the population refused to do business with him.

> [T]he counterstrategies for the victim of discrimination are clear. . . . [I]n a world in which 90 percent of the people are opposed to doing business with me, I shall concentrate my attention on doing business with the other 10 percent, secure in the knowledge that as long as the tort law (with its prohibitions against the forceful interference with contract or prospective trading advantage) is in place, my enemies are powerless to block our mutually beneficial transactions by their use of force. The universe of potential trading partners is surely smaller because some people bear me personal animus and hostility. But the critical question for my welfare is not which opportunities are lost but which are retained. (30)

Historically, of course, blacks never received anything close to the equal protection of the law. Recognizing this, Epstein provides a historical analysis coherent with his economic case:

> [T]he received wisdom, both in 1964 and today, does not grasp what was wrong with Jim Crow and segregation. The dominant evil in the pre-1964 period was not self-interest or markets, inflexible human nature, or even bigotry. It was excessive state power and the pattern of private violence, intimidation, and lynching, of which there is painful record but against which there was no effective federal remedy. The explicit discrimination in the South and elsewhere was preserved by the use of coercion, both by state law and by private individuals (such as the Ku Klux Klan) whose activities were left unchecked by state agents. (93)

This system "choke[d] off the improvements that blacks and others could have achieved among themselves, or by doing business with whites who were sympathetic to them and supportive of their aspirations." Jim Crow was a textbook example of what happens when the principles of limited government are ignored, allowing the power of the state to be enlarged and seized by a hostile majority.

Had state power been kept in check, private discrimination would have produced few harmful consequences. The second step in Epstein's argument expands the "traditional" conclusion that a free market would drive out invidious forms of discrimination. Those who refuse to do business with any particular person or group of persons must bear the cost of their decision themselves in the form of lost profits and other foregone opportunities. As Epstein observes:

> The greater the class of persons who are regarded as off-limits, and the more irrational the preferences, the more the decision [not to deal] will hurt the people who make it, and the

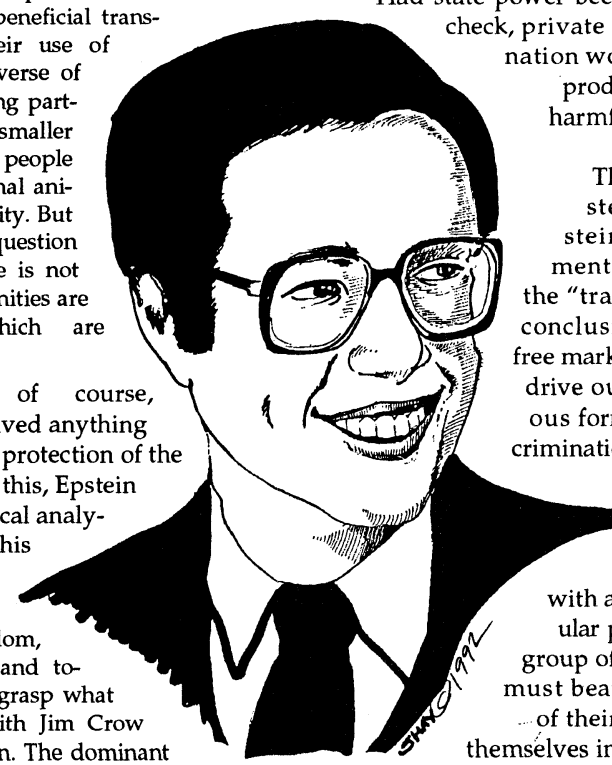

Illustration by Shay Marlowe

open to rival traders. (94)

This "natural curb" on discrimination becomes even more pronounced over time because, given free entry into the market, the mix of firms will change. On the margin, those employers who retain costly, discriminatory practices will go out of business, while new or existing firms will adopt more efficient, nondiscriminatory policies in order to survive.

Given that potential victims of private discrimination have little to fear in competitive labor markets where prohibitions against the use of force are strictly enforced, employment discrimination laws involve costly, intrusive burdens that stifle economic innovation and competitiveness with businesses not so stifled — i.e., those in other countries. Revealing this dark side to employment discrimination laws forms the third and final prong of Epstein's case for their repeal. Echoing Hayek and others, Epstein observes that:

> Progress in business often comes from the cumulation of small edges and incremental advantages brought about by persons with extensive local knowledge. Imperfect information — hunch, intuition, experience — is often all that we have, and it is surely better than no information at all. But it is the kind of information that is greeted with scorn and hostility in the enforcement of a civil rights law that demands the highest level of proof to justify existing business practices that have survived in the market.... (42)

Epstein demonstrates that laws prohibiting discrimination in employment hurt their supposed beneficiaries far more than they help them.

The spectre of liability under the employment discrimination laws not only discourages or prohibits innovative business practices but also hurts many of the intended beneficiaries of these laws.

> The problem here is the classic one of the unanticipated consequences of purposive action. The chief effect of Title VII is to make highly skilled black labor more desirable relative to low-skilled black labor. As with the minimum wage, Title VII works a redistribution from worse-off to better-off blacks, which is surely far from what its principled supporters intended. (501)

In subsequent examples, Epstein demonstrates how employment discrimination legislation combines with other labor laws to limit severely the opportunities of many blacks, especially the low-skilled. The bottom line is clear: these laws hurt their supposed beneficiaries far more than they help them.

The gaps in Epstein's analysis only appear when he challenges the traditional view that competitive markets drive out *all* forms of discrimination. He is undoubtedly correct that some forms of discrimination may be "rational" or "efficient." On the one hand, there are gains from homogeneity and voluntary sorting that advantage the predominantly black, Jewish, Asian, or WASP firm that recruits among its "own kind." Employees from the same racial or ethnic background may have similar preferences about a whole range of workplace issues resulting in fewer conflicts over decision-making — and, hence, be more productive. They also may allow the employer to depend less upon formal, legal sanctions to ensure employee performance, relying more on informal community sanctions that often produce better results. On the other hand, Epstein acknowledges that many firms — those doing business across cultures, for example — may consider employee diversity an asset rather than a liability.

However, once Epstein admits that some discrimination may be efficient, a serious line-drawing problem emerges. Is it possible to distinguish between invidious and benign forms of discrimination? Granted, attempting to make such a distinction can certainly pose great difficulties, but Epstein does not even try. Given his economic methodology, he cannot. Economists take the subjective preferences of individuals as given. As Epstein puts it, "The taste for discrimination is just another preference." Discrimination is neither morally right nor morally wrong. Invidious or benign: it makes no difference.

Expecting Epstein to make a moral distinction between invidious and benign discrimination in *Forbidden Grounds* may be to expect too much, but his rejection of the entire field of moral discourse on the subject of discrimination places him further outside the mainstream than is necessary to defend his position. One can recognize the morality of a broad antidiscrimination principle and still argue consistently and powerfully for repeal of the employment discrimination laws. Moral and consequentialist analyses are not incompatible.

Epstein's failure to recognize the compatibility of moral and consequentialist discourse leads to the book's thorniest problem. With economic efficiency as his only guide, he must justify the distinction between force and discrimination and explain why the use of force should be strictly prohibited but discrimination allowed. But economic analysis by itself cannot make a principled distinction between force and discrimination. Such a distinction would require that some preferences be characterized as illegitimate in certain contexts, but in the world of economics, a preference is a preference is a preference. A preference for or against the use of force gets factored into the same utilitarian calculus as one for or against discrimination. Whether *any* legal prohibition is justified depends on the outcome of the same utilitarian calculus. How the law should treat coercion as opposed to discrimination

Those who refuse to do business with any particular person or group of persons must bear the cost of their decision themselves in the form of lost profits and other foregone opportunities.

cannot be determined by economic analysis alone.

Furthermore, it is far from clear which way people's preferences tip the scales. Despite Epstein's brilliant explication of the costs imposed by employment discrimination laws, these laws may nevertheless be justified on economic grounds because of the negative externalities caused by discrimination. As Epstein concedes, discrimination deeply offends the vast majority of Americans, who would likely prefer that it remain illegal. Economics cannot declare these preferences illegitimate; that task, if it is possible, belongs in the realm of moral or political theory. For its part, economics must include these preferences in the equation. And, once these intense and broadly felt preferences *are* included in the analysis, anti-discrimination laws may be "worth" having on the books.

Discrimination deeply offends the vast majority of Americans, who would likely prefer that it remain illegal. Economics cannot declare these preferences illegitimate; that task, if it is possible, belongs in the realm of moral or political theory.

Forbidden Grounds is a major achievement, and an extremely important book. Nevertheless, it seems plain that Epstein's single-minded focus on economic analysis prevents him from making an even stronger case against employment discrimination laws. Certainly he could recognize the moral as opposed to the legal case against bigotry; his claim that "the condemnation of racial and sexual stereotypes . . . ha[s] no libertarian underpinnings" seems dubious at best. Most importantly, economics cannot produce the firm conclusions that Epstein seems to prefer; indeed, without any theoretical underpinnings, such analysis may actually cut against Epstein's position. *Forbidden Grounds* requires an injection of moral or political theory to provide a starting point. By itself, economic analysis can only produce ambiguous results.

"Each age always conspires to make its own way of thinking appear to be the only possible way or just way," Epstein observes. "Yet we ought to recognize, on the basis of historical observation, that what epochs consider their greatest virtue is most often really their greatest temptation, vice or danger. We have to learn to put the scalpel to our virtues" (260–61).

With the publication of *Forbidden Grounds*, Richard Epstein has proven himself a surgeon extraordinaire. ❑

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***Liberty and Nature: An Aristotelian Defense of Liberal Order*, by Douglas B. Rasmussen and Douglas J. Den Uyl. Open Court, 1991, xvi + 268 pp, $49.95 hc, $24.95 sc.**

Post-Randian Aristotelianism

David Kelley

Socialism is dead, but capitalism has not yet arrived. Not in practice, as the newspapers make depressingly clear every day. And not in theory, either. It is not just that our universities are filled with left-over leftists. Even within the ranks of classical liberals, the intellectual case for capitalism is still evolving. It is clear that the market promotes freedom as well as prosperity. But what is the moral basis for holding freedom and prosperity as values, as against the opposing values of egalitarians, environmentalists, and other anti-capitalists? What is the proper way to formulate principles of individual rights, and how are these principles to be validated? These are among the questions that still occupy political philosophers. And they are among the questions addressed in *Liberty and Nature: An Aristotelian Defense of Liberal Order* by Douglas Rasmussen and Douglas Den Uyl, professors of philosophy at St. John's University and Bellarmine College, respectively. As their subtitle indicates, they believe the case for capitalism should be built on Aristotelian foundations.

Aristotle held that man is a political animal who could hardly survive outside the state, that the state has the function of promoting virtue in its citizens, and that the good of the individual is inseparably bound up with the good of society. Even apart from Aristotle's notorious defense of slavery, these views make his political philosophy an uninviting habitat for classical liberals, who advocate individualism, limited government, and laissez faire. Indeed, as Rasmussen and Den Uyl observe, it is usually the communitarian *opponents* of liberalism who appeal to Aristotle's authority. Nevertheless, they set themselves the task of reconciling Aristotle with liberalism. More specifically, they attempt to show that Aristotle's basic view of the world, including his ethics, can be detached from his political conclusions and used as an intellectual foundation for a free society.

This task is somewhat less daunting than it may seem, because the essential connections were made by Ayn Rand. In ethics, Aristotle held that the highest value was happiness. And he meant individual happiness, not the greatest happiness of the greatest number. He was an ethical individualist, not a collectivist like Jeremy Bentham, John Stuart Mill, and their utilitarian followers. Aristotle held, moreover, that man's distinctive means for achieving happiness is the exercise of reason. Rand showed how these two pillars — happiness as a moral end, reason as the means — support a political philosophy of individual rights.

Rand's influence on the book is extensive. Rasmussen and Den Uyl, who previously edited *The Philosophical Thought of Ayn Rand*, rely on her view of certainty as contextual, of reason as the conceptual faculty, of free will as the choice to think, and of life as the basis of values. While Rand is frequently cited in the notes, however, she is not often mentioned in the text itself, and there is no general discussion of her viewpoint. As an Objectivist, I have mixed feelings about this. I would like to see her given more credit for her insights and for the originality of her philosophical synthesis. On the other hand, Rasmussen and Den Uyl side with Aristotle on a number of important issues where Rand parted company with him. In the end, I think they are wise to describe themselves as Aristotelians rather than as Objectivists.

The point of departure for their argument is Rand's insight that values arise from the fact that living organisms must act to stay alive — to preserve their own existence. Because anything that exists has a specific nature, they go on to argue, the "natural end" for a living thing is to remain in existence as the kind of thing it is. Man is a rational animal — that is our distinctive essence — so our natural end is to live as rational beings. In this way, the authors give the Objectivist ethics a distinctly Aristotelian spin. The ultimate value is not life per se, in the sense of survival, but living well, "flourishing," actualizing our potentialities. The book does not provide a complete or systematic account of what flourishing is, but along the way the authors mention such items as friendship, wealth, and productive work, as well as the exercise of such virtues as rationality, courage, and integrity.

The authors give the Objectivist ethics a distinctly Aristotelian spin. The ultimate value is not life per se, in the sense of survival, but living well, "flourishing," actualizing our potentialities.

In any case, they regard flourishing as an objective value, with objective requirements for its realization. This claim will raise some eyebrows. It is commonly thought that if there is an objective truth about values, if certain things are objectively good, then society may force its members to pursue them. The authors spend many pages arguing against this assumption. "As a human being," they say, "the individual must conform to certain general requirements of human flourishing dictated by human nature itself. But as an individual, unique circumstances, aptitudes, and interests will particularize the mix" (64). This requires a pluralist society, in which people are free to find their own particular mode of happiness. (Else-

where, the authors observe that this individualized view of objective value gives economists everything they need to explain trade; there is no need for a truly subjective theory of value.) Moreover — and more importantly — they claim that the exercise of reason and reasoned choice is not merely a means to the ultimate end. It is a constituent of the end itself. Acting on one's own judgment is a major component of flourishing, and nothing else counts as an element of flourishing unless it is freely chosen. Thus a state that tries to force people to flourish is pursuing a contradiction.

That is their central argument for individual rights and limited government. The purpose of rights is to define a "moral territory" around each individual in which he has room to flourish. Since we live and act in a physical world, this "moral territory" must include some actual territory: the right to property is an essential human right. Rasmussen and Den Uyl go on to argue that the legal framework of rights defines the common good, the public interest. Despite the claims of collectivists, including many in the Aristotelian political tradition, there is no further content we can give to the notion of the common good beyond the protection of individual rights to pursue individual goods.

Like other individualists, Rasmussen and Den Uyl understand rights in negative terms, as protections *against* other people. But they also understand that we are social animals in a positive sense, and that the bonds which hold society together are not solely economic ones. Therefore, the combination of a principle of rights and an economic understanding of markets does not give us everything we need in the way of a social theory. In their final chapter, they employ Aristotle's concept of friendship in an effort to lay out the beginnings of a positive social theory for individualism. In essence, they try to define a middle position between what they see as two extremes. One extreme is the conception of *Homo economicus*, who seeks the gratification of immediate desire and agrees to a social contract only when he sees that it serves his economic interests. The other ex-

continued on page 57

Liberty and Nature: An Aristotelian Defense of Liberal Order, **by Douglas B. Rasmussen and Douglas J. Den Uyl. Open Court, 1991, xvi + 268 pp, $49.95 hc, $24.95 sc.**

Different Routes, Same Destination

Leland B. Yeager

In *Liberty and Nature,* Douglas Rasmussen and Douglas Den Uyl seek grounds in Aristotelian ethics for classical liberalism, free markets, the individual rights championed by John Locke and the American Founders, and a limited government to defend those rights. Instead of focusing on general welfare or conformity to rules, Aristotle focused on the individual and his responsibility for his own character (or hers, nowadays, as I need not repeat). A person with healthy traits will interact with his fellows in ways that Rasmussen and Den Uyl discuss with reference to character-friendships, advantage-friendships, and a free, productive, and pluralistic society. Going beyond Aristotle, the authors emphasize the moral significance of liberty protected by rights: it is necessary to the possibility of the individual's moral perfection. Enforced virtue is a delusion.

In Rasmussen and Den Uyl's interpretation of Aristotle, the good for any entity consists in the fullest unfolding of its nature. As rational and social and political animals, human beings find their good in lives that develop and employ their potentialities in mutually beneficial interactions. Insistence on each individual's responsibility for his own moral character and his own life is compatible, of course, with recognizing great differences among human beings in their genetic endowments, formative experiences, and aspirations. Humans can flourish through a great variety of specific accomplishments and satisfactions.

Rasmussen and Den Uyl believe they can justify their insistence on self-development by invoking Aristotelian teleology to bridge the "is/ought gap." Values have a biocentric basis. The very nature of each living thing and its own vital needs dictate to it the end or function that is the source of all the values it might have. "[B]eing self-directed or autonomous . . . is the virtue which makes all other virtues possible. . . . [W]e know that [it] is good or right simply from our analysis of the nature of human flourishing. Furthermore, we know that being self-directed or autonomous is good for each and every human being just in virtue of their being human" (p. 11).

But what makes the natural end of a human being obligatory? Why *should* one live according to one's nature? Well, such a question "supposes that something else is required for there to be values that are good." An infinite regress in justifications is not possible, however; "there must be something ultimate; something which is simply the case" (49). The proposition about living in accordance with one's nature neither lends itself to proof nor requires any. Anyone challenging this "ultimate prescriptive premise" thereby accepts it — or so the authors maintain (50).

Remarks like these cover many pages and obscure just what the authors may be claiming. Although their heart is with Ayn Rand on deriving "ought" from "is," they seem to be acknowledging their ultimate failure and excusing it on the grounds that the project, rigorously conceived, is impossible after all.

A more straightforward position would have been more satisfying. Rasmussen and Den Uyl might have frankly posited their fundamental value judgment in favor of human flourishing and invited their readers to suggest alternatives if they could. In effect, if not avowedly, they adopt the position

of John Stuart Mill (*Utilitarianism*, near the start of chapter 4 and end of chapter 1): "[Q]uestions of ultimate ends do not admit of proof, in the ordinary acceptation of the term. To be incapable of proof by reasoning is common to all first principles. . . . Whatever can be proved to be good must be so by being shown to be a means to something admitted to be good without proof." An ultimate principle need not be accepted or rejected, however, "on blind impulse or arbitrary choice. There is a larger meaning of the word proof. . . . Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof."

Ayn Rand is a major inspiration for Rasmussen and Den Uyl. Yet the extent of her influence would hardly appear from leafing through the book or glancing at the index, which refers to her only twice.

Rasmussen and Den Uyl try to base personal or Lockean rights on a human being's Aristotelian *telos* (129). (Actually, they recommend the term "natural rights" as more precise than "human rights.") A person must have rights to be able to take charge of his own life. Lockean rights are the social and political expression of the claim that there is no higher moral purpose, no other end to be served, than the individual human being's self-maintained and self-initiated achievement of his potentialities. Lockean rights are the only meta-normative principles providing the moral territories demanded by the individualized and self-directed character of human flourishing. These rights come from recognition that human beings cannot be ends-in-themselves save through their own self-directed behavior. Self-direction or autonomy is right in itself, and protecting its possibility is objectively necessary for "a compossible set of moral territories consistent with the individualized and self-directed character of human flourishing." Rights enter into "a legal system which defines a set of compossible territories that provides the necessary political condition for the possibility that individuals might carry on a life in accord with virtue. Rights are used to establish the legal limits in which pluralism may express itself in relation to others" (115).

Clearly, then, propositions about rights emerge within a system of morality and cannot be its very foundation.

The rights of rights-bearers imply that other people have the duty to respect them. Partly because the duty easiest to define and fulfill is ordinarily that of noninterference, basic rights are for the most part negative rights: in the pertinent fields of activity, people are entitled not to be coerced and constrained by others. Particular relations, as between parties to a contract or between child and parent, can engender positive rights — entitlements to definite actions by others. (Here I am embroidering on Rasmussen and Den Uyl, but I suppose they would agree.) It undercuts the concept of rights, however, to invent supposed positive "rights" to all sorts of good things, such as adequate health care and vacations with pay.

Rights concern interpersonal relations. They hardly apply, as Rasmussen and Den Uyl mention, where social life is impossible, as in lifeboat cases.

While adapting and supplementing some of Aristotle's ideas, Rasmussen and Den Uyl suffer no embarrassment over differences between his doctrines and their own. Aristotle did not present the modern concept of individual rights, and writing 21 centuries before Adam Smith, he had little appreciation of the market economy. Some present-day "communitarian" critics of supposedly excessive individualism also claim inspiration in Aristotle. Rasmussen and Den Uyl argue that these critics of liberalism have overromanticized and over-collectivized Aristotle's own views.

Ayn Rand is another major source of Rasmussen and Den Uyl's inspiration. Yet the extent of her influence would hardly appear from leafing through the book or glancing at the index, which refers to her only twice. Actually, Rasmussen and Den Uyl quote and paraphrase her in several places while naming her only in the endnotes, which the inadequate index does not cover. (Available devices would have made it easier for the reader to match up notes with the text they refer to. Alternatively, avoiding notes by in-text references to a bibliography would have been helpful.)

On first reading the book and taking notes, I was enthusiastic about the authors' insights because they meshed well with what I already believed. Having to summarize their arguments now makes me realize how much they recite abstractions at tedious length.

Still, the substance of what they say, if not their style, remains appealing. They disavow any claim to deduce the detailed features of healthy social arrangements from an abstract theory of natural rights, "independent of social circumstances, history, and attitudes" (128). Their hero Ayn Rand relied heavily on empirical fact in developing her social philosophy: the characters and events of her novels reveal keen observation of human nature and personal and social psychology. While classifying their natural-end ethics in several ways — both teleological and deontological in some senses but not in others — Rasmussen and Den Uyl caution against detaching principles from any contact with consequences. They thus have empirical sympathies, even though they themselves do not cite any detailed empirical research. They seem ready to expose principles and intentions and character traits to consequentialist evaluation.

Although their hearts are with Ayn Rand on deriving "ought" from "is," they seem to be acknowledging their ultimate failure and excusing it on the grounds that the project, rigorously conceived, is impossible after all.

Rasmussen and Den Uyl are candi-

dates, then, to be persuaded of a point urged by Jeffrey Friedman (*Critical Review*, Vol. 5, Spring 1991): it is counterproductive to go on advocating libertarianism with "sweeping . . . philosophical arguments [about] self-ownership, a social contract, or human nature" and about "our natural rights, our inviolable consent, or our possessive nature" when these abstract arguments are presented, as some rights theorists do present them, out of contact with "consequentialist" investigation of what arrangements make for harmony and prosperity rather than for discontent and starvation. (Friedman seems to use "consequentialist" as a euphemism for "utilitarian.") Surely Friedman is right: it is preposterous to deduce detailed positions on all sorts of ethical and policy issues from a very few basic principles only.

Rasmussen and Den Uyl reached their foundation for classical liberalism through the writings of Aristotle, Locke, and Rand. Another route (if I may mention my own) passes through the works of Mises, Hayek, Hazlitt, Hume, John Stuart Mill, and Wilhelm Röpke — all economists — as well as of Thomas Hobbes, Ayn Rand, Mortimer Adler (an avowed Aristotelian), and, more recently, R.M. Hare, the contemporary utilitarian philosopher. The doctrine emerging from their writings is rules-utilitarianism — or, better, indirect utilitarianism. It gives prominent place, precisely on utilitarian grounds, to rights of the kinds mentioned in the U.S. Declaration of Independence.

Although Rasmussen and Den Uyl do briefly try to distinguish their doctrine from utilitarianism, they do not stoop to the familiar bashing of unattributed straw-man versions. The "flourishing" of Aristotle and Rasmussen and Den Uyl and the "happiness" of the utilitarians refer to pretty much the same ultimate criterion of ethical principles, character traits, dispositions, institutions, and policies. Both are comprehensive words that admit of a good deal of unpacking. Since social cooperation is indispensable to "flourishing" or "happiness," Rasmussen and Den Uyl and utilitarians alike should be able to accept it as a surrogate criterion. (Rasmussen and Den Uyl do mention social cooperation several times.)

No more than Rasmussen and Den Uyl must utilitarians conceive of happiness as satisfaction of whatever preferences and prejudices people may happen already to have. They can agree that tastes are subject to criticism in the light of what makes for a good life in accordance with human potentiality and human nature. Willingness to criticize tastes does not, of course, mean setting up an authority empowered to impose on people the lifestyles it thinks best for them.

Rights theorists on the one hand and indirect utilitarians on the other draw inspiration from different sources, prefer different sets of terminology, and perhaps lay emphasis on different strands of the doctrine they basically share. On the one hand we hear noble-sounding phrases about autonomy, self-direction, character-friendships, advantage-friendships, human flourishing, natural rights, moral worth, and the like. The realities and aspirations to which such language refers are by no means to be scorned. At times, though, it is refreshing to hear the hard-boiled, no-nonsense language of Ludwig von Mises (and Henry Hazlitt and David Hume and — dare I mention the name? — Jeremy Bentham). Still, members of both camps are looking at the same physical, biological, and social reality, employing the same logic, and working with similar fundamental value judgments (for we are all the same kind of creature). Different styles of conveying broadly the same message are suitable for different contexts and audiences. Rather than engage in sectarian squabbles, we who are trying to convey it should rejoice that we can arrive at basically the same doctrine by routes whose details differ strikingly if perhaps superficially.

Is it lame eclecticism to say this? No, not in the sense of weaving together strands of doctrine arbitrarily plucked here and there to give representation to both or all sides. It is a different matter to draw facts and insights from wherever they occur, even if in the writings of authors whose overall doctrines may diverge. The standard is empirical fact, logic, and fundamental value judgments; and to the extent that they adhere to this standard, theorists approaching political philosophy from different directions will finally come close together.

Rasmussen and Den Uyl have made a solid contribution to this possibility of *rapprochement* among superficially antagonistic arguments for personal freedom, capitalism, and limited government. ❑

David Kelley, "Post-Randian Aristotelianism," *continued from page 55*

treme is the romantic conception of community as a giant family or network of personal friends, where everyone cares for the well-being of his fellows.

Rasmussen and Den Uyl argue that most relationships in society, including the civic bonds that make us members of one political unit, must be "advantage-friendships," based on the expectation of mutual gain, rather than "character-friendships," in which we value the other for his own sake. But advantage-friendships are not to be understood in hedonist terms. Our self-interest lies in flourishing, not in the gratification of immediate desire, and thus includes the exercise of such social virtues as justice and the enjoyment of many types of relationships — not just economic ones. As rational, conceptual beings, moreover, we need to see our self-interest in long-range, principled terms. As they put it, in a nice summary formulation, "It is thus neither advantage without principle nor principle beyond advantage that characterizes the nature of the civic life" (184). In this respect, they note the importance for a free society of a shared civic culture in which the value of individuality and freedom are explicitly recognized and celebrated.

Liberty and Nature is not a lean book. Many of the calories you'll consume reading it are not going to build intellectual muscle. The authors have a tendency to state the same point seventeen

different ways without ever quite settling on the one they like best. They also spend more time than is necessary on administrative matters — describing in advance what the structure of their argument is going to be, summarizing where they have been and what they think they have established, and constantly — almost obsessively — positioning themselves in relation to other theories. A certain amount of this is necessary, but there's too much here. If this book were a business enterprise, I would urge the owners to stop tinkering with the accounting system and polishing the annual report, and spend more time moving product out the door.

The combination of a principle of rights and an economic understanding of markets does not give us everything we need in the way of a social theory.

In addition to the positive case for freedom, the book is filled with critical analyses of other theorists: Robert Nozick, Alan Gewirth, Jacques Maritain, John Finnis, Alasdair MacIntyre, and David Norton, to name a few. Many of these polemical sections are very well done. But I often had the sense overall that the polemical tail was wagging the philosophical dog. The introductory chapter, for example, is devoted to answering various contemporary critics of Aristotelianism, for the purpose, in the authors' words, of "providing the foundational legitimacy for the chapters that follow." As a general rule, however, one cannot establish a position by refuting its opponents; one must make a positive case for it. In the course of their critical remarks, Rasmussen and Den Uyl do make a number of solid points about the objectivity of values, the nature of ethical principles, and other important matters. But these points come across as isolated claims serving the ad hoc purpose of answering a particular theorist, rather than as elements in an integrated, positive view of the world.

The problem here is an occupational hazard for philosophers, who are trained first and foremost in critical analysis and the art of refutation. It is a special hazard for those defending a view outside the mainstream in philosophy. To be effective, outsiders must show how their position relates to the conventional wisdom. But it is all the more important for them to make it clear that their context, their widest frame of reference, is reality, not the universe of existing theories about reality. It is ironic that Rasmussen and Den Uyl are epistemological realists who consider it possible to discover philosophical truth, yet write at times as if they accepted Richard Rorty's view that philosophers can only continue a conversation begun by others.

The most important question about *Liberty and Nature*, however, is whether its central argument is sound. Have the authors given us the case for freedom in its strongest form? It seems to me there are problems at three crucial junctures: the concept of flourishing as an end in itself, the derivation of rights, and the case for property rights.

The concept of flourishing is introduced as an Aristotelian amendment to the Objectivist ethics. Objectivism holds that life is the fundamental value, because it represents the alternative of existence or non-existence facing any organism. Rasmussen and Den Uyl are concerned, however, that life in the sense of "mere" survival will not give us much of an ethical code. "Flourishing" is supposed to be a richer concept: it means living well, through the realization of a wide range of our capacities. But then how do we determine what is involved in flourishing? In Ayn Rand's approach, every value and every virtue that goes to make up a good life must be shown to have a bearing on survival; in one way or another, it must enhance the prospects for self-preservation. Establishing these connections is a very large task, and I don't think Objectivists have fully carried it out. But it is an inescapable task, for only the alternative of existence or non-existence can sustain a nonarbitrary normative judgment that something is good, right, or virtuous.

So far as I can see, the concept of flourishing is an attempt to skirt the problem. By incorporating all the cardinal values and virtues into the fundamental end, the concept attempts to escape the need of proving that they are necessary *means* to the end. For example, Rasmussen and Den Uyl say that we don't need to prove that integrity and friendship promote the end of human flourishing. "Rather, we just need to know that maintaining integrity or having a friendship is one of the final ends which constitute human flourishing" (61). But then how do we know this? How do we identify the constituents of flourishing if not by establishing their causal relationship to survival? The authors say that we identify the constituents "by everything we can learn from experience regarding the needs of human life" (69), but how do we establish that something is a need except by proving that a failure to satisfy it would impair an organism's ability to preserve itself?

In short, it seems to me that the concept of flourishing, like the concept of instinct in animal psychology, is an intellectual cul-de-sac. References to "instincts" are harmless enough in ordinary contexts, but they give only the illusion of a theoretical understanding why animals act as they do. In the same way, "flourishing" does capture an aspect, perhaps the essential aspect, of a happy life, but it gives us only the illusion of a philosophical understanding why certain things are objectively valuable.

Even if I understand that your freedom is good for you in exactly the way that my freedom is good for me, I don't yet have a reason for regarding your freedom as a good for me.

The second major problem of substance in *Liberty and Nature* concerns the derivation of rights. A teleological ethic must show that rights serve a purpose. If we are individualists, the purpose cannot be a collective one, such as "the greatest good of the greatest num-

ber." But neither can we base rights on individual goods that are subjective and idiosyncratic, for there is no way to show that freedom is necessary for everything that anyone might desire. Rasmussen and Den Uyl are right on the money, therefore, when they say that rights must be derived from an objective end common to all human beings. Thus they emphasize that self-directedness — the free exercise of reason in action — is a good for each and every person, in each and every realm of life.

Aristotle's political philosophy is an uninviting habitat for advocates of limited government and laissez faire.

So far, so good. This shows that each of us needs the protection offered by a principle of rights. But it doesn't show why we should respect the rights of others. Even if I understand that your freedom is good for you in exactly the way that my freedom is good for me, I don't yet have a reason for regarding *your* freedom as a good for *me*. But this is precisely the point that must be established if we are going to validate rights on the basis of ethical egoism. Logically speaking, there are a number of ways to go about trying to establish this point, but all of them require us to show that people's interests do not conflict at any fundamental level. If such conflicts do occur as part of the normal course of life, then it may be that I have to regard your freedom as a threat to mine. Rasmussen and Den Uyl do not address this issue except in the most glancing ways. Even though they accept Rand's principle that every good must be good *to someone*, they seem to hold that if my freedom is good for me and yours for you, then the situation in which we're both free is good, period, and there's the end of the matter.

The final problem I want to mention concerns the authors' treatment of property rights, which I found especially hard to follow. They sound a number of general themes — for example, that the freedom to use and dispose of material things is an essential part of the more general right of autonomous action, since all action takes place in the material world; and that property is an extension of the self. But these general points won't get them the full classical liberal right of private ownership. The key issue, as they note, is not the right to act freely on unowned things, but the right to retain possession of and exclude others from things one has transformed by one's labor. They claim that "for individual human beings to flourish, they need to maintain control of what they have produced" (116). But so far as I can see this claim is not supported by any real argument; and it is not even clear, as noted above, what *kind* of argument is necessary to establish claims about the components of flourishing.

Rasmussen and Den Uyl also suggest that the burden of proof is on those who want to limit ownership rights in one's product, rather than on those who see this right as absolute. But legions of contemporary collectivists are happy to take on this burden. Often indeed they operate within the broad framework of a self-realization ethic, arguing that certain material conditions — adequate food, shelter, etc. — must be supplied by the state in order to allow everyone the opportunity to flourish. To answer this argument, one must at some point establish the principle that one person's need is not a moral claim on the wealth produced by others. This principle is implicit in the book, but never made explicit.

In presenting these problems as starkly as I have, I do not mean to imply that Rasmussen and Den Uyl are unaware of them. It's just that I don't think they have solved the problems. Nevertheless, I would say that *Liberty and Nature* is worth reading for anyone with a serious interest in the political philosophy of classical liberalism. The central argument of the book is original in many respects, and it is adorned with a number of insights along the way. Even if one finds their approach unsatisfactory, it is illuminating to view the landmarks of classical liberal thought — natural rights, contract theory, the subjective theory of value in economics, and so on — through Aristotelian eyes. ❑

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***Rude Awakenings: What the Homeless Crisis Tells Us,* by Richard W. White, Jr. ICS Press, 1992, 333 pp., $24.95.**

How Not to Help the Homeless

Brian Doherty

Richard White's *Rude Awakenings* attempts to be encyclopedic in its review of recent literature on homelessness, even as it acknowledges that the "crisis" is not as severe as activists and the media claim. After analyzing a wide variety of popular theses as to the cause of homelessness, White finds one conceptual common denominator: the failure of "self-governance." (The book is "a publication of the Center for Self-Governance.")

Unfortunately, White refuses to take the idea of self-governance very seriously. He uses the phrase in a curious rhetorical fashion that reveals a failure to understand why genuine self-governance is necessary to forge a satisfying, livable social order. White writes that "self-governance implies not only that each person or family can take care of itself but also a mutual obligation for the quality of our lives" (p. 152). This sounds nice, but his book shows numerous examples of how this "obligation" toward those who feel no obligation toward others (drug abusers, fathers who abandon their children, people who leave livable homes for homeless shelters in order to get on waiting lists for more desirable publicly-funded housing) exacerbates problems it ostensibly addresses.

The first sign that White is slipping in his dedication to genuine self-governance comes in his chapter excoriating the deinstitutionalization of the mentally ill. White notes an 80 percent reduction in beds occupied by the mentally ill in state hospitals from 1955–1984 (29). He blames this trend on shifts in government funding from state mental hospitals to Community Mental Health Centers, which cater more to the mild neuroses of the middle class than to the seriously dysfunctional. A decent point about how government's bad decisions exacerbate social problems, perhaps, but he then goes on to denigrate lawyers who fight for the right of the mentally ill to refuse treatment. Here he shows little appreciation for the attitudes toward our fellows that make for successful self-governance. These attitudes require a consideration of others' *rights* — claims on us to let others pursue their own projects while they let us pursue ours.

Indeed, White has contempt for the Szaszian notion that mental patients should have the same rights as the rest of us. "Whatever the theoretical justice of making it extremely difficult to confine or restrain mentally ill individuals or to force them to take medicine, the problems and financial costs brought about thereby are considerable," White writes (47). But making decisions about *others'* lives on the basis of their costs to *you* is not self-government; it is tyranny. Nonetheless, White casually dismisses any question of rights in his cost calculation because "society does not work when it is run on an adversary basis or abstract conceptions of what is right and just" (35).

This dismissal of "abstract conceptions" enables White to violate logic and lapse into incoherence. In one paragraph, for instance, he writes that it is "morally questionable, legally dubious, and politically difficult to punish people for having nowhere to live," and in the next that "we do not have a legal obligation to let anyone live in the park or anywhere else" (40) — begging the question of what "we" are then to do with "them."

White proposes involuntary confinement and medication as a solution to the problem of the homeless "mentally ill," yet concludes his chapter on the topic by writing, "civilized peoples cannot determine the conditions of their daily lives in adversarial proceedings: it is time for us to learn again to live together" (56). Locking troublesome people up in mental hospitals seems an odd way "to learn to live together." White's brand of "self-governance" seems to have provenance far beyond what the normal person would think of as the "self."

White recognizes that a free-market housing solution for the socially-disconnected poor is not permitted to work. He quotes a for-profit developer jealous of the success of a nonprofit low-income housing project: "If you were to give the so-called 'failed' developers all of the special tax credits and exemptions from zoning rules and development fees, they could probably make this project pencil out too" (161). Exactly. In a housing market free of tax, zoning, building code, and fee impediments by the government, providing housing to all levels of income could be profitable.

White shows little appreciation for the attitudes toward our fellows that make for successful self-governance. These attitudes require a consideration of others' rights — claims on us to let others pursue their own projects while they let us pursue ours.

But White refuses to go this far. He worked in federal anti-poverty programs for twenty years, and proudly states that the experience made both liberals and conservatives shift toward a more "realistic" middle. From this center White refuses to budge, waving the badge of self-governance but not letting its implications play themselves out. Over and over, White stares the correct conclusions in the face — and then backs off.

He concludes with a suggestion that is apparently intended to be inspirational: we need to call on the resources of

"millions of federal, state, and local employees in a program to restore and help sustain the self-governing of American families and communities. Government workers can communicate an optimistic, productive, and publicly responsible attitude throughout the public sector. Strongly improved results are likely to follow" (284).

His book, however, provides no support for this optimism. It demonstrates how modern welfare programs have broken down social and familial bonds, how government housing programs punish market initiative and encourage those who could struggle and remain in the mainstream to give up. So why place faith in more of the bureaucratic tinkering that has let down both the homeless and those who suffer their presence? Better these millions of government workers be set free to provide services people would be willing to pay for in a free market.

Self-governance demands a larger philosophical framework that recognizes the *reasons* we have for letting people govern themselves, the advantages that accrue in prosperity and happiness. And it needs a concept that defines the boundaries between *self*-government and the government of *others*, the concept of rights. But White explicitly denies the value of rights, condemning them as "anti-social: one gets something without giving anything" (246).

I'll let that quote stand by itself, more shocking in its way than any of the blunders and failures of either the governments or the individuals that make up the homelessness problem. ❑

***Reaching for Heaven on Earth: The Theological Meaning of Economics*, by Robert H. Nelson. Rowman & Littlefield, 1991, xxvii + 377pp., $24.95.**

God and Man at Bay?

Timothy Virkkala

"Priests of old usually asked whether an action was consistent with God's design for the world," writes Robert Nelson. "In the message of contemporary economics the laws of economic efficiency and of economic growth have replaced the divine plan." Economics, he claims, is today fulfilling a role claimed by theology in times past. Secular progress has made both religious messianism and religious perfectionism obsolete.

> For many modern men and women, the power to eliminate evil in the world is no longer a divine prerogative, but is instead primarily a matter of eliminating economic scarcity. If all important material needs could be fully satisfied — economic theology preaches — then the main cause of past wars, hatreds, and other banes of human history would be ended. There would be far less basis for envy, jealousy, and other sources of evil thoughts and actions. People could live in a happy harmony and devote themselves to the higher and finer things of life. (p. 2)

Nelson has found the parallels between economics and theology so striking that he has devoted nearly four hundred pages of *Reaching for Heaven on Earth* to describing them. In so doing, he has produced a delightful and challenging book, one of the most enjoyable treatments of intellectual history to come along in years.

But I confess, my pleasure in reading this book was not that of the awestruck acolyte; I did not feel that I had received the gospel truth. Indeed, as much of the book's value lies in its errors as in its successes, and disagreeing with Nelson is as much fun as agreeing with him.

The Evanescence of the Divine Idea

Nelson suggests that economics has supplanted theology because of the scientific revolution; faith in science, he says, has replaced faith in God. Though the Enlightenment faith in science as a source of progress has imbued all social sciences with a sense of mission, these days it is running on hard times: "social scientists outside economics . . . have begun to have more doubts. Today, it is the members of the economics profession who offer the strongest assurances." What kind of assurances? "Economists argue that — beneath the surface of what often appears to be widespread ignorance, miscalculation, and self-deception — there are in fact deep and powerful forces at work that obey rationally discoverable laws." According to Nelson, economists have kept the Enlightenment faith "that the behavior of individuals is not random but follows definite directions that are grounded in the rational" (5).

Unfortunately, Nelson never adequately distinguishes between "faith in science" and religious faith, and seems to take an agnostic attitude toward the validity of scientific method, at least as it applies to economics and theology (though he does mention that the predictions of economists stand up very well when compared to the prophecies of the divines). His discussion of method in economics is almost nil, and his discussion of method in theology is nonexistent. Despite trenchant discussion of Augustine, Aquinas, Luther, and Calvin, he never really gives the reader a good idea of what theology is all about.

Nelson uses the phrase "economic theology" to call our attention to the social function of economics as the discipline of political legitimation. This peculiar construction rests on an odd working definition of theology. Nelson uses the word "theology" instead of "philosophy" or some other seemingly more appropriate phrase because it "more precisely suggests a system of thought that is a source of fundamental meaning and purpose" (xxv). But theology primarily deals with the attributes of God, and Nelson seems interested only in the attributes of man. Though "theology" finds its way onto nearly every page, God's name is dropped with alarming infrequency, and is, of course, not cited in the index.

There are aspects of Christian theology that would have helped make his

points much better, but he mostly ignores them. He never mentions such theological subdisciplines as soteriology (the science of salvation) and eschatology (the science of the "last days"), both of which make the theory of divinity relevant to flesh-and-blood human beings. Since Nelson is trying to get a handle on the idea of progress, and has chosen an analogy between economics and theology to do so, he might have profited by exploring in greater depth the eschatological dimension of theological traditions, and called that domain by its name. His two-page general discussion of the ideas of salvation and the various forms of millenarianism is not really adequate.

Nelson tells a story of a line of thought's progress. He presents not arguments but explanations, not analyses but interpretations, not debate but vision.

Indeed, Nelson leaves quite a few promising areas of inquiry alone. But then, given the nature of his book, this is not necessarily out of line. *Reaching for Heaven on Earth* is not a theoretical treatise on the relation between religion and science. It is a *story* of a line of thought's progress. It presents not arguments but explanations, not analysis but interpretations, not debate but vision.

Theological Personae

As the old adage tells us, there are two kinds of people: those who divide people into two groups, and those who don't. Nelson, a divider, splits theological and economic thinkers into two categories.

He calls his first category "the Roman tradition," after both the empire and the Catholic Church. The thinkers he discusses under this rubric range from Aristotle to Paul Samuelson. "The leading figures of the Roman tradition," he claims, "have not been the great revolutionaries of history, but men who typically saw moderation as a virtue and favored an incremental process of human development" (31). He lists 15 characteristic views of those in this tradition:

1. The world is rational; nature, including man, is guided by the dictates of reason.
2. The material and external world are the original and fundamental reality — not the world of the mind and ideas.
3. Men are in principle capable of discovering and understanding the rationality of human existence.
4. Systematic scientific investigation is required to uncover the rational laws of nature, demanding careful research and studies.
5. Progress is found in gradual movement toward a natural and rational destiny.
6. Valid law is natural law, which should govern humanity.
7. Justice is what is rational, which is common to all.
8. Because all humanity shares the same reason, all men are fundamentally equal.
9. Life is lived to achieve happiness; a utilitarian goal is appropriate for mankind.
10. Society is an organic community steered for the common good.
11. Private property is a beneficial instrument of the common good.
12. It is natural and just to pursue one's self-interest.
13. The poor are deserving: Society has the strong obligation to support them as fellow members of the community.
14. Wisdom is found in moderation.
15. This-worldy, commonsensical, and pragmatic attitudes best serve the needs of humanity. (31)

Nelson's second category is the "Protestant tradition," which includes thinkers as diverse as Plato, Augustine, Karl Marx, and Herbert Spencer. For these thinkers, the moral status of law is "much less exalted. . . . Law is necessary in the Protestant tradition, but is merely a coercive device required to keep wicked men from doing still greater damage to one another. Indeed, all government is seen in this light, as a sinful product of man's condition. Nevertheless, its decrees must be obeyed until God — or history — finally opens the way to a happier destiny" (55). Nelson's list of characteristic Protestant views diverges dramatically from the Roman:

1. The human condition in this world is deep alienation from original and true nature.
2. Owing to man's corrupted condition, reason is unreliable, often a source of delusion.
3. Existing law is a corrupted product — like reason — of current human depravity.
4. Justice is not to be found in the rational, but in the iron dictates of God or history.
5. The ways of the world are revealed to men not through reason, but through revelation.
6. True progress demands a revolutionary transformation of human existence.
7. The current world is destined for sin; the triumph of virtue must await a heaven in the hereafter or the arrival of an earthly heaven.
8. Mankind is divided among the saved and the condemned, the superior and the inferior groups.
9. Life is lived not for happiness, but for disciplined labor in the service of God or history.
10. Self-interest and economic competition exert an evil influence in the affairs of man.
11. Communal living and common ownership are the highest form of existence.
12. Government, like property, is a coercive social instrument designed to control sinful and unruly natures.
13. The poor are responsible for their fate; society must not coddle them.
14. Moderation is banality; pragmatism is a sign of weakness.

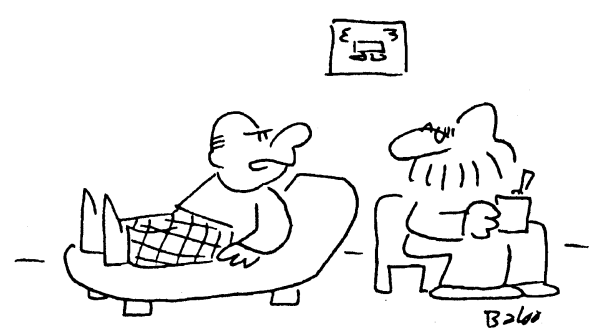

"Wait a minute — *Freud* never said 'a dream is a wish the heart makes'!"

15. The record of history is not progress, but retrogression—the fall of man. (53)

Doubts naturally arise upon comparing these two lists: how can so many qualities be kept separate in so many different thinkers? Don't most people liberally mix the Roman and Protestant views? Is there any point in trying to keep, in our heads, these two traditions distinct?

There is no obvious theoretical reason. But Nelson is not a pure theorist like Ludwig von Mises; he is a visionary historian like Camille Paglia. The reader should expect his book to begin a hundred arguments, and not end a single one of them. In Nelson's words, "Rather than the scientific method, the method of history is in large part the art of persuasion. In history, the best test is whether readers are convinced: Does the historical interpretation illuminate and make more comprehensible the events of the past and the present? Success . . . is not to be judged immediately, but only after ample discussion . . ." (xxiv) *

Postmodern theory recognizes diversity and even encompasses chaos, in ways that the old line of equilibrium economics sought to deny.

Do Nelson's two categories help organize the history of thought about "the good life"? I think it does. Viewing John Locke, Adam Smith, and Jeremy Bentham as members in good standing of the Roman tradition of social thought strikes me as almost inspired — though including socialist nutcase Claude Henri de Saint-Simon in the list is a bit jarring. His discussion of the Protestant tradition, comparing such theologians as Augustine (yes, this makes sense), Luther, and Calvin to such secular theorists as Rousseau, Darwin, and Marx is no less provocative.

The problem with his treatment of the Protestants, however, is readily apparent: only one of them is an economist (Karl Marx). Truth is, very few economists fit the Protestant mold. They tend not to see the human lot in such catastrophic and bleak terms, and such paradigmatically Protestant concepts as alienation and irrationality do not fit well with such tools as demand schedules, indifference curves, and the like. To make the Protestant tradition relevant to real, practicing economists, a more extended discussion of actual, dissenting economists would have been in order. But Nelson pushes right ahead with his survey, capping his chapter "The Protestant Church of Darwin" with a discussion of *Sigmund Freud*!

He also places nineteenth-century Britain's most prominent individualist, Herbert Spencer, in this list. This seems more than a bit wrong-headed to me. I can think of few figures who more evenly straddle Nelson's Roman/Protestant fence than Spencer. The supreme rationalist of his time, and the author of an ambitious ten-volume synthesis of philosophy and science, Spencer nevertheless was his age's most consistent critic of the popular rationalisms that placed faith in reason as man's salvation — or even as man's chief characteristic. An evolutionist with a healthy fear of revolutionary change, Spencer believed that social change must proceed slowly, so that people could adapt to changing circumstance; but he held to a radical political ideal, and combined an almost utopian future vision with a millenarian's belief in its inevitability. His notion of virtue as habitual behavior best adapted to a given social state has a distinctly Roman flavor; but his warnings that many conceptions of virtue and "the good" were often either too old-fashioned or too new-fashioned to have any practical relevance, and that a stoic acceptance of hardship was the best attitude regarding some social ills, has a decidedly Protestant odor. Too much of Nelson's characterization of Spencer seems strained, overemphasizing the Protestant at the expense of the Roman; almost everything said about him in this

* Eager praxeologists may insert their own discussion of Mises' *Theory and History* here; I have neither the patience nor the heart to do it.

"The point is not that plundering the rich is immoral, but that it doesn't pay, doesn't reduce but increases inequality..."

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section better applies to America's most eminent laissez-faire Social Darwinist, William Graham Sumner. And since Sumner was an economist as well as a sociologist, a discussion of him, rather than Spencer, might have fit better to Nelson's purpose.

What is Nelson's excuse for treating non-economists at length in this section, when his book is ostensibly about economics? I suspect that he is not really interested in the positive, scientific aspects of the science. (In his preface he confesses that he lost his faith in *wertfrei* economics some years ago.) He is much more concerned with what Thomas Sowell has called "visions of social causation"; that is, with one's basic outlook, the values presupposed by the outlook, and the moral and political prescriptions that follow from these visions and values. And economists are not the only ones influenced by such visions; ecologists, sociologists, and psychologists have them, too. The "conflict of visions" can work its way upon social life through the preachings of non-economists as well as economists. After all, one can hardly assert that Rousseau, Darwin, and Freud failed to make their mark on history.

Nelson is not a pure theorist like Ludwig von Mises, but a visionary historian like Camille Paglia. His book begins a hundred arguments, but does not end a single one of them.

Nelson's best use of the distinction between the Roman and Protestant traditions is in his fascinating survey of the American political tradition, from the founding period through Progressivism to the welfare state.

> If the good life is for the Roman tradition the proper goal on this earth, Americans . . . typically agree. If the Roman tradition has seen all mankind as fundamentally equal, it has been America that has opened its borders widest to the immigrants of the world offering the opportunity to participate in the forward march of progress. Indeed, of all nations the United States . . . has illustrated the characteristic outlooks of this tradition better than any other. (175)

This, despite America's largely Protestant religious heritage. Though Nelson argues that the whole of the American tradition fits this characterization, he is most convincing when he moves from the earlier, individualist phase to the present era. The stolid, Roman character of modern social engineers is convincingly sculpted, and their visions of progress carefully set in place. And nowhere else is Nelson's analogy between religion and social science more persuasive than in this section.

> Constituting yet another modern economic theology, American progressivism once again preached a message of salvation through economic progress. Still another Roman priesthood, the members of the U.S. economics and other social science professions, would emerge in the progressive era to spread the message of the economic redemption of mankind. (175–6)

Provocative, yes. Controversial, too — I suspect that admirers of the Progressive era might not care for the comparison. But the bold assertions are borne out in the analysis, and the characterization has more than a ring of truth.

Progress or Regress?

At about the same time that Robert Nelson's tome hit the bookstores, a book on a similar topic, with a similar title, appeared from American social critic Christopher Lasch. In *The True and Only Heaven*, Lasch asked, "How does it happen that serious people continue to believe in progress, in the face of massive evidence that might have been expected to refute the idea once and for all?" For Lasch, "the persistence of a belief in progress in a century of calamities" is anomalous.

My usual reaction to such trendy, sophistic pessimism is to break the question into pieces and expose the fallacies. Intelligent people can "believe" in progress with good faith. For one thing, this has been more than a mere "century of calamities." Consider just a few of its positive developments: nearly painless dentistry, effective contraception, quick and inexpensive transportation, a near universal access to the music of the ages. Progress can be believed to be both possible and desirable; when calamities occur, progress simply *isn't happening*. That is why we call natural and social disasters "setbacks" and "tragedies." The more pertinent questions are *how do we know what progress is, when it occurs?* and *how can we ensure that progress will occur?*

But while reading Nelson's discussion of the American welfare state and its "economist priesthood," I experienced some Protestant knee-jerks, sympathizing for once with the likes of Lasch. The hubristic confidence and intrusive meddling of America's social engineers is more than a little sickening. I eagerly moved on to Nelson's optimistic final section on "postmodern economics," which treats both real-world trends and intellectual movements.

Nelson dubs as "postmoderns" some of today's most interesting economic theorists: Mancur Olson, Donald McCloskey, James Buchanan, Kenneth Boulding. These economists tend to see the world as a less manageable place than did their precursors in the economic mainstream of the Keynesian/neoclassical synthesis. Postmodern theory recognizes diversity and even encompasses chaos in ways that the old line of equilibrium economics sought to deny. Postmodern economists are making room for disequilibrium — and for widely divergent schools of thought. In Nelson's words, "As Christianity earlier had to come to terms with a seeming permanent pluralism within institutional religion, modern secular thought is today being compelled — and not without great stresses and strains — to consider the prospect of a long-term social and economic pluralism. Indeed, such a pluralism could well be a defining feature of the 'postmodern' world — the emergence of which many social thinkers are now predicting" (257).

Nelson's own prophecy is that an idea familiar to libertarians through writers as dissimilar as Mises and Jane Jacobs will become the next major revolutionary social development: the right of "free secession." He sees this proposal — ensuring that any geographical area may secede from its larger, over-

arching political jurisdiction — as allowing for a new, culturally diverse world to cope with a plurality of philosophies, "economic theologies," and life-styles. Although he does not deal with many of the problems economists might have with this program, I believe he is on the right track.

The right of free secession points to the kind of constitutional rules that may be necessary to achieve and maintain peace in a rapidly changing world. Even if we ultimately find this proposal wanting, it is an admirable attempt to break out of the ruts of the old debate concerning centralization, federalism, and independence. In any case, Nelson cannot be faulted for irrelevance; devolution of political jurisdictions is a hot topic in the former U.S.S.R., Czechoslovakia, Yugoslavia, South Africa, Ethiopia, and even Canada.

Though I have more confidence in the feasibility and relevance of such older-fashioned classical liberal notions as free markets and free trade — which Nelson suggests that the right of free secession might supersede — I've got to admit that he has his heart in the right place.

He is surely right to believe that pluralism is the great challenge of the emerging world order. He is also on the money to insist that whatever economic situation emerges, it must have a moral component, and that this morality must deal with a plurality of cultures and peoples head on. After all, this is what that old "Protestant" heretic — and libertarian — Herbert Spencer suggested long ago, when he defined progress as an increasing degree of both heterogeneity and integration, and ethics as the habits and rules that allow people to adapt to their evolving situation. Nelson may not have come up with the best way to deliver this message — "economic theology"? really! — but he is nevertheless onto something important. ❑

***Energy Wars*, produced by Keith Scholey, written by David Helton, narrated by Robert Lindsay, photography by Owen Newman. BBC, 1992.**

Are Humans Alien?

James S. Robbins

The words "life is a struggle" flash on the television screen, superimposed over scenes of military conflict interspersed with shots of farmers applying pesticides and rooting out weeds. No, this isn't a monist propaganda film preaching the glories of the primordial struggle for the health of the collective body, survival of the fittest and devil take the hindmost. This is the title sequence to *Energy Wars*, a BBC-produced "documentary" aired on The Discovery Channel's environmental series, *Lifeforce*. Its message: *Homo sapiens* is *too good* a competitor. We are too fit to survive.

All life, we are told, exists within the "prison of the sun." The amount of light reaching the Earth is limited, as is the arable acreage. This limits the possible number of plants, which in turn limits the number of animals. And physical constraints limit what the animals can do. A hyena clan, for example, can only kill a certain amount of animals within its territory before facing undersupply and starvation. It can't expand its territory because there are other clans hemming it in. Hyena evolution is bound by the lighter, faster wild dogs, and the heavier, slower lions. So they're stuck. But that's okay, because "in the end, hyenas do best by staying hyenas." Zen Darwinism.

Because of these limitations, evolution leads, not to more life, but to more diverse life. The turf is limited and can't be expanded, only subdivided more finely. From this diversity came stability — until the awful day the "aliens" invaded.

Who are the aliens? Well, humans, basically. But not all humans; just those who have vaulted out of their natural evolutionary niche on the African plain. Man's "big brain" allowed him to "shortcut evolution" and go places previously forbidden him. Unfortunately, because turf is limited, he drove other creatures to extinction, thus "for the first time" decreasing diversity, and therefore decreasing stability, which is (we are told) a bad thing. Apparently, scriptwriter David Helton missed school the day his biology class learned that the number of species has been fluctuating for as long as we can decipher fossil records.

Humans faced limits, too — initially at least. Fishermen in Nassau, for example, could only row so many miles out to sea to catch grouper. In time, however, "almost like magic," internal combustion engines replaced human arms as the means of propulsion. Here Helton's contempt for humanity starts to get thick. (What sort of human would think an outboard motor "magical"? Only those whose intellects haven't transcended their original niche.) The engines were powered by the second alien, fossil fuel, stored sun-energy which should properly be left in the ground. (Helton skips over windpower, which would have complicated his model.) Increased ability to fish led to surpluses, and the extra fish were traded for the third and most destructive alien — money. In this way, the narrator noted with obvious disapproval, people could eat fish without ever seeing the reef. To the trader this is the miracle of exchange. To Helton, it is a perversion of nature.

Helton's attitude grows more bitter as the show grinds on. "In the natural world, growth stops when life reaches its limits. On Earth, something that grows constantly is an alien." (How a creature that is the product of terrestrial evolution could possibly be considered alien is beyond me — but then, I'm an alien.)

Of course, human life isn't wholly a bed of roses. As humans proliferate, so do diseases that prey on humans. Insects that feed on crops also have a windfall. In Africa, locust plagues are

worse than in Biblical times. (The narrator mentions that the current African locust originated in North America, where it is controlled. Too bad we had that alien pesticide. The lucky Africans get to enjoy their "niche.")

My favorite part of *Energy Wars* is the exposition of opportunity costs, centering on the question *how much for a cup of coffee?* Coffee beans need good soil and sunlight, prime habitat for other creatures. This land has been "hijacked" and given over to "luxury" cash crops. In Kenya, forests that used to be elephant habitat are now coffee plantations; because of this, says Helton, coffee has killed more elephants than ivory hunters have. The same goes for sugar and chocolate, among other nonnecessities. I guess this means that cappucino is one of the most un-PC beverages one could possibly consume, a fact that could play absolute hell with the left-wing coffee-house crowd.

Coffee, sugar and chocolate have killed more elephants than ivory hunters have. I guess this makes cappucino one of the most un-PC beverages one could possibly consume, a fact that could play absolute hell with the left-wing coffee-house crowd.

So alien humanity uses alien fuel to make alien money. If we stopped turning fuel into money, the narrator points out, that would mean a recession, and if the recession continued, Nature would "push us back where we belong."

But what if, instead of using stored sunshine, humans manufactured sunshine itself, through fusion power? There was a time when environmentalists saw fusion as the perfect solution to energy woes. Fusion energy would be clean, cheap, and essentially unlimited. But now the more radical environmentalists see fusion as a threat, precisely because it is clean, cheap, and unlimited, thereby allowing more aliens to survive and prosper. The prison of the sun creates diversity. Alien energy destroys it. Animals live in a balance imposed by their limits. Humans who face no limits destroy the balance and create flux. They can't help themselves. They are driven by instinct to grow. "We call growth good. We blindly follow the same path an antelope or a hyena follows."

Is there a way out of the wretched growth conundrum that has more than doubled our lifespans, bestowed a plethora of material comforts, and protected us from the lions and hyenas? Yes, and it is "simple, obvious." Since humanity has no limits, it must limit itself. It must choose to stop growing. "The idea is unthinkable," the narrator intones. "But why? Are our natural instincts just too strong?"

Not quite — actually, we're just too smart. Maybe Helton could make a few contributions to the gene pool and take us a few steps in the other direction. I just wonder if he knows his limits. ❑

Booknotes

Mysterious Devices, Religious Desires — Some months ago, *National Review* managing editor Linda Bridges talked about the religious dimension of mystery novels. Bridges wrote that mysteries deal with "considerations of good and evil, human weakness and temptation, the fallenness of man," and concluded that "[t]he murderer's soul, no less than the victim's life and the community's peace, are the concern of the mystery novelist."

Mystery writer P.D. James made this religious connection explicit in her 1989 book *Devices and Desires*. (The title is a phrase from the Anglican prayer book.) One of her characters is an aging, self-centered clergyman who has lost his faith, if indeed he ever had any. He finds consolation for life's disappointments by reading mysteries. Faced with a request for spiritual insight, he offers distractedly a few clichés, and then turns back eagerly to his mystery novel. There, explains James, "problems could be solved, evil overcome, justice vindicated, and death itself [was] only a mystery which would be solved in the final chapter."

Both mysteries and religious rituals unfold in an ideal world in which the distinction between good and evil exists, and matters. In mysteries, you don't actually find out until the end who is evil and who is good; in church (at least in traditional liturgical churches), all people are understood to be miserable sinners. But both mystery novels and church liturgy address the worst in human beings. They also usually conclude with a sense of peacefulness, even serenity.

The parallel helps explain the appeal of mysteries to modern intellectuals. In most of life, good and evil are inextricably mixed and almost impossible to disentangle. Religion offers a relief from this confusing mixture, and helps people direct their behavior along acceptable lines. But most intellectuals have rejected religion, and thus they lack the guidance that comes from a shared sense of what is right and wrong. While the mystery novel offers no true guidance, it does provide the unchurched with a satisfying escape.

Given this role, the mystery novel isn't as rich as a "true" novel (nor is Sunday morning all of life). Mysteries are themselves very much like rituals: Their plots and characters are variations on familiar, predictable, and satisfying patterns. While great novels can haunt you for years, the specifics of mysteries are often forgettable. (Have you ever read deeply into a mystery novel, unable to remember whether you've read it before?)

High-minded literary authorities are forever trying to condemn mysteries for this reason. The highest praise they can bestow is that a mystery writer has "transcended classification as a writer of books of mystery and detection," as one New York *Times* critic wrote of P.D. James. Fortunately, mystery writers of James' caliber reject this sort of seductive nonsense; they know that if they stray too far from the expected ritual, they will lose their readers. (Another gifted writer, Ruth Rendell, writes both mainstream novels *and* mysteries.)

Recognizing the limits of mysteries, like the limits of religious rituals, doesn't have to blind us to their value.

For some, this value is escape; for others, perhaps, it is a somewhat soothing way to contemplate good and evil.

— Jane S. Shaw

Zen and the Art of Anarchy — Someone ought to put in a good word for Kerry Thornley's new book, ***Zenarchy*** (Illumi-Net Press, 1991, $9.98). Part memoir, part tract, part collection of parables, *Zenarchy* is both very silly and very wise, which is good; if it were all silly, or all wise, I don't think there'd be much point in reading it. Unlike Thornley, I do not hate cars, oppose absentee ownership per se, or believe that there are walking zombies among us, controlled by implants in their pacemakers. Yet it is in expressing such odd notions that the book exhibits its most charm.

Zenarchy is a call for personal revolution, for an internal attitude-change that will either pave the way for a freer society or else make this one a hell of a lot nicer. It is also an autobiography of sorts, detailing its author's movements through libertarian and countercultural circles in the sixties and early seventies. Most of all, it is a lot of fun. There *are* walking zombies among us, pacemaker-controlled or not. Thornley is not one of them. All hail Discordia.

— Jesse Walker

John Galt Sings — The year is 1997. Madonna is Dagny Taggart. Michael Jackson is Eddie Willers. Frank Zappa is Francisco D'Anconia. A bionically pumped-up and rejuvenated Frank Sinatra is Hank Rearden. And one question is on everybody's lips: "Is Elvis Alive?"

As Zappa declaims, "Music should uplift people and celebrate their life and minds." But in 1997, Time-Warner-Sony controls 100% of the world's music production, aided by shallow, P.C. villains like Sinead O'Connor, Sting, Spike Lee, and the maestro of muzak, Andrew Lloyd Webber.

Even more disconcerting is the disappearance of all the *good* artists: Philip Glass, Jeff Lynne, Stephen Sondheim, David Byrne, Laurie Anderson, and other eclectic unsung heroes. Alone against the conglomerate, Madonna and Sinatra find a fragment of mystery music in the ruins of Graceland and resolve to record it as the core of one last great album . . .

Such is the premise of a canny and hilarious three-issue comic book series, ***Elvis Shrugged*** (Revolutionary Comics, 3841 Fourth Avenue #229, San Diego, CA 92103; $2.50). Writer Patrick McCray inventively mixes a parody of Rand's opus with an exposition of his personal musical manifesto, while artist Dave Garcia does a nice job with all the caricatures. The first issue came out some months ago and is well worth asking for at your local comic book store. *Elvis Shrugged* is a hoot!

— Steve Schumacher

It Usually Begins with John Locke — Locke scholarship has come through several paradigms now that we are in a post-Kuhnian hermeneutical paradise.

At one time in American history, 18th-century English political thought was seen, in Pocock's words, as Locke and "pretty nearly nothing else." Then civic humanism was re-discovered. Then analytic philosophy was applied. Along came Quentin Skinner, John Dunn, Peter Laslett, J.G.A. Pocock.

Lift-off.

The Marxist thesis of Locke as a spokesman of the thinking bourgeoisie died an unnatural death.

Locke turned out to be nobody's choirboy.

In 1969 the prevailing (smug) opinion was "John Locke: Liberal, Yes; Calvinist, No." Now, according to Eldon Eisenach, writing in ***John Locke's Two Treatises of Government: New Interpretations*** (Edward J. Harpham, ed.,

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The Voluntaryist. Sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

Directory of Libertarian Periodicals. Updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

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Cross Verbal Swords in **The (Libertarian) Connection,** open-forum magazine since 1968. Subscribers may insert one page/issue free, unedited. Lots of stimulating conversation. Eight issues (one year) $20. Strauss, Box 3343Z, Fairfax, VA 22038.

Thomas Paine Review: newsletter on books for the lover of freedom, reason, and human achievement. 6 issues $15; sample issue $3. Address: 84 Washington St. #138, Penacook, NH 03303.

University Press of Kansas, 1992, 239 pp., $29.95), the verdict might read: "John Locke: Moderate-Anglican-Calvinist, Yes; Liberal-Bourgeois, Not Yet; Radical-Revolutionary, A Qualified Yes; Enlightenment-Rationalist, A Qualified No."

The case is not closed. This is an explosive mixture: moderate Anglican *and* radical revolutionary? *For* liberty but *also* community? *For* property as the material basis of the moral personality, but *not* for its unlimited accumulation? Possessive individualist *but also* conservative Christian? These are some of the issues discussed in this collection of essays. Even the prologue to the beginning of the end is not in sight.

The essays by Richard Ashcraft, Ronald Hamowy, Karen Vaughn, and Stephen Newman demonstrate one thing above all else: Locke is still a seminal figure. Who now reads Bishop Filmer, the Judicious Hooker, or even Thomas Hobbes? Locke's two gods, Athens and Jerusalem, have served him well — or perhaps *he* served them well. This is a splendid little expedition in the archaeology of knowledge, producing some excellent tomb-robbing in Locke's main temple, *The Two Treatises.* If you can't visit the temple . . . — Noel Criscuola

Never Say Never Again — Because I was brought up as a mainstream conservative, the idea of approving of anything ever said or written by Arthur M. Schlesinger, Jr. never seemed likely.

Never say never.

I have just finished reading his latest book, ***The Disuniting of America: Reflections on a Multicultural Society*** (W.W. Norton, 1992, $14.95). It is not as anecdotally detailed as D'Souza's *Illiberal Education*, but in 138 rather small pages it is a powerful defense of European culture and a devastating exposure of the use of history as therapy, or, as Schlesinger puts it:

> . . . history [that] is invoked to justify the victims of power, to vindicate those who reject the status quo. . . . This is underdog history, designed to demonstrate what Bertrand Russell called "the superior value of the oppressed" by inventing or exaggerating past glories and purposes. It may be called compensatory history.

Schlesinger deplores the ethnic splitting of America into cultural ghettos. He is not at all against ethnic neighborhoods, mind you. He is against the intellectual fashion that ignores such neighborhoods if they are in any way melted into the general society rather than insisting on remaining outside it. (He suggests that not even the KKK could devise a fad more calculated to keep the poor impoverished and powerless.)

Schlesinger's ringing endorsement of something entirely different sounds downright libertarian compared to the politically correct snobs of modern multiculturalism: "The genius of America lies in its capacity to forge a single nation from peoples of remarkably diverse racial, religious, and ethnic origins. . . . The American Creed envisages a nation of individuals making their own choices and accountable to themselves, not a nation based on inviolable ethnic communities. The Constitution turns on individual rights, not group rights."

— Karl Hess

Reflections, *continued from page 12*

closed down and sent National Director Nick Dunbar to Las Vegas to pick up the pieces and bring them back to the National headquarters in Washington.

The NatCom interrogated Marrou about the charges for seven hours. Marrou defended himself as best he could. He denied some charges, explained the mitigating circumstances of others, told the committee that some of the charges were none of their business, blamed some of his problems on his campaign staff that failed to forward bills to him, and said that he accepted personal responsibility for his bad debts. The Committee did not question him about some of the charges.

The National Committee was, no doubt, in a very tough spot. Plainly, Marrou had some serious skeletons in his closet, but dumping him at this point would cause considerable problems. In the end, the National Committee voted unanimously to reaffirm its support of Marrou.

As one prominent NatCom member told me, NatCom felt that it didn't have much choice in the matter. Removing him now would be bad for the Party, and certainly cause a major disruption of the campaign. Besides, Emerling hadn't really proven many of the charges, and Marrou's explanations were in some cases satisfactory. "One thing was for sure," the party power told me, "we will never again nominate a candidate without doing a credit check first."

LP Chair Mary Gingell prepared a statement, reporting the charges against Marrou, Marrou's responses to most of the charges, and the National Committee's action. This carefully crafted attempt to minimize damage was printed in full in *LP News*.

Here is a sample of the account in the *News*:

> Emerling claims that Marrou obtained a "corporate" Mastercard for Project 51–92 [a political action committee working on obtaining ballot status for the 1992 election] without the knowledge or approval of the appropriate officers of that organization.
>
> Marrou explained that the card in question, although the name of an organization appeared on it, was a personal one that did not constitute an obligation of 51–92, and therefore required no authorization by anyone other than himself.

My own guess is that most members and donors will accept this explanation, though the result might be different if the *News* had reported that Emerling had provided documents from the Citibank Business Group that contradict Marrou's explanation.

This whole mess, in combination with the emergence of H. Ross Perot to compete for the votes of the dissatisfied, will likely drive the LP vote total below even the 250,000 level that I predicted last summer.

This is too bad. The Libertarian Party is very healthy as an institution. Its growth has been considerable. Paid membership is currently about 9,400, up 49% from the end of 1988 and the LP's

continued on page 69

Notes on Contributors

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

Ace Backwords is the mind behind *Twisted Image*, an "alternative" comic strip of some repute.

Doug Bandow is a syndicated columnist and former editor of *Inquiry*. His books include *Beyond Good Intentions* and *The Politics of Plunder*.

"Baloo" is a cartoonist named Rex F. May. His work regularly appears in *The Wall Street Journal* as well as in these pages.

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

David Brin, author of *Earth* and other novels, has won three Hugo awards.

Stephen Cox is Associate Professor of Literature at the University of California, San Diego.

Noel Criscuola reads the works of John Locke (complete with provisos) in Port Townsend, Washington.

Brian Doherty is a journalist governing himself in the District of Columbia.

Gracie & Zarkov are *Kunst Kultur und Phantastica* editors for *Mondo 2000*.

Karl Hess is the author of *Community Technology*, "The Death of Politics," and other books and articles, and is currently running for governor of West Virginia.

David Horowitz is a former co-editor of *Ramparts* and a current co-editor of *Heterodoxy*.

John Hospers is the author of *Understanding the Arts* and numerous other books and articles.

David Kelley, author of *The Evidence of the Senses*, is the director of the Institute for Objectivist Studies.

Richard Kostelanetz's books for '92–'93 include *On Innovative Art(ist)s, Twenty-Five Years After, Merce Cunningham, Writing About John Cage, John Cage: Writer, On Innovative Performance(s)*, and *A Dictionary of the Avant-Garde*.

Loren E. Lomasky, author of *Persons, Rights, and the Moral Community*, is currently visiting Australia.

Shay Marlowe is an artist living near Los Angeles. After the riots she began considering a move.

Paul Pope is an artist living in Columbus, Ohio.

Stuart Reges is a former Christian Scientist and a former lecturer at Stanford University.

Sheldon L. Richman is Senior Editor with the Cato Institute.

James S. Robbins is a writer and foreign policy analyst living in Massachusetts.

Steve Schumacher is alive and shrugging in the Pacific Northwest.

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

George H. Smith is the author of *Atheism: The Case Against God* and *Atheism, Ayn Rand, and Other Heresies*.

James Taggart is an attorney and freelance writer living on Bainbridge Island, Washington.

Timothy Virkkala is assistant editor of *Liberty*.

Jesse Walker is editorial assistant and House Discordian at *Liberty*.

Terree P. Wasley is an economic consultant living in Maryland. Her article in this issue will appear in somewhat different form in the Heritage Foundation's *Critical Issues: How Privatization Can Save America's Infrastructure Crisis*.

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

Reflections, *continued from previous page*

last presidential campaign. The party's mailing list has grown from 25,000 to 52,000 in the last 8 months. The party cracked the national media in February by winning the presidential primary in Dixville Notch, the tiny village in northern New Hampshire that concludes its presidential primary 16 hours before the remainder of the state.

It now appears that Marrou's name will appear on the ballot in about 46 states, falling short of Marrou's promise to appear on the ballots of all 50 states. Or so I am told by a former Marrou campaign worker, who is lobbying me to make a stink about Marrou's failure to keep his promise.

But far from being a failure, obtaining ballot status in 46 states is evidence of the LP's growing institutional strength. Sure, it falls sort of the LP's achievement of ballot status in all 50 states in 1980, when the campaign had millions of dollars from libertarian oil baron David Koch. And it would only equal the 1988 record of 46 states, when Ron Paul raised substantial money from his mailing list of conservative admirers. But it exceeds by a substantial number the total of 38 states on whose ballots the LP candidate appeared in 1984, the last time the LP ran a presidential campaign without substantial outside funding. Gaining ballot status in even 46 states without the infusion of outside cash is a major achievement.

Furthermore, it has attracted new talent to its banner. In the past year, two incumbent members of the New Hampshire legislature have quit the Republican Party and joined the LP. In Ohio, a well-known Republican politician left his party to chair Marrou's campaign in the Buckeye state.

In the face of all this good news, the leadership of the LP is preoccupied with minimizing the damage caused by Marrou's behavior. In an election year where the LP should be aspiring to its highest vote totals ever, LP leaders are hoping the party will survive the election.

I wish it the best of luck. It'll need it.

—CAA

Terra Incognita

Beijing

The ongoing subversion of public morals in the Communist empire, as reported by *Reuters*:

China Air is having trouble finding virgins to train as flight attendants. "It's a social problem," laments school director Hao Yuping. "University girls and even high school students are chasing boys."

Though the airline does not require an intimate medical test of its applicants, its agents interview girls' teachers and headmasters to see "if the girls spend too much time with boys." The regulation is necessary, Hao explains. "We can't have our girls fooling around with the passengers."

Dayton, Ohio

The cutting edge of academic research, reported in the San Francisco *Chronicle*:

Dr Donald Morlan, department chair and professor of communications at the University of Dayton in Ohio, presented a paper called "The Three Stooges' Contribution to World War II Propaganda: Moe Hailstone and Adolf Hynkel's Race to the Screen" in Louisville, Kentucky recently. Morlan claimed his research proves that the Three Stooges took a stand against Nazism nine months before Charlie Chaplin did.

Philadelphia

Advances in real-world educational techniques, as reported by *United Press International*:

A weekly newspaper editor who decided not to publish third-grade teacher Mimi Shapiro's photograph received a letter on school stationery containing messages from 14 of the instructor's pupils.

"I'm going to rip all your hair off, put it in your mouth, and take your clothes and put them on your head and beat you up," vowed one. "You'll regret this. I'll have your head. It's not nice to be mean to a teacher," wrote another.

France

Progressive child protection legislation overseas, as reported in the *European*:

Michel and Pierrette Galien wanted to name their son Chance (the French word for "lucky"), but their local registrar declared the choice unacceptable on the grounds that the boy would be taunted because the word is feminine.

Under French law, parents are restricted to giving their children names approved by the state.

Louisiana

The high standard of political ethics in the Old South, described in the Chicago *Tribune*:

Governor Edwin Edwards, 64, recently denied reports that he cruised Louisiana State University's sorority row in a large white car. "I don't suggest to you that I've never dated a sorority girl," said Edwards, "but I've never gone to pick her up in a limousine."

Halifax, Nova Scotia

Advance in gender equality in America's northern neighbor, as described in the Vancouver *Sun*:

A provincial human-rights tribunal upheld a feminist magazine's right to publish only articles written by women, not on freedom-of-speech grounds, but because women are a disadvantaged group that the periodical is trying to promote equality for. "Affording the sexes equal treatment can result in inequality," declared the tribunal in its decision.

Detroit

Possible precedent-setting legal case, as reported in the Detroit *News*:

James Blakely, 38, claims that horoscopes have ruined his marriage and caused "an enormous amount of problems in his life." He has filed a $9-million, 19-page lawsuit against astrologers Joyce Jillson and Sydney Omarr, charging them with consumer fraud.

"This is deception, which is a very universal known use of Satan," he wrote. "It led me to believe these things would happen for my life positively instead of negatively."

Arkansas

The status of libertarian values in Bill Clinton's home state, as reported in the San Francisco *Chronicle*:

Nineteen-year-old Shawnn Pierce was charged with public display of obscenity for wearing a Van Halen T-shirt purchased at a concert the night before.

Springfield, Pennsylvania

The War on Drinking's triumph in America's secondary schools, as reported in the Detroit *Free Press*:

Seniors at Springfield High School who ordered $14 ceramic beer mugs as class mementoes will not be able to use them. After the mugs were delivered to the school, officials drilled holes in the bottom in order to discourage the students from drinking beer.

Boston

Advance in civil libertarian theory, from the erudite pages of the Boston *Globe*:

Columnist Robert Kuttner defended a government-issued universal ID card and a national data bank in a recent column. The lack of these institutions "can encumber our freedoms," he wrote, by making gun control, immigration restrictions, and Census data collection more difficult to enforce.

Ann Arbor, Michigan

Performance art in Tree City, as described in the Washington *Post*:

G.G. Allin, 34, lead singer of a group called the Toilet Rockers, faces trial for defecating on stage and flinging feces into the crowd. "We feel that [Allin] is a serious performer, and that there's serious artistic value to what he does," defense attorney Peter Goldberg stated.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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- "Liberty and Ecology," by John Hospers
- "The Ultimate Justification of the Private Property Ethic," by Hans-Hermann Hoppe

Plus reviews and articles by Douglas Casey, David Friedman, Karl Hess, Douglas Rasmussen, Murray Rothbard, L. Neil Smith and others; and a short story by Erika Holzer. (80 pages)

November 1988

- "Taking Over the Roads," by John Semmens
- "The Search for *We The Living*," by R.W. Bradford
- "Private Property: Hope for the Environment," by Jane S. Shaw

Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins and others. (80 pages)

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- "AIDS and the FDA," by Sandy Shaw
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- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo and others; and a short story by Jeffrey Olson. (72 pages)

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- "Ronald Reagan: An Autopsy," by Murray N. Rothbard
- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich
- "What Do You Do When Your Mother Asks You to Kill Her?" by Michael Endres

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman and others. (72 pages)

May 1989

- "Man, Nature, and State: Free Market Slogans are Not Enough," by Karl Hess, Jr
- "The Media's Election-Night 'Coverage' Policy," by Margaret M. Fries
- "The End of the Secular Century," by Murray N. Rothbard

Plus articles and reviews by Stephen Cox, David Gordon, Justin Raimondo, and other. (72 pages)

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continued on back cover . . .

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Liberty's Back Issues

continued from previous page

November 1990

- "Smokes, But No Peacepipe," by Scott Reid
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by Patrick A. Heller

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Inside Liberty

September 1992
Volume 6, Number 1

4 Letters *Liberty*'s readers get it off their chests . . . and onto our pages.

7 Reflections *Liberty*'s editors define freedom, redefine fashion, refine the case against the "politically correct," and correct the Zeitgeist.

14 The Abortion Decision *Liberty*'s editors debate whether the Supreme Court's decision on abortion was a blow for justice, an affront to rights, or an opportunity for crisis entrepreneurship.

16 Politics *Liberty*'s editors on who's supporting whom for top banana. We peel away the layers of campaign nonsense, and find the mushy meat of each contestant.

Features

19 Property Rights Triumphant? *William H. Mellor III* explains why the victory of David Lucas in the Supreme Court is a victory for those who value human liberty and property rights, but it's not yet time to break out the champagne.

21 All That Glitters Is Not Green *Fred Smith* welcomes you to Rio de Janeiro, once a garden spot, now a dumpsite for toxic theories and politics hazardous to your health. A report from the "Earth Summit."

24 Who the Spenders Are Who in Congress is responsible for runaway government spending and where they come from.

27 War on Drugs, War on Progress *James Ostrowski* turns the "drug war" on its head. Now we can see which side is up.

31 The Non-Politics of H. Ross Perot The problem with Perot is also the problem with Americans, as *Stephen Cox* explains.

34 Cathedral of the Pines *Robert H. Nelson* analyzes the environmentalist movement as a religion manqué, and draws some provocative Constitutional conclusions.

41 Nutrition Is Too Important To Leave to the Free Market In the old days, some people thought the production and distribution of food could be left to in private hands. Happily, those days are over. *Dan Endsley* tells the tale.

43 Hangman, Spare That Murderer! *J. Neil Schulman* makes a libertarian case against capital punishment.

Reviews

45 Nonsense and Non-Science *Jane Shaw* pounces on a widely-used ecology textbook which confuses good vibes and popular impressions with actual scholarship.

49 More Galbraithian Momery *William Moulton* dives into John Kenneth Galbraith's latest offering and finds little that is important and less that is new.

50 Stupid About Schools: The Experts Flunk Out *Martin Morse Wooster* presents two book-length examples of why the debate on education isn't going anywhere.

52 Booknotes on the conservative crack-up, soccer smash-ups, nation-state break-ups, and a work-up on overworked moderns.

Fifth Anniversary Celebration

54 Launching *Liberty* *R.W. Bradford* tells the inside story of how *Liberty* was founded and recounts its first year.

58 Why *Liberty*? Our organic document, specifying what we intended, and why.

59 "The Fountainhead" as Film *Stephen Cox* shows how Ayn Rand turned her best novel into a classic film.

61 Me and the Eiger *Murray N. Rothbard* attended a conference, and came back with the key to culture.

62 The Two Libertarianisms, One More Time *Ethan O. Waters* reprises his controversial analyses of the ethics of freedom, in the most controversial article in *Liberty*'s history.

68 Our Five-Year Index Who wrote what, and where to find it.

75 Our Guide to Books Whose books we reviewed, nicely indexed.

Departments

52 Classified Ads **77 Notes on Contributors** **78 Terra Incognita**

Letters

The Real Obscenity

Doug Bandow thinks Christians "can demand not to be visually assaulted by pornographic advertising" ("Libertarians and Christians in a Hostile World," July 1992). Where does it stop? Am I permitted to demand not to be visually assaulted by "mortography"? Not to be visually assaulted by images of black persons kissing white persons?

My world would be immeasurably enriched if beautiful women were allowed — nay, encouraged — to go about nude in public. It is only my libertarian sensibilities that keep me from demanding that they share their beauty with the rest of us. It would so pleasure these old eyes to see this abundance of naked beauty that I would gladly tolerate the concomitant nudity of men and of not-so-beautiful women.

Bandow speaks of "obscenity" and of "dirty pictures." The meaning of these words has become obscenely twisted. Nakedness and sex are not obscene. Images of murder, mayhem, violence, blood, rent flesh, people and lives destroyed by wars and riots and individual acts of naked aggression — these are the true dirty pictures.

Millard H. Perstein
Sedona, Ariz.

Christianity Through a Glass, Darkly

To judge the degree of reconciliation that is possible between Christians and libertarians, we need an accurate view of Christianity, and Bandow does not provide this.

Bandow says that there are no Biblical mandates for government-funded child care, anti-drugs laws, and anti-pornography laws. As far as I know, he is right. But on the subject of sex, he changes the terms, stating that "God has not appointed them [Christians] to enforce His law on their unwilling neighbors." Possibly true, but if he had put the question in the same terms as the previous ones — whether the Bible mandates laws on sexual behavior — his answer would have had to be an unqualified affirmative. The Mosaic Law provides the death penalty for a whole gamut of deviants.

The history of Christianity is drenched in blood. Moses and Joshua were mass murderers of children. Catholics and Protestants have murdered one another, as well as members of their own sects who held religiously incorrect beliefs. Christians since Roman times have denied life, liberty, and property to non-Christians.

It is true that some Christian groups, generally when defending themselves against persecution by other Christians, have appealed to the principle of liberty, and that this has created a pro-freedom tradition within Christianity. Some Christians believe in this tradition wholeheartedly. But in doing so, they must part with large portions of the Bible. I would be much more comfortable with a Christian who admits this necessity than with one who selectively forgets those portions.

Gary McGath
Penacook, N.H.

Smash (the Church and) the State!

There are only two approaches to human life on this earth — and only one brings success. The naturalistic approach of realism and its means of production and persuasion, or the religious approach of mysticism and its means of predation and perfidity.

All governments and all churches are fundamentally religious. Indeed, the State would be well defined as the organization of the religious means. Therefore, contrary to Mr Bandow, consistent and principled libertarians should reject Christianity for the exact reason they reject statism: religion is destructive of human life.

Historically Christianity and government have proven themselves reliable, ardent, and murderous allies.

Scorchy Ray Shelton
Chico, Calif.

The Colorful Uniforms, the Crack of the Bat

Invariably, when events of great political moment dominate public debate, the debate itself becomes an Orwellian battlefield of information control, with objective analysis becoming the first casualty for lack of all facts relevant to the case at hand. Sadly, this phenomenon seems to have infected *Liberty*'s commentary (July 1992) on the Rodney King verdict.

"The Tape" is not the conclusive evidence so ardently advanced by the media. It omits entirely the following considerations argued in court and deliberated by the jury:

1) Rodney King was not the only occupant of the automobile. There were two other black passengers who peacefully complied with police requests to exit the car, and they were not mistreated in any way. (This is a counterexample to the implicit premise that the police treatment of King was motivated purely by a desire to conduct racial harassment.)

2) When King finally exited the car, he laughed and cavorted in the face of drawn firearms, providing grounds to doubt his mental condition. He acquiesced initially to the command to lie prone, but suddenly rose, struggled with police, and flung several officers from him. It is relevant to bear in mind that King was a convicted felon on parole, drunk, 6'4" tall weighing 240 pounds, and quite capable of committing mayhem with his bare hands. He subsequently proved impervious to the effects of two "taser" shots — electrical shocks ordinarily sufficient to reduce a normal person to supine insensibility. Such behavior was considered possibly consistent with being on PCP.

3) At this point, the videotape began recording the scene. In the first 15 seconds of The Tape, never shown on broadcast television, King is shown rising from the taser shock to attack the police again. Subsequently, the police subdued him with batons as recorded on the remaining 66 seconds of The Tape.

4) The events described above were substantiated by 58 eyewitnesses and over 200 evidentiary exhibits.

It is also pertinent to recall that both King and his attorney stated publicly after the arrest (March 3, 1991) that it was not a racial incident.

Do any of these facts rationalize the jury verdict? I cannot presume to second-guess a verdict when I am not acquainted with all the facts relevant to the case . . . nor should anyone else.

The point is not whether the jury was right or wrong; the point is that a conveniently-truncated presentation of the facts in this case can be used to play upon and amplify libertarian (actually crypto-anarchist) suspicion of law enforcement agencies, their agents, and their practices. It may well be that the Los Angeles Police Department is imperfect, incipiently ra-

Why isn't everybody a libertarian?

Why aren't people breaking down doors to join the Libertarian Movement?

When you explain libertarian ideas, why aren't people dropping to their knees and protesting, "All my life, with open arms, I've waited for you and your message. How do I join? When's the next meeting? Is there a limit to how much money I can give?"

Is Something Wrong With Your Libertarian Ideas?

You be the judge.

Re-examine the political and economic ideas of Rand and Von Mises, Friedman and Rothbard, Hazlitt and Hayek, Bastiat and Heinlein, Jefferson and Paine.

Browse through the catalogues of Laissez Faire Books, Freedom's Forum and Liberty Tree.

Scan the policy reports of the Cato Institute, Heartland Institute and Reason Foundation.

Leaf through *Reason, LP News, Freedom Network News,* and *The Pragmatist.*

Or this issue of *Liberty.*

Need more proof? Compare your libertarian ideas to the statist ideas you read in the newspapers and magazines. To those you see on television. Liberal and conservative, socialist and fascist, totalitarian and populist.

Not even close, is it? Liberty wins hands down.

"You Libertarians have a 24 carat gold idea—freedom—and you can't even give it away. Ever ask yourself why?"
Congressman Sam Steiger, 1976

In 1976, I was the Arizona Libertarian Party's candidate for the congressional seat held by Morris Udall.

I lectured people who weren't interested. I debated when I should have discussed. I talked when I should have listened. I talked down to everyone.

If there was an offensive, shocking way of presenting a libertarian position—I used it.

Every so often, people would try to agree, but I didn't notice. I couldn't take 'Yes' for an answer.

My campaign taught me how to lose friends and alienate people.

Finally, it sunk in. My problem wasn't other people. It was the man in the mirror. Me.

Do You Lose Friends And Alienate People?

Some libertarians have a more–rational–than–thou attitude. Or smarter–than–thou. Or more–principled–than–thou. Or more–ethical–than–thou.

Are your 'discussions' really lectures? Do you try to convince by beating the other person into submission? Do you behave like a tormentor, not a mentor?

And when you fail to persuade, do you blame the listener? The other person isn't rational enough, or intelligent enough, or good enough? It's always their fault?

That is the road to permanent failure.

Failure is feedback. It's telling you to do something different.

The people you don't convince are showing you what does not work. Are you paying attention?

The marketplace of ideas works just like the free market. Consumer response is a teacher. Are you learning?

The Art Of Political Persuasion.

I felt stupid and embarrassed by my campaign in 1976. But I was determined to salvage something from my experience. I wanted to learn the art of political persuasion.

I began to read. It's now over 1,000 books on psychology, epistemology, semantics, salesmanship, cybernetics, self-help, hypnosis, communication and creativity.

I interviewed specialists in communications and persuasion. I asked questions and took notes.

I applied the scientific method to everything I learned. I tested every approach, technique and format. I observed and listened.

I began to write up my results. *How To Get Converts Left & Right* and *The Late, Great Libertarian Macho Flash* were published by *Reason.*

I followed these with more articles: *The Militant Mentality, The Myth Of Mushrooms In The Night, Leveraging Liberty With Language* and *Intellectual Judo.*

The libertarian audience wanted more, so I launched a seminar. *The Art Of Political Persuasion Marathon Weekend Workshop* has been offered all over the United States and Canada.

Then, I tested my teachings in the field. I was the organizer and fund-raiser for the 1988 *Marrou VP Campaign, Project 51–'92* ballot effort and the 1992 *Marrou For President Campaign.* Between Fall 1987 and Fall 1991 I raised more than $500,000 for these projects. $519,344 to be exact (source: FEC).

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Jim Lewis, 1984 Libertarian Party VP nominee and 1992 *Marrou For President* Campaign Manager.

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Vince Miller, President of International Society For Individual Liberty (I.S.I.L.).

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Marshall Fritz, founder of Advocates For Self-Government

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cist, tainted with corruption, or even tolerant of incompetence and cowardice. . . . but liberty is not hastened by merely indulging our prejudices and disdaining inconvenient pieces of the truth.

Michael J. Dunn
Auburn, Wash.

Reflections in a Glass House

Stuart Reges' half-hearted defense of the Twitchells' clearly negligent acts toward their child ("Serve the Children Well," July 1992) is somewhat less than convincing. Mr Reges feels that the Twitchells' case is analogous to someone who believes in medicine but lives in a predominately Christian Science society. Mr Reges is being a bit too charitable. A more fair comparison would be to imagine that the Twitchells believed that putting their children in front of buses was therapeutic because after a child was run over, he got better! Would Mr Reges run to their defense then? Somehow I think he would.

We, who live in philosophical glass houses, should not throw stones. As a teacher I have read quite extensively in libertarian thought as it pertains to children. I am sad to say that little has been done and the little that has been done is inconsistent and incomplete. Cases like the Twitchells' should be used for libertarians to reflect on their own ethical values. But it has always been easier to criticize than to advance a sound theory.

Tim Yule
Prince George, B.C.

A Sampson and a Pillar

Roy Childs was a pillar in the formative stages of the Libertarian movement. If the movement can survive now that this pillar has been removed, it will only be because of the solid foundation he laid for its support.

It is for me ironic that Douglas Rasmussen's and my book, *Liberty and Nature*, was reviewed in the same issue that paid tribute to Roy Childs, for a number of the intellectual paths Rasmussen and I walk down were first identified for us years ago by Roy Childs. For example, it was Roy who first suggested that I read Henry Veatch.

George Smith ("Remembering Roy Childs," July 1992) was correct to speak of Roy as a "presence." I cannot say I was a close friend of his, since I have not seen him in probably a decade. Nevertheless, he was always a presence to me. If I became disconcerted about the prospects for liberty, I could turn to a review of his for solace, not just in terms of what it said, but also because I felt again that presence fighting the good fight for liberty. I was sorry to learn he felt abandoned; now it is I who feel such.

Douglas J. Den Uyl
Lexington, Ky.

Flying High

After the nostalgic movie "The Rocketeer" came out last year, Roy Childs told me that he became a libertarian because of the original "Rocketeer" serial. He had seen it as a kid in the 1950s. When the government prohibited private use of jet packs like those sported by The Rocketeer, Roy was outraged. It was the idea of his hero being arbitrarily grounded that first sparked his antipathy to the oppressive state, and his passionate love of liberty.

David M. Brown
New York, N.Y.

If We Can't Beat 'em, Change the Rules!

Richard Kostelanetz's attack on anti-abortion activists (July 1992, "Operation criminal rescue") was rather illogical. His argument is that were abortion to be made illegal again, the principal beneficiaries would be "underworld types predisposed to deliver illegal services . . . gangsters (and) criminals."

Well then, following this logic, let's make extortion legal, and murder-for-hire too, because the principal beneficiaries of the illegality of these activities seem to be underworld types. While we're at it, let's make murder legal, and theft. Aw shucks, let's make everything legal, because right now only criminals are benefiting while they are illegal.

Adrian Day
Annapolis, Md.

Horowitz as Non-Descript

I don't believe that the writings of a self-proclaimed authoritarian like David Horowitz deserve a place in *Liberty*. If there's anything we've learned in this century of socialism, it's that good people are always hurt by association with authoritarians. On a practical level, look at how the use of retread socialists in Buckley's magazine gave lie to the idea that he was interested in human freedom. In the same vein, I've noted with pleasure that you no longer seem to be associated with Murray Rothbard.

Keep up the good work!

John Descript
El Paso, Tex.

It'd Be Simpler Just To Have Him Come Up to the Dais

Publish a few more pieces by David Horowitz, like those in the July issue, and you will lose your reputation as a libertarian publication. Would you hand the podium to Pat Buchanan?

Noel Donner
Los Angeles, Calif.

Georgists Everywhere!

Robert Tideman's letter (May 1992) discussed the libertarian writer, Albert Jay Nock, and Nock's agreement with the land reforms of Henry George. Many well-known libertarians have supported land reforms very similar to those of Henry George: John Stuart Mill, Frank Chodorov, Herbert Spencer, Thomas Paine, Richard Cobden, and Robert Oppenheimer. In fact, nearly all of the most well-known libertarian writers have agreed with the distinction that George made between property that was produced by human effort (such as tables or buildings, which are made by the effort of human labor, investing, and managing), and land, which no person produced.

Many well-known libertarians have endorsed one of two types of land reform: (1) Land reform similar to that of Henry George, where those who own land of above average value (based on the market price of its location and acreage) pay a land user fee; (2) Land reform that prevents overly concentrated land ownership by requiring homesteading.

Land reform is one of the issue which separates libertarians from conservatives since it separates unearned privilege from earned wealth. Modern libertarians would do well to reclaim their heritage of land reform and property rights based on justice.

M.R. O'Mara
Baltimore, M.D.

Letters Policy

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

Reflections

Liege-islation — In May, Congress passed a bill requiring that states allow people who apply for welfare or unemployment benefits to register to vote at the same time. The theory, apparently, is that the tax-consuming class (the people who accept cash from the public treasury) should at least have the good manners to vote for the politicians who extort the loot from the taxpayers in the first place. —RWB

The Gulf War: made in America, or a cheap foreign knockoff? — Well, it turns out Pat Buchanan was wrong. It wasn't only "the Israeli lobby and its amen corner in the U.S. Congress" beating the drums for war in the Gulf. With the recent indictment of Scott Stanley, William Kennedy (both associated with the late, unlamented rag *Conservative Digest*) and ex-Ambassador to Bahrain Sam Zakhem for violating the Foreign Agents Registration Act by accepting $7.7 million from the Kuwaiti royal family for running pressure groups that lobbied both politicians and the public to enter the Gulf Slaughter, it's clear that the Kuwaitis were beating on the drums as well. A quick "Cui bono?" should have told Pat that, if he weren't blinkered by his peculiar, er, obsession with matters Israeli.

However illegitimate libertarians might consider laws like the Foreign Agents Registration Act, I can't help but think it a crime to advocate indiscriminate mass murder for profit. Darn . . . and here I thought the Gulf War was a War of Americans, by Americans, and for Americans. —BD

In harm's way — The hallowed saying that "sticks and stones may break your bones but words can never hurt you" is obsolete. Now, when the sticks and stones break your bones, in a riot, for instance, it is either your fault directly, or society's, and the bone-breaking is forgiven in the major media. But utter a phrase that *disturbs* someone, and outrage flares against the words that are said to be unbearably hurtful. —KH

Yugoslavia and Czecho-Slovakia, RIP — The violent breakup of Yugoslavia over the last year and the impending peaceful breakup of Czecho-Slovakia bear witness to the raw power of the Hayekian analysis of natural order. One striking feature common to these two entities is that they should never have existed. In Yugoslavia's case there was an added impetus to forced union arising from the ambitions of Serbia, which from the beginning years of this century dreamed of a Greater Serbia that would arise from the wreckage of the Austro-Hungarian Empire. In fact, during most of the history of what was at first (1918–28) called the Kingdom of the Serbs, Croats, and Slovenes, the politically dominant but economically backward Serbs generally treated the remaining ethnic republics as if they were mere colonies.

The point is not that the Serbs were at fault; there is plenty of blame in the Yugoslav tragedy to go around. The problem lies in the quixotic semi-Wilsonian idea that these Balkan peoples who had, however unfortunately, hated one another for centuries were in some sense a "nation." One might as well say that Turks, Greeks, and Armenians are a single nation; after all, those peoples, too, live in close proximity.

The same considerations apply to the Federation of the Czechs and the Slovaks, to use the formal designation. Though never as rent by mutual hatred as are the Balkan peoples, the westernized, rather Germanic Czechs (aka Bohemians) and the more eastward-oriented, Russified Slovaks have never really hit it off, as witness their longstanding mutual accusations of domineering intent and parasitism.

There are many lessons to be learned from these mini-imperial breakups, but certainly the most salient, and the one which may be most discomfiting to classical liberals, is that nationhood is really something of substance, that it grows in an organic way out of shared language, customs, religion, and historical experiences. Neither its shattering (e.g. the long and bitter experience of the Jewish Diaspora) nor its forced and artificial imposition from outside forces, are good things. In fact, therein lies the tragedy of whole countries. —WPM

An offer you can't refuse — Those heroic Los Angeles street gangs, having become candidates for the Nobel Peace Prize when they benevolently decided to sign an intergang truce after the riots, have decided to go into business. But no one should get the odd idea that they are going to be just ordinary merchants. The secretary of the corporation they have established says, "If you don't help [us] now you may have some problems later." —KH

Pop goes the commonwealth — The public pronouncements of pop stars are instantly granted the status of wisdom, or at least news value, no matter how ignorant or wrongheaded. Jesse Jackson invites Sister Souljah, a solo rapper of little repute and poor sales, to lecture to a meeting of his rapidly refracting Rainbow Coalition; the resulting comments earn the obloquy of candidate Clinton, and a big interview in the Washington *Post*.

However much conservatives may hate her, it's important to point out that erstwhile congressional staffer Lisa Williamson aka Souljah ain't no fucking liberal. She's said some things about how fortunate she was to escape the white man's soul-deadening welfare trap that set *The Wall Street Journal* to smiling. Souljah is a young black woman who thinks her race is at war, a proposition for which there is at least *prima facie* evidence. It's a view she shares with this season's other notorious rap murder advocate, Ice-T, whose song

"Cop Killer" (performed by his mediocre hardcore metal band, Body Count) describes the emotions and thoughts of a black ghetto kid revenging himself for years of harassment and humiliation at the hands of police by going off and shooting a bunch of them with a sawed-off 12-gauge.

While the advocacy/description of murdering lawmen has a long and honored tradition in both pop and folk song — see Johnny Cash, Bruce Springsteen, Eric Clapton by way of Bob Marley — it's usually weighed down with more moral reflection and gravity than "Cop Killer" evinces.

But can anyone doubt that Ice-T is being true to the type of character he is invoking? That there are people out there whose moral sensibilities have been so dulled by years of despair, anger and execrable living conditions that this song is a perfectly apt fantasy? Do you dare to claim that you, you non-ghetto-dwelling, white, never-once-been-in-a-drive-by-shooting libertarian, have never felt the same way during an encounter with one of the state's strongarm men?

I've argued in these pages before that pop music's political and social impact on the commonwealth is more reflective than causative, that it's merely one eddy in the whirlpool of social change. Keep in mind that Souljah is by no means anyone's spokesman; the market has its own wisdom, and not even all her free publicity has been able to propel her album to the top of the charts. No one is quoting Souljah's raps (except at the *National Review*, where folks seem to think that beneath her angry veneer beats the heart of a young Midge Decter, without the foreign policy lagniappes). Expecting political wisdom from idiot-savants like pop stars is the height of folly, and the media's obsession with their rantings does a disservice both to their readers and the cause of reasoned discourse.

—BD

Long arm tactics — While Ice-T and Sister Souljah are accused of inciting murder, yet still walk among us, the similarly race-baiting white hard rock singer W. Axl Rose, earthly avatar of Dionysus to some and cheezoid reincarnation of the bad parts of Janis Joplin (which is to say, all of them) to me, was arrested by U.S. Immigration authorities when he landed at Kennedy Airport, charged with a misdemeanor arising out of some mischief at a concert in St. Louis. His bail was set at a mere $100,000. Now, misdemeanors are at the low end of lawbreaking, so don't casually assume that you can forget that traffic ticket you got while on vacation in St. Louis a couple of years back — they'll get you, wherever you go. —BD

Tried and true — Curious about what concerns government school teachers these days? Could it be education, intelligence, reasoning, literacy? Give me a break! Members of the largest teachers' union, the NEA, polished off their recent national meeting by opposing standardized tests that make invidious comparisons between the progress of students and the status of schools. Tests are not the answer to school problems, the teachers said. Right. More money is the answer. The sort of more-money answer that has bought us one of the world's most costly, least effective school systems. But there was more. The teachers vowed to support the "right" to abortions and to urge stronger laws regulating guns. They also want more literature to help homosexuals "cope" with their sexual orientation. They want history books to cover more extensively the activities of American Indians, oops, Native Americans. And they want to abolish offensive racial, gender, or religious nicknames for sports teams such as the Washington Redskins, the New Orleans Saints, and, I suppose, the Chicago Bulls. How about the Cincinnati Reds? Is it okay to imply that they might all be Commies? Who the hell knows in this politically correct, crazy world that the teachers inhabit?

—KH

Hate crimes, thought crimes — The recent Supreme Court decision which unanimously struck down a St. Paul, Minnesota law prohibiting a wide variety of expressions deemed to be hurtful to women or "minorities" comes as welcome news to all who truly value freedom of expression and inquiry. Legislation proscribing "hateful" opinions can superficially be viewed as part of the whole "political correctness" package that has been afflicting our civic and academic life for the past decade, and of course this view is correct. More deeply, however, such efforts ought to be seen as a subset of the ongoing efforts to force people into what might profitably be termed a "standard mandated life."

There really isn't much difference, after all, between requiring everyone to eat the same officially sanctioned foods, to refrain from smoking, to fasten one's seat belts, to build one's house and landscape one's lawn in the same manner as one's neighbors, on the one hand, and to think or at least express the same official thoughts on the other. In all these cases, experts (often self-styled, though that is not the main problem) are telling people to conform to a standard model of a more-or-less "progressive" design.

There really isn't much difference, after all, between requiring everyone to eat the same officially-sanctioned food, to refrain from smoking, and to landscape one's lawn in the same manner as one's neighbors, on the one hand, and to think the same official thoughts, on the other.

Some of those who resist this trend err, I think, in issuing dire warnings of the potential for grotesque and nakedly partisan usages of these proscriptions. In fact, the likelihood of the B-movie mad-dictator type of control in the U.S. is very small. What is much more plausible and insidious is a sort of narrowing of the parameters of respectable opinion by a process of attrition. To some extent, of course, this always happens over periods of time as issues and perspectives change, and the process is not in and of itself sinister. What we are witnessing now, though, is an effort by a significant body of people, especially in the academy and among the media, to short-circuit the normal, organic growth of social consensus by rejecting whole areas of thought and analysis as immoral, disrespectable, and beyond the pale of civilized discourse, if not actually unlawful.

An especially alarming aspect of those speech codes and ordinances which forbid "hate thought" is that this concept is left to be defined almost entirely by the so-called victims. Thus, if a black person or a woman claims to be offended,

hurt, embarrassed or whatever, in most cases the evidentiary process ends at that point. Since any view can offend someone, especially when a person is looking for such offense, in effect only those who are secure in the status conferred by membership in an official victim's group can claim freedom of expression. The potential for abuse scarcely requires comment.

Most of the universities and communities that have enacted these codes are upscale and sophisticated. The incidence of crude and vulgar racism is most likely relatively low in such settings. I doubt, for example, whether there are any large number of students at Harvard or Stanford who refer to blacks by the n-word or who openly dismiss the rights of women to pursue a variety of careers. More likely — and this is borne out by many reported examples, not merely by speculation — what are intended to be proscribed are serious viewpoints regarding matters of race, gender, sexuality, literature, and the role and nature of Western civilization, to recite just a few current red-flag issues. In today's intellectual climate, it does not take long for even dull students and faculty to pick up the fact that if you can brand your opponent as racist, sexist, Eurocentric or homophobic, you've won half of the battle. Hell, in many instances you've won it all. —WPM

Welcome to the jungle — Now and then there is an exception to the rule that working in Hollywood addles people into becoming that most ridiculous of figures, the rich socialist. Director Milos Forman is an exception that has recently made the day for me. Writing in the Washington *Post*, he sees the political tension in his native Czechoslovakia as a struggle between the past in the Communist "zoo" or the future in the capitalist "jungle." Some, he said, have succumbed to the past: "Weren't we better off in the cage . . . remember how safe it felt inside it? Remember how easy you had it in the zoo? Remember how little you had to work and how you got fed every day? . . . The Czechs voted for the jungle while the Slovaks voted for the zoo. . . . So the only chance, if there is still one, to keep this country together would be to convince the Czechs that they have to accept living in a zoo, or explain to the Slovaks that life in the capitalist jungle can be very rewarding, that there is no reason to panic over the prospect, that one can learn to survive and thrive in wild, beautiful nature, if only one is willing to work on it." Wow. Makes you wonder if he'll ever do lunch in Hollywood again. It also makes you wonder why the Slovaks don't realize that so much of the slop they had been fed in the zoo came from a place which is now unable to subsidize them. The jungle is where the food is! —KH

What is a "libertarian"? — Over the years, many jocular definitions have been suggested, all by libertarians, of course, and some by me.

A libertarian is someone who thinks that the solution to any of life's problems can be found in the local library.

A libertarian is someone who thinks that when the economy finally collapses, he will be able to buy any block of Manhattan real estate for a twenty-dollar gold piece.

But the all-encompassing definition is: A libertarian is someone who thinks he can — or wishes he could — do anything. A libertarian is someone who thinks he is Dagny Taggart.

I'm sure I'm a libertarian by Definition 1. I doubt that I'm a libertarian by Definition 2. But I know I'm not a libertarian by Definition 3.

If the country fell apart, I harbor no delusions about my ability to get together with a few like-minded friends and build its infrastructure up from the ashes.

There are only a few things I suspect I'm good at. To borrow Dorothy Parker's phrase, I run the gamut from A to B. I'm a good college teacher of literature, and I'm a fairly good editor of *Liberty*. (The proof of my goodness in the latter category is that I'm perfectly willing to let readers disagree with me about it.) And I thank God that I live in a society in which the few jobs that I can do are actually available.

If there are people out there who can, unlike me, do just about anything, then they would probably have a much easier time than I would in a collectivist society. Whatever jobs remained, I'm sure they could make something challenging out of them. "Dishwashing? Sure. It's a great opportunity for the right person." "Babysitting in the state child-care center? Why not? I'll teach those kids about money!"

What prompts my confessions and speculations is the recent death of Dame Judith Anderson, the actress. According to her obituary in the L.A. *Times*, Anderson remarked that if she had not been able to become an actress, she "would have starved to death — there is absolutely nothing else I can do."

Maybe libertarians can make more of an impact with the realistic approach than with the appeal to would-be supermen. If you're good at everything, maybe you don't need a free society quite so much as those of us who are good at only one or two things. We — the vast majority of people — need a society that allows the greatest amount of economic diversity, so that there will be a better chance of our actually getting a job we're good at. We really can't live in a society that educates and coerces people into only a few roles.

There are people who would make great tobacconists but terrible public-health inspectors. Some people have a real flair for erotic art, and absolutely no flair for anything else. And what about the guys who design those plastic flowers that squirt water in people's faces? In Cuba, their talents are totally unappreciated.

This is an argument for laissez-faire capitalism that we seldom hear. But once it's understood, it can make people feel much more like swimming all the way to capitalism's Big

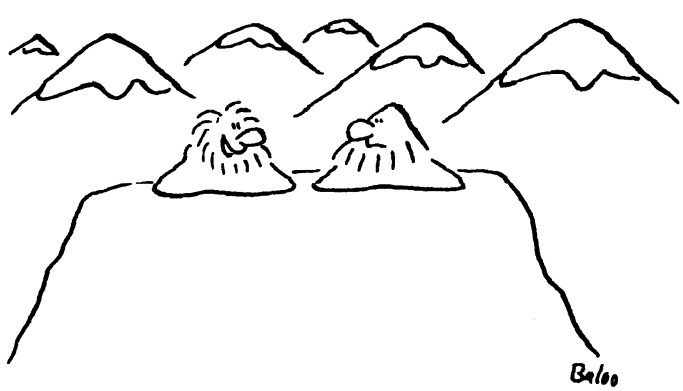

"I've already achieved a certain amount of true serenity — My wife doesn't know where I am!"

Rock Candy Mountain, to the pleasure of being able to do exactly what they want, with the chance of actually, perhaps, getting paid for it. —SC

Populist delusions and the madness of Americans — These days there's a lot of whining about Japanese companies selling their products in the United States.

It seems that just yesterday the whining was about Japanese companies buying assets in the United States. Maybe a little history of that earlier whining will reveal something about our present concerns.

Consider the most resented of Japanese ventures into the American real estate market: the purchase by the Mitsubishi Estate of the Rockefeller Center (actually, of a controlling, 80% interest in the Rockefeller Group, Inc., owner of the Center) for $1.4 billion.

Almost by definition, the deal was perceived to be mutually beneficial by the sellers and buyers at the time they concluded it. The sellers wanted the $1.4 billion more than they wanted to keep the real estate. The buyers wanted the real estate more than they wanted the money. They both walked away from the bargaining table happy. So why was anyone unhappy? Ignorance? Spite? Racism? All of the above?

Now don't tell me about externalities (hidden costs imposed on those innocent bystanders, the public, without being incorporated in the price paid for an asset). We all knew damn well that the Japanese weren't about to turn Rockefeller Center into one big Shinto temple or pack it up and fly it to Tokyo.

And don't tell me the Japanese were going to run home with the profits from their investment, making paupers of us all. If such juicy profits were in the offing, anyone could have paid the same price or more. This means especially American investors, who had the home-court information advantage in bidding and who enjoy lovely, liquid capital markets.

Sure, sometimes foreigners get a good deal, but Japanese real estate acquisitions in general are no example of that; they have probably lost about half a billion dollars on the Rockefeller deal alone. Anyway, so what if foreigners get something for cheap from time to time? Who but the seller is able to decide if the price is right? The state? Getting the bad end of the stick now and again is a small price for the nation to pay if it enables us to avoid Soviet-style 5-year plans or Brazilian-style exchange controls.

What is it about those Japanese? They pay so much to buy our stuff (in the form of companies and real estate), and they charge so little to sell theirs (in the form of products). They buy our productive assets — that's investment. We buy their goods — that's consumption. In other words, to promote Japanese exports they are subsidizing our consumption both by taking a low return on their investments (selling their stuff for cheap) and by paying high prices for American assets.

Sounds as if the Japanese are giving themselves a bad deal. And yet, Americans complain.

Guest Refection by Michael Christian

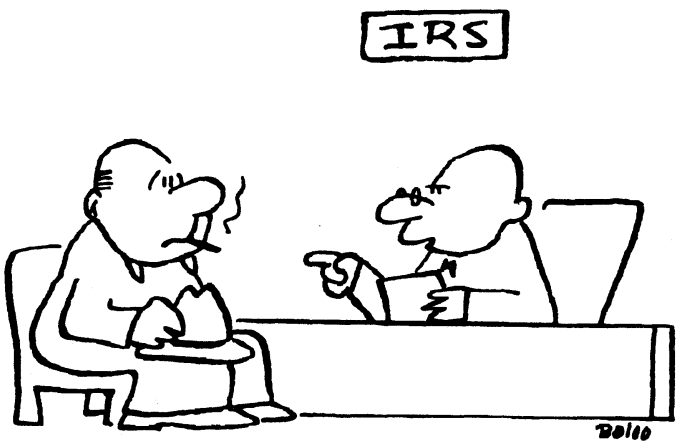

"If you had no income this year, where did you get that cigarette?"

It's hip to be fashionable — It may be possible to assess the irrelevance of a movement by the moment when wearable fashion becomes its principal identification.

Hippydom died when long hair, rather than any particular way of living, became its icon. Hippies, of course, did not vanish, but the brief and joyous notion that they were part of a movement did. There are more construction workers than hippies with long hair these days.

The famed student revolt of the 60s wanted to wage war and was at least raising a little hell until it got a uniform, the Army fatigue jacket and worn blue jeans. When revolting students started spending considerable time in abrading and slashing the field jackets and jeans into fashionable shabbiness, the lurch from movement to fashion was clear.

One part of the hate-America movement, the part that worships Yasser Arafat, became a non-movement with non-vitality when wearing the checkered scarf of the PLO became stylish, so that even rich movie stars could act like terrorists without risking anything more than a costume clash.

Now comes the civil rights movement with a new fashion: kente cloth, that brightly colored African, horizontal, linear patterning which now may be seen adorning pill box hats and, most importantly, long scarves reaching around the neck and down each side of a person's body to arm length.

A judge in Washington, D.C. recently forbade an attorney from wearing his kente scarf in the court because of its possible biasing effect on jurors. The aggrieved lawyer said that his religion demanded that he wear it. The religion was not identified but could be assumed: the religion of fashion which intrudes when real faith and real movements wane.

—KH

Ignoramus sighting no. 7429 — The world's foremost Guilty Liberal said on a recent edition of his TV show that "if the majority ruled, we would still have slavery." Phil Donahue's revulsion to majority rule was inspired by a gallery full of students who had organized and held a black prom because the majority of whites at the school would not hire a black disc jockey. (This sensitivity to danger from the majority has never once animated Donahue when considering South Africa.) A particular reason that slavery was abolished in this country was, in fact, an historic majority decision in which the minority was crushed by a small in-

Un-common policy sense.

What Has Government Done to Our Health Care? by Terree P. Wasley. The crisis in health care is the result of a long history of government meddling in the medical marketplace. In a variety of ways the state has limited the supply of and overstimulated demand for medical services. Wasley's prescription for reversing the ills of the system is to give consumers the power to control their own health care spending. 1992/160 pp./$19.95 cloth/$10.95 paper

A Search for Enemies: America's Alliances after the Cold War by Ted Galen Carpenter. The passing of the Cold War is the most important development of the late 20th century. Yet Washington clings tenaciously to a host of obsolete, expensive military alliances, including NATO, that have the potential to embroil the United States in conflicts unrelated to its vital interests. Carpenter proposes withdrawal from those entangling alliances and a policy of nonintervention. 1992/212 pp./$22.95 cloth/$12.95 paper

Liberating Schools: Education in the Inner City edited by David Boaz. America's most innovative education analysts take a good look at American schools—especially those in the inner city—and offer proposals for major structural reform. The book, which includes the editor's thorough critique of the public school system, presents a compelling case for choice in education. 1991/220 pp./$25.95 cloth/$13.95 paper

Quagmire: America in the Middle East by Leon T. Hadar. The author challenges the Washington foreign policy consensus, which demands that the United States remain the dominant power in the Middle East. After examining American policy through the Persian Gulf War and arguing that the United States cannot impose order in the region, Hadar concludes that it is time for America to disengage from the Middle East and adopt a policy of benign neglect. 1992/240 pp./$23.95 cloth/$13.95 paper

Patient Power: Solving America's Health Care Crisis by John C. Goodman and Gerald L. Musgrave. The price of health care and insurance is skyrocketing because few people spend their own money on medical services. The authors' innovative solution is to restore power and responsibility to consumers by allowing them to buy their own tax-free medical insurance and to set up tax-free medical savings accounts. The result would be a consumer-directed system of competition and innovation. 1992/550 pp./$29.95 cloth/$19.95 paper

Sound and Fury: The Science and Politics of Global Warming by Patrick J. Michaels. The author, an environmental scientist, writes that despite the current hype and science-by-press-release, the greenhouse effect poses no serious threat to the world we know. The most disturbing finding of his study, however, is the willingness of some to distort science to expand the government's control over our lives. 1992/208 pp./$21.95 cloth/$11.95 paper

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cident that Donahue must never have considered. Had he done so, he might have been astonished to discover that, in the War of Southern Seccession, the majority actually won a rather convincing, if costly, victory. —KH

Oh sensitivity, where is thy sting? — I am weary of the cult of Sensitivity. I grow tired from hearing lectures in all the public fora on the need to approach every imaginable group, not with simple human decency and respect, but with an elaborate psychic and conversational ritual that makes true interaction excruciatingly difficult. I doubt any of us need to be told once again that only "womyn" can understand Jane Austen or that black children need to be taught, falsely, that Cleopatra was black in order to bolster their collective self-esteem, to cite only two absurdities that enjoy fairly wide currency.

And yet; and yet. I cannot bring myself to reject out of hand all calls to be "sensitive," however much the concept has been abused for purposes of ideology and special pleading. This was brought home to me recently in an unusual context. I was listening to a 1939 episode of the radio drama "The Shadow." In his workaday identity as Lamont Cranston, the hero is visiting his alma mater with his "constant companion," Margo Lane. He is reminiscing to Margo about a favorite professor of his college days, one Philip Kolyma. After recalling the pleasant evenings he and other students spent in discussing Oriental philosophy, Cranston proceeds as follows:

C: They'd carry Professor Kolyma in here to this table.

M: Carry him?

C: Yes; his legs are shrivelled.

M: Shrivelled?

C: Yes, utterly useless. His arms are slightly affected, too.

M: How absolutely grotesque!

C: Yes; he's not very pleasant to look at. The only way he could get from place to place was to have a servant carry him . . . I want you to meet him.

M: I'm not sure I'd care to. How could a sinister person like that ever become a professor?

C: . . . [H]e's a brilliant scholar.

Now it later turns out that the prof has pretty much gone bats in the years since Lamont knew him and is festering with megalomaniacal, rule-the-world ideas. But all that is beside the point. At this time in the plot neither our heroes nor the listening audience have any way of knowing that. So what kind of attitudes are being assigned to the fictional Margo (who is, remember, a totally sympathetic character)? Upon hearing her friend describe a man who is crippled with what sounds to be polio or some other form of infantile paralysis, she characterizes him as "absolutely grotesque" and "sinister" and wonders how he could ever have become a professor.

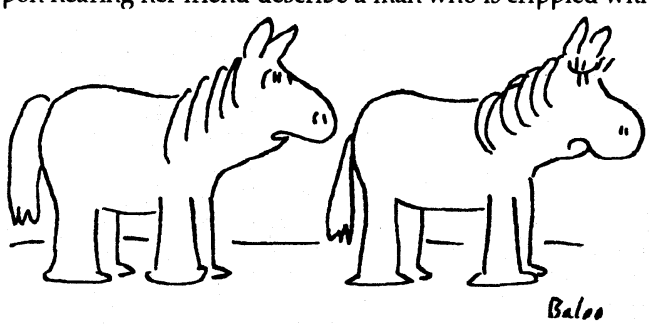

"But dear — Lady Godiva is just part of my *job*."

It is important to remember that "The Shadow" was an ordinary show, in no sense controversial, aimed at the typical middle-class listener. Although the plots were often exotic, the show's viewpoints were totally conventional. In other words, the scriptwriter assigned to Margo Lane what he assumed were typical views concerning the handicapped.

Do I find this passage offensive? Maybe not exactly, but then I'm not handicapped. I do find it bizarre, certainly. I'm not sure if there's all that much difference between the words quoted and a hypothetical passage involving, say, race: "Yes, Margo, Professor Johnson was a colored man." "How absolutely grotesque!" "I admit he wasn't pleasant to look at . . ." —WPM

Journalistic note — Since it is unlikely that the politically intense keep up-to-date with the Ann Landers advice column, it is advisable for those of us who do to keep them alert. A column in June included a letter from a small business proprietor who described what seems to me to be as burning an indictment of bureaucratic government (pardon the redundancy) as you could find.

The writer and her husband own an electronics firm with 40 employees. In what seems to me a brilliantly innovative and libertarian move, they offered their employees a flexible work-hour plan in which they could work extra-time, whenever they wanted, and pile up those hours as assurance against sick-leave, or personal business, or for any purpose whatsoever. Everyone, she reports, loved the idea.

Now the government, that loathsome slug in everybody's Garden of Eden, has come along and is demanding that the employing couple come up with two years of retroactive overtime pay. The demand has just about put the company out of business, has endangered the jobs of forty hard-working, decent people, and proven once again how filthy and beastly is our enemy, the state. —KH

Looking at fetuses — Is a conservative really a liberal who's been mugged? Is a liberal just a conservative who's been arrested? Maybe we'll find out this summer, as Operation Rescue continues its "Just Cause" crusade.

Despite my doubt about the amount of moral courage necessary to harass young pregnant women, and my awareness of the sexism and self-righteousness of many anti-abortionists, I rather enjoy watching good liberals suddenly lose their sympathy for peaceful protest and shriek, "throw the book at 'em!"

And I am sure that some liberals can't repress a secret smile when watching law-and-order conservative protestors become the party of individual rights, and gripe about police brutality.

Protest groups thrive on being underdogs and anti-establishment, as the left has learned well. Picture this: Operation Rescue activists marching through the streets, linking arms and singing "We Shall Overcome". . . now that's an image to unhinge the jerkiest knee.

The abortion argument is healthy for both sides, as liberals

and conservatives reverse their usual positions across the law-and-order/freedom-of-expression fence. What is definitely not needed is suppession of debate. Yet some pro-choicers want exactly that.

The latest controversy involved a television campaign ad for a pro-life candidate for Congress. The commercial, which alleged to show aborted fetuses, so angered some pro-choicers (and *TV Guide*) that these former free-speech advocates criticized the policy protecting this political speech. What, exactly, were they afraid of?

Pro-choicers (myself included) should be willing to look at that fetus. To do otherwise is denial. What is the harm of looking at the result of the policy we support? Should we feel bad at all about killing a fetus, if it is, after all, just an "unviable tissue mass"? Why? Do we feel we are doing something wrong? —CHW

All in the Family — The famed American philosopher, Alphonse Capone, is reported to have said that "you can get much further with a gun and a kind word that you can with a kind word alone." *Forbes* magazine, in listing the wealthiest families in the world, bears out the Caponish wisdom. The listing carefully excludes royal families and heads of state. Those folks have historical licenses to steal at gunpoint. And they continue to exercise that license energetically, with the British royal family popularly suspected of being the richest of all except, perhaps, for the theocratic family of the Vatican, whose art work alone probably could, if sold, feed the hungry for years or support break-through research in food genetics.

Oh, yes, who are the wealthiest other families? The Sam Walton family, with almost $24 billion, heads the list, with two Japanese families, the Mori and the Tsutsami ($13 and $10 billion) in show and place. The DuPonts come in at $8.6 billion and software whiz Bill Gates and family are put at $6.4 billion. Sorry, conspiracy buffs, there's not a Rothschild in the top ten; probably a part of the conspiracy. America has 101 billionaires in all. But, in terms of billionaires per thousands of population, Germany and Hong Kong are more richly endowed with rich families. —KH

Pity the child, but not forever — Judges in Florida have made two daring forays into that most forbidden frontier: extending the rights and responsibilities of society to all of its members.

In one case, a judge granted an 11-year old the right to trial in the child's attempt to "divorce" his natural mother and live with his foster parents.

In another, Judge Jerry T. Lockett of Lake County declared Florida's statutory rape laws unconstitutional, based on his reading of Florida's 1980 "privacy" constitutional amendment, which states that a Florida citizen "has the right to be left alone and free from government intrusion into his private life." Using this same logic, the same judge ruled in 1989 that Florida's abortion restrictions for teens is unconstitutional. Lockett wrote in his current ruling: "If this constitutional right to privacy extends to the decision of a minor to have an abortion, it must extend to the decision to engage in sexual intercourse." In practical terms, parents should be forced to deal with their children's disobedience through ways other than attempting to imprison their child's sex partner.

Only those far divorced from their adolescence would doubt that a person between the ages of 13 and 18 is capable of making decisions about whether to have sex. But are these decisions informed, reasonable, wise, you ask? Hell, are *yours*? The biggest problem with denying children rights, especially those "children" between ages 13 and 18, is that all the arguments for such denial cut equally well against individuals from 19 to 90. Teenagers do not lack reason or any of the other attributes which make humans worthy of freedom — all they lack is information and experience. As do we all.

Children's choices are, of course, often circumscribed by parental ukase. Such restraint is usually voiced in the time-honored provisional imperative, "As long as you live under my roof, you'll obey my rules!" This is as it should be. But parental authority has its limits, and the actual rules of the family are the result of bargaining. The underaged usually manage to barter a workable tension between their desire for sexual freedom and their parent's desire to keep them from it (or at least not to know about it). If such an agreement can't be reached, then the option of "divorce" must be available — *to both parties.* In the current case it was the child who sued the parent for divorce, on the grounds of abandonment of responsibilities. But in many other cases, it is the child who is grossly irresponsible. And when a youth continues to flout parental rules, at some point the parent's responsibilities for the child's upkeep should surely dissolve.

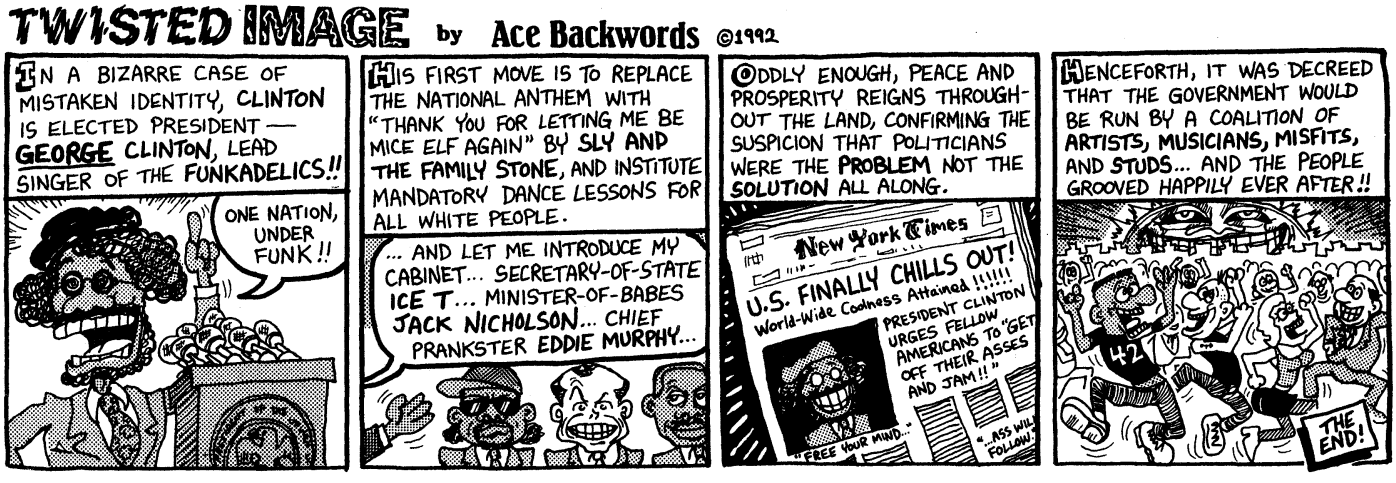

Yes, with rights come responsibilities. But it is criminal for the state to enforce upon many of its citizens a life of responsibilities with no rights. Or vice versa. —BD

Who's on first — Texas Republican Senator Phil Gramm, although not too demanding that his colleagues live up to the spending-restrictions bill that bears his name, is conscientious about analyzing the cost of Bill Clinton's supposedly "moderate" taxation and regulatory plan. According to Gramm's figures, which have been ignored in the media generally, the Clinton plan to raise taxes on business and rich individuals, and to mandate a slew of programs including employee retraining, health care, and parental leave, would have cost $125 billion if in effect in 1991. With business profits totalling $189 billion in that year, it would have meant that 66 percent of profits would have been taxed away.

The media, generally, are taking Clinton's "moderation" hook-line-and-sinker. His economic plan is called "putting people first."

First in the unemployment lines, perhaps. —KH

Litmus of another color — For years, pro-choicers within the Democratic Party have accused the Reagan and Bush administrations of having a "secret" agenda of appointing only anti-choice people to federal judgeships, have denounced the notion of judicial "litmus tests," and argued that appointed judges ought to have open minds.

Whether the Republicans ever applied an anti-abortion "litmus test" — as the pro-choice Democrats charged— remains moot. Else why did Justices O'Connor and Souter side with those on the Court who wanted to save *Roe vs Wade*?

Anyway, all this highly principled talk has gone by the wayside. Bill Clinton has promised that he will consider for nominatation to the Supreme Court only candidates who swear an oath of fealty to *Roe vs Wade*.

When the subject of abortion came up at the Democratic National Convention, Governor Robert Casey of Pennsylvania asked to speak. So did a group of Republican women. Amazingly, the Democratic bosses refused to allow Casey — a delegate to the convention, a long time Democrat, and governor of the nation's fifth largest state — to speak. But they did allow the women — who hold no office, are not Democrats, let alone delegates to the convention, but who agree with the party platform on this one issue — to speak.

The logic is plain: debate is good, as long as only our side speaks. Litmus testing of judicial candidates is wrong, except when we do it. Democracy is fine, as long as its conclusions agree with ours. —RWB

An Aborted Decision?

Rights wronged — By the logic of their decision in *Planned Parenthood vs Casey*, four members of the court— Scalia, Thomas, Rehnquist and White — would deny constitutional protection for abortion rights based upon a profoundly disturbing view of the fundamental relationship between the individual and the state.

Justice Scalia epitomizes what is wrong with conservatives on the Court: "The permissibility of abortion, and the limitations upon it, are to be resolved like most important questions in our democracy: by citizens trying to persuade one another and then voting." In principle, Scalia endorses social control of vast areas of people's lives.

If democracy means Scalia's unrestrained majoritarianism, how is it any better than authoritarian systems? When important issues affecting the life of an individual are decided by somebody else, it makes no difference to the individual whether that somebody else is a king, a dictator or society at large. Communitarians might argue that participation in the political process is its own reward. But reciprocal slavery — the opportunity to tell others how to live their lives in exchange for being told how to live one's own life — is petty, vile and ultimately debilitating. Untrammelled democracy is no ideal, and the founders of our country knew that.

To avoid the abuses of majority rule, Thomas Jefferson and others recognized the inalienable rights of individuals — rights which cannot be infringed no matter how large the majority seeking to impose its will. Ostensibly out of a desire to protect the rule of law, Scalia and other judicial conservatives reject a robust interpretation of the Bill of Rights that would secure for individuals a meaningful sphere of personal autonomy. Instead, Scalia and his compatriots turn the Constitution on its head. In their scheme of things, the Constitution serves not as a limiting document for the protection of individual liberties but as a blank check for government. When government intrudes into the lives of individuals, the legitimacy of its action is presumed. Individuals bear a heavy burden proving violations of their rights.

The conservatives' logic in the abortion case offers a prime example of how they scorn any meaningful concept of individual liberty. They claim that government can regulate abortion with impunity because such an act is not Constitutionally defined and secured. Their assumption is that if the Constitution does not specifically mention a particular right, then government can legislate the lives of individuals as if no such right existed. Because the Constitution specifically mentions only a few of our cherished liberties, sole reliance upon enumerated rights fatally undermines basic guarantees of individual freedom.

In stark contrast, the Framers of the Constitution saw the danger in relying upon specific enumerations of rights. Foreshadowing the conservatives' current view of the Constitution, James Wilson argued:

> If we attempt an enumeration, everything that is not enumerated is presumed to be given. The consequence is, that an imperfect enumeration would throw all implied power into the scale of government; and the rights of the people

would be rendered incomplete. . . . [E]numerate all the rights of men! I am sure, sirs, that no gentleman in the late Convention would have attempted such a thing.

The Framers realized, as the Court should today, that it is futile to try to formulate an exhaustive list of individual rights. Rights to any particular actions are only specific examples of the overarching principle of self-government that defines a sphere of personal autonomy for every individual. Provided that people stay within their private domain and do not encroach upon the domain of others, individuals have the right to do whatever they please. Consequently, individual rights are limited only by each person's imagination. Certain inconsistencies notwithstanding, this was the Framers' vision of the Constitution. Members of the Supreme Court would do well to re-affirm it. —JT

Extremism in defense of bureaucracy — The principles that inspired the intransigence of both the anti-choice and pro-abortion activists have become secondary to the bureaucracies of the organizations involved. What we have been hearing in the wake of the Supreme Court's decision are not contending principles, but the effusions of people whose livelihoods are at stake. How else to explain the near hysterical reactions?

Upholding most of the Pennsylvania law might make an abortion a tad less convenient than before. The leaders of pro-aborton organizations claim that the decision will drive women into the back alleys and make them victims of the spectral coat hanger. This is an absurd conclusion, of course. But it is a pronouncement that will no doubt help in membership drives and fund-raising efforts.

Leaders of the anti-abortionist groups claim that the court must be held responsible for the future murder of thousands of innocent victims. For what do they judge the Court guilty of mass murder? For allowing, for the first time in two decades, states to pass restrictions on abortions.

Abortion has not been outlawed. But anything akin to rational debate surely has been. Just look at the professionally organized demonstrations on either side, with their catchy slogans and neatly lettered signs. Listen to the people on both sides saying the world is going to end as a result of the same event. —KH

Don't rush to judgment — Most people acknowledge the wisdom of the adage, "hard cases make bad law." Nevertheless, most people also insist that the hardest case of them all — abortion — be decided decisively by the Supreme Court. This is absurd.

Too many people think of the Supreme Court as the answer to all our problems. But, as far as I can tell, the Court was established chiefly to balance off the worst abuses of elitism and populism inherent in the executive and legislative branches of the federal government. Placing ultimate hope and trust in it is, well, naive. And I suspect that such great expectations would have struck the Founders, those practical idealists, as bizarre.

I am suspicious of anyone who believes he has found the "key" to the Constitution. The chaos of competing theories of jurisprudence should humble all disputants who try to obtain their goals through judicial review. Consider: judicial activisms of all political stripes compete with the idea of "judicial restraint," and the tension between interpretation according to "the plain meaning of the Constitution" and interpretation of "original intent" spoils the simplicity of programs for "strict construction." I am certain of only one thing: that the legacy of the Supreme Court is a mess, and that this mess should be cherished.

Nevertheless, after stripping the Court of its hallowed status, I find abortion not too difficult to address within the Constitutional tradition. Even if one stipulated that the Bill of Rights and later amendments guarantee a right to privacy and a right to liberty to all Americans — and that is a very big stipulation — the right to abortion does not necessarily follow. The pregnant woman is not the only human being that is involved in an abortion. Remember those annoying little fetuses? If they are human (a question whose very meaning is obscure), they would seem to deserve protection as well. Therefore, no solution at all should be foisted on the American public by the Court. Good interpretation almost requires *Roe vs Wade* to be overturned and the issue of whether abortion is (sometimes?) murder worthy of criminal prosecution to be left to the states.

Now, I support the right to abortion. I don't really consider fetuses part of the social world (to borrow a term from the phenomenologists), and look on the issue as a unique instance of *jurisdiction*. Though I can see the logic of the anti-abortionist view, I look on the "pro-life" program as largely illiberal. If I were of a more radical temperament I might wish to make the world over according to the universalist and absolutist moralist specifications of the "anti-choicers." But I try to keep my moralism in check. And furthermore, I am a gradualist, and believe that extending rights to fetuses within the irresponsible culture we now live in would be disastrous.

But we suffer from another disaster, right now. This is the inflexible federally mandated ruling on the subject, a ruling that not only pushes the disputants of the abortion issue into extreme, idiotic corners, but is pushing the country towards a constitutional crisis. (If we are to have a constitutional crisis, let it be over a truly national issue, like the budget and debt mess.) We would be much better off if citizens of the various states experimented with a variety of legal responses to this most intractable of problems. Since it is quite possible for sincere and honorable people to disagree on the issue, it seems reasonable to reflect this diversity of opinion in the various states, each with its (semi-) distinctive culture. As a matter of the simplest (though not simple-minded) theory, Judge Scalia's dissent is right.

Still, the majority ruling in *Planned Parenthood vs Casey* was a responsible one. Judicial restraint may not only mean not cooking up new rights whenever a judge feels so moved, it may also mean not striking down old ones wholesale, even when those rights were the product of judicial activism. Judicial restraint mandates that the Justices restrain themselves even in their crusade against judicial activism.

If the business of the Supreme Court is to put a check on political passions, then Judge Souter's version of judicial restraint is eminently qualified, whereas Scalia's is suspect. *Roe vs Wade* will be overturned in pieces, with one precedent adding weight to the next.

Just as it should be, according to common law. —TWV

Politics

A real bummer of a campaign — H. Ross Perot, who made a fortune off of fat government contracts, attacks bloated government bureaucracy. Bill Clinton, a political insider even in college, claims to be leading the "next American revolution." George Bush, who proposed the biggest deficits in history and was one of the guiding forces behind 1990's misnamed Clean Air Act, is running against budget deficits and intrusive regulation.

Does anyone smell a rat here? Don't answer yet; there's more.

Dan Quayle, on behalf of "the American people," rails against an alleged "cultural elite." Meanwhile, ever since Bill Clinton criticized Sister Souljah for saying it's all right for black gangs to kill so long as their victims are white, he has been congratulating himself for having the courage to say "unpopular" things. Since practically everyone — black and white — agrees with Clinton here, this is actually about as politically courageous as denouncing gang rape.

Perot, Clinton, Bush, Quayle. A plutocrat, a pissant, a president, and a pinhead who all like to play populist when the cameras are rolling. It's in to be out. It's out to be in. Americans everywhere are yelling, "Throw the bums out!" And the bums, bless their crooked little hearts, are yelling back, "We're already here!" —JW

None dare call it egregious — Putting aside all the usual lies, persiflage, nonsense, crocodile tears, pumped-up boasting, and sheer pomposity, there was one moment at the Democratic shindig that was so totally egregious that someone should memorialize it. I accept that task. It was when Ann Richards, governor of the great state of Texas, said that people were just taking power back into their own hands and "taking it away from the White House." Now recall the setting: A convention in which the sole purpose was to take power away from some people and, specifically, to put it in a White House occupied by Bill and Hillary Clinton. —KH

Odd man in — Perot's withdrawal from the race was wonderful news for the Libertarian Party's nominee, Andre Marrou. And he needed good news terribly badly. Marrou had mismanaged his campaign to the point where the national LP had repossessed it. Despite the best efforts of the Marrou camp and the LP public relations folks, Marrou's problems of personal credibility have had an effect on donations to his campaign. So the opportunity to become the vessel of protest votes that would otherwise have gone to Perot was more than welcome.

Perot's exit gives the Marrou campaign a fighting chance to avoid embarrassing the LP with a near-invisible showing. Discontent is so widespread that a well-managed LP campaign might even surpass Ed Clark's record of 920,000 votes in 1980. Whether Marrou's managers can make the right moves remains to be seen. And of course, a lot depends on events not under the control of the campaign. If the Clinton-Bush race is perceived to be close, the old why-waste-your-vote argument will cost the LP dearly.

Meanwhile, a prominent Libertarian Party activist is quietly recruiting a blue-ribbon committee to try to find an attractive candidate for the LP in 1996. The early money is on Vice Presidential candidate Nancy Lord, who has proven herself to be attractive, intelligent, articulate, and hard-working. If there were still a simple way to dump Andre Marrou and give Lord the nomination, many Libertarian Party veterans would jump for it in a minute. —CAA

The right stuff — What recent presidential candidate:

- defended "the vibrant and vital system of free enterprise," "individual rights," "freedom," and "the entrepreneurial economy"?
- praised "the forgotten Americans who make up our forgotten middle class," "the family," "faith," and "hard work"?
- criticized the incumbent for "raising taxes," "pouring billions of dollars down the drain" of failed government programs, of "taking the richest country in the world and bringing it down," and failing to balance the budget? ("He promised to balance the budget, but he hasn't even tried. In fact, the budget he has submitted to Congress nearly doubled the debt.")
- warned Americans that "there is not a program in government for every problem"?
- promised to "streamline the federal government" and "cut 100,000 bureaucrats, and put 100,000 new police officers on the streets of American cities," to make government "leaner," to expand "opportunity, not bureaucracy"?
- pledged to "help people on the frontlines to wage the war on drugs and crime"?
- called his campaign "an army of patriots," and promised that if he is elected, America will have "the world's strongest defense" and be "ready and willing to use force when necessary" and that "the rest of the world will look up to us with respect again"?

No, it wasn't Barry Goldwater railing against LBJ's Great Society, or Ronald Reagan attacking Jimmy Carter's peanutty policies. It was Bill Clinton making his case against George Bush. Every word quoted above comes from Clinton's acceptance speech. And Clinton has continued his move to the right. In his first campaign swing, he dumped on "liberals" and argued that welfare recipients be limited to two years on the dole.

Clinton's strategy is plain. By obscuring any political differences between himself and Bush, he hopes the election will

be decided on the basis of personality. He figures he can win a personality contest hands down. Whom do you want? Tired, old, bumbling, incoherent George Bush? Or young, vigorous, intelligent, outgoing Bill Clinton?

This presents a tough choice for those few voters who genuinely care about the issues. But I suppose a perspicacious voter would make his decision on the basis of which interest groups are allied with each candidate. Do you want a president beholden to big business, the military-industrial complex, and the religious right? Or one beholden to labor unions, government employees, feminists, and welfare advocates?

Happily, it now appears that the Libertarian Party may be on the ballot in all fifty states, presenting a genuine alternative to the moderate conservative banalities of Bush and Clinton. —RWB

Post-Perot politics — Ross Perot quit the presidential race on July 16. Oops, no, he decided *not to enter* the race. He had promised the American people that if they put his name on the ballots of all 50 states he would put up $100 million of his own cash to run his campaign, and later promised to increase his cash commitment to $300 million.

At first, the media loved him, or at any rate were anxious to promote his candidacy as a way to goose interest in a presidential race that seemed to have degenerated into a contest between a bumbling incompetent (George Bush) and a sleazy, lying power monger (Bill Clinton).

Eventually, the media tired of Perot's homilies, evasions and just plain lies and began to subject him to critical analysis. Folks who didn't like Perot's goofy ideas began to show up at his campaign appearances toting critical signs. Worst of all, Perot's high-powered advertising executives were asking ol' Ross for $80,000 to produce a 5-minute commercial and wondering when Ross would start buying air time. It just wasn't fun any more, and it was starting to cost money. So Ross quit. "When the going gets tough, the tough turn tail." Not surprisingly, Perot's campaign workers, virtually all of whom had made substantial personal sacrifices for their hero, were shocked and angry.

So was I. I had been writing an analysis of Perot, his record, and his political philosophy when he absconded.

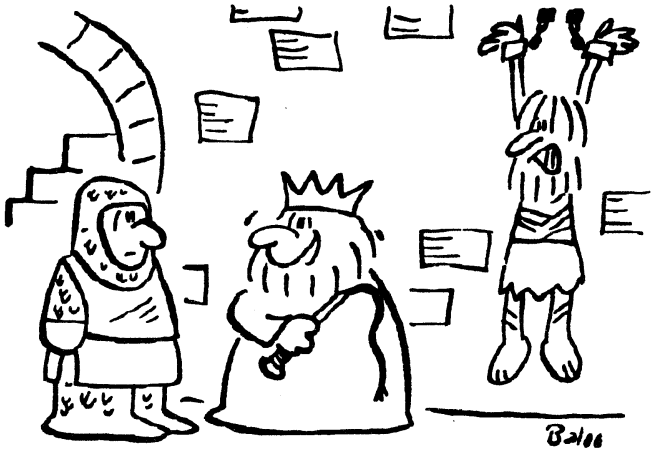

"Gad, I *love* public service!"

Liberty's editors had encouraged me to write a character assassination for the last issue, but I had resisted on the theory that it would be more fun to wait until the election was near. Now my efforts were wasted.

Dumb George and Slick Willie, both of whom had been gunning for Perot, suddenly remembered what a great guy Perot was and started salivating over the expected banquet of Ross' fans. George interrupted his fishing trip, unrolled a carpet on a flat stretch of Wyoming, put on a necktie, stuck in his contact lenses, and explained to television cameras why he deserved the support of Perot fans. But the media were focused on the Democratic convention that had just anointed Slick Willie, and Willie used his acceptance speech to praise Perot, admire his followers, and invite them into his revival tent.

How does Perot's exit affect the presidential race? At first glance, it seemed to help Clinton, as I am sure Perot was hoping, when he made his announcement the morning of the day when Clinton was to make his acceptance speech, and when the Arkansan was enjoying the traditional large jump in popularity of nominees at convention time.

Clinton chose Gore to balance the ticket: Clinton smoked marijuana but didn't inhale, while Gore smoked marijuana and did inhale. Clinton's wife is a slim feminist with a leftist political agenda, while Gore's wife is a chubby traditionalist who protects "family values" by campaigning for censorship of song lyrics.

The press didn't report whether the fish in Wyoming were biting George's bait. But they did report that Perot's erstwhile fans — as well as most other Americans — were snapping at Clinton's flashy lures. One day after Perot's withdrawal and Clinton's acceptance speech, Slick Willie had a 30 point lead in the polls.

Of course, the short-term impact and the long-term impact are two different things. It was pretty plain that Perot's popularity was the reason Slick Willie chose Al Gore as his running mate. By adding another young Southern Democrat to his ticket, Clinton hoped to sweep the South. He would add a fair number of moderate votes to the black and left-liberal votes he already had in his pocket, while the conservative majority in the South would split its vote between Perot and Bush. With Perot out of the picture, this will be a much tougher task. And with the Republican convention weeks away, Bush still has time to adjust his campaign (and his choice of running mate) to the new reality of a two-man race.

Traditionally, nominees choose as their running mates men who "balance" the ticket. Most pundits couldn't see much balance between Gore and Clinton: both Southern "moderate" Democrats, both in their mid-40s, both career politicians, both married to bleach-blondes. They overlooked the obvious complements: Clinton smoked marijuana but didn't inhale, while Gore smoked marijuana and did inhale. Clinton's wife is a slim feminist with a leftist political agenda,

while Gore's wife is a chubby traditionalist famous for protecting "family values" by campaigning for censorship of the lyrics of rock music. Clinton encourages pollution in Arkansas to bring in industry, while Gore favors wiping out industry world-wide to protect the environment.

Still, the selection of Gore may work out pretty well for Clinton. Unlike Dumb George's vice president, Gore is not a complete idiot, though anyone who has read his book, *Earth in the Balance,* might wonder. (In that book, Gore calls for "completely eliminating the internal combustion engine over, say, twenty-five years"; he describes this as a "truly conservative approach.")

It is pretty plain that Slick Willie is the front-runner, and I suspect he will stay in front until election day and be duly inaugurated as the nation's 42nd President next January 20. He is a genuinely skilled politician and has a real love for campaigning. He is intelligent and crafty to boot.

The only fly in Clinton's ointment is his personal character: he is a devious man, willing to do practically anything to gain power. But this is a remarkably minor problem for politicians in America.

Working very strongly in Clinton's favor is the fact that the economy just isn't going anywhere, despite all the efforts of Bush to stimulate it with cheap credit and monetary expansion. Unless the economy recovers, George Bush's goose is cooked.

The only fly in Clinton's ointment is his personal character: he is a devious man, willing to do practically anything to gain power. But this is a remarkably minor problem for politicians in America, mainly because of the American will to believe that whoever leads them is a good person. This belief transcends any sort of rational analysis and infects practically all Americans. How else can one explain the love Americans showered on such ruthless and degenerate men as John F. Kennedy or Lyndon Johnson?

Of course, a lot can happen between now and election day. Dumb George might have the good sense to dump Dan Quayle. He might come up with an idea or two that appeal to the American voter. He might, for example, campaign against the Congress of career politicians by making the election a referendum on term-limitation and the balanced budget amendment. He might get Peggy Noonan to write some speeches for him. He might start another war against some pitifully impotent country. Or he might benefit from further revelations of Slick Willie's loathsome character.

But as things stand right now, the country is tired of the Bush presidency and tired of the boring old Republicans, just as they were in 1960, when another refreshing, young Democrat who positioned himself as a conservative knocked off a Republican. —CAA

***Biting the hand*—** I was proud to be one of nearly a million Americans who voted for the Libertarian Party ticket of Ed Clark and David Koch in 1980, and grateful that Koch made substantial contributions of both time and money to the race.

So I was interested in former libertarian guru Murray Rothbard's comparison of Koch (for whose candidacy Rothbard worked in 1980) to Perot (for whom Rothbard hoped to work in 1992):

> "The People's Billionaire is willing to spend over $100 million of his own money . . . Libertarians should *note* the contrast of the guts of Perot, of his willingness to spend what it takes to make him President; with the miserly contribution of only a million dollars to his own Vice-Presidential campaign of oil billionaire David Koch in the LP campaign of 1980." (emphasis and punctuation in original)

Wow! One million dollars is "miserly." Apparently Rothbard is now moving is some pretty wealthy circles!

The comparison of Perot to Koch is an apt one, though not in the way Rothbard proposes. Both Perot and Koch are wealthy men. Koch may not have Perot's billions, or Perot's willingness to promise money to his own campaign. But in contrast to Perot, Koch actually gave the money he promised. —CAA

***The politics of despair* —** Perot was in, now he's out, and we can look forward to a "normal" (i.e. hopeless) campaign again. Not that Perot himself held any promise for the cause of liberty, but didn't the idea of the two-party structure collapsing put a little smile to the corners of your lips?

But the fun of a constitutional crisis will pass us by this season, alas, so now I can't imagine *any* reason for a truly civilized, cultured lover of liberty to pay any mind to, or evince any support for, either or any of our choices. You may think a Marrou presidency would be a good thing — I don't — but he won't win. Clinton or Bush will win. And neither result is worth cheering, or even tolerating. The only civilized response to this horrid and depraved circus of passing the reins of the bandit state from one poltroon to another is studied indifference, and a dedication to pursuing the makings of a decent life — learning, literature, music, friendship and romance — as divorced from the State and its depredations as possible. Even following politics as a hobby seems corrupt and sickening these days, as politics is nothing more than idiocy, theft, murder and abysmally ignorant tinkerings with the free movement of people's lives, interests and properties. We look askance at one whose hobby is, say, the intimate details of the lives of Mansons, Specks and Bundys. We should treat the aficionados of the muttering and meanderings of the Bushes, Bakers, Quayles, Clintons and Gores no differently. The demands of civilization dictate no less. —BD

***Will to frivolity* —** In early July, conservative columnist George Will used his public forum to take judicial notice of the Libertarian Party. Any publicity is good publicity, especially for the LP, which often seems to operate hidden from all but political junkies who watch C-Span and LP members and prospects subjected to direct-mail pleas for cash and telephone pitches from fund-raisers hungry for commissions.

But Will doesn't have much good to say about the LP and its chosen standard bearer, Andre Marrou: "Marrou says the Libertarian Party 'certainly' will become the next major party,

continued on page 20

Property Rights Before and After the "Lucas" Decision

by William H. Mellor III

The Supreme Court decision affirming property rights in the *Lucas* case is welcome news for those who value human liberty and property rights. But don't break out the bubbly yet.

Last September, when Supreme Court nominee Clarence Thomas appeared before the Senate Judiciary Committee, Senator Joseph Biden dramatically waved aloft a copy of Richard Epstein's *Takings* and demanded that Judge Thomas disavow this manifesto for property rights. Epstein's book had made the case that when the government restricts the use of land its actions constitute a "taking" of that land for which the owner must be compensated under the Fifth Amendment, which provides that "nor shall private property be taken for public use without just compensation." Biden was worried: he knew that in the coming years, issues concerning property rights would be coming to the Court in increasing numbers, and that if the Court accepted Epstein's argument and ordered the government to pay for what it takes from landowners, the public would be reluctant to support (or to tolerate) the sort of broad control that Biden favors.

The Supreme Court term that followed Thomas' confirmation had the greatest potential in years to reshape property rights jurisprudence in fundamental ways. Rent control, tax limitation, substantive due process and environmentally-motivated land use planning were all before the Court. One by one these cases were decided without launching the property rights revolution that many observers had anticipated. So interest was high on the last day of the term, when the most significant of the cases, *Lucas vs South Carolina Coastal Council,* was to be released.

The case began several years ago, when David Lucas paid nearly one million dollars for two ocean-front lots. He planned to develop one for sale and to build his home on the other. At the time of purchase, Lucas' lots were not subject to South Carolina's coastal zone building permit requirements. But before building could begin, the South Carolina state legislature passed the Beachfront Management Act, which prevented Lucas from erecting any permanent habitable structure on his land.

Lucas went to court seeking compensation: the land for which he had paid nearly $2 million was now virtually worthless thanks to the South Carolina law. The state, citing its general police power authority, refused to compensate Lucas.

Lucas won the first round. The trial court found that a taking had occurred and ordered payment of compensation. But the state would not relent and appealed to the South Carolina Supreme Court. That court declared that no "taking" had occurred and thus no compensation was due. The rationale for its decision was the court's unquestioning acceptance of the legislature's unsubstantiated allegation that new construction on private property threatened the public beach. Such a threat to public beaches fully authorized the state to prevent "serious public harm" and halt such "noxious" uses of property viewed as akin to public nuisances.

On June 29, the United States Supreme Court reversed the South Carolina decision by a vote of 6 to 3. In an opinion written by Justice Antonin Scalia, the Court ruled that when government deprives a landowner of all "economically viable use of his land," compensation must be paid, with one exception: If the state is acting to curtail a nuisance under common law, recompense is not necessary.

As constitutional scholar Roger Pilon of the Cato Institute noted, in failing to address the fact that there is no principled distinction between a 100% diminution in value and a 95% reduction, the Court left intact a very

confused and ad hoc body of law. Nevertheless, the *Lucas* opinion is an important evolutionary step towards greater constitutional protection for property rights.

That a ruling as fair and limited as this could create as much disagreement on the Court as it did speaks volumes about the woeful state of property law today. Although the specific ruling addressed only the rare instances of total taking, portions of both the majority and dissenting opinions deal with important presumptions that will guide future takings law. Under pre-*Lucas* practices, courts frequently rubber-stamped legislative land-use restrictions based on the flimsiest of legislative rationales. Sometimes courts would even uphold such acts based upon conjecture about conceivable rationales when none were offered by the legislature. In a refreshing departure from the prevailing practice of deferring to legislatures, Scalia put government on notice that no longer would courts accept without question any purported justification for land use restriction.

Although at first glance the impact of Lucas *seems very limited, its implications go much further.*

In one of numerous pointed exchanges between the majority opinion and the dissents, Scalia states:

> In Justice Blackmun's view, even with respect to regulations that deprive an owner of all developmental or economically beneficial land uses, the test for required compensation is whether the legislature has recited a harm-preventing justification for its action. . . . Since such a justification can be formulated in practically every case, this amounts to a test of whether the legislature has a stupid staff. We think the Takings Clause requires courts to do more than insist upon artful harm-preventing characterizations.

Anyone who thinks the *Lucas* decision is unimportant should spend time reading the impassioned dissents of Justices Harry Blackmun and John Paul Stevens. These dissents would practically release the state from constraints in confiscating property, and they also reveal the profoundly different assumptions about individual property rights and State power that split the current Court. Blackmun cites the notorious *U.S. v. Carolene Products Co.* for the proposition that "the existence of facts supporting the legislative judgment is to be presumed." He goes on to argue that the legislature's judgment should be "well-nigh conclusive." Blackmun's view — which was the prevalent view in land use law prior to *Lucas* — allows sweeping restrictions on property rights supported by the baldest assertions of public harm.

A second key part of *Lucas* addressed the standard the court applies when it does look at the legislative reasons for impairing the use of property. In saying that the legislature must do more than proffer an assertion that a prohibited use is inconsistent with the public interest, the court adopts Epstein's argument that the state must apply common law principles of nuisance to justify a non-compensated taking. A nuisance standard reins in unbridled state authority. As Epstein notes in his brief for the Institute for Justice, "[T]he objective of the law is to resolve conflicts in ways that maximize the joint value of all resources owned by the parties to the dispute. And the rules of common law nuisance do that better than any alternate set of rules."

The Court's modest and reasonable-sounding decision seemed anticlimactic. It failed to provide the unified theory of property rights for which many had hoped. Although at first glance, the impact of *Lucas* seems very limited — after all, most land use regulation does not prohibit virtually all uses — the implications of *Lucas* go much further. They touch upon the subtle, but crucial, defining of the assumptions that will guide future interaction between the individual and the state in land use disputes. The tragic erosion of property rights has paused with the *Lucas* case. But the recent Supreme Court term demonstrates that there is little likelihood of a sea change in the law. Those who advocate private property and human liberty must now use the positive points of *Lucas* in the house-to-house fighting that will be necessary to reinvigorate property rights as one of the pillars of our society. ❑

Reflections, *continued from page 18*

and that a Libertarian president and Congress is [sic] 'inevitable.' He has the future figured out, as fanatics generally do. He is balding and bearded and has been called a 'cheerful Lenin.' He isn't. Cheerful, that is. There is, in fact, some Lenin in the clanking rhetoric by which he expresses his encompassing ideology — his life in the familiar 20th-century abode, the well-lit prison of one idea."

Will's basic problem with the LP, it seems, is that while he agrees that the idea of liberty is pretty good, "there is [sic] also, justice, domestic tranquility and a good 5-cent cigar."

Having denounced the LP, Will takes a shot at the Republicans (they quadrupled the national debt and failed to stem the growth of government) and at the Democrats (they campaign for more spending by rechristening their spending programs as "investment" programs). Then he concludes:

"All of which makes the Libertarians' frivolousness especially regrettable. Once upon a time there were politically serious third parties — Bob La Follette's Progressives, Norman Thomas' Socialists — which, by working at the margins, expanded first the nation's political discussion and then the nation's agenda. No more."

Of course, Will's conclusion doesn't make much sense. The LP has already "expanded the nation's political discussion" and its "political agenda" by "working at the margins," and it has done so in precisely the way in which the Socialists and Progressives did. Tax limitation and the balanced budget amendment, for example, have moved from the libertarian agenda to the

continued on page 23

Virulent Green Growth

by Fred L. Smith

Welcome to Rio, once a garden spot, now a dumpsite for toxic theories and politics hazardous to your health and well-being.

It did not take long for the agenda of the environmental leaders running the "Earth Summit" in Rio de Janeiro to become manifest. On June 3rd, when the United Nations Conference on Environment and Development (UNCED) officially opened, former oil magnate and Law of the Sea guru Maurice Strong declared that the human race is "a species out of control" and that the Earth Summit represents "not an end in itself, but a new beginning" — a new beginning in bringing about transformations "rooted in our deepest spiritual, moral and ethical values." UNCED's Secretary-General told those assembled in the air-conditioned auditorium that there must be a widespread recognition of the ecological sympathies of the world's primitive peoples ("indigenous" peoples for the PC), because "they are repositories of much of the traditional knowledge and wisdom from which modernization has separated most of us." This would be a recurring theme for the week — the creation of the New Ecological Man, at peace with the planet, and bereft of modern civilization.

It was ironic that the ring-leaders of the Rio circus were so insistent in their talk of peace. There was hardly a street corner that was not occupied by military personnel and armored vehicles. Clad in green uniforms, they made one wonder whether the eco-police had already arrived, prepared to gun down those who would violate the sanctity of Mother Earth. In fact, some of those attending were pleased to announce that the nation of India had already taken the first step in this direction, establishing "Green Brigades" to act as "ecological vigilantes" in all of India's 450 districts. Maurice Strong had already dreamed up all sorts of green-guerrilla fantasies, including the plot of a novel he has long hoped to write. In it, he describes an elite, environmentally concerned cabal of world leaders which decides that the primary risk to nature is the existence of industrialized nations. In Strong's words, "In order to save the planet, the group decides: isn't the only hope for the planet that the industrialized civilizations collapse? Isn't it our responsibility to bring that about? This group of world leaders form a secret society to bring about an economic collapse."

Of course, Strong, the pied piper of the international environmental establishment, was not alone in his assessments or policy prescriptions. Steven Schmidheiny was pleased that "environmental regulations are getting tougher." Schmidheiny is the founder and leader of the Business Council on Sustainable Development, an international coalition of business leaders that promotes government intervention to keep profit-hoarding corporations from poisoning consumers and despoiling the earth. Schmidheiny communicates the startling supposition that levying increased taxes on consumption and the use of energy can actually spark economic growth. After all, he notes, the resulting gains in efficiency result in long-term saving in expenditures on energy. In a similar vein, it must be noted, hunger strikers rarely need to spend much money on food.

Then there was Gro Harlem Brundtland, the Prime Minister of Norway and Chairman of the World Commission on Environment and Development. The author of *Our Common Future*, she was one of the first to espouse the principles of sustainable development. Only through working together in a "democratic" fashion, she cried, could the people of the world solve the coming environmental crisis, apparently unaware that few of the leaders assembled there had been actually elected to their high offices.

"Narrowly focused national priorities," she warned, "will only hamper progress and stand in the way." Does

this mean that Norway is about to join the international community in banning the harvest of whales and seals? No, no, she answered. These species, she claimed, can be harvested without threatening the survival of those sea mammals, the eco-system, or Norway's important sealing industry. Apparently, beneath even the greenest of socialist breasts can beat the steely heart of a politician. The environment is important, but perhaps not *that* important.

"They talk about sustainable development," the Zimbabwean representative told me. "We developed a means of sustaining wildlife, and they have stopped it."

Given the press reports before I left for the conference, I should have known what was in store. In preparation for the conference the Brazilian government spent $37 million building a highway and a new conference center — a sum greater than Brazil's budget for rainforest conservation. Moreover, both were built upon wetlands, and the need for rapid construction of the highway induced Brazil to wave the requirement of an environmental impact statement. Then there was the World Conference of Indigenous People, held just outside of town at an insane asylum. As the *Financial Times* reported, "the inmates were amused." Were anything else on the Rio conference agenda but the end of Western civilization, I might also have cracked a smile.

Once the conference began, the insanity only increased. Brazil's President, Fernando Collor de Mello, was accused of corruption by his brother, who later recanted, claiming the accusation was triggered by a nervous breakdown. There were charges that Paulinho Paiacan, an Indian chieftain of the Caiapo nation (celebrated by rock star Sting and recipient of the Global 500 award for environmental citizenship), had raped an 18-year old girl and had done business with companies engaged in logging the rainforests. No one seemed particularly upset over the first charge, but the second prompted several environmental organizations to sever their ties with the native leader. Finally, several foreign journalists were horrified that they would be forced to suffer through the indignity of being assigned rooms with a view of Rochina, Brazil's largest slum. Heaven forbid that they be reminded of the world's more pressing human concerns.

The Bush administration's response to this grotesque carnival has been true to form: it ceded the moral high ground and intellectual premises to the opposition. EPA administrator William Reilly proclaimed at the Earth Summit's opening, "The United States embraces enthusiastically the goals of this conference," beaming that "the United States strongly supports the climate change agreement." This despite continuing scientific uncertainty, confirmed by polls of scientists conducted by Gallup, and even Greenpeace, concerning the potential impact — and even the very existence — of global warming.

Although the United States has long experienced net forest growth, chiefly because of the efforts of the private sector, Reilly declared that "a top priority" of American policy was to reach an international agreement on forest conservation. It took a great deal of effort for the environmental establishment to misrepresent the American record on energy and the environment, but "ambassador" Reilly made no attempt to set the record straight. Allowing William Reilly to set the terms of America's environmental agenda has been an unmitigated disaster. Sending him to Rio to moderate the green agenda is akin to appointing W.C. Fields to curb the use of alcohol.

It was quickly apparent that nothing new was in the offing at the convention. So I went to the Global Forum, home to the plethora of non-government organizations (NGOs) attending the conference. If the Rio conference was a circus, then the Global Forum was Mardi Gras in full swing. Half ecological Woodstock and half New Age extravaganza, complete with Shirley MacLaine, the Dalai Lama, and a star-studded "Concert for Life," this was the holistic leftist's dream. Here, among booths set up by every conceivable group to hawk wares and antique ideologies, one could find every angle on the environment, from the "essential role of women" in pursuing sustainable development, to the need to give animals complete dominion over the Earth. There was even a selection of homoerotic art on display. I suppose this was one community's attempt to address the purported problem of overpopulation.

The threat posed by humans to the environment is nothing compared to the threat to humans posed by global environmental policy.

The overriding concern with birth rates might have kept some Catholics away, but other religious ministries were out in force. Indeed, the Baptists had two dozen people in attendance. Environmentalists may worship at a green pagan altar, but that did not dampen the enthusiasm of the Christian theologians in attendance.

If you agree with Robert Hutchins...

"... knowledge without wisdom has brought us to the edge of destruction and may at any time push us over the brink."

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Despairing that there was not one glimmer of rationality present in all of Rio, I happened upon some representatives of Western corporations. I was certain that American capitalists, at least, would be mortified at the agenda at Rio. Certainly not all of the corporate representatives would have the same distorted view of markets espoused by Schmidheiny's BCSD, and certainly some would enjoy encountering a fellow defender of the free market. I was sorely mistaken.

Among the overly apologetic and guilt-ridden businessmen that I encountered was a gentleman representing the Chlorine Institute, a trade association of corporations that provide water chlorination, thereby ensuring safe drinking water for people the world over. Blissfully ignorant of the industry he represented, he fretted, "I really worry about the amount of chlorine on the earth." That chlorine is a chemical element, neither created nor destroyed by man, never seemed to cross his mind. He was far more concerned about his product's potential effect on stratospheric ozone than was the average Brazilian citizen, particularly those lounging on the beach in such "textile efficient" apparel as thong bikinis. Never mind that the chlorination of water plays no role at all in the theory of the ozone hole so beloved by Al Gore and NASA. If the Chlorine Institute and Business Council on Sustainable Development are the best Western industry has to offer, capitalism is certainly in trouble.

I observed a similar fundamental lack of understanding in the delegate from Mauritius. He insisted that all nations implement a carbon dioxide tax to prevent coastal flooding in his nation as a result of global warming. In fact, he'd been convinced by the "scientific community" that such greenhouse-induced flooding had already occurred. Given the dearth of scientists in his native country, this lack of understanding was not surprising. Interestingly enough, although sugar cane is Mauritius' largest industry, he was more worried about the effect of global warming than trade barriers and foreign sugar subsidies on the development of his nation. (Mauritius was once home to the Dodo.)

The Bush administration's response to this grotesque carnival has been true to form: it ceded the moral high ground to the opposition.

Just when I thought that the inmates at the asylum were the sanest men in Rio, I encountered a delegate who made sense. Sam Moyo, the Executive Secretary for the Regional Network of Environmental Experts of Zimbabwe, was indignant over the environmental establishment. They had repeatedly refused to accept successful "sustainable development" programs, such as his nation's successful program of elephant "conservation through use."

"They talk about sustainable development," he told me. "We developed a means of sustaining wildlife, and they have stopped it." Although Zimbabwe has one of the few African elephant populations that has increased in the past few years, the recent Convention on International Trade in Endangered Species (CITES) ruled that trade in ivory, even though it provides an economic incentive to preserve elephants and their habitat, was not an acceptable program of conservation. Instead the environmentalists talk about "eco-tourism," which Moyo realizes could never be sufficiently profitable to sustain an economy, and which other third world representatives view as nothing less than ecological imperialism.

Despite the intransigence of the environmental community, Moyo was optimistic that they would eventually learn the error of their ways. Indeed, he saw the possibility of a reversal of the CITES position as soon as 1994. I was not so optimistic. By this point UNCED had devolved into a near-orgy of lobbying and pleading for finance and technology transfers, reminiscent of Washington, D.C. In such an atmosphere, as one of my lobbyist friends often reminds me, anyone who does not have his hand out will not be given the time of day; "If you don't ask for something, you won't be taken seriously."

The environmental circus at Rio proclaimed that Man is the enemy. But I saw the enemy in Rio, and it is UNCED. The threat posed by humans to the natural environment is nothing compared to the threat to humans posed by global environmental policy. The road to serfdom, against which the late economist and philosopher F.A. Hayek warned, need not be paved with bricks of red — green bricks will do just fine. ❑

Reflections, *continued from page 20*

nation's agenda. On a more mundane level, the legalization of gold ownership in 1974 was almost solely the result of libertarian political activists.

Will's hostility to the LP seems more the product of his failure to understand and appreciate the critical importance of human liberty in the body politic. Libertarians value domestic tranquility, justice, and good cheap cigars as much as the next person. It is just that libertarians believe that peace, justice and stable prices are products of human liberty, rather than the designs or plans of either left-liberals or of conservatives.

But Will has stumbled onto something. The plain fact is that, unlike LP nominees in the past, Marrou's articulation of libertarian ideas consists almost entirely of repeating slogans. His contempt for "those bookworm libertarians" is legendary among his friends; campaign staffers have long tried to get him to read a book or two. But he resists, confident that his sloganeering is sufficient.

It is not enough to have a fair command of the LP platform and an ability to regurgitate the official LP position on almost any issue. When Andre Marrou runs across a reasonably intelligent journalist (or voter) he is immediately perceived as what he is: a small-town real estate salesman who has learned a few bromides and repeats them with gusto. Marrou has somehow gotten the idea that libertarian

continued on page 77

Political Geography

Who the Spenders Are

The last balanced budget occurred before many Americans were born. Every year, members of the Congress blame each other and the President for the burgeoning National Debt.

A new study shows who is responsible, and where they come from.

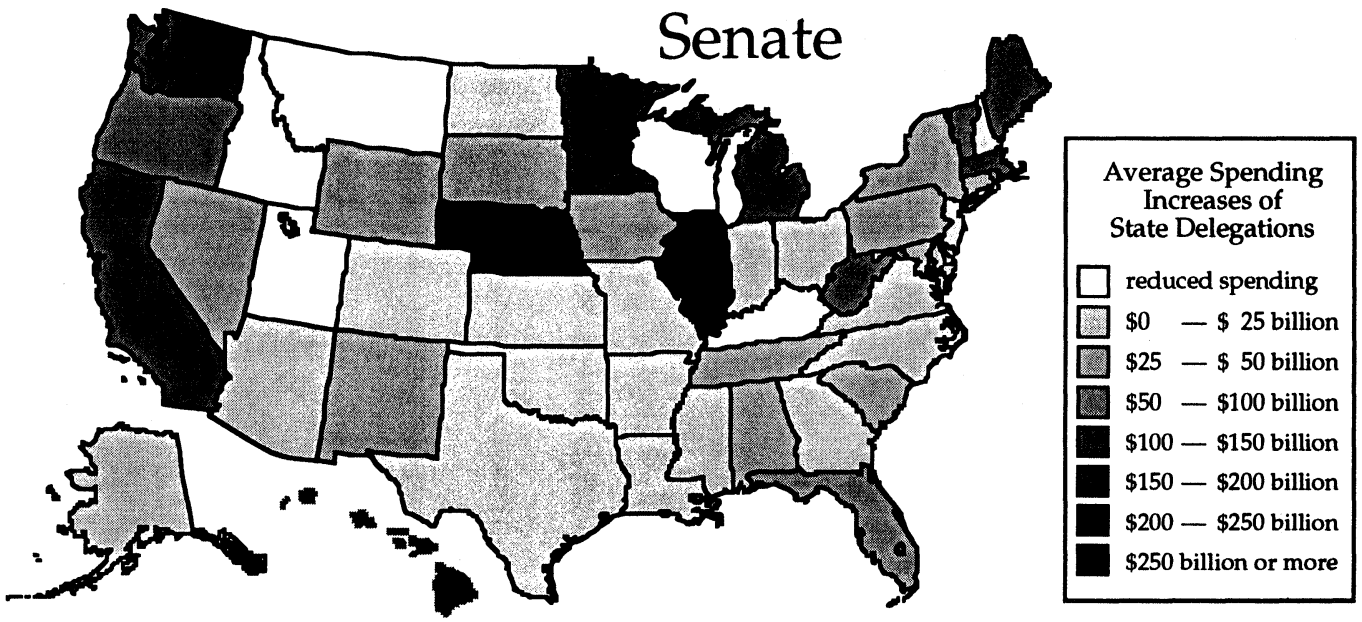

R*	Name	Party	State	Increase
73	Murkowski	R	AK	5,247
40	Stevens	R	AK	15,264
32	Heflin	D	AL	18,669
17	Shelby	D	AL	23,958
53	Bumpers	D	AR	11,314
92	Pryor	D	AR	-4,370
37	DeConcini	D	AZ	15,927
70	McCain	R	AZ	5,865
4	Cranston	D	CA	136,280
90	Seymour	R	CA	-3,562
72	Brown H.	R	CO	5,322
41	Wirth	D	CO	14,173
29	Dodd	D	CT	19,372
65	Lieberman	D	CT	8,248
57	Biden	D	DE	9,648
95	Roth	R	DE	-9,958
15	Graham	D	FL	44,358
45	Mack	R	FL	13,557
60	Fowler	D	GA	8,976
81	Nunn	D	GA	2,102
10	Akaka	D	HI	126,429
9	Inouye	D	HI	126,503
75	Grassley	R	IA	4,977
24	Harkin	D	IA	20,963
99	Craig	R	ID	-20,340
100	Symms	R	ID	-25,657
5	Dixon A.	D	IL	133,241
2	Simon	D	IL	201,323
93	Coats	R	IN	-5,539
43	Lugar	R	IN	14,129
38	Dole	R	KS	15,678
79	Kassenbaum	R	KS	2,734
84	Ford	D	KY	528
89	McConnell	R	KY	-3,127
87	Breaux	D	LA	134
58	Johnston	D	LA	9,639
3	Kennedy	D	MA	138,280
23	Kerry J.	D	MA	21,636
42	Mikulski	D	MD	14,156
25	Sarbanes	D	MD	20,556
66	Cohen	R	ME	7,424
12	Mitchell	D	ME	121,527
63	Levin	D	MI	8,662
11	Riegle	D	MI	121,660
56	Durenberger	R	MN	9,936
13	Wellstone	D	MN	90,933
78	Bond	R	MO	4,275
76	Danforth	R	MO	4,847
49	Cochran	R	MS	12,584
69	Lott	R	MS	6,118
94	Baucus	D	MT	-5,770
83	Burns	R	MT	615
96	Helms	R	NC	-11,662
31	Sanford	D	NC	18,756
54	Burdick	D	ND	10,755
47	Conrad	D	ND	13,311
64	Exon	D	NE	8,339
1	Kerrey R.	D	NE	245,111
85	Rudman	R	NH	526
55	Smith, R.C.	R	NH	10,573
91	Bradley	D	NJ	-4,348
44	Lautenberg	D	NJ	13,839
26	Bingaman	D	NM	20,106
74	Domenici	R	NM	5,139
20	Bryan	D	NV	21,881
18	Reid	D	NV	23,653
48	D'Amato	R	NY	13,212
19	Moynihan	D	NY	23,485
80	Glenn	D	OH	2,729
21	Metzenbaum	D	OH	21,715
82	Boren	D	OK	1,813
77	Nickles	R	OK	4,410
52	Hatfield	R	OR	12,056
14	Packwood	R	OR	47,434
27	Specter	R	PA	19,956
33	Wofford	D	PA	18,219
22	Chafee	R	RI	21,652
16	Pell	D	RI	29,463
50	Hollings	D	SC	12,532
46	Thurmond	R	SC	13,499
39	Daschle	D	SD	15,329
34	Pressler	R	SD	18,185
35	Gore	D	TN	17,804
59	Sasser	D	TN	9,089
88	Bentsen	D	TX	-2,782
62	Gramm	R	TX	8,710
86	Garn	R	UT	188
98	Hatch	R	UT	-16,074
67	Robb	D	VA	6,961
51	Warner	R	VA	12,467
30	Jeffords	R	VT	19,312
8	Leahy	D	VT	130,411
6	Adams	D	WA	131,432
28	Gorton	R	WA	19,572
97	Kasten	R	WI	-14,444
68	Kohl	D	WI	6,448
71	Byrd	D	WV	5,360
7	Rockefeller	D	WV	130,756
36	Simpson	R	WY	16,879
61	Wallop	R	WY	8,942

*Rank

About the Study . . .

The Congressional Budget Tracking System (CBTS) tracks and cross-indexes the cost of virtually all spending legislation with the sponsorship records of each member of the House and Senate. The figures above reflect the net effect on total federal spending if legislation sponsored or co-sponsored by each congressperson were enacted.

CBTS is a project of the National Taxpayers Union Foundation. All figures cited are in millions of dollars of increased spending for the period January 5, 1991 through April 5, 1992.

House of Representatives

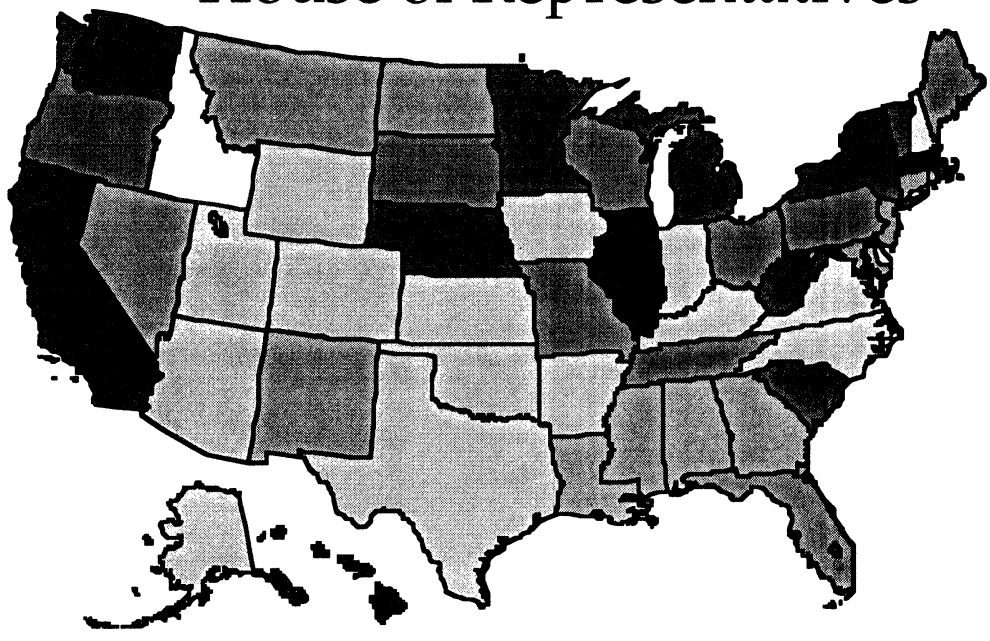

R*	Name	Party	State	Increase
212	Young, D.	R	AK	15,363
163	Bevill	D	AL	20,686
281	Browder	D	AL	11,318
228	Callahan	R	AL	14,351
341	Cramer	D	AL	7,691
284	Dickinson	R	AL	11,287
198	Erdreich	D	AL	16,176
333	Harris	D	AL	8,655
185	Alexander	D	AR	18,112
363	Anthony	D	AR	6,458
318	Hammerschmidt	R	AR	9,564
293	Thornton	D	AR	10,812
351	Kolbe	R	AZ	7,116
426	Kyl	R	AZ	-223
407	Pastor	D	AZ	2,934
411	Rhodes	R	AZ	2,027
391	Stump	R	AZ	4,872
280	Anderson	D	CA	11,346
66	Beilenson	D	CA	260,812
45	Berman	D	CA	277,594
1	Boxer	D	CA	404,879
33	Brown, G.	D	CA	287,004
195	Campbell, T.	R	CA	16,667
197	Condit	D	CA	16,481
291	Cox, C.	R	CA	10,865
309	Cunningham	R	CA	10,073
432	Dannemeyer	R	CA	-2,073
16	Dellums	D	CA	315,791
104	Dixon, J.	D	CA	37,494
192	Dooley	D	CA	17,143
117	Doolittle	R	CA	32,576
413	Dornan, R.	R	CA	1,895
149	Dreier	R	CA	22,980
9	Dymally	D	CA	336,511
54	Edwards, D.	D	CA	271,722
109	Fazio	D	CA	35,307
365	Gallegly	R	CA	6,401
367	Herger	R	CA	6,312
340	Hunter	R	CA	7,841
186	Lagomarsino	R	CA	17,888
132	Lantos	D	CA	27,327
401	Lehman, R.	D	CA	3,976
176	Levine, M.	D	CA	18,744
343	Lewis, Jerry	R	CA	7,429
338	Lowery	R	CA	8,135
5	Martinez	D	CA	342,542
184	Matsui	D	CA	18,278
422	McCandless	R	CA	674
47	Miller, G.	D	CA	277,274
153	Mineta	D	CA	21,981
370	Moorhead	R	CA	6,237
421	Packard	R	CA	700
307	Panetta	D	CA	10,318
25	Pelosi	D	CA	299,162
243	Riggs	R	CA	13,221
433	Rohrabacher	R	CA	-2,675
128	Roybal	D	CA	28,084
70	Stark	D	CA	217,757
418	Thomas, W.	R	CA	1,027
75	Torres	D	CA	153,484
179	Waters	D	CA	18,713
95	Waxman	D	CA	42,583
388	Allard	R	CO	4,969
259	Campbell, B.	D	CO	12,546
412	Hefley	R	CO	1,986
232	Schaefer	R	CO	14,201
166	Schroeder	D	CO	20,259
382	Skaggs	D	CO	5,453
113	DeLauro	D	CT	33,771
245	Franks, G.	R	CT	13,182
63	Gejdenson	D	CT	265,119
304	Johnson, N.	R	CT	10,428
216	Kennelly	D	CT	15,294
258	Shays	R	CT	12,550
403	Carper	D	DE	3,606
223	Bacchus	D	FL	14,950
134	Bennett	D	FL	25,681
241	Bilirakis	R	FL	13,518
230	Fascell	D	FL	14,314
73	Gibbons	D	FL	200,778
205	Goss	R	FL	15,607
327	Hutto	D	FL	9,053
369	Ireland	R	FL	6,265
335	James	R	FL	8,409
2	Johnston	D	FL	369,578
74	Lehman, W.	D	FL	187,078
346	Lewis, T.	R	FL	7,211
349	McCollum	R	FL	7,136
71	Peterson, P.	D	FL	211,814
175	Ros-Lehtinen	R	FL	18,873
283	Shaw	R	FL	11,307
120	Smith, Larry	D	FL	30,012
355	Stearns	R	FL	6,833
250	Young, C.	R	FL	12,883
342	Barnard	D	GA	7,679
246	Darden	D	GA	13,123
286	Gingrich	R	GA	11,249
180	Hatcher	D	GA	18,686
257	Jenkins	D	GA	12,565
165	Jones, B.	D	GA	20,545
48	Lewis, John	D	GA	276,211
384	Ray	D	GA	5,289
314	Rowland, J.R.	D	GA	9,799
308	Thomas, R.	D	GA	10,255
27	Abercrombie	D	HI	297,488
20	Mink	D	HI	303,133
260	Grandy	R	IA	12,525
208	Leach	R	IA	15,545
253	Lightfoot	R	IA	12,727
249	Nagle	D	IA	12,963
337	Nussle	R	IA	8,161
385	Smith, N.	D	IA	5,221
414	LaRocco	D	ID	1,844
183	Stallings	D	ID	18,359
42	Annunzio	D	IL	279,101
222	Bruce	D	IL	14,989
17	Collins, C.	D	IL	315,311
233	Costello	D	IL	14,190
295	Cox, J.	D	IL	10,739
404	Crane	R	IL	3,196
311	Durbin	D	IL	9,864
36	Evans	D	IL	285,696
305	Ewing	R	IL	10,378
435	Fawell	R	IL	-7,603
378	Hastert	R	IL	5,694
4	Hayes, C.	D	IL	343,915
203	Hyde	R	IL	15,679
37	Lipinski	D	IL	285,679
400	Michel	R	IL	4,000
329	Porter	R	IL	8,921
32	Poshard	D	IL	288,675
118	Rostenkowski	D	IL	31,805
64	Russo	D	IL	263,093
57	Sangmeister	D	IL	270,158
7	Savage	D	IL	338,939
38	Yates	D	IL	285,544
282	Burton, D.	R	IN	11,310
379	Hamilton	D	IN	5,674
313	Jacobs	D	IN	9,824
150	Jontz	D	IN	22,954
402	Long	D	IN	3,647
156	McCloskey	D	IN	21,608
364	Myers	R	IN	6,446
224	Roemer, T.	D	IN	14,786
381	Sharp	D	IN	5,514
356	Visclosky	D	IN	6,792
332	Glickman	D	KS	8,751
397	Meyers	R	KS	4,355
387	Nichols	R	KS	4,995
376	Roberts	R	KS	5,821
393	Slattery	D	KS	4,655
398	Bunning	R	KY	4,272
362	Hopkins	R	KY	6,516
207	Hubbard	D	KY	15,589
127	Mazzoli	D	KY	28,170
392	Natcher	D	KY	4,834
101	Perkins	D	KY	40,219
204	Rogers	R	KY	15,673
244	Baker	R	LA	13,184
157	Hayes, J.	D	LA	21,452
226	Holloway	R	LA	14,742
196	Huckaby	D	LA	16,649
81	Jefferson	D	LA	92,676
377	Livingston	R	LA	5,766
306	McCrery	R	LA	10,327
276	Tauzin	D	LA	11,542
69	Atkins	D	MA	256,540
396	Donnelly	D	MA	4,441
424	Early	D	MA	0
8	Frank, B.	D	MA	338,649
65	Kennedy	D	MA	262,553
30	Markey	D	MA	289,565
49	Mavroules	D	MA	273,174
296	Moakley	D	MA	10,735
137	Neal, R.	D	MA	24,605
53	Olver	D	MA	271,756
51	Studds	D	MA	272,588
319	Bentley	R	MD	9,516
323	Byron	D	MD	9,198
357	Cardin	D	MD	6,761
154	Gilchrest	R	MD	21,860
386	Hoyer	D	MD	5,038
188	McMillen, T.	D	MD	17,476
18	Mfume	D	MD	308,995
123	Morella	R	MD	29,152
255	Andrews, T.	D	ME	12,684
268	Snowe	R	ME	11,946
79	Bonior	D	MI	142,263
248	Broomfield	R	MI	12,966
209	Camp, D.	R	MI	15,544
312	Carr	D	MI	9,839
12	Collins, B.R.	D	MI	324,017
10	Conyers	D	MI	326,543
158	Davis, R.	R	MI	21,346
88	Dingell	D	MI	51,774
247	Ford, W.	D	MI	13,056
199	Henry	R	MI	16,077
108	Hertel	D	MI	35,331
29	Kildee	D	MI	290,931
256	Levin, S.	D	MI	12,602
344	Pursell	R	MI	7,417
52	Traxler	D	MI	272,096
235	Upton	R	MI	14,063
264	VanderJagt	R	MI	12,234
140	Wolpe	D	MI	24,162
35	Oberstar	D	MN	285,973
270	Penny	D	MN	11,745
110	Peterson, C.	D	MN	35,210
219	Ramstad	R	MN	15,074
172	Sabo	D	MN	19,354
160	Sikorski	D	MN	20,965
56	Vento	D	MN	270,394
242	Weber	R	MN	13,471
15	Clay	D	MO	318,446
322	Coleman, E.	R	MO	9,368
86	Emerson	R	MO	56,629
84	Gephardt	D	MO	69,450

R*	Name	Party	State	Increase
434	Hancock	R	MO	-4,401
275	Horn	D	MO	11,559
339	Skelton	D	MO	8,088
320	Volkmer	D	MO	9,434
121	Wheat	D	MO	29,846
142	Espy	D	MS	23,693
271	Montgomery	D	MS	11,693
178	Parker	D	MS	18,723
147	Taylor, G.	D	MS	23,052
100	Whitten	D	MS	40,247
240	Marlenee	R	MT	13,581
92	Williams	D	MT	45,547
310	Ballenger	R	NC	9,915
360	Coble	R	NC	6,661
169	Hefner	D	NC	19,741
135	Jones, W.	D	NC	25,239
115	Lancaster	D	NC	33,062
389	McMillan, A.	R	NC	4,916
155	Neal, S.	D	NC	21,729
366	Price, D.	D	NC	6,328
151	Rose	D	NC	22,680
238	Taylor, C.	R	NC	13,724
174	Valentine	D	NC	18,916
106	Dorgan, B.	D	ND	36,068
317	Barrett	R	NE	9,613
265	Bereuter	R	NE	12,050
213	Hoagland	D	NE	15,343
177	Swett	D	NH	18,742
194	Zeliff	R	NH	16,856
162	Andrews, R.	D	NJ	20,722
43	Dwyer	D	NJ	278,647
190	Gallo	R	NJ	17,235
146	Guarini	D	NJ	23,068
161	Hughes	D	NJ	20,794
225	Pallone	D	NJ	14,748
19	Payne, D.	D	NJ	307,013
191	Rinaldo	R	NJ	17,180
96	Roe, R.	D	NJ	42,071
294	Roukema	R	NJ	10,803
200	Saxton	R	NJ	16,063
87	Smith, C.	R	NJ	51,872
187	Torricelli	D	NJ	17,887
278	Zimmer	R	NJ	11,451
130	Richardson	D	NM	27,879
215	Schiff	R	NM	15,295
239	Skeen	R	NM	13,675
98	Bilbray	D	NV	41,017
267	Vucanovich	R	NV	12,009
82	Ackerman	D	NY	82,814
236	Boehlert	R	NY	14,052
58	Downey	D	NY	269,906
83	Engel	D	NY	70,713
124	Fish	R	NY	29,056
26	Flake	D	NY	297,711
164	Gilman	R	NY	20,592
354	Green	R	NY	6,944
34	Hockbrueckner	D	NY	286,224
116	Horton	R	NY	33,045
324	Houghton	R	NY	9,135
39	LaFalce	D	NY	285,303
201	Lent	R	NY	15,987
136	Lowey	D	NY	25,061
234	Manton	D	NY	14,095
359	Martin, D.	R	NY	6,661
202	McGrath	R	NY	15,934
315	McHugh	D	NY	9,771
31	McNulty	D	NY	289,051
206	Molinari, S.	R	NY	15,597
125	Mrazek	D	NY	29,022
46	Nowak	D	NY	277,302
6	Owens, M.	D	NY	341,258
263	Paxon	R	NY	12,369
11	Rangel	D	NY	326,474
41	Scheuer	D	NY	280,986
60	Schumer	D	NY	269,188
22	Serrano	D	NY	302,001
148	Slaughter, L.	D	NY	22,982
61	Solarz	D	NY	267,580
114	Solomon	R	NY	33,500
3	Towns	D	NY	346,587

R*	Name	Party	State	Increase
122	Walsh	R	NY	29,775
13	Weiss	D	NY	323,599
316	Applegate	D	OH	9,648
261	Boehner	R	OH	12,516
210	Eckart	D	OH	15,437
40	Feighan	D	OH	281,228
211	Gillmor	R	OH	15,426
420	Gradison	R	OH	729
272	Hall, T.	D	OH	11,693
302	Hobson	R	OH	10,574
97	Kaptur	D	OH	41,709
345	Kasich	R	OH	7,358
395	Luken	D	OH	4,504
221	McEwen	R	OH	15,043
371	Miller, C.	R	OH	6,211
78	Oakar	D	OH	146,655
372	Oxley	R	OH	6,209
138	Pease	D	OH	24,301
336	Regula	R	OH	8,169
321	Sawyer	D	OH	9,390
76	Stokes	D	OH	152,611
80	Traficant	D	OH	140,396
231	Wylie	R	OH	14,259
347	Brewster	D	OK	7,183
287	Edwards, M.	R	OK	11,201
171	English	D	OK	19,503
159	Inhofe	R	OK	21,325
419	McCurdy	D	OK	877
325	Synar	D	OK	9,090

R*	Name	Party	State	Increase
145	AuCoin	D	OR	23,570
119	DeFazio	D	OR	30,393
126	Kopetski	D	OR	28,708
299	Smith, R.F.	R	OR	10,636
290	Wyden	D	OR	10,986
416	Blackwell	D	PA	1,502
131	Borski	D	PA	27,523
189	Clinger	R	PA	17,275
285	Coughlin	R	PA	11,251
62	Coyne	D	PA	67,187
28	Foglietta	D	PA	293,999
139	Gaydos	D	PA	24,243
368	Gekas	R	PA	6,289
99	Goodling	R	PA	40,773
107	Kanjorski	D	PA	35,564
24	Kolter	D	PA	299,336
129	Kostmayer	D	PA	28,047
297	McDade	R	PA	10,729
254	Murphy	D	PA	12,724
102	Murtha	D	PA	39,184
350	Ridge	R	PA	7,122
303	Ritter	R	PA	10,533
423	Santorum	R	PA	289
374	Schulze	R	PA	6,023
237	Shuster	R	PA	13,963
331	Walker	R	PA	8,799
326	Weldon	R	PA	9,056
141	Yatron	D	PA	23,917
167	Machtley	R	RI	20,227

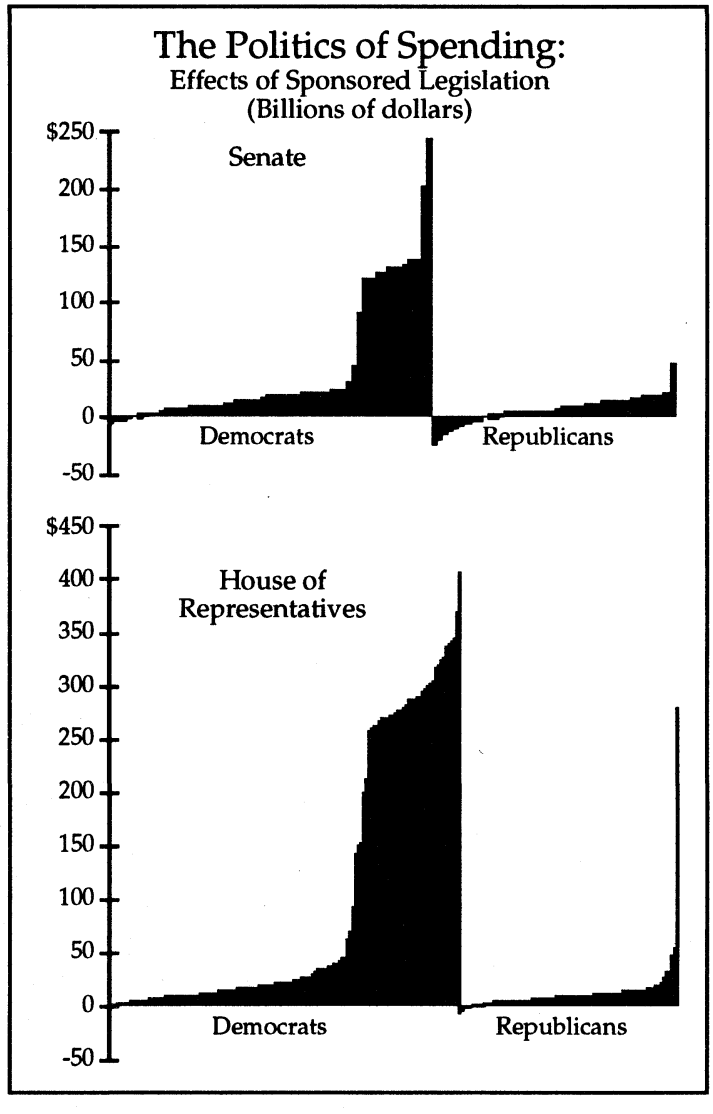

R*	Name	Party	State	Increase
111	Reed	D	RI	34,627
269	Derrick	D	SC	11,837
277	Patterson	D	SC	11,496
44	Ravenel	R	SC	278,129
229	Spence	R	SC	14,317
353	Spratt	D	SC	6,970
72	Tallon	D	SC	211,313
85	Johnson, T.	D	SD	63,270
168	Clement	D	TN	19,895
409	Cooper	D	TN	2,127
298	Duncan	R	TN	10,703
14	Ford, H.	D	TN	322,565
262	Gordon	D	TN	12,473
144	Lloyd	D	TN	23,601
89	Quillen	R	TN	48,512
330	Sundquist	R	TN	8,908
266	Tanner	D	TN	12,042
380	Andrews, M.	D	TX	5,600
431	Archer	R	TX	-1,624
427	Armey	R	TX	-554
394	Barton	R	TX	4,617
375	Brooks	D	TX	5,843
181	Bryant	D	TX	18,623
68	Bustamante	D	TX	257,621
182	Chapman	D	TX	18,420
143	Coleman, R.	D	TX	23,655
252	Combest	R	TX	12,750
328	de la Garza	D	TX	9,041
429	DeLay	R	TX	-962
410	Edwards, C.	D	TX	2,102
415	Fields	R	TX	1,750
103	Frost	D	TX	39,148
173	Geren	D	TX	18,942
90	Gonzalez	D	TX	45,898
251	Hall, R.	D	TX	12,859
428	Johnson, S.	R	TX	-609
289	Laughlin	D	TX	11,149
348	Ortiz	D	TX	7,180
383	Pickle	D	TX	5,436
170	Sarpalius	D	TX	19,631
352	Smith, Lamar	R	TX	7,066
430	Stenholm	D	TX	-1,489
218	Washington	D	TX	15,125
91	Wilson	D	TX	45,858
279	Hansen	R	UT	11,351
220	Orton	D	UT	15,048
133	Owens, W.	D	UT	26,580
399	Allen	R	VA	4,171
417	Bateman	R	VA	1,331
390	Bliley	R	VA	4,877
112	Boucher	D	VA	34,583
193	Moran	D	VA	16,950
292	Olin	D	VA	10,839
273	Payne, L.	D	VA	11,680
214	Pickett	D	VA	15,341
227	Sisisky	D	VA	14,379
301	Wolf	R	VA	10,594
93	Sanders	I	VT	44,906
358	Chandler	R	WA	6,673
59	Dicks	D	WA	269,524
425	Foley	D	WA	0
55	McDermott	D	WA	271,288
300	Miller, J.	R	WA	10,594
217	Morrison, S.	R	WA	15,272
67	Swift	D	WA	259,161
94	Unsoeld	D	WA	43,596
406	Aspin	D	WI	3,076
334	Gunderson	R	WI	8,483
21	Kleczka	D	WI	303,126
288	Klug	R	WI	11,181
50	Moody	D	WI	272,625
408	Obey	D	WI	2,294
373	Petri	R	WI	6,078
274	Roth	R	WI	11,605
405	Sensenbrenner	R	WI	3,078
152	Mollohan	D	WV	22,508
23	Rahall	D	WV	299,522
77	Staggers	D	WV	150,336
105	Wise	D	WV	37,294
361	Thomas, C.	R	WY	6,575

War on Drugs, War on Progress

by James Ostrowski

Nothing stands between humanity and a new frontier of technological progress — except for Luddite reactionaries and their War on Drugs.

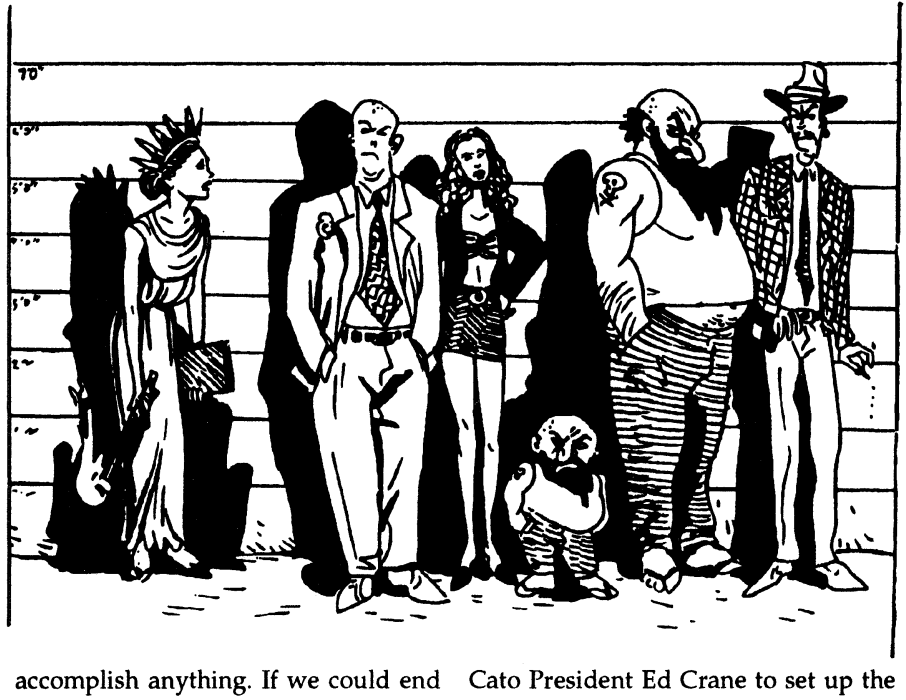

The prospects for drug legalization today are very much like the prospects for ending communism in 1975, or witch-hunts in 1600: terrible in the short run, inevitable in the long run. If that long-run victory is to come as soon as possible, libertarians must learn why it is we are losing the fight for legalization now, and why our final success is inevitable — and adjust our strategy accordingly.

When I started working for legalization in 1984, my primary goal was to use the issue as a lever to advance the entire libertarian agenda. Drug prohibition, involving the government's claim to own our very minds, was the perfect symbol of statist tyranny. The issue was also a classic entrepreneurial opportunity for libertarians, since no other political groups were working on it. Besides, if the public could be persuaded to change their minds so abruptly about such a once highly unpopular proposal as drug legalization, we could accomplish anything. If we could end the war on drugs, we might even deregulate taxis someday.

But the leading libertarian power and money brokers were afraid of the drug issue in the mid-eighties. Only after such nonlibertarians as William F. Buckley, Jr. started talking about the issue did the Cato Institute commission a report from me. By the time the report came out in May 1989, various nonlibertarian groups and individuals had already taken the lead in pushing this uniquely libertarian issue.

In late 1989, I was approached by Cato President Ed Crane to set up the organization Citizens Against Prohibition (CAP). Then came the Gulf War, nipping the renewed interest in the bud. CAP would have been the first truly pro-legalization citizens' organization in the country, but it lost its funding, in part because of concern over the Iraq crisis. The political operatives in and around the Cato Institute who asked me to set up the organization decided to abandon the project and instead organize an anti-Gulf War effort. (CAP's death was also hastened by the turf-protecting liberal leaders of the

Illustration by Paul Pope

Drug Policy Foundation, who apparently convinced philanthropist Richard Dennis to not support our effort.)

Since that time, drug legalization has dropped off the media agenda. My phone is no longer ringing for interviews. I see little coverage of the issue on television or in the establishment press. A computer search through the nation's leading newspapers confirms this. In the 19 months prior to August 1990 (when Desert Shield began), there were 72 articles about drug legalization. In the 18 months thereafter, only six articles appeared.

Let's be clear about this, even in an atmosphere of social hysteria: the drug warriors are enemies of science, reason, freedom, peace, technology, and evolution. They are enemies of the future of humanity.

When an all-time murder record was set in 1990, there was no talk at all that drug legalization would help solve the problem; instead, a Senate committee headed by Joe Biden regurgitated the usual pro-gun control gibberish. Though the Drug Policy Foundation continues to hold its annual academic conferences, these mostly involve preaching to the converted. To my knowledge, no major figures have endorsed legalization since George Schultz did in 1989.

Because the drug reformers of the late 1980s failed to close the deal while they had the chance, intervening events stole the public eye and left them floundering. The drug legalization movement that began around 1985 ended in August 1990. It's history. The hope of short-term victory proved to be a delusion.

A Religious War

Since the pressure is off to present the legalization argument in politically palatable terms, it is time to delve into the reasons for legalization more deeply. As Thomas Szasz has observed, the war on drugs is basically a religious war. Though initially skeptical about this assertion, I have seen it demonstrated empirically many times in the course of the legalization debate. Drug warriors systematically lie, distort, and ignore the truth. They are impervious to any facts, evidence, or logic demonstrating the practical failure of their policy. Just as cost-benefit studies and body counts would not have persuaded Khomeini to end a Holy War against a demonized enemy, the drug warriors cannot be persuaded by such methods to end their Holy War against drugs. When the New York City health commissioner said that *no* amount of evidence could change his mind about legalizing needles to fight AIDS, he echoed the sentiments of hard-core prohibitionists everywhere. And his was nothing if not a religious statement.

The drug issue is religious in the sense that it involves a conflict over ultimate moral values, values that cannot be proven true or false through generally accepted methods. One's views on drug policy reflect one's basic judgment of how human life is to be lived. On one side are those who believe it morally imperative that human beings pass through life with their "natural" consciousness more or less intact. On the other are those who believe that the pharmacological manipulation of consciousness, while potentially dangerous, is morally unobjectionable.

Those who believe that our consciousness must remain unaltered by drug technology are the theological and ideological descendants of those who held, in the Middle Ages, that our physique must remain unaltered by medical technology. The medievalists believed that life in this world is not our ultimate destiny; rather, our destiny was a spiritual world to be entered after death. They rejected the notion that worldly human success is the highest moral value and did not hesitate to oppose technological advances they believed threatened their spiritual values. Likewise, their contemporary cousins — the drug warriors — do not hesitate to forcefully stop us from exploring all the possibilities drug technology can offer. In the process, they trample over the principle of freedom of religion by forcing on others their own vision of the good. Notice the asymmetrical relationship between drug warriors and drug legalizers. Prohibitionists impose their vision of the good on legalizers, while legalizers would not force prohibitionists to use drugs, or deprive them of religious freedom in any other way.

Those who think it is straining to classify psychoactive drugs as technology should ponder the phenomenon of "virtual reality," an electronic consciousness-altering technology that works by bombarding the senses with electronic visual, auditory, and tactile stimuli. Its ability to alter consciousness and take you "out of yourself" is powerful. Virtual reality is basically a nonchemical drug.

The most fundamental moral arguments prohibitionists make against pharmacological drugs can also be made against virtual reality: it allows people to gain satisfaction without engaging in traditional life-enhancing activities; it alienates people from society by allowing them to engage in solitary pleasure-seeking, thereby eroding the moral sensibilities that make social life possible; and so on. In the near future, as the technology of virtual reality becomes more sophisticated, drug warriors will be forced to seek its prohibition because virtual reality will likely be able to produce sensations similar to — even more intense than — those produced by drugs. At that time, the thesis that the war on drugs is a war on technological progress will be conclusively proved.

Arguing with drug warriors about individual liberty is as useless as having the same argument with a Nazi or an Inquisitor.

The Evolutionary Factor

There is another factor in this discussion: evolution. Evolution and change seem to be built into the very structure of the universe; they are certainly built into the structure of living things. Life on earth evolved from non-

living matter. Single-celled organisms evolved into more complex ones. Human beings evolved from lower primates. Humanity is still evolving and the pace of its evolution is faster than ever — and is being mediated through technology.

It is arguably our evolutionary destiny to have complete command of our environment down to the molecular level. Molecular engineering, or nanotechnology, seems inevitable. Although it may be frightening to some, the molecules that make our very consciousness possible will likely be subject to our control. There is built into human beings a desire to improve themselves. Mencken described how this force made the Renaissance possible:

> In the course of time, humanity's strong inborn curiosity — the most familiar manifestation of its basic instinct to preserve life by constant adaption to its environment — became overpowering, and brave men with the lust for knowledge raging within them defied the church and its inquisitors.

To paraphrase Aristotle, the aim of life is first to live well and next to live still better.

If life on earth evolved from single-celled organisms and is destined to evolve to the level of beings who engineer their very selves at the molecular level, what must we make of the war on drugs?

In their pure form, potent mind-altering drugs were discovered only in the 19th century. The technologies used then were crude and sometimes even dangerous, the most rudimentary and elementary stage of engineering consciousness. No final resting place by any means, they are analogous to the wheel in the history of transportation. What will come in the future will make them seem trivial. And the future will come, as it came with the Renaissance. Humanity's desire to gain ever greater control of its environment cannot be suppressed; it can only be channelled — we hope — in positive directions.*

In this historical context, the war on drugs is a counterrevolutionary and counter-evolutionary movement doomed to failure by the overriding human desire for self-perfection.

The war on drugs is a religious war fought by those who oppose the use of technology to alter or engineer consciousness. The engineering of human consciousness is simply the present stage of human evolution. First, we engineered matter; that is, we made matter conform to the thoughts in our minds. Then, quite recently, we started engineering our physical selves through medical science. We began to conquer the very natural process of disease, decay, and death by making our bodies conform to our own mental desires. Now, we have begun to achieve the capacity to make our minds conform to our own choices and desires.

Those who do not want anyone to move along to this next stage of technological evolution are now leading the war on drugs. Their philosophical ancestors led fights against reason, science, technology, and medical progress throughout the ages. As Ayn Rand once wrote, the man who discovered how to make fire was probably burned at the stake.

The war on drugs can be viewed as the opening salvo in a war between futurists and reactionaries that will rage throughout the next century, along such battle fronts as drugs, virtual reality, bioengineering, and nanotechnology. The reactionaries cannot win this war. They can only postpone the moment of their defeat and thereby rob generations of their potential.

A Strategy for Victory

Like similar mass hysterias — witch-burnings, Holocausts, Communisms — the war on drugs is a popular endeavor. Indeed, those who oppose such hysterias are considered odd or crazy. Anticommunists in Russia were put in insane asylums, and opponents of witch-burnings in the Middle Ages were probably denounced as witches themselves and burned at the stake. Here and now, advocates of legalization are regularly denounced as crazy, pro-addiction, or anti-children.

But let's be clear about this, even in an atmosphere of social hysteria: the drug warriors are enemies of science, reason, freedom, peace, technology, and evolution. They are enemies of the future of humanity.

What can we do about them? Policy tinkering won't work. Cost-benefit analyses won't work. Rather, the war on drugs must be exposed and challenged at its philosophical roots.

If we are to legalize drugs, we must abolish the FDA; if we don't, we can't legalize drugs.

We can no longer accept our opponents' premise that any and all present and potential psychoactive substances are evil. We can no longer yield the moral high ground to the opposition — as most liberal and conservative legalizers do — and simply plead with them not to use force to achieve their goal. The drug warriors' minds are not subtle enough to grasp the distinction between morality and law, between persuasion and force, between allowing allegedly immoral acts to occur and condoning them. Furthermore, since the war on drugs is a religious war, they simply don't care about the secular rights established by Enlightenment thinkers. They consider their goal of a drug-free society to be more important than protecting rights. Arguing with drug warriors about individual liberty is as useless as having the same argument with a Nazi or an Inquisitor.

The main reason we drug legalizers have a tough time winning debates is that the public views us as advocates for the kinds of drug use now associated with illegal drugs. The war on drugs has prevented rational and responsible people from developing a drug industry and instead placed it in the hands of violent street hoods. When people associate drug legalization, not with shooting galleries, but with a modern,

* The modern nation-state — with its philosophy that good things come from the use of aggressive force, and even better things come from the use of massive aggressive force — is the single greatest obstacle to the use of technology for peaceful and positive purposes. The nation-state's proudest achievement and most appropriate symbol — the nuclear bomb — is also the greatest perversion of technology.

scientific, life-enhancing, life-extending movement, we will win. Modernity will vanquish neo-medievalism exposed as such.

We need to discard the image of the illegal drug culture by conjoining the drug legalization movement with a drug deregulation movement that embraces all existing drugs. We can sell this concept by emphasizing the benefits of the life extension philosophy: increased intelligence and vitality, better health and longer life. We need to propose the abolition of the DEA *and* the FDA, as well as an end to the prescription system, which gives doctors and the state monopoly power over drug use. We can even co-opt some of the movement for national health insurance by urging a different path: people taking control of their own health in a free market where deregulated drugs will sell for vastly lower prices. We can attack the FDA for withholding needed drugs from AIDS patients as well as cardiac and cancer patients. The unifying theme will be Thomas Szasz's concept of the right of self-medication.

There is another advantage to this strategy. The liberals who seized the drug issue from libertarians by peddling murky and moderate regulatory schemes of drug-dispensing will not be able to co-opt this approach. Their paternalistic instincts will not allow them to utter the nasty word "deregulation," and they will never — and I mean *never* — call for the abolition of one of their favorite agencies, the FDA.

The war on drugs is a counterrevolutionary and counterevolutionary movement doomed to failure.

But it is precisely on this issue that the liberal legalizers will become hopelessly ensnared in the contradictions of their paternalistic philosophy. A recent article in *American Pharmacy* magazine by two anti-legalization writers argues persuasively that the liberal vision of legalization living side-by-side with an FDA is impossible. The authors argue that legalized drugs would come under the jurisdiction of the FDA, in which case the FDA's insistence that drugs be "safe and effective" would sabotage the distribution of drugs. Alternatively, if the FDA's jurisdiction over psychoactive drugs was removed, this would cause conceptual and practical chaos in the existing regulatory system which no side would tolerate for very long. Why should cold medicine be regulated and heroin not? In short, if we are to legalize drugs, we must abolish the FDA; if we don't, we can't legalize drugs.

Combining drug legalization with drug deregulation is not just good strategy for libertarians. It is a practical and legal necessity for anyone serious about ending drug prohibition. With this approach, carried out by an effective organization, libertarians in the 1990s can recapture the leadership of the drug legalization movement they lost in the late 1980s. Then, on to victory! ❑

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Post-Mortem

The Non-Politics of H. Ross Perot

by Stephen Cox

The problem with Perot is that he was not enough of what he claimed not to be. And that's the problem with some of the rest of them, too . . .

The sudden withdrawal of H. Ross Perot from the presidential race, at a time when thousands of enthusiastic volunteers were triumphantly petitioning him onto the ballot in virtually every state, apparently occasioned no surprise to Perot himself.

In the July 16 press conference in which he announced his withdrawal—no, sorry, his decision "not to run"—Perot maintained his normal smirking, self-righteous aplomb. He explained that he had decided not to run because he was a patriotic American who simply wanted the best for his country. He attacked the intelligence of anyone who might look deeper for a motive.

But what if you still can't bring yourself to believe that Perot's patriotism was excited, as he explained it, by the spectacle of the two major parties' finally beginning to "focus themselves" on the issues that he had brought up? What if you can't bring yourself to believe that Perot was assailed by a sudden fear that the "political process" might be "disrupted" by his candidacy?

If you can't believe these things, other explanations are available:

Perhaps Perot's drop in the polls convinced him that he could not, in fact, *continue* to disrupt the political process.

Perhaps the signs of distress in President Bush's campaign indicated to Perot that he had succeeded in wounding Bush, whom he greatly dislikes.

Perhaps Perot had reached the point at which he might have had to start spending some serious amounts of his own time and money, instead of relying primarily on his followers. As it is, they have generated mailing lists of millions of names that Perot can exploit on later occasions. If he can't win this year, he may think, maybe he can win some other year — or at least continue to threaten the Democrats and Republicans with the possibility of another such intervention as we have seen.

Perot's motives, therefore, need not remain mysterious. Neither is Perot himself a mystery. You know him well.

He's the guy who sits beside you on the airplane and won't let you sleep. He's got to tell you just one more anecdote about his clever business deals.

He's the next-door neighbor who calls the cops on those teenagers who skateboard through the back alley. "I don't know what to do about these kids," he says, shaking his head and, for some reason, grinning from ear to ear. "I'm just so concerned about their safety."

He's the lawyer who somehow gets himself elected to the board of your condo association, where he entertains his captive audience with expert opinions on roofing, weather cycles, and the secret life of decorative plants, meanwhile fending off all legal questions by declaring that "these issues require more study."

If the opinion polls are right, a plurality of our countrymen believed that a man like this is well qualified for the job of President of the United States.

They believed this, apparently, because Perot is not a politician. He is a businessman, and a successful one. He was supported even by people who look forward to every election as an opportunity to vote against "big business."

This widespread popularity may be the only mysterious thing about Perot.

But perhaps there's an explanation for that, too. One possibility is that people see Mr. PEE-row (as his Texas friends used to call him) as the country boy who *got* rich, thus validating every American's belief that he or she has the ability to rise to the top despite the exploitative schemes of those bastards

who *are* rich.

Another possibility is that people simply hate all politicians and preserve a lingering faith in the unpolitical virtues of industry, efficiency, and decisiveness that they think are possessed by good businessmen, whatever else they may think of businessmen.

The error in this thinking, the enormous error, is that the presidency is a *political* office, and its proper qualifications are *political*. It is a job for someone who understands politics — real politics, which goes beyond ad hoc speculations about the "political process," and far beyond the the "politics" of vote-getting, "consultation," and "consensus-building." (This thing called "consensus-building," frequently lauded by Perot, was also a favorite enterprise of Lyndon Johnson and other great "politicians" of the recent past.)

People hate politicians and preserve a lingering faith in the unpolitical virtues of industry, efficiency, and decisiveness. The enormous error in this thinking is that the presidency is a political office, and its proper qualifications are political.

The role of the President of the United States is not to make money for his firm by competing with rival firms. It is not to arrange funding for bold investment schemes. It is not to seek out and hire the best planners and engineers. It is not to develop and market new computer equipment.

Although what is good for business may also be good for America, America is not a business. America's government, at its best, is a political structure designed to secure to individual people the freedom to engage in business, or anything else they want to engage in. The writers of our constitution never imagined that government officials were supposed to do the people's business for them; they imagined only that such officials might be able to understand and maintain a political structure of balanced and limited powers.

That, they imagined, was the proper role of politicians.

Now, a businessman may also be a politician; so may a teacher, a nurse, an engineer, or a soul singer. But what the politician needs to have, in his or her role as politician, is a knowledge of the structure of American constitutional government, the reasons for its establishment as a limited government, the effects of government intervention in social and economic life, and the political causes, effects, and remedies of such intervention.

In short, an American politician needs to know better than to play the same part in government that he or she might play in business. One thing more: a real politician needs to know how to explain political principles to his or her constituents, so that they will understand what may justifiably be expected from the political process.

I have just outlined the kind of knowledge that Mr Perot and his ilk conspicuously lack.

On June 29, Perot was interviewed on ABC by Peter Jennings and the usual collection of citizens chosen to represent a variety of interests. He was interviewed at great length — at excruciating length, as it turned out, because he had nothing whatever to say, at least nothing that might have anything to do with qualifying him for the position he sought.

As a candidate for a political job, he was asked a number of questions that merited political answers. He was asked about standards for the appointment of government officials. He was asked about the government's alleged right to prevent or delay people from having abortions. He was asked about the government's involvement in warfare overseas. He was asked about the government's role in respect to welfare, trade, and industry.

To all of these questions he responded at length. None of them he answered.

His responses were social, personal, "moral," and "business," never political. His favorite response was to indicate that opinions about this or that government policy might vary, but that such differences of opinion would not be permitted to "distract" him from his major purpose, which was "putting America back to work." That is what he, as presidential businessman, intended to do. (That is also what the major-party presidential candidates intend to do.)

Of course, putting people to work may be a worthy personal ambition, depending on what the people are put to work doing. It may be a worthy purpose for a businessman. But one would like to know precisely what the presidency has to do with this ambition.

How should the President put people to work? What powers of his office should he use to do that? Should he try to raise taxes, or reduce them? Should he try to make tariffs higher, or lower? People on welfare, Perot has said, should be assisted to get jobs, or even forced to work. But what political means should the President use to accomplish these purposes? Whose responsibility is the welfare enterprise, and why? How does this or that use of political power affect the economy, or the political structure itself?

Oh, Perot often said, when pressed for that bizarre and incredible thing, an answer: That's a matter for study and consultation. We'll all have to work together on that.

In other words, let's not be distracted by the political means; let's remember the social ends.

It is not surprising that Perot recently remarked, in an off-hand way, that (1) the Constitution is out of date,

"I said I'd face up to the issues and I *did*!"

because (2) the Constitution was written before the industrial age. What political reasoning connects those two statements? I have no idea — and neither did Perot.

In his long, long interview on ABC, Perot did not explain how he proposed to reduce or even to restructure the welfare system. He didn't say how he proposed, if he did propose, to reduce the deficit. He did not reveal his position on the use of military force, except to complain that President Bush had consorted with the Iraqi dictatorship before its invasion of Kuwait, and to declare in no uncertain terms that oil is never worth fighting for. He did not expand the list of militarily worthless commodities beyond that point, or supply reasons for his statement.

Perot referred several times to America's once having been on top but now needing to have someone make it number one again by — once more — "putting it back to work." But what were the political reasons for America's former triumph? What were the political reasons for its current slump? What political means did Perot have in mind for its restoration?

Perot wasn't telling.

Asked whether he would appoint homosexuals to high government posts, he said — he who had made sure not to hire homosexuals in his business and who had fired employees who committed adultery — that his difficulty in appointing homosexuals was his tenderness of heart. He couldn't bear to appoint homosexuals if they would be treated by the Senate in the awful way in which poor Anita Hill was treated when she tried to stop the appointment of her former boss, Clarence Thomas, because, years before, he had allegedly asked her out on dates. "I have," said Perot, without evident embarrassment, "a great love and concern for people."

A real politician needs to know how to explain political principles to his or her constituents. This is precisely the kind of knowledge that Perot conspicuously lacks.

Does Perot think that the President or the Senate should be concerned with the sexual preferences or conduct of government appointees, and if so, why? Does Perot think that the homosexual issue and the Thomas-Hill issue are somehow the same? Perhaps these questions need not be asked of someone who has "a great love and concern for people."

Perot, you understand, doesn't just love people in general. As he testified in his interview, he has a great love and concern for black people, white people, female people, all kinds of people.

It's no wonder that the people who rose from Perot's audience to question him grew slack-jawed, listless, and disoriented by the end of his "answers." They weren't making much headway.

But Perot was doing swell. That was far from the low point of his campaign. His inability to specify even one political principle or useful method of arriving at a political goal didn't disturb him in the slightest. Every wandering, condescendingly nebulous "answer" was declaimed in a tone of sublime self-confidence, Perot's little eyes glistening relentlessly above his brisk little mouth and pointy little cocksure smile.

Need we wonder why the ultraliberal community of Hollywood was reported to be shifting its allegiance away from Clinton and toward Perot? Need we wonder why Perot was fawned over by the press? These are the elements in our society that are most worshipful of "success" and "power," most impatient with attempts to understand any kind of principles, most titillated by "love and concern for people," least afraid of warm-hearted tyrants, least capable of knowing cliches when they hear them.

"Cliches"? Yes, because this kind of thing has happened before.

Sixty years ago, in the last days of Herbert Hoover, Isabel Paterson, who has as good a claim as anybody to be regarded as the intellectual founder of the American libertarian movement, identified America's political problem as its inability to think in political terms. "This country," she said,

> started on sound working principles. The main idea was that the Federal government was to be political, not economic. It was to protect human rights from the pressure of group interests and interferences, not to legislate people into either piety or prosperity or private morality. . . . The highest consideration was personal liberty, and therefore the highest power of government must be dedicated to that.

Paterson complained that people voted for Great Engineers and Great Business-

Need we wonder why the ultraliberal community of Hollywood was reported to be shifting its allegiance away from Clinton and toward Perot? Need we wonder why Perot is fawned over by the press?

men and Great Moral Leaders, as if the government ought to be run in the same way as an engineering firm, a factory, or a church. The result was that the government was run that way, right into the ground. What the country needed was politicians who knew politics, who understood the "republican-libertarian principles" on the basis of which prosperity and morality, which can never be decreed, can be allowed to flourish.

Paterson was startled at the low level to which American political discussion was reduced during the regimes of Hoover and Roosevelt. I hate to think what she would say of the present.

Consider, for a moment, the horrors of the Democrats' New York nominating convention, a rhetorical circus designed, apparently, to tickle the fancy of retired teachers who most enjoy MTV, Unitarian church services, and the sticking of pins into George Bush dolls. Consider the noises emerging from the Republican convention on the issue of, say, "health care."

continued on page 44

Wilderness, Church, and State

by Robert H. Nelson

The Constitution of the United States forbids the federal government from sanctioning a national church. But what about churches without walls?

Many environmentalists, as well as their critics, acknowledge the religious roots of environmentalism. And for the environmental movement nothing is more sacred than wilderness. As environmentalists commonly say, wilderness areas are the "churches" of environmentalism. The broader public as well tends to tolerate this characterization, perhaps reflecting a general sense that wilderness areas are indeed very special places.

Few seem willing to address the difficult political question that inevitably follows: If the creation of a wilderness area has a genuinely religious meaning, how can it be reconciled with the longstanding constitutional principle of separating church and state?

If wilderness areas are truly churches of an environmental religion, it follows that when government preserves or protects them, it is engaged in the creation and the management of a national system of churches. It is unacceptable — indeed, unconstitutional — for government to create or manage churches for Christians or Jews. Why, then, should it be acceptable for an environmental religion?

Founding the One True Church

But is it fair to call wildernesses churches?

Wilderness areas can serve as a museum of the biological and geological history of the United States, especially important for a nation that otherwise lacks a long history to record. They also perform several utilitarian functions: recreation, watershed protection, scientific research, etc. However, most of these are also served by many other areas of the national parks, national forests and other public lands that are neither designated nor protected as wilderness. Plainly, serving these human needs is not what specifically characterizes land designated as wilderness.

The distinguishing character of wilderness is defined in the Wilderness Act of 1964: a wilderness must be "an area where the earth and its community of life are untrammeled by man," and should still exhibit a "primeval character and influence." As envisioned by Congress, a wilderness area thus constitutes a place for contemplating the condition of the earth as it was originally created — or at least as it existed before human activities transformed its character. As the Los Angeles *Times* explained on the 25th anniversary of the Wilderness Act, "Americans need places where they can wander off at their own pace to experience the grandeur and sublimity of nature that is unaffected by man. They can look in the waters of a mountain lake and see themselves in new ways." In a wilderness area it is possible to "witness the world anew. . . . Their thoughts can soar with the eagles."[1]

Solitary contemplation, learning about creation, deep spiritual feeling, and emotional replenishment are generally experienced in a church. And, as historian William Dennis has written, many early advocates of wilderness protection explicitly identified their church: "Wilderness was to be the Temple and the Cathedral for ages to come."[2] One early wilderness enthusiast stated that "my God is in the wilderness. . . . My church is the church of the forest."[3]

The writings of John Muir in particular are filled with references to the religious character of wilderness. He describes primitive areas as "temples" and trees as "psalm-singing." Of the wilderness he wrote that "everything in it seems equally divine — one smooth, pure, wild glow of heaven's love."[4] Roderick Nash, the leading historian of American environmentalism, explains that for Muir the experience of the wilderness was one in which

"life's inner harmonies, fundamental truths of existence, stood out in bold relief."[5]

More recently, the Wilderness Society explained that it was necessary to preserve wilderness areas because, "Destroy them and we destroy our spirit . . . destroy them and we destroy our sense of values."[6] Sierra Club chair Michael McCloskey writes that the most important reason for the government to create wilderness areas is that they provide "beacons of hope for all those whose lives are oppressed by lines of traffic, layers of smog, piles of trash, and the menace of toxics. At last, perhaps, we can understand what Thoreau meant when he said: 'In wildness is the preservation of the world.'"[7]

Nash finds that the "recent concern for nature" is characterized by a "quasi-religious fervor." Contemporary "eco-theologians" preach the message of a new "gospel of ecology."[8] A strong advocate for reducing the human presence in the national parks, Joseph Sax, describes himself and fellow preservationists as "secular prophets, preaching a message of secular salvation." In his much noted recent book, *The End of Nature,* Bill McKibben states that a pervasive "crisis of belief" exists in our time which has led "many people, including me . . . [to] overcome it to a greater or lesser degree by locating God in nature."[9]

The Message of Environmental Theology

Many of the environmental faithful ground their convictions in a theology that offers a story of the creation, the fall of man into sin, the possibility of redemption, the character of good and evil, and other traditional religious messages. Indeed, it is its continuity with the western religious heritage that seems to best explain the great public appeal that environmentalism has demonstrated in recent years.

In the message of environmental theology, the earth as originally created was a harmonious and innocent place. At first, mankind did not disrupt this harmony, because people were so few and so dispersed. But this condition did not last. Like the Biblical fall in the Garden of Eden, the rise of human knowledge provoked a fall from grace. Scientific and economic knowledge made possible cities, advanced technology, and, eventually, all of the other sinful products of modern civilization. Thus, Dave Foreman, a founder of the radical environmental organization Earth First!, identifies the "nascency of agriculture" about 10,000 years ago as the beginning of the fall. Agriculture began the process by which human beings became alienated from nature, from themselves. Soon people were corrupted by the evils of "city, bureaucracy, patriarchy, war and empire."[10] Foreman summarizes the new environmentalist rendition of the familiar story:

> Before agriculture was midwifed in the Middle East, humans were in the wilderness. We had no concept of "wilderness" because everything was wilderness and we were a part of it. But with irrigation ditches, crop surpluses, and permanent villages, we became apart from the natural world and substituted our fields, habitations, temples and storehouses. Between the wilderness that created us and the civilization created by us, grew an ever-widening rift.[11]

Christian theology has long taught that salvation can be achieved, and the human soul cleansed, only by reversing the effects of the fall, by resisting the temptations of evil, renouncing worldly values, and accepting the harmony ordained by God. In environmental theology, humanity must reject the temptations found in modern scientific and economic knowledge and turn back to the original harmony and innocence of the natural world. This requires a cleansing of the "artificial" impacts of man from the Earth and a recovery of the "natural" existence that existed before the earth was corrupted by pervasive human activity.

Western religion has been characterized by the idea of transcendence — that there is a path by which current pervasive evils can be escaped and the world transformed to reach a new heaven, whether on Earth or in the hereafter. Environmental theology falls within this tradition. It sees the path of salvation as following along a return to a far better time in the past, a return to the environmental Garden of Eden.

A church is a place where the presence of God is felt most intensely and where evil is excluded, to the extent that that is possible. In the same way, the church of environmental faith should be a place where human impact is minimized. John Muir and subsequent envi-

Illustration by Paul Pope

ronmentalists put this theological logic into practice when they sought measures to preserve sacred wilderness sites. This theological notion was enacted into law in the Wilderness Act of 1964, which characterized wilderness as a place where the signs of human impact were as few as possible.

Environmental theology resembles Judeo-Christian theology in a number of other ways. Just as Christians believe that human sinfulness once caused God to bring on the great flood, and He instructed Noah that each species must be saved, practitioners of environmental religion believe that man's sinfulness (in the form of agriculture, industry, and the growth of civilization) has caused (or is causing) a great calamity, which can be survived only by the saving of every species by means of the Endangered Species Act.

The apocalyptic tradition in Christianity sees ever greater sinfulness that will ultimately culminate in fire and destruction descending from the heavens. Many contemporary environmentalists hold that ever greater pollution, exhaustion of natural resources, mass starvation, and many other disasters loom before humanity unless it stops its sinful agriculture and industry and the spread of its evil civilization. Just as some Christian preachers made the mistake of giving specific dates, enviro-preacher Paul Ehrlich in 1968 prophesied that overpopulation, food shortages, and other problems would yield worldwide catastrophes by 1980.[12] Just as some Christians preach that a new era of peace and harmony will arise from the ashes of civilization after heaven takes its revenge on sinful man, so some radical environmentalists also preach the possibility of redemption in the moment of disaster; by cleansing the earth of human contamination, ecological devastation could even prove to be the dawn of a new and better world.

One early wilderness enthusiast stated, "my God is in the wilderness. . . . My church is the church of the forest."

Christian martyrs once willingly faced lions and gladiators; environmentalists today place their bodies before whaling ships and timber harvest bulldozers. Early monks such as Simon Stylites perched on Middle East columns to show their devotion to God; today, environmentalists perch in redwood trees to show their devotion to the environment. The language of environmentalism is infused with a terminology of moral approval that is derived from the Judeo-Christian heritage. Thus, the Sierra Club recently wrote to prospective members that men must be "called to action" in order to save the Earth.[13] Environmental literature is filled with stories of the "assault," "murder," and "ravaging" of nature, these moral offenses associated with activities to develop resources and thus to sin against the innocence of the natural world. Oil companies are a particular target, said to "rape" the earth by drilling in "virgin" environments.

Environmentalists often preach that men fell into sin by renouncing an original unity with the natural world and by seeking instead to exercise dominion over nature.[14] However, the natural world is frequently not an idyllic place of peace and harmony. It is instead a Darwinian world of survival of the fittest. By this standard, the human conquest of the earth, culminating in the great material advances of the modern age, is an act fully in accord with the laws of nature. If the lion is not to be condemned for wanton acts of cruelty, why should humanity be judged "unnatural" for its subjugation of nature?

Thus, the environmental movement is actually pursuing a goal that many environmentalists have failed to recognize. Environmentalism is not working towards greater unification of man with the natural world but, instead, the adoption of a moral standard that lies *outside* the natural world. No other species, for example, accepts the obligation to protect the existence of different plant and animal species. The message of humanity apart from and with special responsibilities for the world is in fact a message found in the Bible, where man alone among the creatures of the earth is created in the divine image, and man alone is obligated to be a good steward for all the earth.[15] Thus, in yet another way, environmentalism follows closely the Judeo-Christian heritage.

There is a long tradition in Christianity that sees the pursuit of self-interest and the desire for riches as the work of the devil, one of the sinful consequences of the fall of man. In the Garden of Eden all property was communally held; so it will be for the saved in heaven as well. It is only because men in their current earthly state are so depraved that private property rights are justified and that acquisitive activities are permissible.[16] Theologians as central to western religious history as Augustine and Martin Luther have preached a message in which economic pursuits belong to the dark side of life — the evils of the "earthly city" as opposed to the glories of the "heavenly city."[17]

The recent concern for nature is characterized by a quasi-religious fervor. Contemporary "eco-theologians" preach the message of a new "gospel of ecology."

Some environmentalists have picked up this sort of thinking. They see the relentless pursuit of profits, especially by large and impersonal corporations, as a destroyer of the environment which will ultimately result in ecological catastrophe if not suppressed. The forces of greed still run rampant in the world today, undermining the prospect of men living in true harmony with nature. The Wilderness Society recently lamented that "wilderness and the environment have become today's scapegoat, sacrificed on the altar of economic expediency."[18] In a secular age, it seems that environmentalism is for many people a more acceptable outlet for themes earlier expressed in more orthodox forms of western religion.

The influence of the view that wilderness is sacred — a holy site, a place worthy of reverence — is becoming ever greater in shaping government policies for wilderness. The former

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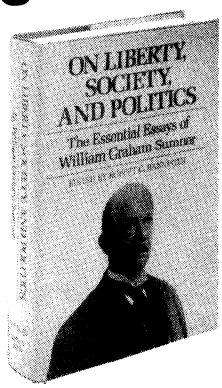

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chairman of the House Interior Committee, Representative Morris Udall, thus declared that the Arctic National Wildlife Refuge was "a sacred place" and it was for this reason that oil drilling must be ruled out in such an unusually wild area.[19] A language of moral affirmation and theological symbolism is today found throughout national discussions of wilderness (and many other environmental) issues.

The Logic of Separating Church and State

Government has the unique power to regulate, tax, and coerce. The framers of the American Constitution were greatly concerned to protect the citizenry against the improper exercise of this power. The Bill of Rights was one product of this concern, designed to assure freedom of assembly, speech, and religion, among other rights. Americans have long held that government's coercive power should not be used to impose or to support particular religious groups; hence the First Amendment's prohibition against the establishment of religion.

This attitude grew partly out of an awareness of the disastrous consequences of religious conflict in Europe. In the 17th century the Thirty Years War between Roman Catholicism and Protestantism resulted in the death of about one-third of the German population. In some respects it might seem that the potential for religious conflict is greater in America because of the diversity of religions within its borders.

But the presence of many religions in the U.S. actually diminished this danger by creating a system of checks and balances. Moreover, the awareness of the threat of religious conflict proved in itself to have a powerful corrective influence. Americans have gone out of their way to avoid circumstances that might lead to religious clashes. The principle of separating church and state has played a much greater role in the American constitutional scheme than in Europe. Indeed, in Europe governments have commonly supported an official state church.

In a secular age, it seems that environmentalism is for many people a more acceptable outlet for themes earlier expressed in more orthodox forms of western religion.

As the violent and destructive history of the 20th century shows, conflicts among religions — whether traditional or secular — can be just as destructive today as in the 17th century. The potential for violence makes no sharp distinction between faiths of traditional and of secular kinds. Indeed, Americans already observe a secular form of separation of church and state in the prohibition against government support for particular political parties. It is no more appropriate for the government to support, say, the American Communist Party — a religious organization of a secular kind — than it is to support the Methodist Church.

"Buddha never said *not* to wear a scarf, either!"

Among the issues raised by the religious character of environmentalism are fundamental constitutional questions: Does the First Amendment prohibit government support of environmental religion? Does the creation of government-owned wildernesses violate the principle of separation of church and state?

At first glance these questions might seem a bit silly. After all, environmentalism doesn't seem to be a religion in the sense that Catholicism, Lutheranism, Judaism, and Methodism are religions. Environmentalism does not have the traditional institutional arrangements that characterize these churches. But to define religion for constitutional purposes as requiring a specific form of institutional arrangement is not reasonable. To do so would imply that the state could actively support the religious institutions of such non-traditional or non-Western religions as Buddhism, Confucianism, and Native American faiths. Such an interpretation defies our understanding of the meaning of religion, by excluding from it the faiths of billions of people around the world that lack the institutional arrangements commonly associated with western religions.

There is a great diversity within the Judeo-Christian tradition in the understanding of the character of God, the divine role in human affairs, the path to salvation, and all manner of other basic questions.[20] Partly reflecting this diversity, the distinction between a secular faith and a traditional religion is fraught with ambiguity. The deists of the 18th century saw God as having created the world, but then having left it to operate according to the laws of nature and without further divine interference — a view that secularists can fairly easily accept.

In the late 19th century the "social gospel" movement offered a message of "social salvation" — the salvation of mankind by the achievement of social and economic progress on earth.[21] Preached from many leading pulpits of American Protestantism, this message was not very much different from the secular salvation preached at the time by socialist thinkers of various types.

Marxism in the first half of the 20th century aroused in many followers a dedication, willingness to sacrifice, and

zeal that might well have been the envy of proselytizers of traditional faiths. Joseph Schumpeter wrote of "Marx the Prophet," arguing that "Marxism is a religion. . . . Marxist socialism belongs to that subgroup which promises paradise on this side of the grave."[22]

The 19th century was a breeding ground not only for Marxism and socialism but for many other secular faiths as well. The intellectual origins of American environmentalism can be traced to Ralph Waldo Emerson, Henry David Thoreau, and the New England transcendentalists of the mid-19th century. John Muir, the founder of the Sierra Club, was a follower of Emerson.[23] Intellectual historian Arthur Ekirch observes that "transcendentalism was not a formal philosophy but was rather a faith — one might almost say a religious faith." It was "in the study of nature" that Emerson "sought substitutes for the teaching of the church." Indeed, standing as an "intermediary between God and man, nature also carried a portion of the divinity to each individual." It could in fact be said that "nature was the connecting link between God and man" and that "God spoke to man through nature and his conscience."[24] To go into a wilderness, therefore, was to be able to hear the voice of God.

As envisioned by Congress, a wilderness area constitutes a place for contemplating the condition of the earth as it was originally created — or at least as it existed before human activities transformed its character.

Some leading current theologians agree that religion can come in many forms and that a secular faith can constitute a religion in a genuine sense. Richard Neuhaus has observed that many secular systems of belief offer "salvation" and that "our secular contemporaries . . . give other names to their sacred world: western civilization, rationality, liberal values and the such. But for all of us there is a sacredness to the ordered world of meaning. On the other side of order — political, economic, intellectual and emotional — is death and damnation."[25] Another American theologian, Willis Glover, writes that to describe a secular set of beliefs as a religion "is no mere figure of speech. One's religion is whatever serves as one's ultimate source of meaning."[26]

When religion is understood broadly in these terms, government policies necessarily will often have a religious basis. Merely to pursue social and economic progress can itself be a religious act, because many secular religions find in social progress their road to salvation. Hence, it would make no sense to argue that a constitutional separation of church and state means that government decisions must always be free of religious content. Government actions with respect to slavery, civil rights, help for the poor, and many other matters have long been closely linked to the expression of American religious beliefs and values.

However, when the U.S. government creates and financially supports a place of worship for the benefit of a religion, it has plainly violated its own constitution. In establishing the national wilderness system, government has literally undertaken to manage a system of churches of a secular faith. Other faiths — Judeo-Christian, Marxist, Buddhist, or whatever — have not been so bold as to expect that government should provide their places of worship. One means of rectifying this discriminatory policy would be to privatize the natural wilderness system, giving wilderness churches the same status as the churches of other traditional and secular faiths.

One Public Good, Among Many

Admittedly, there are social benefits of wilderness that go well beyond the existence of a holy place of environmental religion. Many Americans (myself included) visit wilderness areas simply for the pleasure of hiking and other outdoor recreation without subscribing to the environmental faith, just as there are many people who benefit from the activities of traditional church organizations and yet do not subscribe to church beliefs. The beneficial impacts of church assistance for the poor, church educational systems, and other religious endeavors go well beyond the actual membership. The existence of these broader benefits of wilderness preservation no more justifies government support for it than the broader benefits of traditional religions justify government support for them.

Some argue that Americans have never really adhered to the constitutional requirement to separate church and state. Indeed, the American national community has been often portrayed as grounded in the beliefs of a "civil faith."[27] This faith was derived from the Enlightenment, affirmed in the Declaration of Independence, and embodied in the Constitution.[28] With respect to this secular religion there could be no separation of church and state because in effect the American state has itself been the embodiment of this religion. The public schools, for example, were part of the American national church, assigned the task of spreading the message of the civil faith of America. In short, the principle of separating church and state may have been an American myth, useful as a way of keeping traditional religions from potentially dangerous clashes, but ignored when it came to the tenets of the American national religion.

If the creation of a wilderness area has a genuinely religious meaning, how can it be reconciled with the longstanding constitutional principle of separating church and state?

Whatever success the "civil faith" has achieved in American public life arises from the existence of a true national consensus in America. As long as virtually all Americans more or less agreed with the tenets of the American "civil religion," the American state could become the embodiment of this religion without much risk of religious conflict. To the extent the American government has followed the prescriptions of this civil faith, it has been following the nearly universal wishes of

the American people.

The same cannot be said, however, about environmental religion and the establishment of wilderness areas. Government creation of wilderness churches is an affront to those faithful who believe that the route to salvation is to be discovered in the Bible alone, not in listening to the voice of God as found in nature. In a secular context, the creation of a wilderness is regarded by many as a symbolic statement against the redeeming influence of economic progress, technological advance, and the modern industrial system.

Contrary to popular belief, it is not necessary that government be involved in the preservation of wilderness. Indeed, large land areas are preserved in England by private organizations. To a lesser extent private organizations already play this role in the United States. The environmental movement has shown the capacity to raise large sums of money; some estimates indicate that the leading environmental organizations are now receiving collectively more than $250 million per year. If a substantial portion of these funds were used for the acquisition and maintenance of wilderness — rather than lobbying government for subsidy of wilderness — a large private system of wilderness could be established.

As a government system, wilderness is subject to the uncertainties of politics. Some future war or other crisis could threaten the survival of the system. Public opinion could simply swing in another direction. A private wilderness system would not be exposed to these hazards. Indeed, the very act of raising necessary funds and enlisting volunteers might strengthen public support for the values reflected in the wilderness system. Dennis reports that in early America the spread of stricter separations of church and state did not weaken the churches, but resulted instead in a stronger commitment from the faithful. The turn away from politics released new energies for building the churches themselves.[29]

In a 1961 U.S. Supreme Court decision, *Torasco vs. Watkins*, Justice Hugo Black wrote that government must not "support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." Justice Black explained that no distinction could be drawn in this regard between "religions based on a belief in the existence of God as against those religions founded on different beliefs." In the latter category the Justice included "Buddhism, Taoism, Ethical Culture, Secular Humanism, and others" as valid if unconventional religions. Among these "others," there would seem little choice but to include the beliefs of many current members of the environmental movement. And while Justice Black did not have this specific conclusion in mind, a straightforward extension of his line of reasoning would seem clearly to prohibit the government from operating a system of wilderness churches of an environmental religion.

The continued use of public resources to sustain the churches of our contemporary environmental faith can only prove divisive. Instead of government ownership and management, the national wilderness system should be put in private hands, where it could be sustained by voluntary private contributions — as the churches of institutional religion are today sustained and as the natural areas preserved by private organizations such as the Nature Conservancy are today maintained.

The environmentalists' cathedrals should be supported in the same way that the man-made cathedrals of the Roman Catholic Church and other religious bodies are sustained. Existing wilderness areas should be transferred to appropriate private owners. New wilderness areas should be created by means of contributions from individual and corporate donors, fees charged for wilderness visitation, and other nongovernmental sources. ❑

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Satire

Nutrition Is Too Important To Be Left to the Free Market

by Dan Endsley

In the old days, some people thought the production and distribution of food could be left in private hands. Happily, those days are over.

The year is 2092, and finally, public grocery shopping is available to all who need it. For years, reactionary and cantankerous anti-social elements had argued that the free marketplace was adequate to provide all the groceries that people need. But the continued popularity of unnutritious "junk food," fad diets, home growing, and even, in some cases, outright fasting, finally convinced people that grocery shopping was too important to be left to private enterprise—any more than, say, delivery of the mail, the nation's defense, or the education of the nation's youth could be left to the marketplace.

Shopping at grocery stores owned and operated by the government is now mandatory for people 16 or older, and is optional for children and youths. Suburban and rural shoppers are required to shop at a selected store near their homes, while most inner-city shoppers must ride buses across town to insure equal access to all grocery products. Government stores are open only on weekdays from 8:00 a.m. to 3:00 p.m.

Shoppers are categorized by age and required to shop in groups of 25 to 50 people. Each group is assigned to a state-licensed and certified grocer. This person shepherds them up and down the aisles, telling them which foods are desirable and which aren't. Shoppers are required to spend a certain amount of time in each department; say, 15 minutes in the deli, 25 in grocery, 10 in the bakery, 5 in the video section. Dawdling in one section for too long is not permitted, nor are shoppers allowed to skip sections that aren't suited to their taste, even if they have no taste for, say, cottage cheese or pork rinds.

Shoppers are rewarded on how well they shop — or, more precisely, on how well they follow the instructions of their particular grocer. In some cases their performance is measured by tests, in others by the evaluation of the grocer to whom they are assigned, and very often by a combination of those two methods.

Those with the highest test scores are labelled "honor shoppers" and given bumper stickers to place on the rears of their cars. Those who score lowest are labelled "at risk shoppers," or "shopping disabled," and forced to shop in special, remedial stores, or in the regular stores but at special hours, with specially-trained cashiers, baggers, etc. The grocers and store managers are elated to identify "shopping disabled" people. They receive additional state funding to treat this affliction. "Smart shoppers," who at times know their way around the grocery store better than the certified grocers, pose more of a challenge to them, and are blamed for fostering elitist attitudes of "shopping meritocracy" and lowering the self-esteem of less gifted shoppers.

Stores are closed during June, July, and August, except as necessary to accommodate those shoppers who failed to shop adequately during the other nine months. The government, at the urging of the grocers, store managers, bus drivers, and others in the shopping system, discourages and restricts the growing of food at home. These special-interest groups argue that only mass-produced, store-bought foods are healthy and beneficial. In most states, the "grow-at-home" movement has been restricted by laws that require "home-growers" to be fully certified grocers, but in a few states a modest level of home-growing is tolerated.

Some shoppers prefer to shop at private stores. These stores, in many cases operated by churches, are widely acknowledged to offer more variety, higher quality and lower prices than government stores, despite extensive regulations requiring them to offer goods and services nearly identical to those offered by government stores.

However, those who prefer to patronize private or church stores must pay the government grocery stores just as if they were buying all their groceries there, so relatively few can afford to shop at such establishments. The grocers at the public grocery stores often resent the private shoppers for not shopping at the public stores, although a high percentage of grocers send their own children to shop at private stores.

At first, political conservatives opposed federal aid to grocery stores, arguing that it diminished local and state control of eating.

This practice is strongly discouraged by the local grocery boards.

These boards, which are elected at regular intervals, hire the managers of the stores, oversee their budgets, and set the prices that all who live in the area must pay at the government stores. In most states, the local grocery boards are overseen by the State Department of Groceries. Because the system of public grocery stores is so expensive to run, in recent years an increasing share of funding has come from federal aid to groceries. At first, political conservatives opposed federal aid to grocery stores, arguing that it diminished local and state control of eating. However, with the election of a conservative President in 2080 and his appointment of a "grocery czar" the following year, they came to appreciate the value of encouraging proper nutrition on a nationwide basis, especially in areas where conservatives are out of power.

All government stores carry virtually the same products, though there has in recent years been a trend toward "mandatory grocery diversification," requiring stores to offer oriental food, soul food, and Mexican food. This came about after a presidential commission examined the problem of grocery store dropouts — young people from cultural minorities who quit shopping, complaining that the government-mandated groceries were insensitive to their culinary needs. But attempts to lure them back — ranging from public service advertisements, to sermons from authorities, to the enactment of mandatory shopping laws and the hiring of special police officers to arrest truants and special counselors to convince them to stick with the government-mandated foods — failed.

A more "liberal" element has argued for a requirement that all Americans purchase a mandated variety of different ethnic foods, in the interest of what came to be known as "multicuisinism." Conservatives reminisced about the good old days, when grocery stores were clean, polite, and quiet places to shop, a time when shoppers appreciated the privileges of shopping. They declared, "if white bread was good enough for our parents and grandparents, it's good enough for everyone." Known as "white-breaders," this group managed to take over some local grocery boards and the departments of education in a few states.

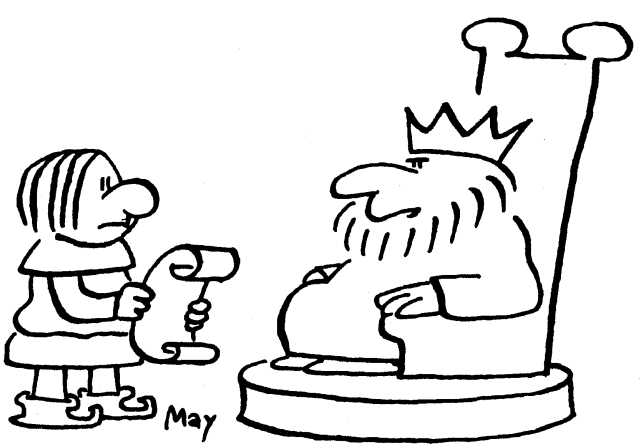

"'Lethal injection'? — Boy, you lawyers take the fun out of everything!"

In recent years, there has been a well-financed campaign in favor of "choice in shopping," a system in which shoppers would receive "grocery vouchers," which could be spent at any public grocery store or at any of a handful of government-licensed "private" stores. The administrators and employees of the government stores argue that enactment of this policy would mark the end of grocery shopping for all but the rich, a vast increase in poor eating habits, and untold misery. Those who advocated the idea of vouchers were accused of being in the pay of private grocers. So far, advocates of government stores have prevailed with the argument that nutrition is too important to be left to the vulgar allures of the loudest hawker.

The public shopping system isn't working perfectly, but it is certainly better than the old days, when people shopped wherever and whenever they wanted. And experts in Washington have announced a shopping reform that will remedy many of the problems with the current public grocery system. "Shopping 2100" is designed to make our shoppers the best in the world.

There has been a well-financed campaign in favor of "choice in shopping." Against this, administrators and employees at the government stores argue that enactment of this policy would mark the end of grocery shopping for all but the rich.

After "Shopping 2100" is implemented, nationally recognized authorities on groceries will design the grocery stores of the future and provide for national shopping tests so that each state will know where its shoppers rank. Top-performing states will be given more money as a reward. The lowest-performing states will be more closely regulated to help them become top states. This program will be carried out until every state's shoppers are designated "above average." At that stage, according to the program's backers, the nation's public grocery system will have achieved total dominance over "the commanding heights of the food chain." ❑

Argument

If Execution Is Just, What is Justice?

by J. Neil Schulman

According to a current television program, "Justice may be blind, but it can see in the dark." The current practice of capital punishment may make about as much sense.

Democracy has no more sensitive gauge than the public opinion poll, and the recent Los Angeles *Times* poll reporting that four out of five Californians favored the execution of murderer Robert Alton Harris tells us everything we need to know about the political will of the people on this subject at this time.

But while the voice of the people may be the final word regarding our political decisions, moral questions aren't settled by popular opinion. Nor is the political will of the people eternal and unchanging. At various times in human history, the voice of the people has favored slavery, the execution of blasphemers, and the Divine Right of Kings. Today's cherished principle is tomorrow's outmoded precept. The public's moral sense changes as time passes.

The most common single reason given by those who favor execution is the traditional notion of Biblical justice: "an eye for an eye." I find it both refreshing and comforting that moral, rather than merely utilitarian, considerations are at the forefront of most people's consciousness. Still, the question remains: on what basis does one believe that retribution — "an eye for an eye" — is a valid principle of moral justice?

Is retribution primarily an emotional rather than intellectual reaction, based on empathy with the victims? What, then, of the revulsion felt by others to the execution itself, the premeditated killing of a manacled man?

Is retribution justified because of its age, because it was codified four millennia ago in the Code of Hammurabi? What, then, of that Code's call for putting out eyes and cutting off hands?

Is retribution right because God told us so in The Book of Exodus? Then why are we not also executing witches, or people who curse their parents, or those who commit bestiality, or those who make sacrifices to other deities? And what business does a secular state have enforcing a code which is specifically religious in nature?

For those of us unable to justify retribution on the basis of direct revelation, tradition, or mere emotion, there remains only one other way to derive such justification: human reason.

A rational inquiry on this issue should begin by asking why it is right for the state — a secular organization acting as agent for ordinary individuals — to do that which is universally condemned when done by any of those individuals? Does the state act from practical, utilitarian considerations alone — in which case such utility must first be subjected to moral limitations — or can it justify its killings on the basis of moral premises which can be derived without reference to sectarian religious arguments?

The State of California finds it fairly simple to define justifiable homicide for the private individual. According to the California Department of Justice's booklet *California Firearms Laws 1991*, "The killing of one person by another may be justifiable when necessary to resist the attempt to commit a forcible and life-threatening crime, provided that a reasonable person in the same situation would believe that: (a) the person killed intended to commit a forcible and life-threatening crime; (b) there was imminent danger of such crime being accomplished; and, (c) the person acted under the belief that such force was necessary to save himself or herself or another from death or a forcible and life-threatening crime. Murder, mayhem, rape, and robbery are examples of forcible and life-threatening

crimes."

For the private person — or even the police officer — the instant the threat ends, the grounds for justifiable homicide end.

Strictly speaking, the state is no more than a group of individuals acting for a common purpose. It is hard to imagine how the sum total of what the state may do adds up to more than the sum of the rights of the individuals comprising that group. How does this transformation occur? Does group involvement sanctify killing? If so, how many individuals must be in a group before it earns a license to kill? What *moral* premise distinguishes the state criminal justice system from the lynch mob?

The obvious answer is that in the absence of a Divine or at least transcendental foundation for state authority, there is no moral basis for the state to do anything which it is not right for the private individual or group to do. Logic dictates that if it is morally justifiable for the state to kill in just retribution, then it must likewise be morally justifiable for other individuals or groups to do so as well — the Mafia, the Crips, and the Bloods included.

If it seems obviously wrong to you that private individuals have a right to retaliate — if California's restrictions on justifiable homicide seem to you to be based on a valid moral premise — then you must come up with a moral justification for the state to do that which none of its principals may do.

I believe that such a justification is impossible. There is no good reason to hold a double standard; the same standard — justice — must be applied to both the individual and to any group of individuals. Furthermore, I hold that the standard of justice precludes punishing murderers with death, as this far exceeds the scope of human justice. Human justice is based on the concept of seeking repair rather than further destruction. The religious concept of just retribution — punishment, by another name — is underivable from principles of reparative equity and is therefore thoroughly irrelevant to such justice or moral behavior as may be enforced by a legal system.

There is no moral basis for the state to do anything which it is not right for the private individual or group to do.

If we have learned anything in four millennia of limiting the role of government, it is that if civil justice is to exist in a secular society, the cycle of vengeance must be broken and retaliation for wrongful harms must be limited to reparation.

But it does not logically follow that murderers should continue to enjoy a pleasant life at the expense of their victims (which is pretty much the present system). The principle of reparation logically requires that murderers labor hard to the end of their days, with all that they produce beyond mere subsistence channelled to their victim's heirs. There is no reasonable moral justification for murderers spending their days as privileged wards of the state. This false humanitarianism is gravely offensive to the memory of the murderer's victims. Such offense is possibly the basis for much of the emotion behind calls for state executions. Many people would oppose the death penalty if they could be sure that criminals serve the full measure of their sentences, and if the debts for their crimes were paid in full.

It is quite enough for the institutions of society to place impenetrable walls between murderers and the rest of us, and extract what value can be obtained for their victims' benefit. That is all safety and equity require. That is all that we're entitled to. Beyond that lies moral territory where imperfect human institutions should fear to tread. ❑

Cox, "The Non-Politics of H. Ross Perot," *continued from page 33*

Leaders of both major parties are now free to compete with one another to produce the smarmiest, most self-righteously Perotist demonstrations that they are patriotic Americans because they have the most effective plan to use government to control society — "to change this country," as Perot and Clinton and so forth always say.

But maybe, one fine afternoon, it will occur to some bright party activist that the best way to compete in American politics is to practice American politics: to talk sense about the difference between big government and limited government.

If a major-party candidate wants to distinguish himself, perhaps he could explain, briefly and clearly, why we have a gigantic deficit, or what happens to employment when the government increases taxes on corporations that provide jobs in order to "create jobs" somewhere else, or what happens to food prices when the government decides to guarantee that people who produce food also make a lot of money, or what the probable results might be of the government's declaring an armistice in the war on drugs, or what the proven results have been of the government's willingness to guarantee all the deposits in every bank or savings and loan in the country, no matter how badly those institutions are run.

In short, now that Mr Perot, the business candidate, is out of the running, perhaps someone else can step forward and become the *political* candidate. ❑

Errata

Terree P. Wasley failed to acknowledge John Semmens' groundbreaking work in privatizing infrastructure, particularly his work on the material covered on pp 43-4 of her article in the July 1992 *Liberty*. Ms Wasley apologizes to readers and to Dr Semmens for this error.

James Taggart's review of Richard Epstein's *Forbidden Ground* ("Just Discrimination," July 1992, pp 51–53), erroneously attriubuted to Epstein a short passage at its conclusion. The proper source was Allan Bloom, "Western Civ — and Me," (*Commentary*, August 1990), not Prof Epstein.

The equation in J. Orlin Grabbe's short story on page 54 of the May 1992 *Liberty* should have read:

$$\dot{k} = g(k)\left[1 - \frac{k}{N}\right] - f(L)$$

rather than

$$k = g(k)\left[1 - \frac{k}{N}\right] - f(L)$$

Thanks to the dozens of readers who pointed out this error. How our proofreaders missed this egregious error we do not know.

Reviews

***Environmental Science*, by G. Tyler Miller, Jr.**
Wadsworth Publishing Company, 3rd ed., 1991.

Nonsense and Non-science: A Textbook Case

Jane S. Shaw

"We face a complex mix of interlocking problems that are reaching crisis levels on the beautiful blue and green planet that is the only home for us and a rich diversity of other life forms. One is population growth . . .

"Each year more of the world's forests, grasslands, and wetlands disappear, and deserts grow in size as people increase their use of the earth's surface . . .

". . . we are living in ways that are unsustainable. According to environmentalists, the increasing number of fishless lakes and streams, dying forests, eroded lands, extinct species, and millions of environmental refugees, whose homelands can no longer keep them alive, are clear signals that nature's bill for over-exploitation of the earth's resource base is coming due and that we must drastically change our ways now. . . ."

This is not an excerpt from Paul Ehrlich's latest book or a collection of direct-mail appeals from the Sierra Club or Zero Population Growth. It is from a textbook called *Environmental Science*,[1] by G. Tyler Miller, Jr.

I am told this book is one of the most widely-read environmental science texts, used both in high schools and college. This claim is supported by the fact that it is in four colors (publishers go to that expense only with books they expect to sell very well); is in its third edition (a more in-depth companion volume is in its seventh edition!); and is published by Wadsworth Publishing Co., a reputable firm. And it was developed in connection with a public television series (designed also to be a college course) called "Race to Save the Planet," so you can buy a study guide that integrates the course and this text.

I have never seen a textbook that is more beautifully illustrated or one that is less scientific.

Under titles such as "Achieving a Sustainable-Earth Society," "Principles for Understanding and Sustaining the Earth," and "What You Can Do to Help Sustain the Earth's Land Ecosystems," the book is riddled with advice for improving the environment of the earth. This is Earth Day writ large, with hundreds of recommendations ranging from changing one's personal habits to lobbying for all kinds of tough regulations and greater government funding.

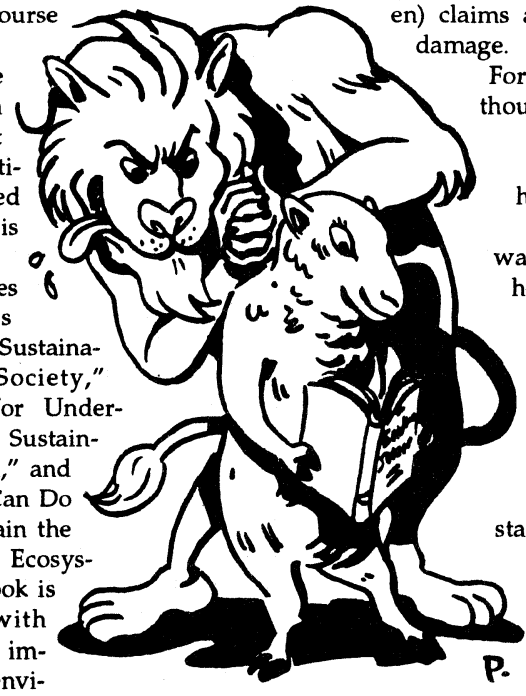

Here is a small sampling of Miller's recommendations:

- plant trees
- recycle paper
- avoid "throwaway plastic"
- switch to reusable containers
- eat less beef
- use baking soda instead of deodorant
- begin "raising public awareness and building political support for far-reaching changes by challenging existing political and economic systems."

Miller makes no attempt to justify these recommended practices in the light of economic or biological knowledge, even though the title of the book suggests there ought to be some scientific justification. And he makes no effort to support his extraordinary and unproven (in some cases disproven) claims about environmental damage.

For example, even though the author notes that some scientists don't think that we have enough information about global warming to take action, he claims that this attitude "misrepresents the results of science."[2] Science, he explains, is based on "mostly circumstantial and incomplete evidence and statistical probabilities," and "many climate experts" think that there is "already enough circumstantial evidence for us to act now . . ." And then he leaps onto his favorite hobbyhorse, alternative energy, by saying: "Besides, since fossil fuels (especially oil) are running out and are the major causes of air pollu-

Illustration by Paul Pope

tion, water pollution, and land disruption, we need to drastically improve energy efficiency and shift to other energy sources as fast as possible, even if there were no threat from global warming."

Here Miller's command of both logic and facts is poor. What circumstantial evidence is he talking about? The main reason some people fear global warming is that computer models, which are extremely limited in their forecasting ability, predict large temperature increases if CO_2 continues to increase. When these computers are fed the increases in carbon dioxide that the world has already experienced, they indicate that we should have had about twice as much warming in the past 100 years as we have had![3] In other words, they aren't accurate about the past, so why should we expect them to be accurate about the future?

This is Earth Day writ large, with hundreds of recommendations ranging from changing one's personal habits to lobbying for all kinds of tough regulations and greater government funding.

There are many other reasons why a number of prominent scientists doubt that the predictions of global warming are accurate. These include the fact that the major increases in temperature during the 20th century *preceded* the major increases in carbon dioxide! According to computer predictions, the Northern Hemisphere should have warmed more than the Southern Hemisphere, but what actual warming has occurred has been concentrated in the Southern Hemisphere.[4]

The blame Miller places on fossil fuels ("the major causes of air pollution, water pollution, and land disruption") seems excessive, too. According to a recent study by the World Bank, particulate air pollution has declined by 60% in industrialized countries since 1970[5] (and a Brookings Institution economist says that it fell faster during the 1960s).[6] If by water pollution he refers to oil spills, as he seems to, he should know that the Congressional Research Service in 1990 found no long-term impacts from all the major world oil spills up to that time (it didn't survey the results of the *Exxon Valdez* spill because it was too recent, but it was smaller than many that were studied by the CRS).[7] As for land disruption, the actual effect on land from oil drilling is often minimal and only temporary; a drilling pad for an oil well can be as small as an acre.[8] Studies of oil development in Prudhoe Bay, Alaska, and along the Alaska pipeline indicate that there has been no decrease in caribou populations; in fact, caribou populations have increased.[9]

Miller's views on acid rain, the value of recycling, the connection between ozone depletion and melanoma, and the problem of overpopulation are similarly slanted to reflect his personal biases rather than scientific knowledge. *Environmental Science* is a catchall of popular diagnoses and nostrums that you might read in a daily newspaper, many of which have been long since discredited.

When he isn't writing homilies on what you can do to improve the earth, Miller makes broad unsupported claims about how close to depletion our resources are and blames the Western "throwaway" society for this problem. Even most of the problems of the LDCs (less developed countries) are laid at our doorstep. "In effect, LDCs are being coerced into depleting their resources to help support the wasteful, earth-degrading lifestyles of people in MDCs [more developed countries] and the rich in their own countries," he says.[10]

The West is at fault for overpopulation, as well, even though (as he notes) the U.S. fertility rate has been at or below replacement level since 1972. The problem is that people in the Western countries use too many resources. In the LDCs, the problem is "people overpopulation"; in the MDCs it is "consumption overpopulation."[11] Miller tells his readers that "during your lifetime, the 9 million babies added to the population of MDCs in 1990 may do at least as much damage to the earth's life support systems as the 86 million babies added in LDCs."[12] So a two-pronged attack is needed: control of people population in the less developed nations and control of consumption (especially of energy) in the more developed nations.

What do these claims amount to? I've written before that "expert" views about population have changed in recent years. There is little empirical support for the view that excessive population growth is the cause of economic problems such as slow income growth and poor agricultural production. In fact, a comprehensive review of economic literature on the subject in *The Journal of Economic Literature* observes: "While several models predict a negative net impact of population growth on economic development, it is intriguing that the empirical evidence documenting this outcome is weak or nonexistent."[13] Not a lot of empirical work has been done on the relationship between population growth (or density) and environmental impact, in spite of frequent claims that population is harming natural resources, but population figures themselves undermine such accusations. For example, Brazil (known to be a place where there is environmental degradation) has a population density of only 47 people per square mile; Ethiopia, 101 per square mile. But France has a population density of 252 people per square mile; Great Britain, 601; and The Netherlands, 931.[14]

The book is a construct built entirely out of romantic concepts, popular myths and pointless aphorisms.

It is true that poor people who use a commonly-owned or open-access forest for firewood eventually deplete that forest, and will deplete it faster when their numbers increase. But the depletion is a result of the fact that the forest has no owner to husband it. This environmental problem is caused by the

lack of private property rights and by the poverty of the people, which prevents them from using other alternatives, not by the growth of population.

Miller's claim that overconsumption by the West causes resource depletion in LDCs also fails. Some forests (as in Malaysia) may be diminishing, but the total forest resources are not, or else there would be significant, continuing price increases for the dwindling wood. And where deforestation is a real problem — in poor Third World countries, not those charged with "overconsumption" — it is often the result of government failure. A study of deforestation by Robert Repetto of the World Resources Institute states: "Despite official endorsements of conservation goals, government policies contribute significantly to the rapid deforestation now underway."[15] Such policies include those in Brazil that promote cattle-raising and land-clearing by homesteaders. Furthermore, trade with the West spurs economic growth in developing countries, and a growing literature indicates that economic growth will enable the people to begin to demand environmental protection and have the wealth to achieve it.[16]

Miller's obliviousness to actions he takes in his own self-interest reflects the arrogance that is typical of environmentalists today.

Ignoring these facts, Miller wants the people in the West to move toward what he calls a "low-waste sustainable-earth system." While he advises his readers to consider recycling as a first step, his real goal is a sharp reduction in the amount of waste we produce through bans on "throwaway" products and taxes on cars that last less than 15 years. "Ultimately," he says, "a sustainable-earth system is based on the principle: 'If you can't recycle or reuse something, don't make it.'"[17] In sum, the book revels enthusiastically in gimmicks that are supposed to save the planet, with enthusiasm bolstered by the cozy idea that if we work hard enough we can coerce everyone else into adopting them, too.

This Is a Textbook?

Those of us who espouse market perspectives on environmental issues don't expect textbooks to reflect our views. We expect most books that reach a large public to have a "tilt" or bias that reflects a poor understanding of the market process. Unfortunately, *Environmental Science* isn't just a "tilt." It is a construct built entirely out of romantic concepts, popular myths and pointless aphorisms. It makes no pretense of objectivity. Miller has made no visible effort to include the growing body of literature that challenges his assumptions. He does admit to some debate over global warming and he's incorporated some of the recent findings showing acid rain to be an extremely small problem. But while he uses the latest acid rain figures, he maintains the rhetoric implying that acid rain is one of the severe problems of the Western world.

To give him the credit due, Miller is serious about changing personal habits and, in fact, devotes a feature to describing his own quite extensive effort to create a living and working environment compatible with nature.[18]

He tells how his rural home is built from an old school bus; it's largely solar heated, and it's cooled in the summer by earth tubes. He and his wife compost kitchen wastes and take paper and bottles to a recycling center. They use a four-wheel-drive vehicle because they live on a dirt road, and thus consume more gasoline than they would like, but they hope eventually to purchase a vehicle that runs on hydrogen gas produced by solar photovoltaic cells. In the meanwhile, they do little driving (he conveniently works at home).

Miller seems a little uncomfortable with the fact that his 465-page book is a glossy, modern, and expensive ($36.00) product of the high-technology printing business. He makes a point of noting that he donates money tc organizations to plant at least ten trees for each tree used in printing his books. That doesn't do much for the energy in-

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volved in producing and disseminating the book or the colored (sometimes toxic) inks that are used in it, but it does show some sensitivity.

But it is human nature to be blind to one's own self-interest and Miller is human. His overarching devotion to the principle of "less is more" does not stretch to reuse of textbooks. In his preface[19] he explicitly discourages the reader from reselling the book to a used bookstore. Those familiar with the textbook trade know that used textbooks are the worst hazard to an author's profits — by the second year, the majority of the initial books sold are back in use again, severely cutting into sales of new books. Miller doesn't explain it that way; he says that learning is a "lifelong process, and you will have to deal with the vital issues discussed here for the rest of your life." (He does offer an alternative to keeping the book — passing it on free to someone else.)

I don't think that Miller is cynically trying to keep his sales up by discouraging the used-book market (although I'm not sure). Rather, I think he simply treats his own source of income as something exempt from the message of his mountainous columns of sustainable-society advice. Some goods simply are more valuable saved than recycled, and his elegant textbook is one of them.

Here he is simply reflecting one of the hallmarks of left-liberal thinking: failure to respect the driving power of self-interest, including his own. His obliviousness to actions he takes in his own self-interest reflects the arrogance that is typical of environmentalists today. This arrogance is what leads him to think that population experts should ride roughshod over the wishes of people who want to have more than 2.1 children. It leads him to assume that people should want to recycle products, but to contend that if they don't want to, government officials should force them to. And it leads him to ignore the fact that his chosen lifestyle (four-wheel-drive vehicle and all) is only possible because of the technology of the "throwaway" society that he so disparages. (In what Third World country is a vehicle fueled by hydrogen gas produced by solar photovoltaic cells even contemplated?)

Ignoring the benefits of Western culture, he has decided that we are a wasteful, sinful society. Because he is an enthusiast for alternative energy forms and other ecological gimcrackery, he thinks everyone else should be, too. He doesn't consider the fact that others do not receive substantial royalties from writing about such things, as he does.

Myths Not To Live By

The hubris of environmentalists troubles and shocks me, but it's hard to figure out what to do about it. In this book, and in the talk of environmentalists in general, the arrogance is so wrapped up in "caring" rhetoric ("Care about wild plants, wild animals, wild places. Care about people — young, old, black, white, brown — in this generation and generations to come"[20]) that it's hard to make the elitist label stick. His readers, too, are affluent (at least by world standards) and thus quite possibly elitist as well. It would take another volume to show that the way Miller would carry out this "caring" is more likely to lead to destruction of life, not to preservation.

So I am reduced to railing at the utterly unscientific nature of what he is saying and to questioning what education is all about. Indeed, the arrival of this book made me wonder where I've been. My first thought was that the decline of respect for knowledge on campus was greater than I had suspected.

Upon reflection, I surmised that perhaps there is a section of the so-called educational system that is not really education, just myth-making and myth-perpetuation. Environmental Studies may be part of that ghetto. The editor at Wadsworth explained that while this is an introductory text, there's no agreement on what an environmental curriculum is. The text is often used, he explained, in a "general" course for non-majors. So, this book enforces and spreads around information that these students probably would pick up anyway from the daily newspapers if they didn't go to college.

The most optimistic way to look at this book is to conclude that by reading this pablum, students may not be any worse off than if they didn't, since it merely perpetuates conventional (and mostly wrong) opinion on these matters. Trouble is, students who take courses with books like this will think that they understand environmental issues. They don't. Neither does G. Tyler Miller, Jr. ❑

Notes

1. Miller, *Environmental Science*, p. 2.
2. ibid, p. 216.
3. See Stephen Schneider, "The Greenhouse Effect: Science and Policy," *Science*, February 10, 1989, p. 775, and Andrew Solow, "Is There A Global Warming Problem?" in *Global Warming: Economic Policy Responses*, edited by Rudiger Dornbusch and James M. Poterba (Cambridge, Mass.: The MIT Press, 1991), pp. 21–22.
4. See Solow, op cit.
5. Reported in "A Greener Bank," *The Economist*, May 32, 1992, p.79.
6. Robert Crandall, *Controlling Industrial Pollution: The Economics and Politics of Clean Air* (Washington DC: The Brookings Institution, 1983), p. 19.
7. James E. Mielke, "Oil in the Ocean: The Short- and Long-term Impacts of a Spill," *CRS Report #90–356 SPR*, Library of Congress, July 24, 1990.
8. Terry L. Anderson and Donald R. Leal, *Free Market Environmentalism* (San Francisco: Pacific Research Institute for Public Policy and Boulder, Colo.: Westview Press, 1991), p. 88.
9. Anderson and Leal, op. cit.
10. Miller, op. cit., p. 159.
11. ibid, pp. 13–14..
12. ibid, p. 14.
13. Allen C. Kelley, "Economic Consequences of Population Change," *Journal of Economic Literature*, Vol. XXVI (December 1988), pp.1685–1728.
14. From *The Worid Almanac and Book of Facts 1990* (New York: Pharos Books, 1990).
15. Robert Repetto, *The Forest For the Trees? Government Policies and the Misuse of Forest Resources* (Washington, DC: World Resources Institute, May 1988), p. 13.
16. See, for example, Marian Radetzki, *Economic Growth and Environment* (Paper prepared for a Symposium on International Trade and the Environment for The World Bank, 1991).
17. Miller, op. cit., p. 460.
18. ibid, pp. 404–406.
19. ibid, p. xi.
20. ibid, p. 465.

***The Culture of Contentment*, by John Kenneth Galbraith. Houghton Mifflin, 1992, ix + 195 pp., $22.95.**

He's Said It Before and No Doubt Will Say It Again

William P. Moulton

John Kenneth Galbraith made his reputation in the 1950s and '60s with the publication of *The Affluent Society* and other widely-lauded popular books. But during the past two decades, he has allowed whatever real economic writing and scholarship of which he is capable to peter out, and has treated us with a long series of books whose theme can fairly be characterized as "What it's like to be a brilliant and famous economist who just isn't given enough power to really set things right."

In the latest in this genre, *The Culture of Contentment*, Galbraith explains that the policies of the civilized left, what we might term social democrats, have been so successful that they have, in effect, made impossible the fulfillment of their original purpose. He transcends the fairly standard claim of the New Deal/organized labor wing of the Democratic Party. In that form, it is usually rendered as, "Roosevelt and the unions got the workers all the benefits that allowed them to rise into the middle class, and now the ungrateful wretches are forgetting their friends and their roots and voting Republican."

Galbraith's version is more presumptive. He takes for granted that the goal of the whole panoply of programs that make up our welfare/regulatory/special-interest state is the movement of the political and economic fabric of our society in an *ever more* statist direction. Any loss of momentum, or even time taken for reflection, is interpreted as at minimum a failure of the will and at limit outright treason.

Given these premises, it is not unnatural that our author sees "contentment" as something vaguely sinister. To him the word conjures up images of the idle rich, of indifference to any issues beyond those of one's immediate peers, of a sort of heartless ferocity toward the poor. He also views contentment as part of a great manipulative web that those in charge of "the system" use to ensnare those who in actual fact require a radical restructuring of society if their problems are to be solved. To Galbraith, modern capitalists are simply more clever aristocrats. They have been able to co-opt much greater numbers of people into a consoling penumbra of belief than the landed gentry of the old order dreamed of, or would have desired.

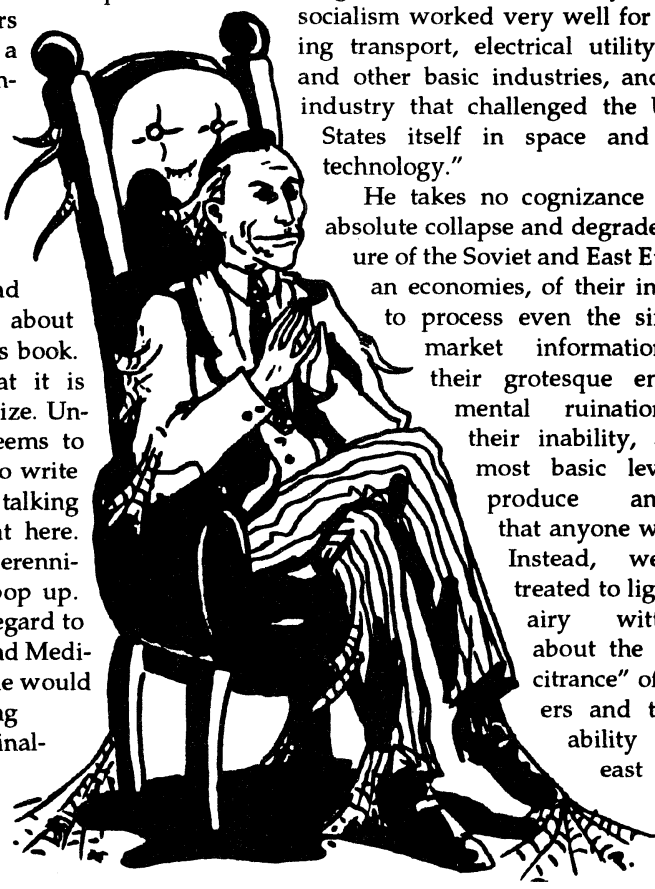

And that, sad to say, is really about all there is to this book. I mentioned that it is easy to characterize. Unfortunately, it seems to have been easy to write also. We're not talking depth of thought here. Inevitably, the perennial JKG themes pop up. We are told, in regard to farm subsidies and Medicare, that "No one would dream of attacking them, even marginally," and furthermore, "That the economy needs public guidance is wholly agreed." (Apparently, Galbraith remains unfamiliar with the writings of F.A. Hayek, Milton Friedman, Theodore Schultz, George Stigler, James Buchanan, and Ronald Coase, all Nobel Prize winners in his field.) There is blather, old enough to grow moss, about a free society granting the same right to sleep under a bridge to . . . well, you can finish it yourself. His recommendations for reconstituting our economic system are the usual laundry list of democratic socialism — hardly worth enumerating here. Characteristically, he cites little or no evidence in support of any of these theses.

When it comes to foreign affairs, and especially to the tumultuous events in the once-Communist world, Galbraith's vision still remains in lockstep with his tired statist leftism. He tells the reader that Communism failed because it did not work well with agriculture, "that recalcitrant industry," and because it did not provide the "often frivolous and dispensable consumer artifacts and entertainments" which the masses desire. On the other hand, "The planning and command system of socialism worked very well for building transport, electrical utility, steel and other basic industries, and [the] industry that challenged the United States itself in space and other technology."

He takes no cognizance of the absolute collapse and degraded failure of the Soviet and East European economies, of their inability to process even the simplest market information, of their grotesque environmental ruination, of their inability, at the most basic level, to produce anything that anyone wanted. Instead, we are treated to light and airy witticisms about the "recalcitrance" of farmers and the inability of the east bloc planners to provide adequate levels of frivolity.

Galbraith is a man of some ability with a considerable talent for self-promotion whose mind-set remains

Illustration by Paul Pope

rooted in the antediluvian economic perspectives of Thorstein Veblen, as nurtured in the culture of Keynsianism. On the whole, his books and his ideas have grown old with him, in a way not nearly as graceful as his prose. ❑

Smart Schools, Smart Kids: Why Do Some Schools Work?,
by Edward Fiske, with Sally Reed and R. Craig Sautter. Simon and Schuster, 277 pp., $21.95.
Savage Inequalities: Children in America's Schools,
by Jonathan Kozol. Crown, 233 pp., $20.00.

Stupid About Schools

Martin Morse Wooster

The debate over reforming American education has now entered its second decade. By now most of the players in the debate are well known, and their positions are well defined. Both Edward Fiske's and Jonathan Kozol's books crystallize and summarize the views of major players in the game.

Fiske, who for many years was the education writer of the New York *Times,* is a centrist, and the positions advocated in *Smart Schools, Smart Kids* are ones that are likely to be held by the members of the business establishment, the American Federation of Teachers, or Secretary of Education Lamar Alexander. The blurbers of Fiske's book include the presidents of both teachers' unions, the CEO of RJR Nabisco, former Secretary of Education Terrel Bell, and Arkansas Governor Bill Clinton. Fiske rejects most of the reforms proposed during the 1983–85 period, the NEA's efforts to boost federal, state and local spending, and private-school choice. He supports school-based management, national testing (with reservations), public school choice, and more money for computers and other high-tech appurtenances.

Kozol's *Savage Inequalities* provides a critique of American education from the left. He advocates a substantial increase in school funding at the federal level, and elimination of most local and state control over school spending. In an interview with *Publishers Weekly,* Kozol, in an argument not included in his book, called for a system in which 75% of the monies spent on American education would come from the federal government and the remaining 25% from the states. Such an arrangement would increase the U.S. Department of Education's budget from $32 billion to approximately $129 billion.

Neither Kozol nor Fiske is persuasive, but their arguments do serve to illuminate the advantages and flaws of the positions of the major education debaters.

Fiske's principal flaw is his definition of a "smart" school. The schools Fiske admires have freed themselves from the red-tape-generating central office, have lots of computers and high-tech devices, administer "authentic" tests (problem-solving and essays rather than multiple-choice exams), and provide space for welfare caseworkers, day care staffers, and other social workers supplying entitlements to low-income families.

About all these reforms have in common is that Fiske likes them. He does not explain why these reforms are necessary, or even show that the changes he proposes would not cancel each other out. As Syracuse sociologist Gerald Grant explained in *What We Learned At Hamilton High,* federally funded programs vastly increase red tape and bureaucracy and provide positions for staff who are free to ignore principals, since their salaries come from Washington or the state capital, not from the board of education. Fiske fails to show how a school can reduce bureaucracy by creating programs that increase the complexity of a school's corporate culture.

Like too many newspaper reporters, Fiske routinely fails to provide such basic facts as the title of a study or the name of an author. In many cases, it is hard to decipher what book Fiske is quoting from or where the report or article was published. Occasionally, Fiske (or his collaborators) mentions a piece of information without giving any evidence that the information is accurate or even supportable. "Researchers calculate that for each dollar spent on high-quality preschool programs," Fiske writes, "society gains $7 down the road in higher tax contributions and lower expenditures on remedial education, welfare, and the criminal justice system."

Who are these researchers? How did they come up with this calculation? Where did they publish their findings? Fiske doesn't give us a clue. Fiske is also a bad writer. Nearly every page of *Smart Schools* has a cliche, solecism, or phrase that a prudent editor would have changed. For example, is it really necessary, in the discussion of a reform called "the Copernican plan," to tell the reader that "the plan takes its name from Nicolaus Copernicus, the sixteenth-century astronomer who revolutionized our conception of the universe"?

Some of the accounts in *Smart Schools, Smart Kids* are informative; readers who want to know about Miami's school-based management reforms or East Harlem's programs of public-school choice will find the information they need here. But *Smart Schools, Smart Kids* reads as if it were a series of newspaper articles stitched together rather than a sustained argument.

Jonathan Kozol, like Edward Fiske, has been a long-time observer of American education; *Death at an Early Age,* Kozol's first book on public schools, was published in 1967. *Savage Inequalities,* Kozol's eighth book, is a national bestseller, and a recipient of an extraordinary amount of publicity. *Publishers Weekly,* for example, filled the front page of its September 27, 1991 issue (normally used for glossy advertising) with a letter to President Bush urging

him to read Kozol's book, in order to understand the true problems of American schools. Kozol made a "clear and compelling" case, *Publishers Weekly* opined, that "'choice' and 'competition' [are] market terms that have no place in a debate on the needs of poor children."

Despite its publicity, *Savage Inequalities* is a bad book, not because of Kozol's conclusions, but because his analysis of American schools is seriously misleading.

Savage Inequalities describes a series of visits that Kozol makes to East St. Louis, Illinois, New York, Chicago, Washington, D.C., Camden, San Antonio, and Cincinnati. (Why those cities? "I went where I was welcomed or knew teachers or school principals or ministers of churches.") In each city, Kozol visited urban schools lacking in resources and suburban schools rolling in wealth. He concludes that if schools in major cities had per capita funding equal to what suburban schools spend, American schools would be unrivalled.

Kozol may be the only education writer of the past 25 years who does not mention the American Federation of Teachers or the National Education Association.

Inequality in school spending is Kozol's blazing sun; readers of *Savage Inequalities* will find that Kozol's obsession with spending blots out many familiar aspects of the American education landscape. Kozol's schools appear not to have any teachers' union — or any other unions, for that matter. Kozol may be the only education writer of the past 25 years who does not mention the AFT or the NEA. Central offices only appear in his book in a passing reference. The parents, teachers, and principals Kozol vividly describes don't complain about the bureaucrats on Livingston Street or Pershing Road; all they do is plead for more money.

This leads to some curious conversations. In Chicago, for example, the principal of the inner-city Du Sable High complains that his teachers make $40,000 a year, while the wealthy suburbs can pay teachers $60,000 annually. "Competing against the suburbs," says the principal, "makes it very hard to keep young teachers."

But the $40,000 a year salary is not only higher than the national average, but has been obtained by Chicago taking money away from maintenance and repairs and adding it to teachers' salaries. And if Du Sable's teachers are like other teachers, they are more concerned with safer and more pleasant working conditions than with salary. Teachers in inner-city Catholic schools, for example, make far less money than their public-sector counterparts, but stay where they are because they have a good deal of control over their work and know that students will be polite and eager to learn.

As Harvard education professor Nathan Glazer observes in the Winter *Public Interest*, spending is no measure of performance. Utah has the highest percentage of high school graduates of any state, but spends far less on each student than New York, which ranks in the bottom third of high school graduation rates. It is also misleading to compare the amount suburbs and cities spend on schools, Glazer says, because cities spend far more Federal and state aid on welfare than wealthier suburbs with fewer poor people, and spending on social services reduces the amount that can be spent on the schools. "Schools may take up one-half of a suburban city budget, but only one-quarter of a central-city budget," Glazer observes.

Suppose that Kozol's wishes came true and school spending was equalized. Such a system, *Sacramento Bee* editorial page editor Peter Schrag argues in the December 16, 1991 *New Republic*, might ensure that American schools nationally would resemble California schools, where equalization between districts has been in place ever since the California Supreme Court required it in a 1976 decision. Since voters have no say in how much money is spent on California schools, local school board elections tend to be dominated by teachers' unions, who give fat campaign contributions in return for huge salary

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increases. The result, says Schrag, is that California schools spend a good deal of money on teacher salaries and very little on anything else. "We also have leaky roofs and rotting buildings" in California, says Schrag, "but we have them in the suburbs as well as in the inner cities."

Kozol has one answer to these arguments: the schools in the inner cities are so decrepit and close to collapse that it would be heartless to deny poor children what rich children routinely have. While he admits that more spending cannot, by itself, repair broken families or cure the problems of the ghetto, "schools, on the other hand, could make dramatic changes almost overnight if fiscal equity were a reality."

In promoting equality in spending as a cure-all for America's schools, Kozol ignores three decades of research by economists, political scientists, and sociologists that suggest that the way schools are run matters much more than how much money is spent on them. Money can buy bigger libraries and hire more counselors, but cannot ensure that the books will be read, the building won't be vandalized, or that the counselors will have anything to say.

Certainly we should grieve for children forced to attend inner-city schools, and Kozol is most persuasive when he describes the sad state of the schools in the Bronx or in the North Lawndale section of Chicago. But the fundamental lesson the Great Society taught us is that outside agencies can do very little to pull people out of poverty; the key to ensuring successful reforms is to devolve institutional control. School choice that gives parents decisive power to control schools would do far more good than a budget increase, which would simply allow the system to grow in its present state, without changing. But reformers have learned little from the failure of the Great Society programs of the 1960s. Misplaced compassion towards the poor, as expressed in *Savage Inequalities*, does little good and a great deal of harm. ❑

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Booknotes

Among the Thugs — There is another and even more disturbing explanation of mob violence than racism or feelings of social oppression. After eight years of being part of a British soccer mob, and rioting and being arrested with them, Bill Buford describes it in a chilling book entitled ***Among the Thugs*** (Norton, 317 pp., $22.95). "This bored, empty, decadent generation consists of nothing more than what it appears to be. It is a lad culture without mystery, so deadened that it uses violence to wake itself up. It pricks itself so that it has feeling, burns its flesh so that it has smell." Does that sound like anyone you know? Someone in a government school, perhaps? —Karl Hess

William Morris Redux — The middle ages may have had squalor, disease and feudalism, but at least the peasants had free time. This is the conclusion of Harvard economist Juliet Schor in her recent book, ***The Overworked American: The Unexpected Decline of Leisure*** (Basic Books, 1991, 247 pp.). Contrary to the classic capitalist argument that the advent of the industrial age liberated humanity from drudgery and freed up more time for humans to enjoy a rising standard of living, Schor asserts that today's worker has less leisure than at most times in the past millennium. Capitalism did bring modern conveniences, but people now work longer and harder to maintain them. What once were luxuries are now necessities; people feel obliged to pursue the latest in an endless sequence of modern gadgets and status symbols. Even the home-worker cannot escape — the microwave oven has not saved time for relaxation but only "freed" time for other chores, soaring ratings for *Oprah* and *All My Children* notwithstanding. All capitalism has produced has been a change of sentiment, fostering rampant consumerism and acquisitiveness.

The medieval peasant, by contrast, knew just how much work he had to do to fulfill his basic desires, and was then

satisfied. As evidence Schor points to the late 14th century, when wages rose dramatically but worker contract tenure dropped, indicating to her that the peasant was motivated only to meet his annual wage needs as quickly as possible then drop the hoe for mead and Chaucer. What Schor fails to mention is the Black Death wiping out half the population (what an economist might call a "labor force anomaly"), which not only caused the wage increase but also put peasants in a position in which they could bargain for shorter work tenure to exploit the volatile wage market by moving on to the next town where the rate of pay might be ten times higher. The serfs didn't need Ricardo, Adam Smith or even Aristotle to know when they had the upper hand.

Dr Schor's answer to the problem of declining leisure is to suggest that people slow down, need less, and impose voluntary restraints on their material appetites. Of course if everyone followed her advice the country would go into permanent recession, which isn't so bad if the medieval world is your model. Take Schor's advice, and we'd relive that proud and squalid history soon enough. —James S. Robbins

Conservative Anti-Climactics — In ***The Conservative Crack-Up*** (Simon & Schuster, 1992, 320 pp., $23.00), R. Emmett Tyrrell attempts one contribution to the political lexicon: *Kulturmog*. That's his term for the dominant "liberal" media culture, that compassionate voice cooing in our ear, urging us to take our glasses off and give our moral backbone a rest — encouraging a sort of feel-good politics that's blind to reason and lazy in the face of intellectual dishonesty.

The Clarence Thomas nomination was a prime example. When facts failed to dislodge him, his opponents resorted to character lynching, certain that their ends justified their means. Tyrrell scourges conservatives for refusing to play this game with the same passion as the left. What's wrong with the right, according to Tyrrell, is that it's made up of basically retiring folk who lack the political impulse that seems to be the birthright of "compassionate" liberals.

Yet Tyrrell's analysis of conservatism's failure to gain an intellectual foothold during the Reagan years also seems lacking in political passion. After spending the bulk of the book flourishing the conservative dilemma in purplish prose, his conclusion — that "sober liberals" of the 90's retrace the path of 70's neo-liberals into the conservative camp — seems anti-climactic.

Tyrrell does offer some long-due denunciations of lefties-in-denial. He takes on Garry Wills, whose intellectual response to Ronald Reagan was to speak the name and roll his eyes, like an obsessive-compulsive whose analyst is on vacation. He reveals *Crossfire's* Michael Kinsley, who generally puts the best face on the big-government argument, to be just as petty, money-grubbing, and culturally bereft as Kinsley portrays conservatives to be. There is juiciness here. Yet the book remains curiously unlovable.

I don't mean to be uncharitable in my obfuscation (that's Tyrrell's job), but the flinty audacity favored by *The American Spectator*'s founder functions best in column form, where pithiness and attitude can carry the day. Taken book-length, the extended metaphors sound precious and the big words start to chase their tails around. All and all, this is a sour lemon of a book. Count on the mistresses of the *Kulturmog* to pucker up.

Maybe it's my own fault that I'm not enthralled with *Crackup*. I've been the token conservative on a couple of university newspapers. It's lonely work. Sometimes I need a hug. When P.J. O'Rourke strikes blows against the empire, you want to high-five him; Tyrrell's brittle, Mencken-goes-to-college style, though sometimes devilishly entertaining, merits something more like a handshake and a stiff smile.

—Clay Hunter Waters

Blueprint for Secession — Those who believe in the sovereignty of the individual tend to find the idea of secession fascinating. As advocates of the maximum devolution of power, libertarians favor the notion of secession by the smallest feasible political or social units (some would advocate extension of this principle all the way down to the individual.)

In the American context, the whole question may seem rather academic. This is definitely not the case among our northern neighbors. As Scott Reid's recent book — cleverly and eye-catchingly titled ***Canada Remapped*** (Arsenal Pulp Press, 1992, xi + 184pp, C$14.95) — demonstrates, matters such as partition, separation, and political enclaves are very much living issues up north.

This is not actually a book about *whether* Canada should split apart, but about *how* it can do so in a peaceful fashion. It is a survey of how other countries have been rendered asunder, and a speculation about how governments can devolve in an amicable fashion.

Reid's command of history and use of appropriate analogy and parallel are impressive. He examines the experiences of Switzerland, Ireland, and Yugoslavia, deriving from these national experiences his contention that a country need not be geographically contiguous. Before I read his chapter "The Problem of Enclaves," I had no idea just how many perfectly functional ethno-political enclaves exist in the world.

For those who want to dismantle, reorganize, or dissolve existing states, this book contains a wealth of information. The dismal failure of the Irish Partition, the essential unworkability of the Yugoslavian approach, and the success of Switzerland are analyzed in order to find a solution for Canada.

Reid's solution gives as many people as possible the right to live in the country of their choice. He analyzes both voting patterns and demographics in Quebec to determine the scope and boundaries of likely divisions. Several problem areas would exist, so the author proceeds to a discussion of the merits and drawbacks of existent enclaves. He cites a Spanish city, Llivia, surrounded by France, and a Belgian town, Baerle-Duc, which actually takes the form of 22 enclaves, each completely surrounded by The Netherlands (where some of the enclaves are so small, a house won't fit in them).

Though outsiders can read this book for the rather prurient interest in the maneuverings to establish political borders, Reid's more vital purpose is to save his country the suffering of Ireland or Yugoslavia. If enough people read his book, he may even succeed.

—Kathleen Bradford

5th Anniversary
retrospective

The inside story: Who we are and what we did, and how we did it.

How We Started "Liberty"

by R.W. Bradford

The first issue of *Liberty* was published on July 5, 1987. The tiny staff of the new periodical, consisting of Steve Cox, Timothy Virkkala, Kathy Bradford, and me (Bill Bradford), spent over a month editing and laying out the issue. But the business of launching *Liberty* took far longer and involved far more work.

In a very real sense, *Liberty* started in July of 1985, when I began in earnest to develop a detailed business plan for the publication. I had been making plans for *Liberty* since about 1975, but I hadn't had the resources and the time to do anything about it, so the plans had stayed pretty much in the bullshit stage.

I had been infected by the libertarian virus since 1963, when I encountered *New Individualist Review*. It was in its pages that I learned of the tension on the American Right between classical liberals (or libertarians) and traditionalists. Prior to that time, I took myself to be a conservative, in some sense. Now I knew exactly in what sense. In 1965, like so many of my generation, I fell under the spell of Ayn Rand. This infatuation opened me to genuinely radical thinking. Following the logic of Rand's political thinking more consistently than did Rand herself, I was an anarchist a year later. I led a Young Americans for Freedom chapter in rebellion against that conservative organization in 1966, and had published a weekly libertarian magazine briefly in early 1967.

But I was growing impatient with what I took to be the libertarian movement's denseness. By the middle of 1967, it was the inability of libertarians to realize that the principle of inalienable rights led inexorably to anarchism that annoyed me. By 1968, as other libertarians were becoming anarchists, I had rejected the notion of inalienable rights, replacing it with the notion that rights are valuable social constructs, but not absolute imperatives. I had embraced a libertarianism based on a rather complicated praxeological analysis of coercive action. I remain convinced of this approach to this day. Then as now, my approach had little appeal to other libertarians. I was also afflicted with the enthusiasm, cocksureness, and intellectual impatience of young libertarians. Given my rather striking disagreement with the fundamental libertarian theory then prevailing, it is not surprising that I felt somewhat alienated from the movement at large.

So I turned my energy away from the organized libertarian movement, and concentrated my attention on living my life. I fell in love, got married, and started a small business. During the 1970s, my energy was almost entirely devoted to these endeavors, but I continued to be involved on the periphery of the libertarian movement. I read virtually all libertarian periodicals and was involved with the Libertarian Party from its founding.

But most of my energy was consumed in operating my business. My efforts paid off: by the mid-1970s, I was financially comfortable. By then I had grown increasingly convinced that there ought to be a publication in which libertarians could discuss serious intellectual issues without the need to explain the fundamentals of libertarian thinking (unless, of course, challenging them) or any need to apologize for libertarian views. It seemed to me that most libertarian publications were oriented toward explaining their ideas to non-libertarians. They were outreach publications. I wanted an inreach publication.

I began brainstorming and making notes for a business plan for such a publication about 1975. In 1981, I retired from active participation in my business and moved to the West Coast. The move and the process of tying up some loose ends from my business occupied me for the next few years, though I continued to work in a leisurely fashion on what by then I thought of as my "new publication plan." By 1985, my other interests had been regularized to the point where I could pursue the business plan in earnest.

It was plain to me that the periodical I envisaged would require the contributions of a great many people. I consulted individuals who had experience in publishing and approached individuals whom I hoped would contribute their literary and editorial talents to the project.

The first person I approached was Steve Cox, an old friend from college who was by now an associate professor of literature at the University of California. Steve was the best writer and editor that I knew, and his early enthusiasm and contributions were critical. The second person I approached was Murray Rothbard, long-term libertarian philosopher, economist, and polemicist. Murray also was immediately interested and encouraging.

As I continued work on my business plan and solicited advice from more experienced hands, I learned of another project very similar to what I had in mind. A group of libertarian activists in San Francisco had their own business plan and had enlisted several talented people in their effort.

They contacted me and invited my participation. I went to San Francisco to meet with them to explore the possibility of joining their effort. I was not impressed with what I learned: their business plan included numerous unrealistic assumptions, projections based more on hope than on reason, and even (to my surprise) errors in arithmetic. I decided not to cast my lot with them. I also decided that the libertarian market was not large enough for the simultaneous launch of two new magazines of similar aspiration, so I put my plans on the back burner.

They published their first issue of *Libertarian Option* in August 1985, and distributed it free at the Libertarian Party national convention. Like many libertarians, I subscribed, and they promised that they would soon publish additional issues. But when no further issues appeared by the middle of 1986, it was evident that the operation was dead in the water, so I again turned my attention back to the project I had put on hold, working out details in its business plan, finding a printer, arranging for typesetting, learning about direct mail. It was a tough job, but I was determined that my still-unnamed publication would avoid the fate of so many other still-born libertarian magazines.

I got valuable advice from Robert Kephart, who had launched *Libertarian Review* a decade earlier; Robert Poole, who had been involved in *Reason* since its early days; Howard Rich of Laissez-Faire Books, who had explored the possibility of a similar publication in the mid-1980s but abandoned the project; and many others. Slowly, the plan began to take shape.

The new journal would be different from other libertarian publications. It would be neither an outreach publication, a house organ, nor a scholarly journal. It was not that we had anything against such publications — we wanted to avoid these functions because we thought other publications were doing a good job at them. As the business plan explained, "We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate non-libertarians." (Much of the business plan was later incorporated into "Why Liberty?," an editorial that appeared in our first issue. See page 58.)

I had observed that a certain grandiosity of ambition characterized many other attempts at publishing a libertarian magazine, and I was determined to keep the new publication down to a manageable scale:

> It will be produced inexpensively enough that it can survive on relatively limited circulation. It will consist of 16 to 48 pages, 8.5" x 11", attractively but not expensively printed. Circulation of 1,000 can be attained within one year, and placement of advertisements and additional direct mail campaigns can build its circulation to 2,000 within a year or so. By setting the circulation goal at such a modest level, keeping expenses to a minimum, and budgeting expenditures to meet those expenses, such a publication can be viable.

Up to Bat

By early 1987, we were ready to launch. By this time, I had recruited Doug Casey, Ross Overbeek and Timothy Virkkala as editors, bringing our total to six. Casey is an author and journalist who had written the best-selling investment advice book of all time; Overbeek is a leading computer scientist; Virkkala is an enthusiastic amateur philosopher and economist.

We settled on *Liberty* for the name of the magazine, mostly by default. The other names we considered seemed too cute or insufficiently descriptive. I began writing advertisements and a direct mail solicitation of subscriptions. I had read some of the standard literature on how to write such advertising copy, and talked to professionals. But it was Bob Kephart's absolutely brutal criticisms of my first pathetic attempts that enabled us to come up with a successful sales effort. Among his suggestions was that we offer a "bonus" for subscribers. He even had an idea: "The Sociology of the Ayn Rand Cult," an essay Murray Rothbard had written more than 20 years earlier, but had never been published because of its "controversial" nature. Murray graciously granted us permission to print up to 5,000 copies for use as premiums. I have no doubt that it was an important factor in goosing the response to our advertising; we continue to use it from time to time, and it still pulls.

We settled on "Liberty" for the name of the magazine, mostly by default. The other names we considered seemed too cute or insufficiently descriptive.

In May, Ruth Bennett became *Liberty*'s first subscriber when she handed me a check along with a subscription form I had distributed at an LP function in Seattle. Later in May, we began to run advertisements and sent out a test mailing of the direct mail package that I had written. The test was successful, and in August we mailed over 30,000 pieces of direct mail.

Also in May, we began to put together the first issue of *Liberty*.

I was convinced that it was critical that the premier issue should have at least one article that nearly all libertarians would consider to be "must reading." Ayn Rand was, by a wide margin, the most influential thinker for most libertarians, but at this time substantial portions of her life and work remained mysterious, so the thought naturally

enough occurred to me that an article illuminating part of the Rand enigma would have very wide appeal.

Most libertarians had seen the 1948 film of *The Fountainhead*, Rand's best-selling 1943 novel. In her 1962 biographical essay, Barbara Branden had mentioned that Rand had written the screenplays for other films; she did not specify the quantity. In her biography of Rand, Branden mentioned two other films for which Rand had written the screenplay. Few libertarians had ever seen them. I had tracked down videotapes of each. Why not a review of these films?

Steve Cox agreed to write an essay on them that would headline our inaugural issue. Cox did a magnificent job, going far beyond the films themselves, examining the novels on which they were based, the role of others involved in the films, as well as Rand's contribution to them. This was the first of many important articles and critical essays on the life and thought of Ayn Rand that were to appear in *Liberty*. It also marked the start of a *Liberty* tradition: publication of important critical essays from leading academic authorities, often reflecting new research, written in a readable style for the non-specialized reader.

A certain grandiosity of ambition characterized many other attempts at publishing a libertarian magazine. I was determined to keep the new publication down to a manageable scale.

In addition, Murray Rothbard had promised us a provocative article on a current subject. Because Murray was the best known of those involved in *Liberty*, we believed his article would be of special importance.

In keeping with my hope that *Liberty* would stimulate interest in the history of the modern libertarian movement, I wrote a brief essay on the life of Tom Marshall, the eccentric libertarian pioneer who had founded and published *Innovator*, the pioneer libertarian publication, but had grown so convinced that statist society was heading for disaster that he had retreated to a solitary life deep in the forests of southern Oregon, where he had disappeared. Benjamin Best, the last person known to have seen Marshall, added a first-person report of a visit with Marshall in his secret forest home. In addition, we reprinted an article Marshall had written on libertarian theory some 20 years earlier. We added a lecture from Butler Shaffer on the role of institutions in creating social conflict and a libertarian-feminist-science fiction short story by Jo McIntyre, an essay on the poverty of conservative thinking by Bill Moulton, and book reviews by Ross Overbeek, Ida Walters, and Timothy Virkkala.

I had written a brief editorial explaining why we were publishing *Liberty*, and circulated it to *Liberty*'s other editors for their signatures. The editorial, partially adapted from our business plan, stated our intentions in launching *Liberty* and told readers what to expect. In a very real sense, it explained *Liberty's raison d' etre*. To date, it is the only editorial ever to appear in our pages.

As lagniappe, I put together a page of eccentric and absurd news items, done in the style of H. L. Mencken's "Americana," a popular feature in *Smart Set* and *American Mercury*. Rex May, the very fine cartoonist whose work had long been featured in *The Wall Street Journal*, had responded to our initial advertising by subscribing and volunteering his cartoons.

We had somewhere in the neighborhood of 35–40 pages of material ready to publish, as we awaited Murray Rothbard's contribution. Less than a week prior to publication date, it arrived. It was a rousing defense of Ron Paul's bid for the LP's presidential nomination and an attack on the candidacy of Russell Means: "If the Libertarian Party selects Ron Paul, it votes for growth, for prosperity, for life itself, and for setting out on the road to victory for liberty. If it chooses Russell Means, it commits *hara-kiri* in full public view . . . the choice between Paul and Means is a choice between life and death." It was hot stuff, lively prose with a nasty edge.

But Rothbard's polemic alarmed me. Most readers' perception of *Liberty* would be based on its first issue, and if our only discussion of politics were Rothbard's, readers would likely see *Liberty* as a vehicle for Rothbard's right-wing factionalism. While an essay of this sort would be entirely appropriate for *Liberty* once it had established itself, its publication in our inaugural issue might prevent our establishing *Liberty* as a journal of diverse libertarian opinion.

Rothbard's polemic alarmed me. Most readers' perception of Liberty would be based on its first issue, and if our only discussion of politics were Rothbard's, readers would likely see Liberty as a vehicle for Rothbard's right-wing factionalism.

Happily, two of *Liberty*'s editors came to the rescue by writing analyses of the contest for the LP presidential nomination written from different perspectives from Rothbard's. "Chester Alan Arthur" wrote a rather balanced survey of the race, and "David Sheldon" wrote a curious "defense" of Russell Means. To lessen the impact of the political articles, we decided to publish them unobtrusively toward the back of the magazine.

On June 4, we sent the magazine to the printer. We had sold over 1,000 subscriptions and had put together a credible first issue of 48 pages.

Liberty was in business.

Safe at First

But the major focus of our attention was the second issue. Unfortunately, our printer was just about the world's slowest, offering a lumbering turnaround of some 30 days. During the month while we awaited the first issue, we continued to work on circulation, writing advertising copy, and doing another direct mail campaign. By the time the first issue was printed, the deadline for the second had already passed.

I knew that we had done the right thing with our political coverage when Murray Rothbard told me that he hated Arthur's and Sheldon's pieces so much

that he had thrown his copy of *Liberty* across the room upon reading them, and another editor told me that Russell Means' campaign manager had found Rothbard, Arthur, and Sheldon so offensive that she had similarly launched *Liberty*'s inaugural issue.

We got two articles for our second issue that we thought might arouse considerable controversy: a sociological survey of libertarians by two non-libertarian sociologists and Bill Moulton's essay attempting to put the Libertarian Party in historic perspective. (Moulton's essay concluded with a prophetic prognosis: "Factionalism and exhaustion, with an actual split [in the party] probably after the 1988 election." Less than a year after the election, long-time LP ideological leader Murray Rothbard left the LP and the libertarian movement, inviting other "paleo-libertarians" to join him in the conservative wing of the Republican Party.)

But there is no doubt that neither of these aroused the interest of our readers as much as an essay on Robert Nozick by Ethan O. Waters. Nozick, a prominent Harvard philosopher who had become perhaps the most famous academic libertarian with the publication of his *Anarchy, State and Utopia,* had used rent control regulations to force his landlord to refund thousands of dollars in rent that Nozick had voluntarily agreed to pay. Most libertarians were aghast. But Waters' "Reflections on the Apostasy of Robert Nozick" presented a rather sophisticated "defense" of Nozick's action: he argued that the logic that heaps moral condemnation on Nozick leads ultimately to condemnation of *any* use of any government service or product, including the use of government roads.

He also argued that it was perfectly possible for there to develop a private, voluntary community encompassing the entire continent with rules and laws — including rent control — identical to the United States in general and Cambridge (Nozick's home) in particular. Would libertarians defend Nozick's actions in such a context? Under such circumstances, would they defend pervasive government control? Waters concluded by suggesting that the narrow moralism that led libertarians to such views was ill-conceived, and urged further consideration of the sort of libertarian thinking rooted in the utility of libertarian traditions and values.

This proved to be the most controversial article ever published in *Liberty,* eliciting dozens of letters and responses and our first hate mail. Thanks to the fact that we were still using the world's slowest printer and mailing by third class, the only response that arrived in time for our December 1987 issue was from Murray Rothbard, who attacked Waters for dispensing with morality and Nozick for actively taking advantage of Cambridge's rent control laws, while defending his own (Rothbard's) passive exploitation of New York's rent control laws.

By the time the December 1987 issue, with Rothbard's article, was at the printer, we were receiving stacks of mail criticizing Waters. We published a substantial selection from those letters in our March 1988 issue, along with a brief reply from Waters. For our May issue, Waters wrote an essay entitled "The Two Libertarianisms," which elaborated his thinking about the tension between moralistic libertarianism and consequentialist libertarianism, concluding that some sort of synthesis of the two might be worked out. Not surprisingly, this essay brought another torrent of letters.

But Waters was not the only source of controversy that first year. John Dentinger and Murray Rothbard squared off in our March issue on the question of whether libertarianism was too closely identified with the political right. David Ramsay Steele's essay on Ayn Rand in our May issue painted an extremely unflattering portrait of the libertarian demigod; Ross Overbeek came to Rand's defense in the following issue. Gary Alexander argued for support of the Nicaraguan *contras,* Bill Kelsey argued for neutrality.

The July 1988 issue — the final issue of our first year — included one of our most controversial features ever: *The Liberty Poll,* the first survey ever conducted of what libertarians actually think. Many were surprised to learn that almost 50% of self-identified libertarians believe in an interventionist foreign policy, that over 30% favor immigration controls, that 13% believe abortion should be outlawed, that less than a third advocate the abolition of government, and that over 10% would refuse to intervene to prevent a parent from starving his child to death for the parent's perverse entertainment.

But there was more to *Liberty* than controversy. We had also published articles on subjects ranging from the American Civil Liberties Union to the Jehovah's Witnesses, from the stock market crash to the liberating effects of the cybernetic revolution, from the impeachment of Arizona Gov. Evan Mecham to avoiding taxes by living in the Bahamas. We had published critical reviews of more than 50 books and reviewed more than a dozen films. We had published Benjamin Best's delightful report on touring Communist eastern Europe and his interrogation by the East German *volkspolezi,* Franklin Sanders' memorable "I Go To Jail," and Murray Rothbard's delightful memoir "Me and the Eiger." Not to mention four short stories and a poem.

Hit and Run

We were a happy crew when we marked our first anniversary in July 1988. But things weren't going exactly to plan. Our first two issues — each 48 pages — fell within the range of 16 to 48 pages that we had planned. But we expanded to 56 pages for the next issue and to 64 for the following issue. Before the year was over, we had published an 80-page issue, and in the four years since, *Liberty* has not failed to publish at least 72 pages.

As our first year ended, "Liberty" contained twice as many pages as we had planned and its circulation was twice our target.

This expansion was substantially a result of our ability to attract first-rate writing. By our third issue, Karl Hess, Mike Holmes, Bill Moulton and Ethan Waters had contributed and become editors, and we had published writing by such luminaries as Mark Skousen, Tibor Machan, and Walter Block. Before our first year ended, we had also published such notables as Sheldon Richman (who soon became an editor), Jeffrey Rogers Hummel, Jerome Tuccille, and Nathaniel Branden.

More people subscribed than we had anticipated. We mailed our sixth issue to 2,397 subscribers. We were surprised to discover that there was substantial demand for *Liberty* on the newsstand. "Why would general readers be interested?" we wondered. But we couldn't argue with the fact that our single newsstand was selling about 250 copies of each issue.

In December 1987, we surveyed our readers. We learned that they were overwhelmingly enthusiastic about our efforts, a fact soon verified when over 80% of charter subscribers renewed their subscriptions. On average, any given article in *Liberty* is read by an astonishing average of 87% of our readers. About the only feature they didn't like was poetry. We also discovered that among the most popular types of articles in *Liberty* were those on "public policy" and "analysis of current events." Curiously, at that time, we hadn't published a single article on public policy or current events (unless you stretched your definition of "current events" to include our coverage of the Libertarian Party national convention). It had been our intention to avoid these types of articles, leaving them to outreach periodicals.

We took our readers' advice and scuttled our policy. In the very next issue we published articles on the ACLU and Nicaragua. In the final issue of that first year, we began a new feature, "Reflections," in which our editors commented pungently on the passing scene.

The launch of *Liberty* and its first year of publication was an adventure for all of us who participated. The adventure continues. Our readership has more than doubled in the four years since, and our newsstand sales have risen well past the 1,000 level. Several prestigious libraries (e.g. New York Public, University of Michigan, University of California) subscribe. Writers whose work has appeared in *Liberty* constitute a virtual "Who's Who" of the libertarian movement, but we continue to publish obscure and unknown writers as well. We have upgraded our typesetting and printing and refined our design. Above all, we have striven to maintain the highest editorial quality, still holding as our highest goal the publication of good writing that "interests the intelligent, thoughtful libertarian." ❑

Why *Liberty*?

Does the world really need another libertarian magazine?

There already exists a variety of libertarian periodicals, ranging from local newsletters to national magazines, from personal "zines" to scholarly journals. Given the limited resources of the libertarian movement, the number of libertarian publications is impressive, and the quality of most is remarkably good.

Yet it seems to us that nearly all libertarian periodicals fit into one of three categories: outreach periodicals, house organs or scholarly journals.

In efforts to gain influence or convince others of the correctness of their positions, a considerable amount of libertarian intellectual energy is aimed outside the movement via outreach periodicals. While converting others may be an important and worthwhile activity, outreach periodicals are sometimes rather boring to the intelligent libertarian. Who needs another article on free market garbage collection?

Other libertarian periodicals attempt to expound a certain vision of liberty to the exclusion of other libertarian visions. These house organs usually do a good job as standard bearers of their particular faction, but they often suffer from their narrow scope and perspective. They generally discuss only issues of particular interest to their faction; to the extent they discuss other issues, they do so from a very narrow perspective.

Libertarian scholarly journals offer a wider scope and broader perspectives; they often explore the frontiers of libertarian thinking. But the strictures of scholarly writing limit their content both in scope and style.

Neither outreach periodicals nor house organs nor scholarly journals can offer the kind of lively, provocative analysis that the intelligent libertarian craves.

The Nature of *Liberty*

We propose to publish **Liberty** as a journal produced by libertarians for libertarians, a journal with the space and inclination to discuss issues that interest libertarians, written from an unapologetically libertarian perspective.

We propose to publish lively discussions of these sorts of issues:

- the intellectual and psychological roots of libertarianism and of the hostility to liberty.
- the sort of society that libertarianism entails.
- cultural, social and historical matters from a libertarian perspective.
- the tactics and strategies of those libertarians seeking to libertarianize the world, as well as the strategy and tactics of those who believe in allowing the world to go its own way.
- the origin and history of the libertarian movement.

We seek to publish uninhibited discussions of these issues, without feeling any need to soft pedal libertarianism or to outline or defend the precepts of libertarianism (except for challenges from within).

We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate non-libertarians.

We seek a periodical that does not soft-pedal libertarianism one whit.

Who We Are

The editors of **Liberty** are a diverse lot.

Two of us (Rothbard and Cox) are professional academics; two of us (Bradford and Casey) are entrepreneurs and financial advisory writers; one of us (Overbeek) is an academic-researcher, scientist-entrepreneur.

One of us (Rothbard) has long been intimately involved in the Libertarian Party; two of us (Cox and Bradford) have supported the LP since its inception but only recently joined the party; another (Overbeek) has refused to join the Party because of his disagreement over its loyalty oath requirement; one of us (Casey) eschews political activity altogether, refusing even to register to vote.

The bases of our libertarianisms vary as well: One of us (Rothbard) is a leading advocate of Natural Rights philosophy, three of us (Cox, Overbeek and Bradford) are Classical Liberals more or less in the utilitarian tradition, and one of us (Casey) is an anarchist in the neo-Objectivist tradition of the Tannehills.

We acknowledge our differences of experience, of orientation, of approach. In the pages of **Liberty** we expect we will often disagree, and sometimes disagree with vigor.

But all of us agree on two points:

1) We believe that the role of government in people's lives should be radically reduced or eliminated altogether (thus we are libertarians);

2) We believe that libertarians need an "in-reach" journal—a periodical in which to sort out their differences, share their thinking, etc.

That is why we publish **Liberty**.

R. W. Bradford
Douglas Casey
Stephen Cox
Ross Overbeek
Murray Rothbard

Reprinted from the first issue

5th Anniversary
retrospective

Ayn Rand translated her best novel into a powerful, if flawed film. From our first issue.

"The Fountainhead" as Film

by Stephen Cox

Rand liked expressionist film, and in her novels she found plenty of uses for the mythic and the mythological. *The Fountainhead* comes as close to mythic expressionism as a film about a rationalist architect could ever come. The mythic atmosphere is partly a matter of the directness and "urgency" of Rand's script, which was required to reduce a very long book to its stark fundamentals. Rand was always good with an aphorism, even in her late, tedious years, and the aphoristic style helps her here: "I don't build in order to have clients; I have clients in order to build," Roark declares — succinctly establishing himself as the archetypal creator.

But myth can never be achieved simply by collecting aphorisms. The mythic is a matter of universal problems, essential conflicts, and symbolic acts of sudden, intense significance. It is Henry Cameron (played by Henry Hull) seizing a stack of copies of the New York *Banner* — "the foulest newspaper on earth" — and ripping them to shreds; around him, a crowd gathers and, somewhere above, the camera inspects the scene, as if from a judgment seat. It is Dominique Francon (Patricia Neal) holding a desperate Gail Wynand (Raymond Massey) in her arms and begging him, at his hour of climactic decision, "Don't give in to them, don't give in"; there is a dissolve to his boardroom, where his directors tell him, "You'd better give in" — and he gives in. And of course it is Vidor's close-up of Roark working in the quarry, seeming to express all the creative and destructive energy in the Randian world in the way in which he holds his drill.

The mythic quality of the movie depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming. In this respect, the movie is much starker than the novel. Until the last shot, Roark is never shown working at a construction site; after he gets out of the quarry and achieves his proper station, his work is presented as if it were entirely intellectual, a triumph of mind over matter. The sets are usually stripped of everything that lacks symbolic significance. Roark's offices and the buildings that he designs seem to consist of unnaturally large, unnaturally empty rooms, as if a mythic space were being created by the clearance of all messy, mundane detail. Roark's spaces are in sharp contrast to those of villainous or equivocal people. Ellsworth Toohey's office has plenty of furniture and is well decorated with eighteenth-century portrait prints and a picture of Greek ruins; the boardroom in which Roark is denied a commission displays "decadent," Hubert Robert-like architectural paintings; Dominique's bedroom, a pre-Roark structure, is elaborately baroque; Wynand's pre-Roark dining room is decorated in a heavy neoclassical style and overshadowed by an immense baroque picture; on the facade of the *Banner* building, a metal sign hangs from Corinthian columns — the architectural banner of decadence and equivocation.

One would like to say that all aspects of script and production were adequate to the goal of mythic expressionism. Regrettably, they are not. Rand's dialogue is sometimes much too "urgent" for its own good. It's not mythic but gratingly obvious for the board of directors of the Security Bank to try to make Roark compromise by telling him, "You realize, of course, your whole future is at stake. This may be your last chance." And the expressionist sets are often not mythically stark but vacant or dull or shockingly bad. Rand failed to get Frank Lloyd Wright as designer of Roark's buildings; he wanted too much money and too much control. The studio's designer, Edward Carrere, took over, with fear-inspiring results. The film does well at showing the various ways in which bad architects can ruin buildings; the Cortlandt project that Roark blows up richly deserves to be blown

up, as discontented mutterings from the audience normally testify. But the Cortlandt that Roark designs looks like nothing more than a typical government project. The house he builds for Wynand is even worse; it's a hard, ugly, moronic lump — something like a square space-ship filled with cement. Its principal interior embellishment is a lamp with goldfish swimming inside it, lovingly placed in the foreground by King Vidor. In general, Roark's buildings go out of their way to deny his doctrine that "form must follow function."

The film's musical decoration is slightly more successful than its architectural decoration. The score is by Max Steiner, usually regarded as one of the best Hollywood composers; he provided music for *Gone with the Wind* and *Casablanca*. Steiner's *Fountainhead* music tries to be romantic and sparely modern at the same time; it ends up being overstylized and repetitive, a theme without real variation. It's simple enough to avoid serious embarrassment, however, and the final few bars provide a climax of what must be called religious feeling.

Rand was always good with an aphorism, even in her late, tedious years.

The cast, of course, is more than decoration; its members are, perhaps, Rand's most important collaborators, and it has to be said that as a group they fail to attain mythic status. One can hardly object to the presence of actors as talented as Gary Cooper, Raymond Massey, and Patricia Neal, but their talents are not necessarily in Rand's line. Only Massey is capable of realizing the compelling strangeness, the uncanniness of myth, and Massey seriously mars his performance by overacting, as Rand recognized. His arresting voice and manner make him, potentially, the right man for the part, and he skillfully captures the sardonic quality of Wynand's personality. But he is too often on stilts; he neglects Wynand's toughness in favor of his self-conscious theatricality. Neal overacts much more flagrantly; she plays her part with an hysterical intensity that fits the character of Dominique all too well and exaggerates the movie's expressionist style to the point of absurdity. She constantly appears to be posing for some slightly deranged portrait-painter residing in the Berlin of 1925. Her interpretation of Dominique merely deepens the mystery of why Dominique is considered a heroine.

Another mystery is Rand's curious idea that Gary Cooper was Howard Roark: "From the time she had begun writing *The Fountainhead*, when she had first considered the possibility that it might one day be made into a movie, Gary Cooper was the one actor she wanted for the role of Howard Roark. His physical appearance strongly suggested Roark to her; she saw him as the archetype of the American hero." Like other people who have gotten their wishes, Rand lived to regret it. Cooper wasn't entirely up to the role, though not being up to it allowed him to mold Roark a little in his own attractive image, "humanizing" him, as many people have said. For examples of good acting, one should look at Cooper's sensitive treatment of Roark's shifting feelings in his scenes with Massey, or in his fine little scene or two with Ray Collins, who plays Roger Enright. (Collins, who had performed as Boss Jim W. Gettys in *Citizen Kane*, is himself an excellent actor, as is Jerome Cowan, perfect in the role of Alvah Scarret.) The crucial objection to Cooper is his age; he is much too old to play Roark the beginner — just as Kent Smith is much too old to play the neophyte Keating. It is very surprising that Rand thought of Smith (who does turn in a memorable performance of Keating the has-been) as the right "physical type" for his part. Is this the "pale, dark-haired, and beautiful" Keating of the novel, the Keating who has a "classical perfection" in his looks, whose eyes are "dark, alert, intelligent?" Not exactly.

Surprising also is Rand's judgment that Robert Douglas, playing Toohey, "was too forceful," not "slippery and snide" enough. The splendidly developed Toohey of the novel is powerful as well as conniving. He is both a small, twisted figure and an immensely forceful presence. And who wrote the script in which Toohey says to Keating with disgust, "Of course I'm your friend. I'm everybody's friend. I'm a friend of humanity. Now, why did you come here? What do you want?" Rand herself made Toohey forceful, as he should be if he is to enact his prominent part in the myth. Perhaps no actor could capture Toohey's complexity, but Douglas does a striking, more-than-naturalistic job with one side of him. The fact that Rand wanted the other side to be emphasized probably reflects her embarrassment at having created a splendid villain who acts as more than a "foil" or "contrast" to the good people — the role in which her later aesthetic theory would cast a villain.

The Authorized, Abridged Version

The major problem in *The Fountainhead*, however, lies not in its cast, its direction, or its production; it lies in a conflict of media. Rand's great difficulty was that of transforming a complex philosophical novel into a series of mythic scenes, scenes that nevertheless depend on a certain amount of philosophical elaboration if they are to be understood. The process of condensation that helps to bring the mythic elements into sharp focus also helps to deprive them of meaning. Rand was thinking of the conflict of media when she told Barbara Branden that she was "certain that it couldn't be made into a really good movie"; she had already "told the story in the proper form in the book."

The mythic quality of the movie depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming.

The Fountainhead is not an intellectually challenging film, though it is certainly better in this respect than Rand's other efforts in the medium. Neither individualists nor anti-individualists are likely to be set thinking by an evening spent with *The Fountainhead* cooking in the VCR. Further, knowledge of the movie's intention to be intellectually chal-

lenging, and of its failure to achieve this purpose, detracts even from a purely aesthetic appreciation of its technique. If easy sentiment is one danger to the art of film, unrealizable philosophic ambition is another. But at least *The Fountainhead* has ambition, and its ambition involves not just an attempt to present iconoclastic ideas but an attempt to affect its audience's perceptions in daring and distinctive ways. As Stuart Kaminsky says, its anti-naturalistic method makes it "one of the most noteworthy of American films . . . a strange and courageous effort, rather like a building by Howard Roark." Rand's courageous strangeness deserves a large share of the credit. ❑

The Fountainhead
Warner Brothers, 1949
Producer: Henry Blanke
Director: King Vidor
Musical Score: Max Steiner
Cast: Gary Cooper, Raymond Massey, Patricia Neal, Kent Smith, Henry Hull, Robert Douglas, Ray Collins, Jerome Cowan.
Available on VHS from MGM/UA Home Video, $29.95.

5th Anniversary retrospective

A discovery by a noted traveler in the realm of ideas. If you think human nature can be mapped on an indifference curve, this economist says no. From our fourth issue.

Me and the Eiger

by Murray N. Rothbard

There are ethnocultural gaps between people that go far beyond ideology. I was forcibly reminded of this truth when I recently attended a scholarly conference at a beautiful rural spot. The twenty or so conferees were all intelligent, amiable, and scholarly, but I soon realized that there was an unbridgeable gulf between them and me. I'm not talking about the content of the conference, which was . . . a conference. I'm talking about the conversation that permeated the place outside of the formal sessions, over meals and over drinks. I soon realized, to my chagrin, that none of their conversation held the slightest interest for me. Not a word, not a thought, did they devote to human culture—to ideas, books, movies, politics, gossip. Nothing. Instead, they only talked about nature. They talked about the contents of the local soil, about the winds, about why it is that the grass freezes overnight more quickly if the climate is dry (or is it when humid?), about the ozone layer, and the eco-system. Yecch!

At one point, I perked up. Two of my colleagues were talking about the "Eiger Sanction." At last! I piped up: "Yes, that was a great Clint Eastwood movie." They looked at me as if I were crazy, and I realized, with mounting horror, that they were talking about the real Eiger, and how they had each lost several friends and relatives in their attempt to climb the dread south face (or is it the north face?) of the Eiger.

Let's face it: the difference is ethnic. I am willing to assert that there is not a single Jew who has ever climbed the Eiger, of whatever face, or had the slightest inclination to do so. Any Jew worth his salt regards any yen to climb the Eiger as *mashuggah* (crazy) and the famous answer of Sir Edmund Hillary to why he climbed mountains, "because they are there," as scarcely compelling. So why not swallow a big dose of cyanide because "it is there"? Climbing the Eiger is a striking example of what a friend of mine calls *goyim-nachas* (gentile-happiness). Note what I am not saying: I am not saying that every single WASP talks about nothing but winds and the soil and the ozone layer, and is about to set out to challenge the Eiger. But I am saying that in a gathering of Jewish scholars, everyone would be conversing about ideas, books, movies, politics and gossip. And not a single one would have any friends or relatives who died on the Eiger.

If one were needed, empirical confirmation of this great truth was provided at this conference by the one other urban Jew in this gathering of WASPs. While in other contexts we might have been at swords' point, here we were comrades-in-arms. During breaks between sessions, the WASPs, all thin and hardy, climbed neighboring mountains. I happily reclined in my plush hotel room, watching the baseball playoffs (there is nothing more soul-satisfying than watching other people engage in strenuous sport), while my fellow Jewish-ethnic, fat and wheezing at forty, ate double meals and fell into a snooze. God bless him; he's the sort of person who made America great.

For those who have lived on another planet and have never been introducd to this form of ethno-cultural analysis, read Philip Roth and watch Woody Allen movies. That's what they are all about. ❑

5th Anniversary
retrospective

This article upset more readers than any published in Liberty *before or since. It told them they didn't know what libertarianism was all about. From our fourth and fifth issues.*

The Two Libertarianisms, One Time More

by Ethan O. Waters

My essay "Reflections on the Apostasy of Robert Nozick" (*Liberty*, October 1987) has touched off considerable controversy: it has provoked a record number of letters-to-the-editor and has drawn the attention of such leading libertarian moral philosophers as Murray Rothbard and Tibor Machan.

Nearly all of the responses, as I make them out, missed the point of the essay: namely, that the moralistic libertarianism position implies two silly and untenable propositions. By "moralistic libertarianism," I mean the notion that the proper basis of social theory is the "nonagression axiom," the proposition that "no man has the right to initiate the use of physical force against another." First, the nonagression axiom implies that any action, no matter how contrary to liberty, must be sanctioned if it is the consequence of a voluntary contract. Secondly, the sort of logic based on the absolutism of the nonaggression axiom that condemns an individual like Nozick who uses the power of the state to gain at the expense of others, also condemns the individual who uses other state services. For these reasons (among others) I believe libertarians must either reformulate or abandon the moral theory implied by the nonaggression axiom.

My essay was, admittedly, journalistic rather than scholarly. My starting point for this discussion of moral theory was Robert Nozick's use of local rent control laws to extort a substantial sum of money from his landlord. I argued that for the moralistic libertarian, the case is not so simple as it first seems. My argument was mistaken by many as a defense of Nozick's action rather than a criticism of moralistic libertarianism.

My criticism of moralistic libertarianism is one that I think should be addressed by all libertarians.

A Problem with the Nonaggression Axiom

The moralistic libertarian attack on Robert Nozick's legal harassment of his landlord is based in part on the proposition that the origin of the laws employed by Nozick lies in coercion (by which I mean *initiated force*). If individuals living in an area ever agreed to such idiotic rules of conduct as rent or land control laws, even if that agreement laid in the distant past, then the moralistic libertarian would have to defend Nozick's actions (and any others sanctioned by the statist status quo).

All who have read Spooner are certainly aware that the Constitution of the United States is not a contract among free people. It was imposed by coercion upon many individuals who never agreed to it. From the perspective of the moralistic libertarian, the Constitution is certainly not a valid contract.

But what if a valid contract had been made? Suppose that some two hundred years ago, every single person in the geographical area that is now the United States agreed to vest control of all his own real property to the corporation created by their voluntary contract, in exchange for the right to lease the same land back in exchange for annual fees. Suppose also that they agree that the administration of the land and rules over the conduct of those who inhabit the land can be changed by certain methods prescribed by the contract. Suppose further that they called this contract the U.S. Constitution, and the corporation it created the United States of America.

Suppose that since the Constitution had been agreed to, the course of history had followed exactly the same path as it in fact did follow: that the system had developed in every other way identical to our current political system, arriving at the same situation that we have today—the only difference being that the system had its origin in contract rather than coercion.

The individuals who live under the jurisdiction of the Constitution live there by choice, and agree to subject themselves to the rules and regulations of this government made pursuant to the contract, just as those who live in an apartment complex live there by

choice, and agree to subject themselves to the rules and regulations of the landlord made pursuant to their lease.

When this government takes a man who has failed to obey one of its rules or regulations and punishes him it is not initiating force. Just as a church has the right to prohibit a visitor from standing up during the administration of a sacrament and screaming anti-religious obscenities, and a cinema has the right to prohibit a visitor from standing up and screaming "Fire!," so the government has the right to prohibit violation of its rules, and to subject the violator to the agreed-upon consequences of his violating its rules, contractually agreed to. The person punished by the government is simply getting his just deserts.

What does the moralistic libertarian who is born into such a situation do? He knows (from his reading of Mises, Hayek, Rothbard, and Rand) that the system destroys human initiative, fails to satisfy human needs, encourages strife among its constituents, destroys wealth, and ultimately works toward the destruction of human life itself. On the other hand, his criterion for evaluating human behavior is whether it initiates the use of force, and this institution certainly does not.

To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really need to initiate force . . ."

Indeed, by the logic of the moralistic libertarian position, every good man should actively defend the government he lives under, no matter how perfidious its nature, provided its origin lies in contract.

Consider another hypothetical society, identical to the government of the Soviet Union in every way but one: in 1917, all those who owned land in the part of the world previously known as the Russian Empire vested ownership of their land into a single corporation, which they called the Soviet Union. They granted this corporation the right to make whatever rules governing them and their relationships with one another by whatever rules those initially appointed prefer.

This corporation proceeds to centralize ownership of all property; it denies the inhabitants of the land it owns what most libertarians see as fundamental rights: to own property, to speak freely, to refuse service in the armed forces, as well as other commonly accepted rights like the right to vote for one's rulers. The corporation creates a system that not only insures its subjects' lives are tightly monitored and controlled, but that they will be relatively poor materially as well; it murders millions of people who disagree with it and millions more for no discernible reason at all. In short, it acts in precisely the same manner as the actual, historic Soviet government, with one exception: it allows those born after its inception and who wish to leave its jurisdiction to go, provided they can find the means of leaving while still obeying all its rules and regulations.

Like our hypothetical U.S. government, this hypothetical Soviet government is not initiating force when it takes its horrible actions, since those who signed a contract granting those powers to the government did so voluntarily. And just as the moralistic libertarian must defend the relatively benign U.S. government from charges against it, so must he defend the monstrous Soviet government.

Another Problem

The moralistic libertarian must condemn the individual who uses a service like arbitration of rental disputes if the arbitration has its origin in coercion, but praises the individual if the arbitration has its origin in contract. What of the individual who uses other government services whose origin is in coercion?

What about the person who uses the governmental postal monopoly? government roads? government schools? Who buys food whose production is subsidized by tax money? What of the person who does virtually anything in our statist world? Aren't all these individuals (i.e., practically every person in the world) just as guilty as the person who uses an arbitration service whose origin is coercive?

It can be argued that the use of rent control regulations is inherently coercive, but that the act of walking on a governmental sidewalk is not. After all, when one turns to the bureaucracy of his local rent control board, he is requesting the state to unleash its police power against his landlord. Certainly walking on a sidewalk is only accidentally involved with government: if the sidewalk were privately owned, then government would not be involved at all.

It is ridiculous to base one's view of any government on its origin. The actual actions taken by a government are far more relevant in evaluating it.

The problem with this argument is that no act is inherently coercive. An act becomes coercive only in a particular context. Shooting a man is coercive if it is unprovoked; shooting a man who is attempting to murder you is not coercive. And using an arbitration service to settle a rental dispute is not coercive, unless one party is subjected to the process against his will. If both parties agreed to accept the decision of the arbiter, or inherited their rights as landlord or tenant from individuals who agreed to binding arbitration, then no coercion is involved.

Using an arbitration service can be coercive in some circumstances; in others it is not. Using a government sidewalk can be coercive in some circumstances; in others it is not.

But because the moralistic libertarian holds the nonaggression axiom absolutely, if he wishes to condemn the individual (like Nozick) who uses a government arbitration service to resolve his rental dispute, by the same logic he must condemn the individual who uses other government services.

Implications for Libertarians

I posed my hypothetical contract, not out of any desire to defend Nozick's action or to argue that anyone who walks

on a public road is evil, but to argue that a social philosophy based on the absolutism of the nonaggression axiom is seriously flawed.

Condemning Nozick's action on grounds that it violates the "no-man-has-the-right-to-initiate-force" principle is foolishly puerile. The libertarian who accepts the absolutism of the nonaggression axiom as a standard for judging the actions of others is logically required to defend political institutions and laws that he knows are destructive to human prosperity and liberty provided that such institutions and laws had their origin in contract. Further, he is logically compelled to condemn anyone who uses any government service. Worst of all, he must make his acquiescence or opposition to any invasive law or institution contingent on the origin of that law, rather than on the content of the law or the nature of the institution themselves.

To me, it is ridiculous to base one's view of any government on its origin. I think the actual actions taken by a government are far more relevant in evaluating it. I favor a society in which individuals respect each other's person and property, whether that society's government (if any) had its origin in coercion or in contract; I oppose a society in which certain people systematically rob, enslave, torture or murder other people, even if the robbery, slavery, torture or murder is the result of a voluntary contract.

While I am not completely convinced that anyone has discovered a perfectly satisfactory alternative to the nonaggression axiom as a standard of value, I am convinced that it is inadequate. I suspect the more appropriate standard of value can be found in another variety of libertarianism: the consequentialism of classical liberals like Mises and Hazlitt, who value the way of life of free men in a free society over the way of life of slaves in a slave society.

The Two Libertarianisms

There are two varieties of libertarian theory current today. The difference between the two libertarianisms lies in their reasons for advocating liberty. The libertarian moralist advocates liberty because he believes liberty is the condition that results from men acting under the moral law of nonaggression. The libertarian consequentialist advocates liberty because he believes liberty is the optimal arrangement for human society, a way of life under which human beings thrive.

It is my belief that although these two approaches to liberty have different philosophical roots, they are actually quite compatible; indeed, they co-exist in the psyches of most libertarians.

Libertarian moralism is typified by Ayn Rand: "There is only one fundamental right (all the others are its consequences or corollaries): a man's right to his own life. Life is a process of self-sustaining and self-generated action; the right to life means the right to engage in self-sustaining and self-generated action—which means: the freedom to take all the actions required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment of his own life."

To the moralist, recognition of others' property is inherent to recognition of their right to life: "The right to life is the source of all rights—and the right to property its only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has no right to the product of his effort has no means to sustain his life," Rand wrote.

The leading advocate of this moralistic theory of liberty today is Murray Rothbard, whose defense of natural rights in *For a New Liberty* seems almost to be cribbed from Rand: "The nature of man is such that each individual person must, in order to act, choose his own ends and employ his own means in order to attain them . . . Since men can think, feel, evaluate, and act only as individuals, it becomes vitally necessary for each man's survival and prosperity that he be free to learn, choose, develop his faculties, and act upon his knowledge of value. This is the necessary path of human nature; to interfere with and cripple this process by using violence goes profoundly against what is necessary by man's nature for his life and prosperity. Violent interference with a man's learning and choices is therefore profoundly 'antihuman'; it violates the natural law of man's needs."

Ludwig von Mises, on the other hand, typifies the consequentialist libertarianism. For him, liberty is valued because it enables men to optimize their wealth and happiness. He described his political philosophy thus: "Liberalism is a doctrine directed entirely towards the conduct of men in this world. In the last analysis, it has nothing else in view than the advancement of their outward, material welfare."

Property is just as important to Mises as it is to Rand. "The program of liberalism . . . if condensed to a single word, would have to read: property." But Mises values property for its consequences: "In seeking to demonstrate the social function and necessity of private ownership of the means of production and of the concomitant inequality in the distribution of income and wealth, we are at the same time providing proof of the moral justification of private property."

For the consequentialist, property is good because it maximizes human well-being. For the moralist, property is good because it is in harmony with fundamental moral principles.

Nonsense on Stilts?

As developed by Rand, Rothbard and others, moralistic libertarianism claims to provide its adherents with a logically compelling, objective moral theory. This morality has implications for all men in their social behavior.

Libertarian moralism can be understood as the belief that it is always wrong to initiate the use of physical force against another human being. When Rand first states this moral imperative she writes it in ALL CAPITAL letters, and for good reason. Rothbard concurs, "The central axiom of the libertarian creed is nonaggression against anyone's person or property."

The ultimate meaning of the nonaggression axiom is: All men have an obligation to refrain from using force or fraud against the life or property of another. This obligation cannot have its origin in contract, for the validity of contract depends on the validity of the nonaggression axiom itself. From what else can an obligation be derived?

For the libertarian moralist, the nonaggression axiom is a consequence of the position that men possess inalienable rights. It was Rand who first formulated the nonaggression axiom, and she formulated it as a corollary to the right to life: "A right cannot be violated except by physical force. One man cannot de-

prive another of his life, nor enslave him, nor forbid him to pursue his happiness, except by using force against him . . . Therefore we can draw a clear-cut division between the rights of one man and those of another. It is an objective decision—not subject to differences of opinion, nor to majority decision, nor to the arbitrary decree of society. NO MAN HAS THE RIGHT TO INITIATE THE USE OF PHYSICAL FORCE AGAINST ANOTHER MAN."

The first problem with this theory is the derivation of the nonaggression axiom from the notion of inalienable rights. Even if one grants that nature or objective morality confers certain inalienable rights on all men, one can argue that the nonaggression axiom does not follow. For example, nature or objective morality could sanction two individuals to try to possess the same piece of property, in which case one or the other would either have to initiate the use of force or simply abandon the property whose pursuit has been sanctioned.

The various arguments for absolute natural rights seem to most people to be a bit like the actions of a three-card-monte artist.

In response to this sort of thinking, the libertarian moralist has generally proposed that objective morality can never sanction such a conflict because, as Rand argues, "there are no conflicts of interest among rational men." This universal has not satisfied the critics, who have spent considerable energy contriving hypothetical situations, some realistic, others fanciful, in which the interests of rational men conflict. These critics generally argue along the following lines: "Suppose you are on a ship which sinks. You and another rational man come upon a lifeboat, which only has room for one person. Both of you are on the verge of exhaustion. Is this not a genuine conflict of interest between rational men?"

Rand's response to the better-contrived of these situations is that they are emergencies, and that normal rules do not apply, and men should act appropriately for the emergency: "An emergency is an unchosen, unexpected event, limited in time, that creates conditions under which human survival is impossible . . . In an emergency situation, men's primary goal is to combat the disaster, escape the danger and restore normal conditions. . . . By 'normal' conditions, I mean metaphysically normal, normal in the nature of things, and appropriate to human existence . . . The fact is that we do not live in lifeboats—and that a lifeboat is not the place on which to base one's metaphysics."

The problem with this definition is that it destroys the universality of the nonaggression axiom. To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really need to initiate force . . ."

In challenging the sensibleness and universality of the nonaggression axiom, the critics are not getting to the heart of the matter. For practically every libertarian moralist, the nonaggression axiom is the logical consequence of the inalienable rights of the individual. Whether or not the nonaggression axiom can be formulated in a reasonable and universal way is clearly secondary to the issue of whether inalienable rights exist; if the concept of inalienable rights is not rational, the formulation and defense of the nonaggression axiom is an irrelevant intellectual exercise.

Just what are these "natural rights" or "moral rights" upon which the nonaggression axiom is based? Perhaps natural rights can be understood in the same way as legal rights: just as one's legal rights are those rights conferred by law, so natural rights are rights conferred by nature or by objective morality.

At first inspection, there is much to be said for this understanding of rights. The notion of legal rights is widely understood and makes perfect sense. We all speak fluently of legal rights in a variety of contexts: rights to manufacture a certain item, rights to use exclusively a certain piece of property, rights to produce a certain play, etc. Legal rights are the products of declarations by the state that it will defend an individual's taking certain actions against other individuals who might interfere. When one says, "I have a legal right to do this," one means "the state will defend me against anyone's preventing my doing this."

Can we understand natural or moral rights in this same fashion? Perhaps we can understand natural rights to be rights conferred by nature, rather than the state; and "moral rights" to be rights conferred by morality. Just as it is meaningful to say that a trespasser is violating one's legal rights (i.e. is invading the property that the state guarantees one's exclusive control of), so we can argue that the trespassor violates moral law or natural law.

But neither natural rights nor moral rights can be understood by this analogy. When we talk about legal rights we necessarily talk about the ability of the state to enforce them. When we talk about natural or moral right, do we imagine that nature or morality mobilizes some kind of police power to enforce these rights? Of course not.

The concept of rights makes perfect sense in a legal context. But legal rights are always alienable: they are enjoyed as a product of the state, and cease to exist when the state defining them ceases to exist. In the end, inalienable rights theory fails because it appears entirely chimerical.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments.

Somehow, the various arguments for absolute natural rights seem to most people to be a bit like the actions of a three-card-monte artist: it is impressive to watch, and you seem be following it, but you know the artist is a skilled manipulator and in the end you aren't really surprised that you have been fooled.

It is this chimerical nature of natural rights theory that causes it to lead to the absurd consequences that I mentioned at the beginning of this essay. If natural rights theory makes no sense at its foundation, should we be surprised that it

leads to silly consequences? If the concept of inalienable rights is nonsense, then the consequences are indeed, to use Bentham's delightful phrase, nonsense on stilts.

In my previous essays in *Liberty* I demonstrated that the libertarian moralist must logically defend political institutions and laws that he knows are destructive to human prosperity, liberty and life provided that such institutions and laws have their origin in contract, and that libertarian moralism ultimately implies either that (a) a good person cannot use any government services whatsoever, including such benign services as the post office or government roads; or that (b) a good person can use virtually any government service whatever, including the use of the police to take the property of his neighbors for his own benefit.

These are, of course, patently absurd propositions. The fact that these propositions are the logical consequences of libertarian moralist theory is not an argument against that theory. If the theory is objectively true, then the fault lies in our notion of absurdity. Any valid attack on it must challenge its logical antecedents: either the propositions that underlie it or the specific argument by which it is defended.

I have discussed some of the problems that exist in the development of that theory, but I have not systematically attacked it. Such an attack is beyond the scope of this paper, for I would be required to address each variation of the derivation of the moralistic libertarian position. I have, however, indicated the problems exhibited by most formulations of this position.

The Road to Slavery?

Consequentialist libertarianism provides its adherents with a cohesive, rational approach to political theory. As developed by its leading theorists (e.g. Mises, Hayek, Donisthorpe) it provides the intellectual tools to understand human action. Because the consequentialist libertarian has developed a systematic way to study human interaction, he can make public policy recommendations, even in the context of the real world.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments. Indeed, one of the leading libertarian moralists, Murray Rothbard, by training an economist, is happy to defend the truth of the core belief of consequentialist libertarianism — that a free society is far more productive and conducive to human happiness than an unfree society.

The moralist critics take two lines of attack against consequentialism. On a theoretical level, they argue that consequentialism is wrong because it denies the propriety of an objective moral theory, inalienable rights and the universal prohibition against aggression. The other moralist criticism of the consequentialist position has nothing to do with its truth or falsity. It is that consequentialism fails to inspire moral fervor. This criticism grows out of its ability and willingness to make policy recommendations within the context of a non-libertarian society; somehow this requires that the consequentialist abandon the moral high ground. "The utilitarian . . . will rarely adopt a principle as an absolute and consistent yardstick to apply to the varied concrete situations of the real world," writes Murray Rothbard. "To say that a utilitarian cannot be 'trusted' to maintain libertarian principle in every specific application may sound harsh, but it puts the case fairly."

Even if one concedes that consequentialism's theory is rational, logical, and scientifically sound, it does a poor job of advancing liberty. "Who in hell would join a radical minority movement, and commit him or herself for life to social obloquy and a marginal existence, for the sake of 20% more bathtubs or 15% more candy bars? Who will man the barricades, either physically or spiritually, for more peanuts or Pepsi?" asks Murray Rothbard. "Look at all the radical or revolutionary movements of the 20th century, whether they be Communist or fascist or Khomeiniite. Did they struggle and move mountains for a few more goods and services, for what we used to call 'bathtub economics'? Hell no, they moved mountains and made history out of a deep moral passion and would not be denied. What moves men and women and changes history is ideology, moral values, deep beliefs and principles." This criticism is clearly ad hominem: it portrays the consequentialist as coldly making calculations in exclusively material terms, assuming that consequentialists do not ever consider valuing anything outside the money nexus.

Is Synthesis Possible?

Given the theoretical divergences between libertarian moralists and consequentialists, it is surprising that the two groups get along so well. Most radical political or religious groups fragment over matters of far less importance to their central beliefs. Given the fervor of many advocates of both moralism and consequentialism, one might expect the libertarian movement to be split into irreconcilably bitter, hostile factions over the matter.

In actual fact, aside from an occasional argument in an academic journal or other obscure place, the issue is hardly noticeable. What accounts for this peculiar phenomenon?

One might be tempted to think that the absence of acrimony over the issue is the product of people's rationality and good manners. But libertarians have long shown a willingness to argue over points far less significant. Battles over the presidential nominations of the Libertarian Party, for example, often move members to tears; the nomination of David Bergland in 1984 touched off a mass exodus of many longtime party activists, including most of those who had managed the 1980 presidential campaign.

A more cynical hypothesis is that libertarians are aware of the theoretical weakness of their position and are anxious to hide it from the light of day. There may be some truth to this, I suppose, though most libertarians' willingness to consider and accept so radical and unpopular a view as libertarianism indicates that they are open to peculiar ideas and willing to stand on their own judgment.

There is, I believe, a better explanation for the remarkable lack of controversy on the issue. I am convinced that most libertarians have little interest in the controversy because they find elements of both beliefs within themselves.

This hypothesis first occurred to me almost a decade ago after a conversation with a friend, a fairly prominent libertarian. On a lark, I asked him if he would consent to my interviewing him about his beliefs as though I was a non-libertarian journalist. He consented and the game was on.

"Why do you advocate freedom?" I asked.

"Because men have moral rights to life, liberty and property," he replied.

He was confident, almost brash.

As I questioned him further, leading him along the same critical lines of thought about rights theory that I summarized above, his demeanor gradually changed. His air of certainty receded; he grew defensive. After an hour or so, he admitted with a little exasperation that he was quite aware of the problems in rights theory. In fact, he went on, he did not believe that rights theory was defendable. "It's just that I think everyone should be free. The world would be a far better place if all men were free."

He had admitted that rights theory is wrong, and that consequentialism is right. What an extraordinary turn of events, I thought. My friend advocated moralism only because he thought it more rigorous, more respectable, more defensible. His advocacy of libertarianism was moralistic; his defense of libertarianism was consequentialist. Perhaps other advocates of rights are actually closet consequentialists.

A few days later, I was involved in a similar discussion with another natural rights advocate. But he could see where my line of thinking was leading. He cut me short and took the lead. Before long he was asking me questions like the following: Would you violate another man's rights if doing so had little risk and would likely mean substantial wealth for you?

I shall not bore you with details . . . suffice it to say that within a few minutes I admitted I would not steal under such circumstances, and that in an important sense, I was a libertarian because libertarianism seemed morally right, though I could not rigorously defend that morality.

It occurred to me that I wasn't much different from my moralist friend. Just as he had a moralist ideological offense but a consequentialist defense, I had a consequentialist offense, but could not dispense with my own moral sensibilities. Both of us had psychologically synthesized our beliefs.

We agreed that the consequentialist position made good sense and neither of us could dispense with our own moral views. He considered the moralist element of his thinking to be more acceptable to others, so his offense was moralist, but deep in his secret heart, he realized that the moralist argument was lacking.

I remain convinced that the moralism of inalienable rights and the nonaggression axiom is just plain wrong; its derivation is fallacious and its logical consequences sometimes silly. But I have not dispensed with morality altogether.

So I suggest before we conclude that the two libertarianisms are mutually exclusive that we reflect on their psychological compatibility and consider the possibility of philosophical synthesis. Perhaps we should consider the two libertarianisms to be two aspects of the same belief, or different emphases of the same basic belief. If libertarianism is a proper theory there is no reason to doubt that it is both morally right and eminently practical. ❑

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Index

to the first five volumes

By author — with title, category, and location.

Key on page 73

Panos D. Alexakos & Daniel W. Conway
A Case of Mistaken Identity ar 5:2, 53

Gary Alexander
Liberty in Nicaragua: An Impossible Dream? ar 1:5, 13
An American Meteor rv 5:3, 72
The World's Most Successful Price-Fixing Conspiracy ar 5:5, 34

Robert E.Alexander
Social Contract ar 4:3, 20

Chester Alan Arthur
The Libertarians' Quandary ar 1:1, 36
Conventional Notes ar 1:3, 09
High Noon for the Libertarian Party? ar 2:3, 19
Who votes for third party candidates? rf 2:4, 10
Where is Ed Crane now that we really need him? rf 2:4, 11
Investing in freedom rf 2:6, 18
The Philadelphia Story ar 3:2, 40
An opportunity for the Libertarian Party rf 3:6, 08
Lip-reading rf 4:1, 05
Election '90: How Freedom Fared ar 4:3, 21
The Media "Coverage" sb 4:3, 22
Frontrunner Stumbles sb 4:3, 29
Fallout from the gulf rf 4:5, 12
Libertarians' dilemma rf 5:1, 17
No more Borks rf 5:2, 08
My Kind of Town ar 5:2, 35
The whole world is watching sb 5:2, 37
Vice Presidential Realpolitiks sb 5:2, 43
Ron Paul Runs Again? sb 5:2, 44
David Duke and Teddy Kennedy, separated at birth? rf 5:3, 07
A stalking horse of a different color rf 5:3, 16
Why Term Limits Lost ar 5:3, 38
Inside Pat Buchanan ar 5:4, 21
Them Dems rf 5:5, 17
Buchanan update rf 5:5, 18
Bill Clinton, Super Statesman ar 5:5, 21
The Marrou mess rf 5:6, 12
Vice-Presidential follies rf 5:6, 12
The Anti-Politics of H. Ross Perot ar 5:6, 25

John Baden
A Gathering of the Tribes ar 3:6, 21
Big Mac Attack ar 4:4, 34
Economy as Ecology rv 4:5, 59
Libertarians and Environmentalists ar 4:6, 25
America's Experiment in Sylvan Socialism ar 5:4, 33

Doug Bandow
Libertarians and Christians in a Hostile World ar 5:6, 33

Eric C. Banfield
The Line on "Nightline" rv 5:5, 65

Stephen G. Barone
Midwest Work Ethic and the Spirit of Libertarianism ar 3:3, 65

R. Beitmachtfrei (Rex F. May)
The Story of A=A [jape, bn] 1:2, 39

David Bergland
Focus on Growth ar 2:3, 33

Gene Berkman
The Californians Are Restless ar 4:3, 26

David Bernstein
Regulating What Children Watch ar 3:3, 63

Benjamin Best
Tom Marshall: Innovator; A Week in the Wilderness ar 1:1, 12
I Go To Russia ar 1:5, 25
Something Anarchical in Denmark ar 4:5, 43

D.R. Blackmon (interviewer)
L. Neil Smith on Science Fiction in 1:6, 23

Walter Block
Samaritanism: Good and Bad ar 1:3, 27
Nonsense Up North rv 2:2, 71

David Boaz
From Russia, With Surprise ar 4:3, 33
Journalists and the Drug War ar 4:5, 35

Kathleen Bradford
The U.S. Bishops and Their Critics bn 1:3, 47
A Liberal in Africa bn 2:4, 67
Escape from Siberia bn 2:5, 64
Ron Paul in jeopardy rf 5:1, 16
Witness for the Prosecution bn 5:4, 66
When to say "no" rf 5:5, 9
Terrible Slow Bore bn 5:5, 67

R.W. Bradford
The Mystery Man of the Libertarian Movement ar 1:1, 11
The ABC's of Fun and Profit rv 1:3, 44
"Blood in the Streets" rv 1:4, 49
Stand Up and Cheer vn 1:5, 59
The New Enlightenment vn 1:5, 59
Good news for the faithful rf 1:6, 10
Who the "Nuts" Are ar 1:6, 50
Controversies Persist ar 1:6, 51
The Poll's Validity ar 1:6, 52
City of Nets: A Portrait of Hollywood in the 1940s bn 1:6, 68
PRC Forum: Barbara Branden vn 1:6, 70
PRC Forum: Ed Crane vn 1:6, 70
Their hearts aren't young and gay rf 2:1, 07
Time heals all wounds? rf 2:1, 07
If this be killjoyism, let us make the most of it! rf 2:1, 12
A Reader on Writers bn 2:1, 69
No news is good news rf 2:2, 06
Guilt by dissociation rf 2:2, 08
The Search for We the Living ar 2:2, 17
Television, lawn darts and toy guns rf 2:3, 09
Does she or doesn't she? rf 2:3, 12
No Hats in Ring ar 2:3, 29
TV Advertising and Minor Party Campaigns ar 2:3, 35
Mencken, Nock and Public Choice rf 2:5, 07
What's Wrong with Friedman's Pyramid? ar 2:5, 34
Calling Ronald Reagan rf 2:6, 07
The Panamanian shuffle rf 2:6, 07
My Congress, Wright or Wrong rf 2:6, 10
Artifactual Catch 22 rf 2:6, 14
That was then, this is now rf 2:6, 18
Who is Nathaniel Branden? rv 2:6, 57
Mona! Get that silly grin off your face! rf 3:1, 10
See Dan read. See Emmett squirm. mn 3:1, 14
Abortion Rights Without Absurdity ar 3:1, 23
Bestschrift bn 3:1, 63
One man's meat is another man's videotape rf 3:2, 07
For 40¢, we can solve the drug crisis rf 3:2, 13
One picture is worth a thousand words mn 3:2, 15
A Rustic in New York ar 3:2, 55
That ol' double standard rf 3:3, 05
Another casualty in the War on Drugs rf 3:3, 07
Killer tax cuts rf 3:3, 07
Investing in senators rf 3:3, 09
Public choices in ecotopia rf 3:3, 10
Now the Real Struggle Begins: Seven Observations ar 3:3, 13
Gorby the hero?!? rf 3:4, 09
The Evolution of a Magazine mn 3:4, 13
RIP: American Libertarian mn 3:4, 14
No Wmps Here ar 3:4, 21
Advancing the Rule of Law ar 3:4, 22
The Cost of "Justice" ar 3:4, 22
Arms and the Revolution ar 3:4, 23
Popular Invasion ar 3:4, 23
The Logic of "Operation Just Cause" ar 3:4, 24
The Power of a Free Press ar 3:4, 25
H.L. Mencken: The Man *vs* the State of Opinion rv 3:4, 57
East Germans vote rf 3:5, 07
We will bury the environment rf 3:5, 11
Oops! rf 3:5, 15
Theodore B. Loeffler: RIP ob 3:5, 15
Make Sense, not War ar 3:5, 16
Cox Agonistes ar 3:5, 36
Say it ain't so, Mike rf 3:6, 07
Smokers' rights rf 3:6, 11
All the way with LBJ rf 3:6, 13
Libertarianism in the fever swamps rf 3:6, 16
The More Things Change ar 3:6, 45
Money and the Root of Evil rv 3:6, 60
Deficits *vs* spending rf 4:1, 14
Another lie rf 4:1, 14
Mencken Agonistes, Part 2 rv 4:1, 67
U.S. pork exports up rf 4:1, 08
Elitism in the defense of the state is no vice rf 4:1, 09
To live and die in L.A. rf 4:2, 07
One man's pet is another man's buzz saw rf 4:2, 08
Innovation in government rf 4:2, 09
Comparable worth? rf 4:2, 14
The Search for Home of Truth ar 4:2, 21
"We are not a crook" rf 4:3, 11
Bushwhacked on Downing Street rf 4:3, 12
"A Pole Can Do It" ar 4:3, 13
Tyminski, Libertarianism, and the U.S. Media sb 4:3, 19
Election Notes for sports Fans rf 4:3, 27
"The federal government has been . . ." sb 4:3, 47
Uncivil War rv 4:3, 72
Two hits bn 4:3, 76
Nobel Prize nomination rf 4:4, 09
Building bridges, PBS style rf 4:4, 09

The triumph of the hack rf 4:4, 16
Bush blunders, America suffers, Bush is rewarded rf 4:4, 20
Keep the Hot Side Tepid ar 4:4, 31
Avoid the Shysters! bn 4:4, 65
Trash-free bn 4:4, 66
One Time a Great Notion bn 4:4, 66
L.A. law enforcement rf 4:5, 09
Proof of the viability of mass transit rf 4:5, 09
Oil slicks *vs* mass carnage rf 4:5, 09
Rockwell postscript rf 4:5, 10
Who do you think you are, Babe Ruth? rf 4:5, 13
The bottom line on Reagan rf 4:5, 14
The rocky road of love rf 4:5, 15
Losing Our Heads in the Persian Gulf ar 4:5, 19
A new record for slaughter rf 4:5, 24
I was a fool for the U.S. Army rf 4:5, 26
Gassing his own people rf 4:5, 31
Gassing his own people, the sequel rf 4:6, 10
Where is John Galt? rf 4:6, 13
The Owls Are Not What They Seem ar 4:6, 21
Mises for the Millions bn 4:6, 66
Defending the indefensible rf 5:1, 07
Owl spotted rf 5:1, 11
Honoring our anti-war dead rf 5:1, 17
Who is Clarence Thomas? ar 5:1, 18
GNP: A Bogus Idea? ar 5:1, 28
Second thoughts on Thomas rf 5:2, 07
Economics and Ecology: Sophisticated and Vulgar ar 5:2, 45
The Tragedy of Earvin Johnson rf 5:3, 07
The cycles of freedom rf 5:3, 11
Happy Anniversary, National Park System! ar 5:3, 23
What's the big deal about term limits? sb 5:3, 40
The plastic age of comedy rf 5:4, 07
No old taxes rf 5:4, 07
Contract sí, Pledge no! rf 5:4, 10
What was the CIA doing in Camelot? rf 5:4, 11
Live long and prosper rf 5:4, 12
Taking care rf 5:4, 13
Economics, Russian style rf 5:4, 15
Two good friends rf 5:4, 16
Less is more, more or less bn 5:4, 65
I Am a Survivor of the Punic Wars bn 5:4, 65
We arm the world rf 5:5, 07
What's bugging you? rf 5:5, 08
Note to travelers rf 5:5, 08
H.L. Mencken: Libertarian or Conservative? rv 5:5, 55
Of the Renaissance bn 5:5, 66
Bank on it rf 5:6, 07
Drop that hose! Come out with your hands up! rf 5:6, 09
Better late than never rf 5:6, 10
Los Angeles Burned for Your Sins ar 5:6, 13
Sgt Koon, sensitive guy sb 5:6, 22
"Dumb," dumber, dumbest sb 5:6, 22

R.W. Bradford (discussant)
How to Profit in an Unfree World ar 4:2, 41

R.W. Bradford (interviewer)
Interview with Russell Means in 3:2, 17
Interview with Barbara Branden in 3:3, 49
Interview with Ed Crane in 4:2, 54

R. W. Bradford & Mike Holmes
Vote for Ron Paul rf 2:2, 15

Robert L. Bradley, Jr.
William Connole, R.I.P. ob 5:2, 12

Barbara Branden (interviewed)
The Liberty Interview: Barbara Branden in 3:3, 49

Nathaniel Branden
The Dark Side of Objectivism rv 1:5,50

David Brin
The "Lock" on the Electoral College ar 5:6,48

Jim Bristol
Fighting the Draft in World War II ar 4:1, 25
Doing Time sb 4:1, 27

David M. Brown
The Critics of Barbara Branden ar 1:5, 44

Harry Browne (interviewed)
The Crash of '87 in 1:4, 28

Patrick J. Buchanan (interviewed)
Liberty Interviews Patrick J. Buchanan in 5:4, 17

Douglas Casey
Morris Tannehill (1926–1988) ob 2:1, 13
Vote for Nobody rf 2:2, 14
Gordon Gekko, Michael Milken, and Me ar 4:3, 51

Douglas Casey (discussant)
How to Profit in an Unfree World ar 4:2, 41

Douglas Casey (interviewed)
The Crash of '87 in 1:4, 25

William Cate
Freedom for the Adventurous ar 1:4, 07

Ronald F. Lipp & Vojtech Cepl
Divorce, Czechoslovak Style ar 5:5, 27

Barry Chamish
The Suicide of Canadian Culture ar 5:1, 43

Michael S. Christian
Against a Capital Gains Cut ar 3:2, 33
The Bonfire of the Subsidies ar 4:3, 65
It can't happen here? rf 5:5, 13

Ed Clark
Summing Up ar 2:3, 28

William Clark
Libertarianism *vs* the Avant-Garde ar 3:2, 35

Daniel W. Conway & Panos D. Alexakos
A Case of Mistaken Identity ar 5:2, 53

Ron Courtney
Ecological Ostriches: Libertarians on the Environment ar 2:6, 41

Stephen Cox
The Films of Ayn Rand ar 1:1, 05
In Memoriam J. P. p 1:2, 24
Kurtz, Kids and Kael ar 1:2, 40
The Dynamics of Voluntary Tyranny ar 1:3, 29
Going Beyond the Gideons rv 1:4, 55
Bonfires and Meteorites rv 1:5, 48
No Time for celebration rf 1:6, 11
Poll Observations ar 1:6, 51
Free At Last rv 1:6, 59
Before the Revolution: A View of Russia Under the Last Tsar bn 1:6, 69
Behind the irony curtain rf 2:1, 07
Character and Conspiracy in Roy Cohn's America rv 2:1, 59
Eternity in 2 Hours, 50 Minutes ar 2:2, 30
Silver linings rf 2:3, 11
Helga Claus is coming to town rf 2:4, 09
Against the Peruvian Apocalypse rv 2:4, 61
Heavy message rf 2:5, 09
The Senator from Chappaquiddick rv 2:5, 52
Hungary for change rf 2:6, 17
At least they unplugged Dan Rather rf 2:6, 18
Out of smarm's way rf 3:1, 09
Dateline: Peru rf 3:1, 13
Put this in your cigar and explode it rf 3:2, 08
RIP: Irving Berlin rf 3:2, 16
Doors p 3:3, 15
Once for All? ar 3:3, 21
Isolating the Error of Isolationism ar 3:4, 15
Degrees of Freedom— A Response to Richman ar 3:5, 34
Remaining Questions, Summary Suggestions ar 3:5, 37
Call in the language police rf 3:6, 09
Beyond Conformism bn 3:6, 63
Nervous implosion rf 4:1, 13
Rebels Without Good Cause rv 4:1, 53
They've got rhythm rf 4:2, 07
In your heart you know who's right rf 4:2, 52
Up from Armageddonism rv 4:2, 65
Thanksgiving mourning rf 4:3, 30
The Evils of Theft ar 4:3, 48
Examined Lives bn 4:3, 74
Best use of passive construction, 1990 rf 4:4, 15
The Way We Are ar 4:4, 39
The Intellectual Poverty of Opposition to the Gulf War ar 4:5, 29
The scribbling on the wall rf 4:6, 14
Have you hugged your president today? rf 5:1, 13
Jubilee or Apocalypse? ar 5:2, 14
The joy of AIDS rf 5:3, 10
Albert Jay Nock: Prophet of Libertarianism? ar 5:4, 39
Green in tooth and claw rf 5:5, 12
How he will be remembered rf 5:5, 69
Congressional confessional rf 5:5, 7
Beyond the cliches sb 5:6, 18

Ed Crane (interviewed)
The Liberty Interview: Ed Crane in 4:2, 54

Noel Criscuola
It Usually Begins with John Locke bn 5:6, 67

H. Griffin Cupstid
AIDS: Biting the Magic Bullet ar 2:3, 40

Charles Curley
Libertarianism and Diversity rv 2:4, 64

Skye d'Aureous & Natalee Hall
What if there was a Millennium . . . and No One Came? ar 1:3, 25

David G. Danielson
Au naturel rights ar 4:4, 41

Adrian Day (Interviewed)
The Crash of '87 in 1:4, 26

William C. Dennis
There Is No Such Thing as the Environment ar 5:5, 49

John Dentinger
Strange Bedfellows: The Libertarian/Conservative Misalliance ar 1:4, 37
Envy *vs* Cooperation rv 2:2, 65

Lawrence Dodge
Retrospect and Prospect ar 2:3, 29
Can Yellowstone Recover? rv 3:1, 61

Brian Doherty
The Culture of Chronicles mn 3:4, 14
The War on Banking ar 3:4, 25
Munchkins of the world, unite! rf 3:5, 08
Deutschland über alles?? rf 3:5, 14
Harvesting Welfare rv 3:5, 64
All the king's horses rf 3:6, 14
We don't mind them — just not in our neighborhood rf 3:6, 16
Feminism triumphs — Earth destroyed by asteroid bn 3:6, 62
No Anti-Nuke Kooks bn 3:6, 63
Un-intellectual attacks bn 3:6, 64
Public Enemy is No. 1 rv 3:6, 65
Angry at the sun rf 4:1, 06
Down the Hatch rf 4:1, 10
Bum rap rf 4:1, 16
Just say, "Dough" rf 4:3, 08
"Just checking, ma'am" rf 4:3, 09
Comparative integrity rf 4:3, 10
Economic Man bn 4:3, 74
The Feminine Mystic bn 4:3, 75
The Last Pinko Show rv 4:4, 68
A Contribution to the Critique of Political Economy bn 4:6, 64
Zero coherence rf 5:1, 08
Zappa for president? rf 5:1, 10
Doubts about Thomas rf 5:2, 07
Rockwell rethinks Rothbard rf 5:2, 08
Lips that touch meat will never touch mine rf 5:2, 10
An adventure in moral lunacy rf 5:2, 11
America's Bi-Partisan Apartheid ar 5:3, 53
My breasts, my choice rf 5:4, 07
GNPap rf 5:4, 12
That's a rap rf 5:5, 09
Train without soul rf 5:5, 18
How Not to Help the Homeless rv 5:6, 60

Richard N. Draheim, Jr.
Our Judeo-Christian-Moslem-Pagan Tradition ar 3:4, 48

Richard Duenez
Tales With Morals bn 3:4, 73
J.R. Dunn
Goodbye, Galactic Empire ar 3:2, 43
M.H. Endres
Liberty and Death: What Do You Do When Your Mother asks you to kill her? ar 2:4, 31
Christopher C. Faille
The Love of Money and the Root of Evil ar 4:4, 49
Johnny Fargo
The Oath of Purity ar 2:5, 29
Leslie Fleming
Meanwhile, Back at the Farm ar 4:2, 37
Robert Formaini
The Theology of Ecology ar 3:1, 44
Miles N. Fowler
Feminism, Outlawry, and Individualism rv 5:2, 61
Frank Fox
Shadows in the Future ar 4:4, 35
Smashing the Idols of Socialism ar 5:1, 23
Little Czech Man ar 5:5, 32
David Friedman
The Second Edition of *The Machinery of Freedom* p 2:1, 48
The Trouble with Hoppe ar 2:2, 44
Private Law Enforcement, Medieval Iceland, and Libertarians ar 2:6, 37
Simple Principles *vs* the Real World ar 3:1, 37
Law, Economics, and Liberty: Where Richman Goes Wrong ar 3:6, 40
Beggar thy neighbor rf 4:2, 12
Why is anyone virtuous? rf 4:2, 48
The Production of Virtue in a Free Society ar 4:3, 32
Downloading the Three Rs ar 4:4, 51
Whose "diversity"? rf 4:6, 07
Giving Capitalism a Test Drive ar 4:6, 33
The New Alger Hiss ar 5:3, 19
How to Think About Pollution ar 5:3,55
David Friedman (discussant)
How to Profit in an Unfree World ar 4:2, 41
Jeffrey Friedman
The End of Political Activism ar 2:4, 47
Milton Friedman
Say "No" to Intolerance ar 4:6, 17
Margaret M. Fries
A Conspiracy of Silence ar 2:5, 22
Richard W. Fulmer
The Butterfly Effect ar 4:1, 39
David Wadron Galland
Flight f 1:3, 37
Charles Goines
Helpless child in the road rf 4:4, 18
J.E. Goodman
The Structure of Crystal f 5:2, 58
David Gordon
Radical & Quasi-Kantian ar 2:2, 46
Existentialism and Liberty rv 2:5, 54
Life, Happiness, and the Pursuit of Policy rv 3:3, 69
J. Orlin Grabbe
The Optimal Number of Criminals f 5:5, 53
Gracie & Zarkov
The Myth of Metal Illness ar 5:6, 38
John C. Green & James L. Guth
The Sociology of Libertarians ar 1:2, 05
Natalee Hall & Skye d'Aureous
What if there was a Millennium . . . and No One Came? ar 1:3, 25
Robert Heilbroner (interviewed)
Economics After Socialism (Mark Skousen Interviewer) in 4:6, 45
Timothy W. Henderson
The Road From Dystopia ar 1:3, 49
Natural Lawman ar 1:4, 58
Hunting the Wild Remainder rv 1:5, 54
Karl Hess
The Most Unforgettable Libertarian I Ever Knew ar 1:3, 05
Young Money: Curse or Blessing? ar 2:1, 42
The health hazards of bureaucracy rf 2:3, 11
Shoot him on the spot rf 3:1, 07
Elitism in Defense of Virtue is No Vice ar 3:3, 46
Defending Our Women ar 3:4, 22
Overkill ar 3:4, 25
The "Official Truth" and the Death of Thought ar 3:5, 41
Black is innocent rf 4:1, 13
Your people, sir, are a great beast rf 4:3, 09
The Hope in the Schools ar 4:3, 49
Tools *vs* Philosophy ar 4:6, 51
50 Really Stupid Ways to Save the Earth ar 5:1, 45
Owning organs rf 5:4, 10
Engaging art rf 5:4, 12
Ghettoizing gays rf 5:5, 07
Loose lips rf 5:5, 12
The new hawks rf 5:5, 13
The Cost of Kids ar 5:5, 37
The world beyond economics rf 5:5, 68
Marxism, mark two rf 5:6, 07
Guides for the perplexed rf 5:6, 10
Phil, Bryant, and the Brothers ar 5:6, 21
Never Say Never Again bn 5:6, 68
Support Bill Clinton, but don't vote for him rf 5:6, 07
Loons at the helm rf 5:6, 08
Solidarity forever! rf 5:6, 08
Karl Hess (interviewed)
The Crash of '87 in 1:4, 34
Karl Hess, Jr.
Man, Nature and State ar 2:5, 15
Rocky Times in Rocky Mountain National Park ar 5:3, 31
Robert Higgs
Of Smokestacks and Rhinos rv 3:5, 57
Census and sensibility rf 3:6, 07
Socialized babysitting rf 3:6, 12
Saying "Yes" to Noriega rf 4:1, 05
Military industrial complexities rf 4:1, 12
The sensible white north rf 4:2, 12
The first victim rf 4:2, 52
Just (Ku)wait a minute rf 4:2, 07
With friends like this rf 4:2, 08
Rational Man and All the Rest rv 4:2, 73
Big, but not that big rf 4:4, 10
Mr East, meet Mr West. You'll like each other rf 4:4, 10
Over the precipice rf 4:4, 19
The Myth of War Prosperity ar 4:4, 23
An honest congressman? rf 4:5, 09
Should we laugh or cry? rf 4:5, 10
Not all naked aggression is bad rf 4:5, 14
Is the Cold War over? rf 4:5, 15
U.S. taxpayers support the KGB rf 4:5, 18
Two Kinds of Patriotism ar 4:5, 20
Don't take my word for it rf 4:5, 24
Thriving Leviathan rf 4:6, 10
The Law of Unanticipated Consequences rf 4:6, 11
Shooting down the Patriot rf 4:6, 11
Oops! rf 5:1, 07
How to succeed in business rf 5:1, 10
Billions for bombers, but not one cent for defense rf 5:1, 12
Exporting misery rf 5:1, 12
Damned if they do, damned if they don't rf 5:1, 13
Queue and eh? on nationalized health care rf 5:1, 14
Nations are not moral agents rf 5:2, 09
Leviathan at Bay? rv 5:2, 64
Some rights are wrong rf 5:3, 12
Happy Bicentennial rf 5:4, 07
Creeping anarchism? rf 5:4, 13
Goodbye Gorby rf 5:4, 14
The revolutionary economist ob 5:5, 68
George M. Hollenbach
Encounter in Mbabane ar 3:5, 49
Totalitarian Sports Machine bn 5:4, 67
Mike Holmes
The Gulag Down Under rv 1:2, 35
Libertariana rv 1:3, 46
Stranger in a Strange Land rv 1:4, 51
No flag burning please rf 1:6, 09
Who Are these Nuts? ar 1:6, 49
Forty-eight Minutes bn 1:6, 68
Jury Nullification bn 1:6, 68
Into the Homeland vn 1:6, 71
New Bush for old rf 2:1, 07
Bully for Capitalism bn 2:1, 71
Prophecy and amnesia rf 2:2, 10
Shit Out of Plot ar 2:2, 76
Ante up rf 2:4, 10
Start with a Bang rv 2:4, 67
Calling Calvin Coolidge rf 2:5, 07
Euphemism watch rf 2:5, 11
Death and taxes update rf 2:6, 07
Providing for the General Welfare Dept. rf 2:6, 18
Guerilla Tax Revolt Tips rv 2:6, 68
Architects of tyranny rf 3:1, 12
Point-counterpoint mn 3:1, 15
BOLDFACED Buncombe bn 3:1, 65
Demokratization rf 4:3, 07
Mike Holmes & R.W. Bradford
Vote for Ron Paul rf 2:2, 15
William Holtz
The Woman *vs* the State ar 4:4, 45
The Ghost in the Little House Books ar 5:4, 51
Erika Holzer
Buy a Good Book and Save a Poor Soul ar 1:3, 51
Eyewitness f 2:1, 49
The Cat as Hero bn 2:1, 68
Erika & Henry Mark Holzer
Et tu, ABA? ar 1:5, 18
Hans-Hermann Hoppe
Ultimate Justification of the Private Property Ethic ar 2:1, 20
Utilitarians and Randians *vs* Reason ar 2:2, 53
Intimidation by Argument — Once Again ar 3:2, 37
David Horowitz
The Road to Nowhere ar 5:2, 21
Utopian Passions rv 5:5, 59
An Intellectual Giant ob 5:5, 68
Pandering to the Mob ar 5:6, 23
At Long Last, Death ar 5:6, 41
John Hospers
Ecology and Liberty ar 2:1, 23
The Whys of the Libertarian Party ar 2:3, 28
Property, Population and the Environment ar 2:3, 46
Open *vs* Closed Libertarianism ar 2:6, 29
Utility is not a swear word rf 3:2, 16
Tyranny is only skin deep rf 3:4, 09
Just say "Noriega" ar 3:4, 24
Humanity *vs* Nature: Two Views of People and Animals ar 3:4, 26
Conversations with Ayn Rand (Part 1) ar 3:6, 23
Conversations with Ayn Rand (Part 2) ar 4:1, 42
Respecting the Unrespectable rv 5:1, 56
The Road to freedom rf 5:5, 68
The Fist Inside the Glove ar 5:6, 19
David Hudson
Compelling Payment, Compelling Film rv 1:6, 72
You, Too, Can Be A Junior G-Man ar 4:2, 29
Jeffrey Rogers Hummel
Quantum Mysticism and Quantum Reality rv 1:5, 51
Terry Inman
The Jehovah Contract bn 1:2, 38
Left Anarchism at Wit's End rv 1:4, 54

W. Luther Jett
Something to Be Said p 4:4, 40
Beijing Memo p 4:4, 40
Greg Johnson
On the Rights Track rv 4:1, 56
Mitchell Jones
A Matter of Degree ar 2:2, 49
Daniel M. Karlin
An Environmentalist Contra Rothbard ar 2:4, 35
Bill Kauffman
Novelist, Naturalist, Anarchist ar 3:5, 65
Honest John DeForest rv 3:6, 61
Clarence and Zora ar 5:3, 21
David Kelley
Rost-Randian Aristotelianism rv 5:6, 54
William Kelsey
Nicaragua: The Case for Non-Intervention ar 1:6, 31
Matt Kesler
Rebel Without a Clue: Lessons from the Mecham Experience ar 1:6, 15
Matt Kibbe
Beer, Chips, and the Gulf War ar 4:5, 32
Israel M. Kirzner
Ludwig M. Lachmann, 1906–1990 ob 4:6, 68
Daniel B. Klein
Irony, Cruelty, and Liberty rv 5:5, 58
Roger Koopman
Ersatz Entrepreneurship ar 3:3, 61
Bart Kosko
Libertarianism without Romance ar 3:5, 53
Smarter Weapons, Harder Fights ar 5:1, 37
Richard Kostelanetz
Indefining the Future ar 3:1, 33
Contra Clark ar 3:2, 36
Exposing the "College Teaching" Scam rv 3:2, 64
The New Benefactors ar 3:3, 58
Gaudy days in Berlin rf 3:4, 12
Pozner the Poseur ar 3:4, 51
Propping the paleos rf 3:5, 08
Subsidized mediocrity rf 3:5, 13
The high cost of leechcraft rf 3:5, 14
Still Fibbing After All These Years rv 3:5, 62
The Illusions of Journalism ar 3:5, 63
Hostages in Lebanon rf 3:6, 12
South Africa and the herd of independent minds rf 4:1, 11
Me and AIDS rv 4:1, 63
Sex, Drugs, and the Goldberg Variations rv 4:2, 68
A Master of Black Dots and Strange Timbres ar 4:3, 63
The literate person's guide to the postal monopoly rf 4:4, 10
The unintended consequences of Jesse Helms rf 4:4, 12
The Illusion of Expertise rv 4:4, 58
A Talk on the Wild Side bn 4:4, 64
Privatizing "Intelligence" bn 4:4, 65
The Rise of Paleo-Stalinism rv 4:5, 66
Ex-Nazis Say the Darndest Things rv 4:6, 61
Another Father For Us All bn 4:6, 64
The Epitome of the Fake bn 4:6, 65
Art and Literature: Retail and Wholesale rv 5:1, 67
Lesion lessons rf 5:3, 11
Sex, Race, and the Single Gentleman ar 5:3, 20
What's my crime? rf 5:5, 09
The Triumph of the Indistinguishable rv 5:5, 64
Operation criminal rescue rf 5:6, 08
Michael I. Krauss
A Kinder, Gentler Nation? ar 2:4, 23
The "Meech Lake" Fiasco, Canada's Future, and Liberalism ar 4:1, 17
Dianne Kresich & John Semmens
What If Everything We Know About Safety Is Wrong? ar 2:4, 37
Edward C. Krug
The Corrosion of Science ar 5:4, 29
R.K. Lamb
Capitalism Without Democracy, Hong Kong Without Hope ar 3:4, 39
Why I Won't Live in Disco Bay ar 5:5, 52
Allan Levite
Motives and Values: Theories that Make Sense ar 2:2, 39
Guns and Guilt: The Impulse Toward Gun Control ar 2:4, 29
Andrew B. Lewis
Ghost Dancing With "Inalienable" Rights ar 2:5, 27
Ronald F. Lipp
Opportunities on Freedom's Frontier ar 4:2, 15
In Quest of Dr Cepl ar 4:5, 45
After the Coup ar 5:2, 15
Ronald F. Lipp & Vojtech Cepl
Divorce, Czechoslovak Style ar 5:5, 27
Kin-ming Liu
Hong Kong After Tiananmen ar 5:4, 47
Linda Locke
Freedom Now ar 4:4, 44
Keith Lofstrom
A place much like our own rf 4:2, 10
Loren E. Lomasky
The Argument from Mere Argument rv 3:1, 55
His Own Worst Enemy ar 3:2, 39
Beyond Philosophy rv 3:2, 61
Barring catastrophe ar 3:4, 23
The Great Gulf in Libertarian Theory ar 3:5, 39
Art and money rf 4:1, 05
No more Charlie Chans! rf 4:2, 07
A game to end all games rf 4:3, 07
Lies, Liberalism, and Lip-Reading ar 4:3, 46
Dungeons and dollars rf 4:4, 13
Bank shots rf 4:4, 14
Flip-flops rf 4:4, 15
Give George Bush His Due ar 4:5, 33
Of saints and sippers rf 4:6, 08
Liberal Obituary? rv 4:6, 55
Up from inebriation rf 5:1, 11
Semper fidelis rf 5:2, 07
Putting Together the Post-Communist Puzzle ar 5:2, 18
Magic rf 5:4, 10
A new year to celebrate? rf 5:4, 15
One nonvote for Bill Clinton rf 5:5, 19
Tele-phoneys rf 5:6, 07
William M. London
And Now . . . A Word on Behalf of the FDA ar 2:3, 40
Lawrence M. Ludlow
Cheesing of America, The ar 3:3, 24
Tibor R. Machan
Understanding Anti-Corporatism ar 1:2, 21
What If It's Publish and Perish ar 1:6, 54
Ethics Without Philosophy ar 2:2, 52
You Can Go Home Again, But. . . ar 2:4, 44
Fetal Rights: The Implication of a Supposed Ought ar 2:6, 51
Ayn Rand and I ar 3:2, 49
Tom Marshall (El Ray)
Libertarians and Coercivists ar 1:1, 15
Rex F. May
Indiana *vs* the Indians rf 2:2, 07
No comparison rf 2:3, 09
Pourquoi Quayle? rf 2:3, 09
Who isn't who rf 2:3, 09
Canadians say the dardest things rf 2:3, 10
Toward a free market in smoke rf 2:4, 09
Corndogs and quiche rf 2:4, 11
Southern Women bn 2:4, 68
Blushing Hoosiers rf 2:5, 08
What's in a name? rf 2:5, 09
If this be imperialism, make the most of it rf 2:5, 11
You Can't Pogo Home Again rv 2:5, 60
A Different Deal bn 2:5, 62
Son of Heaven, or whatever rf 2:6, 14
Let's not be chintzy rf 3:1, 07
Sauce for the goose rf 3:1, 12
Newspeak update rf 3:1, 15
Dan Quayle Theory #137 rf 3:3, 05
Guerrilla reply mail rf 3:3, 08
Minority report rf 3:3, 09
Tongues of Men and Computers bn 3:4, 74
Hey, hey we're the monkeys! rf 3:6, 12
Rex F.May (as R. Beitmachtfrei)
The Story of A=A [jape bn] 1:2, 39
James McClarin
In Defense of Williams ar 3:5, 45
Questions on the Phylogeny and Ontogeny of Rights ar 5:1, 51
Meridith McGhan
P.C. or B.S.? ar 5:4, 31
Jo McIntyre
Options f 1:1, 21
Gary S. Meade
A Closer Look at Walter Williams ar 3:5, 43
Russell Means
Setting the Priorities for Freedom ar 2:3, 32
Russell Means (interviewed)
The Liberty Interview: Russell Means in 3:2, 17
Ronald E. Merrill
Management Consultant Looks at Libertarian Politics ar 3:5, 46
Patrick J. Michaels
The Greenhouse Effect: Beyond the Popular Vision ar 3:3, 27
Robert Millner
Buying Gasoline in Ethiopia ar 5:1, 31
Barry Bracewell Milnes
Thatcher the taxer rf 3:2, 12
Richard Miniter
The Press: Jealous of Its Freedoms, Careless With Ours ar 4:5, 39
Joseph Miranda
"Winning" the War on Drugs ar 3:2, 21
Rodney Mood
The Correct Perspective bn 3:3, 75
Carol Moore
The Woman *vs* the Nation-State ar 5:2, 50
William P. Moulton
Do You Believe in Magic? bn 1:1, 31
Winning at Zoning bn 1:1, 31
The Book of America bn 1:1, 32
Conservatism Redux ar 1:1, 33
Fatal Patterns: The Libertarian Party in Perspective ar 1:2, 18
Bubble-Gum Liberalism rv 1:3, 41
The ACLU: Suspicious Principles, Salutary Effects ar 1:5, 29
High Standards, Not Double Standards rv 1:5, 53
Ivan the Terrible: Political Culture and Individual Evil ar 1:6, 27
Carl "Make My Day" Rowan rf 2:1, 10
My Dinner With Gus ar 2:1, 15
Still Lying, At His Age! rv 2:1, 67
One nation, undeliverable rf 2:2, 05
Why I will vote for George Bush rf 2:2, 11
Nobody's Land rv 2:2, 72
In these times rf 2:3, 09
Pop Marxism rf 2:3, 14
Motown mysticism rf 2:6, 08
Customary mediocrity rf 2:6, 09
Signs of the times rf 3:1, 07
George Will and the individualist threat rf 3:1, 11
What did you do during the war, Daddy? rf 3:2, 07
The Nadir of prophecy rf 3:2, 10
The new racial orthodoxy rf 3:2, 13
RIP: Sidney Hook and I.F. Stone ob 3:2, 14
Gaglines at Human Events mn 3:2, 15
Nothing new under the hyperpatriotic sun rf 3:3, 10
RIP: The New Soviet Man ar 3:3, 18

Yasser, that's my baby rf 3:4, 09
The Law and Mr Noriega ar 3:4, 22
The abominable lawmen rf 3:5, 12
Naught's Had, All's Spent: Conservatism in Its Latter Days ar 3:5, 17
Words as weapons rf 3:6, 07
If you believe in dentistry, why should you mind having your teeth knocked out? rf 3:6, 08
Nuts in perspective rf 3:6, 09
Solidarity forever rf 3:6, 11
The thousand-year guilt rf 3:6, 14
Call It Puerile rv 3:6, 59
War Criminals Everywhere bn 3:6, 63
The truth goes marching on, part XIV rf 4:1, 10
Linguistic harassment rf 4:2, 08
Game point rf 4:2, 08
The victory of central planning over the chaos of the market rf 4:3, 08
Where is the Soviet Rifle Association? rf 4:3, 10
Why theAcademy Fails rv 4:3, 67
Pick a decade, any decade rf 4:4, 14
Mrs O'Connor, call your literary agent rf 4:5, 09
What more cruel than a dream betrayed? rf 4:5, 12
Invincible ignorance at the Trib rf 4:5, 18
It depends on which whistle is blown rf 4:6, 07
Drunk with power rf 4:6, 12
Socialism With a Drooling Face rv 4:6, 53
Beware the Bogus Insight bn 4:6, 63
A few kind words about George Will rf 5:1, 14
The Gospel of Duty, According to Buckley rv 5:1, 53
Prince William Sound update rf 5:2, 08
Travel suggestion rf 5:2, 09
They got one thing right rf 5:2, 10
A team by any other name rf 5:2, 12
Politically correct math rf 5:2, 12
None so blind as those who cannot eat rf 5:3, 07
They just don't get it rf 5:3, 14
the genteel tradition strikes back rf 5:3, 16
Malice in wonderland rf 5:3, 16

Jan Narveson
Old Whine in New Bottles rv 4:4, 54

William A. Niskanen
The "R" Word rv 2:3, 59

Gary North
Capitalism, Catholicism and Reconstructionism ar 3:1, 48

Jeffrey Olsen
The Walden Gulch f 2:3, 53
Murder by Suicide f 2:5, 43

Krzysztof Ostaszewski
Capitalism and the Transformation of Poland ar 3:2, 59
The Man Who Would Be President rv 4:4, 60

Ross Overbeek
Parallax rv 1:1, 26
The Puzzler's Guide to Philosophy rv 1:2, 37
Can Computers Save the World? ar 1:4, 45
Is there a Libertarian Doctrine? ar 1:6, 51
Libertarians and Minorities ar 1:6, 52
Rand-Bashing: Enough is Enough ar 1:6, 56
Economics *vs* Bionomics? ar 5:4, 55

Robert O'Boyle
Experimenting with Marijuana ar 5:1, 26

Timothy O'Brien
Point by Point ar 3:4, 49

Randal O'Toole
No Accounting for Waste ar 5:4, 37

Ron Paul
Looking Back and Looking Ahead ar 2:3, 27
No Comment ar 3:4, 50
RU486 and Legal Wisdom ar 4:1, 29
Genesis of a Pro-Lifer sb 4:1, 31

Ron Paul (interviewed)
The Crash of '87 in 1:4, 32

Durk Pearson & Sandy Shaw
Free Speech and the Future of Medicine ar 1:4, 20

Lawrence Person
Anarchy's Lighter Side rv 4:3, 71

Judith Petersen
That's not Funny, that's Graphic bn 1:2, 38

Jamie Potter
The Campaign of '88: A View from the Political Trenches ar 2:6, 55

Ralph Raico
Lies my allies told me rf 2:6, 17
The Taboo Against Truth: Holocausts and the Historians ar 3:1, 17
Liberation from the Parasite State ar 4:3, 35
Old tyrants for new rf 5:2, 10
Red justice rf 5:2, 76
State of the union rf 5:4, 07
End of a killer state rf 5:4, 14
Have you stopped raping your wife? rf 5:5, 07
Forward, into the past rf 5:5, 09
Here come the bums rf 5:5, 12

Justin Raimondo
Electorate to LP: "Wake Up and Smell the Coffee" ar 2:3, 32
The Voice of Bitterness rv 2:5, 49

Douglas B. Rasmussen
Objective Value, Rights, and Individualism rv 2:1, 64
Arguing and Y-ing ar 2:2, 50

El Ray (Tom Marshall)
Libertarians and Coercivists ar 1:1, 15

Michael Reed
A Knife to the Womb bn 3:1, 64

Stuart Reges
I Am a Casualty of the War on Drugs ar 4:6, 38
Serve the Children Well ar 5:6, 29

Scott J. Reid
You can never find a wimp when you need one rf 4:2, 12
Smokes, But No Peace Pipe ar 4:2, 33
Fear and loathing in Eastern Europe rf 4:4, 15
Hope for a Troubled Land rv 4:5, 61
Class Warfare in Italy ar 4:6, 35
The Unraveling of Canada ar 5:1, 39

Peter Reidy
The Brain as Market rv 4:5, 64

Sheldon L. Richman
The Majority *vs* the Majoritarian: Robert Bork on Trial ar 1:4, 09
English *vs* the Educators ar 1:5, 56
No Conclusions ar 1:6, 51
The One Libertarianism: What's Wrong with Waters ar 2:1, 53
What the Quayle affair is really about rf 2:2, 05
The test of detestable leadership rf 2:2, 06
Election aftermath rf 2:3, 09
Holiday revisions rf 2:3, 10
The Absurdity of Alienable Rights ar 2:3, 50
The shape of things to come rf 2:5, 07
Case closed rf 2:5, 13
Economic mumbo-jumbo rf 3:3, 08
Socialist dreamworld ar 3:3, 16
Gorby: closet Objectivist? ar 3:3, 17
The War That Was Hell rv 3:3, 67
Learning from the best rf 3:4, 09
Quaylespeak rf 3:4, 09
The *Times* they aren't a-changin' m 3:4, 13
A Sign of Progress mn 3:4, 14
The Ugly Gringo Lives ar 3:4, 21
Anarchism leads to atheism? ar 3:4, 45
Mendacity: our first line of defense rf 3:5, 07
W.W. Bartley III, RIP ob 3:5, 15
Against Intervention — A Reply to Stephen Cox ar 3:5, 32
Perpetual Intervention — Second Response to Cox ar 3:5, 35
Bart Kosko and the close of his system rf 3:6, 14
How David Friedman Abuses "Rights" ar 3:6, 39
My daughter Jennifer has been seized by the state rf 4:2, 10
Death in the Sands ar 4:2, 51
For Jesse's sake rf 4:3, 07
Jennifer, the sequel rf 4:3, 08
Another one bites the dust rf 4:3, 09
Wrestling with Israel rf 4:3, 10
Cant and recant rf 4:3, 10
King in context rf 4:3, 11
Now that Panama is safe for democracy . . . rf 4:4, 09
Deja vu, all over again rf 4:4, 09
Gassing the facts rf 4:4, 14
The first casualty rf 4:4, 21
Viva la videocamera! rf 4:5, 10
No Victory for Liberty ar 4:5, 25
A Long Way from Philadelphia ar 4:6, 41
A self-defense rf 5:1, 13
The War of the Words rv 5:1, 62
Wise beyond her years rf 5:2, 10
Soichiro Honda, R.I.P. ob 5:2, 11
Bushwhacked rf 5:4, 08
Witness for the persecution rf 5:4, 10
Hmmm . . . rf 5:4, 14
The *Liberty* scoop rf 5:4, 15
Warren Brookes, RIP ob 5:4, 16
JFK, Conspiracies, and Me rv 5:4, 59
The spirit of American enterprise rf 5:5, 08
Sociopathic wimp rf 5:5, 17
Fascism with a Democratic face rf 5:5, 18
Look who's talking rf 5:5, 19
Great Society, great riots sb 5:6, 22

James S. Robbins
The Liberty Poll: More on What it Means ar 2:1, 45
Perestroika and Liberty ar 2:2, 59
Videotape Frees "Prisoner" vn 2:5, 65
The times they are a-changin' rf 2:6, 08
Atlas Schwartzed rf 2:6, 14
Dimensions of Ideology ar 2:6, 47
The Spirit of '89 ar 2:6, 53
The right to arm bears rf 3:1, 07
Concentration campus rf 3:1, 08
Black and white issue rf 3:1, 09
But is it art? rf 3:1, 16
Capitalism against extinction rf 3:2, 08
Brother can ya spare a trillion? rf 3:2, 12
Nobody knows theroubles I've seen rf 3:2, 14
Right, Wrong, and Constitutional rv 3:2, 66
Blackmale in the Pentagon rf 3:3, 05
Speaking truth to Bryant rf 3:3, 08
Anarchy in the USA rf 3:3, 11
Leading edge, receding edge rf 3:4, 09
Snap judgments rf 3:4, 10
Lies, damn lies rf 3:4, 11
Beyond Irrelevance ar 3:4, 44
In It For the Money rv 3:4, 70
Urine the clear rf 3:5, 07
The dirty dozen rf 3:5, 08
Confessions of a Welfare Intellectual ar 3:5, 55
Democracy rises in the east rf 3:6, 07
Grandstanding in the Baltic rf 3:6, 10
Defining a Libertarian Foreign Policy ar 3:6, 53
An Azerbaijani nuclear force? rf 4:1, 11
Mandelamania rf 4:1, 06
Holier than Rand rv 4:1, 65
The east is pink rf 4:2, 07
E.A.R.T.H. Farce rf 4:2, 10
Have it Fidel's way! rf 4:3, 07
I wanna hold your hand rf 4:3, 07
A Hero of Our Time ar 4:3, 39
It's only television rf 4:4, 12
The long road back rf 4:4, 12
Peace had its chance rf 4:4, 22
Only in Albania rf 4:5, 14
Liberty Triumphs in the Desert ar 4:5, 22
Rescind Gorbachev's

Nobel Peace Prize ar 4:5, 54
Actions *vs* words rf 4:6, 07
No new Taxol rf 4:6, 07
Horse trading in the USSR rf 4:6, 08
Not with my kids you don't! rf 4:6, 10
Cleaning Up After Socialism: Depolluting the USSR ar 4:6, 27
RIP Leningrad, 1924-1991 rf 5:1, 10
The body snatchers rf 5:1, 12
Unhappy campers rf 5:1, 12
Honor thy father, or go to jail rf 5:1, 07
Compulsory volunteerism in the Free State rf 5:1, 08
Lexicographic note rf 5:2, 08
Communist Party of the Soviet Union, R.I.P. rf 5:2, 12
Enviro-communism rf 5:3, 11
The unkindest cut rf 5:4, 13
One small step rf 5:5, 09
Choices, not echoes rf 5:5, 17
Are Humans Alien? rv 5:6, 65

James S.Robbins (interviewer)
The Liberty Interview: Patrick J. Buchanan in 5:4, 17

Llewelyn H. Rockwell, Jr.
The Case for Paleo-Libertarianism ar 3:3, 34

Ann Rogers
The no-tell cartel rf 5:1, 16

Andrew L. Roller
"No Actors. No Scripts. No Bull" vn 2:5, 65
All That's Fit to Watch ar 3:3, 72

Daniel Rosenthal
Green Mountain Revolution rf 3:5, 13

Murray N. Rothbard
Life or Death in Seattle ar 1:1, 39
The Rise of Statism rv 1:2, 31
Libertarians in a State-Run World ar 1:3, 23
Libertarian Cooking bn 1:3, 47
Freedom is for Everyone (Including the despised "Rightists") ar 1:4, 43
Me and the Eiger ar 1:4, 60
The libertarian family and entrepreneurship rf 1:6, 09
Silly out of season rf 1:6, 11
Dancing with joy in Saigon and Washington rf 1:6, 12
The political circus rf 1:6, 13
What's Wrong with the Liberty Poll ar 1:6, 52
Iran and Korea: the ominous parallels rf 2:1, 09
Taking Libertarianism Seriously ar 2:1, 34
An American in Italy ar 2:1, 72
The tall and the short of genocide rf 2:2, 06
That Cato Seminar rf 2:2, 07
Beyond Is and Ought ar 2:2, 44
Greenhouse defects rf 2:3, 13
McCarthyism for moderns rf 2:4, 10
The movement that satirizes itself rf 2:4, 10
Chester Alan Arthur and the 1988 campaign rf 2:4, 11
Ronald Reagan: An Autopsy ar 2:4, 13
Society as addict rf 2:5, 07
Good news on the "Greenhouse" rf 2:5, 11
The end of the secular century rf 2:5, 12
Public Choice: A Misshapen Tool ar 2:5, 20
Mr Friedman at the Apex ar 2:5, 33
Why not feel sorry for Exxon? rf 2:6, 07
Inexhaustible fusion energy and the environmentalists rf 2:6, 09
Her feet's too big! rf 3:1, 07
Bennett's follies rf 3:1, 11
Sleaze! rf 3:1, 13
My Break With Branden and the Rand Cult ar 3:1, 27
Two cheers for Webster rf 3:2, 07
Loathing the Fear in New York, New York ar 3:2, 29
Pineapple face? rf 3:3, 05
Punching out Senators rf 3:3, 09
Race with no winners rf 3:3, 10
No time for Pessimism ar 3:3, 20
Kingdom Come: The Politics of the Millennium ar 3:3, 39
Hoppephobia rf 3:4, 11

Murray N. Rothbard (interviewed)
The Crash of '87 in 1:4, 32

Michael Rothschild
Beyond Austrian Economics: The Economy as Ecosystem ar 5:3, 41
Contra Overbeek ar 5:4, 57

Kyle Rothweiler
Invitation to the Dance rv 5:5, 63

Charles K. Rowley & Richard E. Wagner
Choosing Freedom: Public Choice and the Libertarian Idea ar 3:3, 43

Brett Rutherford
Border Guard p 3:1, 26
Ivan Grozni p 3:5, 38

J. Peter Saint-André
Eastern Eyes ar 5:5, 30

Phillip Salin
Scrooge McDuck and His Creator ar 2:1, 37
Novelist of Achievement ar 2:5, 57

Franklin Sanders
Going Home f 1:2, 25
I Go To Jail ar 1:5, 19

Raul Santana
Game versus Game f 1:4, 23

Jonathan Saville
Acting Colonel ar 1:2, 42
Avant-garde redneck rf 3:3, 08

John M. Scheb, II
Political and Demographic Dimensions of Contemporary Libertarianism ar 2:6, 45

Eric Schendel
Abortion and Feticide Are Not the Same Thing ar 4:3, 43

Steve Schumacher
Soldier of the Mist bn 1:1, 32
Paranoia a la Mode bn 2:1, 68
Crime as Art, Art as Crime bn 2:2, 74
John Galt Sings bn 5:6, 67

Chris M. Sciabarra
Rothbard's Libertarianism ar 4:3, 56

Harvey H. Segal
The North American Devolution of 2022 f 4:1, 21

John Semmens
Taking Over the Roads ar 2:2, 34

John Semmens & Dianne Kresich
What if Everything We Know About Safety is Wrong? ar 2:4, 37

Karen Shabetai
The Passion for Exactitude rv 2:3, 64
Correcting the "Politically Correct" rv 5:2, 70

Butler D. Shaffer
Witch-Bashing, Book-Burning, and Professor Harold Hill's Lessons in Practical Politics ar 1:1, 17

Jane S. Shaw
Private Property Rights: Hope for the Environment ar 2:2, 55
Public Choice: A Useful Tool ar 2:3, 15
The deer and the antelope can play, but free markets are out of the question rf 2:5, 08
The Fires of Yellowstone ar 2:5, 32
Protect the Environment by Protecting Liberty ar 2:6, 43
Slavery and abortion: the really ominous parallels rf 3:1, 09
The best of times, the worst of times rf 3:1, 10
The Reformed Church of Ecology rf 3:2, 10
Proud, but gender neutral rf 3:3, 10
Man is Part of the Environment ar 3:4, 44
Out of the mainstream rf 3:5, 10
A Population Crisis? ar 3:5, 27
Is Environmental Press Coverage Biased? ar 4:1, 34
While the mom's away the Feds will pay rf 4:2, 09
The Sick Man of Europe rv 4:3, 69
Hello? Hello? Rationality calling rf 4:4, 09
Wanna make a bet? rf 4:4, 15
the "Science" of Catastrophe rv 4:4, 53
A teacher's place is in the home? rf 4:5, 16
War weary rf 4:6, 12
Rational garbage in Montana rf 5:1, 16
The High-Tech Lynching ar 5:3, 17
A Paradigm Shifts Gears rv 5:4, 61
The Paradigm Shift: A User's Guide sb 5:4, 62
Neighbors at the trough rf 5:5, 07
Pre-school choice rf 5:5, 14
Riots in Jerusalem sb 5:6, 16
Mysterious Devices, Religious Desires bn 5:6, 66

Sandy Shaw
AIDS: More Than Just a Virus ar 2:1, 33
Contexts and Clarifications ar 2:3, 41
The utility of envy rf 4:6, 16

Sandy Shaw & Durk Pearson
Free Speech and the Future of Medicine ar 1:4, 20

Robert A. Sheaffer
The conservation of resentment rf 3:6, 17

Jeremy Shearmur
From Amoeba to Rationalist rv 2:6, 70

David Sheldon
The Matter of America ar 1:1, 42
Religion, Economics, etc. bn 1:4, 56
The Conquest of America bn 1:4, 56

R.U. Sirius
New World DisOrder rf 5:5, 14

Mark Skousen
Easy Living: My Two Years in the Bahamas ar 1:3, 15
No More Political Labels, Please ar 3:6, 37
Persuasion versus Force ar 5:1, 47

Mark Skousen (interviewed)
The Crash of '87 in 1:4, 30

Mark Skousen (interviewer)
Economics After Socialism: Robert Heilbroner in 4:6, 45

George H. Smith
Scholarship as Leechcraft ar 3:4, 37
Remembering Roy Childs ar 5:6, 28

L. Neil Smith
Robert A. Heinlein: Science Fiction Pioneer (1916–1988) ob 2:1, 12

L. Neil Smith (interviewed)
L. Neil Smith on Science Fiction in 1:6, 23

Vernon L. Smith
The Economics of the Emergence of Humankind ar 5:5, 43

Adam Starchild
U.S. Imports Criminals to Fill Domestic Shortage ar 3:2, 25

David Starkey
The Submission of Job p 4:1, 24

Key

Code:	Category:
ar	article
bn	booknote
f	fiction
in	interview
mn	medianote
ob	obituary
p	poem
rf	reflection
rv	review
sb	sidebar
vn	videonote

Following the category, location of cited writing is given by volume number, issue number, and page number.

At the Funeral of Someone I Did Not Know p 4:1, 24

David Ramsay Steele
Alice in Wonderland ar 1:5, 35
Certain Uncertainties rv 1:6, 61
One Muddle After Another ar 2:2, 47
The Abolition of Breathing rv 2:4, 51
Finders, Keepers? rf 2:6, 12
Peikoff's Objectivism: An Autopsy rv 5:3, 60

Richard L. Stroup
California's Man-Made Drought ar 4:5, 55

Richard L. Stroup (discussant)
How to Profit in an Unfree World ar 4:2, 41

Thomas S. Szasz
The Myth of the Rights of Mental Patients ar 2:6, 19
Killing as therapy rf 3:5, 07

Alexander Tabarrok
The Microcosmic Mind of George Gilder rv 4:2, 70

James Taggart
Judge Thomas *versus* the Constitutional "Mainstream" ar 5:1, 20
Clarence Thomas: Cruel and Unusual Justice? ar 5:5, 25
Just Discrimination rv 5:6, 51

Bobby Taylor
Anti-Imperialism on the Right ar 2:5, 37

Clifford F. Thies
The ABC's of Fear and Loathing bn 2:5, 63

Lawrence Thompson
Publish and Perish f 4:5, 49

Charles Thorne
The Orwellian University ar 3:6, 41

Mark Thornton
Drug Policy Abuse rv 5:3, 71

Mark Tier
"Where Everyone Has a Job" ar 5:5, 39

Michael Townshend
The Wasteland of Traditionalism rv 1:2, 32

Jerome Tuccille
Confessions of an Intractable Individualist ar 1:6, 19

Jeffrey A. Tucker
A Crank's Case Against the Fed rv 1:6, 64
Cultural Conservatism bn 1:6, 69
The Secret Kingdom bn 1:6, 69
Puff, the Magic Dragon of Politics bn 2:2, 74
Black in Tooth and Claw bn 2:2, 75
God and Man at Bay rv 2:3, 63
An Anarchist's Appraisal rv 2:4, 63
The Truth about Social Security bn 2:5, 61
Puritanism Comes Full Circle rv 2:6, 72
Reconstruction and Liberty ar 3:1, 51
The Hell You Say bn 3:1, 64
What is Right? bn 3:3, 74

Stanislaw Tyminski
Theses of the Economic Program sb 4:4, 62

Henry B. Veatch
Might "Objectivism" Ever Become Intellectually Respectable? rv 5:3, 61

Timothy Virkkala
On the Shoulders of Hayek rv 1:1, 29
A History of Private Life bn 1:1, 32
Empire: A Novel bn 1:2, 38
Death on Demand bn 1:2, 39
Arslan bn 1:3, 47
The Law of Power bn 1:3, 48
The Man and Woman Relatioship bn 1:3, 48
The Method of Ethics bn 1:4, 59
The Politics of Procrustes bn 1:4, 59
Brazil vn 1:5, 59
The Devils vn 1:5, 60
Conservative and libertarian monsters rf 1:6, 09
Postal rumination rf 1:6, 11
The Little Girl Who Lived Down the Lane vn 1:6, 70
"I survived the drought of '88" rf 2:1, 09
W.H. Hutt: The Last Classical Economist ob 2:1, 14
Anarchists, Unite! bn 2:1, 69
Anti-Statist, By George! bn 2:1, 70
It Usually Begins with Jeremy Bentham bn 2:1, 70
A Retreat from Marginalism ar 2:2, 49
Post-election euphoria rf 2:3, 12
State-of-the-Art State Theory? bn 2:3, 66
Yahoo Rights bn 2:3, 66
America: Free and Balkanized bn 2:3, 67
Present and Accounted For bn 2:3, 67
Purity of Money bn 2:3, 68
The Crime and punishment of Ted Bundy rf 2:5, 10
What it Takes bn 2:5, 61
The Expected Empire bn 2:5, 62
Guide to Political Philosophy bn 2:5, 62
The Rivalry Between Capitalism and Socialism bn 2:5, 62
A Primer of Political Economy bn 2:5, 64
The Spirit of Enterprise vn 2:5, 65
Disobediant Heroes vn 2:5, 66
Politics Carries on by Other Means vn 2:5, 66
Reason and Evolution rv 3:1, 57
Read This bn 3:1, 63
Freedom-Fighter Intrigue bn 3:1, 64
What I Would Do If Made Dictator of These United States bn 3:1, 64
Racial Consciousness rv 3:1, 65
Hats off! rf 3:3, 12
Choosing Sides on Deicide bn 3:3, 73
More Liberal than Thou bn 3:3, 74
The Machinery of Friedman: An Appreciation bn 3:3, 76
A Modest Proposal rf 3:4, 09
Why Bush will not be impeached ar 3:4, 24
The Libertarian as Authoritarian ar 3:4, 45
Liberalism as the Mirror of Modernity bn 3:4, 73
From Central Europe, with Perspicacity bn 3:4, 75
Sold to an American! rf 3:5, 11
The invisible hand, clapping rf 4:4, 14
Wake up call rf 4:6, 07
Wars for liberty rf 4:6, 13
The supreme job interview rf 5:2, 07
Make the criminal pay rf 5:2, 76
One man's sensitivity is another man's callousness rf 5:3, 14
Sounds of silencing rf 5:3, 15
A dubious achievement rf 5:3, 16
George Stigler, RIP rf 5:4, 16
A Useless Edition bn 5:4, 65
Dis "honor" rf 5:5, 10
Unoriginal sin rf 5:5, 13
The Ego and Her Own bn 5:5, 67
Reaping the whirlwind sb 5:6, 14
Social physics sb 5:6, 22
God and Man at Bay? rv 5:6, 61

Richard E. Wagner & Charles K. Rowley
Choosing Freedom: Public Choice and the Libertarian Idea ar 3:3, 43

Jesse Walker
Libertarian Politics?!? sb 5:2, 39
It's rough at the top rf 5:5, 07
The case for the Republicans rf 5:5, 20
The Devil and Henry Kissinger bn 5:5, 66
What conspiracy? rf 5:6, 08
When Elvis really ruled the waves rf 5:6, 08
Educational simulacra rf 5:6, 09
The anti-riot president sb 5:6, 20
Those who lose, those who gain sb 5:6, 20
Zen and the Art of Anarchy bn 5:6, 67

Ida Walters
Sic Transit Excellence rv 1:1, 27

Terree P. Wasley
How Congress Plans to Socialize Child Care ar 3:6, 51
Returning America's Roads and Bridges to the Market ar 5:6, 43

Ethan O. Waters
Lucifer's Lexicon bn 1:1, 31
Reflections on the Apostasy of Robert Nozick ar 1:2, 14
Libertarians, Moralism and Absurdity ar 1:4, 14
The Two Libertarianisms ar 1:5, 07
Right Issues Unresolved ar 1:6, 52
"Twelve men, good and true" rf 2:1, 07
A time for candor rf 2:1, 08
Let the seller beware! rf 2:1, 08
The Two Libertarianisms, Again: What's Wrong With Richman ar 2:1, 56
Beyond Is and Nought ar 2:2, 47
The Wonderful Wizard of Liberty rv 2:4, 57
Taking the oath rf 2:5, 09
A minor complaint rf 2:6, 10
Passport to Galt's Gultch rf 3:1, 08
Celebrity abuse rf 3:3, 05
Clergy abuse rf 3:3, 06
Is There a Libertarian Foreign Policy? ar 3:5, 35
A new Trinity rf 4:1, 05
Let no man put asunder rf 4:1, 09
Rights Derailed rv 4:1, 57
Take the money and run rf 4:5, 12
Dope on the Court rf 5:1, 07

Richard M. Weaver
Conservatism and Libertarianism ar 4:4, 27

Ann Weiss
Looking a Gift Horse in the Mouth ar 2:1, 47

Lawrence H. White
The Illusions of a Technique rv 5:4, 63

G. Duncan Williams
Better Duke than Bush rf 2:2, 12
What Went Wrong with the Paul Campaign ar 2:5, 28

Michael Williams
Nude Dancing in Memphis ar 2:6, 49

Richard Winger
Problems with Paul, Problems for Libertarians ar 2:3, 31

William H. Wingo
Random Drug Testing: Mathematics and Morality ar 2:3, 42

Nathan Wollstein
The Dilemma of the Gladiators ar 1:2, 13
It's An Altruistic Life rv 2:3, 68

Brian Wright
Don Quixote in the Emerald City ar 1:3, 08

Leland B. Yeager
Contractarianism *vs* Utilitarianism rv 2:6, 66
Raw Assertions ar 2:2, 45
Political Sabotage of Economic Sense rv 2:3, 61
What to do about South Africa rf 3:4, 10
Jurisdiction: Moral and legal ar 3:4, 22
Cheers for Bourgeois Virtue ar 3:4, 44
The Law and Mr Bork rv 3:5, 59
Doing something right rf 4:2, 53
Entrepreneurship as a crime rf 4:3, 07
On the Side of the Angels rv 4:5, 63
Ethics *vs* Economics rv 5:2, 74
American Democracy Diagnosed rv 5:3, 69
Final verdicts sb 5:6, 20
Different Routes, Same Destination rv 5:6, 55

Zarkov & Gracie
The Myth of Metal Illness ar 5:6, 38

Charles Ziarko
Ayn Rand is Alive and Well and Living in Los Angeles! rv 3:3, 71
The Message Within the Massacre rv 5:2, 63

The Editors (unsigned)
The Liberty Poll: Who We Are and What We Think ar 1:6, 37
1988 Libertarian Party Presidential Vote [table, ar] 2:3, 18
Two good friends ob 5:4, 16
Roy A. Childs, Jr, 1949–1992 ob 5:6, 11
John Dentinger, 1952–1992 ob 5:6, 11

Index

to the first five volumes of Books Reviewed (by author)

Abbot, Shirley, *Womenfolks: Growing Up Down South* 2:4, 68
Aiken, Joy Smith, *Solo's Journey* 2:1, 68
Aksyonov, Vassily, *In Search of Melancholy Baby* 1:4, 51
Alexander, Charles C., *John McGraw* 4:3, 76
Alexander, Charles C., *Ty Cobb* 4:3, 76
Alexander, Jason,
Ayn Rand, Libertarians and the Fifth Revolution 3:1, 65
Anderson, C. W., *The Man and Woman Relationship* 1:3, 48
Anderson, Martin, *Revolution* 2:3, 59
Anderson, Martin, *Revolution: The Reagan Legacy* 4:4, 66
Ashman, Charles (co-author), *The Nazi Hunters* 3:6, 63
Asimov, Isaac, *Foundation* 3:2, 43
Axelrod, Robert, *Evolution of Cooperation* 2:2, 65
Baden, John (ed.), *A Yellowstone Primer* 3:1, 61
Bandow, Doug, *Beyond Good Intentions* 2:3, 63
Barnes, Fred (ed.), *A Cartoon History of the Reagan Years* 3:3, 75
Barry, Dave, *Claw Your Way to the Top* 2:2, 75
Barry, Norman, *On Classical Liberalism and Libertarianism* 2:1, 36
Bartley, W.W., III,
Unfathomed Knowledge, Unmeasured Wealth 4:3, 67
Bartley, W.W., III. (co-editor), *Evolutionary Epistemology, Rationality, and the Sociology of Knowledge* 2:6, 70
Bartley, W.W., III. (editor),
The Fatal Conceit: The Errors of Socialism (see F.A. Hayek) 3:1, 57
Bidinotto, Robert, *Libertarianism: Fallacies and Follies* 2:4, 64
Black, Bob, *The Abolition of Work and Other Essays* 2:4, 51
Block, Walter, *The U.S. Bishops and Their Critics* 1:3, 47
Block, Walter (ed.), *Religion, Economics and Social Thought* 1:4, 56
Block, Walter (ed.),
Economics and the Environment: A Reconciliation 3:5, 57
Bloom, Allan, *The Closing of the American Mind* 1:2, 32
Boller, Paul F. (co-author), *They Never Said It* 3:1, 64
Bookchin, Murray,
The Rise of Urbanization and the Decline of Citizenship 1:4, 54
Bork, Robert H., *The Tempting of America* 3:5, 59
Bovard, James, *The Farm Fiasco* 3:5, 64
Branden, Nathaniel, *Judgment Day* 2:6, 57
Brimelow, Peter, *The Patriot Game* 2:2, 71
Brittan, Samuel, *A Restatement of Economic Liberalism* 3:3, 74
Brown, James Cooke, *Loglan 1: A Logical Language* 3:4, 74
Browning, Tatiana (co-author),
Before the Revolution: A View of Russia Under the Czars 1:6, 69
Buckley, William F., Jr., *Gratitude* 5:1, 53
Burke, Martyn, *The Commisar's Report* 1:5, 54
Campbell, Jeremy, *The Improbable Machine* 4:5, 64
Cannon, Lou, *President Reagan: The Role of a Lifetime* 4:6, 63
Card, Orson Scott, *Red Prophet* 2:3, 67
Card, Orson Scott, *Seventh Son* 2:3, 67
Carn, Neil G. (co-author), *Winning at Zoning* 1:1, 31
Carothers, Neil, *Fractional Money* 3:6, 60
Chamberlain, John, *The Turnabout Years* 5:5, 66
Chomsky, Noam, *The Culture of Terrorism* 2:4, 63
Conaway, James, *The Kingdom in the Country* 2:2, 72
Dale, Owen (co-author), *Death on Demand* 1:2, 39
Dalmas, John, *The General's President* 3:1, 64
Damore, Leo,
Senatorial Privilege: The Chappaquidick Cover-Up 2:5, 52
Davidson, James D. (co-author),
Blood in the Streets: Investment Profits in a World Gone Mad 1:4, 49
DeForest, John W., *Honest John Vane* 3:6, 61
Den Uyl, Douglas J. (co-author),
Liberty and Nature: An Aristotelian Defense of Liberal Order 5:6, 54
Den Uyl, Douglas J. (co-author),
Liberty and Nature: An Aristotelian Defense of Liberal Order 5:6, 55
Detmar, David, *Freedom as a Value* 2:5, 54
Devine, Donald, *Reagan's Terrible Swift Sword* 5:5, 67
Ditko, Steve, *The Ditko Collection* 1:2, 38
Dow, Sheila, *Macroeconomic Thought: A Methodoligical Approach* 2:1, 34
Doyle & Sternecky (co-authors), *"Pogo"* (comic strip) 2:5, 60
Dreyfus, Hubert & Stuart, *Mind Over Machine* 4:5, 64
D'Souza, Dinesh, *Illiberal Education* 5:2, 70
Eastman, Kevin, *Teenage Mutant Ninja Turtles* 1:2, 38
Eatwell, John (co-editor),
The New Palgrave: A Dictionary of Economics 2:1, 35
Ehrenhalt, Alan, *The United States of Ambition* 5:3, 69
Eisenach, J.A. (ed.), *Winning the Drug War* 5:3, 71
Ellis, Brett Easton, *American Psycho* 5:2, 53
Elster, Jon, *Nuts and Bolts for the Social Sciences* 4:2, 73
Engh, M.J., *Arslan* 1:3, 47
Epstein, Richard, *Forbidden Grounds* 5:6, 51
Evans, Christopher, *The Micro Millennium* 1:1, 26
Fecher, Charles A. (ed.), *The Diary of H.L. Mencken* 3:4, 57
FitzLyon, Kyril (co-author),
Before the Revolution: A View of Russia Under the Last Tsar 1:6, 69
Flew, Antony, *The Politics of Procrustes* 1:4, 59
Formaini, Robert, *The Myth of Scientific Public Policy* 5:4, 63
Frank, Katherine, *A Voyager Out* 2:4, 67
Friedman, David, *The Machinery of Freedom* 3:3, 76
Friedman, Richard Elliot, *Who Wrote the Bible?* 1:4, 55
Friedrich, Otto,
City of Nets: A Portrait of Hollywood in the 1940s 1:6, 68
Friedrich, Otto, *Glenn Gould: A Life and Variations* 4:2, 68
Fussell, Paul, *Wartime* 3:3, 67
Gaitskill, Mary, *Two Girls, Fat and Thin* 5:5, 67
Gairdner, William, *The Trouble With Canada* 4:5, 61
Gelderman, Carol, *Mary McCarthy: A Life* 2:3, 64
George, John (co-author), *They Never Said It* 3:1, 64
Gilder, George, *Microcosm* 4:2, 70
Goldwater, Barry, *The Conscience of a Conservative* 4:4, 66
Gottleib, Anne,
Do You Believe in Magic?: The Second Coming of the 60s 1:1, 31
Grant, R.W., *Trashing Nuclear Power* 3:6, 63
Gray, John, *Liberalism* 3:4, 73
Gray, John, *Liberalisms* 4:6, 55
Green, David G., *The New Conservatism* 2:1, 35
Greider, William, *Secrets of the Temple* 1:6, 64
Gwartney, James D. (co-editor),
Public Choice and Constitutional Economics 5:4, 61
Hagstrom, Jerry (co-author),
The Book of America: Inside Fifty States Today 1:1, 32
Hall, Bolton, *Selections from 'Free America'* 2:1, 70
Hamel, Virginia L.L., *In Defense of Ayn Rand* 4:1, 65
Harphan, Edward J. (ed.),
John Locke's Two Treatises of Government 5:6, 67
Hart, H.L.A., *Essays on Bentham* 2:1, 70
Hauptman, Don, *Cruel and Unusual Puns* 5:4, 65
Hayek, F.A., *The Fatal Conceit: The Errors of Socialism* 3:1, 57
Heinlein, Robert A., *The Door Into Summer* 4:3, 45
Heinlein, Robert A., *Double Star* 4:3, 45
Heinlein, Robert A., *Grumbles from the Grave* 3:4, 70
Heinlein, Robert A., *The Moon is a Harsh Mistress* 3:4, 45
Heinlein, Robert A., *Starship Troopers* 4:3, 44
Heinlein, Robert A., *Stranger in a Strange Land* 4:3, 45
Heinlein, Robert A., *Stranger in a Strange Land (Expanded Edition)* 5:4, 65
Helton, David, *Energy Wars* 5:6, 65
Herbert, Frank, *Dune* 3:4, 43
Herbert, Nick, *Quantum Reality:*
Beyond the New Physics 1:5, 51
Herbst, Wolfgang (co-author),
The Sign of the Last Days — When? 4:2, 65
Hess, Karl, *Capitalism for Kids* 1:3, 44
Higgs, Robert, *Crisis and Leviathan:*
Critical Episodes in the Growth of American Goverment 1:2, 31
Hill, Kim (co-author), *Death on Demand* 1:2, 39
Hinds, Dudley S. (co-author), *Winning at Zoning* 1:1, 31
Hiss, Alger, *Recollection of a Life* 2:1, 67
Hoffman, Nicholas von, *Citizen Cohn* 2:1, 59
Hogan, James P., *The Mirror Maze* 3:1, 64
Hoppe, H. H., *A Theory of Capitalism and Socialism* 3:1, 55
Howe, Irving, *Selected Writings* 4:6, 65
Hubbard, L. Ron, *Final Blackout* 3:2, 43
Hughes, Robert, *The Fatal Shore* 1:2, 35

Johnson, Paul, *Intellectuals* 3:6, 64
Johnson, William (co-author), *Thrown Free* 5:4, 67
Jones, Mitchell, *The Dogs of Capitalism, Book 1* 2:1, 71
Jonsson, Carl Olof (co-author), *The Sign of the Last Days — When?* 4:2, 65
Kelley, Walt,"*Pogo*" (comic strip) 2:5, 60
Kimball, Roger, *Tenured Radicals* 4:1, 53
Koman, Victor, *The Jehovah Contract* 1:2, 38
Koman, Victor, *Solomon's Knife* 3:1, 64
Kornbluth, C.M., *The Space Merchants* 3:4, 44
Kornbluth, C.M., *Not This August* 4:3, 44
Kornbluth, C.M., *The Syndic* 4:3, 44
Kraus, Karl, *In These Great Times* 4:6, 64
Krich, John, *El Béisbol* 4:4, 58
Kuttner, Robert, *The End of Laissez-Faire* 4:6, 53
LaFollette, Karen (co-author), *Meltdown* 4:3, 69
Laird, Peter, *Teenage Mutant Ninja Turtles* 1:2, 38
Lavoie, Don, *Rivalry and Central Planning* 2:5, 62
Lee, Dwight R. (co-author), *Quicksilver Capital: How the Rapid Movement of Wealth Has Changed the World* 5:2, 64
Lehman, David, *Signs of the Times* 4:6, 61
Levy, Stephen (co-author), *Hackers: Heroes of the Computer Revolution* 1:1, 26
Linaweaver, Brad, *Moon of Ice* 2:5, 62
Llosa, Mario Vargas, *The Real Life of Alejandro Mayta* 2:4, 61
Llosa, Mario Vargas, *The Storyteller* 3:4, 73
Lomasky, Loren, *Persons, Rights, and the Moral Community* 2:1, 64
London, Jack, *Jack London: Novels and Stories* 5:3, 72
Luntley, Michael, *The Meaning of Socialism* 4:4, 54
Macedo, Stephen, *The New Right v. the Constitution* 3:2, 66
Machan, Tibor R., *Individuals and Their Rights* 4:1, 56
Machan, Tibor R., *Individuals and Their Rights* 4:1, 57
Machan, Tibor R., *Capitalism & Individualism* 5:2, 74
McElroy, Wendy (editor), *Freedom, Feminism, and the State* 5:4, 65
McElvaine, Robert S., *The End of the Conservative Era* 1:3, 41
McKenzie, Richard B. (co-author), *Quicksilver Capital: How the Rapid Movement of Wealth Has Changed the World* 5:2, 64
Mencken, H.L., *The Impossible H.L. Mencken* 5:5, 55
Mencken, H.L., *The Diary of H.L. Mencken* 3:4, 57
Merriam Webster, *Webster's Third International Dictionary* 5:1, 62
Milgate, Murray (co-editor)*Libertarian scholarship in England* 2:1, 34
Miller, David M., *Anarchism* 2:1, 35
Miller, David M. (ed.), *The Blackwell Encyclopedia of Political Thought* 2:5, 62
Mises, Ludvig von, *Economic Freedom and Intervention* 4:6, 66
Missouri Review editors, *The Best of the Missouri Review: Fiction, 1978–1990* 5:5, 64
Mitgang, Herbert, *Dangerous Dossiers* 4:4, 65
Murray, Charles, *In Pursuit of Happiness and Good Government* 3:3, 69
Narveson, Jan, *The Libertarian Idea* 2:6, 66
Nelson, Robert H., *Reaching for Heaven on Earth* 5:6, 61
Nisbet, Robert, *The Present Age* 2:3, 67
Niskanen, William, *Reaganomics* 2:3, 61
North, Gary, *Puritan Economic Experiments* 2:6, 72
Nozick, Robert, *Anarchy, State and Utopia* 2:1, 35
Nozick, Robert, *The Examined Life* 3:2, 61
Olivetti, A., *The Story of A=A* 1:2, 39
Oppenheimer, Franz, *The State* 2:3, 66
Ordway, O. Nicholas(co-author), *Winning at Zoning* 1:1, 31
Osier, John, *Rankin: Enemy of the State* 2:1, 68
O'Toole, James, *Vanguard Management* 1:1, 27
Peacott, Joe, *Misinformation and Manipulation* 4:1, 63
Peikoff, Leonard, *Objectivism: The Philosophy of Ayn Rand* 5:3, 60
Peikoff, Leonard, *Objectivism: The Philosophy of Ayn Rand* 5:3, 61
Peikoff, Leonard (editor, contributor), *The Voice of Reason : Essays in Objectivist Thought* (see Ayn Rand) 2:5, 49
Pierce, Neal R. (co-author), *The Book of America: Inside Fifty States Today* 1:1, 32
Pilla, Daniel J., *How Anyone can Negotiate with the IRS — And Win!* 2:6, 68
Plasil, Ellen, *Therapist* 1:5, 50
Pluto, Terry (co-author), *Forty-eight Minutes: A Night in the Life of The N.B.A.* 1:6, 68
Pohl, Frederick, *Gladiator-at-law* 3:4, 44
Polovchak, Walter with Kevi, *Freedom's Child* 1:6, 59
Powers, J. F., *Wheat That Springeth Green* 3:6, 63
Pozner, Vladimir, *Parting With Illusions* 3:5, 62
Radnitzky, Gerard (co-editor), *Evolutionary Epistemology, Rationality, and the Sociology of Knowledge* 2:6, 70
Rand, Ayn, *The Voice of Reason: Essays in Objectivist Thought* 2:5, 49
Rand, Ayn, *Anthem* 3:4, 44
Rasmussen, Douglas (co-author), *Liberty and Nature: An Aristotelian Defense of Liberal Order* 5:6, 54
Rasmussen, Douglas (co-author), *Liberty and Nature: An Aristotelian Defense of Liberal Order* 5:6, 55
Rawicz, Slavomir, *The Long Walk* 2:5, 64
Ray, Dixy Lee with Lou Guzzo, *Trashing the Planet* 4:4, 53
Rees-Mogg, William (co-author), *Blood in the Streets: Investment Profits in a World Gone Mad* 1:4, 49
Reich, Robert, *Tales of a New America* 2:2, 74
Reynolds, Ted, *The Tides of God* 3:3, 73
Robbins, Aldona E., *The ABC's of Social Security* 2:5, 61
Roberts, Paul Craig(co-author), *Meltdown* 4:3, 69
Robertson, Pat, *The New World Order* 5:5, 66
Rockwell, Llewelyn H., Jr.(ed), *Man, Economy and Liberty* 3:1, 63
Rockwell, Llewelyn H., Jr., *The Free Market Reader* 2:5, 64
Rollins, L.A., *Lucifer's Lexicon* 1:1, 31
Rorty, Richard, *Contingency, Irony, and Solidarity* 5:5, 58
Rothschild, Michael, *Bionomics: The Inevitability of Capitalism* 4:5, 59
Russell, Eric Frank, *The Great Explosion* 3:4, 43
Ryan, Bob (co-author), *Forty-eight Minutes: A Night in the Life of the N.B.A.* 1:6, 68
Sargent, Lyman Tower, *Contemporary Political Ideologies: A Comparative Analysis* 2:1, 35
Schlesinger, Arthur, *The Disuniting of America* 5:6, 68
Schoonover, William, *Wilkes: His Life and Crimes* 5:4, 66
Schwartz, Peter (contributor), *The Voice of Reason : Essays in Objectivist Thought* (see Ayn Rand) 2:5, 49
Seldon, Arthur, *Capitalism* 4:5, 63
Sharon, Dagny (editor), *Free Market Yellow Pages* 1:3, 46
Sheaffer, Robert, *Resentment Against Achievement* 2:2, 65
Shiner, Lewis, *Slam* 4:3, 71
Sidgwick, Henry, *The Method of Ethics* 1:4, 59
Skousen, Mark, *The Economics of a Pure Gold Standard* 2:3, 68
Skousen, Mark, *Economics on Trial* 4:6, 64
Smith, L. Neil, *The Crystal Empire* 2:5, 62
Smullyan, Raymond, *5000 B.C. and Other Philosophical Fantasies* 1:2, 37
Sowell, Thomas, *A Conflict of Interests* 1:1, 29
Sowell, Thomas, *Compassion vs Guilt and Other Essays* 1:5, 53
Steiger, Sam, *Kill the Lawyers!* 4:4, 65
Stigler, George, *Memoirs of an Unregulated Economist* 3:1, 63
Stone, I.F., *The Trial of Socrates* 2:3, 66
Stormer, John A., *None Dare Call It Treason . . . 25 Years Later* 3:6, 59
Sykes, Charles J., *Profscam: Professors and the Demise of Higher Education* 3:2, 64
Szasz, Thomas, *The Untamed Tongue* 4:4, 64
Taylor, Paul W., *Respect for Nature* 5:1, 56
Thornley, Kerry, *Zenarchy* 5:6, 67
Timko, Mike, *Libertarian Cartoons and Assorted Quotations (Vol. 1)* 1:3, 46
Timko, Mike (ed.), *Jury Nullification, Vol. 1* 1:6, 68
Todorov, Tzvetan, *The Conquest of America* 1:4, 56
Tuchman, Barbara, *First Salute: A New View of the American Revolution* 2:4, 67
Tymieniec, Anna-Teresa, *Man Within His Life-World* 3:4, 75
Tyminski, Stanislaw, *Swiete Psy* 4:4, 60
Verschoth, Anita (co-author), *Thrown Free* 5:4, 67
Veyne, Paul (ed.), *A History of Private Life from Pagan Rome to Byzantium* 1:1, 32
Vidal, Gore, *Empire: A Novel* 1:2, 38
Villadsen, Lou (co-editor), *Libertarian Cooking* 1:3, 47
Vinge, Vernor, *True Names . . . and Other Dangers* 2:1, 69
Wagman, Robert J. (co-author), *The Nazi Hunters* 3:6, 63
Wagner, Richard E. (co-editor), *Public Choice and Constitutional Economics* 5:4, 61
Waligorski, Conrad, *Political Theory of Conservative Economists* 4:3, 74
Walters, Mark J., *The Dance of Life* 5:5, 63
Wanniski, Jude, *The 1988 Media Guide* 2:1, 69
Watterson, Bill, *Calvin and Hobbes* 1:2, 38
Watner, Carl, *Robert LeFevre: Truth Is Not a Half-way Place* 2:4, 57
Weyrich, Paul (Institute for Cultural Conservativism), *Cultural Conservatism: Toward a New National Agenda* 1:6, 69
White, Richard, *Rude Awakenings* 5:6, 60
Wieser, Friedrich von, *The Law of Power (Das Gesetz Der Macht)* 1:3, 48
Willeford, Charles, *The Burnt Orange Heresy* 2:2, 74
Williams, Walter, *All it Takes Is Guts* 2:5, 61
Wilson, Robert Anton, *Natural Law, or, Don't Put a Rubber on Your Willy* 1:6, 61
Wilson, Robert Anton, *Ishtar Rising* 4:3, 75
Wolfe, Gene, *Soldier of the Mist* 1:1, 32
Wolfe, Gregory, *Right Minds* 3:3, 74
Wolfe, Tom, *The Bonfire of the Vanities* 1:5, 48
Wood, Bari, *Lightsource* 1:5, 54
Yates, Richard, *Revolutionary Road* 4:3, 74
Young, Michael L., *The American Dictionary of Campaigns and Elections* 2:5, 63
Zupan, Marty (co-editor), *Libertarian Cooking* 1:3, 47

Reflections, *continued from page 23*

positions are popular enough to sweep the LP to victory. He said as much last year in his campaign for the LP nomination: we'll get the NRA vote by taking a hard-core position on gun rights, we'll get the women's vote with a hard-core advocacy of abortion rights, we'll get the home-school vote with a hard-core position on home-schooling . . .

For a major-party candidate, a play for interest groups may be sufficient. After all, major parties are alliances of such. Unfortunately, the same is not true for the LP, whose purpose is to advance a political philosophy, a vision of how society should function. On a practical level, trying to appeal widely to interest groups doesn't work very well for Libertarians. LP policies often clash with one another, at least as far as voters are concerned: How many gun nuts are feminists? How many home-schoolers are pro-abortion?

Besides, the LP is not a party of interest groups. It is a party intent on promoting the notion that political liberty is a good idea. It lives or dies on how people react to its ideas. It needs a spokesman who can articulate those ideas, who can grapple with wide-ranging questions. It needs a candidate like John Hospers, Roger MacBride, Ed Clark, David Bergland, or Ron Paul.

A prominent non-LP libertarian told me that George Will called him before he wrote his column to talk about Marrou. Will had met Marrou for lunch, presumably hoping for background, useful for a column on the kind of fresh ideas that past Libertarian candidates have provided. Instead he got dour sloganeering and probably some of Marrou's tasteless and unfunny "jokes." Will wondered, is there any substance to Marrou? The prominent libertarian responded non-committally; I think he was embarrassed. Curiously, Marrou and his handlers, I am told, thought the meeting with Will went very well.

Anyway, I suppose LP members will soon be quoting one line from Will's column: his suggestion that "a million people may pull the Libertarian lever to endorse dismantling government."

—CAA

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Timothy Virkkala is assistant editor of *Liberty*.

Jesse Walker is an anarchist writer living in Michigan.

Clay Hunter Waters is editorial assistant at *Liberty*.

Ethan O. Waters is a reclusive libertarian gadfly, last reported seen in California.

Martin Morse Wooster is a journalist in Silver Spring, Maryland, currently working on a book on reforming public high schools.

Coming in *Liberty* . . .

- "The First Time" — *John Hospers* remembers his campaign for the Presidency as the Libertarian Party's first standard-bearer.
- "The Mystery of the Missing Detectives" — Someone has kidnapped the Hardy Boys, and put insipid substitutes in their place. *David Justin Ross* solves the case.
- "Racism and the Invisible Hand" — *Leland Yeager* takes a dispassionate, evolutionary look at this provocative subject.
- "The Case Against Free Immigration" — *R.K. Lamb* challenges the conventional libertarian position on immigration.
- "Crying for Argentina" — *Paul Terhorst* explains how Argentina went from wealthy First World nation to economic basket case.

Terra Incognita

Moscow, Russia

Disturbing consequence of the new press freedom, according to *ETA News (Moscow)*, April 15, 1992:

A government directory in the Confederation of Independent States lists names, positions and bribe levels for select officials.

Sacramento, California

Parliamentary procedure in the pure air of Green politics, as observed by the *California Republic* magazine:

Under the California Green Party's rules, decisions on everything must be unanimous. At its recent convention, Green Party delegates debated a motion for more than an hour before defeating it. The motion would have extended debate on another motion for ten minutes.

Reedley, California

Touching concern for the well-being of the underclass, as reported by the *Wisconsin State Journal*:

California farmers have been ordered to destroy millions of pounds of peaches and nectarines because the fruit was smaller than federal standard and could undermine profits from larger fruit. The Department of Agriculture has threatened to bring some growers to court if they continue selling the undersize fruit cheaply to stores in the inner city area of Los Angeles.

Washington, D.C.

Labor legislation that protects the public from unscrupulous quacks, reported in the Fort Lauderdale *Sun-Sentinel*:

The U.S. Department of Labor's 1991 Dictionary of Occupational Titles describes the duties of 12,741 different occupations, including "Easter Bunny."

Cow Road Village, China

Progressive education is finally displacing traditional education in the Socialist Paradise, as reported by the Associated Press:

A teacher at Cow Road Village Elementary School has been given a jail sentence for forcing his students to eat cow dung when they handed in assignments late, didn't pay attention in class, or were rowdy.

Israel

Hygienic advice reported in the Chicago *Tribune*:

People should keep U.S. currency in their pockets when using a restroom, opined Israel's chief Rabbi, Mordechai Eliahu, in a recent ruling. Because the bills carry the motto "In God We Trust," the decision stated, they should be regarded as holy documents and not exposed to unclean material.

Saskatoon, Saskatchewan

The U.S. Immigration authorities protect American workers from unfair foreign competition, according to the Vancouver *Sun*:

Saskatoon resident Khai Tran was recently about to board a plane to San Francisco to spend a vacation with his sister. He planned to spend part of his visit helping his sibling fix her cupboards. A U.S. Immigration officer noticed his small tool box, however, and, upon discovering Mr. Tran's purpose, stated that his entry was forbidden because he would be taking a job, however minuscule, from American labor. When Tran offered to leave his tools behind, the officer said that there was a danger he'd find some way to perform the work, anyway, and denied him entry to the U.S.

Los Angeles

An indication that the dictates of logic are race-specific, as reported by the Washington *Times*:

A study by the Los Angeles chapter of the NAACP discovered examples of racism in each one of 20 movies which were screened. The author of the report, Serita Coffee, explained "I would never say all movies are racist. However, I have yet to find one that isn't." The film *Bugsy*, for example, employed ethnic color codes in the depiction of taxi cabs as yellow and the engines of trains as black.

Rio de Janeiro

Disturbing report from the Earth Summit, from the Associated Press:

The Earth Summit produced approximately 30 million pieces of standard-size paper documents, almost all of which were quickly disposed of. Liz Barratt-Brown of the Natural Resources Defense Council observed, "They ought to call this the Earth Dump, not an ecology summit."

Hamilton, Ontario

Innovative monetary policy from the progressive nation to the north, courtesy of the Hamilton *Spectator*:

Hamilton-area Member of Parliament Cid Samson, of the New Democratic Party, has come up with a "new" way to pay the government's bills: print more money. "When we borrow money, that money has to be repaid — we're chasing in circles. . . . Instead of borrowing the money, we [should] create it. We don't have to pay it back." Samson went on to tell supporters that his idea needed to be "examined in depth," and that there were potential pitfalls.

California

The civic spirit that has made Los Angeles famous, as reported by the Associated Press:

Fred Patterson was struck by a hit-and-run driver as he crossed the street in the Los Angeles suburb of Lynwood. A passerby who saw the accident helped him onto a curb.

As the passerby was calling for help, he looked back to see Patterson get up and fall forward into the street, where he was run down by three more cars, none of whose drivers stopped.

Amsterdam

Regulating taxicabs in the public interest in The Netherlands, as reported by the Associated Press:

A Dutch court has thrown out a case against a "Dial-a-Joint" taxi firm, ruling it could continue its home delivery of marijuana, provided that it does not sell to children, advertise, or make money from doing so.

California (where else?)

A new victims group gets its act in gear, as reported by the Detroit *Free Press*:

Karlyn Straganana, a self-proclaimed Golden State witch, is lobbying to have "Hansel and Gretel" banned from schools because it promotes negative attitudes towards those of her avocation. As she points out, "This story teaches that it is all right to burn witches."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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continued from previous page

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- "The Myth of War Prosperity," by Robert Higgs
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- "Journalists and the Drug War," by David Boaz
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- "The Gulf War 'Victory': What Does it Mean?" by R.W. Bradford, Robert Higgs, James Robbins, Sheldon Richman, Stephen Cox, Matt Kibbe, and Loren Lomasky

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- "Say 'No' to Intolerance," by Milton Friedman
- "I Am a Casualty of the War on Drugs," by Stuart Reges
- "Depolluting the USSR," by James Robbins

Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz, William P. Moulton and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

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- "AIDS and Marijuana," by Robert O'Boyle
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Plus articles and reviews by Bart Kosko, Mark Skousen, Frank Fox, John Hospers, James Taggart, Karl Hess, William P. Moulton and others. (72 pages)

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- "The Road to Nowhere," by David Horowitz
- "Women *vs.* the Nation-State," by Carol Moore
- "Thelma and Louise: Feminist Heroes," by Miles Fowler
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Plus writing by Robert Higgs, Leland Yeager and others; and a short story by J. E. Goodman. (80 pages)

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- "The National Park Disgrace," by R.W. Bradford
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- "Beyond Austrian Economics: Bionomics," by Michael Rothschild
- "America's Bipartisan Apartheid," by Brian Doherty

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- "Hong Kong After Tiananmen," by Kin-ming Liu
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- "Who Really Wrote *Little House on the Prairie*?" by William Holtz

Plus writing by Ross Overbeek, Karl Hess, Sheldon Richman, Jane Shaw, Lawrence White, Randal O'Toole and others; and an interview with Pat Buchanan. (72 pages)

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- "Christians and Libertarians in a Hostile World," by Doug Bandow
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- "The 'Lock' on the Electoral College," by David Brin

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11
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continued on inside back cover . . . see page 45 for first volume of Liberty

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Inside Liberty

November 1992
Volume 6, Number 2

4 Letters *Liberty*'s readers get it off their chests . . . and onto our pages.

9 Reflections *Liberty*'s editors lust after Madonna, evaluate Bush's family values, evade the draft from Clinton's wind factory, make crank calls in Moscow, and scale the slopes of Mt. Liberty. Not bad for a bunch of intellectuals.

17 Judgment Day Just to prove that *Liberty* is not a single-party periodical, we offer *five* views of whom to vote for on November 3. Clip this, and take it to the polls.

20 Medianotes Is Barbara Bush a good mommie? Is John Sununu as dumb as he seems on *Crossfire*? And who cares what NPR and the Washington *Post* say, anyway?

Features

23 Currency Crisis: We've Heard It All Before *Leland B. Yeager* explains why the European monetary crisis is old hat. But will the politicians get the point? Don't bank on it.

25 Charity Begins at School? Mandatory community service. *Loren E. Lomasky* argues that the bad idea has not improved for all the "innovation."

27 I Run for President *John Hospers* remembers the first year of the Libertarian Party, his bid for the presidency, and his electoral college vote.

34 Why Argentina Stopped Crying for Evita *Paul Terhorst* provides the shortest history of Argentina you'll ever read and an up-to-date account of what's going on in gaucho-land.

38 Kill/Walk the Earth *Richard Kostelanetz* presents a few choice words.

39 At the Margins of the 1992 Republican National Convention *Thomas D. Walls* tells how the convention looked from the perspective of the Republican Liberty Caucus and the Buchanan Brigade.

43 The Czechs Bounce Back *Gabriel Hocman* tells of coupons for stocks, private ownership and high-rolling times in the former citadel of Stalinism.

46 Remembering John Cage *Richard Kostelanetz* asks for four minutes and thirty-three seconds of silence in memory of the late, great avant-garde composer, John Cage.

47 Marxist Capitalism: or "To Get Rich Is Glorious" *George Jochnowitz* describes China's move to the market, doublespeak, mysticism, and (maybe) laissez faire.

50 Stalking Liberty in Eastern Europe *Ben Best* visited Scandanavia, Poland, the Baltics, and Russia, looking for liberty.

58 Canada's Constitutional Crisis *Scott J. Reid* explains the double dealing and special-interest shenanigans behind Canada's approaching referendum.

59 Libertarianism, Christianity and Other Religions *Jan Narveson* argues that Christianity is not compatible with liberty, unless you want to reformulate Christianity.

62 Did Rand Stack the Ethical Deck? *Gregory R. Johnson* and *David Kelley* dispute Rand's libertarian ethics.

Reviews

64 An Election Year Exposé *Jesse Walker* likes the book *Hill Rat* by John L. Jackley, but he still smells cheese on the author's breath.

65 Tinkerers Be Damned ? *Daniel Klein* joins Thomas Szasz in his fight against the "War on Drugs," but makes a plea for such tinkerers as Milton Friedman.

67 Liberalism, Left and True *Gregory R. Johnson* critiques a history of Liberalism and wonders how such a brilliant author could have made such an error.

69 The Mystery of the Missing Fun Someone has kidnapped the Hardy Boys and put insipid substitutes in their place. *David Justin Ross* solves the case.

Departments

77 Notes on Contributors who we are . . . and what to look for in the next *Liberty*.

78 Terra Incognita Pieces of the real world as seen through a glass, lightly; or, what is and what isn't and what should never have been.

Letters

Flaw in the Ointment

Liberty's critique of Andre Marrou is flawed. The credibility Chester Alan Arthur ("Will to frivolity," September 1992) places in Will's diatribe reflects more upon his political naiveté than flaws in Marrou's candidacy. Will is an inside-the-beltway *conservative* advocate of big government. Frankly, it is surprising that Will had anything in the least bit positive to say about either Marrou or the Libertarian Party. Advocates of big government don't think much of libertarianism. If Will had deigned to take notice of the libertarians in previous races it is doubtful he would have treated Ron Paul or his predecessors any better.

The balance of *Liberty*'s criticism is Andre's "sloganeering" campaign style. This is an odd charge since Andre's stump appearances are where he is most successful. I will grant that Marrou is neither a philosopher nor theoretician. Thank goodness. On TV, Andre's style is stronger than any other Libertarian presidential candidates who have appeared on C-Span. Marrou handles press questions better than any other candidate I have seen.

Karl Peterjohn
Wichita, Kans.

No Justice, No Peace

Neoconservative David Horowitz's "Pandering to the Mob" (July 1992) rested on a double standard that says a lot about the "law and order" mindset. To him, the horror of the Los Angeles riots is summed up in the "slogan that started the violence": *No justice, no peace.* That phrase, he says, "is nothing less than a call to criminal anarchy."

And how, exactly, does David Horowitz plan to prevent future riots? Crack down. Protect the law-abiding. "Strengthen law enforcement; disarm the criminals."

I have nothing against protecting the innocent from criminals, of course, though I doubt that gun control — in today's political discourse, that's what "disarm the criminals" usually means — will help matters much. But I can't help but wonder why David Horowitz does not realize what he is saying. In a sentence: Peaceful acquiescence to criminal behavior is an injustice to crime's victims. Or: *No justice, no peace.*

Why, why, why is this a good sentiment when the criminals are rioters or looters, but not when they are cops? When Horowitz gives up his role as police apologist and condemns all coercion, his articles might actually belong in a libertarian magazine.

Randall Whiting
Los Angeles, Calif.

Deeper Harmonies

Since deciding to marry a devout Christian four years ago, I have had to wrestle with opinions that on first appearance conflict with my deeply held libertarian principles, and my wife has had to confront opinions that may not align perfectly with the teachings of Jesus as they are often presented. Raising children demands that we seek a common ground for our principles.

Doug Bandow's article, "Libertarians and Christians in a Hostile World" (July 1992), is an excellent aid to our efforts. But I wish he had taken his thoughts further. He does not mention the common moral ground. For a libertarian, there can be no liberty without personal responsibility; a freely acting man is responsible for his actions and does not expect others to support him involuntarily. And personal responsibility is equally necessary in Christian action. Is there merit in an act one does because compelled by the state to do it? May a Christian do unto others as he would have them do unto him if he must threaten force upon some people in order to finance those acts? What charity is there if given at another's expense?

Historically also, the Christian worldview and the libertarian political philosophy have common grounds. Bandow mentions that classical liberalism grew out of the Enlightenment; but the ideas of those eighteenth century authors actually came from religious thinkers of the sixteenth century. Protestant writers such as Hotman, Beza, du Plessis-Mornay, and Buchanan, and Catholic authors such as Mariana, Bellarmine, and Suarez attacked theories of absolutism, claimed limits on monarchial rule, argued that men had the right to resist governmental force, and generally stated the fundamental principles to which libertarians adhere to this day. It was from the horrors of 16th and 17th century warfare in France, Germany, the Netherlands, and England over whether rulers should impose religious practices upon their citizens that political theorists first formulated their libertarian ideas. And it was after force failed to reunite Christendom under either Catholic or Reformed banners that later theorists suggested that perhaps the best solution was simply to let people decide for themselves. And those were not the thoughts of apathetic Christians; such thoughts grew in the minds of passionate believers.

Perhaps contemporary disputers over the economic and social role of the state in human action can learn from the religious disputes of an earlier day.

Frank Williams
Atlanta, Ga.

Faith and Force

I am one consistent and principled libertarian who heartily disagrees with Scorchy Shelton's view (Letters, September 1992) that "consistent and principled libertarians should reject Christianity." I accept his right to be free of religion, but I would hope that he understands that one of the most important arguments in favor of individual liberty has a religious basis. That we are endowed with inalienable rights by our Creator has always been an important argument in favor of individual liberty. If we reject the Divine source of our liberties, it will be very difficult to wrestle them back from the state without force. So long as we are able to reasonably argue that these rights come from our Creator, rather than from the State, we have a better chance of peacefully reclaiming our liberties.

Shelton is right that government has historically exploited religion to increase its power, but it can do so only when individual citizens are willing to allow it to do so. We need to proclaim vigorously our God-given rights rather than rejecting religion simply because government has so often taken advantage of people's willingness to release the tight grip that we should hold on to those rights.

John A. Bennett
Sequim, Wash.

Apologetics

I believe Doug Bandow got it wrong. A Christian doesn't have an option to be libertarian, but *must* be libertarian.

Romans 13 says the state is ordained by God to be a terror to evil and to praise those who are good. I realize that what "evil" the state is to be a terror to is not self evident from this passage alone. But, in conjunction with other teachings about the state, I believe this "evil" refers to

Letters Policy

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

The Real Story of Anita Hill

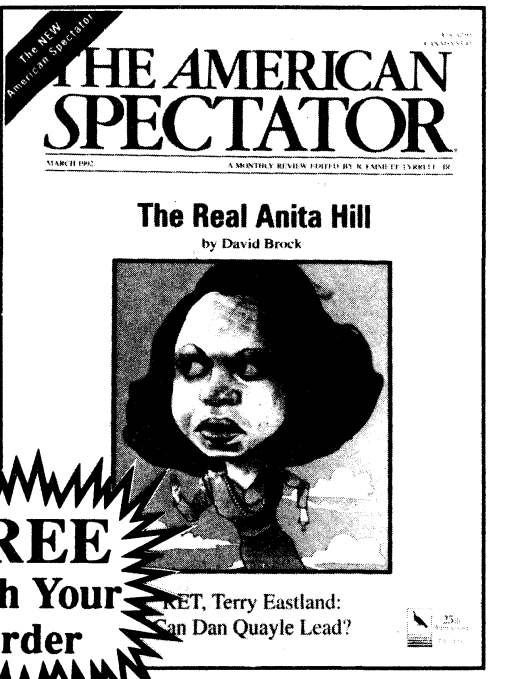

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those who commit murder, theft, fraud or through their negligence harm others. (See, e.g., Exodus 21:12.)

This interpretation is reinforced by the fact that the state is to merely praise those who are good; i e., not try to force us to be good, or to "legislate morality," but to encourage us to be good through persuasion and example.

While I believe Christians should be libertarians, I am increasingly concerned about the Libertarian Party and its candidates since they do not praise those who are good. I can ignore the attack on parents teaching religious values to their children found in the L.P. platform as a mere impropriety. But, the admitted personal failures of the party's standard bearer and the National Committee's acquiescence to them are deeply disturbing.

Clifford Thies
Baltimore, Md.

All or Nothing?

I do not believe it is irrational to argue against unrestricted access to drugs that are highly addictive and have no demonstrable positive benefits, contrary to James Ostrowski ("War on Drugs, War on Progress," September 1992).

It is clear that our society has a limited understanding of the subtle distinction between morality and law. But arguing that no difference exists between aspirin and crack is not likely to increase that understanding.

How do you tell the parents of a recovering teenage heroin addict that their pain is the inevitable price of scientific progress? A similar problem exists in explaining why it is illegal to use marijuana to treat eye disease. But why does this have to be an all or nothing issue?

Libertarians have two alternatives on the drug issue. The first choice is to stand on the intellectual high ground of perfect philosophical consistency and derive satisfaction from stoning the ignoramuses below. The second option is to first concede that the other side has a limited number of valid points and then use your intellectual superiority to find the best solution considering all factors. The second approach may be more difficult, but has greater potential for both improving our society and making libertarianism a more widely understood and accepted political philosophy.

Jim Ober
Baton Rouge, La.

Just Say No to Government

Adrian Day's letter (September 1992) suggests that it is illogical to assume that the prohibition of abortion would give rise to a bootleg abortion industry any more than outlawing murder-for-hire would give rise to a hit-man industry.

Mr Day basically misses the point, but his choice of comparison is appropriate. Abortion *is* murder-for-hire. So if it should be criminalized, why don't we call abortion premeditated murder one and make it a capital offense?

Isn't the answer obvious? There is no moral question about the abortion issue. There is no question about the immorality of abortion. The only question is one of jurisdiction. Should the woman and her doctor be subjected to government's condemnation, or only God's?

Personally, I would like to see the woman (and her doctor) be allowed to work this one out with God. Just once, let the government stay out of it . . . Don't fund it . . . Don't prosecute it . . . Just stay out of it.

Grant W. Kuhns
Carlsbad, Calif.

The State of the State Misstated

I suspect J. Neil Schulman ("If Execution Is Just, What Is Justice?" September 1992) started from a desired conclusion and worked backward to come up with an argument to support it.

He repeats the tired claim that since "the state is no more than a group of individuals acting for a common purpose," there can be no principled reason why states can be permitted to engage in behavior denied to individuals. But his only argument to this effect is: "It is hard to imagine how the sum total of what the state may do adds up to more than the sum of the rights of the individuals comprising that group."

Failure of imagination rarely makes a good argument, and this is no exception. The obvious response for a defender of the state is that certain social institutions have emergent properties that the individuals making up that institution lack. No individual can lift 10,000 pounds without mechanical assistance, but a group of individuals can. Individual atoms of hydrogen and oxygen lack the property of wetness, but combine them in particular ways at certain temperatures and pressures and they make water.

Schulman goes on to state that "Logic dictates that if it is morally justifiable for the state to kill in just retribution, then it must likewise be morally justifiable for other individuals or groups to do as well — the Mafia, the Crips, and the Bloods included." This assumes that one group is like any other. Here, the defender of the state will simply point out that just as three hydrogen atoms or three oxygen atoms won't give you water, it takes more than sheer numbers to give you the right to kill in retribution (or to punish at all). Some guarantee of just and fair administration, for example, might be the something more.

The burden of proof that the state does have emergent properties lies, of course, with the defender of the state, but Schulman's argument does not establish, as it purports to, that "logic dictates the impossibility of any such proof." One strong argument that states can have an emergent right to punish may be found in chapter three of David Schmitz's 1991 book, *The Limits of Government: An Essay on the Public Goods Argument*.

There are many good arguments against capital punishment, but Schulman's isn't one of them.

Jim Lippard
Tucson, Ariz.

Simple Justice

Schulman argues that in a libertarian society we would not have the right to execute murderers because our philosophy only allows us to use force to defend ourselves against aggression. Once the murderer is in shackles he can no longer threaten us.

I would like to submit that it is not against the libertarian philosophy to execute a murderer. The foundation of the libertarian philosophy is based on the following statement: "Each individual has the right to life, liberty and property provided he respects the equal rights of others." Very clearly, this means that I only have the right to life as long as I respect the equal rights of others to life. If I deliberately kill someone, then lose my right to life. Any person or group will have the right to kill me — they no longer have the responsibility or obligation to respect my life.

The only purpose for a trial is to allow an impartial jury to determine if I did deliberately kill another person and if so, to then determine to what extent I will lose my property, my liberty, and my life. They could even have me executed, for I no longer have the right to life.

Although under the libertarian philosophy we would have the legal right to kill a convicted murderer, we may not have the moral right to do so. That decision would be left up to each juror.

In answer to Schulman's question, "If execution is just, what is justice?" my answer is: *justice is losing the same rights you take from others.*

Clyde L. Garland
Houston, Tex.

Charity Bound

If the execution of sadistic murderers like Ted Bundy, Richard Speck, Jeffrey Dahmer and John Gacy is state-sanctioned

"Mind Your Business"

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• designed by Benjamin Franklin
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It was a very different world in February, 1776. Thirteen embattled colonies stood up to the British throne. Americans had protested higher taxes with a very special tea party. There was an American army in the field fighting the British, and talk of independence was in the air.

In Philadelphia, the Continental Congress authorized issuance of $1,000,000 of paper money in denominations of less than $1.00. The purpose was two-fold:

1) to help finance General Washington's army.

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And that is why, for the first and only time in history, the United States issued paper money with the peculiar face values of $^1/_6$ dollar, $^1/_3$ dollar, $^1/_2$ dollar and $^2/_3$ dollar.

The design of these Continentals came from Benjamin Franklin. The obverse of each (pictured to the right) features the sundial and the slogan "Mind Your Business," reminding Americans of the importance of hard work, thrift and industry.

The reverse (pictured below left) shows a chain of 13 links, each labeled with the name of a different colony, surrounding the unifying motto "We are one."

These same designs were later adopted for the first U.S. silver dollar and the first copper one cent piece.

The notes were printed by Hall and Sellers, the Philadelphia firm that succeeded Benjamin Franklin's printing company.

With a total of 600,000 notes of each denomination printed, it is little wonder that these are scarce today. (Currently, the U.S. prints over 1 million notes *per hour*!) Most surviving notes are in ragged condition, often with severe damage or with missing sections.

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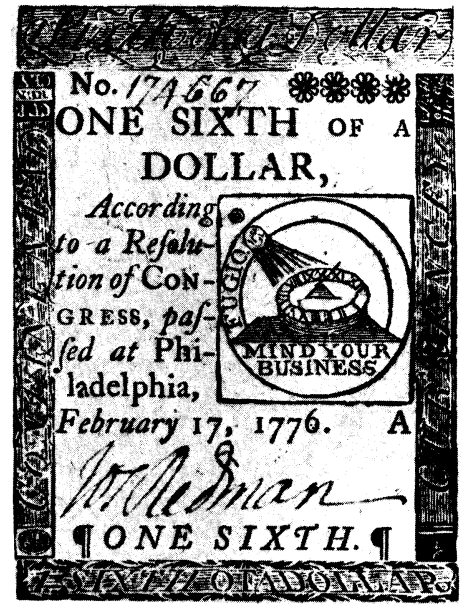

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murder, then state imprisonment of rapists, child-molesters, drug dealers, and burglars is state-sanctioned kidnapping and state taxation on consumer goods is state-sanctioned theft.

The death penalty is justified on moral grounds. When, for example, someone has raped and murdered a child, that person has relinquished his right to live. Capital punishment in such a case is an act of retribution and demonstrates that a society and legal system genuinely are dedicated to preserving and protecting the rights and safety of the people. Charity also must be displayed towards the victims of crimes and their families.

Haven Bradford Gow
Irvington-on-Hudson, N.Y.

Rights Over Balance

James Taggart ("Rights wronged," Sept. 1992) condemns the majoritarianism of Justice Scalia and his three dissenting colleagues, who believe that rights which the Constitution does not unambiguously address should be left to the mercies of the electoral process. As a lawyer and libertarian, I share Taggart"s dismay at the restrictive reading which Scalia gives to the Bill of Rights and to the 14th Amendment. But we should think very carefully before endorsing Taggart's free-and-easy reading of those provisions.

There is no question that the Bill of Rights was meant to protect more than the few rights it explicitly mentions. The Ninth and Tenth Amendments prove this. But nothing in the text of these amendments, or in the writings of its authors and ratifiers, reveals what additional rights they were meant to protect.

So how are we to determine what unenumerated rights the majority may not violate? In one of two ways: either let five unelected justices "fill in the blanks" or let democratic majorities decide through constitutional amendments and statutes.

Taggart would likely argue that the former option is not as standardless as I make it sound. Several of the Founders, Taggart might argue, articulated an overarching nonaggression principle which provides guidance for determining how to fill in the constitution's ambiguous interstices. The ones who did, however were few and far between. Even Jefferson (who played no role in drafting either the Constitution or the Bill of Rights) advocated public education. Too many of us cling naively to the notion that the Founders were libertarians. No reader of Article One, Section 8 can share that conclusion.

Taggart's approach to constitutional interpretation, then, by freeing the justices from the literal text of the constitution, would end up letting justices give constitutional status to their own subjective opinions. That approach did produce the right to abortion which we libertarians defend. But, on the whole, the result of that approach would more likely be unlibertarian.

Recent history confirms that libertarian scruples carry little weight with Supreme Court justices. The same Supreme Court that invented the right of privacy in 1965 in *Griswold vs Connecticut* came perilously close to inventing a "right" to welfare five years later in *Goldberg vs Kelly*. In an infamous footnote, a five-justice majority quoted approvingly from a law review article which urged expansion of the definition of "property" under the 5th Amendment to include welfare entitlements. For a time, constitutional "rights" to public education and free housing were not far behind. Taggart's argument contains everything the advocates of such jurisprudence need to set such "rights" beyond the reach of the democratic process.

To escape this quandary, Scalia and others like him hold to the doctrine of "original intent." When confronted with an ambiguity in the Constitution — like the Ninth Amendment — we must determine what the authors and ratifiers themselves intended by it. And when their stated intent sheds no light on the question (which it seldom does), then the courts must resist the temptation of "filling in the blanks" themselves. This does mean leaving the question to an illfunctioning electoral system. But we have less to fear from that system than we do from the tyranny of five unelected philosopher-kings.

Taggart is correct when he says that the Constitution is about rights. But it is also about checks and balances — about keeping too much power out of too few hands. Taggart, I fear, would sacrifice one of these constitutional values in a dubious effort to strengthen the other.

Ron Kozar
Dayton, Ohio

Logico Bizzarro

Michael J. Dunn's lengthy letter (September 1992) is about as stupid as a letter can get. Just one example of its bizarre illogic. Mr Dunn advises: "I cannot presume to second-guess a verdict when I am not acquainted with *all* the facts relevent to the case . . . nor should anyone else."

By this logic, I suppose Mr Dunn would not "presume to second-guess" the verdicts of the show trials of Stalin, since he was "not acquainted with *all* the facts relevant" to the cases. He would not "presume to second-guess" the conviction of various individuals of the crime of speaking out against the military draft during World War I, or the famous Supreme Court decision upholding the conviction of a New York City launderer for the "crime" of charging too low a price for pressing a pair of pants.

Janice Holman
Chicago, Ill.

Captured and Verse

Michael J. Dunn states that ". . . two other black passengers . . . were not mistreated in any way." The Los Angeles *Daily News* for 4/12/92 reports that "[a] passenger in Rodney King's car on the night King was beaten by police filed a lawsuit in federal court on Thursday, claiming that officers also beat him during the incident." After he was thrown to the ground, he could hear King screaming nearby, and every time he attempted to find out what was happening he was hit on the head.

Is there any legal reason why innocent witnesses to a crime are not permitted to watch the actions of the police?

It's true that King was a convicted felon on parole, but that information was not known at the time of the beating.

Whatever happened prior to the 66 seconds of the video tape does not justify one full minute of beating with batons. Police are supposed to *capture* suspects, not administer punishment. Notice also, that despite King's "aggression," no officer was hurt.

The people of Los Angeles and Ventura counties did not see "a conveniently-truncated presentation of the facts in the case," they saw the entire trial, live, gavel to gavel on channel 11. No one to whom I talked could believe the jury's verdict. Polls in both Los Angeles and Ventura county were strongly in favor of guilt.

The trial judge ruled that officer Powell should be re-tried on the charge on which the jury hung. He stated, "Based upon my view of the evidence presented at the just-completed trial . . . I find that the interests of justice *require* [verbal emphasis in the original TV report] that there be a second trial in the case of *People vs Powell*."

Despite the injustice of the acquittal, there is an even greater injustice in trying the officers again at a federal level. I always thought that it was the actions of the accused that was the body of the crime, not what each of several legal jurisdictions choose to label it.

Wm. O. Felsman
Woodland Hills, Calif.

Cancel my Subscription!

Constructive criticism is one thing. Your now vicious attacks on the Libertarian Party have turned me off!

Anonymous

Reflections

No crazy here — No sooner had Hornell Brewing announced that it was offering a new malt liquor under the brand name "Crazy Horse" than Surgeon General Antonia Novello went on the warpath. Her objection to the name? "It may appeal to drinkers who want to go 'crazy.'"

The good sense that Gen. Novello shows should be applied to other products. Lucky Strikes, for example, may have an unfair appeal to smokers who want to "get lucky," making them very popular among teen-age boys and Vegas visitors. Kool-Aid has no doubt for years taken advantage of people's desire to be "kool." While we're on the subject, maybe it's time to get "Crazy Glue" off the market.

—RWB

Are you listening, Madonna? — Bill Clinton is probably lying when he promises good government and moderate spending. George Bush is, of course, a confirmed liar. The obvious alternatives, Ross Perot and Andre Marrou, are duds. Madonna just released a book of provocative nude photos. If you're still offering "spankies" to people who don't vote, Madonna, I've left my address and phone number at *Liberty*'s office. —SJR

Resisting the Bill of Rights — It is a cliché of civil libertarians that if you put the Bill of Rights up for a vote, Americans would reject it.

Well, in Wisconsin, it *was* put up for a vote, though the franchise was limited in this case to members of the Board of Regents of the University of Wisconsin. The question was whether to rescind a rule the Regents had passed in 1989 that prohibited "hate speech" on campus. The very first amendment in the Bill of Rights prohibits government restriction on freedom of speech, a fact that had eluded the Regents until it was pointed out to them by the Supreme Court.

Well, the Regents dutifully repealed the prohibition. But in a move reminiscent of the die-hard south after the Supreme Court banned racial segregation in 1954, the Regents worked up a reworded version that they hoped might somehow survive a court challenge, or at least postpone the imposition of free speech on their beloved campus.

On September 11, the Regents dropped even this version, explaining that "racial incidents" had mysteriously subsided. By a vote of 10–6, they abolished their restriction of free speech. Progress indeed — when the issue is forced by the Supreme Court, fully 63% of the Regents of that august university support the First Amendment. —RWB

Quiz — When natural disasters wreak devastation, the federal Disaster Relief program customarily picks up 75% of the cost of rebuilding; the remaining 25% is the responsibility of state government. But in the wake of Hurricane Andrew, President Bush grabbed five minutes of free television time to announce that this time the feds would pay all the costs. The reason for this bold departure from precedent is (pick one):

A. That's just the sort of kinder, gentler president he is.

B. What's money anyhow? The Treasury is rolling in the stuff and needs to find a way to spend some before even more piles up.

C. Mr Bush wanted to ensure that *Miami Vice* is able to start shooting new episodes as soon as possible.

D. It's been four years since the last presidential election.

—LEL

Patrolling for bigger fish — On August 26, just after Hurricane Andrew struck Florida, the Detroit *News* quoted the following remarks of a lieutenant colonel "whose Florida National Guard battalion was deployed to discourage looters. "Looting," he declared, "is very contagious. Even good people will loot, if they can get away with it."

Well, what do bad people do when they can get away with it — smoke marijuana?

The colonel further opined that "the Los Angeles riot proved to us that looting is very difficult to keep under control." That's interesting. I thought that the Los Angeles riot had proved how important it is for law-enforcement agents to keep property owners from using guns to protect their property at such times as law-enforcement agents prove incompetent to do so.

A Florida store-owner who watched "looters walk right past him, through the broken windows to get soda pop and cigarettes," seems to have gotten the point. "'What are we supposed to do, call the cops?' he asked. 'The cops have bigger fish to fry at the moment.'" —SC

Profiles in perfidy — Senator Ted Kennedy gave Governor Lowell Weicker of Connecticut the John F. Kennedy "Profiles in Courage Award" for raising taxes in his state, despite the fact that one of JFK's most notable achievements was his growth-inducing tax cut. But then, JFK didn't even write *Profiles in Courage* — though he accepted the Pulitzer Prize for writing it. So the award to Weicker may be appropriate, after all . . . —JSR

Just say "no" to hurricane victims? — We all saw the horrible damage that Hurricane Andrew wreaked on south Florida and Louisiana and that Hurricane Iniki wrought on Kauai. It's no wonder that the American people have generously opened up their wallets and sent aid to the victims. And, given the sorry state of American social ethics, it should not surprise us that all Americans will be taxed to provide some additional $12 billion in aid to those

victims.

South Florida and the central Pacific are places where hurricanes are facts of life. The National Hurricane Center reports that a total of 59 "major hurricanes" came ashore between 1900 and 1990, or about one every 18 months. *The World Almanac* lists 35 Atlantic hurricanes that inflicted substantial numbers of deaths in the Caribbean, Gulf Coast, and Atlantic seaboard in this century alone. That is one every 2.5 years. These 35 hurricanes caused the death of 24,542 people, or an average of 701 deaths per storm. In this context, Hurricane Andrew — with 55 fatalities — wasn't even much of a disaster: it would rank 29th on the *Almanac*'s list.

The same is true of the latest Hawaiian hurricane. Only a decade ago, Hurricane Iwa ripped apart the same south coast of Kauai that Iniki hit. In Hawaii and south Florida, it is not a question of *whether* a hurricane will hit. It is a question of *when* one will hit.

People who choose to live in these areas realize that they face the risk of a hurricane. They can avoid that risk entirely by living somewhere else. Or, they can prepare for it by constructing hurricane-proof homes, or by buying the insurance needed to rebuild when a hurricane hits.

In the wake of Andrew and Iniki, those people who prepared for the inevitable storm, whether out of prudence, self-reliance, or the pride that prohibits living on charity, sustained negligible damage or could rebuild with the proceeds of their insurance. They have no need for aid.

So the aid goes to people who lack the pride, self-reliance, or simple prudence to prepare for the inevitable. These people are very much in evidence in Kauai. *USA Today* reported the following charming vignettes:

> "Where's the federal government?" asked Milli Millari, 39, standing in line for food. "We don't know where to go to for help."
>
> State Department of Human Services employees . . . milled around outside their building wondering what to do. "We want to help," said Renee Sandong, 32. "Our job is to furnish welfare, but how can we? We've received no instructions from anyone."

Are these the kind of people you want to reward? Wouldn't it be better for them to get a little reality check?

The $12 billion appropriated so far will cover "100% of hurricane relief expenses." It is hard to imagine a more idiotic public policy. By the same logic, why not pay 100% of rebuilding costs whenever someone's house burns down? Whenever someone gets in an auto accident? Whenever someone gets sick? Why not simply abolish the insurance industry and figure that the government will cough up the dough whenever anything goes wrong in anyone's life?

The message given by the President and Congress to the people of the hurricane belt is: Eat, drink, and be merry, for tomorrow we will be there to pay for the consequences of your own negligence and imprudence. —RWB

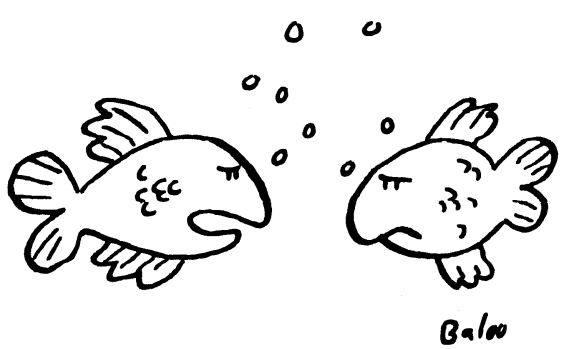

"And *I* say Jacques Cousteau *can* whip Lloyd Bridges!"

Clinton and the draft — A lot of Clinton's supporters are genuinely puzzled regarding Clinton's continued lies and evasions regarding his draft history. Doesn't he understand, they ask, that people aren't going to hold his efforts to avoid the draft against him?

They are right, of course: most people *do* understand and even sympathize with his evasion. But they fail to understand Clinton, whose lust for political power knows no bounds. His stated reason for choosing elaborate evasion over resistance was that he wanted to maintain his "political viability." What other anti-war college student feeling the pressure of the draft was worried about being elected to higher office decades later? As a politician he wants to be all things to all men, and he fears that his evasion will offend some small segment of the population.

Truth is not really meaningful to Clinton. "Facts" are just bits of information that can be manipulated and explained away. If lying gets one greater popularity, then lie. Unfortunately, he has always depended on his personal charm to get away with his lies, and has never developed an understanding of the fundamental principles of successful prevaricaton. The most important principle is that it is not lying that causes problems, it is *getting caught lying*. When confronted with unpleasant information about past actions, the optimal course is to assume that one's accusers have access to virtually all information that is available, and to construct an interpretation of the events that minimizes damage to oneself.

But Clinton feared the damage that such a course might bring, and was self-confident — even cocky — about his ability to convince people of his lies. So Clinton got caught in a rachet action. He denies a certain charge. When evidence comes out showing that the charge is true, he admits it, but offers another explanation. When new evidence shows that this explanation is a lie, he offers yet another explanation. When evidence is raised that shows the new explanation is also false, he offers yet another preposterous explanation. He didn't do anything to evade the draft, well maybe he agreed to join the National Guard, but he quit to face the draft. Oh, well, he guesses he does remember that he didn't change his mind about the Guard until he got a high draft lottery number. His uncle didn't intervene on his behalf, but, oh yeah, well, maybe his uncle did. He didn't call on his mentor Sen. William Fulbright for help, oops! yeah, now that the correspondence from Fulbright to the draft board has been found, he guesses maybe he did. He didn't ask a college roomate, who happened to have a position in the administration of Republican governor Winthrop Rockefeller, to intervene . . . oops, yeah, well maybe he did . . . And, hey, it's not his fault that he has to keep changing his story: "These

Republicans keep coming up with new and different stories. They change their stories every week."

Happily for Clinton, this doesn't seem to bother the American people much. The polls show that voters are responding to this long record of mendacity with one big collective yawn.

Confession is good for the soul: I am exactly the same age as Bill Clinton, and I did everything I could to avoid being drafted and sent to Vietnam. In my case, that didn't include recruiting governors or U.S. Senators to pressure my draft board, and I think my hostility to that sort of corrupt influence-peddling might have prevented my doing so. But in all candor, I have to say that if the tactics I used — teaching school until I discovered that my eyesight failed to meet minimal Army standards — had not kept me out of the Army, I might have done the same, if I had had friends in high places.

Bill Clinton explains, "I did what my local draft board told me what the procedures were and I followed them." His draft board was different from mine. I don't recall my draft board advising me how to get the Chairman of the Senate Foreign Relations Committee to intervene on my behalf.

As I write these words, CNN is playing in the background, and Bill Clinton is lying. "I did what my local draft board told me what the procedures were and I followed them." His draft board was different from mine. I don't recall my draft board advising me how to get the Chairman of the Senate Foreign Relations Committee or the Governor of my state to intervene on my behalf . . . —CAA

How sex turns conservatives into flaming socialists — The president, I think, is dangerously pink; "family values" are a stepping stone to socialism. Bring up sex, and the right starts to sound like an unholy marriage of Jeremy Rifkin and Chairman Mao, only louder.

Take this right-wing cliché: Only full abstinence from sex can provide 100% certain protection against sexually transmitted diseases; therefore, abstinence should be the public school system's recommended policy. Now change it only slightly: Only full abstinence from industrial production can provide 100% certain protection against industrially transmitted diseases; therefore, the government should embrace a policy of deliberate deindustrialization. Conserva-tives denounce people who say such things as crypto-socialists and environmentalist cranks. It never occurs to them that they are similarly cracked.

Life is a succession of opportunities and risks; each of us has, or should have, the right to make our own decisions as to what risks we will take. The anti-industrial puritans at least have a grain of a point — when producers become polluters and impose risks on others, they are going too far. But mutually consensual sex is nothing like this. If a pair prefers the pleasure of unprotected sex to the possibility of AIDS, herpes, or venereal warts, that decision is their own affair, and the government has no business telling them to stop or bailing them out if their risk turns sour. Think of it as a free market in sex.

Where does the right get its neo-Naderite obsession with protecting people from themselves? It is rooted the same place as that same obsession on the left: not in concerns with safety, but with enforcing one view of how life should be lived. It is an example of social engineering, something that conservatives usually claim to oppose. The enforced lifestyle is called "the family," a classic example of doublespeak — what is being supported is one particular sort of family, preferred by only a minority of the populace; it is called "the" family to semantically delegitimize other living arrangements. When it comes to family issues, conservatives are far more statist than liberals. The latter only want to subsidize certain family arrangements, through such programs as national day care. Right-wingers want to socialize the family, by banning alternatives to their preferred familial arrangements. In the ideal world of Dan Quayle and Pat Robertson, parents will be able to send their children to any sort of school they want, but will all subscribe to the same monopoly family structure, enforced by government decree.

Families should be neither fostered nor repressed by the state. They should be let alone — laissez faire — to develop as they will. In a free society, families, like other intermediary institutions, should be creatures not of the state, but of the people who make them up and the values they hold dear. That, if the phrase must exist, is what "family values" should mean. —JW

They've got your number — A friend writes from Moscow that despite Russia's technological backwardness most telephones have caller ID. Well, no joke — they probably just threw a switch at KGB headquarters and reversed the signals. —JSR

Smoke gets in your skies — Smoking on Cathay Pacific's transpacific flights to Hong Kong is no longer permitted. Another small blow against personal liberty?

No, a small demonstration that liberty works — when it's allowed to. Cathay Pacific's smoking ban is a purely business

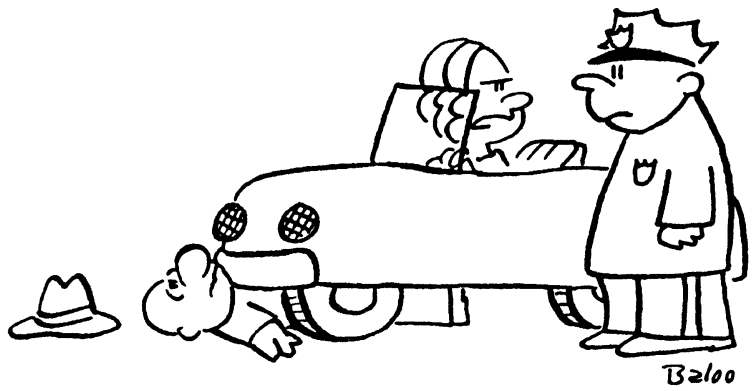

"You can't arrest me! — I have no-fault insurance!"

decision; no Surgeon General or legislature forced it to do so. Now people who want a completely smoke-free flight between Los Angeles and Hong Kong can enjoy one, while those who wish to light up or don't care if others do can book a seat on one of the other airlines that fly this highly competitive route. The result: No one is coerced, customers have more opportunity to get what they want, and Cathay Pacific will, if it judged correctly, reap the rewards of more dollars on its bottom line. Now if only our anointed Protectors would put that in their pipe and smoke it! —LEL

Family values in action — The pundits are puzzled over George Bush's apparently contradictory views on abortion. First he says that he thinks it should be illegal, except under certain extreme circumstances. Then he says that if his granddaughter were to want to have an abortion, it would be "her choice" and he would stand by her. So does this mean he would keep abortion legal? No, he still wants to ban it. Hmm.

But there really isn't anything difficult to understand here. George Bush is simply continuing his tradition of holding his family above the law. I'm sure that he thinks stealing money from S&L depositors should be illegal, too, but that hasn't kept him from "standing by" his son Neil. And if allegations of his brother Preston's contacts with the Yakuza (the Japanese mob) turn out to be true — why, then, he'll "stand by" his bro, too. This is what family values mean to our president.

So if his granddaughter was pregnant and wanted an abortion, I'm sure that Bush would be happy to help her out, even if abortion were made against the law. In fact, if it would help him in the polls, he might even perform the operation himself. —JW

Who's on first? — Texas Republican Senator Phil Gramm, although not too demanding that his colleagues live up to the spending-restrictions bill that bears his name, is conscientious about analyzing the cost of Bill Clinton's supposedly "moderate" taxation and regulatory plan. According to Gramm's figures, which have been ignored in the media generally, the Clinton plan to raise taxes on business and rich individuals, and to mandate a slew of programs including employee retraining, health care, and parental leave, would have cost $125 billion if in effect in 1991. With business profits totalling $189 billion in that year, it would have meant that 66 percent of profits would have been taxed away.

The media, generally, are taking Clinton's "moderation" hook, line, and sinker. His economic plan is called "putting people first." First in the unemployment lines, perhaps. —KH

The health hazards of not going capitalist — Some of the results of the Soviet nuclear program have now become public, and they're pretty much what you predicted they would be.

There's a lake where the Marxists dumped some of their nuclear waste; it's been calculated that you could get a fatal dose of radiation from standing on the bank of this lake for thirty seconds.

Of course, the Marxists were generous enough with their refuse to pollute several of the biggest rivers in Europe and Asia. And when methane built up in a mine, they exploded a nuclear bomb to disperse it, then sent the miners back to work the next day. I don't need to tell you that the officials may have been a little lax about informing the miners what might happen to them. They may also have been a bit neglectful about giving out any warnings to the 40,000 troops over whom they exploded a nuclear bomb in an attempt to impart an extra measure of realism to one of their war games.

Furthermore, who says that socialism isn't efficient? When the Soviets wanted to dispose of an outmoded nuclear icebreaker, they just detached the back end of the ship and let it and its nuclear reactors sink into the ocean.

Seriously, now, shouldn't Senator Gore, whose name appears on the outside of a funny little book about "the environment," be told to stop worrying about the disastrous effects of *air conditioning, frozen food,* and all his other awful examples of capitalist society's *lack of communion with nature,* so he can check out what happens in places that don't have much air conditioning, frozen food, or capitalism? —SC

So much for the Great White Hope — I just watched Pat Buchanan deliver his speech to the 1992 Republican Party Convention. I have to say, if the paleolibertarians really want to make a principled political dent, they're going to have to find a new standard-bearer.

In all his speech, Buchanan made two libertarian points — less than even Bill Clinton managed. He condemned eco-statism in no uncertain terms — forgetting, I suppose, that his party's nominee continues to boast of his support for the Clean Air Act. And he slammed Governor Clinton for the bizarre limits he would place on school choice — preferring to ignore the almost as stringent caps George Bush endorses. Oh. He quoted the National Taxpayers' Union, too. I suppose that that was nice. Sorta. I guess.

What was the rest of the address about? The usual crap, of course. Censor pornography, ban abortions, shoot the queers. Make sure that women are denied equality before the law. A bit of militarism; some Spiroisms, too. The sort of things you expect from the far right.

Worst of all was his bottom line: *Vote For*

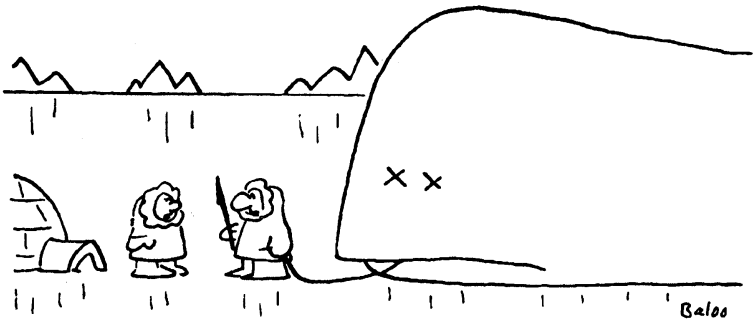

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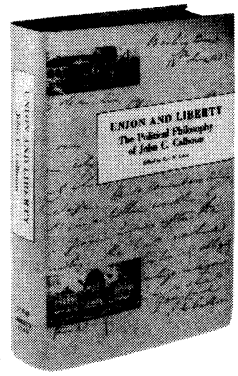

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George Bush. That other populist rebel of the primaries, Jerry Brown, wouldn't even mention Bill Clinton's name when he spoke to the Democratic convention. But that supposed man of honor, Patrick J. Buchanan, wasn't about to put principle before future political career. So he turned his back on all he is supposed to stand for, and endorsed George Bush. Forgive me if I do not join him, and shame on any libertarian who does. —JW

We, The Climbing — Reading Murray Rothbard's "Me and the Eiger" (September 1992) reawakened a gnawing discontent which I felt when the article was first published in *Liberty*, and which now begs to be expressed.

The first thing that bothered me was the premise: *Jews don't climb mountains.* The author writes that any inclination to climb is an example of "goyim-nachas," and that "there is not a single Jew who has ever climbed the Eiger." When I first read this passage I thought of a man I was well acquainted with, a Jew born in Vienna in the late twenties. He fled the Nazi Anschluss with his family and spent World War Two in England, too young to fight. After the war he emigrated to help build Israel. He was a man of deep religious faith, and an intellectual, a well-known scholar in his field. Somewhere in his eventful life, he found time to climb the Eiger.

I thought of a former classmate of mine, a strict, conservative American Jew, and one of the toughest men I ever met. He, a friend of his (another conservative Jew from MIT) and I made an early spring expedition up Mt. Washington in New Hampshire. The MIT fellow and I were fairly conventional in our approach — we just climbed up the rocky peak and then went back down. But my classmate didn't want such tame thrills. He climbed the wall of a steep cleft known as Tuckerman's Ravine and then skied down on the thin carpet of snow nestled in the shadowed crevice. Later at the base he rewarded himself by diving naked into a stream formed by runoff from melted snow. The fact that I could stand in the water barefoot for only thirty seconds before the pain became too extreme gives you an indication of his stamina (or maybe my pain threshold).

But beyond these acquaintances, I thought of the founder of Jewish law. Moses is one of the most famous mountain-climbers in history. And he didn't climb mountains "because they are there." He climbed to find God, and did. Many religions place their gods on mountaintops. It is a proper place for them, and for some Men as well.

The second problem I had with the article was the defense of a lifestyle which might be called "The Virtue of Slobbishness." There really is something revolting in the notion that it is a virtue for intellectuals to adopt sedentary lifestyles. At base, it projects a mind/body dichotomy. And I don't find going to a conference and then staying indoors very imaginative or soul-inspiring.

I once attended a seminar in rural Vermont, and one evening while others were glued to the tube I stole away to explore an old railroad gradient. Several hundred yards down I ducked through a pine grove to discover a stream cascading over granite rocks down a steep slope into a rippling lake, the whole ringed by a field shimmering with lightning bugs. I scrambled up a cool, dew-wet grassy slope to the head of the waterfall and looked down at the moonlight reflected on the dark, swelling basin. Call me anti-intellectual, but not once did I think, "Man, I could be watching TV!"

There is no rule that states one can't both climb and discuss ideas. Or if there is, I disobey it: I once scaled Mt. Liberty (appropriately) in the company of two philosophers while discoursing on Locke's theory of property rights.

And even if one is not in a conversational mood, climbing focuses the mind. Success on a climb requires not just physical fitness, but also an act of will. Mt. Liberty is on the south end of the five-peaked Franconia Ridge. Dominique, we call her, and you'll have to break New Hampshire granite before you tame her. I have a piece on my desk mined from that very spot, expertly cracked with a single hammer blow on my wedding night — but that's another story.

One can think clearly up there, far above the treeline, driving oneself onward, muscles aching, lungs straining, ascending the peaks in turn. The cold fall wind bites into exposed flesh, prompting one to tear off one's jacket and shirt, pressing onward up the final peak, Mt. Lafayette, the highest on the ridgeline, pulling oneself across the broken rock, scrambling up scree-strewn ledges, mounting the thick, jagged boulders, finally standing alone atop the pinnacle, drinking in the pure air, glorying in the blinding sunshine, with nothing but the rock, the sky, and the figure of you, laughing like a maniac.

Direct your attention northward and you will see the town of Bethlehem, New Hampshire, nestled in a valley. A popular resort in the early part of this century, it is now a retreat, a haven of artists, writers and poets. But every year Bethlehem is visited by the people who made it a resort in the first place — Hasidim, escaping the concrete grid of New York for fresh air, forests, and hiking in the White Mountains. Which brings me back to the first point.

I have nothing against couch potatoes. It is not a question of ethnic background, of intellect or of culture versus nature. It is a matter of testing oneself, of setting goals and achieving them, and of bettering one's life in the process.

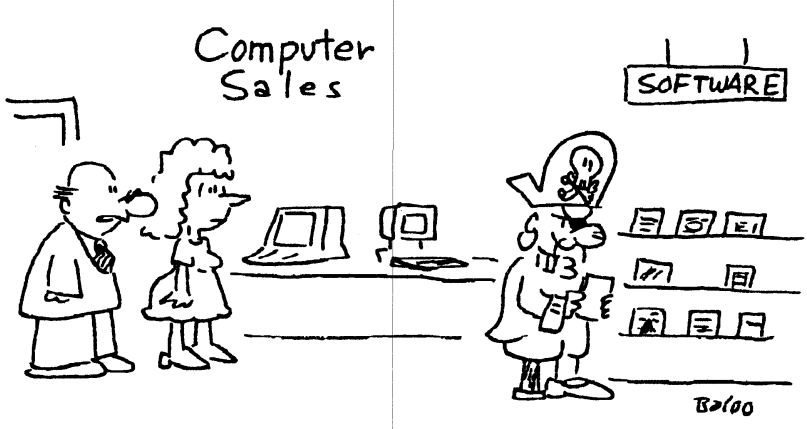

"Keep an eye on that guy."

Sir Edmund Hillary said he climbed mountains because they are there. Not me. I climb mountains because I am there.

—JSR

Aborted logic — For years, pro-choice Democrats have attacked Presidents Reagan and Bush for using a "litmus test" (in this case, opposition to *Roe vs Wade*) when selecting judicial appointments. For years Republicans have denied the charge. If the recent Supreme Court decision affirming *Roe vs Wade* is any evidence, it seems pretty plain that the Democratic accusations were false: three of the five justices appointed by Messrs. Reagan and Bush voted to uphold *Roe*.

Curiously, the same pro-choice Democrats have nominated for the Presidency a man who has promised to use a litmus test (in this case, support for *Roe vs Wade*) a prerequisite for Supreme Court nomination, thereby illustrating the mendacity of their earlier criticism.

Between two and four Supreme Court justices will probably be appointed during the next four years, so the election of Bill Clinton would have several very unfortunate consequences.

It would assure that the very questionable legal reasoning of *Roe* is upheld, thereby encouraging other acts of judicial activism.

It would preclude from appointment to the Court a great many first-rate legal thinkers, including most who are pro-choice, because they are critical of the flaccid argument in *Roe*.

Most importantly, it would reinforce the equation of support for *Roe* with support for freedom of choice. Whether freedom to have an abortion is lurking in the Ninth Amendment (as Justice Blackmun argued in *Roe*), is implied by the Fourteenth Amendment (as various legal scholars suggest), or is not guaranteed by the Constitution at all, is quite distinct from whether women ought to be able to decide whether to have an abortion without interference from the state.

The judicial activism of *Roe* has fertilized the politicization of the courts. These days people who are passionately pro-choice as well as people of opposite passions demand litmus tests of judicial appointees and organize demonstrations around courthouses in an apparent attempt (vain, so far, thank God) to intimidate judges.

Well, what would have happened if the courts had concluded that the Constitution had nothing to say on the issue? Most people in most states plainly support the right to choose, and abortions would be both legal and easily available in those states. In a few states, where the more "conservative" forms of Christianity are popular, abortions would be limited or outlawed, forcing residents of those states to travel elsewhere for an abortion.

Curiously, this is pretty much what the situation is today: in certain places where conservative Christianity is pandemic, abortions are already unavailable, because physicians themselves have objections to abortion or are intimidated by aggressive anti-abortion zealots. Anti-abortionists would be fighting a losing battle, with freedom to choose gradually being established everywhere. The battle would be in legislatures and at the ballot boxes, not in the courts. When anti-abortionists lost, they would have their fellow citizens to blame. They might bemoan the sinfulness of the modern age, but they would be far less likely to blame the perdition of abortion on a "conspiracy" of secularist, atheistic, liberal judges. The level of fanaticism and hatred would be far lower than today, and the integrity of the indepedent judicial system would not be at risk.

—RWB

Gore vs Quayle vs the environment — Dan Quayle runs the White House Council on Competitiveness and is the target of environmental groups for his deregulatory fervor and pro-business attitude. His message: the environment costs jobs.

The easy vote for environmentalists, then, should be for Al Gore. His recently published *Earth in the Balance* describes his eco-philosophy and his prescriptions for change. Few will fault his compassion and commitment to environmental issues. He writes constantly of the "dangerous dilemma that our civilization now faces," and how he has renewed his commitment to ecology.

For those whose concern goes beyond a Green religion, good intentions are insufficient. His unswerving, and uncritical, environmental ideology is surely as disturbing as Dan Quayle's seeming rejection of the importance of ecological balance (all Quayle appears to be concerned with are the costs imposed on businesses).

Al Gore's prescriptions are certainly radical; some are borderline nonsense, e.g. "the strategic goal of completely eliminating the internal combustion engine over, say, a twenty five year period." Even more alarming is his explicit rejection of open scientific debate: he argues that scientists who doubt the greenhouse theory "should not be given equal weight," because doing so "undermines the effort to build a solid basis of support for the difficult actions we must soon take."

Senator Gore is right, however, when he says on the stump that there is a false dichotomy between jobs and the environment. In the long run, prosperity and environmental integrity are mutually dependent, a fact that Vice-President Quayle does not acknowledge.

Meanwhile, the Council on Competitiveness has been labeled environmental enemy number one by the Gang of Ten environmental groups. Its goal is to dismantle the environmental regulations promoted by the Green groups while bowing to its own special interests.

But Dan Quayle and Al Gore are not in comparable positions. As a member of the Senate, Gore can vote for vaguely

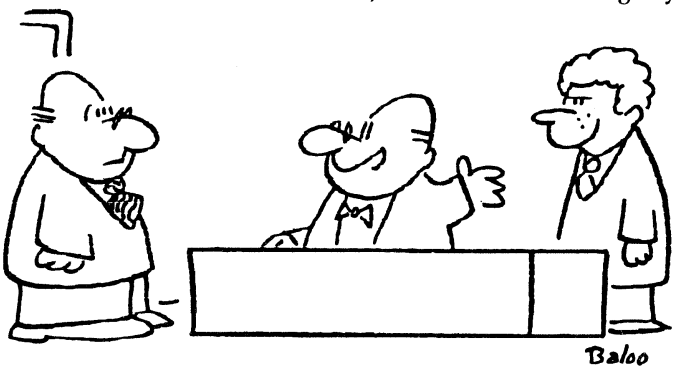

"I hope you don't mind if my son chews you out, Entwhistle — I'm trying to get him interested in the business."

worded bills and hide among his fellow Greens, while Dan Quayle is the Bush administrations deregulatory point man. Senator Gore clearly does not face the tough decisions as a candidate that Dan Quayle does as Vice-President.

Consider this summer's flap over the enforcement and interpretation of the toxic emissions portion of the 1990 Clean Air Act. It was interpreted as an attempt by Dan Quayle and the Council on Competitiveness to weaken a piece of environmental legislation which the Bush administration had strongly supported. The New York *Times* said that the regulatory interpretation, as written by the Competitiveness Council, would allow companies to "increase air pollution without prior notice."

This is correct, but as Gregg Easterbrook writes in *New Republic*, "only in the sense that the *Times* is free to publish without prior notice; legal penalties make it unlikely this will happen." In reality, then, it was only an administrative decision about minimizing regulatory transaction costs.

It is more useful to compare Governor Clinton's record in Arkansas, where, for example, the chicken industry is given special treatment, to that of the Bush administration. Both records show that the political pressures brought to bear upon elected politicians make it unlikely that the environment will constantly win out over the economy, especially in a recession. Should Senator Gore become Vice-President, he will face the reality of such environmental trade-offs.

Perhaps he will learn that the real key to solving environmental problems is to create incentive-based solutions which are insulated from political pressures and respond to changing information and values. Property rights and markets are the best approaches to environmental problems that we have found, providing reasonably satisfactory approaches to nearly all environmental problems. This is something that neither candidate understands. Instead, each promotes his own brand of environmental demagoguery: Gore raising the spectre of environmental apocalypse, Quayle the spectre of economic apocalypse. — *guest reflection by* Robert Ethier

Coming of age — However many votes the Libertarian Party presidential ticket receives on November 3, the 1992 campaign has already demonstrated the LP's growth and maturity as a genuine political force. Paid membership stands at an all-time high of 10,250, up more than 60% from 1988. More importantly, the 1992 campaign marks the first time that the LP has run a genuinely national campaign without exogenous financial support. In 1976, the campaign was funded extensively by the personal donations of Roger MacBride, its nominee. In 1980, the LP campaign was underwritten to the tune of more than a million dollars by its vice presidential nominee, David Koch. In 1988, the LP campaign was augmented by financial support from those who had supported Ron Paul's earlier career as a Republican member of Congress.

Only in its campaigns of 1972 and 1984 was the LP on its own. In 1972, the infant party's nominee was on the ballot of only two states. In 1984, the name of LP nominee David Bergland was on the ballots of only 38 states; his campaign was practically invisible.

This year, LP nominees Andre Marrou and Nancy Lord will appear on the ballots of all 50 states. What's more, the LP campaign has already begun a modest program of television advertising, with a rotation of ads on CNN Headline News that is scheduled to last until election day. It has als o run ads in Washington, D.C., and New York, and plans to roll out television campaigns in Chicago and Los Angeles, on the theory that by concentrating efforts in media centers, the campaign may come to the attention of the news media. The 1992 campaign has aleady eclipsed the 1988 campaign, which achieved ballot status in only 47 states and failed to run any television advertising at all.

This accomplishment is all the more impressive considering that Marrou and Lord have no personal following outside the LP, meaning that fund-raising has been limited pretty much to LP members. —CAA

Predicting the unpredictable — A year ago, I annoyed delegates at the Libertarian Party convention by predicting that the LP nominee — undetermined at that time — would likely receive only 200,000 votes. That was 800,000 votes fewer than the guess of anyone else I talked to. But I recognized that predicting the LP vote total is an exercise in predicting the unpredictable.

The most important influence on the vote total of third-party presidential candidates is the perceived closeness of the major candidates in the polls. When the race is perceived as close, many more voters are moved by the "don't-waste-your-vote" argument than when a race is perceived as a landslide. Right now, the polls show a big margin for Clinton, but a lot can change before election day. Clinton's margin has gyrated crazily, making it difficult to project how voters will perceive the race come election day.

The bizarre performance of H. Ross Perot, who has jumped into, out of, and back into the race, has done more than provide material for television comedians. He won't be elected president, but he may spend a lot of money on television advertising, and he will get a lot of protest votes.

Okay, enough caveats. How many votes will Marrou get on November 3? I suspect that an extraordinarily substantial number of voters will not make up their minds until election day. As a consequence, the vote totals of Perot and Marrou are impossible to predict with any kind of precision. My best-case scenario — a lot of voters tire of Perot's evasion, Bush's mendacity, Clinton's sleaze, and are attracted to the LP's vision of increased individual liberty, and overcome the temptation of the don't-waste-your-vote argument — is that Marrou will receive 800,000 votes. My worst-case scenario — the polls show a close race reducing the protest vote, which goes almost entirely to Perot, and the libertarian message doesn't get through — is that the LP standard-bearer will get only 100,000 votes. My prediction of 300,000 seems like the most reasonable guess to me. —CAA

Still Bushwacko— "He's jumping from one sinking ship to another." That's how friends of former libertarian guru Murray Rothbard describe his support for Pat Buchanan, until Buchanan got killed in the primaries, followed by his endorsement of H. Ross Perot, until Perot withdrew, followed by his endorsement of George Bush, only to watch Bush collapse in the polls.

The re-entry of Perot into the race raised the question: will the unpredictable jump back to former hero Perot or stick with new hero Bush? On October 4, Rothbard assured me that he remains loyal to the president. Of course, this left Rothbard with 30 days to change his mind again . . .

—CAA

Judgment Day

This time, do it despite fear and loathing — On November 3rd I plan to do something I've never done before in my life: I plan to vote Republican. (I once voted for a Democrat: Arthur Goldberg, for governor of New York, but just in outraged protest against Nelson Rockefeller.) Yes, I am supporting the reelection of the President. Am I unaware of the President's shabby record: the biggest Washington spender since LBJ, instigator of an unnecessary war in the Middle East, would-be shaper of a sinister "New World Order," and the "conservative" leader who has caved in on everything from job quotas to more new taxes? Obviously, I am as aware of this as I am of his contemptible lack of principle, his nearly proverbial spinelessness, his hypocrisy almost surreal in its blatancy. Then why support him? Three good reasons: the two Clintons and Albert Gore. A Clinton-Gore administration would mean (a) hundreds of left-liberal federal judges and a couple of Supreme Court Justices in place for the next generation (Hillary would have a big say in this); and (b) tens of thousands of jobs in Washington filled, not by mindless opportunists mouthing conservative clichés, but by *committed leftists* "consumer advocate" busybodies, "civil rights" agitators, radical feminists, and eco-freaks, these last led by the lunatic "environmentalist" Gore himself. Such an administration probably wouldn't survive more than one term. In the meantime though, the cause of liberty and private property would be set back at least a couple of decades. If this doesn't convince you, then think of this, and think very, very hard: do you really want to have to listen to Bill, Hillary, and Al Gore virtually every day for the next four years? Hold your nose — and support the President! —RR

Odds off — Most days I relish the idea of a big defeat for George Bush. His ignominious loss might not only drive him from public life — finally — it would likely expel his rotten, sleazy, tax-eating crowd from the Republican Party: James Baker, Charles Black, Rich Bond, Richard Darman, Nicholas Brady. Ecccchhhh! These guys are every Democrat's image of a Republican: complacent apologists for the status quo. They deserve a worse fate. But on other days I truly fear a Clinton victory. He is surely a scheming, ambitious, ruthless power-luster who has dreamed of being president since he was in knee-pants. His running mate is a true-believing environmental crackpot who, with a straight face, proposes to us a new "organizing principle" for civilization. One can imagine who will staff a Clinton administration. Heaven help us. Here is the best argument yet for a "none of the above" line on the ballot.

So what to do? Do what I do. Take comfort in the fact that there is not a damn thing you can do about the outcome of the election. You have about as much chance of influencing it as you have of reversing the course of the Mississippi. You'll sooner die in an auto accident en route to the polls than determine the winner. So stay at home and do something worthwhile.

Would I risk my life for one of those clowns? The question answers itself. —SLR

Making democracy safe for America — It's not a boast but neither is it a confession: I'm supporting Bill Clinton this year. I do so not because I discern in his person or policies outstanding qualities of statesmanlike leadership that will provide this country a new era of peace, prosperity, and liberty. There is much in what he has said and what he has done that makes me uneasy. To shower Bill Clinton with plaudits strikes me, frankly, as crazy. Still, the Arkansas governor has one noteworthy attribute that makes him the people's choice — at least this person's choice — for president in '92: he's not George Bush.

A realistic understanding of what one can and can't expect from American politics vintage 1992 yields, I believe, solid reasons for desiring a change of name on the mailbox in front of the house on 1600 Pennsylvania Avenue. The case for supporting Clinton is basically similar to and derives from that for supporting a democratic system of governance. Each is

deeply flawed, and yet each is demonstrably superior to all other alternatives genuinely open to us.

If a democracy rewards blatant and egregious betrayals of trust with another term in office, it fails to exercise the one check that voters have over their would-be masters. As a matter of policy, then, we should welcome and encourage electoral outcomes that bring about the involuntary retirement of the worst of the worst.

No president in this century is more deserving of that fate than George Bush. He has, to an unparalleled degree, made a career of cynical equivocation and backsliding. I hardly need remind anyone of the 1988 "No new taxes!" pledge. It is, though, worth noting that this wasn't merely one of the hundreds of campaign promises that are routinely forgotten the day after election. Who, after all, supposes that the paper on which party platforms are printed is worth the sacrifice of even one tree? But this was different. Bush deliberately employed a rhetoric that gave him no out that would not leave him appearing ridiculous and contemptible. By his own choice the no-tax pledge was made a defining test for his qualities as an officeholder and as a man. The American public duly responded. If it now buys his excuses and vapid apologies — "Congress made me do it!" — or his desperate and demagogic juxtaposition of his one [sic] tax increase versus the 128 [sic] of Bill Clinton, this would send a signal to all future political aspirants that the citizenry's stupor is so complete that its power to punish duplicity can, for all practical purposes, be disregarded.

Nor is the tax betrayal unique. I can't think of one issue George Bush has made his own on which he hasn't subsequently flip-flopped. He (dubiously) characterized Saddam Hussein as "worse than Hitler" yet ended the Iraq campaign with Saddam comfortably in control of his torture chambers; he piously declaimed against quotas and preferential treatment yet signed a so-called civil rights bill that featured exactly that; he has presided over an efflorescence of economic regulation that makes Jimmy Carter look like a libertarian by contrast. And during the current campaign he has excoriated "tax and spend" Democrats while desperately throwing money at every possible constituency in which he could hope to buy a vote: victims of Hurricane Andrew, wheat farmers, employees of companies manufacturing superfluous tanks and fighters. If someone had designed a test case of whether there were any limits to the hypocrisy that the American electorate will bear, he could not have engineered a better experiment than George Bush.

As bad as the Bush incumbency has been, the reelection campaign has been worse. No presidential aspirant has so openly appealed to bigotry and intolerance since the George Wallace effort of 1968. There is, of course, no clear sense attaching to the "family values" slogan trumpeted so incessantly from the podium in Houston and reverberating throughout the country. But although precision of discourse is more than one has any right to expect from this generation of Republicans, the not-so-hidden message is one of exclusion. It is not only Murphy Brown who is beyond the Republican pale; so too are religious unbelievers, homosexuals, pot smokers, admirers of Penthouse centerfolds, and all who believe it is not the job of government to be the moralistic nanny of its citizens. "God is on My Side" is a pitch better suited to an Iranian Ayatollah primary than an American election, but maybe these days the deity is more whimsical and easily distracted than usual. We should not be. If this sort of sanctimonious arrogance merits any reward, let it not be an earthly one.

I'm not a Clinton enthusiast. He is, though, undeniably brighter than Bush and has displayed the ability to formulate sentences that contain subject, verb, and object. He has even shown some pluck in supporting free trade with our North American neighbors against fervent AFL-CIO protectionists and has generally gone a good way toward avoiding knee-jerk obeisance to the constituencies in front of which Mondale and Dukakis spasmodically genuflected. Clinton has eschewed gay-bashing and jingoistic flag-waving. His taste in good-time girls is, admittedly, well below Kennedy's standards, and he has ducked the opportunity to say the real reason why he avoided the draft is because he thought it moronic to risk life and limb in Vietnam. Still, he is, to put it simply, the best we can hope to get as a nominee of the Democratic party. Its self-reform, albeit modest, should be encouraged.

Conversely, the Republican capitulation to Know-Nothing, xenophobic bible-thumpers should be punished. This is a party whose standard bearers have entirely run out of ideas — assuming they ever had any in the first place. By handing it a four-year sojourn in the wilderness we afford it an impetus for embracing new ideas and a new leadership. This election, then, should be viewed as a medium-term investment in political possibilities. I look forward to George Bush's early retirement and, in 1996, to writing for this journal a semi-enthusiastic "Why I support Weld" piece. —LEL

Go for Perot — As *Liberty*'s political correspondent, I was conscripted to write an endorsement of Ross Perot, when none of *Liberty*'s editors volunteered to do the nasty job.

I can think of three reasons to vote for Perot:

- If Perot gets enough votes, it might frighten the major parties to take some action to reduce the federal deficit.
- If Perot gets enough votes, it might bring about a healthy re-alignment of the major political parties.
- A vote for Perot discredits both major political parties.

Of course, these reasons also apply to voting for Libertarian Party candidate Andre Marrou, who favors the Bill of Rights, unlike Perot. And wants to eliminate the budget deficit *while cutting taxes*, unlike Perot's plan to raise taxes.

But if you don't much care for the Bill of Rights and figure higher taxes are better than lower taxes, H. Ross Perot is the man for you! —CAA

Marrou for liberty — The best argument for Bill Clinton is that he's not George Bush. The best argument for George Bush is that he's not Bill Clinton. The best argument for Ross Perot is that he's not Bill Clinton *and* he's not George Bush. The only reason that no one argues for Clinton or Bush on grounds that they are not Ross Perot is that Perot has no perceptible chance of winning.

The problem with voting for Clinton, Bush, or Perot is that none of them has any idea of how to solve the problems the nation faces. Whoever is elected will be a bad president. He will hurt people.

When I told an old friend that I was supporting Andre

Un-common policy sense.

What Has Government Done to Our Health Care? by Terree P. Wasley. The crisis in health care is the result of a long history of government meddling in the medical marketplace. In a variety of ways the state has limited the supply of and overstimulated demand for medical services. Wasley's prescription for reversing the ills of the system is to give consumers the power to control their own health care spending. 1992/160 pp./$19.95 cloth/$10.95 paper

A Search for Enemies: America's Alliances after the Cold War by Ted Galen Carpenter. The passing of the Cold War is the most important development of the late 20th century. Yet Washington clings tenaciously to a host of obsolete, expensive military alliances, including NATO, that have the potential to embroil the United States in conflicts unrelated to its vital interests. Carpenter proposes withdrawal from those entangling alliances and a policy of nonintervention. 1992/212 pp./$22.95 cloth/$12.95 paper

Liberating Schools: Education in the Inner City edited by David Boaz. America's most innovative education analysts take a good look at American schools—especially those in the inner city—and offer proposals for major structural reform. The book, which includes the editor's thorough critique of the public school system, presents a compelling case for choice in education. 1991/220 pp./$25.95 cloth/$13.95 paper

Quagmire: America in the Middle East by Leon T. Hadar. The author challenges the Washington foreign policy consensus, which demands that the United States remain the dominant power in the Middle East. After examining American policy through the Persian Gulf War and arguing that the United States cannot impose order in the region, Hadar concludes that it is time for America to disengage from the Middle East and adopt a policy of benign neglect. 1992/240 pp./$23.95 cloth/$13.95 paper

Patient Power: Solving America's Health Care Crisis by John C. Goodman and Gerald L. Musgrave. The price of health care and insurance is skyrocketing because few people spend their own money on medical services. The authors' innovative solution is to restore power and responsibility to consumers by allowing them to buy their own tax-free medical insurance and to set up tax-free medical savings accounts. The result would be a consumer-directed system of competition and innovation. 1992/550 pp./$29.95 cloth/$19.95 paper

Sound and Fury: The Science and Politics of Global Warming by Patrick J. Michaels. The author, an environmental scientist, writes that despite the current hype and science-by-press-release, the greenhouse effect poses no serious threat to the world we know. The most disturbing finding of his study, however, is the willingness of some to distort science to expand the government's control over our lives. 1992/208 pp./$21.95 cloth/$11.95 paper

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Marrou, he argued for Bush, explaining, "I cannot think of a better man who could be elected to the job."

"If you were an inmate at Auschwitz," I asked, "would you argue that Eichman ought to be retained because you couldn't think of a better man who could be selected for the job of commandant?"

"Don't quote me by name in your article," he responded.

I won't. But the story illustrates an important point. The best electable candidate may not be any good, and it may not be a good idea for us to participate at all. The "don't vote" argument makes even more sense when one considers that the vote an individual casts makes virtually no difference in determining the winner of the presidential election.

But seductive as that logic may be, on election day I will vote. Voting in a presidential election offers us an especially effective opportunity to state an opinion. Refusing to vote is not an effective means of protest. Study after study shows that virtually all non-voters are motivated by indifference to the outcome, not by any desire to protest the status quo, so nobody will interpret your not voting as a protest.

If you believe that individual freedom ought to be maximized and the power of government minimized, by voting for the candidate of the Libertarian Party and its nominee Andre Marrou you can make a powerful public profession of your beliefs.

The LP platform and its candidate, whatever their shortcomings, are proud and unambiguous advocates of human liberty. The Democrats, Republican and Perotists are not. Marrou's shortcomings as a candidate are manifest. But they are also irrelevant on November 3.

The choice is clear.

Vote for Bush and more of his wussy, semi-conservative administration, in which the power of government (as indicated by taxation) rises 15% each year, and civil liberties are trampled.

Vote for Clinton and his wussy, semi-leftist policies in which the power of government (as indicated by taxation) will likely rise 20% each year, and different civil liberties will be trampled.

Vote for Perot to protest Clinton and Bush and support Perot's "pragmatic" program that includes higher taxes, more gun controls, and suspension of Constitutional rights.

Stay at home election day and give tacit consent to the status quo.

Or vote for Andre Marrou and make an unambiguous statement of your support for human liberty and an unambiguous protest against the growth of government. —RWB

Medianotes

Bad Mommie — The cover of the October 4 *New Republic* blares "Why Barbara Bush Was a Bad Mother." Inside the magazine, Marjorie Perloff, a prominent academic and political busybody, cites as evidence her recollections of Mrs Bush (whom Ms Perloff "knew only slightly") from the time 14 years ago when her daughter Carey was a friend of Barbara Bush's daughter Dordie, her fourth-grade classmate at a private school. "Dordie . . . seemed to be largely on her own, a classic poor little rich girl . . . Sometimes when she came over to play with Carey, I would help her with her homework . . . as Carey remembers it, Dordie's mother never spent a moment with the girls when they were playing at her house, never inquired about homework, and Carey never sat down at a family dinner. . . . Mrs Bush, Carey recalls, preferred to shut herself up in her third-floor sewing room doing needlepoint. . . . once Carey was invited on a Sunday afternoon to go sailing on the Chesapeake with Dordie's father. On that particular Sunday, as Carey reported when she got home, Barbara Bush, evidently not a keen sailor, stayed home."

Wow! What a scoop! A friend of the Bushes' daughter from 14 years ago never ate dinner with the full family! Mrs Bush didn't go sailing with her daughter, but spent time by herself doing needlepoint! Time to call the child welfare office.

Whether Barbara Bush was a good mother, I do not know, the pleading of this slight acquaintance from more than a decade ago to the contrary. Nor do I care.

Nor do I know why *The New Republic* would descend to the level of *The National Inquirer*. But I do care. When the nation's leading political magazine abandons its standards, there must be an explanation. Do *TNR*'s editors hate George Bush so intensely that they have lost their senses? Or is this merely a crass attempt to goose newsstand sales? —RWB

Radio ga-ga — This summer, I spent some time in northeastern Connecticut, a surprisingly remote area where one can go a long, long way to find a restaurant, hotel, or movie theater. I discovered how hard it is to drive a car when you can't find a radio station to redeem your empty moments.

I did find a couple of top-forty stations. At certain hours of the day, an all-news channel from New York could also be heard fairly distinctly. But I soon ran out of curiosity about the rhyme schemes of rap songs, borough politics, and traffic conditions under the East River. I began to suffer acutely. I couldn't raise a country music station. Searching for some gospel music, I found only an apocalyptic hum at the spot on the dial where the religious broadcaster was supposed to be. "Talk radio" was unavailable, even if I had wanted it.

What *was* available, and that in abundance, was government radio. No fewer than six PBS stations loudly beamed the

Why isn't everybody a libertarian?

Why aren't people breaking down doors to join the Libertarian Movement?

When you explain libertarian ideas, why aren't people dropping to their knees and protesting, "All my life, with open arms, I've waited for you and your message. How do I join? When's the next meeting? Is there a limit to how much money I can give?"

Is Something Wrong With Your Libertarian Ideas?

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Re-examine the political and economic ideas of Rand and Von Mises, Friedman and Rothbard, Hazlitt and Hayek, Bastiat and Heinlein, Jefferson and Paine.

Browse through the catalogues of Laissez Faire Books, Freedom's Forum and Liberty Tree.

Scan the policy reports of the Cato Institute, Heartland Institute and Reason Foundation.

Leaf through *Reason, LP News, Freedom Network News,* and *The Pragmatist.*

Or this issue of *Liberty.*

Need more proof? Compare your libertarian ideas to the statist ideas you read in the newspapers and magazines. To those you see on television. Liberal and conservative, socialist and fascist, totalitarian and populist.

Not even close, is it? Liberty wins hands down.

"You Libertarians have a 24 carat gold idea—freedom—and you can't even give it away. Ever ask yourself why?"
Congressman Sam Steiger, 1976

In 1976, I was the Arizona Libertarian Party's candidate for the congressional seat held by Morris Udall.

I lectured people who weren't interested. I debated when I should have discussed. I talked when I should have listened. I talked down to everyone.

If there was an offensive, shocking way of presenting a libertarian position—I used it.

Every so often, people would try to agree, but I didn't notice. I couldn't take 'Yes' for an answer.

My campaign taught me how to lose friends and alienate people.

Finally, it sunk in. My problem wasn't other people. It was the man in the mirror. Me.

Do You Lose Friends And Alienate People?

Some libertarians have a more–rational–than–thou attitude. Or smarter–than–thou. Or more–principled–than–thou. Or more–ethical–than–thou.

Are your 'discussions' really lectures? Do you try to convince by beating the other person into submission? Do you behave like a tormentor, not a mentor?

And when you fail to persuade, do you blame the listener? The other person isn't rational enough, or intelligent enough, or good enough? It's always their fault?

That is the road to permanent failure.

Failure is feedback. It's telling you to do something different.

The people you don't convince are showing you what does not work. Are you paying attention?

The marketplace of ideas works just like the free market. Consumer response is a teacher. Are you learning?

The Art Of Political Persuasion.

I felt stupid and embarrassed by my campaign in 1976. But I was determined to salvage something from my experience. I wanted to learn the art of political persuasion.

I began to read. It's now over 1,000 books on psychology, epistemology, semantics, salesmanship, cybernetics, self-help, hypnosis, communication and creativity.

I interviewed specialists in communications and persuasion. I asked questions and took notes.

I applied the scientific method to everything I learned. I tested every approach, technique and format. I observed and listened.

I began to write up my results. *How To Get Converts Left & Right* and *The Late, Great Libertarian Macho Flash* were published by *Reason.*

I followed these with more articles: *The Militant Mentality, The Myth Of Mushrooms In The Night, Leveraging Liberty With Language* and *Intellectual Judo.*

The libertarian audience wanted more, so I launched a seminar. *The Art Of Political Persuasion Marathon Weekend Workshop* has been offered all over the United States and Canada.

Then, I tested my teachings in the field. I was the organizer and fund-raiser for the 1988 *Marrou VP Campaign, Project 51–'92* ballot effort and the 1992 *Marrou For President Campaign.* Between Fall 1987 and Fall 1991 I raised more than $500,000 for these projects. $519,344 to be exact (source: FEC).

Now, after 12 years of study, testing and results, I have produced a three hour audio tape learning program: *The Essence of Political Persuasion.*

What You'll Learn In Only Three Hours.

- How to influence with integrity.
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- From confrontation to conversation.
- The power of metaphors, parables and teaching tales.
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Andre Marrou, 1992 Libertarian Party presidential nominee.

"I've personally listened to Michael Emerling's political persuasion tapes several times. This program is great. It's a necessity, not a luxury, for all libertarians."
Jim Lewis, 1984 Libertarian Party VP nominee and 1992 *Marrou For President* Campaign Manager.

"Michael Emerling's political persuasion tapes are superb. I have listened to them many times. I continue to be impressed by the power and sophistication of his techniques."
Vince Miller, President of International Society For Individual Liberty (I.S.I.L.).

"I have a set of these political persuasion tapes. I had to learn it before I could teach it. Thank you very much, Michael Emerling."
Marshall Fritz, founder of Advocates For Self-Government

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same news and samer opinions into my quivering receiver. It was reassuring to know that even in a sparsely populated agricultural community, the government was able to oversupply what the population didn't care to supply for itself. I felt better when I left. —SC

Caught in the Crossfire — The tables have turned on *Crossfire,* CNN's combative evening talk show. Since the program premiered a decade ago, leftists have complained — accurately — that the show's format, in which one host comes "from the left" and the other "from the right," was skewed toward the conservative wing of the spectrum. Right-wingers were represented by Pat Buchanan and, later, Robert Novak — both strong, ideologically committed conservative spokesmen. But the left's banner was held by milquetoast liberals: first Tom Braden, a dull centrist whose "progressive" credentials include articles with titles like "Why I'm Glad the CIA Is Immoral," then *The New Republic* columnist Michael Kinsley, a neoliberal whose opinions differ greatly from the bulk of the left's. Only occasionally was a bona fide *leftist* allowed to say "from the left" at the end of the show, as when columnist Julianne Malvaux sat in for a vacationing Kinsley.

Sununu is basically a center-right Republican party hack. When Bush was accused of selling out conservatism, Sununu chose party loyalty over ideology and refused to criticize the President — mostly because, like his former boss, he doesn't have much ideology to speak of.

Plus, not only are Braden and Kinsley less ideologically committed than their conservative counterparts, but they had less on-air presence as well. Braden had none of the pit-bull intensity that works best on the show, and Kinsley, though a brilliant and witty writer, has only recently become at all telegenic. Buchanan and Novak, by contrast, were naturals in front of the camera.

But times have changed. Kinsley, though still heterodox ideologically, has gained on-camera confidence. And Buchanan has left the program, to be replaced by former White House Chief of Staff John Sununu. Suddenly, it is the conservative side that is poorly represented.

For while Buchanan, Novak, and the various substitute hosts of the right were ideologically solid conservatives, Sununu is basically a center-right Republican party hack. In recent episodes, while Kinsley tore into Bush reelection officials for various bits and pieces of campaign sleaze, Sununu found himself weakly ascribing all of Bush's problems to "the Democratic congress." Thus, for example, when guest Paul Weyrich accused Bush of selling out conservatism, Sununu chose party loyalty over ideology and refused to criticize the president — mostly because, like his former boss, he doesn't have much ideology to speak of. Since he doesn't have much that is intelligent or original to say either, his performance soon becomes pretty pathetic.

The ideal *Crossfire* would either stop pretending to reflect a liberal/conservative division that no longer describes the spectrum of political thought or hire sharp, radical hosts from each side of what remains of the left/right divide (say, Alexander Cockburn and Samuel Francis). But if they want to make just one small positive change, they should dump Sununu. Let him play with his stamps instead. — JW

Murphy Brown, Ph.D. — The politico-cultural war over "family values" has turned television into an ugly wasteland of pointless news reports and bogus "weighty" commentary from TV sitcoms. But wait! There is hope: sociology and the Washington *Post* to the rescue!

According to a front-page story in the September 21 issue, conventional "family values" (Ma and Pa together, raising the kiddies) doesn't necessarily grant you the blessings that the Fifth Commandment and Republican politicians advertise. It seems that certain research in our Queen of the Social Sciences, Sociology, shows *no difference* between the performance on standard mathematical tests of youths who have fathers and those who don't, when comparisons were made only between those with mothers of similar background.

Of the sample group, 1700 strong, the white females also showed no "statistically significant" differences in behavior. (The said behavior was measured, however, not through scientific observation, but by interpreting the evaluations of the mothers themselves, as recorded on questionaires.) For black girls, Daddy's presence seemed to make them *even more* of a discipline problem. Black males blessed with fathers are unfortunately *more prone* to hyperactvity, anxiety and depression. Whither white boys? Their results go unreported in the *Post*'s longish story (four half-page columns).

This story abounds with insights from the cutting-edge of science. These scientists, brave men and true, have discovered that "households with intact first marriages . . . had a significantly higher family income than the alternatives . . ." so maybe it's not "family values" after all — it's just filthy lucre that makes all the difference.

As if the father working to support his family wasn't part of family values.

As if years of equally convincing "sociological research" hadn't come to opposite conclusions.

As if people were variables in an equation.

As if the discipline of sociology ever gave us any useful knowledge that an observant member of human culture who may read a good work of fiction every once in a while doesn't already know.

As if any sane, thoughtful human being should pay these frauds a bit of attention.

That the *Post* ran this ridiculous story is no surprise. There is a war on. Libertarians might do well to think about what personal choices are most conducive to the survival and maintenance of a free and voluntary culture that will be of value to a person of humane sentiments. Liberals might do well to look at the sad facts about the economic viability — if no other viability matters — of the typical fatherless household in America. And conservatives might do well to stop idolizing a past that probably never existed, and question whether making value questions a part of public policy isn't what got us into our welfare-state mess in the first place. —BD

Explanation

Europe's Money Mess: We've Heard It All Before

by Leland B. Yeager

On the mark, off the markka, into the dark dark dark — captains, merchant bankers, eminent men of letters . . . *everybody* uses money. But despite all the talk talk talk, no one seems to understand it.

In mid-September, Europe's monetary crisis captured headlines around the world. The story was endlessly told and retold in newspapers and on television, with dramatic photos of wild currency trading, interviews with everyone from heads of state to persons in the street, and pontifical explanations from talking heads. But the attention never seemed to stray from the minutiae, the ephemeral, the insignificant: the floating of the Finnish markka, the bizarre increase in the Swedish interest rate from 16% to 24% to 75% to 500%, the floating (and sinking) of the Italian lira. A larger perspective was never presented.

To the newscasters, the "dramatic events" seemed surprising, even unpredictable. Yet we've seen it all before. The events of the past month are no more surprising than the change of seasons. When governments try to fix the exchange rates of their paper currencies, a crisis of the sort we have just witnessed is inevitable.

How It Happened

In the spring of 1991, Finland and Sweden, without formally joining the European Community's Exchange Rate Mechanism, unilaterally pegged their currencies to the ECU (the European Currency Unit, defined as a basket of the currencies of the twelve member countries). They took this action to prepare for the new economic environment emerging as Europe neared union and to gain the benefits hoped from stable exchange rates. Stability was short lived. In November, under bearish pressure, Finland devalued the markka by 12.3 percent against the ECU. The crisis triggered speculation against the Swedish krona, which abated only after the Swedish Riksbank showed impressive firmness.

On September 8, Finland decided to let the markka float against other currencies. It promptly sank, falling 16% against the German mark. Smelling the possibility of a repeat of Sweden's devaluations of 1981 and 1982, traders sold their positions in the Swedish currency. Again the Swedish Riksbank tightened policy, raising its overnight interest rate to 24 percent, then 75 percent, and on September 16th briefly to 500 percent.

Meanwhile, the Italian lira was under pressure, thanks partly to Italy's huge public debt. The German Bundesbank had spent DM24 billion during the week buying lire, and the Bank of Italy had raised interest rates several times in hopes of stopping the lira's decline. On Sunday, September 13, Italy threw in the towel and devalued the lira by 7%.

On Monday, September 14, the German Bundesbank apparently heeding worldwide complaints, cut two key interest rates by a fraction of a percentage point. The Bundesbank had been maintaining high rates to stave off inflation feared from the monetary expansion that financed German reunification. The U.S. dollar rose 2.4 percent against the mark from Friday's rate. World stock markets reacted with euphoria, with stocks rising 2.1% in the U.S., 2.2% in Britain, 4.0% in France, and 4.4% in Germany.

The euphoria proved short-lived as the German interest cuts were recognized as hardly more than trifling gestures. The Italian lira, whose devaluation was now seen as too little and too late, came under another frenzied bear attack.

On Wednesday, September 16, the London stock market plummeted as the pound weakened to and below its floor rate in the Exchange Rate Mechanism. The Bank of England raised its minimum lending rate from

10% to 12%. When this failed to strengthen the pound, the Bank announced another increase to 15%. But before this rate increase could be put into effect, the speculation against the pound triumphed: Britain abandoned its defense, floating the pound by suspending its participation in the ERM. The Bank of England rescinded the second increase in its interest rate. The government announced an urgent meeting in Brussels later that same evening on how to restore stability to the foreign-exchange markets and recalled Parliament from its summer recess. In late New York trading that same day, Wednesday, the pound dropped a remarkable 4.3 percent from Tuesday's rate.

In explaining why a house of cards collapses, it is diversionary to discuss someone's cough, the rumble of a train or airplane, or a puff of air through an open window.

On Thursday, September 17, Italy joined Britain in letting its currency float temporarily free of the ERM, while Spain devalued the peseta by 5 percent within the mechanism. The Bank of England returned its minimum lending rate to its pre-crisis level of 10 percent. Conjectures were rife that the Swedish Riksbank would have to abandon its defense of the krona and let it float after all. The next day, Prime Minister Major said that Britain was in no hurry to rejoin the ERM. The pound fell to a new low against the German mark, and the French franc, Irish pound, and Danish krone came under renewed bear attack.

Why It Happened

Here is where I say, "We've heard it all before." The story of minor events and rumors apparently triggering major repercussions is old hat. I recall the old days when, as an economist specializing in such matters, I was called on to explain headline-grabbing currency crises. Now, as then, although chain reactions of troubles may be morbidly fascinating, the details are fundamentally unimportant. In explaining why a house of cards collapses, it is diversionary to discuss someone's cough, the rumble of a train or airplane, or a puff of air through an open window. Yet as Jacques Ellul observes in *The Political Illusion*, the public has an appetite for the latest news, dramatically portrayed; and this appetite crowds out attention to fundamentals.

The European Monetary System, with its Exchange Rate Mechanism, replaced predecessor arrangements (the so-called "snake") early in 1979. The EMS with ERM is essentially a European miniature of the worldwide Bretton Woods system.

At the end of World War II, the Bretton Woods agreement introduced a system of fixed but occasionally adjustable exchange rates among independently managed national currencies. The system suffered recurrent episodes of one-way-option speculation as speculators seized heads-I-win-tails-I-break-even opportunities. When a pegged exchange rate is seen as no longer correct, the direction of any adjustment is evident; so speculators betting on that change reap big gains if it does occur and suffer only small losses if it is somehow avoided. The crises of 1947, 1949, 1956, 1957, 1961, 1964, 1967, 1968, 1969, and 1971 illustrate this point. For morbid fascination, one might well review the events of January to March 1973 in the final stage of the system's long-drawn-out collapse. (A similar chain reaction had already occurred in 1931, during the collapse of the international gold standard, which had been restored after World War I in a modified form foreshadowing Bretton Woods in crucial features.)

Crises of this sort had already occurred within the European Monetary System before the events of September 1992, some culminating in official exchange-rate readjustments. But crises had been less conspicuous in the EMS than under the Bretton Woods system for two reasons. First, the EMS is a local rather than worldwide system. Second, EMS members have been less insistent on national monetary independence and more willing to accept the anti-inflationary lead of the German Bundesbank.

In essence, the ERM is a scaled-down version of Bretton Woods. As it exists so far, it is an incoherent straddle between two extremes, either of which *would* be workable. First, exchange rates might float freely among independent national currencies. Second, exchange rates might be permanently fixed — but it is hard to see how permanence would be credible unless exchange rates themselves were abolished, that is, unless a single currency replaced the formerly separate ones. Unmysteriously, an incoherent straddle is crisis-prone.

Policymakers and the public give too much attention, I think, to the subordinate issue of exchange-rate arrangements and too little attention to what exchange rates *are*, namely, relative prices between distinct national currencies. What sorts of things are these currencies? Since the gold standard collapsed over the period 1929–1936 and especially since all pretense that currencies have a meaningful gold basis was abandoned in 1971, each currency is a mere fiat unit of undefined value. The purchasing power of the dollar depends on interaction between demand for money denominated in dollars and the supply of dollars. The supply of dollars is ultimately subject to active or passive control by the Federal Reserve, unrestrained by any clearcut rules or guidelines.

How long will national governments continue to get away with running up debts repayable in nothing more definite than pieces of paper of undefined value printed by themselves? That this absurdity has gone generally unrecognized for so long must trace to some deep-seated money illusion.

It is absurd for currencies to remain undefined in value and that their val-

continued on page 26

Objection

Drafting School Kids

by Loren E. Lomasky

A moronic idea, loved both Left and Right, will be tried out in Maryland.

Too many students leave the public schools unable to spell, do long division, or locate Europe on a world map. The inferior quality of its educational product is, then, one reason to be leery of a state education monopoly. But that's not the only worrisome aspect of public education. Monopoly confers power, and that power is magnified when consumption of the good in question is compulsory. Imposition of controversial curricular decisions is one way in which the state has imposed its preferred conception of education on reluctant parents and children. And now we observe an increasing tendency to employ this power outside the classroom.

Maryland recently became the first state to require all students to perform community service as a price of being allowed to graduate. As of the 1993/4 school year, all incoming ninth grade students will be required to complete 75 hours of service as defined by local school officials and approved by the superintendent of education. South Carolina and the District of Columbia seem set to follow, and the cities of Atlanta, Detroit, and Springfield, Massachusetts already have similar requirements on the books. Apparently it's an idea whose time has come — but how good an idea is it?

Some critics of mandatory community service (MCS) charge that its guiding idea is incoherent. The professed aim of MCS, they note, is to encourage a charitable reaching out to others in distress, to instill in students a spirit of civic volunteerism. But to require voluntary service is blatantly contradictory.

This objection is on the right track but, as stated, misfires. As Aristotle pointed out in the *Nicomachean Ethics*, individuals become virtuous (or vicious) through being habituated to perform virtuous (vicious) actions. Children initially are directed by externally imposed threats and rewards, and so what they display is only the outward appearance of bravery, temperance, liberality, etc. However, if the training "takes" they will increasingly internalize the desire to act in such ways. What was officially compelled becomes an aspect of their own character. Every parent knows what it's like to push a reluctant child into worthwhile activity — practicing the piano, visiting crusty old Aunt Sally, turning off *Beverly Hills 90210* to do homework — in the hope that eventually the child won't need the push. A case for MCS can, therefore, be made as an application of Aristotelian moral education, the aim of which is to render students more charitable than they otherwise would be.

But while there's nothing contradictory about teaching the worth of volunteering via voluntary means, a state-imposed MCS requirement is defective in theory and practice. The impersonal and unwieldy school bureaucracy can log the requisite service time, but it isn't able to provide the careful monitoring and reinforcement that parents and other suitable moral educators afford. A desultory hour of service will count for the same sixty minutes as one offered enthusiastically; wasted efforts will chalk up the same credit as those in which someone may have actually been helped. The lesson that most students will learn is how to get by on the cheap.

An additional and deeper problem is posed by the need to determine what will and will not be allowed to count as fulfillment of MCS. As creations of the state, public schools are required to display neutrality toward the diverse conceptions of the good held by the citizenry. Unlike private parties,

they are not at liberty to adopt partisan positions on disputed issues of religion, politics, or morals. In practice, of course, neutrality is often strained. MCS will stretch it past the breaking point. Suppose that Johnny wants to put in his 75 hours working on the Libertarian Party ballot-access drive, Fred his distributing Jehovah's Witness tracts to people whose eternal souls are in jeopardy, and Jill her time standing in front of the Planned Parenthood clinic handing out glossy color photos of dismembered fetuses — will they be allowed to do so? If not, the school system is exercising an illegitimate veto over a value commitment that the student has every right to maintain. But if no qualitative requirements are imposed, then MCS becomes the near-vacuous requirement that students choose something to do for which they don't receive a paycheck. (But isn't that to impose the controversial value claim that there's something especially meritorious about laboring without financial compensation?)

The only lesson that most students will learn from mandatory community service is how to get by on the cheap.

The point is that judgments of what constitutes service of the good and what constitutes hindrance of it are necessarily made from some peculiar point of view. Parents, churches, and voluntary associations are entitled to make such judgments, no matter how idiosyncratic, and to act on their behalf. That is why they can be forces for moral education (and miseducation): through advocacy and example they pick out certain ways of life as worth pursuing and others as to be shunned. Character is formed in children as they progressively come to take on or reject such perspectives. But in a liberal order the state is expressly barred from such advocacy. The dilemma, then, is this: MCS guidelines that sharply distinguish permitted from impermissible activity necessarily are illiberal, but toothless guidelines leave the concept of service an empty shell.

Teaching the 3 R's is something that the public schools can do, even if too often they botch the job. Let them spend an extra 75 hours on that task rather than take on another that they are congenitally incapable of fulfilling. ❑

Leland Yeager, "Europe's Money Mess," *continued from page 24*

ues should precariously depend on the changeable policies of central banks, which are constantly badgered with short-run-oriented advice from home and abroad, including advice from the likes of Treasury Secretary Brady.

Nowadays we hear on all sides that inflation is no longer the problem and that policy should turn towards "stimulating" economies. The several consequences of monetary policy stretch out over many years, and with lags of different lengths. Ignoring inflationary concerns today will make inflation heat up again in the future, causing a tightening of policy and the consequent relapse into recession.

When will the kibitzers, and the policymakers themselves, take the demonstrated perversity of stop-and-go policy to heart? When, also, will they and journalists and the general public cease parading their ignorance of what interest rates are all about? Although subject to distortion by central bank policy, interest rates are determined fundamentally by "real" factors. They are prices with allocational functions. They are not just numbers arbitrarily set by central banks — at low levels when the central bankers are feeling benevolent, at high levels when they are in a stern mood.

How long will national governments continue to get away with running up debts repayable in nothing more definite than pieces of paper of undefined value printed by themselves? That this absurdity has gone generally unrecognized for so long must trace to some deep-seated money illusion, as Irving Fisher called it — the illusion that the dollar is a stable measure of value, or, if its value is not exactly *stable*, that its value is objectively given by the supply conditions of goods and services.

More than fiddling with exchange-rate arrangements, we need attention to the character of currencies themselves. Although defining currencies in gold (or silver) was at one time probably the best solution, better solutions are now available. Ways can be found to give the dollar nearly a fixed purchasing power over a wide range of goods and services. Currencies might be sheltered from governmental mismanagement through privatization.

It is on these issues that attention should focus. It would be a shame to foreclose fundamental reform by premature embrace of pseudo-internationalism in the realm of exchange rates and money — which is just what both European and American politicians seem intent on doing. ❑

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Memoir

The First Time: I Run for President

by John Hospers

In revolutionary Nicaragua, the slogan for voting was "the first time, do it for love." In running for President of the U.S. two decades ago, philosopher John Hospers had more complicated reasons.

It was just twenty years ago that the first national Libertarian Party convention met in Denver, Colorado. Dave Nolan, who had founded the Colorado party a few months before, sent invitations for a national convention to be held the third week in June 1972, to all persons who had expressed interest in libertarian ideas. A few other states, including California, had taken the lead from Dave and founded their own state parties.

Almost a hundred people responded to the invitation. We met at the Radisson Hotel in Denver. Most of us had never met one another. Many were disappointed supporters of Goldwater's candidacy in 1964; a few had come via free-market economics and the works of Mises, Rothbard, and Hazlitt. A larger number were followers of Ayn Rand and had attended the Nathaniel Branden Institute lectures. Almost all had been strongly influenced by *Atlas Shrugged.*

It was a friendly group, and an idealistic one, bound together by a common purpose: to promote the ideas of freedom and to halt the slide towards big government. Many of us felt that we were present at the beginning of something of great importance, certainly for us, and possibly for the future of our country.

At Bill Susel's urging I decided to attend the convention, so that I might help to work out a satisfactory platform for the new party. For two of the three days of the convention, we argued every plank in the platform in detail with frankness and enthusiasm. Pip Boyles, Dave Nolan's associate from Colorado Springs, had already written the outline — more than the outline — of a good platform, and it is from his script that we worked. And work we did, far into the night, while another group worked on rules and procedures. The things we agreed on were passed quickly, but hours were often spent on details, such as whether their should be any limits on abortion after the first three months of pregnancy. Everyone agreed about involuntary selective service, but there was quite a bit of disagreement about certain aspects of international relations, such as under what conditions a nation was justified in going to war. But step by step, we worked out a platform we could support.

The next step, suggested by Dave Nolan, was to prepare a written statement of principles for the new party. A number of delegates submitted their own proposals and read them aloud to the assembled group. Some of them were ten or twelve pages long, and took half an hour to read. Some of them were lengthy Randian attacks on mysticism; others detailed the evils of collectivism and of government itself. We sat through hours of this, with mounting impatience. There was a party scheduled to begin at midnight, but we worked on. By 2 a.m., most people there were three sheets to the wind. It was in this condition that I felt a tap on my shoulder and heard Dave Nolan saying to me, as in a fog, that he would like me to attempt writing a statement of principles, immediately, to be read to the delegates in the morning.

I don't know of anything that could have sobered me up faster. The first moment I felt an immense burden; then, a few moments later as the germ of an idea occurred to me, I saw it as an opportunity. I went to my room with a yellow ruled pad and tried to compose a few thoughts. I decided to make it brief, and as clear as possible. There would be no reference to Objectivism or any of the particular underpinnings of libertarian ideas — I was aware that different delegates had come to this meeting with different convictions about philosophical bases, and that what unified us all was a political philosophy, not metaphysics. As a few phrases began to come to me through the fog, I found myself consciously emulating the language of the

Declaration of Independence, including its styles and rhythms. I asked myself which points were absolutely the most fundamental, and resolved to restrict myself to these — the centrality of freedom, the fundamental rights of man, and the consequences for humankind of accepting and acting on these principles.

Along with several others, I presented a tentative statement of principles to the assembly the next morning. Several changes were suggested; Tonie Nathan added a sentence on property, which I thought appropriate, and it was inserted.

Retreating to the typewriter in an adjoining room, I typed the piece in its final form, and presented it at once to the assembly. To my surprise, it was accepted unanimously. Reflecting on this later, I could think of no other occasion on which an assembly of libertarians approved anything unanimously, and I was more than ever grateful for their trust and good-will.

Many of us felt that we were present at the beginning of something of great importance, certainly for us, and possibly for the future of our country.

There was one remaining task for the convention, selecting a presidential candidate. Not everyone was sold on this project, but the majority at the convention thought it would be the best way to become known nation-wide in a short time. If libertarians were ever to become recognized by the general public, it would be desirable for them to be represented in the political arena — even though some of the delegates had very understandable reservations about being in that arena.

I am not sure why in the end I was nominated as the presidential candidate. I had not been as active in libertarian circles as some others. I would have been delighted if Ed Clark or Ed Crane, both of whom were at the convention, had received the nomination. I assume that what the party wanted in this initial state was "intellectual respectability"; I was a professor of philosophy at USC and I had written the book *Libertarianism*, which some of the delegates had with them at the convention, and which was even quoted on several occasions to bolster one or another position that was being discussed.

I was also delighted that the convention nominated Tonie Nathan for vice president. I had met her at the convention and had come to like her very much for her uniformly sensible suggestions.

I was grateful for their confidence, if that is what it was, but of a divided mind about the sudden candidacy. All my life I had been in the Ivory Tower. It was not that I felt unable to talk with people on all levels — I never really outgrew my humble roots in Iowa — but I had never so much as dreamed of entering political life, and I dreaded the unknown even while it presented a challenge of a kind I had never before faced. I was not at all sure that I could live up to this challenge, and was afraid that I might let down all those delegates who were so full of hope for the future of the new party. It was a humbling thought, which occupied my mind as I flew back to Los Angeles.

The plane was three hours late and did not arrive in Los Angeles till 3 a.m. Word about the convention had preceded me, and in spite of the late hour, more than fifty people were at the airport cheering me as I got off the plane. All this was so totally unexpected that I scarcely knew how to react. I was moved and grateful, and don't remember what words I uttered before we disbanded for the night. I remember showing some of them the day's copy of *The Rocky Mountain News*, in which there was an article about the convention, and pictures of Dave Nolan, Tonie Nathan, me, and some other delegates. In all my years in academia, though I had sometimes been praised and sometimes cursed, I had never once been cheered. And so, I thought, begins the Political Era in my life, the first step into the Dark Unknown. I hoped that I could discharge this obligation in a way that would not dishonor the new party, which was so full of hope and idealism. When I reflected that one hasty remark from me at the wrong time might seriously compromise the whole enterprise, I felt more than ever humbled, dubious, and a bit frightened.

The Early Campaign

Then the political commitments began. My first appearance was at the Libertarian Supper Club in Los Angeles. I had frequently attended its meetings, but never as a political candidate. The club was composed largely of libertarian anarchists, who were (to put it mildly) not impressed by the fact that one of their number had deserted their principles by giving recognition to their Enemy, the State. A few days later, I was called on to make some remarks at the Los Angeles Press Club, with reporters and the media present (my first experience with the Fourth Estate). For that occasion I prepared a few comments, "Restoring Liberty in America," explaining why libertarians had formed a party and the direction in which we wanted America to go. This brief talk was printed and widely distributed among the growing group of libertarians in Southern California.

I kept in telephone contact with Dave Nolan, who was already arranging an itinerary for campaign trips across the country, one for Tonie Nathan and one for me. The thought of a campaign trip frightened me somewhat but, I thought, this will be a once-in-a-lifetime experience, and worthy of remembrance if I don't botch the job. Of course, I was familiar enough with most of the libertarian positions, and the arguments for and against them, having spent hundreds of hours on this matter the year before when I wrote *Libertarianism*.

But I was not very confident at this point of my ability to communicate libertarian ideas extemporaneously, in the give-and-take of questioning. After all, this wasn't a classroom, where one could presuppose a certain background of ideas, and develop a line of thinking point by point, from one week to another. I was not at all sure what questions or comments the "great unwashed" might throw at me, or how I would respond to questions that demanded a facility with abstract concepts for their clarification. I tended at the beginning to prepare my speeches in written form, honing them as finely as I could in the quiet of my study, care-

First draft of Statement of Principles June 1972

PREAMBLE John Hospers

We, the members of the Libertarian Party, challenge the cult of the omnipotent state, and defend the ~~freedom and dignity of man.~~ rights of individuals.

We hold that each person has the right to exercise sole dominion over his own life, and possesses the right to live his life in whatever way he chooses, so long as he does not forcibly interfere with the equal right of others to live their lives as they choose.

Governments throughout the world have to varying degrees operated on the opposite principle, that the state has the right to use and dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to control and regulate the life of the individual and seize part or all of the fruits of his labor without his consent.

We, on the contrary, deny the right of any government to do these things, and hold that the sole function of government is the protection of the rights of individuals: viz., (1) the right to life - and accordingly we approve legislation that prohibits the initiation of force against others, such as killing, maiming, injuring, and all forms of physical assault on life and limb; (2) the right to liberty of speech and action - and accordingly we oppose all attempts to abridge the freedom of speech and press, as well as government censorship in any form; and (3) the right to property - and accordingly we approve legislation that protects such rights, such as patent and copyright, and legislation which prohibits confiscation, nationalization, robbery, trespass, fraud or misrepresentation, ~~patent, copyright~~, libel, and slander.

Since government has only one legitimate function, the protection of individual rights, we oppose any encroachment of government into the area of voluntary or contractual relations among men, other than to protect such relations. Men should be left free by government to deal with one another voluntarily as free traders on a free (uncoerced) market; consequently the only economic system compatible with man's rights is laissez faire capitalism.

Original Draft, Libertarian Party Statement of Principles, 1972

fully deciding when to be factual and when to try to be inspirational. I hoped this would keep me in control of things at least during the presentation, and would guide the range of questions that would be asked in the discussion period. Only later in the campaign did I speak extemporaneously with confidence.

I still don't know how Dave Nolan scared up enough money for my various trips, but it was always forthcoming when the need arose. So far as I know, these early contributors to the campaign have never adequately been recognized. Whatever difficulties there were in financing the campaign were never revealed to me. If the situation was precarious, I was spared that knowledge.

There would be no reference to Objectivism or any of the particular underpinnings of libertarian ideas. What unified us all was a political philosophy, not metaphysics.

The campaign began modestly enough; a speech to the fledgling California Libertarian Party in Los Angeles; a trip to San Francisco, and a couple of talks there, as well as several radio and television interviews — all chatty and informal, and I wondered why I had ever dreaded the prospect; speeches in San Diego and Monterey, featuring my first discussions with college students outside of USC, then a repeat performance in Santa Barbara. I spoke on the concepts of limited government, on human rights, and on the economy — regulation, inflation, and the dangers of having the welfare state and the military-industrial complex going full-speed ahead, and on the meaning of freedom of speech and press, and tolerance of dissent in a republic such as ours.

I was surprised at the degree of people's ignorance of the difference between a democracy and a constitutional republic; and on the difference between actions of government, which are always coercive, and the actions of individuals acting voluntarily and in mutual consent. It was immensely rewarding to see some of these individuals suddenly "see the light" as the implications of these distinctions came home to them.

Crossing the Country

The day after Labor Day, the national campaign began. Dave Nolan planned the itinerary for Tonie Nathan and me. The tickets were sent to us and we had only to get into a plane and go to the appointed places. My first scheduled stop was Dallas. As a new member of the political profession, I really had no idea what to expect. I exited the plane and was ushered into an adjoining room, full of reporters and what seemed to me about a hundred thousand kilowatts of bright lights. I had tried to prepare myself for every question that might be asked. But never in a thousand years would I have anticipated the first question that actually was asked: "Don't you feel that you need a bodyguard, coming to Dallas?"

Of course — Kennedy had been assassinated in Dallas. I assured them that I felt as safe here as anywhere else, and that any insecurity I felt was not for life and limb. With the ice thus broken, I answered numerous friendly questions: what was the new party all about? What were its aims? What were its hopes for the future? I answered as best I could, aided by the warm and friendly atmosphere. When one reporter asked me, mostly in jest, "What will you do for me if you are elected?" I replied, "I'll leave you alone" — the first of several occasions on which I would give that response.

After the press conference, I was ushered into the reception room of a downtown hotel, where the better part of a hundred libertarians and their friends had a large assortment of foods and drinks ready. I thought I would be expected to say something formally, but I wasn't. They just wanted to meet the candidate and make sure that he was having a good time. They expressed gratitude that I had been willing to take on this job, and they asked me about the air trip and the coming campaign — they apparently knew all about the Denver convention. A small band of libertarians had met in Dallas for some time, discussing issues among themselves and feeling intellectually isolated from the rest of the public. Having a national party, and the prospect of a larger network of communication with like-minded people, they now felt less isolated, and seemed genuinely grateful to have "an official representative" of the new party here in their midst. Their enthusiasm was contagious.

Halfway through the evening I was driven again to the airport, en route to Houston. Houston was unbearably hot and humid, and the overworked air conditioning system in the hotel kept me awake for hours — as if reflecting on the unknown future was not sufficient. The next day was filled with various appearances, interviews at several radio stations and one on television, and newspaper reporters who showed me the article from a Dallas newspaper about my remarks at the airport, along with pictures of the event. In the evening there was an elaborate banquet. There was no formal address, but lots of questions, mostly about the coming campaign and our hopes for the future. The atmosphere was so warm that I really wanted to stay awhile. But the prepared schedule required that I fly to Oklahoma City for another round of meetings. It was all happening very fast, and I was becoming a bit adjusted to the pace. The one thing I found difficult to endure was the country-western music played loudly on the car radio as different people taxied me around. But, I thought, "I won't say anything — I am now a Servant of the Party, to do its bidding come what may." But I would have liked to hear a few refrains of Bach and Handel. In Texas, apparently, this was not an option.

In Oklahoma City there were a couple of radio and television interviews, but the main event was an address at the University of Oklahoma at Norman. To my surprise, there was a packed house. I discovered later that this was less because of the new political party than because several of the professors had used a few of my books as textbooks (ethics, esthetics, introduction to philosophy) and they had threatened their students with dire consequences for failing to attend.

That evening I received my first baptism of fire: complicated or confused questions for which one-minute answers were expected in an over-

regulated question-and-answer session, which tested my abilities at condensation to their limit. Some of the professors there were devout Marxists who took practically everything I said as heresy, refusing at first to believe that a supposedly respectable academic could take the notion of a "night-watchman state" seriously. Among this group, there was first disbelief and then sarcasm.

It was here that I began to become accustomed to questions like "What are you going to do with the poor, let them starve?" and it was difficult in a brief compass to present a vivid picture of a flourishing economy in which poverty was reduced to a minimum. Many seemed to assume that I wanted to impose libertarian changes wholesale on the present economy, crippled by taxes and regulations, but I tried to present some "gradualist" steps by which this ideal could be realized. My answers were plausible only in a broader context. But the framework of the political campaign made it impossible to present the broader context.

I tried to rise to the occasion, but I am sure that many members of the audience thought I was quite wacky. They could not believe that the author of such sensible textbooks would be capable of saying such absurd things. But the libertarians seemed to like it, and at a late-night beer-and-sandwich session, they expressed their gratitude that I had taken these people on.

It was late that night when I arrived at the home of Dr Marvin Edwards, soon to be a member of the U.S. House of Representatives, and author of the book *Medicine and the State*; I had found his book very helpful in arriving at my views on medical policy. I had a pleasant discussion with him, and spent the night at his home — a short night because one of the Oklahoma libertarians arrived at 6 a.m. to drive me to the airport.

All my life I had been in the Ivory Tower. I was not at all sure that I could live up to the challenge of political life.

When I arrived in Tulsa, I was ushered to a hotel where several dozen libertarians were already seated at breakfast. The breakfast session consisted mostly of "libertarian small talk," but it was full of encouragement and enthusiasm. I was sorry that I had to leave within the hour for a flight to Chicago.

In Chicago, my path crossed Tonie Nathan's. We spoke in a large auditorium at Northeastern Illinois University. How the Chicago libertarians managed to fill an auditorium on such short notice on behalf of a hitherto unknown political party, I do not know. But the session was a long one, lasting until after 1 a.m., so there was time to cover most of the major issues in libertarian thought.

My Chicago cousin, Dr Lasca Hospers, was there with her two high-school children, in order to hear "the true political doctrine" from the horse's mouth. So many libertarians — some of whom had come from neighboring states for the occasion — kept plying me with questions about such a diversity of issues that the non-libertarians in the audience seemed almost abashed into silence. The evening was so satisfying that I thought to myself, "Perhaps I'm finally beginning to earn my keep as a spokesman for libertarianism."

After a couple of radio interviews the next day — the Chicago newspapers didn't consider the event important enough to cover — I was taken to O'Hare Airport, this time departing for Boston. A group of Harvard and MIT libertarians treated me to dinner at a fine seafood restaurant, and after expressions of goodwill and good luck I was driven to Nashua, New Hampshire, where a party was already in progress. After much conversation and a few drinks, I collapsed into bed.

There were newspaper interviews and radio talk shows the next morning, but the main event was an interview with a reporter (whose name escapes me now) from the Manchester *Union Leader*, a nationally influential newspaper that has the reputation of making or breaking presidential candidates. The reporter was sympathetic to libertarian ideas, and asked excellent probing questions of a philosophical nature such as I had been accustomed to in my classes. I savored the experience of being able to treat issues in detail, and to clarify terminology before endeavoring to answer a question directly — quite unlike most reporters' questions. The interview lasted more than three hours, and the reporter had hopes of devoting four columns on page 1 of the paper to a discussion of the Libertarian Party, on the basis of this interview. I emphasized particularly the differences between libertarians and conservatives. "This is the most satisfactory political philosophy I have ever encountered," he said, "and we are going to put the Libertarian Party on the map."

As a few phrases began to come to me through the fog, I found myself consciously emulating the language of the Declaration of Independence, including its styles and rhythms.

I was greatly encouraged at the prospect of the publicity that would attend a detailed article in the Manchester *Union Leader*. Not until afterwards did I hear the bad news. The editor was quite sympathetic to libertarian ideas, and pondered the issue for some time; but, he finally decided, we were at the beginning of a close election campaign between Nixon and McGovern, and it was of vital importance that McGovern be defeated. Therefore anything that could possibly cast any cloud over the Nixon campaign should not be discussed in the newspaper, at least not until after the election. And that was that — the article was killed. But fortunately I did not know this at the time, and I was still in high spirits when I enplaned for Philadelphia.

The Late Campaign

Then followed a day and a half in Philadelphia — radio and newspaper interviews and a banquet at the Bellevue-Stratford Hotel. There I encountered, among the many libertarian enthusiasts, a group of libertarian anarchists. Anarchism had not surfaced very much as an issue during the campaign — perhaps because a night-watchman state was perceived as being at least preferable to Big Brother, and also because committed anarchists de-

clined to have anything to do with the new party and didn't come to these meetings.

I was something of a pragmatist on the issue of limited government versus anarchism. If anarchism could be made to work, fine, but I didn't see how it could, at least at this point in American history, with government so thoroughly entrenched. I had problems about competing defense agencies, and a plurality of legal systems in the same geographical area. But little of this came up during the campaign, and the real battles on this issue lay in the future.

I did come out as a "moderate" on many issues, a stance that was not welcome to all libertarians. Some, probably because of their own experiences with government, were such knee-jerk anti-governmentalists that I had only to use the word "government" in a talk and they would yell "Boo! Boo!" Others were hostile to government in a more studied way. Some believed, or spoke as if they believed, that there should be absolutely no restrictions on human behavior as long as people did not kill or steal outright: no laws of defamation (libel or slander), no patent and copyright, or anything else that did not pertain directly to the imposition of physical force.

When I reflected that one hasty remark from me at the wrong time might seriously compromise the whole enterprise, I felt frightened.

The Iowa Interlude

After Philadelphia it was time to return to California and the opening of classes at USC. But the journey back traversed my home state, Iowa, and at the time of planning the itinerary I had requested of Dave Nolan that I be able to spend a couple of days there with my family and relatives. It was to be a brief vacation interlude in the campaign — so I thought it would be when my cousin picked me up at the Des Moines airport. But that was not to be. A lecture had already been scheduled at my alma mater, Central College, and I was told that many people would be waiting to hear what I had to say. I had no idea what the intellectual complexion of the college was, having graduated years before when there was no particular political stance there at all. I found, however, that some professors, particularly those in the departments of religion and sociology, were socialist, and had invited some of their colleagues at the state university and other nearby colleges to attend as well. Some praised the Soviet state, others only wanted an extension of the welfare state. All wanted the producers, whom they thought of as exploiters, to give up ever more of their incomes to subsidize welfare and more bureaucracy.

This turn in the intellectual climate, here in the midst of the corn belt, came as something of a shock to me. As I stood there in the auditorium, so familiar from undergraduate days, I thought of the local farmers and merchants who were paying taxes to support the state university, and wondered whether they knew the causes their taxes were being used to promote. Outside the windows of the auditorium, which was on the edge of town, one could see well-kept houses and lawns, and behind these, rolling hills and fields of corn and grain. I thought of the pioneers who had come from Europe a century before and cleared the forests, built the houses and towns, and cultivated this rich land, and of how these pioneers might have fared if they had settled in the future Soviet Union instead. My relatives were all of Dutch stock who had come to Iowa from Holland in the 1840s. Those who came to my lecture applauded, not because they were particularly aware of the hostility of Academia, certainly not because they felt threatened by it, but because I was giving voice to a view that they had always held at the "gut level" but had never articulated, perhaps for lack of opponents within the community. In this Dutch town, named "Pella" after the birthplace of Alexander, everyone was expected to rise in the world as far as his abilities permitted, and never to depend on others if it could possibly be helped. "What you say is all true," said my uncle, who was president of a local venetian blind factory which he had started from scratch thirty years before, "but does a person need to go to a university to learn the things you said?" I assured him that I hadn't learned them at a university, but had absorbed them through my pores during all the years of childhood and youth, thanks in part to him. High school classmates of mine were now employed at his factory, which would have been impossible had he not started it on a wing and a prayer — now it employed more than a thousand people.

Most faculty members remained of the opinion I had lost my sanity.

The local citizens had come, not to hear any particular message, but simply to see whether "the hometown boy had made good" after these many years. I had retained their respect tonight even while I had alienated most of the academicians who had come. The local citizens had little conception of what would happen to their work, their leisure, their lives as a whole, if the paternalistic state planners ultimately had their way. Some of them had sent their own children on to higher education, unaware into what paths of thought and action they might be led. And here I was, back at home again, defending a way of thought and life which they didn't think needed any particular defense.

The Last Days

Both exhilarated and depressed by my Iowa experience, I returned to California and classes, but still spent long weekends on the campaign trail. I flew to Portland and joined Tonie Nathan at a meeting of the newly formed Oregon Libertarian Party, and then flew on to the first of two four-day weekends in Seattle. The state of Washington was of special significance because it was one of only two states where the Libertarian Party was on the ballot. (The Denver convention had taken place too late to obtain ballot status in most states.) And in Washington, a voter information pamphlet had gone out to every voter in the state, apprising each of them of what every political party, no matter how small, stood for in

the current election. The entire Statement of Principles of the Libertarian Party was printed in this pamphlet, along with pictures of me and Tonie Nathan. The result was that many people recognized me even when I walked down the street, and there was considerable voter recognition when I appeared on television programs. I do not know what promotional wizardry was employed by Skip Barron, the indefatigable chairman of the Washington Libertarian Party, but enthusiasm was high and there were more intelligent questions from outsiders than I had encountered anywhere else. There was a small dedicated group of local libertarians with whom I met every evening till far into the night, discussing endless details of strategy and position.

There were also trips to San Diego and San Francisco again, ably handled by Ed Crane, who went with me everywhere and got me on several long radio talk shows. But the most dramatic weekend was in Arizona, where I gave a talk at the University of Arizona at Tempe and appeared on several radio and talk shows in Phoenix. Somewhat to my discomfort, I was transported in a private limousine and treated by those in charge like a king or lawgiver whose every word was sacred text. I fear that many of my utterances were tentative ("on the one hand. . . ." and "on the other hand . . .") and far indeed from being sacred. But the round of parties was endless, and I returned to California exhausted but suffused by a warm glow of the profoundest appreciation.

Somewhat to my discomfort, I was transported in a private limousine and treated by those in charge like a king or lawgiver whose every word was sacred text.

At about this time an exciting possibility arose. Dave Nolan phoned to tell me that I would probably be receiving a vote in the Electoral College, since a Republican elector from Virginia, Roger MacBride, was going to desert the Nixon ranks and vote for me and Tonie Nathan. This was all to be kept secret, lest MacBride be dislodged from his place in the Electoral College. During the rest of the campaign I had a hard time keeping this news a secret, but I did, and Roger phoned to tell me of his determination to stick with it. Here was a chance to get on the map in a new way during our very first year.

And now the campaign was over. Nixon won in a landslide; the *Union-Leader* need not have been so worried about a McGovern victory. And I was back in the university full-time. On December 15 the Electoral College met and, as prescribed in the Constitution, the vice-president of the United States, Spiro Agnew, announced the results on radio and television. "One vote for president to John Hospers, and one vote for vice-president to Theodora Nathan." The vast television audience had never heard of either of us, and wondered what this was all about. Suddenly I started to receive phone calls of congratulation.

My colleague at USC, Professor Kevin Robb, had never heard of the Libertarian Party until I mentioned it; when I later informed him I was running for president, he said, "President of the Faculty Council?" I told him to listen on December 15 to the Agnew broadcast. He did, while he was driving on the way to Lake Tahoe. As he described it to me later, "I was so surprised I ran my car into the ditch." Then he added, "The least you could do is make me your Secretary of State."

Finale

When the Electoral College vote was publicized on television and newspapers, and *Newsweek* devoted a column to it, I came in for publicity at USC for the first time (I had been told to keep quiet about the campaign while it was on). Professors spoke of it at faculty meetings I attended, and students were curious as to what had been going on. A campus Libertarian Party chapter was formed, and students were enlisted into the cause, some of whom I have kept in contact with to this day. Most faculty members remained of the opinion that I had joined some far-right splinter group, and concluded that I had lost my sanity. The political science department never trusted me again. Though I appeared as guest lecturer for several classes as a kind of Exhibit A, I was thereafter kept at a distance by the "liberal establishment" that dominated campus life.

In a way, the campaign continued. I was invited to Alaska for a four-day whirlwind tour involving (or so it appeared to me) every television station in the state, and there was a great outpouring of enthusiasm in a state largely populated by rugged individualists. I was invited to so many college campuses that I had to turn down many of the invitations in order to meet my obligations to my own classes. But gradually the hullabaloo died down, and I returned to the Ivory Tower.

When I told a friend of mine I was running for president, he said, "President of the Faculty Council?" I told him to listen on December 15 to Vice President Agnew's announcement of the Electoral College vote.

What did the campaign achieve? I am still not sure. We received only 2,648 votes. Many people initiated correspondence with me which in some cases continued for years. I continued to have a small but devoted following in the student body. For some time my fellow professors in my own department eyed me a bit strangely, as if there were some craziness in me which they had not hitherto detected. Through the Libertarian Party I later became involved in the Abaco independence movement and in the attempt to create a libertarian govenment in the New Hebrides. But the main result of the 1972 campaign was, I think, name-recognition. The word "libertarian," which had been unknown to almost everyone a year before, had now been heard by many millions of Americans, with some conception (though usually inaccurate) of what the Libertarian Party stood for. With that minimum accomplished, it seemed appropriate for me to take a back seat and leave future candidacies in other, more capable hands. ❑

Report

Why Argentina Stopped Crying for Evita

by Paul Terhorst

The land of the gaucho is also the land of Peron, military tyranny, and absurdist economic policies. That is, until recently.

In 1981, *EuroMoney* ran the results of a new econometric model. The magazine concluded that Argentina had the world's worst economy.

By coincidence, my wife Vicki and I moved to Argentina in 1981. We saw what *EuroMoney* was talking about: inflation, recession, heavy-handed bureaucracy, debt. The economy was a mess.

Although we didn't know it then, the record over the rest of the decade would make 1981 look like the good old days. Argentina went from bad to terrible.

In 1991 came turnaround. People began to invest. Consumers began to buy. Capital began to pour in. The change in Argentina was nearly as shocking and dramatic as the revolution in the Soviet Union and eastern Europe.

How did it happen? Who were the players? And did anyone make a buck on it?

The Shortest History of Argentina You'll Ever Read.

In the early 1800's Spain, the mother country, was preoccupied with Napoleon. Argentina (and the bulk of Spanish America) took the opportunity to revolt. Rather than co-operate with one another, wealthy landowners in Argentina schemed and fought with each other. They made the Hatfields and McCoys look like the Lennon Sisters. Only after one of the land bosses — a tyrant named Rosas — had ruthlessly crushed dissent was Argentina unified enough to adopt its 1853 constitution.

For the next sixty years, political bosses rigged all — *all!* — elections. The resulting stability produced Argentina's Golden Era. Buenos Aires showcased the famous Colon Theatre, monuments, and ornate palaces and stores. Foreigners dreamed of becoming "rich as an Argentine."

With election reform in 1912, Argentina even made a peaceful transition to democracy. But soon luck ran out. Argentina succumbed to two forces that would combine to spell disaster: the rogue military and populist President Juan Peron.

The Modern Era: The Generals versus Don Juan

The first coup came in 1930. The corrupt, petty generals took to power the way Tomas de Torquemada took to torture. Depression-era Argentina probably began to look like Spain during the Inquisition. For their swan song, the inept generals quietly supported Hitler in the early years of World War II, while remaining officially neutral. During this period, Argentina became immensely wealthy from its trade with the belligerents. By the end of the war, Argentina's gold reserves were second only to the United States'.

In 1946 the generals gave way to elected President Juan Peron. Shrewd and ambitious, Peron and his sexy wife, Evita, squandered the enormous wealth that Argentina had accumulated during the war.

Peron passed laws to control virtually every aspect of Argentine life. One bizarre Peronist law still in effect sets forth an official Registry of Names, regulating the names of babies born in Argentina. Your family name may be Oisiewicz, Vanderwoop, Wong, or Miyamoto. You may want to call your baby Ivan, Peter, or Fu. But the law says you've got to go with Juan, or Pedro. Supposedly, there are exceptions. If your first name is Yonkel, for example, and you're willing to spend hours, days, or years fighting the bureaucracy, you may win the right to name your kid Yonkel. Understandably, most parents simply go with Juan or Maria.

Another Peronist idea was the *veda*. A veda was a temporary decree which made it illegal for restaurants, markets, and stores to sell meat on a given day, say Thursdays. Meat is a staple in Argentina. Peron figured that making meat illegal would restrict demand. Restricting demand would lower the price, thus helping slow inflation. The result (surprise!) was hoarding and evasion. *Vedas* didn't work, but Peron and his worshipers kept trying them.

Another Peronist law — thankfully rescinded — required that overseas phone conversations be in Spanish. An old-timer I met at the American Club, who remembers the law, told me his boss once called from Uruguay. Mindful of Peron's wiretaps, this man and his boss, both Americans, discussed their affairs in broken Spanish. To their chagrin, the operator cut in. "Gentlemen, you're advised that under Argentine law you must speak Spanish."

"But we *are* speaking Spanish!"

Perhaps Peron's most vicious idea was the Law of Supply, Peron's response to the shortages caused by price freezes in combination with mandated, across-the-board wage increases. Fixed prices and rising costs eventually make producers run at a loss. The Law of Supply forced those producers to "supply," period. The penalties were personal; run afoul of the Law of Supply and you went to jail. Theoretically, a producer could be forced to use up his capital, his life savings, and finally close the plant, before going to jail for not "supplying." (This legal monstrosity has been a dead letter in recent years, but has yet to be formally repealed.)

His wife, the immensely popular Evita, died in 1952. Peron tangled with the Church, and his idiot economic policies came home to roost. In 1955 the military took Peron out of the hen house. He wound up in exile in Spain. In only ten years, Argentina's gold holdings had fallen from second largest in the world to nothing.

Peron's Return

For the next two decades the generals and non-Peronist politicians took turns running and looting the country. Peron remained the idol of the masses, and from his home in Madrid, he schemed and plotted a return.

In 1970 a terrorist group kidnapped, tortured, and killed a former president. The terrorists recorded their brutality on videotape, for television. The country was horrified. Those terrorists and others then proceeded to bomb shops, offices, and football stadiums. They kidnapped businessmen, attacked police and army bases, and shot people in the streets. They coerced children to spend the night at friends' homes, and planted time bombs under the parents' beds before leaving.

The "Law of Supply" forced those producers to "supply," period, no matter how much one's costs exceeded the regulated price. A producer could be forced to use up his capital, his life savings, and finally close the plant, before going to jail for not "supplying."

In 1973 Argentina called Peron back to stop the terrorism. Peron came. He saw. Then he died.

Peron's hapless third wife, "Isabelita" Peron, took over. When things got worse, and then much worse, Isabelita begged the military to wipe out terrorism using "whatever means necessary."

Tragically, the military obeyed. Beginning in March, 1976, the armed forces "disappeared" an estimated nine thousand people. They killed terrorists. They killed friends and relatives of terrorists. And friends and acquaintances of friends and relatives of terrorists; all without due process. Some units raped women, stole children, and extorted money. They jailed politicians, including Carlos Menem, governor of La Rioja province.

But by the time Vicki and I moved to Argentina, terrorism had been wiped out. Jails were empty, and streets were crime-free. The Capitol building in Buenos Aires — where Senators and Congressmen would have met, had there been any — was wryly referred to as the Capitol Museum. But the situation was not as idyllic as it might sound.

An Eventful Year

From early 1981 to June 1982, five dictators came and went. One general after the other repeated the failed policies of the past: price controls, exchange controls, wage controls, import controls, and export controls, the whole statist she-bang. Finally, the generals gave up and undertook a task they knew something about. They went to war.

I remember the day, April 2, 1982. I was a partner in the Buenos Aires office of a big CPA firm. On that day I left our apartment at 9:45 a.m. and walked to a client's office for a ten o'clock meeting. All along the main thoroughfare, horns honked, people cheered, and old ladies waved tiny flags.

Before the meeting my Argentine client took me aside. He was excited. "Do you know what happened? All the carrying on?"

I confessed I didn't.

He said, "Early this morning we retook the Malvinas Islands."

I said, "The Mal-what islands?"

He said, "The English call them the Falkland Islands."

I said, "The Falk-what islands?"

I knew nothing about the Malvinas/Falklands. But every single Argentine seemed to know every single thing about them. For decades Argentina has wanted the English "interlopers" out of there. The generals finally chose war.

Vicki and I stayed in Buenos Aires for the duration of the conflict. The worst time was when President Reagan, who had professed neutrality early on, came out and said he wasn't neutral after all. He would support Britain. Britain was the enemy, but Americans were now traitors.

The day Reagan tilted, our building porter stopped me. He had a tense look on his face. He said, "I've been talking around. I don't want you or Vicki to leave the building. It's too dangerous."

I said, "That's too strict. I have to leave the building."

He said, "Then don't leave the neighborhood. And when you talk to anyone in public, even Vicki, talk only in Spanish. If someone asks about your accent, tell them you're Polish." He looked at me shrewdly. "No one wants

to dump on the Poles."

Argentina's defeat in June led the generals to call elections. In December 1983, elected President Raul Alfonsin took over. Alfonsin was (and is) a decent, well-intentioned man. But he'd spent most of his life in politics. He deeply mistrusted business, especially a business making a profit. To Alfonsin, profits were *prima facie* evidence that people were getting ripped off. His response to a company reporting record earnings was to launch an investigation. Only state-run companies, with their reassuring, money-losing ways, could be trusted.

Isabelita Peron instructed the military to wipe out terrorism using "whatever means necessary." Tragically, the military obeyed.

Alfonsin believed democracy alone would solve economic problems. He promoted cooperation and bargaining. Alfonsin's idea of getting something done was a fourteen-hour meeting.

Alfonsin quickly made the generals' economic failures look like successes. By the end of Alfonsin's term the *Titanic* would look like a success. At least it sank slowly. Alfonsin tended toward the try-things-that-have-failed-in-the-past approach. He tried price controls, export controls, and the other controls that had failed Peron and failed the generals. He imported chickens from Poland to keep chicken prices down. He prohibited beef exports to keep beef prices down. When inflation was twenty percent a month, he said banks could only pay six percent interest. He banned imports, especially high tech imports, ostensibly to protect local industry. When personal computers took off, Alfonsin quickly moved to ban their importation.

One time a Japanese group wanted to import parts from Brazil, assemble motorcycles, and re-export them back to Brazil. The provincial governor where the Japanese wanted to build strongly supported the proposal. After all, the Japanese would buy bricks and mortar, and hire workers.

Alfonsin opposed the Japanese project. Why would the Japanese invest in Argentina except to rip someone off? Alfonsin insisted on "local content," volume limits, and assurances that the Japanese wouldn't make too much money. After a prolonged fight, Alfonsin succeeded. The Japanese took their business elsewhere.

The Alfonsin crisis came to a head in 1989, when the country ran out of electricity. It seems the state-owned electric monopoly had stolen or misspent most maintenance money. When a drought reduced hydroelectric supplies, electricity was out for three, then four, then six hours a day. We were forced to survive the summer heat without air conditioning. Meat and chicken went bad as cold storage became hot storage. Once I got stuck in an elevator when the electricty was out and had to crawl out between floors.

Next came food riots in the province of Buenos Aires. The country's rich land normally produces surpluses, more than enough to keep its populaton of thirty million well fed. But under Alfonsin, Argentines began to go hungry. They took to the streets.

Finally, inflation got out of control. I remember buying a pair of tennis shoes in May 1989. In those days I carried mostly dollars — the local australs devalued too rapidly to be of any use. On this particular day prices and exchange rates were moving so frantically that the shoestore owner didn't know what to charge. He finally agreed to an austral price, and to hold it for exactly one hour. The price worked out to about twenty dollars.

I hailed a cab and dashed downtown to my black market exchange dealer. (During Alfonsin's charge, changing money was practically illegal.) I changed my dollars at the then-current rate. I hurried back and bought the shoes. But by then the exchange rate had changed. Instead of twenty dollars, the shoes cost eight dollars. I asked to buy a second pair. The shoestore owner refused my offer.

By July inflation reached the extraordinary rate — extraordinary even by Argentina's standards — of nearly 200 percent a month. Mercifully, Alfonsin didn't have long to muddle things. He stepped aside in July 1989, six months before the end of his term. President-elect Carlos Menem took over.

Carlos the Charismatic

Menem's style contrasts sharply with Alfonsin's. Alfonsin loved meetings. Menem refuses to go to them. Instead, he wanders into meeting rooms, asks a question or gives a direction, and leaves. Alfonsin spent his life in politics. Menem and his family own a winery and farms in their native La Rioja, where Menem was governor; he is at home in a boardroom. Alfonsin was wary of the developed world. Menem says the developed world is the only world. He considers George Bush a personal friend. Alfonsin was dour. Menem is charming and charismatic. Estranged from his wife Zulema, Menem hangs out with the jet set.

But Menem is a member of the Peronist party. In an early move that was fully as nasty as Peron's dreaded Law of Supply, Menem decided to confiscate bank deposits. Under this scheme banks were allowed to return to depositors only a small part — up to a million australs (US $500) — of their money. For amounts over $500 banks were ordered to give depositors a slip of paper entitling them to dollar bonds. To pay off dollar bonds Argentina would have to buy dollars. Argentina's credit at the time was nil. To be kind, let's say those slips of paper were of "uncertain value."

"When you talk to anyone in public, even your wife, talk only in Spanish. If someone asks about your accent, tell them you're Polish." He looked at me shrewdly. "No one wants to dump on the Poles."

I remember an elderly blind man, sobbing and hysterical, being interviewed on television. He'd finally saved enough money to have his cataracts removed, his sight restored. Now the bank refused to give him his

money. The old man was terrified of dying blind.

Menem's blow came just before summer in Argentina. Vacations were cancelled. Panic selling of assets became widespread as people tried to come up with scarce australs. The stock market fell fifty percent. Shopkeepers dropped prices and sold out their stocks. The economy ground to a halt. (President Bush warmly supported the deposit confiscation scheme and the rest of Menem's early program. Vice President Quayle came to Argentina and patted Menem on the back.)

Menem's strategy was to ride around in a custom built "Menemobile." Draped in the Peronist flag, and loaded with modern media equipment, the Menemobile evoked Peron's name, Peron's memory, and Peron's personal magnetism — but not Peron's policies.

A year after deposit confiscation the economy looked worse than ever. Menem had to come up with something startling, bigger even than the Law of Supply or deposit confiscation. And in a noble experiment that reversed the pattern of decades, Menem decided to take on the bureaucracy. He moved boldly, decisively, to get the government off people's backs and out of the economic process.

A Noble Experiment

Those with power cling to power. Bureaucrats protect their turf. The guy who owns the boat always wants a bigger boat. We know these things. So what led Menem to his experiment? What led him to give up power, turf, and a bigger boat?

It's hard to say, but I think it's because he hates the try-things-that-have-failed-in-the-past approach to government. Argentine populists, social democrats, generals, leftists, and others had failed badly. Menem wanted to try something that hadn't failed: Capitalism.

Menem was well positioned to make his revolutionary move. During his campaign, his strategy was to ride around in a custom built "Menemobile." Draped in the Peronist flag, and loaded with modern media equipment, the Menemobile evoked Peron's name, Peron's memory, and Peron's personal magnetism — but not Peron's policies. Menem never committed to an ideology. When he decided to move boldly, he was free to do it — in any direction he chose.

An early move was to get government's hands off the money supply. As of April 1, 1991, the Law of Convertibility took effect. The brainwork of Harvard-trained Economy Minister Domingo Cavallo, the Law of Convertibility ties the Argentine peso (which replaced the austral) to reserves on hand. Total pesos outstanding must not exceed reserves of dollars, gold, and other hard currencies. No more cheap money, mirrors, or magic. No more printing press pathos. One peso equals one dollar, and that dollar is on deposit in the Central Bank. Overnight, Argentina had a hard currency.

The Law of Convertibility ended decades of runaway inflation. People could plan, and make decisions, with a reasonable notion of the future. Banks lent. Speculators bought stocks. People bought houses. People also bought cars, televisions, and refrigerators.

Surprisingly to some, among those who benefitted most from the Law of Convertibility were the workers. Salaried employees and wage earners are paid monthly. When inflation was 20% or 30% a month, and banks prohibited from paying interest above 6%, frantic workers had to spend their month's pay right away. Otherwise, they'd lose purchasing power. In practice this meant workers had to buy in advance what they *thought* they'd need, rather than what they actually needed as the needs presented themselves. Workers also had to live without perishables — fruit and vegetables, milk and bread — during the last part of the month, unless they wanted to buy on credit at the expensive mom-and-pop store on the corner.

The Law of Convertibility raised workers' living standards by changing the way workers shop. Now workers can shop throughout the month, whenever and wherever they feel like it, buying only what they need or want. They can buy on sale, at supermarkets, and in bulk. As a result, most workers have transferred their allegiance from tired, old-line union leaders to their new hero, Carlos Menem.

Besides the Law of Convertibility, Menem eliminated regulations that prescribed opening hours, what products could be sold where, and the like. He closed the state grain board and the state meat board. He sold the government's TV and radio stations, the national airline, and the phone company. More privatizations, including the electric, rail, and oil monopolies, along with the military's many factories and businesses, were announced. Menem also cut back government support for the ferocious unions.

Understand, Menem is no libertarian zealot. He accepts much of the Peronist hangover. He refuses to tackle outdated labor laws. He ignores widespread corruption, an inefficient port, a scary police and court system, and other problems. But, hey, one thing at a time. By focusing so clearly, Menem makes his noble experiment that much more dramatic. Since he's limited his efforts to just one thing we can assess the results more precisely.

During the first year or so those results have been sensational.

Real estate prices soared. The construction industry strained to meet demand. Auto makers began to pre-sell production, and used cars became hard

"The economy is bottoming out, sir — How about some dregs?"

to find at any price. Christmas spending broke all records. Planes in and out of the country sold out. The secondary debt market firmed. The stock market tripled, and for the first time in four decades capital began flowing *into* the country instead of *out* of it. Personal computers, at one time all but illegal, became ubiquitous.

Argentina still has severe problems. Reversing four decades of bad government takes time. Vicki and I recently sold an apartment in Buenos Aires. It sold in record time — one day — because the buyers wanted our telephone. The buyers owned the coffee house on the building's ground floor, where they'd been waiting three years for a phone. They bought our apartment sight unseen. The day we moved out, they ran the phone line to their coffee house below. The apartment itself was gravy. They probably refer to it as the real estate kicker they got on the phone deal.

A Look to the Future.

Vicki and I still monitor Argentina's progress, but from afar. We moved to Argentina when the country was sinking; we left when it was booming. After selling our Buenos Aires apartment we moved to Austin, Texas. When Argentina was sinking, living comfortably there was a bargain; now living comfortably there is beyond our means. I've long since retired from my CPA job, and Buenos Aires is too expensive for a retiree living on a fixed dollar income.

Argentina is volatile. By the time you read this, the country may have changed directions. Early this year the real estate boom stalled. Last winter (June, July, and August) the stock market plummeted. Menem and Cavallo remain optimistic, saying that things will improve again soon. They're holding firm. But the unions, opposition parties, and exporters complain. Clearly, the initial euphoria under Menem's noble experiment has given way to a realization that the country faces a prolonged, difficult adjustment to freer markets.

I sold my apartment in Buenos Aires. It sold in record time — one day — because the buyers wanted our telephone.

Whatever happens — and Argentina is still so unstable that anything can happen — privatization and deregulation are facts. Almost no one advocates returning to the way things were. Even Alfonsin would have a tough time renationalizing the phone company, say, or enforcing the Law of Supply. Argentines are too used to the new way of doing things.

My friend Ramón reflects the new Argentina. For years Ramón ran a clandestine exchange house, buying and selling black market dollars behind closed doors. With deregulation Ramón's exchange business largely disappeared. These days even *banks* change money! But Ramón is busier than ever. He trades stocks and bonds, both for his own account and to accommodate old customers. He's invested in a condominium deal. He's looking to set up a private mutual fund.

Unlike the old days, Ramón works openly now. He has a fax machine, a cellular phone, and a pager. He's cheerier, and laughs more easily. Last time I saw him at his office, he was planning to borrow money for an apartment-hotel project. "Can you believe you can actually borrow money in Argentina?" he said happily, grabbing for the phone. "These days you can do anything you want here!" ❑

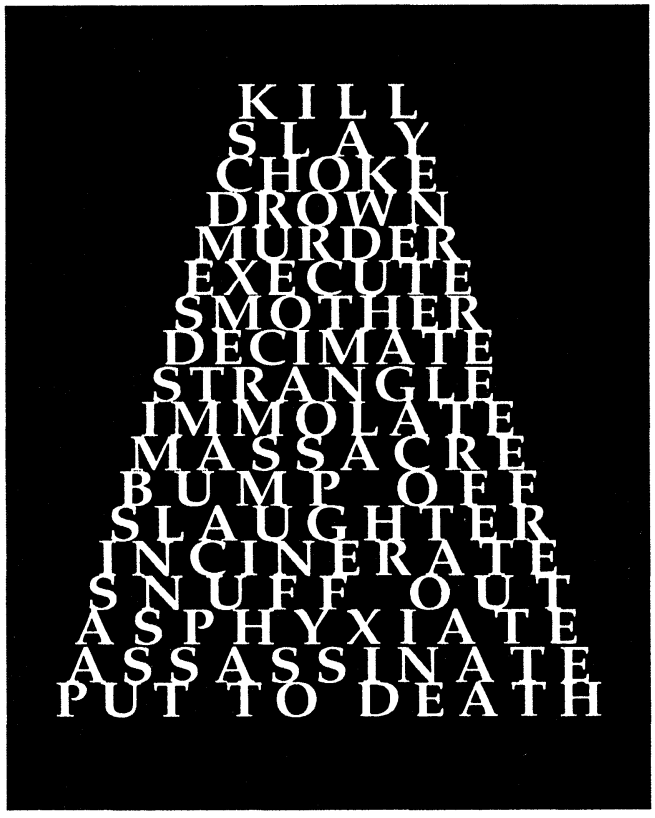

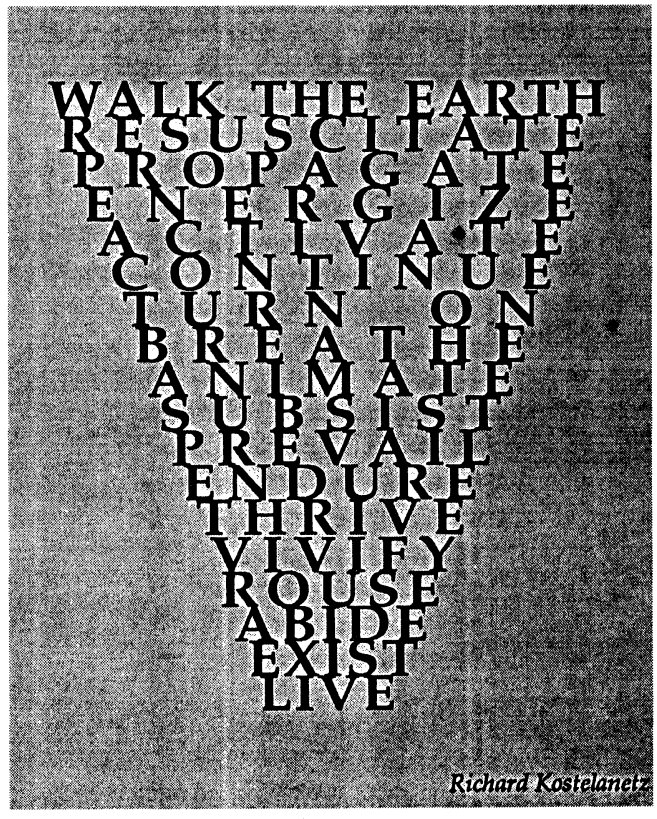

Raising Hell in Houston:
Partying With the GOP and the "Buchanan Brigade"

by Thomas D. Walls

You saw it on TV. But the Republican convention looks very different from the perspective of a young libertarian interloper in Bush country.

I attended the 1992 Republican Convention in Houston with the Republican Liberty Caucus, a group seeking to advance libertarian goals within the GOP. I arrived in Houston on Sunday, August 16. The "Buchanan Brigade," a group of youthful Buchanan supporters, somehow secured a convention package deal meant for the "Bush Brigade," which cost $125 and included six days at a local Roach Motel and admission to several convention events. We latched onto the deal.

At 8:00 a.m., Monday, August 17, we drove across Houston to the Astrodome. My friend Jay — a free-market anarchist — and I attended a pro-choice rally in the demonstration fields across the street from the west side of the Astrodome, while the others made the RLC's first appearance on the convention floor. When we got there, Dallas members of CHOICE were acting out a pro-choice bit on the stage. (They had paid $25 to use the field and sound system for four hours.) About twenty women comprised the group, and they all had sculpted-foam "pregnancies" tucked under their clothes, appearing pregnant in an explicitly irreverent way. Some carried cabbage patch dolls in their arms and proclaimed in mock southern accents how much they loved their kitchens.

Two dozen reporters showed up with cameras and microphones. Hardly any spectators did, except two quiet men with Bibles whom the leader of CHOICE asked to leave. We passed out RLC literature and met all the members of CHOICE. I stuffed a foam belly under my shirt and was instantly pregnant. The media loved it; three TV stations interviewed me. Jay and I picked up extra CHOICE signs. Mine read "Against Abortions? Don't Have One!" We joined their march up and down the street that separated the demonstration fields from the Astrodome for two hours, after which I began to complain of strange pains.

After lunch a curious bunch called the Space Frontier Foundation showed up, calling for the abolition of NASA and for allowing a free market in space travel. The spokesman heralded making extragalactic travel a reality in the near future and the "terraforming" of entire planets by the end of the century. Not surprisingly, the group was an amalgam of slightly nerdy computer programmers and sci-fi fans moonlighting as amateur aerospace engineers. They were very friendly. One held a sign reading "Why On Earth Are We Still On Earth?"

Some of the libertarian Republicans returned from the convention floor to check on us. They spoke of going through tight security, meeting a jovial and welcoming Robert Novak, shouting in conservative columnist Cal Thomas' face, and having Michael Kinsley tell them libertarians should be Democrats.

Another group with a quasi-libertarian message took the field. It was Citizens for Health, a bunch that pushes nutritional therapy and calls for an end to FDA restrictions on dietary medicines. The big speaker was Fred van Liew, a Dallas radio talk-show host. For twenty-minutes he derided the FDA's "tyranny" of controls.

At about 4:00, I entered the Sam Houston Ballroom across town for a big rally, hosted by Pat Robertson's Christian Coalition, an outfit that thinks feminists, atheists, and abortion-rights proponents are all Satanists. It was winding down and I missed Pat Boone's speech and most of everything else. This was fortunate; I didn't want to get sick on my first full day in Houston. I ran into some other RLCers there. An older woman came up to Eric Rittberg, the RLC chairman, and knelt at his feet. What the hell could she be doing? She arose slowly, grasping a small object tightly in her frail hands. "You wouldn't want to step on this!" she shouted as she turned and gave the object to a baby in a nearby stroller. It was a plastic replica of a human fetus.

I hung around as people left and got some ice water at the (of course non-alcoholic) bar. I gave RLC literature to departing ralliers, but I became discouraged after many threw distraught looks at my "Freedom means Choice" button. Outside, the loving Christians were in a screaming match with those oh-so tolerant leftists. The lefties whined about Bush, abortion, and, of all things, animal rights. The conservative types defended Bush and "family values."

Gov. Weld eyed the round, blue and white "libertarian Republican" stickers we wore. "That's music to my ears" he said.

By that time an anti-Serbian demonstration on stage was in full gear. I met a middle-aged U.S. Vietnam veteran born in old Yugoslavia. I told him of my interest in the situation and that I spoke some Serbo-Croatian. After a five-minute chat, he led me to one of the main speakers, an older man in ethnic Croatian clothing identified as a doctor. When I said I was with some libertarian Republicans, he responded by claiming to know a Polish fellow in the area who was a famous libertarian — but couldn't remember the man's name. I asked him if it was Matt Monroe, the unsuccessful challenger for the Libertarian Party chair in 1989. It was.

Up towards the highway ACT UP rallied with some NOW members. As I walked toward them, I heard a bullhorn emanating from a gray school bus coming down Kirby Street. As it approached, I could see the windows covered in black chickenwire; dark hooded figures shuffled about inside. The tinny loudspeaker blared out "Hwaht par, hwaht par." It was the KKK.

The bus passed the ACT UP crowd and the bullhorn screeched "Thank God for AIDS! Thank God for AIDS! God, wipe these scum off the face of the earth!" Immediately, four or five ACT UPers ran alongside the bus (I realized that it was *confederate* gray) and pummeled its side. White hoods came to the windows to shout and gesture. One of the activists latched on to a window and rode with the bus for half a block. The Klansmen inside rattled and banged on the windows and howled loudly until he let go. The Klanmobile sped up and drove off as I heard laughter inside.

Ten minutes later, it came back. The Houston police had since caught wind of the disturbance and lined up a string of cops between the protesters and the street. The bullhorn crackled again. "No Free Trade Agreement! No Free Trade Agreement!" I wondered whether the Confederacy would be a protectionist enclave if the War of Northern Aggression had never taken place. A friend suggested that we can now accuse anyone who opposes free trade of being "in bed with the Klan." Reassuringly, the members of ACT UP held true to their name: three or four got arrested.

That evening, the RLC contingent went to meet the Ripon Society, a group of moderate Republicans that stands at odds with the Religious Right. The meeting was held at a Mexican restaurant. We went there to see Governor William Weld of Massachusetts, the featured speaker, as well as to establish common ground with Ripon Republicans. Gov. Weld eyed the round, blue and white "libertarian Republican" stickers we wore. "That's music to my ears" he said. We asked if he'd wear one, and he said yes. Shortly thereafter, NBC's *The Today Show* interviewed him. The next day, *Today* did a spot on Weld, including the restaurant interview. On TV, one could see the sticker displayed prominently on his jacket. On the following Friday, the Miami *Herald* stated that Weld calls himself a "libertarian Republican." *The National Journal* calls Weld "a fiscal conservative and social libertarian" and says he's a fan of Hayek. In any case, he's certainly one to watch in the future, be it in a challenge to Ted Kennedy for the Senate or even the GOP presidential nomination.

Lacking a convention pass, I roamed the protest fields while Pat Buchanan and Ronald Reagan fired up the troops that evening. The KKK circled the block again, but this time their message was "Abortion is a Zionist plot to rub out the white race! No aid to Israel!" Not far behind them was what was once either a fire truck or a school bus. It was painted olive drab and had a 25-foot mock missile and a fake .50 caliber machine gun on the top. It looked realistic, if one could overlook its signs reading "Bush is Sick" and "Jail Neil Bush." The traffic light turned red, and the green missile truck pulled up behind the Klanmobile. Someone shouted over its P.A., "Cowards! Cowards!" and the Klan bus shot through the red light and around the corner. There were assorted cheers in the crowd on the field, and the policemen gawked at the strange vehicle as it proceeded down Kirby Street.

• • •

The next day there was an RLC meeting at Kay's Bar. Eric Rittberg had arranged (with help from paleo-libertarian moneybags Burt Blumert) for Lew Rockwell and Murray Rothbard to speak to us there. After arriving, I strung up a banner and organized a literature table inside. We got the barman to switch the TV to CNN. Almost all of us listened attentively to Bill Weld's speech, applauding and hooting uncontrollably when he declared, "I want the government out of your pocketbook and out of

your bedroom." In the convention audience, we could hear a mixed response of cheers and boos. One of us yelled "fascists!" at the televised booers. The nonaffiliated bar patrons looked at us strangely.

After about thirty-five people came, we called the meeting to order and proceeded with official business. We gave reports and elected officials, talked about our past successes, the status of RLC-backed candidates, and our future plans. Rodney Travis, LP candidate for the South Carolina state house, gave us a short speech but left early to return to the convention. As the official part of the meeting finished, Burt, Lew, and Murray walked in the door.

Eric introduced the three. Rothbard was the first to speak. He mirthfully conveyed his thoughts about the state of the nation, and fielded a slew of questions. One asked Rothbard what he thought of the Libertarian Party now. "Maybe they'll get less than a hundred thousand votes," he told us. "That'll finally shut 'em up."

In more somber tones, Rockwell talked about the significance of Buchanan, and of Hillary Clinton's evil desire to promote "children's rights." (Hey, didn't some guy named Murray Rothbard plug that concept in his writings, too?)

Lew said the problem with many libertarians is that they ignore traditional social institutions such as the church and the family. He took note of the "socially tolerant" phrase on our banner. "I don't think social tolerance is a good thing. You can't be tolerant of evil," he remarked. Lew then denounced Jack Kemp, Virginia Postrel, and William Weld as statist neoconservatives. In particular, he criticized Weld's views on abortion and the environment.

Afterwards, RLCers mingled with the guests. The paleo-leaning members of our group flocked to Lew. I went over to Murray Rothbard. "Weren't you supposed to meet with Perot himself?" I asked.

"Yeah, but somehow that never came about. I guess you can't trust billionaires" he joked, referring to his early '80s association with Charles Koch, billionaire financier of libertarian and free market groups.

"What about your column in the L.A. *Times* endorsing Bush?" I inquired. "You know, I've never gotten so much flak for anything I've ever written before, from libertarians and non-libertarians alike. I've been called a Nazi for that, everything." He acknowledged that Bush was a bumbler and a windsock, but, "at any rate," he was the lesser of two evils.

I had told Jay how Rockwell had regaled a group of young libertarians with off-color jokes when he visted my campus on behalf of Ron Paul in 1988, so Jay tried a few of his favorite dirty jokes on Rockwell, climaxing with a punchline requiring him to make a peculiar motion with his mouth. Lew chuckled politely and moved away. After a few drinks, the

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paleo-trio left. I still wonder what kind of impression the lot of us made. Especially Jay.

• • •

About six RLCers gathered to leave for a party at a posh art gallery hosted by Buchananites. Eric called Ron Paul on his car phone and Ron told him he was about to arrive at the party. When we got there 45 minutes later, Lew Rockwell and Murray Rothbard were standing near the door. Eric greeted them. "Hey, guys, how are you doing?" Rockwell grumbled something; it was clear he wasn't happy to see us. We asked them if they had seen Ron, and Lew told us they hadn't. Eric said, "Oh really? I talked to Ron on his car phone 45 minutes ago and he said he was just about to get here." Rockwell suggested that we could look around but he hadn't seen him. Murray stood there silently, nodding.

We walked up to the second floor, and there was Ron Paul. We told him Lew and Murray were downstairs and hadn't seen him yet. Ron said that was impossible. He told us he'd been there for almost an hour and was talking with them earlier. We wondered why Lew had lied to us. Oh, well. We turned our attention to the work of the caterers, and we weren't disappointed.

Someone asked Murray Rothbard what he thought of the Libertarian Party now. "Maybe they'll get less than a hundred thousand votes," he told us. "That'll finally shut 'em up."

Downstairs, young Buchananites circled Rothbard. They knew he was "a big economist" and asked his opinion on different topics. Some asked Ron Paul if he would run for anything in the near future, and he said he was thinking about it. Later on, we asked Ron if he'd join us for dinner. Lew Rockwell appeared from nowhere and told Ron that he should accompany Rothbard, him, and some conservatives to dinner. Ron was in an embarrassing predicament, so we told him we weren't eating anywhere special and that he should go with them. Ron appeared relieved and thanked us privately for not leaving him in a bottleneck. Shortly thereafter, we drove back to the Astrodome.

After much hassle with bad convention passes, security guards, and incoherent directions I finally arrived on the convention floor. Marilyn Quayle was at the podium, explaining the value differences of Baby Boomers in the Republican Party ("Dan and I") and of those in the other party.

I spied Dan Quayle and his kids in the VIP boxes. I've heard that Dan Quayle named his boys Benjamin and Tucker after Benjamin Tucker, the 19th century individualist anarchist; in the 1970s Quayle supposedly had a few libertarians in his circle of friends. I slipped down one of the rows leading to the VP's box, covering the passes around my neck with my writing tablet. I walked briskly to the line of photographers and reporters in front of Quayle's box. The box was about ten feet off the floor, and a row of Secret Service agents trenched around the box facing outwards with arms crossed. Photographers motioned at Quayle, trying to get head-on shots of him waving for them. I shouted out "Hey Dan Quayle!" He looked. I gave him a "rolling point," a slick gesture involving a wavelike motion of the whole arm culminating in a pointing finger. He gave me a thumbs up. I then yelled a patronizing "Quayle in '96!" and he gave me another thumbs up.

I thought of doing something inane, like calling Dan Quayle "Marlin Fitzwater." Or something strategic, like folding a RLC pamphlet into a paper airplane and throwing it at him. But I didn't know what the frat-boy Secret Service guys would have done if I had. They advised us to keep the line moving so others could take pictures.

I made my way up the VIP row. I saw William Bennett leaning over in his seat, drink in hand, talking to an attractive, older woman. A little further up, I saw Gerald and Betty Ford. The famous golfer gazed fixedly at the podium, completely motionless in spite of all the onlookers trying to attract his attention.

By this time Barbara Bush was addressing the audience. She talked of her family and how wonderful it was. She mustered the whole family out on the stage. Their Hispanic grandson from Miami gave a hearty "Viva Bush!" and ol' George himself came out to say a sentence or two about the importance of his family.

Bill Bennett started to speak and my friends and I decided to leave. Some of us got separated from those with cars, so we paid $5 to go back on the hotel shuttle bus. It was filled with Buchananites who mainly talked of finding a party. One of us referred to Texas Senator Phil Gramm as a redneck. A pretty but not-very-intelligent-looking Buchananite girl, stirred from her ennui, drawled "He ee-yuz nawt!" I couldn't stop laughing until I got to the hotel.

I thought of folding a libertarian pamphlet into a paper airplane and throwing it at Quayle. But I didn't know what the frat-boy Secret Service guys would do.

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Our last day in Houston seemed much shorter. In the morning, we loaded our excess propaganda into Eric's car with the intention of giving it all away. In the Astrohall, we hung our extra "Libertarian Republican" signs up, left stacks of literature on the tables, and handed beaucoup pamphlets out. I left more press kits in the media tents, and a woman in one tent gave me tickets for the B.B. King concert that afternoon. In the Astroarena, these tickets were selling for $10 each.

A remnant of our group started the long drive back to Tallahassee at about 8:00 p.m. As we drove away from Houston, we heard Bush's insubstantial speech on a fading, static-filled AM station. How fitting, I thought. ❑

Case Study

The Czechs Bounce Back

by Gabriel Hocman

In most of the ex-Communist world, privatization proceeds at a bureaucrat's pace. In Czechoslovakia, it sprints ahead.

An old woman stands on the steps leading into the big office building near the center of Bratislava. She holds a thin, yellow booklet in a plastic cover together with a ballpoint pen. She purchased it all a few minutes ago at the nearby post office.

"I do not know," she mumbles to herself. "My son told me to come here . . . a thousand crowns . . . never heard of such a thing in my life . . . vouchers . . . shares . . ."

Since the beginning of last winter, the yellow booklets of vouchers have been at the center of interest not only of that old woman, but, without exaggeration, of all the adult inhabitants of the Czecho-Slovak Federated Republic. They represent an unprecedented, never-heard-of form of privatization of state property.

After the Communist takeover of power in February 1948, the first and most important change was the expropriation of all means of production. The communist state "nationalized" not only the big banks, mines and factories, but the small salesmen's and artisans' workshops, followed by forced "collectivization" of agriculture. This expropriation of all means of production was quite thorough, matched in its extremism only by China, Cuba and a few other of the most oppressive communist countries.

In my father's law office, the only typewriter, the board full of papers, chairs, tables, even the doormat were transferred into the newly formed "lawyer's cooperative." Taking these items home was regarded by the law as theft. The lawyers continued their work as state employees at a fixed salary. The conversion of private property to the almighty state was carried out mercilessly in every stratum of the society.

In 1953 new banknotes, courteously printed in the Soviet Union, were foisted on the population. Their old money became worthless. Every citizen was given an equal sum of 300 crowns. The ownership of gold was outlawed. A man who'd hidden a number of his gold coins in the garden suffered exemplary execution.

The economic power of the state was virtually unlimited. Everyone was employed by the state. Unemployment became a crime punishable with a prison sentence.

In the course of the following years, of course, the members of the Communist Party became richer and richer. They got higher salaries and better access to education, and later received advantages in buying land or houses, which led to a marked difference in ownership. The "new class"of Party *apparatchiks* and members took over vast portions of the economy. The state-owned means of production were directed and managed by such worthy servants of the Party.

This was, more or less, the economic situation of Czechoslovakia even in 1991, two years after the "velvet revolution" supposedly ousted the Party cadres from their profitable positions of managing the economy. Those economists not compromised by the state argued that the only feasible solution was the reprivatization of the whole economy on a grand scale. They knew it would be a gargantuan task. But it was the only way.

Finding the rightful owners of what had been expropriated during the Communist era is not simple because of the passage of over 40 years. But it must be undertaken. Vaclav Klaus, vice president of the federal government, minister of finance, and leader of the rightist Citizen's Democratic Party (CDS), started the process. His approach consists of three

basic steps:

First, the rightful former owners or descendants of owners of houses, fields, restaurants, shops, hotels, etc. can ask for so-called restitution in courts of justice — and get title to their former property.

Second, the state-owned stores, shops, service and repair establishments are being sold at auction to the highest bidders — provided they were

Every citizen older than 18 years is now entitled to become a rightful owner of a part of the property of the state. The mines, banks, factories, hotels, publishing houses — everything that belonged exclusively to the state — is now being reappropriated by each and every citizen of Czechoslovakia.

Czecho-Slovak citizens living in our country. This has been called "small privatization." The apartments — either state-owned or so-called cooperatively owned — are being turned into the private property of those occupying them, for a reasonable fee.

But the third, most crucial and unprecedented step, called "big privatization," has been conducted since the winter of '91. It is nothing less than a give-away of state property to each and every one of the citizens of Czechoslovakia.

The rationale for such a step is that, during Communist rule, the state profited from the toil and sweat of all state employees, workers, doctors, tailors, farmers, everyone who worked for the state. The salaries of these workers and producers were far less than a fair share of their produced wealth. Thus, now every citizen older than 18 years is entitled to become a rightful owner of a part of the property of the state. The mines, banks, factories, hotels, publishing houses — *everything that belonged exclusively to the state* — is now being reappropriated by each and every citizen of Czechoslovakia.

Of course, such a grandiose plan is under heavy attack by former and present communists, left-wing socialists, pinky-brown nationalists. They call the whole process a fraud, trying to make the people believe that they are getting something for nothing; and that some smart operators managing investment funds will get the cream of the enterprises, leaving the ordinary citizens with the sour. Consequently, many people are simply not aware of the fact that they could become owners, and become to some small degree capitalists. But that is exactly what is happening.

Every state-owned enterprise is being transformed into a share-holder company, with exactly defined assets and a certain number of shares registered in the court. Every citizen can acquire 1,000 "voucher points," by buying the yellow voucher booklet for a nominal sum and then a stamp for 1,000 crowns, which represents the fee for organizing and carrying out the "big privatization." More than eight and a half million, about 75% of the qualified population, have claimed their share of the national wealth. Many people, myself included, are eager to get shares of enterprises, to feel like property-owners, and to join the new stock exchanges that presently are being formed in Prague and Bratislava.

An Entrepreneurial Culture Emerges

In the first wave of this process more than 600 enterprises throughout the whole of Czecho-Slovakia are being returned to its citizens, representing a value of about 250 billion crowns. This first wave began in spring '92 and should be followed with the second wave of factories and companies not yet fully prepared for being privatized. Every citizen above 18 years old could enter both waves of the reprivatization process.

Quite a number — over 400 — investment funds were formed by daring entrepreneurs trying to obtain "voucher points" from citizens and speculating with their future shares — for a profit. In fact, people unskilled in judging their own prospectives in business have confined their ownership points to those companies that promise them ten thousand or even more crowns in one year — provided they sell their shares to the investment company. Of course, the real value of the shares is supposed to be much higher — dividing the whole value of 250,000,000,000 crowns by 8,500,000 entitled citizens, it amounts to an average of about 30,000 crowns. But this is just an average — by investing his voucher points cleverly into shares of prosperous factories with good management, every citizen can win more, often much more, for his points — but also, less, if he acquires shares of weak or insolvent companies. Everyone is supposed to learn entrepreneurial risk.

Just how is this process carried out?

The cornerstone of the process is the registration of voucher books; at registration, the 1,000 points of a citizen's voucher book are converted to shares. He can decide either to invest his points through an investment fund, or acquire shares of prosperous companies himself. In the second half of March '92, the list of all enterprises and companies chosen for the first wave of privatization was published, together with their so-called identification numbers and basic facts concerning their economic position — their capital, yearly

But what does this unprecedented act accomplish? A sense of responsibility towards property. When the state owned everything, nobody in fact owned anything, and "state property" suffered from indifference and neglect.

profits, gains *vs* debts, number of employees, etc. If any one citizen — or investment fund — intends to claim shares of company A, he just writes the identification number of the company on a page of his voucher book in triplicate and registers it at any post office throughout the country. Of course anyone can diversify his order — 100 points to company A, 500 to B, 400 to

C. A "price list" of points versus shares has been issued; for example, for 100 points you can get 5 shares of company A, but only one share of a more profitable company B. After each round of ordering every shareholder is told if his claim will be honored. Since for the shares of more prosperous companies the demand will probably exceed the offer, the order will not be honored, the "points" will be returned to the citizen, and the "point" value of these shares will rise. Conversely, if the demand is less than the number of shares offered to citizens, the claimant's demand will be honored, the price of remaining shares lowered, and the claimant will obtain the demanded shares of "his" company. This process is being repeated in five consecutive rounds, at the end of which all available shares are distributed among the citizens, who will be transformed into shareholders.

Since no such process has ever been conducted on such a grand scale, errors, difficulties, and mistakes are unavoidable. An information campaign using the TV network, radio, newspapers — explaining how to proceed, what strategies to adhere to in ordering shares, and so on — is now in place.

But what do we — me and each responsible citizen — hope to achieve by this unprecedented act? First, to learn a sense of responsibility towards property. When the state owned everything, nobody in fact owned anything, and "state property" suffered from indifference and neglect. To learn to save, economize, to value goods as our own is, in my opinion, the foremost aim of the privatization process. This is why the leftist parties are furiously against privatization — the voter will act at the poll as an owner, a capitalist, and will think in a different way than he would if he were just an employee.

A second aim is to give every citizen a piece of the national wealth and the responsibility that goes with such ownership. What the people will do with their share of the common wealth is entirely in their own hands. The vouchers are registered to the name of each of the citizens and so are their obtained shares. Each and every one, now a proud and free citizen of our country, has become an owner as an individual, not in the meaningless collectivist sense of owning the "workers' state." For those who did not own much during the past 40 years, it means a lot.

So, if the Communists were able to turn our nation's people into beggars by a stroke of the pen, our society has now made a first, hesitant, but nevertheless decisive step towards a real market economy — it has turned every citizen into an owner. And this is by no means a small achievement in our continuing struggle against the remnants of the socialist way of thinking. ❑

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John Cage, Inventor

by Richard Kostelanetz

An important and influential American composer died on August 12. It is appropriate to honor him. But first, let us observe four minutes and thirty-three seconds of silence.

Even though he never assumed a position offering him cultural power, John Cage (1912–1992) was one of the few artists of whom it can be said, without dispute, that had he not existed the development of more than one art would have been different. A true polyartist, he produced distinguished work in music, theater, literature, and visual art. As a de facto esthetician, he has had a discernible influence upon the creation of music, theater, the visual arts, and, to a lesser extent, literature and social thought. His principal theme, applicable to all arts, was the denial of false authority by expanding the range of acceptable and thus employable materials, beginning with "noises," which he thought should be heard as music "whether we're in or out of the concert hall."

Though some consider him an apostle of "chance," I think of him as an extremely fecund inventor who, once he transcended previous conventions, was able to realize a wealth of indubitably original material. The famous "prepared piano," which prevented the emergence of familiar pianistic sounds, was merely the beginning of a career that included scrupulously alternative kinds of musical scoring, idiosyncratically structured theatrical events, unique literary forms, and much, much else esthetically new.

When I first began following his activities, three decades ago, no one received so much persistently negative comment, not just in print but in collegial conversations. When invited to give the 1988–89 Charles Eliot Norton lectures at Harvard, perhaps the most prestigious appointment of its kind, he delivered statements so barely connected that few professors returned after Cage's initial lecture! An anarchist from his professional beginnings, he worked, as much through example as assertion, to eliminate authority and hierarchy, even in performance. For instance, he never composed work requiring an authoritarian conductor or even a lead instrumentalist who functions apart from a back-up group.

Not unlike other avant-garde artists, Cage tended to make works, in his case in various media, that are much more or much less than art used to be. Though the minimal pieces should not be slighted, in my considered opinion the greatest Cage works are his *maximal* compositions. *Sonatas and Interludes for Prepared Piano* (1946–48) is his longest and most exhaustive exploration of his first musical invention. *Williams Mix* (1953) is a tape collage composed of thousands of bits, intricately fused onto six audiotapes that should be played simultaneously, so that the result is an abundance of sounds lasting only several minutes. I then like *HPSCHD* (1969) in which Cage and collaborator Lejaren Hiller filled a 16,000 seat basketball arena with a multitude of sounds and sights, and *Europera* (1987) which draws upon nineteenth-century European opera for musical parts, costumes and sceneries that are then distributed randomly to a professional opera company. Given my bias toward abundance, it is scarcely surprising that my favorite Cage visual art is the sequence of plexiglass plates that became *Not Wanting to Say Anything About Marcel* (1969); my favorite Cage text, the Norton lectures that became the long poem *I–VI* (1989).

In his notorious silent piece, the superficially much, much less *4'33"* (1952), he also became an avatar of Conceptual Art, with his framing by a performer's silence of four-minutes and thirty-three seconds of incidental auditorium noise suggests that the inadvertent sounds within the space constitute the "musical" experience and thus that all sounds, whether intentional or not, can be considered music. (One strain of conceptual art

continued on page 49

Assessment

Marxism's Post-History in Contemporary China

by George Jochnowitz

Taxi drivers are protected by Mao icons, but their religion is profit. Marx is rolling in his grave; the tremors are felt around the world — but are best understood close up.

The reforms hailed by the 1987 Congress of the Communist Party of China were interrupted by the death of Marxism.

I was a witness.

I was walking along Haidian Avenue in northwestern Beijing. It was May 20, 1989. Martial law had just been announced to no visible effect. Trucks were heading downtown loaded with provisions for the million protesters in Tiananmen Square. Among them were some of the students whom I had taught at Hebei University in Baoding, two and a half hours south of Beijing by train.

The crowds along Haidian Avenue were half strolling, half parading, giving each other the "V" for Victory sign, and rejoicing in the uniqueness of the occasion. Tiananmen Square was filled with students — everybody knew that — but in the Haidian neighborhood, there was no distinction between the students and faculty from the nearby universities and the other people who just happened to live in the neighborhood. The workers had joined the students! They were not thinking in class terms, as they had been taught to do all their lives. Instead they were demonstrating for clearly bourgeois goals — democracy and freedom. They had abandoned the class struggle and had joined with intellectuals, even though Mao had called intellectuals the *chou lao jiu* (the stinking ninth category).

Marxism died when the workers adopted the goals of the students. Nevertheless, the citizens of Beijing did not have the convictions of their courage. Most of them were not yet ready to reject the idea of socialism, however empty of meaning it had become, nor were they quite ready to give up the comforting certitude of Marxist faith, however faint a resemblance their version had to Marx's doctrine.

Prelude to Beijing Spring

When I arrived in Baoding earlier that year to teach for one semester at Hebei University, I noted a certain amount of disillusion with China's capitalist reforms. Everyone complained that the society was corrupt. They talked about the widespread use of the "back door" (bribery and corruption; a recurring theme in my students' compositions). But they failed to realize that "back doors" are used because the front door is locked, or because there never was a front door. Power does indeed corrupt, but powerlessness corrupts even more.

I was also surprised to learn from my senior composition class that they had — or claimed to have — no faith in the value of education. How can one respect the "stinking ninth category," after all? One senior wrote about a conversation she had had with a ten-year-old elementary school dropout:

> Nowadays, the most important thing for us is to earn money, money is most powerful in our society. I can earn a lot of money everyday, much more than a University Professor do. Why should I go to school? It's not worthwhile to be educated!

In China, jobs are assigned to graduating seniors by the university. There are no want ads or employment agencies. Student after student told me how he or she considered the policy a personal threat. One might be stuck teaching — horrors! — for the rest of one's life.

Job assignment is a peculiar policy for any government to pursue. People stuck in jobs they hate are not merely unhappy (and therefore more likely to cause trouble), they are also unproductive. Government assignment of

jobs, however, follows quite naturally from the theory of the "higher stage of communism," according to Marx. In this ultimate stage of history, "society regulates the general production and thus makes it possible for me to do one thing to-day and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming a hunter, fisherman, shepherd or critic." Implicit in Marx's statement is the idea that there are no individual talents or preferences. If this is the case, why shouldn't the government assign jobs?

What China's rulers hope for is the achievement of capitalism and the simultaneous suppression of liberty. Marxist ideology is the tool used to demonstrate the emptiness and selfishness of freedom as the economy becomes ever more capitalist.

The policy of job assignment explains much. China's leaders could not accept the idea that people have the right to do what they want. They could accept capitalism, but they never were happy about the idea of freedom.

China's Current Reforms

Three years after Tiananmen, the Communist Party is still not ready to criticize Marx, and is still leery of freedom, though it is supportive, in a limited way, of markets.

"China vows to gear up reforms," proclaimed a rare banner headline in the March 21, 1992 *China Daily*, the official English-language newspaper of the People's Republic of China. The occasion was the opening of the fifth annual session of the Seventh National People's Congress, which was to run for eleven days. "Planning and market forces are methods of running an economy, and can serve both socialism and capitalism," said Prime Minister Li Peng in his report to the National People's Congress. An editorial on March 25 spoke of smashing the three irons: "iron armchairs (secure posts for enterprise officials), the iron rice bowl (lifetime employment), and iron wages (fixed salaries without consideration for work performance)."

Does this sound just a bit like capitalism? Not to Prime Minister Li. He calls his policy "socialism with Chinese characteristics." It differs from capitalism, says Li Peng, in its adherence to the Four Cardinal Principles: the socialist road, people's democratic dictatorship, leadership by the Communist Party, and Marxism-Leninism-Mao Zedong Thought. "Socialism with Chinese characteristics" is a misleading name. I would call it "Marxist capitalism."

Further semantic confusion is caused by the fact that in 1987 the 13th Communist Party Congress stated as official doctrine that China is in "the primary stage of socialism." According to Marx, the capitalist stage must precede the socialist stage. What this means to China's leaders is that everyone must love socialism, but nobody has to live it. Socialism must inevitably triumph, since Marx cannot ever be wrong, but everyone secretly hopes it will not be during his own lifetime.

What China's rulers were hoping for then and are hoping for now is the achievement of capitalism and the simultaneous suppression of liberty. Marxist ideology is the tool that will be used, as always, to demonstrate the emptiness and selfishness of freedom, even as the economy becomes ever more capitalist.

In China nowadays, people believe in capitalism with the same religious faith they once reserved for socialism. Their socialist religion has failed them, but they have yet to shake the habit of believing in economic systems. Their current faith is negative socialism — socialism with a minus sign in front of it. That is why the press exhorts the citizens to overcome a climate favorable to egalitarianism. "To get rich is glorious" is now an official slogan. Even in the days of Horatio Alger and the robber barons, Americans did not express such extravagant praise of capitalism. China is now committed to the pursuit of Marxist capitalism — practicing the caricature of capitalism offered by Marxist theory.

Marxism is a system of belief — a faith that history moves through preordained stages: primitive communism, slavery, feudalism, capitalism, socialism, and communism. Marxism also is a system of absolute moral values: the goals of the working class are good, regardless of any other context; although the revolution of the proletariat will inevitably succeed, all human action ought to be subordinate to the class struggle; practical and individual needs must always give way to the needs of society. It is indeed ironic that a philosophical system based on economics and materialism should, like an absolutist religion, reject the demands of everyday life. Marxism is a faith in materialism that has declared materialism a sin.

Socialism, unlike capitalism, was invented. People may read Adam Smith and agree with him; no one, however, treats his writings as scripture. Karl Marx's works, on the other hand, are indeed considered holy writ in much of the world. Although Marx wasn't the first socialist in history, he did to a great extent invent socialism. Lenin and the other creators of socialist revolutions were following blueprints that they believed in; as a consequence, their socialist states must practice indoctrination. Indoctrination may exist in capitalist states as well, for nationalist or religious reasons, but never to foster the belief in capitalism itself. There once was a country called the "Union of Soviet Socialist Republics"; it is almost unimaginable that there could be a "Capitalist States of America."

Their current faith is negative socialism — socialism with a minus sign in front of it. "To get rich is glorious" is now an official slogan.

The Chinese are looking forward to

the day when capitalism will be the official faith of China. Only a Marxist — or an ex-Marxist — could ever accept capitalism as sacrosanct. Where but in China could "to get rich is glorious" ever have become an official slogan?

The Future

As China drifts further away from true Marxism, the intellectual attempts to bind past theory with current reality become all the more strained. Historian Li Shu, who insists that a sentence in the *Communist Manifesto*, "The history of all hitherto existing society is the history of class struggle," has been misinterpreted as, "All history is the history of class struggle," typifies the sort of nonsense that is shamelessly repeated by academics supporting the recent reforms. They wish to escape from Marx by pretending to return to his original meaning. The entire theory of the "primary stage of socialism," the theoretical underpinning for the open-door policies of Zhao Ziyang, was an attempt to undo Marxism while claiming to follow the letter and spirit of Marx.

Events should soon make these ever-more stilted justifications unnecessary and irrelevant. Marxism is dead, even if its ghost is worshipped in Cuba and North Korea. The cooked-up version of Marxism that the Chinese Communist Party currently promotes is surely too absurd to last long.

Furthermore, the Chinese Communist Party has learned of the necessity of capitalism, and perhaps even of laissez faire. Hong Kong, the closest thing to a laissez faire market society on the planet, is the model. 1997 — the year of reunification — is not far off.

Chinese communism's new-found ideological flexibility, whether called "socialism with Chinese characteristics," Marxist Capitalism, or the "primary stage," may find its most interesting expression in the developing policy toward Hong Kong. By taking it over, mainland China may also be obliged to take on the idea of the *free enterprise zone*. With the Communist Party now mandating a form of capitalism on the mainland, it may, indeed, protect a laissez faire capitalism in the soon-to-be-acquired British colony.

When five million Hong Kong residents live in the same country as a billion mainlanders, who will dominate? I think the answer is Hong Kong.

Much has been made of the imminent crack-down on political freedoms in Hong Kong. Most analysts assume that the threatened abrogation of political rights (such as Hong Kong autonomy) and personal freedoms (such as freedom of speech) will be extended, after sovereignty switches to the Communist mainland, to the realm of private property. But this may not happen. The designs the Chinese government may have on Hong Kong may be nothing less than to accrue, for its own purposes, the leavening effects of Hong Kong as a bastion of free markets.

But when five million Hong Kong residents live in the same country as a billion mainlanders, who will dominate? I think the answer is Hong Kong, no matter how much trouble the Communist Party takes to contain the political problem by curtailing "purely political" freedoms. Guang-dong Province already draws inspiration from across the border — soon to be erased — with Hong Kong.

Though this is only speculation, it does offer some hope to the people of Hong Kong.

Capitalism, Marxist or otherwise, cannot save China from its alternating periods of reform and crackdown. Only liberty can do that. Fortunately, there are signs that this savior may be on its way. A headline in the April 6, 1992, edition of *China Daily* reads: "Beijingers keep pets for fun"! To appreciate the significance of this item, it is necessary to know that owning dogs is illegal in Chinese cities. The news story informs us that "about 100,000 people were found keeping dogs illegally each year from 1986 to 1991. . . . an increasing number of Beijingers keep dogs despite the ban." Why were dogs outlawed? According to the article, "Each year more than 30,000 people are bitten by illegally kept dogs." I suspect there is a deeper reason for the government forbidding dogs as pets: owning dogs is an expression of individuality. When pet lovers defy the state, and when an official newspaper prints the story approvingly, then, perhaps, totalitarianism is indeed on the way out. ❑

Richard Kostelanetz, "John Cage, Inventor" *continued from page 46*

consists of statements or demonstrations that convey heavy doses of esthetic implication.)

Cage also revolutionized musical scoring (even collecting an anthology of *Notations*, 1969, that mostly reflects his influence), introducing graphic notations and even prose instructions in place of horizontal musical staves. The most extraordinary of his own scores is the two-volume *Song Books* (*Solos for Voice, 3–92*) (1970) that contain, in part through length and number, a wealth of alternative performance instructions.

An anarchist in both his head and his gut, Cage always understood that much happens, in society as in art, without the intervention of the state, without the intervention of empowered authorities, without hierarchies, even without leadership. His influence, his career, could not have happened in a supervised society. I never met anyone with so much celebrity with so little taste for authoritarian postures. (It is not surprising that he refused to vote.) He never dismissed another artist's work as unacceptably wayward, for his sharpest criticisms exposed how something was not radical enough; even if it pretended to be. When he was chosen Norton Professor, I chided him for accepting a title ("Professor") that would elevate him above the rest of humanity, even if only for a year. I later asked him what it was like to be a Harvard professor. "Not much different from not being a Harvard professor," he replied. ❑

A Journey to the East

by Ben Best

Diogenes went looking for an honest man. Ben Best went looking for libertarians in Europe's ex-collectivist back streets.

From mid-June until late July of 1992 I traveled through Scandinavia, Eastern Europe and the northeast corner of the former Soviet Union. The pretext for the trip was two computer conferences being held in or near St. Petersburg, Russia in the first half of July, but my actual goal was to meet and confer with as many libertarians as I could. So I spent several months preparing for this trip, mostly identifying and writing to libertarian contacts in this part of the world.

When I landed in Stockholm I was met at the airport by Henrik Bejke, the Swedish representative of the International Society for Individual Liberty (ISIL). We went by bus to a night club that is a major locus of libertarian activity in Stockholm. This club is owned and operated by libertarians as a profit-making political protest. Other Stockholm nightclubs have liquor licenses and must close at 1:00 a.m.; this club has no liquor license and operates all night.

Occasionally, the police raid the club, arrest its workers and shut the club down. The workers are released a few hours later and the club is back in business soon after. So far, the authorities have refrained from taking measures that would destroy the enterprise.

This peculiar stand-off between the police and the operators of the nightclub is indicative of both Swedish tolerance and of the high political profile libertarianism has achieved in Sweden since 1980. Sweden's backlash against the Welfare State, although less dramatic than Eastern Europe's revolt against communism, is a national force powerful enough to have placed a conservative government in office and to have made libertarianism a household word and a force in mainstream student politics.

Just inside the nightclub's entrance is a large sign containing a quotation from Frederic Bastiat: *where law and morality stand in conflict, morality must prevail*. Similar signs around the stage and dance-floor contain quotations from Milton Friedman and other libertarians.

Henrik handles much of the accounting and administrative work of the club. He showed me the office and his computer. He had an ambition to start a Swedish libertarian E-mail system, but had no idea how to go about doing so. Also in the club's office is a libertarian library and bookstore. Among other titles, it offered a Swedish translation of *Atlas Shrugged,* in a three-volume boxed set.

Arrangements were made for me to have lunch with Einar Du Rietz, the head of the Free Moderate Students Association, the largest conservative student organization in Sweden. Einar is a libertarian, and we talked politics and philosophy. Einar mentioned that *Atlas Shrugged* is a frequent catalyst for students to change their views from conservative to libertarian. This led to a discussion of Rand's attempt to derive ethics from metaphysics — an issue that is frequently on the minds of Randian libertarians in Europe, as elsewhere.

In his office, Einar allowed me to phone the Assistant Director of Student Affairs at the Institute for Humane Studies in Paris. She agreed with me that traveling can be made much more pleasant by meeting like-minded people in foreign countries. She faxed me a list of names, addresses and phone numbers of free market minded people in Eastern Europe. I was especially eager to make contacts in Lithuania and Latvia, partly because all my previous efforts to do so had failed. Einar showed me a letter he had received from a fellow who is active in Lithuanian libertarian student politics. I wrote the fellow a post card, telling him the arrival time of my flight to Vilnius from Warsaw.

I spent the rest of the afternoon wandering around Stockholm. Immigration is a big issue in Sweden, insofar as eight million Swedes have allowed one million foreigners to enter the country. Sweden has the largest number of refugees per capita in the world, I was told. The bountiful shipments of food to Africa from Sweden have contributed to attracting many immigrants from that continent. One Swede complained to me that Swedish laws are so tolerant that AIDS-testing of immigrants is prohibited, out of concern that this would be discriminatory. A segment of Swedish society is in reaction to this influx. On that day the newspaper headlines proclaimed the capture of "Laser Man," a person who had been taking potshots at dark-skinned people through his scoped rifle, yet had been eluding the police.

I met Henrik, my ISIL host, for dinner — and more political discussions. Public opinion polls typically show Scandinavians scoring the highest for irreligion in the Western World. Nominally, Swedes belong to the State Church, and 1% of their income is taxed to finance the Church. Any Swede can avoid the 1% deduction simply by making a formal request to the government, but most don't bother. Henrik said that the government will probably privatize the Church within the next five years, but there are evidently people who are concerned that a private church might become aggressive and obnoxious.

I had made arrangements to catch a train to Oslo at about 2:30 a.m., and someone had agreed to drive me to the train station. My driver engaged me in a discussion about the function Michael Milkin served in the marketplace, and about how the state can be eliminated without violence.

I had planned my arrival in Oslo to coincide with a conference that I was told would be the largest gathering of libertarians ever seen in Norway. This turned out to be not true, for reasons that were never made clear to me. The conference was sponsored by the Progress Party, an alliance of conservatives and libertarians that is not always congenial (the Progress Party is officially anti-immigration, to the chagrin of many libertarians). Because the conference had speakers from many countries, it was held in English. The topic was the EC and the Maastricht Treaty. Predictably, nearly everyone opposed the political centralization represented by Maastricht. Most still favored the Treaty of Rome as a method of reducing trade barriers, although one speaker vehemently opposed the EC for being an instrument of European protectionism that was thwarting the free world trade which could be achieved through GATT (the General Agreement on Trade and Tariffs).

One Norwegian libertarian, although he was ideologically committed to a pro-immigration position, expressed his concern about the impact of immigration upon Norway. He felt that far too many of the immigrants were attracted to Norway by the very generous system of social welfare. These people, he said, were coming to Norway with no intention of working for a living or becoming productive citizens. The immigration policy is so generous that it guarantees the children of immigrants an education in their native language. This can be both costly and difficult in the case of some of the more obscure African languages.

Sweden's backlash against the Welfare State is a national force powerful enough to have placed a conservative government in office and to have made libertarianism a household word and a force in mainstream student politics.

One of the speakers was a member of Parliament in Denmark, and he was among my lunch companions. I have had little experience with having friendly, casual relations with elected political figures in North America, let alone with ones who are libertarian. The election of libertarians is much more possible on the Continent than in America or Britain because Europe's electoral systems generally have proportional representation, as opposed to the "winner takes all" system in the English-speaking world: small parties with a small fraction of public support get a small political representation in Parliaments.

Libertarianism is influential in Norwegian student politics, although less influential than in Sweden. I dropped into the libertarian students' union in Oslo and chatted with a number of the students. The ones I spoke to did not seem very well read or knowledgeable of libertarian philosophy or economics.

I took the train to Germany, where cryonicist Klaus Reinhard was my host. Although Germany has an ISIL representative, libertarianism is practically unheard of in that country — except for the non-capitalist varieties. Considering the role that Austrian Economics has played in libertarian philosophy, this puzzles me. The Scandinavian libertarians could give me no persuasive explanation. Someone translated *Atlas Shrugged* into German many years ago, but it was long out-of-print, and practically unobtainable. I gave Klaus an English-language version of the novel.

I took a night-train from Hamburg to Prague. The train itself gave me a sense of foreboding that I was entering the former Eastern Bloc. The railcar bound for Czechoslovakia was dark, old and dirty-looking — in contrast to the other railcars in the train (and European railcars in general). It looked as if it had been built to transport troops during World War II.

Prague escaped the devastation of World War II and is full of historical monuments. I would rate it as one of the best cities for touring in Europe — and yet the big influx of Western tourists is a very new phenomenon there. Prague almost seemed to be in a state of on-going celebration, or carnival.

My guidebook said that the National Museum on Wenceslas Square wasn't worth wasting time in, but I personally found the taxidermy superior to any I had ever seen — partly because the stuffed animals were on floor level and weren't sequestered in glass cages. I had never before stood so close to a stuffed rhinoceros.

The most peculair tourist attraction I saw was the city sewer, an engineering masterpiece, the advertisements said. I bought a ticket and walked down some stairs to a "gallery" on top of the flowing sewer-water. I could see the confluence of three pipes of sewage. It smelled

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like an outhouse, but the sewer water looked fairly clean (and greenish.)

In an attempt to get another viewpoint on Prague, I rode the subway to the end of the line, to the Prague suburbs. What I saw is typical throughout cities of Eastern Europe (and even more so in the former Soviet Union): forests of huge and identical-looking apartment buildings. The only houses in or near cities are those that pre-date communist rule. In this sense, life in the communist countries of Eastern Europe was collectivized and quite uniform. Makeshift kiosks near the subway stations selling food and household items symbolized the new spirit of enterprise.

Had I met libertarians, I might have gotten more insight into Czech politics and culture. Some Canadians who had lived there for several months told me that hatred is a standard emotion. The Czechs hate the Germans, the Russians, the Jews and the Slovaks. The Slovaks have almost the same list of hates, save for substituting Czechs in the place of Slovaks. People feel that it is inevitable that Czechoslovakia will split in two.

I took an overnight train from Prague to Warsaw. Warsaw is not the tourist attraction that Prague is. Hitler was determined to reduce Warsaw to rubble, and he did a pretty good job of it. Even the "old town" is a reconstruction, and there weren't many tourists .

Warsaw is dominated by the Palace of Culture and Science, a 30-story concrete building that was a gift from Stalin to the Polish people (built by Poles, as one Pole wryly pointed out to me). Surrounding this building is the heart of the "new Warsaw" — a collection of huge quonset huts that serves as a shopping center. The newness of a market economy to Poland seems reflected by the ramshackle buildings out of which many businesses are conducted. Nonetheless, on the ground floor of the Palace of Culture and Science itself I found a rather new clothing boutique.

I arranged a meeting with a "libertarian" student completing a Ph.D. in economics at the University of Warsaw, and also with the publisher of *Stanczyk*, reputedly "the oldest Polish journal edited by Polish defenders of laissez-faire capitalism." I was a little surprised at how eager these men were to meet with me — and adjust their schedules.

The publisher of *Stanczyk*, Krzysztof Bakowski, told me he was very self-conscious about his poor English. On the phone he told me that trying to have a conversation with an English-speaking person made him "feel like nigger talking to white person." Many times in Eastern Europe I encountered this shame people had of their poor English — while no acknowledgement was made of my ignorance of their language.

We ended up in Krzysztof's apartment, with the Ph.D. student acting as a translator. From the student I got the impression that his economics department is more like a western business department. I also found this to be the case in the Baltic countries. With the passing of Marxism, practical business has become far more important than macroeconomic theorizing.

I had seen advertisements for *Stanczyk* in *Freedom Network News*. Krzysztof said the ad had not been successful in generating interest or help from Westerners. He said, "libertarians don't help each other." Primarily, he was looking for financial support in the thousands of dollars. Since this was unlikely to be forthcoming, it seemed inevitable that he would be forced to cease publication. This is particularly ironic in light of the fact that for most of *Stanczyk*'s publication history, the journal was outlawed and had to be distributed through clandestine networks.

With the passing of Marxism, practical business has become far more important than economic theorizing.

Krzysztof said that the philosophy expressed in *Stanczyk* is both economic and political — the two being equally important. In economics, he favors complete laissez-faire capitalism — even to the point of money and banking being kept totally out of the hands of the state. In politics, however, he is fiercely anti-democratic. His view is that the masses will always vote for socialism and welfare, and that a free economy can only be achieved through dictatorship. Chile was his best model. I was a bit too stunned by his position to argue

with him, but I did ask by what means a stable free-market dictatorship could be guaranteed. I didn't get a very satisfactory answer.

The train from Warsaw to Vilnius, the capital of Lithuania, passes through Byelorussia. My Russian visa (still a visa for the "USSR," despite the political changes) was good only for the month of July, so I was forced to fly from Warsaw to Vilnius.

I was very worried about my trip through the Baltics. I had written letters to the "Free Market Institutes" of Lithuania and Latvia, but got no response. Credit cards and traveler's checks are not accepted in the Baltics and it is impossible to wire money into those countries even in an emergency. This meant I had to take ample amounts of "hard currency" (i.e., currency for which there is an exchange market, like Deutschmarks or dollars). Given the stories I had heard about the desperation of the people and the prevalence of robbery (especially on trains), I did not feel comfortable. I had also heard that the trains did not run on time — frequently with delays of two days or more. I expected that almost no one would speak English, and I was not confident I could get by on my poor Russian.

Except for a one hour delay in Latvia, my fears proved unfounded. I was met at the Vilnius airport by a man named Wasyl Kapkan. The postcard I had mailed in Stockholm had been received and passed on to Wasyl, who agreed to be my guide and to let me sleep on the couch in his apartment. We rode buses to his apartment block, and he apologized for his humble living conditions as we walked up the dirty, narrow stone stairway. His apartment was indeed small. Everything, in fact, seemed greatly miniaturized: the kitchen, the refrigerator, the toilet, the bath, etc. (Toilets are usually in separate rooms from the bathtub or sink in apartments of the former Soviet Union — presumably to allow others to wash or bathe independent of toilet use.)

Almost immediately I found myself invited to two lunches. My first host was Algirdas Degutis, President of the Libertas Institute and a very well-known man in Lithuania. He was one of the founders of the Liberal Party and was influential during the break from the Soviet Union. Degutis translated *The Road To Serfdom* into Lithuanian, and apparently this book was widely read. He also publishes a libertarian magazine in Lithuanian called *The Speculator* (the issue he gave me contained essays by himself, Frederic Bastiat, John Williams and Tibor Machan, along with one-page excerpts from Ludwig von Mises, Murray Rothbard and Herbert Spencer). He is a former philosophy professor, but he evidently knows a wealthy libertarian who subsidizes his libertarian pursuits — largely translation of libertarian economics books into Lithuanian. His personal library is impressive. As his views have gotten increasingly radical, Degutis has come to be disparaged by those in government. His most recent interests were David Friedman's *The Machinery of Freedom* and Ayn Rand.

When I teased Juri that he should go into the currency business, he replied that he would get beat up if he did.

By Lithuanian standards, Degutis seemed to be a fairly rich man. He had a new-looking (if small) car, and he could afford to chain-smoke packaged cigarettes. He picked me up in his car and drove me to his apartment, where I had lunch with his family.

I was quite surprised when Degutis told me he was a firm Roman Catholic. I asked him how he could reconcile the atheism of Rand's Objectivism with Roman Catholicism. He answered that he thought Objectivism and Roman Catholicism were not incompatible. It turned out that all the libertarians I met in Lithuania were Roman Catholic. Lithuania's Roman Catholicism comes from the country's historic close relationship with Poland. In this respect, Lithuania is quite different from Latvia (which is more Germanic) and Estonia (which is more Scandinavian).

The host of my second lunch was an enterprising libertarian engineer who had started a business dealing with sound systems and acoustics. He was also active in the libertarian faction of the Liberal Party.

After lunch, he and Wasyl gave me a tour of the points of historical interest in Vilnius, beginning with the TV station offices (across from the engineer's apartment block) where the Lithuanians had confronted Russian soldiers. I could see pockmarks from bullets on the walls of the building. We ran into a fellow on the street with whom my companions exchanged a few friendly words. This man had been in charge of Lithuanian counterintelligence against the KGB just after Lithuania achieved independence. The sense of closeness to central government in a small country is almost eerie.

Vilnius has a few noteworthy cathedrals and monuments, as well as an "Old Town," but I barely saw anyone I would call a tourist. Nor did I see much in the way of tourist amenities, like fast-food vendors or souvenir sellers.

I returned to an evening meal at the apartment of the engineer's family. This meal was exactly like my lunches — bread, leaf lettuce, small unripe strawberries, greasy sausage slices, bits of cheese and some wine. Wasyl phoned Latvia to arrange for someone to meet me in Riga, and the engineer's wife packed me a lunch for the next day. These people are so poor by western standards, and yet they kept trying to give me things and help me in any way that they could — and it was difficult to give them anything in return. The extremity of their hospitality was embarrassing.

At the train station in the morning, I finally met Andrius Buldygerovas, the student libertarian to whom I had sent my postcard. He had been on a camping party with 40 or so libertarian ("neo-liberal," they say) students. We got into a conversation about cryonics and the attraction it has for so many people who have admired Ayn Rand. I said it was probably because Rand is so pro-survival, pro-technology, life-affirming, pro-reason, and anti-mystical. Wasyl was evidently impressed, because he mentioned that he was nearly finished translating *The Road To Serfdom* into Ukrainian, and he asked me to write an introduction for his edition. I protested that Degutis should write the introduction, but Wasyl kept pressuring me until I agreed — warning him that it might take months.

I took the train to Riga in a "first class" (by Soviet standards) railcar, at a cost of about $1.20. I shared my compartment with three other people. One fellow owned a cheap-looking pocket calculator, but one might have thought it was a video game, judging by his fascination and the way he kept doing calculations. (He really seemed to be playing; I didn't see him taking figures from anywhere or writing down results.)

I was met at the Riga train station in the late afternoon by a middle-aged woman who did volunteer work for the Latvian Liberal Party. Professionally, she was a teacher of geological engineering at a Riga Technical School. She gave me her business card. (Every "libertarian" I had met in Poland and Lithuania had given me business cards — including Wasyl, whose card was hand-printed). Her English was not very good and she seemed almost non-ideological, aside from her desire to see the Russians leave Latvia.

I got a very strong message, during my stay in Russia, that the great majority of people hate communism and crave a market economy. Equally strong, however, was my impression that hardly anyone has the least idea of what a market economy is.

She did give me an excellent tour of Riga. I noted that anti-tank barricades remained standing around government buildings — as compelling a sign as any that Latvians will not rest easy while Russian soldiers are still in their country.

I rode the overnight train to Tallinn, the capital of Estonia, where I was met the next morning at the train station by a 17-year-old boy named Juri, with whom I had corresponded for six months. He is both a libertarian (although his knowledge is limited) and a Mensan (one of the three Mensans in the whole of Estonia). He is fluent in Russian, English and Estonian. Since his school year had just ended, he was happy to be able to be my full-time companion for two days.

Upon arriving in a new country, one of the first problems that must be dealt with is obtaining the local currency. This proved to be more difficult than usual because: (1) I had arrived two hours before the currency exchange office opened and (2) the Estonian government had converted from Roubles to Kroons on the previous week, and the availability of Kroons was still a problem. In front of the train station's closed currency-exchange office there were quite a few currency traders (most of whom were from Russia or the Caucasus). Naturally, they charged an exchange rate that was more costly than the office. I asked Juri to talk to several traders in order to get the best rate. All the traders quoted the same rate except one, who undercut the others by a slight margin. Before a transaction could be performed, however, another trader started yelling, and informed a "boss" who came over and chewed out the deviant trader. The deviant's rate immediately came in line with the standard one. I traded currency with a dealer who had not been involved in this commotion (at the standard rate, of course). When I later teased Juri that he should go into the currency business, he replied that he would get beat up if he did.

Juri located a hotel for me that was decent, yet cost only $8 per night. He then proceeded to show me around Tallinn. Tallinn is swarming with tourists, in contrast to Lithuania and Latvia. Estonian language is very close to Finnish and, with Helsinki just a short boat-ride across the Gulf of Finland, there is a constant influx of Finns seeking inexpensive entertainment. The Estonians are also influenced by Finnish television. Although Estonia is still a very poor country by Western standards, it is noticeably richer than Lithuania, and there is much more commercial activity on the streets.

Estonia is larger than Switzerland, yet its population is only 1.6 million, less than half Lithuania's. Nearly a third of the residents of Estonia are Russian, contrasted with only 20% in Lithuania. Juri told me he could speak Russian from the time he was seven years old, and his fluency was evident from his conversations with Russian speakers. Juri denied claims by the Russian government that Russians are a persecuted minority in Estonia. He thinks that any Russian who truly wants to be an Estonian citizen should be willing to fulfill the new requirement of fluency in Estonian. He says that most Russians simply refuse to learn the language.

While we were in an Estonian natural history museum, I asked Juri about the two large Estonian islands between the Gulf of Riga and the Baltic Sea. Juri said that even he would be unable to visit those islands without a personal invitation from a resident. Concerning the low population density of Estonia, he told me that any Estonian citizen can have a piece of farmland simply by making a request to the Estonian Government. Most Estonians living in Tallinn just aren't interested.

I struggled to make contact with libertarians in Tallinn, but had a very hard time. One Estonian student libertarian was doing graduate work in Sweden. He did not think that Estonia was ready for libertarian ideas because the country is so concerned with constitutional issues and relations with other nations (particularly Russia).

I phoned Roger Wessman (the ISIL representative for Finland) with the hope of finding English speaking libertarian contacts in St. Petersburg and Tallinn. Roger is planning to organize an ISIL conference in Estonia, but he had no contacts in Russia and could only give me the names of a couple of Estonians. One of those Estonians was a young banker who was helping Roger organize the conference. I arranged for the banker to have dinner with Juri and me.

The publisher of "Stanczyk" told me that trying to have a conversation with an English-speaking person made him "feel like nigger talking to white person."

Even the restaurants in Tallinn are still owned by the government. Surprisingly, the one we selected had

fine food. The banker was an enterprising young man who works 16-hour days to help establish an Estonian commercial bank. I asked him about the International Monetary Fund (IMF) involvement with the new Estonian currency. Evidently there was no direct involvement at the beginning — the Kroon was being backed entirely by Estonian government reserves of "hard currencies" (especially Deutschmarks and dollars). The IMF nonetheless was planning future involvement, and was demanding that the Estonian government raise taxes — something vigorously opposed by a coalition of the Liberal and Conservative parties.

I paid about $5, tip included, for the excellent dinner for the three of us. Considering that the food was so good, I found it curious that the restaurant looked so empty. The banker told me the front door is usually closed, and that it was only an accident that it was open when we arrived. Perhaps employees of state-run restaurants aren't so eager for business.

The banker invited us to go to his office so that he could try to find libertarian contacts for me in Russia. From his office, the banker got a phone call through to a journalist in St. Petersburg who he hoped could help me locate libertarians in that city. The journalist couldn't understand why anyone would want to meet such people, but provided the address and phone number of the Free Democratic Party of Russia.

I took a night train to St. Petersburg. The total cost of my train fares from Vilnius to Riga to Tallinn to St. Petersburg amounted to less than $5, including the 25¢ I had to pay for bedding. Predictably, I was awakened in the night when we crossed the border into Russia. Unpredictably, the inspectors were only interested in my passport and visa — they didn't even look at my suitcase or backpack. I later learned that Russian customs officers at the St. Petersburg airport are as diligent as ever.

When I arrived in St. Petersburg, I took a taxi directly to the center where my APL computer-language conference was being held. This conference was sponsored by the Association of Computing Machinery, with headquarters in New York City. It was the first conference the ACM had sponsored in the former Soviet Union.

I had arrived early so that I could explore St. Petersburg before the conference started. The conference coordinator asked me if I wanted the services of a translator at the cost of $20 for 8 hours, plus $5 to the agency. I accepted this offer, and was introduced to a fellow named Ivan, who was fluent in Russian, English, French and Spanish. Ivan was also a historian, with particular expertise in the history of St. Petersburg — as was obvious by the way he could rattle off dates and expound at length about almost every monument, cathedral or mansion we passed. The $20 fee was a bargain as far as I was concerned, but by Russian standards — the average monthly pay is about $20 — Ivan was being richly paid.

It would be nice to think that with the decline of the Soviet state, freedom and enterprise would prevail. But a host of extortionists and protection rackets emerged, exercising control over anyone who ventures to engage in any kind of business.

For over 30 years following World War II, there was almost no inflation in Russia. During that period, a ride on the Moscow or Leningrad subway cost 5 kopeks. Most workers had maintained the same salary for 30 years. Then a few years ago, the economy began to crack. Prices have moved more towards reality, but only in a very qualified way. With almost everything still owned by the state, it is difficult for prices to reach a "true market level" (as Ludwig von Mises so trenchantly demonstrated in his famous essay "Economic Calculation in a Socialist Commonwealth"). Oblivious to the rampant inflation, the Russian State Banks continue to pay 5% interest on deposits, as they have for decades. As far as I can tell, there was no incentive to save money except to make a big purchase. In cradle-to-grave socialism, there is no point in saving money for retirement.

I bought $125 worth of roubles at a rate of 105 roubles to the U.S. dollar (although I later heard I could have gotten 125 on the street). This was more than enough to last me for 3 weeks. Thinking of a rouble as being worth less than a penny helped me to evaluate costs.

A subway ride in St. Petersburg cost one rouble, and a telephone call cost 15 kopeks. But making a telephone call was not easy: I couldn't find anything that cost less than a rouble, and no one had change. Ivan had a source for change that he wouldn't tell me about, although he did sell me coins for the pay phones.

Although there is still negligible privatization of large enterprises, on the individual level there is enterprising almost everywhere in St. Petersburg. Outside every subway stop are rows and rows of kiosks, and people are selling things on the pavement, on tables, etc. On Nevsky Prospekt (the main drag) near the Big Department Store, the sidewalk merchandising reaches a fever pitch. Against both sides of the sidewalks, people stand side by side offering the most ridiculous items for sale: high-heel shoes, kittens, blood pressure kits, etc. Bananas are sold from boxes piled on the sidewalk — a very popular item. Bananas cost more here than in the government stores, but government stores are usually out of them.

A serious problem for tourists in St. Petersburg is the fact that the drinking water is infected with the *Giardia lamblia* parasitic amoeba — which can cause serious illness and diarrhea. The residents know to boil water before they consume it — and tea-drinking is common. Since I do not like drinking sugary soft-drinks or alcoholic beverages, my search for mineral water took on an almost desperate quality. I tried tonic water, but I am not keen on quinine. Ivan and I finally did find some mineral water. Despite its murky brownish color, I bought six bottles and poured them into a large plastic bottle I carried in my backpack.

Peter the Great had an interest in science which is rarely seen in those with political power. I visited the Antropology Museum that he commissioned in 1718 to house his collection

of "curiosities." I saw a skeleton of a calf with two heads and one hip and numerous skeletons of Siamese twins. The jars of deformed fetuses were remarkable not only for their oddities — cyclops eye, face fused into a single orifice, etc. — but for the degree of preservation. (Peter once presented his wife with the preserved head of one of her lovers.)

I wanted to get some materials which could help me learn Russian, so Ivan took me to the largest bookstore in St. Petersburg, located in a building built by the Singer Sewing Machine Company at the turn of the century. Bookselling is a very popular private merchandising activity, tables loaded with used books are seen on sidewalks, outside subway stations and around the railway stations.

We also went to the largest distributor of cassette tapes and video recordings. I had Ivan select recordings of popular Russian music for me. It was possible to obtain Russian-dubbed videos of almost any popular American movie. I selected *Bladerunner, Star Trek,* among many others. I had to wait a week for my order to be filled. I was slow to realize that these films were all being copied illegally (ignoring the FBI warning!) by a business run by the Russian government.

I made my way to the office of the Free Democratic Party of Russia. Only one person (a guy named William) spoke English, so I talked with him. I asked William what books his views were based upon, and he said there were no books. I asked him if he knew of libertarians in St. Petersburg who spoke English, and he said he knew of no others. He affirmed his support for a free market, and said that privatization had not even really begun in Russia. William said that his Party was in contact with ISIL and the Republican Party in the United States. He said that his Party currently had 2,500 members (mostly in St. Petersburg), and 3 seats in the Russian Parliament (out of about 1,000).

William gave me some pamphlets (written in Russian) on his party's principles. He wrote his name, address and phone number on the front cover. I gave him copies of several of my essays, a copy of the latest issue of *Liberty*, and a copy of *Atlas Shrugged*. I mentioned that Ayn Rand was born in St. Petersburg, and had influenced contemporary libertarianism more than any other person.

Once the APL computer conference began, I could almost have forgotten what country I was in. Russian participation in the conference was less than I had expected. Many of the Russian APLers spoke no English, even though all of the sessions were held in English. I came to appreciate that virtually all Russian software is pirated, probably as the result of U.S. efforts to prevent exports of computer technology to the USSR, and the inability of the Russians to pay for it.

Most of the conference involved computer ideas. Nonetheless, there were a couple of plenary sessions that were of general interest. One was by an expert in economic planning, who was now using his APL libraries to construct models. He thought a market economy was simply a different kind of planned economy — with supply and demand curves. He cautioned against the danger that was posed by instability in Russia. During the question period I asked him if he was talking about political instability or, if not, what criteria does he use for determining that economic instability exists. He didn't give me a straight answer.

I got a very strong message, during my stay in Russia, that the great majority of people hate communism and crave a market economy. Equally strong, however, was my impression that hardly anyone has the least idea of what a market economy is.

Another plenary speaker had been working for the KGB for many years in the field of cryptography and cryptoanalysis. He emphasized that the KGB was not simply a team of spies and torturers, and that he was glad he could now speak openly about his scientific work. He said that "the enemy" had been richer, and used expensive equipment, whereas the Soviets had been forced to use their minds. During the question period someone asked if cryptoanalysis could be used to decipher how the brain works. The speaker liked the idea and asked the questioner if he was interested in co-operating with the KGB.

On the second evening of the conference, there was a hovercraft cruise in the Gulf of Finland which ended with a reception on the Kronstadt Naval Base. Only a year earlier the base had been off-limits to non-military people. The conference delegates traveled to and from the hovercraft and directly back from Kronstadt, aboard a convoy of buses that were led and followed by police cars with flashing lights and screaming sirens. One delegate commented that the Russians seemed less concerned about photography on Kronstadt than the American military would be at an American naval base. A few of the delegates were led to a carefully locked room containing PCs which had evidently never been used — and took delight in installing APL software.

I went directly from the APL conference to a conference on computer education held on a cruise ship. During this conference, the boat went up the Neva River to Lake Ladoga (the largest lake in Europe) and Lake Onega. As with education about education everywhere, much of the conference was a bore, and I took the opportunity to catch up on some rest. Most of the Russians were from the Moscow Institute of New Technologies, and quite a few of those were writing software packages for use in education, which I did find interesting.

At one stop I had the opportunity to explore a small Russian village. Another stop was on Kizhi Island, with its famous wooden architecture. In particular, the Church of the Transfiguration, constructed entirely of wood, is both spectacular and humble. Its onion-shaped cupolas, constructed from aspen, have a striking silvery appearance. The Russians are experimenting with methods of preserving these wooden masterpieces by chemical means. I was disappointed to hear my computer colleagues disparage "artificial chemicals" in favor of "natural methods."

We were given the opportunity to view Kizhi in an old-looking Russian Army helicopter. I took a chance. Ten of us paid U.S.$5 each for a 20-minute helicopter tour of the island. After the trip, the pilot tried to sell us his watch.

The Valaam Islands were also of interest for their historic monasteries (used as hospitals after World War II). The buildings were being given back to

the church, but the number of TV antennas still greatly exceeded the number of crosses. Women entering the cathedral were supposed to cover their hair with scarfs and wear long skirts, but our irreverent group wore baseball caps and jackets with the arms tied around their waists. Someone suggested that, if challenged, the women could claim to be men and defy the monks to check. The cathedral inspired as much reverence as a construction zone — there was lumber and scaffolding everywhere.

In the ship's bar-and-party room, I was approached by a Russian who had written software that allowed high school students graphically to construct and manipulate chemical models. He said that I was the only person who had ever shown him errors in his software, and he asked whether I was a chemist. After answering his question, I took the opportunity to ask him if he believes in God. He said that he did, but not in the God of any organized religion. When I asked him what percentage of Russians believe in God, he estimated only 10%. But to his surprise, when he started polling his Russian computer compatriots, they almost invariably gave the same answer he had given.

I had made arrangements for Ivan, my translator, to find me an inexpensive place to stay in St. Petersburg after my return from the boat cruise. This turned out to be a flat belonging to the daughter of a woman living in Ivan's apartment building. The daughter was away, and I had to promise I would respect her possessions and make no international phone calls. The flat had all the amenities: bed, TV, telephone, toilet, bath, kitchen and refrigerator. For this I paid $10 for two days. Considering that Ivan paid $2 per month for rent, I could see that the transaction was mutually advantageous. (A hotel room in St. Petersburg is typically at least $60 per night — for foreigners.) As with my room in the conference center on the other side of town, warm water was sometimes available, sometimes not — for no apparent reason. You could always tell the warm water from the cold water — the warm water was brown.

The doors to my apartment provided another insight into St. Petersburg life: there was an outside door and an inside door — both heavy and locked. Police service is terrible in this erstwhile police state. When an apartment is broken into, the police merely record the matter in their books. Ivan said that apartments only tend to get broken into by people who have reason to believe that there is something valuable inside.

With the police so weak, a powerful Mafia has arisen. It would be nice to think that with the decline of the Soviet state, freedom and enterprise would prevail. But a host of extortionists and protection rackets has emerged, exercising control over anyone who ventures to engage in any kind of business. I went with Ivan to some Kolkhoz markets — which have more fruits and vegetables than can be found elsewhere. Ivan told me these markets are controlled by a Mafia of Georgians, and others from the Caucasus. When I asked him why the Caucasians have such power, he replied it is because they are more ruthless and uncivilized.

Women entering the cathedral were supposed to cover their hair with scarfs and wear long skirts. Someone suggested that, if challenged, the women could claim to be men and defy the monks to check.

Ivan told me that there are many "Mafias" in Russia, and these have no direct connection with the Sicilian Mafia. A woman from Moscow, on the other hand, told me that the KGB had a long history of paying the American and Sicilian Mafia for dirty work — and that the old KGB-Mafia alliance has central power over much of Russia's Mafia.

The museum situation is in a state of flux — there had been many communist museums in the city, yet I was unable to find one. The Lenin Museum had been located in the Marble Palace, but this building was being given to the Russian Museum to display Russian paintings. St. Isaac's Cathedral had been returned to the Church, which promptly removed the Foucault pendulum that had been swinging from the inner dome to the floor for the last several decades.

The Museum of Religion and Atheism had also been given back to the Church, and is now (as it was before the Revolution) the Kazan Cathedral. There were still Christian works of art on display, but many sections were roped off. The glass cases containing torture implements of the Inquisition were empty, and the artifacts of other religions and superstitions were likewise gone.

Nonetheless, the Chesma Church was still a Museum of Naval Warfare, and the St. Nicholas Church still contained the Museum of the Arctic and Antarctic. The loss of this last museum would be a particular tragedy, because it is unique.

The Museum of the October Revolution had been converted into a wax museum of terrorists, revolutionists and reformists. As with practically all museums we visited, there was one entrance rate for Russians and another for tourists. I paid 15 roubles for Ivan and 100 roubles for myself. Lenin was portrayed as one among many terrorists, although the bitterness that was expressed towards him in particular was very great. The museum guide also had unkind words for the wax figure of Brezhnev, saying that he had not earned many of the military decorations he loved to wear.

I had a strong urge to visit Piskarov Memorial Cemetery, where nearly half a million people were buried during the 900-day siege of Leningrad in World War II. Ivan persisted in his attempts to talk me out of going, saying there is nothing to see there. But I would not be stopped. It was somewhat difficult to reach by bus, but I noticed that people in St. Petersburg frequently stand on the curb and extend their arms as an invitation for anyone driving by to become an impromptu taxi-driver. I encouraged Ivan to do this, and we soon got a ride. I let Ivan do the talking, because otherwise it might have cost me a lot more than 25 cents.

The cemetery consists of rows and rows of mounds, which cover vast pits into which bodies were thrown. The mounds are only designated by number and year. A granite wall bears the inscription: "No one is forgotten, nothing is forgotten."

For Ivan, being in the cemetery was depressing. He blamed Stalin for

continued on page 76

Update

Will Canada Fall Apart on October 26?

by Scott J. Reid

Like an out-of-control locomotive approaching a gully with a washed-out bridge, Canada is rushing towards its inevitable breakup with increasing speed. The national disease, a personality split along linguistic lines, is approaching its terminal phase, as is revealed by the tragicomic story of Prime Minister Brian Mulroney's five-year-long effort to amend the constitution.

Mulroney's effort will probably come to an end, along with his career and possibly with Canada's unity, on October 26th, when his latest package of amendments will probably be defeated in a national referendum.

The constitutional crisis has been brewing since June 24, 1990, when the infamous "Meech Lake Accord" — named after Mulroney's summer home, where Mulroney managed to coerce Canada's premieres into supporting his first set of Constitutional amendments — expired for lack of support in the provincial legislatures. Since that time Mulroney has been frantically seeking some way of appeasing Quebecois interests, and failing miserably. Indeed, his machinations have fanned the fires of Quebec separation as much as anything has.

When Mulroney chose former Prime Minister Joe Clark to be his new Minister of Constitutional Affairs, the marching orders were simple: save Mulroney's career by producing a constitutional deal — any deal, no matter how stupid or destructive its long-term results — in order to have something to offer Quebec in time for its October 26 referendum on whether to accept any more Constitutional offers from English Canada.

Clark's task was complicated by the fact that Robert Bourassa, Premier of Quebec, refused to participate in any further constitutional negotiations. Having been humiliated in 1982 and again in 1990, Bourassa warned, the province would now demand penance from Canada, which must discern and cater to its demands in its absence. Despite this impediment, Clark went about his task in a workmanlike fashion.

By June 1992, a series of meetings between Clark and the nine English speaking premiers had failed to produce a deal. With only three months left on the referendum deadline, the newspapers began to report that Mulroney had a new strategy: to have Clark publicly advocate consensus, while letting the premiers squabble themselves into incoherence. Then Mulroney would sweep onto the scene, brush aside the premiers' pitiful and imcomplete list of amendments, and announce a national referendum on a new set of amendments that he had developed on his own.

But the unthinkable happened. On July 7, the premiers announced that they had agreed on a tentative package to offer Quebec.

Well, it wasn't a package exactly. There was no legal text. Nobody had signed anything. It was more of an agreement to come to an agreement, but it was enough to derail Mulroney's plans. Rumor has it that Mulroney learned about the agreement while on the plane back to Canada from a European conference, with his "The Buck Stops Here" speech already typed and in his back pocket.

So, after throwing a temper tantrum on the plane and taking a few days off to sulk, Mulroney invited all the premiers, including Bourassa, to Meech Lake once again. Because "Meech Lake" entered the vocabulary of English Canadians as a noun synonymous with the phrase "pig in a poke," Mulroney's spin doctors tastefully renamed the summer home "Harrington Lake."

Once assembled, the premiers were presented with their framework deal, which by virtue of Clark's earlier negotiating ploy included every goofy political idea that pop culture has dreamed up since platform shoes went out of style. Though Bourassa had aimed to get rid of a few of the sillier bits, he managed only to get a few special privileges of his own written into the revised text.

Meanwhile, Mulroney's new strategy was becoming clear. He knew that the premiers would never be able to draft a deal by Quebec's looming deadline, and he knew that Bourassa lacked the political support at home to push back the date of the referendum. So he presented the package of half-finished, mostly self-contradicting amendments to the nation. He called for a national referendum to be held on the date of Quebec's deadline: October 26.

It is on this basis that Canada faces a national "referendum" — really a non-binding plebiscite — for only the third time in its history. In the past, Canada's democracy-shy leaders have only held referenda on issues that split the country neatly on English and French lines (alcohol prohibition in the 1890s and military conscription in the 1940s). In past plebiscites, English Canada voted Yes, French Canada voted No, and the federal government ignored the results. This referendum will follow suit.

From the Quebec point of view a No vote makes perfect sense, given that the package of amendments was mostly negotiated in Quebec's absence and has virtually nothing in it addressing Quebec's concerns for the preservation of the French language and culture. Meanwhile, in seven of the nine English provinces the Yes side is

continued on page 76

Libertarianism, Christianity, and Other Religions

by Jan Narveson

In the July issue, Doug Bandow labored mightily to show that Christianity is compatible with liberty. Unfortunately, Jan Narveson argues, he got it totally wrong.

Doug Bandow's article on "Libertarians and Christians in a Hostile World" calls for some comment. In particular, there is an important misconception at the outset, correction of which may make some difference to his libcumenical views; and from the Christian side, there are also a couple of problems.

First off: To say that libertarianism is "merely a political philosophy regarding the relationship of man and state" is not true, or at any rate extremely misleading. This is not just because states, after all, are composed of men, but more importantly because there can be no coherent political philosophy that is not also a moral philosophy. The belief that the exercise of State power is typically wrong is founded on the belief that the exercise of *power* (that is, coercive power) except in defense of persons and property, is wrong. It would be crazy to think that it is morally wrong for governments to force people to surrender their property, yet not wrong for private criminals to do so. "Wrong" in these last sentences means *wrong* — not, for instance, "politically inept" or "illegal" (it may be neither, in a given case).

To be sure, beliefs about the wrongness of exercising coercive power are not the only moral beliefs to have. For in addition to what we may use force or fraud to bring about, there is how we should use whatever other influences we may be able to deploy, what ends to try to bring about by them, and of course more generally what we will do, and how we will feel about this and that, all of which might also be said to belong to morals in a more general sense. And the libertarian view certainly leaves it up to you which other moral beliefs you will have, of course; what defines a moral view as libertarian is its special concern about what justifies and what doesn't justify the use of force.

Most religious people believe that there is a being, "God," who wields an infinite amount of force, and this brings up special, interesting questions about not only the general relation of morals to religion, but quite specifically about religion and the use of force. Christians have characteristically believed not only that certain sorts of things are right and wrong, but also that the *reason why* they are right or wrong is that an almighty Creator has decreed them. This last is a philosophical belief, one of enormous influence, and every thoughtful person of whatever religious persuasion needs to be aware of the powerful arguments that the view is *simply* untenable. It cannot be too strongly emphasized that the untenability is a logical matter, not a religious or a moral one.

Philosophers have gone around about the foundations of morals at great length — and rightly so — but virtually all contemporary ones appreciate the difficulty I have in mind. (It's not basically new, going back to Plato's *Euthyphro*.) The problem can be briefly summarized as follows. If we (Christian, Muslim, Hindu, or atheist, it doesn't matter) ask, "Well, *why* should we accept that x is wrong on the strength only of the fact that God says so?" we are faced with two options. On option one, which we may call roughly the "Nazi" option, we are to obey God *simply* because God is a terribly powerful being. The religious person needs to ask why this would be a good answer — especially since few religious persons are ready to concede that might makes right. There *has* to be something more to it than that!

The other option is that we should obey God because God is, after all, a morally good, indeed perfect, being.

This, I think, is clearly the right option and the only one that really makes any sense. On all the important views (as I like to call them) about god (e.g. Jewish, Christian and Muslim), it is absolutely central to the whole idea that there be just one god, and that this one god be both all-powerful *and good.* An all-powerful maniac, sadist, or whimsical tyrant just isn't on. (I discuss only the "high-brow" religions, the religions of the thoughtful; nobody, so far as I know, defends the "gods" of the Mayans or for that matter the Greeks.)

Is there any reason to think that God would be against homosexuality or abortion, or any of the other things which Christians widely suppose he (or she . . .) is against?

The trouble is, though, that as soon as you say that God is *good,* you have the problem that unless "good" has some *independent* meaning, then you don't know what you're saying about the thing you call god. Which is pretty serious, since the main point of religion, for almost anybody, is to provide a guide of life, a moral focus for life. But then, it turns out that religion *cannot autonomously* do that. A moral view has to make sense *on its own* before it can make sense to suppose that an infinitely wise being would go for it. Religion, therefore, has to be derivative from morality, not vice versa. A religion *incorporates* some views about morals; it does not *support* those views.

The religious person characteristically also supposes that his god *administers* morality somehow, usually by some sort of *enforcement* (fundamentalists hold that it is done by eternal bliss or punishment — nothing in between, for some reason — and I am unclear what modern theologians think on these matters). How this is to work is unclear, but we may note that the fundamentalist conception appears to make God a singularly inept justice who has, for instance, no use whatever for any principle that a punishment should be proportionate to the crime. Any view that proposed "eternal" punishments for anything is going to have a hard time with that one. (Humans, after all, are finite; no matter how much evil they do, it is necessarily finite. An infinite penalty of any kind could not possibly be right on any reasonable standard of just punishment.) Notice, too, that to say that something is wrong *because* it is proscribed would be to succumb to the problem noted above; it would be to buy the Nazi view. (The statist analogue is someone who says that we have a moral duty to obey the law no matter what it is or how outrageous the government.)

Now one of the things that means is that somebody who says, "Well, according to my religion, such-and-such is wrong," not only can be but *must* be asked, "Well, how do you know?" The respondent will almost always proceed by citing some allegedly sacred text. But the word "allegedly" is used advisedly (and not pejoratively) here. Some *people* wrote that book, and they wrote what they *supposed* God would think about this or that — but how could we know they got it right? True, religions often put out the impression that the prophets, etc., had a direct phone line to the Deity, but it does not, I think, take a great deal of perception to see that that is really nonsense. (It is, however, a story that is *exceedingly* useful to the priesthood, the Administration, as we may call it, of the religion in question. Religions are supposed to be about the relations of people to their god, but inevitably it is about the relations of people to a small number of people's *views* about god, and those people have extraordinary influence over the "flock" who cleave to their doctrines.)

They also tend to make it quite clear that the question is not welcome, and anyone who raises it is automatically one of the bad guys and so forth. That, of course, is a self-serving move on the part of the priesthood. But the idea that we can't question God's motives because it's sacrilege to do so is not only deeply question-begging but, when you think of it, insulting, both to you and to the supposed deity.

I mention this logical point about the relation of religion to morality because of the need to point out that any claim about religious morality is disputable in essentially the same way and for the same reasons as are claims about secular morality: it is because at root they are about *the same subject.* To try to fall back on a "religious argument" is simply to stop arguing; it is not to produce another and terrifically *good* argument, for whatever it is the religious person is trying to propose.

Is there any reason to think that God would be against homosexuality or abortion, or any of the other things which Christians widely suppose he (or she . . .) is against? There has been a "natural law" school of ethics that thinks so, and thinks it can back this up with nontheological arguments. But this idea is also hopeless. The view that *nature* doesn't approve of our doing this or that is, taken in itself, meaningless: nature just isn't the sort of thing that can approve or disapprove of anything. Those who think that there is a "natural basis" for a given moral rule need to be quite a bit more specific. And often what they have turned out to mean (see the work of Aquinas, for example) is that God *meant* the fact that there is this or that natural feature or set of features of us, and or things we are related to, which *imply* that certain things are right or wrong. It is proposed that God supplied his creatures with penises *in order* to procreate, and not, say, for sexual pleasure — especially if the pleasure be derived from any other source than sexual intercourse with a duly legally acquired spouse. But how does whoever think they know *that*? After all, penises can supply sexual pleasure in other ways:

Small wonder that there were such things as the Inquisition and the Thirty Years' War. If the eternal welfare or punishment of your soul is at stake, then how could anything we can imagine on this earth not be justified as a means to securing it?

that's the way they're built. So God might have intended them for *both*, in principle. Or neither, for that matter. Who knows? The only intelligible way to proceed is to try to figure out whether there is any inherent objection to using penises for one purpose rather than another, given the interests, that is, the values, of the possessors and those they relate to. No *independent* appeal to the supposed preferences of the Deity makes any sense at all here.

Which takes us back to the moral significance of libertarianism. Whatever you may think on the first point — that is, whatever values you ultimately subscribe to regarding this and any number of other matters — libertarianism says that you may *not* use those values as a basis for *forcing* others to go along. The separation of church and State in this sense is, in the liberal view, absolute.

There is a familiar problem with most religions, including Christianity, in regard to such points. Christianity is normally interpreted as requiring people to *believe* certain things, on pain of damnation — which was formerly thought of as a pretty severe penalty, when you get right down to it. Clearly if God were serious about that, then He would be violating a fundamental tenet of libertarianism in the most wholesale way one can readily imagine. We may certainly punish men for their actions, but punishing them for their beliefs, just as such, is clearly unacceptable to anyone with any interest in liberty. In addition, religions claim that their beliefs are of ultimate, transcendental importance to the individual, and that nothing could conceivably matter as much as the eternal welfare of his soul. This lends powerful support to the use of any methods available for converting sinners and other deviants from the True Path.

Small wonder that there were such things as the Inquisition and the Thirty Years' War. For after all, if the eternal welfare or punishment of your soul is at stake, then how could anything we can imagine on this earth *not* be justified as a means to securing it? For Christians, the fundamental commandment is Love Ye One Another, and the status of that as a *commandment* is pretty difficult to make sense of if it doesn't mean that we get to do anything necessary to make them do it. Of course, what is necessary (or sufficient) is another matter, and the Christian can try wiggling out of responsibility for the Inquisition by invoking some such doctrine as that fire and the sword only touch the body and belief is a matter of the soul, and so on. (Maybe so, but it sure *looks* as though things you can do to the body can be pretty efficacious in affecting people's beliefs!)

Religion has to be derivative from morality, not vice versa. A religion incorporates some views about morals; it does not support those views.

This last thought, though, or something like it, can be invoked by all parties in moral controversies, to important effect. We can suggest that a morality, which is a set of rules or requirements for all to follow (in the community whose morality it is to be), needs to be *reasonable*. In order to be that, it has to be something that is guided by reason, and the only reason there is is the reason of you and I and every other human individual. Each of us needs to have reasons for supporting a given rule, if it is to be a reasonable moral rule. Of course it is reasonable to support it, given that everyone else does so too — that's what makes it all interesting (and important). In regard to religious belief, for example, the only rule that we can all adhere to in a human community is that of religious freedom: each person to decide in his own soul what he's going to believe, if anything, on such matters, and nobody's permitted to try to convert anyone by force. Those who instead insist on fomenting religious wars or lobbying for religiously-slanted laws, forcing others to act as if they had beliefs which they *don't* have, defy this principle, and are asking for (and, of course, getting) trouble.

Can a person be both a Christian and a libertarian? Well, sure — *provided* that he thinks that God is also a libertarian, and so either renounces or fiddles with certain familiar Christian doctrines, and modifies the rest so that the overwhelmingly paternalistic and, indeed, totalitarian implications of Christianity as it is often understood by professed adherents, are sidetracked. But the same goes for every other religion, of course.

Meanwhile, there is only one proper basis for rules about how people are to relate to each other, and that is the interests of humans themselves. Some of those humans claim to have an interest in God, on the side; others of us are puzzled as to what this supposed interest is, considering the baffling nature of what are said to be religious "beliefs." (Normally beliefs are amenable to at least some kind of evidence, but in the case of religious hypotheses, evidence is essentially not in the picture at all, except for confused beginners who don't realize what they're getting into.)

But whatever we may do about that, the *basis* for the rules that you and I should accept for adjusting our mutual relations cannot be your beliefs or my beliefs, but rather our respective interests and natures, as reasonable beings with interests to pursue and lives to live. And above all, of course, that basis cannot lie in beliefs that make no public sense and are not amenable to public evidence or reason — as no religion can be.

Clarity about those points would greatly aid our pursuit of the proper course for us to follow in all sorts of important domains, as well as the religious one. ❑

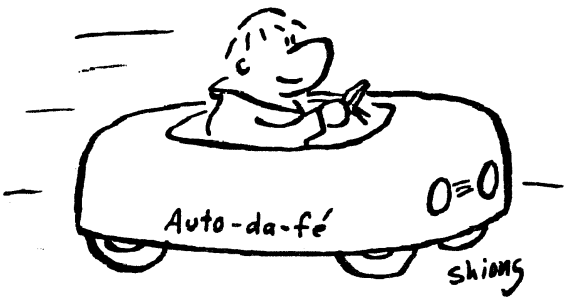

Dispute

Did Rand Stack the Ethical Deck?

In our July issue, David Kelley criticized a recent reformulation of Ayn Rand's moral theory for stacking the deck in favor of its authors' objectives. Gregory Johnson turns the same criticism against both Rand and Kelley.

When Fuzziness Pays

a critique by

Gregory R. Johnson

I wish to protest four points made by David Kelley in his review of Douglas Rasmussen and Douglas Den Uyl's *Liberty and Nature* ("Post-Randian Aristotelianism," July 1992).

First, Kelley argues that Rasmussen and Den Uyl's concept of the standard of moral value, human "flourishing" — as opposed to "mere" survival or "self-preservation" — departs from Rand's position. Rand, however, clearly states in "The Objectivist Ethics" that "man's survival *qua* man" does not mean "merely *physical* survival" or "survival at any price" (*The Virtue of Selfishness*, paperback ed., p. 24). Whatever the shortcomings of their position, then, it is not clear that on this point it departs from Rand.

Second, Kelley goes on to argue that Rasmussen and Den Uyl "pack all the cardinal values and virtues into the fundamental end [human flourishing]" which avoids "the need of proving that they are necessary *means* to the end [survival]." Kelley also admits that Objectivists have not fully carried out this process of connecting up values and virtues to the requirements of survival, but that "it is an inescapable task, for *only the alternative of existence or non-existence can sustain a nonarbitrary normative judgement that something is good, right, or virtuous*" (emphasis added).

Now this is a stunning claim, for it in effect consigns virtually all decisions about what is right, good and virtuous to the arbitrary. I think that Rand's supreme values (reason, purpose, and self-esteem) and their correlative virtues (rationality, productiveness, and pride) *are* objective requirements of human survival. (At this level of abstraction, hardly anyone, not even St. Augustine, would deny that.) But Rand's values are extremely *abstract* and her virtues are *adverbial*; they counsel us to act rationally, productively, and with moral ambition, but they do not counsel any particular actions.

Granted, it is clear that there are some actions and values that *cannot* be undertaken with rationality, productiveness, and moral ambition — running around vandalizing other people's property, for instance — so Rand's ethics does *exclude* many possible values and actions. But this still leaves a wide range of options for what to do with one's life. Should one become a folk-singer, a magazine editor, a pop psychologist, or what? Should one join the counter-culture or become a good-ol'-boy? Should one spend one's time listening to Elvis or Beethoven? Is it really an arbitrary matter that one chooses marriage and family over the single life, monogamy over promiscuity? Are there some ways of life that are better or worse, nobler or less-noble, than others?

These choices are not merely matters of "taste." Yet they cannot be decided by reference to bare human survival — the stark choice of life or death — either. By Kelley's standards, then, they are arbitrary. But this condemns the vast majority of important human questions to the arbitrary. If ethics is to be an art of living, however, then it should do more than simply counsel "Whatever you arbitrarily choose to do with your life, do it rationally."

I think that Rand's supreme values (reason, purpose, and self-esteem) and their correlative virtues (rationality, productiveness, and pride) are objective requirements of human survival. At this level of abstraction, hardly anyone, not even St. Augustine, would deny that these virtues are required for survival.

Rasmussen and Den Uyl have, I think, a much more classical and inclusive conception of ethics. They seem to hold that ethics can recommend more features of a well-rounded existence — once we abandon Rand's and Kelley's overly stringent and narrowing conception of moral justification. In short, they trade some justificatory fuzziness for more substantive moral content. Bravo!

Third, Kelley claims that Rasmussen and Den Uyl's derivation of individual rights is defective. Kelley thinks that Rasmussen and Den Uyl succeed in showing that the protection of individual rights is necessary for human flourishing; negative liberty is necessary for man *qua* man. Kelley, however, believes that this is not sufficient, for "it doesn't show why we should respect the rights of others. Even if I understand that your freedom is good for you . . . I don't yet have a reason for regarding *your* freedom as good for *me*."

I call this the, "Yes, but what's in it for *me*?" argument. It has been floating around Objectivist circles for years, and frankly I was shocked to discover that Kelley subscribes to it. The basic argument is, "Yes, x is a fact of reality. But why should I be concerned with it? What's in it [reality] for *me*?" From an Objectivist, this argument is shocking, given the central importance that Rand gives to reason, i.e., the recognition of the facts of reality in both thought and deed. If reason is man's means of survival, then there need be no further reason for us to recognize and act upon the facts of reality *over and above the facts of reality themselves*. (Tibor Machan debates this very point with Eyal Mozes in much greater detail in an important exchange in the latest issue of *Reason Papers*.)

Finally, Kelley takes Rasmussen and Den Uyl to task for spending too much time discussing the views of other thinkers and relating their arguments to them. This, Kelley argues, works to the detriment of the presentation of a systematic case for their thesis. This is a point that I made in my review of Tibor Machan's *Individuals and their Rights* in *Liberty* ("On the Rights Track," September 1990). Machan, however, has convinced me that this criticism is unfair. Academic books go through several stages of writing, refereeing, editing, and rewriting. Often one of the conditions for final publication is to deal with the comments and objections of reviewers, which usually means dealing with other thinkers. (Perhaps Kelley has not run into this problem.) The real question, then, should be, "Are the polemics judicious and illuminating?" In my view, they are.

If ethics is to be an art of living, then it should do more than simply counsel "Whatever you arbitrarily choose to do with your life, do it rationally."

I should mention that these are not the remarks of a fervent adherent of Rasmussen and Den Uyl's argument. Although this is not the place to argue the point, I believe that Rand's argument for a free society fails. Though I believe that Rasmussen and Den Uyl considerably improve Rand's case, I still have reservations about whether they can reconcile Aristotelian ethical naturalism with the absolute conception of autonomy that undergirds their commitment to libertarianism. My point here is simply that, whatever its faults, Rasmussen and Den Uyl's argument is a lot better than David Kelley claims it is. ❑

How Principles Work

author's reply by

David Kelley

Ayn Rand held that values derive from the conditional nature of life, the fact that every organism must maintain its existence through goal-directed action. If this is the link between fact and value, "is" and "ought," then the clear implication is that every value, every standard, every virtue, every normative judgment whatever must be established by showing its relationship to the fundamental alternative of existence or non-existence.

Rand goes on to argue that the moral standard for human beings is not "a momentary or merely physical survival." Since we are conceptual beings, we must guide our actions by *principles* that identify our needs and the actions necessary to satisfy them. Since we can project the future, we must choose our actions in light of an entire lifespan, not just our survival in the next moment. Since we are not merely physical beings, and since reason is our primary means of survival, we must act to satisfy the psychological needs that arise from the nature of reason, including needs for self-esteem, aesthetic enjoyment, and friendship.

"Man's life qua man" is therefore the only standard that will promote survival over the course of a lifetime. As Roger Donway has put it, it takes a *full* life to ensure *mere* life. There is thus no dichotomy between these two standards, as Gregory Johnson implies, or any need to introduce a new standard over and above survival — a standard of flourishing, self-realization, well-being, or whatever. But if one does introduce such a standard, and does not explain how it relates to survival, then he has the philosophical obligation to explain what *other* fact gives rise to it. In the absence of such an explanation, we have a free-floating, ungrounded, non-objective standard — i.e., no standard at all.

Morality tells me to rely on reason, to hold my own life as a sacred value, and to seek organizing purposes in my life. These principles rule out a great many ways of living — including, I must add, the self-abnegating life of faith that St. Augustine demanded.

Johnson is also concerned that the broad principles of the Objectivist ethics will not yield specific advice about choosing professions, friends, lifestyle, etc. But this is a different issue. Moral standards are concerned with the needs and capacities of man as such, the things that are common to all humans. Morality tells me to rely on reason, to hold my own life as a sacred value, and to seek organizing purposes in my life. These principles rule out a great many ways of living (including, I must add, the self-abnegating life of faith that St. Augustine demanded). But of course the principles, as abstractions, also allow for many possibilities. How do I

continued on page 76

Reviews

Hill Rat: Blowing the Lid Off Congress,
by John L. Jackley. Regnery Gateway, 1992. $21.95.

Election Year Exposé

Jesse Walker

The bipartisan consensus has finally shattered. Our Republican president blames Congress for the nation's problems; the Democrats of Congress blame the president. The boogeyman of 1992 has become divided government; each party assures us that if only it controlled both White House and legislature, peace, prosperity, and tax relief would be just around the corner.

Both campaigns, then, have two tasks — one easy, one hard. The easy part is convincing us that the other side is incompetent and corrupt. The hard part is convincing us that they themselves are not. Inevitably, the spectre of hypocrisy has emerged. The same people who defended John Sununu to their last breath are suddenly assaulting Congress for its tax-funded perks. The same people who hiked taxes, produced the biggest deficits in history, and multiplied labyrinthine regulations as soon as they got into the White House are now attacking Congress for taxing, spending, and regulating. And the folks who denounced the kiss-and-tell genre all the way through the Reagan years have suddenly started pushing a whole new set of kiss-and-tell books themselves, with Congress as the target.

John Jackley's *Hill Rat* is one such book. It chronicles how Jackley and other congressional aides created a character who would be all things to all people, and spent their time keeping that fictitious beast, played in public by Representative Ron Coleman, in office and in piles of dough. I do not exaggerate. According to Jackley, Rep. Coleman rarely showed up at the office, had virtually all of his public statements crafted for him by his staff, and let wealthy special interests replace his conscience. In one of my favorite scenes, Coleman is interviewed about the Clean Air Act by *USA Today*. So Jackley, the man responsible for Coleman's official position, hastily scrawls answers for the congressman as the latter — completely unfamiliar with "his" "own" position — fumbles his way through the conversation. "Ron Coleman" is no more a real statesman than "Milli Vanilli" is a real pop group. He is an information-age simulacrum.

Though it deserves to be judged on its own merits — which are many — and not on its utility as a political tool, it would be dishonest for me to review it without noting the context of its release. Jackley, by all appearances a liberal, has had no difficulty appearing on such venues as Pat Robertson's *The 700 Club* to push his book, and apparently has had no qualms about tailoring his message to that audience. When he talks to that crowd, he doesn't bother to mention, for example, his chapters about the collusion of Congressional Democrats — including many who pretended to lead the fight against contra aid — in Oliver North's contra resupply network. The villains in the story are Democrats, yes, but they're villainous for reasons that might not strike conservatives as all that evil. So Jackley doesn't mention them, and appears to be in full agreement with Pat Robertson's agenda; on camera, their only dispute is over the author's frequent use of profane words.

I don't blame Jackley for knowing his audience and being a good salesman. I do think it funny, though, that he is campaigning for this book the same way he campaigned for his former boss. In effect, he is letting his book be used in a battle between political powers on the assumption that it will ride one side's coat-tails to success — something that Coleman did all the time. He probably doesn't know that he's doing this. I think he's just following old habits — *let's see, I've got something to sell to the public, how do I do this?* — without noticing what a familiar trail he's on.

Rep. Ron Coleman rarely showed up at the office, had virtually all of his public statements crafted for him by his staff, and let wealthy special interests replace his conscience.

At any rate, this is a good book. The opening chapters include an unfortunate level of hubris and cliché, but once our author gets down to telling us *what happened* on Capitol Hill in the 1980s, the book becomes a smooth and eye-opening account of power and deceit in Washington, D.C. *Hill Rat* gives us all the gory details of taxpayer-subsidized reelection campaigns, porkbarrel privilege, the power of moneyed interests,

the extent of Congressional perks, and the utter refusal — nay, *institutionalized inability* — of the American legislature to deal with the problems of the nation. The book is well-written, too; once we get past the embarrassing introduction ("But we all reach our crossroads in life, and with me it really did come down to the children" — ack!), we find a well-crafted tale of the corrupt and ever-more surreal proceedings that constitute the legislative process.

I recommend this book, but have no illusions about it. Jackley bends over backwards to avoid ideological statements; *Hill Rat* can be read by liberals, conservatives, moderates, libertarians, and commununists without offending a soul. But it is clearly being used by one faction for its own purposes, with Jackley's de facto consent. So I join with that group, the Republican Party, in denouncing the Democratic Congress. But let's not forget the evils of our Republican executive, either. ❑

Our Right to Drugs: The Case for a Free Market,
by Thomas Szasz. Praeger Publishers, 1992, xvii + 199pp., $19.95.

Tinkerers Be Damned?

Daniel Klein

Sometimes what we believe is based on such a bad foundation that its linguistic superstructure suffers from unstable posts, uneven panels and crooked crossbeams. We must decide whether to renovate the building, like a carpenter, or to plan an entirely new edifice, like an architect.

This choice is between playing the *bargainer* and playing the *challenger*. The bargainer wears a friendly face and works within the official community, tinkering where he can. The challenger names his enemy and lets the wrecking ball swing. Often, however, the challenger never gets a permit to work his changes. The ball misses wildly and his new edifice exists only in abstract design. Challengers — like Copernicus, Darwin, Spencer, Marx, Spooner, Einstein and Mises — usually have to hope to influence future generations of carpenters.

Thomas Szasz is one such challenger. He has spent much of his life struggling to wrest the hammer of language from the established authorities in his field, psychiatry. In over a dozen books he has fought to describe the system of medicalizing deviant behavior — often with drugs and without consent — not as a benevolent and compassionate system, but as a reprehensible sham without any solid scientific basis.

Now Szasz challenges the semantic edifice standing at Drug War Place. *Our Right to Drugs* has little of the familiar arguments about drug prohibition leading to increased street crime, youth gang influence, unsafe drugs, police corruption, congested courts, and overcrowded jails. Szasz challenges drug prohibition itself as a selfish and disgusting indecency perpetrated against the American people by politicians and other meddlers.

His attack goes to the core of conventional thinking, challenging "the belief that our drug regulations rest on a rational, scientific basis" (p. 82). He observes that in 1906, "although virtually all of the drugs of which we are now deathly afraid were freely available, there was nothing even remotely resembling a 'drug problem'" (34). Szasz details the gradual undoing of the once-free market in drugs, and shows that the process was hardly founded on scientific bedrock. "Support for federal drug controls came mainly from women's groups, the American Medical Association [whose members profited by the combination of drug prohibition and prescription law], and influential physicians" (52). In support of his heretical position, Szasz quotes a member of the Committee on Narcotic Drugs of the American Medical Association in 1921 as rejecting "the shallow pretense that drug addiction is a 'disease,' . . . [a falsehood that] has been asserted and urged in volumes of 'literature' by self-styled 'specialists'" (122). In 1990 a Yale professor of psychiatry wrote: "Medically, abuse is often defined as nonmedical use" (139).

Having exposed the bad foundation of the Drug War, Szasz mixes the concrete for his own foundation. The Drug War, besides being a boon to doctors, is an atavistic ritual relying on scapegoating to bring the community together. "[A]s a propaganda tool, dangerous drugs are therapeutic for the body politic of the nation, welding our heterogeneous society together into one country and one people, engaged in an uplifting, self-purifying, moral crusade" (115). Szasz shows the taboo against publicly admitting to drug use of any kind, even aspirin or alcohol, and the taboo against reasoned discussion of current policy. The Reagans' "moronic anti-drug slogan" — "Just say no to drugs" — Szasz describes as a "ritual incantation" (77).

Szasz's thesis strikes John Doe as audacious because after "nearly a century of medical-statist infantilization and tyrannization, our language in reference to drugs reflects our drug control history."

Szasz's redescription covers virtually every aspect of the drug issue. Recreational drug use he benignly calls "pharmacological self-pleasuring," and buying treatment for ailment without consulting a doctor is simply "self-medicating." The drug warrior uses the terms "drug trafficker," "pusher," "addict," and "drug abuser," and these

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terms are applied even to the most responsible individuals, who happen to be breaking the law. "Drug education," says Szasz, "is the name we give to the state-sponsored effort to inflame people's hatred and intolerance of other people's drug habits, which is as indecent as it would be to inflame people's hatred and intolerance of other people's religious habits and call it 'religious education'" (90). Szasz remarks that "civil court proceedings" for drug users is "a euphemism for psychiatric incarceration" (104). Szasz's redescription strikes John Doe as audacious because after "nearly a century of medical-statist infantilization and tyrannization, our language in reference to drugs reflects our drug control history" (97).

But Szasz's most central redescription is that drug use, rather than being an immoral act, is a moral right. He invokes Locke, Jefferson and others on the matter of life, liberty and property, and says that laissez faire in drug trade lies squarely within such "inalienable rights" (2). I don't see how such fundamentalist libertarian declarations add much to his more earthly arguments and eloquent expressions of honest contempt. Szasz cites Jefferson to better effect in reproducing his statement: "Were I to commence my administration again, the first question I would ask respecting a candidate would be, 'Does he use ardent spirits?'" Szasz remarks (85): "More afraid of the teetotaler than the alcoholic, Jefferson — a connoisseur of wine — suggested this drug test to avoid the threat posed by the moral meddler."

Szasz's redescription project gets a bit out of hand when he turns his hammer on fellow liberalizers. Drug "legalizers," who compromise when advocating a relenting of the Drug War, "are in fact medicalizers and thus, de facto, paternalistic prohibitionists" (99). He attacks Milton Friedman as a pussyfooter, although the dust-jacket bears a warm endorsement by Friedman. Szasz has plainly forgotten the crucial role played by the bargainer.

Szasz offers novel insights that I can only mention. Throughout the book he explores the moral basis from which drug prohibition has grown, and the moral consequences it is producing; he details the subtle historical transformation of drug use from something protected by constitutional interpretation to target of government war; he notes the shared prohibitionism of the Left and the Right; he devotes a chapter to the racial aspects of drug prohibition (e.g., drug enforcers are far more likely to accost blacks than whites); he suggests a connection between drug prohibition and the personal dread of the availability of an easy and pleasurable way to commit suicide; he remarks on the link between drug prohibition, prescription laws, and the doctor racket; and he discusses how pain killers are tragically underused because doctors fear drug enforcers.

Sometimes Szasz strikes me as too strident and even intemperate. But Szasz the extremist draws the design that others subconsciously work by, and nurtures the seed of passion to stick to the task.

And then there is the question of the beauty of the design itself, and the ennobling effect it has on those who see it, even if it never finds worldly form. In

According to Szasz, drug "legalizers," who compromise when advocating a relenting of the Drug War, "are in fact medicalizers and thus, de facto, paternalistic prohibitionists."

his exquisite little book on his hero Karl Kraus, Szasz explains:

> Because his task is to bring men to themselves, not to him, the noble rhetorician ought not to be judged by his manifest effect on others at all. Rather, he ought to be judged by the clarity and steadfastness with which he proclaims his counsel. Should not a single person heed his advice, the noble rhetorician would still have to be judged successful in proportion as he succeeds in perfecting his own soul by perfecting his own language. So judged, Kraus's success is as imposing as that of his adversaries whom he so

"unsuccessfully" opposed. For, in the final analysis, what Karl Kraus sought was to purify himself by purifying his own language. He achieved his goal. He died a semantic saint in a semantically satanic society. (*Karl Kraus and the Soul Doctors*, p. 57)

But for the fact that Szasz is still very much alive, more appropriate words could not have been written for Szasz himself. ❑

***Liberalism Old and New*, by J.G. Merquior.**
Twayne, 1991, xiv + 182pp, $24.95 hb., $11.95 pb.

New Liberalisms for Old?

Gregory R. Johnson

José Guilherme Merquior (1941–1991) was a Brazilian diplomat, an intellectual historian, and a prolific writer. His twenty books and dozens of essays, articles, and reviews cover topics ranging from Brazilian literature to French poststructuralism, from the sociology of modernization to Western Marxism.

Merquior's writings are unified and animated, however, by a single project: the passionate defense of modernity and liberalism. Merquior was a radical individualist, a liberal in the classical tradition. He was also one of the few classical liberal thinkers to confront the challenges posed by Western Marxists such as Georg Lukács, Theodor Adorno, Herbert Marcuse, and Jürgen Habermas, and French post-structuralist thinkers such as Jacques Derrida and Michel Foucault.[1] Although Merquior's critiques are sometimes excessively polemical and off-target, he still deserves credit for going where few classical liberals have gone before.

Liberalism Old and New is Merquior's last book, his literary epitaph, completed shortly before his untimely death in January of 1991. I had been led to expect *Liberalism Old and New* to be a major work, a positive theoretical statement and defense of the political philosophy that Merquior only intimated between the lines of his other books, particularly *Rousseau and Weber: Two Studies in the Theory of Legitimacy* and *Western Marxism*.[2]

Given these high expectations, *Liberalism Old and New* is a disappointment. It is a slender volume, the text comprising barely 150 pages. Long on exegesis and thin on argument, analysis, and criticism, it is written on a fairly elementary level for the series Twayne's Studies in Intellectual and Cultural History. The book is intended as an introductory level synoptic overview of liberalism, a sort of map and compass for orienting more in-depth reading and thinking.

Read with these more modest expectations in mind, however, *Liberalism Old and New* must be judged a success, one with many virtues. Outstanding among these is its historical rather than ideological approach. Instead of treating liberalism as a set of decontextualized doctrines, Merquior treats it as a complex historical and social phenomenon, one which arose in various European nations in response to concrete social and political problems and which bears to this day traces of both its national origins and the conflicting values of its originators.

Chapter One briefly defines the concepts and concerns that unite liberals: liberty, freedom, the relationship of individuals and the state. Merquior also describes the dimensions along which forms of liberalism vary: national origin, polemical contexts in which different liberals formulated their ideas, positive versus negative liberty, and the balance struck between individualism and egalitarianism. Chapter Two traces the roots of liberalism from the late Middle Ages and the Renaissance to the Enlightenment. Chapter Three surveys the classical liberalism of Locke, Constant, De Tocqueville, and Mill, characterized by constitutional government, economic freedom, and individualism. Chapter Four covers "Conservative Liberalisms," by which Merquior means self-consciously elitist, anti-democratic, and anti-egalitarian strains of liberalism, from Edmund Burke and Herbert Spencer to Max Weber, Benedetto Croce, and José Ortega y Gasset. Finally, the fifth chapter deals with the two leading schools of twentieth century liberalism: left liberalism — characterized by the rise of bureaucracy, the welfare state, economic interventionism, and the pursuit of equality of opportunity and outcome over individual liberty — and libertarianism, which represents a reappropriation of classical liberal insights in the light of advances of economic theory and the political experiences of the twentieth century.

Merquior's account is also remarkable for its cosmopolitan breadth. He treats not only the standard French, English, and Scottish thinkers, but also Russian liberals such as Alexander Herzen; Italian liberals such as Giuseppe Mazzini, Benedetto Croce, and Norberto Bobbio; Latin liberals such as Domingos Sarmiento, Juan Bautista Alberdi, and José Ortega y Gasset; little-known French liberals from Charles de Remusat to Ernest Renan; and libertarians such as Mises, Hayek, and Nozick.

Yet another virtue is Merquior's inclusion of specifically sociological approaches to liberalism, as opposed to the more common philosophical and economic arguments. Thinkers falling under this rubric include Max Weber, Raymond Aron, and Ralf Dahrendorf.

Although *Liberalism Old and New* is thin on argument, it still advances a definite conclusion, one that unfortunately amounts to an apology for the contemporary welfare state and mixed economy. Merquior asserts that "our society remains characterized by a con-

tinuous though changing dialectic between the growth of freedom [i.e., individualism, negative liberty] and the thrust toward greater equality [i.e., egalitarianism, positive liberty] — and liberty seems to come out of it enhanced rather than weakened" (151). In short, Merquior sees liberty as consisting of both positive and negative liberty, egalitarianism and individualism, interventionism and the free market.

Although each member of these pairs exists in tension with its opposite, in his account one should not seek to resolve that tension in favor of one side or the other. For instance, one should not attempt, as libertarians propose, to institutionalize negative liberty, individualism, and the free market through strict constitutional limitations on the power of government in order to assure the protection of individual rights. Rather, the life of liberty lies in keeping the tensions characteristic of the "mixed" economy alive, in achieving an equilibrium between opposed forces.

The reason for this view is not clear from *Liberalism Old and New*, but I believe that it can be gleaned from a careful reading of Merquior's other works. Merquior was a classical liberal insofar as he thought that social and political institutions should arise out of, express, and satisfy the value preferences of self-interested individuals. He was not, however, a libertarian. He was critical of what he called (quite unfairly) the "rabid 'statophobia'" of Hayek and Nozick (146) and believed that the market alone could not adequately express and satisfy the values characteristic of modernity: the desire for both individual freedom and equality, positive and negative liberty, the free market and the security allegedly gained through interventionism and the welfare state. Because Merquior simply took these contradictory preferences as given, he believed that the market must be supplemented by social democracy, bureaucracy, and even the democratization of the workplace in order to deliver the goods.

Merquior sees liberty as consisting of both positive and negative liberty, egalitarianism and individualism, interventionism and the free market.

How, though, are these conflicting aims to be balanced? How are the goods to be delivered? I believe that Merquior's answer is revealed in his book on Rousseau and Weber. Part of Merquior's critique of Weber's theory of legitimacy is a long discussion of a type of regime neglected by Weber: charismatic bureaucracy, a form of technocratic "steering" in which social scientists harmonize the "general will" (the conflicting political demands characteristic of modernity) both with the "will of all" (as expressed through democratic elections) and with the socially and politically possible. They achieve this by carefully crafting the political initiatives presented to the legislators and populace for approval. Charismatic bureaucracy is legitimated ultimately by its bureaucratic side: by its ability to deliver the conflicting goods demanded by the populace. In time, though, it gains "charisma" too; its activities cease to be valued solely for instrumental reasons and take on a sheen of intrinsic value, such as the mystique surrounding participation in democratic elections. The contradictions of the welfare state cannot be resolved, then, but they can be contained through the prudence and scientific knowledge of sober-minded technocrats.

Like John Stuart Mill and Joseph Schumpeter, Merquior was led to embrace the welfare state through two tragic flaws. First, as we have seen, he is insufficiently critical of the conflicting moral tendencies of the West that give rise to the mixed economy. He simply accepts the contradictory preferences for liberty and equality, freedom and interventionism as given. Politics then becomes simply a coordination problem to be solved by social engineering, which brings us to his second problem. Merquior possessed an extraordinary optimism about the power of science to understand society and the power of elites to order it. He was, in short, an excellent example of what Hayek called a "constructivist rationalist." Merquior's constructivism is surprising in light of his familiarity with and respect for Hayek's work, which argues that our power to understand and control society is far more modest than Merquior seems to allow.

Even if our modern states were to be staffed by level-headed, well-intentioned technocrats like Merquior himself, they still could not overcome the systematic, unintended problems of the welfare state and mixed economy.

Merquior's trust in intellectual elites is also remarkable given his vast knowledge of the contemporary Left. With the towering exception of Habermas, the contemporary Left is, to say the least, not characterized by a sober, scientific, rational approach to social problems. Rather, most contemporary strands of Western Marxism, post-Marxism, and frustrated Marxism are characterized by an abstract egalitarian moralism, which diagnoses social problems and proposes policies without first asking what is socially and politically possible. Furthermore, most social scientific criticisms of the contemporary Left's diagnoses and programs are not answered by its members, but simply evaded through relativistic epistemological filibusters.

Given the nature of our intellectual elites, then, Merquior's trust in their prudence seems astoundingly naive. Furthermore, even if our modern states were to be staffed by level-headed, well-intentioned technocrats like Merquior himself, they still could not overcome the systematic, unintended problems of the welfare state and mixed economy pointed out by Mises, Hayek, and countless others. Now, I do not think that it is possible to create a "mechanistic" political order that can sustain itself completely without prudential statesmanship and public vir-

tue. But given the power of unintended consequences and the tendency of intellectual elites toward utopian moralism, there is good reason to try to approximate such a mechanistic system as closely as possible. Even the most prudent and sober-minded technocrats should be subordinated to the mechanisms of constitutional government and the spontaneous order of a free society.

In sum: Merquior's *Liberalism Old and New* deserves a qualified recommendation. Although it is slightly marred by a questionable and unargued conclusion, its actual presentation is remarkable for its historical and cosmopolitan breadth. While such breadth is inevitably purchased at the cost of depth and detail of analysis, I have encountered no other work of its kind that so effectively and economically conveys both the underlying unity and dazzling multiplicities of liberalism. ❑

1. See Merquior's books *Western Marxism* (London: Paladin, 1986), *From Prague to Paris: A Critique of Structuralist and Post-Structuralist Thought* (London: Verso, 1986), and *Foucault* (Berkeley: University of California Press, 1987).
2. J.G. Merquior, *Rousseau and Weber: Two Studies in the Theory of Legitimacy* (London: Routledge and Kegan Paul, 1980).
3. For a reading of what lies between the lines of these books, see my essay "A Friend of Reason" Jose Guilherme Merquior," *Critical Review* 5, no. 3 (Summer 1991): 421–446.

Somebody has kidnapped the Hardy Boys and put insipid imposters in their place . . . who would do such a thing, and why?

The Mystery of the Missing Detectives

David Justin Ross

The small town of Bayport, located on Barmet Bay somewhere on the Atlantic coast, was all a-chatter with the news. Frank Hardy, the brown-haired eighteen-year-old son of world-famous detective Fenton Hardy, and Joe, his blond, blue-eyed younger brother, were missing. At least, some people claimed they were missing, replaced by clever impostors. Others maintained that, no, the boys were just growing up, changing with the times.

What had happened to the Hardy boys? What mystery is this? To find out, we must investigate the origin of the Hardy boys.

Where to start? With the author and his biography, of course. Franklin W. Dixon is one of the more popular authors in America. Even today, the Hardy Boys series is second only to Nancy Drew in sales of juvenile fiction, selling nearly a million volumes a year. In fact, there are not one but two current Hardy Boys series, the original one and a new one called "the Hardy Boys Casefiles," which is written for older boys.

A quick trip to the *Encyclopedia Britannica* yields . . . nothing. The writer of the most popular current series of boys literature, and the best-selling one of all time, is not even mentioned, although Horatio Alger, Jr. rates a third of a page. What is going on here? Maybe there is some evidence in the books themselves.

The first Hardy Boys book was *The Tower Treasure,* published in 1927. Also that year Franklin W. Dixon's first Ted Scott Flying Story was printed. Ted flew off into the wild blue yonder in 1943, never to return, but he left behind twenty books detailing his adventures around the world. To date, Mr Dixon is credited with these twenty, plus nearly 120 volumes in the original Hardy Boys series, plus more than fifty of the Hardy Boys Casefiles. 190 books, and no mention in *Britannica*? Hmmm. Also, it can't escape attention that Mr Dixon is amazingly prolific for an author who must be pushing ninety, what with one book from the original and five to ten books from the new series coming out each year.

The Hardy boys themselves have a past, or at least one of them does. Frank Hardy was once a book agent, a book salesman who worked for publishing houses trying to get stores around the country to take on their books. What is this? The famous boy detective with another career?

The Young Book Agent, or Frank Hardy's Road to Success was published by Horatio Alger, Jr. in 1905, one of the last of the 125 books written by him. The protagonist of the story, a traditional rags-to-riches Alger hero, has at first glance nothing in common with the son of Fenton Hardy except the name and a strong sense of go-gettedness. It would be tempting to say that here was a mere coincidence of names and look elsewhere for clues. But this is a mystery where each clue turns up more mysteries, and Frank Hardy, the book agent, is true to form.

As I said, the book was published in 1905, late but not last, in the list of books written by the prolific Alger. This fact alone is sufficient to make a good sleuth look closer, because Horatio Alger died July 18th, 1899 and thus couldn't possibly have written a new book in 1905.

If a real (though dead) writer's books could be written anonymously from fictional outlines, why couldn't a fictional author's books be written anonymously from real outlines?

Prolific and well-known authors — and Alger's 125 titles and 400 million books sold qualifies him on both counts — often leave books in various states of completion. Sometimes their literary executors or their publishers contract to have their works-in-

progress completed and published as a way of keeping the stream of money flowing. Such was the case here with *The Young Book Agent* and ten other Algers. The Street and Smith publishing company had on hand an author nearly as prolific (and nearly as dreadful) as Alger who was willing to finish up the incomplete Alger manuscripts — Edward Stratemeyer.

By the time Stratemeyer died in 1930, he was a millionaire who had started more than 56 series, seven in 1926 alone. Twenty-two of them were still going when he died, accounting for nearly 80 per cent of all published juvenile fiction.

Before he was done with Alger, Stratemeyer had written eleven of his books, the first from partially-completed manuscripts, the last created from whole cloth. While he was busy creating new works for dead authors and extending his own "Old Glory" series, Stratemeyer also found time to start another series, "The Rover Boys," which he wrote under the pseudonym of Arthur M. Winfield. Over the next seventeen years, Stratemeyer turned out twenty of these stories about Dick, Tom, and Sam Rover as cadets at Putnam Hall and students at Brill College. So popular was this series that it spun off two others. The first was "The Putnam Hall Cadets" which ran from 1901–1911 (with a final volume issued in 1921). The second was another Rover Boys series about the four sons of the originals. It ran from 1917 to 1926 and was still in print and selling as late as the 1950s.

Two things were new in the Stratemeyer books. First was a conscious effort to have young people, ultimately both boys and girls, in situations where they were not under substantial adult supervision. Second, nearly all Stratemeyer heroes and heroines were interested in the new technology of the day, whether the automobile, the airplane, or the radio. They were also wealthy enough and had enough free time to pursue these hobbies and stumble into adventures while doing so. This type of hero — and especially heroine — was a clean break from the domestic romances of the 19th century. Stratemeyer had learned the lesson from Alger (whose heroes were generally on their own as well) but he applied it universally, mirroring the newfound independence (and technological savvy) of the turn-of-the century American upper-middle class.

Had Stratemeyer stopped there, he would have made a reasonable contribution to early 20th century boys' literature. He had produced a new kind of hero and heroine, independent both in circumstance and attitude, technologically competent, and every bit as self-assured as anyone from Alger. But he didn't stop there. He also made an invention that revolutionized juvenile fiction.

The Stratemeyer Syndicate

Edward Stratemeyer had learned a valuable lesson while writing Alger's final books. If a real (though dead) writer's books could be written anonymously from fictional outlines, why couldn't a fictional author's books be written anonymously from real outlines? This idea came to Stratemeyer around 1906, and four years later he formalized it by incorporating the Stratemeyer Syndicate.

Before long a pattern emerged that would hold for more than 60 years. Stratemeyer would outline three books to start a new series and contract with an author to flesh them out. Payment averaged $100 per book and the contract demanded anonymity. Copyright was held by the Syndicate.

His shrewdness paid off abundantly. Stratemeyer, writing under his own name and those of Bonehill and Winfield, wrote 200 books, easily surpassing Horatio Alger's 125. The Syndicate, however, produced a thousand more, with sales to date of two hundred million copies and rising. By the time Stratemeyer died in 1930, he was a millionaire and had started more that 56 series, seven in 1926 alone. Twenty-two of them were still going when he died, accounting for nearly 80 per cent of all published juvenile fiction.

When Stratemeyer died, his daughters Harriet and Edna took over the Syndicate. Evidence of their continuing success is the Nancy Drew series. Stratemeyer wrote the first three books just before he died, but their growth into the Syndicate's best selling series was the work of his daughters. Harriet Adams continued to direct the work until her death in 1982.

Leslie McFarlane

The ad said "Experienced Fiction Writer Wanted to Work from Publisher's Outlines."[1] It was the spring of 1926 when a young Canadian newspaperman named Leslie McFarlane answered the advertisement in "Editor and Publisher." Mr Stratemeyer wrote back, sending books from two currently successful Syndicate series. The first was from "The Nat Ridley Rapid Fire Detective Series," and the other was about "Dave Fearless," who tended to fall into adventures beneath the sea and high up in the mountains, escaping mainly through luck and pig-headedness rather than brains. Stratemeyer suggested McFarlane read the books and choose one.

All the changes can be reduced to two: Moral judgment is gone and the books are dumbed-down. The publishers, of course, are providing the public with what it wants to buy, and can honestly say they are just appealing to popular tastes.

McFarlane chose the Dave Fearless book, and for a time became Roy Rockwood. Rockwood's most famous series was "Bomba the Jungle Boy," a highly-successful Tarzan rip-off that ran through 1938 and was briefly re-issued in 1953. Dave Fearless did not fare as well, lasting perhaps a dozen books. When that series ended in 1927, Stratemeyer told McFarlane about an idea for a new series.

In his letter was the customary outline, plus a note that since the new series would be cloth-bound instead of paper, and therefore more expensive (65 cents instead of fifty), the manuscript fee would be $125. McFarlane was glad to see the last of Dave Fearless. The Hardy Boys was at a somewhat higher level, after all. No more fighting giant octopuses while trapped in beds of seaweed and surrounded by man-eating sharks. Instead, the Hardy boys faced foes of the two-legged variety who were generally thieves, swindlers, or pirates. McFarlane had no idea when he sat down to write *The Tower Treasure* in 1927 that he was giving birth to the most popular boys adventure series ever.

The Hardy Boys

There isn't much biography to give on the Hardy boys. Their only known relatives besides each other are their father Fenton, a detective so world-famous that he is generally off on some case and therefore nowhere to be seen, their mother Laura who manages the Hardy household during her husband's long absences (and whose supervision of the boys is limited to preparing large heaps of sandwiches), and Aunt Gertrude.

Gertrude Hardy is one of those classic characters that would be trite if she weren't so much fun. She is dour, tight-lipped, and utterly convinced the Hardy boys' adventures are going to get them killed. Because her brother Fenton is rarely home, she takes it upon herself to move in and help Mrs Hardy run the household. Alas, this is a Stratemeyer book, which means that adults will have next to no impact on the activities of the teen-aged protagonists. Aunt Gertrude succeeds in doing little but being a foil for the boys' pranks.

The town of Bayport is anonymous in the extreme. Over the course of the series it remains a place of about 50,000 souls, destined to draw an endless parade of baddies to plague its inhabitants. It also has an unusual number of abandoned buildings — just the right setting for a mystery.

The Hardy Boys series was special from the beginning. There is a lot of mystery solving in other Syndicate series, in particular the Rover Boys, the Motor Boys, and Tom Swift, but usually the mysteries are plot devices to keep the heroes busy during their adventures rather than the direct point of the stories. This is different in the Hardy Boys. The two sons of Fenton Hardy were, in his word, born "detectiving." That this is their only purpose is made clear in the first two paragraphs of the first book:

> "After the help we gave dad on that forgery case I guess he'll begin to think we could be detectives when we grow up."
>
> "Why shouldn't we? Isn't he one of the most famous detectives in the country? And aren't we his sons? If the profession was good enough for him to follow it should be good enough for us." [2]

There were strict rules about what could and could not happen in a Hardy Boys book. Violence is kept to a minimum. Not until very late in the series is anyone killed, and though the brothers are often in mortal danger it is from fire or falling off cliffs, never by being shot.

If there is little violence, there is no hint of sex. It isn't clear whether the boys ever kiss Iola Morton or Calley Shaw; if they do, it certainly isn't while a reader is watching. But what with all those abandoned buildings in Bayport, you never could be sure what was really going on. . . .

The three original volumes were *The Tower Treasure, The House on the Cliff,* and *The Secret of the Old Mill.* These were followed by *The Missing Chums, Hunting for Hidden Gold, The Shore Road Mystery, The Secret of the Caves, The Mystery of Cabin Island,* and *The Great Airport Mystery*. All of these were written by Leslie McFarlane and all in the first three years of the series. When he got the outline to *What Happened at Midnight* McFarlane decided that, when it was completed, he would tell Stratemeyer to find himself another ghost writer.

What Happened at Midnight was completed and mailed, but the resignation letter was not with it. Because of What Happened in October 1929, McFarlane was happy to continue writing the books. The payment fell, but the payments *kept coming*. Early in the Depression, the Syndicate paid each of its writers an advance on future work, something they had never done before.

In 1930, Edward Stratemeyer died at the age of 68. Though distant from his writers and careful to keep them ignorant of how well the series sold, he was nevertheless a decent man. He sent McFarlane $25 when McFarlane married and an equal amount when McFarlane's first daughter was born. In his will he left each of his writers an amount equal to one fifth of their earnings from the Syndicate.

The Hardy Boys books are familiar to nearly every American. If they don't own them themselves, they've seen them in some cousin's back bedroom, sitting in rows of blue-bound volumes. The series has been running for 65 years and is still going strong, a run second only to Laura Hope's "Bobbsey Twins," now in its 89th year.

Fathers buy the books for their sons to read, remembering their pleasures with them and hoping to instill the same love of reading and adventure in their own sons. But once in a while, one of the fathers actually re-reads one of the books and finds there is some-

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The Transhuman Taste -- Reviews of *The Anthropic Cosmological Principle*, The *Blind Watchmaker*, *Bionomics*, and three books by Julian Simon.

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thing missing. The characters, never really deep, seem more cardboard, the language which had been vivid if overblown is dull and there are no places in the books to rest and catch your breath. They are all action.

What few fathers realize, indeed what few people besides collectors know, is that the blue-bound books are not the original Hardy Boys. There are in reality six different sets of Hardy Boys books: The Originals, The Rewrites, The Revisions, The Continuations, The Casefiles, and the Reissues.

The Originals

Leslie McFarlane wrote the first 26 Hardy Boys before passing the torch to other writers. The original series was bound in either red or tan and continued until 1959 when *The Mystery at Devil's Paw* was published, 38th in the series. When number 39, *The Mystery of the Chinese Junk* came out the following year, there was little to indicate any great change. Anyone who today goes into a bookstore to buy the Hardy Boys will need a careful eye to see the change that took place between numbers 38 and 39, since there, to the left of number 39, bound likewise in blue, is its predecessor. But take a look at the copyright. The brown-backed edition of *Devil's Paw* has "Copyright 1959." The blue-back has "Copyright 1959, 1973." What is going on here?

The Rewrites

The double copyright is particularly confusing since a glance at the first 24 books, up to *The Short Wave Mystery*, indicates no second copyright. Instead, they are all copyright sometime between 1959 and 1974.

Sometimes, especially with the earliest books in the series, the following paragraph appears beneath the copyright: "In this new story, based on the original of the same title, Mr Dixon has incorporated the most up-to-date methods used by police and private detectives." Often, even this warning is missing, and the switch can be found only in the change of copyright — and content.

These books, nearly all of the first twenty-four and a few of the later ones, have been completely rewritten. They are not the books that Edward Stratemeyer outlined and Leslie McFarlane wrote.

There are many reasons for the rewrites, and some of them are good ones. *The Great Airport Mystery* begins with the boys talking about how they hope someday to go up in an airplane and how great it would be. They boast to each other that they wouldn't be scared. In 1930 when this was written, the airplane was a novelty and flight was considered dangerous and adventurous. By the time the book was revised in 1965, the airplane was commonplace, and the discussion in the original book no longer made sense. Removing it is understandable.

This extended contemplation of death, written in breathless, short, incomplete sentences owes more to the improbably long climaxes of porno novels than to the original Hardy Boys. All is action, all is thrill.

There were other such changes, primarily to update language and setting. By the 1960s automobiles were called "cars" instead of "roadsters" and a person who drove one was a "driver" not an "automobilist." These simple changes had no real effect on the books.

At this point, however, the rewrites cross onto more dubious ground. By the time the seventies rolled around, "sensitivity" was all the rage and it was discovered that — Gasp! — some of the villains in the Hardy Boys books had foreign-sounding names and spoke with accents. These must go, never mind that criminals do sometimes have accents and come from foreign countries. It wasn't as if semi-coherent foreigners were the norm for Hardy Boys' victims, but lest someone take offense, most references to villains' race, ethnicity, and origin were deleted.

Besides the politically correct modifications, there were other changes which gutted the books. In the old books, characters stop and think about what they are about to do, reasoning out their course of action. They may have been cardboard, but the characters still had feelings and were capable of introspection. All that is gone now, removed in the interest of speeding up the books. The characters now have no insides at all.

The worst changes of all were intentionally made to dumb down the books, to aim them at a less bright and less well-educated public. Long words were removed and short ones put in their place, description of scenes and people was cut or eliminated.

Here is how Joe Hardy discovers Chet Morton's missing car in the original of The *Tower Treasure*. The Hardys and their friends are picnicking at Willow Grove.

> The day passed in the usual fashion of such days. They swam, they ate, they loafed about under the trees, they played games at imminent risk of life and limb, they explored the woods, and otherwise enjoyed themselves with all the happy energy of healthy lads. Joe Hardy, who was an amateur naturalist in his way, went roaming off by himself during the afternoon while the other boys were enjoying their third swim of the day, and penetrated deeper into the woods.
>
> He poked about in the undergrowth, examining various flowers and plants that came to his attention, but discovered no specimens that he had not seen before. He was just on the point of going back to the other lads when he saw before him a small clearing.[3]

Joe finds tire tracks and eventually they recover Chet's car. Meanwhile, we've had a chance to catch our breath and have learned that Joe is interested in wild plants and animals. Compare that passage to its equivalent in the rewrite:

> During the meal the boys exchanged reports on their morning's sleuthing. All had tried hard but failed to find any trace of the missing car.
>
> "Our work hasn't ended," Frank reminded the others. "But I'm so stuffed I'm going to rest a while before I start out again."
>
> All the other boys but Joe Hardy felt the same way and lay down on

> the grass for a nap. Joe, eager to find out whether or not the woods to their right held the secret of the missing car, plunged off alone through the underbrush.
>
> He searched for twenty minutes without finding a clue to any automobile. He was on the point of returning and waiting for the other boys when he saw a small clearing ahead of him.[4]

Gone is the interest in botany. Gone too is any interest or pastime by a Hardy that has nothing to do with being a detective. Even gone is the swimming by Frank and his friends — in the rewrite the water is too cold. It is as though once off-screen, characters must be dormant. The world away from the act of sleuthing does not exist.

In the originals, the Hardys are ordinary boys with the interests of their age, with friends whose company they enjoyed. In the rewrites, the Hardys are detectives who may have substantial knowledge of many fields, but only as it appertains to sleuthing, and whose friends are there to be stolen from and abducted by the villains. Everything in the rewrites is directly aimed at the business at hand. There is no time for the little details of a normal life.

The Revisions

Some of the rewrites are completely different books, and if they are "based on the original," it means they use a few of the same characters and the same title. Others are only slightly changed, looking more like the revisions they purport to be where language and setting are updated and the sometimes-turgid prose of the originals stream-lined. I have somewhat arbitrarily called the books with a single copyright "rewrites" and those with two copyrights "revisions," but the terms serve to illustrate the differences at least between extreme examples of each type.

The revisions are later books, where little change in language or setting was needed to bring them into line with the rest of the series. By the time *The Mystery at Devil's Paw* was revised in 1973 (the original is 1959), it is difficult to see the changes at all. This isn't particularly good news. What it means is that the series had been deteriorating all along (probably starting when McFarlane stopped writing it), and the rewrites and revisions were to bring the older books down to the later books' standards.

Because the blue-bound books have gone through several editions, it is often hard to tell exactly what you have. The earliest blue editions of the first 38 books were just reprints of the originals. Sometimes (but not reliably) these earliest editions can be spotted by looking at the back. If the back blurb says "Anyone from 8 to 14" or just has a list of books, then the book is probably a rewrite (if number 1–24), a revision (if 25–38 or The Detective Handbook), or a post-revision continuation (39–58). Sometimes, however, for books 1–38, if the back says "All boys from 10 to 14," the book is an original. A check inside will make sure. If the copyright is 1959 or earlier, the book is an original. If it has two copyrights, it is a revision, and if it has a single post-1959 copyright it is a rewrite.[5]

The Continuations

While the revisions and rewrites were going on at the rate of two or three books a year, new Hardy Boys books were being released as well. Regular as clockwork, a new one came out each year from 1960 (#39) to 1979 (#58). At the end of the seventies, Simon and Schuster bought the Stratemeyer Syndicate. Subsequent editions of the blue books indicate that copyrights were transferred from Grosset and Dunlap to the Stratemeyer Syndicate in 1980. Though there have been editions later than 1980 for all the previous volumes, no new blue books have been issued since then. Books numbered 59 and higher exist only in paperback. The current number is above 110, and climbing.

There is nothing particularly remarkable about these books except the number of them. Somehow the Hardy boys manage to keep solving the same cases over and over. It is doubtful that any boy or girl has in recent years ever read all the books. Even an exceptionally fast reader would grow out of them before he could possibly finish.

The Casefiles

Simon and Schuster knew a developing market when it saw one, and in the eighties the "Young Adult" market exploded. Since no one over about the age of thirteen was reading the original Hardy Boys series, Simon and Schuster produced a "Young Adult" Hardy Boys series called the Hardy Boys Casefiles. There is a corresponding Casefiles for Nancy Drew and a more recent equivalent for Tom Swift. The aim of the Casefiles is to recapture the mid- and late-teen readership at which the series was originally aimed.

Nowhere does the Casefiles series tell you the ages of the lads, but the general subject matter is more "grown up." What that means is, for the first time, people die in the series, and there is some indication that the Hardy boys' glands may have finally turned on.

If the rewrites sped up the pace, the Casefiles make it downright frantic. Here is the start of Casefiles #1:

> "GET OUT OF my way, Frank!" Joe Hardy shoved past his brother, shouting to be heard over the roar of the flames. Straight ahead, a huge fireball rose like a mushroom cloud over the parking lot. Flames shot fifty feet into the air, dropping chunks of

If you agree with Robert Hutchins...

"... knowledge without wisdom has brought us to the edge of destruction and may at any time push us over the brink."

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> wreckage — wreckage that just a moment earlier had been their yellow sedan. "Iola's in there! We've got to get her out!" [6]

It is abundantly clear that the Stratemeyer Syndicate is gone. The Casefiles series starts with Iola Morton, Joe's girlfriend for sixty years, getting blown to bits by terrorists. In the course of the Casefiles, numerous people are shot, stabbed, and otherwise done to death, and the boys themselves are threatened in ways they never were in the old series. (Something of the old reticence remains, for though Joe and Frank may hold someone at gunpoint, they have yet to kill anyone, and though they refer to kissing their girlfriends, that seems to be about the limit.)

The Casefiles have been coming out at a rate nearly as frantic as their internal pace. First issued in 1987, there are now more than fifty of them in print. If anything, they are more formulaic than the originals, and if they are technically better written, it is at the expense of style. The turgid and sometimes invasive prose of the originals is gone, but so is anything that gave character or individuality to each book. The introspection that was stripped from the originals in the rewrite is back, after a fashion, but this introspective passage from Casefiles #4, *The Lazarus Plot*, hardly qualifies as either explication of the character's feelings or as his careful consideration of possible action. Frank and Joe are confronted with the sudden appearance of a well-armed opponent.

> Instantly Joe knew what he had to do. He charged straight into the barrel of the Lazarus leader's Smith and Wesson .38 — a pistol that looked as big and as deadly as a cannon. Joe didn't kid himself, though. He knew he didn't have a chance. But he also didn't have a choice. Maybe, just maybe, Frank could seize the advantage while Joe was being blown away. It was worth trying, better than nothing. And their chances would be nothing if they surrendered. Joe charged, waiting for the bullet to rip through him, wondering how bad the pain would be and how long it would last before it all ended.

This extended contemplation of death, written in breathless, short, incomplete sentences owes more to the improbably long climaxes of porno novels than to the original Hardy Boys. The Casefiles take the long-time trend to its logical conclusion. All is action, all is thrill. The characters serve precisely the same functions as their counterparts in pornography. They are there to experience thrills vicariously for the reader, to be the means of his titillation. If the Hardy brothers still fight for 'the right side', they no longer seem to know *why* it's the right side.

The original Hardy boys are dead, first poisoned by their creators at the Syndicate, and finally done to death by Simon and Schuster.

The Reissues

The series that our fathers loved is gone without hope of bringing it back. The secure, innocent world, where even evil had manners and limits, is gone as well. The great experts who contemplate matters of child psychology at government expense tell us that the new, more realistic children's literature is better for the kids, better at helping them live in the nasty world they didn't make. And so we breed a generation for whom the romantic idea — the idea that art and literature should work to make a person better than he otherwise would be — is a complete stranger. And we wonder at the results.

Phil Zuckerman, president of Applewood books, doesn't like the changes in the Hardy boys, and in particular doesn't like the conscious fraud Simon and Schuster is perpetrating by calling the new books by the originals' names. He thinks the originals ought to have another chance. He has purchased the rights to the first three volumes and reissued them, complete with the original artwork and McFarlane's involuted prose.

Because the world they portray is long gone, it is unlikely the reissues will enjoy great sales. There is a certain fascination in seeing bright and fresh copies of the originals, but there is something morbid about it too. For the reissues only have the appearance of life. They are like cleverly-prepared death effigies of once-living people. On display, they show what the departed was like, but they cannot bring him back. The reissues do serve one purpose. At least the fathers buying books for their sons can now find the books they so loved.

Needless to say, the usual suspects are unhappy even with the corpse's fresh clothes. Sharon McDonald, librarian, is "troubled" that some of the bad guys have accents, while others have protested the "simplistic" morality (knowing right from wrong) that permeates the old books.[7] If a man is known by the enemies he keeps, at least Zuckerman is on the right track.

What it All Means

All the changes can be reduced to two: Moral judgment is gone and the books are dumbed-down. The publishers, of course, are providing the public with what it wants to buy, and can honestly say they are just appealing to popular tastes.

Gone with the removal of contemplation of action is any sense of moral outrage or moral virtue. The original Hardy boys were virtuous because virtue was the right way to live, because it was the result of careful training and informed choice. The new Hardy boys are still virtuous, but it is the embalmed virtue of Disneyland. There is no reason for it, it just *is*. At least the sentiment remains. More "up-to-date" juvenile literature, especially the junk Judy Blume turns out, has thrown out the concept of right action for right reasons. In the two new Hardy Boys series the idea of virtue still lingers on which counts for something.

The reasons for the dumbing-down are more complex. The boys have aged two years since the series began, Frank going from sixteen to eighteen and Joe always a year younger. Ironically, while the protagonists were growing older, the readership was getting younger. Originally, the books were aimed at boys just a little younger than the Hardy boys, fourteen to fifteen years old. By the time the famous blue-cover editions were issued in the 1960s, the rear book blurb reads, "All

boys from 10 to 14 who like lively adventure stories . . . will want to read every one of the Hardy Boys stories listed here."[8] Later, "All boys" was changed to "Anyone," and "10 to 14" was changed to "8 to 14."

When Simon and Schuster bought out the Syndicate and stopped issuing new blue books, their publicity literature further reduced the age of prospective readers to "from 8 to 12."

One reason for the decline in readership age involves the nature of the Hardy boys and any other escapist adventure literature. To some extent, such books are fairy tales. They are set in an unchanging world which is familiar and secure and from that base their protagonists go forth on adventures that just don't happen to normal mortals. Like travellers to Fäerie, the Hardy boys are unaging (or nearly so) and certainly unchanging.

With the general loss of innocence during and following World War II, the toleration and enjoyment of innocent fantasy fell to younger and younger kids. When it came to the choice of adding violence and sex to continue to appeal to older readership, or preserving innocence and targeting younger boys, the Stratemeyer Syndicate remained true to their founder's Christian morality and opted for innocence. Later, Simon and Schuster would have no such restraints.

Another, paradoxical reason for the dumbing-down is the arrival of universal literacy. As a higher and higher fraction of youth could read, the average learning and intelligence of the readers fell. Since the Stratemeyer books were always aimed at the mass market, the publishers followed their readership downward in reading ability and general knowledge. Because so many kids read the Hardy Boys books, the "dumbing down" both fed and fed off of this trend.

So the mystery is solved. The original Hardy boys are dead, first poisoned by their creators at the Syndicate, and finally done to death by Simon and Schuster. Even their corpses, colorfully decked in the clothing they used to wear, are on public display. In their places are two sets of impostors who, coasting on the reputation of the originals, seem destined for a long run in their stolen roles. Times and people change, and the world of the twenties and thirties is long gone, perhaps mostly for the better. What has vanished with it are the heroes of that more innocent day, and that indeed is a shame. ❑

notes

1 "Leslie McFarlane, Ghost of the Hardy Boys" (New York: Methuen/Two Continents Publications, 1976), p. 1.

2 Franklin W. Dixon, *The Tower Treasure* (New York: Grosset & Dunlap, 1927) p. 1.

3 ibid. pp. 47–48.

4 Franklin W. Dixon, *The Tower Treasure* (New York: Grosset & Dunlap, 1959), pp. 45–46.

5 To further cloud the issue, the rewrites and revisions were only approximately done in the original order. Sometimes later books were rewritten first and the break between rewrites and revisions is not clean. Book #37, *The Ghost at Skeleton Rock*, has a single copyright, indicating it is a rewrite, even though the books around it are revisions.

6 Franklin W. Dixon, *Deathgame* (New York: Simon and Schuster, 1987) p. 1.

7 "Hardy Once Again," *People*, August 5, 1991, p. 71.

8 Franklin W. Dixon, *The Tower Treasure* (New York: Grosset & Dunlap, 1959), rear cover.

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Ben Best, *continued from page 57*

trusting Hitler to honor their pact and for letting them be so vulnerable to Hitler's attack. Ivan had not been to this cemetery for a long time, and he found it bitterly ironic to see the Russian flag flying. In this one case he would have preferred a Soviet flag — to keep the responsibility for this colossal tragedy where it belongs.

Not long after my return from the boat cruise, I phoned Valentin Yemelin, a networking expert whose number I had been given. Valentin had spent many years as a research scientist, until the current economic crisis drove him out of that work. To take advantage of his fluent English, his computer skills and his networking ability, he started a travel agency. Tourists traveling to Russia no longer need to be under the wing of the state Intourist agency. Valentin can arrange for invitations and provide complete custom-made itineraries in Russia (including food, accommodations, travel and a translator-companion) for U.S.$50 per day.

Valentin said that Russians are undergoing a grave spiritual crisis. After years of economic security guaranteed by the government, people are facing economic insecurity.

Valentin was very pained by the troubles his scientific colleagues were suffering. Many fine scientists are unable to find work. Valentin has a database of scientists who would gladly work for $100 per month in their own laboratories (supplemented by Western equipment, if necessary). He was most eager to market the services of computer scientists.

I left Russia by the same railroad station where Lenin made his famous entry — Finland Station. Many of Lenin's statues have fallen, but the one in front of Finland Station still stands. The Finnish railway cars were by far the most beautiful and modern-looking I have ever seen. I almost think they were purposely luxurious, to emphasize the contrast to the dirty, poverty of the Russians' railcars. The Finnish customs inspector went through all my baggage with very great care.

In Helsinki, walking into an air-conditioned Western self-serve supermarket again was ecstasy — I could hardly restrain myself from buying much more than I needed. I hadn't seen a fresh orange in weeks, and all the fruit and vegetables looked wonderful.

Coming from Russia (where things are ridiculously cheap) to Finland (where things are ridiculously expensive) was a shock. I bought two paperback books (marked on the back to total eleven British pounds) for $50. Roger Wessman, the ISIL representative for Finland, told me that Helsinki is the place to find the fine Russian restaurants that would have existed in St. Petersburg had there been no Revolution. I treated Roger to a meal in a "moderately" priced Russian restaurant, only to discover it cost me $150.

I flew from Helsinki back to Toronto, via Zurich. ❑

Scott Reid, *continued from page 58*

in the lead. But this time, the implications of the national split may be too much for the federal government to paper over.

But even a Yes vote from coast to coast probably wouldn't result in Canada adopting a new constitution. The package on which Canadians are voting is so far from being a legal document, and the various negotiators are so far from being able to agree on a real text that can actually be voted on by provincial legislatures and by Parliament, that the negotiations over a final text would almost certainly end in confusion, discord and another "humiliation" to Quebec, driving it at last to declare itself independent.

All signs indicate that Canada's secession crisis has begun and the only thing still holding the country together is the fact that most Canadians don't yet know it — largely because they've been completely confused by the surreal debate over amending the constitution.

For what it's worth, I'm advising my friends not to go out and buy that National Geographic atlas of the world just yet, since I expect the maps of Canada to be out of date within five years. ❑

David Kelley, *continued from page 63*

choose among them? By considering a wide range of facts about myself and my circumstances. The choices I make will be objective insofar as they are based on facts, but not universal, because the relevant facts pertain to my unique constellation of talents, interests, and opportunities.

There is much more to be said about the process of applying the Objectivist ethics to one's own life. But this is not a matter of adding "more substantive content" to the ethics itself. If there were, a principle of flourishing would be of no help, since it is just as abstract as the principles of reason, purpose, and self-esteem. And it certainly won't help to adopt "justificatory fuzziness" — whatever that means — as a standard of cognition.

Finally, in regard to the derivation of rights: The fact that human beings need to act on the basis of reason does not, as Johnson implies, immediately entail that I must act to satisfy that need in others by respecting their freedom. Human beings also need food, shelter, love, and many other things, but I have no unchosen obligation to meet these needs of others. A crucial aspect of the case for rights is that the benefits of peaceful, voluntary exchange vastly outweigh any short-run advantage one might seem to derive from plunder, and that these benefits are available to me only if I act in accordance with a principle of rights.

It's true that at a fundamental level, my need for freedom and my need to respect the freedom of others have the same foundation. It is only in the condition of freedom that humans can create the values which make peaceful exchange a positive-sum game. But the fact that exchange *is* a positive sum game, the fact that interests do not conflict at any fundamental level, must be made explicit. Were it not the case (as it is not the case in emergency situations), then no principle of rights could be established. At some point, *any* egoist ethics must be prepared to answer the question "What's in it for me?" ❑

Notes on Contributors

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- "The Case Against Open Immigration" — *R. K. Lamb* challenges a libertarian shibboleth.
- "Peter Drucker: Austrian Economist?" — *Mark Skousen* considers the case that the dean of management theory is an Austrian economist.

Terra Incognita

Baghdad

Saddam Hussein experiments with a mixed economy to bring relief to his country still suffering from the war and the U.N.-sanctioned embargo, as reported in the Seattle *Times*:

> Unhappy with the aggressive competition and speculation in food commodities, Hussein had 42 merchants hung for "profiteering" this July.

Washington, D.C.

News dispatch from the battle-front of the gender war, as reported in the New York *Times*:

> A high-school graduate is suing her former school for injuries she received playing fullback in a pre-season football game. No one had warned her or her mother that football can be dangerous.

Brasilia, Brazil

Political techniques from the land of the Bossa Nova, as reported by the Chicago *Tribune*:

> Brazilian President Fernando Collor de Mello has enlisted "Spiritualists, clairvoyants, Afro-Brazilian priests, Protestant preachers, Roman Catholic padres and a well known Brazilian 'mentalist'" who claims he can bend spoons and other objects with brain waves" in his battle to prevent his impeachment on grounds of grand larceny. He also has adopted a strict clothing, diet, candle and flower regimen to help channel positive energy his way.

Charleston, South Carolina

Congress moves to preserve our historic heritage, as reported by *Dollars & Sense*:

> In an amendment to an appropriation for the National Park Service, Sen. Ernest Hollings of South Carolina proposed to honor Palmetto State native Charles Pinckney by acquiring and restoring the "Pinckney House" near Charleston at an acquisition cost of $1 million and an annual operating cost of $325,000.
>
> When it was argued that Pinckney neither lived in nor built the house — and that in fact the house was constructed after Pinckney's death — Sen. Hollings defended his proposal as a way to "interpret" the life of Pinckney.

Washington. D.C.

Heart-rendering appeal to help those less fortunate than ourselves, from an ad in the Washington *Post*:

> Being in congress is tougher than everyone thinks, and all the media does is make fun of those poor congressmen. Please enclose a donation for "The Friends of Congress Foundation." We go where it hurts.

San Francisco

New improved customized trials now at the Federal Appeals Court, as reported in the San Francisco *Chronicle*:

> A Nevada man was granted a new trial by the Appeals court, because at his original trial he wasn't allowed to testify because he refused to take the oath. In his retrial he'll be allowed to use his own oath: "I'll defend myself with fully integrated honesty, only with fully integrated honesty and nothing but fully integrated honesty."

Moscow

Disturbing development in one of the most holy places of the century's greatest religion, as reported by Knight-Ridder Newspapers:

> Because the Communist party can no longer pay the operating costs of the Lenin museum, it has rented it's third floor to a Western style modeling agency. Long-legged models in modern clothing go in and out of the museum to the sounds of rap and rock-and-roll.

Austin, Texas

Learning is a lifetime quest, as reported in the Lone Star state's *Times Record News*:

> The biographical portrait released by the office of Texas Railroad Commission Chairperson Lena Guerrero reports that in 1980 she earned a B.A. in communications from the University of Texas, where she was a member of the honor fraternity Phi Beta Kappa. In response to questions from the press, Chairperson Guerrero explained that she had "just learned" that she had only a C average and had not graduated from the university.

Ottawa

Progressive trend in Canada, as reported in *The Daily News* from Halifax, Nova Scotia:

> "Somebody who defaces a Canadian flag should be put in jail for life," said one MP. Another MP, less zealous but more multicultural, argued that the burning of the flag of any country ought to be a felony.

Memphis

Consumer protection in the Volunteer State, as reported in the *Bank Note Reporter*:

> At the Memphis International Paper Money Convention, Hickman Auctions was required by state officials to hire a local cattle auctioneer to "call" the auction. Because the cattle auctioneer's chanting style was unintelligible to the bank note collectors present, Hickman Auctions hired a local person to act as translator.

New York City

Evidence in the case against privatization, as reported by the New York *Guardian*:

> Five workers from New York's Department of General Services took just three days to change six fluorescent lights at the Queens Criminal Court: one day to erect scaffolding, one day for electricians to replace the bulbs, and one day to remove the scaffolding.

Atlantic City, N.J.

Outstanding qualifications of one candidate for office, as reported by the Associated Press:

> Kandace Williams, Miss Mississippi, claimed to be a human magnet, because of a unique "electrolytic body chemistry." She also claimed to be a second-cousin of Kenny Rogers and a descendant of Julius Caesar. She was not chosen to serve as Miss America.

Milwaukee, Wisc.

Disaster planning in America's Dairyland, as reported in the Milwaukee *Journal*:

> It reads: "Tornado shelter: Employees only."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind! with Liberty's Back Issues

continued from inside front cover

January 1991

- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico and Jane S. Shaw
- "Skatepunks, UFOs, and Guerilla Capitalism," by Lawrence Person
- "Gordon Gekko, Michael Milken, and Me," by Douglas Casey
- "The Hope in the Schools," by Karl Hess

Also: articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky and others; plus special election coverage. (80 pages)

March 1991

- "The Myth of War Prosperity," by Robert Higgs
- "The Life of Rose Wilder Lane," by William Holtz
- "The Unintended Consequences of Jesse Helms," by Richard Kostelanetz
- "Old Whine in New Bottles," by Jan Narveson
- "The Strange Death of the McDLT," by R.W. Bradford

Plus articles and reviews by Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski and others. (72 pages)

May 1991

- "Christiana: Something Anarchical in Denmark," by Ben Best
- "Rescind Gorby's Peace Prize," by James Robbins
- "Journalists and the Drug War," by David Boaz
- "California's Man-Made Drought," by Richard Stroup

Plus writing by John Baden, Scott Reid, Leland Yeager and others; and a short story by Lawrence Thompson. (72 pages)

July 1991

- "Say 'No' to Intolerance," by Milton Friedman
- "I Am a Casualty of the War on Drugs," by Stuart Reges
- "Depolluting the USSR," by James Robbins

Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

Volume 5

September 1991

- "AIDS and Marijuana," by Robert O'Boyle
- "Stalking the Giant Testes of Ethiopia," by Robert Miller
- "The Unraveling of Canada," by Scott Reid
- "GNP: A Bogus Notion," by R.W. Bradford

Plus articles and reviews by Bart Kosko, Mark Skousen, Frank Fox, John Hospers, James Taggart, Karl Hess, William P. Moulton and others. (72 pages)

November 1991

- "The Road to Nowhere," by David Horowitz
- "Women *vs.* the Nation-State," by Carol Moore
- "Thelma and Louise: Feminist Heroes," by Miles Fowler
- "The Boycott of *American Psycho*," by Panos Alexakos and Daniel Conway

Plus writing by Robert Higgs, Leland Yeager and others; and a short story by J. E. Goodman. (80 pages)

January 1992

- "The National Park Disgrace," by R.W. Bradford
- "Sex, Race, and the Single Gentleman," by Richard Kostelanetz
- "Beyond Austrian Economics: Bionomics," by Michael Rothschild
- "America's Bipartisan Apartheid," by Brian Doherty

Plus writing by Leland Yeager, David Friedman, Henry B. Veatch, Jane Shaw, Bill Kauffman, Karl Hess Jr. and others. (80 pages)

March 1992

- "Hong Kong After Tiananmen," by Kin-ming Liu
- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
- "P.C. or B.S.?" by Meredith McGhan
- "Acid Rain and the Corrosion of Science," by Edward C. Krug
- "Who Really Wrote *Little House on the Prairie*?" by William Holtz

Plus writing by Ross Overbeek, Karl Hess, Sheldon Richman, Jane Shaw, Lawrence White, Randal O'Toole and others; and an interview with Pat Buchanan. (72 pages)

May 1992

- "Clarence Thomas: Cruel and Unusual Justice?" by James Taggart
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- "The Economics of the Emergence of Humanity," by Vernon Smith
- "Divorce, Czechoslovak Style," by Vojtech Cepl and Ron Lipp

Plus writing by Eric Banfield, Karl Hess, David Horowitz, Daniel Klein and others; and fiction by J. Orlin Grabbe. (72 pages)

July 1992

- "Christians and Libertarians in a Hostile World," by Doug Bandow
- "Returning America's Roads to the Market," by Terree Wasley
- "The 'Lock' on the Electoral College," by David Brin

Plus commentary on the L.A. Riots, and writings by David Kelley, Leland Yeager, George H. Smith and others. (72 pages)

Volume 6

September 1992

- "War on Drugs, War on Progress," by James Ostrowski
- "Virulent Green Growth," by Fred Smith
- "Property Rights Before and After the *Lucas* Decision" by William H. Mellor III
- "Wilderness, Church and State," by Robert H. Nelson

Plus writing by Martin Morse Wooster, Ethan O. Waters, Jane S. Shaw, J. Neil Schulman, Stephen Cox, and others; and an index to back issues. (80 pages)

→ Information concerning the first volume (6 issues) of *Liberty* can be found on page 45.

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- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico and Jane S. Shaw

continued on inside back cover . . . see page 58 for first volume of Liberty

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Inside Liberty

February 1993
Volume 6, Number 3

4 Letters *Liberty*'s readers don't necessarily agree with us — or with each other.

7 Reflections *Liberty*'s editors on racism in baseball, anarchism in Congress, the new colonialism in Africa, revolution in Canada, nuclear waste in the White House, term limits, fat preachers, teen age voting, and the lies of the New York *Times*.

Features

Election '92: What it Means

19 The New Civic Religion *by R. W. Bradford*
23 The Blunder Thing *by Chester A. Arthur*
27 Clinton, the President? *by Chester A. Arthur*
29 200-Proof Populism *by Bill Kauffman*
31 What if you gave a party and nobody came? *by Chester A. Arthur*

38 The Road to Dystopia *Ron Lipp* reports from eastern Europe, where something has gone wrong in the transition from socialism to free markets.

42 In Freedom's Way *James Ostrowski* maps the difficulties on the road toward freedom.

45 Race and Civility *Leland B. Yeager* argues that racism is natural, surmountable, and pitiable.

47 The Half Open Door *R.K. Lamb* challenges the libertarian doctrine of open immigration.

50 Just Deserts *John Hospers* sheds light on a subject seemingly sentenced to an indefinite term in the darkness of narrow minds.

53 A Feminist Defense of Pornography *Wendy McElroy* decries feminists who would sell equal liberty for the pottage of paternalistic legislation, and whore after conservatives, all to stamp out pornography.

Reviews

59 Has Feminism Run Its Course? *Jane S. Shaw* isn't afraid to ask this and other dangerous questions.

61 Crisis! Crisis! Crisis? *John L. McCormack* finds a new work predicting the end of Western Civilization not only useful but "exhilarating."

63 How to Secede in Politics *Scott J. Reid* unravels the logic of a book about the morality of political unravelings.

65 Radical Hayek *Gregory F. Johnson* makes sense of a new critique of Friedrich von Hayek's work, and determines just how much of a libertarian the great economist and social philosopher was.

69 War With the Animal Kingdom Is extremism in defense of animal rights itself a vice? *John Hospers* thinks so.

71 Malcolm X Reborn *Jesse Walker* separates myth from reality, and discovers the meaning of the rebirth of the Malcolm cult.

73 Booknotes on the joys and wonders of the human body, at the molecular, sexual, journalistic and economic levels.

Departments

75 Classified Ads **77 Notes on Contributors** **78 Terra Incognita**

Letters

Mantle of Non-Science

Jane Shaw's review of the universally used textbook, *Environmental Science* by G. Tyler Miller, Jr., finds alarm in its misuse of science ("Nonsense and Nonscience," September 1992). At my state's flagship institution of higher education, the University of Colorado, Boulder, the academic department called Environmental, Population, and Organismic Biology sports two professors teaching Global Ecology and Introduction to Environmental Science. The former believes that we are inevitably running out of resources (both biological and economic); the latter believes that population growth is the root of all threats to the planet's ecology.

Students in their classes are of a piece: ardent, pessimistic, true believers. When the problem of old growth forest cutting is met with the suggestion, "Well, why not buy them? Like the Nature Conservancy does . . ?" An indignant, hopeless reply comes, "There's no money."

The enemies of truth and freedom are a powerful, well-entrenched orthodoxy. Is there any hope for enlightenment? Only a very few, older, world weary class members appeared clueful enough to be skeptical of the biologist's self-interested jeremiad; other younger students cried out over Julian Simon's works, "He's just lying!" Denial seems to aid true belief, ensconced by the mantle of science.

T. J. Olson
Boulder, Colo.

Storm Solution

As a survivor of Hurricane Camille (1969), I agree with almost all of R. W. Bradford's commentary ("Just say 'No' to hurricane victims?" November 1992)on the politics of hurricanes. But I also believe that he missed the most important issue from the standpoint of both liberty and human suffering which was the failure of building codes.

Hurricanes do damage three ways: Storm surge, tornadoes, and gusting wind. The first two will destroy or severely damage most residential structures no matter how well constructed. However most properly built homes should suffer *no structural damage* from sustained winds alone. This was exactly the experience of the Mississippi Gulf Coast during the 220 mph winds of Hurricane Camille.

The majority of the severe damage in south Florida was due to poorly built homes, *in spite of the building codes*. Some will say that more government is the answer. But a simpler and cheaper answer is available, the *private* building inspector. Today, most of these inspectors work for prospective home buyers but could just as easily inspect a home during construction and certify the structure (based on practical, rather than politically compromised, construction standards.)

This would be cheaper for the average home buyer/builder than more bureaucracy or the services of a high-skill, high-priced architect. The inspectors would be policed by the same methods as other professions (trade associations and public reputation). Additionally, banks and insurance companies could make loans and policies contingent on a building certification from a qualified inspector.

Had such an approach been used in south Florida and Hawaii, the taxpayers, the insurance companies, the banks and most of those who lost their homes would have all been far better off.

Jim Ober
Baton Rouge, La.

Irrelevant Criterion

Grant Kuhns (Letter, November 1992) claims I had suggested, in an earlier *Liberty* letter, that "it is illogical to assume that the prohibition of abortion would give rise to a bootleg abortion industry."

On the contrary. I am quite *sure* that were abortion to be made illegal again, a "bootleg" abortion industry would arise. The point I was attempting to make in my earlier letter — apparently unsuccessfully — is that this is no reason per se not to make abortion illegal, just as the fact that some murders take place anyway, is no reason not to make murder illegal.

Adrian Day
Annapolis, Md.

Facing the Universe

I happened to be rereading Aldous Huxley's *The Doors of Perception*, and was struck by a passage: "To be shaken out of the ruts of ordinary perception, to be shown for a few timeless hours the outer and inner world, not as they appear to an animal obsessed with survival or a human being obsessed with words and notions, but as they are apprehended, directly and unconditionally, by Mind at Large." And I was reminded of James Ostrowski's recent article ("War on Drugs, War on Progress," September 1992).

Ostrowski is quite correct to identify the ultimate motive of the "war on drugs" as religious in nature, an attempt to suppress an entire worldview that psychoactive drugs allow. The reason that the government wants to suppress these drugs is *not* because they are harmful, but because they have *positive* applications. Psychoactive drugs allow states of consciousness which, if widespread, would mean an end to the power and privileges of the gang that currently dominates our country. Who could take a George Bush, Bill Clinton, or a Ross Perot seriously once he/she has looked into the face of the universe?

This is also why religion hawkers like Jerry Falwell have joined the crusade against drugs. Obviously, if the average person can have a metaphysical experience without turning over ten percent of their income to the Moral Majority then the religious racketeers are out of a job!

This is also why the proponents of drug legalization have fallen flat. They continually argue on grounds of the drug warrior's choosing. What is needed is a public position which propagates the use of psychoactive drugs as a means to enhance mankind's under-

continued on page 6

Letters Policy

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

Un-common policy sense.

What Has Government Done to Our Health Care? by Terree P. Wasley. The crisis in health care is the result of a long history of government meddling in the medical marketplace. In a variety of ways the state has limited the supply of and overstimulated demand for medical services. Wasley's prescription for reversing the ills of the system is to give consumers the power to control their own health care spending. 1992/160 pp./$19.95 cloth/$10.95 paper

A Search for Enemies: America's Alliances after the Cold War by Ted Galen Carpenter. The passing of the Cold War is the most important development of the late 20th century. Yet Washington clings tenaciously to a host of obsolete, expensive military alliances, including NATO, that have the potential to embroil the United States in conflicts unrelated to its vital interests. Carpenter proposes withdrawal from those entangling alliances and a policy of nonintervention. 1992/212 pp./$22.95 cloth/$12.95 paper

Liberating Schools: Education in the Inner City edited by David Boaz. America's most innovative education analysts take a good look at American schools—especially those in the inner city—and offer proposals for major structural reform. The book, which includes the editor's thorough critique of the public school system, presents a compelling case for choice in education. 1991/220 pp./$25.95 cloth/$13.95 paper

Quagmire: America in the Middle East by Leon T. Hadar. The author challenges the Washington foreign policy consensus, which demands that the United States remain the dominant power in the Middle East. After examining American policy through the Persian Gulf War and arguing that the United States cannot impose order in the region, Hadar concludes that it is time for America to disengage from the Middle East and adopt a policy of benign neglect. 1992/240 pp./$23.95 cloth/$13.95 paper

Patient Power: Solving America's Health Care Crisis by John C. Goodman and Gerald L. Musgrave. The price of health care and insurance is skyrocketing because few people spend their own money on medical services. The authors' innovative solution is to restore power and responsibility to consumers by allowing them to buy their own tax-free medical insurance and to set up tax-free medical savings accounts. The result would be a consumer-directed system of competition and innovation. 1992/550 pp./$29.95 cloth/$19.95 paper

Sound and Fury: The Science and Politics of Global Warming by Patrick J. Michaels. The author, an environmental scientist, writes that despite the current hype and science-by-press-release, the greenhouse effect poses no serious threat to the world we know. The most disturbing finding of his study, however, is the willingness of some to distort science to expand the government's control over our lives. 1992/208 pp./$21.95 cloth/$11.95 paper

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standing of the universe. How could the government compete with that? If the government wants a religious war on drugs then it is time for the reformation.

Joseph Miranda
Northbridge, Calif.

Voting "No" on Criticism

Just about every article about the Libertarian Party in the past year has been dripping with negativity, pessimism, and even a little hostility. I like controversy, and even criticism — but I like *positive, empowering* criticism, not something which makes me feel depressed! I worry about the new LP members who will be deluged with this negativity. Will they give up in their struggle for liberty before it has even started? While I realize that *Liberty* is not the *LP News* could you write some positive articles for a change?

Mark Sulkowski
Buffalo, N.Y.

Shoot to Kill

Why is the most venomous letter-writing in *Liberty* usually directed at those who criticize the Libertarian Party? It's as though when someone challenges The Party — as in Orwell's *1984* — the orders are to shoot to kill.

The LP's primary goal is to attain political power. But isn't it much more honest to advocate liberty through the power of ideas and persuasion rather than by force?

Scott Garfinkel
Brookline, Mass.

Voting "Yes" on Criticism

I especially enjoyed your collective critical analysis of the Libertarian Party presidential candidate Andre Marrou and how he relies on knee-jerk one-line slogans and has the charisma of a real estate salesman.

I'd rather vote for Russell Means any day.

John Elmer
Minneapolis, Minn.

Another Dissatisfied Customer

I debated about wasting a stamp on you, but you publish interesting and enlightening articles. Sadly, you'll never see another dime of money from me until you lose your catty preoccupation with Rand and Libertarian Party bashing. I don't need to pay for something I can see for free on "Geraldo."

Gary N. Graziano
Oroton, N.Y.

Rockwell, sí; Walls, no

How can Thomas D. Walls make fun of an important libertarian intellectual like Llewellyn H. Rockwell, Jr? ("Raising Hell in Houston," November 1992).

Rockwell is the author of such important scholarly works as *Man, Economy and Liberty: Essays in Honor of Murray N. Rothbard.* His accomplishments in 1991 alone take up nearly two full pages in "Accomplishments 1991," published by the Ludwig won Mises Institute.

Walls' snearing remarks about how Rockwell "regaled a group of young libertarians with off-color jokes," or reporting that Rockwell apparently lied when asked whether Ron Paul was at the Buchananite party were really tasteless. I personally doubt that a good Christian gentlemen like Mr Rockwell told "off-color" jokes, and if he told untruths about Ron Paul to the young libertarians, he certainly had a good reason.

Thomas D. Walls isn't fit to shine the shoes of Llewelyn H. Rockwell, Jr, and you aren't fit to publish his name in your sleazy magazine.

R. J. Williamson
Philadelphia

Christianity and Libertarianism . . . continued

As I understand Jan Narveson's criticism ("Libertarianism, Christianity, and Other Religions," November 1992) of my article, "Libertarians and Christians in a Hostile World" (July 1992), he is making two different arguments.

The first is to criticize religious faith per se. For instance, he asserts that a belief in a moral code promulgated by a supernatural creator is illogical, but in my view, at least, belief in a created order is as logical an explanation of the world as the contention that everything developed accidentally and haphazardly. Professor Narveson and others may not be convinced of the former case, of course, but that doesn't mean it is contrary to logic.

Narveson continues this tack by questioning the validity of sacred scripture as a basis for Jewish and Christian morality. Obviously one's conclusion as to the authority and validity of the Law and the Prophets, the Bible, and the Koran will largely determine one's belief in the authority and validity of the respective faiths. There are logical reasons to believe in the truthfulness of Scripture, though obviously many people disagree. Moreover, practical experience suggests a divine purpose in the traditional Jewish and Christian moral codes, that, for instance, the prescription that sex remain within the marriage covenant reflects the largest created order. In short, while pleasure may indeed be achieved in other ways, there are terrible (and increasingly deadly) consequences of violating such norms.

In his second line of argument, Narveson contends that a libertarian can be a Christian only so long as he believes that God is a libertarian, that is, does not believe in using force on human beings. Yet the fundamental question is factual, not philosophical: is there a supreme being, and if so, has He revealed himself? My answer on both counts is *yes.* The fact that God himself is "coercive," i.e., will eventually enforce his moral law, does not mean that to believe in him is contrary to libertarianism. I also believe in gravity, which consists of force (it pulls people against their wills down cliffs, for instance), but that belief makes me no less of a libertarian.

Only if I believe that God demands that *I* be the enforcer, and *use the state* for that purpose, could I not call myself a libertarian. There are obviously Christians, Jews, and especially Moslems who hold such an opinion. However, the purpose of my article was to argue against that theological perspective for Christians. While Christianity is not per se libertarian, it is consistent with a libertarian political view. In short, one can be both a Christian and a libertarian, and there are many issues on which Christians and libertarians can and should cooperate.

Doug Bandow
Washington, D.C.

Reflections

Milking human kindness — The government of Mozambique has announced that it is cutting the income tax rate on foreign aid, thus creating the world's first example of supply-side dictatorship. —JSR

Like a conquering province — Washington, D.C.'s political leaders, such as Marion Barry and Jesse Jackson, want President-elect Bill Clinton to make statehood for the District of Columbia a priority. But no true advocate of justice should settle for mere statehood. D.C. Nationhood! That should be the rallying cry. It's only right. — SLR

Gesundheit — George Bush ended every one of his campaign speeches with the words, "And God Bless the United States of America." President-elect Clinton now ends his speeches with a shorter version: "God Bless America." Alas, this first sign of economy from the Arkansas Democrat may mean nothing more than allegiance to the Irving Berlin song to which the Democratic Party owns the copyright.

But why do these politicians say such things? Perhaps they subconsciously acknowledge that, with them in charge, the country sorely needs help from a Higher Power.

Is there a better example of "taking the Lord's name in vain" than the religious posturing of these two reprobates? —TWV

Civil rights progress — Detroit is famed in police circles for having an integrated, affirmative-action police force, free of the ugly taint of racism. This is why the Malice Green case, in which the defenseless Mr Green was beaten to death by a gang of cops, is such a landmark. We Michiganders may not have eliminated police brutality, dammit, but at least *our* death squads are *integrated*. Liberalism marches on. —JW

Whitewash — A year ago, the Portland *Oregonian* decided that as a matter of editorial policy, it would no longer print the names of sports teams that might be construed to have racial overtones. Henceforth, on its pages, the Atlanta Braves would be referred to as the Atlanta baseball team, the Washington Redskins as the Washington football team, and so forth.

I immediately wondered what they would call their city's only major league team, the Portland Trailblazers. After all, the term "Trailblazer" refers to Native Americans who marked trails through the forest by blazing a notch on trees. Apparently, this thought never occurred to the *Oregonian*, because it continued to report on "the Blazers" in their sports pages.

But perhaps it occurred to the management of the Trailblazers. At any rate, this year the Trailblazers begin their televised basketball games with a film of covered wagons heading west, with the players on the team riding along in period costume on horseback. Apparently, we are to think that the word "Trailblazer" refers to scouts or guides on wagon trains.

This is not only bad etymology. It is bad history, for, like all good basketball teams, the Trailblazers consist almost entirely of people of African descent. In Oregon's constitution of 1857, African Americans (then known as "Negroes") were denied the right to enter or inhabit Oregon. —RWB

The agony of defeat — And so on an otherwise unremarkable November day it all came crashing down for him in despair and ignominious defeat. To be sure, the denouement was not unexpected. For weeks the media had been reporting that this was the opponent who would finally and decisively do him in. Insiders weren't surprised — or at least they claimed not to be.

Still, those of us who had with greater or lesser attention followed his career all these years couldn't help but blink in something like disbelief. For his had been a life of triumph built on triumph. It bespoke a seemingly irresistible destiny to prevail no matter what the commentators might proclaim, no matter how great the odds. Coming of age in an America still struggling to extricate itself from the Great Depression, he was, even as a boy, endowed with gifts that marked him for special distinction. Although privileged above others, he disdained the temptation to coast on unearned laurels. The ethic in which his parents raised him was the old-fashioned puritanical creed of service and self-denial, of doing for others rather than seeking for oneself. It took. During World War II he emerged as a genuine hero in the fight against the totalitarian powers. Then like millions of other young men of his generation he came back to his special girl, went to work and made a few dollars. He could have made many more, but his enduring passion was public service. And serve he did in a remarkable number of capacities both here and abroad, sometimes in the glare of publicity and other times operating under deep cover.

To be sure, he had his critics — and I won't deny that I sometimes numbered myself among their company— who labeled him an anachronism, yawned at what we took to be tedious moralizing, snickered at his squarer-than-square mannerisms, derided him as an ideological eunuch who didn't have a clue about how to adapt to a world that, ironically, he had more than almost anyone else been instrumental in making safe for democracy. Chinks in the armor were visible to those with eyes to see. Yet when the end came it was with breathtaking abruptness. Could it have been only a year ago that he was riding high, only a year since friends and admirers acclaimed him and potential foes scurried away from

confrontation? So affirms the calendar.

Just a year ago the old man appeared invulnerable — and now he is gone, defunct, another victim of the twentieth century's brutal habit of chewing up and spitting out its most eminent figures. But before we rush on to new enthusiasms and new heroes we might take a minute to pay tribute to a man who, though not without flaws, never ducked a challenge and always played within the rules. The bell tolls, the torch is passed, an era ends. Rest in Peace, Superman. —LEL

The apostasy of Marge Schott — A year ago, the Cincinnatti Reds baseball team fired a front-office employee. He sued for damages. In his deposition, he claimed that he was fired because he objected to the racist remarks of the team's owner, Marge Schott, a rather rough-hewed woman heretofore most famous for her lapses of grammar and insistence that her dog be allowed to run around the ballpark and defecate on the artificial grass. Ms Schott, it seems, had referred to African Americans as "niggers," to Japanese as "Japs," and to people of Jewish ethnicity as "Jews."

The immediate reaction was that Marge Schott ought to be punished heavily, perhaps even relieved of ownership of her baseball team. It seems only fair, the argument goes, to punish her, since football commentator Jimmy the Greek and baseball executive Al Campanis were fired for expressing views about the relative ability of African Americans and European Americans. The owners of the other teams are meeting to decide what punishment the pungent Ms Schott deserves.

This is dismaying to me. For one thing, the sports world is not a single monolithic organization, in which one policy must be enforced on everyone. "Baseball" did not fire Al Campanis, nor did "football" fire Jimmy the Greek. Campanis was fired by his employer, the Los Angeles Dodgers; the Greek by his employer, a television network. In both cases the stated reason was that racist opinions makes a person a bad employee, plausible in the case of football commentators or baseball executives. But Ms Schott is not employed at all. She is an *owner*.

Which brings up the real problem with the calls for punishment.

Her accusers have not suggested that she has acted in a racist manner, aside from suggesting that only one of 45 front office employees is an African American. The Reds would have about five African Americans in the front office if they hired precisely in proportion to the U.S. population as a whole. Unfortunately, the team that the Reds put on the field last year, included eight African Americans among its 25 members. That's about three times the number it would have if it hired strictly in proportion to the nation's ethnic makeup. If anything, an analysis of the Reds' hiring practices suggests that it is skewed toward African Americans, since they are disproportionately represented on the playing field, where salaries dwarf those of front-office personnel. Nor is the charge of racism helped any by the fact that she hired a black man as her team's manager.

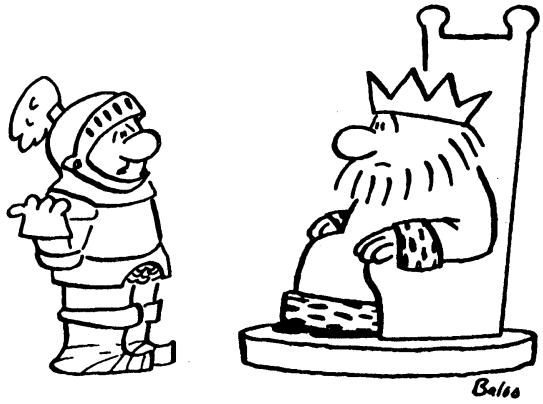

"You'd better come quick, Sire — Your Secretary of State cut your National Security Advisor's head off!"

Stripped of its verbiage, the charge against Ms Schott is that she harbors *bad opinions*, evil, racist attitudes that may be inferred from her choice of language.

This raises an interesting question. Suppose that in the 1950s, a baseball team owner had used the word "comrade" and the phrase "capitalist lapdog" in private conversations. These terms suggest that their speaker is sympathetic to communism, which was seen in those days as bad an opinion as is racism today. Would Ms Schott's accusers have called for such an owner to be stripped of his team, or otherwise punished?

Had that happened during the anti-communist 1950s, I would expect liberal opinion to rush to the defense of the owner. Which is exactly what it ought to do today. Marge Schott may be tasteless. She may even harbor bad opinions. But these are not crimes. This is America, where we treasure diversity and every man or woman has a right to his or her own opinion, whether those opinions are right or wrong, good or bad, correct or incorrect. —RWB

Up your ante — Headline of a page one article in the New York *Times* (Nov. 21, 1992): "Fervid Debate On Gambling; Disease or Moral Weakness?" Of course, it would never occur to the editors at the "newspaper of record" — in reality, tight-assed officers in the intellectual bodyguard of the Nanny State — that there might be a third alternative in this idiotic "debate" they've concocted: namely, that gambling's *fun!* —RR

Shallow beauty — Bill Clinton, like Reagan and JFK, puts surface shimmer above all else; the image, the carefully crafted image, is all that matters. He has "youth," "vitality," "energy," "charisma"; he's out to give us "change" and "unity" and everything "new." He's the choice of a new generation, the real thing, the pause that refreshes. Why ask why? —JW

Happy trails — You may have thought that nothing good came out of the Los Angeles riots. If so, you were wrong. Bozeman, Montana, is getting some new bike trails.

I read about this in *Community Food News*, the newsletter of my local food cooperative.

Steve Guettermann of the Montana Conservation Corps told his hiking partner Chris Boyd, president of the Gallatin Valley Land Trust, "Guess what? We just got $100,000 from the Bush Administration and we have to spend it before September 30th." Boyd passed this on to reporter Michele Corriel, who reports that the money "came as a result of the Los Angeles riots. In a typical political

maneuver, Bush and company decided that they had better make a showing on behalf of the underprivileged and poverty stricken youths of America setting aside most of the $500 million for the largest cities. But they didn't want to leave out rural America so funds were dispersed to all 50 states."

The money went to a quasi-private agency in Bozeman, the Human Resources Development Council, which had to find disadvantaged youths in the Bozeman area to use it, and turned to the Montana Conservation Corps for help. Actually, only $7,200 was used for bike and hiking trails, paying for a crew of eight youths to work on the trails. (Boyd's Land Trust came up with matching funds.)

The state of Montana received $3 million in all — not bad for a state that hasn't had a riot in years. —JSS

The winner and new champion — In the warm luminous glow of the Clinton Ascendancy, as America's fearless newsmen lay down their poison pens and compose mash notes worthy of Hugh Sidey, we can no longer call our beloved new president "Slick Willie." We must come up with a kinder, gentler sobriquet. Mr Clinton's self-applied nickname, "The Comeback Kid," has a '30s boxing-movie ring to it, so I suggest the shorter, spikier "Champ." The tag is derived from Gennifer with a G's demure memoir in *Penthouse*. "He was a champ at eating pussy," offered Miss Flowers. Though you'd never know it from Hillary's wicked witch of the North Shore glare. —BK

Anarchy, anyone? — If government is instituted to protect us from the predations of one another, what are we to make of one recent congressional action? Worried about a crime spree in our capital city, our noble lawmakers have extended the region protected by the private security firm Congress contracts with to include the parts of the city that surround the Hill area. It seems the legislators who lived in those areas felt more secure being protected by a non-governmental protection agency than by the D.C. cops. All I can say is, if it's good enough for Congress . . . —JW

Canadians wise up, eh? — American readers will be gratified to learn that Ovide Mercredi, Canada's best-known aboriginal leader and one of the architects of the new constitution presented to Canadian voters in a national referendum last October, publicly styles himself a follower of the teachings of Mahatma Gandhi. But even the apostles of unconditional love have memory lapses. On October 27, one day after Canadians voted to reject the new constitution, Mr Mercredi gravely announced on national television that the vote had been a rejection of the legitimate aspirations of his race. Faced with mass racism in white society, it was time at last for Indians to turn away from legally sanctioned forms of activism.

Unfortunately, within another 48 hours the vote totals from Canada's Indian reservations were published. Over *70 percent* of Indians had voted against the new constitution — rejecting it by a substantially wider margin than either French Canadians or English Canadians had done. A mumbled apology issued forth from the Assembly of First Nations, aborting Mercredi's transformation from Martin Luther King to Malcolm X.

Mercredi's story is a metaphor for what happened nationwide in the referendum. Collectively, Canadians of all races and cultures made the decision to ignore the advice of the leadership that had manufactured a constitutional crisis and then demanded ratification of a new, hastily conceived deal that would restore order — and cement the grip of the present elite on the levers of power.

The deal was unanimously supported by Canada's political elite. All three well-established federal parties, every provincial premier, and six of ten leaders of provincial opposition parties supported the accord, as did the country's business, labor, and media elites. The accord had the support of almost every special interest in the country — which it certainly deserved. Every interest group imaginable was given special mention in one part or another of the accord. As a result the legal text was over 15,000 words long. The section dealing with Indians alone was longer than the entire United States Constitution.

Tens of millions of dollars were devoted to marketing the new constitution — first for a feel-good campaign, then for a series of dire warnings that the country would disintegrate if Canadians made the mistake of voting "No" (Canada would be "like Beirut," warned one former Prime Minister). Organized opposition to the deal was so spotty that the organizers of public debates had to turn to complete nobodies — me, for instance — to debate well-known public figures. On the strength of being a low-level *apparatchik* in the only federal party to oppose the deal, I was invited on different occasions to debate one cabinet minister, two MPs, and a recently retired top bureaucrat.

Canadians of all races and cultures made the decision to ignore the advice of all major political parties, every provincial premier, and six of ten leaders of provincial opposition parties, as well as the country's business, labor, and media elite.

The willingness of so many Canadians to vote against the new constitution seems to have been based precisely on the fact that their elites were practically bursting in their anxiety to see the deal endorsed. I hope the mood lasts. In their post-referendum rush to distance themselves from the accord, Canada's leaders have been declaring their intentions to "focus" on the economy," (i.e., to spend lavishly on half-baked employment schemes). Canadians will have lots of nay-saying to do in the months ahead. —SJR

Kicking the habit — Term limitation measures were on the ballots of 14 states. In every state, they were passed easily; on average 66% of voters supported them.

This is all to the good. Term limits would require Congress to completely restructure the way committees are selected and maintained, that is, how power is divvied up on Capitol Hill,

thereby giving the bloated institution the enema it so sorely needs. Though it is no doubt true that Congress would find a way to constipate itself under a regime of term limits, before it does so it may very well be forced to face up to such pressing problems as runaway entitlements, ubiquitous pork, the yearly budget deficits and the national debt.

Meanwhile, the mavens of the status quo are squirming, desperately trying to explain away the phenomenon. The most widely proposed excuse they offer is that *term limitations are expressions of voter outrage, nothing else.* They wish.

The absurdity of most of the attacks are apparent. Most contemptible is the characterization of term limits as "undemocratic," as "restricting the voters' rights." Where were these folks when Reagan was prohibited a third term as president? Where were they when California was cutting taxes by plebiscite?

Luckily, voters see through such half-truths. I have the sneaking suspicion that voters realize that *they* are also part of the problem. Restricting whom they can vote for (in the future) is surely seen by many who vote for term limitations as a way of putting temptation out of reach. Just as a smoker trying to quit the habit gives away his unopened cartons of cigarettes, so the voters disqualify long-term incumbents. There is no real "paradox" (as the pundits proclaim) in voting *for* term limits *and* for your current pork-providing incumbent. It is similar to signing up at a Schick Center *and* lighting up the last cigarette in your pack. —TWV

The hundred year diet — Do you ever wonder if people change? I mean, do they change in some fundamental way, not just in the way they vote but in their basic expectations about life, or about themselves — about what they should look like, for instance?

The answer, of course, is yes, people do change; and that's why we're not still running around in forests painting ourselves blue. But it's sometimes a shock to see how much people can change.

I've been reading an account of the lives of Dwight L. Moody and Ira D. Sankey, leaders of the late-nineteenth-century American evangelical movement. My source informs me that Sankey was 5' 10" tall, and "his weight of 220 pounds was considered ideal by the people of his day, who did not have the modern mania for slimness." (I'll say they didn't.) Moody was only 5' 8" tall, but when he was 38 years old "he weighed a solid, muscular 245 pounds and showed no signs of the enormous corpulence that would soon overtake him." No one guessed that he might have a weight problem.

This will help to put things in context for people concerned about the need to take off a pound or two. The standards by which we judge our basic physical identity are, after all, quite changeable. Just wait another hundred years, and you may not have to worry about those french fries. —SC

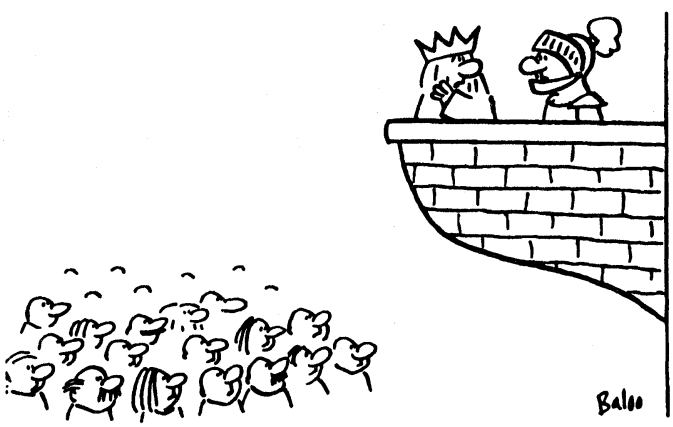

"Psst — Is this the Bourgeoisie or the Proletariat?"

New Marxists for old — In mid-November, 2,000 or so Marxists converged on the campus of University of Massachusetts at Amherst to discuss the state of their faith after the fall of the Soviet Union. The mood was euphoric. Steve Cullenberg, professor of economics at UC Riverside declared: "I think it's an exciting time to be a Marxist." With the Soviet Union gone, it seems, a lot of obsolete baggage can be jettisoned. Participants — academics evidently in the great majority — had 140 panels to choose from among, the "hottest" on Marxist literary and cultural theory. No surprise here. Marxism is essentially an arcane vocabulary, a system in which the world is translated into a specialized discourse. This is what a certain kind of intellectual revels in. There is no reason why the translating, back and forth between Marxism and other systems — feminism, deconstructionism, whatever — as they faddishly come and go, can't continue forever.

Meanwhile, this new breed of Marxists attach themselves to every and any attempt to sap the society of private property. As always, they dishonestly decline to state their alternative forthrightly and to compare it in detail with capitalism. One wonders how these UMass Marxists are any different from the Russian intelligentsia of Plekhanov's time, with *their* exciting, new ideas.

Really, isn't enough enough? Haven't Marxists done enough harm with their economic and philosophical rubbish that has blighted the lives of hundreds of millions of real human beings, most of them much better specimens than they are? By what right do they propose to begin their endless experimenting now on Americans?

I am a libertarian and a believer in freedom of speech. *But if I weren't* — if I were drawn to codes of politically correct speech for the sake of the common good — then it isn't drunken fraternity boys shouting "nigger" and "faggot" that I would silence. It would be the Marxist academics, proven mortal enemies of the freedom and welfare of the human race. —RR

I believe in miracles — Bill Clinton claimed the election was about change, and it sure looks like it. Democratic rhetoric changed almost instantly after the election. The team that promised economic revitalization and budget deficit reduction is now talking about a choice — one or the other. Clinton has stated that in the short term the deficits will probably have to go up to "jump start" the economy. Before the election, he maintained that the deficit weakened the economy; now more deficits will save it. And the candidate who peddled so much hope is now cautioning the electorate that there will be no miracles. I don't see

why not: Bill Clinton turned into Michael Dukakis virtually overnight. —JSR

The bottom line — When you combine the votes of any two of the three top voter-getters in the presidential race, the total is greater than that of the third candidate. That's as close to victory for "none of the above" as the American system allows. —SLR

Dump it at 1600 Pennsylvania Ave — I almost voted for H. Ross Perot. The night before the election, he declared Patsy Cline's "Crazy" his official campaign song, and danced with his wife before thousands of supporters. Early on Election Day, when a reporter asked him what he thought his movement had accomplished, he told him that "we had fun." *Damn,* I thought to myself. *I hope this man does as well as possible without actually winning.*

I actually voted for Andre Marrou, even though my conscience tells me that I probably shouldn't be voting at all. I didn't find out about the *best* candidate until after the election was over, when I read about the St. Louis Airport Project. That site, it seems, contains the nuclear waste left over from the Manhattan Project; no one has yet been able to figure out what to do with the deadly stuff. So the St. Louis Greens decided to nominate it for president — if it won, it would be shipped into the White House. Good idea, huh? I think so.

Meanwhile, a group calling itself the Anarchist Party endorsed George Bush, on the grounds that he "would cause the most chaos." After four years of Clinton, we'll be able to compare his record with Bush's and see whether or not these Anarchists are right. —JW

Another war made in the USA — Let the record show that George Bush's final legacy to the world was a new trade war, set off by threatening absurdly high tariffs on certain European agricultural products.

Well, a *skirmish* is more like it. The politicos in Europe came to a tentative agreement with the Bush Administration, agreeing to a little less subsidy than before. A truce was declared. But French farmers are rebelling, and the likelihood of the agreement holding is slim. President-elect Clinton may obtain office only to find himself in the middle of a major diplomatic maelstrom.

Which is the last thing the world or America needs. Consider history. The worldwide system of bilateral trade agreements and tariffs "experimented with" earlier in this century helped set off and lengthen the Great Depression. Today, the West, with its rickety, debt-ridden economies, needs another such bout of protectionism like it needs another set of dictators. If it gets the one, it will probably get the other. Protectionism has consequences.

Of course, nowhere is the free trade ideal set in place. No nation has the high moral stance to demand from others "fair" trade policy; *every* nation has some idiotic trade protections. The U.S., for instance, is riddled with agricultural and industrial subsidies, tariffs, "voluntary trade agreements" with other nations, etc. The idea that our lame duck President defended some ideal of "trade policy justice" is absurd. Among world leaders, Bush is as black a crackpot as any kettle on the international stove-top.

As world leaders set the terms for trade, we should recognize that the term "trade war" is itself misleading. It suggests all the clichés of statist economic crankism: evil multinational corporations and upstart industries greedily engaging in "cutthroat competition." But trade wars are not commercial wars. They are contests among regulators and taxers. The weapons are not goods and services, but laws. The tactics are not improvements in quality and price, but expropriation or interdiction. The pretext for starting such wars is not an army of rogue industries behaving in "monopolistic" fashion, but coddled industries, heavily subsidized by government legal favor and tax-supported largesse.

The term "trade war" is misleading. It suggests all the clichés of statist economic crankism. Trade wars are not commercial wars. They are contests among regulators and taxers. The weapons are not goods and services, but laws.

Though a "trade war" may *sound* like an evil of capitalism, it is nothing more, or less, than one of the many evils of the state. —TWV

Man with a plan — I didn't and don't vote, and I feel no guilt. A loss by any of the major candidates would have delighted me, so I tried not to think about the necessary logical implications of a loss by the other two. Besides, it's not as if there was anything I could have done about it anyway.

But for those of you who *did* vote for the winner (which I understand is the only purpose of voting, right? If you don't vote for the winner, you've "thrown away your vote"), I present this cautionary quotation, culled from a speech given by winner Bill Clinton on May 18 before the National Steel and Shipbuilding Company:

"Let me say that we ought to begin by doing something simple. We ought to say right now, we ought to have a national inventory of the capacity of every operation like this one in the United States and every manufacturing plant in the United States: every airplane plant, every small business subcontractor, everybody working in defense.

"We ought to know what the inventory is, what the skills of the work force are and match it against the kind of things we have to produce in the next twenty years and then we have to decide how to get from here to there. From what we have to what we need to do. Now, that's what we need to do with the peace dividend."

Now, on the basis of this statement, we can conclude that Clinton is perhaps the most ambitious and economically ignorant totalitarian ever to achieve national power, in our country or maybe any other. Not just 5-year plans — a *20 year plan,* comprehensive enough to include *everyone's* skills and a complete inventory of, I suppose, everything in the country. The mind boggles, even curdles.

And Bill as the man with the plan, effortlessly directs everyone everywhere they need to go — and, of course, none of

us consumers had better dare throw a spanner in the works by, perhaps, developing our own interests, skills, expectations, or desires any time in the next twenty years. After our initial powerful moment of introspection to come up with an inventory of our skills, interests and so on — reported in full to Bill Clinton — we all need to sit back for the next twenty years and let him do his thing, assigning and reassigning people and products willy nilly, hither and yon, to satisfy the undoubtedly perfectly prescient Bill, Robert "Fourth" Reich and the rest of the crew. I can't wait to watch it all happen. —BD

No tribute for "defense" — One of Hillary Clinton's causes is a leftist lobby gratingly denominated the Children's Defense Fund. I thought you would like to know something about the methods of public information by which the Fund, and similar groups perennially convinced of their superior knowledge and righteousness, "defend" children.

The Detroit *News* analyzed some of these methods in an editorial, "The Children's Defense Fund," which it published on August 16. The *News* rebutted the CDF's argument for increased government spending on welfare programs. (You wouldn't expect the CDF to argue for job-creation by private enterprise, would you? That would be preposterous.) The CDF's argument was based on the contention that there has been a steep rise in the number of children living beneath the poverty line. The CDF's contention was allegedly supported by Census figures on the incomes of poor people.

The *News* pointed out that the Census figures to which the CDF and other groups of welfare activists resort when they wish to become hysterical do not include the majority of cash (and non-cash) assistance that poor people already receive from government. According to the News, the amount of existing government support (and dependency) that the Census figures missed amounted to "$158 billion in welfare benefits, equal to $11,120 for every poor household in America." This is just for 1990, and it does not include such non-cash assistance as food stamps and Medicaid.

That's quite something to miss, isn't it, for either the Census or the CDF? Corresponding amounts, of course, are missing from the family incomes of people who are not on welfare but who are being steadily impoverished by their government, with the able assistance of thoughtful and caring lobbyists for the poor — people who love the poor so much that they make sure there are more of them. —SC

The road to colonialism — Every day, television shows us starving children in Somalia, followed by the heads of American politicians and pundits, explaining what in their learned judgment "we" ought to do to relieve the suffering. The images of the starving children are horrible, the sort of images that play to Americans' hearts and inspire generosity.

But, the talking heads explain, it's not a simple task of sending food. When we send food there, it is stolen by criminal gangs, who distribute it to their own supporters, leaving the starving children with empty plates. The solution, the heads explain, is to send the U.S. Army along with the food, and to send it in such numbers that the gangs will not even think about challenging it. The consensus thus established, the U.S. is about to send some 30,000 American soldiers to this violent desert land on the horn of Africa. As I write these words, the discussion has turned to weightier matters: should the troops be sent under the aegis of the United Nations? Can the U.N. intervene at all, given that its charter prohibits on military action except when invited by a legitimate government? Should the U.S. put its troops under U.N. command?

In the meantime, I wonder, does any of this make sense?

The starvation is caused, not by crop failure, but by political failure. The talking heads know this. They have explained that Somalia has no "legitimate government," thus the U.N.'s problem getting "invited" in, our inability to deliver the relief supplies to those in need, and the much more fundamental problem — the unstable situation in which economic activity like the production and distribution of food is virtually impossible.

The talking heads propose nothing to address this more fundamental problem. They propose only to enforce a truce in certain areas until the bellies of the starving children are filled, then to withdraw. What happens then? With the U.S. Army gone, what will keep the gangs of brigands from returning to their old ways? How soon will the Somalians again be starving?

Unable to accept the fact that we are powerless to stop starvation in Somalia, we head inexorably backward toward colonialism, and with it toward carnage and disaster.

The talking heads don't talk about this now. But once our troops are in place and the food distributed, they will have to face these questions. Is there any doubt how they will propose to "solve" this problem? The only way to prevent degeneration back to the current situation is for the invaders to establish a new government and put the gangs under some sort of control. This would be tantamount to imperialism, though we would no doubt call it by a different name. It would have all of imperialism's problems — it would be expensive in terms of life and treasure, unproductive, and politically unstable.

In the meantime, the pathetic faces of the starving children of Somalia continue to stare at us on television. Unable to accept the fact that we are powerless to solve their problem, we head inexorably backward toward colonialism, and with it toward carnage and disaster. —RWB

Get out the teen vote! — Libertarians differ from liberals in understanding the state as the principal instrument of unacceptable social discrimination. We oppose state-determined quotas for the same reason that we oppose state-enforced segregation; we decry compulsory education because it assumes that people below a certain age are unable to decide for themselves whether they should stay in school — that they therefore must be lesser human beings. One issue we have not confronted, however, is restricting the right to vote only to those above seventeen.

You may recall that a century ago women were not al-

lowed to vote; that African-Americans in many states found it almost impossible to vote; and that not too long ago the voting-age was twenty-one, not the current eighteen. The first inequity was successfully attacked by the Suffragette movement, the second by the civil rights movement. Reforms were achieved when the public became convinced that certain groups of people were not, as we say, second-class citizens. And the voting age was lowered from twenty-one to eighteen on the reasonable grounds that anyone old enough to be conscripted into the military was old enough to vote.

Think about it seriously: there is no reason to restrict voting to those eighteen or over — no good reason at all. When I saw the footage of Chelsea Clinton accompanying her father into the voting booth on election day, I realized that only state-enforced ageism kept her from entering it alone. Teenagers in general are no less knowledgeable or passionate about electoral politics than their elders, and certainly no stupider, no less discriminating, or no less susceptible to vulgar appeals. Once the electorate is expanded to Americans as young as thirteen, we might think about lowering it further.

On a more practical level, no issue can more vividly introduce young people today not only to both libertarian and democratic principles but to the Libertarian Party. (Given Chelsea's mother's past advocacies, don't be surprised to find her eventually supporting it.) Since children, not to mention their parents, would never think of advocating a lower voting age, the candy is ours to grab. —RK

Millions for liberty, but not one damn cent for blather — In the wake of the 1988 election, I wrote a study demonstrating that the use of television advertising could substantially increase vote totals for Libertarian Party candidates. In counties in Kansas where the local LP had bought ads for Ron Paul, the LP vote was up 317% from 1984; in counties where no ads were shown, the LP vote was up only 158%. Before long, there was a consensus among LP members and leaders that television advertising was needed in future campaigns.

This year, the LP purchased more than $135,000 worth of ads on behalf of Marrou, yet Marrou's vote total was embarrassingly small. This raises two questions: Is television advertising really a good idea? Does it really build vote totals?

The second question is easy to answer. Virtually all the evidence we have is that television advertising builds vote totals. It is virtually certain that without his television advertising, Marrou's vote would have been even smaller.

But I do not think the television ads were a good idea this time, despite the fact that they helped increase Marrou's vote total. This probably sounds a bit odd, coming from me, so I shall explain myself.

The ads developed for the campaign explicitly eschewed any sort of libertarian idea or policy. The ad most widely used was intended to say, basically, "Regular politicians are bad. We aren't regular politicians. Vote for us." The others made no attempt to get votes at all: they merely criticized the networks for not reporting LP vote totals on election night.

Whether these ads were more effective at getting votes than real libertarian ads would have been I do not know. Nor do I particularly care. The reason the LP exists and the reason we give money to its campaigns is the advancement of liberty. We do not maximize liberty by appealing to voters who have no idea of what we advocate. If we want to make an unprincipled run for office, we may as well be Republicans or Democrats.

Buying television ads is not enough. In the future, the LP should remember what the L stands for. It might also remember that in 1980, the Clark campaign showed us that it is possible to produce television ads that present libertarian ideas in a way that is attractive to voters. —RWB

Roll over and vote — As a westerner, I have been hearing for years that media projections of Presidential winners before the polls close on the west coast are unfair to west coast citizens, effectively disenfranchising them, and that, despite this unfairness, it is still important that "everyone vote." Dan Rather struck this latter note *ad nauseam* during his pathetic CBS election-night coverage even as state after state showed clear Clinton victories, and while deliberately refusing to state the obvious election of Bill Clinton.

One theory behind the notion that voting is vitally important is that the vote totals express the general will, and that those who don't vote don't get counted. In actual fact, voting expresses a "general will" only when voters *do not think* about other voters' voting preferences and strategies. It doesn't take a study of Public Choice economics to realize that the "second guessing" of other voters' behavior can dramatically change election results ("If I vote for my first choice, who doesn't seem to have a chance, then I will be helping the partisans of the guy I *really hate* by not supporting my second choice, who does have a chance of winning. So I'll vote for the clown who at least is not *wholly* evil, even if pretty bad.") In a regime of voter knowledge, vote totals express the mutual fears and suspicions of the voters, not their *actual* wishes. And thus the calls for publicly enforced *ignorance* (bans on exit polling, media reporting of early returns, etc.), all to allow the outcome to conform to the "general will."

But this is futile. We all have *some* knowledge of the general trends of voter interest. It is in this realm of second-guessing, after all, that the media has its most influence. And

"I want to insure domestic tranquility."

most voters have a pretty good idea of how an election is going to go before election day. *All* major elections are hopelessly skewed by voter second-guessing *now*.

So west coast complaints are without much foundation. The typical late-in-the-day west coast voter has no need to "second-guess" other voter choices; after all, he *knows* how others voted, and that his own vote will make no difference. So he can, in good conscience, vote his preference (the ostensible aim of every believing democrat). We might thus expect "true" voter preferences to show up in the late returns in the western states.

But things aren't this simple. Many western voters, apparently, jump on the bandwagon of winning candidates. Others choose not to vote. And then there's "sour grapes" voting. Many of my non-libertarian relatives have voted Libertarian, mostly, I think, to express dissatisfaction. (Why Libertarian and not some other party? Probably because they have heard me talk about the LP.)

Representative democracy is too messy to make any clear sense of it. People who put a great deal of stock in it are deluded. —TWV

Voting one's interest — Word from the Harvard economics department is that staff and student body voted unanimously for Clinton just to get Robert Reich out of Cambridge. —JSR

Silver lining blues — Let's get one thing straight right now. I don't like the results of the last election. I don't like Clinton one little bit.

But the results aren't all bad news. Clinton's ability to be "effective," in his own big-government terms, is severely limited.

First, almost nobody likes him. 43% of the popular vote is not a "mandate," especially when the 43% was acquired in opposition to so feeble a candidate as Bush. And, nobody at all, trusts Clinton.

Second, Clinton's active supporters worked for him only because they expected him to procure for them a larger share of the federal pie, and that pie has already been pretty well eaten. If a larger pie is going to be baked, the apples will have to be stolen from somebody else's well-guarded orchard. Clinton could try to create money, as he has promised to "create" jobs, by resorting to inflation; but if he tries this, the old folks who are living on fixed incomes will turn their poodles loose on him right away. He could try Reagan's trick of transferring costs of social welfare programs onto the states, but most of the states, which are constitutionally required to balance their budgets, are not likely to take this lying down, and that goes for the big-spending liberals in state legislatures even more than it does for the conservatives. He could try — he will try — more borrowing, but the bond markets will respond by running their rates up. He could — and he will — try to sneak into the orchard by imposing taxes on business (for "job retraining," "health care," and so forth) but declining to call them "taxes." Business, especially small business, represents a lot of votes that will be reluctant to endorse that kind of scheme. Already Clinton is doing his best to vaporize expectations of actual new money going to any of his supporters' pet causes.

Third, Clinton's efforts to satisfy his supporters with symbolic victories, pies in the sky, will not only fail to satisfy the more robust appetites among them but will create obvious causes of opposition among the many conservatives who voted for him in the absence from the ballot of any real conservative. Appointing officials of NOW to positions of public prominence will be a great way of arousing visceral opposition.

Fourth, the defeat of Bush, which can be directly attributed (A) to the country-club Republicans who urged him to compromise on a tax increase, and (B) to the moral-majority Republicans who urged him to prattle about family values, joins the discrediting of those two politically incompetent groups. The door is open for libertarian conservatives, the real idea people of the Republican party, to bring good economic and political arguments to the fore, and win the next election on that platform.

The task of libertarians during the next four years is easy. We simply have to keep saying the plain truth. We have to keep saying all those simple things that Bush and his friends couldn't seem to wrap their minds around. We have to explain, simply and clearly, to everyone and all the time, that an increase in government power means a decrease in individual and social welfare. We have to encourage our friends among the Republicans to explain things to the voters just as simply and clearly. Because that's the way to win. —SC

The task of libertarians during the next four years is easy. We simply have to keep saying the plain truth. We have to keep saying all those simple things that Bush and his friends couldn't seem to wrap their minds around.

Lose one for the Gipper — It was a rather mean-spirited election campaign, but one generous act stood out: Ronald Reagan's last-minute barnstorming for Bush.

At 81 years old, Reagan didn't have to do this, and he certainly owed no debt to George Bush. Reagan's popularity got Bush elected the first time, though Bush did little to acknowledge it.

Bush never accepted supply-side economics, even though Reagan's tax cuts led the wealthy to increase their share of the tax burden (the top 10% of taxpayers paid 49.3% in 1980; by 1988, they paid 57.2%). He repudiated Reagan's modest efforts to deregulate and to cut spending. The number of pages in the Federal Register, which records regulatory actions, was 25% higher in 1991 than in 1988, and the number of employees in the Environmental Protection Agency was 25% higher in 1992 than in 1989. Total federal spending was $1.475 trillion in fiscal 1992, a 17% increase in real terms over 1988. And it represented 25.2% of gross domestic product, compared with 22.1% in 1988. According to the Cato Institute, Bush has been increasing real domestic expenditures at a faster rate than any

president since John F. Kennedy.

During the campaign, Bush's indifference to Reagan continued. I never heard Bush mention Reagan's name, and, either by negligence or design, Reagan's speech at the Republican convention was broadcast outside of prime time. Apparently, Bush didn't even understand Reagan's appeal: He let Bill Clinton take over the role of the optimist and apostle of hope, while Bush remained dour, gloomy and apologetic.

I guess Reagan is just a nice guy, willing to try to save a sinking ship, even though it abandoned him. —JSS

What's so special about health care? —

For the past few years, especially during political campaigns, people have been telling us that every American deserves access to "quality health care." Practically everybody seems to accept this claim; certainly nobody running for political office has disputed it. How did this proposition achieve axiomatic status?

I have heard no one, not even the most devout adherent of a religious faith, claim that every American deserves access to "quality religious care." Yet the importance of the condition of one's earthly equipment would seem to pale by comparison to that of one's eternal soul. How can we rest while so many of our fellow citizens slide inexorably into everlasting fire and brimstone for want of adequate religious guidance? Surely a modest subsidy to the priesthood, at minimum, is called for.

A government that fails to insure the universal provision of such a priceless service, can hardly be expected to meet the need for universal access to "quality" transportation. I notice that some of my countrymen are reduced to driving American-made automobiles, some of them twenty or thirty years old, while others must make do with motorcycles or bicycles. Why not a Mercedes Benz in every garage? Which only reminds us that not everyone has a garage. How can we call ourselves a world-class nation when our government fails to guarantee at least a two-car garage for everyone?

Needless to say, a garage ought to be hooked onto an "quality" house, which calls to mind the pressing necessity for government to guarantee everyone access to a three-bedroom house with rec room and two fireplaces.

But alas, we hear no clamor for universal access to "quality" religious instruction, transportation, garage space, or anything else — just health care. So there must be something quite special about this particular service.

Could it be the relation of health care to the preservation of life itself? Perhaps. But many other goods and services also have a close connection with the preservation of life — including transportation and housing. After all, you are far less likely to die in a traffic accident while driving a Mercedes than while driving a Yugo. And people who live in trailer houses are notoriously susceptible to being swept away by hurricanes and tornadoes. Many goods and services are related to life expectancy, including education. So does everyone have an equal right to admission to Harvard?

Suppose we grant that health care has a more direct and immediate relation to the maintenance of life. Now we must ask whether people really regard life as all that important. If health care is so distinct and categorically more important to people, why don't people act as if that were the case when they decide how to spend their own money? Hardly anybody spends the entire budget on health care. Evidently, at the margin, health care has no more value than other things, including the trivial things consumers purchase in vast profusion. At the margin, which is where all decisions are made, a dollar spent on the doctor's services has no more value than a dollar spent on the clown's services.

Why, if health is so important, do people voluntarily place their health at risk so frequently and in so many ways? They smoke, they eat and drink to excess, they drive recklessly, they use dangerous recreational drugs, and behave in countless other ways in a manner that they know places their health at risk. They readily trade off the expected condition of their health against a great variety of alternative satisfactions. By so doing they demonstrate that health itself, much less the services that contribute to the preservation of health, is just another desirable thing, categorically no different at all from cups of coffee and tickets to the movies.

So why the clamor for universal access to health care alone? My hunch is that the furor represents little more than a diabolical — and increasingly successful — effort by the news media and their favored politicos to move toward complete government control of still another sector of the economy (about one-eighth of the GNP). For if health care is left to the market, people will demonstrate that it's just another good and that the market can make provision for it just as well as it makes provision for automobiles or candy bars. The myth that people's right to health care stands on a higher plane serves to

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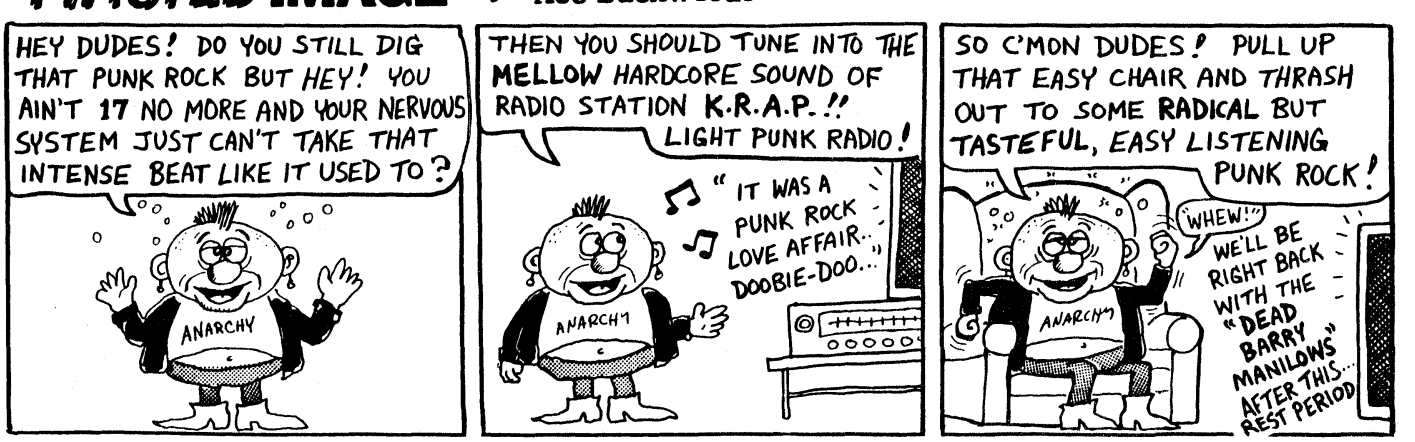

justify a government takeover, and once the takeover is complete, there will be no opportunity for health care suppliers and consumers to show how much better they might have coordinated their plans through the market process. —RH

"All the lies fit to print" — The New York *Times* prides itself on being the nation's "newspaper of record," the one reliable source of all important news. So naturally, when I wanted reliable election returns, I turned to the *Times'* special section "The Elections," a full 24 pages of information and election returns published two days after the election.

Among the interesting facts I learned were the following:

• Clinton got 43% of the vote, Bush 38% and Perot 19%. That adds up to 100%, so it's plain that other candidates and write-ins amounted to less than half of one percent.

• Among U.S. Senate races, Republicans and Democrats got 100% of the vote in 25 of the 35 Senate races.

• The only Senate race in which a Libertarian got any votes was in Georgia, where LP nominee James Hudson apparently got 3%.

But all these "facts" are false. On the presidential level, the *Times* simply ignored the 650,000 people who voted for other candidates (or "none-of-the-above").

Almost 220,000 — 5% — of Pennsylvania's voters cast their ballots for Libertarian Party nominee John Perry. The *Times* reported that there was no third party votes. More than 330,000 — 7% — Ohio voters voted for Martha Grevatt of the Workers' World Party. Again, the *Times* reported there were no third party votes. In all, the *Times* falsely reported that the major parties took 100% of the vote in at least 15 Senate races where third party candidates received more than 1%. It also failed to report the 18,214 — 4% — votes LP nominee Kate Alexander got in New Hampshire, though it did report the 9,577 votes independent Larry Brady received. In all, the *Times* ignored at least 1,000,000 votes for the Senate by reporting that the Republicans and Democrats received 100% of the vote. It also inaccurately identified LP Senate nominee Kiana Delamare in Arizona as an "independent."

In all, the New York Times *falsely reported the results of at least 15 Senate races and 39 House races. Not content with reporting false information as news, the* Times *went on to present false information as history.*

The *Times* also falsely reported that the major parties got 100% of the vote in at least 39 district races for the U.S. House or Representatives, where the Libertarian Party candidate received at least 1% of the vote, thereby ignoring the votes of over 200,000 citizens.

Apparently, reporting false information as news is not enough for the *Times*. It also reports false information as history. It devoted a sixth of a page to a list of the "Strongest Third-Party Finishes," which it explains lists all candidates "winning more than 1 percent of the vote." The list begins with Theodore Roosevelt, who got 27.39% of the 1912 vote, when he ran as a Progressive, having lost the Republican nomination. Then we have such familiar names as Robert LaFollette, Strom Thurmond and George Wallace, and such unfamiliar names as John G. Wooley (Prohibition, 1900) and Allan L. Benson (Socialist 1916).

But nowhere on the list is the name of Ed Clark, who received 920,859 votes of 86,495,678 cast in 1980. It may be too much to expect the learned editors of America's newspaper of record to be able to do math, though one might think that the development of cheap and reliable pocket calculators would have permeated the *Times'* newsroom by now.

But don't be tempted to think that the *Times* is conspiring against third parties. The Republicans didn't fare much better. In a feature titled "New in the United States Senate," the *Times* devoted 30.5 column inches to profiles of the 11 new Senators elected on November 3. The *Times* devoted 26 column inches to the newly elected Democrats and 4.5 column inches to the newly elected Republicans. The *Times* published pictures of 5 of the Democrats and no Republicans. The voters gave the Democrats a 7–4 victory. In the *Times'* article, the Democrats fared quite a bit better: 26 to 4.5. In the *Times'* photos, the Democrats won 5 to 0. —RWB

Speech, speech! — Not long after winning the Nobel Prize for Literature, Joseph Brodsky advised writers to prepare their Nobel acceptance speech "beforehand." Why? "When you are awarded the Nobel Prize, you have only a month to write it." In that case, here is my effort:

"I would like to think that this prize of over a million dollars was awarded to honor professional independence and courage, to honor a rich succession of literary inventions in more than one area, to honor my efforts to support and even publish less successful colleagues, to honor critical recognition in more than one genre and more than one art and thus my doing a large amount of first-rate work in more than one area; that the award recognized my publishing with smaller literary publishers (rather than large conglomerates) books that attract a few enthusiastic readers rather than a mass public, my contributing generously to small literary magazines that are the foundation of American culture, my political integrity in eschewing professional positions that embody power, my exposure of professional corruption and deceit, my refusal to exploit privileges offered by my peculiar background or to flatter writers more powerful than myself, my persistently defending the importance of esthetic values against those who would compromise them for one or another merchandising angle, because all these are things that, as we know, Joseph Brodsky did." —RK

My scientists can beat up yours — It may not be the battle of the century, but it is a battle over the fate of the world, as waged by Nobel Laureates. Two groups of prominent scientists have signed declarations on the fate of the environment.

The first was written by a group of scientists who met in Heidelberg, Germany, about the time of the Rio Earth

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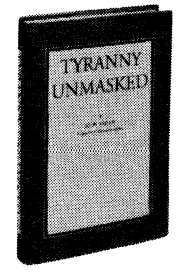

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Summit. Dismayed by the doomsday fears expressed at the summit, they deplored the "irrational ideology which is opposed to scientific and industrial progress and impedes economic and social development." The scientists invited others to sign the Heidelberg Appeal. At the latest official count (in October), 1,660 had signed, 62 of them Nobel Prize winners.

The Heidelberg Appeal didn't get a lot of press attention here, but it must have caused some ripples. Now we have the "World Scientists' Warning to Humanity." This was signed by 1,575 scientists, including 99 Nobel Laureates, and was organized by the Union of Concerned Scientists. This group says that human beings and the natural world are on a "collision course. Human activities inflict harsh and often irreversible damage on the environment and on critical resources. . . . No more than one or a few decades remain before the chance to avert the threats we now confront will be lost and the prospects for humanity immeasurably diminished."

Among other things, the group recommends moving away from fossil fuels to "more benign, inexhaustible energy sources," expanding conservation and recycling, and stabilizing population. (Given the Union's suspicion of all things nuclear, it's not quite clear what energy sources the group is talking about. But vagueness and hyperbole are part of winning the hearts and minds of people, and that is what this battle is all about.)

So, there you have it. Surely 62 Nobel Prize winners can't be wrong. On the other hand, 99 probably are. —JSS

Gary Becker and the meaning of life —

Herbert Spencer once wrote that life is "the definite combination of heterogeneous changes, both simultaneous and successive, in correspondence with external coexistences and sequences." Most people, of course, hate such definitions, so they are not likely to care much for Gary Becker, 1992 recipient of the Nobel Prize for Economics. After all, Becker is the man who defined "altruistic" as meaning "that *h*'s utility function depends positively on the well-being of *w*." Like Spencer's definition of life, it is precise. At first glance, Becker's definition seems simpler than Spencer's contribution. But not so his elaboration:

$$U_h = U[Z_{1h}, \ldots, Z_{mh}, \psi(U_w)]$$

and

$$\partial U_h / \partial U_w > 0$$

where U_h and U_w are the utilities of the altruist and his beneficiary respectively, ψ is a positive function of U_w, and Z_{jh} is the *j*th commodity consumed by *h*.

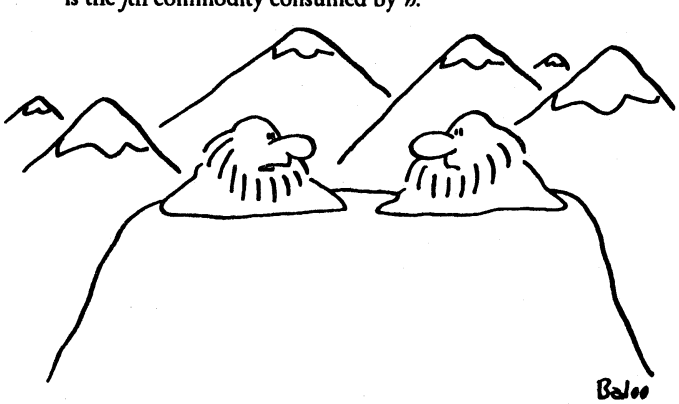

"I'm not sure about the meaning of life, but I've got it narrowed down to either mountains, snow, or wind."

It is easy to make fun of such constructions, but they have their place — an important place — in intellectual life. And libertarians, who have been exposed to so much nonsense about egoism and altruism, should pay especial attention to Becker's treatment of this topic.

But it is not just because of Ayn Rand's baleful influence that many libertarian readers react negatively to such theorizing (that is, their utility functions are negatively affected by exposure to Becker's work, or, their utility functions positively depend on a negative appraisal of Becker's work, or . . .). The long stretches of algebra and symbolic logic in Becker's books are formidable, and it is easy to dismiss equilibrium theories of marriage, sex, procreation, infidelity, etc., as unrealistically simplistic. And I must say that I, too, am floored by Becker's assumption that tastes do not change over time.

Nevertheless, Becker has had an important and largely wholesome effect on the economics profession. Prior to Becker, the assumptions of economists about such topics as family behavior, race, and sex were so broad and poorly thought-out that whole ideologies could slip in and pretend to science. (Just think of socialism's effect on educational thought.) But now, methodological individualism has its foot completely in the door of the economics profession. Can *normative* individualism be far behind?

Yes, Becker is pretty much a free-marketeer. A member of the Chicago School, he is a colleague of some of the most important economists of our time: Milton Friedman, Ronald Coase, the late George Stigler, a host of others. The curious reader who wishes to see what the Nobel Prize Committee is up to these days, or simply wishes to engage in a little mind-expansion, might try reading his books. *A Treatise on the Family* (from which I took the above quotation), *Human Capital* and *The Economic Approach to Human Behavior* are certainly worth the effort, though they are definitely *not* written for the economic novice. His prose is very clear, but wading through the math is no picnic. (I am reminded of the adage that an Austrian economist is an economist who can't do calculus. Perhaps this is why I lean towards the Austrian School.)

So what is a mathematophobe to do? Becker writes columns for *Business Week* which are eminently readable. He has appeared on television news-interview shows. But these forums will hardly do. Thankfully, his wide influence has had a happy side-effect: he has been "popularized." Henri LePage's *Tomorrow, Capitalism* offers a simple overview of his work. It is not only readable, it is *exciting*. Fellow Nobel Laureate Theodore Schultz's *Investing in People* is a good popular exposition of the Chicagoite population theory that Becker has contributed so much to, and is also one of the best attacks on the modern Malthusians. (Alas, it is out of print. But it is available in used book stores and at any good library.) And David Friedman's *Price Theory* wittily excurses into the far reaches Becker has made home.

So: What is the meaning of life? I won't say that Gary Becker answers that question with any degree of finality. But by applying simple economic theory to areas other than stock markets and budget deficits, Becker has made a noble effort to make life more understandable.

And I am happy he got the Nobel Prize. —TWV

Election '92: gospel truths

The New Civic Religion

by R. W. Bradford

Elections in the United States are best understood as ritual sof a new religion. Consider the carnival that just passed by . . .

Now that the election is past, the press has moved its focus from why Bill Clinton should be elected to what a wonderful human being he is and what a swell president he will be. So far as I can determine, Jacob Weisberg is the only Clinton-fawner who has had even the vaguest of second thoughts. The overwhelming majority of other newsfolk remain enamored of their man, and act more like public relations flacks than reporters.

What else is new? I recall after the Reagan victory in 1980, many in the press turned away from dumping on Reagan and began to fawn over Ronnie as though he were a movie star. I remember Dan Rather grovelling before Pat Robertson after Robertson's surprise victory in the Iowa caucuses in 1988. Who can forget the "Kennedy-mania" that gripped the press (and the country) after JFK's hair's breadth victory over Nixon in 1960? Or the "Trudeau-mania" that swept Canada after loony Pierre's election in 1968?

Part of this swooning is simply success-worship, a characteristic trait of *Homo americanus*. Just as Americans conclude that money-making is evidence of intelligence in a businessman, so they conclude that electoral success is evidence of wisdom and moral virtue in a politician. Another element is simple boot-licking: the President has many jobs to hand out, and some members of the press corps hope to follow in the heroic footsteps of John Chancellor, Ron Nessen and Pierre Salinger. And the President has favors to dispense to reporters, ranging from granting private interviews to calling on a reporter at a press conference.

But there is more to this swooning, I am convinced. It is a natural element in the civic religion that has replaced Christianity as America's faith. This religion has many tenets, and though they are generally not stated baldly, they underlie much of public life in America. Among those dogma are several that go a long way toward explaining the mysteries of the electoral and post-electoral process.

Each of our votes really makes a difference. This belief underlies the repeated exhortation to "get out and vote," and the whole array of variations on the argument, "If you care about the future of your country (or your own future), you should vote." The proposition that each of our votes makes a difference is absurd, even on the face of it. Once in a great while an election, invariably at the local level, is tied or won by a single vote. When this happens, the proponents of voting publicize it far and wide, citing it as evidence that "every vote counts." In reality, the extreme rarity of such cases illustrates the fact that your vote really doesn't make a difference. If you doubt this, ask yourself how many times you have voted and how many of the elections involved would have different outcomes if you hadn't voted. The answer for virtually all Americans is the same: in a lifetime of voting, their vote has never swung an election.

A corollary to this proposition underlies the two-party monopoly: *Don't waste your vote* by voting for an independent or third party candidate. Your vote is a valuable possession because it really makes a difference, but you waste it if you don't vote for a candidate with a chance of victory (i.e. a major party candidate). Of course, this makes even less sense than the original proposition that your vote makes a difference. In the overwhelming majority of elections, one of the two contending major party candidates have no more chance of winning than minor party candidates. Why, for example, would any proponent of the "don't waste-your-vote" argument vote for Bush? By election morning, his chance of victory was the same as Ross Perot's or Andre Marrou's: virtually none at all.

Voting is a virtue in and of itself. "At least he voted," people will say. The Advertising Council produces "get-out-the-vote" advertisements imploring people to vote even if they are so ill-informed, indifferent, or unmotivated

that they have no opinion. Some of these ads even suggest making up one's mind while in the voting booth.

Of course, this makes no sense. Is it really virtuous to go to the polls to vote your own narrowly defined self interest, which may be completely contrary to the common good? Is it virtuous to cast unreflective, thoughtless, ignorant votes? Apparently most Americans think so, else why would people respond favorably when someone says, "I didn't know who I was going to vote for until I got in the voting booth, but I voted."

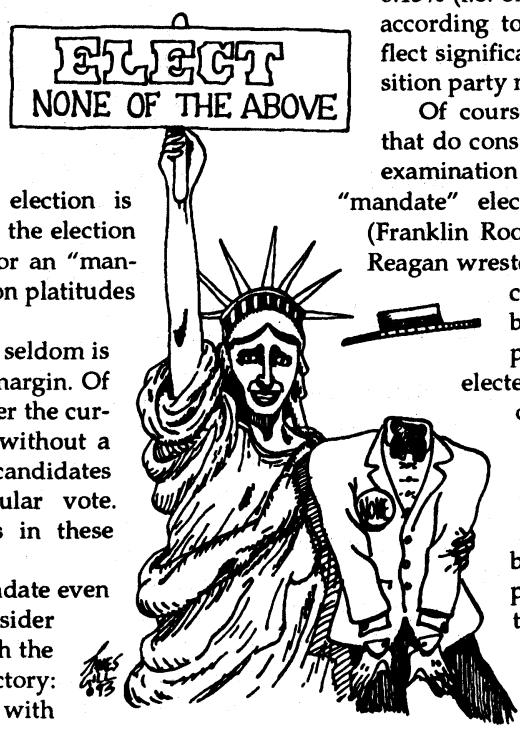

Winning an election confers a mandate upon the victor, thanks to its demonstration that Americans have a consensus on the important public issues they face. Virtually every election is followed by earnest explanations that the election constitutes a "mandate for change" or an "mandate to stay the course," not to mention platitudes like, "the people have spoken."

This is idiotic. For one thing, very seldom is a election won with any substantial margin. Of the 42 presidential elections held under the current electoral system, 15 were won without a majority of voters. Two were won by candidates who finished second in the popular vote. Obviously there were no mandates in these cases.

But it is difficult to perceive a mandate even in the most lopsided victories. Consider the two presidential elections in which the winner amassed the largest victory: Lyndon Johnson's election in 1964 with 61.2% of the vote and Richard Nixon's election in 1972 with 60.7% of the vote.

Lyndon Johnson captured 61.2% of the vote in 1964. Naturally, Johnson claimed the people had granted him a mandate for substantial policy changes. Yet in 1960, when Johnson ran for vice president with Kennedy on substantially the same platform, the ticket received only 49.7% of the vote and in 1968, Johnson was so unpopular that he felt obliged to drop out of the presidential race. When Johnson's vice president tried to carry on the LBJ program, he managed to capture only 42.8% of the vote.

Did the American voters change their minds twice within that 8-year period about what direction they wanted the country to go? Or was Johnson's huge majority in 1964 the product of other factors — say, sympathy for the martyred JFK, a desire to stabilize government in the wake of the assassination, and a panicky fear of Barry Goldwater, who had been portrayed in the press as a lunatic?

In 1972, Richard Nixon captured 60.7% of the vote. Yet four years earlier, he was elected with only 43.4% of the vote. Two years after his landslide victory, he was forced to resign from office, and in the subsequent election his party's nominee (and his hand-picked vice president) captured only 48.8% of the vote. Did the voters intend a mandate to enact Nixon's program in 1972? Or did they vote for him for other reasons — for example, gratitude at his having wound down the Vietnam war, a fear of the widely perceived radical leftism of the opposing candidate, or a desire for stability after the chaos of the 1960s?

"Let the word go forth, from this day and hour, that a new generation of Americans . . ." intoned Jack Kennedy upon his election. Yet fewer than half of Americans voted and fewer than half of those voting cast their ballots for Kennedy; he out-polled his opponent by a margin of about 0.15% (i.e. one vote out of every 600 cast), at least according to official figures, which probably reflect significant vote fraud. Meanwhile, the opposition party made major gains in the Congress.

Of course, there are some electoral victories that do constitute mandates for change. A careful examination of electoral history reveals three "mandate" elections: 1980 (Ronald Reagan), 1936 (Franklin Roosevelt), and 1920 (Warren Harding). Reagan wrested the presidency from an elected incumbent by a substantial margin, brought numerous members of his party into Congress, and was re-elected by an even larger margin. And he did so running on a platform that differed from current and recent past policies, and was very well known to voters.

Roosevelt had ousted an incumbent in 1932, but that year he ran on a platform of smaller government, lower taxes, the gold standard, and a balanced budget. Upon his election, he immediately abandoned this platform and adopted policies diametrically opposed to much of it. The fact that FDR promised one program and delivered another without upsetting the voters supports the hypothesis that in 1932 the voters were primarily rejecting Herbert Hoover, not issuing a mandate for the radical program that Roosevelt eventually enacted. By 1936, Roosevelt's program was partially enacted, and voters knew what he was about; he was re-elected with an even larger majority.

In 1920, Harding captured the White House from the opposition with 60.5% of the popular vote, on a platform calling for a return to isolationism, tax reduction, and smaller government. He died in office before having a chance to run for re-election, but not before his program was largely enacted. His successor was re-elected with 54% of the vote, despite the entrance into the race of one of the most credible third-party challengers of this century. (Robert LaFollette captured 17% of the vote.)

But that's it. Try as I might, I cannot see that any other presidential election qualifies as a "mandate for change." That's three elections out of 42, or one election every 84 years, wherein the voters demonstrated anything resembling a mandate for change. In most elections, the electorate splits its votes pretty evenly between two candidates whose programs are very similar. The voters intend no mandate at all.

Illustration by James Gill

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by Patrick A. Heller

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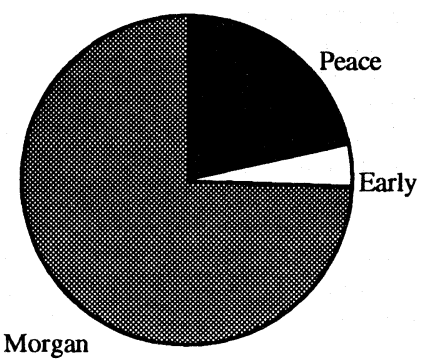

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Armed with our mandate, our leader is able to solve our problems. When Nazism was in flower, Americans liked to make fun of the *Führerprinzip*, or "leadership principle." Yet in our own country, we observe it with religious fervor. If we elect the right person president, he will solve our problems. In times of crisis, the right man comes to the fore, takes charge, and America continues to fulfill its destiny as the greatest country on earth.

I think it is safe to say that the United States has only faced two great crises in its history: the unraveling of the Union that culminated in the Civil War, and the Great Depression that seemed to threaten revolution. In the first case, the winner of the critical election won with less than 40% of the popular vote, the smallest vote to elect any president since political parties took hold. Lincoln's election itself precipitated the Civil War, which resulted in the loss of over 620,000 lives, the destruction of billions of dollars of property, suspension of the Constitution, and the imposition on the nation of conscription, income taxes, and inflationary paper money. In the second case, the nation elected as its president a man who enacted and imposed a political program hardly different from that of Mussolini or Hitler (aside from Hitler's racism), and from which the U.S. still suffers.

Of course, both Lincoln and Roosevelt the Younger are remembered today as great men who saved their nation. These were cases of self-fulfilling prophesies: whoever is leader of any nation during any crisis will be remembered as a great man if the nation prevails. Since Americans are enamored with the *Führerprinzip*, they are inclined to give credit to their leaders when they prevail in a crisis. In fact, the United States prevailed and prospered despite the actions and policies of Messrs Lincoln and Roosevelt. They were not great men; they had greatness thrust upon them. And greatness would have been thrust upon anyone else elected in 1860 or 1932.

Why, for example, would any proponent of the "don't waste-your-vote" argument vote for Bush? By election morning, his chance of victory was the same as Ross Perot's or Andre Marrou's: virtually none at all.

How well does the electoral process work? Look at the results. In the half century since World War II ended, we have used this electoral process to select:

a power-hungry career politician, who has never had a job outside politics;

a second-rate clubman, incapable of uttering a coherent sentence;

a modestly successful actor who turned to politics when his movie career faltered;

a peanut farmer, dependent for his living on a government-granted license guaranteeing a substantial income;

a career politician, who used the power of his office to undermine the electoral process;

a megalomaniac who made himself a multi-millionaire while in elected office, raised taxes repeatedly, and got us into a war that cost billions of dollars and tens of thousands of American lives;

a playboy pushed into office by his ambitious father;

a retired military leader;

a failed haberdasher, who advanced in politics as the agent of a corrupt political machine.

Can you imagine any of them achieving anything in any other field? Which of these men, if he hadn't pursued politics, could have been a successful scientist? a successful writer? a successful anything? Sure, the clubman made some money in business as a young man, before he began to pursue power on a full-time basis. Yeah, the military man was a bigshot in World War II, but this was a case of greatness thrust upon the man. Sure, the playboy "won" a Pulitzer Prize, but his book was written by a hireling and the prize was awarded only after his father spent a fortune campaigning for it. Only the actor had anything resembling a successful career outside politics.

Indeed, the two presidential contenders during this same period who demonstrated genuine character were soundly defeated. I refer, of course, to Barry Goldwater and Eugene McCarthy, both men of conviction, and considerable decency and honor. Goldwater won his party's nomination, only to face humiliating defeat in the voting booth. McCarthy managed to unseat the incumbent president of his own party, but failed to come close to capturing its nomination.

Once the people have spoken, we must unite behind our leader. This is a correlation of the last two principles. We give our leader a mandate and he solves our problems. But if we perversely refuse to unite behind our leader, then his hands are tied, and our problems may get worse.

The commentator on ABC-TV who exhorted us to unity behind our new leader and excoriated Sen. Bob Dole for saying that he expected his party to provide critical oversight on Clinton based his beliefs on the *Führerprinzip*. (He stopped short of accusing Dole of treason, barely.)

The desire for a mandate and for unity takes many amusing forms. My own favorite example was USA *Today's* headline the morning after the election: "LANDSLIDE." This was an enthusiastic characterization, to say the least, considering that Clinton got a smaller percentage of the popular vote than Michael Dukakis got when Bush clobbered him in 1988.

In fact, since our current electoral method has been in place, only two presidents have ever been elected with a smaller portion of the popular vote than Clinton's. In 1912, Woodrow Wilson took advantage of a split in the Republican Party to sneak into the presidency. Wilson's administration brought us the income tax, World War I, the effective abolition of freedom of speech, and national prohibition. In 1860, Republican Abraham Lincoln was elected with 39.6% of the vote, thanks to a split in the Democratic Party. His election brought us the Civil War and all its attendant horrors. Let's hope Clinton's administration will be better than these.

The Civic Religion has many other doctrines, equally unexamined, equally idiotic, but all serving a critical function. They are lies on which our civic life is based. ❑

Election '92:
how it happened

The Blunder Thing

by Chester Alan Arthur

Democracy is that system of government under which the people, having 60,000,000 native-born adult whites to choose from, including thousands who are handsome and many who are wise, pick out a Coolidge to be head of the state. It is as if a hungry man, set before a banquet prepared by master cooks and covering a table an acre in area, should turn his back upon the feast and stay his stomach by catching and eating flies. —*H. L. Mencken*

A lot has changed since Mencken penned those words more than six decades ago. For one thing, the array of those who might be considered for the presidency is vastly expanded, both by custom (the genre now includes women and African-Americans) and by population growth. Yet somehow, out of the 190,000,000 Americans qualified to be president, the choice came down to Bill Clinton and George Bush, or possibly Ross Perot. Faced with this absurd menu of candidates, a plurality of the minority that voted elected Bill Clinton.

Because people like to believe that they live in a rational world and that the institutions of their country are efficacious, they are inclined to view elections as a case of the better man winning. The winning candidate, people like to believe, merits victory on the basis of his superior ability. A somewhat more sophisticated version of this prejudice is that the winning candidate is the one who runs a better campaign, the one who better judges the temper and addresses the needs of the people.

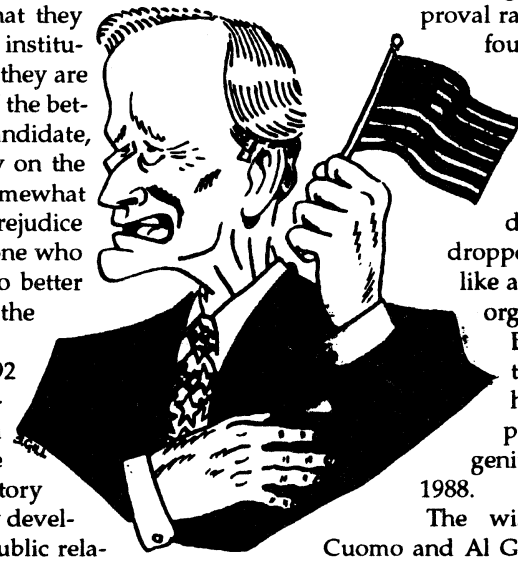

Hogwash. Clinton won the 1992 presidential election primarily because he was lucky. He was elected because he happened to be in the right place at the right time.His victory was the product of two extraordinary developments that no one foresaw: the public relations dance of H. Ross Perot and the incredible foolishness of George Bush.

Two years ago, no one guessed that the 1992 Democratic nomination was a desideratum. George Bush had clobbered Michael Dukakis in the 1988 election, and his popularity was soaring. He was president at the same time that communism collapsed, and Americans, not very sophisticated in their analysis, saw in this coincidence evidence of Bush's greatness. He had conquered Panama, striking a decisive blow against drug-use and showing up that lousy little greaser dictator. Best of all, he had kicked Saddam Hussein's ass, winning a war with hardly an American casualty. The world was ours, and George Bush was the most popular president since John F. Kennedy on November 23, 1963.

"Bush had nothing to do with the collapse of communism," I wrote at the time, "but in the bovine mind of the American voter, he gets credit. He will bask in sky-high approval ratings until the economy falters or he is found in bed with a sheep."

Bush avoided the ovine variant of the Jimmy Swaggart problem, but he couldn't avoid the softening economy. Retail sales slowed, unemployment inched up, real estate values declined, and support for Bush dropped. Even so, as 1992 began, Bush looked like a sure winner. The Democrats were disorganized, *Pax Americana* prevailed, and Bush maintained a substantial lead in the polls. And to ensure his overcoming his many problems, Bush had a campaign staff waiting that had proved its genius in his come-from-behind victory in 1988.

The wiser Democratic hopefuls — Mario Cuomo and Al Gore — stayed out of the race, figuring Bush was a dead-cinch winner. But a bunch of second-tier Democrats threw their hats in the ring, realizing the odds were very long, but hoping a long shot might pay off. A retired senator from a very liberal New England state, a former governor of California who had spent time in an ashram in India after being tossed from office by a huge majority, an obscure governor of a tiny, poverty-stricken southern state,

Illustration by James Gill

and a couple of sitting senators from farm states fought ignobly for the nomination.

The rest is history. For once, a single Democrat quickly emerged as front runner. The press, fearing the public might lose interest in the campaign, anointed a billionaire eccentric with credibility, and the Ross Perot campaign had a boomlet. Perot's campaign had two major themes: the economy is a mess and George Bush is a clod. Of course, Perot was correct on both points, but this was merely a coincidence.

On the economy, Perot rightly identified two causes of America's economic malaise: the perennial and institutional budget deficits and the unwillingness of the American government to take charge of the economy to help the U.S. regain its lead in heavy industry and high tech. His focus on the deficit problem made sense, but his treatment was as bad as the disease: tax increases. His proposal that we elect an experienced businessman as president and have him take command of the economy is nuts, of course. In a lesson he (and his supporters) apparently missed in the news about the collapse of communism, complete central control of the economy (*à la* Stalin, Mao or Perot) works even worse than the partial control practiced in the U.S. and Western Europe. But his railing about the economy gained adherents, as any nutty economic theory seems to do in this country. And he helped keep the focus of the campaign on the economy, and spread the perception that something new was needed.

Perot's hatred of Bush dates back to some perceived slight he suffered at the hands of Bush a decade or two past. But personal hatred is never very popular with Americans, so Perot expressed his animus in rather conventional political terms: he incessantly criticized Bush, sometimes sensibly, other times idiotically. All the while, he said hardly a single critical word about Clinton.

Politics is not about reality. It is about perception of reality. What was important in 1992 was that Americans perceived an economic crisis and wanted a scapegoat to blame it on.

By the time the Democratic Convention rolled around, the constant attacks from Perot and the blahness of the economy were taking their toll on Bush. Meanwhile, Clinton had planned a convention as a gigantic public relations event. In the one touch of genius in his campaign, he scheduled all the left-liberal nuttiness that plagues the Democratic Party for a single night, Tuesday, July 14. That just happened to be the night that baseball's all-star game was played. In a single touch, he satisfied his party's nutty fringe (the certified oppressed groups, open-handed feminists, minorities, homosexuals, etc.) while the great majority of voters liable to take offense at the orgy of demands, begging, guilt-tripping and gobbledygook were busy watching baseball. But the rest of the convention was a show for middle Americans, designed to stress how different Clinton was from the sort of left-liberal hacks the Democrats like to nominate.

On Thursday, just before Clinton gave his acceptance speech, Perot dropped out of the race, virtually endorsing the Democrat Clinton.

Suddenly Clinton was ahead in the polls. Even at that point, the race was Bush's to win.

It's All Up from Here

It was Bush's darkest hour. But the strategy that would have won him re-election was obvious, even to Bush himself.

Clinton (and the news media) had repeatedly said that the economy was the paramount issue of the campaign. The public perceived the economy to be a mess, and was looking for someone to blame. The economy, by any conventional measurement, was not in terribly bad shape. Sure, unemployment was up, and people were inclined to think they were were in a recession. But things were no where near as bad as in 1932 or 1980, the other times this century that an incumbent President had been turned out of office.* In 1932, banks were failing, the stock market was dead, people were losing their life savings, and unemployment stood at 25%. In 1980, interest rates were over 21%, inflation was over 10%, unemployment stood at 9%, and the stock market was a disaster. In 1992, inflation stood at 3%, unemployment stood at 7%, interest rates were around 6%, and the stock market was booming. The more fundamental problems that America faces — the decline of its industrial base and the weakening of its financial power are institutional in nature. They result from the arrogant and popular consensus that American workers deserve to be the best-paid in the world, irrespective of their productivity, that all Americans are entitled to infinite spending on medical care, that regulation of business is a good thing, and other firmly held clauses of the American credo. But obviously, these clichés cannot be challenged in a political campaign, any more than a British politician could challenge the similar elements in the British credo during the long decline of Britain from 1920 to 1970.

Politics is not about reality. It is about perception of reality. What was important in 1992 was that Americans perceived an economic crisis and wanted a scapegoat to blame it on. Clinton, with the very important aid of Ross Perot, put the blame on Bush, leaving Bush in such bad shape that he was quickly comparing himself to Harry Truman, who came from behind in 1948 to win re-election.

At this point, what did Bush need to do to win? The answer is obvious: blame the economic mess on somebody else, preferably somebody associated with his opponent.

And good luck had provided George Bush with a perfect scapegoat for the nation's economic problems: Congress. Blame the economic mess on Congress and tell the American people the only way to fix things is to get a new Congress. Attack Clinton only tangentially as an agent of the "old politics," as a member of the Democratic Party that had con-

* Except for 1912, of course; but this was a very special case. In 1908, incumbent president Theodore Roosevelt decided against running for a second term. As a result of the immensely popular Roosevelt's strong support, Taft easily captured the presidency. In 1912, Roosevelt repudiated Taft and ran as an independent. Taft, who had never been very popular, finished a distant third and Democrat Woodrow Wilson captured the White House with a minority of the popular vote. It's as if Reagan had retired in 1984, turned the presidency over to Bush, then got fed up with Bush and come out of retirement to challenge him in 1988. Come to think of it, that wouldn't have been such a bad thing . . .

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Not even close, is it? Liberty wins hands down.

"You Libertarians have a 24 carat gold idea—freedom—and you can't even give it away. Ever ask yourself why?"
Congressman Sam Steiger, 1976

In 1976, I was the Arizona Libertarian Party's candidate for the congressional seat held by Morris Udall.

I lectured people who weren't interested. I debated when I should have discussed. I talked when I should have listened. I talked down to everyone.

If there was an offensive, shocking way of presenting a libertarian position—I used it.

Every so often, people would try to agree, but I didn't notice. I couldn't take 'Yes' for an answer.

My campaign taught me how to lose friends and alienate people.

Finally, it sunk in. My problem wasn't other people. It was the man in the mirror. Me.

Do You Lose Friends And Alienate People?

Some libertarians have a more-rational-than-thou attitude. Or smarter-than-thou. Or more-principled-than-thou. Or more-ethical-than-thou.

Are your 'discussions' really lectures? Do you try to convince by beating the other person into submission? Do you behave like a tormentor, not a mentor?

And when you fail to persuade, do you blame the listener? The other person isn't rational enough, or intelligent enough, or good enough? It's always their fault?

That is the road to permanent failure.

Failure is feedback. It's telling you to do something different.

The people you don't convince are showing you what does not work. Are you paying attention?

The marketplace of ideas works just like the free market. Consumer response is a teacher. Are you learning?

The Art Of Political Persuasion.

I felt stupid and embarrassed by my campaign in 1976. But I was determined to salvage something from my experience. I wanted to learn the art of political persuasion.

I began to read. It's now over 1,000 books on psychology, epistemology, semantics, salesmanship, cybernetics, self-help, hypnosis, communication and creativity.

I interviewed specialists in communications and persuasion. I asked questions and took notes.

I applied the scientific method to everything I learned. I tested every approach, technique and format. I observed and listened.

I began to write up my results. *How To Get Converts Left & Right* and *The Late, Great Libertarian Macho Flash* were published by *Reason.*

I followed these with more articles: *The Militant Mentality, The Myth Of Mushrooms In The Night, Leveraging Liberty With Language* and *Intellectual Judo.*

The libertarian audience wanted more, so I launched a seminar. *The Art Of Political Persuasion Marathon Weekend Workshop* has been offered all over the United States and Canada.

Then, I tested my teachings in the field. I was the organizer and fund-raiser for the 1988 *Marrou VP Campaign, Project 51-'92* ballot effort and the 1992 *Marrou For President Campaign.* Between Fall 1987 and Fall 1991 I raised more than $500,000 for these projects. $519,344 to be exact (source: FEC).

Now, after 12 years of study, testing and results, I have produced a three hour audio tape learning program: *The Essence of Political Persuasion.*

What You'll Learn In Only Three Hours.

- How to influence with integrity.
- Open the door with rapport.
- From confrontation to conversation.
- The power of metaphors, parables and teaching tales.
- Political Cross-Dressing: how to get converts from the liberal left and the conservative right.
- The Late, Great Libertarian Macho Flash: abuses and uses of intellectual shock tactics.
- Leveraging Liberty With Language: the semantics of libertarian persuasion.
- Intellectual Judo: gently win people over without arguing.
- And many more easy, enjoyable and effective ways to make libertarian ideas irresistible.

Does It Really Work?

"The Essence of Political Persuasion is bold, imaginative and brilliant. It is the most innovative and effective program of its kind."

Andre Marrou, 1992 Libertarian Party presidential nominee.

"I've personally listened to Michael Emerling's political persuasion tapes several times. This program is great. It's a necessity, not a luxury, for all libertarians."

Jim Lewis, 1984 Libertarian Party VP nominee and 1992 *Marrou For President* Campaign Manager.

"Michael Emerling's political persuasion tapes are superb. I have listened to them many times. I continue to be impressed by the power and sophistication of his techniques."

Vince Miller, President of International Society For Individual Liberty (I.S.I.L.).

"I have a set of these political persuasion tapes. I had to learn it before I could teach it. Thank you very much, Michael Emerling."

Marshall Fritz, founder of Advocates For Self-Government

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❑ Yes! Send me *The Essence Of Political Persuasion* Audio Tape Program for only $29.95 and the free bonus tape—an added $10.00 value—Emerling's *The Missing Factor In The Libertarian Equation: Self-Responsibility.*

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trolled both houses of Congress practically without interruption for 60 years.

Aside from that, all Bush had to do was act Presidential, occasionally remind the voters that he was the triumphant warrior who conquered Panama and Iraq, and take credit for masterminding the collapse of communism. And it wouldn't have hurt anything to dump the moronic Dan Quayle from his ticket, replacing him, say, with war hero Colin Powell.

But the focus of his strategy had to be an attack on Congress. Congress has never been a prestigious institution, but in the summer of 1992 its reputation was near its lowest point in history. More than a quarter of the members of the House of Representatives had bounced checks in the massive House Bank scandal. Dozens of members of Congress decided to retire rather than face the voters. The so-called gridlock that afflicted government had two components: the Democratic Congress and the Republican presidency. When the Democrats tried to blame all the problems on the Republicans, the Republicans didn't even defend themselves, let alone take the offensive.

Meanwhile, two profoundly important anti-Congress and anti-Democratic Party issues were sweeping the land: the balanced budget amendment and term limits. Like the House check-bouncing scandal, these issues were ready-made for exploitation by a Republican president. Congress had failed to balance the budget for more than 30 years. Congressmen had become arrogant to the point of seeing nothing wrong with writing rubber checks. Congress had voted itself so many perks that it was practically impossible to oust an incumbent.

What should Bush have done? Stump the country and denounce Congress. However unpopular he may have been, he was not as unpopular as Congress.

What should Bush have done? The answer was obvious.

Stump the country and denounce Congress. Tell voters that we need a balanced budget amendment to force the power-drunk Congress to get spending in line. Fire the members of his administration (e.g. Dick Cheney) who had bounced checks, indignantly telling the American people that he could not tolerate such behavior. Demand term-limitation for members of Congress, just as we already have term-limitation for the presidency. Make the election a referendum on Congress. However unpopular Bush may have been at this point, he was not as unpopular as Congress.

Bush Blows It

But Bush didn't. He refused to follow that course, instead going against his own personal values and running for president on a goofy platform crafted by the nutball religious right. The Republican convention was a disaster, from Pat Buchanan's virtually fascist speech the first night to Pat Robertson's lunatic speech the second, to the celebration of Bush's mega-family the third. The American people watched at least a few did and they yawned. The only people moved by the carefully staged proceedings were those already firmly in Bush's camp: the religious right. (C'mon, what chance was there that the anti-abortionists and family-values crowd were going to jump to Clinton, with his well-publicized extra-marital affairs, his support for the right to abortion and gay rights, and his shrill leftist wife?) The Democrats scheduled their pandering to their embarrassing special interest groups for the night of baseball's All-Star game, when those most likely to be offended were not watching. The Republicans spread theirs out for days, for anyone even cursorily interested to watch.

After the convention, Bush flailed around for issues. Once in a while he hit upon a good one, but he didn't have a clue about how to exploit it. He endorsed term limits and the balanced budget amendment but didn't make much of these issues. He didn't take the moral high ground on the check-bouncing scandal, apparently because he couldn't bear to fire his staffers who had bounced checks in Congress. (Wouldn't they have been willing to fall on their swords for their boss, *à la* John Sununu?)

For all Bush's rhetoric about how he was another Harry Truman, he ignored the crucial lesson of Truman's come-from-behind victory: he refused to run against Congress. He refused to focus his campaign on the one way he could win, or on anything else, for that matter.

The high point of the Bush campaign — the one moment when it was possible to believe that Bush could pull it together — was Ronald Reagan's wonderful speech at the Republican Convention. It was pure Reagan, a marvelous articulation of the American idea, a rousing call to action in defense of American values and vision. Characteristically, the Bush campaign scheduled the speech for the small hours of the morning when the television audience was at its smallest. Late in the campaign, Reagan made a valiant effort to save Bush. He failed. It is tempting to praise Reagan for his loyalty and his guts. But maybe he was trying to expiate his guilt for foisting George Bush on the American people in the first place.

Bush's failure to focus the campaign on Congress is hardly surprising. Bush is so unfocused in his thinking that he can barely talk. In thirty years of public life, he has never shown any commitment to any idea or any skill in articulating the aspirations of his constituents. His success resulted from his personal loyalty to those in his party, his willingness to play by the rules, his sheer persistence.

Bush's idiotic campaign strategy handed the presidency to the Democratic nominee. Clinton didn't really need to campaign, and he hardly did. Oh sure, he toured the country by bus and jet, staging photo opportunities and handling reporters' softball questions. But he was merely going through the motions of a campaign. His campaign was that of an incumbent with a huge lead, confident of victory if only he avoids mistakes. Mario Cuomo would have done just as well. So would Jerry Brown. So would Mickey Mouse.

Bush could have been re-elected. He managed to blow the tremendous advantages of incumbency and the prestige he had as a heroic conqueror and the mastermind behind the collapse of communism, and lose the election to a compulsive liar who had dodged the draft and spent most of his

continued on page 30

Election '92: prophecy

Clinton, the President

by Chester Alan Arthur

Both friends and enemies of Bill Clinton think they know him. But they don't.

What sort of president will Bill Clinton be?

A lot of political conservatives are panicky about Clinton's election. Rush Limbaugh, for example, sees Clinton as some sort of left-wing monster who will raise taxes, increase welfare spending, and ultimately turn the U.S. into a socialist ant farm — unless the public wakes up and pays more attention to Rush.

As much fun as Rush Limbaugh is, I have to warn you: he is totally nuts on this issue. Bill Clinton is no more a left-winger than I am. He has a public record of more than 20 years that reveals him to be a politician whose ideology consists of one single proposition: *Bill Clinton ought to run things*. No other principles are evident at all.

Despite his claim to be an environmentalist, he has allowed chicken-factory operators to fill Arkansas' rivers with chicken manure. Despite his claim to support organized labor, he has lured industry to Arkansas by touting its anti-union legislation. Despite his claim to support education, Arkansas has just about the worst schools in America.

Sure, Clinton made some promises during his campaign to gain support from the Democratic Party's left-wing constituencies: more money for government employees (especially school teachers), more spending on the environment, higher taxes on the rich. Sure, he has political debts to labor unions (especially government employee unions), to minorities anxious for more government aid, to environmental lobbyists, and other groups vying for a more prominent place at the government trough.

Before you get too worried about these promises, remember that Bill Clinton is a liar, and an extraordinarily skilled one, as he demonstrated in the Gennifer Flowers affair. He supports whatever policies he thinks will best enhance his own personal power and popularity. But he has a long record of backing out on solemn promises, of giving his word to one side on an issue, then supporting the other when he saw a personal advantage in doing so. That is how he earned the nickname "Slick Willie," and why he was so unpopular with both the left and the right in Arkansas. As president, Clinton will be glad to stab those who elected him in the back, just as he stabbed everyone in Arkansas from anti-abortion activists to environmentalists.

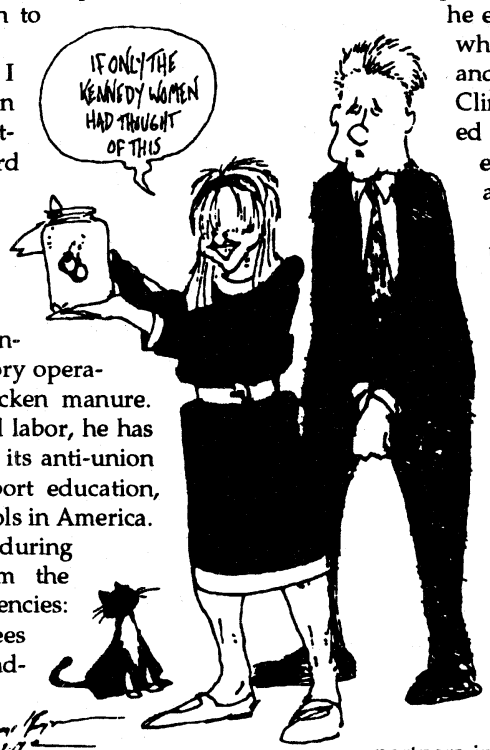

More than two months before he takes office, Clinton has already taken a stab at one important ally. Clinton openly courted gays and lesbians, accepted their campaign contributions (more than $2.5 million, according to the New York *Times*), and promised to end discrimination against gays and lesbians by the federal government within his first 100 days in office. On election night, gays and lesbians took to the streets to celebrate Clinton's victory. "This is a rite of passage for the gay and lesbian movement," said Urvashi Vaid, executive director of the National Gay and Lesbian Task Forces. "For the first time in our history, we're going to be full and open partners in the Government." In virtually his first act as President-elect, Clinton announced that the armed forces would no longer discriminate against gays. But when military leaders objected and it became evident that rank-and-file soldiers opposed the move, Clinton quickly backed off his commitment. "I have made no decision on a timetable," he said on Nov. 16, and left the door open for wa-

Illustration by Gunnar Bergstrom

tering down the anti-discrimination order. So much for his promise, and for the $2.5 million gays gave to his campaign and the 3,250,000 million votes they cast for him, versus 650,000 votes they cast for Bush.

Ordinarily such skill at mendacity and willingness to break one's word are major assets to a politician. In Clinton's case there is a problem: his confidence in his skill as a liar is so great that he has no prudence in choosing when to lie. His lies about his anti-war activities, his draft-dodging activities, and his dope-smoking were foolish on two grounds. There was substantial and credible evidence to prove he had lied. Those lies didn't gain him anything. The majority of his generation opposed the war and smoked marijuana while in college (and actually inhaled), and the overwhelming majority of men of his generation did everything they could to dodge the draft. Other politicians have admitted to these *faux pas* without the voters punishing them. If Dan Quayle can remain the darling of conservatives after admitting he "experimented" with the evil weed, then certainly Bill Clinton could have survived such an admission.

So far, his compulsion to lie to enhance his popularity has not been a problem. The electorate was so fed up with George Bush's bumbling, incoherent lies and charmed by Clinton's novelty that they simply ignored the evidence of Clinton's mendacity. But the public's mood is mercurial, and it may grow tired of his compulsive lying. On the other hand, his brilliantly delivered lies may help maintain his popularity.

In the absence of any convictions aside from his lust for power, the character of the Clinton presidency will be determined by the kinds of incentives he faces. What sort of pressures will be brought to bear on him? What sort of policies will seem likely to advance his political power?

Clinton sticks knives in the backs of political acquaintances the way LBJ kissed babies: with great frequency and no inhibitions.

These are difficult questions to answer. The winds that blow an unprincipled individual like Clinton change with public opinion. And public opinion changes very quickly indeed. In less than two years, George Bush went from being America's most popular president to being dumped from office with the smallest percentage of votes of any incumbent president ever — even less than Herbert Hoover got in 1932 at the depth of the Great Depression.

While it is impossible to predict with precision what sort of policies Clinton ultimately will support, one thing is certain: *Clinton will not address the fundamental problems that confront America today.*

Clinton cannot address the fundamental economic problems this nation faces because practically all the constituencies that supported him favor continuation of the ruinous policies of higher taxes, higher spending, and greater government regulation. He might be willing to turn on some of his supporters, but he will not turn on *all* of them.

Of course, there has been an example or two of a politician turning on his supporters and restoring his country to some sort of sanity. In Argentina, for example, the nutball Peronists elected Carlos Menem in 1989. The Peronist policies of huge government subsidies for public works and high wages for everyone, combined with ruinous regulation and huge government deficits, were what got Argentina into an awful mess (inflation of 200% *per month*) in the first place. Nevertheless, Menem soon initiated a huge and successful privatization effort. But cases like Menem's are extremely unusual, and occur only when the situation is desperate. The U.S. is wealthy enough to go on for a long time with huge deficits, subsidies to favored constituencies, and the other policies favored by Clinton's supporters without the situation getting as bad as that in Argentina. More likely, the U.S. will continue a long, slow decline. If you want to know what to expect in the U.S. during the next 50 years, look at what happened in Britain between 1910 and 1970.

More important, Clinton will never address fundamental problems because doing so requires a serious intellectual understanding of how the economy functions and a commitment to doing what is best for the country. Clinton's commitment is to enhancing his own personal power; that is virtually all that he cares about.

What will the Clinton presidency be like? Most likely, it won't be much different from the Bush presidency, except that Clinton will raise taxes faster than Bush did (Clinton promises to raise the top income tax rate from 31% to 36%; Bush raised it from 28% to 31%), will have bigger budget deficits (all those hungry government employees and welfare-bums to feed), and will increase the acceleration of regulation above its already high rate under Bush.

Many people see Clinton as another Jimmy Carter: a southern governor who managed to patch up the old Democratic coalition of labor, blacks and government employees and win the presidency. I don't agree. Carter had a considerable amount of personal integrity. But there are important similarities. Neither had a clue about how to manage the economy, and both had substantial debts to traditional Democrat constituencies. The *effect* of Clinton may be remarkably like the effect of Carter.

But more likely, Clinton's presidency will take the form of Lyndon Johnson's. Like Johnson, he is compulsive about maintaining and enhancing popularity. Like Johnson, his sole interest in life is the pursuit of power and its percs. Like Johnson, he is so accustomed to lying to achieve his ends that the concept of truth seems to have lost all meaning for him.

But there are two major differences between Clinton and LBJ. Clinton is a far better public speaker than Johnson, a skill that should serve him well. Unlike Clinton, Johnson realized that his credibility with power brokers and politicians required that he generally keep his word when he made a deal. Sure, if there was a tremendous amount to be gained, he would knife an ally in the back. But Clinton sticks knives in the backs of political acquaintances the way LBJ kissed babies: with great frequency and no inhibitions. Clinton seems totally convinced that his charming and skillful lying can see him through any problem.

It should be a very interesting presidency. ❑

Election '92:
vox populi

Perot's 200-Proof Populism

by Bill Kauffman

Populism is strong stuff. You can defeat it on the floor of the Senate, send it home to bed on election day, castrate it and call it a "new covenant," but the appeal of Perot's electronic town-hall shows that the people still like it.

By campaign's end, Ross Perot was bedaubed with the usual smears — dictator, demagogue — that blacken anyone who threatens the cozy *status quo.* (Ask Huey Long or George Wallace or Malcolm X.) The Vital Center has triumphed again: the palefaces set aside their petty quarrels long enough to rout the rumbustious redskins and send the rebel chief, bloody but unbowed, back to Texas.

No Perotism quite so frightened our rulers as his proposed "electronic town hall" by which citizens would give their representatives an ear full of *vox populi.* Ed Rollins and the other mercenaries who hopped on and off the Perot gravy train were reportedly aghast that their wagon master actually *believed in that direct democracy stuff.* Now that the Clinton morning has dawned, the threat of the plebiscite can be reinterred, quietly and without ceremony.

The details of the electronic town hall were always sketchy: Perot had no stable of bought-and-paid-for policy wonks to grind out legislative sausage.

The referenda he envisioned were mostly advisory, although the votes on taxation may have been binding. Even foreign policy was to be reviewed by the benighted multitude; this really invited derisive snorts. Imagine: a working stiff in Iowa having a say in the momentous question of war and peace!

In fact it was on this very ground that Perot's radical but inchoate plan stood on firmest terra. A national referendum on war was a staple of middle American populism in the final days of the old republic. The Anti-Imperialist League demanded a nationwide vote on the annexation of the Philippines. As anti-Hun propaganda heated up in 1915–16, William Jennings Bryan and senators Robert LaFollette and Thomas Gore advanced variations on the referendum model.

The Great Commoner declaimed: "I so believe in the right of the people to have what they want that I admit the right of the people to go to war if they really want it. There should be a referendum vote about it, however, and those who voted for war should enlist first, together with the jingo newspaper editors."

The people never got the vote, but they sure got the war(s).

The war referendum's most famous incarnation was as the Ludlow Amendment, namesake of an Indianapolis Democrat who, as a cub reporter, visited his city's first citizen, ex-president Benjamin Harrison. The old general, rocking on his front porch, lectured young Louis Ludlow, "We have no commission from God to police the world." The lad never forgot.

Ludlow's amendment stated that "except in the event of an invasion of the United States or its Territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a nation-wide referendum. Congress, when it deems a national crisis to exist, may by concurrent resolution refer the question of war and peace to the citizens of the States, the question to be voted on being, Shall the United States declare war on _____?"

Like Perot, Ludlow claimed that technology (in his case radio) made feasible a national vote. Americans would listen to debates between interventionists and isolationists; an informed citizenry would then march to the polls (or drop a

Illustration by James Gill

postcard in the mailbox) to determine whether Johnny would go marching off to war. In an uncanny (and unconscious) echo of Ludlow, Perot told *TV Guide* that until American homes were equipped with interactive televisions, postcards might serve as ballots.

Ludlow's amendment reached the House floor only once, in December 1937, and was defeated in a procedural vote, 209–188. Ah, conundrum: Ludlow enjoyed widespread popular support (68% in a Gallup Poll) but, absent a binding referendum, so what?

Our ancestors were cast in the roles you'd expect. Arthur Krock (now played by David Broder) huffed, "No more fantastic proposal has ever had serious consideration in Congress." The New York *Times*, in best Larchmont-lord-dismissing-the-uppity-Irish-maid fashion, sniffed, "The consensus of well-informed opinion is strongly against this plan." Well, gee, in that case I guess we'll just drop the whole thing . . .

George Bush's hero, Henry L. Stimson, presented the establishment case. "When we come to the important question of whether we shall submit to a major surgical operation we do not hold a popular referendum among our friends and count noses." No, we defer to "chosen experts" to whom we have "entrusted the determining factors of our fate." They are "extremely conservative in deciding to fight," Stimson assured readers in a statement that has aged poorly, rather like the putrescent corpse of a Dakota doughboy rotting in Belleau Wood.

The Perotian town hall is 200-proof populism. Its elevated view of The People recalls blind Senator Gore, who once said, "The voice of the people is the nearest approach to the voice of God." Perot told us that we were "the owners of the country," a locution alarming to our rulers, who regard folks west of the Hudson and the Beltway as halfwit Klansmen who can't be trusted to run our own schools or raise our own kids.

The people are now seen as a rude beast who must be taxed and disciplined and regimented and placated with mildly titillating TV shows. Their involvement in lawmaking would run afoul of the Constitution! scream our legion of Krocks, whose calm was unruffled when George Bush twice committed the impeachable offense of ordering U.S. troops into war without a formal congressional declaration. "Congress cannot be counted on to check the Administration in any war crisis." The National Council for the Prevention of War understood this six decades ago. Can anyone today seriously demur?

The most cogent criticism of the electronic town hall, made by the weekly *In These Times*, is that the bounds of debate could be set "by the corporate media and the leadership of the Democratic and Republican parties." The mind numbs and the eyelids droop at the thought of the free-wheeling iconoclasts John Chancellor, Tom Brokaw, Ron Brown, and William Bennett demarcating the limits of acceptable opinion. Which they do now, come to think of it.

The electronic town hall ought to be dedicated to major questions of policy that can be answered Yes or No: Shall the U.S. declare war on [fill in the enemy of the week]? Shall the personal income tax be raised/lowered by X percent? The public should hold a veto over war and tax questions; votes on other issues can be merely advisory.

Basic liberties must be placed beyond electoral negation, as Perot made clear. Congress must remain — or be restored to its position as — the premier law giving body. Of course it's folly to expose relatively minor issues (e.g. the legal drinking age) to nationwide popular vote, but isn't the greater folly permitting Uncle Sam any say at all in such matters?

If the Republic to which the Republicans insist we pledge allegiance still existed, there might be valid forceful objections to national referenda. As it is, plebiscites are a last ditch chance to keep our rulers from stealing our money and sending our kids off to kill and die in foreign wars. Letting the people speak — nice phrase, Mr Wallace — is a first step toward overturning the empire and restoring the republic. Don't let the Incumbent Party and its servile corporate press bury Ross' best idea. ❑

Arthur, "Bush Blows It," *continued from page 26*

years as governor fornicating with bimbos and networking with yuppies. He deserved his fate, just as America deserves its fate in the hands of Clinton.

The most remarkable thing about the election just past is that George Bush could have been re-elected, despite his bad luck and the array of forces against him, but he decided instead to shoot himself in the foot.

God bless the United States of America! ❑

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Election '92: sideshow

Behind the Electoral Disaster

by Chester Alan Arthur

Libertarians hoped for their biggest vote ever. They got their smallest.

On November 3, more than 100 million Americans went to the polls to cast their votes for president. About one out of every 350 of them chose to vote for the Libertarian Party nominee, Andre Marrou. That was about 35% fewer than voted for LP nominee Ron Paul in 1988, despite the fact that the total number of voters was up 10% and Marrou's name was on the ballot in all 50 states (Paul appeared on the ballots of only 46). Marrou's share of the total vote was down 47% from Paul's. And Marrou got only 30.5% of the non-major candidate vote, the lowest LP total since 1976. No longer is the LP the preferred means of protest for voters: its small lead in this category was the result of its being on the ballot in far more states than any other minor party.

New Record Low Votes for LP Presidential Nominees

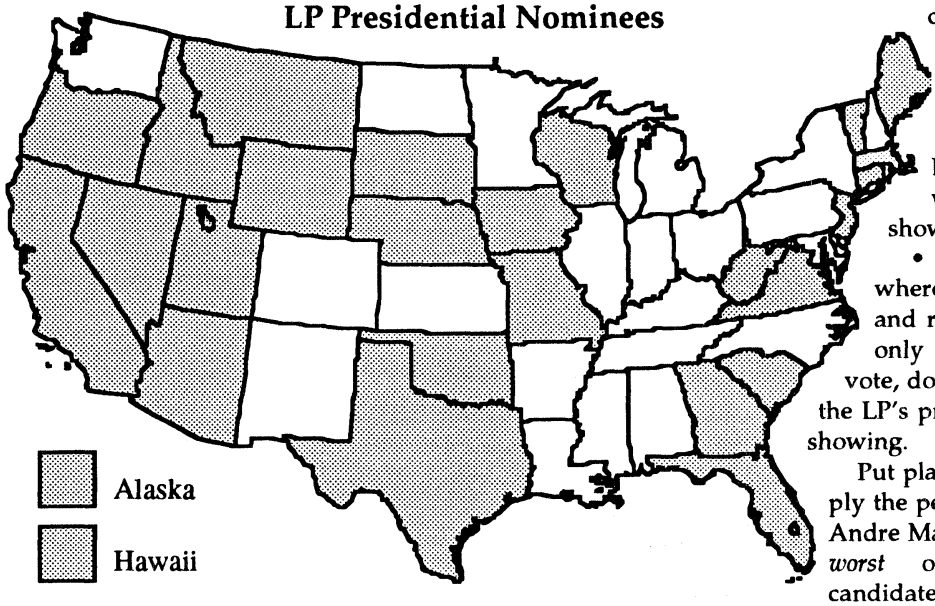

The best way to evaluate the relative performances of LP presidential nominees is to compare their vote totals in the 29 states in which their names have appeared on every ballot since 1976. The results are not encouraging:

1976	.35%
1980	1.21%
1984	.33%
1988	.49%
1992	.28%

Most amazing of all, in 30 of 50 states Marrou set a new record for the *lowest Libertarian Party vote total in history*. On this unhappy list appear all three of Marrou's "home" states:

- In Alaska, where the LP is traditionally strong and where Marrou served in the state legislature, he took a minuscule 0.55% of the vote, down 80% from the LP's previous worst showing.
- In Nevada, his current home, he captured 0.37% of the vote, down 63% from the LP's previous worst showing.
- In Texas, where he was born and reared, he got only 0.32% of the vote, down 43% from the LP's previous worst showing.

Put plainly and simply the performance of Andre Marrou was the *worst* of any LP candidate.

Marrou's dreadful performance caught just about all LP activists and leaders by surprise. Former Marrou campaign manager Michael Emerling kept a written record of vote predictions. Various campaign officials estimated between 600,000 and 1,500,000 votes. Emerling himself predicted 400,000. My prediction (made in the last issue of *Liberty*) of 300,000 was the only one anywhere near the final tally. On election day, Steve Givot, who had managed the campaign since April, thought Marrou would get more than 3,000,000 votes!

But I can appreciate the logic of those who thought Marrou would do better. After all, the LP was on the ballot in all 50 states, and had managed to do so at much lower

cost than before. The LP has grown tremendously during the past four years, both in membership and in financial resources. The LP purchased national television spots for the first time since its impressive showing in 1980, and Marrou had campaigned full time for more than a year, far longer than any previous candidate.

These were all genuine advantages. So how could Marrou get only 288,000 votes?

What went wrong?

The success or failure of a political campaign depends on three factors: the candidate, the management of the campaign, and the political climate. The most successful campaigns are the product of good management, an attractive, articulate candidate, and a public susceptible to the candidate's message or his charms. But the best candidate won't do well if his campaign is mismanaged or the public is hostile to his campaign. Nor can a well-run campaign save a bad candidate. And a bad candidate or a poorly-run campaign can seldom win, even in the best political climate.

Coming into the 1992 election, Libertarians had reason for optimism. In 1990, the LP had doubled its vote share in Congressional races, thanks to growing voter dissatisfaction with "politics as usual." As 1992 began, a weakening economy, an incoherent president and a bumbling and corrupt Congress had further alienated voters. Contestants for the Democratic Party's nomination competed in distancing themselves from Washington. An extreme-right winger challenged the incumbent Republican president and consistently captured 20% or more of the vote. But this was no victory for his far-right rantings: in states where his name was not on the ballot, "none-of-the-above" got a similar percentage of the vote.

Put plainly and simply the performance of Andre Marrou was the worst of any Libertarian Party candidate.

Furthermore, the LP was in very healthy condition. Its membership stood at 9,104, its highest in history. It was in good financial shape and had already achieved ballot status in 23 states.

So how did the LP do so badly? Even within the LP, spin doctors are at work. According to the most widely promulgated theory, the political climate was the problem. Sure, the public was alienated, angry and receptive to new ideas and new candidates. That was just the trouble, the spin-doctors argue. The public was so receptive to alternatives to politics as usual that a major, highly visible candidate put together his own campaign and stole votes away from Marrou.

This theory is nuts. Libertarians should remember that when conditions are right for third party or independent challenges, other candidates are *likely* to emerge. It has always amazed me that Libertarians always seem to plan their campaigns on the premise that theirs will be the only credible challenge to the Republicans and Democrats. True enough, in 1984 and 1988, when voter dissatisfaction was low, the LP mounted the only national challenge to the two-party oligopoly. But in 1980 and 1992, voter dissatisfaction was high. Other politicians — John Anderson and Ross Perot — perceived the opportunity for a successful challenge and jumped in, leaving Libertarians surprised, hurriedly returning to their drawing boards to revise their strategy.

It's not like Libertarians have a monopoly on independent challenges to the major parties. Libertarians must remember that the only time they are likely to have the field to themselves is when the political climate for independent challenges is lousy. Every LP campaign strategy should reflect this political reality. Libertarians must prepare to move to the forefront when voter dissatisfaction runs high, to grab the position of challenger for themselves. Or they must accept the fact that they will be back in the pack with the nut parties. But whining over the fact that someone other than they noticed voter dissatisfaction and jumped into the race is only an excuse for failure.

The emergence of Ross Perot certainly cut into the LP vote total. But with voter dissatisfaction so high, the emergence of a credible independent like Perot was inevitable, like souvenir vendors at a parade or hookers at a Republican convention.

And the failure of the Marrou campaign went well beyond the problems engendered by the emergence of Ross Perot. If the steep decline of the LP vote were solely the result of Perot sopping up independent votes, then we could expect other third parties' vote share to decline in the same way. But that didn't happen. The LP vote shrunk by 35%, the aggregate vote of other minor parties shrunk by only 22%. The LP share of the third party vote actually shrunk by more than 5%. (Oddly, the *LP News* headlined its election coverage with "LP Solidifies Standing As *The* Third Party.")

Plainly, we must look beyond the "Perot factor" to find the cause of the electoral disaster.

The Campaign

Getting your candidate's name on the ballot is the first major hurdle of any third party or independent campaign. The LP managed to get on the ballot in all 50 states, plus the District of Columbia. This it had achieved only once before, in the 1980 campaign, when vice presidental nominee David Koch anteed up over a million bucks to help finance the campaign. Even the competent 1988 campaign of Ron Paul failed to get on the ballot in four states. And the LP managed this feat at relatively low cost. Getting on the ballot is a major task, invariably beset with emergencies. LP Treasurer Bill Redpath, who ran the ballot access campaign deserves a medal for his efforts.

Another remarkably effective job was done by MeMe King, who arranged Marrou's media appearances. Marrou had appearances on radio talk shows all over the country, plus national exposure in both television (Larry King, MacNeil-Lehrer) and print (*People*, *USA Today*). Another

plus: the campaign raised a substantial amount of money, and put a record number of volunteers into the field.

I have an unscientific way to gauge of the effectiveness of an LP campaign: the number of times I see or hear something about the LP candidate in the news media. (I exclude sightings that I sought out after being told where to look; e.g. if a friend calls up and says, "There's an article about the LP in *People* magazine.) By this standard, the 1992 campaign was a major improvement over the campaigns of 1984 and 1988, though it lagged far behind the 1980 campaign. I made dozens of sightings in 1980, though I didn't keep count. In 1984 I kept count, but it wasn't much of a job: the final number was zero. Things weren't a lot better in 1988: in February, I saw Ron Paul on CNN's *Crossfire* while channel-surfing. But that was it. The final count for 1988 was one sighting. This year, the count was way up: a newspaper article on Marrou's victory in the primary in Dixville Notch, New Hampshire; a syndicated column on the Marrou campaign by William Safire; an interview with Marrou in *Backwoods Home* magazine; a short feature on Marrou in *USA Today*. Four sightings: three more than in 1988 and four more than in the invisible 1984 campaign.

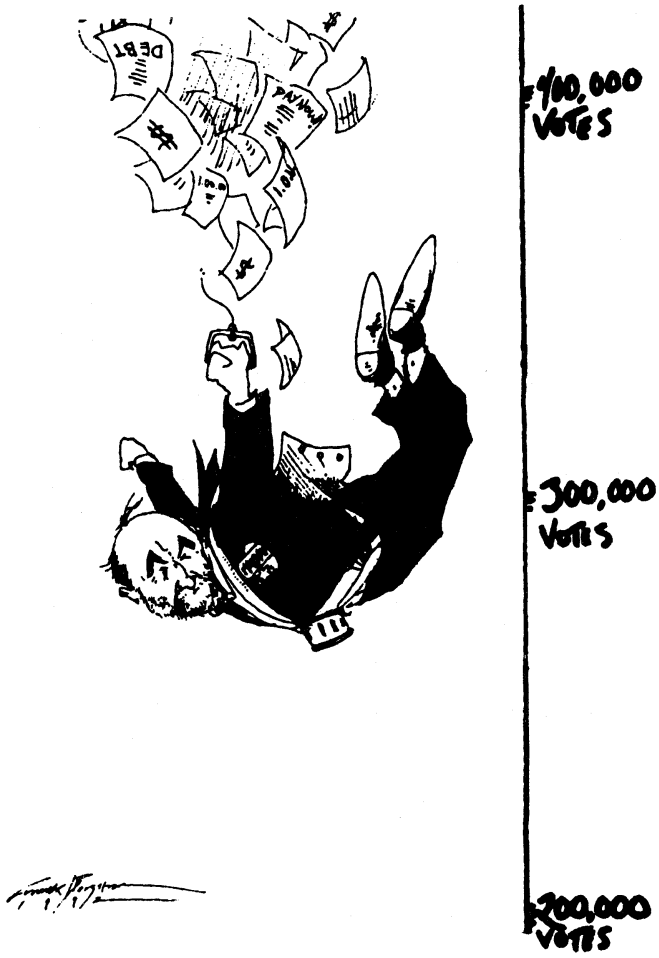

I only managed to see one television spot, and this was the result of an assiduous effort. I called Steve Givot, the Marrou campaign staffer in charge of television advertising, and got the schedule of Marrou ads on CNN Headline News for several days. I recorded several four-hour slots in which the ads were supposed to appear and reviewed the tapes, but never spotted an ad. I finally saw one at 2:05 a.m. elelction day; I had been told where and when to look.

The campaign could have done better with its television advertising. Determined not to make the mistake of ignoring television as the Ron Paul campaign had done, the LP and the Marrou-Lord campaign spent $136,000 on television advertising. Unfortunately, most of it was spent on spots on local and cable television, where the cost per advertisement is relatively low, but the cost per thousand viewers is relatively high. Only three ads were placed on over-the-air networks, all on the evening before the election.

An even bigger problem was the content of the ads. "The ads have no libertarian content whatsoever," explained Steve Givot, the LP executive in charge of television advertising. Ideological ads were rejected because many voters reacted negatively to them when they were tested. Rejecting an ad because many voters react negatively makes good sense for major political parties. After all, for them, winning the election is everything, and that usually means winning a majority of votes.

But Libertarians have no real prospects of capturing the presidency. For them, success is getting 1% of the vote; 2% would be hailed as a miracle. The task the LP faces is coming up with reasons to motivate people to vote for their candidate instead of one that might win. You can't get people to vote for you when you have no prospect of winning unless you give them a reason. After eliminating any expression of libertarian ideas, the ads could only suggest that people fed up with the Republicans and Democrats ought to vote for the LP. This is not a compelling argument.

The ads that ran election eve didn't even go that far. They merely condemned network coverage of past elections for failure to report Libertarian votes. They did not offer a single reason for anyone to vote for a Libertarian candidate.

But this is a small criticism. A political campaign is a substantial enterprise, decisions have to be made quickly, and mistakes are inevitable. Overall, the LP campaign was pretty well managed. But it operated with one major handicap.

The Candidate

There's not much doubt that Marrou was a bad candidate. He lacked the stature of Ron Paul, the financial resources of Roger MacBride, the support that Ed Clark had mustered. More importantly, he was far less articulate than any previous LP candidate. Listening to John Hospers or Roger MacBride or Ed Clark or David Bergland or Ron Paul talk about politics, you could visualize a freer, better future, and appreciate the breadth and vigor of libertarian ideas — you could see libertarianism as a revolutionary and important vision. Listening to Andre Marrou, you often got the idea that Libertarians are some sort of goofy

Illustration by Gunnar Bergstrom

right-wing nuts who favor drugs.

Marrou also presented problems on the campaign trail. There was the "woman problem." The trail of angry and bitter women in the wake of Marrou's campaign appearances didn't help build the party; often his abandoned conquests left the party, sometimes taking other activists with them. His proclivity for inappropriate jokes of a sexual nature also caused problems. One Marrou staffer suggested that there might be an inverse correlation between Marrou's appearances on radio talk shows (where his "humor" was often evident) and his vote totals.

Then there is "the character issue."

Although he had managed to keep it quiet, Marrou had been dodging bill-collectors for years. Along the way, he had engaged in what appear to be acts of petty fraud, and left personal debts for the campaign to pay.

Those on Marrou's campaign staff knew of his liabilities as a candidate even before his nomination, but felt that with their help he could overcome his handicaps. But as 1992 began, campaign staffers Perry Willis and Jim Lewis had begun to learn about his character problems, and were increasingly frustrated with his liabilities as a candidate. In February, Perry Willis telephoned LP Chair Mary Gingell to advise her of the problems with the campaign.

Things continued to get worse. In early April, Willis had had enough. He prepared a bill of particulars, in the form of a lengthy memo.

Addressed to "Libertarian VIPS — LIMITED CIRCULATION," the nine-page memo detailed the "Fraud, deceit, misrepresentation, and financial irresponsibility by Andre Marrou." It listed 55 specific instances of Marrou's problems, charging him with everything from outright fraud to gross waste of campaign money on personal expenses to a history of running out on debts to abusing campaign workers. Among the more amusing highlights:

The only time Libertarians are likely to have the field to themselves is when the political climate for independent challenges is lousy.

• Marrou had been divorced four times, not twice as he had always said.

• When Marrou moved to Alaska, he stopped making court-ordered child-support payments to his second wife.

• When Marrou rented his home to his campaign (he had moved to New York where he lived with his fiancee, LP Senate candidate Norma Segal), he had mentioned that he was behind two house payments. But he had failed to explain that he had failed to pay six monthly and two balloon payments, resulting in the campaign facing immediate foreclosure. He also failed to warn them that the phone and water were about to be cut off for failure to pay the bills. The campaign avoided the embarrassment of foreclosure by making a partial payment and negotiating an understanding with the note holder, and got the phone and water back by paying the outstanding bills ($375 for the phone, $15 for the water), plus hefty deposits. "Six months and two balloon payments behind is very different from two months behind," the memo noted. "Andre either lied to us or he is an air head. You decide. Our experience leads us to consider both theories equally plausible."

• Among the papers the staff had discovered in the house Marrou had rented to the campaign were unopened bank statements for Project 51-92, the political action committee he had formed to help the LP obtain ballot status in all 50 states.

• "Because of Andre's personal behavior, activists in four states (Arizona, New Hampshire, Michigan and Massachusetts) have asked that we not send Andre back to their state. When criticism from activists was reported to Marrou, "Andre's response is always, 'Libertarians are all assholes. Who are you going to believe — them or me?'"

• He repeatedly tried to arrange to have his fiancee travel with him at campaign expense, sometimes hectoring the staff into agreement. "Andre requested again and again that he and his fiancee be brought to Vegas for Christmas, at campaign expense. Perry protested that he had no use for Andre in Vegas during that period, let alone Norma [his fiancee at the time]. Andre persisted, and Perry finally gave in. The total cost was well over $1,000." He also took his fiancee with him at campaign expense on trips to Alaska and to Dixville Notch, New Hampshire, and to extend his stay there at the luxurious Balsam Hotel ($284 per night) beyond the length recommended by Michael Pearson, his Dixville Notch campaign manager.

• He frequently treated reporters in a foolish fashion, e.g. he "verbally assaulted" one, "engaged in a shouting match" with another. In New Hampshire, he was a half hour late for an interview because he didn't respond to staffers knocking at his hotel room door, though the staffers could hear him and his fiancee inside the room.

• Probably the most serious charge involved Project 51-92. Without telling other officers, he applied for and got a credit card in the name of the corporation, which he proceeded to use for personal expenses. He had made false statements on his credit card application.

Willis's memo was circulated to staffers MeMe King and Jim Lewis, former campaign manager Michael Emerling, and to LP vice presidential nominee Nancy Lord, with the idea that all would sign it and pass it on to the LP National Committee, scheduled to meet in a few days. All but Lord agreed to sign. Lord was reluctant to sign, fearful that she might appear to be trying to undermine Marrou and obtain the presidential nomination for herself. With the date for the meeting closing in, Emerling prepared his own bill of particulars, including 21 pages of documentary evidence, and sent copies by Federal Express to every member of the National Committee.

In a tense meeting, the Committee discussed the charges in Emerling's letter and questioned Marrou for seven hours. Although several of those present believed the evidence to be quite convincing, the committee ultimately decided against removing him from the ticket. NatCom members have told me two reasons for their decision. They were concerned about the legality of such a move, though the provision of the LP By-Laws allowing the National Committee to

remove a nominee for violation of the LP platform would seem to have justified his removal. NatCom members were also reluctant to embarrass the campaign, and concerned that such a controversy would reduce financial support from members.

It was plain, however, that Marrou could no longer work with his staff or competently manage his campaign himself. The NatCom took control of the Marrou campaign, dispatched an LP employee to Las Vegas to bring all campaign records back to Washington where they could be sorted out, set up a special fundraising effort to provide Marrou with money to pay his debts, and glossed over the whole problem in an article in the *LPNews*.

Whether this was a purdent decision remains a subject of debate, but many in the LP have doubts about the wisdom of the cover-up. Removing a presidential nominee for financial improprieties may have obtained substantial and favorable publicity, the sort of media "breakthrough" that the LP has fantasized about.

Under the direction of Steve Givot, Steve Alexander, and Steve Dasbach (henceforth known as "the Steves"), things didn't get a whole lot better. By June, Givot, who had emerged as *de facto* campaign manager, was writing a nasty letter to Marrou, with copies to other campaign staffers. "If I wanted to design a scenario in which a campaign would really get fucked up, it would be a candidate who is totally irresponsible. It is my assessment that this is precisely what is happening with this campaign." He proceeded to support this charge by taking Marrou to task for some of the same problems that Willis and Emerling had observed earlier. "FACT: When we spoke about the need to phone in daily, I explained that it was necessary so that we could start putting out regular news releases . . . . You were, quite reasonably, insistent that nothing be sent out prior to your knowing about it . . . . Well, sir, we have failed to send any news releases for the last week because you didn't do your part — a simple fucking phone call. I guess you were too busy getting laid to make a quick call!" Givot cited ten more such "FACTs," before concluding by telling his candidate, "It is time for you to start acting like a professional politician, not like a fifteen-year-old who expects the world to cater to him and who accepts no responsibility for his state of affairs . . . . If you find [this] embarrassing, great! You should be embarrassed by your recent behavior."

On October 27, Givot circulated a mock press release on Marrou-Lord stationary, quoting Marrou confessing to a range of problems: "I dumped my fiancee for a tryst with someone I had known less than 48 hours, I bitch about getting media scheduled, then cancel media appearances at the last minute for arbitrary reasons without contacting my campaign staff. I bitch about press releases being sent without me seeing them, but I never call the person issuing them so there is no fucking way the poor soul can get an approval. I have more rules governing my availability than the FAA puts on airline pilots. I require the campaign to spend thousands to satisfy my prurient sexual whims . . . "

And so the campaign bumped and sputtered along. When it was over, a collective sigh of relief went up from his staff. A week before the election, when *People* magazine reported that Marrou was "retiring from politics," the reaction among LP leaders was celebratory. "We have it in writing," one told me, "he has promised never to run again." There was also a lot of guffawing at his stated reason for his retirement: running for office "cost me nearly a million dollars in lost income." When Marrou reiterated his retirement announcement at an election-night gathering, *de facto* campaign manager Steve Givot left the party for a few minutes. He later explained that he had gone to the men's room where he could shout with glee and jump up and down in celebration.

How had it happened? In defense of those involved, Marrou brought some strengths to the campaign. When he was properly briefed, he responded pretty well to reporters' questions, especially on television. He was also a very effective lobbyist for easier ballot access laws. And those around him suffered from wishful thinking. As Perry Willis put it, "I was guilty and so were NatCom and Michael Emerling of overlooking his character problems and of wishful thinking — hoping we could work around his personal quirks that were hurting the campaign."

"Well, sir, we have failed to send any news releases for the last week because you didn't do your part — a simple phone call. I guess you were too busy getting laid to make a quick call!"

How many votes would a better candidate have received? One LP leader told me that he figured the total would have run about 500,000. When I expressed surprise at the figure, he added that he meant that Marrou would have drawn 500,000 votes if it weren't for "the character issue," and that he didn't have a good idea of how much higher the total would have been if the LP had nominated an attractive, articulate candidate. A former Marrou staffer told me he figured that an LP candidate other than Marrou would have pulled 1,200,000 votes. He based this estimate on an extrapolation of votes cast for LP Senate candidates. I haven't seen his data, but it appears he ignored the Perot factor, so I think it safe to say that he over-estimated the damage Marrou did to his own campaign. Another party leader told me that although Marrou was a terrible candidate, no other candidate would have done any better, thanks to the Perot factor.

My own best guess is that, given the growth of the LP, the Perot candidacy, and the climate of voter opinion, a candidate without Marrou's drawbacks would have drawn somewhere in the range of 600,000 votes.

A Silver Lining?

The news was not nearly so bad elsewhere for Libertarians. Over a million people voted for an LP Senate candidate, in the 20 states where the LP fielded one. On average, the Senate candidates received 5.05 times the vote of Marrou. The LP received 1.95% of the vote in those races. In Georgia, LP candidate James Hudson got 3% of the vote, enough to force a runoff between the other two candidates. Hudson endorsed the second-place finisher, Republican

Paul Coverdell, as did the Republican Liberty Caucus. Coverdell accepted the endorsement of the libertarians, an act that earned him an attack from Democrat Wyche Fowler. Coverdell went on to win the runoff on Nov 24.

Similarly, I am told, LP candidates did quite well running for lower offices. Voters elected four LP members to the New Hampshire legislature, though three of these also ran on the Republican ticket and the fourth also on the Democratic ticket. And the LP achieved ballot status in 18 states, more than it ever had at this point in the electoral cycle.

The relative success of LP candidates lower on the ballot is not surprising. There is almost always an inverted pyramid in the LP election returns: the higher the office, the lower the vote. Last year, I mentioned to Dick Boddie that I expected he would certainly get more California votes in his Senate race than would Andre Marrou in his Presidential bid. He repeated the story to LP founder David Nolan, who offered to bet me $100 that Marrou would outpoll Boddie in California. This would be a sucker bet: in 1984, LP Senate candidates outpolled the relatively weak LP presidential nominee (David Bergland) by an average of 82%; in 1988, LP Senate challengers topped a stronger LP presidential nominee (Ron Paul) by an average of 40%. Of the 27 cases where the LP had both senate and presidential candidates on the ballot in 1984 and 1988, the presidential nominee received more votes in only four cases. In an unusual fit of mercy, I declined Nolan's bet. As it turned out, Boddie got almost as many votes in California as Marrou got in the entire country.

Does the relatively strong showing of LP Senate candidates demonstrate an underlying LP strength? Or does it reflect the paucity of other alternatives to major party candidates in a year when voter dissatisfaction with Congress was at its highest ever? My own guess is that it is mostly the latter, and when the voters get over their anger toward incumbents, LP vote totals will soften considerably.

The LP advances human liberty even when it loses elections. It has helped to change the political dialogue in this country.

The trend of higher LP votes as a result of voter hostility toward politics-as-usual was very evident in 1990, when LP candidates for Congress on average doubled their vote from 1988. A careful examination of the 1990 election revealed that the increase in LP vote totals occurred without any correlation to LP campaign efforts. In numerous cases, candidates saw their votes double or triple despite the fact that they didn't bother to campaign at all.

Even in states where libertarian opinion seems strongest, the LP did very poorly. Colorado, where voters enacted term limits in 1990 and the toughest limits on taxes ever enacted in this country, the LP presidential vote fell by more than 60%.

The 1992 ballot proposals provide some fascinating data. There is a clear libertarian position on 25 of the 27 ballot proposals reported by the New York *Times*. Of these 25 proposals, voters agreed with the usual libertarian position 23 times. Fourteen of the 25 proposals were for term limits, a very popular notion in this anti-incumbent year. But even if you eliminate those from consideration, voters agreed with the libertarian position on 9 of 11 issues.

So it is plain voters are amenable to libertarian policy. Yet the Libertarian Party could muster only 0.28% of the presidential vote and 2% of Senatorial vote. This strongly suggests that the political entrepreneurial skills of those active in the LP are not very well developed. The plain fact is that no one in the LP has figured out how to turn libertaran sentiments into Libertarian Party votes. It's time to consider the question: is the LP the best way to pursue libertarian goals in the electoral process?

Abandon the LP?

In 1988, when I interviewed various Libertarian Party activists and leaders during the first hours and days after the election, virtually everyone was very discouraged. How, they wanted to know, could we do all this work and spend all this money and still only get 432,000 votes? They were discouraged, depressed and angry.

My reaction was different. I considered Ron Paul's 432,000 votes an impressive accomplishment. It was the LP's second-best total, and its second-best performance as a percentage of votes cast. Paul had improved the performance of 1984 nominee David Bergland by 90%. The LP had demonstrated that it was the vehicle of choice for protest voters, obtaining 48% of all the non-major candidate votes.

But all that has changed. The sharp decline in LP votes for president has conclusively demonstrated that the proposition that the LP is on the verge of becoming a major political force is just plain false. When the LP came from nowhere to get 171,000 votes in 1976, the notion that the LP was the party of the future seemed credible. When its vote total shot up to 920,000 in 1980, the day when the LP would one day challenge the Republicans and Democrats seemed almost at hand. The 1984 collapse to 227,000 votes was a step backward, but it was generally dismissed as the result of the horrible internal split in the LP at its nominating convention in 1983. The LP was back on the growth track in 1988.

But with the pathetic showing of the LP ticket in 1992, it is plain for all to see that the LP is not on the way to becoming a major force in electoral politics, let alone on the path to victory. It is increasingly plain that the LP has become a sideshow in the American political circus — a sideshow worth visiting, perhaps, worth a feature in *USA Today* or *People* magazine, but not an important factor in any sense of the term.

Not surprisingly, libertarians active in the Republican Party are renewing their call for LP members to join them in their efforts. There certainly are reasons for libertarians to involve themselves with the Republican Party. For one thing, the Republicans are generally open to libertarian ideas. For another, the Republicans are always looking for intellectual leadership. Perhaps most importantly, the Republicans are under siege from a lunatic group of evangelical Christians

establishing His Kingdom on Earth.* There is a genuine danger that the nut evangelical right will capture the Republican Party, transforming it from a party sometimes supportive of libertarian notions to one that practically always opposes liberty. Libertarians could play an important role in defending the pro-market, pro-individual liberty, pro-choice position within the Republican Party. And in the process, they could achieve considerable influence, and win a few elections along the way. In the election just past, three former Libertarian Party activists were elected to state legislatures as Republicans (Duncan Scott in New Mexico, Greg Kaza in Michigan, and Penn Pfiffner in Colorado), in addition to the three LP members elected to the New Hampshire legislature while running on both the Republican and Libertarian tickets. Indeed, it seems to me that those LP activists who have their sights set on electoral victory would do well to join the Republican Party. In some localities, they have won victories on the ballot or in court that saved taxpayers enormous amounts of money.

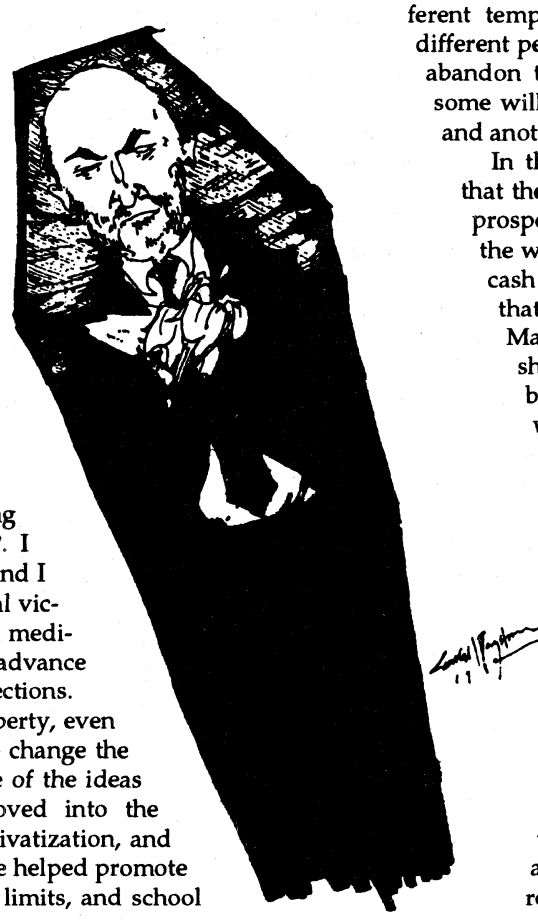

But I am not convinced that winning elections is the *raison d'être* of the LP. I have been active in the LP since 1972, and I have never been convinced that electoral victory is a possibility in the short or even medium term. The purpose of the LP is to advance human liberty, not necessarily to win elections.

And the LP does advance human liberty, even when it loses elections. It has helped to change the political dialogue in this country. Some of the ideas Libertarians have advanced have moved into the mainstream: ideas like deregulation, privatization, and drug legalization. And Libertarians have helped promote such ideas as term limits, tax cuts and limits, and school choice.

Furthermore, LP campaigns help introduce libertarian ideas into the marketplace. For all the intellectualness of the libertarian movement, LP campaigns are one of the most effective ways of spreading libertarian ideas. This is not surprising: electoral campaigns are virtually the only circumstance under which most Americans are interested in politics — at other times, talking politics is generally considered to be in questionable taste.

Plainly, the time has come for Libertarians to abandon the notion that the LP is about to challenge the domination of Republicans and Democrats. Can Libertarians be happy realizing that victory is not in their grasp? Can we be satisfied with helping to change the direction of the American political dialogue while spreading libertarian ideas?

So I know that *I* am satisfied with a party whose influence is peripheral. But that's not news. I have never been convinced that the LP was about to be a major force. The intellectual tide has gone against liberty for decades, and I don't think it is about to change directions very quickly. But I remain convinced that the LP has a critical role to play in this important struggle.

But I don't know what answer other Libertarians will have to these questions. Different people have different temperaments, different interests, and different perceptions. I suspect that many will abandon the LP for other parties, and that some will begin to be active in both the LP and another party.

In the meantime, it seems safe to say that the LP will survive, if not necessarily prosper. Its membership is growing, and the willingness of its members to give it cash is growing even faster. I suspect that the terrible showing of Andre Marrou and the relatively strong showing of candidates lower on the ballot will touch off a movement within the LP to abandon the presidential race in 1996 to concentrate on races lower on the ticket.

But I doubt such a movement will succeed. For one thing, the party professionals are all convinced that the presidential race is a powerful way to raise funds (and pay their salaries). For another, dropping out of the presidential race will signal a retreat. More importantly, no party can credibly aspire to national leadership without running a presidential candidate. It is also relevant that, in terms of cost per voter reached, the cheapest way to advertise on television is to buy time on the major, over-the-air networks, and the presidency is the only national political race for which such national advertising is relevant.

And we should remember, a well-managed, well-financed presidential campaign can provide coat-tails to those lower on the ticket, as happened in 1980, when presidential nominee Ed Clark outpolled 12 of the 15 LP senatorial candidates. He did so despite the fact that he faced the competition of John Anderson, a major independent candidate.

As an institution, the Libertarian Party is vibrant and healthy. As a political party, it is nearly comatose. For Libertarians to become a genuine political force, we must develop our political entrepreneurial skills. We must identify a candidate of the quality of Ed Clark, develop the means of financing a serious race in 1996, and develop a management team that won't repeat the mistakes of the past.

It's a very tough order. ❑

* I do not mean to suggest that evangelical Christians are all lunatics or even that most evangelicals involved in the Republican Party are lunatics. I refer to those who want the Republican Party to have an explicitly "Christian" agenda. Some of my best friends are evangelical Christians, as the saying goes.)

Illustration by Gunnar Bergstrom

Revolution Betrayed

by Ronald F. Lipp

Something has gone seriously wrong in eastern Europe's transition from the privation of socialism to the prosperity of free markets.

The third anniversary of the revolution of '89 has passed, a minor footnote to the daily news of inaugural plans, stock market gyrations, and Super Bowl previews. The throngs in Wenceslas Square, the fall of the Berlin Wall, and the bloodshed of Bucharest and Timisoara recede from the mind. Revisionists in both the United States and Russia are busy weaving their theories that American anti-Soviet resistance retarded, rather than advanced, the capitulation of the Soviet regime. And yes, the nuclear freezers are constructing a theory giving themselves credit for communism's collapse.

Meanwhile, central Europe staggers through its reforms. Government subsidies stave off the constant threat of massive bankruptcies, while privatization of state factories proceeds at a snail's pace. Farther east and south, things are worse. The coup of August 1991, which gave Gorbachev his due reward and offered evidence that there is sometimes justice in the world, is obscured in an endless succession of plots and intrigues as Russia continues its humiliating descent from heartland of the Evil Empire to belligerent international beggar.

In a broad arc from the Carpathian Mountains to the Caspian Sea, real or incipient bloodshed is a palpable reality. The carnage of Serbs against Slovenians, Croatians, Bosnians, is only the most appalling and unspeakable case. In Armenia, Azerbaijan, Nagorno-Karabahk, Moldova, Ossetia, Georgia, Transylvania, Ruthenia and elsewhere ethnic violence has already claimed thousands of lives and the potential for uncontrollable warfare is an omnipresent reality.

Something has gone seriously amiss in the transition from totalitarianism and privation to freedom, free markets and prosperity. The heady expectations of three years ago have taken on a sour taste; the movement to reconnect the east bloc satellites with the west is sputtering; the hope of exporting western values to former Soviet states is in jeopardy. The time of counter-revolution and Jacobinism is everywhere. The future course of these societies hangs in the balance. At this historic moment, the west has lost its will and, perhaps, its capacity to play its crucial part.

• • •

In the flush of revolution, everyman loved free markets and knew just what they meant. An endless cornucopia of fresh fruit, computers, and BMWs. Rich uncle coming from America or Germany, throwing bags of money at every would-be entrepreneur. No pain, all gain. And the new politicians assured him it was so.

And it has been so, for a few people in a few places, Poland, the Czech Republic, and Hungary. There is a new vigor in Warsaw. The deadly, Stalinesque Palace of Culture, which looms over the city like a mausoleum now bustles with business. The sweaty part of capitalism — the flea market stalls that popped up in 1990 like mushrooms after the first rain are now permanent structures filled with real goods that real people want to buy. The "uptown" shops are full of western merchandise and people are buying.

Prague and Budapest too are undergoing transformation. Prague, in particular, is emerging as one of the great tourist centers of Europe. New shops are opening, hotels are rising, restorations of long neglected treasures of baroque and Jugenstihl architecture are underway everywhere. The Czechs, having totally nationalized their economy in 1948, are proceeding with a massive reprivatization, restoring property wherever possible to its original owners (or their heirs), conducting private and public sales where

it is not. They are engaged in what may be the largest per capita denationalization of property in the world's history.

For the rest — Slovakia, Romania, Bulgaria, Albania, the broken pieces of Yugoslovia, and everywhere further east — the good fortunes have been few and made at great peril or in ways that won't bear close examination in the light of day.

And everywhere there has been a price. Warfare and chaos in the worst cases. Spiraling inflation, undreamed of unemployment, and massive bankruptcies in the Lucky Three. Worst in Poland because it has moved most rapidly. Worse to come in Czechoslovakia and Hungary.

And the money has dried up. Rich uncle stayed home. He put his money in mutual funds or lost it in the S&L crisis or invested it in the family business in Dresden. And when he did come, he had a lot of questions to ask about return on investment, repatriation of profits and other unpleasant and confusing issues. To be sure, there has been some investment, but since the revolution of 1989 the West Germans have put more new money into the East German lands in a single year than the total infusion of investment from all sources into all other central and eastern European countries combined for the entire three-year period.

The political and economic transformations have been both painful and chaotic. The pain inflicted in the transformations has exacerbated insecurity about the even greater changes to come. It also has strengthened the seductive lures of the resurgent communist, who whispers in the public ear, "You were better off in the good old days when everyone knew where he stood." The democratic reformers who led the exodus from communism have suffered serious erosion of their moral authority and popular support. And this deterioration has been accompanied by the divergence of opinions and fragmentation of political parties which is natural to any emerging order. The price paid has been a heavy one.

In Poland, the Solidarity movement split within months after putting its first government in place (led by Prime Minister Mazowieski) and soon lost its mandate to lead. With the collapse of the Polish reform movement, the country has seen three fragmented and unstable governments in quick succession. Solidarity demonstrators now chant, "He isn't one of us anymore." They refer to President Lech Walesa.

In Czechoslovakia's parliamentary election in June 1992, candidates of the successor party to Civic Forum failed to win a single seat; its counterpart in Slovakia — Public Against Violence — has virtually disappeared.

In Romania, the former Communists of Ion Iliescu came in first in the October 1992 parliamentary elections, but struggled to form a government. In a move typical of the irony of eastern politics, they consider exiled ex-Prince Dimitrie Sturdza as a possible premier. The same result emerged from the concurrent elections in Lithuania, where the communists heavily outpolled the Saujudist movement. Only a year ago, the Saujudists, led by Vytautis Landsbergis, spearheaded the successful struggle for independence from the USSR. Today inflation is rampant, economic performance is plummeting, and fuel is short as winter approaches. In Russia and the Ukraine, economic reforms are compromised as a ransom to threatening reactionary movements. In Georgia, Tadzhikistan, and elsewhere, "strongman" authoritarianism has seemed at times on the verge of taking over, and it very well may yet in Russia.

In the flush of revolution, Everyman loved free markets and knew just what they meant. An endless cornucopia of fresh fruit, computers, and BMWs.

In country after country, a struggle is underway between democratic movements on the one hand and resurgent communists or their fascist successors on the other.

As in the past, central and eastern Europe is a seething cauldron of ethnic and national rivalries. As these emerging nations yoke up their agendas of unresolved conflict, the current environment of economic and political instability is the perfect medium for development of violence. The multiple conflicts in devolving Yugoslavia, the fighting in Moldova, across the Caucasus, and elsewhere is well known. The potential for enlargement of this conflict is enormous.

Almost without exception, these conflicts are not limited to local political or ethnic clashes, but reach across and destabilize the borders of adjacent countries; creating the potential for real regional conflict. Moreover, they occur in regions where major powers have an interest and thus involve the relations among those powers. The conflict between the Yugoslav republics has already strained relations between Germany and its European allies. As the bloodshed spreads across the Balkans, it increases the risk of conflict along the borders with Hungary, Romania, Albania, Greece and Turkey, arouses the passions of related ethnic populations in those countries, and indirectly affects the EC and NATO through their general concerns for European stability and their specific relations with the Greeks and the Turks.

And for the first time, disturbances have resulted in the call for Russian troops to be sent outside the country to quell an ethnic conflict in a neighboring country. Against the backdrop of historic incursions into satellite countries and Afghanistan, and coming at a time of growing nationalist fervor in Russia, the long-term implications of this development are ominous.

Nowhere is the issue more clearly focused or immediate than in Czechoslovakia. The events of '89 had a special quality there, captured in the phrase "the velvet revolution." It was represented in the mind's eye by the peaceful throng of a half million crowding Wenceslas Square in Prague demanding freedom by their presence, and personified by the whimsical playwright, Vaclav Havel and the Civic Forum movement. It lacked the steadfast bravery and endurance of the decade-long Polish revolt (to which all these revolutions owe a great debt), the strategic importance of German reunification, the horrific brutality of Romania, and the high drama of collapse in the USSR. But it brought something else potentially more important than any of them.

Czechoslovakia was a special, al-

most unreal, place from the first, like a fragile crystal. It was created in 1918 by unification of two closely related nationalities of the Hapsburg empire, the Czechs and the Slovaks, and survived a scant twenty years until its sacrifice to Nazi aggression and western cowardice in 1938. But that fleeting moment was, at least on the Czech side, a kind of golden age. Centered in one of Europe's most beautiful capitals and proud of its vibrant bourgeois culture, it was the sole country in central or eastern Europe to preserve democracy and reject fascism during the turbulent '20s and '30s. It was able to do so in part because of the ideal of humane democracy exemplified by its founding father, Tomas Masaryk.

Of leaders, there presently are none. John Major is no Margaret Thatcher, and Francois Mitterand is hardly even himself. Bill Clinton may, indeed, be George Bush . . . but what could be more depressing?

The Velvet Revolution hoped to preserve that humane spirit. Its founding father and national hero, Havel, espouses that ideal; the leader of its national government, Vaclav Klaus, is an avowed disciple of the libertarian economic philosophy of Milton Friedman. None of the former Soviet countries appears more dedicated to creating a genuine free market founded on principles of real private property rights. And by virtue of its geographic position, none seems better positioned to serve as a bridge between east and west.

Yet the country is poised to begin a divorce of Czechs from Slovaks at the beginning of 1993. That event will mark the first break-up of an emerging European country. And it will occur despite consistent polls showing decisive majorities of both Czechs and Slovaks to be opposed to the break-up.

The dissolution of Czechoslovakia will occur in part because of long-standing conflicts between the two sides and in part because of serious blunders by both Czech and Slovak politicians. The Slovaks feel oppressed by the Czechs, despite (and perhaps because of) substantial subsidies from them and are hobbled by a relatively primitive economy, heavily dominated by agriculture and Soviet-era military and industrial factories. Slovak unemployment is four times the Czechs' rate. Czech plans for rapid privatization, promotion of free markets, and abandonment of communist social welfare institutions are viewed ominously by the Slovaks. Slovakia's distress is the inevitable product of conditions there and, in some degree a result of Czech heavy-handedness. But the Slovak reaction is also a consequence of the nearly complete lack of western involvement in development of the Slovak economy, disinterest in providing technical assistance to the Slovaks, and the absence of western moral support for development of free markets and individual rights in central Europe.

As a result of these factors, moderate democratic and pro-free market politicians, including the Slovak branch of Civic Forum, were swept aside in 1991 by a succession of increasingly nationalist and authoritarian politicians who have pandered shamelessly to Slovak fears and resentment. Of late, Slovaks have shown every sign of hesitating at the brink of divorce; in fact, a bill providing for its terms failed in its first presentation to the federal parliament in October. But the Czechs, attentive to the benefits of ending Slovak subsidies and the Slovak drag on the Czech's own reforms, now seem determined to separate.

Disengaged from the democratic and capitalist influence of the Czechs and isolated from the west, the new Slovakia is poised to become the first central European country to revert to socialism, nationalism, and authoritarian rule. Slovak leaders have increasingly endorsed a socialist welfare program, are substantially gutting freedom of the press, and are eroding other individual liberties.

In keeping with a time-honored tradition, they also are applying considerable energy to abusing their Hungarian ethnic population. Slovakia is a country of 5.5 million, with a Hungarian minority of nearly 700,000, concentrated in the southern portion of the country, near the Danube River. On the far shore lies Hungary itself, with its own Slovak minority of more than 100,000. Tensions are already high, thanks to ethnic discrimination, and are further inflamed by a festering dispute over Slovak determination to dam and divert a stretch of the Danube to supply Slovak electric needs. There are some in Czechoslovakia who fear war between the countries. That seems unlikely, particularly in view of Hungary's dependence on western business and its aspiration to membership in the EC. But the potential for terrorism and insurrection is undeniable. The parallel to Northern Ireland is striking.

The response by the west to the reemergence and travails of the new European states has deteriorated into impotence and, at least in the United States, virtual amnesia. This regression has several roots. The most important anti-communist, pro-free market political leaders have left the scene, replaced by more insular, disinterested successors. Political scandals, national elections, and gathering economic crises have heightened the local preoccupations and national introspection.

In the United States, the recession constrained government financial commitments and further inhibited already timorous businesses from undertaking new overseas investments. One might have expected the first Presidential election since the collapse of Soviet hegemony to have confronted the issue of the role of the "sole remaining superpower" and the shape of the "new world order." Instead, public distress over President Bush's apparent indifference to domestic problems, coupled with the xenophobic protectionism of Clinton and Perot, trashed any possibility of real debate over policy toward the ex-Soviet bloc. President Bush's one election campaign nod to eastern European concerns — a proposal to establish an enterprise fund for the Baltic nations, to be underwritten with a $45 million contribution over three years — was an embarrassment of half-hearted tokenism.

The western European nations have shown no greater steadfastness. Germany is reeling from the disastrous economic consequences of Chancellor Kohl's election tactic of redeeming Ostmarks at a rate of 1:1, the political

repercussions of the Bundesbank's curmudgeonly determination to quench the inflationary consequences through monetary policy, and the rising neo-Nazi violence against Gypsies and other foreigners sweeping the eastern districts of the country. In Germany, there always lies just below the surface the tension between arrogance and guilt, between hatred of the other and hatred of one's self. Stalinism and Nazism speak to the same heart, especially in the east. It is difficult to recall that barely a year ago public commentators dreamt of a mature, self-confident Germany donning the mantle of leadership of a united Europe.

The real dystopia is in the Western world. We are self-absorbed, fixated on the near term and preoccupied with the superficial. And it isn't just that hard times limit the money for aid or investments.

What united Europe? Remember Maastricht? EC '92? The European Community is confronted with the collapse of Maastricht, the realization by the Eurocrats that EC '92 will not fulfill their dream of establishing a unified statist regime across the continent, and continuing crisis in trade negotiations with the United States. Full membership by Czechoslovakia, Hungary, and Poland is now said to be 10 to 15 years off, EC countries are undergoing serious second thoughts about allowing free movement of eastern and southern Europeans across their territory, and the EC appears committed to maintaining high barriers against entry of products like Polish produce and Slovak steel which might cost votes of French farmers and Belgian factory workers.

And of leaders, there presently are none. John Major is no Margaret Thatcher, and Francois Mitterand is hardly even himself. Bill Clinton may, indeed, be George Bush . . . but what could be more depressing? With the passing of the Cold Warriors, the unifying theme is gone. With the passing of the '80s, the welfare state remains fundamentally in place and as destructive to the human spirit as ever and the spirit of free market reform has largely petered out.

Nowhere is the collective impotence and amnesia more compelling and appalling than in the disintegration of Yugoslavia and, especially, the case of Bosnia. In a stroke, the lie is put to hope for peace in post-Cold War Europe and genocide is reintroduced to the continent. Quite aside from the political and military implications for a united Europe or a new world order, not even the plight of massive suffering of innocents in the European neighborhood is given serious attention. While nations and societies of do-gooders roundly condemn Germany for stanching the flow into it of 50,000 refugees a month from across eastern and southern Europe, their own policies are quite another matter. Of 8,000 Bosnian survivors of torture and starvation in the Serbian prison camps, some 6,000 remained in detention as winter approached for lack of host countries to accept them as refugees. Norway agreed to take 92 families, the United States 300, and so forth.

So we have come to dystopia. Throughout the newly emerging central and eastern European world, the movement from communism to free markets and individual rights is in distress, broken down, or — even in the most successful of these countries — in a time of great testing. But the real dystopia is in the western world. We are self-absorbed, fixated on the near term and preoccupied with the superficial. And it isn't just that hard times limit the money for aid or investments. The real need in these countries is even greater for intellectual support and moral sustenance. Neither the Germans nor the Japanese, for all their economic achievements, have the social character or civic philosophy to fill the need. There is only one place to get it: the original source, the home of those 18th century farmers who did it the first time. I wonder if we still have the capacity to do it or to understand as libertarians, for our own quite selfish purposes, why we should try. ❑

For Those Serious About Libertarian Politics!

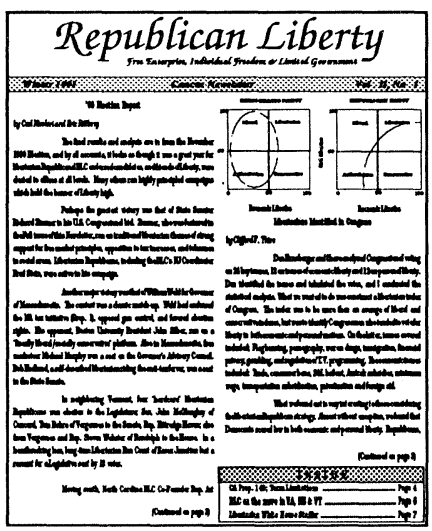
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Warning

In Freedom's Way

by James Ostrowski

Government grows inexorably; rollbacks of power are rare. Libertarians need to recognize the structural reasons why. Not that it will help much.

In 1960, the libertarian movement did not exist. The word *libertarian* was not in people's vocabulary. In the past three decades, that situation has changed. Libertarianism's currency is such that E. J. Dionne's highly influential book, *Why Americans Hate Politics,* treats libertarianism as a major force. Plainly, the influence of libertarian ideas — aimed at reducing government power — has grown tremendously. Which is curious, since a tremendous growth in government power over our lives has occurred during the same time.

Why does government continue to expand at the same time that libertarian ideas are becoming better known, more popular and more respectable? The answer to that question lies in certain structural features of our political life which are largely independent of the climate of ideas.

Structural Obstacles to Change

1. *Rational apathy*. The average citizen has no incentive to acquire an intricate knowledge of the superiority of the market over government. This phenomenon is called "rational ignorance." Furthermore, even those who have such knowledge have little economic incentive to engage in political action based on it because the costs of such action far outweigh any likely benefit received. This can be called rational apathy.

Rational apathy explains why special interest legislation is routinely enacted. Even though average citizens are continually nickeled and dimed to death by government policies that favor special interests, they have no economic incentive to do anything about it because the costs of taking successful action far outweigh the benefits. A person paying fifty dollars a year extra because of the sugar quota might spend a lifetime fighting to repeal the quota and still fail, and even if he succeeds, he gains only $50 per year. But the incentive structure of special interests is quite different. When Michigan sugar beet farmers successfully lobby for sugar quotas, each farmer's income is increased by thousands or tens of thousands of dollars each year. Thus they can afford to expend substantial resources on lobbying and still come out well ahead.

2. *Government-induced poverty*. As Ludwig von Mises argued, each government intervention into the market causes problems that make further intervention seem necessary and wise. That is, *government creates its own demand.* For example, occupational licensure of attorneys forces the price of legal services up out of reach of many people. Government then creates programs to supply the poor with legal services and forces attorneys to provide free legal services.

The general effect of all government action (beyond the minimal state) is to make people less wealthy than they would be otherwise. Less wealthy people then become the major constituency for government programs designed to supply them with some of the goods and services they cannot afford because the government has made them poor. Rational ignorance and rational apathy explain how people can be manipulated in this way. By continually impoverishing people through government growth, government continually expands the constituency for further government growth.

Government, for example, has impoverished large numbers of working

class people who are thus unable to afford medical care; and, it has also enacted regulations that have raised the cost of medical care to the point where it is out of the reach of a large portion of the population. Is it any surprise that popular support for socialized medicine is at an all time high? Is it any surprise that a public unschooled in economic theory and which knows only the choice between no health care and socially-provided health care favors the latter?

Government-induced poverty not only strengthens leftist calls for greater welfare spending, but also rightist calls for greater social controls. As Hans-Hermann Hoppe has argued, government causes poverty; poverty increases time preference, or the rate at which an individual prefers to consume goods now rather than later; increased time preference leads to actions that bring immediate satisfaction at the expense of long-term welfare, such as drug use, promiscuous sex (leading to illegitimate births), crime, and gambling. Welfare programs in turn encourage still more self-destructive behavior by softening the negative consequences. Increases in these behaviors in turn lead to conservative calls for more and tougher social control of these actions, usually by criminal law. Social controls such as drug laws, by creating destructive black markets, cause further poverty and stimulate even stronger support for welfare spending.

It is the very growth of the libertarian movement that will likely keep government from growing so fast that it destroys the market and society, forcing libertarian change.

To make matters worse, poverty and social decay at home encourage the state to intervene militarily in other countries' affairs to distract attention from domestic problems and to rebuild national morale by targeting a foreign scapegoat. Foreign adventurism harms the domestic economy and provides successful examples of the forceful use of state power, and this stimulates support for more right- and left-wing domestic intervention. Economic, social, and foreign intervention reinforce each other by causing problems that lead to calls for even further economic, social, and foreign intervention.

3. *The productivity of the mixed economy.* Drastic social change requires a certain degree of desperation among the opinion leaders in society. After all, in supporting such change, they put their own privileged status at risk. As Thomas Jefferson said, "All experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

In the United States, opinion molders are mostly members of the upper middle class. Ensconced in exclusive suburbs, urban townhouses, and rural estates, the upper middle class enjoys one of the highest standards of living ever known. Under the circumstances, it is not surprising that opinion leaders do not demand drastic social change of the sort that libertarians advocate.

The cause of their high standard of living, of course, is the small portion of the market that remains free to operate. Even a partially free market, by producing substantial wealth, prevents sufficient desperation from occurring which could in turn force a freer market into operation.

It is the balance between high living standards for the opinion-leading upper middle class and lower living standards for the working class and poor that is essential for maintaining government growth. If the working class became substantially wealthier, they would in general be less likely to support government growth. If the upper middle class gets poorer, they would be more likely to support free market ideas in order to recoup their previous status.

4. *Government influence over political ideas.* Government controls the elementary and secondary schools almost exclusively, determining what is taught and who teaches it. It controls public universities and research centers. It influences even private universities through research grants and student funding.

Government subsidizes artists, writers, actors and television and film producers. It fully employs a large number of intellectuals who tend to get choice jobs in academia and the media when they leave government service. Through the FCC, the government subtly stifles dissent in the electronic media. Government, directly or indirectly, pays for considerable pro-government advertising. Incumbent office-holders can draw vast amounts of private funds for pro-government propaganda, since contributors know they will be rewarded from the public trough in the form of special interest legislation.

Even though average citizens are continually nickeled and dimed to death by government policies that favor special interests, they have no economic incentive to do anything about it because the costs of taking successful action far outweigh the benefits.

In our society, government control over political ideas is not heavy-handed, as it is in totalitarian countries. But government control of the educational process and subsidies to various arts provides a consistent set of incentives for people to advocate further expansion of government power.

The Future

Government expands because the beneficiaries of special interest legislation desire ever greater wealth and power and find government a convenient tool to achieve this aim, thanks to government's unique position as the only human enterprise that defines the legal limits of its own power. So long as partially free markets produce enough to support the living standards of the middle class, government induces "crises" that increase demand for further expansion of government

power and subsidizes and controls opinion leaders, and the democratic process encourages "rational apathy" from voters, the possibility for a roll-back of state power is slim. Indeed, history seems to confirm this theory: the power and size of the United States government has been steadily increasing ever since the Constitution replaced the Articles of Confederation.

Government contractions, on the other hand, are much less frequent, and less well understood. Virtually all contractions can be traced to one of the following causes: certain kinds of revolution (United States 1776, but not Russia 1917); losing a war (Germany 1945), and social and economic collapse (Soviet Union 1991). Government tends to grow until stopped by a catastrophic event of some kind.

If, as appears to be the case, the United States is unlikely to experience revolution, the loss of a war, or total economic collapse in the foreseeable future, then the chances that government will contract here are not good.

Because all of the main obstacles to government contraction are structural features of political life in the United States, there does not appear to be much that can be done about them. These structural obstacles have withstood pressures from the growing libertarian movement for the last thirty years.

Curiously, libertarians have expended little energy on the problem of changing these institutional impediments to the implementation of libertarian ideas, the roll-back of government power, and the revitalization of the historic movement toward human liberty. The problems that lie ahead are difficult.

Libertarians might, for example, try to combat rational apathy with educational programs designed to instill civic virtue. But how could they overcome people's rational ignorance and apathy about such efforts?

It is time for libertarian thinkers and think tanks to put aside their single issue monographs and op-ed pieces and ponder the question: how do we go from statism to freedom without a road map to guide us around the barriers in our path?

They might try to limit the productivity of the mixed economy by supporting more government growth. But this would be self-contradictory, hopelessly confusing, practically impossible and, I think, immoral.

To reduce government-induced poverty, libertarians would first have to shrink the size of government. But we cannot, because government-induced poverty creates a strong constituency for Big Government. Likewise, to eliminate government's enormous control over political ideas, we would first have to end all the programs through which government exercises that control. But we cannot, because of the climate of political ideas those programs helped create.

It is the very growth of the libertarian movement that will likely keep government from growing so fast that it destroys the market and society, forcing libertarian change. Government growth stimulates libertarian activity which in turn tends to slow the rate of government growth, preventing the catastrophe that could lead to a free society.

The growth of the state and the slow decline of human liberty will likely continue because their causes are continuing. There does not appear to be anything that can or will be done about it. In all likelihood, America will muddle along, stagnating for the next fifty years or more.

In light of that sad reality, perhaps it is time for libertarian thinkers and think tanks to put aside their single-issue monographs and op-ed pieces for a moment, and ponder the question: how do we go from statism to freedom without a road map to guide us around the barriers in our path? What we need is strategic thinking as good as our policy analysis. If we do not get the former, thirty years' worth of the latter will have been in vain. ❑

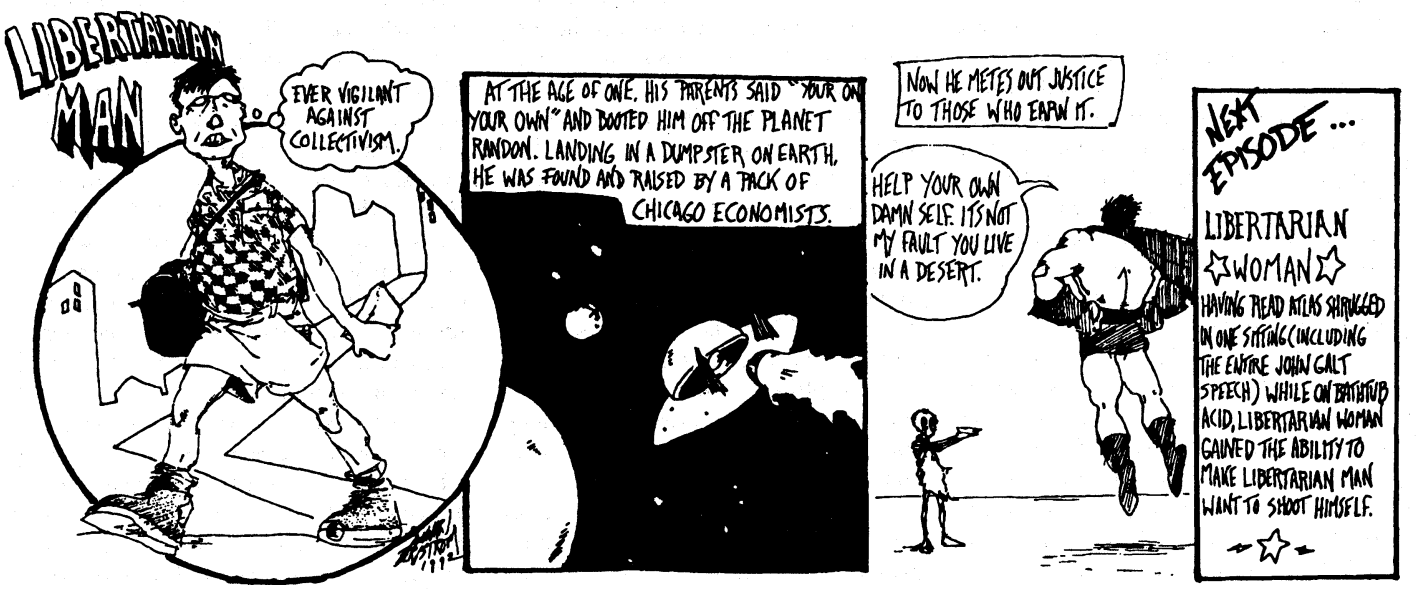

Cartoon by Gunnar Bergstrom

Speculation

Racism and Civility

by Leland B. Yeager

Careful and frank discussions of race have gone out of vogue. It's time for straight talk.

Racist dispositions appear to have a biological basis. What implications follow?

F. A. Hayek argued[1] that a tendency toward certain dispositions and thoughts is innate in the human psyche. This tendency results from natural selection operating over hundreds of thousands of years before people finally developed agriculture, elaborated systems of private property, and began living in cities. Until about ten thousand years ago, humans lived in small hunting and gathering bands. They worked and migrated together in intimate collaboration, sharing the booty of the hunt. Natural selection favored the instincts for such solidarity and sharing because they served the purposes of survival and reproduction. (It is almost standard to suppose that the evolutionary process in small groups worked through kinship selection, inclusive fitness, and reciprocal altruism.) Hayek mentions instincts "to serve the known needs of our known neighbours . . . [and] to join with our fellows in the pursuit of common purposes. These are the basis of the small society and what, in a million years of existence in small groups, became part of our physiological make-up."[2]

These inborn instincts are less appropriate to impersonal cooperation in a market economy of nationwide and worldwide extent. Yet several thousand years have been too short a time for further biological evolution to restrain them. (Cultural evolution, as Hayek explained, works differently. In particular, acquired cultural traits can be transmitted to later generations.)

Hayek's specific concern was to explain why collectivistic and socialistic thinking continues to have appeal — inappropriately — even in a great, impersonal, market-coordinated society. His insight lends itself to a further application. It helps explain a tendency to feel relatively comfortable with members of one's own group, however conceived, and to feel diffident toward outsiders. Hayek conjectures that those individuals who first broke with the inward orientation of their group and traded for profit with outsiders incurred moral opprobrium. He further alludes to this aspect of inherited instincts in mentioning[3] William James' concept of the "moral equivalent of war." The nearly universal phenomenon of war and ethnic tensions — exemplified every day in news from around the world — also suggests some deep-seated basis for particularistic instincts.

Hayek is not alone in writing about solidarity and reciprocity within small groups and diffidence toward deviants and outsiders. Herbert Spencer's *Principles of Ethics*[4] deals with many of these ideas, as do the more recent writings of Robert Axelrod, Richard Alexander, Andrew Oldenquist, and Alexander Rosenberg.[5] Similar notions go back at least as far as Charles Darwin.[6] Darwin recognized sympathy and mutual aid as narrowly confined, while "the tribes inhabiting adjacent districts are almost always at war with each other."[7] He sometimes made these observations about the higher social animals in general, among whom sympathy and aid "are by no means extended to all the individuals of the same species, only to those of the same association."[8] "[W]ith all animals, sympathy is directed solely towards the members of the same community, and therefore towards known, and more or less beloved members, but not to all the individuals of the same species."[9]

Darwin seems not to have been a racist (or not beyond the sense in which we all have inherited racist tendencies). In his chapter "On the Races of Man," Darwin notices "numerous points of mental similarity between

the most distinct races of man."[10] He draws on personal observation to support his belief in "the close similarity between the men of all races in tastes, dispositions and habits."[11] Nor was Darwin a Social Darwinist: he did not believe that whatever survived from law-of-the-jungle rivalry among human beings would be for the best. On the contrary, he looked forward to the strengthening over time of habits of sympathetic kindness.[12]

Tendencies toward group particularism remain wired into our brains. To resist the more unfortunate consequences of that reality, we should frankly admit it to ourselves and to each other. We need not wallow in idle guilt about our biological inheritance.

As Darwin would have agreed, finding a genetic basis for some trait is not to justify it. Explanation is not appraisal; "ought" cannot follow rigorously from "is" alone. We have no reason to suppose that natural selection works optimally; nature does not aim at particular goals. Understanding how evolution probably fostered racism helps, if anything, to call it into question, especially under conditions quite different from those in which it originated.

Tendencies toward group particularism remain wired into our brains. What implications follow? To resist the more unfortunate consequences of that reality, we should frankly admit it to ourselves and to each other. (Here and in what follows, the word "should" recommends behavior conducive to a harmonious society.) We need not wallow in idle guilt about our biological inheritance. (Present-day Americans, in particular, have little — relatively little — to be ashamed of and should build on their accomplishments.) We should recognize that in large societies of extensive but impersonal cooperation, racist tendencies are no more appropriate than are the socialistic habits of thought that Hayek diagnosed. Although people cannot properly be blamed for their genes, they are responsible for their discretionary behavior. Being alert to one's own racist tendencies, as to one's inappropriately collectivistic attitudes, is a start on overriding them.

Despite our alertness, racist and ethnocentric tendencies are bound to surface occasionally in unintended ways, making grounds for censorious accusations all too easy to find. We should no more make an unnecessary issue out of traces of inborn racism in others than we would call unnecessary attention to peculiarities in people's personal appearances.

We should not abuse statistics in eagerness to find fault. Employment patterns or other patterns not mirroring the racial composition of some supposed reference group do not necessarily prove invidious discrimination. Supposedly disproportionate numbers may result from chance, from innocuous historical circumstances, or from people's voluntarily associating with others whom they know best and feel comfortable with.

Speaking of statistics, we should recognize that stereotypes are often reasonable and that acting on them does not necessarily show evil intent. People do not and cannot know everything relevant to their choices. In particular, people cannot have full and accurate information about each other as individuals — about their qualifications as students, employees, entrepreneurs, and borrowers, about moral character and trustworthiness, about criminality or respect for the law and for other people's rights, and about benevolent or neutral or hostile intentions. This unavoidable ignorance is one of the hard facts of reality. In the absence of full and complete information, one must make do with statistics, probabilities, indications, and scraps of conventional wisdom. Fear is not necessarily blameworthy. A woman alone on a dark street is only prudent, not deliberately insulting, in taking evasive action on perceiving two vaguely ominous young men a block away. A taxi driver may be understandably if not admirably wary about whom he accepts as a fare — if not out of fear of the passenger himself, then out of fear of the unsafe destination that the passenger might specify.

To identify behavior as response to a stereotype does not necessarily either justify it or condemn it. It simply means recognizing it as a possible sign of a problem to be faced. The solution may not be easy. (For example, does imposing quotas and racial preferences neutralize unfortunate stereotyping or aggravate tensions instead?)

But the difficulties should be faced head on.

Each of us should try to see things from the other's point of view. We should try to cultivate a sense of humor about unintentional little signs of wired-in traits of thought, just as one tries, out of politeness, to make light of Freudian slips in speech. We should avoid waving a red flag before the racist proclivities of others. We should avoid, for example, flagrant illogic in discussing race-tinged issues of public policy. We should try to avoid reinforcing the grounds for unfavorable stereotypes. We should avoid flagrantly differentiating ourselves or our own groups in ways that are liable to appear deliberately disrespectful of others. (On the other hand, cultivation of one's own ethnic heritage can contribute both to the personal self-esteem of some people and to healthy diversity in society. Ethnic groups largely define themselves and honor their history, languages, and traditions voluntarily, while race classifications are usually imposed on the victims).

A woman alone on a dark street is only prudent, not deliberately insulting, in taking evasive action on perceiving two vaguely ominous young men a block away.

All in all, a Hayekian analysis of racial issues mandates just what is called for by the higher intellectual virtues: tolerance, prudence, careful reasoning, and a dollop of common sense. ❑

notes on page 76

Challenge

The Half-Open Door

by R. K. Lamb

Open immigration is a fundamental tenet of the libertarian program. But does it *really* make sense?

When I moved to Hong Kong in 1989, I thought it was a disgrace that so few Chinese were sympathetic to the Vietnamese boat people. More than 55,000 were penned up in camps, and hundreds more were arriving each week. "The average Hongkonger," I wrote, "would shove them all back out to sea if he had anything to say about it" (*Liberty*, March 1990).

From time to time some U.S. Congressman comes here and says the same thing. The Vietnamese are running from communism. So are the 60,000 Hong Kong Chinese who emigrate each year, fearing China's domination after 1997. How can the Hong Kong people expect any sympathy if they show none toward people, however poor, who are their moral equivalents?

The Hong Kong people I knew didn't look at it that way — and I don't either, after living here three years. The Hong Kong people are emigrants, not refugees. They have money. They have professional qualifications. They speak English. And they have played by the American rules. They have filled out pages of forms. They have answered all sorts of questions the U.S. government never asks its own citizens, such as the name of every social, political or community organization they have ever joined. They have certified that they have never been convicted of a felony. They have disclosed their finances, and taken medical exams. And they have waited patiently to get their turn under the hugely oversubscribed U.S. quota. The line for Hong Kong brothers and sisters of U.S. citizens is about nine years long.

Refugees are different. They are emergency cases, exceptions to the rules. U.S. policy is to accept only those screened as political — people who can prove they have a "well-founded fear of persecution" if they go back. Most cannot prove this. More than 90% of the Vietnamese boat people are routinely screened out as "economic migrants." The U.S. will not accept them, nor will any other country.

To the Hong Kong Chinese, the Americans have every right to shut their own door on such gate-crashers. When George Bush sends Coast Guard cutters to shove the Haitians back into the arms of the *tontons macoutes* he's doing just what Malaysia or the Philippines or Japan does. Shouldn't the U.S. be polite enough not to lecture other countries?

Some of my readers, I suspect, will argue that America should let them all in: immigrants, refugees, everybody. This is pretty much the most common view among libertarians. Every political question is to be decided by reference to first principles. According to their moral axioms, immigration restrictions are as difficult to justify as apartheid, or a quota on men's shirts.

But free immigration is difficult to argue for in today's world. No rich country allows it. States that have given up quotas on goods retain it on new residents. The European Community is on the verge of allowing free movement of labor. Portuguese and Greeks will be allowed to work in England and Denmark — something not certain to be welcomed by the English and Danes. The proposal does not apply to non-EC peoples such as the Turks, Algerians or Poles. The U.S. and Canada have agreed to free most trade over a 10-year period. They did not free labor, residency or citizen-

ship. They are not even discussing doing these things with Mexico.

It's a similar tale with refugees. The Germans, who take few immigrants, are bound by their constitution to take all refugees. It's an unusual offer for a rich country to make, and thousands of Vietnamese, Romanians and Gypsies have taken them up on it. One result has been widespread resentment and roving gangs of neo-Nazi "skinheads." Germany's open door for refugees is about to slam shut.

When the subject of immigrants and refugees comes up with libertarians, it's usually in an argument with someone who wants to stop them.

The real question of immigration is not about principles; it's about numbers.

With gusto, libertarians cite studies that show that immigrants and refugees have been a benefit to America. They argue that America ought to "keep the door open." But the door is *not* open. The status quo is controlled immigration.

The real question of immigration is not about principles; it's about numbers. U.S. law allows 700,000 immigrants a year. That's less than three-tenths of 1% of a 252-million population. These slots tend to go to the affluent and educated. They can read the rules, hire the lawyers, fill out the paperwork. A lot of them come over as students and figure out a way to stay on. Some, like a former South African colleague of mine, go through a long rigamarole. He had to find an employer to swear that he had skills not available in the United States. He had to move cross country and change careers to get his green card. An uneducated man never could have done it.

The 700,000 limit allows the U.S. to seem to be a lot choosier about its new citizens than it actually is. It is admitting 74% of them simply because they have a relative in the United States. One person gets in and petitions for his wife and kids, brothers and sisters, and their kids. Only 20% of slots are for people with needed job skills. Canada and Australia are more open than the U.S. in this regard; America could follow their lead and let more people in as investor-immigrants. It could let in only those with money, skills, or PhDs.

But under free immigration it would take everybody.

The flow of refugees has been about 30,000 in most years — a small fraction of the immigrants. How these fare in the U.S. depends mainly on the kind of life they had before. Some, like the middle-class Cubans, have been successful. Others, like the Hmongs, a 16th-century people from Indochina, haven't. In early 1988, of 20,000 Hmongs in the Fresno, California, area, 70% were on welfare. Despite their high-school valedictorians, a higher percentage of Vietnamese are on welfare than of blacks.

Millions of people around the world whose governments criticize the U.S. still dream of emigrating there. The Philippine Senate had just kicked out the Subic Bay Naval Base when my Filipino maid said: "Sir, is it true that the U.S. could take back the Philippines as a state?" She had heard this proposed on a radio call-in show back in her homeland. Lots of people had called in and supported it. The educated, elite Filipinos I knew (the kind who were running the Philippines) were outraged. But this provincial girl was for it. She was a bit hurt when I told her the Americans wouldn't want her country back; it was too poor.

She would love to emigrate. She had a cousin in California who worked at a gas station — and had bought a car. His own car! Think of it! Maybe she could land one of those high-paying gas-station jobs! The only easy way for a 23-year-old Filipina to get in was to marry an American. She would have done it except that she was already married, and in her country divorce was forbidden. She had a friend, a single Hong Kong maid, who had almost married a South Carolina man by mail-order.

The maid's presence in Hong Kong also tells a story. There are about 70,000 here. They are subject to Hong Kong's only minimum wage: $413 a month plus room and board. By comparison, a live-in maid makes $31 a month in Manila, $30 in Jakarta, $21 in Bombay. Many of the maids here have college degrees; the second one we hired gave up a job as a nurse at $120 a month to be a "domestic helper" for us. If Filipinas were allowed to work in America for — for what? $500 a month? $750? $1,000? — you could have them by the millions. Day care? Who needs day care? Babysitters? Never heard of 'em. A dishwashing machine? No need. Get a maid, and she'll cook your dinner and do the dishes, too.

You can hire a Filipino maid in Vancouver for $583 a month. The only reason you can't have one in the U.S. is the immigration law. If that law were changed, every middle-class American could have a domestic servant. Think of the social revolution *that* would entail. And that falls far short of open immigration. There is no open immigration to Hong Kong: try to find a Vietnamese maid. There is simply a contract-labor system.

Three years ago, the boat people had my sympathy. Now I, too, get tired of them and their demonstrations. I begin to think of them as the unwanted cousin who camps out on my doorstep and demands a seat at the dinner table.

Under free immigration, there would be no contract-labor plans, and no distinction between immigrants and refugees. Anybody who gets in, stays in. What would that be like in a world of mass communications and Boeing 747s? Who knows? Back in the pre-World-War-I days, the United States was a long, hazardous, expensive trip away. There were only so many Irish, Italians and Norwegians who dared try it. People know more now. They are bolder. Tens of millions

of people can raise the money to buy the ticket (by borrowing it, which is how so many maids get here). And the Mexicans, Guatemalans and Salvadorans can just take the bus.

Just imagine it. Shiploads of boat people. Haitians, Dominicans, Jamaicans, Javans, Punjabis, Pathans, Yorubas. You could have people camped on school playgrounds, in city parks, along the streets, and in Shantytowns speaking strange languages. People who believed in executing blasphemers and circumcising women. Men who piss against walls along public avenues. You'd have people selling candy door to door — not to help the Camp Fire Girls, but to feed their families. And not Camp Fire mints, either, but strange, gooey stuff concocted over campfires.

The minimum wage would be swept away, welfare swamped, food stamps shredded. Upper-middle-class salaries wouldn't be affected much, but the going rate for ditch-diggers, lawn mowers and newspaper boys would collapse. White teenagers would vanish from behind the counter at McDonald's. The garment industry would make a comeback, as would leatherwork and toys. Many people would benefit, to be sure — but most of them would be foreigners. Americans at the low end of the wage scale would be hit hard. The "homeless" would go out of business. No one would give 'em a dime.

A big American city would become more like Jakarta or Mexico City — a middle-class world of education, cars and microwave ovens surrounded by struggling people in cardboard shacks.

Great, you say. Survival of the fittest! End this apartheid of international frontiers! End this labor protectionism! Let every man compete free and equal — all three billion! No doubt the economists can prove that the gain in utility would be greater than the loss. They'd probably be right. Especially for all those Bengalis and Vietnamese now living on $200 a year.

Well, it *does* fit your principles. But I'm not sure you'll want to live in such a world. In America today, even a lousy job pays $4.25 an hour. Even poor people have TVs and cars. I know libertarians who live in, or have lived in, that world. With free immigration, kiss it goodbye.

With open immigration, a big American city would become more like Jakarta or Mexico City — a middle-class world of education, cars and microwave ovens surrounded by struggling people in cardboard shacks. I'm not sure you'll want to live in such a world.

Me, I don't want to live in Jakarta. I live in Hong Kong, which is already close enough. Every day I see grown men in the streets selling wind-up panda bears, babies' T-shirts and boiled squid on toothpicks. The television reminds me that less than 10 miles from my home, 55,000 Vietnamese boat people are penned behind barbed wire. There's lots more where they came from: Vietnam is only about as far from here as Seattle is from southern Oregon. Accept the Vietnamese refugees, and another 55,000 would be here quicker'n you could say "Ho, Ho, Ho Chi Minh."

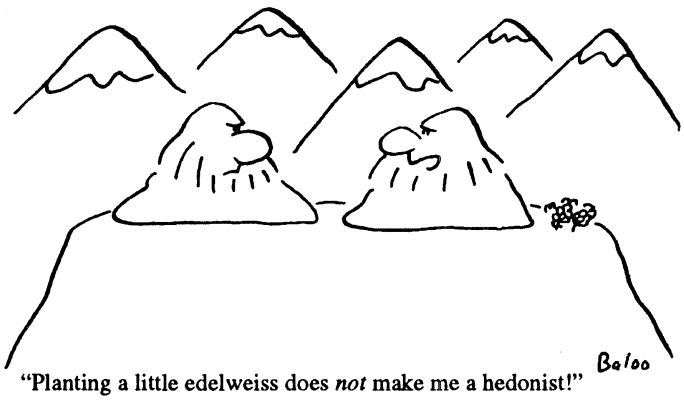

"Planting a little edelweiss does *not* make me a hedonist!"

Hong Kong won't take them. It's a Chinese city, and the Vietnamese are foreigners. Americans get all indignant over this, but it's the same attitude taken by the Thais, the Malaysians, the Filipinos, the Indonesians, and of course, the Japanese. Nobody here in Asia wants to be somebody else's melting pot.

This little city-state can't entertain such a thought. It is the most densely populated place in the world. It doesn't even allow citizens of China to live here, except for an elite handful. I've heard arguments that it ought to allow more, but never that it ought to let them all in. Immigration control is supported by Beijing, by London and by the Hong Kong people. There is no other way — because China's GNP per head is $325, and ours is $14,100. (America's is $21,500.)

The boat people knew that they would be put in camps. The camps have been here for years, and have been publicized in Vietnam. The people came here anyway, just for the chance that someone would take them. But nobody will.

Three years ago, they had my sympathy. Now I, too, get tired of them and their demonstrations. I begin to think of them as the unwanted cousin who camps out on my doorstep and demands a seat at the dinner table. These people have to go home. They have to be forced to go home so the other 69 million Vietnamese won't come here. Like the Hong Kong Chinese, I begin to get disgusted with the namby-pamby British government, which talks about "mandatory repatriation" but seems to be too genteel to drag screaming refugees onto air-planes.

In the world of the 21st century, America is going to have to do the same thing. You won't have to shut the door on everybody. You're a big country and a rich country, and what's more, a melting pot. You can let in your 700,000 immigrants a year. You can probably let in more, especially if you pick them more carefully. You can let in a few refugees, and pat yourself on the back for being so humanitarian. But don't kid yourself that you have an "open door." Nobody does. ❑

Just Deserts

by John Hospers

There are many ways to think about justice. How many of them would you trust with your life?

Though no fan of capital punishment, I have to take exception to some of J. Neil Schulman's remarks in his article "If Execution Is Just, What Is Justice?" (September 1992).

Schulman first condemns retribution, then shifts to why the State should not be the determiner of punishment. These are two very different subjects. A word about the second one first:

The State as arbiter

The State is often assumed to be your *delegated agent* in doing whatever it does. According to Hobbes, you have delegated to the State your right to self-defense so that you won't have to go about with weapons ever at the ready. You have also delegated to the State the power to arrest, try, and punish. The trouble with this, of course, is that it just isn't true: you and I never delegated any such powers to the State. We weren't even consulted; we were "born into the system." Nor were we consulted about any of the other matters the State takes unto itself, such as transport, enforcement of contract, property allocation, and care of the indigent. One might defend the State in at least some of its functions on grounds of utility, but not of contract (not even implicit contract, though I can't go into that here).

If the State isn't supposed to carry out the tasks of defense, adjudication, and punishment, then who should? Private vengeance will hardly do: if the aggrieved party administers the punishment, he will almost always overestimate the offense against him: a person with a delicate ego may gladly administer capital punishment for the crime of stepping on his toe. Perhaps then a defense agency of the sort envisioned by David Friedman would do. But there are problems when different agencies devise and enforce different sets of rules: you may fall under the jurisdiction of an agency that punishes you by its rules, to which you did not consent.

If you require that the decision to punish must satisfy everybody, then you have a problem, no matter who or what makes the decision. The killer's mother ("He's really a good boy") and the victim's widow ("He killed my husband, so kill him!") will seldom agree on how severely he should be punished, regardless of who decides on the punishment. If Schulman thinks that he rather than the State or someone else should make the decision, what about other people who disagree with him?

Retribution

The main focus of Schulman's paper is retribution itself. I think he misconceives it. Retribution is not revenge, and is not based on the desire to "get even." Retribution is an attempt to achieve *justice*; and justice, in the context of punishment as elsewhere, means *treatment in accord with desert*: each person should be accorded whatever he or she deserves. The retributive theory of punishment is often, and more correctly, called the *deserts* theory of punishment.

Retribution is not at all the same as "an eye for an eye." That punishment should in some sense "equal" the crime is held only by the (largely discarded) *mirror-image* version of retributivism, that the punishment should be the mirror-image of the crime itself. Thus, the punishment for murder should be death: a victim's life has been taken, so the murderer's life should also be taken. But even the Book of Exodus did not take this quite literally: it didn't take it to mean that if you took out someone's eye your

eye should be plucked out. In any case, the mirror-image theory cannot be generalized: if death is the proper punishment for murder, what is the proper punishment for rape? Should the man who stole $100 be punished by having $100 (or some larger amount) taken from him (assuming he has it)? A punishment may "fit" a crime without itself resembling the crime.

A much preferable version of retribution is *proportionality:* that the punishment should be proportioned to the offense. There can be lots of disagreement about specifics within the limits of this formula. Some people believe that drug-dealers deserve punishment, but most libertarians do not think so. Still, there is an overall general agreement about certain fundamentals, e.g. that murder is more serious than assault and battery, which is in turn more serious than shoplifting. The retributive theory says that the more serious the crime, the more severe is the deserved punishment: e.g., that a purse-snatcher doesn't deserve to be put away for 40 years, and therefore such a sentence is unjust; and that a person who has been "railroaded" for a crime he didn't commit should not be incarcerated for it, even though he may be a public nuisance and there might be great social utility in locking him up.

If the State isn't supposed to carry out the tasks of defense, adjudication, and punishment, then who should?

Proportionality need not entail the death penalty. Perhaps the murderer deserves not death, but an extended prison term, or prolonged restitution to the victim's family. All these are retributive options, and one could argue which (if any) of them is deserved. But the basic concept in it all is desert (deservingness). What you deserve depends on your past record, not on what good might be brought about for society by putting you behind bars. Retribution is *because-of,* not *in order-that.*

In many circles the retributive theory is somewhat out of fashion today, largely because of developments in psychology. The central concept of retributivism, desert, they say, is no longer applicable to human beings. If you say that a person deserves something, such as punishment, you are presupposing that people are free agents, responsible for their actions. But (so goes the objection) people are the products of their genetic heritage and the environmental influences that shaped their personalities into what they are today. Their actions are the inevitable outcome of all these forces acting upon them. This account, if true, would throw out the entire concept of desert.[1]

Sometimes the objection is applied to some people but not all. A man kidnaps a young girl, rapes her, then tortures and kills her. Almost everyone, reading of this, is moved to say that he deserves considerable punishment for what he did. But then psychologists remind us that he was himself a victim of abuse as a child, with a drunken non-caring father and a drug addicted mother who locked him in a dark closet for days at a time, and they allege that given these circumstances no other outcome could be expected: we should feel sorry for him but not blame him. However, not everyone is like this: the concept of desert is still applicable to many others, probably to most people most of the time (as we tend to assume without question that it is).

But often the objection is applied across the board: no one is really a free agent, and no one is ultimately responsible for his or her actions. Insane persons and criminal psychopaths are only the obvious examples, but in fact none of us can really help what we do. The punisher can't help what he does any more than the defendant can help what he did.

Hundreds of volumes have been written about various aspects of this problem, with countless subtleties ("what exactly is meant by the phrase 'can't help'?" "When is an impulse 'irresistible'?") which would have to be clarified in order to treat this issue adequately, and I shall say no more about it here. I don't know that Schulman rejects the concept of desert; he never mentions it, although it is the root of retributivism. Apparently he believes that his remarks are sufficient to dispose of the entire retributive theory.

Non-retributive views

It's not clear to me whether Schulman opposes all capital punishment because no one deserves the death penalty, or because it is the State that administers it. But assuming he believes that no one deserves it, let's glance at other views that might consider it justifiable.

Hobbes argues that you have delegated to the State your right to self-defense so that you won't have to go about with weapons ever at the ready. The trouble with this, of course, is that it just isn't true: you weren't even consulted.

1. Many people say that the aim of punishment is to *rehabilitate* the offender. But most attempts at rehabilitation are expensive failures — the impulses of a perennial criminal are too strongly entrenched at an early age to be changed very much, even by lengthy psychiatry. At any rate, rehabilitation wouldn't justify capital punishment: you can't rehabilitate someone by killing him.

2. Others say that the main reason for incarcerating criminals is *protection.* It's not so much that we think they deserve punishment, or even that we want them to suffer, but that we need to be protected from them. Some of them are like wild beasts who have to be kept caged for our protection. Here is a serial killer who would kill and rape again if he were free to move among us, so we lock him up so that he will no longer threaten us. It's him or us, and we don't want it to be us. Even if he can't help what he does, we still need protection from him.

Many people are attracted to this view, but it is extremely difficult to

apply to individual cases. We don't know enough to distinguish dangerous from non-dangerous people. We keep some people in prison for life although they present no danger to anyone (the one-time wife-killer is a typical example). And we release some people, thinking they are no longer capable of violence, and then find that they go on a killing spree. Suppose that when in doubt we keep them all locked up — then we will be condemning many non-dangerous people to unnecessary imprisonment; and if we take a more liberal policy, we will be releasing dangerous criminals into society, and their victims will pay with their lives for our permissiveness. So we are not in a very good position to apply the principle, "Keep them imprisoned if dangerous, and release them if non-dangerous."

In any case, capital punishment enters into this view hardly at all. We can be protected from dangerous people just as well if they are behind bars as if they are dead, except in the unlikely event of escape, or the more likely possibility that some of them will be released on parole.

3. Finally, one may say that the criminal should be punished in order to deter him and others from committing crimes in the future. And, it is said, the death penalty is the ultimate deterrent. Fitzjames Stephen wrote in 1864, "No other punishment deters men so effectually from committing crimes as the punishment of death. Was there ever yet a criminal who, when sentenced to death and brought out to die, would refuse the offer of a commutation of his sentence for the severest secondary punishment? Surely not. Why is this? It can only be because 'All that a man has will he give for his life.' In any secondary punishment, however terrible, there is hope; but death is death; its terrors cannot be described more forcibly."[2]

It's not always true, though, that death is dreaded above all other things. Would prolonged torture be preferred to death? I for one would rather be killed at once than spend a lifetime in prison.

If we still say "Never" to capital punishment, are we not placing a higher value on the killer's life than on that of his victims?

Whether the death penalty is the ultimate deterrent is after centuries of argument still disputed. Some murderers don't think about the consequences of their act at all; if the penalty were being boiled in oil, this would still not deter them. Deterrence works for everyday offenses: if you park in a prohibited zone and get ticketed, you are not likely to repeat the offense many times. But deterrence is not as predictably effective for crimes like murder — too many other factors enter in. Nor are statistics very satisfying on this point: states that have the death penalty have in general no lower murder rates than those that do not. But then, the death penalty is very seldom inflicted, so its influence may not count for much. And states containing large cities have a higher murder rate than those that don't, and the higher murder rate may be due to that fact rather than to the death penalty; and so on, and so on.

Still, if the death penalty deters more than any other punishment, a case can be made for capital punishment, for if capital punishment really deters people from murder, then many lives are saved. If we still say "Never" to capital punishment, are we not placing a higher value on the killer's life than on that of his victims?

It has been estimated that for every case in which capital punishment is administered, the lives of eight innocent victims are saved.[3] We can't be certain, of course; who can tell how many people refrain from murder because of the deterrent effects of capital punishment? But let's assume that the risk of capital punishment is a better deterrent than the risk of life in prison, so that some murders that would have occurred without capital punishment would not occur if capital punishment existed. In that case, the question to put to Schulman is this: if you or one of your loved ones was one of the people whose lives would be saved if there were capital punishment for murderers, would you still be opposed to capital punishment? If the answer is no, then you do have something of a case for capital punishment. Those who are opposed to it on principle seldom face this question. If it was your life that was going to be snuffed out unless there was capital punishment, would you willingly sacrifice your life for the cause of no-capital punishment? This is a troublesome question, and I think it should trouble Mr Schulman and anyone else who takes the view "No capital punishment, ever, no matter what." ❑

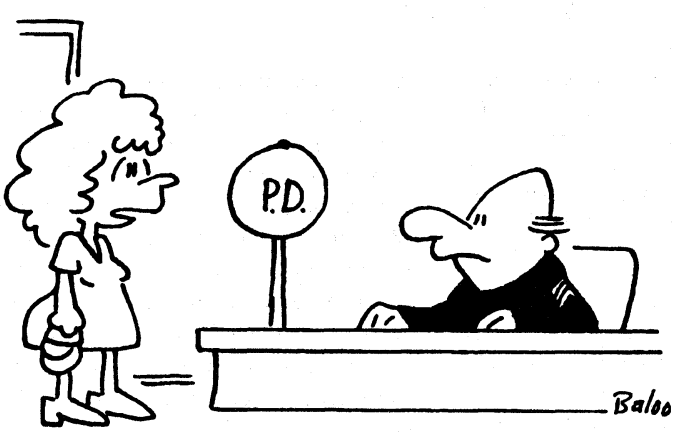

"I want to file charges against my husband — I think he's trying to bore me to death!"

Footnotes

1. See, for example, *The Problem of Free Will*, ed. Willard Enteman (Scribners 1967); *Free Will*, eds. Morgenbesser and James Walsh (Prentice Hall 1962); *Determinism and Freedom*, ed. Sidney Hook (NY Press 1958); John Hospers, Introduction to *Philosophical Analysis*, Chapter 5 (3rd, ed. Prentice-Hall 1988).
2. Fitzjames Stephen, "Capital Punishment," *Frasers Magazine*, 1864.
3. See David Conway, "Capital Punishment and Deterrence," *Philosophy and Public Affairs*, Vol. 3 No. 4 (Summer 1974), and Ferdinand Schoeman, "On Incapacitating the Dangerous," *Philosophical Quarterly*, Vol. 16 No. 1 (1979).

The Unholy Alliance

by Wendy McElroy

When feminists ally themselves with the religious right in the war against free speech, they betray both their heritage and their future.

Pornography has been a traditional battleground between conservatives, who advocate family values, and liberals, who champion freedom of expression. The political make-up of contemporary feminism is overwhelmingly liberal; the more extreme feminists — called "radical" feminists — are socialist. But since the mid-80s, there has been a startling development. Feminists have been standing alongside conservatives to demand legislation against pornography. Anti-pornography feminists have even joined hands with religious fundamentalists in a common cause.

This alliance makes some feminists nervous. Lisa Duggan, in her essay *False Promises*, expressed concern about future consequences:

> One is tempted to ask in astonishment, how can this be happening? . . . But in fact this new development is not as surprising as it at first seems. Pornography has come to be seen as a central cause of women's oppression by a significant number of feminists . . . This analysis takes feminism very close — indeed far too close to measures that will ultimately support conservative, anti-sex, pro-censorship forces in American society for it is with these forces that women have formed alliances.

Radical feminists dismiss the dangers of this alliance. They discount the possibility that the legislation they seek could backlash against the feminist movement. For instance, Catherine MacKinnon wrote:

> The question becomes not whether one trusts the law to behave in a feminist way. We do not trust medicine, yet we insist it respond to women's needs. We do not trust theology, but we claim spirituality as more than a male preserve. We do not abdicate the control of technology because it was not invented by women . . . If women are to restrict our demands for change to spheres we can trust, spheres we already control, there will not be any.

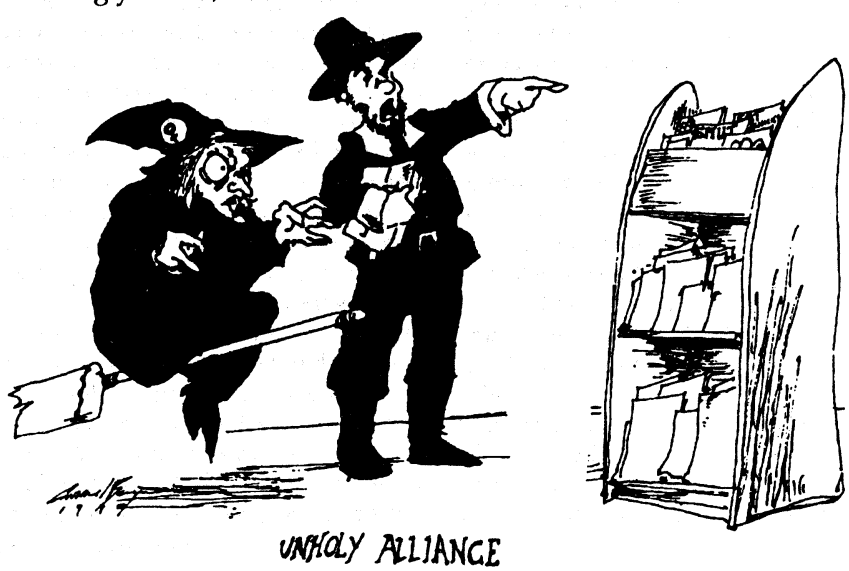

The unlikely alliance between feminists and conservatives, and the split within feminism itself, has led to strange spectacles. For example, when an anti-pornography ordinance was proposed in Indianapolis, the law was supported by the Moral Majority . . . even though it had been drafted by radical feminists. Within the local feminist community, however, the ordinance found no support.

The current anti-pornography crusade within feminism is something new on the political scene. It is new in at least two important ways: (1) it sig-

Illustration by Gunnar Bergstrom

nals a break in feminism from its liberal insistence on freedom of speech; and (2) it offers a revolutionary definition of pornography. The battle over pornography has shifted to new ground.

Pornography is the *bête noire* of radical feminism. To them, pornography is gender violence and a violation of the civil rights of women. It victimizes not merely women who work in the industry or who are exposed to magazines and films; pornography damages *all* women because it contributes to the general degradation of women that is prevalent in our society. Indeed, some theorists go so far as to claim that pornography is the source of society's unhealthy attitude toward women. Pornography is considered to be so damaging that it is linked, in a cause-and-effect relationship, to violent crimes such as rape. Thus, eliminating this form of expression is viewed as self-defense, not censorship.

The legal theorist Catherine MacKinnon has been a key voice in the anti-pornography campaign. In her book, *Feminism Unmodified,* MacKinnon defined the object of attack: "Pornography, in the feminist view, is a form of forced sex, a practice of sexual politics, an institution of gender inequality." MacKinnon claimed that pornography was not a form of expression; pornographic material was — in and of itself — an act of violence:

> Pornography not only teaches the reality of male dominance. It is one way its reality is imposed as well as experienced. It is a way of seeing and treating women. Male power makes authoritative a way of seeing and treating women, so that when a man looks at a pornographic picture — pornographic meaning that the woman is defined as to be acted upon, a sexual object, a sexual thing — the *viewing* is an *act*, an act of male supremacy. [emphasis in the original.]

The wholesale condemnation of pornography is a departure for feminism. Since its revival in the early 1960s the movement has been dominated by socialists and liberals; both these traditions advocated freedom of speech. Moreover, pornography tended to be viewed as part of a larger trend toward sexual liberation — a liberation that feminists applauded because it ushered in such things as birth control and the unveiling of women's sexuality.

Lisa Duggan typified this attitude in acknowledging the possible benefits pornography offered to women:

> The existence of pornography has served to flout conventional sexual mores, to ridicule sexual hypocrisy and to underscore the importance of sexual needs. Pornography carries many messages other than woman-hating; it advocates sexual adventure, sex outside of marriage, sex for pleasure, casual sex, illegal sex, anonymous sex, public sex, voyeuristic sex. Some of these ideas appeal to women reading or seeing pornography, who may interpret some images as legitimating their own sense of sexual urgency or desire to be sexually aggressive.

Pornography and feminism have much in common. Both deal with women as sexual beings and both attempt to bring this sexuality out into the open. Pornography and feminism also share a history of being targeted by obscenity laws. In particular, the Comstock laws of the 1870s were used not only against pornographic material but also against birth control information. Feminist material — especially lesbian material — has always suffered under laws that regulate sexual expression.

Nevertheless, by the late 1970s sexual liberation was being viewed with suspicion. Pornography was being redefined as an enemy of women. In her book, *Our Blood,* radical feminist Andrea Dworkin explained:

> In pornography, sadism is the means by which men establish their dominance. Sadism is the authentic exercise of power which confirms manhood; and the first characteristic of manhood is that its existence is based on the negation of the female — manhood can only be certified by abject female degradation, a degradation never abject enough until the victim's body and will have both been destroyed . . . The heart of darkness is this — the sexual sadism actualizes male identity . . . The common erotic project of destroying women makes it possible for men to unite into a brotherhood; this project is the only firm and trustworthy groundwork for cooperation among males and all male bonding is based on it.

Sex itself seemed to be identified as sexism. Dworkin continued:

> Romantic love, in pornography as in life is the mythic celebration of female negation. For a woman, love is defined as her willingness to submit to her own annihilation.

But the feminist attack on pornography was not merely another cry for censorship. It was more sophisticated than that. Feminists were and are using a strategy that has proved successful with other issues, such as affirmative action. Pornography is being defined as a violation of women's civil rights. Thus, instead of advocating criminal proceedings against pornographers, feminists restrict themselves to civil suits. This approach avoids sticky constitutional questions; in particular, it avoids the First Amendment. It also turns the entire discussion of pornography on its head. Conventional arguments for and against pornography simply do not apply.

Traditional obscenity laws have focused on the connection between pornography and moral harm. One of the standard tests of obscenity came from Supreme Court Justice Brennan in his ruling on *Memoirs vs Massachusetts:*

> (a) the dominant theme of the material taken as a whole appeals to the prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value.

Anti-pornography feminists dwell on the connection between pornography and political harm — namely, the oppression of women. Consider MacKinnon's presentation of how pornography differs from obscenity:

> Obscenity law is concerned with morality, specifically morals from the male point of view, meaning the standpoint of male dominance. The feminist critique of pornography is a politics, specifically politics from women's point of view, meaning the standpoint of the subordination of women to men. Morality here means good and evil; politics means power

and powerlessness. Obscenity is a moral idea; pornography is a political practice. Obscenity is abstract; pornography is concrete. The two concepts represent two entirely different things.

In the mid-80s, radical feminists launched a campaign to pass anti-pornography ordinances on a city-by-city basis. By localizing the issue, they by-passed the problem of obtaining a national consensus, which had proven so difficult with the E.R.A. The first ordinance — drafted by MacKinnon and Dworkin — served as the model for future ones. This was the Minneapolis Ordinance of 1983. In addressing the Minneapolis City Council, MacKinnon declared:

When an anti-pornography ordinance was proposed in Indianapolis, the law was supported by the Moral Majority, even though it had been drafted by radical feminists.

> We are proposing a statutory scheme that will situate pornography as a central practice in the subordination of women . . . The understanding and the evidence which we will present to you today to support defining pornography as a practice of discrimination on the basis of sex is a new idea . . . in particular we want to show how the concept of pornography conditions and determines the way in which men actually treat women . . . and we will show that it is central to the way in which women remain second-class citizens.

Under the ordinance's provisions, a woman who had worked in pornography — a *Playboy* centerfold, for example — could bring a civil lawsuit against her employers for having coerced her into a "pornographic performance." Laws and remedies already existed for fraud or for contracts signed under duress. The purpose of the ordinance was to make "coercion" into a civil matter:

> The bigotry and contempt it promotes, with the acts of aggression it fosters, harm women's opportunities for equality of rights in employment, education, property rights, public accommodations and public services; create public harassment and private denigration; promote injury and degradation such as rape, battery and prostitution and inhibit just enforcement of laws against these acts; contribute significantly to restricting women from full exercise of citizenship.

The definition of coercion was all important. The ordinance was clear. Coercion was deemed to be present even if the woman was of age, she fully understood the nature of the performance, she signed a contract and release, there were witnesses, she was under no threat, and she was fully paid. None of these factors provided evidence of consent.

In essence, consent was not possible. In principle, the woman could not be treated as a consenting adult. By definition, coercion was always present in a pornographic act. MacKinnon later explained that, "in the context of unequal power (between the sexes), one needs to think about the meaning of consent — whether it is a meaningful concept at all" (Toronto *Star*, 2/17/92). Gloria Steinem, in her introduction to Linda Lovelace's exposé *Out of Bondage* agreed: "The question is free will: Are the subjects of pornography there by choice, or by coercion, *economic* or physical" [emphasis added].

In other words, if the woman needed or wanted the money offered, this would constitute economic coercion. The politics of society made it impossible for women to fully consent to a pornographic act. Women who thought they had agreed were mistaken. Such women had been so damaged by a male dominated culture that they were not able to give true consent. Lisa Duggan observed:

> Advocates of the ordinance effectively assume that women have been so conditioned by the pornographic world view that if their own experiences of the sexual acts . . . are not subordinating, then they must simply be victims of false consciousness.

Several years ago, anti-pornography feminists attempted to pass an ordinance in Los Angeles. I was among the feminists who went down to City Hall to argue against the ordinance. The arguments I decided *not* to use are almost as revealing as the ones I settled on.

I decided not to argue that pornography is undefinable and, therefore, not appropriate for a legal system that requires a clear point of enforcement. The Ordinance had defined what it meant by pornography in excruciating — if subjective — detail. To focus on definitions would be to divert the debate into the bogs of what constitutes "dehumanization" or "exploitation." I simply accepted the rule of thumb offered by Supreme Court Justice Potter Stewart in his ruling on *Jacobellis vs Ohio*: "I know it when I see it." I assumed that everyone was talking about the same thing.

I also abandoned appeals to the First Amendment. Antipornography feminists had a tangled web of counter arguments, which would require more time to answer than I would be allotted. MacKinnon's arguments are typical:

MacKinnon argues that pornography is not a form of expression; pornography is — in and of itself — an act of violence.

> The First Amendment essentially presumes some level of social equality among people and hence essentially equal social access to the means of expression. In a context of inequality between the sexes, we cannot presume that that is accurate. The First Amendment also presumes that for the mind to be free to fulfill itself, speech must be free and open . . . Pornography amounts to terrorism and promotes not freedom but silence. Rather, it promotes freedom for men and enslavement and silence for women.

If pornography is an act of violence, then the First Amendment is irrelevant.

I also avoided a discussion of privacy rights. Supreme court Justice Thurgood Marshall (*Stanley vs Georgia*, 1969) had maintained:

> If the First Amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he must watch.

But, again, if pornography was violence, the issue of committing it in private was beside the point.

The only way to challenge the new attack effectively is to answer radical feminists in their own terms. The key questions have become: are all women coerced into pornography? and how does pornography relate to violence against women? Everything seemed to return to the basic contention of feminists: pornography is an act of violence. It is an act committed upon and against unconsenting women.

Regarding date rape, feminists declare, "No means no." The logical corollary of this is "Yes means yes." But modern feminists are declaring that "yes" means nothing. It is difficult to believe that any form of pornography could be more degrading to women than this attitude.

To begin with, I divided women into two categories: women who were directly involved with pornography — either in production or consumption; and, women who had no direct exposure. The first category was the litmus test. If women are degraded by pornography, surely the women closest to it would be the most deeply affected. At the heart of this question was the problem of pinning down subjective terms such as "degrading." I considered the most important of these subjective evaluations to come from those women who were directly involved in pornography. It was not possible to ask each woman whether she was degraded by producing or consuming pornography. This left only one objective way to judge the matter. Namely, did women freely chose to work in or consume pornography?

The answer is clear: pornographic models and actresses signed contracts. Women who produced pornography, such as Ms Hefner at *Playboy* did so willingly. Women shopkeepers who stocked pornography chose to fill in the order forms. Those who consumed pornography paid money to do so.

But, radical feminists insisted, no "healthy" woman would consent to the humiliation of pornography. Therefore, women who made this choice were so psychologically damaged by a male dominated culture that they were incapable of true consent. In Minneapolis, the ordinance argued that women, like children, needed special protection under the law:

> Children are incapable of consenting to engage in pornographic conduct, even absent physical coercion, and therefore require special protection. By the same token, the physical and psychological well-being of women ought to be afforded comparable protection, for the coercive environment in which most pornographic models work vitiates any notion that they consent or "choose" to perform in pornography.

Pause with me for a moment. Consider how insulting this is to women who have made an "unacceptable" choice with their bodies — that is, women who work in pornography. Anti-pornography feminists label these women as "psychologically sick" because they have made non-feminist choices. These women are called "victims" of their culture.

But radical feminists were raised in the same culture. Presumably, these "enlightened" women wish us to believe that their choices are based on reason and knowledge; somehow, they have risen above the culture in which they were raised. They are unwilling, however, to grant such a courteous assumption to any woman who disagrees with them.

Radical feminists are adamant: Women involved in the production of pornography cannot be held legally responsible for their actions because they are psychologically impaired by cultural influence. Their arguments need not be taken seriously. Their contracts need not be respected. They are psychologically impaired. If a women enjoys consuming pornography, it is not because she comes from another background, has a different emotional make-up or has reasoned from different facts. No: it is because she is mentally incompetent. Like any three year old, she is unable to give informed consent regarding her own body.

The touchstone principle of feminism used to be, "a woman's body, a woman's right." Regarding date rape, feminists still declare, "No means no." The logical corollary of this is "Yes means yes." Now, modern feminists are declaring that "yes" means nothing. It is difficult to believe that any form of pornography could be more degrading to women than this attitude.

As to whether cultural pressure has influenced women's decisions — of course it has. The culture we live in impacts on every choice we make. But to say that women who participate in pornography cannot make a choice because of cultural pressure, is to eliminate the possibility of choice in any realm. Because every choice of every person is made in the presence of cultural pressure . . . including the choice to become a feminist.

The anti-pornography ordinances were intended to protect women from the consequences of their own actions. But what legal implications does this have for women's contracts? — a right for which past generations fought hard. In the 19th century, women battled to become the legal equals of men, to have their consent taken seriously in the form of contracts and to have control of their own bodies legally recognized. After the anti-pornography crusade, who will take a woman's consent seriously? When the 15th Amendment was proposed in a form that enfranchised black men while ignoring women, the pioneering feminist Susan B. Anthony protested:

> We have stood with the black man in the Constitution over a half a century . . . Enfranchise him and we are left outside with lunatics, idiots and criminals.

To deprive women of the right to make their own contracts is to place them, once again, outside the constitution with lunatics, idiots and criminals. Radical feminists are reducing a woman's consent to a legal triviality. Women are being granted the protection of no longer being taken seriously when they sign contracts. This is not a step toward the dignity or freedom of women.

But what of the women who do not choose to be involved in pornography? What of the women who are offended by it? The simplistic answer is that they should not buy or consume it. Moreover, they should use any and all peaceful means to persuade others that pornography is not a proper form of expression.

But the argument runs . . . whether or not women are directly exposed to pornography, they are still victimized. Pornography is the first step of a slippery slope that leads to explicit violence against women, such as rape. Thus, *every* woman is a victim, because every woman is in danger.

This argument assumes: (1) that pornography impacts on men's behavior, (2) that the impact can be measured objectively, and (3) that it can be correlated with sexual violence.

When Susan Brownmiller was asked to supply evidence for her assertions, she snapped back: "The statistics will come. We supply the ideology; it's for other people to come up with the statistics."

Pornography probably does impact on people's behavior. But it is next to impossible to objectively measure that impact. Human psychology is extremely complex, especially in the area of sexual response. Moreover, the standard of measurement and the conclusions drawn from data usually depends on the bias of the researchers or of those who commission the research.

For example, in 1983, the Metropolitan Toronto Task Force on Violence against Women commissioned Thelma McCormack to study pornography's connection with sexual aggression. Her research did not support the assumption that there is one. Indeed, McCormack's study indicated that the effect of pornography might be cathartic. It might reduce the incidence of rape. McCormack anticipated a hostile response to her findings. She wrote:

> There has been a dissatisfaction with the catharsis hypothesis. This probably reflects a political impatience . . . the catharsis hypothesis offers no support for collective efforts to resolve problems; it also offers no support for those who want to intervene to change the person.

Then, McCormack summarized her findings:

> The studies of pornography suggest that the use of pornography has become widespread and that it stimulates sexual activity and sexual fantasy but does not alter established sexual practices. In spite of the more permissive social environments of today, people are still ambivalent about pornography: they believe it is harmful to others, not themselves.

Her report, *Making Sense of Research on Pornography*, was discarded. The study was reassigned to David Scott, a nonfeminist committed to anti-pornography. Scott found a clear connection between pornography and sexual aggression. Students, journalists and researchers who tried to obtain a copy of McCormack's paper were told that it was unavailable.

Statistics almost always contain assumptions and biases. Sometimes the bias is an honest one. For example, a researcher who believes that sexual aggression is a learned behavior will naturally ask different questions than someone who believes aggression is an instinct. Other forms of bias are not so honest. For example, when a reporter for the Boston *Phoenix* asked the radical feminist Susan Brownmiller to supply some evidence for her assertions, she snapped back: "The statistics will come. We supply the ideology; it's for other people to come up with the statistics."

But, for the sake of argument, let's assume that a correlation exists between pornography and rape. What would such a correlation prove? If a society with more pornography tended to have more rape, what would this say?

A correlation is not a cause-and-effect relationship. It is a logical fallacy to assume that if A is correlated with B, then A causes B. Both might be caused by a totally separate factor, C. For example, there is a high correlation between the number of doctors in a city and the amount of alcohol consumed there. One does not cause the other. Both result from a third factor: the size of the city's population.

Radical feminists are aligning with their two greatest ideological enemies: conservatives and the patriarchal state. Anti-pornography feminists are legitimizing a system they themselves condemn as patriarchy.

Similarly, a correlation between pornography and rape may indicate nothing more than a common cause for both. Namely, that we live in a sexually repressed society. To further repress sex by restricting pornography might well increase the incidence of rape. Opening up the area of pornography might well diffuse sexual violence by making it more understandable. In her recent book *Sexual Personae* Camille Paglia contended that women have difficulty in understanding rape because it involves what she called a "bloodlust . . . joy." Paglia wrote:

> Women may be less prone to such fantasies because they physically lack the equipment for sexual violence. They do not know the temptation of forcibly invading the sanctuary of another body. Our knowledge of these fantasies is expanded by pornography, which is why pornography should be tolerated . . .

Even in feminist terms, there are compelling arguments for freedom of

speech. Feminist Ann Gronau explained:

> Knowledge gives us the power to progress, and without access to information, such as our history, we cannot engage in the necessary process of redefinition and reevaluation. Censorship removes the evidence and hinders the acquisition of knowledge. I believe that this hurts feminism a great deal, for being able to document our oppression has been, and continues to be, of inestimable value in battling sexism. It was only when pioneering thinkers began to systematically study the great and small documents of social history that they discovered the complicated religious, psychological and medical theories that had been employed through the centuries to prove the "inevitability" of male dominance. Until this evidence was produced, sexism, as a word or a concept, did not exist.

There is great irony in the spectacle of radical feminists aligning with their two greatest ideological enemies: conservatives and the patriarchal state. In using ordinances, anti-pornography feminists are legitimizing a system they themselves condemn as patriarchy. It is a strange leap of faith. After all, once a law is on the books, it is the state bureaucracy, not NOW, who will enforce it. In *Our Blood*, Andrea Dworkin excoriates patriarchal bureaucracy:

> Under patriarchy, no woman is safe to live her life, or to love, or to mother children. Under patriarchy, every woman is a victim, past, present and future. Under patriarchy, every woman's daughter is a victim, past, present, and future. Under patriarchy, every woman's son is her potential betrayer and also the inevitable rapist or exploiter of another woman.

Now feminists are appealing to this same state as a protector.

The final irony is that it is the state — not free speech — that has been the oppressor of women. It was the state, not pornography, that burned women as witches. It was 18th century law, not pornography, that defined women as chattel. 19th century laws allowed men to commit wayward women to insane asylums, to claim their wives' earnings, and to beat them with impunity. 20th century laws refuse to recognize rape within marriage and sentence the sexes differently for the same crime. It is the state, not pornography, that has raised barriers against women. It is censorship, not freedom, that will keep the walls intact.

One of the most important questions confronting feminism at the turn of this century is whether or not women's liberation can embrace sexual liberation. Can the freedom of women and freedom of speech become fellow travellers once more?

The feminist Myrna Kostash answered this question well by paraphrasing Camus: "Freedom to publish and read does not necessarily assure a society of justice and peace, but without these freedoms it has no assurance at all." ❑

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Reviews

***Reclaiming the Mainstream: Individualist Feminism Rediscovered*, by Joan Kennedy Taylor. Prometheus Books, 1992, 271 pp., $24.95.**

Is Feminism Obsolete?

Jane S. Shaw

Can feminism be consistent with mainstream classical liberal traditions? Joan Kennedy Taylor thinks so, and she makes her case in *Reclaiming the Mainstream.* To the extent that feminism emphasizes individual rights and opposes the encroachment of the state, she considers it both legitimate and welcome. But feminism that supports quotas for women in employment, "pay equity," and greater state intervention to remedy past wrongs toward women is out of the "mainstream" — or at least ought to be. It's time, in her view, for women to embrace individualist feminism and stop seeking help from the state.

In large measure, *Reclaiming the Mainstream* is a history of the women's movement in the United States, interlaced with commentary stressing its individualistic aspects and identifying the points where it deviates from this tradition. Taylor begins by giving attention to four seminal 18th and 19th century feminists: Mary Wollstonecraft, Margaret Fuller, John Stuart Mill and Charlotte Perkins Gillman. She points out that these thinkers were concerned with obtaining for women the same rights as men. Even the last two, who explicitly endorsed socialism, did not espouse centrally planned government, but viewed socialism as a cooperative, largely voluntary activity.

Taylor continues the narrative, focusing on the U.S., with well-researched information about the many facets of the 19th century women's movement. This movement emphasized obtaining the vote and opening academic and professional doors to women, but had other strands as well, including the movement to abolish slavery (which spurred women to consider their own condition) and the fight to prohibit alcohol (stemming in part from the desire to stop the abuse of wives by drunk husbands).

Taylor then discusses the modern women's movement that began in the late 1960s and goes into some detail about political issues of interest to women, such as the fight for the Equal Rights Amendment to the Constitution, and the development of hiring quotas from civil rights legislation. Her history is usually authoritative and comprehensive. She notes, for example, that gem of Hubert Humphrey's, from the debate over the 1964 Civil Rights Act: "If the Senator can find in Title VII . . . any language which provides that an employer will have to hire on the basis of percentage or quota related to color . . . I will start eating the pages, one after another, because it is not in there" (p.152).

Finally, Taylor discusses what she views as contemporary feminist issues such as abortion, child abuse and pornography. With these, as with the rest of the book, she is conversational, thoughtful and gently argumentative. In each case, Taylor argues that feminism need not be statist or socialist and suggests that feminism would appeal to more women if it were more attuned to individual rights.

All this strikes me as quite reasonable, but from the start of the book I felt that Taylor wasn't addressing the fundamental question suggested by the book's title, subtitle and publicity material: Should a libertarian be a feminist? In other words, if individual rights are what matters, why should special attention be given to women's rights?

Taylor may have thought that the answer to this question was too obvious to mention. If women have fewer legal rights than others, then libertarians should be in the forefront of the effort to help them obtain equal rights. And in the 18th and 19th centuries (and presumably for centuries before that), women, especially married women, had few legal rights. Taylor's chilling quotations from Blackstone's *Commentaries on the Common Law* make clear that under common law in England (and subsequently in the U.S.) women were under their husband's control: "By marriage the husband and wife are one person in law, that is, the very being or legal existence of the woman is suspended during marriage or at least incorporated and consolidated into that of the husband" (45). And Black-

Taylor's emphasis on changes in attitudes really gets to the heart of modern feminism, I think, and she can properly commend consciousness-raising as "the individualist heart" of the modern women's movement.

stone says that a husband has a right to "chastise his wife with a whip or rattan no bigger than his thumb, in order to enforce the salutary restraints of domestic discipline" (171). If these quotations are accurate, there was good reason for a feminist movement. However, it should be added (as Taylor does) that by 1871 the courts of one U.S. state, Alabama, had stated flatly that the "ancient" privilege of disciplining the wife through violence was no longer the law there.

As I see it, feminism is clearly justified when the legal treatment of men and women is unequal. But by the late 1960s, when modern feminism emerged, U.S. common law was a far cry from Blackstone's and few statutory laws discriminated against women. (Undoubtedly, there were vestiges of "protective" legislation for women — laws designed to protect workers from competition, heavily pushed by the U.S. labor department. However, Taylor doesn't mention these. And as one who entered the labor force in 1965, I never came across them.)

There was certainly discrimination in the workplace in the mid-'60s. One of the feminists' early complaints was the newspapers' practice of separating job want ads by sex. Feminists tried to change this (by picketing the New York *Times*, for example). Using persuasion to change such traditions is an action that a libertarian can be comfortable with, and if that is feminism I am all for it. (Another "feminist" change I've worked for through personal example and persuasion is to make the language more sex-neutral, with more use of terms such as "humankind.") But I'm not sure that pushing for such changes really encompasses what most people, including Taylor, think of as feminism.

Because there was little legal inequality toward women in the 1960s it is difficult for me to see why a libertarian should have been a feminist in the 1960s — or be one today. But feminism, as the term is now used, is not simply the pursuit of equal opportunity under the law. Taylor discusses many definitions, but doesn't settle on any single one. Perhaps the closest she comes is this: "Yes, all feminists have an identification with and a concern for, women in general" (126).

In fact, when she discusses modern feminism, Taylor largely leaves behind legal rights. "The strongest impact of contemporary feminism has been social not political," she writes. "Feminism has changed commonly accepted social expectations as well as the behavior and relationships of individuals" (77).

While many women recognize that balancing career and family is the responsibilty of themselves and their families, others believe that they have a "right" to have it all. Given this view, they expect government and business to take steps to enable women to achieve their "rightful" goals.

In other words, much of modern feminism, and certainly the feminism Taylor applauds, has involved changes in attitudes rather than changes in laws. One individualist tradition that Taylor is trying to save or rediscover, then, is the recognition by the individual woman that she has many choices and does not have to follow a socially-prescribed set of rules.

Given this view of feminism, Taylor correctly emphasizes "consciousness-raising" as a major force. Consciousness-raising, a practice popularized in the late 1960s, brought women together to talk about their lives, with emphasis on how being female had influenced their important choices.

As Taylor views it, many women in the post-World War II period "tried valiantly to be 'creative' homemakers," but found their lives unsatisfying. "They knew they were unhappy, but they couldn't make the imaginative leap that would allow them to see themselves changing their lives in a way that would be both meaningful and at the same time, preserve what they valued in the situation they had" (79). For many women, consciousness-raising enabled them to direct their lives in more satisfying ways. Taylor's emphasis on changes in attitudes really gets to the heart of modern feminism, I think, and she can properly commend consciousness-raising as "the individualist heart" of the modern women's movement (81).

Consciousness-raising has helped a number of women by liberating them from social constraints that made them unhappy, and in that respect it has been a positive development. But consciousness-raising, or at least the new consciousness that resulted, caused harm, too, both for individuals and for our nation as a society of free and responsible individuals. More choices opened up for women, but their responsibilities increased as well, and it's not clear to me that these responsibilities have been fully recognized. On the positive side, women no longer felt that they had to be housewives; they could pursue careers instead, or they could try to "have it all" — that is, they could aim at high-powered careers and still have their families.

But Taylor points out that achieving these twin goals has turned out to be more difficult than expected, a fact that Betty Friedan acknowledged in her 1981 book *The Second Stage*. While many women recognize that balancing these two goals — career and family — is their and their families' responsibility, others believe that they have a "right" to have it all. Given this view, they expect government and business to take steps to enable women to achieve their "rightful" goals. This mentality, I believe, has resulted in pressure for government-provided or government-forced day care and the demand that employers put the preferences of their employees above their profit goals through such benefits as mandatory parental leave.

The more responsibility women place on government or business to help them bring up their children, the less responsibility they are taking for themselves. Together, the increasing intervention of government and the reduction in women's responsibility for caring for children must be harmful to a liberal society. So, although we should welcome the equal rights of women, and certainly must welcome the departure of the era of the legal

subjugation of women by husbands, we should also recognize that there are costs, some of them serious.

So here I am, still mulling over the question that bothered me the entire time I was reading the book: Should a libertarian be a feminist? Taylor has argued persuasively that a feminist can be a libertarian, because a feminist — someone who identifies with and has special concern for women — does not need to seek state intervention that costs others' freedom.

But should a libertarian be a feminist? I'm not sure. Libertarians should be humanitarians; they should care about people who suffer, and try to alleviate suffering when they can. In some cases, they will help women; in others, people who are poor; in others, people who have a different color or creed. But advancing freedom in our society is the paramount goal of libertarians, and I retain some doubt as to whether feminism today furthers that goal. ❑

***The Great Reckoning: How the World Will Change in the Depression of the 1990s*, by James Dale Davidson & Lord William Rees-Mogg. Summit Books, 1991, $22.00.**

Crisis! Crisis! Crisis?

John McCormack

James Davidson and Lord William Rees-Mogg predict "Financial Armageddon" during this decade. They foresee a global depression, involving either a deflationary implosion of the financial system or a radically inflationary regime. Davidson expects the former; Rees-Mogg the latter. Both predict the collapse of many major institutions, including banks, insurance companies and large pension plans. These calamities make up only the tip of the iceberg: they also believe that modern welfare states — including the U.S. federal government — face bankruptcy as well.

Davidson and Rees-Mogg are hardly unique in predicting economic crisis and collapse. Writers operating from assumptions and understandings as different as Harry Browne, Douglas Casey, Ravi Batra, and numerous Marxists have predicted financial crises in the recent and not so recent past. This book, however, stands apart from the others because of the wide sweep of its analysis.

The authors' general thesis is that we are at a major transition point in history: something comparable to the collapse of the Roman Empire into the Dark Ages, the beginning of the Renaissance, or the start of the Industrial Revolution. This transition involves the collapse of many existing institutions and a social and industrial reorganization driven by rapid advances in computer and telecommunications technology.

Davidson, an American, is the founder and chairman of the National Taxpayer's Union. Rees-Mogg, an Englishman, is a former editor of *The Times* of London and a former deputy head of the BBC. *The Great Reckoning* is the second book by this duo. Their first collaboration, *Blood in the Streets*, is filled with similar predictions, most of which the authors are justifiably proud to recount. In that book, published in May of 1987, they forecast over the next few years a major international stock market crash; a severe bear market in real estate, especially commercial real estate; the collapse of communism in eastern Europe, and the dissolution of the Soviet Union.

But no one bats 1.000; they acknowledge that two things they forecasted in *Blood in the Streets* have not come to pass: Japanese real estate prices did not collapse along with Japanese equities and the world as whole has not sunk into depression. However, in the last year, there have been indications that Japanese real estate prices *have* collapsed. This fact has not been widely recognized because so few real estate sales have taken place, and fewer have been publicized. Only the last prediction, of worldwide depression, remains unfulfilled. This prediction has been renewed in *The Great Reckoning*.

Predictably, most book reviewers in the "prestige press" have dismissed the book as extreme, wildly improbable, and hopelessly alarmist. Those who've read Mises, Hayek, and Rothbard will have a much easier time following and accepting Davidson and Rees-Mogg's arguments than those whose economic perspective has been formed by reading Paul Samuelson and other Keynesians.

Much of the book offers general, uncontroversial advice, including health tips and appeals to thrift and good neighborliness. In places, it reads like a latter-day *Poor Richard's Almanac*. The final few chapters are specifically prescriptive in the manner of many investment guides. This is not where the book's strength lies. Its real value is as a scenario planning tool for investors.

The world is at a major historic transitional point, something comparable to the collapse of the Roman Empire into the Dark Ages, the beginning of the Renaissance, or the start of the Industrial Revolution.

While ostensibly an investment guide, the book is actually much more. The authors take an interdisciplinary approach in exploring the interaction between technology (particularly the technology of force), the development of political institutions, and the effect of both on economic growth and finan-

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cial markets. The authors reintroduce a term, *megapolitics*, to describe their theory that "historic changes in the ways that societies organize are largely determined by the physical limits on the exercise of power." They are quick to deny that they mean that every outcome everywhere is determined by violent struggle. Rather, they mean that the Hobbesian state of nature is always with us. Power, including the defensive power to protect one's property, has a technological basis. Governmental constitutions and private contracts reflect the various parties' abilities to enforce rights and obligations. The kinds of governmental institutions and the kinds of voluntary contracts one enters into are always shaped by the reality of physical force. One need not concur with every historical example the authors offer to illustrate the workings of megapolitics to accept the fundamental validity of the concept.

Davidson and Rees-Mogg believe that technological changes currently underway, particularly improvements in computing power, will lead to dramatic social reorganization. In general, this means extensive decentralization of power resulting from the exercise of power on smaller scale. While most libertarians would applaud such developments reflexively, the authors see many dangers. Despite the easy victory over Iraq, they foresee an inevitable decline in U.S. military power. They fear this development, because they regard U.S. military power (and the power of the British before the World Wars) as the decisive element in the maintenance of international trade and the protection of property rights. While not disputing the predatory nature of governments, they prefer a "monopoly of thievery" to the competition of marauding bands. As much as they admire free-trade entrepôts like Hong Kong and Singapore, they feel that mini-states such as these could not have prospered without a predominant international military power that kept the seas open and generally supported contract and property rights.

The authors paint a bleak picture for much of the rest of the world. While applauding the collapse of communism, Davidson and Rees-Mogg warn that prospects for a free and democratic Russian Republic are slim. They expect the current Russian economic collapse to lead to a military dictatorship. The declining size of military "critical mass" is likely to lead to a dramatic increase in sovereign or semi-sovereign states in the formerly communist countries. The military confrontation between East and West will be replaced by long-term hostility between the industrialized West and the Islamic world.

Davidson and Rees-Mogg emphasize the historical parallels to other transition periods. They compare the end of U.S. predominance in international affairs and the rise of Japan as the world's premier manufacturing power with the transition from British to American leadership internationally as a result of the First World War. They argue the financial collapse during 1929–1933 was related to that transition period and that the current transition will be accompanied by a comparable debacle.

The authors see many long-term cycles at work. Some, like the debt cycle, have manifestations at least once a decade but demonstrate vastly greater effects every half-century or so. They believe that one can discern longer term economic cycles, some lasting as long as five hundred years. Ominously, they find us approaching the confluence of several of these cyclical sea-changes.

Chaos theory may offer important insights into financial markets. Volatility and crashes may turn out to be integral to the functioning of markets, rather than problems to be fixed by government macroeconomic management.

One period in intellectual history they see coming to an end is what they call the "Newtonian paradigm" in which change occurs in a linear fashion and systems tend toward equilibrium.

While these notions no longer hold sway in physics, they still dominate Keynesian (and, to some extent, Chicago School) economics. Chaos theory, they believe, may offer important insights into financial markets. Volatility and crashes may turn out to be integral to the functioning of markets, rather than problems to be fixed by government macro-economic management. Long cycles may occur despite any effort to maintain "equilibrium." While some "technical" analyses of market prices may be valid their strength may not be apparent using conventional, linear mathematics.

Despite its pessimistic, even apocalyptic tone, *The Great Reckoning* is strangely exhilarating. I would not regret the passing of most of the welfare state institutions the authors expect to collapse. The socio-technological changes they foresee offer greater personal autonomy and concomitant greater requirements for personal responsibility. Much more unsettling, however, are their warnings concerning the potential horrors of the devolution of power through technological change. I find these prophecies, however, to be less than convincing.

Those who read *Blood in the Streets* know how close to the mark most of their forecasts have come. Even so, we are yet to witness the end of western civilization. Perhaps their dire predictions are overdone and the international economy as a whole may be a more robust and resilient system than they realize. But even if this is the case, readers will still benefit by testing their own assumptions about what will be needed to protect their property and persons in the years ahead. ❑

***Secession: The Political Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*, by Allen Buchanan. Westview Press, 1991, xviii + 174 pp, $39.95 hc, $14.95 sc.**

How to Secede in Politics

Scott J. Reid

The first two years of the 1990s have produced a wave of nationalist and secessionist movements unparalleled since the breakup of the Russian, Austrian and Ottoman empires at the end of the First World War. The collapses of Yugoslavia, Czechoslovakia and the Soviet Union may be precursors of events to come in other parts of the world. There is reason to believe that Canada and Ethiopia may break apart in the near future and that secessionist movements will grow in strength in Scotland, Sri Lanka, and South Africa. Looking further into the future, there is no reason to believe that the world's great multi-ethnic empires — India, China and Indonesia — will prove any more successful at suppressing their minority populations than were the Soviets.

Often as not, ethnic violence seems to accompany secession. The outbreak of full-scale civil war in Yugoslavia and parts of the ex-USSR is the first massive bloodshed on European soil since the Second World War. Some commentators have reacted by fondly recalling the days when nationalist fervor was kept firmly under the heel of Communist tyranny. In its day, Yugoslavia was popularly portrayed as the most enlightened and outward-looking of all the Communist states of eastern Europe. It also had the worst human rights record of the lot, because Tito and Co. had to quash the usual liberal-democratic dissidents, as well as the nationalist sentiments of several small nations.

The choice seems to be between secessionist bloodbath or authoritarian empire. One person who thinks there is a realistic third alternative to this painful dilemma is Allen Buchanan, a Professor of Philosophy at the University of Arizona in Phoenix. He argues that what is really missing, in a world full of secessionist movements, is a comprehensive moral philosophy of secession. This is such completely uncharted territory for moral philosophy that Buchanan warns readers, "If I have not seen very far, it is because I have stood on the shoulders of midgets" (p. ix).

As long as no generally accepted moral framework exists for secession, the justifications presented by each side in any given secession crisis will continue to be logically incoherent, self-contradictory appeals of the "My Country, Right or Wrong" variety.

As long as no generally accepted moral framework exists for secession, secessionist movements will continue to pit those who would use the sword to maintain their empires against those who would use the sword to hack them apart. The justifications presented by each side in any given secession crisis will continue to be logically incoherent, self-contradictory appeals of the "My Country, Right or Wrong" variety.

Certainly this has been the case in Yugoslavia, where the Croatians and Bosnians have demanded the right to secede from the Yugoslav federation, but have not extended the same right to their Serb minorities, and where the rulers of Serbia have insisted on the right of every Croatian and Bosnian Serb to live under Serbian rule, but have not extended the same right to the Albanians of Kosovo.

Buchanan's approach is straightforward. He attempts to catalogue the moral arguments that could be used in favor of secession under certain circumstances, and to do the same for those that could be used to oppose secession. When the preponderance of the arguments in any given instance outweigh

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the preponderance of arguments against secession, then that particular secession can be morally justified.

For example, in one of his more important discussions, Buchanan reviews John Locke's classic discussion of political oppression and applies it to the moral right of secession. Locke, of course, argued that the most reasonable response to political oppression is to remove oneself physically from the country in which the oppression is taking place. By remaining within the borders of a country, one is offering one's tacit consent to be ruled.

But, as Buchanan observes, moving may involve costs that are too high for the offended group to reasonably be expected to bear. As well, borders are not as open to the world's huddled masses as they once were. Locke's argument would have sat poorly with the Jewish refugees aboard the St Louis, who were turned away from port after port in 1939. In other cases, as with the Kurds, it is simply impossible for a group to leave its homeland without committing ethnic suicide. In consequence, a strong argument can be made that secession or the removal of part of the territory of a tyrannical state from the grasp of the tyrant is morally justifiable.

Curiously, Buchanan places most of his emphasis on secessions motivated by questions of principle, rather than on those caused by ethnic conflict. America's secession from the British Empire in 1776 and the secession of the south in the 1860s are two of only a handful of historical examples of a secession based on principle rather than ethnic friction. None of the secessionist movements of the 1990s appear to be based on any tangible principle at all beyond the nationalist dictum that each nation should enjoy boundaries coextensive with its ethnic frontiers. More fundamentally, there is a significant gap in his analysis of ethnic conflict. Buchanan does not directly address the issue that inevitably seems to lead to violence in secessionist struggles — the insistence of every seceding minority ethnicity, that its right to self-determination should not be extended to other minorities within its own borders. This is the cause of the wars in Georgia, Azerbaijan/Armenia, Yugoslavia, and now in Moldova, where the Ukrainian and Russian minorities are attempting to secede from the Romanian-dominated Moldovan republic.

Still, one can infer a basic and reasonable rule from Buchanan's emphasis on evenhandedness: If group "B" has the right to secede from a country governed by group "A," then presumably sections of brand-new country "B" should have the right to secede as well, if only to rejoin country "A." Such a process of smaller and smaller secessions, pursued down to the neighborhood level, could produce new borders with a few usual lumps and jogs, and maybe even the odd enclave. This has been the rule that has been followed in most of the (very rare) examples of successful and non-violent secessions.

Unfortunately, neither this idea nor any of Buchanan's well-reasoned arguments is likely to find a sympathetic audience among the leaders of the nationalist movements that are at the heart of secessionist violence worldwide. There seems to be a deliberate unwillingness on the part of nationalist leaders everywhere to consider reasoned opinions or to place any value at all on generosity and fair play towards groups other than one's own.

None of the secessionist movements of the 1990s appear to be based on any tangible principle at all beyond the nationalist dictum that each nation should enjoy boundaries coextensive with its ethnic frontiers.

Perhaps a more receptive hearing might be given by the policy makers of the United Nations and the European Community, whose leaders seem hell-bent upon thrusting their organizations into the midst of the world's trouble spots. To judge by their confused discussions of intervention in Yugoslavia, they have no guidance beyond a simple desire to stop the shooting. Interventions in support of clearly-stated princi-

ples of secession that are impartial and fair to all sides would be far more likely to receive a positive response than the current directionless efforts of George Bush in Kurdistan or of the European leaders in the Balkans. ❑

***Hayek and the Market*, by Jim Tomlinson.**
Pluto Press, 1990, xii + 162pp., £8.95.
***Economic Freedom*, F.A. Hayek.**
Basil Blackwell, 1991, xii + 415pp., $40.00.

Hayek Unbound

Gregory R. Johnson

Jim Tomlinson's *Hayek and the Market* is an unusual, stimulating, and vexing little book.

It is unusual because it is the first explicitly left-wing, book-length critique of Hayek in English since Barbara Wootton's *Freedom Under Planning* (London: Allen and Unwin, 1946) and Herbert E. Finer's *Road to Reaction* (London: Dobson, 1946). Published in 1990, it is the first such critique of Hayek that draws upon all of his major published works.

Tomlinson's book is stimulating because of its consistently critical attitude. His tone is neither hostile nor ideological, but skeptical and probing. He manages to engage Hayek's work on a number of levels. Many of his criticisms are on target. (For instance, Tomlinson quite rightly notes that Hayek is grossly unfair to Freud. Indeed, as J.G. Merquior has noted, the two thinkers have much in common.[1]) Furthermore, even when Tomlinson's criticisms are off target — and some are *way* off target — they are always at least thought-provoking, forcing one to re-read Hayek's texts and to reformulate his positions.

Stimulating though it may be, however, *Hayek and the Market* is still quite vexing. Although it promises much, it actually delivers very little by way of substantive and searching criticism.

The book consists of six chapters. Chapter 1, "A Biographical Overview," is just what the title says. It introduces not only Hayek's life and major works, but also one of the book's most annoying rhetorical tactics. After summarizing one of Hayek's positions in a few lines, Tomlinson then follows with an equally terse summary or quotation of a critique of Hayek. Hayek says *p*. But Keynes (or Sraffa or Machlup or Robbins) says not-*p*. This is, I suppose, useful for bibliographical purposes. (I discovered several critiques of Hayek that I had not encountered before.) But it hardly serves as a *critique* of Hayek, for it presents only the conclusions of his arguments and those of his critics, but never actually digs into the arguments themselves. Instead of explicating and engaging Hayek's arguments in detail, Tomlinson simply manipulates and juxtaposes appeals to authority, countering contextless conclusions with contextless counter-conclusions.

Chapter 2, "Liberty, Democracy, Law and Justice," surveys some of the central concepts of Hayek's political theory. It also introduces another annoying rhetorical tactic. I call this the "Blame Hayek" ploy. It amounts to a lack of hermeneutical charity and inquisitiveness. Tomlinson frequently encounters aspects of Hayek's thought that he has trouble fitting together. This should not be surprising, given the subtlety, scope, and radicalness of Hayek's work. However, instead of trying to delve more deeply into Hayek to see if the problematic aspects can be reconciled, Tomlinson simply stops and declares that Hayek is contradicting himself. The problem, however, is usually not Hayek's, but Tomlinson's.

For instance, Tomlinson reminds us of Hayek's traditionalism and social conservatism. Tomlinson then reminds us of Hayek's often quite radical proposals for institutional reform. The conclusion: Hayek is contradicting himself. Or: Tomlinson reminds us of Hayek's commitment to the rule of law. He then mentions that Hayek also gives great place to the discretion of judges in applying and interpreting the law. The conclusion: Hayek is contradicting himself; either the law rules, in which case it must, presumably, apply *itself* — somehow — or the judges apply the law, in which case they rule. In Chapter 4, Tomlinson introduces a dichotomy between individual entrepreneurs and institutions. The Austrian emphasis on entrepreneurship, he seems to hold, is a form of radical, atomistic individualism which ignores the importance of institutional frameworks. But clearly institutional frameworks are important; therefore, the role of the entrepreneur is overemphasized to — I presume — the detriment of the technocrat.

The only reason for calling the modern welfare state "market socialism" seems to be mere sentimentalism. Socialism in the classical Marxian sense, however, is dead, and Mises and Hayek — and history — have killed it.

These apparent contradictions melt away, however, when one appreciates the central role in Hayek's thought played by the *the primacy of practical reason*. Tomlinson's criticisms all presuppose a particular model of theory and intellectual criticism and their relationship to practice. Roughly speaking, Tomlinson supposes that theory and

criticism require a "transcendental" standpoint, i.e., a standpoint outside of and opposed to history, society, traditions, practices, and institutional frameworks. To understand, criticize, and reform tradition and society, we must somehow first extract ourselves from them. In order to obtain objective knowledge, we must, in effect, become angelic knowers, purging ourselves of traditional prejudices and practices and even language. It is only by presupposing this model that Tomlinson can conclude that there are conflicts between being situated in a tradition on the one hand and participating in social criticism and reform on the other — between being situated in a legal tradition and applying the law to particular cases — or between existing in institutional frameworks and exercising entrepreneurial insight and judgment.

Hayek's evolutionism is vague — but this vaguenes hardly justifies the uncharitable and sometimes downright stupid attacks it has drawn.

Hayek, however, presupposes a different model. For Hayek, an angelic knower purged of tradition, practice, language, and prejudice is impossible. Rather, the human knower is constituted precisely by his language, traditions, prejudices, and practices. Therefore, to get rid of them would not raise us to an angelic knowledge, but rather lower us to the cognitively helpless state of an unsocialized infant. In other words, the traditional account of objective knowledge is mistaken. Objectivity is not gained by leaving history, language, etc. behind; it is achieved through them; they are the instruments of — rather than impediments to — knowing.

Given Hayek's understanding of the knower, there can be no radical opposition between theory, criticism, and reform on the one hand and history, tradition, and practical knowledge on the other. For Hayek, *theory is simply another form of practical knowledge;* it is the practice by which practice understands itself. Criticism and reform are also forms of practical knowledge; they are the practices whereby practice transforms itself to adapt to new circumstances.

An interesting though sketchy criticism in the second chapter (later taken up in chapter 5) is of Hayek's contempt for political parties and organized pressure groups. This contempt is, of course, understandable given their role in the maintenance and expansion of legalized plunder. Their roles can, moreover, be minimized in the legislature. For instance, one could choose all legislators by random lottery, somewhat like jurors. (Anyone who reads Aristophanes' *The Wasps* can see that having professional jurors is just as bad as having professional politicians; perhaps, then, professional politicians can be eliminated in the same way as professional jurors!)

The important point, though, is that one cannot totally *eliminate* the power of political parties and organized pressure groups, except through coercion. Thus, as Tomlinson points out, the only way to contain their baleful influence is to *bring them into the government.* Tomlinson's model is the corporatism of contemporary Sweden and Austria, in which organized pressure groups make policies. This, of course, is a prescription for *very big* — and, because unified, very powerful — government.

A form of corporatism committed to limited government and the free market could never grant organized interests the power to make laws. *But it could give them the power to overrule those laws that victimize particular groups.* I have long toyed half-seriously with the idea of a bicameral legislature in which only one house would be empowered to *pass* laws. Its members would be insulated from special interests and (almost certainly) limited to one term through random lottery election. The other house would be empowered only to *repeal* laws. Its membership would consist of representatives of organized interest groups, who would act as a check on the tendency for legislatures to pass laws which victimize particular social groups, usually the small, poorly-organized, and voiceless. (In the present system only those groups which are well-funded, well-organized, and loud can defend their interests, usually while preying on the interests of others. In the system I envision, all a group would need to protect itself is a single representative in the house of repeals.) Through the winnowing process of legislation and repeal, there would be a tendency toward laws that serve the common good in the Hayekian sense — the preservation of the extended order, the maximization of life chances for all — without having to depend either on the limited knowledge of legislators or their good intentions to seek the common good.

Chapter 3, "Evolution, Reason and Morals," is almost wholly insubstantial. Tomlinson reminds us that Hayek stresses over and over the dangers of the replacement of the abstract, individualistic, and self-interested ethics of the extended order with the solidaristic and altruistic ethics of the tribal band. The latter, Hayek thinks, are most appropriate for families and small subgroups within the extended order. Tomlinson points out, however, that the reverse is also a problem: the solidaristic and altruistic ethics of the family and the small group are being eroded by the values of the market order.

Is Hayek's account of the dangers of the interventionist welfare state refuted by historical experience? It is true that we are not all serfs today. But Hayek did not claim to be forecasting an inevitable historical trend. Rather, he argued that if certain policies are pursued, then — freedom will be lost.

Tomlinson is not specific about how, precisely, this is happening, but it is easy enough to guess what is bothering him. For example, the idea of marriage as an ethical institution that

demands that we alter *our* preferences to make *it* work has been replaced with the idea of marriage as a business contract which can be dissolved as soon as it does not serve the preferences we started with. Marriage and family are no longer ethical institutions that demand the *evolution* of our selves and our interests. Rather, they are there simply to serve the interests and preferences of the self that is already in place.

Tomlinson actually claims that Hayek would applaud such a situation, treating marriage and the family simply as transient, voluntary arrangements to serve given preferences (p. 131). Now, some libertarians would applaud this model of marriage. But, then again, many of them have lousy marriages. Many, moreover, are frozen at the usually adolescent level of maturity at which they decided that, from then on, they were going to enter only those relationships that served, rather than challenged, the preferences already in place.

But this sort of rationalistic individualism is completely foreign to Hayek's work. Hayek does not argue that all aspects of human life should be conducted like market transactions. This is why he says that the ethics of solidarity and altruism are *appropriate* to the family. Furthermore, he was aware of the problem, writing in *The Fatal Conceit* that, "if we were always to apply the rules of the extended order to our more intimate groupings, *we would crush them.*"[2]

Interestingly enough, Tomlinson also goes on to argue (130–131) that Hayek is a "family values" man, but that this is a problem. The family, Tomlinson claims, is a deeply coercive, inegalitarian, and unfair institution, and this is bad; thus the family is in need of external political intervention to make it more voluntaristic and egalitarian . . . sort of like market interactions (although Tomlinson would not think so).

These sorts of contradictions pop up all over the place. On one page, Tomlinson stresses the importance Hayek places on the moral and institutional frameworks of the market process. A few pages later, Hayek is accused of having an abstract, ahistorical concept of the market that ignores the importance of differing institutional set ups. This makes one wonder if Tomlinson is not simply beating Hayek with any stick that comes easily to hand.

Tomlinson also castigates Hayek for being vague about what, precisely, are the values he thinks conducive to capitalist civilization. Hayek reiterates that traditions which esteem the family and private property have a clear survival advantage. He also makes statements such as the following:

> They [the early *bourgeoisie*] esteemed the prudent man, the good husbandman and provider who looked after the future of his family and his business by building up capital, guided less by the desire to consume much than by the wish to be regarded as successful by his fellows who pursued similar aims. . . . Its [the market order's] mores involved withholding from the known needy neighbours what they might require in order to serve the unknown needs of thousands of unknown others.

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> Financial gain rather than the pursuit of a known common good became not only the basis of approval but also the cause of the increase of general wealth.[3]

Now, this may be rather abstract, but does Tomlinson literally not know what Hayek is talking about? Given this description, would he be unable to distinguish a bourgeois from, say, a hunter-gatherer, a technocrat, or a liberal bleeding heart?

Tomlinson also takes Hayek to task for the vagueness of his evolutionism. Hayek's evolutionism *is* vague — but this vagueness hardly justifies the uncharitable and sometimes downright stupid attacks it has drawn.[4] But even if Hayek's evolutionism were completely indefensible Tomlinson's sort of criticisms are not sufficient to demonstrate it. For instance, Tomlinson thinks it very telling to observe that evolutionary considerations do not apply to human culture because man has no natural predators (47). Well, what about other men? Perhaps Hayek's emphasis on cultural *group competition* and selection is not so stupid after all.

Chapter 4, "Full employment, Inflation, Welfare and Trade Unions," deals largely with a body of Hayek's later work that has not, to my knowledge, been given a comprehensive treatment elsewhere. After having lost the battle with Keynes and Cambridge over the direction of inter-war economic policy and having published *The Pure Theory of Capital*, Hayek turned most of his attention to political theory and abstract methodological and "meta-economic" issues, producing such works as *The Road to Serfdom*, *The Counter-Revolution of Science*, "The Use of Knowledge in Society," "Individualism: True and False," etc.

It was not until the 1970s, with Nobel prize in hand and the post-war Keynesian consensus falling apart around him, that Hayek re-entered the fray of monetary theory and policy. Most of these works of the '70s and '80s were published by London's Institute of Economic Affairs. They have now been collected together and published by Blackwell under the title *Economic Freedom*, with a brief Introduction by Norman Barry.

Economic Freedom is a useful and welcome volume, deserving a paperback edition and the widest possible readership. It belongs in every library. *Economic Freedom* brings together *A Tiger by the Tail: The Keynesian Legacy of Inflation* (a 1978 collection of timely excerpts drawn largely from works of the 1930s and '40s); Hayek's radical proposals for the privatization of money, *Denationalization of Money*, "Market Standards for Money," and "Choice in Currency"; his critiques of Keynesianism, including his Nobel Lecture "The Pretense of Knowledge"; "1980s Unemployment and the Unions"; and several other policy-oriented essays. Also included is "The Confusion of Language in Political Thought," one of Hayek's late political essays which is especially important for understanding the relationship of Hayek's thought to classical political philosophy. Reading these essays together underscores both Hayek's originality and the hopelessness of the thesis that he is a timid conservative. It's remarkable to see the radicalness of the conclusions that can be reached through "immanent" criticism of the status quo.

Hayek is not a laissez-faire absolutist but an advocate of the "social market economy." He does not think that the consumer preferences served by the market at any given time are sacred. They are, rather, subject to moral evaluation and political alteration.

Tomlinson's survey of these late works is one of the most interesting parts of his book, but it is still pretty thin stuff. He points out many small problems with Hayek's accounts of inflation, labor unions, and the post-war Keynesian consensus, but his dismissal of Hayek's proposals for currency reform is wholly cavalier. Also flawed is Tomlinson's claim that Hayek's account of the dangers of the interventionist welfare state is refuted by historical experience. Yes, it is indeed true that we are not all serfs today. But Hayek did not claim to be forecasting an inevitable historical trend. Rather, he argued that *if* certain policies are pursued, *then* — in the absence of countervailing forces — freedom will be lost. But the policies have not been pushed to the ultimate extreme and countervailing tendencies such as stagflation have appeared. Moreover, Hayek's own dire predictions have played some role in slowing down the progress of interventionism. Hayek would be the first to celebrate the fact that he has been "proven wrong" by historical events.

Chapter 5, "Hayek and Socialism," and Chapter 6, "Conclusions: Hayek at the End of the Twentieth Century," continue in the venerable "market socialist" tradition of hemming, hawing, and hedging in response to the Misesian and Hayekian critiques of central planning. Tomlinson's main point is that the Mises-Hayek critique applies only to an idealized socialism; they successfully prove that complete central planning is impossible, but they do not prove that various forms of "market socialism" are impossible.

The trouble with this approach, however, is that it allows socialism to escape the Austrian critique only by turning it into a blurry, moving target. Suddenly socialism becomes "market socialism" which on Tomlinson's account is indistinguishable from what passes for capitalism today: the mixed economy. The only reason for calling such a system "market socialism" seems to be mere sentimentalism. Socialism in the classical Marxian sense, however, is dead, and Mises and Hayek — and history — have killed it. Furthermore, the "market socialist" mixed economy becomes more susceptible to the Mises-Hayek critique once its elements are un-mixed.

For the sake of argument let me stipulate that the mixed economy consists of interventionism, redistributionism, and market capitalism. I shall define interventionism as any regulation that attempts to replace production by private firms and co-ordination through the market price mechanism. Examples of interventionism include nationalization of industries and wage

and price supports and controls. Redistributionism consists of any attempt to alter the demand structure *within* the price system as opposed to interventionist attempts to alter the price system as such. Examples of redistributionism include inflation, subsidies, and any sort of direct transfer payments.

Now, interventionism *is* subject to the Mises-Hayek critique; see, for example, Mises' *A Critique of Interventionism.* Therefore, one can make a strong case against any attempt to replace the price system. Tomlinson, however, simply waves away the argument against interventionism as an instance of the slippery-slope fallacy without actually criticizing its account of the mechanism by which interventionism must of necessity spread through an economy.

Redistributionism, however, is quite another matter. Hayek is not a laissez-faire absolutist but an advocate of the "social market economy" in the original sense of that term, i.e., Hayek holds that all economic production and activity should be undertaken by private firms co-ordinated by the free market's price mechanism. He does not, however, think that the consumer preferences served by the market at any given time are sacred. They are, rather, subject to moral evaluation and political alteration. For instance, social safety-nets, subsidies for the arts, school-vouchers, and taxes on luxuries and "sins" do not seek to alter or replace the market. Rather, they merely re-direct demand within it.

The critique of redistributionism is the next frontier for libertarian social theory. Israel M. Kirzner's *Discovery, Capitalism and Distributive Justice* is a significant contributor to the economic critique of redistributionism. Charles Murray, Marvin Olasky, and David Beito have made powerful historical and sociological arguments that redistributionism is both harmful and unnecessary, and it seems likely that many more economic, sociological, and historical critiques can be offered. The issue is also, of course, a fertile field for moral philosophers.

The point to be recognized here, though, is that to the extent that market socialism is interventionist it is subject to the Mises-Hayek critique. And to the extent that it is redistributionist, Hayek is not subject to Tomlinson's critique. Granted, Hayek is much less of a redistributionist than Tomlinson, but the point is that both of them agree in principle that the state can reallocate resources by political means.

Who should read *Hayek and the Market*? I suspect that the book will be of greatest benefit to those who seek a clip of "intellectual ammunition" against Hayek: those who are generally unsympathetic to him, who wish to convince themselves that he need not be taken seriously, and who wish to do so without having read his work. Hayek scholars will also benefit from reading *Hayek and the Market* for it does stimulate thought and provide a few choice quotes. Besides, they have a scholarly obligation to keep up on the literature. However, those hoping for a deep and serious critical discussion of Hayek will have to wait a little longer. ❑

notes

1 J. G. Merquior, "In Quest of Modern Culture: Hysterical or Historical Humanism," *Critical Review* 5, no. 3 (Summer1991): 399-420. See esp. pp. 413–415.

2 F. A. Hayek, *The Fatal Conceit:The Errors of Socialism*, ed. W.W. Bartley, III (Chicago: University of Chicago Press, 1988), p. 18.

3 F. A. Hayek, *Law, Legislation, and Liberty*, vol. 3, *The Political Order of a Free People* (Chicago: University of Chicago Press, 1979), pp. 164–165.

4 For a good example of a less-than-fair attack on Hayek's evolutionism, see Jeffrey Friedman's claim that for Hayek, "whatever evolves is right" in his "Postmodernism vs Postlibertarianism," *Critical Review* 5, no. 2 (Spring 1991), p. 155.

***A Declaration of War: Killing People to Save Animals and the Environment*, by Screaming Wolf. Patrick Henry Press, 1991, 161pp., $8.95.**

War With the Animal Kingdom

John Hospers

The book that most dramatically called attention to human cruelty to domestic animals (principally on "factory farms") was Peter Singer's *Animal Liberation* (1975). Then came Tom Regan's *The Case for Animal Rights* (1983), which not only insisted that we not abuse animals but also argued that animals have a right to our care, that animals have as much of a right against human beings as one human being has against another.

But all this is tepid stuff compared to the latest volume, *A Declaration of War* (1991), by an unnamed individual who calls himself Screaming Wolf. Human beings, he says, have been massively guilty of exterminating much of the animal kingdom, of polluting the Earth, of overpopulating it with so little care for the future that starvation and famine must be the inevitable result, and of decimating the animal kingdom and the entire environment in the process. It is time, he says, to take action to save the animals and plants before human beings doom them all to destruction. It is too late for talk or even peaceful agitation. If animals are being used in experimental laboratories in a local university, it is not enough to walk in front of the building with placards protesting the practice; we must take over the building, by armed might if necessary, even killing the people in charge in order to protect the animals.

If in the building across the street your sister were being raped or members of your family being murdered, you would do whatever was in your power (says the author) to save their lives. You would not stand outside and demonstrate or write a letter to your congressman. Even threatening the peo-

ple with fear of dire consequences if they continued the practice would do no good — we have to implant in the guilty persons a deadly *fear* of what we will do to them if they do not cease and desist, and there will be no such fear if we do not sometimes carry out our threats. We must initiate a guerrilla war against all persons who use animals in laboratories, or use their skin for clothing, or hunt animals for food or sport, or eat the flesh of animals at all. *All* of these people are guilty of animal-murder, and must be brought to account like all other murderers. Our first duty is to rescue our animal brothers and sisters from their human aggressors.

All persons, he says, are guilty, even those who do not abuse animals or eat their flesh, for we are all a part of a civilization in which the systematic destruction of animals is a part of its way of life. For example, we all use roads and ride in cars that kill animals by the thousands, and we have taken over the plains and forests that are the rightful domains of animals and put homes and stores and factories in their place, killing most of the animals in the process. And since this process is sure to continue if unchecked, and the human population will continue to expand and take ever more of the animals' domain, the only hope for the animals is the elimination of the human race from the planet.

A radical thesis, indeed. One cannot accuse the author of being unwilling to face the implications of his own position. But what about the position itself? Here are just a few thoughts:

1. When you compare the killing of animals with the torture or rape of your sister, you are *assuming* that the two cases are on par with each other. Should one really feel the same way about a bird being mistreated (tearing its wing off, for example) as one would about one's sister being raped or one's mother being murdered? We don't even feel that way about *people* who are unknown to us: I am distressed that some people in Bangladesh are being killed, but there is little I can do to change this, and even the most empathic person will hardly feel duty-bound to rescue *all* victims of aggression. (He would be very busy if he did, and his life would be very short.)

It is time, says "Screaming Wolf," to take action to save the animals and plants before human beings doom them all to destruction.

2. And with the animals there is a much greater difference. We know very little about how the animal *feels*. Nevertheless, we are quite sure, for example, that the cow grazing in the pasture does not *fear* its death in the slaughterhouse, the way a person just imprisoned in a police state fears imminent torture and death.

3. Moreover, pain and death are par for the course throughout nature. The snake poisons or constricts its prey; the predator catches and eats its prey without any regard to its misery; the cat plays with the still-alive mouse before eating it. What people do to animals is a small thing compared to what animals do to each other. The fate that nature has in store for animals is early death from predators, or disease, or cold, or starvation. Virtually no animals in nature live to a ripe old age. I think that if I were an animal I would prefer to be adopted by a human owner who would take care of me, even if the owner would kill me in the end, because the fate I would have in wild nature would be far less merciful. Yet Screaming Wolf says that animals adopted as pets should be eliminated along with the human race itself.

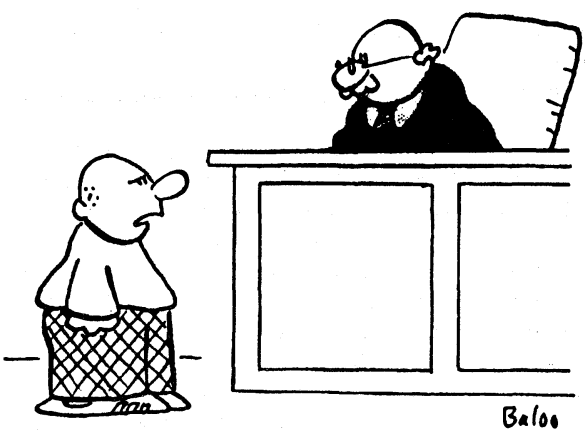

"'Habitual criminal' nothing! — I *never* use the same M.O. twice!"

4. Some people march on clinics where abortions are performed and damage the equipment and threaten the women who came there for abortions. They do not exhibit any toleration for differences of opinion — they don't say, "We are against abortion, you are for it, and we'll agree to disagree peaceably." They assume that they are right, and they impose their convictions on others by the use of force. A civilized society cannot long endure in this way. (Not that Screaming Wolf would wish it to survive.) How is Screaming Wolf's call to violence different from what is practiced by the anti-abortionists? To them, the fact that (as they see it) human babies are being killed is all-important, though disputable; to Screaming Wolf, the fact that animals are being killed is all-important, though the conclusions he draws from this are eminently disputable. He simply has not shown that "My family is being murdered" is on par with "Some squirrels are being killed" — and in the absence of proof, the use of force against one's enemies is recommended instead.

We can be quite outraged at people killing animals by the thousands just for sport, or keeping them caged in tiny quarters for their entire lives, or raising them in crowded pens under horribly unsanitary conditions and then killing them by slow degrees in slaughterhouses, and yet stop far short of Screaming Wolf's "final solution to the problem of humankind." If all creatures are of value because they are alive and want to stay that way, is this not also true of human beings? In spite of humanity's many sins, is there not a unique value in the existence of creatures with intelligence, language, and a conception of the future and how to mold it, that exists nowhere else among the animals? Would it really be a better world if it were merely a domain of "nature, red in tooth and claw?" ❑

***Malcolm X*, Warner Bros./Largo International, Marvin Worth, producer, Spike Lee, director. Written by Arnold Perl and Spike Lee. Starring Denzel Washington, Angela Bassett, Albert Hall, Spike Lee.**

Malcolm X Reborn

Jesse Walker

Spike Lee's *Malcolm X* is above all else a movie about rebirth. Malcolm Little, the ambitious yet delinquent son of a militant preacher, is reborn as Detroit Red, a high-stakes hustler, thief, pimp, and drug addict. Red is reborn as Malcolm X, black separatist follower of Elijah Muhammed and the Nation of Islam. Malcolm X becomes El-Hajj Malik El-Shabazz, mature fighter for social justice. And in death, all these personalities are transformed into X, the ubiquitous symbol of African-American rebellion and pride. Few have worn as many faces as Malcolm, but Denzel Washington's excellent acting, buttressed by the maturing skills of filmmaker Lee, creates a convincing portrayal of a man who never stopped growing — not even in death.

The movie has acquired its share of controversy, not all of it connected with its content. It went overbudget. It took too long to shoot. Its director was accused of overcommercializing his topic. Poet Amiri Baraka (*neé* LeRoi Jones) claimed that Lee was "too bourgeois" to make a movie true to Malcolm's legacy. More mainstream voices were alarmed that a movie sympathetic to Malcolm X was in the works at all.

Prejudiced filmgoers may well retain their prejudice at the end of the show. Those who attend with an open mind, however, will see a tribute, not just to one black militant, but to the ideals of self-reliance, personal growth, and justice.

Rebirth and Fatherhood

Early in the film, the Ku Klux Klan burns down Malcolm's house for his father's radical, back-to-Africa preaching; his father grabs his wife and children and runs outside, firing a gun to drive the Klansmen away. In revenge, the Klan straps him to a railroad track. The insurance company refuses to help his surviving family, and it is difficult for Malcolm's mother to provide. Malcolm and his siblings are soon taken by the government's social workers from their mother, who dies in an asylum.

With each subsequent rebirth, Malcolm adopts a new father substitute, all ultimately unsatisfactory: whites, gangsters, would-be prophets. He is not able to come to terms with the loss of his father until the last years of his life.

The central rebirth experience of the movie comes when Malcolm is sentenced to eight to ten years in the penitentiary for burglary. Thrown into solitary confinement for refusing to state his prison number, Malcolm spends days cut off from the world in a metal womb. He emerges with his spirit completely eroded. A fellow prisoner takes Malcolm under his wing and introduces him to the teachings of Elijah Muhammed, leader of the Black Muslims or Nation of Islam. After hesitating, Malcolm eventually wholly embraces the Muslim worldview. Upon his release, he begins working his way up the Nation's hierarchy, organizing and preaching in mosques and on the street.

Spike Lee's ideological ambiguity has never served him better than it does here. Sometimes the Nation seems a positive force for self-discipline and self-reliance, helping *lumpenproletarian* ex-cons kick drugs and live respectable lives within a strong moral framework, while defending black men and women against the predations of the white state, especially its police arm. The Black Muslim philosophy would set any of today's media-labelled "black conservatives" a-smilin': rejection of white paternalism in favor of black self-help; religious institutions as the base for the new social order; support for the formation of black businesses and economic power; rejection of "immoral living" (drugs, adultery, etc.); demands for neighborhood power and community control of public institutions; a fervent belief in the right to keep and bear arms. But there is a difference between what conservatives practice and what they preach, and while the last remnants of the Old Right (notably, Murray Rothbard) praised Malcolm X at the time, the conservative mainstream preferred to label him "violent" and an "extremist" for suggesting that blacks defend themselves against the violence of others.

Lee does not shy at all from the negative aspects of the Nation of Islam. The sweeping anti-white racism that denounces all Caucasians as "devils," the paleolithic attitude toward women (a banner at one Muslim gathering declares them "our most precious property"), and the cult-like adoration of Elijah Muhammed are never glossed over, and while the issue of whether the Black Muslims were guilty of extortion is not raised, the fact that many leading ministers feathered their nests quite well with Nation funds is portrayed, and with a vengeance. As the movie progresses, it rapidly becomes clear that while Malcolm has saved himself from a life of crime, he has not attained any sort of Nirvana.

Spike Lee's ideological ambiguity has never served him better than it does here. Sometimes the Nation of Islam seems a positive force for self-discipline and self-reliance, but Lee does not shy at all from the negative aspects of the Nation.

The breaking point comes when he discovers that Elijah has fathered children by unmarried members of his

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flock, and that the man who introduced him to Islam in prison now denounces him behind his back. His faith shattered, he tries to continue his work, but eventually splits with the Nation. He makes a pilgrimage to Mecca, there rejects anti-white racism, and emerges born again once more, as El-Hajj Malik El-Shabazz. He will now work with whites who share his black nationalist goals, try to be a better husband and father, speak for himself rather than for Elijah Muhammed, and disassociate himself from the Nation's corruption.

In many ways, Malcolm has now become his father; indeed, a sequence in which someone (probably the Nation of Islam) firebombs his house is deliberately filmed so as to recall the Klan's attack on his father's home at the beginning of the film. This is his final rebirth before his tragic death; through it, he finally becomes his own man. All of his father figures have failed. Now, the only father he recognizes is Allah. El-Hajj Malik Shabazz thinks his own thoughts and says his own words, and will be a role model — and provide "manhood" — for others.

Malcolm X was frequently accused of advocating violence; in fact, as he repeatedly made clear, what he supported was *self-defense*. Of course, any thug can claim to act only in self-defense; indeed, the Black Panthers (in their later incarnations) demonstrated just how much gangsterism can be performed by a nominally defensive organization. But Malcolm X, so far as we can tell, seemed to practice what he preached. Indeed, he was a frequent *victim* of violence, sometimes private (the Klan, the Black Muslims), often not. The greatest oppressor in the film is the organized violence of the *state:* the social worker who breaks up Malcolm's home, the schoolteacher who tells young Malcolm Little to drop his idea of becoming a lawyer, the cops, the prison guards, the FBI.

When "the violence of Malcolm X" is condemned, it is usually contrasted with "the peaceful tactics of Martin Luther King." In his Black Muslim period, Malcolm X spoke very harshly of "Uncle Tom so-called Negro leaders" like King, who "teach us to love our enemies"; after his pilgrimage he seemed open to a reconciliation. In general, though, King does not come off well in this movie. Perhaps the film's funniest moment comes when we see two government agents eavesdropping on a teary, oh-how-I-miss-you-and-the-kids phone call between Malcolm and wife Betty Shabazz. "Compared to King," says one agent, "this man's a monk."

The greatest oppressor in the film is the organized violence of the state: the social worker who breaks up Malcolm's home, the schoolteacher who tells young Malcolm Little to drop his idea of becoming a lawyer, the cops, the prison guards, the FBI.

But then, this is not a movie about Martin Luther King. Nor, more importantly, is it a movie about violence against anyone but black people. The liberal clichés that dominate so many discussions of Malcolm X are absent here.

Judgment

There are problems with this picture. The closing post-assassination collage includes a few moments I found a little hokey. Some plot threads are left in need of greater resolution; at the same time, some of the resolutions involve plot devices that appear out of nowhere. Some of this is to be expected, of course; compressing a whole life into one movie is difficult, even if the film is over three hours long.

There is also the issue of trust. Lee does a good job of leaving open unanswered questions about Malcolm's life (was he killed by the Nation of Islam? the U.S. government? both, acting in concert?), but much of the man's biography is still a mystery. Some Muslim acquaintances of mine, for example, insist that Malcolm was returning to the Black Muslim fold right before his assassination and that Alex Haley covered this up in *The Autobiography of Malcolm X*. Of course, they were reciting the official Nation of Islam line; if the Nation was indeed involved in killing Malcolm X, it

is hardly to be trusted. But then, Haley, a known plagiarist, is hardly the most trustworthy source in the world either.

Perhaps whole sections of what we "know" about Malcolm's life are more mythic than true. The same day I saw *Malcolm X*, I attended a press reception for deposed L.A. police chief Darryl Gates. He reported meeting with Malcolm and Elijah Muhammed and asking the former how much he "really believed" the faith he was preaching. According to Gates, the reply was something like, "You say what you have to say to get the message across" — ambiguous enough to suggest that perhaps Malcolm was more interested in politics and power than in religion. But then, Darryl Gates is himself one of the least trustworthy men in the country.

Today, Xs have become a major fashion statement, but the man who inspired them is still largely unknown. Perhaps this movie will help rectify that oversight. But Lee's movie is as much about X, the myth, as it is about Malcolm, the man. ❑

Booknotes

Keep Your Laws Off My Body — You own your body. Or, that's the theory, anyway. In practice, of course, you no more own your body than you own real estate: taxes must be paid, and restrictions are everywhere, mounting in number and severity. Consider just one example: selling rights to future harvesting of your organs. Go ahead, try it. The medical establishment expects you to *give* them away.

This is one abridgment of freedom and market activity that rarely gets discussed. Thankfully, Jim Hogshire has filled this gap in his amusing trade paperback, ***Sell Yourself to Science*** (Loompanics, 1992, iv + 160pp., $16.95). Subtitled "The Complete Guide to Selling Your Organs, Body Fluids, Bodily Functions and Being a Human Guinea Pig," it may not answer *all* my questions on this subject, but it answers most. Hogshire presents the information in an amusing and lively style, and with an attitude that bears little resemblance to your usual libertarian pamphleteer: *"There is nothing immoral* about renting or selling your body. The idea that there is something wrong with this is rooted in the same tradition as the fantasy 'if you work hard enough someday the boss will notice you and promote you.' In other words, it serves the purposes of those folks who have no problem with breaking your back all your life then, when you are dead, mining your corpse for life-saving organs. On the contrary, one can make a very good case that *refusing* to allow people to sell the most personal of all property is immoral, resulting in the waste of resources and the loss of life" (iii).

Hogshire is quite aware of the social benefits of fully marketable property rights, and he provides several good arguments for their extension into the medical arena. But his focus is not on the social ramifications of personal freedom, however; it is on the ways in which you can, *today*, sell your body parts and fluids, and rent your body for medical experimentation. But, let's admit it: for most people, the joy of the book is like the joy of playing the lottery — in the fantasy. The idea of being able to "sell yourself to science" is a rather fun daydream, a fantasy of living without working. Like most fantasies, it is available only to a few, the few who take the risks, the few who bother exploring odd avenues of living, the few who are lucky enough to have health and body parts to spare.

Or a dying relative. Hogshire discusses that, too, and how you can profit from familial tragedy. Oh, the silver linings that even a *regulated* capitalism can produce! —Timothy Virkkala

Getting Away With It — Robert Anton Wilson does not add any ideas to his *oeuvre* in ***Reality Is What You Can Get Away With*** (Dell Trade Paperback, 1992, 140 pp., $13.00), a screenplay for a film that I suppose will never be produced, but this doesn't prevent it from being marvelously entertaining and enlightening. What other writer, after all, can pull together in one work a passionate love of liberty, absurdist humor, the Church of the Sub-Genius, quantum mechanics, general semantics, conspiracy theory, a fruitful and fascinating model of the nature and function of the human brain, biting parodies and inspirational embracing of different aspects of "new age philosophy," Orson Welles, flying lasagna, Humphrey Bogart, a geographical vision of human evolution ending in space migration, and dirty limericks?

If you have an answer to this question, let me know right away.

A Wilson fan will recognize every idea, and even many of the same presentations of these ideas, from Wilson's past fiction and non-fiction, but such repetition is both useful and fun. As Herbert Spencer said, "Only by constant iteration can alien truths be impressed upon reluctant minds." Consider *Reality Is What You Can Get Away With* as soul food for the libertarian and a powerful brain enema for anyone. —Brian Doherty

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incredible fantasies, the accumulation of relevant data is accelerating, and medical advances are happening with almost breathtaking speed.

The fact that we will soon have complete blueprints of living organisms to study — that is, we will actually have access to the DNA encoding of genomes — is of such importance that it has made it hard for me to get excited about much else. There will almost certainly be advances of a practical nature (note the recent developments with cystic fibrosis) intermixed with scientific advances that are truly fundamental (for instance: an understanding of the origins of life).

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A good way for the intelligent lay reader to learn about what's involved in this revolution is to read ***A Cartoon Guide to Genetics*** (Harper-Collins, 1991, 224pp., $10.00) by Larry Gonick and Mark Wheelis. While it is silly to believe that one can master such an area without long-term sustained effort, it is possible to gain an accurate overview of what is happening without committing yourself to a lifetime of reading. Gonick and Wheelis have a real talent, and even if you know most of the material, this book offers a painless way to review it.

Seven Clues to the Origin of Life, by A. G. Cairns-Smith (Cambridge University Press, 1990, 144pp., $7.95), is a marvelous attempt to present rather advanced issues in molecular biology in a way that can be appreciated by anyone with a basic interest in the issues involved, though it is probably best first to read Gonick and Wheelis' *Cartoon Guide* to provide some basic understanding. *Seven Clues* is an attempt to lay out the problem of how life began in the format of a Sherlock Holmes mystery. Cairns-Smith presents the relevant clues, and leave it to you to mull them over and deduce what must have happened. It is a carefully constructed, interesting tutorial that is almost poetic in the grandeur of the ideas it presents. You can read it in a couple of evenings, and you will enjoy doing so.

I like to evaluate books in terms of how much I can learn for as little effort as possible. By that standard, these books rank very, very high.

— Ross Overbeek

Up With Sex, Down With Authority — I've said it before, and it is a pleasure to say it again: *The Joy of Sex* (1972) has been, after several million copies, the most influential libertarian book of our time. Its principal, sensible point is that no one has greater authority than anyone else in telling you how to do it. Quite simply, "Bed is the place to play all the games you've ever wanted to play." Since no way is more correct than any other, the book is structured as a catalogue of possibilities, some of them so outlandish they belong less for feasibility than for their contribution to the theme.

What the publishers do not reveal is that its author, Alex Comfort, had pub-

lished often in the British anarchist journals of the 1940s and even broadcast over the public radio there. The critic Hugh Kenner portrays the BBC as "even yanking the mike from in front of him. In the days when Eden and Nasser were eyeball to eyeball, the BBC wouldn't let Comfort cry 'Stop Suez!' but he cried it anyway, breaking into the evening newscasts from a mobile transmitter Scotland Yard never tracked down." It is comforting to note that one of the most successful anti-authoritarian books of our time was written by a real anti-authoritarian.

What distinguishes ***The New Joy of Sex*** (Pocket, 256 pp., $18.00) from its predecessor is acknowledging that sex is no longer an "extremely safe" recreation; but rather than hysteria, he offers a sanity rare in current writing:

> The sexually prudent [heterosexual] adult will (1) strictly avoid partners in any of the high-risk groups — bisexuals, drug users and ex-drug-users, prostitutes, especially in Africa, the Orient and the USA, and partners who have had numerous partners, (2) in any case of doubt, avoid known hazards such as anal intercourse and menstrual intercourse, (3) use both a condom and a local contraceptive (foam or suppository) which gives nonoxynol-9 as its main ingredient, (4) treat all unknown quantities as potential carriers, (5) in a stable relationship, recognize not to take risks and introduce a lethal virus.

Finally, the book reminds us of an economic truth ignored by most "economists" — that the best things in life are free. —Richard Kostelanetz

De Jouvenal Perspective — What do you most remember Martha Gellhorn for? I bothered my friends with this question while reading Carl Rollyson's ***Nothing Ever Happens to the Brave*** (St. Martin's Press, 1990, xiii + 398pp., $24.95). Unfortunately all I got was shrugs of the shoulder, suggesting that she is not remembered at all.

Surely she was well-known during her heyday. Martha Gellhorn was a correspondent in the '30s. She covered the Republican War in Spain, she was in Czechoslovakia as the Nazis marched into that unfortunate land, and she witnessed the Russian bombing of Finland. She was published in *The New Republic, Collier's, The New Yorker, The Saturday Evening Post* and other prestigious journals.

Although she is remembered as a wife of Ernest Hemingway, libertarians are probably more interested in her relationship with her first husband, Bertrand de Jouvenel, the liberal French journalist who later wrote the classic *On*

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The Voluntaryist . Sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

Thomas Paine Review: newsletter on books for the lover of freedom, reason, and human achievement. Six issues $9; sample issue $1.50. Address: 84 Washington St. #138, Penacook, NH 03303.

Claustrophobia, philosophical libertarian journal. Subscription $8; Sample $1; 400 N. High St., #137, Columbus, OH 43215.

Cross verbal swords in **The (Libertarian) Connection,** open-forum magazine since 1968. Subscribers may insert one page/issue free, unedited. Lots of stimulating conversation. Eight issues (one year) $20. Strauss, Box 3343z, Fairfax, VA 22038.

Booknotes, *continued from previous page*

Power. Gellhorn met Jouvenel in 1930, and swept him off his feet. He left his wife and spent the next four months touring France with the glamorous American journalist. They eventually married, finding a unity of beliefs about the world. They separated when Gellhorn could not tolerate Jouvenel's attempts to reconcile left and right. (Jouvenel sounds like an interesting person, though. The grandson of a Catholic royalist and a Jewish industrialist, he was raised in a bourgeois Jewish household, moved to the home of his Catholic father when he was 17, where his father's wife Collette — the famous novelist and actress — introduced him to her friends. After he "failed miserably" when one of her friends attempted to seduce him, Collette took on the task herself. Despite the 31-year difference in their ages, they remained lovers for six years, until he began to earn a following as a writer.)

For Gellhorn, the Spanish Civil War was a contest between good and evil. She was convinced that victory by the fascists meant the end of civilization — at least literate civilization. Her many letters to Eleanor Roosevelt reveal pleas for Mrs Roosevelt to speak to her husband and urge him to commit the U.S. to the Spanish Republican cause. At the same time she had friends who were communists, and she had much kinder words for them and their aims. It is difficult to take many of her deep concerns seriously when she missed the terrors that were occuring in the USSR.

Martha Gellhorn was a genuine celebrity, friend of the famous, witness to thrilling events. Rollyson subtitled his biography of Gellhorn, "The Adventurous Life of America's Most Glamorous and Courageous War Correspondent," yet somehow he managed to be dull. Too bad that the author is incapable of translating her life into something worth reading. Martha Gellhorn refused to give any help in this biography, saying, "A writer should be read, not written about." Perhaps she has a point.—Kathleen Bradford

Getting Technical — I recently picked up a copy of ***The Character of Physical Law*** (MIT Press, 1967, $6.95) by Richard Feynman, which has just been released in its sixteenth printing. It is an edited version of a set of lectures to a lay audience Feynman gave at Cornell University in 1964. This clearly written book is designed for people with no background in physics or natural science. If you want a more thorough discussion of physics, Feynman's complete ***Lectures on Physics*** series (Addison-Wesley, 1989, in 3 volumes) is available for $144.75. (Warning: it is the very antithesis of light reading.)

On a trendier note, ***Turbulent Mirror*** (Harper-Collins, 1990, 224pp., $14.00) by John Briggs and F. David Peat provides a superb introduction to chaos theory, wholeness and fractals. Briggs and Peat have produced an enjoyable work written from a humanist perspective, combining mathematics theory, history, philosophy, and excellent illustrations. They explore the possibilities of chaos and whether there really is any order to it. And students of political theory, economics or sociology be advised: chaos theory is *very* relevant to your concerns.

—Ross Overbeek

Chicagoite Casuistry in the Funny Papers — Comics are your best entertainment value, I figure, and one of the few niches left in this culture where avant garde sensibilities combine with accessibility and fun. For instance, consider ***Tom the Dancing Bug*** by Ruben Bolling (Harper Perennial, 1992, $9.00, pages unnumbered). Not on TV, the movies or novels are you likely to find the likes of the legal maneuverings of Harvey Richards, lawyer for children (imagine kids calling in counsel to adjudicate disputes arising from childhood "contracts" such as calling "last one to the swing set gets shoulder slugs from every one," and a plethora of other weird common law rules that define a kid's dealing with his peers), the travails of God's roommate (it ain't all angelic choirs and eternal glory), the adventures of a Chicagoite super-hero who stops crime by convincing criminals that their acts of perfidy are not in their rational self-interest (unless, of course, the crook should "bargain with [his] intended victim, coming to a Pareto-preferred outcome!" "Hey, that's right! Um . . . can I kill you for . . . 50 bucks?"). The one-page chart on human morality made simple is worth the price on its own. Clip it and keep it in your wallet for ready reference in most moral dilemmas.

I don't know whether Bolling's sort of humor will make you laugh or just squint and scratch your head. I've seen people react both ways. If you understand that humor requires neither excuses nor explanations and is not reducible to explicable algorithms, you'll likely find that *Tom the Dancing Bug* pays for itself in inopportune embarrassing moments of sputtering laughter in public. It's the kind of humor that sneaks up on you later, hours or days after you've first read it, reducing you anew to a giggling wreck. —Brian Doherty

Notes to Yeager, "Racism," *from page 46*

1 F. A. Hayek, "The Atavism of Social Justice," in *New Studies in Philosophy, Politics, Economics and the History of Ideas* (Chicago: University of Chicago Press, 1978), pp. 57–68. F. A. Hayek, "The Reactionary Character of the Socialist Conception," in *Knowledge, Evolution, and Society* (London: Adam Smith Institute, 1983), pp. 38–44.
2 Hayek, ibid., 1983, p. 38.
3 Hayek, ibid., p. 41.
4 Herbert Spencer, *Principles of Ethics* (1897), 2 v. (Indianapolis: Liberty Classics, 1978), I, pp. 345–346.
5 Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984), chap. 5, co-authored with William D. Hamilton. Richard D. Alexander, *The Biology of Moral Systems* (Hawthorne, New York: Aldine DeGruyter, 1987), pp. 1–2. Andrew Olderquist, "The Origins of Morality: An Essay in Philosophical Anthropology," 1990, *Social Philosophy & Policy* 8, Autumn, pp. 121–140; ref. pp. 125–127, 135, 139, 140. Alexander Rosenberg, "The Biological Justification of Ethics: A Best-Case Scenario," 1990, *Social Philosophy*, op. cit., pp. 86-101; ref. p. 96.
6 Charles Darwin, *The Descent of Man* (1871), pp. 387–1000 (combined with *The Origin of Species* [1859], New York: Modern Library, n.d.); chaps. IV & V, esp. pp. 472, 478–481, 484n., 487–489, 490n., 494.
7 Darwin, ibid., p. 480.
8 Darwin, ibid., p. 472.
9 Darwin, ibid., p. 478–479.
10 Darwin, ibid., p.539.
11 Darwin, ibid., p.539.
12 Darwin, ibid., pp. 479, 491–494.

Notes on Contributors

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

Ace Backwords is an infamous "underground" cartoonist, living pretty much above-board in California.

Gunnar Bergstrom, a cartoonist living in southern California, became a libertarian to annoy his liberal Democrat parents.

Kathleen Bradford is a weaver of fibers and of words, and is copy editor at *Liberty.*

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

Stephen Cox is Associate Professor of Literature at the University of California, San Diego. His latest book is *Love and Logic: The Evolution of Blake's Thought.*

Brian Doherty is a journalist living in the thick of it, "it" being Washington, D.C.

James Gill is an American living (and drawing) in Europe.

Robert Higgs is the author of *Crisis and Leviathan,* an analysis of government growth in America.

John Hospers is the author of *Understanding the Arts, Human Conduct, An Introduction to Philosophical Analysis, Libertarianism,* and many other works.

Gregory R. Johnson is a graduate student in the School of Philosophy at the Catholic University of America.

Bill Kauffman is the author of a novel, *Every Man a King.*

Richard Kostelanetz is a critic, multi-media artist, anthologist, author, and composer. His musical work, *America's Game,* was recently released on CD.

R.K. Lamb is a U.S. citizen who lives in Hong Kong and is married to a Hong Kong immigrant.

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Rex F. May is a cartoonist usually billed under the rubric *Baloo.* He lives in Colorado.

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Ross Overbeek is a scientist recently returned from a mission to Moscow.

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Timothy Virkkala is assistant editor of *Liberty.*

Jesse Walker is an anarchist living in Michigan.

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

Coming in *Liberty* . . .

- "The Rise and Fall of Boys' Adventure Literature" — David Justin Ross tells how a robust literature was killed off by people without values.
- "Roy Childs: A Conversation" — Jeff Walker talked with the late libertarian raconteur a little while before Roy's untimely death. The subject was, ostensibly, Ayn Rand, but the conversation veered off into the most obscure corners of the libertarian movement. A delight. Bravo!
- "Where to Live" — The separate states of these United States are not identical. Some tax their citizens as much as four times more than others. We provide a guide to those readers who are thinking of moving . . . for economy's sake.

Terra Incognita

Beijing

Power grows out of the handle of a fly-swatter, as reported in the New York *Times*:

In its bid for the year 2000 Olympics and to push the economy to a "higher stage," Chinese officials launched a campaign to "Mobilize the Masses to Build a City of No Flies." Armed with tons of pesticides, garbage bags, fly-swatters and toilet brushes, the city's retirees and children go on "attack weeks" to achieve the mandated fly level: upon inspection, only one room out of a hundred in Beijing is "allowed to have two flies."

Chicago

The unions are doing what they can to help the economy and Caterpillar Inc. too, as explained in *Business Week*:

Unhappy with management's treatment of them after their strike, UAW locals at Cat have threatened to keep working as usual. That is, "to do no more than is legally required."

San Fransisco

Progress is respect for law and gender, as reported in the San Fransisco *Chronicle*:

Upset at getting a ticket for double parking, Mohammed Tajamal, 31, yelled at a female meter reader and became the first person to be convicted on S.F.'s new gender and disability-based hate crime law. According to Tajamal, he did yell, but it was a polite protest in Arabic: "she just mistook it for the 'c' word."

State College, Penn.

Advance in racial harmony on campus, as reported by the Associated Press:

A black columnist at the *Collegian*, a paper serving Penn State, called for the execution of white people because of the irreversible nature of whites' racism. One sympathetic student responded by carrying a banner reading: "White person. Shoot me."

Tehran

Women's liberation in the stronghold of fundamentalist Islam, as reported by Reuters:

In a relaxation of the moral code in place since the fundamentalist revolution in 1979, women in Iran are now allowed to stay at hotels unaccompanied without a special police permit.

Broward County, Fla.

Evidence that public education improves public health, as reported by United Press International:

A licensed nurse at an elementary school in Fort Lauderdale recently tested the urine of an eight-year-old girl after her teacher thought she looked pregnant.

Des Plaines, Ill.

Advance in highway safety, reported by the *Des Plaines Journal*:

It's a "pro-active approach to traffic problems," explains a local officer regarding the checkpoints where they stop one in every five cars without probable cause. "[We're trying to] take people off the street before they have the opportunity to have a traffic accident."

Irving, Texas

More evidence of level-heads and crystalline hindsight in the U.S. Army, as reported in the Grand Rapids *Press*:

The Army has completed an investigation of an incident in 1947, when the 509th bomber group panicked and shot an object from the sky, concluding that "the exploded object in question was not a U.F.O. The object, from the information we have assembled at this point in time, was apparently an as of yet unclaimed flying vehicle of some form that we suspect came from Mexico."

At the time of the incident, the Army reported that the object was an "unidentified flying object." Contemporary independent investigations concluded the Army had shot down its own weather balloon.

Seoul

Note on the spread of *Kultur* in the Third World, as reported by the Associated Press:

The German embassy asked two Korean businesses to change their names. The "Gestapo" coffeeshop will keep the name but agreed to rewrite their sign using Korean Hangul characters instead of Roman letters. The "Hitler" beer hall, with its swastikas and Hitler matchbooks, will become the "Rhine."

Cleveland, Georgia

Solomonic wisdom in the Deep South, as reported by the Detroit *Free Press*:

Both mother and son were victorious in a legal dispute adjudicated in White county court this August. Kenneth Arrowood was denied $2,613 for car repair work he had done for his mother. But the judge refused to order him whipped for disobedience, as his mother had requested.

Jakarta, Indonesia

Democracy finds its way in the Third World, as reported by the Associated Press:

In Indonesia's just-completed election campaign for members of its parliament, there were a few ground rules. No criticism of personalities or policies was permitted. All three recognized parties had to pledge to support President Suharto. Candidates were warned to "in no way insult the government or its officials."

Vanimo, Papua New Guinea

Advance in jurisprudence, as reported in *Pacific Magazine*:

Recently two men plead guilty and were convicted for using sorcery to kill a villager in the province of West Sepik. The District Court was told that the men were paid $22 to commit the offense. They then went to the victim's village and promptly "removed" his spirit. A week later the man became ill and died. The malefactors were sentenced to one year in prison, the maximum penalty under Papua's Sorcery Act.

Los Angeles

Proof that Church's Fried Chicken is a culinary delight, as presented by United Press International:

Police apprehended a man who robbed a Church's Fried Chicken restaurant and stuffed his pockets full of drumsticks, after their tracking dog followed a trail of bones to an apartment where the suspect was caught with chicken still in his mouth.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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continued from inside front cover

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Volume 5

September 1991

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- "Beyond Austrian Economics: Bionomics," by Michael Rothschild
- "America's Bipartisan Apartheid," by Brian Doherty

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- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
- "P.C. or B.S.?" by Meredith McGhan
- "Acid Rain and the Corrosion of Science," by Edward C. Krug
- "Who Really Wrote *Little House on the Prairie*?" by William Holtz

Plus writing by Ross Overbeek, Karl Hess, Sheldon Richman, Jane Shaw, Lawrence White, Randal O'Toole and others; and an interview with Pat Buchanan. (72 pages)

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- "Divorce, Czechoslovak Style," by Vojtech Cepl and Ron Lipp

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September 1992

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- "Europe's Money Mess: We've Heard It All Before," Leland Yeager
- "Raising Hell With the 'Buchanan Brigade,'" by Thomas Walls
- "The Mystery of the Missing Detectives," by David Justin Ross

Plus articles and reviews by Gabriel Hocman, David Kelley, Daniel Klein, Richard Kostelanetz, Loren Lomasky and others. (80 pages)

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Inside Liberty

April 1993
Volume 6, Number 4

4 Letters *Liberty*'s readers have a lot on their minds, and they are happy to get it off.

7 Reflections *Liberty*'s editors size up the first punk, defend wolves from vicious bureaucrats, measure Al Gore's I.Q., audit Monopoly's numbers, celebrate head injuries and the Colorado tax revolt, do a double take on Zoe Baird, and upchuck on Chuck and Di.

Features

17 Where Taxes are Lowest You can save up to 75% on your taxes. If you're thinking of moving, *R.W. Bradford* tells you where to go.

23 The New Class Takes Control *Douglas Casey* grades his old classmate, Bill Clinton, and the kids he hangs out with.

29 Screw the Landlords! *Scott Gardner* reveals the lunacy of "tenants' rights" legislation.

31 Ayn Rand, Objectivism, and All That *Jeff Walker* interviews *Roy Childs,* who knew everyone and everything about Ayn Rand, and wasn't afraid to talk.

43 The Other Austrian *Mark Skousen* profiles management guru Peter F. Drucker, the man who knows what corporations should do.

Reviews

47 Isn't Multiculturalism a Good Thing? *Stephen Cox* exposes the impulse toward conformity behind much of this era's push towards "diversity."

53 Workers Take Over *Jesse Walker* explores the workers' cooperative movement and shows just how right some of these leftists are.

57 Boy's Fiction and the Dumbing of America *David Justin Ross* tells the tragic tale of a literary genre gone to hell (i.e., gone modern).

66 Booknotes *John Hospers* reads a thriller and *Bill Kauffman* watches Frank Capra, leaving the rest of us to enjoy science fiction, separatism, artificial life, and hate.

Departments

63 Classified Advertisements

69 Notes on Contributors What our writers are up to, if not why.

70 Terra Incognita The world marches on, to the beat of a million monkeys typing the collected works of William Shakespeare.

Letters

Clinton's Unconsummated Marriage

There's more to America's "new civic religion" than R.W. Bradford pointed out (February 1993). Social psychologist Leon Festinger (*A Theory of Cognitive Dissonance*, 1957) predicted that a person will value a particular choice more *after* making the decision than just before it. This increasing enthusiasm toward the choice occurs even when there is no change at all in the facts concerning the different candidate choices.

This prediction fits very well with the sudden jump in the public's confidence in Clinton's abilities right after the election, as reported in public opinion polls. The slight improvement in some economic parameters doesn't seem great enough to account for the euphoria. In fact, I've been wondering whether this Festinger effect might explain most of the political "honeymoon" effect.

The media appears to be anomalous, however. On CNN at least, many liberal reporters and commentators quickly became very critical of Clinton. A special target of much cynical commentary and derision is the choice of a cabinet "by the numbers" (gender and race driven). They are saying things about this that would have been considered highly politically incorrect not long ago. It seems that, their candidate having won, the media people are awfully eager to jump on Clinton's back for something that seems entirely consistent with what he talked about during the whole campaign. Apparently, the conservative threat is no more, and media paranoia is trained upon threats from the new liberal bosses.

The honeymoon between the new administration and the media may turn out to be one of the shortest on record!

Sandy Shaw
Privacy, Nev.

Do History a Favor

I was intrigued by James Ostrowski's "In Freedom's Way" (February 1993). His call for strategic thinking is appropriate. One of many strategies that will be necessary is a plan for recovery when the collective state finally collapses. Going directly from a strong, interventionist, controlling and paternalistic government, to a state of anarchy would result in certain violence and a probable development of feudalistic society. A libertarian plan for continuation of a smaller, noninterventionist state that will protect the individual rights to property and self-determination could help to prevent that undesirable repeat of history.

John A. Bennett
Sequim, Wash.

Beyond the Horizon Blues

James Ostrowski may be right in saying that only a catastrophe can stop the slow decline of freedom. Not to worry. A catastrophe may be a lot closer than Ostrowski realizes.

As the situation deteriorates in the Middle East, America may be drawn into war again. Now no likely foe could defeat American forces on the battlelfield. But with the help of Russia's far right wing, still smarting from their humiliating collapse and itching for revenge, Arab terrorists could smuggle nuclear weapons into American coastal cities and do terrible damage.

And don't forget the UFO's. Overwhelming evidence shows that we are being visited by extra-terrestrial beings with vastly superior technology. Judging from the extra-terrestrials' penchant for secrecy, their aims are most likely sinister. Many UFO investigators even suspect the extra-terrestrials have underground bases throughout the western United States. The potential therefore exists for a global catastrophe at any time.

Christopher Condon
The Woodlands, Tex.

Half Open Solution

Recently I have been trying to understand the implications of libertarian immigration policy. So I was glad to see your February '93 article," The Half Open Door" by R.K. Lamb. The article, while helpful, does not happen to address the question on which I have focused. Here I will state my present understanding, and hope that someone can correct me if I am mistaken:

We libertarians would not say that private property owners should be required to take immigrants onto their land. So the libertarian goal of open borders runs into trouble, of which Lamb warns, only if we assume that there is public space into which immigrants can pour. This is another instance of the tragedy of the commons.

In a libertarian country all property would be private, and any private property owner could welcome, or turn away, anyone. Open borders would mean no national policy, but every property owner could be expected to have a private policy.

Do you agree?

Richard O. Hammer
Hillsborough, N.C.

Lambasted

R.K. Lamb ignores both the sordid reality of the status quo and the context of libertarian plans for a free society. Existing immigration practice is to divide the world into government-approved people and non-government-approved people. Under it, I cannot sell my house to a willing buyer because, if she is not a government-approved person, she will be forcibly prevented from coming to live in the house she has bought. I can be imprisoned for hiring the willing worker of my choice if that worker is not on the government list of approved people. My available choices in food, music, and friends are a small fraction of what they could be. To justify this, the negatives of open immigration have to be serious indeed. Are they?

Lamb is right when he observes that with open immigration, "The minimum wage would be swept away, welfare swamped, food stamps shredded." Lamb's prospect of "people selling . . . strange, gooey stuff door-to-door" breaks on my choice to live in a neighborhood from which all door-to-door salesmen are excluded by the owner of the street. Similarly, the prospect of "people camped on school playgrounds, in city parks, along the streets" vanishes when all of these places are private, and protected by normal sactions against trespassing on private property.

Adam V. Reed
Morganville, N.J.

Bottom Line

R.K. Lamb's article paints a not unrealistic picture of the effect of an open-door immigration policy on the quality of life in the United States and then says, in essence: if you really knew what it would be like, if you removed your heads from the clouds of theory and looked at the hard facts, you libertarians wouldn't advocate true open immigration.

There do seem to be libertarians who

continued on page 6

STUDENTS

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—Sherry Ingram, Yale University, seminar participant

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continued from page 4

believe that a nation devoted to libertarian principles would necessarily be a utopia where everyone would live happily ever after. But there are at least some of us, Mr. Lamb, who are willing to allow other people their liberty even though we wouldn't always like what transformed overnight into a libertarian state (or "non-state"). I would detest the effects of private ownership of rivers, I would dislike not being able to camp where I liked in the Adirondacks, and I would miss zoning in my hometown. Even now, I would rather that half of the current population of the U.S. would move to, say, India, and stop crowding the pieces of open country left between cities on our East Coast. But I wouldn't make them go at gunpoint.

Nor would I keep immigrants out at gunpoint. Would Mr Lamb? If so — what does it mean to believe in liberty?

James McEwan
Lakeville, Conn.

Lynch Mob Rule

L. Neil Schulman ("Hangman, Spare that Murderer," September 1992) sheds light on why libertarianism has not been all that popular with the general public.

Schulman's concept of society is one whose moral basis assumes not that if men were angels no government would be necessary, but rather that men would be angels if no government existed to despoil their noble instincts. You don't need the absence of government to disprove that, all you need to do is turn off the electric power in any city for a few hours and observe what happens.

So how do you argue with a man who sees no moral difference between a lynch mob and a criminal justice system? If you value your sanity, you don't. Arguments are usually indulged in with a reasonable expectation of changing your opponents mind. But if no common grounds exist, no successful conclusions are possible. You might as well argue in English with a person who speaks only French.

Unlike Schulman, I am quite comfortable operating within imperfect human institutions that are, in a democracy, capable of evolving into better ones. His proposal to extract something of equal value from a murderer to compensate for their victim's loss overlooks an important point. Their victim is dead.

John Carter
Earleysville, Va.

Letters Policy

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

Retributio ad absurdum

I am one who takes the view "No capital punishment, ever, no matter what." However, it is not out of any concern for killers as John Hospers implies in his "Just Deserts" piece (February 1992).

I am, first, horrified at the prospect of mistakes. I would expect libertarians, who generally don't even credit the government's ability to pick up the trash on time, to be exceedingly wary of entrusting that institution with human life. However, this fear could be allayed somewhat if proponents of capital punishment will allow one codicil to the authority: should it too late be shown that an error was made and an innocent human being executed, then the lives of the judge, prosecutor, executioner and all jury members who conspired in this murder are likewise forfeit. This does no more than eliminate the doctrine of sovereign immunity and restore a modicum of "retributivism" to the system. I infer, therefore, that Mr Hospers would support such a proviso. Upon such conditions, I suspect that there would be damned few executions and those that did occur would be unlikely to be done in error.

Even so, I would remain opposed to capital punishment because of the brutalizing effect it has on society. Endorsing capital punishment is saying in essence that it is alright to take the life of a helpless human being in cold blood— so long as due process was afforded. Again, I am surprised that opposition to this philosophy does not come naturally to libertarians for whom the only justification for the use of force is self-defense.

Tim O'Brien
Madison Heights, Mich.

Not Marrou's Fault

Chester Alan Arthur's recap of the Andre Marrou campaign for president ("Behind the Electoral Disaster," February 1993) may have most of the facts correct, but his conclusions don't make sense. He also devotes too much energy, for my liking, to personal attacks on Marrou, who has spent many thousands of hours over a period of several years, trying to help spread the libertarian message and build the Libertarian Party. It is too easy to criticize an underfunded, poorly supported inadequately staffed campaign effort after it fails to achieve unrealistic goals. Why bother?

The vote totals of every Libertarian Party presidential candidate to date have been statistically insignificant. Any comparison which attempts to differentiate campaign results based on candidate performance is utterly ludicrous. That's like evaluating the impact of your furnace on global warming.

All that Marrou's vote total tells me is that he never managed to receive sufficient visibility as a candidate to earn credibility in the eyes of voters. If Ed Clark had run in 1992 on Marrou's budget and with Ross Perot absorbing disenchanted voters, Clark would have done no better. I ran for governor in Colorado in 1982 as a Libertarian, and I can tell you, if you campaign without participating in major debates; without serious media attention; without funds to buy major amounts of television advertising; and, without significant name recognition, no matter how well you campaign, you will be ignored on election day. Your votes will come from hardcore principled libertarians (those who vote, at least), from friends and relatives and from those voters who want to protest against the major choices. No matter how soundly you defeat your opponents in candidate forums, no matter how persuasive you are on radio talk shows and in media interviews, the overwhelming majority of voters won't know you exist and your vote total will be insignificant.

Paul Grant
Englewood, Colo.

Arthur responds: If the quality of the candidate makes no difference, as Grant argues, then why should LP members put any time or effort in trying to select a good candidate? If election returns for LP presidential candidates are "statististically insignificant," then must we attribute the 95% decline in the LP presidential vote in Alaska in the past 12 years to random noise?

Two Party Partisan

I am heartened by Chester Alan Arthur's comment that he suspects "that many will abandon the Libertarian Party for other parties, and that some will begin

continued on page 69

Reflections

A tale of two Texans — In 1989, when a Republican President nominated Texas Republican Sen. John Tower to be Secretary of Defense, the Senate committee considering the matter grilled him without mercy, relentlessly snooping into his private life, ferreting out information about his use of alcohol and his sex life. After forcing him to take an oath of abstinence from hard liquor, they rejected him anyway.

In 1993, when a Democrat President nominated Texas Democrat Sen. Lloyd Bentsen to be Secretary of the Treasury, the Senate Committee considering his nomination did not ask him a single question. Instead, it endorsed him unanimously, honoring him with a standing ovation. The elderly zillionaire tool of special interests took office without any pledge to abstain from giving subsidies to his buddies and otherwise loot the public treasury.

This, I suppose, is what the Democrats meant last fall when they argued that Clinton should be elected to end "gridlock" in Washington. —CAA

Rap on the head — The Board of Health in Seattle has just adopted a rule making it a crime to ride a bicycle without a helmet. There are lots of things one could say about this. My choice is "What the #@#!%!@!"

I guess it is just a natural extension of mandatory motorcycle helmet laws and automobile seat belt laws. As those earlier laws were passed, many people fought the clear encroachment on individual liberties with the argument: "If they can mandate this, what's next?" Now, we know what's next but still have to wonder what will be the next next. There will be one. Don't you worry.

Perhaps, after some ground-breaking research into the head injuries incurred by children while tobogganing, mandatory sledding helmets will seem prudent. This wouldn't be all bad though. Just think of the great breakthroughs in thermal, protective headwear this would encourage. Eventually, with the degeneration of our cities, when the benefits of full-time head protection, full-time flak jackets, and permanent condoms are realized, they could meld it all into full-on electronic body armor. Time to go long on Bell Helmet stock.

Meanwhile, couldn't the Seattle police skip the citation and just sell people helmets? The scheduled fine, $30, is roughly equal to the price of a low end helmet, and this way, they could ensure compliance. The officer would pull you over, take your money, padlock the helmet on your head, then test your new melon-protector with a few strokes of his nightstick. —BDK

High on Italy — Italy has just decriminalized the personal use of illicit drugs, from marijuana to cocaine and heroin. Illogically, the *selling* of such substances will still be a crime — but let that pass, for now. The reform is still a welcome triumph of common sense.

It will be interesting to see whether the Italian experience will conform to the dire predictions of the more strident opponents of decriminalization. According to William Bennett's thinking, the populace of the venerable Boot will in short order consist mostly of vacant-eyed junkies and the victims of their depredations.

Well, time will tell. Meanwhile, I will make two predictions. First, in Italy nothing at all will happen. Those who have been using naughty substances will continue to do so; the vast majority who don't, still won't. Second, there will be a total silence concerning the matter from the Bill Bennetts of the world. —WPM

Progressive definition — *Wall Street Journal* pundit Albert Hunt admires Clinton's "sensible shifts from campaign pronouncements" (that is, broken promises). —JSS

Diversity ain't what it used to be — Bill Clinton worked admirably hard to achieve diversity of race, ethnicity, and gender in his cabinet. (Whether he achieved *sexual* diversity we have not been informed.) For example, after an arduous search, he managed to find a female academic economist who is against free trade to be chairwoman of the Council of Economic Advisers. But in his quest to make his cabinet "look like America," Clinton fell short in two ways, at least: he neglected to appoint someone who believes government should do less not more, and, as the *New Republic* pointed out, he gave lawyers a grossly disproportionate presence.

But perhaps I've confused diversity with difference. —SR

Revisionist revisionism — Charles Beard's wise characterization of Wilsonian internationalism — "perpetual war for perpetual peace" — will have to be retired, I suppose; the new Bushian internationalism as represented by the spirit of Somalia is "perpetual war for perpetual charity." —BD

First punk — The presence of an adolescent girl in the White House is sure to provide amusement during the next four years. What will the glare of growing up in public do to this young woman, not terribly attractive by conventional standards, daughter of the symbolic king of the entire "system," overprivileged and probably feeling plenty guilty about it, and likely to go through the normal identity crises of adolescence?

Given the cocoon in which Chelsea undoubtedly lives, the last thing anyone would expect is that she might turn to

punk rock. But don't be surprised if she does. Youth subculture has come to the Mall in the last year or so. On January 3, the girl-punk movement known as "Riot Grrrl" got front page attention in the Washington *Post*'s "Outlook" section. I hope Chelsea read it.

Riot Grrrls are angry young women, with rhetorical tendencies toward female separatism and supremacy. They are usually children of the suburban upper-middle to upper-class connected by a xeroxed, self-produced fanzine network, politically "progressive" and opposed inexorably to patriarchy, meat-eating, and everything else that makes up this society they see as unconscionably repressive and brutal towards women and the planet. They are out to be abrasive and shocking, they don't care what you think, but they damn well want you to notice them and pay attention to what they have to say. And if you're anything like me in your tastes in music, expression and attitude (and young women), you will. I see many of them around Washington D.C., where I and now Chelsea live. There are so many in the area that I was able to attend a Riot Grrrl convention this summer, where Riot Grrrl bands and zinesters came from all over to play, commiserate, and plot the death of patriarchy. (I was actually only allowed to attend half of the convention; no boys were allowed the first day.)

What I learned from the *Post* article that I hadn't already learned from personal experience is that Sidwell Friends is one of the local schools where many Riot Grrrls are born. And Chelsea, I suspect, is in the perfect psychic position to embrace a way of teenage girl life that tells her everything her dad stands for is shit; especially for the young girl whose dad could be thought to stand for *everything* wrong with our culture; after all, he's "running the show," right?

I hope this all comes true, and Chelsea will shove through a claque of scandalized reporters one day soon with her hair a fried-out Kool-Aid red, nose-ringed, and snarl "bite my left one." (battle cry and album title for Bikini Kill, the Queen of Riot Grrrl bands.) —BD

Do as I legislate, not as I do — The Premier of Quebec, Robert Bourassa, is a strong advocate of Canada's nationalized health care system. He has also been suffering from a rather serious form of skin cancer. Recently his condition required surgery. It really isn't necessary to go on, is it? *Of course* he came to the United States for the operation. This sort of thing is so routine it's not even news anymore. When is the last time you heard of some prominent American traveling to our Neighbor to the North for medical treatment? More to the point, how many wealthy Canucks stay in their own country for such services? —WPM

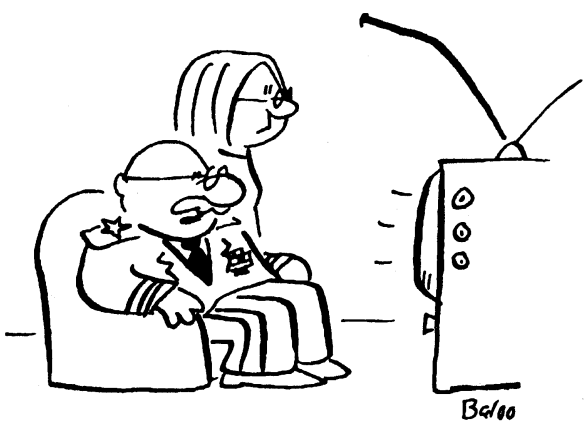

"I don't blame Captain Kangaroo for retiring — All those years without a promotion!"

Atlas drugged — This from the Associated Press: "A Tennessee drifter who said he set churches afire to help stave off homosexual urges and the compulsion to steal cars was found not guilty by reason of insanity" in January by a federal judge in Florida. Patrick Lee Frank was accused of setting 17 church fires in 1991. He has been diagnosed as a paranoid schizophrenic, and after his verdict he was locked in a federal mental hospital.

What is noteworthy about the case is not its rarity. Unfortunately, it is not nearly rare enough. One of the insanities of the legal system is that people like Frank can escape moral judgment by conjuring up a sufficiently bizarre explanation for their criminal actions. No, what is noteworthy about the case is what Frank's public defender had to say. Tom Miller commented that his client would spend many years in the hospital, adding, revealingly, "unless there is a miracle drug that is not (yet) available that would make people more comfortable to say he is cured." No psychiatrist would have been so unsophisticated as to have put it that way. Psychiatry's myth is that it cures the "mentally ill." But like the little boy in the "Emperor's New Clothes," this naive lawyer (I guess that's not a contradiction in terms) blurted out something much closer to the truth: that the real object of psychiatric treatment is not the so-called mentally ill, but *us*. When a drug comes along that makes us feel Frank is cured, he will be let out of the hospital that has locks on the doors. Why not cut out the middleman and just give the drugs directly to us? —SR

Grasping Gore — Comedians — generally the most prescient observers of the American political scene — have identified Vice President Albert Gore's salient characteristic as his resemblance to a mechanical puppet. As I reviewed the vice presidential debate, I could appreciate this conclusion. As Dan Quayle passionately defended the boneheaded conservatism he inherited from his family, punctuating his theses with broad gestures taught him by a high school debate coach, and Admiral Stockdale did his wonderful imitation of everyone's favorite senilescent uncle, Al Gore droned on and on and on, as if his head were full of gears.

But for once, the comics got it wrong. Al Gore's mechanistic monotone is a false front for a characteristic far more essential to his inner nature. Consider two of his responses.

Dotty old Admiral Stockdale posed this puzzler for Al:

> I read where Sen. Gore's mentor had disagreed with some of the scientific data that is in his book. How do you respond to criticisms of that sort?

Al responded:

> Thank you, Admiral, for saying that. You're talking about Roger Revelle. His family wrote a lengthy letter saying how terribly he had been misquoted and had his remarks taken completely out of context just before he died. He believed up until the day he died . . . (audience laughs) No, it's true. He died last year, and just before he died he co-authored an arti-

cle which had statements taken completely out of context.

In fact, the vast majority of the world's scientists — and they have worked on this extensively — believe that we must have an effort to face up to the problems we face with the environment and if we just stick our heads in the sand and pretend that it's not real we're not doing ourselves a favor. Even worse than that, we're telling our children and all future generations that we weren't willing to face up to this obligation. I believe that we have a mandate to try to solve this problem, particularly when we can do it while we create jobs in the process.

After clarifying the criticism that Stockdale suggested, Gore proceeded to ignore the criticism entirely. Normally when a politician uses this tactic, he switches the subject and delivers a few carefully chosen and rehearsed words. Not Al. He simply babbled incoherently, losing control of both his grammar and any semblance of rationality.

Does Gore actually believe that some critics have suggested that we shouldn't face the problems we face? Does he actually believe that scientists have done extensive research on whether we ought to face the problems that we face? What sort of work could convince "leading scientists" of this? And have these scientists also done "extensive work" on the issue of whether "we should stick our heads in the sand and pretend it's not real"? To what does the word "it" refer? What obligation is Gore talking about? What problem do we have a mandate to try to solve? And who are these scientists who have researched the question of whether "pretending" problems are not real is "doing ourselves a favor"? What competence does the "majority of the world's scientists" — botanists, geologists, seismologists, mathematicians, theoretical physicists, etc. — have to decide on the public-policy question that Gore seems to be discussing? And how were these people polled?

Here is Gore's response to the question that followed, this one about health care:

There are almost 40 million Americans who work full time today and yet have no health insurance. We are proposing to change that, not with a government-run plan, not with new taxes, but with a new approach, called "managed competition." We are going to provide a standard health insurance package provided by private insurance companies, and eliminate the duplication and red tape and overlap and we are going to have cost controls to eliminate the unnecessary procedures that are costing so much money today.

"We are going to provide a system provided by private companies"? I'm glad we've got that straight. Is the problem of skyrocketing health care costs and the unavailability of medical care to some people really caused by "duplication and red tape and overlap"? What's the difference between "duplication" and "overlap"? And what overlap is he talking about? And what is an "unnecessary procedure"? Please tell me — I feel a little sick.

What is remarkable about these responses is not their evasiveness. What is remarkable is their sheer stupidity. Mostly, they don't make sense, but when a meaning is discernible, it is self-contradictory or idiotic.

Sure, Gore responded to questions mechanically, usually reciting a well-rehearsed spiel. But when he ventured from his script, he babbled like an idiot, juxtaposing phrases he had heard into a sort of goopy mass of clichés, contradictions, banalities and sheer nonsense.

For four years, we have been entertained by a slightly stupid frat boy who somehow got elected Vice President. The next four years look less interesting. Compared to Al Gore, Dan Quayle is a virtuoso of the English language and a genius of speculative philosophy. Normally, stupidity in high public office is good for some guffaws. Gore somehow makes it *just plain dull.* —CAA

Envision world uniformity — William Safire, the self-described "libertarian hawk" who is the only readable eminence on the Op-Ed page of the New York *Times*, cheers Slick Willie's endorsement of "the Wilson-FDR-Truman-Kennedy-Johnson view of the American burden." With the Kemp-Bennett-Cheney chickenhawk globalists in charge of the GOP, our Two-In-One party system can careen from intervention to intervention — in Somalia, Iraq, Bosnia, Panama, and wherever else there are ratholes to be filled and colored people to be killed. Yet, Safire warns, a few refractory lugs refuse to get with the program: they are "isolationists of the resentful right, Perot protectionists, diplomatic accommodationists, and old New Left peaceniks now lying quietly in the weeds."

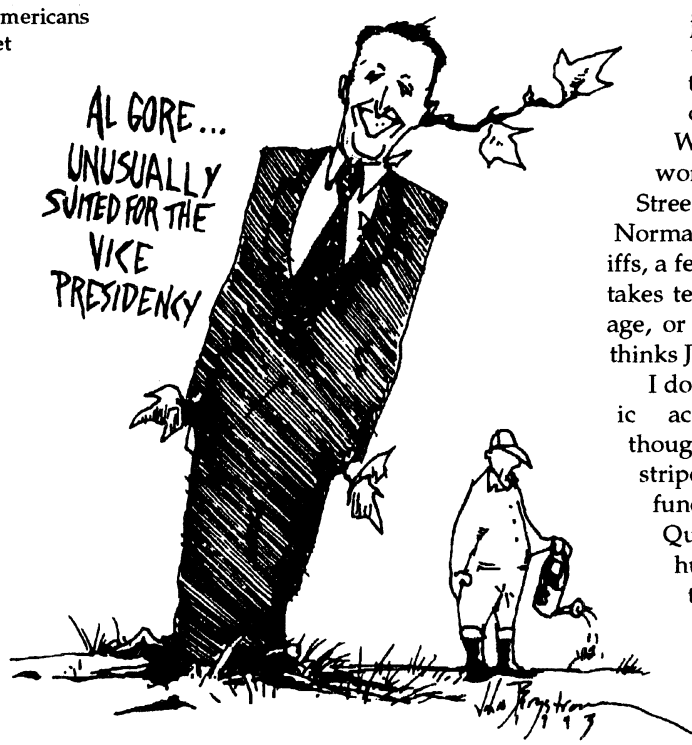

Safire uses mildly pejorative terms to caricature the opposition, but we get the picture: anyone who dissents from the Perpetual War Consensus is a racist working-class thug, a Main Street Rotarian in love with Norman Rockwell and high tariffs, a femmy Alger Hiss type who takes tea at the Communist vicarage, or an indolent pothead who thinks Jim Morrison is still alive.

I don't know about "diplomatic accommodationists" — I thought the stereotypical striped-pants State Department functionary disappeared with Quemoy, Matsu, and the hula hoop — but the other three blocs are on the side of the angels, defending human scale living, self-determination, and an American identity that

"The Leaning Tower of Gore," by Gunnar Bergstrom

is something greater than the Bush-Clinton vision of docile allegiant consumerists of the New World Order. Their European cousins — French farmers, Scottish nationalists, German hippies, and those beautiful stubborn Danes — are heroically keeping the European Community from swallowing whole peoples and cultures and traditions.

So as we rally round the flag, boys and girls, in defense of America and our little pieces thereof, let's join arms with all those pissed-off Polacks, gray-collar Perotistas, and Grateful Deadheads who so alarm our Rulers and their hired scriveners. It's an American thing; the New York *Times* wouldn't understand. —BK

No taxation with representation! — This past election the voters of Colorado approved the most revolutionary tax initiative in America's history: they stripped elected officials of the right to tax. They passed a constitutional amendment that requires electoral approval of any tax measure at any level of state or local government. That's 1,935 units, from water districts to school districts on up. What's more, any ballot that proposes a tax increase must specify the amount needed to get the job done. If the tax then generates more than expected, the surplus must be refunded to the taxpayers. But if the revenue falls short of the goal, the taxers have to go back to the voters.

Now that's spending control!

Opponents of the amendment outspent supporters by more than two to one, and managed to convince 46% of Colorado's voters that they ought not seize the right to impose taxes out of the hands of bureaucrats and politicians.

I don't know what sort of arguments opponents of this very democratic measure mustered. Did they argue that citizens ought have no say in how much they are plundered? That people are too dumb to know what's good for them? What could have motivated the opposition? Simple contempt for popular will? Anti-democratic rancor?

Probably the opposition wasn't driven by deep conviction at all. Opposition came from the ranks of complacent supporters of the status quo, from lobbyists who figure it's easier to convince a handful of legislators to raise people's taxes than to convince a majority of the people, and from supporters of the paternalistic-tending creep of government in general.

"I couldn't fix dinner — The Consumer Protection Agency recalled everything."

The same election in Colorado offered voters a chance to consider a "mere" 1% sales tax increase for the improvement of the state's educational system, a black hole into which people can't get enough of throwing dollars. 55% said no. —SJR

Tweedle-dee-dumb & Tweedle-doo-doo — Bill Clinton didn't waste any time before he started breaking his campaign promises; a month before his inauguration, he's already backtracked on half a dozen. From welcoming Haitian refugees to altering relations with China to pushing through middle-class tax relief, there's scarcely a pledge he hasn't at least decided to "reconsider." Some say if the election were to be held again, Slick Willie would lose, but I'm not so sure. Once the voting was out of the way, our Lame-Duck-Chief set about sending troops into Somalia, setting things up for Operation Desert-Vú, pardoning Iran - Contra scum — actions that, however popular they might presently be in the polls, were clearly too controversial for Mr Bush to perform in the midst of election season.

I don't know which is worse; listening to the candidates lie about what they're going to do once elected, or feeling the pinch when they do what was really on their minds. —JW

The cost of quackery — Scientistic hubris marches on. The latest dispatch from the fantasylands of economic "science" is from Andrew F. Brimmer of Brimmer & Co., an economic consulting firm in Washington, who tells us that he has calculated the cost, in Gross Domestic Product, of racial discrimination in the workplace. For 1991, it turns out, racism cost us all $215 billion.

You see, this number represents the added amounts blacks should be making if they were hired for jobs that fully represented their educational achievement; this is the extra amount they *would be paid.* So presumably if this $215 billion "loss" were to be made up, it would require employers to come up with an extra $215 billion. (Apparently, every cent of our money we don't give to someone else is a dead loss to the "Gross Domestic Product.")

And even Brimmer grants, according to the January 7 Washington *Post*, that "overt discrimination may not be there, but the echoes are there." So it is these "echoes" that are making millions of individual hiring and payment decisions in the minds of millions of employers. And of course, the inevitable policy recommendation that results from this breakthrough in economic "science": more affirmative action. After all, it'll make us $215 billion richer.

The most important advances in human knowledge in the next century will be wiping out all the fake "knowledge" of this sort with which the 20th century disciplines of economics, sociology and psychology have weighted down our thinking and discourse. —BD

Live and let Di — The British royal family serves the country only as a source of scandal and disgrace these days, a sad clown troupe in a particularly ugly corner of the national bread and circuses. I suggest a cost-effective means

of ending their blight of doddering blue bloods, one that is in perfect keeping with the role they have played of late in the commonwealth's public consciousness and taste: Throw them all to the lions in public gladiatorial competition.

It would be scarcely less civilized and dignified than ogling at photos of their toe-sucking and reading about their suicide attempts and speculating about those parts of their sex lives still shrouded enough to demand speculation. Plus, I calculate it would add, umm, $59 billion to their GDP. —BD

New consumer trend — The biggest unanswered question about the new administration is, what consumer product will soar in popularity now that we have elected a new president? Reagan's election goosed the sales of jellybeans, and Bush's victory caused a run on deep-fried pork rinds. Alas, I am unable to make a prediction. Though Clinton's paunch suggests he isn't missing many meals, there is little evidence that his appetites run toward food of one particular sort; his lusts seem directed more toward power and sex. When I saw Tipper Gore and Hillary Clinton at the inauguration, the thought struck me: maybe there'll be a run on peroxide. —RWB

Prepackaging opinion — We're all tired of the endless proliferations of "news analyses," "perspectives on the news," "backgrounds on the news," and the other utter nonsense that newspapers insist on featuring at the expense of news stories. Everyone realizes that these features are merely ways for a newspaper's staff to vent its ideology while maintaining that the newspaper itself is fully objective and impartial.

But I'm growing increasingly annoyed at the liberty that writers of "hard" news are now taking to indoctrinate their readers without, apparently, even knowing that they are doing so. I don't especially object to the opinions that these writers express. What I object to is being treated like a child.

One example will do: a front-page story in the Los Angeles *Times*: "Yugoslavia's Panic Ousted by Radicals." I smell something already: "radicals" isn't exactly the most objective term I can think of. I remember that Barry Goldwater was considered a "radical" when he ran for president in 1964. And we all know that the bad guys in the Russian legislature — the people whom Marx would recognize as left-wing radicals — are routinely called "conservatives" and "right-wingers" by the U.S. media. But I press on to the "news" story itself:

> Encouraged by their recent electoral triumph, ultranationalist Serbian radicals voted Tuesday to oust Milan Panic from the office of federal prime minister. The no-confidence motion against the moderate Panic easily passed both houses of the federal Parliament, spurred on by the wave of extremism that has washed over the remains of Yugoslavia since a Dec. 20 election defeated proponents of peace and reform.

Well, fine. All of this may be true; in fact, I'd be willing to bet on it. To the extent that I care what happens in Serbia, I like Panic much better than his opponents, who seem to fit my own definition of "extremists." But I don't like to get my news after it has passed through somebody else's ideological alimentary canal. I'll make up my own mind about who is a proponent of "peace and reform," thank you. I believe that I have some chance of deciding on my own about who is a "moderate" and who is an "ultra," if the kindly newswriters will just give me the facts about the names, actions, and explicit positions of the parties involved.

I know that label-mongering is supposed to make the news easier to read, but what's the point? If you're interested enough in Serbia to want to read news reports about Serbia, I suppose you're also interested enough to want to affix your own labels to Serbian activities. If something in a news report strikes you as "extremism," you can remark to yourself, "This is extremism!" The *Times* isn't making your life much easier by usurping this task.

I don't like to get my news after it has passed through somebody else's ideological alimentary canal. I'll make up my own mind about who is a proponent of "peace and reform," thank you.

What you'd like to see in a newspaper is the who, what, where, and when — the news, in short — and you don't want to be forced to hunt for it through paragraph after paragraph of opinions.

Opinions, as we know, are what *Liberty* is for. —SC

Rethinking Clinton — I got a call the other day from a radio commentator who pointed out that I had goofed when I suggested that Bill Clinton's superbly skillful deviousness would enable him to be a particularly good president, especially in matters of foreign affairs. He had been seduced by my thesis, and had advocated it in his broadcasts. But Clinton had proved me wrong in early January, when he had shown a singular ineptness in foreign affairs, as demonstrated by his conciliatory comments on Saddam Hussein.

He had a good point. I suppose I ought to say that I had written only that Clinton's peerless mendacity qualified him to be a foreign policy whiz. Deviousness is necessary for successful management of foreign policy, but not sufficient. But that would be splitting hairs. The fact is, I was wrong. I failed to consider the fact that the ability to lie is not enough. It must be accompanied by intellectual focus and analytic ability. On these scales, if Clinton's comments on Iraq are an indication, Clinton and his advisors are even less competent than Bush and his crew.

A colleague of mine at *Liberty* has suggested that I was wrong also when I suggested that Clinton is motivated by power lust. Observing Clinton's retinue of Hollywood suck-ups, he suggested that Clinton's fundamental motivation may be a lust for glamor and fame.

Here I shall stand by my guns. There are better ways to get glamor and fame than politics. Who is more famous, Madonna or George Bush? Elvis or Ike? Who is more glamorous, Dan Quayle or Cher?

Even the Presidency — the most famous and glamorous position in the world of politics — does not confer upon its

conqueror the glamor enjoyed by even a minor popular music artist or movie actor. And surely this fact is well-known to Elvis-fan Clinton.

Meanwhile, he seems intent on setting some kind of record for changing his position on issues. The middle-class tax cut he promised during his campaign has somehow evolved into a middle-class tax hike (the details are being worked out), his promise to open U.S. borders to refugees from Haiti has been abandoned entirely, etc. As we go to press, his on-again, off-again support for ending military discrimination against homosexuals is on-again, suggesting that the votes and campaign contributions of gays are more important than the votes and campaign contributions of Haitians.

It must annoy Bush to see how easily Clinton gets away with breaking his campaign promises, in the light of public reaction to Bush's reneging on his famous "No-new-taxes-read-my-lips" promise in 1988. The explanation for this seeming apparent inconsistency in public opinion is simple: most Americans actually believed Bush's promise; virtually no one believes Clinton's promises. —CAA

Practicing what they preach — During the past week, more than a dozen people have asked me some variation of the question, "What's your take on Zoe Baird?" Ms Baird, you will recall, was the new president's choice to be Attorney General. But it turned out that Ms Baird and her husband had sinned: they had hired two illegal immigrants as personal servants and paid them in cash, without withholding social security.

When the politicians and commentators in Washington learned this, they said, "Oh, well. No big deal." But when the people of the nation heard, they were incensed, burying their senators in an avalanche of indignant letters demanding that Baird be turned down. In response to the public outrage, Baird withdrew her name from consideration.

As I write these words, Baird is still a hot topic of conversation, but by the time most of you read them, she will be an almost forgotten, trivial footnote in American politics. Before long, my "take" on the situation, today eagerly sought by friends and colleagues, will be as interesting to us as a detailed account of the Yankees-Brewers baseball game of June 11, 1983.

And anyway, I don't really have a "take" on Zoe Baird.

On the one hand, Ms Baird is accused of exchanging her money for the labor of two people, in a way that all believed to be beneficial, and that harmed no one. I cannot see why the fact that a person was not born in the U.S. and has not secured permission to work here from the Immigration and Naturalization Service ought to disqualify him or her from gainful employment.

On the other hand, Baird didn't help her cause when she lied. Her story that she believed what she had done to be legal is simply not credible. The laws she violated were enacted by Congress only after noisy and well-reported debate and controversy. Any well-informed citizen, not to mention any well-informed *lawyer*, was aware of them. If, by some chance, Baird was truthful in saying she was not aware that her actions were illegal, then she is both ill-informed as a citizen and a boob as a lawyer, hardly the sort of person to take home a half million a year as chief counsel for Aetna Life and Casualty. Perhaps the political elite figured that her ability to concoct such a story and stick with it under pressure is an admirable trait, one qualifying her for high public office.

Personally, if I could have believed her preposterous tale, I would have immediately wired my Senators urging their support for her confirmation. As nearly as I can tell, most of the laws the attorney general is busy enforcing are destructive of the health, prosperity and liberty of most Americans. So having an ill-informed boob as attorney general might actually do the country some good.

But Baird is not an ill-informed boob. She is part of the same power structure that foisted on the American public the ridiculous law that she casually violated, along with a million other equally stupid laws and regulations. In this context — but only in this context — what she did is monstrous. "You common people have to obey these laws that I and my friends foist on you," she said. "But I shouldn't have to, and if I get caught, I'll just pay a little fine and accept the high honor of being a member of the President's cabinet." When you think that farmers are being hit with much larger fines for the crime of plowing a field that has been ruled a "wetland" because it has a puddle on it during the snow-melt in the spring, her action is genuinely outrageous.

Most of the laws the attorney general enforces are destructive of the health, prosperity and liberty of most Americans. So having an ill-informed boob as attorney general might actually do the country some good.

Hence my ambivalence. If an ordinary American did what Baird did, she would have my complete sympathy. But given Baird's desired role in enacting and enforcing this and all the other idiotic laws and regulations that plague Americans, my sympathy wanes pretty fast. I think marijuana prohibition is stupid and wrong, but I might favor prosecuting Bill Bennett if he were caught smoking dope. —RWB

Kicking the habit — No matter how I try, I can't seem to get off the unemployment-insurance rolls. It's not that I'm hooked on the money . . . I just can't get the State of Illinois to let me quit the program.

From the start, I was uncomfortable about accepting unemployment insurance. I didn't like the idea of accepting money the state takes from innocent business owners. But, unemployed, I gave in to weakness and signed up for "unemployment compensation." For months I filled out the forms that required a listing of five employer contacts per week ("proof" that I was searching for work), and accepted their checks.

Periodically, one class of "benefits" would run out, but

they'd automatically put me in another class. The government kept passing new legislation providing "extended" and "emergency" benefit programs. The checks kept coming in. It was too easy.

Soon I decided I would start my own business and make my own money. I stopped looking for work with other employers. My moral reservations against (or my guilt about) accepting these "benefits" resurfaced, and I decided to get off unemployment.

I finally sent in my last benefit-request form. But there was no place on the form to indicate that I wanted to stop receiving benefits. So, instead of listing employer contacts, I wrote, "I am no longer searching for work. I no longer wish to receive unemployment compensation. Please remove me from your mailing list."

Two weeks later they sent me a form stating that I "failed" to qualify, that I should correct this error, that I am still eligible for benefits, and that I'd have the opportunity to defend my claim. Another form stated my "rights as a claimant," assuring me that my "benefits will not be suspended or terminated until a fact-finding interview has been conducted," and that I had rights to attorneys, witnesses, appeals, and so on. They even provided, for the first time, a toll-free phone number to call for more information! And they asked me to go to the office to make my case.

Hmmm. I guess I didn't make it clear to them. I wrote back explaining plainly that I failed at nothing: I am *not* claiming benefits. I reiterated my request that they remove me from their mailing list.

That, of course, prompted them to send me another letter (with unusual speed, I might add), addressing me still as a "claimant." "You have a choice," it said, to receive "regular" benefits or "emergency" benefits. That's it. I was to check the appropriate box at the bottom and sign it. Not receiving benefits was not an option.

I like to make my own options, where possible, so I added my own little box at the bottom, and wrote: "I choose none of the above — please remove me from your mailing list," and mailed it back. I haven't heard back yet, but I'm sure I will.

The State of Illinois is determined to keep giving me money I haven't earned.

Most people I met waiting in lines at the unemployment office griped about the department's sluggish pace, the paperwork, the rules, and the bureaucracy, seeing them only as obstacles to getting their entitlements. They think the state is tight-fisted and doesn't really want you to get those "benefits."

Trust me. They want citizens to keep getting that money — especially, it seems, when they're not claiming it! Just try getting off unemployment insurance someday. And good luck. — *guest reflection by* Eric Banfield

Chapter 11 — I recently went through a devastating bankruptcy. The assets of my business were insufficient to pay my debts. As my financial position crumbled, I could see no way to turn the situation around. The only person who could help me out was a tycoon who would buy my properties for only a pittance, merely delaying the inevitable (and probably relishing the prospect).

The bankruptcy occurred in a game of Monopoly but, even so, the experience was wrenching. I felt like Bob Cratchit under the heel of Scrooge.

My chief hope was the government: If my opponent could be forced to pay enough taxes I might have had a chance. But in Monopoly the income tax is only 10% or $200 and, in fact, nothing rescued me, not even my opponent's heavy assessment for hotel repairs.

While Monopoly can be fun, poor luck and a few miscalculations can make it a bummer. As I sat there perspiring nervously, I began to wonder: Is this the free market system that I routinely defend?

Monopoly looks enough like capitalism to make a libertarian queasy. Charles Darrow, the unemployed heating equipment salesman who invented it in the midst of the Depression, does not seem to have been fond of private enterprise. (Indeed, he probably hated it after Parker Brothers turned down his invention.)

After our game was over (my son went bankrupt, too), Monopoly robber baron and economist Richard Stroup explained how the game misrepresents free markets.

To begin with, the rules require that you have a monopoly (that is, you must own all the properties of a single color) before you can add houses. Under capitalism, of course, monopoly is unnecessary for investments and, in fact, rarely exists without strong protection from government.

In Monopoly, once buildings go up, the rents do, too. You previously paid $24 when you landed on Marvin Gardens; when it has two houses, you pay $360. However, no value was created for anyone. The payer of rent must pay more while receiving nothing in return. Under capitalism, houses and hotels, with their higher prices, aren't built unless the investors think that there are customers who want them; that is, only if they add real value. If the builder misjudges consumer demand, the rent may not go up at all.

In Monopoly, all the other participants benefit from your business failures; under capitalism, the market includes many participants who have no desire to see you fail.

In Monopoly, only rich people can make lucrative investments such as hotels; under capitalism, even small investors can buy stock in potentially lucrative investments.

In Monopoly, luck plays a large role. Under capitalism, luck occurs, too, but more important is ingenuity in creating

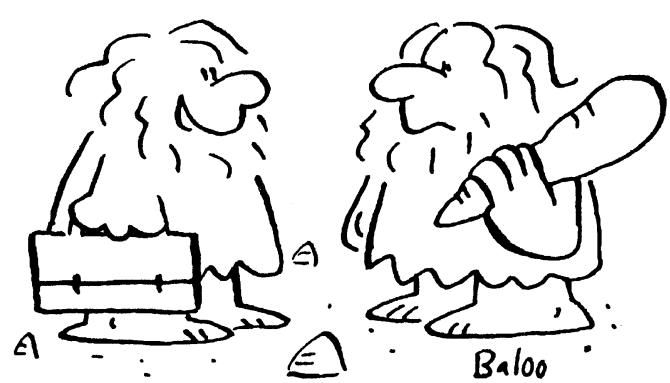

"I don't have to hunt and gather — I work for the government."

value for others.

To summarize: Monopoly rewards exploitation of others; it's the only way to win. Under capitalism, you succeed by providing value.

Whew! I feel better.

Charles Darrow did, too, as the years went by. He had the game produced locally. After the New York toy retailer F.A.O. Schwarz began to distribute it, Parker Brothers reconsidered. The company and Darrow worked out a royalties arrangement that made Darrow a millionaire. At age 46, he retired and became a gentleman farmer in Bucks County, Pennsylvania. His creation of pleasure for millions of game players financed his extensive world travel and his hobby of collecting exotic orchids. —JSS

Optimizing wolves — Alaska has recently proposed killing wolves as a way to boost caribou, moose, and deer populations for tourists and hunters. But many people find gunning wolves from airplanes offensive and are outraged.

The logic underlying the killing seems clear, but the issues are complex. Wolves do kill caribou, elk and moose — especially their young. Reducing wolf populations should increase the numbers of these ungulates, but by how much?

Wolves were deliberately eliminated from the Yellowstone ecosystem decades ago. Like most well-intentioned interventions in ecological and economic systems, the results have been different and more severe than anticipated.

According to Dr Fred Wagner, Director of the Ecology Center at Utah State University, wildlife managers see three options:

First, with no controls, predators and prey will reach a long-run equilibrium with low numbers of both.

A second option — elimination of predators — allows herds to rise dramatically in the short term, but in the long run small populations result from degraded habitat.

The third way is to decrease predator numbers moderately, providing a sustainable rise in ungulate populations. Alaska seems to be trying to follow this third, moderate control option, thereby enhancing big-game hunting.

But the link between predator and prey is questioned by some scientists. They contend that herbivore numbers are primarily determined by habitat, that predators play only a marginal role in determining numbers of caribou, moose and elk. Only renewed habitat, such as that created by fire, can significantly increase populations. And regardless, they say, accurate determination of "optimal" wolf populations is hard to achieve.

What precedents do we have for wolf-control programs?

Yellowstone Park is a prime (if discouraging) example. Wolves were deliberately eliminated from the Yellowstone ecosystem decades ago. Like most well-intentioned interventions in ecological and economic systems, the results have been different and more severe than anticipated.

Elk populations in the Park have erupted, causing massive over-grazing and the prospect of mass starvation during severe Rocky Mountain winters. Whole plant and animal species have been decimated, drastically changing the park's ecology. What will be the results in the delicate Arctic tundra?

Wolf controls have been tried in Alaska but without great success; it is bears, not wolves, that were found to be taking the largest share of ungulates. And, as Dr Kenneth Raedeke, a wildlife specialist at the University of Washington observes, "having a brown bear control program, even in Alaska, is not (politically) acceptable."

This gets to the heart of the matter: the nature of political decision-making. The decision to control wolf populations was made on the basis of political power, not science, economic efficiency or environmental sensitivity. Wolves, apparently, are thought to be politically acceptable targets while bears are not.

In Alaska, Gov. Walter Hickel and special-interest groups such as the Alaska Outdoor Council, a coalition of outfitters, hunters and bush pilots, have used the levers of political control over natural resources to their advantage, regardless of ecological effects. They want to make it easier for hunters to kill moose and caribou by increasing their populations, even though, as the director of the Alaska Division of Wildlife Conservation admits, "there are no real shortages of big-game animals in Alaska."

This is the predictable result of bureaucratic management in a political environment. As public-choice economics teaches, more than ecological concerns are being sacrificed to special interests.

The consequences, while clear for the wolves, may be equally bleak for Alaska's reputation and for its important tourist economy. The state has already received "hundreds of letters" protesting the plan. Not long ago, the National Parks and Conservation Association cancelled its 75th anniversary board meeting scheduled for Anchorage. A decline in tourism may match the decrease in wolf population.

By responding to a small, vocal constituency, Alaska's government may have damaged a far broader, but less well organized and focused group. This decision once again illustrates the pitfalls of political-bureaucratic natural resource management, where special interests can run the decision-making apparatus to their benefit while ignoring the costs imposed on many.

The Alaskan wolf example demonstrates that sound environmentalism must recognize the dangers of political management. In a

Who's Who in Reflections

CAA	Chester Alan Arthur
JAB	John A. Baden
RWB	R.W. Bradford
SC	Stephen Cox
BD	Brian Doherty
BK	Bill Kauffman
BDK	Brian Krohnke
WPM	William P. Moulton
SR	Sheldon Richman
SJR	Susan Rutter
JSS	Jane S. Shaw
JW	Jesse Walker

Why isn't everybody a libertarian?

Why aren't people breaking down doors to join the Libertarian Movement?

When you explain libertarian ideas, why aren't people dropping to their knees and protesting, "All my life, with open arms, I've waited for you and your message. How do I join? When's the next meeting? Is there a limit to how much money I can give?"

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Congressman Sam Steiger, 1976

In 1976, I was the Arizona Libertarian Party's candidate for the congressional seat held by Morris Udall.

I lectured people who weren't interested. I debated when I should have discussed. I talked when I should have listened. I talked down to everyone.

If there was an offensive, shocking way of presenting a libertarian position—I used it.

Every so often, people would try to agree, but I didn't notice. I couldn't take 'Yes' for an answer.

My campaign taught me how to lose friends and alienate people.

Finally, it sunk in. My problem wasn't other people. It was the man in the mirror. Me.

Do You Lose Friends And Alienate People?

Some libertarians have a more–rational–than–thou attitude. Or smarter–than–thou. Or more–principled–than–thou. Or more–ethical–than–thou.

Are your 'discussions' really lectures? Do you try to convince by beating the other person into submission? Do you behave like a tormentor, not a mentor?

And when you fail to persuade, do you blame the listener? The other person isn't rational enough, or intelligent enough, or good enough? It's always their fault?

That is the road to permanent failure.

Failure is feedback. It's telling you to do something different.

The people you don't convince are showing you what does not work. Are you paying attention?

The marketplace of ideas works just like the free market. Consumer response is a teacher. Are you learning?

The Art Of Political Persuasion.

I felt stupid and embarrassed by my campaign in 1976. But I was determined to salvage something from my experience. I wanted to learn the art of political persuasion.

I began to read. It's now over 1,000 books on psychology, epistemology, semantics, salesmanship, cybernetics, self-help, hypnosis, communication and creativity.

I interviewed specialists in communications and persuasion. I asked questions and took notes.

I applied the scientific method to everything I learned. I tested every approach, technique and format. I observed and listened.

I began to write up my results. *How To Get Converts Left & Right* and *The Late, Great Libertarian Macho Flash* were published by *Reason.*

I followed these with more articles: *The Militant Mentality, The Myth Of Mushrooms In The Night, Leveraging Liberty With Language* and *Intellectual Judo.*

The libertarian audience wanted more, so I launched a seminar. *The Art Of Political Persuasion Marathon Weekend Workshop* has been offered all over the United States and Canada.

Then, I tested my teachings in the field. I was the organizer and fund-raiser for the 1988 *Marrou VP Campaign, Project 51–'92* ballot effort and the 1992 *Marrou For President Campaign.* Between Fall 1987 and Fall 1991 I raised more than $500,000 for these projects. $519,344 to be exact (source: FEC).

Now, after 12 years of study, testing and results, I have produced a three hour audio tape learning program: *The Essence of Political Persuasion.*

What You'll Learn In Only Three Hours.

- How to influence with integrity.
- Open the door with rapport.
- From confrontation to conversation.
- The power of metaphors, parables and teaching tales.
- Political Cross-Dressing: how to get converts from the liberal left and the conservative right.
- The Late, Great Libertarian Macho Flash: abuses and uses of intellectual shock tactics.
- Leveraging Liberty With Language: the semantics of libertarian persuasion.
- Intellectual Judo: gently win people over without arguing.
- And many more easy, enjoyable and effective ways to make libertarian ideas irresistible.

Does It Really Work?

"*The Essence of Political Persuasion* is bold, imaginative and brilliant. It is the most innovative and effective program of its kind."
Andre Marrou, 1992 Libertarian Party presidential nominee.

"I've personally listened to Michael Emerling's political persuasion tapes several times. This program is great. It's a necessity, not a luxury, for all libertarians."
Jim Lewis, 1984 Libertarian Party VP nominee and 1992 *Marrou For President* Campaign Manager.

"Michael Emerling's political persuasion tapes are superb. I have listened to them many times. I continue to be impressed by the power and sophistication of his techniques."
Vince Miller, President of International Society For Individual Liberty (I.S.I.L.).

"I have a set of these political persuasion tapes. I had to learn it before I could teach it. Thank you very much, Michael Emerling."
Marshall Fritz, founder of Advocates For Self-Government

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❑ Yes! Send me *The Essence Of Political Persuasion* Audio Tape Program for only $29.95 and the free bonus tape—an added $10.00 value—Emerling's *The Missing Factor In The Libertarian Equation: Self-Responsibility.*

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60-Day Trial Period
If, within 60 days, I am not completely satisfied with the Tape Program, I will return it to you for a full refund of the purchase price. And I can keep the bonus tape as a free gift.

Michael Emerling
Box 28368
Las Vegas NV 89126

greener political economy, environmental management should be guided by science and constrained by economic realities. We can learn from Alaska. —JAB

The sublime and the sub-beautiful — During December, television and newspapers kept talking about the beautiful weather being enjoyed by virtually every part of the country. Lovely thick snow. Postcard vistas. White Christmas. Very romantic.

I never saw any of this. I traveled a few days, but I didn't get a chance to travel to any place "interesting." The weather was cold; it rained a bit; the sky was uniformly grey; the sun seemed to set about 3 o'clock in the afternoon; and the horizon was generally occupied by decaying industrial towns.

In other words, I traveled in a landscape with real charm. True, it wasn't the kind of charm that gets on a postcard, but it was charm nonetheless.

In most "beautiful" vistas, there's really just one thing to see. A bunch of white snow. Sunlight on a beach. The Golden Gate Bridge. In a conventionally "ugly" or "boring" environment, one is not distracted by such banalities. One is free to contemplate the pure geometry of a village street bisected by a gently curving pair of abandoned rails. One has leisure to notice the varieties of grey, green, and brown that shade into one another on an empty field or the side of an old house, colors too delicate ever to be named. And one can finally see the trees for what they are — not those plump, self-satisfied, conformist bags of leaves that decorate the streets in summer but the thin, grey, mysteriously mobile sculptures, each with its own shape, that bare themselves to a slow winter sky.

Any child will be impressed by snowflakes glistening on the big Christmas tree at Rockefeller Center, but it takes an adult to appreciate the steady silver drip of rain from a garage roof that badly needs repair. When I was a little boy, I was depressed by the pitifully plastic Christmas displays that showed up on the front stoops of my home town. They were images of poverty and (so I thought) despair. Now that I've grown up, I think I'm beginning to recognize symbols of courage and a kind of triumph in the oddly shaped electrical objects that people save from one year to the next to adorn their houses.

We Americans enjoy the kind of beauty from which all indications of age or struggle, especially human struggle, have been removed. If we are fond of an old building, we nevertheless insist that it be spiffily "restored." We can't stand the thought of a clearcut slope in the midst of a forest. We have a hard time understanding that it's our mood that creates the "natural" scene, as much as the other way around, and that our mood has something to say about us.

There's a story from World War II that I like very much. After the Japanese conquest of the Philippines, the conquerors decided to execute Philippine General Manuel Roxas. He was put in a car and driven out to be killed. Along the way, Roxas noticed delicate white flowers beside the road. "Aren't they beautiful?" he said. Colonel Nobuhiko Jimbo, in charge of the execution, was so struck by Roxas's remark that he persuaded his superiors to save him. After the war, Roxas became the first president of the Philippine Republic, and colonel Jimbo received a knighthood — fit rewards for their ability to recognize beauty in unexpected places. —SC

Royalty vs reality— Late in 1992, the Irish Republican Army tried and failed to assassinate Prince Charles and Lady Di. It figures — the first good idea the IRA's had in years, and they screw it up.

I didn't want to write about the royal breakup. Of everything wrong with the American media, their constant reportage of the doings of the British royal family sticks out like an infected blister. Why the hell should I care which wealthy welfare bum is diddling the Queen's cousin or King's schoolchum or Earl of Guernsy's anthrax-ridden cow? Why can't I go to a supermarket checkout aisle without being visually assaulted by the latest picture of Di's face or Fergie's breasts or Charles' ears? Every word written about the Windsor family, including these, would be better spent on a great novel. Or a mediocre poem. Or a grocery list.

Half my ancestors fought a revolution so they wouldn't have to put up with these guys; the others hopped on a boat pointed west for the exact same reason. So this is a matter of family honor for me. I will not, not ever, not ever ever, give a damn about the royal family, and as soon as I'm done writing this rant, I will go back to caring only about those issues connected somehow to the real world. Ready . . . set . . . *go.* —JW

Public Choice, 101 — Democracy: In theory, the tyranny of the majority; in practice, the tyranny of minorities. —SR

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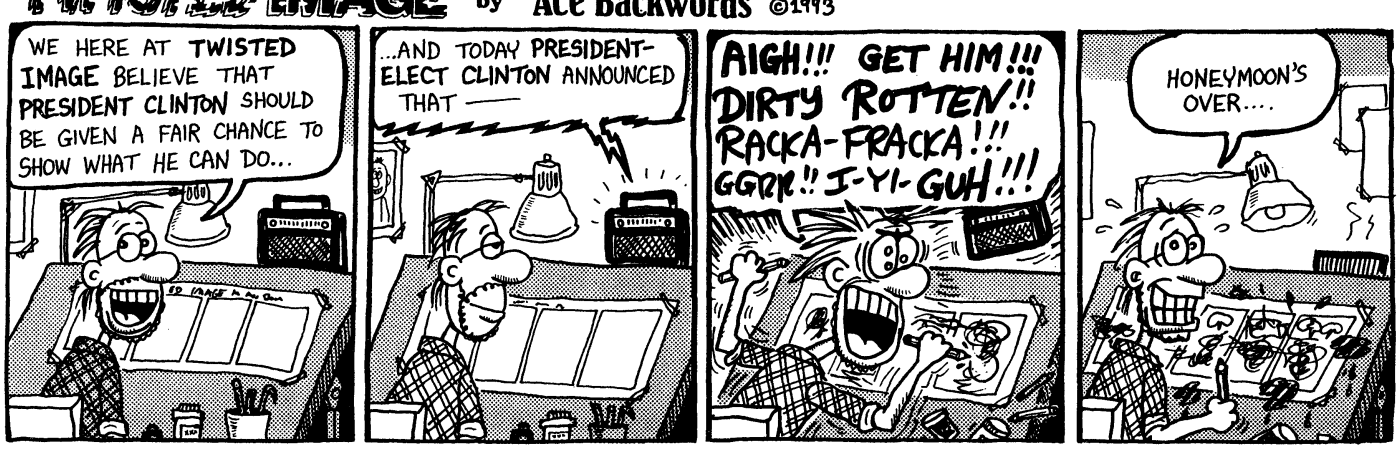

Where to Live

The Geography of Taxes
A Survey of the United States
by R. W. Bradford

Where taxes are high, where taxes are low, where taxes are least likely to bring you woe.

You've just heard your state's governor explain that, thanks to the inability of the private sector to provide adequate health care, your state will be instituting its own health care program, and your income taxes will be going up. Just last month, he explained that your state was no longer competitive in education, but the problem could be solved by giving teachers a raise, which will mean raising your state's sales tax by a penny. And from now on you will have to pay sales tax on shoe shines, haircuts and other personal services.

You wonder, *isn't there some place I can live where taxes are lower?*

If you find yourself in this predicament, I have good news. Unless you are a resident of Wyoming — and only one of every 548 Americans has that particular pleasure — you can lower your taxes simply by moving to another state. Wyoming is one of seven states with no income tax, and its other personal taxes are all quite low. The result is that Wyoming has the lowest personal taxes of any state. The savings can be considerable. For most people, Wyoming's taxes will be less than half the taxes they pay their own state and local government:

Income level	Wyoming taxes	U.S. average taxes
$ 25,000	$1,144	$ 2,193
50,000	1,907	4,594
75,000	3,277	8,277
100,000	4,135	10,157

Of course, there are reasons you might not want to pull up stakes and head to the Equality State. For one thing, you might find it hard to make a living there. Wyoming had the lowest population of any state in 1980, and its population declined during the next decade, as its major industry — energy — weakened.

Even if you are independently wealthy or can relocate your current work to a remote location, you might not want to go to Wyoming. The state is mostly desert, has harsh winters, and is almost entirely rural. If you prefer the pleasures of urban life . . . well, Wyoming's biggest city is smaller than Midwest City, Oklahoma, or Euclid, Ohio.

Happily, Wyoming isn't the only state with relatively low personal taxes. A family of four making $25,000 will pay only about $500 more per year to live in Florida, where the weather is warmer and the cities bigger. The $50,000 family pays about $600 more; the $100,000 family $1,100 more. Don't want to live among the retired Midwesterners, New Yorkers and hillbillies? Then consider Nevada. Or Alaska, if you don't mind a little cold weather. Or maybe Texas, or Tennessee, or South Dakota, or Washington.

I get these figures from "Tax Rates and Tax Burdens in the District of Columbia: A Nationwide Comparison," published quasi-annually by the Department of Finance and Revenue of the District of Columbia,* from which much of the information in this article is derived. Apparently, the idea is to prove that taxes aren't as bad in Washington, D.C. as most people think.

The study summarizes the taxes paid by a family of four with incomes

continued on page 20

* I say "quasi-annually" because, although the Department of Finance and Revenue claims to publish it annually, the 1992 report has not yet appeared. I have called the Department monthly since June of last year (when the 1992 report was scheduled to be published) and have each time been informed that the 1992 report is "still at the printers; we will have it next month." The sixth time I was told this, I asked the official offering me this explanation to identify himself, so I could quote him in this article. In classic bureaucratic manner, he refused to tell me his name, suggesting instead that I write my congressperson. Consequently, the data in this article comes from the 1991 report, and is valid for 1990 taxes. And because the level of local taxes varies from one jurisdiction to another, the survey cites taxes in the largest city in each state.

State and Local Personal Tax Burden
Family of Four with $25,000 Income, 1990

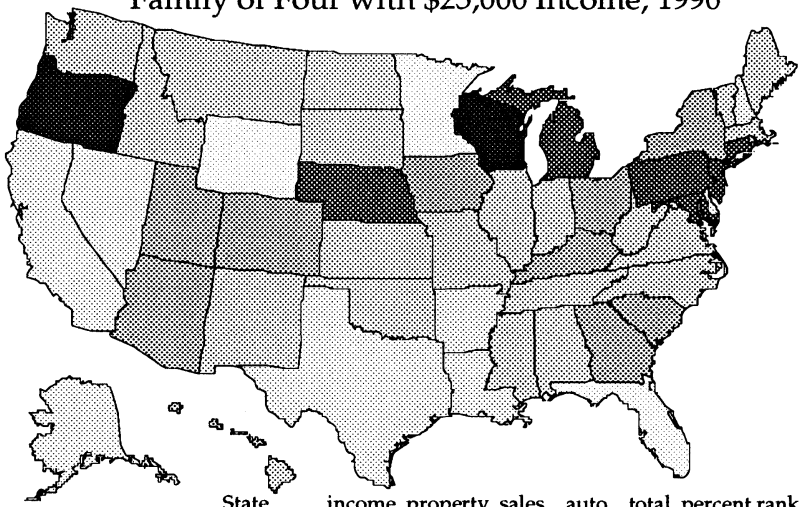

Tax Level

- less than 5%
- 5% – 6.9%
- 7% – 8.9%
- 9% – 10.9%
- 11% – 12.9%
- 13% – 14.9%
- more than 15%

State	income	property	sales	auto	total	percent	rank
Alabama	658	303	863	155	1,978	7.9%	21
Alaska	0	1,339	0	116	1,455	5.8%	4
Arizona	425	912	749	237	2,323	9.3%	35
Arkansas	527	551	490	160	1,727	6.9%	11
California	111	748	599	215	1,673	6.7%	9
Colorado	568	935	781	202	2,486	9.9%	39
Connecticut	0	1,837	747	382	2,966	11.9%	47
Delaware	820	641	0	112	1,573	6.3%	6
D. C.	1,132	641	451	149	2,372	9.5%	36
Florida	0	483	597	148	1,229	4.9%	3
Georgia	700	1,018	825	164	2,707	10.8%	43
Hawaii	935	597	401	180	2,112	8.4%	26
Idaho	491	754	587	140	1,972	7.9%	20
Illinois	588	720	666	186	2,160	8.6%	29
Indiana	830	502	497	374	2,203	8.8%	32
Iowa	686	1,295	390	184	2,556	10.2%	40
Kansas	438	599	500	303	1,839	7.4%	15
Kentucky	1,311	528	408	163	2,411	9.6%	37
Louisiana	315	189	896	198	1,598	6.4%	7
Maine	308	1,130	337	343	2,118	8.5%	27
Maryland	1,039	1,181	473	134	2,826	11.3%	45
Mass.	1,131	193	428	245	1,996	8.0%	22
Michigan	1,075	1,419	363	123	2,980	11.9%	48
Minnesota	681	6	327	205	1,218	4.9%	2
Mississippi	367	632	644	236	1,880	7.5%	16
Missouri	772	514	568	208	2,063	8.3%	24
Montana	540	988	0	240	1,767	7.1%	13
Nebraska	457	1,161	985	335	2,938	11.8%	46
Nevada	0	699	564	252	1,516	6.1%	5
N. H.	20	1,490	0	170	1,680	6.7%	10
N. J.	373	1,853	488	85	2,800	11.2%	44
N. M.	382	747	734	135	1,998	8.0%	23
N. Y.	864	641	1,055	87	2,647	10.6%	42
N. Carolina	720	681	494	233	2,129	8.5%	28
N. Dakota	239	1,144	405	167	1,954	7.8%	19
Ohio	870	871	601	141	2,484	9.9%	38
Oklahoma	635	465	599	183	1,883	7.5%	17
Oregon	972	2,365	0	119	3,457	13.8%	51
Penna.	1,745	995	358	93	3,192	12.8%	49
Rhode Isl.	392	1,702	316	232	2,641	10.6%	41
S. Carolina	505	866	658	282	2,312	9.2%	34
S. Dakota	0	1,361	606	139	2,106	8.4%	25
Tennessee	0	968	661	158	1,787	7.1%	14
Texas	0	1,048	457	145	1,650	6.6%	8
Utah	694	638	791	181	2,304	9.2%	33
Vermont	478	1,192	398	128	2,196	8.8%	31
Virginia	498	863	455	352	2,167	8.7%	30
Washington	0	1,004	663	272	1,939	7.8%	18
W. Virginia	580	406	531	231	1,749	7.0%	12
Wisconsin	529	2,281	481	145	3,436	13.7%	50
Wyoming	0	494	482	168	1,144	4.6%	1
U.S. average	558	871	582	182	2,193	9.2%	–

State and Local Personal Tax Burden,
Family of Four with $50,000 Income, 1990

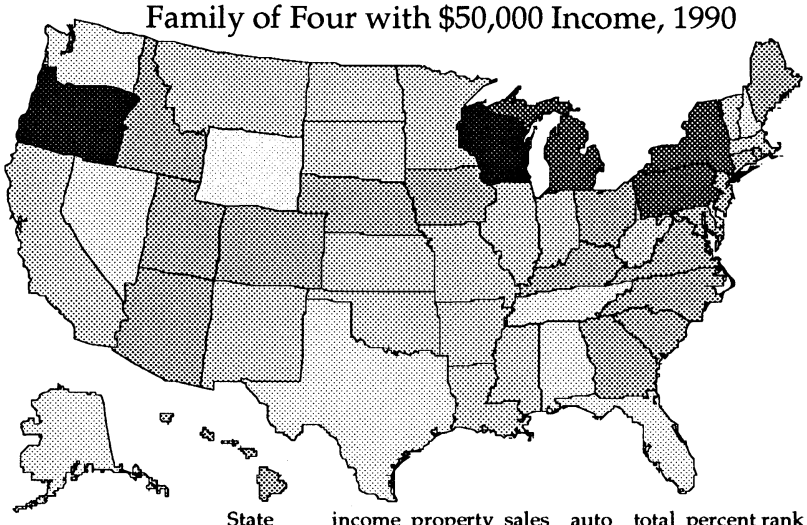

Tax Level

- less than 5%
- 5% – 6.9%
- 7% – 8.9%
- 9% – 10.9%
- 11% – 12.9%
- 13% – 14.9%
- more than 15%

State	income	property	sales	auto	total	percent	rank
Alabama	1,348	642	1,223	246	3,459	6.9%	9
Alaska	0	2,551	0	137	2,678	5.4%	4
Arizona	1,301	1,737	1,129	373	4,540	9.1%	28
Arkansas	1,743	1,049	735	253	3,781	7.6%	15
California	1,220	1,490	911	368	3,989	8.0%	18
Colorado	1,626	1,781	1,169	299	4,874	9.7%	33
Connecticut	0	3,498	1,126	680	5,304	10.6%	43
Delaware	2,375	1,221	0	153	3,749	7.5%	13
D.C.	2,707	1,458	733	228	5,126	10.3%	38
Florida	0	1,414	902	202	2,518	5.0%	2
Georgia	1,783	2,174	1,189	299	5,445	10.9%	44
Hawaii	2,589	1,223	598	254	4,665	9.3%	30
Idaho	2,297	1,416	883	183	4,780	9.6%	32
Illinois	1,281	1,694	1,018	248	4,241	8.5%	23
Indiana	1,817	977	743	374	3,912	7.8%	16
Iowa	1,894	2,477	588	295	5,254	10.5%	42
Kansas	1,270	1,140	746	472	3,628	7.3%	10
Kentucky	3,087	1,007	674	267	5,035	10.1%	37
Louisiana	1,055	1,355	1,363	328	4,102	8.2%	22
Maine	1,773	2,153	555	454	4,934	9.9%	34
Maryland	2,612	2,249	706	181	5,748	11.5%	46
Mass.	2,655	642	681	321	4,300	8.6%	24
Michigan	2,703	2,702	540	167	6,112	12.2%	48
Minnesota	2,318	1,292	535	306	4,451	8.9%	27
Mississippi	1,297	1,421	941	409	4,068	8.1%	20
Missouri	2,177	979	892	360	4,408	8.8%	25
Montana	1,675	1,881	0	408	3,964	7.9%	17
Nebraska	1,366	2,211	900	556	5,033	10.1%	36
Nevada	0	1,332	875	405	2,611	5.2%	3
N. H.	50	2,838	0	226	3,114	6.2%	7
N. J.	937	3,718	816	137	5,609	11.2%	45
N. M.	1,428	1,422	1,054	177	4,081	8.2%	21
N. Y.	3,464	1,222	1,528	109	6,323	12.6%	49
N. Carolina	2,224	1,298	715	366	4,603	9.2%	29
N. Dakota	737	2,178	633	211	3,759	7.5%	14
Ohio	2,376	1,659	967	193	5,195	10.4%	39
Oklahoma	1,914	971	908	270	4,063	8.1%	19
Oregon	2,636	4,506	0	168	7,310	14.6%	50
Penna.	3,480	1,896	571	124	6,071	12.1%	47
Rhode Isl.	1,080	3,241	498	412	5,232	10.5%	41
S. Carolina	2,093	1,649	953	513	5,208	6.9%	40
S. Dakota	0	2,593	880	185	3,658	6.9%	12
Tennessee	0	1,843	983	213	3,039	6.9%	6
Texas	0	2,041	747	184	2,973	6.9%	5
Utah	2,263	1,215	1,166	295	4,940	6.9%	35
Vermont	1,377	2,270	634	167	4,448	6.9%	26
Virginia	1,769	1,643	686	607	4,704	6.9%	31
Washington	0	1,912	1,051	457	3,420	6.9%	8
W. Virginia	1,695	773	794	391	3,653	6.9%	11
Wisconsin	2,179	4,345	688	198	7,411	6.9%	51
Wyoming	0	940	715	252	1,907	6.9%	1
U.S. Average	1,665	1,775	879	275	4,594	9.2%	–

State and Local Personal Tax Burden
Family of Four with $75,000 Income, 1990

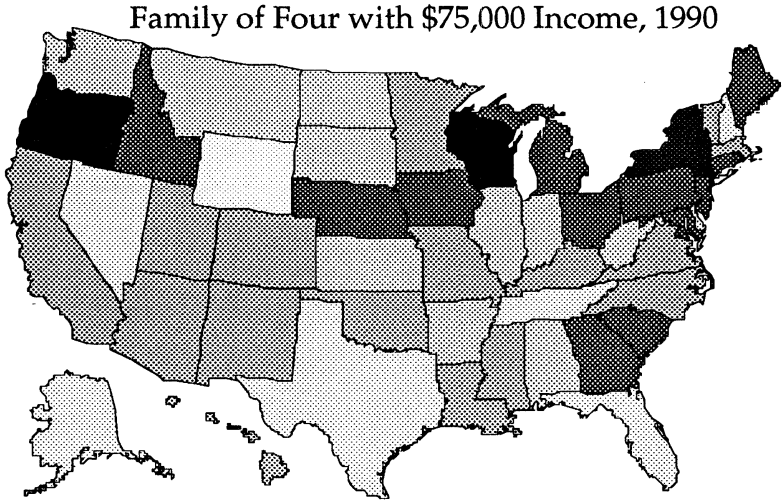

Tax Level

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- 13% – 14.9%
- more than 15%

State	income	property	sales	auto	total	percent	rank
Alabama	2,173	999	1,834	539	5,545	7.4%	9
Alaska	0	3,826	0	237	4,063	5.4%	4
Arizona	2,043	2,606	1,693	1,002	7,344	9.8%	28
Arkansas	3,186	1,574	1,103	536	6,399	8.5%	15
California	3,076	2,271	1,367	866	7,580	10.1%	18
Colorado	2,644	2,671	1,753	823	7,892	10.5%	33
Connecticut	370	5,247	1,685	1,679	8,982	12.0%	43
Delaware	4,149	1,831	0	233	6,214	8.3%	13
D.C.	4,680	2,319	1,099	307	8,405	11.2%	38
Florida	0	2,394	1,345	298	4,038	5.4%	2
Georgia	2,975	3,391	1,784	759	8,909	11.9%	44
Hawaii	4,518	1,883	897	383	7,681	10.2%	30
Idaho	4,039	2,612	1,325	290	8,267	11.0%	32
Illinois	1,971	2,719	1,528	386	6,604	8.8%	23
Indiana	2,805	1,478	1,104	1,104	6,491	8.7%	16
Iowa	3,070	3,720	882	589	8,261	11.0%	42
Kansas	2,360	1,710	1,118	1,453	6,641	8.9%	10
Kentucky	4,825	1,510	1,011	576	7,922	10.6%	37
Louisiana	1,655	2,582	2,045	704	6,986	9.3%	22
Maine	3,553	3,229	833	1,326	8,941	11.9%	34
Maryland	4,140	3,374	1,058	277	8,849	11.8%	46
Mass.	4,204	1,116	1,021	1,094	7,435	9.9%	24
Michigan	4,455	4,053	810	252	9,570	12.8%	48
Minnesota	4,003	2,646	802	728	8,179	10.9%	27
Mississippi	2,319	2,252	1,412	955	6,937	9.2%	20
Missouri	3,347	1,469	1,338	832	6,985	9.3%	25
Montana	2,925	2,822	0	914	6,661	8.9%	17
Nebraska	2,617	3,316	1,351	1,247	8,530	11.4%	36
Nevada	0	1,997	1,312	850	4,160	5.5%	3
N. H.	100	4,256	0	646	5,003	6.7%	7
N. J.	1,651	5,682	1,223	177	8,733	11.6%	45
N. M.	2,859	2,133	1,580	267	6,839	9.1%	21
N. Y.	6,315	1,832	2,292	168	10,608	14.1%	49
N. Carolina	3,748	1,947	1,072	764	7,531	10.0%	29
N. Dakota	1,585	3,267	950	303	6,106	8.1%	14
Ohio	4,048	2,489	1,451	294	8,282	11.0%	39
Oklahoma	3,378	1,503	1,362	632	6,875	9.2%	19
Oregon	4,476	6,759	0	250	11,484	15.3%	50
Penna.	5,047	2,844	856	193	8,940	11.9%	47
Rhode Isl.	2,293	4,862	748	982	8,885	11.8%	41
S. Carolina	3,546	2,474	1,429	1,279	8,728	11.6%	40
S. Dakota	0	3,889	1,320	277	5,487	7.3%	12
Tennessee	0	2,765	1,474	328	4,567	6.1%	6
Texas	0	3,087	1,212	299	4,507	6.0%	5
Utah	3,632	1,823	1,750	611	7,816	10.4%	35
Vermont	2,966	3,405	951	265	7,587	10.1%	26
Virginia	2,945	2,464	1,028	1,483	7,921	10.6%	31
Washington	0	2,868	1,577	1,028	5,473	7.3%	8
W. Virginia	3,230	1,160	1,190	919	6,499	8.7%	11
Wisconsin	3,622	6,518	1,032	301	11,474	15.3%	51
Wyoming	0	1,410	1,072	794	3,277	4.4%	1
U.S. average	2,905	2,728	1,325	593	7,545	10.1%	–

State and Local Personal Tax Burden,
Family of Four with $100,000 Income, 1990

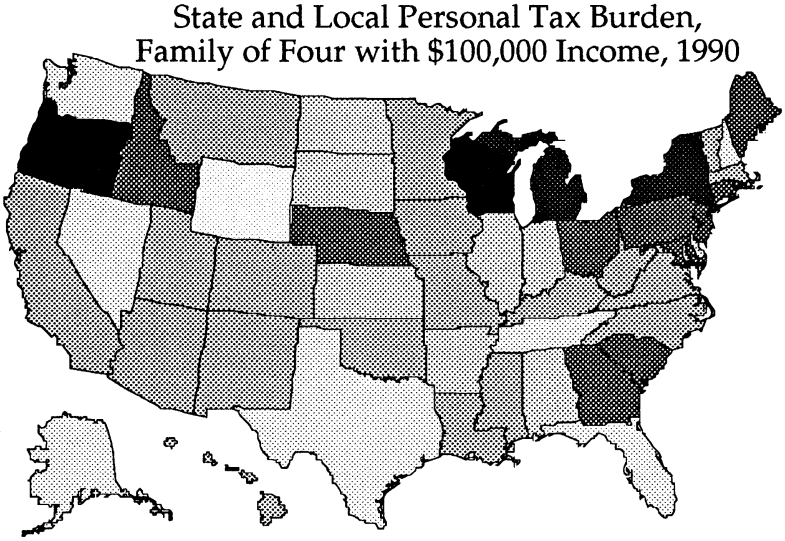

Tax Level

- less than 5%
- 5% – 6.9%
- 7% – 8.9%
- 9% – 10.9%
- 11% – 12.9%
- 13% – 14.9%
- more than 15%

State	income	property	sales	auto	total	percent	rank
Alabama	2,875	1,284	2,446	621	7,226	7.2%	10
Alaska	0	4,846	0	244	5,090	5.1%	2
Arizona	2,939	3,301	2,257	1,158	9,656	9.7%	24
Arkansas	4,691	1,993	1,470	617	8,772	8.8%	15
California	5,133	2,895	1,823	1,014	10,865	10.9%	33
Colorado	3,688	3,384	2,338	934	10,343	10.3%	27
Connecticut	700	6,647	2,256	1,982	11,585	11.6%	40
Delaware	6,043	2,320	0	248	8,610	8.6%	13
D.C.	6,743	3,007	1,465	324	11,539	11.5%	39
Florida	0	3,178	1,800	314	5,292	5.3%	4
Georgia	4,198	4,365	2,378	901	11,842	11.8%	44
Hawaii	6,485	2,411	1,196	409	10,501	10.5%	31
Idaho	5,825	3,570	1,767	307	11,468	11.5%	38
Illinois	2,673	3,539	2,037	408	8,657	8.7%	14
Indiana	3,792	1,878	1,476	1,232	8,378	8.4%	12
Iowa	4,377	4,715	1,176	678	10,946	10.9%	34
Kansas	3,497	2,166	1,491	1,686	8,840	8.8%	16
Kentucky	6,621	1,913	1,349	666	10,548	10.5%	32
Louisiana	2,265	3,563	2,727	723	9,277	9.3%	19
Maine	5,401	4,090	1,111	1,482	12,083	12.1%	47
Maryland	5,747	4,273	1,411	294	11,726	11.7%	43
Mass.	5,753	1,495	1,361	1,233	9,842	9.8%	25
Michigan	6,978	5,134	1,080	266	13,458	13.5%	48
Minnesota	5,721	3,729	1,070	832	11,352	11.4%	35
Mississippi	3,363	2,916	1,882	1,119	9,280	9.3%	20
Missouri	4,555	1,860	1,783	990	9,188	9.2%	18
Montana	4,673	3,575	0	1,072	9,320	9.3%	21
Nebraska	4,006	4,200	1,801	1,449	11,455	11.5%	37
Nevada	0	2,530	1,749	976	5,255	5.3%	3
N. H.	150	5,391	0	731	6,272	6.3%	7
N. J.	2,821	7,253	1,631	186	11,892	11.9%	45
N. M.	4,517	2,702	2,107	281	9,608	9.6%	23
N. Y.	8,920	2,321	3,056	183	14,480	14.5%	49
N. Carolina	5,297	2,466	1,429	874	10,066	10.1%	26
N. Dakota	2,442	4,139	1,266	339	8,186	8.2%	11
Ohio	6,013	3,153	1,935	312	11,413	11.4%	36
Oklahoma	4,853	1,930	1,817	729	9,328	9.3%	22
Oregon	6,361	8,561	0	267	15,189	15.2%	51
Penna.	6,713	3,603	1,142	204	11,661	11.7%	42
Rhode Isl.	3,580	6,158	997	1,158	11,894	11.9%	46
S. Carolina	5,066	3,134	1,905	1,515	11,620	11.6%	41
S. Dakota	0	4,927	1,760	294	6,980	7.0%	9
Tennessee	30	3,502	1,965	347	5,845	5.8%	6
Texas	0	3,924	1,495	312	5,731	5.7%	5
Utah	5,020	2,309	2,333	703	10,365	10.4%	28
Vermont	4,578	4,313	1,269	279	10,438	10.4%	29
Virginia	4,202	3,122	1,371	1,743	10,438	10.4%	30
Washington		3,632	2,103	1,196	6,932	6.9%	8
W. Virginia	4,855	1,469	1,587	1,073	8,984	9.0%	17
Wisconsin	5,203	8,256	1,376	320	15,156	15.2%	50
Wyoming	0	1,786	1,429	919	4,135	4.1%	1
U.S. average	4,234	3,490	1,759	674	10,157	10.2%	–

of $25,000, $50,000, $75,000 and $100,000 per year. It includes four taxes paid directly by individuals: property tax, sales tax, automobile tax, and income tax.

This is fascinating reading. One discovers that whatever the level of income, the citizen of Oregon pays between 3 and 4 times the taxes as the citizen of Wyoming. If you live in a low tax state like Wyoming, Washington, Texas, Nevada or Florida, there's not much hope of finding lower taxes. If you live in Oregon, Wisconsin, New York, Michigan, Pennsylvania or another high tax state . . . well, I just hope the antics of your local politicians are amusing enough to justify the hideous taxes you pay. (The charts and maps on pages 18–19 summarize tax rates for all fifty states.)

Where are taxes lowest?

It is plain that Wyoming has the lowest combined state and local income, sales, property and automobile taxes, and by a rather substantial margin. But the question of where *taxes* are lowest is a bit more complex. One thing is certain: Wyoming is not the lowest tax state.

Each of the fifty states has its own unique tax ecology. Wyoming, Alaska, Washington, Nevada and Florida all have low personal taxes. This is not to say, however, that they have low taxes. In general, they prefer either indirect taxes or "export" taxes, i.e. taxes that generally do not fall directly on individuals. Other taxes — whether on business activity, hobbies, liquor, tobacco, natural resources, tourism, or anything else — are ignored in figuring personal taxes, on the theory that many residents do not pay them.

There is relatively little correlation between the level of personal taxes and the overall level of taxes. Wyoming and Alaska have the lowest and third lowest personal taxes, respectively. But in terms of total taxes as a percentage of gross personal income, both rank near the bottom: Wyoming 46th and Alaska 50th.

There is a great variety of indirect taxes. For most individuals, the most important indirect taxes are what are generally called "sin" taxes, that is, taxes on products or activities that are widely believed to be sinful. Sin taxes are easy to sell to voters, on grounds that they will discourage normal people from odious behavior, and will then be paid mostly by odious people.

The most notable examples are tobacco and alcohol taxes. These vary considerably from state to state. Wyoming taxes a six-pack of beer 1¢. Hawaii, in contrast, taxes the same six-pack 50¢. Wine-producing California taxes table wine 0.4¢ per bottle. Florida taxes the same bottle 60¢. A bottle of whiskey is taxed 30¢ in Maryland but $1.30 in Florida. A pack of cigarettes is taxed 2¢ in tobacco-producing North Carolina but 41¢ in Texas.

In recent years, as the prudish left has gained more influence over American public life, the automobile — that wonderful instrument of mobility and individualism — has been transformed into an instrument of evil. As a corollary of this metamorphosis, gasoline taxes have been mutated from a quasi-use tax earmarked for highway construction to a sin tax for general revenue. Like other sin taxes, gas taxes vary considerably from state to state, ranging from 8¢ per gallon in New York to 26.5¢ per gallon in Nebraska.

But the sin tax that varies most from state to state is the tax on gambling. Nevada gains a tremendous amount of its revenue from taxes on gambling, while other states outlaw all forms of it, thus eschewing this particu-

State and local taxes, per capita, 1990

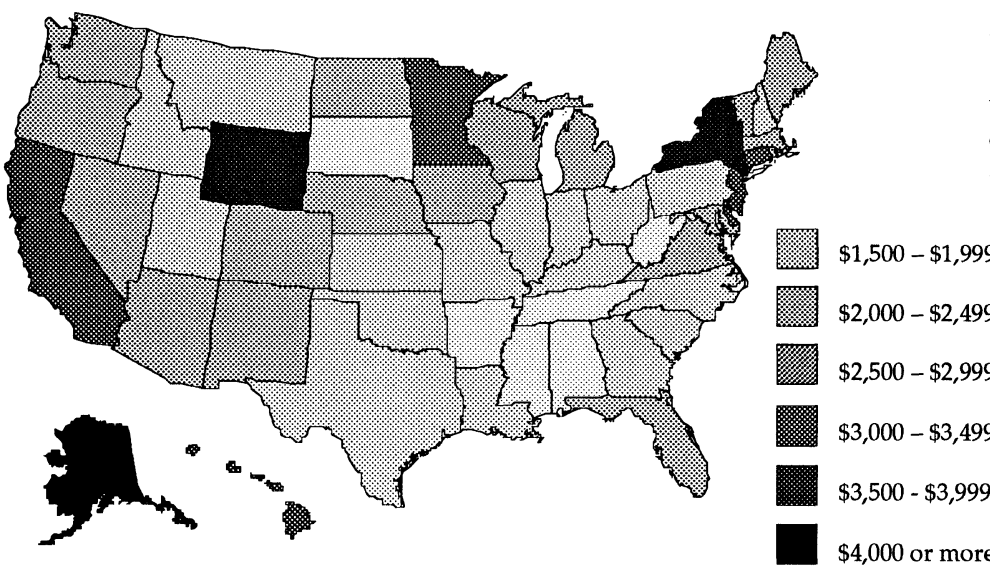

State	taxes	rank	State	taxes	rank	State	taxes	rank
Alabama	1,968	5	Kentucky	2,077	9	Nevada	2,675	34
Alaska	9,555	51	Louisiana	2,339	18	Ohio	2,331	17
Arizona	2,599	32	Maine	2,578	30	Oklahoma	2,176	12
Arkansas	1,688	1	Maryland	2,901	40	Oregon	2,697	35
California	3,019	42	Mass.	2,973	41	Pennsylvania	2,342	19
Colorado	2,656	33	Michigan	2,750	39	Rhode Isl.	2,571	29
Connecticut	3,154	43	Minnesota	3,218	45	S. Dakota	1,985	6
D.C.	4,530	50	Mississippi	1,886	2	S. Carolina	2,116	10
Delaware	3,233	46	Missouri	2,004	7	Tennessee	1,952	4
Florida	2,532	26	Montana	2,371	20	Texas	2,286	15
Georgia	2,371	21	N. Carolina	2,148	11	Utah	2,212	13
Hawaii	3,233	47	N. Dakota	2,504	24	Vermont	2,581	31
Idaho	2,017	8	N. H.	2,238	14	Virginia	2,531	25
Illinois	2,432	22	N. J.	3,192	44	W. Virginia	1,937	3
Indiana	2,324	16	N. M.	2,730	36	Washington	2,732	37
Iowa	2,543	27	N. Y.	3,917	48	Wisconsin	2,741	38
Kansas	2,461	23	Nebraska	2,547	28	Wyoming	3,942	46
						U.S. average	2,663	–

lar source of loot. State lotteries have been defined as "a tax on people who don't understand probability theory," but strictly speaking the revenue from them is a different sort of tax, profit from state monopolies. (Another example of this form of indirect taxation is profit from some state's liquor monopolies.)

In addition, states impose a wide variety of taxes on business activities, including some very substantial taxes. The state of Washington, for example, has a "Business and Occupations" tax, which falls on the gross receipts of every business or farm in the state, differing from sales tax in that it exempts nothing. Michigan has a "single business tax," a bewilderingly complicated tax on the sum of the gross profits of a business, plus all wages and dividends paid by the business, and certain other expenditures.

The late Sen. Russell Long of Louisiana liked to explain the process of writing tax law with the maxim, "Don't tax you, don't tax me. Tax the fella behind the tree." By this, I suppose, he meant, let's not tax politicians or special interests. Everyone prefers taxes that have to be paid by someone else, witness the popularity of Clinton's promise to raise taxes on businesses in other countries and on that tiny portion of the population that earns more than $200,000 per year.

State tax officials and law-makers are so enamored of this notion of taxing people who live outside their state that they have given the process of enacting such measures a nice-sounding name, "exporting" taxes. Hawaii taxes all temporary lodging (except college dormitory rooms) at a rate of 9.14%, on the theory that mainland tourists will have to pay it all. Since Hawaii has greatly restricted the supply of accommodations, thereby eliminating modestly priced accommodations driving the average daily room rate well into three figures, this has proven a tremendous revenue source. Other states and many cities have done the same; in New York City today the tax on hotel rooms is a whopping 21.5%.

The other way that states "export" taxes is to enact special taxes on industries that make products sold primarily to other states. A high "severance" tax on coal and natural gas, for example, enables Wyoming to maintain a very high overall level of taxation (8.45% of gross personal income, fourth highest among the 50 states) while maintaining the lowest level of personal taxes. Needless to say, this works best on industries that cannot move to other states, most notably on mining.

Of course, taxes on tourists and on extraction of natural resources do not really "export" taxes. By taking 9% of the gross revenue on the rental of accommodations, Hawaii isn't really costing tourists more: it is reducing the prices (and therefore the value) of rental property. By charging coal miners an exorbitant fee to extract coal from their property in Wyoming, the state isn't forcing residents of other states to pay more for coal; it is simply reducing the profitability of coal mining and the value of property that has coal. The ultimate effect of these taxes is not to export taxes; it is to *confiscate* the property of a relatively small number of people.

A Revealing Comparison

Washington and Oregon offer an illuminating contrast in state tax policy. A quick inspection of the data reported on pp 18–19 reveals that on average a Washingtonian pays far less than an

State and local taxes, as percentage of gross personal income, 1990

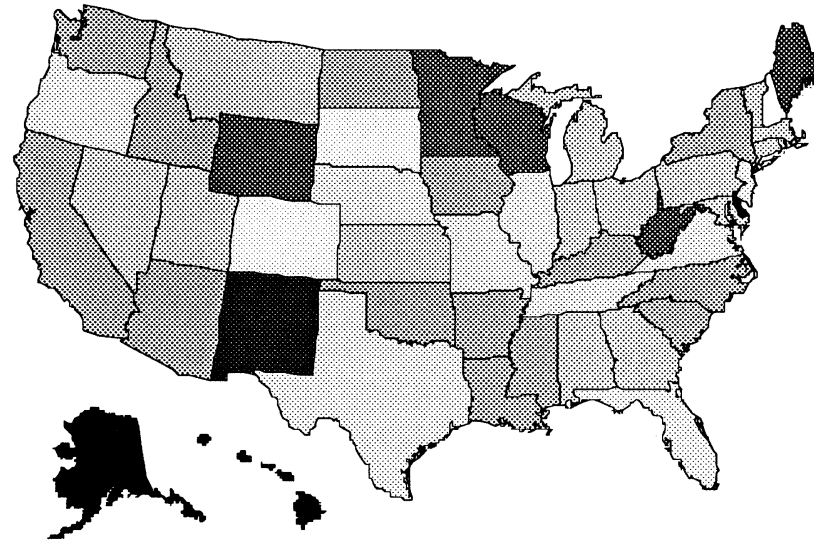

State	taxes	rank	State	taxes	rank	State	taxes	rank
Alabama	6.5%	23	Kentucky	7.9%	41	Nevada	6.3%	18
Alaska	12.4%	50	Louisiana	7.0%	29	Ohio	6.1%	15
Arizona	7.2%	33	Maine	8.0%	43	Oklahoma	7.3%	34
Arkansas	7.0%	28	Maryland	6.3%	19	Oregon	5.8%	11
California	7.1%	31	Mass.	6.9%	27	Pennsylvania	6.1%	16
Colorado	5.0%	3	Michigan	6.9%	26	Rhode Isl.	6.5%	22
Connecticut	6.0%	14	Minnesota	8.3%	44	S. Dakota	4.8%	2
D.C.	15.8%	51	Mississippi	7.5%	38	S. Carolina	7.8%	40
Delaware	9.1%	47	Missouri	5.6%	7	Tennessee	5.6%	8
Florida	5.6%	6	Montana	6.4%	21	Texas	5.2%	4
Georgia	6.1%	17	N. Carolina	7.4%	36	Utah	6.4%	20
Hawaii	10.8%	49	N. Dakota	7.4%	37	Vermont	6.8%	25
Idaho	7.3%	35	N. H.	2.7%	1	Virginia	5.7%	10
Illinois	5.4%	5	N. J.	5.7%	9	W. Virginia	8.4%	45
Indiana	6.7%	24	N. M.	9.4%	48	Washington	7.8%	39
Iowa	7.2%	32	N. Y.	7.0%	30	Wisconsin	8.0%	42
Kansas	6.0%	13	Nebraska	5.8%	12	Wyoming	8.5%	46
						U.S. average	6.6%	–

Oregonian in each of the four income levels in the study:

Income level	Oregon taxes	Washington taxes
$ 25,000	$ 3,457	$1,939
50,000	7,310	3,420
75,000	11,484	5,473
100,000	15,189	6,932

In three of the four income levels, Oregon's personal taxes were the highest in the country; in the fourth they were second highest. In contrast, Washington's personal tax level ranked 8th from the bottom at three income levels and 19th from the bottom in the fourth.

It seems plain enough that Oregon's personal taxes are much higher than Washington's.

But what about other taxes? The tax systems of the two states are very different. Oregon depends primarily on high income and property taxes, keeping most other taxes quite low. Washington has no income tax and moderate property taxes, it depends on keeping practically all other taxes high. The chart below compares various tax rates:

Tax	Oregon	Wash.
Beer, per barrel	$ 2.60	$ 4.78
Wine, per gallon	.77	1.68
Cigarettes, per pack	.28	.34
Gasoline, per gallon	.16	.22
Vehicle registration	20.00	27.75
Real estate transfer, per $1,000	12.80	0.00
Vehicle sales/excise	0.0%	6.5%

So while an average Oregonian pays far more in direct taxes, an average Washingtonian pays more in indirect taxes. In the end, who pays more? More broadly, which of the fifty states has the lowest overall level of taxes?

There are at least four different ways to answer this question.

1) If we limit the taxes under consideration to income, sales, automobile, and property taxes, as pointed out above, Wyoming has the lowest taxes. But this fails to consider many taxes. Indeed, in some states, less than half of taxes collected comes from these traditional sources.

2) How about considering the total taxes collected by the state? In this case, South Dakota is the leader, with "only" about $1.4 billion collected in 1990. But this is partly the result of South Dakota's low population, which plainly has nothing to do with the overall level of taxes. We have to compare the total tax collections to something else.

3) On a per capita basis, Arkansas has the nation's lowest taxes, $1,688 in 1990. This approach makes better sense than ignoring indirect taxes (and awarding the low tax crown to Wyoming), or ignoring the population and prosperity of a state (and awarding the crown to South Dakota.) But this method has its own problem, a fact that becomes clear when you look at the other states with low per capita taxes. The top five are rounded out with Mississippi, West Virginia, Tennessee, and Alabama, a list with a very strong correlation to low average income. Plainly, one important reason these states' per capita tax collections are so low is that their people don't have as much money to loot.

4) How about figuring taxes as a portion of total personal income of the residents of each state? This takes into account the relative prosperity of each state's residents, as well as (indirectly) its population, thereby eliminating the inherent advantage of small states (like South Dakota) and poor states (like Arkansas).

A Clear Winner

By this standard, there is a very clear winner: New Hampshire. Indeed, New Hampshire's "take" of gross state personal income in 1990 was only 2.73%. That's more than 40% less than its runner up, South Dakota, where 4.79% of personal income ends up in the hands of the state.

But even this standard has its flaws. Why should taxes be higher just because people are more prosperous? It doesn't cost appreciably more to build a highway in Georgia than in Arkansas. Why should Georgians pay more for their highways than Arkansans?

And there is the more fundamental problem of the inherent fallaciousness of the concept of "gross personal income," which measures only monetary income.

Even so, I think New Hampshire deserves the title of "lowest tax state." It ranks low in personal taxes and low in most of its tax rates (no sales tax; income tax only on business income, dividends, and interest), and it has modest property taxes. More importantly, while there are problems with measuring the level of taxes by comparing gross taxes to gross personal income, it is less unsatisfactory than its alternatives. And the huge 83% difference between New Hampshire's tax level and the level of runner-up South Dakota ought to signify something.

None of this has much to do with the question that started out this exploration of the problem of measuring state tax levels. Where should you go to save on taxes? The answer to this question varies with personal circumstances. For a retired person on a very limited income, Oregon might make sense, despite its extremely high income tax. For a person with a high income, any of the states without income tax (Washington, Alaska, Nevada, Texas, Wyoming, South Dakota, Tennessee, Florida, New Hampshire) makes a sensible choice.

Of course, the character and level of state taxes is only one variable in deciding where to live. If you hate cold weather, you won't move to Alaska no matter how low its taxes are. But tax environment is a relevant factor in deciding where to live. A footloose retiree with fairly substantial income and no need for employment will do well to look at the low income tax states. The state he chooses will depend on a variety of his own personal values, but it is plain that some families with an annual income of $100,000 may very well prefer Florida's annual tax bite of $5,292 to Wyoming's $4,135. In any case, he would have to find substantial charm in Oregon to choose to live there at a tax cost of $15,189 per year. ❑

About the data

All figures are for 1990; taxes in virtually all states have increased since. Estimated taxes on pages 18–19 reflect taxes in the largest city in each state; taxes in other locations are generally somewhat lower. The listing of state and local taxes per capita and as a percentage of gross personal income reflect all state and local taxes collected in each state. "U.S. average" taxes are normalized by each state's population.

Class Is in Session — Will They Learn?

by Douglas Casey

The New Class is getting ready to "force the spring" in Washington. If spring is coerced, can fall be far behind?

I was a classmate of Bill Clinton's at Georgetown from 1964 to 1968, and, although I don't recall meeting him, we have lots of mutual friends. They tell me that he was a "grind," whose main outside interest was getting elected to various student-body positions. He wasn't a party animal, and apparently could never be found worshipping at the altar of the porcelain god of a Saturday night. In subsequent years, as the aphrodisiac of power went to his head, he became something of a player. Gennifer Flowers is apparently just one of a long line of upwardly mobile bimbos who helped him make up for time lost in school.

But all that is his personal business, apropos of nothing, and I can't see why anybody should care about it. Much more important, and more difficult to understand, are his political convictions. My suspicion is that he doesn't really have any beliefs, as such, except for a very strong opinion that *he knows best*. That's one of the most dangerous beliefs anyone can have, because it means he's likely to be completely opportunistic. It also means he's not likely to be very market oriented, because the market has the nasty habit of supplying goods and services that individual people actually want, which are likely to differ from those that he "knows" are best. Whatever he does is likely to be cloaked as either "realism," which is the abnegation of philosophy, or "pragmatism," which is a nonphilosophy of getting what "needs to be done" (i.e., whatever seems like a good idea at the time) done by whatever means are necessary. Not good.

But what does Bill feel needs to be done? Since Slick Willie apparently has no core philosophy, it's best to look at the character of the people who he sees as his peers, and from whom he seeks advice and ideas. Bill and all his colleagues are the most powerful members of something that has been called "The New Class."

Apparatchiks of Another Color

The New Class is not so much a political class as a socio-economic grouping that gravitates toward political power. It was first described by Milovan Djilas, the renegade Montenegran communist, to describe the bureaucracy that accumulated power, wealth and privileges in Soviet eastern Europe. The concept was adapted by Irving Kristol, B. Bruce Biggs, Herman Kahn, and others to describe a similar class that has gained influence in western democracies.

Robert Reich, Clinton's chief economic advisor during his campaign (and now Secretary of Labor) is an archetypal example of it; Reich calls them "symbolists." They're concerned with what Marx termed the "means of production," but they don't deal with these "mate-

"Inside Bill Clinton's Head," by James Gill

rial productive forces" directly; in other words, you won't find them farming, mining, manufacturing, inventing, or working with their hands. They're not interested in experimenting with nature, tinkering with technology, or generally manipulating physical reality, so much as experimenting with human nature, tinkering with politics, and manipulating society.

These people make their way in the world through dealing with symbols, words, and concepts. They are writers, editors, producers, media people, mid-to-upper-level bureaucrats, workers in "public interest groups" and charitable organizations, academics, entertainers, lobbyists, lawyers, planners, artists, analysts, consultants, and the like. Workers such as these have been around since the dawn of civilization, but it's only in the late 20th century that they've existed in such numbers that they actually form a significant class. With the advent of some fairly recent technologies (the jet plane, television, and nationally distributed newspapers), they've become a coherent voice. Dan Quayle, though not particularly bright or shrewd in most of his public comments, was quite correct when he called them the "cultural elite."

Those in the New Class are well educated and earn enough to give them the leisure to think about what they consider the "important" things in life. Though they make much of "caring" for those who aren't so economically privileged, they usually have very little direct contact with the working classes. In fact, they tend to see the kind of hands-on production that the proletariat engages in as being somewhat degrading. For instance, all the brouhaha about America becoming a nation of "hamburger flippers" during the '80s was largely a result of their lack of respect for manual labor. The fact that entry level jobs are educational, and build the skills and attitudes necessary for higher positions, is lost on them.

They are generally opposed to anything that smacks of commercialism, popular culture, or middlebrow values. Even if they don't always have substantial net worth, they always affect upper middle class values. They feel that economic plenty and material comfort are their birthright, but they usually have little insight on how those conditions came to be. They believe that the government creates wealth, and commercial interests unfairly exploit it.

Though they make much of "caring" for those who aren't so economically privileged, they usually have very little direct contact with the working classes. In fact, they tend to see the kind of hands-on production that the proletariat engages in as being somewhat degrading.

Like any elite, they enjoy their position on top, and want to maintain it. Because economic progress tends to bring up those on the bottom into the middle and upper middle classes, diluting the power and influence of those who have already arrived, they tend, like every elite, to be against free markets. Although they defend political democracy — mainly because they feel, correctly, that they can manipulate the attitudes of many voters — the New Class wants to stifle positive economic change and maintain current class distinctions. Lack of upward mobility is alien to what has been traditional American culture, and it's no accident that New Class values are much closer to traditional European values.

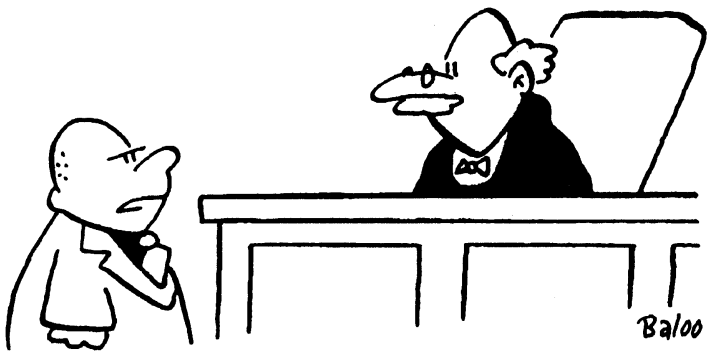

"What's so bad about organized crime — *you* guys are organized, aren't you?"

The New Class holds technology and capitalism responsible for a litany of supposed ills — "too many" cars, parking lots, strip shopping centers, and suburbs; "too few" snail darters and spotted owls, despite the fact that technology and capitalism are the primary forces that have elevated the high standard of living enjoyed by most Americans today.* The problem, in the view of the New Class, usually boils down to too many people (more precisely, too many people who aren't members of the New Class) living too well, and thereby having too much of an effect on the planet. Those in the New Class think they know best, and are anxious to impose their solutions on everyone else.

When it comes to solutions for the ills of society, they're quite righteous, taking on the tone and uncompromising attitudes of moral crusaders. Since they socialize and work mainly with one another and they control the news, entertainment, educational, and literary media, they think practically everybody agrees with their view of things. And there is some merit to this belief. Because they're in a position to set the parameters of a debate (e.g., a question might become not "Should there be government welfare?" but "How much welfare, for whom, and who should decide?"), they pretty well control at least the general direction of thinking.

New Class Themes

There are at least eight themes that unify and define the thinking of the

* This is not to say that a reasonable person can't see that economic growth can create serious problems. What the New Class fails to appreciate is that problems like environmental degradation can be dealt with from within the framework of free markets and technology.

New Class. In most cases, they've taken something that either is, or has the potential of becoming, a real problem, and blown it alarmingly out of proportion. A fire burning in your furnace is a good thing; a fire burning down your house is not. This is a distinction they often miss. I'm indebted to Herman Kahn for identifying a number of these themes:

1) **Technology** — The New Class is deeply suspicious of technology. People naturally tend to fear anything powerful that they don't really understand. Very few of the New Class have any real scientific training, and almost none have any exposure to engineering; thus very few have any practical understanding of what technology is all about. So they want to take control away from scientists and engineers, believing that such techno-wonks don't have the wisdom to employ their products. (That wisdom, of course, resides in the New Class.)

It seems to them that technology leads to mostly bad results. In the case of pollution from automobiles, for instance, they would feel much more satisfied (at least psychologically and spiritually) if people would cut down on their driving by 50%, than they would if a new device was invented cutting down pollution by 50%. Since they believe that the mass of men are at least untrustworthy (if not downright evil), they don't want them to have too much power over the environment. This sentiment drives the technophobia associated with the "back to the earth" movements. Which brings us to their second major theme.

2) **The Environment** — Despite their general hostility to science, they often cite science when convenient. They take seriously even the most remote possibilities of disaster, and arouse calls for instant (and usually poorly thought out and counterproductive) action. They seldom make even the most cursory attempt to calculate costs for supposed benefits. When asked whether they're concerned about burning down the barn in order to kill the rat, the maximum extent of economic analysis by a member of the New Class is likely to be: "That just depends on the relative value one places on the preservation of the barn, as opposed to the destruction of the rat."

In any event, science takes a distant second place to a form of socially acceptable hysteria when it comes to environmental issues. Environmentalism is rapidly gaining status as a new religion. Environmentalism has much in common with traditional religion: it posits a god ("The Environment"), demands sacrifice to that god, and requires that many of its beliefs be accepted on faith. But it differs in certain fundamental ways. For one thing, its worldview is secular. Ironically, despite its secularism and the mantle of science in which it cloaks itself, environmentalism is fundamentally hostile to the notion — common to Christianity, Judaism and Islam — that people ought to have direct dominion over nature and this world. Whether environmentalism will widely displace these older religions remains to be seen, but it has already displaced them in the lives of the New Class.

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3) **Health and Safety** — The New Class figures that no human being is capable of making a rational or informed judgment about what risks he might take. If "society" is going to pay the costs of an individual's sickness or injury, it follows that society's guardians (i.e., the New Class) should insure that the individual behaves in an appropriate manner. It's not very important whether those who have to obey the rules (and pay for them) really like them or not.

Since the New Class members are better educated and more sophisticated than the population at large, they tend to believe they know what's best for them. The end product, of course, is a busybody mentality. But social workers, politicians, and pundits, among others, are really just professional busybodies. They exist to set standards for others, and then make sure those others conform to their standards.

4) **Social justice** — Multimillion dollar jury awards to burglars injured in the commission of a crime, and sympathy for looters as "protesters" are just two symptoms of a general attitude that no one is really responsible for either his own actions, or what happens to him. The New Class translates social justice to mean not just equality before the law or of opportunity, but equality of income and standing. They're perfectly willing to visit the sins of the fathers upon the sons, which is what "affirmative action" is all about.

As a result, people are treated not so much as individuals, but as members of racial, religious, or other groups. This social stratification serves to entrench exactly the problems the New Class ostensibly is trying to solve, and sets up an atmosphere for real class warfare as a bonus.

5) **Economic development** — A great deal of emphasis was placed on "jobs" during the 1992 elections, although it wasn't made clear exactly what that meant. A process of elimination is helpful; we know jobs in fast-food restaurants aren't acceptable, and factory and other "grunt" work is clearly behind the power curve. It's tough to create productive work for people when you don't let the market tell you what it wants. So the New Class tells the market what it wants, or at least what it ought to want.

To date, the New Class has been a bit vague about how it will create jobs. To their credit, most in the New Class seem at least dimly aware that simply adding people to the government's payroll won't solve the problem, since the added costs (i.e. higher taxes) would destroy jobs in the private sector. So they talk vaguely about stimulating new technologies and job training, by the judicious imposition of government "investment" (i.e. spending) and regulation.

One effect of the overt regulations, peer pressure, and social opprobrium arising from New Class values is that people tend to work less hard, take more leisure, and take fewer risks. If the Wright brothers had to develop an airplane in today's environment, Kitty Hawk would still be an obscure village in North Carolina.

Early *Liberty*

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6) **Free markets** — Since the manifest bankruptcy of socialist systems around the world, members of the New Class have lost their enthusiasm for absolute state control. But they haven't embraced free markets. Instead, they emphasize government/private "partnership," of "national industrial policy," "targeted spending," and numerous other euphemisms for planning, directing, or controlling the economy.

7) **Entrepreneurialism** — The New Class holds entrepreneurs and businessmen in low esteem for a number of related reasons. Entrepreneurs employ people, which leads to a suspicion they also exploit them; they advertise, which means they "force" people to buy things they don't really "need"; they make money, which means they are expanding the gap between rich and poor. New Class attitudes toward business are quite similar to the attitude of European aristocrats toward work in general, i.e., it's best left to the lower classes, and those who haven't found a way to rise above it.

The fact that businessmen are typically "doers" leads the New Class (who see themselves as "thinkers") to look down on them. Businessmen are viewed suspiciously, unless they can justify their social value in some way other than just making a profit. Someone who makes a million dollars inventing a new widget, or a cancer cure, is treated as if he were the sole beneficiary; the manifest benefits to society are simply ignored.

8) **Traditional values** — Boy Scout virtues are out, and radical chic is in. Nineteenth-century values (courage, perseverance, responsibility, achievement, and the like) are out. John Wayne is unhip and antisocial; Woody Allen and Alan Alda are proper male role models. Some lip service will be paid to traditional values to avoid outraging the Silent Majority of voters. But the New Class holds both the Silent Majority and its values very much in contempt.

The Origin and Future of the New Class

It's not that individual members of the New Class necessarily think all these things make good intellectual sense, either. But they generally defend these views the way many ex-Catholics will still argue for the Church's dogma — or the way Scots will defend the eating of haggis, even though they realize the stuff is abominable. Being a member of a peer group is an emotional thing, giving rise to atavistic responses. It's like patriotism; almost everybody feels it, even though it makes little rational sense.

Members of the New Class make their way in the world through dealing with symbols, words, and concepts. Dan Quayle, though not particularly bright or shrewd in most of his public comments, was quite correct when he called them the "cultural elite."

Joseph Schumpeter anticipated the origin of the New Class early in this century, recognizing it as part of a phenomenon that tends to cause capitalistic societies to self-destruct. His basic argument is that capitalism breeds anti-capitalistic mentalities, not because it doesn't produce wealth, but because it succeeds so very well.

Children of prosperous parents tend to accept wealth as a given. Their parents were surrounded by poverty (or at least relative poverty), found a problem with it, and developed a solution to the problem (through innovation, hard work, high savings, etc.). But children of parents who faced this struggle seldom have the drive it takes to create their own fortunes.

But they do find a problem with abundance, especially if there are a lot of people (whether they're across town, or in Somalia) who must do without. This is most true if they've been inculcated with guilt about wealth, which isn't very hard to do, since the children have obviously done nothing to create it or deserve it. As a result, they develop their own solutions to the new perceived problem. Physically that can mean alcohol, drugs, and general dissipation; psychologically and intellectually it usually means adopting New Class values.

So most children of affluent parents hit upon the wrong solutions to the problems they perceive with the wealth around them. Certainly, the influences they get from their teachers, the media, and other sources of New Class influence are anti-wealth and anti-capitalistic. The fact that they are innately hypocritical is swept under the carpet.

It's hard to say where this will lead. There's no question that as time goes on, basic industries (agriculture, mining, and manufacturing) are going to become trivial in terms of the number of people engaged in them, even though their products will be more important than ever. Progress will continue in stops and starts. As New Class people grow in numbers and influence (as they will over the next four years), their ideas will slow down progress, and cause a reaction.

But, as Marx would have said, the "historical imperative" is definitely on their side. The world is going to get wealthier, and the New Class will grow and gain even more influence. My guess is that many of the New Class's current ideas, starting with those that are extreme, silly, or just plain wrong, will eventually fall by the wayside. Over time, their economic ideas will become diluted and irrelevant. The fact that the New Class is well educated, and has time to think, means that more and more will eventually be intellectually convinced that a free market is a good thing. It's probably a lot like the evolution of the working class, in that regard. They used to want to smash machines, and string up the owners. Now they want more machines, because they've come to understand they allow high wages, and they'd like to become the owners.

Certainly, the last 50 years of the twentieth century haven't been like any other five decades in human history. The population will have gone from 2.5 billion to over 6 billion; the world's aggregate GNP from $2 trillion to $20 trillion. The world's population will go from mostly pre-literate to fairly well educated, rural to urban, and pre-industrial to industrial. And the rate of change is still accelerating, although the New Class will do its best to slow it down.

But don't worry. It's just a stage they're going through. ❑

Lament

The Lost War of the Rents

by Scott Gardner

It is fifty years since rent control was imposed in New York City. Who is celebrating?

Suddenly, you discover that someone else also owns the home whose deed you so dearly cherish. A mystery? Have you entered the Twilight Zone?

Welcome to the world of rent control.

In a bizarre transformation of the law, rent control advocates have created a concept of dual property ownership that challenges the limits of rationality: merely by virtue of occupancy, tenants are automatically vested with property rights to the apartments in which they live.

Lost in New York

Consider the case of Albert Wahon, a Long Island publisher. He bought a two-bedroom apartment in Great Neck, N.Y., which he planned to rent for a year, until he and his family were ready to move in. The $1,200 monthly rent did not cover his expenses, but he felt that renting was better than leaving the apartment vacant for so long. What Albert Wahon did not know was that a fluke in the law brought his co-op under the rules of rent regulation.

Although the rent control law specifically exempted individually owned New York City apartments from control, the lawmakers just plain forgot to exempt any other community in the state, such as Westchester, and Nassau County. As a result of this oversight, Albert Wahon's tenant applied for and received a rent rollback to $822 a month. Because the tenant also happened to be over sixty-two years old, he qualified for a senior citizen's right to remain in that apartment indefinitely.

So now Albert Wahon owns an apartment that costs him $400 a month to carry, but one he cannot hope to live in until his tenant voluntarily moves out or dies — perhaps not even then. There is now a whole new body of case law guaranteeing succession rights to the heirs or roommates of a tenant living in a rent-controlled apartment.

Although this case made the headlines because of its obvious unfairness, it is essentially no different from what

"Tenant Rebellion," by Gunnar Bergstrom

still happens today to every owner of rent-controlled property wherever such laws are in effect. Two people get to own the same piece of property at the same time; the landlord pays the bills, the tenant enjoys the benefits.

Although the tenant is also the "owner" of the apartment, it nevertheless remains the nominal owner's obligation (under penalty of fine or imprisonment) to maintain the plumbing, provide plentiful heat and hot water, pay the water bills and real estate taxes, provide insurance coverage, exterminate the bugs, and paint the whole apartment every two years.

Two people get to own the same piece of property at the same time; the landlord pays the bills, the tenant enjoys the benefits.

It is interesting to note that many tenants can qualify for these wonderful and carefree property rights *and still* not bother paying rent. Many tenants of rent-controlled apartments are savvy in navigating their way through the bureaucratic maze, able to stir up a rat's nest of housing statutes, building department codes, and assorted complaint procedures for the express purpose of withholding rent payments. These delaying tactics, combined with the normal three to five year backlog for such applications and administrative proceedings serve to allow tenants to defer paying rent for many years . . . sometimes for life.

An Unsentimental Education

I learned all about tenants' property rights and the ingenious tricks to avoid rent they spawn the hard way, from my own tenants. For eight of the ten years I owned a small rent-controlled building in Manhattan, one tenant used the techniques described above to live *rent-free*. When I finally sold the building in disgust, I had to choose between accepting settlement of the back rent for ten cents on the dollar, or face a lengthy court trial and risk getting nothing at all from a landlord-hating judge. Isn't free enterprise grand?

So assiduously do the humanitarian housing moguls champion these hallowed "tenants' property rights" that they are routinely granted to any and all residential rent-controlled tenants regardless of their citizenship, their questionable primary residence status, their non-taxpaying proclivities, their known criminal records, or even their violation of existing rent regulations.

Another pair of tenants rented an apartment in my building for use as an art gallery. The apartment was legally zoned for commercial use (which was not rent controlled) and all rent checks were paid through the business. Yet when my tenants claimed they were illegally using the gallery as their living quarters, the court immediately converted the apartment to rent-controlled status along with the inevitable rent rollback and overcharge penalties.

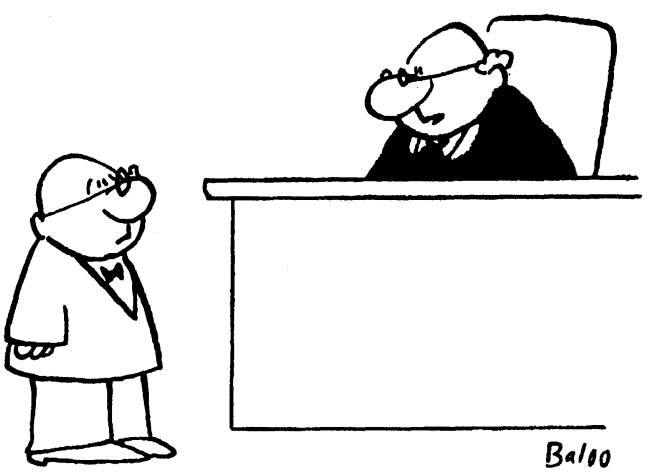

"Sorry, but if I sustain your objection, *everybody* will want me to sustain their objections."

One of the favorite arguments by rent control's apologists is that no one forces landlords to own property, so therefore whatever unfair treatment they receive is their own idiotic fault. There is a certain warped logic to this argument — rather like Saddam Hussein's claim that his devastation of Kuwait was the fault of the Allied Coalition's driving him out. But the sad fact is that, in most cases, no one ever warns new owners about the kind of treatment they are certain to receive at the hands of the rent control establishment.

No one warned me. I had to learn the hard way.

Foundation for Catastrophe

In a democracy whose magnificent system of free enterprise is the envy of the entire ex-Bolshevik world, rent control is an anomaly whose irrational consequences are rarely foreseen. In fact, such socialistic incongruities as tenants' property rights are so alien to most Americans that few fully comprehend the blatant anti-property philosophy inherent in having two people own the same building at the same time.

Those people who correctly perceive rent control as a legal scam, but who benefit financially from its favors, will seldom oppose this law on moral or ethical grounds. The vast majority of taxpayers, who are incapable of seeing through rent control's humanitarian pretense, will bear its costs without complaint, never suspecting that the system is robbing them blind and destroying their cities in the process.

Owners gullible enough to think that the Sovietization of American property rights is a constitutional impossibility will stand in shocked disbelief as their properties are effectively confiscated.

And those owners gullible enough to think that the Sovietization of American property rights is a constitutional impossibility, will stand in shocked disbelief as their properties are effectively confiscated by "liberal" politicians pandering for the tenant vote.

By debasing the whole concept of private ownership, rent control lays the groundwork for the eventual destruction of all private property. As the Russian people have learned to their dismay, when everybody owns everything, nobody owns anything. ❑

The *Liberty* Interview

Ayn Rand, Objectivism and All That

Roy A. Childs, Jr, interviewed by Jeff Walker

Roy Childs burst upon the libertarian movement in 1968, when he wrote "An Open Letter to Ayn Rand," in which he argued that Rand's concept of absolute, inviolable rights implied anarchism, not the limited government theory that Rand advocated as a part of her philosophy, Objectivism.

At the time, the libertarian movement consisted of isolated individuals and groups, mostly ex-Objectivists who made the same argument as had Childs. But Childs' elaboration of the argument, coming at a time when the organized Objectivist movement was falling apart in the wake of Rand's repudiation of her lieutenant and designated "intellectual heir" Nathaniel Branden, stimulated its transformation into the modern libertarian movement.

Childs quickly rose in the ranks of that movement. By the middle-1970s, he was a close associate of Murray Rothbard, who had become the intellectual leader of the new movement, involved in Rothbard's intrigues and enterprises. He participated in the explosive growth of the libertarian movement in the late 1970s, culminating in his editorship of Libertarian Review *from 1977 to 1981.*

After Libertarian Review *folded, Childs' literary output declined, pretty much limited to writing the catalog of Laissez Faire Books. He often expressed disgust for that work, but it paid the bills and kept him in a position of influence in the libertarian movement.*

Childs loved gossip and was always a brilliant conversationalist, maintaining a very wide circle of acquaintances. His death in May 1992 left the libertarian movement a less lively, less colorful place.

A few months before his death, Childs shared his knowledge of the Objectivist and libertarian movements with Canadian journalist Jeff Walker, who was preparing a CBC "Ideas" radio documentary on Ayn Rand. Although the focus of the documentary was Ayn Rand's legacy, their conversation ranged into some of the most controversial corners of American culture — including, of course, the libertarian, classical liberal revival of the past quarter century.

Walker had already interviewed numerous others for his Rand documentary before he visited Roy Childs in his Manhattan apartment. Roy offered him a Coke, Walker turned on his tape recorder, and the conversation began.

Childs: Last night I was over at the Blumenthals'. An interesting discussion went on about whether Ayn Rand was evil, with the Blumenthals and Kay Nolte Smith saying yes and Barbara Branden being very defensive of Rand. I never heard anything about Ayn and about Nathan like the stories I heard there . . . *

Walker: I've never heard any bad stuff about Ayn Rand that didn't make it into the Barbara Branden book, *The Passion of Ayn Rand*.

Childs: I read an early draft of that book; Barbara cut out over 200 pages, I think. There were some great Greenspan anecdotes. Apparently Ayn took him apart at an elegant elite restaurant, got mad at him, blew her top, called him a coward. There was one anecdote after another. In the original treatment of Frank he came off looking much worse, much more of a drunk. The original manuscript was 780 pages.

I heard of your trouble with Nathaniel. He can be a pain.

Walker: It's almost like he carries his own little cold spot around with him. It's hard to believe he's a psychologist.

Childs: He likes to control things and he doesn't like interviews to begin with because people can control him and pull him out of context.

Walker: At one point he accused me of trying to manipulate him. I was almost complimented — this, coming from one of the ultimate manipulators. What other stories did you hear during this six-hour discussion of whether Ayn Rand was evil?

Childs: You know the stories Barbara tells in her book? Well, one of the funny things about the book is this: She'll tell a story as an archetype of what happened and give the impression that it happened once and that this is one of the worst things that happened. When in fact, according to the Blumenthals and Kay, this happened on a daily basis. Remember the one about the young ballerina who had some irrational this or that, and they tore her apart? Branden strutting back and forth in the apartment, Ayn applauding, and

* Joan and Allan Blumenthal, Kay Nolte Smith and Barbara Branden were members of Rand's "inner circle " of close friends and acolytes. Allan Blumenthal is a psychiatrist, Joan Blumenthal a painter, and Kay Nolte Smith a novelist; Barbara Branden is author of *The Passion of Ayn Rand*, a memoir-biography of Rand.

"Roy Childs," by Gunnar Bergstrom

the ballerina was reduced to tears and gave up her career. They said this happened constantly, day in and day out. The problem with Barbara's book is that she implies that this is a really rotten thing but it happened once in a blue moon.

I've also heard stories of Rand's great generosity, too, helping people through college and giving people money.

Walker: Barbara mentioned that to me too. Were they followers?

Childs: They were people she was friendly with and knew and thought highly of.

Walker: Were they card-carrying Objectivists?

Childs: Some of her closest friends you wouldn't call card-carrying Objectivists because they weren't intellectual at all. She was remarkably unpretentious in certain ways, as long as she wasn't being "the great Ayn Rand" in public. I didn't know her, though I met her a few times. I'd like to make that clear. But I know everyone who knew her.

Walker: Do you think her over-all influence on people's personal lives was negative?

Childs: Although she could be kind, she vilified things like kindness and getting along with people as explicit values. The starkness with which she would present her views led people to go around acting in very bizarre ways and to abandon very normal personality traits like politeness and manners that we take for granted in civilized society. She thought she had the obligation to storm out of things if something was said she didn't like. I think Peter Breggin said that there are a lot of perfectly normal people who try to think of themselves as heroes, and that can be very self-destructive if you reach beyond in effect reality in your own life.

Rand gave a lot of people the self-confidence to strike out on their own and to go after independent values. But she also encourages pretentiousness, unrealism about goals and posturing about being a victim, of being a minority in society.

I was never an Objectivist. My background was that at the age of thirteen in 1962, I read Henry Hazlitt's *Economics In One Lesson*. I went from there to FEE and Leonard Read's works, and Mises and Hayek and Friedman.* I didn't read Rand until my last year of high school because I was a nonfiction reader. I read the *Objectivist Newsletter* before I read the novels, so I was taken with her but I wasn't entranced because I was already an individualist, a free marketeer. So she didn't knock me on my ass.

Walker: So you already had your own intellectual reasons for believing in some of her ultimate values.

Childs: I already had a column in my student newspaper, and I had travelled so widely giving talks. I taught at Rampart College, the Freedom School. I was a prominent young pup of a libertarian. I hung around with a lot of people — Edith Efron, the Brandens and others right up to the split — while I was still a teenager.† So I met everyone — all the rank and file libertarians and Objectivists throughout the country.

And an enormous number of them had, because of Objectivism and Rand, grandiose ambitions that bore no relationship to what they were ever going to do with their lives. Most of them 25 years later haven't done anything. A perfectly normal girl who could have done some good writing or taught English or something wanted to be another Victor Hugo. She changed her name to Regina Hugo under Rand's influence, and had nine pretentious novels planned out. After failing utterly at this, not having the technique or the training for it, she just dropped out of sight and became sort of a farmer in the middle of the midwest.

It's not that people's lives were ruined. I can tell you a lot of people were given the power and the self-confidence to rethink their lives and do very interesting things. Rand gave a lot of people the self-confidence to strike out on their own and to go after independent values. But she also encourages pretentiousness, unrealism about goals and posturing about being a victim, of being a minority in society. And something I think she had in common with existentialism — particularly in *The Fountainhead* and *We The Living* — was the sense of alienation. I think that the one thing she communicates in page after page of her writing is alienation from the general culture and the general world; these are her enemies. And you have to withdraw in some sense, if not physically to Galt's gulch, then psychologically.

Walker: Allan Blumenthal has suggested that the entirety of Objectivism was a projection of Ayn Rand's semi-pathological psychology, which is pretty remarkable coming from someone who was part of the inner circle for so long.

Childs: That's not really fair. There's an awful lot more to her ideas than that. There's a lot to her philosophy, particularly on the foundational issues. I know the history of philosophy, and she made some really important innovations. In the context in which she was writing this stuff, some of the breakthroughs she made were enormous. Before Rand, the defense of freedom and capitalism was pretty chintzy. Everything was theological — God gives you rights — and everything was on this very lowbrow level. And then you have a handful of people — most notably Mises, Hayek, and her, and later Friedman — who start giving some backbone to this whole classical liberal/libertarian/Objectivist point of view. And the defense of capitalism was kicked upstairs by those three figures. I think she had a lot to do with that.

Her whole philosophy couldn't possibly be a projection of

* Henry Hazlitt (1894–) is a journalist and economist, author of many influential libertarian books besides his most famous one, *Economics in One Lesson* (Harper & Bros., 1946). FEE is the Foundation for Economic Education founded in 1946 by Leonard E. Read (1898–1983), a former prominent Chamber of Commerce official. Ludwig von Mises (1880–1972) was a prominent and radical classical liberal social philosopher and leader of the Austrian school of economics. F.A. Hayek (1899–1992) was an economist and social thinker who played a pivotal role in the revival of classical liberal thinking. Milton Friedman (1912–) is a prominent classical liberal social thinker. Hayek and Friedman have won Nobel Prizes for economics.

† Edith Efron is a journalist and author. Her most recent book is *The Apocalyptics* (Simon and Schuster, 1984). In 1967, she was the first member of Rand's "inner circle" to be expelled.

her personality. But, some aspects — the issue of sense of life, her artistic values — probably are. Her own psychology may be responsible for the twists and the turns and some of the subtleties. Rational self-interest doesn't have to mean you act like a son of a bitch. The concretes that are picked up from her, I think, are these strange personality quirks. Her view of sex, for example, might be just purely a projection, although, in basic terms, sex should involve values.

Walker: Her theory of sex is interesting. She has a good point when she says that men and women should get together on the basis of shared values and admiration, but there are a lot of other things that go into it.

Childs: The influence that had on an awful lot of young kids — since I knew the rank and file Objectivists when they were teenagers — was trying to force themselves into relationships based on their shared values. Endless talking, that's what relationships were to them. Endless talking.

Walker: I asked the Blumenthals about parties they might have had with the inner circle, and they said that New Year's Eve they would sit around discussing metaphysics.

Childs: Rand was a serious woman. She was a most remarkable woman. Look at the structure of her life: where she came from; how she got out; what she did. Very few people find what they want to do at an early age and do it.

Walker: In *The Ideas of Ayn Rand*, Ronald Merrill says she believed that deciding early the course of one's entire life is good for everybody to do, and that this is very bad advice for many young people.

Childs: If they didn't already know what they want to do at the age of 19, they think that they're psychologically fucked-up or they have bad premises and they went into therapy.

An awful lot of the Objectivists I knew were people in transition to libertarianism. And a lot of them scuttled the morality and got into rock music and all sorts of drugs. You know, the first time they used marijuana, got high and listened to Led Zeppelin or The Moody Blues.

Walker: You mean they got unfocused? God, Ayn Rand would have gone crazy if she'd known that any of her followers were into marijuana and Led Zeppelin.

Childs: This is something I fought with the Blumenthals about. I know that she took Dexadrine every day for forty years.

Walker: But low dosages, according to Barbara Branden.

Childs: Her secretary told me that she'd take a couple of five milligrams, and if nothing happened in an hour, she'd take another two, or three, or four. She was taking this on top of pots of coffee. I took Dex as a diet pill, so I know this stuff, for two years. I know the effects of the thing. Dexadrine does produce things like paranoia, suspicion of other people and nervousness, and a lot of things that became traits of her character.

Walker: She was taking this for forty years?

Childs: She started taking it as a diet pill back in the '30s.

Walker: So you think that might have had more to do with how her personality developed than Barbara Branden says?

Childs: Do you remember that picture of her with her Napoleon hat and her cigarette holder at the House Committee on Un-American Activities hearings? Doesn't she look like a speed freak in that picture? She looks like a cobra ready to strike, extremely high and high-powered and intense and tense. I think there's a lot more than meets the eye there.

All of which is a digression on the issue of drugs. Rand and her group liked certain drugs. They liked nicotine and they liked caffeine and they liked uppers. I imagine she would have gone for coke. I'm not sure if she ever did, but she was hanging around Hollywood in the '20s and '30s, and it was very big then in the movie and music industry.

Walker: How did they deal with alcohol at these parties? Were people allowed to drink? Get drunk?

Childs: Not drunk, but she didn't censor it. She herself didn't drink much. She didn't like it. The whole inner circle denies this story, but Murray Rothbard swears by it: She once decided to prove the strength of mind over body, and started downing vodka and drank more than a fifth, claiming that she was in complete control of her reactions and her body, right up to the moment when she passed out. I think that may be an exaggeration. But Murray swears it's true. And there are other quirky stories like this about her.

She was an incredibly eccentric, interesting personality. She had a bad temper. But, she couldn't just say she had a bad temper, it always had to be tied to the explicit beliefs in the philosophy, derived premises and everything. You know, she would just pound people away, pound people with her intellect. She had a very upsetting youth, and I don't think she dealt with it very well.

Walker: Certainly the revolution, expropriation, and the impoverishment of her family would be traumatic for anybody. Yet she apparently dismissed the effect of all that

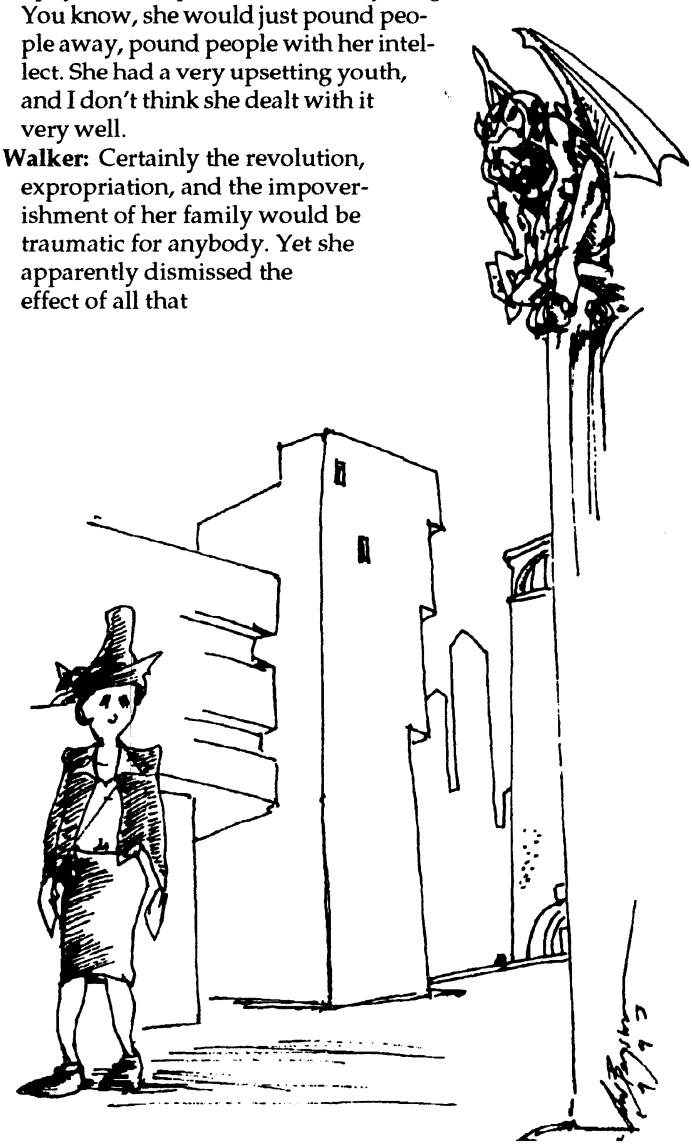

"Ayn Rand in the City," by Gunnar Bergstrom

on her philosophy, saying, basically, everything was formed before that.

Childs: Jeff Riggenbach did a piece once, I think in *Reason,* where he pointed out that this might very well explain this incredible fanatical commitment that she had to self-control and to controlling her environment. Her environment was so unstable, so chaotic and so threatening that she really became such a fanatic on self-reliance and other things because you couldn't trust anyone around you.

Walker: When I mentioned to the Blumenthals that Barbara Branden had said that you couldn't call Objectivism a cult because most people who went into it didn't go on to some other cult when they left, they said *absolutely not true.* There are all kinds of people that went directly into EST or converted back to Catholicism . . .

Childs: A lot of people when they break out of one cult are cult-shy after that. I don't know if I'd call Objectivism a cult in the literal sense, but certainly the New York group was to a large extent. But there are a lot of Objectivists around the country who didn't get exposed to her personality except through her books. They were not really Rand worshippers. For a lot of people, reading her books constituted an incredible intellectual awakening. And for the first time in their lives, they became really intellectually curious, because she hits you with so many different ideas and different contrary perspectives, and her characters are so contrary, so cranky, at the same time unusual, colorful and offbeat. She opens a lot of people up to questioning and thinking about things, and they go on to read and think about everything. And it has a very illuminating positive influence on their lives, I think.

She once decided to prove the strength of mind over body, and started downing vodka and drank more than a fifth, claiming that she was in complete control of her reactions and her body, right up to the moment when she passed out.

Others became so alienated from the world that they only felt at home inside her novels and the world she created. These are the people who couldn't do anything except talk about John Galt and *Atlas Shrugged* and Dagny and Howard Roark and these people as though they were real figures. They read and reread and reread these books over and over again and that was their life.

Walker: Were these people weak in the departments of reason and individualism when they came to Rand?

Childs: Objectivists have bullied a lot of people through the use of the word reason. A lot of them are emotionally high-strung. In intellectual discourse, they insult rather than reason. They're not scholars. They're not well-read. They may be very bright but they're not well-educated. They chant "Reason, reason, reason," but if you examine their mental processes, simply step back for a minute, you realize they're not reasonable even by their own standards and definitions. They have one powerful opinion after another on all sorts of things that they've never tried to defend. Since they don't associate with people who they disagree with, their arguments are untested in the normal give and take of intellectual discourse. That's one of the reasons that Objectivism was atrophying as a philosophy until David Kelley broke loose from the official Objectivist movement.*

I want to say something about the inner circle. Its cultish character wasn't entirely her doing or her fault. She had friends in Hollywood. She had friends in New York. The Hazlitts and Mises and all these other people. She knew some very good people, very sharp people, people who were her peers. After she met Branden, he started dragging in the whole family business, all these Canadian Jews from Winnipeg and from Toronto. And a whole host of the inner circle were nothing but relatives. It's like a family tree there.

It's interesting they were all kids. Branden was 21. Peikoff was 16, and everyone else is in between except Barbara who was a year older. Not only were they very impressionable; they were proud as hell to be associated with Ayn Rand. In effect the cult wasn't created by her but by *them,* by the fact that they were 25–35 years younger than she was and were so impressed, so awestruck and so proud of being a part of her life that they acted, in effect, like shepherd dogs keeping the others away. By barking at her feet all the time, they made it impossible for her to continue normal relationships with her own peers and people of her own age. Nobody wanted to deal with these hangers-on. Bennett Cerf said (I think in his *At Random*) that she was perfectly fine by herself, but not when her acolytes were around.

Walker: Was that primarily Nathaniel Branden's doing, his serving as kind of her hit man, her son of a bitch?

Childs: I like everybody that was in the inner circle. They've all got interesting, wild stories to tell about each other, and they're probably all true. They were probably all sons of bitches and Nathaniel was the first son of a bitch. But Barbara in her book does not come across as being a hatchet woman at all. And in fact, she was. The Blumenthals were hatchet people. It's not that they did anything on the scale that Branden did, but they weren't supposed to. It was a hierarchy; if they were called upon, they did. When they were called upon to sign a statement against Nathaniel, they did that. They stayed there voluntarily. This is not a concentration camp, yet some of them stayed there for 25 years or more.

Walker: I'd think for someone like Allan Blumenthal, who you describe as such a sweet guy, this must all have been going against his nature.

Childs: It must have been painful as hell. You can see it more with Joan because she's such a tough cookie. I adore her and I love Allan too. But you can't see this in him; it doesn't look like part of his personality. He's a musician. He likes Mozart and Bach . . . all these no-no things.

* David Kelley is a philosopher and author of *The Evidence of the Senses* (Louisiana State University Press, 1986). He broke with the remnant of the "official" Objectivist movement in 1989. Before her death, Rand named Leonard Peikoff her new "intellectual heir," an endowment that Peikoff believed had empowered him to set an official Objectivist policy on a variety of issues. Kelley bristled under Peikoff's restrictions, and broke with Peikoff over the issue of whether a loyal Objectivist would read Barbara Branden's book on Rand, which Peikoff had denounced sight-unseen. Kelley has since established the Institute for Objectivist Studies.

Of course this stuff is not new to Objectivism. I mean, history is filled with charismatic, older accomplished productive people who attract a brilliant circle of young followers who act as enforcement agents.

Walker: Nathaniel Branden mentions that leaders in the behaviorist movement had a big split and falling out.

Childs: I'm a piano music fanatic, and I'm a great fan of the romantic music revival that started in the '60s. Even within this revival there are cults and factions. And they act in the most bizarre ways because of differences over interpretations of music and who's the greater composer, different approaches to the piano and things that to outsiders look absolutely trivial. When you're inside, you think they're important like the world's at stake. And that's what happened with Objectivism and other parts of libertarianism. Let's face it. They thought the survival of civilization was at stake. You could see that the stakes were very high and for them, people who disagreed with them were either betrayers or enemies.

Walker: Was Rand a genius?

Childs: I think she was . . . that she was an *ignorant* genius. And those are not uncommon either. She figured a lot of things out for herself and didn't do a lot of reading in philosophy. She didn't read the major people she criticized. She didn't read Kant.

Walker: Does it seem paradoxical that this movement was devoted to reason and individualism, but in fact suppressed reason and individualism?

Childs: Nietzsche used to say, "Don't judge a philosophy by the first generation of its adherents." I think that's the case here. Branden said to me all along that we wouldn't get any decent perspective on Rand until well after her death. I agree with that, because of this sect around her.

There's more to the philosophy than her personal impact. Look what it takes to create a system of thought in the 20th century. You have to screen out so many distractions. The paradox in one sense is this: here's an advocate of self-interest who tried to save mankind, who tried to save the world, just like a lot of people who have opposing views. Her whole life was dedicated to this task. She didn't get much personal pleasure out of life. She didn't seek it out. She wasn't selfish in that sense. To pursue this kind of life, as opposed to just having a family and doing this on the side, to pursue this as the core of your being for decades requires enormous discipline and screening out a lot of choices. She didn't travel much, but when she did she enjoyed it. She didn't go to the opera much, but when she did she enjoyed it. In the 1960s she went to see *La Bohème* and she said how marvelous, I haven't seen it since Russia. She hadn't taken the time to go across town to the Metropolitan Opera to see *La Bohème*, and she lived in New York most of her life.

Walker: What was preventing her from doing that? Certainly by the late '60s early '70s she wasn't so heavily involved with Objectivism.

Childs: I think that she was clinically depressed near the end of her life. She was still repeating what was obviously at that point a bromide and not true — that the culture was alien and that she couldn't find any values in it. I always found that a crock. This is a very rich culture and I think to not find any values in the popular music, the popular culture, the movies, and the arts is absurd. I think that you'd really have to have blinders on to think this is a bankrupt culture in that sense. Though in terms of intellectual things, it might be the case. But even then she was midwifing along with all these other figures I mentioned a revival in the interest in capitalism and other things that by the time she was an elderly lady she could see in one country after another she had influenced. But she wasn't willing to relax and take credit for it. She put her whole life on the line for her work, the way that any great genius has to. Her whole being was dedicated to what she did as long as she could. Then she gave up and died. In many ways it was a narrow life. So I don't really judge things by her misbehavior with her followers and their misbehavior toward other people. It's too personal.

An awful lot of the Objectivists I knew were people in transition to libertarianism. And a lot of them scuttled the morality and got into rock music and all sorts of drugs. You know, the first time they used marijuana, got high and listened to Led Zeppelin or The Moody Blues.

In *Intellectuals*, Paul Johnson trashes left-wing intellectuals by looking into their private lives. In my review of that book I said, all right, let's do the same thing for some right-wing intellectuals. An awful lot of brilliant people throughout history have had discreditable private lives. I don't care what their point of view was. Their lives didn't match up to their ideals. This may say that to create major works of art or intellectual accomplishment distorts the personality, period. And she is no more, no less a victim of that than anyone else ever has been.

Walker: Is she more a popularizer than a profound original thinker? When I asked Antony Flew* what Ayn Rand's major contributions to philosophy were, he said "absolutely zilch." He said it was preposterous that she'd made any sort of contribution whatsoever, even though he was glad to admit that she had been a very effective propagandist for capitalism at a time when capitalism needed a propagandist.

Childs: Well, he's trained in a different school of philosophy. Norman Barry's book *On Classical Liberalism and Libertarianism* has a chapter on Ayn, and Barry simply doesn't understand her. He wonders, is she a rationalist or an empiricist, is she this or that? He tries to squeeze her into existing categories and dichotomies. A very phenomenal part of her philosophy was that she didn't believe in the dichotomies — mind/body, the whole business — and she wanted to smash them. She never wrote a technical treatise to do that. Her philosophy is painted in bold strokes. I've read all these other characters; they don't understand what she said. They just get it wrong. They don't understand that she isn't a rationalist or an empiricist because her view of reason is different than theirs. It doesn't come out of the tradition of analytic philosophy; it doesn't speak their language.

* A British libertarian philosopher, best known for his work in philosophical theology.

They think of her as a popularizer because she is such a better writer than they are. She has a throbbing prose style, vivid and colorful that just knocks them all down in terms of popular appeal. I have a question for all who say this. Who is she popularizing? Nobody else advocates rational self-interest based on man's nature. Her view of reason is different from the traditional philosophical one. It's educated; it's not a stupid view of reason; that reason integrates facts of reality as opposed to the distinction between the *a priori* and the empirical that's standard in philosophy. Her view of capitalism as the only moral system in history and how she derives it from certain basic needs of human nature and of the way we use our mind is original. She's close to Spencer in her view of rights as being derived from the requirements of human life in society. She doesn't believe that rights come from God. And she's not a legal positivist who believes that rights come from the government. There's no figure out there who's some meta-person. She's not a Nietzschean in that sense, she's not a Herbert Spencerite, she's not an Aristotelian.

Rand had a bad temper. But, she couldn't just say she had a bad temper, it always had to be tied to the explicit beliefs in the philosophy, derived premises and everything. You know, she would just pound people away, pound people with her intellect.

Walker: Is her originality in the content of her philosophy or in the package?

Childs: In the package but also in fine tuning the things within the package. Aristotle has a lot of stuff — even in his theory of knowledge — which is junk because, you know, you're talking about thousands of years ago; he just slipped up. I think she's corrected major problems in the Aristotelian tradition. It's not that she created a whole new system. She acknowledges that. But I think she has been a problem solver. The reason Aristotelianism and other philosophies that are similar to Rand's have lost out all the time in intellectual debate is that they reach certain dead ends that they couldn't find their way out of. Rand tries to solve these problems, by starting with her views of concepts and axioms. I think that she painted in broad strokes some very formidable answers to these problems. I think that people like David Kelley are now doing the detailed work that will really mean something in another 20 or 30 years.

The packaging is original. But also a lot of stuff in the package. But you could say that of almost any creative work of art. It's not as if Michelangelo was the only one to do statues of human beings that have anything to them. The genius was in the perfection of it and in the choices that he made.

Walker: How long do you think it will take before mainstream philosophers begin to give her recognition for her philosophic work?

Childs: A lot of philosophers who are going to be making the case for her thinking are just now reaching the point of having any influence at all. It takes 30 years for an academic philosopher to start to have influence. So, the kids who read her as teenagers and are now professors of philosophy are going to be taking over. There are hundreds and hundreds of philosophy professors who cut their teeth on Rand. I know a kid now of 22 who's getting his Ph.D. and he started with Rand as a teenager. I think the originality of her epistemology will become widely recognized. Prior to Rand, we had pretty well given up concepts like axioms in philosophy. I think she has shown what they are, how they function, and why we need them. Paradoxically, she has asked some almost Kantian questions, like how is human knowledge possible. But she's gone a different route and I think she's gotten some really powerful answers. It's just that she's so far outside the language of contemporary philosophy. In effect, she never engaged in debate. She said, in effect, "Screw it." She wanted to just dismiss the whole thing and start over.

There's very interesting parallels between her and Hayek. Both think that the problem is in the view of reason that's developed and why people become irrational. For Hayek the problem was a misuse of reason and taking the scientific method and applying it to people. Rand argues that the problem in the direction of western thought came in the medieval period with the dispute over the problem of universal, between the nominalists and the realists. What set up all these dichotomies — rationalism versus empiricism, soul versus body, all that sort of stuff that is now taken for granted in philosophy — she wants to reject all these dichotomies. She argues that the problem is at the *starting point* of these dichotomies.

She's not really a natural rights person and she's not a utilitarian either. But she's integrated parts of each. Her rights are based on utilitarian concerns, but it's not a utilitarian view of rights. Once again she throws out both approaches and has a different way of doing things. I think Peikoff's book will help. I think people will stand on that book and on Kelley's stuff and do some good work.

Objectivists thought the survival of civilization was at stake. You could see that the stakes were very high and people who disagreed with them were either betrayers or enemies.

Walker: How about libertarians? Are more of them getting away from her Objectivist roots?

Childs: Some are and some aren't. I'm a book marketer right now. At Laissez-Faire Books she's still the biggest seller. Laissez-Faire Books has customers in 50–60 countries, and when you look at the best sellers you're talking about Hazlitt's *Economics in One Lesson*, all of Ayn Rand's work and then Thomas Sowell, and then after Sowell there's a whole group of people who sell very well. And Rand is bought by people in East Germany and Poland and all over the place. She has a big following. There's been a big revival since her death. Libertarians have sometimes both just walked away from her and some have come back. There's a lot more dia-

logue now between libertarians and Objectivists than there ever was before. One aspect of the Kelley/Peikoff split is Kelley's willingness to talk to libertarians and vice versa.

Walker: Did you read that article in *Liberty* from a few years back by David Ramsay Steele, "Alice in Wonderland"?*

Childs: Great writer isn't he? But he's ridiculous in certain ways. I mean he's defending a view of sex that your actual sexual choices are determined by genes. He's a Popperian. I think that's bizarre, ridiculous. I think Popper is a great genius — he's another one with a cult — but I think his views and philosophy are wrong in many ways, starting with his view of causality. Steele is a *very* big follower of Popper who thinks induction is impossible. It's a view that's been prevalent in philosophy since Hume.

Rand says this is ridiculous. So on a very basic level she rejects Popper and Steele is just put off by that. Steele comes from a very different political tradition. He was a well-known Marxist in Britain before he came to the U.S. He converted to Austrian economics by reading the Mises/Hayek debate on the socialist calculation problem. He was a top young intellectual over there with one of the left-wing political parties and converted in his early twenties.

Walker: Sounds like David Horowitz.†

Childs: Steele's much more of an intellectual than David Horowitz. Steele is brilliant.

Walker: Should I give him a call about Rand?

Childs: Sure, he'll just give you scathing comment after scathing comment.

Walker: Steele referred to *Atlas Shrugged* as a crashing failure, and here he is editing Ronald Merrill, who told me he read *Atlas Shrugged* 26 times or that's when he lost count. It's amazing to me. I can't imagine reading it again unless I had a gun to my head.

Childs: It would be a different matter if you were reading it in 1957 or even 1965. For a lot of people the first time they read that book none of the ideas around now about capitalism were current. The Left had every major cultural organ in the '40s and '50s. It was the dominant intellectual force; there was no intellectual right-wing force of any visibility. And for her to take all this on with one punch, in effect, is I think just remarkable. And if you conceive of reading it in that situation, you will see it differently. In that context, *Atlas Shrugged* was so ballsy, so courageous a work to be written from the late '40s to the mid '50s in the heyday of the Left. The Left was *it*, intellectually. *National Review* had a circulation of only 10–20 thousand, and they weren't much to brag about in terms of intellectual power. You'll also have to remember two things about Ayn Rand that are not pointed out: that she was writing as a very powerful woman in the '30s and '40s and '50s and '60s when, whatever the lip service to feminism, women were not treated very seriously as intellectuals. The other thing, of course, is the reason she never took on in the right wing, I think, the Buckley right wing, was that she was Jewish. I know from my early days in the right wing as a baby punk that the right wing was solidly anti-Semitic right until the end of the 1960s. Behind closed doors it was thoroughly anti-Semitic.

Walker: Didn't they take to Mises? Mises is Jewish.

Childs: Mises' books were pushed, but Mises himself was not that prominent. He was not a personality in that sense. It's not that the right wing adopted him and got him on the lecture circuit in his fifties and sixties. They didn't. They pushed his books but he himself was isolated. He had a job at a business school at NYU, but he was not even salaried. A handful of businessmen paid his salary all those years from 1946 on.

The kids who read her as teenagers and are now professors of philosophy are going to be taking over. There are hundreds and hundreds of philosophy professors who cut their teeth on Rand. I think the originality of her epistemology will become widely recognized.

Walker: So if he'd been a WASP do you think he'd of had a distinguished professorship at Harvard or anything?

Childs: Maybe not Harvard because Harvard was left wing at that point; but back to Ayn. She took no guff from anybody. She stood up to men in a way that they weren't used to coming from a woman, period. She had an abrasive, aggressive and courageous style. She just didn't have any of the mannerisms of a weak WASP woman worried about meek little and inconsequential things. If she had been a woman Jewish leftist, she would have been lauded. But of course as Irving Howe points out in *The World of Our Fathers* — and this has been a subject of constant discussion in the Jewish press, *Commentary* magazine published by the American Jewish Committee — in the '20s, '30s and '40s to grow up Jewish in America was to virtually guarantee that you would be a socialist as a young person. People who were not socialist and were Jewish were viewed as non-Jewish Jews, as *Commentary* once called Robert Nozick.§

Walker: I read somewhere, it might have been Paul Johnson, that the Communist Party back in the '30s and '40s was about half Jewish in membership. Would she be aware of that and not want to emphasize her Jewishness because she wouldn't want people to associate . . .

Childs: She didn't push her Jewishness (although she certainly acknowledged it) because it was something that was not chosen. It's the same thing as with her *very* strange view of families: that you didn't owe any special loyalty to your family because it was not a chosen value. Only the values you chose were important. So your ethnic background or the religion under which you were brought up weren't important.

Walker: Were a lot of her early followers Jewish? I ask because so much of her inner circle was, and people are naturally drawn to intellectuals of their own ethnic group.

* March 1988, pp 35–43. Steele is editor of the General Books Division of Open Court Publishing and author of *From Marx to Mises* (Open Court, 1992.)

† Horowitz was a prominent radical leftist in the 1960s. He has since become a libertarian-oriented conservative.

§ Robert Nozick is a Harvard philosopher and author of the National Book Award winning exploration of libertarian social theory, *Anarchy, State and Utopia* (Basic Books, 1974) and other writings.

Childs: In New York, more than half maybe, an enormously high percentage. Another interesting thing about the Objectivist movement in those early days is the high percentage of blacks. In the '60s and '50s, you never saw black people hanging around the *National Review* but there were around Rand and Objectivism. And these people taking the NBI courses* in New York City, I've met a lot of them . . . dozens and dozens and dozens. They were the blacks who were breaking out of the mold and trying to become professionals and make something out of their lives. And a lot of them latched onto Rand.

Walker: I'd think that was something Barbara Branden would have brought up more.

Childs: I told her to, but she didn't. She left a lot of stuff out of that book. It's not a book about Rand's influence or the wider thing around Rand. It's a book that takes a very close look at Rand's life, by someone who was standing next to her. She only gets historical in the opening parts, when she wasn't there. Then it becomes partly a memoir, and then it becomes a memoir of someone who's not right there, but as someone who's still in the inner circle. She comments very little except in that spurting last chapter where she mentions all the people influenced by Rand. There were *lots* of black people. It was a very interesting thing because there weren't any libertarian blacks to speak of and there weren't many conservative black intellectuals. Walter Williams was influenced by her quite a bit. He, I think, just read everything she wrote and was a big admirer of hers.

Rand was writing as a very powerful woman in the '30s and '40s and '50s and '60s when, whatever the lip service to feminism, women were not treated very seriously as intellectuals.

Walker: Of course, the new Supreme Court Justice read *Atlas Shrugged.*

Childs: She influenced so many people. I've heard so many people mention her over the years: Clint Eastwood, Burt Reynolds, Jill St. John, Raquel Welch, Phyllis Diller, just a very odd assortment of people have mentioned her. Oh what's his name, Hunter Thompson was a great admirer of *The Fountainhead;* he said it was one of the formative experiences of his life.

Walker: Do you think it's better for people to learn about Rand on their own from the novels? Or to get involved with an organized Objectivist movement?

Childs: [On their own,] unless you're going to be a professional intellectual and you want the comradeship of other people doing this sort of thing. Too many retired dentists have sat through too many courses. If you know what I mean.

It's like anything. You have to have an organized core for anything to get done beyond what the founder does and that's always going to have cult-like aspects. It all washes out over all so that the cult-like aspect disappears. It's probably necessary to have that core of cultists in the beginning to kick the thing into motion so that it survives beyond the lifespan of the author. If you really think about it, most people's influence ends with their death. And for those who continue on, unless they have followers who are pushing and propagandizing for it — who are usually fanatics — their point of view dies. I think Objectivism will live because of people like Peikoff. They're also doing her harm because they're such prigs.

Walker: Well my understanding of Peikoff's view is that everything that Ayn Rand ever said is true. That's absurd. I mean, it borders on insanity. To promote that kind of view, and he's the official Objectivist spokesman . . .

Childs: Do you want a Coke or Pepsi?

Walker: No, I'm alright, do you want something? So Peikoff and his people are bound to turn a lot of people off as they come into contact with their organization through reading her books and sending in the little card to the Ayn Rand Institute.

Childs: It's absurd. You know what killed his book *The Ominous Parallels* was her introduction. Not only was it a bad book in certain ways but in the introduction she had the gall to say, *It's so great to see a major cultural achievement which is not mine.* I mean how can you read that and take this seriously? This self-congratulatory attitude they had about everything I found repulsive.

Walker: She was quoting Robert Stadler, the bad scientist, which I thought was rather odd.

It would seem to me that this David Kelley branch of Objectivism is what's going to carry forth Objectivism in a sane way over the next 10–20 years. If they had to rely on the Peikoff camp, it would just turn into a joke.

Childs: Peikoff is still good at putting on the record the last snatches of what she did and said. He's a curator in effect, and in effect his book on Objectivism is basically, as he says, not from her books, but from private arguments and discussions, and it's good to have that on the record. It's sort of like St. Paul or somebody.

Walker: I can't wait to read it actually. Is there lots of stuff you can't get in other books?

Childs: There's lots of stuff that you can't get in any other book. He's constantly making connections between things in the philosophy, which she never did. And he makes his connections constantly, because, as he says, in any conflict between the forest and the trees, his is the perspective of the forest. It is systematic. It begins with why philosophy is important and goes right into basics, right into axioms and builds from there and goes on and on. The first five or six chapters I think are brilliant. They're pathbreaking in terms of what's available to us in print, and I think it'll give you a solid perspective on why I think there's more there than meets the eye.

Walker: Do you think Ayn Rand would have approved of this book?

Childs: Yeah. She would find a lot wrong with it but she bitched about everything; after all, she was much smarter than him.

* NBI was the Nathaniel Branden Institute, which sponsored lecture courses and other educational efforts. NBI provided the organization for the Objectivist movement, and was run by Nathaniel and Barbara Branden, with Ayn Rand's blessing. It was disbanded in 1968.

Walker: I just picked up an anthology of *The Objectivist,* not the newsletter but the magazine, and I noticed there were announcements that some publishing company would soon be publishing Peikoff's *The Ominous Parallels.* This was 1969! It got published in 1980. What happened?

Childs: What happened is she made him write and rewrite it and rewrite it. He would stall, and get depressed. Barbara Branden told me that Rand urged him to hurry up and finish it to help defeat Lyndon Johnson in 1964. She was horrible.

Walker: Would you even consider that an Ayn Rand book? She had so much control . . .

Childs: No, because the research was his. She didn't know any of that stuff. She didn't read any of the things that he read. She learned the history of philosophy by talking to Peikoff and Barbara Branden, who were both graduate students in philosophy.

Walker: I asked Peikoff if at any point he became more of a teacher to her, and he said absolutely not. He just laughed at the suggestion. But I wondered if Peikoff was directing her reading in philosophy.

Childs: Oh, yeah, and Barbara did too to a certain extent. She had no real view of free will for instance, and Barbara's masters thesis was on free will. Ayn learned a lot from her. I mean, she wasn't an ignorant peasant or anything . . .

Walker: This is the famous master's thesis that Murray Rothbard was supposed to have plagiarized from.

Childs: You have done your research, haven't you.

Walker: Oh, yeah, I've read just about everything. Well, actually there are a few obscure books that I'm trying to get to that I'll read when I dig them up.

Childs: What's that?

Walker: Diet Coke or a Regular?

Childs: Regular. Do I look like I'm a Diet Coke person?

Walker: What about the rest of the crowd, Binswanger and Schwartz . . . Are they just minor intellectual characters and hangers-on?*

Childs: Yeah, I think so. Schwartz is nothing; he's an imitator. Binswanger is a Ph.D in philosophy, presumably has some training, but he's certainly not going to have any influence in life. Nothing there of any consequence that I've seen yet. George Reisman is very good. He's a smart cookie.†

Walker: Well he's the one that did the great imitation of Nathaniel Branden.

Childs: I've heard that tape. It's hysterical.

Walker: Did Branden have a different or more pronounced accent then?

Childs: He talked quicker and was more arrogant, and the rhythm to his speaking was very pronounced, very declamatory, oratorical with a very pronounced rhythm to it; he would proclaim things, he wouldn't state things, he would proclaim them.

Walker: Did that make him an effective public speaker?

Childs: To an extent, but it was sort of weird. I understand that with people who knew him — they'd have a conversation with him and it was like trying to have a conversation with someone in a public arena; he was boastful and other things. I hear he was a prick, though, so, I don't know.

Walker: I asked Albert Ellis. His overall opinion of him was that the guy's a psychopath. But that's Albert Ellis.§

Childs: Albert Ellis is not exactly the most non-neurotic person in the world. I think he's a cuckoo bird sometimes. The guy is just another innovator who has his own school of thought. He wouldn't call his following a cult, but boy, the way he rides herd on them if they deviate from his point of view! Anytime you have a mentor and a protegé and the protegé wanders off the reservation the mentor is hurt and betrayed and the bigger the scale of ideas or accomplishments or whatever it is, the more the feeling intensifies.

In the '60s Friedman was not Friedman yet, Buckley was being silly, Mises was not a public figure, Hayek wasn't — there just wasn't anyone.

Walker: Do you think it would have made a big difference to Objectivism had Ayn Rand been a little more amenable to having debates or at least discussions with people that disagreed with her?

Childs: Yeah.

Walker: That's John Hospers' view: she was a tragic figure because she didn't have the temperament to put this philosophy out there in the way it deserved to be put out there.**

Childs: I talked to Barbara about that. I said I wanted to do a book on Ayn. She's calling hers *The Passion of Ayn Rand.* Mine would be *The Tragedy of Ayn Rand.* I'm freelancing these days, not as easy to earn a living when you don't have a salary. I'm 42. I have a lot of health problems as you can imagine at this weight, so I have to watch my income. And I don't really have the money to invest in doing a book right now but I sure would like to do it; I have a lot of things to say about this. I mean it's going to have a happy ending in a certain sense; a version of that philosophy is going to live a long time, I think. Perhaps modified and made a little more sophisticated here and there, less dependent on her novels. But her novels continue to sell at the rate of 90–100,000 copies a year.

Walker: What's your opinion of *Atlas Shrugged* and *The Fountainhead* as novels, as literature?

Childs: I think *The Fountainhead* holds up more, but it doesn't try to do as much. It's a more personal book. And I think it's a fine novel and it's very exciting in certain ways and the writing is quite beautiful in areas. *Atlas Shrugged* is more di-

* Harry Binswanger and Peter Schwartz are loyalists to the official Objectivist philosophy. Schwartz is editor of *The Intellectual Activist;* Binswanger edited *The Ayn Rand Lexicon* (New American Library, 1986).

† Reisman is an economist, and author of *The Government Against the Economy* (Caroline House, 1979).

§ Noted psychologist, author of *Is Objectivism a Religion?* (Lyle Stuart, Inc., 1968) and many other books.

** John Hospers is a prominent philosopher who was briefly associated with Rand during the early 1960s. Although never an acolyte, he was the first academic philosopher to take Rand seriously. He had a particular affinity for Rand's political thinking, which resulted in his writing *Libertarianism* (Nash, 1971). He is a Senior Editor of *Liberty.*

dactic; it's more heavy-handed, but it's not unique in that sense. I mean, I like Victor Hugo, I like Dostoevsky, I like a lot of the novels she likes and a lot of other things, and if you read the 19th century novels that are large-scale novels, Victor Hugo will sometimes have a *200-page* digression on history; talk about heavy-handed! And this is not uncommon among 19th century novels among which *Atlas Shrugged* essentially is one. So essentially you have to think of that as a Russian novel.

I remember the party scenes with the left-wing intellectuals where she's constantly having them spill things on themselves, and dribbling and slobbering. She's an odd novelist in that she moralizes about her own characters as she's in the process of presenting them. She doesn't just present an evil character and let you draw your own conclusions, she editorializes, so every last thing is there and there's nothing left to the imagination. In the meantime, the characterizations are not that deep. People don't change much. She never had a theory of psychological change. And so her heroes and villains appear full-blown in their teens. There are occasional figures like Cherryl [Taggart] who struggle. Reardon sort of struggles with understanding, but his life is one way. It's just that he doesn't have the mental tools to understand his own values, in effect.

So there are problems; there are problems in any big book. She tried to do too many things in it. At that point she showed no indication of ever writing non-fiction philosophy. In effect this was her statement. So it's got a lot of speeches that maybe wouldn't have been there if maybe all along she had said I'm gonna write this novel and then go on to non-fiction.

Walker: Do you think if she hadn't met Nathaniel Branden she might have just completed *Atlas Shrugged* then gone on to write another novel and never have written all these non-fiction essays?

Childs: Who can tell? I don't know that she had in mind all along a systematic philosophy. He certainly systematized it first under her guidance. He wrote the Objectivism courses from scratch, with her looking over his shoulder. It wasn't exactly her doing in that sense. He was the organizer of the organized philosophy and her organized movement. He was the entrepreneur.

Walker: By the way, regarding *The Fountainhead,* I think Barbara Branden erred. She described it as a humorless book, and I found it to be just crackling with wit. I don't understand her perspective.

Childs: I think you have come to the book with a certain cultural knowledge, and know things that Barbara didn't know at the time she read it. She read it too young. I don't think she sees the book, all the things that are there yet. The left-wing intellectuals are much more interesting in that book than they are in *Atlas Shrugged.*

Walker: I've heard it said that if the writer doesn't have some sneaking sympathy for the villains then the villains become much less credible. Certainly by the stage of *Atlas Shrugged* she loathed and detested all her villains so much . . .

Childs: I think there's a lot of humor in *Atlas,* but it's all heavy-handed satirizing. Like the bum's speech on the train. Humor didn't come naturally to her. She didn't have a great sense of humor.

Walker: But you wouldn't guess that from reading *The Fountainhead.* I would have expected a different kind of book.

Childs: Yeah, she took herself a little more seriously.

Walker: Is that because of the crowd around her?

Childs: I think, I think. They kept saying you're saving the world, you're saving the world, you're saving the world, and she was not one to say *all right already, leave me alone.* She ate it up. I don't mean to leave you with a negative impression, I think she was a great, a wonderful writer and did a lot of good to a lot of people and the people who were harmed in many ways were just too young to have read her, they were too unformed, and she's not responsible for that; she's not responsible for the fact that so many 16 year olds pick up her books, and find their lives turned on their heads.

Walker: The problem is that once Objectivism became formulated as an explicit systematic philosophy, people began reading *Atlas* in a totally different way when Branden and others said there were explicit role models of her philosophy in the novels.

Childs: That's a very keen insight. I think that's absolutely right. In the new edition of *Atlas,* Peikoff's intro ties together the novel and the philosophy. It ties them together and I want to see them forced apart. Those novels exist independently of the philosophy. They're not just appendages or illustrations. These are independent works of art and they should be read on their own terms and not as expressions of her technical philosophical thing, much of which came later.

Walker: I don't really see *Atlas* as the best intro to Objectivism.

Childs: Me either, me either. It's becoming more and more dated, I think in a way that *The Fountainhead* isn't. And again, it's because the culture is changing. There are a lot of things that weren't there when she was writing that are now there. Why was she so heavy-handed? She was shouting at the top of her lungs in *Atlas* and maybe that's why some things changed, I mean, that the Me generation of the '60s and the heated denunciation of American foreign and domestic policies in some of her talks. There just was no voice then. Friedman was not Friedman yet, Buckley was being silly, Mises was not a public figure, Hayek wasn't — there just wasn't anyone.

In the '60s her talks at the Ford Hall Forum and various universities were broadcast live on National Public Radio in the United States, and I remember people getting together in apartments, just zillions of people, to hear these things, and I went to hear a couple of them — thousands of people crammed into auditoriums and listening to it on loudspeakers outside. Lines for the Ford Hall Forum talks that were like for Horowitz. They'd been in line for two days to get tickets.

Walker: How does that fit in with the idea that the '60s were the left wing decade?

Childs: It wasn't. It wasn't. There were two radicalisms, not one. In the one were people like myself who were busy reading Rand and Mises, Hayek and Friedman all these others who were individualists and pro-reason and pro-capitalism and anti-war, pro-legalizing drugs — influenced by Szasz — all these other things. I have a book sketched out that I may never write called *The Unknown Visionaries,* and the first part of it is the rise and fall of socialism over the last century. And the fact is this individualist philosophy was pieced together starting in the '20s and '30s with people like Albert Jay Nock, Rose Wilder Lane, Isabel Paterson, and Mises and later on Hayek and Rand and Rothbard and all these others. But this

had no public organ. They had no *New York Times* magazine or *New York Review of Books* or anything else and by-and-large everyone was aware of the left-wing radicalism but not the libertarian-individualist radicalism. So the '60s was by no means totally a left-wing decade. I mean I was a part of the anti-war movement. I marched on Washington. There were a lot of libertarians there with me. Karl Hess was there, a lot of Rothbard's followers, there were hundreds and hundreds of us. We just didn't get any of the press. We didn't commit any crimes so we didn't have any trials; we didn't have any Chicago Sevens. We didn't have any Abbie Hoffmans or Tom Haydens. Also another thing is the libertarian-individualist radicalism of the '60s tended to be 5–10 years younger than the others. See, I graduated from high school in '66 and started college when I was 17; the other kids who were leading these things on campuses were graduate students in their 20s — 24, 25, sometimes 30. So you see the difference between me and David Horowitz even though I also edited a magazine called *Libertarian Review* with about 25,000 readers. It's not comparable to *Ramparts* 'cause we never got up to 100,000; we didn't have the national following, but, also my generation was five to ten years younger. He's got to be close to 50.

Walker: I think the left-wing radicals would say that the libertarians were not that radical. Certainly back in the 1950s . . .

Childs: Well there weren't very many in the '50s.

Walker: But America didn't listen to its left-wing intellectuals in the late '50s did it?

Childs: No, it didn't; it didn't listen to Rand either. She was a minority, too. She wasn't embraced by the Eisenhower administration; she hated them. The conservatives hated her right off the bat.

Walker: But considering her anti-socialist tirade and her espousal of capitalism you'd think that wasn't needed so much when *Atlas Shrugged* came out as it was needed in the mid-'60s when the culture really seemed to have taken a turn to the left.

Childs: Well, the '50s had no direction politically. The seeds of both the Left and libertarian movements were in the '50s. There was just a calm period after World War II and Korea. Not much happened. Eisenhower was not a movement toward capitalism. Eisenhower was a Left Republican in many ways, in the context of leading the conservative Republicans led by Taft, and the people who were pro-Eisenhower were not regarded as conservatives at all. The Eisenhower Republicans were moderate, Wall St., left-wing Rockefeller Republicans. Remember in the late '50s and '60s the struggle among the Rockefeller Republicans and the Goldwater Republicans for control of their party. Eisenhower was not perceived as a pro-capitalist figure. In fact he pissed off the right wing because he didn't do anything to dismantle the New Deal. He didn't do anything one way or the other. He didn't get us involved in any wars and he didn't dismantle the military. He didn't expand the welfare state by introducing new programs and he didn't contract it. The budget stays flat for almost the whole period of the '50s. There's almost no inflation.

Nothing happens in the '50s. Everything was bubbling as the baby boom started to grow up a little bit and start looking at things. So in these coffee shops you had everybody from Murray Rothbard and Ayn Rand and Mises and his followers on the one hand — and the young Milton Friedman, studying like crazy and beginning to write — and on the other you had the Kerouacs and other cultural figures like Ginsburg, C. Wright Mills, the budding young Michael Harrington, who I knew pretty well.

And then came our involvement under Kennedy more than Eisenhower in Laos and Cambodia and Vietnam and Thailand, which was protested by the extreme right and the extreme left. The Birch Society slogan "Get Us Out" originally did not apply to the U.N. It applied to involvement in the Far East. The Birch Society was made up of conservatives opposed to American participation in the Korean war.* You have to understand here that historically the right wing in America were the opponents of intervention in Korea. The left wing ate it up. I.F. Stone and certain people were critical of it, but the left wing at that point had to show that they weren't communists and said that they were willing in effect to shut up in the face of the Korean war. There were no big left-wing protests at all. It was all right-wing people. The left-wingers who attacked it were people like Harry Barnes, who was virtually exiled over his opposition to American involvement in World War II. Charles C. Tansill, Charles Beard, the great progressive historian, was read out of the Left because of his opposition to these involvements. So the right wing was the anti-war movement in the '50s.†

In the late 1950s and early '60s, National Review *was still defending segregation in the South on the grounds of states' rights. Rand never would have done that. She loathed racism. That's why she hated conservatives.*

Walker: By the way, just a little tangent, while we're talking about war, you don't hear Ayn Rand talking much about World War II.

Childs: She opposed American intervention.

Walker: Altogether?

Childs: Yeah.

Walker: Would she have rather that America hadn't got into the war, and that Britain might have fallen to the Nazis?

Childs: She was fairly sophisticated in those days and she knew a lot of the conservative opponents of American entry and they had a very solid case that this was a crock; this was

* The John Birch Society is a quasi-secretive organization of anti-communist activists, founded by Robert Welch in 1958. Its distinguishing characteristic was a belief that communism was a gigantic criminal conspiracy that controlled practically everything in the world. Welch's belief that Dwight Eisenhower was a "conscious, dedicated agent of the Communist Conspiracy" first gained the Birch Society notoriety. Contrary to Childs' recollection, the JBS slogan "Get US Out!" was aimed at the United Nations for almost a decade before Welch decided that it applied to the Vietnam War as well. (Welch's opposition to the war resulted from his conviction that the Communists who control the U.S. government had gotten us into the war and were running it for their own profit, just as they ran pretty much every thing else.)

† Harry Elmer Barnes, Charles C. Tansill and Charles Beard were historians who argued against U.S. involvement in European wars.

a bunch of lies. That Hitler had no intentions against Britain, I think can be argued very well. I mean Britain declared war on him and not vice versa. Hitler wanted to go East.

Walker: Yeah, he thought that Britain could be his ally.

Childs: Yeah. He didn't want to knock off the French either. Why did he let the British escape at Dunkirk? He wanted to appease them, to a certain extent. He wanted to take central and eastern Europe. He wanted the Ukraine for Lebensraum and thought it would take the German nation a thousand years to digest it. That was his goal. The stuff about conquering the world and other things is bullshit, but it's true of every war. We heard the same kind of lies in the Cold War and Vietnam. I'm a great opponent of America as the world policeman. I hate the Bush program. I hated Reagan's. I hated Kennedy's, Johnson's and everything else. I was an anti-cold war Goldwater Republican at the age of twelve.

Walker: Luckily you're a social lovable person, otherwise you wouldn't have had any friends. If you espoused your beliefs in a Randian sense, Jesus.

Childs: I didn't have very many friends, but it was still fun. I remember arguing with the heads of the anti-war movement at SUNY at Buffalo in '66 and I was a 17 year-old punk, I was pretty skinny then, they were Trotskyists and I would bait them. I said the way to stop the war was to abolish the income tax so they couldn't fund it and dismantle all these programs and everything else. And they hated me.

Walker: Is it your view that World War II was the natural outcome of the result of the situation in 1917, that Hitler's ideology in part was to fight the Bolsheviks?

Childs: As a matter of practical fact, when we did intervene, they were basically slaughtering each other, almost stalemated around Stalingrad and other places. The war was not going well for Hitler when we intervened. I would have stayed out on those grounds, too. It's all come out now, the Churchill stuff of him trying to maneuver Roosevelt into the war, and Roosevelt didn't need a lot of maneuvering in certain ways. There's a strong case to be made against American entry into both World War I and World War II. I think both interventions have done enormous harm.

Walker: Wasn't Churchill keen on continuing the war at the end of World War II against the Soviets? Or have I got that wrong, it's something I read a long time ago.

Childs: Well, originally he wanted to be allies with them and make them sort of junior partners in running the world. But Britain ended up a basket case at the end of the war, and he wanted America's help in putting Russia down because he was afraid it would end up dominating Europe. Churchill was to me not a good guy. He helped create the thing he warned about. Why on earth, even with the evidence available to them back then, would you back Stalin over Hitler? I think they're both so rotten and evil that going to war over Hitler's invasion of Poland and end up handing Poland over to Stalin is about as hypocritical on a grand historical scale as anything I can imagine.

Walker: Is it possible that because the Soviets were such a closed system, because they kept such a tight lid on information, we in the West didn't realize until much later what a slaughter house it was?

Childs: There was a lot of literature available in the '30s. Just go to an old library that still has stacks and go through it. And you'll see these books and all this other stuff that was published. There was a huge library of stuff on what had happened in the Ukraine as far as starving those millions of people. This was not unknown to people who were concerned about that kind of thing. And there were debates on the Left between the Stalinists and the Trotskyites over Stalin's crimes and they knew what the crimes were. The show trials were in 1936, not 1946. Intellectuals and people who wanted to pay attention knew what they were. They knew about the Gulag and things like that; this was not that controlled.

Walker: Do you think as Paul Johnson does that Hitler's concentration camps were patterned after those in the Soviet Union?

Childs: No, as a matter of fact there is more evidence that — I'm an amateur historian on the Hitler front — he took as a model the American reservations for Indians. And his model was, after the war, to set aside these areas for undesirables so they couldn't intermarry and intermix with Aryans. He liked the idea of defeating them and confining them to reservations. In many ways the model of the American Indian reservations was taken from the British experience with the Irish. Many prominent Brits wanted to defeat the Irish militarily and have all of Ireland be a part of Great Britain and confine these wild Irish who were always rebelling to very small policed areas. The American military was looking around for ways to deal with the Indians.

Walker: Getting back to Rand: so you think that one of her main contributions was that she was an intransigent opponent of socialism, communism and the expanding welfare state at a time when those notions were quite popular?

Childs: But she goes a step further. It wasn't merely her opposition to collectivism. Capitalism as a moral ideal: I don't think that had ever been done. Classical liberals didn't do it. Even early libertarians didn't do it. It was not just her opposition to collectivism, it was the positive. That was a very big thing.

Walker: Do you think that her moral justification of capitalism was more influential than say, Buckley's?

Childs: Buckley in my view did not have a moral sense of capitalism. I read all the back issues of *National Review* and I don't remember seeing that anywhere. He, from the standpoint of Catholicism, defended tradition. In the late 1950s and early '60s, *National Review* was still defending segregation in the South on the grounds of states' rights. She never would have done that. She loathed racism. She loathed all that kind of stuff. That's why she hated them. She hated conservatives. It wasn't just that they hated her.

Buckley was a traditional Catholic. He upheld private property, capitalism and other things . . . but his big thing was poking fun at liberals. He was a great figure in using his scathing wit to puncture liberal hypocrisy, and that was of big value because he had intellectual self-confidence, some degree of swashbucklingness to him and he was a charismatic figure on campuses. There was no positive thing in him about capitalism the way there was in Rand.

Walker: I barely had a look at Hayek and Mises. Did they make strictly consequentialist arguments, or moral arguments, too?

Childs: Mostly Hayek is a moralist here. He's very concerned with freedom. His big book is *The Constitution of Liberty*. *The Road to Serfdom* is a warning about the effects of a planned economy on individual freedom, so it's not an

continued on page 46

Discovery

The Other Austrian

by Mark Skousen

Swashbuckling corporate raiders take heed, here's another Austrian economist offering advice.

Peter F. Drucker once walked into the boardroom of a major company in crisis and bluntly demanded, "Gentlemen, what is your business?" Most of the executives thought it was a sophomoric question, but Drucker kept pushing. He repeated the question over and over again. "What is your business?" It took them an hour to figure out what Drucker was getting at: *they had lost their vision.* Once they returned to fundamentals, they found their way back to profitability — all because Drucker asked a "dumb" question.

Drucker is eclectic, independent and unpredictable. Although he is known as Mr Management, he is a lone wolf, operates without a secretary, and has no supporting organization. He is an outsider. In the words of one admirer, he is an "iconoclast — the smasher of idols, seeker of proof, demander of evidence, gadfly, thorn in the side, tough and hard-nosed commentator on problems faced by our society."[1]

Nearly everyone in the business world is familiar with Drucker, either through his books or his columns in *The Wall Street Journal*. He is a household name among MBAs, corporate executives and business students. Drucker is the world's most sought-after business consultant. His *vitae* is multifarious: lawyer, journalist, political theorist, economist, novelist, futurist, and philosopher extraordinaire. Now in his eighties, with 25 books under his belt, he is still active in writing and consulting, though he does not travel much anymore.

Business students and executives have often told me that Drucker's ideas have a certain "Austrian" streak to them. They say that his emphasis on entrepreneurship, innovation and investment capital as well as his denunciations of big government, excessive taxation and Keynesian economics, has much in harmony with the ideas of Böhm-Bawerk, Mises, Hayek and the Austrian school of economics.

So: is Peter Drucker a closet Austrian?

Viennese Roots

In the very literal sense, Drucker is an Austrian. He was born in 1909 in Vienna, during the heyday of the Austrian school. But he was too young to attend Ludwig von Mises' famous seminar. When he graduated from gymnasium in 1927, he went to the University of Frankfurt, where he got his LL. D. in the early 1930s. But his roots remained Viennese. He refused a job offer from the Nazi's Ministry of Information. Instead, he wrote a 32-page monograph on the 19th century German philosopher, Friedrich Julius Stahl. There is as much to learn about Drucker as there is about Stahl in this paper. Stahl was paradoxical: a Jew by birth, a Protestant by conversion, and a conservative opposed to absolute monarchy. Not surprisingly, Drucker's paper was banned by the Nazis. Like Mises, Hayek, and other enemies of the Nazi state, Drucker immigrated to the West before the war broke out. He traveled to England in 1933 and the United States in 1937.

The Manager's Manager

Of course, the question of whether Drucker is an Austrian is not a question about his birthplace. It is a question about his economic theory. If one limited the question to his management approach, the answer is clearly in the affirmative: Drucker's style of management is Austrian through and through. Time, expectations, new information, and potential change in production processes — all Austrian focal points — are constantly emphasized in his writings and consulta-

tions. The manager must be an entrepreneur, not just an administrator. Innovation is essential. In 1985, he wrote an entire book on the subject, *Innovation and Entrepreneurship*.

He criticizes management for engaging in short-term planning, what he labels "industrial Keynesianism." Long-term planning is more risky, says Drucker, but is essential for survival, especially for large corporations. Owners and managers must be future oriented, he stresses. "Tomorrow's vision is today's work assignment."[2] The Japanese have been so successful, Drucker asserts, because they're so long-term oriented.

In Search of a New Social Order

It was his life in America that turned his interest to business management. During the late 1930s, Drucker began searching for a new social and industrial order. He became disenchanted with "unbridled" capitalism as the Great Depression wore on and on. But socialism, fascism, and communism seemed even worse alternatives to society's ills.

He finally found his answer in the only "free, nonrevolutionary way" — the large corporation. He was enthusiastic about his discovery: big business could provide a superior alternative to socialism and big government. According to Drucker, the large corporations should be the conduit through which economic stability and social justice would be established. Only big business could afford to assume social responsibilities such as job security, training and educational opportunities, and other social benefits. Such an alternative was absolutely critical in an age when free enterprise was on the defensive around the world.

After the war, Drucker got a consulting contract with General Motors, which gave him an opportunity to develop his thesis more fully. His exhaustive study of GM culminated in the 1946 publication of *Concept of the Corporation*. Drucker came to the unshakable conviction that the large corporation should be the "representative social institution" of the postwar period and that major American companies such as GM should take the lead in building the free industrial society.

Top officials at General Motors resented the book and scoffed at the idea that a large corporation should assume social responsibilities. But Drucker's reputation as a management expert grew despite GM's cold shoulder. By 1950, he was professor of management at New York University, and in 1973 he was appointed Clarke Professor of Social Science at Claremont Graduate School in California.

Drucker maintains that a company is more than an economic entity. "Even more important than economics are the psychological, human, and power relationships which are determined on the job rather than outside it. These are the relationships between worker, work group, task, immediate boss, and management."[3] A company's administrators have a moral purpose and social responsibility beyond making short-term profits. Drucker envisions the large corporation as the social institution, far superior to government in providing a retirement income, health care, education, child care, and other fringe benefits. He argues that corporate welfarism should replace government welfarism. Drucker acknowledges that such social activity could undermine economic performance, but he rejects Milton Friedman's admonition that business' only legitimate responsibility is to increase its profits. A lethargic government has created a "vacuum of responsibility and performance" which big business must fill.

A Moral Dimension

Drucker's attitudes toward business management and government may not be economic in origin, but religious. "The only basis of freedom is the Christian concept of man's nature: imperfect, weak, a sinner, and dust destined for dust; yet man is God's image and responsible for his actions."[4] He calls for a return to spiritual values, "not to offset the material but to make it fully productive."[5]

But how far he is willing to carry this insight is open to question. Drucker has been criticized as an apologist for big business. And it is true that he has been reluctant to discuss big business as a special interest lobbying power. Drucker usually envisions business and government in an adversarial role rather than a cooperative one. In his massive volume, *Management*, his chapter on "Business and Government" fails to mention how big business often uses its power to gain special tax breaks, subsidies, monopoly power and restrictions on foreign competition.

Paul Weaver, a former Ford executive, describes the extent of corporate statism as follows: "From the beginning it [big business] has worked aggressively and imaginatively in this spirit, and over the years it has won a dazzling array of benefits — tariffs, subsidies, official monopolies, tax breaks, immunity from certain tort actions, government-supported research and development, free manpower training programs, countercyclical economic management, defense spending wage controls, and so on through the long list of the welfare state's indulgences and beneficences."[6]

Unfortunately, the master is oddly silent on this critical issue.

Drucker Qua Economist

Drucker is much more than a management consultant and writer. He is also a commentator on politics, economics and culture. Here Drucker is less easy to categorize.

His economic views are often in line with Mises and today's Austrians; other times they are not. He often rejects notions that Austrians consider essential. Ludwig von Mises and he were colleagues at New York University in the 1950s, but they did not see much of each other. "Mises considered me a renegade from the true economic faith," Drucker says, and "with good reason."[7]

Drucker became disenchanted with pure laissez faire capitalism during the Great Depression. Today he supports a Hamiltonian approach to government — small, but powerful. He believes in a strong president and a central government that plays a serious role in education, economic development, and welfare. Furthermore, he rejects the gold standard and favors a central bank.

At the same time, however, Drucker advocates many positions that free-market economists would applaud.

Inflation is a "social poison." Government has gotten bigger, not stronger, and can now only do two things effectively — wage war and inflate the currency. The state has become a "swollen monstrosity." He continues, "Indeed, government is sick — and just at a time when we need a strong, healthy, and vigorous government."[8]

Drucker advocates privatization of government services as a way to reduce a bloated bureaucracy. Indeed, Drucker claims he invented the term, calling it reprivatization in his 1969 book, *The Age of Discontinuity*.[9] Social Security should be gradually replaced by private pension plans. The corporate income tax, says Drucker, is the "most asinine of taxes" and should be abolished (but replaced with a value added tax). Defense spending is a "serious drain" on the civilian economy, and should be cut sharply. The cost of "free" government services are "inevitably high."[10] Echoing Hayek, Drucker claims that no public institution can operate in a businesslike manner because "it is not a business."

Drucker is largely optimistic about the future. He talks excitedly about an expanding global economy and the collapse of Communism. Multinational corporations, both large and small, are far more important than foreign aid or domestic spending programs by the state, and will lead the way into a new nirvana. The more firms become "transnational," the healthier the world economy will be.

According to Drucker, the large corporations should be the conduit through which economic stability and social justice would be established.

Drucker is encouraged by events in developing countries, especially efforts to privatize and denationalize and open up domestic economies to foreign capital. The worst move a developing country can make is to adopt Marxism. "Communism is evil. Its driving forces are the deadly sins of envy and hatred. Its aim is the subjection of all goals and all values to power; its essence is bestiality; the denial that man is anything but animal, the denial of all ethics, of human worth, of human responsibility."[11] Drucker debunks Soviet-style central planning, which only produced "disdevelopment." He rightly concludes that Soviet economic growth rates are largely figments of the bureaucratic imagination.

Search for the "Next Economics"

Drucker expresses a withering contempt for the economics profession, which he says is still largely Keynesian in nature. Economists are too concerned with the equilibrium theory of a closed economy rather than the growth, innovation and productivity of a global economy. Drucker claims that contemporary economics is where medical school or astronomy was in the 17th century. "There are no slower learners than economists. There is no greater obstacle to learning than to be the prisoner of totally invalid but dogmatic theories."[12]

He blames Keynesianism for an unhealthy anti-saving mythology, causing "undersaving on a massive scale" among the western nations, especially the United States. Moreover, "Keynes is in large measure responsible for the extreme short-term focus of modern politics, of modern economics, and of modern business . . . Short-run, clever, brilliant economics — and short-run, clever, brilliant politics — have become bankrupt."[13]

The management guru is also discouraged by today's popular schools of economics, including the monetarists and the New Classical school. They too ignore entrepreneurship, uncertainty and disequilibrium. Drucker calls for the "next economics" to be "microeconomic and centered on supply," not aggregate demand, and should emphasize productivity and capital formation.[14]

Contemporary Austrian economics seems very much like Drucker's vision of the "next economics." Somewhat surprisingly, Drucker's writings do not mention the work of today's Austrians, like Murray Rothbard, Israel Kirzner and Roger Garrison. When I asked him his opinion of contemporary Austrians, he told me that he was not familiar with their writings. He had not heard of Kirzner's major work, *Competition and Entrepreneurship*, even though Kirzner and Drucker both taught at NYU in the sixties.[15]

Drucker's favorite economist is Joseph Schumpeter, the Austrian-born Harvard economist. In a 1956 article, "Modern Prophets: Schumpeter or Keynes?," he clearly sides with Schumpeter, predicting that of these "two greatest economists of this century . . . it is Schumpeter who will shape the thinking . . . on economic theory and economic policy for the rest of this century, if not for the next thirty or fifty years."[16] Drucker likes Schumpeter's emphasis on dynamic disequilibrium and innovation by entrepreneurs who engage in "creative destruction." In his 1985 book, *Innovation and Entrepreneurship*, he emphasizes the impact of technological change, innovation, the unexpected and new knowledge on business and the world economy.

Drucker advocates privatization of government services as a way to reduce a bloated bureaucracy. Indeed, Drucker claims he invented the term, calling it "reprivatization" in 1969.

But, of course, Schumpeter was an *enfante terrible* and renegade from the Austrian school as it developed under Mises and Hayek. In this sense, Drucker fits more into the Schumpeterian mode, although he does not share Schumpeter's pessimism about the future of capitalism.

In the final analysis, Peter Drucker is his own man.

Drucker's mind is like a rough diamond, providing flashes of insight at every turn. He is able to analyze complex subjects so that his readers and clients catch Drucker's vision, seeing the essential simplicity behind the apparent chaos.

Sooner or later, every student of business discovers Peter Drucker. Now it is time for economists and social sci-

entists to discover him too. ❑

Notes

1 Tony H. Bonaparte, *Peter Drucker: Contributions to Business Enterprise* (New York: NYU Press, 1970), p. 23.
2 Peter F. Drucker, *Preparing Tomorrow's Business Leaders Today* (Englewood Cliffs, NJ: Prentice Hall, 1969), p. 290.
3 Drucker, *The Unseen Revolution* (New York: Harper & Row, 1976), pp. 134–35, 168.
4 Quoted in John J. Tarrant, *Drucker: The Man Who Invented the Corporate Society* (Boston: Cahners Books, 1976), p. 30.
5 Drucker, *The Landmarks of Tomorrow*, p. 264.
6 Paul H. Weaver, *The Suicidal Corporation: How Big Business Fails America* (New York: Simon & Schuster, 1988), p. 18.
7 See Drucker's autobiography, *Adventures of a Bystander* (New York: Harper & Row, 1979), p. 50. In an interview in 1991, Drucker told me that on the few occasions they met, Mises was always depressed. "He was one of the most miserable men I ever met."
8 Peter F. Drucker, *The Age of Discontinuity* (New York: Harper & Row, 1969), p. 212.
9 ibid., p. 234.
10 Drucker, *The New Realities* (New York: Harper & Row, 1989), p. 215.
11 Drucker, *The Landmarks of Tomorrow* (New York: Harper & Row, 1959), p. 249.
12 Drucker, *The Frontiers of Management* (New York: Harper & Row, 1986), p. 13.
13 Drucker, *The Unseen Revolution*, pp. 114–15.
14 Drucker, *Toward the Next Economics and Other Essays* (New York: Harper & Row, 1981), pp. 1–21.
15 Israel M. Kirzner, *Competition and Entrepreneurship* (University of Chicago Press, 1973).
16 *The Frontiers of Management*, p. 104.

Roy Childs Interview, *continued from page 42*

economic thing saying it's going to be inefficient. One of the most interesting chapters in *The Road to Serfdom* is called "Why the Worst Get On Top": under totalitarianism, the spread of political lying is necessitated by certain kinds of government actions. And so he was interested in the cultural effects of statism and interventionism. There's a large moral and social concern on both their parts. It's just not as explicit as Rand, 'cause they're more traditional, trained intellectuals.

Walker: Rand was well read in Hayek's stuff, wasn't she?

Childs: She hated Hayek, intellectually. Because, to her, he put reason down. He said reason is limited. Secondly, he compromised throughout *The Road to Serfdom* and explicitly said he was not in favor of laissez-faire. She regarded him as a moral coward. She told Barbara once that she regarded *The Road to Serfdom* as the most dangerous book ever written. NBI never carried one Hayek book. You'll not find any sentence of hers in print on Hayek. Mises yes, Hazlitt, Bastiat, a lot of other second-rate economists that she pushed for in favor of the free market — G. Warren Nutter, Carl Snyder — but she never promoted a Hayek book or said a kind word about him.

Walker: Were Objectivists a bunch of homophobes back in the early days?

Childs: I think Branden was. I'm gay, so I know all about this issue. I went to Branden as a client in 1971. He wasn't homophobic but he was of the view then that it was definitely the result of some sort of neurotic turn in the personality and it could be corrected. We became very good friends, he didn't have any phobia about it or anything.

Walker: How did they feel about children?

Childs: It was never frowned upon or denounced. But, they did see having children as interfering with their careers, for the most part. And those who did have kids — the Hessens and Kalbermans and a bunch of others — but they were not generally the intellectuals of the outfit.* Rand held that it was perfectly fine to become a housewife and mother and raise kids; and you had to take it seriously because she saw it as a profession like any other — you had to study it. But as a matter of practical fact . . . they thought that kids would in effect get in the way.

Walker: Making them about as progeny-oriented as the Catholic priesthood?

Childs: Yeah.

Walker: Why was it that capitalism experienced a resurgence in its moral legitimacy in the 1980s?

Childs: Let's get rid of this view of the '60s as a left wing decade for a minute and let's think of it as a "me decade" where there was a shaking off of cultural right-wing puritanism and experimentation with various lifestyles. And along with that a questioning of all these conventional ideas of what your life ought to be about, a questioning of careers. Those of us who grew up in the '60s had much more freedom than our parents did to pick and choose things, and we used it. And we were rebellious and there were a lot of us and we sort of choked every institution we went through — the whole baby boom. And those of us who were in college and stuff during the '60s, in the '70s went to work and started to write and other things. I'm not saying this in a personal sense, but the values of the '60s that were prevalent in the '70s and '80s. They were grown up more, simply more adult versions, more real-world, more realistic about earning a living and about capitalism. Just as kids didn't like constraints on the use of marijuana in the '60s, they didn't like constraints in conducting business in the '80s. And they were grown up business people. The attitude didn't change much, just the objects.

It wasn't a question of capitalism's efficiency. I don't think anyone ever doubted that. Well, there were people who held that socialism would be more efficient, but by the '70s and '80s that was just dead. Nobody believed it anymore.

No, I think it was the issue of personal freedom under capitalism *versus* under socialism. We had decades of promises from socialists and social democrats about how it was all going to turn out if they had power. And they had the power in Western Europe and all these other countries. Things were not looking all that great, weren't that nice. The welfare state stopped people from starving but turned their lives into miserable hells.

I think what happened was that it was just the long-term results of Rand and all these other people. They started it. They were the fountainhead. ❑

* Here Roy's memory fails him. Robert Hessen is a Senior Research Fellow at the Hoover Institution and author of *In Defense of the Corporation* and *Steel Titan: The Life of Charles M. Schwab*; his wife Bea was an attorney. Elayne and Harry Kalberman are Nathaniel Branden's sister and brother-in-law and peripheral members of Rand's "inner circle." Elayne Kalberman is a nurse; Harry Kalberman a stockbroker.

Reviews

The Disuniting of America: Reflections on a Multicultural Society, **by Arthur M. Schlesinger, Jr. W.W. Norton, 1992, 160 pp., $15.95.**

Isn't Multiculturalism a Good Thing?

Stephen Cox

Oh, God, here's another book about multiculturalism. This time it's by a modern liberal. He's worried about what multiculturalism will do to America's national unity. He sounds like a conservative. He's also worried about what multiculturalism will do to America's traditional belief in the primacy of the individual. He sounds like a libertarian. Then again, he's worried about what multiculturalism will do to other items on the modern-liberal agenda, like increased aid to public schools. He sounds like a modern liberal who is trying to escape responsibility. Doesn't he realize that modern liberals started all this fuss, with their notion that the state should subsidize culture and educate the public in social morality? He just doesn't like the predictable outcome — the demand by every interest group in the country that the public should be educated in the way that *we* deem right.

But wait a minute. Maybe I'm being unfair, not only to Schlesinger but also to his multiculturalist targets. Let's try to straighten this out. What does "multiculturalism" mean, anyhow?

Try a basic definition: "Multiculturalism: a cluster of ideas and practices derived from the assumption that Americans of different social groups, especially ethnic groups, have different values and different means of expressing those values, and that their differences ought to be respected."

This sounds safe enough — and indeed, some people regard multiculturalism as little more than an ideal of civilized conduct, with an emphasis on the esteem that is due to the contributions that people of all "cultures" have made to America. In this sense, multiculturalism is practically synonymous with sensitivity and an opposition to arbitrary discrimination; it has a lot to do with a libertarian enjoyment of individual differences. One end of the multiculturalist spectrum is mild and uncontroversial.

In the bulging midsection of the spectrum, however, multiculturalism is practically synonymous with allegiance to a variety of modern-liberal causes: "progressive" feminism, hiring quotas, sweeping curricular reform to achieve abstract goals of "inclusiveness," increased support of already-vast social service projects geared toward the needs of "women and minorities" (as those needs, those "minorities," and even those "women" are defined by politicians), linguistic reform ("s/he," "God the parent, God the child"), speech codes in colleges, historical revisionism (Columbus didn't discover America, or if he did, it was a bad idea), and so on.

As we approach the radical end of the ideological spectrum, multiculturalism becomes monoculturalism. Here the reasoning is that because American institutions have been dominated by the ideas and practices of white, male, heterosexual Christians, they must now be dominated by whatever is regarded as their opposite. History texts must now be Afrocentric rather than Eurocentric, the "masculinist" vocabulary must yield to the feminist, and families in which men bring home the bacon and women serve it up to their 2.2 children must be regarded as abnormal, while families consisting of two working lesbians are regarded as the norm.

There are two simple reasons why so many books are now being published about multiculturalism: (A) There are so many forms of multiculturalism, all pretending to be the true form, that there's plenty to fight about. (B) The moral justifications that apply to mild forms of multiculturalism are commonly used to legitimize the extreme forms, which means that arguments can branch off in hundreds of strange directions. Somehow, for example, the idea that everyone needs to be sensitive to cultural differences has resulted in fundamentalist parents being forced to send their children to schools where they learn that Christianity is genocidal (wasn't Columbus a Chris-

Somehow the idea that everyone needs to be sensitive to cultural differences has resulted in fundamentalist parents being forced to send their children to schools where they learn that Christianity is genocidal and that gay sex is like any other kind of sex, so long as you wear a condom.

tian?) and that gay sex is like any other kind of sex, so long as you wear a condom. A certain sensitivity seems to be lacking here and someone feels called upon to write a book showing where multiculturalism did or did not run off the track.

Some people seek a society that is multicultural, not in recognizing the multicultural nature of each American, but in regarding everyone as a member of a group and ensuring that everyone's group "culture" will be fostered and protected by benevolent state institutions.

But wait! Before arguing about "multiculturalism," shouldn't we try to see if we know what "culture" means? I realize, of course, that we're not concerned with Beethoven, Brahms, and Bach; that's not what "culture" means in this context. We're concerned instead with the ways in which people behave in their daily lives, with their mainly implicit, often "inherited" values, with their characteristic, often unpremeditated expressions of who they are and what they share with people whom they regard as similar to themselves. Fine. But what's "culture"?

To answer, or perhaps to evade answering, this question, let me tell you something about my friend Paul. Paul's paternal grandparents were poor people who came from Russia. No, that's not quite right: they were Russians who came from what is now Lithuania. Paul's maternal grandparents were poor people who came from Norway and Sweden. His mother and some of the rest of his family remain active in Swedish-American organizations. In his youth, Paul spent his summers in a Swedish-American community in Northern California. Paul's mother keeps in touch with relations in Norway; four years ago, she and Paul traveled there to visit aunts and cousins. Communication was somewhat strained, because Paul does not speak Norwegian. Neither does he speak Swedish or Russian. He speaks German, because he learned German in college, perhaps because German might come in handy in science. Paul is a biophysicist who works in a university. As a result, he knows about 100,000 times more about molecules than he does about Swedish, Norwegian, or Russian history. But this is no problem, because none of his Swedish-American, Norwegian-American, or Russian-American friends expects him to know any more than he does. They don't know any more, either. Most of Paul's friends, in fact, are Jewish, Brazilian, Japanese, Chinese, Irish, and other hyphenated Americans. Some of these people he knows because of a common interest in country-Western music; Paul plays the guitar and sings. Among Paul's numerous siblings, most of them women, are lawyers, a film editor, and another physicist. The family seems to spend a lot of time arguing about politics; some of them have strong social ties to people on the left, others to people on the right.

Now, does this little story shock you? Or is it merely a story typical of America — not at all predictable in its details (what American story is?), but highly typical in its general pattern? Well, it's typical, of course. You would have been shocked only if I had told you that Paul had become a professional advocate of Russian-Lithuanian-American causes or that he had decided to devote his life to litigation for the interests of Swedes.

But of what "culture" is Paul's story typical? Is Paul simply an "American" through and through, in the way (I suppose) that Finns in Finland are thoroughly Finns? Or does Paul have an ethnic culture — or three of them? Or has he given all that up for the culture of the university, where he spends most of his time and energy? Looking at Paul's artistic expressions, we find them typical of the "Anglo-Saxon" culture of the American heartland; but this is a place that Paul has never visited, except once, I think, when his plane touched down for a half-hour in Michigan. Perhaps we can label Paul by his political culture, which puts him at odds with some of his family, some of his colleagues in the university, and some of his country-music buddies — though not, of course, with all of them. Or perhaps we should carry the analysis further, probing the customs and values that Paul has picked up from his gender or his generation (Paul is 30). Perhaps we should keep analyzing Paul until his "culture" looks like an anthropologist's tray of pot shards, or like the storage room at Xanadu.

But perhaps we shouldn't. Don't we already know everything we really need to know? We're not going to be able to come up with a satisfactory definition of what "culture" means to Paul or to other individual Americans, or to Americans in general; and if we could, these people would probably change their culture, just to spite us. Paul's case merely illustrates the fact that "culture" for an American is typically a matter of cultural influences so many and various as to allow every individual to orient himself (or herself) in many different ways, depending on occasion, personal taste, the state of the economy, and the state of the weather. Ralph Ellison said this much better than I can, in an essay called "The Little Man at Chehaw Station." It's in his book called *Going to the Territory*.

The pride that modern people may feel in the history of the groups they belong to is an intellectual pride, not one based on simple and automatic inheritance.

So what's the problem?

The problem is that this typically American idea of cultural diversity and cultural freedom has, and has had, some powerful competition. There is competition today from people with special interests in special aspects of American culture(s), people who want there to be just one kind of political expression, one set of values ("family values," "multicultural values," "progressive values," whatever), one way of classifying people. They want you to be

either "white" or a "person of color," either characteristically "male" or characteristically "female," either a "feminist" or a "right-wing fundamentalist." They want people's choices about what they like in the mix of American "cultures" to be subjected to all the rigors of an intensely moralistic criticism.

I'm not thinking just about, or even mainly about, the criticism leveled at white male heterosexuals who are constantly caught revealing their "insensitivity" to other people's cultures, or to what is imagined to be other people's cultures. I'm thinking most about the pressure that many African-American school kids feel to "act black," about the pressure that many professional women feel to behave like radical feminists, about the pressure that many gays feel to "come out" in ways that radical multiculturalism regards as the most defining of gay culture, because they are the most extreme.

The damage done by such standards of conformism is often economic. No matter what an antidiscrimination law says, you are much less likely to get a job if you act out your cultural differences in decisive ways; no one really likes a conformist, especially a conformist who is advertising his difference from one's *own* kind of conformism. The most important damage of conformism, however, is the diminishment of one's own breadth and flexibility as a person, of one's own ability to be "multicultural," in one possible sense of that term.

But I said that the American idea of cultural freedom "has, *and has had* some powerful competition. America does not have a history of full cultural freedom. Every American is a member of at least one group that has suffered arbitrary discrimination, and some people have suffered much worse than others. To suffer discrimination means to be treated not as a culturally free individual but as a member of a group from whose culture one cannot escape, especially as that culture is seen by bigoted outsiders. Blacks as a group bore the mark of slavery. Jews as a group were regarded as inappropriate candidates for a university education. Italians as a group were regarded as unmarriageable into polite society. Gays as a group were outlawed.

Precedents set by the group-think of the past lend support to the group-think of the present. They help to convince individuals that the reason why no one seems to listen to them or no one wants to hire them must be that they are identifiable members of groups that other, more powerful groups dislike. The impression may be true or false; it is typically incapable of definite proof, one way or the other, so it doesn't easily go away. And some people respond to this impression by seeking a society that is "multicultural" in an anti-individualist way — multicultural not in recognizing the multicultural nature of each American, but multicultural in regarding everyone as a member of a group and being determined to ensure that everyone's group "culture" will be fostered and protected by benevolent state institutions.

How much of the discriminatory group-think of the past is still alive? It is impossible to say. A black colleague of mine remarked to me that he was convinced that "white racism was growing all the time." I told him that as far as I could see, that wasn't true; that I had grown up in a midwestern community in which mixed-race couples were shunned and sometimes beaten, and that no one in that community would dream of acting in that way now. There had been some progress, anyway. I talked along in that vein, but I could see that I wasn't being very convincing. My colleague, of course, can't see "white" "culture" from the inside. And in most cases, he can't really know if one of his acquaintances has been passed over for a job because he's not the best qualified, or because he's black.

But what does seem clear is that many of the "multicultural" efforts of the present are strongly counterproductive, at least insofar as they are intended to enable people in groups that have suffered from discrimination to advance themselves economically. To spend week after week of a public-school education on the question of homosexual "lifestyles," or on the superiority of African civilization in the third millennium, B.C., to the European non-civilizations of the time, or on the issue of whether Columbus wrecked America by discovering it, or on the importance of referring to young females as "women" rather than "girls" — all of this does a shocking disservice to students who need to learn basic intellectual skills that will enable them to do with their lives what they will, whatever they will. Yet this is the kind of thing that is happening, wherever the culture of the most "progressive" multicultural educationists has asserted itself.

Further: to preach advanced multicultural ideology, as do many of the media, many politicians, and virtually all of the liberal clergy, as if it were the only ethic appropriate to twentieth-century Americans is to leave twentieth-century Americans sadly in need of thoughts to guide them in most of life's real business. To make an intelligent young woman pause to ask herself if

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her choices are suitable to her "as a Chicana" or "as an Asian-American" is to encourage her not to find out what she wants to do and ought to do. And if she is led by her education to believe that everyone else is looking at her as a representative of some group phenomenon, then she may regard any criticism she receives from others as directed solely at her group — and any rewards she achieves as given merely to her as a member of that group. Both alternatives are demoralizing.

As a remedy for the evils originally caused by group thinking, multiculturalism (as it is most "progressively" preached and practiced) seems doomed to fail. As an intellectual project, it also seems doomed, because it falsely represents the nature of people's identifications with the "cultures" that become important to them.

Go to the graves of your great-grandparents. Do you know where they are? As an American, probably you do not know. Maybe they're in some foreign country, or maybe you've never cared to discover where they are, despite the fact that, according to the multiculturalists, you ought to care about this very much. But go to those graves, stand there in the cemetery, and ask yourself what you feel.

Perhaps you feel the romance of history, the sense of that great adventure (and "great" does not mean "pleasant") that somehow created you out of events wholly foreign to *you*: the journeys of men and women who were exiled because of religious opinions that you neither understand nor care about, the journeys of men and women who struggled with economic necessities that you will never confront, the journeys of men and women who were sold into slavery and transported to a new and hostile world that for you is the source of all enjoyment. Surely you will sense how little you know these people. They are bone of your bone, blood of your blood; but you find it hard to remember their names. Maybe you inherited a Bible from them, or a favorite ring. But almost everything that is *you* in the cultural sense, your values, your concept of yourself, your means of expressing yourself, has come to you, not from these almost anonymous ancestors, but from the American cultures that surround you — and these cultures originated, in large part, as the cultures of "other people."

Your own individual culture is not a matter of biology. It is a matter of ideas, ideas that can be chosen, understood, and applied by individual minds. If we feel pride in our ancestors' cultural accomplishments, it is because we have created our own imaginative identification with them.

The argument applies even more emphatically to the cultural influences that come from broad, nonfamilial groups. Women are born women, and gay people may be born gay, but the relationship of contemporary women and gays to "women's culture" and "gay culture" in, say, the nineteenth century is something that has to be exhumed by historians. The pride that modern people may feel in the history of these groups is an intellectual pride, not one based on simple and automatic inheritance. That word "culture" does, indeed, have its problems.

To spend week after week of a public-school education on the issue of whether Columbus wrecked America by discovering it, or on the importance of referring to young females as "women" rather than "girls" does a shocking disservice to students who need to learn basic intellectual skills that will enable them to live their lives.

Arthur M. Schlesinger, Jr., has a sense of this, and it is somewhat surprising that he should. Schlesinger is one of the leading modern liberals of our time. He was one of the two or three major intellectual influences on and spokesmen for the Kennedy political machine. He is therefore responsible, as much as anyone, for the steadily leftward drift of American intellectual life. So it is surprising, and heartening, to find his new book criticizing the "ideologues" of multiculturalism for

> call[ing] on the republic to think in terms not of individual but of group identity and to move the polity from individual rights to group rights. (130)

The "underlying philosophy" of the ideologues, he says,

> is that America is not a nation of individuals at all but a nation of groups, that ethnicity is the defining experience for most Americans, that ethnic ties are permanent and indelible, and that division into ethnic communities establishes the basic structure of American society and the basic meaning of American history. (16)

As an historian, Schlesinger is in a good position to see through the all-obliterating intellectual smog that obscures variations among individuals in groups. He knows that "Western culture," that hegemonic power so much resented by multiculturalists, is not one culture at all: "Churchill and Hitler, St. Francis and Machiavelli, Pericles and Dracula — monocultural?" (88) He understands that it is mere nonsense to regard the distinguished cultural achievements of past cultures as the products of ethnic groups *per se*, as if the Greeks invented democracy because they were Greeks or the Jews perfected monotheism because they were Jews. He knows that the ancient Egyptians, who were members of several "racial" groups and no backward bunch when it came to culture, would have found the modern identification of race and culture quite "meaningless" (77). He emphasizes the fact that self-esteem usually

Schlesinger's justification of American society is its encouragement of individualism, even if individualism weakens the hold of ethnic cultures.

"springs from achievement, from personal rather than from racial pride" (92). He emphasizes, also, the inspiration that comes to individuals across the banal boundaries of "cultures":

> Is Lincoln to be a hero only for those of English ancestry? Douglass only for blacks? Great artists, thinkers, leaders are the possession not just of their own racial clan but of all humanity. (92)

As an observer of the contemporary scene, Schlesinger sees that the tendency to identify individuals with large and antagonistic "cultural" groups often "exaggerates differences, intensifies resentments and antagonisms, drives ever deeper the awful wedges between races and nationalities" (102). He also sees that insistence on group identification is something much more popular with the "self-appointed spokesmen" for minorities than with the people for whom they speak (42), people who are usually eager to gain for themselves all the good things of general American society, rather than to value themselves on their cultural distinctness.

Striking confirmation of Schlesinger's views came recently from the Latino National Political Survey, "the most extensive effort to measure Hispanic attitudes to date." The survey concluded, according to the New York *Times* (December 15, 1992), that "economic self-interest and a driving commitment to be part of American society shape attitudes among Hispanic groups more than a sense of ethnic identity." 93% of Mexican-Americans thought that citizens and residents of the U.S. should learn English. 75% of Mexican-Americans, compared to 74% of non-Hispanic whites, think that "there are too many immigrants." An "overwhelming majority" of Hispanic-Americans indicated that the goal of bilingual education "should be to teach English or both languages rather than to preserve the Spanish language and culture," as some political leaders of Latino communities prefer. Angelo Falcon, one of the study's co-researchers, observed of its findings: "The implication is that there is a growing gulf between the Latino leadership and the community."

Schlesinger's justification of American society is its encouragement of individualism, even if individualism weakens the hold of ethnic cultures. In fact, Schlesinger draws the kind of sharp line between "individualist" and "collectivist" cultural tendencies that modern liberals used to scold libertarians for drawing (127). But although most of Schlesinger's book should go over well with the libertarian audience, and almost all of it is written with Schlesinger's accustomed clarity and intensity, some of its details will not hold up to scrutiny.

Eager to show how far America has come, even without the guidance of multiculturalists, Schlesinger sometimes paints too dark a picture of history, especially when he is talking about the writing of history. He ignores his own emphasis on the complexity of individuals' relationships to groups when he alleges that "American history was long written in the interests of white Anglo-Saxon Protestant males" (53). We are to picture a stuffy drawing room inhabited only by scribbling old Anglican gents who are motivated only by the interests they share with other old Anglican gents. In schoolbooks, Schlesinger says, "the only good Indians were dead Indians" (53). Go to a used bookstore, please, and find the schoolbook that says this.

Like a true modern liberal, Schlesinger has trouble focusing on the role of the state in creating the problems that distress him. Few people, certainly not Schlesinger, would really care what their neighbors thought about "culture" if the neighbors couldn't use the government to implement their views.

Even when Schlesinger decides to make a tactical compliment to multiculturalism, his compliment can have an unconsidered sound, as when he says that American education has begun "at last to acknowledge the existence and significance of the great swirling world beyond Europe" (15). Again, go down to the used bookstore and find (as you easily will) a world history text from *circa* 1940, and tell me that its treatment of the non-European world is scantier than the brief and pitifully superficial views one finds in current texts. The current expectation is that the schools should

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educate students in racial pride, family values, multicultural awareness, safe sex, feminist lifestyles, just-say-no, and holidays from everywhere. This has naturally lessened the time that schools can devote to such merely academic subjects as world history.

Schlesinger criticizes educators for spending their time teaching racial pride rather than preparing students to succeed in general American society (74, 90) — yet he demands "greater investment in education" (101). Greater investment, Prof. Schlesinger? How much greater, or just greater all the time? And do you have any reason to suppose that the educators you criticize will spend that greater investment more wisely than they have spent the greater investments already in their hands?

Like a true modern liberal, Schlesinger has trouble focusing on the role of the state in creating the problems that distress him. Few people, certainly not Schlesinger, would really care what their neighbors thought about "culture" if the neighbors couldn't use the government to implement their views. Thirty years ago, state governments took black parents' money and used it to force their children into segregated schools. Now state governments take white parents' money and use it to force their children to study "multicultural" subjects that often reflect badly on *their* group. Neither of these experiments is good or useful, and neither would have happened if the state had kept its hands as far away from the educational process as possible.

If a voucher system allowed parents to choose the schools in which they wished their children to be educated, some misguided parents would choose schools in which kids are taught that their individuality is inevitably determined by their ethnicity, gender, or religion. But there is every reason to believe that very few parents would do so, and every reason to believe that the vast majority would insist that their children be given an education that would prepare them to live successfully in our diverse society and to achieve what they, as individuals, want to achieve. If there were real choice in education, there would be no occasion for communities to be convulsed by moronic debates about whether the public schools should signify their approval of condoms or of abstinence, Christmas or Hanukkah or Kwanzaa, English-only or bilingualism. By their very existence, the schools would signify the importance of the great principle that unifies and justifies the American social order, the principle of free cultural choice, which is the principle of individual liberty.

Schlesinger almost sees that this is the principle on which America works, but his vision is fogged by other principles. He cannot quite bring himself to say that the more the government lets people alone, the better they usually get along together. He says that "unless a common purpose binds them together, tribal hostilities will drive them apart" (10), although, as he indicates elsewhere in his book, nothing is more likely to drive people apart than attempts to indoctrinate them about common purposes. When Schlesinger gets around to defining what America's common purposes should be, he suggests that they have to do with the exercise of "political rights and civic responsibilities," through which we express our "ideals of democracy and human rights," "ideals of the essential dignity and equality of all human beings, of inalienable rights to freedom, justice, and opportunity" (26, 118, 27). Well, fine; these are admirable concepts, so admirable that everyone has developed his own interpretation of them. I'm not sure that we will soon agree to be happily "united" in a "common purpose" to abide by any of those interpretations.

Better to say: Let's get the state to start leaving people alone. If we can just agree on that, our "cultures" can be safely allowed to wander off and multiply as they see fit.

Better to say: Let's get the state to start leaving people alone. If we can just agree on that, our "cultures" can be safely allowed to wander off and multiply as they see fit. It shouldn't be a destructive process. They're already pretty good at it. ❑

***When Workers Decide: Workplace Democracy Takes Root in North America,* edited by Len Krimerman and Frank Lindenfeld. New Society Publishers, 1992. 308 pp., $39.95 hb, $16.95 sc.**

Workers Take Control

Jesse Walker

The summer before I went to college, I got a job working for a Burger King in Galveston, Texas. I liked most of the people I worked with, even the guy who kept trying to prove to me that black men were biologically superior to other races and sexes, but other than that it was a lousy job. Low pay, boring work, odd hours, hot grease constantly splattering into my face — you get the idea.

But what I hated most about the job were the periodic visits from Houston managers. One in particular got on everyone's nerves by wandering around the kitchen telling one and all to "hustle." "Hey, kid," he'd tell me as I loaded burger patties into the broiler, "let's see some hustle over there," like he was some junior high football coach. The fact that I had to work at the speed set by the machine and not vice versa didn't matter to him, because he had absolutely no idea of how the broiling process worked. I could have explained it to him, but then again, he could have had me fired. I was dispensable. This was grunt work; anyone could master it (except, apparently, bossy white-collar workers from Houston).

He would sometimes try to "help" me, shoving more burger patties into the broiler by putting them on top of other patties. Since this prevented the parts of the patties that touched each other from getting cooked, it was about as much help as throwing good meat directly into the dumpster. I guess this was supposed to be an example of his idea of "hustle."

That restaurant worked best when the only managers around were those who had been promoted from the floor itself. We got the work done, didn't waste our time going by the book without good reason, and found ways to keep incompetent workers out of the loop. At those times, Burger King was hardly a paradigm of worker control, but it was a lot more efficient and a little bit less shitty to work for.

Most people don't work at Burger King, but many work for places with similar problems. Self-management is an attempt at a solution to such problems. It isn't a complicated idea. When employees own and manage their own businesses, workers have a greater stake in their enterprises' success and the enterprises have better reason to treat their owner-employees and the communities they live in with respect and care. Plus, by providing greater direction over our own lives and livelihoods, worker control allows more room for individual creativity and self-development — and, thus, for the development of society as a whole. That's the theory anyway.

In the past, self-management has been considered impractical. Most of its supporters advocated such clumsy self-government procedures as putting all significant decisions up to a vote; many were also hostile to the concept of private property, preferring an unwieldy system of communal usufruct. Not surprisingly, most of their experiments failed.

But worker control has never been limited to that sort of organization. For example, even as many of the anarchist collectives that emerged during the Spanish Civil War "abolished money," held all things in common, and subsequently suffered economically, others issued their own currency, preserved individual ownership of property, and prospered — while maintaining a regime of ownership and management of the means of production by the workers. For all their "socialist" rhetoric, the most successful Spanish anarcho-syndicalists had simply discovered a more efficient, more equitable way of organizing property ownership.

Their analogues today have found several such routes to equity and efficiency: cooperatives, ESOPs, flexible manufacturing networks, and more. The range of options is explored in a new anthology edited by Len Krimerman and Frank Lindenfeld, *When Workers Decide: Workplace Democracy Takes Root in North America.* And, while a share of the contributors sound like old-line socialists and collectivists, most do not. Even those writers who see a role for government in supporting worker ownership understand that initiative must come from below for employee control to work.

ESOPs and Federations

When the steel industry was battered by a wave of plant closings, statist liberals in Washington, D.C. responded with — what else — a plant-closing bill. But when the Weirton Steel Company prepared to close its doors in 1984, its West Virginian workforce reponded in a different way: they purchased the plant. Since then, many other steelworkers have adopted the same tactic. Some did not succeed in saving their jobs. Others — many — did.

Weirton workers used an ESOP (Employee Stock Option Plan) to buy out their company, receiving a majority of its stock in exchange for wage concessions. With this came not only a stake in the firm's profits, but greater control over the production process as well. Thus, to give but one example, a Weirton mechanics' employee participation group, on the initiative of one of its members, researched and designed an air-evacuation system to capture the lime dust produced when

lime was unloaded.

Despite this, Weirton employees still lack full democratic control, and other stock plans provide still less opportunities for self-management. In Avis's much-vaunted ESOP, for example, "the company's 24 million shares are to be 'gradually' released to the 'owners' over seventeen years . . . today, Avis's 12,300 workers own on average only twenty shares each, total value $200" (p. 162). Often, employees who successfully bid for company ownership are then denied substantial company control. Much of this has to do with the typical ESOP structure, in which a trust fund actually owns and votes the stock. Usually, the trustees are chosen by the financiers who lent the money, leading to an overabundance of bankers, managers, and lawyers on the board of trustees. Only about a third of ESOPs (the so-called "democratic ESOPs") allow voting rights to trickle down to the workers.

For all their "socialist" rhetoric, the most successful Spanish anarcho-syndicalists had simply discovered a more efficient, more equitable way of organizing property ownership.

Perhaps, some day, workers who feel cheated by non-democratic stock ownership plans will ally themselves with the shareholders' rights movement and retake their companies. In the meantime, other worker-owners and potential worker-owners are turning to another facet of the self-management movement for assistance: federation and mutual aid.

Solitary worker-owned businesses often suffer from managerial inexperience, lack of marketing know-how, and diseconomies of scale. Federations of employee-owned firms allow information and experience to be shared, funds to be pooled, and member firms to produce on a larger scale by cooperating with one another. There are as many kinds of cooperative federations as there are reasons to federate. The Northeast Ohio Employee Ownerhip Center facilitates employee buyouts of failing plants, helping bidders avoid such pitfalls as "ownership" via trust fund. North Carolina's Self-Help Credit Union provides financing for worker-owned businesses, home ownership in low-income communities, and aid to the sick and poor. Rural Entrepreneurship Through Action Learning is a network of "business-incubation centers" in Georgia and the Carolinas. Other such organizations abound.

In all this, what is most interesting is just who the employee-owners are. Most are not left-wing ideologues; indeed, the traditional left tends to be uncomfortable with these projects. Instead, these are pragmatic, middle-of-the-road people who are simply tired of losing their jobs because of managerial incompetence. Why not have a go at it themselves?

The Left and Worker Ownership

The libertarian left has been eclipsed by Marxism and social democracy for a century. With the exception of the United Steel Workers, today's labor movement is overwhelmingly hostile to employee ownership, for much the same reason that most corporate managers don't care much for the idea: it is a threat to their power.

The editors of *When Workers Decide* are themselves of the left, and give over some of the book to self-management's critics. Some of these pieces aren't bad; Pete Leki's "I'd Be All for ESOPs If. . ." (162–163) includes a good discussion of real versus phony ownership, though his proposals for change ("government subsidized capitalization of workplaces") are pretty abominable.

But Lance Compa's essay, "The Dangers of Worker Control" (157–161), is a true embarrassment. Fearful that worker-owners will become "small-scale capitalists" (horrors!), Compa will support employee ownership only if it is part of a larger drive for "democracy in the whole of society" — i.e., "for affirmative action, . . . for more unemployment benefits, for a higher minimum wage, and for food stamps." The bottom line: "From the standpoint of the labor movement, adopting the objective of greater worker control is bad policy because it emphasizes enterprise consciousness rather than class consciousness." That is to say, it encourages individual and mutual creativity and responsibility instead of docile acquiescence to union orders. "Distracted by problems of production and competition," Compa asks, "would workers in a worker-owned and worker-run enterprise be likely to organize around" left-liberal causes? Paradoxically, Compa accuses the employee-ownership movement of "business unionism" — craven acceptance of the status quo, rejection of the concerns of the rank and file. "In exchange for supporting free enterprise at home (sic) and the cold war abroad, cooperating with the Central Intelligence Agency by participating in agency-funded foreign labor 'institutes,' and supporting huge military budgets and the U.S. imperialist policy in the Third World," he writes, "the labor movement was accepted as part of the country's power establishment. . . . [U]nion involvement in experiments with workplace democracy and worker control is of a piece with business unionism." Labor activists should reject this project, Compa says, and instead embrace what he calls "rank-and-file unionism."

Most employee-owners are not left-wing ideologues. They are pragmatic, middle-of-the-road people who are simply tired of losing their jobs because of managerial incompetence.

But if anything deserves the title of "business unionism," it is Compa's stale confrontationalism, where union and managerial bureaucracies play out their state-subsidized roles and the production process remains fundamentally unchanged. And what could be more rank-and-file-oriented than management for and by the rank and file? What could, by making union bureaucrats superfluous, be more subversive

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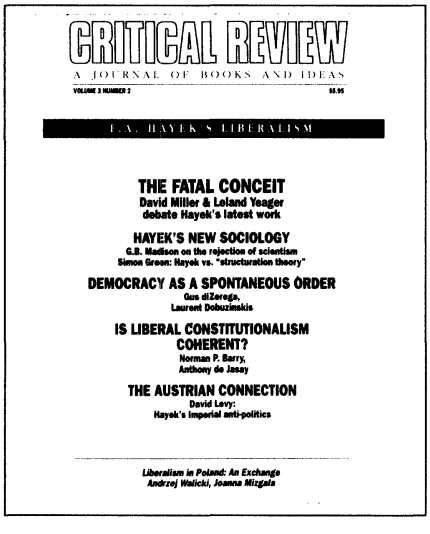
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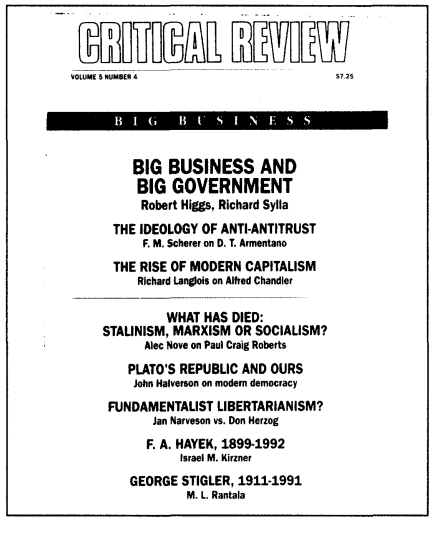
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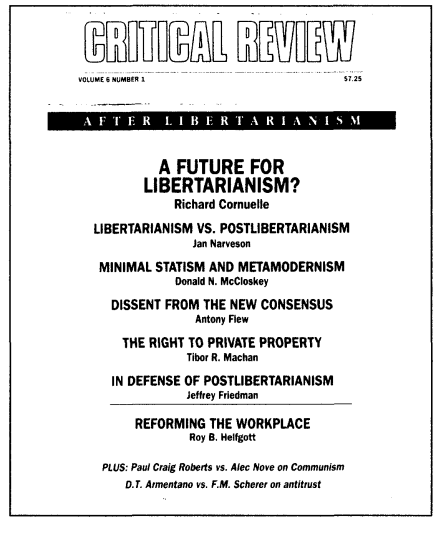
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of the labor movement's participation in "the country's power establishment"?

In fact, some of those arguing for self-management in *When Workers Decide* are rank-and-file activists, and they leave no question as to their position in the labor movement: they are heretics. They have had successes — buyout funds have been established in several unions — but remain a minority voice; for the most part, "the reaction of union officials above the local level has ranged from hands off to antagonism" (117). Only recently, with economic hardship pushing many unions to the brink of extinction, has a new breed of unionist begun to think in terms of worker control. Similarly, new economic conditions have prompted many managers to also consider worker ownership and greater employee participation in decision-making. "Empowerment" has become a management buzzword, though few large corporations have implemented it on a large scale.

Government subsidy has shielded managers from the force of their mistakes. Market discipline, conversely, is what is driving so many corporations to accept employee participation in ownership and management.

The Greater Economic Vision

Some of the contributors to *When Workers Decide* have a traditional left-liberal vision of the greater economy: more worker control in the context of "industrial policy" and limited nationalization. Some have no real economic ideology, and speak of governmental and private funding for worker buyouts and start-up costs as though the two sources of money are fundamentally the same. And some have a libertarian attitude, pushing employee ownership experiments as "socially responsible forms of privatization" (48), citing studies by the Reason Foundation, a libertarian think tank.

It is this last group that stands the best chance of promoting true worker ownership and self-management. For while the state may have more resources at its disposal for financing worker control, government money always comes with government strings. The most dangerous of these — because it is so tempting — is protection. Activists who point to mismanagement as a source of America's economic decline often fail to realize that it is government subsidy that has shielded managers from the force of their mistakes. Market discipline, conversely, is what is driving so many corporations to accept employee participation in ownership and management.

Worker-owned businesses that receive little or no subsidy look to the free market for creative solutions to problems once considered the government's domain. We have already seen how, while most of the left pressured for government action to stop plant closings, Weirton employees took over their plant themselves and made it a solvent — and democratic — business. Similarly, when the worker-owners of Colt Enterprises faced offshore competition, they responded with neither calls for protection nor wage cuts and layoffs, but with their own line of high-quality specialized women's sportswear. In fact, "rather than battling the workers who obtained their lost Levi's and Liz Claiborne contracts, Colt . . . resolved to work with them in solidarity," by putting $1 of the manufacturing price of each of their products toward education for workers in the Dominican Republic (36). No protectionism here!

Still, many people don't seem interested in working "in solidarity" with others beyond their immediate friends and family, and quite a few don't appear intrigued by the thought of having a say in how their workplaces are run, either. Consider Burger King again: will making mass-produced fish sandwiches ever be a meaningful sort of self-expression? (Don't try to dodge the question by suggesting that there will be no crummy fast food in the anarchist utopia of tomorrow; there's a market for it now, even with tastier, healthier food available for the same price in a much more convivial atmosphere down the street.) Will entry-level workers at traditional "first job" spots like Burger King want to be employee-owners at all? Do they have the skills that management requires?

I doubt that the Home of the Whopper is built for conversion to self-management. Mere employee ownership, management intact, could work as well there as anyplace else, of course; at the very least, the financial incentive of a share of the profits might make for improved service. But division of labor exists for a reason. When I worked at Burger King, I knew how to make sandwiches; I didn't know much of anything about sales and marketing. Total separation of labor and management may usually be a mistake, but so is putting all decisions up for everyone to debate. Besides, I didn't want a say in how the restaurant was run; I was there for the summer and no longer. I had a need for money, and Burger King was just a means to that end.

But I still can't forget how much smoother things ran when upper management was away. Or how even summer-only employees like me had incentive (namely, an easier time getting the job done) to figure out better ways of doing things. Or how most of us, bad at marketing though we may have been, knew more about keeping the kitchen going than that fellow from Houston did.

Though I have a hard time imagining Burger King reorganized as an anarcho-syndicalist collective, I'd bet serious money that a dose of employee participation and ownership might help it out a bit. It's certainly helped a lot of other firms: according to separate studies conducted by the National Center for Employee Ownership and the New York Stock Exchange, firms with at least 10 percent worker ownership grow faster and have higher profits than those without. That implies that, even though many employees might not want to put in their two cents, just allowing those who do want to would be a boon. And more radical business structures, in which interested employees don't just "participate" but actually call the shots, are doing well too. That's what *When Workers Decide* is all about.

And don't be surprised if the number of employees interested in having a say is more than you expect. Nigel Balchin once put it this way: "Industrial psychologists must stop messing about with tricky and ingenious bonus schemes and find out why a man, after a hard day's work, went home and enjoyed digging in his garden." If the mass of people are so disinterested in creative, self-directed labor, why do they do so much of it when they don't have to? And might not at least some of them find a way to bring that initiative to the workplace, if only they had reason to believe that there was a place for it there?

A Step Toward Liberty

Worker ownership will never completely displace other forms of organization. It will, however, continue to grow, and in more and more different forms. Co-ops and democratic ESOPs are only the tip of the iceberg; flexible manufacturing networks, or FMNs (a form of "high-tech, small-scale artisan production" where "shops — many, although not all, worker-owned — form temporary and shifting alliances and cooperate in their use of computer-aided design, production, and marketing methods" [236]) already predominate in Italy's Emilia-Romagna region and are beginning to take root elsewhere, from Europe to Ohio.

A libertarian society, free of the state's regulation and control, will admit any form of voluntary organization, member-run or not. But libertarians should find a lot to support in the self-management movement because of the broader political and cultural current it suggests. People who own and manage their own workplaces have to understand the value of self-reliance and mutual aid; in a tight spot, that's all they can rely on. What use do worker-owners have for regulations meant to protect them from uncaring employers, for central plans that interfere with their own intentions, for a welfare state that duplicates their own mutual insurance pacts?

A society infused with both self-reliance and solidarity is a society with no need for a paternalistic state. A society filled with drones is a society predisposed to totalitarianism. ❑

Coming of age in America has not been made easier by literary "progress."

Le Morte d'Alger

David Justin Ross

There once was a time of heroes, when men and boys overcame great hurdles to accomplish great deeds, whether extending the American empire on land or sea, pioneering a new technology, or recovering a widow's stolen fortune. In those days, boys looked up to heroes and wanted to be like them, wanted regardless of being poor or orphaned or crippled to take risks and succeed. It was a time when the production of wealth was admirable, when the discovery of new medicines was a goal worthy of a life's dedication, and when honesty and honor were virtues worth teaching and learning. When our nation was a century newer, there was a class of literature that reflected the high ideals and honorable goals of adults and set out to teach them to new generations of young men.

Boys' adventure literature has lived through four periods, each with a distinct kind of writing setting the tone. What I call Prehistory, lasting approximately up to the end of the Civil War, saw the gradual evolution of a kind of writing that was meant to be read by boys and young men and that also was *about* them. The second period, defined by the working life of Horatio Alger, its most prolific author, lasted until the dawn of the twentieth century. With the closing of the frontier and the subsidence of the Age of Magnates, series fiction took over, producing the Golden Age of juvenile literature.

The Golden Age lasted for half a century before declining standards of education and social morality overtook it and produced the mess that is present-day juvenile fiction.

Definitions

Though there were plenty of books for boys that were about historical or fictional adults (the writings of G.A. Henty are good examples), by far the most influential and widely-selling books were about characters only a little older than their readers. What I call boys' adventure literature was written *for* boys or young men and was also *about* boys and young men. (Though there were parallel developments in fiction for girls, I will concentrate on boys' fiction, with which I am more familiar.)

Most boys' adventure literature was set in the common world of the day, small-town America. In this it followed the model of fairy tales. Fairy stories start off "Once upon a time" in a world of petty kings and paupers, woodcutters and impenetrable forests. When the classic fairy tales were composed, this was the normal world. Our perspective is distorted because the normal world of that time is now gone.

Boys' adventure literature works the same way. It begins with normal boys at home somewhere in small-town America. As with our experience of fairy tales, our perspective is similarly distorted with respect to this fiction genre, since small-town America is not the daily experience of most Americans. Thus the setting itself, meant by the authors to be a firm grounding in everyday life, seems itself a kind of fantasy world.

The era in which this literature first developed had some strange contrasts. Most boys lived in an extremely restricted world, a world in which the daily routine revolved around family, farm work, church, and perhaps school. On the other hand, boys of that era were often required to take on the responsibilities of manhood very early. Many leaders of wagon trains were in their teens. At that age many boys were

fathering families and girls were bearing children. Society therefore presented the contrasts of a very constrained life for most juveniles with a small minority having tremendous responsibilities and living lives of significant peril and adventure. While the frontier was still open, the lives of that minority, romanticized and exaggerated, formed the escapist literature of the stay-at-homes.

A critical element of Golden Age adventure fiction is the accomplishment of an important goal. This goal might be global (such as winning the Spanish-American War or settling Oregon) or personal (creating a great industry or learning to use a new kind of machine), but it is always something important, external to the person, that meets an internal goal. Since this is adventure literature, there are all kinds of hardships and difficulties besetting the protagonists; since this was heroic literature, the protagonists overcome them and reach their goals. Always, the difficulties of birth or education or opposition by enemy characters were obstacles to be overcome while accomplishing the main goal. The difficulties themselves are only important because they are in the way.

In this literature, the overall goodness of the world and its inhabitants is accepted as a given. The world can be changed by people who want to change it and most people are good and helpful. There are, of course, opponents and evil people to be overcome, but they are decidedly in the minority. They do not represent the normal state of the world; their evil is a perversion and is known to be.

A second critical element of adventure literature is that it taught. In the preface to the 1852 book *The Boy Hunters,* Captain Mayne Reid explains why he is writing:

> For the boy readers of England and America this book has been written and to them it is dedicated. That it may interest them so as to rival in their affection the top, the ball, and the kite. That it may impress them so as to create a taste for that most refining study, the study of nature. That it may benefit them by begetting a fondness for books, the antidote to ignorance, idleness, and vice has been the design, as it is the sincere wish of their friend the author. [1]

From Reid on, authors intended to entertain boys, to teach them how to do interesting things, and to teach them how to live right.

Always, the difficulties of birth or education or opposition by enemy characters were obstacles to be overcome while accomplishing the main goal. The difficulties themselves are only important because they are in the way.

"Let you keep enough for bus fare? — You want to get me in trouble with the union?"

The hero of these books often follows a regular pattern. First, he learns *how* to do something. This may be how to ride a horse or drive an automobile or assemble an airplane, but it requires the acquisition of some particular skill. Next, he learns the *importance* of that knowledge. The hero may suddenly be called upon to scout for Indians or deliver an important message. Finally, he learns the importance of the *right use* of that knowledge for his own and for other people's benefit — to make some bad situation better — and in the process he undergoes a *change* for the better. This change is generally both in an external situation — he rescues and marries the heroine or his successful company makes him a magnate of industry — and internal — he becomes a better person.

This branch of American literature is important for a number of reasons. Most of our fathers and grandfathers grew up reading it, and it helped set their world-view and the world-view of most men who grew up before the middle of this century. It reflected the optimistic and moral perspective of most Americans of its day, and its degeneration since 1950 reflects and contributes to social changes for the worse.

The Prehistory of Boys' Adventure Literature

The ultimate origins of boys' adventure stories are lost in antiquity, as are those of the adult adventure fiction from which it sprang. As far back as there is writing of any kind, there is adventure literature: the epic of Gilgamesh is the world's oldest book. More widely known in the European tradition is Homer, which once upon a time every English and American boy learned in school. Many of the English read him in the original.

Literature whose primary purpose was to tell an interesting story while teaching right living can be traced from Aesop's *Fables* and the biblical book of *Esther,* through medieval morality plays and classical fairy tales to Bunyan's *Pilgrim's Progress.* In *Pilgrim's Progress* all the elements were present except the specific address to boys. It is didactic: its purpose is to teach the way of salvation. It is adventurous: there were a lot of perils and obstacles to be overcome on the way to the Heavenly City. It was also a widely-read book, often the only book a family owned besides the Bible. The centuries since it was written have not lessened its virtues at all, and if it is less widely read today, that is our century's loss.

Around the middle of the 19th century literature specifically addressed to boys evolved. One reason was that the population in the United States was becoming literate and literate juveniles were a ready market. Both the increase in education and the availability of

time to read were the result of the increasing wealth of America. A larger and larger part of the population no longer had to spend all its time working just to survive. Plus, paper became cheap to produce with the discovery of how to make paper from wood pulp, and the printing process became automated. Cheap paper and increasing literacy led to a great increase in the number and diversity of publications in the late 19th century.

During Prehistory, there was relatively little literature directed at girls. One reason for this was a lower literacy rate among girls. Another reason was that, no matter how much the girls actually participated in the adventures of the time — particularly in settling the west — they were expected to stay home, bear children, mend clothes and play it safe.

The Early Days: 1867–1899

Mayne Reid's books and other such stories were indicative that something was beginning, but boys' adventure fiction did not really take root as an independent genre until 1867. In that year, Horatio Alger's first book, *Ragged Dick, or, Street Life in New York* was serialized. The following year it was published in book form.

About the same time as the first Alger stories, other series began which showed boys working in various professions. One example is *The Boy With the National Survey*, which told of a boy with the Coast and Geodetic Survey doing actual surveying. The protagonist in these books was a boy working at a real job. Often, the setting was quite important. *With Dewey at Manila* was released to coincide with the Spanish-American War, and showed that war up close and from the perspective of a boy.

The Golden Age lasted for half a century before declining standards of education and social morality overtook it and produced the mess that is present-day juvenile fiction.

Also during the final third of the nineteenth century, books aimed at girls first appeared. In many cases, the writers might as well not have bothered. If the boys' books were sometimes too sweet, the girl's books were cloying. *Elsie Dinsmore*, the most popular girls' series of the 1870s, '80s and '90s, should have carried a saccharine warning label. As Leslie McFarlane says in his autobiography, *Ghost of the Hardy Boys*:

> There was a long shelf of Elsie Books, all perpetrated by a lady named Farquharson who got her start, like Horatio Alger, writing for Sunday School publications. She used the alias of Martha Finley. . . . [and] in the Himalayas of junk turned out by writers of juvenile fiction, the Elsie Books stand like Everest as the worst ever written by anybody, and . . . Elsie Dinsmore is without peer the Most Nauseating Heroine of all time. [2]

Another major contributor to the literature of the period was the Dime Novel. It was printed on pulp and filled with dreadfully written stories and wild tales that purported to be histories of people like Jesse James. The adventures were generally set sufficiently far from the readers that none really could judge the accuracy. Thus books published in the East were about "The West," and vice versa. Dime novels were roundly railed against by parents and ministers, which is to say, they became extremely popular.

One step up (in quality of content) from the Dime Novel were the pulp magazines. In quantity, the pulps outdistanced everything else published at the time, and some of the pulp writers themselves were prolific indeed. Quoting McFarlane again:

> For sheer volume it is unlikely that anyone ever equalled Frank Richards who wrote a 30,000-word story, the entire contents of "Magnet," an English magazine for boys, every week for thirty years. . . . [The magazine was about] an imaginary public school for boys, called . . . Greyfriars. Just to nail down Mr. Richard's claim to the all-time heavyweight title, it should be noted that . . . [t]he only rival to "Magnet" was a weekly paper for boys called "Gem," about . . . another boys' school named St. Jim's, penned with unflagging zest and regularity by one Martin Clifford. Admirers of "Magnet" and Greyfriars often debated hotly with fans of "Gem" and St. Jim's over the respective merits of authors Richards and Clifford. These disputes ended with the incredible revelation that Frank Richards was also Martin Clifford.[3]

Richards wrote all of both magazines for years, nearly 2500 novella-sized works during his lifetime. You can imagine the quality. He almost certainly holds the record for volume, but in sales he is swamped by that peculiarly American institution, Horatio Alger.

Most of our fathers and grandfathers grew up reading this type of American literature. It reflected the optimistic and moral perspective of most Americans of its day, and its degeneration since 1950 reflects and contributes to social changes for the worse.

Horatio Alger

There are two uncontested truths about Horatio Alger: First, he is the best-selling writer in American history. He wrote 125 books, a total surpassed by a number of authors, but those books have together sold more than 400 million copies. Second, and equally important, with the possible exception of the author of the Elsie books, Horatio Alger is the worst writer in American history. To give him proper credit, he never professed to be anything but a hack writer. His greatest claim to fame is as the inventor of the formula novel. As many subsequent writers have done, Horatio Alger made his living writing and rewriting the same story.

Alger was the son of a Unitarian minister. He too became a minister, only to be fired by his congregation within two years for spending too much time writing. After *Ragged Dick* became a smash success, he moved into a home for street kids in New York and

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there spent the rest of his life writing for the edification of the homeless boys. These books, however dreadful they are, nonetheless were intended to be didactic and to show boys that if you are in a bad situation, that isn't where your life has to end. You can work hard, save your money, and better yourself. Alger wasn't just the preacher of platitudes. He showed in detail how to raise yourself up. If his protagonist earned three dollars a week, Alger would show how he spent $2.75 — detailing the cost of every meal he ate — and saved the remainder for the future. Here is Walter Conrad, hero of *Strong and Steady*, about to set out to seek his fortune in Ohio:

> He selected a comfortable seat by a window, and waited for the train to start. He realized that he had engaged in quite a large enterprise for a boy of fifteen who had hitherto had all his wants supplied by others. He was about to go a thousand miles from home, to earn his own living — in other words, to paddle his own canoe. But he did not feel in the least dismayed. He was ambitious and enterprising, and he felt confident that he could earn his living as well as other boys of his age.[4]

This is the stuff that two generations of American youths grew up devouring in huge quantities. In many ways he was the writer of his age, the age of the industrial magnates. Horatio Alger's professional career demarks the first period of boys' adventure literature, which started in 1867 and ended with his death in 1899. With the new century, the Golden Age began.

The Golden Age, 1900–1950

The Golden Age is the age of series fiction, a continuing sequence of books with the same protagonists. There were series books in the early days, of course — the Elsie Dinsmore books and the four books of the Tom Sawyer series (*Tom Sawyer, Huckleberry Finn, Tom Sawyer Abroad*, and *Tom Sawyer: Aeronaut*) for examples — but in the first half of the twentieth century nearly all boys' (and girls') fiction books were part of a series. The Alger books, though very similar to each other, were not series books. Their protagonists grew from boyhood to manhood during the novel and then disappeared forever.

Series fiction in its modern form began in 1899 with the publication of the first great series, "The Rover Boys," whose author's name was Arthur M. Winfield. The next year, L. Frank Baum published *The Wonderful Wizard of Oz*, the beginning of both youth fantasy fiction and a series that eventually ran to 14 books written by him and more written after his death.

These books, however dreadful they are, nonetheless were intended to be didactic and to show boys that if you are in a bad situation, that isn't where your life has to end. You can work hard, save your money, and better yourself.

Many series had names that told what they were about: The Radio Boys, The Motor Boys, The Motion Picture Chums, The Motor Boat Boys, the Airplane Boys. The heroes had names like Dave "Dauntless" and Ken "Fearless." Most of these names sound strange and stilted to us today, but others seem less odd: Tom "Swift" and the "Hardy" Boys are part of the same convention, but either because the series are well known or because the names are real names, they seem less peculiar.

Boy Scout Fiction

There was an entire subgenre dedicated to Boy Scout Fiction. The Boy Scouts were founded by Baden-Powell in 1910 and came to the United States in 1911. The Boy Scouts turned out huge quantities of writings. Probably the best known of the Boy Scout authors was Percy Keese Fitzhugh who wrote the Peewee Harris, the Westy Martin, the Roy Blakely, and the Tom Slade books. The Scout fiction adhered closely to the didactic tradition. They were, of course, aimed at the boy who was considering scouting or already involved in it. A typical book is *Tom Slade at Temple Camp*. Its cover shows a uniformed boy blowing a bugle while, in

the background, two scouts signal with semaphore flags.

These books taught the Scout virtues, and wholeheartedly endorsed the Boy Scouts as a movement. The ones by Fitzhugh, at least, are well written, with characters that have real worries and hopes. *Tom Slade at Temple Camp* talks about the three medals for lifesaving that the Boy Scouts had: the bronze for saving another's life, the silver for saving it at substantial risk to your own life, and the gold, for saving it at grave risk of your own life. In this quotation, two scouts are discussing the medals:

> "I suppose the gold cross is the highest award they'll ever have, hey?"
>
> "Guess so."
>
> "There's nothing better than gold, is there?"
>
> "It isn't because there's nothing better than gold," said Garry. . . . "It's because there's nothing better than heroism — bravery — risking your life."[5]

Because the Scout books were very popular, they engendered *fake* Boy Scout stories. These often had the same picture on the cover, and names with "Scout" prominently in the title, but here the word meant someone running around in a distant land killing natives, and had nothing to do with Boy Scouting at all. Needless to say, the Boy Scouts hated the fake books. Several of the real books mentioned the fake ones by name (though slightly disguised) in order to rail against them.

The Technology Books

This brings me to my favorite series fiction, the scientific ones. There were a considerable number of series dedicated to explaining and showing the use of some new technology. The series were usually named for the technology. There were two different series called "The Radio Boys," one called "The Radio Girls," an "Airship Boys," an "Aeroplane Boys," and an "Airplane Boys" series. In addition were "The Motor Boys," "The Motor Boat Boys," "The Submarine Boys"; in short, a series for nearly every interesting technological invention of the day.

Here is a segment from *Trailing a Voice*, published in 1922. An adult protagonist has just returned from a trip to Washington:

> "But the pleasantest recollection I have of the trip," he went on, "was the speech I heard the president make just before I came away. It was simply magnificent."
>
> "It sure was," replied Bob enthusiastically.
>
> "Every word of it was worth remembering. He certainly knows how to put things."
>
> "I suppose you read it in the newspaper the next day," said Mr Preston, glancing at him.
>
> "Better than that," responded Bob, with a smile. "We all heard it over the radio while he was making it."
>
> "Indeed" replied the principal. "Then you boys heard it even before I did."
>
> "What do you mean?" asked Joe, in some bewilderment. "I understood that you were in the crowd that listened to him." . . . "You see it's like this," the schoolmaster went on to explain. "Sound travels through the air to a distance of a little over a hundred feet in the tenth part of a second. But in that same tenth of a second that it took the President's voice to reach me in the open air radio could have carried it eighteen thousand six hundred miles."[6]

This little discourse on the relative speeds of light and sound is just thrown into the story to teach a little more about radio. This book, in the course of a fictional adventure, meant to teach kids as much about radio as they could absorb — how to use it, how it worked. Such attention to the fine details of the technology characterized the technology sub-genre.

Edward Stratemeyer

A genre of series fiction that became popular during the Early Days and remains so today is the detective story. These started as fiction for adults, but rapidly found a home in juvenile literature. Indeed, the two most popular juvenile series of all time were detective stories.

One of the most popular pulps was Street and Smith's "Nick Carter Detective" stories. It is instructive that twenty-two of these early detective stories were written in the early 1890s by a man whose name stands above all others in the history of juvenile literature: Edward Stratemeyer. Who? Books

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created by Stratemeyer singlehandedly accounted for 80% of all published juvenile literature sold between 1898 and World War II (he himself died in 1930). Five of the series created by him are still in print and still being added to, and today collectively sell more than three million copies a year. But you don't know him by the name of Edward Stratemeyer. (Unless, of course, you read my article "The Mystery of the Missing Detectives," *Liberty*, November 1992.)

A year or two ago, there was a billboard on display along Highway 101 in Silicon Valley showing a portrait of L. Ron Hubbard (who at that point had been dead for four or five years) and the caption, "Twenty Five National Best Sellers and More to Come." The Scientologists did not invent the idea of books written by dead authors. The inventor of this valuable concept was Edward Stratemeyer. He was the literary executor of Horatio Alger's estate. No one ever found any papers naming him to that role, but it was one he carried out with great enthusiasm over a number of years. He also did the same for Oliver Optic (William Adams), another prolific writer of the late 19th century.

What Stratemeyer was doing, of course, was writing new stories himself. This gave him an idea. If dead authors could continue to write books, then non-existent authors could also write books. Thus was born the Stratemeyer Syndicate. Stratemeyer hired authors, gave them outlines, and paid them to write books under a house name. Some of these house names and the series they "authored" should be familiar. The list goes on for pages, but here are a few of the major ones churned out by the Stratemeyer Syndicate:

Series	Author
The Rover Boys	Arthur M. Winfield
The Bobbsey Twins	Laura Lee Hope
The Motor Boys	Clarence Young
The Motor Girls	Margaret Penrose
Tom Swift	Victor Appleton
Baseball Joe	Lester Chadwick
Motion Picture Chums	Victor Appleton
The Moving Picture Boys	Victor Appleton
The Moving Picture Girls	Laura Lee Hope
The Movie Boys	Victor Appleton
The Outdoor Girls	Laura Lee Hope
Ruth Fielding	Alice B. Emerson
Fairview Boys	Frederick Gordon
Corner House Girls	Grace Brooks Hill
Bunny Brown and his Sister Sue	Laura Lee Hope
Dave Fearless	Roy Rockwood
Betty Gordon	Alice B. Emerson
The Blythe Girls	Laura Lee Hope
Don Sturdy	Victor Appleton
Barton Books for Girls	May Hollis Barton
Bomba the Jungle Boy	Roy Rockwood
Nat Ridley Rapid Fire Detective Stories	Nat Ridley, Jr.
X-Bar-X Boys	James Cody Ferris
The Hardy Boys	Franklin W. Dixon
Ted Scott	Franklin W. Dixon
Roy Stover	Philip A. Bartlett
Nancy Drew	Carolyn Keene
The Dana Girls	Carolyn Keene
The Happy Hollisters	Jerry West
Tom Swift Junior	Victor Appleton II

Two books that chronicle how the Syndicate worked are *Ghost of the Hardy Boys*, by Leslie McFarlane, and *The Secret of the Stratemeyer Syndicate* by Carol Billman. McFarlane wrote the first batch of Hardy Boys books (to Stratemeyer's outline), under the name of Franklin W. Dixon, from 1927 to 1944. In 1927 he answered an ad put out by Stratemeyer looking for a fiction writer to "fill out" a book written to outline form. Stratemeyer sent him an outline for each of the first three books in the series. These were *The Tower Treasure, The House on the Cliff*, and *The Secret of the Old Mill*. The idea was for the series to spring full-blown onto the publishing scene.

It is in these books that a minor pseudo-Alger character named Frank Hardy gets reincarnated. No longer a book agent in an Alger book (written by Stratemeyer), he is, along with his brother Joe, the amateur detective son of Fenton Hardy, a famous professional detective. Through more than a hundred and fifty books in two series, Frank and Joe have aged only a couple of years from the first book where they were sixteen and fifteen, respectively. The Hardy Boys is second only to Nancy Drew as the biggest selling juvenile fiction series of all time.

McFarlane had no idea what he was starting when he answered Stratemeyer's ad. All he knew was that he would be paid $125 for each book, which was a fairly good sum in 1927, particularly since each book only took him a couple of weeks to write. McFarlane's Hardy Boys books aren't bad. They are not great literature, or intended to be. By today's standards the language is occasionally involuted and verbose, but McFarlane took a fair amount of care with them. He knew his audience and added humor and good cheer to Stratemeyer's rough outline. This is the arrival of the Hardy Boys' Aunt Gertrude:

> "Sweet spirits of nitre, Aunt Gertrude herself!"
>
> "No!"
>
> "Yes!"
>
> "Let me see!" Frank rushed to the window in time to see Aunt Gertrude, attired in voluminous garments of a fashion dating back at least a decade, laboriously emerging from the taxicab. She was a large woman with a strident voice and the Hardy boys could hear her vigorously disputing the amount of the fare. This was a matter of principle with Aunt Gertrude, who always argued with taxi drivers as a matter of course, it being her firm conviction that they were unanimously in a conspiracy to overcharge her and defraud her at all times. With Lavinia (her cat) under one arm, and a huge umbrella under the other, Aunt Gertrude withered the taxi driver with a fiery denunciation and, when he helplessly pointed to the meter and declared that figures did not lie, she dropped both the cat and the umbrella, rummaged about in the manifold recesses of her clothing for a very small purse, produced the exact amount of the fare in silver, counted it out and handed it to the man with the air of one giving alms.
>
> "And just for your impudence, I shan't give you a tip!" she announced. "Carry my bags up to the house!"
>
> The driver gazed sadly at the silver in his hand, pocketed it, and clambered back into the car. "Carry them up yourself," he advised, slamming the door. The taxi roared away down the street.
>
> Frank chuckled. "That's one on Aunt Gertrude."
>
> But Aunt Gertrude had no intention of carrying the bags up to the house. Suddenly she glared up at the window from which the two boys had been watching the scene. "You two boys up there," she shouted. "I see you. Don't think I can't see you. Come down here and carry up the bags. Hustle now." They

hustled.[7]

This writing was typical. Not great literature, but fun, and it certainly paints a vivid portrait of Aunt Gertrude.

The chief rival to the Stratemeyer books, both in sales and intent, were the Boy Scout books. The Stratemeyer books raised nearly as much ire at Boy Scouts of America as did the fake scouting books. The Boy Scout books had the clear goal of teaching boys how to live right and how to acquire certain skills, while Stratemeyer's books were mostly just for fun, and of course to make him money. The kids in the Stratemeyer books were rarely under any adult supervision to speak of, while in the Boy Scout books, the adult supervision was far more obvious, both with the direct presence of Scout leaders, and with the imposed discipline of Scouting.

Fitzhugh, writing before the Hardy Boys but after the Rover Boys and other early Stratemeyer series, wrote explicitly in opposition to the books of the Stratemeyer Syndicate, considering Stratemeyer's books to be unwholesome. The two sets of books exist in similar worlds, but there are differences. The Hardy boys may go to church, but the Boy Scout books are more explicitly Christian, and their protagonists are more explicitly taught self-discipline and morals. At the same time, the Boy Scout books are more realistic. Their heroes don't go chasing international spies in their home towns like the Hardy boys. They live lives that were available to every boy. They quite often get into harrowing situations but always in relatively ordinary circumstances like swimming on a lake or getting trapped in a forest fire. The protagonists have problems to overcome and personality traits to fight against. People get better or they get worse. Overall, the Boy Scout books are better written and of higher quality than the Stratemeyer books. Needless to say, the Stratemeyer books sold better.

By the time all was said and done, there were 125 series put out by the Stratemeyer syndicate. To show the productivity of Stratemeyer's book factory, this should be compared to the 125 total books written by the extremely prolific Horatio Alger. Stratemeyer

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used 68 pen names, 47 of which belonged to the Syndicate. In all, the Stratemeyer series encompassed 1,300 book titles, with more than 200 million books sold. Nancy Drew and the Hardy Boys were most popular. A total of 80 million Nancy Drew books and 75 million Hardy Boys books have been sold.

Through more than a hundred and fifty books in two series, Frank and Joe Hardy have aged only a couple of years from the first book where they were sixteen and fifteen, respectively. The Hardy Boys is second only to Nancy Drew as the biggest selling juvenile fiction series of all time.

Despite such popular newcomers to the juveniles market as Sweet Valley High, Nancy Drew continues to be the best-selling fiction series, with sales of about a million copies annually, and the Hardy boys second, with sales totalling just under a million.

The Themes of Boys' Adventure Literature

The implicit or explicit world view of nearly all pre-1950 boys' literature is clear: *The world is outside of you, not inside.* The world is important. The world is malleable. Learning how to do things is important. It may be how to track and catch an animal (or a man), or how to build a radio set, or how to carry a message in battle, but what you learn is important and what you do with the knowledge matters. Actions have consequences. If you do something, it has a consequence in the external world, for good or ill, and you are responsible for those consequences. In the course of a normal life moral choices must be made, and those choices are important and have consequences as well. Your actions and choices also affect you. In these books, whether Boy Scouts or Stratemeyer or any of the others, the protagonists change, usually for the better, as a result of their deeds. In long series such as the Hardy Boys, the main characters cannot go on changing indefinitely, but even in them, secondary characters evolve as a result of what they do and what happens to them.

The books are optimistic. The world is a decent place, with perhaps a few bad apples, but most people are helpful and good, and in the end, good triumphs over evil and adversity. Except in the expressly detective fiction like the Hardy Boys, most evil and adversity are there to hinder the heroes in achieving their goals. The heroes are not expressly trying to overcome adversity. They are trying to accomplish goals and the adversity and evil characters must be dealt with because they get in the way.

Technology is good. It is the result of people who set out to create better ways of doing things and succeeded. Technological devices make the world easier and better. If a blind man cannot read, radio opens a wider world for him. If a doctor has trouble reaching patients quickly enough in his horse and buggy, the automobile will get him there faster.

Modern Juvenile Fiction

Golden Age books survived the Depression, though their numbers shrank, and many made it through World War II. But by 1950 the decline had begun. That is the watershed year dividing the Golden Age from the modern era.

There are, of course, still shelves of books turned out each year for the juvenile market. It is still primarily aimed at boys or girls separately. Romance fiction, which has nearly destroyed constructive reading in adult female middle America, has made the same inroads in the younger set with such series as "Sweet Valley High," which chronicles life in and around a school of that name.

Representative of modern writing, and the darling of educators everywhere, is the "My life is miserable and nobody likes me" school of writing, personified by Judy Blume. These modern books are much better written than the Golden Age books, at least in terms of grammar and syntax. It is their content that is poisonous. I listened to Judy Blume on "Sonya Live," a talk show. Blume was very intelligent and witty, and yet I found myself having a very negative response to her. It finally dawned on me that in all her discussion, nowhere did she say that people have responsibilities, that people's actions have consequences. Instead, her entire output is dedicated to victimology. Consider the introduction to Judy Blume's book *Blubber*:

> Yearling Books . . . are designed especially to entertain and enlighten young people. Charles F. Reasoner, Professor Emeritus of Children's Literature and Reading, New York University, is consultant to this series.[8]

The old series didn't need professional child psychologists, and that may account for why they taught rather than "enlightened." Perhaps it is the influence of Dr Reasoner that makes Judy Blume's characters professional victims. This quotation is near the end of *Blubber*. The main character is writing a letter to a friend of hers:

> . . . Things are not the greatest in school either. I am having this special problem.
>
> It doesn't have to do with reading or math or anything like that. It's much worse. A lot of people don't like me anymore. And for no good reason. I'm trying hard to pretend it doesn't matter, but the truth is, it does. Sometimes I feel like crying but I hold it in. I wouldn't want to spoil your vacation, so I won't say anything else.[9]

In the old days if anyone cared about being liked by the general population, it would have been a problem to overcome at the beginning of a book, resolved at the end. What Judy Blume and others of the pop psychology school are doing today is teaching children how to "cope." The heroes of Golden Age fiction don't cope. They go out and *change the world*. Today, characters cope. That is what has gone wrong. Without any sense of how well they have characterized what is wrong with Judy Blume's writing, the blurbs on the cover are instructive:

> "An inside look at how obnoxious some well-to-do suburban fifth-grade children can be to each other and to adults." — *Booklist*
>
> "This book focuses on the dormant indiscriminate cruelty of the mob and the absolute evil of any leader

who uses her powers to direct that cruelty against a victim. . . . [*Blubber*] will be read by many children who love her books."

— New York *Times Book Review* [10]

These comments sound like Ayn Rand parodies of modern book reviews. Unfortunately, they are real. In the old books, knowledge and technology were good things. Right use of knowledge (morals) was a good thing. The world was important. And the books were entertaining. All of that is gone, except for the "entertaining" part, and if you suffer through stuff like *Blubber*, you may fear that's gone as well.

The change started in the Great Revision. From 1950 through 1977 more than 100 of the Stratemeyer books, primarily from the best-selling series, were revised: The Bobbsey Twins (which started in 1904 and are still being added to), The Hardy Boys (1927), and Nancy Drew (1928). The purpose of the revision was to update the setting, to update the language (get rid of roadster and flivver and insert convertible), to eliminate ethnicity, and to dumb them down. These changes are passed off with a little blurb at the beginning of each revised book: "In this new story, based on the original of the same title, Mr Dixon has incorporated the most up-to-date methods used by police and private detectives." No indication of what has actually taken place, of how the books have been altered. The results are predictable. The characters in the new Hardy Boys books have no introspection, no evidence of reasoning going on for the actions they take, and the pace has been accelerated until there is nothing but action. If characters were cardboard in the original books, they are paper now. Gone are any changes or growth of characters. For instance, the colorful introduction of Aunt Gertrude quoted earlier is gone now, replaced by *nothing*, no introduction; Gertrude is *just there*. All character has been edited out of existence. [11]

The chief rival to the Stratemeyer books were the Boy Scout books. The Boy Scout books had the clear goal of teaching boys how to live right and how to acquire certain skills, while Stratemeyer's books were mostly just for fun, and of course to make him money.

That happened in the most famous series, but it reflected the changes in the rest of the world. What happened? How did the Judy Blumes win?

The Depression probably started it. The books kept selling during that time and were not changed, but the Depression and World War II made people long for more security. The frontier ideal, dead officially at the end of the 19th century with the closing of the frontier, lingered on through the twenties. But the thirties and the forties killed it. Adults, at any rate, didn't want adventures. They wanted a stable and secure world.

Television would seem a likely target, and it certainly has contributed to the fall-off in literacy, but boys' adventure fiction was already being pablumized before TV became universal. Television just followed the same course, a decade later.

On top of the anti-controversy fifties came the socially-conscious sixties. No longer was it okay to pursue an individual goal unshared by others. Social goals became more important than personal goals. Racial equality in the school became more important than actually teaching anything. Universal education, which late in the 19th century created the vast market for these books, helped degrade them in the end as "universal" gave way to "identical," and education was aimed at the lowest common denominator.

Where is this leading us? A recent issue of *Time* got it right. The change has made us "a nation of crybabies," [12] a nation of people who never pin responsibility for what happens to them where it belongs: on themselves. We have created a nation of degraded people who are teaching the next generation an even lower and more degraded sense of value. We say that nothing you do is your fault, and wonder why joggers are beaten and raped in Central Park. We believe "if it feels good, do it," and wonder why 40,000 people a year die of AIDS.

Not all is yet lost. People have begun to notice that something is badly wrong. The August 5, 1991 edition of *People*, for example, has an article called "Hardy Once Again," about Phil Zuckerman and his Applewood Books. Zuckerman bought the rights from Simon and Schuster (who had previously bought the Stratemeyer Syndicate) and Applewood Books has reissued the first three Hardy Boys and the first three Nancy Drews complete with the original cover art.[13]

The implicit or explicit world view of nearly all pre-1950 boys' literature is clear: The world is outside of you, not inside. The world is important. The world is malleable. Learning how to do things is important. What you do with knowledge matters. Actions have consequences.

Curiously, the idea of proactivity — that the world is moldable to human will, and worth molding — survives nearly intact in two related areas of juvenile literature: Fantasy, and Science Fiction. On the fantasy side, Madeleine L'Engle, C.S. Lewis, and Susan Cooper all wrote or still write good stories solidly in the old tradition. On the science fiction side are L'Engle again, Robert Heinlein, and a number of less known writers, including Barbara Bartholomew, author of the Time Keeper trilogy. In all of these works there are problems galore for people to overcome, many of them deep within the person himself, but they are incidental to the real goals to be accomplished. This sense of values, probably more than the technology, helps explain why the Radio Boys sound to us so much like science fiction. The old sense of wonder and of progress remains.

Today, responsible storytelling has retreated to a corner, but it has begun to turn and fight. Someday, it may regain the field. ❑

1 Mayne Reid, *The Boy Hunters*. (Boston: Ticknor and Fields, 1852), p. 1.
2 Leslie McFarlane, *Ghost of the Hardy Boys*. (New York: Methuen/Two Continents Publications, 1976), pp. 160–161.
3 ibid. pp. 156–157.
4 Horatio Alger, Jr., *Strong and Steady*. (New York: Hurst & Company, date unknown), p. 168.
5 Percy K. Fitzhugh, *Tom Slade at Temple Camp* (Racine, Wisconsin: Whitman Publishing Co., 1917), pp. 174–175.
6 Allen Chapman, *The Radio Boys Trailing a Voice*. (New York: Grosset & Dunlap, 1922), pp. 12–13.
7 Franklin W. Dixon, *The Missing Chums*. (New York: Grosset & Dunlap, 1928), pp. 54–56.
8 Judy Blume, *Blubber*. (New York: Dell Publishing Co., 1974), p. 1.
9 ibid., p. 139.
10 ibid., back cover.
11 For a colorful account of how the author of the original passage discovered its excision, see McFarlane, op. cit., pp. 93–95.
12 Jessie Birnbaum, "Crybabies: Eternal Victims." *Time*, August 12, 1991 (cover story).
13 For a more complete discussion of the Hardy Boys series, see my "The Mystery of the Missing Detectives," *Liberty*, November 1992, pp. 69–75.

Booknotes

Heretics All — Heretics, even dead ones, who refuse to genuflect before the empire's secular saints are in big trouble. The latest guest of honor at an auto-da-fé is the director Frank Capra, who made two extraordinary films (*It's a Wonderful Life* and *Mr Deeds Goes To Town*) and several lesser but still fine pictures.

Capra was never a political hack or partisan, but he operated from this noble and heartfelt belief, spelled out in his charmingly bitter autobiography, *The Name Above the Title*: "When I see a crowd, I see a collection of free individuals: each a unique person; each a king or a queen; each a story that would fill a book; each an island of human dignity."

Capra made no secret of his politics: he was an individualist progressive along the lines of Burton K. Wheeler (the rumored model for Jefferson Smith in *Mr Smith Goes To Washington*, a film Wheeler hated). Capra detested the New Deal, as did so many of our finest artists and writers and poets, among them Robert Frost, Robinson Jeffers, Maxwell Anderson, e.e. cummings, and Edgar Lee Masters.

Frank Capra was faithful to his wife, kind to his co-workers, and he left us a rich body of work. But his latest biographer, Joseph McBride, has uncovered a secret so shocking that it has sickened and outraged book reviewers, however inured they are to the usual human depravities. McBride's discovery, revealed in ***Frank Capra: The Catastrophe of Success*** (Simon and Schuster, 1992, 512pp., $24.00), is this: Frank Capra hated Franklin D. Roosevelt!

He voted against Saint Franklin four times. He and Adolphe Menjou "used to get together and excoriate FDR," whom Capra thought was a "dictator." Unlike FDR, who "managed to transcend the selfishness of his privilege," the Sicilian immigrant Capra cherished America for the opportunity it provided; he was guilty of the "reactionary idealization of small-town America." And if that weren't enough, "with his general lack of intellectual sophistication . . . Capra never progressed beyond a superficial understanding of Marxism. His deep-seated emotional bias against collectivism and in favor of rugged individualism" kept him from a proper appreciation of the New Deal. Etcetera.

H.L Mencken's reputation survived the recent fracas over his Roosevelt-hatred, and so will Frank Capra's. But until our forbears get the biographers they deserve — independent men and women who understand that there used to be real debate in this country, and that most artists are iconoclasts averse to sucking up to the powerful — the posthumous slander of great Americans will continue. —Bill Kauffman

Spontaneous Life — Even as academe seems to grow more stilted and bureaucratic, fresh paths of study emerge in the cracks between the discipline walls. One of the most fascinating of these cross-fertilizations is *artificial life*, a vibrant but mostly invisible field located somewhere between computer science and biology. ***Artificial Life*** (Pantheon, 1992, 320pp., $24.00) by journalist Steven Levy, is the first comprehensive popular guide to what a-life is, where it's going, who's behind it, and what it all means.

Briefly, a-life is the artificial simulation of evolution within an entirely electronic environment. Simple rules are laid down by the programmer; from these, complex ecosystems develop and grow. Life, in this view, consists not of matter itself but of the processes that animate that matter and those processes could as well be applied to pure information in the virtual realm of computer memory as to actual stuff we can touch. Thus, for example, comes the genetic algorithm: rather than program a computer to solve a given problem, a programmer allows a program to *evolve*, in a procedure modelled after actual genetic breeding. It works, too; programs emerge that regularly outperform those specifically created to solve the task at hand.

One of the most fascinating chapters deals with the application of a-life principles to robotics. Previously, the robotic ideal was the creation of an artificial intelligence that controlled all the robot's mechanical functions, reacting in a different way to each possible stimulus. The practical result of this was a very powerful — and powerfully *slow* — robot brain that controlled the robot's every move by observing everything around it, reacting after 15 minutes or more of deliberation, then spending another quarter-hour looking around. Then new pioneers started to devise something different: small, fast mechanical creatures, each of which knows only a few tasks but all of which together learn to interact with their en-

vironment. The result is something more akin to a termite colony than a traditional artificial intelligence, but it's an improvement, or a step back. It can adjust, and learn, rather than remain helpless in the face of strange environments. It can afford to lose constituent parts, where older robot systems react cataclysmically even to moderate damage. It is, in short, a self-regulating system, with all the open-endedness and resilience that that suggests.

Or, if you would prefer, it is a spontaneous order emerging from a few general rules, rather than a planned order based on many centralized commands. There is something remarkably Hayekian about this entire enterprise; reading *Artificial Life*, stimulates a tremendous appreciation for the nature of unplanned order. One also feels the excitement of discovery and invention: the people Levy describe are pioneers doing their darndest to create something new in the inert environment that is the modern American research university.

I've barely scratched the surface of what a-life entails and haven't even begun to recount the story of how the field came to be. But why listen to me when Levy is ready to tell all? He is a skilled writer, capable of breathing life (so to speak) into both the characters that populate his book and the concepts he is explaining. The result is a thrill to read. —Jesse Walker

Fear and Loathing in Quebec

— Some Canadians seem to think the United States government is circling like a vulture waiting for the provinces of Canada to dissolve their union. This fear is groundless. Most Americans, if they think of Canada at all, are indifferent to the issue. A few Americans (some of them on staff at this magazine) oppose any such move because they see John Q. Canadian as a lily-livered milquetoast whose ancestors couldn't stick to it when the U.S. violently seceded from Britain 217 years ago. As for the U.S. government, a confidential source at the Dept. of Defense tells me that the agency (or several agencies) has investigated the possibility and decided that the only province of interest is British Columbia. (Perhaps it could be called "American Columbia," to distinguish it from the District of Columbia, which is hardly American any longer.)

With these thoughts of separatism and bad blood, I turned to *Oh Canada! Oh Quebec!* (Alfred A. Knopf, 1992, 271 pp., $23.00) by Mordecai Richler. It is a wonderful book. Richler, one of Canada's most famous writers, considers his native Quebec and its movement for separation with wit and a sense of humor. He shares with us conversations he overheard in Woody's Pub, his favorite watering hole in Montreal, and the Owl's Nest, his favorite pub in Magog near his vacation home. In this way we get a handle on what Canadians *really* think about the absurdities of modern-day Canada, particularly the language laws in Quebec.

The history of the language laws, which require that all advertising, public signs, and company names be exclusively in French, forms the structure of the book and provides a framework for his discussion of French-English relations. Richler sees the absurdities of the situation while making clear the sorrow and suffering that afflict all Quebecers, whatever their language. His love for Montreal is manifest and sincere. He celebrates its cultural diversity, but fears that this will change as the desire to ensure its Frenchness triumphs.

Part of his hostility to French separatism lies in its inclination to discriminate against Jews (like himself). Though I am sympathetic with him on his point, it doesn't seem to me to change the fact that French speakers have suffered for years from English speakers' paternalism and high-handedness. It is simply another wrong. —Kathleen Bradford

It's OK to Hate Everybody —

Make no mistake about it: Florence King is not nice. She is a woman who R.S.V.P.'d to a dinner invitation asking her to come only if she could refrain from smoking with: "Go fuck yourself."

In these times of cultural "healing" and social intolerance, a book attacking the feminization of America might get banned, burned, or at least suffer the disgrace of sluggish sales. It's dangerous to say: "Our feminized niceness has mired us in a soft, sickly, helpless tolerance of everything. America is the girl who can't say no, the town pump who

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lets anybody have a go at her." This charge and others like it, though, found their way into print, and I say it's about time. In ***With Charity Towards None: A Fond Look At Misanthropy,*** (St. Martin's Press, 1992, 194 pp., $17.95), Florence King offers a catalogue of misanthropic literary figures, hateful American cultural figures, and all out blasts on today's America, what she dubs "The Republic of Nice."

The characters she sketches include Irving Berlin, Ty Cobb, Richard Nixon, Ambrose Bierce, Ayn Rand and others. She praises Berlin's monomania, Cobb's violence, Nixon's crotchety disdain for youth, truth and the American way, Bierce's devilishness, and Ayn Rand's ability to alienate and destroy those close to her. She attributes Rand's contributions to the welfare of mankind as compensation for her rejection of her own Judaism.

But by the time I got to the epilogue, "A Misanthrope's Garden of Verses," I had had enough. It's not that I was finally bullyragged into wanting to stick up for mankind, or that she stepped on my sore toe, or that I felt sorry for someone so consumed with hate. I was simply bored with her tone. Yes, the excesses of what passes today for liberalism and most elements of our pop-culture deserve ridicule, even hyperbolic ridicule. But King wears on the ears like fingernails on a chalkboard. Vitriolic contempt is best in smaller doses.

—Brian Krohnke

Anti-Statist SF — I would be remiss not to note a new edition of F. Paul Wilson's Prometheus Award-winning science fiction novels *Healer, Wheels Within Wheels,* and *An Enemy of the State.* These three books are combined in a hefty paperback volume under the boring title ***The LaNague Chronicles*** (Baen Books, 1992, xi + 649 pp., $5.99). Though all SF, they are not the usual in series fiction, that is, retreads of the same plot. *Healer* is space opera, *Wheels* is a thoughtful little mystery dealing with racism and political manipulation, and *Enemy* is an imaginative account of a peaceful libertarian revolution.

Wilson is not a great writer *qua* writer. His failings, however, may not derive from a lack of talent, but from a regrettable admiration for Robert Heinlein and a hopeless desire to write good horror (he is the author of a "bestseller," *The Keep,* a mediocre novel that was made into a very bad movie). If you set your sights low . . .

But the novels in this collection are enjoyable. I count them as guilty pleasures, having read each of them several times. They are certainly better than Wilson's attempts to send chills up his readers' spines, and they have a sure place on that relatively small bookshelf of explicitly libertarian science fiction. And as an added bonus, Wilson provides a short preface that offers his political "testimony"; for those who collect such things, this is an interesting one, if a bit familiar. —Timothy Virkkala

Ideas In Action — Erika Holzer's second novel, ***Eye for an Eye*** (Tor-St. Martin's Press, 1993, 251pp., $18.95), is very Aristotelian. It has a beginning, a middle, and an end. Everything in it propels the reader forward as relentlessly as a coiled spring. It proceeds inexorably toward a crashing climax. Each development is a surprise to the reader as it occurs, yet appears in retrospect as either causally or dramatically inevitable. Character and setting are there, but they are always subordinate to the plot, as Aristotle said they should be. Also very much in evidence is a fourth element, which Aristotle considered optional — *theme,* or underlying idea illustrated by the action — making *Eye for an Eye* a very Randian novel.

"That was the 'Wimp's Liberation Front' — they say they're holding Don Knotts hostage!"

It begins with the brutal and senseless murder of a young bride in Westchester county, by hoodlums from New York City. The rest of the novel is devoted to various unconventional ways (in the criminal underground) of apprehending the culprits and administering to them "just deserts." Along the way we have compelling descriptions of assorted police stations, salons of the wealthy, criminal hideouts, and most of all the pockmarked streets of the South Bronx. The theme is the responsibility of individuals for their actions (not society, not environmental influences) and the moral necessity of punishment, not for the sake of deterrence but as a matter of justice.

This brief description gives only an inadequate idea of the wild action sequences and the intense encounters of enforcers with callous criminals in the squalid and decaying streets of New York. The New York setting comes to exciting life in this novel as East Berlin did in her earlier novel, *Double Crossing.*

The action is non-stop, rat-tat-tat. If I have any criticism, it is that I would wish a more leisurely presentation of character. I want to feel that I know intimately the main personae in a drama; but so fast and incessant is the action that I sometimes have to page back to be sure that I have the characters straight. If Mrs Holzer had taken some extra pages to develop her characters, it would have enriched the novel and made us empathize more fully with them. As it is, some of the most fascinating characters strike one as a bit truncated and incomplete: we are left wanting to know more about them, and even want to stop the action for a moment to absorb the significance of the character-interactions.

But if non-stop action is what you like, you can't go wrong with this one. Even if, like me, you want more detailed character-portraits, you will find this is a riveting novel, both searing and sobering. It is rare to encounter a work of fiction that is breathlessly exciting from start to finish, and at the same time dramatizes a theme of significance and urgency. —John Hospers

Letters, *continued from page 6*

to be active in both the LP and another party." We in the Republican Liberty Caucus already see strong evidence of this. Our membership is going through the roof! Also, many LP stalwarts have recently jumped on board. I'll let the cat out of the bag: New Jersey LP Chair Mike Pierone, West Virginia LP Chair Brian Horton, and former Connecticut LP Chair Wayne Bartling have just joined officially. Also, former LP National Chair Dave Walter has agreed to serve on our Advisory Board. We believe that there is absolutely nothing wrong with being members and being active in both the LP and GOP!!

Eric Rittberg
Talahassee, Fla.

Broad Consent

Wendy McElroy ("The Unholy Alliance," February 1993) asks "After the [feminist] anti-pornography crusade, who will take a woman's consent seriously?" Two pages later she complains "20th century laws refuse to recognize rape within mariage . . ." I speak as a bachelor, but surely marriage constitutes consent to sex with one's spouse. So wouldn't the recognition of "rape within marriage" contradict McElroy's contention that women can give consent?

Andrew Lohr
Lookout Mtn, Ga.

Libertarianism and Feminism,

In reviewing my book *Reclaiming the Mainstream*, Jane Shaw ("Is Feminism Obsolete?" February 1993) poses an interesting question: should a libertarian be a feminist?

This seems to me exactly parallel to the question: should a libertarian be an environmentalist? Both social movements attract a lot of media and political attention to real social problems, that have both statist and libertarian components. I think it behooves libertarians to encourage the libertarian elements of these movements, or at least to be happy when they succeed.

The feminist movement consists of personal networks and political organizations; both call attention to real problems. On the personal side, feminist action ranges from workshops on assertiveness against sexual harassment to job information to cooperative daycare arrangements, as well as action to persuade employers to consider child care and flextime in their employee benefits packages. On the political side, feminists work against policemen who won't interfere in incidents of "domestic discord" even when confronted with bruised women and who ask women who report rape if they enjoyed it, and judges who will tell a woman to go home to the husband who beat her and "act like a grownup." Prostitutes are still criminalized; surrogate mothers are in legal jeopardy; judges are still ordering mandatory birth control for women under their jurisdiction and "in the interest of the fetus" mandating caesarian sections for women who don't want them. The right to abortion is being regulated to death. True, all of this attacks the rights of individuals. But libertarians are not initiating action in many of these areas, and feminists are. Libertarians are certainly not forming personal networks to help women's problems.

I did not write this book primarily for libertarians, I wrote to summarize the individualist history of feminism, which is too little known, and to call on this individualist heritage in mounting feminist arguments for libertarian positions on current issues like pornography, comparable worth, and social feminism. So I didn't address Jane Shaw's question, because my goal was to convince "individualists" to become more consistently libertarian. As Shaw's review states in many ways, libertarians should already be there.

Joan Kennedy Taylor
New York, N.Y.

Notes on Contributors

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

John Baden is president of the Foundation for Research on Economics and the Environment in Seattle, Washington.

Eric C. Banfield is a freelance writer living in the great Midwest.

"Baloo" is *Rex F. May* in disguise, the perpetrator of numerous cartoons appearing in *The Wall Street Journal* and elsewhere.

Gunnar Bergstrom, the cartoonist, does not have an interesting enough life to have a bio right now.

Kathleen Bradford is copy editor of *Liberty*.

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

Douglas Casey is the author of the best-selling investment book of all time, *Investing in Crisis*.

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Timothy Virkkala is assistant editor of *Liberty*.

Jeff Walker is a Canadian journalist.

Jesse Walker works above board in Ann Arbor, Michigan.

Terra Incognita

New Delhi, India

Progressive solution to traffic problems in the world's largest democracy, as reported by the Associated Press:

"We suffer from the holy cow syndrome," says New Delhi's chief of traffic police. Because the cow is sacred to Hindus, most people won't do anything to get them out of the roads. So, the city employs 120 animal catchers to chase them, rope them, and haul them out of town, and out of traffic.

Palo Alto, Calif.

Marian Wright Edelman, President of the Children's Defense Fund, sets the priorities for the nation's youth, as reported by the San Jose *Mercury News*:

At the commencement address at Stanford University, Marian Edelman beseeched graduates to commit themselves to community service and to "redefine success in America in the 1990s." In between bursts of applause she asserted that "service is the rent each of us pays for living — the very purpose of life, and not something you do in your spare time or after you have reached your personal goals."

Charleston, S.C.

Musical interpretation in the Palmetto State, as reported by the Associated Press:

In response to a study of his college's race relations, President Claudius Watts of The Citadel military college ordered the school's band to play "Dixie" at football games in a manner that "will not be taunting."

Manila, Philippines

Advance in Moral Science, as reported by the Associated Press:

Members of a cult here tied up traffic for hours yesterday by deflating the tires of cars, trucks, and buses stopped in traffic. The cult's leader said this was "God's way of stopping bad deeds."

Berlin

Interesting observation by the Hon. Joseph P. Kennedy II, Congressperson from Massachusetts, as reported in the Seattle *Times*:

In a speech at John F. Kennedy High School in Berlin, Rep. Joseph P. Kennedy II told students, "For some reason, everybody looks down on foreigners and doesn't consider them to be citizens. They aren't foreigners, they're your people. I'm a foreigner."

Providence, R.I.

Interesting idea of tribal traditions, as reported in the Providence *Journal Bulletin*:

George H. Hopkins, Chief Sachem of the Narragansett Indian Tribe, argues that money generated by its gambling arena on the reservation should be used to "do the things governments do for their people — provide health care, housing, social services, child welfare, adult education, employment assistance."

U.S.A.

Cruel and unusual punishment returns to the schools, as reported by *Educational Reporter*:

Teacher Bruce Janu sentences misbehaving pupils to the Frank Sinatra Detention Club, where they are forced to listen to Sinatra tapes. He has threatened repeat offenders with Tony Bennett and Mel Torme.

Oakland, Calif.

New form of disability, as reported by the San Jose *Mercury News*:

Judge Ruth M. Friedman has ruled that the Department of Motor Vehicles may not dock the pay of an employee for time missed at work, because the employee is a mother of five, afflicted with "inadequate child care and inadequate public transportation" which are "more properly characterized as social problems rather than personal problems."

The case involves Leshbia Morones, a mother of five whose husband also works, and who was docked for 10.1 hours pay for being late 51 times during a 6 month period. Ms Morones argued, "It's just very, very stressful to have to take care of five kids before going to work. It seems unfair for this agency not to take into consideration human things."'"If there is unexpected traffic, or she has car trouble, she will be late," Judge Friedman ruled.

Milwaukee

Efficient use of Human Resources in America's Dairyland, as reported by the Milwaukee *Journal*:

On November 17, the Milwaukee County Department of Human Resources sent a memo to every county employee, announcing examinations "for the positions listed below." Below this heading: "No openings."

Brawley, Calif.

Advance in medical care in southern California, as reported by Lynn Elber of the *Associated Press*:

The People's Health Clinic has announced a policy that employees with hickeys will be sent home without pay.

Washington, D.C.

Further evidence that government is a wise shepherd of its assets, as reported by the *National Taxpayers Union*:

84-year-old Carl Albert, whose 6-year term as Speaker of the House ended 14 years ago, is still paid $200,000 per year to help "wrap up his Congressional business."

Menomonee Falls, Wisc.

How civil seizure laws fight organized crime, as reported by the Associated Press:

The Drug Enforcement Agency is considering a civil seizure of the Salvation Army's Santa suits, kettles and bells, after police arrested one of its bell ringers selling a small amount of marijuana.

Olympia, Wash.

The lengths a public servant will go to avoid adding new government regulation, as reported in the Seattle *Times*:

In response to a query about new health care legislation, Washington Governor Booth Gardner responded, "We've literally searched the globe, but we haven't found anything that works except government regulation."

Ithaca, N.Y.

Perseverance pays in the Empire State, from the Associated Press:

In less than five hours, a 19 year-old Ithaca woman robbed the same convenience store three times.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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continued from back cover

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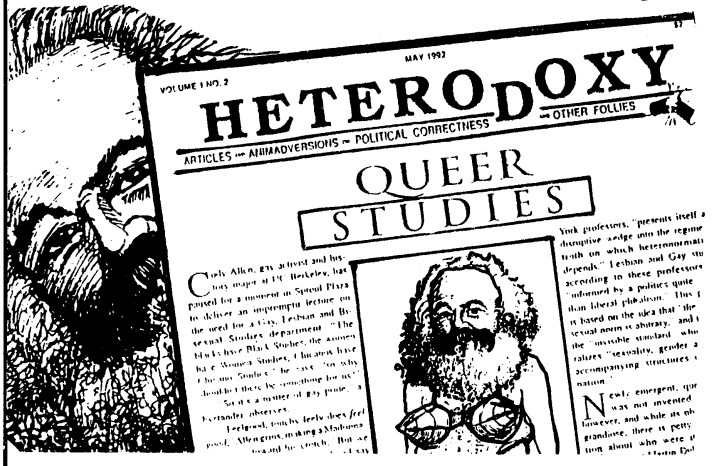

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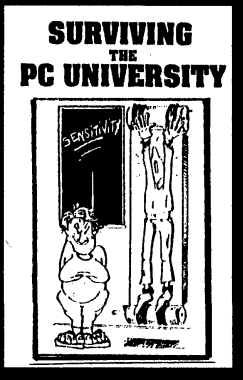

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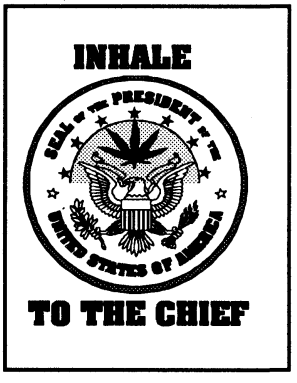

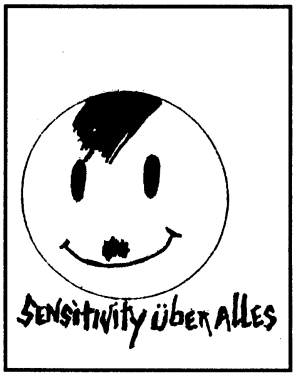

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Inside Liberty

June 1993
Volume 6, Number 5

4 Letters *Liberty*'s readers react, write and even resubscribe.

7 Reflections *Liberty*'s editors exult, excoriate, defend and define — and in the course of their ruminations, advise how to keep your mind clean, explain why the FBI wants your codes, and show how you can profit from Bill Clinton's upcoming nervous breakdown.

Features

19 Darkness at Noon The media asked important questions only after the Davidian massacre. *Stephen Cox* gives answers.

21 The Coldest of All Cold Monsters Janet Reno talked a lot while the Davidians burned. Did she confess to *mass murder*? *R. W. Bradford* deconstructs her testimony.

24 Who Benefits from the Clinton Program? *Harry Browne* on the Same Old Politics, new packaging; Same Old Morality, lies, lies, lies.

31 VAT Out of Hell *Chester Alan Arthur* reveals the atrociousness of Clinton's proposed way to pay for "universal" health care.

33 The End of What? The myth-making surrounding laissez faire: In the Greedy 80s and in the now. *Sheldon Richman* is in the know.

35 Taxation, USA! *Jonathan Saville* reflects on the miserly mindset of the tax resister.

37 It's the Pork, Stupid The new President held a conference on the beleaguered Pacific Northwest forests. Forget, for a moment, the spotted owls and the Douglas fir: *Randal O'Toole* spots the winning species.

40 Understanding the State *Albert Jay Nock* thoughtfully divulges the nature of the State, in four previously unpublished lectures. Introduced by *Charles Hamilton*.

53 Paying for Crime *David Friedman* counts the ways in which we pay for crime, and comes up with some ideas of how to avoid paying through the nose.

Reviews

55 Some of My Best Friends Are Extremists! *R. W. Bradford* espies anti-intellectualism in attacks on the political fringe, and wonders: just what is wrong with extremism?

59 Socialism: Dead or Alive? *Leland B. Yeager* helps bury the walking corpse of this century's greatest killer: socialism.

61 Just Nonsense *John Hospers* takes the wind out of the sales pitch of a contemporary academic socialist.

63 Scattershot *David A. Lips* sees through the "moderate" pose of one of America's most respected multiculturalists.

65 America Lost and Found *Jesse Walker* reviews a tale of human-scale dilemma.

Departments

67 Classified Advertisements **69 Notes on Contributors**

70 Terra Incognita The Twilight Zone has nothing over the real world, when it comes to the unexplained, the weird, the bizarre.

Letters

The Equality of All Species

In John Hospers review of Screaming Wolf's *A Declaration of War: Killing People to Save Animals and the Environment*, he claims that comparing the rape of your sister to the killing of animals is "assuming" that the two are on a par. Strictly speaking, even agreeing that a rape victim suffers is assuming a similarity in human reactions. Suffering is subjective: I can never experience another's pain. I conclude that the rape victim suffers because I think that in a similar situation, I would also suffer, but this is still an assumption, albeit a common one. If I argue by analogy that I can experience something of what the other person suffers, why does that same analogy not hold for the suffering of an animal?

According to Hospers, we don't feel about unknown people the same way we feel about our family. Of course not, but an ethics cannot be based on subjective feeling for obviously not everyone has the same feelings. Hospers adds that even the "most empathic person will hardly feel duty-bound to rescue all victims of aggression." Certainly such a person will not feel duty-bound because such a task is impossible, but this does not mean that we should not be equally appalled at all aggression.

His second point about a cow not fearing death as it grazes in the meadow misses the point. The cow in the slaughter house, smelling the blood, being forced off a truck or into a ramp with an electric prod, certainly experiences fear — perhaps a greater fear than a human being since the cow cannot reason, cannot plan to bribe someone to escape, cannot contemplate the existence of God, etc.

Nor is it true that "What people do to animals is a small thing compared to what animals do to each other." Animals kill to survive, humans choose to kill. We kill for fun (recreational hunting), for momentary pleasure (the taste of a steak which is not necessary for survival and indeed hinders survival insofar as it has been linked to heart disease, colon cancer, breast cancer, etc.), for prestige (a fur coat, an ivory carving), and so forth.

Finally, Hospers asks if there is not a "unique value in the existence of creatures with intelligence, language and a conception of the future and how to mold it, that exists nowhere else among animals?" Certainly some of us think we have a unique value, but from a biological point of view, we are simply one species among many. To establish his point about the unique value of humans, Hospers must prove more than the fact that we have some unique characteristic for many animals are unique in one way or another. He must prove that our unique human characteristics are more valuable, objectively speaking, than the unique characterisitcs of any other species. This he has not done. A difficult task, for we may be the only species to make life impossible, not only for ourselves, but for the other species that inhabit the planet. Is our intelligence a good thing? The verdict is not in yet.

Priscilla Cohn
Villanova, Penn.

Give 'em an Inch . . .

I might agree with Professor Hospers ("Just Deserts," February 1993) that capital punishment is an appropriate power for a libertarian state. But capital punishment under the malignant Democrat/Republican state is another matter. These guys have proven themselves untrustworthy with our property and our liberty. How can they be trusted with our lives?

Mike Binkley
Los Angeles, Calif.

The Young and the Feckless

In Richard Kostelanetz's appeal ("Get Out the Teen Vote," February 1993) for the voting rights of the under eighteen crowd, he laments that children have been subject to the "state-enforced ageism" that denies them the same voting rights given to adult citizens. While this observation is undeniably true, I disagree that children's suffrage lends proof to the argument that they are being oppressed. Children are granted other legal rights that they well deserve and that are not — or at least should not be — given to adults, such as the right to adequate subsistence from their parents.

The author advocates that we might consider lowering the legal voting age down to thirteen at first, then perhaps move it even closer to the cradle. But no matter what age is chosen, will it not always be a matter of "state-enforced ageism?" The current line at eighteen years old is arbitrary to be sure, and therefore cannot genuinely reflect individual merits (especially not of those in the border zones). But the two groups that the division makes represents a separation that is both real and serves a useful purpose: most of the children under eighteen are not yet responsible and intelligent enough to make adult decisions.

Never mind the fact that after the voting age was dropped from twenty-one to eighteen, this new group of voters has had the worst voter turnout of any voting age group. This lack of voter turnout is not because of their anti-government pessimism, either. Rather, it is apathy and complacency, which is hardly a new niche that would boost Libertarian votes, as Kostelanetz speculates.

But perhaps all of this talk about voting "rights" misses the real point, anyway. As Lysander Spooner said about the women's suffrage movement, women have the exact same right to vote as men do. None!

Rodney Mood
Cary, N.C.

But We Cleaned Up Yours

I found Roy Childs' tacky, slovenly, cheap, ad hominem approach to Ayn Rand's life unacceptable ("Ayn Rand, Objectivism, and All That," April 1993). You people didn't even bother to clean up Childs' syntax. I don't need to hear it strongly suggested by an admitted gossip-lover that Miss Rand was a drug addict, a sadist and a paranoiac. Childs spits on the image of a dead woman with his crypto-envy and the black void that is his non-ego.

I thank the powers that be that Miss Rand is now where no one can really harm her.

With the spirit of Voltaire, and Hugo, and Twain, and Jefferson, and Schiller, and Locke, and Bacon, and Pasternak, she stands for "the best within us" and the defiant!

Cancel my subscription and go to your room.

MacDonald Eaton
New Orleans, La.

More on Childs

What a blockbuster interview! Jeff Walker's conversation with Roy Childs, Jr. revealed more about this brilliant and tragic figure than anything else I have seen in print. What a shame Childs published so little.

I'm glad all the personal stuff about Rand and the inner circle is being aired and gotten out of the way. That will help

continued on page 6

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continued from page 4

clear the path for serious study of her work.

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Warren C. Gibson
San Carlos, Calif.

Dream On

Roy Childs complained that Ayn Rand was responsible for "an enormous number" of her admirers' "grandiose ambitions that bore no relationship to what they were ever going to do with their lives. Most of them 25 years later haven't done anything."

True, but so what? As Rand underscores in "Ideal," the tragedy is not "those who cannot dream," but "those who can *only* dream."

Ayn Rand's early dreams might have seemed "grandiose ambitions." But Rand gave her life to her dreams and for them. As she grew, so did her dreams.

Compare her early work (collected in *The Early Ayn Rand*) to the novels she wrote at the height of her powers. Rand did not emerge full-blown from the brow of Zeus. While Ayn Rand created *The Fountainhead* and *Atlas Shrugged*, it is also true that these books created Ayn Rand. Who she was and what she became grew as she wrote. That is what separates Ayn Rand from many of her admirers: she paid the daily, difficult, demanding price for her dreams. For years and years. And she paid in advance.

We need larger lives, not smaller dreams.

Michael Emerling
Las Vegas, Nev.

The Good, the Bad, the Misfiled

If I were reading the *Altruist News* or the *Collectivist Quarterly* I would not be surprised to see an assertion by someone that Ayn Rand was evil. But in *Liberty*? Few people in history have fought more courageously or written more brilliantly in defense of individual liberty than Ayn Rand. She gave freedom the best moral defense it has ever had, and she stood by her values like a giant as a hostile world of pygmies hacked at her knees.

The world was entirely different for me after I saw it through her eyes. I loved liberty more and saw why it is such a crucially important value. I understood the role of reason in man's life. I knew why faith and force were enemies of reason and freedom. I knew that self-sacrifice was an absurd ethical goal. I could go on for pages, but the point I wish to make is simply that this woman, more than anyone else, represents the source of my values. In the file drawer in my brain that is labeled "The Good" Ayn Rand has a very prominent place. So when I see an article in *Liberty* discussing whether or not she was evil it hits me like a punch below the belt. It hurts.

She may have been a bitter woman at the end of her life. She may have had a personality with rough edges. In many social encounters she was clearly her own worst enemy. But was she evil? No. No way. Not a chance.

Dr Bryce Buchanan
Lake Oswego, Ore.

Letters Policy

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

They're Everywhere!

I am renewing my subscription to your fine publication with one request: *Please* — you must — absolutely — *must* print a regular feature concerning the Council on Foreign Relations (CFR). I *will* judge your next few issues on the basis of this one subject. The importance of the CFR's influence in this country's 20th century history cannot be ignored — and, it *must be stopped!* Stop it *now* — expose it for what it is — *Please!* If no articles on the CFR appear, the person reading this should beware. For if your "editorial staff" finds the CFR not to warrant such attention, socialism has crept further into the fabric of this country than I thought. *IT IS TOO LATE!!!*

K.L. Nelson
Florissant, Mo.

Philadelphia Freedom

I don't want to seem like I'm defending the People's State of Pennsylvania, but I question the Pennsylvania taxes tabulated in R.W. Bradford's April 1993 article "The Geography of Taxes." In particular, I question the values given for income taxes, which come to nearly 7 percent.

The state income tax in 1990 was 2.1 percent (it is now 2.95 percent) and many townships and boroughs impose wage taxes of up to 1 percent.

Philadelphia has special dispensation to impose a wage tax of up to 4.3125 percent on non-residents, and over 5 percent on residents, so people employed in that suffer a total income tax of over 6 percent. But that is only a small and declining fraction of state residents, so the tabulated number doesn't seem to be representative for the state.

Again, I'm not defending our state statists. I'm elated to find concise compilations of data as in your article, but I want to be able to understand it and quote it with confidence.

Andrew E. Barniskis
Levittown, Penn.

Response: As the article noted: "Because the level of local taxes varies from one jurisdiction to another, the survey cites taxes in the largest city in each state."

Men Who Don't Get It and the Women Who Won't Give It to Them

I read Andrew Lohr's letter (April 1993) in response to Wendy McElroy's article ("The Unholy Alliance," February 1993), and felt compelled to respond.

Speaking for myself as a bachelorette: Yes, marriage constitutes a *generalized* consent to sex with one's spouse, but not necessarily *every single time*. Were I to marry a man, I would be giving him the message that I found him sexually attractive in general, but I could not guarantee *in advance* that I would be ready and willing to have sex *every single time* he wanted it, nor could any man guarantee any such thing to me in advance.

What if I had just given birth to a baby, or had abdominal surgery? What if I were simply not in the mood? Would a man be entitled to force me into having sex any time he wanted it, no matter what, merely because I had married him? I don't know what Mr Lohr calls it, but *I* call it *rape*.

Perhaps it is attitudes such as the one expressed by Mr Lohr that help account for the relative shortfall of women in the libertarian movement. As long as this type of attitude is rampant, there is still a "man shortage" in the libertarian movement — no matter how badly women are outnumbered.

Pamela B. Maltzman
Long Beach, Calif.

Warning: The Fact-Checkers Are Still on Vacation

Jane S. Shaw's reflection, "Chapter 11" (April 1993), is interesting enough, but she, and you, should know that the claim by Parker Brothers that the game which

continued on page 69

Reflections

Credit where it is due — Given the frequency of the President's "inoperative statements," I thought it might be noteworthy to mention an occasion when he told the truth. So when he does, I will. —JSR

Carts and horses — Fidel Castro announced he might step down as soon as Cuba's economy recovers. In a related story, Bill Clinton announced he might go on a diet, as soon as he gets his weight down. —RWB

The Cabinet that looks like catsup — Bill Clinton has not had a great deal to crow about during his first twelve weeks in office. Maybe that's why he is keen to claim credit for the quality of the cabinet he has assembled. Among its alleged virtues is that it is "the most diverse ever."

This claim is preposterous. This latest assemblage of super-bureaucrats runs the social-cultural-ideological gamut from A to not-quite-C. To be sure, if the president had been successful in his quest to name a felonious Attorney General the variety would have been a tad greater. Still, the novelty-value of indictable cabinet members has become rather depleted over the past couple decades.

No, if it's genuine and significant diversity one seeks, one has to look beyond the Beltway. And indeed, out in the Real America a veritable watershed of diversity has been breached. According to a recent USDA report, last year catsup was replaced as the country's most popular condiment by salsa. Homogeneous, bland, lowest-common-denominator catsup has released its death-grip on the American palate. It has been bested by something with chunks and chilis served on chips. Prophesies of national desuetude and decline will now have to be revised. The nay-sayers were wrong; we are not after all doomed to a diet of endlessly indistinguishable Whoppers and McCardboards. The bland is dead, long live the bold!

Now if only we could topple the unspeakable bright yellow glug that masquerades as mustard — and the collection of dwarfs and poseurs that parade as a cabinet. — LEL

Code cracks — The State Department assigns each embassy in Washington a two-letter code to be used on license plates of embassy cars. Officially, the codes are random and not an abbreviation for anything. They're also secret, but any interested person can drive by an embassy and see what the codes are on vehicles parked out front. In the waning days of the Reagan administration the State Department assigned a new code to the Soviet Union's cars — FC. Jubilant right-wingers snickered that Reagan's last gibe at the Evil Empire was to put the initials for "Fuck Communism" on in a new era. The Soviet Union has fallen, and a new government sits in Washington, one that is perhaps less enamored of the market than the new government in Moscow. And observant Washingtonians have noticed that the new State Department has replaced that nasty FC with a new code — YR, which might be taken to mean Yeltsin's Russia, but which any political activist will recognize as something else, a far nastier epithet than "Fuck Communism," in fact — "Young Republican." Just wait till the Yeltsin people realize what Clinton is calling them. — DB

The old bat — Cincinnati Reds owner Marge Schott has begun her one-year suspension from baseball, imposed because of her "insensitivity." Among other things, she was accused of calling former Red Dave Parker her "million dollar nigger." Parker stated that he never heard her make a racial statement himself, nor learned about such statements second-hand. No one thought to ask Parker what terms the players used to refer to the assertive, sometimes abrasive Schott. Word around the batting cage was that they rhymed with "pitch" and "bunt." —JSR

Cry cult! — In the wake of the David Koresh affair, a question has reemerged into public consciousness: what is the difference between a religion and a cult? Reading between the lines of the psychologists and sociologists who never quite answer the question, I think I have determined the official, if esoteric, distinction: A cult is led by a *suicidal* psychopath; a religion by a *dead* one.

The U.S. government, apparently, favors the latter over the former. Though the *way* it shows its preference is a bit extreme. —TWV

A fine point — President Clinton told Congress that "the test of our program cannot simply be: What's in it for *me*? The question must be: What's in it for *us*?" Now let me see if I understand this. I mustn't ask what's in it for *me* but since I am part of "us," I can't really ask what's in it for us either; for that would be like asking what's in it for me plus a bunch of other people. So the president must really mean that I should ask what's in it for us *minus me*. Or, in other words, what's in it for *them*. There, I think I got it. — SR

Qualified ignorance — In response to a question at his Senate confirmation hearings, Clinton's choice for Interior Secretary, Bruce Babbitt, stated that he was "not familiar" with the takings clause of the U.S. Constitution.

The provision of the Constitution of which Babbitt was ignorant can be found in the Fifth Amendment, which specifies that "nor shall private property be taken for public use, without just compensation." It plays approximately the same role in recent government attempts to restrict the use of private property for environmental reasons as the First Amendment played in past government attempts to quell political dissent. Babbitt's "never-heard-of-it" response is incredible, given the

fact that the position he was seeking is charged with enforcing environmental laws and drafting environmental regulations. It's as if Joe McCarthy had said that he'd never heard of the First Amendment's right to free speech or the Fifth Amendment's protection against self-incrimination.

If Babbitt is telling the truth, the prospect of him as Interior boss is downright scary. If he is lying, well, it wouldn't be the first time a presidential appointee lied to an indifferent Senate.

The Senate, by the way, confirmed Babbitt. He is now Secretary of the Interior. —RWB

On the bright side — As the Clinton Administration trundles into place, and as leftists and modern liberals and statists of all kinds begin their joyous romp upon the mattress of the Democratic hegemony, bouncing to ever higher degrees of government interference, individualists inevitably raise cries of alarm. But remember: there is a silk lining. George Bush — that idealess liar, breaker of promises, and hypocritical mouther of occasionally libertarian sentiment — is *no longer in power*. What bliss to say these words! What satisfaction to know that he got what he deserved! What solace to realize that, should America now go into spectacular decline, Americans will have no plausible excuse to blame it all on *too little government*. And what perverse pleasure to watch Republican politicians once again squirm as they try to come up with a few genuine ideas. (It's so hard for them, you know.) —TWV

The family leave-of-your-senses bill — Descriptions of the Family Leave Act signed by President Clinton soon after he took office invariably stressed, with indignation, that the mandated leave is unpaid. (Thence followed obligatory references to the generously paid leaves provided in more progressive countries.) But the law not only requires that an employer reinstate returning employees to their old jobs or comparable ones, which may entail additional costs for training and personnel adjustments in the workplace. It also requires that the employer keep the absent employee's health-care insurance in effect during the leave. This requirement is hardly negligible. The cost of health-care insurance may amount to as much as 20 or 25 percent of the employee's total compensation. Evidently this part of the compensation package doesn't count when the burden on employers — or the benefit to employees — is being assessed by those who declare the leave to be unpaid. Needless to say, people who think this way could never run a railroad, or anything else lacking a pipeline to the taxpayers' pockets. — RH

Something to shoot for — Sixty-two percent of Ronald Reagan's cabinet members were millionaires. George Bush pushed the number up to seventy-one percent, and now Bill Clinton has beaten them both by achieving a seventy-seven percent millionaire mark. Is this a cabinet which "looks like America?" If only! —JSR

Vice-Presidential gas — Al Gore continues to offer evidence that compared to him, Dan Quayle is a genius. In the March 29 issue of *Newsweek*, the Vice President — presented as an authority on environmental matters — explained that instead of "fossil fuels, such as oil" we should use "alternative fuels, like natural gas."

This prescient observation was contained in a two-page spread (entitled "Just for Kids! Ask Al Gore") in which grade school children asked the Veep questions about the environment. Of the six questions the kids asked, Al actually answered (or attempted to answer) only one. For example, to the question, "Why aren't there better recycling plants?" he explained why recycling is a good idea. To the question "If the hole in the ozone gets bigger, will the earth then become a desert?" he describes what the ozone hole is.

I commend the editors of *Newsweek* for providing the kids such a great lesson in both the stupidity and the evasiveness of American political leaders. —CAA

Where is Horace Mann when we need him? — The Los Angeles School System has a policy of expelling students who bring toy guns to school. In Minnesota, students as young as five are expelled for describing the size of their sex organ or pulling the pigtails of fellow students. One has to wonder: in light of these developments, just how meaningful is the concept of universal, compulsory, free, and public education? —RWB

Jobs for the boys — One day after Labor Secretary Robert B. Reich invented the concept of "jobs gridlock," the Commerce Department reported that 365,000 new jobs were created in February. This occurred without the benefit of President Clinton's "stimulus package," and Reich quickly pointed out that these were not "good jobs." By whose definition? For comparison, examine the Clinton summer jobs program. The President will spend 15 million dollars to "create" one thousand part-time jobs. Even if the jobs pay ten dollars an hour, that adds up to a total of five thousand dollars per worker, leaving ten million dollars to go to government bureaucrats and Clinton cronies. It's good work if you can get it. —JSR

The art of self-hate — The Whitney Museum's biennial exhibit this year is a festival straight out of one of Ayn Rand's most perfervid nightmares. Dedicated to art by the socially marginal and incompetent, its accusatory representations of angry black street youth, vomit, and all the blind rage and envy that any of the unaccomplished could feel against the American "establishment" will, of course, be seen only by self-hating members of that very white, very privileged establishment. (Most of it was made by people with a privileged art school background as well, practicing that charming self-imposed "downward mobility" so beloved by many elements of the New York art demimonde.) Attendees were issued little buttons, each with a fragment of the slogan "I can't imagine ever wanting to be white."

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
BD	Brian Doherty
RH	Robert Higgs
BK	Bart Kosko
LEL	Loren E. Lomasky
WPM	William P. Moulton
RR	Ralph Raico
SR	Sheldon Richman
JSR	James S. Robbins
SJR	Susan Rutter
JSS	Jane S. Shaw
SS	Sandy Shaw
TWV	Timothy Virkkala
JW	Jesse Walker
LBY	Leland B. Yeager

Perhaps next year they can "transgress" even further, and get to the point with more precision: force all attendees to leave wearing sandwich board signs emblazoned with the inspirational slogan, "I'm white. Kill me and take all my property." I'm sure it would be a hit, and that the New York *Times* would give it the awed, respectful attention it deserves for "forcing its audience to face up to the realities of hegemony and marginalization" in America. —BD

The new math — The Clinton Administration claims that its broad-based (read: huge) energy tax will only cost the average American about one hundred dollars a year. At the same time, they claim that it will raise 250 billion dollars. Since there are approximately 250 million Americans, simple division would suggest an average cost of one thousand, not one hundred, dollars per person. And these are the people who want to revamp the education system! —JSR

Head Stop — Apologists for the New Deal used to say that, while many of the programs were probably a waste — the NRA, AAA, WPA, etc. — Roosevelt did score two undoubted successes: Social Security and the Federal Deposit Insurance Corporation. You don't hear them saying that too much anymore. More recently, defenders of Lyndon Johnson's Great Society have advised us to forget the hundreds of billions squandered on "anti-poverty" programs that never worked. Concentrate instead on the one clear, scientifically-demonstrated winner: Head Start. In his new budget, Clinton has proposed an increase of $9 billion in funding for Head Start over the next five years.

But it turns out that there are, after all, problems — to the point where the New York *Times* itself felt compelled to run a front page story detailing them (March 19). According to the *Times*: "Studies of Head Start have typically found that most of its academic benefits wear off after three years, with children who attend the program then performing no better than those who did not." So, Head Start is a flop, after all. Unfazed, the program's supporters have shifted their grounds: Head Start may not bring dumb kids from bad backgrounds up to par, but it does lead them to get their measles shots and it makes their parents more aware of the plethora of "better social services" available to them.

The *Times* writer thinks that these "changing criteria" make it difficult to evaluate "the program's accomplishments." This is to observe politics from the point of view of a child. Whether you approve of them or not, Head Start had certain stated (egalitarian) objectives, meanwhile wasting billions of tax dollars. The "criteria change" only because lying bureaucrats whose jobs depend on the program are desperate to keep those jobs. Not just libertarians, but any rational person has to agree: Kill Head Start. — RR

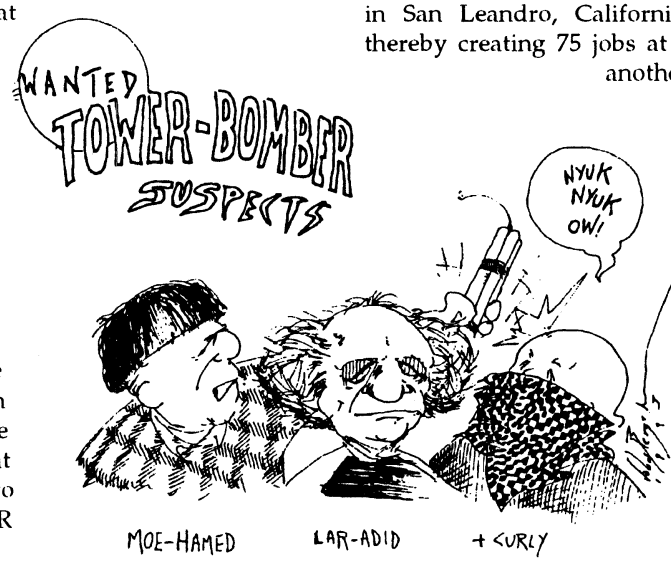

cartoon by John Bergstrom

Robbing the cradle — The State of New York has imposed a seventeen dollar birth tax. Meanwhile, Governor Cuomo plans to use the Department of Revenue to apprehend women who have had abortions for tax evasion. —JSR

Is Nancy Reagan a lesbian? — The right-wing media are full of reports and innuendo about lesbianism among Clinton's political associates. The individuals most frequently named are HHS Secretary Donna Shalala and Attorney General Janet Reno (who denies the charge). The most titillating allegation is that Hillary Rodham Clinton is herself a lesbian. This last allegation, advanced by Jack Wheeler, would explain why HRC didn't mind Slick Willie's dalliance with Gennifer Flowers, though its seems to be militated against by the existence of the First Teenager.

What is annoying about all this is its ponderous irrelevance. Those reporting the secret lesbianism of the politically powerful argue that it makes them vulnerable to blackmail. But this is plainly buncombe: once the rumor-mongers report the lesbianism of an individual (as they have for years in the case of Janet Reno), it is no longer secret and blackmail becomes impossible.

The rightwingers who traffic in such stuff are like little boys telling stupid sex stories behind the barn. If they believe that lesbianism is such a horrible character flaw that those afflicted (or blessed) with it ought to be precluded from public life, they ought to make their argument openly, and cut out their smut mongering. —RWB

Whose pig is gored — "They're talking about gutting the jobs program," President Clinton said with his patented righteous indignation. "They do not get it, they do not understand that we are three million jobs behind where we would be in a normal economic recovery."

The Republican critics of President Clinton's "economic stimulus" bill are right, of course. It is no more a jobs bill than Gennifer Flowers is a petunia. Its purpose, plain and simple, is to pay off some of the politicians who helped Clinton get the nomination and delivered votes for him in November.

The measure authorizes spending $10 million for a sports park in Fairfield, California, an action that will create 50 new jobs at a cost of $700,000 each. It calls for spending $13 million in San Leandro, California, to expand the Civic Center, thereby creating 75 jobs at a cost of $173,000 each. It drops another $10 million to improve a road in a cemetery in Northwood, Connecticut, creating another 50 new jobs at a cost of $200,000 each. There's $3 million to create four jobs by building a new movie theater in Brewery District, Ohio. The list goes on. There's even a million bucks for the impoverished city of West Las Vegas, Nevada, to build an art museum and create four jobs at a cost of just $250,000 each.

Things haven't changed

that much in Washington since Andrew Jackson and the spoils system. The only difference is the cost to the taxpayer. In Jackson's day, the "spoils" consisted of a few hundred jobs doled out to the party faithful. Today, they consist of billions of dollars doled out in practically every community in the country, but with exactly the same purpose: to reward the faithful with taxpayer loot.

Meanwhile, Senate Majority Leader, the Hon. Sen. George Mitchell of Maine, has little tolerance for Republican criticism. "It won't be very funny if the nation slips back into a recession," he said as the Republicans filibustered against the measure, proving again his incredible stupidity. The measures propose to redirect the spending of $16 billion in an economy where spending totals about $6 trillion, i.e. to change where 0.3% of total spending will go. Think about it. Suppose, for example, that your family were on hard times. Your income has been declining for a couple years, and you are worried. In all, you spend a total of $30,000 on food, clothing, shelter, entertainment, investment. To change the course of your family's economy and enhance its well-being, you propose to change the way you spend $80. How much impact do you think this would have?

Before we acclaim the Republicans as heroes, we should remember how they spent the public treasury when they held the reins of power.

The idea that relatively small changes in spending could "fine tune" the economy was popular two generations ago. A lot of academic economists liked the theory, which coincidentally put them in demand to advise the government on just how to fine tune the economy. But during the later 1960s and the 1970s, it became obvious that fine tuning didn't work, and the government began to try to tune the economy with sledge hammers instead. (Remember those interest rates of 23%?)

In reality, the $16 billion "stimulus package" will not likely have any substantial effect on the economy, except to spread some cash among some of President Clinton's favorite supporters and cost the rest of us a few dollars.

Those who think "fine tuning" will stimulate the economy and those who think it will do substantial harm to the economy both misunderstand what an economy is and how it works. An economy is a self-regulating, evolving super-organic system of interacting human beings, not a mechanism whose working can be destroyed or greatly enhanced by a minor change of this sort.

Many government actions do threaten economic well-being, of course. The burgeoning national debt, inflation of the currency, the imposition of a vast system of regulations, the exaction of huge sums of money in taxes, restrictions on voluntary trade — all these take their toll. But by itself, the Clinton stimulus package is no big deal, except for those who get the loot.

That is not to say that the stimulus package is harmless. Every little intervention in the economy hurts. And this stimulus package may well lead to idiotic efforts on a grander scale.

Sen. Mitchell had a further warning for the evil Republicans. "If a single city erupts this summer, we have the Republicans to blame," he said, in reference to the pork bill's provision of funding for some make-work jobs for big city political machine's to hand out to favored inner-city youth.

But before we acclaim the Republicans as heroes, we should remember how they spent the public treasury when they held the reins of power. Who can forget the campaign promise of President Bush to rebuild Homestead Air Force Base in Florida in the wake of Hurricane Andrew, a base that both parties had agreed was a waste of money and had already been blue-penciled? —CAA

Wet blankets — Over the past six years, the Pentagon has distributed 1.5 million surplus blankets to homeless shelters and local governments. Not long ago, someone in the Pentagon became aware that the blankets, manufactured since 1956, had been made with wool that had been treated with DDT. So, in February, the Pentagon told 2000 homeless shelters that they should discard the blankets.

This illustrates the absurd lengths to which fear of chemicals has taken us. The risk to a homeless person of dying of the cold far exceeds any risk of cancer or anything else that DDT can inflict.

In fact, there is virtually no evidence linking cancer and DDT, although one of the reasons the EPA banned DDT in 1972 was that DDT was a "carcinogenic risk." The evidence for this was, however, extremely weak at the time. And scientists have since concluded that there is no credible link between DDT and cancer. (A 1989 article in the *American Journal of Public Health* concluded that "the evidence does not support the opinion that DDT is a human carcinogen.")

But fear has a life of its own — and the Pentagon probably doesn't want to be sued by a bunch of Legal Services attorneys claiming to represent homeless persons.

DDT was a miracle chemical. First used in World War II to fight malaria and typhus, it was so safe that people were dusted with it to kill disease-bearing insects.

The main problem with DDT was that it seemed to cause eggshell thinning of birds of prey and interrupted their reproduction. (Some scientists dispute this.) But back in 1972, harm to birds wasn't enough to ban a substance and EPA Administrator William Ruckelshaus justified the decision on grounds that it was an "unacceptable risk to man and his environment." As they shiver, homeless people should be grateful that the EPA and the Pentagon are trying to give them a risk-free world. —JSS

An old-fashioned girl — We have all learned from the media about the magnificent accomplishments of Hillary Rodham Clinton, about her intelligence, sensitivity, toughness, and resourcefulness. Unlike past First Ladies, she has earned her place in her husband's administration by virtue of her own achievements. Her ascendency, we are told, is a milestone in progress for women.

Sorry, but I'm not buying it. Sure, HRC is as bright, accomplished, resourceful, etc, as the other political advisors

that surround Clinton. But so what? Lots of women who don't have the ear of the President are equally bright, accomplished, and resourceful.

The fact remains that Hillary gained her position of influence in exactly the same way in which Nancy Reagan and Barbara Bush got theirs: by being married to the big cheese. HRC's accomplishments are akin to those of Miriam "Ma" Ferguson, elected governor of Texas in 1924 after her husband had been impeached. Those looking for evidence of the political progress of American women had better look elsewhere. —RWB

Category errors — We should cut the President some slack on breaking his promise for middle class tax relief. It's a subjective question — he thinks people earning over $30,000 *are* upper class. Where he comes from, "middle class" means moving from your cousin's trailer into your own. —JSR

The silly season — For sheer mindlessness, what can compare with the rhetoric of the interregnum that separates the election of a new president from his inaugural? Historians may record that after Clinton's election the newspapers broke out in a rash of foolish questions in their headlines: Can Clinton Tame the Special Interests? Will Bill Get the Budget Under Control? Can the New Administration's Reforms Check the Growth of Health Costs? Will Hillary Influence Bill's Appointments to Supreme Court? These interrogatories fall under the rubric of questions that answer themselves.

Finally — one could almost feel it coming — on the last Sunday before Slick Willie assumed the presidency, my hometown newspaper (the Seattle *Times*) placed boldly above a full-page opinion piece the stunningly stupid question: "Can Bill Clinton Save America?"

I daresay that even devout Christian readers would have recoiled had the question been "Can Jesus Save America?" But probably few readers reacted as I did to the Clinton headline, for its pathetic presumption — that the federal government, under the command of a glorious new leader, can salvage our faltering fatherland — only mirrors the country's dominant ideology.

No amount of disproof and disappointment can kill the people's ingrained faith in the power of throwing the rascals out — as if a new gang of rascals could be expected to promote the interests of the general public even though every preceding gang only pillaged and constrained the many to profit the favored few. Americans are prepared to recognize the law of gravity but not the iron law of oligarchy. What enlightenment might awaken our dimwitted citizenry were every schoolchild to study Albert Jay Nock's noble diatribe *Our Enemy, The State*!

Notice the alacrity with which the new administration disavowed most of its more far-reaching campaign promises and fell into line with the magnetic forces of the organized and well-financed pressure groups. No doubt the political winners and losers will be reshuffled somewhat during the next four years. But one would be naive to expect sweeping changes, and downright foolish to suppose that the barefoot boy from Little Rock will sacrifice the interests of the rich and powerful, many of whom backed his bid for office, in order to throw bigger crumbs to the public in general or the downtrodden in particular. —RH

No amount of disproof and disappointment can kill the people's ingrained faith in the power of throwing the rascals out — even though every preceding gang only pillaged and constrained the many to profit the favored few.

Who is <u>not</u> John Galt? — Anyone wondering if Federal Reserve Board Chairman Alan Greenspan retained any of his Objectivist tendencies got their answer when he gave tentative support to the Clinton budget plan. I wonder if it has anything to do with the fact that he will be up for reappointment soon? —JSR

New corruption for old — The recent firing of all 93 federal prosecutors provides a curious lesson in political hypocrisy. Attorney General Janet Reno explained the firings as the legitimate consequence of her and Clinton's need to have prosecutors consonant with their own politics. This seems a bit mysterious: Traditionally federal prosecutors are *not* replaced when a new administration takes power. Furthermore, the

THE WIDE EMBRACE OF ALAN GREENSPAN

cartoon by James Gill

firings came only one day after she had told the press that politics would play no part in her enforcement of the law.

But there is, of course, a simple explanation. The federal prosecutors have all been fired because one of them, Jay Stephens of the District of Columbia, is in the midst of an investigation that would result in an indictment of the Honorable Dan Rostenkowski of Chicago. Rostenkowski is the powerful chairman of the House Ways and Means Committee, which is responsible for tax legislation.

This raises an interesting question: just how much independence will Chairman Rostenkowski have when dealing with an administration that saved him from public humiliation and possible jail time? It's hard to imagine that he will be very critical of Clinton's tax proposals, or that he will brook much criticism by other members of his committee.

The episode also illustrates the hypocrisy of the Democrats and their allies in the press. During the twelve dark years of Reagan and Bush, they constantly maintained that they were the guardians of public morality, righteously indignant at even the most trivial evidence of corruption in the administration. When John Sununu used government transport to take him to his dentist, a malfeasance involving an almost trivial cost to the public treasury, they forced him to resign.

Now with a Democrat in the oval office, things have changed. This is not a case of swiping office supplies. The firing of the prosecutors to save the Honorable Dan Rostenkowski from his just deserts is a blow against democracy at a fundamental level. Virtually everyone in Washington, including the press, knows the reason for the firings. Yet the indignation they felt at Sununu's peccadillo is missing. Is this the "new politics"? —RWB

Neither rhyme nor reason — CNN reporter David Goodnow described the Clinton budget approach as "no pain, no gain." No brain, I think he meant. —JSR

Moscow on the Potomac — Leona Helmsley would feel right at home in Washington, where the general attitude seems to be, "Only the little people obey the laws."

One of the best examples of this was Attorney General-designate Zoe E. Baird's hiring of two illegal immigrants and failure to pay Social Security taxes on their wages until she was nominated to head the Justice Department. Little people who hire illegal immigrants can be fined or even jailed. But no one in Washington seemed to mind if an attorney general is cavalier about the law.

Sen. Edward M. Kennedy (D. Mass.), a member of the Judiciary Committee and an author of the law Baird apparently violated, said, "It's not a significant problem." The rest of official Washington also shrugged off the Baird revelations until the voters, through thousands of phone calls to Senate offices and radio talk shows, made their opinions known. Only then did senators start to announce their opposition to her nomination.

In any case, Baird was not the only prominent Washingtonian to think that laws are for other people. Syndicated columnist Carl T. Rowan thunders on behalf of strict gun control but kept an illegal handgun in his Washington home, which he used to shoot at skinny-dipping teenagers in his back yard a few years ago. President Clinton, Vice President Gore, Interior Secretary Bruce Babbitt, and House Minority Whip Newt Gingrich are among the public officials who have admitted smoking marijuana — yet they all support vigorous prosecution of people who use drugs today.

Congress sets the standard for arrogance of power these days. Little people, of course, don't have banks that let them bounce checks regularly. Little people can't fail to pay their taxes for seven years, then say, "Whoops!," pay up, and get away with it, like Rep. Eleanor Holmes Norton. And little people have to obey all the absurd and onerous laws that Congress passes — but Congress doesn't. Congress has exempted itself from the Civil Rights Act, the Equal Pay Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Age Discrimination Act, the Americans with Disabilities Act, and the new family leave bill, among others. Maybe the members of Congress realize just how hard it is to run an office if you're bound by so many rules and regulations.

Another current example of Washington's hypocrisy is President Clinton's decision to send his daughter to an expensive private school, while opposing education voucher plans that would give the little people the same opportunity to escape the District of Columbia public schools. Bill and Hillary Clinton are to be commended for putting their daughter's well-being first — as are Al and Tipper Gore, Senator Kennedy, Jesse Jackson, Washington *Post* publisher Donald Graham, Washington mayor Sharon Pratt Kelly, and Children's Defense Fund head Marian Wright Edelman, all of whom send (or sent) their children to private schools. Yet all those people oppose voucher plans, which would give the parents of every child a voucher to be spent on education at either public or private schools. Only the little people go to public schools, and that's just fine with Washington's elite.

Most of these laws, of course, are misbegotten. No one is harmed by Newt Gingrich's pot-smoking, by Carl Rowan's gun ownership, or by Zoe Baird's hiring two people who desperately wanted a better life in America. But if anyone should obey those inane laws, surely it should be the people who pass them.

The arrogance of power in Washington is beginning to smell a lot like Moscow or Mexico City. Maybe along with term limits the little people need to get together and throw all the rascals out. —DB

In dubious battle — After the terrorist bombing of the World Trade Center in New York, the governor of that state, Mario Cuomo, rejoiced the nation by proclaiming that, in spite of everything, New York was still the safest city in the world. No one had suspected that Mr Cuomo had such a wry sense of humor.

Of course, one act of violence does not an unsafe city make. But thousands of such acts, daily pursued, can do a little something toward undermining public safety. Foreign terrorists with bombs in their minivans just add a little spice to the daily banquet of urban dangers.

How long has it been since Americans acquiesced in the realization that they stand a good chance of being killed, and still better chance of being assaulted or robbed, if they merely make the mistake of getting off at the wrong subway stop?

The poor people who have to live near that subway stop

are familiar with the problem of public safety, and what they hear about it is, too often, a promise that more federal funds for Head Start programs or "job retraining" will, in some mysterious way, solve the problem. Most poor people know better than to believe this. But what about the Great American Middle Class? The middle class seems to have embraced the notion, or perhaps the visceral feeling, that it is unrespectable to become really concerned about such issues as one's own safety.

In the large cities of two or three hundred years ago, violent crime was at least as great a problem as it is now. In eighteenth-century London, Samuel Johnson took a stout stick with him when he left his house; he might have to beat up would-be robbers and he meant to be well prepared.

The modern middle class escape such affronts to its *amour propre* (not to mention its life) by resorting to physical isolation. When isolation proves impossible, it reacts, as often as not, with a sense of guilt. Middle-class victims of violent crime — you know them — frequently confess that they "should have known better than to walk down that street." And when it comes to voting, they endorse the same leaders again and again, people who do little or nothing to protect them but who represent their image of liberal respectability. Voters and politicians agree to pretend that such lower-class paraphernalia as "drugs" or "handguns" *cause* crime, and that if we all just said no to these unrespectable articles, well then . . . we'd be safe. Wouldn't we?

Middle-class victims of violent crime — you know them — frequently confess that they "should have known better than to walk down that street."

Some of these reflections on the middle class's feckless attempts at self-isolation from reality are inspired by Erika Holzer's fine new novel *Eye for an Eye*. Holzer's protagonist is a middle-class woman who decides to do something about the normal, everyday urban terrorism that is taken for granted by the society around her. The novel's set-up shows that Holzer has a firm grasp of the psychology of middle-class victimization. People who are constantly victimized in "small" ways remain as aloof as they can from any attempt to think seriously about the problem, much less act on it; they would rather not recognize that freedom and justice are ebbing out of their daily lives. Only people, like the novel's protagonist, who are victimized in some particularly horrifying way are willing to abandon respectability and mess with the people who are messing with them.

But what happens when the barrier of respectability is broken? Holzer's protagonist joins a vigilante group, which contains precisely the sort of personalities that one would logically expect to find in such a group. Some are better, more idealistic people than those who refuse to admit the existence of dangerous social problems; others are people who started to abandon principle when they started to abandon respectability; still others are the natural enemies of any moral order worthy of respectability.

Holzer knows that the issue is not "law and order" versus "vigilantism"; that's too simple. As a student of Ayn Rand's philosophy, she knows that the issue is whether individuals will find self-respect by acting intelligently and on principle. The fact that so little intelligent or principled action seems to be taking place in our major cities indicates that the psychological and moral problem is as bad as Holzer paints it, that the great middle class finds evasion of responsibility more important even than physical safety. "Manhattan is full of sirens," Holzer writes. "An invasion of sounds crisscrossing the sky like searchlights. You learn not to notice." —SC

A clean mind — Why do I find myself often reminding colleagues that newspapers exist not to deliver the news but to sell copies and that television news on commercial stations exist to deliver ratings? Most of what is published in newspapers and featured on television news programs serves that end; only incidentally is it newsworthy. That is one reason not to read newspapers. Another reason is that newspapers are concerned with what happened yesterday, whereas I, trained as a historian, am necessarily concerned with developments occurring over greater periods, such as last week, last month, last year, or even over the last decade. Whereas my friend Murray Rothbard boasts of reading several newspapers every day, I boast of reading none. It's a matter of intellectual hygiene, you know. —RK

The Mencken test — H. L. Mencken's memoir *My Life as Author and Editor* has just been published by — who else? — Knopf. It is one of two books he would not allow to be released until 35 years after his death, because he wanted to be free to speak frankly about all the important people he knew in the world of letters and other circles. (The other is the forthcoming *Thirty-Five Years of Newspaper Work*.). The memoir is of course a delight that every Mencken aficionado will savor. Judging by the reviews and some queries lobbed at me, people are curious about what Mencken has to say about Jews. This curiosity is a hangover from the hubbub over the 1989 publication of Mencken's diary, which was widely read as containing damning evidence of HLM's anti-Semitism. After reading *My Life* I have not changed my mind on that question, which position I set forth under the title "Mr Mencken and the Jews" in the Summer 1990 issue of the *American Scholar*. But I do not wish to leave the matter at that, for there is something more fundamental than the question of whether Mencken liked or disliked Jews — viz., why should it matter? We know that Mencken was in favor of civil liberty for everyone; indeed, he called himself an "extreme libertarian." His bias toward the individual against the state has never been questioned by anyone. Also never questioned is Mencken's honor and decency regarding his family, his neighbors, his professional associates, and his many friends. In other words, in the two most revealing departments of life — how he treated people and how he wished the state to treat people — the Sage of Baltimore was summa cum laude. So what the hell does it matter whether he liked Jews *qua* Jews or not? — SR

Just say "no" to the Libertarian Party

— Frankly, I think the days of the Libertarian Party are numbered. I speak as an outsider, but it seems to me difficult for a political party with such embarrassing defects to withstand the scrutiny that *Liberty* is giving it.

In February, after recording in some detail the weaknesses of its presidential campaign, Chester Alan Arthur concluded that, in spite of its "peripheral" influence, the party ought to continue. Arthur may be right, but missing in his analysis was overt consideration of the cost of running the party or its campaigns.

In a costless world, peripheral influence might be okay. But members are giving up substantial personal resources, devoting time, money, creativity, and enthusiasm to influence policy. The rewards may simply not be high enough to justify costs like the $1.2 million spent on the campaign, along with the unmeasured hours of volunteer effort.

For disillusioned LPers, I offer an alternative, one that might be especially attractive for those Libertarians who now feel that the best they can do is abandon the presidential race and concentrate on races lower on the ticket. Instead, consider joining the state policy institutes that are springing up all over the country. You may have heard of the Heartland Institute, which started in Illinois, or its branches in Michigan, Wisconsin, and Ohio. Others are the Cascade Policy Institute in Oregon, the James Madison Institute in Florida, and the South Carolina Policy Council, to name a few.

While these are broadly conservative, many have a distinctly libertarian bent — and, with the right personnel, they could be even more libertarian. These groups select specific state issues (such as cutting taxes) and try to change policy. They are small, so individuals can influence them, but they have a significant impact in their states. —JSS

The illiberal consensus

— The case for limited government eludes even conservatives. On TV's *Crossfire* of February 2, host Michael Kinsley and Representative Barbara Kennelly of Connecticut spoke for the "left," host Pat Buchanan and Representative Fred Grandy of Iowa for the "right." Their topic was the family-leave bill nearing passage in Congress. The left emphasized how desirable it is that an employee be able, without risking his or her job, to take several weeks of unpaid leave to care for a new baby or a sick relative.

Whenever the right raised an objection — chiefly, that the bill would impose undue costs on the creators of jobs — Representative Kennelly, in particular, repeated that its effects were desirable. She reminded me of James II. According to Macaulay, whenever a member of his court ventured to disagree on some point, the King believed he refuted all objections by repeating what he had said in identical terms.

Representative Grandy stumbled with some objection about the bill's not applying to firms with fewer than 50 employees, and he hoped to encourage family leaves not by an actual mandate but by further complicating the tax code.

Even the spokesmen of the "right" focused narrowly on the prospective costs and benefits of particular interventions. They took it for granted that tension between family and job responsibilities is indeed a proper Federal concern. No one worried about how far the interventionist trend will carry if the Federal government is conceded authority to suppress everything bad and require everything good and if, moreover, politicians think they can further their careers by continuing to discover or invent problems and propose legislative solutions.

No one remembered that our government was established as one of limited powers. It was meant as a *novus ordo seclorum*, not bound to take its cues from the old world. (Someone should have reminded Representative Kennelly of this motto on the Great Seal of the United States when she noted, as if it were a nearly decisive argument, that family leave, even paid leave, is widely required in Europe.)

If our country is to slide further along the road toward a centralized and omnipotent state, let the supporters of this trend avow their position and present their arguments openly. Let their opponents recall the wisdom of the Founding Fathers.

The family-leave bill is unconstitutional on a straightforward reading of the words of the Constitution. True enough, the Supreme Court would not so rule nowadays; for an accretion of precedents has committed it to a strained and expansive interpretation of Federal powers. Neither on Capitol Hill nor in private life, however, should what one can *get away with* be the test of *what to do*. Members of Congress, not just Supreme Court justices, have taken an oath to uphold the Constitution. Political debate in the United States badly needs some return to Constitutional rhetoric concerning the nature and scope of our national government. —LBY

Where is Ayn Rand now that we need her?

— Fred Grandy used to be an actor on the TV show *Loveboat*. He's now turned up as a Republican Congressman from Iowa. At a recent congressional hearing on health care, Grandy opined: "The problem is that some people have too much health care, and others don't have enough. We'll have to deny benefits to some people in order to provide them to others, and I think that's a plank we'll all have to walk." What does it say about our society that a Republican Congressman — even someone from the dreck-world of network television — should so openly evi-

cartoon by John Bergstrom

dence the primitive-socialist mentality of a savage band? Years ago, in one of her newsletters, Ayn Rand had a feature entitled something like "Chamber of Horrors." It would cite chapter and verse, mainly from the liberal-left, attesting to the decay of our political and cultural life. Nowadays, such citations could fill volumes. —RR

Definition by example — If anyone ever wondered what is meant by the term *tax-and-spend politician*, Bill Clinton has provided an answer. Searching desperately for the megabucks it will take to finance his health plan and wishing to discourage smoking, he has proposed drastically increasing the tax on cigarettes. But to no one has he suggested eliminating the subsidies the federal government pays to tobacco farmers. So there's your definition: for our tax-and-spend president, it's perfectly permissible to pursue taxation and subsidy that *cancel each other out*, especially when the alternative is not to tax or spend at all. Any questions? —JW

Rescuing the Constitution — It is typical of the current overheated climate of public rhetoric that major judicial decisions are now almost universally judged by their real or alleged "result" or "message," rather than with reference to any legal or philosophical principles. This is nowhere more obviously the case than in regard to the issue of abortion. Few persons on either side of this emotion-laden conflict are willing to place it in any broader context or to admit that ancillary issues of legitimate import may be involved.

Thus it is not surprising that public reaction to the mid-January ruling of the U.S. Supreme Court regarding the use of the Ku Klux Klan Act of 1871 to bar anti-abortion demonstrators from blockading abortion clinics has been so out of focus. Most media commentary was appallingly superficial. Conservatives said, in effect, "Baby-Killers Lose Big One," while liberals replied, "Religious Right Triumphs Over Women Again."

In fact, the principle involved was an important one, and the Court ruled correctly. The attempt to use the anti-Klan statute to fasten new federal crimes (as well as torts) upon anti-abortion demonstrators had been from the first a legal improvisation pregnant with dangers. It called for a judicial finding of the states of mind and the emotional background of persons committing certain acts. This finding was to proceed not within the traditional context of "criminal intent" — the distinction one makes between a cold-blooded murderer and someone who accidentally backs a truck over a pedestrian — but according to an ideology-laden analysis of assumed motives. Thus, the Reconstruction-era law forbids conspiracies to deny any person or class of persons equal protection of the laws. Groups advocating its use argued that abortion clinic blockades constitute discrimination against women, that there is a legal symmetry between the KKK's animus toward blacks as a class and pro-lifer's animus toward women as a class.

Delving into bedrock attitudes in this way clearly invites bad law and selective prosecution. It can and does quickly glide into trivialities and absurdities. For example, in my own state of Michigan, if I were to walk over to my neighbor's house at this instant, yell "Get out of town, you SOB," and punch him in the snout, I would be guilty of a misdemeanor. If, however, I were to say, ". . . you Lutheran SOB," and serve him a knuckle sandwich, I would, according to statute, be a felon.

But in arguing against the Klan/anti-abortion parallel, one need not even resort to analogy. It is manifestly true, first, that both men and women are active in vast numbers on both sides of the abortion question, and, second, that, as Justice Antonin Scalia stated in the majority opinion, "Whatever one thinks of abortion, it cannot be denied that there are common and respectable reasons for opposing it, other than hatred of or condescension toward (or indeed any view at all) concerning women." Precisely. Most anti-abortion activists I know have a sincere belief that the act in question is murder. I do not share that view, but it would never occur to me to equate it with *hatred of women*, any more than I would assume that those who are opposed to the North American Free Trade Agreement are motivated by an ethnic hatred for Canadians or Mexicans.

Does all this mean that Operation Rescue and similar outfits now have *carte blanche* to disrupt the legal operations of abortion clinics? Of course not. Common-law prohibition against trespass is still in effect, as are various applicable state and local laws, as well as the use of injunctions. What the Court wisely struck down was not a prohibition against unlawful assembly but rather an attempt to stamp an official finding of gender-based malice onto a movement of millions of people whose motives, if perhaps lacking in wisdom, are coherent and honorable, and at any event are none of the law's business. —WPM

Clinical note — While reading R.W. Bradford's analysis of the Clinton Presidency, I had an interesting flash on how the short-term outlook of politicians resembles an aspect of the genetics of aging. What Bradford wrote was: "So long as government is given control of the money and of the economy, the short-term incentives that politicians face will encourage them to take actions that are harmful in the long run."

There are certain genes, called pleiotropic genes, which are advantageous when an individual is young and harmful when the same individual is old. Some researchers studying aging believe that pleiotropic genes play a major role in aging. A common example of pleiotropic genes are genes which enhance reproductive fitness in young animals, but which accelerate certain aging processes later. These genes are not selected against because their negative effects don't show up until after an animal's reproductive period is over. The long-term harm resulting from both pleiotropic aging genes and short-sighted politicians is a discrepancy between early and late feedback signals. Perhaps the same mechanism accounts for the deaths of individuals and of great civilizations. —SS

The FBI wants your codes! — The FBI wants to be able to tap our new digital phones and faxes. It has drafted new laws to force firms to build a wiretap window in digital communication systems from phones to modems to satellites. Right now it looks as if the FBI will get its way.

In 1968 Congress approved wiretaps that stem from a court order. To get a court order for a wiretap the FBI must show "probable cause" of a crime or a threat to national security. In practice "probable cause" has come to mean just that the FBI asks for a wiretap. That stems from the new search

and seizure powers that the Reagan and Bush Administrations and the Supreme Court gave the FBI and CIA and police to wage the Cold War and the war on drugs.

In 1965 AT&T held a monopoly on phone lines. All phones were analog, as most still are. You speak into a phone and the phone turns your speech into smooth changes in current that flow over wires to some other phone or microwave link or satellite link. The FBI can tap a phone call if it can intercept the analog signal.

Now communications are digital. They send strings or packets of 1s and 0s through wires and the air. So you can code messages with encryption schemes and thwart an FBI or other tap. When you read that someone or some computer has found some more prime numbers, you can bet those primes will end up in an encryption scheme.

The FBI has proposed new laws that would "require providers of electronic communications services to ensure that the government's ability to lawfully intercept communications is unimpeded." And no one seems to care.

The break-up of AT&T has spawned a wide market of phone and fax systems. The FBI wants to regulate this market. James K. Kallstrom, the FBI's chief of investigative technology, says "We see a rocky road ahead for law enforcement because the technology hasn't been designed with the correct feature packages."

The FBI wants us to use codes that it or the National Security Agency (NSA) can crack. The NSA has twelve underground acres of computers in Fort Meade, Maryland to crack codes. It has little or no oversight. So far the NSA has used export laws to stop Microsoft and other firms from using encryption codes in their software that the NSA felt was too hard to crack. Rep. Mel Levine (D. Cal.) tried to amend and loosen the NSA export laws to let the Commerce Department oversee encryption. The White House has threatened to veto the bill.

Now the FBI has proposed new laws to the Senate Commerce Committee on digital telephony. They would "require providers of electronic communications services and private branch exchanges to ensure that the government's ability to lawfully intercept communications is unimpeded by the introduction of advanced digital telecommunications technology or any other telecommunications technology." That would give prior consent to the state at the device level in one of our top high-tech industries.

And no one seems to care. You do not hear about this freedom fight on your digital TV. Bush and Clinton did not debate it. Larry King and Rush Limbaugh take no calls on it. The technical nature of the debate keeps out most lawyers and politicians and citizens.

Yet the outcome will affect us all and will shape our information age. You only go digital once. Big Brother wants the codes to our digital privacy. He may well get them with no fight.

Right now computers use your name or data about fifty times a day. You cannot control that. The FBI and police can tap your cellular phone without a warrant. They can scan all calls to look for case leads and you cannot control that.

You can control whether what you say or write or compute is private and whether what the satellite or infra-red scanner sees is private. But for that you must code your own data in your own way. We need a law that gives us the right to code our own bits. And we need it fast. We need a Digital Rights Act. —BK

Gridlock: RIP? — According to radio and television news reports in February, the spring thaw of Congressional ice was such a *fait accompli* that we should have expected Utopia by around late March. Then we could witness how a magic, non-gridlocked government could cure "our intractable national sickness."

Now that the pesky rightist obstacle, Bush, has been removed, everyone is consumed with the difficulty of actually putting new plans into action (an ad hoc committee here, a clandestine task force there), or maintaining the hype that makes it *seem* that government is active. Yet, in the midst of all the bustle, some try to assess new legislation in light of their convictions. Are these the cautious members of Congress? Are they the Republicans who will at least occasionally vote in support of their political philosophies? No. These are the "prolongers of gridlock."

Well, it's April and still no Utopia. But the gridlock incantation is still being chanted in an effort to make the innocent feel guilty and distract discourse from the real meat of the policy at hand. Why, just yesterday I heard those pissin'-'n-moanin' Democrats accusing recalcitrant Republicans in the great Motor Voter debate of "prolonging gridlock." Those meanies. They're doing it just to spite the winners of the election, certainly not because they have political beliefs or anything. The party poopers.

I guess the Clinton-believers in Congress will have to accept gridlock for what it is — a completely predictable difference of opinion.

First gridlock was off, then it was on, and now who knows what's going on. I don't feel any different. —SJR

George Bush: RIP — George Bush left the presidency in characteristic style, with tracers lighting the sky over Baghdad as U.S. bombs and missiles again rained down on the hapless Iraqis. But while Bush relinquished his grip on the power to commit vast violent crimes, Saddam Hussein retained his as tightly as ever.

Bush and those who served him still seem to regard his performance as Commander-in-Chief as his highest achievement in office. But in retrospect how can anyone view his military leadership with anything but contempt?

The 1989 attack on the Panamanians, resulting in hundreds of deaths, still has the odor of nothing more than a personal vendetta *cum* public relations stunt. What consequent good can be identified as a justification for having caused so much wanton death and destruction? Noriega's imprisonment? Hardly. Who, except Bush and Noriega, gives a damn? Breaking up the narcotics traffic? Now that's funny.

Of course, Bush's most egregious military misconduct occurred during the Gulf War, which never would have happened had Bush conducted himself more responsibly and

morally. Two years after the war, what can anyone say in defense of waging it? That Kuwait was restored to the Sabah clan? Bully for the oil-patch billionaires, those less-than-democrats who celebrated their reinstatement to power by promptly taking violent revenge against the resident Palestinians. The Iraqi masses, of course, continue to suffer from the regime's crimes against its own people. U.S. forces remain in the Gulf, patrolling the Iraqi skies and trying to prevent Saddam's forces from making aerial attacks on dissident groups in the northern and southern "no fly zones." Can anyone regard the current situation as an acceptable justification for the scores of Americans and tens of thousands of Iraqis, many of them conscripts and civilians, killed in the war?

Bush, the acclaimed aristocrat-boy-hero of World War II, could not resist the siren song of military glory, no matter how improper the occasion for exercising military force. Nonstatist historians will regard him as simply one more in a long line of mass murderers publicly excused from culpability because of their occupancy of ruling positions in the nation-state, the most murderous institution ever devised by man. —RH

Lillian Gish (1893–1993) — The death of Lillian Gish in her one hundredth year puts an end to the heroic age of an American art form. As a film actor, director, and producer from 1912 to 1987, Gish established a standard of intensity, beauty, and intelligence that the new medium required and, at its best, lived up to.

A close associate of the greatest director of silent films, D.W. Griffith, and a star of his *Birth of a Nation* (1915), Gish assimilated everything he had to teach, and she went on from there on her own. She knew that craft requires courage. To give aesthetic interest to the old-fashioned melodrama of *Way Down East* (1920), in which the heroine collapses in exhaustion on an ice floe that is racing toward a precipice, Gish decided to put her head on the ice and trail her hair and her hand in the freezing water; she also declined the use of a double. In terrible physical pain, waiting for the hero to rescue her, she grew more and more convinced that she was doomed. Only at the last possible moment did the hero arrive and carry her to safety. But she never flinched, never ran shrieking away from her role. If that was her last scene, it was going to be a good one.

I mentioned beauty and intelligence as well as courage and intensity. No one who has seen Lillian Gish in *The Wind* (1928) will ever forget its conclusion. Gish stands before an open door, challenging the perils of the outside world, and every line of her exquisite profile proclaims her triumph over her own fears. The visual impression is overwhelming, but Gish regarded the final scene as the studio's concession to sentimentality; *this* drama demanded a tragic ending, and she was too intelligent to overlook the problem. She insisted on it for the next sixty years.

It's obvious by now that Gish was anything but an ignorant, self-pitying, self-aggrandizing artiste of the kind that populates the contemporary cinema. She started working on the stage when she was five years old, because she needed to work. Her father was an incompetent businessman, incapable of supporting his family, and her mother kicked him out. Mother and children, Lillian and her sister Dorothy, therefore had to support themselves; in the social worker's vocabulary, they had to resort to "child labor."

This little girl's life was difficult, if only because it involved hiding from humanitarians. The Gerry Society, specializing in the protection of children, tried to crack down on their employment. As Gish recalled many years later,

> When we were children, they didn't say "the bogeyman would get you"; they said "the Gerry Society man would get you." And we were told to tell the truth, but we had to lie about our ages. . . [Yet] I learned to love people; they were so kind. . . I grew up in a beautiful, kind, generous, unselfish world.

But work was no paradise. When she tried out for her first movie, the director ran about the set shooting off a pistol, apparently attempting to get his young actor into the mood for a crime thriller. As an actress, Gish had little time for schooling— but she gave herself a good education, and she always preferred the company of literary intellectuals, such as H. L. Mencken, to that of her fellow actors. She said that she wanted friends who could *teach* her something.

Gish was determined to do whatever she did as well as she could possibly do it, and she ordinarily knew exactly what she wanted to do. She fought to produce *The Scarlet Letter* (1926), against the opposition of church women and other do-gooders who wanted this story of a Christian minister's adultery never to come to the screen. Gish told them:

> I am an American! This is taught in the schools; it's an American classic. I resent the fact I can't make it!

But she made it after all.

Gish was an exponent, not just of an American art form, but of the American ideal of individual achievement and the dignity of productive work. She was fond of remarking that in the early days of film "there were no unions. We worked twelve hours a day, seven days a week, and we *liked* it, because it was so interesting. And no one was more important than anyone else — the director, the property man, the man who swept up, the electricians up there; we were all one family. We were all after one thing, to get whatever that was, up on the canvas, perfect . . . It was work — serious — you didn't laugh at it, but it was interesting, because you could see yourself."

As an actor, Gish said, she was "never interested in money (though she made money well enough). I didn't want Rolls Royces, I didn't want houses, I didn't want jewels. I just wanted films I'd be proud of, because I felt they were permanent, and I didn't want to have to apologize for any of them."

There was no need for apology. — SC

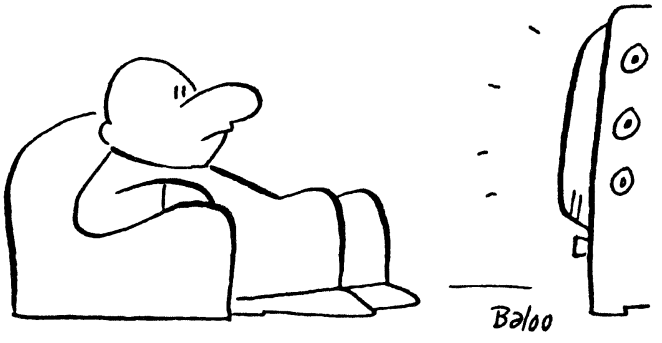

"A whole bunch of people shot at each other today — film at eleven."

How you can profit from Bill Clinton's upcoming nervous breakdown — Most, if not all, people reading *Liberty* are expecting the U.S. economy to be depressed by Bill Clinton's machinations, but before the economy is depressed, Bill himself will be depressed. Here's why.

We've been reading more and more in *The Wall Street Journal* (see especially the article on Bill's lifestyle in the March 9 issue) that Bill Clinton is having insomnia problems while, at the same time, he is on a bout of raving mania. Yesterday, while saying again and again "I really enjoy all this," he sent the Assistant Secretary of the Treasury on an expensive flight at government expense to check up on the nicked nose of an agent at the government invasion in Waco, Texas. (He could have used a telephone, but it was so much more fun sending people on expensive trips, he couldn't resist.) He's having flights of ideas that keep him awake at night and his judgment is becoming impaired. What does all this sound like?

People having these kinds of symptoms are about to undergo a nervous breakdown. Under these conditions, certain neurotransmitters (natural substances that nerve cells use to communicate with each other), particularly noradrenaline and dopamine, are rapidly depleted. This is just what happens as a result of a crack or speed run; after intense cocaine or amphetamine use (which cause flights of ideas and unusu-

continued on page 68

Medianotes

Calumny! — The day the first arrest was made in the World Trade Center bombing, I took note of how three of the daily papers I read chose to identify the alleged perpetrator in their front-page headlines. To the conservative, Moonie-owned Washington *Times*, he was a "Muslim"; to the New York *Times* he was a "Jersey Man"; and to the epitome of mainstream Washington political correctness, the Washington *Post*, he was simply a "Man." I guess all three papers chose the strongest calumny they could think of with which to smear one accused of so heinous a crime. —BD

Rush to judgment — The other day I heard Los Angeles disk jockey Jay Thomas, famous for his breast-implant jokes, denounce Rush Limbaugh for cheapening public discourse, thereby expressing the American political and cultural elite's pervasive view of the tubby talk show star.

It's easy (and cheap) to dismiss Limbaugh as a low-brow clown. I watch his television show occasionally, and he *is* a pompous, pretentious, portly, white middle-aged male — a fit target for ridicule. And, yes, his humor is sometimes a bit crude. But he's working on his weight problem, and I suspect his pomposity and pretentiousness are parts of his carefully-crafted persona. He is an entertainer, after all.

But he is not low-brow. To support this shocking thesis, I cite a single episode. A few weeks ago on his television show he spent several minutes discussing the issue of negative rights versus positive rights (i.e. the right to be left alone versus the right to be provided with goods or services). This is an important intellectual distinction, and Limbaugh's discussion, though couched in the vernacular, was intelligent and thought-provoking.

I hate to think how many hours I have listened to periphrastic bull sessions about political matters on National Public Radio, public television, and the major commercial television networks. In all those hours, I have never heard a single mention of positive or negative rights. Political discussion in these media is almost always profane (i.e. who's doing what to whom). When it aspires to matters philosophical, it is almost invariably of the vague, lofty, we-have-to-help-everyone/isn't-capitalism-evil sort.

No, I am not about to nominate Rush for the Nobel Prize in political philosophy. But it is plain that he is not lowering the level of public discourse. Far from it. Besides, some of his jokes *are* funny. —RWB

The most hated crime of all — Neo-conservatives usually do a good job of trashing political correctness (*Heterodoxy*, a neocon monthly, specializes in such demolition-work, and performs it with great panache). Yet they refuse to touch the most notorious example of PC in democratic nations today. To do them justice, though, no one else seems to want to touch it, either.

"Hate" laws, aimed at the extreme right, are on the books in most western countries, and they are being applied with a vengeance. John Tyndall, a leader of the British National Party, believes that blacks are inferior to whites, and said so in print. For that he spent six months in jail for violating British law: he had "conspired . . . to publish divers items of written matter which were threatening, abusive, or insulting in cases where . . . hatred was likely to be stirred up against racial groups." (He tells his story in the April issue of *American Renaissance*.)

In Canada, David Irving, a brilliant, if erratic, independent historian, was hounded out of the country for allegedly "denying the Holocaust." Irving has already been fined for expressing such views — and prohibited from speaking — in Germany and Austria. Again, the pretext are laws against spreading "hate," and, in Germany, defaming the memory of the dead. And so it goes, in the communitarian-minded social democracies of the western world.

This is one case where we can say with some assurance that it can't happen here. Academic Brits sometimes like to condescend to Americans on account of our "obsession" with "legalistic" rights. My response to that is: thank God for the Bill of Rights and God Bless America! —RR

Darkness at Noon

by Stephen Cox

The Clinton era is christened with blood. There is plenty of blame to go around.

I am writing on the forty-fifth day of the siege of the Branch Davidian sect by agents of the federal government. *Liberty* is going to press, and I have no idea about how to wrap this story up. Things seem to have slipped out of my control.

I hope, however, that by the time you read these words, everyone will know exactly why the government summoned to Waco, Texas, the largest invasion force of little tin soldiers since the Trojan war — scores of plump ladies and gentlemen wearing quasi-military uniforms and brandishing enormous guns, *three* helicopters flapping around, tanks (naturally), and the large number of television cameras that a secret invasion usually requires, at least if it is expected to result in promotions for its organizers.

Oh, we were informed that the Branch Davidians had guns (which the government "feared" were purchased legally). We were informed that the Branch Davidians therefore constituted a threat to the nation, or at least to Waco. They constituted so large a threat, in fact, that the government was very concerned about what they *might* do — during the *several years* that passed while various government agencies plotted busily against them. And we were informed that the leader of the sect might have "abused" "children," which meant, apparently, that he might have married a number of underage women.

When these arguments didn't arouse the expected degree of public enthusiasm, we were darkly informed that certain Australians were living with the sect *in violation of immigration laws*. All of this, doubtless, provides good and sufficient reasons for a bloody assault.

The government's difficulty, at this stage, is that its half-completed assault allows time for questions to be asked about the ethics, or at least the prudence, of some of its approaches to the problem of — guns, or sex, or cults, or illegal immigrants, or whatever is supposed to be the problem. The media may start asking questions, at long last, about the government's purpose, as well as about its tactics. I look forward to seeing who will still be alive when the questions get interesting.

Judgment Day

This is the 52nd day, and they are dead, burned to death: 17 children; 70 men and women. The flames washed over their bodies; poisonous air flattened their lungs; if they were lucky, they died before their eyes melted in their sockets and their skin dropped off like worthless newsprint. They are dead, slaughtered by a false and repulsive religion and by the vicious banality of officials sworn to protect the liberty even of people so lost and hopeless as to embrace such a religion. I mean:

Officials of the Alcohol, Tobacco, and Firearms Bureau

— who invaded the compound at Waco on February 28 to serve a search warrant alleging the possession of guns, later "feared" to be legally purchased, and advancing second-hand reports of "child abuse," an offense that the ATF was not legally empowered even to investigate;

— who used massive force to "surprise" the compound, even though they knew that the inhabitants were aware of this coming "surprise" and could be expected to resist;

— who invaded the compound, even though they knew that their search warrant could have been peacefully delivered on the many occasions when the leader of the Branch Davidians went out jogging or visited the

local Pizza Hut.

Officials of the Federal Bureau of Investigation

— who for seven weeks prosecuted the sadistic business of the ATF, after the ATF had proved to be incompetent as well as sadistic;

— who claimed that their own climactic invasion, on April 19, was motivated by "intelligence reports" about the intentions of the compound's inhabitants, but who, even after the death of their enemies, arrogantly rejected all requests to reveal the secret contents of this supposed "intelligence";

— who relied on "intelligence" that did not even include a consultation with officials of the local government that had (unsuccessfully) prosecuted the Branch Davidian leader on a previous occasion, and who apparently paid no heed to the first-hand observations of lawyers who spent over thirty hours inside the compound;

— who intimated that they (1) attacked the compound in a way designed to prevent mass suicide, and (2) were shocked that the people in the compound committed mass suicide;

— who asserted that they were prepared for all eventualities, but who made no preparations for any humane response to any eventuality, including the summoning of fire engines in anticipation of the possibility that fire might break out in the compound when it was assaulted by tanks; who, 15 or 20 minutes after a fire did break out, summoned two fire engines from a neighboring town, but stopped those engines a mile or more from the scene, alleging danger of attack from a building that was already totally engulfed in flames; who shut off water from the compound, and kept it shut off, and then made light of the notion that the fire could have been fought with water drawn from a nearby pond;

— who imagined that the proper function of government was to send a tank cruising gaily around the outskirts of a residence, crushing the playthings of the children inside, thus undermining their morale, and then to knock down the walls of their house and deluge them with tear gas from dawn until noon;

— who announced to a wondering public that snipers, appointed to watch the Branch Davidian compound from a mile and a half away and to shoot anyone who appeared in a window, observed a man crawling out of the compound, kneeling down, and cupping his hands, from within which a fire blossomed, which then burned down the compound;

— who angrily rejected any suggestion by survivors that a fire could possibly have been started by a tank punching holes in the walls of a dwelling in which there were stockpiles of fuel and ammunition;

— who claimed, simultaneously, (1) that they were not trying to end the siege, but merely trying to "ratchet it up," and (2) that they were trying to end the siege;

— whose unflagging self-righteousness stands as a lesson to all officials everywhere.

The Attorney General of the United States

— who "took full responsibility" for the invasion of April 19 but denied responsibility for anything that might conceivably have gone wrong;

— who claimed that the siege had to be ended on April 19 because of reports of "child abuse" made months before;

— who claimed that the siege had to be ended on April 19 because of reports of "unsanitary conditions" within the compound;

— who claimed that there was no intention of ending the siege on April 19;

— who, like officials of the FBI, claimed that "all eventualities and options were considered," but who, like officials of the FBI, claimed to be astonished by what actually eventuated;

— who, after these pathetic attempts at analysis of her own actions, agreed with sympathetic interviewer Larry King that government control of "hand guns" would help to avert "tragedies" similar to the one she had helped to engineer.

The President of the United States

— who on April 19 said that he took responsibility for the government's actions — by giving full responsibility to the Attorney General;

— who on April 20 magnanimously took full responsibility — meanwhile transferring this same full responsibility to the leader of the Branch Davidians, who had conveniently died on the preceding day.

All these are guilty. Sharing in their guilt are two groups of co-conspirators:

First, the national media, who on April 20 started asking intelligent questions about the events of the previous seven weeks, having thus far assiduously avoided any serious inquiry into the origin and justice of the government's action, biding their time until blood flowed and jerked them into a semblance of consciousness;

And second, the silly, the willfully ignorant, the unthinking members of the voting public, who happily acquiesce in every lie their government tells them, even when they know it is a lie; who care nothing for their heritage of freedom and could not say, if their lives depended on it (which they do), what the glorious First Amendment or the precious Second Amendment or any other sublime provision of liberty says or means; who make up the "83%," the "78%," and every other conscientiously surveyed portion of the American heart and mind that accepts as gospel any explanation of life that a "leader" may choose to give, so long as the explanation fails to threaten anybody's weekend fun.

But now let's come to some real explanations. Look at your hands. Can you see it? That's blood on your hands. ❑

The FBI claimed, simultaneously, (1) that they were not trying to end the siege, but merely trying to "ratchet it up," and (2) that they were trying to end the siege.

Bill Clinton magnanimously took full responsibility — meanwhile transferring this same full responsibility to the leader of the Branch Davidians, who had conveniently died on the preceding day.

Exposé

Mass Murder, American-Style

by R.W. Bradford

This isn't just business as usual. The government is not just lying. The government is murdering its citizens.

Janet Reno, the nation's top law enforcement agent, is a mass murderer. We know this because she confessed to it on national television on April 19, 1993.

On April 18, by her own statement, she ordered the FBI to take what it characterized as "the next logical step in a series of actions to bring this episode [the standoff between the FBI and the Branch Davidian community] to a conclusion." That "logical step" was to send a Bradley M-728s "combat engineering vehicles" (i.e. tanks) to punch holes in the walls of the buildings in which the Davidians lived, and to pump poisonous tear gas into their homes at 15 second intervals, while FBI loudspeakers proclaimed, "This is not an assault."

"I made the decision," Reno told reporters that afternoon. "I'm accountable. The buck stops with me and nobody ever accused me of running from a decision that I made based on the best information that I had. The buck stops with me."

That evening, in an interview with Ted Koppel, she elaborated:

> This was a judgment I made. I investigated it completely. I did all the — I asked the questions, I talked to the experts when I had questions, and I think the responsibility lies with me . . . I made the best judgment I could based on all the information that we had after inquiry, after talking with experts, after trying to weigh all the terrible possibilities that could take place now or later. I've made the judgment, it's my judgment, I stand by it.

What information did Ms Reno get from the experts in her Federal Bureau of Investigation? According to statements from the FBI and from Ms Reno, the FBI believed the following:

1. That David Koresh, leader of the Branch Davidians, had been placed under serious stress by the events of the previous seven weeks. He had been shot during the armed confrontation of February 28 and his infant daughter had been killed. He was in a terrible situation, his home surrounded by heavily armed men intent on capturing or killing him and destroying the religious community he headed.

2. That the stress on Koresh had gotten worse during the standoff, thanks to the deliberate policy of the FBI, which had blasted him and the other members of his community with ear-shattering noise and aimed powerful electric spotlights into their windows at night to prevent them from sleeping, and turned off the community's water supply and cut off its sewers. Apparently, their logic was to drive the already crazy Koresh even crazier, to "ratchet up the pressure," in the words of FBI spokesman Bob Ricks.

3. That Koresh had publicly said that in the event of a confrontation, the standoff would "end with people devoured by fire."

4. That the Davidians were likely to attempt mass suicide if confronted. Even President Clinton was informed in advance of the high risk of mass suicide, if we are to believe what he said at his Tuesday morning press conference, he said they chose the tank-and-tear-gas assault as, "the best way to get people out of the compound quickly before they could kill themselves."

5. That the wooden buildings in the compound, filled with baled hay, inflammable liquids, and explosive and incendiary ammunition, were a terrible fire hazard, especially once the FBI punched huge holes in their walls though which wind could blow and spread any fire quickly.

6. That there were 30 mile per hour winds in the area on the day of the assault, which would quickly spread any fire very quickly.

It is not difficult to predict the effect of the "logical next step" of an assault on the compound: if several hours of tanks firing poisonous gas into the compound did not ignite the structures, the ammunition or the fuel stored there, then the unstable leader of the Davidians, made more unstable by the FBI's "psychological" campaign to deny him sleep or peace or quiet, who had predicted the standoff would end with "people devoured by fire"

and perhaps discussed and even planned a "mass suicide" in the event of an assault, would ignite the place himself. Given the high winds, the flammability of the buildings, the incendiary and explosive contents of the buildings, the fact that the FBI had cut off water to the area but not brought in fire-fighting equipment made the deaths of the nearly 100 people a virtual certainty.

By her own admission, Janet Reno had "asked the questions and investigated it completely," so she knew all this. She had weighed "all the terrible possibilities that could take place," including the virtual certainty that the Davidians — including the dozens of children present — would be burned to death.

Knowing all this, she ordered the assault. "I've made the judgment," Janet Reno said. "It's my judgment. I stand by it. The responsibility lies with me." The assault she ordered could only end with the deaths of nearly one hundred people, including a substantial number of people she knew to be innocent.

There is a term for what Janet Reno did. That term is mass murder.

Janet Reno and the FBI offered excuses for their action. The assault, they claimed, was intended "to increase the pressure to bring about serious negotiations." But early that morning, the FBI told neighbors "that it would end today," and telephoned the compound, "At this point, we're not negotiating. We say, come on out, come out with your hand's up. This matter is over."

Janet Reno told Ted Koppel the night of the assault that she had ordered the assault in order to protect the children from abuse. President Clinton backed up her claim the following morning at his informal press conference: "I talked to her [Janet Reno] on Sunday, I said, now, I want you to tell me once more why *you* believe, not why *they* believe, why *you* believe, we should move now rather than wait some more. And she said it's because of the children — they have evidence that those children are still being abused and that they're in increasingly unsafe conditions and that they don't think it will get any easier with time, with the passage of time."

But when Ted Koppell confronted her with testimony from a witness who had been in the compound and seen no signs of abuse (and who had reported the same to the FBI), Janet Reno admitted that they had no recent evidence of abuse. But, she added, "The sanitation situation within the compound we were told was beginning to deteriorate."

This theme was reiterated by Bill Clinton ("The children . . . being forced to live in unsanitary and unsafe conditions") and FBI spokesman Jeff Jamar, who told reporters, "How would the federal government look, when we finally get in the compound, there are children dying of hunger or children dying of disease because of the conditions? That was one of the overriding concerns." So the abuse that the FBI and Attorney General accuse the Davidians of consisted denying them proper food, water, and sanitary conditions. Who cut off the water supply to the compound? Who cut it off from sewers? Who controlled the access of the compound to food? The answer to all three questions is the same: the Federal Bureau of Investigation. To the extent that the children were so abused, the abuser was the FBI itself.

Curiously, a week before the assault, the FBI said that it would not use tear gas on the compound, because it feared for the safety of the children. It had evidence that the adults had gas masks, but the children did not. Yet their operational plan was to pump in gas until

Who Started the Fires?

There are three plausible possibilities.

1. It was mass suicide.

Supporting evidence: The FBI says that Koresh planned a mass suicide from the start. FBI spokesman Jeff Jamar said, "This was his plan from the beginning. It's clear to us it would have happened 30 days ago if we had gone in there." The day of the assault, FBI spokesman Bob Ricks said, "an FBI hostage rescue team member observed a subject through a window in the second floor wearing a black uniform and a gas mask undergoing a throwing motion the person was knelt down with his hands cupped from which a flame erupted."*

The FBI said that those who escaped the flames said that Koresh and other Davidians had started the fire. When asked what that "very specific evidence" was, Jeff Jamar replied:

> At least three people observed a person spreading something out in this motion. [bends over and holds his hands together] This was reported yesterday, bent down with a cupped hand, and then was a flash of fire. We have aerial observations of multiple fires. So the person saying that there was one instance of where the CEVs may have bopped something. This is not so. We have another person telling us the [inaudible] was reported to you yesterday that the fire was started with lantern fuel. There has been fuel containers found at the scene. There's no question in our mind that that's how the fire started.

Evidence against: Immediately after the conflagration, FBI spokesmen said that the fire was a complete surprise to them, and they had no indication that Koresh or the Davidians might commit mass suicide. The escapees all denied having said that Koresh or other Davidians started the fire, and all claimed the FBI had started it by knocking over lanterns within the compound.

Other information: In addition, a team headed by Paul Gray, an arson investigator from Houston, concluded that the fires were set in "at least two different locations." Gray said that all the investigators "were independent of any federal law enforcement agency." However, the Bureau of Alcohol, Tobacco and Firearms, confirmed that Gray had worked as part of a federal task force with ATF and that Gray's wife was an employee of ATF.

2. The fire started by accident, when the FBI knocked over lanterns inside the compound.

Evidence for: The survivors of the fire have stated at every opportunity that this is how the fire was ignited, and that it spread quickly, thanks to the flammability of the building and its contents, the high winds, and the fact that the FBI had knocked holes in the walls.This hypothesis is consistent with the fact that the buildings were illuminated with lanterns, since the FBI had turned off electric power to the compound.

* The "hostage rescue team member" was in fact an FBI sniper viewing the compound through the telescopic sight of a high powered rifle. Although the FBI called its squad of agents a "Hostage Rescue Team," all available evidence is that the compound held neither "hostages" nor anyone who wanted to be "rescued," except possibly from the threat posed by the FBI.

the masks failed — which would require *eight hours of continuous gassing*. What did they think would be happening to the people *without* masks (i.e., the children)?

Furthermore, child abuse is not a violation of federal law, let alone violation of any law that falls under the jurisdiction of the ATF, the FBI or Justice Department. And the charges of child abuse had been thoroughly investigated a year earlier by state authorities, under whose jurisdiction child abuse lies, and the Branch Davidians were exonerated. It is apparent that the whole "child abuse" issue was brought up only to persuade the judge who issued the warrant and to gain the sympathy and complicity of the American people.

The grinding of political axes may prevent any sort of fair-minded, open investigation. The Waco holocaust is widely perceived as a threat to the Clinton presidency, and many partisan Democrats are rallying to his side. And many on the political right see the episode as a threat to the credibility and prestige of their old communist-hunter friends in the FBI. Congressman Henry Hyde has already opined that the episode illustrates why we need to give more money and power to the FBI.

Lost in all the commotion is the fact that the cause of the standoff, the February 28 invasion of the Davidian compound by the ATF, was unjustified. In the aftermath of the holocaust in Waco, the secret search warrant that the ATF served with its army of 100 heavily armed men was made public. There were two charges brought to the judge who had issued that warrant: that the group had abused children and that the group possessed weapons without the required license.

The child abuse charge, as I have already pointed out, is an obvious red herring. It is also manifest that the second charge lacked any factual basis. The ATF accused the Davidians of possessing fully automatic weapons, that they had altered from semi-automatic rifles, without obtaining the appropriate government licenses. Yet in two pitched battles, one with the ATF on February 28 the other with the FBI on April 19, there has not been a single report of the use of automatic weapons by the Davidians. Nor have there been any reports that the Davidians used "rockets" or any of the other illegal weapons that the FBI alleged they had in their attempt to defend themselves from the FBI's tank assault on April 19.

Almost certainly, what upset federal authorities was the fact that the Davidians "resisted arrest" on February 28. Leaving aside the fact that the ATF was not attempting arrest, but to serve a search warrant to gather evidence for a violation of a licensing law, and the common-law right to resist unlawful arrest, it is certainly true that the Davidians acted imprudently. Federal agents have a long history of going ballistic when met with resistance.

But whether the Davidians had any choice in the matter is dubious. The search warrant was served by a virtual army of more than 100 heavily armed men clad in body armor, breaking windows and kicking down doors. This Gestapo-like approach to serving a search warrant was likely to trigger a defensive response, even if the agents were wearing shirts that said "ATF."

There is considerable evidence that the ATF (which Ronald Reagan denounced as a "rogue agency," when he called for its abolition a decade ago) hoped to provoke a violent response from inside the compound. It could have served the warrant to Koresh when he was away from the compound,

continued on page 54

Evidence against: The FBI claimed shortly after the arrest of the suvivors that the survivors stated that the fires were ignited by members of the group.

3. The FBI started the fire, intentionally or quasi-intentionally.

Evidence for: The FBI took numerous actions that insured that a fire would spread very quickly and could not be stopped once it started. It chose a dry day with high winds for its attack — conditions that are terrible for flushing out people with tear gas but excellent for burning down a building. It cut off water that might be used to put out fires. It did not have fire-fighting equipment on hand. If kept fire fighters away from the scene, and delayed their arrival once they had been called: "The reason the fire trucks were not allowed to go in immediately was the fireman's safety. It's that simple. There were people there with automatic weapons ready to fire." Jamar did not explain why, despite ample opportunity, the Davidians never used the automatic weapons whose possession rendered the situation too dangerous for fire fighters. Nor did he explain why the FBI allowed the press within 1.5 miles of the assault, but kept fire fighters and their equipment miles away in Waco. Nor did he explain why the sophisticated aerial fire-fighting techniques of the military were neither employed nor ready for use, or why the FBI intercepted and halted fire fighters and equipment who were coming to the scene.

The FBI was frustrated at the inability to flush out the members of the community with tear gas. FBI spokesman Jeff Jamar told reporters the next day that at the time of the fire, "We were of the opinion that deep inside the compound — you've seen your pictures where there's a concrete structure standing there — we were of the opinion that they were inside that structure and that they were able to survive in there even with the gas because maybe it would protect them from the gas maybe it was sealed." Presumably, if the FBI's tank and tear gas assault failed, the FBI would be even more embarrassed.

Furthermore, the mass annihilation of the Davidians could serve as an object lesson to other individuals and groups who might attempt to defy the federal authorities. As President Clinton said during his press conference on April 23, "I hope very much that others who will be tempted to join cults and to become involved with people like David Koresh will be deterred by the horrible scenes they have seen."

Evidence against: The FBI are good guys, who would never do anything bad.

But whether the truth will ever come out is dubious. There will certainly be investigations. Even President Clinton has sanctioned them: "That's up to the Congress, they can do whatever they want . . . if any congressional committees want to look in it we will fully cooperate. There's nothing to hide here, uh, this was probably the most well-covered operation of its kind in the history of the country." Of course, the superb coverage the president spoke about took place from a mile and a half away, and consisted mostly of news spoon-fed by FBI spokepeople, substantial portions of whose statements were obviously contradictory and patently false.

—*R.W. Bradford*

Who Benefits From the Clinton Program?

by Harry Browne

When a politician gets caught with his hand in the till, why do Americans think he was trying to put something *in*?

It's doubtful that very many people who understand how an economy functions believe that Bill Clinton's economic program will achieve its stated objectives. It is apparent that:

- The program won't reduce the deficit; it will increase the deficit.
- It won't bring interest rates downward; it most likely will send them soaring.
- It won't benefit from low inflation; more likely, it will be the catalyst that brings back the inflationary 1970s.
- It won't raise more revenue from the rich; it will simply send higher-income people into tax shelters, municipal bonds, tax evasion, and retirement.
- The program won't stimulate the economy; it will hurt the economy.

So you may wonder *why* Mr Clinton would advance a program that is so likely to fail. Is he stupid? Are his economic advisors brain-damaged?

His plans make sense only if they're placed within the broader context of all politics and government. If we understand *why* government programs almost always produce results opposite to their stated goals, we can understand why Bill Clinton would propose a program that has no chance of success.

Poor Economics?

The customary explanation is that politicians don't understand economics — that they simply don't see that price controls lead to shortages, that boosting the minimum wage puts people out of work, that raising tax rates doesn't necessarily produce more revenue, and so on.

It's true that they espouse faulty economics. But I doubt that politicians believe the economics they advocate anymore than *we* do. And so they're no more surprised at the results than we are.

The programs don't achieve their objectives because *the politicians never intended them to.* They have no interest in feeding the poor, rescuing the middle class, stimulating the economy, or reducing the federal deficit. They have other motivations for creating laws and imposing regulations.

Cui Bono?

An age-old question in law is *Cui bono?* — for whose benefit? Who profits from a given act?

And we can understand the politicians' motives only if we hold every proposed bill and program up to this question, because the individuals who benefit are *never* those for whom the program is supposedly intended.

For example, raising the minimum wage doesn't boost the earnings of low-income workers; in fact it throws many of them out of work. But politicians are no more surprised

Illustration by James Gill

by this than we are. They don't pass such laws to help low-income workers; they do so to keep such workers from competing with labor unions — the real beneficiaries of the minimum wage laws.

Environmental laws and regulations aren't enacted to do away with pollution. They're designed to aid certain businesses at the expense of others. That these laws hurt most consumers is, to a politician, simply an incidental, irrelevant fact of life.

"Civil rights" and "disabilities" laws don't help the unfortunate. But they furnish countless money-making opportunities for trial attorneys, help large companies stave off competition from up-and-coming entrepreneurs, and provide the rationale to expand the enforcement bureaucracies.

Urban renewal didn't provide better housing for poor people; it provided better contracts and jobs to the building trades. The purpose of "campaign reform" bills is not to make campaigns fairer and less costly — but to make life easier for incumbents by handicapping challengers. Even defense decisions are made for the benefit of defense contractors, not for the benefit of the nation's defense.

We think we're superior when we use our best economic insights to determine who will be helped or hurt by a given law. But politicians are way ahead of us. They knew all that before they passed the law. *That is why they passed it.*

Lies and Statistics

The novelist Mary McCarthy once said that every word uttered by the writer Lillian Hellman was a lie — even "and," "a," and "the." We can understand politics only by thinking of politicians in the same way. No politician speaks the truth; he says what's necessary to further his career. If, occasionally, that happens to be the truth, so be it — but truth isn't the standard that guides him.

I'm sure that some people enter politics with a genuine hope to improve the world — whether to reform society or to repair the wreckage created by previous reformers. But such a person soon comes to understand that his colleagues don't care about facts or theories — except as they may support their political goals. It becomes necessary to make deals to enact even a tiny part of one's political agenda.

No matter what the agenda, it will coincide with the interests of some people — creating some natural, willing allies for whatever the politician went to Washington to accomplish. The defense contractors will support him if he pushes for a strong defense, for instance. But, eventually, he realizes that there won't be enough support — either to get a bill through or to get himself reelected — if he doesn't compromise the purpose of the bill to suit the supporters and to buy additional support.

It's not a long leap from there to the point where his principled agenda is subordinated to the deals he can make and the benefits he can provide to the people who are keeping him in office. He may occasionally wish he had the freedom to work on the goals that once motivated him, but he does no more about it than the rest of us do about that novel we're all going to write someday.

The individuals who benefit are never those for whom the program is supposedly intended.

Thus it's no surprise that a conservative hero like Orrin Hatch one day cosponsors federal child-care legislation. Or that super-dove, anti-military Ron Dellums screams bloody murder when defense cuts lead to shutting down California military bases. Or that free-enterprise advocate Jesse Helms is a prime mover for tobacco subsidies.

Seeing such a thing, we might conclude that the politician has an unfortunate blind spot. Why can't he see what he's doing? But the truth is that he *can* see. If we accept his words and ideas at face value, it is *we* who are blind — blind to the politician's purpose.

We, the Powerless

A politician thinks solely of his prime constituency. But that constituency isn't the voters in his district. It's the companies and organizations that provide the money and manpower for his campaigns. These are the beneficiaries of the votes he casts in Congress or the programs he advances as president.

And to understand government and politics, you must realize that *no congressman fears the electorate.* "We, the people" hold no power over him. There is almost nothing he can do that's so outrageous that it will cost him his job.

Despite all the letter-writing campaigns, the assorted scandals, and all the occasional outrages, I'm not aware of a single instance of a congressman or senator being voted out of office because of a bill he supported, a tax increase he endorsed, or some popular movement he failed to join.

There was a tremendous uproar in 1989 about a proposed congressional pay raise. It was topic #1 on radio call-in shows all over America. The House backed off for the moment, but the next year the raise was passed anyway — and I know of no congressman who paid at the polls for voting for it.

With all the furor over the House bank scandal last year, I'm not aware of even one big check-kiter who was defeated in November. True, some of them decided not to seek reelection. But therein lies *another* tale — one with a considerably different story line from the one generally reported.

Take the Money & Don't Run

For decades congressmen and senators have been able to hold on to any campaign funds they don't use during a campaign. They save the money for the next election — giving them a head start on fund-raising (while their opponents have to begin afresh each election year). Some incumbents have so little opposition that they spend practically nothing on their campaigns — and they accumulate greater and greater sums in their war chests.

And when an incumbent finally retires, *he can take any unused campaign funds with him.* Some congressmen have retired with literally millions of dollars of campaign money in their pockets.

In the early 1980s, Congress finally passed a bill requiring a retiring congressman to turn over unspent campaign funds to the U.S. Treasury. But the new rule wasn't to take effect until — guess when. That's right: not until 1993.

So last year an unusually large number of congressmen decided to retire. Because of their overdrafts at the House

bank? Because of public disgust with Congress? Because these idealistic public servants had become discouraged trying to bring the federal budget under control?

Get real. They quit because it was their last chance to take the money and run (or not run). Years ago — long before any recent scandals — it was predestined that a lot of incumbents would retire in 1992.

No matter how bad things may become this year and next, no matter how much public outcry there may be over tax increases, no matter how many scandals erupt, the number of congressmen retiring in 1994 is unlikely to be even one-fourth the number of 1992.

Public Opinion Doesn't Matter

The fact is that a congressman is immune to public opinion. A president is held accountable for the state of the nation and a governor for the condition of his state, but no congressman pays at the polls for the votes he casts.

For one thing, most voters have no idea what he's voted for. They know only that they've heard of him, but not the other guy.

Because incumbents have such strong name recognition, they benefit from large turnouts of voters who don't have strong political beliefs. Thus the current agitation for a "motor voter" bill — whereby people register to vote automatically when they apply for a driver's license, welfare, or unemployment compensation (but not when they pay taxes). The new proposals also allow someone to register at the polls on election day — which helps the organized pressure groups to "vote early and often."

Incumbents also benefit from "campaign reform" laws that limit spending and prevent challengers from acquiring the name recognition the incumbent already has.

A politician's reelection doesn't depend on public opinion or his record, but on the support of corporations, rich benefactors, and organized groups that will provide the money and the manpower to get out the vote for him.

And when he weighs a vote in Congress, all that matters is whether these supporters will benefit from the bill — or whether he can trade his vote to obtain support on another bill that will aid his benefactors.

Who benefits? Not the voters or the taxpayers.

The Pressure Groups

Obviously, the politician's supporters have their own motives.

It's not hard to identify the motives of corporate executives who want subsidies, or who push for legislation to outlaw competition — foreign or domestic. Nor is it difficult to see how labor unions profit from minimum wage laws, bills that compel federal contractors to pay "prevailing wages" (also known as "union wages"), and so on.

"Civil rights" and "disabilities" laws don't help the unfortunate. They merely furnish countless money-making opportunities for trial attorneys.

And it's easy to see why the NEA fights against parental choice and why the public-employee unions oppose the privatizing of government.

The motivations of ideological groups — "civil rights" organizations, conservative lobbies, environmental groups, and the like — are slightly more complicated. Undoubtedly, most of these organizations' members believe strongly in their causes. But their leaders are a lot less devoted.

The leaders are much like politicians themselves — concerned with perpetuating their own power. They may not have started out thinking that way — but, like politicians, they inevitably wind up weighing issues and battles in terms of personal power, money, prestige, fund-raising, and privileges.

Such a leader never abandons his original ideology, because that's where his support comes from — and because it's a part of his style, just as an entertainer has a style he retains throughout his career. But we can't expect the "cause" to be more important to the leader than his career.

The leaders make deals to gain financing from companies who can profit from the groups' agendas, and they alter the groups' programs as necessary to keep those companies happy. The leaders also have to keep the membership satisfied, but that doesn't mean they have to do what furthers the members' goals.

Here again, if we realize that these leaders aren't necessarily motivated by the goals they profess, we can see that apparent ignorance and hypocrisy are actually cunning and consistency. These leaders don't waste their time promoting complicated, low-key, long-term programs that might eventually aid the cause at hand; it's more valuable to do something — even something totally ineffectual — that makes a show of furthering the cause. It's important to have a dramatic and perhaps winnable campaign — no matter how little it might actually advance the cause.

Thus we saw "civil rights" leaders promoting sanctions on South Africa — sanctions that threw thousands of South African blacks out of work and destroyed hundreds of black-owned businesses there. We see academics, who profess to believe in free inquiry, ruthlessly suppressing research and discussion that might lead to more productive routes to the very goals they espouse.

We see feminists pushing anti-discrimination or family-leave bills that will make employers less willing to hire women. And poor-people advocates supporting slum-clearance projects that kick the poor into the streets.

You cannot convince these leaders that they're taking the wrong route to their destination, because *the destination isn't what you think it is*.

To them, it's important only that the proposal *looks* good and that it makes anyone who opposes it seem cold and heartless. The point is to *act* concerned, to *appear* to care, to do something that's showy and *seems* compassionate, to seem to be on the moral high ground.

It is necessary only that they display what James S. Coleman has labeled *conspicuous benevolence* — an ostentatious display of caring.*

Thus the organizational leaders accomplish what is showy for their members, even if nothing meaningful ever happens.

The leaders collaborate with politi-

* *National Review*, March 18, 1991, page 34.

Enlarged

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cians to get bills passed that make the leaders look good, and in turn the leaders rally their members to give the politicians job security. The process is little different from the politicians' making common cause with corporations, labor unions, and other groups that have direct financial motives.

These "special interests" are all that concern the typical politician. He makes deals with them, he votes on their behalf, and he has little interest in anything that happens outside the world of the Beltway, his colleagues, and the lobbyists.

And so seemingly inane government programs (such as foreign aid, honey-bee research, and anti-consumer regulations) begin to make sense when we realize who actually benefits from them.

Clinton's program is not a misguided, incoherent mishmash of conflicting purposes, failed economics, and left-wing ideology. It is a carefully crafted attempt to assemble a series of sub-programs that will cement an immense coalition of politicians, bureaucrats, corporations, labor unions, and interest groups.

And we can see as well that you won't change a politician's vote by rallying public support, appealing to his good nature, or inundating him with common sense. A politician will change course only when doing so seems likely to improve his own power and job security — in other words, when you can offer to replace his benefactors with more powerful patrons.

The Clinton Program

Bill Clinton's program makes sense once we see it through the eyes of a politician.

It is not a misguided, incoherent mishmash of conflicting purposes, failed economics, and left-wing ideology. It is a carefully crafted attempt to assemble a series of sub-programs that will cement an immense coalition of politicians, bureaucrats, corporations, labor unions, and interest groups. Deficit reduction and economic stimulus are its veneer, not its goals.

Certainly Bill Clinton is one of the most deliberate liars ever to sit in the White House. It's obvious that his campaign promises of middle-class tax cuts, a line-item veto, school choice, reinventing government, and creating new jobs formed no part of his intentions. Taking office didn't expose him to the cold chill of reality; he knew what he was doing all along.

But the difference between Slick Willie and other politicians is only a matter of degree — not a difference in kind. And to think of Mr Clinton as an aberration is to set yourself up to be fooled by the next politician to come down the road.

Let's approach the Clinton program by looking first at his warm-up proposals.

The first two bullets out of the Clinton gun were the family leave bill and the "gays in the military" campaign. These are "showcase" issues — excellent examples of conspicuous benevolence. They achieve nothing useful for the people supposedly being helped. Their purpose is to allow special-interest leaders to show off for their followers — enhancing their recruiting and fund-raising efforts.

No one in Washington (except Larry King) could possibly believe employees or employers will benefit from the family leave bill. It will send some marginal companies into bankruptcy, and it will divert employers' resources away from benefits (higher wages, longer vacations, or shorter working hours) that many employees would have preferred.

The object was to pay off the leaders of feminist organizations that had provided strong support for Mr Clinton and many congressmen. The bill allows feminists to show that they have clout with the government — the power to pass a bill that ratifies the notion of a woman having both a career and a family without sacrificing anything for the privilege.

The family leave bill also is a boon for ambulance-chasers — wealthy trial lawyers who spend a lot of money buying politicians. Obviously, employers will try to avoid hiring anyone with a family, anyone young enough to be a prospective parent, and especially anyone female. This opens yet another market for law suits.*

In addition, the bill helps large corporations by putting a comparatively larger strain on medium-size companies that might threaten them. And it means more power for the Washington anti-discrimination police.

If any congressman truly believed in the worth of the bill, he wouldn't have voted to exempt Congress from it. Last year's outrage over the "imperial Congress" and politicians "out of touch" with voters didn't seem to terrify any congressmen. This bill reaffirms that they're too important to abide by the laws they impose on the rest of us.

The "gays in the military" farce is similar. I doubt that the homosexual leaders have much desire to infiltrate the military. They simply want to flex their muscles for their followers — to show how powerful and deserving of support they are. And there may also have been some satisfaction in snubbing their noses at the American people: "We're here, we're queer, and we're going to make your life miserable."

It was a cliché of conservatives last year that the radical leftist groups had agreed to keep quiet during the presidential campaign — to allow Mr Clinton to maintain his image as a "moderate." I don't buy that. The leaders of the radical groups had to rally their members to support Mr Clinton, and any journalist knew about it and could have reported it.

It was the journalists who were silent, not the radicals. Why the journalists would do so is another story — one for another time. Suffice it to say that they had a powerful desire to see Mr Clinton elected — and they let no scruples get in the way of furthering his campaign.

The Beneficiaries

But feminists and homosexuals aren't the only groups that must be paid off. Mr Clinton has already compensated labor-union leaders with a number

* Perhaps the bill was passed to please the NAASP (the National Association for the Advancement of Single People).

of unpublicized executive orders that gutted the laws the union leaders have found inconvenient.

He will push for environmental legislation to satisfy the eco-freaks — but, more important, to create vast new profits for firms involved in recycling, toxic-waste cleanup, alternative fuels, and the like. He is setting up a new environmental "super agency" in the executive branch — with the power to veto actions of other agencies that interfere with his supporters.

If we realize that these leaders aren't necessarily motivated by the goals they profess, we can see that apparent ignorance and hypocrisy are actually cunning and consistency.

But, of course, the biggest part of his political plan is the economic package he has proposed. No one really knows all the details of the package because it's still in development; the details will be filled in as it becomes apparent which groups need which benefits.

One group consists of the corporate executives who expect to profit from his "high tech" policies. These policies won't create a single net new job; they will simply move jobs and profits from some industries and companies to others and to the government. During the election campaign Mr Clinton made deals with those executives in order to gain their public support and enhance his image as a "moderate" who's on the side of private industry.

These companies are supposed to be helped as well by Mickey Kantor, the new U.S. trade representative, who rattles his sword at Japan and Europe — ready to lop off the heads of American consumers and export industries, to reward the companies that are afraid of foreign competition.

And Commerce Secretary Ron Brown will oversee the distribution of export licenses, exemptions, and subsidies to the "Wall Street financiers, entertainment moguls, tobacco concerns, and oil companies" that contributed $30 million in "soft money" to the Clinton campaign.*

There's a long list of companies, industries, organizations, and groups that eagerly await the passage of the economic program. Inconvenient competitors will be crippled, prestige will be enhanced, and boondoggles will proliferate. And federal grants to cities will enhance the power of big-city mayors who, in turn, will get out the vote for Mr Clinton in 1996.

Mr Clinton's grand economic plan offers no hope for deficit reduction or economic stimulus. But it isn't aimed at either of those ends. Its purpose is to benefit the coalition that put him in the White House and that he hopes will keep him there for eight years.

Deep in the Heart Are Taxes

Most congressmen are with him all the way, because the core of the Clinton program is a vast array of new taxes.

We know this will hurt most voters through reduced take-home pay and a shrinking economy. And so do the congressmen who leapt to their feet to applaud these taxes.

Tax increases haven't reduced the deficit before and they certainly won't do so this time. And no congressman will be shocked when the deficit is larger four years from now. Meanwhile, most of us will be worse off — having "contributed" to an ill-fated program with no chance of success.

So why would any politician support such a program? Why anger many of his constituents to jump aboard a bandwagon that's heading off a cliff? Who benefits from higher taxes?

The politicians themselves, that's who. The increased revenues will finance new spending programs with which the politicians can pay off supporters and buy new friends.

Some of the increases — such as higher tax rates for the rich — are self-defeating and congressmen know it. Revenues from the upper brackets may actually decline — as income is diverted to non-taxable shelters. But the politicians know that "soak the rich" is only a rhetorical smokescreen. The real money will come from the folks in their beloved "middle class" — many of whose members may find the pain more tolerable if they think the rich are hurting even more.

Congressmen are hungry for the funds that the tax increases will provide. And their supporters are hungry for the spending programs those funds will finance.

"Public Support"

Politicians love Bill Clinton because he appears to be America's super salesman. He's out there touring the hinterlands, selling the story that higher taxes are the only way out of the worst economic crisis since the Great Depression.

How many people are buying the story is difficult to say, however. What we hear isn't the voice of the people, but a tremendous press campaign to persuade us that the public is 100% behind the president — a campaign to make you feel you're the only one in America who isn't willing to pay his share to slay the deficit dragon.

To understand government and politics, you must realize that no congressman fears the electorate. "We, the people" hold no power over him.

Pollsters load survey questions to get answers that say, "Yes, I'd be glad to pay more to reduce the deficit or stimulate the economy" — even though the average person has no idea how much the Clinton taxes will cost him, and he has no idea (and is never asked) whether the program *will* reduce the deficit or stimulate the economy.

Every day, newspapers and TV offer supportive quotes from folks in the street to corporate executives to economists to Barbra Streisand — to let you know you're an unpatriotic misanthrope if you aren't enthusiastic about Mr Clinton's final solution.

You aren't alone, however. If you get the idea you are, watch one of C-Span's call-in programs or tune in to talk radio. Most people are upset.

But the question of public support

* The San Francisco *Examiner*, March 4, 1993, page A-9.

(or lack of it) is merely a diversion. Public opinion is irrelevant, because the politicians know that supporting Mr Clinton won't cost them their jobs. So they focus on the dollar signs — the new funds to play with. And they're more than happy to help Bill Clinton pay off his political debts to homosexuals, feminists, labor unions, and "civil rights" leaders — in exchange for all that fresh cash he's about to confiscate on their behalf.

Exemptions

And the money from the new taxes is only half the attraction for congressmen.

The other half is the life-and-death power it gives them to grant exemptions from the taxes to those who offer the most in return. The new tax bills will be full of exceptions — each designed to arrange political support from some quarter.

The "broad-based" energy tax has already lost a good deal of its broad base — with exceptions for fuels such as methanol, ethanol, and so on.

But, of course, this isn't anything new. Even the "tax reform" of 1986 contained a multitude of exceptions for one group and another. (And so does the NAFTA "free trade" agreement, every environmental law, and any other bill that affects the economy in any way.)

Tax and regulatory laws give congressmen life-or-death power over specific industries and individual companies. The power is intoxicating. A congressman entering the House when a tax bill is being considered must say to himself, "Ah, this is what it's all about."

Cynicism?

If you think my view of politicians is cynical, ask yourself how politics could possibly be otherwise.

As P.J. O'Rourke has observed, "When buying and selling are controlled by legislation, the first things to be bought and sold are legislators."

Would you expect people who can confiscate money from those who earn it and dispense it to other people to be angels? To expect politicians to be honest, conscientious, patriotic, or benevolent is to expect the Mafia to be run by Dominican nuns.

The politicians comprise a gang of extortionists — unrestrained by police, laws, custom, or constitution. Many times I've heard someone say the American Constitution is a perfect instrument — if only the politicians would obey it. But of what value is a Constitution that politicians can disobey?

The problem isn't the specific politicians; they're doing only what you would expect people in their position to do. The core of the problem is the institution of government itself — that "great fictitious entity by which everyone seeks to live at the expense of everyone else," as Frédéric Bastiat put it.

So long as legislators can make life easier for some at the expense of others, legislators will be bought and sold — and ideology will be meaningless. A government designed to "do for the people what they cannot do for themselves" will inevitably turn into one that does for the politically connected whatever they're willing to pay for.

Gracious Living in the '90s

Because the beneficiaries of the Clinton program have no interest in deficit reduction or economic stimulus, we shouldn't believe for a moment that the plan was ever intended for those purposes.

The President and Congress want more tax money to spend on collaborators who want subsidies. Every dime raised by the new taxes will be spent. And, just as no drunk can stop when he reaches a preset limit of drinks, the politicians will spend more money than the new taxes generate. So we should expect bigger deficits four years from now.

The higher taxes and bigger government will most likely drag the economy to a halt. The reaction of the Federal Reserve to that will be critical. If the Fed watches from the sidelines, we could see a prolonged recession. If the Fed attempts to offset the fiscal drag with monetary stimulus, we'll see inflation again — and maybe lots of it.

It's very possible that we'll see a combination of the two situations: a sluggish economy and higher inflation — something like the stagflation of the 1970s.

All in all, the Clinton program suggests that the 1990s will be a difficult time for most people trying to make a living, but a great time for tax attorneys and trial lawyers. It also should be a good time for investment advisors — especially those who feast on hard times, although I can't imagine who would be so heartless as to try to profit from monetary crises.

Quo Vadis, Willie?

Whether Mr Clinton will be reelected in 1996 depends on such things as how well he satisfies his coalition, how big he can make the coalition without tipping over the government entirely, how well the press covers up for him to the middle-of-the-road voter, how determined the Republicans are to oppose him and how well they explain their opposition, and whether they can find a candidate more forceful and appealing than any of those currently in the stable.

All these factors will shift many times before 1996, so it's fruitless to forecast the outcome now. The only thing we know for sure is that the next four years won't be nearly as dull as the last four. ❑

Cartoon by James Gill

VAT Out of Hell

by Chester Alan Arthur

Knowing how much we enjoy taxes, Clinton's minions celebrated income tax day by announcing plans for a new, infinitely expandable tax.

On April 14, as Americans were sweating and swearing over their 1992 income tax returns, President Bill Clinton announced that he is considering imposition of a Value Added Tax to finance his (and his wife's) proposed health care reforms.

That is strange timing indeed. One has to wonder whether the Clintons are so isolated from ordinary Americans that they do not realize citizens feel substantial hostility toward taxes while filling out tax returns, calculating just how much hard-earned money must be paid directly to the federal government.

The Clintons' tentative support for VAT to finance health care reform came as a surprise to those Americans who believe the President to be a truthful person, presuming that among the 48 million who voted for him are some who have not yet noticed his inclination to lie. On the campaign trail, Clinton had promised a tax cut for middle-class Americans and had promised further relief to America's poverty stricken. Yet the burden of the VAT falls harder on the poor and middle class, since they spend a higher portion of their income on consumer goods. And the reason the country needs health care reform, he said during the campaign, is that health care currently costs too much. So why is it that all the other tax increases the president has proposed will not suffice to pay for his not-yet-announced health care reforms? How much money can we really save with his health care plan, if it requires an entirely new kind of taxation to be created, on top of the huge tax increases he has proposed on alcohol, tobacco and energy?

Of course, those who voted for Clinton under the impression he was a truthful person are not exactly paradigms of critical intelligence. After all, during his campaign he told all sorts of palpable lies. It is safe to say that most Americans who cast their votes for Clinton believed him to be a liar whose policies would likely be less obnoxious than those of the other liars seeking the presidency.

Personally, I think selling Americans on the VAT will tax Clinton's skills as a snake-oil salesman. For one thing, 57% of voters voted against him in the November election, selecting instead candidates committed (in theory at least) to lower taxes. These voters are presumably dubious about any scheme to impose a new tax. Even among those who cast their ballots for the mendacious Arkansas politician, I doubt there will be much support for the VAT.

The introduction of any new tax is more dangerous than an ordinary tax increase because it opens a door to further tax increases. The federal income tax began in 1913 with rates ranging from 1% on incomes between $20,000 and $50,000 all the way up to 5% on incomes over $500,000. Remember that this was before government-induced inflation had eaten away at the value of the dollar: a daily newspaper cost 2¢, a daily wage of $5 was considered to be very high, and a $20,000 income was roughly equivalent to $350,000 today. At the time, fewer than one American in a hundred had to file an income tax return at all.

Once the tax was established, politicians began to view people's incomes as a source of revenue to be tapped at will. Within four years, the maximum rate had risen to 77% and before long, some taxpayers were paying rates of 92%. At the same time, exemptions were reduced and more and more Americans were subject to the tax. Today, virtually all Americans pay income tax.

Most Americans are aware of a politician's propensity to raise any tax at any chance he gets, and are reluctant to subject themselves to new forms of taxation. I live in Washington, one of eight states with no income tax. Politicians have long promised to lower the state's outrageously high sales tax rates if voters would amend the state's constitutional

prohibition of an income tax. In neighboring Oregon, one of five states with no sales tax, political leaders have promised to cut that state's outrageously high income and property taxes if voters would stand for a sales tax.

In both states, enactment of the new form of taxation has been supported by big business, labor unions, government employees, and many politicians. But the voters of both states have repeatedly refused to allow the new form of taxation out of the well-founded fear that the new tax would grow out of control once the state got its foot in the door. I suspect that this good sense is not confined to the Pacific Northwest.

For another thing, the public is beginning to wise up to Clinton's health care plan. Sure, all Americans want to have first-rate health care to be paid for by someone else. The public sucked up Willie's and Hillary's talk about benefits — i.e. lower out-of-pocket costs for health care — as long as the cost of the program would be paid by increased taxes on relative minorities like smokers and drinkers. But most Americans dislike the notion of paying for their health care in the form of higher taxes on themselves, and dislike even more the notion of paying for other people's health care.

Why do those who favor a bigger and more powerful government support VAT? There are five reasons.

First, they tend to favor any new tax, on the grounds that you can't raise a tax until you establish it.

Second, they like VAT because it is extremely hard to evade. Because it requires businesses to report the cost of each product they sell and the value they add to it, evasion is almost impossible. It was first imposed in France in 1954, where people traditionally believe that tax evasion is morally acceptable or even morally good. It quickly spread to other nations in southern Europe where taxes are perceived in a similar fashion.

All Americans want first-rate health care to be paid for by someone else. But most Americans dislike the notion of paying for their health care in the form of higher taxes.

Third, they like VAT because it provides a steady flow of income, even during recessions and depressions, when other tax revenues fall. If your income falls to nothing, the government cannot charge you any income tax. But VAT is included in the price of food and other necessities of life that you must buy even if you're living off charity or savings.

Fourth, they like VAT because once enacted, most people don't notice they are paying it. VAT is included in the price of everything everyone buys, it is almost invisible to most citizens. Taxes people don't see, they don't complain about.

Fifth, and perhaps most important, they like VAT because it places most of its burden on the poor and middle class. When the famous bank robber Willie Sutton was asked why he robbed banks, he answered, "Because that's where the money is." The United States is a middle class society, and the middle class owns most of the property and earns most of the money. Taxing the rich is a fine way to get the votes of envious poor people and middle class people, but it doesn't really raise very much money.

"No, I don't want to know what you would do about the economy!"

The VAT puts a huge burden on business enterprises, especially small businesses. The one place where it has been tried in the United States is Michigan, where a variation of it is called the "Single Business Tax." During its first couple years it forced many small businesses into bankruptcy and left virtually all businessmen mystified by its complexity. It was enacted there 16 years ago by an alliance of big business and the labor-controlled Democratic Party. The Democrats liked it because it gave them more loot to spend on their various schemes; big businesses liked it because it reduced their taxes considerably. (Large enterprises, with their sophisticated computer systems and armies of accountants, were also more able to handle its complexity and project its costs).

Besides costing middle-class taxpayers very substantially, its enactment at the federal level would certainly do serious harm to small business, the sector of the American economy that shows the most vitality and is responsible for virtually all job creation.

Once this door is open, advocates of a bigger and more powerful government will move to open it wide and wider. Where the VAT is well-established, it has followed the course our income tax followed: in Sweden today, the VAT rate is 25%.

But I doubt it will be enacted. I suspect that voters nationally will show the same common sense as have the citizens of Washington and Oregon. Maybe a full 43% of them did vote for Bill Clinton, but I doubt they wanted to open their pockets to an entirely new kind of tax, because they understand that a new kind of tax will mean higher taxes in the long run.

Advocates of VAT often claim they are seeking a fairer, less economically destructive method of taxation. If they are sincere about this, they should offer real and permanent cuts in other taxes. If they offered VAT as part of a package including a constitutional prohibition of the income tax, maybe even I would support it.

But don't hold your breath waiting for VAT's advocates to make such a move. They are not looking for fairer taxes. What they want is higher taxes. ❑

The End of What?

by Sheldon Richman

There was no laissez faire in the '80s, and thus none for Clinton to repeal . . .

Of course it was inevitable. President Bill Clinton said as much in his two speeches introducing his economic program. But he hadn't quite used the words. Then on February 28, in the Outlook section of the Washington *Post*, James Fallows — that master at packaging fascism as benign historical necessity — gave them to us: "Farewell to Laissez Faire!"

Fallows' article was a paean to Clinton's deftness in accomplishing a paradigm shift of the kind described by Thomas Kuhn in *The Structure of Scientific Revolutions*. For Fallows, the greatness of Clinton's program is not in its deficit-attacking features; with its big tax increases, new spending, and largely bogus spending cuts, the program, writes Fallows, "has its limitations." (I think we can go further: the notion that fiscal discipline can be imposed on the government by giving it more revenue is something out of *Alice in Wonderland*.) No, for Fallows, Clinton's singular achievement is in changing the public debate from the terms set by Ronald Reagan in 1980: "The first [paradigm Clinton changed] is the concept of pure laissez faire — the idea that whatever happens in a free economy is by definition the best thing that could have happened, since if there were any better alternative, market forces would already have brought it about." How is that for a summary of the Reagan-Bush years? If that is how Fallows sees the period 1981–1992, I am tempted to believe that Haynes Johnson's title for his book about Reagan applies literally to Fallows and his kind: sleepwalking through history.

Most university economists, Fallows lamely explains, don't believe in laissez faire "since so much of their research concerns the reasons markets don't work the way they should." As if no rival explanation is conceivable, he offers this example: "The 'market' that sets executive salaries consists of boards of directors, many of whom are friends of the executives in question or executives of other companies themselves; in general they have factors other than pure economic efficiency in mind." But Fallows and his ilk rarely look at the *politics* of that market. For instance, they criticize Michael Milken as an exemplar of the age of greed, never noting the legitimate function Milken performed in the heavily regulated market for corporate control, how Milken imposed discipline on complacent corporate managers by threatening to yank "their" companies from under them. By virtually shutting down the takeover movement with the attack on Milken and so-called junk bonds, the government made the world safe for the corpulent executives Fallows enlists in his crusade against capitalism. His other enlistee is the Boeing company. Its problems at the hands of Airbus, for Fallows, are proof positive that the scoffers at industrial policy are wrong. (How come it never occurs to these over-educated pundits that before we conclude that Boeing can't compete with Airbus we might try *actually letting* it compete?)

While the economists lodged in the universities may know that markets don't work, Fallows says, "the Cliff's Notes version of economics that filters into politics — through speeches, columns, newspaper editorials — has for the last decade taken the simple view of laissez faire as generally and self-evidently true." It is this simple view that propelled the Reaganauts. Bush continued to build on that saggy foundation, but Fallows manages to find signs of the coming paradigm shift, particularly Bush's venture into semiconductor industrial policy. Here Fallows is obviously letting his theses drive his selection of evidence. Bush was not the first to talk laissez faire but walk industrial policy. Ronald Reagan did it. Three months into his administration, Reagan bullied the Japanese

into accepting "voluntary" quotas on auto exports — exactly what Bush did with computer chips. Reagan approved the Chrysler bailout during his 1980 campaign and also fathered "voluntary" restraints on foreign steel shipments. He was the most protectionist president since Hoover, signer of the infamous Smoot-Hawley.

Dressing up industrial policy with the rhetoric of capitalism didn't begin with Reagan. Has Fallows never heard of Richard Nixon? What Fallows identifies as paradigm shift is something much less impressive. It is more of a rhetoric shift, though even this is not so dramatic. Reagan used to say that government was the problem not the solution. But Bush was never accused of saying that. His inaugural address was a sharp slap at the idea.

There was no laissez faire in the eighties, so there was none for Clinton to repeal. Not that any attempt to clarify the last twelve years will do any good. Fallows is merely riding the wave when he says that the age of laissez faire is now over. Most people really believe 1981–1992 was a time when government uncaged the robber barons. Government was slashed, the economy was deregulated, the rich had their taxes cut, and the little people were left to face the cruel winds of Social Darwinism with barely a food stamp to keep their children from harm. Who will listen to the small voice that says it ain't so?

I am reminded of 1980 when libertarians debated whether it would be better for Reagan or Jimmy Carter to win the election. Most believed Reagan was the better choice. I had serious doubts, which I put into print. My argument was that Reagan couldn't be counted on to move in a libertarian direction, but his words, eloquent at times, would have everyone thinking he was moving that way. That is precisely what happened — and I don't believe it took special acumen to foresee it. All it took was a lack of wishful thinking. For all his talk, Reagan did not assault the government. His famed 25 percent cut in marginal rates in 1981 was followed by the then-biggest tax increase in American history; it was sold to the American people as part of a deficit-cutting plan that was supposed to have large spending cuts — but didn't. The government's take of "national" wealth barely changed in the Reagan years, and its spending increased, in domestic as well as military programs. Most cutting was off future increases (just like Clinton's). The pace of new regulation slowed down, but that is all. The bureaucracy grew by over 200,000 people. Reagan (and Alan Greenspan) "saved" Social Security by putting in place a multi-year tax increase that has middle-class families paying more in payroll than income tax. (This is the looting of the middle class that Clinton alludes to but never names — because his party supported it.) Let us not forget Reagan's crowning achievement, which occurred before the election. He foisted George Bush on America. And it was with Bush that real domestic spending grew faster than under any president since John Kennedy (and Congress did not spend all he asked for), and new regulations cascaded from the agencies. Then in 1990, he broke his no-tax pledge and conspired with the felons and purloiners in Congress in another "anti-deficit" plan that raised taxes and gave us larger deficits.

How come it never occurs to these over-educated pundits that before we conclude that Boeing can't compete with Airbus we might try actually letting it compete?

After all this, most people think that the eighties were a time of small government. Small government gave us scary deficits, greed unbound, higher taxes on the middle class, and a recession. That will not stand, says Bill Clinton. The party's over. No more something for nothing, by which he means no tax cuts without obligations. Laissez faire is dead. It had its last test and it flunked. The government must be trusted, because the free market cannot. That is the lesson of the eighties. The people are buying it.

Were we set up? □

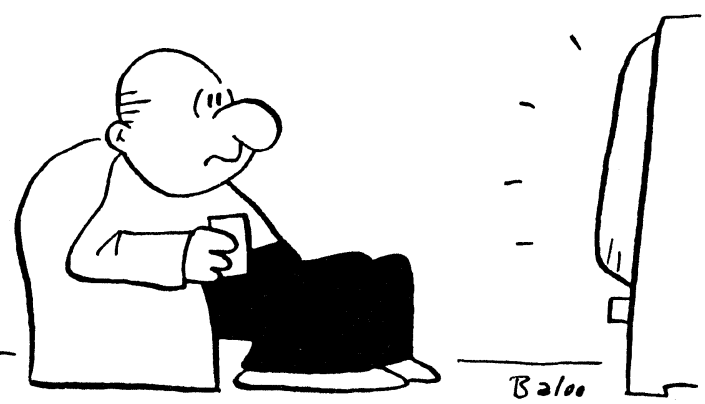

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Clarification

Happy April 15th!

by Jonathan Saville

The nation suffers from a shortage of goodwill, foresight and public spirit — in sum, the nation suffers from *libertarians.*

I don't know who these libertarians are, and I don't want to know. But they must be sick. Who else but a sick person would want to protest the day our taxes are due?

The scene at the Main Post Office in my hometown of San Diego on the evening of April 15 is the most thrilling imaginable. Faithful post office employees line Midway Drive with big postal baskets on wheels, to catch those last-minute tax returns that somehow seem to come along every year at this time. Citizens who want to obey the law about filing before midnight drive along the wide street and toss their envelopes through their open car windows into the waiting bags.

What a romp it is! Many taxpayers bring their whole family along for the outing. Children love the bumper-to-bumper traffic, lined up for blocks with the drivers patiently waiting their turn to support their government. "I hear America singing, the varied carols I hear!"

The excitement rises as the hour gets later. Finally, just before midnight, postal employees start rushing the brim-filled mailbags back into the building. Then you will see drivers stop their cars in the middle of traffic, leap out, and sprint after the disappearing baskets, waving their letters to the IRS like patriotic banners. Who will win the race, the post office workers or the taxpayers? The fellows make it into a game.

It is a game some taxpayers enjoy so much that they file at the last minute just for the challenge — "because it is there," as somebody said about climbing the north face of the Eiger. And when time runs out on them, and the post office door slams in their face on the stroke of twelve, what do these Americans do? They shrug their shoulders and laugh, like the sportsmen they are. They will live to file another day, and a late penalty of five percent per month is a small price to pay for what Ross Perot has called "the most gut-gripping gamble outside of Las Vegas."

Now, what I want to know is, why do sourpuss libertarians want to throw a blanket of discontent over this ritual by marching up and down in front of the Post Office with signs reading "Less Tax Equals More Liberty," "No More Income Tax," "Abolish the IRS," "Had Enough? Vote Libertarian," and "Von Mises Saves"? Don't they realize that paying taxes can be fun?

And not just fun. I consider it an honor to divert part of my income to support public services and to allow my government to hold its head high. It's like supporting my old Dad, or my own brothers (even the one in jail) — something a decent human being just has to do. Libertarians make a lot of what they call Tax Freedom Day: the date on which you start making money for yourself, having turned all your income from January 1 up to that point over to the federal or state government. While in 1930 (they tell us) Tax Freedom Day was as early as February 13, by 1992 — in California — it had worked its way all the way up to May 9, and it's still advancing.

What a bunch of cry-babies! The best months of our lives are the ones we give toward earning our tax liabilities. When Tax Freedom Day arrives, and I know that every penny I take in the rest of the year is mine to keep, I feel empty inside, as though I were breaking my back for no purpose. What my deepest soul yearns for is the day when Tax Freedom Day shall be no more, when finally we will be able to turn 100% of our income over to the tax-collectors. Then at last I'll feel that my life has meaning, from January 1 all the way through to December 31. But try to explain that to a cheapskate libertarian!

The problem is that our federal, state, and local governments have simply not been able to come up with ways to get absolutely all our money. It's not for want of trying — no, it's

their timidity and their lack of imagination. Why don't they listen to me? I can provide them with ideas for enough new programs to justify income taxes of 150%!

First, I would institute Misfortune Subventions (MS). The principle here is that any time anything unfortunate happens to anybody, government is responsible and has to pay. People born ugly will get Ugliness Subventions, with good-looking people paying the extra taxes to finance the program. It's only right, after all: bad luck is inherently inegalitarian and unfair, and only government can make up for nature's wrong.

I also would initiate WPBH (Welfare Payments to the Broken-Hearted), with a sliding scale of payments to the victims of unhappy love affairs depending on how many hours of sleep they lose per night. And we should expand Criminal Rehabilitation Services (CRS), with bonuses for drug and alcohol problems. I believe a country has no self-respect if it doesn't spend at least half its GNP on compensating criminals for their misfortunes.

The U.S. government should provide total financing for a minimum of two dozen foreign countries from all over the world, but especially the neediest, the greediest, the most corrupt, and the most incompetent. We should support their economies, supply their military with weapons, and send over hordes of advisors to teach them the principles of American democracy, so that one day they can learn to exact 100% income taxes from their own people.

Finally, we Americans should renew our commitment — heart, soul, and mind — to officials of our own government. The more programs, the more officials — and what could be better than that? As Lyndon Johnson once remarked, over a Wild Turkey on the rocks, "For every new level of bureaucracy, a star is born." We should fill the sky with galaxies!

And no libertarian penny-pinching about salary scales. In a well-run Democratic-Republican government, officials should not be paid what they deserve, they should be paid *far more* than they deserve. That is the most effective way to keep them from taking bribes and stealing from the public till. Outrageously high governmental salaries promote public morality, something even grousing libertarians must admit is a worthy goal.

There is only one drawback to the 100% income tax. If the government takes all our money so that not a penny passes through our hands we will lose the pleasure of filing income-tax returns at all. The whole wonderful patriotic sport of midnight sprints at the post office will be nothing but a memory, along with other outmoded American myths such as personal liberty, self-reliance, rugged individualism, and the open market.

But there's no gain without pain — something those wrong-headed tax protestors have never gotten around to learning! ❑

I would initiate WPBH (Welfare Payments to the Broken-Hearted), with a sliding scale of payments to the victims of unhappy love affairs depending on how many hours of sleep they lose per night.

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Report

It's the Pork, Stupid

by Randal O'Toole

April is the cruelest month, breeding politicians out of the dead land, mixing memory with desire, stirring dull minds with the belief that "something for nothing" is a principle of nature. Case in point: an event in Portland, Oregon, April 2, 1993.

Most observers at the President's Conference on Northwest Forests, sensitized to the polarization between the timber industry and environmentalists, focused on whether the spotted owls or loggers were winning, or which were getting in the most "hits." Perhaps because I just got back from Washington, DC, my focus was a little different.

In downtown Washington, shabbily dressed panhandlers occupy nearly every street corner, seeking donations from the lobbyists, financiers, and diplomats on their way to work or lunch. Some of the panhandlers sing, some tell stories ("I need another quarter for busfare"), some just hold out paper cups. Many people are disgusted by the beggers, but the panhandlers apparently earn enough to keep going or there wouldn't be so many of them.

A much more respectable, yet far more destructive, form of panhandling takes place over at the Capitol. Well-dressed lobbyists line up before Congressional committees to sing their songs and tell their stories about why the taxpayer should pay for their pet projects. I was far more disgusted by them than by the beggers outside, though I suspect I am eccentric in this respect.

Nearly everyone appearing before the Interior Subcommittee hearings of the House Appropriations Committee, whose hearings I attended the week before the forest conference, asked for more money for some park, forest or range project. The testimony became very predictable: a park association asks for money for their park, a hardwood manufacturer association asks for more money for hardwood research, an environmental group asks for more money for buying land.

A few people asked that the committee spend less on one item and more on another. I was the only one who wanted an overall reduction in spending. The committee just laughed at the idea.

So as the forest conference approached, I had pork on my mind. Just before the conference, I wrote a policy paper predicting that at least four pork programs — thinnings, ecosystem restoration, increasing payments to counties, and banning log exports — would be proposed. They would cost taxpayers hundreds of millions of dollars, I suggested, while doing little good for the environment.

All of these and more were proposed at the conference. It turns out I had underestimated the creativity which people would use to design pork barrel projects. Many people talked about "incentives." Not market incentives, but tax and subsidy incentives.

Here are a few examples:

- John Gordon, member of the "Gang of Four,"* wanted money for habitat restoration and more money for research. (Ask a researcher what ought to be done and the answer will always include more research.)
- Jim Sedell, hydrologist and honorary Gang of Four member, suggested we begin watershed planning. (We wasted billions on forest planning, but drawing the planning units along watershed boundaries will magically fix the problems. Sorry. Been there. Done that. Doesn't work. The Forest Service did watershed planning in the 1970s and it was as inept as anything a Soviet planner ever tried.)
- Ecologist Jerry Franklin suggested that we train and hire rural people to do forest monitoring. (What happens to the workers when we run out

* The Scientific Panel on Late-Successional Ecosystems, four eminent scientists charged by Congress with developing plans for management of northwest old-growth forests. They developed 32 different management options, all consonant with their conclusion that all remaining old-growth forest needs to be preserved to assure a high degree of viability for old-growth species.

of money for such monitoring? I asked Jerry. "We won't ever run out," he said, "the government can just print more." Remember when they said we would never run out of old growth timber?)

• Bob Lee, a forest sociologist, wanted to do "community-based planning." (See above. One problem with planning is that we don't trust anyone to do it — not planners, not economists, not communities, not governments, not corporations. If no one can be trusted to do something, why do we keep wanting to do it?)

Clinton listened, he asked sensible (if pre-programmed) questions, and he hardly ever appeared bored.

• Meca Wawona, an ecosystem restorationist from the California Redwoods, wanted to spend billions on restoration, to do for the Northwest what the Redwood Park bill did for northern California. (But just what is restoration? I am sure that, to some, it includes road construction, clear-cutting, dams, and all kinds of other activities that Meca does not want. No matter how carefully designed, a pork barrel is a pork barrel is a pork barrel.)

• Bob Doppelt, of the Pacific Rivers Council, put some numbers on his proposal: $750 million for fish habitat restoration. (I wonder if Bob knew that a fish biologist in Douglas County told Bruce Babbitt that "what the fish here need most is three more dams." I am sure that was music to the ears of the former Arizona governor and longtime supporter of the Central Arizona Project.)

• Roslyn Heffner, a vocational counsellor, suggested tax breaks or reduced workmen's compensation for companies that hire unemployed loggers (making everyone else pay their share).

• Chad Oliver of the University of Washington, hinted at tax breaks for timber companies practicing New Forestry (old subsidies for new forestry?).

• Not to be outdone, Brian Greber, of Oregon State University, promoted tax breaks for companies engaged in "growth" industries such as composites. (If the industry is doing so well, why does it need our money?)

Not everyone wanted pork. When University of Oregon economist Ed Whitelaw was asked about log exports, he acted embarrassed that he didn't have any pork to offer; he just muttered something about leveling the playing field with Japan, which has higher tariffs on imports of processed lumber than raw logs.

If the environmentalists seemed more subdued than the rest of the presenters, it was partly because most of them weren't offering the President any juicy bits of pork that he could hand out to the Northwest. Andy Kerr briefly mentioned fixing the Forest Service's incentives, but also wanted to ban log exports. Felice Pace went so far as to urge that the market should be left alone.

To paraphrase Al Gore (who noted that "it probably isn't a coincidence that all of the senators opposing the President's pork barrel — I mean, economic recovery package — are Republicans"), it probably isn't a coincidence that most of the invited speakers advocated some sort of pork. For the first time since at least 1969, we have a president who truly believes that pork barrel is good for the economy, that government can solve problems, and that the democratic process counts for more than economic substance.

But the forest conference wasn't really about pork barrel, any more than it was about spotted owls. The conference was about process.

What other president would drag his vice president, four cabinet secretaries, and assorted other top officials all the way across the country to hold a town meeting discussing essentially a local problem? Franklin Roosevelt, maybe? Probably someone well before him.

One reason this seems so unimaginable today is that the federal government is so much bigger than it was a few decades ago. When Franklin Roosevelt took office, the entire federal budget was not much more than the Forest Service alone spends today. Roosevelt and presidents before him could take the time to deal with local or peripheral problems. Not today. The $3.5 billion per year Forest Service budget is barely a gnat's eyelash on the brow of the federal giant.

But Clinton took the time. He listened, he asked sensible (if pre-programmed) questions, and he hardly ever appeared bored. The questions that Gore and the cabinet secretaries asked appeared to be mostly off the cuff, and dialog was minimized more by the nervousness of the presenters than the loftiness of the president and his team.

So Clinton was doing far more than just keeping a campaign promise. He was sending a signal about his style of presidency and his idea about what government can and should do.

This signal should cheer those with boundless faith in the wisdom of democracy and the ability of the people to discern good from evil. I have no such faith. "The people" are a bunch of individuals who spend most of their time dealing with their own interests and who avoid government like the plague, except when it hits them in the face. When they vote at all, they vote for a pretty face, a familiar name, or a catchy slogan, or against a check-bouncer or molester. Social, economic, and foreign policies are too much for any one person to understand, much less all of the voters.

Clinton knows this. Instead of relying on the wisdom of the people to solve Northwest forest problems, he is going to rely on his own instincts. He will not come up with a "compromise" that pleases no one. Instead, he will use pork barrel to please as many people as possible, knowing that the ones who will have to pay for it are too busy with their own interests to get very upset.

Clinton will protect lots of acres of land to keep the environmentalists happy, provide job retraining programs to keep the workers happy, and a few tax breaks and guaranteed timber sales to keep the corporations happy.

Clinton's plan, it is clear, will be to protect lots of acres of land to keep the environmentalists happy. He will have all kinds of employment and job re-

continued on page 52

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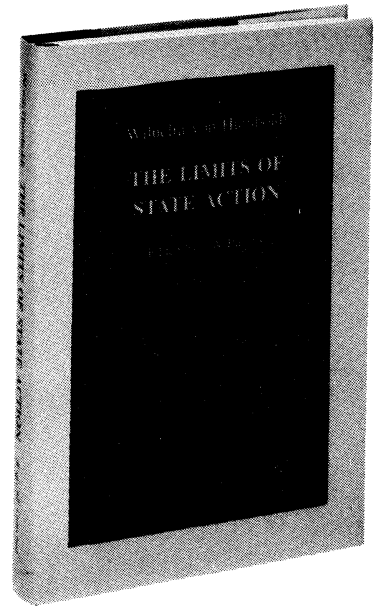

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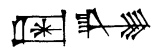

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1943
The Watershed Year

In 1943, a handful of books appeared that helped nourish the revival of the individualist political movement in twentieth century America: most prominent among them were Isabel Paterson's The God of the Machine, ***Ayn Rand's*** The Fountainhead, ***and Albert Jay Nock's*** Memoirs of a Superfluous Man. ***These voices broke the silence, sounding out for personal freedom during America's most collectivist era.***

Nock was well known to the "remnant" (as he called it), in no small part because of an earlier work, Our Enemy, The State, ***and for his valiant work as editor of*** The Freeman ***and*** The American Mercury. ***His*** Memoirs ***are, like Rand's 1943 novel, idiosyncratic, yet widely recognized as a classic 50 years later. What better way to celebrate its anniversary than to print, for the first time, the very words of Nock himself?***

Lectures

Understanding the State

by Albert Jay Nock

When one mentions Albert Jay Nock, what most likely immediately comes to mind is his hatred for the State. Consider his well-known quip:

> Taking the State wherever found, striking into its history at any point, one sees no way to differentiate the activities of its founders, administrators, and beneficiaries from those of a professional-criminal class. [1]

Nock's first attempt to present his views on the State appeared in a six part article in The Freeman *in 1923. Probably his best known book is* Our Enemy the State, *published in 1935. It is certainly true that Nock wrote a great deal about the State. Under his editorship,* The Freeman *(1920–24) was well-known for its anti-statist views. Publisher Benjamin W. Huebsch described Nock's series as "summing up this paper's attitude towards the State." His columns in the* New Freeman *in 1930 and 1931, and in the* American Mercury *between 1935 and 1939 (under the column-heading, "The State of the Union") were similarly strongly pre-occupied. The four lectures published below are the last known sustained comments Nock ever made on the State. The similarities and differences they have with his earlier essays make them interesting. They also give us a glimpse of a conversational style quite distinct from his well-known stylistic acumen.*

Nock's vehemence about the State made it stand out above other, equally important, concerns. He sometimes seemed to have lost sight of the positive things he really valued. His readers often saw only his negativity and his seemingly sole focus on attacking the State. There was in fact a great deal more to him. He was deeply concerned about excellence, freedom, and individualism. He had an abiding regard for the preservation of the best of civilization and the promotion of a "humane life." Individual responsibility and moral autonomy were key to a code of action summarized in the title of one of his best essays, "On Doing the Right Thing." Nock's emphasis on society, the "economic means," and "social power," hinted at a positive alternative to State power that we might describe as Civil Society today. In the end, though, Nock's own anti-statism has distracted friends and foes alike from his much broader, and indeed quite radical, social criticism.[2]

And so, there is something terribly incomplete about such a narrow focus on the State. A little over a year before Nock gave the lectures reprinted below, Harvard professor Carl J. Friedrich pointed out the cost of demonizing the State. He explicitly linked Nock with an American tradition that included Jefferson, Emerson and the I.W.W. Obliquely referring to Nock's book, Friedrich wrote:

> But if the state is chided as "our enemy," this is in fact only the reverse side of the same medal, — for it amounts in fact to a devil theory of the State. Now the State as Satan is still the State as Leviathan, only looked at with disapprobation. While the disapprobation is an improvement from one viewpoint, the satanic view is nevertheless objectionable, because of its exaggeration of the modern state's place in man's life. While from our

vantage point, it may not exaggerate the State's place, it certainly can send one down a road with no alternatives and positive proposals.[3]

So there is a danger that these previously unknown lectures on the State might merely solidify a narrow and unfortunate perception of Nock's broader brilliance. One might prefer, for example, to publish Nock's nearly completed study of Alexander Hamilton; it might have been a fitting contrast and complement to his wonderful Jefferson. *There were apparently several other manuscripts he destroyed just before his death in 1945. Such is life, and those were his wishes.*

Nevertheless, these lectures are delightful little pieces quite different from the polished style for which Nock is known. Delivered just after his 70th birthday, they do round out his views of the State. They will surprise those readers familiar with Nock's writings, for here we have him speaking to us. What is printed below is taken from a transcript of his actual lectures; the four lectures are long and are often awkward, as is common with spoken presentations. Nock was a consummate stylist; his writing is justly regarded as among the finest in American letters. Memoirs of a Superfluous Man, *for instance, is a recognized classic. While there is something quite attractive about these very colloquial, almost off-the-cuff lectures, Nock no doubt would have been acutely embarrassed to see them in print.*

These lectures are undoubtedly affected by other factors as well. They were presented toward the end of his life, and he may not have been well. They were also presented to, for lack of a better term, a lay audience. They were meant to be introductory excursions, not in-depth discussions. In keeping with Nock's predilections, they were meant merely to get the people in his audience thinking. Any condescension was just part of Nock's personality. These factors may account for a certain lack of perspicacity and for their sometimes wandering nature. I doubt very much whether Nock had prepared comments. At most he may have had some notes.

These lectures were found during research for my collection of Nock's essays publishing in 1991 by Liberty Fund, The State of the Union: Essays in Social Criticism. *They had been transcribed and filed away, undiscovered for nearly fifty years. Nock gave them at the Henry George School of Social Science in New York City. They were given on October 29, November 12, November 19, and November 26, 1940.*

The original transcript is incomplete and nothing is known about the circumstance of its development. I have edited it only very lightly. I made some of the long and awkward statements more easily understandable by adding or changing the punctuation the transcriber used. I corrected mistakes and adjusted lacunae in the transcript. As you will see, the lectures remain the spoken presentation of Albert Jay Nock. What is presented here is virtually identical to the original transcript.

— Charles H. Hamilton

LECTURE

ONE:

The Nature of the State

There are many more of you here than I expected to see. I was counting on a dozen perhaps or something like that. I am very glad that you are here, of course, but I feel a little embarrassed because it may be that you are expecting something that I may not be able to give you: something in the way of a popular lecture, something interesting or in the way of entertainment. I can't give you that because I am neither interesting nor entertaining in the first place, and in the second place, the subject is not entertaining at all. It is a very difficult one. I will tell you why presently and I will show you why. And so I can only do with you as I used to do in the old days when I was a university professor of politics and American history [Bard College, 1931–33]. I shall talk with you very informally and we will get on as best we can.

I do not presume to tell you anything. It would be rather impertinent, and I do not think anybody can ever tell anybody else anything effectively. The most that one can do is to put a person in the way of getting something for himself. What education you get is what you pick up and store away. It is not what somebody throws at you. And that is all that I am presuming to do in these lectures, all I ever would, as a matter of fact, presume to do.

The subject is the State and I think we would best know what it is we are talking about. We are not talking about the State as a political unit. We are not talking about New York State, the State of Pennsylvania, or anything like that. Nor are we talking about any species of State. We are not talking about the monarchical State, the Republican State, or anything of that kind. We use the word as a genetic word under which all these are grouped. That is where the difficulty comes in, when you are asked to regard the State as an institution, because it is very difficult to get an objective view of anything that is born into you. As much as anything, because you don't try, you don't have any curiosity about it. We cannot think where we have no curiosity about it.

Now, you were born into the State. For that reason it is a very difficult thing to envisage it as an institution. When you are born, the State takes cognizance of it and gives you a certificate. The doctor who attends your mother is certified by the State. If you are born in a hospital, the State supervises that hospital. You grow up a little and set about trying to educate yourself. Well, the State supervises that. All the way through school and college the State has control all the time over the institutions that you attend. And if you meet some likely young man, or some likely young woman, and think about getting married, the State supervises that.

If you go into business of any kind, the Lord help you. The State tells you what you can do, what you can't do, and sits at your elbow to see that you do not do this and you do that. The State taxes you very severely, takes away your profits at its own will. After you have had about enough of that sort of thing and get ready to fold your hands, the State doesn't let you die without taking cognizance of that. It issues the death certificate and you can't be buried without a permit from the State.

Being in so intimate association with the State all through one's life, one takes it as a matter of use and wont, and hasn't any curiosity about it.

We might go back four hundred years to a time when the State was very weak. It hardly touched the individual at all anywhere. There was another institution that did touch him. That was the Church. The Church was exceedingly strong and every individual was documented into the Church and into his grave and presumably into the Kingdom of Heaven, or somewhere else, exactly as one is documented by the State today.

As you know, with the weakening of the Church, the State began to grow in power. Men began to think in terms of secular politics and for a time there was a very superstitious holdover of vestiges: that the State derived its being from God and that the ambassadors of the State exercised their functions by what was called divine right. Sir Robert Filmer of England wrote a very eloquent treatise on that. Later on the idea began to spread that the State derived its authority from the people. The French Revolution exploded that idea all over Europe so that is the current theory in those countries that call themselves republics.

Then it was that people began to raise questions about the origin and character of the State. How did the State come into being? If it is a divine institution, if it was something taken up in Almighty hands and planted here, that is one thing. That idea is gone and the State is presumably deriving its authority from the people. Where did this institution originate? What is its primary function? Several people had answers for that. Rousseau had one, the American economist Carey had another, as did Hobbes, and so on. Rousseau thought the State originated in some form of social contract, some agreement among persons who had formed a society.

What education you get is what you pick up and store away. It is not what somebody throws at you.

It never occurred to anyone until the latter part of the last century to apply the historical method to those questions. The historical method being this: to go back on the trail of the institution as far as there was any record available and analyze its appearance at every possible point in its progress to see what the factors were in its composition. As you know, in studying any relation of cause and effect, if you find a single invariable antecedent, that is very probably the cause of the effect you are studying. Anyway, these are the things you turn to in the first instance and examine with the greatest care.

A professor at Graz, Austria, [Ludwig Gumplowicz, 1838–1909] was the first to employ this method, although one or two scholars had fought over adumbrations but they were mostly speculative. All these efforts to answer questions regarding the genesis and function of the State before the time I speak of were pure guesswork. Rousseau made the best guess he could, but it was a guess. It was not until the historical method was applied that any real light was shed on the State's origin.

A single invariable antecedent was found. Every association of human beings has established some sort of regime, and there are two historical regimes that were entirely unlike when subjected to analysis.

I wonder which one I had better begin by describing. Perhaps the simpler. In certain regimes — as Mr Jefferson found among the Indians — there was a very high type of social organization. But the actual regime — what we might call the political regime — contemplated only those crimes and irregularities which are put down by the common conscience of men, pretty much all over the world, as being such. These regimes interfered no further with the individual, no further than that. For example, take the Indians as Mr Jefferson found them. Their institutional regime punished murder, arson, assault, fraud, theft and such crimes as the Scottish philosophers say the conscience of mankind designated as crimes. Beyond that there were no categories of crime. The institution didn't interfere with the individual at any other point.

There was one exception. They punished adultery. Now there has since been a change in the view of the status of women, a considerable change. The punishment of adultery in those communities was then on the theory that a woman was property. So in disturbing marital relations you were infringing on a right of property and that has come down curiously into our law and into some of our ceremonial practices. For instance, there is the Church of England and its American agency, the Episcopal Church, where the status of women as property is maintained from beginning to end of the marriage ceremony. She comes into the church as the property of her father and the Church asks "Who gives this woman to this man." The father says "I do," and she becomes the property of her husband. That is an interesting angle and our laws have a similar vestigial holdover in the provisions they make against adultery and against sexual relations between unmarried persons.

Elsewhere, there was something very different, a second type of regime which had a very distinct origin, very distinctly discernible, which the other had not. And it filled a primary function which the other did not fill. It originated invariably in conquest and confiscation which the other did not. Its primary purpose, everywhere it was found, was to maintain the stratification of society into an owning and exploiting class, and a propertyless and dependent class.

The first type of regime, the one prevailing among the Powhatans, the Mannahoacs, and the Monacans of Virginia, as Mr Jefferson testified, was nothing like that at all. It didn't originate in conquest; there was no confiscation of anything; and the society was not stratified in that way.

Well, to account for those differences between regimes, some people began looking back to see what the sole invariable antecedent of that fact was, just as men did in the case of certain tropical fevers, the Dengue fever, for instance. It was thought for a long time that a person got it by contagion, but there were later instances of contagion where the person exposed did not get the fever. After a while, someone thought of tracing its origin to the bite of insects or mosquitoes. That was done but a lot of people who were bitten by mosquitoes didn't get the fever. But they did find that the bite of one particular kind of mosquito was invariably followed by a case of Dengue fever. That was positive evidence. Then they took negative evidence; people who were bitten by all kinds of mosquitoes except one didn't get the fever. That was negative testimony.

So the historical method began by hunting out the sole invariable antecedent. It was found in the opportunity for exploitation, the opportunity for economic exploitation. With the one type of regime there was no such opportunity. For ex-

ample, in the hunting tribe there isn't any way you can make a man hunt for you. He'll go off in the woods and forget to come back, so that economic exploitation was not possible. And wherever economic exploitation was impossible, this particular type of regime prevailed under which the individual was perfectly free. So long as he didn't steal, didn't kill, didn't burn somebody's place down, or didn't commit some kind of violence, the State did not interfere.

On the other hand, wherever there was opportunity for economic exploitation, you found the State exercising control — a great many measures of control — over the individual with a view of maintaining this division or stratification of society into two classes. The conclusion is obvious, that exploitation was and is the primary function of this type of regime. You all get that distinction clearly, don't you.

Now it seems to me that it might be a very good idea to give the one type of regime the name of government — the Indians had government, certainly — and call the other type the State. That may be arbitrary but at all events it will be useful. The State then is a human institution. It is not divine; we don't take any stock in that anymore. It's an institution which invariably originated in conquest and confiscation. That is the first point I would ask you to remember.

When William of Normandy came over to England in 1066, the first thing he did, you know, was to occupy the land. And of course, as you know from your studies here in this school, any person who preempts and occupies the land controls the labor of everybody who is living on that land. He divided up the land into baronies and distributed it around among those other *banditti* that he brought over with him. They constituted an aristocracy and made the other people work for them. That was economic exploitation.

Now you might say, "How does that apply in the case of the United States?" Well, it applies in this way, that the conquering and confiscating party was on the inside instead of the outside. We were a colony of Great Britain. Great Britain rather over-played its hand and we rebelled against them and took by conquest the land we were living on. General Cornwallis and his forces had to get out and so had everybody who expressed loyalty to Great Britain. They all had to get out. The holdings of land that were established under the British government were confiscated by the conquering party.

The State, then, is an institution originating invariably in conquest and confiscation. No State in all history ever came into existence in any other way. Its primary function, historically, is to maintain the stratification of society into a ruling and owning class, and a propertyless and dependent class. There is evidence of it in every newspaper you pick up; there is no enormity that any State will not commit before it will relinquish that primary function. It will fight to the death for the right to maintain the stratification of society in that way. And I say that it is something you can prove to yourself by reading the accounts of the doings of various States from day to day.

You know, Mr Jefferson said in a letter [January 30, 1787] to Madison when he was speaking about the Indians that they didn't have any government. They did have government, but they didn't have the kind of government that Jefferson knew anything about. He said in this letter to Mr Madison that he wasn't sure but that their way was the best. I believe that we may think so too. He said that it was probably impractical with any large amount of population, but I don't know whether that is so. It is impracticable whenever the opportunity for economic exploitation steps in. That is the point.

I wish I could go over all this again with you. It is something that people aren't at all used to and it must be frightfully hard for you to follow. It is very nice of you to make the effort as I see you are making it. My time is really up. The next time we meet, which I understand will be in two weeks, we will consider some of the relations between the State and the individual. After this when I speak of the State you will think of a certain definite type of institution that had a certain definite invariable origin and is committed primarily to one definite ascertainable primary purpose. All right then, we will next consider the relations between the State and the individual and we will let the Indians go.

Being in so intimate association with the State all through one's life, one takes it as a matter of use and wont, and hasn't any curiosity about it.

LECTURE

TWO: *The Citizen and the State*

It is really a great pleasure, ladies and gentlemen, to be with you again. I had such an agreeable reception the last time I spoke, it made me feel very much at home. You all were aware that the subject was difficult because the idea of the State is so unusual, so much out of our common line of thinking. By your attention and consideration you made it so easy for me to speak about it. I have begun to feel perfectly at home with you.

Now you remember that the last time I spoke we ascertained that, applying the historical method to the history of government, every people had a regime, but that those regimes were sharply divided into two types. We might, for convenience, call Type A the State and Type B the government. I am aware that is arbitrary and you might do as you like about it. I do not insist on it. What interests me is calling your attention to the very sharp differentiation between the two. They are differentiated in origin: Type A originated always in conquest and confiscation; Type B apparently never did. They are differentiated in primary purpose; the primary purpose of Type A is to maintain a system of economic exploitation. Type A is an institution which is forced upon a defeated group by a conquering group, and it has for its object the keeping of that conquered group in a state of economic subjection. It is differentiated also because Type A is always a class state and Type B never is. So you can see that those are three very distinct marks of differentiation.

This country has had an experience different from that of Europe. In Europe the regime Type A passed from the very

early times when the king was a god. You know they deified the kings. They turned next to a regime composed of the king and the nobility. And then, you can put it roughly, after the revolution of 1688, the merchant State took possession of the institution which we described as Type A. The merchants of Europe, the middle class as we call them, began to come into power and preeminence. They put feudalism in the background and, as we say, took over.

Wherever there was opportunity for economic exploitation, you found the State exercising control — a great many measures of control — over the individual with a view of maintaining this stratification of society.

It was just at the time that transition was going on that the regime Type A was imported to this country. It was an importation. We had here the Dutch State, the British State, the French State, and the Spanish State. They were all of this Type A. We of the United States have never known practically anything but the merchant type of Type A. Our State has always been a merchant State and it came about in that way. The ruling or governing class under this regime sent over its representatives, as you know, and sent over the exploitable material with them or under them. It organized expeditions of indentured persons who came over here and for a certain length of time worked for these merchant companies. The Massachusetts Bay Colony, for example, had the whole apparatus of a State, of a regime of their own. The Bay Colony and its Governors exercised every function of a State. There was a State within a State: the distant State of Britain and the colonized or offshoot State here. But they were all of the same type so we have known nothing but that one type. We have had no god-kings; we have had no kings; we have had no nobility; we have only known the one kind of regime.

So much for the *a priori* examination of these two types. Now looking at it *a posteriori*, you see evidence of the character of both these types. Type A's anti-social character is demonstrated in various ways by various things. You notice, I presume, that the regime here in the United States always has great reluctance to move in any direction that we would call social. It acts for any social purpose only under great pressure. Now that is common with the A type of regime everywhere. That is one piece of evidence. John Bright said that he had known the British House of Commons to do some good things in his lifetime, but he never knew it to do a good thing just because it was a good thing. I doubt very much if you can recall at the moment any instances where the American Congress ever did a good thing just because it was a good thing, or the legislature in Albany, or any functioning body of the A type of regime. Furthermore, if the Type A regime were social in its character, it would take great pains to safeguard the interests of individuals. You know that the A type of regime only safeguards individuals within limits. If the interests of individuals collide with the primary purpose of the regime, it is always the individual who has to give way. That is the second piece of evidence.

Then another piece of evidence is the immense and shocking disparity between the public and private character of the Type A regime's functionaries. We have just had an election, a campaign, and I suppose you have noticed the straits to which the candidates were reduced — moral and intellectual straits — in order to carry their point. The functionary of the A type regime will, indeed he must, as circumstances require, lie, slander, steal and commit all sorts of acts which are held to be reprehensible in private persons, and which — as Count Tolstoy pointed out — many, as private persons, would never think of doing.

Finally, the fourth piece of evidence that I would ask you to consider is that the A type of State is not particularly eager to abolish crime, but it is very eager to maintain a monopoly of crime. The regime does not take any great pains to abolish crime. From experience, you all know that it monopolizes crime very closely. So there are four *a posteriori* bits of evidence as to the character of the A type of State.

You do not detect these differentiations *a posteriori* in the B type of regime any more than we do those differences we adduced *a priori*. So we are warranted, I think, in saying that the A type of regime — which I prefer to call the State as distinct from government — is not a social institution. On the contrary, the State is an anti-social institution and the operations of its functionaries are indistinguishable from those of a professional criminal class.

There is one little matter that I did not point out when I spoke before, because I wanted to see if it occurred to you. I know it did occur to one person who was here because I heard of it. You might say with good reason, "Well, all that is very good, very interesting, but after all, this is the Henry George School of Social Science and as representatives of Henry George's system of economics and ethics, what is in it for us?" "How does it concern us?" Well, you remember that the A type of regime never appears anywhere except where there is opportunity for economic exploitation. The primitive peasants never formed a regime of the A type because they were not exploitable. They did not have enough economic accumulation to be interesting to anyone, and what accumulation they did have spoiled too quickly. There was nothing permanent about it. So they never formed an organization of this A type. As I told you when I spoke the last time, the hunt-

The State is an institution originating invariably in conquest and confiscation. No State in all history ever came into existence in any other way.

ing peoples never formed one because there is no way to exploit a hunter. Now, you are in a much better position than I am to know that the economic side of Henry George's teaching — if it were put into effect — would pretty well do away with economic exploitation. That is a very large part of your purpose of advocating it, I believe.

If that is so, just what effect would that have on a political organization of the A type? You see it comes pretty close to you after all, as students here. I think you should be very much interested. I think if you followed through with the exercise of the scientific imagination and supposed that George's system were put into effect right here and now in this country, and then asked yourself what effect would that have here, there, and everywhere on our government, why I think you would find — as I have when I ascertained that for myself — there would be precious little of it left. The whole public business of the United States, if Henry George's system were put into effect, could be done, I am quite sure, in the Senate Office Building.

Henry George never followed that out, so you are in very good company if you haven't. He did not do it because in his time the historical method had never been applied to government, ascertaining its origin and function. That was after his day. For the same reason, Herbert Spencer did not follow that line of thought through. But I think if you followed it through with your own brains, just using your imagination on the results, you would see that it is a pretty important reason why you should go on considering the economic and ethical system of Henry George.

For example, I have here a very fine book. It is recently out, called *The Dead End of Bureaucracy* by Mr Lawrence Sullivan. To show you just something of the aggrandizements of the A type of State in this country in the past eight years — its centralization and its administration as personal government in the matter of executive orders — consider that during his first seven years Franklin D. Roosevelt issued 2,538 executive orders or an average of thirty every month. That is personal government for you! The past eight years were a time of emergency, so it was said. Well, Lincoln lived in a time of emergency. There was a very tidy civil war going on during his presidency. How many executive orders do you think he issued during that period? Two. Since 1933, 124 new federal agencies have been established in the country. The amount of civil employment in the executive branch of the United States government in the course of that time totals 959,146. The A type of State certainly came into its heyday recently.

There are certain superstitions about the State that have come down and which have a very distinct bearing on what we are talking about. In the days when the king was a god, the obedience which was rendered him and the interest which was felt in him was something that centered on a real belief, on an actual belief. Now, the superstition — the Germans call it *Aberglaube*, which is a much better word — which has emanated from that retains the devotion and the obedience towards the State even though the belief in it has evaporated. You know that Madame de Stael said she did not believe in ghosts, but she was afraid of them. That illustrates what I mean. The superstitions and the ensuing obediences and devotions related to the god-king remain.

The Romans sometimes deified their emperors after they were dead. The emperors themselves had no illusions. Vespasian Caesar, on his deathbed, said "I think I am become a God." As an example of the beliefs and obediences relating to royalty, in 1607, a Regents professor of Civil Law at Cambridge said, "The king is above the law by his absolute power," and at the time of Louis XIV, the great preacher Bossuet said, "Kings are gods and share, in a manner, the divine intelligence." That was all very well as long as people believed it. Thus it was all very well for kings and nobility to surround themselves with pomp and circumstance and all that sort of thing. That belief very much died out and I believe it is not now shared by people. But the *Aberglaube* which comes down from that earlier time still goes on.

I doubt very much if you can recall at the moment any instances where the American Congress ever did a good thing just because it was a good thing.

When the President appears before us we do not regard him, as William Jennings Bryan (a very fine man) did; he said that the President was the people's hired man. We do not regard him in that way. There is a certain amount of superstitious reverence that goes out toward the President, and towards the Senate, whom you certainly would not deify if all of them died. I doubt very much if we would deify very many out of our House of Representatives. But still, if you see State occasions down there in the Capital and watch the behavior of the crowd, you see the recrudescence of that superstition, that *Aberglaube*, which has come down from the past. When it has become settled among us that the king is not a god, that the President is not a god, that they do not represent God at all, but that they derive their functions from the people, well if that is the case, it seems to me that our attitude should be more in accordance with our actual beliefs.

Now, let me pass on to what I said I would talk about tonight and have time only to introduce, the relation of the individual to the State. There is one thing that I want to leave with you particularly and that proceeds from a consideration of the rights of the individual: whether they are natural or made by the government. You remember in the words of the *Declaration of Independence*, that Mr Jefferson said it was a self-evident truth that men were "endowed by their Creator with certain inalienable rights." They were born with them, and he went on to say that "to secure these rights governments are instituted among men." Parenthetically, I may say the B type of government does just that and that is all it does.

At the present time, the idea of the origin of human rights is, as you know, denied. That is at the bottom of all this folderol about totalitarianism, Nazism, fascism, and so on. If the doctrine of natural rights be true, the bottom drops right out of all those things. I won't go through that for you because you can see it for yourselves that if human beings have natural rights, then there can be no such thing as totalitarianism, Nazism, fascism, Communism, or socialism. It is a very large question of our time whether or not men have natural rights or whether the State gives them all the rights they have and is perfectly privileged to take away those rights or modify them at its own pleasure.

The theory that all rights are State-made comes from the German idealist philosophers in the last century. Hegel said, "The State alone possesses rights. The State is a supreme power, ultimate, and beyond appeal." You see how mystical the State is. "The State incarnates the divine idea upon earth," that is Hegel again. When you get down to Mussolini you find that the State embraces everything. Nothing outside the State has value. The State creates rights. Lenin, a man of philosophic turn with a great deal of strong common sense, puts it forcefully, saying that it is nonsense to make any pretense of reconciling the State and liberty. So there you have some testimony.

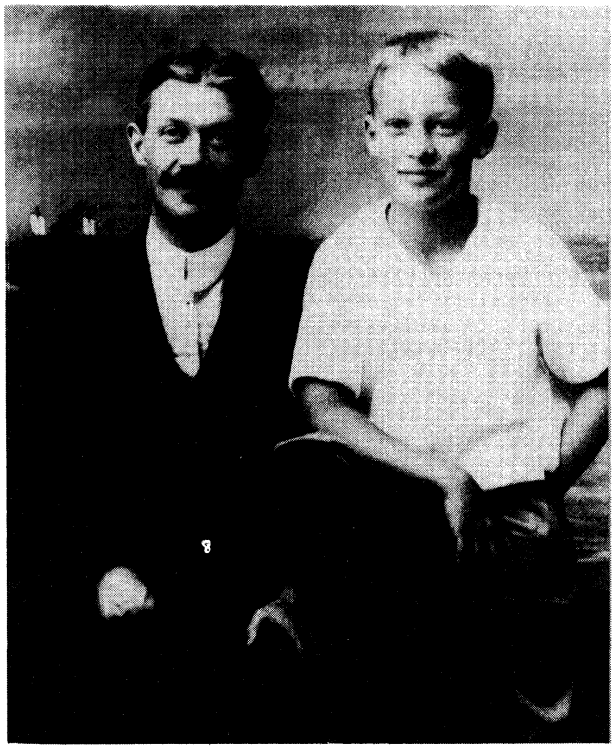

Nock and son.

Let us look at it first in one way and then in another. Let us assume that all human rights are State-made. Then it comes to something like this. Looked at *a priori*, the people, none of whom have any rights, by hypothesis, appoint a regime made up of people like themselves. They have no rights either, no natural rights. That regime creates rights and then turns around and confers them on each individual of the lot by which it was appointed. Well, you know, ladies and gentlemen, I can't follow that logic, but there it is. I do not see how the ideas tally.

The regime in the case we have supposed is obviously only an agent. If you could say, as they used to, that the regime came right down from heaven, you would have a case. Then it would be easy. But if you dispute that and say that the regime is man-made, then, if I may use the term, you are right up against it. Because the people then appoint the regime as an agent, obviously the rights that the regime confers must come from somewhere, mustn't they? And where do they come from? The people who appointed the regime haven't them. The people who make up the regime haven't them. Yet they are somehow conferred by this regime which was appointed by those who have no rights and who have no rights in themselves.

Rights are somehow conferred upon the great mass who didn't have any rights to start with, so, as I say, it does not look as if that theory was tenable. But, you might say, "No, the rights do exist but the people surrender those rights to the regime." Well, do they surrender them outright or do they surrender them in trust? "Well," you say, "they surrender them in trust, must be." Then somehow they must have previously possessed them. So much for that. That is all from the *a priori* point of view. I cannot follow it myself and I do not expect you to, but there it is.

Now look at it *a posteriori*. Which comes first as a matter of history, custom or law? Apparently custom did because as far back as we can get among primitive peoples, all the laws they had were simply declaratory. They were made up out of the customs of the tribes. The common law of England — upon which our common law depends to a great extent — Blackstone said, was declaratory of the customs of the English people. So customs preceded law. If rights —property rights and all forms of civil rights — are conferred upon the individual by the regime through law, how is it that we find, before there was any law, such a keen sense of the thing that the law codifies, formulates, and declares; of what it was? You can puzzle that out. In the absence of some determining cause, it would be highly unlikely that there would be any uniformity in the decisions among regimes of various peoples, various nations. Yet we find a very singular uniformity in respect to rights. We find that they all are codified and declaratory of rights, the various rights of property, and the rights of protection against violence and any intrusion or trespass upon person or property. So, in that case, uniformity seems to be evidential. It must be, because if on one side of the earth you find a codification of the same articles of conduct that you find over here on the other side of the earth, there must be some anticipatory sense which is responsible for the form that those codifications took. That seems reasonable. So as civilization advances there is simply a fuller recognition of what we call natural rights and better enforcement of them by the regime. Here, there, and everywhere, that is the case.

Well, now, let me furnish you with the main fact I have been dwelling on. The doctrine of natural rights is important because it is questioned everywhere. If the matter is not settled affirmatively, the collectivists have all the best of it. There is no denying that. I furnished you with that outline very sketchily and, perhaps, unsatisfactorily. At any rate, you can supplement it for yourself from different authorities. My aim was simply to outline a procedure to establish the fact that the Declaration of Independence was quite correct when it said that man is endowed with certain inalienable rights.

I will go on the next time I speak to you with something further in the consideration of the relations of the individual to the State and the government.

LECTURE

THREE:

The Nature of Natural Rights

Speaking of the relations between the State and the citizen last week, we touched upon the doctrine of natural rights. I didn't try to tell you anything about it. I mumbled a few vague words and I did it deliberately. I rather think you may have been dissatisfied, but, as I say, I did it on purpose.

As I told you earlier, I was for a time sort of a one-horse professor, a university professor. That is to say I had the title and all it amounted to. I was living in Europe then. I would come over each year for a couple of months and give two courses. I was titular professor in politics and this was what I used to do with my students. I would say to them, "Now, this matter of natural rights is pretty fundamental. If there isn't anything in it, why we have to shut up shop. If there is something in it, we might go on." I put it that way as I wouldn't quite put it to you because their primary object was getting a degree and that is not yours. What your primary object is we will try to see in a moment. I'd say to these young men, "I'm not going to see anything more of you for two weeks. I am going to give you a lot of references on the subject, not books, but men's names. You have got to root out the books yourselves." On the negative side I gave them every name from St. Augustine and Archelaus down to Jeremy Bentham and Carlyle. Even Matthew Arnold. What I owe him is beyond explanation, but when he was talking about the State and about natural rights he talked the most dreadful bilge you ever listened to. On the affirmative side I gave them similar references by name. I said "You come back here in two weeks with a *précis* of every argument indicated there. Every one. Then we will take it up, discuss it and see what we can make of it."

That plan worked very well and the young men were able to understand the doctrine of natural rights, to understand what was said against it and all that sort of thing. In a word, they were put in the way of quite a good education on that subject. So that was the reason why I didn't say very much about it last week and I am not saying much about it now.

We are in a position, I think, to mark out now the next stage in our line of progress. What is the ultimate thing that you are aiming at here? Is it the Single Tax? No. No, it isn't. You all know that. Is it the Law of Equal Freedom? No. What, then, is it? Why, it is the fundamental condition of human happiness, general human happiness. Henry George was a good deal wiser than a good many of his disciples have been. When somebody told him that the Single Tax was not a panacea, he said, "Yes, I know that very well, but freedom is, and the Single Tax is the way to freedom."

In going between here and Europe I would take the Holland-American Line steamer to Rotterdam. I liked the steamer very much and like the Line, but that was not my primary interest. My primary interest was Rotterdam. While my getting on that steamer was no guarantee whatever that I was going to get to Rotterdam, I couldn't possibly get to Rotterdam without getting on a steamer. Moreover, I had a pretty good chance of getting to Rotterdam, not because the Holland-American Line cared so much about its passengers, but because if they lost a ship, a cry of pain would go out from the stockholders in Amsterdam that you could hear all the way down to Marseilles.

So the Single Tax is no guarantee of bringing in the Law of Equal Freedom which is the elemental condition of human happiness, as you know. But you can't get the Law of Equal Freedom without it, just as I couldn't get to Rotterdam without going on the steamer. The Single Tax is no panacea but freedom is, as Mr George says. If you want to establish the Law of Equal Freedom, your only chance, and it is an exceedingly good chance, is the way of the Single Tax.

Now you see what the steps in your line of progress are and you can think that out. If there is no such thing as natural rights, well, that is the end of it. We are through. Then the relation between the individual and the State is the relation of simply master and servant without any modification whatever. That is the importance of knowing just where you are heading, what you are heading for, what the steps are, and what is the basic thing that you are after.

The State is not particularly eager to abolish crime, but it is very eager to maintain a monopoly of crime.

Human happiness depends on the free exercise of all one's faculties. There are some happy people presumably, but freedom of all is the thing that will induce the general happiness that we are all in search of. I do not think with things as they are, there are quite as many happy people as we think there are. When Mr Edison was eighty years old he was interviewed on his birthday by reporters and one of the reporters asked him what he thought were the conditions of human happiness. He replied simply, "I am not acquainted with anyone who is really happy." That is a very serious indictment to bring against a very large number of acquaintances and presumably against the civilization which bred them.

There can't be general happiness unless all are enjoying a free exercise of all their faculties. That is what is meant by the Law of Equal Freedom. That law, stated in other terms, is that every individual can do what he wishes to do as long as the doing of it doesn't impinge upon the equal right of somebody else. That is the Law of Equal Freedom.

Assuming that we are correct in believing that natural rights exist, we might mention a few of the many subordinate rights that follow out of that, particularized a little bit. The first is the right to life and personal liberty. If you are not alive, if you are dead, you can't exercise your faculties.

If you are under any form of personal restraint you can't exercise all your faculties in harmony and balance. You can't be happy and that condition represents an infringement upon the law that I have been speaking of. Nothing will correct it except the general establishment of that law, which is the secondary thing which you are driving at.

Then there is the right to property. Is that a natural right or is it not? I think that you will find that it is. It has been disputed. You know Proudhon, the Socialist, said that all property is theft. The collectivists apparently believe in making a pretty clean sweep of the individual right to property. I suggest the idea for your own consideration to decide.

In the third place, there is the right of exchange. Mr Jenkins has something that I would like to have and I have something that takes his fancy. I put a price on my article and he puts one on his. We agree on whatever the difference amounts to. It is paid, one to the other, and that is the end of it. That is a free transaction, and I think you would find that it is a natural right.

Nock the team player (second from right).

In the fourth place, there comes up our old friend, the right of free speech. Now speech is a form of action, obviously. It represents the exercise of one of our faculties. Under the Law of Equal Freedom, so long as your exercising that right doesn't interfere with anybody else's right, it seems to me that the right of free speech is natural and inherent in our human quality. You might look into that. Discuss it.

The State, as you know, is always aggrandizing itself at the expense of individuals. I suppose you see without trouble how that comes to pass, and it interferes with all these rights. It interferes with them regularly and seriously. Take the right of property for example. The State makes an interference with the right to grow cotton and sell it, thereby impinging on the right of property and the right of exchange. It was done with a view to the general good. It didn't work out that way because the other cotton growing countries immediately stepped in and took the cotton market pretty well away from us. The point I am asking you to notice in referring to these interferences is that the Law of Equal Freedom is the only one that can be relied on to adjust situations like that without serious and very probably irremediable difficulties, insoluble difficulties.

We were forbidden for a time, you know, to grow potatoes in our yards by Mr Wallace. Now, Mr Wallace may be a very able man, no need of venturing any opinion about that. But no person has the ability to make a general arrangement like that under statute law, with reference to potatoes, without somewhere and to some extent making a mess of it. You remember the potato ordinance didn't last a great while. Nothing will do what is needed to be done except the Law of Equal Freedom. In its application it will work, and it will work to the very best advantage of everybody. Statute law will never work.

For instance, the State violates the natural right of exchange when it puts tariffs on merchandise, that is, puts up an artificial obstacle to the normal, natural flow of goods, the flow being directed towards the best market. The government said no, that is bad, so it puts up a barrier to divert that natural flow in some other direction or else to check it, make it less. You see what happens. The thing simply can't be done. There is no man or any body of men wise enough or good enough to legislate in general terms for an economic matter like the flow of the volume of goods in exchange. But the Law of Equal Freedom does it automatically. It regulates that flow, checks it here, increases it there, without any direction or effort of any lawmaker and always to the best possible *general advantage*.

Take the distribution of land again. I never could make out how collectivists intend to manage that. It is much clearer to you than it is to me; you have been studying the subject so much of late. You can see for yourself that anything like the distribution and division of land which would be just all around and workable all round is simply impossible. But, as you know from your study of *Progress and Poverty*, the Law of Equal Freedom will do it pretty well, and without anybody's bother. It is natural, automatic, and there is never any trouble about it.

It is the same way with the great final aim of the collectivists to establish a regime which would demand from each according to his ability and give to each according to his need. Well now, ladies and gentlemen, who is going to determine what that is. I do not see how it can be done. To each according to his needs. Well, suppose on the general scale a dentist's needs are rated at 10. What would a dressmaker's needs be, at what figure would that stand? What would be a schoolteacher's needs? How are you going to find out? How are you going to adjust it so that it would be perfectly fair and workable all round? I doubt very much if you could suggest any way or if you could suggest any man or body of men who are capable of even making the beginning of doing it. The Law of Equal Freedom will do it, do it without fail, and do it without making any trouble for anybody. There wouldn't be a headache in a carload.

So, when you are attempting to get at the relations of the individual to the State and are considering the individual's rights, and the requirements which those rights suggest that he should make upon the State, you can see quite clearly how to get at it — through the Law of Equal Freedom.

There is one other little collateral matter that I will give you a hint about here. That is the morality of State action. Has the State any moral right to do certain things which are by way of interference with the Law of Equal Freedom? Has the State the moral right to erect a tariff, for example, and hamper freedom of exchange? Where does morality come in? You will be told that it doesn't come in at all, that obviously the moral quality of an action would depend on the existence of a moral sense and there is no such thing as moral sense.

That was very well in the early days. The god-king of course was a god and whatever God said was right, was right and whatever he said was wrong, was wrong. So the god-king not only created rights for his subjects but he also created the criteria for absolute right and absolute wrong. Well, that is fine. Then there was an over-hang in that period which took us into the belief in the divine right of rulers, the right that Sir Robert Filmer worked out that the king was the representative of heaven and so ruling by divine right. The king also established the criteria of right and wrong and there was just one little trouble about that I might mention. Every country, I think practically every country anyway, had revolutions and they would heave out the chosen of heaven and put in somebody else. The question was whether the divine afflatus followed the fellow who was put out — he had it before — or whether it was somehow transferred to the new man. The fact was that there was an extraordinary correspondence between the strength of the incomer and the divine favor. The divine favor always seemed to go to the toughest fellow who could get himself on to the job. So that is something to be thought of because you see the question would be whether the divine ordinance followed the man or followed the throne. As in the case of Charles I of England, they not only heaved out the king, but they heaved out the throne too. That being the case, did the divine gift pass on to Cromwell? It is very hard, you see, to make that out in logic somehow.

Under Washington, you know, there was a king thrown out and his throne with him as far as this country was concerned. Was the divine favor supposed to have sort of volplaned down to our Congress? Sometimes I have doubts whether that could be, but it is worth thinking about. In further illustration, I might just say a word or two because it might assist you toward the apprehension of the way a general law works and makes itself felt.

Suppose our Congress got scared about the growth of population and made the law that for the next ten years all the girl babies should be strangled at birth. There would seem to be a law called into question which is above statute law. We would all feel it. In this case there would be evidence of some law which was being appealed to above that congressional proceeding, wouldn't there? And what law would that be if not a moral law. Where would a moral law come in without a moral sense?

It is said in defense of the negative position that what we feel under such conditions is not natural and inherent in us but it is a secondary sense which has grown up through long experience of this contemplated course. Whatever it may be, it is good and proper to be followed, for it works out well for the general good of society. That is about the same thing as saying that hunger is the result of a long experience, and that eating a little once in a while is beneficial. Or it is equivalent to saying that the love one feels for one's children is the result of long human experience which decides that the race ought to be propagated. It is quite the same thing, quite as wise.

The whole public business of the United States, if Henry George's system were put into effect, could be done, I am quite sure, in the Senate Office Building.

So when you have a case like that which I spoke of, in this apotheosis, this Congressional action, you note the existence of some higher standard to which we instinctively turn. Suppose that the Congress was made up chiefly of Presbyterians and that they would say to us, "You have all got to acknowledge the Westminster Confession, you all have to contribute to the Presbyterian Church, and you must all go to it." We would, I think, receive that with an instinctive appeal to our higher law by which we would judge that action. That law is the law of morality which makes us say, "That is bad. We won't do it. It is immoral. That legislation is not moral." And so in the more extreme case.

Suppose the Congress should make a law that all persons six feet high or over should reduce those who are not six feet high to slavery. There again would come up instantly the popular appeal to a higher criterion. You notice here another thing; the people who say that we have no moral sense exhibit evidence on occasion of something that indicates a very close approximation to it. Those persons have the same idea of law and equity that we have, of the difference between law and equity that we have. If they are abused in any way, if they are mishandled or treated improperly at all, they seem to see a moral quality in those actions. They seem to have a moral consciousness, even ones who say there is no such thing. They get hot about it just as we do and so on.

The divine right idea passed on as we have seen from the god-king to the monarch divested of his divinity. Then it seems to have come down to government, the divine right of government. Governmental action certainly is not questioned as much as it might be. We run into another thing, sort of an offshoot of that, which is the notion of the divine right of majorities. That came in with what we choose to call, for some reason, democracy. Now Mr Jones is elected to public office, probably a great rascal. Mr Smith is not elected, though he comes pretty near to him. Instantly it is said, "Well the people must all now get together. We have got to get together behind Mr Jones and his associates, forget our losses,

forget everything behind us, and push ahead." That seems remarkably like the attribution of the divine right of majorities. I do not know how else to explain it, because it treats the affair as though it were a baseball game or a horse race. Somebody has lost and somebody has won, and that is all there is to it. There is no trace in that view of your believing anything, your having any principle at stake, you see. So I think we would have to say that at least some of the divine right which it is said to have descended on Congresses and parliaments, has also descended on majorities.

I think I have given you suggestions enough to go on with for the evening. You understand that I began by saying that I quite disavow any idea of telling you anything or making you believe anything or changing your beliefs. Of course it would interest me very much to see a detachment from the School meet somewhere all framed up with everything that is possible to be got at in these particulars and have a rousing debate. I would like to see that very much. Perhaps some day we will see it.

LECTURE

FOUR:

Beyond Patriotism

I think that the obligation is quite on my side for the very great privilege of making your acquaintance in this quite intimate and most pleasurable way. I assure you of that.

You remember that we found last week that our attitude towards the State is determined by our answer to the question whether or not natural rights exist. We considered a few of our rights, admitting that the doctrine of natural rights is sound. We considered some few, not many, of those rights such as the right to life and liberty, and the right to hold property, and so on. We found that our attitude towards our relation to the State is determined by our attitude towards those rights and towards the State's continuous incursions upon them.

The State is always trying to limit and as far as possible to confiscate those rights. The contrary doctrine of State-created rights is set up in order to justify it. You will remember that we found that there was a sort of hold-over from the divine right of kings to the divine right of governments. The State not only is supposed to create rights but is supposed to set up the ultimate system of morality for us to follow. We are to believe that what the State says is right *is* right and what it says is wrong *is* wrong.

This evening we have one or two larger matters opening up before us that are worth consideration as marking the end of our little dispositions on the subject. One of them is patriotism. You can see how directly what we have been saying leads up to that point. It brings us face to face with the question, "What is patriotism?" Our attitude toward the State would, in some way, be a practical expression of patriotism, but behind that there is a sentiment, what we call a patriotic sentiment. It seems worthwhile that we should ask ourselves a few questions about that and I propose that we do so. Towards what, then, is the sentiment of patriotism directed? "We love thy rocks and rills, thy woods and purple hills." Is it towards the soil, is it towards the geographical area of our country? There are some difficulties about that. If you live, for example, in the top of the State of Vermont — I was up that way last summer and I couldn't tell whether I was in the United States or Canada unless I happened to see some customs people — you couldn't tell when you were on American soil and when you were on Canadian soil.

There is something in the love for familiar scenes, that is true. But patriotism is a pretty big word to cover that because you can get up an equivalent amount of steam over scenes and localities in other countries. No difficulty about doing that. So I imagine that a sentiment for the actual soil and geographical areas of our country is hardly satisfactory in the way of accounting for the sentiment which we feel. Well then, take our business. Is the sentiment of patriotism prompted by the fact of our doing business in one place rather than in another? I am not sure that would quite hold. You know Mr Jefferson said "Merchants have no country." The spot on which they stand is not as dear to them as that from which they draw their gains. There seems to be a good deal in that.

For instance, I was hearing today something; I didn't pay much attention to it at the time and it just came into my mind now. It seems that three great oil companies, one American, one British, and one Dutch got together and in the present international embroilment, agreed to sell considerable oil to the Japanese government. Inasmuch as Japan is an official enemy of Britain and of Holland and not on particularly good terms with us, it would seem that action might be put down on all the participators except ourselves as unpatriotic.

Then there is the sentiment which grows out of our social relations, our family and friends. If we have been brought up in a certain social circle formed around our families, we get fond of it. Perhaps that is the very soundest account that we can give ourselves of any sentiment of patriotism, unless we go out of the ordinary run of ideas taught in our schools, for example.

The schools hoist a flag and tell the children to go through certain motions and exercises. They are brought up that way and probably do not ask themselves, even in all their lives, many questions about what they did it for and why they should do it. Why should we, for example, we here, love the United States? We have got to find some less flimsy reason for doing so than on account of the soil, our business, or on account of our family and friends' being here. I don't want to influence you at all, but I will be very frank and tell you how this patriotism business works out for me. I would not say that it will or should work out that way for you.

I would just like to raise the previous question, "what *is* our country?" Answer that question as individuals. What is your country? Each one of you. Well, I think the answer to that would depend very largely upon the sort of person each of you individuals is and what your interests are. I think that is reasonable. For a long time I have not regarded the United States as my country although I was born here, got all my education here, and my family is one of very long standing in this country. But for thirty years I have not regarded this country as mine. I will tell you why.

If I were Mr Ford and manufactured motor cars, or if I were Mr Rockefeller and produced oil in great quantities, this would be preeminently my country because almost everybody in the country is interested in automobiles and oil and has

great respect for automobiles and oil. We respect the manufacturer of automobiles. And we have a very high respect for the people that make them. So, if I felt that way, if I entertained that respect, I would regard the United States as my country. It would be the place where the things that I love are respected. But I do not care two pins for oil, and I hate motor cars.

You go through the whole category of things that command the respect of this nation, and I do not click on any of them. Americans at large have an enormous respect for money and for people who have money. I haven't. I do not care about money any further than enough to go on with. As for those who have it, well, perhaps the less said about that the better. But there are certain things for which I have great respect. I love them. And there are certain countries where they are respected much more than they are here. Very much more. Those things which I respect most command no respect in this country at all. No, I think it would be perfectly reasonable for an individual to say, "Where the things that I love are respected, there is my country." That is the reason why I shifted about thirty years ago. I went over and dug in in a little country in Europe where the people like the things that I like. I could tell you a great many interesting stories about that, but I haven't got time to do it now.

I leave it to you simply for what it is worth. What if a man were to be had up on the carpet and asked, "How do you justify your sentiment of patriotism?" For my part, I would justify it on the ground of respect for the things that I love. I have a good authority for that too. The greatest statesman that England ever produced — and England didn't produce him because he was an Irishman — was Edmund Burke. When Edmund Burke spoke of a system of manners, what he meant was a way of life. He said, "There ought to be in every nation a system of manners which a well-formed mind would be disposed to relish." "For us to love our country, our country ought to be lovely."

For us to love our country, our country ought to be lovely. If that view of the matter strikes you as at all interesting, I will leave it with you to think over.

We are brought face to face at this point in our discussion with another matter, and that is loyalty: loyalty to your country. You are hearing a great deal about that now, and I think it would be competent for you to ask yourselves a few questions about it. Loyalty to your country would imply the disposition to promote your country's welfare, wouldn't it? Loyalty to your country appears to be one thing, and loyalty to a set of jobholders is another thing. There is a great tendency to confuse the two. You see it in every issue of every paper that you pick up. So it would be competent for you to ask yourselves what you really mean by loyalty. Is it loyalty to your country's best interests and the disposition to promote them? Well now, suppose that you have a crew of jobholders in office who act in a way which you conscientiously believe to be contrary to those interests and detrimental to your country. Where does loyalty come in? Are you supposed to be loyal to those jobholders or are you supposed to be loyal to your own conviction about what the best interests of your country are, and about the way in which those interests are to be best promoted?

Remembering what we have said in our earlier meetings about the nature of the State and all that, there can be some extremely interesting reflections started in your minds by canvassing those questions for yourselves. I leave them with you.

There is just one final thing to which all these questions run up, and I broach it with some hesitation. I will simply broach it; I won't go very far with it. What we make up our minds to on all these matters comes back finally — this is the very last thing, the ultimate thing — to the nature and qualities of man. We know that the average man has not stirred a peg psychically to all appearances for six thousand years of recorded history. There are pretty distinct intimations that he didn't get very far ahead of the anthropoids before that time. Is man in the mass indefinitely improving? Don't you see at once how all our activities for the general welfare hang on that question? Has man in the mass, the average man, the intellectual and psychical capacity to get anywhere ahead of where he is?

Mr George believed — and Mr Spencer, John Stuart Mill, and all of them believed — that man is indefinitely improvable. That is one side of the thing. You can see how if Mr George had any doubt whatever in his mind of that matter he would never have taken the trouble to produce *Progress and Poverty*. It would be of no use. These authorities all agree that the average of mankind, by virtue of certain potentialities within him, is capable of postulating a great deal of time to indefinite improvement.

Now, on the other hand, my friend, Ralph Adams Cram,

Illustration by James Gill

the great architect, has broached the theory directly contrary to that and this is particularly interesting: the zoological definition of man will not pass for a psychical definition of man. The fact of our always permitting it so to pass is a very great confusion. You know we believe that any being which answers to the zoological definition of *Homo sapiens* is a human being. Thus the Akkas, the Bushmen, the tropical pygmies, the Australian aborigines, they all answer to the zoological definition, the structural definition *Homo sapiens*. Therefore they are all human beings. Well now, Mr Cram's theory is that the human being is and can be proven to be throughout the whole length of human history as we are acquainted with it, what is known as a sport; the masses of mankind are not human beings. The great majority of mankind are not human at all in the sense that those men who distinctly exhibit what we allow to be distinctively human qualities in a distinct way, were human.

Of course you know all the arguments on the other side from your study of George, Spencer, Stuart Mill and also the Christian doctrine which holds to the same side of the argument. But there is this to be said for it. Not only is it true that the great aggregate of mankind has exhibited no tendency towards psychical improvement or development in the six thousand years that we know of him, but there is also the distance, the psychical spread between the highest form of *Homo sapiens* and the lowest, that is, between Socrates, Marcus Aurelius, St. Francis on the one end of the line and the Akkas and the bushmen on the other. The psychical spread between those two is indefinitely greater than the spread between the lowest form of *Homo sapiens* and the anthropoids.

I will close now and just leave that matter with you as I have done right along. All these issues you must make up your own mind about, you know. But just keep it straight in your mind that the way to human happiness is through the Law of Equal Freedom; the way to the Law of Equal Freedom is through the Single Tax. All of it depends on the doctrine of natural rights. This, then, brings up your relations to the State, which does not believe in your having natural rights and is trying to confiscate such rights as you have asserted. You get down to the matters that we talked about this evening: patriotism, loyalty and the final question on which everything depends — whether the average of mankind, the great uncountable majority of mankind, is truly human.

You know, you can't do much. All I suggest is that you take what I say as merely an intimation of something, a series of things pretty well connected, running into one another, that you can take up for yourself and work out and debate and get very thorough about it.

Actually there is one thing that you can do, all of you, and it is the very best thing possible in the long run: to clear your own intelligence and know just exactly what you are talking about and know all that is possible to know about the fundamental ideas that belong to your subject.

Thank you very much finally for your attention, interest and your very great consideration. I do not like to leave you. ❑

Notes

1. Albert Jay Nock, "The New Leisured Class," *The Freeman*, April 5, 1922. In *The Freeman Book* (New York, B. W. Heubsch, Inc. 1924), p. 80.
2. Albert Jay Nock, *Our Enemy, the State*, edited by Walter G. Grinder (New York: Free Life Editions, 1973), p. 22.
3. See, for instance, the wide ranging collection of Nock's essays, *The State of the Union: Essays in Social Criticism*, edited by Charles H. Hamilton (Indianapolis: Liberty Fund, Inc. 1991).
4. Carl J. Friedrich, "The Deification of The State," *The Review of Politics*, Vol. 1, No. 1, January, 1939, p. 19.
5. cf. *The State*, by Franz Oppenheimer (New York: Free Life Editions, 1975).
6. "Isaiah's Job," in *The State of the Union*, p. 129.
7. "Our Pastors and Masters," in *The State of the Union*, p. 156.
8. For the complete version, see "Pantagruelism," in *The State of the Union*, pp. 200–211.
9. *Letters from Albert Jay Nock, 1924–945, to Edmund C. Evans, Mrs. Edmund C. Evans, and Ellen Windsor*, edited by Frank C. Garrison (Caldwell, ID: The Caxton Printers, 1949), pp. 197–198.

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O'Toole, "It's the Pork, Stupid," *continued from page 38*

training programs to keep the workers happy. And he will throw in a few tax breaks for industry, and possibly some guaranteed timber sale levels, to keep the corporations happy.

All of these things will cost taxpayers and consumers money. The final bill will be in the billions of dollars. But the proposals will quiet most of the debate, except for a few extremists. And who really counts the costs?

When it became clear, sometime in the 1960s, that the national forests weren't big enough to give everyone everything that they wanted from them, the Forest Service responded by trying to make the pie bigger with federal dollars. Clinton continues this approach, but on a much grander scale. But neither the Forest Service nor Clinton can really make the pie any bigger. All they can do is make our grandchildren pay for our consumption today.

Will Clinton's proposal fly? It depends partly on its content but mostly on his personal prestige. Normally, Oregon Natural Resources Council Director director Andy Kerr and industry association president Jim Geisinger have no incentive to support a compromise plan, no matter what its character, because they know that by being extreme they can get something better. But the industry executives who fund Geisinger and the environmental deep pockets who fund Kerr are tired of the battle and might back Clinton's proposal just to end the conflict. This is far more likely if Clinton remains popular, since he will appear more formidable, than if he botches it in Bosnia or screws up somewhere at home.

If there were winners and losers at the conference, they weren't the industry or environmentalists, the loggers or spotted owls. The winners were Clinton and his administration. The losers were the taxpayers. ❑

A somewhat different version of this report appeared in *Forest Watch* magazine.

Exploration

Paying for Crime

by David Friedman

There is no such thing as a free crime.

Our present institutions for financing criminal investigations are odd and inconsistent. If a policeman needs a tank of gas, he buys it. If he needs the use of my office for a week or my body for three months, he takes it. When the government seizes land by eminent domain it pays, in theory at least, its market value. But when the government imprisons a suspect, there is no reimbursement for his lost time. When the government closes down a firm in order to search its office or its books, the firm is expected to swallow its lost profits.

One might argue that a criminal is responsible not only for the damage done by his crime but for the cost of catching him as well. If so, perhaps it is just, when one of the costs of catching a guilty criminal is imprisoning him while collecting enough evidence to prove his guilt, that the guilty criminal should bear that cost. Or perhaps it is just, when one of the costs of proving that a firm has been doing something illegal is closing down the firm while the investigation proceeds, that the guilty firm should bear that cost. Under present law, however, the innocent suspect or the innocent firm receives no more reimbursement than the guilty for the costs imposed during investigation. Indeed, the situation is worse than that. If a suspect is convicted, time served before trial is likely to count towards his sentence, so the guilty suspect is reimbursed, in time, for the time he was held. The innocent suspect is not.

So far I have referred to "suspects," but a firm may be required to bear such costs even when there is no reason to believe it has done anything illegal. In the notorious case of the Secret Service's 1990 raid on Steve Jackson Games, the stated basis for the search was not evidence that Steve Jackson had done something illegal but that one of his employees, acting as a private individual on his own time, had. The Secret Service's theory, insofar as it had a coherent theory, was that the firm's computers might contain evidence of illegality by that employee or others.[1] The fact that seizing all of the firm's computers, disks, and papers and holding them for several months resulted in nearly putting the firm out of business was merely a side effect, possibly regrettable, but with no implications for the legal liability of the agents responsible.

In this particular case, the agents responsible for the raid made some serious legal mistakes, and Steve Jackson sued and won. He won the case not because he was innocent but because he is a publisher; publishers, under existing federal statutes, have special protection against the seizure of works in progress. The mere fact that he was an innocent party forced to bear large costs as part of a federal investigation of someone else's purported crimes[2] gave him no claim for reimbursement. The obvious response of most libertarians, myself included, to such situations is that government agents should be fully liable for costs imposed, at least on innocent parties.[3] While that may be the right answer, the case for it is not so clear as it at first seems.

The acquittal of the defendant in a criminal case does not imply that he is innocent in any save a legal sense — only that the prosecution has failed to prove guilt beyond a reasonable doubt. Suppose we interpret "beyond a reasonable doubt" as meaning "at least 90% probability of guilt," and suppose a particular defendant is acquitted because the court believes his probability of guilt is only 80%. If we require the police to reimburse him for the cost of his pre-trial imprisonment,[4] we are punishing them for an offense — imprisoning an innocent man — of which there is only one chance in five that they are guilty.

This argument suggests two alternatives for altering the present legal system. One is to imitate the Scottish system, in which there are three possible verdicts — guilty, innocent, and not proven. A defendant found innocent would be reimbursed for his costs. A defendant against whom the verdict was "not proven," corresponding, let us say, to a probability over 50% but insufficient for conviction, would not be.

A second alternative would be to provide compensation through civil law. After a defendant is acquitted, he can sue the agency that arrested him for the (newly created) tort of imprisoning an innocent suspect.[5] Under civil law, he must prove the tort "by a preponderance of the evidence" in order to prevail — commonly interpreted to mean that he must show it is more likely than not that the accused tortfeasor is guilty. Since one element of the new tort is that the suspect was actually innocent, that means that he must show that the probability of his guilt was less than 50% in order to prevail.[6]

So far, I have treated the probability of guilt as a fact, determined through some objective legal process. The real situation is not so simple — which brings me to a second problem with making government agents responsible for the costs they impose.

The outcome of a criminal case depends, among other things, on decisions made by police and prosecutors. Consider a situation where, at some point in the proceedings, the police begin to suspect that they may have the wrong man. Suspicion is not certainty; they can choose to ignore the evidence that their suspect is innocent or someone else is guilty. They can also choose to keep such evidence out of sight of the defense. How likely they are to do so depends in part on the cost to them of being proven wrong. Under a legal system in which acquitting the defendant, or dropping charges after he has been imprisoned for some time, results in sizable cash penalties against the police department or its individual officers, the police have a strong incentive to repress their doubts and push for a conviction.

How serious this problem is depends on a variety of factors. If there is a substantial chance that the conviction of an innocent will eventually be discovered and reversed, a police department that suppresses such evidence risks having to pay for years in jail instead of months. If, on the other hand, such a reversal is unlikely, suppressing evidence may be an attractive gamble.

One might argue that a criminal is responsible not only for the damage done by his crime but for the cost of catching him as well.

Another factor, of course, is how honest the police are. Few people like to believe that they are responsible for putting an innocent man in jail. Unfortunately most of us, including most police officers, are fairly good at bending our beliefs to fit our interests.

Should we change our legal institutions and if so how? Should we tolerate the absolute authority of a justice system that will sack and plunder the innocent in its efforts to enforce laws on others? Where are the fine distinctions that should be made in fairness to the law-abiding among us? ❑

notes

1. On my reading of the case, the Secret Service also suspected the firm of promoting computer crime, on roughly the same basis on which they might have suspected Agatha Christie of promoting murder. That particular lunacy was not, however, offered as a justification of the raid — nor did it have to be.
2. Three years later, the employee in question has not yet been charged with anything.
3. An alternative response, of course, is that there should be no government agents enforcing crime. One attractive feature of a system of private law enforcement is that the enforcers are private citizens, subject to the same legal restrictions as everyone else. For a discussion of this point, see my *The Machinery of Freedom*, chapter 29. For the purposes of this essay, however, I assume that we retain the present legal framework, complete with government enforcement and the distinction between criminal and civil law.
4. In practice, this means charging the taxpayers, since taxpayers will have to either indemnify policemen against such risks or raise police salaries enough to make potential policemen willing to bear the risk themselves.
5. Or some equivalent tort in the case of costs imposed on a firm.
6. If there are other doubtful elements — if, for example, there is some question as to whether a firm actually suffered damages — he must show that the joint probability of all the elements being met is more than 50%, which may require a greater than 50% probability of innocence.

Bradford, "Mass Murder, American-Style," *continued from page 23*

perhaps while he visited his favorite hangout, the local Pizza Hut, but it chose a military assault instead. Although ATF maintained from the start that the response to their assault came as a complete surprise to them, an ATF agent filed an affidavit saying that those inside the compound were aware of it in advance, which is hardly surprising, since the ATF had leaked the story to local television stations, who the ATF invited to videotape its original assault.

Of course, the ATF did not intend to lose the pitched battle they started, or to kill some of its own agents in the crossfire. Presumably, ATF's plan was to kill a large number of Davidians, thereby providing the "deterrence" against people joining the Davidians or similar groups that President Clinton had hoped for. ("I hope very much that others who will be tempted to join cults and to become involved with people like David Koresh will be deterred by the horrible scenes they have seen.")

Although it is impossible to know for sure, the hypothesis that the Branch Davidians violated no laws at all is entirely consistent with what is known.

Given the extent of the conflagration, and the fact that press sources are being kept away from the scene before, during and after the assault, we may never know how the fire was set. But even if Koresh or a disciple lit the fire, the FBI and the Attorney General cannot escape blame for the deaths — especially the deaths of the children — any more than the Nazis could escape blame for the deaths of the poor souls they brutalized and tortured in concentration camps until they took their own lives, or the Communists could escape culpability for the brutalized prisoners in their POW camps who died by their own hand.

"The State is the coldest of all cold monsters," Nietzsche told us. Whether Bill Clinton, Janet Reno, the FBI, and the ATF murdered the Branch Davidians directly or by driving them to suicide, the case illustrates just how right Nietzsche was. ❑

Reviews

Nazis, Communists, Klansmen, and Others on the Fringe,
by John George and Laird Wilcox. Prometheus Books, 1992, 523pp., $27.95.

Some of My Best Friends Are Extremists!

R. W. Bradford

With the possible exceptions of extraterrestrial adventures and Marxist history, fringe politics is the most buncombe-filled genre in American publishing. Virtually everything written on the field is hewn with a well-ground axe.

That is why I was pleased in 1969 to come across *The Farther Shores of Politics*, by George Thayer, who explained in his "Foreword" that he approached the subject "in a spirit of neutrality and pure inquiry," though he apparently felt obliged to advise that his own political beliefs "fall entirely within the mainstream of American political thought." I dug into the meat of the book, amused by the strange antics and goofy beliefs of Klansmen, Nazis, Black Muslims, Birchers, and Communists.

In the final chapter, I came across a brief discussion of a very peculiar political organization:

> The National Hamiltonian Party was founded in December 1965 by what appears to be a group of blue-bloods. Its candidate for President in 1968 is Eric Sebastian, a descendant of Alexander Hamilton and graduate of Harvard and Oxford. At one time he worked in the Dewey, Eisenhower, Rockefeller and Nixon campaigns, but gave up in disgust in 1960. He noted with sadness "the degradation of blintz-eating politics that was forced on a truly aristocratic man" such as Rockefeller.
>
> Other leaders in the Party are Adrian Tilt, like Sebastian a stockbroker by trade; Lindsay Williams and Maxwell Byrnes, both bankers; J. Thomas Aldrich . . . and Mannings Claiborne Case . . . who is described as a writer, a political and philosophical commentator, a philanthropist and a plantation owner. . . .
>
> Hamiltonians have a five-plank platform: the return to the election of senators by state legislatures; the return to the election of the President by independent electors, not by popular vote; a reorganization of the tax system in order to "encourage success"; the abolition of Constitutional Amendments Thirteen through Twenty-two; and the restriction of voting rights "to educated land-owning leaders."

Thayer continued his exposition on the history and beliefs of the Hamiltonians across three pages, wedged between his account of the Theocratic Party (which fielded a presidential ticket in 1960 and 1964 but had agreed to step aside to make room for the Hamiltonians in 1968) and Henry Krajewski, who had run for President in 1952 and 1960 on a platform of annexing Canada, cutting taxes, and admitting Red China to the U.N.

The only problem with all this is that every word of it is false. In actual fact, the National Hamiltonian Party was founded by Seth McEvoy and Mike Kelly, two college freshmen from Flint, Michigan. According to McEvoy, whom I had met in 1967, he and Kelly had gotten a taste of politics several years earlier while campaigning for Don Riegle — who was then an idealistic Republican Congressman, and is now a Democratic Senator and member of the Keating Five — and founded the Hamiltonian Party as a prank shortly thereafter.

They concocted a list of officers for the Hamiltonian Party's letterhead, xeroxed off a few brochures which they had pasted together, and sent out some press releases. For a picture of their fictitious presidential candidate, they clipped a drawing of Henry Cabot Lodge from *National Review*. For other candidates, they clipped photographs of various candidates for public office in Michigan. In 1966, Kelly ran for the Senate using his own name and a photograph of Zoltan Ferency, the Democratic candidate for Governor. McEvoy ran for the State Board of Education under the name of Dr Dominic Powers, Professor of Philosophy at Michigan State University, where McEvoy received mail addressed to Powers at his dorm room. A boarding school pal of McEvoy's ran for the Senate in Louisiana under the name of Mannings Claiborne Case. These three write-in campaigns were the entire extent of the Hamiltonian electoral efforts.

Most books about political extremism are hatchet-jobs, denouncing those on the political periphery for the thought-crime of rejecting consensus.

Their jape press releases and campaign brochures were taken seriously by the Theocratic Party, a well-established fringe party whose leader

believed himself anointed by God to be king of every country on earth. Before long, news of Powers' and Kelly's campaigns dominated the Theocrats' tabloid, and soon McEvoy and Kelly convinced the Theocrats to join them for the 1968 election.

Early in 1967, a couple of blue-haired elderly female Theocrats showed up at Kelly's parents' house (whose address they had used to receive party mail). Happily, Kelly's parents weren't home, and Kelly managed to make up a story to get the old women to leave. But this close call shook up McEvoy and Kelly: who knows what form the Theocrats' wrath might take when they eventually learned they had been conned? The pranksters concocted a series of final press releases for the Theocrats, involving Dr Powers getting lost in Tibet, and some similarly outlandish disappearance of Mike Kelly, "Mighty Man of God."

The only problem with the history of the National Hamiltonian Party is that every word of it is false.

That was the end of the matter. Until their appearance in George Thayer's scholarly tome. It remains a mystery how Thayer failed to suspect that something might be amiss with a political party that proposed both to repeal Prohibition and the *repeal* of Prohibition, or whose leadership roster sounded as sophomorically-concocted as, in fact, it was.

Thayer's bizarre lack of critical intelligence is amusing, of course, and raises questions about the credibility of the rest of his book. But naive credulity is not the major problem with books on fringe politics, especially books published in the 1950s and 1960s, when "extremism" was a favorite buzzword in public discourse.

Fightin' Words

"Political extremism" is invariably a term of opprobrium. It is employed to dismiss certain beliefs merely because they are different from the center of the political spectrum, and therefore somehow evil, not worthy of consideration. It is virtually always used as a pejorative, to castigate political beliefs disparate from the consensus. The implication of its pejorative use is that truth or virtue is determined by agreement, compromise and consensus. Merely to disagree with the consensus is to be wrong or evil. By avoiding the whole question of the truth or falsity of the views they characterize as extremist, those who denounce others as extremists curiously reflect the peculiar epistemologies of their targets.

The concept "political extremism" is not a tool of cognition. Its function is not to enhance discussion, but to suppress it; not to explain a phenomenon but to denounce one. It was used by the center-liberal for the same function that the Klansmen used the words "nigger" and "kike."

Extremism was a buzzword of the center-leftist consensus in the late 1950s and especially the 1960s, at a time when pressures toward conformity in America were much more powerful than they are now. The term was a major weapon in the war against resurgent political conservatism. It enabled the political establishment, for a while anyway, to dismiss the rising hostility to its agenda. It was invariably applied to the goofier elements of the far right (e.g. the John Birch Society, the Ku Klux Klan, the Nazis) with a token extension to certain far left groups (e.g. the American Communist Party), though a much loftier word, "radical," was generally used to describe leftist extremists. Alas, "extremism" was also used to paint relatively modest conservatives (e.g. Buckley, Goldwater) and even libertarians (e.g. Rand, Mises) with the same brush.

It is, of course, a fallacy to equate falseness or evil to "extremist" beliefs. Advocates of democracy were "extremists" in Nazi Germany, advocates of fair trials were "extremists" in the context of Stalin's USSR, and advocates of an income tax were "extremists" in the context of early 19th century America.

This rather obvious point was brilliantly made in 1964 by Barry Goldwater. In his speech accepting the Republican presidential nomination, Goldwater told a cheering crowd, "Extremism in the defense of Liberty is no vice, moderation in the pursuit of justice is no virtue." The climate of the time was such that centrist politicians of both political parties jumped all over Goldwater for his defense of the evil "force" that threatened democracy. But today, this is the most famous and widely remembered use of the term, the only usage included in *Bartlett's Familiar Quotations*. Perhaps in recognition of the fallaciousness of the concept and the conformism that it implied, "extremism" has fallen from use in political discussion in recent years.*

Not surprisingly, most books about political extremism are hatchet jobs, denouncing those on the political periphery for the thought-crime of rejecting the consensus. It is in this context that *Nazis, Communists, Klansmen, and Others on the Fringe: Political Extremism in America*, John George and Laird Wilcox's new survey of political extremism, is a welcome addition to the corpus of writing on the subject. It provides a wealth of information on fringe groups both left and right, while avoiding much of the silliness of their predecessors.

Wilcox and George begin with four chapters introducing their subject. First up is a quick survey of American extremism up to 1960. It is excellent and concise, running only 39 pages.

"Extremism" was a buzzword of the center-leftist consensus in the late 1950s and especially the 1960s, at a time when pressures toward conformity in America were much more powerful than they are now.

Next is an essay in which Wilcox attempts to redefine extremism. He is well aware that so long as extremism is defined only as a function of the distance from the political center of an ever-changing landscape, its utility as a cognitive concept is negligible. A fringe political view is one far from the social

* The actual author of Goldwater's famous "extremism" epigram is Karl Hess, then a Goldwater speechwriter, now a senior editor of this magazine.

consensus, but is not necessarily sinister. "Mere advocacy of 'fringe' positions gives our society the variety and vitality it needs to function as an open democracy, to discuss and debate all aspects of an issue, and to deal with problems that otherwise have been ignored." So he draws a distinction between "fringe" politics and "extremist" politics, redefining "extremism" as a "style" characterized by certain behaviors, a list of 22 of which he thoughtfully provides, ranging from "inadequate proof for assertions" to "name-calling" to "doomsday thinking" to "use of slogans, buzzwords, and thought-stopping clichés." Wilcox cautions us that "we are all fallible human beings, and anyone, without bad intentions, may resort to some of these behaviors from time to time," and notes that "the extremist style is . . . sometimes found in the 'middle' as well [as on the fringes]," thereby granting that there is a problem with his "behavioral tendency" definition of extremism.

But the problem with his definition goes far deeper than he suggests. Can any serious-minded person actually believe that Bill Clinton's rejection of "trickle-down economics" was adequately proven? That Al Gore's views on the environment do not constitute a "doomsday" scenario? That George Bush wasn't name-calling when he called Al Gore "Ozone Gore"? That any successful American politician does not believe that "it's okay to do bad things in the service of a 'good' cause"? I went through the entire list and could not find a single behavior listed that is not routinely resorted to by virtually all American politicians, and by most other Americans as well. Are we to dismiss *all* of them as "extremists"? Plainly, his attempt to resurrect "extremism" to the status of a useful concept while retaining its pejorative content fails.

Wilcox's essay is followed by a short essay by John George, entitled "Extremists and the Constitution," a pathetic screed that ought never have been included here. After very briefly discussing the problem of defining extremism, George "turns to" how extremists view three provisions of the U.S. Constitution: the first and second amendments and article six. He correctly notes that many Christian right-wing extremists are unaware of and would oppose Article Six (which prohibits professions of religious faith as a condition of public office) if they had ever heard of it, and that many extremists of both the right and left favor censorship. Where he gets in over his head is his discussion of the "extremist view" of the second amendment, to wit, the view that it is a guarantee of the right to gun ownership. This view, he writes, is "probably" not correct. As proof, George cites a 1939 Supreme Court decision, ignoring the fact that both the framers of the Constitution and the courts through the first 150 years of constitutional jurisprudence took precisely the same view that George denounces. Coming from an avowed civil libertarian, his reliance on the authority of a Supreme Court decision is remarkable. One could as easily cite various Supreme Court decisions of similar vintage that restrain free speech. This is no doubt the weakest chapter in the book.

The concept "political extremism" is not a tool of cognition. Its function is not to enhance discussion, but to suppress it; not to explain a phenomenon but to denounce one. It was used by the center-liberal for the same function that the Klansmen used the words "nigger" and "kike."

But the meat of the book consists of a lengthy survey of fringe activity in the United States between 1960 and 1990, and it is very meaty indeed, including all sorts of information that was news to me. I learned, for example, that the Anti-Defamation League, ostensibly set up to oppose political extremism, has attempted to deny first amendment rights to those with whom it disagrees (e.g. critics of Israel), very often with considerable success. I learned that a remarkably high proportion of violence engaged in by racist groups was instigated by members of those organizations who were paid agents of the U.S. government. I learned that, although federal law prohibits the financing of domestic political activity by foreign governments, the individual who collected $2 million from a Soviet agent and delivered it to the U.S. Communist Party was an FBI agent. Plus lots of fascinating information about fringe groups ranging from Lyndon LaRouche's various organizations to the Minutemen to the Jewish Defense League to the American Nazi Party.

As commendable as their efforts are, Wilcox and George are hampered by their apparently uncritical acceptence of the conventional left-right political morphology. Their view of the political landscape between left-right blinders gives their book a curiously nostalgic flavor. This commitment to convention probably accounts for their virtual ignorance of some of the most vital and active fringe political groups today: the radical environmentalists, animal rights advocates, tax protesters, anti-abortionists, "New Age" groups. These groups simply don't fit into the conventional left-right paradigm. Hence they are mostly ignored.

As a consequence, *Nazis, Communists, Klansmen* is neither a survey of contemporary fringe politics, as its title suggests, nor a survey of fringe politics from 1960 to 1990, as its authors suggest in the text. It might be better characterized as a survey of fringe politics of the 1960s and early 1970s. Virtually the only groups surveyed who might be said to flourish today are the Christian Right, the crypto-anti Semitic Liberty Lobby, and the Nation of Islam. Virtually all the others have been in sharp decline for at least a decade. Many no longer exist.

Nazis, Communists, Klansmen, and Others on the Fringe also suffers from slovenly editing. For example, the House Committee on Un-American Activities is sometimes referred to as the House Un-American Activities Committee, a formulation favored by the radical left. The right has long insisted that the committee be called by the name with which it was christened when it was created by Congress, charging that the left favors the HUAC version because its acronym suggests "House Un-American Committee." George and Wilcox can't seem to make

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up their minds. In their index and on pages 9, 40, 103, 235, 285 and 429 they use the HUAC variety; on pp. 238, 275, 351, 352, 397 and 398 they use the HCUA variant. A good editor would have at least made their usage consistent.

That editor would also have noticed the obvious factual errors that somehow crept into the manuscript. For example, they write that the first European settlement in the New World was at Jamestown, Virginia, thereby ignoring more than 100 years of Spanish settlement; that President Woodrow Wilson pardoned Eugene V. Debs, who had been imprisoned for sedition, when in fact is was President Warren Harding who pardoned Debs after Wilson's administration had prosecuted him; that John Birch Society founder and leader Robert Welch had run for Lieutenant Governor of Mississippi, when in fact Welch had sought that office in his home state of Massachusetts; or reference to Emma Goldman's deportation "in December 1919 . . . to the newly formed Soviet Union," when in fact the Soviet Union was not formed until 1922. These factual blunders are especially embarrassing in a book that criticizes *others* for making factual errors, condemning the Christian Right for making statements that are "not factual . . . and therefore misleading," citing as an example a member of the Moral Majority saying that "Australia and Brazil are larger than the United States."*

Other problems that ought to have been taken care of in the editorial process:

• Grammatical errors, clumsy writing: "They forget that segments of the 'religious left' does this as well. For example, the backbone of the leadership of the civil rights movement has been black ministers, and the sermons of Reverend Martin Luther King, Jr, among others, readily demonstrate how they have tended to reframe legal, political, and social issues surrounding desegregation and equal opportunity into religious ones, and perhaps rightly so" (247).

• The strange lack of parallelism in the list of 22 "traits or behaviors" that characterize "extremists" (56–60).

• Their peculiar claim that Robert DePugh, leader of the right-wing paramilitary Minutemen, "attempted to deny" that he had published a certain document (293). Probably George and Wilcox had intended to say that DePugh's denial lacked credibility, but instead they leave us with the strange image of DePugh trying to say something but unable to get the words out of his mouth.

• Their faulty logic, especially when criticizing the logic of others: "In his discussion of abortion, LaHaye writes that because so many have been performed in the United States, 'we will soon have to apologize to Adolf Hitler.' In the manner of so many others who feel as he does on this issue, LaHaye seems unaware that Hitler was avidly anti-abortion" (244–5). LaHaye was obviously comparing the number of victims of Hitler's genocide to the number of "victims" of abortion. For those like LaHaye who believe that abortion is murder, this is a perfectly reasonable parallelism. The fact that Hitler himself opposed abortion is not relevant at all.

A remarkably high proportion of violence engaged in by racist groups was instigated by members of those organizations who were paid agents of the U.S. government.

At one point they arrive at a conclusion that is contra-indicated by the evidence they cite: as evidence that radio commentator Melvin Munn was an extremist, they report that Wilcox had heard Munn give a talk in Lawrence, Kansas, which Wilcox believed had a "general moralizing tone" and "implied intolerance of opposing views," although the policies Munn had advocated were mainstream and when "two radical student activists" challenged Munn at his Lawrence talk, Munn invited them onto the stage to "make their point," to which he responded (229).

• Lack of perspective: "Despite [H.L. Hunt's] great personal wealth he used a tax-exempt organization in his efforts to promote his values" (230). This same criticism applies to the Rockefellers, the MacArthurs, the Carnegies, as well as every

* Prior to the admission of Alaska and Hawaii in 1959, Brazil was larger than the U.S. and Australia virtually the same size. Perhaps the Moral Majoritarian was guilty of nothing more than consulting old reference books.

wealthy person who has ever made a gift to his church or to any charity.

• Repetition: they quote the same passage from the same source material on pp 43 and 289, again on pp 65 and 169, and again on pp 289 and 319.

Well, I've spent most of this review criticizing the rather annoying problems with this book, and I fear that you might conclude that it is neither valuable nor interesting. This would be unfortunate. It stands head and shoulders above its competition, both in terms of the breadth and particularity of information presented. It teems with interesting detail and information about the political fringe.

In the preface, the authors explain Wilcox's approach to investigating the political extremes:

> [Wilcox] read John Howard Griffin's *Black Like Me*, an account of a white man who moved freely in the black community, having had his skin cosmetically treated so that he could pass for black. It was by reading Griffin that Laird Wilcox developed his modus operandi: get to know and mingle freely with extremists of all kinds. That's the way to get to understand the ideas and feelings that motivate them. (8)

Wilcox's willingness to become acquainted with extremists and even to empathize with them helps him avoid the usual trap into which writers about extremism fall. Mostly as a result of this willingness and Wilcox's lifelong fascination with the political fringe, *Nazis, Communists, Klansmen and Others on the Fringe* presents a far more accurate account of its subject than any other book I have encountered.

With the collapse of socialism and with it the left-right political spectrum, the political fringe has taken on a very different character. Wilcox and George have written what will likely be the best account of the American political fringe during the final three decades of the left-right paradigm. It's not a very good survey of the political fringe of today, but it is the best history of the fringe of the 1960s and 1970s. ❑

Errata

In Jesse Walker's review, "The Workers Take Over" (April 1993), the phrase "Employee Stock Option Plan" should have read "Employee Stock Ownership Plan."

***From Marx to Mises: Post-Capitalist Society and the Challenge of Economics Calculation*, by David Ramsay Steele. Open Court, 1993, xvii+450pp., $39.95 hc, $17.95 sc.**

Socialism: Dead or Alive?

Leland B. Yeager

Earlier in this century, many socialists expected that money and prices would disappear under their system and that production and resource allocation would be planned *in natura*. Ludwig von Mises challenged this view in his 1920 article, "Economic Calculation in the Socialist Commonwealth," arguing that socialism would make economic calculation "impossible."

Lenin tried to eliminate money and prices when he seized power in Russia. Neither that attempt nor its failure nor the New Economic Policy of temporary retreat toward capitalism can properly be attributed, despite legends, to the country's civil war. Later academic proposals for socialism featuring either genuine or imitation markets, including Oskar Lange's much-overrated article of 1936, represented retreats in the face of Mises' criticism; yet they still did not describe workable systems.

In *From Marx to Mises*, David Ramsay Steele reviews the debate between Mises and the academic socialists. Karl Marx and his followers were and "are usually averse to depicting and discussing the way post-capitalist society would operate" (p. 352). Steele argues that, contrary to common opinion, this aversion did not flow from belief in historical inevitability; Marx was not a fatalist (353–354, 336). Perhaps Marx could not reach a coherent conception of socialism and so preferred to concentrate on capitalism. Anyway, Steele reviews what little Marx did say about socialism, especially in his 1875 *Critique of the Gotha Program*.

Steele also reviews Marxian economics, providing many quotations, paraphrases, and examples. This material reinforces a judgment I had reached for myself many years ago after reading much of Marx: that the task had been boring and unproductive. Although Marx was a tireless worker, his economics was outmoded even in his own day. He simply did not understand the logic of markets. Marx would long since have been justly forgotten if his doctrines had not become linked to a movement with earthshaking repercussions. As Lord Peter Bauer has correctly insisted, in a more general context, basing an economist's reputation more on his supposed practical influence in the world of affairs than on the correctness and scope of his scientific contributions has baleful consequences.

Steele attributes to Mises' opponents in the economic-calculation debate a slide along the following chain of fallacious arguments: (1) Mises has not proved that non-factor-market (NFM) socialism cannot work; (2) there is no proof that NFM socialism cannot work; (3) NFM socialism can work; (4) there is a proof that NFM socialism can work.

Several followers of Mises have recently launched an emphatic distinction between the "calculation" and "knowledge" aspects of the socialist problem. (These include Joseph Salerno, Jeffrey Herbener and Murray Rothbard, writing respectively in a postscript to a new reprint of Mises' 1920 article and in the *Review of Austrian Economics*, 1990 and 1991.) These Misesians suggest that F.A. Hayek's elaboration of the "knowledge" aspect of the issue perverted Mises' correct analysis. Steele mentions this controversy only briefly, calling the supposed distinction "elusive" (121). His detailed review of academic contro-

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versy over the calculation problem does strongly support the judgment that Hayek was illuminating and extending Mises' points, not digressing from them.

Steele insightfully discusses many economic topics besides socialism, including the logic of property rights, the division of knowledge, the allocative role of interest rates, the incentive structure of worker-owned enterprises, and the wastefulness of coercively imposed recycling of materials. According to his book's cover blurb, Steele was trained in sociology, not economics, and is an editor, not a professor. Nevertheless, to judge both from his knowledgeable citations of many works and from his own discussions, Steele's self-education in economics has succeeded brilliantly. On the evidence of this book, Steele is a much better economist than most of those practicing today. Although displaying an unusual familiarity with and grasp of Austrian economics, Steele does not come across as an actual member of the Austrian school. He appears to be a mainstream neoclassical economist (appreciating, for example, the contributions of Léon Walras).

Steele strives to put subtle points of economic theory across to the untrained reader — for example, the concept of opportunity cost and how the price system takes resource availabilities, technology, and subjective attitudes all into account in arranging that whatever is produced tends to be produced at minimal sacrifice of alternative value for consumers. His detailed and lengthy explanations might have bored a reader who already understands the points at issue, but I, for one, took pleasure in his skillful exposition and in imagining a novice reader's thrill of enlightenment.

Steele's mastery of language is truly impressive. He employs many helpful figures of speech. Facing the anticapitalist criticism that price fluctuations unrelated to changes in fundamentals are meaningless noise and that moving directly to the equilibrium price would be more efficient, Steele likens that remark to "saying that if we have lost a ball in a field, the best search technique is to walk to where the ball lies" (132). He is terse, even epigramatic: "The attempt to abstain from utopianism merely leads to unexamined utopias" (375). Steele's remark about proposals for the "democratic" planning of consumption patterns applies much more widely: "Democracy is no substitute for freedom" (256).

My enthusiasm for Steele's book leaves me straining to find the few criticisms expected in any review. The organization might stand improvement, as by pulling together the scattered remarks about how Marx imagined a socialist or communist society. A reviewer is scarcely entitled to press such complaints, however, without having himself worked out a reorganization.

In the text and endnotes, Steele cites books and articles by each author's last name plus the date of publication, leaving full names, titles, and further publication data to a multipage bibliography. This is an efficient practice. Unfortunately, the bibliography omits further data on some of the works cited, including Bajt 1968, Hutt 1977, Salerno 1991, Stein (no date given), Steele 1988, and Carens 1981. Yet Steele devotes several pages to Carens' proposals for a radically egalitarian society nevertheless retaining markets.

Steele's devices for avoiding supposedly sexist language struck me as obtrusive and distracting — but these days, of course, the blame might better be laid to crusaders who latch onto other people's writings as vehicles for their own political messages or emotions.

Marx would long since have been justly forgotten if his doctrines had not become linked to a movement with earthshaking repercussions.

But these are minor quibbles. *From Marx to Mises* is a provocative and well-written book on a complex and important subject. But I did not particularly enjoy reading it. The fault is not Steele's. I find Marxism inherently boring — the debates over socialist calculation are, for me, anything but fresh. Still, this is a very good book, thanks to Steele's mastery of the economics and his effective exposition. ❑

***How To Make People Just*, by James Sterba. Rowan and Littlefield, 1989, 208pp., $51.25 hc, $21.00 sc.**

Just Nonsense

John Hospers

Every year, numerous books appear describing the concept of the free market, the advantages of capitalism over socialism, and the lives and achievements of major entrepreneurs. But very few of these books are discussed or even mentioned in most university and college courses in political science or philosophy. Students seldom come to know that these books exist. Instead, they are regularly treated to a diet of very different books, espousing various brands of socialism and welfare statism. In the 1960s two books by Nicholas Rescher, *Distributive Justice* and *Welfare*, became staples in political philosophy courses until the appearance in 1971 of the most famous of all books in this field, *A Theory of Justice* by John Rawls.

A recent book by James Sterba, *How To Make People Just*, though not an instant classic like Rawls' book, has inspired enough interest for the journal *Social Philosophy* to devote an entire issue (Fall 1991) to it. Not surprisingly, the book is not really about how to make people just — nobody except one's parents could possibly do that. It is about how "society's goods" ought to be distributed.

According to Sterba, because of technology the production of goods is no longer a problem; the "problem of production" has been solved. The truth of this statement is assumed without being argued. It is also assumed that these goods "belong to society" — that they have been collectively produced and should be collectively distributed. Sterba's book shares this assumption with its predecessors. He is most interested in how much of their income should be extracted from one group, which he calls "the rich," in order to benefit another group, "the poor." That one group should be coerced by government to benefit the other group is taken for granted as obvious, and is not debated; the only question is how much and why. Sometimes the first group is called "the fortunate" and the second, "the disadvantaged."

The producers of the wealth that the author wants to distribute are treated throughout as society's enemies who prey on consumers and regularly exploit their workers. "Capitalist exploitation" (p. 57) differs from criminal activity only in that it is "supported by conventional standards" (whatever that may be taken to mean). "Capitalists who engage in such exploitation cannot escape blame for acting unjustly." Indeed, in a just society "drastic measures, even violent revolution" would be justified in order to "prevent capitalists form lapsing back into exploitative ways." If members of the "capitalist class" do not willingly part with their wealth, then "the deprived" are justified in taking up arms against them to force them to do so. "What is at stake is the liberty of the poor not to be interfered with when taking what is necessary to satisfy their basic needs from the surplus possessions of the rich" (86). Such a procedure is required to achieve a just distribution of "society's goods."

Sterba does not join the ranks of egalitarians — not quite — for egalitarians allege that nobody, regardless of effort or ability, should have any more money (or any other of the world's goods) than anyone else. He believes, rather, that everyone is entitled to what might be described as a tidy income, including the "necessities of life" (food and shelter — but the question always remains, how much?) as well as many other things that help to make life enjoyable such as a car and telephone (depending on the milieu in which one lives).

The text is besprinkled with references to equality, rights, and justice. But these terms are all vague until the author gives them precise meaning, and they remain largely emotive terms throughout the book: for example, it is not clear to me how a society in general, rather than an individual, can be just, or how people can be said to be equal. But on one thing the author is insistent and repetitive; that the achievement of equality and justice requires full-fledged affirmative action programs in the workplace and in education.

Caveat Lector

Whatever may be said of other readers, libertarians can hardly read such a description as the above without thinking of many objections too obvious to dwell on, such as:

1. How can "the problem of production" ever be "solved"? This depends on the conditions under which production occurs. The Soviet Union is surely an example of its not having been solved — an example that none of these writers ever mention. If there is no motivation to produce, production falters and there is less to consume for the author's favorite group, "the disadvantaged." Indeed, all the authors adopt the point of view of consumers, and never mention the conditions that make production possible.

2. Sterba refers to "society's goods" as if they had been produced by everybody and belonged to everybody. But of course it is individuals who produce and the relevance of the fact that some do and some don't is never considered.

3. Sterba divides society into two groups, "the rich" and "the poor" — sometimes called "the fortunate" and the "the disadvantaged" — as if people were in one group or the other as the result of some decree of fate, their own past actions being irrelevant to their present condition. That people may have engaged in actions, or failures to act, as a result of which they might deserve to be in one group or the other, is not considered. All persons below a certain level of income should receive more income from the state, he says; doesn't it matter at all how they got that way?

Every individual has different

deserts: one person is perennially lazy; another is industrious but can't find a job. Another will accept only a job that is to his taste, preferring not to work at all rather than accept a job he finds demeaning or not in accord with his talents. Still another is so handicapped or mentally ill that she cannot work at all. But they are all "disadvantaged" in that they don't have much money. They only have to belong to the "disadvantaged" group for them to receive their bounty from the state. In our personal and voluntary dealings with other people, however, we never treat people in this collectivistic way. If we give a person some money and he spends it on drink or drugs, we are not likely to repeat the favor; and if we offer him a job and he quits in a day or two, we are less likely to offer him another. One trouble with state-subsidized charity is that it lacks the subtlety to treat individuals, rather than groups, in accordance with their deserts.

Sterba does make occasional reference to the need for would-be welfare recipients to attempt to obtain work in order to receive welfare. Thus he seems to recognize that some effort on their part seems ought to be required, but how this is to work needs to be spelled out, not mentioned in passing and then forgotten. What if a worker feigns an illness that is difficult to disprove? What if he does things to make sure that he will be discharged, such as constantly annoying his fellow workers or becoming highly irritable at the slightest assault on his dignity? Still, without the job he is in dire need; is he then to be paid for doing nothing? There are a thousand ways, none of them very difficult, to continue being subsidized for doing nothing. Would Sterba have the state pay all these people a living wage, and wouldn't this greatly swell the ranks of the non-working poor?

Those of us who work for a living tend to assume that everyone else would do the same if only given the chance; "it never occurs to them that some people attempt to live by their wits day by day, never planning, never striving toward any goal, utilizing falsehood and their ability to inspire pity to eke out a meager living free from all personal responsibility" (Robert Sheaffer, *Resentment Against Achievement*, p. 50).

If I were the recipient of preferential treatment, I think I would feel shame. Not only that, I would feel embarrassment at the thought that people would now think I had not gotten the job on my own merits.

4. "Treating everyone equally" is a tricky notion, which tends to evaporate when one considers specifics. Suppose a teacher goes into an elementary class armed only with the conviction that every student should be treated equally. Does this mean that she should give every student an equal amount of time? Could she consistently give better students more time because they have a greater potential and "they've all had an equal chance"? Or does it mean that she should spend more time with the inferior students in order to bring them up to the average? A vast array of diverse behavior could be brought under the vague heading of "treating everyone equally."

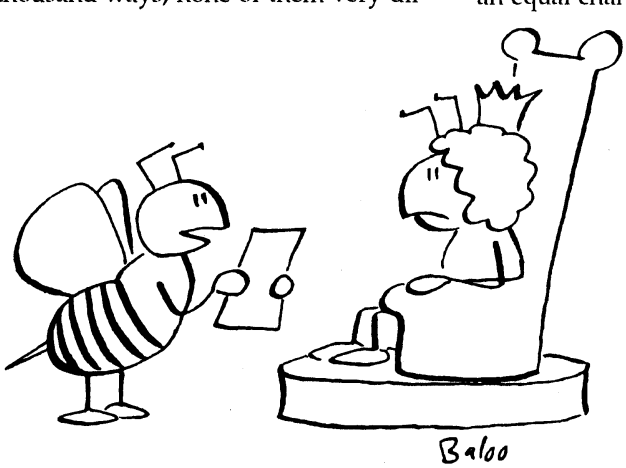

"It's a petition from the drones, Your Majesty — they want health insurance and food stamps."

It seems clear, at any rate, that affirmative action programs do not "treat everyone equally," since some people are treated preferentially because of features such as skin color over which they have no control. "Race-norming" on test results causes a black applicant to receive a higher grade on an aptitude test than her actual test score — the test scores are doctored in the light of the applicant's race, unknown to the employer. Sterba approves such procedures in the interests of "equal treatment."

If I were the recipient of such preferential treatment, I think I would feel *shame* at the thought that someone better qualified than I had been denied a job because of me. Not only that, I would feel *embarrassment* at the thought that people would now think I had not gotten the job on my own merits, but that it had been a charity appointment. And if I obtained a teaching position in that way, what would it do to *me* in all the subsequent years of my labor?

It may be that Sterba and I do not live in the same world. What a depressing world his would be to live in. It would be a world characterized by original sin — social, not theological; a world in which every new individual born adds to the burdens I must bear. I am not responsible for that new person being, yet I am obliged to help take care of that person's " basic needs," and do without my own until his are taken care of. "Do you care to imagine what it would be like, if you had to live and work, when you're tied to all the disasters and all the malingering of the globe? To work — and whenever any men failed anywhere, it's you who has to make up for it. To work — with no chance to rise, with your meals and your clothes and your home and your pleasure depending on any swindle, any famine, any pestilence anywhere on earth. To work — with no chance for an extra ration, till the Cambodians have been fed and the Patagonians have been sent through college. To work — on a blank check held by every creature born, by men who you'll never see, whose needs you'll never know, whose ability or laziness or sloppiness or fraud you have no way to learn and no right to question" (Ayn Rand, *Atlas Shrugged*, p. 1048).

One tragedy of welfare-society planners is that they seem to remain unaware of the kind of society to which, if their plans were fulfilled, they would be condemning the very groups of people whom they take such pains to protect. ❑

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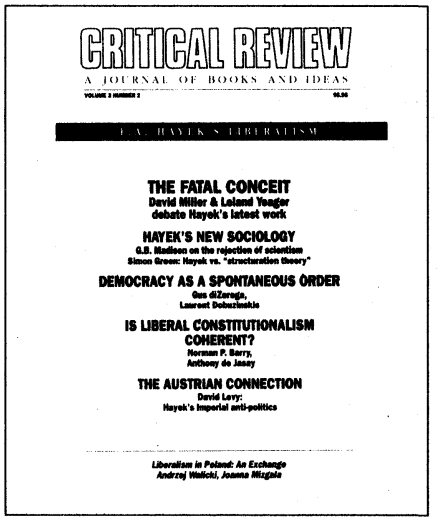
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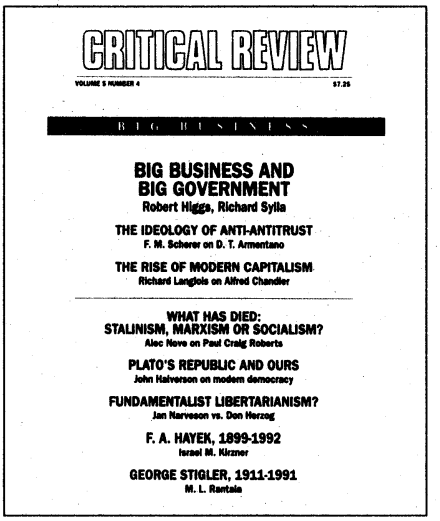
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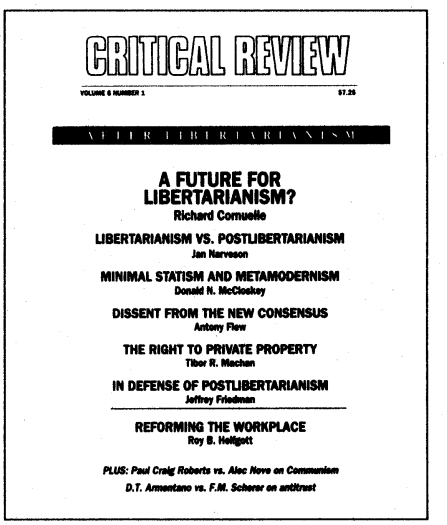
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***Loose Canons: Notes on the Culture Wars*, by Henry Louis Gates, Jr. Oxford University Press, 199 pages, $19.95.**

Scattershot

David A. Lips

One of the most strongly marked features of the multiculturalist movement is the demand that the literary canon be broadened to include works by minority writers. Leading this charge is Henry Louis Gates, Jr., who holds a joint appointment at Harvard University in the departments of English Literature and Afro-American Studies.

Gates' book *Loose Canons* sets forth his position on this controversial topic. Unfortunately, like so many books today, *Loose Canons* is a conglomeration of disparate parts. The book consists of articles that Gates has written and texts of speeches that he has delivered since 1985. The chapters neither flow nor present a cohesive argument. The writing is uneven, and, as Gates concedes in the introduction, occasionally yields to hyperbole. Two of the chapters are particularly jarring because they are not essays like the rest of the book, but fictional accounts of Gates' vain attempt to pin down the literary canon we often speak of so loosely. It is this thought, that canons are loose and somewhat arbitrary, that gives the book its whimsical title and its driving force.

Yet because *Loose Canons* is not an argument but a set of discrete observations, its uniting theme is hard to discern. It is not surprising that people may interpret this book in contrary ways. Thus when *The Economist* reviewed it last year, it criticized Gates' supposed "attempt to make a case for black studies" at the undergraduate level. Yet I am at a loss to find where his book makes such a case.

Loose Canons seems to be more modest in its ambitions. Gates primarily wants to broaden the literary canon to make it represent the ethnic diversity not only in the United States but in the world. "[T]he only way," Gates says, "to transcend [the] divisions" of "nationality, ethnicity, race, class, and gender . . . is through education that seeks to comprehend the diversity of human culture." Gates is convinced that tolerance of different cultures and ethnicities requires an informed appreciation of their character, which is well revealed in their literary output. "There is no tolerance without respect — and no respect without knowledge." Or, as he says in the final essay: "The society we have made simply won't survive without the values of tolerance. And cultural tolerance comes to nothing without understanding."

Several time Gates remarks that he is searching "for a middle way." Though this is not wholly inaccurate, it is hard not to conclude that he is merely straining to sound reasonable.

He often states that he disagrees with the left as well as the right. He contends that he does not want to destroy cultural institutions as those on the leftward fringe are said to do. "The choice isn't between institutions and no institutions. The choice is always: What kind of institutions shall there be?" He therefore has no sympathy with those who want to abandon the idea of a literary canon. He merely wishes to make the existing canon more inclusive.

Gates also bristles at the notion that only members of a racial or ethnic group can teach works that are the product of individuals in that ethnic group. "Any human being sufficiently curious and motivated can fully possess another culture, no matter how 'alien' it may appear to be."

Finally, to establish his centrist credentials, he urges tolerance in the field of Afro-American Studies itself. "We

are scholars. For our field to grow, we need to encourage a true proliferation of ideologies and methodologies, rather than to seek uniformity or conformity."

But Gates reserves his harshest comments for "the new cultural right" as represented by such figures as William Bennett and the late Allan Bloom: "These two men symbolize for us the nostalgic return to what I think of as the 'antebellum aesthetic position,' when men were men, and men were white, and when women and persons of color were voiceless, faceless servants and laborers, pouring tea and filling brandy snifters in the boardrooms of old boys' clubs." None of Gates' quotations from Bloom comes close to justifying that startling summary, and Bennett is not quoted at all.

We should therefore not be shocked when Gates falsely describes the Western, and specifically American, literary canon as "white" and "a more-or-less closed set of works" and suggests that those who support it are racist.

I well remember from my high school days that my American literature anthology contained selections from several black authors, from Phyllis Wheatley of the eighteenth century, and Charles Chesnutt of the ninteenth, to Langston Hughes, Richard Wright, Ralph Ellison, and James Baldwin of this one. This was long before multiculturalism became a fad.

Gates, however, is at his best in the essays in which he details the slowly-evolving scholarly interest in Afro-American literature. He is well-informed and argues persuasively that this literature should be read both for its own merits and for the psychological effect that it is likely to have on students. Nor does Gates confine his analysis to Afro-American literature (although that is the thrust of much of his writing): "We need to reform our entire notion of core curricula to account for the comparable eloquence of the African, the Asian, the Latin American, and the Middle Eastern traditions . . ."

Up to a certain point, one is hard-pressed to deny merit in this proposal. It would be beneficial for everyone to know more about other cultures and ethnic groups than is commonly taught in school. If, to this end, Gates requests that colleges increasingly encourage or require the study of nonwestern cultures along with Western culture itself, few people would object.

But if the traditional courses are shaped as Gates implies they should be, and black writers who have remained obscure until now are substituted for figures whose capacity to speak beyond their era has enabled them to endure the test of time, then a host of problems presents itself. What is to be added, what is to be dropped, who is to decide, and on what basis?

If, as Gates admits, "politics" intrudes into "canon formation," then how can such selections be immune from politicization? And if Gates is right in believing that "the [racial] climate on campus has been worsening," isn't it at least possible that these curricular changes — based, as they would have to be, on the ethnic or racial origin of the authors — will exacerbate rather than lessen racial tension?

Gates correctly notes that "facts and values don't exist in neatly disjunct regimes of knowledge," but he sees higher education too much as a power struggle in which people learn, not merely to broaden their minds, but to help those above them achieve a social objective.

I am left with only mild enthusiasm for what Gates is attempting. Education at the collegiate level should be broad-based. But making literary instruction conform to the pressures of political correctness may backfire, as Gates' play on the word "cannons" should suggest. ❑

***Every Man a King*, by Bill Kauffman. Soho Press, 1989, 227 pps., $17.95.**

America Lost and Found

Jesse Walker

Bill Kauffman's semiautobiographical novel *Every Man a King* relates the adventures and misadventures of John Huey Ketchum, a small-town boy gone to Washington D.C. then home again. Fresh from school and desperate to escape his parochial hometown, Ketchum lands a job on the staff of Senator Sean O'Rourke, drunken Democrat and master of misquotation; from there he progresses to the American Foundation, an unpleasant amalgamation of all the District of Columbia's right-wing think tanks, a sprawling temple to the neocon faith. "In vain might the curious visitor search for evidence of the Mugwump conservatism of Henry Adams, the gallant localist conservatism of Jefferson Davis, the rumbustious anarchist conservatism of John dos Passos, or any of a thousand brilliant and singular mutations. The American Foundation . . . held to a peculiar and astringent doctrine admixing unstinting loyalty to big business with a perfivid enthusiasm for all things military." For that beast Ketchum toils, until his modest talents earn him a regular newspaper column. Things are on the up and up for our hero, whose newsprint essays quickly find their signature schtick: John Huey's late "Grandpappy" Fred, in real life a cantankerous populist lover of Huey Long, in Ketchum's column the source of much fabricated folk wisdom.

All seems in relative good order until, on national television, Ketchum utters the dread *n*-word, racist sobriquet and unforgivable sin. His column is dropped and his job at the American Institute jeopardized. He quits, and leaves Washington for his native Batavia, New York, once a land of fierce local culture, but now — well, who can be sure? Its downtown erased by urban renewal and replaced by a sterile mall its citizenry pacified by Lotto and tele-

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vision, Batavia is a shadow of the city that gave birth to the Anti-Masonic Party and a hundred other expressions of uniqueness and life. Yet it remains a community of honest-to-god *people* — not as erudite as their Washington cousins; capable of narrowness, bigotry, and cruelty; but not power whores, either, out for number one and fame and control, like the sheep Ketchum worked with in D.C.

Ketchum meets and falls in love with Wanda Morczyck Fay, noble white-trash lady surviving the abuse of a husband who beats and rapes her mercilessly. With her and her daughter, he finds the human-scale landscape of one corner of small-town America, in danger of being smothered by homogeneity and hierarchy and hate but carrying on nontheless: "an invisible world . . . in which Fred exhausts his meager savings buying groceries for the widow next door; a world in which young boys are taught that honesty and kindness ought always to outrank greed, ambition, and power lust; a world in which four men, friendship forged in the daily crucibles of a lifetime's quotidian happenings, grouse around the kitchen table about the injustices inflicted upon them, always remembering that struggle against remote, centralized tyranny is futile and self-defeating."

Kauffman's love-hate relationship with his Genesee County home, symbol of both regional character and the loss of that character to the forces of uniformity and the lowest common denominator, shines through this novel like nothing else — save, perhaps, his hatred for the centralizing, homogenizing, mediocritizing party of Albany and Washington. Whoever wrote the jacket blurb for this book put it best: this a novel about "not being able to go home again, but having to." As such, it is both sad and inspiring; Batavia is dead, but Batavia lives on. It is also, I should not forget to mention, very, very, funny, especially the parts about Washington. I had occasion to brush up against some of the Organization Conservative types Kauffman lampoons so well while I was in college, and he has them down cold. And I laughed for nearly a minute at the introduction of "the European monarchist Emil de la Mortain," author of *Leftism: Genghis Khan, the Gnostic Heresy, and the New Left.*

The high satire of Ketchum's exploits in Washington rubs shoulders uneasily with the more low-key and personal events in upstate New York. (This is, of course, part of Kauffman's point — to compare those two very different worlds and clearly favor the latter.) The character development is believable, though sometimes mysterious: Ketchum's rise from neocon hack to populist Batavian is easy to follow, but his initial fall from reflexive anti-authoritarian to craven would-be insider is more difficult to understand. Kauffman makes the occasional effort to explain it, but doesn't go very far. Take this one, for example: "He disliked retracing the thought process that had led him to embrace much of the American Foundation creed, but it seemed to him, then, as inevitable evolution. . . . He'd simply grown up." That sounds like an evasion to me. I'd like to know what that thought process was — or if, as I suspect, that "thought process" was invented *ex post facto* as a justification for opportunism.

The city establishment prefered a town history that was sanitized — or, better still, entirely ahistorical.

My life has been different from Mr Ketchum's; since I was four I have lived almost exclusively in college towns, a landscape qualitatively different from both Washington and Batavia. But my parents moved to Galveston not long before I began to attend the University of Michigan, and my spates of time in that Texas town have been an education for me. My first summer home from school, I got a job as a research assistant for a history book, and lost myself in the story of a place that, were it not for one terrible hurricane, might have become the metropolis that Houston became instead. I learned of waves of immigrants from around the world; of Indian tribes and a pirate commune; of fierce political battles and glory and sleaze; of gambling and officially sanctioned sin; alto-

gether, of what French traveller Martin Maris called "the most heterogeneous city I have ever encountered." But the Galveston establishment preferred a town history that was sanitized — or, better still, entirely ahistorical. Galveston's glory days were deemed those of the nineteenth century (before the Storm of 1900, before the Sin City years), so "traditional" Victorian-style festivals were invented out of whole cloth to give the town enough of a historical feel to serve as a typical tourist trap. Real history was still there for those interested enough to look, but plastic history was to be the city's schtick.

My own research had to do with the founders of a particular charitable foundation: a hard-drinking womanizer who hung with the oystermen and his insane sister. But the foundation in question was funding the book I was helping to write, so the final product reported the doings of a quiet, studious, hard-working businessman and a woman who dedicated her life to philanthropy. It wasn't a lie, just a half-truth. Just the dull parts.

But Galveston is not my home, and Batavia is most certainly Ketchum's. I am a guiltless cosmopolitan who can easily leave Galveston behind, while Ketchum has to face a terrifying inner struggle. As he comments in the book: "I know how prodigiously Batavia sucks. I know that its hierarchy of values, when it comes to the mind, is an inversion of mine. I was born in the wrong place. Tough luck, uh huh." But, still, "no reward is more satisfying than lying down to sleep at night in my bed in my hometown." There's your conflict: the worldly intellectual and the homebody, wishing for the days when society did not conspire to make the two mutually exclusive.

Kauffman's love-hate relationship with his hometown, symbol of both regional character and the loss of that character to the forces of uniformity and the lowest common denominator, shines through this novel like nothing else.

To judge from this fine novel, they aren't mutually exclusive, not really. It took time and pain, but with *Every Man a King*, one of Batavia's sons has scored a point for regional culture. Good for him. And good for us. ❑

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continued from page 18

ally high energy levels), people develop symptoms such as faulty judgment and severe paranoia. In fact, the aftermath of intense cocaine or amphetamine use is considered a fairly good model of paranoid schizophrenia. Both drugs work by temporarily increasing noradrenaline and dopamine activity, eventually depleting the supplies. However, you don't have to be a drug abuser to get these effects; a run of mania can produce similar results.

Ever since we found out that, following the inauguration, Hillary and Bill have been "micro-managing" all Executive Branch decisions themselves, even including picking people to fill lower level Executive Branch posts, we have been waiting for the inevitable nervous breakdown(s). Noradrenaline is used in the brain every time you have to make a quick decision; the more decisions you have to make and the faster you have to make them, the more noradrenaline your brain uses. Dopamine is required for "effortful" memory (memory that isn't automatic, like remembering your address). You can't keep this sort of thing up, folks.

One thing about this isn't funny, though. When Bill has his nervous breakdown, he is going to continue to be President. (The Constitutional Amendment governing succession provides no guidance as to when a President is sufficiently mentally or emotionally impaired to allow impeachment.) Hillary is going to ask herself "What would Eleanor Roosevelt do?" and she's going to go do it.

Perhaps the expectation that a situation like this would happen is why there was a copy of a book called *How To Impeach the President* on Hillary Rodham Clinton's desk in Arkansas when her things were moved to Washington D.C.

—Sandy Shaw & Durk Pearson

Defending the undefendable — Ever since I vigorously criticized the cops who beat up Rodney King and the California jury that exonerated the cops, people have been asking me about the new Rodney King trial, expecting that I would hope for a conviction of the officers.

Well, I didn't celebrate the conviction of the two worst offenders. In fact, I had hoped they'd *all* get off. Not because they are innocent, but because they had *already* been found innocent. The fifth amendment to the Constitution specifies that "no person shall be . . . subject for the same offense to be twice put in jeopardy of life or limb," and this has always seemed like a pretty good idea. The theory behind the prohibition of double jeopardy is that if government can keep trying you over and over until it gets you convicted, then your right to a fair trial is meaningless. Worse still, the prosecution might use the first trial to scout for better strategies, as happened in the case at hand.

I am aware that the government has retried the cops in a federal court, and they were exonerated in a state court, and that by a convoluted legal theory ("dual sovereignty") this doesn't constitute double jeopardy, despite the plain meaning of the fifth amendment. Over the years, the courts have restricted or eliminated other rights guaranteed in the constitution with a similar flurry of words. During the first six decades of this century, freedom of speech was pretty much a dead letter, and currently the right to keep and bear arms is routinely ignored.

So, as much as I loathe the cops who beat up Rodney King and believe the original California jury committed a great injustice when it let them go, it is an even greater injustice to try them twice for the same offense. —RWB

Libertarians and feminists — In the February *Liberty*, Jane Shaw asked whether libertarians need be feminists. In the April *Liberty*, reader Andrew Lohr inadvertently provided a pretty good reason for us to at least look into the idea.

Lohr criticized Wendy McElroy for suggesting that rape is possible within wedlock. "I speak as a bachelor," he wrote, "but surely marriage constitutes consent to sex with one's spouse." This is a truly amazing statement, rendered even more amazing by the fact that it is presumably a libertarian who is making it. Would Lohr assert that a labor contract gives an employer the right to force an employee to work for him at any time of the day or night? Is marriage supposed to be some sort of sexual indentured servitude? No wonder he's a bachelor.

It's comments like Lohr's — comments from people who supposedly love liberty — that make me think that libertarians as much as anyone else could stand a little feminism. Yes, there are some pretty odd birds out there in feministland, some of whom are advocating statism or worse. I have met Catherine MacKinnon, to name but one, and found her friendly, engaging, and absolutely frightening. But the MacKinnons, Dworkins, and Brownmillers do not constitute the whole of the women's movement, and neither do the more moderate statists of *Ms.* and NOW. The individualist feminism of Mary Wollstonecraft, John Stuart Mill, Voltairine de Cleyre, Suzanne LaFollette, and now Wendy McElroy and Joan Kennedy Taylor is a proud and honorable tradition. To judge from Lohr's letter, it is a tradition that contemporary libertarians as well as feminists could stand to learn from. —JW

Final thoughts — At his news conference on April 23, President Clinton explained, "I just have always had an almost libertarian view that we should try to protect the rights of American individual citizens to live up to the fullest of their capacities and I'm gonna stick right with that." In related developments, Saddam Hussein explained, "I have always had an almost pacifist view of war" and Madonna confessed, "I have always had an almost prudish view of sex." —RWB

If you agree with Robert Hutchins...

"... knowledge without wisdom has brought us to the edge of destruction and may at any time push us over the brink."

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Letters, *continued from page 6*

they sell and call Monopoly was invented by a Charles Darrow, an unemployed heating equipment salesman in the Depression, is not true.

The game, originally called, The Landlord's Game, was created and patented about 1904 by Elizabeth Magie Philips, (Parker Brothers published four of her games), probably somewhere near Arden, Maryland, in order to illustrate the theory of land speculation by followers of the writer, Henry George, whose *Progress and Poverty* proposed a "single" tax to be collected on the value of real property.

I believe that this was established in an unsuccessful suit by Parker Brothers to prevent a Dr Ralph Anspach, here in Marin County, California, in 1973, from marketing a game called Anti-Monopoly. See *The Monopoly Game* by Philip Orbane, 1988.

Robert J. O'Donnell
San Rafael, Calif.

Inquiring Minds Want to Know

I'm not going to cancel my subscription, but your bashing of the Libertarian Party this past year has been terrible.

I like positive criticism, which both finds fault and proposes an alternative. The pieces you have run recently have offered the former but not the later, and given the "alternative" we've got now, I'd have to inquire: Whose side are you on, anyway?

Yes, the LP had pluses and minuses this past year. To continually feature writing that concentrates on the down side severely detracts from your otherwise excellent magazine.

Robert L. Henrickson
East Nassau, N.Y.

Asleep at the Weal

As one who supported Andre Marou at our convention and in the election, I have some concerns about the article in the February issue by C.A. Arthur.

My basic objection to the article was the dirt that was dug up for no good purpose. If there were pertinent facts that were concealed at the convention, who was responsible? Did the news media (*Liberty*) go to sleep? Didn't those in the campaign of 1988 or the 51-92 committee notice anything that delegates should know? Or did everyone just ignore the imperfections as being Andre's business and his responsibilities?

Robert S. Loomis
East Granby, Conn.

Notes on Contributors

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

"Baloo" is *Rex F. May* in disguise, the perpetrator of numerous cartoons appearing in *The Wall Street Journal* and elsewhere.

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Terra Incognita

Tokyo

Civilization advances in the land of the rising sun, as reported by the London *Economist*:

> The Japan Toilet Association, which describes itself as "a voluntary network of researchers, architects, government officials, toilet manufacturers, sanitation and transportation enterprises, and citizens dedicated entirely to the toilet," has established a National Toilet Day in Japan.

Washington, D.C.

The subtle thinking of President Bill Clinton, as reported by the Seattle *Times*:

> "There is a profound difference between spending and investment. It's the difference between the status quo and change."

Liberty, Ind.

The thin blue line that separates civilization from anarchy, as reported in the Lafayette (Ind.) *Journal and Courier*:

> Twenty state law enforcement officers staged a late-night raid of American Legion Post 122 and arrested seven men for placing bets on the NCAA basketball tournament.

Detroit

Honesty rears its head in the most unlikely of places, as reported by the Detroit *Free Press*:

> A "taxpayer assistant representative" returned from lunch to find an envelope containing $15,000 in cash on her chair. But she didn't take it home. She reported it, saying that she'd do anything to see the deficit "reduced or chipped away."

Kansas City

Unfortunate consequence of the stress on America's overworked, under-appreciated teachers, as reported in the Kansas City *Star*:

> "Disgust with the teaching profession and school administration," landed Janet Hensley, fifth-grade teacher, in jail on two counts of arson. In an enraged state she set fire to her classroom.

Troy, New York

An ominous precedent for the "near beer" market, as suggested by a report in the Albany NY *Times Union*:

> Two young men were arrested and jailed along with other routine drug arrests recently by the Troy "Crash" unit, for selling fake drugs packaged in the same way an illicit drug would be. The offenders were brought to justice under a section of the state public health law that makes possession of fake drugs just as illegal as the real thing.

Moscow

Progress of free market ideas in the Soviet Union, as reported in the Detroit *Free Press*:

> Pledging to forge ahead with market reforms and insisting "we don't have a way back," Russian Prime Minister Viktor Chernomyrdin also expressed his disdain for small private shops, adding that large industry is a precondition for the success of small private business.

Brooklyn Center, Minn.

Book-banning advances to the frozen north, as reported in the Virginia *Episcopalian*:

> Gene Kasmer, age 55, has filed a petition with the Brooklyn Center school district to have the Bible removed from the district's school libraries because it is "lewd, indecent, and violent."

Elmira, New York

Fashion innovation from the Empire State, as revealed by the Detroit *News*:

> 16-year old Thursa Hargrove said, "It was a fashion statement at first, but there are a lot of teenagers out there that are embarrassed about them," regarding the prophylactics that decorated her clothing and hair one day at school.

Washington, D.C.

A fresh insight from Carl Rowan, the outspoken opponent of the right to bear arms subsequently convicted of shooting an intruder, from his column in the Detroit *Free Press*:

> Americans have no right to sanctimoniously upbraid Germany for the recent outbreaks of skinhead violence there, until we gun down all the racists in America.

Detroit

Proof that Anita Hill had nothing to gain by making her spectacular charges that Supreme Court nominee Clarence Thomas had sexually harassed her, as reported in the Detroit *News*:

> Anita Hill still had a message of healing to spread to the women of America. Five hundred people paid $50 each to hear her deliver a speech here.

Mexico City

Culinary advances in the world's largest city, as reported by Knight-Ridder Newspapers:

> Americans, with their barbarian passion for beef, are passé in the *District Federal*. The cutting edge palette prefers *chapulines tostaditos* (toasted crickets), *gusanos de maguey* (plant worms), and *escamoles a la mantequilla* (sautéed ant eggs).

U.S.A.

Sage observation of Arthur Schlesinger Jr., America's leading historian, writing in the New York *Times*:

> In Albert Gore Jr. the nation has (for a change) a serious and thoughtful vice president.

Washington, D.C.

Politics plays no role in the social life of our nation's capital, as reported by the Washington *Post*:

> "I've never been a member of either party," said Dwayne Andreas, CEO of Archer Daniels Midland, the huge agribusiness conglomerate that depends heavily on government subsidies. "I'm [at the inaugural dinner] because I was invited," he said. "It has nothing to do with business. My business isn't affected."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Ayn Rand:

Eleven Hours of analysis, opinion, interpretation, anecdotes, sorrow, laughter, argument, reflection . . . *revelation* by

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Phillip Smith
Joan Kennedy Taylor
as interviewed by Jeff Walker

AJW-1: Ayn Rand's Somewhat Paranoid Personality; Psychological Unsophistication; Rand & Happiness; Randian Selfishness
AJW-2: The Cult of Ayn Rand
AJW-3: The Cult of Ayn Rand, cont'd; Objectivists
AJW-4: Objectivists cont'd; The Palace Guard; Personal Engineering
AJW-5: Personal Engineering cont'd; Nathaniel Brandon; Leonard Peikoff — Non-Communication Between Objectivists and Non-Objectivists
AJW-6: Non-Communication between Objectivists and Non-Objectivists, cont'd; Ayn Rand's Theory of Concepts; Ayn Rand and Music; Ayn Rand and the Bankruptcy of American Culture; Rand and Nietzsche
AJW-7: Ayn Rand as Fiction Writer; Ayn Rand as Teacher of Writing
AJW-8: The Philosophy of Objectivism
AJW-9: Objectivism, cont'd; Rand's Intellectual Unsophistication; Ayn Rand's Jewishness; Rand and Feminism; Rand and the Right
AJW-10: Ayn Rand and the Founding Fathers; Rand's Moral Basis for Capitalism; Alan Greenspan; Rand and Libertarianism
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Un-common policy sense.

What Has Government Done to Our Health Care? by Terree P. Wasley. The crisis in health care is the result of a long history of government meddling in the medical marketplace. In a variety of ways the state has limited the supply of and overstimulated demand for medical services. Wasley's prescription for reversing the ills of the system is to give consumers the power to control their own health care spending. 1992/160 pp./$19.95 cloth/$10.95 paper

A Search for Enemies: America's Alliances after the Cold War by Ted Galen Carpenter. The passing of the Cold War is the most important development of the late 20th century. Yet Washington clings tenaciously to a host of obsolete, expensive military alliances, including NATO, that have the potential to embroil the United States in conflicts unrelated to its vital interests. Carpenter proposes withdrawal from those entangling alliances and a policy of nonintervention. 1992/212 pp./$22.95 cloth/$12.95 paper

Liberating Schools: Education in the Inner City edited by David Boaz. America's most innovative education analysts take a good look at American schools—especially those in the inner city—and offer proposals for major structural reform. The book, which includes the editor's thorough critique of the public school system, presents a compelling case for choice in education. 1991/220 pp./$25.95 cloth/$13.95 paper

Quagmire: America in the Middle East by Leon T. Hadar. The author challenges the Washington foreign policy consensus, which demands that the United States remain the dominant power in the Middle East. After examining American policy through the Persian Gulf War and arguing that the United States cannot impose order in the region, Hadar concludes that it is time for America to disengage from the Middle East and adopt a policy of benign neglect. 1992/240 pp./$23.95 cloth/$13.95 paper

Patient Power: Solving America's Health Care Crisis by John C. Goodman and Gerald L. Musgrave. The price of health care and insurance is skyrocketing because few people spend their own money on medical services. The authors' innovative solution is to restore power and responsibility to consumers by allowing them to buy their own tax-free medical insurance and to set up tax-free medical savings accounts. The result would be a consumer-directed system of competition and innovation. 1992/550 pp./$29.95 cloth/$19.95 paper

Sound and Fury: The Science and Politics of Global Warming by Patrick J. Michaels. The author, an environmental scientist, writes that despite the current hype and science-by-press-release, the greenhouse effect poses no serious threat to the world we know. The most disturbing finding of his study, however, is the willingness of some to distort science to expand the government's control over our lives. 1992/208 pp./$21.95 cloth/$11.95 paper

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Liberty

August 1993 Vol. 6, No. 6 $4.00

Waco: will the truth *ever* come out?

The Ungreening of the Media
by Jane S. Shaw

Somalia: Operation No Hope
by Jesse Walker

How Do I Hate NPR? Let Me Count the Ways
by Glenn Garvin

Government *vs* Wildlife: Lions, Elephants, and Tigers Bite the Dust
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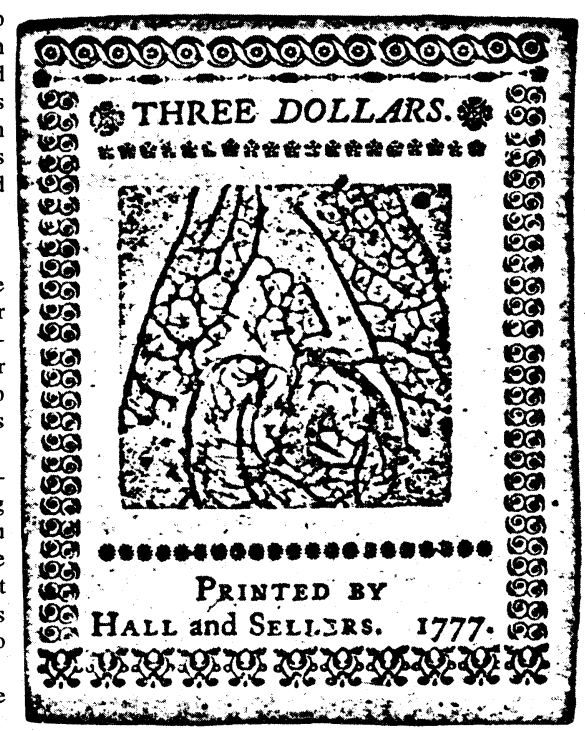

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Inside Liberty

August 1993
Volume 6, Number 6

4 Letters *Liberty*'s readers sift through the ashes of Waco, defend the Gulf War, and offer curricular and editorial advice.

5 Reflections *Liberty*'s editors join the Gay March on Washington, applaud Lani Guinier's hair, excoriate Clinton's Big Mothers and Big-Non-Mothers, and rail against mischief — general and specific.

16 Medianotes *Liberty*'s editors praise Clinton's appointment of David Gergen, analyze Paul Harvey, and celebrate the weirdness of cable tv.

Features

19 The Ungreening of the Media It's been a long time coming, but the morning after for the media-environmentalist tryst has finally arrived. *Jane Shaw* reports.

22 Wednesday, January 27 A poem by *Marc Ponomareff.*

23 Death and Bureaucracy in Waco, Texas *Loren Lomasky* defends Janet Reno and the FBI, on grounds that bureaucratic ineptitude made disaster in Waco inevitable.

28 There's No Kill Like Overkill *R. W. Bradford* reconsiders the case against the perpetrators of the Waco holocaust, concluding that maybe, just maybe, they aren't guilty of mass murder . . .

34 Operation No Hope *Jesse Walker* explains how the U.S. military attempt to feed the starving children of Somalia ended up killing them.

39 NPR: Radio for the Self-Lobotomized *Glenn Garvin* spent a week listening to socialized radio. Read this and change the station.

47 Government vs Wildlife *John McCormack* dispels the myth that wildlife protection is not a matter for the market.

52 Karma Accountant A short story by *J. Orlin Grabbe.*

55 Up, Up and Away! *John M. Taylor* knows just what to do with hot air.

Reviews

57 Lies, Damn Lies, and AIDS Research *Brian Doherty* discovers that the truth about AIDS has little to do with HIV.

61 Notable and Quotable *David Boaz* finds omissions in the new *Bartlett's Familiar Quotations.*

63 Nightmare Fantasy *Stephen Cox* explores the Nazi's triumph.

65 Booknotes Cheap thrills, expensive lies, marginal costs and priceless criticism.

Departments

66 Classified Ads The market asserts itself, in 8-point type.

69 Notes on Contributors The people behind the words, in as few words as possible.

70 Terra Incognita The real world finds ways to make satirists obsolescent.

Letters

The Voice of Experience

R.W. Bradford's essay on the Waco tragedy ("Mass Murder, American-Style," June 1993) is the only one I have read that identifies the government assault in Waco as *murder* — which it surely was.

Shortly after the Waco murders I drove to Missouri to attend a reunion of the U.S. Army Chapter of the "Chosin Few," who fought out of the Chinese trap at the Chosin Reservoir in November-December 1950. En route to Missouri I found few who condemned the FBI, with people often saying: "I feel badly about the children, but they were nuts, you know," as though death is a rational sentence for those who chose to march to the beat of a different drummer.

Only at the reunion (and among a few truck drivers encountered during the trip) did I find men who felt as I felt. Men who knew death and destruction, men who could recognize lawless killing when they see it. I am proud to have been with them, but deeply ashamed of my government. Bradford's essay and Cox's "Darkness at Noon" (June 1993) represent *Liberty* at its best.

Raymond Radke
Ferndale, Wash.

The Press Plays Ball at Waco

As an American, believing in freedom of the press, I'm shocked at the behavior of our news media, which regularly published information they knew to be false.

From the beginning we were told that the authorities feared mass suicide. Why? The group did not extol suicide. There were no suicide threats. Clearly, the story was generated by the authorities to mask their intent. Why did the press play along so willingly?

During the final siege, the news media gave us a clear video of tanks breaching the walls of the compound. I heard sounds of rifle fire and listened carefully for automatic weapons. I didn't hear any. Surely, at this final moment, if they had so many automatic weapons, they might have used them.

The press reported that the Davidians believed Koresh to be God. The propagators of this story forgot that around this time of year, nineteen hundred and ninety-three years ago, a man was crucified when others alleged that He claimed to be God.

When Joseph Smith was hung and an early Mormon settlement burned, Brigham Young led a hardy band of young survivors west where they settled around the Great Salt Lake in an area so remote that no one would come to persecute them.

It seems to me that David Koresh must have had a similar idea when he settled on the plains outside Waco. I guess he didn't travel far enough.

Harry J. McArdle
Sound Beach, N.Y.

Fatal Intolerance

The characters of people and institutions are revealed most clearly when they are under stress. The Branch Davidian pogrom is so riveting because it unveiled so clearly the stupidity and the inhumanity of the present American regime.

Those people would be alive today if we did not have a President and Attorney General more concerned about demonstrating their good intentions than about gathering facts, drawing rational conclusions, and taking prudent actions.

The Davidians would be alive today if the fires of bigotry, hate, and intolerance had not been stoked so high — stoked not by Koresh, but by the anti-religious bigots of our secular cultural elite.

Thank you again for your courage and eloquence — and for reminding us just how far from the cultural mainstream we libertarians are, and just how far we have to go to create a society in which Waco-style holocausts will never happen again.

Greg Johnson
Athens, Ga.

Curricular Advice

When the great majority of brutal gay-bashings are no longer perpetrated by gangs of insecure males still in high school, then perhaps I'll agree with Stephen Cox ("Isn't Multiculturalism a Good Thing?" April 1993) that schools needn't waste time teaching tolerance towards gays and lesbians.

For now, fundamentalist parents can choose to send their offspring to private Christian schools (as they have done to avoid "race mixing"), where the curriculum mimics the cartoon you ran to accompany Cox's article — equating gay and lesbian relationships with incest and Satanism.

In short, until you succeed in abolishing public education I'll continue to demand that schools, for which my tax dollars are taken, teach that gay people are not vermin.

Stephen Miller
New York, N.Y.

Give War a Chance

Once again, Robert Higgs fixates his harsh rhetoric on the Gulf War ("George Bush: RIP," June 1993). He asks, "Two years after the war, what can anyone say in defense of waging it?" The only beneficiaries, he concludes, were "oil-patch billionaires."

Apparently, Mr Higgs recognizes no distinction between the comparatively mild authoritarian reign of the Sabah family and the despotic rule of Saddam. That the Sabahs need little more than a police force to retain power, while Saddam uses almost unimaginable brutality to sustain his power, matters little to Higgs. That Kuwait has started no wars with its neighbors, while Saddam is directly responsible for approximately one million deaths is, I gather, insufficient reason for Higgs to conclude that an independent Kuwait is vastly freer than it would be under Saddam.

The answer to Higgs' question is clear. Syria and Palestine have concluded the U.S. just might have the will to broker a settlement with Israel and are sitting down to talk about it, an encouraging first step to peace; the repulsing of any tyrant's aggression has direct benefits (for the Kuwaiti people) and contributes something to the cause of freedom everywhere; and while the outcome is undecided, the Kurds are enjoying a modicum of autonomy and may yet gain their independence.

Lyndon Cramer
Ashland, Ore.

LP — The Place To Be

Jane Shaw's suggestion ("Just say 'no' to the Libertarian Party," June 1993) that libertarian political activists might better abandon the Libertarian Party and focus

continued on page 69

Letters Policy

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

Reflections

Crumbling down — How delightful to see the Clinton administration crumbling before our eyes. The nation desperately needs another failed presidency. My only fear is that with about three and a half years to go, President Clinton may be troughing too soon. —SR

Never having to say you're sorry — The Pax Americana ushered in by the fall of the U.S.S.R. is beginning to look a little peculiar: in June, American armed forces were bombing civilian populations on at least three different continents. Being the only superpower does have its advantages! —RWB

Put him out of our misery — As we go to press, the President's approval rating is around 36%, close to Jimmy Carter's 34% rating when he left office. For another perspective, Richard Nixon's had sunk to 24% when he resigned. Using this figure one can calculate the Presidential Resignation Index (PRI): the current approval rating minus 24%. I suggest that when the PRI reaches zero or below, the President ought to resign. Why should we be saddled with an ineffective Chief Executive for three and a half years just because of a Constitutional technicality? Let Al Gore have a shot at it. 12 points and counting. —JSR

Think of it as symbolism in action — Three months into the Clinton years, the Statue of Freedom has been removed from the capitol dome. No, it's not what you think; it just needs to be cleaned and refurbished. Capitol Police are maintaining a round-the-clock guard to protect Freedom while she sits on the Capitol lawn. Too bad they can't do the same thing *inside* the Capitol. —DB

Left and right: the prospects for barbecue — Recent events in Waco and Philadelphia have clarified the political spectrum immensely. Left-liberals are those who believe the government should immolate cults that espouse the amassing of weapons, deviant interpretations of the Bible, and religious apocalypse. Conservatives are those who believe the government should immolate cults that espouse vegetarianism, black separatism, and "organic hygiene." Liberals are considered advocates of big government because they prefer their combustion handled by federal authorities; conservatives, by contrast, are willing to leave the fiery business to the locals. —JW

David go liath — When David Gergen entered the Clinton White House a potential political problem arose over his membership in an all-male club, the Bohemian Grove. Not to worry, he resigned his membership in all clubs as per the "White House tradition." Funny thing, he didn't resign when he worked for the Nixon, Ford or Reagan White Houses. In fact, the "tradition" began with Gergen. Nice to see he has settled in so quickly. —JSR

Accounting for waste — The General Accounting Office has issued a report saying that in the 1980s the Defense Department understated the cost of new weapons, overstated their capability, and exaggerated the Soviet threat. Imagine that. —SR

Justice not delayed — On May 24, Major General Harold Campbell, a two-star general at the Salsterberg Air Base in the Netherlands, described Clinton as "draft-dodging, gay-loving, pot-smoking, womanizing commander-in-chief." For this brazen display of public candor, Gen. Campbell was charged with violating Article 88 of the Uniform Code of Military Justice. The wheels of military justice grind exceedingly quickly and exceedingly coarsely. On June 18, Gen. Campbell was found guilty, reprimanded, fined, and mustered out of the service.

There are reasons for the swift resolution and harsh penalty, in comparison to ordinary criminal or civil courts. For one thing, the verbal opinions of officers in the military are not protected by the First Amendment, since the officers have voluntarily given up the right of free speech when they join the armed services. For another, Gen. Campbell could not make the sort of defense he'd have made if charged with slander — that is, he could not defend himself on the grounds that he had told the truth — because Article 88 makes "contemptuous words" toward the president an offense subject to court marshal, whether those words are true or not.

For those of you unfamiliar with the Uniform Code of Military Justice, here is what Article 88 says: "Any commissioned officer who uses contemptuous words against the president, vice president, congress, the Secretary of Defense, the secretary of a military department, the Secretary of Transportation or the governor or legislature of any state, territory, commonwealth or possession in which he is on duty or present shall be punished as a court martial may direct."

Sleep well, America. You are safe against the threat that a military officer might speak ill of the Secretary of Transportation. But the threat of unbridled insubordination remains: a General can utter unpleasant words about the Secretary of Health and Human Services with complete impunity. —RWB

Tit for tat — I don't comprehend the incredible fuss everyone is making over the alleged assassination attempt against former President Bush. Why exactly is it supposed to be permissible for George Bush to try to kill Saddam Hussein, but not for Saddam Hussein to try to kill George Bush? If any-

thing, we should be thanking Saddam for his courtesy; by waiting for Clinton to take office before making his move, he spared our nation the ignoble prospect of a Quayle administration. I sincerely hope that all the deranged loners of this nation will take this to heart, and hold off killing Clinton until the possibility of an Al Gore regime has similarly passed. —JW

Stirred, not shaken — PepsiCo came under assault: syringes were "found" in Pepsi Cola cans across the country, in cans packaged at diverse plants. The pattern was easy to determine; so easy, in fact, that even the government figured it out. Not long after the first news reports of the syringe "discoveries" aired, federal agents began arresting numerous "copycat" syringe-droppers for filing false charges.

Many people dismiss the severity of such crimes because of the size of the corporate victims. But this is one area where size truly doesn't matter. "Big Corporations" are made up of *people*: workers, management, stock-holders. Fraud against the one is fraud against the many. And, besides, when this type of fraud occurs, consumers also suffer. Consider the number of Pepsi drinkers who wasted precious cola because, in order to determine whether the cans contained syringes, they had *shaken the cans* before opening. —TWV

How to cut the deficit while increasing the deficit by $3 billion per day — The Senate finally enacted President Clinton's "Budget Deficit Reduction Act." The measure will reduce budget deficits by $500 billion during the next five years by increasing income taxes on the wealthy and taxes on gasoline, tobacco, and alcohol for everyone. The tax increases begin immediately, if not retroactively. As for spending cuts, they are scheduled to begin in earnest in 1997. (Unless Congress changes its mind sometime during the next four years.)

This Act comes only three years after the "Budget Deficit Reduction Act" of 1990. It also was designed to reduce the budget deficit by $500 billion over the next five years by raising income taxes on the wealthy and increasing taxes on gasoline, tobacco and alcohol. Spending would be cut, with the first major reductions occurring several years into the plan.

In an action that got far less publicity than this year's "Budget Deficit Reduction Act," Congress also passed a measure authorizing an increase in the national debt of $270 billion. This was needed to cover the deficit for the next 90 days. Imagine how much the national debt would be going up if Congress hadn't passed both the 1990 and 1993 measures! —RWB

Lean back and enjoy it — Writing in the Washington *Post*, Norman Lear defends Hillary Clinton's recent meandering thoughts about "becoming part of an ethically based spiritual community that links us to a higher purpose" and "redefining what it means to be a human being in the post-modern era." "Let's face it," Lear writes, "we are not a nation enjoying its material success." Well, Lear may not be enjoying the centimillions he's made from TV sitcoms, but I'm enjoying my paltry thousands. When wealthy people decide that material success isn't enough in life, why do they always start talking about reducing economic growth, which won't hurt them much but will leave the rest of us stuck at a material level they've long outgrown? —DB

Out of the closet, endlessly rocking — It is no surprise that numerous "moral" busybodies blustered and fulminated about the gay rights march in Washington on April 25. What is surprising is that some of my libertarian friends, while presumably not objecting to the notion of equality under the law regardless of sexual orientation, managed to express absolutely visceral disgust with the proceedings. They seemed to think that the march was somehow an affront to civilized society, irrespective of the justice of the demands being made.

Mind you, given the nature of such huge gatherings, what these demands were was uncertain. I suppose that many, perhaps most, of the people there thought they were marching in support of the usual leftist conflation of progressive causes, from remembering Oliver Tambo to supporting single-payer-national-health-care fascism. But certainly not all participants looked at it this way.

So what was I, neither leftist nor gay, doing there? And why did I find it both ennobling and liberating? *After all* — as some of my friends related with a shudder — *men were kissing and dry-humping each other in public, women were going topless whether men thought they were sexy or not, fetishism was publicly displayed, and many marchers showed disrespect toward people advocating their murder.* Shocking! *Don't they realize that C-SPAN was there? How can they expect their political cause to be taken seriously if they misbehave and curse on C-SPAN?*

Sometimes I think that it's hatred of homosexuals, not merely respect for the civilized verities, that motivate the screeds of my otherwise (classical) liberal companions. They even seem reminiscent of those right-wingers who might stand up for the rights of the Aryan Nation, Posse Comitatus, and the Branch Davidians, but sneer at any request by homosexuals for that same "live and let live" treatment.

I don't see why I should stop behaving the way I wish in public simply because someone is pointing a camera at me. I don't think that any busybody's desire not to see me kiss a loved one in public should dictate whether I can do so. And I don't see what's wrong with assembling in public to declare who you are sexually.

And hetero though I am, I was accepted and welcomed all weekend long by both friends and strangers, an experience I found both uplifting and symbolic of what freedom is all about. Yes, liberty is more than just buying and selling your justly earned property. And yes, liberty is more than just behaving yourself as long as you fit the definitions that everyone else around you has imposed.

All weekend I saw inspiring examples of citizens claiming public space for their own in such numbers that the state was powerless to stop them. The throngs of people filling D.C.'s Dupont Circle area became so thick

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Reflect

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SS	Sandy Shaw
ATS	Aaron T. Steelman
TWV	Timothy Virkkala
JW	Jesse Walker

that enforcement of nudity and public drinking laws became hopeless. People on the subway spontaneously shouted, cheered, whooped, and clapped hands with strangers merely because they felt part of a community united by something. This something could have been anything — blue eyes, weight, admiration for actor Norman Fell — that made them all co-conspirators, all friends. The aura of spontaneous and self-chosen community elicited awe in this libertarian: I felt privileged to be part of this community. And I chose to be part of this community not because I'm not a social conservative, but because I love sex (most of the time) and love to shock (sometimes) and love watching people get together in charm, wit, and affirmation of the value and joy of their own lives (all the time).

And that's why, political message be damned, this event was worth celebrating. Because before politics there is self-chosen community, nudity, public displays of affection, and joy. No matter what specters haunt the gay community, no matter the emotional or biological dangers associated with gay lifestyles, gays freely choose how they live. In a civilized community there is no reason for imposing dangers on them, no call for hate, violence, and prejudice motivated by visceral and unreasoned aversion. The preservation of civilization depends far more on suppressing hate, violence and prejudice than on suppressing those *people* who choose to make love with members of their own sex. —BD

Akayev in '96! — Imagine a sanctuary in the mountains, a place without government regulations, a place without income taxes, and where your taxes from previous years are refunded. No, not Galt's Gulch — Kyrgyzstan! Since his election with 93.5% of the vote, Kyrgyz President Askar Akayev has pursued aggressive free-market reforms. He dumped the inflationary Ruble to start his own currency, the Som, which he plans to back with gold by 1997. (It is currently kept afloat by IMF dollars.) He is also seeking to privatize industry, lower corporate tax rates, disband the armed forces, and push constitutional reform to weaken the central state. Treasury Secretary Lloyd Bentsen described this as "a bold and courageous reform program that should be a model for all states of the former Soviet Union." And not only there! Maybe Secretary Bentsen can pick up a few tips. —JSR

Choosy voters choose . . . In January, I put a peanut butter jar next to my television. Since then, I have deposited a penny into that jar every time I have heard an apologist for Clinton's budget chicanery respond to criticism by saying, "Well, this is the same sort of thing Reagan and Bush did for twelve years."

The audacity of Clinton's apologists is astonishing. Clinton was elected on a platform of reducing the budget deficit and avoiding the old scams of the "twelve long years" of Reagan-Bush trickery. So now that they have the presidency they defend budget fraud on grounds that Reagan and Bush did it too?

It is also interesting that the same Democratic Senators and Representatives who reply to criticism of their chicanery by observing that Reagan and Bush did it too never mention that they had helped write the Reagan and Bush budgets, that they had convinced Bush to make his "historic compromise" on the budget in 1990, and that they themselves voted for the Reagan and Bush budgets.

Every time Clinton and his apologists put out this line, a thousand voters switch to the Republicans, who seem to have learned from their experience. And ten thousand voters switch to Ross Perot.

I haven't switched to any new brand of politics, but my peanut butter jar overflowed long ago, and the weight of pennies threatens to break my floor. —CAA

The progress of democracy — Seventy-two years ago, the winning presidential candidate refused to leave his home to campaign for office, limiting his activities to occasional meetings with reporters on his front porch. Today, the president is a guest on a call-in radio program in Waxahatchie, Texas, hoping to increase his personal popularity. —CAA

Hair today, gone tomorrow — It is hard to miss the Clintons' dramatic shifts in emphasis following the many political snafus of the new administration. But no one seems to have noticed the most striking: the Clintons' commitment to Interesting Hair has been completely abandoned. Evidence? They dropped the nomination to Chief Shyster for Procrustean Racism (or somesuch) of Lani Guinier, the woman with the most interesting hair in Washington, D.C. This troubles me, because I had expected the new Democratic administration to have one sure postive effect: a rise in aesthetic standards. And now even this hope is dashed. —TWV

Harding vs Clinton — Bill Clinton hasn't been around long enough for me to decide just how bad he is, but I'm afraid I'm already beginning to miss the Bush years — a disturbing sign. Thus far, Clinton's saving grace has been that the mass death on his shoulders — the assault on the Branch Davidians in Waco, Texas — is nowhere near as large as the Panamanian and Iraqi bloodbaths of his predecessor. If Clinton leads us into the Balkan quagmire, that last support for his relative good name will disappear like so

many campaign promises.

This would, of course, only continue a well-established political pattern that could be mathematically expressed as follows:

$$y_2=y_1+x$$

where y_2 represents the disgust I feel with whoever is currently president, y_1 everything wrong with the last chief executive, and x more disaffection than a mere variable can express. Jimmy Carter, by any objective standard a moralizing, economically ignorant disaster, started to look remarkably good once Ronald Reagan moved to Washington. Reagan, in turn, was made retrospectively palatable when George Herbert Walker Bush stepped to the plate. Will the trend continue?

The real problem, of course, is the presidency itself. I won't mince words: it's fundamentally odious. There is something about the office that corrupts even good men; even Thomas Jefferson, a hero of mine in his capacity as a private citizen, managed to become a statist during his eight years in power. Perhaps this is why I prefer lame executives like Ford and Carter to the likes of Bush, Reagan, Nixon, Johnson, and Roosevelt. Anyone who easily fits the role of Leader of the World's Greatest Superpower is creepy, period. These people exercise power with ease; they set up internment camps for Japanese-Americans, bomb Cambodian civilians, impose command economies with the flick of the wrist. By contrast, any ethical person saddled with so much power shifts about uneasily, unsure as to what to do or how. This makes for poor leadership, but then, it ain't *political* leadership that's gotten this civilization as far as it has, and I don't expect much better to come of politics anytime soon.

By this standard, the best president of this century was probably Warren G. Harding. Best-remembered today for the Teapot Dome Scandal — a relatively small blot next to the S&L debacle or Iran-Contra — Harding spent most of his time in office playing poker, getting laid, and ultimately, dying. His primary legislative program was to undo a few of the most awful legacies of his immediate predecessor, Woodrow Wilson, who between World War I, the Federal Reserve Act, the Income Tax, the Palmer red raids, the official introduction of racial discrimination into the federal bureaucracy, and a ton of cartelizing economic regulations was probably the worst president to slither through the Oval Office. He's the man to beat. Is Slick Willie up to the challenge? —JW

Jobs gridlock continues? — While the President was busy in April and May getting his hair cut, rolling over on Chinese trade sanctions, jogging, holding challenging meetings with children, shafting Lani Guinier, covering up Travelgate, planning to raise taxes, getting confused about health care, dropping the Bosnian hot potato(e), and importing David Gergen for a political makeover, the private sector created 425,000 jobs. Not surprisingly, the President has taken credit for this. —JSR

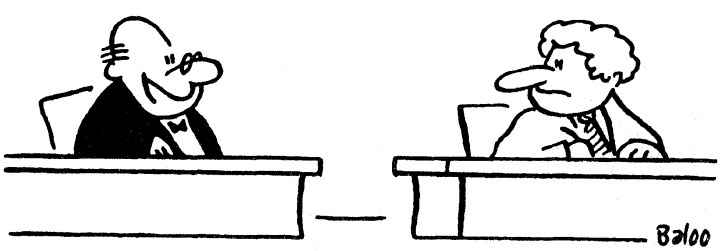

"I don't especially like being a government employee, but underworked is better than underemployed."

Lani and Leoni — Lani Guinier, Bill Clinton's ex-nominee for assistant attorney general for civil rights, certainly has some screwball and pernicious ideas. She believes that all white people think alike and that all "authentic" blacks do too. She also thinks that racial minorities should be guaranteed not only proportional representation in any legislature, but also their "fair share" of legislation.

But let's be honest: This woman who drew the fire of conservatives and liberals alike (such as those at *The New Republic*) is onto something when she attacks standard democratic procedure. She writes, for instance, that majority rule is "illegitimate" because those who are "outvoted . . . don't count." That is absolutely correct. That was recognized 40 years ago by the brilliant libertarian legal theorist Bruno Leoni. In his lecture "Voting Versus the Market," Leoni attacked democrats for arguing that under majority rule every vote has equal weight. Leoni pointed out that democrats believe that majority rule is the best alternative to unanimity, which usually cannot be achieved. But, he wrote, that is like saying that 51 voters out of 100 are "politically equal" to 100 and that 49 are "politically equal" to zero. Thus, says Leoni, "we give much more 'weight' to each voter ranking on the side of the winning 51 than to each voter ranking on the side of the losing 49." Leoni was trying to show that the market is superior to majority rule, something Guinier presumably would not endorse. Her solution is supermajorities or concurrent majorities (in which a majority of a minority voting bloc would have to vote for legislation in order for it to pass). Leoni would reject both as phony remedies. He argued that supermajority rule would not change the principle of unequal weight that he had already elaborated; it would just change the numbers.

Leoni opposed voting because, unlike in the market, the losers always get something shoved down their throats. That's why Guinier takes the position she does: she wants blacks (at least "authentic" ones) to be able to shove things down the throats of whites, no doubt as restitution. Leoni, concluding that "no rule for decision making is really apt to give equal weights in the sense of equal possibilities to each and all the voters," wanted essentially to abolish legislation. Guinier doesn't want *equal* weight accorded to all, so that she would be unmoved by that reasoning. Were she a person of principle about minority rights, she would advocate freeing everyone from the tyranny of legislation, majorities and minorities alike. —SR

The wymmin vs the woman — This election cycle was supposed to be "The Year of the Woman." But it has turned out more weirdly androgynous than anyone could have imagined. During the campaign for the Senate seat vacated by Secretary of the Treasury Lloyd Bentsen, Republican candidate Kay Bailey Hutchison came under a barrage of criticism. Hutchison, a strong supporter of abortion rights and state legislation to promote equal credit opportunities for women, was not attacked by conservative religious groups. No, she was the target of *feminists*. Gloria Steinem went so far as to call Hutchison "a female impersonator," while Cybill

Shepherd attacked her on the grounds that she "is no good for women and children." These attacks came even though Hutchison was opposed by, of all things, *a man*, Bob Krueger. Although Hutchison did win — by a landslide — it is instructive to note who had wanted her to fail. Apparently, "The Year of the Woman" was supposed to read "The Year of the Leftist Democratic Woman." —ATS

With friends like these . . . The Lani Guinier episode stands as another example of what it is worth to be a "Friend of Bill" — namely, nothing. The President has displayed a breathtaking willingness to chuck people overboard at the slightest hint of political risk, seemingly without realizing that the long-term consequences of this faithless behavior include alienating the voting public and shrinking his circle of political allies.

More importantly, the President showed his contempt for the American people by claiming not to have known that Lani Guinier had espoused radical views on the issues of race and the political process. He prevaricated in his usual legalistic way, by saying that he "hadn't read *all* of her articles"; but of course he need not have read *any* of them to know something was up. Setting aside for a moment that Mr Clinton had known Ms Guinier at law school; that they had crossed paths in Arkansas when she helped the NAACP sue then Governor Clinton over racially segregated schools;, and that they had maintained social contact throughout. Even given what was printed in the popular press, how could Clinton not have known?

Guinier's general frame of mind was revealed in a quotation reported in *Business Week*, March 1, shortly before Janet Reno was confirmed as Attorney General. Referring to Justice Department reform, Guinier said that "the house-cleaning will have to take place with a pitchfork, not a broom." Perhaps Mr Clinton thought this was just exuberance, not to be taken literally.

The April 3 *National Journal* reported that a conservative group, the Institute for Justice, urged Clinton not to appoint Guinier, because it would mean "a return to the disastrous and divisive policies of racial quotas and forced busing."

Of course the President cannot be expected to listen to conservative groups who are likely to oppose his nominees in any case. But what about the Washington *Post*? The Post reported on April 13, 1993, that Guinier was edging out Washington lawyer Joe Sellers [an attorney with the Washington Lawyers Committee for Civil Rights] for the civil rights job at the Justice Department. Quoth the *Post*: "Some of Guinier's law review writings were said to be too controversial, but apparently not so."

The May 17 Connecticut *Law Tribune* had a lengthy review of Guinier's writings, including verbatim excerpts from her law review articles. In one she stated that "the Senate Judiciary Committee should begin evaluating federal judicial nominations with reference to specific goals for increasing non-white nominees." (I insert this in case anyone still thinks Guinier was not advocating racial quotas.)

By now Clinton must have known something of her outlook, and the May 17 *Political Hotline* reveals that he did. The President said he believed Guinier "will not use the Civil Rights division to *implement her controversial theories* . . . I think she has every intention of following the law of the land as Congress writes it." This was two weeks before the President claimed to have discovered that Guinier's "center" was not his own.

A few days later when ABC's Brit Hume noted that Ms Guinier had some "rather striking views about voting rights" and asked the President if he was familiar with them, Mr Clinton praised Guinier's experience in civil rights law, but added, "I expect the policy on civil rights laws to be made by Congress, and I expect the Justice Department to carry out that policy. . . . The president and attorney general will decide all matters of executive discretion." In other words, Guinier's policy input would be minimal. But why? When Hume persisted in asking if Mr Clinton knew of Guinier's opinions, the President turned away.

This represents only a small amount of evidence that President Clinton knew all along that Lani Guinier advocated controversial racial policies. If Ms Guinier would reveal the background to her nomination (when was she interviewed? By whom? What questions were asked? What documentation requested? etc.) we could reach a definitive description of the events. Until then, the Guinier episode stands as a case study in the Clinton Method: make a mistake; deny everything; throw someone to the wolves; claim ignorance. —JSR

Kids held hostage — The New York City school board elections illustrated several problems with a monopoly school system run through a more or less democratic process.

First, unlike monopoly schools run by undemocratic systems — as in communist countries but also some Western countries such as France and Japan, where there's very little public control over the education ministries — activists can force their agendas on the schools, diverting them from a strict focus on education. This was classically the case in New York, where the ruling establishment's attempt to impose the multicultural, pro-gay "Children of the Rainbow" curriculum on all schools created fierce opposition, leading to the removal of Superintendent Joseph Fernandez. Emboldened by popular opposition to the Rainbow Curriculum, the Catholic Church teamed up with Pat Robertson's Christian Coalition to try to take over the city's 32 community school boards. The cultural elite fought back, pulling together a coalition including the United Federation of

Teachers, key supporters of Mayor David Dinkins, People for the American Way, and gay activists. The two groups fought bitterly for the right to impose their own moral and cultural values on New York's one million schoolchildren. In the end, it was a draw. One report said that the religious right elected 51 of 87 endorsed candidates, while the cultural elite elected 50 of 84 candidates. Schoolchildren will continue to be pawns in a political struggle.

A second problem the campaign illustrated was the irrelevance of politics to most people. After a bitter and well-publicized campaign, including several front-page news stories, turnout increased from the normal 7 percent to 12.5 percent of the electorate. It seems hardly necessary to point out that letting parents choose the schools their children will attend would end this political warfare over who gets to propagandize a captive audience of impressionable children. —DB

Your mother wears combat boots — Willis R. Jones, an opponent of the Child Labor Amendment of the 1920s, insisted that "fathers and mothers are better prepared to pass judgment upon the needs and the welfare of their children than this Congress is, or than the Children's Bureau. I know not who the Children's Bureau is composed of: I have heard intimations that there are not many mothers connected with it."

Nice shot, Willis. The Children's Bureau's mission — to gather the nation's tykes unto the bosom of Mother Government — has been adopted and enormously expanded by the sprawling Department of Health and Human Services and big business-subsidized auxiliaries such as the Children's Defense Fund.

The years roll by, but the faces never really change. Little Justin and Tiffany are menaced by a new generation of child savers, led by co-President Hillary Rodham Clinton and HHS Secretary Donna Shalala. There are . . . well, not many mothers connected with it.

No, let us commit candor, the most heinous crime under our hate-thought statutes. Hillary has surrounded herself with the most fearsome crew of bull dykes this side of American Gladiators. The handful of procreative women in the Clinton orbit are mostly in the mold of the hapless Zoe Baird, the $500,000 a year corporate shyster who cared so little for her bundle of joy that she warehoused him with underpaid wetbacks.

Muckraker Ida Tarbell, *grand dame* Alice Hay Wadsworth, and other foes of female suffrage worried that women who engaged in — let's be decorous and call it "public service" — would lose their peculiarly feminine qualities. They were, in my view, silly to reject the franchise, but in other ways they were prescient. There is no discernible difference between the women who claw (or, in Hillary's case, sleep) their way into the Corridors of Power and their male counterparts.

The tender and humane — all right, nurturing — qualities associated with womanhood have manifested themselves only at the political fringe: I think of the heroic "little old ladies in tennis shoes" who constituted organizations such as the Women's International League for Peace and Freedom; or the black churchwomen of the Deep South who slew Jim Crow; or dissenters such as the late (American-trained) German Green Party celebrity Petra Kelly.

The only national lady politician we have who is worth a damn is Colorado Representative Pat Schroeder, irrepressible critic of the military-industrial complex. Many Beltway feminists dislike Schroeder because she is pleasant, reasonably attractive, and draws happy faces on her personal correspondence. She's a real person, quirky and idiosyncratic and — has this word been proscribed yet? — womanly.

The First Couple, by contrast, are the archetypes of the new unisex politics. Bill is a lying bastard and Hillary is an imperious bitch. You've come a long way, baby. Meet the new boss — same as the old boss. —BK

A modest proposal — President Clinton demanded that those who criticize his budget proposals come up with cuts of their own. Here are a few places to wield the cleaver. At the International Trade Commission, General Manufactures Division, Instruments and Precision Manufactures Branch, the government employs a full-time analyst to look into the volatile trade in "watches and clocks, dolls, toys, magic tricks and puzzles." In the Miscellaneous Manufactures Branch, another analyst keeps an eye on "arms and ammunition, games, sporting goods, fishing tackle, fairground amusements and traveling circuses." Either combine these two positions, or, for added savings, cut both and give the work to the person in charge of "typewriter ribbons, ink pads, date stamps, zippers, snap fasteners and buttons." That should obviate the need for the energy tax. —JSR

Realigned powers — Hardly a man is now alive who remembers that at the dawn of the Cold War it was liberals who launched a global crusade to contain and confront communism and conservatives, still under the sway of the Old Right, who opposed that idea as "globaloney." After the liberals' test case in Vietnam went so badly awry, most of them bailed out and spent the next two decades opposing U.S. intervention in the Third World (though they did not call for dismantling our worldwide network of alliances). Meanwhile, conservatives had been lured away from the Old Right by William F. Buckley Jr. and *National Review* to enlist in a globalist conservative campaign against

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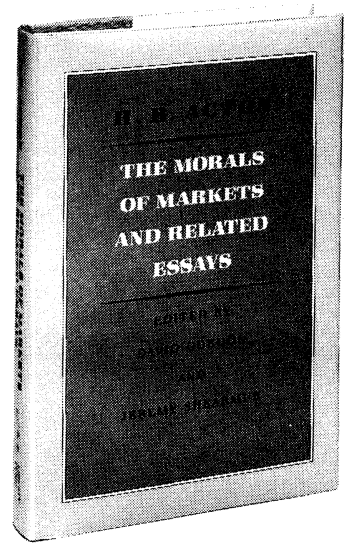

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communism. Conservatives charged that liberals weren't really for peace, they were just soft on communism.

Now there seems to be some evidence that the conservatives were right. Liberals were more skeptical than conservatives about Desert Storm, but they have been more eager than conservatives to send American forces to Somalia and Bosnia; witness such prime examples as New York *Times* columnist Anthony Lewis and the leftmost member of the U.S. Senate, Paul Wellstone (D-Minn.). Columnist Stephen Chapman writes that the difference between modern liberals and contemporary conservatives is that conservatives want to send U.S. troops anywhere American interests are at stake, while liberals want to send troops anywhere American interests are *not* at stake — and it turns out there are even more of the latter.

The debate over intervention in Bosnia shows liberals and conservatives reverting to type. Liberals see a problem and call for action by the U.S. government. Conservatives see a problem and point out that government action is likely to be both futile and counterproductive. If voters who supported peace candidates in the 1960s and 1970s were truly for peace and not just opposed to fighting communism, then we may be in for a major realignment of the peace movement in American politics. Could the Old Right make a comeback? —DB

So how do you explain Phil Donahue? — In my view, today's emphasis on multiculturalism stems from a mistaken assumption that the advances of Western civilization (things like movable type, navigational devices, common law, and *Paradise Lost*) came about because Westerners were somehow "better" or "smarter" than those whose cultures didn't produce such things. This idea is so threatening to those who consider themselves as coming from non-Western cultures that it has led to bizarre constructions such as the insistence that Pharaonic Egypt was peopled primarily by black Africans, the idolization of American Indian cultures for their spirituality and sensitivity to nature, and denigration of Europeans for cruelty and discrimination against women (as if they were unique in these respects.)

If I read Hayek's *The Fatal Conceit* correctly, this assumption is completely wrong — backwards, really. Vasco da Gama and Mozart (to pick at random two dead white males who contributed to the advance of civilization) were smart, of course, and more talented than many of their peers. But they weren't necessarily smarter than their counterparts in other cultures. Rather, they didn't have counterparts, because they were products of the culture that evolved as a result of what Hayek calls the extended market order.

The extended order, which relies on prices and impersonal rules of conduct, freed people from having to depend for their livelihood on small groups with limited resources. Beginning with trade around the Mediterranean (Hayek guesses around 750 to 550 B.C.) people discovered and, over time, developed rules and customs that allowed them to deal with others without face-to-face contact or common goals. These relationships permitted division of labor, specialization, private property and expanding opportunities for invention and wealth. (Something similar went on in the Far East but, according to Hayek, the power of imperial China stifled it.)

Cultures that were not able to take part in an extended order — perhaps simply because trade over long distances was too perilous to get the ball rolling — failed to develop the traditions, institutions, and wealth that led to greater productivity and leisure for reasoning, musical and literary development, and technical innovation.

All Americans (and most of the rest of the world's population) are products of the cultural evolution made possible by the extended order. But we cling to the idea that our ancestors created their culture. (If we take this one step further we hold the "fatal conceit": the mistaken idea that human intellect shaped the world and can improve it.) Thus, we have people who take inordinate pride in their ethnic ancestry because its achievements make them feel superior and we have people who feel a need to fabricate a more complex culture to keep themselves from feeling inferior.

According to Hayek, this is a big mistake. Geniuses didn't create the complex cultures; the complex cultures created the geniuses, and the complex cultures existed only as a result of the extended order. —JSS

Gang aft a-gley — Coercing people to reduce risky behavior: does it work? Two recent studies indicate that it doesn't. One study on the effect of mandatory motorcycle helmet-use laws reported that the lower rate of death due to head injury was countered by a higher crash rate, resulting in comparable overall death rates. In another report, the Highway Loss Data Institute (funded by the private Insurance Institute for Highway Safety) reported, based upon a comparison of 21 vehicles, that relative claim frequencies increased for 16 airbag-equipped vehicles (versus cars with no airbags, but with seat belts) and that for 18 of the cars, the relative collision (damage only) claim frequency increased relative to their performance when seat belt equipped. One possible reason for this is that people have their own ideas of what level of risks they are willing to accept. If the government coercively requires reducing that risk, then people may increase risk taking to get back to their own chosen level.

The greater risk-taking may also be a mechanism for avoiding coercive manipulation. In experiments with animals, scientists have discovered that avoiding manipulation by the experimenters can be a powerful motivation. In one study in which mice could increase or decrease their own cage light levels, the mice would always try to undo whatever the experimenters did. The mice decreased the lighting when the experimenters increased it. Mice, of course, like the dark. Even so, when the experimenters decreased the lighting, the mice would increase it.

And so it seems that the best laid schemes of mice and men go often awry. Well, *coercive* schemes, anyway. —SS

A Cabinet that makes sense — The Libertarian Party has appointed a "shadow cabinet" of libertarian-oriented individuals:

Agriculture: James Bovard
Commerce: Richard W. Rahn
Defense: Earl C. Ravenal
Education: John Taylor Gatto
Energy: Richard L. Gordon
Health & Human Services: Henry N. Butler
Housing and Urban Development: William Tucker

Un-common policy sense.

What Has Government Done to Our Health Care? by Terree P. Wasley. The crisis in health care is the result of a long history of government meddling in the medical marketplace. In a variety of ways the state has limited the supply of and overstimulated demand for medical services. Wasley's prescription for reversing the ills of the system is to give consumers the power to control their own health care spending. 1992/160 pp./$19.95 cloth/$10.95 paper

A Search for Enemies: America's Alliances after the Cold War by Ted Galen Carpenter. The passing of the Cold War is the most important development of the late 20th century. Yet Washington clings tenaciously to a host of obsolete, expensive military alliances, including NATO, that have the potential to embroil the United States in conflicts unrelated to its vital interests. Carpenter proposes withdrawal from those entangling alliances and a policy of nonintervention. 1992/212 pp./$22.95 cloth/$12.95 paper

Liberating Schools: Education in the Inner City edited by David Boaz. America's most innovative education analysts take a good look at American schools—especially those in the inner city—and offer proposals for major structural reform. The book, which includes the editor's thorough critique of the public school system, presents a compelling case for choice in education. 1991/220 pp./$25.95 cloth/$13.95 paper

Quagmire: America in the Middle East by Leon T. Hadar. The author challenges the Washington foreign policy consensus, which demands that the United States remain the dominant power in the Middle East. After examining American policy through the Persian Gulf War and arguing that the United States cannot impose order in the region, Hadar concludes that it is time for America to disengage from the Middle East and adopt a policy of benign neglect. 1992/240 pp./$23.95 cloth/$13.95 paper

Patient Power: Solving America's Health Care Crisis by John C. Goodman and Gerald L. Musgrave. The price of health care and insurance is skyrocketing because few people spend their own money on medical services. The authors' innovative solution is to restore power and responsibility to consumers by allowing them to buy their own tax-free medical insurance and to set up tax-free medical savings accounts. The result would be a consumer-directed system of competition and innovation. 1992/550 pp./$29.95 cloth/$19.95 paper

Sound and Fury: The Science and Politics of Global Warming by Patrick J. Michaels. The author, an environmental scientist, writes that despite the current hype and science-by-press-release, the greenhouse effect poses no serious threat to the world we know. The most disturbing finding of his study, however, is the willingness of some to distort science to expand the government's control over our lives. 1992/208 pp./$21.95 cloth/$11.95 paper

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Pretty impressive group of people, isn't it?

Members of the shadow cabinet will review actions of Clinton's cabinet and make public comments on them. The hope is that someone in the media will pay attention, and the cabinet members will find their way onto radio talk shows, and (perhaps) even have an influence on public opinion.

It's too early to know how effective the shadow cabinet will be, but this looks like one of the best ideas the Libertarian Party has come up with in a long time. —CAA

Don't let Hillary find out — Forget nanny problems. Supreme Court nominee Ruth Bader Ginsburg has a bigger skeleton in her closet. When she and Judge Robert Bork served together on the District of Columbia Court of Appeals, they voted together 90% of the time. —JSR

Big Mother is watching — I have an excellent babysitter who keeps my son in her home two afternoons a week. One day she asked me to fill out a form enrolling my child in the Child Care Food Program.

This government-funded program reimburses her for serving "nutritious, well-balanced meals." By joining this program my babysitter will receive $1.45 for each meal she serves and 40 cents for each snack. In return she must prepare weekly menus, submit them to the sponsoring organization, Child Care Connections, and serve nutritious food such as 100% juice and whole wheat bread. From time to time someone will come by and check to see if she is, indeed, providing nutritious, well-balanced meals.

I've received similar sheets before, at preschools, but they always have a way of "opting out," usually by paying the full price for meals. This sheet offers no opting-out privilege.

My babysitter has only middle-class or affluent clients. We were already paying for our children's meals, content with what she served. She does not take in children from low-income families and does not want to. (If she wanted to, she could enroll in another program which pays for food and day-care, too.) Naturally, an additional $50 per week from the government is more attractive than asking us for more money.

This situation illustrates three points that I've known intellectually but haven't actually experienced until now:

1. Most transfer payments in this country do not go to the poor. Only about one seventh of all money transferred by the government is spent in means-tested programs.

2. The costs of most programs clearly outweigh the benefits. My son might have marginally better lunches as a result of this program. (He might also have marginally worse dinners, because he won't be as hungry and his parents won't be as concerned about his diet.) In any case, the cost, at $1.85 per day per child plus the costs of administration and monitoring, far exceeds whatever benefit there might be.

3. The supposed beneficiaries of such programs (malnourished children in this case) are rarely the prime beneficiaries. One clear winner is the babysitter, but then there is the college graduate who comes sniffing around and the administrators hired to oversee the paperwork. The sponsoring organization, Child Care Connections, used to be staffed largely by volunteers; with the advent of federal money, they weren't needed any more. But what's a mom to do? —JSS

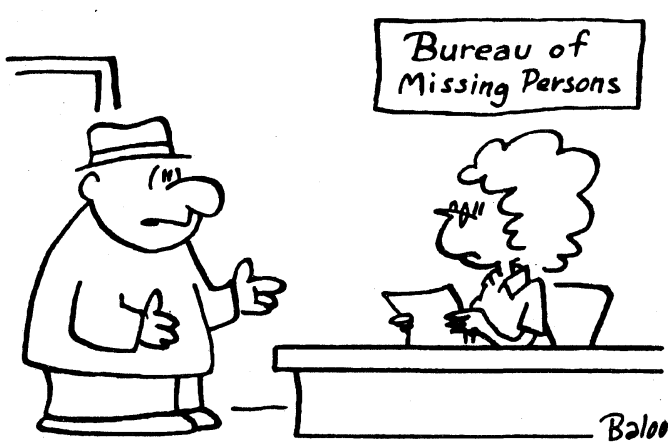

"She said she'd decided to give up all her bad habits, and the next day she was *gone*!"

Welfare and immigration: the other half of the argument — Many libertarians who favor free immigration in principle have serious reservations about its implications in the world as it now exists. A Mexican who leaves Mexico to accept a better paying job in the U.S. makes both himself and the rest of us better off, but one who leaves a job in Mexico to go on welfare in the U.S. makes himself better off at our expense. Thus it is sometimes argued that the elimination of barriers to migration only makes sense if we first eliminate government redistribution.

One possible reply is that at present immigrants do not in fact come for welfare — that on average they receive less from government relative to the taxes they pay than those already here. Julian Simon has made this argument, and provided a good deal of evidence for it. Its principle weakness is that it describes the people who immigrate under our present immigration laws — laws which make it hard for the sort of people who would go on welfare to immigrate legally and risky for illegal immigrants to apply for welfare. The situation might be quite different in a regime of free immigration.

A second answer is that the argument, although correct, tells only half the story. The redistributionist tendencies of modern states are an argument against free immigration, but also an argument *for* it. The argument against takes the level of redistribution as given and points out its effect on who migrates where and why. The other half of the argument reverses the causation by considering the effect of migration on levels of redistribution. The harder it is for people to move from one country to another, the more attractive redistributional policies are. The possibility of redistribution tends to increase inefficient migration, but the possibility of migration tends to decrease inefficient redistribution.

Consider a government in a world of free migration, trying to decide whether to increase or decrease the level of "welfare" payments. Giving people money may be politically

attractive, but collecting the taxes to pay for it is not. A 10 percent increase in levels will attract indigents from abroad, swell the welfare rolls, and increase costs by much more than ten percent. A 10 percent decrease will cause some indigents presently on welfare to migrate to countries with more generous policies, reducing costs by much more than ten percent. The existence of easy migration makes welfare state policies less attractive, with the result that levels of redistribution are likely to be lower.

While I have not seen this argument used in discussions of international migration, it is a commonplace in discussions of interstate migration. American supporters of the welfare state routinely argue that welfare ought to be Federal rather than state, precisely because state welfare is held down by the threat of interstate migration. Indeed, one possible explanation for why the U.S. moved more slowly than European countries towards a welfare state is that European redistribution was by national governments with control over immigration, whereas American redistribution was largely by state governments without such control.

The argument is also relevant to future trends in Europe. The European Economic Community is currently moving towards complete freedom of internal migration. If the argument I have given is correct, one result will be to put pressure on national governments to reduce their level of transfer payments. The result will be either a reduction in the European welfare states or a transfer of authority for redistribution from the national to the supra-national level. —DF

The big scam — The assumption that higher education was necessary to beat the post-Sputnik Soviets has thankfully fallen into history's dustbin, but the idea that a full college education is necessary for success in this world is still with us, as is the notion that the "best" education is a prerequisite for the best success. These two beliefs, taken together, constitute a powerful myth, whose power enables a class of scam-artists to fleece the American people on a grand scale.

Out of a belief in this myth parents are instructed to scrimp and invest from the time their children are born. The state is asked to support this myth, with loans (that are often not paid back) and with outright grants. Exploiting this myth, universities have raised tuition at a rate far faster than most people can raise their incomes (unless, of course, they be college professors, which is to say scam-beneficiaries), channeling ever larger salaries not only to professors but to an ever-expanding administrative apparatus.

Universities have succeeded in creating among their customers a false competition for limited places. And why not? The parents of those selected to fill them will pay whatever is demanded and perhaps even make surplus "donations" as well. (At the end of high school, I thought of writing the universities to which I had applied: "Congratulations. You have been chosen as my college for next year. You are very fortunate in this selection, as many others were considered. Please send a ten dollar confirmation fee.")

The heights of the "higher education" scam are astounding. Consider the idea that publicly funded universities should compete with the privates in hiring star professors who give "reputation" in a self-propelling myth, all at the expense of taxpayers, most of whom care not at all if their state university's Egyptology Department rivals Harvard's. If public universities are to exist at all, they should be teaching institutions, much as publicly funded junior colleges have always been. If only to get perspective on the myth of private universities, consider that private preparatory schools never acquired a comparable social cachet. (Imagine your state assemblyperson asking for money to support his local public high schools to be "competitive" with the nearby private preparatories.)

So successful is this higher-education myth that few consider that universities may not be worth the money paid out. Many 18-year-olds would rather not be in college full time, or may prefer postponing it, some no doubt out of a distaste for the paramilitary authoritarian structure of universities; so that parents' money spent contrary to their children's preferences is often wasted.

Indeed, there are reasons to doubt the practical and even social value of expensive higher education. Even for the full-time student, so much learning takes place outside the classroom, and the smart student learns that the best "education" happens after he or she graduates. Look around and you can observe that most people at the top, not only in business, but even in the cultural professions, did not go to the best schools. The explanation for this discrepancy is so simple it is almost obvious — the competition for getting into college, not to mention excelling there, has little to do with the competitions of post-graduate life. That last truth means that the most affordable college might ultimately be no less beneficial than

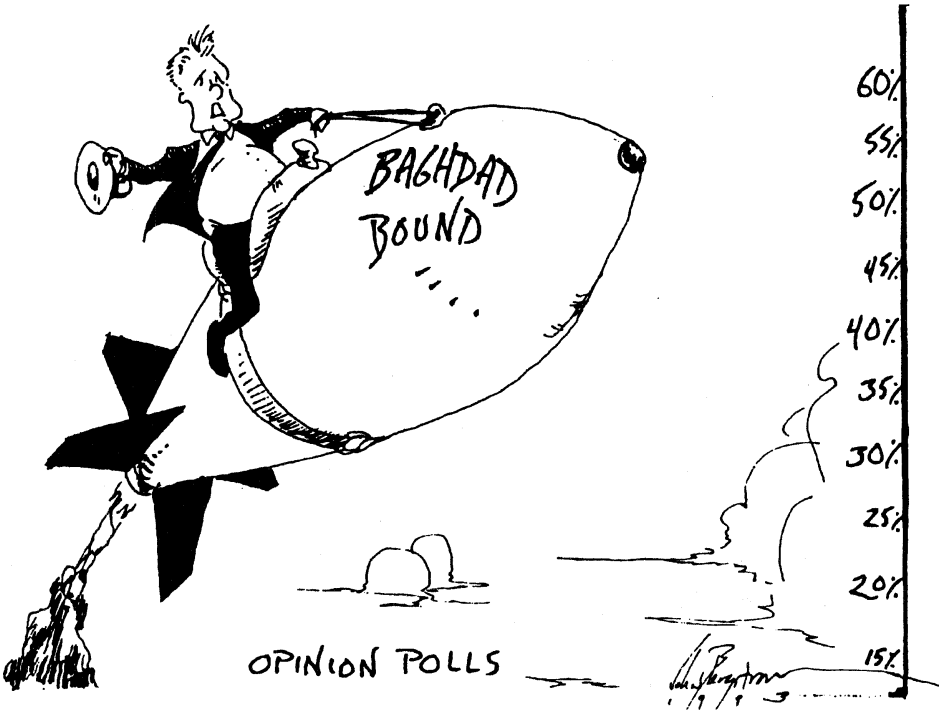

the one threatening to break the parental bank.

Don't over-estimate the purported social value of the purportedly better schools. As a self-employed alumnus of a second-level Ivy college, I've noticed that of the hundreds of people who have supported my literary and art activities in the past thirty years, only four went to my college; and of those four, only two paid me, each only once. Had I expected to survive on "old school ties," I would have died professionally ages ago.

Alternatives to higher education exist; indeed, they were once fairly common. The legal profession, for instance — to consider briefly another, even more notorious contemporary scam — used to have an alternative entrance route into its government-licensed ranks. Instead of going to an accredited law school, the aspiring lawyer could clerk for several years before being "qualified" to take the state bar examination. Abraham Lincoln, in fact, was admitted to the Illinois bar after years of private study only. The ultimate effect of abolishing such alternative routes was, of course, not the preservation of professional standards (whatever they might be) but restricting entrance to the profession to those with sufficient resources to invest in at least three years of post-graduate schooling. Just as anyone who has clerked for several years had sufficient experience to become a lawyer, so anyone who has worked for long as a doctor's assistant could practice medicine, including not only the dispensing of prescriptions but the referring of more serious illnesses to specialists. And this goes for many another occupation, as well.

Costs in higher education will continue to rise until the customers wise up. Nothing would undermine this scam more than the state refusing to give loans and grants; nothing would kill the scam more quickly than an expensive university's discovering that it did not have enough applicants to fill the available places. —RK

V. Orval Watts, RIP — "Orval Watts is a trained economist, sound and consistent. Is there another one?" The answer to Rose Wilder Lane's question, posed in a letter to Jasper Crane in 1952, was "Sure. Mises, Hazlitt, and Hayek are also sound economists."

Rose Wilder Lane preferred Watts because she considered the others all to be soft on some political questions. Mises was a democrat, Hazlitt liked the British parliamentary system, and Hayek compromised with the welfare state. Watts, like Lane herself, harbored no such softness.

Orval Watts was an important figure in the days when the idea of liberty was at its nadir, the dark, dark years from the mid-1930s, when free enterprise was viewed as a failure and dictatorship *aka* "planned economy" seemed like the wave of the future, to its resurgence in the mid-1950s. Being an academic libertarian in those days was to take a road to obscurity; his academic career that began at Harvard ended at Northwood Institute in Midland, Michigan. Along the way, his affiliations included the Los Angeles Chamber of Commerce, Southern California Edison, and the Foundation for Economic Education. Orval Watts trod that road with courage and good humor.

I first met Orval Watts in 1965. I was a high school kid, imbued with libertarian ideas gleaned from Ludwig von Mises, Ayn Rand, and the Foundation on Economic Education. I somehow learned of a series of lectures held at the Northwood Institute. Along with a couple friends (one a proud possesser of both a drivers license and permission to use his parents' car), I made the 150-mile drive several times, to hear the likes of Slyvester Petro, Ben Rogge and Ludwig von Mises lecture. Watts had organized the lectures and was always in the audience, asking tough questions, defending the most radical libertarianism, brooking no compromise. He was the first hard-core libertarian I ever met.

On March 29, four days after his 95th birthday, Orval Watts died. Although he left us fewer books of lesser import than did his contemporaries, Rand, Lane, Paterson, Mises, Hazlitt and Hayek, his energy and robust intellect played an important role in the renaissance of libertarian thinking, leaving an important mark on both individuals and institutions. We should remember him with affection and admiration.

—RWB

Medianotes

Tubes crossed — The greatest mystery of cable is how so many programs wind up on the wrong channel. The best science fiction program being produced today isn't on the mediocre Sci Fi Channel; it's *Mystery Science Theatre 3000* on Comedy Central. My favorite cartoon character never shows up on the Cartoon Network — he's Pat Buchanan and he's only on CNN. And despite all the funny stuff on Comedy Central, for real laughs you have to turn to the live Congressional coverage on C-Span. —JW

Gergen and Shields — In a press conference a few days after his appointment as "counselor" to President Clinton, the nominally Republican David Gergen revealed that he had voted for Bill Clinton because "we needed to get the country moving in a positive direction." Gergen has been, for the past several years, the house rightwinger on the *MacNeil-Lehrer News Hour*, supposedly balancing out the left-wing views of Mark Shields. There we have it: the government-run television "news" program gives us a range of opinion that runs all the way from Bill Clinton to Bill Clinton. —RWB

Good day! — Since leaving the dissolute coast for the heartland I have become a regular listener to America's most

beloved radio personality. At 12:07 each afternoon the dulcet baritone cadences of Paul Harvey waft into my home or car or office. He's a welcome guest who supplies me with tidbits of news, corn pone humor, and the names of people who have been married — to each other no less! — for an improbably long time. But another reason I welcome Harvey is that the causes he advocates are to a surprising extent those that I also support.

Harvey abhors the Clinton proposed tax increase. On a daily basis he excoriates the profligacy of our elected masters and urges his listeners to inundate Congress with the message "Cut spending first!" Nor does he have much truck with American adventures abroad. On recent broadcasts he has highlighted anti-American riots in Somalia and the waywardness of food drops in Bosnia as symptoms of folly in parts of the globe where we simply have no business. Throw sand in the gears of the Washington pork machine and restrict defense operations to bona fide defensive operations: these pleas are Harvey near-constants. They are almost as ubiquitous as the pitches for custom-crafted golf clubs and the incomparable Royal Dirt Devil. Now don't get me wrong. I'm not saying that he could pass an ideological purity test administered by the idealogues of the Libertarian Party. Still, the core of the Harvey creed is unmistakably libertarian.

Why is the public so receptive to pitches for radically limiting the scope of government as enunciated by Paul Harvey but virtually oblivious to those same proposals when presented by overtly libertarian sources?

Good news to have so redoubtable an ally? Of course, but it raises the question: Why is the public so receptive to pitches for radically limiting the scope of government as enunciated by Paul Harvey but virtually oblivious to those same proposals when presented by overtly libertarian sources? For each person who cast a Marrou vote this past November there are a hundred regular Harvey listeners; for each reader of *Liberty* there are . . . no, the figures are too depressing to recount.

To be sure, not everyone who tunes in the Harvey broadcasts shares his politics. Some who care not a jot for things political may be fired by a passion for data concerning the matrimonial histories of nonagenarians. Still, one can reasonably infer a significant correlation between the size of the audience and receptivity of the message. Why then have overtly libertarian sources proven themselves so incapable of capitalizing on this sentiment?

No, I am not using a columnist's clever ploy of raising a question as the prelude to a dazzling display of punditry. Alas, I have no prescription to offer, only a suggestion concerning the direction in which we might do well to invest our energies. If it's not the message that's inherently unsaleable, then one must scrutinize the messenger. Libertarians wax eloquent in praise of entrepreneurship, but perhaps our problem is not being entrepreneurial enough in marketing our product. What is Harvey doing right that we're doing wrong? A correct answer could prove infinitely more rewarding than any bout of wrangling over the fine points of libertarian doctrine.

And while you're pondering this conundrum let me tell you about an endearing Ozarks couple who recently celebrated . . . —LEL

Clinton's gain is journalism's gain — H.L. Mencken once proposed an organization of drama critics who have never written plays. Only two individuals, he said, would qualify for membership: he and George Jean Nathan. Later, after Mencken's and Nathan's sex comedy *Heliogabulas* was produced, the theoretical organization was reduced to no membership at all.

Mencken's jape was aimed at drama critics who had written plays and hoped to get them produced. It seemed to him that a critic could not be counted on to give an honest evaluation of a play if its producer were a potential buyer of the critic's services.

It seems to me that the same sort of thinking ought to apply to the relationship between politics and the news media: if a news reporter or analyst is to have any credibility, he must maintain some sort of critical distance between himself and the politicians about whom he writes. A newsman who is lusting after a political appointment cannot be expected to write about politicians without having a very obvious apple to polish.

Plainly, newsmen ought to maintain a critical distance between themselves and politicians, and ought not hop easily from one occupation to the other. But, no, I am not disturbed by Bill Clinton's appointment of David Gergen as a "special counselor." What is disturbing is that any news organization would ever hire Gergen as a reporter or analyst or editor in the first place. Before he became an editor at *U.S. News & World Report*, he was a member of the White House staffs of presidents Nixon, Ford and Reagan. In those Republican White Houses, he did the same sort of work that he is doing for Democrat Clinton: public relations (i.e. advising his employer how to deceive the press).

By all accounts he was very good at his work. "We had a rule in the Nixon operation that before any public event was put on [Nixon's] schedule, you had to know what the headline out of that event was going to be, and what the lead paragraph would be," he told reporter Hedrick Smith. "You had to think in those terms, and if you couldn't justify it, it didn't go on [the president's] schedule . . . You had to learn how to do the editing yourself."

Such work takes a considerable amount of skill and has, I suppose, many admirable qualities.

But the fact that David Gergen chose news manipulation as a career and aspired to return to this work precludes his having any credibility as a journalist. His qualifications for his job consisted of skills in spin doctoring, finding scapegoats for his boss's gaffes, manipulating reporters, and projecting a favorable image of his employer. All these talents work against the skills of a good reporter or editor, whose goal is to discover and write the truth.

As a journalist, Gergen was exactly as credible as Joseph Goebbels would have been if he had returned to journalism af-

ter his job with Hitler. *U.S. News & World Report* showed precisely the same judgment in hiring him that it would have shown if it had hired Goebbels. (Save your angry letters, Gergen apologists: I am *not* saying that Gergen is another Goebbels, only that Gergen's credibility as a journalist is precisely the same as Goebbels'.)

Of course, the insights that a person might gain as a spin doctor for a politician could serve a political reporter very well, just as experience as a shoplifter might serve a store detective well. But just as the thief who becomes a protector of property always has a suspicious air about him, the spin doctor-turned-journalist always has a distinct odor of mendacity.

A convicted thief could eventually gain reasonable credibility as a detective, if he demonstrated honesty on the job, so could spin doctor converted to journalist. But when the detective returns to a life of crime, he destroys whatever credibility he may have gained. The same is true when a news manipulator-turned-journalist returns to his old ways.

Any political reporter or analyst who is genuinely committed to his craft should take an oath: "Because my highest duty is to tell the truth as I understand it, I shall never aspire to or accept any appointment as a media advisor to any elected official."

So Clinton's appointment of David Gergen is a very positive development: Gergen is no longer masquerading as an honorable journalist. Clinton gained a sophisticated and skilled liar, and *U.S. News & World Report* unloaded one. —CAA

Calling Lord Randomfactor — Last night I saw an ad for nuclear energy. It featured the *de rigeur* attractive young woman, sitting before the camera to tell us that, although in college she had opposed nuclear power, she now knew that fission means clean air, blue skies, and a happy planet. She'd changed her mind. We should too. Etcetera. Fade to black.

Next commercial: a strikingly similar feminine voice exclaiming "I'm too young for gum disease!" Either (a) someone in the CNN Headline News hierarchy has a perverse sense of humor, or else (b) wow man, that was, like, *way too cool*. It doesn't matter which, my reaction stayed the same: I laughed — *hysterically*.

These synchronicity-laden media moments are not rare; I could write pages of anecdotes from both sides of the broadcast booth. But I'll limit myself to one favorite juxtaposition. A religious broadcaster is making a plea for aid for starving lepers. The screen is filled with images of men, women, and children missing fingers, toes, limbs. Give us help, intones the narrator. Give these people help. (Pause.) We'll be right back after these messages.

Fade to black. Silence. Then, a booming voice: I LOST THIRTY POUNDS IN TWENTY DAYS! —JW

No end in sight — On June 22, the Washington *Post* headlined a front-page feature: "A Year Later, Perot's Purpose Is Still Unclear: Questions Linger About Presidential Ambitions."

My first inclination was to remark on the unfairness of the press: Perot's purpose seems extraordinarily clear. He wants to be president, the big cheese, the boss of bosses. He seems to have no other principles except this abiding ambition, though he cloaks his mission in a few characteristic themes.

Exactly the same can be said of Bill Clinton. After 16 years in public life, it's not clear what his purpose is, except the accumulation of personal power. He has changed his position on practically every issue. He was against abortion, now he's for it; he favored a middle class tax cut, now he wants a middle class tax hike; he thought it was a moral crime that we don't open our borders to Haitians with AIDS, now he favors keeping them out.

Yet the press has not had a word to say about his purposelessness. It maintains the public fiction that he is trying to provide a new vision for America. How else can we interpret the press's reference to his proposed tax increases as "Bill Clinton's deficit reduction plan"? Or its referring to his plan for a government takeover of medical care as "health care reform"?

For all Clinton's unhappiness with the press of late, it can hardly be said that the press has examined his record or his character very closely. Sure, the press no longer treats him as a hero, as it did during his campaign, when it engaged in a conspiracy to sweep certain unfavorable stories about him under the rug. (Can you imagine the press ignoring the tape recorded evidence of his mendacity that Gennifer Flowers made public if her ex-inamorata had been George Bush?)

Bizarrely, Clinton has interpreted the press's mild curiosity about some of his more flagrant violations of public trust (such as his firing the White House travel staff so he could replace it with a travel agency owned by a relative) as extreme hostility. He mistakenly believes that the media ought to snuggle like a lapdog.

In late June, under the tutelage of David Gergen, his new P.R. man, Clinton decided to try to buddy up with the press, so that it would cease its occasional bouts of honest reporting and return to those glorious days of hagiography on the campaign trail.

But why is the press beating up on Perot?

Probably because it fears that he may someday be elected. He doesn't play by the usual political rules. He is not beholden to a party organization, to elected legislators, or to anyone else. In sum, the press fears Perot for exactly the same reason the public likes him.

The Perotphobia is quite understandable. The network of obligations each President brings to his office acts as a brake on his power and lowers the risk that he will do something really bizarre. The knave you know is always more palatable than the knave you don't know. It's pretty plain that he sees himself as the savior of America, and he could quite easily justify to himself (and many of his followers) grabbing virtual dictatorial power by declaring some sort of "state of emergency" in response to Congress not acting the way he wanted it to. Ross Perot is just plain scary.

On the other hand, it is easy to underestimate just how scary the election of a Republican or Democrat is. As President, Ronald Reagan empowered police to stop and search automobiles and keep any cash they find, on grounds that cash is *prima facie* evidence of drug-dealing. As President, Bill Clinton has appointed his wife "health czar," in the process of enacting a complete government takeover of medical care. How much scarier could President Perot be? —CAA

Progress Report

The Ungreening of the Media

by Jane S. Shaw

It's been a long time coming, but the morning after of the media-environmentalist tryst has finally arrived.

There is good news on the media front. After two decades of headlines about "killer chemicals," accolades to professional scaremongers like the WorldWatch Institute, and subservience to environmental lobbyists, the Washington *Post* and the New York *Times* have turned over a new leaf. Two relative newcomers to the environmental beat, Keith Schneider at the *Times* and Boyce Rensberger at the *Post*, are re-evaluating the environmental record and challenging environmental rhetoric.

Widely talked about (in the circles I travel in) was Keith Schneider's five-part series in March headlined "New View Calls Environmental Policy Misguided."[1] He reported that, according to some scientists and public health specialists, some of our environmental laws are "based on little if any sound research about the true nature of the threat." Furthermore, they were approved without "even rudimentary cost-benefit analyses," and some were even "devoted to the wrong problems."

Gaining steam, the series then detailed costly flaws in toxic cleanup programs, questioned the reliance on animal tests to determine chemical carcinogenicity, reported on the rebellion by city mayors against the high costs of regulations, and even published a chart estimating how much it costs to avert a single premature death through various regulations (e.g., $653 million per death averted from drinking water limits on 1, 2-dichloropropane).

One stunning article (March 22) describes how the garbage that was washed up on eastern beaches in the summer of 1988 led to an expensive ban on ocean dumping — even though ocean dumping had nothing to do with the waste! It was caused by overburdened sewage systems. In fact, Schneider pointed out, officials "have closed beaches more often than they did before 1988."

At the *Post*, Too

Over at the Washington *Post*, Boyce Rensberger wrote two articles this spring challenging global environmental scares. "'Greenhouse Effect Seems Benign So Far" was the headline on a story[2] that is the antithesis of most national coverage of global warming. Rensberger cites scientific evidence that what warming has occurred during the past century took place at night rather than during the day and — at least in the northern hemisphere — during spring, fall, and winter, rather than summer. Both these findings imply that greenhouse warming (if it occurs) will not lead to severe droughts or massive shifts in agriculture but will be beneficial or neutral in its effect.

In April, a front-page story by Rensberger[3] pointed out that the ozone problem "appears to be well on the way to solution." He credited the Montreal Protocol, an international agreement to phase out chlorofluorocarbons, but he also discounted popular assumptions about ozone loss. He said that researchers report that "the problem appears to be heading toward solution before they can find any solid evidence that serious harm was or is being done."

While much of the material in these articles could have been found on the editorial pages of *The Wall Street Journal* over the past few years, they represent a major turn-around for the nation's left-liberal media. They signal that the elite press is no longer simply going to publish the environmentalists' press releases or treat environmental stories as simple conflicts between good environmentalists and evil capitalists.

Of course, there were important precursors to these two reporters'

work. Gregg Easterbrook has been quietly debunking doomsday myths for several years, first in *The New Republic* and more recently in *Newsweek*. But until now no one rallied around him (one of the most deflating experiences for a reporter is to be too far out front on a story). The monolith began to crack on February 7, 1993. Writing in *The New York Times Magazine*,[4] Raymond Bonner, a reporter widely viewed as left-wing, condemned the World Wildlife Fund for deliberately misrepresenting the state of elephant populations in Africa in order to reap millions of dollars in donations from the public.

The Washington Post now suggests that greenhouse warming (if it occurs) will not lead to severe droughts or massive shifts in agriculture but will be beneficial or neutral in its effect.

In Keith Schneider's case, one impetus for skepticism was his acquaintance with the late Warren Brookes. Brookes, who wrote for the Detroit *News* editorial page and had a syndicated column, began delving into environmental issues in the late 1980s. He tapped into a rich vein of hyped-up risks, excessive costs, and regulations that caused harms rather than reduced them. He began to point out the discrepancies between the claims and the facts in cases from asbestos to radon. While Brookes garnered respect from scientists and skeptics by the time he died suddenly in late 1991, much of the journalistic world was still scornful. Schneider, however, recognized that Brookes was "clearly on to a big story," as he said later. After his series ran in the *Times*, Schneider telephoned Tom Bray, who had been Warren Brookes' boss at the Detroit *News*, and acknowledged his debt to Brookes for helping him recognize the story.[5]

The Environmental String Runs Out

A change in the approach to environmental issues was inevitable. The environmental string has been played out, both politically and journalistically. As the environment gets cleaner and safer, there is less and less actual cleanup to be done. Remediation also gets much more expensive, and the disparity between achievements and costs increases. This disparity is most obvious in the Superfund program, which even environmental activists criticize (not to the point of recommending abandonment, however). But virtually all environmental programs are riddled with costs out of proportion to benefits. The 1990 Clean Air Act amendments, for example, will force industry to pay at least $4 billion per year to prevent acid rain, even though a 10-year government study (costing $540 million itself) showed that damages from acid rain are minimal. Other provisions of the Clean Air Act are estimated to bring the total annual cost to $21.5 billion per year.[6]

Journalistically, it's difficult to come up with new "scoops" identifying frightening pollution ills. The nation just had a brush with one — electromagnetic fields, which supposedly cause cancer "clusters." And fears about cellular phones set off a momentary frenzy on talk shows after a man charged that his wife had contracted a brain tumor from a cellular phone. But these scares seem to have fizzled out.

Alar — The High-Water Mark

If journalists covering these issues are more skeptical, this may be the result of the 1989 scare over Alar, a growth regulator for apples. In retrospect, the Alar scare was the high-water mark for environmental fanaticism. The hysteria over Alar was testimony to environmental activists' power to arouse fear and to change policy; but it was based on such flimsy evidence that it drained the environmental movement of credibility.

Behind the Alar scare lay the fact that by 1989 the EPA was running out of pesticides to ban. Alar, which EPA regulates as if it were a pesticide, causes apples to stay on the trees longer, giving them more chance to ripen naturally rather than in warehouses and to avoid falling from the tree prematurely. Alar became a "possible carcinogen" because on one test, when fed to mice in almost lethal doses, it caused tumors. Most tests of Alar had turned up nothing, but in EPA methodology, one positive test of tumorigenicity can trigger action. EPA staffers were considering initiating proceedings against Alar, but in the view of the Natural Resources Defense Council they weren't acting fast enough.

As Michael Fumento outlines in his book *Science Under Siege*,[7] NRDC built a case against Alar by enormously puffing up the estimates of risk based on highly selective data. NRDC charged that eating apples or drinking juice from apples treated with Alar would lead to 240 cases of cancer for every million children — by the time they were six years old! NRDC enlisted a public relations firm to conduct the campaign. CBS's *60 Minutes* broke the story and actress Meryl Streep appeared on the *Phil Donahue* show to warn parents against giving their children apples that might be tainted with Alar. The furor led school systems to stop selling apples in their cafeterias (including places like Los Angeles, which cannot protect its children from gunshot wounds and knifings). Uniroyal, the manufacturer, quickly announced it would stop producing Alar.

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But the NRDC went too far. Even government regulators were stunned. A joint statement by the FDA, the EPA, and the Department of Agriculture said that the NRDC claimed cancer risks 100 times higher than estimates that the EPA's scientific advisory board had rejected in 1985. Furthermore, Bruce Ames, a prominent biochemist at the University of California at Davis, pointed out in a letter to *Science*[8] that people eat far more natural pesticides, by weight, than they do synthetic ones,

and the use of Alar (a growth regulator, remember) actually reduces the use of pesticides in the orchards and limits the toxins from molds that develop when apples fall on the ground. He noted that the loss of Alar could mean that fewer fresh apples will be available during the year and at higher cost, and parents may substitute less healthy foods for their children. Two years after the furor, even a United Nations advisory committee decided that Alar is not a carcinogen and stated that it is safe to eat as a trace residue on food.[9]

The campaign against Alar was so successful that the head of NRDC's public relations firm wrote a memo for NRDC describing the campaign and its effectiveness as a fund-raiser. When excerpts from the memo were published on the editorial page of *The Wall Street Journal*,[10] a lot of people must have felt duped. Perhaps that was why, a few months later, *60 Minutes* attacked environmental groups for refusing to admit that acid rain in the U.S. is a trivial problem.

Similarly, the elevation of super-environmentalist Al Gore to the vice presidency may be the high-water mark for global environmental issues. During the campaign, people like me worried that Gore would be the Clinton Administration's environmental nemesis, pushing Clinton toward ever more stringent and dopey regulations.

But Gore's book, *Earth in the Balance*, while confirming his credentials as an environmentalist, may have undermined his reputation as someone for journalists to take seriously. While he discusses many environmental issues, global warming is one of the biggest and he treats it as a fact. Then he criticizes journalists for emphasizing "controversy and disagreement" among scientists. Says Gore: "In this case when 98 percent of the scientists in a given field share one view and 2 percent disagree, both viewpoints are sometimes presented in a format in which each appears equally credible."[11] While the 2 percent should still be heard, "their theory should not be given equal weight with the consensus now emerging in the scientific community about the gravity of the danger we face." It sounds as though he wants journalists to take sides, a point that Gregg Easterbrook found disturbing enough to comment on in *The New Republic*.[12] Since the "consensus" on global warming is turning out to be 180 degrees away from what Gore imagines, Gore's standing and thus his doomsday fears are likely to fall.

What Next?

So what is in store for the environmental beat? In a while, we should start to see articles questioning or debunking the environmentalists' doomsday claims. But that won't be all. I think we will see environmental reporters doing what journalists do best: writing sympathetic stories about victims. But these will be victims of environmental regulation, not pollution!

We will soon see environmental reporters doing what journalists do best: writing sympathetic stories about victims. But these will be victims of environmental regulation, not pollution!

Newspapers have blithely ignored the fact that environmental regulations kill. The reason may partly be the lack of identifiable victims. In 1989 two economists, one from Brookings and one from the Harvard School of Public Health, reported that the congressionally mandated tightening of fuel economy standards would increase the number of highway deaths because it would force manufacturers to build lighter cars, which are less safe. In fact, they estimated that the standards proposed for the 1989 model year would cause between 2,200 and 3,900 additional fatalities over the next ten years.[13] Press attention to the study, even after the District of Columbia Circuit Court remanded the standards to the National Highway Safety Transportation Administration for review, was skimpy.

Such ignorance will not continue once identifiable and sympathetic people start to get hurt. I first noticed a change in a November 25, 1991[14] article in *The New Yorker* (ironically, one of the most shameless manufacturers of fake crises). This time, however, reporter Jeremy Bernstein reported on the battle being waged by the citizens of Aspen, Colorado, against the EPA. They were trying to get a trailer park delisted as a Superfund site. According to the EPA, the soil had too much lead from old mines and officials wanted to clean up the site — which would, of course, involve moving "tens of thousands of cubic yards of dirt, with its attendant dust," Bernstein pointed out. (And he noted that the blood-lead levels of the residents were below the national average.)

Resistance to the EPA was pretty rare in 1991 (or at least it wasn't reported much). But that will change, now that the EPA is going after people who put fill dirt into "wetlands."

You may remember that during the 1988 campaign George Bush promised "no net loss" of wetlands. Once in office, he actually set about accomplishing this. In 1989, government officials came up with a description of wetlands that was so broad that it included land that is rarely wet. (To be a wetland, it had to be *occasionally* wet and had to have vegetation typical of wet soil.) In Dorchester County, Maryland, the number of acres of wetland nearly tripled, and since then, people have gone to jail for putting fill dirt on dry land. William Ellen, a marine engineer, was jailed for six months for pouring two truckloads of dirt on land the Army Corps of Engineers considered wetlands — even though he was building duck ponds and actually adding 45 acres of wetlands to the property! The New York *Times* has yet to write about Ellen (*The Wall Street Journal* conducted an unsuccessful editorial crusade to get him pardoned), but Keith Schneider has done a more general story on the environmental backlash that is building.

As the governmental stick gets heavier, and as it is applied more often, more reporters will have to pay attention. It will take a long time before newspaper readers will absorb the message that most of the scares of the past ten years are exaggerations and that the remedies may be worse than the problems. But the process of education has begun. ❑

notes on page 54

Poem

Wednesday, January 27

by Marc Ponomareff

On January 27, 1837, the poet Alexander Pushkin was mortally wounded in a duel with Georges d'Anthès. The thunder of the Lepage pistols reverberates to this day, intruding into the thoughts of all who read and admire romantic poetry.

A foot-print in the snow appears
Blue, for reasons unknown to men
Who, wary of science, shed tears
Upon both manuscript and pen;
To fathom such wonders is not
Their place — to notice them, their lot.
The mind's eye, gazing west, arrests
The philosophic commonplace —
An incontrovertible fact:
Of far more interest is it to
Trace innumerable holes of blue,
Their scattered shapes converging at
A twenty-yard-long path, snow-bare,
Above which dusk has blurred the air.

Here it was that guns, discharged, had
Made shards of time, tranquility,
And common sense. God must be mad.
They marked the ten-yard boundary:
The seconds — Colonel Danzas and
D'Archiac — let fall from hand
Their carricks; yet the heavens failed
To open; no thunderbolts fell like hail
In time to stop the pointless act —
Composed, as are most villainies,
Of trivial details, dregs and lees,
Yet no less monstrous for this fact.
The poet, on a snowdrift, coughed.
A large, bearskin pelisse, though soft,
Enwrapt his frame in folds of ice
Which crackled like a scripted poem:
That lyric he'd attempted twice
To finish before leaving home —
Forever? He wondered . . . Perhaps.
A raven clicked its beak: two taps
Resounded from the tallest pine
And echoed — somehow keeping time —
The energetic tamping tight
Of bullets into barrels black.
The poet exercised his craft:
Both bird and pistol were like night;
Both gave the same, sharp cry; one sensed
Their power to traduce the sky,
To become a wingéd omen
And, in flight, to steal from man his
Nerve and reason — A commotion:
Heeckeren, angry, shook his fist;
And Danzas clenched his jaw, and turned
Away. The shrouded sun still burned;
Its light made pale the poet's skin,
While d'Anthès glowed from brow to chin:
His face — as sleek, firm-cheeked, and round,
And void of thought, as any plum —
Bent over the two proffered guns.
The crow inclined its head; no sound
It made while widening its eye,
In which lay clouds, refracted sky.
The poet stood, his fear in check —
Amongst the trees, huge shards of ice
Dropped and shattered with each step
Our hero took; a sound heard thrice;
Like nails pulled from a packing case,
They screeched while being torn from place,
And something dark, from distant weald
Released, bore down upon the field.
The creak of wings, of Death set free,
A chilling of the air — unheeded.
Across the snow, four boots proceeded:
Five paces reached the boundary . . .
A shot . . . and nothing more is heard.
Nearby, with mouth agape: a bird.

T'would fill me with the utmost pain
To write of lead inside his breast:
This pen can only twist in shame,
And cease. God grant him rest.
But first — I must pursue those tracks,
Now in retreat, and leading back
In haste from whence they came: foot-prints
That, in fading light, have purple tints,
The last of which, with myriad
Whorls, surrounds one crimson dot — not
A cipher, nor clipped Morse, this spot —
But punctuation mark: the period.
My representative, the crow,
Looks on . . . The foot-print fills with snow.

In "Defense" of Janet Reno

by Loren E. Lomasky

She just couldn't help herself. Once ATF attacked the Davidians, bureaucratic ineptitude made the outcome inevitable.

Perhaps a well-placed Deep Throat itching to settle a score will provide details of the decision-making processes that preceded the fateful raid of April 19. Otherwise it's not likely that we shall ever know except in air-brushed outline what really generated the conflagration that consumed David Koresh and his little troop of soldiers for God. Even before the killing flames had subsided a chorus of weepy, self-exculpatory "it's tragic what happened but we had no alternative" statements rolled like a river of phlegm out of Texas and Washington. The harmony with which they were delivered presents a remarkable counterpoint to the cacophony of blunders that for two months had played itself out around the Branch Davidians' compound.

To be sure, FBI agents groused off the record about the amateurishness of the Bureau of Alcohol, Tobacco, and Firearms operatives who precipitated the crisis, and Congressman Conyers supplied for the TV cameras some particularly graceless and unintelligent lashings out at Attorney General Reno. (One rubbed one's eyes in disbelief; was that really Rush Limbaugh declaiming against overly abrasive treatment of a Clinton cabinet member?) But neither in the immediate aftermath of the slaughter nor subsequently was there any real prospect of a general airing of dirty governmental laundry. All the key players and most of the minor ones had every incentive to join their wagons in a tight circle of deniability against outsiders who might suggest that something had gone very wrong in Justice Department circles.

The president had already incurred annoying wounds while lurching unsteadily toward the appointment of an attorney general: although he must have been tempted to dump the mess entirely on the head of his third choice for the office, that would have been fatal for what remained of his image as the coolly efficient administrator. Nor could Janet Reno pass the buck to Justice Department underlings who had advised and reported to her without confessing herself abjectly incapable of exercising the leadership attached to her high office. The FBI and its director William Sessions had sweated through months of discreditable revelations. The erstwhile "world's premier law-enforcement agency" wished to risk no further charges of mission failure or willful breaching of lines of authority. As for BATF, the less said the better.

Thus all parties had reason to accede in what quickly became the official line. From Bill Clinton on downward, each of the players resolutely accepted "responsibility" for his or her role in the drama. But to accept responsibility was not by any means to admit wrong-doing. Wrong aplenty was done, they agreed, but exclusively by the crazed would-be messiah and priapic defiler of young girls, David Koresh. Despite a series of blandishments and general concessions, Koresh perversely insisted on immolating himself and his benighted followers — frequently though inaccurately described as "hostages" — rather than allow impartial mechanisms of law enforcement to proceed. Officials whose sworn duty is to uphold the law could not act otherwise, finally, than to undertake decisive action. And so the denouement, though terribly unfortunate — one cannot ignore charred crisps that had formerly been children — was something for which they could not responsibly be blamed.

Indeed, by catches in the voice and discreet wellings in the eye they ad-

vertised their personal sensitivity and the terrible emotional costs they themselves had been obliged to bear. Proving particularly adept at this rite of cleansing was Janet Reno who stoically made her passage from one network news interview program to the next as so many Stations of the Cross. Not recrimination but sympathy was her due, indeed the due of everyone except Koresh and his non brainwashed adult confederates.

Although it is possible that this recounting of events will eventually blow up, so far it has proved thoroughly stable. No one whose voice has any carrying power is inclined to tell the story any differently. Congressional Democrats recognize the need to show at least minimal solidarity with one of their own. Republicans, of course, acknowledge no such imperative, but their niche in the political ecology requires that they not display themselves as soft concerning what at least superficially has the appearance of a straightforward law-and-order issue. Moreover, prudent regard for the politics of gender makes them wary of engaging in another episode of female-bashing; far wiser to direct one's fire at presidential haircuts and improprieties in the appointment of low-level White House flunkeys.

Nor should we expect the press to be assiduous questioners of the official line. Whatever degree it stands in an adversarial relation to office holders is as nothing compared with the contempt it holds for all varieties of low-brow Protestant religiosity excepting possibly that which emanates from Black churches. Their every instinct is to tell the story of the Branch Davidians as yet another episode of millenarian Bible-thumping reaping the whirlwind. And mouthpieces for mainline religious denominations, denominations which for most of this century have been losing members to less conventionally respectable churches, showed themselves much less inclined to suggest that Waco represents a dangerous breach of our nation's constitutional commitment to religious toleration than they are to make it clear to all who may be interested how distant they are from the Koreshians: "*They* are a cult; *we* are a religion!"

The upshot is a conspicuous absence of public probing. I have heard no suggestions that this might be an appropriate circumstance for the appointment of a Special Prosecutor to seek out malfeasance in the executive branch. Nor does it seem likely that any new Woodwards or Bernsteins will build reputations on the soot and ash of Waco. The smart money is on a perfunctory inquiry custom-designed to clear all fry large and small.

If that is so, then we may never be able confidently to explain why on a breezy spring day in Texas seven dozen individuals met death by fire. Specifically, there is ample reason to expect officials to dissemble concerning who advised whom to do what:

Wrong aplenty was done, Clinton agreed, but exclusively by the crazed would-be messiah and priapic defiler of young girls, David Koresh.

the so-called responsibility issue. Even the issue of the fire's cause may never satisfactorily be resolved. FBI raiders who "saw" it being set by residents of the compound may be in the grip of wishful thinking. Or, like the good soldiers they are, they may be brazening out a lie crafted by their superiors. As for the reports offered by the compound's survivors, how much confidence can one reasonably place in the testimony of persons who a few days earlier had professed to see in David Koresh the visage of the returned messiah. Like another killing in Texas some 30 years earlier, Waco is prime grist for the mills of conspiracy-mongers.

Nonetheless, and with due acknowledgement of the mendacity that lurks in Washington corridors, the "exposé" offered in the previous issue of *Liberty* by editor R.W. Bradford (to which senior editor Stephen Cox joins a qualified concurrence) is even less plausible than the Clinton crowd's diametrically opposed version. Bradford surmises that "this isn't just business as usual. The government is not just lying. The government is murdering its citizens." In support of this indictment he supplies datum upon datum demonstrating that information readily available to the drama's prominent actors was sufficient for them to be able to ascertain that the siege and culminating assault were likely to yield scores of deaths, either by cultists' mass suicide or directly consequential on the demolition of the compound. Yet they proceed unchecked. Ergo, murder.

This is to assign to governmental officials both too much blame and too much credit. The task of assembling a cast of hundreds to conspire in a mass-killing and providing a script that affords each a "plausible deniability" allowing him to keep a poker face as he methodically carries out his assigned sanguinary role is the work of a master administrator. Does anyone really believe that this describes Janet Reno, the small-time prosecutor of Florida hoods whose prime qualification for elevation to the attorney generalship was forbearance from employing illegal alien nannies? No — unless her accomplishments also include world-class thespian talent. I watched her struggling to draw on reserves of dignity and control as she responded to probing questions from Ted Koppel. Despite the outrage one felt in the aftermath of the disaster that had just played itself out in Waco, a disaster that she had admittedly in one manner or another orchestrated, it was difficult not to feel sympathy, even pity for the woman with the glazed eyes and the raspy voice. She reminded me of one of Joe Louis' sacrificial "bums of the month" being taken apart in the ring, remarkable only for her ability to absorb punishment and somehow keep on standing. A mass murderer or an overmatched pug?

Remember, the Waco disaster was produced by the same folks who gave us the Challenger spacecraft's defective O-rings, secret Bible-toting missions to the Ayatollah, WIN buttons, decimation of the S&Ls, the light at the end of the tunnel in Vietnam, Watergate, the tax code, schemes for making Fidel Castro's beard fall off, mangled bodies of Marines in Lebanon, the War on Drugs, and doz-

ens of their ilk. Shall one ascribe to them Mafia-quality professionalism in killing? I confess that I lack the nerve to make such a leap of faith.

Let me, therefore, suggest an alternate explanation. Hannah Arendt noted that one of the most striking features of the bureaucracy of genocide is the "banality of evil" it displays. The human monsters who stained their hands with the blood of millions weren't the Mephistophelian figures of incalculable menace that we naturally assume are uniquely qualified to fill that role. Instead they were essentially accountant-types whose sums ranged over cattle cars and corpses and canisters of Zyklon-B rather than income receipts and depreciable properties.

Many readers of *Eichmann in Jerusalem* were morally outraged, taking Arendt to be concurring in the exculpatory plea that these second and third-tier Nazi officials were "just following orders" and thus at worst quasi-mechanical transmitters of evil rather than its fully guilty initiators. But although this outrage is understandable, it rests on a misreading of Arendt's thesis. For what she called into question was not the culpability of the little man in the glass cage but rather the anti-theological doctrine maintaining that great villainy demands great villains. (I call it an anti-theology because it is the inverse of the doctrine that a world displaying complex and beautiful patterns of orderliness bespeaks a Creator of infinite goodness and intelligence; the counterpart of the banality of evil is the banality of spontaneous mutation and Darwinian natural selection.) Arendt argued, convincingly I think, that unspeakable atrocity isn't the province only of prodigies of fiendishness but — and to embrace this conclusion is so dispiriting that one can appreciate the comparative attractiveness of the anti-theology — that banally ordinary individuals are capable of perpetrating the most extraordinary crimes.

I don't see any Eichmanns in the Clinton administration. (Myopia? I hope not.) It is not the banality of evil that surfaced in Waco but rather what we might call the *evil of banality*. What I mean is that under certain conditions, men and women of thoroughly prosaic moral character, people possessed of virtue and vices, ambitions and inclinations not appreciably different in kind or degree of one's own, will be led through a chain of circumstance and institutional transmission mechanisms to generate horrible outcomes. Although the evil of the banality has a history virtually coeval with that of human race, its first theorization was supplied by the seventeenth century philosopher Thomas Hobbes, whose depiction of the State of Nature illustrates how people who want nothing more than to get by are ineluctably led to the waging of a War of All Against All in which life becomes "nasty, poor, brutish, and short."

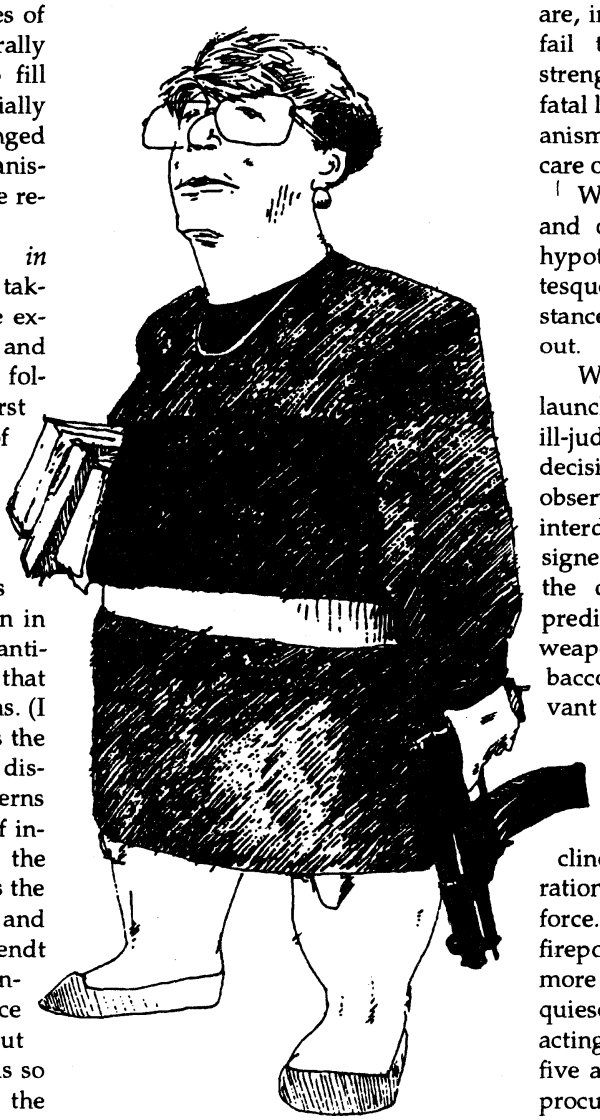

Murder, definitionally, incorporates malicious intent. But the raw material of the evil of banality is nothing more exceptional than individuals who, through lack of imagination or opportunity of insight, find themselves caught up in a lockstep dance in which the commonplace motivations and actions of each become the enormity of all. It is not that the evil result was unforseeable or could not have been averted. Rather, the claim is that people distinguished by little more than a certain stolidity of character — who are, in a word, banal — will regularly fail to exhibit the vision and the strength necessary to break out of their fatal lemmings' march. Once the mechanism is set in motion inertia will take care of the rest.

Waco remains shrouded in evasion and obfuscation, but the most likely hypothesis I can attach to the grotesque series of events is that it is an instance of banality. Let me spell this out.

Why on February 28 did BATF launch an ill-fated assault to serve an ill-judged search warrant? Particular decision-making details aside, we may observe that this is precisely the sort of interdiction the agency has been designed to perform. Its existence and the careers of its functionaries are predicated on separating people from weapons (and from illicit alcohol or tobacco products, presumably not relevant in this context) from which they do not wish to be separated. Thus, coercive means are required. Most of the people with whom BATF has dealings are inclined to respond in conventionally rational ways to displays of coercive force. That is, the more massive the firepower arrayed against them, the more likely they are supinely to acquiesce to BATF's demands. One agent acting alone may meet resistance, but five acting together are more likely to procure a cowed submissiveness, and a dozen more likely still. So if sketchy reports filtering back to the bureau indicate that an eccentric gun-toting flock of sectarians commanded by a rock-'n-rolling messiah is inclined to be obdurate, confronting them with a full-fledged invasion army of 100 agents may seem to be a remarkably good idea.

In practice, of course, the idea was remarkably stupid. But this is part of

"Janet Reno" by John Bergstrom

BATF's course, nothing more than the product of routinely lethargic bureaucratic thinking. A governmental bureau, unlike for-profit concerns, is not under the discipline of market forces that tend to reward perspicacity and weed out dull insensibility. And labors on behalf of the state, especially when those labors are backed by badges and guns, are very forgiving of mistakes; a display of overwhelming *force majeure* redeems dubious planning. Only this time it did not.

Once BATF incurred (and inflicted) casualties, the die was cast. I don't mean this as a denial of causal possibility or even rational advisability. For much could have been salvaged if federal officials had immediately backed off, if they had apologized to the Branch Davidians for initiating violence and promised to investigate BATF and discipline responsible parties. But of all potentially advisable responses, this was the least likely to be adopted. Almost certainly it received no serious consideration in the corridors of power; probably it wasn't even mentioned in passing. For to reverse course would not only have been an admission that a terribly wrong choice had been made, it would have been to *"reward resistance."* Nothing is more antithetical to the disposition of the governmental juggernaut than to excuse failures to obey. The role of state agencies is to command and of citizens to obey, regardless of the wisdom or lack of same of official edicts. A government may patiently negotiate with and proffer bribes to foreign despots, but it loses face if it conducts diplomacy with its own citizens. So there was in practice no doubt that once the first coercive thrust had been repulsed, further and more intense coercion would follow.

No one not present in the compound can say with assurance what effect the fire fight with BATF provoked among the Branch Davidians. Probably, though, their spiritual idiosyncracies did not render them immune to anxiety that nearly anyone would feel at having become the target of overwhelming governmental power. Like other character traits, a propensity toward martyrdom isn't innate but has to be learned. So if an assault in force had immediately been launched, it's likely that the sectarians would have given way. Some lives would have been lost, but once federal authorities decided that the internal doings of the Koreshians was their business, that was virtually inevitable. Wholesale slaughter, however, might have been averted.

But the ingrained habits of bureacracy rendered even this second-best outcome unattainable. Once rashness had claimed its handful of victims on each side, timidity predictably set in. Justice department officials realized that something hadn't gone as it should, and up and down the chain of command each was loath to take decisive action which, should it once again misfire, could jeopardize promotions and even pensions. So a period of buck passing and postponement of irreversible action set in. What followed were the two months of siege and ratcheting up pressure on the trapped cultists. No matter that it afforded time for the initial terror to crystalize into a conviction that they were indeed confronting the pitiless Antichrist against whom death was preferable to the apostasy of submission. I don't believe that it's an excess of charity toward federal officials to suppose that not one of them desired the reaction, but step by banal step it nonetheless emerged.

If it was the evil of banality that devoured the Branch Davidians, then the crux of the problem is with the levers of power themselves.

The fatuity of the compound's storming has been noted in these pages and elsewhere. Whom was the FBI trying to fool by blaring "This is not an assault" through loudspeakers as it launched its predawn assault? Why first shut off the compound's water supply and then choose a day with 30 mile per hour gusts for a showdown against a man who had predicted an "end with people devoured by fire?" Why was no fire fighting equipment on the scene? Policing child abuse is not under the aegis of federal law enforcement agencies, so why was rumored abuse cited as a rationale for deciding then to bring the siege to an end (and for BATF's initial engendering of the crisis)? And how does six hours of gassing children show solicitude for their welfare? Do these otherwise inexplicable loose ends not evidence a murderous conspiratorial design?

"Sometimes," Sigmund Freud once reminded his overly-sophisticated disciples, "a cigar is just a cigar." And sometimes what appears to be mindless incompetence really is. By the time Day 52 dawned nothing was more certain than that the Koresh affair would have a ghastly conclusion. All that remained to be determined was exactly when and how it would transpire.

It is a mark of our political culture that when there is a problem, any problem, it is expected that office holders will "do something." That they may be odd-on favorites thereby to make things worse rather than better is no bar to action. The Koresh holdout was indeed a problem. And so when a frustrated, perplexed, and increasingly desperate attorney general contemplated the prospect of her first major test in office stretching on and on like a bad dream that would haunt her until she was ignominiously escorted back to Florida, it is completely understandable that she would grasp at whatever expedient might be proposed for drawing it to a conclusion.

Janet Reno is, I'm persuaded, exceedingly conscientious. She surely must have listened attentively to the FBI's lengthy logistical briefings. Nonetheless, it appears that most of what she understood she misunderstood. For example, Reno was informed that the siege was being managed by the FBI's elite Hostage Rescue team. Her lawyerly mind inferred the presence of hostages. But to be a hostage is something imposed on one involuntarily, and since the adult Koreshians clearly had entered and remained in the compound of their own free will, it must be the children who were being held hostage. Child abuse!

What she did well understand,

though, was who pays the piper. Her boss had not enjoyed a sparkling first hundred days. Not least of the burdens he had borne was filling the post she now occupied. He would, then have made it clear that he hoped for something positive finally to come out of the attorney general's office. Time to act! And so when the FBI jerry-rigged an operational plan to resolve the protracted embarrassment, Reno was not disposed to scrutinize the details too meticulously. "A ring of snipers!" "M-60 tank!" "CS tear gas!" They excitedly proposed and she wearily nodded her assent, just as several weeks earlier she had somehow been persuaded to sign off on a mega-decibel stereo system through which to beam into the compound the slaughterhouse strains of terminal pig squeals and Golden Oldies.

How liberating it must have been to an FBI that had itself been weathering a series of discomfiting revelations and political attacks now to be able to dish it out against sitting-duck targets and to be the privileged purveyors of tactics to an attorney general who had shown herself delightfully amenable to buying whatever nostrum they wished to peddle. It was a chance to garner public acknowledgement of their own professionalism in favorable contrast to the stoogery of BATF. Tanks, tear gas and TV exposure: it was morning again in America! And since if anything went wrong — they could — and did — piously intone that they had been faithfully following the attorney general's orders, on the morning of April 19 all systems read Go.

It does not seem likely that any new Woodwards or Bernsteins will build reputations on the soot and ash of Waco.

That's my reconstruction of Waco, but I readily concede the surface plausibility of a rendering that instead sees the government of the United States of America playing out a murderous vendetta against the Branch Davidians. If BATF had designed with infinite cleverness a ploy to provoke a festering crisis with the sectarians it could hardly have chosen better. And if the Justice Department had been advised by a team of world-class experts on the theology of American primitivist millenarianism it could not more effectively have engineered in the minds of sectarians confirmation of the belief that arrayed against them was a pitiless Satanic force, that they were the saving remnant who the prophesies had foretold would be chastened and purged by fire, that their souls and those of their children were their dark foe's quarry, and that when the Antichrist lurched toward them in the guise of a metallic monster crushing their habitation and spewing noxious vapors, righteousness demanded that they be faithful unto death, faithful as had been Daniel in the lion's den, Hannah with her children, Stephen, Peter, and, archetypically, Christ nailed to His cross.

The cultists, then were given during their final weeks and hours of life good and ample reason to believe that they were the object of a killing conspiracy. But we leap beyond the evidence if we second their apocalyptic musings. An epistemically more parsimonious explanation is possible and thus preferable: that David Koresh and his disciples were the unintended victims of the evil of banality. It is likely that neither Bill Clinton nor Janet Reno nor the Washington and field operatives of BATF and the FBI desired a denouement of carnage by fire. And yet that is what their individually reasonable yet collectively disastrous choices procured.

The ashes of Waco have cooled and scattered, and the television cameras have relocated to new scenes of excitement and blunder. It's important, though, to keep its consideration alive as a touchstone for ongoing political thinking rather than simply as a specimen for the historians dispassionately to poke over. For the alternative explanatory accounts that have been discussed in this essay support markedly different practical conclusions. If the reason scores of people perished in Texas is because their deaths were willed by wicked government officials, then it is truly a shocking state of affairs, but its remediation is straightforward: We must be more vigilant in ensuring that those who wield levers of power possess at least an ordinary degree of virtue and sensibility. Electing and appointing decent people will prevent tragedies like the one that played itself out in Waco.

But if it was the evil of banality that devoured the Branch Davidians, then the crux of the problem is not the people who wield the levers of power — though no one can confuse the stumbling functionaries of the Clinton administration with the Best and the Brightest — but with the levers themselves. The tragedies that pop up with depressing regularity are inherent in the system. Their eruptions await only the nexus of circumstance rather than the extremes of maleficence. An inadequately constrained coercive state machinery will continue to grind up and spit out the hapless souls who fall under its wheels; who sits at the steering wheel is a secondary concern. Vigilance in the appointment and monitoring of one's governors will be only marginally effective. A melioration that is more than evanescent requires fundamental change in the vehicle's construction and the rules of the road on which it operates.

The task of assembling a cast of hundreds to conspire in a mass-killing and providing a script that affords each a "plausible deniability" is the work of a master administrator.

In retrospect, the most sobering aspect of Waco is not any specialness it may possess but what it shares with the ravaging of a generation in Vietnam, drug policies that have filled our prisons to overflowing and rendered the hearts of our cities unlivable, and scores of other state undertakings: mostly good people trying to do mostly good things create little corners of hell on earth. In Waco the flames just burned a bit more brightly than usual. ❑

Reappraisal

There [illegible] .o Kill Like Overkill

by R. W. Bradford

Does ineptitude excuse murder? Does expedience justify burning children? Bradford reconsiders the case against the perpetrators of the Waco holocaust.

I find a great deal of merit in what Prof. Lomasky so eloquently writes. Certainly government is often banal and the evil of this banality was a major factor in the Waco tragedy. And I agree that the task that we who value liberty face is not that of putting new people at the levers of power, but the far more complicated task of building a consensus against the existence of the levers themselves. The problem of growing government power and of declining human liberty is not simply or even mostly one of evil men. It is a battle of ideas, especially moral ideas.

But disagreement always sparks more disagreement, and I find three of Prof. Lomasky's points singularly unconvincing and worthy of comment.

The Mass Murder Case

Prof. Lomasky finds Reno innocent of mass murder because she lacked intent to mass murder and is too inept to commit so large and complex a crime.

But as I understand the law, *intent to kill* is not necessary for homicide to qualify as murder. If, for example, a punk kills someone while attempting to rob a convenience store, he is not exonerated of murder because he only planned to rob the store and fired his weapon with the intention of frightening people into cooperation.

Further, I am not convinced that Reno did not intend to kill the inhabitants of the Waco compound. I am aware that *she says* that she did not intend to. But so what? Since when do we expect murderers to confess that they intended to kill? Since when do we expect politicians to tell the truth about their intentions?

Prof. Lomasky's case that Janet Reno did not intend the deaths of innocent children is hardly more than assertion, based apparently on the fact that for Lomasky, "it was difficult not to feel sympathy, even pity for the woman with the glazed eyes and the raspy voice." Indeed, in the same paragraph in which Lomasky claims that murder by definition requires malicious intent, he comes very close to conceding the case: "It is not that the evil result was unforeseeable or could not have been averted." If the mass death of innocents was both predictable and avoidable, how can we avoid concluding intent? Later, he surmises, "How liberating it must have been to [the] FBI . . . now to be able to dish it out against sitting duck targets." *Sitting ducks*? Are we to believe that killing humans "like sitting ducks" is *not intentional*?

Prof. Lomasky does believe so. Somehow the fact that Janet Reno "lacks imagination or opportunity of insight," she found herself "caught up in a lockstep dance" and was "unable to exhibit the vision and the strength necessary to break out of [her] fatal lemmings' march," should excuse what she did. Since when does it take extraordinary "imagination" or "opportunity of insight" to know that killing innocent children is wrong? Lack of imagination and insight might *explain* a crime, but it does not *excuse* it.

I agree with Prof. Lomasky that politicians and bureaucrats are inept and that the killing of the Branch Davidians was a complicated undertaking. But I am not convinced that ineptitude precludes complicated murders or even complicated mass murders. The politicians and bureaucrats of Nazi Germany were an inept lot, yet they managed to create and keep secret an industry of murder, a task far more complex than incinerating a group of buildings with 86 people inside.

Although Prof. Lomasky rejects the conclusion of my argument, he ignores the argument itself. I did not argue that Ms Reno is a mass

murderer on the basis of an examination of physical evidence, the statements of witnesses, or expert testimony. The evidence I cited was her own confession, and I made that plain in the first two sentences of my article: "Janet Reno, the nation's top law enforcement agent, is a mass murderer. We know this because she confessed to it on national television on April 19, 1993."

To support this claim, I enumerated statements that she made about the information she had at hand, and observed that it was obvious to any rational person (even an inept politician) that the course of action she chose, based on the information she had, could only lead to the death of a substantial number of people who were, by her own admission, entirely innocent. Since Prof. Lomasky does not challenge this argument, I shall not review and defend it here.

Instead I shall attack it. My argument was based on Janet Reno's statement, "I investigated [the situation] completely. I did all the — I asked [all] the questions, I talked to the experts when I had questions . . . I made the best judgment I could based on all the information that we had after inquiry, after talking with experts, after trying to weigh all the terrible possibilities that could take place."

I did not consider one possibility: that Reno was lying when she uttered those words. Successful politicians are characterized by adaptability, adeptness at misrepresenting situations and motives, and a skill at manipulating public opinion. It is entirely possible that Reno paid little attention to the Waco situation because she was preoccupied with political problems in Washington, that she uncritically accepted the FBI's plan of action, and that she developed the explanation for her actions — the explanation that amounted to a confession of mass murder — only as a public relations ploy, after the disaster had occurred. This suggestion is, I think, tantamount to Prof. Lomasky's suggestion that the Davidians were victims of "the evil of banality."

If this is the case, then Reno is innocent of mass murder, the crime to which she confessed; she would be guilty of mass negligent homicide — a lesser crime, perhaps, but a serious crime nonetheless.

Carnage by Fire

I remain unconvinced that neither the FBI nor ATF "desired a denouement of carnage by fire," if only because past federal attempts to arrest (or serve warrants to) individuals or groups who hold unpopular views and exercise their constitutional right to own firearms have ended in fiery death and destruction of all evidence that might exonerate the accused. The siege of the Symbionese Liberation Army ended with their incineration. Gordon Kahl, who had survived an ambush of his North Dakota home by U.S. Marshals in February of 1983, fled to Arkansas where he was also consumed by fire in a confrontation with the FBI in June of that same year.

What would have happened if the FBI hadn't killed Koresh and destroyed all the evidence? We can only surmise. But we can see why the FBI might be concerned. According to Koresh's attorney, David DeGuerin, Koresh was confident that he would be exonerated in court after the standoff had ended, and was looking forward to defending himself in court.

Consider the case of Randy Weaver, the eccentric right-winger who was involved last year in a similar standoff in Idaho. Weaver had been accused of selling a sawed-off shotgun to a federal undercover agent but had not shown up for his trial in February, 1991. Explaining that he believed he could not get a fair trial, he had removed himself to an isolated cabin in northern Idaho, which he and his family had built from scrap lumber. There was an uneasy standoff, with Weaver and his family living peaceably in their isolated cabin, while U.S. Marshals "investigated."

A year and a half later, on August 21, 1992, "The group [of U.S. Marshals] came under fire from the fortresslike Weaver home, apparently without warning, and [U.S. Marshal William] Degan sustained a fatal gunshot wound," according to Henry E. Hudson, director of the U.S. Marshals Service. A siege began. It ended only after Col. Bo Gritz, a war hero who had known Weaver in Vietnam, got the FBI to allow Weaver to surrender peaceably.

Unlike Koresh, Weaver has now had his "day in court," and a lot has been learned about the confrontation. Weaver and another survivor of the siege were charged with the murder of Marshal Degan. At the trial, federal authorities were chastised by U.S. District Judge Edward Lodge for fabricating evidence (even faking photographs of the scene of the siege), hiding evidence that the assault on the Weaver family began with the U.S. Marshals firing the first shots, and withholding a wide variety of other evidence from the defense. We learned that the federal prosecutor had planned to drop the case against Weaver if he had shown up in court back in 1991.

The case against Weaver sounds ridiculous, if we are to believe the Associated Press report of May 27: "Prosecutors have spent several days outlining for jurors their elaborate conspiracy theory, in which Mr Weaver and his family plotted for a decade to provoke a bloody confrontation with agents of a government they loathed." Apparently their theory is that in order to provoke a bloody confrontation with federal police, he isolated himself in the wilderness hoping that the feds would send a bunch of machine-gun toting agents onto his property to attack him and kill his wife and son.

I did not argue that Ms Reno is a mass murderer on the basis of an examination of physical evidence, the statements of witnesses, or expert testimony. The evidence I cited was her own confession.

As the case developed after Weaver's peaceful surrender, it emerged that practically every statement coming from federal authorities during the siege of the Weaver cabin was contradicted by subsequent statements from federal authorities and that many "facts" released by those authorities during the siege and dutifully reported in the press were simply false. The statement quoted above, for exam-

ple, contains two falsehoods. The agents did not come under fire "without warning"; in fact, they fired the first shots. The Weaver cabin was not in any way "fortresslike." It was constructed from scrap plywood, 2x4s and mill ends. As the siege progressed, the lies and contradictions continued: FBI and Marshal spokesmen variously reported that Degan had been killed by a single .223 caliber bullet from an AR-15 and from a .30-06 bullet from an old hunting rifle; the bullet was reported variously to have hit him in the sternum, the neck and the heart, while he was and was not wearing a bulletproof vest. During the week of August 24–30, federal spokesmen repeatedly told reporters that they were holding back because they feared Weaver's wife might get hurt, it turned out that a federal sniper had shot her dead while she held their infant daughter in her arms outside the cabin on August 23. Federal officials repeatedly reported that they were under fire from automatic weapons during the siege, just as they did during the Davidian siege. Yet when they searched the cabin and surrounding area after Weaver's surrender, they found not a single automatic weapon.

The politicians and bureaucrats of Nazi Germany were an inept lot, yet they managed to create an industry of murder, a task far more complex than incinerating a group of buildings with 86 people inside.

It is plain that if federal agents had managed to kill Weaver and burn over the site, as they did in the cases of Gordon Kahl and David Koresh, they would have saved themselves a lot of embarrassment.

The Initial Assault

I am not convinced by Prof. Lomasky's other argument that "confronting [the Davidians] with a full-fledged invasion army of 100 agents may seem to be a remarkably good idea." There were three problems with the original raid:

1) If there was substantial evidence that Koresh or his followers might react violently to any attempt to serve him with a search warrant, why did ATF inform local television stations of the attack two days in advance, and invite the stations to send reporters and camerapersons to accompany the assault? Surely, ATF had to know that seeking publicity in advance of the raid would give notice to those inside the compound, enabling them to prepare for a confrontation.

2) In the past Koresh had peacefully submitted to warrants when approached in a normal fashion, without an attack force of a hundred heavily armed men breaking into his home, while attack helicopters hovered overhead. Koresh also frequently left the compound. According to the affidavit filed supporting the search warrant, ATF knew that nearly all the guns in the compound were locked up and only Koresh had a key. Why wasn't Koresh served in the conventional fashion? Or, if ATF feared a violent confrontation (as it surely must have, else why did it put together a virtual army to serve the warrant?), why didn't ATF wait to serve the warrant when Koresh was off in Waco and the Davidians' guns locked away?

3) The original ATF attack was ostensibly an attempt to serve a search warrant because it suspected Koresh of violating a federal licensing law. Does violation of a licensing law justify an assault of this magnitude?

I have read the search warrant and the affidavit on which it was based. Here is what it contains:

- A report from a Sheriff's deputy that one afternoon he heard a "loud explosion in the area" and "as he drove toward the area where he thought the explosion had occurred he observed a large cloud of grey smoke dissipating from the ground";
- An anonymous statement that "Marshal Keith Butler . . . a machinist by trade . . . is associated with Vernon Howell . . . Butler has been arrested on seven (7) occasions since 1984 for unlawful possession of drugs . . . Two of the arrests resulted in convictions . . .";
- Statements that Koresh had reportedly engaged in sex with a variety of young women and had engaged in "child abuse";
- The statements of dissident Davidians and the families of Davidians that the Davidians possessed fully automatic weapons, whose possession requires a federal license;
- The statement by a United Parcel Service driver that Koresh or his representative had paid for C.O.D. items with cash;
- A search of Treasury records did not reveal that the Davidians had acquired a license for the possession of automatic weapons;
- A huge amount of evidence that the Davidians had acquired items that could be used to manufacture weapons requiring licenses (e.g. 30 cardboard tubes). None of the items purchased were illegal and none required licenses;
- The statement of an ATF agent who testified that on December 4, 1992, he had interviewed Joyce Sparks, a social worker, who told him that she had visited the "compound" on April 6, 1992, at which time she spoke to a 7-year-old boy who wanted to grow up so he could get a "long gun" like the older members of the group. "She said that during her conversation with Koresh, he told her that he was the 'Messenger' from God, that the world was coming to an end, and that when he 'reveals' himself the riots in Los Angeles would pale in comparison to what was going to happen in Waco, Texas";
- The statement of Robert Carvenka, a neighbor, that he had heard the sound of automatic weapons fire coming from the Davidian property. Carvenka had served in the military and could identify the sound of automatic weapons fire.

Does this evidence constitute "probable cause" that evidence of a federal crime was concealed on the Davidian property? I have my doubts.

Unless it is now illegal to "associate" with a machinist who has used drugs or to have noise that sounds like "an explosion" and have "smoke" coming from your house, these two bits of evidence seem pretty irrelevant.

The statements about "child abuse" and Koresh's having sex with young women are plainly red herring, since neither offense violates any federal law. The affidavit does not mention, by the way, the fact that these charges had previously been investigated and dropped by state authorities.

The UPS driver's statement that

Koresh had paid cash for C.O.D. items is simply irrelevant: use of cash is not illegal in the United States. Further, C.O.D. deliveries by UPS must be paid in cash unless the shipper specifically releases UPS from liability in the event that a check tendered for payment is returned for insufficient funds.

The statements by dissident members of the religious group are dubious. For one thing, the agent who took the evidence did not cite any evidence that any of the witnesses had even passing familiarity with automatic weapons or could distinguish between an AR-15 (a perfectly legal semi-automatic rifle) and an M-16 (an automatic rifle that requires a license). As I understand the law, this renders their testimony virtually worthless. Besides, the testimony of the dissidents ought to be discounted out of simple prudence. They had very strong motivations to cause trouble for Koresh. Consider the following case:

Let us suppose that you and your spouse had a horrible fight, characterized by fervent anger, ugly words and nasty accusations, resulting in your spouse moving out of the home. Let us suppose your spouse goes to the Bureau of Alcohol, Tobacco and Firearms and tells them that you are distilling alcohol without a proper license. The ATF checks with your supermarket and learns that you have over the past few years on numerous occasions purchased sugar and on a few occasions purchased yeast, and verifies with your local utility that you have purchased water. You have acquired all the ingredients needed to manufacture alcohol. The ATF also checks the Treasury's records and verifies that you have never acquired a license to make alcohol.

In every detail, this situation is identical to the Davidians': there is testimony from an angry former close associate anxious to cause you trouble, there is evidence that you acquired the means to manufacture a product whose manufacture requires a license and there is evidence that you had not obtained the license. Is this evidence — "probable cause" — sufficient for you to lose your right to privacy in your home as guaranteed by the Fourth Amendment?

The statement by Joyce Sparks, the social worker, is both irrelevant and contains an obvious fabrication. She spoke to Koresh on April 6, yet the Los Angeles riots, which she claims he warned her would be repeated in Waco, did not begin until the end of April.

This leaves the testimony of the neighbor. Here we at last have reasonable testimony that an unlicensed automatic weapon was on the Davidian property. However, the affidavit did not mention the fact that the neighbor had reported the incident to the Sheriff, who had investigated the matter, and learned that Koresh had a "hell-fire device," which simulated the sound of automatic weapons fire.

Does any of this, or all of it taken together, constitute "probable cause" of a violation of federal law and justify an armed attack?

Was ATF motivated by a simple, if wrongheaded, desire to enforce the law? In the past few years, ATF has been targeted by critics for abolition, and this year with Congress searching for ways to cut spending, it is especially vulnerable. It is certainly possible that ATF staged the raid to generate good publicity, to prevent its coming under the budgetary knife. CBS's *Sixty Minutes* reported that a huge sexual harassment scandal at ATF was about to surface when the raid occurred — perhaps ATF wanted to deflect public attention from this problem.

ATF probably expected its huge show of force to result in a quick surrender by the Davidians. It is not difficult to imagine how the story would play out on television, first on the local news, then on a network "reality program": stern-faced ATF agents get into their bullet-proof gear, load their weapons, and are transported to the remote location; they surround the fortress and attack; they fire off a few shots, perhaps killing a few evil cultists; they display the guns found at the compound, while an ATF agent explains that there was sufficient firepower for a war (not mentioning that the guns were perfectly legal), a statement would follow from a high-level ATF bureaucrat explaining how the ATF had again protected Americans from civil destruction. And then the payoff: the congresspeople who had been considering abolishing ATF decide they can make cuts elsewhere in the federal budget.

THE WHITE HOUSE

WASHINGTON

June 11, 1993

Mr. Stephen Cox
University of California
San Diego, California

Dear Stephen:

Thank you for your letter. I share your concern about the recent situation near Waco, Texas. I was deeply disturbed by the tragic loss of life there. It is especially appalling that innocent children may have suffered at the hands of David Koresh and other members of the Branch Davidian cult.

The compound had been under surveillance for some time, and federal agents determined that cult members were illegally stockpiling weapons. The large number of guns and ammunition and the presence of children near such weapons led agents to begin seizure of the compound. That action provoked the first confrontation, which left four federal agents dead and many other people injured.

After peaceful negotiations had stalled, the appropriate law enforcement agencies, in consultation with Attorney General Janet Reno, formulated a plan that was intended to cause the least harm to cult members while forcing them out of the compound. Tear gas was used because it causes no permanent damage, and it is effective in evacuating the people from a targeted area.

As President, I take full responsibility for the actions of federal agents in Waco. I have ordered a full review of the case to be conducted by both the Justice Department and the Treasury Department to determine what happened and what can be done in the future to handle similar situations better.

Sincerely,

Bill Clinton

Waco: Some Truth Comes Out

Reproduced above is a letter from President Clinton written to Stephen

Cox, who wrote a critical analysis of the killing of 86 men, women and children near Waco, Texas, on April 19 ("Darkness at Noon," June 1993).

It is an interesting document. Clinton's statement that the children "may have suffered at the hands of David Koresh and other members of the Branch Davidian cult," continues his administration's absurd claim that the "ultimate rationale" (press spokesman George Stephanopoulos' words) for the attack on the Davidians was that Koresh engaged in child abuse. Clinton was echoing Reno's attempt to justify the final assault on the grounds that the children present were being abused. When pressed for details, she said that "the children were being forced to live in unsanitary and unsafe conditions."

Numerous federal attempts to arrest individuals who hold unpopular views and exercise their constitutional right to own firearms have ended in fiery death and destruction of all evidence that might exonerate the accused.

This justification is false in so many ways that it is shocking that Clinton would continue to argue for it:

1) Child abuse is not a federal offense. If it were, it would not fall within the jurisdiction of the Bureau of Alcohol, Tobacco and Firearms.

2) The Davidians had already been accused and exonerated of child abuse by officials of Texas, under whose jurisdiction such charges fall.

3) The children who left the compound after the initial ATF attack but before the FBI assault of April 19 were healthy, happy, and well cared for, according to Bob Boyd, head of Children's Protective Services in Waco, the welfare agency in charge of investigating charges of child abuse.

4) The accusation that the children were subjected to unsanitary and unhealthy conditions conveniently omitted the fact that the cause of such conditions was the FBI, which had cut off sewer lines and supplies of fresh water to the compound.

5) Most bizarrely of all, Clinton's claim omits the facts that, shortly before the children's deaths, the FBI attacked them with poison gas, and that the cause of their death was fire that resulted from the FBI assault on the compound. There was child abuse at the Davidian property, but the FBI was the perpetrator.

In the second paragraph, Clinton lies again: "The large number of guns and ammunition and the presence of children near such weapons led agents to begin seizure of the compound." According to virtually all claims by ATF about its original attack on the Davidian property, its purpose was to serve a search warrant, not to seize the property. Further, the affidavit supporting the search warrant includes the statement from a government agent that the guns were kept in a locked location that was kept secret from the children.

In the next paragraph, Clinton makes another curious claim: "Tear gas was used because it causes no permanent damage, and it is effective in evacuating the people from a targeted area." The FBI did not use what is commonly refered to as tear gas, technically known as chloroacetophenone, abbreviated CN. It used something much more powerful: a white powder, technically known as o-chlorobenzalmalononitrile, more commonly known as CS.

CS is described by *The Hazardous Chemicals Desk Reference* as "moderately toxic by inhalation" when dispersed into the air. Within seconds, it incapacitates its victims, causing extreme burning, tearing, coughing, difficulty in breathing and chest tightness, blindness, dizziness, vomiting, and nausea. According to Amnesty International, CS has resulted in as many as 80 deaths worldwide, and is "particularly dangerous when used in massive quantities in heavily built-up or populated areas . . . or when launched directly into homes or other buildings." In 1985, the Washington *Post* reported that Israeli soldiers and police in Gaza had "violated the manufacturer's printed warnings by firing the gas into enclosed areas such as rooms or small courtyards. Most experts agree that such misuses of the gas can be harmful, especially to small children." It is so dangerous that an international treaty prohibits its use in warfare.

CS may also have played an important role in the fire that quickly engulfed the compound. According to its "Material Data Safety Sheet," published by the Chemical and Biological Defence Agency, its flash point is 386° F and its explosive concentration is 0.025 grams/liter (or about 1/1200 of an ounce per quart of air). Pouring CS into enclosed buildings for six hours might very well result in reaching the "explosive concentration" of 0.025 grams/liter, or about 1/1200 of an ounce per quart of air.

Maybe this has something to do with the warnings that it ought never be used indoors. It also suggests that the CS may have played an important role in the fire that quickly engulfed the compound, although ATF has subsequently produced an expert who discounts that possibility.

This is the chemical that the FBI poured into the Davidian buildings for six hours during the assault on April 19, the chemical that Clinton claims "was intended to cause the least harm to cult members." As if deliberately trying to contradict the Clinton administration's claim that its "ultimate rationale" for the gas attack was concern for the welfare of the children, the FBI admitted that they believed the children inside the buildings had no protection from CS gas.

In his final paragraph, Clinton attempts again "to take full responsibility" for the affair, apparently to try to mitigate his attempts to dodge responsibility during the first hours after the holocaust.

In the meantime, Janet "The-buck-stops-here-I-take-full-responsibility" Reno continues to bask in popularity. It has been so long since a politician took the blame when something went wrong that Americans see Reno as a hero, overlooking her role in the affair. "You've raised the responsibility and accountability of public service to an incredibly high level in a way we've never seen before," gushed Colorado Congressperson Pat Schroeder. "You're a lot more than a breath of fresh air." That's for sure — she was a gust of lethal gas. I wonder what Schroeder would have said if Adolf Eichmann had forthrightly taken responsibility for

continued on page 56

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Case Study

Operation No Hope

by Jesse Walker

The U.S. military will go anywhere, pay any price to . . . well, in this case to impose the U.N.'s idea of proper government on a Third World country.

On June 5, 1993, Pakistani troops deployed under the banner of the United Nations fired into a crowd in Somalia, killing civilians, including children. It was not the first time U.N. soldiers had fired on Somalis, but it has become the most publicized. The event was only the latest in a series of actions against Mohammed Farrah Aidid, the powerful warlord reputedly guilty of mass murder, grand larceny, and, most damning in the eyes of the multinational force, resisting the dictates of the United Nations. The Pakistanis asserted that they had been under attack from Aidid's gunmen; the civilians, they said, had been used as human shields. Killing them was an unfortunate by-product of defending themselves. The U.S. government agreed.

That is certainly possible. It also evades the real issue. The U.S./U.N. mission in Somalia — "Operation Restore Hope" — was supposed to be a humanitarian one. Troops were there to protect food shipments, not to fight a war; indeed, we had been repeatedly assured that we were *not* being drawn into a violent conflict. How did this "humanitarian mission" devolve into the sorry spectacle of nervous troops shooting unarmed women and children? To answer that question, one must pose another: how did we get into Somalia in the first place — and why?

The Road to Intervention

In October of 1969, Major General Mohammed Siad Barre overthrew Somalia's elected government and began two decades of dictatorial rule. Barre embraced the rhetoric of Marxism and the practice of third-world thuggism, sitting atop a corrupt, nonproductive national elite that casually murdered its opponents. Casting his eyes toward long-disputed Kenyan and (especially) Ethiopian territories, Barre began an intense military build-up sponsored by his new ally, the Soviet Union. In 1977 he invaded Ethiopia's Ogaden region. Victory seemed assured.

But a funny thing happened on the way to Greater Somalia: the U.S.S.R. switched sides. Suddenly, the East Bloc weapons — and then Cuban soldiers — were with the Ethiopians. Barre completed the Cold War do-si-do by moving into the Western orbit. His nation lost its war with Ethiopia, but by 1982 was one of Africa's largest recipients of U.S. economic and military aid, receiving over $600 million during the '80s.

This shift in foreign policy did not bring an improvement in domestic human rights conditions. Barre's government killed tens of thousands. The National Security Service — the hated secret police — intimidated any real, potential, or imagined dissidents it could find, often with the help of the paramilitary "Victory Pioneers." And, in classic totalitarian fashion, the central government declared war on all authorities and associations outside the state. The intention, in the words of Rakiya Omaar, was "to dismantle the institutions that allowed people to articulate their grievances and that provided a framework for the resolution of conflict." A Somali herself, Omaar served as executive director of Africa Watch until she was fired for opposing the U.N.'s intervention.

Meanwhile, though the economic rhetoric and surface reforms shifted from "socialist" to "capitalist," the system itself remained essentially the same: a privileged elite using the power of the state to live off the work of others. The Somali government and the private interests that depended on it stole land from indigenous farmers, camels and goats from herders, and food from aid agencies. Omaar and Alex de Waal give the details:

> [The] "pencil looters" who sit in offices are the same people behind the

"gun looters" who raid villages, hold up convoys, and start wars. . . . The tactics used against the population are straightforward; storm villages (often at night) firing guns to frighten away villagers, and collect "taxes" at checkpoints on roads and bridges. . . .

In Somalia, the most poor and marginal rural farmers — the Rahanweyn and Digil clans and the Bantu peoples — were stripped of many of their assets well before Siad Barre was driven from power in January 1991. In 1988, a traditional leader of a sub-clan of the Rahanweyn, who had the misfortune to border Siad Barre's Marehan clan, described his relations with the Marehan as "total war." He estimated that more than half of the fertile riverain land once farmed by his people had been seized, much of it at gunpoint.

Lower down the Juba valley, the expropriation of land was on a far greater scale and had been going on for much longer. Much of it was sanctioned as "development." Meanwhile, as the local people became more vulnerable and destitute, they took work on the confiscated farms for a pittance, or turned to pilfering from the plantations and foraging for grass between the banana trees.*

The foreign aid establishment played a crucial role in this horror. Not only did Western policymaker's "structural adjustment policies" provide cover for the looting of the Somali populace; not only did U.S. military assistance, like Soviet assistance before it, bolster the strength of the Somali state against its own citizens; but food aid became a weapon in a war of deceit that paved the way for the current crisis.

As the '80s progressed, many ethnic Somalis began fleeing Ethiopia for Somalia, providing Barre with an opportunity to demand yet more aid from his foreign benefactors. They obliged. Barre's government claimed its country was holding 1.3 million refugees; in fact, the number was closer to 800,000 — perhaps less. What was happening to the food sent for the half-million-plus refugees who weren't there?

A lot of it was being sold — a helpful "income supplement" for any officer willing to take part in the system of institutionalized corruption. And some was going to the army, to ration its sporadic attacks on the Ogaden region. These attacks, in turn, provoked the Ethiopian government into more reprisals against ethnic Somalis, leading to more calls for aid to the growing refugee population. And so the cycle refueled itself.

Meanwhile, the refugee camps were not having a particularly helpful impact on the Somali economy. Nomads, who in the past had turned during droughts to the intricate mutual aid network of the Somali clan system, now had another alternative: the camps. Not only was a strong part of the indigenous economy thus eroded by the camp-aid system, but public health became a greater problem. Former USAID food monitor Michael Maren explains: "[T]he barren Somali economy won't support a lot of people in one place. Out in the desert, one family might have eight or ten square miles of land for grazing their camels and goats at any given time. In the camps they were packed into a few square yards. Sanitation, which isn't much of an issue when you're alone in the desert, became a source of disease and death. For many of the refugees, the camps might as well have been concentration camps. Once they were in, they were hooked. The desert was their barbed wire."

This too was at least partly planned. Maren comments:

African leaders like to settle nomads. Nomads make it hard to build a socialist state. Nomads can't be taxed, they can't be drafted, and they can't be controlled. They also can't be used to attract foreign aid. . . .

In addition, many African leaders, trying hard to be modern, view nomads as an embarrassment and a nuisance. From Bamako to Nairobi I've listened to Africa's elite discuss nomads as if they were vermin. They'd rather have their countries symbolized by gaudy, foreign-built hotels than by poorly clothed people with cattle.†

This view was only encouraged by the dispensers of foreign aid and advice. Pastoralism simply didn't fit into their economic models, which favored sedentary living and wasn't capable of dealing with the unmeasurable "income" of a herder. Better to ignore the nomads' contributions to the economy than to come up with a means for measuring them. Better to give out economic advice that pretended the herders weren't there.

Individual aid workers protested the disastrous consequences of their employers' policies, but the agencies themselves, by and large, stayed quiet. Most, despite their status as "non-governmental organizations" (NGOs), were dependent on government contracts, and those contracts meant steady income. Despite their rhetoric about teaching self-sufficiency, most of the aid agencies were basically in the business of dumping food abroad. And if the aid did more to prop up the government that was making the aid necessary than to alleviate the country's problems — well, then, that just means more contracts to deliver more aid. It's not that the relief agencies were run by cynical profiteers. Bureaucratic self-preservation had set in, and few groups were immune.

The end of old-fashioned imperialism brought something new and in many cases worse: tinpot indigenous dictators who denounce the West even as they rake in Western aid.

Following two years of civil war, Siad Barre was finally ousted in early 1991. During that time, he introduced a military tactic to his nation that would subsequently be implemented on a wide and tragic scale: deliberate starvation of the enemy. For most of this time, U.S. military aid to Barre's regime continued, despite widespread reports of rampant human rights abuses.

With Barre gone, the fighting only intensified. Kin-based gangs jostled for power, with the forces of Aidid and of Ali Mahdi Mohammed dominating the struggle. Both militias played the food-

* Alex de Waal and Rakiya Omaar, "Somalia: Adding 'Humanitarian Intervention' to the U.S. Arsenal," *Covert Action Quarterly*, Spring 1993.

† Michael Maren, "Manna from Heaven?: Somalia Pays the Price for Years of Aid," *Village Voice*, January 19, 1993.

weapon card.

The U.N. Stumbles

When the Marines first came ashore in Somalia, we were told that international intervention in the conflict was a necessity. Internal order had broken down, and regional intervention was out of the question. Who but the U.N., led by the American military, could bring peace?

How about Djibouti? The tiny country to Somalia's immediate north had invited representatives of each of the major clans to a peace conference in July of 1991, six months after Barre's fall. At that time, the U.N. would not participate.

Operation Restore Hope has devolved into a sorry spectacle of nervous troops shooting unarmed women and children.

Or what about Eritrea? The reborn nation in what was previously (and, on State Department maps, still is) Northern Ethiopia offered to send in a peace-keeping force in 1992, and managed to get the agreement of both Aidid and Ali Mahdi — but not the U.N.

In fact, the United Nations was doing its best to ignore Somalia for much of the civil war, even as reports of mass graves, deliberate starvation, and senseless violence continued to leak out. When Ali Mahdi's faction requested a special session of the General Assembly to deal with the Somali mess, Undersecretary General for Special Political Questions James Jonah refused: "The consensus of views here is that it is most unlikely that the General Assembly could accept the convening of a special session. . . . We would suggest that you endeavor to discourage at the local level any idea for holding a special session on Somalia." The U.N.'s envoys to Somalia (a group that at one point included Jonah) were universally incompetent, incapable of talking to real Somalis or even trying to understand the intricacies of the conflict.

Until Mohammed Sahnoun came along.

Appointed envoy in April 1992, Sahnoun quickly began to talk with representatives of all the factions and everyone in-between, down to schoolboys on the street. For once, there was a U.N. envoy who earned the respect of Somalis, who actually lived in Mogadishu, who publicly criticized the U.N. bureaucracy, who stood a good chance of bringing the warring clan leaders to the peace table. For months, Sahnoun worked to break down clan barriers and get the Somalis to talk peace. Then, he was fired.

He had been too critical of his superiors in the U.N. hierarchy, too willing to act without "clearance," too unorthodox. Maybe he was too successful.

With Sahnoun out, the U.N. reverted to its old policy habits. Less than two months later, on December 9, 1992, the Marines hit the beaches. The military intervention was underway.

Operation Restore Hope

The mission was called Operation Restore Hope. By now, the name is a sick joke.

The original justification for the intervention was to guard aid shipments against looters; according to the U.N. and CARE, aid agencies were losing 80% of their cargo to bandits. But while this may have been true of the incompetent U.N. operation, private relief agencies were only losing 10–20% of their shipments. The Red Cross, which declined military escorts, continues to run a more efficient operation than the U.N.

Most efficient of all, but least wealthy in resources, were the local non-government organizations; over half the successful relief efforts prior to the intervention came from domestic self-help efforts. (Not surprisingly, Save the Children [U.K.], which tries to strengthen grassroots institutions by working through local groups whenever possible, has far outperformed the United Nations. The U.N., in fact, constantly snubs local talent.)

The famine itself peaked in the summer of 1992; by the time the Marines arrived, some regions were actually seeing food *surpluses*. By now, the prime killer in Somalia, after direct violence, is not starvation, but disease — a factor that the "rescuers," by herding Somalis into germ-trap encampments, only exacerbated. At the same time, many farmers have started to have trouble selling their harvest because prices are being undercut by the aid shipments. American farmers, their exports subsidized, benefit. Somali farmers are hurt.

Meanwhile, U.S./U.N. efforts to confiscate weaponry have led, not to a decrease in violence, but to a concentration of weaponry in the hands of the most dangerous clans. It's easy to see why: those most likely to give up their guns were those most likely to use them only for defensive purposes. Those most likely to want to hang onto their guns but least able to do so were those least responsible for the orgy of violence — bit players on the destructive scène. And who were most likely to use weapons for sinister purposes, and most able to hold onto them? The biggest factions, of course — most notably, that of Farrah Aidid.

It's an anti-gun-control cliché that when guns are outlawed, only outlaws will have guns. Somalia proves the point.

When the media wasn't focusing on guns, they were denouncing that other establishment bugaboo: drugs. Countless news reports, fanned by official military statements, blamed the drug *khat* for driving bandits to kill and steal without mercy; racist stereotypes of drug-crazed, gun-toting black people grabbing other people's food replaced serious analysis of the Somali situation. But in fact, *khat* is only a mild stimulant. Bandits may be chewing it, but there is no demonstrable causal link between the drug and their behavior, any more than there is between American military behavior and the consumption of coffee and cigarettes.

The famine itself peaked in the summer of 1992; by the time the Marines arrived, some regions were actually seeing food surpluses.

All in all, there was a lot of snide commentary in the American media at

the start of the operation about how Somalia was "the ideal libertarian state": no regulations, no gun control, no drug laws, no welfare — and, hence no order. Actually, outside of the southwest corridor from Mogadishu to Baidoa and Kismayu, statelessness spawned a spontaneous order that worked remarkably well. Said Samatar, a Somali professor of history at Rutgers, wrote about this in the Manchester *Guardian* only a few days before the operation began: "The rest of the country is relatively peaceful and well governed by an alliance of traditional elders and local leaders that has reemerged in the wake of the collapse of central authority."

For all his centralizing bluster, Siad Barre could never wipe out the associations that are the lifeblood of Somali civic life. Institutions like the *guurti* — the assembly of elders — continue to provide a grassroots, mutual-aid-based order that murderous governments like Barre's could never confer. Operation Restore Hope undermined this relatively stable situation. The initial intervention had been directed toward the violent southwest corridor, especially Mogadishu. The U.N. occupation forced the bandits into the once-stable countryside, where looting and diversion of food supplies soared.

As the months passed by, Somali opinion began to turn against the invaders. Before the operation even began, Samatar had warned against giving the impression that "the U.S. was about to recolonize their country." In the initial stages of any intervention in Somalia, he wrote, U.S. or U.N. troops would probably be seen as liberators, heroically driving away the rapacious warlords. If military action was to succeed, it must maintain this moral high ground. It must not begin to take all the trappings of imperial authority.

Operation Restore Hope did just that. Local networks were snubbed or misused in favor of a foreign power structure with its own agenda. The populace was stripped of its arms — and increasingly treated as an occupied nation. Which, it soon became clear, it was.

Is it any wonder that this "humanitarian" effort was doomed to failure? Is it any wonder that it has degenerated into either massacres of unarmed women and children, or the callous use of civilians as human shields, depending on which reports from the field you choose to believe?

Cui Bono?

Ultimately, in order to determine why American lives are in jeopardy defending bad policy in the Horn of Africa, it's necessary to look past all the obfuscation and ask ourselves who really benefits from our Somalia policy.

U.S. efforts to confiscate weaponry have led but to a concentration of weaponry in the hands of the most dangerous clans.

One oft-cited explanation for the intervention is the domestic goodwill it might have accrued for its originator, George Bush. That is all well and good, but does not explain why Bill Clinton would be so gung ho to not just continue but expand the policy.

Some observers have also suggested that Operation Restore Hope was fueled in part by the neo-conservative foreign policy elite's growing Islamophobia. With the (mis)perception of a "global intifada" driven by "resurgent Islamic fundamentalism" so widespread in Washington circles, it is argued, a subdued Somalia could provide the U.S. with a foothold against the alleged threat and a base from which to defend the "moderates" in power in Saudi Arabia.

Perhaps. But there is more to this intervention than that. In the end, four culprits stand out.

• First, there's the oil card. Four Western companies — Conoco, Amoco, Chevron, and Phillips Petroleum — control oil development rights to two-thirds of Somalia. This includes the land of the Republic of Somaliland, the secessionist northern region that declared its independence in May 1991 but has yet to receive international recognition. These are politically powerful corporations who want their overseas investments protected.

Could they have had any influence on U.S. policy in the region? It's very likely. In fact, during the initial stages of the operation Conoco's corporate compound in Somalia was transformed into the *de facto* U.S. embassy.

• The Pentagon has gained yet another excuse for demanding public monies. With the "humanitarian intervention" precedent set — intervention without even a pretense of serving the national interest — the search for a post-Cold War mission has broken new ground.

They've also gotten some valuable P.R. If a picture is worth a thousand words, could a picture of a Marine giving food to hungry Africans be worth a thousand dollars?

• The United Nations has also received a useful precedent. In Somalia, it established its right to send a multinational peace-keeping force into a "needy" country without that nation's consent — theoretically a legal requirement for such a U.N. action — when there is "no legitimate government" available to invite it in. Since the U.N. has conferred upon itself the right to determine political legitimacy, this could be very useful for it indeed. Secretary-General Boutros Boutros-Ghali — who served as Egyptian for-

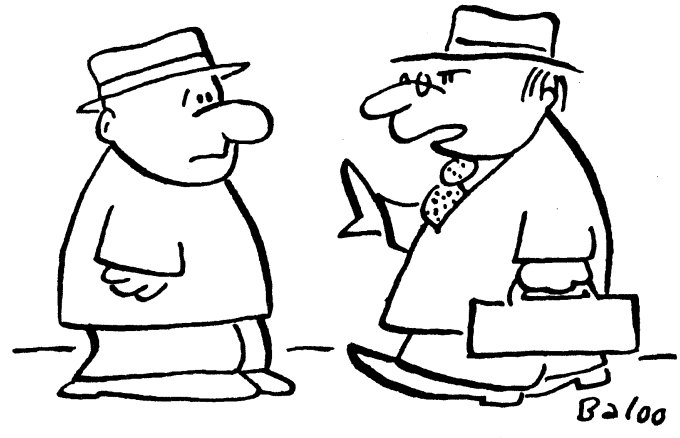

"Back off, buster — I happen to be a civil servant!"

eign minister at a time when Egypt supported Siad Barre's regime — is a fervent proponent of a strong, activist U.N. Operation Restore Hope has helped him toward this goal.

• Finally, there are the groups *Economist* reporter Graham Hancock calls "the lords of poverty." The international aid establishment — notable worthies like Red Cross, Save the Children (U.K.), and Oxfam excepted — is reaping a harvest greater than most Somalis are apt to see for a long time yet, despite these groups' role in bringing the crisis about. Agencies like USAID and CARE have developed a perverse incentive to prolong world hunger: it's what keeps them in business. Expect more money to flow into their coffers. Don't expect them to improve the situation.

What To Do?

Somalia is a mess from which the U.S. must find a way to extricate itself. But getting out is only the beginning. The United States should do something to help Somalia get back onto its feet — and to prevent new Somalias from coming along.

This is possible. But it will require a whole new approach to international relations: a willingness to let third-worlders — and, in the wake of the Communist crack-up, second-worlders — control their own destiny.

The end of old-fashioned imperialism brought something new and in many cases worse: tinpot indigenous dictators who denounce the West even as they rake in Western aid. In Somalia, that aid led to what amounts to a restoration of the worst aspects of the imperial past.

The U.S. should stop dumping its agricultural surplus abroad under the guise of "foreign aid." Ideally, it should dismantle the federal agricultural subsidy nexus that produces that surplus. At the same time, it should remove the trade walls that prohibit the importation of farm products from the developing world.

Even more importantly, it should stop dispensing economic advice to the third world when that advice amounts to urging policies of economic dependency. And it should stop funding the World Bank and the International Monetary Fund, the agencies that dole out such advice as a mandated corollary of their loans.

In the meantime, the U.S. should phase out the food aid. Maybe give the Somalis farm implements, or some camels, or something similarly useful to tide them over after the aid shipments cease. But the U.S. ought to stop subsidizing disease, despotism, and desperados in a vain effort to stop world hunger.

As I write these words, there are over 4,400 American troops in Somalia. That's almost twice the number sent over in December. By the time this article sees publication, there probably will be even more. And there will be more incidents in which innocent unarmed civilians are shot by the "peacekeepers."

This is a quagmire. It could easily become another Lebanon — or Vietnam. ❑

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Survey

How Do I Loathe NPR? Let Me Count the Ways

by Glenn Garvin

Glenn Garvin spends a week in the never-never land of NPR, and finds it only fit for the self-lobotomized.

Every few years I make an anthropological visit to my sister's home out West. My sister — her name is withheld to protect the guilty — is a lifelong bureaucrat who's never worked for anyone who had to show a profit, and she is deeply suspicious of the whole concept. She'll drive miles across the city to poke through the out-of-copyright videotapes at the public library rather than spend two bucks to rent one at the Blockbuster down the street. She regards any financial transaction between two parties not employed by the government as vaguely shady, if not downright illicit.

Needless to say, she listens to National Public Radio.

Every morning that I stay at her house, I'm awakened at 6 a.m. by the droning baritone of Bob Edwards, the anchor of *Morning Edition*. The program stays on until 8:30, when my sister dashes to her car and switches it on there to listen to the final half-hour on her way to work. And in the afternoon I usually have to leave the house to avoid being driven to homicide by the discordant tinkling of the *All Things Considered* theme, which echoes from her radio from 5 p.m. to 6:30 p.m.

Of course, lots of people have favorite news programs. I don't think my father missed more than half-a-dozen telecasts of *The Huntley-Brinkley Report* in his entire life. But what moves my sister's obsession with NPR from the mildly eccentric to the downright bizarre is that it's her sole source of news. She never watches network television news, and she'll tune in a local program only when she knows it's running a story about one of her bureaucratic projects. She subscribes to a local paper, but only for the local arts listings.

This has led to some grave disappointments in my sister's life. She is still perplexed that the ERA didn't make it into the Constitution, since, she told me, NPR reported that the election of Jimmy Carter made it a sure thing. And she was dumbfounded when the Christic Institute's lawsuit, which alleged that the entire national security apparatus of the U.S. government was nothing more than a drug ring, was dismissed by a federal judge before coming to trial. NPR, she said, had made it all sound so reasonable. (The fact that the suit was filed by an NPR stringer, to my sister's way of thinking, only confirmed its validity.)

Once in a while, I gently hint to my sister that her worldview might be

slightly better-rounded if she would acknowledge that perhaps Linda Wertheimer is not the final authority on everything under the sun. My suggestions are always met with scorn. "*You* can get your news from giant corporations if you want to," she snaps. "I'd rather get mine from people who aren't motivated by profit. I'd rather get my news from *people who think like me*."

For a long time I considered my sister a harmless aberration — an upscale version of the guys you occasionally read about who think they get secret messages from Elvis through their fillings. But as the years have passed, I've met more and more people who share her fetish for NPR. In fact, NPR itself likes to brag about the cultish devotion of its listeners. The network's 1991 annual report includes letters from a number of hopelessly fixated groupies who regard NPR roughly the same way John Hinckley regarded Jodie Foster. One listener boasts that he and his wife recently drove from Buckhannon, W.Va., to Portland, Ore., and back, listening to NPR every foot of the 6,500 miles. Another, from Randolph, Mass., flatly declares: "If I am informed at all about anything current, it is because I listen to NPR."

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With my sister, these listeners share the peculiar belief that they're better informed because they obtain all their information from a single source — that exposing themselves to an alternative would not only not *add* to their knowledge, but would actually *subtract* from it. Most NPR listeners, I'm sure, wouldn't trust an economist who bragged that he accepted only the scholarship of Milton Friedman, or a politician who read only the works of Lenin. But somehow they think their own understanding of the world is enhanced by basing it exclusively on a news organization that labors in an antiquated, one-dimensional medium and whose entire staff wouldn't fill the city room at the New York *Times*

This is something of a mystery — that highly educated, well-to-do people (for that is what NPR's listeners are, mostly) would adapt the kind of intellectual isolationism that we would ordinarily associate with survivalist cults holed up in the Ozarks. Like survivalists, NPR listeners are not exactly numerous — "There are more people falling off the face of the Earth than there are listening to NPR," observes Bill McCleneghan, ABC Radio's vice president for research — but, like survivalists, their very existence is a troubling enigma. You always have to wonder: Do they know something the rest of us don't?

Last month I decided to get to the bottom of this. I became an undercover NPR listener. To my family and friends, I kept up a facade of normality, reading my regular newspapers and watching television news. But, in the privacy of my bedroom, away from the world's prying eyes, I got up every morning at 6 and listened to all three hours of *Morning Edition* (the length of the program varies from market to market). And every afternoon at 5, I mixed a stiff drink and settled in for 90 minutes of *All Things Considered*. My conclusion: I'd rather be a survivalist.

You Don't Have To Be Ted Kennedy To Listen to NPR, But It Helps

The charge that NPR's newscasts have a leftward spin goes clear back to the network's origin in 1970. Just two years later, Richard Nixon, angered by what he perceived as programming bias at NPR and its television cousins at the Public Broadcasting Service, vetoed their appropriations. He later reversed his decision, to the eternal dismay of conservatives, who've been braying about NPR ever since. "Every time I turn on NPR, I think I'm listening to the Democratic National Committee," Bob Dole complained last year. Nixon and Dole, of course, are hardly arbiters of political neutrality. But the truth is that you don't have to be a graduate of the Spiro Agnew School of Korrect Journalism to recognize a persistent liberal bias in NPR newscasts. The evidence is all over the place, and it doesn't take a microscope to find it.

Take, for example, NPR's coverage of the battle over Bill Clinton's $16 billion "economic stimulus" package. During the week I listened (April 12-16), this was a hot topic. Readers of the New York *Times*, the Washington *Post*, and just about every other newspaper in America knew that Senate Republicans had — against all expectations — stuck together in maintaining a filibuster against the bill, and that it was in serious trouble.

But I'll bet my sister and her friends had no idea.

All week, NPR portrayed an indomitable Bill Clinton riding a tidal wave of public support against a faceless and — more importantly, in the context of radio — voiceless Republican rabble. During the first three days of the week, NPR ran eleven stories on Clinton's campaign for the package, all of them centered around speeches by the president or Al Gore. For three full days, their voices echoed over the NPR airwaves, accusing Republicans of fighting to withhold immunizations from poor children and of being anti-progress. Often their soundbites were followed by the comments of NPR reporters, adding that audiences were "enthusiastic" or the president's message "struck a nerve."

For good measure, there was an interview with Cokie Roberts, noted NPR expert on you-name-it, in which she allowed as how there's "more than a little racism" in anyone who opposes aid to cities. And "senior news analyst" Daniel Schorr urged Clinton to stand up "in the name of principle" and tell those dirty partisan Republicans: "No more Mr Nice Guy. This is your president speaking."

And where was the Republican rebuttal to all this? Well, it wasn't to be found on NPR. It wasn't until the afternoon of April 15, the fourth day that I listened to the network, that I heard a Republican voice on the subject of the filibuster. And even then, it was a Republican analyst apparently conceding that the filibuster would probably collapse, but insisting it was a moral

victory nonetheless. The theme of reporter Elizabeth Arnold's story was that Republicans had taken advantage of the fact that Clinton had been "briefly" distracted by the death of his father-in-law. (Those bounders!)

"But the candidate whose discipline seldom faltered during a tumultuous election year is back on solid footing," Arnold reassured her listeners. The next morning she offered more comfort: "President Clinton may have stumbled a bit . . . but he's not ready to take a legislative fall." Actually, he was; the White House was already offering desperate compromises to moderate Republicans in hopes of salvaging some of the stimulus package, and in less than a week it would be stone-cold dead.

NPR took a similarly partisan course in coverage of another of the week's big stories, the discovery of a document in Soviet archives stating that the North Vietnamese held back several hundred American POWs when the two countries signed a peace treaty in 1973.

All week, NPR stories quoted anonymous congressional staffers expressing doubts about the authenticity of the document. Fair enough; there are a lot of troublesome questions about its origin and contents.

For a long time I considered my sister a harmless aberration — an upscale version of the guys you read about who get secret messages from Elvis through their fillings. But as the years have passed, I've met more and more people who share her fetish for NPR.

On the other hand, there are also highly qualified people who argue that the document is genuine, including Zbigniew Brzezinski. And the Harvard researcher who found it, Stephen Morris, was in New York, where the New York *Times* the Washington *Times*, and ABC's *Nightline* all managed to find him.

But NPR couldn't. In fact, NPR couldn't locate a single academic or politician or POW relative who believed in the document. The only voice that appeared on the radio all week in support of its authenticity was that of Sen. Robert Smith (R-N.H.) — and that was taped off a *Nightline* broadcast two nights earlier.

Although NPR couldn't track down Morris (the researcher who obtained the Soviet document), reporter John Greenberg *did* manage to find someone to impugn him. Greenberg interviewed John McAuliff of the U.S.-Indochina Reconciliation Project, who dismissed the document as a fake because Morris has "been involved in an active polemic against people who favor normalization of relations [between Vietnam and the U.S.] . . . He has a viewpoint."

Now, if Greenberg had called some conservative think tank or political organization, he might have gotten an additional comment something like this: "John McAuliff has been involved in licking the boots of Vietnamese communists for more than two decades, first as a prominent anti-war activist and now as a professional apologist, and of course he can't accept the document because it would prove that, for all these years, he's either been hopelessly stupid or willfully deceptive in his depiction of the Hanoi government. He has a viewpoint."

Do you think Greenberg made that phone call? Do you think pigs have wings? In the NPR dialectic, only anti-communists are suspected of partiality. So the broadcast made no mention at all of McAuliff's background. Similarly, when Robert Siegel interviewed Eugene Terre Blanche, the head of South Africa's Afrikaner Resistance Movement, he introduced him as a "right-wing extremist." (Accurate, even mild.) But during the interview, Siegel referred to Chris Hani, the recently murdered head of the South African Communist Party, only as "a popular black public figure." (Especially misleading because it appears Hani was killed less because of his race than because of his party affiliation.)

You might think that after two decades of threats from Republicans to lay waste to NPR, its reporters (or their editors, if such exist, which I doubt from the windiness of some of the pieces) would at least make an effort to be more circumspect about coloring their stories. But it doesn't seem to work that way. Several times I heard them tripped up by their own reporting. For instance, one morning reporter Kathy Lohr filed a story about the Operation Rescue training camp in Florida where anti-abortion protesters learn the tricks of their trade. Lohr solemnly informed her listeners that the camp's executive director teaches anti-abortion troops "not to use their own name" when gathering information about doctors who work in abortion clinics. But the soundbite from the executive director himself didn't quite square with her interpretation:

NPR's 1991 annual report includes letters from a number of hopelessly fixated groupies who regard NPR roughly the same way John Hinckley regarded Jodie Foster.

> It's just better if they don't know who's asking for the information. We can surprise them with information a lot better that way, and they can't go back and try to cover their trail. So that's important. Use *other* people that aren't as well known as *you* may be. [Emphasis added.]

Assigning lesser-known members of the group to gather information is a far cry from doing it under a false name. Ethically speaking, it doesn't even strike me as a close call. And I'll bet that if Lohr were reporting on how pro-choice people sometimes infiltrate anti-abortion groups to gather information for lawsuits, she wouldn't have condemned the practice.

Sometimes NPR reporters were so thoroughly contradicted by their own stories that it was downright funny. My favorite was a story about Clinton and the news media by Andy Bowers. The thesis of the piece was that "the first few months of the Clinton administration seem to have strained the bond between the people and the press" because reporters have been so rough on Clinton.

To prove it, Bowers interviewed some residents of Jefferson City, Mo. Said the first one: "Media is doing their typical bashing [of] the guy in charge, like always. It's nice to see them do it to a Democrat." Chimed in another: "They baby him. They follow him around, they really don't challenge him." Added a third: "I don't believe George Bush in his first 100 days made near as many people mad as Bill Clinton."

Yup, it sounds like the citizens of Jefferson City are just about ready to storm the offices of the TV networks with torches and pitchforks, demanding fair play for Clinton. Lest there be any confusion, Bowers interviewed University of Missouri Journalism Professor George Kennedy. He explained just what those untutored Jefferson City louts, with their poor command of English, were really trying to say: "There's a fairly widely held sense in the public that there really ought to be a kind of honeymoon, that simple fairness dictates that the new president ought to have a chance to get his program up and running before we start picking it apart." (I wonder if Kennedy thinks the public was well-served when the news media let the Vietnam War get "up and running" before asking any tough questions.)

NPR reporters are the kinds of people who voted for Michael Dukakis and Bill Clinton, not as the lesser evils, but enthusiastically, in the firm belief that what the world needs is better social engineering.

By the end of his report, even Bowers seemed hopelessly confused by what he was trying to say. He quoted a Los Angeles *Times* poll showing that two-thirds of those responding think the press is too chummy with the government. And there were more quotes from Jefferson City. "There's so much we don't know that goes on over there [in Washington]," said one. "The only way a reporter is gonna get on the inside is by playing the game," declared another. It sounds to me like what Jefferson City wants is not a honeymoon but a divorce.

A Herd of Independent Minds

Laurence Jarvik, a conservative critic of public broadcasting, once asked plaintively: "Why is it that there's room at NPR for a practicing witch, but not a practicing conservative?" (By the way, this was not — as the uncharitable might have suspected — a reference to Nina Totenberg, but to reporter Margot Adler, who actually casts spells and stuff like that.)

This, I suspect, has a good deal to do with the ideological leakage into NPR's news. It's not that the network's editorial brain trust meets each morning to plot the day's campaign to rid America of Republican taint. It's that the newsroom is composed almost entirely of like-minded people who share one another's major philosophical precepts. When my sister says that she wants to hear news from *people who think like me*, she's put her finger on the problem.

Their thinking is apparent both in what they report and their approach to it. They believe that government is the fundamental agent of change, that government can and should solve most problems. They believe most of those solutions involve spending large sums of money. They believe that taxes are not only an appropriate way of raising money, but an important social responsibility. They believe that, although individuals cannot always be trusted to make correct choices, bureaucrats usually can.

In short, NPR reporters are the kinds of people who voted for Michael Dukakis and Bill Clinton, not as the lesser evils, but enthusiastically, in the firm belief that what the world needs is better social engineering.

Their umbilical attachment to the state is most clearly visible when it comes to stories concerning taxation. NPR reporters will have their eyes put out with red-hot pokers before they'll question the sanctity of a tax — any tax. Consider a story filed by Daniel Zwerdling, NPR's correspondent in Nairobi.

"Kenya's government is close to going bankrupt," Zwerdling said by way of introduction. "Hospitals can't afford to buy medicines. The national telephone system is breaking down. Schools can't afford to buy benches, so children sit on the floor. And when you call the police to tell them thieves are breaking into your house, the police say they can't help you unless you give them a ride because they don't have cars."

And why is Kenya broke? "One root of the problem is that most of the people who are supposed to pay taxes never do," Zwerdling explained. And it must be the most important root, in his eyes, because he never identified another. The rest of the story was about a new tax-collection system that has been blocked by Kenyan President Daniel Arap Moi.

In point of actual fact, Kenya ought to be able to make its government work without collecting a shilling in taxes. Until recently, the country was getting a staggering $1 *billion* a year in Western aid, which ought to have covered the entire Kenyan budget with money left over for doughnuts all around. But in 1991, the donor nations began cutting back because of the breathtaking waste and theft that go on in Kenya's 300 or so state-owned industries. (One particularly nimble Kenyan kleptocrat, former energy minister Nicholas Biwott, is estimated by the British government to have made off with "hundreds of millions of dollars" all by himself.)

Ask any foreign diplomat or independent economist in Nairobi for the top five reasons that the Kenyan economy is crumbling, and tax collection will be at the bottom of the list — if it's mentioned at all. But at NPR, it leads the hit parade.

If NPR reporters were scandalized by the reluctance of Kenyan cattleherders to keep funding London penthouses for that nation's thieving rulers, then imagine how they feel about comparatively affluent Americans who try to beat the tax system. As April 15 approached, NPR correspondents foamed at the mouth about the dire consequences of tax evasion. In North Carolina, NPR reported, the government will put your name in the paper. In Virginia, they'll put it on television. And stiffing Uncle Sam (who, coincidentally, funds NPR's sugar daddies at the Corporation for Public Broad-

casting) — well, don't even think about it. "If you plan to miss the deadline or try to do some fancy paper shuffling on deductions," warned *All Things Considered* host Linda Wertheimer in her sternest voice, "you may want to think again."

Her warning was somewhat undercut by the interview that followed, in which a *Forbes'* editor said the IRS only audits 1 percent of all tax returns. But Wertheimer did perk up considerably when the editor agreed that "if they [the IRS] catch you, they can kill you."

"What do you mean?" inquired Wertheimer excitedly. Her enthusiasm dampened only slightly upon learning that the word *kill* had been used metaphorically.

To their credit, NPR reporters do seem to have a vague notion that some Americans don't share their zeal for taxes. So when the White House floated a trial balloon suggesting that Clinton is considering a value-added tax (VAT), they tried to soften the blow. Bob Edwards interviewed NPR reporter Patricia Neighmond about how the VAT works. After she explained that it entails taxing each and every step of a product's manufacture, Edwards observed that as the taxes mounted, there would be "an increasingly higher price on the product."

Ask any foreign diplomat or independent economist in Nairobi for the top five reasons that the Kenyan economy is crumbling, and tax collection will be at the bottom of the list — if it's mentioned at all. But at NPR, it leads the hit parade.

"Well, it would *seem* so," Neighmond replied, apparently holding out some hope that friendly emissaries from the planet Zork would swoop down and pay the taxes, sparing Earthlings the pain.

Later that day, on *All Things Considered,* Daniel Schorr carefully instructed his listeners that they shouldn't blame Clinton for the VAT. "The fact is that having in February rejected the idea of a VAT tax, Mr Clinton is being forced to consider it again," Schorr affirmed. Alas, this raised more questions than it answered. Who, exactly, was forcing the president? Did Hillary have her cattle prod out again? Was Janet Reno threatening to send FBI agents over to the White House to practice Texas fire drills?

Schorr, obviously constrained by national security concerns, wouldn't say. But, he consoled, the VAT has its charms. "What makes it attractive," he noted, "is what has made it attractive to European countries and Canada." Here the veteran reporter was clearly the victim of a technical glitch. What he was trying to say was, *what has made it attractive to European countries and Canada, compared to being sodomized by a herd of rabid camels.* As the next morning's *Post* reported, "it would be hard to find a person, institution or program in Canada that is hated more" than the VAT.

Undaunted, Schorr continued: "On the plus side, a value-added tax could raise so much money that it might be possible to offer cuts in other taxes." As he spoke, I could almost hear a sigh of relief echoing from Takoma Park and the rest of the NPR ghettos around Washington. Schorr had saved the day. Most estimates have put the maximum potential revenue from VAT at around $68 billion. Meanwhile, estimates of the cost of Hillary's new health program (which is what the VAT is supposed to fund) range anywhere from $100 billion to $150 billion. Only a steel-trap mind like Schorr's could have performed the complex mathematical functions necessary to turn a $30 billion shortfall into a tax-cutting surplus.

Literally no subject is safe from NPR's love affair with taxes. Even a piece on how name-brand products are losing market share to generics ended with a wild (and, of course, unanswered) tirade by an anti-smoking nazi demanding a 40-cents-a-pack tax on cigarettes.

The flip side of taxation is subsidy, and NPR reporters never question the need for that, either. I listened in amazement to a story by Dan Charles on a new half-billion-dollar handout to military contractors to convert them into civilian industries. It sounded like a piece on some kind of arts-and-crafts program for retarded kids, with arms merchants bubbling on about how they were learning to make golf clubs instead of missile launchers. Not once did it occur to Charles to ask a simple question: If it's in the economic interest of these companies to convert anyway, then why should the government pay them to do it?

The reason he didn't ask, I'm sure, is that he shares the belief of technocrats that economies and societies, deprived of adult supervision, will quickly devolve into chaos and bedlam. Social engineers view the world as a huge Skinner box through which they must guide us pigeons with little rewards and penalties.

Did anyone listening to Morning Edition in Portales, N.M., or Senatobia, Miss., really want to hear Lynn Neary's eight-and-a-half minutes on yuppie angst about living in Mount Pleasant and Columbia Heights?

It's a vision enthusiastically shared by NPR reporters, who react with ill-concealed horror at any suggestion that the pigeons might seize control of the laboratory. One of the most telling moments of my ordeal-by-NPR came while Linda Wertheimer was interviewing a computer developer on what will happen when computers are linked into televisions — the so-called intelligent TV. He predicted the development of literally hundreds of new interactive television networks and services "that would give the individual TV viewer an incredible amount of power to program for their own tastes rather than have to rely on these programming guys."

Replied a perturbed Wertheimer: "Is there any way we can dodge this bullet?"

The idea that the government might impede rather than advance societal development is utterly alien to NPR. One morning I listened as John McChesney reported the announcement that the giant cable company TCI would spend

$2 billion to build a broad-band fiber-optic communications network — the data superhighway that will permit the development of the intelligent TV. McChesney made the astonishing assertion that TCI was undertaking the project not because of the incalculable billions of dollars in profits it may generate, but because of Bill Clinton's "aggressive promotion of an information infrastructure."

The real secret of NPR news is that bad journalism is not just an occupational hazard, an occasional accident. Bad journalism happens on the quarter-hour at NPR. Bad journalism is policy at NPR.

In fact, the private sector has been trying for some time to get the federal government to *permit* the creation of a data superhighway. MCI, AT&T, and Sprint already have the fiber-optic networks in place. But federal rules and regulations have prevented them from being hooked up to individual homes. McChesney is certainly aware of this — he even touched on the point later in his report — but that didn't stop him from declaring that the private sector was acting only because the government told it to.

You Want an Alternative, Look in the Thesaurus

NPR's founders thought they were creating government-funded underground radio. Their original statement of purpose called for programming that would "promote personal growth rather than corporate gain," and "not only call attention to a problem, but be an active agent in seeking solutions."

If it had worked out that way, NPR news might be a lot more interesting. But it didn't. NPR is not a national version of, say, a Pacifica station, where an announcer might analyze the virtues of different brands of LSD or urge people to go naked on Election Day. Instead, it's a house organ of respectable inside-the-Beltway liberalism — news written by and for aging yuppies whose idea of adventuresome politics is telling Dan Quayle jokes.

In fact, NPR's toughest critics these days come from the left, and they hammer away at this very point. Quoting Democrats instead of Republicans, the critics argue, offers an alternative in roughly the same way that Cheez Whiz is an alternative to Velveeta.

One of the most savage recent critiques of NPR news came from Charlotte Ryan, a professor of sociology at Simmons College and co-director of Boston College's Media Research and Action Project. She studied every weekday broadcast of *Morning Edition* and *All Things Considered* from September through December 1991, reading the transcripts of 2,296 stories. (Her ennui threshold is obviously a good deal higher than mine.)

"NPR's regular coverage mirrored that of commercial news programming," Ryan concluded. "NPR stories focus on the same Washington-centered events and public figures as the commercial news, with the White House and Congress setting much of the political agenda. NPR's sources often paralleled those of *Nightline* and other network public affairs shows, with a similar tilt toward government sources and politically centrist or conservative think tanks and publications."

Ryan found that more than three-fifths of NPR's domestic stories were reported from Washington, and only 10 percent from the Midwest. The sources most commonly quoted were government officials. And, if you're one of those people who like their news drawn from and delivered by a politically correct mixture of races and sexes, then NPR definitely is not for you; you may be surprised to learn that Ryan found that most of the network's sources and commentators were the dreaded Pale Penis People.

Portions of her study must be taken with a grain of salt — Ryan is surely the only person in America who believes that Nina Totenberg's coverage of the last Supreme Court nomination was biased in favor of Clarence Thomas — but the week I listened to NPR, it sounded pretty much the way she described it.

The vast majority of stories reported on *Morning Edition* and *All Things Considered* come off the Associated Press wire or are rewritten from the Washington *Post*, the New York *Times*, and *The Wall Street Journal*. Most of them are event-driven: Clinton makes a speech, the Labor Department issues economic statistics, the U.N. issues a new warning about Bosnia, Janet Reno does a photo op. Anybody listening to ABC or CBS radio news would hear nearly all of this, and without the numbing repetition. (One day I listened to *Morning Edition* report nine different times that the jury in the Rodney King trial was still out, with no new developments.)

Only once during the week I listened to NPR did I hear a story of any significance that didn't appear in all the other major news media. On April 15, John Nielsen reported, several days ahead of the pack, that the Clinton administration would sign the Rio de Janeiro biodiversity treaty that had been deep-sixed by George Bush. Good job. But mostly what the scoop illustrates is the precarious niche that NPR has carved for itself: It shuns the "alternative" label, but it doesn't have the resources or the talent to successfully compete with the mainstream media. Breaking a single story in a week is hardly going to put the fear of God in Peter Jennings or Max Frankel.

Whatever you call it, eight of NPR's reporters are fully funded by corporations or foundations. I wonder what the founders would have said, back in 1970, if they'd been told that someday NPR would have a science reporter paid for by Hewlett-Packard?

Not even the most delirious NPR staffer would make that claim, of course. The standard — and cleverly hedged — boast of NPR people is the one NPR reporter Alex Chadwick made at a recent public radio fundraiser in Hartford: "We've evolved past being an alternative medium to being, I think, the dominant radio news organization in the country."

To which the only sensible reply is: So what? Being the dominant *radio*

news organization might have meant something in the days when Ed Murrow was broadcasting live accounts of Nazi air raids from London. But for the past 30 years, radio news has been on the scrap heap. A poll released earlier this year by the National Association of Broadcasters showed that only 16 percent of Americans consider radio an important source of news, compared with 69 percent for television and 43 percent for newspapers. And just 7 percent picked radio as the "most credible" news medium. (By the way, Chadwick is most assuredly not talking about numbers of listeners when he uses the word "dominant." *Morning Edition* and *All Things Considered* have less than 3 percent of the radio audience at any given moment.)

Without taxpayer dollars, there wouldn't be any public stations to run NPR's programs. Of the total $377 million spent on public radio in fiscal 1991, nearly half was provided by local, state, and federal government. Taxes are the lifeblood of the entire industry.

Newspapers offer their readers depth and eclecticism. Television offers its viewers drama. Radio offers its listeners — well, not much. A headline service, to let them know what they can see on the evening news or read in the morning paper or find on CNN at any time of the day or night.

NPR reporters argue that they compensate for radio's shortcomings by offering longer stories. Whether longer is better is a debatable point. "In theory, I think it's great that there's someone out there doing long, highly produced radio news stories," says one industry insider. "But in practice, I don't know. I was listening to *Morning Edition* the other day on the way to work, and they ran this story on a ballet company for autistic children in South Africa. It went on for seven, seven-and-a-half minutes. And finally I was thinking to myself, *Who cares?* It's just too much."

When NPR tries to cover hard news, its stories — even when they stretch on for six or seven minutes — are rarely long enough to rise above the sort of shallow soundbite once-over for which television is so justly criticized.

John Burnett's seven-and-a-half-minute preview of the special election in Texas to fill Lloyd Bentsen's seat was typical. He reported that the interim appointee, Bob Krueger, would probably get into a runoff. But beyond that, it was pretty murky. Krueger "earned high praise in his two terms as a congressman." From who? For what? Dunno. His "brief record in the Senate has already come under fire." Why? Well, the only thing Burnett had time to mention was that Krueger broke with Clinton over gays in the military. Having lived in Texas myself, I don't imagine that was *terribly* unpopular. But we've already moved on to the Republicans. Leader: State Treasurer Kay Bailey Hutchison. She's running because "I want to go to Washington and change it." Into what? Sorry, gotta move on. There's a candidate named Richard Fischer, a buddy of Ross Perot's. He's spent $4 million of his own money on this race. What's his party? What's his platform? Where is he in the polls? Too bad, we're outta here.

But if seven-and-a-half minutes is too little for hard news, it is assuredly too much for most NPR feature stories. Did anyone listening to *Morning Edition* in Portales, N.M., or Senatobia, Miss., really want to hear Lynn Neary's eight-and-a-half minutes on yuppie angst about living in Mount Pleasant and Columbia Heights? (Sample quote: Violence "sensitizes you to all the other abrasions in the urban environment.") Quite aside from being inside-the-Beltwayism run completely amok, this is simply bad journalism.

And now we've come to the real secret of NPR news: Bad journalism is not just an occupational hazard, the occasional and inevitable accident that occurs in every news organization. Bad journalism happens on the quarter-hour at NPR. Bad journalism is, often, *policy* at NPR.

How shall we count the ways?

The dull scripts, so formulaic that even the reporters privately make fun of them. Last year, when NPR was running a long, long, *long* series of stories on local people shunted aside by development in Latin America, several reporters formed a pool. Recalls one: "We bet on how long each story would go before it cued a strumming guitar, followed by a grandfather mourning his lost son, then singing long-forgotten revolutionary songs."

The infatuation with ethnicism, to the extent that NPR stories are sometimes barely comprehensible. NPR reporters love to have exotically accented English in their pieces, even if it's pure gibberish. Here's the way Nexis transcribed a quote from a Thai official whose tape-recorded English-language comments were included in a report by Mary Kay Magistad on problems on the Thai-Cambodian border: "We have spent a lot of money to neighbor of Cambodia, like you see here, and the business along the border, like the business [unintelligible] with Burma, the same that the people who live along the border, their trip — their trip, you know? It is the nature of the businessman." I've listened to the same quote three times on tape and I can't translate it any better than Nexis did.

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The star reporters who throw their weight around, getting away with crap that would have a college intern fired in 10 seconds. Nina Totenberg (one of the three powerful NPR women — Cokie Roberts and Linda Wertheimer are the others — to whom some male reporters refer collectively as "the fallopian jungle") reported one morning on a topless dancer suing a Dallas club for age discrimination. She introduced her story with a crack about "sagging hopes." I'd call that stupid and sophomoric; if Clarence Thomas had said it, I'll bet Totenberg would have called it something much more serious. (In Totenberg's defense, she's certainly not the first allegedly feminist NPR reporter to use language that would be derided as sexist swill coming from a man. Susan Stamberg once opened an interview with novelist John Irving: "Mr Irving, on the basis of your brilliant writing, and your photograph on the dust jacket of *Garp*, most of the women on our staff have told me they'd like to run away with you.")

Circle-jerk journalism, when reporters interview reporters. I don't recall the last time I picked up the *Post* and found a front-page interview of Ann Devroy by David Broder. The *Post* — and, as far as I know, every other news organization in America — reports the news by *reporting the news* rather than interviewing other reporters about the news.

That's not the way it works at NPR. Eight times in five days I heard NPR reporters interview other reporters — usually other NPR reporters. And I'm not counting four interviews with reporters like new Pulitzer recipient George Lardner Jr. who were, at least arguably, actual news-makers; nor am I counting several foreign journalists interviewed as part of larger stories about their countries. At best, these pieces were flaccid. I would be interested in what an economist thinks about the value-added tax. I might be interested in what a merchant thinks about it, or a truck driver, or a housewife. I am emphatically *not* interested in what an NPR reporter thinks.

But several of the interviews with reporters developed into something considerably worse than flaccidity. When Bob Edwards talked to Bill Sloat, a Cleveland *Plain Dealer* reporter covering the inmate takeover of a maximum-security prison in Ohio, NPR used the opportunity to pass along unattributed rumors and speculation that Sloat could never have gotten past his own editors. Sloat started with the observation that "I think [the atmosphere at the prison] has grown a little more tense overnight. I have nothing to base it on, but it's just a feeling." He bottomed out by mentioning that six inmates had already been killed and he had "heard rumors that some of the bodies were mutilated. Now, nobody will confirm that."

Sloat's rumormongering, though, was model journalism compared to the interview Edwards did with Cokie Roberts the day before. Supposedly this was an interview about the Republican attack on Clinton's economic stimulus package (Roberts being so much more knowledgeable about that than an actual Republican), but Roberts quickly shifted the subject to a special congressional election in the Mississippi Delta.

"There's a black candidate versus a white candidate," Roberts said. "And this is where you really see the words 'city' or 'inner city' become something of a code word for race. The white candidate, who's a Republican, is saying that his opponent is a liberal from the city, as opposed to himself, who's a conservative from the country. And that's just sort of a way of letting people know that the opponent is black."

I don't think a deaf, dumb, and blind Martian could have gotten this story more ridiculously wrong. First, the Democratic candidate had just survived a brutal and highly publicized primary election. So everyone already knew he was black. Second, everyone already knew he was black *anyway*, because Mississippi is the most race-conscious place in America. "I can't think of an election of any importance in my lifetime when everybody didn't know the race of all the candidates," says Sallie Anne Gresham, a native Mississippian and the managing editor of the *Delta Democrat Times*, the Delta's largest newspaper. (Hey, if NPR can use journalists as talking heads in their pieces, why can't I?)

Third, the majority of the voters in the congressional district are black. (So is Mike Espy, who resigned the seat to become secretary of agriculture.) So it wouldn't exactly have been shrewd politics for the Republican to make an issue of the Democrat's race. And he didn't. Instead, the Republican embraced the black vote, spoke frequently of his respect for Martin Luther King, and tried to appeal to the social conservatism of rural black voters by pointing out that his opponent was a liberal from the city. The Democrat, by contrast, made race an explicit issue; he campaigned in large part on the platform that black people could only be properly represented by a black congressman. He won.

The practice of putting reporting positions up for sale. NPR people prefer to use the euphemistic term "underwriting." Whatever you call it, eight of NPR's reporters are fully funded by corporations or foundations, confirms an NPR spokesperson. I wonder what the founders would have said, back in 1970, if they'd been told that someday NPR would have a science reporter paid for by Hewlett-Packard?

NPR officials insist that the outside funding has no impact on the way they report the news. But of course it does. NPR has eight, count 'em, eight reporters on its science desk. But it has no labor reporter, no crime reporter, and until a few weeks ago had no Pentagon reporter. Can you guess which desk has seven "underwritten" reporters?

Underwriting also accounts for the fact that NPR has a full-time reporter in Kenya doing stories about tax collection, while it relies on a stringer to cover South Africa, where one of the most exciting stories of the decade is unfolding. Daniel Zwerdling, the Kenya correspondent, is funded with a $100,000 grant from the Affinity Group for Southern Africa, a consortium of 50 or so foundations.

"It's a group of foundations that are promoting economic development in southern Africa," explains Michael Sinclair of the Kaiser Family Foundation, who coordinates the Affinity Group. "We went to NPR with a proposal to supplement their regular news reporting from southern Africa with regular reporting on economic issues."

Now, the obvious question is: What if Zwerdling starts filing stories about acts of tyranny and expropriation in Zimbabwe, or an Iranian-backed secession movement in Tanzania — you know, things that don't exactly encour-

continued on page 54

Big Animals, Big States . . . Big Mistake

by John McCormack

The conventional wisdom that only big government can protect wildlife gets trampled by a herd of privately-owned elephants.

In the popular mind, preservation of wildlife is seen as best achieved by government bureaucracy; and private property is often seen as the destroyer of wildlife. But the history of wilderness and wildlife management in southern Africa offers powerful evidence that private property rights and economic incentives protect wildlife better than bureaucratic management.

In southern Africa vast herds of animals were wiped out or reduced drastically between the 17th and 19th centuries as European settlers spread eastward from the Atlantic and northeasterly from the Cape of Good Hope. Until the late nineteenth century, popular support for the preservation of wild animals and their natural habitat was tepid. While there were some official efforts to protect certain species as early as the seventeenth century, those laws were frequently disregarded in settled areas and impossible to enforce on the frontier. Jan van Riebeek, the Cape Colony's first governor, attempted to limit hunting in 1656 because herds had been reduced so drastically in just the four years since the first Dutch settlers arrived. In 1677 his successor, Governor van der Stel, banned the shooting of some antelope altogether because earlier hunting restrictions had not proven effective. By the middle of the 1700s, legal measures to protect hippo, rhino, buffalo, and eland had been taken as well. None of these efforts worked; vast herds were slaughtered. By the middle of the 18th century, large antelope had been nearly wiped out in most of what is now the Cape Province and only small numbers of elephant and lion survived in remote areas. By the middle of the 19th century, the same process extended northeasterly into the Orange Free State and two species, the bluebuck and the quagga, were shot entirely to extinction. This occurred despite the passage of strict game laws with severe penalties in the Orange Free State in 1837 and in the South African Republic (now the Transvaal Province) in 1844. South African wildlife was as severely reduced as the North American bison by the late nineteenth century.

Large national parks were finally established at the end of the 19th century in those parts of South Africa furthest removed from the path of European settlement. What became the Kruger National Park was established in the most northeasterly part of South Africa on the border with Mozambique. As in the United States, the conservation efforts were led by politically influential people of comfortable economic and social circumstances.

Kruger, the size of Massachusetts, is South Africa's oldest, largest, and most famous National Park, including habitat for virtually all the legendary African game animals. It was founded as the Sabie Reserve in 1898 after fourteen years of political struggle by Paul Kruger, President of the South African Republic. The near-subsistence Afrikaner farmers in the region vigorously resisted establishment of the park. They considered predators such as lion and leopard to be vermin, and the hoofed animals to be grazing competition for their cattle. Many poor white farmers believed they had a God-given duty to domesticate the wilderness and felt it unconscionable that they should have to eke out a living while large areas were reserved for animals.

By the latter part of the twentieth century, however, the comparative affluence of whites from blue-collar occupations and farms had changed matters radically. Kruger Park had overwhelming popular support from white South Africans. The Park was managed profitably and with strong political sense. Kruger was configured and facilities priced so that any lower-

middle class white could take his family in his own vehicle along the hard top roads of the park and stay over night in walled campgrounds. The Park was also popular with foreign tourists. It had become an unassailable national institution and state protection and management of wildlife was uncontroversial.

Conservationists promoted political as opposed to economic solutions to wildlife protection again in other provinces of the country during the twentieth century. Another large and two much smaller National Parks were established in 1931 in the Cape Province, where European settlement had been established first. The 2.4 million acre Kalahari Gemsbok Park was created along the virtually uninhabited northwestern border with Botswana. The same year the 19,000 acre Addo Elephant National Park was established to protect the last of the Cape elephant and the Bontebok National Park was established to protect the last seventeen Bontebok which had survived on a single ranch. (Those numbers have now grown to 300 inside the 6500 acre park and 500 in other reserves). The Mountain Zebra National Park was created on 16,000 acres in 1937 to protect the remaining members of that subspecies. Other National Parks totaling approximately 100,000 acres were created later in this century elsewhere in South Africa. Currently, the creation of several new National Parks in South Africa is under consideration, but these are consolidations of existing parks rather than entirely new entities. Although national wildlife management has been a popular success, there seems little chance of any more large parks being created in the country in the future.

The techniques used by private ranchers stand in stark contrast to the methods used in east and central African countries where elephant herds have been reduced by two thirds in just the last ten years.

Private game management has existed in South Africa in some form for much of the twentieth century. Just as it has been perceived in the U.S., however, private wildlife management in South Africa has traditionally been regarded as ancillary to state management of wildlife and wilderness land. The economically and ecologically successful management of private game reserves (totaling perhaps a quarter of a million acres) in the eastern Transvaal bordering the Kruger National Park is widely acknowledged. These private reserves are meticulously maintained, have luxurious facilities (including private airstrips and swimming pools), and provide superior game viewing. But to most observers, the relationship between Kruger and the private lodges of the Sabie-Sand seems much like that between Yellowstone National Park and the surrounding Wyoming and Montana "dude ranches." The latter seem clearly derivative of the former and to reflect merely a niche business serving the carriage trade rather than a fundamentally different approach to wildlife management.

The establishment of the right to profit from the sale of antelope venison and skins as well as the sale of hunting rights on private lands is relatively recent. The repopulation of African antelope on many of the privately owned farms and ranches that cover most of the country has impressed many environmentalists. (South Africa differs from the American West in that nearly all land is privately owned, aside from National Parks and areas reserved for native peoples; there is no analog to federal rangelands and forests.) Farms in the Cape Province and the Orange Free State that were emptied of wildlife over a century ago now have sizable herds of various antelope. Economic self-interest plays a large role. Private game ranching has been very profitable not only in South Africa but also in neighboring Namibia, Botswana, and Zimbabwe. Ranchers profit both from hunters' fees and the sale of meat and hides. Impala, springbok, and kudu venison have become popular in restaurants because they are exotic and offer relatively low-fat alternatives to traditional beef.

Economic considerations have driven much of this change. Antelope are simply far more productive in converting some of the sparse and bitter grasses into meat than traditional European cattle or the variety domesticated by black Africans. Generally, wild hooved animals can graze on a much wider variety of grasses than ordinary cattle and can browse on bushes and trees cattle will not touch. They also require much less water to survive and therefore are not so liable to cause erosion around water holes with their hooves; do not require corrals; and are less susceptible to parasites and diseases such as those borne by the tsetse fly. Moreover, many hunters are willing to pay the landowner for the right to hunt and will pay additional fees for any venison they take or leave their kills to the owner.

Despite being the most densely populated province in South Africa, Natal has managed to expand wildlife on private lands while helping to raise the region's standard of living. While Natal has no large national parks it has some well run provincial parks which include significant numbers of lion and elephant. Apart from these "public" efforts many of the province's farmers have established voluntary ecological units known as "conservancies."

To Kenyans the elephant is simply a nuisance that tramples and eats their crops. Without property rights to the elephant, locals view them as problems to be disposed of.

Conservancies are groups of contiguous farms which cooperate to promote wildlife on their lands. Generally, farmers pool some of their funds to hire game wardens and to put up fencing where appropriate. The farmers profit from game ranching and from additional sources of meat. All conservancies exist on private land and are entirely privately funded. Currently, 130 conservancies cover more than two and a half million acres in Natal, about 15% of the province's land area. The antelope populations on these lands have grown to the point where they may actually be too large.

Antelope are not the only wild animals to prosper under a private property regime. The revival of the white rhinoceros population is among the proudest of the county's achievements in wildlife conservation. Saving the white rhino involved a concerted effort on the part of prominent private citizens, the Natal Parks Board, and farmers in Natal Province. Numbering only 50 in the early 1960s, the white rhino population has now grown to six thousand in several parks and on many private game ranches where they are hunted but where their numbers continue to expand. About a thousand white rhino have been exported from South Africa, many of which went to national parks in other African countries. A market for these animals has developed as well with the Natal Parks Board auctioning off white rhino and other game animals. An auction of five black rhino (now much more threatened than white rhino) for breeding purposes was held in Natal in early 1991. The winning bidder paid 2.2 million rand (about $U.S. 800,000) for the five animals.

The lion and elephant populations are more problematic. Probably 90% of the lion and elephant in South Africa are in Kruger and the private reserves around it. The potential danger these animals pose to humans, domestic animals, and crops seems too great for them to be permitted in settled areas. Currently, all South African elephants live on large areas of fenced-in land with no crops or cattle and where the only humans remain in vehicles. Nevertheless, there are elephants and lions on the private lands near the Kruger Park. Despite having nearly wiped out its wildlife by the end of the nineteenth century, South Africa is now the only country where it is possible to hunt all of the "Big Five" (lion, leopard, elephant, rhinoceros, buffalo) legally.

Given the success of private game ranching in the last few decades it may seem more than a bit puzzling why events took the direction they did in prior centuries. If indeed indigenous antelope are vastly superior machines for converting grass to animal protein, why didn't economic forces lead Afrikaners to develop game ranching in the seventeenth and eighteenth centuries?

Both white and black Africans persisted in raising traditional cattle because the security of their property rights in cattle was far greater. Wild antelope cannot be herded, branded, corralled, or traded the way cattle can be. Title to the animals was not recognized legally until this century. Animals often migrate over greater distances than can be enclosed in some of even the largest white ranches so that the benefits of one's wildlife habitat may go to hunters on other properties. To a black African who may own cattle directly but does not even have title to land the economic choices are obvious. He raises cattle because he can capture the benefit from owning them and providing a habitat for them. But he cannot benefit from providing good wildlife habitat on land he doesn't own for animals that are likely to go elsewhere if he doesn't kill and consume them right away. The improvement in wildlife management on private lands in the twentieth century was driven by the elimination of unclaimed land on the frontier which provided "free" hunting; a large tourist business which didn't exist before this century; the codification of property rights to animals on private land; and the development of private contract law which makes possible the management of entire eco-systems that overlie many individual landholdings.

Wildlife populations on ranches and farms grew tremendously after 1967 when the Department of Agriculture and Nature Conservation granted farmers ownership rights to game on their land.

The nearly 200,000 acre Sabie-Sand reserve, which borders the Kruger park on the southwest, has been successfully developed over the years by many landowners in cooperative private consolidation.* This reserve is a consortium of about 20 smaller landholdings. No fences prevent game from going from one property to another. Theoretically, title to an animal passes when it moves from one property to another. Yet, one finds little evidence of opportunistic behavior on the part of individual landowners, either to hunt game to the detriment of the entire reserve or to create unnatural attractions for game on one piece of land. Since property owners frequently travel around their properties in Land Rovers showing wildlife to paying guests they are easily able to monitor changes in the local environment. Social pressure undoubtedly accounts for some of the success in enforcing management policies. Just as clearly though, the possibility of being excluded from the economic benefits of the reserve consortium is sufficient to keep landowners "honest."

Zimbabwe

The history of wildlife in other southern African countries is much like South Africa's except that the most serious damage to animal populations was not done until the early twentieth century. European settlement of Zimbabwe (Rhodesia before 1979) began in the country's central highlands in 1890 and spread out. When large national parks were established they were in the lowlands on the country's borders which were inhospitable to cattle and crops.

The 1974 Wildlife Management Act created a change in the fortunes of wildlife on private property in Rhodesia. It gave landowners rights to the game on their land, making it profitable for landowners to manage their property as wildlife habitat rather than as European-style farms. The same system remains in place despite the change from Ian Smith's white government to Robert Mugabe's self-described one-party Marxist state.

The techniques used by private ranchers stand in stark contrast to the methods used in east and central African countries where elephant herds have been reduced by two thirds in just the last ten years. Randy Simmons and Urs Kreuter have shown how private property rights protected elephants in southern Africa and Zimbabwe. Their articles were occasioned by the controversy over an international treaty ban-

* See the excellent work of Nancy Seijas and Frank Vorhies, "Private Preservation of Wildlife: A Visit to the South African Lowveld," *The Freeman*, August 1989.

ning trade in ivory. Simmons and Kreuter argued that the ban on legal ivory trade contributes to further reductions in the elephant population. They contrasted the record of Zimbabwe, Botswana, Namibia, and South Africa in managing their elephant populations with those of Kenya, Tanzania, Zaire, and Zambia, whose formerly great elephant herds seem now to be headed for extinction. In the southern African countries, legal hunting and culling of elephant takes place, which provides significant revenues for both the Park services and landowners. The population is managed so that the number of elephant in those countries has actually increased. The people and the animals of southern Africa have clearly benefited from legal hunting and trade in game products. The ivory trade is no threat to elephants: Simmons and Kreuter point out that "Zimbabwe has found that the best way to protect elephants is to give its citizens the opportunity to benefit from their presence."*

Economic growth does not threaten wildlife. It is the only thing that can save it.

The most impressive part of the Zimbabwean elephant protection program is the way it has created "quasi-property rights" (Randy Simmons' phrase) to elephants even on those communal lands where there is no individual property in terms of land. Almost half of Zimbabwe is communal land (formerly Tribal Trust Lands under the Rhodesian government). These lands are similar to North American Indian reservations where land is dedicated to some group of people but where none of them can sell or borrow against any piece of it. There are still wild animals including 10,000 elephant in many parts of these communal lands. The Zimbabwean government has distributed *transferable* elephant hunting licenses to small villages in these lands. This means that people in the immediate vicinity of an elephant herd can legally kill some or sell the right to do so to some foreign hunter (which is usually what they do). These rights have protected the elephant population very successfully. Local residents have a significant interest in cooperating with police and game wardens, and maintaining elephant habitat. The situation differs significantly from that in Kenya. To Kenyans the elephant is simply a nuisance that tramples and eats their crops and even threatens their lives. Without property rights to the elephant, locals view them as problems to be disposed of. Local inhabitants who do not benefit from the game resent both the animals that occupy valuable land and the rich foreign tourists who come to photograph them.

Botswana

Botswana is twice the size of France but has only 1.3 million people, mainly concentrated on the country's southeastern border with South Africa. It never attracted many white settlers and much of the country remains as it did when the only human inhabitants were Bushmen. Botswana earns considerable revenue from its enormous National Parks and reserves where controlled hunting is permitted. Profits are enough to pay for fairly thorough antipoaching measures and game conservation programs. Private hunting lodges in the north of the country were the largest contributors to national foreign exchange earnings for the first decade after independence, until diamonds were discovered in the Kalahari in the 1970s. The hunting and tourist business is still the most successful industry in the northern region.

The country has a vast and highly acclaimed national park system which covers 17% of the country (one of the highest proportions in the world). The most valuable wildlife areas are in the north of the country, which benefits from the extensive Okavango river delta. This region contains a massive herd of about 70,000 elephant (more than remain in all of Kenya) and great numbers of almost all other kinds of African wildlife. The far drier southern two thirds of the country is home to over 90% of Botswana's people and its cattle industry. Privately owned cattle compete with Botswana's wildlife for the thin grazing available in most of the country, where well-intentioned Europeans are responsible for having shifted economic advantage away from wildlife and towards domestic cattle. The European Community, in an attempt to reward Botswana, one of Africa's few functioning democracies, established a special program to import its cattle into Europe. The EC now pays four times the world price for Botswana beef. Not surprisingly, most of Botswana's beef goes to Europe, and the "national herd" has grown several fold to over three million (more than twice the number of people). Not only do these cattle compete directly with game for water and grazing, but they have led to some disastrous measures to meet EC standards. Game fences, extending hundreds of miles, have been put up to keep hoof and mouth disease from spreading from buffalo and antelope in the northern national parks to domestic cattle in the central and southern parts of the country. Large herds of wild game survived well enough south of the fences as long as the rains were sufficient. They have been cut off from the country's only perennial source of water in the north, their usual source of water during droughts. The drought of the early 1980s cut the wildebeest population of the central Kalahari from an estimated 250,000 in the mid 1970s to only about 2,500 by 1986.

Namibia

Namibia is an even larger and more sparsely populated country than Botswana. It does not have a well-watered area the size of the Okavango but nevertheless boasts a tremendous number of wild animals. The most famous of the country's several large national parks is the Etosha National Park (larger even than Kruger) in the north of the country. Although these large parks are home to many animals, two thirds of the country's wildlife ranges outside the parks on private land. Wildlife populations on ranches and farms grew tremendously after 1967 when the Department of Agriculture and Nature Conservation granted farmers ownership rights to game on their land, enabling them to profit from trophy hunts on their farms and to sell

* Randy Simmons and Urs Kreuter, "Herd Mentality: Banning Ivory Sales Is No Way to Save the Elephant," *Policy Review* , Fall 1989.

venison to restaurants as far away as Germany and France. Ranchers can keep large herds of antelope on range they primarily use for cattle because antelope and cattle sometimes graze on substantially different grasses. Giraffe, which browse on trees, provide no grazing competition at all.

Lessons

There are several clear conclusions we can draw from the experience of wildlife management in Africa.

1. Bans on hunting and trade on animal products do not save wildlife. Such bans have not been enforceable over large areas because of the limited resources of governments and because of indifferent or corrupt officials. Legislation is simply not sufficient to protect a "public good" like wildlife.

2. National Parks, although financially and politically successful in southern Africa, are not going to be proclaimed over many more large areas of African wilderness. There is not enough of a political constituency in any country to add significant acreage to the Parks which were established between the 1890s and 1950s.

3. Private land ownership is critical to the survival of wildlife outside National Parks. In countries where political obstacles prevent the privatization of land the development of quasi property rights to game for local inhabitants is the next best step.

4. New contract law and perhaps some enabling legislation is necessary to allow the development of agreements so that private landowners can cooperate to sustain entire eco-systems.

5. Hunting is critically important to the survival of large herds of wildlife. Photo safaris make small herds of animals valuable but the value of the marginal animal drops dramatically if hunting is not permitted.

6. Economic growth does not threaten wildlife. It is the only thing that can save it. Just as poor white Afrikaners in the 19th century opposed wildlife preservation efforts, the far more numerous poor black Africans of the 20th or 21st will resist conservation measures unless they can realize economic benefits from wild animals and enjoy a standard of living that allows them to appreciate wildlife. It is the richer societies that value wildlife.

Many Westerners oppose even legal hunting in southern Africa. Middle-class first worlders generally approve of operating African National Parks and private reserves profitably for photo safaris. Many of these people would like to rely entirely on this source of revenue and to ban hunting completely because they think it unnecessarily cruel. But only a few elephants are needed for a photo tourist industry. Protecting large herds in remote areas would be a pointless expense if there were no benefits to be gained from their existence. Only hunters willing to trek long distances into thinly populated areas free of tourist amenities are going to make protecting such large herds economical. Hunters are willing to spend far more time and money than "photo hunters," as a group. Not only do they make wildlife more valuable but their travel through remote areas helps significantly in anti-poaching efforts.

The fate of the southern African wildlife is substantially dependent on the sort of regime which emerges from the current negotiations between South Africa's National Party and the African National Congress. The Zimbabwean experience after 1980 has shown that wildlife can survive and even thrive in countries whose policies lead to general economic stagnation as long as property rights to land and wildlife are not radically changed. The experience of Mozambique and Angola after 1975 show that wide scale civil disorder and the effective abolition of private property rights lead to wholesale extermination of wildlife. If the South African negotiations lead to constitutional arrangements that protect private property rights, the outlook for the region's wildlife is very good. If private landholdings become subject to political decision-making, however, the outlook is quite bleak. If the country falls into a general civil war along racial and tribal lines South Africa's wildlife will likely be substantially wiped out, as it has been in so much of the continent. The economic and demographic weight of the country is such that the smaller, neighboring countries probably could not avoid fallout from a catastrophe in South Africa. ❑

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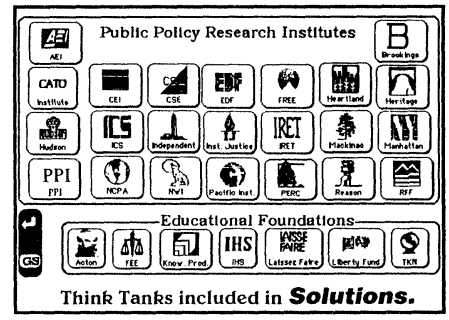

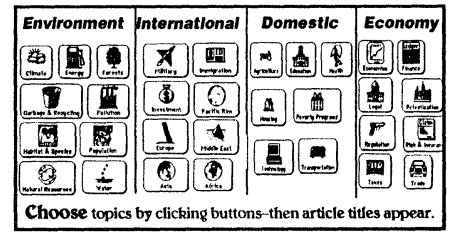

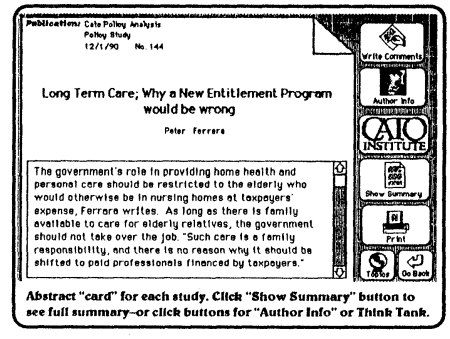

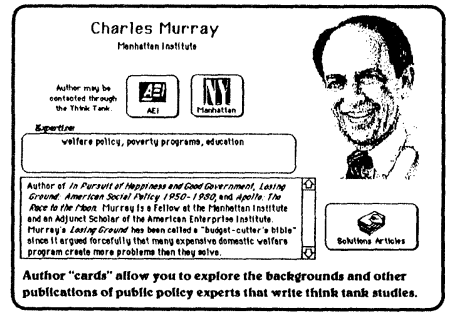

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Short Story

Karma Accountant

by J. Orlin Grabbe

The economics of the cosmic soul.

The karma accountant was sitting at a table having a cappuccino when I arrived at the cafe. We often brooded together about the spiritual equilibrium of the universe.

"Café au lait." He grimaced. The milk hadn't steamed right.

"Do you note that down?" I asked. "Does someone get bad marks for bad coffee?"

He reflected. "Depends on the intent. Not for a pure mechanical failure, no. But suppose the waiter flubbed it because he was hostile to a customer. Or was just being negligent in general. Those are different matters."

The concept of karma seemed simple enough to me. Bad deeds built up karma (bad stuff) and good deeds cancelled it out. Once you get rid of all your karma you get to stop reincarnating and go to heaven or enter nirvana or something nice like that.

"What have you got so far?" I asked.

"See that couple sitting over there. The girl facing us is having the summer salad."

I looked at the girl with the pale face and dark eyes that would animate for a fraction of a second before settling back into comfortable moroseness.

"They're both having problems at the moment, but the one with his back to us is a Yugoslavian immigrant who is working in his brother's cloth business. He's about 17 percent happier and more positive than the girl, who is flunking out of her third semester at NYU. So he's chalking up a lot of credit transferring his energy and enthusiasm to her."

"How do you measure that exactly?" He had tried to explain the method before — very patiently, actually — but I was still somewhat confused.

He sighed. "Well, unfortunately, it's up in the air. There's been a great debate and organizational upheaval and we're moving to a new system. It'll be centuries, maybe millennia before we get the bugs out.

"We used to use the KAU," he continued, "or Karma Unit of Account. It was based on a simple weighted average of the karmas of all souls, physically incarnated or not. So, in the case of that couple, I would take the ratio of the two karmas — that's his karma of KAU 4,790,241 divided by her karma of KAU 2,566,337,644,935 — and credit him with 17 percent of that amount."

"Wait a minute. Let me get this straight. You mean he gets 17 percent of 4 million over 2 trillion, something like that."

"Yes."

"Which doesn't reduce his karma by very much."

"Well. I don't know why you think that. If he reduced it by that amount every day, in only 8,634 years he would be a soul with no karma."

I guess you don't rush things in this business, I thought. "But if the girl only had a karma of, say, two thousand, the amount of karma reduction would be a billion times as much."

"True. But you're overlooking the essential reality. It's extremely hard for a person of high karma to make a positive energy transfer to a person of low karma. So the equation recognizes the basic fact that the ease of transfer from A (him, in this case) to B (her) is directly proportional to the karma of B, and hence credit to A is given inversely to B's karma to adjust for the lower effort involved."

"So what you are saying is if I had a karma of KAU 10 and another person had a karma of KAU 1, I could technically get rid of all my karma in less than six days — that is, 17 percent per day — but the probability of doing so would be small because I would find it extremely difficult to make a positive energy transfer to a person with KAU 1."

"No. No. No."

"Why no? Why not?"

"First, your karma is some exponential order of magnitude larger than KAU 10."

"I'm speaking hypothetically."

"Second, you would be doing good to work on any margin higher than 6 percent — that's the maximum reduction the average person is able to manage. Third, your math is wrong. If each day you reduced your karma by 17 percent of

the amount remaining, at the end of six days the amount of karma left would be $10x(1-.17)^6 = 3.269$."

"That sounds like a rigged game. You'll never get to zero that way."

"Not if the percentage reduction is constant. You have to increase the percentage reduction each day in order to maintain the same absolute level of negation."

He paused to jot down notes. I looked around, but didn't see what he saw. Just the cafe's impresario smoking behind the bar, and a girl with short dark hair conversing with the chef. I motioned to the waiter and ordered a hamburger.

"So what's the new system all about?" I asked when he was finished.

He sighed again, as though just the effort of thought pained him.

"It all started with a debate over the intertemporal karma cancellation problem. You know about that?"

I didn't.

"I suppose not. Maybe an example will help. Hmmm. Suppose an Arkansas boy in 1933 in the depth of the Depression robs $10 from his grandmother's cookie jar and spends it before being found out. Later he gets run over by a bus. He reincarnates as a girl in a middle-class New Jersey family, goes to the University of Pennsylvania, and gets a job on Wall Street. He — she — gets a raise one day and in her euphoria gives $10 to a street person. So, and this is the classic question, does the $10 donation cancel out the $10 theft, karmically speaking?"

The hamburger arrived and I cut into it, but there was still some pink in the middle, so I sent it back to be cooked until it was done.

"So what's the answer — do they cancel out?" I asked once the waiter had left.

"That's the rub. Think of the issues. The dollar in 1933 buys about ten times more goods than in 1985, so the magnitude of the two incidents are different in real terms. Next we have to adjust for the environment. What does it mean in 1933 for a young boy to steal $10 from his grandmother, as opposed to a young professional woman to give $10 to a street person in 1985? For example, there was one school of thought on the Karma Policy Committee that no one should be credited karma cancellation for acts in eras where there is social pressure to perform them out of political correctness. Can trendiness be equated with good karma? Then there is the issue of individual motivation. What if the boy stole the $10 to pay a vet to save his dog, an animal he loved more than anything in the world? On the other hand, one subset of the Karma Policy Committee considered the whole issue of individual motivation irrelevant, sort of on "the road to hell is paved with good intentions" principle. Suppose the street person used the girl's $10 to get drunk, wandered out into traffic, and caused a truck to veer into a crowded sidewalk filled with women and children."

"I see what you mean." The sheer magnitude of the problem was making me depressed. I consoled myself with an extra dollop of catsup.

"Okay. So one day the Council of All Souls petitions the Karma Policy Committee. The solution is simple, they argued. We create a market where those desirous of exchanging 1933 Arkansas bad karma for 1985 Wall Street good karma (that is, karma cancellation) can do so at an exchange rate that will be determined minute by minute in the intertemporal market place. Good karma buyers will get the lowest available price, while bad karma sellers will get the highest price."

"And that solved your karma valuation problem?"

"In some respects. Now we have markets for everything. Every karma type is priced relative to every other. Of course you need a numeraire. We arbitrarily took 1/10,000,000,000 of the total karma from the earliest building period at Catalhuyuk in Asia Minor as equal to 1.0, and the magnitude of every other price is determined by reference to that. For example, yesterday's closing exchange rate against 5th century karma from Attila the Hun's invasion of Gaul was 436,784 units of the latter to 1 unit of the former, because of all the bad karma being dumped on the market from the Attila period."

"Does it pay well? Your job, I mean. All this paperwork."

He cocked his head. "We get six percent karma reduction per century."

"Doesn't seem like much, does it?"

"But it's safe. There's no danger of our karma getting any bigger while we're doing this. It's like buying a bond. The interest may not seem like much, but at least you can always count on it being greater than zero. Accountants are like that, you know. We like to take the safe course."

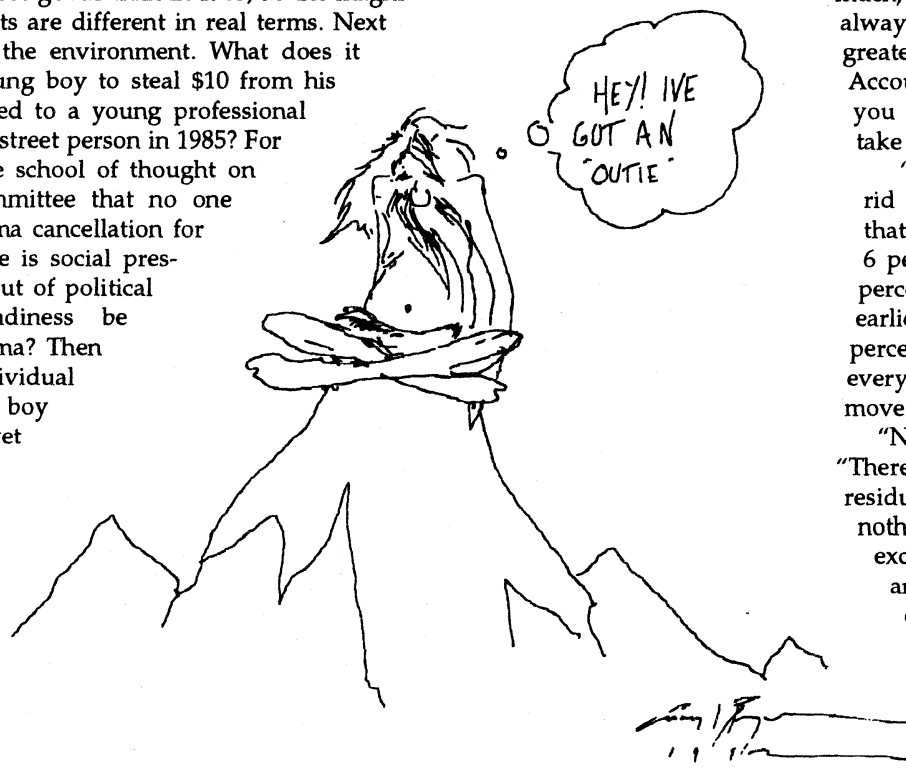

"But you can't get rid of all your karma that way," I said. "Your 6 percent is like the 17 percent we talked about earlier. Taking away 6 percent of the remainder every year will never remove it all."

"No," he said sadly. "There will always be a residual, and there's nothing to do about it except to reincarnate and earn the final reduction the old-fashioned way."

"And to do that you're taking the risk it

might get bigger."

"Yes, although now that we have gone to the new system, there are karma futures markets, where you can hedge your risk by going long or short on karma of a particular type. Suppose you're going to undertake a particularly risky incarnation, say in a real soul-selling place like Hollywood. Well, you go short a certain number of 1990s Hollywood karma futures. That way if you build up more bad karma than you anticipated, you just deliver the excess into the expiring futures contracts. Of course, like any hedge, it works both ways. If you acquire less bad karma than anticipated, you'll have to buy back some of the contracts, and so end up with more karma than you would have without the hedge. But at least you know what your exposure is before you incarnate."

What a bunch of wimpy souls, I thought. "What kind of spiritual coward would do something like that? What's the point if you don't take risks?"

He gazed quietly at me for a moment, and then laughed. He laughed and laughed. I felt embarrassed and looked around the room. The couple had stopped eating and turned to stare. Even the chef had taken note of us.

I was getting angry now. "What's so funny?" I demanded.

"You. You . . ." he paused to restrain his filthy mirth. "You should talk. You shorted the first fifty contracts."

He was still laughing when I stalked out of the cafe and slammed the door. You pay the check, I thought. Jerk. I know this place. Go ahead, pull out your Universal Credit Card here. Try and explain that to them. They'll bust your chops for sure.

I walked on down the street.

As for me, well, I'm hedged, aren't I? ❑

Garvin, "NPR: News and Information for the Self-Lobotomized," *continued from page 46*

age economic development? What if he reports that a lot of the governments in Southern Africa are run by swindling brutes — and that economic aid only perpetuates their regimes?

"We don't have any control over the reporting," Sinclair says. But would the Affinity Group keep funding a reporter who did those stories? "I don't think that would play a role in evaluating the funding," he insists.

He sounds sincere, and I'm sure Sinclair believes his own words. I don't know if I do. And I wonder if Daniel Zwerdling and his editors do?

OK, I'm Convinced. Your Sister's an Idiot. What's It to Me?

Well, you pay for it. That may come as a surprise; through a propaganda campaign that's been successful beyond its wildest dreams, NPR has convinced most people that it no longer depends on tax dollars for its existence. The NPR claim that less than 3 percent of its funding comes from the federal government is accepted as gospel almost everywhere.

But what that figure really represents is a clever bookkeeping trick. In 1987, the Corporation for Public Broadcasting — the quasi-independent organization in charge of distributing the annual $300-million-plus federal subsidy to public broadcasting — stopped funding NPR directly and started giving the money directly to public radio stations, which then hand it back to NPR in the form of "dues." That covers about two-thirds of NPR's $46 million annual budget.

Then there's the matter of that $198 million satellite NPR uses to distribute its programming: yup, paid for with tax dollars. (NPR also makes a nice chunk of change by renting out the satellite's excess capacity to a private paging company.)

And without taxpayer dollars, there wouldn't be any public stations to run NPR's programs. Of the total $377 million spent on public radio in fiscal 1991, nearly half was provided by local, state, and federal government. Taxes are the lifeblood of the entire industry.

So remember: *You're* paying Cokie Roberts $60,000 a year for her half-baked ranting about racism in America. *You're* paying Daniel Schorr $95,000 a year to demonstrate Martian mathematics. *You're* paying Linda Wertheimer $97,000 a year for anti-tax-evasion public service announcements. *You're* paying Carl Kasell $90,000 a year, Robert Siegel $101,000 a year, and Bob Edwards $134,000 a year to imitate the bloodless drone of HAL the computer.

Maybe you think it's a good deal. I'm sure my sister does. ❑

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notes to Shaw, "Black and White," *continued from page 21*

1. The New York *Times*, March 21, 1993, p. 1, and subsequent articles through March 26, 1993.
2. The Washington *Post*, June 1, 1993, p. A1.
3. April 15, 1992. p. A1.
4. "Crying Wolf Over Elephants," *The New York Times Magazine*, pp. 16-19 and ff.
5. Tom Bray reported this in his March 28 Detroit *News* column, "The Environmental 'Crusade' Is Over."
6. Barbara Rosewicz and Rose Gutfeld, "Clean-Air Legislation Will Cost Americans $21.5 Billion a Year," *The Wall Street Journal*, March 28, 1990, p. 1.
7. Fumento, *Science Under Siege* (New York: William Morrow and Company, Inc., 1993), pp. 19-44.
8. Bruce N. Ames and Lois Swirsky Gold, "Pesticides, Risk, and Applesauce," *Science*, May 19, 1989, pp. 755-757.
9. Elliot Marshall, "A Is for Apple, Alar, and . . . Alarmist?" *Science*, Vol. 254 (October 4, 1991), pp. 22.
10. October 3, 1989, p. 22.
11. Al Gore, *Earth in the Balance* (Boston: Houghton Mifflin Company, 1992), p. 38.
12. See "Green Cassandras," *The New Republic*, July 6, 1992, p. 23.
13. Robert W. Crandall and John D. Graham, "The Effect of Fuel Economy Standards on Automobile Safety," *The Journal of Law and Economics*, Vol. 32, No. 1 (April 1989), pp. 97-118.
14. Jeremy Bernstein "Report from Aspen," *The New Yorker*, November 25, 1991.

Salt Air, Hot Air, and Sport!

by John M. Taylor

Whichever way the wind blows, some people will always be willing to set themselves adrift.

Sailing is to ballooning what the marginally useful is to the utterly useless. Both sports — like all amateur sports — are nonutilitarian. Each is carried on for its own sake, as a disinterested end in itself, without thought of material gain or practical advantage. To this extent sailing and ballooning occupy common ground.

Yet even within the realm of sport sealed off from "real life" though it must be, inutility varies in degree. Whereas sailors are moderates, content with a sport that falls decently short of absolute pointlessness, balloonists are radicals, indeed nihilist in their embrace of a pastime that by any test wins the prize for unrepentant frivolity. Though I have recently and for the first time had occasion to sniff a few balloon baskets, I remain inclined toward the moderate camp. That said, however, I hasten to affirm that ballooning offers some illuminating perspectives.

The opportunity to observe the radical species came my way in Albuquerque at the 21st International Balloon Fiesta. This annual gathering, which is twice the size of the next biggest rally worldwide, draws more than 600 balloons from across the country and from overseas as well. Pilots, aircrews, groundcrews, groupies, and spectators have at it for nine days with a zeal that any regatta organizer would find impressive.

As a freelance accredited to the Fiesta, I had the unearned good fortune to venture aloft beneath a balloon. Ivan Kerr of Michigan, an aeronaut of long experience, was my host and pilot aboard the *Black Arrow*. As he explains it, contrasting air temperatures make ballooning possible. Air when heated loses weight and in consequence gets squeezed upward if the ambient air is cold or at least cool. This fact of nature on which ballooning depends seems to me more readily comprehensible than the combination of forces that propels a sloop to windward. If two hundred years of ballooning require explanation, my hunch is that the essential simplicity of the sport does much to account for the durability of its appeal.

Durable indeed, but also limited. Wise men have always extolled the simple as an indispensable moral ideal, yet, they seldom come to terms with the practical reality: too often the simple is simply a bore and at times ballooning illustrates the point. Before I continue, let me concede that the sailor's parochialism has no equal, and that when you get down to it a day's sail is no more likely to enrich your fund of wisdom than a morning spent adrift in the basket of a balloon. And yet there are differences no sailor could ignore.

By any nautical standard, the launching and retrieval of balloons is a lubberly affair that depends more on muscle than on skill. Ballooning commences soon after daybreak before the lower atmosphere warms. The ground crew begins by spreading a protective tarpaulin in front of the capsized wicker basket, facing downwind if that direction can be determined. On top of the tarp they unfold the envelope, *aka* the balloon. By means of a fan they achieve partial inflation of the envelope, at which point the pilot brings his propane burner to bear on the air trapped within. Gradually, as the air heats up, the envelope rises to a vertical position.

Meanwhile the groundcrew has all it can do to hold the basket, now upright, in place long enough for pilot aircrew and carping journalist to clamber aboard. On signal this nearly unmanageable contraption is released into the blue with the fond hope that an extra shot of heat from the burner will lift it above those power lines over yonder.

The disorder and seeming desperation I witnessed was in no way indicative of inexperience or ineptitude. Ivan & Co knew perfectly well what they were doing, and by all accounts do it as well as it can be done. It is rather that in the launching of balloons there is and can be no equivalent to the harmonious sequence that gladdens the sailor's heart: gentle heave on the mooring cable so to get way on to starboard; cast off; brief backing of the jib; and then sheeting home on the port tack which is precisely the maneuver intended; an orderly, serene departure does not depend on mere hope.

Whereas sailors are moderates, balloonists are radicals, nihilist in their embrace of a pastime that wins the prize for unrepentant frivolity.

Nor is a balloon "landing" likely to convert many sailors. We came in for our collision with terra firma doing a good five knots and with no landing gear on that basket. OOOFfff! Fortunately the ground crew was on hand to grab us before we bounced off in some unforeseen direction, perhaps from the shoulder, on which we had just fetched up, to the middle of I-25 itself. Imagine approaching the dock at five knots with no means of reversing your engine and you have the picture.

Hard knocks are nevertheless the least of it. If balloonists are in thrall to the whims of some inscrutable deity, that deity without a doubt is The Random. Of all the vehicular sports known to man, ballooning may be unique in that the vehicle cannot be steered. A vagrant zephyr might carry you off in the direction you have in mind, should you be so hopeful, not to say naive, as to contemplate a destination; but then a contrary puff might just as promptly return you to square one.

The wind bloweth where it listeth, and the seasoned pilot will submit to fate with cheerful resignation. By regulating the temperature within the envelope, he can — with luck — adjust his altitude. But because he cannot steer he cannot navigate, and for this reason I maintain that ballooning offers meager scope for the cultivation of skill.

Indeed, Ivan asserted that the skill the balloonist most needs is to be good at dealing with people. *And why is that?* I asked, wondering with a cold heart what balloonsmanship could possibly owe to P.R. Because, he replied, "when you land a balloon more often than not you are treading on private property." Ah! to be a sailor, gone for days at a time, without the least desire, let alone the urgent need, to row ashore for an afternoon of trespass.

So why do they bother, Ivan and all the rest? Have they no gut feeling for sport? I would argue just the opposite. Narrow the choice to sailing and ballooning and of the two I would rate ballooning the more sporting. Though sailing exhibits the grace and dignity to be expected of moderation, the sport is nevertheless flawed. Every sailboat regardless of intended purpose bears the taint of latent utility. Which is to say that any skipper worth his salt knows that come what may, short of a hurricane, he can count on getting from here to there, and that in setting sail he may even have some practical mission to accomplish.

The balloon constitutes the very model of inutility, an uncompromising statement of the sporting ideal. The habit of ballooning will purge your mind of utilitarian fantasies.

By contrast, the balloon constitutes the very model of inutility, an uncompromising statement of the sporting ideal. Ballooning, unlike sailing, may not foster the habits of skill and precision. But by way of compensation the habit of ballooning will purge your mind of utilitarian fantasies. For this tonic, as well as for other benefits, humankind summoned the wit to invent sport and I for one take comfort from the knowledge that in at least one corner of this driven society the merely useful cuts little or no ice. I asked Ivan to name the chief pleasure he found in ballooning. Instead of serving up the predictable twaddle about teamwork, adventure, character building, and solitude, he simply declared that ballooning has no practical value or purpose whatsoever. May his tribe increase. ❑

Bradford, "There's No Kill Like Overkill," *continued from page 32*

gassing Jews at Auschwitz.

By the end of the tragic day, Clinton was trying to pretend he hadn't dodged responsibility, and to get on Reno's good side. After she finished her round of talk shows, he called her to say, "You should sleep well. You did a good job today." Janet Reno has learned her lesson well. When President Clinton decided to knife Lani Guinier in the back, Reno volunteered to take responsibility for that, too. But Clinton, apparently having learned something also, turned down her offer.

The polls show that about 80% of the American people are satisfied with the way the federal government comported itself in Waco. I doubt that this support is evidence of their collective "lack of imagination or opportunity of insight." They simply do not want to believe that their government has committed an atrocity of this order, just as citizens of Germany denied the existence of Hitler's death camps even after the war. The crime in Waco was less horrible than the crime in Europe and there is no conquering army to display publicly the evidence of mass murder or to prosecute those who committed the crime. So it is far easier for Americans simply to deny the crime and go about their business.

Even if there were overwhelming public support for a thorough investigation of the tragedy, the massive destruction of evidence by the FBI would make discovery of the full story very difficult. Some of the truth about what happened is known, and it serves as a reminder of what a monster the bureaucratic state can be, banal or otherwise. ❑

Reviews

Rethinking AIDS: The Tragic Cost of Premature Consensus, **by Robert Root-Bernstein. The Free Press, 1993, 512 pp., $27.95.**

Lies, Damn Lies, and AIDS Research

Brian Doherty

Acquired Immune Deficiency Syndrome (AIDS) is more than just a disease. It is alternately a symbol of uncaring government repression, a badge of holiness or of disgrace, a symbol of the tragedy of liberation, a sign that there is no God, a sign that there is an angry God. It has helped change people's attitudes about prophylactics, sexuality, and homosexuality, and forced many to question the mindset that almost epitomizes western culture: the faith that we are able to control the natural world through our will and technologies, and bend it to our needs and desires.

More than anything else, AIDS functions as a mental and social fault line. Some say that we don't care enough about AIDS because its victims tend to be from socially marginalized strata; others say that we concentrate too many resources on it because its victims and their advocates are better connected to the mass media and politics than those associated with more widespread ailments such as cancer and heart disease. Though its status as a fatal illness should command enough respect, in public discourse it is somehow always more than just what it is; it has something to say about our culture, our safety, our efficacy, our compassion, our politics, our humanity.

"Silence = Death" goes the slogan, so it has become impossible to avoid hearing about AIDS, even if the prophecy we've heard repeated from newspaper op-ed pages and the Oprah Winfrey Show and public service announcements for the past eight or so years hasn't yet come true and you still don't personally know anyone suffering from it. Everyone seems to think they know something about AIDS, perhaps everything they need to know. Everyone has an opinion, even if that opinion is based on no more knowledge than can be gleaned from a public health pamphlet advocating condom use. The voices shouting in the echo chamber of AIDS debate occasionally drown out rational discourse. But disguised by the hand-wringing and hysteria may be a story of single-minded government power pushing a bankrupt idea.

Rethinking AIDS by Robert Root-Bernstein, an associate professor of physiology at Michigan State University, is a heady and disturbing dose of rational discourse that shakes to its core the establishment AIDS industry of scientists, government, activists and the mass media. Root-Bernstein tries to demonstrate that our current scientific and public health approach to AIDS is fatally flawed; that the Human Immunodeficiency Virus (HIV), commonly understood to be the cause of the range of diseases we call AIDS, may in fact be no more than a cofactor, if that.

Root-Bernstein is not alone in making such a claim. First and most famous of the AIDS heretics is Berkeley molecular biologist Peter Duesberg, who first challenged the notion that HIV causes AIDS in the peer-reviewed scientific journal *Cancer Research* in March 1987. As a result Duesberg ended up being informed by the National Institute of Health in October 1990 that his "Outstanding Investigator Grant" would not be renewed after it runs out in 1993. (The committee that made this decision had as members the mother of one of the children of Robert Gallo, alleged discoverer of HIV, and someone who holds a patent on an HIV antibody test.) Duesberg has become Gallo's *bête noire;* Gallo recently walked off the set while being interviewed by ABC TV's *Day One* "news-magazine" when they brought up Duesberg, and he vowed he'd do everything in his power to prevent them from giving Duesberg's ideas any publicity. But joining the anti-establishment cause was Charles A. Thomas — a former Harvard biochemistry professor — and a society he founded in 1991, the Group for the Scientific Reappraisal of the HIV/AIDS Hypothesis, which counts among its over 40 members retrovirologists, epidemiologists and immunologists, all of whom question the HIV dogma.

"Silence = Death" goes the slogan, so it has become impossible to avoid hearing about AIDS, even if what we've been hearing for the past eight years is false.

Because of the overriding sociological noise surrounding AIDS, it helps to be fortified with some facts that go beyond the propaganda of the mass media/government/activist axis. It's important to start with the basics: what

causes AIDS, anyway? What *is* AIDS?

AIDS was first conceptualized in 1980–81 after doctors in Los Angeles, San Francisco and New York began noticing many cases of Kaposi's sarcoma, pneumocystis pneumonia, consistent low-grade fevers and a cornucopia of unusual infections, protozoans, viruses and fungi in men aged 20–40 who were suffering from immune suppression for no noticeable reason. Because their common denominator was that they were sexually promiscuous young gay men, many with histories of drug abuse, the syndrome was first called GRID (gay-related immune deficiency). The search for a cause and a cure was on.

HIV has been found in frozen blood samples dating back to at least 1959.

It seemed to bear quick fruit. On April 23, 1984, Margaret Heckler, Secretary of Health and Human Services for Ronald Reagan, proudly announced that a U.S. doctor, Robert Gallo, had discovered the cause of AIDS: a retrovirus, allegedly isolated in Gallo's lab, that came to be known as the Human Immunodeficiency Virus (HIV). She also promised a vaccine by 1986.

Gallo's claim of discovery was only the beginning of the web of controversy, confusion and possible fraud that would surround the conceptual romance of HIV and AIDS. It turned out that the virus had already been discovered a year earlier by a French scientist, Luc Montagnier of the Pasteur Institute. Montagnier had sent Gallo the virus to examine. A dispute ensued over right to claim discovery, and concomitant rights to patents on AIDS testing kits that depend on looking for antibodies to this retrovirus. This fight initially led to a compact between the French and American governments that would split royalties and name Gallo and Montagnier "co-discoverers" of HIV.

But recent revelations from the work of Chicago *Tribune* reporter John Crewdsen and an internal NIH investigation seem to indicate that Gallo willfully attempted to steal credit for the HIV discovery, and that one of his early papers that purported to show how HIV causes AIDS, contained "misrepresentations or falsifications." Gallo himself has admitted that the virus used in developing his AIDS test was one of the ones sent to him by the Pasteur Institute. The French are now suing for all past and future royalties — which would amount to tens of millions of dollars — from Gallo personally and from the U.S. government, and for recognition of Montagnier as sole discoverer of HIV.

Meanwhile, billions of dollars have been funnelled by the U.S. government pursuing Gallo's "HIV causes AIDS, alone and unaided" thesis. But after nearly a decade, it has paid off with nothing. We still have no vaccine. And we still don't know how a retrovirus is causing the array of diverse ailments and infections that we have labelled AIDS. The problem is that not one example of a retrovirus has ever been known to cause disease in humans, since retroviruses parasitically require a living cell in order to reproduce.

It is important to remember that AIDS is not a disease per se but a *syndrome* — a catch-all name for a situation in which massive immunosuppression leads to the body's falling prey to a wide range of ailments, including pneumonia, dementia, wasting disease, candidiasis, lymphoma, tuberculosis and various sexually transmitted diseases such as herpes and Epstein-Barr Virus. These diseases were around before HIV was isolated; they will be around even if HIV were somehow eradicated. The "A" in AIDS stands for "acquired"; we diagnose massive immunosuppression as AIDS, supposedly, in the presence of HIV antibodies and when there is no other apparent reason for the problems in the immune system. But in around half of currently diagnosed AIDS patients, HIV has not even been checked for. As Root-Bernstein's book exhaustively demonstrates, most people diagnosed as having AIDS are suffused with biological conditions and engage in behavioral practices that are known to be immunosuppressive, with or without the mysterious HIV. I will return to this point later.

So how is HIV supposed to be doing its dirty work? According to the standard theory, upon entering the body it infiltrates and kills T-helper cells, a vital part of the immune system, by the billions. The precise mechanism by which it does this is not yet known, as even HIV partisans admit; they like to say that HIV is a "mysterious" virus. Without these mysteries the multi-billion dollar government-financed industry surrounding HIV would have little to do. On the subject of HIV's "mysteries," Kary Mullis, the inventor of the polymerase chain reaction that has enabled investigators to find viruses such as HIV, becomes caustic. She says, "The mystery of that damn virus has been generated by the $2 billion a year they spend on it. You take any other virus, and you spend $2 billion, and you can make up some great mysteries about it, too."

Over the past few years, Duesberg, the members of the Group for the Scientific Reappraisal of the HIV/AIDS hypothesis, and now Root-Bernstein, have been attempting to bring to public attention many anomalies that cast doubt on the notion that HIV, mysterious or not, could possibly be responsible for all the harms the standard paradigm claims.

Opposition to the HIV thesis is not monolithic. There are strong differences in emphasis between Duesberg, who until this book was the best-known of the AIDS heretics, and Root-Bernstein. Duesberg asserts that HIV is completely harmless, and even offers to be publicly injected with it under controlled testing circumstances; Root-Bernstein holds open the possibility that HIV has some role to play in immunosuppression. Duesberg places the entirety of AIDS causation on drug abuse; Root-Bernstein entertains a more nuanced, multifactorial hypothesis.

Despite a decade of activist and right-wing scare tactics, AIDS has never turned into the predicted plague breaking out of the initial risk groups of homosexuals, hemophiliacs and drug abusers.

But the question of what does cause AIDS is secondary to establishing doubt that HIV is the sole explanation. It is not necessarily incumbent on one question-

ing HIV's role to counter with a fully worked-out alternative explanation.

And there are many reasons to doubt HIV's role as the sole necessary and sufficient cause of AIDS. Though it is supposedly killing T-helper cells by the billions, HIV is rarely detectable in large quantities in the bodies of those allegedly dying of its effects. What we call the "AIDS test" does not test for the presence of HIV itself — it tests for the presence of antibodies against HIV, which generally is a sign that the body has been exposed to, and beaten off, an infection. This is the same principle behind vaccination, in which you are injected with an attenuated form of a virus in order to engender an antibody response that will keep you safe from that virus thereafter. The virus itself is very difficult to find, generally detectable in no more than one out of 10,000 T-cells, hardly a large enough presence to be doing the damage it is alleged to do.

Since the mechanism by which HIV is supposedly killing T-cells is still uncertain, the HIV hypothesis is based largely on correlation assumptions that are both factually and rationally weak. HIV is often (though by no means always) found where AIDS is found; and Gallo claims that the syndrome only appears after HIV appears; that there is no AIDS where there is no HIV.

This view is associated with the thesis that HIV is a dread new microbe, the same notion that has lead some to aver that it must be the result of some biological warfare experiment gone awry (or fiendishly crafted to wipe out "undesirables"). Root-Bernstein lays to rest the notion that either AIDS or HIV is new to the world as of the late seventies and early eighties. Through painstaking reading of the extant literature, he has discovered many case histories dating back over the last century of people dying of a mysterious overload of opportunistic diseases such as Kaposi's sarcoma, pneumocystis pneumonia, candida infections and cytomegalovirus, all of which are now associated with AIDS. And HIV has been found in frozen blood samples dating back to at least 1959. Thus, the notion that HIV and AIDS burst on the scene together in the late '70s is without foundation.

Once this is realized, the tenuousness of the official HIV hypothesis becomes more and more apparent. The alleged "latency period" of the virus, another unusual attribute of HIV, is repeatedly extended as people known to have HIV continue to live longer and longer. In 1986, it was assumed to be less than two years; by the beginning of 1992 it was between 10 and 15 years. No advances in knowledge of how HIV is doing its allegedly murderous work triggered these revisions, merely the observation that people continue to live healthily with HIV. Could this possibly indicate that HIV is not necessarily fatal, that a diagnosis of "HIV positive" need not be a death sentence, need not scare you into consuming AZT (the current FDA-approved AIDS drug that is a known cell killer and immune suppressor)? Or will the "latency period" continue to stretch on infinitely in protection of the "HIV is the sole necessary and sufficient cause of AIDS" thesis that so many careers and reputations (including that of the U.S. government) depend on?

AIDS epidemiology also casts doubt on its status as a sexually transmitted single-cause microbe. In addition to anecdotal cases such as Marc Christian, Rock Hudson's lover who survived an estimated 600 unprotected sexual encounters with the dying Hudson without contracting either HIV or any illness, there is the simple fact that, despite a decade of activist and right-wing scare tactics, AIDS has never turned into the predicted plague breaking out of the initial risk groups of homosexuals, hemophiliacs and drug abusers. The official Centers for Disease Control estimate that the prevalence of HIV in the U.S. population has remained steady since 1985: around one million. (And only about 3 percent a year of these on average go on to develop symptoms of AIDS.) The much-hyped epidemic didn't happen. For a supposedly infectious virus, HIV shows an almost human preference for certain types of people, and for males over females. For example, over 90 percent of AIDS cases in the U.S. are male, though in Africa the sexual distribution is almost even. What is in the nature of this microbe to make it sexually selective depending on what continent it is on? According to Root-Bernstein it is not the microbe but the nature of the differing immunosuppressive hazards in the two continents' populations that makes the difference.

The lack of massive heterosexual spread through prostitutes is crucial in showing that AIDS is not a standard sexually transmittable disease. Root-Bernstein cites many studies showing

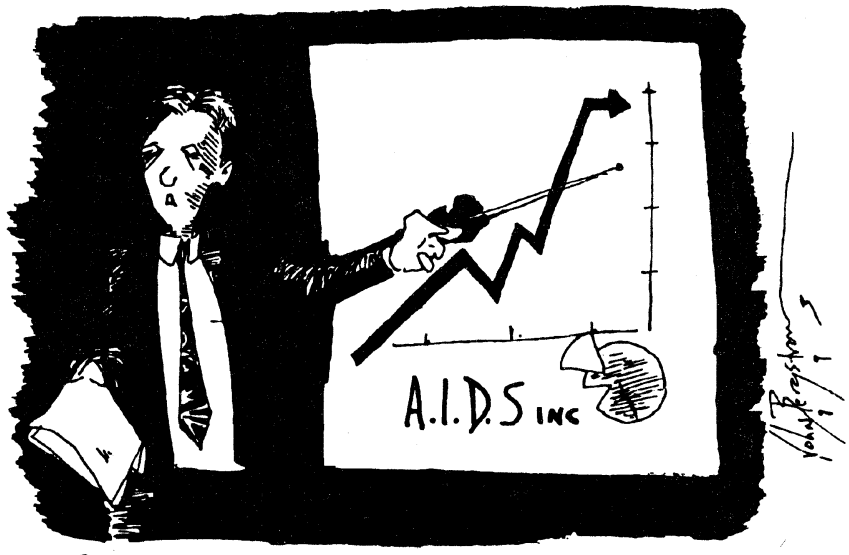

THOUGH THE PRODUCT HAS YET TO LIVE UP TO PROJECTIONS, THANKS TO AGGRESSIVE ADVERTISING WE HAVE SHOWN GROWTH IN ALL AREAS.

that no significant increase in HIV seropositivity (showing antibodies for HIV) among non-drug abusing prostitutes can be found in any major Western city. A study in the *American Journal of Public Health* concluded that "HIV infection in non-drug using prostitutes tends to be low or absent, implying that sexual activity alone does not place them at high risk, while prostitutes who use intravenous drugs are far more likely to be infected with HIV." Prostitutes in this study do evince the normal range of known sexually transmitted diseases.

Luc Montagnier, HIV's actual discoverer, now admits that cofactors must be involved.

And for a sexually-transmitted disease, HIV is rarely detectable in semen. "In all studies . . . less than a third of the infected men had any HIV present in the semen and then generally less than one virus genome per milliliter of semen, or perhaps one or two dozen virus-infected cells per ejaculate, on average. Approximately the same number of viruses are excreted in the saliva of HIV-infected individuals and in vaginal secretions. This amount of HIV is considered to be incapable of transmitting disease," Root-Bernstein says (p. 34).

Another blow to the notion of HIV's power to kill is the fact that though there are over "6,000 verified cases of health care workers' reporting subcutaneous exposure to HIV-infected blood or tissue as a result of needle-stick injuries, surgical cuts, broken glass and so forth . . . only a few dozen health care workers are known to have become seropositive during the entire decade of the 1980s in the United States" (44). Compare this to hepatitis, a typical infectious disease, which causes about 15,000 accidental infections among health care professionals a year. Clearly, the notion of the single infectious killer retrovirus bringing down the healthy is improbable.

What does Root-Bernstein hypothesize is suddenly causing widespread immune collapse among so many people? No new killer microbe is necessary, he asserts, and he makes his case painstakingly; this book's thoroughness does not necessarily make for fun or easy reading. Through case study after case study, medical citation after medical citation, he shows that the major risk groups for AIDS all have multiple immunosuppressive behaviors or risks that do not require the hypothesis of a single new cause. Multiple blood exposure to semen; the internal damage caused by anal sex and sex practices such as "fisting" which expanded greatly throughout the gay community in the 1970s and '80s; multiple blood transfusions; anesthetics and surgery; the overuse of antibiotics, opiates, and nitrate drugs; severe malnutrition; and exposure to infections such as cytomegalovirus and various sexually transmitted diseases, which are just as present in AIDS patients as HIV; all of these are known to be immunosuppressive or to expose the body to the risk of the multiple concurrent infections that characterize AIDS.

Root-Bernstein documents these assertions at copious and almost tiresome length, but it is important to show the reader that there are many possible common factors among those dying of immune suppression that are unfortunately being ignored in the rush to judgment on HIV. The studies that could help prove or disprove Root-Bernstein's theories are not being done, particularly his rather complicated, but compelling, explanation of how certain combinations of opportunistic infections that are as common in AIDS patients as HIV may lead to an autoimmune reaction in which the body's immune system turns on itself.

While this book can be understood by a lay reader, it does not condescend. It requires of readers a demanding level of thought about the workings of the immune system and the ability to remember the results of copious numbers of medical case studies.

Root-Bernstein makes a compelling case against continuing to channel funding for research on this disease on the assumption that HIV is the sole necessary and sufficient cause of AIDS. So how did we get to this state? Why are so many spending so much money on a wrong path?

There is a historical parallel. Years of time and effort were wasted searching for a "single cause" for cancer, which is now understood to be a multifactorial ailment. Again with AIDS it was assumed that this seemingly new phenomenon must have a single, somewhat new cause — despite the fact that all that is new about it is its prevalence. Root-Bernstein blames this, in America, on a massive sociological explosion of risk behaviors involving sex and drug practices, and new attention to the health risks of hemophiliacs and recipients of blood transfusions. He blames the phenomenon, in Africa, on ancient problems of malnutrition, poor sanitation, and the modern spread of sexually transmitted diseases. But a retrovirologist like Robert Gallo (who had earlier claimed that a retrovirus he discovered was causing a form of leukemia) fought for the importance of his retrovirus turf, and managed to get the weight of the federal government and its research grant monopoly behind him. At that point, the fate of alternative approaches was sealed.

Don't expect this book to cause public breakthroughs any time soon. Though it is well-reasoned, thorough, calm, and professional, it is certain to be attacked with invective and a refusal to respond point by point, the fate that Duesberg has suffered for the last six years. Root-Bernstein claims that many of his colleagues privately agree with him but refuse to say so publicly in fear of losing their funding as well. The emotional energy of AIDS activists who see continued massive government funding as their only hope — and who consider anyone who isn't getting with the prevailing program to have blood on his hands — combined with the cultural weight of "official" explanations promulgated relentlessly in every part of our culture, produces a powerful backlash against heretics.

Even journalists who write about AIDS heretics are not immune from reprisals. One writer for the Miami *Herald* was fired for criticizing AZT after a letter-writing attack from Martin Delaney, director of Project Inform, an AIDS activist group. Project Inform — which is funded by Burroughs-Wellcome, the developers of AZT, whose sales depend on the HIV hypothesis — makes a practice of attacking the reputations and jobs of journalists who publicize questions about the hypothesis. Delaney circulated a six-page diatribe containing personal attacks on the AIDS heretics, accusing *Spin*'s Celia Farber of spread-

ing misinformation and of being a threat to public health. He even argued that she should be prohibited from writing about the subject.

From the beginning the HIV thesis was marinated in fraud and possible professional and pecuniary gain. It appears to be based only on a correlational and epidemiological pattern that ignores other possible explanations. Its importance has expanded beyond the possible wasting of money; if Duesberg and Root-Bernstein are on the right track, then the cries of some radical gay activists are right: the government's promotion of "cures" like AZT and programs such as needle giveaways is claiming lives and ignoring real risks of immunosuppression. Government's domination of science can only be expected to lead to results like this. Instead of letting a thousand flowers bloom, the government has poured tons of manure on one superficially lovely scientific flower festooned with possibly fatal thorns.

But the diagnosis is not totally bleak: more and more people are beginning to question the orthodoxy. If you look hard enough, you can find the heretical thought even in the press: an article by Duesberg in the Summer 1990 issue of *Policy Review*, an article or two by iconoclastic right-wing journalist Tom Bethell in *National Review* and the *American Spectator*, and most of all the writings of the indefatigable Celia Farber of *Spin*. A floodgate is beginning to burst, especially after this summer's conference in which many doctors came forward to discuss cases that were obviously AIDS but in whom no trace of HIV could be found by even the most sophisticated methods. I have seen the anti-HIV thesis discussed more on TV and in magazines in the last six months than in the prior six years. Even HIV's actual discoverer, Luc Montagnier, now admits that cofactors must be involved. (He hypothesizes a form of bacteria called mycoplasma as a possible culprit.)

Anyone who cares about AIDS, is interested in a curious intellectual adventure, or wants more evidence of how centralization of power and responsibility undermines a flourishing intellectual climate and a healthy culture — healthy in many senses — should read this demanding, often shocking, and important book. ❑

***Bartlett's Familiar Quotations*, Sixteenth Edition, edited by Justin Kaplan. Little, Brown and Company, 1992, 1405 pages, $40.00.**

You Can Quote Me on This

David Boaz

The new edition of *Bartlett's* offers much fascination, combining the wealth of (mostly) Western civilization with a new attempt to be multicultural and attuned to popular culture.

There are two basic arrangements for books of quotations: by subject or by author. For most purposes, such as looking for a quotation to illustrate a point, subject is more useful, and most quotation books are arranged that way, including H.L. Mencken's *New Dictionary of Quotations* and George Seldes' *Great Quotations*. *Bartlett's* and the *Oxford Dictionary of Quotations* are arranged by author, which is useful if you want to find a quotation from a particular author. *Bartlett's* also has a lengthy index of keywords, in case you're trying to remember just who said "My love is like a red, red rose" (Robert Burns).

It's helpful to have at least one of each kind of book at hand. Why, though, does *Bartlett's* list authors by date of birth, requiring the reader to look in an author index first? Surely alphabetical order would be easier.

Chronological birth year order does allow one to note that some years seemed to produce bumper crops of quotable notables. The period 1818–20, for instance, gave us Emily Bronte, Frederick Douglass, Karl Marx, Friedrich Engels, George Eliot, Herman Melville, Queen Victoria, Walt Whitman, Susan B. Anthony, William Tecumseh Sherman, and Herbert Spencer. Almost a century later Leo Durocher, J.W. Fulbright, Greta Garbo, Lillian Hellman, Arthur Koestler, Ayn Rand, Jean Paul Sartre, C.P. Snow, and Lionel Trilling first saw the light of day in 1905.

The 1992 edition is the first to include a significant number of baby boomers (Stevie Wonder, the only one to make the 1980 edition, has fallen off the charts), and it's revealing to note which of my contemporaries have achieved this degree of immortality: David Stockman, Oliver Stone, Arlo Guthrie, Joseph C. Stinson, Leslie Marmon Silko, Bruce Springsteen, Melinda Mathison, Louise Erdrich, James Gleick, and Michael Jackson (the youngest entrant) and Lionel Richie, as well as our foreign-born contemporaries Steve Biko, Elton John and Bernie Taupin, Salman Rushdie, Prince Charles, and Jimmy Cliff. One can only hope that books take longer to write and to seep into popular culture than rock music and movies. It's *Bartlett's Familiar Quotations* remember, so Jefferson's wisdom and Dorothy Parker's wit take their place alongside "don't sell the steak, sell the sizzle," "keep on truckin'," and "me want cookie."

Despite the heavy representation of pop culture, editor Justin Kaplan seems wisely to have included fewer quotations culled from newspaper interviews than were in the previous edition. He has also, in the spirit of the age, made the volume more multicultural, a change most apparent in the pre-baby-boom generation: white men account for only 57 percent of these entries (many of whom came to prominence in the Sixties), far less than their percentage of earlier periods. Even then, virtually all of the citations are to Americans.

This book is slimmer than the 1980 edition, but that seems to have been achieved with smaller but still readable type rather than fewer quotations. Some 340 authors have been added and about that many deleted, with no losses that bother me.

The dozen years since the fifteenth edition have been marked by a worldwide turn toward markets, from Reagan and Thatcher to the New Zealand Labor Party's free-market reforms to the fall of Soviet communism. This histori-

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cal trend seems to have escaped editor Kaplan, of Cambridge, Mass., who has given us *more* quotations from Karl Marx, Vladimir Lenin, and Robert Heilbroner, while virtually eliminating F.A. Hayek and Milton Friedman, the intellectual gurus of the free-market revolution. A bust of Hayek now sits in the Kremlin, but Cambridge is holding out against the tide.

Hayek has been reduced to two quotations, neither of which reflects his particular contributions to social thought. Friedman is represented by three, including the wrongly attributed aphorism, "There's no such thing as a free lunch." Meanwhile, the towering figure of John Kenneth Galbraith receives eleven citations. (William F. Buckley, Jr., is unrepresented.)

As in 1980, the Bible is second only to Shakespeare in the number of quotations included. But Ayn Rand, who came in second to the Bible in a 1991 Gallup survey on most influential authors, gets only three citations. Margaret Thatcher likewise is represented with three quotations, none of which capture her free-market radicalism.

Quotations from recent presidents offer a similar surprise. John F. Kennedy leads the pack with 28 quotations, followed by Richard Nixon with ten, Lyndon Johnson and Jimmy Carter with six, George Bush with four, and Gerald Ford and Ronald Reagan with three. Again, Reagan's impact on the world, not to mention his reputation as the Great Communicator, seems to have bypassed Cambridge. However, when one tries to remember which Reagan phrases ought to be included, one is struck by how many of them are derivative: "city on a hill," "Evil Empire," "rendezvous with destiny," "Where's the Rest of Me?" (Surely John G. Magee's "I have slipped the surly bonds of Earth" was added to this edition because Peggy Noonan used those lines in the remarks she wrote for Reagan after the *Challenger* disaster, yet there is no reference to Reagan.)

Still, one would think that a few of his off-the-cuff remarks — "There you go again" or "We begin bombing in five minutes" — might warrant inclusion, along with some Reaganesque phrases about politics and government such as "Mr Gorbachev, tear down this wall" or "the ant heap of totalitarianism" or "The nearest thing to eternal life we'll ever see on this earth is a temporary government agency."

Which reminds me, where is Barry Goldwater's "A government that is big enough to give you all you want is big enough to take it all away"? (For that, you'll need Bruce Bohle's *Home Book of American Quotations.*) The famous "extremism" quotation, however, is here ("Extremism in defense of liberty is no vice . . ."), though not cited to its actual author, Karl Hess.

One might assume that these curiosities don't represent any conscious bias on Kaplan's part, just a blindness to the political and economic changes going on in the world. Dictionaries of quotations are perforce behind the times; they represent the distilled wisdom, or at least memorabilia, of centuries. As market liberalism sweeps the world in the 21st century, its architects will get their due. Still, it's disappointing to see a 1992 edition offering *fewer* selections from thinkers such as Friedman and Hayek. And Kaplan's response to an earlier criticism about the lack of Reagan quotations suggests a determined refusal to grant Reagan an important place in the world. Presumably the same animus is in fact reflected in the lack of quotations from Hayek, Friedman, and so on.

The dozen years since the last edition have been marked by a worldwide turn toward markets. This trend seems to have escaped editor Kaplan, of Cambridge, Mass. A bust of Hayek now sits in the Kremlin, but Cambridge is holding out against the tide.

In the final analysis, I wonder if it's a good idea to have eight books of quotations sitting next to my word processor. Perhaps such a wealth of quotation is mere temptation, temptation to rely on the notions of others at the expense of original thought. As Emerson said, "I hate quotation. Tell me what you know." ❑

***Fatherland*, by Robert Harris. HarperCollins, 1992, 380 pp., $6.50.**

Kennedy Meets Hitler

Stephen Cox

Why do people enjoy books about historical events that never happened?

I'm not referring to books about capitalism's exploitation of the working class, the formation of the Oedipal complex, the aesthetic triumphs of post-modernist painting, or other things that *allegedly* happened. I'm referring to books about events that even college professors know to be unreal. I'm referring to books about what happened when the South won the Civil War, or the Russians bombed Dallas, or Hitlerism survived the second World War. The last topic is the subject of Robert Harris' novel *Fatherland.*

I can think of a number of explanations for the perennial popularity of this kind of book. An optimist would say that such books interest us by making us aware of how well things actually do turn out in this world: the South didn't win, the Russians didn't bomb us, Hitler didn't survive; how fortunate we are! A pessimist would say that these books interest us by making us aware of how badly things *may* turn out: the South might have won, the Russians might have bombed, Hitler might have survived; our fortunes hang by a thread!

Alternatively, one can explain the popularity of these books as a special case of people's interest in a certain kind of game-playing. Speculations about what might have happened if the conflict with the Nazis had continued beyond 1945 invite us to shuffle imaginary "forces" around in our minds in the way in which we shuffle counters around on a Risk or Diplomacy board. Of course, it's up to you to decide who's higher up on the intellectual chain of being: game-players who want the imaginary forces under their control to be fully abstracted from history and geography (as they are in chess), or game-players who can attend to the action only when they have "armies," "fleets," and "nations" to push around.

I'm in the latter group, myself. I can't understand how anyone could care if K moves to Q3. But I'm not sure why *I* care if a little block of yellow wood manages to slide over a blue pasteboard surface labeled "France" and succeeds in "bombing" the hell out of a green surface called "Italy."

If, however, you also are attracted to the latter kind of game, you will probably be interested in *Fatherland,* which is a novel about what might have happened in the game of history if (1) Hitler's armies had beaten the Soviets in 1943, (2) Hitler's spies had discovered in 1944 that the British had cracked the communications codes used by Germany's submarines, and (3) Hitler's scientists had succeeded in 1946 in building an intercontinental ballistic missile.

According to Harris' novel, the result of these three movements on the game board of the world might be a Reich in permanent control of eastern Europe, a Reich that could preserve its submarines long enough to starve Britain into submission, and a Reich that could threaten the United States into exchanging a hot war for a cold one. *Fatherland* is set in Berlin in 1964, a Berlin that is geopolitically similar to the Moscow of 1964. Harris' Berlin is the capital of a vast empire of subject provinces and satellite states, expensively engaged, on its borders, in a military contest with the United States, noisily proud of its revolutionary tradition and its supposedly high level of material culture, but eager for a face-saving detente with its enemies.

Berlin in 1964 is preparing to celebrate Hitler's 75th birthday — and the visit of President Joseph P. Kennedy for a summit conference with the Fuehrer. The plot is occupied with the efforts of a disgruntled police official to uncover embarrassing truths about the nature of a smugly well-established fascism — truths, for instance, about the little noticed disappearance of millions of the Reich's subjects. These truths are politically as well as morally significant, because they might upset the motions toward detente of even so morally reptilian a politician as Joseph P. Kennedy.

As characters, the policeman and his friends are well conceived, and the action that concerns them is well conducted, with the exception of the protagonist's somewhat implausible propensity for risk-taking — a propensity that does, however, help to keep the plot moving. Very fortunately, Harris never burdens the reader with the "technical" details that are apparently so interesting to habitual readers of espionage thrillers and military adventure stories. This novel is about human events, not about hardware.

Most of the interest of a book of this kind lies, of course in its ability to present a plausible reconstruction of a world that never happened. In this case, the reconstruction is rather convincing. The world of Nazis is presented concretely, from the viewpoint of people living their daily lives, riding the subways, driving Volkswagens, watching television. One gets the sense of thickness and weight that is the mark of social reality. Harris is clever at working in references to real historical personalities, not just the personalities that immediately come to mind when you think about Nazis but those that make you respond, Well, yes, come to think of it, so-and-so *would* be in on this, and that's something that *could* have hap-

Berlin in 1964 is preparing to celebrate Hitler's 75th birthday — and the visit of President Joseph P. Kennedy for a summit conference with the Fuehrer.

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pened to him. The historical references are often most effective for their casualness:

> World news. In London, it had been announced that King Edward and Queen Wallis were to pay a state visit to the Reich in July "to further strengthen the deep bonds of respect and affection between the peoples of Great Britain and the German Reich."

Another sign of realism is the strong though implicit political thrust of the novel. The King and Queen of England want to strengthen bonds of respect for a vicious dicatatorship; Hitler, the President of the United States, and Nazi sympathizers in the American embassy are anxious for detente; Nazi officials bill themselves as proponents of "reconstruction": what is this but a critique-by-analogy of the relationship between Western opportunists, dupes, and fellow-travelers, and the vicious dictatorship that did survive World War II, the Soviet Union?

Harris is under no illusions about the nature of the Cold War that really happened. And he makes sure to point out that the Nazis were not alone in their campaigns of extermination; in this they had very effective competition from the Communists, who were not, to Harris' mind, simply "anti-fascists." The political message of *Fatherland* is universal; it's about tyranny itself, not just about Nazi tyranny.

All this having been said, there remain some problems. I have remarked that Harris' protagonist takes some improbable chances. He is also, at times, somewhat undermotivated; there are effective insights into his psychology, his personal reasons for disaffection with the regime, but they don't go quite far enough to explain his behavior. Harris' prose is workmanlike but seldom colorful or distinctive. He establishes motifs — references to churches and religion, for instance, and to art — that he might develop for symbolic purposes, but he fails to elaborate them.

The most serious problem, however, is an inability to come to grips with the inherent economic and political weaknesses of totalitarianism. In Harris' portrayal, the Third Reich is a little like Cleveland. Some things work well; some things don't; some people live happy lives; others don't; on the whole, the place is getting a little run down. But there's little evidence that Harris, who was a political editor for the London *Observer*, really understands how disastrously inefficient and self-destructive tyranny is. The novel's climactic analysis of the practical disabilitites of totalitarianism comes from a character who predicts that

> five years from now, or fifty years, this society will fall apart. You can't build on a mass grave. Human beings are better than that. . . .

Well, they're better than that, all right, but they're also worse, as the novel itself indicates. It wasn't a vague betterness that brought down the Soviet Union; it was the inherent incapacity of

The Third Reich is a little like Cleveland. Some things work well; some things don't; some people live happy lives; others don't; on the whole, the place is getting a little run down.

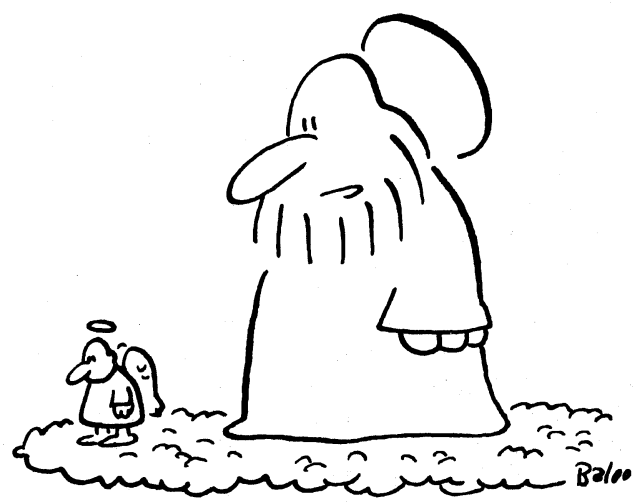

"Oh, send them to Palestine, I guess — Nothing ever happens there."

totalitarian economies to protract their existence without falling back on modifications that destroy them from within, as the Soviet Union was destroyed.

But this, come to think of it, is a perspective you don't get from Risk or Diplomacy. Harris needs to get up from the game board and go read some Friedrich Hayek. Except for that problem, he's written a pretty good book. ❑

Booknotes

The Lying Machine — "Since 1985, senators, unlike house members, have been required to disclose publicly the annual costs of their mailings. There are nominal cost limits, based on state population, but once again, the loopholes are wider than Senator Howell Heflin (D-Ala.)." Okay, maybe humor isn't one of James T. Bennett's and Thomas J. DiLorenzo's stronger points, but their book ***Official Lies — How Washington Misleads Us*** (Groom Books, 1992, 320pp., $19.95) is better than their jokes.

The focus of the book is the giant, self-promoting propaganda machine known as Washington, D.C., and Bennett and DiLorenzo take dead aim. From farm subsidies to drug policy they spare no bloated government agency from attack.

Of interest to all libertarians is the obscene way in which the federal government has grown in response to the supposed "poverty crisis" America faces. This "crisis," like most others, has been falsely manufactured so that the public will think that government action is not only a good idea, but indeed a necessary solution. Bennett and DiLorenzo prove this to be patently false.

One of the more popular notions spouted by modern liberals is that government spending on social programs was completely gutted by that mean and nasty Ronald Reagan. This is absurd. Reagan did little to curb the growth of government, with welfare spending increasing in real dollars from $156.6 billion in 1980 to $184.2 in 1988. In fact, "[b]y 1988, government at all levels spent enough on poverty programs alone (excluding Social Security) to give $5,790 to each man, woman, and child below the poverty threshold. That adds up to $23,160 for every family of four — or nearly twice the poverty threshold of income." Yet during the period of 1980 to 1988 the Census Bureau claims the number of "poor" people was reduced only from 33.3 million to 31.9 million.

How could this be? Because for government bureaucrats to justify their existence there must be "poor" people. And who defines what a "poor" person is? The government. So it is plainly in government bureaucrats' interest to manipulate the data to "produce" more "poor" people. Bennett and DiLorenzo adeptly explain the ways in which the government perpetrates this kind of trickery, as well as deceptions in other areas.

Those who believe that government isn't the solution to people's problems have been largely ineffective in curbing state growth, and would be well served to find out more about the tools Washington uses to promulgate its expansion. *Official Lies* would be a good place to start. —Aaron T. Steelman

Thriller! — During a recent illness I decided to spend a couple of days luxuriating in an old pastime, novel reading. I read three novels by the current best-selling author John Grisham, to see what all the fuss was about.

It's about less than one might hope, but more than one might fear. The novels were hard to put down once you got into them. There is no very distinctive literary style, and certainly no purple passages. There is lots of intrigue but, almost no sex (quite unusual for today). The writing is always unsentimental, no-nonsense, and without sidetracks or irrelevancies: every page carries the action forward. But their main characteristic is the author's fine sense for *structure*. You begin with one scene, and become quite absorbed in it by the time the chapter ends, and the next chapter begins with different characters in a seemingly unrelated action, which turns out to be interestingly related to the first. The third then interlocks with the

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first two, and so on, until soon a complex web is woven and interrelating characters generated, resulting in a sense of richness and complexity. Yet the reader always knows where he is — nothing fuzzy, no loose ends. The author has a sure sense of structure that never lets us down.

The first novel, ***A Time To Kill*** (Dell, 1989, $5.99), is by far the best one, set in a small Mississippi county seat and centered around the courthouse (the author grew up in Oxford, Mississippi, and still lives there) where a long and climactic trial is enacted, whose verdict centers around complex issues of racial discrimination. The story is very intense, and the author clearly feels strongly about racism. This is a worthy successor to *In the Heat of the Night* and *Mississippi Burning*.

The other novels are, by contrast, exercises in clever plotting, easily forgotten after the book is placed back on the shelf. ***The Pelican Brief*** (Dell, 1992, $5.99) begins with the assassination of two Supreme Court justices (it is set mostly in New Orleans), and gradually uncovers a complex plot involving ecological crimes. ***The Firm*** (Dell, 1991, $5.99; now a movie starring Tom Cruse) begins with a seemingly innocent banking organization, which is actually a front for an international organization corrupt almost beyond belief, in which the protagonist, a bright unsuspecting young attorney, is sucked in beyond his depth — his life threatened, he has to make some quick and fateful moral choices.

The author's experience as a lawyer is indispensable to the writing of these novels. Insane laws, legal loopholes, and most of all the way these laws are violated with impunity, figure prominently in each. There is a mark of authenticity to these details, which adds to the reader's knowledge as well as enjoyment. Libertarians will no doubt be pleased by the recurring theme of government waste and corruption. But the author's principal venom is reserved for the legal profession. Corrupt lawyers and legal practices suffuse these books from start to finish. The happy ending in each novel is only a thin cloak for the overwhelming presence of villainy in high places, a wasteland of wrecked human lives and an almost complete failure of the legal system to achieve any kind of justice.

Readers who want just an interesting story that keeps them hooked will be rewarded, if they have a sufficient span of attention to keep straight a large gallery of characters. Those who read with a desire for some cognitive input will get it in detailed insights into how the law actually works in people's lives. But with this knowledge will come a sense of frustration and perhaps hopelessness, and one may wonder how a nation can survive in the face of a power structure as inept and corrupt as this one. —John Hospers

Not Working — Government intervention in the labor market, ostensibly designed to raise the level of real wages, has created high levels of unemployment — levels far higher than existed prior to the "pro-labor" interventionist policy. This is liable to to shock the average American. Thankfully, Richard K. Vedder and Lowell E. Gallaway have provided a book that argues this thesis very well: ***Out of Work: Unemployment and Government in Twentieth-Century America*** (Holmes & Meier/The Independent Institute, 1993, 336 pp., $34.95 hc, $16.95 sc). Armed with an explanatory model they call the "Neoclassical/Austrian Approach," the two economists tell the story of unemployment in this century.

The most interesting portion of the book by far is the discussion of the Great Depression and its postwar aftermath. The period from 1929 to 1933 was a watershed in American history. Vedder and Galloway dismiss the notion that President Herbert Hoover was a disciple of laissez faire, arguing that Hoover was an interventionist who

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Directory of Libertarian Periodicals, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

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turned a minor economic downturn in the economy into the by now mythic Great Depression.

Hoover's first blunder was to pressure business leaders to keep wages high during the economic downturn: "The failure of money wages to fall in the downturn beginning in the fall of 1929 was largely a consequence of public policy intervention by President Hoover and his political allies. As a consequence of this intervention real wages rose rather than fell, and unemployment increased to previously unattained levels" (pp 89–90). The Smoot-Hawley tariff, and the Davis-Bacon and Norris-LaGuardia acts were all passed during Hoover's administration. This legislation had the result of further increasing wage levels to the extent that, "at the depth of the Great Depression in 1933, the real hourly wage of workers was some 12.5 per cent higher than in 1929, despite the fact that fully one fourth of the labor force was unemployed" (82). Nevertheless, as an interventionist, Hoover was a rank amateur compared to his successor, Roosevelt. Vedder and Galloway detail how FDR's policies helped to maintain double-digit unemployment almost until the start of World War II.

Their discussion of the immediate post-World War II era is also somewhat novel. The conventional (Keynesian) wisdom of the time was that the United States would suffer high unemployment after the war ended. This did not happen. Unemployment remained low throughout the mid-to-late forties.

This boom was not the result, however, of "pent-up demand" (which became the standard explanation). According to Vedder and Galloway, "the evidence supports a distinctly non-Keynesian interpretation: a downward adjustment in labor supply and real wages, accompanied by a less stimulative (nondeficit) fiscal policy, served to stimulate investment and consumption spending. *Relative price adjustments* brought about what Keynesians considered an increase in aggregate demand, rather than the other way around" (171, emphasis added).

Out of Work is quite readable, despite Gallaway and Vedder's frequent lapses into arcane mathematical formulae; their equations can easily be ignored. This book is interesting and

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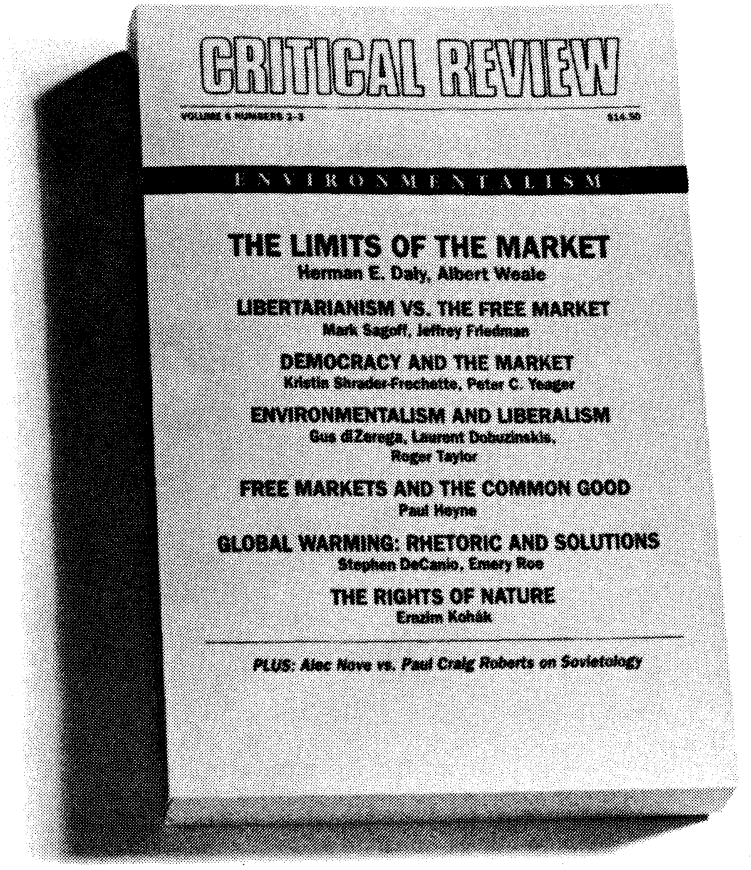

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valuable to anyone interested in history or public policy. Unfortunately, the people who really need to see it most — our benighted Labor Secretary Reich and President Rodham — will not likely be able to find time in their busy schedules to learn a little something from history. Instead they are condemning us to repeat it. —Clark Stooksbury

Criticism Unbound — Aristotle, Horace, Dryden, Samuel Johnson, Coleridge, Saints-Beuve, T.S. Eliot, Henry James, Virginia Woolf . . . the honor roll of literary critics and theorists. These are men and women who made the art of literary reflection something more than an art of shadows, a mere commentary on the commentary that literature makes on life. By illuminating the principles of thought and action from which literature proceeds, and by tracing the variations of literary self-expression through all the varieties of personality and circumstance, they made their art a fundamentally important vehicle of human self-understanding.

Within this great tradition, violent disagreement was taken for granted; no one expected intelligent people to regard literature from identical points of view. But there was general agreement, at least, on the nature of the enterprise. The great critics and theorists did not attach themselves to purely academic problems, or limit themselves to purely academic audiences; they addressed problems that they rightly assumed were of interest to all intelligent people. And they tried to address intelligent people in an intelligible style.

The great, public tradition of literary criticism and theory always existed in opposition to a pale and bloodless tradition of purely academic commentary, and it often needed to distinguish itself from feverish eruptions of party propaganda misrepresenting itself as "literary criticism." At the present moment, these two dismal tendencies — the school of pedantry and the school of propaganda — have joined forces in the American university and its subject presses and journals. Where else but in the field of "literary theory," as currently practiced in American departments of literature, can authors be hailed as social revolutionaries for producing articles that make Indo-European phonetics look exciting?

To all of this the works of Frederick Crews present a welcome constrast. Crews is a distinguished academic critic of literature; more to the point, he is a distinguished *public* critic, the master of a vigorous and attractive style who uses that style to communicate penetrating insights into the intellectual life of the modern world. His earlier collection of essays, *Skeptical Engagements* (Oxford University Press, 1986), which is still in the bookstores and which ought to be read, was a magisterial critique of the strange distortions of the post-Marxist and post-Freudian ideologies that dominate current "high" academic discourse. His new collection, ***The Critics Bear It Away: American Fiction and the Academy*** (Random House, 1992, 234 pp., $20.00), contains something almost unheard of in current discourse — an admission of a change of ideology, prompted by rational reconsideration. Twenty-seven years ago, Crews published an influential Freudian analysis of the works of Nathaniel Hawthorne. Crews gradually came to see that Freud's principles, and his own, were not well founded; and in *The Critics Bear It Away,* he explains *why he was wrong.* Such an unexampled display of honesty is sufficient to revive one's hope that literary criticism may once again become a medium for the disinterested search for truth.

The Critics Bear It Away presents, in addition, vividly independent assessments of the works and reputations of Twain, Faulkner, Hemingway, Updike, Flannery O'Connor, and the writers of the nineteenth-century "American renaissance." To profit from this book, one need not agree with all of Crews' assesments. I disagree with many of his particular judgments. He is unsympathetic, for instance, to what I regard as two of the greatest achievements of American literature, Fitzgerald's *The Great Gatsby* and Faulkner's *Absalom, Absalom.* I am also disappointed by some of Crews' remarks on intentionalist literary theory. He quite properly regrets the narrow-mindedness of critics who imagine that we must always judge literary works in respect to some *one* authorial intention, but he neglects the contribution that intentionalist theory can make to our understanding of *competing* authorial purposes and preferences.

Yet throughout Crews' book, one feels that one is engaged with a strong, sensitive, and scrupulously rational mind, a mind with which it is therefore a pleasure either to agree or to argue. Each of the essays in *The Critics Bear It Away* provides a fresh and candid reconsideration of a major writer or writers and a clear and judicious account of the ways in which authorial reputations have been molded by critical fashions. In just one brief essay on Hemingway, for example, Crews gets to the core of that author's tragic psychological problems, demonstrates their crucial influence on his work, and illuminates the difficulties that other interpreters have had in coming to terms with the Hemingway myth — a myth that has exerted a formative influence on many American writers and that has for too long stood in the way of mature assessment of Hemingway's real accomplishments.

The Critics Bear It Away gives one a new appreciation for the complexity and vitality of American literature — and for the continuing vitality of American literary criticism. —Stephen Cox

If you agree with Robert Hutchins...

"... knowledge without wisdom has brought us to the edge of destruction and may at any time push us over the brink."

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Erratum

The final paragraph of David Friedman's essay, "Paying for Crime" (June 1993, pp. 53–54), was included by mistake; it was not the work of the author, and neither the author nor the editors intended it to be published. Our apologies to David Friedman and to our readers.

Letters, *continued from page 4*

their time and money on state policy institutes will not accomplish the goals of most of the "disillusioned LPers."

Policy institutes exert temporary influence on academicians and politicians. Of necessity, they focus on existing legislation and respond to the issues made topical by politicians. They are only as relevant as their last position paper. To assure their survival and prosperity, policy institutes must concentrate their efforts on specific issues. They must eschew the very type of long-term planning and activism for which the Libertarian Party was formed and to which it strives.

Many individuals with a keen interest in personal freedom and self determination never reap the benefits of the work of policy institutes. "The voter" is not the focus of any policy institute. Instead, they attempt to motivate politicians and media.

The Libertarian Party has a different reason for being. It wishes to elect political leaders. It addresses a broader field of topics and attempts to unite a more diverse coalition than any think tank could desire.

Cullene Lang
Sacramento, Calif.

Christ No Cultist!

Does Timothy Virkkala ("Cry cult!" June 1993) believe that people like Moses or Buddha or Jesus were psychopaths? It seems to me that they were the consummate libertarians of their times, Jesus especially. Here was a fellow who put his money where his mouth was, willing to pay the ultimate price for bucking the religious-statist coalition whose survival depended on keeping the human spirit shackled and inert, then as now. Jesus *never* intended to start some new religion. His mission was to *rescue* in the true sense of the word — to rescue everyone from every kind of foolishness. Trust me.

Joanna Parker
Ocean Shores, Wash.

Some of Our Best Friends Are Editors!

John George and I are pleased that *Liberty* published R.W. Bradford's review of our book, *Nazis, Communists, Klansmen, and Others on the Fringe* ("Some of My Best Friends Are Extremists!" June 1993).

We acknowledge most of the errors Bradford meticulously details, and we've even found a few errors that he did not report. These errors are not central to any theme or argument; they approach irrelevance in the context of the whole book, so we won't bore the readers further.

Bradford's account of the National Hamiltonian Party was very interesting. We certainly would have included it in the book if we had known about it. It's not the only example of an organization not being quite what it seemed. Even at 520 pages, however, we had to leave out mountains of relevant and interesting material. We could easily do another volume of the same size.

As far as the editing of the manuscript is concerned I think John and I are in agreement with Bradford. *Nazis, Communists, Klansman* is a very long book and deals with a fairly complex subject. The publisher changed editors on us midway in the project, and we had the feeling that both editors were terribly pressed for time. Neither John nor myself are professional writers and we could have used the copy editing that we didn't get.

Laird Wilcox
Olathe, Kans.

Editorial Suggestion

I don't like to see articles claiming the US Postal Service is flying a flag with the correct number of stars.

Steven Riggin
Pittsburg, Kans.

Notes on Contributors

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

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Stephen Cox is Professor of Literature at the University of California and the author of *Love and Logic: The Evolution of Blake's Thought.*

Brian Doherty is a journalist and editor in Washington, D.C.

David Friedman is the author of *The Machinery of Freedom* and *Price Theory: An Intermediate Text.*

Glenn Garvin is the author of *Everybody Has His Own Gringo: The CIA & The Contras.* He is a Contributing Editor of *Reason* and was Editor of *Inquiry.*

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John Hospers, the author of *Understanding the Arts* and other books, has just completed several entries for the new edition of Collier's Encyclopedia.

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John M. Taylor is Director of Studies at the Al Dente Memorial Institute for Pasta Research.

Timothy Virkkala is assistant editor of *Liberty.*

Jesse Walker has just accepted a position as assistant editor of *Liberty.*

Terra Incognita

Detroit

Detroit Mayor Coleman Young puts taxpayers' money to work, as reported by the Detroit *Free Press*:

> A deluxe portable toilet set up for Mayor Coleman Young's private Grand Prix party Sunday was guarded overnight by a Detroit police officer to make sure no one used it before the mayor. The mayor didn't use it either — he failed to show up. The 24-foot trailer was rented at an expense of $1,200.

Honolulu

Novel technique for easing the lot of overburdened public servants, as reported by the Honolulu *Observer*:

> A prison guard said that he had an inmate stab him with a sharpened screwdriver because he thought it was an easy way to get out of work.

Washington, D.C.

A leading electronic journalist speaks truth to power, as reported by the Detroit *News*:

> CBS Anchorman Dan Rather speaking to the president on his recent collaboration with co-anchor Connie Chung: "If we could be one-one hundredth as great as you and Hillary Rodham Clinton have been together in the White House, we'd take it right now and walk away winners."

Jerusalem

Advance in the judicial regulation of commerce, as reported by the Associated Press:

> A Jerusalem religious court has revoked Pepsi's *kashrut* license because the court had ruled that PepsiCo. Inc. had transgressed by using scantily clad women in its ads and sponsoring a concert by Guns 'N Roses in Tel Aviv on the Sabbath.

Santa Barbara, California

Equality before the law in the Golden State, as reported by the *News-Press*:

> Irene Dorado, a multiple sclerosis sufferer confined to a wheelchair, discovered a tire on her van had been deflated while parked at the courthouse. Dorado, who had parked in the only parking spot available near the door of the courthouse, was surprised to learn that the culprit was Superior Court Judge James Slater, who was perturbed that Dorado, whom he knew was handicapped, had taken the parking spot normally reserved for his Porsche. The District Attorney acknowledged that Judge Slater had violated the vehicle code, but decided not to prosecute on grounds that Slater "is a highly respected judge on the bench and I consider him to be a very fine judge."

Los Angeles

Great moments in affirmative action as reported by the Associated Press:

> A former *Jeopardy* writer says in a new book that clues and questions and categories sometimes were altered at the last minute to make them more "female friendly" — like replacing a category on weapons with one on clothes.

Washington, D.C.

Esthetic note from the nation's capital, as reported by the Washington *Times*:

> "Hillary Clinton will become an international beauty image," predicted Christophe, hairdresser to the stars and the First Family.

Oglesby, Ill.

Esthetic note from America's heartland, as reported by the Washington *Post*:

> After receiving a complaint from John Swartz, the building's janitor, the Post Office in Oglesby has covered up a mural depicting a battle between the Illinois and Pottawattomie tribes because it includes two men with exposed genitals,

St. Louis

Advanced journalistic technique, as reported by *Full Service Media*:

> Francis Patrick Brady, the president of the company that owns KMOV-TV, apologized Thursday for the station's arrangement to have a male prostitute lure a Roman Catholic priest to a hotel. The station paid the prostitute's expenses, including the cost of the hotel room and a phone call to the priest, and on March 26 secretly filmed and recorded the priest.

Washington, D.C.

Investment note for the rich and powerful, as reported by the Detroit *News*:

> Value Partners, the investment house that manages part of the First Lady's portfolio, has been selling short health care stocks since she became health czar.

Massachusetts

Progressive legislation in home of Edward Kennedy, Michael Dukakis, and Paul Tsongas, as reported by the Washington *Post*:

> "Baked beans were recognized in Massachusetts as the official state bean, the result of a lobbying effort by elementary school children."

Syracuse, New York

A setback in the never-ending battle to save the environment in the Empire State, from the Albany *Times Union*:

> The New York State Department of Environmental Conservation has fined a Buffalo firm $78,000 for illegally disposing of "environmentally harmful debris." The firm had dumped "trees, stumps, shrubs and topsoil" on a remote farm it owned 30 miles northwest of Syracuse.

Washington, D.C.

President Clinton's economic program picks up support, as reported by *The Senior American:*

> "General Wojciech Jaruzelski, the former communist dictator of Poland, endorsed the Clinton economic plan."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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• "Returning America's Roads to the Market," by Terree Wasley
• "The 'Lock' on the Electoral College," by David Brin
Plus commentary on the L.A. Riots, and writings by David Kelley, Leland Yeager, George H. Smith and others. (72 pages)

Volume 6

September 1992

• "War on Drugs, War on Progress," by James Ostrowski
• "Wilderness, Church and State," by Robert H. Nelson
• "If Execution Is Just, What Is Justice?" by J. Neil Schulman
Plus writing by Martin Morse Wooster, Ethan O. Waters, Jane S. Shaw, William Mellor III and others; and an index to back issues. (80 pages)

November 1992

• "The First Time: I Run for the Presidency," by John Hospers
• "Europe's Money Mess: We've Heard It All Before," Leland Yeager
• "Raising Hell With the 'Buchanan Brigade,'" by Thomas Walls
• "The Mystery of the Missing Detectives," by David Justin Ross
Plus articles and reviews by Gabriel Hocman, David Kelley, Daniel Klein, Richard Kostelanetz, Loren Lomasky and others. (80 pages)

February 1993

• "A Feminist Defense of Pornography," by Wendy McElroy
• "In Freedom's Way," by James Ostrowski
• "Is Feminism Obsolete?" by Jane S. Shaw
Plus election coverage, and writings by R.W. Bradford, Bill Kauffman, John Hospers, Ron Lipp, John McCormack and others. (80 pages)

April 1993

• "Inside Clinton's Head," by Douglas Casey
• "How To Cut Your Taxes by 75%," by R. W. Bradford
• "Isn't Multiculturalism a Good Thing?" by Stephen Cox
Plus writings by Mark Skousen, John Hospers, Bill Kauffman and others; and an interview with Roy Childs. (72 pages)

June 1993

• "Who Benefits from the Clinton Program," by Harry Browne
• "It's the Pork, Stupid," by Randal O'Toole
• "VAT Out of Hell," by Chester Alan Arthur
Plus writing by Leland Yeager, Jonathan Saville, Sheldon Richman, bart Kosko, Albert Jay Nock and others; articles on the Waco holocaust by Stephen Cox and R. W. Bradford; and other reviews and articles (72 pages)

→ Information concerning the first volume (six issues) of *Liberty* can be found on page 38.

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Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins and others. (80 pages)

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- "AIDS and the FDA," by Sandy Shaw
- "Property, Population and the Environment" by John Hospers
- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo and others; and a short story by Jeffrey Olson. (72 pages)

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- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman and others. (72 pages)

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- "The End of the Secular Century," by Murray N. Rothbard

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- "Viking Iceland: Anarchy That Worked," by David Friedman
- "The Myth of the Rights of Mental Patients," by Thomas S. Szasz
- "Fetal Rights: The Implications," by Tibor Machan

Plus articles and reviews by R.W. Bradford, John Hospers, Jane S. Shaw, Jeffrey Tucker, Leland Yeager and others. (80 pages)

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- "Holocausts and the Historians," by Ralph Raico
- "My Expulsion from the Rand Cult," by Murray Rothbard
- "Abortion Without Absurdity," by R.W. Bradford
- "Libertarians and the Avant-Garde," by Richard Kostelanetz

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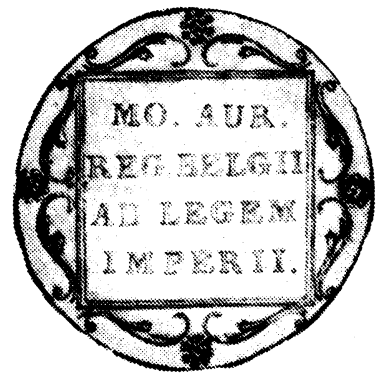

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Inside Liberty

October 1993
Volume 7, Number 1

4 Letters *Liberty*'s readers are a verbose lot. Look at all the letters we got!

7 Reflections *Liberty*'s editors bury athletes, shoot cash into space, step into the planners' confessional, and celebrate those who outwit the Rubbing Red Hand.

13 Medianotes *Liberty*'s editors audit other media.

Features

15 The Real Health Care Crisis Hillary Rodham Clinton's cure for the medical care system is worse than the disease, and the conservative alternative isn't much better. *R.W. Bradford* prescribes a different sort of therapy.

19 A Victory for Justice *Stefan B. Herpel* explains the Supreme Court's hesitant steps back toward respecting the Bill of Rights.

23 Old-Growth Government The culture of Washington is ruining the silviculture of the nation. *Randal O'Toole* shows how and why.

25 White Liberals *Can* Jump *William Moulton* reports from the campus of Michigan State University, where PC power is being exercised for its own sake.

30 The Significance of Isabel Paterson Fifty years ago, Isabel Paterson wrote a classic libertarian polemic, *The God of the Machine*. *Stephen Cox* sheds some new light on this leading star of the individualist revival.

39 A Paterson Collection The world according to *Isabel Paterson*, master aphorist.

42 The Oldest Permanent Floating Anarchy in Salt Lake The Libertarian Party met in Salt Lake City to consider its future, celebrate the present, and forget its past. *Chester Alan Arthur* files a report from the Beehive State.

47 How I Walked into the Michigan House Political success is possible — even if you're a libertarian. *Greg Kaza* writes from personal experience.

49 Reindustrialization Redux *Christopher Thomas Freeburn* watches big government pick the economic losers. Welcome to the world of "industrial policy."

51 Mapping Maturity Put away your *Cosmo* quiz; *Robert F. Tinney* has all the questions you need.

Reviews

55 No Place Like Cyberspace *Brian Doherty* explores the weird world evolving around computers, and the cops and robbers who call the place home.

57 After Liberalism . . . Liberalism *Leland Yeager* looks behind John Gray's "post-liberalism," and finds yet another reasonable man with unreasonable expectations.

60 Pucker or Perish *Richard Kostelanetz* figures out what the literary crowd is up to in this age of subsidy and less-than-meets-the-eye journalism.

61 Booknotes Welfare mothers in a bind, businessmen unbound, economists bound and gagged, and garbage liberated.

Departments

66 Index to Liberty Articles, Reflections, and Reviews from Volume 6.

65 Classified Ads The market can't equilibrate if you don't read this.

69 Notes on Contributors Who we are and why we fight.

70 Terra Incognita Signs of the endtimes, or just the usual *booboisie* stupidity?

Letters

Pepsi Degeneration

Your humorous portrayal of Pepsi-Cola's loss of Kashrut approval is off the mark (Terra Incognita, August 1993). Pepsi-Cola wished to have the broadest possible market for its product and therefore obtained Kashrut approval by the more rigorous licensing authority, the religious court, or Beis Din Tzedek (B'Datz) of the Eida Chareidis of Jerusalem. The Eida Chareidis is a religious community in Jerusalem established during the British Mandate precisely to be completely independent of the government.

No one forced Pepsi to seek this high level of Kashrut certification. It was also their choice to engage in marketing and promotional practices such as sabbath violations, etc., which are totally abhorrent to those who voluntarily subscribe to the standards of the B'Datz.

Libertarians support the voluntary creation of extra-governmental communities and judicial systems whose authority is binding without the monopoly of coercive force. It does not behoove a publication of *Liberty*'s standards to make light of an organization which has been a paradigmatic example of such voluntary organization for the last 60 years.

Jay L. Gottlieb
New York, N.Y.

Ahhh, So's Your Old Man

David Boaz laments ("You Can Quote Me on This," August 1993) that "[Ronald] Reagan's impact on the world . . . seems to have bypassed" the editor of the new edition of *Bartlett's Familiar Quotations*. But what precisely has "Reagan's impact on the world" been? As far as I can see, Ronald Reagan is a semi-literate halfwit whose only impact has been to do more than perhaps anyone else in history to give the free market a bad name — by persuading the endlessly gullible populace that his policies (massive increases in government spending, massive increases in governmental intrusion into people's private lives through a multi-billion dollar "War on Drugs" and a mindless crusade against "pornography") were free-market policies. Thanks to Ronald Reagan, we now have legions of dunderheads coast to coast proclaiming that "we've tried the free market and it didn't work."

But never mind all this, Boaz tells us; think of the multitudes of superbly quotable *bon mots* for which Reagan was responsible during the years of his presidency. It was Ronald Reagan, Boaz reminds us, who said, "There you go again." And was it also Reagan who gave us such immortal lines as "So's your old man" and "It takes one to know one"?

Elsewhere in his review, Boaz laments the failure of *Bartlett's* to acknowlege Karl Hess as the actual author of Barry Goldwater's "famous 'extremism' quotation." But surely he knows that anything Ronald Reagan ever said that is legitimately quotable was actually written by someone like Peggy Noonan, Pat Buchanan, or Dana Rohrabacher. So why, pray tell, should Reagan's name ever be allowed to deface any edition of *Bartlett's* — or any other dictionary of quotations, for that matter?

Jeff Riggenbach
San Francisco, Calif.

Editor comments: Previous editions of *Bartlett's* have cited Hess as author of the "extremism" quotation.

And While We're At It, Why Are Anarchists Running for Public Office?

In the June issue of *Liberty*, Jane Shaw has a column titled "Just Say 'no' to the Libertarian Party." In the August issue, it is revealed that Ms Shaw is a member of the LP's "Shadow Cabinet."

By what convoluted reasoning would Ms Shaw accept the above position, as well as have a speaking engagement at the LP convention, while urging the demise of the organization?

William J. Hickman
Grantville, Ohio

The Limits of Discourse

Just a footnote to Glenn Garvin's wonderful piece on NPR ("How Do I Hate NPR? Let Me Count the Ways," August 1993), all of which squares exactly with my experience of NPR listening over quite a few years (in my capacity as cultural anthropologist). A couple of years back, APR (American Public Radio, which produces *Marketplace*, another program featured on most NPR stations) asked me to be a regular commentator on matters relating to business and economics. When I sent in a few sample comments — 90 seconds on why "hostile" takeovers are often friendly to stockholders and customers — I was asked to make my comments less opinionated. I tried to tone down the style but kept the content in focus — observations on how most people get bad analysis about what ails our economy. The offer was rescinded.

Heaven help it if public radio featured someone who does not share the sophisticated political and economic philosophy of Daniel Schorr.

Tibor R. Machan
Auburn, Ala.

Lies, Damn Lies, and Book Reviews

"Lies, Damn Lies, and AIDS Research" by Brian Doherty is just one more article playing down the most dangerous epidemic ever to face our nation. The statement, "The human immunodeficiency virus (HIV), commonly understood to be the cause of the range of diseases we call AIDS, may in fact be no more than a cofactor, if that" characterizes the effort to confuse and mislead readers into thinking that HIV is not responsible for the progressive destruction of the immune system in millions of people throughout the world. The question as to whether Robert Gallo or Luc Montagnier discovered the virus has nothing to do with the fact that homosexuals infected with HIV disease undergo progressive destruction of their immunological system. Recent articles in both *Nature* and *Lancet* comparing comparable groups of homosexuals have shown that only those who are HIV-infected progress to the terminal stage of the disease which is referred to as AIDS.

The statement, "The problem is that not one example of a retrovirus has ever been known to cause disease in humans," is blatantly false. HTLV-1 is a retrovirus that produces a T-cell leukemia. HTLV-2 is a retrovirus that produces progressive spinal degeneration.

The question is asked how HIV disease produces its changes. Dr Anthony Fauci of NIH has recently published work showing that HIV lives in the lymph nodes for many years, silently working to destroy the immune system

continued on page 68

Letters Policy

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

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Tape 6: The Intellectual Isolation of Objectivists (part 2); Ayn Rand's Theory of Concepts; Ayn Rand and Music; Ayn Rand and the Bankruptcy of American Culture; Rand and Nietzsche
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Tape 9: The Philosophy of Objectivism (part 2); Ayn Rand's Jewishness; Rand and Feminism; Rand and the Right
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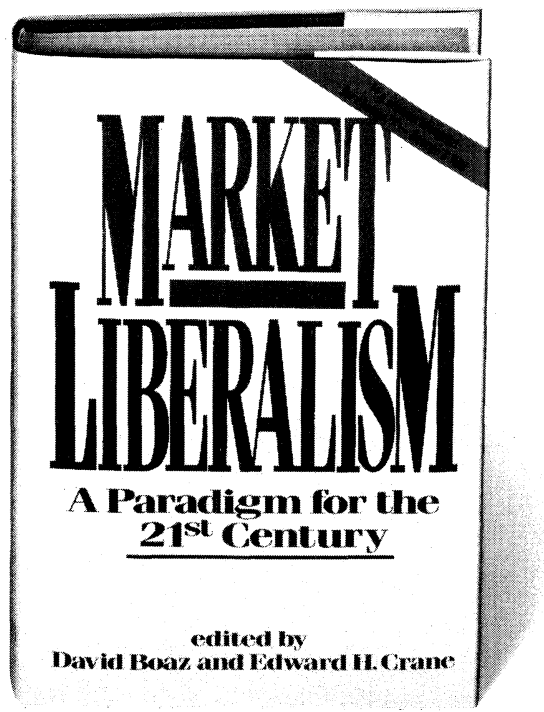

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Reflections

Lloyd Bentsen in one lesson — Treasury Secretary Lloyd Bentsen said the Mississippi flood rebuilding effort would mean "a lot of concrete poured, a lot of tractors working," and therefore be good for the economy. Good thing those levies failed; and too bad the one around St. Louis held out. And why are the World Trade Center bombers being tried? Think of the concrete poured! —JSR

Stealing second base — George Steinbrenner, who runs the most profitable franchise in baseball, has been threatening to move my beloved New York Yankees to New Jersey. What he really wants is New York City or State (Governor Mario Cuomo has expressed support) to build him a new stadium within the five boroughs. He complains that the current stadium's location in the South Bronx keeps away customers. He even marshalls statistics that demonstrate declining attendance. What he does not mention is that in the past few years the cost of general admission tickets (which is all you can get before the game, because all others were sold out to season ticket holders) has risen from $7.50 to $10.50, which is to say from a price competitive with a movie to one that isn't. No wonder previous customers decide against going to Yankee games.

Most of us would say that anyone raising prices in an economic slump was either a fool or a schemer. The scheme here is using self-induced lower income as a rationale for demanding public funds. This threat is ultimately not local but national. Mark my words: if Steinbrenner succeeds, every major-league municipality and all major-league fans will be similarly threatened. If the state has any function in a free market, it should be to hasten the departure of those who charge too much, especially if they display the *chutzpah* to ask the state to compensate for unnecessary losses. —RK

Don't tell Robert Reich — Never let it be said that government cannot create jobs. According to the London *Observer*, a group of Chinese soldiers has for some time been employed shoveling sand from railroad tracks in Quinghsa, deep in the Gobi Desert. Without this heroic effort, no trains would be able to reach that godforsaken region.

And for what purpose do the railroad tracks stretch to Quinghsa? For one reason, and one reason only: to supply the soldiers who are busily shovelling sand. —JW

Progress report — In the past few months Russia has promulgated a school voucher plan, repealed its sodomy law, and guaranteed the right of private land ownership. In May and June, China cancelled 80 taxes and fees imposed on farmers. Meanwhile, here in America . . . well, you know. —DB

Think globally, act locally — Al Gore has decided to remodel his official residence with redwood and Douglas fir, two species Gore's campaigned to protect from logging in old-growth forests. —ATS

Mars beckons — Some libertarians, such as Patrick Cox of the Competitive Enterprise Institute, have used the failure of NASA's Mars probe to argue for abolishing NASA and leaving space exploration to the private sector. Me, I think the spectacle of the federal government stuffing $1 billion into a metal canister and shooting it into outer space is such a perfect metaphor that if NASA *is* abolished, the program should be continued by the National Endowment for the Arts. —DB

Their day in court — In the August *Liberty*, I wrote that by examining the case of Randy Weaver we could get a pretty good idea of what might have happened to the Bureau of Alcohol, Tobacco and Firearms and the Branch Davidians had the government siege of the Davidian property not ended with the deaths of virtually all the Davidians and the total destruction of the scene of the events.

Weaver was the right-wing nut who was accused of a minor firearms violation in 1989, and moved with his family to a small shack in the mountains of northern Idaho where he lived peacefully until he was attacked by federal agents, who killed his wife and teenage son. While the Weaver case started out like the Davidian case, it took one critical turn: Weaver surrendered before the final assault by the federal authorities, so he survived to have his day in court.

As we went to press in July, Weaver and a friend who had been in his mountain cabin at the time of the assault and survived were on trial, charged with eight different crimes. The jury found both defendants not guilty of the charges that grew out of Weaver's resistance to the federal assault (conspiracy, assaulting U.S. Marshalls, murdering U.S. Marshall William Degan, possession of firearms while a fugitive, using firearms in the commission of a violent crime) as well as the charge for which Weaver had originally been charged. It found Weaver guilty of two relatively minor charges related to his failure to appear in court for the original alleged violation of gun regulations.

But David Koresh did not get his day in court. Instead, he got killed, just as the federal police had tried to kill Weaver. The scene of Koresh's supposed crime was burned over and bulldozed, so it is unlikely to reveal any evidence that might clear Koresh. The public was kept more than three miles away from the scene of the assault, and the Davidians were not allowed any communication with the outside world.

But it now looks as if some Davidians may get a chance to defend themselves. A federal grand jury has indicted twelve of the surviving Davidians for the murder of the ATF agents who were killed in the initial raid.

The federal police may live to regret their decision to go after the survivors. There are strong indications, including a videotape record, that the ATF casualties at the initial raid were the result of "friendly fire."

And even if the prosecutors somehow manage to prove that the agents were killed by fire from within the compound, they will still have to demonstrate what they could not in the Weaver trial: that the actions of those defending their homes was something other than self-defense. —RWB

At home in the Democracy — How far away 1988 seems. In the space of a mere lustrum the flag in which George Bush wrapped his wan and witless self has magically changed colors, from the red, white, and blue of the Old Republic to the blue and white globe-in-a-bull's-eye of the United Nations.

Ah, for those carefree halcyon days of yore, when the two wings of our one-party system engaged in a hilarious debate over the relative criminality of burning an American flag and raping Kitty Dukakis. It seemed like a big deal at the time — at least to everyone but Kitty's husband, legalistic Greek that he was — but now, five years later, a synthesis presents itself. All the eminences of the Sole and Glorious Party agree: the death penalty for anyone who burns a United Nations flag!

God knows how many Somalis, dark and poor as Washington's murder victims usually are, will lie dead in their provincial little streets, executed by the justly hated janissaries of the United Nations for the crime of loyalty to a local thug ("warlord," in Corporate Media Speak) instead of the New World Orderlies ("peacekeepers").

The blue and white flag of the Total State flies over this occupied land of light chocolate Willie Hortons. Next it will ripple in the Cambodian breeze, and after that its staff may be transplanted into the soil of Haiti or Azerbaijan or, sooner than we think, even these once-sovereign states.

Who has spoken up against the slaughter in Somalia? As I write, only Pat Buchanan and Senator Robert Byrd and a few black Democratic congressmen. The Republicans, erstwhile foes of that great Right hobgoblin, World Government, stand revealed as bumbling One-Worlders who combine the worst features of Wendell Willkie, Henry Kissinger, and Charlie Starkweather. (Ordinary Republicans of the Main Street variety have no enthusiasm for our never-ending global adventures, of course, but they all voted for Perot anyway.)

The other truly atrocious act of Champ Clinton — the massacre of religious dissidents in Waco, Texas — also elicited a cowardly mewling assent from the purported opposition party. Congressman John Conyers, the black leftist from Detroit, and Ohio's zany and frequently right-on populist Democrat James Traficant were the only gutsy defenders of the old values (freedom of worship, the right to bear arms, the right to be left alone) whose voices I heard.

As far as I can tell, the Republican commitment to liberty is limited to advocating lowering the tax burden on the wealthy and the upper-middle class. Until my ideal party comes into being — a cheerful gang of the bohemian Right, the America First Left, and the angry patriots of the radical center — the Democrats, for all their faults, are the better way-station for those who abhor mass murder. —BK

Confederacy of dunces — Boutras Boutras-Ghali continues to push for a strong United Nations. I can sympathize — I did much the same in my days as an important U.N. official.

All right, I wasn't really a U.N. official. But I *was* a member of my high school's Model U.N., a group that simulated the real thing. (I realize that in some circles, that is sure to be taken as a confession of nerditude, so for balance let me point out my teenaged membership in a short-lived, very bad garage rock group, the Velvet Undies.) At one local meet, in which I represented the People's Republic of China, I got together with my counterparts from the United States and the Soviet Union (the latter wearing an enormous and incongruous Reagan button) and wrote a resolution that essentially stated:

(1) The United States, U.S.S.R., and Red China are now officially joint rulers of the world, and the U.N. is our instrument;

(2) All who oppose this edict will be occupied by U.N. troops; and

(3) All who *vote against* this edict will be occupied by U.N. troops.

It passed, mostly because other delegates wanted to get on to other things and passing our resolution seemed as good a way as any to get rid of it. So my friendly suggestion to Mr Boutras-Ghali is: *Staff the United Nations with bored high school students. They'll give you whatever you want!*

My secret agenda, of course, is to fill the U.N. with delegates who can't even find the countries they're supposed to meddle in on a map. —JW

Planners' ritual — I recently spoke about libertarian approaches to economic and social problems at the International City/County Management Association, a professional organization of local government planners. They reacted the way you might expect of someone being told that there was no justification for his job. When I asked why "planning" wasn't a dirty word in this day of Communist collapse, they protested that they were not for *central* planning, just city planning. They insisted that their kind of planning was "community-based" and took into account the needs of people. I scoffed and said that planners were incurably out of touch with real needs.

Afterwards, my hostess approached me, out of earshot of the others, and confessed that when she worked for the city of Austin, the planners went through an elaborate ritual of consulting the community. "Then we went back to our offices, said 'the heck with what they want,' and unveiled [the planning document] *Austin 2000.*" Confession must really be good for the soul. —SR

The values of the Elders — The notorious Joycelyn Elders, collector of three tax-funded salaries and distributor of slightly flawed condoms, told the Senate Labor and Human Resources Committee, "I have seen bright young people all over this

Liberty's Editors
Reflect

DB	David Boaz
RWB	R.W. Bradford
BK	Bill Kauffman
RK	Richard Kostelanetz
SR	Sheldon Richman
JSR	James S. Robbins
SS	Sandy Shaw
ATS	Aaron T. Steelman
TWV	Timothy Virkkala
JW	Jesse Walker

country in an ocean surrounded by the sharks of drugs, alcohol, violence, homicide, suicide, AIDS, and teenage pregnancy while we argue over whose values we are going to teach." Does President Clinton's nominee for surgeon general really believe that the values taught to children are unrelated to such issues as drugs, violence, and teenage pregnancy? Has she contemplated the uncomfortable fact that when schools did teach traditional values, children were less likely to encounter these sharks? Has she noticed that children in schools that still teach values — notably Catholic schools — suffer less from such problems? Or is it "blaming the victim" to point out that drugs and AIDS are not just mysterious, impersonal phenomena?

I for one would not support a blind return to Victorian or Eisenhower-era values, nor do I think such a step is possible. But I am appalled that a high-ranking federal appointee, a close associate of the president of the United States, can cavalierly dismiss the very notion that the values taught to children might bear some relation to the terrible social problems that children face today. —DB

Whither the yellow peril? — The Chinese Communist government is mounting a campaign against "underground sperm donor brigades," groups of individuals who "wantonly and excessively" donate sperm — leading, according to the government, to the reproduction of "inferior strains." The artificial insemination business is largely unregulated in China, and the government seeks to bring this anarcho-capitalistic activity under state control. Why a country with over a billion people even needs sperm banks is anybody's guess, but why question the genius of the marketplace? And the conclusion that these men carry "inferior strains" seems premature — after all, they're outwitting the licensed Communist masturbaters. —JSR

Biodiversity grows out of the barrel of a gun — On June 11, 1993, at the seventh annual meeting of the Society for Conservation Biology at Arizona State University, the Wildlands Project was proposed. It is, in essence, a massive land use plan for the entire U.S., banning or restricting human access to up to half the continent. The Oregon coastline, for example, would see 23.4% of its land returned to wilderness (i.e., no people are allowed) and another 26.2% set aside for only severely restricted use. The plan does not specify what would happen to the nearby inhabitants.

The project is designed to preserve "bigness" and "fierceness" in the environment. That means it will be considered OK for animals to kill and eat anyone who wanders into their protected areas. The planners have not yet figured out how they want to handle wild animals who wander into the *human* areas and kill and eat people there.

There is a word for all this: "insanity." But I read about it in the June 25 issue of *Science*, which appears to take it all quite seriously, at least from a "scientific" point of view (i.e., This Is What We Must Do To Preserve Biodiversity). Indeed, over the past few years *Science* has increasingly favored centralized planning for the achievement of "scientific" goals; the Wildlands Project is only the latest in a series. But this biodiversity plan may be so extreme it becomes a blessing in disguise: so radical is its sweep, and so adversely would it affect so many individuals and communities, it could never be put into effect as is — and may by association help bring down its philosophical predecessor, the Endangered Species Act.

The people who proposed this plan seem to think that the present catalog of animals and plants must always exist, in precise and constant ratios, that it is some kind of ideal that must be maintained at all costs, including massive coercion. But in 10,000,000 years, what we humans have done today in terms of fostering animal or plant species will not make the slightest difference to the survival of the planet. New ecosystems emerge; old ecosystems adjust. One day, *all* species will be extinct. And "the planet" doesn't care.

When science mixes with the state, you get plenty of "bigness" and "fierceness" — and evil. —SS

Viva la videotape, again — In the June *Liberty*, I observed that Janet Reno had virtually confessed to the murder of the Branch Davidians in her public statements defending the decision to attack them with tanks and poison gas. But I did not believe her confession; more likely, I figured, she was a posturing politician, ineptly trying to portray her behavior as positively as possible, unaware of the implications of what she was saying. It seemed to me that the fiery death of the Davidians was the result of bureaucratic ineptitude, at most "mass negligent homicide."

A reader sent me a videotape produced by the American Justice Federation that calls my conclusion into question. It quite plainly shows a tank shooting fire into one of the buildings, as FBI agents calmly jump from the roof and walk away just after the fires are started. And that's not all: there are also images of FBI tanks breaking holes into the underground bunkers, which could explain how the poison gas got to those Davidians who had been taking refuge in the bunkers at the time of the assault. The tape also shows footage of the original assault on Feb. 29, and it surely looks as if the Davidians are *not* returning the ATF's fire. In one chilling episode, an ATF agent throws two grenades through a window through which three other ATF agents have just broken into the compound, and then rakes the interior with machine-gun fire. The narrator says that the three agents who had preceeded the grenade-tossing machine gunner were all killed. I'm not surprised.

The tape concludes with the ATF flag triumphantly — and ominously — flying over the smoldering ruins.

I am no expert on authenticating videotapes, so I suppose it is possible that what I saw was somehow faked. But it certainly looked like the tapes of the original raid and of the

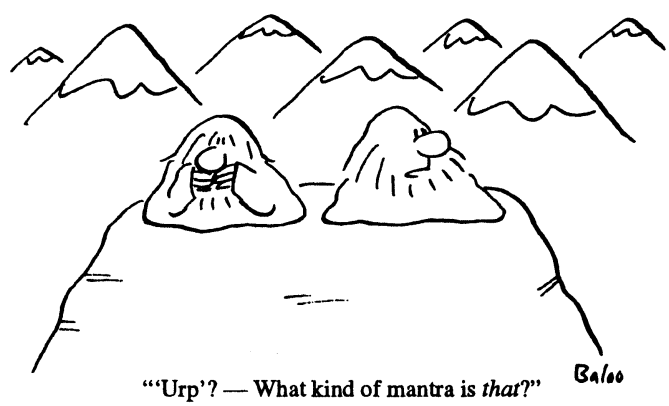

"'Urp'? — What kind of mantra is *that*?"

scene that I had seen on television. If these scenes were faked, someone went to a lot of trouble to duplicate the Davidian compound.

If federal prosecutors actually take their case against the survivors to trial, they will have to deal with the videotape that I saw, as well as substantial amounts of additional videotape produced by the BATF and the FBI. Unless, of course, the FBI and ATF have already destroyed or doctored *their* video record. —RWB

Regulation at a new height — In a memo to President Clinton, Secretary of Labor Robert Reich has proposed raising the minimum wage from the current $4.25 an hour to at least $4.50 an hour, and then indexing it to inflation. After all, surely workers would be better off making $4.50 than $4.25. In that spirit, I wonder if the Clinton administration would consider increasing the minimum height for U.S. workers to five feet. After all, surely workers would be better off if they were at least five feet tall. Robert Reich would be out of a job, but isn't it better to have a few people on welfare as long as most workers are taller? —DB

By his own hand — On July 27, Reggie Lewis, captain of the Boston Celtics, collapsed while shooting baskets at Brandeis University. He was pronounced dead two and a half hours later.

He had collapsed three months earlier, during Boston's first playoff game of the season at Boston Garden; afterwards, he was examined by a team of twelve specialists who concluded he suffered from a cardiomyopathy, a potentially lethal condition in which damage to an area of heart tissue can cause the heart to beat irregularly. Not only was Lewis' life in danger, but if the diagnosis was true, his career was over — a traumatic development for an athlete of his caliber.

So Lewis wanted a second (or in this case, a thirteenth) opinion, and consulted Dr Gilbert Mudge, a cardiologist at Brigham and Women's Hospital. Mudge decided that the opinions of the doctors who had examined Lewis before were unfounded and that what Lewis suffered from was a neurocardiogenic syncope, a nerve disorder treatable with medication. Lewis would be able to continue his career and try to forget the whole episode. It surely did not upset Celtic management, an organization that seemed to be reeling ever since the sudden death of first-round draft pick Len Bias in 1986, and could ill afford to lose Lewis' services.

Mudge's diagnosis was wrong; the autopsy proved the original twelve doctors' appraisal correct. Whether or not the way Mudge and Celtics management advised Lewis was ethical is not so certain. But the death can be blamed on no one but Lewis himself. Twelve doctors warned him of the danger. He chose to ignore them. No amount of prodding could have forced him to keep playing if he did not want to.

Already it has been suggested that Mudge and others be sued for their part in this tragic episode. That is ridiculous. Reggie Lewis died as a result of his own actions, not those of Mudge or Celtic management. I do not mean to admonish the man. He died doing what he loved to do, shooting baskets and talking with his fans. But to deny his responsibility is to deny that man is free to live his life as he chooses. It's time to quit pretending that people are not responsible enough to live their own lives by their own volition and face the consequences of their own decisions, be they good or bad. —ATS

Out in center field — The conservative wing of the media, led by Rush Limbaugh and *American Spectator*'s ideologues of the frat-boy Right, have formulated their take on the Clinton administration: Bill Clinton and (especially) his wife are socialists of the far, far left, ready to impose McGovernite PC hell on the rest of us.

If only things were that simple.

There certainly is an ugly leftist odor to some of the Clinton appointments, from Donna Shalala to Laura D'Andrea Tyson. But Clinton himself is basically a centrist, and so is his administration. The Left has had a few bones thrown its way, but the general course of the nation is no more leftist now than it was conservative under the regency of George Bush. No, it is that awful monster, the totalitarian middle, a.k.a. the "vital center," that steers our nation now, just as it has for decades.

Consider the uneasy case for Clinton as leftist. First off, there's his statist economics: tax, spend, and regulate. That's unpleasant, but is it "leftist"? Not unless you want to argue the Republicans' economics is leftist, too. The programs Clinton is pushing — national service, "managed competition," industrial policy — could as easily have come from the Nixon or Bush administrations (and, in more moderate forms, they did). Meanwhile, Clinton's version of welfare reform sounds more right-wing than left; not surprisingly, it also shows little prospect for actually shrinking the welfare state. In this age of the big-government conservative, it is useless to describe just anyone out to wrap the economy in red tape as a leftwinger.

Then there's his alleged social liberalism. He's pro-choice, for whatever that's worth — actually, it's one of the most mainstream opinions he has. And he's supposed to be gung-ho for gay rights, though I see little real evidence for this. After all, he's waffled like crazy on the gays-in-the-military issue, and refused to appear at the gay and lesbian march on Washington. (He said he had a prior engagement to speak to the American Newspaper Association in Boston, but *The New Republic* reports that that convention was originally scheduled to begin the day *after* the march — until Clinton "forced the newspapermen to accommodate his enigmatic schedule.")

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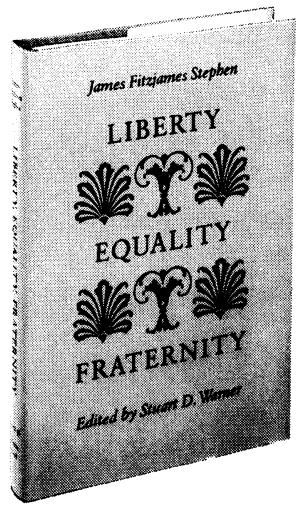

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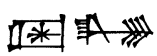

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Basically, Clinton's social-liberal image is partly a remembrance of his draft-dodging, pot-smoking past and partly a reflection of his fascination with left-liberal Hollywood movers and shakers. Which raises the question: Are Dana Rohrabacher and Frank Sinatra now social liberals?

If you want a firmer grip on Clinton's politics, take a look at his treatment of the National Endowment for Democracy, that federally-subsidized fund for the international propagation of neoconservative dogma. Even as fellow Democrats in the House of Representatives tried to defund the dinosaur, Clinton requested a 60 percent *increase* in NED funding. This is not the behavior of an out-of-the-mainstream leftist. This is the behavior of a man firmly in the political center — i.e., firmly in the Beltway. If he's not popular with the bulk of the American people — and he isn't — that just shows how far from America's center the political center has moved. Not leftwards. Not rightwards. Just away. —JW

How to win enemies and influence the people — Mohammed Farah Aidid, the Somali "warlord" being pursued by U.N. forces, is a minor thug, unimportant in the greater scheme of things. He is not personally responsible for the awful conditions in Somalia, and his capture will not solve the systemic problems that created the Somali disaster. The attention he's getting from American and U.N. media spokespeople is far out of proportion to his significance. He's being *systematically demonized,* as William Burroughs would say; attacking Aidid is an easy substitute for understanding and combatting foreign aid, "structural readjustment policies," and Third World statism.

Alas, the scapegoating process isn't going very well. I don't know why, but Democrats aren't as good as Republicans at turning minor Third World thugs into avatars of Satan. Muammar el-Qaddafy was a flaky, effeminate madman responsible for all the terrorism in the world; Saddam Hussein was worse than Hitler; Farah Aidid is . . . just a thug. He hasn't made any passes at Western journalists, or sent any hit squads after Clinton, or even gassed his own people. He has no known links to the KGB, the Medellin Drug Cartel, or Carlos the International Terrorist. He hasn't shot at the Pope, put on rouge, or bought expensive designer eyeglasses. *This* is the man we've sent thousands of soldiers overseas to nab?

No, let's face it: when it comes to stirring up jingoistic hate and focusing it on one unlucky scumball, Clinton's a bust. This is Republican territory. The last Democratic president to pull off a good demonization job was Franklin Delano Roosevelt, who had every American convinced that the Jap next door was ready to steal their garbage for Tojo. So let's count our blessings. Sometimes, Clintonian incompetence is a boon for liberty. —JW

"'How damn *many* pennies a day?"

The well-tempered libertarian — Libertarians tend to exhibit an intellectual elitism that can only alienate potential support. Consider three examples:

1. Years ago, Nathaniel Branden appeared on a daytime talk show hosted by John Davidson. As the applause died down, one could distinctly hear Davidson ask Branden if he could call him "Nat." *No,* replied Branden in sharp rebuke and with a sour look. Once bitten, Davidson — who obviously had only glanced at the book Branden had written — innocently commented, "I understand you're into biorhythms." (Davidson had obviously confused Branden's bio*centric* psychology with the pop-scientism of bio*rhythms* — well, nobody ever claimed John Davidson was an intellectual.) "You've totally misinterpreted what I said," Branden shot back with his best imitation of Randian outrage, embarrassing his host. Needless to say, "Nat" was never invited back.

2. More recently, Charles Murray, well-known author of *Losing Ground,* imitated Branden's style. On *This Week with David Brinkley,* Murray used the "people like you" generalization to not-so-subtly accuse Brinkley of supporting welfare-statism. Brinkley was noticeably miffed at Murray's presumption that he knew what Brinkley thought. Unless some apology is made, we won't be seeing Murray again on that show, either.

3. In his article "Confessions of an Intractable Individualist" (*Liberty,* July 1988), Jerome Tuccille relates his experiences on the campaign trail and his alienation from libertarianism and Libertarian Party politics. He writes: "I had very little desire to push through shopping mall crowds on Saturday afternoons, smiling and shaking hands and otherwise being agreeable to people suffering from advanced stages of brain rot." (Oh, dear.) Then, Tuccille berates Senator Jacob Javits for his ability to, as he adroitly puts it, "oil . . . his way among the throngs with a plastic smile on his lips, shaking one hand after another, dispensing an inanity here and and another one there," etc., etc.

These examples suggest a question: have old-fashioned manners disappeared from the libertarian movement? Is being nice to people some terrible sin that we are somehow *above*?

This type of self-sabotage is difficult to explain in people of obvious ability. Intelligent people simply do not go around insulting their hosts — and what is so wrong about "chatting up" voters? To denigrate social niceties is a fine way of cutting one's throat, but it does little to promote liberty.

Libertarians could learn a lesson from G.K. Chesterton. I invoke Chesterton's name here because he was universally liked — even by devout socialists like Wells and Shaw, who thought his ideas neanderthal. Chesterton's description of Basil Grant in *The Club of Queer Trades* is almost a self-portrait: "He listened . . . with the genuine simplicity and respect which he never failed to exhibit in dealing with any human being." This epitaph would apply to very few libertarians. Unlike Chesterton, libertarians do not seem genuinely interested in the common man. This arrogance is self-defeating.

Can the arrogant, anti-social streak in so many libertarians

ever be eradicated? I don't know, but perhaps if men like Chesteron are widely emulated, the libertarian movement will become a place where charm is again seen as a virtue, and success a possibility. —*Guest reflection by* Dan Riga

Margit von Mises, 1890-1993 — When Ludwig von Mises arrived at the American shore, phenomenologist Alfred Schütz was at the pier to greet him. We honor Schütz for this. And we honor those who sponsored Mises at New York University when he could find no academic position in the American academy — despite having made brilliant contributions in many areas of economics, including monetary theory, the business cycle, the theory of central planning, and the methodology of the social sciences. It is much easier now than it was then, 50 years ago, to do good work in economics and social theory, and to advocate a free society and the institutions of capitalism. We owe not only Mises but his supporters something for this change. But we should not forget the woman who arrived with the eminent Austrian on these shores, who stood beside him in his early years of exile away from Vienna and through all his years in America, and who survived him by 20 years.

Margit von Mises died on June 23, 1993, after living nearly 103 years. She had a full life: actress, friend, and conversationalist. Loyal to her husband and his work, and a person of great charm — as attested by her friends and as revealed in her memoir *My Years with Ludwig von Mises* — she was evidence that virtue is its own reward, or (to be more precise, as we should be when dealing with economists), at the very least, that virtue provides for much reward. Those who knew her will miss her, and the rest of us simply note her passing, and remember how important to us her life, and the life of her husband, became. And hope that some measure of that importance will remain, as the world turns a little closer to the ideal of freedom, which both Miseses struggled to proclaim. —TWV

Henry Hazlitt, 1894-1993 — At 98, Henry Hazlitt was prepared for death; when it finally came after many years of suffering and lingering in a nursing home, it was all the sweeter. It came as a friend, and Henry was prepared to receive it.

Henry Hazlitt was unique in his dedication to the cause of individual freedom and to the dissemination of this cause with his powerful pen. His whole life was devoted to this effort. As a young reporter with *The Wall Street Journal*, as literary editor of *The Sun* and *The Nation*, as editor of *The American Mercury*, as a columnist for *Newsweek*, as editor-in-chief of, then faithful contributor to, *The Freeman*, he always demonstrated the best in economic knowledge and journalistic professionalism.

Throughout the years Henry Hazlitt never failed to find eloquent words and lucid composition to dwell upon economic subjects. He, more than any other American writer, wrote as the common people speak, but thought as wise men do. Proper writing, to Mr Hazlitt, was but a different name for lucid conversation. His guide was truth, which made him write powerfully, naturally, and convincingly. He wrote until he was four-score-and-ten because he liked to write and liked himself better when he did.

Henry Hazlitt will be remembered as the great teacher of the present generation of economic writers. When they face the burning issues of our time they will do well remembering the great Hazlitt lessons in *Economics in One Lesson*, *The Foundations of Morality*, *The Conquest of Poverty*, his fifteen other books, and thousands of essays and articles. Although he has left this stage of life, his writings will point the way for generations to come. —Hans F. Sennholz

Medianotes

The fugitive — I hear on the news that the U.S. occupiers of Somalia are still troubled by Mohammed Farah Aidid, whom the news readers formulaicly describe as a "fugitive warlord." I don't know much about Aidid, but I suppose this characterization is accurate: Aidid refuses to surrender to authorities, which makes him a "fugitive," and he does apparently head a military force, which makes him a "warlord." Even so, the use of such emotionally-charged words is a bit worrisome.

George Washington headed an insurgent military force during the American Revolution, and he refused to surrender to British authorities. Was he a "fugitive warlord"? —RWB

Pope's on the ropes — The way the news media — especially the taxpayer-funded media — treated the U.S. visit of Pope John Paul II left even me feeling a bit sympathetic for the old boy and his church. For one thing, the media demonstrated just what the Pope says about them: they were obsessed with sex. (*Newsweek*'s cover line: "Sex and the Church.") What issues were relevant when the world's most prominent religious leader visited a country wracked by crime and moral crises? Abortion, homosexuality, married priests, women priests, and, lest we forget, pedophiliac priests. NPR's coverage began with the Pope's stop in Mexico City. A long feature story included opinions presented as fact — "Pope John Paul II is an authoritarian"; snide comments — "President Salinas didn't show up for the Pope's remarks here, and observers wondered why the Pope didn't mention the Church's long mistreatment of the Indians"; and soft interviews with "longtime Catholic activists who dissent from the Church's teachings on basic theological issues." (Like libertarians who believe in national health insurance, tax increases, and drug prohibition?) My local government radio station's coverage concluded with an hour-long talk show on the problem of — you guessed it — pedophiliac priests. One might as well tune in to Geraldo, who at least doesn't demand my tax dollars for his public-interest programming.

Another popular theme was that the Pope's opposition to birth control is responsible for overpopulation in the world, even for the murders of eight street children in Rio de Janeiro in July. Writers such as Georgie Anne Geyer and Judy Mann accepted the overpopulation canard at face value, then blamed it on the Church.

Now far be it for this Protestant-turned-nonbeliever to defend the world's leading mystic. But I think the Pope's address about the "culture of life" versus the "culture of death" might have warranted more than a disparaging soundbite from Catholics for a Free Choice. And when Catholic schools achieve twice the success of the public schools at half the cost, it might be worth examining the values taught in Catholic schools — not just the sexual ones, but the full panoply of moral values. (E.J. Dionne's column in the Washington *Post*, which did just that, was a welcome exception to the general level of coverage.) Maybe on the Pope's next visit, after the five-part series on priestly celibacy. —DB

The crappy filmmaker as hero — The big summer movie hit was Stephen Spielberg's *Jurassic Park*, and it was awful. Its plot, in case you've been living under a beached whale, involves scientists cloning long-extinct dinosaurs with the intention of putting them in an amusement park; everything, of course, goes out of control. The message, I take it, is this: if you're going to bring back long-dead beasts for commercial exploitation, it's better to use computer wizardry and put them in a movie than to use biotech and put them in a theme park.

It's hard to pick out the worst thing about this picture — is it the gooey sentimentality that Spielberg confuses with a sense of wonder? The asinine "explanation" of chaos theory? The constant denigration of science? The gaping holes in the story? Sitting in the theater, question after insistent question ran through my mind: *How is that limping boy outrunning a dinosaur we've been told is faster than a cheetah?* and *Why, with those infrared night-vision glasses just sitting there, are they drawing attention to themselves with bright flashlights?* and *If they brought back the dinosaurs by cloning preserved dinosaur blood, how did they bring back all of those prehistoric PLANTS?*

There were some more general questions, too, like *Haven't I heard this soundtrack in an elevator somewhere?* And, of course, *Why am I sitting through this crap?*

Well, at least I can answer the last one. I was sitting through the movie so I could watch the nifty computer generated dinosaurs. So was everyone else. As my friends and I left the theater, one commented, "They shouldn't have bothered to hire any actors." ("Don't worry," I told her. "They didn't.") This is a brand new, very expensive special-effects technology; it took a director with the cash and clout of Stephen Spielberg to put it to use. And that, ultimately, is why I am glad this pile of dung was made.

"What do you do on your day off is *too* my business!"

Jurassic Park proved that studios can get a return on an investment in these new techniques. Thanks to Spielberg, genuinely creative but less powerful directors are freer to put the tech to work in their pictures. And, slowly but surely, the technology will filter down to those wild visionaries who don't work in Hollywood at all.

One day, *Jurassic Park* will be thought of the way D.W. Griffith's racist epic *Birth of a Nation* is now. Film classes will be forced to watch it, and critics and historians will go on about its importance in motion picture history. Most audiences will be put to sleep, though, because the oh-so-radical innovations that spellbind today's viewers will become part of the general vocabulary of cinema, leaving nothing to pay attention to but the implausible story and the godawful music. —JW

In the freak range — Conservative magazines have not given up their obsession with homosexuality, but they've added a new twist — earnest attempts to offer a serious justification for their hostility. That's progress, I think, even if their attempts don't hold up very well on examination. At least they're *trying* to be both civil and intelligent. All, that is, except for good old Joe Sobran, last seen speaking at the 1991 Libertarian Party convention, whose review of the April gay rights march in *Crisis* referred to the marchers as "perverts, dykes, and fairies . . . lisping, shrieking . . . both sexes intent on proving their manhood . . . almost in the freak range, down there with incest, pedophilia, sheep-loving." Sobran may not *quite* be a libertarian on policy issues, but he's mean-spirited enough to qualify for "paleolibertarian" status. —DB

Tree-sucker — On September 8, Al Gore took his public relations campaign for "reinventing government" to New York City, where he appeared on the David Letterman show. It was an historic event. For the first time in the ten-year history of the program, Letterman sucked up to a guest.

I suppose this shows that anyone — even an individual as set against brown-nosing as David Letterman — can succumb to the trappings of power. When the New York City cops halted all traffic for miles around and Secret Service goons searched the entire audience so *El Segundo* could safely go out in public, Letterman was instantly transformed into Arsenio Hall.

Gore told a few witless jokes, which is not to say that he didn't say anything funny. Consider the following interchange with his host:

> Letterman: How much did the study [about reducing waste in government] cost?
>
> Gore: Nothing. One of the things that was different about it is we did it completely with federal employees.

I have examined a videotape of this exchange a half dozen times, and I can assure you that Gore's answer had not a trace of sarcasm. This was not a joke. Apparently, Gore is convinced that using federal employees to do a job costs nothing at all. Does he believe federal employees do not get paid? Or does he

continued on page 46

The *Real* Health Care Crisis

by R. W. Bradford

The Clinton administration has grandiose programs; conservative ostriches have effusive criticism; neither has a clue to what's wrong with American medicine.

I just got back from my dentist's, where I had my regular check-up. Five x-rays, a cleaning by a dental hygienist, and a brief examination set me back $117. A year ago, this same procedure cost me $97. Five years ago it cost less than $60.

It's a good thing I didn't have to have anything *done* to my teeth. Being healthy is expensive enough.

My experience typifies that of all Americans. Medical costs are rising rapidly, much more rapidly than other prices. For the last decade, national health care expenditures have risen at more than twice the rate of inflation. Medical care has risen from 9.4% of GNP in 1980 to over 12.8% of GNP today. In my home state of Washington, spending on medical care rose 153% over the course of the '80s. Total national health expenditures have increased from $27.1 billion in 1960, to $250.1 billion in 1980, to $666.2 billion in 1990. All facets of health care are seeing costs rise faster than the general inflation rate — hospital care, physician services, dental services, home health care, drug prices, the whole array. The average cost of medical coverage has also risen, especially in the last few years: from $1,645 per person in 1984 to $3,968 in 1992.

The trend is plain to see. If the price of medical services continues to rise at this rate, Americans will be bankrupted or have to forego needed care. This is why so many Americans have responded to President Clinton's call for "health care reform."

Taking the Task Force to Task

President Clinton has responded to the crisis by appointing a health reform task force of volunteer experts to study the situation. To protect it from undue influence from those with a financial interest in medical care (i.e., health care professionals), he kept the membership of the task force secret and instructed it to meet in private.

Unhappily for the president, Federal Judge Royce Lambeth on March 10 ruled that it was illegal for the task force to meet in total secrecy so long as the president's wife headed it without pay. Presidential spin doctor George Stephanopoulos immediately went on television and explained with a straight face that the court's decision was a "victory" for the administration because it did not disband the task force altogether.

Eventually, someone leaked a list of the members to the press and to Congress. On March 28, it apparently occurred to the president (or his wife, who runs the task force) that since Judge Lambeth had ordered it to hold public meetings, people were going to figure out who was on it anyway, so they might as well come clean.

It turns out that the task force has 511 members, of whom 412 are full-time employees of the federal government. Another 82 are part-time federal government employees. This leaves 17 who are not federal bureaucrats. Of these 17, nine are employees of the National Governors' Association, six are consultants for the Department of Health and Human Services, one is a county commissioner, and one is affiliated with the Harvard Community Health Association.

It seems a safe bet that a task force consisting of government employees will conclude that medical care ought to be controlled even more tightly by government than it is today.

All this is surrounded by a massive public relations campaign, complete with television commercials advising us that the solution is "managed care." Pontificating professors have explained why we need more government control. The first lady created a media event by bringing the

family of an infant poisoned by the *E. coli* bacterium to Washington to testify about the importance of a government takeover of the health care industry — although the child is recovering and his medical bills are being paid by those responsible for his accidental poisoning. . . . For a while, the campaign for a "solution" seemed to infect virtually every newscast and public affairs program.

During the eight months of its existence, Ms Rodham Clinton's health care task force has progressed from extending the private-government partnership that has resulted in ever-increasing medical costs to advocating a system that amounts to socialized medicine in all but name.

In America today, people want the absolute best health care and could not care less about the cost, since in most cases it is paid for by someone else. Not surprisingly, costs are bound to rise sharply.

The president's theory (and the theory of his expert task force) is that medical care ought to be controlled by a government bureaucracy, so that it can be run with the same efficiency, productivity, and innovation as the post office, the public schools, the military, and the drivers' license bureau. On the surface, you'd think Americans would be reluctant to turn their medical care over to these people. But you'd be wrong. Enough are sufficiently worried about the spiraling cost of medical care to grasp at any solution, even one that puts their health in the hands of bureaucrats.

Virtually every incarnation of the Clinton plan calls for elimination of all employer-provided health insurance plans. This means that many workers will get worse medical coverage at a higher cost to themselves, but it was a small price to pay to gain the support of big businesses that had in the past agreed to pick up the cost of medical care for their employees and their employees' families, without stopping to figure how much this might cost them. Now that the bill is coming due, Clinton is happy to oblige them by allowing them to dodge their contractual liabilities.

There have been a few rough spots in the road to socialized medicine. Every once in a while, Ms Rodham Clinton paused in her public listing of new benefits and attacks on red tape to mention the matter of paying for the program. At first, she said health care reform could be accomplished by mandatory private insurance for all but the unemployed, for whom government would pick up the tab. This wasn't terribly popular — people began to suspect that they would have to pay for their own insurance, which already costs too much. So the task force suggested financing it like Social Security. But this meant lower take-home pay for everyone. So the task force floated the idea of a new broad-based tax, the value added tax. But taxes seem high enough to most people already, and the VAT would fall hardest on the poor. So Rodham Clinton proposed a "progressive" tax requiring people with high incomes to pay far more than those with lower incomes for identical health care. Even this failed to gain much support from a public worried about higher taxes.

The problem the task force faces is simple and fundamental. Americans have a system of extensive and wonderful benefits and services, delivered to them with little hassle or worry. But they do not want to pay for it, though they don't mind someone else paying. The problem is that the benefits Rodham Clinton promises are expensive. They cannot be paid for simply by raising the taxes on the wealthy or some other small minority.

The country seems divided between those who cannot afford to pay for their medical care and those who don't want to pay for their medical care. The only genuine consensus: *someone else should pay.*

Every time the president's wife or one of her staff floats the notion of a new tax, support for the whole program recedes. In August, the task force finally came up with a new approach: simply tell the American public that the system won't require anyone to pay for it. It's too soon to see whether people will buy this bare-faced lie. But if history is any indicator, the willingness of the American people to believe their government can give them benefits at no cost whatsoever has never been in short supply.

The Ugly Truth

So far, Clinton and his expert commission have dodged the nastiest question that perplexes every system of socialized medicine: triage administration — i.e., the government deciding which people's medical problems ought not be treated at all.

Unless an infinite amount of resources is allocated to health care, someone has to decide which medical problems will be treated. In a free market, those allocations are made on the basis of willingness and ability to pay. This means that some very serious medical problems of poor people will not be treated, and that some rather fanciful problems of the wealthy will. To many, this is simply unjust. Why should a poor man die because he cannot afford an appendectomy, while a rich woman can have extract of sheep embryo injected into her blood on the theory that it will make her younger?

Those who find this situation unsatisfactory seldom talk about the alternative, perhaps because it isn't much more pleasant. If decisions about how money is to be spent for health care are not to be made by individuals themselves, then who *is* to make the decision?

Clinton is happy to oblige big businesses by allowing them to dodge their contractual liabilities.

One possible answer is that the individual can purchase insurance. In exchange for a fee, the insurance company agrees to provide such medical care as an individual needs. The care the insurance company will provide (or pay for) is determined by what the insurance buyer contracts for. If one buys insurance that covers dental care, the insurer pays one's dental bills; if one has not contracted for dental care, then he is responsible for paying for it

himself. So ultimately, voluntary insurance does not change the method of allocation: whether it is a poor person buying insurance against appendicitis or a wealthy person buying insurance to pay for rejuvenation injections makes no matter. They get what they pay for.

The only alternative to allocating medical care by means of the ability and willingness of the individual to pay for it is allocation by a third party. That third party — whether an individual or a committee — must decide whether to pay for a medical procedure. Ultimately, that third party will have the power of life or death over the individual.

This has been the experience of virtually every country that has adopted government-allocated medical care. This triage is sometimes obscured. In Britain, for example, individuals who are wealthy enough can purchase medical care that the National Health Service refuses to pay for. Canada denies the wealthy this same privilege — it is against the law to contract with a physician to provide medical care not provided by its national health insurance program. But this is softened by the proximity of the United States, where private health care is widely available.

Triage isn't the only unpleasant aspect of government medical care. As with any socialized industry, bureaucratization, inflexibility, and inefficiency will inevitably characterize medical care taken over by the government.

Of course, Clinton and his experts do not mention any of this. Instead they focus on a single point: the present system is so expensive that some people might not be able to afford the care that they need or want. They promise a new system that will provide what people want at low cost, or at no cost at all.

The fact that the system they propose will control costs only by triage, while adding new costs in the forms of further inefficiency, inflexibility, and bureaucratization, is obscured by the promise of great benefits at no cost.

It is plain that the solution to the medical care crisis will not come from the Rodham Clinton task force. More government spending, higher taxes, mandatory insurance, cartelized buying groups, more regulation — these can only intensify the health crisis.

Conservative Ostriches

Conservatives, meanwhile, have busied themselves arguing that there isn't any problem at all.

Consider Fred Barnes' essay, "What Health-Care Crisis?," in the May 1993 *American Spectator*. Barnes makes valid points: he points out that the uninsured do receive medical treatment, that many statistics that are supposed to indict American health care in fact reflect other social problems, and that socialized medicine would create more problems than it would solve. American medicine is not in trouble, he tells us, because the American health-care system is better than that of any other nation in the world.

He may be right; he's marshalled some impressive statistics. But the fact that Japan, Germany, Canada, *et al.* have worse problems than we do hardly indicates that our system is working fine. The only problem Barnes concedes is "the lack of proper primary care for several million Americans." Nowhere does he address the issues of rising costs or government intervention. Everything else is just swell. Why should we worry about rising costs, when costs are rising even faster elsewhere?

Other conservatives offer even weaker arguments. Take Donald Lambro, who spent his syndicated column of April 5 denouncing medical price controls and praising the "extraordinary advances" in "new surgical procedures and miraculous drugs" that are "saving more lives, extending longevity, and, yes, substantially cutting health care costs."

Lambro, like Barnes, misses the point. For one thing, it is doubtful that new technology is reducing health care costs; often, new technologies are more expensive, as well as more effective, than those they replace. But even to the dubious extent that technological advances cut costs, their effect is limited. A television costs more than a radio — but is cheaper *for what it provides*.

Right-wingers like Barnes and Lambro are actually making it easier for those who would nationalize health care. Barnes may think he is refuting the Clinton health plan, and Lambro may intend to stop price controls, but neither is willing to tackle the question: *Why are prices rising so fast and so inexorably?* By ignoring this problem and pretending that our system is market-driven, they have bought into the premises of the status quo — and, hence, of its left-liberal critics.

Any solution is going to have to come from outside the borders of the debate that have been established by conservatives, left-liberals, and vested interests. It requires an examination of the cause of the medical care crisis, and exploration of how we got into the mess we're in.

Out of the Crisis

The crisis in medical care is a matter of very basic economics. Normally, people's demand for goods and services is elastic and limited. When the price of a good goes up, people buy less of it. I love hamburgers. At current restaurant prices of $2 to $6, I average a couple of burgers each week. But if the price rose to $20, I would eat fewer, and if it went to $100, I would eliminate them from my diet entirely. My demand for burgers is price-sensitive, "elastic."

In America today, demand for health care is both inelastic and virtually unlimited. That is to say, people want the absolute best health care and could not care less about the cost, since in most cases it is paid for by government or employer. When demand for any economic good is inelastic and unlimited, the

— IF ONLY LAUGHTER WERE THE BEST MEDICINE —

price must shoot upward.

Suppose for a moment that every one of us could have all the hamburgers we wanted, made from the finest ingredients, prepared by the best-trained chefs, and that all these burgers were paid for by someone else. What would happen to the price of burgers?

Would the price of burgers fall, because people wanted more of them? If a burger cost you nothing, would you go to a cut-rate restaurant? Would you seek burgers made from cheap ingredients?

Would the costs of the burger industry fall? Would it become more efficient? Or would costs rise as more and more research went into making better burgers, as finer and finer cuts of beef were ground into burger patties?

The president's theory is that medical care ought to be controlled by a government bureaucracy, so that it can be run with the same efficiency, productivity, and innovation as the post office, the public schools, the military, and the drivers' license bureau.

Now suppose that burger chefs were allowed to restrict the number of people allowed to enter the burger profession. What would happen to the salaries demanded by burger chefs? What effect would this have on the price of burgers?

This is precisely what has happened with medical care. Most Americans are entitled, by virtue of medical insurance provided by their employer or by welfare payments provided by their government, to whatever medical care they want or need, no matter what the expense. The cost of medical care has skyrocketed in the same way the cost of burgers would skyrocket if we were all allowed whatever burgers we want without the obligation of paying for them. Add to this the effects of medical licensing, with its consequent cartelization, and ever-higher costs are assured.

Government guarantees of payment for certain heroic medical procedures have further accelerated the rising cost of medical care. At present, for example, certain medical procedures are routinely performed to extend the life of an elderly patient by only a few months at a cost to taxpayers of hundreds of thousands of dollars. If government did not guarantee these payments, the incidence of these heroic procedures would be far less frequent. Most families would simply not be able to afford them, and many of those who could would decide against doing so. If briefly extending the life of an elderly parent means selling one's home and denying one's children an education, most Americans would reluctantly decide not to do so. Such heroic procedures would be performed mostly on the very wealthy or on people who have chosen to forego the purchase of other goods for the security of insurance that covers heroic medical treatment.

This is at least slightly offensive to most people's egalitarian impulses. But who is to say that this method of rationing heroic medical care is better than outlawing heroic procedures altogether, the method typically used where medical care is socialized?

The root of the problem is that most Americans believe that all of us have a *right* to the best medical care, no matter what the cost. Implicitly or explicitly, almost all Americans are reluctant to deny a person medical care — leave a person to suffer or die — because he cannot afford to pay a physician or a hospital for their services.

The Root of the Problem

So long as Americans have a broad consensus in favor of guaranteeing every American unlimited health care regardless of cost, the price of health is going to continue to rise sharply. Health care is excellent for those who can afford it — for the rich, for employees of firms that provide extensive health care benefits, and for the elderly, poor, and government-employed whose medical expenses are paid from Uncle Sam's infinitely deep pockets. These groups comprise about 75% of all Americans. The remainder — mostly the self-employed, people between jobs, and those who work for smaller businesses that provide jobs but no health insurance — are increasingly being priced out of the market.

These people are the worst victims of the present system. To keep its costs from skyrocketing totally out of control, the government has mandated spending limits on certain procedures — limits that are often below costs. Large employer-provided insurance also often negotiates maximum payments for services, though usually at a level than can cover costs. This leaves only one group of people to pay for the physician's or hospital's losses on Medicare and Medicaid patients — those without insurance.

In sum, the current medical care system, supported by the broad popular notion that medical care is a universal right and shaped by the politics of various special interests, is not capable of containing costs. The proposed solution offered by the Clintons would only make matters worse, while conservatives are busy denying that there is any problem to begin with. In a private conversation with a fairly prominent conservative, I challenged his claim that there was no problem, and suggested that a solution could come only when Americans accept the fact that medical care is an economic good not unlike other economic goods and not a universal right. He agreed, but defended the conservative pose on the grounds that it is more able to slow the advance of socialized medicine. This stuck me as odd; why should handing the high ground to the left impede the left's campaign? Why should we misrepresent a situation and withhold our best information and understanding? More fundamentally, is our goal to slow the move toward socialized medicine, or to reverse the direction of public policy? What tactic is more likely to affect the direction of policy?

Solving the health care crisis is simple. But it will not be easy. Americans must come to understand that medical care ought to be subject to the same considerations as any other economic good. Medical care is often as vital as food — but no more vital. The arguments for socializing medicine are precisely the same as those for socializing food, clothing, or shelter, and they have the same disastrous consequences for

continued on page 27

Brief

Justice Forfeited, Justice Reclaimed

by Stefan B. Herpel

The government can seize your property even if you haven't committed a crime. Is the Supreme Court coming to the rescue?

On June 28, 1993, the U.S. Supreme Court handed down a decision that may finally end more than 20 years of judicial acquiescence to property seizures made under the so-called "civil forfeiture" provisions of state and federal drug laws. Those provisions authorize the government to confiscate any property that has been used, or even *intended* to be used, to facilitate a drug offense. Property may also be confiscated if it represents the proceeds, cash or otherwise, of a drug violation.

Forfeiture is the modern counterpart to the old medieval law of "deodands." Under this rule, when an inanimate object caused the death of a person, it was forfeited to the king as a deodand, to be used for the good of the dead man's soul. The rule was based on the legal fiction that property itself can be guilty of wrongdoing; the guilt or innocence of the owner had little or no relevance to the forfeiture of property as deodand. Consistent with their origins, modern forfeiture laws do not require proof of criminal acts by the owner of the confiscated property. In many, perhaps most cases, criminal charges are never even brought against the owner.

In addition, the government may seize your property in response to someone *else's* misuse (or intended misuse) of it. In the landmark *Pearson* case of 1974, the Pearson Yacht Leasing company had a $20,000 yacht seized when the people to whom the boat had been leased were discovered to have brought a small amount of marijuana on board. The forfeiture was upheld even though Pearson was found to be "uninvolved in" and "unaware of" the illegal use of the boat.

The *Austin* Case

In *Austin v United States*, the high court unanimously held that civil forfeitures (or, as they are sometimes called, *in rem* forfeitures) are subject to the constitutional protection against the assessment of "excessive fines" contained in the eighth amendment to the Constitution. The *Austin* decision, together with new efforts at legislative reform (see sidebar), may well stimulate a major change in the way forfeitures are conducted.

In contrast to many forfeiture cases, *Austin* involved an individual who had indeed been charged and convicted of a drug crime — in this instance, selling two ounces of cocaine to an undercover officer. The individual, Richard Austin, pleaded guilty to one count of possessing cocaine with intent to distribute, and was sentenced to seven years in prison by a state court in South Dakota. Shortly after the criminal charges were brought in the state court, federal authorities instituted a separate civil forfeiture proceeding to strip Austin of his home and business. According to the government, Austin's body shop was the site for arranging and consummating a sale of two grams of cocaine to a police officer. A subsequent search of the business and Austin's mobile home uncovered what the Supreme Court described as "small amounts of marijuana and cocaine, a .22 caliber revolver, drug paraphernalia, and approximately $4,700 in cash." The government claimed that both the body shop and the mobile home were forfeitable because of their connection with illegal drug activities.

Austin challenged the constitutionality of the forfeiture under the eighth amendment, on the grounds that the value of the property seized was "grossly disproportionate" to any drugs found on the property or to any illegal activity that had occurred there. The eighth amendment to the Constitution provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Both the trial court and the Court of Appeals for the Eighth Circuit found this constitutional protection to be inapplicable to civil forfeitures. The Court of Appeals noted in passing that, in carrying out this forfeiture, "the govern-

ment was exacting too high a penalty in relation to the offense committed." But the appellate court felt constrained by the Supreme Court's 1974 *Pearson* decision to hold that the eighth amendment did not apply to civil forfeitures.

In an opinion written by Justice Blackmun and joined by four others, the Supreme Court reversed the Court of Appeals, and held that the eighth amendment does apply to forfeitures arising under the drug laws. (Justices Scalia and Kennedy filed separate concurring opinions, with Chief Justice Rehnquist and Justice Thomas joining the latter concurrence.) The Court did not, however, determine whether the forfeiture of Austin's property was so excessive as to be unconstitutional. Nor did it enumerate what factors should be considered in determining excessiveness, preferring instead to allow those criteria to evolve in lower court decisions. Austin's case was simply returned to the Court of Appeals, so that court could determine excessiveness. Since the Court of Appeals has already opined that the forfeiture was excessive, it seems almost a foregone conclusion it will find that the seizure of Austin's home and business violated the eighth amendment.

What is "Reasonably Necessary"?

Whether *Austin* actually helps other owners challenge unjust property confiscations depends in part on if the lower courts, and ultimately the Supreme Court, develop a meaningful standard for determining what is unconstitutionally excessive. A strict standard is necessary because of how little evidence is now necessary to justify seizures of homes, cars, businesses, and the like. In many forfeitures, the owner is innocent of any criminal acts, and at worst can only be said to be guilty of something akin to negligence. If the owner did not take "all steps reasonably necessary" to prevent the misuse of his or her property by another, the property can be taken. To make matters worse, in a forfeiture proceeding the owner has the burden of proving himself innocent, a reversal of the usual Constitutional protection.

Failure to do what is "reasonably necessary" to prevent misuse of one's property can be easily stretched to cover just about anyone whose property is used illegally by somebody else. In *United States v One Mercedes Benz 380 SEL*, for example, a business executive, Staton, transferred from New York City to Los Angeles and left his Mercedes automobile in the care of another person, Brewington. Brewington loaned the car to someone else, who in

Congressional relief?

Besides the changes in civil forfeitures that may flow from the *Austin* decision, Congress is finally showing some interest in reform of federal forfeiture laws. Henry Hyde (R-Ill.) introduced legislation in June that, while relatively modest, represents a decided improvement over current law.

Under the present system, an owner bears the burden of proving his or her property should not be forfeited because of its relationship to an underlying crime. While "probable cause" technically requires more that a mere suspicion, in practice it often amounts to nothing more than that. Once probable cause is shown, the owner has the burden of proving by a preponderance of the evidence that he or she is an "innocent owner," as the concept is defined in the statute, or that the property is not forfeitable because it is not connected to a drug offense.

Shifting the burden of proof in this way is, of course, antithetical to the time-honored principle that a person is presumed innocent until proven guilty. Hyde's bill would place the burden of proof on the government in forfeiture proceedings — at least regarding some issues. Specifically, the government would be required to prove by clear and convincing evidence that an unlawful act occurred and that the property has a sufficient relationship to the unlawful act. The "clear and convincing" standard of proof is easier to meet than the "beyond a reasonable doubt" standard that applies in criminal cases, but more difficult than the "preponderance of the evidence" standard that usually applies in civil cases.

Hyde's bill would not restore the traditional presumption of innocence in all cases, however. It would only do so when the owner of the forfeited property is the same person who allegedly used that property to facilitate a drug violation, or obtained it from an illegal drug transaction. The current system is retained when the owner is being penalized for the acts of another.

The bill would clarify the innocent-owner defense by providing unequivically that an owner can establish his or her innocence by proving *either* lack of knowledge *or* lack of consent to the underlying illegal use of the property. (Some courts have interpreted the statute to require individuals to prove both.) Unfortunately, Congressman Hyde's bill would continue the judicial practice of deeming an owner to have consented to the illegal use of his or her property by somebody else if the owner simply failed to take reasonable measures to prevent its misuse.

Other reforms in the Hyde bill include: providing for the appointment of counsel for indigents in forfeiture cases; expanding the period of time within which an owner may challenge a forfeiture; allowing individuals to sue the government for property damage caused in the handling or storage of confiscated property, and making it easier for property to be returned to an owner pending final disposition of a forfeiture case.

Other, more far-reaching reform efforts may also be afoot. John Conyers (D-Mich.) will reportedly soon introduce a bill that would essentially abolish "civil" forfeiture and make all forfeiture proceedings "criminal" in form. Forfeiture of a person's property would only occur if that person has been convicted of a crime; also, the types and amounts of property that may be forfeited would be severely limited. Whether Congress is ready for such serious reform remains to be seen. — *Stefan B. Herpel*

"Dear Michael,
"Your Persuasion Tapes Saved My Marriage...

"We've been married almost 6 years. My husband is a member of the LP. He subscribes to all the libertarian magazines and journals. He reads 10 or 12 books every month.

"He talks to everyone about politics and economics, but he stopped talking to me and with me about what matters to us and our relationship. I felt taken for granted. I felt like he didn't really love me anymore.

"I talked with him. I read a few books on relationships and communication. I went to a counselor. (He wouldn't come.) I tried everything. Nothing worked.

"I was ready to give up. One night, while he was at a libertarian meeting, I saw your *Essence of Political Persuasion* Tapes on top of his book shelf.

"Maybe I could persuade him to talk to me...I listened to side 1 of the first tape. Your recipes for quickly creating rapport made sense to me. So did your keys to powerful communication...

"When my husband got home, I told him I had listened to side 1 of your first tape and asked him to practice your rapport recipes with me. We practiced for about 30 minutes. The next thing I knew we were talking about us, our relationship, our marriage and our life together. We talked 3 hours. It seemed like minutes.

"We have listened to your tape set 8 or 9 times. We practiced all the skills you teach. We started listening to and talking with each other. Now we really communicate.

"I finally understand why my husband is a libertarian. I've read 8 libertarian books in 6 weeks and discussed them with my husband. Now I'm a real libertarian, too.

"Michael, your *Essence of Political Persuasion* Tapes saved my marriage.

P.S. "We are expecting our first baby late this year."

Name withheld by request

"I'm a Christian Libertarian. While I've always felt uncomfortable discussing my Christian beliefs with libertarians, I've felt even more uncomfortable discussing my libertarian beliefs with my fellow Christians.

"Your *Essence of Political Persuasion* Tapes gave me the confidence and skills I needed to bring libertarianism to my church. Your story on 'the Judas Bargain' hit me deep. I'm getting powerful results with your 'Political Cross-Dressing' and 'Words Are Weapons' techniques.

"Liberty cannot triumph in America without the support of millions of my fellow Christians. Reaching them will be my special libertarian 'ministry'.

" God Bless you, Michael."

B.L., New York, New York

"...Michael, your Persuasion Tapes earned me $12,000. I was 1 of 4 candidates for a promotion in my company. I was the least qualified. I don't socialize with the boss. Nobody figured I had a real chance.

"When I went in for the interview, I started off with your Rapport building methods, then I used your 'Intellectual Judo' to turn objections to promoting me into reasons why I was the best candidate. I used your 'Isolate the Concern' tactic to handle the final issue.

"After 35 minutes, my boss said, 'Communication is very important to this job and so is poise under fire: Congratulations, you've got the promotion.' Your *Essence of Political Persuasion* Tapes earned me a $12,000 a year promotion in 35 minutes."

R.S., Los Angeles, CA

"My letters-to-the-editor used to make people angry. Since I started using your Political Persuasion methods, people started sending in letters agreeing with me."

T.L., Toronto, CANADA

"...anyway, I got fed up listening to my sociology professor praise welfare statism. One day, after class, I got him alone and used your 'Welfare Junkies' argument on him. It stopped him cold! He asked if I could recommend any books on the subject. I told him I'd bring one by later.

"Michael, that's when I called you. I followed your advice to the letter. I bought a copy of Charles Murray's LOSING GROUND - and **sold** it to my professor. You're right, if I'd given it to him I'd be practicing intellectual welfare, encouraging him to believe in something for nothing and he'd have had no financial investment in reading the book.

"Well, he read the book and asked for more. I gave him a Laissez Faire Books catalog (he bought several books over the phone while I was there) and a CATO catalog.

"My professor is on his way to becoming a libertarian. Think of how many thousands of students he will influence with libertarian ideas - thanks to your *Essence of Political Persuasion* Tapes."

R.J., Madison, WI

"...I'm a competent, trained Psychiatrist, but I was stuck. He was the most resistant depressive I've ever treated.

"In frustration, I tried your 'Intellectual Judo' method on him. I agreed with his depression. I embraced his position. I added to it, accelerated it and re-directed it.

"He started laughing. We talked. Then we started making progress...

"Michael, your persuasion techniques are powerful. I regularly use them with clients, colleagues, friends and family. Your methods have improved all my relationships."

Name withheld by request

"...I was one of the thousands of aerospace workers laid off. Not only was I out of work but I was competing against these thousands for a shrinking number of jobs here in California.

"For 3 months I got nowhere. One afternoon, I listened to your *Essence of Political Persuasion* tapes again. (I bought them a year ago.)

"I starting using the Rapport building steps, the Onus of Criterion and Political Cross-Dressing during every interview. In 2 weeks, I got 4 job offers. I'm now back at work. Michael, tell libertarians that your Persuasion tapes aren't just for politics...they got me a job."

B.N., Orange County, CA

"I'm a 74 year old retiree. I call in to several radio talk shows. People used to tell me that my libertarian ideas were crazy...Now they ask me to tell them more - thanks to your *Essence of Political Persuasion* Tapes."

A.J., Denver, CO

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3. THEY DON'T LIKE YOU.
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turn used it to facilitate a drug purchase. Although Staton established that he was innocent of any involvement in the underlying crime, the forfeiture was upheld because he had not done all "that he reasonably could to avoid having his property put to an unlawful use." According to the court, Staton should have garaged the car, and if that

Forfeiture is the modern counterpart to the old medieval law of "deodands." Under this rule, when an inanimate object caused the death of a person, it was forfeited to the king to be used for the good of the dead man's soul.

was not feasible, should have given written instructions to Brewington prohibiting others from using it.

In another case, a yacht brokerage firm, Vene Investments, sold a 58-foot yacht to an individual named Rodriguez, who furnished a $50,000 cash deposit toward the purchase. While Rodriguez had possesion of the boat to conduct a "sea trial," he was arrested and the vessel was seized. The yacht was held to be forfeitable, not because it was carrying drugs, but merely because there was evidence that Rodriguez had intended to use it to transport illegal drugs. The court rejected Vene's "innocent owner" defense because the company's president had failed to make "those inquiries necessary to insure . . . that Rodriguez' intentions were legitimate prior to allowing Rodriguez to take possession of the vessel."

In some cases, preventing misuse of one's property has been interpreted to require what one skeptical federal judge has called "heroic personal risks in the war on drugs." A federal case involving an Alabama woman who lost her home to forfeiture as a result of her husband's illegal marijuana-growing activities illustrates this starkly. The government argued that the woman, Mrs Ellis, should have reported her husband to the authorities. Mrs Ellis said she had not done so because she feared terrible reprisals from her violent husband. The trial court's findings more than substantiated the legitimacy of that fear. The court discovered that, shortly after her marriage to Mr Ellis, Mrs Ellis learned that he had beaten his previous wife to death. Mr Ellis had also threatened to have Mrs Ellis "done away with" if she ever left him, drank as much as half a case of beer a day, and owned several guns, including a semi-automatic rifle.

Although the trial court denied the government's forfeiture claim, the Eleventh Circuit Court of Appeals reversed, and held that Mrs Ellis' home and sixty acres of land were forfeitable. In an astounding opinion, the appellate court concluded that, because there was no evidence that Mr Ellis ever threatened "immediate retaliation" if Mrs Ellis went to the authorities, she had "ample opportunity" to do that or to flee the property. For that reason, the court said, she "cannot escape the consequences (in this case, forfeiture) for her consent to his illegal acts."

Another forfeiture scenario that is fraught with potential for injustice involves the receipt of tainted property or money by gift or purchase. If the recipient knew or "should have known" that the property was previously used for or obtained from illegal drug activity, it may be forfeitable. Attorneys receiving payment for legal services are among those who have had property forfeited on this basis.

That the government has sought forfeitures against individuals who are innocent of any criminal wrongdoing is not terribly surprising: forfeiture affords a relatively easy way for federal, state, and local law enforcement agencies to raise revenue. Last year alone, $531 million in forfeited cash and property was deposited by federal authorities in the Justice Department Assets Forfeiture Fund. Much of that was returned to state and local authorities who assisted in forfeiture proceedings.

What *Austin* Does

Austin has potentially larger implications for the manner in which forfeitures are conducted. Until the decision in *Austin*, courts for the last 20 years have, almost without exception, refused to extend to forfeiture cases the various constitutional protections that apply in criminal cases.

The federal courts have ruled, for example, that the "beyond a reasonable doubt" standard of proof requirement, the prohibition against *ex post facto* laws, and the double jeopardy clause do not apply to civil forfeitures. That means the government can place the burden of proof on the owner to prove his or her innocence, can confiscate property under laws not existing at the time of the acts giving rise to the forfeiture, and can commence a civil forfeiture proceeding even after the owner has been acquitted in a criminal trial for the same conduct.

The rationale for declining to apply these and other constitutional safeguards has almost always been that forfeiture is "civil" and "remedial," rather than "criminal" and "punitive." But the Supreme Court in *Austin* held that the status of forfeiture as "civil" or "criminal" is irrelevant to the constitutional issue and that forfeiture is indeed "punishment" to the owner of the confiscated property. Such conclusions may seem unremarkable, but these

In many cases criminal charges are never even brought against the owner of forfeited property.

common-sense propositions have until now been rejected by the lower courts.

The Supreme Court's position in *Austin* was especially significant in this regard because the Court concluded that drug forfeiture laws are solely punitive, and serve no remedial purposes whatsoever. The Court acknowledged that seizure of contraband itself could be characterized as "remedial" because it would remove a dangerous item from society. But it rejected the government's claim that seizure of a home or business could also be remedial in this sense.

The Court also rejected the government's argument that drug law forfeitures are remedial because they compensate the government for expenditures on law enforcement and other problems said to be caused by the illegal drug trade (urban blight, drug

continued on page 46

Old-Growth Government

by Randal O'Toole

Only Bill Clinton could come up with a plan that kills the logging industry *and* the spotted owls. It also costs a fortune.

President Bill Clinton's northwest forest plan is about as bad as it can be without actually detonating nuclear devices. The president seems to believe that old stand-by that if you make everyone mad, you must be doing something right. So his plan puts thousands of people out of work, shuts down many sawmills, and *still* leaves a significant chance that the spotted owl and many other species will go extinct.

The plan's centerpiece provides token benefits to the timber industry by allowing salvage logging in old-growth reserves, despite most ecologists' recommendations against such logging. This logging does little to mitigate old-growth protection's impact on the northwest timber industry, but greatly increases the risk that more species will be listed as threatened or endangered. Perhaps this is what Clinton means by a "balanced approach."

But the real story is that the plan proposes to spend billions of dollars on programs whose benefits are negligible, proving once again that what the president really believes in is pork. In most cases, the proposals amount to robbing Peter to pay Paul. For example, a proposal to create secondary wood-manufacturing jobs, if enacted, will put people in other parts of the country out of work as their factories close to move to the northwest.

Clinton would also limit the sale of timber from some forests to mills that will process the wood in specified communities. This won't save a single job — it just means that the mills that will survive will be those with political pull rather than those able to process the wood most efficiently. It will also cost taxpayers plenty, since limited competition will shrink the bid prices for timber.

Clinton's experts estimate that the old-growth reserves will cost 6,000 direct jobs, and he proposes to spend $1.2 billion to mitigate those losses. That's $200,000 per job — but most of the money will be spent by federal, state, and local bureaucracies before the workers see any benefits. No wonder the state governors support the plan.

The president also promises to subject the northwest to another round of forest planning. The last round cost over a billion dollars and failed to resolve a single issue. This one will be more expensive still because the agencies will rely on high-tech computer databases that draw pretty maps. The maps will be completely wrong, because no one will actually bother to collect any data from the forest.

The plan includes some rhetoric about increasing timber supplies. Private landowners with spotted owls may be allowed to cut a little more timber if they promise not to export the logs. The federal government will provide more subsidies to timber programs on Indian reservations. But these actions will have little effect on timber prices.

The good news is that wood prices aren't likely to get any higher because most of the effects of reduced timber sales have already been felt by the market. Northwest loggers will be allowed to cut more timber than they've been cutting in the past few years. Of course, Clinton first has to convince Judge Dwyer to lift the legal injunctions on timber sales, and his staff is busy twisting the arms of environmental groups to get them to agree to this.

How did the president come up with such a stinker? First he spent a day talking with a handful of carefully selected representatives of special interest groups. Then he locked up a few hundred agency bureaucrats in a room and told them to write a plan. No one should be surprised that the prime beneficiaries are not the sawmills or the environmentalists but the bureaucrats who wrote it.

For example, most of the writers were scientists. So of course their plan

calls for dedicating tens of millions of dollars to new research. It even sets aside over two million acres of forest land for "ecological experimentation."

When all the costs of planning and lost timber receipts are added to the $1.2 billion "jobs" package, the plan will cost taxpayers "only" about $3 to $4 billion over the next five years. The really bad news is that the president considers this process a model for solving all environmental problems.

The forest plan's real winners are neither environmentalists nor loggers but bureaucrats and pork-eaters.

This means that governors of states whose industries are threatened by environmental lawsuits can look forward to Clinton dropping a few billion dollars on them to "solve" the problem without actually saving either the environment or the industries. Just hope no one asks where the money is coming from.

Instead of porking out, Clinton could have used the forest conference as an opportunity for "reinventing government" along the lines of the book of that name. Like most public land controversies, the old-growth issue is rooted in the fact that the Forest Service and related agencies are top-heavy bureaucracies that reward managers with bigger budgets when they lose money.

The solution is to change the system of rewards that managers face. This means, first, removing the incentive to lose money by funding managers out of their net income, not out of tax dollars. Second, promoting true multiple-use management by allowing agencies to charge fair market value for all resources, including recreation. Third, allowing groups who object to timber sales to bid on such sales and, if they win, not cut them down. Wilderness and certain other user fees could provide seed money for such "conservation easements."

In short, take forest issues out of the political arena and into the marketplace, where they can be resolved without polarization. Clinton missed this possibility when he relied on the agencies themselves, which would naturally resist any proposal to shrink their budgets, to write his plan for him. The forest plan's real winners are neither environmentalists nor loggers but bureaucrats and pork-eaters. The real losers are not spotted owls or consumers but the taxpayers who will have to pay for it all. ❑

We should take forest issues out of the political arena and into the marketplace, where they can be resolved without polarization.

The Original Common Sense 1776

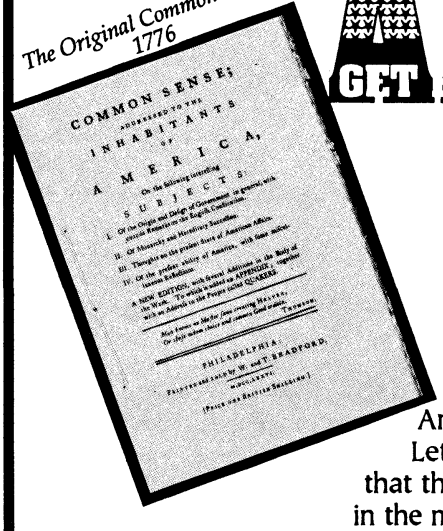

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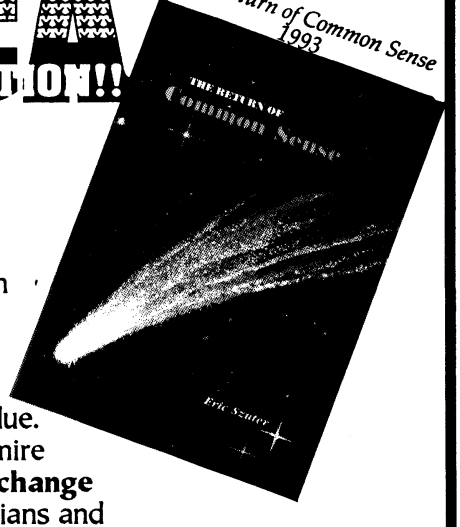

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Report

White Liberals *Can* Jump

by William P. Moulton

The persecution and assassination of Dale Lick, as performed by the inmates at the asylum of East Lansing under the direction of the Thought Police.

There is nothing in the public record to indicate whether Dale Lick, former president of the University of Maine, has ever seen the movie *White Men Can't Jump*, but he is almost certainly the only person ever to forfeit a major-university presidency because he believes that black men can.

Mr Lick's ultimate journey into the strange byways of political correctness had its quiet genesis in August of 1992 when Michigan State University President John DiBaggio resigned to accept a similar position at Tufts University. With the huge institution under the temporary stewardship of an interim president, its ruling Board of Trustees began accepting and screening applicants under a cumbersome and long-criticized process in which some hearings are closed, some are public, and all are lengthy. According to most sources, a total of 171 contenders were given some amount of serious consideration. As months went by, the field was narrowed to 130, then to "a few dozen" and, after eleven months, to three finalists. ("The Lord grindeth slow but the Board grindeth slower," in the words of one campus wag.)

Early on, the selection process became immersed in an uncharted sea of political correctness and interest-group pressures. Two headlines in area newspapers, "Diversity Questions Dominate at MSU" and "MSU Search Committee Can Only Guess at Rules," indicate the pedagogical atmosphere in which the search was proceeding. A rough word count shows that pre-controversy coverage in Michigan's metropolitan dailies devoted about 5% of total space to academic qualifications in the traditional sense. Post-controversy, that figure was, as the physicists say, vanishingly small.

By mid-July of this year, there seemed to be a clear favorite. No candidate had aroused great excitement, but Dale Lick, an MSU graduate and peripatetic collegiate administrator (Florida State, Florida A&M, University of Maine, others) had apparently given the least offense.

On July 20, just as the process seemed to be easing toward a David Souter-like, easy-but-unenthusiastic confirmation of Mr Lick ("MSU Will Get Its Lick In" was a typical cutesy-pie headline), the influential Detroit *Free Press* dropped a PC bomb. It was revealed that in 1989, in response to a Maine student's question regarding numerically divergent black participation in various sports, Lick had answered that, among other factors, the muscular structure of black males might be involved. Specifically, according to a brief report at the time in the Portland *Press Herald* (the agency and motive of the research into this rather obscure source has nowhere been revealed), he cited an unspecified study that, he said, indicated that structural and physiological characteristics of blacks give them a slight predisposition toward success in certain narrowly defined skills that can be of use in athletics. The key phrases in his recorded response were, "They've actually done research on an average black athlete versus an average white athlete. A black athlete can actually outjump a white athlete on the average. . . . The same is true of football. The muscle structure of the black athlete typically is more suited for certain positions. . . . Now, this isn't me talking, this is what the research shows, that is what the research shows, that there are several sports where black athletes are naturally better."

Although at the time President Lick's only cited source was "they," he has since stated that he had in mind a report by a physical education

dean at Georgia Southern University, which in turn was supposedly derived from an Indiana University study of uncertain date (and which was not produced by any of the involved parties during the controversy).

Once Lick's earlier statement was made public, logic, as well as the presumed desire of the Board to ascertain his actual beliefs, would seem to have suggested a few appropriate questions, such as: Does the "research" to which Lick briefly alluded consist of an academically rigorous study or is it, as now seems more likely, merely anecdotal? Does this evidence, whatever its precise nature, support the conclusions that Lick drew from it? Does he now, in 1993, still place credence in it? Are there any studies in the scientific literature that tend to either bolster or weaken his belief? Most to the point, has public discourse sunk to a level where *any* discussion of racial characteristics is *verboten*?

It is almost inconceivable that anyone of intellectual probity could regard Mr Lick's vague, tentative citation of a study which alleged black superiority in some fields and inferiority in none as actually indicating an animus towards blacks.

In fact, these questions scarcely emerged at all, at least not vigorously enough to find their way into the media. The issues that did dominate discussion and media coverage during the next few days, in roughly descending order of intensity, were: Would this "gaffe" generate enough politicized rage to force Lick immediately out of the running, or would he struggle on, despite the heavy onus of racial heresy? Would the dozen-plus campus black groups present a united front against the wounded candidate, or would some be willing to give him the benefit of the doubt? Would other minority organizations join in opposition in a spirit of solidarity, or would their consensus be "It's a black thing; we won't get involved"?

As it was, the politics of synthetic outrage was mobilized with alacrity. The press report on the 1989 Maine incident appeared on a Tuesday. By noon on Wednesday, George Rowan, president of the Black Faculty and Administrators Association, told the press he was "dumbfounded" upon hearing of Lick's remarks, and that colleagues whom he had consulted "express[ed] everything from outrage to disgust." By mid-afternoon, Trustee Dorothy Gonzales publicly opined that Lick should withdraw his candidacy. Shortly afterword, as the sun settled in the western skies over the picturesque environs of East Lansing, MSU Associate Dean Joe Darden let it be known that the four-year-old answer would make the candidate "unacceptable" to the university's minority students and faculty. After that, the floodgates broke. By Thursday, a new statement of opposition from a faculty member or a student organization was surfacing almost hourly.

Dale Lick had a golden opportunity to stand tall for intellectual integrity by saying, in effect, "Chill out. Get real. I'm not a racist. I know it and you know it. Are there any real issues concerning which you wish to question me?" But alas, as an archetypal white liberal accused of racial insensitivity, he simply wimped out. Over three days of questioning regarding his Maine statements, he progressively (pun intended) groveled. Beginning with the boilerplate excuses that his answer of 1989 had been taken out of context and misinterpreted, he then recounted at length his standard-issue left-liberal record on racial issues at earlier college posts. To little avail. At the end of Day One of the grilling, a spokesman for campus blacks stated, "we do not believe that he understands the gravity of our concerns." On Day Two he switched to a more apologetic mode: "I apologize to you if my comments caused you any embarrassment." Further, "It's been a hurtful situation for a lot of people and has been interpreted as showing insensitivity." No go. After Day Two even the Coalition of Hispanic Students jumped on the anti-Lick bandwagon.

Day Three saw total moral collapse. Lick maintained he had "grown" during the controversy. "I understand like I have never understood before the tremendous sensitivity in that area. I grew tremendously because of this. I was sensitized in ways I had never realized before." The answer itself was downplayed. "I've never claimed that the research was true or false." Affidavits from black colleagues from earlier days were presented, attesting to Lick's sensitivity. There was a bit of low-key begging: The MSU presidency would be "the job of a lifetime."

Every strategy failed. On Saturday, with the press reporting that only one of the trustees was still inclined to vote for his selection, Lick withdrew his candidacy and quietly left town, intent on resuming his academic career in Florida. The Board, reverting to its usual pattern of leisurely muddle, voted to re-open the field to new candidates. Within days after Lick's departure, the selection procedure was once more lumbering forward with no quick end in sight.

Editorial commentary on this strange affair was curiously muted and off-target. The consensus was that more intense scrutiny of the backgrounds of candidates would spare future embarrassment. Considerable blame was directed towards a private Chicago firm which had been hired to check on the past records and accomplishments of those under consideration, and whose researchers apparently were unaware that ideological no-nos were to be ferreted out with as much zeal as marital scandals or criminal transgressions. Few commentators were willing to go on record as believing that remarks of

The possession of merely generalized and potential power can be rather unsatisfactory, especially when one is young. There is little glory in saying, "We represent X thousand students and, incidentally, all you people are doing a fine job."

the kind attributed to Lick should disqualify a person from an academic position. Fewer still seemed willing to defend any opposing viewpoint. All agreed, correctly, that Lick had done nothing contemptible, either in Maine in 1989 or before the MSU Trustees in 1993. At worst, he had been thrust into an arena which had suddenly turned hostile, had handled himself as best he could, and his efforts had been inadequate.

Dale Lick's career as a wandering college administrator will no doubt survive. It is the atmosphere of civilized discourse at a great university which has been battered. There are two real issues involved here. The first, concerning the substantive matter of racial athletic prowess, is a legitimate, though very minor, subcategory of anthropological science. There is no professional consensus on the matter, partly because, like intelligence measurement, it is a certifiably "sensitive" issue that many scholars would rather not tackle, and partly because even tentative conclusions in the field tend to become lost in a miasma of qualifiers. Economic, social, and geographical factors are almost certainly far more important in athletic motivation and success than are relatively trivial body differences. (For example, basketball and football can be practiced in small empty lots or alleys, baseball less easily so, hockey and golf virtually not at all.)

The second issue, which is the identification of the nexus of power relationships at work at Michigan State University during recent months, is perhaps less yielding of a definitive answer. Superficially, this was simply one more triumph of political correctness. However, there is evidence of an even more unpleasant dynamic at work, one in which the exercise of power is an end in itself. For one thing, in contrast to the salient facts in some other well-publicized outbreaks of PC, it is almost inconceivable that anyone of intellectual probity could regard Mr Lick's vague, tentative citation of a study which alleged black *superiority* in some fields and inferiority in none as actually indicating an animus towards blacks, especially in view of his otherwise squeaky-clean liberal reputation. For another, there was no competing black candidate; racial solidarity was not an issue. Well, then, what was? Reading the bombastic press releases of some of the interest groups that brought down Lick, one is left with a strong suggestion of a mindset which says, in essence, *What's the use of having a (black/hispanic/women's) student union if we can't do this sort of thing?* After all, the possession of merely generalized and potential power can be rather unsatisfactory, especially when one is young. There is little glory in saying, "We represent X thousand students and, incidentally, all you people are doing a fine job."

All in all, a typical PC result: racial tensions have been inflamed, the Board of Trustees has been made to look ridiculous, and, as we go to press, the largest university in Michigan is still without a president. ❑

Bradford, "The *Real* Health Care Crisis," *continued from page 18*

human welfare. We must understand that sometimes, some people will not be able to afford medical care that they need. We must understand that buying better medical care means buying less of some other goods — less travel, or less entertainment, or less extravagant food or housing. Medical care must become like any other commodity, subject to the same individual evaluations, the same forces of supply and demand, *if the good is to be made efficiently available.*

The root of the myth that medical care ought to be fundamentally different from other economic goods and that all people ought to be given whatever care they need lies in the humanitarian impulse that every human being ought to get medical care, whether he can afford it or not. This natural impulse has never been consistently applied by those who advocate it. While it is plausible to provide medical care to the indigent of one's community, or perhaps even to all the indigent in the entire country, it is manifest that neither the American taxpayer nor all the taxpayers in the world can foot the bill for the world's four billion poor.

Living without Miracles

Until recently, the cost of providing medical care to the indigent has been low enough that it seemed plausible to pay the bill from voluntary charity or from relatively modest increases in taxes. In the early years of this century, medicine consisted mostly of sending lovable ol' Doc Spencer over into the poor section of town to dispense a few pills. But as medical science progressed, medical technology grew more effective, more complicated, and more expensive.

But the notion of a universal right to medical care was saved by the institutionalization of charity. When government and large employers took over responsibility for paying for medical care, the feedback provided by consumer demand was no longer looped back to allocate assets and control costs. The myth of a right to universal medical care was given new life, but with medical care providers no longer constrained by the consumers' ability and willingness to pay, costs skyrocketed, threatening to bankrupt the nation.

The outlook in the United States is not good. If the conservatives have their way, prices will continue to spiral out of control. If the left-liberals have their way, the country will be saddled with a Soviet-style system, in which medical care will be rationed by bureaucrats and committees, in which costs will rise while quality deteriorates.

A sensible system — one in which costs are controlled by market forces and progress is financed by consumer demand — can be purchased only at the cost of the realization that miracles are not within the power of government, that the laws of economics apply to *all* consumer goods, even medical care, and that unlimited medical care cannot ever be the birthright of all Americans.

Whether Americans will be willing to pay that price remains to be seen. My own guess is that they will prefer the Rodham Clinton nostrum, and not face reality until they have paid bitterly for their evasion. ❑

OCEANIA

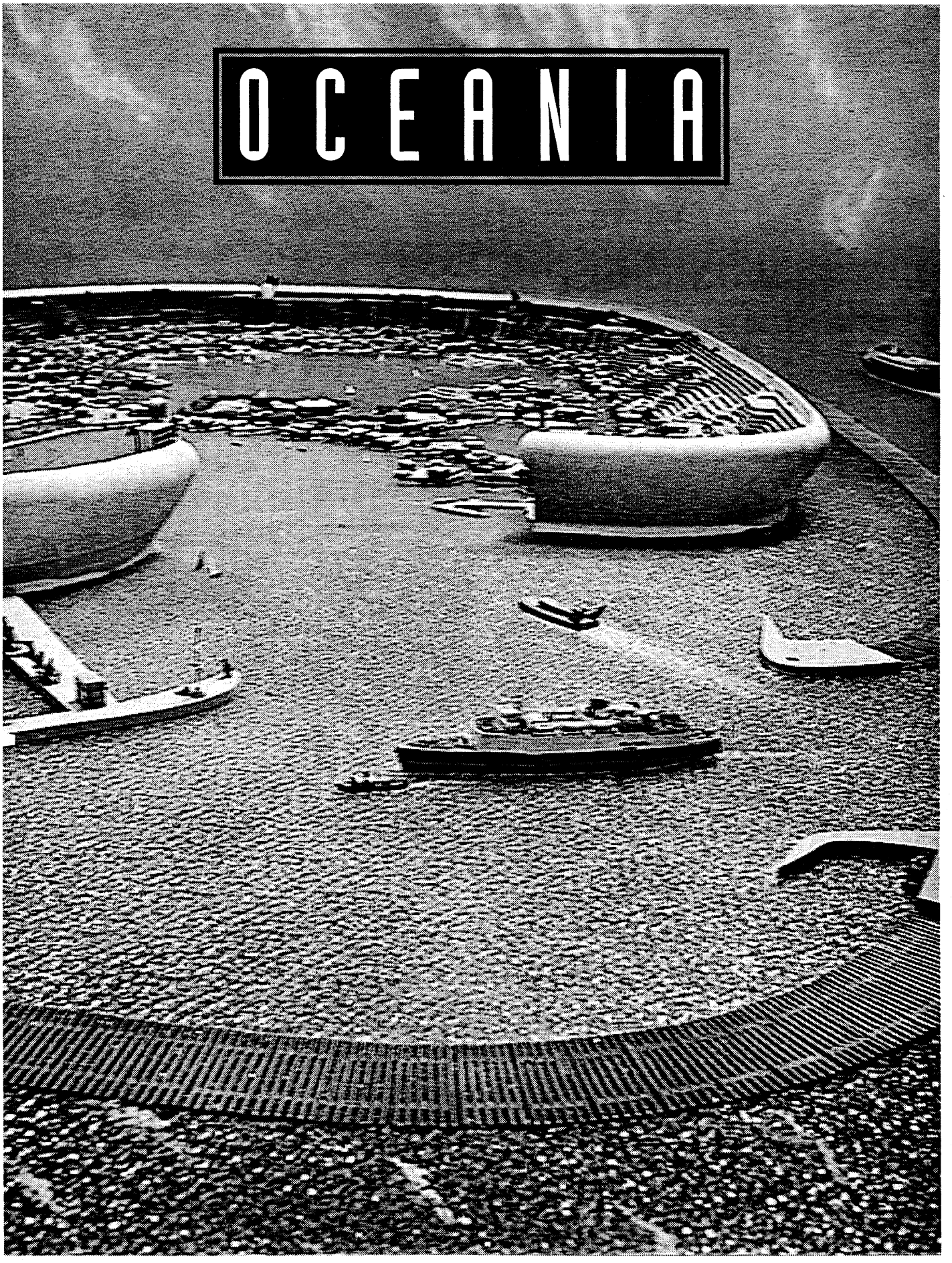

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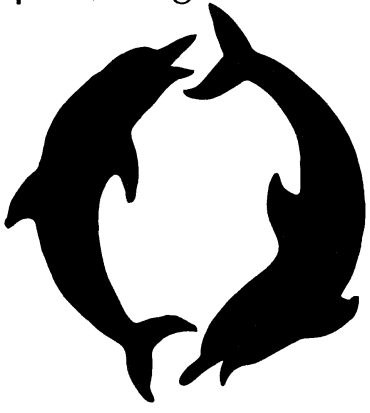

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The Significance of Isabel Paterson

by Stephen Cox

At mid-century, in the depths of nationalism and collectivism, three works heralded an individualist revival. Rose Wilder Lane published *The Discovery of Freedom,* Ayn Rand published *The Fountainhead,* and Isabel Paterson published the profoundest of the lot: *The God of the Machine.*

If you had visited the west side of Manhattan in the early 1930s and stood on a street corner at dusk on a weekday evening, you might have seen a slender, nearsighted, middle-aged woman, carrying a bag loaded with heavy objects and walking resolutely in the direction of the Hudson River. Turning her back on the new Empire State Building, she would follow 34th Street through the neighborhood known as Hell's Kitchen, a region of speakeasies, factories, railroad yards, and slaughterhouses. Crossing 10th Avenue, she would see the great river, crowded with piers, just two blocks away. A cluster of brick apartment houses, old, tall, and narrow, stood at the avenue corner. At the fourth door on the left side of 34th Street, the little woman would stop and enter. After a few minutes, lights would appear in the fifth-story windows. Later you would hear, drifting down toward the street, the noise of a typewriter. At dawn it would still be heard, surviving all the other sounds of that unruly neighborhood.

The woman, as any writer-about-town could tell you, was Isabel Paterson, literary columnist and reviewer for the *Herald Tribune*, going home from her office on 41st Street near 7th Avenue, carrying a few new books that especially interested her. What she would be doing at 3 a.m., however, would be trying to make some progress on one of her own books. By 1931, she had published five novels, and she would publish three more. She wrote them slowly, careful about the choice of every word. But these days, in the hours before dawn, her mind turned increasingly to issues other than plot, character, and imagery. Isabel Paterson was a worried woman.

She was not worried primarily about herself. She had lost money in the Great Depression, and there was always the possibility that even a person who was regarded as probably having "more to say than any other critic in New York today as to which books shall be popular" would be out of a paying job.[1] But she was used to that kind of threat. She had grown up in poverty in the Canadian West. She had received about two years of formal education. She had married at the age of 24, but she and her husband had soon parted. She had worked as a waitress, stenographer, bookkeeper, editorial writer, and drama critic. Since 1924, when she was 38 years old, she had been working for the *Herald Tribune,* helping to put out the paper's nationally circulated *Books* section and writing her weekly column of literary news and comment — and whatever else she wanted to put in. But she always regarded her employment at the *Herald Tribune* as a result of "chance," a chance that might at any time yield to other chances.[2]

The Last of the Individualists?

What worried her was America. She was worried that her adopted country (she had become an American citizen in 1928) was losing its grip on fundamental principles, and she wondered if she was the only person who still adhered to

> the classical American faith in politics and economics — believing in the Rights of Man, personal liberty and private property. We are aware that all those desirable things are badly damaged at present; well, they didn't exist at all until they were created and fought for, and they can be restored if people want them.[3]

In 1932, reporting on an argument with fellow literary critic Edmund Wilson, Paterson announced who she was and challenged her readers to decide who they were:

> It is an interesting suggestion, that

> we are, as Mr Wilson informed us, the last surviving person to believe in those quaint old notions on which the republic was founded. But is it true?[4]

Week after week, Paterson devoted her column in the *Herald Tribune* to warning her fellow citizens to save themselves from the temptations of the new America, the collectivized state. If America has ever seen a self-educated, self-made intellectual, Isabel Paterson was it; and she felt nothing but contempt for intellectual fashions that derived the dignity of individuals from their participation in one or another kind of group. She preached self-responsibility and absolute personal rights. She advocated the "republican-libertarian principles" of a government designed for one purpose, the protection of those rights.

> This country started on sound working principles. The main idea was that the Federal government was to be political, not economic. It was to protect human rights from the pressure of group interests and interferences, not to legislate people into either piety or prosperity or private morality.[5]

Paterson's writings of the early 1930s show that she had arrived at the positions that are hallmarks of the individualist movement as we know it today. She had arrived, that is to say, at the attitudes that today define classical liberals, libertarians, and limited-government, pro-capitalist conservatives. She developed the types of arguments for individualism that are popular today — the moral argument, the inherent rights argument, the argument from American history, the argument about the limits of human knowledge, the various arguments about social and economic utility — and she demonstrated that those arguments could work together, in roughly the ways in which they work in the individualist discourse of today. In addition, Paterson practiced, perhaps more effectively than anyone else, the *style* that has become characteristic of the individualist movement.

But I am getting ahead of my story. Before proceeding to Paterson's style, let's look at Paterson's ideas.

Paterson thought that respect for individual rights was necessary to material as well as spiritual progress. She thought that "human rights" cannot be separated from "property rights," and that a government that abridges rights in its pursuit of economic goals will destroy not only rights but also the economy.

She resisted attempts to use politics to solve economic problems. "Government and business can be entwined," she remarked, "only in the same way as Laocoon and the python, or whichever breed of snake it was. It doesn't do either of them any good."[6] She hated the attempts of big-businessmen and financiers to run the country in their way. She hated the attempts of socialists to run it in theirs.

Week after week, Paterson warned her fellow citizens to save themselves from the temptations of the new America, the collectivized state.

She rejected the commonly accepted view of history that equates *laissez-faire* capitalism with brutal exploitation of the poor. She believed that schemes to promote the general welfare by collectivizing the economy would actually promote only the welfare of an elite group, a "governing class" intent on monopolizing power.

She opposed conscription, regimentation, and any kind of moral crusade that — like World War I — might lead the United States to intervene in the affairs of other countries, for any purpose but self-defense.

She opposed government manipulation of the currency. She opposed censorship, prohibition, and any similar government action in the moral sphere. When Social Security came along, she opposed it; and when she became eligible to receive the benefits that she had been taxed to provide, she refused on principle to accept them, even though the amount of her supposed benefits was used to reduce her pension from an annual $1980 to an annual $918.

That happened in the 1950s, long after most people, even conservatives, had accepted Social Security as a basic institution of America. Paterson was never one to give up on a basic principle, even if her refusal to give up constituted only a seemingly useless personal protest.

But Paterson had established her significance as an individualist thinker and writer long before her act of principled self-denial in the matter of Social Security. Unlike many other people who positioned themselves on the Right side of the aisle in the American republic of letters, Paterson did not discover her principles simply by reaction to a disappointment with particular deeds of the Roosevelt administration. She hadn't liked what went on under preceding administrations, either. First there was the World War, she said, and the "uplifters"

> immediately wished conscription on us. Then the demand for a "business administration" was heard; and look at the darned thing now. After having boasted how well they could run the country, the bankers and business men are asking the government to rescue them from what they did to it. . . . And the moral legislators sewed us up in a sack with prohibition. After which the technicians got us — the Great Engineers.[7]

But when the New Deal started in 1933, Paterson found new reasons for her beliefs, and new ways to apply them. Her columns of the 1930s and 1940s are a running commentary on America's political problems. As a journalist considering developments week by week, Paterson necessarily devoted much of her attention to issues of temporary concern. But with remarkable frequency, her comments on those issues provide analysis that is of permanent interest and importance.

She spent a good deal of effort, for example, on the question of whether Hugo Black, who had once been a member of the Ku Klux Klan, should have been nominated by Roosevelt as a justice of the Supreme Court. Her answer was No!, in thunder. But the nomination was not as important to her as the larger questions it raised — questions about the individual's moral

responsibility for actions taken in "mere" conformity to current or local political attitudes, and questions about the tendency of the progressive "intelligentsia," as she called it, to expend its cleverness in excusing the moral defects of politically useful persons and causes.[8]

Excuses for the Black nomination were a comparatively minor indication of the tendency. A major indication appeared in contemporary apologies for Soviet communism. Paterson, who had never entertained any doubts about the effects of fascism, entertained none about the effects of communism, either. She remorselessly pulled apart the intelligentsia's arguments for a system that could only result — had resulted since Lenin's time, as she knew — in poverty and extermination. Her target was the barely concealed elitism of the intellectual friends of humanity:

> The catch in benevolence is that it does require a victim to practice upon, and furthermore, someone has to pay for it — but seldom the philanthropist if he can dodge the check.[9]

Paterson observed that one reason why a planned and controlled "new world order" could not succeed is that it would destroy the "diversity of nations" that allows people to gain information through "comparison."

Very few late-twentieth-century intellectuals retain much sympathy for Bolshevism, but the full exposure of the communist myth did not result in a universal reduction of intellectuals' willingness to swallow glib notions of what is right for other people. Paterson was interested not only in slogan-swallowing acts of sympathy for the Soviet experiment but also in intellectual acceptance of milder, more plausible, and therefore more tenacious clichés. ("Mostly what ails the alleged intellectuals," she said, "is that they aren't."[10]) Her analyses of common, normally unanalyzed assumptions often seem to have been written for today's newspapers, not for those of 60 years ago.

An instance is her treatment of the natural resources question. Paterson passionately loved nature. When she finally put together enough money to build a house in the country, she spent every minute that she could with nature. Thinking of spring coming to the countryside, she would ask, "Can such things be, and why doesn't everybody drop everything and watch it?"[11] She urged the study of ecology. But she refused to view nature in isolation from human values or to regret the exploitation of nature that is necessary for human progress.

This kind of regret was so common, even in Paterson's time, that when an advance notice of Marquis Childs' 1942 book *This Is Your War* alluded to the subject, it "touche[d] on a point of chronic exasperation" with her. The notice brought her to acute exasperation by calling the book "a reminder of our pampered, wasteful past." She responded with a brisk reminder of something else:

> Americans have been the most productive people on earth, by virtue of invention and industry in a free economy. Naturally they have used wood, coal, oil, metals and the like. They have grown crops and eaten them. Why not? Would there be any merit in letting the trees die, fall and rot as they had been doing throughout the ages, or leaving the ore in the ground, or the land unused? . . . The trees the pioneers cut down would have been dead of old age before now. More are growing, and can grow. With those used, Americans built houses, and for the first time in the world's history they made comfortable houses. . . . Americans were not pampered; they worked. They were not wasteful; they made something.[12]

The ill-fated reminder of "waste" was important to Paterson because it allowed her to make her position clear on certain general issues. But she made sure to keep a strong grip on the particulars; she made sure, in fact, to squeeze the particulars for all they were worth. It's no good, she insists, to think only in general terms about the exploitation of nature; at some point, you ought to consider exactly what is being exploited, and what is being done with it, and what would happen if this weren't done. Don't think just about "nature"; think about trees and houses — starting with the comfortable house you live in and the trees that were used to build it. You can't have the trees and the house at the same time. Is it simply wasteful to prefer the latter to the former?

Paterson returned to the issue of resources when she encountered a novel that optimistically predicted a "new world order" in which there would be "world-wide social planning, controlled standards of living with ceilings and floors to prevent exploitation," and "a per capita distribution" of resources. She didn't need late-twentieth-century economic theory to tell her what had gone wrong with such plausible ideals. She knew that in thinking about economic problems one must consider the whole range of human choices (including choices of values) and the availability of the information that can be used to make them. She observed that one reason why a planned and controlled "new world order" could not succeed is that it would destroy the "diversity of nations" that allows people to gain information through "comparison."

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She noticed something else that continues to elude most people who worry publicly about public policy. She noticed the fact that even such basic and apparently "given" things as natural resources respond to the availability of information, which can ex-

pand or contract in response to human enterprise. Resources do not exist as resources until someone knows they exist and knows what to do with them:

> Note how the whole field of human intelligence is presumed to be closed once and for ever by "per capita distribution of the world's resources," a phrase which is pure nonsense unless applied science is arrested at a given point — for nobody actually knows what the "world's resources" are in advance. What were "the world's resources" three hundred years ago? five hundred years ago? a thousand years ago? Did they include deep oil wells, gasoline, electricity, plastics? Certainly not. The world's resources consist of human intelligence applied to raw materials, but nobody can know beforehand how or where or to what such application can be made.[13]

Paterson was an individualist who respected the complexities of social process. Like succeeding classical-liberal thinkers, she refused to regard society as the predetermined result of political or "material" forces. She understood that neither dialectical materialism nor a board of social planners can decide the shape of an economy or a society, because the knowledge with which economies and societies operate is constantly being created in unpredictable ways. Attempts to control this process will be intellectually incompetent and socially disastrous.

This is one of the major reasons why Paterson endorses a politics that is virtually an anti-politics, a politics designed to protect a freely developing society from what Madison picturesquely called "improper or wicked projects."[14] Civilization is the ever-changing product of countless interactions among individuals, each with individual goals and values; it is too intricate and delicate to be subjected to state-sponsored experiments.

A Question of Style

Paterson was impressed by the difficulty of experimenting on civilization in even a literary way — the difficulty of forming and communicating a vision of a stupendously complicated world:

> There is an organic structure of civilization, there are vast movements and conflicts of peoples, animated by such obscure and intermixed instincts and convictions that only an intellectual point of view can apprehend them, and only an artist . . . can make us feel that they do affect us intimately and immediately, as individuals.[15]

This is the task to which Paterson dedicated herself as a political writer, a task for which one might think she was sadly overqualified. She was a person of extraordinarily wide reading, with a strong and serious interest in history and philosophy. She had the "intellectual point of view." She also had the artist's love for highly cultivated literary accomplishment, for the literary skill that can explore and communicate the complexities of the human condition. But highly cultivated artists and intellectuals are frequently unable to reach a popular audience. The writing that Paterson herself enjoyed was often quite different from anything that a popular audience instinctively understands. She liked a good deal of popular literature, but she also liked *The Tale of Genji*, the novels of Virginia Woolf, and the memoirs of French aristocrats. In her own novels, she prided herself on subtlety, delicate nuance, and precise observation of psychological intricacies. None of this would be helpful to Paterson the political writer, unless she could translate her intellectual "apprehensions" into words directly accessible to the readership of a mass-circulation paper.

But that is what Paterson did. She developed the skill — which was really, as she indicated, the skill of an "artist," not just a publicist — to make her audience feel that the great political debate on which she had entered, a debate that was much more about principles than about dollars and cents or votes or unemployment figures, nevertheless affected all people "intimately and immediately, as individuals."

Paterson was a strong personality, a wit, and a master of the aphorism and epigram. She was not a wit as some other people of her time were wits; she was not arch, she was not glamorous, she was not cynical; she did not invite her audience to overhear the private jokes of a select circle. Her manner was that of a person speaking frankly to other persons, seeing the comedy or the tragedy that others could see as easily if they allowed themselves to think as frankly. Paterson knew and loved the colloquial American language; its wealth was always immediately available to her, along with the wealth of more formal languages; and she moved effortlessly from one language to another. Her standard was conciseness and clarity. She wasted nothing on mere adornment. Aphorism and image, story and dialogue were all useful in their turn, so long as they helped her to get directly to her point.

The full exposure of the communist myth did not result in a universal reduction of intellectuals' willingness to swallow glib notions of what is right for other people.

One can see Paterson at her most direct in a column of 1934 in which she opposes the idea that the state should take responsibility for the people's welfare. She questions the common assumption that state officials have more resources, including intellectual resources, than the people at large, and can therefore provide better solutions to their problems. She may be making a simple point; but if it is really so simple, why do people so often fail to consider it? Paterson's purpose is to make sure that they don't fail this time, and also to speculate about why they usually do fail. They fail because they are "optimists" — and

> those optimists who hope to have everything happily taken care of by somebody would do well to look around and consider whether they know any one who is capable of doing the job. They always pin their faith on some total stranger who makes large promises. It sounds swell over the radio. But the only kind of people there are are the ones you see

every day. Go on, be a sport, pick one you've known all your life to tell you what to do. Have confidence — why not? Oh, you know too much about that bird, do you? We thought so.[16]

Paterson's ability to make political ideas accessible to every person in her audience results in large part from her skill at dramatizing herself as a personality. One of her favorite roles (and it is something much more than a role) is that of the warrior for liberty, willing and able to step into any argument and give any opponent an ideological thrashing. In a representative column from 1942, she mentions two letters that her friend Bennett Cerf recently sent to her, defending a pro-Soviet book about which she had made a sarcastic remark. The letters, of course, merely provide her with an excuse to ridicule the book again, this time at length. The effect of this essay (and many of her other essays, too) is captured by the three little illustrations that the *Herald Tribune* artists provided for it. In the first illustration, Paterson stands lecturing the unfortunate Cerf; in the second, he has fallen to his knees, and she is grimly choking him; in the third, he is lying on the floor with her foot on his stomach, and she is still telling him exactly what she thinks.[17]

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At other times, Paterson casts herself as an individualist visitor to a collectivist world, a visitor who constantly finds reasons for astonishment at the strange behavior of the natives. She is frequently surprised by the curious expectation that victims of economic planning will welcome still more extensive planning in the future:

> We feel toward Planners as the heroine of the old-time melodrama felt toward the villain. After having pursued her through four acts with threats of a fate worse than death, which he emphasized by shooting at her, setting fire to her home, and tying her to the railroad track just before the down express was expected, he inquired reproachfully, "Nellie, why do you shrink from me?"[18]

Paterson's vigorously popular, general-American style is a journalistic device, but not just a device. She enjoys it; it is right for her; and it is closely associated with her choice of ideology. Paterson deeply respected the contributions that individual genius has made to science, art, and (much less frequently) politics. But her individualism was not grounded in an elitist worship of abilities that only a few people possess; it was grounded in respect for the contributions that everyone can make under conditions of freedom. One of the things that irritated her most about collectivism was its fake egalitarianism and real elitism. Collectivist systems, in her view, can be operated only by small governing classes; naturally, they are invented and advocated by psychological and social elitists — by inheritors of fortunes, holders of government jobs, beneficiaries of endowments and subsidies. If a Nietzschean individualism held no attraction for Paterson, neither did capitalism with its top hat on, and its hand out to Congress.

She also thought there was something inadequate about conventional notions of "left" and "right": "the Left Wing and the extreme Right have marched around in circles until now they are inextricably intertwined, combining the worst features of both."[19] Neither party could leave private people alone with their private property, and Paterson regarded capitalism as what happens when you do leave people alone. She regarded America as the place where that sometimes happens, and where it ought to happen more often. She associated great achievements not with the ambitions of those she called "Great Men," who can never leave other people alone and are always insisting on "saving" them, but with tolerance, unpretentious intellect, skill at doing a job, and a willingness to take chances and accept the consequences.

In thinking about the achievement of the Wright brothers, for instance, she said that she particularly liked the episode of Huffman's field:

> The Wrights asked the owner if they could rent it. Mr Huffman said they could use it free; he only requested them incidentally to "drive his cows to a safe place and not run over them!" We shall never know whether Mr Huffman thought anything would come of the Wrights' experiments; but that was the American way, too — let them use the field, they wouldn't do any harm. Oh, no, no charge. It was private property, so there was no red tape. At about the same time another man, the head of an endowed institution, with $50,000 of government funds and $20,000 as a special gift, was trying to invent a flying machine; and he got nowhere with it. But the two who needed nothing whatever except their own brains, their own earnings and their own leisure time at their own disposal, performed the feat.
>
> That is what we are now urged to be ashamed of, to ignore, to repudiate and deny and destroy. That is the United States; that is the capitalist system.[20]

Paterson saw herself as a writer, not as a politician. She spurned invitations to become involved in political movements and called people who did so "signers and j'iners." It is impossible to predict what her reaction would be to the political individualisms of our own time. Her ideas, as we will see, influenced leaders of many groups that have embraced individualist positions; but my guess is that she would find reasons to quarrel with every such group (just as every such group finds reasons to quarrel with all the others). Paterson was good at quarreling, and

One of the things that irritated Paterson most about collectivism was its fake egalitarianism and real elitism.

she neglected few opportunities to do what she was good at. But she made an early and unerring identification of the kind of individualism that would emerge in virtually all the separate and distinguishable individualisms. She identified an individualism that is pro-capitalist, anti-elitist, and thoroughly and self-consciously American.

Works of Fiction

Political issues were far from Paterson's sole concern, even in her writing. She remained a novelist as well as a journalist, and her novels are not primarily about politics. This is perhaps what one would expect, considering the nature of her political philosophy, which resists the imposition of political solutions on individual and social problems. Paterson thought that the purpose of the novel was, in Joseph Conrad's words, "to make you see, to make you feel."[21] She wanted her novels to communicate an intense impression of life, which she imagined might consist of something more than politics.

From her enormous reading in history and her variety of personal experience she derived a keen appreciation for life's richness and diversity. Her broad interests led her to write several different kinds of novels. Her first two — *The Shadow Riders* (1916) and *The Magpie's Nest* (1917) — are attempts "to make you see, to make you feel" the experience of young women growing up as she did in the transitional phase of the Canadian West, when modern civilization had just established itself on the prairies and mountains. Her next three novels attempt to recreate the look and feel of societies remote from living memory and, in at least one case, remote from almost any trace of modern sympathy. Paterson's subject in *The Fourth Queen* (1926) is Elizabethan England; in *The Singing Season* (1924) it is fourteenth-century Spain; in *The Road of the Gods* (1930) it is barbarian Europe in the first century B.C. The last and most difficult of these novels is perhaps Paterson's best work of historical fiction.

In her other three published novels, Paterson returns to the world of her own time. *Never Ask the End* (1933) uses a stream-of-consciousness method to realize the complex emotions with which middle age reflects on youth and attempts to determine the significance of individual experience. A similar assessment of experience takes place, but on a larger scale, in *The Golden Vanity* (1934). Here Paterson creates a group of women characters who are related to one another but who differ in attitude and social standing. She uses them to analyze the various ways in which the Depression affected people's views of themselves and their social worlds. In *If It Prove Fair Weather* (1940), Paterson experiments with a rigorous narrowing of focus. The novel is a minute examination of the emotional life of a man and a woman who are negotiating their passage through a doomed romance.

Several of Paterson's novels sold very well. More important, several of them are of distinguished literary quality. Of particular literary interest are *The Road of the Gods*, *Never Ask the End*, and *The Golden Vanity*, which for its insight into character and society challenges comparison with the best American novels of the Depression period. Although politics is not Paterson's major concern as a novelist, her political ideas do appear, in subordination to other themes, in a number of her novels. *The Golden Vanity* analyzes the meanings of the Depression, *The Shadow Riders* presents a detailed account of political life in a Canadian city, and *The Singing Season* dramatizes conflicts between the commercial and the authoritarian mentality.

The God of the Machine

Paterson's greatest accomplishment, however, is the book whose fiftieth anniversary is celebrated this year: *The God of the Machine* (1943), the systematic statement of her political philosophy, and one of the fundamental books of the modern individualist movement. Throughout the 1930s, Paterson had been presenting her philosophy in comments and essays in the *Herald Tribune*. *The God of the Machine* draws her ideas together and organizes them around a boldly imaginative theory of history and social institutions.

The God of the Machine is focused on the nature and historical evolution of "the long circuit of energy," the means by which people exchange the products of their energy across great distances of time and space. The long circuit is the fundamental mechanism of industry and trade, the means by which every kind of work can find its reward — if not in this place, then in another; if not immediately, then in the future. Without the "long circuit," the modern industrial world — a world of far-sighted investment and unthinkably intricate processes of production and distribution — simply could not exist.

If a Nietzschean individualism held no attraction for Paterson, neither did capitalism with its top hat on, and its hand out to Congress.

But the circuit is hard to establish and hard to maintain. It can survive only in certain institutional frameworks, and those frameworks can exist only if certain intellectual principles are respected. *The God of the Machine* analyzes the circuit and the institutions and ideas that have been developed to sustain it during the last 2500 years.

The basic image of the circuit is easy to understand. I use my energy to create a product that I can exchange for something else created by energy. The exchange forms a social and economic circuit. I write an article and send it to a publisher who wants it; he reciprocates by sending me something that I want — money, or in the case of the editors of this journal, hearty thanks and well-intended criticism. A circuit is established, nevertheless.

Longer circuits are more complicated. Suppose I invent something. To put my invention into production, I need investment capital, which can be supplied by an interested party in, say, New York. She sends me money, which I use to build a factory and hire

workers here in San Diego. I advertise my product, and soon hundreds of stores are ordering it, all over the country. I send them products, they send me money; I keep some of the money and use the rest to repay my investor, with interest. She is so pleased by this result that she sends me more money, which I use to expand my factory and make more money for her in future.

Seen as a whole, the process of invention, investment, production, distribution, payment, repayment, and reinvestment is an enormous circuit in which ideas are exchanged for an investor's money, the investor's money for the materials and labor that make products, products for customers' money, customers' money for ideas and investments, and so on, through more cycles of production and exchange. The results are beneficial for everyone who chooses to take part in the process: the inventor turns his ideas into realities, the investor increases her capital, workers find profitable employment, and customers who want products get them. In the process, a certain amount of each participant's energy is expended, but increasing quantities of energy are made available for everyone's use.

Although politics is not Paterson's major concern as a novelist, her political ideas do appear, in subordination to other themes.

Paterson may seem to be writing strictly about economics, narrowly defined. She is not. Her argument is that the long circuit cannot be understood apart from the social, legal, and political technology that allows a sequence of exchanges to take place. If a trustworthy currency did not exist, my investor would not be able to transfer capital to me over large distances of space. If enforceable contracts did not exist, she could not have confidence that my debt to her would be repaid over large distances of time. If accumulation and deployment of capital were not legally protected, she would have no money to lend me, or she would find it too risky to convey. She would have no desire to convey it to anyone if she could not retain the profit from her investments as her private property. If the various people who cooperate in the process were not free to exchange their time, skill, or capital for commodities that they regard as still more valuable, none of them would have any incentive to do anything. As Paterson says,

> These are not sentimental considerations; they constitute the mechanism of production and therefore of power. Personal liberty is the pre-condition of the release of energy. Private property is the inductor which initiates the flow. Real money is the transmission line; and the payment of debts comprises half the circuit.[22]

The idea of the long circuit and its supporting technology gives Paterson a way of understanding the institutional arrangements of past and present societies. Beginning with the Phoenicians, Greeks, and Romans, she defines the distinctive characteristics of each society's attempt to engineer the circuit, and her theory often allows her to do so in a fresh, provocative way.

She describes the Roman Empire, for example, as a mechanism powered by "the great stream of commerce" — a current protected or "insulated" by laws and guarded by officials whose duty was to keep the lines up and the channel open. These officials diverted enough of the flow (in the form of taxes) to maintain the system. Eventually the diversion became so large that practically nothing moved through the circuit. But before that happened, the current flowing between Rome and the outlying parts of the empire was strong enough to demand a special device "to take the incoming current and re-distribute it outward." Rome stumbled on the peculiar device of an emperor, a man who did not need to have any specially valuable social function (Paterson was obviously right about that) except his ability to re-distribute the current and to be replaced without grave damage to the empire. Paterson makes sense of this curious institution by saying that the emperor

> was something like a crude fuse plug, which may blow out; but it should be borne in mind that the blowing-out of a fuse plug is a measure of safety in certain contingencies. Practically any man . . . would do; and if one failed, another must be thrown into the gap by the turn of events. He was the emperor, as long as he lasted.[23]

To think of a Roman emperor as a "fuse" is something that no one but Isabel Paterson would do. Yet the idea works.

In discussing the strange history of people's attempts to maintain, control, or divert energy, Paterson emphasizes how easily a short circuit can happen. Energy circuits are interrupted when commerce is restricted by onerous moral assumptions, customs, laws, plans, regulations, and taxes; when investors are prevented from receiving a profitable return on their investments; when workers are asked to exchange their time and skill for worthless money; when inventive minds are asked to work with no chance of an adequate reward. Where there is no prospect of a return of energy, no prospect of profit, the current ceases to flow.

To think of a Roman emperor as a "crude fuse plug" is something that no one but Isabel Paterson would do. Yet the idea works.

Of course, private individuals can and do make mistakes in their routing of energy; they can and do make investments that return no profit. The bad decisions of private individuals are unfortunate; they may be extremely painful and destructive; but they are, in Paterson's phrase, "self-liquidating." A private individual who persists in making bad investments will not persist for long. The greatest cause of short circuiting is government, which forces everyone to pay and keep right on paying for its mis-

takes and those of any businesses it subsidizes or controls:

> The possibility of a short circuit, ensuing leakage and breakdown or explosion, occurs in the hook-up of political organization to the productive processes.[24]

Government, Paterson believes, has the legitimate function of protecting the circuit of production and exchange by guarding the personal liberty of everyone on the circuit and providing for the enforcement of their contracts. But governments have seldom stopped at the limits of their legitimate functions. The governing classes have lived by redirecting energy from profit-making enterprises to their own activities — projects from which no adequate return of energy is to be expected, projects so lacking in value to the public that coercion is necessary to support them.

Among these projects are wars, bureaucracies, public works that are not needed and therefore do not attract investment, and social "welfare" programs that permanently isolate their reputed beneficiaries from the lifegiving circuit of productive activities. Not content with redirecting energy, governments contrive to shut it off. They punish profit or outlaw private property, thus eliminating "the inductor" of energy; they render money worthless; and when all else fails, they simply exterminate "the most productive members of the population," as the Bolsheviks did.[25]

The communists proceeded in this way because their materialist philosophy led them to view society as an industrial mechanism that can function without respecting individual rights or the individual's spontaneous creative powers. Even the leaders of modern democratic countries often behave as if society were a product of "material" forces that are fully susceptible of planning and regulation. Paterson, however, believes that "a machine economy cannot run on a mechanistic philosophy."[26] She believes that intellectual, not material, factors will determine the success or failure of humanity's attempts to use the long circuit of energy on which modern industrial society depends.

That is why she believes that one of the worst things a grasping government can do is to get the power of education into its hands. Once it has done that, it can try to obliterate the long circuit's intellectual basis, which consists, in large part, of principled opposition to government power. The irony is that state-run education tries to fit students for modern life by denying them the ability to understand the ideas that make modern life possible, teaching them under compulsion to become "social-minded."

This is disastrous, because the dynamo of any social mechanism is the individual mind. Divinely endowed with a creative capacity, the individual mind converts the "eternally self-renewing" energy of the God of the Machine into energy usable in the "social organization." The mind must be left free to operate, and its freedom can be secured only if vital intellectual principles are known and honored — principles such as those of individual rights and "minimum government." [27]

Paterson conceives of liberty as "a truly natural condition. . . . [T]he rational and natural terms of human association are those of voluntary agreement, not command."[28] She emphasizes the fact, however, that human rights and the appropriate means of protecting them took humanity a long time to discover. Her review of history shows that crucial ideas about a truly human "social organization" were identified in a gradual process of intellectual evolution. Out of the process came many false ideas — not all of which, by any means, have been discarded by the modern world — together with a few useful ones. The ancient Greeks discovered scientific reasoning, which encouraged respect for individual freedom of inquiry. The Roman Empire developed a tradition of impartial law. Christianity taught reverence for the individual and immortal soul. The great intellectuals of eighteenth-century America invented structures of government that could limit the operations of government itself; they used constitutional law to reserve a vast protected area for the exercise of individual rights.

This feat of engineering allowed the long circuit to achieve a spectacular development in America. American history demonstrates that material progress does have something to do with political ideas, in ways that fashionable modern ideologists have not sufficiently considered. America is therefore of special importance to Paterson — but she gives detailed attention to America's failures to respect its own intellectual technology. America's great achievement of constitutional engineering has been jeopardized by slavery, by militarism, by nearly every kind of "progressive" experiment in statism. Such failures are almost sufficient reason for despair, but at the conclusion of *The God of the Machine*, Paterson reflects that principles once discovered will never be wholly lost. If modern Americans betray their principles, the ideas by which they once lived (which are "universals") can later be taken up and used to restore liberty's long circuit.[29]

Government, Paterson believes, has the legitimate function of protecting the circuit of production and exchange by guarding the personal liberty of everyone on the circuit and providing for the enforcement of their contracts.

As in her earlier writings, so in *The God of the Machine*: Paterson made connections of ideas that have come to define political individualism in the late twentieth century, connections between intellectual and material progress, personal freedom and economic freedom, universal principles and the American tradition.

Tradition, however, is not necessarily honored in its own country, especially when its implications are developed in a radical and uncompromising way. *The God of the Machine* was probably too long, too learned, and too concerned with theory to reach a mass audience — and for once Paterson may not have been intent on reaching such

an audience. She indicated that she wanted the book to make sense to the people who were actually trying to run the country's production system.[30] But by 1943, Paterson's general intellectual position was undoubtedly less interesting to those people than it was to average men and women. Her version of "classical Americanism"[31] launched itself directly against the elite's massively solidifying ideology of massive government involvement in economic, social, and individual life. *The God of the Machine* sharply questioned everything from antitrust legislation to government schools; in the midst of World War II, it challenged conscription and government mobilization of the economy, representing them as counterproductive and invidious to freedom. These were not messages that the nation was prepared to hear.

Paterson hung on at the *Herald Tribune* for almost six more years. Then, in early 1949, a management that felt little sympathy for her ideas "retired" (i.e., fired) her. Rejecting Social Security, Paterson intended to demonstrate that a prudent person could provide for herself, even in a world in which her options were limited by taxes, inflation, and forced contributions to "security" schemes. She had invested, in a small way, in real estate, and by living carefully she was able to support herself in moderate comfort. She spent most of her retirement in a farm house she purchased near Princeton, New Jersey.

She continued to read widely and deeply, and she followed political events with interest. She contributed occasionally to William F. Buckley's new journal, *National Review*, until Buckley wanted to edit an article that she refused to have edited. In 1959, she sold her land in New Jersey and was temporarily "between houses." She accepted the invitation of two younger friends, Ted and Muriel Welles Hall, to move to their home in Montclair, New Jersey. She delighted the Halls with her learning and her brilliant conversation, and she helped to educate their children. In 1961, she died, practically unnoticed by an intellectual world that was busying itself about other things.

But those who had read Paterson with attention had profited from the experience. Among them were people who would be influential in the major branches of American anti-collectivism, such people as Buckley and Russell Kirk, future intellectual leaders of American conservatism; John Chamberlain and Leonard E. Read, leading advocates of a broad-based, culturally conservative libertarianism; and Ayn Rand, founder of the Objectivist movement and an important influence on libertarianism as it developed in the 1960s and 1970s.[32] *The God of the Machine* has been republished several times, and it has never lacked an audience.

At this distance in time, the nature of Paterson's achievement is beginning to come into focus. She was one of the few intellectuals of her era who made an original contribution to individualist thought. She identified the principles and even the style of the individualism that would become a major political and cultural force in our own time, and she embodied in her life the independence and self-responsibility to which individualism pays respect.

Beneath the varying opinions, the speculations, the feuds, the momentarily popular slogans and temporarily interesting ideas that play upon the surface of intellectual history, a basic and compelling question always presents itself: When all is said and done, what is our life, and how shall we live it? Paterson never stopped attending to that question. She never ceased to maintain that we live by ideas and that we ought to live freely. At a grim moment in history, she spoke with grim determination about the dignity of the intellect:

> If the truth doesn't survive, neither will its opponents. People really do live by principles and facts, and cannot continue to exist on any other terms.[33]

The fact that a certain conception of truth survived that dark time owes a great deal to a little woman who walked through Hell's Kitchen with a bag full of books and an absolute commitment to the power of ideas. ❑

Notes

1. Irene and Allen Cleaton, *Books and Battles: American Literature: 1920–1930* (Boston: Houghton Mifflin, 1937), 130.
2. Isabel Paterson, typescript notes in the Paterson papers. I wish to thank Muriel Welles Hall, executrix of the Paterson estate, for access to the Paterson papers, from which much of the biographical information in this essay is derived, and for kind assistance throughout the course of my research. Biographical documentation and additional biographical information are provided in my introduction to the jubilee edition of Paterson's *The God of the Machine* (New Brunswick, NJ: Transaction Publishers, 1993).
3. Isabel Paterson, "Turns With a Bookworm," New York *Herald Tribune "Books,"* March 5, 1933. Subsequent references to Paterson's weekly column will cite it as "Turns," followed by date.
4. "Turns," March 13, 1932.
5. "Turns," June 12, 1932.
6. "Turns," February 12, 1933.
7. "Turns," June 12, 1932.
8. Paterson's views on the Hugo Black affair can be found in "Turns," October 24, 1937; November 14, 1937; March 20, 1938; February 5, 1939; March 12, 1939; December 24, 1939; and February 18, 1940.
9. "Turns," June 15, 1941.
10. "Turns," September 22, 1935.
11. "Turns," March 1, 1936.
12. "Turns," February 15, 1942.
13. "Turns," October 11, 1942. As early as her column of April 3, 1932, Paterson had presented such ideas about resources. In that column, she traces an expansion of usable resources to an "expansion of released [human] energy," thus foreshadowing the theory of energy-in-history that she would elaborate a decade later in *The God of the Machine*.
14. James Madison, *The Federalist*, No. 10.
15. Isabel Paterson, review of Glenway Wescott, *Fear and Trembling*, New York *Herald Tribune "Books,"* May 8, 1932.
16. "Turns," September 2, 1934.
17. "Turns," August 2, 1942.
18. "Turns," January 28, 1934.
19. "Turns," March 5, 1933. Compare Friedrich Hayek, who in 1944 dedicated *The Road to Serfdom* to "The Socialists of All Parties."
20. "Turns," May 23, 1943.
21. Isabel Paterson, review of Morley Callaghan, *Such Is My Beloved*, New York *Herald Tribune "Books,"* February

notes continued on page 41

1993
50 Years of Individualism

A Paterson Collection

Isabel Paterson was a memorable writer of aphorisms, epigrams, maxims, and other annotations on life. The best of Paterson's writing in this manner would fill a book. Here is a small sample. —*Stephen Cox*

Next time any one says, "There ought to be a law," you know the answer — "There is."

What this country needs is a lot less of all sorts of things.

We have been asked, by reformers: Don't you want the law enforced? We can only reply: We're not so darned sure, and neither would you be if you knew what the law is.

There is practically nothing you can't be put in jail for now.

A lot of American principle is contained in the two words: "Just don't." Much of the rest is encompassed by the suggestion of minding one's own business. The whole is summed up in the word "liberty."

When we say free speech, we mean free speech, even if you don't know what we mean.

Freedom is dangerous. Possibly crawling on all fours might be safer than standing upright. But we like the view better up there.

A government official is a man who would cheat even at solitaire.

Any one who has been continuously wrong for twelve years is just wasting his time outside our national capital.

Even a wheelbarrow can be wrecked.

Kingdoms are more likely to collapse by a deficit than to perish by the sword.

Destitution is easily distributed. It's the one thing political power can insure you.

Equality among men is in fact the inevitable ideal of a high civilization, since men of lofty minds and gentle nature feel as much repugnance to possessing privilege for themselves as they do to tyranny exercised upon themselves. It is the inferior man who clutches at power.

The craving for power is in itself a sign of inferior abilities and unfitness for responsibility.

The power to do things for people is also the power to do things to people — and you can guess for yourself which is likely to be done.

The enemy of every honest man is the politician seeking power.

The encroachment of government is always marked by increasing silence.

The power of the state is always in inverse ratio to the power of the nation.

If you go back 150 years you are a reactionary; but if you go back 1,000 years, you are in the foremost ranks of progress.

No majority can absolve the individual.

It is always possible to stick to your principles, if you have any.

The first qualification for a writer on any subject is to be able to write.

The possession of a carload of bricks doesn't make a mason.

The desire to be a writer is usually fatal to accomplishment.

Literature is not to be expected every minute.

What young writers want most is Encouragement. (A thing we find it difficult to supply.)

All that any society can give a writer is the freedom of the press. Of course it's pretty tough to be given full leave to say what you please and then find either that you have nothing to say or that you don't know how to say it.

We have known exactly two people who simply loved writing, enjoyed it, wrote with fluency and without compulsion. They've been at it for twenty years and have not yet achieved publication. Their stuff is simply terrible.

The events of a creative writer's life are imaginative, not material. Not uncommonly one hears some romantic young woman say: "Oh, I would give anything to be a writer." But

she would not; and "anything" is not enough. One must give everything.

A writer should know absolutely everything in the most minute detail.

With too many historians, you'd think it was thirty thousand abstractions fell at Gettysburg.

The mere fact that a book does not sell is not a guarantee of literary quality.

The great problem of the writer is that if you do anything else you have no time to write and if you don't you have nothing to write about.

Writing can be done only during the time when one ought to be doing something else.

It is necessary to bear in mind constantly that literature is not a Five-Year Plan.

It is writing that lasts; the subject never yet made a classic. Well, neither did a prize committee.

There are recurrent periods when every other test is applied to literature except that of literary value.

We don't enjoy, for any length of time, a book in which it is impossible to be sure what the author means.

Words are the tools of the thinker. If you saw a man chopping wood with a hoe and mowing with a shovel, would you hire him as a foreman?

Practically the whole art of writing consists in getting rid of superfluous words.

Nothing is worth reporting if it doesn't cause the subject to deny and repudiate it violently.

Writing a book is such a peculiarly unaccountable performance that the author, when required to look back over his life, tries to think of something else he has done.

All heads of great states are considered great writers while they are in office. It goes with the job. And we mean it goes with the job.

What almost everybody wants is to be at once famous and invisible.

All philosophies are merely graceful exits from the problems they profess to solve.

The thread upon which the humblest destiny depends spins out to the end of the earth.

The natural tendency of the human mind is to get rid of facts, and if obliged to retain a few, to mutilate them beyond recognition.

People mostly do as they like, and that would be fine if they'd let other people do the same.

Life should consist in at least 50 per cent pure waste of time, and the rest in doing what you please.

Nothing is so vitalizing as a few robust prejudices, so long as one knows when to disregard them.

We have never struck a child except in self-defense.

A cat is always around if there is a chance of the spotlight.

It is sad to reflect that doubtless Cleopatra herself would have liked to be the sort of person legend makes her.

If one could bring the moon down to earth it would no longer be the moon.

The best of us are liable to indulge in orgies whenever we get inside a five-and-ten-cent-store.

Letter writing is a frequent symptom of madness.

This country could do with better looking men. And more of them.

Personally we do not object to the rich, as long as they know their place. Segregated in Newport and other penal colonies, they do little or no harm. The trouble is they couldn't stand it themselves. . . . A lot of them have decided to Help Others. And the results are just about what you'd expect.

The great danger of demanding to be understood is that finally the yearner gets his wish. And the next step is divorce.

There is a secular self-righteousness which borrows all the unbearable features of formalized piety with none of its graces.

Some day a careful study may be made of the relation between the reforming temperament and the inability of the Children of Light to manage their own affairs.

All the virtues require some one else to practice them upon, which seems to us rather hard on the object.

Respectability is a strange thing; the one virtue for which it has no use is the truth.

It is perfectly impossible that any forecast should be correct.

You can't tear any one away from a good substantial temptation; we mean to say, even if they don't give in, they stick around resisting it for years.

We can't have everything both ways, and not very much one way.

People do not realize how important it is to have a good time until it is too late.

H. M. Parshley writes that he has read somewhere that "there never was an Age of Reason; just a reasonable person now and then." Yes, but sometimes there were as many as four or five at once; that is what was called the Age of Reason.

Nothing ever works out but sometimes something else does.

Sometimes there seems to be nothing to do but take the leftovers and make a stew.

Right now it is a terrible thing to be a rugged

individualist; but we don't know what else to be except a feeble nonentity.

The mental defects of other people, such as Hitler's followers, do not constitute genius on the part of the leader. Multiply one half-wit by eighteen hundred million half-wits and still the result is not a genius, strange as it may seem. Take anything whatever in any magnitude you choose, and it will still be whatever it is and a lot more of it, that's all.

The saddest spectacle imaginable to us is an anxious youth endeavoring to like only what the current intellectual mode approves.

There is that unfortunate aspect of being in the intellectual fashion at a given time; fashion changes.

What we really don't understand is why more people are not interested in more things.

Fame consists in being taken for some one else with a different name, which nobody can quite remember either.

Publicity is fairly easy to avoid.

Money is especially vulgar when in the possession of others.

As a child, we used to worry about a comet hitting the earth. Now we're afraid it won't.

The strongest emotional feelings usually have least to do with one's own affairs.

With all the books we've read on the delights of primitive existence, it just sounds worse and worse to us, book by book. My goodness, civilization is bad enough, when we have any.

One genius is about all a house will hold.

Ask any ordinary citizen whether he'd rather have a house or an economist? And we're prepared to add, you can't have both.

Psychology: a science which tells you what psychologists are like.

People will believe almost anything that isn't so.

The volunteer fire department is usually about as bad as the fire.

All history is just three generations long. There is what happens in our time, which is real but doesn't make sense; and what we hear our parents recall of their time, which is very quaint and think how we have progressed; and then what happened before them, which is something in a book.

The moral consequence of doing whatever you do is that you will be the sort of person who did that.

The fact that the majority of people, including you and me, are none too bright seems to be the one overlooked explanation.

Nothing that well meaning people might do would surprise us.

A noble purpose is a very queer guide to conduct. . . . If only there were no such thing as consequences.

The biggest pests are the people who use altruism as an alibi. What they passionately wish is to make themselves important.

"Problems" become problems only when there is some chance of solving them; until then they are accepted as quite natural conditions.

It's hard to live, because the details of living get in the way.

There are trains every hour, all headed for oblivion.

"Did I ask to be born?" . . . How do they know they didn't ask to be born? They asked for their dinner, anyhow, the minute they were born, and got it.

If you're going to be a dinosaur, be one; otherwise you're nothing but a lizard.

We hardly know what the consequences would be if everybody suddenly realized how many things there are they don't have to do.

If there were just one gift you could choose, but nothing barred, what would it be? We wish you then your own wish; you name it. Ours is liberty, now and forever. ❑

Notes to Cox, "The Significance of Isabel Paterson," *continued from page 38*

18, 1934.

22. Paterson, *The God of the Machine*, 62. Subsequent references to this text will cite it as GM, followed by page number.
23. GM, 35–40, 32.
24. GM, 228, 62.
25. GM, 91.
26. GM, 156.
27. GM, 152, 82, 70.
28. GM, 121.
29. GM, 290–92.
30. Isabel Paterson to Robert Selph Henry, early April, 1943; Paterson papers.
31. "Turns," May 28, 1933.
32. Paterson's influence on Rand was particularly strong. It probably accounts for many of the "classical American," as opposed to "egoist," elements in Rand's evolving philosophy. Paterson and Rand were close friends during the early 1940s, but their friendship ended in a quarrel in 1948. The course of their relationship is a study in the complexities of individualists' interactions with other individualists. The relationship will be the subject of a future article in *Liberty*.
33. "Turns," September 8, 1940.

The Oldest Established Permanent Floating Anarchy in Salt Lake

by Chester Alan Arthur

When Brigham Young said "This is the place," he probably didn't mean that this was the place for the Libertarian Party national convention.

Over Labor Day weekend, people came to the Libertarian Party convention in Salt Lake City for a lot of reasons other than politics. The convention is very much a party. The Marriott Hotel in Salt Lake City was uncommonly well-constructed for revelry, with its suites located on its 15th floor, greatly expediting party-hopping. And the suites were especially spacious, and well-furnished for barkeeping. But no matter how well the suites were situated and designed, they could not overcome the fact that they were in Salt Lake City.

Posters advertising an Anarchist Caucus "self-organizing meeting" appeared from day one, along with the mysterious code "A4." This, I later discovered, stood for "Anarchy — Agora — Action — Alcohol." The last A was the anarchists' mistake: the Utah authorities don't mind anarchy, but alcohol is strictly *verboten*. Actually, it was the noise that first got the caucus into trouble; after some neighbors complained about the alleged racket, the hotel rent-a-cops asked the party to move downstairs to the bar, which, this being Utah, was closed despite the fact that it was midnight on Friday. They complied, but, almost immediately after setting up the new bar, they were informed that state law prohibited serving alcohol so late, or something like that.

"Let me have your attention! Please!" yelled one young anarchoid organizer. "Please give us your empties! Let's clean this place up! I don't want to spend the night in jail!"

"Why not?" came the retort. "You're spending it in Utah."

The party was enlivened by the entrance of several attractive young women from Springdale. They had come up for a pro-pot reggae concert earlier in the evening, where their presence had created a true rarity: a gender-balanced libertarian event. Not that many of them or their pot-smoking, hackeysack-playing friends were necessarily libertarians, but several male partyarchs were pleased with the opportunity to convert them, or at least to try to get laid. As I passed one table, I overheard one eagerly expounding individualist philosophy: "No matter what, one thing libertarians are definitely for, is we want to *relegalize drugs*." This provoked many approving noises, and one day may pay dividends to the Libertarian Party — as soon as the ladies are old enough to vote.

Meanwhile, the bar was packing up and people were drifting back to their rooms. Eventually, a few of us formed an informal Beer Caucus and retired to more private quarters, but I left early. The local brew, hampered by state regulations, tasted like warm water.

The following evening, candidates for party positions addressed the assembled multitudes in the always-joyous Texas LP hospitality suite. Those wishing to avoid politics and continue conversation retreated to the hallway, where a hotel employee instructed them that they could not speak above a whisper!

Michael Zeising once summed up his libertarian philosophy with the words "Smash the state and free beer for all." The long-suffering people of Utah just might sign on to a platform like that.

At "off year" Libertarian Party conventions — those that do not nominate a presidential ticket — LP politicians always seem to manage to find a big issue to stimulate attendance. In 1989, it was a hotly-contested race for the position of National Chair. At this year's LP convention, it was an attempt to eliminate the party's "loyalty

oath" and to replace its wide-ranging platform with a shorter list of positions on a limited number of issues.

The reasons for these changes were fairly simple. The oath, "I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals," is a statement of moral philosophy; a statement of political belief would seem more appropriate as a membership requirement for a political party. The oath currently restricts membership pretty much to followers of Ayn Rand and Murray Rothbard, effectively eliminating those whose libertarianism runs along the lines of, say, Ludwig von Mises or Milton Friedman. Furthermore, explaining the oath to reporters is not a simple task.

The platform, whose 61 planks take stands on most issues that arise in public life and several that do not, was the source of constant embarrassment to many in the party, especially those who had to deal with the news media or who campaigned directly with voters. The children's rights plank asserts that children "have all the rights of human beings," including "freedom to work as they choose" and the right to consume "alcoholic beverages" and implies the right to use drugs and to appear in pornographic movies. The notion that three-year-olds should have the right to drink, drive, carry concealed weapons, and appear in porno flicks is liable to alienate otherwise sympathetic reporters. And what is one to make of a plank calling for "the complete separation of water and State" or its condemnation of "international attempts to prevent or limit Lagrange libration points"?

The LP National Committee adopted the reform agenda at its meeting in Atlanta over December 12–13, 1992. But it was doubtful from the start that the advocates of these changes could sustain their victory. As longtime LP-watcher Richard Winger told me at the time, not one of the reformers had experience managing floor fights at an LP convention. The conservatives, by contrast, had long experience.

One effect the reform had was the re-entry of Williamson "Bill" Evers into LP politics. Evers was a major player within the party in the early and mid-1980s, closely associated with Murray Rothbard. But he had drifted out of the activism in the late 1980s; by 1989, he limited his involvement to helping direct the selection of the party's platform committee and working on that committee for retention of his "hard-core" views. At the 1991 convention in Chicago, where his wife, Mary Gingell, was elected party chair, he was hardly involved at all, and he remained only marginally involved until the reform efforts threatened Evers' beloved platform and oath.

By February, he was back playing his old role of strategist in internal LP disputes, firmly in command of the forces supporting both oath and platform. At the National Committee meeting in April, his hardball politics paid dividends. At issue was the composition of two committees at the national convention in September. The Bylaws and Rules Committee would consider the reforms to decide whether to report them to the floor of the convention. The Platform Committee could propose to eliminate platform planks or even the entire platform.

Evers quietly put together a coalition of National Committee members who opposed any change in the oath or any radical change in the platform. Prior to the NatCom meeting, these members agreed on a common slate for each committee at the convention. They did not want to give the impression that they were trying to engineer exactly who would be elected to each committee, so they quietly agreed to slates consisting of a substantial majority of each committee.

Meanwhile, the reformers were far less organized. At the April meeting, they nominated individuals amenable to reforms, while the Evers-led faction nominated its pre-selected slates. The reformers cast most of their votes for their own but also voted for some of the conservatives. But the conservatives had agreed in advance that they would "bullet vote" — that is, each member of their group would vote only for members of the pre-selected slate.

The result was that the reformers only got votes from members of their own faction, while the conservatives got votes from their own bullet-voters plus a scattering of votes from the reformers. The conservatives thereby won lopsided majorities in both committees. As one member of the Evers faction told me at the time, "The clammers never knew what hit them." ("Clammers" is a pejorative for reformers, who organized themselves as the Committee for a Libertarian Majority, or CLM.)

At least one reformer realized how he had been out-politicked. Shortly after the April meeting, Steve Givot analyzed the NatCom voting patterns and figured out what had happened. He published his analysis on Libernet, the computer bulletin board for LP activists, where it drew scant attention. Even at the conclusion of the convention many in CLM were not aware of how Evers' tactic had defeated them.

The oath restricts membership pretty much to followers of Ayn Rand and Murray Rothbard, effectively eliminating those whose libertarianism runs along the lines of, say, Ludwig von Mises or Milton Friedman.

All this was happening behind the scenes. In the public relations battle, the reformers tried to explain that they sought to open the party to libertarians whose beliefs were not based on Ayn Rand's philosophy. They also asserted that the party could do better if it chose its issues more carefully, rather than leading with its chin on issues like children's rights. Meanwhile, those opposing change worked strenuously to paint the reformers as "the sultans of sell-out," willing and anxious to throw away libertarian principles in order to gain political success.

Needless to say, the conservatives prevailed at the meetings of the Constitution and By-Laws and Platform Committees, thanks to their carefully-engineered majorities. The CLM beat a hasty retreat in the Bylaws Committee, where they were greatly outnumbered. Rather than make major confrontation over the loyalty oath, the reformers proposed dropping membership in the national party altogether, thereby following the practice of the Republicans and Democrats.

Virtually the only actions taken by the national LP are the nomination of a presidential ticket, writing a national platform, and the election of national officers, all done at its national convention. Under the CLM proposal, convention delegates would be apportioned according to the number of individuals who contributed $25 or more to the national party. They would be selected by the affiliated state parties.

The conservatives saw a lot of problems with this proposal. For one thing, the major source of funding for the national party is membership dues, and under such a proposal the revenues that keep the national office going would surely fall. They also argued that people liked the feeling of belonging to the national party, and there was no real reason to abandon tradition. Some of the attacks were just plain silly. My nominee for silliest was the theory that with delegates allocated according to the number of individuals contributing $25 to the party, some wealthy person might decide to win the presidential nomination by hiring and funding tens of thousands of individuals to make the requisite donation, in order to bring a huge delegation of ringers to the convention!

By the time the convention began, the reformers didn't have a clue about what was going on. Their floor workers were confident that they had a clear majority, and believed that they probably also had the 2/3 majority needed to amend the Bylaws. But Evers was in total control. During the debate, he wandered about the periphery of the convention, occasionally explaining to those nearby what was next in the scenario he had worked out for the floor debate, sometimes voting against his own faction just for the fun of it. The convention followed the script, the floor action was dull, and the reformers were trounced. The assembled delegates voted down a mostion to consider the proposal to abolish membership, 194 to 132.

The next item on the reformers' agenda was their proposal to do away with the party platform and replace it with a more concise program. The conservative-controlled Bylaws Committee, of course, wanted no such change. A compromise, first proposed via E-mail by Bruce Baechler of Texas, was agreed to: the platform would be retained, but used as an internal education document, while the public (and the press) would receive a "campaign platform." This document would be proposed by the presidential nominee and could be amended by the convention as a whole. Presumably, it would be shorter than the party platform, with its issues more discreetly chosen. It was a compromise that worked: it allowed the conservatives to keep the detailed platform as a confession of faith, while saving the real-world activists from the necessity of explaining and defending its more fragrant passages. The convention adopted it by a voice vote.

The only other controversies at the convention arose in races for party offices. Coming into the convention, there were two announced candidates for chair: Steve Dasbach, a leader of the reform group, and Jeffery Shapiro, who announced his candidacy in a feisty letter to *Libertarian Party News*, in which he attacked Dasbach as "not charismatic" and argued that "revolutions are not won by organizers, but by leaders who have the strength to inspire others," concluding by proclaiming, "For years, this movement has waited for a young strong 'John Galt' to lead the people to victory. Well, here I am!" But in Salt Lake City, he wasn't, so Dasbach had a clear field.

By the time the convention began, the reformers didn't have a clue as to what was going on.

There were rumors that the incumbent chair, Mary Gingell, might run for re-election. She had been an effective chair during the first part of her term in office, but her separation from her husband and the need for her to take a full-time job had left her with less time to devote to the position. Many held her responsible for the difficulties that had resulted from National Secretary Joe Dehn's failure to perform the duties of his position, even to prepare the minutes of meetings. But she had chaired the convention with a level of competence seldom seen in LP affairs, and still enjoyed considerable support. In the end, cognizant that she didn't have sufficient time to devote to the position, she decided against a re-election bid.

There was talk both before and at the convention that Sharon Ayres or Karen Allard, both members of the conservative faction, might run for the position. But Ayres begged off on the grounds that she did not have time for the job, and Allard decided to capture the Vice Chairpersonship and bide her time. Many of the conservatives remained unhappy with Dasbach ("He's a wuss and a weenie," one told me, "and a government employee and a union official!"). And other delegates, bored with the rather tedious floor action, looked forward to a real race.

But few anticipated what sort of opposition to Dasbach would eventually develop. On Thursday morning, Ohio's Natalie Lloyd, a 14-year-old, jumped into the race. She was intelligent and articulate and quickly picked up a fair amount of support. At the caucuses the night before the election, she responded with flair to obnoxious questions (e.g., "The national chair is expected to visit National Headquarters several times and to attend NatCom meetings. This costs a considerable amount of money. Is your allowance high enough to cover these expenses?").

By Sunday morning, many in the party believed that the election of a 14-year-old as National Chair was a real possibility, and some even figured it might be a good thing. As one long-time strategist put it, "On first blush, I figured the election of a 14-year-old girl as National Chair would be a public relations disaster. On second thought, I figured it might be a public relations coup!"

As the votes were being counted after the first ballot, Bill Evers and some other prominent LP leaders stood in the back of the hall and pondered the outcome. Gone was the cockiness of the fight over party reform. In its place was apprehension and even fear that Dasbach might finish third behind Lloyd and perennial favorite "none-of-the-above," which under party rules would eliminate Dasbach from consideration and virtually assure the election of the 14-year-old.

But Dasbach was elected with 23 votes to spare and a sigh of relief was breathed. Dasbach's unexpectedly thin

majority and the worries of party caciques notwithstanding, the party press release sent to reporters three days later reported that Dasbach was "selected . . . over token opposition." Lloyd began writing an article about her campaign, to be published in a national homeschooling newsletter. The homeschool movement will no doubt be pleased that one of their number was nearly elected chair of a national political party, while her public-schooled brethren were preoccupied with elections to student council.

A few minutes later, an unopposed Karen Allard was elected Vice Chair by acclamation. Then came the most hotly contested race: the election for Treasurer, which pitted Steve Givot against Hugh Butler. On the surface, Givot looked like a much stronger candidate. He had played a prominent role in the 1992 presidential campaign, had been a successful candidate (by Libertarian standards) for the U.S. Senate in Illinois, and had long been one of the party's movers and shakers. But there were problems — most notably, his famous arrogance. Long-time activist Don Ernsberger produced a brochure arguing that Givot's personality is so abrasive that he ought not be elected. Meanwhile, Givot's erstwhile ally Steve Dasbach, with whom he had managed the Marrou campaign and worked on the battle to eliminate the loyalty oath and reform the platform, used the same words to endorse both Givot and Butler. ("Givot/Butler would be an excellent Treasurer," attributed to Dasbach and with the appropriate name filled in, appeared prominently on each candidate's literature. Perhaps this is the sort of thing that provoked the "wuss and weeny" characterization quoted above.)

Strangely absent from discussion was the Party's financial plight. Even with the $28,000 raised at the banquet, the party was left with a cash balance of $180.

Butler defeated the "differently charming" Givot by a 194–109 margin. And John Famularo of Pennsylvania edged out Gary Johnson of Texas in a close but not very hotly contested race for Secretary.

As is traditional, while the LP was conducting its business affairs at the convention, the sponsoring organization was staging a wide variety of lectures and panel discussions, mostly by prominent libertarians. As is traditional, the expense of staging these events is a big share of the convention's budget, and as is also traditional, only a very small number of those at the convention, who had paid for the right to attend, bothered to do so. Most of the lectures drew "crowds" of 20–30 attendees, and these audiences often consisted substantially of other speakers. I sat in on several of these sessions and found the quality generally quite good, but the only sessions I attended that drew more than 32 people were the lectures by Thomas Szasz and Douglas Casey. At one lecture, *Liberty* editors constituted over 20% of the audience.

Given the indifference of most in attendance, you have to wonder why the contractor who operates the conventions continues to stage such a show. Perhaps the reason is that the heavy schedule provides a psychological justification to delegates to pay convention fees of hundreds of dollars, even if they are not going to attend more than one or two sessions. Certainly there is no expectation that people would particularly want to hear the speakers: as many as four sessions were scheduled simultaneously, often at the same time as the business sessions of the convention.

For the first time ever, the LP was addressed by a nationally successful politician. Senator Orrin Hatch spoke on a subject about which he and Libertarians have common ground: the move by the Food and Drug Administration to outlaw the ingestion of vitamins and nutritional supplements in doses larger than FDA-determined "minimum daily requirements." Hatch was not willing to go so far as Libertarians and call for the abolition of the FDA, and parried questions from his audience with panache. The unofficial applause/boo ratio tally was 23 to 12, but the local paper reported that he was "among soul mates," adding ominously that "the event gave a telling indication of the wide range of beliefs Hatch shares with one of America's most radical political parties."

Public talk about the convention was entirely upbeat, and surprisingly little was said about the biggest problem the party faces: finding and nominating a credible national ticket in 1996. Another campaign like Andre Marrou's 1992 effort, in which the national party had its worst showing ever, might bury the notion that the LP may one day emerge from the netherworld of minor party politics onto the central political stage. I questioned several party leaders about this, and was offered a few suggestions, all off the record.

Posters advertising an Anarchist Caucus "self-organizing meeting" appeared from day one, along with the mysterious code "A4." This stood for "Anarchy — Agora — Action — Alcohol."

Also strangely absent from discussion was the Party's financial plight. Even with the $28,000 raised at the banquet, the party was left with a cash balance of $180, according to a report to the National Committee by National Director Stuart Reges. Membership is slipping badly, currently about 10,200 level, off from 11,600 earlier this year. The financial situation is not helped by the fact that during a ten-week transition period, the party will be liable for the $1,000 weekly salaries of two executive directors.

This year, the party cannot count on the usual bulge of income from new memberships of C-SPAN viewers. C-SPAN has had live coverage of recent LP conventions, stimulating about 10,000 calls to LP headquarters, and leading to about 1,000 new members each time. But this year, C-SPAN limited its coverage to taping one panel discussion, which drew 150 calls: Salt Lake

City was simply too far from C-SPAN's offices for the cable network to cover a minor party convention in an off year.

As always, the LP convention attracted its own share of eccentric individuals. My own favorite was Steve Riggins, a cheerful man who passed out literature explaining that he had started his own post office because the U.S. Postal Service insists on issuing stamps depicting the U.S. flag complete with 50 stars, despite the fact that Ohio, Arizona, and New Mexico never legally became states within the U.S.

Also of interest were the young men who were selling freshly baked chocolate chip cookies for $1.00 each. After I purchased one and began to eat it, they disclosed that it had been made in part from marijuana seeds ground in a blender. It was a very good cookie, though I didn't care much for its woody texture and the tiny pieces of fiber that stuck between my teeth. One of the men helpfully suggested that *Liberty* might want to use paper made from hemp rather than wood for future editions.

Perhaps the most interesting leaflet distributed at the convention was a fundraising letter from perennial candidate Dick Boddie. The body of the letter was pretty much standard fare, asking for funds to retire his 1992 campaign debt (for his abortive attempt to capture the LP presidential nomination and his fifth-place finish in one of the California Senate races) and for possible campaigns for city council and Congress. What distinguished this letter was its postscript: "For personal assistance to me, you should make your check payable to either 'Richard B.' or 'Ann S. Boddie.'"

The convention closed down September 5. The headline on *ABC World News Tonight* that evening was, "Representatives of 120 religions met in Chicago to determine a world ethic." ❑

"Justice Forfeited" *from page 22*

addiction, disease, etc.). According to Justice Blackmun's opinion, the "dramatic variations" in the value of property that can be confiscated under the drug forfeiture laws undercut that contention. By thoroughly rejecting the rationale that has been used by lower courts in refusing to extend other constitutional protections to forfeitures, *Austin* has raised serious doubt about the continuing viability of thoses cases.

In its 1974 decision in *Pearson*, the Supreme Court stated that the government may constitutionally seize property from an owner whose only fault was a failure to do "all that reasonably could be expected to prevent the proscribed use of his property." The *Austin* decision does not directly call into question this harsh rule, which has been invoked in countless forfeiture cases. But by enabling owners who are culpable only in that limited way to challenge the excessiveness of a forfeiture, *Austin* may alleviate some of the injustices of particular forfeitures. And, perhaps even more importantly, it paves the way for a completely "criminalized" forfeiture law, under which individuals will enjoy the full panoply of constitutional safeguards whenever federal, state, and local government seeks to strip them of their property. ❑

Medianotes, continued from page 14

cynically figure that federal employees goof off all their time anyway, so the cost of diverting them from other tasks to prepare reports for him costs "nothing"? This is a man who wrote in *Newsweek* that natural gas is not a fossil fuel, so the sophistication required of the second explanation would likely elude him.

The stupidity of Gore's answer was not evident to the usually perspicacious Letterman, who carried on with his interview. Letterman's strange befuddlement from this brush with power lasted into the following day: on his next show, so help me God, he referred to the moronic heartbeat-away as "an intelligent man." —RWB

Old party hand — The Washington *Post* devoted a long, glowing feature story on August 11 to Marvel Cooke, described as "a pioneering journalist and life-long political agitator." From the headline — "Marvel Cooke's Tour of the Century: At 92, She's Had Her Pen on a Lot of History" — to the roll call of politically correct stations of the cross that she touched in her life — daughter of a Pullman porter, friend of novelist Richard Wright and the poets of the Harlem Renaissance, summoned before the Army-McCarthy hearings, pioneer in the NAACP — we are carefully led to understand that this is a remarkable woman, deserving of our respect and admiration. But what were her politics, anyway?

Well, let the *Post* tell us, finally, at the bottom of the jump page:

"It was at that earlier job with the Amsterdam *News* in the '30s that Cooke forged the connection that would define much of her life. She was on a picket line, naturally, in what was among the first strikes called by the fledgling Newspaper Guild. Demonstrating along with her was a prominent black activist. 'He stopped on the picket line and said, "Why haven't you ever joined the Communist Party?" And I very naively said, "Nobody ever asked me." So he asked me.'

"More that one million Americans were Communists at one point or another during the roughly 40 years before the revelations about Stalinist horrors decimated the party's membership in 1956. To Cooke, the party seemed a natural extension of her family's leftist politics, a home for those committed to equality. Long after internal schisms and painful disillusionment had driven others away, she remained. 'I'm a little disturbed recently, but I've never dropped my membership,' she says."

"A little disturbed recently"?! The violence of the revolution didn't do it, the tyranny of Stalin didn't do it, the corruption of the Brezhnev years didn't do it, the invasion of Afghanistan didn't do it, the testimony of Soviet Jews didn't do it — even the end of the Soviet Union has left this heroine of the Washington *Post* only a "little disturbed" about Soviet-style Communism.

It's just history, right? She's an old lady — cut her some slack. Now imagine a glowing *Post* profile of a 92-year-old "journalist" who was also, by the way, a member of the Nazi Party and says she's "a little disturbed recently" about some of the Nazis' doings. Hard to envision, isn't it? —DB

Explanation

How I Walked into the Michigan House

by Greg Kaza

In 1992, a libertarian activist was elected to the Michigan House of Representatives. Here's how.

On Nov. 3, 1992, I was elected to the Michigan House of Representatives as a Republican representing a suburban Detroit district — not as an *establishment* Republican, but as a *libertarian* Republican.

Since taking office in January, I have opposed every tax shift or increase and proposed four amendments and one resolution. Three of those amendments have been approved by a majority of House members; two successfully dealt with vital issues affecting personal liberty. One addressed a draconian "no-knock" law that would have given government agents the power to enter private property unannounced. My amendment specified that two judges, including at least one at the circuit level, must approve any no-knock warrant; passage of this amendment on March 4 stalled the bill in the House. Another amendment, co-sponsored with a Democratic colleague, effectively gutted a mandatory seat-belt law. I also sponsored a resolution that would bind the House against a 5% legislative and judicial pay raise. This resolution received 66 votes, but it fell eight votes short of the two-thirds majority required. (I am now exploring the idea of a free lottery to return my pay raise to taxpayers when it takes effect in January 1994.)

My election and subsequent activity show that it is possible to succeed in the political arena as a proponent of the free society. More importantly, they offer important lessons for advocates of individual liberty, the greatest being confirmation of a political style favored by both the Old Right and the New Left.

All Politics Is Local

When I announced for the Michigan House in April 1992, I was opposed by the five-term Republican incumbent, the GOP establishment, and a majority of community leaders and opinion molders. The incumbent later withdrew, endorsing one of my opponents in the August Republican primary; after I won that primary, he endorsed the Democrat in the November general election. Seven of eight newspaper endorsements went to opponents. Yet I received 51 percent of the vote in a four-way GOP primary, and 65 percent against the Democrat in November.

I won both races because of my grass-roots strategy, relying on door-to door campaigning and a platform supported by a majority of district residents. Our campaign borrowed from the Old Right of the late 1940s and early 1950s, which emphasized *local control* of government, and the New Left of the 1960s, which popularized *decentralization* in its approach.

I announced my candidacy only after receiving financial commitments sufficient to pay for an introductory literature piece and 500 yard signs, the hallmarks of a serious grass-roots campaign. Under Michigan law, all candidates for state office must register a campaign committee with the Secretary of State. Our first formal act was to register Friends of Greg Kaza in Lansing, the state capital. Then I began fundraising in earnest, relying on movement sources and personal contacts I developed while vice-president for policy research at a Michigan think tank. The experts said it would cost $50,000 to win the Republican primary; our committee spent only one-third that amount.

The first literature published by a political campaign is commonly called the *walking piece*. It usually introduces the candidate to voters by describing affiliations and community involvement, while avoiding issues. It is generally delivered to voters by volunteers, by poll workers on election day, or by the candidate walking door-to-door. Many campaigns at the

local and state level never progress beyond the walking piece, due to lack of funds or as part of a strategy that equates taking positions on issues with a loss of votes. My walking piece listed affiliations, but also emphasized two libertarian themes that were our campaign platform: tax relief and term limits.

Subsequent campaign literature expanded on those two basic themes. One direct mail piece asked on the cover, "What Do Greg Kaza and a Majority of Troy-Rochester Hills Republicans Have in Common?" Inside, the answer read, "They Support Term Limits." The literature explained my support for term limits, which dates back several years, while noting "more than 90 percent of Michigan incumbents opposed term limits two years later." Another piece read, "Lansing Froze Your Property Tax Assessments . . . Greg Kaza Wants To Go Further." The literature explained my support for a property tax plan that "would cut assessments 30 percent over five years, relief worth hundreds of dollars annually to Rochester Hills and Troy homeowners." In both instances, we were careful to *localize* the issue — all politics is local.

I literally walked into the Michigan House of Representatives: between April and November 1992 I personally contacted 15,000 individuals through door-to-door campaigning.

Critics of libertarians frequently accuse them of negativism for their opposition to the state. The literature we published addressed this issue by stressing *positive* themes, i.e., support for tax relief and term limits. Our committee published a dozen pieces; my fiancee, Cherie, personally carrier route-sorted nearly 40,000 pieces of campaign mail. Virtually every piece we published mentioned support for tax relief or term limits. By comparison, my opponents supported tax shifts or increases and opposed term limits.

"Hello, My Name Is . . ."

The Old Right and the New Left understood that local control and decentralization cannot extend beyond the individual. I was elected to the Michigan House of Representatives by literally walking in; between April and November 1992 I personally contacted 15,000 individuals through door-to-door campaigning.

For nearly a year before the August 1992 GOP primary, family members and volunteers assembled lists of registered voters in the district. After announcing my candidacy, I began a routine of knocking on doors Mondays through Saturdays, from noon to 9 p.m. Mornings were reserved to fundraising appointments, and Sundays were set aside for family. I was able to campaign full-time because I had budgeted enough personal wealth to pay the bills.

Door-to-door campaigning is grass-roots politics in action. Every candidate has their own message; mine was, "Hello, my name is Greg Kaza. I am here *personally* to seek your vote on election day." The overwhelming majority of people told me I was the first candidate ever to knock on their door. Some did not believe I was a candidate until I showed them my identification. Several invited me into their homes for dinner. Only two expressed hostility; both told me that they were finished with politics and politicians.

Some individuals asked for literature on a specific issue. A few requested copies of a book that I co-authored while at the think tank. Many wanted yard signs to post outside their homes. I was always careful to return in *person* with the materials, and leave a *personal* note if the individual was not home.

More than 100 volunteers eventually became involved in our effort. Many took door-to-door campaigning one step further by knocking on doors after I visited a precinct. Individuals received as many as five personal visits from volunteers urging them to vote for me in some precincts. One woman called to say that she would vote for me only if our volunteers would stop knocking on her door! I apologized, explaining that some of our volunteers were overenthusiastic.

At first my campaign was pretty much ignored, but as it began to gather steam I was attacked hard. One negative flyer made 18 separate charges against me. Another stated, "Greg Kaza, in a press interview (Rochester *Eccentric*, 4-20-92), styled himself 'a libertarian.' The Libertarian Party's national platform calls for, among other things, the dismantling of Social Security and Medicare." It went on to quote a spokesman for conservative Republican Gov. John Engler, attacking me as an "ideologue" who "has not even learned the most very basic lessons of American politics. . . ." Another negative flyer stated, "Greg Kaza . . . has advanced some extreme and preposterous answers to the very complex problems that face our area and state. Among these is education reform — in a word: privatization." Engler's opposition and the negative flyers generated intense discussion among the political molders.

The consensus of the media pundits and savvy political operators is that negative campaigning is very effective. The practical effect upon voters was negligible, as was confirmed on election day.

My election demonstrated that a majority of residents in a community are ready, and will support, a grass-roots politics that respects them and takes their concerns seriously, and that they will support a free society. But they not unreasonably want to be treated as individuals by those who seek to represent them.

My election and subsequent activity show that it is possible to succeed in the political arena as a proponent of the free society.

We did not fancy ourselves as savvy political operators from Lansing. We saw ourselves as concerned citizens out to influence state government at the local level. Door-to-door campaigning prevailed against establishment opinion and establishment interests. ❑

Reindustrialization Redux

by Christopher Thomas Freeburn

There's one import that protectionists like . . .

The 1992 presidential campaign resurrected "industrial policy" as a way to solve America's economic problems. But that phrase still has some unsavory "central planning" connotations, so the Clinton camp was apt to euphemize; "a partnership between government and business" became the campaign cliché.

A mix of protectionism, regulation, and government subsidies (now called "investments"), industrial policy is very popular within the Clinton circle of economic advisors. It is modeled loosely on the policies of Europe and Japan.

However, the much-vaunted industrial policies of Europe and Japan are, in fact, costly bureaucracies with at best a mixed record. Attempting to counter American and Japanese dominance, several European governments have showered particular computer companies with money — only to watch losses mount.

Most egregious is the sad spectacle of the Groupe Bull S.A., a computer company into which the French government pumped 1.3 billion francs in 1992 alone. Subsidies and numerous restructurings have failed to make Bull profitable. In fact, in the last two years, Bull has lost both market share and $1.5 billion of the French taxpayer's money.

The debacle of the "French policy at Bull smacks of the approach that has left Europe littered with perennially unprofitable industries in coal, steel, shipbuilding and other lines, all sustained by government money," writes New York *Times* reporter Roger Cohen.

> Similarly, the European Community has insisted in forging ahead with its own analog system for high-definition television — a technology that provides picture clarity similar to that of film. Almost all industry analysts believe that the American digital system is superior and should eventually be adopted worldwide. Here again, industrial policy looks suspiciously like protectionism.

During the 1980s, Japanese companies gained enormous market share and dominance of many key technologies necessary to the computer industry. Alarmed by the Japanese advance, many American economists sounded doomsday warnings, arguing that American companies were fundamentally disadvantaged. American business, lacking government support and protection, would soon be overwhelmed by subsidized Japanese computer makers. Japan, they warned, would control the PC industry.

But this did not happen. American companies responded to the Japanese challenge by setting new industry standards and accelerating their product development. At the 1992 Comdex/Fall trade show in November, American computers demonstrated their lead in innovation with an amazing array of new products, far outshining the Japanese manufacturers' rather disappointing performance.

Indeed, most Japanese computer makers have seen a decline in their market share both in America and at home. Compaq and IBM have recently made inroads into the Japanese domestic market, challenging NEC Corporation, Japan's market leader. George Fisher, chairman of Motorola Inc, was quoted in the New York *Times* as saying, "We have convinced ourselves that we can compete with the Japanese in cost, quality, size, and low power consumption if we put our heads to it."

This spirit is reflected by the experience of the Xerox Corporation.

In the 1980s, competition from Japanese giants like Canon, Sharp, and Toshiba severely eroded Xerox's business, placing the company in fi-

nancial jeopardy.

Xerox responded with a crash course in quality and consumer relations, with products carefully tailored to meet the needs of foreign customers. The result was a startling rebound. Xerox's new Model 5100 photocopier has become a major success in Japan, where it holds ninety percent of the high-speed copier market. A representative of NEC, which purchased twenty-two Xerox machines, told the New York *Times*, "The machines are better than anything we can get in Japan. We wanted the best and most efficient machines."

Many American companies have stopped complaining about Japanese competition and started doing something about it. In many cases this means taking the competition for market share to Japan itself. Motorola, McDonald's, Eastman Kodak, and Applied Materials Inc are just some of the many American corporations challenging Japanese rivals on their home soil.

Japanese industrial planning is the responsibility of the Japanese Ministry of International Trade and Industry, or MITI, a government agency which directs and supports those industries that it deems important to economic expansion. MITI's results are not entirely the awesome success story that is often portrayed by the American media — witness its attempt to get Japanese automakers to build a "people's car" in the 1950s. Other projects (such as the much-heralded Fifth Generation Computer) have been total flops. Furthermore, the current recession in Japan seems to have uncovered a whole range of unsavory government-endorsed business practices. Government scandals, illicit stock-trading conspiracies, the prevalence of organized crime, and a severe financial crisis are leading many Japanese to question their government's role in the national economy.

The much-vaunted industrial policies of Europe and Japan are, in fact, costly bureaucracies with at best a mixed record of successes and failures.

America's vast wealth was not created by an army of government bureaucrats directing the country's resources. Rather, it has been the result of dynamic individuals working, inventing, and cooperating within the free market for their own self-advancement.

Our economic problems are the result of reckless government interference, not a lack of direction from Washington. ❑

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Putting Away Childish Things

by Robert F. Tinney

It's time for the political spectrum to come of age.

Wouldn't it be great if there really were only two kinds of people in the world, like "Liberals" and "Conservatives," or "The Producers" and "The Looters," or "The Men of Mind" and "Whim-worshippers"? Political and social conflicts are so much more interesting and understandable if you can peg the combatants on a simple, one-dimensional linear spectrum — they're either *this* way or *that* way — rather than more complex two- or even three-dimensional mappings. A tug-of-war is so much more . . . *visceral* than a chess game.

Unfortunately, categorizing *all* people on a linear scale is almost impossible if you want the scale to apply to a broad range of issues. Oh, it's not too difficult to establish a linear polarity on specific issues, such as, "How do you rate on the issue of economic freedom versus economic control?" The problem is, in a tug-of-war like this you might find yourself pulling shoulder-to-shoulder with some pinhead who wants to outlaw "unnatural" sex. And *then* what would you do with your weekends?

The trick is to find a polarity that is simple enough to be linear, and at the same time elegant and subtle enough to put everybody where they really ought to be, relative to everybody else. I believe the power and popularity of Ayn Rand's message can be attributed to her linear approach: (1) distill the various manifestations of systematic evil in the world down to a root cause, and (2) destroy the root. But Rand's attempt to make the polarity a *philosophical* one (i.e., with the "Morality of Altruism" at one end and Rational Self-Interest at the other) is, to me at least, awkward and ultimately unsatisfactory. And what about her answer to the troubling question of why the Morality of Altruism should be so appealing to intellectuals?

"[T]he philosophy of Kant is a systematic rationalization of every major psychological vice, " says Rand in her 1974 essay "Philosophical Detection." But from what cloud do these "psychological vices" swoop down and settle into the heads of the world's intellectuals? What virus has infected Kant and his spiritual descendants with symptoms such as "hatred of reality," "hatred of the mind," or "hatred of the good," thus causing them to secretly rejoice as they watch their irrational philosophies destroy civilization?

Actually, I don't believe the world's intellectuals really want to destroy anything. But I do believe that many — probably most — of the ideas they have promulgated in the twentieth century have been hogwash, and that this hogwash flows from a single source. And if I can demonstrate that much of the world's hogwash flows from a single source, then I've got linear polarity in my back pocket!

Below is a Sentence Completion Chart that outlines my entry for the "Name-the-one-thing-that's-destroying-the-World" contest. I believe the major irrational movements of the world, from time immemorial, are born not in vice, but in perversion: the perversion of the natural psychological and social development sequence that transforms a human child into a human adult. The result of this perversion is that the human beings so affected never transfer the locus of moral authority from their "powers above" (i.e., their parents), to themselves (i.e., their own minds). In other words, they never graduate from the moral *dependency* into which they are born, to the moral *independence* of adulthood.

The chart below resulted from the

most extensive psychological testing program ever conducted. (*Suurrrre.* Actually, I sat down at my word processor and knocked out the chart in about three and a half hours.) Subjects completed the sentences in the left column with whatever popped into their minds. They were then divided into four categories (as indicated) on the basis of their answers. The completions shown are a distillation of the most common responses:

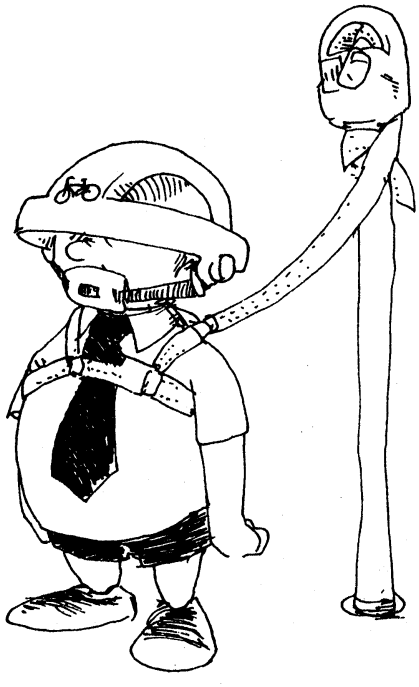

	Children	Children of God	Children of the State	Adults
The greatest sin would be . . .	". . .Disobedience, i.e., separating myself from the will of my parents."	". . . Pride, i.e., separating myself from the will of my God."	". . . Treason, i.e., separating myself from the will of my Fatherland."	". . . unquestioning obedience to someone else's will."
The highest virtues are . . .	". . . administered from above: the teachings of my parents."	". . . administered from above: the laws of God."	". . . administered from above: the laws and customs of the nation."	". . . policies of behavior which I'm responsible for figuring out for myself."
When it comes right down to it, the most important thing in the world is for me to . . .	". . . obey my parents and be a part of my family."	". . . obey my God and be a part of the Church family."	". . . obey my government and be an active part of the national family."	". . . use my mind to care for myself and my loved ones."
All the world really needs is . . .	". . . family unity."	". . . unity under God."	". . . family unity."	". . . Reason."

	Children	Children of God	Children of the State	Adults
What really makes me uneasy is . . .	". . . hatred between my brothers and sisters."	". . . hatred between my brothers and sisters."	". . . hatred between my brothers and sisters."	". . . a world where conformity and 'love' are the highest virtues."
I have Faith in . . .	". . . the powers above: Mother and Father."	". . . the power above: God."	". . . the powers above: our system of Government."	". . . myself and my ability to reason."
The powers above make me feel guilty because I don't want to . . .	". . . share with my brothers and my sisters."	". . . share with my brothers and my sisters."	". . . share with my brothers and my sisters."	". . . What powers? What guilt?"
Our nature as human beings demands that we have government . . .	". . . from our parents to make sure we behave."	". . . from our God to make sure we behave."	". . . from the State to make sure we behave."	". . . to protect the equal freedom of all people to decide for themselves how to behave."

Illustrations by John Bergstrom

	Children	Children of God	Children of the State	Adults
When authorities think I'm not behaving right, sometimes I need . . .	". . . punishment (or maybe some forceful warnings) from my parents."	". . . punishment (or maybe a reminder of eternal torture) from God."	". . . punishment (or maybe some forceful warnings) from the Government."	"Tread on me at your own risk."
The worst thing that could happen would be . . .	". . . for my parents to abandon their helpless children."	". . . for God to abandon His helpless children."	". . . for the Government to abandon helpless citizens."	". . . for me to abandon my self-reliance."
I must always be on guard against . . .	". . . willfulness; I'm immature and my parents know what's best for me."	". . . willfulness; I'm a sinner and God knows what's best for me."	". . . willfulness; I'm greedy and Government knows what's best for me."	". . . people who claim they know what's best for me."
Justice is . . .	". . . Mother and Father giving their children everything they need, equally."	". . . all of God's children sharing equally in heaven's bliss."	". . . an equal distribution of wealth to the brotherhood of Man."	". . . receiving what you earn."

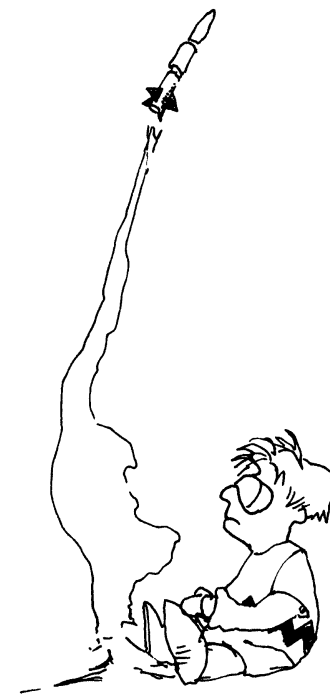

	Children	Children of God	Children of the State	Adults
Sometimes I'd like to just slap the face of . . .	". . . my little sister, who thinks she's so smart she doesn't need to do what Mommy and Daddy tell her."	". . . some dirty little atheist who thinks he's so smart he doesn't need God."	". . . some dirty, greedy little businessman who thinks he can operate without being regulated."	". . . some little coward who refuses to think or be responsible for his own actions."
I feel warm and safe . . .	". . . when my Father's holding me in his arms."	". . . when I remember that God has the whole world in his hands."	". . . when I remember the Government's safety net."	". . . when I'm controlling my own life."
Sometimes I get tears in my eyes when I think of . . .	". . . my dear Mother and Father."	". . . our dear Lord and Savior."	". . . our dear Motherland."	". . . the fucking IRS."

	Children	Children of God	Children of the State	Adults
It's quite obvious that I'm naturally prone to evil because . . .	". . . I need my parents to protect me from my own ignorance and mistakes."	". . . I need God to protect me from my own ignorance and mistakes."	". . . I need Government to protect me from my own ignorance and mistakes."	"I stopped being 'prone to evil' when I grew up."
At those times when I really get in deep trouble, I can always . . .	". . . run to Mother and Father."	". . . take my burdens to the Lord."	". . . let my fingers do the walking through the Government agency section of the Yellow Pages."	". . . grit my teeth and dig deeper into my personal resources."
Boy, if only my brothers and sisters were . . .	". . . more caring and mindful of family responsibilities."	". . . more caring and mindful of God's will for all his children."	". . . more caring and mindful of social responsibilities."	". . . more self-reliant."
Prudence dictates that I . . .	". . . repent of my childish shortcomings, or suffer parental anger."	". . . repent of my wicked appetites, or suffer the fires of hell."	". . . repent of my human appetites, or suffer global warming and destruction."	". . . avoid the age-old guilt/repentance syndrome."
The most pitiful creature on earth is . . .	". . . a child without parents."	". . . a human being without God."	". . . a human being without a country."	". . . a human being without ideas."

So you see, there *are* only two kinds of people in the world; the monumental struggles that have marked the history of humanity can best be understood as tug-of-wars between those who view the world through the eyes of children, and those who face the universe as responsible adults. Today, the forces of childhood include check-writing followers of weeping, tumor-curing televangelists; 50-year-old yippie/socialist college professors; and New Deal/New Frontier/Great Society welfare-state policy experts. These are all people who wish, not to destroy civilization, but rather to redesign it according to their most deeply held belief about human beings: *in the final analysis, we're all just children.* Furthermore, government-controlled education virtually guarantees that the percentage of genuine *adults* in the population will decline with each succeeding generation.

Therefore, I hereby nominate an addition to the Freedom Philosopher's Hall of Fame, to be placed right next to the display honoring Rand, whose portrait stares penetratingly at each passerby, as if asking, "Have you checked your premises today?" My nominee is none other than comedienne Joan Rivers, represented by a glitzy studio photo in her nightclub pose. Beneath the picture is a talk button; when the button is pushed, the voice of Rivers herself erupts from a speaker, delivering to the citizens of the world — Socialists, Hindus, Fascists, Christians, Muslims, and Welfare Statists alike — the advice for which she has become famous: *"Oh, grow up!"* ❑

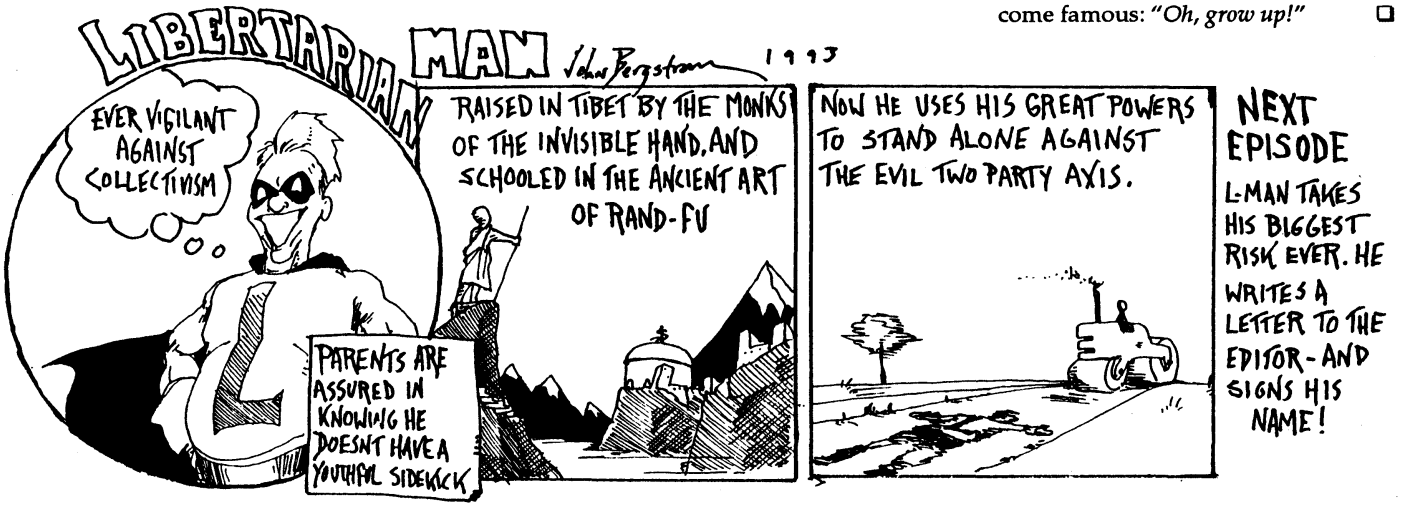

Reviews

***The Hacker Crackdown: Law and Disorder on the Electronic Frontier*, by Bruce Sterling. Bantam Books, 1992, 328 pps., $23.00.**

No Place Like Cyberspace

Brian Doherty

Every new frontier opens up new possibilities for human freedom — and new opportunities to bedevil, aggravate, and harm one another as well. According to Hobbes, this is why people agree to give up some of their freedoms: it is the only way they know to hold human mischief in check.

There are, of course, few physical frontiers left on Earth; governments have left their mark and established their authority virtually everywhere. Bruce Sterling's *The Hacker Crackdown* is the story of cyberspace — a new, *non-physical* frontier so strange that everyday problems there become threats to cherished freedoms, even the First Amendment.

Just what is cyberspace? The term is lifted from science fiction; the thing itself can be thought of as the place where a telephone call occurs — not just at your phone, not just at your conversant's, but somewhere in-between. That somewhere isn't physical; in some senses it isn't "real." But, as Sterling points out, "things happen there that have very genuine consequences" (xii). Things like the collapse of telephonic communications, the free communication (and theft) of services and information, and a state of war between forces seeking to impose order (law officers and telephone company officials) and those defending a zone for the mind's free play (hackers, electronic-age businessmen, and civil libertarians).

Sterling is a leading writer of and apologist for the brand of science fiction known as "cyberpunk," the distinguishing features of which, he tells us, are "a compelling interest in information technology" and "Bohemian artiness . . . an air of deliberate rebellion, funny clothes and hair, odd politics" (146). He tells his story as a novelist would, drawing vivid portraits of the major characters. Curiously, while Sterling treats offbeat, drugged-up, freaked-out hackers sympathetically in his fiction, *The Hacker Crackdown* is rather contemptuous of their real-life counterparts — those mostly young, mostly white, mostly male enthusiastic amateur explorers of cyberspace — and more intrigued by and impressed with the cops and civil libertarians. Indeed, he often portrays hackers as foolishly begging for trouble by bragging, often in phone calls to the authorities, of their illegal doings. He is also disturbed by their lack of any sense of *omerta* after being caught for their crimes (i.e., they are shameless squealers), and is not impressed with their addiction to airy, revolutionary rhetoric — rhetoric that seems odd coming from people who generally are socially inept indoor hobbyists tinkering with expensive equipment just for the thrill of chasing the forbidden.

People have used cyberspace in bothersome, fraudulent, and even criminal ways for as long as it has existed. Before there were hackers there were "phone phreeks" — experts at using technological skullduggery to squeeze free service out of the phone company. In their college days, before they started Apple Computer, Steve Jobs and Steve Wozniak sold devices ("blue boxes") that replicated the 2600 hertz tone that accessed long distance lines.

Telco officials had learned to live with the mischief of the old-fashioned phreeks, but as the telephone system became computerized, techno-pirates started to threaten more than just the profit margin. A smartass hacker kid known as "Fry Guy" re-routed calls for a probation officer in Delray Beach, Florida to a phone sex line in New York, then boasted to Telco security that the entire phone system was at his mercy. When AT&T's long-distance switching system crashed on January 15, 1990, fear of the power of these youthful, eccentric hierophants of cyberspace grew, setting the stage for the hacker crackdown. Ironically, the crash had been the result of an in-house programming error, not any hacker mischief.

Cyberspace is the place where a telephone call occurs: not just at your phone, or at your conversant's phone, but somewhere in-between. People have used cyberspace in bothersome, fraudulent and even criminal ways for as long as it has existed.

Sterling takes pains to point out

that the ethics of the high-level hacker do not permit childish, criminal, and dangerous indulgences like crashing systems or credit card fraud, even though those are well within their abilities. What they want and love is *information*, and the thrill of knowing that their skill and ingenuity has gotten them places and given them access to knowledge not everyone else can have. Their motivation is the feeling of membership in an elite, not the will to become wealthy mega-criminals or high-tech vandals.

But the very power they evince, and their foolish braggadocio — publishing all their secret info on computer bulletin boards open to anyone, or magazines like *2600* and its electronic-only cousin, *Phrack* — attracted the attention of the law, and led eventually to the heavyweight crackdown that became known, in cutesy militaristic terminology, as Operation: Sundevil.

Hackers consider the notion of "intellectual property" laughable; "Information wants to be free" is one of their rallying cries.

Sundevil, which went into effect on May 8, 1990, was the work of the Secret Service and the U.S. Attorney's office in Phoenix, Arizona. One hundred fifty agents made 27 searches in twelve cities, seizing about 42 computer systems and making four arrests. The operation focused the attention of both the public and hackers. Computer crime was suddenly being taken *very* seriously by the feds.

From a law enforcement perspective, the theory behind Sundevil seemed perfectly reasonable. The electronic bulletin boards seized during the raid were used for illicit purposes, spreading information and numbers that aided and abetted credit card theft and telephone code abuse. But these gathering places for cyberspace enthusiasts to communicate about computers, music, sex, gossip, and, yes, hacking, were and are more than just dens of iniquity. They are, in some sense, examples of free assembly and free speech. Which leads to a fundamental question: is the mere discussion of information that could possibly be used illegally an excuse to confiscate the means of communication and shut down the forums for discussion? The question has yet to be answered, because it's yet to be argued directly in a court of law.

Sterling also tells stories of government action against the hacker milieu that are less *prima facie* defensible from a law enforcement perspective, including the event which sparked *The Hacker Crackdown*.

On March 1, 1990, the Secret Service raided the home and office of an individual employed by Steve Jackson Games, a publisher of science fiction role-playing games. The Secret Service had been on the trail of a stolen BellSouth document relating to technical details of bureaucratic administration of the 911 service, and had been led to a bulletin board at Steve Jackson, where an employee had published the document. The Secret Service walked off with every computer, every disk drive, and every floppy disk at Steve Jackson Games. Their haul included the complete manuscript for a forthcoming book containing instructions for a new game called *GURPS Cyberpunk*. No one at the company was arrested or charged with anything, yet little of the equipment, without which the business was effectively crippled, was ever returned. And because the (unsigned) warrant was sealed, the fact that they were looking for the stolen BellSouth document was not revealed. Jackson was told instead that his book, *GURPS Cyberpunk*, was "a manual for computer crime" and the reason for the raid. The science fiction community, including Sterling, was galvanized. Was it now illegal even to write speculatively about the world of cyberspace and the possibilities for subversive activity therein? At subsequent legal hearings, after the Secret Service explained that it had been seeking the tech details of the 911 service, allegedly a highly confidential and valuable document, it was revealed that BellSouth itself offered the same information to the public for $13.

The science fiction community was galvanized. Was it now illegal even to write speculatively about the world of cyberspace and the possibilities for subversive activity therein?

Sterling delves into this strange ecosystem, describing wary conferences and confrontations between hackers and lawmen attemping to figure out just what is happening in their shared world. The author is no wild-eyed defender of hackerdom; in fact, he explicitly recommends that any youngster with a yen to play cyberspace cowboy join the Secret Service, where better equipment and more knowledge is available than any lone hacker is liable to have available. Sterling presents with intelligence and sympathy both the law enforcement position *and* the stance of, for example, Mitch Kapor, founder of the civil libertarian Electronic Freedom

"Hey. I want your money and you want your life and it's okay, man."

Foundation. In fact, I find his respect for law enforcement personnel a trifle overdone. Even as Sterling harps on every personal deficiency and indication of lack of integrity within the hacker community, he glosses over the unconstitutional horrors regularly committed by the cops. His gosh-wow glee over their professionalism and eagerness to learn seems inappropriate to a class of people with no compunction against seizing valuable property without ever returning it or pressing any criminal charges against its legal owners.

The Hacker Crackdown makes it very clear that the legal situation in cyberspace remains *un*clear. The relation of an electronic bulletin board to a physical meeting place or publication is not yet settled in the mind of the law. The meaning of theft when the "stolen" object is still in the possession of its original owner is blurry. Indeed, the very meaning of property itself in cyberspace is slippery. Hackers consider the notion of "intellectual property" laughable; "information wants to be free" is one of their rallying cries. If one can light a candle from an existing fire without diminishing that flame, has the flame been "stolen"? If a document can be duplicated without taking it or the use of it from its original owners, has harm been done?

As time goes on, more and more of our property and privacy will reside in or depend upon cyberspace. In one particularly chilling segment, Sterling describes some street people he encountered in Phoenix and speculates about the day when anyone who is not at home in cyberspace will be as marginal and powerless as those homeless people are now. The world could end up divided between information technicians who can manipulate symbols, add value, and control the technical details of production, and everyone else, serfs useful for only small-value-added, unpleasant physical exertion.

That specter should be enough to make one want to acclimate oneself to cyberspace. This book makes a good introductory guide. It introduces the gang, explains the rules of the house — however confused — and attempts to inculcate a grudging respect for the neighborhood flatfoot. ❑

***Post-Liberalism: Studies In Political Thought*, by John Gray. Routledge, 1993, x+358pp., $45.00 hc.**

After Liberalism . . . Liberalism

Leland B. Yeager

In his book *Liberalisms* (Routledge 1989), John Gray found the grand liberal theories lying in "rubble." Liberalism, he said, was incoherent in trying "to adopt a universal standpoint — whose content, however, turns out to be given by the local knowledge of Anglo-American political (or academic) culture" (1989, p. 234). Gray's own project of "defining liberalism and giving it a foundation" had "ended in failure. . . . [N]o set of arguments is available which might ground liberalism and privilege liberal society over its rivals" (1989, vii).

Introducing John Stuart Mill's *On Liberty and Other Essays* (Oxford 1991), Gray again saw "a system of ruins." As a guide for legislation, Mill's principle of liberty was "a ruinous failure." Gray's own revisionist defense of Mill had also run aground. These results suggested "the likely (or inevitable) failure of any similar exercise." Mill's project, Gray said, required "aggregative judgments of utility"; yet the incommensurability of values is "fatal to any utilitarian calculus." Liberal theory must now be seen "as an exploration of the structure and postulates of a specific historical achievement, a body of practices which we receive as an historical inheritance. But then moral and political philosophy lose much of their prescriptive authority, and become essentially elucidatory or explanatory" (xxix).

Describing liberalism again in his newest collection of essays, *Post-Liberalism: Studies in Political Thought*, Gray tosses around terms like "ruins," "debacle," "disasters," "banal pieties," "empty pieties," "illusions," "incoherencies and indeterminacies that are fatal," "demise," "dead," "death," and "epitaph."

All this is hype. Far from foresaking what classical liberalism presumably means to *Liberty*'s readers, Gray develops solid arguments for it. What he does reject is sweeping claims about its scope and self-sufficiency, along with perverted applications and defective arguments.

Sometimes Gray narrows his target to "doctrinal," "foundationist," "fundamentalist," or "universalist" liberalism. Without explicitly developing the point, Gray does say that all of today's dominant liberalisms derive from Millian classical liberalism. The author of *On Liberty* neglected cultural tradition as the matrix of human individuality. Obsessed with enmity to tradition and convention, Mill displayed rationalist hubris, antinomian individualism, and a sentimental religion of humanity. Instead of any sort of pluralist society, Millian liberalism envisages the rule of an elite of opinion-formers. It is a program for cultural conformity (260).*

As examples of his more recent targets, Gray mentions in passing such diverse thinkers as John Rawls, F.A

* Long direct quotations would be tedious. Besides, I feel a compelling urge to shorten and rearrange Gray's prose. Except occasionally for emphasis, I avoid putting quotation marks around words and phrases lifted verbatim; the effect would be intolerably choppy. Gray gets credit for any apt formulations.

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Hayek, Robert Nozick, Bruce Ackerman, and Ronald Dworkin. The liberalism of Hayek and Milton Friedman and free-market think tanks such as the Institute of Economic Affairs, although strongly individualist, concerns itself very little with "the cultural or social conditions of a stable restoration of market institutions" (275).

Gray rejects the modern liberal dogma that human nature is so much a fiction or chaos or so unknowable that each generation may reasonably start life afresh, trying every experiment in living again (21). Echoing Michael Oakeshott, he rejects the hubristic liberal project of fixing the proper scope and limits of the authority of government once and for all, as Locke, Kant, Mill, Rawls, and Nozick supposedly tried to do. Reasoning from some first principle or doctrine will not work, be it specification of natural rights or basic liberties, or some conception of justice fleetingly held by the American academic *nomenklatura*. The proper tasks and limits of government can be established, provisionally, only by invoking precedents, judgments, and practices already present in political life. Philosophy must yield to practice (40–41).

Gray is tempted to label his own position "post-modern liberal conservatism" (271). He champions what he calls "civil society" and Oakeshott called "civil association": the domain of voluntary associations and market exchanges through which individuals pursuing their own diverse purposes may live together in peace. Private property, the market, contractual liberty, and the rule of law count among its essential characteristics; without them, modern societies descend into poverty and barbarism. Although most of the institutions of civil society are independent of the state, they do require the protection of law (246 and passim). Civil association contrasts with government as an enterprise association, as an instrument for pursuing specific collective goals (275).

In some passages Gray says that persons not unified by any single tradition can nevertheless form a civil society (268). Other passages, however, seem to say that civil society presupposes a certain culture of individualism, a patrimony of common ideas, beliefs, and values (263–264, 278). Gray could presumably dissolve the apparent contradiction by arguing that great diversity in the specifics of traditions and lifestyles is compatible with agreement on values of very general kinds, ones consistent with a spirit of toleration and mutual accommodation. What is important is "the mutual recognition of civilized men and women" (271).

Civil society is practically the same as a framework of "social cooperation," so called by Ludwig von Mises and Henry Hazlitt (whom Gray neglects to mention in this connection). Social cooperation is the aggregate of institutions, practices, and perhaps even attitudes that foster peace, security, specialization, and the gains from trade that so facilitate effective cooperation among people seeking to make good lives for themselves in their own diverse ways. The idea, though not the actual term, goes back to David Hume and even to Thomas Hobbes. These thinkers pioneered the utilitarian tradition. Mises emphatically labeled himself a utilitarian. This position does not — despite Gray — require "aggregative judgments of utility," whose possibility Mises explicitly denied.

The market is a device not for maximizing some imaginary aggregate welfare but for facilitating voluntary cooperation among individuals.

Gray agrees with James Buchanan in warning against seeing the market as a maximizer of collective or aggregate welfare. The idea of aggregate or collective well-being is a heuristic fiction at best. It reinforces the wrong conception of economics as dealing with a collective exercise in maximization (53–55).

On all this I agree wholeheartedly. The market is a device not for maximizing some imaginary aggregate welfare but for facilitating voluntary cooperation among individuals. Social cooperation is a *near*-ultimate criterion of

institutions, ethical precepts, and even character traits. (And what could the *ultimate* criterion be if not happiness in some broad sense of the term?)

Gray might perhaps not accept this utilitarian gloss on his position, but neither does he accept the shallow rhetoric of a purely rights-based or justice-based conception of political morality. Rights are never foundational; instead, they are "intermediaries between claims about human interests that are vital to well-being and claims about obligations it is reasonable to impose upon others in respect of these interests. Rights . . . gain their content from the requirements of human well-being. . . ." These requirements identify the bottom line in political ethics (303). An overblown rhetoric of rights, as Gray implies, consorts with an excessive legalism and runs counter to a spirit of mutual accommodation.

Besides agreeing with Oakeshott and Buchanan, Gray praises the agonistic or stoic liberalism of Sir Isaiah Berlin, who recognized the fundamental incommensurability of values and the unavailability of any single best solution to problems of man and society (67 and passim). Gray also concurs with the economists of the Scottish Enlightenment, the French classical liberal school of Alexis de Tocqueville and Benjamin Constant, and much in *The Federalist Papers*. This sound tradition sees government not as favoring any specific conception of progress, but instead "providing the framework within which different ways of life and styles of thought may compete in peaceful coexistence." Contemporary thinkers like Hayek and James Buchanan have also seen the necessity of imposing limits on democracy to preserve civil society and ensure liberty and prosperity (212–213). Thomas Hobbes already had the correct conception of government — a limited one devoted to securing the peace and leaving all or most other activities to private initiative enjoying liberty of thought and action. The good state is strong but small (270).

The conservative and classical liberal tradition has much to offer the citizens of post-Communist countries. It gives priority to personal and economic, not political, liberties. Individual liberty and democracy need not go together. The post-Communist states should not follow Western models in allowing democracy unlimited competence. Some things (including monetary policy) should be removed from democratic politics (213–214).

Civil society may flourish under many types of government, liberal democracy being only one (159). Gray mentions the authoritarian political regimes of South Korea, Taiwan, and Singapore and even has some kind words for empires and monarchies in general; only the unlimited government of totalitarianism is incompatible with civil society (159). "In all its varieties . . . liberal political philosophy has failed to establish its fundamental thesis: that liberal democracy is the only form of government that can be sanctioned by reason and morality. It therefore fails to give rational support to the political religion of the contemporary intelligentsia" (246).

Gray seems to scorn theory in favor of empathy with the history and traditions of successful civil societies. Yet what he offers *is* theory, political theory bolstered by a grasp of the fundamentals of economics. To be sure, his theory is unrigorous, as probably befits its inquiry into what makes for a good society.

The author broaches many more topics than I can survey here. He comments on the socialist calculation debate, on the collapse of socialism, and on delusions about *perestroika* and *glasnost*. Any reader not already bored to death by Marxism can find demolitions of some contemporary Marxist writers. Gray also offers brief but insightful remarks on conditions and trends in the United States, including affirmative action, twisted feminism, multiculturalism, paternalism, the jargon of "group rights," the erosion of contractual liberty, and the pervasive politicization of life through legalism, litigation, and the invention of constitutional rights.

Gray identifies a new Hobbesian dilemma: to try to preserve their own assets, citizens are constrained nowadays to organize to capture government power. The state itself is becoming the chief weapon in a political war of all against all (211–212). Gray is presumably alluding to special-interest legislation and regulation and the perversion

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of even the court system into an instrument of redistribution.

What I like best is Gray's unsentimental understanding of democracy and alternative political regimes. I have never supposed that submitting large parts of life to the majority vote of electorates or legislatures is the essence of classical liberalism or of the American dream. Democracy, as Joseph Schumpeter wrote, is not an ideal in its own right; it is a particular method of choosing and influencing the political authorities. It is time now to identify the sheer cant of reciting "free elections" as the solution to the problems of any unfortunate trouble spot (or, as in Haiti, reimposition of its "democratically elected" president). Now that Gray has made a start, perhaps even the legitimate role of monarchy in the modern world may be seriously discussed. ❑

A new sort of literary magazine has emerged, and we are not amused . . .

Pucker or Perish

Richard Kostelanetz

Cyril Connolly long ago distinguished "coterie" literary magazines from "eclectic" ones. As he saw the difference, the former were founded by a closely entwined group of people, existing to publish their own work primarily, if not exclusively. Coterie magazines are designed to serve writers who, for one reason or another, are reluctant to submit their work to editor-strangers. They discouraged "unsolicited submissions," if not all the time, at least during part of the year, for lack of any concern with what others might be writing. In our time *L-A-N-G-U-A-G-E* and the mimeos associated with the St. Marks Poetry Project would be examples of coterie journals. Eclectic magazines publish work from a variety of sources, purportedly selecting the best from what appears in their mailboxes, regardless of the reputation, nationality, or professional affiliation with its authors. *Poetry* and *Partisan Review* would be examples of successful eclectic journals. One charm of Connolly's distinction was allowing to each side the possibilities of both editorial integrity, albeit of different kinds, and literary influence.

In the age of grants and institutional rewards, especially in America, a third kind of literary magazine has emerged that superficially appears to be a synthesis, publishing a limited group of lesser-knowns along with celebrities, generally regardless of the quality of the latter's work. Since the celebrities often come from different, if not contrary, directions, while the lesser-known writers strive for unexceptional acceptability, such magazines forbid themselves the kinds of literary influence typical of great magazines in the past. They too discourage unsolicited submissions, since the two circles of possibly acceptable contributors are circumscribed in advance.

What are they doing, you often wonder? My suspicion is that they are designed explicitly to please Very Important People, whether they be academic administrators, officials at funding agencies, or other dispensers of favor. The editors of this third kind of magazine fear integrity and thus controversial contributions and contributors, especially from lesser-knowns, for the simple reason that such moves, however acceptable they may be to both eclectic and coterie magazines, might offend the VIPs. Indeed, their editors necessarily become solicitious of the celebrities' opinions of the lesser-knowns, for fear of losing not any of the latter but one of the former from their pages. Neither eclectic nor coterie, such magazines would appropriately be classified as "butt-kissy." I can think of one in America whose name begins with a C, another with a P, a third with an S, a fourth with an A; and though their editors might publicly object to such characterizations, you know as well as I that they would be personally pleased to know that their ultimate motives were not misunderstood. (The first time I put the previous sentence into print, someone responded with a completely different set of names from those I had in mind, indicating that the critical principle had broader applicability.) To measure how unique such magazines are to literature, consider that no publication primarily about visual art can be characterized this way.

Butt-kissing is a cynical strategy, to be sure, assuming that even "distinguished intellectuals" can be more impressed with supplicants' flattery than their excellence or integrity. However, not unlike other cynical strategies, it has distinct practical limitations, being first of all vulnerable to changes in power. Butt-kissers frequently discover that the object of their attentions has been replaced by someone else who, since ass-kissers instinctively treat those above them differently from those below, was incidentally slighted in the past. That accounts for why butt-kissing can work only so long, as practitioners past the age of fifty-five, roughly, inevitably discover that nearly all the recipients of their focus have been replaced or retired. (Does anyone still flatter John Leonard? Theodore Solotaroff? Daryl Hine?) Disillusioned idealists can be bitter, to be sure, but

My suspicion is that these magazines are designed explicitly to please dispensers of favor. Neither eclectic nor coterie, such magazines would appropriately be classified as "butt-kissy."

nothing can equal the anger and self-loathing of the disillusioned cynic. He or she can't "go public" with his story, because no one, absolutely no one, will respect his or her history or sympathize with his or her plight, while younger butt-kissers, you see, are already puckering their lips elsewhere. ❑

Booknotes

The First Pundits — Thanks to Richard Gere and the Dalai Lama, most Americans have occasion to think about Tibet every now and then. ***Trespassers on the Roof of the World*** (J.P. Tarsher, 1990, 272 pp., $10.95) by Peter Hopkirk, is the story of the opening of Tibet to Europeans during the 19th and early 20th centuries. More precisely, I suppose, one ought to say the "re-opening"of Tibet, since prior to the 19th century what few Europeans came Tibet's way were treated quite hospitably.

Europeans were interested in Tibet for two reasons: curiosity about a land half the size of western Europe about which virtually nothing was known, and a suspicion that Tibet had gold to trade and markets to open. In addition, Britain and Russia each feared that the other might gain influence in Tibet, thereby putting themselves at a disadvantage in their imperial competition.

Although nominally a tributary state of the Chinese Empire, Tibet was virtually independent by the 18th century. It closed itself off to Europeans on the theory that they would try to destroy its national religion, Lamaism, and with it, its national culture and way of life. Tibet's non-military defenses against outsiders were formidable: the world's highest mountains to the south and west, a 15,000-foot-high plateau backed by high mountains to the north, and an area populated by ruthless brigands to the east. But its military power was pathetic: a few thousand soldiers armed with swords and lances and a few matchlock guns.

For more than 100 years, Tibet's natural defenses and its devout and loyal population sufficed to keep it closed to Europeans. Its defenses were first cracked in the mid-19th century, when Britain hired spies to traverse the country and gather detailed geographic data. Recruited from the foothills of the Himalayas in British India, these "pundits" were trained extensively and given elaborate disguises, and entered Tibet with trade or religious caravans. They took with them a variety of instruments, made their measurements, and recorded their data on paper secreted in their prayer wheels. Most remarkably, pundits were trained to walk with precise and uniform steps, which they laboriously counted to measure distances. Often pundits were inside Tibet for a period of years, all the time maintaining detailed records of literally millions of uniform paces they had taken.

Thanks to the work of the pundits, the British had fairly accurate maps of Tibet by the late 19th century. But despite numerous attempts, no white person managed to visit Lhasa, Tibet's capital and holy city, until 1904, when an armed British expedition battled its way in from India.

Hopkirk chronicles the stories of these attempts, and of other notable visits to Tibet since. He concludes with a concise account of the conquest of Tibet by the Communist Chinese and the genocide that followed.

Of possible interest to libertarians is Hopkirk's brief discussion of *The Long Walk* by Slovomir Rawicz, a book reviewed in *Liberty* a few years ago and subsequently promoted and distributed by Laissez Faire Books. Rawicz tells a compelling story of his escape from a brutal Soviet forced labor camp in Siberia and his hike to freedom across Mongolia, Sinkiang and Tibet. But is Rawicz's story true? Hopkins notes that some authorities believe the book to be completely fraudulent and summarizes their case and Rawicz's defense, leaving readers to form their own conclusions. —R.W. Bradford

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Consider the Source — Those who are interested in the ancient world but are wary of the term "archaeology" because they think of it as a boring, monotonous science should take a look at William H. Stiebing's new book, ***Uncovering the Past*** (Prometheus Books, 1993, 315pp., $24.95).

Although *Uncovering The Past* is a history of archaeology, Stiebing does not delve endlessly into technical aspects of the science and the evolution of its techniques. Instead, he quite effectively documents archaeological techniques in the context of digs where these techniques were pioneered.

Stiebing divides the book into two sections: archaeology of the "Heroic Age" and modern archaeology. Within these sections are chapters divided primarily by topic: Egyptology, Aegean archaeology, etc.

One of the more interesting chapters concerns the remains of ancient Italy. Stiebing documents the uncovering of Veii and other Etruscan sites, as well as two of the more important finds of the ancient world, Pompeii and Herculaneum, which were remarkably preserved under the ash of Vesuvius. Among the ruins of Herculaneum was the first ancient library to be unearthed, which included works of Epicurus and other writers of the time, completely intact; Pompeii included many of the more structurally impressive buildings in the area.

With the new emphasis on politically correct non-science, archaeology remains one of the few disciplines where fact still reigns supreme. While there have been attempts to manipulate the remains of archaeological finds to fit political ideology, as has happened with other things historical, for the large part the field is still untainted. Stiebing has done well in keeping with this tradition, a point all lovers of liberty should appreciate.

Though at times unavoidable, professional jargon is kept to a minimum, allowing for a wide readership. For those who may be interested in the subject, *Uncovering the Past* won't disappoint. —Aaron T. Steelman

For Whose Welfare? — Left-wing critiques of the welfare state are few and getting fewer, so it's a genuine pleasure to take note of ***Tyranny of Kindness: Ending the Welfare State in America*** (Atlantic Monthly Press, 1993, $23.00) by Theresa Funiciello, a former welfare mother and longtime critic of the charity complex. The first third of the book recounts Funiciello's own story as welfare client and then activist. Once we're drawn into the story of the dehumanizing and (often literally) brutal "welfare" system, the author dons her journalist's hat and tells who really gets the lion's share of the money that's supposed to go to the poor: a corrupt network of top-heavy, contract-dependent "private" charities and government bureaucracies, both tied to the fortunes of the Democratic Party machine. Here the reader will find the story of Second Harvest, the subsidy-hungry distribution system more concerned with dumping surplus food (and "non-food items" like microwave spray) into food banks than with feeding the "hungry"; of the New York City housing bureaucracy, which builds temporary shelters rather than cheaper long-term housing, because that's what will bring more profits to the local political insiders; of the Hands Across America scam, which not only spent more money than it took in, but by the admission of one of its own organizers was meant to help Democratic politicians, not poor people.

The last third of the book is concerned with Funiciello's pet reform: replacing the welfare state with a guaranteed national income, probably best known in the form of Milton Friedman's Negative Income Tax. There is both good and bad to be said for this idea; I personally think it would be an improvement over the status quo, though I'd prefer to see mutual aid completely supplant the charity of the state. The problem is, in order to set income supports at a reasonably comfortable level, the NIT would cripple businesses unable to pay competing wages. Still, it's certainly better than the currently trendy "workfare" scheme, a half-baked plan Funiciello ably rips to shreds.

The last section of the book also occasionally degenerates into economic nonsense about automation, and at one point finds some kind words for the Social Security system, despite the fact that this program clearly redistributes wealth from the poor to the not-poor. But the autobiographical material and muckraking journalism make the book a worthy read. The modern welfare state is the old poorhouse writ large, a corrupt system that treats poor people like children while doling out most of its goods to white, middle-class professionals and their political patrons. This book tells how and why. That puts it in a class almost alone. —Jesse Walker

Drug Freedom for Me, But Not for Thee — Terence McKenna has taken Timothy Leary's place in popular culture as Mr Irresponsible Advocate of Psychedelic Drugs, and he doesn't deserve it. ***Food of the Gods: The Search for the Original Tree of Knowledge*** (Bantam Books, 1992, 311 pages, $13.85) is pop anthropology that purports to make the case that it was consumption of psilocybe cubensis ("magic mushrooms") by coprophilic psychedelic voyagers all over the world's temperate zones that was humanity's evolutionary trigger, responsible for the tripling in human brain size and the development of more sophisticated information-processing and communications

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capabilities that turned *Homo habilis* into modern man over the course of a mere three million years

The "proof" of this, like most ideas about events occurring before recorded history, comes from that amazingly rich vein mined by thinkers the world over: Mere Speculation. Sure, McKenna adduces actual research (!) from a real scientist (!!) to prove that under certain circumstances, psilocybin (the psychoactive ingredient of the mushroom) gives humans somewhat sharper visual acuity, an obvious advantage for hunter-gatherers. This is a slim reed indeed upon which to place the weight of his thesis.

The book then goes on to engage in gaseous speculations about the glorious, unified, goddess- and mushroom-centered culture that existed amongst the peoples of the Tassili-n-Ajjer, Natufian, and Catal Hayuk cultures, reaching its last stand in Minoan Crete before giving way to the alcohol-, coffee-, and sugar-loving "dominator culture" that has been ruining the Earth since.

By the time he gets his feet in the solid ground of recorded history, he gives an interesting revisionist view of how the conquest of the New World was driven by drug-addled Europeans' lust for coffee and sugar, and attaches "original sin" to these drugs, condemning them as evil because, when they first hit Europe, they inspired the slave trade and the destruction of indigenous cultures in the New World. Be that as it may, it should have no impact on one's decision to consume these products now, when they are not reaching one's palate through the labor of slaves.

But at its heart, McKenna's attitude toward drugs is the same as the prohibitionists': the drugs he likes (organic psychedelics) should be praised; all others, while legal, should be discouraged, taxed, regulated, and suffer government-sponsored propaganda discouraging their use. (As *Liberty* contributing editor Thomas Szasz has pointed out, calling this sort of propaganda "drug education" is like calling state-sponsored calls for intolerance of others' religions "religious education.") And even his understanding of the psychedelic experience, which expertise is really what he is selling in this book and in his public appearances, seems suspect: He appears to believe in the literal reality of the "self-transforming machine elves of hyperspace" that he thinks he meets when taking dimethyltryptamine (DMT), his favorite psychedelic because it is completely metabolized within about 15 minutes and occurs naturally in the human neurometabolism. Psychedelic voyagers should be more skeptical about the literal objective reality of their brain experiences while on drugs, and authors writing allegedly in defense of drug freedom should allow their fellows more leeway in making their own choices about what drugs they enjoy, regardless of historical pedigree or natural status.

—Brian Doherty

Literary Business — Positive portrayals of businesspeople are almost as rare in modern literature as in Hollywood. Perhaps businessmen need an anti-defamation league to protect them from the slings and arrows of novelists and screenwriters. So it was a pleasant surprise to discover businessmen depicted as honest and productive — if not quite heroic — in not one but two novels I read on a recent European trip.

David Lodge's ***Nice Work*** (Viking, 1989, 277 pp., $18.95) gives us a feminist literary theorist sent to "shadow" a factory manager in a British industrial city in order to bring business and the university closer together. The shadow is given to reading Lacan and Derrida, writing about "signifiers," and telling her students that "industrial capitalism is phallocentric." When she begins her shadow tenure, she is horrified by the factory and its manager, who emerges as a sensible man trying to make a profit in a competitive world. She complains about oppression in the factory, and he replies, "We don't force people to work here, you know." Eventually, after a series of comic misadventures, the businessman discovers Tennyson and the academic recognizes the value of wealth creation.

Another surprisingly positive portrayal of businesspeople can be found in ***Venus Envy*** (Bantam, 1993, 355pp., $21.95) by Rita Mae Brown, the country's best-known lesbian novelist. ("Next time anyone calls me a lesbian writer, I'm going to knock their teeth in. I'm a writer and I'm a woman and I'm from the South.") The plot is set in motion when Mary Frazier Armstrong, 35, believing she is dying, sends letters to all the important people in her life telling them exactly what she thinks of them and "also, by the way, I should have told you before, I'm gay." When she turns out not to be dying after all, coming out becomes the least of her problems. Frazier's letters, with all their unrequested advice, turn Charlottesville, Virginia on its head. Now a lesbian art-gallery owner might be an acceptable businessperson even in a Creative Writing class, but Frazier's father — an entirely sympathetic character, an honest and hard-working man stoically bearing the burden of a manipulative, social-climbing wife — is in *paving*, for God's sake. A less romantic business would be difficult to imagine.

Ultimately, I fear that both these books fall short of the standards of modern literature: Not only is there the problem of the non-psychopathic businessmen, but they have characters and plots and are amusing to read.

—David Boaz

Money Madness — As a college kid in the 1960s, I got interested in the international monetary system, which

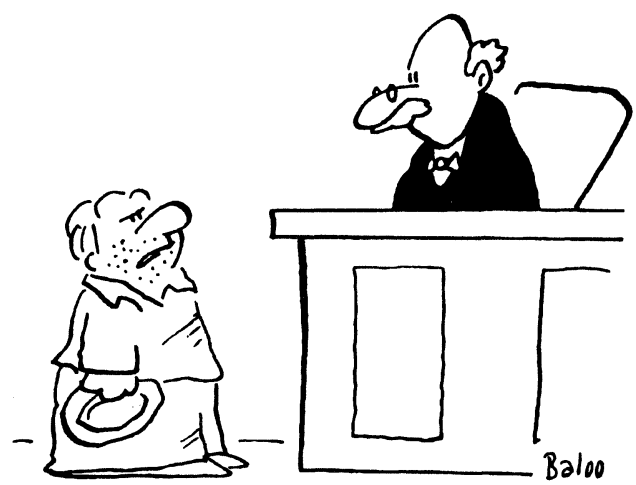

"And how am I supposed to *get* a visible means of support when you guys keep *arresting* me all the time?"

seemed pretty simple to me. The U.S. held a huge quantity of gold and agreed to redeem its currency in gold upon demand from anyone who was not a U.S. citizen or resident. Other countries agreed to redeem their currency in dollars, thereby achieving a sort of second-hand convertibility to gold.

This system had been in place since the end of World War II, and had worked pretty much as the gold standard had worked a century earlier, which is to say, it worked pretty well.

From the very beginning, the U.S. did not have enough gold to redeem *all* the dollars that were outstanding. But the U.S. was confident that the day would never come when all its currency would be presented for redemption, so why worry?

This made perfect sense when the system was established. But over time, the United States did what democracies everywhere are tempted to do: it increased the supply of money to finance various government programs (which its voters liked) without having to raise taxes (which its voters always seemed to dislike). The U.S. could get away with this because of the growing demand for dollars in other countries, where the dollar was used as a reserve currency because it was "good as gold."

By the early 1960s, many people saw that this process could not continue indefinitely — that sooner or later, foreigners would notice that the supply of dollars had grown to a point where the U.S. had no hope of redeeming them, and no intention of stopping the printing press. A day of reckoning was coming; the continual inflation of the dollar would inevitably lead to a crisis.

As I say, all this was apparent to a lot of people, including me. It seemed like such simple economics at the time that I could hardly believe it wasn't understood by everyone who ever thought about it. Of course, I knew that the politicians who were busy printing up more paper dollars to finance their programs (and to insure their popularity and re-election) could not acknowledge the inevitable collapse of the dollar. They figured they could postpone that day until far in the future, and they had an election coming up soon. Maybe the crisis would occur after they had retired, or the other party had taken office. So the politicians continued to inflate as if there were no tomorrow, all the while reassuring foreign owners of dollars that they had nothing to worry about. The Chairman of the House Banking Committee explained that if the U.S. didn't use gold to back the dollar, the price of gold would collapse to $8.00 an ounce. The Chairman of the Federal Reserve System denounced gold as "a barbaric relic."

But I knew the days of the system were numbered, that the dollar would come crashing down, and that the price of gold (in terms of dollars) would rise sharply. I invested in this knowledge, converting my life savings into precious metals and starting a precious metals brokerage firm at a time when that business was practically nonexistent in this country. Buying gold was a no-brainer: its downside risk was negligible, its upside potential substantial and virtually certain.

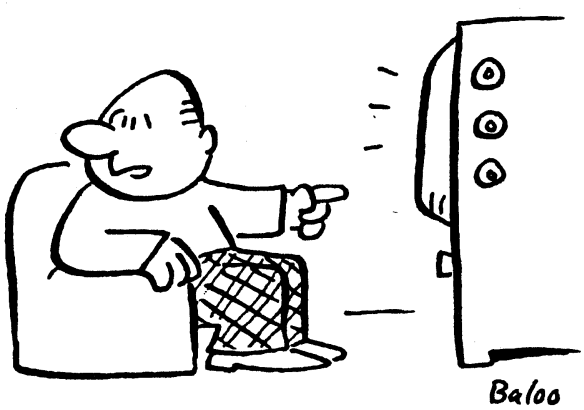

"Come quick, Honey — Larry Hagman just offered Brooke Shields a cigarette!"

My puerile understanding of how the international monetary system works turned out to be a nearly perfect predictor of the events of the early 1970s. The crisis did occur, the U.S. was forced to quit redeeming the dollar in gold, the world's economic system was thrown into chaos, and the price of gold did skyrocket. And my own investments paid off handsomely. The world's monetary system has since grown far more complex, and opportunities to profit with negligible risk no longer exist. It was fun while it lasted.

It was out of nostalgia for these days that I got a copy of ***Changing Fortunes*** (Times Books, 1992, 372 pp, $25.00), a memoir written by Paul Volcker and Toyoo Gyohten. Beginning in 1962, Volcker had been an official in the Treasury Department. Gyohten held a similar bureaucratic position in the Japanese treasury. I figured that since they were now retired and reminiscing about what now seems like ancient history, these two men might have something very interesting to say, at least to someone like me for whom the collapse of the system was very important.

Changing Fortunes is a remarkable book, thanks to its informal approach and the candor of its authors. It is a sequence of short memoirs, alternately written by Volcker and Gyohten, each showing his own perspective on the same developments. It is reasonably readable compared to other economic histories, though this is not saying much. I suppose readers less interested than I in the subject might find it a trifle dull.

It begins with Volcker's account of how Bretton Woods worked. Volcker concludes his explanation with these words:

> Only later did it come to be clearly recognized that the special role of the dollar implied both privileges and burdens incompatible with the long-term operation of the system as spelled out at Bretton Woods. Specifically, the use of the dollar as a reserve currency meant that the United States, unlike other countries, could run a balance of payments deficit without giving up its own reserves of gold or without borrowing foreign currencies for as long as other countries were willing to add to the dollars they already held in their reserves. In effect, increased foreign dollar holdings financed the American deficits at relatively low U.S. interest rates . . . All of that seemed reasonable so long as the dollar was considered not only just as good as gold but better. . . .

Good God! Could I believe my eyes?!? Could a man as intelligent as Paul Volcker be saying that, despite his academic training, despite his working

every day in the administration of the Bretton Woods agreement, he didn't have a clue to its potential problems? Could it be that I understood the system better than he? Me, , a punk college kid at a backwater college?

Yes. Yes. Yes. And yes.

—R. W. Bradford

The Acquisitive Society — Remember what it was like to be a kid on the receiving end of some adult's closet cleaning? All those perfectly good badminton racquets and cigar boxes; all those hats, board games, books: what treasures! Couldn't the adult see the sheer *usefulness* of those things? Well, John Hoffman has put that feeling back where it belongs — into everyday life. That is, for those not too proud to peck around where the goodies are. For maximum profitability in this endeavor, Hoffman has written (and Ace Backwords has illustrated) ***The Art and Science of Dumpster Diving*** (Loompanics Unlimited, 1993, 152 pp., $12.95). This is the manual for anyone hoping to tap America's flow of waste.

For every store in this great nation, there's a place for its trash. Scavenger survivalists can specialize just like the capitalists themselves. The wealth trickles down in bountiful loads of moist and pungent "waste" — yours for the having.

The beauty in trash-fishing is this — the dumpster is all things to all divers. It's entertainment — what else do you call Polaroids of your neighbor's wife or the passed-out couch sprawls of frat bunnies? It's basic survival: grocery produce crates make the best firewood, and the food supply is delicious and never-ending. It's superfluity, American style: florist dumpsters let you be the thoughtful mate at the cheapest rate!

Then there is residential diving, a whole new ballgame. The sordid lives of the middle classes await discovery through tossed diaries, letters, I.D.'s, and blank checks. (Mind you, checks will remain an *unused* resource.) Don't forget the reams of toiletries (*trés* expensive when actually store-bought) and the fun pharmaceutical remedies so closely associated with our suburban sufferers: valium and cough syrup!

Hoffman is hardcore. He even dives hospital dumpsters, disrupting do-good "clean needle" distributor's statistics, sating his own desire for neat-o smashed-skull x-rays, and discovering hospital staff shenanigans. ("The prize shot was a hand with an extended middle finger, with no apparent bone injury.")

One important lesson — if you don't want what you find, take it anyway. Trash equals cash with the help of such outlets as scrap dealers, used book and record stores, rummage sales, and junk lovers of all stripes. Someone, somewhere, wants that rusty birdcage.

Above all, the dumpster means freedom. If you dive, you thrive — and have much time left over to be the writer, artist or musician you've always known exists within you. Remember: Madonna dived as a struggling Michigan nonentity. So have children, because the dumpster is the great mother provider. Have pets, because the dumpster is like fishes and loaves and can feed even a horse. Travel, because trash is the byproduct of the whole globe's activities. *Live life;* all you gotta do is dive, baby, dive.

—Susan J. Rutter

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Index

to Volume Six

Chester Alan Arthur
Odd man in rf 6:1, 16
Post-Perot politics rf 6:1, 17
Biting the hand rf 6:1, 18
Will to frivolity rf 6:1, 18
Clinton and the draft rf 6:2, 10
Coming of age rf 6:2, 16
Predicting the unpredictible rf 6:2, 16
Still Bushwacko rf 6:2, 16
Go for Perot rf 6:2, 18
The Blunder Thing ar 6:3, 23
Clinton, the President ar 6:3, 27
Behind the Electoral Disaster ar 6:3, 31
A tale of two Texans rf 6:4, 7
Grasping Gore rf 6:4, 8
Rethinking Clinton rf 6:4, 11
Whose pig is gored rf 6:5, 10
VAT Out of Hell ar 6:5, 31
Choosy voters choose rf 6:6, 7
The progress of democracy rf 6:6, 7
A cabinet that makes sense rf 6:6, 12
Clinton's gain is journalism's gain mn 6:6, 18
No end in sight mn 6:6, 18

John A. Baden
Optimizing wolves rf 6:4, 14

Eric Banfield
Kicking the habit rf 6:4, 13

Ben Best
A Journey to the East ar 6:2, 50

David Boaz
Code cracks rf 6:5, 7
Moscow on the Potomac rf 6:5, 12
Think of it as symbolism in action rf 6:6, 5
Lean back and enjoy it rf 6:6, 6
Kids held hostage rf 6:6, 9
Realigned powers rf 6:6, 10
You Can Quote Me On This rv 6:6, 61

Kathleen Bradford
Blueprint for Secession bn 6:1, 53
De Jouvenal Perspective bn 6:3, 75
Fear and Loathing in Quebec bn 6:4, 67

R.W. Bradford
Liege-islation rf 6:1, 7
Litmus of another color rf 6:1, 14
The right stuff rf 6:1, 16
How We Started "Liberty" ar 6:1, 54
No crazy here rf 6:2, 9
Resisting the Bill of Rights rf 6:2, 9
Just say "no" to hurricane victims? rf 6:2, 9
Aborted logic rf 6:2, 15
Marrou for liberty rf 6:2, 18
Bad mommie mn 6:2, 20
Whitewash rf 6:3, 7
The apostasy of Marge Schott rf 6:3, 8
The road to colonialism rf 6:3, 12
Millions for liberty, but not one damn cent for blather rf 6:3, 13
"All the lies fit to print" rf 6:3, 16
The New Civic Religion ar 6:3, 19
New consumer trend rf 6:4, 11
Practicing what they preach rf 6:4, 12
The Geography of Taxes ar 6:4, 17
Carts and horses rf 6:5, 7
Qualified ignorance rf 6:5, 7
Where is Horace Mann when we need him? rf 6:5, 8
Is Nancy Reagan a lesbian? rf 6:5, 9
An old-fashioned girl rf 6:5, 10
New corruption for old rf 6:5, 11
Rush to judgment mn 6:5, 18
Mass Murder, American-Style ar 6:5, 21
Who Started the Fires? sb 6:5, 22
Some of My Best Friends Are Extremists! rv 6:5, 55
Defending the undefendable rf 6:5, 68
Final thoughts rf 6:5, 68
Never having to say you're sorry rf 6:6, 5
Justice not delayed rf 6:6, 5
How to cut the deficit rf 6:6, 6
V. Orval Watts, RIP ob 6:6, 16
Gergen and Shields mn 6:6, 16
There's No Kill Like Overkill ar 6:6, 28

Harry Browne
Who Benefits from the Clinton Program? ar 6:5, 24

Douglas Casey
Class Is in Session — Will They Learn? ar 6:4, 23

Roy Childs (interviewed)
Ayn Rand, Objectivism, and all That in 6:4, 31

Michael Christian
Popular delusions and the madness of Americans rf 6:1, 10

Stephen Cox
What is a "libertarian"? rf 6:1, 9
The Non-Politics of H. Ross Perot ar 6:1, 31
"The Fountainhead" as Film ar 6:1, 59
Patrolling for bigger fish rf 6:2, 9
The health hazards of not going capitalist rf 6:2, 12
Radio ga-ga mn 6:2, 20
The hundred year diet rf 6:3, 10
No tribute for "defense" rf 6:3, 12
Silver lining blues rf 6:3, 14
Prepackaging opinion rf 6:4, 11
The sublime and the sub-beautiful rf 6:4, 16
Isn't Multiculturalism a Good Thing? rv 6:4, 47
In dubious battle rf 6:5, 12
Lillian Gish (1893-1993) ob 6:5, 17
Darkness at Noon ar 6:5, 19
Kennedy Meets Hitler rv 6:6, 63
Criticism Unbound bn 6:6, 68

Brian Doherty
The Gulf War: Made in America, or a Cheap Foreign Knockoff? rf 6:1, 7
Pop goes the commonwealth rf 6:1, 7
Long arm tactics rf 6:1, 8
Pity the child, but not forever rf 6:1, 13
The politics of despair rf 6:1, 18
Murphy Brown, Ph.D. mn 6:2, 22
Man with a plan rf 6:3, 11
Getting Away with It bn 6:3, 73
Chicagoite Casuistry in the Funny Papers bn 6:3, 76
Revisionist revisionism rf 6:4, 7
First Punk rf 6:4, 7
The cost of quackery rf 6:4, 10
Live and let Di rf 6:4, 10
The art of self-hate rf 6:5, 8
Calumny! mn 6:5, 18
Lies, Damn Lies and AIDS Research rv 6:6, 57
Out of the closet, endlessly rocking rf 6:6, 6

Editors
Who the Spenders Are ar 6:1, 24
Why *Liberty*? ar 6:1, 58

Dan Endsley
Nutrition Is Too Important To Be Left to the Free Market ar 6:1, 41

Robert Ethier
Gore vs Quayle vs the environment rf 6:2, 15

David Friedman
Paying for Crime ar 6:5, 53
Welfare and immigration: the other half of the argument rf 6:6, 14

Scott Gardner
The Lost War of the Rents ar 6:4, 29

Glenn Garvin
How Do I Loathe NPR? Let Me Count the Ways ar 6:6, 39

J. Orlin Grabbe
Karma Accountant ar 6:6, 52

Karl Hess
An offer you can't refuse rf 6:1, 7
Tried and true rf 6:1, 8
Welcome to the jungle rf 6:1, 9
It's hip to be fashionable rf 6:1, 10
Ignoramous sighting no. 7429 rf 6:1, 10
Journalistic note rf 6:1, 12
All in the Family rf 6:1, 13
Who's on first? rf 6:1, 14
Extremism in defense of bureacracracy rf 6:1, 15
None dare call it egregious rf 6:1, 16
Among the Thugs bn 6:1, 52
Who's on first? rf 6:2, 12

Robert Higgs
What's so special about health care? rf 6:3, 15
The silly season rf 6:5, 11
The family leave-of-your-senses bill rf 6:5, 8
George Bush: RIP rf 6:5, 16

Gabriel Hocman
The Czechs Bounce Back ar 6:2, 43

John Hospers
The First Time: I Run for President ar 6:2, 27
Just Deserts ar 6:3, 50
War With the Animal Kingdom rv 6:3, 69
Ideas In Action bn 6:4, 68
Just Nonsense rv 6:5, 61
Thriller bn 6:6, 66

George Jochnowitz
Marxism's Post-History in Contemporary China ar 6:2, 47

Gregory R. Johnson
When Fuzziness Pays ar 6:2, 62
New Liberalisms for Old rv 6:2, 67
Hayek Unbound rv 6:3, 65

Bill Kauffman
The winner and new champion rf 6:3, 9
Perot's 200-Proof Populism ar 6:3, 29
Envision world uniformity rf 6:4, 9
Heretics All bn 6:4, 66
Your mother wears combat boots rf 6:6, 10

David Kelly
How Principles Work ar 6:2, 63

Daniel Klein
Tinkerers Be Damned? rv 6:2, 65

Bart Kosko
The FBI wants your codes rf 6:5, 15

Richard Kostelanetz
John Cage, Inventor ar 6:2, 46
Get out the teen vote! rf 6:3, 12
Speech, speech! rf 6:3, 16
Up with Sex, Down with Authority bn 6:3, 74
A clean mind rf 6:5, 13

The big scam rf 6:6, 15

Brian Krohnke
Rap on the head rf 6:4, 7
It's OK to Hate Everybody bn 6:4, 68

R.K. Lamb
The Half-Open Door ar 6:3, 47

Ronald F. Lipp
Revolution Betrayed ar 6:3, 38

David A. Lips
Scattershot rv 6:5, 64

Loren E. Lomasky
Quiz rf 6:2, 9
Smoke gets in your skies rf 6:2, 11
Making democracy safe for America rf 6:2, 17
Drafting School Kids ar 6:2, 25
The agony of defeat rf 6:3, 7
The Cabinet that looks like catsup rf 6:5, 7
Good day! mn 6:6, 16
In "Defense" of Janet Reno ar 6:6, 23

John McCormack
Crisis! Crisis! Crisis! rv 6:3, 61
Big Animals, Big States, Big Mistake ar 6:6, 47

Wendy McElroy
The Unholy Alliance ar 6:3, 53

William H. Mellor III
Property Rights Before and After the "Lucas" Decision ar 6:1, 19

William P. Moulton
Yugoslavia and Czecho-Slovakia, RIP rf 6:1, 7
Hate crimes, thought crimes rf 6:1, 8
He's Said It Before and No Doubt Will Say It Again rv 6:1, 49
Oh sensitivity, where is thy sting? rf 6:1, 12
High on Italy rf 6:4, 7
Do as I legislate, not as I do rf 6:4, 8
Rescuing the constitution rf 6:5, 15

Jan Narveson
Libertarianism, Christianity, and Other Religions ar 6:2, 59

Robert H. Nelson
Wilderness, Church, and State ar 6:1, 34

Albert Jay Nock
Understanding the State ar 6:5, 40

Randal O'Toole
It's the Pork, Stupid ar 6:5, 37

James Ostrowski
War on Drugs, War on Progress ar 6:1, 27
In Freedom's Way ar 6:3, 42

Ross Overbeek
Meet Mr Molecule bn 6:3, 73
Getting Technical bn 6:3, 76

Durk Pearson & Sandy Shaw
How you can profit from Clinton's upcoming nervous breakdown rf 6:5, 18

Marc Ponomareff
Wednesday, January 27 p 6:6, 22

Ralph Raico
This time, do it despite fear and loathing rf 6:2, 17
Up your ante rf 6:3, 8
New Marxists for old rf 6:3, 10
Head Stop rf 6:5, 9
Where is Ayn Rand now that we need her? rf 6:5, 14
The most hated crime of all mn 6:5, 18

Scott J. Reid
Are you listening, Madonna? rf 6:2, 9
Will Canada Fall Apart on October 26? ar 6:2, 58
How to Secede in Politics rv 6:3, 63
Canadians wise up, eh? rf 6:3, 9

Sheldon Richman
Odds off rf 6:2, 17
Like a conquering province rf 6:3, 7
The bottom line rf 6:3, 11
Atlas Drugged rf 6:4, 8
Public Choice, 101 rf 6:4, 16
The Mencken test rf 6:5, 13
The End of What? ar 6:5, 33
Crumbling down rf 6:6, 5
Accounting for waste rf 6:6, 5
Lani and Leoni rf 6:6, 8

James S. Robbins
William Morris Redux bn 6:1, 5
Profiles in perfidy rf 6:2, 9
They've got your number rf 6:2, 11
We, the Climbing rf 6:2, 14
Milking human kindness rf 6:3, 7
I believe in miracles rf 6:3, 10
Voting one's interest rf 6:3, 14
Credit where it is due rf 6:5, 7
The old bat rf 6:5, 7
Something to shoot for rf 6:5, 8
Jobs for the boys rf 6:5, 8
The new math rf 6:5, 9
Robbing the cradle rf 6:5, 9
Category errors rf 6:5, 11
Who is not John Galt? rf 6:5, 11
Neither rhyme nor reason rf 6:5, 12
David go liath rf 6:6, 5
Put him out of our misery rf 6:6, 5
Accounting for waste rf 6:6, 5
Akayev in '96 rf 6:6, 7
Jobs gridlock continues rf 6:6, 8
With friends like these . . . rf 6:6, 9
A modest proposal rf 6:6, 10
Don't let Hillary find out rf 6:6, 14

David Justin Ross
The Mystery of the Missing Detectives rv 6:2, 69
Le Morte d'Alger rv 6:4, 57

Murray N. Rothbard
Me and the Eiger ar 6:1, 61

Susan J. Rutter
No taxation with representation! rf 6:4, 10
Gridlock: RIP rf 6:5, 16

Jonathan Saville
Happy April 15th? ar 6:5, 35

J. Neil Schulman
If Execution Is Just, What Is Justice? ar 6:1, 43

Jane S. Shaw
Nonsense and Non-science: A Textbook Case rv 6:1, 45
Happy trails rf 6:3, 8
Lose one for the Gipper rf 6:3, 14
My scientists can beat up yours rf 6:3, 16
Is Feminism Obsolete? rv 6:3, 59
Progressive definition rf 6:4, 7
Chapter 11 rf 6:4, 13
Wet blankets rf 6:5, 10
Just say "no" to the Libertarian Party rf 6:5, 14
So how do you explain Phil Donahue? rf 6:6, 12
Big mother is watching rf 6:6, 14
The Ungreening of the Media ar 6:6, 19

Sandy Shaw
Clinical note rf 6:5, 15
Gang aft a-gley rf 6:6, 12

Sandy Shaw & Durk Pearson
How you can profit from Clinton's upcoming nervous breakdown rf 6:5, 18

Mark Skousen
The Other Austrian ar 6:4, 43

Fred L. Smith
Virulent Green Growth ar 6:1, 21

Aaron Steelman
The wymmin vs the woman rf 6:6, 8
The Lying Machine bn 6:6, 65

Clark Stooksbury
Not Working bn 6:6, 66

James Taggart
Rights wronged rf 6:1, 14

John Taylor
Salt Air, Hot Air, and Sport! ar 6:6, 55

Paul Terhorst
Why Argentina Stopped Crying for Evita ar 6:2, 34

Timothy Virkkala
Don't rush to judgment rf 6:1, 15
Gesundheit rf 6:3, 7
Kicking the habit rf 6:3, 9
Another war made in the USA rf 6:3, 11
Roll over and vote rf 6:3, 13
Gary Becker and the meaning of life rf 6:3, 18
Keep Your Laws Off My Body bn 6:3, 73
Anti-statist SF bn 6:4, 68
Cry cult! rf 6:5, 7
On the bright side rf 6:5, 8
Stirred not shaken rf 6:6, 6
Hair today, gone tomorrow rf 6:6, 7

Jeff Walker (interviewer)
Ayn Rand, Objectivism and All That in 6:4, 31

Jesse Walker
A real bummer of a campaign rf 6:1, 16
How sex turns conservatives into flaming socialists rf 6:2, 11
Family values in action rf 6:2, 12
So much for the Great White Hope rf 6:2, 12
Caught in the Crossfire mn 6:2, 22
Election-Year Exposé rv 6:2, 64
Civil rights progress rf 6:3, 7
Shallow beauty rf 6:3, 8
Anarchy, anyone? rf 6:3, 9
Dump it at 1600 Pennsylvania Ave. rf 6:3,11
Malcom X Reborn rv 6:3,71
Tweedle-dee-dum & Tweedle-doo-doo rf 6:4, 10
Royalty vs reality rf 6:4, 16
Workers Take Control rv 6:4, 53
Spontaneous Life bn 6:4, 66
Definition by example rf 6:5, 15
America Lost and Found rv 6:5, 65
Libertarians and feminists rf 6:5, 68
Tit for tat rf 6:6, 5
Left and right: the prospects for barbecue rf 6:6, 5
Harding vs Clinton rf 6:6, 7
Tubes crossed mn 6:6, 16
Calling Lord Randomfactor mn 6:6, 18
Operation No Hope ar 6:6, 34

Thomas D. Walls
Raising Hell in Houston: Partying With the GOP and the"Buchanan Brigade" ar 6:2, 39

Clay Hunter Waters
Looking at fetuses rf 6:1, 12
Conservative Anti-Climactics bn 6:1, 53

Ethan O. Waters
The Two Libertarianism, One Time More ar 6:1, 62

Martin Morse Wooster
Stupid About Schools rv 6:1, 50

Leland B. Yeager
Europe's Money Mess: We've Heard It All Before ar 6:2, 23
Racism and Civility ar 6:3, 45
The illiberal consensus rf 6:5, 14
Socialism: Dead or Alive? rv 6:5, 59

Key

Code:	Category:
ar	article
bn	booknote
f	fiction
in	interview
mn	medianote
ob	obituary
p	poem
rf	reflection
rv	review
sb	sidebar
vn	videonote

Following the category, location of cited writing is given by volume number, issue number, and page number.

Index

to Volume Six

of Books Reviewed (by book author)

Bennett, James T. (with Thomas J. DiLorenzo), *Official Lies: How Washington Misleads Us* 6:6, 65
Bolling, Ruben, *Tom the Dancing Bug* 6:3, 76
Buchanan, Allen, *Secession: The Political Morality of Political Divorce* 6:3, 63
Buford, Bill, *Among the Thugs* 6:1, 52
Comfort, Alex, *The New Joy of Sex* 6:3, 74
Crews, Frederick, *The Critics Bear It Away* 6:6, 68
Davidson, James Dale (with Lord William Rees-Moog), *The Great Reckoning* 6:3, 61
DiLorenzo, Thomas J (with James T. Bennett), *Official Lies: How Washington Misleads Us* 6:6, 65
Dixon, Franklin W., *Hardy Boys* mysteries 6:2, 69
Feynman, Richard, *The Character of Physical Law* 6:3, 76
Fiske, Edward (with Sally Reed and R. Craig Sautter), *Smart Kids* 6:1, 50
Galbraith, John Kenneth, *The Culture of Contentment* 6:1, 49
Gallaway, Lowell E. (with Richard K. Vedder), *Out of Work* 6:6, 66
Gates Jr., Henry L., *Loose Canons: Notes on the Culture Wars* 6:5, 64
George, John (with Laird Wilcox), *Nazis, Communists, Klansmen, and Others on the Fringe* 6:5, 55
Gonick, Larry, *A Cartoon Guide to Genetics* 6:3, 73
Grisham, John, *A Time To Kill; The Pelican Brief; The Firm* 6:6, 66
Harris, Robert, *Fatherland* 6:6, 63
Hogshire, Jim, *Sell Yourself to Science* 6:3, 73
Holzer, Erika, *Eye for an Eye* 6:4, 68
Jackley, John L., *Hill Rat: Blowing the Lid Off Congress* 6:2, 64
Kaplan, Justin, *Bartlett's Familiar Quotations, Sixteenth Edition* 6:6, 61
Kauffman, Bill, *Every Man a King* 6:5, 65
King, Florence, *With Charity Towards None: A Fond Look At Misanthropy* 6:4, 68
Krimerman, Len (with Frank Lindenfeld), *When Workers Decide* 6:4, 53
Lee, Spike, *Malcom X* (film) 6:3, 71
Levy, Stephen, *Artificial Life* 6:4, 66
Lindenfield, Frank (with Len Krimerman), *When Workers Decide* 6:4, 53
McBride, Joseph, *Frank Capra: The Catastrophe of Success* 6:4, 66
Merquior, J.G., *Liberalism Old and New* 6:2, 67
Miller, G. Tyler Jr., *Environmental Science* 6:1, 45
Reed, Sally (with Edward Fiske and R. Craig Sautter), *Smart Kids* 6:1, 50
Rees-Moog, Lord William (with James Dale Davidson), *The Great Reckoning* 6:3, 61
Reid, Scott, *Canada Remapped* 6:1, 53
Richler, Mordeca, *Oh Canada! Oh Quebec!* 6:4, 67
Rollyson, Carl, *Nothing Ever Happens to the Brave* 6:3, 75
Root-Bernstein, Robert, *Rethinking AIDS: The Tragic Cost of Premature Consensus* 6:6, 57
Sautter, R. Craig (with Edward Fiske and Sally Reed), *Smart Kids* 6:1, 50
Schlesinger, Arthur M., Jr. *The Disuniting of America: Reflections on a Multicultural Society* 6:4, 47
Schor, Julie, *The Overworked American: The Unexpected Decline of Leisure* 6:1, 52
Screaming Wolf, *A Declaration of War* 6:3, 69
Steele, David Ramsay, *From Marx to Mises* 6:5, 59
Sterba, James, *How to Make People Just* 6:5, 61
Szasz, Thomas, *Our Right to Drugs: The Case for a Free Market* 6:2, 65
Taylor, Joan Kennedy, *Reclaiming the Mainstream: Individualist Feminism Rediscovered* 6:3, 59
Tomlinson, Jim, *Hayek and the Market* 6:3, 65
Tyrrell, R. Emmett, *The Conservative Crack-Up* 6:1, 53
Vedder, Richard K (with Lowell E. Gallaway), *Out of Work* 6:6, 66
Wilcox, Laird (with John George), *Nazis, Communists, Klansmen, and Others on the Fringe* 6:5, 55
Wilson, F. Paul, *The LaNague Chronicles* 6:4, 68
Wilson, Robert Anton, *Reality Is What You Can Get Away With* 6:3, 73

Letters, *continued from page 4*

until finally it breaks loose and decimates the body's T-4 helper lymphocyte production.

The statement is made, "HIV is rarely detectable in large quantities in the bodies of those allegedly dying of its effects." That statement is blatantly untrue. The viremia level during the terminal stage of the disease is very high — which is why one infected Belgian man was able to infect nine of his female cohorts.

The statement is made that the lack of massive heterosexual spread through prostitutes is crucial in showing that AIDS is not a standard sexually transmitted disease. The question is — how do we know that HIV disease is not spread through prostitutes? Throughout Africa, the course of the disease follows the truck routes. In Bombay five years ago there were only a handful of people infected. Today, there are half a million, according to William Haseltine, Professor of Medicine and Public Health at Harvard. Why? Thirty thousand infected prostitutes have been left on the streets of Bombay. Why is the epidemic exploding in Thailand? Because prostitutes have been allowed to operate openly in Thailand for years.

How bad is the epidemic in America today? Since the gay and AIDS lobbies have effectively blocked nationwide surveillance seroprevalence studies, we have very few studies to rely on. Presently we do have the Sentinel Hospital Studies published in *The New England Journal of Medicine*, August 13, 1992, which showed that anonymous testing in 20 hospitals across America revealed that 4.7% of those going into hospitals were infected — up from 2.3% in 1990. Furthermore, a recent study presented at the International Conference in Berlin from Marie O'Brien of the University of Illinois in Chicago found that of heterosexuals tested, between 35 and 45 years of age, 5.5% were infected. All of them will slowly progress to death because we are not using those techniques necessary to bring this epidemic under control.

Professor Haseltine has estimated that by the turn of the century, there may be 100 million people infected worldwide, and the Hudson Institute released a report in 1989 stating that the worst-case scenario suggested that we could have 14.2 million Americans infected by the year 2002. We have delayed too long using standard public health techniques to bring this plague under control.

Stanley K. Monteith, M.D.
President, HIV Watch
Santa Cruz, Calif.

Doherty replies: Monteith's lack of citations for his assertions makes rebuttal frustrating, but I'll try. I stand by my statement that no retrovirus has been proven to cause a human disease. That HTLV-1 causes leukemia is another Robert Gallo story, predating "HIV causes AIDS," and is by no means proven. The paper "Latent Viruses and Mutated Oncongenes" by Peter Duesberg and Jody Schwartz in Vol. 43, 1992 of *Progress in Nucleic Acid Research and Molecular Biology* features a thorough debunking of the MTLV/Leukemia claims. Again, as with HIV, this theory is based on mere weak correlation; as the above paper points out, HLTV-1 has not been known to cause leukemia through transfusion, "antiviral antibodies that completely neutralize HLTV-1 to virtually undetectable levels do not protect against the leukemia," and, again, many cases of the leukemia exist with no HLTV-1 present. I am unfamiliar with his unsourced assertion about HLTV-2 causing progressive spinal degeneration, but Peter Duesberg tells me that this is again based on occasional correlation.

Fauci's paper on HIV in lymph nodes merely proves that the body's immune system is perfectly capable of taking care of the supposedly deadly HIV. See Bryan Ellison's "Does HIV Lurk in Your Lymph Nodes?" in the April 1993 *Rethinking AIDS*. He still reported virus-infected T-cells numbering only from 1/100 to 1/10,000, and even these bits of virus were coated with antibodies. That's what the lymph nodes are there for: to filter out those viral invaders, which is why they can be found there in greater than normal concentrations.

No one else, including Gallo, has made the assertion Monteith makes about viremia levels during the terminal stage of the disease being very high; if this were true, we wouldn't need to go to such tortuous methods as polymerase chain reaction analysis and antibody tests to detect the virus, and wouldn't need to artificially grow it *in vitro* to get the virus necessary to make tests. The line of T-cells in which HIV for these tests is grown, by the way, has been growing since 1984, belying HIV's alleged T-cell-destroying qualities. Though Monteith doesn't give a citation to help check his veracity, Duesberg tells me the story of the Belgian man is from a 1988 paper in which it is not made clear if the alleged nine infected females are actually dying or merely HIV-positive, or whether they fall into other risk groups.

The alleged epidemic in Thailand is a grand total of 123 confirmed AIDS cases as of last year, though HIV infection rates are bandied about, through uncertain extrapolation, of up to 300,000. I question the certainty of any speculations, especially unsourced ones, about the number of prostitutes on the streets of Bombay with HIV infections, and stand by the *American Journal of Public Health* study cited in my article. Notice Monteith doesn't attempt to debunk this study; he merely throws around speculations about why a nonexistent "explosion" is occuring in faraway Thailand. And I'd be curious to know what sort of "public health techniques that could be readily used to bring this epidemic under control" Monteith advocates.

Walker Fiddles, MOVE Burns

Jesse Walker states that "conservatives are those who believe the government should immolate cults that espouse vegetarianism, black separatism, and 'organic hygiene'" in his reflection about the MOVE debacle and the Waco atrocity ("Left and right: prospects for barbecue" August 1993). Actually, the mayor responsible for bombing a city block was W. Wilson Goode, Philadelphia's first black mayor, who is a liberal Democrat.

Eugene Glenn Stackhouse
Germantown, Penn.

Walker replies: On the other hand, those who defended the bombing were almost all conservative.

Well, Now That You Mention it, Adults *Are* Hard to Get

I was amazed by the term "underpaid wetbacks" (Reflections, August 1993) being used in your magazine.

In the first place, they weren't underpaid.

In the second and most important place, "wetbacks" is a derogatory term for Mexicans who come here trying to make a living. Will you be using "niggers" for blacks next, or "kikes" for Jews, or "Polacks" for Polish nannies?

Is it difficult to get adult writers?

I consider myself to be as bigoted as anybody, but I expect better in my reading matter. I won't renew, of course.

David Elliot
Evanston, Ill.

Notes on Contributors

Chester Alan Arthur is *Liberty*'s political correspondent, and you're not.

"Baloo" is really *Rex F. May*, a cartoonist known and loved by readers of *The Wall Street Journal* and other fine periodicals.

John Bergstrom is a cartoonist living in Hollywood.

David Boaz is executive vice president of the Cato Institute, and co-editor of *Market Liberalism: A Paradigm for the 21st Century.*

R.W. Bradford is editor of *Liberty*. He is one of those unfortunate individuals who has no health insurance, in whose name the president is about to nationalize health care.

Stephen Cox is Professor of Literature at the University of California, San Diego and wrote the introduction for the new edition of *The God of the Machine.*

Brian Doherty plays punk wonk for a think tank in Washington, D.C.

Christopher Thomas Freeburn is a business executive in Westchester County, New York.

Stefan Herpel is a litigation attorney in Ann Arbor, Michigan. His last article for *Liberty*, "The Orwellian University" (July 1990), appeared under the pseudonym *Charles Thorne.*

Bill Kauffman is the author of a novel, *Every Man a King.*

Greg Kaza is Michigan State Representative for the 42nd District.

Richard Kostelanetz, unaffiliated in New York, has published books of poetry, fiction, criticism, and cultural history for over a quarter century. His latest is *A Dictionary of the Avant-Garde.*

William P. Moulton writes from cosmopolitan Traverse City, Michigan.

Randal O'Toole is a forest economist with Cascade Holistic Economic Consultants in Portland, Oregon.

Isabel Paterson is author of *The God of the Machine* and other works.

Sheldon Richman is senior editor of the Cato Institute.

Dan Riga is a member of the Canadian Libertarian Party.

James S. Robbins is a writer and foreign policy analyst in Massachusetts.

Susan J. Rutter is a graduate student at the University of North Carolina.

Hans F. Sennholz is president of the Foundation for Economic Education.

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

Aaron T. Steelman is a student at the University of Michigan and *Liberty*'s outgoing editorial assistant.

Robert F. Tinney is a free-lance illustrator and long-time semi-Randroid libertarian.

Timothy Virkkala is assistant publisher of *Liberty.*

Jesse Walker is assistant editor of *Liberty.*

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

Terra Incognita

Siloam Springs, Ark.

Avant garde jurisprudence in Bill Clinton's home state, reported in the *Northern Express*:

> Upon recapture, escaped convict Ross Chadwell filed a lawsuit against the county, charging that the sheriff "violated the plaintiff's civil rights by allowing him to escape."

Phoenix

A unique criminal rehabilitation program, described in the *New Times*:

> Arizona's attorney general, Grant Woods, posed for a photo with hot dog salesman Robert Carter. Carter is a wanted escapee from Woods' work-furlough program.

Milwaukee

Mixing of metaphors and politics in America's Dairyland, as reported in the Milwaukee *Journal*:

> "We sort of picked up this cross of property taxes for the last twelve years and we've had it on our shoulders," said Democratic Assembly Speaker Wally Kunicki. "We've just now put this cross on the ground and nailed ourselves to it. So we're going to have to pull the trigger. Maybe it will force us to put the gun to our head and get off the dime."

College Park, Maryland

Dispatch from the war for gender equality, as reported in the Milwaukee *Journal*:

> Women taking a class in feminist art at the University of Maryland selected all identifiably male names from a campus phone book and posted them around campus on posters reading, "Notice: These Men Are Potential Rapists." Women involved in the project asked to remain anonymous.

Washington, D.C.

The new math of the old politics, as demonstrated in the *Senior American*:

> Asked whether President Clinton's "stimulus" package would cost $15 billion or $30 billion, White House Press Secretary Dee Dee Myers responded, "It's all in the same range."

Milwaukee

Progress toward the paperless society, reported in the Milwaukee *Journal*:

> The Milwaukee County Department of Human Resources gave every county employee a memo announcing examinations "for the positions listed below." But down below, all it said was, "No openings."

China

Unintended consequences strike the Celestial Kingdom, described in the *Northern Express*:

> When Chinese officials ordered that anyone dying after April 1 be cremated, at least 40 citizens killed themselves so that they would die in time to be buried instead.

Indiana

Culinary note from the Hoosier State, as reported in the Detroit *Free Press*:

> Brian Lyman, 20, has been arrested for biting the bark off trees.

Washington, D.C.

Interesting observation from the Bureau of Alcohol, Tobacco, and Firearms, reported in the Bloomington, Indiana *Herald-Times*:

> "All therapeutic claims, regardless of truthfulness, are inherently misleading and particularly deceptive."

Kenosha County, Minn.

Creative hate crimes in the upper midwest, reported in the Milwaukee *Journal*:

> Three blacks shot Hasidic Jews Robin Baronsky and Adalber Menzera in the parking lot of a Minnesota gas station. The shooters thought the Hasids looked like "members of the Ku Klux Klan."

China

Topographic note from the Celestial Kingdom, as reported by the China News Service:

> "Seen from a certain angle at sunset, a mountain in China's Guangdong province looks like the late Mao Zedong."

Illinois

Progressive safety legislation in the Land of Lincoln, described in the *State Journal-Register*:

> After January 1, motorists will be required to have their headlights on whenever they use their windshield wipers. Violators will be fined $75.

The Border

Advance in international law, reported by the Detroit *News*:

> The Clinton administration has promised Mexico that it will not engage in cross-border kidnapping of Mexican citizens while an agreement between the two countries banning the practice is being negotiated.

Australia

The advance of Art in the Antipodes, cited in the Detroit *News*:

> The Australia Council, a government body that funds the arts, has given $4,270 to the Workers in Sex Employment Collective to produce a script for a prostitution training video.

Sacramento

The rigors of law enforcement in the Golden State, as reported in the San Jose *Mercury News*:

> "Police lobbyists say it is too burdensome to convict someone of a crime before taking their property."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind! with Liberty's Back Issues

continued from back cover

Volume 4

September 1990

- "Conversations with Ayn Rand (part 2)," by John Hospers
- "Is Environmental Press Coverage Biased?" by Jane S. Shaw
- "The Pro-Life Case for the Abortion Pill," by Dr Ron Paul

Plus articles and reviews by Michael Krauss, James Robbins, Richard Kostelanetz and others; and a *ficción* by Harvey Segal. (72 pages)

November 1990

- "Smokes, But No Peacepipe," by Scott Reid
- "Sex, Drugs, and the Goldberg Variations," by Richard Kostelanetz
- "Why is Anyone Virtuous?" by David Friedman

Plus articles and reviews by Robert Higgs, Leslie Fleming, Alexander Tabarrok, Sheldon Richman and others; and an interview with Ed Crane. (80 pages)

January 1991

- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico and Jane S. Shaw
- "Gordon Gekko, Mike Milken, and Me," by Douglas Casey

Plus articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky and others; plus special election coverage. (80 pages)

March 1991

- "The Myth of War Prosperity," by Robert Higgs
- "The Life of Rose Wilder Lane," by William Holtz
- "The Strange Death of the McDLT," by R.W. Bradford

Plus articles and reviews by Jan Narveson, Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski and others. (72 pages)

May 1991

- "Christiana: Something Anarchical in Denmark," by Ben Best
- "Journalists and the Drug War," by David Boaz
- "California's Man-Made Drought," by Richard Stroup

Plus writing by John Baden, Scott Reid, Leland Yeager and others; and a short story by Lawrence Thompson. (72 pages)

July 1991

- "Say 'No' to Intolerance," by Milton Friedman
- "I Am a Casualty of the War on Drugs," by Stuart Reges

Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

Volume 5

September 1991

- "Stalking the Giant Testes of Ethiopia," by Robert Miller
- "GNP: A Bogus Notion," by R.W. Bradford
- "Persuasion *versus* Force," by Mark Skousen

Plus articles and reviews by Bart Kosko, Frank Fox, John Hospers, James Taggart, Karl Hess and others. (72 pages)

November 1991

- "The Road to Nowhere," by David Horowitz
- "Women *v* the Nation-State," by Carol Moore
- "Thelma and Louise: Feminist Heroes," by Miles Fowler

Plus writing by Robert Higgs, Leland Yeager and others; and a short story by J. E. Goodman. (80 pages)

January 1992

- "The National Park Disgrace," by R.W. Bradford
- "Sex, Race, and the Single Gentleman," by Richard Kostelanetz
- "America's Bipartisan Apartheid," by Brian Doherty

Plus writing by Leland Yeager, David Friedman, Henry B. Veatch, Jane Shaw, Bill Kauffman, Karl Hess Jr. and others. (80 pages)

March 1992

- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
- "P.C. or B.S.?" by Meredith McGhan
- "Acid Rain and the Corrosion of Science," by Edward C. Krug
- "Who Really Wrote *Little House on the Prairie*?" by William Holtz

Plus writing by Karl Hess, Jane Shaw, Lawrence White, Randal O'Toole and others; and an interview with Pat Buchanan. (72 pages)

May 1992

- "Clarence Thomas: Cruel and Unusual Justice?" by James Taggart
- "Hong Kong: Where Everyone Has a Job," by Mark Tier
- "Divorce, Czechoslovak Style," by Vojtech Cepl and Ron Lipp

Plus writing by Eric Banfield, Karl Hess, David Horowitz, Daniel Klein and others; and fiction by J. Orlin Grabbe. (72 pages)

July 1992

- "Christians and Libertarians in a Hostile World," by Doug Bandow
- "Returning America's Roads to the Market," by Terree Wasley
- "The 'Lock' on the Electoral College," by David Brin

Plus commentary on the L.A. Riots, and writings by David Kelley, Leland Yeager, George H. Smith and others. (72 pages)

Volume 6

September 1992

- "War on Drugs, War on Progress," by James Ostrowski
- "Wilderness, Church and State," by Robert H. Nelson
- "If Execution Is Just, What Is Justice?" by J. Neil Schulman

Plus writing by Martin Morse Wooster, Ethan O. Waters, Jane S. Shaw, William Mellor III and others; and an index to back issues. (80 pages)

November 1992

- "The First Time: I Run for the Presidency," by John Hospers
- "Europe's Money Mess: We've Heard It All Before," Leland Yeager
- "The Mystery of the Missing Detectives," by David Justin Ross

Plus articles and reviews by Gabriel Hocman, David Kelley, Daniel Klein, Richard Kostelanetz, Loren Lomasky and others. (80 pages)

February 1993

- "A Feminist Defense of Pornography," by Wendy McElroy
- "In Freedom's Way," by James Ostrowski
- "Is Feminism Obsolete?" by Jane S. Shaw
- "Eastern Dystopia, Western Myopia," by Ronald F. Lipp

Plus election coverage, and writings by R.W. Bradford, Bill Kauffman, John Hospers, John McCormack and others. (80 pages)

April 1993

- "Inside Clinton's Head," by Douglas Casey
- "How To Cut Your Taxes by 75%," by R. W. Bradford
- "Isn't Multiculturalism a Good Thing?" by Stephen Cox

Plus writings by Mark Skousen, John Hospers, Bill Kauffman and others; and an interview with Roy Childs. (72 pages)

June 1993

- "Who Benefits from the Clinton Program?" by Harry Browne
- "Holocaust, American-Style," by R.W. Bradford
- "VAT Out of Hell," by Chester Alan Arthur
- "Understanding the State," by Albert Jay Nock

Plus writing by Leland Yeager, Jonathan Saville, Randal O'Toole, Bart Kosko and others; and other reviews and articles. (72 pages)

August 1993

- "The Ungreening of the Media," by Jane S. Shaw
- "How Do I Hate NPR? Let Me Count the Ways," by Glenn Garvin
- "Death and Bureaucracy in Waco, Texas," by Loren E Lomasky and R.W. Bradford
- "Lies, Damn Lies, and AIDS Research," by Brian Doherty

Plus writing by David Boaz, John McCormack and others; other reviews and articles; and a short story by J. Orlin Grabbe. (72 pages)

Information concerning the first volume (six issues) of *Liberty* can be found on page 50.

Stimulate Your Mind!

There is a world of good reading in **Liberty**! Whether you want to catch up on what you missed, provide intellectual relief to your friends (or enemies!), or complete your collection, now is a good time to buy. Enjoy!

Volume 2

September 1988

- "Scrooge McDuck and His Creator," by Phil Salin
- "Liberty and Ecology," by John Hospers
- "The Ultimate Justification of the Private Property Ethic," by Hans-Hermann Hoppe

Plus reviews and articles by Douglas Casey, Murray Rothbard, L. Neil Smith and others; and a short story by Erika Holzer. (80 pages)

November 1988

- "Taking Over the Roads," by John Semmens
- "The Search for *We The Living*," by R.W. Bradford

Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins and others. (80 pages)

January 1989

- "AIDS and the FDA," by Sandy Shaw
- "Property, Population and the Environment," by John Hospers
- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo and others; and a short story by Jeffrey Olson. (72 pages)

March 1989

- "Ronald Reagan: An Autopsy," by Murray N. Rothbard
- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman and others. (72 pages)

May 1989

- "Man, Nature, and State: Free Market Slogans are Not Enough," by Karl Hess, Jr
- "The End of the Secular Century," by Murray N. Rothbard

Plus articles and reviews by Stephen Cox, David Gordon, Justin Raimondo and others. (72 pages)

July 1989

- "Viking Iceland: Anarchy That Worked," by David Friedman
- "The Myth of the Rights of Mental Patients," by Thomas S. Szasz
- "Fetal Rights: The Implications," by Tibor Machan

Plus articles and reviews by R.W. Bradford, John Hospers, Jane S. Shaw, Jeffrey Tucker, Leland Yeager and others. (80 pages)

Volume 3

September 1989

- "Holocausts and the Historians," by Ralph Raico
- "My Expulsion from the Rand Cult," by Murray Rothbard
- "Abortion Without Absurdity," by R.W. Bradford

Plus articles and reviews by David Friedman, Richard Kostelanetz, Loren Lomasky, Gary North, Jeffrey Tucker and others. (72 pages)

November 1989

- "The Lost War on Drugs," by Joseph Miranda
- "Life With (and Without) Ayn Rand," by Tibor R. Machan

Plus articles and reviews by Loren Lomasky, Michael Christian, Richard Kostelanetz, J.R. Dunn, R.W. Bradford and others; and an interview with Russell Means. (72 pages)

January 1990

- "The Greenhouse Effect: Myth or Danger?" by Patrick J. Michaels
- "The Case for Paleolibertarianism," by Llewelyn Rockwell
- "In Defense of Jim Baker and Zsa Zsa," by Ethan O. Waters
- "The Death of Socialism: What It Means," by R.W. Bradford, Murray Rothbard, Stephen Cox, and William P. Moulton

Plus writing by Andrew Roller, David Gordon and others; and an interview with Barbara Branden. (80 pages)

March 1990

- "The Case Against Isolationism," by Stephen Cox
- "H.L. Mencken: Anti-Semite?" by R.W. Bradford
- "Libertarian Intellectuals on Welfare," by George H. Smith

Plus articles and reviews by Sheldon Richman, Richard Kostelanetz, John Hospers, Loren Lomasky, Leland Yeager and others. (80 pages)

May 1990

- "Conservativism in Its Latter Days," by William P. Moulton
- "A Population Crisis?" by Jane S. Shaw
- "Killing as Therapy," by Thomas Szasz

Plus articles and reviews by Bill Kauffman, Richard Kostelanetz, Robert Higgs, Bart Kosko, Loren Lomasky and others. (72 pages)

July 1990

- "Conversations with Ayn Rand (part 1)," by John Hospers
- "If You Believe in Dentistry, Why Should You Mind Having Your Teeth Knocked Out?" by William P. Moulton
- "The Orwellian University," by Charles Thorne
- "Strange Subcultures of the Right," by John Baden

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Liberty

January 1994 Vol. 7, No. 2 $4.00

How Clinton's Plan Will Ruin Your Health

First They Came for the Fascists . . .

Attorney *Gerry Spence* tells why he defended white separatist Randy Weaver against the charge of murdering federal agents.

Freedom at Midnight in Moscow

by Ross Overbeek

Feminists Against Choice

by Wendy McElroy

My Dinner with Slick Willie

by Douglas Casey

Also: *Jesse Walker* dissects right-wing welfarists; *Scott Reid* forecasts the collapse of Canada; *Clark Stooksbury* contrasts cowboys and gun control; plus other Articles, Reviews, and Humor.

01 12345 54321 0

"Give me again my hollow tree, a crust of bread and Liberty!" —Alexander Pope

Silver Coin Breakthrough!

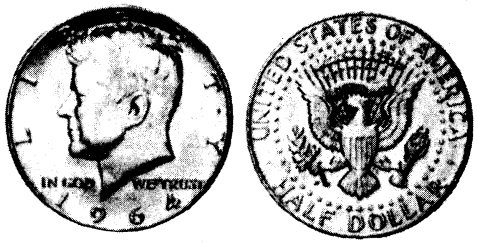

Mint State 1964 Kennedy Silver Half Dollars . . . Less than $2.00 per coin!

The Kennedy Half Dollar of 1964 was the last half dollar issued for circulation by the U.S. Mint made from high grade 90% silver. As such it has been prized by investors and collectors, trading at prices as high as $13.00 each . . .

Today, you can buy them for as little as $1.95 per coin!

Last of the Silver Coins!

On June 3, 1965, President Lyndon Johnson sent a historic message to Congress: the United States would no longer mint coins of 90% pure silver. Thirty-five years of inflation had driven down the value of the U.S. dollar to the point where the Treasury could not afford to make our coins of high grade silver.

That meant that the 1964 half dollars, featuring the new Kennedy design, would be the last U.S. half dollar of high grade silver ever issued.

One Year Type Coin

As a result, the 1964 half dollar is not only the last U.S. high purity silver half dollar issued for circulation, but it is also a unique coin: the only Kennedy half made of high purity silver.

So 1964 became the first and the last year of high purity Kennedy half dollars, or what numismatists call a "one year type coin." It thus joins such famous rarities issued one year only, as the 1909 "V.D.B." Lincoln cent, the 1883 "No Cents" Liberty nickel, the 1796 "Small Eagle" quarter, the 1907 "High-Relief" St Gaudens $20 . . . all treasured by collectors as one year type coins!

Huge Meltdown!

The initial mintage of the 1964 Kennedy half dollar was quite large, but in the silver boom of 1980, many of these high purity silver coins were melted. No one knows exactly how many 1964 Kennedy half dollars were melted down, but some experts estimate that millions were melted for their silver value.

As a result, the 1964 Kennedy half dollars are much scarcer than their mintages indicate.

Silver Content

Each 1964 Kennedy half dollar contains 11.25 grams of silver—that's 14% more silver than the U.S. silver dollars issued in the 1970s!

Uncirculated Bargain!

For all these reasons the 1964 Kennedy half dollar has long been treasured by collectors. So it is no wonder the 1964 Kennedy half in Mint State condition has sold at prices as high as $13.00 each. The price has fallen off with the price of silver, but the 1993 edition of the authoritative *Guidebook of U.S. Coins* (or "Redbook") lists mint state specimens at $3.25 each.

A few weeks ago, we had the good fortune to acquire several bags of 1964 Kennedy halves in original Mint State condition. And we acquired them at such a bargain rate, that we can offer them to you, in beautiful Mint State rolls of 20 coins each, at prices below $2.00 per coin!

Act today! Our supply of the last high purity silver half dollars is limited, and we cannot guarantee our price once that supply is sold. All orders will be sold on a first-come, first-served basis.

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Inside Liberty

January 1994
Volume 7, Number 2

4 Letters Just in case you were in doubt: *Liberty*'s readers like to speak out!

5 Reflections *Liberty*'s editors on tax reform, guilty porn, utopian scorn, Hallowe'en reborn, feminists forlorn, someone to mourn, and Douglas Casey's White House sojourn.

15 Medianotes The press reports on you; we report on the press; you figure it out.

17 Elections '93 Americans go to the polls; *Chester Alan Arthur* sorts the votes.

Features

19 First They Came for the Fascists . . . Maverick lawyer *Gerry Spence* tells why he defended white separatist Randy Weaver — and just how much is still at stake.

23 Midnight in Moscow When Yeltsin's struggle with the Russian parliament turned violent, *Ross Overbeek* was there. But the real revolution he witnessed is quiet, anonymous, and likely to turn a nation on its head.

27 NAFTA and/or Free Trade Is NAFTA a sure step toward freer trade, or just another statist scam? *Fred Smith, James M. Sheehan,* and *Brian Doherty* trade opinions, freely.

31 After the Election, *le Déluge* In their recent election, Canadians liquidated the ruling party, and placed almost as many anti-federalists in parliament as federalists. *Scott J. Reid* asks: is this *finally* the end of Canada?

35 Presidential Malpractice The Clintons have finally released details of their much-hyped health plan. *R.W. Bradford* offers a grim diagnosis, and *Stephen Cox, Jane Shaw,* and *Robert Higgs* give the requisite second opinions.

43 Thuggery, Left and Right *David Horowitz* excoriates those who condemn one brand of thuggery but tolerate another.

45 The Inevitability of the Welfare State *Todd Seavey* makes the case for postmodern pessimism and avoiding a war with the Amish.

48 Abortion and Reproductive Technology *Wendy McElroy* exposes the newest enemies of a woman's right to control her own body: radical feminists.

Reviews

55 The New Conservative Welfare State *Jesse Walker* examines the madness of welfare, the welfare of the mad, and the latest right-wing apologia for big government.

63 Miles from Understanding Travelling through America's sparsely inhabited nether regions, *R.W. Bradford* finds one man who has come to terms with the American West, and another who doesn't know how to begin.

65 My Heroes Have Always Been Cowboys *Clark Stooksbury* takes an international look at the culture of firearms and the idea of gun control.

Departments

68 Classified Ads The market can't equilibrate if you don't read this.

69 Notes on Contributors Who writes this stuff, anyway?

70 Terra Incognita Further portents of the approaching millennium.

Letters

You Grow Up, Robert

What is happening to an otherwise intelligent publication? Robert Tinney ("Putting Away Childish Things," October 1993) doesn't have to embrace my Christian beliefs. However, I don't expect to have them ridiculed in a forum that I've generally considered to be one of the final bastions of right thinking.

And what is this business printing the likes of "the f--king IRS"?! If you want to be that cut above, then maintain at least normal literary standards. There is still room for decency and the notion of polite company among thinking people.

As an anti-abortion Christian individual — a "child of God," if you must — I already feel under enough attack from the present power clique. Would the Libertarians also crucify me if given the chance? I'd like to ask Mr Tinney to grow up a bit himself. His points could be properly made without stooping to the same level of the non-thinkers that presently rule the world.

Dale H. Howard
Westminster, Md.

Author of Liberty

Robert Tinney places all who think of themselves as "children of God" on the lower end of his growth-spectrum chart. Goodness, Robert! Didn't you know that "God" is another name for the inventor of freedom, that the word "God" derives from the Anglo-Saxon "good," and that God is the proto-libertarian?

Sure, loads of people don't understand this and use religion to oppress others — often quite unintentionally. They need enlightenment, not condemnation. Everyone is capable of learning, given good teachers.

Libertarianism is about individual rights. If individual rights do not come from an unimpeachable authority, then any government can feel free to trash every last freedom of every one of us. "God" is simply the name we give to this unimpeachable authority. If some people mistakenly think of God as Santa Claus or as a tyrant with a long whip, don't be angry with them. Weep for them. They're missing out.

Joanna Parker
Ocean Shores, Wash.

The Party's Line

Chester Alan Arthur's article about the Libertarian Party national convention in Salt Lake City ("The Oldest Established Permanent Floating Anarchy in Salt Lake," October 1993) contained a few errors I would like to correct.

The LP National Committee adopted a resolution calling for abolishing its membership pledge and current platform at its December 1992 meeting in Las Vegas — not in Atlanta, as Mr Arthur states.

Mr Arthur's description of Bill Evers as leader of the pro-pledge, pro-platform forces before and during the convention is almost completely inaccurate. It was Steve Alexander who was the leader of this group, not Mr Evers.

Mr Arthur portrays LP leaders as worried during the vote count that Natalie Lloyd would be elected national chair. He is mistaken about what those leaders' actual views and statements were at the time.

Karen Allard
Tacoma, Wash.

Arthur replies: Thanks for correcting my error regarding the location of the December 1992 NatCom meeting. My characterization of Williamson Evers as leader of the "faction" that supported the oath and platform came from reliable sources within the pro-oath, pro-platform campaign, my own observations of Mr Evers' behavior during the convention, and his conversations with me. Given his preference for working behind the scenes, he was not, of course, head of the formal "group." My reporting of the worries of Mr Evers and other party leaders that 14-year-old Natalie Lloyd might be elected party chairperson came from my direct observation of Mr Evers and the other leaders; unless they engaged in an elaborate charade designed to fool me, my report is accurate.

Self-Abusing Libertarian Adolescents

As an LP-oath refusenik who long ago realized the LP was trapped in adolescence, I found it fitting to read that an adolescent almost became party chair. Walter Williams noted the LP's immaturity when he told the LP convention, a few years back, that he would not run on the LP ticket unless the party stopped masturbating in public.

The LP's juvenile traits include an insolent groupthink conformity intolerant of dissent; an initiatory ritual to prove oneself hipper-than-thou; an uncompromising, one-size-fits-all solution to each and every complex problem of the human condition; and the if-it-feels-good-say-it self-indulgence that denies responsibility beyond the self.

Symptomatic of the LP's problems is the simplistic, insulting oath — in reality, an anti-takeover shark repellent. The oath institutionalizes ideological intolerance. It legitimizes the "gospel gestapo" to pursue the perpetual purification inquisition. It works to minimize membership, cartelize debate, and marginalize influence. It is an internal contradiction casting a split personality — coercing members who join a party dedicated to creating a non-coercive society.

At the great worldwide historical cataclysm of imploding socialism, when domestically an eccentric billionaire can garner millions of votes as nothing more than a protest vehicle against corrupt Washingtonian rule, the LP shrivels. Even being on the winning side of history cannot overcome puerility.

James A. Winter
Waterville, Ohio

The Ill-Tempered Sowell

Dan Riga certainly got it right in "The Well-Tempered Libertarian" (October 1993). May I add an example of libertarian intolerance? I think Dr Thomas Sowell is just terrible in his intolerance of statists. His "Observations" column in *Forbes* is chock full of intellectual elitism. It is sad because Sowell used to be a Marxist. He should have more understanding. Not everyone is born a libertarian!

David Herman
Old Bethpage, N.Y.

Bradford and the Beast

R.W. Bradford's response ("There's No Kill Like Overkill") to Prof. Lomasky's article ("In 'Defense' of Janet Reno," August 1993) about the Waco slaughter was one of his best. It should be mentioned that the primary reason for the original assault was to intimidate the rest of us with a demonstration of the government's willingness to use massive force against

continued on page 26

Letters Policy

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

Reflections

Northern explosion — I've never much admired Canada, but I do like the idea of a political system that allows the voters virtually to eliminate the governing party in one fell swoop. Two such elections would solve a lot of *my* country's problems. —DB

Catch-22 — U.S. Troops can't leave Somalia, because that would "destroy our credibility as a superpower." But we couldn't land troops in Haiti because a few people were standing on the beach with weapons saying they didn't want us there. Anyone who can satisfactorily explain this should get Gergen's job. —CS

A real tax reform — The recent Clinton tax increases were made effective retroactive to the beginning of the year, touching off protests that such *ex post facto* taxation is unfair, unconstitutional, or both. I disagree. In fact, I believe that it would be good public policy to *require* that all tax increases be made retroactive.

Not for normal people, though. Be you a wage-slave or a filthy-rich capitalist pig, it's only fair that the taxes you pay on any given activity be the taxes in effect when you engaged in the act. But there is one class of people who have an unfair advantage over both wage-slaves and capitalist pigs. I refer, of course, to politicians. For politicians are in a position to know in advance that a tax increase is coming, and are therefore in a position to shift taxable income from the future to the present.

Consider the case of Hillary Rodham Clinton. As soon as her hubby was elected, she shifted her law practice income from 1993 (when the marginal federal income tax rate would be 39.6%) into 1992 (when the marginal rate was only 31%). Further, she elected to take substantial income in 1992 that she knew would disappear in 1993. I refer here to her sale of her health care stocks, whose value has plummeted under her own onslaught against the medical care industry.

Clearly, because of her position as quasi-president, Ms Rodham Clinton had an unfair advantage over us. Every member of the administration and Congress, as well as their staff and family, shares this advantage. They plainly have a privilege denied to ordinary citizens.

To remedy this inequity, I propose the following constitutional amendment:

> Sec 1. Any tax increase enacted during the term of office of any president or member of Congress shall apply retroactively to himself or herself, any member of his or her staff, or any government official or employee whom he or she appoints, for a period equal to the term of office of the president or member of Congress.
>
> Sec 2. Section 1 shall not apply to any president, member of his or her staff, or any government official whom he or she appoints if the president vetoes the tax increase in question.
>
> Sec. 3. Section 1 shall not apply to any member of Congress, member of his or her staff, or any government official whom he or she appoints if the member of Congress votes against the tax increase in question.
>
> Sec. 4. There shall be no other exceptions to Section 1. None. Not even one.

I am sure there are those who will say that the president might have to raise taxes against his will, or against the will of some members of his staff, or that a Congress might enact taxes against their will. It seems to me, however, that this is a small price to pay for service to one's country. —RWB

Educated hypothesis — Joycelyn Elders is at it again. She told a congressional hearing on youth violence that "it is often easier for our children to obtain a gun than it is to find . . . a good school." Maybe that's because guns are sold for a profit, while schools are provided by the government. —DB

Denny's disease — First came the insanity defense: you could kill someone and get out of jail free if you could prove yourself not guilty "for reasons of insanity." Now Damian Williams and his cohorts can almost kill a man — truck driver Reginald Denny — and escape felony charges because they were simply following "mob psychology." That is to say, they have been found not guilty for reasons of *everyone else's* insanity. As Paul Robinson wrote in *The Wall Street Journal*, "Rioting used to be an offense. Now it's a defense."

Some feminists blame pornography for rape, and wish to see this dubious causal principle set into law. I wonder how many of them have thought out the likely consequences of such legislation. One day, if Catharine MacKinnon and Andrea Dworkin get their way, a rapist will admit his crime but be released nonetheless, pronounced not guilty "for reasons of pornography." And, as Hugh Hefner is dragged from his home and put in irons, a gang of female rioters will assault and nearly kill someone. With any luck, it will be a psychobabbling legal theorist, and not an innocent male truck driver. —JW

Rambo altruism — Philip Johnson, executive director of Project CARE in Somalia, has come out in favor of U.S. intervention, including assassination. "Remove [Aidid] from the country or neutralize him in the country, but get him out of there," Johnson said on *Nightline*. "The humanitarian program will go ahead as soon as this glitch is out of the way. It has to be removed." Instead of sending out the Rangers to kill this "glitch," perhaps our military can arm Project CARE workers and see if Johnson's bite is as big as his bark. —JSR

Public Choice, 301 — I used to think of Yassir Arafat merely as a terrorist, though perhaps in a not-completely-unjust cause. Now he can be seen for what he is: a brilliant politician. Ever since Arafat sided with Saddam

Hussein during the allied war against Iraq, he and his Palestinian Liberation Organization have been on hard times. Facing world opprobrium, his leadership became increasingly precarious, and the preeminence of the PLO in Palestinian affairs began rapidly to sink. So what does Arafat do? He signs a treaty with Israel that places the PLO as the official political organization of the Palestinian peoples, with himself as head. In effect, he got the Israeli government, his sworn enemy for thirty-some-odd years, to secure his job!

Well, it sure beats running for office. —TWV

The butcher from Independence — Recently declassified World War II diplomatic communiqués indicate that three months before the United States dropped atomic bombs on Hiroshima and Nagasaki, the U.S. government knew that top Japanese commanders were willing to surrender. According to an intercepted report from a German diplomat who had spoken on May 5, 1945, with a ranking Japanese naval officer, "Since the situation is clearly recognized to be hopeless, large sections of the Japanese armed forces would not regard with disfavor an American request for capitulation even if the terms were hard." But Truman went and dropped his load anyway. —SR

Is nothing sacred? — Say a prayer for Iowa City. This Halloween, the politically correct sensitivity-mavens spirited its children away.

The Iowa City Community District Equity/Affirmative Action Advisory Committee, which probably has more words in its name than actual members, sent a letter to public-school parents this year, asking them to have their children avoid certain costumes this Halloween. Don't be a Gypsy or an American Indian — that's insensitive to members of those ethnic groups. Don't be a hobo — that's insensitive to homeless people. Don't be an old man or woman, or a "differently abled person," or a witch. Hold on — why not a witch?

"Many of the younger children are frightened by witches," an administrator explained. (Frightened! On Halloween!) Plus, another added, witch costumes have "religious connotations."

Goddess forbid. Well, let's not wear any witch costumes this Halloween. And don't sing any songs about Jesus this Christmas, either. And when Passover rolls around, skip the ceremonies and stick to the food.

Yes, you say, this is all very stupid, but it isn't doing any actual *harm* — right? Alas, no. Listen to the testimony of nine-year-old Chandra Wolfe: "I was going to be a Gypsy," she says, "but I changed my mind because of the letter. Now I'm going to be a cheerleader."

A *cheerleader*! Is this where P.C. leads? Someone is devouring your children's souls this Halloween, Mr and Mrs Iowa City, and it ain't witches. —JW

How you gonna come? — The latest Bright Idea in the war on crime issues from the dome of New Jersey Senator Bill Bradley, once described to me by a Democratic Finance Committee staffer as "the dumbest Rhodes Scholar in history." Bradley cultivates a reputation as one of the chamber's intellects by reading ghost-written speeches on recondite subjects (international finance, the tax code) in a halting, hesitant voice, rather like Daryl Hannah or Justine Bateman discoursing on, you know, the ozone and all that.

The senator wants to raise the annual fee for a federal firearms dealer's license to an astronomical $3,500. This would force out of business tens of thousands of honest and decent men and women, but no matter: Bradley and the Beltway gun controllers, who know Middle America only through movies and television, have seen *Falling Down* and they're going to put an end to *that*.

The prohibitionists detest an America they do not understand, and they deal in cant. Most live in cities or suburbs and consume what they believe is the nutritious commodity "culture." Their greatest fear is that on the way home from, say, *M. Butterfly* or *Short Cuts*, a young black man wielding a handgun will rob or kill them. This is not unreasonable, but it gnaws at the Corporate Liberal: "am I a racist?" he wonders, and before he can answer he has created an entirely new — and white! — villain: the National Rifle Association.

The NRA is the only organization in Washington that speaks for working and rural Americans. Its members are law-abiding folk who commit a negligible percentage of the nation's violent crimes. They believe in the second amendment and the old verities, which makes them dangerous to the likes of Clinton and Kemp and Bennett and Bush and Bradley and the other hall monitors of the American Empire.

The Clash once asked:

When they kick at your front door
How you gonna come?
With your hands on your head
Or on the trigger of your gun?

The NRA knows. —BK

Mother Superior jumped the gun — The feminist Left doesn't know quite how to handle the National Rifle Association's recent series of woman-oriented ads. On the one hand, the progressively correct's favorite organizational whipping-boy is sounding most of the right notes. The ad's theme is "Refuse to Be a Victim." Women are told they live in a dangerous world ("He's followed you for two weeks, he'll rape you in two minutes") and have every right to defend themselves. In the words of an NRA spokeswoman, "This provides women with empowerment. They can take their lives into their own hands."

Leaving aside the reflexive hostility most leftists feel toward the NRA, the campaign promotes the idea of actual individual women protecting their lives; which means, protecting their right to get on with their careers, lifestyles, choices, values. It invokes liberty, not "liberation." No particular view of women, let alone Woman, is postulated. The assumption, rather, is that women have the same rights as men, though they may have some special needs and circumstances that render protection more urgent, more difficult, or perhaps merely different.

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
DC	Douglas Casey
SC	Stephen Cox
BD	Brian Doherty
BK	Bill Kauffman
WPM	William P. Moulton
RR	Ralph Raico
SR	Sheldon Richman
JSR	James S. Robbins
JSS	Jane S. Shaw
SS	Sandy Shaw
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

So what has been the feminist mainstream's ultimate reaction to all this? Relentless opposition. Proclamations, joint statements, and fiery columns, all bristling with non-sequiturs. "The NRA is trying to exploit tragedies by saying . . . guns will protect women. In fact, guns are killing women," thunders Rosa DeLauro (D-Conn.). "These ads are exploiting fear to sell a product," her colleague from Pennsylvania concurs. (The same thing could be said of ads for medical insurance, condoms, or extra-grip tires. Or feminist activists' direct-mail efforts, for that matter.)

Think about the attitude underlying the attacks on the NRA's campaign. The correct response of women to a hostile world is, apparently, supposed to be one of innocence and passivity. In the words of District of Columbia official Eleanor Holmes Norton, "Women are virgins when it comes to guns. The safest course is to remain that way."

What is going on here? Whatever it is, it's ugly. I hereby set forth a hypothesis — fully understanding that not every feminist thinks this way — to explain this reaction: The feminist movement is part of a larger "progressive" coalition, with which it shares a broad (yuk, yuk) agenda. This agenda involves, *inter alia*, a massive transfer of power to the political classes, a process which in turn depends largely on fostering a cult of victimization among its constituencies. To be successful, this strategy requires an amorphous, silent, collective mass, whose members place their trust in a leadership cadre which represents and speaks for them. It requires, in addition, that the members hew to a correct political line, vote as ordered, and generally defer to their betters.

Within the context of radical feminism, females who resort to the petty-bourgeois strategem of individual self-protection are analogous to blacks who succeed on their own merits in the larger society. Each group stands as a subtle rebuke to their supposed leaders. They upset the dialectic in which these leaders say to the system's power-brokers, "Help my people, and they will remain loyal forever."

Worst of all, the very need for "leadership" is called into question. Self-reliant people do not need to be led. Who "leads" Irish-Americans or Middle American WASPs?

Ladies, if you need guns, get 'em. Keep your powder dry, and shoot straight. —WPM

Why did the skies not darken? — Secretary of Defense Les Aspin, in an appearance on *Face the Nation*, admitted that U.S. troops should reduce their presence in Somalia — but carefully. "The trick is going to be to be able to withdraw those forces in a way in which at least some security remains behind so that the famine does not return," he said. It's good to know that, on top of everything else, our military is committed to rebuilding Somali *weather conditions*. Do they do floods too? —JW

My dinner with Bill — A quarter century has passed since I graduated from Georgetown University, so, naturally, some of my classmates organized a class reunion. One of my fellow students had risen to a position of prominence, and invited the reunion into his spacious home. That student's name is Bill Clinton. The reunion had the highest percentage turnout in Georgetown's history, and was also the largest sit-down dinner in the history of the White House.

The invitation to the soireé instructed us to R.S.V.P. with our social security numbers. It seems the White House didn't want any of Bill's old classmates around unless they had run security checks on them. Oh well, if you want dinner with Bill, you gotta pay the price.

For entertainment, the program had panel discussions on health care, the economy, foreign relations, and social trends. I sat on the social trends panel and was suitably outrageous, much to the apparent delight of the audience.

It was apparent that, although she made a show of listening, a cold plastic veneer of a smile covering her face, the young velociraptor absolutely knew best and was being polite for the sake of show.

But the health care panel was more interesting to me. Reading *Doonesbury*, I've come to learn that the White House is populated by a bunch of kids in their 20s and early 30s who all want to control the fate of the nation while they grow up. The Billary person on the health care panel was a prim, athletic-looking, short-haired young lady of 27 years, identified as Hillary's chief assistant in this area. She reminded me of nothing so much as a small velociraptor — alert, eyes darting everywhere.

What she said were forgettable party-line generalities. But it was apparent that, although she made a show of listening, a cold plastic veneer of a smile covering her face, the young velociraptor absolutely knew best and was being polite for the sake of show. Scary.

That night, at the White House, I had a photo op with Bill. I offered him a friendly "Hi, Bill, how you doin'?" He responded with a sincere "Hello, Doug, how are you?" I don't recall ever having met him in school, so he must have gotten my name by unobtrusively looking at my nametag. I was impressed.

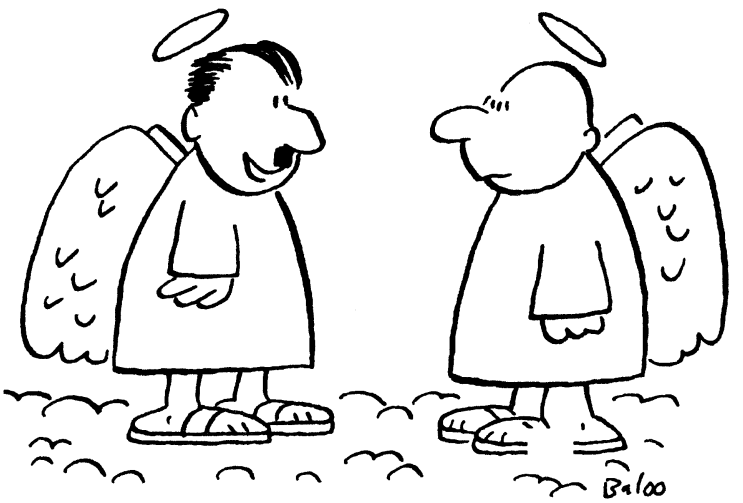

"I got immunity for testifying against Stalin."

The other entertainment that evening was Chuck Berry. Which meant that another old friend of mine, Bob Baldari, would be at the party. Bob is a civil rights attorney in real life, but he plays keyboards with Chuck whenever he gets the chance. I had learned that Bob was invited a few weeks earlier, when an FBI agent showed up at my house to ask questions about him. The agent was decked out in a bomber jacket and Ray-Bans, just like the G-men in *Midnight Run* — the ones Robert DeNiro asks, "Did your mothers dress you all alike? Fashions by Foster Grant?" It seems Bob once had a problem with the law, something about possessing some of the herb that Bill Clinton smoked but didn't inhale. The FBI guy asked me some questions about Bob, but I wasn't much help to him. There was only one G-Man, and I figured I couldn't be in trouble unless there were at least two of them, and as a matter of principle I don't talk to the authorities about my friends.

Well, Bob was allowed to perform, no thanks to me. It turns out that Chuck Berry threatened to skip the party if he couldn't have his keyboard man there. But they weren't taking any chances: Bob was shadowed by a suit that night, at very close range. Like two feet.

Of course, the place was crawling with grim-looking thugs dressed in cheap suits with bulges under the arms and little earphones sticking out of their heads. Only their dark glasses were missing; I suppose they are dispensable indoors at night. I'm sure they did a good job of keeping the president alive, though they didn't stop any of my classmates from pocketing a bunch of presidential silverware as souvenirs.

Bill gave a short speech, with everyone clapping and cheering uproariously at every opportunity — except the two times Bill made policy references. Then, the applause was subdued and polite. Everyone who knew Bill liked him well enough, but few supported his policies; Georgetown was a politically and socially conservative school in the '60s. It's only natural, though, that everyone felt better about him after the party than they did before. Just being there made you feel like a privileged insider, one of his team. And nobody, including myself, likes to speak ill of someone who's hosted you in his home, even if you're the one who bought it for him. A good time was had by all, perhaps even Hillary, who sat near Bill but was surrounded by three or four pert velociraptors at all times.

The next day, I ran into Tim Chorba, another classmate from Georgetown Class of '68. These days he's a partner with powerful Washington lobbyist/law firm Patton, Boggs & Blow and a real insider in the Clinton administration, so I figured I'd ask him about the cheap-suited guy who stuck to Bob Baldari like glue during the entire evening. He went into his bureaucratic mumbo-jumbo mode, giving me a lengthy explanation of the importance of protecting the president from people who had actually inhaled and are thereby risks to the Free World.

Then he paused a moment, and looked puzzled. "The way I understood it," he finally said, "there was supposed to be a security guy on you, too." —DC

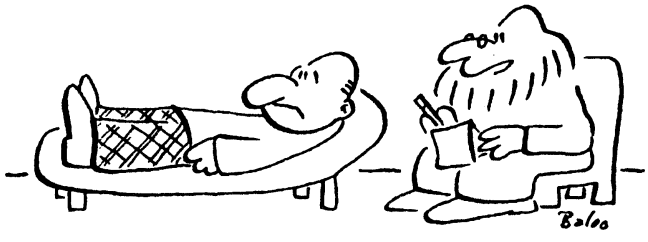

"Do these hallucinations take place at any particular time, or do they gleep schnoodle florb fnord wazzle?"

Role-model — Colin Powell no longer chairs the NSC, so I suppose it won't threaten national security for me to besmirch his reputation a bit. According to David Corn in the March 8 and October 4 editions of *The Nation*, Powell, while testifying about Iran-contra in 1987, claimed not to know whether Casper Weinberger kept a diary. Last year, once the document was known to exist, Powell delivered a sworn statement in which he described his former boss's diaries "in great detail." It is unusual for recollection to grow *more* clear with time, so, unless the general has been recovering "repressed" memories under hypnosis, he would appear to be a perjurer.

Which makes me wonder why the man is leaving the Clinton administration. In one area at least, he and the president seem to have a lot in common. —JW

Ingrates — A Washington *Post* headline reports: "One City Aide Tries to Meet Needs of District's 15,000 Asians." Actually, tens of thousands of businesspeople and their employees work to "meet the needs" of Asian-Americans in Washington. And really, as we know from Leonard Read's "I, Pencil" and Milton and Rose Friedman's *Free To Choose*, millions of people all over the world, most of whom have never met an Asian-American from Washington, D.C., work to serve their needs through the (seeming) magic of the free market.

As it happens, the "need" referred to in the headline, and the one that the "mayor's assistant on Asian and Pacific Islander affairs" spends most of her time on, is murder. Ten Asian-American shopkeepers have been shot so far in 1993. The mayor might do well to dismiss her ethnic liaison and hire another police officer. Meanwhile, the poor assistant's job is being made more difficult because, she complains, "There is this intense privacy among Asians. They find it natural to accept personal responsibility, so they don't . . . ask for help from my office." Yes, as conservatives and pseudo-libertarians keep reminding us, these foreigners just don't share our values. —DB

Uncivil and illiberal — ACLU Executive Director Ira Glasser just wrote a gloating column in *Civil Liberties*, celebrating the end of the dark ages and the dawn of a new renaissance for civil liberties: the election of Bill Clinton and the end of the Reagan-Bush years. He may be throwing his hat into the air too soon.

Yes, the Reagan-Bush record on personal freedom is not good. Reagan's Drug War was a long catalog of civil wrongs: "zero tolerance," civil forfeiture, mandatory urine testing, cops breaking down doors in the middle of the night. The Supreme Court in the '80s eroded protections of the rights of the accused. There was a misguided campaign against insider trading which amounted to a war against free speech and free association. FCC regulation of "indecency" increased, as did

governmental attacks on porn. And I won't even go into Bush's egregious campaign theme of forcing every schoolchild in the country to recite a loyalty oath (the Pledge of Allegiance) or his attempt to gut the first amendment in the name of "stopping flag-burning."

But the record is not unmixed. Some good things *did* happen on the civil liberties front during the dark ages. In 1987, the Reagan FCC abolished the odious "Fairness" Doctrine. The Supreme Court unanimously upheld strong protection for satirical speech in the *Falwell v Flynt* case. That same court has upheld first amendment protection for flag burning, despite Bush's hyperventilating rhetoric, and struck down politically correct "hate speech" ordinances. One particularly impressive Supreme Court decision was the *Nollan v California Coastal Commission* case. There, the Court decided that when the California Coastal Commission took a strip of beach-front property from its owner, the fifth amendment's "takings" clause required the state to pay for it.

This precedent may prove very useful in the fight against onerous land-use controls. But the ruling may not be as remarkable as the position the ACLU took. They intervened *on the side of the state*. They wanted to *weaken* the fifth amendment. Which may be why Glasser's so far off target. Rumors of a libertarian renaissance to the side, the Democrats in Congress and the White House are not really any better than the Republicans when it comes to civil liberties. As I write this, Congressional Democrats are preparing to reimpose the Fairness Doctrine, primarily to gag Rush Limbaugh and other conservative radio talk-show hosts. And there's been much huffing and puffing from Senator Paul Simon (D-Ill.) and Congressman Ed Markey (D-Mass.) about the "need" to regulate the content of television, since the people themselves don't have enough sense to decide what they want to watch.

Now Clinton, like Bush before him, wants to go after crime by gutting the Constitution's *habeas corpus* protections. And the administration's outrageous assault on religious freedom and the right to bear arms in Waco has already been well-catalogued in these pages.

And Ira Glasser is happy. Well, I'm in mourning — mourning the glory days of that once-great defender of our civil rights and liberties, the ACLU. —CS

Getting apocalyptic — For some reason, when I try to make sense of the Clinton administration, I reach for my Bible. Indeed, I have even found myself breaking a long-standing habit by turning to the Book of the Revelation.

Confronted with Bill Clinton, most turn to scatology, not eschatology. But remember: scatology may be about scat, but eschatology is the scat that goes down in the future. And with Bill Clinton's statist proposals, we are not only up to our knees in scat, but the scat is pouring down, from Washington. I no longer worry about Gog and Magog, but about all the people agog with the Clintocracy. Though their numbers decrease, still . . . it astounds me that anyone could be dancing in the streets, singing in *this* rain.

But it is Bill Clinton's *character* that sends me to the Revelation. A friend has observed that our last really thorough-going and effective statist president was Lyndon Baines Johnson, and that, whatever else may be said for this particular liar, murderer, and cheat, at least he cut a larger-than-life figure. But Clinton — well, Clinton just fibs his way through like some pathetic co-dependent to a power-monger. (By the way, is there a twelve-step program for Hillary? Can we send her to it? Would she recognize "a power greater than herself"?)

And so I turn to chapter three, the letter to the church at Laodicea: "I know thy works, that thou art neither cold nor hot; I would that thou wert cold or hot. So, then, because thou art lukewarm, and neither cold nor hot, I will spew thee out of my mouth."

I think that I, too, will be spewing a lot for the next few years. Forgive me. But as Gennifer Flowers used to say in another context, Bill Clinton leaves a bad taste in the mouth. Think of the church of Laodicea, and hurl that loogie. —TWV

Hammurabi or Proudhon? — Durk Pearson and I have been thinking about putting together an essay called "The Book of 1,000 Laws." It would start with the principle that there are only a few acts nearly all people would agree should be crimes — murder, rape, theft, a few others. After that, you start getting more and more opposition and indifference.

This would lead up to an exercise: readers would be asked to make up their own lists of 1,000 laws. We know we couldn't write such a list. We probably couldn't even get to 100 laws. If most readers are like us, they might start to get an idea for what it means that there are hundreds of *millions* of laws, rules, and regulations in the U.S. for which people can be imprisoned or fined. To be governed . . . —SS

Gay health — Dozens of large corporations have begun to grant health benefits to the partners of gay employees. During 1993, Apple Computer, Microsoft, Microsystems, Home Box Office, Warner Brothers, and the New York law firm Milbank, Tweed, Hadley & McCoy joined the ranks of companies that treat partners of gay and lesbian employees as if they were legal spouses and pay a substantial portion of their medical bills. Interestingly, in most cases the benefits are denied to unmarried partners of heterosexual employees on the grounds that they, unlike gays, have the option of getting spousal benefits by marrying. In contrast, city governments that have established "domestic partner" benefits have made them available to both gay and straight employees.

Once again, businesses get it right and governments get it wrong. Businesses are taking the appropriate position: "if you want the benefits of marriage, get married; but if the state won't let you get married, we'll be more progressive." Governments just see domestic partnership as one more goodie to hand out; businesses see it as a way of remedying an unfairness, not to mention retaining valued employees. —DB

Sucker bet — Wanna bet the Somalia imbroglio ends with the U.S. footing the bill to the tune of many billions to prop up a Somali government headed by fugitive-warlord-turned-statesman Aidid? —BD

John Stuart Saint-Simon? — Discussing libertarian support for the California school-voucher initiative — slain at the polls on November 2, the victim of an enormous advertising assault from the teachers' unions — the Los Angeles *Times* referred to the "utopian philosophy that people should be able to do as they please as long as they do not harm others."

The word "utopian" used to be associated with preposterous schemes for constructing a planned society that would control all human activities. Now, apparently, it's associated with the preposterous schemes of America's founding fathers — and the preposterous notions of those kindly relatives who told us, as children, that we could go out and do what we wanted as long as nobody else got hurt. —SC

The myth of drug abuse — As Thomas Szasz has noted, it is impossible for government to "control" drugs. It can only (seek to) control *people*. Similarly, it is impossible to "abuse" drugs. One can only abuse people — either oneself or others. When someone hits himself or someone else with a baseball bat, we don't say he abused the bat.

This illustrates the ethical issue inherent in drug prohibition. If one abuses oneself, it is no business of the state's. If one abuses others, one is subject to the criminal law, and there are (or ought to be) procedures for compensating the victims. If force is not used, the whole matter is within the realm of peaceful interpersonal relations, and the state should have nothing to say. —SR

Smoking lamps lit — One of the good things about having a Democrat in the White House is that they have more regard for privacy rights than those nasty Republicans, right? Wrong! Testifying before Congress, EPA chief Carol Browner "suggested" that people no longer smoke *in their own homes* or allow their guests to do so. The key word here is *suggested*. People are still free to light up at will behind closed doors, but how long will that last? Perhaps the most pressing threat to freedom in this country right now is the insidious encroachment of irritating do-gooders who plague our civilization. Remember when you could get into a new car without being strangled by the automatic belts, or not be harassed by a bunch of idiotic warnings on a can of beer?

Browner's anti-smoking fanaticism is not new. She is only continuing the work of Reagan's odious surgeon general, C. Everett Koop, and a legion of others across the political spectrum. (Koop, you may remember, is the boob who liked to dress up like an admiral in the Freedonian navy.)

I am at a loss about the fuss over tobacco. I understand that it is bad for your health, is habit-forming, and that the smoke annoys a lot of people. I don't encourage using it, although I do occasionally light up a good cigar. But isn't the level of concern just a *little* extreme? There are supposedly about 350,000 "premature" smoking-related deaths a year. But when is any death *not* "premature"?

The only thing that differentiates cigarettes from other unhealthy habits is that the smoke is an unavoidable externality. So why did anti-smoking fanatics throw a fit when R.J. Reynolds test-marketed a smokeless cigarette? Maybe because the issue isn't really health or safety, but control.

When bureaucrats start *suggesting* what citizens can do with a legal product at home, I get concerned. A man's home is his castle, and if Browner and her enforcers ever attempt to breach my defenses, I plan to raise the drawbridge, close the gates, and pour hot oil on the bastards. —CS

Best of 1993 — The snow flies, bells jingle, and every idiot compiles his Best of '93 list.

If the American Civil Liberties Union still stood for anything other than the accumulated prejudices of upper-middle-class white people who think PBS is riveting, it would make Patrick J. Buchanan its Man — er, Person — of the Year, for his courageous defense of John Demjanjuk, the apparently innocent Cleveland Ukrainian who was railroaded into an Israeli prison due to the incompetence (or malice) of the wittily named U.S. Department of Justice. A special citation would go to Ohio Democrat Jim Traficant, the flamboyant leisure-suited congressman who stood by Demjanjuk, even to the point of making the not-Ivan look like a fashion plate.

The estimable Traficant would finish a close second in the Legislator of the Year category to Senator Robert Byrd, the West Virginia Democrat first elected in 1958. The former majority leader is a grim and grumpy sort, a fiddle-playing snake-oil salesman who looks like Conway Twitty's mean older brother. Before relinquishing his leadership post he used to bore colleagues silly with his interminable disquisitions upon Senate history. Byrd is comfortable with the past; Calhoun and Clay and Benton are obviously very real to him. He is regularly ridiculed by the Official Conservatives for his tireless efforts to move various D.C.-based operations to West Virginia, which strikes me as a selfish but laudable effort to disperse Leviathan.

In a chamber of cowards, Byrd has emerged as a rare man of courage, taking the lead in calling for a complete withdrawal of U.S. forces from occupied Somalia. In the sweet and glorious tones of the Old Right, he told his fellow senators, "I do not see in front of this chamber the U.N. flag. I never saluted the U.N. flag. I saluted Old Glory, the American flag."

Byrd's former West Virginia Senate mate, Jennings Randolph, was cut from the same cloth. Elderly Senator Randolph, who came to Congress in 1933 and was the devoutest New Dealer this side of Hyde Park, was a kind and courtly man who had two charming causes: requiring Senators to cast votes while at their desks, and celebrating holidays on the actual date of their occurrence, not merely the nearest Monday. Senator Randolph was a staunch foe of foreign aid, calling it "wasted money"; after all, "we have so much to do for our own people." Senator Randolph retired and was replaced by Jay Rockefeller, which doesn't say much for you Mountaineers.

"I hate to do this, guys, but my kid wants bunny slippers."

"Voilà logic!"

—P. J. O' ROURKE

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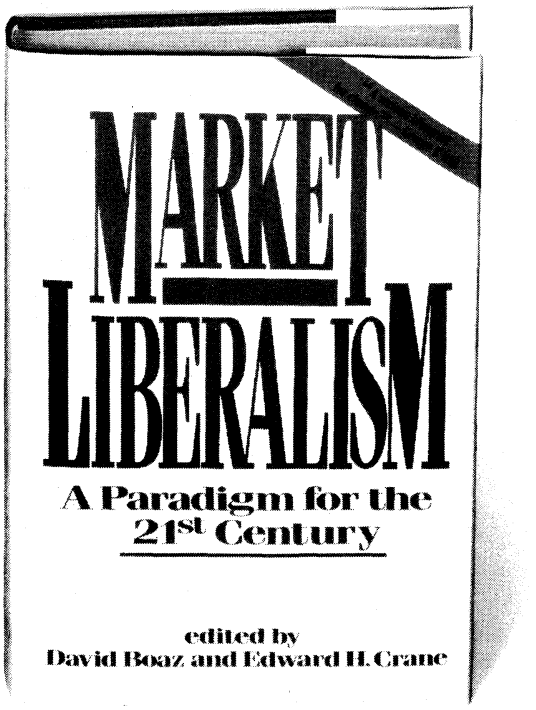

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I have often wondered why libertarians are blind to the virtues of men such as Byrd and Randolph: patriots, lovers of our history, defenders (in the most general sense) of America First. Senator Byrd, unlike almost every Republican member of Congress, at least stands for some semblance of republican government. I do not know, nor do I care about, his position on the capital gains tax: he is, in the fall of 1993, an eloquent and principled foe of the Wilsonian imperialism whose premises our two parties share. Yes, a couple of Republicans — notably, the praiseworthy Senator Hank Brown of Colorado and my favorite Keating Fiver, Arizona's John McCain — have criticized our blundering in Somalia, but where were they when Reagan and Bush were spilling blood and money around the globe? The only Republican senators who opposed the shameful Gulf War were Oregon's pacifist Hatfield and Iowa's agrarian Grassley. They deserved our thanks and prayers then, as Byrd does now. —BK

Guilt and sympathy — The AIDS epidemic has spawned a bevy of support groups — for people with AIDS, for those who have or had friends or lovers or family members with AIDS, and now, in Michigan, for men who *don't* have AIDS and feel guilty about it. According to founder Craig Covey, HIV-negative gay men "are affected differently, but just as much" as those who test positive. "A lot of them who have survived can almost feel like they are missing out on something," he adds. "What's happening to the gay community is what is happening to people who survived the Holocaust," another spokesperson asserts.

I suppose there are *some* gay people who feel guilty about not having AIDS, and *some* Jews who feel guilty about not having been gassed. In that spirit, I think I'll start a support group for people unlucky enough not to be gay or Jewish at all. In fact, I think I'll limit membership to guilty well-off HIV-negative heterosexual white Anglo-Saxon males without disabilities.

But alas! America's universities have beaten me to the punch. Is there a support group available for people who fail in their attempts to start support groups? —WPM

Funny money — There's some funny language on the money in England. The five-pound note contains the statement, "Bank of England: I promise to pay the bearer on demand the sum of five pounds." Five pounds of *what*? If you ask anybody on the street, the note *is* five pounds, and they obviously aren't talking about units of weight — so what could that statement possibly mean? I decided to visit the Bank of England in downtown London to make them make good their promise. What would they do — hand me back another five-pound note in exchange for the one I offered?

I was stopped at the door by a security guard. I explained that my note said that the Bank would give me five pounds upon demand for it, and that I was hereby demanding they fulfill their obligation. He explained I couldn't get past the front desk without wearing a three-piece suit and having "official business." The man behind the front desk had little patience, telling me that perhaps I'd find some information if I went to the Bank of England Museum around the corner.

So I left and went to the museum, which is quite nice, actually. I explained to a curator what had happened, and that I was interested in finding out what exactly the language could mean. It obviously didn't function as a promise to pay me five pounds — the bank wouldn't even let me through the door! She disappeared into a back room and, finally, dug up an old photocopy from God-alone-knows-where, which attempts to explain the meaning and evolution of the "I promise to pay the bearer" language. I took the pages home and tried to understand them. Apparently, the Bank is now contending that the language only means, and only ever meant, that it has an obligation to replace old, out-of-circulation pound notes with new, in-circulation ones.

Right. That's what "I promise to pay the bearer on demand the sum of five pounds" means.

—*guest reflection by* N. Stephan Kinsella

Free at last — For some reason, in the late summer of 1985, I was suddenly filled with a desire to join the military. I didn't want to interrupt my schooling for three or four years, so the reserves seemed to be the way to go. Although I went through the formality of talking to an Army recruiter, there was never any question about which branch I would join. I had seen John Wayne's *The Sands of Iwo Jima* when I was a kid; I had watched *Baa Baa Blacksheep* in junior high school; and I was working for an ex-Marine who had served in Vietnam, who had regaled me with stories about boot camp. I would not have been able to face him after joining the Army or Navy.

My Marine odyssey began in the early morning hours of

"Dear Michael,
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"We've been married almost 6 years. My husband is a member of the LP. He subscribes to all the libertarian magazines and journals. He reads 10 or 12 books every month.

"He talks to everyone about politics and economics, but he stopped talking to me and with me about what matters to us and our relationship. I felt taken for granted. I felt like he didn't really love me anymore.

"I talked with him. I read a few books on relationships and communication. I went to a counselor. (He wouldn't come.) I tried everything. Nothing worked.

"I was ready to give up. One night, while he was at a libertarian meeting, I saw your *Essence of Political Persuasion* Tapes on top of his book shelf.

"Maybe I could persuade him to talk to me...I listened to side 1 of the first tape. Your recipes for quickly creating rapport made sense to me. So did your keys to powerful communication...

"When my husband got home, I told him I had listened to side 1 of your first tape and asked him to practice your rapport recipes with me. We practiced for about 30 minutes. The next thing I knew we were talking about us, our relationship, our marriage and our life together. We talked 3 hours. It seemed like minutes.

"We have listened to your tape set 8 or 9 times. We practiced all the skills you teach. We started listening to and talking with each other. Now we really communicate.

"I finally understand why my husband is a libertarian. I've read 8 libertarian books in 6 weeks and discussed them with my husband. Now I'm a real libertarian, too.

"Michael, your *Essence of Political Persuasion* Tapes saved my marriage.

P.S. "We are expecting our first baby late this year."

Name withheld by request

"I'm a Christian Libertarian. While I've always felt uncomfortable discussing my Christian beliefs with libertarians, I've felt even more uncomfortable discussing my libertarian beliefs with my fellow Christians.

"Your *Essence of Political Persuasion* Tapes gave me the confidence and skills I needed to bring libertarianism to my church. Your story on `the Judas Bargain' hit me deep. I'm getting powerful results with your `Political Cross-Dressing' and `Words Are Weapons' techniques.

"Liberty cannot triumph in America without the support of millions of my fellow Christians. Reaching them will be my special libertarian `ministry'.

" God Bless you, Michael."

B.L., New York, New York

"...Michael, your Persuasion Tapes earned me $12,000. I was 1 of 4 candidates for a promotion in my company. I was the least qualified. I don't socialize with the boss. Nobody figured I had a real chance.

"When I went in for the interview, I started off with your Rapport building methods, then I used your `Intellectual Judo' to turn objections to promoting me into reasons why I was the best candidate. I used your `Isolate the Concern' tactic to handle the final issue.

"After 35 minutes, my boss said, `Communication is very important to this job and so is poise under fire: Congratulations, you've got the promotion.' Your *Essence of Political Persuasion* Tapes earned me a $12,000 a year promotion in 35 minutes."

R.S., Los Angeles, CA

"My letters-to-the-editor used to make people angry. Since I started using your Political Persuasion methods, people started sending in letters agreeing with me."

T.L., Toronto, CANADA

"...anyway, I got fed up listening to my sociology professor praise welfare statism. One day, after class, I got him alone and used your `Welfare Junkies' argument on him. It stopped him cold! He asked if I could recommend any books on the subject. I told him I'd bring one by later.

"Michael, that's when I called you. I followed your advice to the letter. I bought a copy of Charles Murray's LOSING GROUND - and **sold** it to my professor. You're right, if I'd given it to him I'd be practicing intellectual welfare, encouraging him to believe in something for nothing and he'd have had no financial investment in reading the book.

"Well, he read the book and asked for more. I gave him a Laissez Faire Books catalog (he bought several books over the phone while I was there) and a CATO catalog.

"My professor is on his way to becoming a libertarian. Think of how many thousands of students he will influence with libertarian ideas - thanks to your *Essence of Political Persuasion* Tapes."

R.J., Madison, WI

"...I'm a competent, trained Psychiatrist, but I was stuck. He was the most resistant depressive I've ever treated.

"In frustration, I tried your `Intellectual Judo' method on him. I agreed with his depression. I embraced his position. I added to it, accelerated it and re-directed it.

"He started laughing. We talked. Then we started making progress...

"Michael, your persuasion techniques are powerful. I regularly use them with clients, colleagues, friends and family. Your methods have improved all my relationships."

Name withheld by request

"...I was one of the thousands of aerospace workers laid off. Not only was I out of work but I was competing against these thousands for a shrinking number of jobs here in California.

"For 3 months I got nowhere. One afternoon, I listened to your *Essence of Political Persuasion* tapes again. (I bought them a year ago.)

"I starting using the Rapport building steps, the Onus of Criterion and Political Cross-Dressing during every interview. In 2 weeks, I got 4 job offers. I'm now back at work. Michael, tell libertarians that your Persuasion tapes aren't just for politics...they got me a job."

B.N., Orange County, CA

"I'm a 74 year old retiree. I call in to several radio talk shows. People used to tell me that my libertarian ideas were crazy...Now they ask me to tell them more - thanks to your *Essence of Political Persuasion* Tapes."

A.J., Denver, CO

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Christmas Eve, 1985, when my bus passed through Port Royal, South Carolina, and made a left into the gate at Marine Corps Recruit Depot at Parris Island. My active involvement as a Marine reservist ended on Dec. 15, 1991 when I exited the Navy base at Millington, Tennessee for the last time.

The experiences I had between those two dates were educational, if often infuriating and frustrating. They included three months of boot camp, five months of training at Camp Lejeune, North Carolina, and four months of service during the Gulf War at the Marine Corps Air Station in Beaufort, South Carolina. They had a significant impact on my views. In 1985, I was a conventional Reaganite conservative. It only took about two years of monthly drills to turn me off to the jingoism to which I was constantly exposed. I also became much more cautious about supporting a belligerent foreign policy when I became one of that policy's potential instruments. Eventually I did become an instrument of Bush's foreign policy, but that is not an unpleasant memory. As it turns out, the Gulf War was something of a paid vacation for me, an interlude from an experience more horrible than war: law school.

More than any other factor, my military experiences led me down the path towards individualism. Some are influenced by *Human Action* or *Atlas Shrugged*; I was converted by the *Essential Subjects for the Marine*. Anybody who has ever lived on a military base has a good idea of what it is like to live under socialism:

• Everyone waits in long lines for food, and you have a limited choice about what and how much you may have when you get there.

• Privacy is nonexistent. Your quarters are subject to inspection on a weekly basis and can be entered at any time without your knowledge.

• Big Brother is *always* watching. You can be stopped for any transgression, even a bad haircut, by almost anyone.

• The buildings are so nondescript that they must be numbered to make them distinguishable.

In spite of all of the annoyances of my Marine career, if I could go back in time, I would probably do it all over again, bitching and complaining about how much I hated it all the while. There were a lot of good times amongst the bad. But I'm glad it's finally over.

At midnight on August 25th, I became a free man. The contract that I signed eight years ago with the United States Marine Corps finally expired.

But I am still a part of the fold. The Marine Corps, like motherhood, is a lifetime commitment; "Once a Marine, Always a Marine." So I remain a part of the tradition that includes great Americans that I admire, such as Thomas Sowell and Joe Foss; as well as some not-so-great Americans, such as Oliver North and Pat Robertson; and assorted odd characters like Lee Harvey Oswald, and a dozen lesser-known snipers who had the misfortune to shoot at mere mortals instead of a president. But since August 25, I no longer have to worry about getting an unpleasant phone call should Clinton decide to widen the war in Somalia. —CS

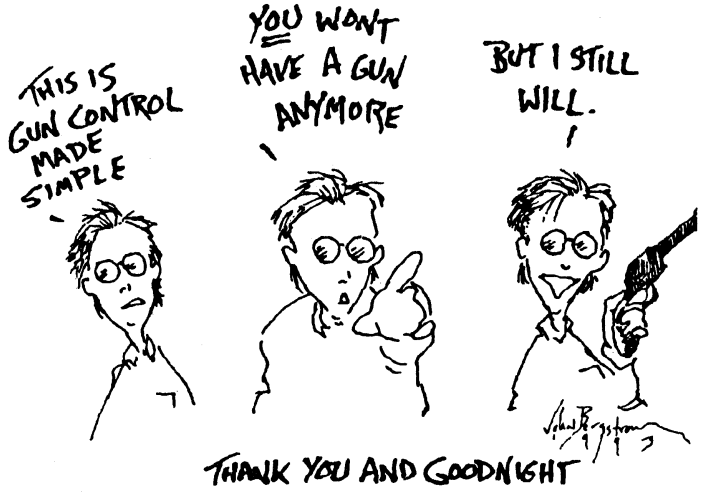

The moral equivalent — After I heard Thomas Szasz speak at the Libertarian Party convention about how President Clinton's medical reforms will expand the power of the federal government, it occurred to me that we might have to revise Randolph Bourne's classic maxim to "Health is the health of the state." —SR

Diagnosis confirmed — Eight months after Bill Clinton took office, I had dinner with friends, one of whom is a fairly well-known Washington insider. Eventually, the talk turned to politics, and my insider friend began a rambling discourse on Clinton. It's hard to get a handle on the man, he said. Sometimes he seems like a liberal, sometimes he acts like a conservative, sometimes he sounds libertarian, sometimes left-wing, sometimes right-wing . . . the monologue went on for a while. "I've been a friend of Bill Clinton for more than ten years," he concluded. "But I still don't know what his political beliefs are."

I took advantage of this break in the action, and offered the thesis of the essay I had written in these pages ten months earlier. "What do you think of the proposition that Bill Clinton has only a single political conviction — that the world would be a better place if only he were running things?"

"You know," he said. "That's a very interesting theory." He thought for a few minutes. Then he said, "Yes, I think you're right." —CAA

Emily Litella redux — Here's some good news for everyone who's tired of double-talking politicians and their linguistic obfuscations: I just heard on the radio that, in order to pass his health care plan, Bill Clinton is going to embrace *syntax*. If this is so, we just might start to hear some clear, well-formulated—

Oh, wait a minute. He didn't say syntax, he said *sin taxes*.

Never mind. —JW

Aaron Wildavsky, R.I.P. — Aaron Wildavsky was a maverick conservative political scientist, but that doesn't begin to encompass his interests and accomplishments. The author of more than thirty books and founder of the Graduate School of Public Policy at the University of California at Berkeley, he was a restless seeker of truth. He delved into traditional political science topics, but more and more as time went on he addressed complicated issues of social policy such as risk assessment, the push for egalitarianism, and even the question of species extinction. Amazingly,

he had the respect of his peers in a profession dominated by the Left; he was president of the American Political Science Association in 1985–86.

I first got interested in his work through his 1987 book, *Searching for Safety*, which pointed out that the pursuit of zero risk can increase risk and weaken our ability to withstand dangers. This book also laid the foundation for a concept we call "wealth and health": economic growth and the wealth it provides leads to a healthier, safer, and more environmentally attractive society.

As he studied risk, Wildavsky came to feel that non-scientists needed to understand technical issues such as global warming and ozone depletion, because environmentalists were using scare science to bludgeon people into accepting draconian policies. So he developed techniques for reading scientific literature outside one's own expertise. Other down-to-earth advice about writing, reading, and time management can be found in his engaging book *Craftways*. He made a point of sending short notes praising articles he admired, especially those written by people in obscure or small institutions. "They seldom get fan mail," he explained.

Wildavsky twice addressed the Political Economy Research Center's annual conference for journalists. The second time I drove him to the airport, and he asked me to stop at Bozeman's Salvation Army store. He had a standing bet with a friend that he could stop in a thrift store in any town in America and within twenty minutes find a better version of something he already owned. That day, he found a good-quality windbreaker. He never rested in his quest to obtain facts, hypothesize, and test out his understanding of American society.

Death, via cancer, caught up with him at age 63. —JSS

Medianotes

Good signals — Once in a great while I pick up the Washington *Post* and find evidence that the world is slowly, grudgingly moving in the right direction. Take the issue of Saturday, September 18. There were four stories above the fold on the front page: "U.S. Foreign Aid Overhaul Urged"; "Competition Prescribed for the VA [Hospitals]"; "Rebirth in New York/Neighborhoods Growing Again in the City Where New Immigrants Are Planting Roots"; and, most delightfully, "Russia's Irrelevant Chaos/A Splintered Government Spins Its Wheels — But Does It Matter?" —DB

Being there — In the slow news period after last year's elections, news organizations sent camera crews to Somalia, who then sent back video images of starving children. It was good television: powerful images that evoked strong reactions from viewers. The images pulled American heartstrings, the newsmen reported (accurately) that relief of starvation was made difficult if not impossible by the civil war in which Somalia was engulfed, and it seemed only natural that the U.S. would send in the Marines to distribute food.

Nine months later, another video image reversed public sentiment: the image of an American soldier's corpse being dragged through the streets of Mogadishu and treated disrespectfully by local citizens. Suddenly, the cry was heard from coast to coast: Why are we in Somalia anyway? Senators who had supported the invasion and occupation suddenly favored exit, and even the president was forced by pubic opinion to promise a pullout of all forces within six months.

It was television that got the U.S. into Somalia, and it is television that is getting us out. The state of public discussion has got to the point where thinking and analysis are irrelevant. The image beamed from a camera to a satellite to a transmitter to our living room establishes policy, moves armies across borders, and brings periods of peace. Thirty years ago, Marshall McLuhan was proclaimed a profound guru for declaring that television is a "cool" medium, in contrast to "hot" radio. I never knew what he meant by this, but one thing seems plain: television does not stimulate cool reasoning.

How will the world fare with the boob tube in power? Don't touch that dial. —RWB

Restoring hope — On August 8, 1993, Belgium's Radio 1 aired an interview with troops returning from active duty in Somalia. Although their comments say a lot about the U.N.'s operation, so far the only remotely prominent American journalist to report on the program is leftist writer Alexander Cockburn.

The troops reported throwing food to Somalis — "At the beginning we did it because we wanted to give them something to eat. But towards the end, we threw it to them to be able to hit them as well. It was, like, you want to give, but they must also suffer if they want to get something." Sometimes troops would punch Somalis, knock them down, even start kicking their heads. "There were guys who were just so stressed out, that they just had to hit to get it out of their system. . . . It's possible that [some Somalis] were beaten to death, they're not talking about it. You know, if someone had been killed, you just left them there. All you thought about was all the red tape it would cause."

Somalis were shot to death, too. "If you saw someone with a weapon, or you went into a home and they had a weapon, or if they were shooting at each other and you were caught in the crossfire, these were all situations that we experienced, then we just decided to shoot, even if it wasn't strictly self-defense."

But the soldiers still showed some caution. "At the beginning, the guy who shot at the first Somali, that night, on the roof, he had to spend the whole afternoon filling in forms. And they had to be signed by this one and that one

and the army auditor was there. So we learned a lot from that first lesson. When you kill one, it's better to keep it quiet." —JW

Economics on the air — National Public Radio reports that the Yugoslav government, whoever that is, has just issued a 500 million dinar note "in an attempt to deal with the country's roaring inflation." Apparently, no matter how much money they print, prices just keep rising.

Meanwhile, NPR also tells us that inflation is now "1,896 percent a month." I'd like to see the complex econometric model that came up with that number in a scarcity-ravaged, still-communist war economy. Maybe it's about 2,000 percent — who knows? But accurate to the fourth significant digit? Give me a break. —DB

Tea and stupidity — Larry King has stated that it is "technically" unpatriotic for the wealthy to use deductions and loopholes to lower their taxes. This strikes me as the most irrational pronouncement by a Washington journalist since a reporter for NPR compared Simi Valley, California, where a mixed race jury aquitted the L.A. police officers to Selma, Alabama in the 1960s. Resistance to taxes by the use of deductions and loopholes or even outright cheating is as American as pickup trucks and college football on a Saturday afternoon. It is as patriotic as saluting the flag — maybe more. This country desperately needs more people spending more of their money as they see fit and sending less of it to Washington.

King, last seen drooling over Ross Perot, is one of the most inane voices coming from the capital. To paraphrase Mary McCarthy, everything he says is stupid, even "and" and "the." —CS

The revolution of everyday life — The Washington *Post* reports that, during the internecine squabbles amongst Russian governing class of late, a few blocks away from the fighting at the parliament building, life for Muscovites was going on as normal. This seemed unusual enough for our government-obsessed mavens at the *Post* to be worthy of a front-page story. But what do these state-besotted jokers expect? That during these squabbles, no one would leave their house, eat, go to work, entertain themselves, go for walks, or do those myriad other activities that make up life as people actually live it — just because they didn't know "who was in charge"?

The media — particularly the *Post* — try to inculcate a false sense that what goes on among the professional bandit classes is somehow all that is news, all that defines what is happening in the world. My friend Shawn found herself in Guatemala this summer during their coup contretemps. I was following the story in the *Post*, and of course they made it seem as though the country was plunged into chaos because of the confusion over "who was in charge." I got a letter from Shawn and was delighted to discover that, were it not for the censored blocks in the newspapers she read, she would have had no idea from the texture and activities of day-to-day life that anything unusual was happening in Guatemala. And if she hadn't been a newspaper reader, she would have had no idea at all.

When papers wonder why they steadily lose circulation and reader interest, perhaps they should contemplate that the great bulk of what they report has to do with what government officials say and — occasionally — do. Government and politics, thank God, are not life.

This simple fact is news to the Washington *Post*. —BD

Blame it on Reno — Within hours of Janet Reno's preposterous threat to television producers that they had better get the violence out of their programming, else she will impose further regulation, three of *Liberty*'s editors had written *Reflections* observing the absurdity of such moral indignation coming from the person who had ordered the assault near Waco that killed 85 Americans, including 15 innocent children. Happily, I was saved from the dilemma of choosing which to run when Conan O'Brien made substantially the same observation on his later-night television show. I mean, we can't rerun jokes from television, can we?

The most remarkable aspect of Janet Reno's unveiled threat

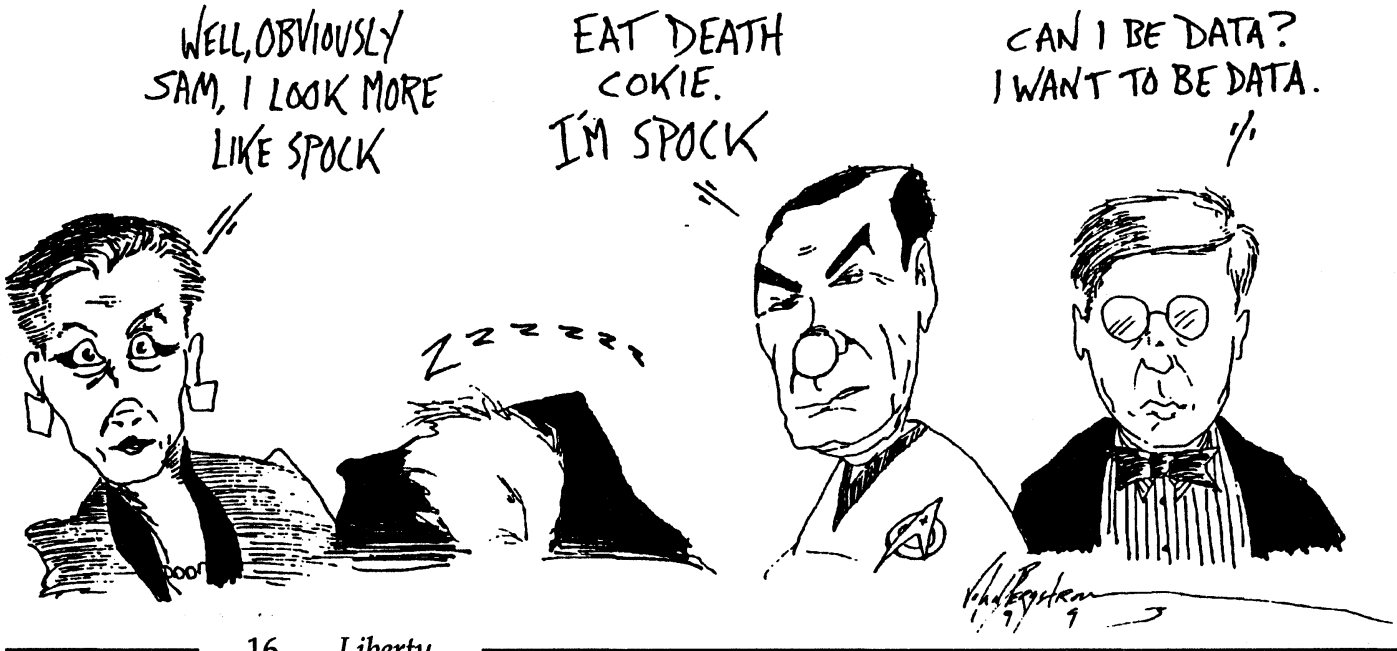

to broadcasters' first amendment rights was the entertainment industry's reaction. Barely more than a year ago, when J. Danforth Quayle suggested that perhaps part of the explanation for the explosion of illegitimate births was the example of Murphy Brown, an articulate, intelligent, mature, very successful role-model on a television program, the Hollywood establishment responded as if he (a) had gone nuts, i.e., was not able to comprehend that Murphy Brown is a fictional character; and (b) was opening a new round of censorship.

But when Janet Reno makes an explicit threat to institute censorship, how does Hollywood respond? Not so much as a peep. —RWB

Right at the Post — It was good news in early October that publishing tycoon Rupert Murdoch succeeded in breaking the unions and salvaging the New York *Post*. Not that the *Post* is or is likely ever to become a quality paper, but at least a few free-market columnists will have an outlet in what is still the country's biggest market. Particularly welcome is

continued on page 30

Elections '93 Roundup

Election Day 1993 has come and gone, and the votes have been tabulated and announced. On the positive side, voters in Washington enacted spending limits, voters in Maine and New York enacted term limits, voters in Montana prohibited flouridation of public water supplies, and voters in Texas passed a constitutional amendment requiring ballot approval of any income tax and limited any future income tax to property tax relief.

On the negative side, voters in Washington rejected the repeal of several new taxes, voters in California rejected school choice, and voters in several states approved new borrowing or new taxes to build more prisons or parks.

American voters were in an angry mood, turning out an incumbent mayor in New York and an incumbent governor in New Jersey, and choosing a Republican in Virginia. And, as usual, there were some very significant ballot measures.

Probably the most significant partisan election was Christine Whitman's victory in New Jersey. After his election in 1989, Governor James Florio was widely celebrated as a "new" kind of Democrat, one who could articulate and implement the left-liberal agenda of higher taxes and more spending without everyone hating him. In 1990, Florio rammed a huge tax increase through the state legislature. Almost immediately, his popularity plumeted, and in 1990 he was so widely hated that New Jersey voters nearly unseated popular airhead Senator Bill Bradley, and in 1991 elected huge majorities of Republicans to both houses of the legislature.

Though voters were beginning to forget how much they hated Florio as the campaign began, Florio looked like a sure loser. But thanks to a highly skilled campaign orchestrated by Clinton campaign manager James Carville, Florio did the impossible: he pulled ahead in the polls. Carville chose a strategy of misdirection. Like a magician who maneuvers your attention to the wand in his right hand while he is palming the coin in his left, Carville focused on the issue of gun control, trying to exploit the fact that Christine Whitman had once said a few kind words about the second amendment. Having gotten the voters' attention off taxes, he began personal attacks on Christine Whitman.

For a while, Florio pulled ahead in the polls and it looked like this legerdemain might work. But in the last few days before the election, people began to remember the $2,800,000,000 in tax increases with which Florio had blessed them, and the consequent job losses. Whitman began to gain in the polls a few days before the election, and won by a modest margin of 3%.

In Virginia, Democratic candidate Mary Sue Terry began the race with a huge lead, which she managed to fritter away in perhaps the most idiotically managed political campaign in memory. She shifted quickly from one campaign theme to another, leaving voters convinced that she had no beliefs at all. In a vain attempt to gain votes by raising the gun issue that had helped Florio rise in the polls, she came out strongly in favor of a mandatory five-day waiting period for handgun purchases and attacked her opponent George Allen's support for the right to own guns. Unfortunately, for years prior to this she had been a consistent opponent of waiting periods, had denounced mandatory waiting periods as recently as January, and had long enjoyed the support of the National Rifle Association. Instead of gaining support, this flip-flop left voters more convinced than ever that she was a political prostitute.

Her campaign blundered again when it urged voters to reject Republican Allen because Michael Farris, the Republican candidate for lieutenant governor, was a born-again Christian, who thus might try to impose Pat Robertson's or Jerry Falwell's social agenda. In fact, Allen had avoided injecting his religious beliefs into the campaign, instead advocating a more-or-less conventional conservatism. What's more, Terry's charges offended many Virginia voters, particularly those who found it just as pernicious to attack a candidate for being a born-again Christian in 1993 as it was in 1960 to attack a candidate for being a Catholic or a Jew — not to mention the substantial number (34%) of Virginia voters who are themselves born-again Christians.

Those who value individual liberty could find little attractive in either major candidate for mayor of New York. David Dinkins is a typical big-city Democrat, i.e., one whose immediate response to any problem is to raise taxes, increase spending on favorite constituencies, and regulate the hell out of any enterprise foolish enough to try to stay in business. His Republican opponent, also endorsed by the Liberal Party, was Rudolph Giuliani, whose major qualification for the position was his record as a crime-fighting federal prosecutor.

Unhappily, his idea of prosecution is to trample the Bill of Rights, suborn perjury, and get a conviction at any price. His stated beliefs were hardly different from Dinkins' on most other issues. Happily, there was a Libertarian candidate on the ballot. Unhappily, his campaign was underfunded and never really got off the ground.

Long before election day, it was apparent that big spending by teachers' unions in California had succeeded in undermining support for school choice, and the final tally was an absolute rout, with over 70% of voters turning thumbs down.

In Washington, there were two complicated tax limitation initiatives were on the ballot. Proposition 601 limited future state government spending increases to inflation and population growth and Proposition 602 repealed the tax increases imposed by the state legislature this year. These measures were perceived as serious threats to customary tax-and-spend politicians and state employees. The campaign against them included some really humorous moments, including a promise from free-spending left-liberal governor Mike Lowry that he would cut spending to the bone if the voters would only reject the measures on the ballot. State employees coughed up more than a million dollars to finance an extraordinary barrage of radio and television commercials, distinguished by their absolute mendacity. The focus of the ads was 602, presumably since it was a more immediate threat. Time and time again, voters were told that passing 602 would "give our money to the tobacco and alcohol companies." (What it would actually do is eliminate the increased taxes extracted from people who purchase alcohol or tobacco.)

It appears that the highest official elected solely on a Libertarian Party ticket is still polygamist cult leader Alex Joseph, mayor of Big Water, Utah (pop. 328).

The campaign managed to get Washington's traditionally somnambulant voters to reject 602, but 601 passed by a small margin. Which suggests a strategy for those who campaign for ballot initiatives that patently offend government employees. Put two measures on the ballot, on the theory that the special interests focus on the more draconian and the more moderate one will slip in. Perhaps the advocates of school choice in California should have put an "end-funding-for-schools" measure on the ballot this time.

The California school voucher measure and the Washington tax-rollback were not the only disappointments for libertarians. Ohio and Pennsylvania voters authorized borrowing $200 million and $50 million respectively to buy parks and "preserve natural resources." Texas voters authorized borrowing $1 billion to build prisons and mental health and mental retardation facilities. Whether this illustrates cultural difference between Texans and Midwesterners or simply that people prefer prisons to parks, I am not sure. California voted an increase in sales tax to pay for more law enforcement, and voters in Washington voted to mandate life imprisonment with no parole for those convicted three times of such serious felonies as getting in barroom fights. And in San Francisco, voters narrowly passed the resolution, "it shall be the policy of the people of San Francisco to allow Police Officer Bob Geary to decide when he may use his puppet Brendan O'Smarty while on duty."

The Libertarian Party could list five victories in the elections. In Birmingham, Dr Jimmy Blake, chairperson of the Alabama LP, was elected to City Council with 55.5% of the vote. In Woodstock, N.Y., Rebecca Wilber was elected to Town Council, and two Libertarians were elected as Inspector of Elections and one Judge of Election in Pennsylvania.

Blake's victory came in a nonpartisan election, but the main issue in the campaign was his membership in the LP. He was repeatedly forced to defend the more fragrant portions of the LP platform (e.g., explain that he supported legalizing prostitution, not favor prostitution itself). Happily, Jimmy Blake is an extraordinarily personable man, well-known and liked in the community, so the attempt to paint him a prostitute-loving, child-molesting drug user failed to work.

Wilber was actually a candidate on the LP ticket, but got most of her votes as a Republican. It appears that the highest official elected solely on an LP ticket is still polygamist cult leader Alex Joseph, mayor of Big Water, Utah (pop. 328).

Probably the best showing by a candidate in a three-way race solely on the LP ticket was the 12% showing by Richard Sincere, who ran an aggressive campaign for the Virginia House of Delegates. In New York City, Joseph Brennan got 2,425 (about 0.14%) votes to show for his active but underfinanced campaign for mayor, an improvement of about 1/3 over the LP nominee in 1989. Vicki Kirkland and Bob Faulk each got over 5,000 votes in their races for the less-hotly-contested positions of Comptroller and Public Advocate.

In Canada's national election on October 25, the Libertarian Party fielded candidates in 52 ridings, garnering a total of 13,487 votes, down from 88 candidates and over 33,000 votes in the 1988 federal elections, leaving them only two seats behind the Progressive Conservatives in their struggle to become Canada's fifth party. This was the first election contested under "C-114," the infamous amendment to the Federal Elections Act which requires that all parties field at least 50 candidates or else be legally disbanded and have their assets seized by the government. The measure also quintupled filing fees to $1,000 and quadrupled signature requirements on petitions to 100. Eleven national political parties were outlawed and their assets seized under the measure. Among them were the Social Credit Party, which had seats in Parliament from 1935 to 1980 and was the majority party in British Columbia for all but 4 of the past 40 years; the Confederation of Regions, the official opposition party in New Brunswick; and the Communist Party. (Ironically, the CP, which advocates government expropriation, is suing to prevent the expropriation of its assets.)

George Dance, head of the CLP, attributed the decline in the party's vote totals to the spectacular rise of the quasi-libertarian Reform Party and the presence on the ballot of so many other fringe parties, which generally fielded more candidates than before, thanks to C-114, thereby splitting the protest vote. The Canadian LP has some 3,000 members, giving it about triple the per capita membership of the U.S. Libertarian Party. —CAA

Correspondence

First They Came for the Fascists ...

by Gerry Spence

When the government murders a man's wife and son, then puts him on trial, an injustice has occurred. If no one speaks up for the man's rights because of the man's unpopular political beliefs, injustice is compounded.

Randy Weaver's wife was dead, shot through the head while she clutched her child to her breast. His son was shot, twice. First they shot the child's arm — probably destroyed the arm. The child cried out. Then, as the boy was running, they shot him in the back. Randy Weaver himself had been shot and wounded, and Kevin Harris, a kid the Weavers had all but adopted, was dying of a chest wound. The blood hadn't cooled on Ruby Hill before the national media announced that I had taken the defense of Randy Weaver. Then all hell broke loose. My sister wrote me decrying my defense of this "racist." There were letters to the editors in several papers that expressed their disappointment that I would lend my services to a person with Weaver's beliefs. And I received a letter from my close friend, Alan Hirschfield, the former chairman and chief executive officer of Columbia Pictures and Twentieth Century Fox, imploring me to withdraw. He wrote:

After much thought I decided to write this letter to you. It represents a very profound concern on my part regarding your decision to represent Randy Weaver. While I applaud and fully understand your motives in taking such a case, I nonetheless find this individual defense troubling. It is so because of the respectability and credibility your involvement imparts to a cause which I find despicable.

The Aryan Nation, The Brotherhood, and the Order are all groups dedicated to only one premise — hatred of the unlike by the like. They deny the Holocaust and preach the gospel of ethnic debasement and racist supremacy. They are societal malcontents and misfits who espouse nothing worthwhile. It is the beliefs of these groups that Mr Weaver represents.

Mr Hirschfield went on to argue that my involvement would lend dignity to an illicit and repugnant movement:

This is not Huey Newton and the Black Panthers fighting 200 years of prejudice and second-class citizenship nor even the PLO seeking a homeland by terrorist method. While I abhor terrorism of any kind I do understand its politics. Not so with the philosophy of the groups Mr Weaver stands for.

The issues involved are reminiscent of the recent national uproar over the Warner Brothers recording made by the rap singer Ice T which advocated killing cops. Other tracks on the CD were virulently anti-Semitic and homophobic. The right of Ice T to publicly record these songs was not the issue. What was troublesome to myself and others was the role of Warner Bros. in disseminating his message in the name of preserving their "creative integrity." I gave an interview on this subject and suggested that at least in business there was a line to be drawn between unbridled creative freedom and corporate responsibility. In Warner's case they could have cho-

sen not to distribute this record (it still would have found a distributor); instead they trumpeted the creative freedom argument and by lending their world-renowned prestige to the issue they imparted to Ice T and his message a legitimacy wholly undeserved and in doing so made the recording a national hit in contrast to his previous mediocre results.

My premise, therefore, is not the right of Weaver or anyone else to the best possible defense but rather the message sent when the finest trial lawyer in America undertakes that defense, simply to make that point. The message, I believe, will embolden those espousing the cause Weaver represents and encourage other mindless haters to join up. The resultant media attention will provide a platform previously never enjoyed by those people.

I clearly know this is not your intent in defending Mr Weaver but I believe . . . there is a time when a person of your extraordinary talent and commitment, and knowing full well the notoriety that comes with your representation, perhaps demurs, rather than allow legitimacy and notoriety to a sick and twisted philosophy.

As you know, I am not a religious person . . . but I am keenly conscious of my heritage and the endless persecution Jews throughout the world have suffered. There is in my mind no worse group of people than those involved here who espouse both hatred and violence against blacks and other minorities without purpose other than hatred itself. They don't need a homeland, they don't propose alternatives, and they don't want a solution other than the one Hitler sought. As a result of your involvement these same people will be given a greatly expanded voice at this trial.

It is because of this that I write and ask you to reconsider your decision to involve yourself in this case. I do so out of total respect and personal affection for you. And, of course, whatever your decision you will always have the same respect and that same affection from me.

Your friend,
Alan J. Hirschfield

There are no worse people than those who espouse both hatred and violence against blacks and other minorities without purpose other than hatred itself. As a result of your involvement these same people will be given a greatly expanded voice at this trial.

The next day I delivered the following by carrier to Mr Hirschfield:

I cherish your letter. It reminds me once again of our friendship, for only friends can speak and hear each other in matters so deeply a part of the soul. And your letter reminds me as well, as we all must be reminded, of the unspeakable pain every Jew has suffered from the horrors of the Holocaust. No better evidence of our friendship could be shown than your intense caring concerning what I do and what I stand for.

I met Randy Weaver in jail on the evening of his surrender. His eyes had no light in them. He was unshaven and dirty. He was naked except for yellow plastic prison coveralls, and he was cold. His small feet were clad in rubber prison sandals. In the stark setting of the prison conference room he seemed diminutive and fragile. He had spent eleven days in a standoff against the government, and he had lost. His wife was dead. His son was dead. His friend was near death. Weaver himself had been wounded. He had lost his freedom. He had lost it all. And now he stood face to face with a stranger who towered over him and whose words were not words of comfort. When I spoke, you, Alan, were on my mind.

"My name is Gerry Spence," I began. "I'm the lawyer you've been told about. Before we begin to talk I want you to understand that I do not share any of your political or religious beliefs. Many of my dearest friends are Jews. My daughter is married to a Jew. My sister is married to a black man. She has adopted a black child. I deplore what the Nazis stood for. If I defend you I will not defend your political beliefs or your religious beliefs, but your rights as an American citizen to a fair trial." His quiet answer was, "That is all I ask." Then I motioned him to a red plastic chair and I took a similar one. And as the guards marched by and from time to time peered in, he told his story.

Alan, you are a good and fair man. That I know. Were it otherwise we would not be such good friends. Yet it is your pain I hear most clearly — exacerbated, I know, by the fact that your friend should represent your enemy. Yet what drew me to this case was my own pain. Let me tell you the facts.

Randy Weaver's principal crime against the government had been his failure to appear in court on a charge of possessing illegal firearms. The first crime was not his. He had been entrapped — intentionally, systematically, patiently, purposely entrapped — by a federal agent who solicited him to cut off, contrary to federal law, the barrels of a couple of shotguns. Randy Weaver never owned an illegal weapon in his life. He was not engaged in the manufacture of illegal weapons. The idea of selling illegal weapons had never entered his mind until the government agent suggested it and encouraged him to act illegally. The government knew he needed the money. He is as poor as an empty cupboard. He had three daughters, a son, and a wife to support. He lived in a small house in the woods without electricity or running water. Although he is a small, frail man, with tiny, delicate hands who probably weighs no more than a hundred twenty pounds, he made an honest living by chopping firewood and by seasonal work as a logger.

This man is wrong. His beliefs are wrong. His relationship to mankind is wrong. He was perhaps legally wrong when he failed to appear and defend himself in court. But the first wrong was not his. Nor was the first wrong the government's. The first wrong was ours.

In this country we embrace the myth that we are still a democracy when we know that we are not a democracy, that we are not free, that the government does not serve us but subjugates us. Although we give lip service to the notion of freedom, we know the government is no longer the servant of the people but, at last, has become the people's master. We have stood by like timid sheep while the wolf killed — first the weak, then the strays, then those on the outer edges of the flock, until at last the whole flock belonged to the wolf. We did not care much about the weak or about the strays. They were not a part of the flock. We did not care much about

those on the edges. They had chosen to be there. But as the wolf worked its way toward the center of the flock we discovered that we were now on the outer edges. Now we must look the wolf squarely in the eye. That we did not do so when the first of us was ripped and torn and eaten was the first wrong. It was our wrong.

That none of us have felt responsible for having lost our freedom has been a part of an insidious progression. In the beginning the attention of the flock was directed not to the marauding wolf but to our own deviant members within the flock. We rejoiced when the wolf destroyed them, for they were our enemies. We were told that the weak lay under the rocks while we faced the blizzards to rustle our food, and we did not care when the wolf took them. We argued that they deserved it. When one of our flock faced the wolf alone it was always eaten. Each of us was afraid of the wolf, but as a flock we were not afraid. Indeed, the wolf helped us by destroying the weak and dismembering the aberrant element within. As time went by, strangely the herd felt more secure under the rule of the wolf. It believed that by belonging to this wolf it would remain safe from all the other wolves. But we were eaten just the same.

No one knows better than the children of the Holocaust how the lessons of history must never be forgotten. Yet Americans, whose battle cry was once "Give me liberty or give me death," have sat placidly by as a new king was crowned. In America a new king was crowned by the shrug of our shoulders when our neighbors were wrongfully seized. A new king was crowned when we capitulated to a régime that was no longer sensitive to people but to non-people — to corporations, to money, and to power. The new king was crowned when we turned our heads as the poor and the forgotten and the damned were rendered mute and defenseless, not because they were evil but because in the scheme of our lives, they seemed unimportant, not because they were essentially dangerous but because they were essentially powerless. The new king was crowned when we cheered the government on as it prosecuted the progeny of our ghettos and filled our prisons with black men whose first crime was that they were born in the ghettos. We cheered the new king on as it diluted our right to be secure in our homes against unlawful searches and secure in the courts against unlawful evidence. We cheered the new king on because we were told that our sacred rights were but "loopholes" by which our enemies, the murderers and rapists and thieves and drug dealers, escaped. We were told that those who fought for their rights, the lawyers, were worse than the thieves who stole from us in the night, that our juries were irresponsible and ignorant and ought not be trusted. We watched with barely more than a mumble as the legal system that once protected us became populated with judges who were appointed by the new king. At last the new king was crowned when we forgot the lessons of history, that *when the rights of our enemies have been wrested from them, our own rights have been lost as well, for the same rights serve both citizen and criminal.*

The government agents shot the child in the arm. He turned and ran, the arm flopping, and when he did the officers, still unidentified as such, shot the child in the back and killed him.

When Randy Weaver failed to appear in court because he had lost his trust in the government, we witnessed the fruits of our crime. The government, indeed, had no intent to protect his rights. The government had but one purpose as it remains today, the disengagement of this citizen from society. Those who suffered and died in the Holocaust must have exquisitely understood such illicit motivations of power.

Vicki was shot and slowly fell to her knees, her head resting on the floor like one kneeling in prayer. Randy ran up and took the baby that she clutched, and then he lifted his wife's head. Half of her face was blown away.

I have said that I was attracted to the case out of my own pain. Let me tell you the facts: A crack team of trained government marksmen sneaked onto Randy Weaver's small isolated acreage on a reconnaissance mission preparatory to a contemplated arrest. They gave Randy no warning of their coming. They came without a warrant. They never identified themselves.

The Weavers owned three dogs, two small crossbred collie mutts and a yellow lab, a big pup a little over a year old whose most potent weapon was his tail with which he could beat a full-grown man to death. The dog, Striker, was a close member of the Weaver family. Not only was he a companion for the children, but in the winter he pulled the family sled to haul their water supply from the spring below. When the dogs discovered the intruders, they raised a ruckus, and Randy, his friend Kevin, and Randy's 14-year-old son Sam grabbed their guns and followed the dogs to investigate.

When the government agents were confronted with the barking dog, they did what men who have been taught to kill do. They shot Striker. The boy, barely larger than a ten-year-old child, heard his dog's yelp, saw the dog fall, and, as a 14-year-old might, he returned the fire. Then the government agents shot the child in the arm. He turned and ran, the arm flopping, and when he did the officers, still unidentified as such, shot the child in the back and killed him.

Kevin Harris witnessed the shooting of the dog. Then he saw Sam being shot as he turned around and ran. To Kevin there was no alternative. He knew if he ran these three intruders, whoever they were, would kill him as well. In defense of himself, he raised his rifle and shot in the direction of the officer who had killed the boy. Then, while the officers were in disarray, Kevin retreated to the Weaver cabin.

In the meantime, Randy Weaver had been off in another direction and only heard the shooting, the dog's yelp, and the gunfire that followed. Randy hollered for his son and shot his shotgun in the air to attract the boy.

"Come on home, Sam. Come home."

Over and over he called.

Finally he heard the boy call back: "I'm comin', Dad." Those were the last words he ever heard from his son.

Later that same day Randy, Kevin, and Vicki Weaver, Randy's wife, went down to where the boy lay and carried his body back to an outbuilding near their cabin. There they removed the child's clothing and bathed his wounds and prepared the body. The next evening, Weaver's oldest daughter, Sarah, 16, Kevin and Randy went back to the shed to have a last look at Sam. When they did, the government snipers opened fire. Randy was hit in the shoulder. The three turned and ran for the house where Vicki, with her ten-month-old baby in her arms, stood holding the door open. As the three entered the house Vicki was shot and slowly fell to her knees, her head resting on the floor like one kneeling in prayer. Randy ran up and took the baby that she clutched, and then he lifted his wife's head. Half of her face was blown away.

Kevin was also hit. Huge areas of muscle in his arm had been blown out, and his lung was punctured in several places. Randy and his 16-year-old daughter stretched the dead mother on the floor of the cabin and covered her with a blanket where she remained for over eight days as the siege progressed.

By this time there were officers by the score, troops, armored personnel carriers, helicopters, radios, televisions, robots, and untold armaments surrounding the house. I will not burden you with the misery and the horror the family suffered in the standoff. I will tell you that finally Bo Gritz, Randy's former commander in the Special Forces, came to help in the negotiations. Gritz told Randy that if he would surrender, Gritz would guarantee him a fair trial, and before the negotiations came to an end, Randy came to the belief that I would represent him. Although Gritz had contacted me before he spoke to Randy, I had only agreed to talk to Randy. But the accuracy of what was said between Gritz and me and what was heard by Randy somehow got lost in the horror, and Randy's belief that I would represent him if he surrendered was, in part, his motivation for finally submitting to arrest.

My defense of Randy Weaver is a defense of every Jew and every gentile, for every black and every gay who loves freedom and deplores tyranny.

And so my friend, Alan, you can now understand the pain I feel in this case. It is the pain that comes from the realization that we have permitted a government to act in our name and on our behalf in a criminal fashion. It is the pain of watching the government as it now attempts to lie about its complicity in this affair and to cover its crimes by charging Randy with crimes he did not commit, including murder. It is the pain of seeing an innocent woman with her child in her arms murdered and innocent children subjected to these atrocities. Indeed, as a human being, I feel Randy's irrepressible pain and horror and grief.

I also feel your pain, my friend. Yet I also know that in the end, if you were the judge at the trial of Adolph Eichmann, you would have insisted that he not have ordinary counsel, but the best counsel. In the same way, if you were the judge in Randy's case, and you had the choice, I have no doubt that despite your own pain you might well have appointed me to defend him. In the end you would know that the Holocaust must never stand for part justice, or average justice, but for that most notable of ideals — that even the enemies of the Jews themselves must receive the best justice the system can provide. If it were otherwise, the meaning of the Holocaust would be accordingly besmirched.

Alan, I agree with your arguments. They are proper and they are true. I agree that my defense of Randy Weaver may attach a legitimacy and a dignity to his politics and religion. But it may, as well, stand for the proposition that there are those who do not condone this kind of criminal action by our government. I view the defense of Randy Weaver's case as an opportunity to address a more vital issue, one that transcends a white separatist movement or notions of the supremacy of one race over another, for the ultimate enemy of any people is not the angry hate groups that fester within, but a government itself that has lost its respect for the individual. The ultimate enemy of democracy is not the drug dealer or the crooked politician or the crazed skinhead. The ultimate enemy is the New King that has become so powerful it can murder its own citizens with impunity.

To the same extent that Randy Weaver cannot find justice in this country we, too, will soon be deprived of justice. At last, my defense of Randy Weaver is a defense of every Jew and every gentile, for every black and every gay who loves freedom and deplores tyranny.

Although I understand that it will be easy for my defense of Randy Weaver to be confused with an endorsement of the politics of the Aryan Nation, my challenge will be to demonstrate that we can still be a nation where the rights of the individual, despite his race, color, or religion, remain supreme. If this be not so, it is because we have forgotten the lessons of our histories — the history of the American Revolution as well as the history of the Holocaust.

And so my friend, Alan, if I were to withdraw from the defense of Randy Weaver as you request, I would be required to abandon my belief that this system has any remaining virtue. I would be more at fault than the federal government that has murdered these people, for I have not been trained to murder but to defend. I would be less of a man than my client who had the courage of his convictions. I would lose all respect for myself. I would be unable to any longer be your friend, for friendship must always have its foundation in respect. Therefore as my friend, I ask that you not require this of me. I ask, instead, for your prayers, your understanding, and your continued love.

As ever,
Gerry Spence

♦

Excerpted with permission from *From Freedom to Slavery: The Rebirth of Tyranny in America*, St. Martin's Press, 1993.

Midnight in Moscow

by Ross Overbeek

A lot has changed in Moscow in the past year. There are supermarkets, restaurants, espresso bars, and a new entrepreneurial class. And, oh yes, people are being killed in the streets.

It was a few minutes after midnight when Maxim and I entered the coffeeshop just off Smolenskaya Park in Moscow. A year ago, it was impossible to find a coffeeshop in Moscow. Now, espresso is a dollar a cup — about what I'd pay in Naperville, Illinois.

During the six days I had been in Moscow working with Russian colleagues on a number of computer programming problems, Moscow had been gripped by a crisis. Four days before I arrived, the elected president, Boris Yeltsin, had dissolved the legislature and called for new elections. Alexander Rutskoi, the vice president, had responded by declaring himself the legitimate president of Russia. His party of mostly old-line communists had refused to leave the White House, the building in which the legislature met. There ensued a sort of standoff: Yeltsin's opposition occupied the White House, surrounded by police and soldiers, believed to be loyal to Yeltsin, along with a crowd of demonstrators opposed to Yeltsin's rule.

Maxim and I had been working on a problem in database technology all day and it was definitely time to relax. "I really don't think too much about these events," he was saying. "It's insignificant compared to what's really happening."

Earlier, he had led me into a grungy building in a nondescript part of town and taken me up a tiny, creaky elevator. We wandered down a hallway with a huge hole in the ceiling, went through an enormous door with two large locks, and passed several armed guards before emerging into a modern office complex, where young, alert-looking people were doing state-of-the-art work on the latest computer equipment.

The associate director was running Windows/NT, a system not yet widely available in the U.S. He told me his company was seeking Internet access. I gave him the computer science books I had brought from America, expecting to have to accept some form of payment in kind, as barter had been the order of the day during my previous visit. But he opened his wallet and counted out seven $50 bills, American money, to pay me for the books.

Back in the coffeeshop, Maxim was reminiscing. "I studied Bettelheim, back before *perestroika*. I began to understand what happened to concentration camp inmates when they were liberated. A lot of them couldn't handle freedom; they wanted to go back to the routine of camp life. Freedom *hurts too much.*"

The middle-aged Muscovite had grown up under Communism, but he didn't seem like an ex-inmate to me.

"It could have happened here," he said. "I thought it might. But it didn't. It isn't."

Less than ten hours later, I was at the White House. The police, heavily armed with automatic weapons, ringed the building. It was about 9:30 a.m. and the crowd of pro-parliament demonstrators consisted of only a few hundred heads; they didn't seem like the sort of people with whom I might strike up a conversation. Nothing much seemed to be happening, and I left after about 45 minutes. Less than 24 hours later, the anti-Yeltsin forces attempted a takeover of Moscow's television station, and the situation at the White House turned violent, as Russian troops expelled its occupants, and the hotel where I was staying was shut down because of sniper fire.

♦

The availability of espresso and of

dollars to pay for American computer science books weren't the only changes that had occurred since my last visit to Moscow, one year ago. Progress there has been amazing. New businesses were springing up all over Moscow — not just coffeeshops, but restaurants, supermarkets, and more.

Today, there are western-style supermarkets offering a wide variety of good quality food, much of it imported, even fresh produce. I attended a banquet held for a scientific institute at which the food was superb, equal to anything available in the West. I later learned that the banquet had been catered by a local farmer and paid for in dollars.

The hotel at which I stayed was reasonably priced, but unusually run. You don't rent rooms from the hotel, but from entrepreneurs who have leased entire floors. I got a room from a British outfit called Clambays, which leases two floors of the Belgrade hotel, and runs them as a separate enterprise, independent of the rest of the building.

The banks, alas, are still tied up in red tape. It remains common for them to hold transferred money for weeks, even months, before releasing it. That makes even so basic a matter as paying salaries quite difficult.

Private-sector salaries were zooming upwards; the scientists I was working with were seeing increases by a factor of about 35. Price controls were gone, and with government intervention still limiting supplies, prices were going through the roof. People in the private sector were generally unhurt, but wage-controlled public employees were feeling a real squeeze. At the same time, where free markets were allowed to function, some prices were *falling*. IBM-PCs, a year ago 40% more in Russia than America, had dropped to the price levels that prevail in the West.

The biggest contrast is between the rouble economy and the dollar economy. There is ample food available for those with dollars — but not everyone, certainly not government workers, have dollars to spare. When subsidies are reduced to the point where rouble-users cannot afford their daily meals, something will have to give. Sooner or later they are going to have to produce something, have to earn their way, have to stop being dependent on a government that can no longer afford to subsidize them.

The police, heavily armed with automatic weapons, ringed the White House. It was about 9:30 a.m. and the crowd of pro-parliament demonstrators consisted of only a few hundred people.

The old ruling class of Communist *apparatchiks* has been stripped of many of it powers. This transformation is continuing to this day, and is fraught with danger. Inevitably, the change has brought prosperity to a new class of criminals, though the streets of Moscow are safer than the streets of Chicago. But what is remarkable is that there is also emerging a new class of young entrepreneurs.

♦

Two days later, I was in Pushchino, a little city about 100 kilometers from Moscow. My friend Zhenya and I were returning from a ten-mile hike. On the way into town, a man passed us and tapped Zhenya on the shoulder. "The revolution has started," he said.

The only television channel was showing an old American movie. A newscaster broke in. There was fighting at the White House, and the TV station was under attack. Gaidar appeared, asking people to take to the streets.

Outside, in Pushchino, the townspeople were doing their best to be polite to foreigners while their own futures hung in the balance.

At first, Zhenya was openly de-

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pressed at Yeltsin's failure to move earlier and more aggressively. Later that evening, he seemed to change his mind: "Yeltsin could not have moved earlier. Had he initiated the aggression, world opinion would have condemned him. As it stands, by waiting as long as he has, he can institute whatever actions he wishes — if he can win." *If* he could win — that was asking a lot.

He opened his wallet and counted out seven $50 bills, American money.

Everything would hinge on how the army reacted that night, he continued. By not responding immediately, Yeltsin had turned a threatening situation into a comedy. But in doing so, he had looked weak, and the loyalty of the army might waver.

But the army did remain loyal to Yeltsin, and within two days the president had prevailed. By not immediately responding, Yeltsin had made his opponents look like thugs and criminals. His reward was the sympathy of most Russians and of the foreign powers when he did ultimately crack down on the legislature.

♦

Travel restrictions were imposed after the parliamentary showdown, preventing me from returning from Puschino to Moscow. Instead, I had to go straight to the airport. The drive was weirdly fascinating. Petrol prices were still being held down, so a black market had formed. Gas trucks would just park a few minutes at turnoffs, cars would stop and refill, then everyone would move on. It created traffic problems, and I imagine the regulators didn't care much for it, but it's just people making the most of a bad situation. Russians are adapting. A market is appearing.

Consider the abstract problem of how to move an authoritarian society with a parasitical power structure in a libertarian direction. It is clear that those who hold power will let it go only gradually, and after a long and hard struggle. Once change seems inevitable, the smarter members of the *nomenklatura* will try to gain privileged positions in the freer society, stashing away as much as they can skim off during the transition.

Hence the common Muscovite comment: "If you're rich, you're probably a thief."

An American friend who manages a fairly large Moscow operation told me his approach to business survival: "Take any aid and just offer $100,000 to each bureaucrat you have to deal with, in a prioritized order. Let the money go as far as it will. But make it a condition that, if they take it, they must leave."

There is a lot of bribery, protection money, regulatory harassment, and the like in today's Russia. And it's probably unavoidable. Russia is far, far away from a truly free economy, but matters are improving rapidly.

Less than 24 hours later, the situation at the White House turned violent, and the hotel where I was staying was shut down because of sniper fire.

The existing power structure is breaking down.

The key problems now are avoiding civil war, developing a functioning judicial system, and establishing increased spheres for private property. That's a tall order but I think the one-time Soviets just might pull it off.

If you get the chance, go over to visit Moscow and St. Petersburg. Talk with the people — a surprisingly large number can speak English very well. You'll find new opportunities and extraordinary individuals. You'll see able leaders making unrecognized contributions. You'll discover a nation with a real hope that for all the current troubles, a better tomorrow can still be had.

It's well past midnight now. The dawn is on its way. These are the strange times, the ambiguous times — but things are getting better. ❑

Letters, *continued from page 4*

anyone who dares to challenge state authority. Those cowed by such threats usually evade obvious examples of government brutality by rationalizing the decision-making process that causes the act.

That Lomasky sympathized with Reno's suffering persuades this writer that he is rationalizing the wrong and discounting the innocent victims.

While it seems that the professor is a moral and honest person, his suggestion that those who command the "levers of power" might share these attributes can only mean that he does not understand the nature of the beast.

Dean R. Hyatt
Ontario, Calif.

Now, a Word for Lomasky

Based on eight years in the Navy, three years work on a government contract, and nine years as a government employee, I have to agree with Mr Lomasky's analysis of the Waco disaster. But, as always, R.W. Bradford's article was also thought-provoking. He's right — ineptitude doesn't excuse murder.

Don Kosloff
Perry, Ohio

NPR, Sí!

While I share some of Glenn Garvin's criticisms of NPR, *All Things Considered*, and *Morning Edition* ("How Do I Loathe NPR? Let Me Count the Ways," August 1993), I feel compelled to point out the good in NPR.

For example, commentator Baxter Black, cowboy and former large-animal veterinarian, is closer to literature than news. Red Barber added interesting angles and background information to sports. And I'll never forget Andre Codrescu's commentary on the Clinton inauguration, which,

continued on page 44

Dispute

NAFTA and/or Free Trade

The North American Free Trade Agreement has fallen on hard times — even among advocates of free trade. Here are two *very* different perspectives.

The Greening of Trade

Fred L. Smith, Jr.

James M. Sheehan

NAFTA was once championed as a free trade agreement, and many free traders still support it, believing it a reasonable way to expand trade in a protectionist world. In fact, NAFTA is a *managed* trade agreement that threatens to further regulate three nations already suffering from excessive red tape. NAFTA is a threat to genuine free trade.

President Bush deserves much of the blame for this. It was he who accepted the environmentalists' view that NAFTA required special provisions to manage trade's environmental impact. When Clinton was elected president, the environmental lobbies demanded that these provisions be given enforcement "teeth" — hence, the treaty's infamous side agreements. Not surprisingly, NAFTA is now supported by most major environmentalist groups. They believe it grants them major new powers over global ecological issues. Are they right?

Most free traders believe they are not. Alan Reynolds of the Hudson Institute, Brink Lindsey of the Cato Institute, Ed Hudgins of the Joint Economic Committee (Republican Staff), Wesley Smith of the Heritage Foundation, and even Milton Friedman see these side agreements as mere warts on a good deal — foolish and costly, but largely irrelevant to the larger issue of expanding trade with Mexico.

Yet are the changes so small? After all, economic liberty is possible only in a world of dispersed political power; without any competitive checks, regulatory bodies become ever more totalitarian. Once, federalism disciplined excessive regulation. If California imposed too many restrictions on its economy, firms would move to other states. The onslaught of nationally uniform regulations has largely eliminated this disciplinary effect, leaving industry only one escape hatch — to move overseas. The pro-NAFTA environmentalists' goal is to extend regulation across national borders.

American environmentalists have already begun to extend their transnational influence. The Basel Convention extends the American confusion over the actual risks associated with "hazardous" wastes to world trade, making it far harder for Third World countries to contribute to responsible waste management. The Marine Mammal Protection Act, a domestic U.S. law, was nonetheless used to restrict the tuna trade with Mexico. The Convention on International Trade in Endangered Species has limited Third Worlders' ability to commercialize — and thus, ironically, to preserve — their wildlife; the African elephant is a poignant example. The Rio Earth Summit triggered a flurry of international agreements along the lines of the earlier-enacted Montreal Protocol. All these laws pose serious threats to economic and technological development. But their effect is limited. Most trade remains outside the ambit of environmental challenge.

Before NAFTA, nations were able to restrict trade in a specific good based on the nature of the good itself. On those grounds, environmental and economic protectionists have already created great mischief — the Chilean grape scandal, efforts to ban Latin American beef, European efforts (supported by American activists) to restrict U.S. meat imports. Still, trade law did not seek to regulate production and process methods — the environmental implications of the way goods are produced. "Social and environmental dumping" were concepts alien to traditional trade policy.

Under NAFTA, Canada, the United States, and Mexico are to harmonize their environmental laws, are obligated to enforce their domestic environmental laws, and are discouraged from rationalizing existing environmental laws when such reforms might be perceived as "environmental dumping" — sacrificing the environment for competitive purposes. NAFTA eliminates the distinction between the good and the production method used. Under NAFTA, environmentalists are allowed to scrutinize the environmental practices of Mexico, the U.S., and Canada to ensure that they are not "unfairly subsidizing" their industries with low environmental compliance costs.

How serious a threat are these new implicit powers? One indication is the fact that the Natural Resources Defense Council, the Environmental Defense Fund, the National Wildlife Federation,

the World Wildlife Fund, the National Audubon Society, and Conservation International have all endorsed NAFTA and are fighting for its passage. These organizations have been extremely adroit in the past at exploiting the complexities of ambiguous language and elaborate advisory studies and panels to gain power over the U.S. economy. As an example, consider the creative conversion of the Clean Water Act's "navigable waterways" language into the restrictive "no net loss of wetlands" policy. Note, also, that these groups negotiated and wrote these side agreements — shouldn't we take what they wrote seriously? Finally, remember that these agreements will be implemented by an administration governed in environmental matters by Al Gore and staffed by individuals who, in the words of the Washington *Post*, are "greener than the Jolly Green Giant!"

The pro-NAFTA environmentalists' goal is to extend regulation across national borders.

But enough theory — let us turn to the exact language of NAFTA. The extensive commitments contained therein are enough to make any friend of liberty shudder. Among these new challenges:

- **NAFTA creates new pressures to tighten regulatory enforcement.** As Senator Baucus has pointed out: "NAFTA's side agreements obligate each country to enforce its environmental laws, and they prescribe punishment if enforcement is ineffective" (see, for example, Side Agreement Articles 5 and 24). NAFTA also mandates "appropriate governmental action" to effectively enforce laws, such as on-site inspections, searches and seizures, administrative orders, fines, imprisonment, and closure of facilities (Side Agreement Article 5). Such rules might seem reasonable until one realizes that virtually all U.S. environmental laws are selectively enforced. There are over 300 "endangered" species that have not yet been "protected," municipal sewage plants throughout the nation aren't meeting their cleanup goals, many urban regions are air "non-attainment" areas, and so forth. NAFTA empowers any citizen or environmental group to call for an investigation at any time. Why provide the American environmental groups and foreign trading competitors any new rationales for old protectionist policies?
- **NAFTA encourages ever more stringent environmental regulations.** NAFTA encourages "harmonization" of the three governments' environmental, food-safety, and inspection regulations (NAFTA Articles 714, 906). It also specifically allows countries to have higher (not lower) standards than their competitors, and specifically bars nations from lowering their standards to advance harmonization. The side agreements specify that the "laws and regulations provide for high levels of environmental protection" and "strive to continue to improve those laws and regulations" (Side Agreement Article 3). For such reasons, we argue that NAFTA requires *upward* harmonization of environmental rules. What else can harmonizing disparate rules with none being lowered mean?
- **NAFTA will make it more difficult to rationalize regulations.** NAFTA specifically discourages nations from relaxing environmental laws ("waive or otherwise derogate from") to attract or retain investment (NAFTA Article 1114). "Intent" is a very difficult concept to determine in practice and, clearly, many rationalizations of environmental policy might be criticized by environmental activists on these grounds. NAFTA grants them ample opportunity to oppose such reforms. All environmental rules have economic impacts; many environmental rules achieve little or no good; yet, they remain championed by important environmental organizations. Do we wish to strengthen their ability to block reform?
- **NAFTA expands the EPA's power over states and localities.** The EPA currently has no power over state and local environmental laws that are enacted independently of any federal mandate. Local recycling mandates, for example, can be modified by the state and such changes are not subject to EPA challenge. However, if such rule changes improve the economic competitiveness of firms in the area (a probable result of any rational environmental law) the change could be seen as an attempt to "waive or derogate from" environmental standards to retain investment — a NAFTA no-no. The EPA is already the most powerful bureaucracy in the history of our nation. Is it wise to grant this agency still more power?

These complex commitments are to be backed up by a new, sprawling, trinational bureaucracy called the Commission on Environmental Cooperation, funded by the three governments at an unspecified level. The commission will wield the authority to stigmatize as an environmental criminal any national, state, or provincial government which fails to "effectively" enforce its own environmental laws. A government so targeted can be punished with fines of up to $20 million per offense. Punishment can also take the form of trade sanctions, with tariffs reimposed and NAFTA's trade and investment benefits suspended.

NAFTA furnishes new levers of power to existing enemies of liberty.

The threat is not that independent Naftacrats will run roughshod over national sovereignty, but rather that NAFTA furnishes new levers of power to existing enemies of liberty. The history of state environmental agencies is instructive. Often, such agencies allied themselves with the national EPA to encourage rules far more stringent than necessary for their state. How likely are national EPAs to defend their economies against the excessive regulation NAFTA encourages, given that such pressures can only expand their power and influence?

The commission's staff is supposed to conduct studies designed to support "sustainable development" (whatever

that is), promote the use of "economic instruments" (taxes and subsidies) to efficiently achieve environmental goals, increase the use of life-cycle analyses to encourage "better" products, and whatever other matters it may decide (Side Agreement Article 10). The NAFTA secretariat will be prompted, bolstered, and bullied by the environmental lobbies, operating through non-governmental advisory committees. Here, as in so many areas of public policy, the taxpayer will pay for "public participation" grants to ensure that "progressive" groups may promote their pro-regulation agenda.

On a deeper level, free marketeers should look beyond the language of NAFTA to the larger alliance the agreement embodies. Beltway environmentalists have recognized the fundamental reality that their old alliances with Big Labor protectionists were not going to accomplish the goal of international regulation — Big Labor is a dying force in American politics. So they've shifted their strategy; now, they embrace Big Business protectionists. That alliance is logical for Big Business, which already copes with complex environmental rules. Rising environmental and safety standards offer Big Business protection from both domestic entrepreneurs and foreign competitors.

By legitimizing a new protectionist force, NAFTA turns green locusts on the already drying fields of international economic growth.

NAFTA represents a massive turning point. In many ways, the nation now faces a situation similar to late nineteenth-century America, when such new federal regulatory bodies as the Interstate Commerce Commission were created to supplant ineffective state controls over "robber baron" capitalism. International trade is forcing business to be far more competitive than it would prefer. As Dwight Lee and Richard McKenzie point out in *Quicksilver Capital*, firms quickly disinvest in nations that impose oppressive regulatory and tax burdens. NAFTA addresses that "problem" by creating a framework that might well grow, as the EC bureaucracy did, into an internationally cartelized economy.

Free marketeers should not be misled by the NAFTA debate's simplistic "free trade or protectionism" frame. Economic liberty cannot be advanced by creating new procedures to restrict it. ❑

Pass it and Move On

Brian Doherty

It isn't just Ross Perot and his amen corner of yahoo protectionists who are beating the drums for stopping the North American Free Trade Agreement. Now free traders are finding the treaty fatally flawed as well. Flawed NAFTA certainly is, but defeating it would be letting the best kill the better, and would destroy the cause of free trade for at least a political generation. And so I find myself in the unenviable position of defending NAFTA.

I've raised the question of NAFTA's purity myself, in an article for the January 1993 *Reason*. The article mocked the absurd bureaucratese in which NAFTA is written and pointed out the many places where it falls far short of ideal free trade. It doesn't eliminate anti-dumping laws; its rules of origin are needlessly restrictive and require too much record-keeping paperwork from importers and exporters; it creates too many new bureaucratic boards; it contains the awful giveaway Article 801, which allows a return to old tariff rates if an import surge causes "serious injury, or a threat thereof, to a domestic industry."

When *Reason*'s editor asked me to sum up whether, on balance, I still thought passing NAFTA was a good thing — not an ideal thing, but, given present political realities, a good thing — I reluctantly said yes. Tariffs will drop, and the example of largely open trade between an advanced industrial economy and a Third World one succeeding to everyone's benefit is important in the larger battle for worldwide open markets. Even after the addition of objectionable labor and environmental side agreements, I still, reluctantly but with certainty, say yes to NAFTA.

Here's why. While my ideal for my country is unilateral elimination of trade barriers, regardless of what other nations do, there is no political constituency for such a move now. Thanks to Perot's steady, ignorant warnings of massive job loss, even the viable political constituency for NAFTA's wan, hesitant steps toward freer trade is being lost. The time to deal protectionism a crushing blow is *now* — if protectionists win this battle, free traders will have to face a juggernaut that can be halted only with the greatest effort. If NAFTA goes down, protectionism will reign supreme in America's political life. The Buchanan/Perot logic will next lead to *increased* trade barriers against other Third World nations.

It was a mistake to negotiate NAFTA in the first place, but now that it's here, its death will mean death for free trade as a viable political stance for decades. This is the reality free traders must face.

Certainly, there is not a lot to cheer about in NAFTA as it is. Fighting for it requires more defense than offense.

Let's not refuse to take any steps toward our destination just because they don't take us there immediately.

Luckily, attacks on NAFTA are usually typical protectionist nonsense from the likes of Perot, or else paranoia-mongering by those portions of the free-trade Right whose sense of proportion vanishes in the face of environmentalism — a threat magnified a thousandfold by their own fervid imaginations. Accusations are flying that NAFTA's new side agreements will allow supranational bureaucracies to overturn local or state regulations forever. These arguments are based more on a Bircher-level fear of the devilish cleverness and power of environmental lobbies to get their way against the explicit language of the treaty and the side agreements. (They even argue that leading environmental groups' public disagreement over NAFTA's merits is a premeditated good cop-bad cop routine, as if these groups jealously competing over a limited audience of supporters are going to immolate themselves in the service of International Environmentalism. The Natural Resources

Defense Council has lost more members over its pro-NAFTA stance than any other issue in its history.)

Article 3 of the side agreement recognizes "the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations." It goes on to exhort parties "to improve these laws," but this language bears no legal weight. The guarantee of sovereignty, however, is airtight. The Commission on Environmental Cooperation, envisioned by some of the anti-NAFTA forces as a bunch of green stormtroopers bashing down the doors of bewildered Middle American shopkeepers, is in reality merely a debating society for consideration of environmental questions relating to NAFTA's signatories. It has no direct investigatory powers.

And if a "persistent pattern of failure . . . to effectively enforce . . . environmental law" relating to trade between the NAFTA nations is found — and if that "persistent pattern" is not a "reasonable exercise of discretion" and does not come from "bona fide decisions to allocate resources to . . . other environmental measures" — then what? Are our sovereign laws to be overturned by these global environmental cops?

No, then the disputing countries have to agree on an action plan to alleviate the pattern. If no agreement is reached, or an agreement is reached but broken, a fine of up to $20 million can be levied against the offending country. And if this isn't paid, NAFTA trade benefits can be suspended up to this $20 million limit.

Flawed NAFTA certainly is, but defeating it would destroy the cause of free trade for at least a generation.

Free traders have made further specific arguments, alleging that the treaty restricts our freedom to lower environmental regulations. I don't have the space to rebut them all here. Suffice it to say, they all rely on misreading horatory language as legally binding and ignoring language that explicitly reserves sovereign rights in setting environmental standards to the signing parties. Certainly, all of these side agreements contain a lot of counterproductive nonsense that has no place in a *soi-disant* free trade agreement; and, contra Rothbard, I don't support NAFTA out of a knee-jerk reaction to those magic words, "free trade." I support it, warts and all, because it represents the creation of a (mostly) free trade zone between three different nations of vastly differing levels of economic development; because a defeat may strangle Mexican economic reform in the crib; because a victory for it will be a standing reproach to neanderthal protectionism; and because its flaws do not outweigh its benefits.

Yes, exclusive free trade agreements distort "natural" trade flows, as I've heard some supposedly sophisticated Misesians argue — but in a world of nation-states, all with some protectionist barriers, "natural" trade flows cannot be discerned. Let's not refuse to take any steps toward our destination just because they don't take us there immediately. NAFTA is a mess; it's filled with unnecessary bureaucratization; it's not pure free trade. Let's pass it and move on, strengthened, to fight further battles for free trade, instead of crawling off to lick our wounds, crippled by the shrill political castrati named Buchanan and Perot. ❑

Medianotes, *continued from page 17*

a new weekly feature, "Timeswatch," written by neocon pundit Hilton Kramer, editor of *The New Criterion* and himself a former arts columnist for the New York *Times*. Kramer's premise is that, in consequence of recent key staff changes, the *Times* is becoming a major organ of political correctness.

If so, this is very bad news. Papers around the country as well as the electronic media tend to take their lead from the *Times*. Unfortunately, my daily *Times* reading more and more confirms Kramer's verdict. Take two items featured as *news* in recent days.

(1) A front-page story on September 25 deals with the notorious "sex harassment" code adopted at Antioch College. This code mandates that, in any sexual encounter, the initiation of each new "level" of activity must receive the explicit *verbal* consent of the other party. The article, written with an obvious radical-feminist slant, reports the initial reaction of male students as follows: "The boys were appalled. 'If I have to ask those questions I won't get what I want,' blurted one young man." As for the "beneficiaries" of the new code: "The girls, for their part, were trying on the idea that they could have sex if they wanted and refuse it if they did not." Yes, of course — *before* this new code, girls at Antioch were *not* permitted to refuse sexual advances.

(2) Another news article (September 28) dealt with the two L.A. policemen in the Rodney King case who had been railroaded in the federal double-jeopardy trial. A lower court decided that they could be set free on bail until their final pleas were heard. The *Times* writer wrote: "Although Sergeant Koon and Officer Powell have remained free through the two trials, the two [black] men accused of beating the truck driver, Reginald O. Denny, have been held in jail since being arrested in May 1992, with bail set as high as $580,000." This "perceived inequality" has angered many in the black community, according to the *Times* reporter. Nowhere in the article does the reporter point out that the two young thugs were accused, not simply of beating Denny, but attempted murder.

The New York *Times* has never really been objective, especially when it comes to foreign affairs, and most especially whenever Israel is involved. Now bias infects every story having to do with race, sex, and their ramifications throughout our culture. America should be on the alert: "the newspaper of record" is on its way to becoming a PC rag. —RR

Analysis

After the Election, *le Déluge*

by Scott J. Reid

Canadian voters removed 98.7% of their ruling party's members of parliament and elected more than 100 new members who sympathesize with succession. How long will Canada survive?

Connoisseurs of Canadian history — all three of them — are aware that 1993 marks the thirtieth anniversary of the mailbox bomb blast that announced the arrival on the political scene of Canada's very own separatist terrorist party: the Front de libération du Québec. The FLQ has long since departed the political scene, but this anniversary year's federal election has brought into parliament another separatist party, the Bloc Québécois, plus a contingent of quasi-libertarians from the Canadian West in the form of the Reform Party.

The two new parties have caused a blast of their own, in the form of the spectacular implosion of the governing Progressive Conservative Party. But the sudden death of the Conservatives, who were reduced in this election from 154 seats in the House of Commons to just two, is only half the story. The 1993 election witnessed the complete disintegration of the old Canadian party system. Under this system, the Liberals and the Conservatives alternated in building governing coalitions founded on winning all the seats in Quebec and about a third of those in English Canada. This arrangement was the informal glue that, more than any formal institution, held Canada together. One of the by-products of its collapse, therefore, will be the breakup of the country.

The extent to which things have been changed by the election of October 26 can be seen by comparing the seat count in the House of Commons before and after the vote:

Party	Pre-election	Post-election
P.C.	154	2
Lib.	79	178
N.D.P.	43	9
B.Q.	8	54
Ref.	1	52

There are four points of interest here. The most obvious one is the complete decimation of the ruling Progressive Conservatives. The second — a bit of a side issue to the main events taking place in Ottawa — is the radical downsizing of the New Democratic Party. The last time Canada's socialist party sent a contingent this small to Parliament Hill, talking pictures were a recent innovation. What cut the NDP down to size was the fact that nobody in the party seems to be aware that the 1930s have ended. Canadian political culture has been evolving over the past few years toward a more free-enterprise-oriented outlook, but the New Democrats remain trapped in an Old Left time loop.

Surprises number three and four come with the arrival in Ottawa of over 100 untested legislators from the two new regional parties. The Bloc Québécois will, by virtue of its two-seat lead over Reform, become Her Majesty's Loyal Opposition. Lucien Bouchard, the Bloc's leader, campaigned on a platform of leading Quebec to "real power." That means he'd prefer independence, but will settle in a pinch for substantially larger transfer payments to his province.

Writing in *Liberty* two years ago, I predicted that the Bloc would win all 65 of the Quebec seats in which French-speakers form the majority. As it turns out, Bouchard did not quite pull off this trick, but his party did win nearly three-quarters of Quebec's seats and all but one of the seats in which there is no immigrant or English-speaking component. (These two groups voted almost 100% for Jean Chrétien's Liberals.) Of the nineteen Quebec seats that did go to the Liberals, more than half will have representatives who themselves are immigrants or English-speakers.

This means that for only the second time ever in Canada's history, a majority government will come to Ottawa without any substantial representation from French Canada. Only

once (1917–21) has a party ever governed with a parliamentary majority despite having suffered a decisive defeat in Quebec. There have been several short-lived governments that included only a few MPs from the French province (1926, 1957–58, 1962–63, and 1979–80), but in each case the absence of a strong contingent of Quebec MPs was not accompanied by a massive majority of the seats of the English-speaking provinces. Therefore, each government was unable to garner an absolute majority of seats in the House of Commons, and was swiftly swept away.*

The 1993 election witnessed the complete disintegration of the old Canadian party system. One of the by-products of its collapse will be the breakup of the country.

When the Party Ends

The idiosyncratic outcome of October's election signals the end of the electoral coalition that has dominated Canadian politics since 1867. For well over a century, Canada's parliamentary system had been dominated by an unusual party structure. As in the United States, the federal scene was dominated by two large parties: the Liberals and the Conservatives. (The NDP, known until the 1960s as the Cooperative Commonwealth Federation, emerged as a third player in the 1930s only to get perpetually stuck in third place.) What was uniquely Canadian was the two major parties' century-long struggle with one another to gain control of an electoral coalition that could only be maintained by alienating the greater share of voters in Canada's English-speaking majority.

The coalition was based on a single, simple factor. French Canadian voters are more conscious of their minority position than English-speakers are of their majority status; hence, French-speakers tend to vote more cohesively. The result is that, in any given election, Quebec's seats all tend to go to a single party, while English Canada's are divided between the winner and the loser, with a few English seats going to the NDP as well. It thus made good political sense for both the Liberals and the Conservatives to devote most of their attention on satisfying Quebec's collective concerns, even if this meant alienating much of the rest of the country.

The loser in this struggle would wind up with about 60% of the votes in English Canada, while the winner would cobble together a coalition of almost all the seats in Quebec and only a third or so of English Canada's seats. Mackenzie King, for example, served as prime minister for over 20 years with a career average of 86% of Quebec's parliamentary seats and less than 40% of the popular vote in the rest of the country. His electoral coalition involved winning Quebec and the west while freezing out Ontario. It is said he used to pray his candidates in Toronto would be defeated, for Toronto always voted for the loser.

Similarly, Pierre Trudeau governed for 16 years from a Quebec-Ontario axis that froze out the west. With the exception of his first election in 1968, when he carried a bare majority of the seats in English Canada, Trudeau was a perpetual loser outside Quebec. In his final election in 1980, Trudeau won every seat but one in Quebec and only 73 of 207 in the rest of the country — just better than one-third. By this time, his party held only two seats west of the Ontario-Manitoba border. Brian Mulroney repeated Trudeau's feat — only this time, it was the west that was in and Ontario that was out.

Throughout this period, the system was self-maintaining. There were occasional populist revolts against the status quo — in English Canada in 1920, there again in the 1930s, and in Quebec in 1962. These rebellions took the form of voters sending contingents of third-party MPs to Ottawa; each time, the Liberals and Conservatives were able to fight off the challenge through a combination of high-minded appeals to national unity and guttural warnings that true power lies in being represented in the governing party.

It is almost certain that the Liberals will attempt to use such tactics once again to reestablish the *status quo ante* in the next federal election. But first, Canada has to stay in one piece for the next five years. This should be quite a challenge.

The Year(s) of Living Dangerously

Two wedges seem likely to drive Canada apart in the period between this election and the next. First is the way in which the Bloc Québécois and the Reform Party will be forced by their supporters into positions of perpetual confrontation. Second is the complete lack of mutual sympathy and understanding between Canada's two nations, which has taken the form of a new nation-threatening mythology.

That French and English Canadians have never understood each other very well is illustrated by the title of the classic Canadian novel, *Two Solitudes*. In the past half decade this mutual incomprehension has given rise to two extraordinary myths that will help split the country.

This year's election has brought into parliament a contingent of quasi-libertarians from the Canadian West in the form of the Reform Party.

French-speakers are unanimous in their belief that they were collectively stabbed in the back by the representatives of English Canada in November 1981. On the night of November 4, then-Prime Minister Pierre Trudeau and nine of Canada's ten provincial premiers cut a deal to amend the constitution. The one premier who was left out of the deal was René Lévesque of

* The government of R.B. Bennett (1930–35) constitutes a partial exception to this rule. Bennett governed with a parliamentary majority but only one third of Quebec's seats. Still, this was enough to give him a respectable level of Quebec representation in his caucus and cabinet.

Quebec, who was sleeping in his hotel as the final deal was being patched together.† Quebec was frozen out of the federal constitution, which is widely regarded in the province as therefore being an illegitimate document. One other key element of the story is that Jean Chrétien was Trudeau's chief constitutional negotiator at the time. Thus, it was the man who is now becoming prime minister who allegedly administered the final traitorous blow to his own province.

There isn't much truth to the myth. The reality is that René Lévesque did not take part in the constitutional negotiations in good faith, so it would have been impossible to produce any kind of consensus with his agreement. Lévesque himself knew this, and by the end of 1983, only two years after what is now called the "night of the long knives," he announced that he was no longer a separatist, and that Quebec should regard Canada as a "good bet" ("un beau risque"). Moreover, in 1981 nearly all Quebec MPs voted in favor of the constitutional amendments. Public opinion in Quebec at the time was neither wildly supportive nor dramatically opposed to the new amendments.

The myth itself sprang to life during the inconclusive "Meech Lake" constitutional negotiations of 1987–1990, when Prime Minister Brian Mulroney and Quebec Premier Robert Bourassa repeatedly emphasized how Quebec had been betrayed in 1981. They seem to have made this claim in order to make their own rather patchy last-minute compromise seem like a historic righting of terrible wrongs. In the end the Meech compromise died a well-deserved death, but the myth of the night of the long knives lingered on. Today it has the effect of making Jean Chrétien the most unpopular man in Quebec, where he is widely regarded as a sort of bastard hybrid between Marcus Brutus and Uncle Tom. One Québécois MP even accused Chrétien of having stabbed Quebec in the face. It will be hard for a man saddled with such an image to mount a credible fight against Quebec separatism, particularly when the separatists are led by the popular Lucien Bouchard.

English Canada will be limited in its ability to deal rationally with Bouchard, thanks to an equally spurious piece of popular mythology. Bouchard, a former college buddy of Mulroney's, was recruited by his friend into federal politics in 1988, and was given a high-profile cabinet post. As the Meech Lake constitutional accord was unraveling in early 1990, Bouchard announced that he was resigning his cabinet post and leaving the Conservatives to set up his own separatist party. Thus was the Bloc Québécois born.

The real question is not so much if Canada will break up, or even when, but rather: In what manner?

The English-Canadian view is that Bouchard knowingly deceived his best friend, accepting Mulroney's invitation to join federal politics because he planned all along to sabotage national unity. In pulling the plug on Brian Mulroney when he did, Bouchard is accused of having deliberately undermined the chances for a successful constitutional settlement. He is regularly accused by normally intelligent newspaper columnists and television pundits of being a traitor, and it is occasionally suggested that he has no right to sit in parliament as the leader of the opposition.

A more accurate telling of the events of 1988–90 shows that Bouchard was unique among Mulroney's cabinet colleagues in standing up for principle rather than cronyism. He had never been secretive about his separatist beliefs, and when, after two years in the cabinet, it finally appeared that in order to keep his high salary and chauffeur he would be required to be silent and supportive of policies repugnant to his conscience, he chose instead to resign. Moreover, it is odd that he should be reviled for stabbing Mulroney in the back, when the Tories' disastrous October 25 defeat is mostly attributable to millions of Canadians' desire to stick their own knives into the Conservative Party, as an act of revenge against its much-despised former leader.

Of course, it should be clear that these myths have less to do with Jean Chrétien and Lucien Bouchard themselves than they do with the two men's roles as symbols of the deepest misunderstandings between Canada's two communities. Exactly how the two men are supposed to negotiate with one another when every action they undertake in the future will be interpreted as proof of one myth or another, is not clear.

The Best-Laid Plans of Mice and Federalists

Despite his formidable reputation among English-speaking Canadians, Lucien Bouchard is actually a conditional separatist, meaning that he is willing to oppose secession if he is convinced that Quebec's interests can be better-served in a united Canada. Likewise, his party gained the votes not only of the separatists, but also of the many Québécois federalists who believe that the heightened threat of independence can be used simply as a tool to force Ottawa to make conces-

† Things were actually a little more complicated than this. High-pressure negotiations had been underway since November 2, and Lévesque had been gradually growing more isolated from the group of seven other premiers who together had been blocking Trudeau's efforts at an amendment. The deal reached on the night of the fourth was really just the last stage in this process of isolation. A good in-depth review of these events can be found in David Milne's book *The Canadian Constitution* (Lorimer, 1989).

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sions to their province. For the Bloc's federalist supporters, this will prove to have been a disastrous miscalculation.

The reason: Bouchard is challenged in his role as leader of the official opposition by Preston Manning of the Reform Party. Just as the Bloc Québécois has no ties with the rest of the country, the Reform Party has none with Quebec; indeed, it is prohibited by its own constitution from running candidates there. This means that, unlike Chrétien, Manning has no incentive to support the kind of compromises that Quebecers will expect from Ottawa as the price of remaining in Canada.

Manning is already under tremendous political pressure to serve as the guardian of English Canada's interests, since it is widely assumed that the new Liberal government will simply throw money at Quebec. An article published just before the election, in the October 11 edition of *Alberta Report*, states this view squarely: "With the Bloc Québécois determined to wring every last concession out of the Confederation before leading its province out, separatists may well win the balance of power in a parliament dedicated to appeasement." The magazine cover features photographs of Manning and Bouchard with the headline, "Blocking the Bloc: if the BQ holds the balance of power, who'll stand up for English Canada?"

Thus, the most dramatic fireworks in the new Parliament will probably be exchanges between Bouchard and Manning. Adding to the tensions will be the fact that Preston Manning cannot speak French, while Bouchard will probably get fed up trying to explain himself in English to a perpetually unsympathetic audience. Caught in the middle, and unable to effectively respond to either without offending one or the other of the two language groups, will be Chrétien and the Liberals.

To these short-term factors can be added the longer perspective. In a sense, Canada in crisis circa 1993 is no different from the panic-stricken nation that faced the aftermath of that first FLQ bombing 30 years ago, that bowed down under martial law in the October Crisis of 1970, that expected to be broken apart by referenda on Quebec independence in 1980 and in 1992. All these moments of high drama are really just peaks in a single, unending national unity crisis that can be traced as far back as the failed rebellion of 1837, when Louis-Joseph Papineau tried to establish an independent French-Canadian republic.

The real question, then, is not so much if Canada will break up, or even when, but rather: In what manner? There are dozens of models from the past century to inspect, and the past few years have given us dozens more.

The results of the recent election give us good reason to believe that in its early stages, Canada's breakup will closely resemble that of Czechoslovakia.

Here's how the parallel works. Prior to its dissolution in January of this year, Czechoslovakia was a federation of two linguistically distinct territories. In June of 1992, parliamentary elections were held, and the Slovaks voted in a nationalist party led by current Slovak president Vladimir Meciar. The nationalists were, like Lucien Bouchard, conditional separatists, willing either to lead their country to independence or be bribed not to go. Slovakia, like Quebec, was a long-time recipient of federal transfer payments. Like Bouchard, Meciar maintained that this flow of wealth was too stingy, and would have to be greatly increased if it was to become acceptable. Like Bouchard, he offered nothing in return for this money, save the promise to hold off on independence for another year or so, at which time even more extravagant demands would be placed.

The Czechs reacted to these demands precisely the way I expect English Canada will react to Bouchard: they refused. Czech public opinion — led by a Preston Manning-like figure, Vaclav Klaus, who like Manning led a party with strong roots in the Czech Republic and no base at all in Slovakia — turned in favor of expelling Slovakia. Suddenly Meciar found himself negotiating secession rather than extended transfers. I'm not sure he was particularly unhappy about this change of events. At any rate, by autumn of last year it was clear to all that the federation could not be saved, and on January 1, Slovakia became independent.

The key elements are all there for a repeat performance in Canada. Besides the close Slovakia/Quebec, Meciar/Bouchard, and Klaus/Manning parallels, there is the matter of public opinion in English Canada. Two years ago, a federal investigation (the "Citizens' Forum on Canada's Future") discovered that less than 30% of English Canadians were willing to maintain national unity "at any cost" and that 5-10% favored tossing Quebec out on its ear. Last year, most of English Canada refused to be intimidated into voting "Yes" to a series of radical constitutional reforms designed to propitiate Quebec public opinion, even though the country's entire elite class warned that a "No" vote would drive Quebec to separate. Faced with the alternatives of offending Quebec or saddling themselves with the constitutional mishmash dreamed up by their politicians, English-speaking Canadians realized that there really do exist fates worse than the breakup of the country.

The next few years will provide endless opportunities to ponder once again this bit of wisdom. This means that, for the first time, there is a realistic possibility that English Canada will simply fold its arms and wait for Quebec to leave. ❑

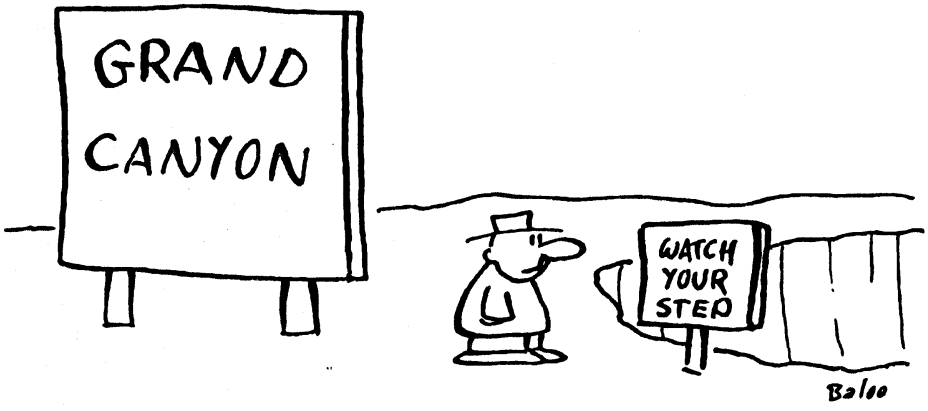

Presidential Malpractice

by R. W. Bradford

After ten months of hype, the Clintons finally reveal the details of their plan for health care. The diagnosis? You better hope you don't get sick. And you can expect to be poorer, in spirit, in finances, and in health.

President Clinton has finally unveiled his long-awaited health care program. Like a megalomaniacal Santa Claus, stymied by a Congress that seems able to recognize pork when it sees it, Bill Clinton had decided to focus his attention on the medical care crisis after his "economic stimulus" package was eviscerated by Congress. "The only thing we'll really have to give the American people is health care," he confided to one government official. And so it came to pass that Clinton chose to make his health care plan the central achievement of his presidency, the crowning glory that would buy him a place in history and popularity sufficient for re-election, perhaps this time with a majority of the popular vote.

But the "reforms" Clinton is offering us are worse than the problem itself. The very way in which his health plan was devised should be a tip-off. Remember the health care task force — that panel of 511 "experts," all but one an employee of the government? Remember all its debate and discussions, all the different ideas paraded before it, the careful weighing of different options?

Well, it turns out that was all a sham for public consumption. In fact, Mr and Mrs Clinton had devised their health care plan even before they took office in January. Indeed, by February 1992 — almost a year before his inauguration — Clinton agreed to put Ira Magaziner in charge of medical care reform because he knew that Magaziner's plans for mandatory universal "insurance" managed by government-organized cartels was "in sync" with his own. "By the time [President Clinton] talked to me about the job," said HHS Secretary Donna Shalala, "he was already clear on what he wanted to do and how. . . . It was pretty much ruffles and flourishes after that."

While the task force was leaking proposals that it was pretending to consider and the press was full of speculation about the secret membership of the task force, Magaziner was given power to control virtually everything the task force did. "Mr Magaziner alone decided what numbers to crunch and when," *The Wall Street Journal* reported, "and only he was allowed to see everything." Not surprisingly, the task force ended up recommending exactly what Clinton and Magaziner had decided on more than a year earlier. Under the plan, employers will be required to buy comprehensive health care packages for their employees from huge health care cartels, called "regional alliances." These cartels will spend money in compliance with budgets set by the National Health Board, which will be appointed by the president. By controlling how every dollar is spent, the cartels will determine what doctors and medical researchers will do. They will control also what medical care each American will receive and from whom each of us will receive it.

The only issues the task force was left to wrestle with were public relations and funding. The first task was easy — after all, the panel itself was a PR stunt. Funding, on the other hand, was rather tricky. Every time a new tax was suggested to pay for the reforms, support for the entire program receded. Only in August did the task force come up with a solution: simply tell the American public that the system won't require *anyone* to pay for it, except for cigarette smokers and profiteering price-gougers.

In short, the high-profile task force appointed to investigate the health care crisis and develop solutions was a fraud. It was not engaged in investigation and the only thing it proposed was a plan that had already been decided upon by the president and his

wife. At a cost to taxpayers of millions of dollars, the task force engaged in an elaborate charade for the sole purpose of selling the Clintons' program to the public.

What's Being Proposed

The Clintons' plan calls for expanded benefits at virtually no cost. Everyone will be covered, even if they are unemployed or work for a firm that cannot afford to pay for the mandated program. And the benefits to those already insured by the government will be greatly expanded. At present, those covered by government medical care programs are no longer covered if they retire early. Nor are their prescription drugs paid for. Nor is long-term hospitalization. Under the Clintons' proposal, medical care during early retirement, prescription drugs, and long-term hospitalization are guaranteed to all Americans. These are all very popular — and extremely expensive.

Most Americans figured that after saving only-God-knows-how-many billions of dollars each year, the cost of health care would go down for virtually everyone. Now it turns out that for more than 100 million Americans the cost will increase.

How will all this be paid for?

According to the Clintons, extending insurance to 37 million uninsured Americans and expanding the coverage of the insurance of the other 220 million Americans can be paid for by increasing cigarette taxes and squeezing $285 billion of waste out of the medical care programs the government already runs. The bottom line for most Americans, Clinton asserts, is that they will get more and pay less.

But one group of Americans is destined to get much less and pay a lot more: employees of major companies. Under the present system, many major firms have agreed to pay virtually all the costs of medical care for their employees and their employees' families. The uncontrollably rising cost of this "fringe benefit" threatens the profitability and even the viability of many large businesses. By legislating an end to these contractual obligations, the Clintons have provided a powerful incentive for big business to support their plan to nationalize medical care. Indeed, *The Wall Street Journal* figures that big businesses will be able to pocket 20% to 30% of the funds they have set aside to provide future medical care for employees.

So far, most opposition has come from smaller businesses, who generally do not provide medical care as a fringe benefit. Paying 7.9% of wages for health care may seem like a bargain for a big corporation that currently pays 15%, but it's pretty expensive for small businesses that currently provide no health care benefits at all. In order to reduce small-business opposition, the Clintons propose an outright subsidy that provides coverage to their employees for a tiny fraction of the price big businesses will pay. Whether small businesses will buy into the proposal remains to be seen. There is a strong possibility that the new subsidy will prove to be ephemeral: as expenses for the program rise and the public clamors for cutting costs and closing loopholes, the subsidy will be a likely early target for elimination.

And even if it survives, it will not make up for another blow to small business embedded in the Clinton plan. I refer to its provisions for enterprises which try to reclassify employees as "independent contractors" in order to avoid the tax liability for their medical care. To prevent this form of tax minimization, the Clintons' legislation grants the IRS broad powers to define who is and who is not an independent contractor. At first inspection, this may sound like a pretty minor change in the law. But it's not.

Like most definitional issues, the question of whether a person is an employee or an independent contractor has long been a confusing and convoluted matter. After years of expensive argument and litigation, Congress simplified the matter by enacting "safe harbor" provisions in the Revenue Act of 1978. Under this law, if the common practice of an industry is to treat workers as independent contractors, the IRS is to treat them as independent contractors. If the Clintons' medical care legislation is enacted, that "safe harbor" will be abolished, the IRS will be able to reclassify virtually any independent contractor as an employee, and businesses will have no alternative but to negotiate, appeal, and litigate.

That hasn't gotten much play in the press, of course. But then, with a plan this big, it's almost impossible for most busy reporters to keep up with all that's in it, or to reason out all the implications of what they do know. This has made the media unhappily susceptible to even more government manipulation than usual, with White House players setting the agenda for most coverage of the debate.

It is worth noting that it was not until October 28, some 281 days after formally promising Americans "health care reform," that Bill Clinton confessed that his plan will increase the cost of medical care for some 40% of all Americans, and that he released this information, not in one of his nationally telecast addresses to the American people, or an appearance on *Larry King Live*, or any of his wife's high-profile appearances, but in the obscure Congressional testimony of one of his minions.

The president acknowledges that current Medicare and Medicaid programs waste more than $40 billion per year, yet he proposes to help finance his much larger program by eliminating this waste!

How many times during those 281 days did Bill Clinton, Hillary Rodham Clinton, or one of their subordinates explain how much money the program will "save"? how much "wasteful red tape" will be "eliminated"? how it would eliminate "duplication of services"? and "bureaucracy and paperwork"?

Not surprisingly, most Americans made the logical inference that after savings of only-God-knows-how-many billions of dollars each year, the cost of health care would go down for virtually everyone. Now it turns out that for more than 100,000,000 Americans the cost will increase, if the administration's quietly admitted estimate of October 28 is accurate. But then why should this figure have any credibility, coming as it does after 281 days of intensive public relations efforts (i.e. lies) designed to convince people that virtually everyone's medical costs will go down?

Harsh Reality

The president's proposal empowers his National Health Board to control costs. This will be a tall order. All human experience suggests that government control raises costs, thanks to its inherent inflexibility, inefficiency, and waste. Consider the historical record. When Medicare was proposed in 1965, President Lyndon Johnson estimated that in 1990 the program would cost a total of $8 billion. The actual cost in 1990 was $98 billion — more than twelve times higher than LBJ's projection.

Most people are at least vaguely aware of the government's well-established record of waste and inefficiency. What other organization buys $1200 hammers or allows a significant number of its employees to work half days at full pay? Its record in the administration of medical care is abysmal, a fact admitted even by the administration, which acknowledges that current Medicare and Medicaid programs waste more than $40 billion per year. (And the president proposes to help finance his much larger program by eliminating this waste!) The task force itself flushed away millions of dollars in its charade of investigating various solutions to the crisis, when it had in fact long ago predetermined its conclusion.

In the end, there are only two ways that a centralized medical bureaucracy can control costs: by limiting medical research and by limiting what diseases and injuries will be treated and which patients will get care.

Faced with a choice between triage and research cuts, the National Health Board will almost certainly cut research. Triage has very visible victims, people who can appear on television and tell their sad tale of how they were denied medical care. People who die because research was discontinued or mismanaged by the government are not nearly as visible. And medical progress will continue for a while, thanks to research already well underway or completed but not yet available to consumers. The time lapse while progress slows down will obscure the fact that the slowdown is a result of the Clinton program.

The Clintons' plan amounts to a gigantic scheme to oligopolize and ration medical care, made palatable by underestimating costs, glossing over controls, and convincing people that they can get something for nothing.

But triage is inevitable, for costs will rise inexorably under a system offering universal health care at no direct cost to the consumer — even after research is eliminated. And it will come gradually, as it has in other countries with similar systems. In Britain, for example, people over 65 are frequently denied treatment; in general, in nations with socialized medicine, the elderly are the first to be denied care when resources become too scarce. British citizens are regularly denied life-saving treatment: every year, around 9,000 British kidney patients are refused renal dialysis or a needed transplant, and as many as 15,000 people with cancer and 17,000 heart patients cannot get the treatment they need. Canadian patients often have to wait months for treatment that would be available within days in the relatively freer medical markets of the United States.

Sometimes the rationing falls along racial lines. In Canada, beneath the surface shimmer of political correctness, minorities regularly find themselves on the losing end of medical rationing: studies of Inuit and Cree natives in northern Quebec demonstrate lower access to health care, lower life expectancy, and higher infant mortality rates for those groups.

The *reductio ad absurdum* of centralized triage administration was reached when Canadians discovered that *dogs* were getting CAT scans faster than people were. It is illegal in Canada to pay extra money for more immediate treatment, but there was no law prohibiting pet owners for paying extra to get quick CAT scans for their dogs, and hospitals could see no reason why their equipment should not be used during off-hours to raise funds for needed improvements. As a result, rich canines could get medical services for which people had to queue up for months.

Did the Canadian authorities, when this story was reported, allow people the same right dogs had? Of course not. They simply extended human restrictions to cover dogs as well. Now no one gets after-hours CAT scans, and the hospitals must get by without the additional funding.

This is not to say the widespread denial of needed medical care will begin as soon as the Clinton program is enacted. There is always a gap between implementation of a policy and its consequences. The implementation of Medicare and Medicaid in the mid-1960s made government the biggest force in the medical care industry and led inevitably to massive waste. But it took a quarter century for the mounting waste and costs to become evident to most people. During much of that period, it seemed like the laws of economics had been repealed. Americans enjoyed what they always liked to call "the best health care system in the world": extensive care available at practically no cost to practically everyone.

Though not immediate, the results were indeed inevitable. Now that the consequences of the first major government incursion into health care are finally becoming evident, the advocates of government intervention propose yet another incursion as the solution. This Clinton program will ultimately make the situation worse. But, as in the '60s, it will buy time. Once again, it

will appear — for a while — that the program is working. Eventually, medical research will come to a virtual halt and triage will become widespread. By the time this next "crisis" hits, advocates of government expansion will no doubt propose yet another statist "solution."

The Clintons' plan amounts to a gigantic scheme to oligopolize and ration medical care, made palatable by underestimating costs, glossing over controls, and convincing people that they can get something for nothing. It is plain that this is no solution to the medical care crisis. More government spending, higher taxes, mandatory insurance, cartelized buying groups, greater regulation — these can only intensify the problem.

Big Brother Is Watching You

There is one more way in which the government will attempt to control costs in a socialized or cartelized system. Every American's leisure activities, eating habits, sleep patterns, entertainment preferences — ultimately, every activity a person engages in — has an effect on one's health. If the cost of medical care is paid by the government, the government will have a legitimate interest in regulating or prohibiting activities that harm one's health — all in the name of "controlling costs."

Do you ski? Well, if the government is going to pay to haul you to the hospital, set your broken bones, and provide you with physical rehabilitation, then it has a vital interest in minimizing the risk of injury while you ski. Indeed, an activity as dangerous as skiing might best be made illegal altogether.

Do you eat French food? C'mon, everyone knows that stuff is high in cholesterol. Should you be allowed to eat it if I have to pick up the tab for your open heart surgery?

Do you get a full eight hours of sleep every night? No? Well, you're inviting all sorts of health problems, and it isn't fair to make me and others (who all get *our* full eight hours) pay for your refusal to have good personal habits.

Do you engage in sex? Everyone knows that diseases are sometimes

Taking our medicine . . .

Dole Invictus — "The emperor Constantine," wrote Jasper Ridley in *Statesman and Saint*, "with the best intentions, had issued a decree which provided that no one could be convicted unless he admitted his offence; but the result was to introduce the practice of interrogating the defendant under torture."

The world is full of Constantines, people with good intentions who somehow neglect to ask themselves the most obvious questions about the effects of their optimistic plans.

There are people in this world who believe that government can take money away from productive activities and give it to unproductive activities without causing any loss in production.

There are people in this world who believe that government can make drug use criminal, without increasing crime.

There are people in this world who believe that government can take guns away from law-abiding citizens, without increasing their vulnerability to the use of guns by citizens who are not law-abiding.

For Constantine's people, good intentions extend only to beliefs; they do not extend to thought. Would you rely on the good intentions of a doctor who believed that he could cure your persistent headaches by administering a strong dose of strychnine? Well, it would stop those headaches, all right.

It is in this light that we should consider Republican politicians' well-intentioned attempts to assuage public anxieties about "the health care crisis" by prescribing their own programs of socialized medicine. These programs would have their benefits, of course. They would benefit the small (but, on television, constantly growing) segment of the American population that is too poor or lazy to avail itself of private insurance and is somehow unreached by current multi-billion-dollar government programs. They would also provide a psychic benefit to every middle-class imbecile who believes that the government has a moral duty to procure health "security" for everyone. The incidental effects of these well-intentioned programs would consist only of vastly increased expenditures, uncontrollable entitlements, rationing of vitally needed care, and an enormous increase in the power of the federal government.

I'm not picking on Democrats now; they're beyond hope on this issue, and always have been. I'm picking on the Republicans, the self-anointed party of small government, private enterprise, individual responsibility, and free-market economics, who now cannot imagine that their Just a Little Bit Less of Clintonism (or, Socialism with a Kansas Face) will have any bad effects whatsoever on their own political goals.

The funny thing is that, about one minute after the most influential Republicans decided to go along with the principle of health-care-as-a-right, some of the ugliest of its chickens started hopping home to roost. The Republicans' archenemies — people like Ted Kennedy — started using that newly enshrined national principle to turn every left-liberal program you can think of, from gun removal to kindergarten "sex-harassment" education, into a "health care" imperative.

The interesting question is, How many of the Republicans are too dumb to know what they're doing, and how many of them are smart enough to understand the consequences but are just saying, "What the hell"?

—Stephen Cox

A Question for Hillary — Somehow, no invitations to Ms Rodham Clinton's press conferences on her plan for a government takeover of the health care industry have found their way to me. But sometimes I fantasize about the questions I would ask her:

Madame Health Care Czar, if your health care program is made law of the land, who will provide you and Mr Clinton with medical care? Will you be swept off in a helicopter to the Walter Reed Hospital or Bethesda Naval

spread by sexual intercourse. And for women, sex is a notorious way of getting pregnant, complications of which (e.g., giving birth) are very expensive.

The logic here is precisely the logic that subject all colleges and universities to federal regulation: so long as the government provides loans or aid to so much as a single student, the government has a right to regulate. The same logic justifies the requirement that building contractors doing government work follow certain business practices (e.g., pay prevailing union wages), and a million other impositions of regulations.

So anyone who supports the government takeover of medicine should think real hard about whether he or she wants the government regulating every aspect of his or her private life.

If you think this is alarmist, think again. Even without fully socialized medicine, the same argument has often been used very effectively to diminish personal freedom. Consider the debate about mandatory helmets for motorcyclists. In virtually every state where these laws have been considered — i.e., in every state — someone raises the point that while not wearing a motorcycle helmet may indeed be dangerous, it is dangerous only to the person who does not wear the helmet, so what business is it of the government anyway? And in every case, someone points out that some of the motorcyclists who get head injuries from accidents are taken to public hospitals for medical care and cannot pay their bills, thereby costing the taxpayer money.

Indeed, the implication that government ought to outlaw unhealthy behavior or mandate healthy behavior is included in the public discussion of the bill. It provides the logic for imposing a tax on cigarette smokers of 3.75¢ per cigarette that they purchase. Cigarette smokers should pay more, it is argued, because they willfully engage in an unhealthy habit which increases the cost of providing them medical care. (Curiously, most people seem to accept this argument at face value, without any empirical verification. Has anyone researched the cost of treating cigarette

continued on next page

. . . *from politicians drunk on power*

Hospital to be treated by the finest specialists, like previous presidents and their families? Or will you have to wait in line at your local HMO, where you will eventually get to see an overworked and undermotivated physician whose chief concern is keeping the cost of treatment he metes out under the allotments you set? —R.W. Bradford

Faulty Clintonomics — In pitching his proposals for reforming health insurance, President Clinton has relied on the redistributionist claim that currently uninsured workers will benefit because their employers will be forced to provide coverage. Small business owners, lobbying hard against this feature of the Clinton plan, apparently agree that mandated coverage would impose a new burden on them. Hardly anyone seems to understand the basic economics of mandated employee benefits.

In reality, except during a short period of adjustment, the full costs of additional mandated benefits, whether they be health insurance or something else, will be borne by employees in the form of equivalent reductions of money wages or other benefits. Workers who expect to gain at the expense of their employer are in for a jolt.

The economics is simple. In exchange for labor services, the employer provides the worker a costly "pay package." The employer will not continue to employ a worker whose pay package costs more than the value of the worker's labor services. When the pay package contains nothing but money wages, the choice is simple: If the employer expects the value of the worker's labor services to be greater than the amount of the money wages, then employing the worker makes economic sense — it adds to the employer's expected net income. Employers hire additional workers up to the point where the value of the services of the last worker hired is equal to the cost of the last worker's pay package.

Key point: the employer doesn't care whether employment costs take the form of $X of money wages or $0.5X of money wages plus fringe benefits costing $0.5X. Either way, the employer must bear a cost of $X, and makes employment decisions accordingly.

If the government requires an employer who previously did not provide health insurance coverage costing $Y to do so, the cost of the employment package becomes $(X+Y) to compensate for the mandated expense of the health coverage.

So other workers will find the value of their previous pay packages reduced most likely by a reduction of money wage, or they will be unable to find employment. All other outcomes are foreclosed by the employer's unwillingness — and in the long run, financial inability — to employ anyone whose services cost more than he is worth.

As usual, a politician's claim that people will get something for nothing via Robin Hood government has no substance. In reality, no worker can gain from such a mandate for long, and all those who prefer to receive a pay package containing more money rather than the mandated insurance coverage — or to choose their own insurance benefits and provider — will be worse off after the adjustment. —Robert Higgs

What Are We Reforming? — In order to sell his health care "reform" plan, Bill Clinton has been travelling around the country holding "town meetings." In Tampa, a day or two after Clinton announced his program, a man told a heart-rending story about his daughter, who had recently had brain surgery. He had $128,000 in unpaid bills, and she needed yet more expensive treatment. The president was sympathetic; it was the kind of poignant tale that gains support for his proposals.

Before the meeting was over, Clinton was able to offer some consolation to the man and to the audience. He reported that the hospital where the daughter's surgery had been performed would continue to provide care

continued on next page

smokers versus the cost of treating non-smokers? It seems to me that most of the diseases consequent of cigarette-smoking strike at an earlier age than the diseases of non-smokers, are very often relatively cheap to treat, and shorten the length of time that medical care must be paid for: cigarette smokers tend to die in their 60s or early 70s of inoperable cancer, instead of lingering into decrepitude and a need for long-term care.)

Of course, what will happen under government-run medicine will not be so rational as I suggest. The unhealthy habits of minorities will be proscribed, but the unhealthy habits of the majority will not, for the same reason that imbibing alcohol is legal and imbibing *Cannabis sativa* is a felony, despite the fact that alcohol is linked to hundreds of thousands of illnesses and deaths each year, while marijuana is practically benign. Or the same reason that motorcyclists must wear helmets and the occupants of automobiles do not — surely, wearing full-faced helmets would cut the rate of injuries to automobile occupants as well as motorcyclists. Or that selling crack cocaine is subject to much greater penalties than selling powdered cocaine — the effect on health is the same, but crack is customarily sold by African-Americans, powder by white guys. For that matter, the rank discrimination and punishment meted out to cigarette smokers is surely more a matter of their minority status and powerlessness than of any objective costs the government bears for their habit.

So we can expect that heterosexual relations between man and wife will be allowed, but other forms will not, despite the fact that the cost to the public treasury of pregnancy and birth will be far greater than the cost of treating sexually transmitted diseases.

The logic of the welfare state has already done away with the notion that any economic activity is genuinely private and therefore not subject to government regulation. If the Clintons get their way, the idea that personal habits are private and therefore exempt from government regulation will die as well.

Goodbye, Privacy

But the Clinton plan's threat to civil liberties goes much deeper than that. One police-state measure will go into effect as soon as the White House's proposal becomes law.

I refer to the provision that everyone covered by the program — that is to say, everyone in the country — be required to carry an identity card containing a computer-readable record of all aspects of his or her medical history. In order to achieve this, the National Health Board would "enforce unique identification numbers for consumers." All Americans will be required to carry the card with them at all times. I haven't yet got my copy of the 1800-page legislation, so I'm not sure what penalties will be imposed on someone apprehended without the card. But it seems clear that anyone with the properly programmed credit card reader who got hold of your card could acquire all the details of your medical history — including any history of past psychological counseling, abortions, treatment for sexually transmitted diseases, alcoholism, or other information you consider to be highly private.

Which raises the question: What will stop a prospective employer or granter of credit from demanding your card and reviewing your medical history? The Clinton proposal says the data would be protected by "national security safeguards" and open only to "authorized persons, for authorized purposes, at authorized times." But these can be pretty thin protections. It seems that everyone from my insu-

"What Are We Reforming?" *continued from previous page*

for her — including another operation, if necessary.

What happened? Did the president wave his royal magic wand? No; it's just that that's what *normally* happens to Americans who are uninsured or who cannot otherwise pay their bills. They receive medical care anyway, and the hospital or doctor (or both) absorbs the costs.

In other words, having no health insurance is not the same as having no medical care. One study, cited by Fred Barnes in *American Spectator*, indicated that in 1988, the 16.6% of the non-elderly population who are uninsured accounted for 11% of the country's personal health care expenditures. In other words, the uninsured are being served. They may not obtain the same amount of care insured people do. They may delay taking their children to the doctor until it is absolutely necessary. But they receive care. Some of them, undoubtedly, pay their bills. In other cases, hospitals wait for payment (sometimes for years), negotiate lower fees, or write off the bills as unpayable.

So how did this health care steamroller, fueled by the claim that 35–37 million people are uninsured, develop such momentum? Economist Richard Stroup has suggested that, basically, zealots in the White House have decided that medical care should be a government-guaranteed right, and they want everyone else to agree. *That's* the point of this whole exercise, with its centrally planned reallocation of resources, its price and service controls, and its higher taxes. Yes, there are problems with health care delivery today, caused in part by government interference in the insurance market, in part by medical licensing, and in part by malpractice costs. But Clintonism will only make matters worse.

If these proposals become law, Americans will find out — as Russians discovered with meat and shoes — that a right to something that is no longer available is not as good as a charitable donation of something that is.

—Jane S. Shaw

Business Economics? — In a public attack on the health insurance industry, which had the audacity to suggest in its TV spots that the administration's proposed reforms would limit consumers' choices, Empress Hillary observed that insurance companies "like being able to exclude people from coverage because the more they can exclude, the more money they can make."

Say what?

If Hillary were right, companies could make the most profit by excluding *everyone* from their coverage. Evidently some aspect of the insurance business has eluded the Empress's grasp (but not her control).

—Robert Higgs

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rance company to the university I attended has wanted my social security number, and on more than one occasion I have attempted to invoke the federal law that restricts the use of my social security number to taxpayer identification and social security business. In a few cases, these busy-bodies have complied, if only after putting me through a fair amount of trouble. ("No one's ever made this request before. You'll have to see Mr So-and-So about this. I think he'll be back next week, but check with his secretary. In the meantime, I am not authorized to issue you a library card.") Usually, the response is, "Well, you don't *have* to give us your number. But we don't *have* to admit you to this university."

Furthermore, your medical data will be backed up in a huge national database. Once again, access to it will be protected by "national security safeguards" and open only to "authorized persons, for authorized purposes, at authorized times." Which means that someone wanting it will have to make a small bribe to an official of one of the bureaus that has "authorized" access to it, just as today private detectives routinely get information from "private" tax returns.

And once a uniform national identity card is mandated for all Americans, what are the chances it will not be used for other purposes as well? Like police data? Or information on how often you leave the country? Or a record of how current your tax payments are? Or any information about you that any bureau of the government believes it should maintain?

A similar proposal for a national identification card was floated by the Reagan administration as a immigration measure. It was killed largely by the efforts of Martin Anderson, then an advisor to the president. Anderson is currently carrying on a one-man crusade against Clinton's I.D. card in his very fine syndicated column. But in the morass of seemingly larger issues, this one may be overlooked.

Conservatives Dodge the Issue

Against all of this, the Republican opposition has offered only craven submission. After months of proclaiming, against all evidence, that there is no health care crisis at all, they have turned around and conceded all the major points of the Clintonian program. The current conservative "alternative plan," based on a proposal by Stuart Butler of the Heritage Foundation, involves vast increases in taxes, bureaucracy, and regulation. Its only advantages are that it allows a little more choice than the White House's program, and that it incorporates the libertarian notion of Individual Medical Accounts.

Under Clinton's plan, the government will have a legitimate interest in regulating every American's leisure activities, eating habits, sleep patterns, and entertainment preferences.

How much difference is there between the Democratic and Republican proposals? Two days after Clinton announced his health care program, Newt Gingrich, the aggressive conservative congressman from Georgia, appeared with Clinton lackey George Stephanopoulos on PBS's Charlie Rose show. Gingrich was so uncritical of the president's agenda that Rose had difficulty distinguishing Gingrich's views from Stephanopoulos'. By show's end, Rose declared their debate a "lovefest."

And what of Fred Barnes, who as recently as May was proclaiming in the *American Spectator* that the medical care crisis did not exist? His most salient comment about the program has been that "the devil is in the details," virtually conceding the substance of the plan.

But the devil is not in the details. The devil is in the plan itself, in the goal of the plan. This is not the time to mince words. If there ever was a time for leadership, this is it. And leadership does not consist of conceding the goals of the opposition and quibbling over minutia.

The Wrong Road

Will Americans buy the plan? In the public opinion polls taken a few days after the program was officially announced, a modest majority supported it. But that support may only last as long as the notion that most will get better care for less money. And it is doubtful that people will believe that for long.

Medical care comprises about 15% of the American economy. Is it a wise policy to turn such a huge industry over to management by a single presidentially-appointed board? Will such a board be able to provide flexibility or entrepreneurship? Will it have the foresight to finance worthwhile research and to manage that research efficiently? Is a medical industry managed by government more likely to resemble the almost miraculous progress of computers over the past 30 years, or the incompetence, mismanagement, featherbedding, and waste that characterized the Soviet economy?

The root of the problem of ever-escalating medical costs is government subsidy of medical care — not just for the poor and elderly, but for ordinary citizens as well, through the tax incentives given large employers. So long as those subsidies are in place and no effective limits are placed on them, demand will continue to grow and costs will continue to escalate. The problem of red tape is caused by feeble government attempts to control costs, by placing limits on procedures covered and requiring hospitals and physicians to report in detail their services.

The solution to these problems is not to redouble government subsidy and control. The solution is to radically reduce — aye, to eliminate — government subsidy and control. Alas, neither the Clinton administration nor its conservative opposition is willing to take that road. ❑

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Thuggery, Left and Right

by David Horowitz

What's the difference between a left-wing thug and a right-wing thug? All the cash and respect the Academy can give.

It is a cliché of politics that extremes meet: there are fascists on the Right and fascists on the Left. With the close of the Cold War, however, we seem to have grown tolerant toward one end on the spectrum. The fascists on the Right are as visible and noxious as ever, of course. The difference is that Nazi skinheads don't get grants from the National Endowment for the Arts or the California Arts Council; they are not encouraged and supported by university administrators and they do not have documentaries glorifying their antics on PBS. Left-wing fascists do.

I was put in mind of these disparities by an event in Los Angeles last Friday. It was a "town meeting" and panel discussion at the Beyond Baroque Literary/Arts Center, sponsored by the two agencies mentioned above. The evening's subject was "The legacy of the [Black] Panthers," a fascistic gang of the '60s that became famous by preaching violence. The Baroque Center program was set against "the issues of police brutality, and racism, gang violence" — hot topics in Los Angeles. I had recently written a long article ("Black Murder Inc.") on the trail of mayhem and murder that the Panthers left in their wake during their glory days in the '60s and '70s, but although my name appeared in the news release announcing the event, I was not invited to participate. Instead, the panel consisted mainly of Panther die-hards, including a man who had spent 19 unrepentant years in prison for machine-gunning two New York policemen, before being released on a technicality.

I called the evening's organizer and asked him why a public critic of the Panthers like myself was not invited. He said he had thought of inviting me, but if I spoke "there would be fistfights" and he didn't want any violence. The threat of violence did not come from me, a middle-aged grandfather who did not even throw a rock during the entire 1960s.

A day earlier, I had spoken at Yale, where my student hosts had to hire half a dozen armed security guards to ensure my safety and theirs. The precautions proved prudent. Although my speech invoked the legacy of Martin Luther King in decrying all forms of racism, I did express critical attitudes toward affirmative-action double standards and toward the same Black Panthers. A leader of the Yale Black Student Alliance spoke up from the audience to comment: "We can't allow you to say things like that." At the same time white and black members of a group calling itself "Zulu Nation" threatened the students who invited me that if they were going to bring speakers like me to Yale they better get out of town.

At Portland State University a year ago, my talk was also chaperoned by six armed security guards whom the university administration had placed at my disposal, apparently knowing what to expect from their student radicals. This time it was the officially recognized Bisexual, Gay and Lesbian Alliance that led the charge. No matter that I had come into Oregon to *oppose* the infamous Proposition 9, which would have declared homosexuality "perverse, unnatural, immoral, and wrong." That wasn't enough for the gay fascists who came to obstruct my talk, which was not politically correct enough for their tastes.

And obstruct they did. They sat twenty across holding up giant placards which said "Pig," "Lies," "Bigot" every time I uttered a thought. They shouted, stood up to harangue, and in one case actually screamed at the audience, "He's killing women, he's killing women!" This particular outburst was in response to my criticism of the current safe sex campaign. I recalled an interview I had conducted with a Center for Disease Control official who said that virtually 100% of sexually transmitted AIDS between males is trans-

mitted anally. The conclusion I drew was that warning people about the dangers of unprotected anal sex would be preferable and more effective than distributing condoms to heterosexual high school kids who — if they avoided anal sex — were not really at risk.

My experiences, of course, are not unique. A survey of "Racism on Campus" in a recent *U.S. News and World Report* recounts the story of a junior at the University of North Carolina who wrote a sarcastic letter to the school paper opposing a demonstration planned by black students. Two black students accosted the junior and knocked him down. "Immediately I knew the letter got published," the writer remarked, apparently retaining his sense of humor.

The point is that students on college campuses today *expect* violence from leftist groups. And leftist groups perpetrate violence and intimidate opponents because *they know there will be no consequences.* Across the country entire fraternity chapters are suspended, kicked off campus, and otherwise disciplined for uttering words that are deemed "insensitive" or otherwise politically incorrect. But there are no cases of left-wing groups, who regularly use physical obstruction and violence to silence their opponents, being similarly disciplined or even censured.

Demagogues who have made public threats of violence a staple of their discourse — Louis Farrakhan, Sister Souljah, Khalid Muhammad — are not only welcomed to the nation's elite campuses by left-wing organizations but paid exorbitant sums out of general student fees to reward them for their appearances. A David Duke could not show his face on a college campus, let alone get invited and paid.

And what is true on the campuses is also true in the culture at large. When ACT-UP vandals desecrated a mass at Saint Patrick's Cathedral (a violation not even the Communist governments of Eastern Europe attempted), the outrage was celebrated in a film called "Stop the Church," which was shown on public television stations like KCET. PBS has aired *five* films glorifying the Black Panthers, and not a single one indicating the murders and crimes they committed or deploring their calls to political violence. When Communist hacks like Angela Davis or Panther capos like former party chair Elaine Brown are profiled in the View sections of the nation's press, they are treated with the utmost respect as champions of the voiceless and powerless. David Duke and Nazi skinheads spout a parallel message of rebellion and hatred, and can also be held to represent a community that is voiceless and powerless, but no self-respecting newspaper editor would think of treating them with respect.

When a nation's public discourse is subject to threats and intimidations by political fascists, democracy is in trouble. It is time to end the double standards that have nurtured this thuggery. It is time to recognize fascists, whether they are on the Left or on the Right, and to withdraw respect from those who preach hatred and violence in our public life. ❑

Letters, *continued from page 26*

roughly, was "In a celebration marked by a parade of imitators, the White House ceased being a dog house and became a cat house." I have never heard a more apt commentary on the Clinton presidency.

I also appreciate the greater depth NPR gives which I cannot get on commercial stations. The inclusion of BBC reports and reports from other areas gives me a better feel for the currents affecting events in the world. Its movie reviews are the only ones I've agreed with.

One-sided? With a point of view? Probably yes — that's why I also watch CBS and CNN and read *World Press Review, Reason, Liberty,* and other publications. Anyone that relies on one source is shutting themselves off from knowledge, truth, and reason.

Tom Slaughter
Jackson, Mich.

NPR, No!

As a former devotee of *All Things Considered,* I found Glenn Garvin's criticisms of NPR to be uncomfortably true. Since I am a former copy editor, I am embarrassed to admit that stories I once admired as exemplary reporting were nothing more than textbook examples of lousy journalism.

However, I do think NPR's reporters are superior in one respect: honesty. They may be biased, but they are open about it, far more so than many other denizens of the news media. By not putting up any pretense of objective and intelligent journalism, they are not nearly as obnoxious (at least in this regard) as their commercial counterparts.

Brent Pahde
Jacksonville, Ill.

Not Much Better

Stefan Herpel's article about *Austin v U.S.* ("Justice Forfeited, Justice Reclaimed," October 1993) missed an important point. By so doing, it gave your readers the wrong impression about the impact of this decision.

The *Austin* decision will have virtually no impact on police seizures. All the Supreme Court decision said was that people who have their property confiscated under the so-called asset forfeiture laws can raise an eighth amendment challenge to the seizure *if they get to court.*

That's a big IF. I've been covering this issue for almost two years in *Financial Privacy Report.* I've interviewed dozens of victims, and the sad fact is that most people who have property seized under these laws will never get their day in court. The government requires such complicated and expensive legal procedures to file a challenge that most people simply give up without a fight — and the government keeps the booty.

Consider the difficulties most asset confiscation victims face:

• Hiring a competent forfeiture lawyer to defend you can cost tens of thousands of dollars, up front — that's prohibitively expensive for most confiscations. Attorneys almost never take these cases on contingency. And because these are almost always civil seizures, you will not be able to get a court-appointed lawyer.

• You also usually need to post a bond — typically 10% of the value of the seized property. Incredibly, this bond is to pay the government's expenses in

continued on page 69

The Inevitability of the Welfare State

by Todd Seavey

Can liberty be achieved in a democratic world? Or do the institutions of modern democracy lead inexorably and perversely down the road of the welfare state?

It may be true that a social order based on individual liberty and private property rights is conducive to the greatest happiness of the populace, but that doesn't mean one is likely to develop. A massive welfare state, with its heavy regulations and government-mandated transfers of property, is more likely to emerge.

The libertarian reader will probably disagree. Surely a system based on strict property rights is easily maintained, compared to, say, a fascist or socialist system. Those could only "work" in the unrealistic case where people were homogeneous in their desires and willing to be directed from on high. The virtue of the libertarian system is that it requires people living under it to agree only on a few moral and legal ground rules, leaving other matters up to individual choice and voluntary action. No detailed, unifying vision of society, whether conservative, "liberal," or anything else, would be necessary. What system could be easier to maintain?

The answer: *the welfare state.*

Welfarism is a process of contending for the disposition of wealth, of diverse interest groups fighting over shared resources, each constantly finagling to change the rules to their own advantage. For it to survive, *not one* of its citizen-subjects need approve of it as a whole or think the government is doing a good job. Fascism and socialism demand cultural unity; libertarianism requires agreement on a few ground rules; welfarism requires agreement on — nothing, really.

The welfare state does not require a majority of Americans to think, "A system of ambiguous property rights, large amounts of collectively held resources, farm subsidies, food stamps, a government-run space program, etc., is a good idea." It is enough that each of various little groups adds its own accretion to the grander thing — even if each group despises every part of the system that does not directly serve its own narrow interests. This might be called the Perotista Paradox, after the supporters of Ross Perot, so many of whom denounce the wasteful mess that is the American welfare state — but who also would turn around and say, "But *I* should still get my unemployment benefits." (Or small business loan, or union-dictated contract, or research and development subsidy, or socialized health insurance, or whatever.)

All the welfare state needs to survive is each interest group making just one exception to the rule of asking nothing from the government — for a farmer to oppose all government spending *except* farm subsidies, for a musician to favor radical cuts in existing spending but lobby for one new department to subsidize the production of oboes.

Economists of the public choice school predict that such people are likely to put more effort into lobbying for their new programs than any of the rest of us who foot the bill are likely to put into lobbying *against* them. Most of us don't even know what it is we're paying for — how would we know where to begin lobbying? So government grows in a thousand little burrowing directions, one for each group's particular special benefit. The generally held desire to do something about limiting such benefits doesn't matter a bit.

A libertarian system requires a modicum of self-restraint, something which is often in short supply. The welfare state thrives on confusion, disagreement, and self-serving political pressure, of which there is plenty. This difference gives welfarism a

major competitive advantage over libertarianism.

Postmodernity and the Minimal State

There are many definitions of postmodernism, but they all include one important concept: today's complex society is unable to settle on any one single moral theory or way of seeing the world. "Postmodern society" is a confusing jumble of competing ideologies, with any radical new view forced either to remain a marginalized part of the babble or to mainstream itself by watering its vision down.

At American universities, membership in a recognizable sect is the vital prerequisite for claims to a moral high ground — or for political authority, which functions as a stand-in for morality.

Postmodern ideas were first articulated to explain trends in contemporary art. Over the last half-century, more and more artists have played with perspectives, juxtaposition, and blurred boundaries between "high" and "pop" art and between art and mass production. Such artistic ventures began to move from the highbrow world to the popular plane in the 1960s; by the 1980s, they were the stuff of television commercials and MTV montages.

Perhaps the climax of postmodernity occurred during the Reagan-Bush period: intellectuals and campus radicals anointed themselves guardians of various marginalized groups, taking up the fight against what they saw as a conservative cultural orthodoxy. And then they, too, came to be seen as a dangerous orthodoxy.

In one sense, postmodernity is over. The apocalyptic novelty of ideological gridlock has worn off. People are no longer impressed when intellectuals and artists attempt to shock us by reveling in confusion and schizophrenia, saying, "See? We don't have the slightest idea how the world works, or ethics or economics or politics." Indeed, such intellectual bankruptcy is now admitted by nearly all parties — witness the 1992 presidential race.

Society's confused division into micro-ideologies and one-issue political movements results in large measure from the diversity that capitalist freedom allows. But capitalism can be undone by its own mutant offspring.

Speaking of mutant offspring, I've noticed that members of my twenty-something age group — or at least the members of the pseudo-intelligentsia with whom I have contact — are less inclined than their elders to consider "special interests" a pejorative term. They either regard it as a neutral term like "different sectors of society" or as a positive term akin to "marginalized groups." Just as there are multiple ideologies, so too they feel there are multiple and conflicting demands on the state. (On the bright side, the notion that all political demands can be answered seems to have fallen by the wayside.)

In a society increasingly comfortable with the idea that we all fall into warring interest groups and increasingly uncomfortable with talk of universal values and moral restraints, the welfare state triumphs by default.

A free society requires consensus, if "only" on the idea that state power should be kept to a minimum. But postmodernism has made adherence to universal (and very specific) human rights virtually impossible. Attempts to create such a consensus rub against the grain of the times.

The Prisoner's Dilemma of the Welfare State

If I am a typical member of any interest group in late-twentieth-century America, my political foresight is not likely to extend far enough for me to see that liberty is in my group's long-term interest.

But even if it is, why should *I* be the one to set an example of respect for property rights and self-help if no one else is going to be so restrained? I'm just denying myself all those useful funds — funds that are going to get grabbed by the pro-oboe lobbyists.

This so-called prisoner's dilemma — the situation in which the optimal result, from each individual's self-interested viewpoint, will occur if *everybody* shows some restraint; the second best if you act selfishly before your fellow prisoners do; the worst if you show restraint and they don't — is the condition in which citizens of the welfare state find themselves.

Notwithstanding enlightened self-interest and the goodness of greed, the world is going to be a miserable place if everyone uses and abuses. But in a world in which most people already do, what is the good person's incentive not to jump in and get his share of the spoils? From this perpetual trough-run comes the welfare state. (It certainly didn't come from an excess of altruism — the problem isn't that interest groups are trying to give things away!) It's a jumbo-sized prisoner's dilemma, with each of us having to be wary of 250 million fellow prisoners' self-serving behavior.

In the postmodern world of the welfare state, it is much more tempting for your sect to seek special government favor for itself than for it to show moral restraint and refrain from using the state's looting apparatus. The *last* thing proponents of liberty should do in such a situation is encourage the notion that selfish factional loyalty is inevitable, or that it is the basis of all "morality." There's a disturbingly short step from "pluralistic" morals to condoning interest-group thievery.

Bitter Tiers: At War with the Amish

If our morals were shaped by tribal loyalties alone, we would live in a world of embattled little communities. Consider this scenario:

> I keep low to the ground as machine-gun fire strafes the corn stalks behind me. Sixty yards ahead of me is the source of the shots: a gun nest has been set up in the midst of an overturned horsecart. The carcass of the horse lies nearby. Its owner — by the looks of him an Amish sympathizer from outside the war zone, rather than a native Amish — crouches behind his weapon, eyeing the corn field. I recognize him now as a political science major I knew in college. It's little surprise to me he went over to the other side. As I watch, he makes a critical error, straightening

up to scratch his beard and pull another cartridge from his grey, buttonless battle-overalls.

"Here's one for Sarge, corncob boy," I mutter, squeezing off several rounds. As the gunman, hit, pitches forward, sunlight catches the triangular orange reflector on the back of his horsecart and I'm blinded for a moment. I hear the dying gunman pray for forgiveness as he catches me in the chest with a spray of bullets. All goes black.

The political science student described in the above scenario is a real person. He is firmly committed to individual rights, but has lately found himself fascinated by the Amish, and by the somewhat communitarian idea that it is the self-determination of *groups* (such as the Amish) that is the best bulwark against a homogenizing Big Government. This friend of mine — let's give him the suitably Amish-sounding pseudonym Jacob Levy — has been known to wear a broad black hat and, when I first met him, a long-and-shallow, mustacheless beard. It is not farfetched to imagine Jacob, in a world governed wholly by tribes, joining an Amish one. This chilling scenario could have been my fate were it not for the fact that we live in a society with a lingering belief in universal individual rights that transcend tribal loyalties.

As for me, I began to count myself part of the tribe of godless humanists back in high school, long before I gave much thought to political theory. Little understanding the importance of social tolerance, I dreamt of "liberating" the Amish youth from their backward, superstitious, anti-technological way of life, preferably at gunpoint. I hope my Amish readers can forgive the excesses of my youth.

Since then, I've learned to respect others' rights. I understand now that a functioning civil society is built on the many voluntary associations and subcommunities through which people live their lives and get things done without government. I'm undecided, though, about the value of the postmodernist practice of assuming that each sect and community has its own "legitimate" moral code. Jacob Levy would say that the proliferation of subcultures, ethnic enclaves, and so forth is a good thing. The coexistence of so many groups with different ideologies, he'd say, encourages people to think of morality in a two-tiered way. On the lower level, there are the competing sects, each with its own vision of the good life, and on the upper tier is the overarching structure of individual rights that permits all these groups to get along without attacking each other. The first amendment would be on the upper tier, the Catholic rule about fish on Friday on the lower.

Stealth libertarianism won't work: by the time you convince people to privatize the subway system, they'll have nationalized the buses and maybe automobiles too.

The trouble with this sort of thinking is that in America right now, the top tier is losing out to the bottom. Perhaps that is inevitable when people think of themselves as belonging to a sect first and to the general universe of moral agents second. At American universities like the one Jacob and I attended, membership in a recognizable sect is the vital prerequisite for claims to a moral high ground — or for political authority, which functions as a stand-in for morality on campus.

Pluralism is a fact of life, but moral postmodernism we can encourage or discourage. I think it should be discouraged. Yes, it invites us to embrace ideological diversity — but every micro-ideology can easily become a special interest group's call for special protection or government subsidy.

Tribal loyalties mixed with non-ideological political drift do not bring a free society. The formula leads instead to the post-postmodern gridlock we see now, and eventually, perhaps, to the battlefields of Amish country.

Missionaries among the Vikings

So how does one go about changing the cultural consensus? In the world of micro-ideologies and one-issue interest groups, one tempting path is to address one issue at a time (first school choice, then a privatized post office, etc.) slowly convincing people of the inefficiency of governmental solutions until you've stealthily turned them into free-marketeers — sideways, as it were.

But stealth libertarianism won't work: by the time you convince people to privatize the subway system, they'll have nationalized the buses and maybe automobiles too. The kudzu vine of government grows too fast for a little pruning here and there to make much difference. It must be pulled out at the root if it is to be removed at all. That means spreading a more fundamental message than "Privatize x" or "Stop subsidizing y" — we must have the courage (and public relations skills) to say, "The welfare state is a bad idea and we should get rid of it." This is a much more ambitious task, comparable to being a pacifist missionary among Vikings.

Government in a relatively democratic society is not a far-away place from which edicts are beamed at a horrified and innocent populace. It is an expression of people's varied and contradictory wants — or at minimum, an expression of what they'll let their

continued on page 54

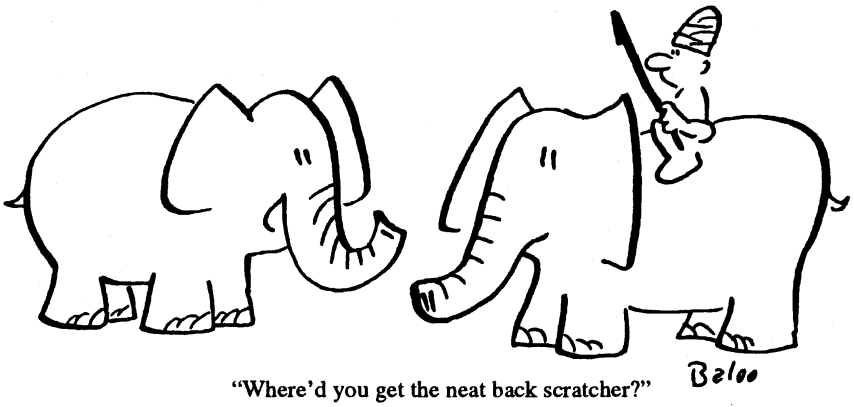

"Where'd you get the neat back scratcher?"

Abortion, Reproductive Technology, and Feminism

by Wendy McElroy

Not all feminists are pro-choice.

Since the dawn of the second wave of feminism — the current revival, which began in the 1960s — the movement has focused much of its energy on a woman's right to control her reproductive functions. And if there is a success story for second-wave feminism, it is — or was — the pro-choice campaign to secure safe and legal abortions.

Now, reproductive rights have fallen on hard times. In every state of the union, a woman's right even to information about abortion is being seriously challenged. Yet response to the pro-life crusade has been ineffective. Where is the pro-choice tide of protest? Why have relatively few contemporary feminists taken up the falling banner?

Feminism's political content has significantly changed. The current women's movement no longer offers an overwhelmingly friendly home for abortion — or any other aspect of reproductive technology.

Anti-Choice Feminism

The abortion issue has been badly muddied by high-profile radical feminists like Gena Corea, who attacks virtually every form of reproductive technology from abortion to *in vitro* fertilization (IVF). Corea is not a voice alone; in "In His Image: Science and Technology," Heather Menzies claims that even birth control, that apparent bastion of women's liberation, is part and parcel of patriarchy:

> I didn't immediately see the pill or the IUD as sinister in themselves; I began to see them, though, in context, as part of a larger system . . . they are part of a particular phrasing of the role of reproduction in society geared to production and consumption, and a particular phrasing of the problem of women's bondage to their own bodies. (*Twist and Shout*, Susan Cream, ed., Second Story Press, 1992, pp. 157–158)

How has second-wave feminism drifted so far from its '60s roots?

Part of the answer is that these roots were liberal, and that ideology is no longer dominant within the movement. Since the late '70s, radical or socialist feminism has profoundly influenced the ideological direction of the entire movement. Radical feminism considers women's oppression, as a class, to have its source in the twin evils of patriarchy and capitalism. All issues concerning women are processed and analyzed according to this theory.

Although radical feminists are numerically in the minority, they have effectively defined such popular issues as comparable worth and date rape. When it comes to abortion, they have been strangely muted. Some radical feminists clearly state that they are pro-choice, but save their energies for issues like pornography. Others are openly critical of the pro-choice elements of feminism.

In her essay "Liberalism and the Death of Feminism," Catharine MacKinnon seems unconvinced that legal access to abortion was really a victory for women. After all, abortion had been legalized as a privacy right, and radical feminists are inherently suspicious of the private realm in which such perceived outrages as the free market and traditional marriage occur. For radical feminists who rally under the banner "the personal is political," any appeal to privacy rights is merely a mask for patriarchy. MacKinnon writes:

> While the women's movement had . . . identified the private as a primary sphere of the subordination of women, *Roe v Wade* had decriminalized access to abortion as a privacy right. A movement that knew that the private was a cover for our public condition was suddenly being

> told — and saying — that the abortion right was our right to the same privacy. If you forgot what this movement knew, this seemed like a good thing. . . . (*The Sexual Liberals and the Attack on Feminism*, Dorchen Liedholdt and Janice G. Raymond, eds., Pergamon Press, 1990, pp. 6–7)

To the hundreds of thousands of women who say the personal is *personal* — that is, to those who claim *Roe v Wade* benefited them as individuals — radical feminists throw a nod of acknowledgement. "Yes," they say, "you did receive an incidental benefit. But, in doing so, you asserted not your autonomy, but your place under patriarchy." Twiss Butler comments:

> For any woman who has been able to get the abortion she needed, the benefits of the reform are obvious and genuine. Not at all ironically, however, but quite as intended by the men who devised it, granting women a sex-neutral right to privacy in reproductive matters was like granting women expensive, limited, and easily revocable guest privileges at the exclusive men's club called the Constitution. In contrast, men's membership in this club is a birthright, possibly retroactive to conception. ("Abortion and Pornography," *Sexual Liberals*, p. 117)

Andrea Dworkin goes one step farther and almost accuses '60s feminists of selling out. For Dworkin, the right to abortion was merely a bribe contemptuously offered by patriarchy under the guise of liberalism:

> [T]he left says . . . "Well, what we'll do is that we will allow you to have an abortion right as long as you remain sexually accessible to us. And if you withdraw that accessibility and start talking this crap about an autonomous women's movement, we will collapse any support that we have ever given you . . . Because if your abortion right is not going to mean sexual accessibility for us, girls, you can't have it." And that's what they've been doing to us for the last fifteen years. ("Woman-Hating Left and Right," *Sexual Liberals*, p. 29)

Why do radical feminists criticize the pro-choice stance one would expect all feminists to support? Three reasons stand out:

1. The pro-choice case rests on the principle of "a woman's body, a woman's right." This is antagonistic to radical feminists' agenda of *class* rights and *class* interests. Self-ownership sees social struggle as a fight for individual rights, where every woman claims autonomy and choice — not as a member of an oppressed subclass, but as a full and free member of the human race.

Such rampant individualism runs against the collectivist grain of radical feminism. To Corea, the notion that reproductive choices are "a private matter" merely "contributes to the split between private and public life which reinforces women's oppression" (*Made to Order*, Patricia Spallone and Deborah Lynn Steinberg, eds., Pergamon Press, Oxford, 1987, p. 7). According to this argument, since women live within a social context, they have an obligation to make decisions that will further women as a class. The individual is less important than the many.

Radical feminists have so muddied the abortion issue that it can no longer command a clear focus and be the rallying point it was in the '60s.

2. Pro-choice is a call for reform, not revolution, and revolution is the radical goal. In the '60s, the campaign for abortion rights was expressed in terms of "repeal" or "legalization"; activists worked through the system in order to modify existing institutions. By contrast, such radical feminist causes as comparable worth call for nothing short of a total overhaul of the present economic, political, and social system.

The abortion-rights victories of the '60s and '70s seem to contradict the radical claim that the oppression of women can only be corrected by sweeping away patriarchy. If such a victory can be achieved within the system, whither revolution?

3. Nor do radical feminists counter the arguments of the pro-life movement. Rather, they process abortion as they process every other feminist issue. Abortion is placed in the much wider context of reproductive technology, which is then placed in the still wider context of patriarchal capitalism. For centuries, they say, white male culture has dominated the field of reproduction, which is now being used in yet another way to control women.

To radical feminists, access to abortion is at best a token thrown to women to make them falsely believe they are liberated. At worst, it is medical experimentation and social control conducted by men on the bodies of women. Reproductive technologies, once considered liberating, are now being called tools of oppression. High on the list of these allegedly false freedoms are the new opportunities for infertile women, such as IVF and surrogate motherhood.

The Patriarchal Web

In a sense, this approach is inevitable. Radical feminism is an ideology devoted to examining power and oppression. Power is in the hands of patriarchal males; oppression is the traditional lot of women. The radicals contend that this oppression is reflected in every institution of society. Thus, any radical feminist analysis of reproductive technology will concentrate on patriarchal abuses of power.

As it is, their critique is given some credibility by the very real abuses that do exist. As Elayne Rapping has pointed out:

> Birth control . . . has always been compromised by the social and economic context in which it was developed and distributed. Health risks, unequal access by poor and Third World women, and sterilization abuse of women who want to have more children than society wants them to have are well-known facts. . . . ("The Future of Motherhood," *Women, Class, and the Feminist Imagination: A Socialist-Feminist Reader*, Karen V. Hansen and Ilene J. Philipson, eds., Philadelphia, Temple University, 1990, p. 543)

But radical feminism claims that it is not just poor and Third World women who are disempowered by current birth control. *All* women are oppressed by it, because it contributes to the political structure by which men subjugate women.

Again, some data supports this claim. Some doctors advocate performing a caesarean section, even against the pregnant woman's will, if the

fetus's well-being is deemed to require it. In several cases, women who have refused caesareans have been compelled to submit to the surgery under court order, with police escorting them into the operating room. Dr Margery Shaw has ominously suggested that child abuse laws be expanded to include "fetal abuse." According to Shaw, a woman might have no right to bring a "defective" fetus to term or even to become pregnant if she is the "wrong" genotype. Moreover, women's eggs may have to meet quality control standards to ensure they are not defective. A woman older than, say, 35, might constitute a "defective intrauterine environment," jeopardizing the fetus's right to be born sound. Indeed, a report issued by the American Fertility Society in September 1986 argued that not everyone has the right to reproduce. Among those who could be left out: women in overpopulated nations, women unable to care for their children, women with "defective" genes, and women who might violate proper prenatal care.

To radical feminists, access to abortion is at best a token thrown to women to make them falsely believe they are liberated.

Feminists of all stripes are understandably horrified. But the radical feminist critique of the new technologies is not based on the fact that they can and have been abused. They contend that the technologies are *in and of themselves* abuses committed against the bodies of women. They are inherently oppressive because they have been created and administered by white male culture.

In the '60s, feminists gleefully looked forward to the day when conception could take place without a man. Now that this day has arrived, radical feminists maintain that such advances merely give patriarchy enhanced opportunities to control women's bodies.

A partial list of these allegedly dangerous forms of reproductive technology includes sperm donation, by which a woman conceives with sperm donated from someone other than her spouse or significant other; egg donation, by which a woman conceives with an egg donated by another woman; embryo adoption, by which a donated egg and sperm are cultured into an embryo; embryo freezing; sperm and egg freezing; and embryo screening. The condemnation extends even to Electronic Fetal Monitors, which have been heralded as a breakthrough in fetal care.

Although infertile women and couples flock to clinics that offer such technology, radical feminists react to these procedures with unalloyed hostility. Consider these statements of Corea's:

> The new reproductive technologies represent an escalation of violence against women, a violence camouflaged behind medical terms. ("The New Reproductive Technologies," p. 85)
>
> Embryo flushing is another of the new reproductive technologies. You artificially inseminate the woman, flush the embryo out of her, and then insert the embryo into another woman. That's done in cows. (p. 87)
>
> [Regarding surrogacy:] A man's desire to have a genetically related child becomes a "medical indication" for buying a woman's body. Such terms sanitize the sale of women and remove the reader emotionally from what is actually going on. (p. 89)

The chorus of criticism is growing. Reproductive technology has not only been placed in an ideological context, but has also been given an appropriately dark history. In her essay "Feminism, Medicine, and the Meaning of Childbirth," Paula A. Treichler describes the genesis of what she calls "medicalized childbirth":

> Certainly reproductivity in childbearing was linked to the labor-intensive needs of both colonialism and capitalism, interests that have at once placed childbirth within the realm of the public interest and given the state certain oversight responsibilities. . . . Thus is ideology linked in turn to capitalism, industry, and the free market — which provided economic support for medicalized childbirth. (*Body/Politics: Women and the Discourses of Science*, Mary Jacobus, Evelyn Fox Keller, and Sally Shuttleworth, eds., Routledge, 1990, pp. 120–121)

This view indicates something of a shift within radical feminism itself. In 1970, radical feminist Shulamith Firestone, in her pivotal book *The Dialectic of Sex*, suggested that the new technologies would free women. Was she wrong? Her contemporary followers say yes. The new reproductive technologies, they say, inherently oppress women in two fundamental ways.

First and foremost, reproductive technologies have been created by men; in the context of patriarchy, this makes the technologies inescapably oppressive to women. The fact that some women and well-intentioned men may work in this field does not prevent it from being oppressive, for the simple reason that individuals cannot change patriarchy by participating within it. In Rebecca Albury's words:

> Some women have been socialized by the profession. "Male control" doesn't essentially mean control by individual men, it means control which benefits men more than women most of the time. Far from each man exercising personal authority, things are much more complex. We live in a network of power relations that both defines "masculinity" and ensures the success of individuals and activities that reinforce the definition. (*Australian Left Review* number 89)

Gena Corea dismisses the notion that the new technologies are bringing hope to women who feel devastated by infertility. Such claims are merely "the sugar coating on the pill" — reproductive technologies are about "controlling women, controlling child production, controlling human evolution." Of equal importance, they are about "making money" and "setting up corporations." (*Reconstructing Babylon: Essays on Women and Technology*, Patricia Hynes, ed., Indiana University Press, 1991, p. 57)

The second way in which the new technology is said to oppress women is by marginalizing their role in the birth process. Janice G. Raymond explains:

> As women's reproductive processes become disembodied by the NRTs [new reproductive technologies], this adds another layer to the cultural image that women's bodies are there

> for the taking — this time by medical technology. The female body becomes less and less part of the woman's creative ground of existence. Rather it becomes bound by its use value. ("Fatalists and Feminists: They are Not the Same," *Made to Order*, p. 62)

Thus, the "medicalization" of childbirth exploits the body parts of women (their eggs, wombs, etc.) while making pregnant women almost irrelevant to the process. Radical feminists warn: Women are losing the monopoly of power they once enjoyed over the process of giving life. And the final insult is that women are told that the new reproductive techniques give them more, not less, control.

Confronted by infertile women to whom reproductive technologies bring hope, Elisabeth Beck-Gernsheim asserts that the procedures actually rob them of hope and joy. For example, when women undergo IVF, sex and conception become "a combination of dutiful exercise and competitive sport" in which "sensuality, spontaneity, love" and other technically irrelevant aspects are lost ("From the Pill to Test Tube Babies," p. 35). Whatever benefits individual women believe they have received, the fact is that reproductive technology has damaged them, both as individuals and as members of a class.

A truly radical feminist should argue for more commercialization of reproductive technology.

Birth, radical feminists claim, is a natural process that should take place without medical intervention, for such intervention benefits not the woman but the medical and political establishment. In a dystopian view of the future, Corea speculates on the horrors of reproductive technologies and how they will inevitably give over control of women's bodies to men: they "will be used to control which kinds of human beings are produced by determining which sperm comes into contact with which egg, which embryos are discarded, which doubled, which altered. When I say this, am I being paranoid?" (41)

Corea asks a question that must not be dismissed out-of-hand: will women have the option to refuse technologies? Here she is echoing a genuine concern, especially with the growing tendency to put the health of the fetus above the autonomy of the pregnant woman. Corea has set the stage for discussing the key issue — choice. In dealing with this sticky question, it is useful to examine the two institutions most criticized for their involvement in women's reproductive choices: medical technology and the free market.

Choice and Technology

It is true that reproductive technologies offer ethical problems as well as practical opportunities. It is also true that the medical establishment, with government support, has a long history of oppressing women. Its persecution of female healers stretches back to Europe's age of witchcraft. More recently, American doctors persecuted midwives and folk healers, at the same time barring women from universities and other institutions that would have enabled them to practice medicine. Even if the last few decades have seen great strides, no one can blame women for retaining a healthy paranoia. Nor is it difficult to understand their antipathy to the rising rate of hysterectomies, caesarean sections, breast implants, and the like.

But again it must be emphasized: the radical feminist attack is *not* based on the actual or possible abuses of the reproductive technologies. Techniques like IVF are not accepted or rejected based on empirical evidence of whether or not, on balance, they benefit women. They are rejected because they (allegedly) spring from and add strength to a particular socioeconomic system — a system that cannot be reformed because it in and of itself is an abuse. Those who believe that science and medicine can be value-free are at best naive, say the radicals, for all current knowledge is based on the perpetuation of patriarchal values and assumptions. Sandra Harding writes:

> It is a system of male-dominance made possible by men's control of women's productive and reproductive labor, where "reproduction" is broadly construed to include sexuality, family life, and kinship formations as well as the birthing which biologically reproduces the species. [The sex/gender system] appears to be a fundamental variable, organizing social life throughout most recorded history and in every culture today. (Quoted in *Imprimus*, June 1990)

But this is only the tip of the oppressive iceberg. Women are exploited not merely by reproductive technology, but by *all* technology, science, and medicine. In article after article, book after book, "patriarchal" research and science is critically characterized as "controlling" the environment rather than being "open" to it, linking validity to reproducible results, relying on evidence instead of experience, using deductive rather than inductive logic, and seeking to dominate, not to accept. By contrast, "feminist" research and science is characterized as holistic in its approach to health, woman-centered and opposed to male domination, and offering validation to women's experience.

To say that I can break a contract with impunity simply because I have second thoughts is, in essence, to say that no contract exists at all.

In her essay "Theorizing about Theorizing," scholar Dale Spender discusses the extent to which subjectivity is to be embraced:

> If everything I know is "wrong," that is, if there are no absolutes, no truths, only transitory meanings imposed by human beings in the attempt to make sense of the world, then "wrong" becomes a meaningless category. Instead of being frightened that something I am arguing for as truth, as right, as logic, may in fact be wrong, I am starting from the other end and arguing that I know it is temporary and inadequate. I am then searching for the "errors," the "flaws" that will help me to refine. (*Body/Politics*, p. 28)

Of course, despite rejecting objec-

tive truth, radical feminists seem to claim absolute knowledge when it comes to the evils of patriarchy and the damage that reproductive technology has done to women. Because reproductive technology has been developed by men, it is *prima facie* and axiomatically deemed to be against the interests of women. Accordingly, only women who have been damaged by these techniques are given a voice in radical feminist literature. The vast number of women who have benefited are given no voice at all, or are only heard to be discredited and dismissed. Women who use surrogate mothers are said to be enslaving the wombs of others; women who request IVF are placed on the same level as lab animals undergoing experiments.

Heather Menzies claims that birth control is part and parcel of patriarchy.

To condemn and prohibit the new reproductive technologies, radical feminists have to somehow demonstrate that the women who flock to use them are not truly exercising either choice or control over their own bodies. Thus we hear *ad hominem* attacks on any feminists who suggest, for example, that women who embrace surrogate motherhood are really *choosing* to do so. Janice Raymond's opinions are typical:

> There's a lot of pseudo-feminist rhetoric of freedom and choice that masks the essential slavery of surrogacy. And there's a conscious manipulation of language and reality that happens when defenders of surrogacy use the rhetoric of "procreative liberty," knowing that many women will resonate with this phrase because of the feminist emphasis on reproductive choice articulated around the abortion issue . . . Judge Sorkow himself equated the "right" to be a surrogate mother with the right to have an abortion. ("Sexual and Reproductive Liberalism," *The Sexual Liberals*, p. 111)

But radical feminists cannot so easily escape the haunting issue of choice. There is a real tension between their claims that (1) women must fully control their reproductive functions, yet (2) certain reproductive choices are unacceptable. Common sense dictates that if women have the right to say no to reproductive technology, they must also have the right to say yes. And if a woman requests a procedure, pays the bill, and willingly undergoes it, common sense indicates that she has consented to that procedure. If radical feminists say that consent is not present, the burden of proof falls firmly on their shoulders.

By way of proof, radical feminists claim that women who use reproductive technology are not really choosing in a meaningful sense of that word. Those who point to the overwhelming evidence of consent are ignoring the fact that women have been oppressed for centuries. The limited and negative range of alternatives that patriarchy currently allows cannot truly be called choices.

For example: in "From the Pill to Test-Tube Babies," Elisabeth Beck-Gernsheim claims that the new technologies cannot expand choice because they are "embedded in social institutions, and individual choices are made within a social system that rewards some choices and punishes others." She further argues that the new reproductive technologies violate the democratic process necessary to a free society. The growth of technology has been so rapid and uncontrolled, she says, that it has imposed a new social order on women without having to go through duly elected officials or being put to a vote.

In analyzing Beck-Gernsheim's argument, it is necessary to extend the courtesy of taking her seriously. It is necessary to assume she truly believes that abortion, birth control, and IVF are legitimized by the will of the majority and not by the decisions of individual women. It is necessary to assume she actually believes that a woman's technological choices concerning her body should be a matter for "duly elected officials."

So: how can taking choice out of the hands of individuals and putting it into the palms of politicians possibly prevent "social control"?

It is true that women who use these technologies have been influenced by their culture. The mere fact that their culture is advanced enough to *have* such procedures influences their choices. People are affected by their environment. That's a truism.

But Beck-Gernsheim and company are saying much more than this. They claim that society has narrowed women's possible courses of action down to unacceptable alternatives, and that, given the climate of social oppression, women cannot be held responsible for the choices they make. Consider Gena Corea's view of women who wish to carry the fertilized eggs of another rather than carry her own: "No force will be required to get us to accept the donor eggs — that is, to prohibit us from reproducing ourselves. Control of consciousness will do quite well."

Apparently, cultural influence is so potent and women are so weak-minded that we easily lose the ability to make decisions about our own bodies. Fortunately, radical feminists — strangely immune from cultural influence — are there to take up the slack.

Pro-choice feminists seek to expand women's alternatives. Radical feminists want to narrow women's alternatives by eliminating the "unacceptable" ones.

The War on Contracts

Since the essence of woman's choices — the vehicle by which they are translated into society — are written agreements, radical feminism is also waging war against "wrong" contracts. Phyllis Chesler's comments exemplify this:

> Some feminists said, "We must have a right to make contracts. It's very important. If a woman can change her mind about *this* contract — if it isn't enforced — we'll lose that right!" . . . They didn't consider that a contract that is both immoral and illegal isn't and shouldn't be enforceable. They didn't consider that businessmen make and break contracts every sec-

> ond . . . Only a woman who, like all women, is seen as nothing but a surrogate uterus, is supposed to live up to — or held down for — the most punitive, most dehumanizing of contracts. No one else. Certainly no man. ("Mothers on Trial," *The Sexual Liberals*, p. 101)

Consider the most common objections to surrogacy contracts. One is that the surrogate is selling herself (or, at least, her womb) into slavery. But how is renting out one's womb different in kind from renting out any other parts of one's body, as a secretary, lawyer, proofreader, or chemical engineer? A slave loses not only the use of his or her body, but also his or her moral and legal jurisdiction over it. Surrogate mothers do not.

Radical feminists also object to surrogacy contracts on the grounds that the surrogate cannot give informed consent. This contention is insulting to each and every woman, not merely those who are involved in surrogacy. It is just another way of saying that women don't know their own minds and can't be trusted with control of their own bodies. Men have told women this for centuries. Now radical feminists mouth the same old patriarchal line.

Moving past this emotional response . . . part of the radical feminist objection hinges on the current vagueness of the surrogacy contract, which often does not specify the rights and duties of those involved. For example: who will care for a baby born deformed? Does the surrogate agree to a caesarean if the fetus is in danger? What remedies are available for breach of contract? Without definition of these terms, informed consent may be a problem.

But even with these questions resolved, the heart of the objection remains: the claim that surrogates, *by the very nature of their contract*, cannot give informed consent. In this, radical feminists are in agreement with that bastion of patriarchy, the court system. Ruling on the 1988 Baby M surrogacy case, the New Jersey Supreme Court stated that a surrogate

> . . . never makes a totally voluntary, informed decision, for quite clearly any decision prior to the baby's birth is, in the most important sense, uninformed, and any decision after that, compelled by a pre-existing contractual commitment, the threat of a lawsuit, and the inducement of a $10,000 payment, is less than totally voluntary. Her interests are of little concern to those who controlled this transaction.

This does not so much invalidate surrogacy contracts as invalidate the possibility of any contracts whatsoever. Consider what the court deems to indicate a lack of informed consent. First, the surrogate doesn't know how she will feel about the baby until it is born. That could be said about almost any contract. If I sell my family home, I do not know how much I will miss the memories it holds until I no longer live there. If I contract to produce paintings, I don't know how emotionally connected I will feel to my works until they are executed. If I agree to mow someone's lawn on Saturday afternoon, I don't know how personally important that free time might be to me until Saturday rolls around. To say that I can breach a contract with impunity simply because I have second thoughts is, in essence, to say that no contract exists at all.

The pro-choice case rests on the principle of "a woman's body, a woman's right." This is antagonistic to radical feminists' agenda of class rights and class interests.

But, protests the court, the surrogate is "compelled by a pre-existing agreement" and "the threat of a lawsuit" into complying with the surrogacy contract. But that is almost a *definition* of a contract: an agreement that binds a person and leaves him or her vulnerable to legal remedy if breached. To say that these factors constitute coercion is to say that contracts in and of themselves are coercive.

The court's last argument — that the interests of the surrogate "are of little concern to those who control the transaction" — is equally weak. This too can be true of any contract. Both parties are pursuing their own perceived interests.

Some feminists raise yet another objection. Surrogacy, they say, creates a class of women who can be bought as breeders, stripping them — and all women — of dignity. Testifying before the House Judiciary Committee of the State of Michigan in October 1987, Janice Raymond declared:

> I am here today to testify against this bill that attempts to regulate surrogacy but, nonetheless, establishes surrogate contracts as legal and binding. My position is that surrogate contracts should be made unenforceable as a matter of public policy, and that they reinforce the subordination of women by making women into reproductive objects and reproductive commodities.
>
> . . . A surrogate arrangement offers no dignity to women and therefore cannot be called a real right. It violates the core of human dignity to hire a woman's body for the breeding of a child so that someone else's genes can be perpetuated.

Apparently, no one has the right to do anything that might damage their "dignity" — as defined by Janice Raymond, of course.

Choice and the Marketplace

In her essay "Commercial Surrogacy," Linda Whiteford sketches the rationale behind rejecting the "money motive" in surrogacy:

> Commercial surrogacy exploits socioeconomic class differences, using financial need and emotional need as currency. The exchange of money transforms surrogacy from an altruistic gift between sisters or friends into baby-selling or womb-renting and powerfully affects social relationships. The exchange of money for surrogacy codifies power and class inequities between those who can afford to buy new life and those who sell their ability to create life. The exchanges of money for surrogacy categorizes people as buyers and sellers, categories based on socioeconomic differences. (*New Approaches to Human Reproduction*, Linda Whiteford and Marilyn L. Poland, eds., Westview Press, 1989, p. 149)

In other words, the fact that a surrogate needs money invalidates her

contracts. But it is precisely those who need money who most need the right to contract for it! To tell a poor woman she has no right to sell her services — as a waitress, a nurse, or a surrogate mother — destroys her economic self-determination. Her services may be the only thing she has to leverage herself out of poverty. She needs the right to contract far more than the rich and powerful do.

Radical feminists' hostility to individual choice and support for class rights has led them to reject the free market. Instead, they turn to the government for justice. But it has been government that has persecuted women through the centuries. It burned them as witches, said they could not own property, banned information on birth control, committed healthy and rebellious girls to insane asylums, condoned domestic violence, banned women from universities. Government has thoroughly demonstrated itself an enemy of women.

A *truly* radical feminist should argue for *more* commercialization of reproductive technology. For this is nothing more or less than a woman's right to use and dispose of her own body in a manner that profits her, be that profit monetary reward or an infant in her arms.

Competing Agendas

By attacking reproductive technology, radical feminists have hindered the pro-choice movement in several ways:

(1) Their arguments apply with equal force against abortion. The contention that all modern medical techniques are the creations of patriarchy leaves little doubt as to where surgical abortion stands.

(2) They have splintered the movement and made a concerted effort against the pro-life agenda unlikely.

(3) They have joined hands with the religious Right, which opposes surrogacy almost as much as it does pornography. This unholy alliance only strengthens those who oppose abortion rights.

(4) They have so muddied the abortion issue that it can no longer command a clear focus and be the rallying point it was in the '60s.

Can anyone really believe that increasing the choices available to women is actually a form of oppression? Who does not remember how birth control and abortion, whatever their incidental flaws and abuses, liberated vast numbers of women from the tyranny of involuntary motherhood? Who can view that as just another white male fraud?

The debate about reproductive technology is really about choice. Pro-choice feminists seek to expand women's alternatives. Radical feminists want to narrow women's alternatives by eliminating the "unacceptable" ones.

Nothing less than the principle of "a woman's body, a woman's right" is at stake. If it is lost what remains? ❑

Seavey, "The Inevitability of the Welfare State," *continued from page 47*

elected officials get away with. That's why throwing the current crop of elected bums out would do little to change the way our government behaves. We'd still have the same culture, expecting the same things from the state.

This is also why neither anarchist bombs, nor a miraculous meteor strike on D.C., nor a coup, nor House Resolution #XYZ, nor the election of a Ross Perot can solve the problem. Soon after blowing up the capital or electing a budget-cutter, our statist culture would replicate previous conditions. Removing Beijing from the planet would not turn the Chinese into capitalists (though it might help) and removing D.C. would not make our culture libertarian.

Opponents of the welfare state must, then, concern themselves with messy and vague questions about what kind of *culture* is conducive to liberty and what virtues need to be fostered to keep a free people free.

Unfortunately, many of the free market's defenders try to avoid cultural questions, almost to the point of ethical relativism. If cultural questions not directly involving coercion were irrelevant to maintaining liberty and human happiness, it would be appropriate to treat them as ethically neutral. But that is not the case. The philosophy to which a subculture adheres today — its respect for life, its skepticism about authority, its attitude toward profit-making, its concept of the individual — inevitably affects its attitude toward the use of coercion and state power in the future, as well as its level of tolerance for random violence and theft.

The Cultural Battlefield

For that reason, libertarians must be in the culture business. They must attempt to forge a broad consensus against the use of initiated force — both public and private — to solve problems. This is a sobering thought, as it makes the pretense of cultural neutrality, behind which economic and political-science analyses can often hide, impossible. In this era, people engaged in forging a cultural consensus even on a narrow range of topics are condemned loudly by rival sects and, especially, the self-styled guardians of "diversity" fighting off the "fascism" of cultural homogeneity.

I'm not sure this cultural battle is one that liberty's defenders can win — or one they are intellectually well-equipped to fight — but it is the only battleplan with a chance of creating a free society.

Still, who knows? History is not just the sum of its major trends. It also contains countless unpredictable incidents which sway opinion and alter the expected course of events. A particularly bad government scandal, the passage of a blatantly oppressive law, or the sudden adoption of libertarian causes by Hollywood celebrities could still spark an anti-statist groundswell.

And even then, the problems I've outlined will remain. Perhaps by the twenty-third century, America will be libertarian. But such a social order will *always* be harder to create and sustain than the easy drift that is welfare statism. ❑

Reviews

***The Dream and the Nightmare: The Sixties' Legacy to the Underclass*, by Myron Magnet. William Morrow, 1993, 256 pp., $20.00 (hc).**
***Madness, Heresy, and the Rumor of Angels: The Revolt Against the Mental Health System*, by Seth Farber. Open Court, 1993, xviii+266 pp., $17.95 (sc).**

The New Conservative Welfare State

Jesse Walker

What does the old cliché "freedom entails responsibility" mean? According to your run-of-the-mill civics textbook, it means that, just as the government allows us certain liberties, it demands obligations in return. The text might go on to display a list of freedoms ("the right to a secret ballot") and a list of responsibilities ("if you're 18, register for the draft") — two columns linked only by the mediation of the state.

Which is all nonsense. To be free *is* to be responsible for one's own actions, and to be responsible, one must be free to make choices. Choice without consequences is called license; consequences without choice, slavery. In today's civics-book, two-column social order, we have both. If you want to experience life among the licentious slaves, neither free nor responsible, wander through a typical government school, mental hospital, or public housing project.

Myron Magnet did just that, and wrote *The Dream and the Nightmare*, a harsh, poetic, sometimes brilliant, usually infuriating tome that demonstrates both the power and the poverty of neoconservative thought. All horror novels must have a villain, and Magnet's is a biggie: the counterculture of the 1960s. That era's antinomian values, he says, were adopted by the cultural elite and dispersed through the rest of society, bringing tragedy and hopelessness to the lower classes. The legacy of sexual freedom, the drug culture, and the ethic of instant gratification is today's decaying inner city, where civic order has completely broken down.

Or so says Magnet. But while his analysis has its strengths, it ultimately fails to confront either the ambiguous legacy of the 1960s or the larger, complex interplay of freedom, responsibility, and social order.

The Poverty of Culture and the Culture of Poverty

Opportunities for economic mobility still exist, and most poor people don't stay poor. But some do, "a population whose poverty remains chronic, even intergenerational, and whose behavior doesn't include the commonplace first steps toward upward mobility" (Magnet, 40). These are the underclass, defined as much by failed families and broken neighborhoods as by economic hardship. The underclass has never been precisely defined; it is more a collection of symptoms than a firm category. For Magnet, what separates these people from the nonunderclass poor is *culture* — the folkways transmitted from generation to generation and the commonly held values that drive those shared behaviors. Simply put, the underclass suffers from a culture of irresponsibility.

Remember the Central Park wilding of April, 1989? A gang of kids — six were finally brought to trial — went on a rampage, ending in the gang rape and attempted murder of a young woman. These boys are Exhibit A in Magnet's prosecution. They were *not*, he informs us, "typical underclass kids. Instead of being the offspring of teenage welfare mothers, some came from intact families, most had working parents, and around half lived in a building reported to have a doorman. One attended a private school." So what was going on?

> The six youths . . . were borderline characters in many senses of the word. Four of them lived on the very margin of Harlem, right at the corner of Central Park, overlooking but utterly separate from the world of affluence that lines most of the park perimeter. Their building was relatively new and well-kept, but its doorman, universally invoked in the newspapers as a totem of middle-classness, was only a security guard, and most of its apartments, though occupied by working people, were government-subsidized. The private-school student? He'd recently been enrolled in a $1000-a-year Harlem parochial school after he'd been suspended from the public school he'd previously attended for carrying weapons.
>
> The families of the youths ranged from a hairbreadth out of the underclass, with many underclass cultural characteristics, to full-fledged working class. . . .
>
> It wasn't the welfare system that made these six indicted youths what they turned out to be — or poverty or drugs or school-leaving. It was that they lived all their lives in an underclass community and continually drank in its values. (Magnet, 69–70)

A strong argument, so far. But what produced those values? How could a community's notions of right and

wrong go so rabidly amok?

> [C]rime takes on the closest links to culture. For though the whole governmental structure of force and threat — police, judges, and prisons — is a key means by which society restrains aggression and crime, it isn't the principal means. . . . The most powerful curb isn't force at all: it is the *internal* inhibition that society builds into each person's character, the inner voice . . . that makes the social contract an integral part of our deepest selves.
>
> . . . This is a cultural matter, a matter of how people bring up their children, a matter of the messages that get passed from the community to the parents and thence to the children. The object is to transmit the necessary prohibitions against aggression to each individual and to win each individual's inner, positive assent to the social endeavor. (Magnet, 157)

The underclass does not transmit and has not received these necessary messages, says Magnet. Welfare, expanded by left-liberal cultural revolutionaries, tells them they are not responsible for their own plight. Endemic single motherhood, made mainstream by the sexual revolution, prevents strong families that can provide necessary socialization. And how (he continues) can anyone keep their innate aggressive urges intact while high on crack — the final fallout from the '60s drug culture? Consider the data gathered by James Q. Wilson, Magnet urges us: with the baby boom, the "rise in welfare dependency was 600 percent greater than experts would have predicted from the change in the population's age profile," and "the rise in crime, over 1200 percent greater. Clearly the baby boom generation made so decisive an impact not just because it was large, but especially because it was so different. A huge cohort grew up formed by a new culture — a new set of values, beliefs, and institutions — that was only just cooling and solidifying as the baby boom was coming to consciousness." Magnet's conclusion: "The problem wasn't that the underclass was too isolated from mainstream culture, but rather that it was too powerfully influenced by it" (Magnet, 68).

All horror novels must have a villain, and Magnet's is a biggie: the counterculture of the 1960s.

But what was this "mainstream culture"? Magnet is blurring the boundaries between three very different sets of people in order to support a rather tenuous argument.

First, there are the social critics who emerged in the late '50s and the '60s as rebels against Organization Man society and advocates of greater individual freedom. Magnet singles out a handful of these for criticism, with mixed results.

Second, there is the New Frontier/Great Society explosion in government activism — a phenomenon rooted in precisely what the first group of critics was rebelling *against*. Chronologically speaking, Wilson's demographic data could be attributed to this as easily as it could to the "cultural revolution."

Last, there is the media-created mass counterculture of the baby boom. This represents the social critics' actual effect on the larger culture, and thus should be most important for Magnet's thesis. But he spends almost no time with it at all.

I believe that the crisis of the underclass springs only barely from the third group, mostly from the second, and not from the first at all. And Magnet himself is a lot closer to the second group than he realizes. For all his anti-bureaucratic, individualist rhetoric, the solutions he proposes often amount to just more of the same.

Welfare Empires

Two characteristics are common to every underclass setting. One is the breakdown of community, of the voluntary associations and intermediary institutions that nestle and nurture social order. A "bad neighborhood" is one where this spontaneous commons is progressively disintegrating, or else being twisted into something perverse, like violent gangs.

The second characteristic is the ever-intrusive hand of government. Public housing, public schools, AFDC, SSI — welcome to the welfare state.

Needless to say, the two are linked. Since the turn of the century, more and more social functions have been taken out of the hands of intermediary institutions by the state and its ranks of credentialled professionals. The process took off in the Progressive Era, with municipal "reform," in which control of local services was transferred from neighborhoods to a professionalized civil service; licensure, which restricted entry to elite (and some non-elite) vocations; and education reform, which both centralized public education and created a means for separating the professional class from the uninitiated. The welfare state is the modern organization of once-decentralized social functions; its bureaucrats are its main beneficiaries.

In Liberal Democrat Mythology, the Great Society was a valiant effort to wipe out poverty by providing decent education, housing, food, and shelter. In the real world, it was an enormous political patronage program.

The vastest expansion of the welfare empire was Lyndon Johnson's Great Society. In Liberal Democrat Mythology, the Great Society was a valiant effort to wipe out poverty by providing decent education, housing, food, and shelter to everyone in America. If it failed, it only did so because the public, hampered by skinflint conservatives/the Vietnam War/the tax revolt/sunspots (take your pick), didn't cough up enough dough.

In the real world, the Great Society was an enormous political patronage program. "Needs" were defined by the "helping professionals," not poor people; bureaucracies were built by men and women as self-interested as anyone else. Honest ideologues like Michael Harrington provided a *rationale* for spending money, not an impetus. Consider this statistic:

> The "nonprofit" human service sector

(not counting hospitals and institutions of higher learning) in New York City in 1982 received $10.6 billion dollars. The largest single source of revenue for that sector was government contracts. . . . Had just 10 percent of that money been given directly to poor families [rather than routed through the charity complex], welfare benefits would have doubled in New York. (Funiciello, 37)

Put on your public-choice hats. Who benefits from a system like that? Who is *supposed* to benefit? Poor people, or their keepers?

The professional dolers and planners and social engineers now face an interesting double-bind. On the one hand, they owe their power and budgets to the presence of poor people, and have an incentive to find (or create) more of them. On the other hand, their job, in the ever politically fierce opinion of the public, is to get people *off* the dole. The way out of the fix is "workfare."

"Workfare" — and "learnfare," and all the other permutations — still requires lots of government spending; Wisconsin's recently enacted system actually costs *more* than its predecessor. At the same time, it requires welfare clients to attend job training sessions — often for jobs that aren't there, or which ordinarily provide their own non-subsidized training — or to "work" (working raising kids doesn't count) or to attend school. Studies have shown that most people lifted off the welfare rolls this way usually drift back; it seems that government planners are incapable of figuring out just what jobs it is useful to train people for. But no matter — that just keeps the cycle going.

If you're wondering why no one thought of this before, the answer is that they did — remember CETA? And even without such programs, an informal client-recycling process, dubbed "churning," has been common for a long time. People eligible for welfare are simply cut off, arbitrarily, then reinstated a few months later.

Programs like these erode freedom in obvious ways — the freedom of the taxpayer who cannot keep what he or she has earned as well as the freedom of the welfare recipient who must endure the prying eyes of Big Sister. But they also erode responsibility.

Myron Magnet is concerned about the survival of the work ethic. He sees it dying in underclass communities, and blames the influence of the counterculture. But what about the influence of a system that treats work as a bureaucratic rigamarole, just another ritual to go through before the client can get her benefits? As far back as the nineteenth century, one workhouse set its charges a-busy carrying logs back and forth across a yard all day for no discernible purpose other than to teach the value of work. The "value" of this labor escapes me, but I'll hazard a guess as to its effect: the inmates learned to dissociate work from useful activity, to jump docily through hoops on demand, and to feel surly resentment toward the whole concept of productive activity. Today's "training" for jobs that aren't the jobs available is simply the same process, modernized.

Punitive imposition of "responsibility" is no substitute for the real thing.

This all reminds me of a conversation I had with a schoolteacher once. "Maybe, if a student doesn't want to learn to read, you should just let him be illiterate for a while," I suggested. "Perhaps he'll eventually want to read, once he finds out the consequences of not knowing how."

"Consequences?" she exclaimed. "We've *tried* consequences. We haven't come up with any that work!"

Doing Our Own Thing, Which May Be the Nasty

Magnet is also concerned about the future of the family. This is understandable. In general, children benefit from having more than one parent. Two-parent families are usually stronger and more stable than one-parent households. Single parents would need neither wage-work nor welfare checks if they were supported by working spouses. If the family is disappearing, a non-governmental safety net is being destroyed.

But let's stop and consider this for a moment. All right, so two parents are better than one. How about three parents? Four? Five? Not real parents, of course; I'm talking about extended families. Is it better to be raised by a father and a mother than by a mother, a grandmother, and an uncle? Is a heterosexual couple innately superior to a homosexual one?

The correct answer is, "It depends." It depends on who these people raising the kids are, how they're going about the job, and what the kid's needs are. Perhaps the nuclear family is an ideal form. Perhaps it is not. Perhaps — and here is a radical, subversive notion, implying human diversity and other sneaky concepts that tend to trip up neat scientific models — perhaps it's ideal for many people, adequate for most, and completely inappropriate for a few.

All right, so two parents are better than one. How about three parents? Four? Five?

This is the sort of talk Magnet blames for the current crisis. But he's barking up the wrong tree. The same revolution that meant misery for the children of broken families, means joy for children and spouses escaping abusive family members, for homosexuals and bisexuals now *allowed* to form stable relationships, and for many, many more. The family, like all intermediary institutions, is constantly evolving. It is just as destructive to freeze that evolution as it is to abolish the institution itself.

But the modern welfare state subsidizes single motherhood — and, indi-

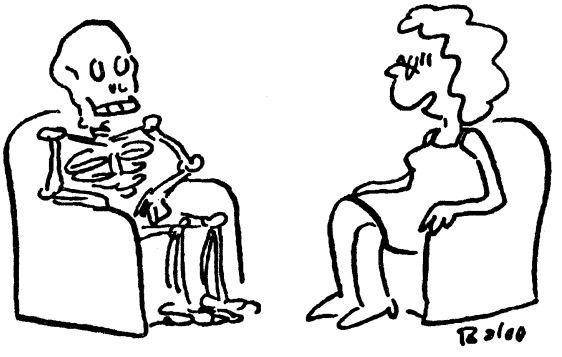

"Walter, we never *talk* any more!"

rectly, papa-was-a-rolling-stone-style single fatherhood. Evolution requires not just experimentation, but a feedback mechanism as well, and subsidy shorts the feedback loop. In that context, the family revolution has had some negative effects.

Yet a simple-minded return to the allegedly good old days would only unsolve old problems. Magnet's odious proposals — massive group shelters for unwed mothers, where professionals will teach them proper child-rearing and children will be cared for in government day care centers — won't solve a thing. Why institutionalize poor women and their children? Isn't that what led to the present difficulties?

If you want to understand where the Commentary crowd is coming from when nothing's happening in the Middle East, Magnet's book is a fine place to start.

Blood in the Streets

Last but not least, there's the headline-grabbing territory of crime and drugs. We've come a long way since the days William Julius Wilson described in his famous opening to *The Truly Disadvantaged*, when "blacks in Harlem and in other ghetto neighborhoods did not hesitate to sleep in parks, on fire escapes, and on rooftops during hot summer nights in the 1940s and 1950s, and whites frequently visited inner-city taverns and nightclubs" (Wilson, 3).

How could that sort of safety be maintained? Jane Jacobs' observations may shed some useful light on the topic:

> The incident which attracted my attention was an apparent struggle going on between a man and a little girl of eight or nine years old. The man seemed to be trying to get the girl to go with him. By turns he was directing a cajoling attention to her, and then assuming an air of nonchalance. The girl was making herself rigid, as children do when they resist, against the wall of one of the tenements across the street.
>
> As I watched from our second-floor window, making up my mind how to intervene if it seemed advisable, I saw it was not going to be necessary. From the butcher shop beneath the tenement had emerged the woman who, with her husband, runs the shop; she was standing within earshot of the man, her arms folded with a look of determination on her face. Joe Cornacchia, who with his sons-in-law keeps the delicatessen, emerged about the same moment and stood solidly to the other side. Several heads poked out of the tenement windows above, one was withdrawn quickly and its owner reappeared a moment later in the doorway behind the man. Two men from the bar next to the butcher shop came to the doorway and waited. On my side of the street, I saw the locksmith, the fruit man, and the laundry proprietor had all come out of their shops and that the scene was also being surveyed from a number of windows besides ours. The man did not know it, but he was surrounded. Nobody was going to allow that little girl to be dragged off, even if nobody knew who she was. (Jacobs, 38–39)

Streets flourish with varied, overlapping uses, the messy tapestry of a diverse and disunited crowd. A block with different kinds of businesses drawing in different people at all different times of day and night is a block with lots of "eyes" on it, in Jacobs' phrase, creating an unconscious network of mutual surveillance and public safety.

Government planning and zoning, by eliminating mixed use, can cripple this most basic community process. Government urban renewal, by destroying old neighborhoods, can kill it. Government public housing does something even worse:

> [Consider] the peculiarities of another and figurative kind of street — the corridors of high-rise public-housing projects, those derivates of Radiant City. The elevators and corridors of these projects are, in a sense, streets. They are streets piled up in the sky in order to eliminate streets on the ground and permit the ground to become deserted parks.
>
> . . . These interior streets, although completely open to public use, are closed to public view and they thus completely lack the checks and inhibitions exerted by eye-policed city streets. (Jacobs, 42–43)

Shielded from external eyes, denied the mixed uses that bring a constant turnover of internal eyes, public housing attracts vandalism and violent crime. Still worse, planners' innate inability to replicate the unplanned order of the busy street prevents the subtle interplay of private and public space Jacobs elsewhere demonstrates is necessary for cohesive community. Instead, projects devolve into collections of cliques, devoid of a common, public life.

Jacobs' book was published in 1961. The patterns she was describing then continue today, in sharper and uglier forms. Is it too obvious to mention that planning, zoning, and public housing have taken off since 1961? Is it unthinkable that this ongoing usurpation of community self-government could have contributed to the underclass problem?

Is it irrelevant that she was observing this process years before Magnet's "cultural revolution" existed for more than a handful of bohemians and gypsies?

"Workfare" requires lots of government spending; Wisconsin's recently enacted system actually costs more than its predecessor.

The biggest boost to crime rates, of course, has come from the war on drugs. When drugs are outlawed, only outlaws have drugs — gang members who now monopolize the drug trade, addicts who must steal to buy their narcotics at inflated prices. Just as alcohol prohibition dramatically increased urban violence, so has prohibition of marijuana, heroin, and cocaine.

A subtler process is also going on. Drug laws have created a narcotics subculture, forced from the social mainstream by legislative fiat. A community where drugs are the social glue is not likely to encourage intelligent, moder-

ate use of the chemicals, integrated into a broader lifestyle. As Stanton Peele has pointed out, the greatest factor in determining who becomes an addict is whether or not the drug user has anything better to be doing with his time, any firmer centers in his life. In a drug-oriented subculture, he probably doesn't.

So the problem is not the drugs themselves, but irresponsible use of drugs — and limiting people's freedom helps create a culture of irresponsibility. But far be it from Magnet to suggest relegalization.

Not Quite Great

So far, I've been sketching out a libertarian alternative to Magnet's neo-conservative analysis. I should admit, however, that he makes several good points.

His discussion of several issues — notably, the failure of affirmative-action and compulsory-integration schemes — is right on target. He understands that state socialism is a failure, that government bureaucracies are wasteful and self-perpetuating, and that incentives are not insignificant. He understands the law of unintended consequences — at least so far as his opponents' ideas are concerned. Most importantly, he understands the significance of culture. He knows that human beings are neither isolated economic calculators nor malleable slaves to their economic status and physical environment. Values do matter.

But ultimately, Magnet is just another Great Society reformer. He mouths free-market criticisms of socialist planning, but is quick to use the government to achieve his own ends. He will retain the welfare state, only slightly reformed — leaner, meaner, and called something else. Occasional bursts of caution notwithstanding, Magnet's book is really a call for a Pretty Good Society, a workfare-warfare state.

Nowhere is this more clear than in his chapters about homelessness and the "mentally ill."

The Manufacture of Madness

When Myron Magnet writes about mental illness, he saves his most irate red glares for institutional psychiatry's critics — specifically, Thomas Szasz, Erving Goffman, R.D. Laing, and novelist Ken Kesey. These men are part of a larger tradition of post-psychiatric thought that continues to this day, most recently with Seth Farber's excellent *Madness, Heresy, and the Rumor of Angels.*

According to Magnet, Szasz et al. are out to erase all "suppression of impulse," to grant the mad license to do whatever they please, no matter how socially disruptive. Their ideas took over psychiatry and led to the deinstitutionalization of thousands of patients, creating a sorry population of dangerous homeless psychotics in serious need of treatment.

All this is nonsense. These writers (Laing is a possible exception) urge the restoration of freedom *and responsibility*; Szasz, for one, is a leading critic of the use of the insanity plea to acquit criminals — hardly a call for licentiousness. The critics' ideas have had influence in some circles, but have never been more than a hated curio within the psychiatric establishment, as Farber's book makes clear. As for deinstitutionalization and homelessness — well, we'll deal with

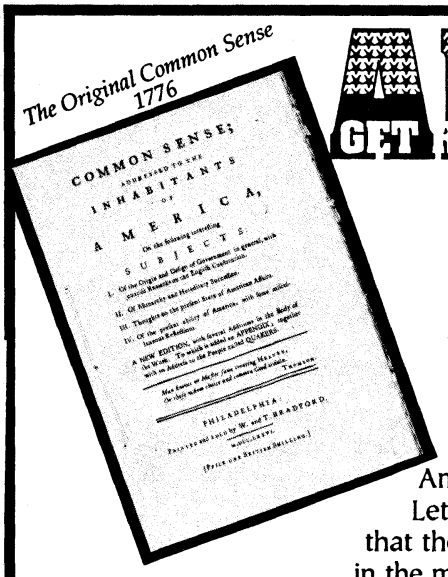

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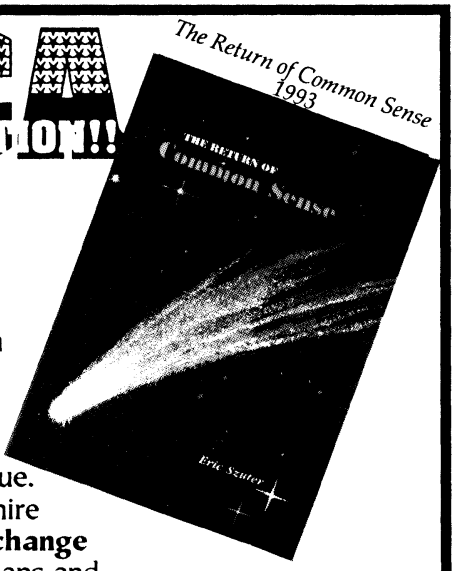

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that issue shortly. First, let's take a look at what these men actually said.

Szasz's critique of psychiatric coercion, set out in *The Myth of Mental Illness* and other books, rests on two general principles. The first is that "mental illness" is a metaphor; minds can only be "sick" in the sense that economies can. "Schizophrenia," "paranoia," "manic depression," et cetera ad infinitum are not illnesses in the sense of cancer or AIDS. They are behavior-patterns with any number of possible causes. Even that is stretching it a bit — these are not precisely defined behaviors, but ever-shifting collections of symptoms, heavily dependent on the preconceptions of the diagnosing psychiatrist. Thus, for example,

> . . . when someone currently does a study of so-called schizophrenics, nobody takes any indicator, any dependent variable from past work, to use as a criterion for schizophrenia in the process of setting up the experimental group. They still take recourse to using the diagnosis given the person by the psychiatrists. Since the person is typically given different diagnoses by various psychiatrists, the researcher will take the one chosen by a majority of the diagnosers. Thus, no one has yet found a way to say, "Let's use this external criterion that has been found valid." (James Mancuso, quoted in Farber, 137–138)

Szasz's other guiding principle is simply the classical liberal standard of rule of law. If someone is not harming anyone else, but happens to hear disembodied voices, that's his own affair. One should not lock up a nonviolent man who hears spirits for the same reasons one does not lock up a nonviolent man who believes that an enormous, gaseous being named "Yahweh" regularly intervenes in athletic contests. Some of my best friends — decent, competent people — pray during basketball games. Some others, equally decent and competent, tell me they speak with spirits and gods. Who am I to imprison them? (For the record, the disembodied voices often bear good advice, and I've seen some pretty miraculous three-point shots.)

Other writers made related points. Erving Goffman pointed out in *Asylums* that, as strange as the behavior of mental patients may appear to outsiders, it makes coherent sense in the context of the asylum. ("Cultural relativism can hardly get more extreme than this," sneers Magnet.) Goffman based his conclusions on extensive anthropological field research in a D.C. mental hospital, where he saw psychiatrists inducing "crazy" behavior, unaware of their role in creating the symptoms they were treating.

Farber traces these criticisms further, to the family therapy movement of the 1950s. Their research showed that, even outside of the asylum, much "crazy" or "pathological" behavior was an individual's expression of otherwise unexpressible concerns — fear of the family splintering apart, or just of "an impending transition to a new phase in the individual or family life cycle" (Farber, 125).

Critics of psychiatry and critics of welfare are not often grouped together. But Charles Murray has built his career on this same insight: self-destructive behavior can be a rational response to perverse incentives.

Farber's Case

Yeah, right, you say. *I've seen the mad, pissing on the street, yelling incomprehensible scatology at passers-by. You're telling me there's method to their madness?*

There isn't any single reason for so many of the homeless to be so disturbed and deranged. It can be a reaction to hopeless circumstances and personal incompetence. For many, it's a byproduct of extreme drug abuse. For some, it could be, as the psychiatric propagandists tell us, a biological condition. Physical problems — e.g., brain damage — can indeed affect human behavior. But if something's wrong with my brain, I'd just as soon bypass the psychiatrists and their diagnostic labels, and go straight to a neurosurgeon.

The neurosurgeon, after all, will examine my brain before he tinkers with it. The psychiatrist will examine only my behavior — and with remarkably constrained vision. And the tinkering he or or she then prescribes may destroy me.

Do I exaggerate? Examine the testimony of psychiatric survivors, gathered in Seth Farber's book.

Each of Farber's first seven chapters is an interview with a woman or man who has undergone coercive psychiatric treatment. Each story is relatively recent, belying the common notion that reformers "fixed" the mental health system in the '60s and early '70s. Each storyteller suffered personal crises — family prob-

lems, or spiritual unrest, or difficulty moving from one phase of life to another. Each was diagnosed as mentally sick, then checked into an institution with its own crazy procedures. Each, eventually, was coercively committed. Each was forced to take psychotherapeutic drugs which, in all cases, rendered the patients genuinely dysfunctional. Each had trouble extricating him- or herself from the mental health system, often voluntarily recommitting themselves when the personal crises continued — giving up freedom in order to escape responsibility. Each has since declared independence from the system, and stopped taking the drugs the professionals told them they would be unable to survive without. Each has indeed survived, and grown stronger.

Why interview strong-willed, attractive survivors instead of the crazy who crap on city sidewalks? Because, Farber says,

> . . . all of [the interviewees] manifested the behaviors typically construed by psychiatrists as symptoms of severe mental illness. These individuals are exceptional primarily in the sense that they are forerunners and that they can and will serve as role models for other psychiatric survivors who will follow their example and refuse to allow mental health professionals to destroy their dignity and induct them into careers as mental patients. (Farber, xvii)

It is people like these who defy the medical model of madness.

The remainder of Farber's book is a damning collection of evidence, an account of the ways the medical model of the human psyche goes wrong and the ways in which people have resisted its constraining vision of human potential. It is a moving, fascinating *tour de force*.

Some psychiatric intervention may do some good, of course, and we all should have the right to contract for whatever therapeutic services we wish. I have a friend who began taking a psychiatric medication fifteen years ago, out of concern for her drainingly manic behavior. It calmed her down, but had the alarming extra effect of weakening her creativity and her desire to write. After careful consideration, she decided that this was an acceptable trade-off. She continues to self-medicate to this day, controlling dosage and setting herself.

If that was all there were to psychiatric drugs, only anti-chemical puritans would object. But when potentially dangerous and rarely useful medications are forced into people's body *against their will*, all who believe in justice and liberty should protest.

Myron Magnet does not.

It's a Mad Mad Mad Mad Myron

Magnet attacks Szasz and company in two ways. One is to tell a series of horror stories about crazy homeless people the police refuse to lock up. These fall into two general categories: people who constantly threaten to hurt or kill someone and then do so, and people who make a real nuisance of themselves urinating on the street, screaming at strangers, and generally disturbing the peace.

Unfortunately for Magnet's argument, there already exist means of dealing with folks who do these sorts of things — means which don't have anything to do with psychiatry. If the police do not act to stop people who carry around axes making violent threats, or who make the public sidewalks unlivable, that may say a lot about the police, but it says little about psychiatrists.

Magnet's other attack is to blame psychiatry's critics for the deinstitutionalization disaster — and, by extension, for homelessness.

"Deinstitutionalization" refers to the release of thousands of onetime mental patients from state mental hospitals over the course of the 1960s and 1970s. In theory, the patients were to go to new, government-funded community mental health centers. In fact, most of those centers were never built, and the ones that were, were embarrassments. Most ex-inmates subsisted in cheap private quarters, usually single-room occupancy hotels. In the early '80s, urban renewers started knocking the SROs down, causing the remaining hotels to raise their rates and leaving many former patients on the streets.

For the record, while many civil libertarians supported deinstitutionalization on Szaszian grounds, the process itself emerged from pressures on state budgets. Not, mind you, that spending

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was ultimately curbed. State hospital expenditures fell only three percent between 1969 and 1981, while *federal* spending skyrocketed from $1 billion in 1963 to over $17 billion in 1985. Adjusted for inflation and number of patients, Magnet tells us, this is a fourfold increase. The hospitals had been willing to send patients packing, but not staff, in yet another demonstration that the welfare state exists to serve itself, not its clients.

According to Magnet's figures, about 405,000 patients were deinstitutionalized during the '60s and '70s. He also estimates, reasonably, that there are between 300,000 and 360,000 homeless people in America. Later, he quotes ten NIMH studies that "consistently show that around one third of the homeless — well over 100,000 souls if the homeless total 350,000 — suffer from severe mental illness" (81–82). I have not seen these studies, but I have to wonder what kind of methodology allows one to assert that a third of the homeless are mentally ill without, in the process, discovering the actual number of mentally ill homeless people. But even accepting that figure, and even accepting the literal existence of mental illness, that leaves over 300,000 deinstitutionalized patients who are not on the street.

Where are they? I don't know. It is not in the interests of institutional psychiatry to track *their* progress.

At any rate, it's clear that deinstitutionalization helped fuel the homelessness problem. But the broader lesson, I think, is to not knock down SROs.

The Neoconservative Paradox

All this leads us to the central paradox of Magnet's book, and the greatest strength of Farber's.

At one point, Magnet criticizes Erving Goffman for espousing "the idea that character and behavior are nothing but products of the social circumstances in which people are immersed" (Magnet, 85). That's a straw-man attack. *Of course* character and behavior have more than a social basis; biology, too, plays a role.

But stop and think a moment about Myron's complaint. Magnet's favorite explanation for our nation's ills — culture — is itself a social circumstance. Doesn't he realize that it is the *culture* of the asylum that Goffman is writing about?

There is a very real connection between Magnet's declaration that the homeless are "mentally ill" and his diagnosis of underclass "pathology." His solutions are also strikingly similar: commit the mental cases to psychiatric institutions, put poor mothers into government shelters.

Compare this to *Madness, Heresy, and the Rumor of Angels*. The psychiatric survivors Farber interviews have all managed, after much pain, to reassert control over their lives. Each very different story had that same object: *to regain control*. That meant being free, and that meant being responsible. Neither side of the equation is neglected. Calls for irresponsible, just-do-it, screw-the-consequences self-destruction may have come from some countercultural quarters, but if these critics of the psychiatric establishment represent Magnet's "cultural revolution," he's looking in the wrong part of town.

So what can I conclude, ultimately, about Magnet's opus? It is (the reviewer said slyly) schizophrenic. There's good in it and bad; it's part of the problem *and* part of the solution. Sometimes it stands for liberty and self-government; sometimes, for imposing "responsibility" without a trace of freedom.

Mostly, it's interesting as a cultural document. Magnet speaks for a lot of intellectuals of a certain right-wing stripe. If you want to understand where the *Commentary* crowd is coming from when nothing's happening in the Middle East, this is a fine place to start.

Farber's book, on the other hand, is a testament to liberty and to the indomitable human soul. Long after the institutions it exposes collapse under their own weight, it will deserve to be read. ❑

Other texts quoted in review:

Theresa Funiciello, "The Poverty Industry," *Ms.*, November/December 1990.

Jane Jacobs, *The Death and Life of Great American Cities*, Vintage Books, 1961.

William Julius Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*, University of Chicago Press, 1987.

***Miles From Nowhere*, by Dale Duncan. Viking Penguin, 1993, 320 pp., $22.50 (hc).**
***Visions Upon the Land*, by Karl Hess, Jr. Island Press, 1992, 278pp., $22.00 (hc).**

Miles from Understanding

R.W. Bradford

In *Miles From Nowhere,* Dayton Duncan tells the story of his visits to "America's contemporary frontier," by which he means the extremely thinly settled places of the American West. More precisely, he defines the contemporary frontier as those counties in the West with a population density of less than two persons per square mile, and he thoughtfully provides an appendix listing their names, populations and population densities. This definition of frontier is not his own, he explains. It comes from Robert Porter, superintendent of the 1890 census, who used two persons per square mile as the threshold of "settled" versus "unsettled" country.

His tour of the contemporary frontier takes him to places very few tourists ever see, places with strange names like Fields, Mentone, Big Timber, and Quemado — tiny communities, with fewer residents than a single apartment building in a medium-sized city. These tiny towns are strange in more than name: they are inhabited by strange people who do strange things. And Duncan talks to them.

He talks, for example, to people who live in Loving County, Texas, which holds the distinction of being both the nation's least populous county (107 residents) and most thinly populated (0.16 people per square mile). They tell him how most of them live off taxes paid by owners of gas and oil wells within the county, and that the county's political battles are so acrimonious that most everyone in the county hates most everyone else. He talks to Larry DeRieux, who owns most of Fields, Oregon, and hopes to develop the tiny (population 9), extremely isolated (nearest town 120 miles) town in Oregon's high desert into a thriving tourist center. He visits Big Water, Utah, and talks to Alex Joseph, the renegade polygamist Mormon who runs the town with the aid of his nine wives.

There's a lot of offbeat information in the book, and it is reasonably well-written. It manages to be amusing without taking on the facetious tone of so many contemporary travel books. And it mostly avoids the pretentiousness from which so many "serious" travel books suffer. This is saying a lot for a travel book.

I love America's thinly-settled places and the people that live there. Like Duncan, I have a database on my computer listing America's thinly populated counties (though my limit is one person per square mile, rather than two). Like Duncan, I have traveled to these lightly populated places, and have talked to the people who live there. I have visited Fields several times, though only once since the paved highway was put in in 1990. I visited with the locals in Loving County back in 1984. I have visited Big Water, and interviewed the residents, failing to interview Mayor Joseph only because he was "too hung over" from the previous night's drinking (in the words of one of his wives, who also serves as City Attorney). I have also visited Denio, Nevada, where a lady told me she had relocated from Crescent City, California, because there were getting to be too many people in that tiny, isolated coastal city; and Rajneeshpuram, Oregon, the once-bustling religious commune, now inhabited only by a garrulous caretaker; and Gerlach, Nevada, which a sign in a local bar identified as "where the pavement stops and the West begins," a slogan one sees on the walls of many isolated western towns; and Chloride, New Mexico, ghost-town home of the late libertarian journalist George Boardman.

In fact, I have visited every county in the West at least once, but the thinly populated areas remain my favorites. I love the weirdness of the people, the weirdness of the geography, the weirdness of the solitude.

But somehow, my take on the nearly uninhabited sixth of the United States is quite different from Duncan's. Duncan is forever a foreigner in these places, isolated by his own condescension from the people he meets. And he doesn't even have a clue to his isolation.

This is hardly surprising. He got the idea for the book and for his travels from a suggestion to him by A.M. Rosenthal, a former editor of the New York *Times* and a quintessentially elitist urbanite. He put on his "gimme" cap, outfitted a GM Suburban with a top camper, studied Frederick Jackson Turner's "The Significance of the Frontier in American History," and consulted with the Department of Agriculture's "guru" of students of rural America.

Duncan is forever a foreigner in these places, isolated from the people he meets by his own condescension.

Then he hit the road in a camper he got to keep expenses down and to provide shelter in places so remote that they lacked motels. He was genuinely surprised to learn that there were motels almost everywhere (even in Fields, Oregon) and that where there were none, people were happy to offer him space to unroll his sleeping bag indoors — perhaps even in a guest room — and that motels were very cheap ("an average of twenty dollars," he says incredulously). Perhaps guys who pal around

with editors of the New York *Times* find it is surprising that people are hospitable or that motel rooms might cost only $20. But it's not to anyone who knows more of America than its urban centers.

It never occurred to Duncan that low population density might not be tantamount to frontier. The simple fact is that there is no frontier to speak of in America. These thinly populated areas are not frontiers between the settled and unsettled, the civilized and uncivilized. They are simply areas where very few people live because of an extreme shortage of water or an extremely inhospitable climate. Unwilling to accept the people who live in these sparsely settled areas on their own terms, he insists on interpreting them within the framework of his academic and elitist prejudices. His vision is impaired by his own lack of empathy and his self-preoccupation.

I doubt this is much of a problem for most readers of *Miles From Nowhere*, the overwhelming majority of whom probably share Duncan's prejudice and complacency. And as I said, the book is readable and amusing, just the sort of book that can convince an urban elitist that he has come to understand the 0.2% of Americans who live in the genuine boondocks. Maybe one day it will be made into one of those slick pseudo-documentaries on PBS.

♦

Like Dayton Duncan, Karl Hess, Jr comes to the thinly inhabited west with certain preoccupations. Hess is a range ecologist, and his focus in *Visions Upon the Land* is on the issue of land ownership and control. Unlike Duncan, Hess succeeds in coming to terms with the sparse West, despite the fact that he is an academic who holds a Ph.D.

Hess's narrative of *his* exploration of the sparsely populated West and the people who live there succeeds where Duncan's fails because Hess was willing to relate to people on their own terms, rather than interpreting them according to his prejudices. While Duncan visited motel operators, cafe waitresses, and others who inhabit the edges of the roads that intersect the hinterland, Hess visited people whose home *is* the land. He talks about the people who live out of sight of the roads — people who tend stock, who mine, who harvest timber, who live off the land.

So while Duncan talks at length to Larry DiRieux, who envisions a tourist destination resort in his roadside fiefdom of Fields, Oregon, Hess talks at length with Joe and Susan Fallini who run cattle on the 1,000-square-mile Twin Springs Ranch in the Nevada desert, far from the nearest road. Until a year before Duncan's interview, Larry DiRieux was a tourist who liked to travel around the West in his recreation vehicle; he purchased the town of

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Fields to fulfill a dream (Fields of Dreams?). Joe and Susan Fallini have lived on the land all their lives, as had their parents and grandparents before them.

Of course, *Visions Upon the Land* is not a travel book; it is an exploration of public policy alternatives. But if you want a feel for the land and the people who live there, Hess's book is a very good place to start. It is perhaps the most elegantly written book on public policy that I have ever encountered.

Hess's policy prescriptions derive from his understanding of the American West's culture. His book explores the history of Western land tenure and the uneasy relations between the government and those who work the land. He proposes an intriguing synthesis of a radical property-rights approach with the insights of ecology. Almost alone among "environmental historians," he understands the role of human ecology within the grander ecosystem, and offers ideas more engaging than the simplistic, elitist human-bashing that often characterizes ecologists' writings about the West.

♦

Duncan's book contains two episodes that may be of particular interest to libertarians. His portrait of Alex Joseph, the polygamist mayor of Big Water, Utah, is typical of Joseph's media appearances in that it nowhere mentions Joseph's Libertarian Party ties. Indeed, it reports that Joseph and his family are "anti-government conservatives," who "vote Republican, although they consider themselves libertarian." Joseph is one of the few government officials in the United States elected solely on the Libertarian Party ticket.

In his report on the Big Bend country of Texas, Duncan describes a couple of days spent with a local United Parcel Service driver, who sometimes drives for hours to deliver a single package which had been shipped from thousands of miles away for a sum of less than three dollars. UPS loses money on such transactions, the driver explained, but the firm delivers to every address in the country, including the obscure ranches and settlements of the Big Bend country, in response to the demands of major mail order firms, some of its largest shippers. So much for the argument that the government monopoly on mail delivery is justified because in its absence, many people living in remote areas would be denied service except at exorbitant cost. ❑

***The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?*, by David B. Kopel. Prometheus Books, 1992, 407 pp., $28.95.**

My Heroes Have Always Been Cowboys

Clark Stooksbury

I'm not one of those people who has always been surrounded by firearms. For most of my adult life, I have had little interest in shooting. When I was a Marine reservist, a weapon ("gun" is for some reason a dirty word in the Marine Corps) was something I often had to clean for hours at a time even if I did not get to shoot it. But something funny happened on the way to the rifle range, the very last time I qualified with the M-16: I discovered that I enjoyed shooting. Shortly after that I bought a handgun, and I look forward to the day I can buy an AR-15 — the civilian version of the weapon I spent so much time cleaning and so little time shooting as a Marine.

Imagine my surprise when I discovered that some people do not think that I should be allowed to own one. The AR-15 is an "assault weapon," you see. It is an evil instrument that no civilized person should possess or own.

Gun control is a difficult issue to get a handle on. Its advocates only infrequently spell out firm reasons for their position; it is difficult to answer their arguments because they so rarely make any. A recent Los Angeles *Times* editorial is a good example. It asks goofy questions like "isn't it now obvious that the national culture of guns and violence borders on a kind of addiction?" and throws out questionable, unsupported assertions — e.g., that "guns purchased by law-abiding adults for 'protection' increasingly end up in the backpacks of schoolchildren." Its only strong argument comes at the end: "In Britain, Sweden, Switzerland, Canada, Japan, and Australia, for example, private citizens generally must have a license to own a firearm and must submit to a background check. Relatively few licenses are granted." Other western democracies have strict gun control; as a result, they have less crime and violence. The syllogism is simple and logical.

In *The Samurai, the Mountie, and the Cowboy*, David Kopel surveys the history and practice of gun control around the democratic world, and deals a serious blow to this ploy. He examines the experience of Japan, Switzerland, Britain, Canada. and the U.S., among other nations, focusing on the effect of cultural factors as well as gun laws on violent crime and gun ownership.

Japan

The close relationship between cultural factors and violent crime and guns is illustrated nowhere better than where Kopel begins his study — Japan. The Japanese have succeeded in creating a virtually crime-free society:

> Tokyo is the safest major city in the world. Only 59,000 licensed gun own-

> ers live in Tokyo. Per million inhabitants, Tokyo has forty reported muggings a year; New York has eleven thousand. The handgun murder rate is at least 200 times higher in America than Japan. The official homicide rate in Japan in 1988 was 1.2 homicide cases per 100,000, while in America it was 8.4 . . . Japan's robbery rate is 1.4 per 100,000 residents. The reported American rate is 220.9. (p. 22)

Japan is also the least armed of the countries Kopel examines. As of 1989, the Japanese people held about 27,000 rifle and 493,000 air rifle and shotgun licenses (21). Handguns are completely prohibited and rifles can no longer be purchased legally. The process for obtaining a shotgun license is complicated and onerous.

About 30% of all police shootings in New York City are either accidental or in violation of force policy.

One might conclude from this that he who says A must say B, and that the low crime rate in Japan is the result of gun control. But as Kopel repeatedly points out, social and cultural factors are more important in controlling crime:

> Japan's gun control does play an important role in the low Japanese crime rate, but not because of some simple relation between numbers of guns and levels of crime. Japan's gun control is one inseparable part of a vast mosaic of social control. Gun control underscores the pervasive cultural theme that the individual is subordinate to society and the government. The same theme is reflected in the absence of protection against government searches and prosecutions. The Japanese police are the most powerful on earth, partly because of the lack of legal constraints and particularly because of their social authority. (45)

Japan has an authoritarian and conformist culture in which American-style civil liberties simply do not exist. Every home in Japan is subject to regular searches. Japanese law allows police officers to search the belongings of any citizen judged "sufficiently suspectable to carry or bring a firearm, a sword, or a cutlery," or if the person is "likely to endanger life or body of other persons by judging reasonably from his abnormal behavior or any other surrounding circumstances" (23). The Japanese police have the authority to interfere in the lives of all Japanese citizens: "In twice-yearly visits, officers fill out Residence Information Cards about who lives where and which family member to contact in case of emergency, what relation people in the house have to each other, what kind of cars they own" (24).

In spite of the low level of crime, all is not well in Japan. This nation that places a high value on conformity pays for it with a suicide rate of 21.1 per 100,000 persons, compared to 12.2 in the United States (407). Ironically, some American advocates of gun control argue that it would reduce the suicide rate.

Britain

At the turn of the twentieth century, both gun control and crime were virtually non-existent in Britain. A series of hyped-up events and media scares gradually paved the way for stricter laws. One of the more lurid accounts sounds like something masterminded by our own Janet Reno:

> In December 1910, three London policemen investigating a burglary at a Houndsditch jewelry shop were murdered by rifle fire. A furious search began for the Russian anarchist believed responsible: "Peter the Painter" . . . The police uncovered one cache of arms in London: a pistol, 150 bullets, and some dangerous chemicals. The discovery led to front-page newspaper stories about (non-existent) anarchist arsenals all over the east end of London.
>
> The police caught up with London's anarchist network on January 3, 1911 at 100 Sidney Street. The police threw stones through the windows, and the anarchists inside responded with rifle fire. Seven hundred and fifty policemen, supplemented by a Scots Guard unit, besieged Sidney Street. Winston Churchill, the Home Secretary, arrived on the scene as the police were firing artillery and preparing to deploy mines. Banner headlines throughout the British Empire were already detailing the dramatic police confrontation with the anarchist nest. Churchill, accompanied by a police inspector and a Scots Guardsman with a hunting gun, strode up to the door of 100 Sidney Street. The inspector kicked the door down. Inside were the dead bodies of two anarchists. "Peter the Painter" was nowhere in sight. London's three-man anarchist network was destroyed. The "Siege of Sidney Street" turned out to have been vastly overplayed by both the police and the press. (72–73)

It was against the background of episodes like this, the upswing of authoritarianism during the First World War, and concern about aliens and revolutionaries that the British Parliament enacted the Firearms Act of 1920. The Act allowed handgun and rifle sales only to those who demonstrated "good reason" (74).

Along with strict gun control, a culture hostile to self-defense has emerged. Knife control and dog control are now seriously debated. The British have even had their own version of Bernhard Goetz:

> In March 1987, Eric Butler, a fifty-six-year-old executive with British Petroleum Chemicals, was attacked early one evening in the subway. Two men came after Butler, as one witness described: "Strangling him and smashing his head against the door; his face was red and his eyes were popping out." No passenger in the subway did a thing to help him. "My air supply was being cut off," Mr Butler testified, "my eyes became blurred and I feared for my life." Concealed inside Mr Butler's walking stick was a

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> three-foot blade. Butler unsheathed the blade. "I lunged at the man wildly with my swordstick." He stabbed an attacker in the stomach. (86)

Butler was convicted of carrying an "offensive weapon."

In Great Britain, unlike the United States, guns are considered possessions of the upper classes. This perception has made gun control more popular in class-conscious Britain. The shotgun, or "toy of the landed gentry" (78), was once virtually unrestricted but has become harder to possess legally in recent years.

Canada

Our neighbor to the north has strict gun laws and a relatively low rate of violent crime. Not surprisingly, it is often cited as an admirable example of gun control. But Canada is a vastly different country than the United States; several factors in its history make its culture less firearms-oriented than America's. Canada was peacefully granted its independence in 1867, as opposed to securing it in a war. Indeed, many Colonial loyalists had fled to Canada during the American Revolution, horrified at the violent revolt. Then there is the fact that, when Canada expanded westward, it sent the mounties out *before* the settlers.

The current Canadian firearms law was passed in 1977 — and tightened in 1991 at the urging of Kim Campbell, then justice minister, later prime minister, and recently described on *Washington Week in Review* as a "strong advocate of individual liberty." This law created a licensing process in which the holder of a Firearms Acquisition Certificate can purchase any unrestricted rifle or shotgun (143); handguns and restricted rifles require a more stringent process.

"Restricted weapon" classification is as rational in Canada as the hysteria over "assault weapons" is in this country. In 1983, for example, Canada's cabinet put the FN-FAL rifle, a Korean War-era Belgian semi-automatic, on the restricted list despite the fact that it had been implicated in only one crime, a bank robbery in 1962. Despite the stereotype of Canadians as milquetoast conformists, only about 3% of the gun's owners complied with the registration requirements. Indeed, Canadian FAC holders can still possess "assault weapons" like the AR-15 because Canadian gun owners resisted when the government tried to place it on the restricted list. Citizens of several American states, such as New Jersey, cannot.

The Canadian law has had little effect on crime. The Canadian government has claimed that the 1977 law caused a decline in the murder rate; in fact, it had been declining for three years before the law took affect (151). The rate of robbery *increased* after the passage of the law (151).

The American cowboy is exactly the wrong kind of person for the society desired by bureaucrats, statist politicians, and the cultural elite.

Switzerland

Gun control advocates will want to scrutinize Switzerland as little as possible. To say that Switzerland has taken a different course than most other nations is an understatement. The little confederation has used its strong militia and mountainous terrain to maintain peace, sovereignty and neutrality for hundreds of years. Military service is mandatory for men in Switzerland, and many homes possess fully automatic assault rifles. In the words of Metternich, "Switzerland does not have an army, it is an army."

Switzerland, with its very low rates of crime and high levels of gun ownership, disproves the nonsense notion that guns *themselves* cause crime and violence. In Switzerland there are two million firearms — including 600,000 fully automatic assault rifles — among a population of six million people (283). A certificate is required to purchase a handgun, but nearly all applications are routinely accepted. Unlike elsewhere, the licensing process is not used as a pretense to deny weapons to people. In many Swiss cantons, concealed carry is unrestricted; in others, an easily obtained permit is required. There is no difference in the level of crime between the two groups of cantons.

The Swiss attitude towards firearms is reflected in two common sayings: "if weapons are a token of power, then in a democracy they belong in the hands of the people," and "if the government cannot trust the people, the people cannot trust the government" (286). Kopel mocked American gun control advocates for drawing fallacious conclusions from the Swiss experience:

> First of all, Handgun Control [Inc.] should oppose the handgun prohibition laws in Washington, D.C., Chicago, and other cities — since the Switzerland experience "proves" that lenient licensing is all that is needed to stop gun crime. Second, Handgun Control should work to repeal laws that prohibit Americans from owning howitzers, anti-aircraft guns, and other military weapons by anyone who can meet the simple requirements for a license. And thanks to the "howitzer licensing" system, there is no howitzer crime in Switzerland . . . Lastly, Handgun Control should reverse its policy and work for repeal of America's ban on the possession of fully automatic firearms manufactured after 1986. Handgun Control should push America to adopt the Swiss policy: having the government sell automatics at discount prices to anyone with an easily obtained permit. (292)

"Dad, where did I come from?"

Switzerland has a homicide rate of 1.1 per 100,000 that rivals disarmed Japan's rate of 0.8 per 100,000. Swiss rates of robbery and rape are higher than Japan's but their burglary rate is less than half.

Kopel is no pro-gun pollyanna. He does not argue that the Swiss approach should be applied in the U.S.; in fact, he claims the opposite. It is not Switzerland's gun laws but its culture and traditions that account for its low crime rate. But its experience does disprove the proposition that guns cause crime.

America

Guns are ubiquitous in the American national experience. As Kopel points out, expressions based on firearms pervade the American language: "Shot in the dark; big shot; going off half-cocked; . . . keep your powder dry; top gun; straight shooter; . . . shoot from the hip" (383). Furthermore, the United States, despite all of its big government, is still freer than any of the other nations he examined:

> It is true that America protects the right to bear arms more vigorously than other nations do. America protects most other rights better as well. The United States is the only nation with a meaningful exclusionary rule to prevent court room use of illegally seized evidence. . . . The extensive Miranda rules that protect suspects from being forced to confess would be unimaginable in other nations. Speech is freer in America, and government secrets more discoverable. While other countries have Official Secrets Acts, America has the Freedom of Information Act, which allows the U.S. government to keep far fewer secrets than the governments of other democracies. (386)

Kopel's treatment of American history includes valuable debunking; his revisionist discussions of frontier safety, vigilante justice, and the Hatfield-McCoy feud go a long way toward refuting those who only trust guns in the hands of uniformed "experts." Indeed, armed police officers are often *less* reliable than private citizens in protecting the public safety. About 30% of all police shootings in New York City are either accidental or in violation of force policy. Also, "when police shoot at criminals, they are 5.5 times more likely to hit an innocent person than are civilian shooters" (380).

More importantly, Kopel argues that gun-toting police officers do not make credible advocates of gun control. The two most disarmed countries in Kopel's study (Japan and Great Britain) have the least heavily armed police forces. How can an American cop carrying a high-capacity 9mm or a .357 revolver seriously argue that handguns don't provide effective protection against criminals?

Cowboy Power

The United States, Britain, Japan, and Canada all have national myths about armed heroes on horseback. In Japan it is the samurai swordsman; in Britain the medieval knight; in Canada the red-coated mountie; in the United States the cowboy. The Japanese and British icons are heavily-armed members of the nobility, performing their heroic deeds on behalf of their inferiors. The Canadian mountie is a selfless bureaucrat in service to society.

But the American cowboy is a very different creature: he is independent, ruggedly individualistic, looking out for himself and his family. He is exactly the wrong kind of person for the society desired by bureaucrats, statist politicians, and the cultural elite. They want timid, helpless people who are anxious to get in touch with their inner child, enter twelve-step programs, and run to the government with every little problem.

Japanese, Britishers, and Canadians may need their heroic noblemen and selfless bureaucrats to protect them. They can keep their damned samurai and mounties if they have to. But I'm an American. *My* heroes have always been cowboys. ❑

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Letters, *continued from page 44*

building their case against you. In other words, you have to pay both for your lawyers and for the government's lawyers before they'll even consider letting you challenge a forfeiture.

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But if you somehow surmount all of those obstacles, and make it to court, you *might* be able to challenge the confiscation of your property as "excessive" under the eighth amendment.

As far as I can tell, the *Austin* decision has had absolutely no impact on police seizures so far. In fact, new seizure laws are pending before Congress, including one buried in Clinton's health care plan.

It will take a lot more than a couple of namby-pamby Supreme Court decisions to overthrow these confiscation laws. In the meantime, your readers need to take steps to protect their assets by increasing their financial privacy.

Michael H. Ketcher
Financial Privacy Report
Burnsville, Minn.

My Back Pages

Please cancel my subscription to your magazine. It is not that I disagree with what is being said, but that I have neither the time nor the desire to read about the craziness of the world. Yes, I may be sticking my head into the sand, but it is very fine sand of my choosing, thank you very much. I am getting on with my life, doing the things that are very important to me, and I don't have the time to carry on the almost altruist crusade of libertarianism.

Let's face the numbers. There are more narrow-minded people with big egos wanting desperately to shape the world than there are people who know better. The momentum is too great for me (or people like me) to change. The fastest way to correct this, though probably painful, is to let the system collapse.

Toby Giles
Mountain View, Calif.

Notes on Contributors

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

"Baloo" is cartoonist *Rex F. May*'s favorite pseudonym. Ours too.

John Bergstrom is a cartoonist in California.

David Boaz is executive vice president of the Cato Institute and co-editor of *Market Liberalism: A Paradigm for the 21st Century.*

R.W. Bradford is editor of *Liberty* and lives in a lightly inhabited town.

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Stephen Cox is author of *Love and Logic: The Evolution of Blake's Thought.*

Brian Doherty is assistant editor of *Regulation.*

Robert Higgs is author of *Crisis and Leviathan* and other books and articles.

David Horowitz is a former editor of *Ramparts* and a current editor of *Heterodoxy.*

Bill Kauffman is author of *Every Man a King* and the forthcoming *Country Towns of New York.*

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Timothy Virkkala is assistant publisher and designated semiotician of *Liberty.*

Jesse Walker is assistant editor of *Liberty.*

In the next *Liberty*:

"Chaos and Liberty" — *Pierre Lemieux* defends chaos theory; *J. Orlin Grabbe* defends chaos in general.

"A Rose By Any Other Name" — Who was Rose Wilder Lane, and why are so many people trying to suppress uncomfortable facts about her? *R.W. Bradford* reports.

"Secession as a First Amendment Right" — If we *really* separate church and state, what will be left of the state? *Robert Nelson* gives a surprising answer.

"Toad Trainers and the American Dream" — *John Briggs* takes the high road in education criticism and Earl Butz appreciation.

"American Gulag" — *John Hospers* surveys America's high-tech torture chambers.

Terra Incognita

Olympia, Washington

Celebrating diversity in the Pacific Northwest, as reported in the Seattle *Times*:

Governor Mike Lowry's pitch for diversity in the workforce included a "short invocation" by Harold Belmont, a spiritual leader of the Suquamish Tribe, who spoke for 45 minutes, referring to Hispanics as "half-breeds" and whites as "honkies."

Menominee Falls, Wisconsin

A very merry Christmas indeed, as reported by the Associated Press:

A Salvation Army bell ringer collecting money for Christmas was arrested for selling marijuana to high school students while on their lunch breaks.

Washington, D.C.

Dispatch in the war against waste and abuse, from the Milwaukee *Journal*:

Al Gore's National Performance Review, which lists ways to cut costs by "reinventing government," cost $60,000 to print. Had standard paper and one-color ink been used, printing costs would have been only $15,000.

Blackpool, England

Britain's quiet war against quiet terror, reported in the Dallas *Morning News*:

The British government has proposed to abolish a criminal suspect's right to silence. "The so-called right to silence is ruthlessly exploited by terrorists," said Home Secretary Michael Howard. "What fools they must think we are. It's time to call a halt to this charade."

Oregon

Progress in public education, described in the Detroit *News*:

When Rob Spooner discovered several basic errors, including an incorrect formula for gravity, in his daughter's high school science textbook, the publishers informed him the mistakes were needed to simplify the mathematics for "enriched, average, and remedial students alike."

Ohio

Dispatch from the frontlines of the war on drugs, reported in the Lake County *News-Herald*:

Local police, the Ohio National Guard, the Ohio Bureau of Criminal Investigations, a surveillance helicopter, and several television crews swarmed Randy Sciria's home Thursday after officials thought they saw marijuana growing behind his house. The plants turned out to be pine trees.

Dhaka, Bangladesh

Mass mobilization in Asia, described by the Associated Press:

"Let's unite to kill rats and save food grains," shouted about 300 demonstrators as they marched through Dhaka, the capital of Bangladesh, waving bamboo sticks with dead rats nailed to them.

Sacramento

Division of powers, described in the Milwaukee *Journal*:

Police citations for illegally camping homeless people are routinely voided by the court clerk because they lack home addresses for the accused.

Chicago

Religious niche marketing, reported in the Jacksonville (Ill.) *Journal-Courier*:

Moraine Valley Baptist Church has altered its services in order to attract more of the congregation to its church services. At one recent service, Chicago Bulls music filled the air as an announcer boomed, "And now. . . the starting lineup." Two pastors' height, weight, and qualifications were rattled off as they jogged on stage, slapping hands.

Chicago

Sage advice, cited by the Associated Press:

"You're going to find a lot of gimmicks out there," said Mike Kurban, who trains psychics at the St. Michaels College of Metaphysics. "All types of weird people are saying that they're psychics."

Wisconsin

Innovative regulatory reform in the upper midwest, reported in the Milwaukee *Journal*:

State Rep. Johnnie Morris-Tatum has proposed a ban on large beer bottles as a measure to cut down on excessive drinking.

Italy

The thin blue line that separates civilization from anarchy, as reported by the Associated Press:

Police fined an eight-year-old boy $32 when he was caught without a receipt for an ice cream cone.

Thailand

Eminent domain in the space age, reported in the Detroit *Free Press*:

A 37-pound, metallic, football-shaped thing plummeted from the sky into Phetchabun, Thailand in June. Villagers erected an altar of bamboo where it fell and have been praying there for good fortune. The object itself was seized by the Thai government, citing laws that objects falling from the sky, including "all objects from other planets," are state property.

Rockford, Ill.

Latest advance in apodictic paleolibertarianism, from the essay "Nationalism and Secession," by Hans-Hermann Hoppe, in *Chronicles: A Magazine of American Culture*:

"Now, whenever a central government permits immigration, it allows foreigners to proceed — literally on government-owned roads — to any of its residents' doorsteps, regardless of whether these residents desire such proximity to foreigners. 'Free immigration' is thus to a large extent forced integration."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind!
with *Liberty* back issues

(continued from back cover)

Volume 4

September 1990
- "Conversations with Ayn Rand (part 2)," by John Hospers
- "Is Environmental Press Coverage Biased?" by Jane S. Shaw
- "The Pro-Life Case for the Abortion Pill," by Dr Ron Paul

Plus articles and reviews by Michael Krauss, James Robbins, Richard Kostelanetz, and others; and a *ficción* by Harvey Segal. (72 pages)

November 1990
- "Smokes, But No Peacepipe," by Scott Reid
- "Sex, Drugs, and the Goldberg Variations," by Richard Kostelanetz
- "Why is Anyone Virtuous?" by David Friedman

Plus articles and reviews by Robert Higgs, Leslie Fleming, Alexander Tabarrok, Sheldon Richman, and others; and an interview with Ed Crane. (80 pages)

January 1991
- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico, and Jane S. Shaw
- "Gordon Gekko, Mike Milken, and Me," by Douglas Casey

Plus articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky, and others; plus special election coverage. (80 pages)

March 1991
- "The Myth of War Prosperity," by Robert Higgs
- "The Life of Rose Wilder Lane," by William Holtz
- "The Strange Death of the McDLT," by R.W. Bradford

Plus articles and reviews by Jan Narveson, Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski, and others. (72 pages)

May 1991
- "Christiana: Something Anarchical in Denmark," by Ben Best
- "Journalists and the Drug War," by David Boaz
- "California's Man-Made Drought," by Richard Stroup

Plus writing by John Baden, Scott Reid, Leland Yeager, and others; and a short story by Lawrence Thompson. (72 pages)

July 1991
- "Say 'No' to Intolerance," by Milton Friedman
- "I Am a Casualty of the War on Drugs," by Stuart Reges

Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz, and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

Volume 5

September 1991
- "Stalking the Giant Testes of Ethiopia," by Robert Miller
- "GNP: A Bogus Notion," by R.W. Bradford
- "50 Really Stupid Ways to Save the Earth," by Karl Hess

Plus articles and reviews by Bart Kosko, Frank Fox, John Hospers, James Taggart, Mark Skousen, and others. (72 pages)

November 1991
- "The Road to Nowhere," by David Horowitz
- "Women *v* the Nation-State," by Carol Moore
- "Thelma and Louise: Feminist Heroes," by Miles Fowler

Plus writing by Robert Higgs, Leland Yeager, and others; and a short story by J. E. Goodman. (80 pages)

January 1992
- "The National Park Disgrace," by R.W. Bradford
- "Sex, Race, and the Single Gentleman," by Richard Kostelanetz
- "America's Bipartisan Apartheid," by Brian Doherty

Plus writing by Leland Yeager, David Friedman, Henry B. Veatch, Jane Shaw, Karl Hess Jr., and others. (80 pages)

March 1992
- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
- "P.C. or B.S.?" by Meredith McGhan
- "Acid Rain and the Corrosion of Science," by Edward C. Krug
- "Who *Really* Wrote *Little House on the Prairie*?" by William Holtz

Plus writing by Karl Hess, Jane Shaw, Lawrence White, Randal O'Toole, and others; and an interview with Pat Buchanan. (72 pages)

May 1992
- "Clarence Thomas: Cruel and Unusual Justice?" by James Taggart
- "Hong Kong: Free Markets, Full Employment," by Mark Tier
- "Divorce, Czechoslovak Style," by Vojtech Cepl and Ron Lipp

Plus writing by Eric Banfield, Karl Hess, David Horowitz, Daniel Klein, and others; and fiction by J. Orlin Grabbe. (72 pages)

July 1992
- "Christians and Libertarians in a Hostile World," by Doug Bandow
- "Returning America's Roads to the Market," by Terree Wasley
- "The 'Lock' on the Electoral College," by David Brin

Plus commentary on the L.A. Riots, and writings by David Kelley, Leland Yeager, George H. Smith, and others. (72 pages)

Volume 6

September 1992
- "War on Drugs, War on Progress," by James Ostrowski
- "Wilderness, Church and State," by Robert H. Nelson
- "If Execution Is Just, What Is Justice?" by J. Neil Schulman

Plus writing by Martin Morse Wooster, Ethan O. Waters, Jane S. Shaw, William Mellor III, and others; and an index to back issues. (80 pages)

November 1992
- "The First Time: I Run for the Presidency," by John Hospers
- "Europe's Money Mess: We've Heard It All Before," Leland Yeager
- "The Mystery of the Missing Detectives," by David Justin Ross

Plus articles and reviews by Gabriel Hocman, David Kelley, Daniel Klein, Richard Kostelanetz, Loren Lomasky, and others. (80 pages)

February 1993
- "A Feminist Defense of Pornography," by Wendy McElroy
- "Is Feminism Obsolete?" by Jane S. Shaw
- "Eastern Dystopia, Western Myopia," by Ronald F. Lipp

Plus election coverage, and writings by R.W. Bradford, Bill Kauffman, John Hospers, James Ostrowski, John McCormack, and others. (80 pages)

April 1993
- "Clinton and the New Class," by Douglas Casey
- "How To Cut Your Taxes by 75%," by R. W. Bradford

Plus writings by Mark Skousen, John Hospers, Bill Kauffman, and others; and an interview with Roy Childs. (72 pages)

June 1993
- "Who Benefits from the Clinton Program?" by Harry Browne
- "Waco: Holocaust, American-Style," by R.W. Bradford
- "Understanding the State," by Albert Jay Nock

Plus writing by Leland Yeager, Jonathan Saville, Randal O'Toole, Bart Kosko, and others; and other reviews and articles. (72 pages)

August 1993
- "The Ungreening of the Media," by Jane S. Shaw
- "How Do I Hate NPR? Let Me Count the Ways," by Glenn Garvin
- "What Happened in Waco?" by Loren Lomasky and R.W. Bradford

Plus writing by David Boaz and others; other reviews and articles; poetry by Marc Ponomareff and fiction by J. Orlin Grabbe. (72 pages)

Volume 7

October 1993
- "Crackdown on the Electronic Frontier," by Brian Doherty
- "The Supreme Court and the American Police State," by Stefan Herpel
- "White Liberals *Can* Jump," by William P. Moulton
- "The *Real* Health Care Crisis," by R.W. Bradford

Plus writing by Greg Kaza, Stephen Cox, and others; aphorisms by Isabel Paterson; and other reviews and articles. (72 pages)

Information concerning the first volume (six issues) of *Liberty* can be found on p. 64.

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There is a world of good reading in **Liberty**! Whether you want to catch up on what you missed, provide intellectual relief to your friends (or enemies!), or complete your collection, now is a good time to buy. Enjoy!

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- "Scrooge McDuck and His Creator," by Phil Salin
- "Liberty and Ecology," by John Hospers
- "The Ultimate Justification of the Private Property Ethic," by Hans-Hermann Hoppe

Plus reviews and articles by Douglas Casey, Murray Rothbard, L. Neil Smith, and others; and a short story by Erika Holzer. (80 pages)

November 1988

- "Taking Over the Roads," by John Semmens
- "The Search for *We The Living*," by R.W. Bradford

Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins, and others. (80 pages)

January 1989

- "AIDS and the FDA," by Sandy Shaw
- "Property, Population, and the Environment," by John Hospers
- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo, and others; and a short story by Jeffrey Olson. (72 pages)

March 1989

- "Ronald Reagan: An Autopsy," by Murray N. Rothbard
- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman, and others. (72 pages)

May 1989

- "Man, Nature, and State: Free Market Slogans are Not Enough," by Karl Hess, Jr
- "The End of the Secular Century," by Murray N. Rothbard

Plus articles and reviews by Stephen Cox, David Gordon, Justin Raimondo, and others. (72 pages)

July 1989

- "Viking Iceland: Anarchy That Worked," by David Friedman
- "The Myth of the Rights of Mental Patients," by Thomas S. Szasz
- "Fetal Rights: The Implications," by Tibor Machan

Plus articles and reviews by R.W. Bradford, John Hospers, Jane S. Shaw, Jeffrey Tucker, Leland Yeager, and others. (80 pages)

Volume 3

September 1989

- "Holocausts and the Historians," by Ralph Raico
- "My Expulsion from the Rand Cult," by Murray Rothbard
- "Abortion Without Absurdity," by R.W. Bradford

Plus articles and reviews by David Friedman, Richard Kostelanetz, Loren Lomasky, Gary North, Jeffrey Tucker, and others. (72 pages)

November 1989

- "The Lost War on Drugs," by Joseph Miranda
- "Life With (and Without) Ayn Rand," by Tibor R. Machan

Plus articles and reviews by Loren Lomasky, Michael Christian, Richard Kostelanetz, J.R. Dunn, R.W. Bradford, and others; and an interview with Russell Means. (72 pages)

January 1990

- "The Greenhouse Effect: Myth or Danger?" by Patrick J. Michaels
- "The Case for Paleolibertarianism," by Llewellyn Rockwell
- "In Defense of Jim Baker and Zsa Zsa," by Ethan O. Waters
- "The Death of Socialism: What It Means," by R.W. Bradford, Murray Rothbard, Stephen Cox, and William P. Moulton

Plus writing by Andrew Roller, David Gordon, and others; and an interview with Barbara Branden. (80 pages)

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- "The Case Against Isolationism," by Stephen Cox
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- "Conservativism in Its Latter Days," by William P. Moulton
- "A Population Crisis?" by Jane S. Shaw
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- "Conversations with Ayn Rand (part 1)," by John Hospers
- "If You Believe in Dentistry, Why Should You Mind Having Your Teeth Knocked Out?" by William P. Moulton
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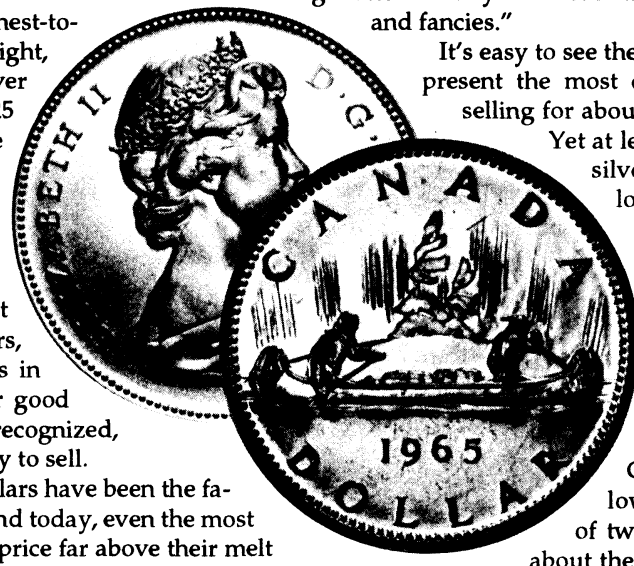

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Inside Liberty

March 1994
Volume 7, Number 3

4 Letters Feedback fed back.

5 Reflections *Liberty*'s editors discuss dead dogs, dead dictators, dead billionaires, dead actors, dead musicians, dead writers, dead presidents, and dead-in-the-water porkbarrel projects.

14 Medianotes The media, mediated; the press, pressed.

Features

17 In Praise of Chaos *J. Orlin Grabbe* hails Eris, much-maligned goddess of discord and queen of chaotic freedom.

21 Chaos, Complexity, and Anarchy *Pierre Lemieux* finds an anarchic order embedded in the disorderly universe — complex, unpredictable, and fascinating for freedom-loving folk.

30 Ye Who Enter Here A few well-chosen words about war, futility, and the zero-sum society. Fiction by *Richard Kostelanetz.*

31 Secession as a First Amendment Right The next step in political evolution is already underway. *Robert Nelson* explains the necessity of a right to secede — a logical extension of a cherished freedom.

37 Partial Recall Innocent people are being railroaded for murder, child abuse, even Satanism, all on the strength of implanted memories. *David Ramsay Steele* takes a stand against the latest psychiatric witch hunt.

48 The Great Bimbo Eruption of '93 Which is more scandalous: Bill Clinton's marital infidelities or the behavior of journalists determined to deny the plain evidence? *Chester Alan Arthur* is not among the latter.

51 The Real Hair Care Crisis As Clinton battles the Philistines on Capitol Hill, *Marc Rembert* plays Delilah.

Reviews

53 Freedom's Rose She helped found the modern libertarian movement; she ghost-wrote her mother's *Little House* series. So why haven't you heard of her? *R.W. Bradford* uncovers a literary coverup.

64 Panopticon, U.S.A. *John Hospers* visits America's high-tech torture chambers.

65 An Eccentric Genius International investor *Victor Neiderhoffer* weighs the pros and cons of Douglas Casey's freshest futuristic visions and latest investment advice.

Departments

68 Classified Ads Your bi-monthly mini-mall, in less than a page.

69 Notes on Contributors The women and men who wield the pen.

70 Terra Incognita The world marches on, to the beat of a million monkeys typing the collected works of Francis Bacon.

Letters

Is a Welfare State Stable?

I have a great deal of sympathy for the view expressed by Todd Seavey ("The Inevitability of the Welfare State," January 1994). Indeed, some 30 years ago, I published a similar article under the title "Is a Free Society Stable?" (*New Individualist Review*, Summer 1962).

However, he and I have one counterexample to explain. How is it that the United States was able to keep from moving toward a welfare state for over 150 years, from 1776 to 1933? During the whole of that period, with the exception of major wars, government spending at the federal, state, and local levels never exceeded more than about 10–12% of the national income and showed no significant long-term tendency to grow.

Seavey's argument inevitably reminds one of Alexis de Tocqueville's concern about the fear — not to say prediction — of "democratic despotism" which would end up with each nation as "no more than a flock of timid and hard-working animals with the government as its shepherd." The quotation is of course from *Democracy in America*, of which the final edition to appear during Tocqueville's lifetime was published in 1850. His prediction was not fulfilled for the next 75 years, and the welfare state that has since emerged bears little resemblance to the democratic despotism that he described.

Finally, another early writer on the subject who deserves mention is A.V. Dicey, the English constitutional lawyer. In his *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century* (second edition, 1914), he clearly foresaw the expansion of the welfare state that did occur in Britain, and in a footnote he offered only one bit of hope: "If the progress of socialistic legislation be arrested, the check will be due, not so much to the influence of any thinker as to some patent fact which shall command public attention; such, for instance, as that increase in the weight of taxation which is apparently the usual, if not the invariable, concomitant of a socialist policy" — a far more prescient and hopeful prediction than Tocqueville's.

I do not believe the welfare state is inevitable. Sweden may well be offering an example of what happens when the irresistible force of higher taxes meets the immovable object of a bureaucratic government.

Milton Friedman
Stanford, Calif.

Dispatch from the Amish Wars

I am every bit as pleased as my good friend Todd Seavey that he and I have not gunned each other down in a Pennsylvania killing field. I think, though, that he misunderstands both the values that have helped us avoid the Amish Wars and my argument about those values.

Liberalism was not born out of ethical skepticism, nor out of an Enlightenment moral code which held that the good life was one of rational, critical, autonomous thought. It was born out of religious wars, like the ones Todd fears. Deeply religious men believed that civil peace would be impossible as long as any of them tried to use the state either to enhance their own sect or to put down those of others.

Todd correctly asserts that I would support thinking about morality "in a two-tiered way. On the lower level, there are the competing sects, each with its own vision of the good life, and on the upper tier is the overarching structure of individual rights that allows all these groups to get along without attacking each other." His fear is that "the top tier seems to be increasingly losing out to the bottom tier in our society, and perhaps that is inevitable when people think of themselves as belonging to a sect first and to the general universe of moral agents second," or more generally if we give in to "the postmodernist practice of assuming each sect and community has its own 'legitimate' code."

Where Todd sees political principles giving way to private conceptions of the good, I see an absence of accepted, adequate political principles. People aren't abandoning the upper tier of morality. They don't *have one* — or, if they do, it's based on faulty principles. Will it be easy to reintroduce and strengthen liberal political principles? No, but it's a far sight more possible than Todd's proposed project of converting everyone to an Enlightenment moral code.

Todd suggests that, in the absence of a cultural consensus friendly to liberal ideas, the welfare state can arise even if no one wants it — a sort of spontaneous disorder. Thus, even if we reach our goals through political means, the results will be unstable and prone to fall back into what we have now. But is it conceptually impossible to have a mutually agreed-upon truce, an economic equivalent of religious toleration? You needn't convince everyone to give up their religions, or to make religion an unimportant part of their lives, or to convert to Randianism. Just convince everyone that if anyone violates the terms of the truce, civil war will break out again. The public-choice dilemma — concentrated benefits, dispersed costs — can be mitigated if the amount of subsidy one group can get would be more than outweighed by the amount they'd have to pay in taxes if the entire welfare state reappeared.

This would require a more appropriate institutional environment. This is not the time or place to propose a constitution, but I might point out that the redistributive war is lessened in parliamentary systems in which a citizen votes for a party with a coherent set of broad policies. It is worsened in the American system, with its emphasis on electing those who will represent local interests. Most parliamentary systems have larger welfare states and higher taxes than the United States, but that's typically due to larger voter desire.

This is not to suggest that parliamentary systems are without problems, only that public-choice paradoxes are often correctable problems of institutional design.

Finally: I think it is worth noting the apparent circumstances of the Amish Wars. Todd once dreamt of "'liberating' the Amish youth from their backward, superstitious, anti-technological way of life, preferably at gunpoint" because this seemed the appropriate conclusion of his rationalist, atheist, modern theory of morality. Since Todd nowhere suggests that the Amish became violent aggressors in his nightmarish future, we can only assume that the war began with his rationalist tribe attacking "my" Amish one and seeking to liberate its children or destroy its "backward" way of life. A code of

continued on page 16

Letters Policy

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

Reflections

The wages of marriage — The "marriage penalty" is back. Under Clinton's tax increase, it is once again in the financial interest of myriads of working couples to eschew legal marriage, that is, to "live in sin." Is anyone really surprised that this momentous turning back of the clock occurred in the first year of the First Philanderer's administration? —TWV

Beltway mafia — The number-one topic of concern in the District of Columbia — the term we use to distinguish the place where we actually live from "Washington," the imperial capital — is crime. Inside every day's paper is a small article about the previous evening's killings. The city has lost 200,000 residents over the past 20 years or so, and the rising murder rate is leading more and more people to discuss leaving the city.

The crime in the streets, of course, pales before the organized crime in Washington, the crime that involves sending young people off to die in Somalia and Macedonia, denying terminally ill patients access to painkilling drugs, arresting adults for engaging in consensual sex, forbidding unemployed people from working for a mutually acceptable wage, forcing banks to lend money to non-creditworthy borrowers, and confiscating $1.5 trillion a year from productive citizens. Somehow, these crimes never generate the official outrage that random violence does. —DB

Patriot games — Right before the holiday season, the Beltway class discovered a new explain-all for the current "epidemic" of violence: the proliferation of "violent video games," which were apparently "desensitizing" America's youth to pain. Bans and regulations were proposed, even though the only people demonstrably unable to distinguish video violence from the real thing were the anti-game crusaders.

As for me, ever since Bush's Middle Eastern Nintendo War, I've been less worried about kids mistaking video games for violence, and more worried about media stars mistaking real violence for a video game. Time after time, we were shown bombs and missiles homing in on their targets, while newsmen explained that another Iraqi germ-warfare installation (or some other equally odious enemy military target) was destroyed. Only later, during Congressional testimony (shown only on yawn C-SPAN) did the military brass confess that most of the missiles missed their targets, and some accidentally hit hospitals, schools, etc.

Now that's desensitizing people to violence. And not a single Beltway voice is raised in protest. —RWB

Culinary note — David Brock's pantsing of Bill Clinton in *The American Spectator* contained one whopper of a revelation. According to Arkansas State Trooper Roger Perry, Clinton told him that Gennifer Flowers "could suck a tennis ball through a garden hose." You may recall that in 1992, Gennifer confided to *Penthouse* that Swain Billy "was a champ at eating pussy." This mind-blowing mutuality — and not any silly demonstration at Oxford — is the true Spirit of '69. —BK

Party on — A controversial BBC documentary reveals, among other juicy tidbits, that the late Mao Zedong had an insatiable desire for young women — and that, in the process of satisfying these lusts, he spread around a great deal of VD. These revelations have not damaged the old butcher's reputation; indeed, the centenary of his birth has prompted a grassroots Mao cult among the rural Chinese masses — setting up small shrines, using Mao pins to ward off bad luck, etc. The Chairman has yet to be spotted shopping in Shanghai or Kalamazoo, but that will no doubt come in time. Meanwhile, in the cities, disco is all the rage; *The MacNeil/Lehrer Newshour*, in a recent burst of rare (and probably unintentional) humor, aired footage of young Chinese macho men dancin' the night away to "YMCA."

All this represents the darker side of China's opening to the West: along with democratic rebelliousness and an entrepreneurial spirit, China has been infected with the dread Seventies Revival. Goofy Mao cults, the Village People — it's like reliving a nightmare.

I think I'll avoid things Chinese for a while. Let me know when they get to New Wave. —JW

Einstein at the trough — There are moments in life so astonishing in their horror that one knows they will scar one's memory forever.

Such a moment came for some people with the news of President Kennedy's assassination. For others, it came with Pearl Harbor, the election of Bill Clinton, or the sudden discovery that the real estate market does not always go up.

For me, it came on a warm, bright day last autumn. I was making an aimless but innocent tour of the cable channels, when horror erupted from the all-news station. The shock burned every feature of my environment deep into my quivering brain cells. The hands of the clock stopped. My neighbor's palm tree ceased to sway. Every speck of dust on my window pane suddenly became visible. When time began to move again, I realized that a satisfied voice from my television had announced that the Senate of the United States had voted to continue funding for the Superconducting Supercollider, then under construction in Waxahachie, Texas.

This country has had it, I thought; I always knew that science would finish us off.

At that moment, the world's largest concrete doughnut was growing beneath the sun-baked plains of Texas. There,

atomic particles would be hurled through fifty miles of giant tunnels, for the purpose of discovering what happens when atomic particles are hurled through fifty miles of giant tunnels. Depending on the results of this new form of rapid transit for God's little messengers, scientists might or might not be able to find out something interesting about the structure of matter. No practical applications were foreseen.

At first, the cost of the Superconducting Supercollider was estimated at something around five billion dollars. "Final" estimates hovered around eleven billion. But the Superconducting Supercollider was a small project, practically microscopic by normal American standards. What was remarkable was the grim odds against which the dauntless doughnut struggled.

Few people in America care anything at all about atomic particles. Maybe they should, but they don't. The Space Station, the Martian exploration madness, the endless busywork of the Space Shuttle, all have some appeal to voters, at least to those of the Star Trek faction. Atomic particles have no appeal. They are, at best, an annoyance.

The AIDS lobby, the breast-cancer lobby, the school-lunches lobby, every other lobby, knows that sending atomic particles for a ride may possibly mean less mileage for something else. Even among research scientists, the particles' natural constituency, the Superconducting Supercollider has been highly unpopular; most of them fear that eleven billion dollars for Waxahachie will be eleven billion dollars that won't be available for a hundred thousand other research projects. Then there's that ridiculous name. Waxahachie.

At no time in recent history have the prospects for continued funding of so large, yet so peripheral, a project seemed less likely than they did in 1993. The country found itself, at long last, in a tizzy about deficits. Congress and the administration poked through the budget, hunting for fatty substances that might be offered as sacrifices to the spirit of the age. In mid-year, the House of Representatives voted to kill Waxahachie. And yet — Waxahachie survived. The Senate would not let it die. And if the Senate would not let Waxahachie die, it would not let anything die. In that case, the republic's fiscal doom was sealed.

At some point, at some late hour in a civilization's orgy of self-destruction, a mysterious writing appears on the wall. In the book of Daniel, the words were *"Mene, mene, tekel, upharsin"* ("Thou art weighed in the balances, and art found wanting. . . .") The mysterious writing on America's wall looked a lot like "Waxahachie."

Almost, but not quite. In early winter, the Senate went back on its moronic word. Genuflecting, with a grimace, to outraged public opinion, it accepted a conference report that eliminated funding for Waxahachie. The cable news station now broadcast the reassuring squawks of "betrayed" construction workers, "demoralized" scientists, and "impartial" commentators. America was saved; the exterminating angel had passed her by.

But permanent salvation is by no means assured. There is still talk of "mothballing" Waxahachie until the return of a more favorable political climate. Apparently we have been weighed in the balances, and found . . . waiting. —SC

New boondoggles for old — For 40 years the taxpayers coughed up billions of dollars for weapons systems that couldn't meet their required performance specifications, took far longer than promised to deliver, and cost much more than initially expected. We grew jaded. Everybody knew that when the Pentagon and its contractors plunged into a new project, their glowing description was nowhere near the truth.

Thank God the Cold War's over. Now the public's money can be diverted into worthwhile channels, like cleaning up the pollution generated by the military-industrial complex during the Cold War.

But wait. According to former EPA chief William Reilly, the biggest cleanup job of all, at the Hanford Nuclear Reservation in Washington state, is just an enormous waste of the billions of dollars being spent on it. "We can improve the environment," says Reilly, "but not at this time at Hanford."

Why is that? In brief, the cleanup people just don't know how to deal with the really nasty nuclear wastes at Hanford. So far, in four years of the project, *no* significant cleanup has been accomplished.

Still, Energy Secretary Hazel O'Leary says the cleanup at Hanford will remain a priority for her department. Her political instincts are sound. People don't really care whether there's a cleanup or not — the place sits in the middle of a desert. Just calling the project a cleanup gives environmentally sensitive people the warm feeling that their government is doing the right thing. —RH

Breaking away — Last year, Staten Islanders voted in overwhelming numbers (65%) to secede from New York City and set up shop as an independent metropolis. The matter now goes to the state legislature, where the Republicrat Party shall thwart the public will in the best tradition of Abe Lincoln. After all, Staten Island is a valuable dumping ground for the debs and bums and junkies and degenerate millionaires who populate New York and make New Jersey seem like the Elysian Fields.

Up north in Canada, the role of opposition now belongs to two of the most wonderful parties in Christendom, the Bloc Québécois and the Reform Party. These are the kind of organizations that young Bill Clinton never would have joined: they're too *dangerous*, and some of the faithful are (eeck!) *irresponsible*. Whatever their differences, both parties emerge from the same wellspring: regional pride. The culturally minded separatists of the Bloc want an independent Quebec (Staten Islanders understand), while Reform, nursing the historic and justified grudges of Western Canada, speaks, literally, for the provincials. If either party succeeds in its aims, Canadians can expect an invasion by Mr Boutros-Ghali and his gang of polyglot thugs.

Other than the feisty Alaskan Independence faction, we Americans have no expli-

Liberty's Editors *Reflect*

DB	David Boaz
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BD	Brian Doherty
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JSS	Jane S. Shaw
TWV	Timothy Virkkala
JW	Jesse Walker

citly regionalist parties — at least, none that I know of. Lively secessionist movements exist in several states (California, Kansas, New York, Oregon) and in the Roxbury neighborhood of Boston, but the Deciders have decreed that the fifty-first star in Old Glory will represent not West New York or North California but Puerto Rico. Presidents Ford, Reagan, and Bush have endorsed statehood for the island colony — who said Republicans aren't multiculturalists? Of course, any Puerto Rican worth a damn supports independence for his homeland; the fact that so few do suggests the debilitative effect of colonialism on subject people.

Fifty is a nice round number, so why don't we just do this: in one fell swoop free Puerto Rico, free Hawaii, free Alaska, and restore the contiguous United States. Then let the secessionists in the real 48 American states fight it out for the honor of claiming the two available stars. Or have we fallen so far and so fast that we are incapable of producing a Bloc Québécois, let alone a Confederacy, of our own? —BK

The sins of righteousness — During a coffee break at an academic conference, someone started talking about Cardinal Bernardin, the Roman Catholic official who has been accused of sexually molesting a 34-year-old "unemployed mental health counselor" and AIDS victim named Steven Cook, when Mr Cook was between 16 and 18 years of age. That's as close as Mr Cook can come to an accurate dating, because he's just barely been able, with the assistance of psychotherapy, to "recover" his memory of the traumatic event.

On the strength of his strangely tardy memory, Mr Cook is suing Cardinal Bernardin for $10,000,000 — while asserting with enormous self-satisfaction that he prays for the Cardinal "every night" and knows that eventually he will be able to forgive him, when Mr Cook has completed his own therapeutic "process" of grief, anger, and so on.

Cardinal Bernardin once had a better chance than any other American to become pope, and now, of course, he has none. He'll be lucky if he can keep his red hat affixed to his head. Personally, I don't care whether he becomes pope or converts to Seventh Day Adventism. But the molestation scandal seems like a hell of a thing to happen to someone — a tragedy without a fatal flaw. It's as if Macbeth had come to grief because one of the witches happened to remember that, 15 years before, she had seen someone killing the King, and that the someone looked a lot like Macbeth.

Now, when the matter of Mr Cook and Cardinal Bernardin came up in conversation at the conference I mentioned, there was a good deal of discussion from the ACLU-liberal members of the group about the evils of the Roman Catholic Church, a "sexually repressive cult" that was finally getting what was coming to it. There was much clucking of the teeth and rolling of the eyes, and many allusions to the bad things that "we've always known" about the Catholic clergy. At last one brave soul pointed out to the thoughtful academics that everyone in the country, most assuredly including them, could be accused by anyone whatever of precisely the same crimes, and with precisely the same evidence. A long silence ensued. Everyone in the group was presumably thinking about that mysterious stranger who, 15 or 20 or 30 years from now, will "remember" those heinous acts that each person was supposedly perpetrating at that very moment.

And, in truth, we have reached the point where everyone is in danger of ruin from the new cult of victimization, a cult fostered and encouraged by modern left-liberal self-righteousness. The liberal media respectfully publicized the ludicrous allegations of Tawana Brawley and the gargantuan self-pity of Anita Hill, who claimed that she was permanently traumatized when her boss, years before, had asked her who had put a pubic hair in his Coke. The liberal media respectfully publicized the wild accusations of AIDS activists that the Reagan administration intended to exterminate the homosexual population by "refusing to acknowledge the epidemic." The same media turned a blind eye to the reign of moral terror unleashed on campuses and businesses throughout the country by unsubstantiated allegations of "racism" and "sexism," allegations that went far toward removing all meaning from those terms of moral discourse. In short, the media showed themselves to be as ethically incompetent as those leaders of the American Right who once delighted in "exposing" homosexuals, leftist ribbon clerks, and village atheists as dangers to the moral fabric of Everytown, U.S.A.

Now that the current witch-hunt has broadened, as witch-hunts always do, to the point at which it threatens everyone, we will see if self-righteousness will yield to some small degree of self-knowledge and respect for fairness among leaders of opinion. —SC

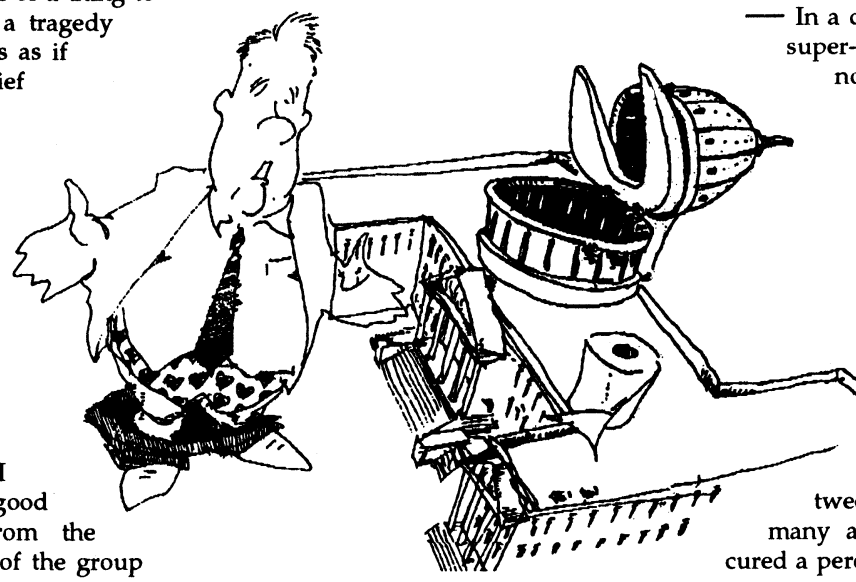

Billionaire boys clubbed — In a disastrous month for the super-rich, two of our most noteworthy billionaires were shot down. Mr Pablo Escobar was felled last November by a barrage of hot lead from Colombia's finest. Less sanguinary but almost as definitive was the puncturing of Ross "Sucking Sound" Perot during the Great NAFTA Debate.

The parallels between Escobar and Perot are many and revealing. Each secured a perch among the super-rich

by taking shrewd advantage of economic niches created by governmental intervention. Escobar's billions were earned by cartelization of the cocaine industry, a dominant market position that could not have been achieved but for the illegalization of that commodity. The vast bulk of Perot's fortune was made by supplying data processing services to Medicare and Medicaid, markets created by governmental edict.

Both men were charming when they wished to be, but when crossed each would bite with the conviction of a piranha. Escobar made no secret of his capacity for vindictive fury; it was a prime business asset. Potential competitors were afforded reason to worry about losing not just market share but

Perot was curt, cross, and just plain rude. Medical possibility aside, he seemed to be someone in the throes of acute PMS.

their *cajones*. To Larry King and the CNN audience Perot was, prior to his recent fall from grace, avuncular ol' Ross who, with homespun charm, would spin from his seat on the crackerbarrel a medley of quips, folksy tales, and sage advice. Those who had worked for him or crossed him, though, supplied different characterizations. Their Perot was recognizably the same person as the man who on the eve of the election told bizarre tales of a plot by fiendish Republicans to forge pornographic pictures of his daughter, who lapped up conspiracy theories like Dr Pepper, who saw enemies lurking behind every bush (and every Clinton?). Less deadly than Escobar, but not very nice.

Interestingly, although both Escobar and Perot fattened themselves mightily on the state, each forged a reputation as its sworn foe. Colombia (and, indirectly, the United States) conferred fame and riches on Escobar, but it resisted his will to complete power. So sniping between state functionaries and Escobar escalated until last month's shoot-out wrote a dramatic coda to his career. Perot's dissatisfactions with official Washington are longstanding, but they markedly intensified during his on-again, off-again pursuit of the presidency. His strategy was to paint himself as a disaffected outsider in order to secure from the electorate anointment as its number-one insider. When that failed to propel him to the top in 1992 he flipped the pages of his calendar four years ahead and intensified the demagoguery of his rhetoric of opposition.

"I wish your mamas wouldn't let you cowboys grow up to be babies!"

For both men the end came suddenly, dramatically, unexpectedly. No one believed the Colombian constabulary capable of catching a stray dog. Perhaps that is why Escobar let down his guard. An incautious phone call to his family, a few extra minutes in a safe house no longer safe, and — poof! — South America's boldest entrepreneur had become mostly bullet holes. Perot's fall was even more unlikely. He was on his home turf, guest for the umpteenth time of the sycophantic Larry King. And his jousting opponent was Al Gore, the man who had managed to come off second best in a debate with Dan Quayle. With respect to wit, warmth, and expressiveness Gore is comparable to one of the faces of Mt. Rushmore. Perhaps that is why Perot let down his guard. The debate revealed his preparatory study to have been lackadaisical, and time after time Gore surprised him, wrong-footed him, left him gaping and grumpy. Perot had read too many clippings describing him as a lovable curmudgeon; this evening he was curt, cross, and just plain rude. Medical possibility aside, he seemed to be someone in the throes of acute PMS. Even his loyal troops from the heartland must have found the performance off-putting. When the evening came to an end, Perot, like Escobar, had been consigned to the status of mostly hot, vacant air interspersed with stringy bits of desiccated flesh.

Escobar is not coming back. And, barring a resurrection of near-Biblical (or Nixonian) proportions, neither is Perot. Because Escobar was such a dominant player in the cocaine business, it may be several weeks before that market regains its erstwhile equilibrium. But because creative chemistry on the far side of the law continues to create opportunities for riches beyond dreams of avarice, it's certain that many others will carry on the work so notably, if not nobly, begun by Escobar. And because politics offers ample rewards to those who know how to make the rubes salivate and cry for more, we can be equally sure that Perot's peccadillos too will outlive their author. —LEL

Vex populi — The mavens of Global Democracy are showing their true colors. Crazed adventurer Vladimir Zhirinovsky surprised them with a strong showing in the recent Russian elections, and they are not cheering. Not even the most idolatrous of our National Endowment for Democracy crowd dare declare Zhirinovsky's vote-total a declaration of the holy popular will, or cheer it simply because it is an expression of democracy in action. Maybe, now, they'll start to admit that popular vote isn't a political panacea. Maybe they'll realize that political and economic liberty depends on a government's powers and policies, not on whether the people running it receive popular votes. Or maybe they'll just maintain their hypocrisy, praising democracy only when its results mirror their own policy goals. —BD

An argument for gun control? — Recently in Seattle, a 16-year-old lad chanced upon his three-year old sister as she was being mauled by a dog. The boy went into his house, got a gun, and shot the dog. His sister, who would have been a goner, survived.

The press and politicians, usually quick to make object lessons out of every such violent event — advocating laws against "dangerous dogs" such as pitbulls, or the regulation of weapons — were oddly silent. No one, it seemed, dared draw the obvious conclusion: that having a deadly weapon in

the home, *and children who can use it*, can be a blessing, a very great blessing.

Of course, the reason for their silence is obvious. Both media people and political people thrive on a helpless populace, a populace afraid of every momentary "crisis"; this, as H.L. Mencken explained, is their particular form of charlatanism. They publicize a hazard, then provide the "solution," in their op-ed pages, magazine sections, and television "specials." I suppose it is inevitable for newspeople to express opinions on the stories they report. But we should hold them to higher standards than they themselves promote. If they report on a tragic instance of an accidental shooting by children "playing" with their parents' gun, the moral should be: parents, train your children in gun safety.

The dominant ethic in many of today's gun-owning households appears to be just the opposite: keep the weapons out of reach of the children, don't let the children touch the guns; *guns are for adults*. But this sort of prudery is merely the "liberal" version of an older belief about sex: deny the existence of a fact of life when you can, demand abstention when you can't, and whatever you do, *keep discussion to a minimum*. Guns, apparently, are an awful lot like sex: something dirty and regrettable that only adults can be allowed to have. This is irresponsible.

Parents: if you can't talk to your kids about sex, you have a problem — and your children may wind up "in a family way" long before their time. And if you can't talk to your kids about guns, you have a problem — your kids may wind up orphans.

What is needed, of course, is a culture of responsibility, where knowledge, wisdom, and skill are expected and demanded. "Gun safety classes" are not something that just prospective hunters should take. And gun cleaning should become a family event — like saying grace — in every home that harbors a gun. Though parents should still regulate their offspring's gun use (of course of course of course), the guns should not be something foreign and mysterious to the children of the household.

And, of course, families aren't the only beneficiaries of privately owned handguns. In early September, in Federal Way, Washington, a retired schoolteacher and her housemates were threatened by their knife-wielding handyman — a homeless man whom they had helped find both work and shelter — in the early hours of the morning. But one of them got a gun. He attacked her and the gun fell to the floor, where it was picked up by another of the intended victims, who shot the felon in the head. He died. Altogether a happy ending, though I can imagine a better one: the moment the assailant moved toward the first woman who held the gun, *this* woman fired. Perhaps if she had not been brainwashed by a "liberal" culture that instructs victims to be too solicitous of its aggressors, or a sexually segregated culture that regularly leaves the boys to clean the guns (once a year) while the girls "do the dishes" (every night), she might have had the wherewithal to avoid the danger of a loaded gun flying, uncontrolled, through the air.

Sure, I'm an advocate of gun control. Gun owners: control your guns! —TWV

P.C. reservations — The University of Minnesota has announced that its athletic teams will no longer compete against non-conference teams whose names use politically incorrect references to ethnic groups. But what about un-P.C. names *within* the Big Ten? For the sake of athletic harmony, I suggest that the Indiana Hoosiers change their school's name to Nativamericana University. —RWB

The North shall rise again — Nearly 20 years ago, browsing in the Chicago Public Library, I came across *The Rise of the Western World* by Douglass C. North and Robert Paul Thomas. The title attracted me, because I like history, particularly early European history. But most history books disappoint me; they strike me as themeless puddings. I usually get bogged down in the facts and lose the point, if there is a point.

This book was different. It was compelling. Yes, it was rich with information of the sort you would find in other books (Fernand Braudel's, for example) — information about medieval population trends, the woolcloth trade, agricultural prices, feudal law, the Hanseatic League, and technological innovations from three-field cropping to windmills. But in this book, in its authors' words, "the bits and pieces of historical evidence . . . can, with the aid of economic theory, be made to reveal a theoretically consistent picture." In other words, it had a *theme* — one that would be carried much further by North in the years to follow.

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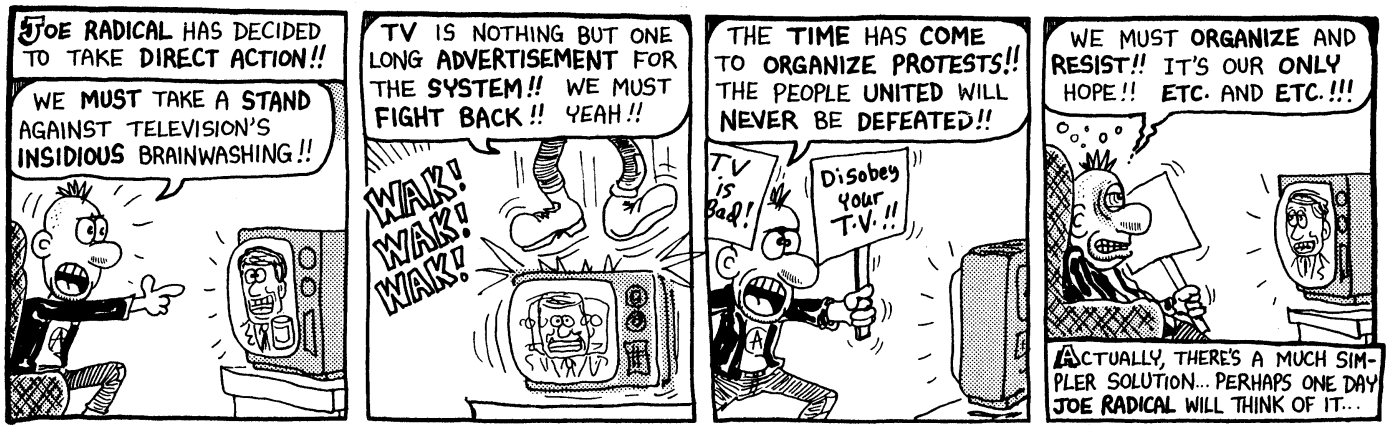

The theme was the identification of sources of economic growth, especially rules and institutions. Economic progress in thirteenth-century Europe, to give one of Thomas and North's examples, started with the growth of population. Although this population growth led to diminishing returns in agriculture, it expanded opportunities for trade. This trade stimulated specialization and the division of labor and new institutions such as trade fairs, insurance, and deposit banking.

What Europe lacked for many years, however, was widespread, secure property rights. Land could not be freely bought and sold, for example, to get it into the hands of those who would use it more productively. Nor were there patents to protect innovations. Innovations could be freely copied, and this "served to discourage the investment of resources in any research or development beyond that naturally attributable to specialization." Thus innovations diffused slowly, often retarded by secrecy, until secure property rights were established.

Such insights were just the beginning. Using economic theory, North and Thomas audaciously addressed growth in Europe as a whole, from the tenth century to the eighteenth. They cheerfully conceded that "few professional scholars have ever attempted a systemically cosmic enough look at so large a topic as Europe during the sixteenth and seventeenth centuries."

In sum, this 1973 book, which is only 171 pages long, packed in more meaningful history than any I had ever read before. It pointed to a way of thinking about history that I had never known before; indeed, as the importance of property rights was a completely new idea for me, it was more than this Wellesley graduate could absorb. Sadly, the book remained an isolated curiosity for me for nearly a decade.

Perhaps because an economic book that tightly wrapped facts in theory but remained accessible to the lay reader was so unusual, I didn't pursue the subject further. So I did not learn that *The Rise of the Western World* was the first fruit of a "property rights school" of economics at the University of Washington, which had its roots in the neoclassical economics associated with the University of Chicago. Or that it was the beginning of a broader school of institutional economics, whose theories were still under development. Or that the work would culminate in a Nobel Prize for Douglass North, as it did in 1993. But I feel good that, in a way, I was present at the beginning. —JSS

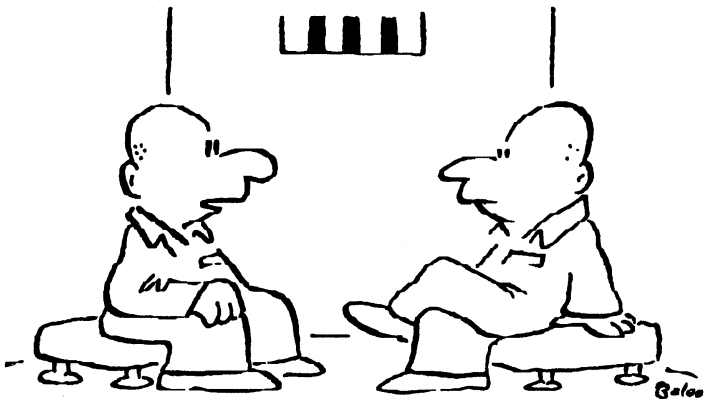

"Oh, there's a long Latin name for it, but basically I just swiped a bunch of stuff."

River Phoenix, 1970–1993 — Drug warriors like to maintain that those who say the government should end criminal penalties against people who sell or use officially disapproved psychoactive substances, must also accept — and, it is often implied, be responsible for — the social and personal effects of those drugs.

Film actor River Phoenix was a friend of mine. He died from ingesting too much heroin and cocaine. The fact that they were illegal didn't stop him from making this fatal error. Maybe the lack of an established, legal market in which dosages could be standardized and regularized was the root of his mistake, but I'm not going to blame drug warriors for his death. From what I understand, Phoenix took those drugs of his own will, and his own will was important to him. One of the last conversations I had with River concerned an essay I had written about the government's obsession with enforcing its notions of safety on all of our heads, at any expense to our liberties. He was more excited about this theme than any of my other political enthusiasms, except possibly cutting taxes.

"Drug-related deaths" happen all the time and tend to give emotional and rhetorical support to those who wish to keep drugs illegal. The logic behind this seems to be that any tragedy involving a substance is *prima facie* evidence that that substance's circulation should be forcibly discouraged. Apply the same thinking to automobiles, and the problems with the argument become apparent. Drug warriors may find it difficult to believe, but people take drugs for reasons that aren't always pathological. Drugs can enhance experience; they can provide delight; they can be fun.

Philip K. Dick wrote the funniest, most accurate, and yet most tragic novel about drug overuse and obsession I know of, *A Scanner Darkly*. I recommend it to anyone interested in understanding the lure and potential tragedy of drug use and "drug culture."

In the novel's afterward, Dick dedicated the book to a list of friends and loved ones, including himself, who had died or been damaged by their drug use. "Drug misuse is not a disease, it is a decision," he wrote. "If there was any 'sin,' it was that these people wanted to keep on having a good time forever, and they were punished for that, but . . . I feel that, if so, the punishment was far too great, and I prefer to think of it only in a Greek or morally neutral way, as mere science, a deterministic impartial cause-and-effect. . . . The 'enemy' was their mistake in playing."

Like automobiles, drugs can provide a service or experience that one desires. Like automobiles, they can be used safely, most of the time. Every once in a while, whether through a foolish decision or your own negligence or just accident, they can kill you. This is true of both drugs and cars. It doesn't cause us to hate or to outlaw cars.

I hate the decision River made. Ingesting huge quantities of heroin and cocaine in combination just isn't prudent, much like driving 85 mph at night with the headlights off isn't prudent. But I can't deny the allure of the imprudent at times, and some of my most cherished memories — those moments I wouldn't trade for anything on Earth or under Heaven —

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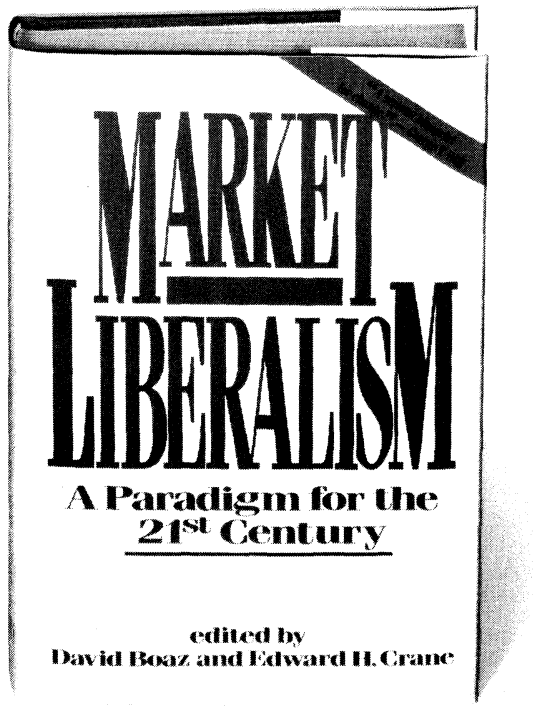

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have involved foolish, potentially dangerous behavior.

I have often scoffed at complaints of the supposed deadening effects of the mass media, but after weeks of news reports speculating as to what could have caused this brilliant young actor with a PR rep as a clean-living vegan to collapse and die outside a Sunset Strip nightclub, I think I understand. Reading about something too much can create an emotionless mediation of dreams and memories that can make you forget your own real life and experiences. After a few days, I had a hard time remembering what River looked like the last time I saw him, two months earlier; all I could see in my mind were Hollywood publicity head shots.

My disgust with this process is hypocritical, though no less real for it. I subscribe to *Entertainment Weekly* myself. Had this been the death of someone else, I would have read the reports uncritically, perhaps even with gallows humor. As it was, I could remember the man they were writing about, and with the sympathy borne of memory imagine the pain and discomfort the constant harping on his death and its ignominious manner was causing his family and his closest friends. That, I suppose, is life and death in the public eye.

But why I miss him has nothing to do with his public career, one some pundits tried to compare to James Dean's. That seems like a shuck to me. Except for River's soulful representation of eerie, floating disconnectedness in *My Own Private Idaho*, which except for his performance was a jumbled failure, none of his roles had the mythic generational heft that earned Dean his fame. What I'll remember about the "James Dean of my generation" were the little kindnesses that seem almost foolish in retrospect; how funny, sweet, and yet entertainingly and sardonically argumentative he could be, especially when it came to music or politics; how, despite his hectic professional life, he always called when he said he'd call and showed up when he said he'd show up; listening to him play his guitar and sing with his band; the dozens of treasured evenings of my life which were made more delightful by his presence, his music, his humor, his kindness, and his thoughts.

His death, brought on by his own grievous fault, has nothing to tell us about the political wisdom of drug legalization. His error was great, but I think his punishment excessive — his punishment, and all of ours. His absence from the world is a loss that those who only watched his movies will never understand. —BD

Anthony Burgess, 1917–1993 — Screenwriter, composer, moralist, playwright, traveler, teacher, essayist, poet, literary and social critic, translator, soldier, musician, colonial bureaucrat, novelist — Anthony Burgess was a man of a thousand tasks. After his first symphony was "mercifully destroyed by the Luftwaffe," Burgess turned to teaching literature in Britain's declining Asian empire. His first novels evince what would be a lifelong dual concern: a passionate critical drive and a desire to please the reader/viewer/listener. His ideal reader was, as he described him, rather familiar: "a lapsed Catholic and failed musician, short-sighted, color-blind, auditorily biased, who has read the books I have read. He should also be about my age."

Burgess published works on writers (Lawrence, Shakespeare, above all Joyce), language, politics, religion, poetry, and film. But his novels elevate their author far above his customary (and intermittent) humility: tales of dystopia, Russians, conscience, artists, spies, cannibalism, sex, gender, the end of the world. . . . His work was marked by an uncanny ear for speech, precision of word choice, audacious comedy, serrated cynicism, and a despairing love for the creatures he found to be essentially the same wherever he travelled — an array of skills worked into an unmatched and versatile style.

No author (except Blake) is flawless: Burgess is often cited for sexism, snobbery, and overdone flippancy, and I find his Catholicism tendentious and self-indulgent. But he is redeemed by his politics: visions of interventionist and catastrophic regimes in *The Wanting Seed*, the assertion of individual conscience against authority in *A Clockwork Orange*, and — "Governments are what I try to ignore. All governments are evil. . . . I suppose my conservatism, since the ideal of a Catholic Jacobite imperial monarch isn't practicable, is really a kind of anarchism." —Bryan A. Case

Frank Zappa, 1940–1993 — "Politically, I consider myself to be a (don't laugh) Practical Conservative. I want a smaller, less intrusive government, and lower taxes. What? You too?" Thus begins Chapter 17 of *The Real Frank Zappa Book*, the 1989 autobiography of the late rock star, social critic, classical composer, sometimes political activist, guitar virtuoso, entrepreneur, and all-around Renaissance iconoclast.

Zappa came to fame as the genius behind the Mothers of Invention, a '60s rock group that satirized suburban squares and urban hippies alike with songs like "Plastic People," "Rhymin' Man" (a.k.a. Jesse Jackson), "Who Needs the Peace Corps," and "We're Only in It for the Money." Of course, Zappa tweaked many conservative pretensions as well, on record and off. He especially earned their ire during his 1986 congressional testimony against a proposed ratings system for records with "pornographic" lyrics, as advocated by Tipper Gore's Parents' Music Resource Center. Zappa argued that a ratings system was a violation of his constitutional rights, and that its focus on rock music was a protectionist strategy on behalf of the country music made in Mr Tipper Gore's home state of Tennessee. The man understood economic and civil liberties.

Indeed, Zappa was outspoken on many political issues. He was both an advocate of drug legalization and a staunch

"How come you never talk about what's *right* with Egypt?"

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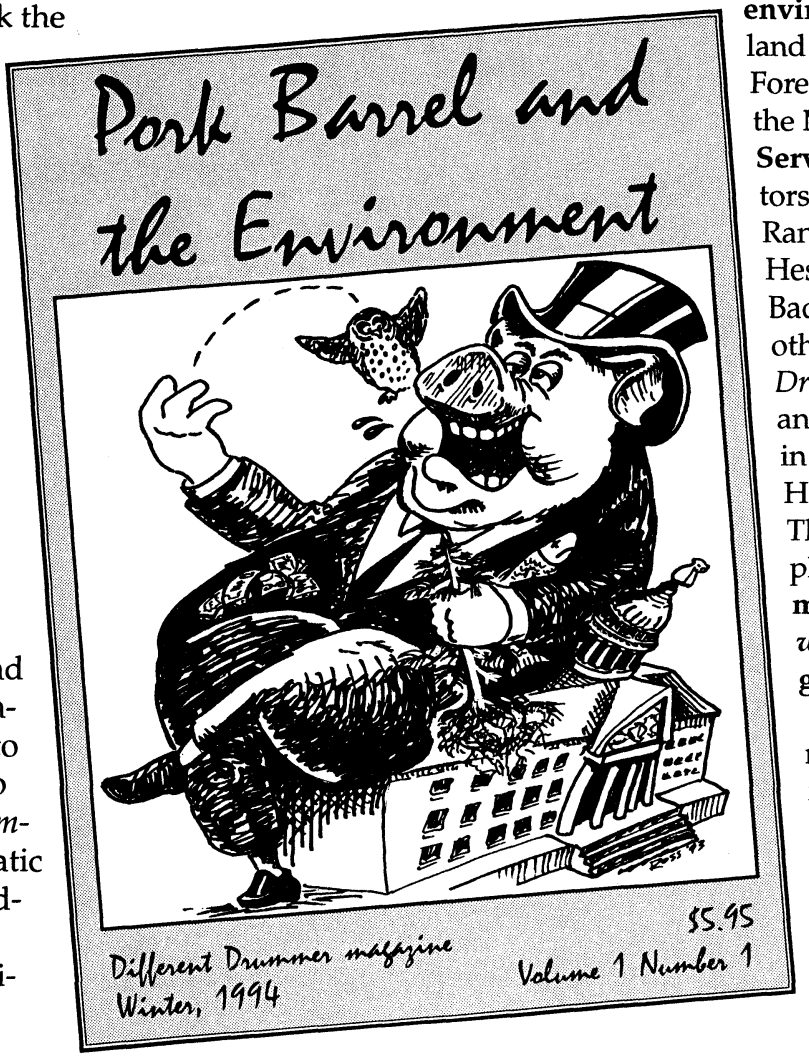

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opponent of drug use. "All I require, if somebody is on my payroll, is that they don't use drugs and don't have any drugs in their possession at the time they are performing a service for me."

Zappa saw no conflict between music as art and music as a capitalist act. "I provide money for people to run their lives because they play notes that I write. It's a very simple relationship. My boss is the audience. They rely on me to hire the best musicians that I can find and to train them as well as I can in order to bring that music to an audience in the best condition possible for the money that they pay for the ticket."

In 1987, Zappa's organic libertarianism led to a brief brush with Libertarian Party politics. Robert Murphy, an LP activist, met with Zappa to propose that Zappa seek the Libertarian Party's presidential nomination. Zappa was interested, saying that if he did run, he would forsake the standard practice of campaign tours, relying instead on television. Alas, in the end he chose music videos over political ones.

Zappa died of cancer the same weekend the Clinton administration launched a new offensive against song lyrics — this time, against violent "gangsta rap." Therefore, a fitting epitaph might be one of his many quips from his debates with Tipper Gore: "If lyrics make people do things, how come we don't love each other?" —Tom Isenberg

Medianotes

Paint it purple — Cox News Service reports that the Rev. Joseph Chambers of Charlotte, North Carolina has denounced Barney the Dinosaur as a "New Age demon," a sign that the republic "is under seige from the powers of darkness." He outlines this in a booklet, *Barney the Purple Messiah*, a lengthy denunciation of this publicly-funded interloper from "the world of demons and devils." I've never been a religious man, but I have to admit: the Reverend has a point. I plan to send him a donation shortly.

Beth Ryan, a spokeswoman for Barney's corporate masters, says she hopes Chambers won't use these charges in a political campaign, since "Barney doesn't believe in politics." That's a commendable sentiment, especially for a dinosaur, but I'm afraid it's too little and too late. Barney might not believe in politics, but he's on the public payroll — and actions speak louder than words. Come the revolution, we shall march him to the guillotine. *Sic semper tyrannosaurus!* —JW

Rush fools in where angels fear to tread — Political correctness in its modern form has been a besetting sin of the Left, but, disturbingly, some conservatives have been adopting its tactics for their own purposes. Surgeon General Joycelyn Elders' suggestion that the federal government at least *study* the possibility of some sort of drug legalization or decriminalization was met with a barrage of criticisms from right-wingers — right-wingers who said not simply that Elders was *wrong*, but that she should be *silenced*; that talk of decriminalization is simply evil, and ought not be tolerated.

Two of the greatest offenders have been Peter Collier, co-editor of *Heterodoxy*, and radio/TV star Rush Limbaugh. The former said flat out that the idea of drug legalization should be moved "out of the realm of legitimate discourse"; in another context, he commented that "the do-your-own-thing and get-government-off-our-backs stuff sounds good, but it isn't always." Meanwhile, Limbaugh proclaimed that Elders' views deserve "about 30 seconds" of consideration, after which they should be permanently excised from the marketplace of ideas.

There is no difference between these attitudes and that of those left-liberals who refuse to debate affirmative action, radical feminism, or gender-norming on the grounds that that would only "give legitimacy" to "racists" or "sexists" or "fascists" (i.e., their opponents). And Collier and Limbaugh say they're against P.C.? Conservative, heal thyself. —WPM

Cartoons that kill? — Dateline: Morraine, Ohio. Five-year-old Austin Mestner starts a blaze that consumes his two-year-old sister. His mother blames cartoon characters Beavis and Butt-head, who had recently been spotted playing with fire. Reports pour in from around the country, blaming the imaginary pair for further arson, for acts of vandalism, for cruelty to animals, and for fostering stupidity and nihilism among the young.

Rumor now has it the dastardly duo has been poisoning wells and munching on Christian babies. Or was that someone else?

Meet Beavis and Butt-head, simulated scapegoats. Once upon a time, social problems were blamed on living, breathing human beings — Jews, heretics, witches, lepers. This offends modern, P.C. sensitivities, so today's scapegoats tend to be inanimate (guns, drugs), incorporeal (rap lyrics, rock music), or wholly imaginary (Murphy Brown, Beavis and Butt-head). But the Inquisition is still on, and it still has its victims. Janet Reno, fresh from the Waco pogrom, arrives now in Hollywood to draw a line in the sand. If television producers do not "voluntarily" put an end to violent programming, says Reno, the federal government will have to do it for them. Throngs of talking heads cheer.

And don't bring up that damnable first amendment! These are *television producers* we're talking about. They're sodomites, all of them; they spit on the cross; they worship a severed head they call "Nielsen." *They have no rights.*

They certainly have no right to present us with a show like

Beavis and Butt-head. Jon Katz put it best in *Rolling Stone*: "To understand just how bold *Beavis and Butt-head* is, imagine the Washington *Post* satirizing its audience, a pair of middle-aged bureaucrats in Chevy Chase, Md., or NBC lampooning a factory worker in Duluth, Minn., sprawled in front of the set zapping Brokaw for *Inside Edition* or *Hard Copy*. Or the *Times* spoofing Connecticut commuters in a swivet over the latest theater review or squabbling over the best wine for dinner." Making fun of their own audience, indeed. Employing irony. Harrumph. Damn anarchists.

I tell you, folk culture was cleaner in the old days. Instead of Beavis and Butt-head, youngsters had wholesome role-models like Punch and Judy. There weren't any gangsta rappers like Ice Cube or Snoop Doggy Dog — just elevating ditties like "The Ballad of Staggerlee." And instead of playing violent video games, kids went out into the fresh air and hit each other.

The streets aren't safe, millions are jobless, and a five-year-old boy just torched his two-year-old sister. He watches *Beavis and Butt-head*? Well, *no wonder*. —JW

The motorcade sped on —

John F. Kennedy was assassinated by a young American who had converted to Marxism in his high school years; who had later defected to the Soviet Union, lived and worked there, and married a Soviet citizen; who had, upon returning to this country, formed a chapter of the Fair Play for Cuba Committee; who had spent his time passing out pro-Castro literature and engaging in radio debates with anti-Castro Cubans; and who had attempted to assassinate a right-wing American general.

Considering all this, wouldn't you expect that people interested in "uncovering the truth" about Kennedy's assassination would blanket the country with literature about Communist conspiracies, the Castro Plot, the Kremlin Connection, and the Last Dialectic in Dallas?

If you did, you would be wrong. In the 30 years that have passed since the Kennedy assassination, innumerable attempts have been made to depict Lee Harvey Oswald as a figure in, or a "patsy" for, a conspiracy of one type or another. Best-selling books and much-touted films continue to assert that Kennedy was killed because he had somehow gotten on the wrong side of the "big oil companies," the FBI, the CIA, warmongering generals, anti-Castro mafiosi, or some combination of the above. Popular explanations vary, but their common denominator is the attempt to blame some force perceived to be on the ideological Right. Virtually any culprit will do, so long as it's not the obvious one, Communism.

No, I don't want to see any more allegations of conspiracies, even conspiracies on the Left. Perhaps something interesting may be learned when independent investigators eventually get their hands on Castro's files, but if evidence of a conspiracy were available in the here and now, I think we'd know about it. What I want is something simpler. I want you to write in to *Liberty* and tell me if you ever hear any television or radio announcer refer matter-of-factly to "President Kennedy, who was assassinated in Dallas in 1963 by a Communist gunman." Then I'll know that American

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Communism is no longer in protective verbal custody. Oh, yes, you might also write in and tell me when the media stop referring to Russian Communists as "right-wingers." —SC

Kennedy, what is the frequency? — When it comes to JFK assassination theories, I am a committed agnostic, but one moment of CBS's half-hearted examination of the conspiracy evidence demands comment. After going over some of the reasons mobsters might have killed the president, Dan Rather dismissed the entire notion of a mafia conspiracy by citing one "expert's" opinion that, had Lee Harvey Oswald been working for organized crime, "he wouldn't have lived to be arrested."

Now recall what happened a day after Oswald was arrested: he was gunned down by a man with obvious mob ties. Dan Rather must believe that mafia families are the most efficient organizations in the country, more efficient than the cops who arrested Oswald, or the networks, like CBS, who reported his alleged guilt.

Where do they *find* these experts? —JW

Positively fourth estate — I noted recently ("The Ungreening of the Media," August 1993) that the press is beginning to be more skeptical about the doomsday myths and scare stories created and sustained by "environmental advocates." I'm happy to report that the skepticism is continuing. Stephen Budiansky wrote a stunning story, "The Doomsday Myths," in the December 13 *U.S. News & World Report*. There, Budiansky made the daring statement that "some environmental researchers now concede that at least part of the blame" for the "backlash" must lie "with themselves: Environmentalists' penchant for doomsaying is coming back to haunt them."

He goes on to undermine four myths: the myth of the extinction of 50,000 species per year, the myth of the destruction of 40 million acres of rainforest per year, the myth that the ozone hole is spreading, and the myth that global warming is certain. Budiansky still considers all these issues worth worrying about, but his commentary brings them down to size.

Unfortunately, the journalist most responsible for this reexamination, Keith Schneider of *The New York Times*, has suffered opprobrium from his colleagues. A lengthy article in the June 1993 *American Journalism Review* took Schneider to task for coming to the wrong conclusions about dioxin. (Last spring he reported that dioxin appears to be far less dangerous than anyone thought.) And the Fall 1993 issue of *The Amicus Journal*, published by the Natural Resources Defense Council, called Schneider "the most egregious offender" in a parade of proponents of "anti-environmentalist propaganda" that also included Rush Limbaugh, Boyce Rensberger of *The Washington Post*, and Holman Jenkins, Jr of *The Wall Street Journal*.

But don't expect Schneider to back down. He responded to the *AJR* article by pointing out that environmental reporters "are responsible for independently weighing conflicting scientific and technical data," and that's what he did with the dioxin issue. The *Times* has allowed Schneider to move to a small town in Michigan and serve as a roving environmental reporter. His recent stories have been eclectic but they retain a streak of political incorrectness. In a recent report on environmental racism, he quoted libertarian Kent Jeffreys of the Competitive Enterprise Institute before quoting a spokesman for the "environmental justice movement" — something that would have been unheard-of in the journalistic era just past. —JSS

***What kind of man reads* Liberty?** — In its 1993 year-end issue, *The Economist* had a feature on the world's leading gurus, ranging (in alphabetical order) from Noam Chomsky to Edward Teller; the piece rated each for originality, intellectual coherence, influence, and devotion of followers.

Included in the catalog were two leading libertarians, Milton Friedman and Ayn Rand. Each was unique among the gurus catalogued: Friedman was the only one who scored a perfect 5 in every measure of guruhood, while Rand was the only one who is dead.

Even more curiously, I noticed that two of the gurus read this magazine. My curiosity piqued, I checked our subscriber base and found the name of another. I don't know what to make of this. Apparently, 20% of the world's leading gurus read *Liberty*, and at least one in every 3,500 *Liberty* readers is a leading guru.

You figure. —RWB

Letters, *continued from page 4*

morality that looks universal is no guarantee for freedom, and a system of ethics based on autonomy can lead to the conclusion that we should go "liberate" those leading non-autonomous ways of life. Discouraging local, particular attachments and encouraging universal, abstract thinking can lead to Rousseau or Marx, Robespierre or Lenin, as easily as it can to Jefferson or Rand. Indeed, discouraging the importance of thick, particular conceptions of the good (such as religions) can make it easier for a Robespierre to try to redesign all of human society in accordance with an abstract, universalist philosophy. On the other hand, reducing universalist thinking to the tier of political morality, and simultaneously emphasizing the importance to human flourishing of thick, particular conceptions of the good on the lower tier, seems to allow little room for Jacobinism. Some people might adopt Enlightenment or Randian morality at their lower tier, but that needn't be the case in order for liberal society to emerge. The minimal state need not convert the Amish in order to survive.

Jacob T. Levy
Canberra, Australia

Twelve Steps to Freedom

Clark Stooksbury's well-written and informative review ("My Heroes Have Always Been Cowboys," January 1994) seems to me to deliver an erroneous impression in the end that all twelve-steppers are Wilbur Milquetoast liberals who look to government to solve all their problems. I can, by experience, tell him that this perception is as erroneous as the concept of a free lunch.

I must admit a great deal of libertarian criticism of these programs is earned, but I feel that most critiques

continued on page 69

Paean

In Praise of Chaos

by J. Orlin Grabbe

Don't be fooled by centuries of propaganda. Chaos means liberty, opportunity, and joy.

Chaos has a bad name in some parts. Some blame it for the Trojan War. Eris, goddess of chaos, upset at not being invited to the wedding of Peleus and Thetis, showed up anyway and rolled a golden apple marked "kalliste" ("for the prettiest one") among the guests. Each of the goddesses Hera, Athena, and Aphrodite claimed the apple as her own. Zeus, no fool, appointed Paris, son of the king of Troy, to be judge of the beauty contest. Hermes brought the goddesses to the mountain Ida, where Paris first tried to divide the apple among the three, then made them swear they wouldn't hold the decision against him. Hermes asked Paris if he needed the goddesses to undress to make his judgment, and he replied, *Of course.* Athena insisted Aphrodite remove her magic girdle, the sexy underwear that made everyone fall in love with her, and Aphrodite retorted that Athena would have to remove her battle helmet, since she would look hideous without it.

As Paris examined the goddesses individually, Hera promised to make Paris the lord of Asia and the richest man alive, if she got the apple. Paris said he couldn't be bribed. Athena promised to make Paris victorious in all his battles, and the wisest man alive. Paris replied that there was peace in these parts. Aphrodite stood so close to Paris that he blushed, and not only urged him not to miss a detail of her lovely body, but said also that he was the handsomest man she had seen lately, and he deserved a woman as beautiful as she was. Had he heard about Helen, the wife of the king of Sparta? The goddess promised Paris she would make Helen fall in love with him. Naturally, Paris gave the apple to Aphrodite, and Hera and Athena went off fuming to plot the destruction of Troy. That is, Aphrodite got the apple, and Paris got screwed.

While the Greeks had a specific goddess dedicated to chaos, earlier religions gave chaos an even more fundamental role. In the Babylonian New Year festival, Marduk separated Tiamat, the dragon of chaos, from the forces of law and order. This primal division is seen in all early religions. Yearly homage was paid to the threat of chaos's return. Traditional New Year festivals returned symbolically to primordial chaos through a deliberate disruption of civilized life. One shut down the temples, extinguished fires, had orgies, and otherwise broke social norms. The dead mingled with the living; afterward you purified yourself, reenacted the creation myth whereby the dragon of chaos was overthrown, and went back to normal. Everyone had fun, but afterward order was restored. The implication was, it was a good thing we had civilization, because otherwise people would always be putting out the fires and having orgies.

We can still see the age-old battle between order and chaos around us today. In the international sphere, the old order of Communism has collapsed. In its place is a chaotic matrix of competing, breakaway states, wanting not only political freedom and at least a semi-market economy, but also their own money supplies and nuclear weapons, and in some cases a society with a single race, religion, or culture. We also have proclamations of a New World Order on one hand, accompanied by the outbreak of sporadic wars and U.S. bombing raids in Africa, Europe, and Asia on the other. Is this alarming or reassuring?

In the domestic sphere we have grassroots political movements, such as the populist followers of H. Ross Perot, challenging the old order imposed by the single-party Democratic-Republican monolith. We have a president who is making a mockery out of the office, and a vice president who tells us we should not even listen to any dissenting opinions with respect to global warming. Is this reassuring or alarming?

In the corporate-statist world of Japan we are witnessing the demolition of the mythic pillars of Japanese society: the myth of high-growth, the

myth of endless trust between the U.S. and Japan, the myth of full employment, the myth that land and stock prices will always rise, the myth that the Liberal Democratic Party will always remain in power. Is this reassuring or alarming?

Even in the sphere of the human mind, central command may be losing control. Increasing attention is being paid to cases of multiple personality. The most recent theories see human identity and the human ego as a network of cooperative subsystems, rather than a single entity. (Examples of this viewpoint can be found in Robert Ornstein's *Multimind* and Michael Gazzanaga's *The Social Brain*.) If, as Carl Jung claimed, "our true religion is a monotheism of consciousness, a possession by it, coupled with a fanatical denial of the existence of fragmentary autonomous systems," then it can be said that psychological polytheism is on the rise. Or, as some would say, mental chaos. Is this reassuring or alarming?

The Myth of Causality Denies the Role of Eris

The average person, educated or not, is not comfortable with the Erisian realm. Faced with chaos, people begin talking about the fall of Rome, about the end of time. Faced with chaos, people begin to deny its existence; what appears as chaos, they say, is a hidden agenda of historical or prophetic forces that lie behind the apparent disorder. They begin talking about the "laws of History," or proclaiming that "God has a hidden plan." The creation, Genesis, was preceded by chaos *(tohu-va-bohu)*, and the New World Order (the millennium), it is claimed, will be preceded by pre-ordained apocalyptic chaos. Chaos is just part of a master agenda.

Well, is there really a hidden plan, or does the goddess Eris have a non-hidden non-plan? Will there be a Thousand-Year Reign of the Messiah, or the Thousand-Year Reich of Adolf Hitler, or are these one and the same?

People are so uncomfortable with chaos, in fact, that Newtonian science as interpreted by Laplace and others saw the underlying reality of the world as deterministic. If you knew the initial condition, you could predict the future far in advance. With a steady hand and the right cue tip, you could run the table in pool. Then came quantum mechanics, with uncertainty and indeterminism, which even Einstein refused to accept, saying "God doesn't play dice."

Philosophically, Einstein couldn't believe in a universe with a sense of whimsy. He was afraid of the threatened return of chaos, preferring to believe that for every effect there was a cause. A consequence of this was the notion that if you could control the cause, you could control the effect.

Some religions allow you to wipe the slate clean in one fell swoop, say by baptism, or an act of contrition, which is sort of like declaring bankruptcy and getting relief from your creditors.

The modern proponents of law and order don't stop with the assertion that for every effect, there is a cause. They also assert they "know" the cause. We see this attitude reflected by social problem solvers, who proclaimed: *The cause of famine in Ethiopia is lack of food in Ethiopia.* So we had rock crusades to feed the starving Ethiopians and ignored the role of the Ethiopian government. Others asserted: *The cause of drug abuse is the presence of drugs.* So they enacted a war on certain drugs which drove up their price, drove up the profit margins available to those who dealt in prohibited drugs, and created a criminal subclass who benefited from the prohibition. Psychologists assert: *The reason this person is this way is because such-and-such happened in childhood, with parents, or siblings, or whatever.* So any evidence of abuse, trauma, or childhood molestation — which over time should assume a trivial role in one's life — are given infinite power by the financial needs of the psychotherapy business.

You may respond, "Well, but these were just misidentified causes; there really is a cause." Maybe so. Maybe not. Whatever story you tell yourself, you can't escape the fact that to you personally, in Stephen Vizinsky's words, "the future is a blinding mirage." You can't see the future precisely because you don't really know what's causing it. The myth of causality denies the role of Eris. Science eventually had to acknowledge the demon of serendipity, but not everyone is happy with that fact. The political world is in the cause-and-effect marketing and sales profession, and has a vested interest in denying the demon's existence.

Philosophy and religion can be divided into three general schools of thought. The First School sees the universe as indifferent to humanity's joys or sufferings, and accepts chaos as a principle of restoring balance. The Second School sees humanity as burdened down with suffering, guilt, desire, and sin, and equates chaos with punishment or broken law. The Third School considers chaos an integral part of creativity, freedom, and growth.

First School Approach: Attempts to Impose Order Lead to Greater Disorder

Too much law and order brings its opposite. Attempts to create World Government will lead to total anarchy. Examples:

- David Koresh's principal problem, according to one FBI spokesman, was that he was "thumbing his nose at the law." So, to preserve order, the forces of law and order brought chaos and destruction, and destroyed everything and everyone. To prevent the misuse of firearms by cult members, firearms were marshalled to randomly kill them. To prevent alleged child abuse, the forces of law and order burned the children to death.
- Handing out free food in "refugee" camps in Somalia leads to greater number of starving refugees, because the existence of free food attracts a greater number of nomads to the camps, who then become dependent on free food, and starve when they are not fed.
- States in the U.S. favor equalizing wealth distribution. To finance

this agenda, more and more states have turned to the lottery, thereby giving away to a few vast sums of cash extracted from the many.

The precepts of the First School find expression in a number of Oriental philosophies. In the view of this school, what happens in the universe is a fact, and does not merit the labels of "good" or "bad," or human reactions of sympathy or hatred. Effort to control or alter the course of macro events (as opposed to events in one's personal life) is wasted. One should cultivate detachment and contemplation, and learn elasticity, learn to go with the universal flow of events. This flow tends toward a balance. This view finds expression in the *Tao Teh Ching*:

Faced with chaos, people begin to deny its existence.

> The more prohibitions you have,
> the less virtuous people will be.
> The more weapons you have,
> the less secure people will be.
> The more subsidies you have,
> the less self-reliant people will be.
>
> Therefore the Master says:
> I let go of the law,
> and people become honest.
> I let go of economics,
> and people become prosperous.
> I let go of religion,
> and people become serene.
> I let go of all desire for the common good,
> and the good becomes common as grass.*

You don't fight chaos any more than you fight evil. "Give evil nothing to oppose, and it will disappear by itself" (*Tao Teh Ching*, Chapter 60). Or as Jack Kerouac said in *Dr Sax*, "The universe disposes of its own evil." Again the reason is a principle of balance: You are controlled by what you love and what you hate. But hate is the stronger emotion. Those who fight evil necessarily take on the characteristics of the enemy and become evil themselves. Organized sin and organized sin-fighting are two sides of the same corporate coin.

Second School Approach: Chaos is the Result of Breaking Laws

In the broadest sense, this approach (a) asserts society is defective, and then (b) tells us the reason it's bad is because we've done wrong by our lawless actions. This is the view presented on the front page of any major newspaper. It's a fundamental belief of Western Civilization.

In early Judaism and fundamentalist Christianity, evil is everywhere and it must be resisted. There is no joy or pleasure without its hidden bad side. God is usually angry and has to be propitiated by sacrifice and blood. The days of Noah ended in a flood. Sodom and Gomorrah got atomized. Now, today, it's the End Times and the wickedness of the Earth will be smitten with the sword of Jesus or some other Messiah whose return is imminent.

In this context, chaos is punishment from heaven. Doing what appeals to you was not considered a good idea, because, as Jeremiah reminds us, "The heart [of man] is deceitful above all things and desperately wicked" (Jer. 17:9).

And in the New Testament, the rabbinical lawyer Paul says, "by the law is the knowledge of sin" (Rom. 3:20); and elsewhere it is written, "Whosoever committeth sin transgresseth also the law: for sin is the transgression of the law." (1 John 3:4). And, naturally, "the wages of sin is death" (Rom. 6:23).

New Age views of karma are similar. If you are bad, as somehow defined, you build up bad karma (New Age view), or else God later burns you with fire (fundamentalist Christian view). For good deeds, you get good karma or treasures in heaven. It's basically an accountant's view of the world. Someone's keeping a balance sheet of all your actions, and totting up debits or credits. Of course, some religions allow you to wipe the slate clean in one fell swoop, say by baptism, or an act of contrition, which is sort of like declaring bankruptcy and getting relief from all your creditors. But that's only allowed because there's been a blood sacrifice in your place. Jesus or Mithra or one of the other saviors has already paid the price. Old Santa Claus is still up there somewhere checking who's naughty or nice.

What is fundamental about this approach is not the specific solution to sin, or approach to salvation, but the general pessimistic outlook on the ordinary flow of life. The first Noble Truth of Buddha was that "Life is Sorrow." In the view of Schopenhauer, Life is Evil, and he says, "Every great pain, whether physical or spiritual, declares what we deserve; for it could not come to us if we did not deserve it" (*The World as Will and Representation*). Freud can also be added to the Second School bin of philosophy, with his Death Wish and his image of the unconscious as a murky swamp of monsters. Psychiatry in some interpretations sees the fearful dragon of chaos, Tiamat, lurking down beneath the civilized veneer of the human cortex.

The modern liberal's preoccupation with social "problems" and the Club of Rome's obsession with entropy are essentially expressions of the Second School view. Change, the fundamental motion of the universe, is bad. If a business goes broke, it's never viewed as a source of creativity, freeing up resources and bringing about necessary changes. It's just more unemployment. The unemployment-inflation tradeoff as seen by '60s Keynesian macroeconomics is in the Second School spirit. These endemic evils must be propitiated by the watchful Priests of Fiscal Policy and the Federal Reserve, and you can only reduce one by increasing the other. This view refuses to acknowledge that one of the positive roles of the market is as a job destroyer as well as a job creator.

"I was sent here for a reason I have not yet been able to fathom. I have no money, no resources, no hopes. I am the happiest man alive."

More generally, the Second School

* Chapter 57, Stephen Mitchell translation.

has generated whole industries of "problem solvers" — politicians, bureaucrats, demagogues, counselors, and charity workers who have found the way to power, fame, and wealth lies in championing causes and mucking about in other people's lives. Whatever their motivations, they operate as parasites and vampires who are healthy only when others are sick, whose well-being increases in direct proportion to other people's misery, and whose method of operation is to give the appearance of working on the problems of others. Of course, if the problems they champion were actually solved, they would be out of a job. Hence, they are really interested in the *process* of "solving" problems — not in actual solutions. They create chaos and destruction under the pretense of chaos control and elimination.

Science eventually had to acknowledge the demon of serendipity, but not everyone is happy. The political world has a vested interest in denying its existence.

Third School Approach: Chaos is Necessary for Creativity, Freedom, and Growth

You find this view in a few of the ancient Greek writers, and more recently in Nietzsche, who said, "One must still have chaos in one to give birth to a dancing star."

The fundamental point of view here is: Existence is pure joy. If you don't see that, your perception is wrong. And we are not talking about Mary Baker Eddy Christian Science denial of the facts. In this approach you are supposed to learn to alchemically transmute sorrow into joy, chaos into art. You exult in the random give and take of the hard knocks of life. It's a daily feast. Every phenomenon is an Act of Love. Every experience, however serendipitous, is necessary, is a sacrament, is a means of growth.

> Saying Yes to life even in its strangest and hardest problems, the will to life rejoicing over its own inexhaustibility even in the very sacrifice of its highest types — *that* is what I called Dionysian, *that* is what I guessed to be the bridge to the psychology of the *tragic* poet. *Not* in order to be liberated from terror and pity, not in order to purge oneself of a dangerous affect by its vehement discharge — Aristotle understood it that way [as do the Freudians who think one deals with one's neuroses through one's art, a point of view which Nietzsche is here explicitly rejecting] — but in order to be *oneself* the eternal order of becoming, beyond all terror and pity — that joy which included even joy in destroying.*

It is an approach centered in the here and now. You cannot foresee the future, so you must look at the present. But, as Vizinczey tells us, because nothing is certain, nothing is impossible. You are free and nobody belongs to you. In the opening paragraphs of *Tropic of Cancer*, Henry Miller says, "It is now the fall of my second year in Paris. I was sent here for a reason I have not yet been able to fathom. I have no money, no resources, no hopes. I am the happiest man alive."

Your first responsibility is to take care of yourself, so you won't be a burden to other people. If you don't do at least that, how can you be so arrogant as to think you can help others? You make progress by adapting to your own nature. In Rabelais' *Gargantua*, the Abbey of Theleme has the motto *Fay ce que vouldras*, or "Do as you will." The implication is: Don't go seeking after some ideal far removed from your own needs. Don't get involved in some crusade to save the human race because you falsely think that is the noble thing to do, when what you may really want to do, if you are honest with yourself, is to stay home, grow vegetables, and sell them in a roadside market. (Growing vegetables is, after all, real growth — more so than some New Age conceptions.) You have no obligation under the sun other than to discover your real needs, to fulfill them, and to rejoice in doing so.

In this approach you give other people the right to make their own choices, but you also hold them responsible for the consequences. Most social "problems," after all, are a function of the choices people make, and are therefore unsolvable in principle, except by coercion. One is not under any obligation to make up for the effects of other people's decisions. If for example, people (poor or rich, educated or not) have children they can't care for or feed, one has no responsibility to make up for their negligence or to take on one's own shoulders responsibility for the consequent suffering. You can, if you wish — if you are looking to become a martyr, the world will gladly oblige, and then calmly carry on as before, the "problems" unaltered.

One may, of course, choose to help the rest of the world to the extent that one is able, assuming one knows how. But that is a choice, not an obligation. Modern political correctness and prostituted religion have tried to turn all of what used to be considered virtues into social obligations. Not that anyone is expected to really practice what they preach; rather it is intended they feel guilty for not doing so, and once the guilt trip is underway, their behavior can be manipulated for political purposes.

"I am chaos. I am alive, and I tell you that you are free."

What would, after all, be left for social workers to do if all social problems were solved? One would still need challenges, so presumably people would devote themselves to creative and artistic tasks. One would still need chaos. One would still need Eris rolling golden apples.

In the revelation given to Greg Hill and Kerry Thornley, authors of *Principia Discordia, or How I Found Goddess and What I Did to Her When I Found Her*, the goddess Eris says, "I am chaos. I am the substance from which your artists and scientists build rhythms. I am the spirit with which your children and clowns laugh in happy anarchy. I am chaos. I am alive, and I tell you that you are free." ❑

* *Twilight of the Idols*, Walter Kaufman translation.

Exploration

Chaos, Complexity, and Anarchy

by Pierre Lemieux

Behold the implications of the new science: Artificial Life, Artificial Anarchy, and the end of the planner's dream.

Ours is the epoch of uncertainty. The first three decades of this century witnessed Einstein's theory of relativity, Heisenberg's uncertainty principle, and Gödel's undecidability theorem. Logician Kurt Gödel proved that some arithmetic truths (truths about numbers) are forever unprovable and that, more generally, no formal system can be self-contained. Yet even this looks innocuous compared with the theorems developed by computer scientist Gregory Chaitin over the last three decades: almost all numbers are random in their decimal expansion but we cannot actually prove it for any single one of them (say, π=3.14159... or $\sqrt{2}$=1.414213...). In fact, the very structure of arithmetic is random.[1]

Random means unprovable, undecidable, uncomputable, and unpredictable. These scientific results mean that there are aspects of the world that we don't know about and can never know about. It is one of the greatest and most disquieting conquests of reason to have demonstrated that certain facts and truths — perhaps most facts and truths — are forever inaccessible to reason itself.

Starting at the turn of the century, if not before, the tide of uncertainty also washed the human sciences: psychoanalysis, anthropology, sociology, political science, economics. Two interpretations were possible. One is that there is no obvious, rational basis for coercive, centralized intervention in social processes. The other interpretation is that, since knowledge and values are uncertain, conditioned, and arbitrary, state intervention is warranted to fix the proper norms. During the crucial years that go from the 1910s to the end of the '30s, the second interpretation completely won the day.

Chaos theory appeared 30 years ago as the latest wave of uncertainty. It is related to fluid turbulence, which already worried Werner Heisenberg. According to one (probably apocryphal) report, he declared on his deathbed that he would have two questions for God: *Why relativity?* and *Why turbulence?* "I really think," Heisenberg continued, "that He may have an answer to the first question." Chaos theory shows that even deterministic phenomena can be unpredictable. Yet it does not simply fuel uncertainty, for the other side of the chaos coin is that unprovable, undecidable, uncomputable, and unpredictable do not necessarily mean non-deterministic.

Chaos theory and its related fields rapidly gained academic prominence during the last decade as a new common paradigm to many disciplines — mathematics, physics, computer science, ecology, biology, epidemiology, etc.[2] More recent attempts have been made to apply chaos theory to the social sciences (especially economics[3]), finance, and management theory.

Views differ as to the usefulness of chaos theory outside mathematics and the hard sciences. The main danger is scientism, i.e., the blind application of the tools of the hard sciences to the study of society, disregarding the distinctive characteristics of human action and the special brand of social complexity it generates.[4] But this does not mean that the paradigm itself is of no use in the study of society.

Unpredictability

The main thrust of the chaos paradigm is that randomness in its traditional sense is not necessary for unpredictability. A completely deterministic, but dynamic and nonlinear, system can be as unpredictable as a random variable.

A system is said to be dynamic when its evolution is a function of its history — that is, when its behavior at time t depends on where it was at

step t–1 or farther in the past. A nonlinear system is characterized by complicated interactions that do not simply add up; mathematically, this means that some variables are squared (or raised to a superior power), that its equations cannot be represented by straight lines in the Euclidean plane.

Consider a simple population model where the rate of demographic growth is directly proportional to how far the population lies from the capacity of its environment to support it. If the population is very close to zero, it will increase at its maximum rate until it gets closer, or exceeds, its environmental limit. Negative growth will then bring the population back under the environmental limit, and the process repeats continuously. Question: If the initial population is 10% of the environmental limit and the growth rate of this ratio equals three times the environmental capacity still to be filled, what will be the population level in nine years? In 16 years?

As we say in French when a question does not seem to have a clear relation with the statement of a problem, "How old is the captain?" The questions above actually make sense, but finding a solution requires a mathematical formulation — hence the usefulness of mathematics.

The model is described by the following equation:

$$p_{t+1} = p_t + rp_t(1 - p_t)$$

where p_t is the ratio in year t of the actual population to the maximum population allowed by the environment; and r represents its ("natural") rate of growth when p_t is very small. Note that p_t is a proportion that goes from 0 to 1 as the actual population grows closer to its environmental limit, and exceeds 1 when the limit is overshot.[5]

We are now in a position to explore the time path[6] of the population/limit ratio. If, for instance, r=1.9, and we start with a population at 10% of its environmental limit (p_0=0.1), we can see that the population will be at 27.1% of the environmental capacity the following year, i.e.,

$$p_1 = 0.1 + (1.9 \times 0.1 \times 0.9) = 0.271$$

The process continues with p_2, p_3, etc.

This seemingly innocuous equation (called the logistic model) will provide us with a striking demonstration of chaos. Note that we indeed have a dynamic, nonlinear system. Its nonlinearity appears in the fact that p_t is multiplied by itself in the second term of the right-hand member.

Figure 1

Dynamics of the logistics equation for different values of r

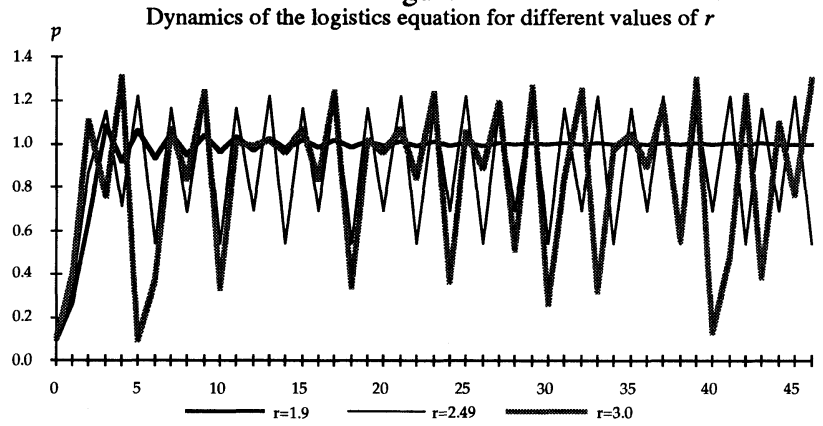

The behavior of the system depends on the value of the parameter r; i.e., the "natural" population growth rate. For r<2, we observe dampened cycles that converge towards a fixed value of p, as shown on Figure 1 in the case of r=1.9. As values of r gradually increase over 2, regular, non-dampening, cycles appear: first, a cycle of period 2 (the same p appears every second time period), then of period 4 (illustrated on Figure 1, with r=2.49), then period 8, etc.

In fact, as r increases toward a value of approximately 2.6, the number of periods continuously doubles until it eventually reaches infinity. That is, as we see for the curve r=3 on Figure 1, the oscillations will never be repeated, the time path of the population will never go through a previous value. This is chaos.

And it is no accident. Mathematicians have proven that chaos is a frequent feature of nonlinear dynamic systems. Moreover, chaos normally coexists with order and regular periodicity: changing one parameter[7] of a simple dynamic model like the above produces both order and chaos. Actually, within the very region where chaos appears (approximately after r>2.6), there are islands of order intermingled with ranges of chaos.

When you have a chaotic trajectory (like when r=3 on Figure 1), there is no way to predict what the future values of your variable will be. Although completely deterministic, the time path is just as unpredictable as if it were random.

Even if one has the equation of the system, it will be impossible to predict its future because of tiny measurement inaccuracies. Suppose you know that the logistic equation describes your model and that r=3. But because measurements are never perfectly precise, or perhaps just because of rounding procedures, you measure your starting population ratio at 0.106 instead of 0.100 — an error of 0.006. Figure 2 shows that after only five periods, this tiny initial error has multiplied in such a way that the new computed time path bears no resemblance to the one you wanted to predict. This is indeed how meteorologist Edward Lorenz discovered chaos in the early '60s and concluded that long-term weather forecasting would always elude science.

This magnification of errors in the initial conditions is called the Butterfly Effect. The metaphor says that the flapping of a butterfly's wings in Brazil may cause a tornado in Florida.

This paradigm is relevant to society. Social phenomena are historical and hence dynamic. They are nonlinear because individual actions do not simply add up into social results. This explains why social and economic phenomena are inherently unpredictable, whether we talk of market prices, political regimes, or urban migrations.[8] As for macroeconomic forecasters, we

all know how inefficient they are at predicting interest rates, housing starts, and recessions.

The chaos paradigm accounts for the possibility that singular events may influence not only an individual's life but also the course of social events. My life might have been entirely different had I not randomly met this woman. Sometimes, such individual events translate into social results. Although historicist approaches (e.g., Marxism) and institutional analyses (e.g., Public Choice) typically negate the significance of individual action, the world would probably be different if Marx had not been Marx or James Buchanan had not lived. Man's free will certainly brings additional indeterminacy. In other words, social/historical development is sensitive to initial conditions.

Order in Chaos

Chaotic phenomena are not completely disorderly. There is a hidden, self-organizing order in chaos. This order is represented by "strange attractors."

Generally, attractors are equilibrium trajectories toward which time paths starting at different points converge. Consider for instance the curve corresponding to r=1.9 on Figure 1. The time path of p_t converges with dampening oscillations towards the value 1, and once it gets there, it will stay at this equilibrium forever. This is true whatever the system's starting point p_0: it will always be attracted to, and eventually settle on, the equilibrium path p=1. This equilibrium trajectory is thus called an attractor — a stable attractor in this case. At certain critical values of parameter r (called "bifurcation points"), new equilibrium trajectories will be defined for the whole system. As we can visualize on Figure 1, with r=2.49, the system has passed the bifurcation point from where every time path is now attracted to a four-period equilibrium trajectory: from t=42 on, p_t will oscillate forever as 0.54, 1.16, 0.69, 1.22, and over the same cycle again. This is a periodic attractor. And again, wherever the system starts from, it will be attracted onto it.

A strange attractor is simply an attractor that is chaotic instead of stable or regular-periodic. The existence of strange attractors reflects the fact that a chaotic time path, although unpredictable, is not random, for it follows a deterministic trajectory.

Figure 2 depicts two strange attractors (one identical to curve r=3 on Figure 1), each one, in this case, corresponding to a unique starting point. Depending on where you start, you get attracted to a different strange attractor. But in general, in systems of higher dimension (i.e., systems with more than one variable changing as time passes), many starting points will lead to the same strange attractor — exactly like in the cases of stable periodic regular attractors we just saw, where you can get on the same attractor even if you start at different points. In higher-dimension space, the locus of the points leading to a given attractor is called an "attraction basin" or "fractal basin." Typically, there are many fractal basins, so that the system converges toward a different strange attractor depending on where it starts from. Near the boundary of two fractal basins, a small change in initial conditions leads again to the Butterfly Effect.

Figure 2
Dynamics of the logistics equation with r=3 and given different initial conditions

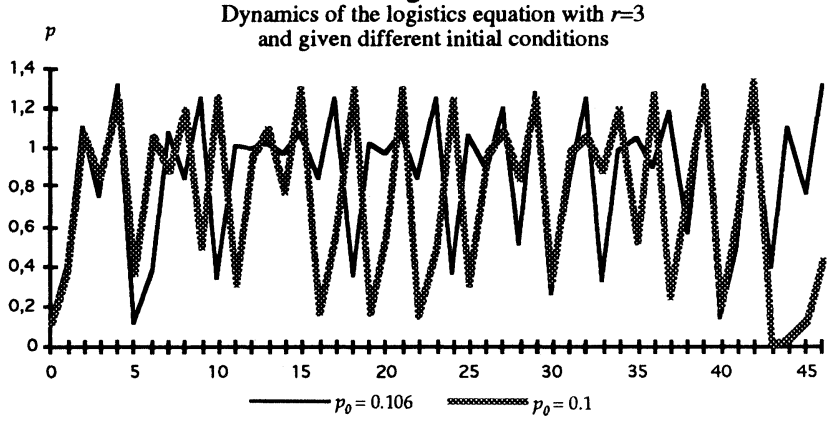

There are fascinating relations between chaos and Benoît Mandelbrot's fractal geometry. Fractal figures are characterized by their irregularities, roughness, or kinkiness: think of a sea coast, a cloud, a snowflake, a tree. Stylized fractals are constructed by applying simple, mechanical rules which create striking and intricate figures (especially when drawn in color by a computer). These fractal figures are characterized by perimeters of infinite length that enclose finite areas. They are also self-similar at different scales, which means that the larger figure is made of smaller similar figures, and so on ad infinitum. Finally, and however strange this may seem to a Euclidian mind, dimensions of fractal figures are fractional: an object with a dimension of, say, 1.7 is more irregular than a line but not yet a surface.

Fractals are the geometric representations of dynamic systems. A strange attractor is a fractal figure as it draws a convoluted and infinite path within a finite region of space, and also because it is self-similar at different scales. (To see this, we would have to draw a multi-dimension strange attractor in what is called "phase space.") In more than two dimensions, strange attractors are graphically represented by fractal basins, regions where all starting trajectories are pulled to the attractor. Odd things have been discovered — for instance, that the time path of measles epidemics follows a strange attractor with a fractal dimension of 2.5.

Strange attractors are strange creatures indeed. They wander unpredictably in solution space, reaching uncomputable points. According to mathematician John Casti, strange attractors can be seen as a way to find solutions that are otherwise unprovable by Chaitin's and Gödel's theorems. In a sense, chaos is an alternative road to elusive truth.

Social institutions have their own logic; in a sense, they look like strange attractors. In chaotic, unpredictable, apparently random society, there is hidden, spontaneous order. Apparent social disorder coexists with order. It is because society is both chaotic and orderly that, as Hayek says, we can never

predict precise social configurations but only the general characteristics of the order that will develop from given initial conditions.

When chaos theory appeared in the social sciences, there were naïve planners who thought that it would help them plan the unpredictable. "Critical bifurcation points," wrote two authors, "can also be recognized and predicted using this conceptual framework." They then fantasized about a sort of "androgynous attractor" that would save mankind from "the centrally powerful andocratic or dominator paradigm driving us towards global tyranny and/or nuclear war . . ." Our enlightened thinkers wanted to jump on the attractor and "feed back *informed* humanistic guidance into social process."[9]

Most social scientists probably now think that chaos negates the planner's dream. Confronted with a dynamic and nonlinear system like society, the planner can predict neither its actual development nor the results of his interventions. At best, given all the equations, he will only be able to predict short-term developments.[10] Intervening in social development is as futile and dangerous as intervening in the weather.

From Simple Rules to Complex Systems

Chaos is a special case of so-called complex systems — systems that are nonlinear and dynamic. Complexity involves the unprovable, the uncomputable, the unpredictable — in other words, what is unknowable to reason. Chaitin has shown that there exist levels of complexity that no scientific theory can explain. These scientific results are strikingly parallel to the Hayekian mistrust for constructivist reason[11] — although Hayek himself was probably not aware of this.

Another crucial discovery about complex systems is that they are the product of simple rules, as illustrated by cellular automata and by Craig Reynolds' "boids."

In the late '80s, computer scientist Craig Reynolds programmed bird flocking on the basis of simple rules followed by the individual birds (which he called "boids"). Eschewing any kind of central coordination, each boid in Reynolds' computer followed only three local rules: (1) maintain a minimum distance from other boids or other objects; (2) match the velocity of boids in the neighborhood; and (3) move toward the perceived center of mass of the nearby boids. Flocking thus simulated turned up to be strikingly similar to real flocking in nature.

Figure 3
Wolfram's one-dimensional cellular: construction rules (top of figure) and evolution after 5 and 100 generations

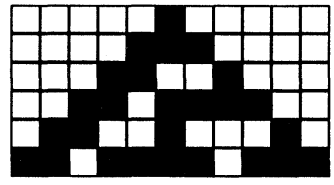

5 generations

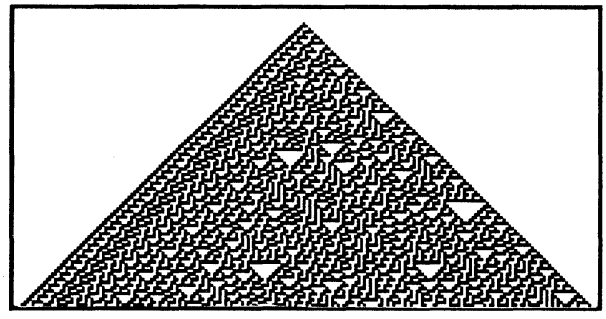

100 generations

Faced with an obstacle, the artificial flock would spontaneously split around and reunite past it, although it had not been programmed to do this. The artificial flock showed unexpected, emergent behavior.[12]

Cellular automata, invented by John von Neumann, provide another, related technique for modeling dynamic systems. To see what a cellular automaton is, start with a finite automaton, a device conceptualized by logician Alan Turing that can take any of a finite number of values (0 or 1, for instance) according to its internal rules and external input. Write the rules of a finite automaton such that its only input is the values of its neighbors on a conceptual checkerboard. Put one such finite automaton on each cell of the checkerboard. The whole checkerboard is called a *cellular automaton*.

Cellular automata based on a few simple rules can show extremely complex behavior and patterns. For instance, to draw the (chaotic) cellular automaton of Figure 3, you need only the rules described in the top panel of the figure. You start from a black cell on the first line and let the rules decide whether each cell of each of the following lines remains white or turns black, depending on its three nearest top neighbors. This one-dimensional cellular automaton, developed by mathematician Stephen Wolfram (designer of Mathematica software), is only the beginning of the story. Cellular automata have been used to model such phenomenon as infectious invasions and crystal growth.

In the late '60s, Cambridge University mathematician John Conway invented a cellular automaton game called Life. This one was two-dimensional, which means that every turn was played on the whole checkerboard (instead of one line after the other, as in the Wolfram automaton above). On the unbounded Life checkerboard, each cell is either alive or dead. You start with any arbitrary or random configuration. At the next run, a live cell remains alive if two or three of its eight neighbors are presently alive; otherwise it dies. A dead cell will become alive only if exactly three of its neighbors are alive. Life was soon popularized by Martin Gardner in his *Scientific American* column. With the advent of personal computers, it attracted a growing number of fans to simulate its unexpected behavior.

The spontaneous evolution of the game creates stable, moving, and often

unpredictable creatures called "clocks," "R-pentominos," "gliders," etc. R-pentominos, for example, stabilize after 1103 turns. Gliders move forever, or until they hit something. The complicated patterns of 0s (dead cells) and 1s (live cells) actually generate everything that is conceptually needed to build a computer, from memory spaces to logical gates. Indeed, it has been mathematically proven that the game of Life belongs to the class of "universal computers" — devices that, according to the Church-Turing hypothesis, are capable of emulating any process that can be described thoroughly — a novel, the Ninth Symphony, society, and life itself.[13]

Society is a complex system. It is dynamic because history matters. Social phenomena are nonlinear: they are more than a simple addition of individual actions. Society is a large feedback, recursive, computation process. It follows that society could theoretically be modeled as the complex result of simple proximity rules followed by the individuals who compose it.

Long before cellular automata were in vogue, Harvard economist Thomas Schelling used a simplified form of them to model racial segregation. His models showed how individual preferences for a minimum of similar neighbors lead, via moving, to highly segregated neighborhoods.[14]

Chaos theory shows that even deterministic phenomena can be unpredictable, and that unpredictable does not necessarily mean non-deterministic.

This is precisely what economists and social scientists grounded in methodological individualism have been doing: explaining social results as the complex consequences of individual actions based on relatively simple motivations and neighborhood relations. This is true whether individuals are conceived of as maximizers (the rational choice model) or as rule-followers (the Hayekian view). Individuals react to local prices or local rules which, in a free society, incorporate information about general conditions in society.

In other words, cellular automata-based models share three basic assumptions with the most productive currents in the social sciences: methodological individualism, relatively simple rules of individual motivation, and proximity signals.

Information and Computation

This leads us to the role of information in complex systems. Organic life, especially human life, is probably the most complex of all systems. Biology has taught us that this complexity depends essentially on the information embedded in DNA.

The work of John von Neumann, Alan Turing and Alonzo Church is based on the idea that everything is information-processing or computation. Man-made computers are not a special kind of machine but a constructed representation of the stuff the universe is made of. Indeed, universal computers represent the ultimate information-processing paradigm. Life is only a special case of computing.

This may imply that life could be reproduced as an autonomous and self-reproducing creature within a computer. A living creature could be silicon-based as well as carbon-based. "Wet life" is only one form of life, for the stuff of life is not "matter" (whatever that means) but information. Examples of elementary forms of computer-based life include the self-reproducing automata first programmed by Christopher Langton, and computer viruses. The quest is on for the creation of more complicated artificial life forms.

Indeed, the game Life takes its name from the idea that, as a universal computer, it could theoretically evolve towards the emergence of a living organism on its checkerboard. No simulation on Life has ever produced one, however. Some argue that this would require a checkerboard larger than the physical universe!

This approach to the study — and perhaps eventually the construction — of life as a dynamic information processing system has generated a new field of study: Artificial Life.

If information is the basic ingredient of complexity, the more information in a system, the more complex it will be. The mere quantity of information is not everything, though, as there may be a limit to the volume of information a given system can usefully process.

Building on the work of Stephen Wolfram, Christopher Langton has devised a measure of the information content of a system. This measure is represented by a parameter λ, which falls between 0 and 1. Small values of λ are associated with the simplest systems — systems that tend toward a fixed, unchanging equilibrium. Systems characterized by a somewhat higher λ fluctuate with regular periodicity. If you jump to a λ close to 1, you get a system with too much information to process efficiently; i.e., the system becomes chaotic. Now, just between periodical and chaotic systems — "on the edge of chaos," as Langton puts it — you find the most complex systems, including life itself. The game of Life, which has a λ value of 0.273, falls in this range.

Wasn't Herbert Spencer already breaking the battle lines when he used both methodological individualism and the biological metaphor in the study of society?

What would be society's λ value if it could be computed? In a sense, human society appears to be more complex than life, for it is itself a complex arrangement of the most complex living creatures of the universe (as far as we know). This, however, is only true of a free society. As Hayek has shown, only a free society maximizes the information incorporated in peoples' actions, by allowing each individual to use freely his own (local) knowledge for his own ends. Planned or otherwise controlled societies are more like fixed or periodical systems. In societies, as in cellular automata, certain rules and institutions generate

more complexity than others.

The fact of social complexity raises the possibility of using Artificial Life methods to analyze it, of simulating artificial societies within computers. The trend was started by Nobel Prize-winning economist Kenneth Arrow and the Santa Fe Institute (New Mexico), especially with their 1987 conference on "the economy as an evolving complex system." This has stimulated the development of Artificial Economics, Artificial Sociology, and Artificial Political Science, new fields of social science that use dynamical methods to simulate social phenomena.

Studies in Artificial Economics often seem naïve to those schooled in Hayekian and Austrian approaches, which stressed rules of conduct, information, disequilibrium, and evolution long before these concepts were "discovered" by Artificial Life.[15] Actually, much of the new Artificial Economics could already be found in Gerald O'Driscoll and Mario Rizzo's 1985 Austrian treatise, *The Economics of Time and Ignorance*.[16]

Society is also very different from a living organism. For one thing, it is much more chaotic. This is not really surprising, for individuals are not to society what cells are to a living being. Individual liberty brings diversity, surprises, and disorder to society as much as it contributes to the circulation of information. Hayek had already pointed out that society differs from a living being since its components do not have fixed places and predetermined roles. The fact that society is both very complex and inherently chaotic suggests that interesting things happen not only at the edge of chaos, but also in the very midst of chaos. Order and disorder may not be as distinct as Langton's classification would imply.

This raises the old question of social organicism and, more generally, of holism against methodological individualism.

Traditionally, you had two camps. On one side, methodological individualists viewed society as a collection of individuals or, at most, as the resulting configuration of their actions and interrelations. In this sense, society does not exist as a distinct entity. It may be more than the sum of its parts, but only in the sense that it includes also the relations between the parts. On the other side, holists and proponents of social organicism conceived of society as a superindividual with organs, blood, nervous system and brain. Of course, they usually saw themselves as the brain and not the foot or the appendix of society, which explains why social organicism has been embraced by totalitarian leftists and rightists of all epochs.

Many of the early theoreticians of chaos, who are former flower children of the '60s, thought of their work as a vindication of holism, of social organicism and state intervention. In *On Power*, one of the most important books of this century, political scientist Bertrand de Jouvenal made a convincing argument that the organicist theory of society has brought more grist to the mill of state power than the theory of sovereignty.[17]

Perhaps one lesson of complexity theory will be that the battle lines are not that clear-cut. In my opinion, chaos theory provides more of a vindication of methodological individualism as it explains the complex behavior of wholes on the basis of individual actions — rules at the automaton level for instance. Yet, it may be that complex wholes have more importance than methodological individualists used to think. Wasn't Herbert Spencer already breaking the battle lines when he used both methodological individualism and the biological metaphor in the study of society? The question remains open.

What seems certain is that life and society can be analyzed as two instances of computation, and that information is central to both.

This raises a host of other questions. If, as the American social science tradition would have it, everything is a process, if information is the basic stuff of everything, if in other words there is no substance under the ultimate processes, then what happens to natural rights? Are we led towards an exclusively contractarian foundation of individual rights?

This may be as disquieting a question as the one raised by Gregory Chaitin at the end of one of his articles. Although we will never be able to answer the question as to whether a diophantine equation (a kind of equation related to undecidability) has a finite or infinite number of solutions, "I have always thought in the deep of my heart," Chaitin added, "that God can."[18]

Evolution's Surprises

There is another way in which processes are paramount: the fact that time passes, that history matters — in a word, evolution. We know that life and man are products of evolutionary processes. Although completely deterministic (as far as we know), evolution is inherently unpredictable. Perhaps we can argue, like old Catholic holist Pierre Teilhard de Chardin, or like some Artificial Life theoreticians, that matter and life naturally tend towards increasing complexity, but we can never predict what form complexity will take. Evolution is full of surprises.

For Artificial Life to understand living processes, it must analyze their evolution. But just like most differential equation systems do not have analytical solutions, evolution cannot be theoretically analyzed only simulated. Can we simulate evolution?

The answer is yes, with a computer. This was beautifully demonstrated in the '70s by John Holland, a University of Michigan computer scientist.

Start by admitting that any being is

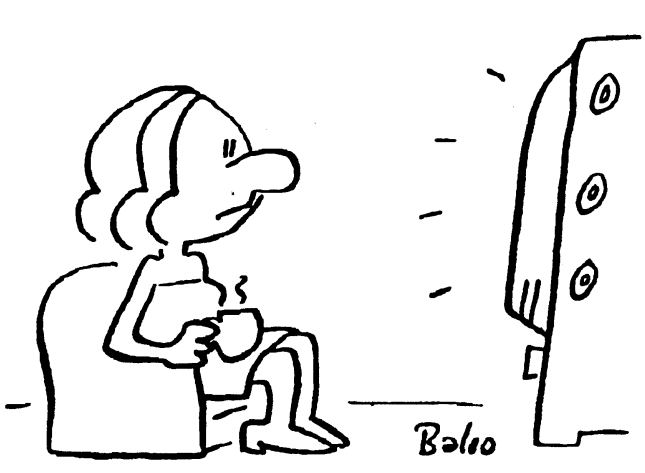

"On 'L.A. Law' tonight, all the screenwriters went back on strike, so the actors will just throw pies at each other."

made of bits of information — 0s and 1s. In a living organism, this information is coded in the genes. In a computer program, the "code," or instructions, contains the information; indeed, a computer program can be represented as a string of 0s and 1s.

Recall that living organisms have evolved mainly by sexual crossover (the mixing of parents' genes), reproduction of offspring, and selection of the fittest among them. Random mutations have played a role, but computer simulations have demonstrated that it must have been minor compared to sexual crossover. Fitness means adaptation to, and survival in, one's environment. "Why sex?" is a question that worried biologists. Why not asexual, one-parent reproduction? The answer, apparently, is that sexual crossover increases offspring fitness.

The mechanism of evolution can be reproduced with computer programs called "genetic algorithms." This form of computer programming solves optimization problems by selecting competing programs through a process similar to biological evolution.

Human society appears to be more complex than life, for it is itself a complex arrangement of the most complex living creatures of the universe. This, however, is only true of a free society.

Simple optimization problems are standard mathematics. You have a function and you want to find where it reaches its maximum, i.e., where its maximum or peak lies in a Euclidean plane or space. With a two- or three-variable function (you are in a two- or three-dimensional space), there are relatively easy methods to do this. Now imagine the most complicated optimization problem you can think of: you are in more than three dimensions, which means that you cannot visualize the shape of your function; the solution space consists of billions of points; and you do not even know the function you want to optimize!

For a biological version of the problem, imagine that you are God and that you have created an extremely complex universe, so complex that you do not yourself understand the billions of interactions occurring in it. (You are often discouraged when you look at your work.) Now you want to create a living, intelligent creature that will survive in this complex, dynamic, nonlinear environment. In other words, you, God, want to put a creature at the top of an optimization function you ignore. Just breathing life will simply not do. What the hell do you do?

In the biological case, you would plant some seeds of life here and there (or mix a "primordial soup"), and let them evolve. In the mathematical case, you do just the same.

You start with many computer programs as candidates for solving the problem at hand. The programs can be coded by you, or they may just be random strings of 0s and 1s. You let all individuals in your population of programs make a try at solving the optimization problem. Some will succeed better than others. You let the losers die, and let the best performers mate — this is natural selection. Sexual crossover means that in mating, each pair of good performers exchanges part of their respective strings of bits as if they were exchanging genes. Each pair then gives birth to one (or more) offspring who has half the code of each parent. A few random mutations — switching arbitrarily some 0s and 1s — are added. You let the new population have a try at the problem, and you repeat the process of selection and reproduction as long as generations improve.

The remarkable fact is that individual programs do improve from generation to generation. You will end up with a program that is more sophisticated, more efficient (it has climbed higher on the function), and shorter than what an outside, human programmer would have conceived. Just like in biological evolution, genetic algorithms produce unexpected methods of solution. Such genetically evolved programs have been used to solve practical problems like the optimization of pipeline systems.

In trying to explain the surprising efficiency of genetic programming, mathematicians have discovered interesting properties of its physical analog, biological evolution. Evolution is full of surprises because there are billions and billions of possible combinations of information that can be used as solutions. Of the combinations tried, many will be blind alleys, and many will appear to be regressions. But then, some will search for original solutions, will explore unexpected paths, like climbing down from a local maximum until they hit an upward slope to a higher peak. Unpredictability and entrepreneurship are assets in solving complex problems. Once you let the process loose — given the right conditions — you are bound to get better and better solutions.

If everything is a process, if information is the basic stuff of everything, if in other words there is no substance under the ultimate processes, then what happens to natural rights?

Social evolution presumably operates in the same general way. This is indeed how it has been modeled by many institutionalist theoreticians, including Hayek himself. Social institutions are sets of rules (morals, the family, language, money, etc.) that evolve just like biological organisms or strings of information in genetic programs. The institutions that are the most efficient in dealing with problems of social coordination in a context of scarcity are selected; alternatively, social groups who adopt the most efficient institutions prevail over others. New experiments in social life — moral innovations, for example — will often lead to blind alleys or failures, but some will unexpectedly lead to new summits in social efficiency.

Similarity between the Hayekian theory of social evolution and the more recent Artificial Life evolutionary approach is even more striking if Hayek is right in claiming that Darwin himself had his first intuition of evolution

through the social theories of his time. For the social scientist, evolution is nothing new.

Yet, genetic algorithms provide a new tool for analyzing social evolution. It has already been used in conjunction with game theory to study the emergence and stability of social cooperation in prisoner's dilemma situations.

A prisoner's dilemma is a game-theoretic concept describing a situation where two or more rational players prefer mutual cooperation to mutual defection but where each one is individually better off defecting whatever the other one does. Consequently, each will defect and the two players will end up in the worst situation. The situation is akin to the classical public-good and free-rider problem in economics. The traditional economic answer is that the state must intervene to guarantee the social cooperation that everyone wants but nobody can achieve.[19]

It can be shown that voluntary, spontaneous, cooperative solutions will emerge if the game is repeated, if it has more than one round — as is typical of social interactions. Robert Sugden has provided analytical demonstrations that social conventions can emerge this way.[20] But the most ground-breaking work has come from political scientist Robert Axelrod[21] and, more recently, computer scientist John Miller[22], who have used genetic algorithms to simulate the evolution of cooperation in repeated prisoner's dilemma games.

Even in a repeated game with only two players and two alternative moves at each round ("cooperate" or "defect"), the number of strategies grows very large when each strategy can be based on the memory of past rounds. For example, with a three-move memory, there are 10^{21} different ways to play the game — a number so large that, as Axelrod puts it, "if a computer had examined these strategies at the rate of 100 per second since the beginning of the universe, less than 1% would have been checked by now."[23]

Here comes the genetic algorithm. Consider each strategy as an automaton (or an individual) and code it with a string of 0s and 1s — 148 bits are needed in the Miller simulation. Start with, say, 30 randomly generated strategies among the astronomical number of possibilities. Each automata or individual is identified with a strategy. Let each one play many rounds of the prisoner's dilemma against every other one during the first run. The total score of each individual is computed from a payoff matrix typical of the prisoner's dilemma. The best performers get more chances to mate among themselves. Two parents produce two offspring who share their genes (i.e., the code that describes them) through a standard crossover process. A small rate of random mutations is also applied. The new population goes through another run of interaction. Repeat the selection and mating process. And continue for, say, 50 generations.

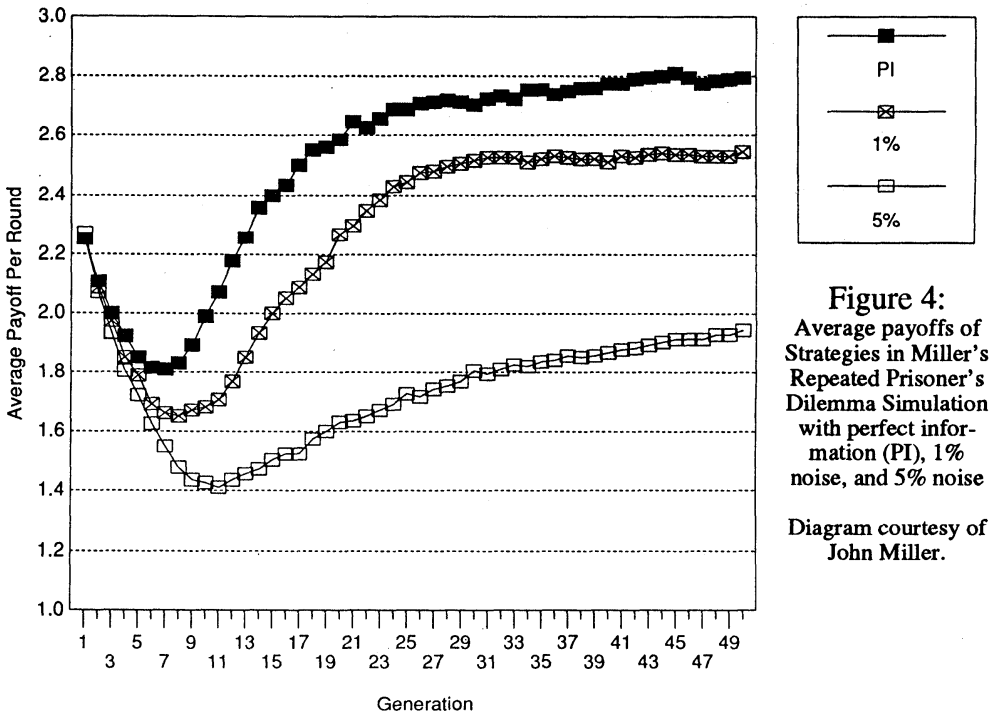

Figure 4: Average payoffs of Strategies in Miller's Repeated Prisoner's Dilemma Simulation with perfect information (PI), 1% noise, and 5% noise

Diagram courtesy of John Miller.

Figure 4 shows that the average performance of the individuals increased continuously after ten generations or so — even if small random errors were introduced in the individuals' perceptions of other players' strategies.

The remarkable result is that all simulations of this kind have resulted in the spontaneous evolution and dominance of one general type of strategy: a strategy of voluntary cooperation with whomever shows a similar cooperative will. In other words, it pays to cooperate voluntarily in extended social interactions. Cooperators fare better in the long run than free riders. This result can be grasped intuitively when one realizes that a cooperator will gain more in the long run from its mutually cooperative relations than he will lose from his clashes with free riders, who become rarer as cooperators take over. In economic jargon, voluntary relations can produce public goods through evolved social institutions.

The Ideal of Anarchy

There are, then, chaotic forces leading toward self-organizing complexity in nature. This self-organization works from the bottom up, from individual agents to the whole. Information processing and evolution provide the main mechanisms of efficiency.

Man is a peculiar animal. His reason, free will, motivated actions, and capacity to escape behavioral determinism distinguish his species from others. And there is more to the human mind than reason. Beyond "complexity 3 billion," which "represents the outer

limits to the powers of human reasoning," writes John Casti, "we enter the 'twilight zone,' where reason and systematic analysis give way to intuition, insight, feelings, hunches, and just plain dumb luck."[24] Where reason and determinism stop, subjectivity and liberty come into play. The individual says "I," and he means it. He will never be a mere element of a social organism.

This does not make human society less self-organizing than other complex systems in nature. Indeed, social science since the time of Adam Smith has fruitfully explored the idea of an "invisible hand" or spontaneous social order. There is a striking parallel between the new science and the basic tenets of Austrian economics. Analogous to the physical world, social self-organization works through individuals applying simple rules of conduct in an environment of information and social evolution. This process is inseparable from disequilibrium, disorder, and chaos.

The new Artificial Social Science approach could bring a welcome revolution in Austrian thinking by importing new mathematical tools and simulation methods. Austrian economics has shown a strong prejudice against mathematics, due partly to a misunderstanding of what they are, and partly to the absence, until very recently, of the mathematical tools required to model dynamic, nonlinear, and chaotic social phenomena. An iconoclast may now dream of the day he will find in print something called *The Mathematical Foundations of Austrian Economics.*[25]

The most interesting question for an Artificial Social Science relates to the role of the state and the feasibility of anarchy. Chaos is everywhere. From the avalanches of political tyranny and the fall of empires, we know that political processes are also chaotic. Consequently, the alternative is not between chaotic anarchy on one side and the state's order on the other, but between two (or more) different kinds of chaos-and-order.

In general, chaos theory lends support to anarchy. The planner's dream is inherently impossible. The most complex and efficient systems evolve from the bottom up, without central direction. The main questions are: What are the initial conditions for stable anarchy? Is the state part of, or external to, the spontaneous social order? Could a kind of Nozickian process evolve a minimal state as a means to protect anarchy itself? Artificial Anarchy could contribute toward an answer. ❑

Notes:

1. John L. Casti, "Chaos, Gödel, and Truth," in John L. Casti and Anders Karlqvist (eds.), *Beyond Belief: Randomness, Prediction, and Explanation in Science* (Boca Raton: CRC Press, 1991).
2. James Gleick's bestseller, *Chaos* (New York: Penguin, 1987) is still worth reading.
3. William J. Baumol and Jess Benhabib, "Chaos: Significance, Mechanism, and Economic Applications," *Journal of Economic Perspectives* 3:1 (Winter 1989), pp 77–105.
4. F.A. Hayek, *The Counter-Revolution of Science* (Indianapolis: Liberty Press, 1979 [1952]).
5. The "mathematically challenged" reader should not be scared away by this equation, which only expresses symbolically my description of the population model two paragraphs above in the text. Maths are just a neat way to say complicated things. Recall that an equation has two members, the right-hand member and the left-hand member, separated by the "=" sign. Recall also that a term is a mathematical expression separated from others by "+" or "-"; and note that we have two main terms in the right-hand member of our equation. If we are now in year t, the proportion of the actual population compared to its environmental limit is now p_t, and will be p_{t+1} next year. The equation simply states that next year, this ratio (p_{t+1}) will be equal to this year's situation (p_t) plus a certain (positive or negative) growth, expressed by the second term in the right-hand member. In our model, this growth proceeds at the rate $r(1-p_t)$ which indeed multiplies p_t. This means that the constant growth rate, instead of being constant like, say, 1.15 (which would mean a constant annual growth rate of 15%), is actually a function of, or depends on, the population ratio of the previous year.

   Consider the following cases. Case 1: If the starting population is very far below its environmental limit, i.e., p_t is very small (say, 0.01), then $1-p_t$ will be very close to 1 and the population ratio will grow at nearly its "natural" rate r — the rate at which it would grow if there were no environmental limit. Case 2: Suppose now that the population has grown fast and is now very close to its environmental limit, i.e., p_t is close to 1 (say, 0.99); then $1-p_t$ will become a small fraction that will decrease the value of constant r, and the rate of growth will be much smaller than r. Case 3: If the population exceeds its environmental limit, i.e., p_t is greater than 1 (say, 1.2), then $1-p_t$ will be negative, implying a negative rate of growth — a drop in population at a rate greater than r. The following paragraph in the text provides a numerical example.
6. The time path of a variable (like p_t) is the successive values it assumes as time passes — that is, as t=1, t=2, t=3, etc.
7. A parameter is a constant (as opposed to a variable) whose value defines the general shape of an equation or the general behavior of a system.
8. Erik Mosekilde, Javier Aracil, and Peter M. Allen, "Instabilities and chaos in nonlinear dynamic systems," *Systems Dynamics Review* 4:1–2 (1988), p. 14–55.
9. David Loye and Riane Eisler, "Chaos and Transformation: Implications of Nonequilibrium Theory for Social Science and Society," *Behavioral Science* Vol. 32 (January 1987), pp. 53–65.
10. T.J. Cartwright, "Planning and Chaos Theory," *Journal of the American Planning Association* 57:1 (Winter 1991), pp. 44–56.
11. See for example Hayek's last book, *The Fatal Conceit: The Errors of Socialism* (Chicago: University of Chicago Press, 1988).
12. Stephen Levy, *Artifical Life: The Quest for a New Creation* (New York: Pantheon Books, 1992), pp. 76–80.
13. See William Poundstone, *The Recursive Universe* (New York: Morrow, 1985).
14. Thomas Schelling, "Dynamic Models of Segregation," *Journal of Mathematical Sociology*, Vol. 1 (1971), pp. 143–186.
15. Many of these naïve approaches are described in M. Mitchell Waldrop, *Complexity: The Emerging Science at the Edge of Order and Chaos* (New York: Simon & Schuster, 1992).
16. New York: Basil Blackwell, 1985. On this, see also Don Lavoie, "Economic Chaos or Spontaneous Order? Implications for the Political Economy of the New View of Science," *Cato Journal* 8:3 (Winter 1989), pp. 613–635.
17. Bertrand de Jouvenal, *Du Pouvoir, Histoire naturelle de sa croissance* (Genève: Le Cheval Ailé, 1945); in English as *On Power — The Natural History of Its Growth* (Indianapolis: Liberty Press, 1993).

continued on page 52

Single-Sentence Short Story

Ye Who Enter Here

by Richard Kostelanetz

We fired a single shot into the enemy's territory, the enemy fired back, with one bullet destroying the gun that had fired on them; when we fired a volley of bullets, we received a volley twice as large in return; as we moved our cannon to the top of the hill, it was immediately hit by a hail of bullets, making its operation impossible; once we sent a patrol of draftees to reconnoiter by night, they were met by a large spotlight that sent them scampering for shade; when we sent a radio signal promising their troops rewards if they surrendered, our message was jammed; when we tried to tunnel under their fortifications, we hit an underground river; once we tossed grenades, they were shot to smithereens before they could land; when we threw spears with poisoned tips, they were met by the force of a powerful magnet that made them all turn left and flow like a herd to a single repository; when we sent up a helicopter by night, it was shot down as it took off, indeed falling into our troop encampment and destroying several tents; when we sent home a radio message proclaiming a victory that vanquished the enemy, the media of the world were supplied with photographs and videotapes conclusively illustrating that we conquered nothing; when we fired a surface-to-air missile, they fired a projectile that intercepted ours in midair, our bomb exploding over the no-man's land between us; when we threatened to use a thermonuclear device that, if our demands were not met by the enemy, would annihilate us all, we discovered that the passkeys essential for detonating our device had suspiciously vanished; and finally when, demoralized by unending frustration, we offered to surrender and even ran up a white flag, our entreatings were refused. ❑

Secession as a First Amendment Right

by Robert Nelson

If we *really* separate church and state, what will be left of the state?

In the past three years, more than 20 new nations have achieved independence by secession. The Soviet Union has been replaced by a crazy-quilt of new countries, Czechoslovakia has split in two, and Yugoslavia has broken into God-knows-how-many warring shards. Nearly half the people elected to the Canadian parliament last October favor secession for Quebec. Secessionist movements are growing in China, Italy, Spain, Somalia, India, Shri Lanka, Myanmar, South Africa, even Kansas.

But secession is an old issue — older even than the modern nation-state. For centuries, the Roman Catholic hierarchy preferred burning heretics to letting them leave the church. The Protestant Reformation ultimately led to a new right of religious secession, but not without great controversy and bloodshed.

It took centuries for the modern distance between church and state to be firmly established in the West. This distance has yet to be applied to *secular* churches. Yet for millions, secular religions have become the most vital faiths of our time.

The Rise of Secular Religion

In 1951 Eric Voegelin delivered an influential series of lectures at the University of Chicago, in which he argued for a general theory of religious phenomena that would recognize totalitarian ideologies and other secular systems of belief — Marxism, Nationalism, Social Darwinism — as genuine religions. He argued further that, contrary to common opinion, it is a mistake to consider such beliefs "neopagan." Although they have a "superficial resemblance" to pagan faiths, the leading ideologies of the modern era actually display Christian roots.

Modern thinking, said Voegelin, followed Christianity in promising salvation — only now, the redemption of mankind was to occur in this world, not the next. In this way, traditional religious energies were "diverted into the more appealing, more tangible . . . creation of the terrestrial paradise." In secular religions, humanity sought "salvation through world-immanent action," action which "released human forces for the building of a civilization."

Voegelin's model is being echoed today. In the Fall 1992 *Public Interest*, Peter Drucker assessed the future of what he calls the "post-capitalist world," and declared that we are today seeing "the end of one kind of history." Since the Enlightenment, Drucker explained, the West had been shaped by the notion that society "could and should create universal human perfection." Indeed, "salvation by society has been the dominant creed of Western Man. And however much it pretends to be 'anti-religious,' it is a religious belief. The means are, of course, non-spiritual. . . . The goal, however, is . . . to establish the Kingdom of God on Earth by creating the 'New Man.'"

With so many secular faiths now collapsing, he concluded, the post-capitalist future will be shaped by new religious forces.

One of those forces is the Environmental movement, whose various denominations have attracted a rapidly growing following. Many Environmentalists explicitly advocate a spiritual renewal to create a new set of social values. In *The Voice of the Earth*, Environmentalist Theodore Roszak asserted that "the emerging worldview of our day will have to address questions of a frankly religious character." The Environmental movement must provide answers to "ethical conduct, moral purpose, and the meaning of life," thereby "seeking to heal the soul of its wounds and guide it to salvation." Joseph Sax echoes this message; arguing for a reduced human presence in the National Parks, he proclaimed that he and fellow Preservationists are in truth "sec-

ular prophets, preaching a message of secular salvation."

Environmentalism is not the first secular religion to sweep the United States in this century.

The Progressive Faith

The Progressive movement of the early twentieth century established a new vision for American statecraft, one that included new ground rules for the role of religion. For the Progressives, religious convictions played an important role in setting the values and goals of government, but the implementation of these goals was determined by science, which the Progressives believed can and must be "value-free." Thus the famous dichotomy between "politics," where religious and other values could legitimately be expressed, and "administration," where value-free science alone must prevail. For the Progressives, religion could and should be kept strictly separate from the myriad of government activities that belonged to the basic task of administration.

Freedom of religion must now include a constitutional right of secession.

It was not long before this dichotomy began to break down. By the 1960s, political scientists Charles Lindblom and Aaron Wildavsky were offering a more realistic description of the state. The values and goals of government, they pointed out, could not be established separately and in advance, and in fact were worked out jointly with the administration. Indeed, the social values actually being pursued could in many cases only be fully recognized after-the-fact.

The Progressives' theory failed in another respect. Progressivism itself would increasingly appear to scholarly observers as yet another religion: the "gospel of efficiency." As Dwight Waldo commented in 1948, "every era has a few words that epitomize its world-view. . . . In the Middle Ages they were such words as faith, grace, and God; in the eighteenth century they were words such as reason, nature, and rights; during the past 50 years in America they have been such words as cause, reaction, scientific, expert, progress — and efficient." Historian Samuel Haber described Progressive Era America as possessed by "an efficiency craze" that represented "a secular Great Awakening."

If by "religion" we mean a category of beliefs broad enough to include Buddhism, Confucianism, and Taoism, then Progressivism surely qualifies as a religion. Progress, as J.B. Bury observed in *The Idea of Progress*, "belongs to the same order of ideas as Providence or personal immortality. . . . Belief in it is an act of faith."

Like traditional religions, Progressivism provides an explanation for evil and prescribes a path to abolish sin and attain salvation. The Progressive gospel starts with the recognition that for most of history, poverty, hunger, and disease have been the human norm. This is the Progressives' fundamental explanation for murder, theft, dishonesty, and other evils: they have emerged from economic necessity. Material deprivation is the original sin of economic theology.

Salvation thus lies in the abolition of all meaningful shortages of goods and services. Such an outcome was scarcely conceivable as recently as 300 years ago, but the extraordinary powers of modern science and industry have since made it seem a real possibility. Believers look forward in the confident expectation that the advance of economic progress will mean the meeting of all real material needs, and thus the end of evil; the eschaton will be immanentized (as Voegelin put it), and heaven will arrive on Earth. This faith in the redeeming consequences of economic progress has inspired an enthusiasm, a willingness to sacrifice (even at times one's own life), and a degree of commitment no less powerful than that of Judaism, Christianity, and the other great religions of history.

In his 1930 essay "Economic Possibilities for our Grandchildren," John Maynard Keynes delivered a prophetic message of economic salvation, declaring that economic progress would transform the world within 100 years. Markets and capitalism were necessary in the short term, but could be dispensed with in the long run. The very rapid economic growth being achieved under capitalism would result in a condition of general abundance, allowing for "a return to some of the most sure and certain principles of religion and traditional virtue — that avarice is a vice; that the exaction of usury is a misdemeanor; and that love of money is detestable." Declaring that the current market system was founded on self-interest and other false values, Keynes nevertheless advised bearing with them "for a little longer still. For only they can lead us out of the tunnel of economic necessity into daylight."

Although the idea that economic progress can resolve all problems is under strong challenge today, it is still influential. Why, for example, the endemic violence and family breakdown in all too many inner-city neighborhoods? Most Americans believe that the cause of these problems lies in the deep poverty in which the people of those neighborhoods live. The basic source of human misbehavior is to be found in material circumstances — and thus is solvable by economic means.

In sum, the Progressive gospel did not separate religion from the state, but rather displaced one kind of religion with another. Progressivism was yet another imperial faith, cloaking its aspirations and methods behind a veneer of value-neutrality.

Progressivism was yet another imperial faith, cloaking its aspirations behind a veneer of value-neutrality.

Economics as a Mystery Cult

A recent article in *Time* magazine examined the steps companies are taking to accommodate their employees' changing family circumstances: maternal leave, on-site day care, etc. *Time* argued that the new work practices made it easier for parents "to raise healthy, happy children," which would help to ensure "the quality of the next generation of workers" and in

this way represented "a critical investment in America's economic future." For *Time*, a policy's worth is now established by its contribution to society's continued economic progress. In earlier eras, the word of God would have been invoked.

Kings once sought the counsel of priests; today, presidents look to economists and other professional advisors. Then and now, the advisors have attempted to maintain clear boundaries between themselves and ordinary people, their authority resting largely on a system of exclusive knowledge. In the Middle Ages, the priests shrouded their mysteries in Latin; today, economists use mathematics. The results often look surprisingly similar. Herbert Simon, winner of the 1978 Nobel Prize in economics, commented not long ago that current economic theorizing frequently takes on the character of a "scholastic exercise." The analytical task consists of making a set of assumptions and then working out with great precision the logical implications. There is little empiricism involved; economists frequently "don't talk about evidence at all."

The internal workings of the economics profession also parallel those of earlier priesthoods. Historian Robert Weibe has observed how economists and other professional groups that emerg-ed in the Progressive Era experience "the shared mysteries of a specialty" that allows "intimate communion." The social science professions were a fraternity, bound together by a common desire to "remake the world." They offered a sense of "prestige through exclusiveness," as well as the "deep satisfaction" that accompanied the "revolution in identity" that followed initiation into a select order. The rites of professional life were designed to ensure that "the process of becoming an expert, of immersing oneself in the scientific method, eradicated petty passions and narrow ambitions," so that the initiates, thus illuminated, could effectively serve their society as dispassionate philosopher-kings.

In the first half of the twentieth century, professional administrators, engineers, foresters, and other scientific groups played a major role in shaping Progressive society. After World War II, confidence in central planning began to erode, and by now, the decisive instrument of progress has come to be seen, not as government administration, but as the "market mechanism." The scientific management of society is to consist of the scientific management of the market; in the welfare state, the efficiency of the market is to be put to use in the service of Progressive ends.

The Progressive gospel starts with the recognition that for most of history, poverty, hunger, and disease have been the human norm. Material deprivation is economic theology's original sin.

Following in the footsteps of John Maynard Keynes, the chief architects and proponents — the high priests — of this latest gospel have been the members of the American economics profession.

Salvation, Christian and Economic

It almost seems that for every Christian understanding of salvation, there is an economic school that offers an analogous secular version of the same theology. I have addressed this subject at length in my book *Reaching for Heaven on Earth*, so I shall limit myself here to a single example of this phenomenon.

Consider the Reformation thinking of Martin Luther and the revolutionary Socialist thinking of Karl Marx. Both saw history in apocalyptic terms. Luther believed he was living in the final days before God would finally intervene to establish the Kingdom of Heaven on Earth. Marx believed he was living in the final days before a revolutionary apocalypse and the triumph of the proletariat. Both Luther and Marx saw mankind in their respective times as having sunk to its lowest state ever. For Luther, venality and evil were everywhere, even in the church; human beings had been slaves of their depraved natures since the Fall. In the gospel according to Marx, mankind is similarly enslaved by capitalism. For Luther, original sin occurred in the Garden of Eden; for Marx, original sin was an economic phenomenon, the class struggle for surplus production.

The similarity of Marx to Luther extends even to salvation. For Luther, salvation must be an act of God unrelated to any human action; Luther broke with the Roman Catholic church over his uncompromising insistence that good works, human merit, or any other feature of human behavior could not influence the saving actions of God. For Marx, the laws of economics predestine all history; they are the secular equivalent of the God of Luther. In the Marxist view of history, the course of economic progress is not influenced by benevolent actions, well-meaning people, or a generous spirit. For Marx, the minds of most were ensnared by illusion, by false consciousness, by the ideological and institutional superstructure that rationalizes existing arrangements of economic power. Humanity is no more rational in the Marxist vision than in that of Luther.

Both Luther and Marx lived in periods of rapid change that created severe stresses and strains within the social order. When economic historian R.H. Tawney said Luther "hated the economic individualism of the age not less than its spiritual laxity," he could as easily have been speaking of the man who wrote *Das Kapital*. As German theologian Ernst Troeltsch observed, Luther's goal was "a social order which is free from competition" — a message to be repeated three centuries later in the new gospel as revealed by Karl Marx.

Transfigured Rights

As modern ideologies become genuine — not just metaphorical — forms of religion, an unsettling question arises: If secular gospels are to be accorded the status of religion, what happens to the principle of separation of church and state?

For many secular faiths, such a separation would be impossible in the usual sense, as the state is central to the very practice of their religion. The

Socialist gospel, for example, is realized only through government action. The ceremonies of the Socialist state become secular religious ceremonies, the state schools teach the official state gospel, leading government advisors become a secular priesthood, etc.

So it may seem impossible to apply the separation principle to secular religions. Yet to apply a basic constitutional principle to one category of religion and not to another would be highly discriminatory. Indeed, in the 1961 U.S. Supreme Court decision *Torcaso v Watkins,* Justice Hugo Black cited approvingly a previous decision of the court that the principle of separation of church and state must be applied with respect to "any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." Writing for the court without dissent, Black explained that no distinction could be drawn in this regard between "religions based on a belief in the existence of God as against those religions founded on different beliefs." The Justice included "Buddhism, Taoism, Ethical Culture, Secular Humanism, and others" in the latter category as valid, if less conventional, religions.

Governments of the future may come to look more like private organizations. Private organizations, on the other hand, may start to look more like governments.

Black's reasoning leads to a radically new interpretation of the first amendment. The primary purpose of the establishment clause — to protect the free practice of religion — can be accomplished in another way. In an age of powerful secular faiths, freedom of religion will have to include *the right to secede from the state.*

For secular religions, the right of free secession becomes the equivalent of the older right to withdraw from the established church to form a new one. It can provide all religions, traditional and secular, with an important protection against the coercive imposition of an alien church's dogmas.

Breaking Free

The Protestant Reformation led to religious wars, as believers in divergent views of the Christian message of one God and one truth for the whole world fought for supremacy. The Roman Catholic Church burned its heretics, and Protestants were scarcely more tolerant.

As the wars of religion raged, an idea emerged: a diversity of beliefs within Christianity might be unavoidable. The costs in blood and treasure of these conflicts could be minimized or even eliminated altogether by separating the realms of church and state.

As the state gradually supplanted the church as the central organizing institution in society, there arose secular religions whose object of devotion was not a magical, otherworldly God, but magical beings of this world — "the race," "the people," "the state." For millions, secular religions have become the most vital faiths, and battles between secular religions — Communists against Fascists, Environmentalists against Industrialists, one brand of Nationalist against another — became the central conflicts of our era. World War I and, even more so, World War II were new wars between new secular religions.

The state has proved to be just as integral to the practice of many secular religions as it was to the practice of traditional religions. The bloody course of the twentieth century demonstrates the continuing urgency of defusing religious conflict and maintaining religious freedom. Now that so many of the greatest conflicts are between secular churches, however, the relationship between church and state must be rethought. Separation of church and state as traditionally and literally understood cannot exist so long as religions use the state to implement their vision.

Some might consequently argue that secular religions that inextricably mix the state with the church ought to be abolished. But this would itself be a severe violation of religious liberty; indeed, it would impose an "anti-religion." A new approach is required to defuse the secular religious wars of this era, just as a new approach was required to defuse the internecine wars between Protestants and Catholics in the early modern era.

As already noted, this entails a new political right: the right of secession.

If a geographic region within a Socialist state dissents from the Socialist gospel — preferring a free-market economy, an economy grounded in strict Christian piety, an economy shaped by Native American spirituality, or whatever — it should have the right to leave. Conversely, a region inhabited by Socialist communitarians within a state that requires free trade within its boundaries should also have this right. Nationalist religions would not be excluded: Tibet would be free to withdraw from China, Biafra from Nigeria, Quebec from Canada, Scotland from England, and so forth.

Just as the establishment of freedom of religion and the separation of church and state in the early modern era freed people from coerced participation in otherworldly religions with whose views they profoundly disagreed, so the right to secede can free people today from coerced participation in secular religions with which they profoundly disagree. If secession results in a set of many religiously homogeneous sovereign states, if a common religion thus shapes each state's actions, and if these governments act in the furtherance of the religious consensus, the problem of freedom of religion is substantially resolved.

This is not to say that secession of secular religionists will be universal. Some people may prefer to live within states whose secular religion differs from their own views, and secular religious states may evolve into confederations, in which component states would have jurisdiction in some matters, while the confederation retained jurisdiction in others. While the right to secession allows for the peaceful formation of relatively small, religiously homogeneous states, it does not require their universal establishment. Confederal and multi-faith states in which the right of secession is universally agreed upon might very well flourish.

Granting a *right* of secession is far from *advocating* secession for any partic-

ular region or group. In many cases, secession would pose serious problems — depending in particular on future relations with the remaining parts of the nation-state, and whether a common economic market would be maintained. For many, secession would amount to a last resort — an ultimate guarantee of religious freedom for those willing to pay the necessary price.

Privatization Rights

Partly because of the constant influx of immigrants and partly because of the relatively high level of personal mobility within its borders, ethnic and religious ties to a particular region are weaker in the United States than in most countries. For that reason, an additional right may be needed: a right of *privatization*.

The right of privatization would enable each citizen, at his or her full discretion, to withdraw from delivery of any government service or other public function. In effect, it would amount to a radical extension of the right to conscientious objector status that has been granted to subjects of U.S. military conscription. It would explicitly recognize that state edicts can be a coercive imposition of a secular religion onto people who do not share the faith. It would not be a matter for a nation-state to decide on the basis of the "public interest" or some other secular religious goal.

To make this right truly meaningful, those withdrawing from a government function would have to receive either a rebate of taxes or a share of public revenues devoted to supporting the government activity. For example, parents would be able to withdraw their children from public schools at their discretion, enter the children in private schools of their choice, and receive a proportionate share of the state revenues currently allocated to support of education. Private organizations would also have to have constitutional protections against state interference in their workings, analogous to protections now granted only to officially recognized church bodies.

A constitutional right of privatization would allow neighborhoods the ability to withdraw from the government system of zoning and local service delivery. Mechanisms could be established to allow neighborhoods of individually owned homes to establish condominiums or other forms of common ownership over the neighborhood's exterior elements — parks, roads, sidewalks, and the like. Neighbors could arrange with private contractors or associate among themselves for their own policing, fire protection, sanitation, and other local services, as

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well as create their own system of neighborhood regulations. Or they could choose to have no collective service delivery or regulations at all.

Indeed, many community associations already provide such extrastatutory governance. And some communities have eschewed virtually all regulations, except those prohibiting crimes against persons and property.

Other communities might choose a higher degree of regulation. Wilderness areas are today the churches of many Environmentalists: places to find spiritual inspiration, experience solitary contemplation, and commune with the eternal. John Muir spoke of the wilderness as his "temple"; another early enthusiast said, "my God is in the wilderness. . . . My church is the church of the forest." In a large and religiously diverse nation such as the United States, the wilderness system cannot be administered by the government without violating the religious freedom of those who are not Environmentalists. But if the right to secession were adopted, Environmentalists who see wilderness as sacred could acquire wilderness through private efforts and put stringent prohibitions in place to maintain its spiritual purity as a place of worship, while those who do not subscribe to the tenets of the Environmental gospel would not be required to pay for the churches of those who do.

The right to secede and the right to privatize, both corollaries of the right to religious freedom and the separation of church and state, might lead to governments that look more like private organizations. The world's rich nations may find they have to make cash payments to the poorer governments in order to create an incentive to maintain biological diversity; preservation of a poor nation's forests could come to look much like a private profit-making activity. Private organizations, on the other hand, may start to look more like governments. As noted above, community associations are already assuming roles historically fulfilled by local governments. Secession might some day come to be recognized as a special form of privatization that occurs on a geographic basis, while other privatizations could associate along non-geographic lines to create federations within large national agglomerations, joined together on a non-religious basis. Indeed, it is even possible that the "governments" of the future might consist of non-contiguous territories, or even be extraterritorial.

Religious differences already exist. As a practical matter, the danger lies in attempting to impose a single vision on all the people in one religiously diverse area.

An Ecumenical Future

Contemporary secular religions promise peace and prosperity, but in practice all too often bring about more warfare. They also often fail on their own terms. Rights of secession and privatization might be the salvation of these secular religions.

Traditional Christianity remains vibrant in the U.S., where it has been denied state support and where freedom of religion has been guaranteed. In contrast, Christianity is almost a dead letter in much of Europe, despite widespread state support and restrictions on religious liberty. This is not as paradoxical as it seems: the attempt to impose religion tends to foster resentment, hostility, and outright opposition. Lacking rights to secession and privatization, adherents of secular religions have no alternative but to use force to attempt to gain an overarching hegemony. If the rights to secession and privatization were accepted, secular religionists could concentrate on making marginal improvements in their own communities, in rather the same way that Christian sects in America have.

The widespread acceptance of the right to secession and privatization might also be very good for traditional religions. It would give a new vitality to those religions currently suffering from the imperial dictates of one dominant creed, today most often secular. It would mitigate the tendency of a large, pluralistic society to impose tight limits on all traditional religious activities, limits that reflect the least common denominator.

Some will say secession rights contain the seeds of social polarization, perhaps even inciting the religious violence that has plagued the past. In fact, the opposite is true. Religious differences *already* exist. There are *already* religious conflicts breaking out all over today's world. As a practical matter, the danger lies in attempting to impose a single vision on all the people in one religiously diverse area.

To be sure, there have been churches that engaged in practices that would today be unacceptable. Some religions might seek to deny emigration rights. Others might preach the conquest of their neighbors. Some might practice ritual human sacrifice. Such activities should still be prohibited (although prior consent might in some cases be a mitigating factor). A world of free secession requires a human community willing to defend a set of core values — including the right of secession itself. How far these core values should go, how we might come to an agreement on them, and what appropriate enforcement mechanisms might be are important topics which lie beyond the scope of this essay.

The basic governing vision of the twentieth century — that there is one correct scientific belief structure suitable for one correct scientific management of all people — has given rise to worldwide warfare, genocide, and other horrors. The high hopes of the early years of this century that scientific and economic progress would soon lead to the perfection of the human condition — to heaven on earth — have been dashed. If future conflicts, and future disasters, are to be avoided, the principle of separation of church and state must be taken to its logical conclusion: the recognition of the rights of secession and privatization.

The twenty-first century can be an age of peace and prosperity, with a new emphasis on global cosmopolitanism at one level and the small and homogeneous community at another, bound together by these new rights. Secession may guarantee the peace our great secular religions have striven for, but have been unable to deliver. ❑

Partial Recall

by David Ramsay Steele

Across the nation, men and women are being convicted of heinous crimes upon the recovery of long-lost memories. But memories can be faulty.

On September 22nd, 1969, eight-year-old Susan Mason was raped and murdered near her home in Foster City, California. Over 21 years later, on November 29th, 1990, George Franklin was found guilty of the crime.

Franklin was convicted because of the eyewitness testimony of his daughter Eileen, who claimed that she had seen her father kill little Susie, *and then forgotten about it for over 20 years,* after which the memory of that old event had come back to her in flashes until it was full and detailed. Eileen also remembered that her father had sexually molested her and her siblings.

Eileen's memory of the killing did not contain anything verifiable that could have been known only to an eyewitness. The murder had been reported in the press in 1969, and the account given by Eileen could have been put together from easily available facts, plus added elements that are impossible to check. Eileen's account had been adapted with successive retellings, to remove conflicts with facts known to the prosecution, and to incorporate details as she learned them from the prosecution.

Because of a judge's ruling, the defense was unable to explain to the jury that there was no independent corroboration of Eileen's memory of the murder. But Harry MacLean, who interviewed jurors as part of the research for his detailed account of the trial, considers that allowing the excluded evidence would probably not have changed the verdict. So a man was convicted of murder purely on the testimony of a witness who claimed that she had seen the murder at age eight (Eileen was the same age as her friend the murdered girl), forgotten the whole thing for over 20 years, then recollected it in detail. Evidently the jury considered that an eyewitness testimony, delivered with an assured air and filled with graphic detail, by a self-assured and articulate person, did not lose much credibility through having been lost in oblivion for two decades.

Intimations of Immorality

Though it is an extreme example, the Franklin case is no isolated curiosity. Over the past six years it has become fashionable to suppose that child sex abuse is extremely common, that its memory is frequently "repressed" by its victims, that these "repressed memories" cause problems for the victims years later, and that the way to cure the problems is to resurrect the repressed memories and publicly humiliate the perpetrators — frequently the victims' parents.

A person consults a therapist, complaining of eating disorders, panic attacks, gloomy feelings, low self-esteem, or other very common afflictions. The therapist tells the client that the root of the problem is a repressed memory of childhood sexual abuse. If the client protests that she can remember nothing of this, the therapist insists that the absence of memory is a symptom of "denial," itself evidence of the abuse trauma. The therapist urges the client to conjure up mental images of abusive incidents and dwell upon them. A few clients obligingly create such images pretty quickly and readily accept them as genuine memories. But most have to work hard and long to produce images which they at first find difficult to accept as true recollections.

The therapist explains that a quality of dreamlike unreality is a common characteristic of true memories under the influence of "denial," and that these fragmentary images must represent actual occurences — as proved by the fact that the client is still depressed, or anxious, or overeating, or whatever. The therapist toils for months to persuade the client that the apparent fantasies are true memories. The therapist's air of confident certainty impresses the client, who as-

sumes that therapists know something other people don't about the human mind. The therapist exhorts the client to work on the fragmentary images, and every new detail is greeted by the therapist with warm approval, as a sign that the client is making progress and may be curable. An increasing number of therapists now use this approach with virtually every client.

After months of such treatment, many clients will have crystal-clear "memories" of their childhood abuse.

Prospective jurors who were skeptical about the possibility that memories were repressed and then recovered, or even about psychiatry generally, were excused from the jury.

They are then ready to spurn, shun, and sue the perpetrators, often their flabbergasted and agonized parents.

Legal safeguards built up over centuries, in recognition of the fact that memories become distorted with the passage of time, are now being dismantled. Statutes of limitation and other laws have been modified to permit and encourage suits for damages on the basis of decades-old incidents supposedly recalled in therapy. The state of Washington changed its laws in 1989 to permit recovery of damages for injuries resulting from child sexual abuse at any time within three years of *remembering* the abuse. Many other states have followed suit, and most states have by now at least begun the process of similarly changing the law.

Legislators, police, and other influential people have swallowed without a qualm the theory that there are such things as "repressed memories" which can "come back" after years of being forgotten. During the Clarence Thomas confirmation hearings, one senator asked Anita Hill about the discrepancies between her earlier and more recent accounts of her sexual harassment, and helpfully offered the suggestion that she had "repressed" some of the memories. Professor Hill immediately concurred that, yes, she must have repressed them.

In the jury selection for the Franklin trial, those prospective jurors who were skeptical about the possibility that memories could be repressed and then recovered, or even about psychiatry generally, were excused from the jury, whereas no move was made to excuse those who thought that recovery of repressed memories is feasible, and it was known that at least one juror was a zealous proponent of this theory. This is just as though, in a trial for murder by casting evil spells, prospective jurors were interrogated about their theological views, and only those committed to a belief in the efficacy of witchcraft were permitted to serve.

In Hollywood, the discovery of one's sexual abuse in childhood has rapidly taken its hallowed place alongside crystals, channeling, and politics in the style of Kim Il Sung. To those who can remember their past lives in the Neolithic epoch, or that even more remote era when Bolshevism was the future that worked, remembering that your parents abused you in infancy is a piece of cake.

The Q'ran of this psychotherapeutic jihad is *The Courage to Heal* by Bass and Davis, a manual for producing whole new memories of long-forgotten childhood molestation. Among this book's confident assertions: "If you think you were abused and your life shows the symptoms, then [even though you don't recollect it] you were" (p. 22). The authors maintain that "demands for proof are unreasonable," and strongly encourage the deliberate whipping up of hatred against the supposed perpetrators: "You may dream of murder or castration. . . . Let yourself imagine it to your heart's content" (p. 128). With evident regret, they counsel against actual killing or maiming, and recommend clients to "get strong by suing," then provide a list of lawyers eager to take up such cases. There is a chapter entirely devoted to conjuring up lost memories and a chapter entirely devoted to convincing yourself that these conjured-up memories are true. In all this book's 528 pages, there is not a word of caution that the memories produced may not be authentic.

Last Year In Manhattan Beach

The vogue for adults to recover memories of childhood molestation coincides with an enormous proliferation of accusations and prosecutions for recent sexual molestation of children. Frequently, as in the notorious McMartin and Edenton cases, alleged child victims are handed over to dedicated psychotherapists, who browbeat the children for hours on end, often to the point of physical exhaustion, demanding that the children say that the accused molested them. The theory is that the children are "in denial" and need to be helped to remember. Even so, it generally takes weeks or months of unremitting interrogation, in which the therapists work hand in glove with prosecutors, before the children produce the story the prosecutors want.

These two phenomena — the intensive interrogation of children to get them to "disclose" incidents of molestation and the intensive interrogation of an adult client's memory to get that client to "remember" incidents of molestation — have their similarities and their differences. The most obvious difference is that in cases involving adult clients, it is usually undisputed that, throughout the years immediately before consulting a therapist, the client has no knowledge of any past molestation. This is explained by saying that the client has repressed the memory. By contrast, in the case of recent sex abuse allegations, the therapists need not take the view that the children have forgotten the molestation. The children could remember it, but be too embarrassed, scared, or cautious to mention it. Obviously, this sometimes happens in genuine cases of child molestation.

The popular view that we store every experience in our minds, but require special and difficult techniques to retrieve those experiences, has not been borne out by research.

To many psychotherapists, the dis-

tinction between forgetting and being afraid to talk is unimportant. Both are covered by the label "denial," which obscures everything and explains nothing, since in plain English a denial can be true and most commonly is. This is typical of the way in which people are persuaded to believe in repressed memories because of something quite different (in this case, being ashamed or scared to talk) that is made to sound similar.

Pressuring children to *say* that something happened recently and pressuring adults to *remember* that something happened long ago are alike in this respect: either method may result in the creation of a belief, in the child's or the adult client's mind, that something happened when in fact it did not. Although psychotherapy of small children may not begin with any claim that a genuine memory has been lost, it may, just like psychotherapy of an adult client, result in the manufacture of a counterfeit memory.

Memory à la Mode

A significant proportion of these stories, both from children and from adults, involve accounts of Satanic cults. Belief in the existence of such cults has been proliferating since the early 1970s, but was boosted by the publication in 1980 of the influential yet wildly implausible "survivor story," *Michelle Remembers*. Such real or imagined phenomena as ritual killing of animals and of blonde virgins, desecration of cemeteries, backward-masking of messages in heavy metal ditties, Goth make-up, drug-dealing, pornography, Dungeons & Dragons, missing children, and witches in children's literature are now routinely attributed to Satanic cults.

Intensive investigation of many incidents attributed to Satanic cults has always failed to find corroborative evidence, and in most cases has demonstrated the reports to be false. There are rare, isolated murderers who avow that Satan is giving them instructions to kill people, just as there are similar murderers who get their orders from God, the FBI, or Martians. There are groups of teenage daredevils, as ignorant of Satanism as of any doctrinal system, who daub signs in public places. There are associations of violent criminals who use torture as a means of persuasion, and are sometimes also superstitious. There are avowedly Satanist groups totalling a few hundred members in the U.S., most notably Anton LeVey's Church of Satan, which appear to be thoroughly bourgeois and law-abiding. The Satanic cults which keep popping up in recovered memories, vast networks of outwardly respectable people who secretly practice the ritual rape, torture, and sacrifice of animals and children, can be distinguished from all of the above.

One example, Gail Feldman's *Lessons in Evil, Lessons from the Light*, must suffice here to give the flavor of the kind of thing that has recently become respectable. Feldman's book, bearing effulgent blurbs from prominent writers and doctors, was published by a prestigious house and launched with a lavishly funded nationwide author tour. It is an account by a psychotherapist of one client, "Barbara," whose initial symptoms are that she feels tense during sex and sometimes gets angry with her daughter.

Dr Feldman immediately understands that these symptoms can only have arisen from childhood sex abuse. Barbara has vague feelings, which she may have picked up from previous therapists, that she might have been sexually abused in childhood, but no memories. Using hypnosis, the therapist takes the patient back to the age of five, and the five-year-old reports the ritual killing of a cat by her grandfather, who makes her eat the cat's heart and drink its blood. Though Barbara is at first disinclined to accept that this scene is a real memory, the therapist knows better and reassures the patient that it really happened.

Feldman reads *Michelle Remembers* to find out what Satanic cults are all about, and then elicits many more macabre disclosures. It turns out that Barbara's childhood was crowded with incident. It's chop, chop, saw, saw, and scream, scream, with corpses both whole and in pieces, both freshly cropped and nicely matured, liberally bestrewn around the family hearth. Snakes in bodily orifices and drinking of urine are among the more prosaic of the everyday occurrences of Barbara's exciting home life.

Déjà Vu

Toward the end of the story, the patient is regressed to a prior existence, and learns that her daughter is the reincarnation of her father in that previous life. Told this by Barbara, Dr Feldman responds: "'Whew.' I gripped the sides of my chair. 'That is really something. . . .'" This finding, naturally, explains Barbara's anger towards her daughter, and the anger then goes away. We also learn that Feldman herself regressed to a previous life as an American Indian woman, and on one of these regressions is spotted by one of her current friends, also regressing — there are more things in heaven and earth, Horatio — to the same eighteenth-century Amerindian village. Informed of this by the friend, Dr Feldman reports: "My mouth fell open" — but not, it's clear, with incredulity. In that previous life, Feldman died in childbirth, and this explains her hostility to her husband (the one in her current life), which also evaporates immediately

upon the discovery of its centuries-old cause.

Soon the recovered memory therapists will begin to be called to account for the misery that they and their infinitely gullible clients have unleashed upon this society. They will undoubtedly jettison memories of previous lives pretty quickly, and will denounce these stories as the work of a tiny minority of incompetents. Then, more hesitantly, they will dissociate themselves from the Satanic cult fables. It is therefore helpful to understand right now that the quality of all evidence for recovered memories of childhood sexual molestation is *precisely the same in every respect* as the quality of the evidence for recovered memories of past lives or Satanic rituals.

The repressed memories story is part of our folklore. It simultaneously appeals to self-pity, self-exculpation, and self-importance.

Why do so many therapists' clients produce memories of being raped and sodomized, while a substantial minority (some say one in five) also produce memories of Satanic rituals, and a smaller number produce memories of previous lives? The answer is simplicity itself. Memories recovered conform to the views of the therapist. Many therapists believe in Satanic cults, and all *their* clients produce memories of satanic cults. Comparatively few believe in reincarnation, but all *their* clients produce memories of past lives. (Bass and Davis view any past-life recollections as symptoms of denial, and keep the clients working on these memories to move the recalled incidents into this life.)

Since reincarnation is absurd, and since there are no Satanic cults, as the controversy flares and the recovered memory therapists start to feel the heat, these stories will probably melt away. Child molestation actually does occur, so this more banal story is difficult to dismiss out of hand in any particular case, and this kind of false accusation is harder to combat. And parallel with all the great witch-hunts of history, anyone who comes to the defense of those accused of sex abuse can be defeated by the simple ploy of accusing them of sex abuse.

You Must Remember This

The juggernaut of ill-founded accusations against innocent people is still accelerating, and can be expected to gather momentum for years to come. Resistance is growing too. The False Memory Syndrome Foundation was founded in February 1992, to assist victims of unsubstantiated accusations arising from allegedly recovered memories, and to promote research into the whole question of manufactured memories. By mid-1993, FMSF had more than 5,000 families on file, and cases continue to flood in week by week.

Unfortunately, one of the first fruits of this resistance has been escalating demands for stiffer licensing requirements for psychotherapists. Aside from the inefficiency engendered by government licensing — as well as the sheer insolence of a government telling me who I can pay to give me advice — such demands are misconceived in a more specific way. It's assumed that psychotherapists can do things which are so important that insufficiently qualified people ought not to be allowed to try to do them. The truth is that psychotherapists cannot do these things at all, or cannot do them any better than priests, rabbis, clairvoyants, bank loan officers, or radio talk show hosts.

If a person says that something happened to him last night, or 20 years ago, he may be telling the truth, or lying, or mistaken. *Psychologists, psychiatrists, and other psychotherapists are no better able than you or I to determine which is the case.* Research has shown that therapists are actually rather poor at discriminating truth from falsehood (and they are often not very truthful themselves, when describing what occurs in their therapy sessions). However, there simply does not exist a body of technique which permits anybody to discern whether what someone says is the truth — beyond the well-known methods we may all adopt, such as trying to find independent corroboration, examining the story for plausibility and consistency, noticing whether related statements by the same person appear to be true, and so forth.

If a child says that Mr X took her to the Moon in a spaceship and raped her, a psychotherapist may tell us that the trip to the Moon is false and the rape a reality. But the psychotherapist is no better placed to make this judgment than you or I. The psychotherapist's statement adds nothing to the child's testimony.

Memories We've Been Sharing

According to a popular theory, the mind has an unconscious as well as a conscious part. All kinds of strange things may lurk in the unconscious, unknown to the individual, but capable of influencing his feelings and behavior. All our experiences are recorded accurately in the unconscious — as though we contained a perfect videotape record of everything that ever happened to us. If we have any emotional troubles, it is probably due to terrible memories of what befell us in childhood — memories of which we are entirely unaware, because we have "repressed" them as too horrible to contemplate. The cure lies in remembering them again. In one way or another, the thing to do is to explore those terrible things that happened to us in childhood. The exact technique recommended for accomplishing this varies widely, but the general theoretical framework usually goes unquestioned.

Where did this theory come from and how was it conveyed from a small group of intellectuals to the masses? A careful historical investigation would be necessary to ascertain the complete answer, but a great boost undoubtedly came from the activities of Sigmund Freud. I'm not sure just how many elements of the currently popular theory of the mind were widely believed before Freud, though all of them were accepted by some psychiatrists, and the belief that all experiences are stored somewhere in the mind has ancient roots.

Freud's doctrine, known as psychoanalysis, was launched upon the world with evangelical zeal. The new faith found some disciples in Europe, but more critics. It encountered less

opposition in the United States, where it rapidly infiltrated popular culture and made a living for thousands of psychoanalysts. Today we live in a post-Freudian culture, in which many questionable tenets of Freudism are taken for gospel by the public and the media.

These Foolish Things

Freud's specific theories include the famous Oedipus Complex, the theory that every little boy wants to kill his father and make love to his mother. To get the hang of Freudian dream interpretation it's enough to bear in mind that a bunch of flowers or a gate always means the female genitals, anything pointed or cylindrical always means the penis, gold coins always mean feces, and so forth.

Although such specific details had many adherents for a while, and figures like Dr Bird in *The Caine Mutiny* became very thick upon the ground, the Freudian movement has always generated numerous heterodox offshoots which abandon or dilute these picturesque flights of fancy, while retaining the fundamental Freudian model of the mind, in which present neurotic problems are caused by disguised memories. Like Judaism, psychoanalysis has affected the world most profoundly through the intermediation of its apostasies and heresies.

In Hollywood, the discovery of one's sexual abuse in childhood has rapidly taken its place alongside crystals, channeling, and politics in the style of Kim Il Sung.

For many years Freudians gave a standard account of the manner in which Freud came up with the fundamentals of psychoanalysis. According to this tale, Freud had a number of patients who told him they had been sexually molested in childhood. At first, Freud naïvely concluded that real incidents of molestation were the root of their troubles. Later, Freud decided that these childhood molestations were indeed the source of the problem, but were in fact imaginary — they were fantasies of the patients. A few years ago, various feminist writers announced that they had uncovered a scandal about Freud: the stories Freud's patients had told him were actually true, and Freud had lacked the courage to offend the parents or other grown-ups who were the perpetrators. Allegations that Freud had "suppressed the truth" harmonized well with the galloping frenzy anent alleged child molestation, and a hurricane of enraged name-calling blew up.

This argy-bargy was all beside the point. Freud did indeed suppress the truth — by claiming that his patients had recounted stories of childhood molestation. As we now know from the researches of several writers, especially Allen Esterson, Freud's patients did not tell him any such thing. The episodes of child seduction were invented by Freud to explain his patients' symptoms, and then recounted by Freud to the bemused patients. Childhood "seduction" was a fantasy, not in the unconscious minds of the "patients," but in the conscious mind of the "doctor."

Early in his career, Freud was struck by the problem that he knew of no way to determine which of his patients' recollections were true and which were fantasies. Freud never did find a way, and neither has anyone else, but Freud cut the Gordian knot by postulating that *fantasized traumas were just as important as real traumas,* and this became the keystone of psychoanalysis. This comedy is even more richly droll because the "recollections" were not what the "patients" claimed to remember, but were all made up by Dr Freud in the first place. Verily, a prince among mountebanks!

Don't Forget to Forget?

Is there such a thing as a repressed memory? Recent accounts of research and theory are sometimes worded in a conciliatory and eclectic fashion, to give the impression that repression may be supported by the evidence. But on closer reading, such accounts merely note that some findings are compatible with parts of the repressed memories theory. For instance, people often forget things, and sometimes later recall what they have forgotten. People tend to remember pleasant occurrences in preference to unpleasant ones. Extreme shocks may cause forgetfulness of the events surrounding the shock. Adults have an almost complete amnesia covering their first few years of life, and this includes any traumatic events.

Such conclusions do not substantiate the distinctive features of the repression theory: that we forget events because they are too horrible to contemplate; that we *cannot* remember these forgotten events by any normal process of casting our minds back but *can* reliably retrieve them by special techniques; that these forgotten events, banished from consciousness, strive to enter it in disguised forms; that forgotten events have the power to cause apparently unrelated problems in our lives, which can be cured by excavating and reliving the forgotten events.

If the client protests that she can remember nothing of this, the therapist insists that the absence of memory is a symptom of "denial," itself evidence of the abuse trauma.

The repressed memories story is part of our folklore. It simultaneously appeals to self-pity, self-exculpation, and self-importance. It is particularly relished by literary people, whose standards of argument are frequently undemanding, and who often find the post-Freudian mythology of symbols and childhood influences wonderfully stimulating. But as for the story's relation to the available evidence, it is in part refuted, in part seriously in doubt, in part untested, and in part untestable. There is no evidence that an upsetting early experience, remembered or forgotten, real or imagined, has any great bearing on the course of one's subsequent life.

We tend to forget those experiences that made little impression because they seemed unimportant at the time. Though most of us remember pleasant experiences in preference to unpleas-

ant ones, this is because we prefer to think about pleasant experiences, not because we can't bear to think about unpleasant ones. We also remember important experiences in preference to unimportant ones. Consequently, we will probably remember an important unpleasant experience. Gloomy people, prone to depression, tend to think gloomy thoughts and have better recall for unpleasant events — the opposite of what we would expect if their problems were due to repressing memories of unpleasant occurrences.

Individuals who have been interned in concentration camps, tortured, caught up in some natural disaster, or accidentally trapped for hours in a terrifying situation have no trouble remembering that these ordeals occurred. One study followed up adults who, as children aged 5–10, had witnessed the murder of their parents. Not one of them had the slightest difficulty in clearly remembering the event. There is a strand of folklore which acknowledges that harrowing experiences are difficult to forget — an account of the Titanic disaster was appropriately entitled *A Night to Remember* — and this is the strand that matches observable facts.

Those few studies cited to show that people forget major traumatic episodes are at best inconclusive. It proves little, for instance, to ask people whether they now remember something they had once forgotten for a while, since we have no assurance that their present memory is accurate. Furthermore, we often don't give some incident a thought for years, and in this sense "forget it," but are able to recall it if the occasion arises. Even if we forget something in the sense of being unable to recall it, this doesn't prove that the memory was repressed. We forget things all the time because we attach little importance to continuing to think about them.

We forget most of what happens in the first three or four years of our lives, including being sexually abused if that happened, but although it can't be ruled out that some recollections of early events may pop up after years of having been forgotten, there are no reliable techniques for recovering accurate memories of these forgotten years. This amnesia is perhaps due to the physiology of brain development; as far as we know, it is more or less the same for almost everyone, no matter how idyllic or distressing their childhoods.

There is also a conceptual problem with the repression scenario. If a memory is stored but willfully not retrieved, consciousness has to recognize the memory in order to know not to retrieve it. But if that memory is recognizable, it must, one would think, be retrievable.

It generally takes weeks or months of unremitting interrogation, in which the therapists work hand in glove with prosecutors, before the children produce the story the prosecutors want.

Thanks for the Memory

Our tendency to forget what is unpleasant more readily than what is pleasant is generally harmless and sometimes beneficial. If you dwell on a past traumatic event, you will probably remember it better. You may also make yourself miserable. There is no evidence for the popular idea that in order to make your peace with some disturbing event you must vividly relive it, work through it, or "come to terms with it." Your past experiences are powerless to cause you any pain or problem; only your willful and morbid dwelling on them can hurt you. Reports of concentration camp survivors show that many of them have no long-term emotional ill-effects — these are the ones who "put it out of their minds" as an irrelevant distraction and focus on their current and future projects. Similarly, it is of no great moment whether people believe you or not. If you were actually molested and other people are now skeptical, you may feel that insult has been piled upon injury. It would be nicer if they believed you, but if they disbelieve you, that's one of many disappointments of the kind that life has in store for all of us. Neither the fact that you were molested nor the fact that other people won't believe you were molested is any excuse for snarfing that extra slice of pizza.

If you don't dwell on a past traumatic event, the memory will slowly fade. With each year that passes, your recollection of the event (in the event that you hypothetically choose to make an effort to recall it) will become less and less reliable. If you don't think about it, the memory is not doing anything to you. It is not going to make you lose your sleep, or overeat, or work too hard, or become anxious — such everyday hazards are the normal lot of human beings, have nothing to do with repressed memories, and are usually not symptoms of any illness.

The Shock of Non-Recognition

People are sometimes inclined to believe in memory repression because of the well-known phenomenon of traumatic (or post-traumatic) amnesia. Individuals involved in serious accidents occasionally have a complete memory blank for the accident, and sometimes for a period preceding the accident as well. Or they may remember something of the event, but forget important details. Bouts of extreme pain are sometimes forgotten. The most common and clearly identifiable cases involve a physical assault upon the brain, as in electroshock therapy, alcoholic intoxication, or a head injury. In other cases, the same result seems to be produced by an emotional shock such as intense pain or fear.

These examples don't support the repressed memory theory. It is fairly clear that amnesia due to a physical interference with the brain arises because of the shock itself, and not because the shocking event would be too horrific to think about. It seems quite reasonable to extend this to cases of pure emotional shock: the amnesia could, for example, be due to interference with attention. You cannot remember anything unless you pay attention to it — this is why more than 90% of Americans cannot accurately describe either face of a U.S. penny, and most cannot even pick out the correct penny in a multiple-choice test. Extreme pain

or fear may interfere with the capacity to pay attention.

The superb thriller *Mirage* (1965), starring Gregory Peck, illustrates the conventional wisdom, with a psychiatrist and others telling the hero that he can't remember because he doesn't want to. Whether by accident or design, the action of the movie does not require this interpretation.

The idea that we forget things because we find them too horrible to think about appeals to the primitive theory that remembering is reliving. In fact, a memory of a harrowing experience need not be a harrowing memory, and normally, if the original experience were distressing, the memory of it would be much less so, if distressing at all. Nothing is ever too terrible to contemplate. Would you rather have another root canal or remember 20 times that occasion when you had a root canal?

I can remember such episodes as the time I was attacked and robbed by three ruffians in a subway station. This perturbed me while it was occurring, but subsequently I could go through the incident in my mind with no flicker of alarm. Yet if I think carefully about a story I once read in which, following a rock collapse in a mineshaft, a man squirmed for miles through a pipeline about 18 inches in diameter, I will break out in the proverbial cold sweat, though nothing like this has ever happened to me. Despite such evidence from introspection, many therapists believe that deep emotion accompanying the "recovery" of a "memory" confirms its authenticity. I say that any powerful emotional display is fair grounds for suspecting the memory to be counterfeit.

To many psychotherapists, the distinction between forgetting and being afraid to talk is unimportant.

In traumatic amnesia, there is generally an awareness of a memory gap, and this gap is in itself often worrying. Although the individual loses all recollection for a certain span of time, he recalls the end of the period before the amnesia and the beginning of the period after the amnesia, and is usually in no doubt that something is wrong, something is missing.

It could be argued that awareness of a gap arises from the fact that other people talk about the traumatic occurrence, or talk about the unexplained circumstances in which the individual is discovered after the traumatic occurrence. If the trauma were a secret rape, the victim might therefore not become aware of the gap. I don't think that this is convincing; however, many of the recovered memory cases concern recollections of repeated episodes of abuse over several years. The victim would therefore have to forget each incident singly, or at some point forget several incidents collectively. Many of these incidents are supposed to involve the most bizarre concomitants (repeated ritual killings of babies are standard issue), and are supposed to have occurred in a day-to-day context where family discussion of the atrocities is quite frequent. The victim must therefore forget very numerous chunks of time over a long period without any awareness that there is a gap in memory. In cases of atrocities against several siblings simultaneously, each of the siblings has to have the same lack of recall without any suspicion of a gap. There is just no evidence that anything remotely like this has ever occurred or ever could occur.

Down Memory Lane

When I say "no evidence," I mean no evidence apart from the memories themselves — memories supposedly recovered by alleged victims under the spell of psychotherapists who passionately believe in the recovered memory theory. These therapists will indeed often say that there is "abundant clinical evidence" for recovery of repressed memories, but whenever they say anything like this, they mean only the ever-proliferating examples of clients who produce uncorroborated stories, usually after intensive persuasion by therapists. In the same way, a professional astrologer can honestly say that he has abundant clinical evidence that people's destinies conform to their birth signs. What could conceivably happen in consultations that would count as evidence against the psychotherapist's or the astrologer's theories?

Recovered memory therapists usually maintain that the accuracy of the recovered memories is beyond question, and react with indignation to any suggestion that they might be artifacts of therapy. They cite the clarity and detail of the memories, the emotional display that accompanies their recovery, the similarity of different clients' experiences, and the absence of any motive to concoct false stories. Exactly these arguments are advanced by defenders of other tall tales, including sightings of ghosts, conversations with the dead, religious visions, recollections of past or future lives, and UFO abductions.

Nothing is ever too terrible to contemplate. Would you rather have another root canal or remember 20 times that occasion when you had a root canal?

I have not been able to find a publicly recorded example of an indubitably repressed memory which has been recovered and then proved correct (Wakefield and Underwager review and criticize all the stock anecdotes). In order to qualify, the memory would have to be of a post-infancy event of such a dramatic nature that common-or-garden forgetting would be ruled out. Given the hundreds of thousands of recovered memory cases, we would expect to find some cases that could be independently corroborated. In other child molestation cases, where recovery of repressed memory is *not* involved, pretty clear proof capable of lasting for years does occasionally turn up — for example, a pornographic movie featuring the victim and the perpetrator. And the bizarre quality of many of the current spate of recovered memories makes independent proof quite likely. If babies have been dispatched by the dozen, like Thanksgiving turkeys, we might expect once in a while to turn up the infant remains that would confirm a recovered memo-

ry, but this has never happened.

Professor Lenore Terr, a vocal advocate of repressed memories who testified eloquently at the Franklin trial, maintains that isolated instances of trauma will be remembered, but numerous repeated instances may be repressed. This surmise, which has not been corroborated by any research, is arresting because of its conflict with common sense: one would think that the greater the number of incidents, the more likely they would be remembered. Terr's proposal can be seen as an attempt to reconcile the repressed memories theory with the everyday observation that individuals generally do recall any uniquely horrible experience they have had since their fifth birthday. Cases of repeated trauma are rarer and more difficult to pin down, but casual reading and conversation suggest that people beaten by their parents for years, or trapped in wars or the worst kinds of prisons, can indeed recall the kinds of unpleasant things that happened, though they may be hazy as to details. Speculations like Terr's will be tested many times by research studies in the next few years, and they will be reclassified from unsubstantiated to disproven, or I will eat my hat. It is already noticeable that, among psychologists, researchers tend to be skeptical about repression, while the believers tend to be clinicians. Clinicians who pay no heed to controlled studies always run the risk of reading their own theories into their clients' histories, and thus repeatedly finding worthless confirmation of those theories.

Like Judaism, psychoanalysis has affected the world most profoundly through the intermediation of its apostasies and heresies.

Among My Souvenirs

One of the reasons for ready public acceptance of the colorful yarns spun by recovered memory clients is that people generally overrate the reliability of memory, and one of the reasons for this overrating is the representation of memory in narrative works.

The novelist always strives to convince the reader of the story's authenticity, and many readers would regard the depiction of memories as fallible as people's memories actually are as a cheap trick, like wild coincidences or supernatural intervention. This is especially so with murder mysteries: the reader would feel cheated if recollections related in the story were dismissed as erroneous at the end, unless misperception of the conjuring-trick type were employed. Mysteries frequently involve elaborate and detailed memories of events years before the capable detective begins to ask questions, but these memories, as memories, are virtually always impeccable.

An outstanding exception is the corpus of 82 Perry Mason novels by Erle Stanley Gardner, which frequently focus on the fallibility of eyewitness testimony. In his own experience as a defense attorney, Gardner became well-versed in police trickery. Mason remarks that the worst kind of evidence is eyewitness testimony, and the best kind is circumstantial. At first blush this may seem paradoxical, because juries must rely on somebody's eyewitness observations of the circumstantial evidence. But there is no paradox. Circumstantial evidence usually endures in physical objects, and can be looked at by many different people with different prejudices on repeated occasions, whereas eyewitness testimony often relies on a few people's rapid interpretations of an unexpected, evanescent episode.

Gardner fully understood what has now been experimentally demonstrated: that it is easy to get someone to identify the police's nominee by suggestion and by letting the witness see the suspect, for example in a mugshot. The witness will then confuse the recollection of the photograph with a recollection of the crime. The witness will be hesitant at first, but will become more convinced as time passes. Note that, once the process is complete, the witness does *not* sense that the suspect is familiar and carelessly *infer* that this familiarity arises from seeing the suspect commit the crime. To the contrary, the witness distinctly "remembers" the suspect committing the crime. A bogus memory has been implanted.

The outstanding treatment of memory in literature is Proust's marvellous *À la Recherche du Temps Perdu*. Proust believed that it is only when remembered that events take on their full emotional resonance. Of course! Once the memories have been suitably remodeled they are much more satisfying than when they were merely accurate. There would be no excuse for fiction if it did not improve upon real life.

Nowhere in Proust have I found an unambiguous declaration that departures from accuracy give memories their magical potency, much less that the lucidity of a recollection is insufficient grounds for supposing it to be true. There is no dispute that Proust's account of memory from a subjective standpoint, and the architectural lyricism of his writing, make this work one of the wonders of the world. But for what it's worth, Proust's memory was terrible. *À la Recherche du Temps Perdu* contains many quotations, for example, and they are nearly all wrong.

Many writers have invested too much faith in memory, with suspicious results. To mention only one conspicuous case, Wordsworth's "Ode on Intimations of Immortality" is a beautiful exercise in self-deception. The "glory and the freshness of a dream" don't characterize infantile perceptions of the world, but sentimental adult reconstructions of those perceptions.

Neither the fact that you were molested nor the fact that other people won't believe you were molested is any excuse for snarfing that extra slice of pizza.

False memory occurs in classic works only in the form of some evil potion or spell. In Wagner's *Götterdämmerung*, Siegfried downs a draft which makes him forget all about Brünhilde and therefore feel virtuously free to marry Gudrun. His true memory returns, wholly intact, when he is

dosed with the appropriate potion. Such stories reinforce the popular view that there has to be an altogether exceptional explanation for any major mistakes of memory, that the true memory is always "there," and that it can be brought to consciousness by some arcane means, whereupon its truth is self-evident.

In science fiction, false memory was brought to the fore by A.E. Van Vogt in *The World of Null-A* (1945). This stupendous work of imagination stimulated one of the divine voices of this century, Philip K. Dick, who began to explore false memory and other systematically fallacious forms of awareness in such stories as *Time Out of Joint* (1959). Dick's most brilliant employment of the false memory theme is his little gem, "We Can Remember it for You Wholesale" (1966), the point of departure for the Schwarzenegger movie *Total Recall.*

For all its artistic perfection, "We Can Remember it for You Wholesale" endorses the popular view that all our experiences are accurately stored somewhere in the mind and that there is some intrinsic difference between a false memory and a true one. Dick's story freely uses the terms "false memory" and "extra-factual memory." It's interesting to speculate whether such terms were ever employed in this sense any earlier, but we can be sure that they are going to become familiar to everyone over the next few decades — one of many cases where the future is more certain than the past.

The movie *Last Year in Marienbad* (1961), an essay on the flashback, shows how someone can be in acute doubt as to what happened a year ago, and, in such scenes as the "crumbling balustrade," how fantasy can become confounded with memory.

No doubt many other examples can be found, but outside science fiction and stories with an amnesia or hypnosis gimmick, little attention has been paid to the false memory phenomenon. That is about to change.

Memories are Made of This

According to recent psychological research, *memory is imagination.* In remembering, we don't consult a videotape recording somewhere in our brains — no such recording exists. Even though we remember some events accurately, we do so by reconstructing images of those events from incomplete traces, and we rely heavily on our interpretive theories, which change over time, modifying the memories themselves. If our theory tells us that something had to have happened, we may well distinctly remember that this very thing did happen, and picture it happening in our mind's eye just as though we had witnessed it. Of course, some people are more fanciful than others, and it has been claimed that about 5% of the population, because of the way their brains are wired, have daydreams of such vividness that they can be mistaken for genuine occurrences in the physical world.

With evident regret Bass and Davis counsel against actual killing or maiming, and recommend clients to "get strong by suing."

The popular view that we store every experience somewhere in our minds, but require special and difficult techniques to retrieve those experiences, has not been borne out by research. We fail to remember, or subsequently forget, most of our experiences, and no techniques exist for *reliably* recovering memories that have been lost.

When we recollect something that seemed significant to us at the time, and has seemed significant ever since, and when we do so in a spontaneous, unpressured situation, our memories are overwhelmingly accurate for the main points, and somewhat less so for details. But when we have difficulty remembering, and rack our brains in an effort to remember, the accuracy of recall drops sharply — the racking of our brains will eventually turn up "memories," and these may possess a compelling verisimilitude, but they will be largely false. What often saves us from manufacturing counterfeit memories is that when we can't remember something, we sensibly accept that the memory is lost, and give up trying. If for some reason we don't give up, *we will* eventually generate images, and if we are somehow convinced that these images are veridical, *we will* eventually turn them into lifelike memories.

Hypnosis has often been employed in an attempt to elicit memories of the details of incidents. Occasionally, an accurate detail will be produced, but more often, a "convincing" (that's to say, vivid) detail will be elicited that is later shown to be false. For example, hypnosis may get a witness to "remember" a car registration number, but it will most often turn out to be wrong. Hypnotic regression is employed to recover memories of past lives and abductions by aliens in UFOs. It can also be used to "progress" people into the future — it's easy for the subject to recall himself rich and healthy in retirement, or commanding intergalactic battleships a thousand years hence, but alas, a little more tricky to remember next month's commodity prices or Derby winner. As far as accuracy goes, hypnosis is no different from trying hard to remember something you can't remember; the rigmarole of hypnosis merely encourages you to keep trying. The same applies to "truth drugs" like sodium amytal and sodium pentothal. They will increase the output of apparent memories, but many of these will be false.

The folklore tenet that all our experiences are tucked away somewhere in our minds, if only we could get at them, is upheld by the belief that some people have "photographic memories." Certainly there are rare individuals whose memories are much better than other people's, but the record of the most spectacular and most famous of these — "S," studied by Luria — shows that his memory feats were accomplished by an extraordinary facility with mnemonics. "S" was essentially doing what you and I do when we refer to the word "HOMES" to recall the names of the Great Lakes, only the stories he made up to help memorize his material were sometimes far more complex than the material itself.

Ah, Yes, I Remember It Well

We habitually assume that our memories are dependable, but occasionally we reminisce with friends over something that happened years

ago, or we are called upon in a court hearing to give a detailed account of precisely what occurred. On such occasions we find to our disgust that other people's recollections are pitifully erroneous, and often spectacularly so.

In a series of experiments, Elizabeth Loftus and her colleagues reduced the creation of false memories to a practical technique. The experiments began modestly, as investigations of the reliability of eyewitness testimony. Subjects would be shown a movie of an auto accident, then their accuracy of recall would be tested. If a false assumption were put into one of the questions ("How fast was the car going when it passed the barn?" when there had been no barn), a high percentage of subjects would later recall a barn. Attempts by other researchers to show that the true memories are there all the time — that the leading questions merely influence what subjects report, not what they "really remember" — have been neatly refuted by several elegant experiments.

From these unambitious beginnings, which merely demonstrate more rigorously what has long been known, and do not transcend what was familiar to Erle Stanley Gardner, the implantation of false memories has ascended to greater heights. Memories of entirely bogus events have been put into the minds of experimental subjects. A man was encouraged to recall childhood occurrences, with the help of close family, under the direction of experimenters. One of these events — that of being lost in a supermarket — was made up by the psychologists. Once the subject had recalled this fictitious event, he continued to work on it for more details, which obligingly came. At the end of the experiment, the subject was asked to guess which of his recollections was false, and picked one of the true memories. Told of the implantation of the false memory of being lost, the subject at first refused to believe it, citing the clarity, detail, and emotionally upsetting quality of the recollection as proof that it must have happened.

A striking instance of implantation of false memories involved Paul Ingram, chair of the county Republican committee in Olympia, Washington, who was arrested for child abuse in 1988. He at first denied everything and was told he was "in denial." A psychologist and a Christian minister worked with detectives by suggesting to Ingram some incident and having the concerned and compliant Ingram ponder and visualize that incident. After five months of interrogation, Ingram began to "remember" and confess to numerous bizarre sexual crimes, including his involvement in — ho, hum — a Satanic cult which had polished off 25 babies.

Richard Ofshe, a social psychologist employed by the prosecution, smelled a rat, and tested the accuracy of Ingram's confessions by fabricating an incident and suggesting this to Ingram in exactly the same manner.

Recovered memory therapy is an audacious folly which already rivals the cruelties of the Inquisition and appears set to catch up with Stalin's purges.

Sure enough, Ingram at first couldn't remember it, but after a while increasingly elaborate memories began to appear, and eventually Ingram wrote a detailed statement confessing, with telling and authentic touches, to the story that Ofshe had made up.

There are well-documented cases where evidently sincere confessions have been subsequently refuted. Most juries don't grasp how malleable is memory, and hence how worthless as evidence is a confession to a crime, if made after considerable pressure and absent verifiable details which the confessor could have known only if he were the culprit. In general, it is a good rule of thumb that any conflict between a person's memory at one date and his memory at a later date should be resolved in favor of the earlier recollection — and this includes those cases where the memory is absent at the earlier date.

If Memory Serves

Induced, implanted, or artificially created memories are now called "false memories," but they might — for example, by sheer coincidence — correspond to fact, just as a false clue left at the scene of a crime by a meddlesome person might happen to point to the real criminal. However, these memories are still false *as memories*.

On the other hand, a true memory may be quite false. This can occur because people's perceptions of events depend upon fallible interpretations. It was long ago demonstrated, in experiments which have been repeated many times, that if a dramatic event is staged unexpectedly for a roomfull of people, who are then immediately requested to record what they have witnessed, the accounts are filled with errors, often quite bizarre ones. A false perception may be truly remembered — this possibility should be distinguished from false memory. The well-known contradictions in different individuals' interpretations of the same event, most famously depicted in Kurosawa's *Rashomon* (1951), seem to owe more to false perceptions than to false memories.

A false memory may be a slight inaccuracy in a recollection of a real event, a major misinterpretation of an event, or a completely bogus event. Such memories are not experientially much different from genuine memories — there is no way for a putative rememberer to be sure, purely by inspecting his memory, whether it really happened that way, nor is there any way in which another person can tell, purely by interviewing the putative rememberer. (There is some evidence that false memories may be subtly distinctive, but no method is known for reliably discriminating them.)

Some false memories are more vivid, detailed, and powerful than true memories of comparable age could be. Minute details of color, scent, and texture may be recollected as though the scene had been witnessed only moments ago — which, of course, may be the precise truth of the matter. The vividness, detail, and sometimes highly distressing qualities of these images are often taken as evidence of their truth, when in fact these features suggest the opposite. Any genuine memory of years ago has a faded, ill-formed character. If you remember talking to someone ten years ago you may well be right, but if you consult your memory of that conversation to determine on

which side his hair was parted, you are deluded.

Lest We Forget

There's no dispute that we may forget something for a while, in the sense of having no occasion to call it to mind, and then one day remember it — though it is likely that if the period of "forgetting" is many years, an accurate recall will have been helped by some refreshing of the memory during those years. For instance, we may recall an incident from 30 years ago, aided by the fact that it has several times been mentioned in conversation within that period.

There's equally no dispute that our memories may play us false. The greater the effort to remember something we have difficulty remembering, the greater the likelihood that the memory eventually reconstructed will be partly or entirely false. If we battle for months to recall something of which we have no recollection, and then battle for more months to convince ourselves that the images produced in our minds are true, the memory thus constructed is almost sure to be false.

Recovered memory therapy, this latter-day exorcism, is an audacious folly which already rivals the cruelties of the Inquisition and appears set to catch up with some of Stalin's purges. As the sheer scale of this malevolent credulity becomes a scandal, we shall no doubt hear that there are a few irresponsible therapists who exercise insufficient caution. Yet *any* introduction of rational standards immediately disqualifies *all* recovered memory cases. This follows from three salient facts: that these cases are not independently corroborated, that the subjective quality of a putative memory cannot guarantee its veracity, and that there is no scientific evidence that anyone has ever repressed a memory.

If recovered memory therapists are induced to be less aggressive in their suggestions to clients, they will be "successful" in fewer cases, and only the more fanciful of clients will "remember" the imaginary enormities. The sheer volume of bogus accusations will be reduced, but every one of them will be just as bogus. There is now talk about establishing "guidelines" for evaluating recovered memories, but as with guidelines for burning witches at the stake, such legitimizing fictions ought to be resisted.

Here is the only guideline we need: The fact that a memory has been recovered after a period of alleged repression is sufficient to show that the so-called memory is worthless as evidence of any actual occurrence outside that person's mind or brain. A tale supported only by a recovered memory merits exactly the same credence as we would accord to a story whispered in someone's ear by Wotan or Jupiter. ❑

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The Great Bimbo Eruption of '93

by Chester Alan Arthur

Perhaps the president's most compliant lovers are his acolytes in the press.

When I first heard that several Arkansas state troopers who had provided security service to Bill Clinton were revealing details about Clinton's sex life — private life would be a misnomer these days — I figured there wouldn't be much we could learn about our president from them. After all, revelations that emerged during the presidential campaign pretty much established that Clinton had the opportunity, appetite, and inclination for extramarital sex, and a willingness to deceive women attracted to his position of power and/or personal charm. We further knew that he had violated public ethics (and the law) by rewarding at least one of his sex partners with a government job. All the new reports could do is add a few colorful details to what we already knew.

The story broke on Sunday, December 20, when CNN reported that *The American Spectator*, a conservative monthly, was about to publish an article by David Brock which reported the allegations of the state troopers. The *Spectator* article appeared the next day; the day after that, *The Los Angeles Times* published a front-page article detailing its own investigation of the same story.

Brock's account in the *Spectator* is a breezily written summary of the background to the story and a narrative of the troopers' revelations, with a fair amount of colorful detail and an unmistakable hostility to Clinton. My first reaction was to object to its lead paragraph, a summary of an August 1992 *Washington Post* report about a Clinton aide's efforts to control what she called "bimbo eruptions." What was strange was Brock's characterization of the report as "little noticed" — I had heard it more than once, and I am not a reader of the *Post*.

The article mostly filled in details, as I had anticipated. There were some revelations, but most were not very surprising. The troopers reported that Clinton habitually had sex with a rather large number of women, which I hadn't known before — but somehow, I wasn't surprised. The troopers reported that Clinton was often unpleasant and inconsiderate to them, but no man is a hero to his valet. Nor was I astonished at his temper tantrums, his "outsized ego," or the fact that he is "personable" — these are very commonly characteristics of successful politicians. Even the report that Clinton continued to have illicit sex after his election didn't really surprise me: old habits are hard to break.

They did a lot of personal errands for him, including arranging meetings with women to whom Clinton had taken a shine, guarding his privacy during his assignations, and helping him deceive Hillary about the extent of his adultery. But it seems to me that in our society using security forces as servants is generally considered to be one of the perks of high political office. Yes, there were some small but interesting details: Clinton's worrying about whether he could possibly earn a living if he were unable to continue his career as a politician, his ruminations about his personal stardom, his gargantuan appetites, his being briefed on the price of various common grocery items so he could avoid the sort of embarrassment Bush suffered when he appeared unable to recognize a supermarket scanner. ("When Clinton was later asked by a viewer on *CBS This Morning* if he knew the price of bread and milk, and he answered correctly, campaign strategist James Carville cited this performance in a *New York Times* op-ed piece as an example of Clinton's ability 'to empathize with average people.'")

The troopers' reports about Hillary's extramarital sexual activities did have some significance. Of course, I wasn't surprised by the fact of her adultery — after all, it has been plain for some time that she and Bill were probably not having sexual relations.

But the troopers substantiated a rumor that has been making the rounds for over a year: that she and Vincent Foster had a long-term affair prior to his suicide. This is significant — if corroborated — because of the unusual circumstances surrounding Foster's suicide: the fact that Clinton aides searched his office and removed various papers, while keeping police investigators away; his delphic suicide note, which seemed to suggest he was uncomfortable testifying about the Clintons' investments in Whitewater Development and the related failure of an Arkansas savings and loan, bailed out by the taxparyers to the tune of $47 million.

The *Los Angeles Times* piece was a straight news report. In contrast to Brock's story, it was objective journalism of a very high order. *Times* reporters William C. Rempel and Douglas Frantz attempted to corroborate as much of the troopers' revelations as they could. They found, for example, telephone records that indicated that Clinton made extensive phone calls to some of the women with whom the troopers alleged he had sexual relations, including a 94-minute call placed at 1:23 a.m., followed by an 18-minute call at 7:45. They also contacted the women whose names were revealed, all of whom either denied a sexual relationship or refused to speak at all. They also verified details with other state troopers, who refused to sign affidavits or make their names published, and investigated the backgrounds and reputations of the troopers involved.

The first media analysis I saw of the troopers' revelations came only two days after the story broke, when *Nightline* devoted a half hour to the story. For me the highlight of the program was the following analysis from Sidney Blumenthal, political editor of *The New Yorker*:

> This strikes me as a large, deliberate distraction. I think that what we do know is that there is a small, far right-wing group of people, who through these disgruntled state troopers have put out uncorroborated, salacious details and through that have been able to pull the strings of the mainstream media and sending them I think like mindless gumshoes down blind alleys. To the extent that there has been some independent inquiry into this, what we have found, for the most part, are refutations of these charges. Now I wish to add that not only is Cliff Jackson involved whom you mentioned in your earlier report who has been engaged in a very long time personal and political vendetta against the president, but a younger right-wing writer — I hesitate to call him a journalist — David Brock, who has written on Anita Hill and accused her of being part of a conspiracy and a perjurer, charges that were very convincingly refuted in *The New Yorker*, my magazine, by two *Wall Street Journal* writers. Now in his report, he produces charges made by these troopers about the first lady's so-called sexual activities. They're quite lurid, they're quite explicit, about her affairs. Now either they're true or they're not true. Now Brock has said in *The Washington Post* of tomorrow that will appear tomorrow that the evidence is purely circumstantial. In other words, more uncorroborated evidence. Well either it's all true or it's not.

This is a remarkable reaction. Instead of responding to a single bit of evidence, Blumenthal launched a personal attack on Brock and *The American Spectator*, blaming the whole affair on the "far right wing." Apparently he hadn't noticed that the story was first investigated by the *Times*, which spent over four months investigating it, and published substantially the same findings as the *Spectator*. He concludes his case against the charges by observing that Brock not only reported what the troopers had told him about Clinton's extramarital recreation, but also about the extramarital activities of his wife, and pointing out that Brock's story is "either all true or it's not." He doesn't mention the possibility that it might be partly true or mostly true, nor that Brock was not accusing the first lady, but merely reporting the statements of witnesses who claimed to have first-hand evidence of her adultery.

His only comment on the evidence is that it is "uncorroborated" and "circumstantial." There are three kinds of evidence: confession, the statements of witnesses, and physical (i.e., circumstantial). Two witnesses have made public statements and two others have made statements privately to supporters. In addition, three Arkansas women have publicly stated that they were sexual partners with Clinton. In addition, reporters for both *The Los Angeles Times* and the *Spectator* discovered substantial corroborating physical evidence. If Bill Clinton were on trial for adultery, this would be ample evidence to convince a jury of Clinton's guilt.

But it fails to make the slightest impression on Blumenthal. The testimony of four witnesses and three participants he dismisses as "uncorroborated." The physical evidence he dismisses as "circumstantial." What is Blumenthal waiting for? A photograph of Clinton and a non-Hillary woman *in flagrante delicto*? A notarized confession from Clinton himself?

Whether David Brock is a journalist is not plain, but it is certain that Sidney Blumenthal is not. Characterizing Sidney Blumenthal as an apologist or as a public relations flack may even be too generous.

To characterize Sidney Blumenthal as an apologist or as a public relations flack may even be too generous.

Meanwhile, *The New Republic*'s Michael Kinsley led his commentary on the piece with the same observation I had made. *"Little noticed?"* Kinsley italicizes. "The implication is that Brock has picked up some important but overlooked piece of evidence here." Indeed, Kinsley had done a search of the Nexis database of "newspapers, magazines, wire services, and television transcripts" and noted that the "bimbo eruption" locution had appeared some 324 times.

He then accused Brock of inaccurately characterizing in the second paragraph of his *Spectator* piece the article from the *Post* in which the phrase had appeared. "Anyway, those are the first two paragraphs of Brock's piece," Kinsley writes. "You can judge the next 120 or so paragraphs on that basis."

I was stunned. Kinsley expects us to judge "120 or so" paragraphs on the

basis of his relatively minor quibbles with the first two? No, not exactly. "These minor matters don't prove the untruth of Brock's major accusations. But they do prove his fundamental bad faith, and that of his editors."

Well, I'm not sure what "bad faith" constitutes in this context. If Kinsley means that neither Brock nor his editors support Clinton, then he is surely correct. If he means that Brock intentionally lied about Clinton . . . well, here his case is weak. If he means that Brock is a sloppy journalist who is letting his evaluation of Clinton overshadow his judgment, and that his editors are not performing their proper critical role . . . well, he might be right. But maybe he should focus the same critical eye on his own writing.

Aside from criticisms of Brock's first two paragraphs, Kinsley pretty much limits himself to quoting a few items from the trooper's statements and saying that he finds them unbelievable. With one exception, Kinsley offers no evidence.

One of the troopers told Brock that Clinton was angry at Dukakis for making Clinton look like a fool at the 1988 convention, and that as a result, according to the trooper, Clinton "refused to endorse him [Dukakis] until a few weeks before the election." Kinsley reports he did another search of the Nexis database and came up with a "whole string" of endorsements of Dukakis by Clinton, and concludes the trooper is "unreliable."

He does not consider the possibility that the trooper's statement about Clinton's belated endorsement of Dukakis may have been based on the trooper's observations of Clinton's private hostility, or that the trooper didn't read any of the newspapers, magazines, and television transcripts in the Nexis database in which Kinsley had found the "whole string" of endorsements. Or that the trooper simply had a lapse of memory which might not render everything else he and the other trooper said "patently unreliable." Put yourself in the place of the trooper, whose job required him to serve Clinton at every task from providing security to cleaning up after Socks the cat. Would you be more likely to remember the events of a political campaign five years ago, or whether you had seen Clinton receive a blow job from a department store clerk in a car in Chelsea's elementary school parking lot while you kept other cars away?

Kinsley follows this up with three statements from the troopers about Clinton's private behavior that Kinsley does not believe, though Kinsley offers no evidence to the contrary. And worse — here is Kinsley's summary and criticism of one paragraph from Brock's article:

> Do you believe that the Clintons "wouldn't go out to dinner with friends the way you or I would"? Too snobbish, according to one of Brock's troopers. Bob Woodward could probably nail this one down. Pending that, though, is this plausible?

Here is the paragraph from Brock's article:

> Hillary, as described by the troopers, pursued power with a single-minded intensity, had few friends outside politics, and was not especially close to her family. "Everything was politics. They wouldn't go out to dinner with friends the way you or I would or the way I've seen [the current Arkansas governor] do," said Perry. "If they were invited to a private party, and there were only going to be eight or ten people there, she could say, 'We're not going to waste time at that thing. There aren't enough people there.' I never saw Hillary just relax and have a good time."

At no point does Brock (or one of the troopers) suggest that the Clintons didn't enjoy a normal social life be-

continued on page 52

One more thing — It is odd that Blumenthal would bring up the Anita Hill matter, which has curious non-parallels with this case.

Against Clinton, there is the testimony of four witnesses and three participants, plus extensive corroborating physical evidence. Against Thomas, there is the statement of a single witness relying on memory of events a decade earlier, supported only by some friends' claims that she had told them something about the events in question at the time. Despite "expert" witnesses' testimony that those guilty of the behavior of which Thomas was accused almost invariably exhibit that behavior habitually toward a wide variety of women, the prosecution was unable to come up with a single additional "victim," while the defense was able to parade a number of women with whom Thomas had worked closely who testified that he had never engaged in any behavior remotely resembling that described by Hill.

Yet somehow the uncorroborated testimony of Hill is sufficient, in Blumenthal's mind, to convict Thomas, while the amply supported testimony of four witnesses and three participants is dismissed as if it were vapor. —CAA

And another thing — Kinsley's report that he found the phrase "bimbo eruptions" 324 times on the Nexis database seems to substantiate his view (which I share) that the original report was not "little noticed."

Kinsley is not the only journalist who cites the frequency of Nexis occurrences as evidence for one or another opinion. Nexis searches have almost become a staple in political commentary. (I suppose at this point I should cite a Nexis search of how many times Nexis searches are cited. . . .)

Unfortunately, neither I nor the overwhelming majority of Kinsley's readers have any basis for judging whether 324 uses of a phrase amounts to big notice, average notice, or little notice, since we haven't done Nexis searches and, thus, don't have a clue to how often colorful political phrases are generally used. Nor for that matter do we have a clue to how many magazines, newspapers, and television transcripts are included in the database.

Although impressive-sounding, the fact that 324 uses of a phrase turned up is about as meaningful to most people as hearing that a *manzana* of farmland in Costa Rica currently sells for 50,000 *colones*. I mean 50,000 sounds like a lot of *colones*, but unless one knows what a *colon* is worth or how big a *manzana* is, it doesn't really mean much. —CAA

Clipping

The Real Hair Care Crisis

by Marc Rembert

Securing affordable hair care for all Americans should be a top priority for this administration.

The phone rang.

"Hello?"

"Christophe? It's Bill. Ah've gotta see you bad. Mah hair's gotten s'long ah could wear a ponytail."

"And what would be zo bad about zat?"

"Ah'm sorry. Ah know that was a mighty insensitive thing to say. Th' other kids used to call me fat, y'know."

"Az you are well aware, Beel, I am no longer permitted to cut hair."

"Ah'll let you go inside Air Force One."

"Zat plus two hundred dollars and you have ze deal."

"Deal."

"Speak to no one of zis conversation."

And so it had become by the Spring of 1993. It had all started innocently enough. A pilot program had been initiated by President McGovern to provide haircuts to low-income residents of selected cities. McGovern's words were uplifting: "We have taken a step, just one small step of many, toward the goal we all share — that one day quality hair care will be available to all Americans regardless of income. And that hair care can finally be viewed not as a privilege, open only to those who can afford it, but as a basic human right."

It seemed simple, and, in truth, it was simple, back in 1973. Beneficiaries of the new program went to the barbershop of their choice. For every haircut provided, the barber completed a form, sent it to his regional administrator, and received a four-dollar reimbursement.

The program worked well enough. Barbers were fairly pleased to have the additional customers, the paperwork was not burdensome, and even those barbers that charged six or seven dollars per cut were happy to do their part to help those less fortunate.

Flush with the mandate of a landslide re-election, and buoyed by the success of the program, McGovern and the Congress took low-income hair care nationwide in the fall of 1977. Naming the expanded program HairCare USA, the president asserted that "all of the income-disadvantaged in our society, from the homeless Native American in Wyoming to the working-poor Latino in east Los Angeles, will have equal access to quality hair care under the law."

Problems of access soon arose. Barbers and stylists in the nation's high-rent districts soon began freezing out HairCare USA recipients, as reimbursements remained static while costs rose. Full appointment books more often than not greeted HairCare USA callers at the fashionable Rodeo Drive stylists, long popular among the urban wealthy.

In 1979, Congress sought to address this problem by passing the Uniform Hair Care Provider Access and Fairness Act, mandating that all new and existing barbers and stylists reserve at least 30% of their daily appointment time for HairCare USA participants. Furthermore, this time had to be held for walk-in customers, so barbers often had paying customers demanding this space while chairs stood idle.

Hair care remained a hot political issue, as charges of sexism dogged the program. Beauty parlors, ignored so far by the HairCare USA legislation, simply refused to participate. When the initial program began in 1973, the average men's cut was indeed four dollars, and the ladies' cut and wash stood at about $20. With inflation cutting into profits, there was no reason a beauty parlor would elect to provide its services at a price so far below the market value. (Remember, the reimbursements remained at the 1973 level.) Candidate Barbara Jordan made women's hair care equity a major theme of her 1980 presidential campaign, and in her speech accepting the Democratic nomination she bellowed out from the podium, "We are not men! Let the word go forth that no person — male, female, black, brown, yellow, white, or kru — shall be denied the dignity of basic hair care. Humankind will not forgive us if we fail."

On March 20, 1981 President Jordan signed into law the Hair Care Gender Equity Act, which expanded HairCare USA to include a multitude of services: men's cut, $4; ladies' cut, $10; men's style, $8; ladies' style, $16; and so on. The

problem of access now appeared solved, as any low-income American could now obtain proper hair care regardless of race or gender.

Hair care professionals continued to feel the pinch of rapid inflation coupled with static reimbursements. In addition, the new Gender Equity law created a mountain of new paperwork, as each of the newly-described services carried with it its own form — forty-four in all. A two-tier pricing system quickly developed and became entrenched as providers desperately sought to make up losses incurred by seeing HairCare USA participants. It was not uncommon in cities for private customers to pay $100 for a basic haircut, while the reimbursement for the same cut from HairCare USA remained at $4 (increased in 1983 to $6).

"Hair care can finally be viewed not as a privilege, open only to those who can afford it, but as a basic human right."

In a landmark speech before Congress in October of 1986, House Speaker Barbara Boxer denounced the "wanton greed and profiteering that grips our nation's hair care industry." She called for strict price controls, and she got her wish just one month later, when Congress passed and President Jordan signed into law the Hair Care Price Control and Compassion Act of 1986. The new law capped barbers' and stylists' fees at 10% over the HairCare USA reimbursement for all services.

At this point, many hair care providers simply closed up shop and/or went underground with their businesses. Access reemerged as the chief hair care issue, as private barbers simply could not be found in many areas. By 1988, Democratic nominee Michael Dukakis was sounding the clarion call for "good haircuts at good prices for all Americans," condemning the profit-oriented system that had given the nation "back-alley hair care."

In his first State of the Union address, the new president exhorted the populace to "look to the north to solve this nation's hair care crisis."

And so the nation did, as the Congress quickly passed the Comprehensive Hair Care Act of 1989, which Dukakis signed on December 4 of that year. Modeled after the Canadian hair care system, the new law established the federal government as the sole provider of hair care for all Americans. Hair care clinics were hastily set up with governmental barbers and stylists, where all citizens could be served, free of charge.

There were serious problems with the new system. Clinics were centered mainly in urban areas, forcing rural dwellers to travel long distances for care. Long lines were reported at most clinics, and a thriving hospice industry emerged to accommodate those who had to wait weeks or even months for haircuts. The brightest and most able barbers either left the business entirely or headed for Mexico, where wealthy Americans could commute to escape the long queues. Strict enforcement of the new law prevented all but the most daring stylists from dabbling in the black market.

So bad, in fact, did the situation become that most men had their heads shaved by the government barbers, knowing that their hair was likely to be shoulder-length before they might secure another appointment. As the government barbers performed shavings almost exclusively, the quality of traditional haircuts diminished as well.

And so it was here that President Clinton found himself in 1993. Unable to be assured of a quality haircut from a government barber and knowing that a Mexican trip would be political suicide, he turned to Christophe. Pray he never needs surgery. ❑

Arthur, *continued from page 50*

cause they were "too snobbish." Kinsley is plainly guilty of mischaracterization, the same offense he believes is sufficient basis to "prove a fundamental bad faith" by Brock and Brock's editors.

In sum, in a 13-page article consisting mostly of statements by troopers assigned to provide security for Clinton during a 13-year period, Kinsley cites one allegation from one trooper that is false and three that he does not believe, and concludes that the troopers are "patently unreliable." Like Blumenthal, he has made himself an apologist for Clinton. This is a very sad development. Kinsley is an extremely intelligent man and a fine writer. He has no reason to prostitute himself. ❑

notes to Lemieux, *continued from page 29*

18. Gregory J. Chaitin "Le hasard des nombres," *La Recherche* No. 232 (May 1991), p. 615.
19. Pierre Lemieux, *L'anarcho-capitalisme* (Paris: Presses Universitaires de France, 1988).
20. Robert Sugden, *The Economics of Rights, Cooperation, and Welfare* (Oxford: Basil Blackwell, 1986).
21. Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984); see also "The Evolution of Strategies in the Iterated Prisoner Dilemma," in Lawrence Davis (ed.), *Genetic Algorithms and Simulated Annealing* (London: Pitman, 1987).
22. John H. Miller, *The Co-evolution of Automata in the Repeated Prisoner's Dilemma* (Santa Fe Institute Report 89-003, 1989).
23. Robert Axelrod, "The Evolution of Strategies in the Iterated Prisoner Dilemma," op. cit., p. 34
24. John L. Casti, "Chaos, Gödel, and Truth," in John L. Casti and Anders Karlqvist (eds.), op. cit., p. 310.
25. I owe this idea to a conversation with Jacques Raiman, chairman of the Générale de Service Informatique (Paris). Mr Raiman is the one who introduced me to chaos and complex system thinking while I was a consultant for his company. The proceedings of a conference by GSI on related topics is forthcoming.

Reviews

The Ghost in the Little House: A Life of Rose Wilder Lane,
by William Holtz. University of Missouri Press, 1993, 425pp., $29.95.

Freedom's Rose

R.W. Bradford

Along with Ayn Rand and Isabel Paterson, Rose Wilder Lane can be considered one of the founding mothers of the contemporary libertarian movement. In a peculiar historic coincidence, in 1943, just as libertarian thinking was at its nadir, these three women published important books that invigorated the idea of individual liberty. "It was three women — Isabel Paterson, Rose Wilder Lane, and Ayn Rand — who with scornful side glances at the male business community, had decided to rekindle a faith in an older American philosophy," John Chamberlain recalls. "There wasn't an economist among them. And none of them was a Ph.D."

All three were novelists. Lane had written two bestsellers and several other successful novels; Paterson had written eight novels, some very successful; and Rand had written two novels, both commercial failures. But only Rand relied on fiction to make her best case for human liberty. She chose to defend liberty in a venue far from politics and economics: *The Fountainhead* was ostensibly a story about the artistic integrity of an architect who only asked of society that it leave him free to produce. After getting off to a slow start, *The Fountainhead* gradually became a bestseller.

Lane and Paterson, despite their greater past success as novelists, presented the case for liberty in non-fiction form. Paterson's *The God of the Machine* and Lane's *The Discovery of Freedom* were lengthy essays that defended the institutions of a free society with a vigor that transcended those of previous defenders of liberty. Like Rand, they posited liberty as a moral desiderata as well, focusing on the creativity of productive individuals, when unrestrained by government. Unlike past defenders of liberty, they brooked no compromise. They stood in sharp contrast to the apologists for business who dominated opposition to the growing power of the state, with their arguments that unhindered enterprise could build better bathtubs. They were beacons in the dull, grey ideological fog that blanketed the world. These women planted the seeds of the renaissance of libertarian thinking.

In the years that followed, the lives of Rand, Paterson, and Lane took divergent courses. Rand, the youngest of the three, returned to Hollywood and her career as a marginally successful screenwriter before dedicating herself to writing *Atlas Shrugged*, a huge, explicitly political novel; she eventually came to fancy herself the greatest intellectual since Aristotle, and built a cult around herself. Paterson continued her career as a critic for *The New York Herald Tribune* and, after she was fired by a management unfriendly to her views, wrote occasionally on social and political matters. Lane, however, pursued the ideas of free society on a virtually full-time basis. She abandoned her career as a popular writer, and devoted herself to writing about matters libertarian, corresponding widely, raising funds for libertarian activities, and meeting and mentoring young libertarians.

Although all three women achieved national prominence as writers, all were born and reared remote from literary and intellectual centers, under circumstances that can only be considered extremely difficult. Paterson was born on a remote Canadian island in Lake Huron and reared in the frontiers of Utah and Alberta. Lane was born in Dakota Territory and raised in the Ozarks of Missouri. Rand was born in tsarist St. Petersburg and came of age during the violent years of the Communist revolution.

All had unsuccessful marriages: only Rand's lasted for more than a few years, and her husband ended up a dipsomaniac, cuckolded by Rand and her young lover, Nathaniel Branden. Little is known of Paterson's marriage, aside from its brevity: she married Kenneth Paterson on April 13, 1910, and by 1918 had lost track of his whereabouts. Lane's marriage to Gillette Lane was no more successful, lasting from March 24, 1909 until January 1915, when (in Rose's words) "I got rid of Gillette."

In addition to her careers as bestselling novelist and libertarian pamphleteer, Rose Wilder Lane led a secret life.

And the lives of all three were obscure. In Paterson's case, the obscurity was natural: after she lost her position at the *Herald Tribune*, she lived quietly, attracting little attention. Interest in her writing waned until Rand, who was very much indebted to her (though Rand would not admit it), recommend-

ed *The God of the Machine* to her readers. By then Paterson was dead, and only recently has research into her life and intellectual development begun.*

But both Rand and Lane deliberately obscured their earlier lives, and sought to build myths around themselves. In Rand's case, the process of self-mythologizing has been reasonably well-researched and documented, notably by Barbara Branden, whose biography *The Passion of Ayn Rand* provides a fairly complete record of Rand's life from 1950 onwards and a sketchy account of her earlier life. In addition, Chris Sciabarra has done extensive research, as yet unpublished, on Rand's early education in the Soviet Union.

One would expect a biography of an obscure, nearly forgotten libertarian to be ignored by virtually everyone except libertarians. The exact opposite has occurred.

Though never a self-mythologizer to Rand's extent, Lane also seemed to obscure her early life. Only a bare outline of her personal history was known: she was born in DeSmet in Dakota Territory in 1886, raised on a farm near Mansfield, Missouri, and left for the outside world at about the age of 20. She married and worked as a real estate promoter and writer. Between 1918 and 1938 she was a newspaper writer, a public relations worker, ghostwriter, a magazine correspondent, and a successful author of short stories and novels. After 1938, she wrote mostly on libertarian matters, though she also wrote about needlecraft for a woman's magazine. Libertarians knew her for her contributions to the renaissance of individualist thinking and for the important role she played during the formative years of the reborn libertarian movement. So far as the general public was concerned, she was remembered only as the daughter of Laura Ingalls Wilder, author of the wildly successful *Little House* books, the very popular juvenile novels about life on the American frontier in the late nineteenth century.

The first attempt at a biography of Lane was *Laura's Rose: The Story of Rose Wilder Lane*, a 45-page booklet written by William T. Anderson, published in 1976 by the Laura Ingalls Wilder-Rose Wilder Lane Museum in Mansfield, Missouri, for its gift shop. It is a serviceable account of her public career with a sketchy outline of her early life. A year later, there appeared *Rose Wilder Lane: Her Story*.

Alas, this book filled in virtually none of the missing details of the period of her life it ostensibly covered. Its title page identified its authors as Lane and Roger MacBride**, but its dustjacket claimed that MacBride "fashioned the story of Rose Wilder Lane from her letters and diaries." In the introduction, MacBride described it as a "genuine fictional autobiography." But it was actually *Diverging Roads*, a novel Rose had written in 1918, with a few particulars of Lane's life (names and places, mostly) substituted for the particulars of her novel. Lane herself had claimed that *Diverging Roads* was not autobiographical, though there were similarities between its heroine's life and her own.

Aside from these two relatively uninformative accounts, all that was available about Lane's life was the scanty but provocative information from the introductions and book jackets of her libertarian writing. And the story that these suggested was a fascinating one indeed: Rose was a pioneer female real estate salesperson, a newspaperwoman, a world-traveler, a best-selling novelist and biographer; she had once settled in Albania, where King Zog, best remembered today for his collaboration with Mussolini, allegedly asked her to marry him.

But it was difficult to flesh out the details. Until the publication of Holtz's biography, Lane remained a tantalizingly obscure figure.

One Book, Two Mysteries

The void was filled by the publication last year of *The Ghost in the Little House: A Life of Rose Wilder Lane*, William Holtz's readable and rigorous biography of Lane. One would expect a biography of an obscure, nearly forgotten libertarian to be ignored by virtually everyone except libertarians. Yet *Ghost* has been widely reviewed in newspapers and magazines, sold out two printings, and achieved bestseller status. Even more amazingly, hardly any libertarians have even heard of it.

The contrast between the libertarian responses to *Ghost in the Little House* and Barbara Branden's *The Passion of Ayn Rand* (and, later, Nathaniel Branden's *Judgment Day*) defies credulity. *Passion* was greeted with wild enthusiasm by libertarians. It was the best selling title ever for Laissez Faire Books, which mounted a direct-mail campaign on its behalf. *Ghost*, on the other hand, has not been featured on the cover of the Laissez Faire catalog, or even on its inside pages. *Passion* was reviewed in virtually every libertarian publication of note. But except for this journal, *Ghost* remains unreviewed in the libertarian press. So far as the libertarian world is concerned, *The Ghost in the Little House* may as well never have been published.

Why the disparity? Perhaps the importance of their subjects offers a partial explanation: Rand's books sold in the millions; Lane's in the thousands. Part of the disparity can be explained by the scandalous nature of the Rand biography, which revealed for the first time in print the bizarre sexual relationship between Rand and Nathaniel Branden, the young man to whom she was mentor and to whom she had given command of her tightly controlled movement; and how the end of that relationship virtually ended the Objectivist movement. And part of the disparity can be explained by the fact that the Rand biography was published four years after Rand's death, when interest in her remained very high, whereas the Lane biography was pub-

* Cf. Stephen Cox's introduction to *The God of the Machine*, Transaction, 1993; and his "The Significance of Isabel Paterson," *Liberty*, October 1993.

** Roger Lea MacBride, Rose Wilder Lane's adopted grandson and heir, also played a role in the libertarian movement. In 1972, as a presidential elector committed to Richard Nixon, he decided to cast his electoral vote for the Libertarian Party ticket of John Hospers and Tonie Nathan. In 1975, he received the LP's presidential nomination, and in 1976, he ran an energetic campaign, financed in part by his very substantial inheritance.

lished a quarter century after her death.

These factors could explain why Rand's biography might be more enthusiastically received than Lane's. But they do not explain why the Lane biography has not been received at all.

The reason that *The Ghost in the Little House* has been ignored by the libertarian establishment but acclaimed by the media at large can most likely be found in one relatively small, but spectacular, aspect of Rose's life. In addition to her colorful and interesting careers ranging from bestselling novelist to libertarian pamphleteer, Rose Wilder Lane led a secret life, carefully hidden from all but a few close friends for more than three decades. It was this secret life that Lane was hiding when she deliberately obscured her story.

I got my first inkling of this secret when I read William Anderson's essay "The Literary Apprenticeship of Laura Ingalls Wilder," published in the Winter 1983 issue of *South Dakota History*. Anderson tells the story of an encounter with Rose in 1966. He had written a monograph on the life of the Ingalls family for which he did primary research, in which he reported that the Ingalls family had settled in Dakota Territory "through the mild winter of 1879–80 with a few white settlers as neighbors."

Before publication, he sent a copy of the manuscript to Lane. She reacted angrily:

> "I object to your publishing a statement that my mother was a liar. The Ingalls family spent their first winter in Dakota Territory approximately 60 miles from any neighbor.
>
> "This is a formal protest against your proposal to publish a statement that my mother was a liar. You will please correct your proposed publication to accord to my mother's published statement in her books. . . . I cannot permit publication of a slander of my mother's character, and I shall not do so."

Rose softened her tone a bit after learning that Anderson was a 13-year-old boy, but continued to insist on the literal accuracy of her mother's writing: "If my mother's books are not absolutely accurate, she will be discredited as a person and as a writer."

Anderson's 1983 article also detailed other discrepancies between the historic record and Laura's account, and other episodes of Rose's refusal to cooperate with researchers into her family's life. Reseachers' and critics' suspicions that Rose might have a much more powerful motive for her secretiveness and uncooperativeness than these minor factual discrepancies had been planted earlier, in 1971. That year saw publication of *The First Four Years*, Laura's account of the first years of her marriage. The book was an immediate bestseller, but critics and fans of the *Little House* books were troubled. In *The New York Times Book Review*, Eleanor Cameron noted that the Laura of *The First Four Years*, in contrast to the Laura of the previous *Little House* books, lacked the "ability to see with the eye of wonder and to memorably communicate what she saw. With her poetic seeing gone, we have nothing left but a flatly told procession of disasters. . . ." The new Laura was not, in Anderson's words, the "staunch, self-sacrificing, mature Laura" of the previous book, but "occasionally sharp-tongued, impatient, hysterical, and peevish." It was quite a change.

Perhaps, some suspected, Rose had played a bigger role in writing the *Little House* books than either she or her mother had ever indicated. It did seem peculiar that Laura, whose previous writing had been as unimaginative and dull as one might expect of an uneducated farmer's wife, suddenly began to write imaginative and sophisticated novels in her mid-sixties.

Even so, the authorship of the *Little House* books remained a problem. Critics and researchers were nearly all fans, reluctant to suggest that the books were something other than the work of a simple farm wife telling her own authentic story. There was remarkably little hard evidence to go on. Researchers had examined the original manuscripts for two *Little House* books that Laura had donated to the Detroit Public Library, and found them rather uninspired, lacking the imagery, pacing, and characterization that distinguished the published works. But how these manuscripts had become the finished books was not known, and the documents that might answer the question of authorship were not available to scholars.

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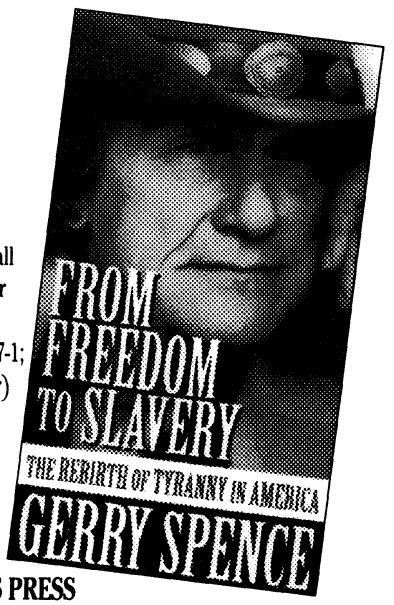

ST. MARTIN'S PRESS

The correspondence, diaries, and other papers of both Laura and Rose were the property of Rose, unavailable to scholars. After her death in 1968, ownership passed on to Roger MacBride, who also routinely denied researchers access to them.

In 1980 and 1981, there came a break: MacBride donated the bulk of Rose's and Laura's papers to the Herbert Hoover Presidential Library, and, during the following years, researchers finally began to piece together the details of Rose's life. Gradually, a very different picture of the literary relationship between Rose and Laura emerged.

It didn't occur to Williamson that there was something odd about the apparently miraculous metamorphosis of a very conventional, little-educated, elderly farm wife into a literary genius.

Laura wrote the first drafts of the novels; Rose completely rewrote them for publication. The storylines are mostly Laura's, though Rose added and deleted material at will. The events described are the events of Laura's life; the words are Rose's, as is the imagery and the characterization. "I know the music," Laura said, "but I can't think of the words." "Mama Bess [Laura] had very good story ideas, but she couldn't write for sour apples," said Helen Boylston, who lived with Rose and Laura during the time the first *Little House* novels were written, "and Rose wrote like nobody's business." In Holtz's words:

> What Lane accomplished was nothing less than a complete rewriting of labored and under-developed narratives. Her mother would deliver her own best efforts, elementary in grammar and punctuation and uncertain of spelling, in full expectation that her daughter would work her magic on it. . . . From the manuscript, Lane would retain the storyline and many of the incidents, but little of her mother's original language. She rearranged material freely to achieve foreshadowing and thematic clarity. She added much exposition, dialogue, and description, often inventing incidents as well. She suppressed much that is tedious or irrelevant or inconsistent. Almost everything we admire about the Little House books — the deceptively simple style, the carefully nuanced flow of feeling, the muted drama of daily life — are Lane's contribution, fiction made from her mother's tangle of fact. Laura Ingalls Wilder remained a determined but hopelessly amateurish writer to the end.

Lane was determined to keep her authorship of the *Little House* books secret, for reasons about which we can only surmise. But there is no doubt that she acted to suppress inquiries. Not only did she keep her and Laura's papers private, refuse interviews on the subject, and discourage researchers like Anderson from publishing the conclusions of their research, but she also asked at least one friend to cooperate in her program of suppression. She told Norma Lee Browning, a close friend of Rose's during the last 30 years of her life, "You are not to discuss these *Little House* books with anyone!" For years, Browning respected Rose's wish, dodging questions about the authorship of the *Little House* books by saying that Laura and Rose "collaborated," a term that can cover almost anything. Most inquirers were satisfied with that obscure characterization.

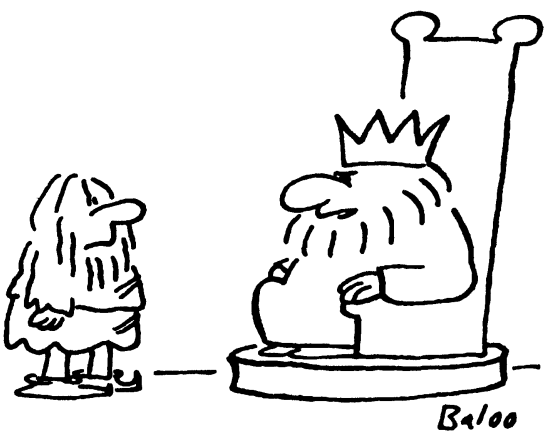

"If you think it's tough being a poor, oppressed peasant, you should try being a *king* sometime!"

It was only after the publication of Holtz's book that Browning publicly admitted that Rose was the true author: "She [Rose] certainly did write most of the books. Everyone who knew Mrs Lane knew that. . . . Holtz is absolutely right. . . . I'm delighted that all the controversy is going to bring Rose Wilder Lane the recognition she deserves for writing those books."

Holtz's conclusion is accepted, to one extent or another, by virtually all scholars who have examined the evidence, though many, like Browning prior to her recent admission, prefer to characterize the relationship as "collaboration" rather than "ghost-writing." Nevertheless, there remain a great many people who disagree with Holtz. Indeed, there are people who *hate* Holtz, if we are to believe press reports of anonymous threats against his life.

The reason for this reaction, I believe, lies mostly in the pivotal role the *Little House* books have played in the lives of many of their admirers. A few days ago, a friend asked me what I had been writing lately, and I told her about this review. She was aghast. "Don't you understand the importance of Laura's story? Don't you understand what a hero she is? How can we believe her story if she didn't even write it?" When I began to summarize the evidence in the case, she cut me short. "Don't you realize? When I was a young wife, staying at home having children, it was the story of Laura that kept me going. She lived a difficult life as a wife and mother on the frontier, and then as an old woman wrote beautiful and heroic books about it. It was important for me to believe that people like me can do what Laura did, live a life as wife and mother, and then write great literature." When I explained that such a feat was possible, but that Laura had not achieved it, she was unmoved. "Don't bother me with evidence," she told me. "You can prove anything with evidence."

Rose did not retire from work, only from work that she hated.

This very emotional reaction came

from one of the most intelligent people I know, a woman who is a literature professor and not commonly given to dismissing the importance of evidence.

My friend's reaction, I think, exemplifies the most common reason that people have reacted so bitterly against Holtz's book. It is not so much the story that the *Little House* books tell as the story of how they were written: at the age of 63, a frontier woman with little schooling who had reared a family and lived a very hard life sat down at her kitchen table and with a five-cent school tablet and a stubby pencil wrote a series of inspiring memoirs. It is much more attractive than the notion that they were written by a sophisticated woman who had seen much of the world, socialized with the literary elite, divorced early and had many lovers, and enjoyed a successful career as a publicist and ghost-writer.

Perhaps the most venemous reaction to Holtz's book comes from Chilton Williamson, a literary critic at *Chronicles*. Williamson, who had previously written very perceptively about the *Little House* books, denounced Rose as a twentieth-century "Lizzie Borden." This is especially silly, considering Rose's long campaign to suppress her effective authorship. Williamson's acrimony knows no bounds: besides killing her mother (presumably metaphorically), Rose was also "an early divorceé . . . a confirmed neurotic . . . incapable of a sustained relationship with a member of the opposite sex, and was finally repudiated by nearly every close friend of either sex she ever made . . . unsympathetic and essentially uninteresting . . . a hack journalist, slick fiction writer, and third-rate novelist. . . ."

Like my literature-professor friend, Williamson was a serious fan of the *Little House* books; in an earlier essay he had written:

> I have been acquainted with Mrs Wilder's books since I was five years old, and I still read her with greater pleasure and emotion and appreciation than any other author I can think of.

But his vitriol seems to go further than simple disillusionment. A clue might be found in his earlier essay on the *Little House* books. Here he praises them for their "poetic freshness and directness supporting a keen observation and an unsentimental understanding," finding in them "a highly sophisticated example of Modernist poetry" and a "moving and brilliantly evocative description of the relatively unspoiled nature" that surrounded them. Their treatment of the romantic pursuit of Laura is "one of the loveliest and most delicate of its kind in literature." And: "Remarkable among Mrs Wilder's many and considerable literary abilities is her competence in handling that notorious problem known in the writing trade as 'point-of-view.' Here, the technique she employs is substantially that of the great fictionists of the Modernist school. . . ." He compares the *Little House* books favorably to the work of Hemingway, Faulkner, Dickinson, Twain, and O'Connor, declaring their author "one of the geniuses of American letters." Along the way, he briefly mentions that Laura had a daughter who "became a world-famous author," and notes that prior to the *Little House* books, Laura's writings "appear to be the work of a strong but highly conventional mind. They provide no hint of the work that was to result when Laura Wilder, in her early sixties, began to write the story of her childhood. . . ."

It didn't occur to Williamson that there was something odd about the apparently miraculous metamorphosis of a very conventional, little-educated, elderly farm wife into a literary genius, or that Laura's "world-famous author" daughter might have had something to do with the transformation. Williamson had written his critical study without bothering to investigate research on the *Little House* books. If he had, he would surely have discovered studies suggesting that Rose was responsible for precisely those elements in the *Little House* books he so admired. Five years earlier, one such scholarly study of the *Little House* books concluded by saying that Laura and Rose "adopted Lane's plan for an American novel. . . . The raw material, the recollections, were Laura Ingalls Wilder's contribution. The literary skills, the *savoir-faire*, were talents offered by Rose Wilder Lane." It was not the "raw material" and "recollections" that Williamson had found so brilliant in *Little House*.

Aside from purely literary questions, there is also the question of profitability. The *Little House* books are a minor industry, one that has generated millions of dollars of profits. Many believe that if Rose is accepted as their true author, sales will decline — and so will the profits of the *Little House* industry.

Ever since their publication beginning in the 1930s, the *Little House* books have been best-selling juvenile fiction. Sales of the seven *Little House* books made Laura Ingalls Wilder comfortably well-off, if not actually wealthy, until her death in 1957, and supported Rose during the final decade of her life. Since Rose's death in 1968, revenue from the *Little House* books has gone to Roger MacBride, Rose's adopted grandson.*

During World War II, Lane refused to accept a ration card, going to considerable lengths to live on food she herself grew or for which she traded with neighbors.

Over the past quarter-century, MacBride has earned millions of dollars from the rights to Laura's and Rose's literary property. Aside from the royalty income from the original books, he has authorized publication of a number of related pieces, mostly from "discovered" Wilder manuscripts, most recently a new book written entirely by MacBride. He also sold the television rights to the stories in the mid-1970s, and from 1974 to 1983 the television series *Little House on the Prairie* was a tremendous commercial success, though

* Holtz presents contradictory information on Laura's literary estate. At one point (339), he says that Laura had left Rose only "the copyright and income from her books . . . during her life," with ownership to revert upon Rose's death to the Laura Ingalls Wilder Library of Mansfield. Elsewhere he acknowledges that Roger Lea MacBride is the current owner of the Wilder literary estate. Holtz at no point explains how ownership was transferred from the Mansfield Library to MacBride.

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many of *Little House*'s admirers loathed it.*

MacBride is the primary recipient of profits from the *Little House* books, but he is not the only beneficiary. The *Little House* series plays an important role in the economies of many small towns in the Middle West, where tourist attractions based on *Little House* sell souvenirs, fill motel rooms, and provide jobs in towns that might otherwise die.

MacBride has used his influence to discourage at least one *Little House* tourist attraction from offering Holtz's book in its bookshop. *The Washington Post* reported that he wrote Shirley Knakmuhs, the museum director at the *Little House* museum-campground-theater in Walnut Grove, Minnesota:

> [A] professor at the University of Missouri has put out a book with the sensationalist title of "Ghost in the Little House" . . . . [I]n my opinion the book can only serve to disappoint children who read the "Little House" volumes. I certainly would recommend that you give serious consideration to not handling the book.

Of course, "children who read the *Little House* volumes" are not likely to read a 425-page scholarly biography. Even if they were so inclined, the complexity of its language would make it very tough going. Nevertheless, the museum took MacBride's advice, and does not offer Holtz's book.

Whether (and why) Laissez Faire Books accepted the same advice from MacBride is a matter for speculation. Perhaps Laissez Faire's decision not to offer its customers *The Ghost in the Little House* was related to MacBride's decision to grant Laissez Faire permission to publish a new edition of *The Discovery of Freedom*.

MacBride's motivation for suppressing the the information about the true author of the *Little House* books is hard to understand. It is difficult to believe his actions are the result of a simple desire to maximize his revenue from the *Little House* books. For one thing, he has already made millions from them, and it's hard to believe that the revelation of Rose as their true author would force him into poverty. For another, revealing Rose as their true author can only enhance the reputation of his adopted grandmother, a person whom he dearly loved and admired. Perhaps his campaign against Rose's authorship is simply a promise kept to Rose. Or perhaps he is simply incapable of believing that Rose would deceive him.

A Rose is a Rose is a . . .

The Ghost in the Little House is a first-rate scholarly biography, meticulously researched and very readable. Despite the fact that it debunks a few stretchers Rose liked to tell about herself — King Zog never proposed marriage to her! — the story of her life is fascinating.

After growing up in rural poverty in the Ozarks, she took her first opportunity to escape to the big city, where she sought fame, fortune, and sex. She found all three. Her marriage to a Willie Loman-type salesman was not satisfactory, and she soured on the idea of marriage, sounding very much like a contemporary feminist. She traveled widely on three continents, living in Europe in the aftermath of the Great War and in Armenia in the days following the Communist revolution, and travelling by Model T across the roadless desert from Syria to Iraq. She was a genuine cosmopolite, who made her home at various times in some of the great cities of America and Europe, as well as such unlikely places as Albania and the Tex-Mex border.

Though she was ostensibly a journalist, most of the time she made her living as a public relations flack. In the years following the Great War, for example, her articles in American newspapers and magazines on conditions in refugee camps were paid for by American charities who hoped her articles would expedite fund-raising.

But she was not of the lost generation. Her roots in America remained firm, and her complex and troubled relationship with her mother constantly drew her back to Missouri. In December 1923, she abruptly decided to abandon Europe to return to live with her parents, from whom she had fled two decades earlier.

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* For example, Chilton Williamson wrote, "Michael Landon is probably in Hell for his part in that trivialization of a work of high literary art, with Melissa Gilbert and company likely to follow him in due course."

The home to which she returned was very much run by Laura, who (as Rose's friend Helen Boylston recalled) "nagged [her husband], and yelled at him, howled at him, and adored him. That he knew too . . . he told me once, 'I knew when I married her she had a temper. . . . She still does . . . . You just get used to those things.'" When Laura and her daughter would fight, Boylston remembered, her father "used to go up in the cornfield and disappear among the foliage up there."

Early in 1926, Rose escaped again to Europe, where she began to make a permanent home in Albania. Two years later, she returned to the Ozarks, again to live with her parents and her friend Helen Boylston. She had taken upon herself an obligation to provide her parents with a substantial cash subsidy, and now decided to build her parents a new house, and to redo completely their old house as a residence for herself and Boylston. Rose was a strong-willed woman, but in the contest of wills with Laura she always finished second. It was only after her mother became financially secure as a result of the *Little House* books, that Rose again left Missouri. For the remainder of Laura's life, Rose worried that one day she might have to return to the Ozarks to take care of her mother.

There were few opportunities for income from public relations work or legitimate journalism in rural Missouri, so while living there Rose was completely dependent for her very considerable expenses on income from fiction-writing. On December 17, 1931, her brokerage firm went bankrupt and she was broke — worse than broke, actually: she had substantial debts, not the least of which was the annual subsidy she had promised her mother, payment for which her mother pressed.

Perhaps it was the stress of her financial situation that stimulated her to achieve her greatest success as a writer of fiction during this time. In 1932, the *Saturday Evening Post* published in two parts her novella *Let the Hurricane Roar*, paying her $3,000. *Hurricane* was the fictionalized story of her mother's parents' weathering hard times on the American frontier; its theme of self-reliance in times of adversity made it timely. It was enthusiastically received. Two months later, it was published as a book, just as the bank holidays were declared. Its price was lowered to $1.50 out of respect for the hard times, and it went through four printings in six weeks.

So encouraged was Rose by its success that she planned a grand series of many novels portraying the American experience. Although she ultimately abandoned this ambitious undertaking, she did write one more historic novel. *Free Land* tells the story of a young couple's attempt to homestead in Dakota Territory, of self-reliance, brutal nature, hardship, optimism, and failure. It was published in May 1938 after having been serialized in eight parts in the *Saturday Evening Post*. It was a critical and popular success, a bona-fide best-seller, recommended by *The New York Times* for the Pulitzer Prize.

Her parents were not the only people to whom Rose felt a powerful obligation. She also supported Rexh Meta, a young Albanian who had helped her and Boylston. She was generous to a fault: she even financed his education at Oxford, and provided funds for him to purchase land and build a home in Albania. She provided for John and Al Turner, two teenaged hobos whom she had informally adopted after they stopped at her door looking for a meal.

As the New Deal intruded more and more into the lives of individual Americans, Rose became more and more concerned with politics and more and more radical in her views. In 1935, she began work on an explicitly libertarian polemic. A year later, "Credo" was published in the *Saturday Evening Post*. In it she summarized her political philosophy, which by now was explicitly libertarian, though still palatable to conservatives, mostly because she couched her beliefs in terms of the radical tradition of the American Revolution. "Credo" was well-received, and published in book form as *Give Me Liberty*.

As the New Deal wore drearily on — by 1938 unemployment stood at 19%, higher even than in the Hoover years of 1930 and 1931 — and Europe seemed heading inexorably toward another Great War, Rose's attention increasingly turned toward political issues. "The American Revolution, 1939" for the *Saturday Evening Post*, expanded

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her earlier thinking along radical lines. "Rather than permit government to invade society, the free society must invade government. This invasion is a revolutionary necessity, which liberals will someday perceive and act upon." "[M]an is free to the extent that he is not governed — simply not governed."

In 1939, she wrote articles arguing for the Ludlow Amendment (which required a referendum to declare war, unless the United States were attacked) for *Good Housekeeping*, *Liberty**, and *Woman's Day Book*. She also testified before a Senate committee on behalf of the measure, insisting that she was a "revolutionary" (i.e., a supporter of the American Revolution) and not a pacifist, much to the confusion of the senators, then as now not particularly astute on subtleties of political philosophy.

By now Rose was in her mid-40s, and her life was changing. Thanks to the success of the *Little House* books, she no longer felt compelled to support her parents. Her informally adopted sons had left home, one with considerable acrimony.** Rose was tired of writing fiction to suit the popular market, and seemed to get more satisfaction from her political writing.

Also in 1939, she wrote a portrait of a "forgotten man" for the *Saturday Evening Post*. Rose's "forgotten man" was not the pathetic wretch of Franklin Roosevelt's speeches, forever in need of government support; he was Charles McCrary, a hard-working man she had met in Jackson Hole, Wyoming, whose livelihood had been destroyed first by fire and then by government. The *Post* rejected the story as anti-New Deal propaganda, leaving Rose more tired than ever of the pressure to make her writing conform to the demands of the popular press.

Some time in 1940, Rose made a decision that changed her life. As Holtz explains:

> To be free of the past really meant to shed the career she had been making for twenty-five years. She would be free of old friends who could not follow her ideology. She would be free of the effort to write fiction, which meant freedom from the bondage of high fees for her work. Except for some hopes for Rexh Meta [her informally adopted Albanian son, now graduated from Oxford and ensconced in Albania's civil service], she was free of responsibility for her adopted family, and free finally of the drag of Mama Bess's financial worries. Small fees for occasional articles could meet her simple needs; a smaller circle of friends, who shared her political views, would suffice for her social contacts; and her energies could be focused on voluminous correspondence with other lonely and embattled watchers of a country gone sadly awry. Somewhere in all of this she had passed the midpoint of middle age, and she was now free to grow old and, as she felt compelled by circumstances, militant and defensive — and crochety. In effect, she had retired. And the long passages of painful self-analysis in her journals, the "ceaseless chatter" in her head, had ended as well, as though she had lost contact with her inner self even as she had engaged the larger problems of history and politics.

This is Holtz's way of interpreting the way Rose changed her life. From the perspective of Rose Wilder Lane, writer of fiction, I suppose this interpretation makes sense. But what about the perspective of Rose's life as a human being?

Rose did not retire from work, only from work that she hated. She continued a career as a writer, but she no longer sought the mass market. Instead, she was focused on keeping alive the political ideals that she loved so much. She wrote extensively — and from what I have seen, very well — on a wide variety of subjects relating to politics, economics, and social issues. This new career, in which she had been dabbling for some time, may seem like "retirement" to Holtz, but to me it seems more like liberation. True enough, she no longer wrote "long passages of painful self-analysis in her journals." But might this be evidence of happiness?

Part of his interpretation is just plain wrong, if we are to believe the remainder of Holtz's biography. She continued a certain amount of commercial writing, mostly on handicrafts and mostly for *Woman's Day*, a second-tier women's magazine. It wasn't the *Saturday Evening Post*, but it paid enough to help meet her modest needs, and the editors at *Woman's Day* allowed her considerable editorial freedom.

But the primary focus of her life was day-to-day living. She delighted in such practical arts as baking and needlework. She was an active member of her community, making friends easily. While she took politics very seriously and might break a friendship over an important political or philosophical issue, she retained and built new friendships with her neighbors. (While it is certainly true that Rose felt profoundly alienated from the political culture in which she was immersed, it is manifest-

* Not this *Liberty*!

** After John Turner left Rose, he wrote her a letter explaining: "I feel I should be grateful to you and that I owe you something. The feeling has produced the usual results — I almost hate you. I have continued to accept your generosity until I almost hate myself. . . . To break completely and to stand entirely on my own feet is the only way that I will ever be able to really be myself. . . . This is the first time that I have been really honest with you."

ly not the case that she limited her social contacts to a "smaller circle of friends who shared her political views.")

She constantly refined her political thinking. Virtually from the time of its publication in 1943 until her death 25 years later, she revised and refined *The Discovery of Freedom*, though her revision was never published. She was a voluminous and brilliant correspondent, maintaining contact with others in the remnant that advocated and advanced the ideals of individual liberty. She read voraciously, and wrote for whoever would publish her. She was a columnist for *The Pittsburgh Courier*, the nation's largest-circulation African-American newspaper. She wrote hundreds of book reviews for the National Economic Council's *Review of Books*. She was happy, intellectually active, and full of life.

To dismiss Rose's political convictions with a snide psychological explanation is to miss a very important aspect of her life.

Rose also took it upon herself to protest the growth of the state through profound personal demonstrations. During World War II, she refused to accept a ration card, going to considerable lengths to live on food she herself grew or for which she traded with neighbors. After the war, she refused work that involved payments to the Social Security Administration, eventually requiring her publishers to pay her attorney for her work on the theory that he was its author and she only an unpaid assistant.* These Thoreauvian gestures may ring strangely in our ears today, but those were different times, and Rose sought to protest the best way she felt herself able.

The libertarian movement was a peculiar place to be in those years. The publication of F.A. Hayek's *The Road to Serfdom* in 1944 had a much more immediate impact than the more radical works of Rand, Paterson, and Lane. Hayek presented a rather modest argument that economic planning leads to dictatorship, and suggested that it might be a good idea to roll back the power of the state somewhat. Hayek addressed his book to "the socialists of all parties," and it succeeded in engaging intellectuals and in making the notion of human liberty at least quasi-respectable in some academic and intellectual circles. Meanwhile, Ludwig von Mises was continuing his rigorous reformulation of Austrian economics and refining his vigorous defense of *laissez faire*, helping to establish a theoretical economic case for the radical libertarianism that Rand, Paterson, and Lane had argued for on moral and historical grounds.

But the culture remained overwhelmingly hostile to individual liberty, and libertarians were often given to pessimism, loneliness, and even despondency. Yet Rose remained optimistic, patiently seeking out sparks of libertarian thinking, helping to sustain nascent libertarian institutions, and fanning the flames of the movement's intellectual vigor.

Holtz treats Rose's life after 1940 as a period of idiosyncratic retirement, and most of the characterization of her later years I infer from *The Lady and the Tycoon*, a collection of Rose's correspondence with Jasper Crane, a wealthy executive with whom she maintained a long correspondence, and whom she encouraged to support various libertarian enterprises, most notably Robert LeFevre's Freedom School. She also tried to discourage him from funding those libertarian activities she found to be insufficiently radical. She was not always successful in these latter efforts, as her letters trying to get Crane not to support the Mont Pelerin Society attest.

The Lady and the Tycoon offers excellent testimony to Holtz's view that Rose was one of history's greatest correspondents. Her letters are full of information, passion, wit, and vitality, offering a window into the world of a libertarian exile in the heydey of modern "liberalism" (i.e., welfare-state anti-liberalism). The other published collection of Lane's correspondence, *Dorothy Thompson & Rose Wilder Lane: Forty Years of Friendship*, consisting primarily of letters from an earlier period, also offers evidence of Lane's virtuosity as a correspondent, as well as insights into her feminist thinking.

Lane continued a vigorous life into her 80s, writing, making friends, corresponding, and travelling. In 1965, at the age of 78, she went to Vietnam as a correspondent for *Woman's Day*, and she was preparing for a journey to Europe when she died in October 1968.

Inside Rose Wilder Lane

William Holtz has done a first-rate job of researching the manuscripts, letters, and papers left by both Laura and Rose, and interviewing those who knew them. The result is a thorough, well-researched, well-documented, and readable book, written in the face of some formidable obstacles.

But it does have serious flaws. I have already mentioned Holtz's peculiar notion that Rose's decision to forego popular and literary writing in 1940 to pursue libertarian writing was some sort of retirement from active intellectual life, bordering on intellectual suicide. Holtz presents two other interpretations of Rose which I also believe are unjustified.

Holtz's interpretation of the peculiar relationship between Rose and Laura is simplistic. He portrays Laura as a cold and domineering woman who denied love to Rose as a child, and Rose as constantly striving and failing to win her mother's love. This hypothesis is reasonably consistent with the evidence he cites, but so are many others. It is my experience that mother-daughter relationships are extraordinarily complex, and I cannot imagine how anyone can explain a relationship as troubled as Rose and

* See William Holtz, "The Woman *vs* the State," *Liberty*, March 1991, pp. 45–48.

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Laura's without knowing them. A subtler analysis seems called for, as well as an acknowledgement of fallibility.

Even more peculiar is Holtz's view that Rose's libertarianism amounted to little more than a psychological disease or a profound reaction against the modern world that had passed her by:

> The social scientist, reviewing the list of symptoms, would find a clear case of American right-wing pathology: an implicit monism that denied the chance of legitimate compromise with its opponents; a privileging of a past era; a sense of embattled danger from conspiratorial forces; an anti-statist political theory; a conservative economic theory .... The biographer [presumably Holtz himself], less clinical and schematic, cannot risk losing his subject in such a scheme: to dismiss Rose as a right-wing ideologue is to dismiss the pathos of her journey to that position and to reduce her pilgrimage to a reflex. Certainly that track lies somewhere in her baffled attempt to re-create in her own life something of her mother's triumphant assertion of will over circumstance; that effort had ended with the failure of her enterprise at Rocky Ridge and the loss of her fortune in the Depression. And just as she had summoned up her energies and optimism to face her own hard winter, she had found her pioneer assumptions betrayed by a national government that seemed determined to destroy initiative and create a dependent populace. The intervening years had truly been a period of reaction, as she attempted to recapture an honored past in her mother's books and to rationalize the values of that past in her own books and essays and in her daily confrontation with the world. (328)

Obviously, Holtz and I disagree about the merits of libertarian ideas. But my objection to his interpretation of Rose's political views is more fundamental. Holtz decries the "social scientific" interpretation of Rose's political views as an ideological disease, only to offer his own "biographical" interpretation of her views as a *psychological* disease. In doing so, he trivializes Rose's psychology, intellectual development, and deepest convictions. To dismiss Rose's political convictions with a snide psychological explanation is to miss a very important aspect of her life. One wonders how Holtz would react to a review of his book that explains his hostility to Rose's political views in terms of his own personal psychology ("Holtz was raised by an authoritarian father who denied him love, so now he desperately seeks his father's approval by explaining away libertarian political views in terms of their advocate's quasi-pathological psychological development.") I do not suggest that delving into an individual's psychology is always unwarranted; what I suggest is that dismissing a person's convictions and much of her life's work as the product of a semi-pathological psychological process shortchanges the subject of a biography.

Happily, Holtz largely keeps his psychological interpretations independent of his narrative, and leaves the critical reader free to accept or reject them.

The Libertarian as Extrovert

Unlike most other libertarians of her generation (and this generation as well), Rose was a "people" person. She made friends easily, mentored and nurtured young people, and gave generously of herself to her friends and the world around her. Consequently, she made personal contributions of a nearly unique character to the development of the libertarian movement.

Rose Wilder Lane's influence on the libertarian movement, both as a thinker and as a personality, is waning. Although an original thinker and a first-rate writer, Rose was not the towering intellect that Ayn Rand was, nor did she have Rand's inclination toward building a personality cult. Her role as intellectual entrepreneur, nurturer, and friend is rapidly fading into memory. *Give Me Liberty* is currently out of print, as was *The Discovery of Freedom* until very recently.

Roger MacBride's motivation for suppressing information about the true author of the Little House books is difficult to understand.

Three of her works of fiction remain in print: *Old Home Town*, a collection of short stories about the women of Mansfield in her childhood, a wonderfully evocative portrait of turn-of-the-century rural America with a powerful feminist theme; *Free Land*, a novel of a pioneer family's struggle on the frontier; and her best-known novel, *Let the Hurricane Roar*, now published under a new title (*Young Pioneers*) and new names for its characters, to conform to the two made-for-television movies Roger MacBride produced in the wake of the very successful *Little House* television series. Her 1963 *Woman's Day Encyclopedia of American Needlework* is considered a classic in its field. And, of course, her greatest work, the *Little House* books, are still in print and selling phenomenally well under her mother's byline.

Perhaps Holtz's biography will help us to remember Rose Wilder Lane, the life she lived, and her contributions to the cause of human liberty. The controversy the book has stirred up about the authorship of the *Little House* books will soon die away, as it should. For ul-

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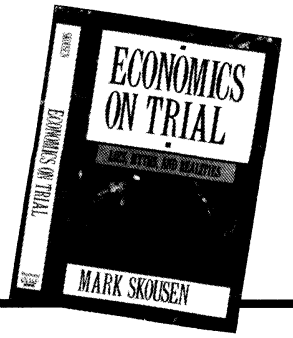

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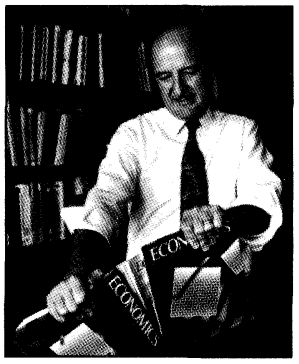

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timately, any work of art must be judged on its own merits, not on the character or even the identity of its author. Eventually, most of those who love the *Little House* books will take a more mature and reflective view of the way the books were written, a view well expressed by Nancy Weitzman in *The Washington Post*: "With disillusionment comes enlightenment, and while I may have lost the Laura I thought I knew, I have gained Rose." ❑

***Cages of Steel*, Ward Churchill and J.J. Vander Waal, eds. Maisonneuve Press, 1992, 435 pp., $16.95.**

Panopticon, U.S.A.

John Hospers

Countless books and articles have been devoted to the justice or injustice of capital punishment, but comparatively little has been written about the prison conditions in which the condemned exist. Many people don't care: "those guys deserve to suffer discomfort, it's not as bad as what they did to others." They have heard about prisons that are glorified country clubs, and are repelled by the thought that convicted murderers can get a college education at state expense. Many Americans have read about the torture chambers of the Soviet Union, not to mention China, Cambodia, and the assorted dictatorships of Latin America, but they have no idea that anything similar is going on in their society.

To such Americans a book like *Cages of Steel* will come as a shock. Edited by Ward Churchill and J.J. Vander Waal, *Cages of Steel* is an anthology of readings by criminologists and ex-inmates, describing prison conditions that are difficult to reconcile with a Constitution that prohibits "cruel and unusual punishment." Only a description in-depth could convey the depth and repetitiveness of the cruelties inflicted, but a few examples must suffice here.

In the lush green countryside of Illinois, in the rural town of Marion, is a high-tech federal prison in which the latest techniques for controlling human behavior are being perfected. An incoming prisoner is typically subjected to solitary confinement in a darkened cell for a month, and periodically shackled to a steel bed with metal chains. Even after he has "graduated" to a regular cell, he is in lock-down 23 hours out of every 24 during his entire sentence — during which he can be taken out at unpredictable intervals for "behavior modification" experiments or injected with Anectine or other pain-inducing drugs. The intention is to make the inmate totally passive, a whimpering animal grateful for the slightest improvement in his treatment.

So "successful" has this system been that similar prisons are being planned, in order to perfect such methods. One has already been completed in Florence, Colorado, which "will refine the isolation techniques developed at Marion. [It] will be designed so that one guard can control the movements of numerous prisoners in several cell blocks by way of electronic doors, cameras, and audio equipment. . . . At Marion, the prisoners can scream to one another from their cells; prisoners have minimal contact with guards when their food is shoved between the bars. In Florence. . . 'these guys will never be let out of their cells.' . . .The buildings will be designed with no windows at all" (p. 105).

At the Lexington High Security Unit for Women, in Kentucky, all cells are one or more floors below ground. No natural light enters, and fluorescent lights are on, everywhere, at all times, so that day is indistinguishable from night. Following an elaborate plan, "the severe isolation was accompanied by sensory deprivation and often by extreme voyeurism and sexual harrassment by the mostly male staff, as well as sleep deprivation, overt hostility by the guards, completely arbitrary rule-changes. No meaningful work or recreational activities or educational programs were offered. Personal property was forbidden . . . as a way of establishing an independent identity in the midst of a totally controlled, sterile environment. Twenty-four-hour cameras and visual surveillance recorded every word and every activity: moods, illnesses, menstrual cycles, eating patterns" (115–6). A new and "more efficient" prison along the same lines was opened in Marianna, Florida in 1988.

Most of the vindictiveness is reserved for prisoners who belong to the "radical Left," though there is also evidence that some of the prisoners are selected at random.

The authors claim that most of the vindictiveness is reserved for prisoners who belong to the "radical Left," though there is also evidence that some of the prisoners are selected at random. Prisoners exhibiting "personal integrity are singled out for brutal treatment — those with principles or intelligence"; "those with dignity and self-respect"; "motivated self-improvers" (143). The targets are prisoners who are most likely to challenge the prison system.

There is surely no excuse for *any* human being to be treated in such ways. Dostoevsky once said that if one wants to evaluate a society, one should first investigate the conditions in its prisons. By this criterion, at least some of the prisons in America come off as not much better than those of Turkey or Paraguay. Isn't a death sentence preferable to continued treatment such as this? For me at least there would be no doubt of the answer. ❑

***Crisis Investing for the Rest of the '90s*, by Douglas Casey. Carol Publishing Group, 1993, 444 pp., $22.50.**

An Eccentric Genius

Victor Neiderhoffer

Douglas Casey's dazzling *Crisis Investing for the Rest of the '90s* sets out to complete two tasks. It performs both with extraordinary panache, but with very different results. In its more successful aspect, Casey's book distills the best Austrian-school economic thinking of the past 70 years, and applies it to our current predicament with ingenuity, humor, passion, and impressive thoroughness. Casey's other mission — applying his analysis predictively, with a view to formulating an investment strategy for the 1990s — is no less intriguing, but is fraught with risk, danger, and technical difficulties. These ideas, served up by Casey with supreme self-confidence, should be taken with a healthy dose of skepticism, and are best viewed as an interesting sidelight casting strange shadows upon the main drama of the book.

Indeed, reading *Crisis Investing* made me feel as though I were watching some wild and intense drama through a one-way mirror, darkly. The actors couldn't see me, but I could see them: a brilliant, somewhat eccentric genius of an interviewer, engaging all the greatest free-market theoreticians of the past century in a wide-ranging discussion of the world today in all its horrific splendor. Creative metaphors; hilarious, pithy anecdotes; innovative graphic analyses; psychological curiosities by turn fill the stage, bewildering and delighting the breathless spectator in their scope and astuteness. One minute we are contemplating real estate prices in Hong Kong, the next we are planning for thermonuclear war, and the next we are anticipating the molecule-sized machines that will reinvent our lives in the next millennium.

But Casey cannot see me through the one-way mirror: he is too enamored with his own ideas to put them to a rigorous test. He doesn't particularly *want* to see me. The loud voice that jumps off the stage is addressed to everyone and no one, like a lone TV broadcasting in the wilderness. Aside from this very important limitation, *Crisis Investing* offers a remarkable array of analytical insights, for it is here that the author is at his best.

Casey organizes his book into three parts. The first section introduces the basic forces that Casey sees affecting investment in the next few years. The next investigates how to make money in this environment, and the final part describes where the financial world is likely to be once the dust settles.

In the first part, Casey posits an Austrian model of credit contraction and expansion by analogy to the community of Santa Monica, hypothetically modeled as an independent republic. "Under the Weimar government, people took shopping carts of paper money to the store to buy one or two grocery items," writes Casey. "There likely will be a titanic struggle between the forces of inflation and the forces of deflation. Each will probably win, but in different areas of the economy. . . . It will not be a mellow experience."

The author predicts an economic catastrophe, which he calls the Greater Depression, and which he says will be much more difficult to avert than the Great Depression of the 1930s. People are more urbanized now and less self-sufficient; there was then "no caste of institutionalized welfare recipients"; the maximum tax rate in 1929 was 23.1%; and regulation's heavy hand on the economy was much lighter than today.

In recent years, M1 (the narrow money supply) has increased by about 10% per year. "As the state becomes more powerful and is expected to provide more resources to selected groups, its demand for funds escalates. Government naturally prefers to avoid imposing more taxes as people become less able (or willing) to pay them. It runs greater budget deficits, choosing to borrow what it needs. As the market becomes less able (or willing) to lend it money, it turns to inflation, selling ever greater amounts of its debt to its central bank, which pays for the debt by printing more money." Extrapolating present trends, Casey shows that by 1995, interest expenses on the Federal debt will consume 85% of all tax revenues.

This reasoning is sound as a nut. And it was equally sound in early 1988, when long-term and short-term U.S. government rates were respectively 9.5% and 7%. But the drop in Treasury yields to today's levels of 6% long-term and 3% short-term would have been catastrophic for someone who relied on Casey's analysis, or on any of the hundreds of other economic models predicting sharp escalation in yields that have come down the hard-money pike in recent years. Perhaps the market in its wisdom is anticipating such factors as the decline in economic activity that accompanies confiscatory taxation, the decreasing ratio of deficits to GNP, or the stabilizing impact of bond vigilantes who jump on any uptick in yields, so that it no longer pays governments to buy votes by spending without raising taxes.

Crisis Investing made me feel as though I were watching some wild and intense drama through a one-way mirror, darkly.

So what can the investor do? Casey's suggestions bounce around the globe. In Chapter 25, he recommends Aspen as a good place to buy property: 300 of the Forbes 400 own there. "It is

understandable that people with money want to insulate themselves from the problems that surround them. . . . Those who can afford to do so will pay a premium to move to areas that are at once beautiful, mellow, cultured, and safe." In Chapter 27, Casey demonstrates the levels of hysteria that can be reached in markets: "I happened to be looking at property in Hong Kong in 1985 and was taken aback when some penthouses were selling for less than ground-floor apartments in the same building. Why? 'When the Chinese take over, they won't fix the elevators.' This indicated to me that it was time to buy not only apartments in general but penthouses in particular."

Elsewhere, Casey grabs the opportunity to recommend the Japanese stock market as the Short of the Century. He notes a 1987 comment from the director general of the Economic Research Institute of Japan's Economic Planning Agency: "We have calculated land value in two places in central Tokyo close to the Imperial Palace, Ohtemachi and Toranomon. We found that if we sold all the land in those areas, we could buy all of Canada, or all of California. We thought at first we had made a one-digit or two-digit mistake, but we checked it, and it's crazy, but that's the reality." Casey suspects a level of about 8,000 on the Nikkei will be reached, versus approximately 20,000 when his book went to press in the third quarter of 1993. (As I write this, the Nikkei Average has plunged over 1,000 points to the 16,500 level).

The final section of the book ("What's Going to Happen Next?") is a freewheeling pastiche of new ideas, valuable information, cogent analysis, daring predictions and insightful reformulation of some investment chestnuts. Casey sees the meltdown of the Soviet Union as a key factor in the climate of the '90s, giving him an opportunity to voice a libertarian view. "Just hope that nothing untoward happens to any of the more than 25,000 nuclear weapons the Russian and sister republics currently control. Russia is a Third World country with a First World military, and one cannot predict who might gain control of some of that hardware. . . . Although it seems like a paradox, the way to unite the world and ensure peace is not by creating world government, but by abolishing the outmoded institution of government. That's likely to happen in the next century. But in the meantime we will see many borders evaporating and changing. . . . Unfortunately, it is unlikely to be an entirely peaceful process."

Casey goes on to analyze the future of warfare and the arms industry, arguing that the Gulf War was the opening gambit in this new chapter of the New World Order. His views on the Gulf War are predictably poignant. "Saddam couldn't help but win even when he lost, because scores of millions of Arabs, hundreds of millions of Muslims, and possibly billions of Third Worlders may eventually see him as a hero, however flawed, who stood fearlessly against fantastic odds," Casey writes. "The West lost even as it won in Iraq, because it was obvious that all its strength was needed to handle a

Early *Liberty*

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October 1987, *48pp.*, $6.00
• "The Sociology of Libertarians," by J. C. Green & J. L. Guth • "The Apostasy of Robert Nozick," by Ethan O. Waters • "The Rise of the State," by Murray N. Rothbard • Plus reviews and articles by Stephen Cox, William P. Moulton, Mike Holmes, Jonathan Saville and others.

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small country."

Concluding the book, Casey rhapsodizes about nanotechnology: microscopic computers and other machines the size of molecules that will be put to use solving hitherto intractable problems ranging from medicine to manufacturing. He sees all this taking place by the year 2025. Commodity prices will plunge; the mere stuff of existence will be superabundant and therefore irrelevant. (This is a consummation devoutly to be wished, but I think I'll maintain my supply of tools and freeze-dried foods just in case scarcity manages to prevail.)

Unfortunately, despite the creative genius everywhere evident in the book, the reader who attempts to base actual investment activity on Casey's views should be forewarned. Casey espouses the scientific method as the ideal way of gaining knowledge, as a system of research and data-gathering, leading to formation of hypotheses that are empirically verifiable. But nowhere does Casey apply a methodology anything like this to his investment ideas. Quite the contrary: innumerable investment suggestions are discharged to the reader, without any indication that quite different, and equally plausible, recommendations have been made by expert analysts at brokerage houses, as well as market players with everything to lose if wrong.

Unlike many other hard money writers, Casey does not transparently plug his own inventory, or "talk his book," while seemingly proffering objective guidance. But this virtue is counterbalanced by an inordinate tendency to fall into what psychologists call the hindsight bias — the "I-knew-it-all-along" effect. Time and time again we are told of some astute investment call of Casey's in the area of stocks, gold, or real estate. Has Casey ever missed at bat? Markets have a way of spinning around until they validate every prediction — on a Monday morning quarterback basis. If only we could pick the right entry and exit points, and the proper contract to trade, we'd all be infallible.

Casey is not alone in selectively reporting the accuracy of his past predictions. Anyone familiar with the thousands of investment newsletters advertised every day knows that not one of these, "back-tested" on a retrospective basis, was long stocks on October 19, 1987. But even if the reader were fortunate enough to discover a genius with a fabulous track record ready to share his secrets, there is another problem. This is what the famous race-track handicapper Robert L. Bacon refers to as the Principle of Ever-Changing Cycles. The public is always behind the form. Analysts who were good at forecasting recent markets are likely to stumble in today's and tomorrow's markets, precisely because they were so successful. They develop too wide a following; everybody mimics their play; and the big boys start trading against them for the next wave of the cycle. The average Joe never gets a chance.

During the period that Casey and other forecasters of the coming inflationary explosion have been looking for increases in interest rates, a short position in U.S. Treasury Bonds, the main speculative vehicle for placing a bet on such a forecast, would have lost the initial margin on the position approximately 40 times. Certain bankruptcy would also have been visited upon anyone who has maintained a leveraged, bullish position in gold, silver, or oil during the last 10 years.

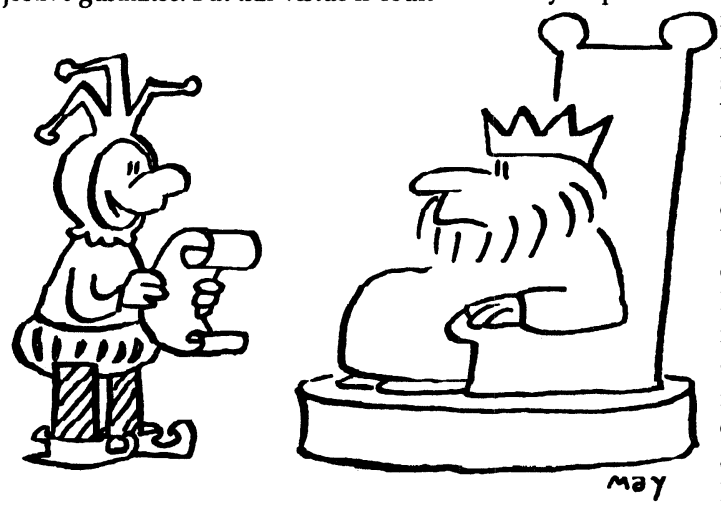

"We now pause for this special weather bulletin: 'Sumer is i-cumin in, lhude sing cuckoo . . .'"

Free-market economists and investment advisors have read the wisdom of Friedrich Hayek, who pointed out how prices encapsulate information: "In abbreviated form, by a kind of symbol, only the most essential information is passed on and passed on only to those concerned. It is more than a metaphor, to describe the price system as a kind of machinery for registering change, or a system of telecommunications which enables individual producers to watch merely the movement of a few pointers, as an engineer might watch the hands of a few dials, in order to adjust their activities to changes of which they may never know more than is reflected in the price movement" (*Individualism and Economic Order*, pp. 86–7).

A dose of Hayek is an effective tonic for inducing the kind of humility that should be required when writing on the subject of investment advice to an audience of lay readers. Those who undertake such a task ought never to forget that their words might cause someone to lose big in the market. The market is very smart, and it is exceedingly difficult to beat it.

The worst recommendation in Casey's book is undoubtedly the suggestion that you can make a killing by shorting bad U.S. stocks. "What can the average investor do when he suspects a fraud is being perpetrated? . . . Fortunately, an immediate, direct, and profitable remedy is available. It doesn't require the services of either a policeman or a lawyer. When you find a bad stock, you short it. . . . The main reason for shorting stocks is the reason you are in the stock market in the first place: personal profit. There are, of course, risks peculiar to shorting . . . But on the whole, this is perhaps the single most profitable thing you can do in the market year in and year out, in good times and bad."

Tell that to the folks — some very smart money folks, too — who recently shorted an OTC high-flyer that I won't name because of potential legal consequences. The company turned out to be bogus all right. But the company's lawyers forced a trading halt and orchestrated a short squeeze, legally

compelling all the shorts to cover at around 150% over their entry point. One major New York fund is rumored to have lost over $15 million on this one. Now the company has been delisted and is on the brink of bankruptcy. So far this gambit has stood up in court, mainly because short-sellers have no friends in the legal and investment establishments.

George Soros, widely considered to be the most successful trader of all time, once told me that he believes he has lost more money shorting stocks than by any other type of speculative activity. The reason undoubtedly is that almost all groups of randomly selected stocks, for almost any ten-year period from 1860 to the present, have appreciated at a rate of around 10% a year. For the average investor, who perhaps is not as good at stock-picking as Soros, and who does not receive interest on the proceeds of his short sales, and who could never get an institutional commission rate of 2¢ a share or less — the chances of such a person making profits systematically by shorting stocks must be appromixately zero.

Casey's advice to buy the TED spread (simultaneously buying Treasury Bills and selling Eurodollars in the futures market) is perhaps the second worst recommendation in the book. The TED moves are so small relative to the cost of the bid/asked spread and commissions that the investor would be much better advised to bet to show on the odds-on favorite at the local track (a strategy which on average will cost you only 25% of your money). Dozens of hard money advocates during the last five years have been recommending the TED spread as an alternative to being short bonds, apparently on the theory that if a cup of arsenic will kill you, a tablespoon a day must be salubrious. The results for anyone following this advice, even without adjusting for slippage due to bad trade executions, would have been around minus 100% per year, as the price of the spread fell 80%, from 150 points to 30, over the five-year period.

Having said all this, the acid test of my own evaluation of Doug Casey's book can be found in my decision to purchase 100 copies and give them as gifts to my friends. As in all matters in the area of financial advice, I attached a card urging caution and skepticism. But for stimulating economic discourse on a very high level, I could hardly recommend this book more warmly. ❑

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Literature

Directory of Libertarian Periodicals, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

"Private Schools for All," by O.B. Johannsen, Ph.D. Provocative essay why education should be conducted as private enterprise. $1.00 per copy. COMMITTEE OF ONE, 825 Walnut Street, Roselle Park, NJ 07204.

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Periodicals

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Letters, *continued from page 16*

lack in depth of information. The founder of Alcoholics Anonymous found that neither he nor anyone else could make other drunks sober, but by relaying his experience, strength, and hope to the others he could maintain his own sobriety. Note how this mirrors a common libertarian theme: voluntary action prompted by enlightened self-interest.

Most of the precepts of the twelve-step philosophy are supportive of individual liberty and responsibility even in the harsh light of earned criticism.

Kevin F.-W.
Milwaukie, Ore.

AIP, R.I.P.

Some of your writers are doing the libertarian cause a great disservice by badmouthing the Libertarian Party. C.A. Arthur was incorrect in stating that Alex Joseph is the highest elected official on the LP ticket ("Elections '93 Roundup," January 1994). What about the four LP members of the New Hampshire House and the county supervisor in California?

I have witnessed such venom before. For 13 years I was active in the American Independent Party. (I was a conservative before becoming a libertarian.) Constant infighting and splits within the A.I.P. caused it to dwindle from 50 state ballots and over 13% of the national vote in 1968 to less than a half-dozen ballots and a fraction of one percent.

Mike A. Bozarth
St. Joseph, Mo.

Arthur responds: I stated that Joseph was the highest-ranking official elected *solely* on the LP ticket. The New Hampshire representatives were cross-endorsed by major parties, and the county supervisorship in California is a nonpartisan office.

The Function of *Liberty*

Frankly, I've steered away from libertarian periodicals in the past. But I was pleased to find that *Liberty* manages to talk about a wide variety of issues and pompous asses in an intelligent, usually light-hearted manner — without relying on what Ayn Rand said about them to provide credibility. I still find what I understand of libertarian philosophy to be so intellectually elitist as to make it impractical for purposes of general governance, but it does free up its believers to practice the greater good of serving as fashion critics for the emperor's new clothes.

Earl Gates
Decatur, Ill.

Notes on Contributors

Chester Alan Arthur is *Liberty*'s political correspondent — and *nothing else*.

Ace Backwords is the man behind *Twisted Image*, a mildly well-known comic strip.

"Baloo" is cartoonist *Rex F. May*'s favorite pseudonym.

John Bergstrom is a cartoonist at *National Lampoon*.

David Boaz is executive vice president of the Cato Institute.

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

Bryan A. Case studies literature and doppelgängers at the University of Michigan.

Stephen Cox is Professor of Literature at the University of California.

Brian Doherty is a journalist who runs an independent record company in Washington, D.C.

James Gill, the cartoonist, is an American living in Massachussetts.

J. Orlin Grabbe is author of *International Financial Markets* and many short stories.

Robert Higgs is author of *Crisis and Leviathan* and other works of history and economics.

John Hospers is author of *Libertarianism, Human Conduct*, and many other books.

Tom Isenberg is editor of *FREE Perspectives*, published by the Foundation for Research on Economics and the Environment.

Bill Kauffman is author of *Every Man a King* and the forthcoming *Country Towns of New York*.

Richard Kostelanetz is a critic, anthologist, multi-media artist, and gadfly.

Pierre Lemieux is a visiting professor of economics at the University of Quebec at Hull and the author *Le Droit de porter des armes* and other works.

Loren E. Lomasky is author of *Persons, Rights, and the Moral Community*.

William P. Moulton is the most libertarian Republican in Traverse City, Michigan.

Victor Neiderhoffer is an international money-market speculator.

Robert Nelson is author of *Reaching for Heaven on Earth* and a professor at the University of Maryland's School of Public Affairs.

Marc Rembert is a fledgling writer living in Nashville, Tennessee.

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

David Ramsay Steele is the author of a *From Marx to Mises*.

Timothy Virkkala is the *first* assistant editor of *Liberty*.

Jesse Walker is the *other* assistant editor of *Liberty*.

Coming in *Liberty*:

- "The Aristocratic Menace" — Socialism may be dying, but we're not out of the statist woods yet. *David Brin* sees an older threat to liberty reemerging on the other end of the ideological spectrum.
- "The First Libertarian Film Festival" — *Mark Skousen* reports from secluded Galt's Gulch, Colorado, where the world's greatest individualists are watching the world's most individualist movies.
- "Trafficking in Numbers" — *Gwynne Nettler* takes on the seat-belt warriors' dubious statistics.
- "Toad Trainers and the American Dream" — *John Briggs* takes the high road in education criticism and Earl Butz appreciation.

Terra Incognita

Skokie

Youth's ongoing revolt against empty simulation, described by the Associated Press:

Neo-Nazi Jonathan Haynes has been charged with killing a plastic surgeon and a hairdresser for tricking Aryans into breeding with non-Aryans. "I condemn bleach-blonde hair and tinted blue eyes," said Haynes. "I condemn fake Aryan beauty brought about by plastic surgery."

Levallois-Perret, France

Advance in executive voyeurism, reported by *The European*:

The mayor of Levallois-Perret has decided to install more than 100 surveillance cameras around his town to make sure the locals behave themselves, 24 hours a day.

Perkins Township, Ohio

Serial killings, Buckeye-style, as reported by *The Detroit News*:

Police are investigating a man who may have been involved in slashing at least 20 Barbie dolls in Perkins Township stores.

Taiwan

The continuing synthesis of traditional values and high-tech modernity, as reported by *Coin World*:

The government of Taiwan is urging citizens to place credit cards in the coffins of the recently deceased for use in the afterlife, rather than burning traditionally used "ghost money" or "Hell notes" as a send-off.

California

Judicial breakthrough in the Golden State, as reported by *The San Diego Union-Tribune*:

Superior Court Judge David Gill refused to allow Dale Akiki to be released on bail for the remainder of his child-abuse trial, saying that under the law he is required "to presume guilt" in deciding the issue.

Montana

The vital importance of federal aid, reported in *The Great Falls Tribune*:

As one of Montana's wettest years ever neared its end, the state received $1.3 million from the federal government to deal with drought. The timing was ironic but the money still is needed, according to Lt. Gov. Dennis Rehberg, chair of the state Drought Advisory Committee.

Milwaukee

Theater criticism in the Cheese State, as reported by *The Milwaukee Journal*:

Barry Patton wrote in his *Milwaukee Sentinel* column that "Dolly Parton helped bring out the families and delivered a solid performance" at the Country Jam Lake Geneva. In fact, Parton's set was rained out. His explanation: "She was backstage and was ready to go on when I had to leave. I assumed she would perform."

China

Note for travelers, from *The Detroit News*:

China hopes to attract tourists with a $27 million 500-acre farm for 40,000 crocodiles scheduled to open on Hainan Island at the end of 1996.

Rochester, New York

Police harassment in upstate New York, reported by *The Detroit Free Press*:

Police swarmed around an illegally parked car, weapons drawn, demanding its passenger — a seedy-looking man cradling a rifle — to get out. The man turned out to be a mannequin.

Mondovi, Wisconsin

Creative law enforcement, reported by *The Milwaukee Journal*:

A Mondovi man received a $57 ticket for riding a horse without headlights on a city sidewalk after midnight.

Sanford, Florida

New technique of ending a relationship, as reported by *The Detroit Free Press*:

Michele Roger stabbed, burned, and mulched her tree-trimmer boyfriend, then mixed his remains in cement and dropped the cement chips along Interstate 95.

Ann Arbor

Constructive criticism, from a letter from the Maoist Internationalist Movement to *Anarchy: A Journal of Desire Armed*:

"Even as we recognize Stalin's mistakes, where were the anarchists? Where is their superior historical alternative to Stalinism or Maoism for that matter?"

Singapore

Environmental progress in the developing world, reported by *Northern Express*:

Singapore's government ordered the first ten people arrested under a new anti-litter law to wear neon-green "vests of shame" and pick up garbage for an hour in front of jeering onlookers and television crews.

Portland, Maine

Musical trends in the teen set, revealed by *The Detroit Free Press*:

Merchants in a Portland shopping area, peeved at loitering teens, scattered them by blasting Schubert's "Grand Duo in C" over loudspeakers.

Scotland

Progress in privatization, reported by *The Economist*:

In response to an embarrassing series of break-ins, an Edinburgh police station has hired a private security firm.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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(continued from back cover)

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- "Smokes, But No Peacepipe," by Scott Reid
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- "Why is Anyone Virtuous?" by David Friedman

Plus articles and reviews by Robert Higgs, Leslie Fleming, Sheldon Richman, and others; and an interview with Ed Crane. (80 pages)

January 1991
- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico, and Jane Shaw
- "Gordon Gekko, Mike Milken, and Me," by Douglas Casey

Plus articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky, and others; plus special election coverage. (80 pages)

March 1991
- "The Myth of War Prosperity," by Robert Higgs
- "The Life of Rose Wilder Lane," by William Holtz
- "The Strange Death of the McDLT," by R.W. Bradford

Plus articles and reviews by Jan Narveson, Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski, and others. (72 pages)

May 1991
- "Christiana: Something Anarchical in Denmark," by Ben Best
- "Journalists and the Drug War," by David Boaz
- "California's Man-Made Drought," by Richard Stroup

Plus writing by John Baden, Scott Reid, Leland Yeager, and others; and a short story by Lawrence Thompson. (72 pages)

July 1991
- "Say 'No' to Intolerance," by Milton Friedman
- "I Am a Casualty of the War on Drugs," by Stuart Reges

Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz, and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

Volume 5

September 1991
- "Stalking the Giant Testes of Ethiopia," by Robert Miller
- "GNP: A Bogus Notion," by R.W. Bradford
- "50 Really Stupid Ways to Save the Earth," by Karl Hess

Plus articles and reviews by Bart Kosko, Frank Fox, John Hospers, James Taggart, Mark Skousen, and others. (72 pages)

November 1991
- "The Road to Nowhere," by David Horowitz
- "Women *vs* the Nation-State," by Carol Moore
- "Thelma and Louise: Feminist Heroes," by Miles Fowler

Plus writing by Robert Higgs, Leland Yeager, and others; and a short story by J. E. Goodman. (80 pages)

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- "The National Park Disgrace," by R.W. Bradford
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- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
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- "Divorce, Czechoslovak Style," by Vojtech Cepl and Ron Lipp

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- "Christians and Libertarians in a Hostile World," by Doug Bandow
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- "The 'Lock' on the Electoral College," by David Brin

Plus commentary on the L.A. Riots, and writings by David Kelley, Leland Yeager, George H. Smith, and others. (72 pages)

Volume 6

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- "War on Drugs, War on Progress," by James Ostrowski
- "Wilderness, Church, and State," by Robert H. Nelson
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Plus writing by Martin Morse Wooster, Ethan O. Waters, Jane Shaw, William Mellor III, and others; and an index to back issues. (80 pages)

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- "Is Feminism Obsolete?" by Jane Shaw
- "Eastern Dystopia, Western Myopia," by Ronald F. Lipp

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- "Clinton and the New Class," by Douglas Casey
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Plus writings by Mark Skousen, John Hospers, Bill Kauffman, and others; and an interview with Roy Childs. (72 pages)

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- "Who Benefits from the Clinton Program?" by Harry Browne
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- "Understanding the State," by Albert Jay Nock

Plus writing by Leland Yeager, Jonathan Saville, Randal O'Toole, Bart Kosko, and others; and other reviews and articles. (72 pages)

August 1993
- "The Ungreening of the Media," by Jane Shaw
- "How Do I Hate NPR? Let Me Count the Ways," by Glenn Garvin
- "What Happened in Waco?" by Loren Lomasky and R.W. Bradford
- "Somalia: Operation No Hope," by Jesse Walker

Plus writing by David Boaz, John McCormack, and others; other reviews and articles; poetry by Marc Ponomareff and fiction by J. Orlin Grabbe. (72 pages)

Volume 7

October 1993
- "The *Real* Health Care Crisis," by R.W. Bradford
- "Crackdown on the Electronic Frontier," by Brian Doherty
- "The Supreme Court and the American Police State," by Stefan Herpel
- "White Liberals *Can* Jump," by William P. Moulton

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- "My Dinner With Slick Willie," by Doug Casey
- "The Inevitability of the Welfare State," by Todd Seavey

Plus writing by R.W. Bradford, Ross Overbeek, Wendy McElroy, and others; and other reviews and articles. (72 pages)

Information concerning the first volume (six issues) of *Liberty* can be found on p. 66.

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- "Viking Iceland: Anarchy That Worked," by David Friedman
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Plus articles and reviews by R.W. Bradford, Tibor Machan, John Hospers, Jane Shaw, Jeffrey Tucker, Leland Yeager, and others. (80 pages)

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- "Holocausts and the Historians," by Ralph Raico
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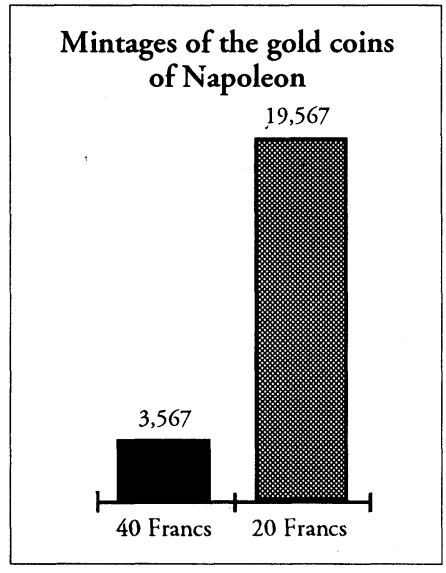

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Inside Liberty

May 1994
Volume 7, Number 4

4 Letters *Liberty's* readers take us to task, correcting our errors, forgiving our trespasses, and seeking absolution.

5 Reflections *Liberty*'s editors expose the poseurs, the poisons, the predators, and the poltroons of the political realm. Peace!

13 Medianotes *Liberty*'s editors reflect on their competition, identifying ass-kissers, journalists, and rogues.

Features

21 Tapestry of Corruption Whitewater, like Watergate, was no accident. *Chester Alan Arthur* explores the etiology of corruption, and explains what Huey Long, Bess Myerson, and the Clintons have in common.

30 A Bill of Particulars For your convenience, a Whitewater primer. Clip'n'save.

33 Trafficking in Numbers *Gwynne Nettler* takes on the dubious statistics of the seat-belt statists.

43 Rainy Nights in Georgia The Russians can still throw their weight around . . . in Georgia, at least. *Frank Fox* tells the disturbing story.

45 The Threat of Aristocracy *David Brin* looks into the future and sees an old enemy, ready to subvert freedom.

48 Back to the Libertarian Party Is the Republican Party a realistic option for liberty-lovers, or is it a dead-end street? *James Ostrowski* defends the third-party route.

Reviews

51 Ride a Paleo Horse *R.W. Bradford* reexamines the creation myths of the contemporary Right.

56 Was Ayn Rand a Plagiarist? Is the pope Baptist?

59 How to Think About Prosperity *Jane Shaw* explains why Douglass North won the 1993 Nobel Prize in economics, and why you should care.

61 Freedom Writer *John Conolley* reveals the individualist soul of the bestselling western writer.

63 Booknotes on Tudors, tsars, the FDA, and other despots; plus Joe Schumpeter, Joe Epstein, and G.I. Joe.

66 Classified Ads The bucks stop here.

69 Notes on Contributors The buck starts here.

70 Terra Incognita The real world, in its own words.

Letters

The Quirky Libertarian

I am surprised at R.W. Bradford's assertion that I am hostile to Rose Wilder Lane's libertarian ideals ("Freedom's Rose," March 1994). Really, my problem throughout *The Ghost in the Little House* was to conceal my admiration in the interests of producing a more or less balanced and "objective" account — a life, not merely a progress toward a sainthood from which everything previous looks like an error. The intent of the passage he quoted was to rescue her from the easy dismissal of her ideas by knee-jerk liberals, and I was using the "Quondam Complex" term from Lipset and Raab, "The Politics of Unreason: Right Wing Politics in America" as an example of the facile way she might well be dismissed as a mere reactionary.

I am on the side of the angels here, but as a scholar I cannot be a drum-banger. Bradford is probably right: her later years of political writing were a happier time for her. But my point overall is that this "happiness" came at the price of giving up much that was very attractive in the younger woman — including a talent as a fiction writer that never fully blossomed. I see Bradford's point, of course: she was exactly what she wanted to be in those years in a way she had not been earlier. But in the eyes of the larger world, including her old friends, she had become absolutely quirky.

William Holtz
Columbia, Mo.

Discordian Science

Contrary to J. Orlin Grabbe ("In Praise of Chaos," March 1994), even a cursory familiarity with Mary Baker Eddy's writings would reveal that she never advocated the denial of facts, only the demonstrable falsities of human belief-systems (in which she includes medical "science" and Newtonian physics). She does however take her principles to the extreme of denying the fundamental existence of matter. In that regard she is in very good company, including such twentieth-century physicists as Einstein, Boehm, and Wheeler. (Einstein was a frequent visitor at the Christian Science Reading Room here in Princeton.)

As a religious thinker, however, she would be in complete agreement with everything else in Grabbe's paragraph. It is good to keep in mind, though, that "chaos," "randomness," and "uncertainty" are still just names for what our current models of reality can't accommodate. If Grabbe's point is that we should be open to the infinite possibilities of being, he would find Mary Baker Eddy a fellow traveler.

This is not the first cheap shot at Mary Baker Eddy in this magazine. Are the Randians jealous? They shouldn't be. Libertarianism gets a very sympathetic hearing among Christian Scientists, who, though they "render unto Caesar what is Caesar's," would rather not have to.

Jeff Presslaff
Princeton, N.J.

Chaotic Dispute

Pierre Lemieux's article ("Chaos, Complexity, and Anarchy," March 1994) is interesting and informative. However, in simplifying this subject, one needs to be careful not to add any unnecessary confusion. On page 22, the equation that is said to be the logistic model is related to a population growing at a certain rate influenced by the population itself and by some ultimate limit to the population, all of which sounds reasonable and may be reasonable in some contexts, but may not be in others.

In Calculus 100, we were all given definitions for derivatives that applied to *continuous* functions, and most of us have encountered nothing but continuous functions all of our lives. It would appear reasonable also that a population is a continuous variable, having discrete, knowable values at every instant of time. The *logistic model* equation, however, is not such a continuous function — it cannot give a value for a population after five days or three months or two and a half years.

Perhaps there are uses for discontinuous equations. But the wording of the particular problem in this article certainly seems to suggest the writing of a continuous function, first in the form of a simple differential equation: the derivate of the population ratio with reference to some ultimate limiting population and with respect to time is proportional to the difference between the ultimate population and the instantaneous population, the proportionality constant being given as r.

Such an equation is complicated neither to write nor to integrate. It satisfies the word definition of the problem and yields values for the population of any instant of time whatsoever. However, using the same value for the growth constant r, 1.9 per year at a relative population of 0.1, the continuous equation yields a much more rapid increase of population than does the discontinuous logistical model, a value of 0.865 after one year rather than a value of 0.271. In addition, the continuous equation does not cycle at all; it simply approaches the attractive value of 1.0, asymptotically, ever closer and closer.

Perhaps Professor Lemieux had in mind a wild population whose members all mate at the same time each year and whose young are all born the same time each year and whose proportion of live births depend on the food supply of the previous year. If so, Figures 1 and 2 on pages 22 and 23 should have been drawn as bar graphs, with each year's population shown as a horizontal line rather than as a line graph, with a straight line connecting each year's population.

Robert J. O'Donnell
San Rafael, Calif.

Lemieux responds: I used a (discrete) difference equation in order to provide the simplest possible illustration of chaos, and to show how it can arise even in very simple dynamic systems. With (continuous) differential equations, a system of at least three equations (like Lorenz's or Rössler's) is required. Moreover, had I illustrated my point with a continuous system — where the length of the time period tends toward zero — Calculus 100 would have led our reader to believe that humans mate continuously and come without interruption. They do it only once a month, don't they?

A (Clockwork) Orange for (Naked) Lunch

Bryan Case's brief memorial to Anthony Burgess (March 1994) strengthened the sense of strange coincidence I've long felt concerning Burgess and his American (North and South) cousins William Burroughs and Jorge Luis Borges. I was

continued on page 67

Letters Policy

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

Reflections

Catch-666 — The government of the District of Columbia, in which I reside, recently judged that a church that customarily gave free breakfasts to local unfortunates could no longer continue the practice because it wasn't a legally-zoned function of that church. *Now* I understand why our society's demands for charity could simply *never* be met without government welfare. —BD

A nation of informers — Canadian Minister of Revenue David Anderson has declared a war on tax evaders, and is asking ordinary Canadians nothing less than to stool on their fellow citizens. Says Anderson: "People who are currently in the underground economy . . . will suddenly start realizing that any day of the week, any hour of the day, Revenue Canada may get a phone call and someone may rat on them."

I have two ideas for Mr Anderson. First, he should change the name of his department to "Police Canada." Second, he should set up neighborhood committees to spy on citizens, and to bring suspects to publicly confess their crimes in order to be forgiven by the large masses of humble and obedient subjects.

It is probably true that Canadian tax laws and bureaucrats have traditionally been less inquisitorial than, say, their American or French counterparts. So it is not surprising that as taxes have become more and more confiscatory, the growth of the underground economy has accelerated. Yet stool pigeonry is not new to Canada: a high-level government bureaucrat told me a few years back that tax "authorities" regularly get tips from envious informants (especially, he added, after Christmas parties). But what we are now witnessing is a government that officially organizes this repression with the cherished method of totalitarian governments.

Should Anderson's tactics succeed, whatever remains of trust in Canadians' social relations will have been destroyed. They will become a nation of government informers. Any day of the week, any hour of the day, Police Canada may receive a denunciation, and the grinding wheels of government persecution will start. (I say "they" because, although my ancestors happened to arrive in Canada 350 years ago, it is my moral duty to make sure that I am not identified with such vicious and obscene mores.)

In a recent *Globe and Mail* article that endorsed tax evasion, I quoted Adam Smith to show how far we have drifted toward (or should I now say into?) tyranny. Referring to England, Smith wrote in *The Wealth of Nations*: "The tax upon shops, it was intended, should be the same on all shops. It could not be otherwise. It would have been impossible to proportion with tolerable exactness the tax upon a shop to the extent of the trade carried on in it, without such an inquisition as would have been altogether insupportable in a free country." About the possibility of taxing income, he also wrote: "An inquisition into every man's private circumstances, and an inquisition which, in order to accommodate the tax to them, watched over all the fluctuations of his fortune, would be a source of such continual and endless vexation as no people could support."

In his *Lectures on Jurisprudence*, he added: "No doubt the raising of a very exorbitant tax, as the raising as much in peace as in war, of the half or even the fifth of the wealth of the nation, would, as well as any gross abuse of power, justify resistance in the people." —PL

My long hair just can't cover up my red neck — Slick Willie recently regaled auto workers in Louisiana with stories of an El Camino he allegedly owned during his youth, and admitted a longing for a new pick-up truck. This little episode, like his recent "hunting" trip, is an attempt to show the rubes and rednecks that, in spite of his elitist positions on issues like gun control and gays in the military, he is one of them. But Billy Jeff Clinton (Yale '73) is even less convincing in this charade than his predecessor, George Herbert Walker Bush (Yale '48).

The act is a continuation of the Democrats' '92 campaign plan to portray Clinton and Gore as a couple of "Bubbas" from Arkansas and Tennessee. The Bubbaization of Gore is even more absurd than the Clinton efforts; Al Gore's relationship to the Volunteer State is every bit as strong as François Mitterand's. Don't get me wrong — it's okay to be from someplace other than Tennessee, I guess — but I have a hard time recognizing the redneck credentials of a Harvard man reared in a luxury hotel in Washington, D.C.

The Bubba act is no mystery. To get elected to the White House, Democrats have to unload the cultural baggage that they have carried around since 1972. Otherwise, they can get killed by the kind of campaign that Bush conducted in 1988, based on ACLU cards and visits to flag factories.

In 1992, Clinton was able to diffuse this problem just by having a Southern accent. But he'd better watch out: the accent doesn't work for Democratic *incumbents*, as Jimmy Carter can tell him. Out of regional solidarity, I've got some advice for El Slicko. If he wants to make the Southern angle work again in 1996, he needs to dump Al Gore and replace him with a *real* Southerner. I suggest that he hire on Hank Williams, Jr as veep. Then he could throw out the awful "Don't Stop Thinking About Tomorrow" and instead have Williams go around singing "A Country Boy Can Survive" and "Family Tradition."

Hell, I might even vote for him. —CS

South of the border — Advocates of a government takeover of medical care repeatedly remind Americans

that the U.S. is the only industrialized nation on earth without "universal" (that is, government-owned and -operated) medical care, and bombard the American people with stories of the healthy paradise that has been achieved in Canada, whose government has taken over health care even more completely than the Clintons propose for the U.S.

There is little doubt that most Canadians like their system of socialized medical care. But most Canadians are healthy. How do sick Canadians feel about their system?

One indication comes from Whatcom County, Washington, just across the border from Vancouver, the third largest city in Canada. A recent series of articles in the *Bellingham Herald* reports that local hospitals are being overrun by Canadians whose treatment is denied or delayed at home. Canadian cancer patients constitute over 60% of the patients at the county's only radiation therapy center, and "hundreds of sick and injured" Canadians have crossed the border to get X-rays at St Joseph Hospital, paying for the service out of their own pockets.

In Canada, medical care is rationed. Those who need medical care most get it first, and many don't get it at all. Very often, this means that older or less healthy patients must suffer and die, even though medical procedures exist to cure them. In the United States, when an elderly person's arthritis gets so bad that he can no longer stand the pain, he generally receives orthopedic surgery and an artificial hip within a few weeks. In Canada, the wait is typically between seven and 13 months. In Quebec, the patient will never receive the hip replacement. As one Canadian explained to the *Herald*, "It's not an efficient use of money to put a new hip in someone who may be dead in five years." A local surgeon explained the American response to the same situation: "Hip replacements have become so much a standard of care. It's like getting your teeth cleaned."

Canadians also flood across the border to take advantage of more advanced medical technology — in Canada, the government saves money by not purchasing new technology. The province of British Columbia, about twice the size of California, has only two radiation treatment centers for cancer, though it plans to build two more within the next few years. Medical professionals have known for more than 20 years that a shortage of radiation therapy facilities would become acute as Canada's population ages and cancers become more frequent. The head of the Ontario Cancer Foundation explained the delay: "A lot of health-care bureaucracies only respond to crises. Centrally managed systems are slow to respond. And radiation therapy centers take time." So Canadians who can afford to, go to the U.S. for treatment; those who cannot, die of cancer while their bureaucrats try to catch up.

Happily, the *Herald* added, the same problems won't necessarily afflict a government takeover of medicine in the United States. "We're evolving from a different base," it quoted a local hospital official. "We have the hardware and technology here." This optimistic conclusion seems unwarranted: when Canada adopted its socialized medicine program 23 years ago, its "hardware and technology" were comparable to what was standard in the U.S.

The article didn't mention it, but the Canadian health care system faces a grave threat. If the U.S. adopts a similar system — as the Clintons propose — Canadians will not be able to relieve their pain or save their lives by getting medical care here. Neither will Americans.

My 81-year-old father had open-heart surgery the day after Christmas, and is recovering nicely. If he were a Canadian, he would be dead. Why waste surgery on someone who may be dead in five years? —RWB

Dodge City organs — The Food and Drug Administration is moving to regulate the brokering of body parts such as bones, tendons, joints, and skin. (Organs with intricate systems of blood vessels, such as the heart and kidneys, are already regulated.) FDA Commissioner David A. Kessler emphasized that "we are taking action to head off future problems." In other words, there are no problems with the "unregulated brokering" of body parts; a spontaneous order is emerging, and the FDA is worried that people might realize they don't need government regulation.

Rep. Ron Wyden (D-OR), sponsor of a tissue-regulation bill, said, "What's so ominous about this is that there's no structure out there at all. It's kind of like Dodge City before the marshals showed up." An interesting analogy, since Terry Anderson and P.J. Hill have demonstrated that, contrary to conventional wisdom, Dodge City and its neighbors were not especially violent places (see "An American Experiment in Anarcho-Capitalism: The *Not* So Wild, Wild West," *Journal of Libertarian Studies* 3:1). There were, for instance, no killings at all in Abilene until David Kessler's predecessors arrived. Indeed, as W. Eugene Hollon wrote in *Frontier Violence: Another Look*, "the Western frontier was a far more civilized, more peaceful, and safer place than American society is today."

The old saw that government undertakes those tasks that people can't do for themselves is flipped on its head these days; government is most eager to step in when it fears that people are doing perfectly well without it. —DB

No time for compromise — In early March, for the first time, polls showed the public opposed to the Clinton health care plan. This is good news, I suppose. But now is no time to celebrate. For Americans widely perceive that burgeoning medical care costs are a very real problem, and Congress is almost certain to take some action on the issue.

With a single exception, the alternatives offered by Congress are almost identical to the Clintons' proposal. From the Left, Rep. Jim McDermott and about a hundred Democrats suggest a complete government takeover of medical care (the "single payer" system). From the moderate center, Republican Senator John Chafee proposes universal health care paid for by individuals or the government, rather than employers. Also from the moderate center, Democrat Jim Cooper and Republican Fred Grandy propose a measure mandating employers to offer, but not pay for, health care to workers and to "control prices

Liberty's Editors *Reflect*

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TWV	Timothy Virkkala
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through market competition." The differences between these schemes and the Clintons' are inconsequential; all mandate a much greater role for government.

Even the other Congressional proposal, Sen. Phil Gramm's proposal to allow individuals to set up tax-exempt savings accounts for future medical care, would leave the fundamental problem — state-created market distortions — untouched. The problem is government subsidy of medical care: all care for the poor and elderly; catastrophic care for everyone else. This has created a situation where demand for medical care is virtually infinite. For many individuals, medical care is absolutely "free" (i.e., paid for by someone else), so they have no incentive to economize. When any good or service is in infinite demand, its price is going to rise. And rise. And rise.

What is needed is to recognize that medical care is like any other service, no more deserving of government subsidy than are baseball games, mail delivery, or cigarette-smoking. The best way to address the problem of burgeoning medical costs is to stop government subsidy of health care. The effect of tax incentives (i.e., allowing tax-exempt savings or deductions for medical care) is similar, though less dramatic. So even the Gramm proposal will make matters worse. It only looks good in comparison to the alternatives proposed by the center and Left. —RWB

Legal abuse — Recently, a junior-high-school teacher was shot in the back and killed upon his arrival for work in Seattle. Shortly afterward, the police took into custody a young man and charged him with the murder. Despite a great deal of evidence that he had pulled the trigger, the accused pleaded not guilty. It seems that the young man had been a victim of sexual abuse for a ten-year period stretching back to his time as a student in the dead man's class. His attorneys may use the Bobbitt-Menendez defense and argue for a verdict of "not guilty by reason of abuse."

The killer, a 24-year-old who was a star athlete in high school and college, says he acted to "end the abuse" by the overweight, middle-aged schoolteacher. I have no doubt that a well-placed shot from a high-powered rifle can put a stop to sexual abuse. But couldn't the athletic young man find another way to accomplish this — say, by punching his old teacher in the mouth? Or simply by avoiding associating with him? Why should anyone suppose, as many seem to, that alleged "abuse" might justify a killing or render one less heinous?

I have a suspicion. For some years now, the word "abuse" has been gaining ground as an all-purpose term for nearly any thing or action of which one disapproves. Hence the ubiquitous references to "drug abuse" and "sexual abuse," the former having no genuine victim at all and the latter commonly existing exclusively in the minds of the self-declared victims, some of whom have suffered little more than an unwelcome word or look. "Abuse" has always been a vague term. In contemporary usage, any precision it might once have had has been flogged out of it by the politically correct. It has become an *ideological flag word.*

Today, merely to assert that one has been "abused" is to offer an excuse for one's actions, no matter how indefensible those actions may be in themselves. When abused persons act violently, they are, as it were, merely fighting in self-defense. And who would deny them that right?

Let me make myself quite clear. I do not argue that no one is ever abused. On the contrary, abuse is all-too-common: some husbands do beat up their wives and some parents do mistreat their children.

But once we filter the hazy left-liberal rhetoric out of our cultural atmosphere, the absurdities become clear. Even if one really has been abused, not every reaction is defensible. Cold-blooded murder by an able-bodied adult in no immediate danger simply cannot be excused by the recitation of a history of "abuse."

Perhaps the historical facts should be considered in deciding how to sentence such a person for his crime. But to permit the accused to offer "abuse" as a defense against a criminal charge can only shove our already sullied criminal law further into the slough of futility and disgrace. —RH

Gun crazy — Those alarmists who claimed that if the Brady Bill were passed, its advocates would push for still more intrusive invasions of the second amendment were right. (You do remember the second amendment, don't you? It's the part of the Bill of Rights that the American Civil Liberties Union ignores, the one that guarantees the right to keep and bear arms.)

In a letter sent to "specially chosen members of Handgun Control, Inc," that organization promises to push hard for "A Comprehensive National Gun Policy." According to the "executive summary" of HCI's proposal, the U.S. government should:

- require a license to buy virtually any ammunition for any gun, including .22 caliber rifles of the sort kids use for hunting varmints;
- restrict licenses to people at least 21 years old who have

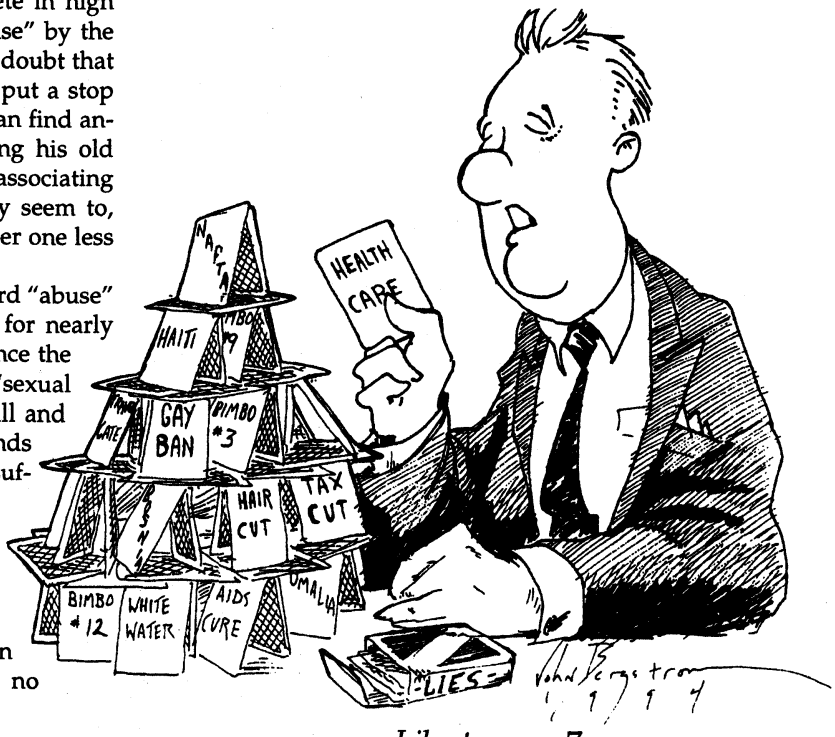

successfully completed a mandatory safety training course and who possess liability insurance coverage for injuries to another person that their gun causes;

- ban the sale of semi-automatic long guns and inexpensive handguns;
- require that anyone seeking to acquire a rifle or shotgun be investigated by police and wait seven days before being allowed to complete a purchase;
- triple the tax on handguns;
- increase the tax on virtually all ammunition by 354%;
- require that all sales of guns take place in gun stores; and
- require that anyone working in a store that sells guns or ammunition undergo a police investigation, thereby eliminating the sale of guns from department or general merchandise stores.

"The gun laws we propose and will fight for are *essential* and *reasonable*. . . . We are determined to do whatever it takes to enact these vital laws. And enact them as quickly as humanly possible — before more people are killed or wounded by gunfire."

Just how "essential and reasonable" would these reforms be for Marine Lance Corporal Rayna Ross? Last June 12, according to *The Wall Street Journal*, Ross broke up with her boyfriend, Corporal Anthony Goree. He was upset and began to harass her. After he threatened her at knifepoint and at gunpoint, she filed charges against him. He was jailed for a short time, then released on the condition he avoid all contact with her. He went AWOL, stole a car, and renewed his harassment. On June 26, Ms Ross purchased a handgun; there was no waiting period. Three days later, Mr Goree broke into her apartment, clad in a black jumpsuit, and attacked her with his Marine-issue bayonet. Ms Ross shot him dead with her handgun. The local district attorney ruled the death "justifiable homicide."

Handgun Control says its new, much more onerous laws must be passed quickly, "before more people are killed or wounded by gunfire." If the Brady Bill had been in effect last June, Anthony Goree would not have been "killed by gunfire." But Rayna Ross and her infant daughter may very well have been killed by bayonet. —RWB

Where's Preston Brooks when you need him? — How Virginia has declined! The commonwealth that gave us Washington, Jefferson, and the Lees has elected as its senators Chuck Robb, a man so soiled that the *best* thing anyone can say about him is that he's Lyndon Johnson's son-in-law, and John Warner, who got his position because he managed to be Mr Elizabeth Taylor for about 15 minutes. Now Oliver North is challenging Robb, apparently in hopes of dragging Virginia's name even lower.

The only reason Ollie isn't serving time today is because he was saved by one of the constitutional "technicalities" he otherwise has no use for — *not* because he was "exonerated," as he now claims. Don't misunderstand me. I *enjoyed* watching him make asses out of those blowhards on the Iran-Contra investigative committee back in 1987. But that about exhausts his virtues. His real crimes are much more serious than telling a couple of lies to congressmen.

Let's examine the record. In the early '80s, Reagan's National Security Council began an effort to curry favor with elements in the Iranian regime of the Ayatollah Khomeini, which had blessed the invasion of the U.S. embassy in 1979, an act of war. The Khomeini regime was also at least indirectly responsible for the brutal murder of 241 of Ollie's fellow Marines in Beirut in 1983. The administration that took office pledging to get tough with the likes of Khomeini ended up bribing them with weapons of war. And Ollie was deeply involved in this effort.

Why would Ollie sell out to the killers of his brother leathernecks? Part of the reason was that he was at the center of the Reagan administration's drive to stop Communism in Central America by funding a group of "freedom fighters" in Nicaragua known as the *contras*. There were only two problems: Congress was wary, and almost no one outside the Beltway supported this crusade. So Ollie and company simply ignored the law, Congress, public opinion, and common sense. The Reagan administration was filled with people who vulgarly worshipped executive power. In their mind, anything the president wanted was fine. And one of the prophets in this pagan religion was Ollie.

But the main reason Ollie went along in this disgrace was his essential nature. He is, in the words of P.J. O'Rourke, "the brown-nosing little doofus we all hated so much in high school." Ollie's prototype in the executive branch of our single-party oligarchy is none other than Slick Willie Clinton. About the only things that separate the two is that Ollie had enough raw physical courage to go into combat, while

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Clinton is an even better ass-kisser.

A prime example of Ollie's ability to spot those in authority and pucker is his hyperventilating post-Waco mash note to the murderous ATF, contained in his *Freedom Alliance Newsletter*:

> The key point is that the Koresh followers shot first, killing those four federal agents. Yes, it's a tragedy that many children died in the fire that engulfed the compound. But it's also a tragedy — in fact it's a crime — that four ATF agents, executing a lawful [?!?] search warrant when they had reason to believe that they would find illegal weapons, were murdered in cold blood by the cult members.
>
> The ATF officers on the scene were aware of what happened eight years ago, when ATF tried to execute a search warrant on a cult in Arkansas and were met with gunfire. In that case, the group gave up after four days of a standoff, and a search of their compound turned up 35 machine guns and three anti-aircraft rockets. In the aftermath of the tragedy in Waco, conclusive proof was found that Mr Koresh also accumulated a vast arsenal.

In cold blood? IN FUCKING COLD BLOOD?? Dozens of federal agents storm a building with submachine guns and this brown-nosing Brownshirt says that they were killed "in cold blood"?

Ollie then concludes, without evidence, that the Branch Davidians fired first. (And so what if they did? They may have been familiar with the stories of Randy Weaver and others who have been assaulted by rogue agencies like the FBI, ATF, and DEA.) He also concludes that the raid was justified because the Davidians possessed a "vast arsenal." Yet the search warrant the ATF agents were attempting to serve makes no mention of such a stockpile — and with good reason. Even the enforcers from ATF know that the possession of large numbers of guns — a "vast arsenal," in Ollie's loaded phrase — is not a crime.

Ollie blames the "pontificating potentates in the press," the "media luminaries," and the "arm-chair critics . . . second-guessing law enforcement officers on the scene" for raising a fuss over Waco. If only this were true. The media's main contribution to public discussion of the incident has been the canonization of Janet Reno. It was the media *un*luminaries that questioned the feds' behavior at Waco. *Liberty*, the *Washington Times*, and *Soldier of Fortune* led the way in challenging the FBI and ATF's behavior, with eventual assists from *The American Spectator*, *Guns and Ammo*, and others. These are not easily confused with the *New York Times* or *Newsweek*.

With all his lust for an ATF free to kick in any door upon a rumor that someone inside might have a few guns, is it any wonder that Ollie is weak on the second amendment? On Larry King's radio program last year, right after announcing his life membership in the NRA (a standard line for Republican politicians about to bayonet gun owners in the back), Ollie announced his support for an "assault weapons" ban, declaring that anyone who wants to possess such a weapon should join the Marine Corps.

Ollie may or may not have guts, but he sure has *chutzpah*. After selling weapons to thugs in Tehran to buy weapons for thugs in Nicaragua, he wants to deprive Americans of their own weapons, *and* be elected to the U.S. Senate by the votes of members of the National Rifle Association!

Ollie hasn't won my support, but he has won Murray Rothbard's, thanks to Ollie's opposition to the North American Free Trade Agreement and the support his chief opponent has gathered from establishment conservatives like Cap Weinberger. This is the same Murray Rothbard who once denounced "Ollie and Secord and Singlaub and Abrams and all the rest of the war crowd." These days he figures Ollie's '80s war-mongering is of mere "antiquarian interest," since it occurred before the Cold War ended.

But Ollie is the epitome of the warmongering gang that Rothbard so rightly despises. Need I recite the record of the last five years? Bush's murderous invasion of Panama; a half-million soldiers sent to reestablish the sovereignty of a tiny sheikdom in the Middle East; U.S. troops under U.N. control searching haplessly for some nobody "warlord" in Somalia. Does Rothbard really believe that, once ensconced in the Senate, Ollie will speak out against the global crusade against whoever it is we're crusading against this week?

A prime example of Ollie North's ability to spot those in authority and pucker is his hyperventilating post-Waco mash note to the murderous ATF.

Rothbard took a lot of heat among libertarians for supporting Pat Buchanan in 1992, but for all of his faults, Buchanan is aces compared to Ollie. Buchanan at least wants to see armed Americans at home instead of abroad. Ollie has nothing to redeem himself. —CS

Wading out of Old Muddy — Even Bill Clinton occasionally does the right thing; recently, he managed it twice in one week. First he allowed Sinn Fein leader Gerry Adams to visit the U.S., despite the loud opposition of the CIA, John Major, and other soulless, faceless institutions. Then he lifted the archaic trade embargo against the Socialist Republic of Vietnam.

The great irony of U.S.-Vietnamese relations is that, in the name of free enterprise, the American government spent half a century sabotaging the prospects for a free, market-oriented Vietnam. The best and brightest American planners imposed the dictatorship of Ngo Dien Diem, whose economic and military policies eroded markets, intermediary institutions, private property, and free action; who virtually created the Communist threat by wiping out anticommunist nationalist militias; whose whole approach to governing seemed to be devised half a globe away, in the halls of Harvard, Michigan State, and Washington, D.C. The U.S. government eventually killed off Diem, then helped throw out his successors, but never brought anything lasting to Vietnam but displacement and death.

But for the last few years — even before the Soviet aid dried up — the Vietnamese Communists have allowed more and more freedom of enterprise. Markets have expanded and controls have decayed, spreading prosperity and destroying old patterns of autocratic privilege. Vietnam went Communist

when American interventionists gave up the fruitless task called the Vietnam War; today, Vietnam is embracing restrained but real freedom of enterprise because their homegrown interventionists are giving up the fruitless task called Vietnamese socialism.

And now the embargo has been lifted and Vietnamese trade is expanding further, while the Communist dictatorship continues to contract. Anti-Americanism has been replaced with a lust for North American consumer goods. Where bombs failed, the market triumphed. Gerry Adams and John Major, are you listening? —JW

With friends like these — On March 11, I made a wager with another *Liberty* editor that Bill Clinton will resign from his office. This is, of course, a sucker bet. There have been a lot of presidents who were personally corrupt, perhaps as corrupt as Clinton. But only one was forced to resign, and he was victimized by both uniform hatred from the press and a Congress totally controlled by the opposition party.

Clinton suffers from neither. His party controls both houses of Congress. And the press showed an unprecedented adulation of Clinton during the presidential campaign, and continued to act as his apologist until his corruption became so obviously sordid that reporters began to smell Pulitzer Prizes.

Still, when I watch Diamond Jim McDougal defend the Clintons on television, I am not so sure I will kiss my $50 goodbye. The Clintons' critics may not be able to bring them down, but their friends may prove to be a different matter. —RWB

How low can our rulers sink? — It's hard to outdo Hitler and his minions. After all, among other unsavory things, they systematically murdered millions of innocent people. But the U.S. government has now taken a step beyond even the Nazis.

When the federal agents at Waco assaulted, besieged, and finally systematically murdered scores of citizens who, prior to the initial ATF raid attack, had harmed nobody, one might have said, "Oh well, the Nazis systematically killed innocent people; our own fascist leaders do the same." But did the Nazis ever place on public trial for murder those Jews who, while defending themselves, killed members of the Nazi police or military?

I am old enough to have been apprised of a good deal of injustice in my own time and country. And I have studied enough history to have learned of a great deal more. But I can think of nothing that equals the trial of the surviving Branch Davidians in its sheer moral travesty. —RH

David Koresh died for your sins — I doubt the verdict in the case of the Waco Eleven surprised very many people. On February 28, 1993, in the guise of serving a search warrant, heavily armed agents of the Bureau of Alcohol, Tobacco, and Firearms mounted an armed assault on the Branch Davidian religious community. The assault ended in a standoff, with six members of the religious community and four of the more heavily armed government agents dead. The FBI took over the military operation against the Davidians; barred reporters from the area; planted listening devices within the residence; cut off food, water, and sewage connections; and engaged in more than a month of psychological warfare, before attacking the residence with tanks on the morning of April 19. This attack killed off all but a small number of the remaining 92 Davidians, including 17 children, and incinerated entirely the buildings, property, and virtually all physical evidence at the scene of the assault.

The surviving eleven Davidians — some of whom were not even present when the first assault occurred — were arrested and put on trial for the murder of the four ATF agents who died in the first attack. All they could offer as evidence was the testimony of several of the federal agents involved in the assault and one Davidian. The government had one other witness, against whom they had dropped charges in exchange for her agreement to testify on behalf of the government. But in court she testified that the first shots she heard came from outside the building.

The jury also heard testimony from three television and newspaper reporters invited to the scene by ATF. But they had been kept several hundred feet away from the actual assault, and could not identify who had fired first.

Two days after the innocent verdicts, the Los Angeles Times reported that the verdicts were a "time of renewal for ATF."

During the standoff, ATF — and, later, the FBI — had told the press that they had in their possession a videotape that would prove beyond a doubt that the Davidians had fired upon them during the original assault. But when it came time to prove their case in court, no such videotape was offered.

Because the fire which engulfed the buildings had destroyed any physical evidence that might exonerate them, the accused had little to offer in their own defense, except for a tape recording of a Davidian call to the local sheriff's office reporting, "There's 75 men around our building and they're shooting at us!"

Not surprisingly, the jury could not determine whether the government had fired first and the Davidians had acted in self defense, and found all eleven not guilty of conspiring to murder federal officers and aiding/abetting in the murder of federal officers. Jurors found two Davidians guilty of violating gun regulations and five guilty of aiding/abetting the voluntary manslaughter of federal officers, based on Judge Walter S. Smith's instructions that they could convict them of this lesser charge if they were convinced the accused had acted "in the sudden heat of passion caused by adequate provocation."

Attorney General Janet Reno, who had ordered the final assault that resulted in the huge death count, tried gamely to find justification for her actions in the verdict. "It is clear that the jury recognized in its verdict that the killings of the four ATF agents was not justified," she told reporters, making no comment about the failure of her department to prove the horrendous charges they had made against the survivors of the attack or its inability to produce the videotape they claimed to possess which would have proved their case. Aside from Reno and a few officials of the federal bureaus involved, virtu-

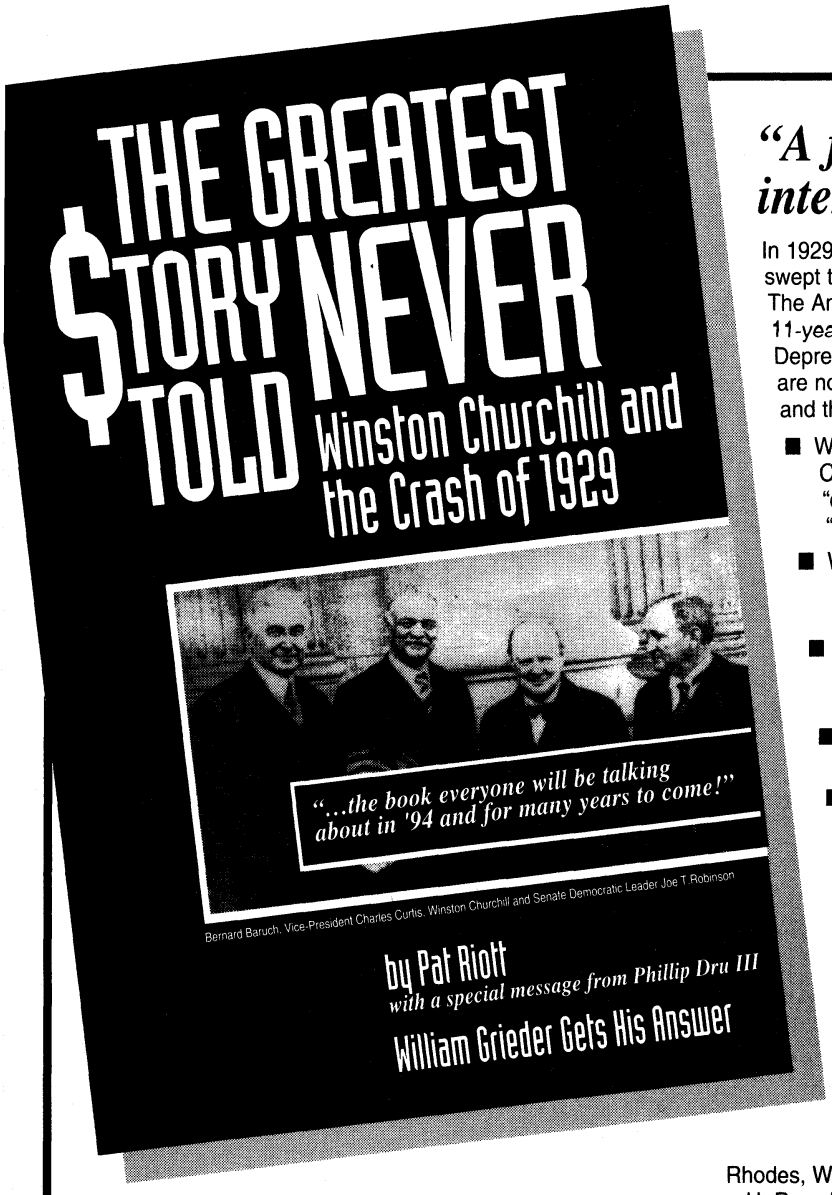

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- Where shiploads of gold (the *real* money) went in the weeks and months after the Crash.
- Who Churchill met with immediately before and after the Crash.
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ally everyone saw the verdict as a devastating defeat.

You might think that the verdicts would be the final straw. Long regarded by other law enforcement agencies as second-rate and incompetent, and reportedly facing cutbacks in its appropriations at the time of the assault, ATF's very survival was in question. Indeed, there was considerable testimony that the initial raid had been planned as part of a public relations campaign to increase the Bureau's appropriations. In the wake of the assault, an internal investigation by the Department of Justice concluded that ATF agents had tried to cover up mistakes, failed to consider responses to the Davidians other than armed assault, and relied on obviously flawed intelligence.

But government agencies are remarkably resilient. Two days after the verdict, Karen Tumulty reported in the *Los Angeles Times* that the verdicts have ushered in a "time of renewal for ATF." The Waco incident is behind it, and Congress has given the agency vast new powers under the Brady Bill, which further restricts gun ownership by people who are not government agents. Despite cutting other agencies' budgets, the Clinton administration granted ATF a budget increase. "In a lot of ways, you see a certain pride developing in ATF. They don't have to be embarrassed about what they are doing," one anonymous administration official told the *Times*.

It's good to know ATF agents aren't having any problems with their self-esteem. I'm okay; you're okay; 86 are dead.

—RWB

Deconstructing Miss Hillary — Corrupt politicians say the darnedest things. Here are a couple of the more amusing public statements of the first lady, offered in an attempt to diffuse public criticism. First, there's Ms Rodham Clinton refusing to make public records about her role in the Whitewater-Madison Guaranty fraud:

> You're just going to have to wait along with everybody else as we work this through with the special counsel and try to find out *what we are obligated to give to him* and what kinds of questions *we have to answer* in that process. (emphasis added)

Isn't it intriguing that after telling the press that she and her husband are being totally open because they have nothing to hide, Ms Rodham Clinton now says that they will reveal only what they are "obligated" to reveal and answer only those questions they "have" to answer?

Then, there's Ms Rodham Clinton's explanation of why she and her husband had delayed for so long making their records public:

> I really have been pulled kicking and screaming to the conclusion that if you choose to run for public office you give up any zone of privacy at all. I get my back up every so often about even having to answer questions that I don't think are in any way connected with the fact that my husband is in public life.

For those of you who don't speak Rodhamese, I offer this translation:

> Although I have proposed that each American should welcome my health care plan that requires everyone to reveal his medical history in intimate detail to the federal government and carry a card that enables legal and medical authorities to gain access to those records, I believe I ought to be able to keep private the details about how I stole money from the public. That just isn't any of their damn business. My ability to earn exorbitant fees representing crooked savings and loans with regulators appointed by my husband has no connection at all to my husband's power. I would have been hired by the Rose Law Firm even if he hadn't just been elected attorney general, and made a partner even if he hadn't just been elected governor. And Diamond Jim McDougal would have given us half interest in Whitewater Development even if Bill had never entered politics.

—CAA

The culinary president — During his presidency, George Bush brought a lot of attention to two excellent Washington-area restaurants, Peking Gourmet and Rio Grande. On a recent trip to Houston, I had a chance to try Bush's favorite Mexican (Ninfa's) and barbecue (Otto's) restaurants there. I'm telling you, when George Bush made the wrong career choice, the country gained a lousy president and lost a great restaurant critic. —DB

Question authority — Years ago at a political convention, a friend approached me and pointed to my political button, which was adorned with the slogan "Question Authority." "Who are you," he demanded, "to tell me to question authority?" Well, I can play egoistic one-upmanship as well as the next guy, so I responded: "This is not a command but a statement. I am the Question Authority!"

I was reminded of this exchange when Bill Clinton responded to pressure to come clean on the Whitewater scandal by saying, "People should not be able to raise questions and erode people's moral authority in this country." In other words, he wants to strip Americans of their rights as citizens — and me, the Question Authority, of my livelihood.

I call the question. —TWV

Shoes for industry — Kinney Shoe Corp. has agreed to pay more than $100,000 to Washington-area "youth groups" to settle a lawsuit alleging that the company's Foot Locker chain discriminated against two black women by refusing to let them pay for their purchases with personal checks. The total amount of the checks refused was around $300.

Now in the first place, does anybody believe that a major national company would allow black women to shop in its stores, assist them in finding shoes, and then refuse to accept their checks out of sheer racism? The clerks in suburban stores said they did not accept checks drawn on District of Columbia banks; since it's hardly in the company's interest to turn down business, we can only assume that they have had bad experiences with D.C. checks, or with out-of-town checks in general. There was no indication that the stores would have refused to accept cash or even credit cards from the women; indeed, one of the advantages of credit cards is that they allow people away from home to do business with strangers.

But even more offensive than the complaint against Kinney was the company's response. The bulk of its tribute payment — $75,000 — went to Parents United for D.C. Schools, an advocacy group that works for "adequate funding" for city schools. (The schools currently spend $9,000 per student per year, putting them among the most expensive public schools in the history of the world, and just a shade behind the $10,000 annual tuition at Chelsea Clinton's school,

Sidwell Friends. I wonder what Parents United would consider "adequate.")

In other words, if I buy shoes at Foot Locker, they'll use part of my money to raise my taxes? —DB

Festival of nationalism — The Winter Olympics have come and gone, and, as usual, I avoided them as much as possible. I watched not a millisecond of television coverage, though I did inadvertantly hear reports about how Tonya Harding had tried to smash the legs of Nancy Kerrigan to facilitate capturing a gold medal in figure skating and how some guy (from Wisconsin, I think) finally won a gold medal after years of trying and how there was no miracle victory for the U.S. ice hockey team.

My personal boycott of *materia olympica* surprised some of my friends who are aware that I am a devout sports fan. My reason is that the Olympiad is not really a sports meet; it is really a celebration of nationalism.

Four kinds of events comprise the Olympic "Games": judged competitions, staged spectacles, contests, and games. Games, the single element that are assuredly sporting events, are the smallest and least important of the elements. The Winter Olympics only include, so far as I can recall, a single game: hockey. The Summer Olympics include more games — basketball, tennis, baseball, wrestling — but, as with the Winter Olympics, games comprise only a tiny portion of the competitions.

Both the Winter and Summer Olympics include quite a large number of contests, i.e., competitions between individuals or teams in which the winner is determined by objective measurement of speed, distance, or weight. In the winter version of the Olympics, there are races on skis, ice skates and sleds; in the summer version, swimming and running races, as well as competition in jumping and throwing. A case can be made, I suppose, for classifying contests as sports, though they lack certain elements that make games far more interesting, to me at least. Since they are against the clock, the tape measure, or the scale, there is little or no role for strategy. Indeed, the identity of one's opponent is almost irrelevant. In many Olympic races, athletes perform by themselves, and only learn later whether they won and who their closest competitors were.

If the Olympics consisted only of games and contests, I suppose they would qualify as sports. But unfortunately, the Olympics are dominated increasingly by two elements that are so remote from sports that they cannot be so identified by any stretch of the imagination. The winners are determined by processes that are inherently subjective and very often dishonest. Prior to the Olympics, I heard an interview on a news program in which several former Olympic participants agreed that there was no possibility that Tonya Harding would beat Nancy Kerrigan. The naive interviewer asked how they could predict this with so much certainty. Well, the athletes explained, after what had (allegedly) happened, there was no way judges would give her better scores than Nancy, no matter how well she skated.

Judged competitions, like figure skating, gymnastics, ice dancing, high diving, freestyle aerials, synchronized swimming, etc., are silly contrivances that can be constructed for any human activity. Why, for example, is ice dancing in the Olympics when ballet is not? Or, for that matter, poetry-writing? The various national Olympic committees could very easily organize contests in which native poets compete before poetry judges to select representatives to send to Lillehammer, where the dreary competitive process could be repeated.

I suppose some would object that poetry is cerebral and that judged contests in the Olympics should involve physical activity. Okay. Why not include bricklaying? Lord knows, some bricklayers are faster and do a nicer job than others. I am sure judges could be found who could rate bricklayers on the uniformity of the thickness of the mortar between bricks, the flair with which the mortar is spread, the evenness of the bricks, and a dozen other minute characteristics of the construction of a brick wall. Anyone inclined to reject this as silly should explain the metaphysical importance of a triple sow-cow or a double axel.

It is time to reform the Olympics radically, so that the best athletes participate, and they represent themselves, not their governments.

And anyone who wants to limit judged competitions to those few in the Olympics at present had better explain why they exclude fashion design, painting (portraiture and house), and a million other human activities. Why not, for example, incorporate the Miss Universe contest into the Olympics? It is already an international judged competition, with participants from more than 100 countries.

The Olympics are a television event designed to maximize television revenue. The event with the largest viewership and therefore the most importance in the winter Olympics is figure skating, which is not a sport at all. Not far behind figure skating in viewership are the opening and closing ceremonies, grandiose spectacles staged to stupefy the sort of people impressed by spectacles. The sight of thousands of uniformed people marching behind flags, passing in review under the boxes of kings or presidents does not make my heart skip a beat. It makes me want to change the channel.

The Olympics are touted as being international in character and a promoter of world peace and international understanding. None of this is true. The Olympics is not international, it is intergovernmental. It has always consisted of contests among teams representing individual governments, not nations. They wear the colors and walk under the flags of their governments, not their nations. People from many nations are not allowed in the Olympics at all, or must compete under the flag of a government that rules them. Despite its myraid languages and nationalities, India fields a single team. The Soviet Union always fielded a single team, and members of its conquered nations competed as Soviets or not at all. The same is true of Mayans and Comanches.

One result of this intergovernmental competition is that once an activity is adopted by the Olympics, it takes on a vast new importance. Hockey was introduced in the Soviet Union because Stalin wanted to prove the superiority of Stalinism

over democratic capitalism in as many venues as possible. How many Jamaicans would participate in bobsledding were it not a ticket to the Olympics? Or Americans, for that matter?

The competition has never been among the best athletes in the world, but only among the best athletes from certain countries. Consider the case of basketball. Without a shadow of a doubt, the world's 25 best basketball teams are all members of the National Basketball Association. There are thirty-plus teams invited to compete in the Olympics, but only one from the NBA. As a consequence, Olympic basketball games frequently end with scores like 120–30.

The same is true in other sports and competitions. For an American sprinter to make it to the Olympics, he had better be able to run 100m in ten seconds or less. What is the qualifying speed for a sprinter from the Kingdom of Tonga? The result is the same in sprinting as in basketball: bums representing non-competitive governments are invited while top quality athletes from more competitive governments are home watching on television.

continued on page 67

Medianotes

Vicious circle — The February 16th op-ed page of the *Washington Post* unintentionally offered a charming roundup of everything that's wrong in Washington. Leaving aside the foreign policy article in the middle of the page — in keeping with the longstanding libertarian habit of ignoring issues of war and peace, militarism and leviathan — there were four articles arranged around the outside of the page that, beginning at any point on the page, led logically from one problem of the welfare state to another.

Across the top, William Raspberry examined the problem of crime and concluded that government must get tough and build more prisons *and* spend more on schools and social programs. In other words, government needn't choose among proposed approaches to the problem, but rather should spend money on all of them.

Moving clockwise, longtime Washington insider Lloyd Cutler warned that we must not amend the Constitution to require a balanced budget because then we wouldn't be able to spend as much as we need to in times of emergency. (Like today's crime emergency?)

Again moving clockwise, to the bottom of the page *Newsweek* columnist Robert J. Samuelson pointed out that the costs of new entitlement programs such as the Clinton health care plan are often "wildly underestimated" — thus, of course, making balanced budgets unlikely.

And on the left-hand side of the page, David Broder deplored the crime, illegitimacy, and other social ills that (he doesn't say) are largely the result of previous entitlement programs — like the ones Raspberry endorsed at the top of the page, which brings us full circle. —DB

Larry King: too black, too strong — After Larry King recently proclaimed that black conservatives in general, and Clarence Thomas in particular, "wish they were white," he fielded calls about the comment for a week, explaining that any "person of color" who casts his lot with conservatives is a sellout because conservatism means separate water fountains and repression of minorities.

Later that month, Larry switched from "controversial" back into more familiar kiss-ass mode as he interviewed well-spoken rap music icon Ice T. Between softball questions, the rapper tried to help Larry grasp such hip hop culture terms as "dope" (an adjective that replaces "cool" and "bad"). This, coupled with Larry's unashamed endorsements of such unconservative policies as redistributionist taxation and an activist federal government, raises the question: Does Larry King wish he were black? —RP

A critical review — Scholars — that is to say, people who write papers for scholarly journals — have a system for classifying footnotes: they either quote up or quote down. Those that quote up cite the works of those with higher status in the scholarly barnyard; those that quote down cite the works of those lower in the pecking order. Scholars often rate themselves by the number of times they are quoted up.

One of the reasons so many scholars view Ayn Rand as a comic figure is her proclivity to quote neither up nor down, but horizontally. Now the libertarian landscape is blessed with another horizontalist. In the current issue of *Critical Review*, Jeffrey Friedman cites himself in 21 of his 39 footnotes, nearly once per page. Each of those notes refers to one or more previous *Critical Review* articles by long-time graduate student Friedman, who has served as editor of *Critical Review* thoughout its long and illustrious history. —RWB

All the king's apologists — I have a confession to make: I'm starting to appreciate Rush Limbaugh. I spent the Bush years denouncing the blowhard broadcaster to anyone who would listen; he's an Establishment *poseur*, I'd say — a man whose support for George Bush belies his sometimes anti-statist rhetoric. Rush hit his nadir when he "interviewed" Mr Bush in the home stretch of the 1992 presidential campaign. Clinton and Perot are for more government, he told the assenting Republican, while "you're for less government."

Not bloody likely. George Bush was the quintessential big-government conservative, and Rush damn well knew it — he'll even admit it, now that Bush has belly-flopped out of power and popularity.

And if Rush *hadn't* known that Bush was a statist, he could have found out by reading Michael Kinsley's weekly essays in *The New Republic*. Kinsley was an iconoclastic neoliberal, more interested in thinking for himself than follow-

ing any party line. On some issues — agriculture subsidies, Social Security, free trade — he sounded downright libertarian. And he knew how to stick it to the president. When Bush promised he'd never raise taxes again, Kinsley showed that his proposed budget for the next year *already* included several new taxes and fees. Any time a Bush campaign officer lied or misspoke, Kinsley would point it out, gleefully. And he managed all this without getting too pollyannish about the opposition. ("What evidence is there that President Clinton will face up to the unpleasant fiscal reality that both he and the failed incumbent have ducked during the campaign? Well, none.")

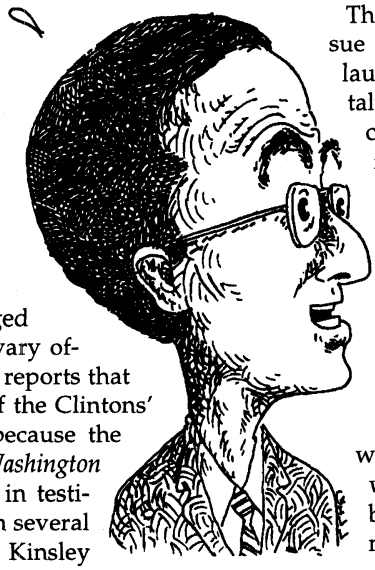

Alas, those days have passed. A year into the Clinton administration, the roles have reversed. Rush Limbaugh may not be the president's most sophisticated critic, but he's right at least half the time, and what he says gets heard. Kinsley, meanwhile, has discovered the advantages of speaking flattery to power; with the Troopergate and Whitewater scandals, he has emerged as defender-designate of the oval and ovary offices. On one recent *Crossfire*, he belittled reports that the Rose Law Firm shredded evidence of the Clintons' involvement in the Whitewater scam, because the story had "only" appeared in the *Washington Times*. (Actually, it had been confirmed in testimony before a grand jury and reported in several major papers and on CNN.) Recently, Kinsley wrote that then-White House Counsel Bernard Nussbaum's meetings with RTC investigators — people investigating Nussbaum's boss, people whose activities White House officials should certainly *not* be briefed about — are probably nothing to be concerned with.

But what's most disconcerting is what Kinsley *hasn't* written. In the *New Republic* of September 1, 1979, Michael Kinsley had this to say about one of Jimmy Carter's appointees:

> President Carter hired Lloyd Cutler last week as his White House counsel for the same reason the Automobile Manufacturers Association hired Cutler in 1966 to help water down impending auto safety legislation, and for the same reason the Pharmaceutical Manufacturers Association has employed Cutler over the years to help explain away various pricing and safety infelicities, and for the same reason corporations pay Cutler's law firm millions of dollars every year to deal for them with the Congress, with regulatory agencies, and with the antitrust division of the Justice Department. . . . Cutler is the very symbol of the unelected permanent government here, available for hire to special interests, which Jimmy Carter denounced in 1976.

When Nussbaum left the White House in the wake of the aforementioned RTC meetings, Bill Clinton replaced him with none other than . . . Lloyd Cutler. What does Michael Kinsley have to say about fixer-for-hire Cutler now? Nothing.

At the 1992 Democratic convention, die-hard Jerry Brown delegates carried signs that read "Lemmings for Clinton." Who would have expected Kinsley to join the rush for the cliffs? Let's hope Clinton's crimes bring this presidency down before one of our best journalists is completely lost to the Beltway. —JW

Discredit where discredit is due — The headline was "Feeling the Heat." The subtitle was "The Problem: Greenhouse gases could cause a climactic calamity." The article was written by *Time* reporter Michael D. Lemonick: "The heat waves, droughts, floods, and hurricanes may be previews of what could happen with ever increasing frequency if the atmosphere warms 3°F to 8°F by the middle of the next century, as some scientists predict."

The article was part of *Time*'s "planet of the year" issue of January 2, 1989, the apocalyptic tocsin that launched the most recent wave of hyperenvironmentalism. *Time* milked the issue (global warming specifically and environmentalism generally) for the next few years. Indeed, Charles Alexander — the editor responsible for the special issue — became famous for publicly announcing that *Time* had "crossed the boundary from news reporting to advocacy."

On January 31, 1994, Lemonick again tackled climate in the pages of *Time*. But this time the story was different. The headline: "The Ice Age Cometh." The subtitle: "Last week's big chill was a reminder that the Earth's climate can change at any time." Lemonick noted that scientists have been warning about the greenhouse effect, but that, "if last week is any indication of winters to come, it might be more to the point to start worrying about the next Ice Age instead."

If he were in any other profession, Lemonick might be worrying about his next job. But irresponsibility is part and parcel of the press, its badge of relevance. The successful journalist moves from hyped-up and sensationalized predictions of global warming to hyped-up and sensationalized predictions of an Ice Age without apology.

The consequences are enormous. Over the past five years, the government has taken big strides toward reducing freedom in the name of global warming. George Bush signed an international treaty that promises to cut back on greenhouse gases; Bill Clinton has demanded a wasteful, multi-billion-dollar "voluntary" energy policy; and politicians around the world are trying to figure out how to impose a carbon tax. And global warming is serving as a bandwagon on which to pack more government-funded research.

Yet Lemonick has the audacity to imply that the cause of all this is scientists' "apocalyptic warnings" about the greenhouse effect. Some scientists have indeed issued such warnings, but political action didn't come just because some scientists thought the world would get warmer. It happened because *journalists* like Lemonick and his boss persuaded politicians that global warming would win constituents' votes. And for five years it did. —JSS

McCaughey the Dragon-Slayer — At least some of the credit for the public's turn against Bill Clinton's health care plan should go to the Manhattan Institute's Elizabeth McCaughey, whose article in the February 7 *New Republic* detailed some of the 1,386-page bill's gorier features. Under ClintonCare, McCaughey pointed out, Americans will

be forced into cut-rate HMOs and prevented from exiting the system to buy better coverage. A seven-member price-fixing "National Health Board" will decide how much can be spent on medical services, outlawing plans that spend 20% more than their respective regions' average. A 15-member "National Quality Management Council" will establish "practice guidelines" to determine under what circumstances the services we will allegedly be entitled to are "appropriate." Doctors will be required to report each patient's visit to a national data bank holding every American's medical history. And more — much more than I can summarize here.

The White House replied with an undocumented ten-page screed against McCaughey's "blatant lies"; the response stood in stark contrast to the original piece, which backed up every claim with a reference to the offending page in the Clinton plan. So when McCaughey replied, she employed direct quotes as well as page references, making it tougher for the administration and its apologists to claim the passages weren't there. *TNR* generously offered to provide a venue for a formal debate between McCaughey and a representative of the administration; at press time, the White House is still ducking the challenge.

The New Republic's preferred alternative to ClintonCare is the almost-as-bad Cooper-Grandy scheme. But the magazine deserves credit for running the article, and for giving McCaughey's detractors a chance to embarrass themselves in public. At this point, hardly anyone continues to support the administration's proposal. Ira and Hillary's medical monster is almost certainly dead. —JW

Free China — Warren I. Cohen, distinguished professor of history at Michigan State University, complains in the *Washington Post* about Robert Novak's claim that China is "freer today than before the demonstrations of 1989." Cohen rightly points out that the Chinese government is "still attempting to assert totalitarian controls over the intellectual life of the country." But it is sadly typical of academics that in his 500-word essay, the distinguished professor devotes not a word to economic freedom.

Now those of us whose greatest joy in life is giving a piece of our minds to others, whether they ask for it or not, are more directly concerned with freedom of speech and the press than with economic liberty. But we — Cohen and I, for instance — should remember that only a system of private property gives us the freedom and the affluence to engage in these pursuits. And for most people, the freedom to own property (or lease it on a long-term basis), start businesses, and trade freely to make a better life for themselves and their families is probably more meaningful than the right to write and read about the doings of governments.

The Economist, the World Bank, and the IMF have recently declared that China has moved out of the ranks of the low-income countries. Southern China reportedly has the world's fastest-growing economy, and the World Bank says China's GDP is now tied with Japan's for second in the world (though obviously not near the top in per capita terms). That's pretty good evidence that the Chinese people are enjoying a degree of economic freedom that is producing prosperity.

As they say over there, "To get rich is glorious." The distinguished professor, already wealthier than 99% of the people in the world, should have a care for those still trying to get rich. —DB

Later on, Later off — There are now only two types of interviewers on television: aggressive interrogators and effusive suckups. Neither are very good at their jobs.

The aggressive interrogators, as exemplified by Mike Wallace, go into an interview with an agenda, usually hidden. They want to get their subject to admit to something, an awful sin or insignificant misdemeanor. Their subjects generally know this and come to their interviews prepared for evasion, or at the very least defense. The resulting interviews resemble boxing matches: the interviewer trying to work his game plan for the knockout, the subject bobbing and weaving. The most common defensive strategy is to look the interviewer earnestly in the eye, ignore his question, and make a little speech. Most politicians have mastered this technique. Not surprisingly, most interviews with politicians are of interest only to fans of the arcane game. Occasionally, the aggressive interviewer runs into a subject unschooled in evasion, usually an unsuspecting businessman lulled into the interviewer's trap by the flattery of media attention.

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The Editors of

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. . . note that the exact same points were made in its pages three years ago, in R.W. Bradford's "The Owls are Not What They Seem" (July 1991) and "Owl Spotted" (September 1991).

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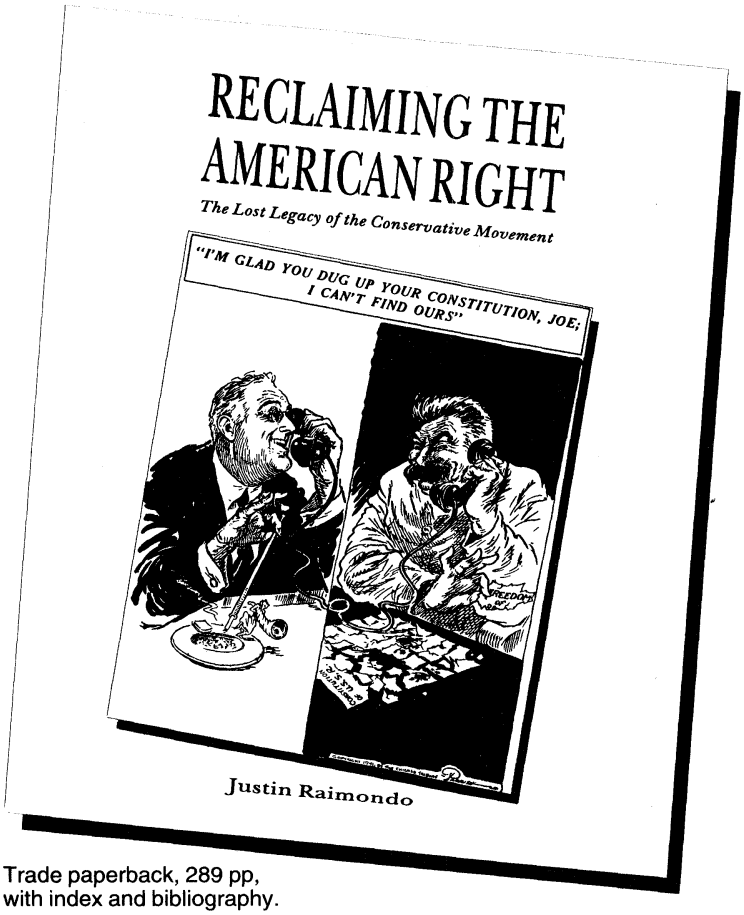

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The flattering attention offered by the effusive suckups is apparently sincere. They not only make it evident that they love or respect or admire their subjects, they refrain from asking the slightest embarrassing or penetrating question. Consequently, it is almost impossible to distinguish an interview by Charlie Rose or Larry King from an infomercial.

Until February 26, there was a third type: an interviewer who could draw out his subjects without aggressiveness, who could get his subjects to say interesting and revealing things without insulting them. Connoiseurs of intelligent conversation will miss Bob Costas. For four nights each week since 1988, Costas provided insomniacs with 30 minutes of first-rate interviewing. His 1:35 a.m. television program was never more than a sideline to his career as a sportscaster, but Costas demonstrated that there is a place for intelligent conversation in the desert of television talk shows.

NBC replaced Costas with Greg Kinnear, a mildly amusing but lightweight television "personality" who built a reputation for a well-honed sneer hosting a cable program reviewing daytime talk shows. In contrast to Costas' program, Kinnear's has an audience, a monologue, and a lightweight interview.

Okay, I exaggerate when I say that Costas' retirement leaves television with only aggressive interrogators and effusive suckups. Network news people occasionally perform short interviews. But not often. What few interviews I have seen by Tom Brokaw or Dan Rather or Peter Jennings confirm the perception that the success of a network newsperson's career is more a function of looks than intelligence. This doesn't surprise: their jobs consist almost entirely of reading news copy that others have written. I can recall only two interviews by Dan Rather, in which he was made to appear foolish by George Bush(!) and Pat Robertson(!!). Among all the network newspeople, I can think of only two who show signs of intellect beyond that of a typical high-school teacher or metermaid: Ted Koppel of ABC and Tim Russert of NBC. —RWB

Two thumbs down — Siskel and Ebert refused to appear on *The Arsenio Hall Show* after Arsenio hugged Louis Farrakhan and failed to denounce the minister's alleged anti-Semitism. Fine. But they would have shown better taste if they'd boycotted *Arsenio* because its host is a fawning, drooling mockery of an interviewer, incapable of responding to any guest's remark, no matter how inane, with anything more than a gushing "yeaaah." Hugged Louis Farrakhan? For Arsenio, that is admirable restraint. —CS

Beyond bias — The left-liberal bias of the press is a recognized fact, thanks in large part to the work of Robert Lichter and his associates. Their documentation (notably in *The Media Elite*) has spawned a mini-industry on journalistic bias, featuring the selection and publication of bias-revealing quotes.

But there is another, more fundamental, way of looking at the problems of the press: rather than focusing on its biases, trying to identify the conditions that enable bias (and the shoddy reporting consequent to bias) to flourish in the press. This is a much more challenging approach, an approach that very few people have attempted. One who did was Dennis J. Chase, who died from an accident in February at the age of 47.

Journalism was Chase's profession, and he was passionate about it. When I met him in Chicago in 1971, he was eager to be the best reporter he could. He loved to seize on a glimmer of information — a casually dropped remark, say — and develop it into a story through extensive reporting. He always used a tape recorder in order to be accurate, and couldn't understand why fellow journalists were reluctant to do so.

After working at several newspapers, he joined McGraw-Hill — first its Chicago news bureau and then its bureau in London. In both places he wrote for many McGraw-Hill trade magazines and newsletters. Subsequently, he spent 13 years at Crane Communications, where he was executive editor of *Advertising Age* until 1993.

During his early days as a journalist, Chase wanted to improve the caliber of journalism, and that's what he wrote about in such magazines as *The Quill* (the magazine of the Society of Professional Journalism) and *Reason*. Those writings reveal his wide reading about journalism and his meticulously collected and filed evidence, which often took the form of different ways the press dealt with a single issue. (It was harder to collect these then; no one had Nexis.) In one *Reason* article, Chase recounted four trivializing treatments of a statement by Alan Greenspan about inflation. Rather than investigate inflation's impact, reporters excitedly seized on Greenspan's statement that, "percentagewise," inflation affected stockbrokers' income the most.

In an eloquent *Quill* article about sensationalist environmental reporting, published in the days after Earth Day 1970, Chase quoted several journalistic claims that air pollution was getting worse. He demolished most of them — and, in the process, coined the term "eco-journalist." Another article scrutinized what was then called the "new journalism," labelling it "dead-end reporting" because it was "non-credible."

In all these essays, Chase argued that reporters should obtain evidence before determining that something is news. His essays lamented the "darkness of journalism practice," but he felt that journalism could change if the people most responsible for the "darkness" — editors — took a more philosophical stand. "Many of the errors made by journalists — mistaking change for crisis, social adjustments for revolutions — are not due to bad reporting," he explained in *Reason*, "but to standard journalism practice which requires reporters to assess the news value of immediate events without the evidence to do so."

Journalists, he said, are "at the mercy of whoever controls the Moment." And that is because editors have "never grappled with the key questions: what is news? what is important and how do we know?" If they had, they would recognize that news is "an important change or potential change in the status quo that can be independently verified by journalists." (He cited this as his preferred definition; I don't know whether it was original or not.) To provide evidence that news equals change, the news must "run a certain course," he said. In other words, some "news" will have to wait.

Chase found a model in *The Wall Street Journal*. The *Journal* lists news items briefly in a column on page one but, meanwhile, puts reporters to work investigating the most promising items. A likely outcome is a story that will appear a few days later as a long feature. This model offers a chance to identify and report on the news of the day without "hyping"

"Dear Michael,
"Your Persuasion Tapes Saved My Marriage...

"We've been married almost 6 years. My husband is a member of the LP. He subscribes to all the libertarian magazines and journals. He reads 10 or 12 books every month.

"He talks to everyone about politics and economics, but he stopped talking to me and with me about what matters to us and our relationship. I felt taken for granted. I felt like he didn't really love me anymore.

"I talked with him. I read a few books on relationships and communication. I went to a counselor. (He wouldn't come.) I tried everything. Nothing worked.

"I was ready to give up. One night, while he was at a libertarian meeting, I saw your *Essence of Political Persuasion* Tapes on top of his book shelf.

"Maybe I could persuade him to talk to me...I listened to side 1 of the first tape. Your recipes for quickly creating rapport made sense to me. So did your keys to powerful communication...

"When my husband got home, I told him I had listened to side 1 of your first tape and asked him to practice your rapport recipes with me. We practiced for about 30 minutes. The next thing I knew we were talking about us, our relationship, our marriage and our life together. We talked 3 hours. It seemed like minutes.

"We have listened to your tape set 8 or 9 times. We practiced all the skills you teach. We started listening to and talking with each other. Now we really communicate.

"I finally understand why my husband is a libertarian. I've read 8 libertarian books in 6 weeks and discussed them with my husband. Now I'm a real libertarian, too.

"Michael, your *Essence of Political Persuasion* Tapes saved my marriage.

P.S. "We are expecting our first baby late this year."

Name withheld by request

"I'm a Christian Libertarian. While I've always felt uncomfortable discussing my Christian beliefs with libertarians, I've felt even more uncomfortable discussing my libertarian beliefs with my fellow Christians.

"Your *Essence of Political Persuasion* Tapes gave me the confidence and skills I needed to bring libertarianism to my church. Your story on 'the Judas Bargain' hit me deep. I'm getting powerful results with your 'Political Cross-Dressing' and 'Words Are Weapons' techniques.

"Liberty cannot triumph in America without the support of millions of my fellow Christians. Reaching them will be my special libertarian 'ministry'.

" God Bless you, Michael."

B.L., New York, New York

"...Michael, your Persuasion Tapes earned me $12,000. I was 1 of 4 candidates for a promotion in my company. I was the least qualified. I don't socialize with the boss. Nobody figured I had a real chance.

"When I went in for the interview, I started off with your Rapport building methods, then I used your 'Intellectual Judo' to turn objections to promoting me into reasons why I was the best candidate. I used your 'Isolate the Concern' tactic to handle the final issue.

"After 35 minutes, my boss said, 'Communication is very important to this job and so is poise under fire: Congratulations, you've got the promotion.' Your *Essence of Political Persuasion* Tapes earned me a $12,000 a year promotion in 35 minutes."

R.S., Los Angeles, CA

"My letters-to-the-editor used to make people angry. Since I started using your Political Persuasion methods, people started sending in letters agreeing with me."

T.L., Toronto, CANADA

"...anyway, I got fed up listening to my sociology professor praise welfare statism. One day, after class, I got him alone and used your 'Welfare Junkies' argument on him. It stopped him cold! He asked if I could recommend any books on the subject. I told him I'd bring one by later.

"Michael, that's when I called you. I followed your advice to the letter. I bought a copy of Charles Murray's LOSING GROUND - and **sold** it to my professor. You're right, if I'd given it to him I'd be practicing intellectual welfare, encouraging him to believe in something for nothing and he'd have had no financial investment in reading the book.

"Well, he read the book and asked for more. I gave him a Laissez Faire Books catalog (he bought several books over the phone while I was there) and a CATO catalog.

"My professor is on his way to becoming a libertarian. Think of how many thousands of students he will influence with libertarian ideas - thanks to your *Essence of Political Persuasion* Tapes."

R.J., Madison, WI

"...I'm a competent, trained Psychiatrist, but I was stuck. He was the most resistant depressive I've ever treated.

"In frustration, I tried your 'Intellectual Judo' method on him. I agreed with his depression. I embraced his position. I added to it, accelerated it and re-directed it.

"He started laughing. We talked. Then we started making progress...

"Michael, your persuasion techniques are powerful. I regularly use them with clients, colleagues, friends and family. Your methods have improved all my relationships."

Name withheld by request

"...I was one of the thousands of aerospace workers laid off. Not only was I out of work but I was competing against these thousands for a shrinking number of jobs here in California.

"For 3 months I got nowhere. One afternoon, I listened to your *Essence of Political Persuasion* tapes again. (I bought them a year ago.)

"I starting using the Rapport building steps, the Onus of Criterion and Political Cross-Dressing during every interview. In 2 weeks, I got 4 job offers. I'm now back at work. Michael, tell libertarians that your Persuasion tapes aren't just for politics...they got me a job."

B.N., Orange County, CA

"I'm a 74 year old retiree. I call in to several radio talk shows. People used to tell me that my libertarian ideas were crazy...Now they ask me to tell them more - thanks to your *Essence of Political Persuasion* Tapes."

A.J., Denver, CO

Why don't more people seriously think through the libertarian arguments and evidence you give them?

Why don't they take your ideas to heart?

1. THEY DON'T BELIEVE YOU.
You're telling them the opposite of everything they heard in school, church, on TV and from their family and friends.

2. THEY DON'T TRUST YOU.
What have you personally done to earn their confidence?

3. THEY DON'T LIKE YOU.
You've criticized their beliefs and values - and the beliefs and values of their family and friends.

4. THEY DON'T THINK IT'S IMPORTANT ENOUGH.
Even if they believe and trust and like you, why should they sacrifice family time, work time and leisure time for the libertarian cause?

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✔Also send me *The Late, Great Libertarian Macho Flash* (Classic Reprint)

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it before anyone knows if it means anything.

Unfortunately, although the *Journal* won the respect of many reporters, it did not set a trend. In fact, reporting has probably not improved over the past 20 years. If Chase had continued to assess environmental reporting, for example, he would have found today that the issues are more sensationalized and based on even flimsier evidence than they were in 1972. This lack of professional standards gives reporters more leeway to express their prejudices, which is what media critics focus on today. Perhaps, as former Interior Secretary James Watt has suggested, one of the few beneficial forces in journalism has been the advent of *USA Today*: its stories are so brief that there is little chance for extended bias.

By the mid-1970s, Chase had stopped analyzing journalism and concentrated on practicing it. Perhaps he concluded that journalism wasn't about to change; in any case, he did extremely well in business journalism, which doesn't demand the constant crisis-mongering he found abhorrent. Only in the past year, particularly after he left *Advertising Age*, did he return to his libertarian interests. His last speech, at a conference sponsored by the Heartland Institute, argued that libertarian and conservative organizations should embrace advertising as a tool for changing policy.

I was a friend of Dennis Chase. His clear thinking had always impressed me, and his ideas (he was the first libertarian I ever seriously conversed with) influenced me enormously. His commitment to discovering and reporting the truth inspired me, as it should inspire all journalists, whatever their beliefs. —JSS

Lies, damn lies, and health care polls —

Government and the insurance industry, the two institutions most responsible for the skyrocketing cost of health care, are fighting a public relations war over the the administration's proposal for mandatory cartelization and government control of medicine.

On the side of the government, we have Bill Clinton and Hillary Rodham Clinton grabbing headlines and soundbites by denouncing all criticism of their plan as the work of greedy and evil insurance companies. The insurance industry has responded with a series of television advertisements in which a middle-aged, middle-American couple worry about the Clintons' plan, pointing out some of its more undesirable features (i.e., people will be unable to get the medical care they want or need if the plan is enacted).

Right now, the Clintons are losing the battle. According to a *Wall Street Journal*/NBC News Poll published March 10, support for the Clintons' plan is falling sharply, and currently stands at 37%, while opposition has risen to 45%.

The poll also asked the same people whether they support the other health care plans proposed in Congress. A description of the Chafee plan, a "moderate" version of the Clinton plan which requires everyone to buy medical insurance and subsidizes medical care for the poor (but does not require employer payment), is supported by 48% of the American public. Another wimpy version of the Clinton measure, the Cooper-Grandy bill which stops short of requiring employers to buy medical insurance for all employees, got a favorable rating of 34%. The Gramm plan, which allows tax-free savings accounts for medical expenses — gets 42% approval. The McDermott plan for a total and complete government takeover of all medical care, is approved by 31% of the people.

Interestingly, the *Journal* also reported that "when read a description of the major provisions of the White House bill — without identifying it — 76% of respondents say it has either 'a great deal of appeal' or 'some appeal.'"

Before you jump to the conclusion that people have been hoodwinked by Harry and Louise, consider that the published report on the poll did not specify how it described the "major provisions" of the Clintons' plan. The *Journal* did give us a clue, however:

> Forty percent of those surveyed say requiring employers to pay for the workers' health coverage, a cornerstone of the Clinton plan, is the best way to achieve universal health coverage. This compares to 22% who favor requiring individuals to purchase their own coverage, and 18% who back having the government collect money through taxes and use it to pay medical bills. Moreover, by 58% to 34%, Americans say the government should set controls on health prices. The Clinton plan would place caps on the annual increase in private health insurance premiums.

If this reflects how the pollsters described the "major provisions" of the Clintons' plan, there's little wonder why so many people supported it. If you have to choose between having your boss pay for your medical care, or paying for it yourself either directly or through taxes, which would you prefer? Suppose the poll had described that provision of the Clinton plan this way: Should you have to pay for your medical insurance indirectly by means of a payroll tax? Or indirectly by increasing other taxes? Or would you prefer to pay for it yourself?

Suppose the poll asked about price controls by saying: Do you favor a system where the government decides the total amount of money that will be spent on medical care in this country and prohibits any spending above this amount, which will inevitably mean that some people who need medical care will be denied it?

If the cited provisions of the Clintons' health care were described in these terms, how much support would it get?

Suppose that the poll asked: Do you favor making it a criminal offense to select a physician of your own choosing and pay him yourself? Do you favor a system that requires that your personal medical records be stored in a government computer, with information accessible by a wide variety of government authorities? Do you favor a system that prevents people covered by Medicare from receiving newly developed drugs?

Presumably, the pollsters didn't ask people about these provisions of the Clintons' proposal. What kind of answers would the pollster have gotten if they had?

More than a century ago, Frederic Bastiat pointed out that government has two hands, one smooth and one rough. With its smooth hand, it bestows gifts on its people. With its rough hand, it exacts costs and imposes restrictions on their freedoms. When pollsters describe a program only in terms of the gifts it promises to bestow, while hiding the costs and restrictions it imposes, there is little wonder that people respond favorably. —RWB

Whitewater Was No Accident

by Chester Alan Arthur

"Power tends to corrupt; absolute power tends to corrupt absolutely." But what happens when power is diffused through an increasingly powerful bureaucracy?

Revelations about the Clintons' involvement in the looting of Madison Guaranty Savings & Loan, their recent attempts to interfere with the investigation of their involvement, and their interference with the investigation of the mysterious death of their close friend Vincent Foster seem to have taken over the headlines.

Supporters of the Clintons have attempted to dismiss the whole matter as a partisan attempt by Republicans to do personal harm to the Clintons and divert the public's attention from their legislative agenda. Some of these apologists have gone so far as to claim that the Clintons have not even been *accused* of any wrongdoing.

Meanwhile, Republicans have persisted in their curiosity and their criticisms, even comparing the activities of the Clintons to the infamous Watergate scandal that brought down the Nixon presidency 20 years ago. Apparently, Republicans are oblivious to the obvious point that by comparing the Clintons' problems to Richard Nixon's, they are accusing the Democrats of being as corrupt as a Republican. I am reminded of a contest sponsored by the *Baltimore Sun*, in which readers were invited to answer the question, "What's the difference between a Republican and a Democrat?" The winning entry: "A Republican is a person who believes the Democrats are ruining the country. A Democrat is a person who believes the Republicans are ruining the country. (Both of them are right.)"

Already the scandal has forced the resignation of two high-ranking presidential advisors, White House Counsel Bernard Nussbaum and Assistant Attorney General Webster Hubbell. Nussbaum bit the bullet after compromising the integrity of a supposedly "independent" investigation of the First Family's involvement in the savings-and-loan fraud, while Hubbell fell on his sword after it was revealed his old law firm was investigating allegations that he overbilled clients (including the federal government) more than $1,000,000. Hubbell's fall had to be a special blow to the Clintons: he was a personal friend of both and a law partner of Hillary Rodham Clinton.

By early March, the Clintons appeared to be on the edge of paranoia. An Associated Press dispatch from Detroit (March 12) described how the president responded to questions about the scandal:

> Shifting to the edge of his seat, visibly agitated and eyes bulging, the president wagged his finger at two reporters and unleashed a rising torrent of complaint. . . .
>
> As he stood to end the interview, Clinton was asked if he would make public his tax returns from 1978 and 1979, which could reveal information about his investment in the Whitewater real estate deal in Arkansas at the root of the controversy.
>
> Clinton's face reddened in anger as he argued that he has given all relevant financial records to independent counsel Robert Fiske and that legal procedure now prohibits him from releasing the records to the public.

Calmer heads among his remaining advisors tried to discourage further outbursts of this sort. Less than two weeks later, he had regained his self-control and told a press conference that he was making public the same tax returns that had precipitated his Detroit tantrum. Apparently, the "legal procedure" he had cited in Michigan no longer applied. The similarity between his angry and near-panicky behavior and that of Nixon in his final days is eerie.

Just how similar are the Clinton scandals and Watergate? Apologists for the Clintons typically see

Watergate as far more serious than the Whitewater charges. Typical is the view of Sam Dash, former counsel for the Senate Watergate Committee:

> The only thing that Whitewater has in common with Watergate is "water."
>
> Watergate involved a president, Richard Nixon, who committed serious crimes in office solely to advance his political ambitions. Perhaps at no other time has our constitutional democracy been more in danger.
>
> It is really nonsensical to compare these crimes with the undefined allegations relating to Whitewater [which] involved commercial transactions that may have been engaged in by Bill and Hillary Clinton years before he was elected president.

This may be the way most Americans see things today — though I believe they will change their view of things as the complexities of the case unravel — but it's not the way I see it.

The apogee of the old system was achieved by Huey Long, who required every politician and employee of the State of Louisiana, from grade-school janitor to U.S. senator, to sign an undated letter of resignation.

The burglary of the Democratic Party's headquarters and subsequent attempts to cover up the presidential campaign's involvement seems to me to be pretty much the sort of shenanigans that politicians habitually play. I can recall a Democratic "prankster" who appeared on the Johnny Carson show to brag about his efforts to sabotage Republican campaigns. The whole business was considered funny. I remember stories about how John F. Kennedy's grandfather had his campaign workers telephone uncommitted voters in the middle of the night posing as campaign aides for his opponent, a tactic which was considered to be clever and amusing. Snooping into one's opponent's campaign plans doesn't seem a lot different to me.

Say what you like about Nixon, but the Watergate crimes occurred entirely within the context of the political game. His actions were aimed at his opponent and their actions were aimed at him. He cheated at the game, was caught, and tried to weasel his way out of it. The money used to finance the break-in and try to cover it up came from campaign contributions, not the taxpayer. Politics is a game with only one real rule: anything that gets you elected is okay, unless you're tossed out of office and into jail.

In the end, Nixon lost the game, barely escaping the hoosegow. The effects of his actions on the government and on the American people were relatively minor, and virtually all good: he disgraced the office of the presidency and shook people's confidence in government. So what's the big deal?

We may figure spitballer Gaylord Perry was a cheater at baseball and that Bill Laimbeer was a dirty basketball player, but we aren't about to put either on trial in public courts for their failure to play by the rules of their games. The same was true, more or less, of Nixon, the Watergate break-in, and its subsequent cover-up — except that his opposing team controlled the officiating.

In contrast, the Clintons are accused of fraud against the United States Treasury, of being paid accomplices in the looting of a savings-and-loan association, costing the taxpayers approximately $60 million. Furthermore, they stand accused of obstructing justice by destroying documentary evidence that might be used against them. And they are charged with intervening in the investigation of the death of an individual deeply involved in the fraud. (For details on the charges against the Clintons, see "A Bill of Particulars," page 30.)

Whether anyone will ever get to the bottom of these charges remains to be seen. The president, after all, is the most powerful person in the world. He is in charge of the very police agencies responsible for investigating his apparent crimes, and appointed the very prosecutor responsible to bring legal action against him. Unlike Richard Nixon, the Clintons head the political party that firmly controls both houses of Congress, and has used its vast majorities there to block investigation of the scandal. Furthermore, the fraud perpetrated by the Clintons and their cronies is extremely complex; many people will lack either the inclination or the intellect to understand it. This has enabled the Clintons and their apologists to maintain publicly that there have been no accusations of any wrongdoing, a baldfaced lie they manage to repeat with a straight face.

Civil service reforms generally made it difficult or impossible to discharge an employee, unless the employee committed outright crimes or was grossly incompetent.

Until late February, most of the American media trod very lightly. The media boycott of the story reached such a point that *The Economist*, the rather staid British newsweekly, speculated in its February 26 issue that there might be a "conspiracy of silence" regarding the Clintons' shenanigans. *The Economist* compared the situation in America today to that in Britain in 1937, when the British news media blacked out all coverage of the constitutional crisis occasioned by the new king's affair with a divorced American, an affair that led to his abdication and exile. Just as Britishers who wanted information about that constitutional crisis had to read foreign newspapers, so many Americans have had to go to the foreign press for details of the Whitewater scandal. *The Economist* illustrated its story with photocopies of coverage of the Clinton crisis from the British press. "House of Secrets" ran one headline, over a photograph of the White House. "Big Trouble at Little Rock" ran another, over a photo of Rodham Clinton. "Suicide or Murder?" ran a third, over a photo of Vince Foster, thereby touching a subject of much speculation and suspicion everywhere in America except the major media.

Happily, the foreign press is not the only source of information for Americans. There are a few newspapers and magazines who are not inclined to look the other way as the scandal unfolds. Clinton has made an extraordinary number of enemies, both personal and ideological. His friends may control the *New York Times*, the *Washington Post*, and the television networks, but his critics control the *Washington Times*, *The American Spectator*, and a host of smaller periodicals. Reporters for these publications are resourceful, and they are coming up with very damaging information.

The media blackout came apart on February 24, when Roger Altman, acting head of the Resolution Trust Corporation, admitted in congressional testimony that he had briefed the Clintons' staff on the status of the RTC investigation of the Madison Guaranty scandal. The RTC is supposedly a completely independent agency, and the fact that it briefed the staff of individuals under investigation was too scandalous for even the *New York Times* to ignore. Altman's revelation touched off a maelstrom of major-media interest. Within a few days, ABC News was referring to the Clinton administration as a "moral swamp" and even *Newsweek* was having second thoughts about the heroic character of the First Lady.

The Clintons acted quickly to attempt to reassert control of the situation. First, they ordered the resignation of White House Counsel Bernard Nussbaum, in hopes that offering a sacrificial goat would quiet the outraged public and put the awakened press back to sleep. Then they made a big show of ordering all White House personnel to comply fully with subpoenas issued by special prosecutor Robert Fiske, as if their minions might be thinking about committing perjury on behalf of the Clintons. They put their spin doctors on overtime, explaining why there was no similarity between the Whitewater-Madison mess and Watergate.

Will they prevail? In the end, I suspect the truth will come out, despite the president's power and determination. Conspiracies are notoriously hard to keep secret; someone always has a reason to reveal some tidbit of information, and each tidbit prompts revelation of another. Further, we live in an age of the computer disk, the xerox, and the fax machine. What are the chances that not a single employee of the Rose Law Firm copied a document or two, or took home a computer disk with incriminating information, or kept a diary, or simply has a good memory of what happened? What are the chances that none of those in possession of information will ever find a reason to come forward?

Right now, it looks as if the Clinton presidency might not survive. Already, grand jury testimony has contradicted statements by the Clintons about the document-shredding at the Rose Law Firm, and more damaging testimony is sure to follow. Democrats in both House and Senate have finally concluded that they can no longer ignore the scandal and have announced that hearings will be held. But the president's power and resources remain extensive, and it is possible that he will manage to survive. At the very least, it is likely the affair will cripple his presidency.

Old-Style Corruption

The Whitewater-Madison mess is not the first scandal in American politics, and it will not be the last. Like Watergate, it is a strange throwback to the nineteenth century, when the political culture and the dominant styles of corruption in America were different than they are today.

"Power tends to corrupt, and absolute power tends to corrupt absolutely." When Lord Acton made his famous observation 107 years ago, its underlying truth was well-recognized. Over the previous two centuries, the absolute power of Britain's monarchy had been replaced by the limited power of Parliament.

Although absolutism had never taken root in America, the truth of Acton's maxim was well appreciated on this side of the Atlantic. It underlay the American tradition of limited government. Government may be a "necessary evil" (in Thomas Paine's words), but restricting its scope and power could minimize its evil.

Binding government in Jefferson's "chains of the Constitution" did not prevent corruption; it only limited corruption within fairly specific boundaries. Cities, states, and the almost powerless federal government were in the hands of politicians, a class of individuals almost universally held in contempt by decent people.

Politicians created "machines" to insure their re-election and the election of allies. They lined their pockets and financed their campaigns with kickbacks from government contractors. Government jobs were rewards to the party faithful, who dutifully worked on the election campaigns of their boss-

es and often kicked back part of their salaries.

Corrupt deals were pretty much like any bargain among criminals: they were negotiated and explicitly agreed upon. The only difference between such agreements and legitimate business deals was that they could not be enforced by the courts. As a consequence, politicians, like criminals (one is tempted to say, *other* criminals) depended on other means of enforcing contracts, primarily the expectation of profits from future deals and fear of retribution.

The new class of bureaucrats and politicians solved the problem that brought down the old political bosses.

When the mayor wanted a kickback from the firm to whom he awarded the contract to build the new city hall, he negotiated with the contractor for a flat fee or percentage. If the contractor didn't pay the agreed-upon amount, the mayor would refuse him future business and perhaps have his police interfere with his ongoing operations.

Transactions between politicians had the same characteristic. The political boss of a large city might agree to deliver votes to a particular candidate for governor, in exchange for that governor allowing the political boss to name certain judges or control a particular government contract. The arrangement between a boss and his underling worked the same way: the party worker would agree to organize a precinct and deliver votes for the boss, and the boss would agree to give the party worker a specific government job.

The system worked reasonably well because everyone involved in a corrupt deal was a member of one or another of the political organizations or corrupt enterprises involved, and therefore depended on the enterprise for their jobs and income.

Perfecting Corruption

The apogee of this system was achieved in Louisiana in the 1930s under Huey Long, an immensely popular demagogue. As a precondition of employment, Long insisted that all his underlings tender a signed, undated letter of resignation. This condition applied to every single politician and employee of the State of Louisiana, from grade-school janitor to U.S. senator, giving Long the most complete control over government and politics of anyone in American history. Those who failed to toe the line could be threatened not only with loss of job and livelihood, but also with investigation, prosecution, conviction, and imprisonment at the hands of policemen, district attorneys, judges, and prison officials under his absolute control.

When Long challenged Franklin Roosevelt's welfare programs with his own "Share Our Wealth" agenda, FDR used all the resources of the federal government to remove Long as a political rival. Long's system was so perfect that the vast power of the federal government could not harm him. But the system had a single weakness, exploited by Dr Carl Weiss on September 8, 1936, who evaded Long's praetorian state troopers and put a fatal slug in Long's gut before falling in a hail of bullets.

Long was corrupted by lust for power, not money. But his carefully crafted system outlived him, and his successors' interests ran more toward cash. Thumbing their noses at federal investigators, they took the sensible precaution of making sure that all payoffs and bribes took the form of cash sent by railway express (to insulate themselves from mail fraud charges), and within a few years they were living in mansions with solid-gold toilet fixtures. With prosperity came laziness, and the Long empire fell when they allowed a bribe to be paid by check — which cleared through the mail.

But the Long machine was the exception, made possible by Long's extraordinary popularity, skill, and determination. No other political machine in America before or since has achieved such absolute control. Consequently, they were vulnerable to less radical challenges than the assassin's bullet.

The inherent weakness of the old-fashioned corrupt deal was that, while it had powerful safeguards against exposure by its participants, it could not eliminate that danger completely. Occasionally, a party involved in a corrupt deal would reveal its terms to the public. Once one person talks, others tend to go public in hopes of minimizing damage to themselves, and the conspiracy falls apart.

The traditional response of the average citizen to exposure of government corruption was to recognize it as further evidence that government is inherently corrupt. *Of course* politicians steal and jobholders goldbrick; that's why government should be severely limited. *What else is new?* Political corruption was tolerated in the way that a shopkeeper tolerates petty shoplifting: it was wrong but inevitable. Just as the shopkeeper minimizes shoplifting by putting as little merchandise as possible where the shoplifter can grab it, so the citizen minimizes graft by putting as little money as possible in the public treasury where the politician can grab it.

But in the aftermath of the outpouring of moral indignation that fueled the Civil War, Americans began to see politicians and government employees in a different light. No longer were politicians scoundrels distinguished from ordinary street criminals only by their gift of gab and their ability to wear civilized garb. Now politicians were moral leaders and government a moral enterprise. The previous notion of law as suppressor of activities that were considered wrong by a broad consensus (e.g., murder, polygamy, robbery, fraud, etc.) began to give way to the notion of law as positive agent for moral improvement (e.g., prohibition of alcohol, compulsory education, the suppression of vice, etc.).

As people began to see government in this new way, their attitude toward corruption changed to one of moral outrage. No longer was corruption seen as an inevitable corollary of a necessary evil; now it was the result of evil people who had somehow managed to rise to positions of power and divert the state from its true purpose of improving humanity.

These outbursts of public indignation gave rise to a reform movement for "civil service." The theory was sim-

ple: what enabled politicians to cheat the public was their authority to hire and fire government employees. Take away that authority, and the ranks of government employees would no longer be filled by people who depend on politicians for their livelihoods. Civil service reformers proposed to hire people on merit, as demonstrated by their ability to score well on civil service exams, and to promote them according to similar seemingly-objective criteria; to prohibit civil servants from engaging in electoral politics (to prevent their constituting an electoral machine); and to prohibit or severely limit their ability to earn outside income (to prevent their using their jobs for personal gain). Civil service reform would attract a new kind of person to government employment — not political workers intent upon personal gain, but dedicated, selfless individuals dedicated to the public good.

As civil service gradually replaced the older "spoils" system, the political process changed in subtle ways.

Whatever her motives, Hillary behaved precisely like the greedy yuppies she and her husband publicly despised.

Politicians could no longer count on their job-holders to finance and provide manpower for their campaigns. They began to look to what are today called "special interests" to finance their campaigns and began to develop new and more subtle forms of profiting from their office.

Relieved of the need to make forced "contributions" to the campaign coffers and to beat the pavement on behalf of their bosses, government employment attracted a new sort of person. In some cases, I am sure, it attracted altruistic idealists determined to do good, as the reformers had promised. But it mostly attracted another sort: people who appreciated extremely secure jobs with very substantial benefit packages and relatively high pay, at which one need not work very hard.

For both the politician and the government employee, the method of converting public funds to personal funds had changed. But the opportunities and incentives to do so remained in place.

A dollar that is owned by the government is different from a dollar that is owned by an individual. When an individual hires someone, he requires that that person do his job, and do it well and efficiently; he does not hire his friends' sexual partners or dimwitted brothers to curry favors. When he buys a product, he makes sure that he gets it and it works; he does not buy $1,200 hammers or $25,000 toilet seats. When he makes an investment, he makes sure that it pays off; he does not lend money to the relatives of political friends so they can shore up the money-losing land-development venture in which they are partners with the governor. Failure to exercise diligence is tantamount to throwing away money.

When a politician or government employee hires someone, he is far less concerned with seeing that the person does his job well and efficiently. The cost of an incompetent or lazy employee comes not from his pocket, but from the taxpayer's. Before civil service reform, the politician or bureaucrat tended to hire individuals who were willing to kick back part of his wages, do personal favors, or show extraordinary political or personal loyalty. After civil service reform, the bureaucrat lost the power to select whom he hired. But he still had no particular incentive to see that an employee did his job efficiently. In fact, civil service reforms generally made it difficult or impossible to discharge an employee, unless the employee committed outright crimes or was grossly incompetent. So government bureaus were still filled with goldbrickers.

What's more, all but the lowest-level government employees still had certain discretion over the expenditure of tax money, with little incentive to seek efficiency or value. To prevent the old problem of kickbacks or favoritism, regulations were enacted, requiring competitive bids for larger contracts, review of contracts by superiors, and other safeguards. These regulations were inherently inefficient, but they seemed to reduce theft.

Politicians and bureaucrats have far less reason than businessmen to see that those they serve get what they pay for. What difference does it make to the bureaucrat whether he forces a remote underling to hire Gennifer Flowers or Roger Clinton instead of a competent person? Hiring a competent person makes the job of your underling easier; hiring Gennifer or Roger pleases someone with the power to advance your career or increase your agency's funding.

If all campaign funding comes from taxpayers and goes only to established candidates, how does a person who is not already an established candidate ever become one?

But politicians and bureaucrats have incentives to see that the money they control accrues benefits to themselves. Politicians no longer win elections by having party hacks take time off from their government jobs to do petty favors for constituents, work the precincts, and get out the vote. Instead they hire campaign workers and buy advertising using funds provided by special interests. And if the special interests need to be paid off with a favorable contract, regulation of a competitor, or protection from legitimate law enforcement, what's the problem? And if a little of that taxpayer money that pays back the donor finds its way into the politician's pocket, who's to care?

This widespread corruption is made possible by the virtual absence of anyone involved in the process who has incentives to look out for the interest of the taxpayers. The politicians, the regulators, the attorneys, the bureaucrats, and the shady businessmen all benefit from the system and have no incentive to prevent waste. Literally everyone directly involved in the spending of government money is a beneficiary of that money; no one benefits from seeing to it that it is spent efficiently or wisely. Is it any wonder that

money finds its ways into the pockets of those willing and able to work within the system?

The new class of bureaucrats and politicians solved the problem that had bedeviled the old class of party hacks and political bosses. Now, to avoid the danger of stool pigeonry by a partipant in or witness to a corrupt deal, they simply never discuss terms or agree to any *quid pro quo.*

"Legal graft is the finder's fee, title insurance, city contracts," wrote Jack Newfield and Paul DuBrul in *The Abuse of Power*. "I'll get you a nursing home license and you give my friend some insurance." Members of the politico-bureaucratic class simply do favors for other members of their class, confident that those members will reciprocate. "It is important to understand," Newfield and DuBrul observe, "that above a certain level, there are no Democrats and no Republicans. . . . There are only class colleagues sharing profits."

"Above a certain level, there are no Democrats and no Republicans. There are only class colleagues sharing profits."

And to discourage public revelation of these apparent but unprovable corrupt deals, they spread the money around. The taxpayer has infinitely deep pockets.

By enabling the S&L crooks to use public funds as risk capital for speculative schemes, politicians in the 1980s benefited a lot more people than the wheeler-dealers. Yes, the bank officers and their confederates made millions, but some money found its way into the hands of politicians who took kickbacks, landowners whose land was purchased by the "developers" at inflated prices, investors who got overmarket interest rates on government-guaranteed certificates of deposit, advertising copywriters for the promoters, and even (I suppose) tellers at the savings and loans.

With very few exceptions, even the press has little incentive to investigate these thefts of public money. For one thing, the attorneys who structure the deals are masters of misdirection and complication, making the task of investigation almost impossible. Furthermore, the pattern of corruption is so pervasive that the media have no rational criterion to select one particular episode for scrutiny. Unless, of course, the theft is particularly clumsy, or an especially high official is involved, as in the case of Whitewater. (This is not to suggest that the media's lack of interest is uniform. Sometimes competition or partisan considerations breed good investigative journalism.)

So long as no explicit contracts are made, conspiracies against the public trust cannot be proven. Put nothing in writing, don't let anyone whose loyalty you have even the slightest doubt of know about the deal, and there's nothing anyone can prove.

Perhaps the first deal of this sort to become widely known came to light after Bess Myerson, the beauty queen turned game show personality turned politician, was peripherally implicated in a political scandal in the administration of New York Mayor Ed Koch, then brought further attention to herself by being arrested for shoplifting. The resulting publicity stimulated interest in her past activities, eventually bringing a curious episode to light.

In the spring of 1983, Myerson was involved in a sexual relationship with Carl Andrew Capasso, a sewer contractor 20 years her junior who was in the midst of an angry divorce. Six days before a party in Myerson's honor at the mayor's mansion, Myerson added the name of Hortense Gabel to the guest list and arranged to have a city car and chauffeur drive Mrs Gabel to the party. A few days later, Myerson invited herself to a small dinner party at Gabel's house, and within a few weeks, Myerson was inviting Gabel to spend weekends at Capasso's estate in Westhampton. At some point, Judge Gabel introduced Myerson to her daughter, a well-educated young woman who had recently spent time in a psychiatric hospital.

Although the obese 39-year-old hadn't held a steady job in more than a decade, Myerson found her to have "extraordinary credentials" and a "brilliant resumé," which turned out to include such experiences as having "traveled alone, around the world" and "investigated the role of mentors in professional development." Myerson was in charge of the Cultural Affairs Department of New York City, a job she had received as a reward for campaigning on behalf of Mayor Ed Koch. Myerson was so impressed with the young woman that she hired her to a high-paying job in her department.

Hortense Gabel was not just anybody. She was the judge who was presiding over the divorce of Myerson's young paramour. Although Judge Gabel was known as a "woman's judge," shortly after Myerson befriended her, she cut Andy Capasso's alimony in half. Judge Gabel was in the habit of having her law clerk write her decisions, but a few weeks after Myerson hired Gabel's otherwise unemployable daughter, she told her law clerk to turn over the Capasso file to her so she could write the decision herself. She cut Capasso's alimony by another third.

Virtually everyone in the political class in New York understood that the two events were not simply a coincidence, and the prosecutor went to court with virtually every conceivable piece of evidence except testimony or documentation of an explicit trade. There were dozens of witnesses to Myerson's favors done Judge Gabel. Myerson's staff testified at length that Gabel's daughter was hired under very strange circumstances for a job that she was not qualified to do. The judge's staff testified that Gabel handled the Capasso divorce far differently from her other cases; and, of course, her decision was substantially inconsistent with her past decisions in similar cases.

In the absense of proof of an explicit agreement, neither Myerson nor Judge Gabel nor Myerson's boyfriend was convicted of any wrongdoing. The case illustrated just how safe such corrupt transactions are from prosecution.

Myerson's case was archetypical of modern corruption as tacit *quid pro quo* in all respects but one: it came to public attention and was prosecuted. The facts emerged only after Myerson — a former television star, a megacelebrity, and the second most prominent politician in America's largest city — had

been implicated in a scandal involving millions of dollars and the suicide of a prominent politician, and then got caught shoplifting. What are the chances that less blatant deals made by less prominent people will be exposed? Or deals by prominent people who have not humiliated themselves by being apprehended as petty criminals?

The pattern of institutional corruption is so widespread and the structures of the deals so complex that the press rarely gains much by exposure except in those very rare cases that involve very prominent people. Bess Myerson was one such case, and Bill and (more likely) Hillary Clinton may be another.

Because they committed their theft of public funds in Arkansas, where old-style political corruption has never gone out of style and the risk of apprehension remains small, they appear to have structured their corrupt business the old-fashioned way — leaving a paper trail. Why else would the White House and the Rose Law Firm undertake such a massive destruction of evidence? Even with this fatal mistake, they would have gotten off scot-free, had Bill Clinton not been elected president, thereby attracting the interest of thousands of reporters lusting for a Pulitzer Prize.

After all, they only received a few tens of thousands of dollars and only cost the taxpayers a few tens of millions. This is pretty small stuff in a country where governments spend trillions of dollars each year.

Siphon-Off Economics

There is a curious parallel between the Clintons and the Huey Long administration of Louisiana. Like Huey Long, Bill Clinton focused his lust on power and showed little interest in money. Like Long's colleagues and heirs, Hillary Rodham Clinton wanted cash. She oversaw the family's finances, structured the corrupt deals, and apparently supervised the coverup. As their partner Diamond Jim McDougal told reporters, "If you tried to discuss finances or anything but politics with Bill, his eyes would glaze over. . . . Whatever we had to discuss, I discussed with her."

From the very start of their political life, she showed a weakness for money and a willingness to turn a blind eye toward conflicts of interest. Her admirers have made much of her meteoric "career" at the Rose Law Firm and as director of various major corporations, ignoring the fact that she was hired by Rose only after her husband was elected attorney general and elevated to partner only after he was elected governor. In the corrupt atmosphere of Arkansas, it certainly didn't hurt Rose to have the attorney general's and then governor's wife on board. Indeed, it brought them substantial income, a small portion of which has come to the public's attention because of the Whitewater-Madison scandal. Nor did adding the governor's wife to the boards of directors of major Arkansas corporations do those companies any harm, especially when it became clear that the governor had a reasonable chance of one day becoming president.

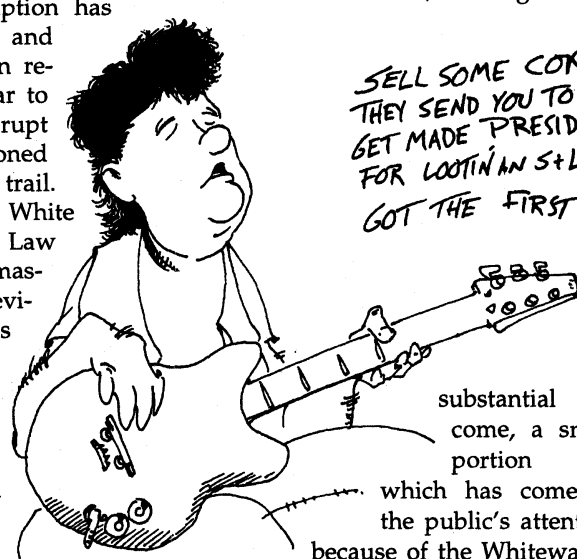

And for much of the 1980s, Rodham Clinton had another motive to accumulate cash. Her marriage was in serious trouble, and the possibility that it might end in divorce and financial insecurity had to be on her mind.

Whatever her motives, she behaved precisely like the greedy yuppies she and her husband publicly despised:

> For twelve years of this Reagan-Bush era, the Republicans have let S&L crooks and self-serving CEOs try to build an economy out of paper and perks instead of people and products. It's the Republican way: every man for himself and get it while you can. They stack the deck in favor of their friends at the top and tell everybody else to wait for whatever trickles down. (Bill Clinton, campaign speech, November 20, 1991)

> I was raised to believe the American dream was built on rewarding hard work. But we have seen the folks in Washington turn the American ethic on its head. For too long those who play by the rules and keep the faith have gotten the shaft. And those who cut corners and cut deals have been rewarded. (Bill Clinton, acceptance speech, July 16, 1992)

In addition to the corrupt political and business deals that have come to light in the past year, Hillary traded options and mutual funds and invested in sophisticated tax shelters. In one particularly interesting episode, she made a profit of $100,000 speculating in cattle futures.* By the time her husband was elected president, Hillary Rodham Clinton had accumulated nearly a million dollars.

Bill and Hillary share a lust for power, which they seem to enjoy both as an end in itself and as an instrument to other ends. Bill uses power to get

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* Rodham Clinton claims that she was a typical commodity speculator, doing research by reading *The Wall Street Journal* and other public sources. It is a truism among futures traders that 95% of people who trade commodities lose their money and quit trading within a year. The tiny minority that is successful — and turning a small stake into $100,000 is wildly successful, by any standard — almost always continue to play commodities. But Rodham Clinton says that she took the $100,000 she made and walked away from the market never to play again. Given the close relationship of the Clintons to agribusinesses heavily involved in commodity trading, it is reasonable to surmise that the profit may have been a camouflaged bribe. An agribusiness can easily generate simultaneous losses and profits by going both long and short on the same commodity, then assigning the profitable trade to a favored trader (Rodham Clinton) and the losing trade to another (its house account).

sex, to impress a long line of small-town beauty queens and comely department store clerks. Hillary uses power to get money, deftly trading her husband's influence for cold, hard cash, in the form of crooked deals with government contractors and other buyers of her husband's services.

As the public has gradually become aware of Hillary's responsibility for the Whitewater-Madison fraud, her reputation as a saint has wilted. The president has jumped to her defense, telling reporters that "I have never known a person with a stronger sense of right and wrong in my life — ever." This is a pretty tepid defense — Bill Clinton has focused his entire life on politics and associated almost exclusively with politicians, an occupation hardly characterized by powerful moral sense.

Of course, as the Whitewater scam has come unraveled, Bill Clinton has become more and more involved. He has learned many of the details and worked to cover them up. But it is difficult even to imagine his concocting and executing the corrupt schemes that enriched his family, though he certainly did not object to them.

Creeping Corruption

I don't normally consort with politicians; I prefer the company of decent people. The only politician that I have known well enough to consider a friend was an attorney who had run for Congress a couple of times as a Republican. His politics were about as good as a Republican's can be: he was genuinely concerned about the growth of government power and the erosion of individual freedom, and determined to do something about it. What's more, he seemed to be a very ethical guy. Not surprisingly, he failed in both his campaigns.

Some time after his second defeat, he confided to me that he was planning an investment in some sort of government-subsidized real estate venture. He explained to me that, yes, he thought such "investment opportunities" ought not be offered by government and that he had always believed it was morally wrong to put one's nose in the public trough. But he had had second thoughts, he said. "This money is going to be wasted anyway. Why should it all go to liberal Democrats?"

This episode illustrates an overlooked aspect of the increasingly powerful state: the corollary decline in morality. My friend was not an evil person. He did not set out on an immoral course, or even an amoral course. He wanted to do the right thing. But facing the incentives created by legislation that increased state power, he gave in to temptation and took a course of action that, at some level at least, he knew to be immoral.

What difference does it make to the bureaucrat whether he forces a remote underling to hire Gennifer Flowers or Roger Clinton instead of a competent person?

Of course, what my friend was doing was not *illegal*, not in today's environment of the powerful and corrupt state, any more than it is illegal for a high-level bureaucrat to retire from his job in order to get his generous government pension, then continue the same responsibilities with the same bureau for the same pay as a consultant; or for a military contractor to sell the Defense Department a hammer for $1,200; or for a governor to appoint to a regulatory position the hand-picked candidate of his friend and business partner, who just happens to hire the governor's wife to represent him in dealing with the regulator.

These activities are on the barely legal side of the thin line that differentiates immorality from felony. And they are made possible — indeed, encouraged — by the increasing power of the state.

How *Not* to Combat Corruption

The rampant corruption in American political life, in the form of large campaign contributions, is widely recognized and condemned. *The Wall Street Journal* recently reported that California Senator Diane Feinstein gets "campaign contributions" totalling some $22,000 a day. "If Feinstein, Inc. were a business," the *Journal* noted, "its projected revenue would place it among the top 5% of U.S. corporations." The need to raise over $150,000 every week means that Feinstein must spend an inordinate amount of time asking people for money. And those who give money expect something in return.

When campaigns for federal office routinely cost millions of dollars, even in small states, the influence of those who "donate" to the winning candidate is bound to be greater than the influence of individuals and corporations who do not. The usual remedy prescribed for this inherently corrupt system is a vast panoply of regulations and reporting requirements; some even propose a system of taxpayer-financed political campaigns. Neither of these approaches can possibly work.

Proposals to have taxpayers foot the bill inevitably run afoul of the problem of choosing which candidates get the taxpayers' cash. Obviously, if any candidate for president is going to have $1,000,000 given to him, a lot of people are going to announce their candidacy. So some prerequisite for tax funding is established, usually some evidence of widespread public support. But this creates two other problems. First, there will always be individuals with negligible public support who will figure out how to meet the criterion and thereby walk away with a chunk of the public treasury. The current system of partial taxpayer funding of presidential campaigns, for example, has given millions of dollars to Lyndon LaRouche and Lenora Fulani, despite the fact that neither has ever managed to get so much as 1/10 of 1% of the vote in a general election.

More fundamentally, public funding inherently favors incumbents and other frontrunners. If all campaign funding comes from taxpayers and goes only to established candidates, how does a person who is not already an established candidate ever become one? Only a person who is already famous for some other reason or an individual with personal wealth sufficient

to finance his first campaign. The idea that only celebrities or rich people could ever be elected to high office is repugnant to most people, and for good reason: not only does it strike at the heart of people's democratic sensibilities, but most people are at least vaguely aware that celebrities and rich people lead lives very different from their own and are liable to have difficulty empathizing with ordinary people.

Government attracts and rewards those who are already corrupt and presents corrupting incentives to those who are not.

Regulating campaign finance is no more effective. In more than 20 years of this approach, political campaigns have continued to grow more expensive, the role of large donors has continued to grow, and the influence of those donors has continued to increase. Regulations that can be evaded, will be evaded: if you outlaw donations of more than $1,000 from an individual or corporation, individuals or corporations who want to make larger donations will find ways to do so, by making gifts in the names of others (relatives, friends, or employees) or by providing incentives for others to donate. If you manage somehow to prevent these subterfuges, you again limit political candidacies to celebrities and rich people. (It is a sign of how counterproductive campaign finance reform has been that political action committees — universally reviled as the symbol of modern political corruption — were invented as a perfectly legal response to the last significant campaign reform, the Federal Election Campaign Act of 1974.)

Of course, advocates of regulation and public funding have made some progress. Part of the reason is that the public is genuinely upset by the level of corruption inherent in the current system, and feel that some sort of change might help, no matter how implausible such improvement might be. But a major reason for the adoption of such "reforms" is that they inevitably act to support incumbents, the exact group of people who are in charge of enacting legislation.

The root of the corruption that pervades American political culture is the continuing growth and power of the state. The more powerful the state is, the more interest groups are willing to pay to control its power and wealth; consequently, the more interest groups contribute to political campaigns, the more expensive political campaigns become, and the more beholden to campaign contributors elected officials become.

And as the government grows in wealth and power, more and more people can get their share of its power and wealth by pursuing careers within it or by engaging in corrupt business with it. So more money is looted by savings-and-loan bandits, by bloated contracts and kickbacks, by investors taking advantage of subsidies and tax incentives and the whole panoply of government loot.

The Bottom Line

When Bill Clinton told a reporter that her question about his tax returns was the sort of thing that causes "a dangerous public cynicism about government," he was doing more than trying to hide his corrupt activities. He was defending the new religion of the modern world, the deep-rooted faith in government. And his warning was on target. The exposure of corruption — whether by Richard Nixon, the Clintons, Lyndon Johnson, Boris

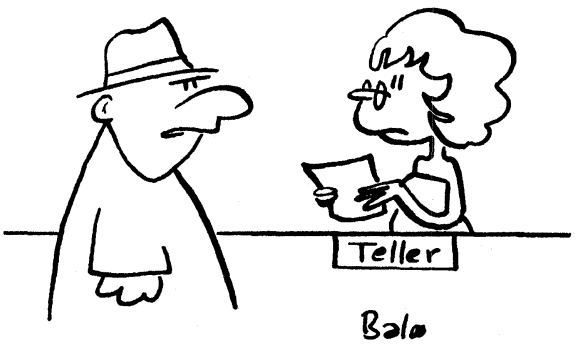

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Yeltsin, or Fidel Castro — eats away at people's faith in government as a miracle-working institution capable of creating paradise on earth, consisting of saints, selflessly dedicated to the common good.

So long as government remains an ever-more-powerful institution, gobbling up people's money and restricting their freedom, corruption will grow and expand. For a century, most Americans have tried to pretend that the problem of corruption is the problem of a few bad people. They have ignored the fact that government attracts and rewards those who are already corrupt and presents corrupting incentives to those who are not.

Confronted with corruption, there is always a temptation to blame scandals entirely on their perpetrators — to say that they can be avoided by choosing better men and women to be our political leaders. This is a temptation that must be overcome if the corruption of our political culture is to be addressed.

"Power tends to corrupt, and absolute power tends to corrupt absolutely." If Americans had better appreciated the importance of Lord Acton's observation and refused to allow their government to accumulate so much power, American public life would not be the moral swamp that it is today.

The only way to reduce the corruption in public life is to severely limit government's power to tax, spend, and regulate. Any other approach is bound to fail. ❑

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Everything you ever wanted to know about Whitewater, but were too confused to ask.

A Bill of Particulars

Bill Clinton and Hillary Rodham Clinton routinely respond to questions about their involvement with Whitewater Development and the failure of Madison Guaranty by angrily saying, "We haven't even been accused of doing anything wrong." The facts reveal this statement as a lie. The Clintons stand accused of violating the public trust, looting the public treasury, obstructing justice to cover their tracks, and interfering with the investigation of a related death.

The pattern of corruption that has characterized the careers of the Clintons and their associates is far more extensive than can be summarized in a few pages. But here are some of the more interesting charges, and a brief summary of the evidence that supports them. I make no attempt even to hint at the pervasive evidence of their political and business allies' broader pattern of profiteering at taxpayer expense while skating on the edge of the law.

While governor of Arkansas, Bill Clinton neglected to enforce the law against a man who was the business partner of him and his wife. James ("Diamond Jim") McDougal, a longtime political colleague of the Clintons, purchased Morgan Guaranty Savings & Loan in 1982. He expanded its deposit base aggressively, in the process greatly increasing its loans to Arkansas politicians and officers of the bank. It was soon in financial trouble, thanks in part to bad loans to officers, friends of officers, and politicians, including a loan of $1,000,000 to then-Governor Jim Guy Tucker, half of which was written off.

Times may have been hard at Madison, but in January 1985, McDougal managed to hold a fundraiser for his old friend Bill Clinton in the lobby of the bank, raising money to help Bill pay back a bank loan used to finance the campaign that won back the governorship. At least one of the people who was recorded as a donor (coughing up a $3,000 cashiers' check drawn on Madison) doesn't remember ever making the donation, while other donors, employees of Madison, made their contributions with the understanding that McDougal would pay them back.

Meanwhile, regulators were about to close down Madison because of insufficient capital. McDougal decided the way to keep Madison open was to raise capital by selling stock. But there was a problem: it isn't easy to get regulatory approval to sell stock in failing financial institutions. McDougal put his old friend Hillary Rodham Clinton of the Rose Law Firm on retainer as attorney for Madison. Bill Clinton, at the recommendation of McDougal, appointed Beverly Bassett Schaffer to be his new banking regulator; Ms Schaffer had previously served as attorney for Madison. Then Ms Rodham Clinton, representing Madison, requested Schaffer's approval of the stock offering. One of the supporting documents provided by Rodham Clinton was a favorable review of the S&L's condition by Frost & Co., its accountants. The head auditor on the project was James Alford, who had

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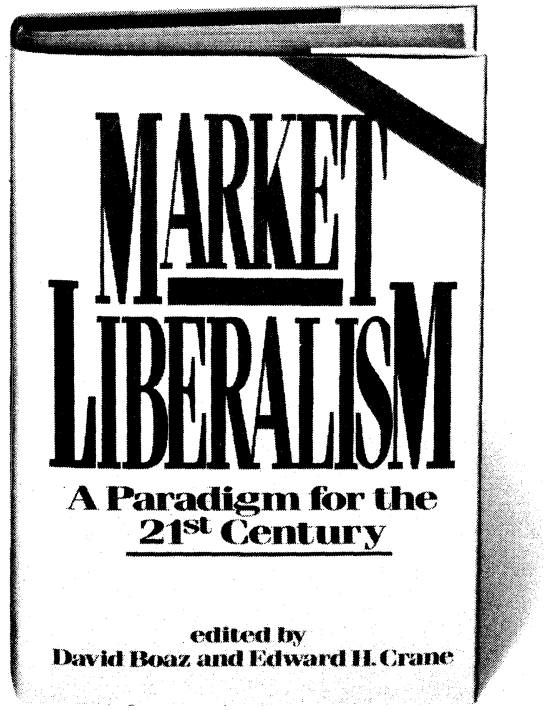

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two outstanding loans from Madison which neither he nor Rodham Clinton disclosed.

Schaffer approved the stock offering. Madison stayed open and continued to make extremely risky loans to its officers. In February 1986, for example, it lent $672,000 to Judge David Hale. In March, Hale lent McDougal's wife $300,000 of federal money earmarked for loans to minorities. McDougal used $100,000 of that money to shore up Whitewater, the corporation that the McDougals and Clintons had started in 1978, when Clinton was attorney general. It looked like a pretty good deal for the Clintons, who received half ownership but didn't have to put up much money. But things hadn't worked out and it needed cash. Hale never paid back the $672,000 he borrowed from Madison, and McDougal never paid back the $300,000 loan from the government. In October 1986, McDougal was ousted as chairman of Madison.

Madison didn't go belly-up until March 1989, when federal regulators took it over and tried to make some sense of the whole mess. Vincent Foster, Jr, a law partner of Rodham Clinton, offered his firm's services on behalf of the federal government, without bothering to mention that his firm had previously been attorney for Madison. The firm got the job. The attorney that the firm assigned to the case was Webster Hubbell. He sued Frost & Co, the accounting firm that had issued Madison a clean bill of health, for $60 million, the amount of the government's loss in the failure of Madison, but settled the suit for $1 million, reportedly about half the sum payable by Frost's insurance company. Rodham Clinton's law firm got $400,000 of this settlement as its fee for handling the negotiations. The resolution of the situation let a number of debtors off the hook, including Seth Ward, Hubbell's father-in-law, who got out of repaying a debt of $573,793.

All that the Clintons appear to have gotten out of the deal was the money raised by McDougal, the fees directed to Rodham Clinton and her firm, and their investment in Whitewater Development. Although Whitewater turned out to be a loser, it actually profited the Clintons. It seems that as investors, the Clintons were never asked to put up much money, though they stood to make very large profits if the project worked. As it was, they made a modest gain by deducting from their income certain interest paid by Whitewater. Unhappily for the Clintons, the law doesn't let you deduct expenses you never paid, and when the Whitewater matter came under public scrutiny, they paid up. What had started as a risk-free prospective gold mine for the Clintons ended up a tax fraud that would have worked had not the Whitewater Madison mess come under scrutiny in the wake of Clinton's election.

Unhappily for the Clintons, the law doesn't let you deduct expenses you never paid.

"'I've got it! — You put my wife on your payroll, and I'll put *your* wife on *my* payroll!"

There were no criminal investigations. The whole episode fell under the rubric of "business as usual," just another corrupt deal in the nation's most corrupt state — but not that different from corrupt deals involving scheming businessmen, government regulators, and the public treasury everywhere else in the country. If Bill Clinton had not been elected president, the whole matter would have been forgotten. But Bill Clinton *was* elected president, in part on a campaign to clean up government. Those who knew of his activities in Arkansas were annoyed by his hypocrisy and they raised the issue publicly.

Then, on July 20, a bullet entered the head of Vincent Foster, the Clintons' personal attorney, Hillary's former law partner and reputed lover, a man deeply involved in the investigation of irregularities concerning Madison Guaranty and Whitewater Development.

Foster's death was reported as a suicide. But there were questions. The investigation of his death was peculiar, to say the least. For one thing, police investigating the case were denied access to his office while Clinton aides removed personal and business documents. Among the items removed was a briefcase containing a torn-up note, written in Foster's hand, describing his distraught mental state. Curiously, the note was "overlooked" at the time, and even after it was noticed, Clintons' aides waited 30 hours before turning it over to police.

Foster was found lying face up on a slightly sloped hill in Fort Marcy Park, perfectly straight, his arms placed neatly by his side — "as if it was ready for the coffin," says George Gonzalez, the first rescue worker to reach the body. He was shot in the mouth, so the death was either suicide or murder, not an accident. There were no signs of struggle around the body, so if Foster didn't commit suicide, his body was moved to the park from another location or someone did some careful cleanup.

According to Gonzalez, "The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth. Usually a suicide by gunshot is a mess." Typically, when someone is killed by a bullet wound in the mouth, blood is splattered everywhere and in pools around the body. But there were no pools around the corpse, and Kevin Fornshill, the first police officer to reach the scene, commented that Foster's white shirt "was really neat" and was not splattered by blood. Eyewitnesses who saw the gun say it appeared to be clean, too. All this is inconsistent with suicide.

The corpse ought to have been in the position Foster was in when he shot himself or was shot. The bullet should have been found in the ground behind him. But Park Service Police

continued on page 42

Re-examination

Trafficking in Numbers

by Gwynne Nettler

"Seat belts save lives," the saying goes. But do they?

The shelves by my desk hold several pounds of documents describing research evaluating various ways of protecting motorists against death or injury while seated in automobiles. I have to add "while seated in" because people can be hurt in stationary vehicles, and the New York law forcing individuals to buckle up when in motorcars, moving or not, has recently been applied against lovers who were "doing their thing," unharnessed, in a parked car.

The largest stack of reports by my side is issued by the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA). From an immense quantity of information provided by police, supplemented with data from death certificates, medical examiners' reports, and emergency service and hospital records, government statisticians have drawn the oft-repeated conclusion: "Seat belts save lives."

NHTSA enlarges this inference to claim that, as more people tie themselves into their vehicles, more lives will be saved. Indeed, one NHTSA advertisement shows a stern police officer, menacing in his broad-brimmed Stetson, glaring at us and warning us that, in his eleven years patrolling highways, "I've never unbuckled a dead man!" — apparently promising those who buckle up *absolute* immunity to death in car crashes.

It is possible that the officer is accurately reporting his personal experience. But his message is patently false. People do die harnessed to their motorcars, sometimes because the belts trap them and sometimes regardless of whether they are buckled up.

The NHTSA's "fatal accident report system" (FARS) tells us that, during 1990, 43% of drivers and 23% of other occupants who were killed in cars and light trucks were belted in. (The NHTSA uses the term "accident" to cover all vehicle crashes, including the unknown portion that are homicides and suicides.)

Nevertheless, FARS indicates that seat belt use among fatally injured motorists *increased* about six-fold between 1975 and 1990, meaning that as more people wear such devices, a higher proportion of those killed, up to some limit, will be harnessed. Unfortunately for fair assessment of the life-saving value of seat belts, FARS excludes from its tallies those vehicular deaths it deems due to "acts of God" — motorists caught in flash floods, for example. In at least some of these incidents, seat belts may increase the incidence of fatalities.

NHTSA is not the only government bureau to study vehicular safety, and vehicle manufacturers, insurance companies, and universities also produce estimates of the efficacy of protective apparatus for motorists. In 1992, for example, the U.S. General Accounting Office (GAO) compiled a report for the Senate Subcommittee on Water Resources, Transportation, and Infrastructure that sifted through more than 2,500 citations of traffic safety studies. GAO researchers winnowed this vast number to yield 44 documents that described original investigations or analyses considered relevant to the questions put by the subcommittee.

Twenty-two of these articles concern the impact of legislation on the use of "safety belts," 21 address their efficacy in reducing deaths and injuries, and nine estimate the differences in the public costs exacted by belted and unbelted crash victims. (These numbers total more than 44 because some studies address more than one topic.) From their analysis of these documents, GAO's auditors concluded that seat belt laws "work" — that is to say, that their use increases the proportion of motorists who are har-

nessed, reduces the incidence of death and injury, and lowers the social costs of such damage.

GAO's decision to limit its consideration to 44 of the 2,500 studies available may expedite legislative decision-making. It also inevitably stimulates curiosity among those who, by temperament and training, are dubious about governmental attempts to compress complex observations into a simple code to be recorded in the public archives. "The government," as Sir Josiah Stamp reminded us a century ago, "are very keen on amassing statistics. They collect them, raise them to the *n*th power, take the cube root, and prepare wonderful diagrams. But you must never forget that every one of these figures comes in the first instance from the village watchman, who just puts down what he damn pleases."

"Every one of these figures comes in the first instance from the village watchman, who just puts down what he damn pleases."

But skeptical voices are few. Americans are subjected to an "educational" campaign that urges us to wear our bridles. The U.S. Postal Service adds its authority by hanging commandments to buckle up at exits from its stations and by printing the exhortation on cancellations of our stamps — although, for good reason, its own local-delivery drivers are *not* harnessed.

The federal government is determined to have every state pass legislation requiring all passengers to be secured by protective devices, the preferred mode being three-point, manual shoulder-and-lap harnesses, supplemented by automatic air-bags for front-seat occupants. And our intellectual elites — academics and media stars — join the campaign. Legislation that penalizes unharnessed motorists "just makes sense," they say, as they regale us with horror stories justifying their approval of yet more law. Even Peter Huber, a scholar otherwise critical of "junk science," can write that injuries in automobile crashes could be "*completely* prevented by seat belts and sobriety."

I emphasize Huber's adverb to illustrate the promissory zeal with which this phase of consumer protection is prosecuted. To question such enthusiasm is to incite odium. Skeptics have been called everything from "stupid" and "ignorant" to "accessories to murder — mass murder!"*

Despite these efforts to intimidate critics of seat-belt legislation, important questions about the studies supporting mandatory seat-belt use have to be asked. Do the costs of the safety devices and enforcement of their use exceed the benefits claimed? Where do the figures come from? Who has observed what, with what accuracy?

Unintended Consequences

As Garrett Hardin has pointed out, "You can't do just one thing." The additional effects of that "one thing" may be perverse effects. Not only may we fail to achieve our goal, but our actions can produce the opposite of what was intended, in the manner of an *iatrogenic effect* such as physicians recognize when a diagnosis or treatment does more harm than good.

A first indication that the highly-touted seat belt might produce some iatrogenic effect came to my attention in a 1984 Finnish study by J. Tolonen and Associates. Using files of insurance companies' Boards of Traffic Accident Investigation — rather than the contestable police reports — these investigators find for 1972–1979 that:

> In collisions where the vehicles had approximately the same weight, cervical spine injuries were more common causes of death in victims who had used seat belts than in those who had not (21.3% vs. 13.7%). The mechanism of fatal cervical injuries in victims who had used seat belts was the rapid bending of the neck. . . .

This kind of finding has been seconded recently (June 1993) by research at the University of Montreal's Laboratory on Transportation Safety. Investigators there looked at data for 1987 provided by the Quebec government insurance board that covers *all* victims of traffic accidents in that province. They report that:

- "Twenty-nine percent of all injured car occupants sustained a neck injury." Most of these were classed as "neck strains" rather than serious injuries. Nevertheless, such minor damage consumed some $7 million — more than two thirds of the nearly $10.5 million needed to indemnify those with neck injuries.
- Rear-end collisions produced 45% of neck injuries.
- Of vehicle occupants who received neck injuries, the vast majority (87%) were harnessed.
- Most (53%) of the accidents that produced such injuries occurred in areas where speed limits were 30 mph (50 k/h) or less.
- Women suffered 40% more neck injuries than men and their treatment cost more than twice that of men.

This research notes that, while seat belts "tend to prevent more severe head injuries, the belts make acceleration/deceleration of car occupants worse." Such a trade-off is one of the several suggested by other studies, notably John G.U. Adams' *Risk and Freedom* (1985). Adams, a geographer at University College London, analyzes world-wide data about deaths and injuries occasioned by the use of roadways by motorists, pedestrians, motorcyclists, and "pedalcyclists" (a useful neologism).

As the number of motorized transports in a land increases, the nation's rate of passenger fatalities relative to the number of vehicles decreases.

Adams, who is *not* a "traffic anarchist," concludes that:

- The efficacy of "an enormous amount of road safety regulation" is questionable.
- "The possibilities for compelling people to be safer than they choose to be appear to be extremely

* This last accusation comes from Dr Stanislaw Gebertt of the British Medical Association, quoted in John G.U. Adams, *Risk and Freedom: The Record of Road Safety Regulation.*

limited."

- "The principal achievement of road safety regulation has been a redistribution of the burden of risk from vehicle occupants to pedestrians and cyclists."

Unreported Correlations

In addition, Adams finds international confirmation of "Smeed's Law," named after R.J. Smeed's 1949 research. Smeed reports a negative relationship between the number of motor vehicles in a country and its rate of traffic fatalities: as the number of motorized transports in a land *increases*, the nation's rate of passenger fatalities relative to the number of vehicles *decreases*. With the exception of some recent, law-induced iatrogenic effects, the long-term trend has been for rates of vehicular fatality to decline in every country for which we have data.

In the United States, for example, death rates in motorized traffic have decreased steadily, with only a few, small annual reversals. Since the enactment of the National Traffic and Motor Vehicle Safety Act (1966), more refined rates of roadway deaths have become available for the U.S. These refinements show regular annual declines in traffic mortality rates per 100,000 population, per thousands of licensed drivers, per thousands of registered motor vehicles (*à la* "Smeed's Law"), and per estimated million vehicle miles traveled.† Such refined rates are improvements over the use of absolute numbers. But, as I shall argue, they remain less than satisfactory.

Consider a recent Canadian study, in which professors Elliott M. Levine (philosophy) and Alexander Basilevsky (mathematics, statistics) accumulated data on the effects of Manitoba's law (effective April, 1984) requiring all persons in motor vehicles to wear harnesses. Levine and Basilevsky's careful study concludes that "seat belt use is generally associated with *greater* injury and fatality risk" (emphasis added).

A value of the Levine-Basilevsky research lies in its employment of several indicators of the fates of motorists, belted and unbelted. It uses police accident reports, the files of the Provincial Medical Examiner, data from the Rehabilitation Hospital where long-term disability cases are treated, and a special investigation by the University of Manitoba's Accident Research Unit that compared the motoring behavior of randomly drawn samples of approximately 1,000 belted and 1,000 unbelted drivers.

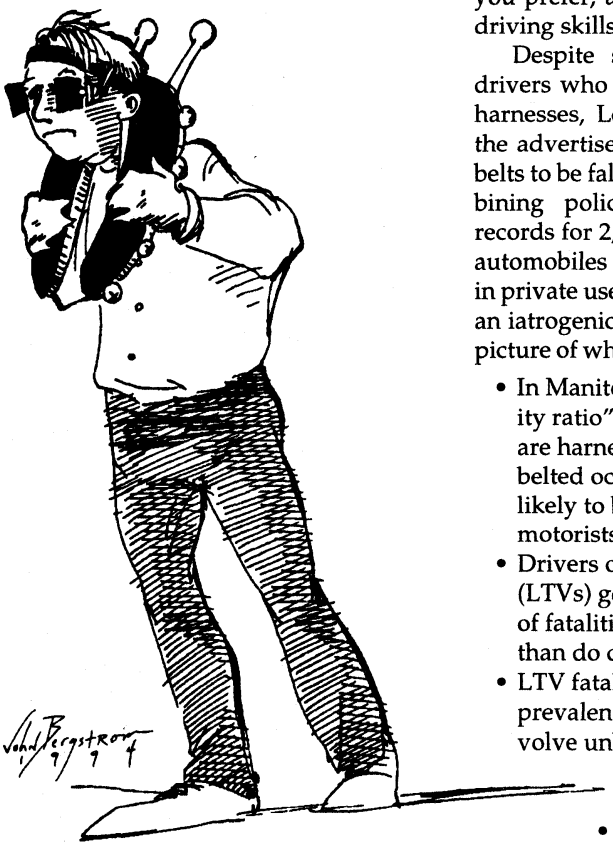

This last source of information describes one of the many difficulties in extracting the precise causal power of a singular condition — like being harnessed or not — from out of a complex of events that generates the deaths and injuries that interest us: motorists who voluntarily belt themselves and those who do not are different kinds of personalities, a finding that has been replicated in places other than Manitoba.

Drivers who prefer to belt themselves receive fewer speeding tickets than those who resist harnesses; i.e., belted drivers drive more slowly. They more frequently turn on their headlights during daytime travel, maintain greater clearance between their cars and others, and receive fewer citations for moving traffic violations than those who do not use belts.

In short, voluntarily harnessed drivers tend to be risk-averse. Unharnessed drivers tend to be more reckless (or, if you prefer, are more confident of their driving skills).

Despite such differences between drivers who use and those who ignore harnesses, Levine and Basilevsky find the advertised benefits of wearing seat belts to be false. Indeed, their data, combining police reports with hospital records for 2,715 hospitalized drivers of automobiles and light trucks and vans in private use, 1982 through 1988, reveal an iatrogenic effect. Details sharpen the picture of who is at risk on motorways:

- In Manitoba, the "odds-risk mortality ratio" is 17:10 against those who are harnessed in vehicles. That is, belted occupants are 1.7 times more likely to be killed than unbelted motorists.
- Drivers of light trucks and vans (LTVs) generate twice the number of fatalities per registered vehicles than do drivers of automobiles.
- LTV fatal accidents are "especially prevalent at night, and typically involve unbelted and highly impaired young male drivers."
- In daytime fatal crashes involving more than one vehicle, harnessed victims exceed the unharnessed by 1.8 to one.
- Daytime hospital admissions for injuries to drivers of automobiles, vans, and light trucks are two times more frequent for those who are belted in than for drivers who are "free."
- Daytime drivers who are harnessed, compared with those who are unbelted, suffer injuries requiring hospitalization in ratios of 45:15 for injuries to the spine, 81:31 for the torso, and 103:44 for the head.
- In daytime near-side hits, drivers who are harnessed, compared with those who are not, generate hospital admission in the order of 4:1 and bed-days in the order of 8:1.

So we arrive at conflicting reports. Investigators who work for governments and American automotive man-

† Fatalities are one thing; motorists' collisions and injuries, another. Within the United States during the early 1990s, insurance claims for motoring collisions and injuries increased with vehicular density.

ufacturers regularly claim benefits from the compulsory harnessing of motorists. Investigators who are independent of car-makers and governments sometimes find benefits, but on other occasions find harms redistributed or increased.

Resolution of such opposed assessments of risk turns attention to the requirements of adequate research that would inform policy. Studies that invoke the aegis of science in preparing advice for citizens and their legislators must satisfy three desiderata:

- that observation and recording be reliable and accurate;
- that calculation be pertinent and correct;
- that evaluation reasonably weigh the benefits of safety measures against their costs.

These costs must include at minimum the cost of protective devices, the price of enforcing their use, the psychological satisfaction derived from using them or not — that is, the sense of security they afford versus the nuisance they impose — and the value of the injuries and deaths they prevent *net* of the injuries and deaths they produce.

Observation and Recording

The U.S. Department of Transportation recognizes that its estimates of lives saved and injuries prevented through automotive safety devices rest on at least two assumptions: that observations of belt-wearing during vehicular crashes are accurate, and that the efficacy of various modes of passenger protection — air-bags, automatic harnesses, two- and three-point manual belts — can be assessed from crash tests in controlled environments. Neither assumption is well-founded.

Observations of roadway smash-ups are usually made after the fact. They are reconstructions. The primary "observations" and their coding, out of which official records are constructed, are subject to an unknown quantity and quality of error. Police procedures for recording the protective relevance of seat belts to motorists' injuries and deaths vary among departments, and change from time to time within departments. Slippage between what occurs and how events are ticked on a report sheet is therefore a constant possibility.

For example, for three years after passage of Manitoba's seat belt law, all pedalcyclists, all motorcyclists, and some pedestrians killed on roadways were recorded as "occupant fatally ejected from motor vehicles," thereby inflating the police count of fatalities of the unharnessed. In addition, Levine and Basilevsky find a tendency for belt-use among dead travelers to be "under-reported in as many as 50% of cases in some years," while claims that occupants had been ejected have sometimes been overreported by more than 100%.

A fair inference is this: The consistency with which accident investigators code crash-scene conditions, and the validity of their interpretations of causes of injury and fatality, are not known and cannot be assumed. As in all official reports of social events, neither innocent error of observation and recording, nor "fudged" data, is novel. As Stamp observed, it all comes down to "the village watchman, who just puts down what he damn pleases."

In Manitoba, belted occupants are 1.7 times more likely to be killed than unbelted occupants.

Moreover, from the many muddled attempts to use laboratory studies to assess the dangers of pharmaceuticals and other chemicals in "real life," we have sadly learned that findings in such controlled settings do not necessarily apply to the messy world of actual events. Similarly, crash tests in engineered situations often do not mimic motoring accidents in the "real world."

Laboratory dummies do not necessarily behave as people do. Seat belts may be protective of dummies in head-on laboratory exercises, but such experimental auto smash-ups do not translate without error into human experiences while motoring. To assume so is to commit the "representative fallacy."

When the consistency and accuracy of observations are unknown, it becomes an exercise of doubtful utility to perform calculations with such "information," and hazardous to extract policy recommendations from them. However, since so much time and money is spent generating statistics, and since these numbers are widely disseminated, the processes of calculating and evaluating merit comment.

Calculation

Quarrels about safety legislation — all such legislation — concern judgments of risk. Judgments of risk require more than mere tallies of the unfortunate events we wish to avoid. The notion of risk rests on an idea of *probability*.

Probability, in turn, is an equivocal concept. Philosopher John Mackie identifies seven different notions of probability, some of which contain subdivisions, and he adds that "probability resembles moral concepts such as goodness and obligation" in that it reflects mixtures of knowledge and ignorance.

Despite difficulties with this evolving concept, three interpretations are main contenders in the public arena, and citizens should be advised of the differences in usage because they refer to different processes that are frequently confounded.

1. Games of chance provide one conception of probability. Such games involve "happenings" in playing with inanimate objects whose structures allow reasonable estimates of "chances." Dice are an example. Here we know in advance of the toss of a fair die — of which there are only approximations — that the likelihood of any one of its six pips showing, over some "sufficiently long" run, is 1/6, and hence that the probability of throwing a double six is $1/6 \times 1/6 = 1/36$.

It is such knowledge that makes gambling profitable for the gaming industry.

2. A second, distinct use of the term refers to degrees of belief accorded by a person to a hypothesis. This is *subjective probability*, tested in the realm of risk by the odds one is willing to give, or take, on a bet. Subjective probability often appeals to expert opinion to justify itself, and this appeal calls attention to a fact that consumers of authoritative dicta should know: *There is no relationship between the confidence with which a subjective probability is stated and its accuracy.* To mistake confidence of utterance for validity is to become vulnerable to demagogues and other con artists.

3. A third interpretation of "probability" judges the likelihood of events by the frequency with which they have appeared in a class of people, or conditions deemed relevant to them. With few exceptions, this is the version of probability employed in calculating risks for public consumption. It is a *relative frequency* conception of probability.

This concept of probability has its own difficulties, and does not fit neatly with mathematicians' requirements. I include it in a discussion of the risks of motorized travel because most journalists, legislators, and citizens are inundated with numbers expressing subjective probabilities and relative frequencies, and consumers usually can't tell which kind of probability is being reported or how well it's been calculated.

In addition, relative frequency deserves description because it is the kind of probability that actuaries, statisticians, and epidemiologists use. They use it because it comes closest to common conceptions of "the chances that . . ." — and because abandoning a frequentist definition of probability, as some have urged, puts us into the fuzzy world of "degrees of belief," a world in which anything might happen and one person's gamble is as sensible as another's. This is not what lawmakers and the general public want to hear.

Decision-makers who resort to a relative-frequency interpretation of probability attempt to see the future by categorizing events in the past and counting them. Judgment enters here because a relative frequency notion requires some "indefinitely long run" of the events that concern us. Moreover, it requires that these events occur under identical conditions and that they be independent of one another. Unfortunately for the assessment of travel risks, these requirements cannot be satisfied.

Traffic fatalities, for example, fluctuate considerably. They vary with season and time of day, with conditions of roadway, driver, vehicle, and surroundings, and with the posture and position of occupants in vehicles. And there is always a question, commonly ignored by journalists, of whether we've looked back far enough to avoid unusual perturbations in our numbers, including changes over the years in the ways events are defined and tallied. In drawing inferences about the effects of safety legislation, we wish to discount singular, dramatic events that put spikes in our charts. One year's 27-vehicle pile-up on a foggy California interstate can distort analysis of trends.

Risk-assessors assume that the events under study have been reliably categorized and accurately tallied. With these always-contestable assumptions, they relate these occurrences to some "base" of conditions, or people, or actions — or even to kinds-of-people and their kinds-of-actions in types-of-situations. Hence the "relative" in relative frequency.

It should be clear that this idea of probability is a population term. It refers only to the frequency with which a kind of event occurs in some aggregate of people or things or situations. It can-

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not be translated legitimately into the probability that a particular individual will, or will not, experience that event.

The numerator of this rate contains a tally of events we've observed and recorded, however accurately. The denominator of this rate should include all those circumstances, and only those circumstances, differentially associated with whatever we've counted in the numerator.

For example, if 50% of pregnancies of American women end in abortion, this proportion can *not* be extrapolated to "the chances that" a particular woman has a 50% likelihood of ending her pregnancy with abortion. (Of course, a woman's psychoanalyst may make a "judgment call," and assign a subjective probability — "an educated guess" — about the odds of her undergoing this procedure. But that is a very different type of "probability.")

In its frequency mode, probability expresses a relationship between a number of *actual* events and a number that summarizes conditions assumed to have the *potential* of distinctively permitting them — or, better, of generating them.

For example, since people can't get divorced without being married, a proper divorce rate must refer that numerator to the number of married couples in a population — not, as is sometimes reported, to the number of marriages that year. And, if one can't bear a child without being a woman, reproductive rates should be related to the number of women of fecund age. Similarly, one can't have a "traffic accident" without being on some kind of roadway, but does a private driveway count?

Assuming, then, an appropriate denominator ("base") of our rates, we strive for rational judgment by projecting a relationship observed in the past into the future on the usually unstated assumption that all productive forces remain the same. This is treacherous work. It justifies the lesson Hippocrates taught physicians over 2,000 years ago: "Experience, fallacious; judgment, difficult."

Illusory Exactitude

In the case of political promise expressed as probability, most of the public has little trouble recognizing such numbers as figures of speech — hopes, invocations, inspirations. But when scientists talk about "chances," lay consumers of statistics can't tell whether their probabilities refer to a known frequency with which some kind of event occurs relative to a base of reliable premonitory signs, or whether the figure is a "professional guess," or some combination of these "probabilities."

If 50% of pregnancies of American women end in abortion, this should not be extrapolated to "the chances that" a particular woman has a 50% likelihood of ending her pregnancy with abortion.

An example illustrates the point. On October 19, 1992, geophysicists with the U.S. Geological Survey issued a warning that the San Andreas fault near the central California town of Parkfield — the most closely monitored fault segment in the world — had "a 37% chance" of a major slippage — an earthquake of magnitude Richter 6.0 — "within 72 hours."

Depending on the amount of error one allows in judging prophetic success, this forecast can be said to have failed. A lesser, 3.9 quake did occur one week after the promised Big Shake. But what is pertinent to our concern with official figures is that the public that attends to such "probabilities" is ignorant of their basis. I asked Allan Lindh, one of the seismologists involved in the Parkfield study, four questions:

- Are you estimating a relative frequency probability or a subjective probability?
- If the former, what is the "37%" a percent of?
- If the latter, how do you and your associates arrive at the subjective estimates?
- And, in either case, what justifies the precision: 37%, not 35% or 40%?

Dr Lindh replied, "Good questions. The answer is both. We strive for quantitative, but given small samples and dearth of models, we settle for subjective."

With due respect to the difficulties earth scientists have in foreseeing changes in our globe's activities, I wish to call attention to a common ploy, one that — forgive the alliteration — might be called persuasion by presumed precision.

Exact numbers impress. By contrast, the more honest use of a range of numbers to indicate uncertainty reduces authority and makes it sound as though the "experts" are guessing.

If we ask traffic-safety experts how many of the approximately 23,000 to 44,000 lives lost on American roads each year will be saved through the enforced harnessing of motorists, we find estimates that range from 17,000 lives spared annually, to 15,000, to a low of 325. American politicians, including some recent presidents, like to cite the larger hope rather than the smaller possibility.

These numbers are confounded by definitions, and by who counts what. Estimates of lives lost in traffic vary. They depend, in part, on whether one counts only people killed in motor vehicles and thrown from them, or tallies those kinds of deaths plus the roadway mortality of pedestrians, cyclists, and bikers. For example, as a proportion of all traffic deaths, pedestrian fatalities vary from a low of about 15% for the United States to a high of 60% in Hong Kong.

And yet another issue complicates estimates: How much time should we allow between a crash and a death for the mortal injury to count as a "traffic fatality"? The National Safety Council records deaths within a year after a crash as a roadway death; most jurisdictions use a 30-day period, while some allow 90 days for deaths to be assigned to crashes. Such variation raises the perennial question about "cause of death." Did a collision without harness *cause* a death? Or did it only contribute to the death of an already sick and weak person?

Inevitable Economies

But the difficulties of calculating motoring risks do not end here. Even if we were to accept, as a rough estimate, some official rate at which individuals

can expect to be injured or killed as they travel in a variety of ways on a variety of roads, we need to know something else as well. In the controversy about seat belts, we need to know not just whether such harnesses ever prevent injury and fatality, but how much they do net of the injuries and fatalities they cause.

This requirement provides defense against the con-artist's ploy of counting successes and forgetting failures. It is armor against the enthusiast's habit of trying to prove a case by telling anecdotes favorable to it while ignoring contrary instances.

"Activists" who sponsor state-mandated intervention in others' lives routinely evade the issue of degree of improvement consequent upon their preferred programs net of perverse effects. In the auto-safety controversy, advocates of police action frequently talk as if any benefit were justifiable. "Even if only one life is saved!" they cry.

This is nonsense. There is an economy of salvation.

We implicitly judge how much we should worry about being killed or injured while motoring by guessing how frequent those events are, and then multiplying that guess by the values assigned to death or injury and the costs of defensive measures against them. In this calculation, there is room for argument.

On our roadways, the perceived probability of damaging accident is sufficiently low that virtually no one refrains from motor travel for this reason. Of course, the value assigned to not dying is high. Some claim that the value of life is infinite — "priceless" — but few who say this believe it, because every action carries with it a chance of death or shortened life.

Nevertheless, when the relative frequency with which an event occurs is either very high or very low, it becomes difficult to improve upon such a probability by any intervention. We reach a saturation point beyond which risk is acceptable compared with the cost — including the nuisance — of a further reduction in a possibly dangerous circumstance.

For example, we could reduce serious injury and fatality by outlawing motorbikes and by preventing male teenagers from driving any vehicles, since both of these "conditions" have higher rates of calamity than the less exciting, and excitable, modes of transport. And we could make some additional reductions by thickening the armor on vehicles, by requiring passengers (other than drivers) to be seated back-to-front, and by mandating that all travelers ride in cars equipped with roll-bars while wearing flame-retardant underwear and balaclava, and crush-proof helmets.

These possibilities seem ridiculous. Their perceived absurdity attests to the less-than-infinite value we place on our lives. There *are* trade-offs.

So what is the value of mandating seat belts? Are the trade-offs worth it? To find out, we must have both a consistent method of classifying the incidents in which users of roadways are hurt or killed and reliable records of these incidents.

Consistent classification is required because in some proportion of traffic crack-ups, wearing a seat belt is irrelevant to one's safety. In other cases, the practice is iatrogenic. In yet other instances, the harness helps somewhat. And in some cases, harnesses do what they are supposed to do: They fulfill the *sine qua non* promise — "If it had not been for the bridle, serious injury or death would have resulted."

Space does not permit a suggested taxonomy of damaging motoring events, other than to give the flavor of this requirement. For example, single vehicles colliding head-on with immovable objects — trees, walls — constitute one category of smash-up. Roll-overs — single and multiple — constitute additional classes of mishap. Two-vehicle head-on collisions are a different class of crash from near-side and far-side blows, and so on.

Each such class of crash should be further subdivided by "state of the roadway" — isolated or congested, rural or urban, dry or wet or icy — and by the drunkenness or sobriety of all participants, including pedestrians. Virtually all research on roadway safety agrees on one fact: That somewhere between 40% and 60% of traffic fatalities is produced by drunken pedestrians, motorbikers, and drivers of trucks and passenger cars. If we exclude the drunken users of public roads from consideration, we would probably discover that a majority of those who die in vehicles were belted in.

The second step in a fair test of harness-efficacy would compare the relative frequencies of death (or injury) *for each class of crash* when the safety device is, and is not, used.

Exact numbers impress. By contrast, the more honest use of a range of numbers to indicate uncertainty reduces authority and makes it sound as though the "experts" are guessing.

The work of the eighteenth-century mathematician, the Reverend Thomas Bayes, can be adapted for this purpose. Assuming that we know the relevant probabilities, a variant of Bayes' formula allows us to calculate how much the hypothesis that "buckling up" saves lives is confirmed or disconfirmed by our observations. For each class of mishap, we should have to know *all* these probabilities: that of dying while using a roadway (called the "base rate" of death); its obverse, the probability of *not* dying in such circumstance (the "base rate" of survival); the probability that individuals are harnessed when they are killed; and the probability of their being harnessed when they are not killed. Similar probabilities would have to be known for degrees of injury, a difficult task.

Meanwhile, we lack the refined information with which to calculate the net worth of seat belt legislation, and we are not likely to obtain it. For lovers of liberty, such ignorance returns the burden of justification to those who would impose more law upon us.

Evaluation

Assessment of public policy depends on political philosophy. Facts, by themselves, are not sufficient.

In the current "culture wars," there are good people on one side who want

T E R R A L I B R A

THE WORLD'S FIRST TRULY FREE COUNTRY

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HOW TO LIVE FREE ALMOST ANYWHERE

My name is Frederick Mann. In 1977 I became a **Free Sovereign Individual**. Since then I've lived free in many parts of the world. By "live free" I mean largely being free from government coercion. I have lived free in several cities around the world. In the process of living free I've learned what I call **Freedom Technology**: the practical knowledge, methods, and skills for living free — the street-smart know-how to outwit freedom-violators at every turn. Freedom Technology makes it possible for many people to legally, elegantly, and safely exit coercive government systems and to live free. Freedom Technology includes the practical means to protect yourself, your income, and your assets against attacks from freedom-violators. Ultimately, Freedom Technology also includes the means to blow away the bogus power of the freedom-violating elite.

We apply Freedom Technology to increase our personal power, wealth, and health. We engineer a massive shift of resources from the freedom-violating elite to the Free Sovereign Citizens of Terra Libra.

AMERICA: LAND OF ECONOMIC RAPE

In 1988 I moved to America — "the land of the free and the home of the brave." To my horror I soon discovered that America and Americans were being economically raped. I researched the specific mechanisms of the economic rape and identified the key economic rapists. I wrote the book ***The Economic Rape of America: What You Can Do About It***.

After more research and discussions with many, I concluded that Personal Power was an important ingredient of the solution, so I wrote a second book ***Wake Up America! The Dynamics of Human Power***.

HOW TO MAKE A FORTUNE PRACTICING AND SPREADING FREEDOM

As a professional consultant I've worked with computers for many years. Among other companies, I've studied Microsoft to determine why it has been so successful. Why has it overtaken IBM in terms of market valuation? Microsoft basically sells software programs to make computers more efficient and effective and easier to use. We could call Microsoft's programs "computer success programs." At the time Microsoft was created its potential could have been measured by the difference between how successful computers were at that time compared to how successful they could become. In other words, there was a gap between what was and what could be. This gap represents potential. By utilizing this gap of potential, Microsoft co-founder Bill Gates became a billionaire and the richest man in America.

In human affairs, right now, there is also a gap between what is and what could be. We suffer from "human failure programs" (like government!) that keep us as a society stuck at a low level. The gap between what is and what could or should be represents potential. **This potential is vastly greater than the potential that enabled Bill Gates to become the richest man in America.**

TERRA LIBRA

Terra Libra is a phenomenal societal breakthrough for taking advantage of the gap between what is and what could or should be. Terra Libra is a worldwide free country that extends across national borders. It's an information-based rather than a territorial country. Its inhabitants are Free Sovereign Citizens.

Terra Libra is the means to replace human failure programs with human success programs. During the coming decades

UNSOLICITED TESTIMONIALS

"The American people possess that loathsome and deplorable custom of blind obedience and servility to those in power or stationed in high office. History demonstrates that we should distrust politicians, not worship them. I have received and briefly reviewed your manuscripts, and find them well written and full of information. I congratulate you on your work. I hope that your works get wide circulation because they look excellent."

Lowell H. Becraft, Jr. - Attorney - Huntsville, Alabama

"Whenever I read any of your Terra Libra publications, my heart starts pounding with excitement. I've been studying freedom for a few years, but I often thought living my life as a truly free person was a pipe dream. It was something to think about and discuss with a few freedom loving friends, but nothing that I can do much about. Your publication really changed my mind. "Wake Up America" was truly my personal wake up call. I don't recall buying a book with higher useful information content per page or per dollar. Your breadth and depth of useful knowledge is incredible.

I think Terra Libra will be a success. It has a far broader appeal than anarchism or Neo-Tech. I would definitely like to be part of it. I'm originally from Japan and was disappointed in America because many of the bad habits of old Japan are also prevalent here. My father is a translator in Japan and also is discovering freedom. I would like to discuss with you the possibility of publishing Terra Libra products in Japan."

Isao Hanashi - Computer Consultant - Mesa, Arizona

"**WOW!** Your Terra Libra concept is a mind-blower... and a winner whose time is **NOW!** The info you sent brought the greatest excitement about the possibility of freedom in my lifetime I've **ever** known. Thru Terra Libra you're providing an exciting possibility: Be free now, working within and around our present oppressive government, leaving it to collapse of its own weight while we simultaneously create alternative systems that'll be in place to replace those of the tyrannical government when it withers and dies as in the USSR. Fascinating stuff!

Dr. Howard Long - Dentist - Carnelian Bay, California

"For the last 25 years I've been reading about "what's wrong!" I've been a member of "The John Birch Society" and "Neo-Tech" and I've never found anything as well written as your Terra Libra Manuals."

Duane F. Campbell - Developer - Kent, Washington

"Your philosophy and writings are exactly on target, this is the stuff I grew up on. I detest coercion and all the official and unofficial bodies that use it to further their parasitic existence. Invisibility seems to be the first line of defense, as in *The Art of War* Sun Tzu writes, "only the formless cannot be affected" and "To win without fighting is best." He also wrote, "Strength is not just a matter of extensive territory and a large population, victory is not just a matter of efficient armaments, security is not just a matter of high walls and deep moats... Those who establish a viable organization will survive..."

Andrew Stocks - Entrepreneur - St. Petersburg, Florida

Terra Libran free-enterprise entrepreneurs will apply Freedom Technology to move society from what is to what could or should be. In the process many will become millionaires and billionaires. The Terra Libra books, reports, and information packages will tell you how. You simply can't afford to miss these incredible opportunities.

TERRA LIBRA STRATEGY

When you oppose something, or try to reform it, you encounter opposition. Your effort elicits an almost automatic counter-effort. Terra Libra does not attempt to change, oppose, reform, or overthrow any political or economic systems. We simply create our own voluntary alternatives. In fact, Terra Libra does not threaten or challenge the authority of any legitimate governments.

The bogus power of illegitimate freedom-violators depends on the support of their victims. Terra Librans find practical ways to legally, elegantly, and safely withdraw their support. The power of illegitimate freedom-violators is tenuous — flimsy, fragile, and of little substance. Understanding the dynamics of human power enabled Mohandas Gandhi to defeat the armed might of the British Empire without firing a shot. The armed might of the East German freedom-violators, backed by 300,000 Russian troops could not keep the Berlin wall standing. When the victims of the soviet freedom-violators withdrew their support, the Soviet Empire collapsed overnight.

Because of currency debasement (inflation), huge budget deficits, property seizures, Nazi-like terrorism, and other criminal violations, many freedom-violators are destroying their own coercive power systems. They are rapidly losing control.

We distinguish three sectors: the **public** sector, the **private** sector, and the **free-enterprise** sector. The **public sector** operates on the principle of coercion: the force of the gun. The **private sector** mixes coercion and freedom — politics and business. People in the private sector enjoy a modicum of freedom. However, they obey, bribe, and finance the freedom-violators of the public sector. They often obtain special privileges such as monopoly licenses, subsidies, and welfare from the freedom-violators.

People in the **free-enterprise sector** practice real, true, or pure free enterprise. In Terra Libra slavery has been abolished. Free Sovereign Citizens own their lives, minds, bodies, and the fruit of their labor. They practice voluntary exchange. They can do anything which doesn't harm others or their property. These principles are formulated in the Code of Terra Libra.

Terra Libra is the free-enterprise sector of the world. Terra Librans create voluntary institutions in areas such as education, currencies and banking, justice, communications, etc. As the coercive institutions of the freedom-violators worsen and collapse, people naturally shift their economic activities into Terra Libra — the **"Terra Libra Shift."**

Freedom Technology enables you to legally, elegantly, and safely shift some or all of your economic activities into the free-enterprise sector. The Terra Libran entrepreneurs who facilitate this shift will become the millionaires and billionaires of the next century. To get an idea of the potential, consider the size of the public and private sectors. These two sectors will collapse and be replaced by the free-enterprise sector.

Over the years there has been a shift in the nature of power. At one time power was almost totally based on **violence** (coercion). Then power came to be based more on **money** than on violence. In today's world power is based primarily on **information**. This shift in the nature of power is described in the book ***Powershift*** by Alvin Toffler. Territorial countries are based on violence, money, and brainwashing (the perversion of information). Terra Libra is primarily an information-based country.

I believe that we maximize our prospects for freedom by applying a wide range of strategies — circumvent, ignore, criticize, ridicule, weaken, reform, and replace the enemy on many fronts. Terra Libra should be viewed as an **adjunct** to other strategies. Our strategy is outlined in much more detail in the Terra Libra reports.

WHAT HAS BEEN ACHIEVED SO FAR

Much more has been achieved than space allows me to mention. A few highlights:

• There are now twenty-six Patrons and thirty-seven Professional Liberators in: Arizona, Australia, Bulgaria, California, Canada, Colorado, Deleware, England, Florida, France, Hawaii, Illinois, Ireland, Jamaica, Louisiana, Michigan, Nebraska, New York, North Carolina, Oregon, Sark (Channel Islands), Texas, Turkey. (Patrons and Professional Liberators are basically people who provide services related to Freedom Technology, for example, alternative currencies and banking, tax abatement, education, secure communication, etc.)

• A Terra Libra Supper Club has been established in Orange County, California. The November 1993 issue of the *Orange County Liberty Bell* included a full-page feature on Terra Libra.

• The Terra Libra "country" concept has been expanded to include "Terra Libra Territories" of which there are already several.

• An organization has been established to create a worldwide economic system with a 100%-gold-based currency. The system will interface with current banking systems. It's organized so each aspect of it is perfectly legal in the country where that aspect operates. Users of the gold-based system will be able to enjoy most of the services they now receive from their local bank. They will be able to deposit local currency checks and bank notes. The system will write checks in local currency. Secure electronic transfer will be possible for transactions between users of the system. Users will be able to withdraw funds from local ATMs (automatic teller machines). The gold will be maintained by a solid financial institution with an impeccable reputation of at least 100 years — in a safe country. The gold will be insured and subject to regular independent audit. We expect the system to be operational around June 1994.

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to use the law to do good for others, without necessarily having the consent of the subjects of their compassion. In opposition, there are good people who recognize that the law is an invention whose principal instrument is force. They agree with Tolstoy that "no one who has not sat in prison knows what the state is like," and they are loathe to compel others to behave "better" than they choose to.

Do-gooders in the first category assume that their idea of well-being is universal, or that it would be universal if others were as informed as they are. The second sort of do-gooder approves of "moral suasion," but is chary of coercing others toward virtue. They cite approvingly Henry David Thoreau's promise: "If I knew for certain that a man were coming to my house tonight to do me good, I'd run as though my life depended on it." Thoreau's statement embraces two liberal doubts: whether complexes of values are commensurable among individuals, and whether we have knowledge of optimal means to our good ends.

Today's version of Millian liberalism tries to accommodate its political preference to facts. It prefers argument from evidence to "thinking with one's blood." It is inclined to let people do as they wish as long as their actions do not harm others. Moreover, it proposes that we can discern, and agree upon, "harm."

Harm takes many forms, of course, but one variety is conceived as "externalities" — costs imposed on others by our behavior. Thus, in the seat belt controversy, proponents of mandatory harnessing cite the medical costs of attending to those who, because they are not strapped into their vehicles, are injured or killed.

Preceding pages have demonstrated that such a cost is difficult to assign. But if findings such as those John Adams and Levine and Basilevsky report were validated more generally, then it would be legislators' coercion-to-safety that produces externalities.

While we await extension of properly designed research, the hypothesis that the legally coerced harnessing of motorists saves lives and reduces injuries deserves the Scottish verdict: *Not Proven.* ❑

Arthur, "A Bill of Particulars," *continued from page 32*

say he shot the gun while standing and the bullet went back into the woods. The gun's position is also suspicious: the *New York Post* reported that it "was still clenched in his hand, which was lying in easy repose alongside his right leg." Typically, the gun is not found in the suicide's hand; it is usually thrown away by a reflex action. According to Gonzalez, the barrel of the gun was perfectly perpendicular to Foster's leg, which is very unlikely to occur by chance.

Police say that no one other than Foster was in the park at the time of his death. But a *New York Post* investigation discovered that a blue Mercedes-Benz "was parked, unattended, on a short roadway leading to the park when the police and ambulances arrived." Police say the car was merely disabled, but have not explained why the information was withheld from the press at the time of Foster's death.

Murderers often try to make their killings look like suicides. Standard police procedure is to treat suicides as homicides until proven otherwise. As a New York City police officer explained to the *Post*, "You treat it as a homicide, particularly if it is a VIP, like this case, until you can prove otherwise." But the possibility of homicide was never explored by the Park Police.

Why investigation of a death of this importance was turned over to the Park Police, an organization with little experience in homicide investigations, rather than the FBI, the nation's premier police investigatory agency and one with much more experience in such matters, is also a mystery.

The investigation by the Park Police was hindered by agents of the Clintons, who refused access to Foster's office until they had removed a substantial number of papers from it. Although the staffers told the police that the only things they removed were Foster's personal papers, they eventually admitted that they had also removed papers regarding Whitewater-Madison.

Although authorities promised to make public the police report on Foster's death, they have not done so — at first with no explanation, later asserting that to release it might interfere with Special Counsel Robert Fiske's investigation. After the *Post* investigation uncovered inconsistencies in past statements and raised the possibility of foul play, however, the police allowed a single reporter for the *Post*'s chief competitor, *The Daily News*, an opportunity to review the police report and talk to investigators. Based on its reporter's review of the report and interviews with unnamed sources, the *News* concluded that the case is closed. But suspicions will continue to exist so long as the police report is kept secret and inconsistencies remain.

The circumstances of Foster's death may never be known. But it is undeniable that the Clintons interfered with its investigation. The net effect of the Foster death, at this point, is to cast ugly suspicions on the Clintons, suspicions they could have avoided by not removing evidence from his office and by allowing a proper investigation of his death by competent authorities.

In sum, there is no doubt that the Clintons violated the public trust by failing to reveal conflicts between their own private financial interests and the public interest, and there are considerable indications that they looted the public treasury by a number of fraudulent subterfuges. It is possible, I suppose, that Rodham Clinton's opposition to allowing an investigation of the Whitewater-Madison affair was motivated by considerations other than fear of apprehension. But how else can one explain the fact that when a special prosecutor was appointed to investigate the matter, and the possibility of a subpoena of records relevant to the case became a real possibility, the Rose Law Firm immediately began shredding Foster's files? How else can one explain the Clintons' interference with the investigation of Foster's death?

— *Chester Alan Arthur*

Rainy Nights in Georgia

by Frank Fox

The end of Communism has not meant an end to Russian imperialism.

History, contrary to popular belief, does not repeat itself — except in Russia. In 1918, Georgia declared its independence from Kremlin rule. Three years later, the Bolsheviks, in violation of earlier agreements, marched back in. In 1991, by an overwhelming 98% vote, the people of Georgia again asserted their sovereignty. Now, again, they are threatened by a meddlesome Russia.

Georgia, nestled between the mountain masses of the Caucasus and the Ponto-Armenian highlands, was the land of Prometheus chained in his eternal punishment; of Jason and the Argonauts in search of the Golden Fleece; of the dreaded Gog and Magog, Old Testament names that forecast future doom. The country's most enduring symbol is the coat of arms of its eleventh-century ruler, King David II. That featured the sling and the harp, for King David traced his ancestry back to the Biblical David, slayer of mighty Goliath.

Greeks and Romans, Byzantium and the Muslims, Tartars and Russians took turns ruling the mountainous land. And except for one brief period, when David II and his daughter Tamara united the peoples between the Black and Caspian seas, it was always the Goliaths who prevailed. Georgia remained within the Russian empire from the time it was annexed, in 1801, until the revolution of 1917.

Today, with the peoples of the Caucasus locked in seemingly irreconcilable bloody disputes, it is worth recalling that this was not always the case. On September 20, 1917, the Georgians, Armenians, and Azerbaidjanis established a Trans-Caucasian Federal Republic. In its first election, Georgians gained positions of leadership and formed a most unusual national-federative coalition of Christians and Muslims, one that might have been a model for other struggling nationalities in that "prison-house of peoples."

After October's Communist coup, Lenin moved to abort this promising experiment. Georgia's leaders were Mensheviks — anti-Bolshevik socialists who believed in a democratic stage in the revolutionary process. Lenin saw them as a potential threat, but he had to bide his time.

First his followers fomented disagreements within the federation, culminating with the proclamation of an independent Georgia on May 26, 1918. The Armenians and the Azerbaidjanis followed suit. On January 10, 1920, the Supreme Council of the Allies gave *de facto* recognition to the three Caucasian republics. On June 12, the Soviets, preoccupied with a campaign against Poland, reluctantly recognized Georgia's independence and agreed not to interfere in its internal affairs.

But with the conclusion of the Polish campaign, the Soviet forces were free to move. In February of 1921, the Red Army invaded Georgia — the "kept mistress of the Entente," Stalin called her — and forced the republic, as it had Armenia and Azerbaidjan, back into the Bolshevik fold. Noe Zhordania, the nation's remarkable leader, fled into exile.

On June 10, the exiled governments met in Paris and in a futile gesture concluded an alliance that provided for a common foreign policy and a customs union. The Caucasian Federation thus became both a success and a failure, at one and the same time.

Back for Seconds

The first phase of the present struggle began when Georgian president Zvia Gamsakhurdia, a graduate of Soviet prisons, proclaimed his nation's independence on April 9, 1991. Following the August coup against Gorbachev, the dozen or more national and ethnic groups that make up

about 30% of the Georgian population resumed their centuries-old opposition to central authority, fearing "Georgia for Georgians" policies reminiscent of previous attempts at Russification.

The Ossetians in the north and the Abkhazians in the west were particularly resentful. The Russian military lent support to Abkhazian nationalism, sending mercenaries to staff that region's secessionist army. In January of 1992, Gamsakhurdia was deposed, as Tbilisi — the capital city itself — was swept with bloody civil strife. In March, Eduard S. Shevardnadze, a Georgian who had previously served as Soviet foreign minister, was invited to replace Gamsakhurdia. He negotiated a peace in Ossetia, but fighting intensified in Muslim Abkhazia, still ruled by unelected Communists.

Shevardnadze's principled stand against Gorbachev obscured his earlier participation in Soviet repression.

Shevardnadze, a man whose friendly, distinguished appearance and principled stand against Gorbachev tended to obscure his earlier participation in Soviet repression, now claimed that he had been "treacherously deceived," and blamed Russia's representatives for the "dirty affair" — his reference to the Russian armed forces' covert support for the Abkhazian separatists.

In October, Shevardnadze was elected speaker of the Georgian parliament by close to 90% of the electorate, in effect making him president. Shevardnadze presented himself as a genuine convert from the old *nomenklatura* to the new democratic faith. But even as he sought to consolidate power, a loose coalition of Caucasian tribes led by the exiled Gamsakhurdia threatened to plunge Georgia into a full-blown civil war.

By now there seemed little question that Russian troops were taking part in this internecine struggle, assisting the Abkhazians and other militant Muslims against the Georgians. By the summer of 1993, the Russians were clearly positioning themselves to broker the peace between Shevardnadze's forces and those of the other rebels. The August 1 editon of the *New York Times* editorialized about a "new Russian Empire," noting that in Georgia the Russian military units "have thrown their weight behind ethnic secessionists."

Shevardnadze grew ever more strident, threatening to resign if parliament refused to grant him new emergency powers and continuing to accuse the Russians of attempting to divide up Georgia. But Yeltsin and his military advisors were clearly playing for higher stakes, mindful that their actions were being observed by other ethnic groups of the old Soviet empire. They wanted at the very least to force Georgia to accept their aid, so it would be forced to join the Commonwealth of Independent States.

By October, the 65-year-old Shevardnadze, his carefully tailored suits exchanged for combat fatigues and an automatic pistol, travelled up and down the front trying to inspire courage in his followers, while the separatist Abkhazians and the troops of the ousted Gamsakhurdia threatened Georgian cities. Abkhazia had now officially seceded, and another province, Mingrelia, came under the control of Gamsakhurdia's forces. Shevardnadze was finally forced to beg Russia for help. Naturally, aid was forthcoming. Russian troops began to protect Georgia's railway lines.

"We must remember that we are 70 years behind civilization because of the Bolsheviks."

Full Circle

The pattern followed by the Russians in Georgia can also be seen at work in Armenia and Azerbaidjan, the other states of the original confederation. "We must remember," said one Azerbaidjani leader, "that we are 70 years behind civilization because of the Bolsheviks, and right now Christian Armenians and Muslim Azerbaidjanis are simply incapable of living as neighbors." The Russians will surely do their best to divide and conquer, to prevent another effort at confederation, to exacerbate ancient feuds for their own gain.

Georgia has come full circle, a victim of patterns that have persisted throughout the history of the centuries-old Russian state. On February 3, Russia and Georgia signed a cooperation treaty; now Russia, "proceeding from the need to respect Georgia's territorial integrity," will keep military bases on Georgian soil and train and supply the Georgian forces. Yeltsin has "encouraged" Georgia to join the ruble zone, which would make it economically dependent on Russia. With Georgia's entry into the Commonwealth of Independent States, it has in effect become, once more, a vassal of the Russian bear. ❑

"Well, we lost another war — I hope you wimps are satisfied!"

Warning

The Perennial Threat

by David Brin

Socialism may be dead, but an older threat to freedom still thrives.

Millions were convinced by the hypnotic, idealistic-sounding incantations of Marxist pseudo-science. Human nature, for better or worse, never fit old Karl's idealizations, but that did not prevent multitudes from investing in them a kind of religious fervor. Then other multitudes declared Communism the worst evil of all time, again giving the ideas more credence than they were due.

Only a few seers understood that nothing long-lasting could ever come of it, neither utopia nor endless terror. Andrei Amalrik's forgotten 1970 masterpiece, *Will the Soviet Union Survive Until 1984?*, underestimated by a few years the obstinacy of a bureaucracy clinging to power, but otherwise called events with remarkable vision.

Sure enough — after but a single lifespan, the flame that seemed so dire sputtered. History tells of nations and people who went down with their creed rather than admit its irrelevence, but today we see Russian adults reared on the catechism of Marx abandoning the faith and converting *en masse* to the rites of Adam Smith.

So: all hail the market, *revividus*. The great enemy of Free Enterprise has fallen, and no obstacle now blocks our road to capitalist paradise. Right?

Well, maybe.

Many societies have seen fleeting episodes of openness, from Heian Japan to Ashoka's Indian Empire to the early caliphate of Baghdad — narrow, blessed periods during which ideas flowed like rivers, when liberated individuals proved their mettle in fair competition and were rewarded less for their connections than for what they produced. These were times of rich culture and rising prosperity for all, not just the most creative or influential.

Alas for human progress, every one of these brief experiments withered soon after flowering. And in none of these cases was the agent of downfall anything remotely resembling Communism.

Obsessed as we've been for 70 years with a bumbling malignity to the east, it's easy to overlook historical evidence that populist revolutionary movements seldom keep steam, however militant their beginnings. Few market systems have been permanently ruined by proletarian or peasant uprisings. A great many, on the other hand, have been destroyed by another nemesis of free enterprise: *aristocratism*.

If free markets benefit from honest ambition, they also seem disastrously vulnerable to a darker side of that same trait — not so much greed *per se* as a tendency to *cheat*. The aristocratic impulse drives self-made men to use their wealth and power to arrange for their heirs to start out life as owners, as nobles, as demigods. Choose any epoch and you'll find examples. Coups by the Roman patrician class. Civil service *rigor mortis* in Chi'ing China. The ongoing decline of Great Britain.

It's an unfortunately familiar pattern. A first wave of enterprising leaders rises, proud to have done so by their own efforts. But once in power, they conspire to close what had been open, to change the rules so that newcomers will find the same climb harder.

Avoiding socialism was relatively easy; Americans just don't take to homogenization. All our myths push individualism, love of difference, and change. Give or take a few mega-institutions — welfare, IBM, the Pentagon — we dig in our heels against organized accumulations of authority. Marxism could never take root here; the soil is too irascible.

Aristocracy is another matter. Our people find much that is fascinating in

affluence and influence, in the lifestyles of the rich and famous. Before the depths of the 1992 recession, opinion polls showed that a majority of Americans believed the well-off deserve what they have, even if it is orders of magnitude more than ordinary wage-earners could ever hope for. Populist soak-the-rich campaigns do badly among middle-class voters because each of us imagines that *we* might someday live up there on the hill, given the right breaks.

Ours is the sole civilization in which the comfortable have so outnumbered the underprivileged. That is no mean accomplishment.

Diamonds and Pyramids

For thousands of years, most urban civilizations were structured as pyramids, with a privileged few on top subsisting on the labors of the obedient masses below. The "American Dream" represents a radical departure from this near-universal theme. Our ideal of a middle-class society is best pictured as a flattened diamond: a few people getting rich by providing honest goods and services, with the vast majority living not far below this elite in comfort — well-educated, with a fair degree of political clout. In such a society, a respected millionaire will have earned his or her wealth personally, not inherited it.

Below the middle class, numbers are supposed to narrow again; hence the diamond shape. If we must cynically accept that "the poor will always be with us," then they should be few — sporadic unfortunates who have fallen temporarily, owing to bad luck or bad habits. Either way, society ought to be able to lend them a hand, so that they can rise up again. Or if not them, certainly their children.

Clearly, this model is no more than an ideal, one we have yet to attain. Yet consider how incredible it is to have this dream at all! We *should* notice, and regret, that too many lack middle-class comforts. But ours is the sole civilization in which the comfortable have so outnumbered the underprivileged. That is no mean accomplishment.

In our myths and movies, we tell ourselves over and over that we can have the diamond. Few of today's battles between Left and Right dispute this goal — the ends are assumed; only means are debated.

Today, nearly everyone agrees that socialism isn't the way to get there. Pounding a pyramid flat doesn't turn it into a diamond. It just makes everyone poor, and leaves a new set of bullies — commissars and bureaucrats — to begin reshaping another steep triangle, another aristocracy.

Yet, as we've seen, unbridled capitalism has its dangers, too. Entrepreneurs turned bureaucrats have a bad habit of trying to *sharpen* the pyramid, making it narrower on top, broader at the bottom. What to do?

A Little Revolution, Now and Then

Much has been written about America's great families, of the battles between old money clans and new money upstarts, of the power wielded by the rich. A cottage industry thrives on silver-spoon-watching, tracing their interlocking directorships and efforts to wield influence. Still, somehow, Americans have managed for two centuries to prevent a true ruling class, able to enforce its will and whim without constraint by due process or any need to negotiate with other social classes. Complain if you will about the undue sway of Rockefellers, Annenbergs, and the like, but consider how small their power is in proportion to, say, the noble houses of Bourbon France, or the *apparatchiks* of Brezhnev's Soviet Empire. A glass half-empty is also half full.

This continuing balance and restraint may be one of the most singular traits of American society. The more one ponders it, the more mysterious and unlikely it seems. How was it achieved?

Thomas Jefferson, warning of the dangers of self-entrenched aristocracies, prescribed a solution: new revolutions every 20 years. This is usually read as exaggeration or polemic, but is it? One could argue that America has steered its narrow course between despotisms of Left and Right by sticking close to Jefferson's formula, tweaking and adjusting the rules of the game each generation or so. Some purifications have been violent — notably, the Civil War. Turn-of-the-century Progressive reforms were peaceful, but no less "revolutionary." So was the Jacksonians' populist revolt, and, in a cultural sense, the Roaring Twenties.

Consider the effects of one simple, well-timed act of Congress, the G.I. Bill of Rights, which took a million returning World War II veterans — sons of farmers and factory laborers — and gave them university educations theretofore undreamt-of. This one piece of social engineering nearly demolished the functioning class system in America for more than a generation — at least for white people. For others, justice and opportunity had to wait another 20 years, for the civil rights movement and other medium-scale social fervors which, largely nonviolently, inoculated our nation with steady doses of renewal and change. Whatever other effects these episodes had, from music and culture to law and leisure, and whatever faults they left unsolved for later generations to deal with, each made American culture, on balance, more open and equal than before.

The aristocratic impulse drives self-made men to use their wealth and power to arrange for their heirs to start out life as owners, as nobles, as demigods.

What does "equality" mean? Contemporary middle-income Americans don't generally regard the richer classes as foes or oppressors. We see them as slightly better-off neighbors, with whom we might catch up in time. Don't we drive the same streets? Don't we stop at the same traffic lights? Don't we have to renew our auto licenses at the same crowded windows?

But the situation is inherently un-

stable. This good-tempered equilibrium rests on social bargains that were last renewed over a generation ago. Today, newspapers and magazines are full of articles sketching disturbing trends, especially a growing disparity in income and capital, between those on top and all the rest. At no time since the Great Depression has the upper one percent controlled so large a fraction of the property and wealth-generating capacity of the nation.

Congressional studies show that those 660,000 families drew over 60% of all after-tax income gains in the 1980s. For the first time in this century, rich families are increasing the number of personal servants they keep while paying them less. Huge mansions bloom, while Americans get so used to images of poverty and homelessness that they — we — start to take them for granted.

The diamond is showing every sign of slumping into a ramshackle pyramid, and there are inevitably those on top whose impulse is to chip away, to seek privileges, to help the transformation along.

One classic way to forestall the anger of workers and professionals is to foster resentment toward those *less* well-off, like so-called "welfare cheaters," or to issue thinly-veiled appeals to racism. Signs of such a distraction campaign are already visible. But you cannot hide a pyramid by covering it with a blanket. Aristocrats may find themselves less well-armed than they imagine, especially against angry, educated masses.

Even if we all agree that runaway aristocracy is bad for free enterprise, solving the problem is still difficult. Government bludgeons don't work. The familiar cycle of revolt and repression demonstrates that brute expropriation achieves little. Chopping heads and seizing estates may be satisfying for a day or two, but afterward there is only blood on the ground, and no capital (or capitalists) with which to rebuild.

Jefferson never suggested killing the golden goose. His once-per-generation prescription took into account the need to combat aristocratism with imaginative solutions, ones unlike those tried in the past. Subtle methods are needed, means which don't choke incentive or offend the wild spirit of individualism. One decade's "solution" can burden the next — hence the need to eliminate aging bureaucracies.

The honest rich, those who *earn* their wealth, deserve every penny. We all benefit by their creativity, and should encourage it with the incentive of fortune. What we need is a periodic tweaking of the rules, with the simple, obvious aim that cheaters shall not prosper as well as producers, and that bright young men and women with vigor and ideas should have a decent chance to start off from an even playing field, no matter who their parents may be.

The fall of Communism came just in time to remind Americans that freedom has another ancient, implacable foe, one that is deeply rooted in human nature. Aristocracy is, after all, why we had a revolution in the first place, two centuries ago. ❑

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Argument

Back to the Libertarian Party

by James Ostrowski

Only fundamental, radical change can reverse the growth of big government and the social decline that growth has caused. And only the Libertarian Party is proposing such change.

The Libertarian Party is like a 1950s B movie — it is "the thing that wouldn't die." It has managed to survive for 20 years against all possible odds and adversity. From without, the party has faced lack of funding, lack of media attention, lack of voter understanding, and labyrinthine legal obstacles to placing candidates on the ballot. From within, it has been crippled by internal bickering and factionalism. Worse yet, every episode of infighting seems to lead to the wholesale departure of the disappointed faction. But still, the party thrives.

Ed Crane and his followers departed in 1983 when their candidate failed to win the 1984 presidential nomination. Murray Rothbard and *his* followers left after the 1989 party convention to join the paleoconservative movement. Others left to form libertarian Republican organizations. But none of these renegade factions have accomplished anything of lasting value for the cause of liberty. In the 1992 presidential race, the Murray Rothbard camp backed, of all people, Pat Buchanan, then jumped to Perot, then Bush. Ed Crane and the Cato Institute stayed out of the last election, but they showed how bizarre their political judgment can be back in '88, when they supported Pete Du Pont, whose platform advocated intensifying the drug war.

In 1996, Crane's crowd will probably back Massachusetts Governor William Weld, while the Rothbardians will support Buchanan if he runs, or a similar paleocon type if he doesn't. You can rest assured that neither faction will succeed in electing a president who will shift the nation in a libertarian direction. Both groups have a knack for picking losers. Worse still, both have a knack for picking *non-libertarian* losers.

How can libertarians really feel at home in the Buchanan or Weld camps? Buchanan actually publicly repudiated Rothbard on foreign policy during his campaign, and has denounced free trade and belittled Austrian economists. As for Weld, he's certainly a better political bet than ponderous Pierre Du Pont. But no libertarian could have the stomach to serve as a chief U.S. attorney — yet Weld did just that. U.S. attorneys are the centurions of big government, each commanding a small army of arrogant young shysters whose main job is prosecuting and jailing taxpayers, drug users, and businessmen hopelessly entangled in the federal regulatory spiderweb.

Weld is simply a very shrewd and competent politician who is betting that a combination of fiscal conservatism and socially liberal or moderate views will catapult him into national power. On that score he is probably correct, but that doesn't make him a libertarian. That makes him a moderate Republican tinkerer. Weld is not our friend. Indeed, he may be our biggest enemy.

The tragedy is, had the platoons that flocked to Buchanan and Du Pont stuck with the party, we might have been in a position to win five million votes and hold the balance of power in 1992. It is time for all good libertarians to check out of the Republican Roach Motel and come home to the spanking-clean Libertarian Party.

Reagan, Weld, and Other Safety Valves

America is in a state of slow but steady decline, thanks to the myriad ill effects of big government. We can pinpoint the start of the decline at the fall of 1990, when Bush sent troops to the Persian Gulf. Concern over the

Gulf War and the tax increase passed shortly earlier caused a recession we still haven't been able to shake. For this is not a cyclical recession; it is a structural recession. The growth of government has finally reached the point where it is causing an actual contraction of wealth and a worsening of social health.

The continuous and steady growth of government since the Civil War did not necessarily mean a decline in the overall health and wealth of our society because the free market was able to produce wealth faster than the state could destroy it. This was true even after the New Deal. But the Great Society was the last straw. By the '70s, with the Great Society firmly entrenched, government had grown so large that its ability to destroy wealth drew dangerously close to the market's ability to create it. In 1971, a handful of men and women recognized what was happening and founded the Libertarian Party.

The nation's reaction to this stagnation was to elect a new leader, one who said he would cut big government, restore economic growth, and end the "malaise" Jimmy Carter had correctly diagnosed. From Central Casting came the greatest actor ever to play President: Ronald Reagan.

Behind his anti-statist pose, Reagan *increased* the size of government. His tax cut for the rich was offset by a tax increase for the working class and small businessmen. He launched a new drug war, fueling the current crime wave and the social decline of urban America, symbolized by the L.A. riots. Foreign adventurism and military spending increased. No major programs were cut, not even the honey subsidy, resulting in the enormous debt we face today. The underlying malaise of the American economy was not addressed, let alone cured.

Now Bill Clinton has his grimy hands on the levers of power. He is raising taxes, socializing medicine, increasing regulation across the board, and proposing absurd environmental laws. He will increase inflation and spending, boost the debt to $6 trillion, and, two years from now, when all is said and done, he will be less popular than Jimmy Carter.

Whoever the Republicans put up against him in '96 will win hands down — start packing, Bill. It could be Weld. It could be Kemp. My guess is that it will be Weld, because he's smarter and younger and fresher. But there's talk of a Kemp-Weld ticket. I would prefer Weld-Kemp, as in "weld Kemp's neoconservative mouth shut."

So Weld will arrive in '96, just like Reagan did in '80, with a fresh gust of out-of-the-Beltway air. He'll have a bunch of new ideas for lighting the fires of the economy — many of them no doubt good ones. He will convince the public that something tangible is being done to reverse America's decline. He will no doubt succeed, as Reagan did, in causing a temporary economic boom, which may carry him into a second term in the year 2000. But inevitably, because he is no more than a moderate tinkerer, nothing will be done to reverse the slow, inexorable growth of big government on all fronts. What is needed is not tinkering, but *radical, libertarian change.*

Late in Weld's second term, the walls will come tumbling down, Bush-style, and the Democrats will dust off a conservative-to-moderate governor from a southern or western state and stroll into the White House in 2004. The end result of the Weld experiment will be a more advanced state of decline. The only difference will be that we will all be twelve years older and twelve percent poorer.

That may be what the Cato Institute wants to achieve in politics, but if that's all there is, I'd rather go fishing. And I *hate* fishing!

To understand the pernicious role Weld will play, think of big government as a pressure cooker and the public as the water, being boiled alive by taxes and regulation. What keeps the public from exploding in rage? The safety valve, of course. In the 1980s, the safety valve was Ronald Reagan. His rhetoric and partial tax cut let off enough steam to prevent the pot from exploding. In 1996, the safety valve will be Bill Weld or Ross Perot. As long as there is a safety valve for public outrage, the pressure cooker of big government will continue to boil us down.

Tinkering can keep the lid on public anger and thus allow the power elite to continue to rule us. It does not and cannot reverse the trend toward ever-larger big government.

Ballooning Government

Government is a parasite that grows and grows and grows until it is so large and destructive that it destroys the host society that sustained it. One statist expansion plants the seeds for future growth. As Ludwig von Mises put it, "The failures of the interventionist policies do not in the least impair the popularity of the implied doctrine. They are so interpreted as to strengthen, not to lessen, the prestige of these teachings."

Consider the health care crisis. After 60 years of intense government intervention, the average person cannot afford decent health care. The government created a sluggish economy by taxing, inflating, and regulating away all signs of economic vitality, draining the pocketbooks of the middle and working classes to the point where paying health insurance premiums is painful or impossible. Meanwhile, it cartelized and bureaucratized the medical care industry, greatly increasing its costs. All this has been interpreted as proof of the need for *further* intervention into the health care market. A demand for governmentally-provided health care has been created. By whom? The government! *Government creates its own demand.*

William Weld is not our friend. Indeed, he may be our biggest enemy.

All government intervention is essentially alike, be it economic, social, or military. All intervention uses force to transfer resources from one group to another, creating negative consequences for the victimized group. These consequences then make further intervention likely.

The poverty caused by economic intervention strengthens not only leftist calls for more welfare spending, but also right-wing demands for greater social controls. Government causes poverty; poverty increases time prefer-

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ence (the rate at which an individual prefers to consume goods now rather than later); increased time preference encourages activities that bring immediate satisfaction at the expense of long-term welfare — drug abuse, violent crime, gambling, unwanted pregnancies.

Welfare programs in turn encourage still more self-destructive behavior by softening that behavior's consequences. More irresponsible behavior in turn leads conservatives to call for more and tougher social control, usually via criminal law. But their approach causes further poverty and stimulates even more calls for welfare spending. The drug war, for example, creates only destructive black markets; it does not reduce the underclass problem, but extends it.

All these factors also make military intervention more likely. Poverty and social decay at home encourage the state to engage in foreign adventurism, in order to distract attention from domestic problems and to rebuild national morale by targeting a foreign scapegoat. Militarism, in turn, harms the domestic economy, and provides successful examples of the forceful use of state power, thus stimulating support for yet more right- and left-wing domestic interventions.

The peacenik who favors domestic intervention is a hypocrite. The liberal who opposes cultural coercion but favors the economic kind is a hypocrite. The conservative who opposes economic intervention but favors military and cultural warfare is a hypocrite. Ostensibly, liberals fight conservatives to stop infringement of civil liberties and conservatives fight liberals to stop infringement of economic liberties. In fact, each group reinforces the principle of coercion, and we get massive infringement of civil *and* economic liberties.

It is the unity of government intervention that dooms all libertarian efforts to intervene in today's major-party politics. Neither Buchanan nor Weld are pure libertarians in any of the three policy areas. Thus, while they may tinker away in a quasi-libertarian style on selected issues, they will be *increasing* intervention into other areas, thus completely negating the sparse benefits of tinkering.

Furthermore, political realities usually prevent quasi-libertarian politicians from pushing libertarian issue agendas. All through the Reagan/Bush drug war, liberal Democrats on Capitol Hill were silent. Why? Because they knew that pro-legalization speeches would be unpopular and might lose them control of Congress. And without Congress, they would no longer be able to tax and spend and regulate. They cared more about interfering with our economic lives than they did about stopping conservatives from interfering with our private lives. Most liberals and conservatives care more about intervening where they want to than about stopping the intervention they in theory oppose. You can't trust a conservative and you can't trust a liberal. When push comes to shove, each will pick power over principle and power over *you*.

Ed Crane and Murray Rothbard both have a knack for picking losers. Worse still, both have a knack for picking non-libertarian losers.

Since government has an inherent tendency to expand, and because its very expansion creates a public demand for further expansion, policy tinkering has not, will not, and cannot reverse this trend. Only fundamental, radical change can permanently reverse the growth of big government and the social decline it has caused. And only the Libertarian Party is proposing fundamental and radical change.

These are the reasons I have decided to become active again in the Libertarian Party. I flirted with the libertarian Republican movement a few years ago, but am now convinced that libertarian incursions into major-party politics are pointless and counterproductive. The two big parties are just tools for distributing big government's loot. They are rotten to the core and their leaders are more likely to corrupt well-meaning libertarians than be converted by them. ❑

Reviews

***Reclaiming the American Right: The Lost Legacy of the Conservative Movement*, by Justin Raimondo. Center for Libertarian Studies, 1993, xi + 287pp., $17.95.**

Ride a Paleo Horse

R.W. Bradford

From the very first paragraph of *Reclaiming the American Right*, Justin Raimondo strains credulity. "After a decade in power, why has the conservative movement failed to make a dent in big government? After taking over the Republican party in the sixties, and then capturing the White House in 1980, conservatives are baffled to discover that the power of the federal government to tax, regulate, and invade every aspect of our lives, has not lessened but increased over the last decade. Bewildered, frustrated, and demoralized, the men and women of the Right are asking themselves: *What went wrong?*"

In this brief paragraph he plants the seeds from which his entire book blossoms.

First, he supposes that conservatives have been "in power" for a decade, a proposition that is simply false. Yes, an avowed conservative held the presidency from 1981 to 1989, and a moderate with political debts to the Right held that office from 1989 to 1993. But the Senate was in the hands of the Democrats during half that time, and the House was in the absolute control of left-liberals during the entire period. And the courts remained in the hands of left-liberal and centrist appointees of Kennedy, Johnson, Nixon, Ford, and Carter, despite Reagan's efforts. In a government characterized by checks and balances, control of the executive wing, even with a small majority in one house of the legislature, does not amount to being "in power."

Second, he supposes that the aim of the conservative movement has been to reduce "the power of the federal government to tax, regulate, and invade every aspect of our lives." This is a pretty concise statement of the aim of the *libertarian* movement, not the conservative movement. The conservative movement has many aims: to defeat atheism and communism; to restore moral order; to reduce the power and influence of leftists. Several of these goals can only be pursued by increasing the power of the state, a fact most conservatives know and accept. It is true that many conservatives sometimes couch their views in libertarian rhetoric, and that there are libertarian tendencies in the souls of some conservatives, but the suggestion that the fundamental goal of the conservative movement is to achieve the libertarian agenda is simply preposterous.

Third, he supposes that what "bewilders, frustrates, and demoralizes" most conservatives in the wake of the election of Bill Clinton is the failure to achieve their agenda. This is at most a relatively small part of the explanation, to say the least. A much more significant cause of such bewilderment, frustration, and demoralization is their loss of control of the executive branch and its concomitant jobs and media attention, and public disenchantment with political conservatism.

In sum, in a single grand specimen of the fallacy of many questions, Raimondo does his best to smuggle into his reader's mind three propositions that are simply false. What is the payoff of this concatenation of falsehoods? What follows from the proposition that conservatives are heartbroken after holding political power for a decade but failing to achieve their hearts' desire, a reduction in the size and power of government? It should surprise no one that the solution to the question Raimondo poses in anguished italics — "*What went wrong?*" — is a conspiracy theory.

The libertarian agenda held so dearly by conservatives, he explains over the following five pages, was thwarted by "three invasions from the Left, loosely grouped along generational lines." The first incursion came when ex-leftists like James Burnham and Frank S. Meyer joined the staff of *National Review* in the 1950s. The second wave consisted of "liberals and assorted Social Democrats" like Norman Podhoretz and Irving Kristol, who entered the conservative movement in the 1970s. The third wave was the host of "think tanks, magazines, and activist organizations" that the second wave started in the 1980s. Taken together, these invaders constitute the "neoconservatives," or "neocons," bent on perverting the conservative movement toward their statist and globalist ends.

The Old Right was never a movement at all, let alone a mass one. It was more of a tendency.

Happily, this gigantic conspiracy is no longer having an easy time, thanks to the rise of "rebels who call them-

selves paleoconservatives," the only leader of whom Raimondo identifies is Llewellyn H. Rockwell, Jr, the head of the Ludwig von Mises Institute. As a result, Raimondo explains, "The Right is today embroiled in an internecine struggle every bit as vicious as the ancient blood feuds coming to the surface in the post-Communist Balkans" (p. 7). You may wonder, at this point, just when the civil war among conservatives escalated to mass murder. The notion of Norman Podhoretz and Llewellyn Rockwell engaged in bloody battle is an amusing one, but Raimondo's suggestion of open warfare is inaccurate: the paleos have declared war on mainline conservatism and made lots of vicious attacks, but the mainline conservatives have pretty much failed to notice that they are under fire.

This is an extraordinarily ambitious book: it proposes a new interpretation of recent history, replete with evil conspiracies and bloody battles that other historians have not even noticed.

Raimondo concludes his introduction by summarizing his intentions and thesis:

> This book . . . presents a radical new thesis: that conservatism failed because a Trojan horse inside the movement has been undermining the fight against big government. Since the mid-fifties, for over forty years, these interlopers have acted as a Fifth Column on the Right: conciliating the welfare state, smearing their Old Right predecessors, and burying the real story of how they came to claim the mantle of conservatism.
>
> Two traditions stand head-to-head, contending for the future of the conservative movement. One piously holds out the promise of enterprise zones from South Central Los Angeles to Mogadishu, while the other dares utter the forbidden phrase, *America first!* It is an old argument, using language that seems to echo the past.
>
> The America First Committee, main opponent of U.S. entry into World War II, was dissolved on December 11, 1941, more than half a century ago. Smeared, subjected to government repression, and ultimately defeated, they [sic] are mentioned in passing in American history textbooks, if at all, as either crankish obstructionists or outright Nazi sympathizers. Now the same forbidden phrase is heard once more in the land — and the smearmongers are at it again, recycling old libels and raving that some tinpot Third World dictator is the reincarnation of Adolf Hitler.
>
> Today's paleoconservatives are the continuators of the America First wing of the conservative movement. . . . [M]odern conservatives . . . have lost touch with their heritage. As a new generation of conservative theorists and activists yearns to get back to first principles and get in touch with its roots, blasting through the historical blackout on this subject is an all-important task, and the main purpose of this book.
>
> The history of the modern conservative movement in America is really the history of two movements. The Old Right, the original Right, was nationalist, populist, and fundamentally libertarian. The cold war Right, dominated in large part by ex-leftist converts to conservatism, was militantly internationalist, increasingly elitist, and largely indifferent to free-market economics. . . . Starting out at opposite ends of the political spectrum, these two movements eventually came to meet and merge. The end result of this long process, which began in the mid-fifties and was completed by the time the eighties rolled around, was the transformation and betrayal of the American Right. What was betrayed, and by whom, is the theme and substance of this book. (9–10)

The first thing one notices in this torrent of inflamed rhetoric is that Raimondo could have used the services of a good editor. Aside from the grammatical error sicced above, does he really have to explain that the "mid-fifties" are "over forty years" ago, or that December 11, 1941, was "more than half a century ago"? Perhaps Raimondo intends this book for the arithmetically challenged.

The peculiarities of its rhetoric aside, it is plain that *Reclaiming the American Right* is an extraordinarily ambitious book: it proposes a new interpretation of recent history, replete with evil conspiracies and bloody battles that other historians have not even noticed. It is against these startling claims that this book should be judged.

The Devil in James Burnham

Reclaiming the American Right has five distinct sections: a ten-page introduction stating its remarkable thesis; a two-chapter, 40-page analysis of the ideological origins of neoconservatism; a five-chapter, 136-page survey of various individuals identified by Raimondo as representatives of the heroic "Old Right"; two chapters (51 pages) on ideological developments within the right wing during the past 50 years; and an eleven-page conclusion reiterating his call for the expulsion of the neocons from the conservative movement and the empowerment of the "paleoconservatives and Old Right libertarians."

Conspiracy theorists and inflammatory partisans are often inclined to play a bit fast and loose with the facts. Since Raimondo is both, it is especially important for the reader to examine his evidence with critical intelligence. Raimondo tells the story of the battle between the Old Right/paleo heroes and the neocon villains by focusing on fifteen individuals, so I expected to get a feel for his case by closely examining his account of individuals with whom I am very familiar (e.g., H.L. Mencken, Rose Wilder Lane) rather than those with whom I am only marginally familiar (e.g., James Burnham, Frank Chodorov) or those with whose careers and writing I have negligible acquaintance (e.g., Max Schactman, Louis Bromfield).

After peeling away the superficial research and the attempts to fire up conservatives, all that remains is a mishmash of stories and quotations about various figures on the Right.

First up was a chapter on the career and thinking of James Burnham, whom I remembered from my high school days, when I was an enthusiastic reader

of *National Review*. Burnham wrote a regular column titled "The Third World War," a feature so boring that I cannot remember a single thing about it — except that I found it boring. About the only other thing I could recall about Burnham was Murray Rothbard's animosity toward him, which I quickly discovered Raimondo shares. This is not surprising, since Raimondo dedicates the book to Rothbard, thanks him in the book's acknowledgements, and wrote the book while supported by the Center for Libertarian Studies and the Ludwig von Mises Institute, the think tanks controlled by Rothbard and Llewellyn Rockwell.

Raimondo summarizes Burnham's break with the Communist Left in the later 1930s and the development of Burnham's own political thinking during the following decade. From Raimondo's summary, Burnham seems to me to be a fairly sophisticated political thinker. At the time, the central debate among political "scientists" was whether the world was moving toward socialism (the majority position), fascism (a popular minority), or capitalism (pretty much agreed to be on its last legs). Burnham challenged this analysis, arguing that political systems were evolving toward a bureaucratic "managerial state." He saw his own task as "to act in such a way as to promote those variants of the new order that permit us that minimum of liberty and justice without which human society is degraded to merely animal existence" (26). Burnham's political odyssey from the Trotskyite Left to the Buckleyite Right is somehow an interesting one, but Raimondo's conclusion that "Burnham was the first neoconservative, and the purest in the sense of being the most explicit and consistent" (21) is offered without a scintilla of evidence.

"As Senior Editor at the *National Review*, Burnham played a pivotal role, taking on a good deal of the day-to-day editorial tasks," Raimondo writes. "For the next twenty-three years he was a decisive influence on what was to become the fountainhead of American conservatism." Alas, the only evidence that Raimondo cites about Burnham's influence at *NR* is this:

> In his biography of Buckley, John Judis quotes Neal Freeman as saying that in 1964, Burnham "had been subtly but persistently reminding the editorial board of the hidden virtues of Nelson Rockefeller." In any conservative's book, the chapter entitled "The Hidden Virtues of Nelson Rockefeller" is going to be *very* short." (25)

Offhand, this seems to undermine Raimondo's thesis: as a loyal reader of

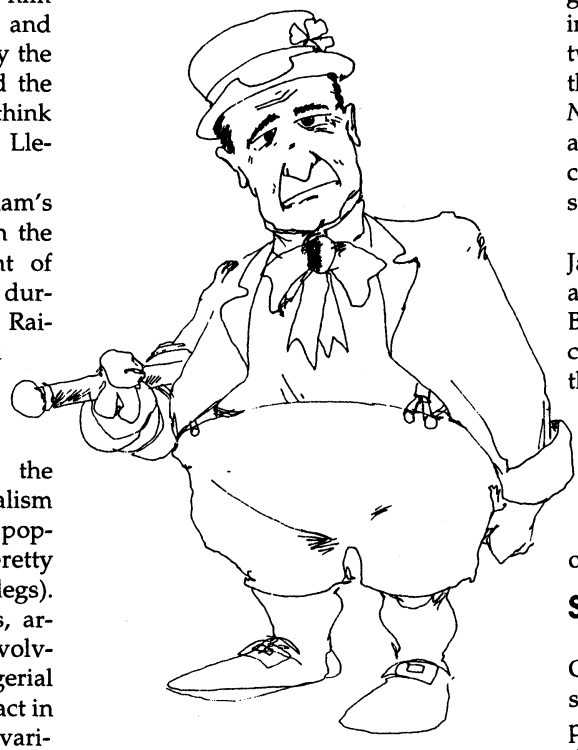

NR in 1964, I can assure you that the "hidden virtues of Nelson Rockefeller" never found their way into its pages. So why would Raimondo quote this bit of information? Perhaps to inflame his readers?

In that context, consider this passage:

> Conspiracy theorists of the Right have traditionally blamed the Council on Foreign Relations for coming up with the "New World Order," but in fact it was Burnham who, with unusual prescience, first coined the phrase. (23)

Raimondo follows this astonishing discovery with his evidence: a 123-word passage from Burnham which argues for internationalism but does *not* include the phrase "New World Order." The only reason I can imagine for Raimondo to include such a logical synapse is to arouse those who react with autonomic anger to any mention of the phrase "New World Order."

Most bizarrely of all, in a 21-page chapter devoted to demonstrating the evil influence of James Burnham on the conservative movement, Raimondo does not cite a single quotation or passage from Burnham after Burnham became an avowed conservative in the early 1950s. Most of his citations are from Burnham's correspondence regarding his break with the Trotskyites in 1939; a few are from his writings between 1939 and 1953; not one is from the period in which he was an editor at *National Review*. If Burnham was such an evil influence at *National Review*, couldn't Raimondo offer us a single specimen of his perfidy?

In sum, Raimondo's analysis of James Burnham fails miserably to achieve his goal of demonstrating Burnham's pernicious influence on conservatism. Indeed, it fails to show that Burnham had any influence on the conservative movement at all. Furthermore, it fails to cite a single position of Burnham's during his time with *National Review*, with the sole exception of a third-hand report of an opinion about Nelson Rockefeller.

Saint McCarthy?

Raimondo's discussions of other Old Right figures show equally inept research and scholarship. One might expect, for example, a researcher studying the writing of John T. Flynn to consult some of the huge amount of newspaper and magazine writings from Flynn's long journalistic career. If Raimondo ever made any attempt to examine Flynn's journalistic writing, there is no evidence of it here: every single such passage quoted by Raimondo is also quoted in Ronald Radosh's *Prophets on the Right*, published in 1975. Similarly, Raimondo's chapter on Colonel McCormick, the isolationist publisher of the *Chicago Tribune*, is drawn entirely from two biographies and a couple of anthologies published by the *Tribune*.

I also noticed numerous factual errors. Raimondo's chapter on Max Shachtman garbles the political comings and goings of various leftists in the 1960s and 1970s; for example, he has Irving Howe and Michael Harrington joining the Democratic Socialist Organizing Committee in the 1960s, while in fact, Harrington founded the organi-

zation in 1973. In his chapter on libertarians' role in the struggle for conservative leadership, he misreports the vote totals of every Libertarian presidential candidate through 1988; on the average, his figures are off by more than 40%.

And why did Raimondo devote an entire chapter to the career of Shachtman, an obscure figure peripheral to the Right, while devoting only a couple pages each to such important Old Right figures like Rose Wilder Lane, Isabel Paterson, and H.L. Mencken? And why are his brief treatments of Lane and Paterson, whose ideological writing mostly predated the end of World War II, included in his chapter entitled "The Postwar Old Right"?

The suggestion that the fundamental goal of the conservative movement is to achieve the libertarian agenda is simply preposterous.

Sometimes it seems as if parts of *Reclaiming the American Right* were written by different people. For example, the chapter on John T. Flynn defends McCarthyism, attacking Ronald Radosh's view that by supporting Joseph McCarthy's campaign against Communist infiltrators, Flynn was betraying his libertarian principles. Raimondo praises McCarthyism for providing "a battering ram against the statist Cold War" and turning "the main thrust of the people's suspicions inward rather than outward; toward Washington, D.C., rather than Europe or Asia." His only criticism of McCarthyism was that it "provided a context and rationale for the cold war" (112). But a hundred-plus pages later, defending Patrick Buchanan against claims that some of his comments on the Iraq war were anti-Semitic, Raimondo writes: "Every war in American history has provoked a domestic witch hunt against dissent, and the Iraq war proved to be no exception. . . . The Korean War and the onset of the cold war witnessed the onslaught of McCarthyism. . . ." A page later, Raimondo compares the criticism of Buchanan to "the worst of Joe McCarthy's antics" (224–25).

Raimondo's blindness to contradictions in his position is most apparent in his discussion of the present "paleoconservative revolt." He praises Samuel Francis for "correctly identifying the neoconservative incursion as the source of the internal rot of modern conservatism," mentioning in passing that "Francis is somewhat confused by the history of the problem. He cites none other than our old friend James Burnham as the one who first identified the 'ideo-neurological reflexes and knee-jerks of the left' in neoconservative doctrine. Yet he does not seem to realize that Burnham himself was the virtual embodiment of that doctrine" (235). But no matter: "This odd error over the role of . . . Burnham is peripheral, however, and not really important to the central argument of the Francis piece" (236).

Burnham may not be important to the central argument of that particular article by Francis, but he is most certainly important to Francis' general ideology. Francis is James Burnham's leading follower and defender today; Francis has praised *The Managerial Revolution* for having "uncovered what is one of the central truths of the 20th century and elaborated it into an interpretation of the present age" (*Chronicles*, January 1992). Francis is also a leading figure of the modern paleoconservative movement, explicitly identifying himself with the Old Right tradition. Certainly, his interpretation of Burnham's ideology differs from Raimondo's. Whichever of them is correct, it is clear that at least one "neoconservative" figure has influenced "paleoconservative" thought, a fact that bodes ill for Raimondo's neat portrait of a tidy ideological struggle.

Picking Over the Remnant

The fundamental problem with Raimondo's mission to recapture conservatism in the name of a mass movement called the Old Right is that the Old Right was never a movement at all, let alone a mass one. It was more of a tendency. To say that someone was a member of the Old Right is to say that the person was generally critical of the New Deal and of American participation in World War II. But these are political positions, not political philosophical views. There is no common core belief at all.

In fact, at their core, those identified as Old Rightists frequently held contradictory views. Albert Jay Nock, for example, was a follower of Henry George: he believed that government ought to be supported by a Single Tax on real property which virtually confiscates the value of land (but not its improvements). H.L. Mencken not only abhorred the Single Tax theory, but held all such theories in contempt.

But Nock and Mencken, at least, were self-declared allies. Consider the much greater contrast between two other indisputable Old Rightists: Isabel Paterson and Oswald Garrison Villard. The former was a radical individualist, a believer in strictly limited government and fierce intellectual consistency. The latter was a moderate liberal, not particularly fond of big government but no libertarian either, pragmatic in his philosophy and eclectic in his politics. Both were admirable figures, but they had little in common beyond their opposition to overcentralized government and World War II.

Throw in old-line progressives like Harry Elmer Barnes, liberal muckrakers like John T. Flynn, Main Street Republicans like Robert A. Taft, and an agrarian nationalist like Louis Bromfield, and the Old Right's ideological stew gets even murkier. Did all these people consider themselves part of the same, grand movement? No — how could they?

The simple fact is that the Old Right is a *post facto* construct by which Murray Rothbard classified together various figures on the right who shared with Rothbard an antipathy to the New Deal and American participation in World War II. They included individuals from a variety of ideological traditions, ranging from Nock's anarchism to Mencken's classical liberalism to Harry Elmer Barnes's progressivism.

Even if it were accurate to characterize the Old Right as a movement, it would be preposterous to characterize it as a *mass* movement. The figures that Raimondo identifies as Old Right were mostly isolated individuals, nearly all of whom eschewed participation in anything akin to a movement. While

those individuals frequently were prominent, their prominence was generally the product of achievements in other fields than politics: Mencken as a literary critic, Nock as a biographer, Paterson as a novelist and critic, Col. McCormick and Joseph Medill Patterson as owners of metropolitan newspapers, Lindbergh as the first man to fly the Atlantic, etc. Even the America First Committee, probably the largest Old Right organization, spent its short life as a common front, not a mass movement — and not all of these figures were by any means associated with it.

The problem is that Raimondo wants to have it both ways. He is at least vaguely aware of this problem. In contexts (e.g., p. 3) where he is selling his conspiracy theory, he portrays the Old Right as a successful mass movement that was undermined by exogenous invasion. Where treating the Old Right as a mass movement flies in the face of historic reality too brazenly, he characterizes the Old Right in a more accurate fashion; for example, at one point in his discussion of Garet Garrett (52) he describes it as "that loose grouping of intellectuals, writers, publicists, and politicians."

Raimondo distributed buttons at the 1987 Libertarian Party convention emblazoned with the slogan "Gay Nazis for Paul."

The Devil in Justin Raimondo

In his discussion of the libertarian movement, Raimondo writes about events in which he played an active role. Here is his account of the 1988 Libertarian Party campaign:

> In 1988, the Libertarian Party rebounded somewhat, nominating ex-Congressman Ron Paul, of Texas, and receiving some 750,000 votes. But once again internal disputes took center stage; some LPers were disturbed by Paul's cultural conservatism, which clashed with their own neo-hippie values and lifestyle. [Murray] Rothbard's break with the Libertarian Party was originally precipitated by the shabby treatment Paul received at the hands of his LP critics. . . .

Although he overstates Paul's vote total by more than 70%, he neglects to mention that the shabbiest treatment of Paul came from none other than Justin Raimondo, at that point a supporter of neocon Jack Kemp. Raimondo distributed buttons at the nominating convention emblazoned with the slogan "Gay Nazis for Paul," and denounced Paul as a Pat Robertson clone and a reactionary opponent of abortion rights.

Raimondo also penned a scurrilous pamphlet, "The Ron Paul Scam," in which he criticized Paul as a purveyor of right-wing conspiracy themes. At one point Raimondo equated Paul with the John Birch Society's chief conspiratologist Gary Allen, then denounced the Birch Society's beliefs in no uncertain terms:

> This is not philosophy or political ideology, but psycho-pathology pure and simple. Here is a full-blown delusional system masquerading as a school of thought, an updated, nuclear-powered McCarthyism in which the omnipresent enemy is no longer the Kremlin, but Wall Street. ("The Ron Paul Scam," 1987)

Raimondo's thinking seems to have evolved considerably between the time he penned those words and today. In *Reclaiming the American Right*, the Birchers' "psycho-pathological" views have mutated into something quite different:

> The [John Birch Society] was inveighing against the New World Order *years* before George Bush popularized that sinister phrase. For more than thirty years, the smear brigade derided these concerns as the perfervid fantasies of discredited "conspiracy theorists." When the plans of the internationalists for a world government backed by U.S. troops and tax dollars unfolded on the front pages of our newspapers, the Society crowed: "JBS — Ahead of its time!" — and justifiably so. (193–194)

Raimondo began his peculiar political odyssey as a devout follower of Ayn Rand, but he quickly developed into a professional gay militant and a leader of the Libertarian Party Radical Caucus, a pressure group within the party dedicated to advancing the Rothbardian agenda of nuclear disarmament, land reform, and leftist revolutionary rhetoric. His one previous volume was published at about this time: *In Praise of Outlaws*. There Raimondo fiercely defended the 1979 anti-police Castro Street riots. Unlike *Reclaiming the American Right*, it did not feature a cover blurb from Pat Buchanan; instead, it depicted a police car set afire by rioters.

Reclaiming the American Right reads like a high-school student's term paper, written in florid language and expanded to 200 pages.

By 1985, Raimondo had moved further leftward, denouncing other libertarians as "racists" for failing to support with sufficient enthusiasm open immigration for black Africans. In 1986, Raimondo took a job with the Libertarian Republican Organizing Committee, which tried to convince Ron Paul to run for the presidency as a Republican before attacking him when he joined the Libertarians. The next voyage in his ideological odyssey occurred around 1990, when he took a position as a "scholar-journalist" at the Center for Libertarian Studies and the Ludwig von Mises Institute, the official purveyors of "paleolibertarianism."

It is not unusual, of course, for a person's political views to evolve. But it is disingenuous for a person to write a history of a political movement with which he was deeply involved without mentioning his role in that movement's development, no matter how much that past involvement may embarrass him today. And one would think that Raimondo the former radical-left-libertarian might show at least some sympathy for his former politics.

What is Left of the Old Right?

Reclaiming the American Right reads like a high-school student's term paper, written in florid language and expanded to 200 pages. It is replete with irrelevancies, grammatical glitches, and logical gaps. It fails miserably to prove its theses. Indeed, it fails even to mar-

shall a plausible case for them. After peeling away the superficial research and the attempts to fire up conservatives, all that remains is a mishmash of stories and quotations about various figures on the Right. That said, Raimondo's raw writing talent often shines through the overblown prose and propagandistic rhetoric.

Reclaiming the American Right is a political tract masquerading as a scholarly work. It is not aimed at the reflective reader, but at the right-winger upset at the Right's loss of power. *Reclaiming the American Right* stands in the grand tradition of *None Dare Call It Treason*, *Life of the Party*, and *A Choice, Not an Echo*, explaining the fall from power of a political group in terms of an evil conspiracy and exhorting the members of that group to purge the conspirators and seize power with their reinvigorated old agenda.

It remains to be seen whether *Reclaiming the American Right* succeeds as a political tract. The success or failure of a polemic is measured by whether it succeeds in inflaming those it addresses. *Reclaiming the American Right* concludes with 14 pages of praise for Patrick Buchanan and a rousing eleven-page appeal for conservatives to expel the evil neoconservatives from within their midst and "take back America." Whether it is succeeding in this mission remains to be seen. To date, it has sold more than 3,000 copies, mostly as a result of Patrick Buchanan's enthusiastic endorsement of it in his syndicated column and a modest effort to market the book to libertarians.

But signs of measurable success for the paleo movement remain sparse. Pat Buchanan remains a popular media figure, but has never identified himself as a paleo and continues to oppose some paleo positions. Sam Francis continues to write his column for the *Washington Times*, and both Murray Rothbard and Llewellyn Rockwell occasionally find their way into print in the *The New American*, *National Review*, and even the *Los Angeles Times*. But circulation of *Chronicles* has declined about 14% since 1990, when Rothbard and Rockwell became regular contributors and it became the major magazine of the paleo movement. During that same time, the circulations of other conservative and libertarian publications have risen dramatically.

Despite its many flaws, *Reclaiming the American Right* may find a market. The inherent interest of the subject partially compensates for its stylistic excesses and inept scholarship. ❑

Was Ayn Rand a Plagiarist?

Raimondo's most startling "revelation" is his allegation that Ayn Rand virtually plagiarized *Atlas Shrugged* from an obscure novel published in 1922:

> The Randian claim to have given birth to a philosophy without antecedents, which amounts to an Objectivist version of the Virgin Birth, is proved false by the fact that Rand's novel, *Atlas Shrugged*, bears such a strong resemblance to Garet Garrett's 1922 novel *The Driver*, that there arises a real question as to whether Rand passed the boundaries of acceptable behavior in "borrowing" a little too much. (199)

What evidence does Raimondo cite that Rand committed this "intellectual fraud"? His case is based on certain similarities between *Atlas Shrugged* and *The Driver*: the last name of the hero of each novel is Galt, both take place "against the backdrop of great American industries," the heroes of both are geniuses who are "persecuted and attacked by [their] fellow businessmen and by government," both novels are "paeans to the entrepreneur as creator," and, perhaps most provocatively, the hero of Garrett's novel "is portrayed in language Rand might have used to describe" some of the characters in *Atlas Shrugged*.

After noting that both Garrett's hero and the father of the heroine of *Atlas Shrugged* "bore more than a passing resemblance to E.H. Harriman," the railroad magnate, Raimondo cites his most telling point:

> The clearest evidence, albeit circumstantial, that Rand did indeed read *The Driver* is the fact that a stylistic device used throughout *Atlas Shrugged* also occurs in *The Driver*. While it is plausible that two different authors could come up with a similar name for their main character [sic], and even that the two novels might express similar themes, it is too much to believe that the use of the same rhetorical device could also have occurred by happenstance. *Atlas Shrugged* opens with the question "Who is John Galt?" and the phrase recurs throughout the book. John Galt does not make an appearance until the last third of the novel; he is the mystery man, the unseen shaper of large events. In *The Driver*, a similar motif is employed. (201)

Raimondo proceeds to quote a passage from *The Driver* in which the line "Who is Henry M. Galt?" appears, and the first passage in *Atlas Shrugged* in which the line "Who is John Galt?" appears, then another passage in *The Driver* with the same question. He then cites the similarity between a character in *The Driver* and a character in another of Rand's novels.

At this point, Raimondo rests his case, explaining that he has related an "overwhelming mass of evidence":

> While not plagiarism in the legal sense, the unacknowledged and — in my view — *conscious* use of Garrett's work as a starting point for her own, does, in this case, constitute intellectual fraud. It is fraud because Rand spent so much time denying not only her own past, but also the value of any and all tradition. Especially in view of the fact that the "official" biographical essay, written in the sixties by Barbara Branden, and based on extensive interviews with Rand, has a long account of the writing of *Atlas Shrugged* that makes no mention of Garrett, Rand's silence on this subject amounted to a deliberate deception.
>
> On the other hand, this is not a case of word-for-word plagiarism, as with Martin Luther King's doctoral dissertation. It is a case of denying one's own roots . . . . (205)

This is the second version of Raimondo's thesis. The first was presented in an article submitted to *Liberty* and *National Review* in 1991 and eventually published in the paleoconservative monthly *Chronicles* in 1992. In that incarnation, the article went even further, characterizing *Atlas Shrugged* as "a literary and intellectual swindle which veers perilously close to being a clear case of plagiarism." I don't know why *National Review* decided to reject it for publication, but I know why I did. Raimondo's essay leveled scurrilous charges with no convincing evidence.

Raimondo admits that his evidence is "circumstantial," but reports no attempt to support his charges by determining whether Rand had ever read *The Driver*, or, for that matter, ever heard of Garrett.

The closest Raimondo came to attempting to discover whether Rand knew Garrett's work was a phone call to Nathaniel Branden, who was Rand's close associate during the 1950s and 1960s. Curiously, he does not report whether he asked Branden if Rand knew Garrett's writing; instead he reported that Branden believed Rand was "not capable of appropriating names, themes, and certain fictional devices without acknowledging the source." It would have been the easiest thing in the world to contact other former associates of Rand to seek verification that Rand knew Garrett's writing — and I know, because I did so.

I called Barbara Branden, also a close associate of Rand for many years and her only biographer, and Robert Hessen, a scholar at the Hoover Institution who was for several years Rand's personal assistant, in daily contact with Rand, responsible for keeping her library, correspondence, and other papers in order. Branden told me that she could not remember Rand ever mentioning Garrett. Hessen told me that Rand had no books by Garrett in her library — not even *The People's Pottage*, Garrett's widely available collection of essays — and that Rand had never spoken of Garrett. Both Branden and Hessen considered Raimondo's thesis preposterous.

For Raimondo, the only possible explanation of the apparent similarities between the novels is Rand's "*conscious* use" of Garrett's novel without acknowledgement. He never even considers the obvious hypothesis that Rand had read the Garrett work decades earlier and forgotten it, then subconsciously used some similiar elements of it when devising her own novel.

Considering that the book was published four years before Rand arrived in the U.S. and that people who knew Rand agree that she read remarkably little, there is strong reason to doubt even this more plausible but less scandalous version of his thesis.

Now I suppose it could be argued

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that Rand stole from Garrett, then consciously hid her copies of Garrett's books and avoided his name in conversation because she wanted to avoid leaving any evidence that might prove her to be a plagiarist. But if this were the case, why didn't she take even the simplest and most obvious precaution against discovery? Why didn't she make the last name of the hero of *Atlas Shrugged* Smith, or Jones, or Raimondo, or any name other than the name of the hero of the very work from which she was plagiarizing? If she were so stupid that this subterfuge didn't occur to her, how did she figure out the importance of hiding any copies of Garrett's books she might possess and refrain from speaking his name? For that matter, if she were this stupid, how did she ever become so successful a novelist and playwright?

Then there are the problems with the circumstantial evidence that Raimondo does present.

There were many popular novels written in the early part of this century that presented heroes who are entrepreneurs overcoming the competition of other entrepreneurs and attacks by government. The fact that the hero of one of these might have the same last name as the hero of Rand's novel is an unremarkable coincidence. Which leaves the question of Rand's and Garrett's use of the same "motif" and "literary device," the repeated question "Who is . . . ?"

The line "Who is John Galt?" is a pervasive literary device in *Atlas Shrugged*, used to express bewilderment at the declining state of affairs in a world where creative human beings seem to be disappearing without a trace. It is the very first line of *Atlas Shrugged*; it was spoken dozens of times by a vast variety of characters as the plot unfolds.

So how many times does this "literary device" appear in *The Driver*? Unable to locate a copy of this extremely obscure work, I asked Raimondo. His answer: "Three." Does repeating a line three times over the course of a novel constitute a "motif" or "rhetorical device" or "literary device" that is unique or even a salient characteristic that another author might "appropriate without acknowledgement"?

I own a CD-ROM compilation containing the full text of 1,896 literary classics, along with sophisticated software capable of searching out every instance of the use of certain phrases or words in any of the 1,896 works. I loaded the disk into my computer, called up the software, and asked for a list of works in which the question "Who is?" appears. My software was unable to find a single instance, but not because the phrase is so infrequent as to not appear. To the contrary, the problem was that certain words and phrases "are so common that they are excluded from the indices" the software uses in its search for significant detail.

—*R.W. Bradford*

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***Institutions, Institutional Change, and Economic Performance,* by Douglass C. North. Cambridge University Press, 1990, 160 pp., $37.95 (hc), $11.95 (sc).**

Why Prosperity Is Rare

Jane S. Shaw

Historians have long puzzled over Western civilization's economic success. How did the West emerge from the "almost unrelieved wretchedness" that characterized human existence for most of history? How did its wealth reach the point where "an unusually high proportion of people were becoming better fed, healthier, and more secure . . . than at any other time in history"[1]?

The person who has come closest to answering these questions is Douglass C. North, who received a Nobel Prize in economics in 1993. North is concerned with economic growth, not freedom *per se*, but his recognition that private property rights and individual autonomy and responsibility are what propel growth makes the story he tells an important one for libertarians. His most complete theoretical statement to date can be found in his 1990 book, *Institutions, Institutional Change, and Economic Performance*. As the rather cumbersome title suggests, his is a complicated theory.

North has long been aware of the complexity of these issues. Although the earlier book he wrote with Robert Paul Thomas, *The Rise of the Western World* (Cambridge University Press, 1973), offered a sweeping, almost monocausal, explanation for economic growth, the authors intended to probe deeper than earlier theories had. To North and Thomas, such factors as "innovation, economies of scale, education, capital accumulation, etc." are "not causes of growth; they *are* growth." North and Thomas promised to delve deeper and provide "a comprehensive analytical framework to examine and explain the rise of the Western world" (p. vii).

It did. And the result was a glittering achievement. Grounded in both Chicago School economic theory and an impressive knowledge of medieval and early modern history, *The Rise of the Western World* argued that it is *institutions*, particularly the institution of private property, that drive economic growth. Only with private property rights could individuals (and organizations) reap the rewards that come from innovation, economies of scale, and other prerequisites for growth. Owners of property have the incentive and ability to increase their property's value through new techniques. Without property rights, there is little incentive to become more productive or efficient, because an inventor or innovator cannot capture the benefits of the invention or innovation.

The central point of the book was that private property rights gradually evolved in response to changing costs. Modern Western economic history begins with population growth, which spurred specialization and trade through markets. The opportunities presented by markets made traditional feudal institutions less attractive to serfs, who had benefited from the feudal lord's protection. Gradually, the labor that serfs owed to the lord was replaced by money dues, and serfs became freer to move away and sell their work to others. Land, too, became transferable.

Meanwhile, innovations in military warfare led lords to give up some of their independence in return for protection, and regional and national political units began to form. This also contributed to the dissolution of feudalism.

With feudalism dying, the widespread emergence of transferable private property rights at last became possible. But at this point, different nations' experiences began to diverge, and the final third of the book is devoted to a discussion of why efficient, freely tradeable property rights developed steadily in England and the Netherlands but were stifled in France and Spain.

Briefly, in France and Spain, the Crown attained a great deal of power, while in England and the Netherlands legislative bodies provided a check on the Crown. The powerful sovereigns took steps that brought them immediate revenues at the price of restricting markets and preventing economic growth. For example, the French Crown sold numerous monopoly privileges (which made others' entry into industry difficult or impossible), regulated production processes, and controlled prices. In Spain, the Crown gave special privileges to entrenched agricultural guilds. These privileges protected sheep herding and prevented the development of a market in cropland. In addition, the Spanish Crown frequently confiscated property and changed contracts.

Inevitable Efficiency?

Eventually, North became dissatisfied with this explanation. As he explains in the introduction to *Institutions*, the original thesis assumed that there would be a general trend toward efficient institutions — that is, toward private property rights — unless the government got in the way. But later he became more pessimistic, coming to believe that it is in rulers' self-interest to manipulate rights in self-serving ways, even when the manipulations are inefficient — and that it is costly for others to challenge these arrangements.

Even then, more efficient institutions ought to prevail over time, as "political entrepreneurs" in stagnant economies come to emulate their more successful neighbors. After all, the ruler gets more taxes if more is produced. Nonetheless, many, perhaps most, societies actually stagnate or decline, suggesting that this competition rarely works.

So in *Institutions*, North presents a more fine-grained theory that focuses, not just on property rights, but on a broad range of institutions. While pri-

vate property rights are still the engine of economic growth, they are part of a complicated institutional matrix.

For the layperson, the term "institution" is a bit off-putting; we rarely use the term the way economists do. Most of us tend to think of institutions as organizations. For economists, institutions are (in North's words) "the rules of the game in a society or, more formally, . . . the humanly devised constraints that shape human interaction." North argues that it is the interaction between organizations and institutions that causes change. The institutional matrix is a combination of both formal and informal rules, including constraints deliberately created by governments and other authorities, as well as other constraints which simply evolve. "Institutions structure incentives in human exchange, whether political, social, or economic" (3).

The common law illustrates both the stability of institutions and their incremental change, which occurs as people select which issues they take to court.

As an illustration, consider the institution of marriage and the family. This institution is formal in that it requires government approval (and, in many cases, the approval of religious authorities) and is infused with legal rules about the control and inheritance of property. Informal constraints are also important: marriage leads to certain expectations about the behavior of husband and wife, expectations about children, and expectations, both formal and informal, about how children should be brought up. In this country, for example, children are required (formally constrained) to attend school after a certain age. Informal constraints are transmitted through the family and through other sources, from Dr Spock's book on child care to television.

Furthermore, the family is in a state of flux. As with other institutional changes, this is caused by many different factors — most notably, changes in relative prices. Changing costs of home labor, single motherhood, leisure, and contraception have all contributed to familial evolution. But so have perceptions, ideologies, and concepts — feminism, for one. Institutional change occurs as "changing relative prices are filtered through preexisting mental constructs that shape our understanding of those price changes" (85).

The Institutional Matrix

With this picture of an institutional matrix in mind, let us consider a couple of institutions that figure importantly in economic history. One is the common law. Clearly, the common law (sometimes called "judge-made law") evolves over time. Does it evolve toward efficiency — that is, to encourage rather than deter productive outcomes? Some argue that, over time, judges tend to discover efficient institutions and decide cases that favor them. Others argue that judges have imperfect information and are often influenced by ideology, thus hampering efficiency. But whatever one's view, the common law illustrates both the stability of institutions and their incremental change, which occurs as people select which issues they take to court.

Constitutional protection of rights illustrates the role of informal constraints. The U.S. Constitution is an institution that most people believe has had a profound impact on America's economic growth, because it has protected property rights and restricted government. But, as North points out, very similar constitutions have been adopted in Latin American countries, and few of these benefits seem to have accrued there. Why? In brief, because "the persistence of the institutional pattern that had been imposed by Spain and Portugal" — a very bureaucratic, top-down state — has dominated Latin American policies (103).

Institutional Staying Power

An institution's staying power derives from its "increasing returns": it pays to stick with what you have. Although some people work to make incremental changes that benefit them directly, the basic institutions don't usually change rapidly or dramatically; even revolutions frequently leave basic institutions untouched. It is a fundamental thesis of North's work that if all institutions could compete fully and fairly with one another, the most efficient — the ones that provide incentives for both private good and social good — would win out over time. Unfortunately, thanks to what North calls "path dependence," such competition does not always occur.

To illustrate how path dependence works, North turns to the literature of technological change. Once a technology has been started on a path, it is often more costly to change to a completely new technology than to improve the old one, even if the old one is less efficient. The typewriter keyboard layout was designed to slow down a typist, because early machines would jam if a typist worked at top speed. Yet today's high-tech word processors continue to use the same pattern of letters designed to *slow down* the typist. Getting all typists used to a new and faster keyboard arrangement would speed typing, but at an enormous cost in terms of retraining. So the pattern remains standard even though the original rationale is long out of date.

The public indifference to the massacre at Waco suggests that the informal constraints underlying the Constitution may have largely disappeared.

Economic institutions, too, have staying power, because people benefit from continuing along old institutional paths. Different institutions might be better, but information feedback is often poor, so few are aware of the possible gains, and the costs of changing are high. The path may be productive or unproductive, but it will tend to continue in the same direction.

The Prospects for Freedom

All this leaves the libertarian with cause for both hope and concern.

On the bright side, it's harder to change institutions than it seems. The institutional matrix is self-reinforcing and persistent. That may be why the United States has managed to sustain economic growth and maintain sub-

stantial freedom in spite of the New Deal, numerous wars, and the enormous growth of government transfers. (An interesting illustration of a sturdy belief in *one's own* private property is the recent example of the Northwest regional director of the Sierra Club, who logged his own land while loudly urging that public land be locked up for the spotted owl. It's not clear that he even perceived that he had done something inconsistent.)

Also, says North, short-term changes are less important than the long-run path. (Having read this book, I'm less worried about the Clintons' health care plan than I was before.) But at the same time, the institutional matrix can change, almost invisibly, without our realizing it. Consider again the U.S. Constitution. We know that changing interpretations have eroded private property rights. When the loss is described, step by step, we see how steady and widespread the erosion has been.[2] Yet most people are unaware that parts of the Constitution are now hollow.

Similarly, the public indifference (except by libertarians) to the massacre at Waco suggests that the informal constraints underlying the Constitution's formal provisions may have largely disappeared.

The implications of path dependence are also severe for Third World nations. If those countries don't have an institutional matrix that includes respect for private property now, will they ever develop one? The road seems rockier after having read this book.

There is room for hope, however. We know little about Eastern Europe's institutional matrices. Perhaps the changes sweeping that region will tap reservoirs of entrepreneurship and private property not yet drained by Communism. Perhaps the historical path that led to private property in those countries before is still there, though hidden. We shall see. ❑

Notes:

1. Nathan Rosenberg and L.E. Birdzell, *How the West Grew Rich* (Basic Books, 1986).
2. Two books that outline this erosion are *Public Choice and Constitutional Economics*, edited by James D. Gwartney and Richard E. Wagner (JAI Press, 1988) and *The Birth of a Transfer Society*, by Terry L. Anderson and Peter J. Hill (University Press of America, 1989).

My cowboys have always been heroes.

Louis L'Amour, Freedom Writer

John Conolley

Louis L'Amour is the bestselling western writer of all time — thanks in part to tireless self-promotionn — with over 250 million books in print. He is loved by schoolchildren, day laborers, and college professors alike, much to the bafflement of critics. His books, despite their literary flaws, are rousing, ably written tales that brim with respect for individualism, self-reliance, freedom, and the human mind.

Louis L'Amour? you say. *You're telling me I should be reading oat-burners?*

Damn right. Yes, some of L'Amour's stories fit the standard western formula: a stranger rides into town and sets the bad guys on their ears. But he also wrote more nuanced historical novels — some set in the Old West, some in other places and times. His hundred-plus books also include short story collections, memoirs, a few works of nonfiction, even a volume of poetry.

L'Amour spent years travelling and working across the American West. All the landscapes in his westerns can be found and walked over, and many of the events in the stories actually happened to him. A voracious reader, especially of history, L'Amour filled his books with interesting sidelights. He even provides survival information. (On the run in the wilderness? Build your fire under a bush, so the smoke will be dissipated as it rises and watchers will not see.)

But that isn't why L'Amour is loved. What sets L'Amour apart is his moral vision. He writes about heroes, and makes us believe that we can be heroes. Whatever the setting, L'Amour presents men and women who care about the right, who make their own way without complaint, who use their minds to meet the overwhelming challenge of a frontier.

L'Amour himself has been known to dispute this. "My characters are not heroes," he once told an interviewer. "They are people who do what they have to do at the time." In L'Amour's short story "Survival," protagonist Tex Worden even says, "I ain't goin' for any of that hero stuff. That's all baloney."

But then there is Jublain, a character in L'Amour's *Sackett's Land*, arguing another point of view:

> "I think . . . I feel some lonely battle was fought here, and fought well, and men died for what they believed, perhaps surrounded in this place. Someday men may come with more knowledge than we and they will put the parts together. And out of it will come a story of heroes."
>
> "You believe in heroes?" Corvino looked at him thoughtfully.
>
> "I cannot believe in anything else. A man needs heroes. He needs to believe in strength, nobility, and courage. Otherwise we become sheep to be herded to the slaughterhouse of death. . . ."

Whatever the author himself may say, Jublain's views are closest to the spirit of L'Amour's fiction. Stalwart and larger than life, L'Amour's protagonists cannot be anything *but* heroes. Had the title character of *Flint* been made more human by the addition of weaknesses, he would not have responded to a severe beating by rising from the dust, wiping the blood from his eyes, staggering to the saloon with broken bones, and shooting his assailants before collapsing.

Obviously, this can lead to some literary problems. L'Amour's heroes tend to be very similar to one another, and he doesn't devote a lot of words to characterization. (Then again, that's only a problem for the fan who reads a dozen of his novels in a row. Read L'Amour

only from time to time, as the mood strikes you, and his characterization failures will not bother you much.)

You can also count on L'Amour's women to be *women*, not men in dresses or some adolescent fantasy (*à la* Robert Heinlein's *Friday*). L'Amour believed strongly that a woman could be as heroic as any man, and more than one of his protagonists, upon winning the fair maiden, says, "I don't want a woman to walk behind me. I want her to walk beside me." Interviewed for the *Contemporary Artists* series, L'Amour asked "why feminists don't object . . . that in every horror movie or crime movie . . . some woman's screaming her bloody head off. . . . I've been around them under stressful circumstances, and they don't scream. They're just as solid as any man would be."

That said, some critics feel L'Amour's female characters don't really come alive, and indeed, many receive even sketchier development than his men. And L'Amour has one widely-noted idiosyncrasy that prevents a fully mature treatment of either men *or* women: there is no sex in his stories. The hero will pursue a woman for 150 pages, but when he catches her, the subject is dropped, usually without even a kiss. L'Amour's rather lame explanation is that sex is a leisure activity, his characters are busy settling a wilderness, and therefore he can't be bothered to describe sex. (Question: just how are they to settle *anything* then?)

L'Amour's villains are also larger than life — and, like his heroes, are not very different from book to book. They tend to fall into two categories: good men who went wrong at some point but stand a chance of being redeemed before the novel is over; and powerful, evil figures devoid of any normal emotion.

One example of the first group is Gaylord Riley, the villain-turned-hero of *Dark Canyon*. His father was murdered when Riley was a boy, taking away his sustenance and leading him to a life of crime. He stays alive through a single-minded concentration on survival.

Weaver and Kehoe, two robbers, argue about Riley's value to their gang:

> Kehoe brushed the ash from his cigarette. "The kid's a gunfighter."
> "Him? For two bits I'd—"
> "You'd get killed."'
> Weaver was angry but curious, for Kehoe was no fool. He was cannier than most, when it came to that. "What makes you say that?"
> "Watch him. Nobody makes a move that he doesn't see, and he never gets that right hand tangled up. When he takes hold of anything, it's always with his left. You watch."

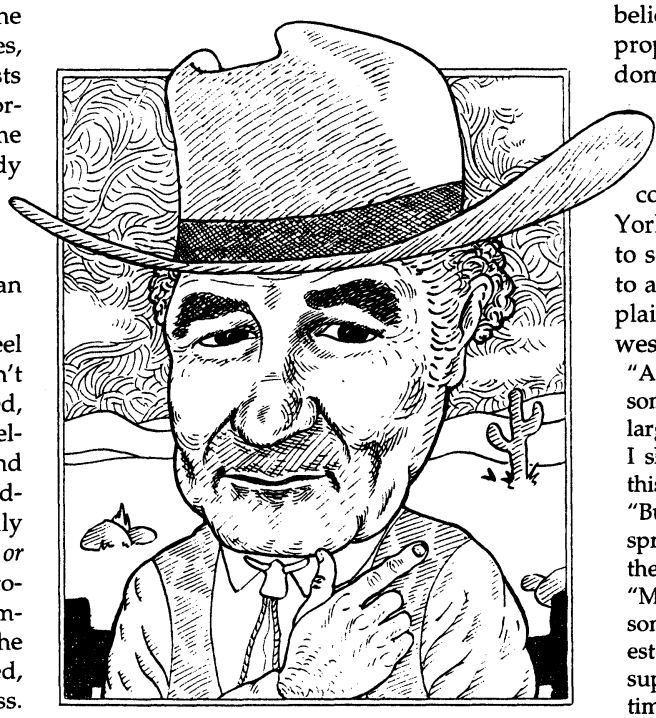

The gang decides Riley is too good a man for the criminal life, so they stake him enough money to buy a ranch, which — naturally enough for the genre — requires him to clean up a town. The tale's dark atmosphere is a departure for L'Amour, and has as much to do with the fading of the Old West as it does with Riley's character.

L'Amour's other villains, the purely evil criminals, populate most of his novels. One of his vilest characters is Porter Baldwin, in *Flint*. Baldwin is an old Bowery B'hoy, was a shoulder striker in New York's political gang wars, and has risen to be a financier himself. He goes west to do people out of their land through legal chicanery and violence. Then there's Pittingel, Bauer, and Lashan in *The Warrior's Path*. Slavers with no shred of feeling for their fellow human beings, those three may be L'Amour's most depraved characters ever.

With enemies like these, you'll find no pacifists in L'Amour. In New York, Bendigo Shafter is attacked by four toughs in Madison Square Park. He knocks one out cold, then pulls a gun and makes two of the others beat up their leader. Even the children go armed in Louis L'Amour's frontier.

L'Amour's characters live in, and believe in, societies based on private property, where hard work and freedom bring prosperity, and prosperity is valued only because it gives one more freedom. In *Bendigo Shafter*, the eponymous hero discovers gold and, on a visit to New York City, takes some of it with him to sell. When a city lawyer asks him to account for his wealth, Shafter explains that he has a "little mine" back west.

> "A *little* mine? This would seem to be something quite substantial. How large a crew do you have at work?"
> I shrugged, very casually. "I mined this myself."
> "But surely you'll open it up in the spring? You could get a crew in there. . . . It's worth millions!"
> "Maybe. . . . I'm no miner. . . . I have some cattle now and am more interested in building up a cow ranch. I suppose I'll work it from time to time, but I'm not that interested."
> . . . "[B]ut . . . this is *gold*, man. *Gold!*"
> . . . "[H]ow do you put a price on gold? I've only to mine what I want, buy what I want, and whenever I need money, go back and dig out some more."

Frontiersmen, L'Amour once said, "learned to cope. There was no one on whom to lean. A man on the frontier must make his own decisions and act upon them. Consequently, there was no subservience. Those who solve problems for themselves become confident. They trust to their own abilities."

L'Amour's focus is always on frontiers — metaphorical as well as literal. He considered his novel *The Walking Drum*, set in twelfth-century Europe and the Levant, to take place on another kind of frontier: the frontier of knowledge that was then sweeping over Europe from the East. It was in that context that the author set forth what may be his most succinct political statement:

[W]hat the world has always needed is more heretics and less authority. . . . Authority, in this world in which I moved, implied . . . acceptance of dogma, and dogma is invariably wrong, as knowledge is always in a state of transition. The radical ideas of today are often the conservative policies of tomorrow, and dogma isleft protesting by the wayside. Each generation has a group that wishes to impose a static pattern on events, a static pattern that would hold society forever immobile in a position favorable to the group in question.

L'Amour always shied away from stale dogma, and always celebrated the creative edges we call frontiers. No novelist ever propagated that message of freedom farther than did Louis L'Amour. ❑

Booknotes

The Last Straw — The fall of the House of Romanov and the murder of the last Tsar and his family are events unsurpassed in dramatic interest: the pathetic end of a poor, silly, wrong-headed, courageous, and bizarrely charming group of people, and the strange civilization that they brought down with them. It is appropriate that this should be the theme of a major work by an important Russian dramatist.

Unfortunately, none but the Romanov hobbyist will learn much from Edvard Radzinsky's ***The Last Tsar: The Life and Death of Nicholas II*** (Doubleday, 1992, 462 pp., $25.00, trans. by Marian Schwartz), because none but the hobbyist will endure to its end. Radzinsky's narrative, overburdened with gasps of emotion, suspended speculations, indistinguishable characters, inextricably tangled bloodlines, and important places you can't find on his map, is one long plea to throw the book across the room and, after throwing it, to jump up and down on it.

If you don't already know more or less what was going on in Tsarskoe Selo or Ekaterinburg, don't try to find out from Radzinsky. If you do know, you may just possibly find it worthwhile to read (when you finally get to that part of the book) Radzinsky's somewhat elliptical summaries of documents, interviews, and physical evidence that shed new light on the doings of the tsar's assassins. There is grim humor in Radzinsky's accounts of murderers stomping around the countryside trying to figure out how to dispose of their victims' bodies. There are also a few new items of interest about what an imperial family does with itself once it is no longer an imperial family.

Some of the book's many photographs are powerful evocations of a dead past. These pictures provide at least 50% of the book's drama.

—Stephen Cox

Let's Hear it For Democracy — As a sometime student of the home front during World War II, I could not resist reading the latest one-volume history of the war, William L. O'Neill's ***A Democracy at War: America's Fight at Home and Abroad*** (Free Press, 1993, 480 pp., $24.95). Little by little, Establishment historians are coming closer to telling an honest story about this crucial period of world history, and O'Neill pushes the boundaries beyond those of such predecessors as James MacGregor Burns, Richard Polenberg, and John Morton Blum. But he cannot shake free of an obsession with attributing everything — good, bad, or indifferent — to "democracy."

This interpretive panacea never receives conceptual clarification but seems to refer to the aggregate of the culture, institutions, and personalities of our blessed political system. It is simultaneously our weakness and our strength. It explains why the Americans at war committed fewer crimes than, say, the Germans or the Soviets,

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but nevertheless went ahead with only slightly less heinous crimes, such as the indiscriminate bombing of German and Japanese civilian populations. Ensconced behind the barricades of political correctness, O'Neill indicts the white males of America at war for discrimination against blacks and women and callousness toward refugees, especially the Jews. But not to worry: "The great thing about democracy is that it self-corrects, and in all these areas did."

O'Neill faces more squarely than most historians some unpleasant truths: that FDR was a shameless liar, especially in his machinations to get the United States into the war; that interservice rivalry in the Pacific theater squandered thousands of American lives; that most New Dealers "wanted a politically correct war effort more than an efficient one"; that the typical GI was an irreverent guy who spent the war resenting the politicians' bullshit and the military's chickenshit and wanting most of all to get back home in one piece. O'Neill recognizes too that voters "preferred to have any and all financial sacrifices borne by someone else," and he arrives at some valuable insights by examining how Congress would cater to such constituents.

The final sentence of the book makes a stunningly silly conclusion: "'Sweet land of liberty,' the children sang, and so it was, and so it would remain — thanks to a great generation." O'Neill seems incapable of recognizing the extent to which war fastened durable shackles on citizens of the United States: sweeping presidential powers; enduring economic controls; a heavy tax burden; peacetime military conscription; the various repressions of the Cold War, which extended the Big One for another 45 years with the belligerents rearranged. Why is it so hard to see that in this great war, as in most wars, both sides lost?

Notwithstanding its flaws, *A Democracy at War* contains much that is true and worth knowing. Though no match for Paul Fussell's wonderful but quite different book, *Wartime*, it is at least as good as the comparable alternatives for readers just starting to learn about this awesome conflict. —Robert Higgs

Stifled Words Can Kill You — Defenders of free speech, including the U.S. Supreme Court, often give short shrift to freedom of commercial speech. After all, how much harm can come from restrictions on advertising and product promotion? The answer is, "Plenty." For support, examine ***Bad Prescription for the First Amendment***, edited by Richard T. Kaplar (The Media Institute, 1993, 120 pp., $19.95), a work that details how the Food and Drug Administration's restrictions on product promotion by drug and medical device firms take a tremendous toll on health and life.

The introduction aptly notes that, "of all the government regulatory agencies created by Congress, the FDA

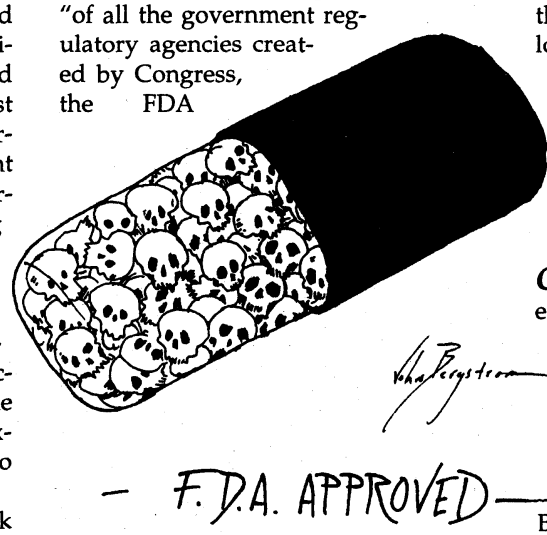

has been the most expansive and the most punitive in inhibiting speech." The power is effectively unchecked, because firms subject to the agency's sweeping regulatory authority over product approvals and manufacturing practices dare not challenge the FDA in court for denying their first amendment rights. Hence, the agency acts without hindrance as judge, jury, and executioner.

In the guise of enforcing labelling regulations, the FDA now controls not only what the companies may print or say, but also what is said at scientific conferences sponsored by the companies — all part of the agency's stated ambition to become the sole judge of what constitutes scientific knowledge. Hence it suppresses, for example, dissemination of copies of articles from respected scientific journals if the articles suggest that a certain product would be helpful for a use not yet approved by the FDA. For years the agency forbade aspirin companies to tell the public that daily use of the product could reduce the risks of heart attack and stroke. Earlier it squelched food manufacturers' claims with references to the benefits of reduced dietary fat and cholesterol. The agency's ongoing jihad against health claims for micronutrients such as vitamins and minerals threatens everyone as the draconian regulations framed under authority of the Nutrition Labelling and Education Act of 1990 go into effect.

Relief is not on the horizon. Few people outside the industry are aware of the destructive effects of the FDA's suppression of free speech, and inside the industry the regulated parties have long since been broken to the harness. As the editor concludes, the agency itself "does not recognize freedom of speech as an issue of concern, and . . . is perfectly willing to operate outside the bounds of the Constitution."

—Robert Higgs

Curious Joe — Joseph Epstein is editor of *The American Scholar*, in which role he has distinguished himself as one of the wisest and most effective critics of political correctness and all the other tedious or tragic phenomena of contemporary literary and academic life. But his greatest claim to our attention is his membership in a nearly extinct literary species: Epstein is an essayist. He is a person who writes, that is, about subjects that he *essays* but does not *exhaust*, and he writes in terms accessible and interesting to a general audience of intelligent persons, and not just to the unfortunate readers of what is oxymoronically called "professional literature."

As an essayist, Epstein has an appropriate curiosity about other people who have tried to write interestingly. In ***Pertinent Players: Essays on the Literary Life*** (Norton, 1993, 414 pp., $24.95), he has pungent things to say about many of them. The list includes Robert Louis Stevenson, William Hazlitt, George Orwell, and H.L. Mencken (whom Epstein defends against recent charges of anti-Semitism). Epstein also takes on people who lived in an interesting, though not always a wise or a pretty way — people such as journalist Joseph Alsop and educator Robert Hutchins.

Epstein's prose is always up to his subject. Often, indeed, the interest of the subject depends in large part on the interest of his prose. Of Hutchins, former boss of the University of Chicago, Epstein writes, "By the time I first met Robert Maynard Hutchins, in 1966, he was 67 years old and, I now realize, intellectually quite dead. He carried around, however, a splendid corpse." Epstein knows exactly what will make a portrait memorable: "Neither greedy nor even greatly money-minded, Hutchins, accustomed as a young man to going first-class, lived as if perfectly unaware that any other class was possible. 'If you have to look at the meter,' was one of his well-known sayings, 'don't take cabs.' Past the age of 25 he probably never paid for a cab out of his own pocket." Of the Center for the Study of Democratic Institutions, which Hutchins headed late in his life, Epstein remarks, "it must have resembled nothing so much as an endless talk show to which no one was tuned in."

That certainly could not be said about Epstein's proceedings.

—Stephen Cox

Formula-Breaker — Supernatural and fantastic tales are older than written literature itself, but the "fantasy" genre, as presently constituted, owes its origins to the sudden popularity in the 1960s of J.R.R. Tolkien's *The Lord of the Rings*. Tolkien was a fine writer; the bevy of clones who have followed him are not. Ideologically, modern fantasy is an extremely conservative genre — and I don't mean that in any honorable, Burkean or Taftian sense. The typical Terry Brooks or Margaret Weiss unicorn-pudding potboiler reflects the feudal values of a European *ancien régime* — hierarchy, lineage, stasis, social class. Individualist and radical fantasists exist, of course, but "fantasy" *qua* publishing category tends to marginalize them.

"When do we get to the Promised Land? This Sinai is so *oily*!"

R. Garcia y Robertson's ***The Spiral Dance*** (Avon, 1993, 256 pp., $4.99) is a happy exception. A remarkably libertarian novel, it takes place in late sixteenth-century Britain during the rise of the Tudor state. It is anti-monarchical, anti-feudal, and, significantly, anti-economic-regulation. Inverting feudal-fantastic norms, Garcia y Robertson aligns his witches, werewolves, and magicians on the side of the good; inverting commonplace historical interpretations, he upholds the Scottish clan system as a decentralized alternative to "Tudor totalitarianism."

The book is well-written and its characters well-drawn — Garcia y Robertson is one of the rare male writers capable of writing believably from a female point of view — and the story is well-crafted and absorbing. The ending is perhaps a bit too neat, too easy to see coming, to be as effective as it could be, but the book's careful reversal of genre formulas, creative mixture of history and fantasy, and smooth introduction of fantastic elements to an initially wholly realistic plot make *The Spiral Dance* an admirable first novel. And its anti-political politics make it a gem.

—Jesse Walker

An Economist, Among Other Things — Joseph A. Schumpeter (1883–1950) was one of the great economists and social scientists of the twentieth century. His early vision of the dynamics of capitalism, focused on the entrepreneur and innovation, captured the essence of the process, which he called "creative destruction." A precursor of the public choice analysts, he wrote a provocative book, *Capitalism, Socialism, and Democracy* (1942) that is still in print and worth reading. His posthumously published *History of Economic Analysis* (1954) remains without peer in its scope and erudition.

Long lacking a proper biography, Schumpeter now has several, of which the best is a two-volume work by Rob-

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Catherine England, Lawrence H. White

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Jerome Rothenberg on Aaron Wildavsky

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The United States Constitution. The document that guarantees our liberty and freedom. Printed on white parchment, this handsomely bound edition is both an excellent learning and reference tool. For rush delivery, send check or money order for $14.95 to Patriot Publications, 106 Freedom Plains Road, Suite 0228, Poughkeepsie, NY 12603.

Literature

BYOB — Brew Your Own Beer Easy. Complete book only $10. S. Brennan, P.O. Box 4561, Whittier, CA 90607.

Directory of Libertarian Periodicals, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

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"Private Schools for All," by O.B. Johannsen, Ph.D. Provocative essay why education should be conducted as private enterprise. $1.00 per copy. COMMITTEE OF ONE, 825 Walnut Street, Roselle Park, NJ 07204.

"Solving the Real 'German' Problem." Essay suggesting models to weaken world government. $2.25 (plus $0.17 tax in Texas). Texstar Media, Inc. Box 270813, Corpus Christi, TX 78427-0813.

What happened to the slavery clause in the original Declaration of Independence? *Who* wrote the first draft? Provocative new book, *A Personal Declaration of Independence*, explains this and more. $10 postpaid/moneyback. Free personal declaration with/without order. ZENO Press, Box 170-L, Sedalia, CO 80135.

Why Abortion Violates Rights. $1.00 and SASE, please. *Libertarians for Life.* 13424 Hathaway Drive, #22, Wheaton, MD 20906, 301/460-4141. Doris Gordon, National Coordinator.

Association of Libertarian Feminists, send SASE for literature list. Membership/Newsletter sub, $10/year. ALF, Box 20252, London Terrace P.O., New York, NY 10011.

Periodicals

When taxation becomes tyranny, read **Freedom Monthly Balance Sheet**. Then get your guns. New libertarian publication. Sample copy $1.00 to: FMBS, P.O. Box 55, Springbrook, NY 14140.

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The Voluntaryist. Sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

Independent Thinking Review. Articles, book reviews, other resources for independent and critical thinking. Writers include Robert Anton Wilson, Joan Kennedy Taylor, Sharon Presley. Subscription, $18/year (quarterly). Send for free sample. Resources for Independent Thinking, 4067 Hardwick #129, Lakewood, CA 90712.

Personals

Writing anti-welfare book. Unemployed, not on unemployment. Really, whatever you can spare. Thanks. Barry Loberfeld, 12 Wichard, Commack, NY 11725.

Radio

Attn: East Coast Libertarians! There is a radio show for you. The Jason Lewis Show can be heard on 1110 WBT-AM from Charlotte. Up and down the East Coast. Monday through Friday from 11:00 pm till 2:00 am (EST). This may be the best radio talk show in America! Tonight, at 11:00 pm turn your AM radio dial to 1110!

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ert Loring Allen, ***Opening Doors: The Life and Work of Joseph Schumpeter*** (Transaction, 1991, 314 and 348 pp., $39.95). Allen, a student of Schumpeter at Harvard in the late 1940s, spent many years tracking down sources, interviewing Schumpeter's surviving friends and acquaintances, and reading thousands of the great man's multilingual manuscript pages, including his astonishing diaries.

Allen's portrait shows Schumpeter as a flamboyant and colorful character in his public persona, but privately a deeply troubled and unhappy man during the final 25 years of his enormously productive life. Limitations of space preclude a full description, but Allen's summary may whet your appetite to learn more about this "inspired student, *enfant terrible*, government minister, bank president and businessman, and above all, professor; pretender to aristocracy, true elitist, and gentleman of manners; public speaker, scholar, writer, and counsellor; art historian, horseman, and traveller; complainer, sufferer from depression, critic, and ebullient entertainer; historian, theoretician, and secret worshipper to a private god."

Looking down from Valhalla, Schumpeter probably wonders why the list does not mention that he was also the greatest lover in Vienna.

—Robert Higgs

Liberty in the 21st Century

Will freedom thrive in the new millennium? Meet *Liberty*'s editors and special guests this Labor Day weekend at the second *Liberty* Editor's Conference, and join us in trying to answer this and other questions.

Details will be announced soon. Space will be limited — start making your plans today!

Letters, *continued from page 4*

struck several years back by the three literary giants' synchronous surnames. They were further bound together by the Nobel Prize speculation that always buzzed around each of them. Each was considered a logical Nobel laureate if he lived long enough to survive a couple rounds of the geopolitical rotation that circulates the prize in literature.

As each of them proceeded to live long enough, and then longer than enough, it appeared that they were being cheated of their due, as their younger and lesser compatriots got the call from Stockholm. Now, with only Mr Burroughs left to accept the charges — and he was always the least likely to *ever* be respectable enough to get the call — I'm reminded of the most important connection they share. Burroughs is, and Burgess and Borges were, libertarian iconoclasts among the great mass of twentieth-century literary collectivist iconophiles.

Burroughs, the homosexual, gun-loving junky, is the perfect embodiment of every good conservative and nice liberal's nightmare of where libertarianism must inevitably lead. His life work has been an exploration of the theme of deviance versus control; Burroughs never met an outlaw he didn't like or a cop he did.

Burgess' libertarianism was of a more conservative stripe, and his religious fascination was alien to Burroughs (who never met a priest he liked either), but in most respects their political temperaments resonated.

Borges was raised a Spencerian individualist, and his life, art, and prickly persona were a beautiful rebuke to the especially noxious form of statism that took root in his homeland, Argentina. Indeed, Borges was such a striking figure and loomed so large that many felt the only possible explanation for his snub by the Swedish Academy was the unforgivable incorrectness of his individualist politics.

With two thirds of this illustrious trio now gone, I hope American libertarians will claim as our own the still warm and breathing national treasure who resides with his cats somewhere in Kansas.

Tom Brennan
Philadelphia, Penn.

Sorry, Gerry

Having read "First They Came for the Fascists . . ." (January 1994), I would like to apologize for every unkind thing I ever said about Gerry Spence — and there have been many. I never met the man but knew him through other medical professionals who had been the objects of his obviously formidable legal and philosophic talent. In my medical circles he is hated and feared.

I still do not know him personally, but I feel that I know him philosophically. That is enough.

Dr Forrest Smith
Pleasanton, Calif.

Kim Campbell: A Taxing Woman

Scott Reid's "After the Election, *le Déluge*" (January 1994) is the best analysis of the Canadian election I've read. However, Mr Reid did not mention the major cause of the crushing defeat of the ruling Progressive Conservatives: the public perception that they were the party of high taxes and high unemployment.

For those readers who plan to visit

Reflections, *continued from page 14*

The last Olympics that I followed were the 1960 games, held in Rome and Lake Placid. I saw the miracle U.S. hockey victory, the U.S. slaughter of everyone at basketball, Rafer Johnson and C.K. Yang competing for the decathlon championship, and a hundred other games and contests. (Even then I had little interest in judged competitions and spectacles.)

Shortly after the games, I read an article about Harold Connolly, the world's best hammer thrower at the time. He had competed on the Czech national team at the 1952 Olympics, but had become an American citizen after marrying an American athlete, and now was a member of the U.S. Olympic team. A reporter asked him how he felt about competing as a Czech at one Olympics and as an American at the next. Did he feel mixed loyalties? No, he responded, loyalty had nothing to do with what he was doing. He was a hammer thrower and he was competing against other hammer throwers, not an American competing against a Czech or a capitalist competing against a communist.

At the time, I thought that what he said was pretty terrible. Weren't the Olympics all about nations competing with one another? Hadn't I been told that the U.S. was the best and that the Olympics would prove it? Hadn't my teachers explained that it was only after Germany performed well in the 1936 Olympics that they realized they might be able to win a war against the U.S. and thereby worked up their nerve to start World War II? Hadn't they told me that unless we beat the Commies in the Olympics, the Commies might start another war? Didn't I know that Russia had an elaborate system to identify potential Olympic champions, segregate those children from their families and train them to be Olympic competitors with a single-minded fervor? And that the U.S. had better show that its free system of self-selection was better, or it would be the same thing as giving up to Godless Communism? Hadn't the news reports on the Olympics concentrated on medal counts sorted by nation, headlining what nation was winning? Just who was this Harold Connolly to say that the Olympics shouldn't be about determining what country was best?

It took me a few years to figure out that Harold Connolly was right and that my elders and the organizers of the Olympics were wrong. A worldwide competition to determine who is best at various games and contests — the sort of competition envisioned by Harold Connolly — would be a fine thing. It would help promote comraderie and brotherhood.

The Cold War is over, and with its passing ended the silly ideas about using the Olympics to prove one social system better than another. If those people interested in genuinely promoting world peace and brotherhood among people of different races and cultures are serious about their goals, the time has come for them to work to abolish the Olympics, or to reform it radically, so that the best athletes participate — representing themselves, not their governments — and to eliminate the judged competitions with their political game-playing and prejudices. —RWB

Canada sometime soon, be aware that the Mulroney government instituted something called the GST — Goods and Services Tax — which applies to just about everything. This is basically a national sales tax of 9%.

In Quebec, the ruling party at the provincial level (the Liberals) thought this was such a good idea, they'd add on a tax of their own. Thus, when visiting Quebec, you pay an effective sales tax of 15 percent on most goods and services.

The GST has made life miserable for just about everybody, though it has not done what Mulroney said it would do — close the gap between government spending and revenues. That's why Kim Campbell lost the election.

Dan O'Neil
Glen Burnie, Md.

The Sage of Chloride

In the January *Liberty*, R.W. Bradford referred to the late libertarian journalist, George Boardman ("Miles from Understanding"). I had the pleasure of meeting Mr Boardman at his home in Chloride, Arizona (not New Mexico as the article stated) in 1963. I was a wide-eyed twelve-year-old boy whose greatest impression of the visit was Mr Boardman's Derringer pistol, which he apparently carried at all times.

Mr Boardman and his family wished to live as much as possible outside the ugly influence of the omnipotent state. Chloride was a mining town that had been largely abandoned in the 1940s. Mr Boardman purchased a little motel in the center of town, located against the hills a few miles off Highway 93 between Las Vegas and Kingman, Arizona. It was not a well-known route.

Upon our arrival Mr Boardman told a story — possibly embellished for the benefit of us children — of shooting a mountain lion two weeks earlier in the courtyard of the motel. We knew then that we were in the Wild West — could a shootout at high noon be anticipated?

We could hardly wait to explore the dilapidated buildings of this ghost town. Mr Boardman admonished us that the buildings were still privately owned, though left unattended and in disrepair, and that property rights should be respected. This was a great disappointment, but we knew trespassing was wrong and respected his comments.

Mr Boardman told my parents about his experiences as a professional photographer and how he enjoyed putting down politicians (who always assumed he was after *their* picture) by signaling them to sit down or move out of range while he took the picture he wanted.

My mother remembers his reminiscences about teaching at Freedom School near Colorado Springs. One young man stayed after class one day in obvious mental agony. Asked what was troubling him, he blurted out, "Mr Boardman, you've ruined my life!" Many of his former plans could not be reconciled to his newly acquired philosophy. Before, he had even signed up for service in the armed forces. Mr Boardman explained to him that such a commitment could be completed in peacetime without too much damage to his conscience; other plans could be changed.

We left the next day, each wishing for our own reasons that we could stay longer.

David Hendersen
Salem, Ore.

Sleep Soundly, Harry, the Wogs Are Dead

Sheldon Richman ("The Butcher from Independence," January 1994) is right. The Japanese in World War II were so eager to surrender that it took only *two* A-bombs to get them to agree to terms and another 20 years to dig out the last resisters. I wonder where Mr Richman was during the war. I suspect he was not even born.

Harry Truman said he never lost a moment's sleep over his decision to drop the A-bomb. I don't see why he should have.

Earl Nelson
Huntington Beach, Calif.

Who Wrote the Book of Laws?

There are 9,306 pages of the Federal Tax Code. Federal, state, county, and city bureaucracies have exploded in size and scope over the past few decades. It now takes a battalion of lawyers to navigate through a sea of laws, rules, and regulations that threaten to drown the remaining liberties we possess. It is in contemplating this mess, I believe, that Sandy Shaw expresses her desire to sweep it all away and start fresh with the *Book of 1,000 Laws* ("Hammurabi or Proudhon?" January 1994). In fact, Sandy thinks that it would be difficult to come up with even 100 laws, since "there are only a few acts nearly all people would agree should be crimes — murder, rape, theft, a few others."

Consider the following list of questions:

1. Do we have a duty to treat animals so as not to inflict pain, suffering, or harm of any kind?
2. Should a person be allowed to manufacture and store highly explosive materials, such as nitroglycerin, in a residential area?
3. Is there a need for public domain laws for intellectual property? What if someone owned the complete works of Beethoven, Mozart, and Shakespeare, then refused permission to ever let the public see or hear them?
4. Should abortion be legal? If yes, what if a mother decided to terminate on the day of delivery, just as she started to feel the onset of her labor pains?
5. What would be considered the proper punishment for someone who raped, tortured, and murdered a ten-year-old girl? Should there be punishment at all?
6. Are there conditions upon which involuntary euthanasia would be appropriate — e.g., a stroke patient who is unable to communicate but is suffering horrible pain, with no hope of improving? Who should make the decision?
7. What conditions must be satisfied in order for a person to claim ownership to property? Just claiming it? Mixing one's labor with it, like Locke claimed? Can Neil Armstrong claim ownership to the moon or part of it?
8. If North Korea set into place nuclear missiles aimed at South Korea and Tokyo, would it be necessary to initiate a pre-emptive strike, or wait to take action until Tokyo got nuked?
9. A farmer owns property close to an elementary school. There is a very deep well on the property and a short fence surrounds his land. A youngster climbs the fence and falls into the well. Should the farmer be liable for damages?
10. Should there be any limitations on freedom of speech? Libel? Slander? Perjury?

The world is an extremely complex place where right and wrong are not easily established according to a simple principle or short lists of 100 or even 1,000 Thou Shalt Nots. Until libertarians learn this difficult lesson, the movement will remain on the fringe of American politics.

Randy Debber
Santa Monica, Calif.

Armed and Free

Clark Stooksbury offers some good insights about guns and national cultures ("My Heroes Have Always Been Cow-

boys," January 1994). It's too bad he doesn't go into detail about Swiss national heroic myths. As someone who has spent years in Switzerland, I am familiar with several, and they reveal much about Swiss attitudes toward gun control.

Where the other non-American heroes Stooksbury discusses are either "members of a nobility, performing their heroic deeds on behalf of their inferiors," or else mounted "selfless bureaucrats in service to society," the Swiss heroes are armed peasants, on foot, defending themselves and their local hamlets.

Everyone knows about the defiant Swiss archer, William Tell, who stood up to a mounted nobleman. Another early superhero, known to every Swiss schoolboy, bravely took hundreds of spears into his breast, thus disarming the crack assault troops attacking the local peasants and making it possible for the remaining Swiss to drive their attackers off.

Another popular story tells of crafty peasants luring mounted Austrian knights (sent to enforce Hapsburg tax collection) through a narrow defile, where they were pulled off their horses with a long lance, specially designed for the purpose. The Swiss slaughtered the helpless, unhorsed knights without pity.

Such stories stood the country in good stead during World War II, when every able-bodied man was fully armed, ready to fight, and enrolled in two different units — effectively doubling the size of the Swiss army as far as any spies could determine. Furthermore, all tunnels and bridges were mined, and probably still are, ready to be destroyed in an instant. And two assassins, not known to each other, were assigned to kill every Swiss Nazi sympathizer in case of invasion by Hitler's army.

Metternich was right: "Switzerland does not have an army; it is an army."

Jo McIntyre
McMinnville, Ore.

A Hard Rain's a-Gonna Fall

I read Toby Giles's letter ("My Back Pages," January 1994) with a bit of déjà vù. I too withdrew from political interest over 15 years ago, disgusted with the public's inability to embrace or understand the libertarian philosophy. I accepted the crude axiom that "the masses are asses" and took myself out of the world of politics. They deserve whatever they vote for, I reasoned — not realizing that they would drag me into their abyss.

I said nothing as Carter, Reagan, Bush, and now Clinton tell us how they were/are to save us from whatever crises we face. Money was cheapened, laws were passed, and mandates were claimed, eroding my liberty. I sat silently.

Panama, Grenada, the Persian Gulf — "police actions" were fought in my name, sending people to their deaths. I said nothing. Waco burned, Vicki Weaver died, people were killed, maimed, imprisoned — and I was mute.

Now "health care reform," gun control, Bosnia, Somalia, and God-knows-what-else threaten to dim our future. For ourselves and our children, we cannot remain silent any longer. To avoid our watchdog role would be a form of ideological cowardice. When I hear my friends and my *mother* (for crying out loud!) say that revolution is inevitable, I know we are heading for trouble.

Thus, I am returning to the fray — weary, yet wise.

Mike Mueller
Bakersfield, Calif.

Notes on Contributors

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

Ace Backwords illustrated the book *The Art and Science of Dumpster Diving.*

"Baloo" is cartoonist *Rex F. May*'s favorite pseudonym.

John Bergstrom is an editor at *National Lampoon.*

David Boaz is executive vice president of the Cato Institute.

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

David Brin is author of *Startide Rising, Earth,* and other award-winning and bestselling novels.

John Conolley was *not* shot in Dallas in 1963 — but he *was* mugged in New York 30 years later.

Stephen Cox is Professor of Literature at the University of California.

Brian Doherty is a journalist who runs an independent record company in Washington, D.C.

Frank Fox is a historian and journalist who writes frequently about the ex-Communist world.

James Gill is a veteran cartoonist.

Robert Higgs is author of *Crisis and Leviathan* and other works.

Pierre Lemieux is a Visiting Professor of Economics at the University of Quebec at Hull.

Gwynne Nettler is Professor Emeritus of Sociology at the University of Alberta, Edmonton, Canada. His most recent book is *Criminology Lessons.*

James Ostrowski is running against Howard Stern for the Libertarian gubernatorial nomination in New York.

Robert W. Pogue is *Liberty*'s editorial intern.

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

Sgt. J. Clark Stooksbury, USMC (Ret.) hails from Rockytop, Tennessee.

Timothy Virkkala is an assistant editor of *Liberty.*

Jesse Walker is another assistant editor of *Liberty.*

Illustrations

"Pack of Lies," by John Bergstrom, p. 7
"Michael Kinsley," by James Gill, p. 15
"Whitewater Rafting," by Bergstrom, p. 23
"Roger Clinton," by Bergstrom, p. 27
"The Ultimate Harness," by Bergstrom, p. 35
"Pat Buchanan," by Bergstrom, p. 53
"Louis L'Amour," by Gill, p. 62
"F.D.A. Approved," by Bergstrom, p.64

Unsolicited Aphorisms Dept.

Liberty is directly proportional to communication, and inversely proportional to social uniformity.

Michael A. Pereira
Crinna, Maine

Terra Incognita

Grand Haven, Mich.

Equality before the law in action, reported in *USA Today*:

After he was cleared of obscenity charges, video store owner David Wingate billed police about $8,000 in late fees for two tapes they seized in 1991.

Maidenhead, England

Another "Home Alone" case, reported in the *Milwaukee Journal*:

The Society for the Prevention of Cruelty to Animals brought charges of pet abandonment against David Sharod, who left two fish alone in their tank for three days while he was away. He was acquitted after citing the society's own literature, which indicated that the fish could live comfortably on algae in the tank for up to two weeks.

El Real, Panama

Progress in rural electrification in the Third World, reported by the Associated Press:

Panamanians frustrated by a power blackout in their remote jungle village have kidnapped four government electricity workers and vowed to keep them hostage until the problem is fixed.

Red Lake Falls, Minn.

Bilingualism in action, as described by *The Lutheran*:

Glen Proechel's two-week Klingon Language Camp includes a worship service at St. John Lutheran Church. Proechel translated the Lord's Prayer, the Apostle's Creed, and "A Mighty Fortress is Our God" into Klingon for the service.

Wyoming

Aesthetic advance in the Equality State, reported by the *Milwaukee Journal*:

The National Endowment for the Arts awarded $4,000 to three Wyoming artists who honored an early-twentieth-century feminist by painting words from her journal on the sides of 70 cattle.

Detroit

Progressive politics in America's "Motor City," reported by the *Detroit News*:

Asked what his priorities would be as the newly appointed president of New Detroit Inc., City Water and Sewage Department Chief Charlie J. Williams answered, "I don't really know what New Detroit does."

Houston

Enlightened gun control measure in the Lone Star State, as described by the *Detroit Free Press*:

A Houston high school hopes to keep weapons out of the schools by allowing students to carry only see-through backpacks and purses.

Hialeah, Florida

Creative self-expression among law enforcement personnel, described by the Associated Press:

Five police officers face criminal charges for making kissing sounds and mooing like cows over their police radios.

Washington, D.C.

Culinary note from the defenders of the realm, reported in the *Northern Express*:

The House Appropriations Committee's report accompanying the 1994 defense appropriations bill directed the Defense Department "to increase its purchases of Jumbo, Colossal, Super Colossal ripe olives in future solicitations of olive purchases."

West Virginia

Academic note from *Student Lawyer*:

West Virginia Supreme Court Justice Richard Neely advertised for a law clerk "capable of applying feminist criticism, Critical Legal Studies' technique, and structuralist and deconstructionist textual theory to workers' compensation statutes and Article 9 of the U.C.C." He received numerous applications.

Irvine, Calif.

Protecting the integrity of American banking, described by the *Milwaukee Sentinel*:

The Federal Deposit Insurance Corporation office in Irvine is paying a contractor $200 to mow the lawn of a house it took over in foreclosure. Previously, a neighborhood kid had cut the lawn for $15.

Chattanooga, Tenn.

Cutting-edge jurisprudence in the Volunteer State, reported in the *Washington Post*:

Judge Doug Meyer released rape suspect Vincent L. Cousin, advising him to get a girlfriend. The judge explained that violent men "must face why they hate women, and a girlfriend would help him do that."

Washington, D.C.

Secret weapons of the Cold War, revealed by *U.S. News & World Report*:

A classified 1952 study by the U.S. government's Psychological Strategy Board considered the military potential of lobotomy, arguing that "if it were possible to perform such a procedure on members of the Politburo, the U.S.S.R. would no longer be a problem to us," though the "detectability" of the surgical operation would make its use problematic.

Des Moines

Non-sexist observation of Sen. Charles Grassley following the Iowa girls' basketball championship, responding to a reporter's request for his opinion of the Wilton High School cheerleaders, from WHO-TV:

"Well, they're not as sexy as some. (pause) But they're not sexist, either."

The European Community

Progressive pollution control in United Europe, as described by the *London Observer*:

The European Community has ruled that stale bread is "waste," and that it therefore cannot be fed to swans without a $3,000 license.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind!
with *Liberty* back issues

(continued from back cover)

November 1990
- "Smokes, But No Peacepipe," by Scott Reid
- "Sex, Drugs, and the Goldberg Variations," by Richard Kostelanetz
- "Why is Anyone Virtuous?" by David Friedman

Plus articles and reviews by Robert Higgs, Leslie Fleming, Sheldon Richman, and others; and an interview with Ed Crane. (80 pages)

January 1991
- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico, and Jane Shaw
- "Gordon Gekko, Mike Milken, and Me," by Douglas Casey

Plus articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky, and others; plus special election coverage. (80 pages)

March 1991
- "The Myth of War Prosperity," by Robert Higgs
- "The Life of Rose Wilder Lane," by William Holtz
- "The Strange Death of the McDLT," by R.W. Bradford

Plus articles and reviews by Jan Narveson, Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski, and others. (72 pages)

May 1991
- "Christiana: Something Anarchical in Denmark," by Ben Best
- "Journalists and the Drug War," by David Boaz
- "California's Man-Made Drought," by Richard Stroup

Plus writing by John Baden, Scott Reid, Leland Yeager, and others; and a short story by Lawrence Thompson. (72 pages)

July 1991
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Inside Liberty

July 1994
Volume 7, Number 5

4 Letters Audience participation section.

5 Reflections *Liberty*'s editors have a lot on their minds. Now, it's down on paper.

16 Medianotes Journalism's dirty laundry, hung out to dry. *Liberty*'s editors, ready to pry.

Features

17 A Free Life *R.W. Bradford* celebrates the life of Karl Hess, one of the fathers — and favorite uncles — of the modern libertarian movement. *Marcus Raskin, Ralph de Toledano, Carl Oglesby, Charles Murray,* and *Barry Goldwater* remember their friend.

26 Sun, Seegars, and Socialism *Douglas Casey* travels to a Cuba on the verge of a social breakdown, to report on a fading revolution and the seeds of something better.

28 Mostar As bombs fall on Bosnia, *W. Luther Jett* offers poetic reflection.

29 Behind the Task-Force Veil The Clintons love to denounce the special interests opposed to their health plan, but don't mention the special interests who *back* their proposal. *Richard D. Fisher* does.

31 The First Speculatrix How believable are Hillary Clinton's explanations of her commodity-speculation profits? Veteran commodity trader *Victor Niederhoffer* audits her accounts.

37 Teatime with Hillary *Chester Alan Arthur* reviews the latest performance by the First Lady of the American Political Stage.

39 An American Journalist in Asia What happens to journalism when freedom of the press is absent? *Bruce Ramsey* reports from the Far East beat, where the truth is often beaten back.

43 The Old Right and Liberty *Justin Raimondo* and *R.W. Bradford* debate the meaning of the Old Right and the roles of libertarians, neoconservatives, and paleos in the Right of today.

49 Libertarianism: A Kid's-Eye View *Matthew Block* pitches a few curve balls to his libertarian elders.

Reviews

51 Twenty-First Century Tribes *Leon T. Hadar* pulls the rug out from under two grand masters of foreign policy theory in the post-socialist world.

57 Anarchy in the U.K. *F.H. Buckley* finds the key to anarchism in the writings of John Locke.

58 Oscar Shrugged *Mark Skousen* reports from Galt's Gulch, Colorado, where the world's greatest individualists are preparing to watch the world's most individualistic movies.

65 Booknotes on Howard Stern, Nicolas Slonimsky, Africa, Africans, and other highlights of conservative history.

66 Classified Ads Our approximation of the Home Shopping Network.

70 Notes on Contributors We have met the contributors, and they are us.

Letters

Think of It as Devolution in Action

R.W. Bradford ("Presidential Malpractice," January 1994) convinced me that something is really wrong with Clinton's health plan. Writing from Eastern Europe, the first (naive) impulse is to ask, *Aren't they learning anything from our bitter experience?* The answer is no. Why? Though my libertarian soul said "it can't be," I think Todd Seavey ("The Inevitability of the Welfare State," January 1994) has the answer: the welfare state is easier to maintain.

Writing from a formerly Communist state, I could add that the "prisoner's dilemma of the welfare state" explains why the transition from a centrally planned system to a relatively free economy has mainly taken the welfare-statist road. Everybody agreed we should get rid of Communism, but most sought to keep special government favors just in his or her case. And the former Communists now running the country are delighted by the idea of a welfare state. Think of it as spontaneous Communism.

Dr Mihail Radu Solcan
Bucharest, Romania

Goodbye, Social Register

I'm not sure why *Liberty* printed David Brin's paean to envy of the rich ("The Perennial Threat," May 1994). Brin raises that old canard about only a few (660,000) families "controlling" most of the nation's wealth. I think he's reading too much outdated redistributionist literature about the upper 1% and the need for a mythical "even playing field." For a reality check, compare the Forbes 400 in 1980 to the October 1993 edition, when it was dominated by former hayseeds who made new fortunes in the 1980s. The first thing you notice is that most of the names changed between 1980 and 1993, reflecting social mobility: the poor rose, the middle class rose, but most scions of inherited wealth — the dreaded aristocracy of the Hunts, Gettys, etc. — dissipated their patrimony.

Anybody can quote numbers, so here are mine: From 1983 to 1989, the poorest 20% of Americans got 15% richer (adjusted for inflation). The real average income of the bottom fifth of Americans (as measured in 1989 dollars) was $8,400 in 1983 and $9,600 in 1989. The largest income gains in the 1980s were by women and the poor: on average, wages earned by women rose 11% more than men's wages. From 1983 to 1989, the average American's after-tax income rose more than 12% — and for the poorest 20%, income rose 16%. Most (86%) of the lowest fifth of Americans in 1980 moved up to the middle classes, 60% of the second lowest quintile moved to the upper three-fifths, and 47% of the middle fifth moved upwards.

Brin may have had a point back in 1980. After years of high income and capital gains taxes, the Forbes 400 list looked like the social register, with more inheritors than creators of wealth. Today, it is mostly a list of entrepreneurs. Take the richest five Americans in 1992:

- Sam Walton was a failed hat salesman who drove a pickup truck to work each day. Before he died, he had created many millionaires by paying them Wal-Mart stock.
- Bill Gates was a Harvard dropout and classic computer nerd.
- John Kluge was a poor German immigrant who bought a Maryland radio station with $7,000 in poker winnings, after making $7 a week bussing trays in school. (After he got rich, Kluge gave $60 million to Columbia University for minority scholarships. So much for greed.)
- Warren Buffett saved money from his paper route, sold six-packs of Coke for a penny profit per can, saved it all, invested it in stocks as a kid, and created $4.4 billion from nothing but his brain. He still lives simply, and hardly owns a suit.
- Sam and Don Newhouse are the sons of poor Eastern European immigrants. They still get up each morning at 4:45 to go to work — as do my neighbors, the billionaire Mars brothers.

The true aristocrats are Mr and Mrs Clinton, Robert Reich, Al Gore, Ira Magaziner, Donna Shalala, Laura Tyson, and all those Beltway Banditos who claim to be superior arbiters of wealth through no proven market contest. Can you imagine failed hat salesman Sam Walton convincing Rhodes scholars like Reich or Magaziner to bankroll his idea of a chain of low-rent discount shops in the poorest regions of the country? Not a chance.

Don't attack the wealthy, please. Old Reverend Ike had it right: "The best way to fight poverty is to not settle for being poor." Envy only seeks to destroy wealth.

Gary Alexander
Reston, Va.

Back to the Republican Party

James Ostrowski ("Back to the Libertarian Party," May 1994) argues that the Libertarian Party is the only plausible catalyst for the "radical, libertarian change" he asserts is the only hope for libertarian values in America. There are, it seems to me, a series of flaws in his argument.

The American body politic abhors radical movements. Nearly every successful presidential candidate has been a candidate of the middle, and both of the parties that have succeeded in the twentieth century have succeeded because of their ability to act as broad coalitions rather than as agents for radical change. Candidates who have been perceived as radical, such as George McGovern, have failed miserably. One reason why the Libertarian Party has not been successful nationally, I submit, is the unwillingness of LP candidates to downplay some of the more controversial and radical aspects of the party platform. Additional factors, such as Howard Stern's Libertarian candidacy in New York, perpetuate the notion that the LP is not an organization to be taken seriously — and this, in turn, affects the extent to which libertarian ideas are taken seriously. Running on the radical platform Mr Ostrowski favors, the Libertarian Party has failed to establish itself as a political force.

One can dream of the creation of a pure libertarian society in the United States within a generation, but the likelihood of this happening is low, as is the likelihood that it could be successfully achieved by a mere political party. It is clear that, when radical change has occurred, it has come gradually and been preceded by a period in which the intellectual and political support for the changes was established. Political parties and the election process are not appropriate vehicles for the kind of ideological changes that must take place. Therefore, investing resources in a radical political

continued on page 70

Letters Policy

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

Reflections

The mass murder thing — Undomesticated Republicans and talk show cranks keep hinting, with all the subtlety of a Nicholas Cage comedic performance, that Billary had Vince Foster bumped off. This may be preposterous, but why, pray tell, is it unthinkable? Is it because murderers usually kill a single victim, while presidents slaughter a multitude?

George Bush, advertised to all the world as the embodiment of WASP decency and self-effacement, ordered the indecent effacement of a couple hundred thousand fellow human beings who posed no threat whatsoever to his person or his realm. By my reckoning, George Bush = Charles Manson x 30,000. Manson, to judge from his *tête-à-tête* with Kissinger sex kitten Diane Sawyer, is a far wittier and more compelling speaker than the aphasic Bush, but while both are fated to live out their disgusting lives on the dole, no baseball team ever invites Crazy Charlie to throw out the first ball of the season. If only he'd been elected to something . . . —BK

Howard the yuck — With the nomination of Howard Stern for the New York governorship, the Libertarian Party has found its best chance to move from "funny peculiar" to "funny haha." All those party loyalists who shake their pocket protectors and shout "We're not a joke" should review the last election totals.

And just why do people fear a Governor Stern — do they think he'll spank strippers in the capitol? As if it hasn't happened before! —JB

Your tax dollars at work — According to official sources, 250,000 drug addicts and alcoholics are currently receiving payments amounting to some $1.4 billion per year from the Social Security Administration for their "disability." The number of addicts and alcoholics receiving Supplemental Security Income more than tripled in the past three years, evidently because the good news is spreading fast among degenerates.

Meanwhile, a recent HHS study has found that, in a sample of those receiving SSI, some recipients have been collecting benefits for as long as 19 years. The most common reason for termination of benefits is death.

So this is the culmination of our civic history. First, our distant forebears submitted to taxation because the levies were devoted exclusively to purposes in the general interest, such as protection of rights to life, liberty, and property. Then, our grandparents and our parents submitted to taxation even though the money taken from person A was often spent to promote the exclusive well-being of person B, as when government subsidies were paid to farmers for not growing crops. Finally, we submit to taxation so that drunkards and junkies can obtain their preferred poison without the inconvenience of working. —RH

Warriors on drugs — Washington insiders now refer to drug "enterprise," a noticeable change from the '80s, when drug activity was likened to devil-worship and cholesterol-laden breakfasts. But the new terminology only masks business as usual. For those who found solace in the Clinton administration's apparent "soft on drugs" attitude, the House crime bill offers a reality check.

In an effort to "get tough on crime," our congresspeople have included in their bill provisions to execute drug traffickers and allow a felony drug offense to count as the third strike under the "three strikes, you're out" plan. One plan still on the table would stiffen crack cocaine offenders' penalties, so that where possession of 500 grams of powder cocaine would net you five years in jail, a mere *five* grams of crack would provoke the same sentence. Powder cocaine, you see, is for Hollywood and Wall Street, while crack is for colored folks in Harlem and South Central L.A.

The only things going "soft" in Washington are the legislative noggins. —RP

Hooray for Hollywood! — Considering Hollywood's normal eagerness to dramatize the alleged crimes of the wealthy and powerful — and even the poor and humble — one would expect eight or ten miniseries and an Oliver Stone movie concerning the adventures of the Clintons to be announced forthwith. The story has everything — sex, suspicious death, financial scheming, the fate of the Republic, brave investigative reporting. Hollywood should make a mint.

What! No plans for commercial exploitation? Can it be that Hollywood is after something other than money? —SC

Sex and the singular president — Paula Jones's allegations about Bill Clinton don't ring true to my ear. Jones is the former Arkansas state employee who is suing the president for sexual harassment. She claims that in 1991, Clinton had a state trooper assigned to protect him (i.e., his personal servant) invite her to a late-night meeting with the governor in his hotel room. Apparently figuring he was interested in her ideas about economic development, she went to his room only to find him with no pants and an appetite for oral sex.

What's wrong with her story? For one thing, it seems unlikely she went to his room without any clue that he might have sexual activity in mind. Surely, she had to suspect that a proposition was in the offing.

More importantly, Clinton's record as a philanderer shows considerably more discretion than this. He seems to have chosen his paramours carefully, with an eye toward es-

tablishing quick, easy, convenient, and discreet sexual relationships. Greeting a previously unbedded woman without his pants would be asking for trouble.

In support of her theory, Ms Jones claims that she can provide certain identifying characteristics of his gonads. If she is able to do so, it will hardly prove her case. She could just as easily have gained familiarity with his privates in the process of having consensual sexual relations with him.

Of course, her positive identification of his privates would pretty much prove that Clinton lied when he said he hadn't had relations with Jones. But that's not news — we all know Clinton has lied about his sex life for years.

Jones's charges against Clinton have a lot in common with Anita Hill's charges against Clarence Thomas. In each case, a pretty much unknown woman accused a prominent public person of sexual behavior that is unacceptable by the standards of most people today. Jones's allegations are grosser than Hill's, of course. But they appear identical in one respect: they consist of allegations that cannot be proven or disproven. The only evidence we have is the statements of the alleged victim and victimizer.

So the issue comes down to who is more believable. Just as the public had to decide whether Anita Hill was more credible than Clarence Thomas, now a jury will have to decide whether Paula Jones is more credible than Bill Clinton. (If, of course, the case goes to trial. The president's attorney is already trying to quash it by claiming executive privilege — where have we heard that one before? — and it might be thrown out on a number of procedural grounds.)

Anita Hill's handlers were unable to come up with so much as one other victim of Thomas' alleged harassment, a fact that weighed heavily in the court of public opinion. Will Jones's handlers be more successful? Sure, there seem to be lots of women with whom Clinton has had casual sex. But all such relationships that have come to light so far that I have read about are plainly cases of consensual sex. They might hurt Clinton in the court of public opinion — I think most Americans prefer a president who can control his extramarital sexual urges, or at least keep them private — but they won't hurt him in court. —CAA

Out of the fire and into the frying pan — The end of history is bunk. It's 1994, and scores of Communist tyrannies have been replaced by ex-Communist tyrannies. Armenia and Azerbaidjan and Georgia and Moldova and Bosnia have fallen into civil war. Jeffrey Sachs and his ilk have brought shock-without-therapy to a beleaguered Russia, now squeezed between *putschist* Yeltsin and lunatic Zhironovsky.

The digital revolution of encrypted anarchy and convivial infobauns seems to be giving way to a clipper-chipped world of universal surveillance. The public anger that once seemed so promising has produced a platoon of competing *poseur* populists, from Rush Limbaugh to Bob Dole to Hillary Clinton to Ross Perot.

Now apartheid is dead. Nelson Mandela is president of South Africa. A new government is in power, placed there by elections that were, if not wholly free and fair — vote-rigging has been documented on more than one side — at least freer and fairer than any other election in the country's history.

I hated apartheid. I should be smiling. Were this 1988, I would be. But I'm afraid the thrill is gone.

Sure: there are still about as many things going right in the world as are going wrong. The revolutions we've all thrilled to are not yet wholly betrayed, and the simple fact that apartheid has died is worth celebrating. Old power structures are falling left and right, and we may yet emerge from this decade dazed and bloodied but freer. But the last five years have been an ongoing reminder that nothing in life is so certain as death, taxes, and counterrevolution.

Many conservatives are upset with the rise of Mandela — predictably, for all the wrong reasons. I don't really care that the ANC includes Communists, or that it fomented revolution, or that a minor power-seeker named Buthelezi, formerly subsidized by the apartheid regime, won't get the high position he seeks. I *do* care that the new government is offering an unworkable program of vast public works schemes and welfare rights for all, rather than any approximation of a free social order.

I don't expect to see South Africa dragged under by white flight, total collectivization, or perpetual civil war. I expect it to carry on drowsily, slowly slumping under the weight of the same statist load that's pulling down so much of the rest of the world. And that's wearying and sad. —JW

And into the fire again — I wish I could be as optimistic about the future of South Africa as Jesse Walker (above). But I think there is a very substantial possibility that white flight, total collectivization, perpetual civil war, or some combination will follow the election of Nelson Mandela.

The ANC's embrace of statism will result in a quick and sharp economic decline. What will happen when the ANC state is unable to deliver the jobs, the schools, the hospitals, and the civil peace that it has promised? How will it react when the people, whose expectations have risen so high, discover that revolution did not bring the paradise they were promised?

The ANC's rejection of federalism and embrace of majoritarianism make it likely it will respond by rewarding its constituents at the expense of other ethnic groups ("tribes," in media parlance). Nor does the inclusion within the ANC leadership of the South African Communist Party bode well. The SACP has been caught in a time warp; its policies are akin to Soviet policies of the 1950s. Surely it will react to the inevitable economic crisis with renewed calls for collectivization and an even more powerful state.

I hope I'm wrong. I hope South Africa will become an outpost of civilization on a thinly civilized continent. But I fear I am right. —RWB

P.C. smokes — I was not around to witness Carry Nation's antics, and booze was prohibited long before my time, but I am starting to understand what it was like in the days

Liberty's Editors *Reflect*

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DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
BD	Brian Doherty
RH	Robert Higgs
BK	Bill Kauffman
BtK	Bart Kosko
PL	Pierre Lemieux
RP	Robert W. Pogue
SS	Sandy Shaw
CS	Clark Stooksbury
JW	Jesse Walker
LBY	Leland B. Yeager

when temperance zealots overwhelmed good sense. There are still people out there who want to regulate alcohol out of existence, but today's target is the lowly cigarette, a tiny, inanimate stick that stands accused of mass murder. This country's ruling class is dominated by secular puritans who want to put a chastity belt around the national lungs.

In Washington, the heads of seven tobacco companies were called before a congressional committee — described by even Morton Kondracke as a star chamber — to account for their behavior, and were held up to much public ridicule for denying the addictiveness of tobacco. The testifying CEOs exhibited the usual spinelessness of corporate executives confronted with crusading politicians. Their actions were understandable, even if annoying: they know that one must handle the subject of addiction gingerly when the biggest junkies of all are on the other side of the microphone. One look at the arms of Henry Waxman (D-Calif.) and his congressional henchmen reveals the ugly tracks that come from years of mainlining tax dollars — much of it from the coffers of big tobacco.

Waxman must continually increase his sources of revenue to be able to mind other people's business. Interestingly, *Seattle Post-Intelligencer* columnist Solveig Torvik reports that in 1992 Philip Morris was the largest tax collector aside from the government. This reality confronts Waxman & Co. with a dilemma — they desperately want to give us a health care system not unlike the one that Adolf Hitler (a fanatical anti-smoker, by the way) gave to those subjects he allowed to live. To do this, they need more money. They are willing publicly to humiliate tobacco executives, harass smokers, and trample on the property rights of businesses. But dare they kill the goose that lays the nicotine-stained eggs?

One cigarette manufacturer may have come up with an effective way to counter the anti-tobacco cult. I refer to "Natural American Spirit" cigarettes, whose package features a silhouette of an Indian chief taking a drag from a peace pipe. It speaks volumes about the failure of corporate imagination that none of the big companies thought of this marketing scheme before. As much as the imperial nannies in Washington may hate to admit it, tobacco was not invented by Jesse Helms and R.J. Reynolds to kill off black people. No: it was introduced to Europeans by the noble (and infinitely correct) Native American. In today's culture, that fact alone leads inevitably to the conclusion that the leading anti-tobacco spokespersons — Henry Waxman, Robert Reich, Joycelyn Elders, FDA czar David Kessler, indeed anyone who does not suck down a couple packs a day — are nothing but a bunch of racists, bigots, and hate-mongers. I suggest that they all be sent to mandatory sensitivity training forthwith. Only when they are able to properly honor our oppressed American forebears may they rejoin polite society. —CS

This is the World Bank! Get that hat off your bed! — Two things our very rich culture is adept at producing are data and conclusions. But are these data and conclusions adding to our desperately desired store of *episteme* (knowledge), or are they just beefing up our already overflowing supply of *doxa* (opinion)?

I don't mean to denigrate *doxa*, but it oughtn't disguise itself as its more regal cousin. Government and the organizations it sponsors are experts in flooding the world with opinion, most of it larded with numbers that count for nothing, written in jargon that says nothing.

This week's model: a recent World Bank study that highlighted a newly discovered but as-yet-incalculable element that explains the growth rates of those nations that manage to exceed World Bank projections. What might it be? Amount and speed of privatization of state-owned properties? Low taxes? Eliminating trade barriers? A well-educated populace willing to work hard and save?

Well, all of those may or may not have their place, but the key is . . . luck. Yes, "luck determines to a large extent how prosperous a country will be," to quote the AP summary of the report. I shudder to think of the mathematics the World Bank uses to back this up. And I wonder: isn't it just possible that this wrinkle on chaos theory is merely a cover for the World Bank's manifest inability to get its predictions straight? And mightn't this inability result from an institutional failure to appreciate the factors I listed above?

There is altogether too much "data" clamoring for our attention, much of it undemanded and most of it bogus. *Doxa* can be fun; I certainly spend more time opinion-surfing than I do diving into *episteme*. But to be worthwhile, *doxa* must be smart, or witty, or have some spark, or shimmer with beauty, or at least entertain.

Now, if the study had gone on to recommend that nations expend World Bank funds to establish Ministries of Luck — bureaucracies to research their nation's lucky numbers and lucky days, insuring that black cats cross no one's path and that no one sings carols when it's not Christmas — well, maybe it would have justified itself. —BD

Don't worry, be happy — Writers in such magazines as *Business Week* and *U.S. News & World Report* and supposed experts interviewed or quoted on TV and radio are preaching complacency about inflation. Inflation is dead, they assure us, and shows no signs of reviving. The Federal Reserve should stop grappling with ghosts and turn toward promoting business recovery and economic growth.

All this illustrates Jacques Ellul's comments about the public's obsession with short-run news, and its impatience with analysis and reflection. "Public opinion revolves only around problems of the immediate present. Opinion shapes itself only on matters that seem important to people *today*," he wrote in *The Political Illusion*. "The man who lives in the

"I'm afraid that's pretty low-priority right now, Ma'am — what with inflation and all, we don't take counterfeiting very seriously anymore."

news . . . is a man without memory." Even alleged experts seem to forget that major price-level movements typically lag a year or two — or more — behind the changes in the money supply that cause them.

People are likewise complacent about government budget deficits and the soaring national debt. The public has grown used to them; they have brought no catastrophe so far; they are not news. What *can* count as news is whether the latest deficit estimates are bigger or smaller than earlier forecasts and, more notably, what the political implications are of purported efforts to deal with the deficit. Only exaggerations about what has now become a chronic condition can grab the public's attention.

Inflation, deficits, debt, and complacency all intertwine. The link is not that deficits cause inflation; in themselves they do not. The link is that sooner or later the government may resort to printing money to meet mounting interest charges and redeem maturing bonds, once borrowing from Peter to pay back Paul becomes too expensive. And this is likely to happen — unless, of course, major budgetary reform (including political reform) somehow occurs in time. Other countries have taken this resort. Why couldn't it happen here?

What do the apostles of complacency think determines the value of money? Why, in their view, does the dollar buy less now than earlier? Why does it purchase less than a British pound, more than a German mark, and hundreds of times more than an Italian lira? The question, I suspect, never even occurs to most of them. They suffer from what Irving Fisher has called the money illusion: that the dollar simply *is* the measure of value, just as the meter and kilogram are measures, stable measures, of length and weight. On that view, changes in dollar prices reflect only changes in the scarcity values of those things, not changes in the scarcity value of dollars themselves.

Actually, money's value is precarious. No longer is the dollar or any other of the world's currencies defined to have a definite purchasing power over *anything* — not gold, not some other commodity, not a bundle of goods and services.

Not all the so-called experts preach complacency, of course. Some are "inflation hawks," or "deficit hawks," or both. The Federal Reserve is forever hearing contradictory advice about how it should grope its way from episode to episode. Most of these advisors mistakenly believe that the Fed has the job of setting interest rates and the power to do so. They do not understand that interest rates are market prices with allocative functions to perform. Sure, the Fed can interfere with short-term rates — and does so, regularly — but at the amply illustrated risk of negative repercussions.

So the value of the dollar rests on nothing more than how the Fed chooses to react to ever-changing economic news, amidst contradictory and ill-informed advice and political pressures. It is this undefined character of today's money that requires our attention. —LBY

Occam strikes back — Reader Randy Debber opines (Letters, May 1994) that libertarians fail to realize that the world is "an extremely complicated place where right and wrong are not easily established" in a mere 100 or even 1,000 laws, as I suggested in the January *Liberty*. He then offers numerous examples of such complex situations. (He missed this one: a dog runs out in front of me, resulting in my accidentally stepping on its toes, wherein the dog runs in a panic into the street, where a car swerves to avoid it and runs over Debber. Who is at fault — me, the dog, the owner of the dog, the driver of the car, Debber himself, or *Liberty* magazine?)

But my suggestion that there are too many laws has nothing to do with a belief that things are simple. In fact, the more complex a situation, the less likely you are to solve its problems by attempting to anticipate every possible permutation of events and writing a specific law, rule, or regulation to deal with all of them. That is like trying to centrally plan an economy. When you have large numbers of laws that apply only to very specific events and are not derived from and defined by broad principles, you invite legal chaos. No one can ever be clear as to what is or is not permitted under what conditions, since nobody can ever know more than a small fraction of the rules. Far better to set down the basic legal principles and allow their applications to emerge through precedent.

Furthermore, the costs of enforcing a rule increase with the number of people willing to break it. Any legal system is unstable to the extent that there exist sizable minorities who strongly disagree with some or most of the rules. It's very difficult to come up with even 100 rules most people would agree with. What rules *would* be supported by most people? Laws against murder, theft, rape, and a few other actions.

Finally, it's not necessarily a good thing for the law to deal with most issues of right and wrong. Many things are "wrong" — e.g., judging a person's suitability for a job on the basis of how good-looking or fat or tall they are — yet, in a free society, most such decisions should still be left to individuals, not rulebooks or guns or prisons.

Debber brings up some important questions — how does one define property rights, what constitutes liability, etc. But the answers to these questions — or, rather, the consistent guiding principles for determining answers — would *simplify* a legal system, *reducing* the number of laws needed. One of the problems with our current system is that such basic legal matters are treated in contradictory ways by the huge number of constantly proliferating rules and regulations.

A mere thousand laws would make more sense. Hell — a mere hundred laws might do. And I'd love to live in a political community that could get by on only ten. —SS

Gunfight at the paleo corral — Pat Buchanan and his paleo pals have an ornery dislike of globalism. "We love the old republic," says Buchanan, "and when we hear phrases like 'New World Order' we release the safety catches on our revolvers."

What Pat doesn't seem to know is that revolvers do not have "safety catches." Maybe we should expect an effete neocon like William Bennett not to know this, but Buchanan should be held to a higher standard. A *real* paleo should know his weapons. —CS

Spinning out of control — On March 30, David Gergen appeared as a guest on a C-Span call-in program, ostensibly discussing his career as a journalist, but offering surprising evidence about how the Clinton administration hopes

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to divert public attention from Whitewater. Apropos of nothing, after responding to what the host had said was the final question, Gergen gave the following monologue:

> I just want to come back to one thing, look, since this is the last call. Ah, these issues are difficult, I know, for a lot of us to sort out. And I don't think anyone in the White House staff can claim to have absolute knowledge of any of this. We simply don't have time, nor is it appropriate for us to go back, and as a member of the staff, and look at 14,000 pages of documents about a company that was started 16 or 17 years ago, whatever the number of years ago are.
>
> What I do think is important is that the president has set up a process — he's been involved in full disclosure — and we go forward on Whitewater. And the same time, I think what's very important is that we go forward with the rest of the nation's agenda. And, you know, some of us may agree or disagree about what the president's particular proposals are. You know I've come into an administration where I don't always find myself in agreement with my colleagues, naturally enough. I come out of a different, you know, political tradition coming into this White House. They, they asked me to come in. I've tried to be, I've tried to be as straightforward and honest about that as possible. Ah, but the critical thing is not whether I agree — any one of us disagrees — about a particular proposal. The critical thing is about whether we come together and get a move on these things. We cannot sit here as a country for the next three or four years and be so preoccupied with Watergate, with Whitewater, that we don't deal with these other issues. Let's deal with Whitewater. Let's be serious about it, upfront about it, involve full disclosure, but in the meantime let's get on with dealing about the way people live in their homes, let's get on with the crime program, let's get on with education, let's get on with welfare, and let's get on with health care reform.

Gergen gave the appearance of speaking extemporaneously, but during the 93 seconds it took to say those 346 words, he consulted his notes 23 times. Prior to this point, he spoke directly into the camera, without looking down at his papers. So it seems safe to conclude that here we have a conscious, planned attempt to put a particular spin on recent events.

Let's examine what he said more closely, and see what impressions he is trying to create.

1. *Whitewater is very complicated and confusing for "people like us" to understand, involving thousands of pages of documents about events that took place a long time ago.* The spin here is the implicit suggestion that these events are not very important, since they happened so long ago and are very complicated. He neglects to mention that white-collar frauds are almost always complicated, and that most people care whether the president has stolen from the taxpayers, even if he did so some years ago.

2. *What's important is that Clinton is responding to all questions with a policy of "full disclosure."* Although Gergen figures Clinton's "full disclosure" is so important that he mentions it twice, he doesn't mention that Clinton resisted Congressional inquiries and refused for months to appoint a special counsel to investigate Whitewater. Nor does he mention that Clinton's policy of "full disclosure" applies only to responding to subpoenas.

3. *Gergen himself can't vouch for Clinton, but the issues are very complicated, and it's not his job to understand them, and anyway he is an independent who doesn't necessarily agree with others on the White House staff.* Here Gergen is protecting himself from future fallout from Whitewater — and inadvertently revealing that he fears Whitewater will at least seriously wound the Clinton administration.

4. *The country's priority should not be Whitewater, but rather the "nation's agenda: dealing about the way people live in their homes . . . the crime program . . . education . . . welfare, and . . . health care reform."* The issues that Gergen believes the country and the president should focus on are Clinton's legislative agenda. Curiously, four items on that agenda — crime, education, heath care, and welfare — are traditional responsibilities of the private sector and state and local governments.

And I don't know about you, but personally, I was not convinced that I ought to quit worrying about Whitewater and get back to the "nation's agenda," especially if one of the issues is "the way people live in their homes," the other item Gergen thinks merits our attention rather than the question of whether Clinton has committed fraud.

And isn't it interesting that Gergen slipped and said "Watergate" instead of "Whitewater"? —CAA

Legal abuse, part 2 — In the March *Liberty* I reflected on the case of an athletic 24-year-old man who ambushed and killed his former junior high school teacher, then pleaded not guilty by reason of abuse. The defendant's lawyers say that he suffered from "battered person syndrome," caused by a ten-year homosexual relationship with the overweight, middle-aged teacher.

Now there's more. Claiming that he was raped more than a dozen times over a period of three years following his year in the teacher's class — a new allegation — the killer is suing the teacher's estate and the Seattle School District for damages.

Readers will recall the apocryphal case of the man who murdered his parents, then solicited the mercy of the court on the grounds that he was an orphan. The case at hand adds a new twist. In the current legal environment, one may not only hope to escape punishment by pleading not guilty, "by reason of abuse," to an admittedly premeditated homicide; one may also hope to profit from the killing at the expense of the heirs and the taxpayers. —RH

Confederacy of Martians — I hate to admit it, but I did not invent the idea. Credit is due to Jean-Luc Migué, a professor of economics at the Ecole Nationale d'Administration Publique, the branch of the Université du Québec that caters to bureaucrats. Many years ago, Migué told me that when he explained public-choice theories and the free market to his civil-servant students, they looked at him like he had come from another planet — as though he were a *Martian*.

I helped popularize the idea, though. I started many years ago, by submitting an article on Martians to one of the main Montreal dailies. It was turned down. A few weeks later, the same enlightened newspaper published a piece claiming that "Newton's theory," which apparently holds that black is the absence of colors, was a patently false product of pure Western racism. Find the Martian.

According to my definition, he is a Martian who believes that customs bureaucrats have no right to search luggage, that people should refuse to be numbered in the name of social se-

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—P. J. O' ROURKE

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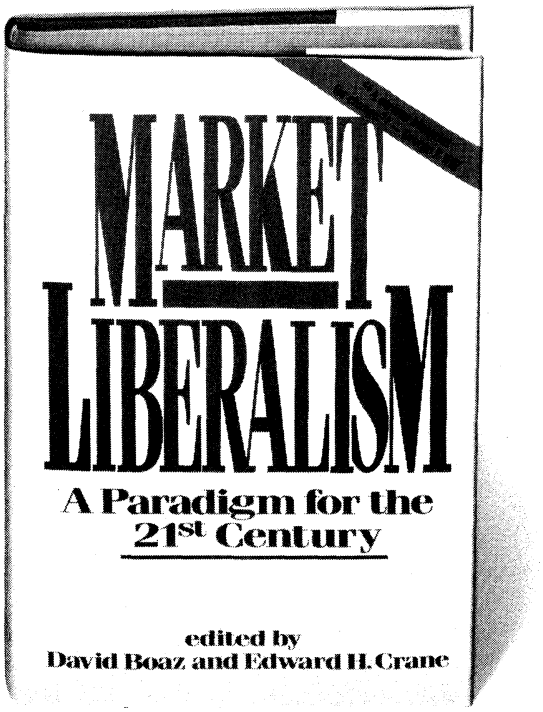

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curity or social insurance, that requiring state authorization to own firearms is illegitimate, etc. "Mom! The green creature over there thinks that humanity would probably survive without driver's licenses!"

When asked how I would define myself politically, I answer: "A Martian. A citizen of the Martian Confederation, a virtual country of sovereign individuals." —PL

Hillary's indulgences — I am generally reluctant to offer psychological explanations of the behavior of people whom I do not know well, but it occurs to me that perhaps there is a connection between Hillary Rodham Clinton's record of greed and corruption in Arkansas in the 1970s and 1980s and her single-mindedly moralistic campaign on behalf of government takeover of the medical care industry. Successful criminals have long been inclined to invest part of their loot in charitable works, on the theory that by doing good they can justify the evil they have done or at least atone for their sins. Just as a Mafia capo buys a new church for his village or a cocaine king buys a soccer stadium for his city, Rodham Clinton may be trying to give the American people something that in her perverse way of thinking will atone for her fraud against them. —CAA

Downloading Big Brother — According to a recent report in *Le Monde*, the Chinese government is trying to reaffirm its monopoly on communications, including cellular phones, faxes, computerized databases, and e-mail. A Chinese newspaper wondered how "the people" (i.e., the state) could be secure if the government loses its grip on communications. The U.S. government wants a monopoly of encryption standards, in order to be able to eavesdrop on phone and computer communications. In 1986, the French government included encryption software in the category of "war weapons," prohibited without a special authorization.

Technological progress has been one of the most intriguing phenomena of this century — intriguing, because one would have thought that continuous government growth would stifle it. Of course, we don't know how much knowledge and technology would have advanced without the constant inroads of the state, and we do know that great inventions do not come from the most regimented countries. Yet technology has not ceased progressing, up to the recent information revolution, which may be the most far-reaching of all technological revolutions.

Consider: I am writing this article on my portable computer in Montreal. When it is finished, I will press RETURN and my fax-modem will send a string of bits to *Liberty*'s fax machine, 3,000 miles away, through a complex grid of phone lines, digitized exchanges, and satellite channels. If *Liberty* were on e-mail — I'm working on it! — my communications software would send the computer textfile to a Université du Québec mainframe, which would relay it to the Internet, an informal and anarchic network of thousands of computers linked through phone lines. From there, in a matter of seconds, my subversive piece would find it's way to *Liberty*'s electronic mailbox, deep in the memory of a computer humming in the night, somewhere on the continent. Customs bureaucrats would not see my message cross the border, and I could even encrypt it, in case my line (or *Liberty*'s) is tapped.

For the first three quarters of this century, technological progress mainly brought grist to the tyrant's mill. Without modern technology, the state would be incapable (at least in an open society) of levying outrageous taxes directly on payroll or sales, controlling people at the borders, or following individuals from the cradle to the grave.

Now this has probably changed, thanks to the advent of personal computers, faxes, modems, satellite dishes, and the relatively cheap and easy communications they make possible. The new technologies have put the same potential computing and communication powers in the hands of individuals as in the hands of the state. Which explains why the state wants to control them.

The state will have no shortage of excuses, for technology can also be used for real criminal purposes. Under the Internet's "Anarchy" category, I've found files that explain how to convert a semi-automatic weapon into a full-automatic, which is fine by me, but also how to fool a money-changing machine or steal a car.

The fight for control of communications and computer networks is one of the most crucial battles on the horizon. What I fear is the ease with which the typical statist intellectual might be persuaded that he must get a license to own a modem. The license would, of course, be easy to obtain — initially. Who is afraid of state power? —PL

P.C. sports — The National Football League has put its foot down: the names of the franchises to be awarded this year must not be offensive to racial or ethnic minorities.

There was a time when Americans named just about everything after Indians. In professional sports, there are the Cleveland Indians, the Golden State Warriors, the Kansas City Chiefs, and the infamous Atlanta Braves. Outside sports, there's the Mutual of Omaha Indian, the Land O' Lakes Butter Indian, and the wooden chief who guards cigar stores. To make such a reference today is now a *faux pas*, but not a felony. But this may soon change: a U.S. congressman introduced legislation last year that would make it illegal for the Washington football team to be called the Redskins.

Native Americans are hardly the only ethnic group to become an athletic moniker. There are the Boston Celtics and Notre Dame's Fighting Irish, who for some reason have not raised any Gaelic ire — how like the Irish to turn an insult on its head! And in professional football, there's the Minnesota Vikings, which, when you think about it, can be taken as a double slur: demeaning the blue-eyed blondes of the inland *and* reminding Italian-Americans that Christopher Columbus did not discover America. Thoughtcrime!

But that's only the surface of the problem. When teams relocate from city to city in search of the almighty dollar, they are often faced with the choice of adopting a new name or embarrassing their new fans. When the basketball team called the Jazz moved from New Orleans to Salt Lake City, did they stop to consider how retaining their name would reflect on the repertoire of the Mormon Tabernacle Choir?

And did the Los Angeles Lakers keep their name, when they departed Minneapolis, to constantly remind Angelenos of the scarcity of water in southern California? Or did they — like the Dodgers, whose name refers to Brooklyn's old "trolley dodgers" — keep their name out of respect for the culture of

Tinsel Town, where everything is either imported or completely artificial?

Each time a baseball team named the Washington Senators left the District of Columbia, it changed its name — one to the Minnesota Twins; the other, the Texas Rangers. Rumor has it a witness protection program helped these teams establish their new identities, as no one outside the Beltway wants to be known as a member of Congress.

Then there's the Oakland Raiders. They may have moved from Oakland to L.A., but everyone knows they're still the Oakland Raiders.

Names for sports teams should communicate admirable strength. Given the strictures of P.C., this just about rules out everything but animals. But all the obvious names — lions, tigers, and bears — have been taken. Just about all the birds of prey have been accounted for: eagles, falcons, seahawks — even bluejays, cardinals, and orioles. In recent years, some teams have tapped the aquatic kingdom; hence, the Dolphins, the Penguins, and the Sharks. (The Sharks' logo is *the* hot item in sportswear right now, even though nobody knows either the sport or the city they represent.)

This is why one recent bidder for an NFL franchise asked to be the "Rhinos." It was either that or the duck-billed platypus. And, given the platypus' status on the endangered species list, naming a team after it would be an exercise in poor planning. —*Guest reflection by* Clifford Thies

Justice Oprah — Justice Blackmun's retirement from the Supreme Court brought the inevitable teary testimonials. A prime example came from Anthony Lewis of the *New York Times*, who effused that Blackmun "got in touch with the human beings behind the legal principles," and quoted a former Blackmun clerk who said the justice "decided to give his voice to the excluded, the powerless." The editors of *USA Today*, in their own inimitable style, praised Blackmun for "bringing a sense of humanity to the bench" and having an "abiding concern for the fairness for the little person"; that is, ignoring the Constitution and trying to make his personal prejudices the law of the land.

Contrast all this mush with Joseph Epstein's profile of Antonin Scalia in the July 1993 *Playboy*. Epstein is critical of Scalia's decision in the 1992 St. Paul, Minnesota "hate speech" case for not talking enough about his feelings:

> The bright line logic of his opinion could hardly be clearer. Free can only mean totally free; neutral means neutral. As landmark opinions go, however, this one is singularly uninspiring. Even Ed Cleary [the winning lawyer in the case] felt puzzled when he read it. By any reasonable measure, the document was a remarkable victory for free speech and a triumph for Cleary. Yet the solo practitioner from St. Paul found himself wishing that Scalia, in all his lofty, steely rigor, had loosened up enough to talk about ordinary people's pain, as Brennan might have done, to say that the first amendment can demand terrible sacrifice in exchange for its protection.

Article III, Section 2 of the Constitution gives the Supreme Court the power to hear cases "in law and equity, arising under this Constitution, the Laws of the United States." Somewhere in the last 200 years, this passage has been amended: now the Supreme Court is apparently charged with hearing cases "in compassion and sensitivity, arising under this Constitution, the Laws of the United States, and Feeling Your Pain."

This replacement of Holmes and Brandeis by Phil and Oprah is a dangerous thing. When someone like Blackmun fills an opinion with compassionate rhetoric, it serves as a cover for the fact that he is manipulating the law to achieve the result that he desires. Legal decisions based on the desires or feelings of judges undermine the notion of adjudicating disputes according to objective standards embodied in legal code and precedent. That is to say, they undermine the whole *raison d'être* of law.

Although less dangerous than the other branches of government, the Supreme Court has become increasingly menacing in the last few decades. Most of its transgressions have been sins of omission. It has utterly failed to restrain the other two branches of the federal government, to the point where the commerce clause (the justification for most federal legislation), the separation of powers, and the tenth amendment have been rendered meaningless. The justices have ceded for themselves the right to raise taxes, distribute children among various public schools, redraw state legislative districts, and a host of other functions that James Madison or John Marshall would be surprised to learn flow from Article III. And much of this power-grab has been accomplished by loading decisions with the compassionate happytalk for which Justice Blackmun has been so glowingly praised. —CS

Business as usual — Erstwhile peacenik Congressman David Obey (D-Wisc.) wants us to invade Haiti. His colleague Frank McCloskey (D-Ind.), having read several

magazine articles on Bosnia, wants to make war on the Serbs. Senator Paul Simon (D-Ill.) wants American boys to don blue U.N. helmets and massacre intransigent bohunks and darkies around the globe, though he does allow that the Teenage Mutant Ninja Turtles are too violent and ought to be pacified by the FCC.

The Vital Center wins again. The McGovernite Democracy, whose motto "Come Home America" contained patriotic truths far beyond the ken of Nixon Republicans, is dead. Be happy and contented, all ye who fretted that the Democrats had drifted so far left that such Party of the Potomac stalwarts as Scoop Jackson and Hubert Humphrey died homeless. The responsible salad-fork Democrats who gave us both world wars, Korea, and Vietnam are back in the saddle. Hit the remote, turn on CNN's War of the Week, and breathe a sigh of relief that reason has triumphed, the Left is vanquished, and the bodybags are filling. —BK

Not smart enough — Bosnia-Herzogovina is not Iraq. Serb targets are not large square structures in the sand or on a flat grid of streets. They move among hills and trees and bushes. They are hard to see and track with the human eye, and even harder to find with machines.

Machine IQ is the limiting variable in "smart warfare." If you want to know whether NATO's air strikes against the Serbs will succeed, the key question is whether their weapons' IQs are high enough. To be effective, NATO weapons must be smart enough to find and strike over 500 camouflaged and mobile Serb tanks and artillery units in the Bosnian hills.

They aren't.

Most of the programs and math models for smart weaponry are still on the drawing board. The most accurate sensor suites are planned for the U.S. Air Force's B-2 bomber, and that won't be ready until 1996. The B-2 is supposed to fire 2,000-pound bombs that are really laser-guided missiles with computers in their tails. The computers would combine precise synthetic-aperture radar data with navigation data from 24 satellites that now orbit the earth every 20 hours. This data would feed to smart pattern-recognition software to tell tree from tank, to signal processing software to track the tank if it moves and as the missile moves, and to adaptive control software to adjust the tail-fin rockets.

Even then, the Pentagon does not expect the B-2 missiles to be accurate to more than 20 feet — at best. If all systems aren't working or the missiles don't have perfect knowledge of where the targets are, accuracy will slip further.

That might be enough for shooting tanks in the Arabian Desert or command centers in downtown Baghdad. It won't hold today in the Bosnian hills. And NATO's aircraft, cruise missiles, and battleships are less accurate and have lower IQs.

Today, thanks to neural networks and fuzzy logic, computers can usually recognize a handwritten zip code on an envelope. But these systems work with just a few numbers and letters on a flat centered surface. And, of course, the zip codes do not move about the page and change their shape. To recognize real targets from any angle in clutter, smart algorithms need to store (or learn) 10,000 to 50,000 templates to match against detected objects. The smart weapons of the present do not have this computing power.

NATO air strikes would also have to sort camouflaged decoys from camouflaged tanks and artillery units and track them as they moved, in the day and especially at night. Recall that the Allies could not knock out all of Saddam Hussein's SCUD missile launchers *because they were mobile*. And mortars are easier to hide and carry. Add to this the real chance that the Serbs will take civilian hostages and it seems NATO will have to use ground troops if they plan to take the Serbs out of Sarajevo and keep them out.

That said, NATO weapons might be smart enough for one type of air strike: tit-for-tat strikes against command centers and arsenals *in Belgrade*. NATO might be able to cripple the infrastructure and supply lines of the Serbian army. Then it could respond to each new bout of Serb aggression by taking out fixed targets deep in Serbia, even if the NATO forces could not directly repel the Serb aggression. Thus, if the Serbs bombed or overran the Sarajevo airport, NATO could bomb a dozen command posts in and around Belgrade in return.

Much of the Serbian command consists of large fixed structures — buildings, bunkers, hangars, airfields. The NATO forces have complete air and satellite data on these structures. Few bombs or Tomahawk cruise missiles would miss their targets. And unlike Baghdad, Belgrade has no real air defense forces. The Serbs have only old Soviet rockets and guns and radar systems. Serb guns would hit few if any NATO aircraft and no stealth bombers. (The Iraqis hit none of the stealth bombers that flew through Baghdad, and they were using high-grade air defense systems that they bought from NATO countries.)

But this path is also risky. Tit-for-tat strikes inside Serbia could lead as easily to an extended blood feud as to a negotiated peace settlement. And what would NATO do if Russia or Iran rushed some of their best anti-aircraft systems to Serbia? NATO could still level buildings and take out a few mobile artillery units, strengthening Serbian resolve and pushing them toward full guerrilla warfare — or terrorist attacks on targets within the West.

So don't bomb the Serbs in Bosnia. The NATO weapons are not yet smart enough to do it right; it would be surgery with a butterknife instead of a scalpel. And the Bosnians have had enough bombing. Even if NATO can repel the Serbs from Sarajevo, that alone would not force them to negotiate. And it would set a dangerous precedent for future conflicts.

Let us hope that human wisdom can prevail over machine IQ. —BtK

Kurt Cobain, 1967–1994 — A few issues back, I discussed the media's ability to warp and deaden genuine grief in its coverage of the death of my friend, film actor River Phoenix. The death of rock star Kurt Cobain, whom I never met, presented a curious inversion of this phenomenon: I was made to feel some genuinely disturbing sadness over the demise of a stranger for whom, while he lived as a public figure, I felt little sympathy or affection.

Cobain's band, Nirvana, is alleged to have represented a sea change in the tastes and attitudes of rock audiences the world over. But while the off-the-mainstream rock clubs I frequent tend to be, on average, more crowded now than they were pre-Nirvana, I still think in my more cynical moments that the band's greatest contribution to the world of

rock'n'roll was to add a few million bucks to the coffers of billionaire record magnate David Geffen.

Yes, "alternative" bands are now getting more major-label contracts, and are breaking onto MTV with greater frequency. But there has been no real change in either the aesthetics or the business of rock. Standard rock radio's virtual abandonment of artists who have not been around for more than 15 years has left even bands as blandly typical as the Counting Crows to be initially marketed, by default, as alternative. Such supposed post-Nirvana alternative mavens as Pearl Jam or Soundgarden sound as traditional as ever, and the big corporations are still making most of the money in the music business. Nirvana's alleged revolution was not only televised — it existed only on television.

We all form little communities in our heads based on some objectively absurd things — libertarianism, for instance.

I was mildly impressed by three or four Nirvana songs (standouts include "In Bloom," "On a Plain," and "Polly"), but never considered myself a fan. Yet Kurt's heart always seemed to be in the right place. He never shilled for any of his fellow "alternative" superstars, reserving his public praise and support for such weirdos as Japanese girl-rockers Shonen Knife, aged American geek-rockers Half Japanese, obscure Scottish love-rockers the Vaselines, almost-forgotten British art-pop women the Raincoats, and his childhood idols, the soporific, grind-rocking Melvins.

In the wake of Cobain's suicide, MTV showed over and over again an acoustic Nirvana concert in which, leavened by a handful of Nirvana hits, Kurt sang early David Bowie ("The Man Who Sold the World"), the Vaselines ("Jesus Wants Me for a Sunbeam"), and two songs in a row from the obscure '80s American indie rock classic *Meat Puppets II* ("Plateau" and "Lake of Fire"). Watching it, I was made to realize that — and this might sound self-serving — Kurt was a lot like me, in a very specialized way. He may have been a couple of years older than I, but Cobain was still a depressive fellow who played guitar and joined punk rock bands and wrote songs and loved, more than anything, this body of music loosely represented by the rubric "punk rock" — not just the specific sound exemplified by the Ramones or the Sex Pistols, but the whole spirit of the creation of strange, tortured, and clumsy beauty through rock music, and the friendships and communities that arise from that creation and the love of it.

Obviously, he was both more skilled and luckier in the pursuit of his passion than I've ever been — my band's record hasn't even sold 200 copies yet, and we've never played to a crowd bigger than that either. But as I watched this sad, intense-looking guy lean into the mic and sing "Plateau," instead of just feeling ironic distance or jokey disdain for another megacelebrity crackup, I could only think, wow, a guy who really loved *Meat Puppets II* is dead. And that made me sad.

We all form little communities in our heads based on some objectively absurd things — libertarianism, for instance — and we lovers of obscure rock music can get quite the familial pack instinct about each other. MTV made me feel that about this man I never knew, made me see him as a member of one of those little mini-nations I pledge allegiance to out of shared love. Kurt found his passions spread out much farther than he ever dreamed they could go, and found that they lost their luster under so much bright light.

I neither understand nor condone suicide, especially with a dependent infant left behind. Nor do I think Kurt's experiences have any significant analogies with a wide range of his generation. His music came from a much smaller, more insular world than his multi-millions of listeners could understand, and that only added to his own confusion and grief. And of course it goes without saying that few of us will experience the level of public acclaim and success, or the level of drug dependency, that he did.

No, Kurt Cobain's death isn't a generational event, though the media felt it had to make it one. It is a personal story, for him and for the members of his little club. He did his part for the tradition he loved, added to it at least a handful of very good songs, and brought media attention, though not understanding, to that tradition. He was in many ways a Great American, and I say that with no irony. —BD

Robert Shea, 1933–1994 — As co-author with Robert Anton Wilson of *Illuminatus!*, Robert Shea helped create one of the strangest and wittiest fictional expressions of anarchist philosophy ever written. As editor of *No Governor*, Shea produced a consistently fascinating zine that stood head and shoulders above similar low-circulation libertarian efforts.

At other points in his life, Shea was a *Playboy* editor, a historical novelist, and an antiwar activist. He will be remembered for the characters he created, from Roland de Vency to Hagbard Celine, and for his good-humored vision of a friendly, nonviolent stateless society.

He died in March, of cancer, and will be missed. —JW

Richard Nixon, 1913–1994 — Richard Nixon was born in a cheap frame house, innocent of running water, in an insignificant southern California town. He was one of America's few presidents of authentically working-class origins. He was probably the brightest kid in town, but he seems to have realized, eventually, that the town itself wasn't very bright. It's possible that he never recovered from that realization.

Certainly his critics never recovered. His humble economic and intellectual origins gave the attacks of his enemies their characteristic edge of contempt. Nixon was obviously the sort of person who at some point spent a lot of time reading *National Geographic* and thinking about the big, exciting role he could have in the world.

Nixon seems never to have arrived at a political philosophy; he was more interested in thinking about his big role in life and the places where he might be able to play it. But he was capable of recognizing facts that more ideological people might miss. When he ran for Senate in 1950 against incumbent Democrat Helen Gahagan Douglas, he accurately accused her of being an idiot about Communists. (She cynically reciprocated the charge, but the voters believed Nixon.) Earlier, as a member of Congress, he had been able to see the truth in the

continued on page 38

Medianotes

News briefs — If you blinked, you might have missed political scientist Charles Jones complaining about Bill Clinton's April appearance on MTV, where a teenager asked the president whether he wore boxers or briefs. John F. Kennedy or Franklin Roosevelt wouldn't have answered such an impertinent query, proclaimed Jones in the *New York Post*; indeed, "they would not have projected a persona which invited that sort of question." But Clinton has "abdicated leadership in foreign policy," and thus projects no such barriers.

It's time to draw a line in the sand: one moment they're in Sarajevo, the next they're down the president's pants. Will the appeasement never stop?

I do not usually read the *Post*, and only know of Jones's editorial because it was quoted on *The McLaughlin Group* later in the week. On that program, Morton Kondracke leaped in to defend and extend the point: it is awful, he said, that "the majesty of the presidency has been deteriorating to the extent where some teenager can ask the president what kind of underwear he wears." Interesting choice of words there: I was under the impression that *majesties* were alien to republican self-government.

The only reason this non-controversy deserves any comment is the glimpse it gives us into the minds of the likes of Jones and Kondracke. I don't find it surprising that Beltway apologists see their president as an imperial monarch, but I always enjoy seeing them slip up and admit it in public.

And, by the way, I wear briefs. —JW

20/20 hindsight — I had occasion recently to attend a televised "town meeting" conducted by John Stossel of ABC's *20/20*. First we watched segments taped for his documentary, *Are We Scaring Ourselves to Death?* Stossel criticized the media — including himself — for hyping such "threats" as pesticides, toxic wastes, airplane crashes, and even crime (which, in fact, is not rising these days) while ignoring much greater dangers, like driving, smoking, and poverty (poor people die seven to ten years earlier than rich people). The different segments took a very critical look at government risk assessment, an Environmental Protection Agency cleanup of an abandoned mine, and the high cost of regulation. Stossel even raised the question of whether regulations, by reducing national wealth, leave more people in poverty, thus causing them to die earlier. It was amazingly libertarian for network TV.

Well, if you think *I* was amazed to see this unfolding on national television, you should have seen the rest of the town-meeting crowd. The environmentalists, consumerists, and Clinton/Gore activists were apoplectic. Their outraged mutterings got louder and louder as the hour wore on. I think what really shocked them was that, after 25 years, their ideas were being challenged on national television. Betrayed by ABC's hour of apostasy, they must have felt the way Soviet *apparatchiks* did the first time they turned on the television and saw Boris Yeltsin criticizing the Party. —DB

The libertarian as conservative — What is the price a conservative must pay should he commit the crime of paying more than lip service to the notion of liberty? Consider the experience of "Mr Conservative," retired Senator Barry Goldwater.

From a syndicated column by right-wing pundit Don Feder, striking out at deviationists within the Right:

> Unlike [Congressman Bob] Michel, the 86-year-old Goldwater stands for something — usually the wrong thing. He's pro-abortion with a vengeance. . . .
>
> In "Mr Conservative," Clinton found an enthusiastic ally for his plan to lift the ban on gays in the military. Goldwater campaigned against an anti-gay rights initiative in Phoenix and was honored by an Arizona homosexual group. . . .
>
> Barry's Marlboro Country individualism comes from a lifetime of reading Zane Grey novels, his favorite literature. Yes, the Republican Party should be about freedom. But it should also be about social stability and family cohesion — without which society loses its moral bearings and liberty degenerates into anarchy.

There's a lot to be annoyed with about this. Does Feder really think allowing homosexuals in the military and women the right to choose to have an abortion without government interference will undermine the family? Does he really believe the institution of the family is so weak that it requires the rough hand of the state to support it? Does he really think that government must (or can) provide people "moral bearings?" In this state-saturated society, is the risk of "liberty degenerat[ing] into anarchy" a real worry?

But what is most shocking to me is the nasty tone of the piece. For the sin of taking conservative rhetoric about liberty seriously, Barry Goldwater is denounced as a family-wrecking anarchist, and an intellectual lightweight to boot (what else could be the intent of Feder's sarcastic crack about Zane Grey?).

Meanwhile, episodes like this illustrate how difficult is the task faced by those who see libertarian thinking as an important element in contemporary conservatism. If "Mr Conservative" is to be ridiculed for his occasional libertarian deviations, how welcome can any genuine libertarian feel in the conservative movement? —RWB

Department of Unintended Irony — The Pacifica Radio News broadcast of April 15, 1994 offered a revealing look into the leftist mind. Early in the program, Noam Chomsky was featured, shaming Americans for allowing their tax dollars to be used to kill thousands in Central America over the last decade. After Chomsky, the broadcast was mostly devoted to commentary from Donald L. Bartlett and James B. Steele, who want to get more tax dollars from the rich.

So, do the good people at Pacifica want us to kill yet more Central Americans, or do they feel that the rich have not paid for their fair share of the slaughter? —CS

Inquiring minds want to crow — Who says reporters don't respond to consumer demand? Whenever readers and viewers complain about media sensationalism, editors oblige them with a new wave of

continued on page 30

Celebration

A Free Life

by R.W. Bradford

Karl Hess was born on May 25, 1923 and died on April 22, 1994. During the 25,900 days he walked the earth, he led an extraordinarily adventurous life. "The way I lived explains the way I think," he explained in his book *Dear America*. Karl refused to accept any dissonance between his beliefs and his life. He was never an armchair anything.

As an anti-Communist conservative, Karl once tried to go into mainland China — Red China, as it was then known — with an intelligence team from Taiwan. The higher-ups at *Newsweek*, where he was press editor at the time, prohibited this venture, which would have certainly resulted in Karl's execution if he were discovered or stranded from his fellow agents.

But Karl was always willing to take risks for his beliefs. When a democratic, anti-Communist former president of Cuba conspired to throw out dictator Batista, Karl helped out by acquiring weapons for the rebels. That effort came to naught, leaving Karl with a garage full of ingredients for napalm and Sten guns. What was probably his most dangerous rightist activity also failed to come to fruition. Ralph de Toledano, his close friend (and fellow editor at *Newsweek*), tells the story:

> Karl, James Burnham, and I were sitting and chatting about how terrible it was that we never knew who the Soviet espionage agents were until they left the country. We worked out a plan to track them down, get the information, and then pass it on to the FBI. What we were going to do was buy a house in New York in the Village and a panel truck and pick up the people involved around the periphery of Communist activities — we knew who they were. We'd pick them up one by one, shoot them full of sodium pentathol, and that way, by that kind of triangulation, get to the espionage agents. The peripheral people, we all knew who they were.

After Karl and his friends tried and failed to get the necessary financing from right-wing businessmen, they turned to another source. They approached Frank Costello, head of one of New York's organized crime "families." Just as they thought Costello was about to give them the $50,000 to $100,000 they needed for their venture, the mobster was subpoenaed to appear before the Kefauver committee. When they called their contact in the Costello organization to make final arrangements, the voice on the phone said, "James who? Karl who? Ralph who?"

"And that was that," de Toledano explains. "Thank God! If we'd gotten the money it would have blown in our faces and we would all have been wrecked."

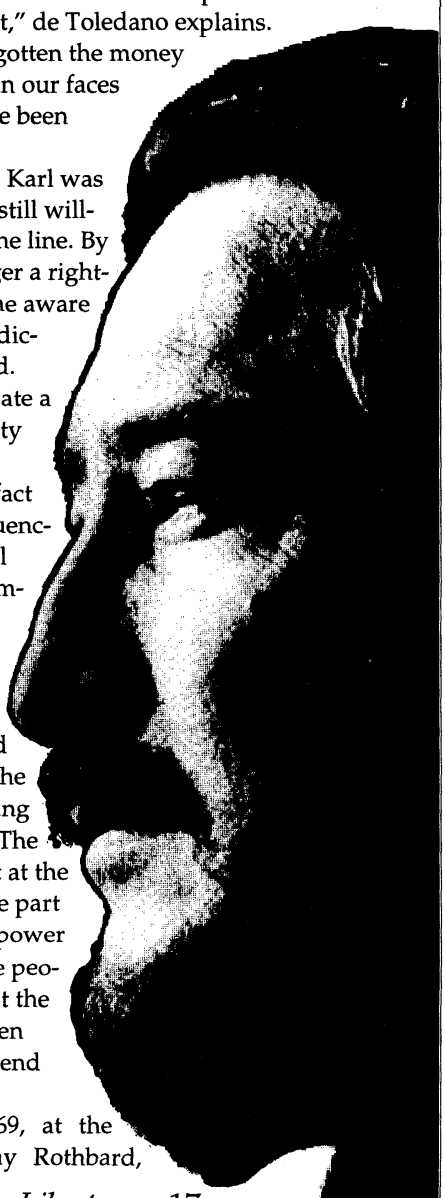

Fifteen years later, Karl was still living his beliefs, still willing to put his life on the line. By now Karl was no longer a right-winger, having become aware of the "terrible contradictions" within his creed. Conservatives "advocate a strong national-security state . . . while at the same time facing the fact that one of its consequences — increased federal power — would accomplish in the long run just what an enemy invasion would." Furthermore, they support "concentrated power at the level of the 50 states while opposing it at the federal level. The reason for opposing it at the federal level is in large part because it represents power over people which the people cannot control. But the same thing is true when state governments extend their powers."

On April 15, 1969, at the suggestion of Murray Rothbard,

Karl sent the IRS his tax return and a letter, but no check for taxes due.* The letter explained why he would no longer pay taxes, concluding with these words:

> The Declaration of Independence, in the clearest possible language, tells Americans that when a government becomes destructive of the ends of life, liberty, and the pursuit of happiness that it is the right and the duty of the people to abolish such government, to "throw off such government."
>
> It is in the spirit of that Declaration, and in comradeship with men everywhere who seek freedom and to throw off such governments, that I now refuse to pay the taxes demanded by the government in the attached forms.

Six months later, Karl delivered a speech to a conference of libertarian activists in New York of such an incendiary character that a substantial number of those attending followed him in an assault on Fort Dix, in New Jersey.

Karl's radical anti-war, anti-state activities were not limited to such comic-opera libertarian antics. One day, Senator Barry Goldwater spotted a familiar face among the anti-Vietnam War demonstrators being arrested on the floor of the Senate. Karl used the occasion to "chat" with his "old friend" whom he "hadn't seen for some time."

The love of liberty was the engine that drove Karl's life.

✦ ✦ ✦ ✦

Such flamboyant episodes were actually a very small part of Hess's life. They exemplify his commitment to living a life true to his convictions. But his beliefs evolved over time and only occasionally led to such extreme activities.

The love of liberty was the engine that drove Karl's life, and while it took him down some pretty strange roads, it mostly drove Karl to self-examination, to exploration of the fundamental ideas that underlie human society, and to a happy, peaceful, and productive life.

The most potent weapons in Karl's arsenal were words, and his careers as gun-runner, kidnapper, triangulator, and revolutionary leader never really got off the ground. From the day when he dropped out of school in 1938 to take a job with Mutual Broadcasting, he spent most of his life as an editor and writer. He lost his job with Mutual when his employer learned he was only 15 years old. Jobs at various newspapers followed. By the late 1940s, he was an editor of *Pathfinder*, at the time the second largest circulation newsweekly in the country.

In 1949, he fell prey to the temptation "to make history rather than just write about it," and took a speechwriting job with the Republican National Committee. He later left that job for a position with *Newsweek*. He spent five years there, during which time his conservatism and anti-Communism became more important to him, to judge from his involvement with the aborted Cuban and kidnapping schemes described above. He spent most of that time as writer-editor of its press section, before being fired for identifying his position with *Newsweek* when he signed his name to a pro-McCarthy newspaper advertisement.

During the next decade, his activity grew more political. Although nominally employed by various publications and corporations, including *National Review* and the American Enterprise Institute, he found time to help prepare a massive foreign policy study for the House Republican Policy Committee, to draft the 1960 Republican platform, and to ghostwrite for Barry Goldwater. He spent 1964 as Goldwater's chief speechwriter, though he was *not*, as widely reported, the author of Goldwater's famous line, "Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue." Goldwater was more than Karl's employer: they were good friends who discussed serious philosophical questions. Like virtually all of Karl's friendships, this one survived Karl's future ideological wanderings.

After Goldwater's crushing defeat, Karl found very little demand for his professional services. He set to work writing his account of the Goldwater campaign, *In a Cause that Will Triumph*. It was during this period that he began to question his right-wing ideology. He came to realize that the love of liberty did not entail the love of a huge and powerful military establishment, and began to suspect that the belief in self-reliance his mother had nurtured in him might be incompatible with the culture of corporate capitalism in which he had been living. Still, though "the private contradictions of the campaign nagged a bit," he later wrote, "by and large, it looked as though I could and would continue indefinitely a safe, well-heeled, upward-mobile, suburb-centered, country-club career."

The most potent weapons in Karl's arsenal were words, and his careers as gun-runner, kidnapper, triangulator, and revolutionary leader never really got off the ground.

One day in 1966, he made a decision that changed his life:

> I bought a motorcycle.
>
> It was just a little motorcycle but, to judge by the impact it had on friends, neighbors, and family it might as well have been a half-ton Harley chopper. And even though I wore proper suits and ties while riding the thing, I might just as well have been in the colors of the Hell's Angels.
>
> Today, of course, it is fashionable to ride a motorcycle, but when I started riding it was just a means of transportation and a sheer physical delight. Because it was just that . . . it was automatically disreputable. Not the thing to do. Odd. Weirdo. Proper people want new cars, not motorcycles. Proper people do not make de-

* When Karl mentioned to his friend Charles Murray that he had refused to pay taxes at Rothbard's suggestion, Charles asked the natural question: "Karl, if this is such a great idea, why didn't Murray do it himself?"
"Karl just burst into laughter," Charles recalls, "and he laughed and laughed and laughed and he said, 'I'd never thought of that.' The funny part was the way he laughed."

cisions on the basis of how things feel. They make decisions on the basis of how things appear.

Not to make too much of my little motorcycle but, among other things, it started me thinking about how little the sensual and personal are permitted in modern middle-class lives....

The motorcycle was an affront.... Even the little one. Then I got a larger one. And I rode it longer and farther and I began to meet other people riding longer and farther. How hateful the image must have seemed to the neighbors and, of course, to my wife. That great, roaring, nasty thing must seem like an erotic invader in the quiet suburbs. It trails fantasies of leather-jacketed violence, of crazy goings-on in wild groves and ramshackle houses. It is the vehicle of barbarians in the sweet land of the safe and sanctified....

The ride on the motorcycle was a ride away from the suburbs, for sure. And a ride toward that most heretical of questions that can be asked in the middle class, the question of whether one should do things because of the way they feel rather than the way they look. And for the first time in a long time, understanding that the sheer pleasure of the motorcycle was drawing the sheer displeasure of so many people, including those upon whom my living depended, I recalled the long walks with my mother and her advice. You mustn't care what it looks like to others, you must be sure of how it feels to you!

And I was really beginning to feel sure. I was meeting new people, understanding new interests, and beginning to feel something very strange. I was beginning to feel very much alive, not as a function, not as a force of history, not as a servant to power, but simply as a person.

In fairly rapid order all of this resulted in a divorce and the stark realization that I was completely beyond the pale of regular politics as well.

Thus began an odyssey that seemed to move from one point of the ideological compass to another. Karl realized that he was an anarchist, and, before long, he began to see himself as a leftist. He joined SDS and the IWW, and did some work with the Black Panthers. He was welcomed by the Left, while his old right-wing friends believed he had more or less gone crazy.

In 1968, *Ramparts* magazine published Murray Rothbard's "Confessions of a Right-Wing Liberal." There, Rothbard explained his own journey from the extreme Right in the 1950s, to the Stevensonian Democrats in 1960, to the extreme Left ("our people") in the later 1960s, and how he came to learn that "the United States was solely at fault in the Cold War, and that Russia was the aggrieved party."

The essay found a receptive reader in Karl Hess. Within days, Karl got in touch with Rothbard, and very soon Rothbard had made his most important convert. In March of 1969, Rothbard and Hess began publishing *The Libertarian Forum*, a semi-monthly newsletter offering a radical left-libertarian perspective on current events and discussion of movement strategy. In its third issue, Karl explained why he was no longer paying his taxes. In June, Rothbard announced with excitement that "The libertarian movement, bless it, is on the march. For the first time in memory, there is now a nationwide libertarian organization." Karl was the "Overall North American Coordinator" of the Radical Libertarian Alliance, Walter Block was treasurer, and Roy Childs held the "key post of corresponding secretary." There were also regional coordinators for New England, Prep Schools, the South, and California. The RLA endorsed Norman Mailer for mayor of New York, supported Students for a Democratic Society, sympathized with the leftist revolutionaries who created "People's Park" on a piece of vacant land in Berkeley, and endorsed "wars of national liberation."

Rothbard and Hess quickly assumed leadership of the nascent libertarian movement.

Prior to this time, Rothbard had headed a tiny sect of libertarians mostly isolated from the broader movement. But thanks to the publicity generated by Karl's efforts, he and Hess quickly assumed leadership of the nascent libertarian movement.

In August, *LF* published Rothbard's "Listen, YAF!" — an open letter to libertarians attending a convention of Young Americans for Freedom, a national conservative student group. Named for C. Wright Mills' seminal New Left work, *Listen, Yankee!*, Rothbard's essay was a call to open rebellion against YAF's conservatism: "Why don't you leave now, and let the 'F' in YAF stand for what it has secretly stood for all along — fascism?" It was at the YAF convention that the Rothbard-Hess libertarian movement first really felt its oats.

Members of the Rothbard-Hess contingent arrived in St. Louis for the Labor Day weekend convention armed with their own fervor, copies of "Listen, YAF!" several black flags, and Karl Hess. Before the dust was settled, the press had been treated to the spectacle of young conservatives chanting "Anarchy forever," "Fuck the draft," "No more Vietnams," and "Power to the people!" When YAF's leadership refused to allow Karl to address the convention, leaders of the libertarian faction interrupted William F. Buckley's press conference to invite Buckley to debate Hess outside, under the St. Louis Arch, at midnight. Buckley declined. Karl delivered a fiery speech under the stars, proposing a coalition between the New Left and the libertarian Right.

This precipitated a split among libertarians between those who favored an alliance with the Left and those who favored radicalizing YAF. The first group organized as the Anarcho-Libertarian Alliance, headed by Karl Hess, Jr.; the latter as the Libertarian Caucus, headed by Don Ernsberger and future conservative congressman Dana Rohrabacher. The Libertarian Caucus, consisting of about 300 people, ran a slate of candidates for the YAF board and hoped to modify the YAF platform to include planks calling for active resistance to the draft, immediate withdrawal from Vietnam, and legalization of marijuana. They were defeated at every turn. When their anti-draft plank was voted down, one young libertarian grabbed a microphone and told the assembly that it was the right of every individual to defend himself against state violence, held up what was apparently his draft card, lit it on fire, and held it aloft as though he

were the Statue of Liberty.

The conservative majority turned into an angry mob, and the meeting turned into a brawl. The libertarians escaped from the hall and met outside to discuss strategy, only to have their meeting broken up by young conservatives shouting "Kill the libertarians!" When the dust had settled, those with libertarian beliefs were no longer split between those who wanted to work within the conservative movement and those who believed libertarians had to have their own identity. The moderates realized that the Right was not their home, that libertarians were different from conservatives, that they opposed state intervention into people's lives whether the government was controlled by the Right or the Left.

It was at that place and time in St. Louis that for many people, the libertarian movement was born.

It was at that place and time that for many people, the libertarian movement was born.

Karl became a brilliant and enthusiastic publicist for his new views, and the chief spokesman for the movement. His "The Death of Politics" in the March 1969 *Playboy* introduced millions to the libertarian creed. Then his "Open Letter to Barry Goldwater" appeared in the October *Ramparts*. In September, stories on Karl appeared in the *New York Times* and *Newsweek*. On December 6, *The New York Times Magazine* ran a feature on Karl titled "From Far Right to Far Left — and Farther"; the same day, *The Washington Post Magazine* ran its own cover story on Karl. Six weeks later, the *Times Magazine* had a cover story entitled "The New Right Credo — Libertarianism." Libertarianism was no longer an obscure political sect buried within the Right. It was "happening."

✦ ✦ ✦ ✦

Karl didn't remain long in a leadership position in the movement. Over Columbus Day weekend, a conference he and Rothbard organized split over the issue of radicalism, with Hess's faction following (or perhaps leading) Karl on the aforementioned march on Fort Dix while Rothbard's people remained at the hotel to hold panel discussions. In the following months, Rothbard hammered at Karl's views in *LF* and worked to ensure that the movement's cadre followed what he called "the correct line on everything from competing private defense agencies to private property rights to war revisionism to alliance with the New Left." Karl tried to hold the movement together, urging tolerance of diversity within libertarianism, while continuing to seek common ground with the radical Left. In the December 15 *LF*, Karl penned a spirited defense of movement diversity and plea for everyone to tolerate Rothbard's intolerance. It concluded with these words:

> Murray has raised some points to which some, obviously, are dying to answer. Let them do it and let them do it promptly and precisely. . . .
>
> Why don't I write such answers? Because, as Murray knows, I have heard his criticism, respectfully, and I have rejected it for myself alone. My heart truly does belong to the Left. And it is an adventure, an adventure in liberty. . . .
>
> To my comrades: I love you all!

The attacks on Left deviationism continued in the pages of *LF*, but Karl's writing did not. The May 1, 1970 issue of *LF* announced his resignation.

Over the next few years, Karl followed his ideological star leftward. He had discovered the Institute for Policy Studies, a leftist think tank, in 1968; now he found it to be more tolerant of his deviations than libertarian institutions had been. He married again in 1971, to Therese Machotka, a woman he had met ten years earlier while both were working at the *Washington World*, a weekly tabloid edited by de Toledano.

For the first half of the 1970s, he was a driving force in the Adams-Morgan Organization, a grassroots effort at neighborhood self-sufficiency carried out in the Adams-Morgan section of Washington, D.C. He also instigated an experiment to bring technology down to the neighborhood scale, and before long, inner city residents were growing vegetables on rooftops and vacant lots, farming fish in an unused warehouse, installing self-contained bacteriological toilets, and planning for their own self-sufficiency in energy. The experiment was ultimately abandoned, but not before Karl learned a great deal from it.

Karl's role as a high-profile tax rebel meant that the IRS attached any income. This created a problem, but Karl adapted, avoiding work for cash income and operating within the barter economy.

In 1975, he published *Dear America*, a brilliant and very personal account of his move to the Left. That same year, he and Therese used a $3,000 insurance settlement for a burglary at their Washington apartment as a down payment on 11 acres of rural land near Martinsburg, West Virginia.

Here he and Therese built their own home, lived quietly, made friends, and got involved in community activities.

It may have seemed to some that Karl's life in West Virginia was retirement. But this is far from the truth.

Karl always sided with the individual against the collective, the mind against the brute, liberty against servility.

Yes, Karl had stepped off the national stage. He was no longer trying to save the world by fighting Communism or battling the state or creating pilot projects for free communities. But now he was applying his ideals to his own life in a way that made his forays into espionage, counter-intelligence, revolutionary politics, and anti-war activism seem immature. Now he was *living* his ideals of individual liberty, of human community and respect for one's neighbors, of small-scale appropriate technology. Like Voltaire's Candide, Karl had decided to tend to his own garden.

He worked as a welder, and he and Therese attended country auctions where they purchased old furniture, which they rebuilt and sold at flea mar-

kets in nearby Washington, D.C. And of course, he continued to write.

For a while in the early '80s, he and Therese edited *Survival Tomorrow*, a newsletter for survivalists. Despite their best efforts and the marketing savvy of his old friend Bob Kephart, it failed to find much of a market. In 1986, after years of pretty much ignoring the organized libertarian movement, he took over editorship of *Libertarian Party News*. His final book, *Capitalism for Kids* (1987) combined a celebration of childhood entrepreneurship with advice and encouragement for kid entrepreneurs.

I first met Karl at a party in 1983. We talked about a wide variety of subjects, ranging from politics to motorcycling to welding. When I gently tried to steer our conversation toward Karl's own life and intellectual development, he answered my questions with his characteristic wit and charm, then asked me what I did for a living. "I do something you don't approve of," I said. "I am a precious metals dealer." Having just read *Dear America*, it seemed pretty clear to me that my livelihood wasn't much different from that of the bankers he excoriated. But Karl would have none of this theory. Where did I get the idea, he asked, that he meant people like me when he attacked unproductive exploiters?

I didn't argue with him. Of course, I knew that what he was saying to me contradicted what he had said in his book. And I suppose one could conclude that this was evidence of a lack of intellectual rigor. But that is too simplistic. This was just a case of Karl's refusal to allow ideology to interfere with his personal judgment.

It was natural that when I began the work to launch *Liberty* in 1986, I would invite Karl to be an editor. And it was natural that he accepted. As an editor of this magazine, Karl acted as a good friend: he was always happy to share his advice, always happy to suggest improvements or changes, and always happy to contribute his writing, even as his health deteriorated.

A lifetime of enthusiastic living took its toll on Karl's heart. In 1985, he had open heart surgery to repair an aortic valve. Three years later, the lining of his aorta burst, and he spent ten hours on the operating table. He remained as energetic as ever, but it was plain that his physical strength was ebbing.

In 1989, Charles Murray moved to nearby Maryland; somehow, it made perfect sense for Karl Hess the Wobbly/Panther/anarchist and Charles Murray the conservative critic of the welfare state to become close friends.

In the summer of 1992, Karl got a replacement for his failing heart. The transplant was a success, but the trauma was debilitating, and Karl's recovery was set back by a number of minor injuries and the side effects of the drugs he was taking to suppress his body's natural tendency to reject the transplanted organ. Recovery was slow and pain unremitting. His old energy began to lag and the pain

Celebrate a Life

Karl Hess

May 25, 1923 – April 22, 1994

The Family of Karl Hess
invites
All Friends of Karl Hess
to a

Day of Remembrance and Celebration of His Life

Saturday, June 11, 1994
Noon to Midnight
at his home on Paynes Ford Road
Route 4, Box 455A, Martinsburg, WV 25401

Dear Friends,

Come and celebrate Karl's life as he always did — with laughter, exuberance, purpose, music, food, and love. Above all, love.

Karl delighted in the uniqueness of each of us humans (and many critters, too) and happily tolerated all manner of beliefs and behaviors. So come and dance and sing, eat and drink, pray and mourn, share memories and pictures and favorite sayings (he *did* have a way with words), or simply be here with all of Karl's friends and family.

Come anytime from noon on, and stay for awhile or for the whole time.

Bring some food to share. Bring camping gear and stay on our land overnight, or stay at an area hotel.

Let us know of your plans in advance so we can prepare accordingly. Please RSVP to Therese Hess at the home address, or call (304) 263-7526. Then, as Karl was fond of saying, "Let the mischief begin!"

overwhelmed him. On April 22, Karl died, and the pain ended.

There are people who will conclude from Karl's ideological odyssey that somehow he had no solid core, no moral or intellectual compass, that he was a straw who blew in the wind. Such people should consider the possibility that the Left-Right ideological map they are using may be no more valid than the Ptolemaic model of the universe.

Karl's opinions changed and developed throughout his life. But the direction of his thinking was always the same. He always sided with the individual against the collective, always with the mind against the brute, always with liberty against servility.

His most right-wing book concludes with an expression of hope and a promise:

> [The ascendency of political conservatism] will be a triumph for every American who is tired of being a number and a ward, for every American who wants to stand on his own and for his own, for every American who wants to be left alone long enough to do his job, who asks no favors or favoritism, who helps or is helped only when truly needed.
>
> And this is a cause in which I will spend my life.

He concludes his most leftist book expressing his "fervent personal hope" in these words:

> . . . that you will be as critical of the life you now lead as you may well be of the life which I suggest you could lead. You owe allegiance to no crown, to no guru, to no savior. We are not just senseless atoms in this universe. You are, we are, human; you have, we have, those unique abilities which can set us free — intuition which can inspire discovery and creativity, and reason which can make it whole and meaningful in the natural world.
>
> There can be, therefore, no end to a book like this or to the process of being human. There are only beginnings. And the good work of being people, friends, lovers — and good neighbors.

Karl never lost the habit of self-education. He was a genuine intellectual: a successful journalist, the author of several books, a ghostwriter, a lecturer. There is a powerful tendency for human beings to overestimate the value of their own work. Farmers tend to overvalue the importance of agriculture, entrepreneurs the value of entrepreneurship, dam-builders the value of dams, politicians the value of politics, and intellectuals the value of ideas. Karl is perhaps the only intellectual I have known who never overestimated the importance of ideas.

His friends ranged from philosophers to hobos, from socialists to conservatives to anarchists, from the rich and powerful to the poor and weak, from the brilliant to the stupid, from greens to reds to red-white-and-blues.

Ideas were his stock in trade, and he pursued them with a curiosity and vigor that astonished those who knew him. He wrote about ideas, manipulated them, explored them, expressed them. But he never believed that his superb intellectual skills made him better than his neighbors whose skills lay in animal husbandry or small engine repair or selling groceries. He valued his neighbors for what they were, and treated them with respect and honesty.

Karl Hess was a visionary and a very practical man, a radical and a conservative, an intellectual and a welder. But most of all, he was a good friend and neighbor to all who knew him. His capacity for friendship seemed infinite. He was the most loving and most loved man I have ever known. He stimulated the thinking of everyone he encountered. And he touched their lives in countless ways, both large and small.

Although much of his life centered on politics, he never was a politician and never was an ideologue. He had powerful opinions on almost every subject. But unlike most people with powerful opinions, he never saw others' disagreement as an impediment to friendship. He was a political poet, a man with an esthetic understanding of what a good society was. He articulated it in a way that all sorts of people could understand and appreciate, touching people with the message of liberty who might not ever otherwise be touched. His friends ranged from philosophers to hobos, from socialists to conservatives to anarchists, from the rich and powerful to the poor and weak, from the brilliant to the stupid, from greens to reds to red-white-and-blues.

His influence on libertarianism is enormous, but easy to underestimate. Libertarianism is first and foremost a rationalistic philosophy, so it is not surprising that its other major forces — Rand, Mises, Hayek, Friedman, and Rothbard — were system-builders whose contributions are evident in their writing. Karl was also a philosopher — a lover of truth — but he was no system-builder. It's not that he opposed systems. It's just that he was too busy exploring and reflecting to stop and build one.

There is another important difference between Karl and the other midwives of the libertarian renaissance. In a movement that often inclines toward a very literal social atomism, Karl stressed the importance of neighbors, of community.

Although he wrote several memorable books, his major intellectual output was mainly journalistic. He wrote for newspapers, magazines, and journals, famous and obscure, large and small. Probably his single most influential piece of writing was "The Death of Politics." Today's reader may find it dated, its references to the draft and the Vietnam War quaint, its revolutionary outlook anachronistic. But it is almost impossible today to appreciate its impact in 1969.

Karl had another important influence on the development of libertarianism, one that will be even harder to gauge in the future: the influence of his personality. He was an extraordinarily loving and lovable human being. In thousands of ways with thousands of individuals, Karl set an example worthy of emulation.

But Karl was not a role model. He did not know how everyone should live their lives. He did not have the answers to all the great issues. He was just Karl. And all of us are much poorer for his passing. ❑

In 1964, Karl came to the Institute [for Policy Studies] and gave a lecture. I was struck not only by what he had to say, but by the man himself. A man of great modesty, of great simplicity, and yet great brilliance. He represented to me a sense of America, of country, which in a way transcended the ideologies of the time, in that he saw the importance of people, of living with nature rather than beating it up, of small-scale, face-to-face activity rather than large-scale Pharaonic projects in which people at the top figure that they can control what was going on in terms of the activities for the future. He understood that you couldn't really control the future that way.

He also understood very clearly that there is a powerful interrelationship between the great corporations and the state. He saw the partnership between the corporation and the big state was disastrous for the kinds of human affections that he believed were absolutely necessary for any kind of human happiness and human decency. Perhaps it would be better to say that he believed in a human decency rather than human happiness. I don't know how he felt about happiness, but I do know that he was absolutely committed to decency among people.

—Marcus Raskin, Institute for Policy Studies

Karl Hess, 1923–1994

I met Karl at *Newsweek*. I don't remember the exact date, but it must've been around '52 or so. He was press editor and I was national editor. We almost immediately became very good friends. We usually had lunch together several times a week. He was very conservative, and very anti-Communist, a real activist.

After we got to be really good friends he said, "You know when I came to *Newsweek* and I knew you were there and I wanted to meet you and I thought we'd sit and talk about the Communists and have long discussions about conservatism and so on, but all we talk about is girls."

It wasn't exactly true. But it was a funny remark.

Karl was basically self-educated, like a lot of the best of the newsmen I know. He was self-educated and very deep and very well-read. Karl was a very warm, a very real person. And what he believed in he believed in deeply and he went with it, no matter where it might lead him.

We remained friends during a period where he was playing around with the Institute for Policy Studies and other groups which I deplored. Karl was a guy with a great deal of integrity and principle. *—Ralph de Toledano, contributing editor, National Review*

Karl Hess was one of the great people of the period he lived in. I think he and I — I'm sorry, I'm immodest in coupling myself with him — I think the two of us were bookends. He came from the Right and recognized the importance of the critique from the Left of contemporary Western society. And I came from the Left, and through a variety of intellectual circumstances came very early in my period of being a public spokesperson against the Vietnam War to understand myself as operating in a tradition of libertarianism. My complaint about the war was a libertarian complaint. My complaint against the government that waged the war was couched in libertarian terms. Karl understood this instinctively and innately. In fact he was way ahead of me about it.

Karl and I wound up coming to much the same conclusion about the good and the bad parts of the Right and the Left, and the consanguinity of the good parts. We felt a real solidarity with one another in trying to work out, in practical terms, what that union of the libertarian Left and the social-conscience Right might be able to offer the country.

That a man with his spaciousness of mind and humanity of spirit would have found his way to Barry Goldwater at a point when Goldwater was being so roundly denounced throughout the mainstream media as the next thing after Antichrist is a testimony to the man's political genius. And that from that public identification in politics with the "far Right," he could have moved as far as he did towards a practical, concrete, positive, productive relationship with parts of the Left — the part of the Left that loves freedom — this is to my mind a proof of a kind of genius that is unique to that period.

We have not seen his like, and we will not see his like again, for a long time. I'm sure of that.

—Carl Oglesby, President, Student for a Democratic Society, 1965 – 1966

What a wonderful cast of mind he had. He had very strong opinions about the way the world works. They were never dogmatic — you hang out with libertarians a lot as do I and you know the ways in which sometimes the arguments get reduced to extremely sterile kinds of crystalline logics whereby A leads to B leads to C leads to D. Karl's style was not that way. Karl had the fascinating insight, but he was also constantly probing around the edges to look at them from a different point of view and a different perspective and changing them. He would change his mind through the years about lots of different things.

In talking to Karl, there was always this unpredictable journey of discovery. He was not only one of the smartest people I ever met but also one of the best conversationalists in the old-fashioned sense of that term. A conversation with him was an exploration. Plus he was so irreverent, even toward his own opinions.

Karl was instrumental in bringing together a couple of differnt strands of libertarian thought. He combined the mainstream libertarian arguments for economic and personal freedom with a very strong sense of the way that people form communities. Karl rightly saw that there was no contradiction in that, that the only way you get vital, functioning communities is by free people voluntarily coming together and interacting. I think that what the libertarian movement really needs is a way of communicating to the rest of the world how powerful his ideas are — that this is not only a matter of personal freedom, it is also a matter of the way human beings live the richest, fullest lives together.

Karl authentically liked people, and liked lots of different kinds of people. So that he numbered among people that were authentically intimate, close friends, folks who if you gave them an IQ test would show up around 90, maybe less in some cases. Karl approached them and dealt with them on a basis of, well, here are the things that they are good at, and here are the ways in which they are wonderful companions and/or friends with the rest of us, and there wasn't a thing condescending about it.

—Charles Murray, author and social critic

It is a sad loss. He was a very dear and valued friend, one of the finest writers I have ever known. I'm going to miss him.

— Barry Goldwater, 1964 Republican presidential nominee

"On February 7th, when I walked out of that Court House... I could barely keep my excitement from making me skip down the steps. I know, first-hand, that this knowledge is Real Power. I also know that we are on the road to Individual Freedom that will take us anywhere we want to go."

— Harry Plott, World Network Holdings, on reorganizing his business as a Terra Libra Trust.

HOW TO LIVE FREE ALMOST ANYWHERE

My name is Frederick Mann. In 1977 I became a **Free Sovereign Individual**. Since then I've lived largely free from government coercion in many parts of the world. I've learned what I call **Freedom Technology**: the practical knowledge, methods, and skills for living free — the street-smart know-how to outwit freedom-violators at every turn. Freedom Technology makes it possible for us to legally, elegantly, and safely exit coercive government systems and to live free. Freedom Technology includes the practical means to protect yourself, your income, and your assets against attacks from freedom-violators. Ultimately, Freedom Technology also includes the means to blow away the bogus power of the freedom-violating elite.

We apply Freedom Technology to increase our personal power, wealth, and health. We engineer a massive shift of resources from the freedom-violating elite to the Free Sovereign Citizens of Terra Libra.

AMERICA: LAND OF ECONOMIC RAPE

In 1988 I moved to America — "the land of the free and the home of the brave." To my horror I soon discovered that America and Americans were being economically raped. I researched the specific mechanisms of the economic rape and identified the key economic rapists. I wrote the book ***The Economic Rape of America: What You Can Do About It***.

After more research and discussions with many, I concluded that Personal Power was an important ingredient of the solution, so I wrote a second book ***Wake Up America! The Dynamics of Human Power***.

HOW TO MAKE A FORTUNE PRACTICING AND SPREADING FREEDOM

As a professional consultant I've worked with computers for many years. Among other companies, I've studied Microsoft to determine why it has been so successful. Why has it overtaken IBM in terms of market valuation? Microsoft basically sells software programs to make computers more efficient and effective and easier to use. We could call Microsoft's programs "computer success programs." At the time Microsoft was created its potential could have been measured by the difference between how successful computers were at that time compared to how successful they could become. There was a gap between what was and what could be. This gap represents potential. By utilizing this gap of potential, Microsoft co-founder Bill Gates became a billionaire and the richest man in America.

In human affairs there is also a gap between what is and what could be. We suffer from "human failure programs" (like government!) that keep us as society stuck at a low level. The gap between what is and what could or should be represents potential. **This potential is vastly greater than the potential that enabled Bill Gates to become the richest man in America.**

TERRA LIBRA

Terra Libra is a phenomenal societal breakthrough for taking advantage of the gap between what is and what could or should be. Terra Libra is a worldwide free country that extends across national borders. It's an information-based rather than a territorial country. Its inhabitants are Free Sovereign Citizens.

UNSOLICITED TESTIMONIALS

"The American people possess that loathsome and deplorable custom of blind obedience and servility to those in power or stationed in high office. History demonstrates that we should distrust politicians, not worship them. I have received and briefly reviewed your manuscripts, and find them well written and full of information. I congratulate you on your work. I hope that your works get wide circulation because they look excellent."

Lowell H. Becraft, Jr. - Attorney - Huntsville, Alabama

"**WOW!** Your Terra Libra concept is a mind-blower... and a winner whose time is **NOW!** The info you sent brought the greatest excitement about the possibility of freedom in my lifetime I've **ever** known. Thru Terra Libra you're providing an exciting possibility: Be free now, working within and around our present oppressive government, leaving it to collapse of its own weight while we simultaneously create alternative systems that'll be in place to replace those of the tyrannical government when it withers and dies as in the USSR. Fascinating stuff!

Dr. Howard Long - Dentist - Carnelian Bay, California

"For the last 25 years I've been reading about "what's wrong!" I've been a member of "The John Birch Society" and "Neo-Tech" and I've never found anything as well written as your Terra Libra Manuals."

Duane F. Campbell - Developer - Kent, Washington

Terra Libra is the means to replace human failure programs with human success programs. During the coming decades Terra Libran free-enterprise entrepreneurs will apply Freedom Technology to move society from what is to what could or should be. In the process many will become millionaires and billionaires. The Terra Libra books, reports, and information packages will tell you how. You simply can't afford to miss out on these incredible opportunities.

TERRA LIBRA STRATEGY

When you oppose something, or try to reform it, you encounter opposition. Your effort elicits an almost automatic counter-effort. Terra Libra does not attempt to change, oppose, reform, or overthrow any political or economic systems. We simply create our own voluntary alternatives. In fact, Terra Libra does not threaten or challenge the authority of any legitimate governments.

The bogus power of illegitimate freedom-violators depends on the support of their victims. Terra Librans find practical ways to legally, elegantly, and safely withdraw their support. The power of illegitimate freedom-violators is tenuous — flimsy, fragile, and of little substance. Understanding the dynamics of human power enabled Mohandas Gandhi to defeat the armed might of the British Empire without firing a shot. The armed might of the East German freedom-violators, backed by 300,000 Russian troops, could not keep the Berlin wall standing. When the victims of the soviet freedom-violators withdrew their sup-

port, the Soviet Empire collapsed overnight.

Because of currency debasement (inflation), huge budget deficits, property seizures, Nazi-like terrorism, and other criminal violations, many freedom-violators are destroying their own coercive power systems. They are rapidly losing control.

We distinguish three sectors: the **public** sector, the **private** sector, and the **free-enterprise** sector. The **public sector** operates on the principle of coercion: the force of the gun. The **private sector** mixes coercion and freedom — politics and business. People in the private sector enjoy a modicum of freedom. However, they obey, bribe, and finance the freedom-violators of the public sector. They often obtain special privileges such as monopoly licenses, subsidies, tariff protection, and welfare from the freedom-violators.

People in the **free-enterprise sector** practice real, true, or pure free enterprise. In Terra Libra slavery has been abolished. Free Sovereign Citizens own their lives, minds, bodies, and the fruit of their labor. They practice voluntary exchange. They can do anything which doesn't harm others or their property. These principles are formulated in the Code of Terra Libra.

Terra Libra is the free-enterprise sector of the world. Terra Librans create voluntary institutions in areas such as education, currencies and banking, justice, communications, energy, etc. As the coercive institutions of the freedom-violators worsen and collapse, people naturally shift their economic activities into Terra Libra — the **"Terra Libra Shift."**

Freedom Technology enables you to legally, elegantly, and safely shift some or all of your economic activities into the free-enterprise sector. The Terra Libran entrepreneurs who facilitate this shift will become the millionaires and billionaires of the next century. To get an idea of the potential, consider the size of the public and private sectors. These two sectors will fade away or collapse and be replaced by the free-enterprise sector.

Over the years there has been a shift in the nature of power. At one time power was almost totally based on **violence** (coercion). Then power came to be based more on **money** than on violence. In today's world power is based primarily on **information**. This shift in the nature of power is described in the book ***Powershift*** by Alvin Toffler. Territorial countries are based on violence, money, and brainwashing (the perversion of information). Terra Libra is primarily an information-based country. We provide the information that shifts power, resources, and wealth from the freedom-violating elite to Free Sovereign Individuals.

I believe that we maximize our prospects for freedom by applying a wide range of strategies — circumvent, ignore, criticize, ridicule, weaken, reform, and replace the enemy on many fronts. Terra Libra should be viewed as an **adjunct** to other strategies. Our strategy is outlined in much more detail in the Terra Libra reports.

WHAT HAS BEEN ACHIEVED SO FAR

Much more has been achieved than space allows me to mention. A few highlights:

• There are now thirty-eight Patrons and fifty Professional Liberators in: Arizona, Arkansas, Australia, Bulgaria, California, Canada, Colorado, Delaware, England, Florida, France, Hawaii, Illinois, Ireland, Jamaica, Louisiana, Michigan, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Puerto Rico, Sark (Channel Islands), South Carolina, Texas, Turkey, Washington. (Patrons and Professional Liberators are basically people who provide services related to Freedom Technology, for example, alternative currencies & banking, privacy & asset protection, tax abatement, education, secure communication, etc.)

• We have customers in all fifty U.S. States and dozens of other countries around the world.

• The Terra Libra "country" concept has been expanded to include "Terra Libra Territories" of which there are already several. A major international holding company has reorganized itself as a Terra Libra Trust and declared itself a Terra Libra Territory.

• A company has been established to create a worldwide economic system with a 100%-gold-based currency. The system will interface with current banking systems. It's organized so every aspect of it is perfectly legal in the country where that aspect operates. Users will be able to enjoy most of the services they now receive from their local bank. They will be able to deposit local currency checks and bank notes. The system will write checks in local currency. Secure electronic transfer will be possible for transactions between users of the system. Users will be able to withdraw funds from local ATMs. The gold will be maintained by several solid financial institutions and will be insured and subject to regular independent audit. We expect the system to be operational within a few months.

• One of our Professional Liberators operates a private financial services organization in California. Last year his company was raided by freedom-violators. They illegally seized computers, files, and money. Two days later he was back in business. He presented some documents to the appropriate officials, essentially indicating that he is a **Sovereign Individual not subject to their jurisdiction**. In January this year the freedom-violators returned everything they had seized. This was a brilliant application of Freedom Technology.

• A solid foundation is being created for the explosion of freedom around the world. I invite you to join us. The pioneers will reap the greatest rewards. You could be one of us — the greatest freedom team in history!

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Travelogue

Sun, Seegars, and Socialism

by Douglas Casey

The wave of the future is about to be swept out to sea.

Too young to witness firsthand Castro's Cuban Revolution, I recently had a chance to observe the island's current, more salutary transformation. I was invited to Cuba by an investment organization — in effect, by the Cuban government — in hopes that I would recommend investing there.

I made two trips to Cuba, and had to fly in through Mexico City each time. Direct charters can supposedly be had through Miami, but they aren't really available unless you have family on the island. One of my European companions who *did* arrive via Florida made the mistake of informing an immigration official where he was headed. He and five others were immediately detained in a locked room at Miami International Airport while the agents spent two hours running background checks on them.

It's legal for Americans to visit Cuba, but officially discouraged: it's against the law to spend money while you're there, and it's best not to have the necessary visa stamped on your passport. That might provoke your own government to be much less friendly than Cuba's, as my friend from Europe discovered.

The first thing I noticed about Cuba was the absence of economic activity. No construction. No shops. Little traffic — a few American cars from the '50s, some primitive Ladas from Russia, mostly Chinese-made bicycles. The only restaurants were populated by Canadian and European tourists.

Cuba has a wonderful road system, and there's absolutely no traffic once you're out of Havana, so it's a pleasure to drive on it. Someday soon, those roads will be filled with rental cars filled with foreign tourists venturing away from the beaches. Right now, the government is ambivalent about promoting tourism, because it will inevitably "corrupt" the workers and peasants. The nation's rigid currency controls have already been compromised by the fact that a bellboy in a hotel can earn a dollar from one tip — about as much as a doctor or engineer earns for two weeks' work. Worse still, the doctor or engineer is paid in pesos, which are almost valueless now. Unless a Cuban has relatives sending goods from the U.S., he's in big trouble. Dollars are actually the main currency in daily commerce.

Once you're out of Havana, even dollars have marginal value, because there's nothing to buy. One of the country's few private employers has taken to paying his workers partly with items like soap, chocolate, and toothpaste, because those things would simply be unavailable to them otherwise. There is nothing in the country, literally nothing. That's a hard concept for someone coming from the land of Wal-Marts to grasp.

I spent a lot of my time out of Havana visiting rural areas in archaic Russian aircraft. One M1-8 helicopter provided some comic relief. I love the sound of a chopper's jet turbines spooling up, but this one tried twice, and just died each time. On the third try, the co-pilot started poking around in the fusebox with a screwdriver, and the whole cabin filled with acrid electrical smoke. We exited post haste. The episode illustrated just how primitive and laughably outdated Russian aircraft are. (A *fusebox*? A *screwdriver*?) But it's a good thing they're primitive: they don't require quite as much maintenance as more sophisticated machinery. And in Cuba, intelligent maintenance is very scarce.

Havana itself is in a time warp — quiet, with no activity. But it is not repressed. The block committees that assured political correctness in the bad old days are gone. Cuba is no longer a Stalinist society; it's just poor. Poor, and burned out, like a cokehead coming down from a long binge.

Wasn't It a Time?

And what a binge it was. Times have certainly changed. Back in the '60s and '70s, things seemed to be going very well for the Revolution. Everyone was adequately fed. Beg-

gars, prostitutes, and the Mafia disappeared. Education and medical care became available to all. The average Cuban saw his society as the wave of the future. Those who fled the country were viewed as leeches, exploiters, unpatriotic bad apples — and in many cases, considering the nature of the pathologically corrupt Batista regime, they were. Good riddance to them, the people said, and good riddance to the criminals who joined them in the export of the Marielitos.

At the same time, Cuba was hosting thousands of disaffected children of the American bourgeoisie. The awe-stricken revolutionary tourists reassured the workers and peasants of their righteousness, and showed their solidarity by helping to cut cane.

Meanwhile, the imperialists were in full retreat on all fronts. In the U.S., the government had to bring in the National Guard to quell race riots. The Kennedy and King assassinations, the Symbionese Liberation Army, the Manson Family, the Chicago Seven, Watergate, the Weathermen, high inflation, a collapsing dollar, ballooning deficits, a hundred other traumas — the U.S. seemed to be on its last legs.

Sandal-clad Vietnamese peasants handed America a painful military defeat. Socialism seemed ascendant everywhere — in Chile, then Grenada, then Nicaragua. The Cuban Army was part of the world-wide revolution, on the move in Angola and Ethiopia.

Inundated with propaganda that framed all this with a Marxist perspective, it made good logical sense for the average Cuban to believe that Castro was riding the wave of the future. It was a great time to be alive and a revolutionary Communist.

Goodbye to All That

It's hardly necessary to point out what went wrong with Fidel's vision. But it's important to see things the way the average Cuban does, if we're to understand the situation in Cuba today.

Up until about 1990, when the old Soviet Union started to implode, the Cubans were able to trade sugar to Comecon (the Communist common market) at artificially high prices, and buy oil, machinery, and other necessities for prices that were artificially low. The subsidy is estimated to have been worth between $3 billion and $5 billion a year. Economically, it was a pretty stupid charade, but combined with what could be begged and borrowed abroad, and with capital left over from the old days (e.g., fixing up the pre-1959 U.S. cars that populated Cuba's streets and selling them to collectors), the Revolution was able to stay afloat for a good long time. As Adam Smith observed, there's a lot of ruin in a country.

The decline and fall of the USSR meant the end of the party. The Cuban economy's inevitable slide into oblivion has assumed the trajectory of a flat iron thrown out of an airplane. The American Left's onetime paragon of economic virtue now sports the lowest standard of living in the hemisphere, with the possible exception of Haiti. Rations are two kilos of rice and one of beans each month, and that's about it. There's no chicken, a one-time staple of Cuban cuisine, because Russian planners convinced Cuban planners that it made more sense to mass-produce the birds in the Soviet Union.

The country is actually on the ragged edge of starvation; most Cubans I saw seemed to suffer from malnutrition. The government made a real effort to lay out the red carpet for my group, but no traditional Cuban dishes were served at our banquets, because there's no pork, beef, or chicken to make them with. Instead, we had seafood, I guess because it's impossible to effectively socialize the ocean. At the island's few nightclubs, the bargirls aren't looking for strangers to buy them drinks. The price of their company is a good, square meal.

My party met an assortment of ministers, including the president of the central bank. They impressed me as sincere and thoughtful, but troubled. It can't be much fun to realize you've devoted your entire life to an abysmal, terminal failure. Naturally, they don't care to see it that way, preferring to focus on the Revolution's alleged advances in education, medicine, and social welfare. But even these "successes" are starting to go down the drain.

It's true that almost everyone in Cuba can now read and write and has access to higher education — a vast improvement from the Batista days. As Abe Lincoln demonstrated, it's possible to get an education without much in the way of books, pencils, and paper. But it's suboptimal in this high-tech era. Cuban education is further compromised when the curriculum is suffused with Marxism and the teachers are cut off from the outside world. And the kids can't learn very much when they're hungry and malnourished.

Medical care has improved for the average person, if only because the regime cranked out tens of thousands of doctors. But the doctors have very little medicine and almost no equipment. Nonetheless, aside from the malnutrition, the average Cuban seems quite healthy — not because of the medical system, but because of their low-calorie, low-fat diet and lots of exercise. There's definitely something we can learn from them in this area, but it's not the lesson Billary seems to be taking to heart.

In any event, Cuban doctors are now making only $2 to $3 a month. As the economy opens further, the doctors will emigrate, delivering a final *coup de grâce* to the myth of socialist medicine.

Socialism's other supposed victory was to rectify pre-Castro Cuba's calcified class structure — light-skinned people on top, dark-skinned ones on the bottom. In fact, almost all the officials we met were light-skinned.

Things hadn't changed much on this score either, as far as I could tell.

Altogether, 35 years of socialism have brought only marginal, probably ephemeral gains in a few areas, with wholesale devastation everywhere else. And it was Soviet subsidies, not Cuban socialism, that accounted for the successes there were.

Most Cubans still deny that their problems stem from the nature of socialism itself. They're wrong. Entirely apart from philosophical objections, it is economically impossible for a planned economy to survive because it's impossible for planners to calculate prices rationally. With prices fixed by fiat, people inevitably wind up consuming two, three, or ten units of capital to produce something that's worth only one unit. The Cubans still don't understand that, and as long as their schools teach Marx instead of Mises, they won't.

At the island's few nightclubs, the bargirls aren't looking for strangers to buy them drinks. The price of their company is a good, square meal.

Ask the average Cuban why things have gone bad, and he'll tell you that (1) the Soviets screwed up (which is true enough, as far as it goes), and (2) the country is held back by the U.S. embargo. The second excuse is mostly nonsense; Cuba has always been able to get what it wants from scores of other countries. (Of course, complaints about the embargo are a tacit admission of socialism's failure: trading with capitalists should be anathema to real Communists.)

The embargo *has* hurt American businessmen, however, who've lost out as Canadians, Europeans, Asians, and Latins have cherry-picked opportunities in the last few years. The major effect of the embargo seems to be to prolong socialism in Cuba, by giving Castro an all-purpose excuse for his continual failures. Apparently, Washington is willing to shoot its own people in the foot just to take action against a perceived enemy. The "at least we're doing something" mentality strikes again.

My Dinner With Fidel

The highlight of my Cuban trips was a surprise meeting with Fidel Castro. My group was having a state-sponsored dinner party at one of Havana's "protocol houses," beautiful residences confiscated from the politically incorrect in the early '60s and now used to host foreign dignitaries, a group I suppose includes me. All of a sudden, there was the Bearded One. We gathered 'round, shook hands, and spent the next hour having an informal Q & A.

Fidel was dressed in his signature starched fatigues and appeared to be in excellent health and humor. He conducted his conversation through a translator, not so much because he doesn't speak English, but because he is somewhat linguistically nationalistic — and because he doesn't want to inadvertently say something that isn't quite what he meant. I was impressed by the give-and-take: Fidel was genuinely interacting with us, not just speaking to the peanut gallery.

In all, I must admit the man was far more impressive than Bill Clinton. Fidel has actually had a life. He believes in things. He takes ideas seriously. He's a man of character and charisma, and he isn't "slick." Clinton, by contrast, has done nothing but work for the government his whole life.

One trivial observation: You'd expect Castro to wear spit-shined combat boots to complement his fatigues. But Fidel sported black zip-up dingo boots from around 1975. Maybe they're more comfortable.

More interestingly, Fidel absolutely exudes the presence of Karl Hess — or at least he did during my visit. The same physique, the same physiognomy, the same phyiscal presence, the same charisma. (I'm sorry I didn't get a chance to tell Karl this before his death. He would have understood completely, and had a real giggle.)

My one mistake was spending the whole hour with Fidel when I should have logged more time with Carlo Lahé, who arrived with him. Lahé is actually in charge of Cuba today; Fidel is really just the chairman of the board.

One of my hobbies is chatting to Third World leaders (who are remarkably easy to meet) about how they can transform their basket-case economies into exaggerated versions of Hong Kong, in the process making themselves domestically loved, internationally famous, and legitimately wealthy.

continued on page 69

Poem

Mostar

by W. Luther Jett

In early November, 1993, the fifteenth-century bridge over the Nerevta River in the Bosnian city of Mostar collapsed following months of shelling by Croatian forces.

When a bridge too narrow for
dreams falls into a river
too deep for tears,
what is left behind?
On your side, you hold a
bucket; on my side,
I guard the well;
above us — the broken horns
of the autumn moon.

Behind the Task-Force Veil

by Richard D. Fisher

"If the forces arrayed against reform want a real battle in which their self-interest is exposed and their real agenda is made public, they will get it."
—*Hillary Rodham Clinton, November 9, 1993*

We all remember the President's Task Force on Health Care Reform, a collection of "experts" assembled by Ira Magaziner in January 1993 to develop a plan to reform America's medical care system. In February 1993, the Association of American Physicians and Surgeons filed suit under the Federal Advisory Committee Act (FACA) to force the Clinton administration to reveal the task force's composition. In November, the adminstration was ordered to comply. The documents thus made public suggest a very different picture of the task force than the White House has presented.

The task force consisted of 15 cluster groups, 43 working groups, and four subgroups. The leaders of over half of these, as well as many of the participants, were representatives of private managed-care interests with much to gain should the Clinton health plan be enacted. Among the special interests represented were United Health Care Corporation, Chicago Health Maintenance Organization, Aetna, Travelers, Liberty Mutual Insurance, Wausau Insurance Company, National Capital Preferred Providers Organization, Harvard Community Health Plan, Kaiser Permanente, U.S. Health Care, EDS Health Care, PCS Health Systems, First Health, Blue Cross/Blue Shield, and Alliant Health Systems.

Remember the Health Security Card that Bill Clinton brandished so proudly on national television? One corporation represented on the task force was MCI Communications — the likely primary vendor for the 250 million cards Clinton's plan would require. Potential contractors for other parts of the Clinton plan were also amply represented, including the Rand Corporation, Alpha Center, Telesis, Cooper & Lybrand, Price Waterhouse, and the Principal Financial Group.

FACA was not the only law the task force tried to circumvent. All executive personnel, including special government employees, were required by the Ethics in Government Act to file conflict-of-interest forms. But only 35 of these special government employees and consultants did so. Of those, many were submitted months late. Almost all were filled out in the handwriting of someone other than the filer, some in two different handwritings, and some with dates typed over correction fluid.

It is plain that Robert Berenson, president of National Capital Preferred Provider Organization; Lois Quam, vice president of United Health Care Organization; and David Eddy, advisor to Kaiser Permanente, have conflicts of interest in helping formulate federal health-care policy. Yet these officials and executives of major managed-care concerns played significant task-force roles without obtaining waivers for conflicts of interest, despite the requirements of law. Indeed, *not one* consultant obtained the required waiver.

A Shaky Foundation

Few organizations have put as much money and work into the campaign for government-run medicine as the Robert Wood Johnson Foundation. With over $90 million in demonstration grants, leveraged with the requirement for matching funds from taxpayers, the RWJF has seduced eleven state governments into implementing managed-care plans.

Now the RWJF — along with the Henry J. Kaiser Family Foundation and the Urban Institute — is doing the same thing on a national level. They developed the format for the task force structure and asked their own people and other grant recipients to help put

together the Clinton plan. Fellows salaried by the foundation posed as full-time staffers for Senators Rockefeller, Bumpers, Bradley, Kennedy, and Wofford to obviate FACA requirements. They actively participated on many of the task force's cluster groups and subgroups. In addition, Assistant HHS Secretary Judith Feder was both a senior investigator for the RWJF and a full-time government employee while working for the task force.

At the same time, the foundation gave substantial grants to George Washington University to sponsor so-called "public forums" on health care reform across the country. Similar programs were funded by the Kaiser Foundation with the League of Women Voters Education Fund. Proffered as free and open forums for the discussion of medical care reform issues, these forums were in fact little more than community outreach propaganda mills for Clinton's health plan. And at press time, NBC News accepted $2.5 million from the RWJF to produce a two-hour special on health care. The propaganda war moves on.

Getting Past the Lies

Rather than admit to the prominent participation of special interests in formulating its health-care proposals, the White House chose the path of secrecy and closed doors. In doing so, it trampled on the law. If its bill passes, it will trample on a lot more.

Ira Magaziner's task force was a sham — and so is its product, the Health Care Security Act. It is no surprise that the act features a large and government-subsidized role for managed care. Nor is it surprising that it will do little to improve the American medical care system, and a lot to make it worse.

The Magaziner task force is but the latest chapter in a sad but familiar story, one in which private special interests and tax-exempt foundations insinuate themselves into the legislative and executive branches of government to create policies that benefit themselves and those they seek to promote. The ultimate victim, again, is the American public. ❑

Medianotes, *continued from page 16*

sensationalistic stories about how bad American journalism is. It sounds like self-flagellation, but it isn't: despite the chorus of complaints about what "we" are doing, the stories almost always refer to *other* reporters, *other* newspapers, *other* television programs, *other* magazines. Right now the victim is "tabloid journalism," sometimes supplemented with swipes at "the talk shows." The usual attack goes something like this:

(1) Look at all those yellow journalists at *The National Enquirer* and *Inside Edition*. They're sensationalistic, they cover stories of no consequence, they invade people's privacy.

(2) Look at the meaningless items we in the serious media have been covering lately: Nancy Kerrigan's leg, the Menendez brothers' trial, all that stuff. Oh, I guess the Kerrigan and Menendez sagas are "good stories"; there's nothing wrong with a little junk-food news. But when we start wasting our readers' and viewers' time with Clintonian cunnilingus, are we any different from the tabloids?

(3) And what about all those damn talk shows? Doesn't Ross Perot go to Larry King because he'll only have to deal with softball questions there, as opposed to the tough interrogation a *real* reporter would subject him to?

(4) Are tabloids and talk shows forcing us into their image?

I'm no great fan of the tabs, nor of the likes of Larry King. But I do not expect news of cosmic consequence from them. There is nothing innately wrong with the pursuit of gossip, any more than there is with following sports, so it doesn't bother me all that much that there is a market for the *Star* or the *Globe*. And while I'm disturbed when sleazy journalists wantonly invade the privacy of private citizens, my response is to not support their papers with my money. End of story.

But what of the mainstream media? Should we fault them for sensationalized coverage of ultimately unimportant stories — the Bobbitts, the Buttafuocos, the Brothers Menendez — or for sensationalized coverage of real issues, like drugs, international affairs, the economy, ecology, and crime? The general press has always covered these areas poorly, with or without competition from *Inside Edition*. That is why most Americans believe that marijuana is a dangerous narcotic, that Manuel Noriega was a threat to national security, that 35 million Americans lack health insurance, that violent crime rates are increasing, that David Koresh was a menace to society. That is why the police, the Pentagon, and the bureaucratic "reformers" can continue to steal our liberties and undercut our economy. But aside from occasional gems like ABC's recent *Are We Scaring Ourselves to Death?*, it is not this sort of coverage that gets savaged.

And while I am not very concerned with softball interviews on *Larry King Live*, I *am* concerned with softball interviews on (for example) the unbelievably overrated *MacNeil/Lehrer News Hour*. If you think King was soft on Ross Perot, you should have seen the squat corporatist's first appearance as a candidate on *MacNeil/Lehrer*. The first question posed was "How do you feel about always being referred to as 'Texas billionaire Ross Perot'?" Two minutes of further empty chitchat passed before the candidate was asked a single substantive question. If this is supposed to be the hard-core thinking man's TV, I'll stick with David Letterman.

Maybe the mainstream press isn't imitating the tabloids. Maybe the tabs are imitating the mainstream press. If so, they're doing a pretty good job. —JW

The First Speculatrix

by Victor Niederhoffer

A veteran commodities trader audits the books of America's most famous cattle futures speculator.

In 1931, playing an international exhibition chess tournament in Hastings, England, the great grandmaster and world champion J.R. Capablanca was trounced by one Sultan Khan, an illiterate Indian manservant in the service of another tournament attendee. Forbidden by Indian chess rules from castling, Khan had developed some innovative opening techniques in his game, which Capablanca learned about to his chagrin. Capablanca, nicknamed "the chess machine" for his invincibility, thereby suffered one of the perhaps two dozen losses he sustained in a brilliant 40-year career. Similar tales echo down the halls of sports history, to be repeated whenever fans gather to swap anecdotes. Such stories' universal appeal is the notion that the ordinary person can walk with the giants, that hard work and talent can cut the Goliaths down to size.

So when I heard of Hillary Rodham Clinton's stunning coup in commodities trading — turning $1,000 into over $100,000 in just ten months — I was eager to investigate, hoping to mine what nuggets of speculative acumen I could. Sometimes the novice takes a fresh view of things, and can deliver up valuable innovations to old hands who've been in the game so long we've lost sight of new opportunities. And a 100-fold return is nothing to sneeze at. By comparison, George Soros, who by general acclaim has posted the greatest speculative record in history, turned each $10,000 unit investment in his Quantum Fund into $21 million in a 25-year period. His average annual return of 35% looks paltry next to HRC's 10,000%, and it must be comforting for her to contemplate the possibility of a job with Mr Soros, should her career in Washington prove unappealing.

Recall that in the late 1970s, a seat on the New York Stock Exchange went for about $28,000 (current value around $800,000), and that the per capita income of Arkansans in 1980 was $5,600, second lowest of the 50 states and well below the $7,300 national average. During the 1977–1979 period, according to the Clintons' tax returns as published in the April 4 *Newsweek*, William Jefferson Clinton's income as the state's attorney general and then governor ranged from $25,000 to $30,000, while Hillary Rodham's Rose Law partnership distributions for these years ranged from $14,000 to $38,000. According to published reports, the net worth of the Clintons in the late 1970s was in the neighborhood of $80,000.

So how did she do it? Most of Ms Clinton's trades involved the selling or buying of contracts on live cattle or feeder cattle. HRC initially explained that she had based her trading decisions on "information in *The Wall Street Journal*." The *Journal* helpfully responded by reprinting every comment it made on cattle futures from September 1, 1978 through July 27, 1979. Virtually all these entries were retrospective reports explaining the previous day's price action. Typical was its report on October 11, 1978, the day of HRC's first trade, which netted her a profit of $5,300: "Sudden heavy speculative selling pushed cattle-futures prices sharply lower in late trading . . . the drop was attributed to an unexpectedly large number of cattle being delivered against expiring October contracts."

Numerous retractions and "clarifications" followed, many concerning the role of Hillary's close friend James Blair, general counsel of Arkansas chicken powerhouse Tyson Foods. As of late April, the spin is that he merely consulted her; she did the trades herself and risked her own funds.

To clarify a number of financial matters pertaining to the Clintons, including Ms Clinton's trading successes, Ms Clinton called a press conference, held April 22 in the State Dining Room of the White House. In conjunction with the press conference, and to help clarify the questions about

Ms Clinton's trading, the White House retained the services of Mr Leo Melamed, former chairman and prime mover of the Chicago Mercantile Exchange, to examine HRC's trading records and issue a report thereon. Mr Melamed concluded that, "unless there are additional records to indicate otherwise," the controversy surrounding HRC's trading is "a tempest in a teapot." Of her turning $1,000 into $100,000, he wrote:

> [S]he would not be the first to begin trading with but $1,000. This has been done time and again in the course of our industry. Moreover, one must remember that . . . the cattle market, in a period of about one year, went from $.47 per pound to $.80 per pound, representing a $13,000 increase in each futures contract. In other words, literally a $1,200 investment in early 1978 would have produced a $13,000 profit one year later. Additionally, it was during a time when futures markets were substantially less regulated than they are today. . . .

Hillary's commitments of over $3 million against equity of $10,000 to $30,000 would not be classified by most as prudent leverage.

Similarly, Ms Clinton explained her success with this argument:

> Well, Brit, it was primarily Jim's suggestion. But I also did try to educate myself. You know, I did try to read some things. He actually gave me a few documents to read. Because he had this theory that because of the economy in the early part of the 1970s, a lot of cattle herds had been liquidated, so that there was going to be a big opportunity to make money in the late '70s. . . . I tried to educate myself because I took the responsibility seriously. . . .

Unfortunately, this bullish cattle explanation does not hold water. Of her 27 trades in live cattle, 17 trades covering 175 contracts were initiated from the short side; that is, she was contracting to make future delivery of cattle at a price based on the current (or "spot") price — in effect, betting that the price of cattle would decline. Only ten trades covering 114 contracts were made from the long side. With 60% of her trades from the short side, Clinton's success in trading against the prevailing bullish trend is even more remarkable than if she had taken the path she claims she did. Particularly phenomenal is Ms Clinton's ability to make money on both the long and the short side. New traders almost invariably play the long side, especially when the herds are being liquidated.

Financial analysis aside, the story of Ms Clinton's pursuit of economic self-interest has also gone through several incarnations. In May of 1993, Ms Clinton remarked that "the 1980s were about acquiring — acquiring wealth, power, privilege," and in her husband's words, the era "ushered in a Gilded Age of greed and selfishness, of irresponsibility and excess and of neglect." But in contrasting her own pursuit of commodity trading profits with the greedy '80s, Ms Clinton remarked (in her Dining Room conference),

> You know, I was raised to believe that every person has an obligation to take care of themselves and their family. . . . I was raised by a father who had me reading the stock tables when I was a little girl. . . . I don't think you'll ever find anything that my husband or I said that in any way condemns the importance of making good investments. . . . What I think we were saying is that like anything else, that can be taken to excess. When companies are leveraged into debt, when loans are not repaid . . . you know, all of the things that marked the excess of the 1980s are things which we spoke out against.

But trading millions of dollars of cattle futures with an initial equity of $1,000 with a view to offsetting these trades with other players at a better price is hardly what most people would classify as an investment. Nor, as we shall see below, did Hillary have any excessive tendency to repay margin loans. And her commitments of over $3 million against equity of $10,000 to $30,000 would not be classified by most as prudent leverage. Nonetheless, the *New York Timess* opined March 30 that Ms Clinton's trades "were the most successful investment the Clintons ever made. The . . . profit enabled them to buy a house, invest in securities and real estate, and provide a nest egg for their daughter, Chelsea."

But were these "investment" trades legitimate? Many industry commentators expressed doubt as to how Ms Clinton's success could be explained in the context of the usual workings of the commodities markets. In response to these suspicions, Mr Melamed noted:

> What these records show is that Ms Clinton was, during 1978 and 1979, a relatively modest trader who traded in a variety of commodities, including cattle, soybeans, and hogs. She paid normal, full commissions. She made money on a lot of trades, lost money on some — sometimes those losses were substantial — and, on balance, she did extremely well. This was by no means unprecedented at that time.

Indeed, Ms Clinton's trades do show profits and losses: 81% of her total of 35 cattle trades were profitable; 19% were losers. As far as I know, no commodity trading advisor has been able to maintain even a 70% success rate over a significant length of time.

In discussing some of the revisions and adjustments in Ms Clinton's explanations for her financial success, the *New York Times* concluded on April 23 that "she was never able to satisfactorily explain why the White House had so many conflicting stories on so many important issues, and why their explanations have changed so many times in the past few weeks."

As the proverb reminds us, "One inconsistency begets another." Rather than focusing on the contradictions in the Clintons' stories, which doubtless could be "explained," let's turn to the trading records themselves. While little therein will help the average Jane or Joe learn about how to make money the old-fashioned way, there are a number of important lessons of another sort.

The analysis presented here is impaired by several gaps, omissions, and lapses in Ms Clinton's memory, reminiscent of the famous 18½-minute gap in Richard Nixon's White House tapes. The Clinton White House has released the monthly statements for 1978 and 1979 of the commodity trades of Hillary Rodham (as her account was

designated). There is documentation for 35 trades. Unfortunately, the purchase and sale confirmations and value of the transactions have not been issued for the three largest dollar gain trades during the period, with the explanation that these records are "missing or lost." Especially disappointing is the lack of information about HRC's first trade in the account, on October 12, 1978, when she turned a profit in one day of $5,300 on her initial margin deposit of $1,000.

In her Dining Room conference, HRC responded to a question about this trade by saying, "I do not remember any of those details. I've given you every record that I have about that. The $1,000 was what I wanted to start with . . ."

> Q. But when you first started with $1,000, did you believe you were putting at risk more than $1,000?
>
> A. I believed that was certainly possible, yes.
>
> Q. Then why did you take such a risky investment?
>
> A. Because I didn't think it was that big a risk, because I thought that Jim and the people he was talking with knew what they were doing. . . .

As soon as information on HRC's actual trade sees the light of day — and I suppose it eventually will, since the Chicago Mercantile Exchange has the information on file — we will be able to make a more precise analysis. Going back to the actual price data from the Merc on those days, our best estimate is that Ms Clinton sold ten live cattle contracts with a value of $220,000 on October 11, 1978 and covered one and a half cents lower a day later. To put this in proper perspective, note that her commissions of $50 per contract, plus the normal bid-asked spread, would have been sufficient to wipe out her entire opening account equity of $1,000. During this period the average intraday swing from high to low was about 2%. Thus one day's fluctuation would have been likely to come to $4,000 on her ten contracts.

In the 1970s, Stanley Kroll, a commodity broker and a trading legend in his own right, observed that virtually all his commodities customers lost money, and that all the brokers he knew at the three largest commodities firms on Wall Street had had the same experience. Kroll eventually became so discouraged with the retail commodity brokerage business that he gave it up to become a trader.

In the 1980s, the situation for commodities customers improved somewhat, thanks to the emergence of discount commodity brokerages, where an individual's "round-turn" commission (to open and close a position) for one contract would be in the $10–20 range, rather than the $50 a good customer like Ms Clinton was charged in the '70s. Nevertheless, according to Bruce Babcock, editor of the Sacramento-based *Commodity Traders Consumer Report*, "over the long run, an estimated 95% of individuals who speculate in commodities futures lose money."

Analysis is impaired by several gaps, omissions, and lapses of Ms Rodham Clinton's memory, reminiscent of the famous 18½ minute gap in Richard Nixon's White House tapes.

As there would not seem to be too much of a chance for ordinary people to replicate a trade like Hillary's, where we are theoretically wiped out on inception and our expected normal one-day loss is four times our total equity, let us try to derive some insights regarding success and failure by turning to general principles.

As George Goodman, a.k.a. "Adam Smith," author of *The Money Game* and a speculator himself, put it in one of his bestsellers written about the financial climate of the '70s:

> Commodity speculating is just not for the average public. Too many people on the inside know too much. It doesn't make sense, so I have to assume that in the game the lions are too far ahead of the mice. I know what side I am on, and the next time someone says there is nothing going on in the stock market, but an interesting situation has come up in commodities, I am going to some mouse beach and wait in the sun until it all blows over.

Three factors help explain the typical investor's tendency to lose at commodities speculation.

Commissions. Commissions on commodity trades are low in relation to the total value of the commodity one has committed to buy or sell. However, in relation to the cash balance in the account, the margin required to maintain the position (usually 5% to 10% of the total commitment), and the average fluctuation of a commodities trade, commissions can be significant. For example, on a live cattle contract representing a commitment to buy or deliver 40,000 pounds of cattle at a price of, say, 62½ cents a pound (a typical price in the late 1970s), if your round-trip commission is $50, the commission is one five-hundredth of the value of the cattle.

The margin required for one cattle contract — really a good faith deposit, rather than a collateral as in the context of the stock market — in the late 1970s was approximately $1,000 per contract. This is the minimum requirement from a customer below which no brokerage firm was permitted by regulations to go, and many firms required an incremental 25% to 50% above this figure to protect themselves against credit losses. Note that a $50 round-turn commission represents 5% of the margin requirement, a sizable proportion.

Commissions take an even higher toll relative to the average gain or loss per closed contract. For the Rodham account, the average gain or loss was approximately $425 before commissions. So her commissions per trade actually ate up 12% of her average gain per trade. Most of us are familiar with the difficulty of racking up a winner at the casino, where the house "take" at the dice table comes to less than 1%. As the owner of a well-known casino in Las Vegas puts it, "As long as the house has a .01% advantage, I know that as long as the player keeps playing for a reasonable period, that player is bound to go broke."

Trade Slippage. This is the difference between the price appearing on the screen or board and the actual price at which the trader's order is filled. This factor usually has an even greater impact on total return than do commission costs. Slippage results from a wide array of factors, ranging from the dif-

ference between prices bid and asked for the same commodity to the "compensation" required by the floor trader to execute your order, provide immediate liquidity, and take on your risk. Many novice traders note with dismay their tendency to pay the highest price of the day and to sell at the lowest. When I first began trading in the late '70s, I consistently bought contracts limit-up on the day and saw them close limit-down. So I made it a rule only to buy when a commodity is down on the day and only to sell when it is up. Unlike Ms Clinton, who showed a profit on two thirds of her trades by the end of the day, I still get fills at much worse prices than the average price for the day. But at least I can keep my losses to one limit move. And this is after monitoring and attempting to systematize intra-day price movements 24 hours a day for the better part of the past 35 years. Slippage on a live cattle trade would vary with the amount of contracts traded, but a good estimate for the ten-lots that HRC liked to trade might be .1 cent a contract and .2 cent for the occasional 50-lot. Slippage of .15 cent on a 40,000 lb. contract represents $60 per contract. On $1,000 margin, this comes to 6% per trade.

According to one speculator who traded cattle during the late '70s, the slippage on a ten-lot during many wild days at that time came to from .5 cent to as much as a full penny per contract.* Conservatively adding commission

* He also believes all the purported documentation of legitimacy and fair dealing in this case is "a crock."

Table I

Hillary Rodham Clinton's Trading Record

Date in	# of contracts	Commodity*	Short/Long	Delivery Date	Price in	Date out	Price out	Profit after commission	Cash Addition (Withdrawal)	Value of position (in thousands)	Balance	Cumulative Profit
1978:												
10/12									1,000	000	1,000.00	
10/11	10	LC	S	Dec	5750	10/12	5605	5,300*		220	6,300.00†	5,300.00
10/13	5	LC	S	Dec	5605	10/23	5200	7,890.00	–5,000	110	9,150.00	13,150.00
10/25	1	S	L	Mar	714	10/30	746			40	‡	‡
10/27	1	S	L	May	741	10/30	760½			40	‡	‡
10/27	10	LC	L	Apr	5715	10/30	586	7,277.00		230	16,427.00	20,427.00
10/24	10	LC	S	Feb	5391	11/02	5440	–2,480.00		220	13,947.00	17,947.00
11/08	2	F	S	Jun	698	11/09	672	2,502.00		70	16,449.00	20,449.00
11/01	2	S	L	May	719	11/13	693½	–2,648.00		70	13,801.00	17,801.00
11/13	5	LC	L	Apr	5705	11/21	5967½	5,000.00		110	18,801.00	22,801.00
11/08	10	LC	S	Dec	5375	11/22	5797½	–17,400.00		240	1,401.00	5,401.00
11/13	20	S	L	July	693½	12/06	699¼	4,770.00		690	6,171.00	10,171.00
11/13	20	S	S	May	693	12/12	691½			690	‡	‡
11/22	5	C	L	Feb	5925	12/12	5965			120	‡	‡
12/11	60	LC	L	Feb	5940	12/12	5965	4,970.00		1430	11,141.00	15,141.00
11/13	5	LC	L	Apr	5795	12/18	6287½	11,400.00	–15,000	120	7,541.00	26,541.00
1979:												
1/04	10	LC	L	Apr	6355	1/24	6547½	7,200.00		250	14,741.00	33,741.00
1/26	14	LC	L	Apr	6560	2/28	7025	25,280.00		370	40,021.00	59,021.00
3/05	5	LH	S	Jun	5420	3/06	5322½	1,220.00		110	41,241.00	60,241.00
3/07	5	LH	S	Jun	5337½	3/09	5305	237.50		110	41,478.50	60,478.50
3/13	10	S	L	July	754½	4/16	738	–8740.00	–19,000	380	13,738.50	51,738.50
1/30	15	LC	S	Jun	7815	5/4	7600	12,150.00		470	25,888.50	63,888.50
5/16	5	LH	L	Jun	4680	5/16	4685	–120.00		90	25,768.50	63,768.50
5/14	10	LH	S	Jun	4725	5/17	4622	2,552.50		180	28,321.00	66,321.00
5/21	5	LH	S	July	4530	5/24	4517½	87.50		90	28,408.50	66,408.50
5/21	5	FC	S	Aug	8282½	5/29	8229	957.50		210	29,366.00	67,366.00
5/25	5	FC	S	Aug	8355	5/31	8180	3,425.00		210	32,791.00	70,791.00
5/31	5	LC	L	Aug	6970	6/11	7000	350.00		170	33,141.00	71,141.00
7/17	50	LC	S	Aug	6860	7/17	6875			1,720	‡	‡
6/18	10	FC	S	Aug	7630	7/17	8260			380	‡	‡
5/29	1	FC	S	Oct	8240	7/17	8125			40	‡	‡
5/29	4	FC	S	Oct	8241	7/17	8130	–16,329		160	20,277.00	58,277.00
6/27	10	LC	S	Aug	6735	7/20	6520			270	‡	‡
6/27	5	LC	S	Aug	6737½	7/20	6520			130	‡	‡
6/27	34	LC	S	Aug	6740	7/20	6520			920	‡	‡
6/27	1	LC	S	Aug	6742½	7/20	6520	41,260.00		30	61,937.00	99,937.00
7/23									–60,000		1,537.00	99,537.00

* "LC" = Live Cattle, "FC" = Feeder Cattle, "S" = Soybeans, "LH" = Live Hogs.

† The 10/11/78 trade is estimated from documents that show her accounts were opened with $1,000 on 10/11/78 and recorded a $5,300 profit the very next day. ‡ Documentation on those trades is "lost or missing."

costs of 5–10% and slippage of 6–10%, we come up with around 11–20% friction, or house take, on each trade. One does not have to be a casino owner or great statistician to realize that if you trade often with the house in a situation where they take 10% or more of your stake each time you bet, the chances of ending with a large profit are remote. One is reminded of the bettors' adage that all pony-players die broke.

If I win a dollar on heads and lose a dollar on tails, but each time I flip I have to pay a dime to the house, the chance of my winning after one toss is 50%. If I call correctly, I win 90¢; if I miss, I lose $1.10. After two tosses, my chance of winning is just 25%. If I lose both tosses, I lose $2.20; if I win the first and lose the second or vice versa, I win 90¢ and lose $1.10, for a net loss of 20¢. Only if I win both tosses am I a net winner. The more tosses on which I wager, the lower the chance I walk away a winner: my chance of ending up a winner after 200 tosses is about 6%. After 500 tosses, my chances are about 1%. The chances of achieving a 100-fold return in such a game is less than that of finding a snowball on a Little Rock sidewalk in August.

Gambler's Ruin. Finally, there is a third and more subtle factor that causes most members of the public to lose more than the house take on each trade. Gambler's ruin is the chance of going bust when playing a game with a random outcome. Statisticians have developed exact formulae for computing the chance of ruin in games played with variable outcomes, based on the initial capital, the "edge," the length of time in the game, and the variability of the returns. The gist is that you are highly likely to go belly up if you start with a small stake in a game with a highly variable outcome, limited capital, and a small edge relative to the house. In games where the house has the edge, forget it. Bet the whole wad on a single throw, spin, and pray.

In commodity speculation, gambler's ruin is insidious. Positions are marked to the market every day. At the end of the trading day, industry practice is for the speculator to bring her account up to the minimum margin required. Brokers monitor the balance of accounts during the day, and when the price goes against the speculator's position, they usually demand immediate payment, or else the speculator faces being "closed out" of her position. This is what we all know of as a margin liquidation. And in commodities, when you normally work on a 20-fold leverage basis — or, in the case of a certain trader we all know, up to a 200-fold leverage — the problem can be quite painful.

To avoid this kind of torture, all commodities trading experts advise the speculator to be able to lose a sizable multiple of the required margin. As noted by Jack D. Schwager in his *The Complete Guide to the Futures Markets*,

> As a general rule, the trader should allocate approximately three to five times the minimum margin requirement to each trade. Trading an account on the full margin allowance greatly increases the chances of experiencing a severe loss. If a trader does not maintain several multiples of margin requirements in his account, it is a clear indication that he is overtrading.

As the relatively optimistic *Almanac of Investments* put it in 1984:

> Leverage is a two-edged sword. Losses are leveraged. In fact in commodities futures, losses are much more common than profits. How can a person tell if commodity futures is worth trading? First, investors need the proper emotional make-up. Early-morning margin calls can play havoc with nervous systems, destroy sleep, and encourage ulcers.

Table II

Breakdown of Hillary Rodham Clinton's Trading Profits by Long and Short Positions

Long			Short		
Date Exited	**Commodity**	**Profit from Long Position**	**Date Exited**	**Commodity**	**Profit from Short Position**
10/30/78	Soybeans & Live Cattle	7,277.00	10/11/78	Live Cattle	5,300.00
			10/23	Live Cattle	7,850.00
11/13	Soybeans	–2,648.00	11/2	Live Cattle	–2,480.00
11/21	Live Cattle	5,000.00	11/9	Soybeans	2,502.00
12/6	Soybeans	4,770.00	11/22	Live Cattle	–17,400.00
12/12	Live Cattle	3,970.00	12/12	Soybeans	1,000.00
12/18	Live Cattle	11,400.00	3/6/79	Live Hogs	1,220.00
1/24/79	Live Cattle	7,200.00	3/9	Live Hogs	237.50
2/28	Live Cattle	25,280.00	5/4	Live Cattle	12,150.00
4/16	Soybeans	–8,740.00	5/17	Live Hogs	2,552.50
6/11	Live Cattle	350.00	5/24	Live Hogs	87.50
			5/29	Feeder Cattle	957.50
10 Long positions made		$53,859.00	5/31	Feeder Cattle	3,425.00
			7/17	Live Cattle	
			7/17	Feeder Cattle	
			7/17 (3 pos.)	Feeder Cattle	–16,329.00
			6/27	Live Cattle	41,260.00
			17 Short positions made		$42,333.00

NOTE: For trade ending 5/16/79 it was not possible to determine if it was a long or short position. It had a loss of $120.

Cautious, indecisive, or highly emotional people should steer clear. Only those with cast-iron nerves need apply.

Soros himself handles the problem by maintaining 75% of his funds unleveraged. This gives his funds an average equity of three times his required margin, in line with Schwager's advice.

One solution to the problem of unlimited losses is to use stops to automatically trigger a closing transaction when your losses reach a certain predetermined level. But as all who have traded commodities know, prices have a horrible but inevitable tendency to move to your stop until you are shaken out. "Stopped out," you watch in dismay and disgust as the price you originally hoped for is attained. Further, the price you got when your stop was triggered is worse than your stop price, due to slippage. Some traders address this problem by using "mental stops," as in "I'll just get out when the price moves away from me that far." But somehow the floor always seems to know where your agony point is. As one currency trader put it, "The most horrible thing in the world is to see the price go right to your stop point, and then reverse right back to your original price. But even more horrible is to use no stops and see it go against you until you're belly up."

Margin calls are how brokers deal with customers who don't use stops. In *Beyond Greed*, a poignant book that previewed the Clintonian indictment of the '80s, Steven Fay put the warning to commodity traders: "The game is played according to strict rules, trades have to be settled each day through an institution known as the clearing house, where the winners and losers are sorted out. And anyone who does not pay cannot play. The old market adage states: He who sells what isn't his'n, must pay for it or go to prison."

Apparently, Ms Clinton did not need to worry about gambler's ruin, stops, or margin. Although she was subject to a margin call for $6,000 within her first three weeks of trading, she neither came up with the margin nor had her account closed.* Again in April and July 1979 margin calls were issued but not met in a timely fashion.

The July fluctuations illustrate how consideration of gambler's ruin can be destructive for even someone as astute as Ms Rodham Clinton. The moves in cattle in July 1979 had gone against her to the extent that her entire equity was wiped out, to say nothing of the amount she (or you or I) was theoretically required to pay to her brokerage firm for margin calls.

Given the relatively high cost of commissions and slippage and the risks posed by gambler's ruin, we can understand why the public has so small a chance of making money in trading. More importantly, we can formulate certain principles that might help increase the probability of making money from Kroll's 0% chance all the way to Babcock's 5%, or even higher. And perhaps more relevantly, we can compare the performance of certain transactions of speculators to see if they conform to these general parameters, so we can ascertain their *a priori* likelihood of success. Here are three rules that will stand the speculator in good stead during all seasons:

Swings of 25% a day in one's net worth are not in order for putting one's kid through college — unless, of course, some type of cushion is nearby.

1. Trade with the lowest commissions possible.
2. Keep the number of your transactions to a minimum.
3. Be sure to start with sufficient capital, relative to the value of the positions you intend to take, and relative to the amount you can afford to lose.

Without being overly dogmatic, since there are a number of imponderables in the areas of house take, gamblers' ruin, commissions, and slippage, we can say that the greater the extent to which a trader follows these rules, the more likely she is to achieve success. With these thoughts in mind let us return to Ms Clinton's trades, summarized in Table I (see page 34).

The total number of contracts traded was 375. At her commission rate of $50 per contract, commissions alone cost Ms Clinton $18,750. Adding in an equal figure for the cost of the bid-asked spread, she had to overcome $37,000 in frictional costs just to break even. Put another way, to make a net profit of $100,000, her trades had to show a gross profit of $137,000, a 137-fold return on her initial capital of $1,000. Alas, had she only been able to devote her full attention to commodities trading, perhaps as a local on the floor, where her commission would have been ten cents per contract rather than $50, and where she would have been able to avoid paying the bid-asked spread rather than suffer slippage in her executions, she could have racked up an additional 37-fold return.

But unfortunately, during that time she was busy serving on the board of Wal-Mart, getting voted one of the 100 most influential lawyers in the U.S., and performing time-consuming duties as the governor's wife. Her opportunity cost during those years being so great, perhaps it was in her economic interest to stay out of the trading pits.

Indeed, on December 11, 1978, Ms Clinton had on account a cash balance of $6,100. On that occasion, she bought 60 contracts of February live cattle. Her other open position at that point was 20 contracts of soybeans and five lots of April live cattle. The commissions and bid-asked spread alone on these trades would have come to more than 150% of the cash balance in her account. The total value of the commodities committed to buy and sell was $2.4 million.

And on July 17, 1979, Ms Rodham in a flurry of trading was carrying 115 open contracts with an underlying value of $3.2 million. The net worth of the Clintons at the time was approximately $80,000. Any 1% fluctuation in the value of her position would have been enough to change the value of the Clinton's net worth by more than 25%. A 1% change in cattle prices came during that period on average perhaps once a day. Swings of 25% a day in one's net worth are not in order for putting one's kid through college — unless, of course, some type of cushion is nearby.

Perhaps we should close with the wisdom of the First Trader herself:

I don't think you'll ever find any-

* See *The Wall Street Journal*, April 29, 1994.

thing that my husband or I said that in any way condemns the importance of making good investments and saving or that in any way undermines what is the heart and soul of the American economy, which is risk-taking and investing in the future. . . . You know, I don't know how any of you make investment decisions, but I like to listen to people I know and trust who I think know what they're doing.

Need we say more? Perhaps one might pose a final question: Are there any others in the Clinton administration, living or recently found dead, from whose trading records we might glean insights into the secrets of successful commodities trading? ❑

Teatime With Hillary

by Chester Alan Arthur

Hillary Rodham Clinton's press conference on April 22 was a delightful dramatic exercise, intended to allay public suspicions of her wildly successful commodity trades in the late '70s, when she turned $1,000 into $100,000 in ten months' time. This spectacular performance is roughly similar to an unknown rookie baseball player batting .400 with 50 home runs and 150 runs batted in — and then retiring.

Needless to say, her spectacular profits have raised some questions. Did she receive favorable treatment? If so, was this treatment the reward for some favor by her husband? And why had she hidden her spectacular record as a commodity trader from the public for more than a decade?

A spectacular performance. What she said in her press conference is of only marginal interest, because she systematically avoided answering questions or providing any new information. But *how* she said it is fascinating. She constantly sought to give the *impression* that she was open about the whole business, saying things like "I'm glad you asked that" and maintaining perfect eye contact with reporters even as she evaded answering their questions.

She portrayed an entirely new character at her press conference. Instead of the take-charge, savvy, business-like feminist role-model co-president that she had hitherto presented the public, she played the role of Mrs Bill Clinton, wife and mother. Instead of standing in a power pose behind a lecturn, Hillary sat on a dining room chair. Instead of her usual dress-for-success outfit, she wore a pretty pink sweater and skirt reminiscent of Pat Nixon. Instead of discussing "the president," she referred to "my husband." She was feminine, not feminist.

When asked substantive questions for facts about her trading, she evaded, changed the subject, or claimed an inability to remember. She had no recollection of how she made a $5,300 profit on a $1,000 investment in a single day. She had no idea why she hadn't been subjected to margin calls. Through all her evasions and obfuscations, she never once lost her demeanor of housewifely openness. It was a brilliant performance.

At times, the sharp lawyer could be detected ("there's really no evidence of that," "I had no reason to believe that," and "to the best of my recollection"). But even when reverting to cover-your-ass legalese she kept up her ingenuous style. Without providing a scintilla of explanation of how she had made such spectacular profits despite her lack of knowledge or experience, she feigned ignorance of even a clue to why a governor's wife might receive favorable treatment from a firm that happens to need relief from state regulation.

She did sneak in one outright lie, but no one in the press noticed it. When asked why she made such a risky investment, she replied, "I didn't think it was that big a risk." At the time, she contracted for liabilities of about $3,500,000, she had a net worth of about $60,000. Surely, she could not have believed that this "wasn't that big a risk." It may be that some naïve investors don't understand the risks involved in commodity futures contracts. But Hillary was a practicing attorney, a graduate of Yale Law School. Certainly, she cannot claim she hadn't bothered to read the fine print.

She did speak directly to one issue. Why had Bill and Hillary denounced the Reagan years as "a Gilded Age of greed and selfishness, of irresponsibility and excess and of neglect" in which too many focused on "acquiring — acquiring wealth, power, privilege," when she and her husband had profited spectacularly from their own efforts to acquire great wealth in highly leveraged and risky transactions? The answer, she explained, was that she was imbued with traditional American virtues of thrift, providence, and a desire to provide a college education for her daughter, who at that point was just a gleam in her father's eye.

Most observers from the press thought she was a smashing success. She had managed to allay people's suspicions. As Howard Fineman of *Newsweek* put it, "This was a masterful piece of political theatre. I think it should go in the archive of every politician under pressure, who wants some instruction on how to seem calm and candid in the face of a lot of questions. She looked for all the world like someone who had nothing to hide."

It was the ultimate victory of form over substance. What is important in American public life is not honesty, but the *appearance* of honesty. What is important is not openness, but the *appearance* of openness. What is important is not integrity, but the *appearance* of integrity.

By changing her clothes, by adopting an ingenuous attitude, by sitting on an effeminate-looking chair, by feigning old-fashioned virtues, by looking people straight in the eye, by staying calm and collected, by acting the role of a submissive housewife shepherding her family's meager resources so they can avoid becoming a public charge in their nonage, she managed artfully to deflect questions as masterfully as any political spin doctor, and to portray herself as an entirely innocent victim of a nasty press and partisan opponents.

An unasked question. Reporters

asked Ms Clinton four questions and four followups about the mysterious death of Vince Foster, Ms Clinton's former law partner who was working on Mr and Ms Clinton's Whitewater problems. But no reporter asked the following question of the first lady:

"It has been long rumored that you had a long-term sexual relationship with Vincent Foster. These rumors have been substantiated by several state troopers who provided security services. Were you and Mr Foster involved in a sexual relationship?"

My guess is that no one asked that question out of a sense of decorum, a respect for the office of the presidency, a respect for the privacy of the First Family, and a feeling that the issue is irrelevant. While these reasons made sense at one time, they no longer make sense today.

The public has no "right to know" the intimate relations of the First Couple, except as it becomes relevant to the president's ability to govern. There was no reason, for example, for the public to be kept informed of Lyndon Johnson's or Franklin Roosevelt's or Warren Harding's adultery. All three men limited their infidelities to people who were uninvolved in government, and all were discreet. The fact that they were having sexual relations with women who were not their wives had no impact on how they did their jobs.

So long as Hillary's relationship with Vince Foster was one between a prominent lawyer and his legal partner who happened to be the wife of his state's governor, it was an inappropriate subject for public discussion. But things have changed: Hillary Clinton and Vincent Foster became government officials. Evidence has been published that Hillary Clinton and her husband diverted money from the public treasury to their own pockets, and that Vince Foster was involved in their scam. Vincent Foster's job as a member of the White House staff apparently involved acting as the Clintons' private attorney charged with defending them against the charges of corruption. Vince Foster died under peculiar circumstances. And a number of credible witnesses to his and Ms Clinton's long-term sexual affair have come forward.

I am convinced that, taken together, these developments overwhelm any inhibition in favor of privacy for the First Couple. If Foster and Ms Clinton were engaged in a long-term romantic relationship, it puts a different cast on his apparent suicide and on his role as advisor to the Clintons on their Whitewater problems.

A peculiar timeslot. As evidence of corruption in the Clinton household mounted over the past several months, the press and public had been clamoring for Ms Clinton to hold a press conference to answer questions. Virtually without warning, Ms Clinton called a press conference on the afternoon of April 22. It was too late for it to be reported in the Friday newspapers. Saturday papers in this country are traditionally thin and thinly read, and by Sunday it was old news. Nightly network news and latenight news programs draw their lowest ratings on Friday evenings. The press conference, which would surely have attracted a large television audience if scheduled in prime time, was held at 3 p.m. when the airwaves are dominated by soap operas and talk shows.

Why did the White House schedule the press conference to minimize exposure? The only explanation I can figure is that her handlers feared that she might botch the job, despite the facts that she was obviously well-rehearsed and that the event was very carefully staged. In retrospect, given Ms Clinton's superb performance, I suspect the White House regrets its decision. But it's hard to explain the odd timing of the press conference as anything other than a vote of no confidence in Ms Clinton's ability to finesse the public. ❑

Stephen Cox, "Richard Nixon, 1913–1994,"*continued from* Reflections, *page 15*

Hiss case. Alone among the members of his congressional committee, many of whom were farther to the right than he, Nixon had perceived that Whittaker Chambers, an eccentric and apparently disreputable man of letters, was telling the truth when he said that Alger Hiss, an unusually suave member of the Roosevelt administration, had been a Communist spy. Nixon courageously pressed the investigation, and Hiss, the darling of the political Establishment, was sent to jail.

This was bad for Nixon's reputation. From then on, if you grew up in a Democratic family, you were taught to hate Nixon. If you grew up in a Republican family, you were taught to love Eisenhower. It is probable that nobody but Whittaker Chambers ever considered Nixon his first choice for president. Nixon knew this, but with great, though probably misdirected, fortitude, he kept on trying to be important, no matter what.

Nixon is generally thought to have had a penchant for making a fool of himself, but this is only a half-truth. The Checkers speech is a case in point. When he was Eisenhower's vice-presidential running-mate, Nixon was accused of taking shady gifts from rich people and was nearly thrown off the ticket. His only chance of survival was the opportunity to make a television speech. Emotionally devastated, harassed by fellow Republicans, fighting for his life, Nixon faced the camera and denied that he had received any questionable gifts except a puppy named Checkers, which his children loved and which he was therefore not giving back. It was a strangely moving and probably honest speech, and it saved his career.

Debating his good friend John Kennedy during the 1960 presidential campaign, Nixon refuted Kennedy's cynically false charge that the Republican administration had allowed the Russians to achieve superiority in the missile race. He declined to agree with Kennedy that America should go to war to defend two insignificant islands (now long forgotten) lying off the coast of China. Nixon was clearly in the right, although the television audience was more impressed by Kennedy's relative good looks than by Nixon's relative good sense. Nixon received more votes than Kennedy but was counted out in corrupt Democratic precincts.

During the Watergate affair, Nixon was discovered to have made tapes of incriminating conversations, which he

continued on page 50

Memoir

An American Editor in Asia

by Bruce Ramsey

Where the press is regulated and first amendment rights are unknown, how fearless can a journalist afford to be?

"We don't have any first amendment to hide behind here," my editor-in-chief told me. His tone was unmistakable: I was another one of those Americans who had never had to practice journalism in Asia.

I was in Hong Kong, a place with a press nearly as free as America's. But Hong Kong is a speck surrounded by nations that are less free — some, not free at all. We had to make peace with enough of those jurisdictions if we were to survive as a business.

The publication I worked for in the early 1990s circulated mainly in Southeast Asia. We attempted to practice American-style journalism, and did fairly well at it. Our staff included Americans, Canadians, Filipinos, Indians, New Zealanders, and people from Britain; we employed a Pakistani who had been run out of his country years before, and several Shri Lankans who had fled Colombo. We thought of ourselves as a voice for truth and honesty — which we were, some of the time. But we had our limits.

One of the most common: *don't insult the head of state*. In Thailand, we could criticize the prime minister, but the king could not be demeaned in any way. If we ran a photo of Bhumibol Adulyadej or his queen, it had to be on the top of the page, and not next to a drug dealer or a punk rocker. Thais are also sensitive about Buddhism; *The Asian Wall Street Journal* was briefly banned in 1990 over a story about errant monks.

The Tourism Authority of Thailand asked the police to ban Dow Jones & Co.'s *Far Eastern Economic Review* for accusing them of cooperating with promoters of sex tours. The cops didn't bother. Thailand was not so bad. The government, it was said, was harsher on the Thai-language press than the two English dailies or offshore publications like ours.

In Indonesia, ruled by Suharto — no first name, just "Suharto" — for 25 years, we had to be careful not to frontally attack the dictator's sons and daughter, who have arranged for their rice bowls to be filled by the government toll-road concession and a state monopoly on cloves. Every big business deal (such as General Motors' recent $100-million venture to assemble Opel cars) had a Suharto in on it. At my publication we could disclose these questionable connections, and even quote one of the few brave critics, but we could not *campaign* against the Suharto family.

There was always a line we could not cross. Powerful officials set that line, and sometimes changed it. Officially, the line in Indonesia was that we could not stir up religious or ethnic animosity — between Islamic fundamentalists and moderates, between ethnic Chinese (3% of the population) and the others. Nor could we give a public platform to armed rebels. Indonesia is tougher on the foreign press than Thailand is, but not as bad as it was in the 1980s. Back then, we could not print Chinese characters — even in a photo of a Hong Kong street.

Editorial Groupthink

Hong Kong has a free press, and has China's guarantee that the press will remain free after July 1, 1997. But a lot of people don't believe that guarantee. China's impending takeover of Britain's last major colony already affects what people write and what sources say — especially Chinese who don't have a foreign passport. Sticking one's neck out is not the Chinese way. In Hong Kong there's the additional worry that somebody could be writing down your name. Maybe, three years from

now, you'll lose your job, or your son won't get into the university. Why chance it?

Many who plan to stay after 1997 want China's promise of "one country, two systems" to work. My employer certainly did. Our company planned to keep our editorial offices in Hong Kong, so we tended to ignore stories that undercut China's credibility. While I was there, Hong Kong's lawyers had a long battle over the future composition and jurisdiction of the territory's supreme court. It was a crucial issue: who was to have final say over a legal dispute in Hong Kong — the "Special Administrative Region" of Hong Kong or the government in Beijing? We ignored it.

In Thailand, we could criticize the prime minister, but the king could not be demeaned in any way.

After Britain appointed Chris Patten governor in 1992, Patten pushed China to agree that more seats in the legislature would be elected by popular vote. (China had agreed to one-third; the rest were to be appointed by the executive, or would represent banks, unions, professional groups, and the like.) We treated the story as a showdown between Britain and China. We did not see a victory over China as crucial to the people of Hong Kong. If we had, we would have given a sympathetic forum to the United Democrats of Hong Kong, the political party that swept the open seats in the colony's first and only real election in September 1991. Instead, we spent 1992 and 1993 hitting the same story again and again and again: *China's economy is booming*. Democracy and human rights, defined in an "Asian way," could come later. When I left the magazine, there was a plan to proclaim Deng Xiaoping the Man of the Century.

This was not censorship; it was groupthink led by the editor-in-chief. But it had its roots in the impermanence of political freedom in Hong Kong and the need to survive in a world without a first amendment.

Of course, the first amendment cannot protect you from everything. In the U.S., if you attack an advertiser, it will pull its ads — count on it. You might not call that censorship because it's private action, but it certainly affects your ability to publish what you think.

And just as America has social taboos (against men holding hands in public, for instance), it has editorial taboos as well — primarily about race, religion, and ethnicity. All American journalists know what these taboos are, and so do their readers. The same is true in Asia, except that there, the taboos (also about race, religion, and national identity, among other things) are often backed up by censors, police, and army officers — and in places like Shri Lanka, death squads.

In Hong Kong, we editors were under the umbrella of British rule. Our readers were not. If we angered the censors in their country, the offending issue could have pages torn out or, more likely, get stuck in the post office. We could not afford to have this happen very often; otherwise, we'd go out of business.

My publisher's stated philosophy was that our only protection was objectivity and integrity. The American press was protected by the first amendment; it could afford to be "irresponsible." We couldn't. We had to be "fair."

Well, we weren't always fair, but were damn sure not to be unfair to the governments of countries where we were vulnerable to political interference.

We did have an editorial bias — explicitly pro-free trade and pro-capitalism, and pro-Asia politically and culturally. We liked democracy, but objected to the U.S. trying to push it on a government, like China's, that didn't want it. We felt free in editorials to lecture the United States, the British Hong Kong government, and (more gently) the Philippines and Japan; those countries had free presses. We thumbed our noses at totalitarian North Korea and Burma, where we had no circulation and no prospect of getting any, and demanded the release of Nobel Peace Prize-winner Aung San Suu Kyi. But we were almost entirely silent about China's political prisoners, and we never brought up Tibet or promoted the Dalai Lama. We accepted that Tibet, Hong Kong, and Taiwan were part of China. We had no circulation in China yet, but we had dreams of it — and hoped to stay in Hong Kong after 1997.

And of Malaysia and Singapore, our big rice bowls of circulation, we had no real criticisms at all.

Censorship, Singapore-Style

Unlike Vietnam, Burma, and China, where the state owns the media, in Singapore and Malaysia the press is private. We were permitted to circulate there if we played by the rules. In those countries, the state influences the press through licensing, official-secrets laws, and indirect ownership of shares in media companies. For foreign press like us, control is maintained through approval of correspondents' visas — and occasionally, an outright ban.

For publications too important to ban, there are other ways. Singapore's weapon against the foreign press is "gazzetting," a fixed limit on circulation. You can publish what you like, but if you're gazzetted, only a handful of people in Singapore can read it. The newsstand copies of gazzetted publications carry stickers with an official serial number. If your circulation limit is too low, no advertiser who wants to reach a Singapore audience — the richest in Southeast Asia — will consider you. Instead, they'll buy space in the *Straits Times* (circulation 342,000) or the *New Paper* (circulation 92,400), both owned by Singapore Press Holdings, which is indirectly controlled by the government.

We thumbed our noses at totalitarian North Korea and Burma, where we had no circulation and no prospect of getting any. But we were entirely silent about China's political prisoners.

Singapore unleashed gazzetting in 1986–87. It cut *Time*'s international edition from 18,000 to 2,000 copies over coverage of an opposition member of parliament (at one time the *only* opposition member).[1] *Asiaweek*, a Time-Warner magazine in Hong Kong, was cut from 11,000 to 500 over an article about supposed Communist conspirators detained under the Internal Security Act. (One Singaporean was detained without trial for 23 years under that law.[2]) *The Asian Wall Street Journal* was cut from 5,000 to 400 when it questioned the Singapore government's motives for setting up a second stock exchange. *AWSJ* offered to circulate for free to subscribers; Singapore agreed if it removed its advertising. *AWSJ* declined, and pulled out. It continued to be printed in Singapore, but only for non-Singapore markets.

In 1987, Dow Jones & Co.'s *Far Eastern Economic Review*, also based in Hong Kong, was cut from 9,000 to 500 copies, also because of its coverage of the "Communist conspiracy" case. (The foreign press didn't accept that there was a conspiracy.) The *Review* withdrew from Singapore. The government then authorized a pirate edition, printed with all the copy intact but blank spaces for the ads. The prime minister (now senior minister), Lee Kuan Yew, sued the *Review* for libel — in his own courts — and won.

Singapore's justification for this, according to Lee's son, Second Minister for Defense Lee Hsien Loong, was: "Singapore does not object to foreign correspondents reporting about it in any way they choose to foreign audiences, providing they get their facts right. . . . Their ideological biases do not matter to us. But when foreign-based journals with significant circulations in Singapore start to report on Singapore for a Singapore audience, the government has to take care. We do not want such foreign journals to take sides on domestic political issues."

Singapore argued that its neighbors like Thailand or Indonesia need not worry what the English-language foreign press says, because the publications with influence in those countries were in Thai, or Malay. But in Singapore, English is the language of business. The government had to control the English-language press *because too many people read it*.

Asiaweek toed the line. It had written caustic editorials against the nanny state — Singapore's posting a fine for failing to flush a public toilet, etc.

Of course, the first amendment cannot protect you from everything. In the U.S., if you attack an advertiser, it will pull its ads — count on it.

These stopped. In a few years, *Asiaweek*'s restriction was raised to 5,000, then 10,000, then 12,000. *The Asian Wall Street Journal*, whose correspondent was banned from covering a visit by President Bush (while the correspondent from the U.S. *Wall Street Journal* was let in), accused *Asiaweek* of sucking up to Singapore.

At *The Asian Wall Street Journal*, the editorial page continued to take a bold line against the Chinese government, regularly beating the drums for imprisoned dissident Wei Jingsheng.[3] The editor of the news pages, Urban Lehner, conceded at a forum in Seattle in November 1993 that because of this position, the paper's circulation might be restricted in Hong Kong after 1997. But in 1992 and early 1993, I did not notice the *Journal* campaigning for Singapore's prisoners of conscience. I recall no denunciations of Singapore's Internal Security Act, its prohibition of TV-satellite dishes (foreign influence), its ban on *Cosmopolitan* magazine (bad values for Asian women), or its 1992 ban on the sale of chewing gum (too much hassle to clean it off the subway seats).

For Singapore, gazzetting worked. For a rich city-state like Singapore, full of American business executives, banning *Time* and *The Asian Wall Street Journal* would have been stupid. Restricting circulation worked much better.

The government also kicked out a few correspondents. The new ones, and their editors, got the message.

Such a system requires a reminder now and then. One came on August 13, 1992, when agents of the Internal Security Department raided the offices of the *Business Times* (circulation 25,100), a sister paper of the *Straits Times*. The offense: printing a leaked estimate of the economic growth rate. This was deemed a violation of the Official Secrets Act. The reporter and her editor were questioned at police headquarters. Police searched through the reporter's notes, her computer's hard disk, and her diary. The government defended its actions, on the grounds that the Gross Domestic Product was a government secret until officially released, and was information that could be used on the stock exchange.

In August 1993, Singapore gazzetted *The Economist*, which had repeatedly mocked the nanny state. The government wrote long letters, and insisted on a right of unedited reply. When it didn't get that, it limited the London-based magazine to 7,500 circulation, which merely kept it from expanding.

Singapore recently passed a right-of-reply law requiring the private press to print its rebuttals. Prime Minister Goh Chok Tong explained his position on his visit to Seattle in November 1993: "Freedom of speech means both ways. You can disagree with me, but I'm in the position of governing Singapore, and if your point of view is going to lead Singapore the wrong way, I'm going to show you up, and embarrass you — just as you were trying to embarrass me."

The Malay Sledgehammer

Malaysia's system is similar to Singapore's, though less sophisticated in its apparatus of control. In 1987 it closed the second-biggest English-language daily paper, the *Star* (circulation 152,000), for articles "prejudicial to national security and public order." The *Star* was allowed to reopen five months later — minus some of its best journalists, who had left for Hong Kong.

My publication gave Malaysia special treatment, particularly on stories about the "three Rs": race, religion, and royals. We would not dare criticize the affirmative-action policy favoring

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Malays over ethnic Chinese, even though our readers in Malaysia were mostly Chinese. We did not criticize Malaysia for their use of the death penalty for drug smuggling (Malaysia had 17 executions in 1991, mostly for drug offenses), or their law against kissing in public (even your spouse). We never said one word against Islam being the state religion in a country where only 52% are believers, or the policy of forcing all Muslims to be subject to religious courts. We did run a provocative picture in 1992 of some tribal people's Christian church that had been torn down by government agents. That issue was banned.

Until January 1993 we wrote little about Malaysia's sultans, a gaggle of rich aristocrats constitutionally immune from prosecution. We had heard about the golf caddy beaten senseless by an arrogant kinglet — any taxi driver in Kuala Lumpur could tell you about it — and the sultan who pardoned his son for a murder. The only case we wrote about was the Sultan of Kelantan, who refused to pay import duty on his new Lamborghini.[4] Only after Prime Minister Mahathir Mohamad unleashed his own press against the sultans did we join in — cautiously.

As in Singapore, the rule in Malaysia was, if the government allowed a debate about a contentious issue, we could cover it. We couldn't take sides, but we could interview and quote people who did. We could, therefore, give a voice to the opposition, as long as we were careful to be fair to the government.

The Sanction of the Victim

The problem with this kind of system is that you get accustomed to it. You censor yourself. You don't know exactly where the line is, so you stay well behind it. You know certain stories are trouble, so you either don't do them, or you pull the teeth out of them. Why create trouble? Fighting Lee Kuan Yew in a Singapore court means spending tens of thousands of dollars for lawyers, hours of your time, airplane tickets, hotel bills, hassle, and argument. If you're a correspondent, it means you might get expelled, or not get your visa renewed.

If some foreigner criticizes you for being uncritical, you reply that you are just being fair, because you have "no first amendment to hide behind." You point to the stories that you *do* cover well — and there are many — and point out that if you were shut down by Malaysia or Singapore, you could do nothing.

You settle for half a loaf — or three quarters, or one quarter, or whatever you can get. After a while, you don't miss what you have lost very much. A few years after your brush with Lee and Mahathir, you find yourself fawning over them. Lee's criticism of Western democracy becomes the wisdom of a statesman; Mahathir's idea that environmentalists are stalking horses for Western timber companies is a good Asian point of view. To you, American journalists sound arrogant and shrill, obsessed with human rights, irresponsibly unconcerned with the *effect* of what they write. They are stirring up discord, dissension, trouble. Asia does not tolerate as much of that, and you have learned not to push your luck. ❑

Notes:

1. J.B. Jeyaretnam, elected in 1981 as the first opposition member in 15 years. He later fled to the United States.
2. Chia Thye Poh, a former opposition member of parliament, arrested after he and other members of the Socialist Front resigned in protest of official harassment. Chia was released from prison in 1989 but remains under parole because he refuses to renounce an intention to overthrow the government. He says he never had any such intention, and to renounce it would be an admission of guilt. Singapore's ISA is immune from judicial review by a constitutional amendment passed by the ruling People's Action Party in 1989.
3. Released in September 1993, 14 and a half years into a 15-year sentence, in a vain attempt to persuade the International Olympic Committee to pick Beijing for the 2000 Olympic Games.
4. Sultans were allowed to bring in seven luxury cars duty-free each year, many of which are immediately resold at a profit. This Lamborghini was the sultan's eighth or ninth.

Exchange

The Old Right and Liberty

The battle over the past is part of a much larger contest for the future.

The May *Liberty* included R.W. Bradford's critical review of Justin Raimondo's *Reclaiming the American Right*, a book that offers a brief history of the "Old Right," the anti-war, anti-state right wing of the 1930s and '40s, and its replacement by the centralist, militarist Right typified by William Buckley. Raimondo is a self-proclaimed "paleolibertarian." Paleolibertarians are culturally conservative libertarians who claim inspiration from the Old Right and have formed an alliance with the "paleoconservatives" centered around *Chronicles* magazine. The "paleo" alliance was formed to counter what its founders saw as the dominance of the American Right by neoconservatives, whom they view as cosmopolitan, globalist, and welfarist.

Paleos support a smaller, less powerful federal government. They are generally military isolationists, though many support a U.S. "sphere of influence" in Latin America. Paleos oppose open immigration and are leery of free trade. They stress the role of traditional social institutions such as family, church, and community as bulwarks against centralizing federal power.

In this issue, Raimondo takes issue with much of Bradford's criticism, and Bradford responds.

Reclaiming the Right

by Justin Raimondo

I had actually been looking forward to *Liberty*'s review of my book, *Reclaiming the American Right*. Naturally I expected disagreement with my political agenda; what I was looking forward to was a real argument against the paleolibertarian position. Why shouldn't libertarians ally themselves with right-wing opponents of the welfare-warfare state, now that the Cold War is over? I have never heard a good answer to this question, and Bradford doesn't even try.

Not at all shy about his sectarian political agenda, he takes umbrage at my description of conservatism as a desire to reduce the size and power of government. But no, says Bradford: "This is a pretty concise statement of the aim of the *libertarian* movement." By conflating the policies of conservative leaders with the sentiments and sincerely-held ideology of the rank-and-file, Bradford seems to be saying that the few thousand readers of *Liberty*, and perhaps a few more, are the last hope of human freedom. As a subscription-drive slogan, that might not be bad: it appeals to the reader's capacity for self-dramatization, and flatters him to think that he might belong to some rare and noble breed that alone has access to the Truth. This may even be true, at least for a time. The problem is that, even as it becomes less true, even as conditions change and an opening appears, the sectarian has become so heavily invested in his own isolated virtue that he is incapable of recognizing potential allies.

Reclaiming the American Right was criticized by John McManus, leader of the John Birch Society, for not presenting the neoconservative incursion in terms of a conspiracy theory — and attacked by Bradford for conspiracy-mongering. I was confused by this before I realized that neither reviewer defined what he meant by a "conspiracy." Such phrases as "Fifth Column" and "Trojan Horse" may be a bit too "inflammatory" for Bradford's refined tastes, but surely even he is not so dull as to believe that these metaphors are meant to be taken literally. There is no evidence that a secret cabal of ex-Trotskyites plotted to take over the conservative movement: only that a large number of ex-Trotskyites (and other ex-leftists) became leading conservative theoreticians, journalists, and publicists, often occupying key positions in the core institutions of the Right. If you want to call this a conspiracy, then so be it: I never did, and the word is not used once in my book in that context. In my own view, the word cannot be used except in the broadest sense of a conspiracy of ideas — and even then, to describe it as a "conspiracy" is to indulge in rhetoric so inflammatory that one runs the risk of being declared a fire hazard.

Bradford's whole line of criticism is unbearably pretentious: my aim was to make the history of the Old Right accessible to the ordinary reader, particularly to young people.

The irony is that Bradford seems to

have his own conspiracy theory about how my book came to be written. According to him, the writing of it was the culmination of a sinister plot by my two good friends, Murray Rothbard and Lew Rockwell. (Why is it that I often felt, on reading Bradford's piece, that what was being reviewed was not my book but my relationship to Murray and Lew?) The proof? "Raimondo dedicates the book to Rothbard," he breathlessly reports; not only that, but I thank him in the acknowledgements! Of course, Murray shares the dedication page with two other co-conspirators: Michael Escobar, my lover of the past twelve years, and Colin Hunter, a founding member of the Libertarian Republican Organizing Committee. Bradford claims I "wrote this book while supported by the Center for Libertarian Studies and the Ludwig von Mises Institute." If only it were so. In fact, I never received a grant from *any* foundation or think tank; it never occured to me to even apply. I simply decided to write a book on the Old Right, and then did so, without a penny from anyone.

The criticism of my chapter on James Burnham is absurd: Burnham wrote only two books after taking up his editorial position at *National Review*, neither of which contradict the theses of his earlier works. Burnham's columns for *NR* were just as boring as Bradford remembers, which is why I didn't quote from them. And is it really necessary to prove that Burnham exerted an importent influence on *National Review* as senior editor? Burnham embodied the central theme of the Buckleyite Right: the overriding importance of the anti-Communist crusade backed up by a policy of global intervention. He did not single-handedly impose this agenda on the Right, but his political odyssey from Left to Right, and his view of the inevitability of statism (or "managerialism"), exemplified the neoconservative trend.

Like all left-libertarians, Bradford hates McCarthyism, and is furious when I don't condemn Tail Gunner Joe out of hand. But it isn't that easy: McCarthyism was a contradictory phenomenon. As a reaction to the Popular Frontism and "isolationist"-bashing of the war years, it allowed many Old Rightists such as John T. Flynn to get in their lickings in retaliation for years of smears and blacklisting; it also confirmed the Old Right insight that the differences between Communists, "democratic" socialists, and New Dealers was negligible. But as an adjunct to the Cold War and the interventionist foreign policy of the professional anti-Communists, McCarthyism was a disaster.

Bradford is really out of his depth when he questions my sources. I am guilty of "inept research and scholarship" for having quoted only two biographies of *Chicago Tribune* publisher Colonel McCormick, plus "a couple of anthologies published by the *Tribune*." That there are only two biographies of McCormick is regrettable, but why blame me for *that*?* As for the contention that it was somehow necessary to quote or summarize every magazine or newspaper article written by John T. Flynn: this would be true only if I were writing a full-scale biography of Flynn, It is *not* true that "every single passage" of Flynn's that I quote is from Ronald Radosh's valuable study: I quote directly from his many books, and rely on Radosh for the radio scripts because they have never been published anywhere else.

The Old Right was larger, better financed, better organized, and far more effective as a movement than what passes for the libertarian movement of the '90s.

Bradford condemns me for writing "a political tract masquerading as a scholarly work." My book is a *popularization* of a complex subject, and was never meant to be anything else. I find this whole line of criticism unbearably pretentious: my aim was to make the history of the Old Right *accessible* to the ordinary reader, particularly to young people. Snobbery is not something that interests me or motivates me as a writer.

Incredibly, Bradford makes the claim that "the Old Right was never a movement at all, let alone a mass one." With a dismissive wave of his hand — kind of Randian, as if he were holding a long cigarette holder — he consigns the history of the libertarian movement to oblivion. He says that the Old Rightists depicted in my book "had little in common beyond their opposition to overcentralized government and World War II." In other words, the Old Right opposed the two main statist trends of the twentieth century, war and the growth of the modern megastate — but that doesn't amount to much in Bradford's book. It does in mine. Opponents of U.S. entry into the great "anti-fascist" struggle endured much: smears, blacklisting, government surveillance, and legal sanctions up to and including sedition trials. The point of the book and the story of the evolution of the Old Right is that, in the course of opposing what Bradford calls the "overcentralization" of government and the war, the Old Right developed a consistent (and actually self-conscious) anti-statist ideology. A network of organizations and periodicals, along with a cadre of intellectuals and organizers, including virtually all the libertarians, grew up around this ideology, which dominated the Right until the Buckley crowd came along. For Bradford to deny this is more than a little odd: it is unsettling, like watching someone spit on the graves of his ancestors.

Even more untenable is his assertion that Old Rightists did not think of themselves as part of a movement. What about the nearly one million members of the America First Committee, the well-organized and vociferous isolationist contingent in Congress, and the battery of Old Right organizations that led the fight against FDR's court-packing scheme and the National Recovery Administration, among them the Committee for Constitutional Gov-

* And I'll have you know that those *Tribune* anthologies were not found in any library — and good luck to you if you expect to find them there! I uncovered them in a second-hand bookstore after over a year of searching. Now *that*, I submit, is *research*. Later in his piece, the editor of *Liberty* complains that he couldn't find a copy of Garet Garrett's book *The Driver*, and whines about the lack of (public) libraries in his neck of the woods. I say: get off your butt, Bradford, and start combing those second-hand bookshops!

ernment (run by newspaper magnate Frank Gannett), the New York-based National Economic Council, the No Foreign Wars committee, not to mention the local political machines run by Old Right elected officials in the Senate and the House?

Bradford's true ignorance comes out when he writes that Harry Elmer Barnes, John T. Flynn, Robert A. Taft, and Louis Bromfield did not think of themselves as part of the same movement. In fact, Barnes corresponded with every one of the individuals named with the exception of Bromfield; his continuing campaign on behalf of revisionist history had a profound impact on the postwar views of isolationist conservatives in Congress and the Republican Party. John T. Flynn supported Taft for president, was on the board of every major Old Right organization, and kept in touch with the senator. Bromfield's book, *A New Pattern for a Tired World*, has whole sections filled with quotations from articles in *The Freeman*, the works of Garet Garrett, Mencken, Nock, and others; he once held a Taft for President rally on his front lawn. Albert Jay Nock was editor and chief writer of the *National Economic Council Review of Books* during his last years, and Rose Wilder Lane took over when he died; the NEC, a prominent and very active center of Old Right political activity, provided a safe haven and platform for both writers when their views could find no other outlet.

In fact, the Old Right was larger, better financed, better organized, and far more effective as a movement than what passes for the libertarian movement of the '90s. It controlled several major newspapers, launched the largest anti-war movement in American history, and had a prominent place in the Republican Party, including among its most zealous partisans many elected officials. If the Old Right did not constitute a movement, then — by Bradford's rather odd standards — certainly the modern libertarian movement also fails to qualify.

The capsule biography of me in the section entitled "The Devil in Justin Raimondo" is wrong: I never supported Jack Kemp for President. The essence of my argument against Ron Paul's 1988 presidential campaign was that Libertarians should abandon the third-party strategy and work within the Republican Party, a strategy I advocate to this day. I have indeed changed my view of the John Birch Society since 1988 — after all, they opposed the Gulf War, while *Liberty* was at best ambivalent.

I see nothing all that "peculiar" about what Bradford calls my "political odyssey." I started out a Goldwater conservative, and wound up in the libertarian movement via Ayn Rand. There were hundreds of us, and later thousands, all over the country, who later became active in the Libertarian Party. The Libertarian Party Radical Caucus was the conscience of the party at a time when it sorely needed one. While I no longer support the land reform plank in the LPRC statement of principles, I stand by the abolitionism and anti-imperialism that made the LPRC's newspaper, *Libertarian Vanguard*, the object of attacks by party "moderates." While disclaiming Bradford's description of myself as a "professional gay militant," I am the author of *In Praise of Outlaws* — and proud of it. The point of the booklet was to oppose anti-discrimination laws and underscore the intrinsic hostility of the state to the homosexual minority, and I stand by every word of it. It was the first (and last) time the official libertarian movement did anything to oppose gay anti-discrimination ordinances, which at that time were just beginning to pop up around the country. What Bradford describes as an "anti-police riot" was in fact a response to the virtual acquittal of the murderer of gay leader Harvey Milk; the killer got off on grounds of "diminished capacity," and local LP activists (including myself) sponsored a mass public meeting at which both Ed Clark and Thomas Szasz spoke out against the verdict.

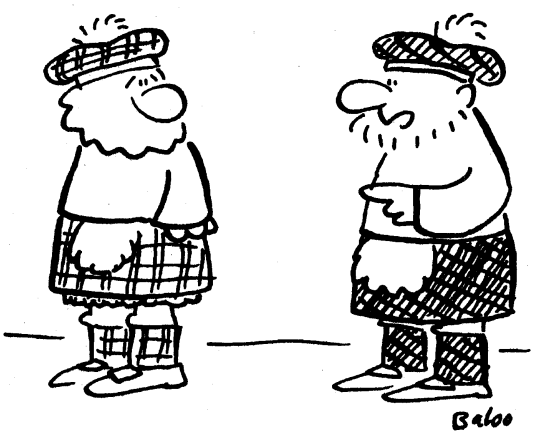

"Och, MacPherson — Your slip is showin'."

With a dismissive wave of his hand — kind of Randian, as if he were holding a long cigarette holder — Bradford consigns the history of the libertarian movement to oblivion.

In writing about the history of the Libertarian Party, I left out my own role on two grounds: (1) This would have necessitated the use of the first person, and would have disrupted the narrative flow of the book, (2) My role was relatively unimportant, and therefore safely left out of a general overview of the LP. I was aiming at a bigger audience than the few hundred people who would be fascinated by a detailed account of the Libertarian Party's internal feuds.

Bradford's sidebar on the Ayn Rand/Garet Garrett connection is worthless, since he is too lazy to make the effort to get hold of a copy of *The Driver* and actually read it. Those who make the effort will discover that Garrett's use of the "Who is Henry Galt?" motif — meant to imbue his character with a sense of mystery — is very similar to Ayn Rand's use of the same phrase. The similarity of the character Vera to Dominique Francon in *The Fountainhead* is also quite startling. The political themes of *The Driver* are similar to those in Rand's work; and in both works men of genius, persecuted for their virtues, are put on trial. Taken separately, these similarities can be put down to coincidence; taken all together, they add up to the distinct possibility of Garrett's direct influence.

I spoke with both Nathaniel and Barbara Branden before writing the

section on Rand; neither had any knowledge of Rand's familiarity with Garrett (not surprising, in view of my thesis). Nathaniel Branden thought it very possible she might have read it and then forgotten all about it, and remarked that he found the process by which she subconsciously integrated the Garrett material "fascinating." Barbara Branden was taken aback by the similarities between the character Vera and Dominque Francon, and agreed that it was possible Rand may have read *The Driver*. In my book, I paraphrase the thrust of her comments to me, without attributing them to her, in which she speculates that Garrett's novel may have been "a take-off point, a stimulus which led her to the question, 'Wouldn't it be interesting if . . . ?'" (p. 203)

Now, there is nothing wrong with using another writer's work as a take-off point. All I say in my book is that Ayn Rand probably read *The Driver* and *was influenced* by Garet Garrett; writers are influenced by other writers all the time, and I fail to see what all the shouting is about. Bradford says *The Driver* is "obscure," but in fact it was serialized in the *Saturday Evening Post*, the largest-circulation magazine in America at the time, from December 1921 to January 1922. Is it all that unlikely that an immigrant who envisioned a career as a writer might have read back issues of the *Post*, the premier market for fiction? Why is this controversial?

It is not true that I consider only the possibility that Rand consciously utilized some material in *The Driver* to the exclusion of all others. As I say in my book: "I am willing to admit that, in spite of all evidence to the contrary, Nathaniel Branden's theory that the Garrett material was sitting in her subconscious could well be true. I just do not think it is very likely" (204).

Bradford quotes the paragraphs in my book that disavow any charge of plagiarism on Rand's part, and then proceeds to title his piece "Was Ayn Rand a Plagiarist?" He misses the whole point, for the sake of a grabby headline. As I say in my book, the Rand/Garrett connection is not a question of plagiarism, but of Rand's refusal to acknowledge any influence, any sources, any allies — a position echoed by Bradford, who denies the existence of the Old Right and appears to believe that the libertarian movement sprang unaided from the brow of Minerva. ❑

Reclaiming the Truth

by R.W. Bradford

I am sorry that Justin Raimondo is disappointed that I didn't offer "a real argument against the paleoliberatarian position. Why *shouldn't* libertarians ally themselves with right-wing opponents of the welfare-warfare state?" There are two reasons that I offered no such argument: (1) I was reviewing a book that purported to be a history of the right wing, and which offered no argument for a libertarian alliance with "right-wing opponents of the welfare-warfare state," so I didn't see any reason to discuss that question; (2) I believe that it *is* sensible for libertarians to form alliances with anyone who is opposed to the welfare-warfare state, whether they are left-wing, right-wing, or no-wing.

I am surprised that Raimondo claims that the "paleolibertarian position" is to form such an alliance. From what I have read and heard of the antics and activities of the paleolibertarians, their strategy is to form an alliance with a very small element of the conservative movement, one that is not particularly opposed to the welfare state or supportive of human liberty. The price of this alliance has been the abandonment of many important libertarian positions — free trade, open immigration, abortion rights, equal rights for sexual and racial minorities.

I believe Raimondo's assertion that the "desire to reduce the size and power of government" is the "sincerely-held ideology of the rank-and-file" of the conservative movement to be simply wrong. Before there was a self-identifying libertarian movement, I was very much involved in the conservative movement, and I remain peripherally involved today. Virtually all my experience in dealing with rank-and-file conservatives indicates that although they usually employ the rhetoric of liberty and argue for reducing the power of government, they advocate policies that cohere with that rhetoric very selectively.

While conservatives generally favor less government intervention into economic activities in theory, most advocate increased government power to regulate or prohibit the use of drugs, restrictions on the free flow of goods across national borders, and prohibition or severe restriction of pornography. Worse yet, they enthusiastically support broad government intervention in the economy in the name of fighting crime by means of outlawing the use of cash (i.e., creating the crime of "money-laundering"). And most support a powerful military and an aggressive foreign policy.

Raimondo's citing the head of the John Birch Society's remarks as evidence that he is not a conspiratorialist is amusing — the last I heard, the JBS was keen on identifying conspiracies, but was not particularly expert in identifying promoters of conspiracy theories. Raimondo dismisses all his conspiracy-mongering by claiming that it was all "metaphor" — that is, that he did not really mean it — so there's not much point in citing the extensive specimens of conspiracy-mongering from his book. (The curious reader can refer to the examples of his conspiracy theorizing that I quoted in my review, or to his book.)

Raimondo challenges my statement that he wrote the book on grants from the Center for Libertarian Studies and the Mises Institute, claiming that he wrote the book "without a penny from anyone." My source for my claim was Raimondo himself. In July 1992, he told me he was supported by CLS to the tune of $1,000 per month to write "a book on the Old Right." Before publishing my review, I telephoned Rai-

The price of the paleo alliance has been the abandonment of many important libertarian positions — free trade, open immigration, abortion rights, equal rights for sexual and racial minorities.

mondo to verify my memory of our 1992 conversation, and he told me that he was supported in his effort by both CLS and the Mises Institute. I took him at his word.

In *Reclaiming*, Raimondo argues that Burnham was an evil influence on conservatism, citing as evidence passages from a variety of Burnham's writing while a self-declared leftist, while failing to include a single specimen of Burnham's thinking after he became a conservative. In defense of this preposterous method, he now dismisses Burnham's conservative writing as "boring" and as not "contradicting" his earlier writing, and suggests it is not "really necessary" to cite any of it. Well, then why did he find it necessary to cite more than 30 specimens of Burnham's leftist writing?

He misrepresents what I wrote when he says that I am "furious that [Raimondo] didn't condemn Tail Gunner Joe [McCarthy] out of hand." My criticism of his treatment of McCarthyism was that he both praises it and denounces it for the same characteristics. My criticism of his treatment of Col. McCormick was not simply that he cited only "two biographies . . . [and] a couple of anthologies" but that he *did no original research whatsoever*. Why did he not look up old *issues* of the *Tribune*? And contrary to Raimondo's assertion, I did not claim that "every single passage" of Flynn's was quoted from Ronald Radosh's study, thereby ignoring Raimondo's quotes from Flynn's many books. I claimed that every single quotation he cited from "Flynn's journalistic writing" was quoted from Radosh.

Raimondo chides me for characterizing his book as a "political tract masquerading as a scholarly work," saying that his book is "*a popularization* . . . never meant to be anything else." Yet his book apes the form of scholarly writing. Its acknowledgements thank Peter G. Klein for "mediating between the author and scholarly conventions" and conclude with the familiar scholarly disclaimer, "The usual caveats apply: Responsibility for the ideas presented in this book is my alone." Its endnotes follow scholarly conventions. The book was published by a scholarly institute, and one of its chapters was previously published in a scholarly journal. In addition, the flyer included with the book identifies Raimondo as a "scholar" and lists his affiliations with two scholarly institutes. So perhaps I may be forgiven for suggesting that it masquerades as a scholarly work.

Raimondo seems most concerned about my argument that he misreads history when he bases his analysis on the notion that the Old Right was a coherent movement. Happily, here he offers readers of *Liberty* something he fails to offer readers of his book: a defense of this proposition, rather than its mere supposition. As evidence that the Old Right was a coherent movement, he cites the brief existence of several *ad hoc* committees and organizations that opposed one or another of Franklin Roosevelt's policies, the fact that many of the individuals he identifies as members of the Old Right corresponded with one another, that one Old Right person both wrote a book which quoted others and once held a Taft rally on his front lawn, that the Old Right "controlled several major newspapers, launched the largest antiwar movement in American history, and had a prominent place in the Republican Party." I suggest that these claims taken together do not qualify it as a coherent movement, even if all were true. (Nowhere, of course, do I claim that the individuals and groups loosely labelled the "Old Right" did not themselves exist, or were in themselves not important. I have written and published extensively about the importance of many "Old Right" figures.) His claim that my denial that the Old Right was a coherent movement is "like watching someone spit on the graves of his ancestors" is just plain bizarre.

I examined all the evidence that Raimondo presented. But this is not enough to satisfy him. He wants me to examine the evidence that he does not present before arriving at a conclusion.

Raimondo takes issue with my suggestion that his criticism of "the shabby treatment of Ron Paul at the hands of his LP [Libertarian Party] critics" should have included some mention of his own role. I remain convinced that it would be possible to do so without writing "a detailed account of the Libertarian Party's internal feuds." His opposition in 1987 to Paul's candidacy may well have been based on a conviction "that Libertarians should abandon the third-party strategy and work within the Republican Party," as he now claims. But that was not the argument he made in 1987, when he distributed hundreds of "Gay Nazis for Paul" buttons at the LP convention.

I am delighted to hear that Raimondo has rejected his former advocacy of returning virtually the entire United States to Indians and Chicanos, and to hear that he still stands by his support for the rights of homosexuals. While I am well aware of the particular events that touched off the 1979 San Francisco riot, I believe it is fair to describe a riot whose participants set police cars on fire and attack policeman with rocks as "anti-police." Quite frankly, I do not understand why Raimondo rejects this description.

As to the question of whether Raimondo's political odyssey is "peculiar," I shall leave that to the reader to decide.

Raimondo twice denies having accused Ayn Rand of plagiarism "in [his] book," characterizes the conclusion of his argument as "a distinct possibility of Garrett's direct influence," and claims that in his book he "disavows any charge of plagiarism on Rand's part," leading the reader to conclude that I misrepresented his argument. This is disingenuousness in the extreme. As I made very clear, the subject of my sidebar was a consideration of Raimondo's argument about Rand and Garrett, both in his book and in a longer essay published in 1992 in *Chronicles*. I quoted extensively from both versions, and I shall not repeat those long quotations here. Two samples will have to suffice: in the *Chronicles* essay he argued that Rand's novel *Atlas Shrugged* is "a literary and intellectual swindle which veers preciously close to being a clear case of plagiarism." In

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his book, he waters that argument down a bit: Rand may have "passed the boundaries of acceptable behavior in 'borrowing' a little too much." He concludes:

> While not plagiarism in the legal sense, the unacknowledged and — in my view — conscious use of Garrett's work as a starting point for her own, does, in this case, constitute intellectual fraud. . . .
>
> On the other hand, this is not a case of word-for-word plagiarism. . . .

Well, then, what kind of plagiarism is it?

In his response to my criticism, he writes "Now there is nothing wrong with using another writer's work as a take-off point. All I say in my book is that Ayn Rand probably read *The Driver* and was *influenced* by Garet Garrett; writers are influenced by other writers all the time, and I fail to see what all the shouting is about." This is a plain misrepresentation of what he wrote in his book. And the person doing "all the shouting" is Raimondo himself.

Raimondo dismisses my criticism of his argument because I "was too lazy to make the effort to get hold of a copy of *The Driver* and actually read it." This amounts to a claim that it is impossible to respond either positively or negatively to any argument without examining all the evidence referred to. While this sounds like a fair and reasonable requirement, it is in fact a ridiculous standard. If courts operated on this principle, they would be so hopelessly bogged down that they would hardly ever arrive at a decision: all a defendant would need to do to avoid conviction would be to cite as evidence the contents of the Library of Congress. Just as the prosecution must make a *prima facie* case before the court examines its argument in detail, so the proponent of an argument must make a *prima facie* case. My criticism of his argument is precisely that he failed to make even a superficially plausible case for it.

I examined *all* the evidence that Raimondo presented. But this is not enough to satisfy him. He wants me to examine the evidence that he does *not* present before arriving at a conclusion.

Of course, Raimondo does not really believe that one cannot evaluate his argument without reading the entire text of *The Driver* (and, presumably, *Atlas Shrugged* and *The Fountainhead*, the two works he believes Rand "came perilously close to plagiarizing" from *The Driver*). If he actually thought this, he would condemn as "worthless" the views of those who agree with him who haven't read all three books, including his paleo colleagues Murray Rothbard and Paul Gottfried.* And if he really believes that no one should be persuaded by his argument unless they had read all three books, why would he bother to make his argument in a magazine article at all? It seems safe to say that practically none of the 11,000 readers of *Chronicles* have access to Garrett's book, let alone the time and inclination to read its entire text, plus the 1,100 pages of *Atlas Shrugged* and the 750 pages of *The Fountainhead*. The same is true of the 3,000 or so buyers of Raimondo's book.

Raimondo fails to make even a *prima facie* case for his charge in either his original argument published in *Chronicles* or the watered-down version published in his book. At a minimum, an argument for plagiarism should make a superficially plausible case that there is sufficient similiarity between two works that could be accounted for by plagiarism. And unless the similarity is so extreme that plagiarism is its only plausible explanation, it should persuasively argue that the accused knew of the writing that he is accused of plagiarizing. Raimondo did neither of these.

In the absense of a *prima facie* case, the fact that I failed to hunt up a copy of Garrett's long-forgotten novel is irrelevant. ❑

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* In *The Conservative Movement*, Gottfried writes that Rand "borrowed the conception of her bloated novel *Atlas Shrugged* from Garet Garrett, down to such details as the name of her hero and the opening sentence, 'Who is Henry Galt?' asks the narrator in Garrett's *The Driver*." His source note cites Raimondo's *Chronicles* essay. It is evident that Gottfried never read Garrett's novel, since the line he cites as the opening sentence of Garrett's novel actually first appears on page 150. Nor did he read Raimondo's article very carefully: though Raimondo seemed to be laboring to create the impression that the line appears throughout the novel, he never actually makes the claim in so many words, for the very good reason that it actually appears only three times in Garrett's novel.

Libertarianism

A Kid's-Eye View

by Matthew Block

A 12-year-old tells how liberty and libertarianism look from his perspective.

I first became aware of libertarianism from my dad. It all began when I asked him what he did for a living. He said he was an economist. Being pretty young then, I pronounced this as "Communist." My education in libertarianism began as my dad tried to explain what a Communist is, and why he wasn't one.

Based on these discussions, I now have something of an idea of what it means to be a libertarian. It's not exactly the same as my dad's idea, but he says that's okay. Most libertarians disagree on this anyway, he says. If there are five libertarians in a room, there are probably six opinions on any given issue. Or maybe seven.

Kids I meet all think that libertarianism is weird and that I'm weird for believing in it. They all have very different ideas from mine — they believe in compulsory recycling, trees forever, political correctness, feminism, and other pinko ideas. They think that government is great, that we need public health care and public schools, that the poor should be funded through taxes, that people shouldn't be able to discriminate on the basis of race, sex, nationality, etc.

In the past when I expressed my views they made fun of me. I was turned into a bit of an outcast. So I try to keep quiet about libertarianism — otherwise I suffer the consequences of free speech. I try to confine these discussions to my dad and to other libertarians.

I don't think that teenagers will ever become receptive to libertarian ideas until adults do. It is adults who usually influence kids. Suppose my dad were a pinko, and he taught me pinkoism; I might be a pinko right now. I don't think teenagers usually think for themselves about these matters.

But most adults think it's cool to be pro-government, to favor recycling, feminism, socialism. They transmit these views to kids.

Take television, for example. It is full of pinkoism — even the weather reports. (They use government satellites.) Cartoon shows are big on this. Mr Burns, on *The Simpsons*, is always dumping toxic pollutants. That is how businessmen are widely seen. Consider the smoggies. There is this barge, and these evil cartoon characters dump pollutants, dirty oil, into the ocean. The "heroic" smoggies stop them.

Then there are comic books, and children's books. For instance, Captain Eco. He looks sort of like Superman, only he has a globe instead of a human head on the top of his body. Captain Eco goes around saving the Earth from this and that: pollution, cutting down the forests, that kind of thing. They never so much as even hint at a libertarian solution.

My dad and I are now involved in a project. I ask questions about libertarianism, or challenge it, and then we both try to find the answers to the problems I pose. So far, I've stumped him on a few. Let me share a few of these with you.

1. According to my dad, we humans have to recognize the rights of animals, but only if they petition for them, and respect those of us humans. Does this mean that we may kill mentally retarded human beings or babies, since they can do neither? Suppose only one member of the species is capable of petitioning for rights and recognizing them. You'd better watch out for a single intelligent mosquito. This would mean we couldn't kill any member of that species.

2. According to libertarianism, at least my dad's version, atom bombs are *per se* offensive weapons, and therefore would be banned in a libertarian society. He also said that nonhuman creatures (animals, robots) are entitled to human rights.

Suppose a mad scientist created a robot like Data of *Star Trek* (another pinko TV show, by the way). Only he created him with an atom bomb inside, which would go off if anyone threatened him, or used even the slightest amount of aggressive force on him. What do we do about Data, an innocent robot? At least so far, he has done nothing wrong.

3. What if a person in a house is playing the piano, and someone listens and records it, even though the pianist has copyrighted and sells tapes of his music. Can the taper legally do this under libertarian law? What about if the taper sells tickets to sit in his house and listen to the pianist? Can he do this? What about eavesdropping? Can the next door neighbor listen to the piano himself?

4. Suppose that someone says he will kill you. Do you have the right to kill him first? What if a baby says, "I will kill you, Dada." Can you kill the baby? What if a baby says, "I will kill you, Dada, in 15 years, when I am big and strong." Can you kill the baby now? What if someone is joking around, and says, "Haha, I'm going to kill you," in a pleasant, funny voice. Can you kill him and claim self-defense?

5. Someone — a kid, or a mentally retarded person — is in excruciating pain. He can't ask for a mercy killing; he can't speak. Can you kill him to put him out of his misery? Suppose there is a magical pain meter (so that you can tell for sure he is suffering), and there is no cure?

6. Suppose you know for sure that someone will murder in the future. Can you kill them now, if that is the only way to stop them? If not, you will have allowed them to get away with murder. If so, then you have violated the libertarian principle, innocent until you actually do something wrong.

7. The Martians announce that unless innocent person Joe is killed, they will destroy the whole world. My dad's answer is: justice though the heavens fall. Don't kill innocent people no matter what. This isn't too satisfying to me. Well, actually, his view is that libertarianism says nothing about whether or not you should kill Joe; it says only that if you do, you should be punished. But the Martians can declare that if anyone punishes Joe's murderer, they'll blow up the world. So we can't have both libertarianism and world survival, too.

My view is libertarian speciesism: we do whatever it takes, no matter what, to guarantee the survival of the human species, even if it means initiating aggression against nonaggressors like poor Joe. Why? Because without the survival of human beings, there can be no such thing as liberty, freedom, or justice. And that, not the non-aggression axiom, is the true essence of libertarianism.

The purpose of libertarianism is to have liberty. But unless there are people around, no liberty can be had. Liberty can't exist.

8. Is it a crime to transport (switcheroo) a man from one identical universe to another? (He'll never know the difference, because the two universes are exactly the same in all respects.)

9. Should punishment be proportional to wealth, size, and strength or should it be absolute? A rich man steals $2, which is equal to 50% of the poor man's wealth. Does he pay $4, or 100% of the poor man's wealth (under my dad's two-teeth-for-a-tooth rule) or does he pay 100% of his own wealth? ❑

from Reflections, Stephen Cox, "Richard Nixon, 1913–1994," *continued from page 38*

indicated (again, with probable honesty) that he was preserving for the sake of "history" — a nebulous concept then frequently invoked by high-class thinkers as a substitute for "the voters," "morality," or "God." Nixon's absurdly made and absurdly kept recordings showed that he and his friends were operating the White House in a manner appropriate to the executive suite of a midwestern tool and die. Jaded voters searched the transcripts of Nixon's tapes in vain for the frenzied campiness of Lyndon Johnson or the grand chicanery of the Kennedys. Next to these master politicians, Nixon appeared unforgivably small. It didn't matter that the importance of Watergate itself was small. Nixon was forced out of office.

Nixon's record as president is that of a modern-liberal Republican pragmatist. He was the kind of Republican of whom far-left-liberal George McGovern could say, "He was pretty good on domestic policy." As an anti-Communist, Nixon was officially pro-capitalist, but he was oblivious to the free-market revolution in economic and political thought. He continued, though he did not accelerate, the disastrous Great Society programs instigated by the Democrats. Unfavorably impressed by an inflation rate that remained well within the single digits, Nixon attempted to reduce it by the silly and unconstitutional method of wage and price controls. This strategem failed.

Not content simply to regularize relations with Red China, Nixon visited the place and drank toasts to its mass-murdering leaders. He appointed four justices to the Supreme Court, three of whom turned out to be morons. Although he possessed no visible understanding of the principle of limited government, he hearkened to the advice of libertarian advisors and eliminated the horrible abuse of conscription. I am not aware that he ever took pride in having done this, or that many other people gave him credit for it, either.

Nixon was preoccupied with ending the war that the Democrats had bequeathed to him, but he found this almost as hard as they had. He couldn't imagine withdrawing, but neither could he imagine winning. After much expenditure of life, he obtained, by a mixture of toughness and chicanery, a face-saving settlement. The settlement collapsed during his successor's term, and Southeast Asia was absorbed by the Communists.

Nixon played golf, and he played the piano. His friends were few and dull. He was sincerely devoted to his family. He showed bravery when he lost to Kennedy, when he surrendered the presidency, when his life was threatened by mobs and diseases, when his wife died of a lingering and horrible illness, when he was paralyzed by his final stroke.

Nixon saw the world as a place where efficient and responsible leaders, people much like himself, confer and achieve workable results. He liked to travel and see these leaders. He wrote a lot about what they had to say and what he said back. He could be embarrassingly awkward and phony when he was forced to discuss anything else. His discussions of world affairs were curiously intense and vital, even when it appeared, as it frequently did, that he had traveled as far as Moscow only to retrieve a string of trite observations.

A complicated, highly emotional man, Nixon learned to endure ferocious, unremitting, and sometimes well-merited enmity, retaining for himself, all the while, the true inwardness of the *National Geographic* — a mental landscape in which sagacious explorers count their losses, estimate their reserves, and keep going until they've been in all the places that are supposed to be important. —SC

Reviews

***Tribes: How Race, Religion, and Family Determine Success in the New Global Economy*, by Joel Kotkin. Random House, 1992, 343 pp., $24.00.**

Tribal Man

Leon T. Hadar

The political elites who inhabit the Washington-Boston corridor — referred to sometimes as the "American foreign policy establishment" — experienced a collective intellectual orgasm midway through 1993. That summer, renowned political scientist and veteran cold warrior Samuel Huntington announced that the defunct ideological struggle between Communism and the West was to be replaced by a "clash of civilizations."

For the benefit of readers who didn't have to suffer through Huntington's political-science mumbo-jumbo to earn a doctoral degree: "Sam" (as he is known to "Henry" and "Zbig" and other foreign policy luminaries) is best known for his prediction, back in the 1970s, that capitalism and Communism would "converge" into a "third" political-economic system that would permit ruling elites in Moscow and Washington to merge their political and economic powers, controlling the international system and beyond in a grand universal condominium.

Thankfully, the East-West rivalry that provided propagandists like Huntington with so many jobs, consulting contracts, television appearances, and op-ed pieces has ended, though not exactly according to his scenario. And, a little bit older but not much wiser, Huntington (who increasingly resembles the title character of *Dr Strangelove*) last year told the readers of *Foreign Affairs* that "the fundamental source of conflict in this new world will not be primarily ideological or primarily economic." The great global divisions and "dominating source of conflict," he prophesied, will be "cultural."

He goes on to present the outlines of his Cultural Manifesto: "Nation-states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will dominate global politics. The fault lines between civilizations will be the battle lines of the future." And in that context, with the end of the Cold War, "international politics moves out of its Western phase, and its centerpiece becomes the interaction between the West and non-Western civilizations." Specifically, a great struggle would take place between Western civilization, led by the United States, and a coalition of Muslim fundamentalist states and "Confucian" east Asian lands.

In short, Huntington's science-fiction scenario squeezes a couple dozen inchoate international developments into one neat theoretical framework (paradigm, if you insist). Published immediately after the bombing of the World Trade Center, allegedly committed by Muslim terrorists, and against the backdrop of trade tensions with Tokyo, human rights violations in China, and an international increase in ethnic violence, his article captured the imaginations of State Department officials, CIA operators, and foreign policy think-tankers.

Huntington's vision of clashing civilizations is supposed to become the new Grand Theory of international relations, substituting the Islamic Green Threat and the familiar Yellow Peril for the obsolete Red Menace. The last much-celebrated post-Berlin-Wall Grand Theory, Francis Fukuyama's "end of history," had collapsed somewhere on the way from Berlin and Baghdad to Sarajevo and Mogadishu. (Remember? We were supposed to live under the "unipolar" military protection of the only-remaining-superpower, in a universal welfare state, strolling in our global shopping mall, watching Madonna on MTV, reading *Commentary* and other neocon magazines until we were bored to death.)

From that TR-Hearst coproduction, the Spanish-American War, to the Bush-CNN coproduction, Operation Desert Storm, foreign policy Grand Theories have provided rationales for expanding the military-industrial complex and its propaganda machine, in the same way domestic policy Grand Theories have strengthened the ideological and institutional foundations of the welfare state. But the disappearance of the Red Menace has made it harder for the Pentagon, CIA, NATO, AID, VOA, NSA, etc. to justify their existence, let alone demand the huge

Huntington is best known for his prediction, back in the 1970s, that capitalism and Communism would "converge" into a "third" political-economic system.

budgets they are accustomed to. At the same time, Western leaders have felt a certain weakening of their power as mythical figures (the "leaders" helping to "defend" the "free world" against outside "dangers"), if not their basic political legitimacy. And Western welfare states have become costlier and costlier to maintain.

If the state is no longer needed to contain external threats, and finds it difficult to continue dispensing economic and social goodies to its citizens, then statism is in trouble. It is not surprising, therefore, that challenges to traditional political institutions have gained so much momentum since the fall of the Berlin Wall. ("The Cold War: We really miss you so much," could easily become the anthem of the Liberal Democrats in Japan, the Christian Democrats in Italy, the Progressive Conservatives in Canada, and both major parties in the United States).

Beware, "Sam." Your intellectual adversary has arrived — a libertarian Democrat named Joel Kotkin.

Voilà — the clash of civilizations comes to the rescue. Huntington's model provides the military-industrial complex and its satellites — and, by extension, Political Man — with a new lease on life. Middle Eastern bogeymen armed with nuclear bombs, intent on launching a global *intifada* against Western civilization — the vision is enough to justify new budgets for the Pentagon and the CIA, new reasons to intervene in the Middle East, new bombing missions over Baghdad and Teheran. Meanwhile, the Confucian threat provides adequate window-dressing for new tariffs on Japanese exports, ostensibly to protect the American "public" (read: Chrysler and Motorola). And, of course, we shouldn't forget those brown Latinos across the border, threatening to invade California with their garbage collectors, janitors, nannies, and high-tech Mexican products.

Who will defend the West against the onslaught of the Muslim, Oriental, and Latin tribes? Who will stop the barbarians at the gate? The state! Long live the state! There is life after the Cold War, after all.

So — are race, culture, religion, and ethnicity the last refuges of Political Man? Not necessarily. Beware, "Sam." Your intellectual adversary has arrived — a pop economist, journalist, and (rarity of rarities) libertarian Democrat named Joel Kotkin.

Tribe-Happy

Do you associate tribalism with the bloodshed in Bosnia, the West Bank, Kashmir, and the Long Island Railway? Do images of Louis Farrakhan, Rabbi Kahane, and that blind Egyptian sheik with the Stevie Wonder glasses give you the creeps? Never fear, says Kotkin in his most recent book, *Tribes*. Tribalism is a foundation of the global village — like CNN, the Internet, and the New York Stock Exchange. Big, strong, powerful tribes are making our world increasingly interdependent. They are facilitating the *dissolution* of national borders.

Yes: culture is "in." On this point the elderly statesman from Cambridge and the hip, middle-aged free-marketeer from L.A. agree. "Born amidst optimism for the triumph of a rational and universal world order, the twentieth century is ending with an increased interest in the power of race, ethnicity, and religion rather than the long-predicted universal age of the end of history," writes Kotkin. "The quest for the memory and spirit of the specific ethnic past has once again been renewed," and "the results will shape the coming century."

Kotkin, Huntington, and Fukuyama all agree that the collapse of the socialist model renders much of the old debate over rival economic systems moot. Fukuyama, the Japanese-American State Department *apparatchik*, believes that this collapse means victory for Neocon Man: Political and Economic Man synthesized, reigning over a reformed and militarized welfare state. Ethnicity, culture, race, and religion will be mere minor extras in this Podhoretz-produced motion picture; they will cause a few problems here and there, but nothing dramatic.

By contrast, Huntington and Kotkin believe that tribalism will play a central role in the global drama. Huntington sees it as the new foundation of the nation-state and a source of growing military conflict. Kotkin, on the other hand, suggests that with the end of the Cold War, the "fading of military force as the prime element in determining economic position naturally reduces the power of nation-state structure that long has served as the essential counterweight to globalism." The Prince is dead; military power is passé; the market has won.

And in that context, the rising tribes, particularly the five discussed in this book — the Jews, the British (yes, the British), the Japanese, the Chinese, and the Indians — are not going to be a source of global military conflict. They will be the basis for an open, global market linking the business centers of Tokyo, Hong Kong, New York, Tel Aviv, and New Delhi. "These global tribes are today's quintessential cosmopolitans, in sharp contrast to narrow provincials," Kotkin contends. "The end of the Cold War opened a new era of opportunity for the cosmopolitanism embodied by these global tribes."

What do the tribes have going for them? First, their strong identity, reflected by each one's sense of "mutual dependence and emphasis on the family structure." Second, "a global network based on 'tribal trust' that allows the group to function collectively." Third, a passion for technology and knowledge and a belief in scientific progress. All this, says Kotkin, leads to a new, peaceful, and harmonious global economy, rekindling the cosmopolitan spirit of old Beirut, Alexandria, and Shanghai.

The rising tribes will be the basis for an open, global market linking the business centers of Tokyo, Hong Kong, New York, Tel Aviv, and New Delhi.

"As the conventional barriers of nation-states and regions become less meaningful under the weight of global economic forces, it is likely such dispersed peoples — and their worldwide

business and cultural networks — will increasingly shape the economic destiny of mankind," suggests Kotkin. "In the post-Cold War era, where ideology has faded and peoples seek definition from the collective past, dispersed groups such as global tribes seem particularly well adapted to succeed within today's progressively more integrated world-wide economic system."

The interconnectedness of the new global tribes is accelerated by advances in communication and transportation technologies, allowing them to maintain regular and intimate contact with their homeland and with other tribal colonies. The emergence of global labor markets also helps. "In a manner far beyond anything that could have been imagined by the Jewish traders or Yankee merchants of the nineteenth century, the world has become a single market for labor and talent, a market perfectly suited for the development of new global tribes," Kotkin writes.

So if Huntington gave you nightmares of the death of the United Federation of Planets, wiped out after a great battle between the Earth-based "West" and the remnants of the Muslim-Confucian Empire on Mars, do not fear. In Kotkin's script, Starship Enterprise is peacefully navigated by the Second Generation of the Elders of Zion, the Chinese Mafia, computer whiz-kids from the Indian subcontinent, and rug merchants from Teheran.

Patchy Theses

In some ways, *Tribes* has the flavor of a *Time* cover story, with those famous sweeping generalizations ("Lying Is in Again") and the constant effort to find some cosmic meaning in such phenomena as Chelsea's new bracelets. Do not search this book for the scholarly insights, theoretical consistency, historical framework, or information and statistics you could find in, say, Thomas Sowell's *The Economics and Politics of Race: An International Perspective*.

Kotkin uses mostly anecdotal evidence to bombard us with such grandiose and somewhat shallow observations as, "In the twenty-first century, we are likely to see the development of this multiracial world order running along British-American tracks of market capitalism, political pluralism, and cultural diversity." This and similar generalizations, decorated again and again with those same annoying and often meaningless terms — "cosmopolitan," "the world economy," "the global village" — remind me of what someone said about former Israeli Foreign Minister Abba Eban's long and flowery speeches: "They sound great, but I'm not sure that I get the point."

Tribes does reflect some elements of the current *Zeitgeist*, and does force the reader to think about some important issues. Certainly, Kotkin's analysis is a powerful antidote to Huntington's clashing civilizations. Libertarians can only hope that Kotkin's counter-vision of culture as a basis for a post-Cold War, post-nation-state world with a free flow of information, capital, and people is indeed viable. Unfortunately, while I share Kotkin's hopes about the future (how things should be), I find a lot of wishful thinking and inconsistencies in his analysis (how things are). Kotkin's position, I argue, is the theoretical mirror-image of Huntington's.

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Man is identified with Cultural Man as a way of explaining the present and predicting the future. Such noncultural political factors as the interests of political elites and ruling classes or the interest of the state itself as a political entity do not matter in his scheme of things. His explanatory framework cannot integrate such developments as Iran's Islamic regime's support for those darlings of the West, the Christian Armenians, in their conflict with the Muslim Azeris. (The incongruity stems from the regional-strategic conflict between Iran and Turkey, which backs the Azeris.)

Second- and third-generation Jewish and Chinese immigrants do not remain in the cultural ghetto of Brooklyn or Chinatown.

At the same time, Huntington's vision has no room at all for Economic Man. Responding to Huntington's article, a Chinese scholar noted that the only religion being practiced in China today is not Confucianism but money-making. Huntington ignores the potential integration of China into the world economy, and the ways such a change could affect that society's power structure and traditional institutions. For Huntington, China's present spate of economic reforms is only a means for accumulating wealth — wealth to be translated into military and diplomatic power against the West.

In Kotkin's analysis, on the other hand, it is the anti-libertarian, political components of the tribe that are discounted. Economic Man and Cultural Man are one; Political Man becomes some kind of Cold War-era anachronism. Greater China — the People's Republic of China, Taiwan, Hong Kong, Singapore, and the Chinese diaspora — is portrayed as the emerging productive center of the twenty-first-century global economy.

But a post-Communist Greater China is less likely to be a giant Hong Kong, and more likely to be a huge Singapore — an authoritarian regime that suppresses the rights of its citizens in return for providing them with a high standard of living through an efficient mercantilistic state. Lee Kuan Yew, the father of modern Singapore and its current "senior minister" — and a fan of the culture paradigm — contends that East Asia will flourish while the West declines, on the grounds that Asia's cultural traits (strong family values, tradition, communitarianism) are superior to the West's obsession with individual rights.

But Lee fails to understand the effect the marriage of Western technological and economic models, which today means the adoption of decentralized information technology systems, is bound to have on the communitarian bonds of Asia's tribes. It will "detribalize" them, if you will. If Asia's tribes invite the Western Economic Man into their homes, they should expect to receive not only useful supercomputers, but also CNN, MTV, and all the political agitation and kinky sex on the Internet's newsgroups. The result will be a new challenge to Greater China's patriarchal authorities. There will be more dissent, more Tiananmen Squares, and more threats, not just to political authoritarianism, but to traditional communal ties as well.

Tribal Survival

That brings me to the biggest problem with Kotkin's analysis. Kotkin focuses almost exclusively on the tribe as social-economic entity, symbolized by a Korean-owned fruit stand. But the tribe is a more complex creature than that. It is a package deal, in which the individual becomes an integral part of a very exclusive club.

Being part of this or that Chosen People, with its strict set of rules and laws, historical fantasies, and holy mythology, entitles you to certain rights and privileges — the warmth of community, a sense of belonging, strong bonds with other members of the tribe. But the costs of the arrangement are also obvious. The tribalist makes a personal commitment to higher cultural authorities, including a willingness to sacrifice some of his or her freedom. And then there is the flipside of loving the members of your tribe: hating the members of other tribes.

Kotkin suggests that, in the context of a liberal society, some tribes have been able to take advantage of economic opportunities better than others have. Their strong family structures and traditional values helped contain the pressures of the destructive forces of capitalism, while at the same time their orientation toward knowledge and their dispersion around the globe permitted them to engage more effectively in investment and trade.

I don't have any problem with that modest proposition. But attached as he is to his Economic Man lenses, Kotkin misses two important points.

First of all, while the traits of Kotkin's tribes help them integrate successfully into Western, liberal systems, their own success breeds their long-term destruction. Second- and third-generation Jewish and Chinese immigrants do not remain in the cultural ghetto of Brooklyn or Chinatown. Cultural assimilation may not act as the ideal melting pot — some ethnic and religious components *are* preserved, in some form or another — but it does weaken the tribe's control over the individual. New ideas and ways of thinking, physical mobility, and intermarriage detribalize the successful tribe.

In the post-Cold War world, tribalism is probably the most potent tool Political Man has at his disposal to maintain his power.

Recall the fate of the German tribe in the United States. Can anyone identify a famous contemporary "German-American"?

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"Michael, my second month, I earned $4,300. I earned $5,800 my third month - and won the Salesperson of the Month award for my dealership.

"Your *Essence of Political Persuasion* training tapes helped me regain my self-esteem, earn a good income and support my son and daughter.

"Michael, you saved my life."

M.B., Miami, FL

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"Dear Michael,

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C.N., San Antonio, TX

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"Dear Michael,

"The libertarian movement is like 1-900 phone sex. We spend hours talking with people about all the amazing things we're going to do, what it's going to be like and how good it'll feel. We spend hours Liber-teasing each other until we get our fantasy release.

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C.M., Portland, OR

Captain Convinces Commander

"Dear Michael,

"The other night, at a social event, I got into a conversation with fellow officers over foreign policy. My Commanding Officer overheard our discussion and joined in.

"I used your 'Welfare Pigeons' and other Self- Responsibility ideas, 'Political Cross-Dressing', and turned your 'Welfare Junkies' Metaphor into a 'Warfare Junkies' Metaphor. We talked for a couple of hours.

"A few weeks later, I ran into my Commanding Officer at another gathering. He waved me over to his table and introduced me to his guests as the man who had convinced him that Europe should pay for its own defense. He then repeated my persuasive case for his guests. We had an interesting, thoughtful discussion.

"By using your persuasion methods, I was able to change the mind of a man in a position of authority. Please tell your readers that they can change the minds of leaders, centers of influence, professionals, bosses and others in positions of authority. All they need is your Persuasion Tapes and a little practice."

Captain stationed in Germany

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book, Kotkin devotes a chapter to the ascendancy of what he calls the "British tribe." "Originating on a small and relatively infertile island in antiquity's northwest fringe, the British and their empire molded the pattern of modern technological development and commerce far more than any of their European rivals," he writes.

The British tribe? What's next — the American diaspora? I fail to see how Kotkin can characterize the process of settlement, colonization, and empire-building that led to the creation of new nations, the spread of liberal political and economic ideas, and the worldwide diffusion of English language and culture as a chapter in the history of a "tribe." If anything, the ascendancy of Anglo-American culture and the expansion of the capitalist trade system provided an *alternative* to the traditional tribe — and forced it, in the short and medium run, to adapt or die.

Which leads us to the other point Kotkin misses. The only way for a tribe to neutralize the process of integration and assimilation is to *politicize*. Political entrepreneurs, looking for new sources of power, try to build a tribal political umbrella. This can take different forms: Black and Hispanic "leaders" propagating "multiculturalism" in the United States; Serbian and Croatian patriots pursuing "ethnic cleansing" in the former Yugoslavia; nationalists around the globe founding political homelands for their peoples. (Not surprisingly, these tribal nation-states usually emerge as model economic nationalist experiments, from Israeli socialism to the Japanese corporate state.)

The Tribal Tool

In the post-Cold War world, tribalism is probably the most potent tool Political Man has at his disposal to maintain his power. This tribalism is not a search for cultural autonomy in Kotkin's "global economy." We are not talking here about Serbs angry at the suppression of their culture by Bosnian Muslims, Hindus hoping to preserve their cultural heritage, Jews meeting to pray in the morning in a synagogue on Wall Street, or Chinese scientists exchanging fortune cookies in a restaurant in Silicon Valley. In a world

dominated by nation-states and welfare states, "tribalism" is by definition political. The nationalist seeks either to extract from the central government support for his tribe, or else to form a new, economically interventionist state and go to war against the Other.

Yet Kotkin seems to *celebrate* this process of tribalization. He praises the multiculturalism craze, including the "African-American drive for self-realization" and the "new assertiveness of blacks" — which, he argues, is a productive cultural process that will lead to the "de-WASPing of America" and the economic empowerment of racial minorities.

Sure, as a libertarian and a non-WASP immigrant to this country, I support open and free immigration to the United States — *not* the current "subsidized immigration" — and would not shed a tear if the majority of Americans didn't look or talk like George Bush. Miami's flavor of a Central American trading center doesn't bother me, and if members of a particular group would like to finance with their own private resources ethnic or religious education for their children, that's fine with me too. (Just don't ask me later on to pay welfare for kids who, despite their fluency in Swahili, still can't find a job.)

But that is not the issue here. If Kotkin's "workable cosmopolis" means the addition of hundreds more tribal-based nation-states with their bloody warlords and little dictators, multiculturalism in the modern American context means transformation of our system from one based on individual rights to one based on group rights. It means turning Kotkin's city of residence, Los Angeles, into a West Coast version of contemporary Beirut, Sarajevo, or Hebron.

In his concluding chapter, Kotkin criticizes people who adhere to the "rational utopias" of Adam Smith, that famous white male member of the British tribe (Scottish clan) — people who believe that tribalism "may well seem a regression back to the instinctual, a celebration of the peculiarities and even the irrationality of our species." That is exactly what I believe, and Kotkin's book has failed to change my mind.

Nice try, though. ❑

***On the Edge of Anarchy: Locke, Consent, and the Limits of Society,* by A. John Simmons. Princeton University Press, 1993, $35.00.**

Over the Edge?

F.H. Buckley

Two kinds of anarchism may be distinguished. For the *political anarchist*, all forms of government unjustly fetter human choice, and every loyalty requirement is excessive. This is the anarchism of those hostile to any political structure. The weakness of political anarchism is its unwillingness to make a principled distinction between unjust states and normal, muddled Western states. Surely, we should want to say, it is all a matter of degree. Even as Nazi Germany should be resisted, a more just government might command allegiance.

For allegiance to be owed, however, a link must be demonstrated between subject and state. Bosnia might be a wholly just state, but I still do not owe it allegiance. What is needed, then, is a connecting factor joining subject to sovereign. The *jurisdictional anarchist* denies that any such connecting factor can ever be found. Because of this, loyalty requirements never arise.

The second kind of anarchism is of closer concern to John Locke, and to A. John Simmons, whose *On the Edge of Anarchy* is the best analysis of Locke's theory of political obligation. Simmons is the chairman of the philosophy department at the University of Virginia, and the author of *Moral Principles and Political Obligations* (1979), still the finest introduction to problems of political obligation and jurisdictional anarchism. *On the Edge of Anarchy* is a companion to Simmons' *The Lockean Theory of Rights* (1992), an excellent introduction to Locke's doctrine of natural rights.

Locke's project in the *Second Treatise on Civil Government* was to justify allegiance to a modern, liberal state. Loyalty requirements are not owed to absolutist states; there, Locke sides with the political anarchist. Such states excessively infringe natural rights, and cannot command allegiance. Where the state is less intrusive, however, both political and jurisdictional anarchism must be rejected. Locke's practical political agenda was to justify the move from James II to William and Mary, not to advocate radical republicanism.

To succeed, then, Locke had to show that his liberal state is just, and that Englishmen owe it allegiance. To show that a liberal state is just, Locke argued that (1) life in civil society is more pleasant than life in an anarchist state of nature, and (2) the move to civil society (in the form of his liberal state) does not infringe natural rights to person or property. To show that Englishmen owe allegiance to their particular liberal state, Locke invoked the doctrines of express and tacit consent. A subject binds himself expressly to a liberal state by swearing an oath of allegiance or by owning property in it — at least under fee-simple property regimes where the residual interest vests in the Crown. A subject binds himself tacitly to a liberal state by almost any act within it — for example, by traveling on a public highway.

The assumption that fee-simple land ownership implies political consent seems difficult to reconcile with Locke's account of a natural right to property.

There are several problems with Locke's contractarian defense of politi-

cal obligation. The assumption that fee-simple land ownership implies political consent, which might come easily to a common lawyer, seems difficult to reconcile with Locke's account of a natural right to property. Indeed, the fee-simple case for political obligation was explicitly made by Sir John Filmer, Locke's royalist opponent, whose patriarchal account of political obligation was attacked in Locke's *First Treatise*. And what is more artificial than tacit consent, effectively ridiculed by David Hume? How can consent provide the connecting factor between subject and state when everyone necessarily consents? From fictitious consent comes fictitious allegiance.

Given the problems with contractarianism, Hannah Pitkin has argued for a non-contractarian reading of the *Second Treatise* (see "Obligation and Consent," *American Political Science Review*, December 1965 and March 1966). Surely, she argues, Locke must have realized the problems with consent-based theories. If consent does not work, then, the move to civil society is most plausibly justified on utilitarian grounds, with loyalty requirements resting not on the obligation to perform one's promises but on the duty to support just institutions.

Simmons effectively criticizes this interpretation of the *Second Treatise*. Locke's frequent references to actual consent suggest that he had something other than a fictitious, hypothetical consent in mind. But if consent, express or tacit, requires a deliberate choice made without compulsion, how can contractarianism survive Hume's criticism? How could a poor peasant, Hume asked, be said to choose to reside where he does, when he has not the means or even the right to emigrate?

While not denying these difficulties, Simmons argues that consent supplies the most plausible justification of political allegiance. If people cannot easily be said to consent to political authority, then so much the worse for political authority. The Locke Simmons defends thus falls over the edge of anarchy. "Serious political voluntarism commits us to the acceptance of philosophical anarchism. Since Lockean political philosophy is essentially voluntarist, . . . this means that Lockeans must also accept philosophical anarchism" (p. 260).

Simmons concludes, therefore, that states lack the authority to prohibit harmless conduct, require military service, tax, and expropriate. The jurisdictional anarchism he defends is relatively mild, however, for his states still have the authority to punish common criminals. Even in matters of taxation and expropriation, residents must weigh the costs and benefits of resistance from a moral perspective. If the government is a good one, the resident is normally bound to support it by complying with its laws.

Libertarians will be pleased with Simmons' positive program, to the extent that he has one. Since they measure existing societies against a voluntarist ideal, Simmons' anarchists will press for changes to political arrangements that expand choices. Though Simmons does not describe what his "expanded membership options" would look like, presumably he would support secession rights, federalism, and the right to opt out of compulsory state public benefit plans.

The test of good philosophy is quite simple: *How difficult are the problems it tackles?*, and *How much of a burden does it place on the reader?* By that standard, I can think of few political philosophers I prefer to John Simmons. He is a clear and very analytical writer. The professional philosopher may read him with profit, and the layman with ease. ❑

Special report from the First International Libertarian Film Festival.

Oscar Shrugged

Mark Skousen

GALT'S GULCH, COLORADO — What better location for the first libertarian film festival than *Atlas Shrugged*'s Atlantis, the hidden valley high in the Rockies to which the world's most productive individualists repaired when they went on strike?

Ragnar Danneskjold, the philosopher turned pirate, was the first to suggest the idea. "Gentlemen, we've been stuck here in this boring place for over 30 years, and the world still hasn't begged us to return." He closed the book he was reading, *How I Found Freedom in an Unfree World*, and stood up. "Fellow libertarians, or classical liberals, or Objectivists, or whatever we are, I'm sick and tired of sitting around reading philosophic tomes and self-help manuals. Let's have a film festival! Every night we'll see a different picture."

Francisco d'Anconia, the industrialist turned playboy turned revolutionist, seconded the motion. "Great idea, Rag! If I hear one more note from Richard Halley's Fifth Concerto . . ."

It was the first time in years that everyone had agreed on anything. John Galt, puffing madly on a gold cigarette, insisted that each film be strictly benevolent and life-affirming in nature. "Our standards must be objective!" he shouted. "A is A!"

Word quickly spread, and Galt's band of industrialists, scientists, doctors, and philosophers met at Midas Mulligan's private theater the next evening. His library consisted of several thousand films, most of them pirated by Ragnar Danneskjold. The theater was a cozy little screening room that held approximately 50 guests. Surrounding the theater were photographs and posters of famous stars, including Gary Cooper, John Wayne, Clint Eastwood, and Farrah Fawcett (signed "Please, Ayn, let me play Dagny").

By 7:00, the place was packed. Luminaries included industrialist Hank Rearden, oil magnate Ellis Wyatt, composer Richard Halley, movie actress Kay Ludlow, and Dr Thomas Hendricks. The last to appear was Dagny Taggart, escorted by John Galt. She was

still in an arm sling, recovering from another airplane accident. "I'm completely helpless without you, John," she whispered, staring dreamily into his blue eyes. "I'll pretend you never said that," Galt responded, blowing smoke in her face.

Ragnar Danneskjold started things off. To qualify as a libertarian film, he said, a movie should offer protagonists who are rugged individualists and non-conformists, questioning the rules of society. They must be independent thinkers who unabashedly support their own self-interest and are reluctant to meddle in the affairs of others. Naturally, they will be skeptical of organized religion. Libertarian heroes should be uncompromising defenders of laissez-faire capitalism. They should champion the right to pursue the creation of wealth without guilt. Finally, they must oppose state power in all its forms, including the evils and injustices of war.

"Given these qualities, it may not surprise you to learn that most libertarian films have unhappy endings," he warned the audience.

"Isn't that a contradiction?" asked Rearden. "Don't we believe in a benevolent, life-affirming universe?" The others remained silent.

Ragnar announced that he had uncovered a dozen films in the Atlantis library that in his judgment contained libertarian themes. A film was shown each night, followed by discussion and sometimes heated debate.

First Night: *Shenandoah* (1965), 105 min., color. Directed by Andrew V. McLaglen. Starring Jimmy Stewart, Doug McClure, Katharine Ross, Patrick Wayne, and George Kennedy.

"This is a superb film that contains all the libertarian themes," asserted Ragnar.

The storyline: The Andersons are hard-working, honest, independent farmers minding their own business, when the Civil War breaks out. The father (Jimmy Stewart) is a widower who honors his wife's last request to attend church every Sunday and to say grace at dinner every night. While Anderson is skeptical of religion, he believes in honoring a contract, whether verbal or written. His libertarian prayer is a classic:

"Lord, we cleared this land, we plowed it, sowed and harvested it, and we cooked the harvest; it wouldn't be here and we wouldn't be eating it if we hadn't done it ourselves. We worked dog-bone hard for every crumb and morsel, but we thank the Lord just the same for the food we're about to eat. Amen."

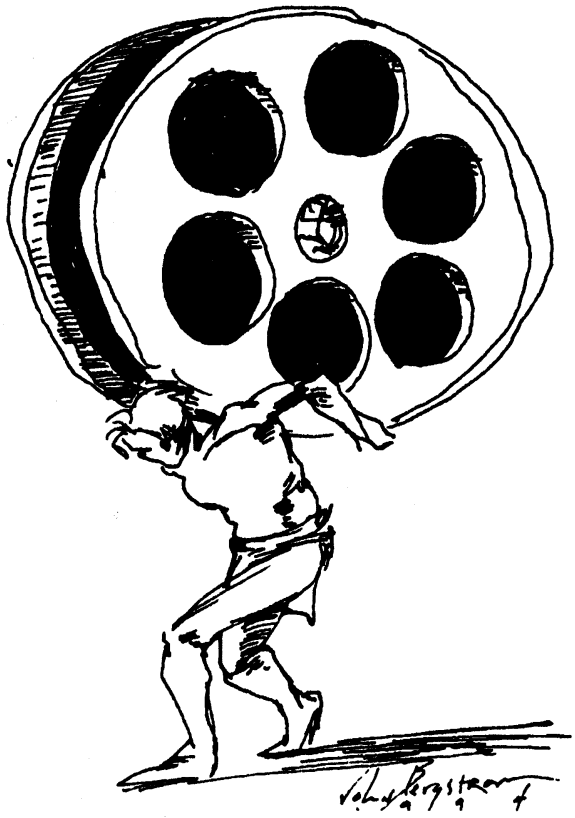

This prayer is repeated at the end of the movie, but it seems rather hollow after the Andersons have suffered the pains of war.

The Andersons are anti-war, anti-draft, and anti-state. They are Virginians, so they won't support the North, yet they don't own slaves, so they refuse to fight for the South. They don't believe in the draft, although they are free to volunteer: "My sons don't belong to the state." They don't believe in the government: "We never asked anything of the state, and we don't figure we owe anything to it either." They are anti-war: "Like all wars, the undertakers are winning it. The politicians talk about the glory of it, the old men will talk about the need of it. . . . The soldiers, they just want to go home." They are isolationists:

"They're on our land?" asks Mr Anderson.

"No," responds a visiting Confederate officer.

"Then it doesn't concern us."

"When are you going to take this war seriously?"

"This war is not mine."

The audience greeted this dialogue with thunderous applause. "Bravo!" shouted Hank Rearden.

When Federal agents come on the Andersons' property to confiscate their horses, using authority granted by an Act of Congress, one of the Anderson boys asks his dad, "What does confiscation mean, Pa?" He answers, "Stealing." The Andersons refuse to turn over the horses and a fight ensues. The federal agents are driven off. Eventually, the Andersons feel obligated to enter the war when the youngest son is taken prisoner by the Northerners. At the end of the film, they get a taste of the horrors of war. Two sons are killed and a daughter-in-law is brutally assaulted.

"In short," Ragnar summarized at the end, "it is nearly impossible to escape the evils of war, even if you try to mind your own business."

No one could argue with that, and the film festival adjourned with everyone giving *Shenandoah* five stars.

Second Night: *The Americanization of Emily* (1964), 117 min., black & white. Directed by Arthur Hiller. Starring James Garner, Julie Andrews, James Coburn, and Melvyn Douglas. Screenplay by Paddy Chayefsky.

The second film was more controversial.

"This is the best anti-war movie ever made," proclaimed Richard Halley.

"How can you consider cowardice a moral imperative?" Again, it was Rearden who spoke.

At issue was the personal philosophy of Charlie Madison (James Garner). The story is about "dog-robbers," personal valets to American generals and admirals, in Britain during World War II. The plot focuses on the relationship between American Commander Madison, personal assistant to Admiral Jessup, and Emily, a British Navy staff member. Madison is a promiscuous opportunist who has no interest in the war and is, in fact, a complete cynic. Emily (Julie Andrews), on the other hand, represents the traditional view — that the Allies are fight-

ing an honorable and virtuous war against the evil Axis and that all good citizens and soldiers must be willing to sacrifice for the good of the war. When Charlie offers Emily some Hershey candy bars (unavailable to the general public), she refuses. When he makes advances, she slaps him. "I think it's profane to enjoy this war," she tells Charlie. She notes that Charlie does whatever is necessary, including bribery, to get his way or provide black-market goods (filet mignon) and services (prostitution) for his admiral. "You're a complete rascal," she says. In response, Charlie calls Emily a "prig."

"I'm sick of sitting around reading philosophic tomes and self-help manuals. Let's have a film festival!"

"This film reminded me of the book, *Overpaid, Oversexed, and Over Here*," commented Rearden. "It's a book about American GIs in World War II Britain. I'd hardly call them heroes. Does Charlie Madison have any scruples, any admirable qualities?"

"Yes, I'll defend him," Richard Halley said. "Charlie Madison is to be honored for his eloquent condemnation of war, the stupidity of war. Besides, I like the music."

In response to Emily's self-righteous stance, Madison states, "I've had Germans and Italians tell me how politically ingenuous we are, but we haven't managed a Hitler or Mussolini yet. This war . . . is the result of 2,000 years of European greed, barbarism, superstition, and stupidity. Don't blame it on our Coca-Cola bottles." In a conversation with Emily's mother, he declares, "I'm not sentimental about war. I see nothing noble in widows."

"What are your religious views?" Emily's mother asks.

"I'm a practicing coward."

Madison condemns war. "We must resist honoring the institution of war. . . . We must condemn the traditional heroism of self-sacrificing soldiers." Rather, Madison elevates selfishness and self-preservation as supreme virtues. "It's not greed and ambition that makes wars, it's goodness. . . . As long as valor remains a virtue, we shall have soldiers." Later he proclaims the value of an amoral lifestyle: "Life isn't good or bad or true, it's merely factual. It's sensual, it's alive. . . . I want to know what I am, not what I should be." As he leaves Emily, he tells her that he wants to be remembered as one "unregenerately eating a Hershey bar."

Most of the audience roared with approval. Dagny stood up in the darkened room, and it was her lips that said, "He is the ideal man!" John Galt remained silent.

In the end, Emily is "Americanized." She adopts his philosophy regarding war. She goes to bed with him. Speaking fondly of Charlie's memory, she says, "We no longer take pride in death in this house. What was admirable about Charlie was his sensation of life, his cowardly, selfish, greedy appreciation of life."

As the applause died down, Rearden took exception to Charlie Madison's character. "Despite Madison's eloquent condemnation of war, what about Charlie himself? Is his denunciation of war simply a justification of his cowardice? The Andersons in *Shenandoah* were never chicken. They were willing to fight for what they believed in. Moreover, when he miraculously survives Normandy, will Madison be faithful to his bride? Or will he remain a wheeler-dealer in civilian life? Libertarianism must not be equated with a libertine lifestyle! Liberty does not mean license! Charlie Madison is not my kind of hero."

But even as Rearden spoke, the audience was giving *The Americanization of Emily* a standing ovation.

Third Night: *Hombre* (1967), 111 min., color. Directed by Martin Ritt. Starring Paul Newman, Fredric March, and Richard Boone.

"I saw this movie years ago," commented Midas Mulligan. "*Hombre* is my favorite western."

The storyline: John Russell (Paul Newman) is an Apache-raised "hombre" returning to a white man's world. Russell is not afraid to defend his honor or to use a gun.

"He's not a coward like Charlie Madison," yelled Hank Rearden.

"Hush!" shouted Quentin Daniels, clutching a bag of popcorn in one hand and a cigarette in another.

Russell doesn't believe in getting involved in other people's affairs. When a gunslinger threatens a man, demanding his stagecoach ticket, Russell does nothing to help the innocent man. After the event, a witness turns to Russell and says, "You should have done something."

"Wasn't my business."

"But if he had taken your ticket?"

"He didn't."

"That soldier would have helped you."

"I didn't ask him for any. . . . I didn't feel like bleeding for him, and even if it isn't all right with you."

On the other hand, Russell, raised by Apaches, defends the rights of Indians. "They live where they don't want to live." In the beginning of the film, when a cowboy insults a fellow Indian, he hits him with the butt of his gun.

Hombre does not live by the rules of gentlemen and society. He is an outsider. He feels no obligation to assist other passengers on the stagecoach when they are robbed and left helpless. He shoots two of the robbers, one armed, the other unarmed. He takes off immediately, leaving the others behind complaining that "we are all together." They finally catch up with him.

"Now that's my kind of libertarian," exclaimed Midas Mulligan. His eyes were wistful again.

When the remaining robbers return to exchange a hostage for money, Russell is uncooperative. They threaten to shoot the hostage. Hombre is undisturbed.

John Galt, puffing madly on a gold cigarette, insisted that each film be strictly benevolent and life-affirming in nature.

"All right, shoot her. . . . She's nothing to me."

"What about the others?"

"They say what they want."

Russell has a code of ethics, however. He keeps the saddlebags of banknotes, which had been stolen from the Indians, not for himself, but to be returned to the Indians, the rightful owners.

At the end of the film there's a stalemate between the robbers and the passengers. Everyone except Russell turns out to be a coward, unwilling to exchange the money for the hostage. Finally, the stalemate is resolved when Russell takes the risk and sacrifices himself. His heroic, selfless

act results in his demise. He is killed.

"You see what happens when men abandon their self-interest and sacrifice for humanity? Is *that* what you call virtue?" It was John Galt who spoke, and three hours later he was still speaking. The others remained silent.

Fourth Night: *Cool Hand Luke* (1967), 126 min., color. Directed by Stuart Rosenberg. Starring Paul Newman and George Kennedy. Screenplay by Donn Pearce and Frank R. Pierson, based on the novel by Donn Pearce.

Ragnar introduced the film, another Paul Newman appearance as a nonconformist libertarian. "In this case, the film tells the tragic — no, I mean the benevolent and life-affirming story of an individualist who, like many freedom-loving souls, has tremendous potential yet fails to achieve it."

To qualify, a movie should offer protagonists who are rugged individualists and nonconformists, questioning the rules of society.

"I've never planned anything in my life," comments Lucas Jackson (Newman). His record indicates that he started as a buck private in the army, earned a Purple Heart in World War II, yet ended his stint the same way he started — as a buck private. Why did he tear off the heads of parking meters in a small town, landing him in a prison camp? "Settling an old score," he responds, implying an act of revenge against the state, perhaps motivated by the war years. Lucas Jackson's problem is that he can't conform to official authority, which he characterizes as "lots of guys laying down a lot of rules and regulations." The rules are often bureaucratic and nonsensical. When Luke is put into the one-man box overnight, after his mother passes away, a guard tells him, "Sorry, Luke, I'm just doing my job." Luke responds, "Calling it a job don't make it right."

In prison, Luke quickly becomes a leader. He's the best poker player among the prisoners. He meets incredible challenges ("I can eat 50 eggs") and never gives up, even when he's beat (the boxing match).

Luke doesn't blame others for his problems. "What I've done I've done myself," he tells his distraught mother. "Man's got to go his own way." Luke must work out his own salvation. But the unrepentant prisoner is skeptical of God and religion. He goes into a church alone. "Anybody here?" he yells. There is no answer. Life is unfair, he concludes.

"You've got to learn the rules," he is told. But Luke is a social misfit — opposed not to ordinary people, but to the state. "What we have here is a failure to communicate," says the warden in a famous line. Luke disrupts the state prison system and pushes state officials to the limit of tolerance. Finally, they destroy him.

"I remember someone like that," said Hank. "Back at Rearden Steel."

"I'm not sure I understand this film's ideological context." The hesitant voice was that of Dr Thomas Hendricks, the famous surgeon. "In *Hombre*, the libertarian is killed when he finally comes to the rescue of someone who needs help. In *Cool Hand Luke*, just the opposite occurs: the libertarian is killed when he refuses to conform to society. Libertarians can't win no matter what."

Galt's eyes narrowed. "We never said our lot would be easy," he said. "Here, Doc, have a cigarette."

The evening's performance ended with a question. "Which actor has done more libertarian movies than anybody else?" asked Ragnar.

Nominations included Clint Eastwood, Gary Cooper, John Wayne, Humphrey Bogart, Errol Flynn, and Farrah Fawcett.

"Sorry, you're all wrong," Ragnar said. "It's Paul Newman! Tomorrow we'll be seeing his third libertarian film."

Fifth Night: *Sometimes A Great Notion* (1971), 114 min., color. Directed by Paul Newman. Starring Paul Newman, Henry Fonda, Lee Remick, Michael Sarrazin, and Richard Jaeckel. Based on the novel by Ken Kesey.

"If you think last night's film puts libertarians in a bad light," commented Ragnar, "Wait until you see this evening's picture. You'll see what Paul Newman really thinks of libertarians."

"Newman isn't a libertarian!" yelled Kay Ludlow, the movie actress. "He isn't even a good actor!"

"Perhaps so," Ragnar replied. "As a matter of fact, in this film the Henry Stamper family, imbued with the libertarian philosophy, is placed in a highly unfavorable light." The lights went down and the film began.

Henry Fonda plays an irascible, stubborn father who lives by the family motto, "never give an inch." He heads an independent family logging operation in Oregon that is anti-union, anti-socialist, and anti-feminist (the women have little or no influence, and hardly ever talk). But they are hard-working men of their word who don't violate their contracts. Consequently, they become scabs when the rest of the community joins in a union strike.

The Stamper family is against anyone telling them what to do, whether a "commie, pinko" government or a threatening labor union. Hank (the oldest son, played by Newman) sardonically talks back to the union leaders: "You're going to tell us when to stop cutting, who to sell to, and pat our little bottoms and tell us what good little boys we are."

In the final analysis, the family never gives an inch, but as a result Hank loses a father, a brother, and a wife. He also fails to

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help a theater-owner who later commits suicide. Despite paying this high price, Hank is defiant to the end.

"You must never compromise your principles," declared John Galt at the end of the movie, "no matter what the price."

"I'm afraid the price is too high for me." Everyone turned and stared at the face of Francisco d'Anconia.

Sixth Night: *Brazil* (1985),131 min., color. Directed by Terry Gilliam. Starring Robert De Niro, Jonathan Pryce, and Kim Greist. Screenplay by Terry Gilliam ,Tom Stoppard, and Charles McKeown.

"This surrealistic story is the best dystopian film I've ever seen," declared Ragnar. "The plot, full of black comedy, is far more entertaining and exciting than the stereotyped attempt to put George Orwell's classic on the silver screen. The cinematography and production designs are dazzling. It's a visual feast of imagination and creativity."

Rearden took exception to Charlie Madison's character. "Libertarianism must not be equated with a libertine lifestyle! Liberty does not mean license!"

Instead of being ruthlessly efficient, the central authority in Brazil *gropes incompetently through a nightmare of paperwork, unreliable services, and a bloated and incredibly complex infrastructure. Nothing works — a vivid reminder of the old Soviet Union. Despite the government's hoard of advanced weapons, the ubiquitous spy machines, and federal police galore, the underground survives and even thrives. The black market engineer (De Niro), referred to by state operatives as a "terrorist," is never caught. However, a government clerk (Pryce), who holds fast to his ideals and his Dream Girl (Griest), is tortured and destroyed.*

"*Brazil* paints a picture of the future that is much more believable than *Nineteen Eighty-four*," Ragnar commented at the end of the presentation.

"Even more believable than *Atlas Shrugged*?" The darkened theater was too thick with smoke for anyone to recognize who said it.

Ragnar's eyes narrowed, but he continued. "The storyline includes no-knock break-ins by federal SWAT teams, national ID cards required for all citizens, constant monitoring through X-ray machines, everyone living in tall apartment complexes, etc. But you also witness bureaucratic mix-ups, thriving black markets, and underground opposition. You can see it coming. It's eerie."

"Eerier than *Atlas Shrugged*?" But the theater was still too thick with smoke.

Seventh Night: *The Adventures of Robin Hood* (1938), 102 min., color. Directed by Michael Curtiz and William Keighley. Starring Errol Flynn, Olivia de Havilland, Basil Rathbone, Claude Rains, and Patric Knowles.

Ragnar bravely introduced the film. "Several pictures have been made about Sir Robin of Loxley, the outlaw of Sherwood Forest, including a recent effort by Kevin Costner, but nothing compares to the original, dynamic Errol Flynn version. He's my kind of hero!"

"He's the 'hero' that we tried to kill!" It was Francisco's voice that protested.

"I remember that movie," said Midas Mulligan.

Francisco remained silent.

Robin Hood's oath, "To take from the rich and give to the poor," sounds more like standard fare of the Clintonistas than a libertarian creed. But, like many libertarian heroes, Sir Robin is misunderstood — even by Ayn Rand. The real story, clearly revealed in this film version, is that Sir Robin of Loxley is not simply an outlaw who stole from the rich, but a fighter against unjust taxation and other acts of oppression by the forces of the state, Prince John and the Sheriff of Nottingham. Conforming to the legend, the twelfth-century Norman authorities impose unbearable taxes on the Saxons, beating and torturing them, raping their women, and confiscating their property when they refuse to pay. A law is passed making it a capital crime to kill the king's deer in Sherwood Forest, even if the hunter is starving. Robin's band of merry men oppose this oppression, and their efforts to "steal from the rich" are in reality aimed at recapturing the tax monies that are rightfully theirs in the first place. The bold rascal Robin Hood isn't a reckless outlaw, but a brave patriot. "I'll organize revolt," he proclaims before Prince John and his entourage. "I'll never rest until I strike a blow for freedom."

"You speak treason," asserts Maid Marian.

"Fluently," replies Sir Robin.

"There's only one problem with this picture," muttered Lawrence Hammond, the automobile magnate, glancing warily at Midas Mulligan, who had saved Hammond's non-competitive business with a well-timed loan of a hundred pounds of gold. "What does Robin Hood do with the tax money he seizes? Does he keep it himself or does he return it to its rightful owners?"

"Better ask Ragnar about that," said Mulligan. Ragnar had recently opened his own bank.

In this version, King Richard the Lion-Hearted is being held for ransom in Europe, and the merry men decide to use the money to pay it off. Richard is viewed as a benevolent king who ousts Prince John and reestablishes peace and liberty when he returns. Yet this is the same King Richard who has left England to lead the Crusades against the "infidels."

Dagny ground her cigarette into her popcorn. "This is an unjustifiable act of religious intolerance and imperialism, an act that no libertarian can justify," she declared. "Under these circumstances, *The Adventures of Robin Hood*, however well-performed, cannot be viewed as an entirely satisfactory libertarian film."

"Paul Newman isn't a libertarian!" yelled Kay Ludlow. "He isn't even a good actor!"

"Aw, pipe down," said John Galt. "I'll do the talking in this family."

"All right," replied Ragnar, "if you don't like this version of *Robin Hood*, you still might enjoy tomorrow night's alternative. Stay tuned!"

Eighth Night: *The Mark of Zorro* (1940), 93 min., black & white. Directed by Rouben Mamoulian. Starring Tyrone Power, Basil Rathbone, and Linda Darnell.

"The story of Zorro has been produced on the silver screen numerous

times, but nothing beats the 1940 version with Tyrone Power," said Ragnar.

"That's *your* opinion," said John Galt.

Diego Vega, son of a rich plantation owner, returns from Spain to learn that his honorable father has been deposed as Alcalde of Los Angeles and replaced by tyrants who "make the people more industrious" by imposing heavy taxes (shades of Bill Clinton). Those who can't pay are tortured and jailed (shades of Janet Reno). His father is an old traditionalist, a stickler for law and order, and refuses to fight back. "Two wrongs don't make a right."

"You speak treason," says Maid Marion. "Fluently," replies Sir Robin.

But the young, debonair, and tepid Diego becomes the brave, resourceful outlaw Zorro at night, recapturing the gold that the rulers have stolen from the "peons." What does he do with the money?

"That's what I'd like to know!" exclaimed Midas Mulligan. Ragnar remained silent.

"This gold was wrung from the peons," he tells the local padre. "It's up to us to restore it to them."

The story ends when the peons, under Zorro's leadership, storm the mayor's headquarters and reappoint Diego's father as Alcalde.

"Fantastic!" exclaimed Midas Mulligan. "Clearly, Zorro does not suffer from bad motives, as is the case with Robin Hood — and some other people I might mention. I give *The Mark of Zorro* five stars."

Ninth Night: *Cash McCall* (1959), 102 min., color. Directed by Joseph Pevney. Starring James Garner, Natalie Wood, and E.G. Marshall. Based on a novel by Cameron Hawley.

Ragnar stood in front of the crowded theater. "Attention all you unrepentant greedy capitalists — Hank Rearden, Ellis Wyatt, Lawrence Hammond, Dwight Sanders! This is your kind of show!"

"And you too, Midas!" shouted Francisco. Francisco had a childlike, benevolent, life-affirming innocence, despite his enormous debts.

Cash McCall (Garner) is the quintessential misunderstood business tycoon. As a takeover artist and financier, a cross between Howard Hughes and Michael Milken, he is feared and loathed by the public, the media, his business partners — even schoolkids, who have made up a nursery rhyme about him. He is viewed as a vulgar, fast-buck, unscrupulous, cold-hearted robber baron who takes over companies, lays off workers, and sells the enterprises at a hefty profit. At the beginning of the picture, McCall is being investigated by the IRS for tax evasion. Later he is accused by his fiancee, Lory Austen (Natalie Wood), of being unfaithful.

"I'm a thoroughly vulgar character," Cash McCall says, playing on his public image. "I enjoy making money."

"So do I!" said Kay Ludlow.

"When the hell did you ever make any money?" asked Dagny. "You wouldn't have gotten to your auditions if I hadn't given you a railroad pass!"

"Aw, pipe down!" interjected John Galt. "Give 'er a break, will ya'?"

Kay Ludlow smiled.

But the reality of the man is completely different from appearances. Cash McCall is, in fact, an efficient, shrewd businessman with a high standard of personal and business ethics. He admits that he is not a "company man." As an independent financier, he likes to "buy old companies, whip them into shape, and sell them." But there is nothing shady about him. He honors his commitments and doesn't try to hide things. He gives potential sellers a chance to get out of his deals. Cash has an opportunity to take advantage of Lory when they first meet, but refrains.

Unlike many other libertarian films, this one actually has a happy ending.

"That's the most beautiful film I've ever seen," said Kay Ludlow. Dagny remained silent. She was remembering all the times John had refused to take advantage of her.

Tenth Night: *Ben Hur* (1959), 212 min., color. Directed by William Wyler. Starring Charlton Heston, Stephen Boyd, Jack Hawkins, Haya Harareet, Hugh Griffith, and Martha Scott.

"How in the devil could you include a religious film, Rag?" demanded John Galt. "You never really were one of us, were you?"

"But it's so romantic," said Kay Ludlow. "And so realistic, too!"

"Well, maybe you're right," said John Galt. "It *might* be benevolent and life-affirming."

Dagny Taggart suddenly stood up. "Religion is the opiate of the masses. I'm leaving!" She put out her cigarette and exited the theater, followed by Francisco.

"Have an open mind," pleaded Ragnar, oblivious to John and Kay's increasingly harmonious ideological trends. "This movie actually has an underlying libertarian theme."

The hero, Prince Juda Ben-Hur (Heston), is the wealthiest man in Jerusalem, having obtained his wealth honorably as a merchant. He treats his servants as friends and stewards, not as slaves. When Ben-Hur is confronted by the new Roman commander Messala (Boyd), his boyhood friend, he defends his country's right to be free from foreign oppression: "Withdraw your legions, give us our freedom." Ben-Hur is opposed to violence, but will not turn informer and reveal the names of dissident

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Jews. "They are not criminals — they're patriots!" he explains. Messala offers Ben-Hur power and protection if he will betray his people, but he cannot be bought. "I'd rather be a fool than a traitor."

Ben-Hur has personal integrity. He refuses to kill Messala in cold blood, even though he has the opportunity. He becomes a Roman citizen when he saves the life of the Roman fleet commander Quintus Arias. But he returns his adopted father's ring after coming back to Jerusalem. He will not take part in the Roman policies of slavery and tyranny.

"Still, he is a thorough-going, practicing Jew, a member of an irrational faith," Rearden asserted after the film was over.

"It is the only thing that keeps him alive," explained Ragnar. "The Jewish demand for revenge. It's life-affirming."

"Religion denies an objective, rational world — and requires faith in things you cannot see or feel," insisted Galt.

"That's right," Kay murmured.

"Granted, Juda Ben-Hur is a true believer in God, but he bases his belief on real evidence — such as the event at Nazareth where he is miraculously given water by the carpenter. That's one of the most moving scenes ever filmed. And note how skeptical he is about the new Christian religion. He does not believe until he actually sees a miracle — his mother and sister are healed of leprosy. Only then do bitterness and hatred leave his soul, allowing him to become a happy man again."

The debate continued into the night in the midst of a smoke-filled room, although John, Dagny, Francisco, and Kay were no longer present.

Eleventh Night: *Dark of the Sun* (1968), U.K., 101 min., color. Directed by Jack Cardiff. Starring Rod Taylor, Jim Brown, Yvette Mimieux, and Kenneth More. Based on the novel by Wilbur Smith.

Ragnar Danneskjold was excited about the eleventh night's presentation. "It's my favorite movie — an action film full of violence, intrigue, and romance!"

"Better than *Rambo, Dirty Harry,* and *Rooster Cogburn*?"

"Much better!"

This is the story of four mercenaries, men who fight and die for anybody, for any cause, anywhere — if the price is right. In this story, they hunt diamonds, they hunt cannibals, and they hunt each other. Ostensibly, they are paid to rescue a community deep in war-torn Congo under threat of attack by vicious rebels, flesh-hungry cannibals; but they also have a clandestine objective of bringing out a load of priceless diamonds. The action is fast-paced, the music is haunting, and the train scenes are unforgettable.

"This is my kind of life," proclaimed Ragnar.

"I'd love to be on that train right now," exclaimed Dagny Taggart.

"Me too," said Francisco, taking the empty seat next to her.

The mercenaries are men without hope who discover that it is never too late. One finds the strength to die like a man, although he has lived his whole life in fear. Another rediscovers self-respect and the chance to start over again, and the third (Bruce Curry, a role magnificently performed by Rod Taylor) finds that he can love again. Still, the storyline ends in violence and tragedy. He who lives by the sword must die by the sword. The question is, can there be any salvation for men who commit the vilest of sins?

"I told you most libertarian films have sad endings," commented Ragnar.

"Can we expect anything different for us?" Richard Halley asked. Everyone knew the composition of his new opera, *Frank O'Connor,* was not going well.

Twelfth Night: *The Fountainhead* (1949), 114 min., black & white. Directed by King Vidor. Starring Gary Cooper, Patricia Neal, and Raymond Massey. Screenplay by Ayn Rand, from her novel.

Everyone applauded when Ragnar announced the festival's last film. "It's about time!" said Dagny Taggart.

"It's about time!" added Francisco d'Anconia.

Ragnar agreed. "A libertarian film festival would not be complete without showing the movie version of Ayn Rand's philosophical novel about Howard Roark, the iconoclastic architect," he said.

Roark, like Van Gogh or Michelangelo, refuses to give in to popular artistic design: "I don't care what they think of architecture, or anything else." Roark's standards are so demanding and provincial that he has great difficulty in finding work. "I don't have clients in order to build, I build in order to have clients."

"I don't get it," Quentin Daniels interrupted. "I thought capitalism works because the producer responds to consumer needs. Is Howard Roark anti-capitalist?"

"You have a lot to learn, young man," responded Galt. "Roark sets the highest standard. If the public doesn't buy it, he will do something else — just as all of you are doing other things here in Atlantis."

"That's right!" said Kay Ludlow.

"And what are *you* doing, my dear?" inquired Dagny.

"*The Fountainhead* is supposed to be symbolic," Richard Halley added. "It's about the moral strength of the individual against the mediocrity of the masses."

"That's right — mediocrity," said Dagny.

"That's right — mediocrity," said Francisco.

Roark is the unbridled individualist, the "supreme egoist," opposed to all forms of self-sacrifice or charity: "I don't give or ask for help." The final speech of Howard Roark, "The Individual vs the Collective," is delivered with great fervor.

"In a true libertarian society, there would be no government welfare system, that I know," said Hank Rearden. "But are there to be no charitable organizations, no churches to help the needy?"

"Of course not, Hank. What's got into you anyway? You're starting to

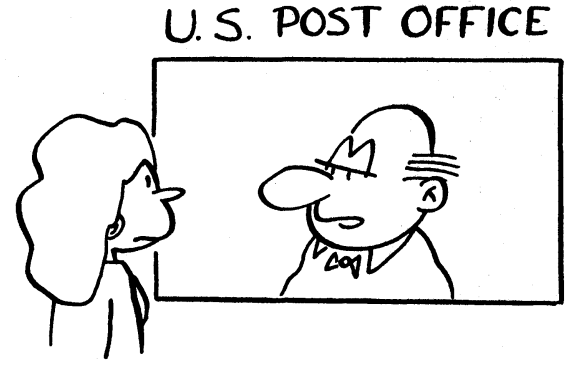

"We're out of air mail stamps — come back next week."

sound like your wife!" Kay smiled smugly at Galt's words.

"It's obvious that Hank is right!" shouted Dagny, snuffing out two cigarettes.

Francisco d'Anconia was disturbed about another aspect of the film. "Frankly, fellow libertarians, the sex in this movie stinks! Dominique Francon appears incapable of showing real feeling and love. Sex with Roark is impersonal — only afterwards does she discover who he is. Who would want that kind of relationship?"

Dagny looked nervous as Francisco continued talking. "Can you imagine spending weeks alone in an empty country house? What a bore! To Dominique, freedom is empty; it is to want nothing, to depend on nothing. If this film were in color, there would still be no warmth."

"Oh, who the hell wants color?" Dagny interjected.

Ragnar interrupted. "You might be interested in knowing that Miss Rand didn't like the outcome of the film either, even though she wrote the screenplay. She wanted Greta Garbo to play the part of Dominique, and she hoped Frank Lloyd Wright would do the architectural designs. Some rank amateur produced some horrible modernistic work instead."

"You mean she compromised her principles?" asked Rearden. No one replied.

On the thirteenth night, the audience gathered by the light of kerosene lamps. "How romantic!" said Kay Ludlow, but Galt did not reply. Dagny, too, remained silent.

After protracted debate about the morality of voting, an informal poll showed *Cash McCall* barely topping *Shenandoah* for Best Libertarian Picture. Paul Newman was voted Best Actor and Farrah Fawcett won Best Actress in a Future Libertarian Film.

John Galt reluctantly congratulated Ragnar Danneskjold for his choice of movies. "But of course," he added, "the search for the ideal libertarian film won't end until *Atlas Shrugged* has been produced."

"And we can all play ourselves," Kay Ludlow sighed.

The throng of individualists trailed out into the fresh night air. In the distance could be seen the yellowish sign of a gold dollar, hovering high in the valley. A man appeared out of nowhere and approached the house, his glossy eyes looking straight ahead at John Galt.

He asked simply, "Who is Cash McCall?" ❑

Booknotes

Cry the Beloved Continent — Africa's anti-imperial victories of three decades ago threw out one form of oppression only to usher in a newer, usually far worse brand: one-party dictatorships and military juntas that have tortured and killed their citizens, invaded their neighbors, muzzled free expression, and pushed once prosperous regions into poverty and starvation. George B.N. Ayittey's Mencken Award-winning ***Africa Betrayed*** (St. Martin's Press, 1993, 412+xx pp., $35.00) is a sprawling but well-reasoned assault on Africa's illiberal regimes. The book has two important points to make. The first is that African and pro-African intellectuals do no good when they defend these autocracies; it is the tyrants, not their critics, who have betrayed the anti-imperialist cause. The second is that precolonial Africa can boast of a rich history of individual liberty, of participatory democracies with little, sometimes no government. For Ayittey, it is liberal democracy and free markets, not militarism or state socialism, that best reflect classical African culture.

Broadly speaking, this critique is on-target, though there are some unfortunate gaps in the specifics. Ayittey ignores the often lowly status of women in the precolonial systems. At a few junctures, he speaks favorably of Angola's UNITA rebels, an opportunistic band of terrorists who recently sabotaged their nation's carefully negotiated peace. (I am informed that Ayittey plans to remove all pro-UNITA passages from future editions of his book.) The critique of international lenders' "structural adjustment policies," while accurate so far as it goes, neglects one crucial point: often, even the "pro-market" policies of the World Bank and the IMF fail to distinguish state socialism from voluntary and quasi-voluntary traditional communal ownership, with disastrous policy results.

Also, alas, the book is frequently repetitious and sometimes sloppily written. There is a wealth of information and analysis within, but the prudent reader might be better off scanning the book for useful or interesting passages, rather than attempting to read it from cover to cover.

Despite these caveats, *Africa Betrayed* is a valuable volume. It is one of only a few works analyzing contemporary Africa from a libertarian perspective, and the ideas within it deserve as wide an airing as possible. —Jesse Walker

Look Homeward, African? — In 1990, Eddy Harris, an American black journalist, decided to fulfill his dream, shared with many black Americans, of making a pilgrimage to Africa, "the mystic source." He did not expect to be welcomed home as a brother; nor did he think he would feel like a brother. But he felt drawn to Africa by a power he could not ignore. He planned to travel as the locals traveled, to sleep as they slept, to eat what they ate. He knew his would not be an easy trip. In ***Native Stranger*** (Simon & Schuster, 1992, $22.00 hc, $12.00 sc), Harris tells the story of his journey.

He began his travels in North Africa. In keeping with his intention to be a traveler, not a tourist, he observed Ramadan with the Arabs. This brought him respect and an opportunity to speak with people who might otherwise have ignored him, but it did not free him from the worst aspect of the Arab world: its poverty. He was pursued by beggars wherever he stopped. They recognized an American when they saw one.

By the time he reached Morocco, he felt the need for a clean bed and familiar food and a break from the strains of local travel. So he booked himself on a horseback trip with a group of European tourists. To his unease, he noticed he felt much more comfortable and

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relaxed with them than he had while traveling with Africans.

From Morocco he headed south to Senegal, where the tensions among blacks had become deadly. His American passport was a lifesaver, though his conscience was bothered that this accident of birth would ease his way. This was his first serious run-in with authority. But not his last.

He continued south to the Gulf of Guinea, then west across central Africa through Cameroon, Central African Republic, and Tanzania. His skin color enabled him to blend in to a certain extent. But local blacks always recognized him for who he was. "How can you tell?" he asked one young man. "Look at yourself," he said. "And then look at us. It's your clothes, it's your size, it's your eyes. Your body is healthy. We are thin and little. We lack food. We lack vitamins."

He used the public transportation system used by local people, traveling smashed into the back of pickup trucks with as many people as could fit. Overloaded vehicles were insured by the local custom of beginning trips only when every possible bit of truckspace was filled with a paying customer. This meant waiting in markets in the back of Peugeots for hours and even for days.

Living meant staying in villages with unlit dirt streets, making a nighttime visit to the informal bar where locals gather an adventure. It also meant eating rat stew from an informal restaurant in someone's hut. It meant showering in a local's compound with one bucket of water. It meant sleeping on a straw-filled mattress infested with insects. This was not easy for him: he had always been fastidious, one of those finicky types who wouldn't share a pop bottle and would clean his silverware before eating in restaurants.

But what troubled him the most were the endless hassles from government officials and the way people responded to them. Every border crossing was an excuse for uniformed men to strut and push everyone else around, threatening people, demanding bribes, hassling him and everyone else in a hundred ways. Nor was this harassment limited to border crossings: practically every policeman and government official he saw was bullying

someone, just because he could. Even more frustrating for Harris was the everyone else's willingness to accept this fate. No one fought back. No one complained.

No one was even annoyed.

Finally, after more than a year of rotten food, bug-infested quarters, scant sanitary conditions, bullying bureaucrats, and complacent citizens, he arrived in Zimbabwe, where the roads were paved, the border guards treated people civilly, and there were enough remnants of the British system that he again felt comfortable with the way people were living:

> It was the end of Africa for me. . . . It was so strange to be among so many black people yet to have so much more in common with the handful of whites. One Englishman, Justin, and I were hauled off to the bridge for taking pictures. We were warned by the captain that picture-taking was forbidden — of course. He didn't hassle us much, but he did preach to me about moving to Zaire to help his country grow.
>
> "The most advanced black man in the world is the American black man," he said. "We need you. This is your home. This is where you belong."
>
> I was shaking my head. I could never live in Africa, I told him. I had been here too long already.
>
> "You prefer to live with the whites?" he said. He pointed his thumb at Justin. "His ancestors stole your ancestors from this place and took them to America as slaves. How can you live with them?"
>
> Thinking quickly back on all I had seen and all I had felt, I turned to Justin and thanked him. The spell was broken.

This is Africa today, related by a man who got as close to the experiences of the native as an outsider is able. What he discovered was not a unity of blackness but a unity of humanness. Everywhere he was frustrated by the African complacency. While Africans wanted a better way of life, they were willing to wait endlessly for someone else to improve their lives. He empathized with their situation and wished for a way to relieve their suffering. But he doubted anything he could do would help.

By the end of his trip he found himself agreeing with a white American he had met in Morocco. "What black men do to other black men is no better than what white men do," he had said, "and no better because it is done by blacks."

—Kathleen Bradford

Paleoid — Paul Gottfried's ***The Conservative Movement*** (Twayne Publishers, 1993, 213 pp., $13.95) contains more reporting on check sizes than a work of intellectual history warrants. Gottfried is a little too obsessed with the neoconservatives' alleged monetary control of the conservative and libertarian movements, and his opinion of modern libertarians has been warped by his connections to the likes of Lew Rockwell (cf. the author's unsupported and unsupportable statement that "today libertarians assault government as a source of racist, sexist, and homophobic oppression"). His use of the term "neoconservative" also poses problems: in Gottfried's lexicon it is largely a contentless swear word. Nonetheless, his book remains a readable and reasonably comprehensive short overview of the characters, institutions, and events that have defined conservatism since the '50s.

But in a world where George Nash's magisterial *The Conservative Intellectual Movement in America Since 1945* exists, Gottfried's book is probably unnecessary. All the same, it does provide some sharp insights into why libertarians and conservatives can't assume that they are allies fighting the same battles. "For the authentic conservative," Gottfried writes, "history must remain a constant point of orientation for the individual as well as the store of received assumptions." And: "By employing the language of rights, [Chester] Finn explicitly endorsed a political philosophy alien to most conservative thought."

The most amusing "mote in my brother's eye/beam in my own" line in the book comes when Gottfried excoriates Alan Crawford, author of the admittedly poor and scurrilous tome *Thunder on the Right*, for "describ[ing] the New Right almost exclusively in the terms of . . . who raised money for whom, who gets appointed to which job through whose influence, and so on — a technique the John Birchers used against the Left." Dropped into the middle of a book obsessed with the cash and influence of those damn neocon foundations, this line triggers only a sour laugh.

—Brian Doherty

Howard Stirner? — The Libertarian Party, eternally suffering from Attention Deficit Disorder, has found a new publicity stunt in the form of an egomaniacal, foul-mouthed, nationally syndicated disc jockey. Howard Stern has accepted the Libertarian Party nomination for governor of New York State on a platform of reinstatement of the death penalty, filling potholes, and staggering traffic tolls. If Stern nets 50,000 votes in November — which is likely, considering his grassroots popularity — the LP will receive an automatic line on the ballot in New York for the next four years.

Sounds great, but is this guy for real? And is he really a libertarian?

Stern's bestselling autobiography ***Private Parts*** (Simon & Schuster, 1993, $23.00) is 448 pages of potty jokes; on that level, I loved it. But it offers scant evidence of the author's political leanings. What it does offer is a candid profile of Stern and the making of his raunch revolution, including details of his most notorious radio and television pranks that have so infuriated respectable people for more than a decade. To flesh the book out and please the eye of his target audience, plenty of photos have been included, most of which feature scantily clad young hardbodies

Errata

In Chester Alan Arthur's "Whitewater Was No Accident" (May 1994), it was incorrectly stated (p. 28) that Lenora Fulani has never received so much as .1% of the presidential vote. In fact, in the 1988 election, she received .24%. Arthur's point, of course, still stands.

In Pierre Lemieux's "Chaos, Complexity, and Anarchy" (March 1994), there appeared an error in Figure 1 (p. 22): The curve labelled r=3.0 should have been the same as the one labelled p_0=0.1 (instead of being the same as the one labelled p_0=0.106) in Figure 2 (p. 23). In other words, the curve labelled r=3.0 in Figure 1 actually starts at p_0=0.106, instead of starting at p_0=0.1 as it should have. This does not change the conclusions, since both curves are chaotic, but it does add needless confusion.

The editors thank readers Richard Winger and Brian Keeley for calling our attention to these errors.

being groped and spanked.

Behind all the locker-room humor is the secret to Stern's success: he's a populist, joyfully articulating the unspoken thoughts of the people in an age when silence is golden. Whether it's screaming at celebrities through a megaphone at a Grammy Awards press junket, or appearing on the *Arsenio Hall Show* and referring to the host as "Eddie Murphy," Stern deflates the egos of a self-important Establishment hellbent on maintaining an air of distinction. And the Establishment isn't pleased — witness the FCC's efforts to shut him up.

The irony is that Howard Stern is a model family man, no small feat in an age when so many officeholders constantly scramble to cover up their marital infidelities. There will be no I-didn't-inhale stories during this campaign; his private life is already public domain.

Robert Goodman, the Libertarian Party member who urged Howard to consider the LP in his bid for governor, will tell you that the DJ is a bona fide libertarian. Writing for the New York LP newsletter *Free New York,* Goodman states, "Over the years, he's said he's for privatizing all government services, abolishing welfare, legalizing all drugs, abolishing both legal persecution of and privileges for minorities, limiting business regulation to policing of fraud, repealing vice edicts, and allowing honest people to own guns." In addition, Stern has fulfilled the libertarian dream: making a fortune in the private sector through honest work while telling an intrusive government agency (along with most everyone else) to go stick it.

Stern seems to be taking his bid seriously; at the New York LP convention, he asserted that he didn't want to turn it into a mockery. Is this for real? Who cares? What in the hell does the LP have to lose — its credibility? (Save your teary letters, LP purists — I too vote libertarian.) Howard Stern will certainly be drawing some disaffected people to the polls come November. If a few take interest in the libertarian message as a result, all the better.

And who knows? In the brutal cage match called Empire State politics, anything can happen. —Robert Pogue

Thoroughly Modern Slonimsky — Nicolas Slonimsky (1894–) made his mark early in the century by conducting the premieres of several of the great modernist American masterpieces, most famously Charles Ives's *Three Places in New England* and Edgard Varèse's brilliant composition for two sirens, "lion's roar," and tuned and untuned percussion, *Ionisation.* And though Slonimsky also composed, his forte was not as a musician as such, but as a writer about music. A theorist of some stature, he bequeathed to the world such coinages as "pandiatonicism" (my favorite "ism," bar none). But it is as a biographer and music journalist — as the author-editor of the amusing *Lexicon of Musical Invective* (1952) and the amazing *Music Since 1900* (1937, with several later editions), his work on the fifth through eighth editions of *Baker's Biographical Dictionary of Musicians* (1958–1991), and his autobiography *Perfect Pitch* (1988) — that he has most surely secured his place in music history.

Richard Kostelanetz, editor of a fascinating new collection of Slonimsky's writings, ***Nicolas Slonimsky: The First Hundred Years*** (Schirmer Books, 1994, 393 + xix pp., $35.00), appreciates Slonimsky's strong points as well as anyone. Of Slonimsky's compositions, Kostelanetz writes: they "are best understood in relation to two composers whose works they most resemble: Erik Satie, who likewise specialized in miniatures, and 'P.D.Q. Bach (1807–1742?),' the alter-ego of Peter Schickele, forty-one years Slonimsky's junior, who likewise exploits a sophisticated mixing of musical styles" (p. xvii). The picture that emerges from Kostelanetz's introduction and in the writings selected from Slonimsky's humongous output is one of a very clever and witty man with a true love for both music and music-trivia, a dedication to fact-checking unmatched by any other editor or journalist I know of, and a clear and elegant prose style:

> I stayed at . . . the only "skyscraper" in Kiev (it rose six stories and dominated the broad expanse of the Dnieper River). Such a conspicuous building was an obvious target for requisition by various military forces active in the area during the Civil War. (Kiev had changed hands seventeen times in three years.) To protect ourselves against intrusion, we organized a Scriabin Society [named for Russian proto-modernist composer Alexander Scriabin], and, amazingly enough, the Red Army and some Ukrainian revolutionary groups actually respected our Society as a legitimate shield. At one point an aggressive raiding party of the Soviet military attempted to dislodge us. I remember the intruders as a curiously mixed group led by an officer who carried a tennis racket. During the peculiarly internecine struggle, I developed a certain expertise in handling various feuding factions and was particularly adept in confronting the Bolsheviks, with whom I even used the technique of dialectical materialism. (p. 7)

Slonimsky has a keen interest in just about everything, and there is something new and bizarre to learn about on every page: castration, Frank Zappa, Hugo Gernsback, the U.S. military, Lee De Forest, the Weather Underground, the self-mythologizing of the rich and famous, the triskadecaphobia of the inventor of dodecaphony, John Stuar Mill's anxieties, and the Antichrist, to name a disparate few. Slonimsky also displays a word-hoard that sent this reader to the dictionary on more than one occasion.

And Slonimsky is not the only oddball revealed in these pages: some of Kostelanetz's editorial choices are, well, weird enough to be called "modernist." The first section of Slonimsky's writings is dubbed "Autobiographies." But among the selections therein is Slonimsky's introduction to the monumentally exhaustive *Thesaurus of Scales and Melodic Patterns* (1947), which contains much technical talk about music theory, but, as far as I could tell, no references to his *self.* Kostelanetz apparently regards this piece as exceptionally self-revelatory, in that it reveals Slonimsky's self in his most important work. What this may lack in sense it gains in charm.

Nicolas Slonimsky: The First Hundred Years will delight anyone interested in the music of this century — or at least those who have gotten past the hurdle Slonimsky refers to as the "psychological inhibition" of the "Non-Acceptance of the Unfamilar," and who realize that "music is an art in progress" (71). Kostelanetz has once again found a perfect subject for his quirky editorial proclivities, and his readers should be appreciative. I know I am. —Timothy Virkkala

Casey, "Sun, Seegars, and Socialism," *continued from page 28*

Cuba would be an ideal prospect for free-market anomaly because Castro needs a way to exit gracefully into the sunset. He could declare that the Revolution has succeeded, and that it is now possible to grant "power to the people" directly through a Marxist "withering away of the state," providing an ideal — and ideologically defensible — end-run around disaster.

In any event, I gave both Castro and Lahé copies of my recent book, *Crisis Investing for the Rest of the '90s,* and encouraged them to read the chapter on free-market anarchism. When I return to Cuba, I hope to discuss the concept with Lahé.

Counterrevolution?

That said, Cuba isn't very likely to adopt free markets any time soon. More likely, the government will fight a rear-guard action against outside influences, even as the genie gets out of the bottle.

But things are changing. Two principles, both based in Marxist dogma and central to Cuban bureaucrats' thinking, are gradually being undermined. One is that large parcels of land aren't to be sold to foreigners; that's already being subverted by the long-term leases needed to attract foreign capital.

The other is the notion that the state should be the only employer, which has resulted in a perverse piece of doublethink. When a foreign company hires the services of a worker for $600 a month, its contract is with the Cuban government. The state gives the worker the $600 — only in pesos, at the official exchange rate, which means about 3 in the real world. So, under the pretense of keeping the foreigners from exploiting the workers and peasants, the government does the exploiting.

Will the average Cuban get fed up with this kind of nonsense and revolt? I doubt it. There will be an evolution, not a revolution. The national mood is one of consternation, puzzlement, and bewilderment, not anger. The average citizen still has too many warm, fuzzy feelings about the Revolution to toss it on the garbage heap of history. The Cuban state will persist, but it will be quietly overwhelmed from ten million different directions.

The main source of problems will be the Cubans in Miami; those who are politically oriented seem (understandably) to have a chip on their shoulder. Even today, the hard-core anti-Communists protest any company that does any business on Fidel's island. I don't think they'll reintegrate easily with their countrymen on the island; the culture clash will be at least as great as that between East and West Germany. They surely won't gain the reigns of power. More likely, they'll be resented as uppity rich cousins, and frozen out for a long time to come.

Governments everywhere make it their business to subject the productive elements of society to all manner of inconvenience and harassment. The important thing here is that the trend has turned. Conditions will start to improve in Cuba, and its government, already toothless, will likely become increasingly irrelevant.

Tropical Desert

Is there nothing to be said for Cuba? There is, if you're a fan of good cigars. A top-notch Cuban cigar retails for upwards of $10 most places in the world; in Cuba, a Cohiba Elegante goes for $2, and I suspect the locals pay a lot less. Cigars are not in short supply in Cuba. And unlike here, it's considered sociable and politically correct to enjoy one.

But that's about it. Tropical Cuba has been frozen in time, and while its eventual rejuvenation is inevitable, right now it resembles nothing so much as an enormous ruin.

I can't help thinking of the state of affairs at a mining site I visited on the Island of Youth, a large island off Cuba's southern coast. The Russians operated a gold mine there for several years, but have left the scene — and it's a mess. The mill is a jerry-rigged, Rube Goldberg affair, cobbled together from old American equipment and bits and pieces of stuff gathered from the far reaches of the old Soviet Empire.

Nearby were hundreds of 55-gallon drums filled with ore concentrate, each containing perhaps $1,000 worth of unrefined gold. But they were just lying there, untouched for lack of an autoclave. Meanwhile, natural weathering was leeching the arsenic, antimony, and other tasty heavy metals into the water table. A giant warehouse, which served no useful purpose anyone could determine, lay half-built and deteriorating nearby. The shaft to the underground workings lay open, offering idle strollers a hundred-foot plunge.

Words like "safety," "efficiency," and "economy" apparently don't occur in the vocabulary of Russian engineers. This state of affairs is more or less typical of what the Russians have done everywhere, including at home. What's left at the mine site is basically a cleanup operation. In fact, the whole island is.

About 20,000 students, mostly from people's republics in Africa, were housed on the island to study politics and work in gigantic citrus plantations created by the "planners." Not surprisingly, the plantations were the agricultural equivalents of the mine. Scores of high-rise buildings are now abandoned and deteriorating; a few still hold students from garden spots like Equatorial Guinea and Angola, abandoned in Cuba by governments unwilling to repatriate them. Most of the citrus trees are afflicted with a deadly blight and have to be burned. The fruit of those still alive rots on the ground. There's no labor to pick it, and no means to market it.

As the old joke goes, if socialist planners took over the Sahara, they'd organize a shortage of sand. ❑

Illustrations

"Compassion on the March," p. 13, by James Gill

"Fidel Castro," p. 27; "The Watchful Clipper Chip," by Bergstrom, p. 30; and "Oscar Shrugged," p. 59, by John Bergstrom.

Coming in *Liberty*:

"Where Taxes Rise Fastest"— a special report;

Thomas Szasz on the politics of pathology;

Stephen Cox on the crimes of Washington;

Wendy McElroy on the value of pornography;

Gus diZerega on liberty and deep ecology;

R.W. Bradford on the autobiography of H.L. Mencken.

Letters, *continued from page 4*

party before support for change is established is largely a waste of time.

When I first became an ideological libertarian, I joined the LP; it seemed the natural thing to do. Observing yet another presidential campaign start with wonderful promises and end with failure, I came to the conclusion that there was no serious prospect of the party becoming a force in American politics, and nothing has happened since then to change my mind. Today, given a choice between William Weld, Bill Clinton, and another Libertarian candidate destined to be both unsuccessful and ignored, I would support Governor Weld — or, frankly, almost any Republican other than Pat Buchanan or Oliver North — and hope to end up, if not with a purely libertarian America, then at least with a *more* libertarian America.

Douglas Mataconis
Falls Church, Va.

A Nation of Buttheads

I was offended by Jesse Walker's peremptory dismissal of the possibility that *Beavis and Butt-head* could exert a negative influence on those who watch it ("Cartoons that kill?" March 1994).

As defenders of freedom, we can agree that government should butt out of the business of policing our thoughts and art, or attempted art. We can also set aside the notion that representations of violence *per se* need be morally polluting; we'd have to stop reading Homer and Shakespeare if that were so, despite the enrichment we gain from such authors.

But we don't need to endorse censorship in order to consider the values and ideas that a particular novel or television show teaches. Ideas have consequences, and culture conveys ideas. Is *Beavis and Butt-head* nihilistic? I don't know, I don't get MTV. But every report I've gotten about the show indicates that it is bereft of standards and values — indeed, sneers at them consistently. Is its approach an ironic slap at the nihilistic young, or itself gleefully nihilistic? When I'm reading Rand, Twain, or other satirists with a positive perspective to offer, it is not hard to discern at least the broad outlines of the positive values informing the satiric critique.

Even within the compass of a brief editorial, it should be possible to provide a few clues from the actual evidence. If your editorialist believes that the show is actually conveying positive values by its satire, can he point to the details and approach of a specific episode to support his view? And if that's what the show is really subtly doing, is its intended audience able, or even expected, to "get it"?

And — isn't it at least barely possible that *Beavis and Butt-head* is thoughtlessly exploiting the natural rebelliousness of youth, rebelliousness that isn't always informed by positive alternatives? Isn't it at least possible that resentful kids and adolescents might instead imbibe the message, "Go ahead and giggle while you burn"?

I think it's entirely legitimate for a show to be sheer buffoonery without any big moral point to make. But I suspect something worse is going on here, that this is not quite in the Bugs Bunny category. Let's analyze it. Analysis is what I expect from a publication like *Liberty*, not just hooting at the yokels, concerned for some odd reason about what is being taught to their children.

David M. Brown
New York, N.Y.

Notes on Contributors

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Information concerning the first two volumes of *Liberty* can be found on p. 56.

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- "Gordon Gekko, Mike Milken, and Me," by Douglas Casey
- "The Hope in the Schools," by Karl Hess

Plus articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky, and others; plus special election coverage. (80 pages)

March 1991

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- "The Life of Rose Wilder Lane," by William Holtz
- "The Strange Death of the McLLT," by R.W. Bradford

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May 1991

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(continued on previous page)

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Inside Liberty

September 1994
Volume 7, Number 6

4 Letters Preaching from the choir.

7 Reflections *Liberty*'s editors discuss baseball, football, tennis, moviegoing, pot-smoking, terrorism, government jobs, and other recreational activities.
Plus: O.J. Simpson, Waco, and David Letterman
. . . the ominous non-parallels, *pages 12–14.*

19 Medianotes Press droppings.

Features

21 The Man *vs* the Empire State *Todd Seavey* evaluates the political fortunes of Howard Stern, the Libertarian shock jock out to bring the death penalty back to New York and strippers back into politics.

25 Diagnosis in the Therapeutic State Today, a "disease" is anything that can be treated, and a "treatment" is anything the government will subsidize. *Thomas Szasz* proposes a higher standard.

29 The Allure of Organized Crime *Stephen Cox* sheds some light on the *over*class problem.

34 Toad Trainers and the American Dream *John Briggs* confesses why he and his colleagues in American universities turn young people into mindless bureaucrats.

37 The Institutions of Higher Tuition The cost of a college education is skyrocketing; academic quality isn't. *Jesse Walker* proposes some radical changes.

41 The New Mythology of Rape *Wendy McElroy* assaults the new sexual myths radical feminists are erecting in place of the old.

47 Libertarian Pragmatism *Bart Kosko* suggests a new approach to freedom, based not on abstract principles but on messy, fuzzy reality.

Reviews

53 Quackery, Left and Right *Leland Yeager* graphs the economists who trade intellectual integrity for political influence and truck such goofy notions as "supply-side economics" and "strategic trade."

56 The Evolution of an Independent Mind *Timothy Virkkala* follows a train of thought and finds Friedrich August von Hayek.

58 An Independent American *Bill Kauffman* examines the mixed legacy of George Wallace, American populist.

61 Rock, Paper, Scissors *Brian Doherty* explores the world of rock music criticism, from the pretentious to the sublime.

64 Booknotes on conspiracy panic, verses satanic, physics gone manic, poetic invocation, Brazilian innovation, Asimovian information, and how Thomas Sowell vents his frustration.

68 Classified Ads Condensed infomercials for your low-cal lifestyle.

69 Notes on Contributors Who *am* us, anyway?

70 Terra Incognita The lighter side of the decline of Western Civilization.

Letters

Closet Com-Symp?

Doug Casey ("Sun, Seegars, and Socialism," July 1994) says he's met someone "far more impressive than Bill Clinton." I don't find that hard to believe at all. Almost anyone would qualify, but *not* Fidel Castro. To speak glowingly of Castro as a "man of character" who "believes in things" and "takes ideas seriously" is absurd.

Adolf Hitler, Joseph Stalin, Chairman Mao, and Pol Pot believed in things, too — things like slaughtering or imprisoning anyone who disagreed with them. Don't you see, Doug, that if one of the things you believe in is that those who believe in different things need to be killed, that doesn't speak well of your character?

Taking ideas seriously means being open to the evidence for opposing ideas and open to new ideas. In Castro's case, this would mean he could accept the mountain of evidence staring him in the face, that his ossified ideology is leading his country directly back to the Stone Age. But no, he marches on with his blinders, carrying the banner of "Socialism or Death" — which for far too many Cubans have turned out to be the same thing.

The way I see it, the world has its common criminals whose depravity is limited to snuffing out the lives and liberties of a small number of people. Then you have your "modern government" criminals who do this on a much larger scale, e.g., at Waco. But the true scum of the earth are the totalitarian dictators whose iron fists have caused death and suffering across entire nations. Castro is not the worst of this group, but he is definitely a member.

The media have been extremely reluctant to focus on the evils of Communism, and have made something of a celebrity out of Castro. Was Doug starstruck to meet such a "famous" person? Did he thereafter lose his ability to think clearly about what this man has done?

Bryce Buchanan
Lake Oswego, Ore.

Letters Policy

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

Best of All, It's a Yugo

After Howard Stern handily defeated James Ostrowski (author of "Back to the Libertarian Party," May 1994) as the Libertarian Party's candidate for governor of New York, I became more convinced than ever that the LP belongs on Comedy Central, not CNN or C-SPAN. A funny thing has happened on my way to the polling booth, though. Ollie North, heavily supported by the Christian Right, beat out the "Jeffersonian" economist Jim Miller for the Virginia Republican senatorial nomination.

Where I live, a debate has been raging for nearly a year about a resolution condemning the "gay lifestyle" issued by the Cobb County Commission. The Republican-dominated Commission is attempting to curry the favor of supposedly "pro-family" Christian Rightists by targeting the gay community with its opprobrium.

Maybe the LP is little more than a debating society, but I'd rather cast my conscience for such a party than for the persecuting society of the Christian Right and their Republican puppets.

I thus find myself, like James Ostrowski, going back to the LP. I still have doubts about the Party's political effectiveness, but I'd much rather be in the Libertarians' Yugo than in a Republican Cadillac hijacked by the Christian Right.

Sean P. Costello
Marietta, Ga.

Stern Justice

The death penalty — government-sponsored first-degree murder — is an example of something that has become popular, testimony to the hardening of America. (If you doubt it, witness how many citizens salivated at the prospect of Michael Fay's punitive flaying.)

Among all the Western industrialized nations, the United States alone continues this barbaric practice. Every libertarian I know opposes the death penalty, but until there is a consensus among the LP membership, the issue stays *out* of the platform.

Yet the death penalty is number one on the Howard Stern platform. He is even peddling a greatly expanded version, extending its application to every case of a crime committed with a gun. The LP rejected the voice of unity in voting against James Ostrowski and choosing instead a candidate who openly admits he is unqualified to be governor.

When comedian Pat Paulsen ran for president in the 1972 campaign, it was funny. Stern's candidacy is not funny. It is a betrayal. The only beneficiary will be Stern. For the LP, it is a disaster.

Joanna Parker
Ocean Shores, Wash.

Typo Police

One really shouldn't nit-pick Mark Skousen's wonderfully entertaining film review ("Oscar Shrugged," July 1994), but he has confused the Anglo-Saxon Robin of Locksley with the Hebrew Rabin of Loxley.

John McClaughry
Ethan Allen Institute
Concord, Vt.

From the National A-Bomb Association

I enjoyed the July issue, especially Matthew Block's "Kid's-Eye View." Perhaps in a future issue, Mr Block could explain to his father that "Nuclear bombs don't kill people, people kill people."

Bill Walker
Ferris, Tex.

Terra Incompleta

Please, oh please, bring back Terra Incognita! That one humble page enables lovers of liberty to look upon government's absurdities with a smile. How else will we fend off those moments of despair when Leviathan has infringed upon yet another essential liberty?

In humor lies our only respite.

Diedre Dennis
Agoura Hills, Calif.

Editor's note: Terra Incognita returns with this issue.

Sorry, Wrong Tree

Granted, government is willing to make us do the useless, or even the downright harmful, in the name of helping us, but Gwynne Nettler ("Trafficking

continued on page 6

The editors of *Liberty* magazine invite you to attend

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Durk Pearson and Sandy Shaw — health and nutrition researchers, authors of best-selling books and a Dirty Harry film, leading critics of the Food and Drug Administration . . .

R.W. Bradford — the mind and impetus behind *Liberty,* long-distance motorcyclist, prophet of the obsolescence of the welfare state, celebrant of today's libertarian diversity and tomorrow's libertarian world . . .

Bart Kosko — premier theorist of neural networks and "fuzzy logic," engineer, composer, philosopher, mathematician, best-selling writer, pioneer of "libertarian pragmatism" . . .

Pierre Lemieux — Québecois economist and explorer of chaos theory, pamphleteer for a free and armed society, clear-headed prophet of the computer revolution . . .

Douglas Casey — gonzo investor, best-selling author, proponent of anarchist revolutions in the Third World, dinner companion to both Bill Clinton (whom he despises) and Fidel Castro (to whom he gave his anarchist book) . . .

Ross Overbeek — pioneer in artificial intelligence, researcher on the Human Genome Project, currently involved in exporting libertarian ideas to Russia and importing Russian science to America . . .

David Horowitz — Communist turned "libertarian irregular," former editor of America's leading leftist magazine, now editor of its leading anti-PC publication, thorn in the side of Public Broadcasting, traitor to the '60s . . .

Victor Niederhoffer — innovative financial speculator and merchant banker, former professor at Berkeley who knows more about how markets actually function than any other scholar Harvard ever produced, five-time national squash champion, collector of art and ideas . . .

Bill Kauffman — acid-penned essayist, novelist, critic of the New World Order, advocate of local culture and traditions against the onslaught of mass culture . . .

Karl Hess, Jr. — anti-war revolutionary in the '60s, today a visionary anarchist range ecologist . . .

Robert Higgs — developer of the ratchet-theory of state growth, historian, economist . . .

John A. Baden — architect of the "New Resource Economics," critic of environmentalist excesses . . .

Don Meinhausen — government spy on libertarian activities in the '60s who took drugs and became an anarcho-pagan icon and promoter of the counterculture . . .

Richard Stroup — innovative free-market environmentalist, economist who learned about government in the Reagan administration . . .

Jane S. Shaw — journalist, editor, researcher, expert on protecting environmental integrity through private property . . .

Brian Doherty — writer, ghostwriter, rock musician, former editorial assistant at *Liberty* and managing editor of *Regulation,* now *Reason* magazine's newest editor . . .

David Boaz — leading Washington D.C. libertarian, Cato Institute Vice President, contributor to *USA Today,* "The Rush Limbaugh Show," and other mainline media . . .

J. Orlin Grabbe — proponent of chaos in theory and practice, author of best-selling textbook on international finance, president of a multi-media production company . . .

Scott Reid — research director for Canada's maverick Reform Party, prophet of political devolution, best-selling author . . .

John Hospers — first LP presidential candidate and only Libertarian ever to receive an electoral vote for president, world-renowned philosopher and author . . .

John Bergstrom — brilliant *Liberty* cartoonist, creator of "Libertarian Man," editor at *National Lampoon,* killer of small furry animals . . .

Fred L. Smith — head of the Competitive Enterprise Institute, foe of NAFTA and environmentalism . . .

Greg Kaza — libertarian Republican state legislator from Michigan . . .

Bruce Ramsey — former foreign correspondent, now an editor at the *Seattle Post-Intelligencer* . . .

Clark Stooksbury — the only retired Marine on *Liberty*'s staff . . .

Jesse Walker — punk-libertarian, japist, radio personality, foreign policy analyst, trouble-maker . . .

Timothy Virkkala — autodidact, philosopher, economist, Sociable Darwinist . . .

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in Numbers," May 1994) is barking up the wrong tree. We can dispute whether seat belts save enough net driver lives to justify the costs of wearing them, but the fact that seat belts save lives is too well-established to dispute.

The simple proof can be found at any racetrack, where the driver is belted in to a degree that is only a dream to today's safety fanatics. It took no laws to get wide use of these belts, just the sight of a few bodies bouncing down the track. For that matter, nearly everywhere we look, we see efforts to buckle in those who might bounce around. The efficiency of seat belts may not be established, but their effectiveness is.

David Carl Argall
La Puente, Calif.

Statistically Impaired

Gwynne Nettler was rolling right along and making some good headway in explaining the fallacies associated with "safety statistics." Then, out of the blue, Nettler states, "Virtually all research on roadway safety agrees on one fact: That somewhere between 40% and 60% of traffic fatalities is produced by drunken pedestrians, motorbikers, and drivers of trucks and passenger cars."

If Nettler means alcohol impairment "causes" 40% to 60% of all fatal accidents, then he is in deeper water than the seatbelt proponent who claims seatbelt usage can eliminate 100% of all traffic related fatalities. That 40% or 60% of all traffic accident fatalities have some evidence of alcohol in their systems is seldom provable, and the alcohol is often clearly not the reason for the accidents.

Alcohol impairment has become the scapegoat of the '80s and '90s. The neo-prohibition movement has grasped "highway safety" as its banner-carrier. Anyone and everyone looking to deflect criticism from themselves screams, "It's not our fault, leave us alone, and go after the drunks." This bit of self-serving pandering only reinforces public misconceptions about the causes of highway accidents.

With 60% to 80% of the adult population regularly consuming alcoholic beverages and medications, it stands to reason that there will be traces of alcohol in the blood of accident victims. The number of suicides and homicides that employ vehicles is not known. However, anecdotal experience suggests that it is much higher than anyone cares to admit. Alcohol may play a role in this kind of fatality, but it is not because of impaired driving ability.

Nettler presents several good arguments but blunts his poignancy by doing exactly what he criticizes: assigning relevance to the irrelevant.

James J. Baxter
National Motorists Assoc.
Dane, Wisc.

Paleo Fever: Catch It!

Contrary to R.W. Bradford ("Reclaiming the Truth," July 1994), the Buchanan Right is the only significant counter-revolutionary force fighting the established order of Cold War liberalism today, just as the New Left was the only major opposition to Cold War corporate capitalism in the '60s. It is therefore the natural ally of libertarians committed to the Rothbardian agenda of smashing the welfare-warfare state in the post-Cold War era.

Lew Rockwell and the Mises Institute are among of the most important defenders of the free-market economy and limited government. Pat Buchanan made paleo themes the centerpiece of his campaign, and has given the leaders of the paleo movement (including Rockwell) a legitimate national stage.

By reviving the Old Right, Justin Raimondo and the paleo movement offer libertarians an opportunity to reconnect with Middle America and reclaim our rightful place as an important part of American political culture.

Norman K. Singleton
Arlington, Va.

Paleo Mysteries

In the summer of 1979 I attended the Cato Institute political economy seminar at Dartmouth. It was a great deal and a lot of fun. Murray Rothbard was one of the leading lecturers and I talked with him at length. At that time, Rothbard was an unabashed anarchist, who claimed if he could press a button and make the state disappear, he would. (Which I thought and think is nuts.) Rothbard also made it clear that while he respected religion, especially Thomistic Catholicism, he was an atheist. He was a militant opponent of collaboration with conservatives, and stressed the libertarian opposition to that hallmark of American conservatism, the victimless crime law. I liked him but I thought his positions both too "leftist" (in the sense of being utopian anarchist) and too "rightist" (in the sense of an exaggerated deference to an unsustainable natural rights position).

A couple of years later I received something in the mail urging me to join the Libertarian Party Radical Caucus. I thought this was very bizarre. It struck me that Rothbard in his ideological purity was unwittingly imitating the Trotskyists, who couldn't join a left-wing organization without forming a faction.

You can imagine how shocked I was to find Rothbard in *Chronicles* (a magazine I like but don't necessarily agree with), endorsing Pat Buchanan (I can see how a libertarian could respect Buchanan, but *vote* for him? That's tough to rationalize), and publishing *The Rothbard-Rockwell Report*. I enjoy *RRR*, but it amazes me. It's a cranky, reactionary publication that in no way can be considered libertarian. (Its boundless enthusiasm for the Rodney King beating is just plain weird. King was no saint but you don't beat the you-know-what out of somebody for a DUI and resistance.)

And what is all this endless blather about left-wing libertarians? What is that supposed to mean? In the late '70s and '80s, I would have taken it to mean an anarcho-communist or syndicalist or perhaps a mutualist. But Ed Crane and Virginia Postrel are "left-wingers"? *Reason*, which was firmly to the right of Rothbard's *Libertarian Forum*, is now "left-wing"? I honestly don't know what's going on. Rothbard and his clique were to the left of the *Reason* crowd; now they're to its "right."

And who is Llewellyn Rockwell and why is anyone supposed to take him seriously? You've got to admit, it's time someone wrote an account of this. I can't be the only one baffled by these developments. I'd appreciate your publishing an article on this.

Finally, what is all this bitterness between Rothbard, Cato, and the Libertarian Party all about? I remember Ed Crane being quite fond of Rothbard and David Boaz being positively sycophantic in his approach to Rothbard. (I argued with Boaz about Rothbard's interpretation of American history, which strikes me as ideological and inaccurate. Boaz would hear nothing of that.) Now they apparently all hate each other. Boaz and Crane

continued on page 18

Reflections

Rosty's wrongs — The indictment of Ways and Means potentate Dan Rostenkowski is the most shocking D.C. scandal since . . . well, since the last Washington scandal, whichever one that was. Maybe I've let some of the nuances of the case slip by but, as best I can figure, Rosty's main offense is to have placed on the government payroll some people who never turned in any useful work. No, I'm not kidding; this is what the Justice Department lawyers are saying. I trust that the readers of *Liberty* will display the suitable measure of astonishment and righteous indignation in response to this revelation. —LEL

Whitewater evaporates — The U.S. Senate is a genuinely comic place. On March 17, its members voted 98–0 to hold hearings on "all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc." In order to prevent those hearings from becoming "a partisan circus," the august body voted along strict partisan lines June 14 to limit the hearings to the conduct of Clinton's aides regarding the special prosecutor's investigation and the death of Vincent Foster. In sum, the Whitewater hearings will be prohibited from investigating any "matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc." —CAA

Speaking power to truth — I am at last beginning to concur with Confucius: the "reform of language" may be our most important task. Why? The careless elision of words in stock phrases, and the consequent redefinition of common words, has gotten out of hand.

Take the word "discrimination." It used to mean *deliberate appraisal, careful discernment,* with a eulogistic meaning of *wise choice,* either in word or deed. But the constant pairing of the word with "racial" and "sexual" (*et cetera* and *ad nauseam*) led to a wholly pejorative usage, so that by the ominous year 1984 both major-party American presidential candidates could assert with straight faces that "*all* discrimination is wrong." The discriminating voter, of course, voted for neither.

Right now "institutional health care reform" is being called "health care," and opponents of this current slog of stupid ideas on Capitol Hill are routinely branded as being "against health care." No, I am not against health care, you ninnies. Because I am *for* progress in the medical arts I am *against* the idiocies of the Clinton administration, the Democratic Party, and the minority wimps. (It is hard to believe that anyone could fall for the cheap rhetorical trick here being played, but played it is, over and over again, as if it were trump.)

But worse yet are President William Jefferson Clinton's yammerings about the provision of state charity in this country. He has proclaimed that he will "end welfare as we know it." For once, I am confident that what Clinton says is quite literally true. —TWV

Off the dole and high on life — Bill Clinton has promised to "end welfare as we know it." Now that the details of his welfare reform plan have been released, we know what that delphic phrase means: spend more public money on day care, health care, and job-training boondoggles. This is considered a "conservative" move, because the bulk of the new spending will be used to push around those who are on the dole, thus substituting toughness on welfare "clients" for toughness on welfare budgets. The response of congressional Republicans, as usual, has been to propose their own version of the same bill.

The theory behind the Clinton proposal is that the alternative to relief must be "work" — not necessarily productive labor, just work. If jobs in the private sector can't be found for the dolees, jobs in the public sector will be created for them; or else the government will bribe businesses to hire them by paying all or part of their salary.

In other words, those who are currently getting government money called "welfare" will instead get government money called "wages." Plenty more people will be hired to administer all the shiny new programs; for some reason, they won't be called welfare recipients either.

I'm no admirer of AFDC, but today's welfare mothers are doing something at least potentially worthwhile with their relief checks: raising children. But in the jargon of the secular state, child-rearing is not "work." Unproductive government make-work projects are, because they involve time-clocks, bosses, and the pretense of doing something socially useful.

One of my utopian hopes is for politicians to take on the largest group for whom "welfare has become a way of life": the bureaucrats who make their living creating and administering these programs. That is unlikely, though, as it would require *spending less* — and, as the pundits keep reminding us, "It costs a lot of money to end welfare as we know it." Or define it. —JW

I'm sorry, which trimester? — Once the Clinton health care plan is passed, abortion will be free, but you'll have to wait 14 months to get one. —WPM

Ladies, your slips are showing — Those who wince at "feminist statistics" must read Christine Hoff Sommers' new book, *Who Stole Feminism?* As an opening shot, Sommers traces the roots of the well-circulated claim that 150,000 women die each year of anorexia. Although several university texts now quote this astronomical stat with gay abandon, when Sommers traced the source of the data — the

American Anorexia and Bulimia Association — she found that the actual figure was 54 deaths per year. This hardly explodes the myth that women are bad at math. —WM

Fascism and federalism — Reading the fascists always gives a sense of *déjà vu*. They sound like voices from yesterday's newspaper.

I've found a few illustrations of this in the speeches of Benito Mussolini.

On June 8, 1923, speaking before the Italian Senate, Prime Minister Mussolini said, "The Government has been compelled to levy taxes which unavoidably hit large sections of the population. The Italian people are disciplined, silent, and calm, they work and know that there is a Government which governs and know, above all, that if this Government hits cruelly certain sections of the Italian people, it does so not out of caprice, but from the supreme necessity of national order."

Hear also, from the same speech: "The measures adopted to restore public order are: First of all, the elimination of the so-called subversive elements. . . . They were elements of disorder and subversion. On the morrow of each conflict I gave the categorical order to confiscate the largest possible number of weapons of every sort and kind. This confiscation, which continues with the utmost energy, has given satisfactory results."

It's also useful to read the tyrant-fighters, particularly in this debilitating atmosphere of the *fin de siècle*, when most people cannot distinguish a tyrant from a rocking chair. In *Federalist Paper #62*, James Madison wrote, "The internal effects of a mutable policy are . . . calamitous. It poisons the blessings of liberty itself. It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed before they are promulgated, or undergo such incessant changes that no man who knows what the law is to-day can guess what it will be to-morrow." —PL

Servility, 101 — When I was a child, I was herded with other tykes into the cafeteria of the government school I attended and shown a film on "good citizenship." At one point, the film posed the question, "What makes a person a good citizen?" It quickly answered with a list of characteristics, the first (and presumably foremost) of which being that a good citizen pays his taxes cheerfully. I had no political views at the time, but this struck me as peculiar, and I have remembered it ever since. It was my first encounter with the inevitable tendency for government schools to indoctrinate the young to be docile and obedient to state power.

A recent newspaper article offers those of us who haven't been inmates of government schools for a while an opportunity to see the lengths to which this message is promulgated today. In Suitland, Maryland, public schools hold special classes to teach students how to be arrested in a way that minimizes inconvenience for police.

The Wall Street Journal reports that students in the Washington, D.C. suburb are assigned to a two-hour class in "how to behave when getting arrested." The class includes demonstrations of how to be handcuffed, advice not to resist or complain, and information that they might expect to be arrested for such offenses as wearing "baggy pants," or "acting suspiciously," or because "someone may have called to complain about the kids' presence" — but "no information regarding their Miranda rights, or how they should protect themselves if taken into custody."

Meanwhile, historians have learned that the failure of government education accounts for many of history's upheavals. Schools in Massachusetts in the 1760s failed to provide adequate education on the subject of "how to behave when British troops tell you to disperse." Schools in Alabama in the 1940s failed to provide classes in "sitting in the back of the bus." As recently as the 1980s, schools in East Germany failed to provide sufficient instruction in "how to act while visiting barriers protecting the people's government from the inroads of decadent capitalism." —RWB

The Brady brunch — Some months ago I had dinner with Jim and Sarah Brady. I've known the couple for several years, but never spent any real time with them. Naturally, the conversation centered on politics in general, and gun legislation in particular.

Sarah, who's made the promotion of anti-gun hysteria into a profession, was surprisingly affable and reasonable, even if very poorly informed on almost all the details — factual, legal, and technical — of her life's work. I'd expected her to be grim and strident once we got into it, but that just wasn't the case. My conclusion is that, for all the damage she's doing, she's really no more than a simple dupe of the powers of darkness.

It was Jim who was really reactive. Jim continues to recover from his tragic shooting, sustained when he was President Reagan's press secretary; he's still got an excellent sense of humor, but it's become bitter and hostile. That's understandable, of course, considering what he's been through, but it's unfortunate. Equally unfortunately, Jim came down on the anti-liberty, pro-repression side of every single issue we discussed.

I can only hope he gets better spiritually, as well as physically. Meanwhile, his attitudes are having a poor effect on society — directly, with the Brady Law, and indirectly, with all the wrong-headed, destructive foolishness it has engendered. —DC

The Brady crunch — "I'm rushing you this alert to request your emergency financial help. Our legal action team must have the funds required to mount a vigorous defense of the Brady Law. And because of the enormous costs of litigation, we need help beyond our regular supporters. We need the help of everyone who cares about saving the Brady Bill.

"On behalf of the American people, we must not let them get away with this travesty of justice. Please respond today with an emergency contribution to help defend the Brady Law."

Liberty's Editors
Reflect

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PL	Pierre Lemieux
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WPM	William P. Moulton
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

That was the desperate plea of an "Emergency Alert" sent by Sarah Brady to raise funds for the Center to Prevent Handgun Violence. It seems that a federal judge in Montana has declared part of the Brady Bill unconstitutional — specifically, the provision that requires local law enforcement agencies to do background checks at their own expense on all who attempt to purchase a handgun. A Montana sheriff sued, saying his department didn't have money to enforce this federal law, and arguing that the tenth amendment prohibits the federal government from forcing a local government to do its work without compensation.

What's curious about Sarah Brady's desperate plea for money to finance a "vigorous defense of the Brady Law" is that her group is not involved in the litigation. The sheriff sued the federal government, not Ms Brady's organization. The federal government is represented by the Justice Department, not by Ms Brady's organization.

On the other hand, Ms Brady's fundraising specialists know that the best way to raise funds is to hoist the flag of alarm, scare the bejesus out of people, and tell them that the only way they can help is by sending in their shekels and that truth-in-advertising laws don't apply to them. —RWB

Cubs 21, Kids 9 — Doing what they do naturally when protected from the law of the jungle, California's burgeoning mountain lion population has begun to intersect more with human society. In April, an El Dorado woman paid the ultimate price while jogging on a popular county footpath. The offending cougar was identified, tracked, and killed; she proved to be a lioness with a single cub.

A trust form established for the care of the orphaned cub has collected $21,000 to date. A trust fund for the jogger's children, ages eight and five, has collected $9,000. Draw your own conclusions about America's priorities. —RL

Beating the rap — Many years ago, Johnny Cash recorded "Cocaine Blues," a terrific song that opens with this couplet: "Early one morning while making the rounds/I took a shot of cocaine, and I shot my woman down." It goes on to describe the narrator's arrest, trial, and imprisonment; despite the last line's admonition to "let that cocaine be," the tone of the song is matter-of-fact and unrepentant.

So: is the Man in Black a Menace II Society?

The asinine debate over "gangsta rap" rests on a foundation of ignorance of music and history. There is nothing uniquely offensive about this relatively new sort of music; country, blues, opera, and rock overflow with violence, sexism, and paeans to drunkenness and drugs.

All these genres can also be anti-violent, anti-sexist, and anti-drug, of course. And some songs are simply acts of journalism — the Velvet Underground's "Heroin" is powerful but value-neutral reportage, as is their "There She Goes Again," a second-person dramatic monologue about a man who beats his girlfriend. Neither angry nor forgiving, it keeps returning to the line, "You better hit her." If Tipper Gore or Carol Mosely Braun heard that, they'd be crying *"Misogyny!"*

But most of us can distinguish between a stark look at domestic violence and a call to spouse-beating arms, between a song like "There She Goes Again" and a nasty ditty from, say, W.A.S.P. Why is it difficult to make the same distinctions among rappers? Why is it easy to accept that Lou Reed writes dramatic monologues, but hard to understand that Ice T does the same thing? Or that "bitch" and "ho" and "nigger" can mean different things in different contexts? Or, less abstractly, that Ice T and Ice Cube are two different people? (Yeah, yeah, I know — they all look alike.)

Imagine a political uproar over whether mystery novels are "pro-violence," or if "the" newspapers are "anti-government," or what painting, as an art form, has to say about women. There are a lot of gangsta rappers out there, with different things to say, different ways of saying it, and different degrees of talent, just like any other kind of music. Is that really so difficult to understand? —JW

Tainted pot — Two years ago, upon defeating Steffi Graf for the gold medal in tennis at the Barcelona Olympics, teenager Jennifer Capriati became the darling of the sports media, a prodigy, the rising star and future of American women's tennis. In subsequent tournaments, however, those judgments proved premature; poor performances became commonplace, her weight began to increase, and the spark in her play that had characterized her charm when she first joined the circuit disappeared. Last fall, Capriati, a millionaire, was arrested for shoplifting cheap jewelry from a department store. She took an indefinite leave of absence from tennis, claiming she wanted to finish high school. The latest chapter in her soap opera occurred in May, when she was arrested for possession of marijuana.

With the revelation of her arrest, the media's bullshit machine went into full swing. While various explanations can be offered for her behavior — e.g., she is a typical moody teenager who also happens to be a sports star who has missed much of her adolescence, and dammit she's just not dealing with it well — the emphasis was placed on her use of drugs. She was immediately held up as a tragic example of a pervasive evil. Although two days after the arrest she checked herself into a rehab center for the apparent use of harder drugs, her reputation was dealt a weighty blow for a simple possession of pot. Had she never done anything more potent or dangerous, it wouldn't have mattered. She used drugs, ergo her name is tainted, regardless of what type of drug she took.

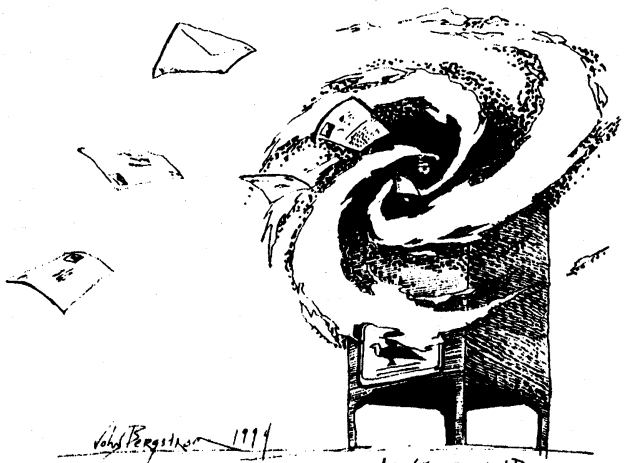

There is a lesson in this saga for those of us who advocate the abolition of all drug laws. If a virtually harmless drug like marijuana continues to have such a bad reputation, then have we really made any substantial progress toward our desired goal? Earlier this year, when Surgeon General Joycelyn Elders mentioned that the mere study of legalization might be fruitful, it was regarded as a sign of progress when the media didn't react hysterically (although Elders' employers felt no need to hold back). And so it was. But it was a progress that reminds us just how much work still needs to be done. —ML

Addicted to lawsuits — Remember the guy who was sued by his neighbor for returning with a hole in it a beer bock he had previously borrowed? "I will prove three indisputable facts," the defendant's lawyer told the judge: "First, my client never borrowed the beer bock. Second, the thing already had the hole in it when he borrowed it. And third, he returned it in perfect condition."

Well, consistency and logic are as in short supply in the suit against tobacco companies that an Americn lawyer is launching on behalf of individuals addicted to tobacco (*Wall Street Journal*, May 19).

Either addiction changes an individual's preferences in such a way that he is not responsible for them anymore, or it doesn't. If it doesn't, the suit appears to be just another step in galloping government intervention in people's preferences under the guise of misconceived rule of law. After all, if individuals are wise enough to elect legislators and hire lawyers, they must be adult enough to decide what to consume. If it does — well, then, we have a big litigation explosion looming on the horizon, for habits and addictions are everywhere in life. Shall there be a class action suit on behalf of husbands who are addicted to their wives — or, to be less P.C. and more realistic, their mistresses?

In this perspective, it is time we put an end to the most potent and detrimental addiction of human history, one that has produced much death and misery: the habit of counting more and more on political solutions as government tries to organize their lives for them. Perhaps it is time for a class action suit against government, on behalf of those people — like the anti-tobacco lawyers — who have become addicted to government power. —PL

Addicted to sex — The cult of "victimization" reached another absurd height in a new development in the Jennifer Capriati story. An acquaintance of Capriati's has brought suit against her, alleging that their association has led him back into drug addiction, by coercing — yes, *coercing* — him to use drugs by means of sex. Apparently, when confronted with the alternative of taking drugs and getting laid versus refusing drugs and being frustrated, the plaintiff could not help himself.

The implication of this argument is that all horny young men — i.e., all young men — should be locked up for their own protection, lest their sexual urges bring menace upon themselves. The nanny state cannot permit this to happen, any more than it can allow us to smoke cigarettes or ride bicycles without helmets. —ML

Strikeout! — It's a quiet summer in Northwest Ohio and, apparently, the rest of the world. Headlines are blessedly subdued. In Bosnia, killings continue, but the body count appears to be down. Africa is a mess, but Africa is always a mess. Ditto the former Soviet Union. At home, too, events move sluggishly. The White Waters of Arkansas have at least temporarily stagnated, so-called health care reform languishes in committee, and the nation is not (yet?) dispatching troops to Haiti or North Korea or South Central Los Angeles. The Washington press corps is willing to tell you what the president is doing, but who of good sense wants to know? Other than tawdry episodes of human frailty that titillate much but signify little — Bob Barker's bimbos, O.J. Simpson's bereavement, Dan Rostenkowski's unconventional management style — the world appears placid and quiet. Hurrah!

All the more reason to turn at this time to what is truly important: baseball. God didn't create summers so that we can scrutinize the Congressional Record. Rather, according to the not-quite-Authorized Version, on the eighth day He said, "Let there be Doubleday and diamond!" — and the rest is history.

This summer more than others should find my gaze permanently glued to the sports pages, for atop the standings of the American League East are the New York Yankees. Some will cavil at this enthusiasm, but for nigh unto four decades I have looked to the Bronx as devout Muslims do to Mecca. When I was a boy I fervently believed that Mickey Mantle walked on water. Later I found out that water was not his liquid of choice. Still, in a parade of larger-than-life heroes — Aaron, Mays, Williams, the Duke — he stood tallest. And come autumn one could count on the leaves falling off the trees and Mantle (and Berra, and Rizzuto, and the rest of the pantheon) leading the Yankees into the World Series. But that was then, and this is now. For a depressingly long time the Bronx Bombers have been the Bumblers, and throughout the '70s and the '80s I was reluctantly compelled to shift my attention to football three weeks earlier than was natural.

By rights, then, I should be captivated by my beloved team's overdue resurrection and mortified by the possibility of this party being interrupted by a mid-season strike. I should be, but — and I admit this with more than a little embarrassment — the drama barely engages my emotions. I'm finding the baseball season only slightly less stultifying than recountings of the Clintons' financial dealings and sightings of presidential bedmates.

Well, maybe it's just that I'm getting old. And so, according to my internist and mirror, I am. Still, I can't help but believe that the flagging of this enthusiasm bespeaks more than the purely autobiographical. Rather, I maintain, sports itself has lost its savor.

Not only baseball is in the doldrums. As I write, teams from Houston and New York are playing for the basketball championship. Several extraordinarily gifted players show up for the games, but their respective teams are displaying a more pathetic brand of basketball than any who have heretofore reached this stage of ostensible excellence. Only because of an inadvertence on the part of Mr Naismith was Game 1 not recorded as a loss by both teams. Subsequent contests have been scarcely better. Meanwhile, the New York Rangers won the Stanley Cup. Those who follow the sport will instantly realize just how ludicrous that particular denouement is.

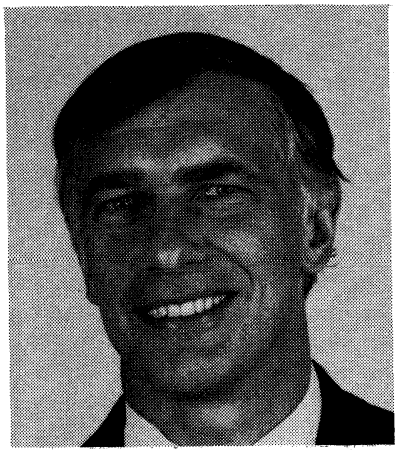

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Why do I bother the readers of *Liberty* with these melancholy reflections? Two reasons. First, an overriding concern with matters political is a sign of corruption. Some things are more deserving of attention than the latest permutations of the politicos; sports is one of those things. But second, the decline recounted above is not without implications for the more conventional themes of this journal.

Those involved in professional athletics as players, owners, agents, and assorted apparatchiks have never had it so good. Once upon a time, ball players were bound to their teams for life (or until the owner sent them off to fill a hole in the infield or to get enough cash to pay off a gambling debt). Few made more money in one year than a skilled laborer does over the course of a lifetime. And fans knew from year to year where they would find their teams. All this began to erode when a man named O'Malley hijacked the Dodgers from Brooklyn to L.A. and Curt Flood successfully litigated the demise of the reserve clause's indentured servitude.

As a card-carrying liberal, I do of course support the right of players to sell their services to the highest bidder, of owners to determine the deployment of their personal property, of capitalism to bloom amidst the diamonds and gridirons and hardcourts. And yet . . .

. . . something has been lost in the process. A recent rereading of Aristotle's *Politics* has nudged me into thinking about what that might be. The agonistic glory of athletics is ancient, older than the exchange society, even older than the Greeks who brought it to an Olympian peak. The virtues and principles of athletic achievement are not those of liberal society. Indeed, to a considerable extent they are antithetical. A team's success is built on the loyalty, obedience, and self-sacrifice of the players. It is not reducible to the achievements of the various individuals of which it is comprised. The priority is reversed: one does well as a player insofar as one carries out one's assigned role. Within this context the liberal values of autonomy, self-determination, critical detachment toward proffered ends, and a propensity to question authority are not major virtues; indeed, they are not virtues at all.

The point? I'm coming to that.

It is perpetually tempting to suppose that all goods come together in one tidy package. Or at least that they will so array themselves if only we play our cards right. Liberals are perhaps especially prone to that fantasy. In the free society, we proclaim, a thousand flowers bloom! And so they do. But other botanical specimens don't fare so well. For these a liberal regime is barren ground. Professional athletics is, I believe, one of them. To the extent that autonomy and profit-maximization supplant archaic virtues of self-sacrifice and loyalty for the sake of the greater whole, the drama becomes watery and weak. Such, for better or worse, has transpired. (Participants in high school and collegiate athletics are unpaid, foully exploited functionaries dominated by autocratic coaches. Not coincidentally, sports at these levels retains their charms.)

The moral, then, is that goods are ineradicably diverse and cannot all be packaged together. When we gain we also lose. Sometimes the gains compensate for the losses, sometimes they do not. It is indeed a loss when .240 hitters jump from team to team as they market themselves for multi-billion-dollar salaries and deferred payments well into the twenty-first century; it is a loss when one has to pronounce with a straight face names like "Utah Jazz." A free society justifies even enormities such as these. Still, I do miss the energy and fervor and disciplined intensity of a sparkling season of baseball. That, for the uninitiated, is the game of games, and is best played by 16 teams in two leagues.

Ah well. Maybe I'll go hunt for the best tenth birthday present this boy ever got, a genuine major league ball autographed by The Mick. —LEL

The murderer as hero? — On June 17, 1994, a former football player and current professional advocate of a rental-car agency was accused in Los Angeles of the brutal murder of his former wife and her 25-year-old friend. The football player fled arrest and was chased. Cornered, he was coaxed into dropping his gun and was arrested.

When news of the football player's flight was broadcast, the route of the chase was lined by thousands of people eager to express their love for him. Many of these people followed him to the scene of his final confrontation with the police, where they staged a party in his honor. Meanwhile, people on television also expressed love for the "hero," the "American icon," the "fun person," the "kind, generous man" who five years previously had been convicted of beating the wife whom he now has allegedly killed. (He was sentenced to take therapy by phone.) Some television personalities harped on the theme of innocent people condemned for crimes they did not commit. Many said that their "prayers were with" the accused murderer.

What provoked the audience's reaction? Sympathy for the underdog? A healthy skepticism about police accusations? Or was it something else? Perhaps it had something to do with religious fanaticism, though not of any traditional American kind.

On the same June day, a judge in Texas dealt out sentences of up to 40 years in prison to members of a religious cult, chiefly for the crimes of purchasing and possessing weapons. The cultists had apparently procured these weapons to defend themselves from government agents. Their apprehensions were realized when government agents invaded their home, provoking a battle, a siege, and the massacre of over 80 people, many of them children, some of them too badly burned to permit a precise body count. A jury acquitted the cult members of the substantial charges against them, leaving

only those relating to weapons. When the foreman of the jury heard the savage sentences meted out on those charges, she broke into outraged tears.

The judge, however, called the cult members "terrorists" and likened them to the conspirators who bombed the World Trade Center. No crowds formed to protest the sentences. The woman who ordered the final attack on the cultists' home because she thought they were "child abusers" remains the much-applauded attorney general of the United States, despite the fact that she was proved to have thought wrong about virtually everything that led to the massacre. No phase of the trial was closely followed by the media. No national media time was spent in prayer for the cultists, alive or dead. If there was sympathy for the underdog or healthy suspicion about police accusations, it was politely muffled. From the beginning, the media had been unremittingly hostile to the cultists, as the media are to all "violent" people, so long as those people are not prominent in sports, film, or government.

On June 15, while driving through Los Angeles, I heard an elderly black lady try to explain to a talk show host that although she wasn't sure if O.J. Simpson had killed anyone, and she hoped he hadn't, she wasn't very concerned about the case. "They're making him out a hero, but he's just a guy who played football. He's not a hero! Jesus was a hero!"

She had a point. But the religion of the mob — from the Sixpacks on the freeway to the New Agers at the anchor deck — is not Christianity, of any kind. Nor is it the American civic religion of liberty and justice for all. It is the paganism of the football hero, of the kind of person whom the Romans, in their dotage, used to deify. —SC

O.J., Waco, and Letterman — David Letterman has refrained from mentioning O.J. Simpson's case on his television show on grounds that "double murders aren't funny." I don't want to try to tell Letterman what's funny and what isn't, or what to talk about or what to avoid. But just how funny is the invasion of an eccentric religious community by government agents that resulted in ten homicides?

During the truce between the Davidians and the FBI, Letterman made nightly jokes ridiculing the Davidians. Is it possible that these jokes might have desensitized Americans to the violence that followed, when the FBI renewed its attack, resulting in nearly 100 additional homicides? How funny was that, Dave?

Is it that double homicides are unfunny but mass murder is hilarious? Or has Letterman learned something from his litany of anti-Davidian jokes? —RWB

Silver lining — The one good thing to emerge from the O.J. Simpson case is that it finally raises public awareness of professional football. —CS

Murder most foul — Only a few days have passed since O.J. Simpson was arrested for the brutal murder of his ex-wife and her male "friend," but already we have learned that the real significance of the episode is that spouse abuse is a far worse problem than previously appreciated. Part of the problem, we have been told, is that victims of spouse-abuse often refuse to prosecute, which enables the pattern of abuse to escalate, resulting in gory murders of the sort allegedly perpetrated by the former football star. One politician — Hubert Humphrey, Jr — has proposed broad-based measures to deal with the problem, including mandatory overnight jail sentences of those accused of abuse and taking away from the victim of abuse the right to withdraw charges. In other words, he proposes to make spouse abuse a crime for which one can be incarcerated without such niceties as constitutional rights.

Among the many obvious complexities overlooked by the politicians and media bozos are the unhappy facts that family relations are extremely nuanced and complex, while the hand of government is crude and unsubtle. Police who are reluctant to intervene in domestic quarrels are often acting sensibly, both for themselves and for society. Their intervention only temporarily stops the abuse, which tends to return ratcheted to a higher level. Spouses are often reluctant to press charges because their emotions are complicated and ambivalent. Very often they remain in love with their abuser. If Junior Humphrey's program is enacted, victims of spouse abuse will be more reluctant to call the authorities. What good will that do?

Spouse abuse may be a problem for which there is no perfect solution, and one about which government can do precious little. It is not a simple criminal-victim sort of thing, but a problem that is shared by both the abuser (who shouldn't be hitting his spouse, or acting like a lunatic) and the abusee (who shouldn't stay in a relationship with an abuser).

In the meantime, I suspect the best way to mitigate the damage caused by spouse abuse is for its victims to refuse to be victims. So-called "experts" seem to agree that spouse abuse seldom takes the form of isolated incidents and that its violence usually escalates over time. If its victims left the relationship at an early sign of abuse — *before* it reached felonious levels — the damage would certainly be far less.

Discussion in the media has pretty much tacitly assumed that all abusers are male and all victims female. However, there are also cases in which a female abuses a male, though these often go unreported because the victims fear embarrassment. But it seems likely that most abusers are men, if only because men are generally bigger and stronger than women. Which brings to mind a unique American tool, the "equalizer." The smallest woman holding a Colt .45 has little to fear from the biggest man.

I recall hearing Dolly Parton tell a story on David Letterman's talk show about an experience she had on the street when she first came to New York. She was only 18, and she dressed the same way she did back home — i.e., like a hooker. An inebriated man propositioned her, was rebuffed, refused to take "no" for an answer, and began to assault her. Dolly happened to be carrying a gun in her purse just like she did back home, and the man learned to act like a gentleman very quickly. Letterman's audience gasped when she mentioned the gun — apparently the idea of a teenage girl being able to defend herself didn't sit too well with them — and Dolly quickly apologized, saying she was young and didn't know any better and of course she would never carry a gun today.

You have to wonder what would have happened to her if Dolly hadn't been carrying her "equalizer" that day. At the

very least, she would have been assaulted, perhaps raped, perhaps killed. As it was, the man walked away with his tail between his legs and no one even bothered to report the incident to the police. And I suspect that man may have thought twice before making unwelcome advances to strangers in the future.

Of course, Baby Huey and his pals in the media are not going to propose letting people pack handguns. Nor are they going to suggest that victims of spouse abuse should accept responsibility for their own actions and leave relationships that become abusive. Every problem has a solution, and every "solution" involves giving the government more power. —RWB

Non-sequiturissimo — Sen. Dale Bumpers explains his opposition to term limits: "If you lose the institutional memory of the individuals in Congress, the result will be that Congress will just repeat the same mistakes." Right, Senator, getting new people in will cause Congress to repeat the same mistakes, but keeping the same old guys around forever will bring in lots of new ideas and keep mistakes from being repeated. And the way to stop an epidemic is to send infected people back into the afflicted city. —CAA

Slouching toward Jerusalem — That great soap opera, the Middle East Peace Process, continues to weave its way toward either cancellation or conclusion. After decades of refusing to acknowledge each other's existence, Israel and the PLO arrived last year at an accord of sorts: Israel would throw Jewish settlers off their land in Gaza and the West Bank if the PLO would suppress the *intifada* for Israel. But there still remained a few thorny questions — most notably, who would get Jerusalem. Israel and the PLO both wanted it; both knew the other wanted it; both knew the issue would have to be dealt with eventually.

In May, Yassir Arafat made the mistake of calling for a *jihad* to attain Jerusalem for the Palestinians. Now, "jihad" means "holy war," but in a figurative sense; there are no necessary implications of violence. Unfortunately, the intricacies of the Arabic language are frequently lost on Israeli and American leaders, who know damn well that "jihad" means swarms of swarthy A-Rabs killing Westerners at random for the glory of Allah. Typical were the comments of the good folks at *The New Republic*, who were quick, not only to take offense at the PLO leader's comments, but to denounce anyone who actually knew enough about Islam to set the record straight as an "apologist" for Arafat, that "unsure man who dabbles in the most virulent kind of incitement."

Most of the time, I see the emerging peace plan as a cynical exchange, in which the PLO stops channelling the Palestinian revolt for the benefit of its financial backers in the Arab nations and starts suppressing it for the Israeli oppressor instead. But *any* step toward peace in that bloody region deserves at least some commendation. Surely, the catty, ignorant insults issuing from Israel's War Party do no one any good. —JW

This C-note gets an F — Senator Patrick Leahy has introduced legislation requiring the recall of all $100 bills, to be replaced by two new designs — one for circulation in the U.S., another for circulation abroad. The foreign version of the $100 bill could not enter the U.S. without being exchanged at a bank that is regulated by the U.S. This, he states, would strike a blow to drug dealers. Plus, he figures, many of the outstanding $100 bills would never be turned in, since the drug lords wouldn't be able to explain how they got them. This would make a tidy profit for the government.

Tell me, have you ever heard anything stupider coming from the mouth of a U.S. senator? I know that senators are idiots, but this has got to take the cake.

Let's see what's wrong with his idea. First of all, drug lords aren't the only ones who will lose because they don't get their currency exchanged during the six-month exchange period he proposes. A lot of Americans have hidden away some savings for a rainy day in the form of $100 bills. Most of them are elderly people, who remember bank failures, and most are not very well-off. They are precisely the sort of people who will not hear about the forced exchange, or not trust the bank to exchange their money fairly, or forget to get it done in time. Out of the millions of such people in the United States, there will be tens of thousands who lose much or all of their life savings. Does Leahy want to rip off old, poor people?

Second, the plan will actually have precious little effect on drug lords. It seems a safe bet that most drug lords keep almost all their assets in forms other than paper money. They also realize that cash is the one investment guaranteed to lose money. And they have access to foreign banks, virtually none of which put restrictions on currency deposits or exchanges.

It probably won't hurt drug lords in the future either. If they can smuggle thousands of tons of drugs into the U.S. every year, surely they can figure out how to smuggle the "new" paper money in or out of the country.

Third, there will be a lot of losers in the third world and the ex-Communist nations, where U.S. currency is widely used because local currencies are so worthless and the banks so unreliable. How will these people manage to make the exchange in time?

Fourth, it will be an incredible hassle for every person who ever leaves the U.S., and I'm not just talking about tourists visiting

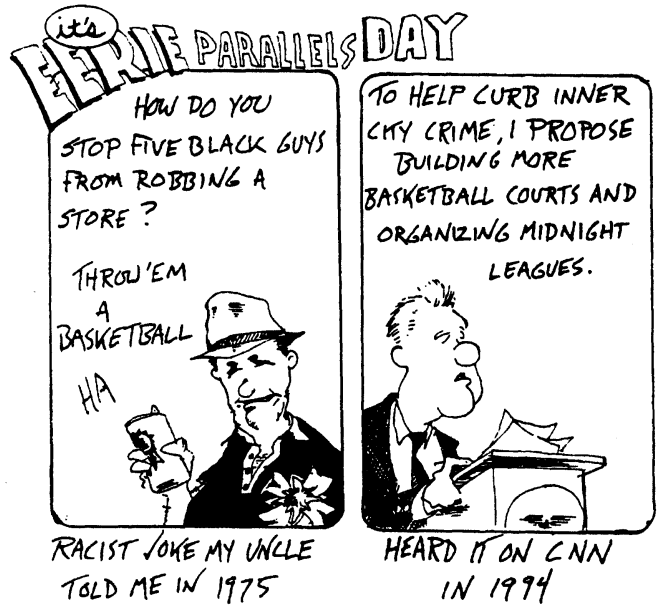

Europe. Hundreds of thousands of people cross the border to Canada or Mexico every day, often for visits that last only a few hours. Can you imagine the cost and inconvenience if every time anyone enters or leaves the U.S., he has to exchange any money he is carrying?

But the U.S. government will be the big loser. The U.S. dollar is the world's currency. It is used in almost every country on earth. The reason it is so widely used is that it is of unquestioned value. If it can only be exchanged for money that can be imported into the U.S. at a bank supervised by the U.S. government, it will no longer be the super-convenient, super-liquid form of money it is today. If Senator Leahy's measure becomes law, *demand for U.S. dollars overseas will vanish.*

And this would be a disaster for Americans. At any given moment, there are billions of U.S. dollars circulating overseas. The $100 bill that circulates overseas is different from the $100 bill that circulates at home: it cannot be used to pay taxes and cannot be used to buy stuff in the U.S., so it doesn't affect inflation. In effect, every $100 bill that circulates overseas is like a check you write but no one ever cashes. Every $100 bill circulating overseas represents a profit to the U.S. government of more than $99.

Surely, even the officials of Bill Clinton's Treasury Department can figure this out.

But then, why can't Senator Pat Leahy? —RWB

Ship of Canucks — Why would no cruise ship accept only Canadians aboard? Because they might suddenly all flock together to the portside, flipping the ship over. It could be for any reason — say, for discovering that, in a starboardside cabin, there is a revolver that does not belong to a policeman or a soldier. Or that somebody there is smoking. Or has posted some pornography.

Canada is really ripe for tyranny. With no revolutionary tradition, I fear the people will accept anything the government wants to impose on them. Some of them are actually begging for it. The Canadians have become, as de Tocqueville put it, "a flock of timid and industrious animals, of which the government is the shepherd."

After he travelled to Quebec City in 1850, Henry David Thoreau wrote: "We were constantly meeting with soldiers in the streets. . . . Sometimes they were carrying some kind of military chest on a sort of bier or hand-barrow, with a springy, undulating, military step, all passengers giving way to them, even the charette-drivers stopping for them to pass — as if the battle were being lost from an inadequate supply of powder."

I have decided that I am not going to defend Canadian "federalism" against the separatists any longer. From the Trudeau government through the present one, the federal state has succeeded in changing this country in such a way that there is basically nothing left to defend. With a Quebec tyranny, the members of the right tribe (say, my fellow descendants of the *coureurs des bois*) may perhaps hope to exert *some* influence in favor of liberty. —PL

Ought there be a law?— In their continuing debate over the state of the law (January, May, and July 1994), contributing editor Sandy Shaw and reader Randy Debber both have it right — and both have it wrong. Sandy is surely correct: there are indeed too many laws and regulations in this society. But so is Debber: there has never been nor shall there ever be, an advanced society with millions of inhabitants governed by just 100 or even 1,000 laws, as Sandy proposes. Society, as Debber points out, is just too complicated.

But Sandy has it exactly right if she will accept one minor modification to her proposal and one major amendment to her list of consequences. First, in the place of "laws," say "legal principles." Second, the chief problem with the current system is not the "chaos" Sandy fears, but uncontrolled and oppressive rule by a self-perpetuating, unelected bureaucracy whose power lies in the mind-numbing maze and unfathomable minutiae of the regulatory regime. (The 9,306 pages of the federal tax code are the best reason to repeal the income tax.)

The ten examples of complex cases that Debber provides all raise difficult issues of human action and intent — issues better resolved by tribunals applying general principles of law and justice, not Kafkaesque labyrinths of administrative regulations or self-contained bureaucratic netherworlds that serve only their own perpetuation. —RL

A modest proposal — According to the *New York Times* (March 20, 1994), the annual cost per student for public schooling in New York State runs as high as $46,000. Thus, over twelve years of schooling, a kid runs up a tab of $552,000 plus interest. This expense is a crime against the taxpayers.

Allow me to make a proposal. Take, say, only $40,000 a year from the taxpayers, thus saving $6,000 per student per year. Close the schools and sell the property to the highest bidder. Release the students from all obligations to attend public school.

With the school taxes that continue to be paid, invested at interest, a fund will be accumulated for each student that will reach well in excess of $500,000 by the time a student reaches age 18. At that time the student will be awarded the money, which will be sufficient, if invested in the stock market, to provide an income well in excess of $50,000 per year on average forever. No one, not even the person too lazy to work, need ever be poor.

The taxpayers will benefit. The students will benefit, and not only financially: they will now be able to control their time during the years they would otherwise have been incar-

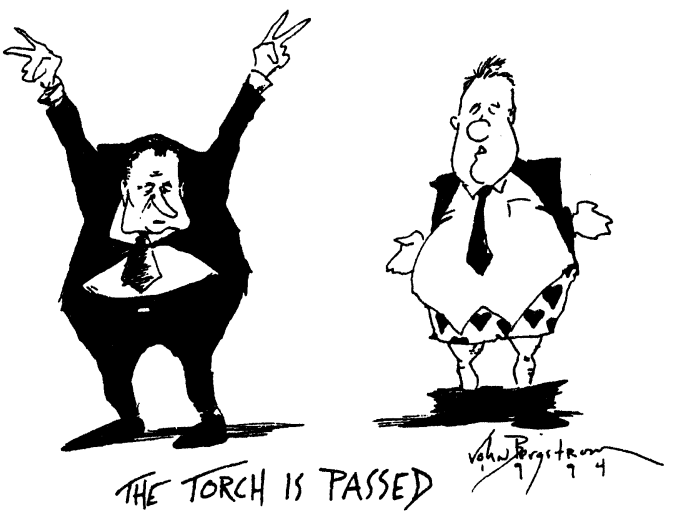

cerated in the enervating and dangerous public schools, and they will avoid the ideological claptrap with which they would have been inculcated by the public school teachers. Society at large will benefit, too: the school's physical property and the teachers' and administrators' labor power will be released for productive use.

What have we got to lose? Only the subsidy we pay to public school employees. So what are we waiting for? —RH

The ill-tempered libertarian — A co-worker of mine emigrated from Poland in the days when the verb "to defect" was not just an anachronism. Our conversations are not always entirely civil:

> Co-worker: I see in the news that Poland elected the left-wing party.
> Me: Yeesh. Don't those people ever learn?
> Co-worker: There was 30% unemployment under capitalism. People were starving.
> Me: Great, now they can all starve equally!
> Co-worker: People do not starve under socialism.
> Me: Hahaha! Tell that to the millions of Ukrainians who died under Stalin!

Aside from explaining why I have a dwindling number of friends, this is a good example of how *not* to act if you want to advance the idea of liberty. Don't provoke people. Don't act like you have all the answers. Use dialectic to allow people to arrive at their own ineluctable truths.

But provocation is a two-way street, and we have to be allowed to exercise our freedom of speech when Aunt Dorothea delivers a half-hour monologue at the family barbecue about the terrors of acid rain. People may take too long to arrive at ineluctable truths. Many a federal budget has gone colder than vichyssoise while libertarians waited patiently for voters to get the hint.

So I've decided to accentuate the positive. There are strengths to the libertarian mindset that would make even a liberal with money envious. We should exercise these assets mercilessly until they crush any skepticism harbored by the general public.

- **Libertarians are persistent.** It is for this reason that your host's chin goes slack whenever someone mentions "gun control" within your earshot at parties. While it is undeniably useful in arguments, one would also do well to remember that persistence goes a long way toward explaining why most Americans still preface Ted Kennedy's name with "Senator."

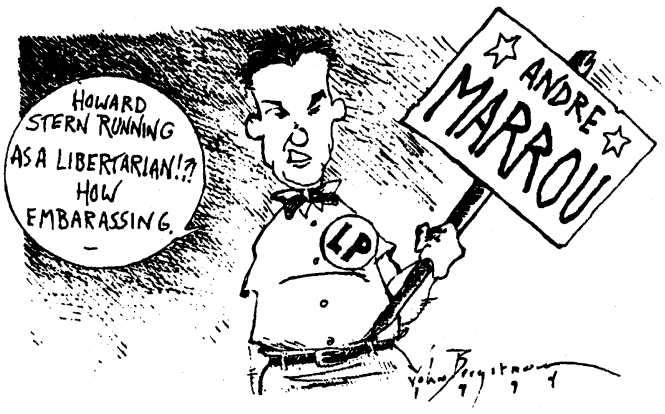

- **Libertarians are fun to be around.** Devotees favor the decriminalization of marijuana and prostitution. This makes for better parties than getting together to pass the hat for the Sandinista Defense Fund.
- **Libertarians are capable of unusual insights.** If Ayn Rand and Nathaniel Branden could come up with a moral justification for sleeping together right under their spouses' noses, we should be able to lick world hunger in a week flat.
- **Libertarians make good houseguests.** Strong defense of the right to personal property means you'll never have to worry about coming home to discover that the entire contents of your underwear drawer have been faxed to the White House.
- **Libertarians won't ask to borrow taxpayers' money to finance their hopes and dreams.** If I have to explain this one to you, you should be reading another magazine.
- **Libertarians know how to say "no."** Far from the Nancy Reagan version of naysaying, this is knowing when and what to refuse. Mommy, can we nationalize health care? *No.* Mommy, can we repeal the Constitution? *No!* Mommy, can we nuke the bad guys from orbit? *No — oh, all right, but don't tell your father.*
- **No libertarian has ever been elected president.** Just think of the things we can't be blamed for: the federal deficit, the S&L crisis, the EPA, the NSA, the CIA, OSHA, and other assorted abbreviations, including Robert Reich.

—*Guest reflection by* Patricia Hanson

Lew "Ideological Diversity" Rockwell — When Llewellyn Rockwell and Murray Rothbard left the mainstream libertarian movement in 1990, they promised that their new "paleolibertarian" movement would advance libertarian ideas among American conservatives. As nearly as I can tell, they spent the next four years attacking their former allies, usually in lurid terms, and making themselves more palatable to conservatives by retreating from their own libertarian views.

That is why it was such a pleasure to see Rockwell delivering a more-or-less libertarian message at the recent National Review Leadership Conference. His plain intention was to convince conservatives to move in a libertarian direction, by briefly reviewing the history of opposition to the "consolidated egalitarian welfare state," concluding with a discussion of the opposition to the New Deal: "The coalition disagreed on many matters, but they had better things to do than to try to excommunicate each other. Every pen and every voice was essential to the cause." Rockwell ended with a clarion call for a "coalition of free enterprisers, traditionalists, and radical anti-statists":

> The enemy of liberty was to be found, not overseas, but in Washington, D.C. The antifederalists saw what others did not, and sounded the alarm. So did the Southern Republicans and the anti-New Dealers. Each of these groups, built on diversity in particulars but agreement on broad principles, opposed consolidated government.
>
> But weren't they all on the losing side? Yes: they had the courage to stick to principle regardless of cost. They knew that the history books might condemn them, yet they looked beyond history, and saw that one day they would face a higher judge than popular or academic opinion.

> It is on the shoulders of these great men that we stand even if we rarely acknowledge it. And these same men point the way to a coalition for liberty today.
>
> We face an ominous threat. If Hamilton wanted a too strong executive, Clinton wants total obedience. If Lincoln suspended legal protections, Ira Magaziner has open contempt for the rule of law itself. If the New Deal meant the passage of the Social Security ponzi scheme, Hillary wants to make insurance fraud official government policy with costs that could eventually dwarf World War II's.
>
> That is why we need unity, but with tolerance for diversity within that unity as we fight the consolidated government of the egalitarian welfare state. We may not win. Future generations may not even thank us for having fought. But we will have done what we know to be right. As Patrick Henry said, "We are descended from a people whose government was founded on liberty. Our country is great, not because our government is strong and energetic, but because liberty is its direct end and foundation." Nothing can be more important than fighting to preserve and enlarge that foundation, as our predecessors did in 1776, 1787, 1860, and 1932. Surely, we can all agree on that.

My first inclination was to wonder whether this is a different Llewellyn Rockwell than the one I had come to know. "We need unity, with tolerance for diversity . . . a coalition for liberty"? "The coalition . . . had better things to do than to try to excommunicate each other"? "Every pen and every voice was essential to the cause"? Where is the Llewellyn Rockwell who sought to excommunicate those who disagreed with him on peripheral matters? Who has attacked virtually every libertarian not affiliated with his paleolibertarian movement? Who denounces "tolerance" as a matter of course? Who habitually refers sneeringly to one leading libertarian with the sobriquet "Sexual Diversity"?

Is this new openness to difference of opinion a retreat from the vicious dogmatism of his recent past? Or is Rockwell's newly discovered love of diversity a purely strategic pose, a recognition of the political reality that Rockwell's paleo views are a tiny minority within the right wing? Is Rockwell's sudden embrace of tolerance akin to the traditional Communist support for freedom of speech only when out of power? Time will tell.

Rockwell's lecture included one very peculiar passage: "From the early part of the [nineteenth] century there was one glaring exception to economic freedom." Rockwell was not here referring, as one might expect, to the human slavery practiced in the Old South. The outright ownership of one human being by another, the brutal treatment, the breaking up of families, the suppression of life, liberty, and the pursuit of happiness — all this escaped Rockwell's attention. Instead, the "one glaring" violation of freedom in the early nineteenth century was "the northern tariff, designed to protect northern industry against European competition." I suspect that this oversight may have its origin in Rockwell's persistent efforts to attract southern right-wingers to his paleo coalition.

Could the conservatives gathered at the conference agree with Rockwell that "nothing is more important than fighting to preserve and enlarge that foundation [of liberty]" as Rockwell thought they "surely" would?

Not if the speeches that followed were any indication. Next to the podium was Karlyn Bowman of the American Enterprise Institute, who offered what she called "a very different perspective from Llewellyn's." Bowman argued that the alliance Rockwell proposed "cannot win broad-based political support . . . because Americans are profoundly ambivalent about the state . . . At one and the same time, they see government as both a problem solver and a problem causer . . . they believe the federal government should do many things."

This would have been a pretty good argument against Rockwell if he had been arguing that a conservative-libertarian alliance was a good way to grab power. But, of course, he explicitly eschewed this sort of argument.

That session of the conference ended with a lengthy talk by Newt Gingrich, clearly its most popular speaker. Gingrich spent considerable time criticizing Rockwell, even at the price of heaping praise on Franklin Roosevelt. But the most chilling evidence that liberty has a tough row to hoe in the conservative movement came from his description of the new laws to be introduced when conservative Republicans gain control of the House of Representatives:

> Ten bills that will be our contract with the American people, including bills on anti-violent crime, on welfare reform to require work and to minimize teenage pregnancies out of wedlock, to stop illegal aliens from coming in and getting money from the welfare state, to strengthen our national defense.

In short: federalize law enforcement, expand the welfare state, crack down on illegal aliens, and, in a world where the United States already has the most overwhelming military power in human history, achieved at stupendous cost to the taxpayer, jack up military spending still higher. Nowhere in this legislative agenda is a single measure that advances human liberty. Gingrich's enumeration of this agenda brought cheers from the assembled conservatives.

Those who want to build a coalition with conservatives to advance the cause of freedom have their work cut out. —RWB

Ezra Taft Benson, 1899–1994 — On May 30, Ezra Taft Benson, president of the eight-million-member Church of Jesus Christ of Latter-Day Saints, died at the age of 94. Benson would not have labelled himself a libertarian, and *Liberty* is not a magazine noted for its sympathy for religionists, so some may find it odd to note the passing of this religious leader in its pages.

But when Joseph Smith, founder of the LDS (better known as Mormon) Church, was asked how he governed his people, he replied, "I teach them correct principles, and they govern themselves." These words, often quoted by Ezra Taft Benson, could easily pass as the motto of libertarianism.

What did Benson consider these "correct principles" to be? "The first basic principle," he said, "is agency." *Agency* is the right and duty of all individuals to act for themselves, to be accountable for their own actions, and to accept the consequences of that agency. Inherent in the freedom to succeed is the freedom to fail, for without those twin freedoms we are all doomed to an equal mediocrity.

For Benson, the *family* was the place where correct principles should be taught, and he urged parents to teach by "lov-

ing example," never through force or "unrighteous dominion." He encouraged families to gather together once a week for a evening of instruction and activities. "The family unit is forever," he said, "and you should do everything in your power to strengthen that unit." Benson believed that if families would do this, there would be no need for intrusive government.

As an Idaho farmboy raised on the realities of hard work and self-reliance, Benson harbored no sympathy for those who demanded government handouts and protections. As secretary of agriculture from 1953 to 1961, he fought fearlessly to reverse the legacy of the New Deal's socialization of farms. "We must steadfastly pursue and strengthen the course which leads toward greater individual freedom and self-reliance." One of his first actions as secretary was to begin dismantling the sprawling farm bureaucracy. His beliefs were unpopular, but his logic convincing.

But Benson's tough stand against handouts did not mark him as a man who lacked compassion for the needy. In fact, he helped administer his church's far-reaching welfare system, demonstrating convincingly that the needs of the poor can be satisfied through private volunteerism, without government intervention.

A tireless opponent of "Godless Communism," Benson warned against the socialist temptation and prayed continuously for the world's oppressive dictatorships to be brought down. In his June 4 eulogy, Gordon B. Hinckley noted the irony of the double obituary printed in the May 31 *Wall Street Journal*, which listed the deaths of "Ezra Taft Benson, 94, . . . in Salt Lake City, and Eric Honecker, East German leader, 81, who built the Berlin Wall." These two men who died the same day represent the opposite principles of persuasion and force.

Ezra Taft Benson exemplified genuine leadership through encouragment, example and persuasion. His years of service brought him little in the way of money or glory, but the world is today a freer place than it would have been without him.

—Jo Ann Skousen

Letters, *continued from page 6*

hate Rothbard, Rothbard hates them, and they all hate the Libertarian Party. What gives?

There is a story here. And I think all of this is connected. I hate to quote or paraphrase R. Emmett Tyrrell (because he's a nitwit), but there is a libertarian crack-up here.

John A. Kelleher
Summit, N.J.

Who Is Garrett Garet?

I have read *The Driver*, and Justin Raimondo's claims ("Reclaiming the Right," July 1994) are ludicrous. Yes, the hero's name is Galt; yes, it's set in the business world; yes, it's about a business genius who creates a fantastic railroad network, starting from old, bankrupt ideas (not exactly what Dagny does); yes, he is harrassed and persecuted by the envious —but the story sure ain't *Atlas Shrugged*.

The stories bear only the *broadest* of similarities. The same could be said of any number of adventure or mystery novels. That doesn't mean the authors plagiarized from each other; it has more to do with the kind of stories they were writing. In broad outlines, the Rand and Garrett novels are similar, because that kind of story makes for a good conflict set in the business world.

To say that Rand *intellectually* plagiarized Garrett is even more ridiculous — Garrett's story had very little in the way of intellectual issues to it, and where it did, he took the classic "stand up for the lone heroic individual" approach typical of westerns.

Marsha Familaro Enright
Chicago, Ill.

Still Enlightening After All These Years

I never heard of *The Driver* until I read R.W. Bradford's "Was Ayn Rand a Plagiarist?" (May 1994). It looks as though, years after her death, Ayn Rand's genius still enlightens the path to the good works of the past, to be rediscovered and enjoyed anew.

Michael Bennett
Sharon Hill, Penn.

Secret Agenda Exposed

In the May "Medianotes," R.W. Bradford takes a swipe at me for repeatedly citing myself in a recent essay in *Critical Review*. He neglects to mention that my essay was a reply to an article that criticized a previous essay of mine. To defend the original essay, I had to quote from it. Little did I suspect that someone might count the footnotes without reading the article! But I suppose if Bradford took the trouble to actually research his potshots, *Liberty* would be a much thinner magazine.

Critical Review critically scrutinizes the doctrines breezily taken for granted by many *Liberty* writers, including Bradford. So it's understandable that he would want to take me down a peg. But surely he could have found a more substantive way to do it than this.

Jeffrey Friedman
Editor, *Critical Review*
New Haven, Conn.

Bradford responds: How Friedman infers from my brief note that I didn't read his article is beyond me. Perhaps he is convinced that had I read his article I would have been so mesmerized that I would not have noticed his orgy of self-citation.

Of course, I recognize that when replying to criticism, one might occasionally need to quote from one's original piece. But it is manifestly possible to respond without citing oneself as exhaustively as Friedman, as an examination of other responses in *Critical Review* reveals. It is also worth noting that a quarter of Friedman's self-citations are not from the essay under consideration.

Although most of *Liberty*'s writers agree with most libertarian views, I doubt they do so "breezily" or without scrutiny, if we are to judge from their writing in *Liberty*. Although *Liberty*'s focus goes beyond theoretical issues, writers in these pages have challenged enough libertarian shibboleths — inalienable rights, the non-aggression axiom, isolationism, etc. — to be described by *Whole Earth Review* as "the leading internal theoretical journal of the libertarian movement."

Medianotes

Clift notes — Eleanor Clift, token nitwit of *The McLaughlin Group*, had a ready answer when asked what national interest is involved in Haiti: All those refugees drifting into Florida. Funny — I don't recall her suggesting an invasion of Cuba when Florida was inundated with refugees from Castro. —RWB

The tarantula and the widow — Of the many things Richard Nixon was called in his day, my favorite, for its sheer inappropriateness, came from James Brown: "funky, funky president." Funky Dick's death has apparently inflated his reputation. Amidst the flood of saccharine sewage the hagiographers have spewed, only Gore Vidal in *The Nation* and Hunter Thompson in *Rolling Stone* managed to produce the sort of witty, nasty commentary the occasion called for.

Still, the Nixon love-in at least provoked a backlash. When Jacqueline Kennedy Onassis died, we were to be spared *nothing*. It's not Jackie O. herself that I don't care for, mind you — it's the sort of nonsense the eulogizers all felt they had to say about her. Maybe if I'd been alive in 1963, I might better understand how one woman could "bring the nation together" after the "national tragedy" of the Kennedy assassination. Did people really think like that back then?

But it is rude, they say, to speak ill of the dead. So: rest in peace, Jacqueline Onassis. You had to put up with a lot in your time, but you always managed to keep your dignity. And you were one funky first lady. —JW

All it takes is guts — Substitute hosts on Rush Limbaugh's radio program are an interesting lot. They range from the relatively boring Tony Snow and Mary Matalin, two Bush administration flunkies, to Rep. Robert Dornan of California, the nuttiest (and most entertaining) member of Congress.

Rush's best stand-in by far is economist and syndicated columnist Walter Williams. Williams may not be as good an entertainer as Limbaugh, but he has one thing Rush doesn't: a coherent and somewhat radical point of view. Although Limbaugh is often described as an "ultraconservative," he is basically an ideological pantywaist with both feet planted in the Republican Party.

Rush can raise hell over something like the Paula Jones case or the Rostenkowski indictment, he can really give it to animal-rights activists, and he's pretty good on health care. But beyond that he's on thin ice. I don't think that I have ever heard him raise any concern over a federalism or states' rights issue, or criticize the left-wing "conservatism" of Jack Kemp. He believes that civil rights enforcement is one of the things that the government does well, and when NAFTA was the big issue he supported it without the slightest concern for the sovereignty issues many conservatives raised.

In contrast, Williams has used the program to call for secession and revolt against tyrannical federal government. He interviewed David Boaz, who much to most callers' horror called for legalizing drugs, and Lew Rockwell, who denounced the Americans with Disabilities Act. Once, Williams referred to anti-smoking puritan Henry Waxman as "wicked" and "evil," then challenged him to a fight in front of the Capitol in which the congressman would have to try to remove a cigarette from Williams' mouth.

Williams dishes out strong medicine to the millions of dittohead faithful. If Rush is an ideological wine cooler, then Williams is a shot of 100-proof bourbon. —CS

Pursuing truth at The New Republic — The editors of *The New Republic* love truth so much, they assigned "reporter-researcher" Joshua Shenk to listen to "just a month" of Rush Limbaugh's broadcasting, to seek out "obvious factual errors." His May 23 article, titled "Limbaugh's Lies," reports the discovery of seven such mistakes, one of which was an obvious slip of the tongue. From these seven "errors" discovered in examining 75 hours of extemporaneous commentary and conversation, Shenk concluded that Limbaugh "twists facts at whim."

Unfortunately, the editors of *Liberty* do not have a spare "reporter-researcher" to examine every word published by *The New Republic* to see whether their record is better than Limbaugh's. But it stands to reason that it would be, since every word published in *TNR* passes through the computers of editors, proofreaders, and (presumably) "reporter-researchers" before it is laid on the black-and-white of the printed page. *TNR*'s fact-checking ought to be pretty good, given the high regard in which its editors hold the truth and the vigor of its denunciation of the Big Mouth.

Sure.

In a page and a half of upbraiding the White House press corps for "snooping into the private affairs" of Bill and Hillary Clinton, Martha Gellhorn makes the following factual claims in the June 27 *New Republic*:

During the Roosevelt administration, "radios cost too much for the mass of Americans," so "apart from newsreels, the print press had almost a complete monopoly on informing the country." In fact, radio was the most popular news and entertainment medium of that period; 77% of American homes had radios in 1940.

"Nine presidents have come and gone since Franklin Roosevelt died . . . These nine men were elected to hold the nation's highest office; the voter's choice and the dignity of the position guaranteed their personal privacy." There have indeed been nine presidents since Roosevelt, but only eight were "elected to hold the nation's highest office." Gerald Ford, of course, was never elected to any office higher (or lower) than representative of Michigan's fifth congressional district.

"In our long, imperfect political story, no acting president has ever been beset by a rat pack chewing on his private life. Repeat: Never before." Two obvious cases overlooked by Ms Gellhorn: the press charged Thomas Jefferson with maintaining a lengthy sexual relationship with Sally Hemmings, a black

slave; and Andrew Jackson's wife was accused of all sorts of moral transgressions.

"In 1947, after ten years of working abroad, I returned to America to live and settled in Washington, D.C. Unknowingly, I rented the house of Helen Gahagan Douglas, the liberal Democratic congresswoman who had just been defeated by Richard Nixon in his first smear campaign . . . After four months . . . I decided I did not want to live in such a country, and left." In the 1946 election, Douglas was re-elected to the House of Representatives and Nixon was elected to his first term. Both were re-elected in 1948. It was not until 1950 that Douglas and Nixon ran against each other for public office, at which time Gellhorn was by her own testimony safely out of the country.

These are just the "obvious factual errors" I spotted in a single short article in *TNR*, gleaned from a quick reading without any fact-checking or research. If I were to examine the other 200± pages published in a month by *TNR*, it seems very likely I would find more. And if I wanted to be picky, I could add another obvious error to my list: Gellhorn's claim that "there was no TV" during Roosevelt's years (the first commercial television station began operation in 1939) — but I won't because, although it is palpably false, it isn't far from the truth; there were practically no TV sets in private hands at the time.

I am not going to blame Gellhorn for her obvious errors of fact. She is a very old woman whose memory is certainly slipping, and even in her salad days her political prejudices interfered with her ability to discern fact from fiction. Ironically, in the midst of this orgy of falsehood, Gellhorn condemns other journalists — those critical of "the spiritual heirs of the Roosevelts" (the Clintons) — for failing in their duty to "praise what this young president has already accomplished," and more broadly for failing "to fulfill its absolute duty: discover, *verify*, and report facts" (emphasis hers).

Gellhorn may be too senile or addled to verify her facts, but the editors of *TNR* are not. They had plenty of opportunities to fact-check the piece. It is hard to imagine that any editor at *TNR* could read the piece and fail to recognize the obvious falsehoods it contained. But no one corrected them.

Gellhorn's obvious errors suggest that *TNR* is not as committed to getting the facts straight as it suggests, and that *TNR* isn't really upset with Limbaugh for his occasional factual glitch. It's just easier to denounce him as a liar than to deal with his arguments against many of *TNR*'s cherished beliefs or the competition he offers in the business of opinion-mongering. —RWB

From beyond the grave — Karl Hess inspired a lot of people during his lifetime. To judge from recent evidence, his influence continues even after his death.

Consider these words, released over Hess's signature in a direct-mail package for the Libertarian Party:

> Though I stood near the pinnacle of power in the Republican Party, I chose to walk away.
>
> I was the principal author of the 1960 and 1964 Republican platforms.
>
> I was Barry Goldwater's speechwriter when he ran for the White House.
>
> I was an early contributor to *National Review*.
>
> I wrote speeches for Richard Nixon and Gerald Ford.
>
> I rode in limousines with police and gawking crowds on all sides.
>
> Why did I turn my back on power?
>
> . . . Henry David Thoreau said it and it's never been said better, *"In the long run men hit only what they aim at."*

Now read this excerpt from LP Chair Steve Dasbach's column in the June *Libertarian Party News*:

> Karl was a principal author of the 1960 and 1964 Republican platforms. He was Barry Goldwater's speechwriter during Goldwater's presidential campaign, wrote for Richard Nixon and Gerald Ford, and was an early contributor to *National Review*. He stood at the pinnacle of power.
>
> Yet he chose to walk away from a bright future within the Republican Party to join the Libertarian Party. Why?
>
> Henry David Thoreau said it best: "In the long run men hit only what they aim at."

Obviously, Hess has made a strong impression on how Dasbach chooses to express himself. One might say that Dasbach's column is a very sincere form of flattery. —JW

A slice of enthusiasm — As we survey the prospects for the continued growth of the libertarian movement, middle-aged libertarians like me tend to be upset at the paucity of libertarian publications written, edited, and published by young people. There was a profusion of such publications in the 1960s and 1970s, but lately it seems there is little encouraging coming from campus presses.

Of course, there are a large number of campus publications subsidized by foundation grants, some of which have substantial participation by young libertarians. But where are the zines or tabloids or mimeographed sheets of our own youth, motivated only by their editors' desire to produce something of value, something good? And how can our movement prosper and grow without their youthful enthusiasm?

Okay, I admit it. I am an old fogey, puffed up with self-importance. Why, back in my time, young punks like me weren't content just to write for campus conservative publications or school newspapers or other subsidized media. We went out on our own hook, and told the world what we thought. We were regular Cyranos — independent, proud, and tough.

I first noticed this fogeyism a couple years ago, when I had a long talk with a college student who had asked my advice on organizing a student libertarian conference. Before I could make any suggestions, he told me what he had already planned. He would invite three speakers, offer them expenses plus a substantial honoraria. He would rent meeting space in a conference center, and advertise on college campuses in several states for students to attend the conference. The students would fill out applications, and he and a committee of adult advisors would select those who would attend. The lucky winners would have their travel expenses, meals, and luxurious lodging paid for. The whole project — which would involve about 15 students, as I recall — would be subsidized with a grant for $25,000, for which he would apply to a well-heeled foundation.

I tried to suggest that it might be a better idea to organize the conference less opulently, using his own resources and

continued on page 69

The Man *vs* the Empire State

by Todd Seavey

It's politics. It's entertainment. It's the biggest party-crash since J. Edgar Hoover put on his mink stole and red pumps to upstage Tallulah Bankhead.

Howard Stern signed the Libertarian Party of New York's membership pledge on the air on March 28, 1994. Stern's assistant, Robin Quivers, noted that the freelancer who photographed the occasion was allowed to do so because "he was the first person to ask," and "we Libertarians reward initiative."

It was the giddy climax of a week of strange on-air negotiations between Stern and members of the Libertarian Party that began when the controversial talk radio host decided he would run for governor of New York.

The disc jockey has a simple, three-point campaign platform:

1. Reorganize the tollbooths on roads approaching Manhattan to make them more efficient and less of a hassle for Stern when he drives to work.

2. Reinstitute the death penalty. (On a recent broadcast, Stern listened to Quivers read reports of violent crimes and muttered, "They'd be *dead* in *my* state.")

3. Fill New York's potholes, possibly with the remains of the executed prisoners. (Road crews would work at night.)

I haven't been a member of the Party in the past, but the prospect of finally having a charismatic, visionary leader inspired me to join. As Hillary Clinton said, we need a "politics of meaning," and Stern is a candidate who speaks to the deeper spiritual issues on American minds — strippers and potholes, for instance.

So on Saturday, March 26, I paid my $15 membership fee and even made a pro-Stern statement at an emergency meeting of the LP's state committee. Sure, I thought, it will probably all end in embarrassment and disaster, but it's bound to be an entertaining story. And after all, Stern promised to bring strippers to the party convention.

King of the Oddballs

There was a time when the ideas of free markets and individual rights had such spokesmen as James Madison, Thomas Jefferson, and Patrick Henry. Some might say it's something of a step down from being a philosophy central to the American Revolution to being a running gag on *The Howard Stern Show*.

Stern's candidacy has brought out more tensions within libertarianism — and more feelings of insecurity — than most of the general public realizes. In addition to the conflict between long-time party activists and Stern fans that was so apparent at the convention, there's the tension between big-L Libertarians and small-l libertarians — that is, between people who are actually members of the Party, and the much larger number of people who hold the philosophy of libertarianism but consider the Party a secondary, or even embarrassing, way of spreading the message.

Several Nobel Prize-winning economists are libertarians — Milton Friedman, James Buchanan — but few such luminaries are deeply involved in Libertarian Party politics these days. And in the 1980s, many prominent Libertarian Party members, inspired in part by the Reagan administration's apparent free-market leanings, left the Party to join libertarian think tanks, most based (amusingly) in Washington, D.C.

Having taken pains to build up credibility at universities, magazines, and such think tanks as the Cato Institute, the Institute for Justice, and the Reason Foundation, some of the prominent libertarians — the Big Whigs, if you will — would prefer to keep their distance from the oddballs left behind in the Party.

Stern's nomination, then, can be seen either as a wonderful boost to the movement or as the final confirmation of the more uppity libertarians' suspicions: that the Party is at

best a goofy publicity stunt. Then there are those like me who feel that if the Party functions mainly to attract attention to libertarian ideas rather than to win elections (with the think tanks, journalists, and economics professors probably having more practical impact), the Stern campaign is perfectly in keeping with the Party's purpose.

Yes, Howard Stern's campaign is at least partly a joke — but that needn't obscure the libertarian message about the larger joke, which is government itself.

Stern became the first gubernatorial hopeful to be endorsed by a cartoon chihuahua.

Liberty on the Air?

I haven't been a Howard Stern listener in the past, but I tuned in to hear his pre-campaign conversations with LP members. Joe Brennan, 1993 LP mayoral candidate in New York City, acted as Stern's on-air liaison from the New York LP. The state party chairman, Ludwig Vogel, acted as more of an on-air punching bag.

The low point for the less-than-media-savvy chairman may have been when Stern asked Vogel, a first-generation German-American, if his father had been a Nazi. Vogel's timid response was that his father "wasn't in the *party*." Stern has also mocked the opposition within his own party, complaining that more straight-laced Libertarians are "jealous" of his new status.

On one broadcast, a nervous-sounding Joe Brennan phoned Stern to assure him that the Libertarians who were manning the Party sign-up booth in front of Infinity Broadcasting — and who were overheard telling people that they could join the Party to vote against Stern at the nominating convention — were "just joking."

"The whole thing is so fragile," Brennan told me the day of the emergency state committee meeting. "I've been shaking all week." Brennan has long been a Stern fan. Like many in the Party — pardon me, many *of us* in the Party — he likes the publicity Stern is generating, but worries that at a whim from this completely unpredictable media personality, it could all vanish or turn into an *anti*-Libertarian joke. It's very much like trying to play advisor to a mad king.

Naturally, I'm having fun. It has been a joy to listen to Stern's radio show — along with his millions of fans — and wonder how many coherent points about economics and politics will poke through the jokes about lesbians, stutterers, and professional wrestler Terry "Hulk" Hogan. Hogan apparently has a television show in which he plays a black-clad adventurer in a high-tech speedboat who cruises the tropics fighting pirates and Cuban soldiers — but forgive me, I'm getting sidetracked from the real issues: potholes and strippers.

Stern seems to be making an honest effort to support libertarian principles, even if they're presented as shtick. A high point was the March 28 broadcast, when Stern and his staff all signed their membership pledges, with Stern alternately saying he wants "less government" and saying things like: "My fans don't care — they want a *leader*!" Actor Danny Baldwin (brother of William and Alec) quickly phoned in an endorsement, urging "all the fans of all the Baldwins to join the Libertarian Party."

Later in the show, comedian Richard Belzer tried to warn Stern away from the Party. "Correct me if I'm wrong, but the Libertarians want to reduce the government to just a standing army and the police, and everybody else just fends for themselves."

"It's called capitalism," responded Stern. When Belzer argued that libertarianism would throw some 60 million people out of work, Stern demanded to know who all these people are. "The retarded! The mentally defective!" insisted Belzer. "We're not here to talk about your relatives," shot back Stern. Belzer remained unpersuaded, noting that "Some drooling guy on the street corner with snot coming out of his nose isn't going to just turn around and get a job."

Quivers, in her usual role as Stern's better-informed straightwoman, calmly noted that under a Libertarian administration Belzer would be perfectly free to start his own relief organization. Stern and Belzer then went on to debate whether Superman could have sex with a normal human female without injuring her. (For a more thorough analysis of that topic, see Larry Niven's essay, "Man of Steel, Woman of Kleenex.")

It's not exactly high-brow analysis, but then, how much can one reasonably ask from pop culture? When complex ideas about free markets and individual rights are let loose in the arena of popular media, you can't expect perfect results.

If the Big Whigs honestly hope to see the genie of their ideas escape the bottle of academic think-tanks, they will have to be prepared for strange, even embarrassing standard-bearers. Today Howard Stern, tomorrow a respected college president, the next day a parade of nudist anarchists in Central Park — there are no guarantees.

But Stern argues that he isn't all that ridiculous when compared to "real" politicians, noting the potential Virginia Senate race between Oliver North and Chuck Robb. Reluctantly caving in to Richard Belzer's insistence that North was a CIA drug-runner, Stern contrasted himself with North and Robb, pointing out that you wouldn't see *him* involved with drugs, nude rub-downs, and lying to Congress.

Stern's campaign is at least partly a joke — but that needn't obscure the libertarian message about the larger joke, which is government itself.

After thinking it over, Stern admitted that the women who had recently given him a rub-down were not, in fact, wearing g-strings. He also admitted to using drugs in the past, and he still calls for the repeal of drug laws. Still, he concluded, "I haven't lied to Congress . . . yet." I think New York may well send him to the statehouse.

And even if Stern never becomes governor, it will be educational to watch him become involved in the political process. He and Quivers have repeatedly pointed out the absurdity of

Equal Time laws that require stations broadcasting Stern to give equal air time to all other gubernatorial candidates. They note that incumbents already have all the press access they want, while small parties like the Libertarians go ignored.

It would be nice if Stern were the rough prototype for a new era of political rhetoric, one that values humor above false piety or misguided compassion. In that regard, shortly after Stern's decision to run, the New York LP erected a sign-up booth at the Chuckles comedy club, where, in effect, they opened for Jackie Mason.

Of Chihuahuas, Jaws, and Zoroaster the Subliminal

Not unlike the hordes of Stern fans who arrived in Albany on the weekend of April 22–24, I joined the Party mainly to see the Stern juggernaut up close.

As Stern and his entourage disembarked at the convention, he effectively became the first gubernatorial hopeful to be endorsed by a cartoon chihuahua. Entourage member Bill West, the voice of television's Ren and Stimpy, spoke to the crowd in Ren's asthmatic, Peter Lorre-like rasp: "Eef you don't vote for Howard Stern, you're an *eediot*!"

Most of the convention-goers were staying at the Ramada. David Peel, the yippie folk singer who wrote Stern's campaign song, is reported to have shown up at the Ramada front desk asking for a "courtesy room," under the impression that the Libertarians had rented enough to spare.

I was with a group that included gubernatorial hopeful (and Stern liaison) Joe Brennan. Joel Rosquet met us at the Ramada. Rosquet is something of a professional groupie, and his claim to fame this weekend was his membership in Stern's five-man "ethnic coalition," assembled on the air one day to demonstrate Stern's broad appeal. The coalition had consisted of a Cuban (Rosquet), a Puerto Rican, two blacks, and a midget. The original plan had called for Stern's producer, Gary "Bababooey" Dell'Abate, to find an Asian instead of a Cuban, but Rosquet, encountering Dell'Abate in front of Stern's Infinity Broadcasting HQ, had convinced him to change the plan.

Rosquet had informed us that the Stern people, including a stripper named Tempest and other women with large breasts, were partying by the jacuzzi at the Omni. Our group inadvertently crashed a high school prom at the Omni before finding Rosquet, who

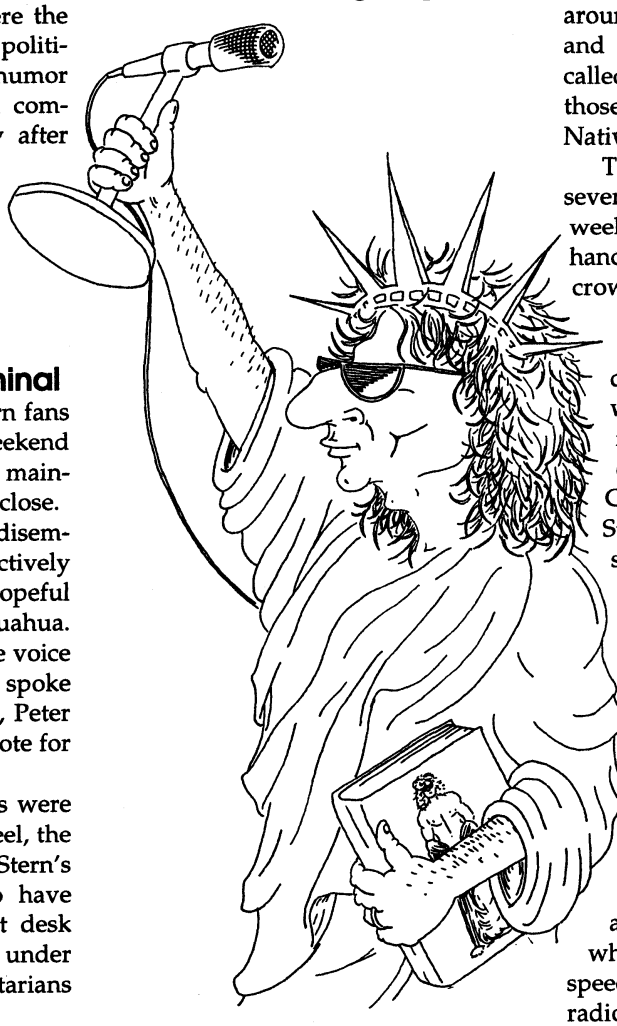

had somehow secured an extra room at the hotel. We learned that Stern had retired for the evening (which is understandable, since his broadcasts begin at 6:00 a.m.) and that much of his entourage was in the bar, which is where we headed. On the way we were joined by Jackie "The Jokeman" Martling, the rapid-fire joke writer who scrawls one-liners on cue cards for Stern during broadcasts (and, as it turns out, during political conventions).

In the bar, I asked Dell'Abate, sometimes called "Monkey" because of his protruding jaws, whether he expected a cabinet position in a Stern administration. "Yes," he replied: "Secretary of Teeth." Meanwhile, women from the entourage, even the intelligent-seeming production intern named Christine, displayed their navel rings to the patrons.

Nearby, an odd man from Nevada, who had arrived with national LP marketing director Tamara Clark, walked around the bar clad in snakeskin boots and fur, hawking copies of a paper called *The Libertarian Journal*. When those sold out, he began pitching Native American jewelry.

The jewelry salesman was one of several odd factors complicating the weekend for Clark, who had her hands full just dealing with the Stern crowd. By Saturday night, Clark would manage a very strange convention, misplace a hundred-dollar bill, and have to put up with an unexpected roommate from the Stern entourage, 18-year-old street cartoonist Alfredo Colomer (the Puerto Rican in Stern's coalition). Joel Rosquet spent part of Saturday night toying with plans for taking the pressure off Clark, including a scheme to get Colomer to sleep in Chairman Vogel's Aerostar.

To make matters worse, there were rumors that the jewelry salesman had begun to suffer strange delusions since the beginning of the Stern campaign — though in a desert-dwelling Zoroastrian, such things are not always easy to spot. I was skeptical when he told me that he had heard a speech of mine broadcast on Stern's radio show. Only later did I hear that he also believes the Stern show, specially re-edited for western markets, has been broadcasting subliminal messages to him, in one case offering to provide him with a car.

The Formal Politicking Commences

The next day, the main meeting of the convention was held at Albany's Italian-American Community Center. Stern's name was put in nomination by Stern regular Fred "The Elephant Boy" Schreiber, so nicknamed because of a speech impediment that makes him sound like the deformed title character in David Lynch's film *The Elephant Man*. Stern cringed in the back of the

hall during Schreiber's impassioned but nearly incomprehensible speech, pleading with producer Dell'Abate to "get him off — give him the hook."

Stern's nomination was seconded by Kenneth Keith Kallenbach, another Stern regular, known for such strange abilities as the power to make cigarette smoke come out of his ears. Kallenbach briefly praised Stern, then mentioned that he'd had very little sleep. "I took a shower this morning. I fell out of the tub, I was so excited," he said. Next, he complained that he had been unable to get a turkey sandwich at the convention. "Do you want to see my dildo?" he asked, pulling out a sex toy as Vogel ordered him off the stage.

"You should see the looks on the faces of the hard-liners," commented Dell'Abate into his headset, keeping Stern updated on the state of the crowd. Dell'Abate observed that the Libertarians "are very angry people. The last speaker called this 'the Evil Empire State of New York.'" Of would-be gubernatorial candidate Norma "Make It Legal" Segal, Dell'Abate noted: "She had buttons left over from her last Senate campaign, so she just put a sticker over 'Senate' that says 'Governor.'" (Since Stern went on to win the gubernatorial nomination and Segal got the Senate nod, she may since have removed the stickers.)

During the question and answer period, I asked Stern to explain the views of his running mate, former Democrat Stan Dworkin, but Stern insisted that the fact that *he* had picked him was enough. "Trust me. If I tell you he's good, he's good." Dworkin's vague comments about how we were "gonna win this one for the Libertarian Party" and "make life better for every citizen of New York" made him sound like a textbook case of a transparent, government-as-usual politician. Dworkin was the greatest sore spot in the proceedings for the non-Stern-groupie Libertarians.

Tamara Clark, who had expressed concern that Dworkin was no libertarian, helpfully told Dworkin that he could not be nominated for lieutenant governor until he signed the Party pledge, which he did quietly on stage while Stern spoke.

Another gubernatorial hopeful, the warm and matronly Dottie-Lou Brokaw, had by now been transformed into a virtual Stern groupie, and announced that Dworkin would be coming to her home to discuss libertarian philosophy and have some homemade bread. As Vogel told me later: "I have no reason to believe Dworkin would be rude to Dottie-Lou." So Dworkin probably will talk with the Libertarians, but I can't help feeling he'll only "talk with" them the way any politician "talks with" trade unions or Elks lodges he's trying to win over.

When complex ideas about free markets and individual rights are let loose in the arena of popular media, you can't expect perfect results.

At the beginning of the day, some old, pre-Stern Libertarians were hoping to delay the vote for lieutenant governor until Sunday, when most of the Stern groupies probably would have left. But in a back-room meeting during the vote for governor, Stern explained to the other candidates that he had no intention of letting Dworkin lose the nomination, that he would get his people to stay until Sunday if necessary, and that he promised to put Libertarians in high-level cabinet positions when he was elected governor.

Persuaded more by the time constraints on the convention (and the much smaller facilities reserved for Sunday) than by the promise of sharing power in an unlikely Stern administration, Chairman Vogel bowed to the inevitable. Once Stern's victory in the gubernatorial vote was announced, Vogel sloppily railroaded a vote on Dworkin as the running mate, without much comment from the other candidates, except for James Ostrowski, who complained about Vogel's bungling of parliamentary procedure, and Dottie-Lou Brokaw, who actually seconded Stern's nomination of Dworkin.

As Brennan told me later, Stern's man would have won eventually, and little could have been gained by prolonging the proceedings. I couldn't help wondering what might have happened had the vote been delayed until Sunday, but I can hardly claim that the tactic of delay would have been any more "democratic" than the rapid vote on Dworkin. And the vote did technically conform to parliamentary rules — despite screams of anger from Libertarians in the hall and a comment from Robert Goodman, the Party member who first suggested to Stern the possibility of running as a Libertarian, that the meeting should be adjourned until the vote could be conducted in a more organized manner.

When it was over — when Stern's strippers were done dancing on the dais and his fans, looking like heavy-metal groupies compared to the nerdy Libertarians, poured out into the parking lot to hear Stern announce his victory to the world — I noticed Ostrowski walking slowly to his car. "So what do you think?" I asked.

"It's Molsen time," said Ostrowski.

Let the Disruption Begin

On Sunday, Vogel, already seen as a bumbler by many in the Party before the convention, was defeated in his bid for re-election as chairman. That day's business meeting, much smaller than the Saturday circus, was conducted back at the Ramada. New party officers were elected, including such mainstays as Ostrowski and Brennan, but also a newcomer, a die-hard Stern fan named Gerard Lewis. The chunky, unshaven Lewis looked like the old-timers' worst nightmare, someone involved in the Party just as a prank, but he quickly proved himself willing to pitch in, offering to distribute what Vogel described as "several hundred pounds of Libertarian propaganda out in my van."

Vogel later told me that he had expected to lose the chairman position (there had been talk of impeaching him even before the Stern campaign began), but that he was pleased by the election of Gerard Lewis. "Lewis' election holds hope for a good-faith ballot access petition drive." In other words, with Lewis on the state committee to report any anti-Stern sabotage back to Stern, anti-Stern officers will be somewhat constrained. And there are anti-Stern party members who still wish the DJ would go away.

On June 19, Vogel and Peel called a

continued on page 28

Forensic

Diagnosis in the Therapeutic State

by Thomas Szasz

"... to require medicine, said I, not merely for wounds of the incidence of some seasonal maladies, but, because of sloth and such a regimen as we described, to fill one's body up with winds and humors like a marsh and compel the ingenious sons of Asclepius to invent for diseases such names as fluxes and flatulences — don't you think that disgraceful?" —Plato, *Republic* [1]

Nosology — the scientific classification of diseases — is less than 200 years old. It began with physicians dissecting corpses, comparing the abnormal organs of persons who died of diseases with the normal organs of persons who died in accidents or as a result of violence. And it was put on a scientific — physical-chemical — foundation by Rudolf Virchow (1821–1902), whose definition of disease as a disturbance in the structure or function of cells, tissues, and organs became the basis of classical nosology.

Until recently, the pathologist's diagnosis, which always trumped the clinician's, was considered to be the correct name of the disease that ailed or killed the patient. However, the pressure of post-war developments in both medical technology and the politics of health care shifted the focus of nosology from *post mortem* to *ante mortem* diagnoses, and from the patient's body to the body politic.

The scientific diagnosis of live patients is, for the most part, a recent technological development. The first diagnostic method, percussion, was "discovered" in 1761 by Leopold Auenbrugger, the son of an innkeeper in Graz. As a youngster he learned to tap caskets of wine to determine the quantity of liquid in the container and applied the technique to the human chest. The systematic measurement of body temperature dates from 1852. The sphygmomanometer was invented in 1896. The more sophisticated tests used today are all twentieth-century developments.

At the present time, the identification of bodily abnormalities in living persons is a highly developed science, making use of an array of sophisticated tools. As a rule, making a clinical diagnosis — that is, finding the lesion/disease (if there is one) to account for a living person's/patient's complaints/symptoms — is a technical routine requiring a standardized interpretation. Fifty years ago, some physicians were sought after because they were known as "great diagnosticians." Today, there are no great diagnosticians. The sought-after physicians are now the "great therapists" — typically virtuoso surgeons or wizards of psychopharmacology.

Save for the so-called functional mental illnesses, classic, Virchowian nosology was the province of the pathologist, the expert on the *post mortem* examination of cadavers. In contrast, contemporary clinical nosology is the province, partly, of the medical administrator, the expert on DRGs (Diagnosis Related Groups); and, partly, of the medical-political activist, the expert on the costs and consequences of behaviors deemed to be "diseases" and of procedures deemed to be "therapies."

This shift in nosological focus — from the human body to the body economic and body politic — is but one symptom of the pervasive politicization of medicine, redefined as "the delivery of health care." Reviewing the changing criteria for diagnosis, Alvan R. Feinstein emphasizes the divergences among the ICD (International Classification of Diseases), the POR (Problem-Oriented Record), and the DRG systems, and states: "After magnificent scientific advances in etiological explanation and therapeutic intervention during the twentieth century, clinical medicine seems ready to enter the twenty-first century with a *fundamental scientific defect* in one of its oldest, most basic activities: the system used to identify and classify diseases."[2]

The problem to which Feinstein points is not a scientific defect but a moral one. Many of the current disease taxonomies are not intended to be, and often do not even pretend to be, scientific (descriptive). Instead, they are political (prescriptive): Their purpose is to achieve a practical, social goal — for example, validate certain chemicals as safe and effective therapeutic agents, reduce health care costs, or extend gov-

ernment subsidies to hitherto unsubsidized individuals and groups. Indeed, Ganesh G. Gupta has called attention to the fact that a nosology based on DRGs addresses "the chaos of payment [for] health care" and warned: "Nosologies [in the past] never tempted individuals to compromise medical ethics. The greatest danger with DRGs may result from linking monetary gain to the classification system, an idea supported by the current literature."[3] In my view, the new nosologies pose a much graver threat: By authoritatively validating the politicization of medicine, they remove the last barriers against the medicalization of (deviant) behavior and thus pave the ground for the unopposed, and unopposable, rule of the Therapeutic State. Consider the following examples.

Today, there are no great diagnosticians. The sought-after physicians are the "great therapists."

In November 1993, a group of investigators, supported in part by the Eli Lilly pharmaceutical company, estimated "that the annual costs of depression in the United States total approximately $43.7 billion."[4] Since then, this figure has been frequently cited by advocates of mental health, as if it proved that depression is a disease. For instance, Tipper Gore, mental health advisor to President Clinton's Health Care Task Force, asserts that "depression alone costs society $43.7 billion annually."[5] Psychiatrist José M. Santiago explains: "[D]epression is an illness that merits urgent attention by health-care policy reformers as its costs to society are considerable."[6] Citing the (fictitious) societal cost of depression exemplifies the use of this novel criterion for classifying it as a disease.

Lithium, Gore adds, "has saved the economy billions of dollars over the past two decades, and clozapine now allows many of the most seriously ill to live their lives productively."[7] The idea that certain chemicals enhance productivity is hardly new. South American Indians have long chewed coca leaves for this reason. Freud felt that smoking enabled him to be more creative. He did not claim, however, that the beneficial effect of nicotine is evidence that the smoker suffers from a disease (for which nicotine is a treatment). The claim for disease status for depression and schizophrenia, based on the subject's (alleged) response to drugs, rests on precisely that logic. If giving a particular drug is authoritatively classified as a "treatment," the subject as a "patient," and his post-treatment behavior as an "improvement," then, *ipso facto*, he had (has) an illness. Thus has response-to-treatment become one of our diagnostic criteria.

The popularity of Prozac is thus viewed as evidence that depression is common, and the approval of this and other "antidepressants" by the FDA proves that depression is a disease. In the absence of objective methods for diagnosing depression, there is heated debate about who should take antidepressant drugs. Here is the politically correct answer to this question:

> [U]nlike, say, high cholesterol levels, which show up in laboratory tests, the diagnosis of depression is often subjective. What do you use as criteria? . . . Maybe an individual is not clinically depressed, but he or she still feels depressed and goes to the physician 15 times a year and misses 30 days of work. . . . If the individual takes the drug and doesn't go to the physician and doesn't miss any work, the benefit to the total health care cost would be there.[8]

In a similar vein, the *New York Times* informs us that "At least 11 million Americans have a bout of depression every year, and only about 30 percent currently get medication that could help them. . . . Many millions more whose symptoms don't amount to clinical depression might also look to such drugs."[9] The adjective "clinical" is a code word justifying drug treatment (and involuntary psychiatric interventions). The fact that not a single textbook of pathology recognizes depression and schizophrenia as diseases has not in the least dampened popular and political enthusiasm for their diagnosis and treatment.[10] Not surprisingly, Gore insists that "antidepressants such as Prozac have been developed for the treatment of diagnosable mental illnesses, not the casual pursuit of 'happiness.'" The term "diagnosable," another code word, means "government-approved-and-reimbursable." Gore's protest is superfluous. As everyone knows, the pursuit of happiness by means of government-disapproved drugs is now punished more severely than violent crime. The minimum penalty imposed by U.S. federal law for "attempted murder with harm" is 6.5 years; for possession of LSD, it is 10.1 years.[11] In addition, possessing an illegal drug is presumptive evidence of using it, being addicted to it, and hence having a disease as well.

Defining the use of drugs disapproved by the state as a disease (substance abuse, chemical dependency, addiction), and the use of drugs approved by the state as a treatment (antabuse, methadone, Haldol), illustrates the radical politicization of both nosology and therapy.[12] As a result, if the government validates a drug — by bestowing on it FDA approval for the treatment of, say, X — then, *ipso facto*, X is accepted as a disease (clinical depression, panic attack, schizophrenia). After all, if there is a drug to treat "it," "it" must be a disease. Illustrative is the report of the Johnson & Johnson pharmaceutical company having "won federal approval for its schizophrenia drug Risperdal, which has caused a stir among doctors and patients seeking new treatments for one of the most devastating and expensive of all illnesses. . . . The disease costs $33 billion annually in the U.S."[13]

Many of the current disease taxonomies are not intended to be scientific. Instead, they are political: Their purpose is to achieve a practical, social goal.

Brandishing such enormous costs makes it a taboo to question whether schizophrenia is a disease and whether antipsychotic drugs help patients. At the same time, the dogmatic view that mental diseases are brain diseases, treatable with chemicals, dehumanizes the denominated patients. Individuals diagnosed schizophrenic and their behavior disappear into a fog of literalized metaphors: "One psychiatrist who studied Risperdal," we learn, "said his

"Voilà logic!"

—P. J. O' ROURKE

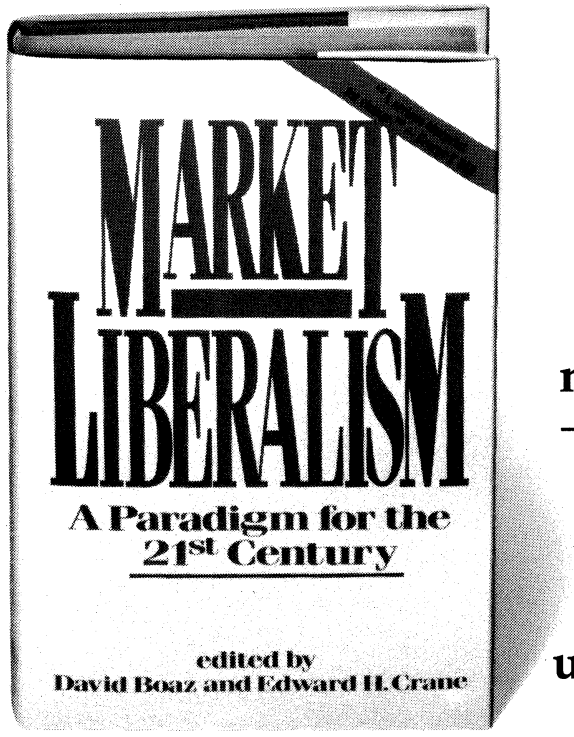

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research found it treated schizophrenia's delusions better than haloperidol, one of the most widely used antipsychotic drugs."[14]

Who cares that "schizophrenia" cannot have any delusions? That having delusions is not like having diabetes, because what the observer calls "delusion" the subject calls "belief"? That anti-schizophrenia drugs, eagerly embraced by the patients' familial adversaries, are regularly rejected by the patients whose suffering they allegedly relieve? Declared Laurie Flynn of the National Alliance for the Mentally Ill: "This new drug means a whole new group of people will have an opportunity to return to productive life. . . ."[15] Who cares whether this a serious forecast or a self-serving exaggeration?[16]

Before World War II, few diseases were treatable, but nosology was an honest enterprise. Now, many diseases are treatable, but nosology is a dishonest enterprise. The old nosology, whose aims were empirical validity and scientific respectability, was unconcerned with the treatment of diseases. The new nosology, whose aims are political favor and professional profit, rests on arrogant claims of treatability as a criterion of illness.

Virchowian nosology was an offspring of nineteenth-century science and the free market. Except for psychiatry and public health, medicine was then economically and politically independent of the state. Today, the definitions of disease and treatment are controlled by a monopolistic alliance of medicine and the state; health care is viewed as an entitlement; and physicians, endorsing neuromythological fantasies about mental illnesses,[17] join the mindless political chatter about (fictitious) market forces in medicine. In short, we are in the process of replacing the classic pathological criteria of disease with new economic and political criteria of it. Perhaps unwittingly, José M. Santiago acknowledges that he recommends recognizing depression "as a legitimate and serious medical condition, like hypertension, diabetes, or cancer, [because doing so] can greatly increase productivity at work."[18]

Current nosology no longer encodes the objectively verifiable condition of the patient's body. Instead, it reflects the attitudes of his family and society to his dependency and unproductivity, and their justifications for the interventions they want politicians (and psychiatrists) to legitimize and provide for (and perhaps impose on) him as therapy.[19] ❑

1. Plato, *Republic* (trans., Paul Shorey), in *The Collected Dialogues of Plato, Including the Letters*, Edith Hamilton and Huntington Cairns (eds.). Princeton University Press, 1961, p. 650.
2. A.R. Feinstein, "ICD, POR, and DRG: Unsolved scientific problems in the nosology of clinical medicine," *Archives of Internal Medicine* 1988: 148: 2269–2274, emphasis added.
3. G.G. Gupta, "Diagnosis-related groups: A twentieth-century nosology," *The Pharos* 1990: 53: 12–17.
4. P.E. Greenberg, L.E. Stiglin, S.N. Finkelstein, and E.R. Berndt, "The economic burden of depression in 1990," *Journal of Clinical Psychiatry* 1993: 54: 405–417.
5. Tipper Gore, "The High Social Cost of Mental Illness," *Wall Street Journal*, January 12, 1994, p. A11.
6. J.M. Santiago, "The costs of treating depression," *Journal of Clinical Psychiatry* 1993: 54: 425–426.
7. Ibid.
8. H. Blissenbach, quoted in M. Freudenheim, "The Drug Makers Are Listening To Prozac," *New York Times*, January 9, 1994, p. E7.
9. Freudenheim, Op cit.
10. The following texts have been consulted: J.M. Kissane, (ed.), *Anderson's Pathology*, ninth edition, Mosby, 1990; R. S. Cotran, V. Kumar, and S.L. Robbins, *Robbins Pathologic Basis of Disease*, fourth edition, Saunders, 1989; R.A. Crawson, A. W. McCracken, P.B. Marcus, and G.S. Zaatari, *Pathology: The Mechanism of Disease*, second edition, Mosby, 1989; E. Rubin and J.L. Farber (eds.), *Pathology*, Lippincott, 1988. Not one of these texts mentions depression or schizophrenia in its index, much less presents them as diseases.
11. D. Cauchon, "Attack on the Deadheads Is No Hallucination: Band's Followers Handed Stiff LSD Sentences," *USA Today*, December 17, 1992, A6.
12. See Thomas S. Szasz, *Our Right to Drugs*. Praeger, 1992.
13. M.W. Miller, "FDA Clears J & J Schizophrenia Drug," *Wall Street Journal*, January 4, 1994, p. B3.
14. Ibid.
15. Ibid.
16. For evidence that anti-schizophrenia drugs do not help the patient, see S.E. Finn, J.M. Bailey, R.T. Schultz, and R. Faber, "Subjective utility ratings of neuroleptics in treating schizophrenia," *Psychological Medicine* 1990: 20: 843–848.
17. In the United States, more than eight out of ten prescriptions for psychotropic drugs are written by non-psychiatric physicians.
18. Santiago, Op. cit.
19. See P.E. Greenberg, L.E. Stiglin, S.N. Finkelstein, and E.R. Berndt, "Depression: a neglected major illness," *Journal of Clinical Psychiatry* 1993: 54: 419–424.

Seavey, "The Man *vs* the Empire State," *continued from page 24*

meeting in the public atrium of the Citicorp Building in Manhattan, for the purpose of forming a breakaway group, the New York County Libertarian Party. About eight people showed up. A vote to adjourn soon followed, and Vogel became enraged when State Party Secretary Lisa Clark (an Objectivist unhappy with Stern and even more unhappy with Vogel) attempted to reclaim Vogel's gavel as Party property. A scuffle ensued, and the entire group was thrown out by Citicorp security, despite Clark's insistence that she had a receipt for the gavel. Vogel reportedly continued the meeting, in diminished form, at his apartment, and has already drawn up the new party's by-laws.

Meanwhile, back at the real LP, Stern's candidacy was still producing ripples. Derek Rose, a reporter from Massachusetts, traveled all the way to Albany to vote for Stern, using his New York LP membership from his days at Vassar (an institution he now says should be destroyed). "We've got to rally behind Howard!" he shouted after the business meeting, his fist clenched.

"I'm not sure you're even thinking like a libertarian any more," responded Chris Whitten, managing editor of the Laissez Faire Books catalog and a recent addition to the Party. "I think you've just turned into a Sternie."

That, in a nutshell, will be the dilemma throughout the campaign: trying to make this a libertarian event instead of just a Howard Stern event. Regardless, I think the political process will have been beneficially disrupted. And without question, I will have been greatly entertained. ❑

Criminology

The Allure of Organized Crime

by Stephen Cox

Our streets have been rendered unlivable by a morally bankrupt criminal class.

Under the leadership of President Clinton, America has embarked on yet another crusade against crime — a crusade that is doomed to fail, despite the president's high moral rhetoric and his blustering demands for legislative solutions. It is time we understood that social problems cannot be solved simply by laws and rhetoric. We need to realize that social problems may have social roots, that they may be traced to problems of social class.

By "class," however, I mean something quite different from anything that the president means when he refers to the connection between crime and poverty.

Most of the really serious crime in this country originates in a relatively small but easily identifiable group of people, a group distinguished from all other groups by a lack of personal values of any but the most rudimentary kind. People in this group seldom engage in productive work. They subsist largely on the unmerited largesse of the working population, whom they intimidate into contributing to their welfare with threats of violence. Enjoying the benefit of universal compulsory education, they are steeped, nevertheless, in primitive ignorance; and they pass on their culture of dependence and aggression to their children and grandchildren. It is this class that spreads terror through our inner cities and even our suburban and rural areas.

I refer, of course, to the political or governing class.

The life of this class is characterized by emotional vacuity and feverish physical activity. It is a social class in the most basic meaning of the term: its activity is never anything *but* social. Its members are incapable of enjoying the bliss of solitude and quiet self-reflection. They are never alone. They spend their days hanging out in the corridors of public buildings, many of which their filthy habits have rendered unfit for any legitimate use. But wherever there is trouble, these people are sure to appear. When a civil disturbance or natural disaster occurs, they descend on the neighborhood in the company of armed guards, prepared to extort money for "protection" from as many demoralized victims as they can find. Often they instigate violence for the mere purpose of whiling away their useless lives.

The mental attainments of this class are truly pitiable. Their attention spans are too brief, their command of language is too limited, and their curiosity is too atrophied, to allow them to derive any profit from education. Although some may have begun life with normal intelligence, the human brain cannot easily withstand years of addiction to regular injections of political power. There is no evidence that mature members of the political class have ever read a book. True disciples of popular culture, they derive all their impressions of the world from a steady diet of television and cheap "news" magazines. Their talk among themselves is mainly the boastful language of the street, designed to intimidate potential rivals. When they are required to mix with people who are not part of their gang, they make pathetic attempts to overcome their sense of inferiority by shouting a series of catch phrases generally misunderstood and misapplied.

Living only for the moment, they naturally put an almost absolute faith in luck. Should one of them discover that a favorite scheme has resulted in disaster, he will persist in that scheme, convinced that by next November some unknown power will rescue him from the consequences of his deeds. Ignorance begets superstition.

Many of these people believe that they can obtain virtually absolute power by writing their names on pieces of paper containing certain magical words. They are convinced, for example, that they can heal the sick, create money, and ensure universal happiness by merely affixing their signature to documents decreeing that such things will happen.

Superstition is particularly evident in what passes for spiritual life in the political class. The class has divided itself into numerous competing gangs. At the beginning of any serious dispute among these gangs, their wise men and priests stand in public places and hurl spells at one another. These spells, or "rival legislative programs," as the priests call them, are meaningless to outsiders, but they are capable of inciting credulous gang members to acts of nearly incredible savagery. At intervals of two or at most four years, rumbles of this kind convulse gangs throughout the country.

They spend their days hanging out in the corridors of public buildings, many of which their filthy habits have rendered unfit for any legitimate use.

There would be little danger to respectable citizens if such outbreaks of violence could be confined to the gangs themselves. Unfortunately, however, the point at issue in these wars is normally the right to gain wealth and obedience from the surrounding population. Two or more gangs may claim the right to prey upon (or "represent") all members of a particular ethnic or occupational group. Others, more ambitious, may claim the right to "govern" everyone who lives on their turf. When one gang gains victory, it recovers the cost of its wars by compelling everyone whom it "represents" to pay tribute in the form of so-called "taxes."

With their livelihood secure, the priests and warlords of the gang extort respect for their superstitions by forcing their neighbors to desist from any pleasurable activities that the gang has declared taboo. Sometimes the servile population is compelled to erect strange and repellent monuments to its own subjection, rendered in a style that is euphemistically known as that of "public art." Frequently, higher tributes are exacted. People have allowed their cities to be destroyed (in gang parlance, "redeveloped"), their life savings to be plundered ("socially secured"), and their sons to be sacrificed ("conscripted") for no other purpose than to flatter the superstitions of gang leaders.

Because these leaders are incapable of self-reflection, they are necessarily self-aggrandizing and self-righteous. None has ever been known to confess a sin, and few have ever been known to confess a fault. In some circumstances, those in which the savage mentality feels that "face must be saved," they participate in a ritual known as "taking responsibility." These ceremonies normally take place immediately after a gang leader has committed some particularly stupid and dishonorable act. On such occasions, the leader addresses his followers with great solemnity and reasserts his power. He declares that he possesses "responsibility" for everything that happens, whether good or bad. His followers first emit a few murmurs of assent and then loudly congratulate him on his "exercise of courage." Once the ceremony has been performed, no further investigation of rights or wrongs can take place; the past has been ritually killed; all controversies have been symbolically "laid to rest," and the survival of the leader has been magically ensured.

So strong an influence do such beliefs exert on primitive minds that most would-be missionaries have despaired of the possibility of converting the political class to any higher, more philosophic faith. In recent years, indeed, political superstition has shown a considerable capacity to diffuse itself in the general population. It takes hold especially among the weak-minded and insecure, the very old, and the very young, all of whom are susceptible to vague and wistful hopes for "change" by some miraculous means. Many supposedly enlightened civic leaders, particularly businessmen, have also succumbed to gang control, seduced by promises of underworld profits.

But children are the most tragic victims. Boys and girls are regularly employed by the gangs as accomplices. Some slave in "political campaigns"; others are abducted and made to march in "demonstrations"; still others are hypnotized and transported to Washington, D.C., where they are induced to "testify before Congress" in support of any vile program currently being advocated by the political class. The leaders of this class understand that children can commit antisocial acts with virtual impunity. If they are caught in some flagrant crime, they will usually escape with only a slap on the wrist. When apprehended in bad company and returned to the shelter of homes in which traditional values are respected, these young victims of abuse often run back to the gang. A few such children have grown up to become gang leaders.

Leadership, however, stays largely in the extended families of the political class itself. In some parts of the country, ordinary people have become so accustomed to the dominance of this class that they will vote automatically for anyone who is a son or daughter, nephew or niece of a political don. They apparently do not care whether or not these candidates are fronts for gang interests, so long as they can "get things done" in some nefarious way. Other candidates are favored because they have married into an underworld family or have been inducted into it by the ceremonies of blood-brotherhood performed at the so-called "colleges" and "universities" in which the political class performs its initiation rites.

Because they are incapable of self-reflection, they are necessarily self-aggrandizing and self-righteous.

Most initiates are so thoroughly indoctrinated that they are incapable of breaking with the underworld, even if they obscurely want to do so. Leaving

the gang would bring disgrace, ostracism, and the necessity of finding a productive job. Dialogue with normal people is often of limited usefulness in helping members of the political class recover their self-respect. After all, "dialogue," in the form of pointless chatter, is one of the self-affirming rituals of the class itself.

Of course, internal stresses sometimes destabilize antisocial groups and set their psychological prisoners free. The political cult that formerly operated in Moscow met its doom in that way. But addictive behavior may persist even after its most obvious social supports have been destroyed. Former Russian Communists quickly discovered or created other cults. A similar pattern appears in the behavior of former SDSers, Rockefeller Republicans, and followers of Ross Perot.

Civic-minded people should not wait, therefore, until some unforeseeable convulsion allows them to escape from the clutches of the political class. To do nothing is to surrender everything. We must do now whatever we can to free ourselves.

It won't be easy — but just take it one step at a time. Here are some suggestions.

1. To start with, protect yourself. Just say no! (I'm speaking especially to you young people.) The political class may seem fun and glamorous, but remember that it's really not. The folks you see riding in limousines and shaking hands on streetcorners, acting as if they didn't have a care in the world, actually lead devastated lives. Don't share those lives, even if something as seemingly innocuous as a health care plan is offered you "for free." Anyone who offers you something like that is not your friend. He wants to take your money, and your soul.

2. Withdraw all psychological support from antisocial behavior. Members of the American political class need constant emotional reinforcement. An open, self-confident denial of their illusions can *sometimes* bring on a crisis of morale. I have seen members of this class break into tears when I politely questioned the need for national action to protect certain groves of "old-growth forest" that the political class regards as sacred. It's tough to make a grown man cry, but remember, you'll be doing it for his own good.

Children are the most tragic victims. Some slave in "political campaigns"; others are abducted and made to march in "demonstrations."

3. If withdrawing moral support doesn't work, punishment may. When a member of the political class is seized by the electorate and imprisoned in the boot camp of civilian life, recovery sometimes takes place. Some persons sentenced to retraining under the new term-limitation laws may actually learn to engage in productive occupations.

4. Take back your neighborhood, bit by bit. Once a political gang has been expelled from one part of its turf, it will be easier to expel from the next. Locate the areas in which your local gang is most vulnerable, the places where it cannot live in the light of day but must restrict its activities to the midnight hours. Install better lighting in these spots, and you will expose the secret betrayals, the tawdry "business" deals, the legislative murders by which politicians operate when they are not yet strong enough to act with brazen assurance. With careful planning, concerned citizens may be able to eliminate some of the gang's weaker (but very profitable) enterprises — NASA, Social Security, monopolized public education — and then move on to others.

5. Your own morale is tremendously important. Don't try to do everything by yourself; in that direction lies despair. Join a support group, or form one. When your father tells you how much Franklin D. Roosevelt did for the old people, and your sister-in-law informs you that health care is a right, and your husband tells you what a good speaker Al Gore is, it's easy to think that you're all alone. But millions of caring people are suffering just as you do. Reach out to these people, and work together with them to find solutions to this terrible social plague.

6. Never give up. After all, we're smarter than the politicians — aren't we? ❑

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Because of currency debasement (inflation), huge budget defi-

UNSOLICITED TESTIMONIALS

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Duane F. Campbell - Developer - Kent, Washington

cits, property seizures, Nazi-like terrorism, and other criminal violations, many freedom-violators are destroying their own coercive power systems. They are rapidly losing control.

We distinguish three sectors: the **public** sector, the **private** sector, and the **free-enterprise** sector. The **public sector** operates on the principle of coercion: the force of the gun. The **private sector** mixes coercion and freedom — politics and business. People in the private sector enjoy a modicum of freedom. However, they obey, bribe, and finance the freedom-violators of the public sector. They often obtain special privileges such as monopoly licenses, subsidies, tariff protection, and welfare from the freedom-violators.

People in the **free-enterprise sector** practice real, true, or pure free enterprise. In Terra Libra slavery has been abolished. Free Sovereign Citizens own their lives, minds, bodies, and the fruit of their labor. They practice voluntary exchange. They can do anything which doesn't harm others or their property. These principles are formulated in the Code of Terra Libra.

Terra Libra is the free-enterprise sector of the world. Terra Librans create voluntary institutions in areas such as education, currencies and banking, justice, communications, energy, etc. As the coercive institutions of the freedom-violators worsen and collapse, people naturally shift their economic activities into Terra Libra — the **"Terra Libra Shift."**

Freedom Technology enables you to legally, elegantly, and safely shift some or all of your economic activities into the free-enterprise sector. The Terra Libran entrepreneurs who facilitate this shift will become the millionaires and billionaires of the next century. To get an idea of the potential, consider the size of the public and private sectors. These two sectors will fade away or collapse and be replaced by the free-enterprise sector.

Over the years there has been a shift in the nature of power. At one time power was almost totally based on **violence** (coercion). Then power came to be based more on **money** than on violence. In today's world power is based primarily on **information**. This shift in the nature of power is described in the book ***Powershift*** by Alvin Toffler. Territorial countries are based on violence, money, and brainwashing (the perversion of information). Terra Libra is primarily an information-based country. We provide the information that shifts power, resources, and wealth from the freedom-violating elite to Free Sovereign Individuals.

I believe that we maximize our prospects for freedom by applying a wide range of strategies — circumvent, ignore, criticize, ridicule, weaken, reform, and replace the enemy on many fronts. Terra Libra should be viewed as an **adjunct** to other strategies. Our strategy is outlined in much more detail in the Terra Libra reports.

WHAT HAS BEEN ACHIEVED SO FAR

Much more has been achieved than space allows me to mention. A few highlights:

• There are now thirty-eight Patrons and fifty Professional Liberators in: Arizona, Arkansas, Australia, Bulgaria, California, Canada, Colorado, Delaware, England, Florida, France, Hawaii, Illinois, Ireland, Jamaica, Louisiana, Michigan, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Puerto Rico, Sark (Channel Islands), South Carolina, Texas, Turkey, Washington. (Patrons and Professional Liberators are basically people who provide services related to Freedom Technology, for example, alternative currencies & banking, privacy & asset protection, tax abatement, education, secure communication, etc.)

• We have customers in all fifty U.S. States and dozens of other countries around the world.

• The Terra Libra "country" concept has been expanded to include "Terra Libra Territories" of which there are already several. A major international holding company has reorganized itself as a Terra Libra Trust and declared itself a Terra Libra Territory.

• A company has been established to create a worldwide economic system with a 100%-gold-based currency. The system will interface with current banking systems. It's organized so every aspect of it is perfectly legal in the country where that aspect operates. Users will be able to enjoy most of the services they now receive from their local bank. They will be able to deposit local currency checks and bank notes. The system will write checks in local currency. Secure electronic transfer will be possible for transactions between users of the system. Users will be able to withdraw funds from local ATMs. The gold will be maintained by several solid financial institutions and will be insured and subject to regular independent audit. We expect the system to be operational within a few months.

• One of our Professional Liberators operates a private financial services organization in California. Last year his company was raided by freedom-violators. They illegally seized computers, files, and money. Two days later he was back in business. He presented some documents to the appropriate officials, essentially indicating that he is a **Sovereign Individual not subject to their jurisdiction**. In January this year the freedom-violators returned everything they had seized. This was a brilliant application of Freedom Technology.

• A solid foundation is being created for the explosion of freedom around the world. I invite you to join us. The pioneers will reap the greatest rewards. You could be one of us — the greatest freedom team in history!

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Jeremiad

Toad Trainers and the American Dream

by John Briggs

It's hard to teach excellence when you've settled for mediocrity.

After a week or so of class, when the first essays have appeared, I often have an uncharitable urge to cut most of the students and send them at once to their law firm or ad agency, their flourescent lives of sanctioned pilfering. The basketball and football coaches have the authority to cut, and that accounts in part for their burly, whistle-blowing confidence. "You are clumsy," they can say. "You are weak. You have slow feet. Get out of here!"

Coaches offer their own marvels of cant, but they work at excellence, as we who cast the humanities for a living generally do not, though we mumble the incantations. We long ago made our bargain: in return for a long-term job and a name-plate on our door, we would agree that all our students are worth educating and stop making distinctions the Admissions and Retention Committee find invidious. For a paycheck, we would agree that sneering George — a college junior still unclear on the dates of the Civil War, still incapable of creating a clear, original sentence, and belligerently outspoken on the unfairness of long reading assignments — has as valid a claim on our energies as any other student. Except over a beer with a disgruntled colleague, we are afraid to identify him as what he is: a waste of time.

It is true that many among us do have limits, a line of inanity over which we will not comfortably cross. When so, however, the limits are personally theorized. In our collective identity, our institutional clusters, we are unwilling to declare anyone unfit to sit in a college classroom. We welcome all breathers, having delivered our judgment into the hands of university administrator-clerks. No matter that many of the students bring into the college classroom the yawning impatience that left them buffoonish after twelve years of school; we accept the bodies parceled to us by the computer, accepting too the premises, rarely debated, that in the humanities the determination of excellence is impossible or impractical or, somehow, vaguely wrong.

As though we were querulous reverends, we have as a group come to pride ourselves on our capacity for understanding, dispensing generously euphemisms for ignorance and laziness and stupidity and sleaziness with a Unitarian weepiness of language. Our traditional goal of nurturing excellence has been altered, and we wish now to "retain" students, to save them — though universal access to higher education, which no right-minded person will publicly oppose, means that "higher" is merely a slight rise on a barren plain.

Our People's Colleges have been opened, demystified, and equipped with reading ramps and easy-access fountains of knowledge for the intellectually challenged. We have from classroom necessity democratized our canon of literature, broken into chewable fragments our study of history, added smiling cadres of specialists in remediation, graduated populations of idiots — and we profess bemusement that the tone of the broad culture is thin and ugly, or that television pitchmen have preempted the look of sincerity.

We accept and expect weakness in our students, noting with a pimpish wink that those bodies pay our salaries. We have promoted academic opportunists to administrative generalship of the universities, and they have done with them precisely what Carlyle warned a century ago that they would do — turned them into demotic social clubs. Having allowed the thoughtless to take over the universities, rather than easing them into the streets and malls and corporate clerkships and movie theatres where

they belong, we are bewildered that they have no respect for us and that everywhere we have only a residual social force.

Teachers are weightless because we have become, in general, wimpish dealers in philistinism, catering to aspirant vulgarians. Many among us reward artistry, intelligence, and diligence, which is fine, but while we recognize the good, we devalue it by accommodating the bad, the dullness and stupidity and laziness — though we shrink from examining the implications of that acceptance. Acutely aware that our mall-bound students must be retained, we fraudulently certify them as competent; we shorten the race for them, lower the hurdles, abridge our ideals into a Phil Donahue version of the American Dream. As we dispense it, an "education" is the key that unlocks shop doors, promising credit cards, cars, and, for the gapers from the suburbs, a ferny future surrounded by people who look good in swimming suits.

Unfriendly as it sounds, the notion of equal access to education is intrinsically fraudulent, except as "education" has been reduced in scope to that which formerly was called "training." Equal access to education should logically and properly be a "right" that diminishes as each student ages. Those who are incompetent must assume the responsibility of their own salvation, though we might expect that such a requirement would cause them to feel abused.

(ii)

A few years ago, Earl Butz, a blunt-mouthed Republican, lost his position as Secretary of Agriculture by joking to gossipy reporters that all that blacks want is "loose shoes, tight pussy, and a warm place to shit." Despite the pursing of lips and sad condemnations by numerous social-discourse monitors, the joke was widely repeated, and I suspect that many who are not black chuckled at it; its bite was its casual destruction of then-current sanctimonies regarding black aspirations. It reanimated abandoned and discredited stereotypes of black indolence and cultural inadequacy, and restored a comfortable image of Kingfisher slapping down the Saturday-night pavement in two-tone shoes and a Panama hat.

Should Butz have been fired? I was of two minds. His indiscretion was culpable. He had been around long enough to know that reporters are untrustworthy; he should have foreseen that the joke would be interpreted by the Brokaws of the day as a revealed animus toward blacks — the philosophy animating the administration's social policies. He deserved firing, for naïveté.

Still, though he was likely just repeating a joke he had heard in some Republican dive, he had been tickled by the incongruity between "pussy" and the expected response to queries regarding black desires: "What do blacks want? Blacks want [hand over heart] social justice, self-respect, the dignity arising from recognition of their essential humanity. . . ." To the extent that Butz appreciated the joke because he appreciated the incompleteness of pieties about blacks, I regretted his departure. Droll bureaucrats should in general be retained.

At any rate, and more to the point, Butz's little joke is not at heart anti-black; it might be generally employed. What are Republicans after? What motivates the top management of General Motors? What was the essence of the New Deal? What is the American Dream? Why do we teach? What do our students want? (Women who resent the male orientation of the above hilarities must create their own response, beginning, if symmetry is to be preserved, with the word "thin.")

What does George, who so dislikes reading, want? He wants what Butz said blacks want, though translated into acceptable Americanese. I suggest that our willingness to tolerate George and his soulmates in our humanities classrooms is *ipso facto* a demonstration of having been unnerved; each such person we pass along diminishes our self-respect, leaving us limp technicians to his *Playboy* reveries. As a tweedy aggregate, we have surrendered to blank, hostile eyes such as his; we merely hope for the best, absolving ourselves of responsibility. We have allowed our individual voices, if we retain them, to be stifled in committee chatter, and, as Carlyle wrote in *Shooting Niagara: And After?*, the danger here, "the poison

> . . . is not intellectual dimness chiefly but torpid unveracity of heart. . . . Insincerity, unfaithfulness, impiety: — careless tumbling and buzzing about, in blind, noisy, pleasantly companionable "swarms," instead of solitary questioning of [ourselves]. . . .

Each time we publish merely to demonstrate our professionalism, or give a predictable talk, or suffer cant in silence, or applaud in annual faculty meetings the inanities of politician-administrators, or weaken a syllabus to avoid an exodus of students from our class to that of a truckling colleague down the hall, or award a C– to a George when he should be flunked — each time we bow to the autocracy of convenience — we devalue our profession. When we are cowards, we can teach only cowardice, no matter which books we fondle.

(iii)

We who teach complain endlessly of grade inflation and lowered standards and our apparently failing culture; simultaneously, we gauge the success of the schools in which we teach by the percentage of our graduates who manage to attain a measurable portion of Earl Butz's American Dream.

The American Dream that students bring to college is of loose shoes, tight pussy, and a warm place to shit, though as vulgarians they instinctively fluff up their goals with chatter of "personal growth" and "meaningful contributions." If our function truly is to train young people to follow orders, let us do it well and make of the university a Marine boot camp; if we are more interested in team-work than ethics, let us follow the methods of Jerry Tarkanian. If we were to train students to the far borders of his platitudes, we might at least graduate to Dow and to NBC and to General Motors competent and efficiently self-effacing automatons, happily ignorant of poetry and

Universal access to higher education, which no right-minded person will publicly oppose, means that "higher" is merely a slight rise on a barren plain.

history, functionally literate, acquainted with but group integrity, unskeptical, uncritical — thus, well-prepared and well-educated to be office functionaries recording lifelong sterile numbers on sterile forms.

Properly, however, we are not shopkeepers with a commercial interest in placation, endlessly grinning and capitulating. We have no interest in assuring George that his weakness is our fault or our responsibility. He must find his assurances of worth in church or from his gaping friends; his pitiful sensibilities must not be sanctioned by those of us who would be teachers. Our students arrive and leave asking why they must read this stupid Carlyle or Gibbon or Thucydides or old-fashioned Jane Austen. "Her sentences are too long." "When I go for a job they're not gonna ask me about Carlyle." Nope, George, they're not. They want you to spend your working life applauding the product, finding your spiritual satisfactions in new devices for the kitchen and daydreams of Sharon Stone. If they know of him, they are contemptuous of Carlyle, or of Roethke, in *Dolor*:

> . . . I have seen dust from the walls of institutions,
> Finer than flour, alive, more dangerous than silica,
> Sift, almost invisible, through long afternoons of tedium,
> Dropping a fine film on nails and delicate eyebrows,
> Glazing the pale hair, the duplicate gray standard faces.

You're right, George. Though only 20 and unacquainted with other than the dark alleyways of the present, you've hit on a great truth. Your company is not interested in literacy, and it does not want integrity; it recruits docility.

But such sarcasm, employed as a rhetorical spur to excellence, will not work. Carlyle and Austen are dull to George because they are incomprehensible to him. He has had successively thicker Dolphin Readers throughout school, has heard pious inducements to "excellence," and he knows the tone and knows that in the end (semester's end) he will be passed through if he just shuffles appropriately and gets two-thirds of his papers in more or less on time.

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Perhaps we teachers wish secretly to nurture rogue essayists with clear eyes and untainted purpose who will write beautifully and uncompromisingly their observations, caring little for prosperity or job security: Errol Flynns of high purpose. If so, we are whistling in the wind. No Thoreau, no Thucydides, no Pater would sit for long surrounded by such dolts as we tolerate.

We expose students to excellence as though it were one more commodity. Fantastic new sudsers of soiled clothes, great movies, world-class pizzas, sexy Pepsi, and excellent Carlyle. Carlyle, though, does not fit. He is not attractive or accommodating. Unlike Lee Iacocca, he does not want you in his shop, and all the pearly study questions in all the readers in all the college bookstores will not alter him or make Jane Austen less subtle or cause Roethke somehow to fit comfortably into Kingfisher's easy world.

Excellence! Excellence is so much dangled as the purchasable that a teacher's insistent proclaimed yearning on behalf of his students must strike them as mundane. And few of us, I think, seem to embody fearlessness or seem much to have lived life at its richest. We teachers may seem even less attractive than those we urge our students to disdain. We have learned the rewards of compromise, and students like George know weakness when they see it. When we speak of excellence, George knows we are blustering.

We teachers of literature and history and writing, dealing in what people have done, dabbling in excellence, are properly uneasy when we ponder our proper role. If it is to train George so that he can make his product and return to his predictable suburban home without killing anyone or defecating on the sidewalk, then we are in no way concerned with excellence, but with sufficiency; we are trainers, no more, mere agents of the present culture, subservient to those with more authority — and as such we have no business even mentioning Jane Austen or Melville or Nabokov in a classroom.

If we are toadying self-seekers ourselves, we have no business introducing to classrooms of incipient toads — toads-in-training — those who have exemplified excellence, as though we superintend them or have somehow mastered them. We taint the Excellents with our familiarity and are as pathetic as those yokels at writing conferences who, after a handshake, treat the famous author as an old friend and call him by his first name.

Much better, if we are such a teacher — a trainer-toad — to abandon all suggestions of excellence and teach what we exemplify. The canon is vast: *Dale Carnegie, Babbitt as Hero, Movies as Literature* — and because we speak with authority and because the subject is clearly relevant, even George will pay attention and learn readily: to be a part of the swarm, to accept ugliness as beauty, pieties as wisdom, meretriciousness as excellence, and, most importantly, that the pilfering spirit of the advertiser is the human spirit. ❑

Analysis

The Institutions of Higher Tuition

by Jesse Walker

With the costs of a college education spiralling ever higher, it's time to bring the Ivory Tower down to Earth.

Shortly after I graduated from the University of Michigan, my *alma mater* announced that it would be increasing tuition. That in itself was no surprise — they raise tuition *every* year — but that year's excuse seemed a little bizarre. Tuition must be increased, they said, in order to meet the demand for financial aid.

It takes a lot of gall to say you're subsidizing something when you're really raising its price. But universities are long on gall these days. When the same campus got its own little deputized police force two years before, Executive Director of University Relations Walter Harrison asserted that Michigan would save money on the deal. Only those who read the fine print discovered that Harrison expected a significant increase in funding from the state legislature — far higher than it had given anytime recently — before any money was actually saved. Lo and behold: a year later, Michigan's subsidy was cut instead. By then, of course, the amateurish safety patrols were a *fait accompli*.

And by then, hardly anyone was batting an eye at the president's expensive, university-subsidized mid-campus mansion, despite the fact that its putative resident actually lived in another part of town. There *was* a public outcry when his wife was hired to continue her fundraising duties, "formalized" into a job netting $35,000 a year; she now once more works for free. But dorm residents are still trapped in a much bigger boondoggle: being forced to subsidize dorm cafeterias while better, cheaper food is being provided privately all over town.

All of this has attracted some complaint, but the worst of the academic porkbarrel still goes unchallenged. The University of Michigan — like almost all American universities, public and "private" — is *itself* a monument to out-of-control bureaucratic growth. Shielded from market discipline by monopolistic privilege, our public colleges have little incentive to efficiently serve their customers. Instead, educational monies are allocated according to political power — clout in the halls of the state legislatures, in the winding corridors of the academic guilds, in the grant-spewing chambers of the federal government, in the red-tape jungle of America's university bureaucracies. The inevitable losers are the payers of taxes and tuition.

Only basic, radical change — abolition of monopoly control of higher education and the professions — can undo this hopeless mess of pork and privilege.

Packaged Deals

Colleges and universities usually respond to complaints about skyrocketing tuition by asserting that the increases have been made necessary by "rising costs." But as Thomas Sowell has pointed out, this poses more questions than it answers. "Even if not a single price except tuition had changed anywhere in the entire economy, 'costs' would still have risen, as costs are defined in academic discussion," he writes. "Whatever colleges and universities choose to spend their money on is called a cost." That includes superfluous campus cops, presidential mansions, and academic pork. It includes junkets for university officials and higher salaries for top bureaucrats. It includes all the programs that have raised the ire of critics Left and Right, from weapons research to P.C. pseudoscience. It includes vast bureaucratic expansion. And yes, it even includes financial aid.

Sowell's conclusion: "it is the amount of money that colleges and universities can get — from tuition, endowment income, donations, etc. — which determines how much their spending or costs will go up, *not* the other way around, as they represent it to the public. To say that costs are

going up is no more than to say that the additional intake is being spent, rather than hoarded" ("The Scandal of College Tuition," *Commentary*, August 1992).

When a student purchases a college education, she provides the money, but the university decides in large part how that money will be spent. History majors subsidize the drama department. Physics students underwrite the hockey team. Dorm residents who eat out still pay tribute to the dormitory cafeterias. And every tuition-payer and taxpayer pays the salaries of a host of administrators. Means of allocating funds vary from school to school, of course, but every major college in the nation suffers from this same basic problem: students, their families, and the taxpayers are putting up vast sums of money with little say in how it is spent, while the administrators who do have say have little incentive to economize in their spending.

Students are putting up vast sums of money with little say in how it is spent, while the administrators who do have say have little incentive to economize in their spending.

Yes, universities are disciplined somewhat by consumer demand, but this discipline is corrupted by heavy political interference. Since the great portion of public universities' operating budgets comes from state governments, and since public and private colleges alike are partially dependent on federal grants, the customer with the most pull in the collegiate market is the government, which rarely misses an opportunity to issue a "mandate." Students make themselves felt by choosing where to go to college, and there is competition between schools to attract certain kinds of "desirable" students — prodigies, gifted athletes, racial minorities. But for most applicants, the competition is with other students for a place in the college of their choice, not between colleges for the honor of their presence. College education is a seller's market.

Indeed, among the country's leading universities, the name of the game is not *competition* but *collusion*. For three and a half decades, representatives from MIT and the Ivy League schools met each year at a gathering called "Overlap," to determine how much money they would charge each individual student who had applied to more than one of the participating universities. Differences between each school's nominal tuition rates were ironed out by financial-aid offers. The Overlap meetings ceased in 1991, when the Justice Department threatened an antitrust suit; of the cartel, only MIT was willing to defend itself in court. It did pretty well, eliciting a ruling in favor of such "cooperative financial aid agreements."

None of this would be possible in an open educational marketplace. But an open marketplace is one thing American higher education is not.

The University As Bazaar

Most critics of the educational establishment have trouble imagining alternatives to the collegiate *status quo*. Sowell, for example, can only recommend antitrust action to stop organized collusion like the Overlap case. That is to say, he advocates *more* government intervention. Surely, free-marketeers can do better than that.

Far more imaginative is David Friedman:

> In a free-market university . . . the present corporate structure would be replaced by a number of separate organizations, cooperating in their mutual interest through the normal processes of the marketplace. These presumably would include one or more businesses renting out the use of classrooms, and a large number of teachers, each paying for the use of a classroom and charging the students who wished to take his course whatever price was mutually agreeable. The system thus would be ultimately supported by the students, each choosing his courses according to what he wanted to study, the reputation of the teacher, and his price.
>
> Other organizations might coexist with these. There might be one that did nothing but give examinations in various subjects and grant degrees to those who passed; presumably, teachers would be hired to spend part of their time writing and grading such examinations. Another might perform clerical functions, printing a course catalogue listing courses that were being offered and their prices. . . . There might be groups publishing and selling evaluations of teachers and courses. . . . (*The Machinery of Freedom*, p. 66)

Once you start thinking along these lines, it's hard to avoid getting still more radical. Why must the university be an ivory tower, separated from the surrounding community? Is there any reason, for example, to give specific buildings over just to classrooms and auditoriums? Many courses, particularly those with very specialized appeal or application, could easily meet in the instructor's home. Others could rent rooms in office buildings, or arrange to meet in the local library. Many — perhaps most — would be more akin to study groups than traditional one-teacher/many-students arrangements. Advanced study, after all, is apt to be small-group-oriented and cooperative. And mere freshman lecturing can be done more efficiently and as effectively on video.

As of 1991, only 60% of American college students were enrolled full-time, and only 15% of all undergraduates received their degree in the familiar four-year period.

And how many subjects now taught in the universities might be better learned in apprenticeships, or through self-directed study? How much is useless duplication of on-the-job training? In the present protected market, it's difficult to tell.

There are advantages, of course, to some sort of corporate university structure. Some students might prefer to pay for a common library, computing center, pretty campus, etc. Some might desire the warmth and guidance of a very organized program. Others may appreciate a particular sort of student body — an all-male or all-female acad-

emy, a blacks-only Afrocentric institution, a specifically Christian environment, or the like. So long as there is sufficient demand for such places, they should exist — as private colleges, dependent entirely on tuition and/or endowments.

But Friedman's open university, like the medieval *universitas* it resembles, seems both more practical and less costly. Friedman does not discuss the tuition-rates issue in his book, but the lowering of costs is an obvious, positive by-product of his proposal. The student at the education bazaar is paying for what she desires for her *education*, not what administrators desire for their *institution*. She is not paying for departments she will never take courses from, bureaucratic programs of dubious merit, or crappy cafeterias — unless she wants to.

Aristocracies of Knowledge

For now, alas, a college education is a package deal. More and more students, though, are treating it as though it were not. Most have jobs, and many take time off between semesters to make enough money for the next round of classes: as of 1991, only 60% of American college students were enrolled full-time, and only 15% of all undergraduates received their degree in the familiar four-year period. Most commute to college from their homes. Nearly half are over 25.

Why are these career-oriented "nontraditional" students attending school, if not for the fabled four-year liberal-arts experience? To attain specific knowledge and skills, of course — and to acquire the credentials that allow them to practice within a profession. It is this credentialism that maintains the current system of higher education. Eradicate it, and the university porkbarrel will come crumbling down.

The licensed profession is the modern equivalent of the medieval monopolistic guild. Licensing systems are nearly always controlled by the profession that is being licensed; for that reason, accreditation processes naturally evolve to overly restrict the number of people who may practice. With supply thus prevented from rising to meet demand, prices are driven up.

What is the purpose of a "degree" in literature or history or women's studies, other than permission to teach other people classes that will, in turn, enable them to earn "degrees"?

Some defend this system as a reasonable trade-off: the professionals get their monopoly, the rest of us get competent service. But it rarely works out that way. Many incompetents survive the accreditation process, while thousands of qualified people do not.

Consider the universally reviled trial-by-fire system of medical internships, in which interns must work consecutive stress-filled 20-hour days, often making life-or-death decisions with no sleep at all. Obviously, this does nothing to protect the safety of the patients. It isn't very good for the prospective doctors either. Many drop out, unable to take the stress of work or the havoc it wreaks on their psyches and their private lives. Men and women who might have become very good doctors, don't. The supply of medical practitioners is capped, fees stay high, and the mystique of the medical priesthood goes up a notch. (Less hazardous initiation rites, such as hazing, are illegal in most of the country.)

No less dramatic but nearly as harmful is the use of the bell curve. While the liberal arts suffer from the opposite problem — grade inflation — many science classes, especially in medicine, maintain the barbaric custom of grading students in relation to one another, rather than against an objective standard. Thus, a student who gets 85% of a test right, but has a low score relative to the rest of his class, fails. Fierce competition is fomented for an artificially scarce prize; qualified men and women are weeded out.

Imagine a world where baseball teams graduated the same number of players to the majors each year, awarding them places according to how good they are in comparison to other rookies, rather than in accordance with broader requirements of skill. That's the spirit that animates the gatekeepers to the medical profession.

The situation in the humanities is in many ways worse. Medicine, law, and the like at least exist as recognizable occupations in the outside world. But what could possibly justify the liberal-arts guilds, cartels to limit access to positions within the very institution — the university — that maintains the cartels? If they are less powerful than the medical or legal hierarchies, they more than make up for that by having so little reason to exist. What is the purpose of a "degree" in literature or history or women's studies, other than permission to teach other people classes that will, in turn, enable them to earn "degrees"?

This does not guarantee academic excellence. It guarantees academic inbreeding. And insular guilds are protected by solid disciplinary walls. That is why so few philosophers know economics, so few economists know anthropology, and so few political scientists know anything. Perhaps the worst consequence of this is the iron curtain that separates C.P. Snow's "two cultures," the sciences and the humanities, producing legions of learned idiots convinced that half their cranial capacity is for the apes.

A Way Out?

Into this maze of guild privileges and bureaucratic pork-barrel come the aforementioned nontraditional students, poorer on average than their schoolmates, on campus to learn *partic-*

Thomas S. Szasz Award

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ular skills. They want to purchase the education *they* think they need, but a bureaucratic system forces them to subsidize a package of extra costs — and a guild system gives them plenty more hoops to pay for the privilege of jumping through.

Enter also the bohemian seekers, less interested in earning a degree than in learning for its own sake. These are the sort of people who would as soon go to the library or join an informal study group as go to class, if that seems the better way to pursue their particular interests.

All these students are a natural constituency for a free-market university. But thousands upon thousands of them go into debt attending more familiar corporate structures instead — or else cannot afford to go to college at all. And while sensible, "reinventing government"-style reforms can be made in those schools, bringing them closer to the agoric ideal, real change won't come until the academic and professional guilds lose their privileges. In a world without occupational licensing, colleges and universities would no longer enjoy government-granted gatekeeping powers for so many careers. And then real competition could emerge, offering students more alternatives and pressuring universities to take genuinely radical steps — e.g., privatizing classes.

For now, guild featherbedding and uncontrolled bureaucratic spending will go on. Students will continue to cough up extra tuition dollars to pay for services they neither want nor will ever see. Taxes will keep spiralling upwards. Access to the professions will still be artificially restricted. Academic excellence will continue to give way to mediocrity on the one hand, and artificial elitism on the other. Universities will drift further out of touch with the rest of the world.

Our best hope is the rising number of nontraditional, career-oriented students. With funding for higher education being scaled back in state legislatures across the country, they may provide the pressure that will bring deregulation to the professions and reform to the universities. And if not . . . well, then there's a lot to be made investing in student loans. ❑

The New Mythology of Rape

by Wendy McElroy

No woman is safe when personal responsibility is undermined.

Rape is an abomination that no civilized society can tolerate.

In the '60s, feminists broke down the old, puritanical mythology of rape. They shattered the presumption that only bad girls who walked alone at night got raped, and exploded the notion that all rapists were seedy men who lurked in alleys. In fact, *every* woman, from infancy to the grave, is vulnerable to attack, even in her own home. And rapists can be hard-working husbands or apple-cheeked boys next door, not just hardened criminals and psychopaths. Indeed, the victim usually knows her assailant.

In the place of the old mythology of rape, '60s feminism offered facts and practical help for women in pain. Their hotlines and crisis centers did something neither the legal system nor new research could: they talked to raped women, and let them know they were not alone.

As a woman who has been raped, I owe a debt to '60s feminism. I emerged from the experience in one piece largely because of the groundwork feminists had already created for rape victims. I learned that I had a right to be angry, not only at the man who raped me, but also at the laws and cultural attitudes that sheltered him and not me. From feminism I learned an irreplaceable lesson: *What happened to me was not my fault.*

But in the past two decades, a disturbing change has taken place in feminism's approach to rape. Rape used to be considered a crime, a violation of normal life. Then, in the '70s, a theoretical groundwork was laid to place rape at the very heart of our culture. For the new feminists, rape was an expression of how the average man viewed the average woman. By the mid-'80s, rape had become thoroughly politicized: it was now viewed as a major weapon — perhaps *the* major weapon — by which the patriarchy keeps women in their place.

The New York Radical Feminists' manifesto exemplifies this change:

> It is no accident that the New York Radical Feminists, through the technique of consciousness-raising, discovered that rape is not a personal misfortune but an experience shared by all women in one form or another. When more than two people have suffered the same oppression the problem is no longer personal but political — and rape is a political matter. . . . [M]an is always uneasy and threatened by the possibility that woman will one day claim her full right to human existence, so he has found ways to enslave her. He has married her, and through the family, binds her to him as wife and mother to his children. He has kept her helpless and dependent, forcing her to work when he needed her labor, isolating her (physically and psychologically), and as a final proof of his power and her debasement as a possession, a thing, a chunk of meat, he has raped her. The act of rape is the logical expression of the essential relationship now existing between men and women. (Quoted in *Rape: The First Sourcebook for Feminists* by Mary Ann Manhart, p. 215)

Rape was no longer a crime committed by individuals against individuals. It had become part of class analysis.

In the conclusion to *Rape: The First Sourcebook for Feminists*, Mary Ann Manhart remarked on this shift:

> [T]he initial step in the feminist process is consciousness-raising and the final step is political action. . . . Consciousness-raising is a political act, and in turn, political action becomes consciousness-raising. . . . In a sense, rape is not a reformist but a

> revolutionary issue because our ultimate goal is to eliminate rape and that goal cannot be achieved without a revolutionary transformation of our society. It means a transformation of the family, the economic system, and the psychology of men and women so that sexual exploitation along with economic exploitation becomes impossible and even unimaginable. (p. 249–250)

In her near-legendary essay, "Rape: The All-American Crime," radical feminist Susan Griffin makes what no longer sounds like a radical or unusual claim:

As a woman who has been raped, I will never downplay its trauma. But being raped was not the worst thing that ever happened to me . . .

> Indeed, the existence of rape in any form is beneficial to the ruling class of white males. For rape is a kind of terrorism which severely limits the freedom of women and makes women dependent on men. . . . This oppressive attitude towards women finds its institutionalization in the traditional family. (*Rape Victimology*, Leroy G. Schultz, ed., 1975, p. 3)

Rape had found its niche within a political ideology with a revolutionary agenda. No longer simply an abominable crime, it had become an accusation to be thrown wholesale at "white male culture" and all men.

By politicizing and collectivizing the pain of women, radical feminism is reversing the gains of the '60s, when the myths about rape and the barriers between men and women had a chance of being dissolved. Today, new myths and new barriers are being erected.

New Myths for Old

Any look at this new mythology should begin with Susan Brownmiller's seminal book of 1975, *Against Our Will*, which charts the history of rape from Neanderthal times to modern days, placing great emphasis on periods of war and crisis. *Against Our Will* is a watershed book, one which has been said to "give rape its history." Its radical thesis is that rape is the primary mechanism through which men — as a class — perpetuate their domination over women. According to Brownmiller, all men benefit from the fact that some men rape.

I understand how compelling this view of rape can be. At times, I've wanted to blame all men for the violence I experienced. Certainly, I was angry at all men.

But Brownmiller's theory of rape is wrong. And it is damaging to women.

Brownmiller makes three basic and interconnected claims:

- Rape is an arm of patriarchy;
- Men have created a "mass psychology" of rape; and
- Rape is a part of "normal" life.

I dispute each of these.

Is rape an arm of patriarchy? This is perhaps the most basic new myth about rape, that it is a crime with one cause: the general oppression of women by men. It is no longer politically correct to conduct studies on the causes of rape, because — as any right-thinking person knows — there is only one cause.

Decades ago, in the heyday of liberal feminism and sexual curiosity, the approach to research was more sophisticated. The Kinsey study of the 1950s classified seven types of rapists — assaultive, amoral, drunken, explosive, double-standard, mental-defective, and psychotic. And as recently as 1979, in *Men Who Rape: The Psychology of the Offender*, A. Nicholas Groth made a statement that sounds almost jarring to today's ears: "One of the most basic observations one can make regarding men who rape is that not all such offenders are alike" (p. 12).

Such studies are no longer in fashion. It is no longer proper to suggest that there can be as many motives for rape as there are for other violent crimes.

People murder for money, for love, out of jealousy or patriotism — the rationalizations come in all colors and shapes. Rape is every bit as complex. Men rape out of sexual hunger, from a need to prove themselves, from hatred of women, from a desire for revenge, as a political statement, from peer pressure. There is a constellation of possible motives for sexual assault, which become further blurred when you introduce drunkenness or other drug use to the equation.

Eldridge Cleaver defined his rape activity as "an insurrectionary act. It delighted me that I was defying and trampling upon the white man's law upon his system of values and that I was defiling his women. . . . I felt I was getting revenge." (*Soul on Ice*, 1965, p. 28). Contrast that with this comment in *The Crime and Consequences of Rape*:

> In acquaintance rapes, the brutality and violence . . . are usually absent. Since sex is the primary motivation in these cases, any classification of the motivation for rape would have to include sex in addition to power, anger, and sadism as motivating factors. (p. 44)

Feminism needs a theory that reconciles Cleaver's rapes with those of a drunken frat brother. We need a theory that explores the complexity of the issue, not one that oversimplifies it for the sake of a political agenda. Instead, radical feminists offer book after book of anecdotal, biased studies full of unproven blanket assertions that have acquired the status of truth through sheer repetition.

. . . and I have recovered from it. Feminists who say otherwise are paying me a disrespect.

Armed with such ideological arrogance, radical feminists jettison all scientific method from their research. Susan Brownmiller asks, "Does one need scientific methodology in order to conclude that the anti-female propaganda that permeates our nation's cultural output promotes a climate in which acts of sexual hostility directed against women are not only tolerated but ideologically encouraged?" (p. 395) Her answer to the rhetorical question is plain.

And that answer is wrong. One needs scientific methodology to verify any empirical claim. Otherwise, all discussions devolve into opinion. Or

worse, they become a barrier to real research conducted by people willing to reach conclusions based on data, not prejudice. Inconvenient issues like rape committed against men are also ignored, or sidestepped; all victims are considered, for political purposes, to be women. This is rather like the television interview in which Stokely Carmichael divided the world into the white oppressor and the black oppressed. When asked about the huge global population of Asians, he replied, "Consider them black."

Brownmiller's second myth is that men as a class have created a mass psychology of rape — that all men are rapists at heart, and all women their natural prey:

> Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and the first crude stone axe. From prehistoric times to the present, I believe, rape has played a critical function . . . it is nothing more or less than a conscious process of intimidation by which *all* men keep *all* women in a state of fear. (p. 14, emphasis in the original)

Leaving aside the question of how Brownmiller comes by her amazing information about prehistoric psychology, her message is clear: men are inherently rapists.

To back this up, Brownmiller plays fast and loose with anecdotal accounts and passages of fiction, her selection of evidence revealing tremendous bias. At one point she states, "People often ask what the classic Greek myths reveal about rape. Actually, they reveal very little" (p. 313). Yet these myths are widely held to be archetypes of human psychology. If Brownmiller wishes to maintain that there is a continuum of male oppression that extends from man's first recognition of his genitalia as weapon through this very moment she must, in honesty, consider Greek mythology. She can't just pick and choose the evidence that supports her position.

Yet even dipping into history and fiction when and where they choose, radical feminists' evidence still doesn't lead to the conclusion that all men are rapists. In the preface to their 1991 book *Acquaintance Rape: The Hidden Crime*, editors Andrea Parrot and Laurie Bechhofer offer a common statistic: "Approximately one in four women in the United States will be the victims of rape or attempted rape by the time they are in their mid-twenties, and over three quarters of those assaults will occur between people who know each other" (p. ix). This stunning figure is supported by FBI records.

The issue of rape has been diverted into a political tangle of class theory and ideology. It is time to return to the basics: consent and coercion.

In looking at such terrifying statistics, women have a natural tendency to overlook a vital aspect of what is being said: three out of four women will *not* be raped. Even assuming that there is a one-to-one correlation between victims and rapists — a generous assumption, since many rapists commit serial crimes — this means that 75% of all men will never commit this brutal act. Indeed, many men would come immediately to the defense of a woman being attacked.

This observation may seem obvious or facile. But in the face of astounding and unsupported claims like "all men are rapists," it becomes necessary to state the obvious. If another group of radicals claimed that all whites or Protestants or bisexuals were sadists, yet the statistics they provided indicated that at least 75% were not, no honest observer would accept their argument. But when the radicals are sexually correct feminists, their incredible statements are swallowed whole.

And lest a single man try to slip through the net of accusations by pleading that he has never raped or even contemplated doing so, Brownmiller explains how good intentions and good behavior do not excuse a man from the charge of rape:

> Once we accept as basic truth that rape is not a crime of irrational, impulsive, uncontrollable lust, but is a deliberate, hostile, violent act of degradation and possession on the part of a would-be conqueror, designed to intimidate and inspire fear, we must look toward those elements in our culture that promote and propagandize these attitudes, which offer men . . . the ideology and psychological encouragement to commit their acts of aggression *without awareness, for the most part, that they have committed a punishable crime,* let alone a moral wrong. (p. 391, emphasis in original)

Such a theory allows for no contradictory evidence. There is no possibility — through action, thought, or word — for a man to escape the charge of rape. It becomes axiomatically true.

The third myth Brownmiller propounds is that rape is part of normal life. Yet her book examines rape primarily during times of war and political crisis. This allows for some valuable scholarship, but it leads to some shaky conclusions. According to Brownmiller, because men rape in times of war and social turbulence, they are normally rapists; rape is the norm.

This requires a leap of logic. The circumstances Brownmiller highlights — war, riots, pogroms, revolutions — are expressions, not of consistent social attitudes, but of social breakdown. Yet in chapter after chapter, Brownmiller uses horrifying accounts of rape from such periods of crisis to make claims about the attitudes and behavior of the ordinary man-on-the-street. Arguing from the extreme, Brownmiller draws conclusions about the normal.

There is no doubt: in times of war and social upheaval, the frequency of all violence increases. But this says nothing about regular life. Nor does it indicate whether the violence is caused by society or by the forces ripping society apart. Men kill in war, but that doesn't make the accountant feeding his parking meter a murderer.

Even when *Against Our Will* moves away from the agonies of war and revolt, it still focuses on situations of polarization and conflict. After the chapters titled "War" and "Riots, Pogroms, and Revolutions" comes "Two Studies in American History." These studies involve the history of rape as applied to American Indians and

slaves. Again, Brownmiller offers some valuable insights — but with much narrower application than she is willing to accept.

Redefining Rape

Years ago, I watched a television interview in which a Russian sociologist claimed there was no rape in Soviet Russia. Pressed on the point, the woman explained, "No word for rape exists in the Russian language; therefore, there is no rape."

I have no idea whether her linguistic claim is true, but her methodology is familiar: By not naming a problem or reclassifying it, it is supposed to go away. A similar sleight of hand seems to be at work right now, only in reverse. Through a semantic shell game, rape is being redefined out of recognizability.

In their essay, "The Psychology of the Rapist and His Victim," Lilia Melani and Linda Fodaski virtually equate heterosexual sex with rape:

> Once we accept the relationship of aggression and submission; once we recognize force or struggle as an integral component of the sexual courtship (as in the battle of the sexes) it follows that the sex act itself is only a less emphatic expression of all those elements that make up criminal rape. (*Rape: The First Sourcebook for Feminists*, p. 88)

That view is, of course, an extreme. But today's crusade against date rape is well within the feminist mainstream.

No one can condone rape in the guise of dating. But for many feminists, "date rape" — as a concept — is much more than a stand against drunken frat brothers assaulting female students. In their 1989 book *The Female Fear*, Margaret Gordon and Stephanie Riger come close to denying the possibility of consent within dating itself: "The American dating system, which constitutes a primary source of heterosexual contacts, legitimizes the consensual 'purchase' of women as sexual objects and obliterates the crucial distinction between consent and nonconsent" (p. 60).

It is difficult to tell what constitutes consent or coercion for radical feminists. Consider a recent definition of sexual violence offered by Liz Kelly:

> Sexual violence includes any physical, visual, verbal, or sexual act that is experienced by the woman or girl, at the time or later, as a threat, invasion, or assault, that has the effect of hurting her or degrading her and/or takes away her ability to control intimate contact. (*Surviving Sexual Violence*, 1988, p. 41)

This, in one form or another, has become a common guideline for identifying sexual violence. And it is a dangerous one.

According to this standard, a woman need not have felt threatened during the sex act itself to have been raped. Consider Kelly's words: "Sexual violence includes any . . . sexual act that is experienced by the woman or girl, at the time or *later*" as violent. In retrospect and in light of other experiences, the woman might decide that she had been coerced. But everyone makes mistakes. Regret is not a benchmark of consent.

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And how can anything "experienced by the woman or girl" as violent be *de facto* violence — especially when verbal or visual "violence" is included? The crucial link between coercion and the use or threat of force has been broken. Tangible evidence of violence — bruises, witnesses, explicit threats — is no longer needed for a man to be considered guilty. A woman need only *feel* threatened, invaded, or assaulted by him.

Such subjectivity makes a mockery of rule of law. The issue of rape has been legally skewed in favor of the accused for so long that women have reacted by swinging the balance too far in the other direction.

By expanding the definition of rape with such wild abandon, radical feminists have blurred all clear lines on this issue. Rape used to be forced sex — a form of assault. Today, the focus has shifted from assault to "abuse." A recent survey by two Carleton University sociologists, financed by a $236,000 government grant, revealed that 81% of women attending Canadian universities and colleges had suffered sexual abuse. Their survey descended into a maelstrom of controversy when it became known that the researchers defined "abuse" to include taunts and insults during quarrels.

In *Men Who Rape*, Groth provides the essential distinction between rape and sex that occurs under pressure or persuasion: "The defining characteristic of forced assault is the risk of bodily harm to the woman should she refuse to participate in sexual activity. All nonconsenting sex is assault. In the pressured assault, the victim is sexually harassed or exploited. In forced assaults, she is a victim of rape" (p.3).

By eliminating the distinction between force and persuasion, important sexual lines are erased — such as the line between rape and seduction.

Camille Paglia offers a refreshing contrast to the obfuscations other feminists are weaving around rape:

> [F]eminism, which has waged a crusade for rape to be taken more seriously, has put young women in danger by hiding the truth about sex from them.
>
> In dramatizing the pervasiveness of rape, radical feminists have told young women that before they have sex with a man, they must give consent as explicit as a legal contract's. In this way, young women have been convinced that they have been the victims of rape. (*Sex, Art, and American Culture*, 1992, p. 49)

The pivotal difference between individualist feminists and radical feminists lies in the concepts of coercion and consent. For individualist feminists, these concepts rest on every woman's inalienable right to her own body. If a woman says "yes" (or if her behavior clearly implies "yes"), consent is present. If a woman says "no" (or clearly implies it), coercion is present.

For radical feminists, on the other hand, the distinction is little more than a muddle.

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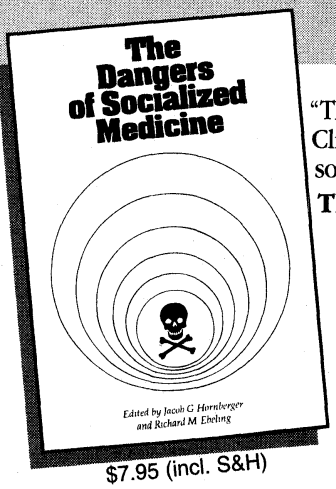

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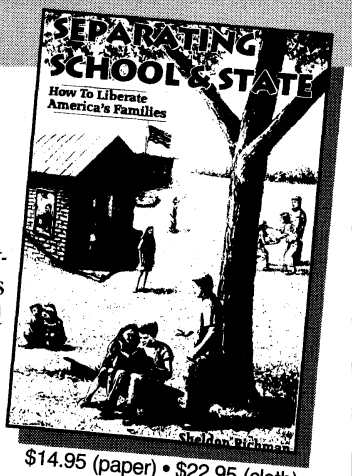

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women. In Paglia's words, "The point is, these white, upper-middle-class feminists believe that a pain-free world is achievable. I'm saying that a pain-free world will be achievable only under totalitarianism" (p. 64).

But the fact that women are vulnerable to attack means we cannot have it all. We cannot walk at night across an unlit campus without incurring real danger. These are things every woman should be able to do, but "shoulds" of this sort belong in a utopian world.

Feminism needs a theory that explores the complexity of rape, not one that oversimplifies it for the sake of a political agenda.

They belong in a world where you drop your wallet in a crowd and have it returned, complete with credit cards and cash; a world in which unlocked Porsches are parked in downtown New York, and children can be left unattended in the park. This is not the reality that confronts and confines us.

Paglia has introduced some reality into the discussion: "Feminism . . . keeps telling women they can do anything, go anywhere, say anything, wear anything. No, they can't. Women will always be in sexual danger. . . . Feminism, with its pie-in-the-sky fantasies about the perfect world, keeps young women from seeing life as it is" (p. 50).

Radical feminism paints a schizoid picture of women. We are supposed to be free and complete sexual beings — who live in a state of siege. We are supposed to be empowered sisters — terrified to open our doors at night. The picture of men is no less confusing: even the kindest, gentlest husband, father, and son is supposed to benefit from the rape of women they love. No ideology that makes such vicious accusations can heal any wounds. It can only provoke hostility.

This antagonism may serve an unpleasant purpose. Radical feminism is a cry for revolution, and revolutions are not built on conciliation. For radical feminists, there is no solution to sexual violence short of adopting their entire social, economic, and political agenda. No other bridge of understanding or trust may be built between men and women.

Nor does radical feminism seek to help women on an individual basis. Even the supposedly definitive work on rape, *Against Our Will*, gives only a cursory nod to the idea of individual women healing, or learning to defend themselves. Instead, those who have been raped are told that they will never recover from the experience, that rape is the worst thing that can happen to a woman. As Paglia observes, "The whole system now is designed to make you feel that you are maimed and mutilated forever if something like that happens. . . . [T]he whole system is filled with these clichés about sex" (p. 63).

As a woman who has been raped, I will never downplay the trauma it brings. But being raped was not the worst thing that ever happened to me, and I have recovered from it. Feminists who say otherwise are paying me a disrespect.

The issue of rape has been diverted into a political tangle of class theory and ideology. It is time to return to the basics: consent and coercion.

So far as consent is concerned, the crucial question must always be, *Has a woman agreed to have sex?* It is not *Has she been talked into it, bribed, manipulated, filled with regret, drunk too much, or ingested drugs?* And in an act that rarely has an explicit "yes" attached to it, the touchstone of consent has to be the presence or absence of physical force.

On the question of coercion, I think feminists desperately need to change their focus from the man to the woman. They should be crying out for every woman to learn how to say "no" as effectively as possible — with deadly force if necessary. The true way to empower a woman, to make her the equal of any man who would attack her, is to teach her to defend herself.

Women *should* be able to live unthreatened by the specter of rape — just as they *should* be able leave their apartments and car doors unlocked. Yet women who bolt their doors every night often refuse to learn self-defense because they don't believe they should have to. Because they *should* be able to feel safe, they refuse to take steps that would so dramatically acknowledge how unsafe they truly are.

Feminism needs more women like Paxton Quigley, author of *Armed and Female*. After a friend of hers was brutally raped, Quigley went from agitating for gun control to teaching women how to use handguns.

Quigley uses an effective technique to break through women's tendency to shy away from guns. Her beginner's course includes a tape of a 911 emergency call that was made by a Kansas rape victim as her attacker was breaking into her home. As he appears at her bedroom door, she screams: "Who are you? Why are you here? Why are you here? WHY?"

Once they've heard the tape, Quigley's students are more willing to learn such techniques as how to shoot lying down and how to aim for the head.

If there is a solution to rape and other violence against women, it is self-defense. Politicizing women's pain has been a costly diversion from the hard work necessary to create real safety. As one of the women who took Quigley's course told *The Wall Street Journal*, "Girls grow up believing that they're going to be taken care of, but it just ain't so."

Rape is a crime committed against individual women, and the remedy must be an individualist one as well. Women who are raped deserve one-on-one compassion and respect for the unique suffering they experience. Too much emphasis has been placed on the commonality of reactions among raped women: it is equally important to treat these women as distinct human beings and respect their differences.

By the same token, women in fear deserve one-on-one training in how to defend themselves. Theories of how Neanderthal man was sexist do not offer women safety in their own homes. Women deserve to be empowered, not by having their pain and fear attached to a political agenda, but by learning how to use force to their advantage.

Self-defense is feminism's final frontier. ❑

Libertarian Pragmatism

by Bart Kosko

The politics of fuzziness, the fuzziness of politics.

Libertarian pragmatism holds that you judge a social policy more by how it affects personal liberty than by how it fits or clashes with abstract principles of liberty. It favors facts over logic but uses them both. It is reasonable without being rationalistic.

Libertarian pragmatism is a method. It is not a doctrine or set of beliefs about how the world is or how we should act. We all use the method to some degree. The libertarian pragmatist just uses it to a higher degree than he uses abstract principles of rightness or rationality or duty or utility. His pragmatism seeks the cash-in value of social policy. His libertarianism cashes those policies into the coin of freedom. He has an eye for facts and a taste for liberty.

The Case for Pragmatism: Do Numbers Exist?

The best case for libertarian pragmatism may be the case for pragmatism in general. Psychologist William James made the first popular case for pragmatism in his 1907 book *Pragmatism*:

> What difference would it practically make to anyone if this notion rather than that notion were true? If no practical difference whatever can be traced, then the alternatives mean practically the same thing, and all dispute is idle. . . . It is astonishing to see how many philosophical disputes collapse into insignificance the moment you subject them to this simple test of tracing a concrete consequence. There can *be* no difference anywhere that doesn't *make* a difference elsewhere — no difference in abstract truth that doesn't express itself in a difference in concrete fact and in conduct consequent upon that fact, imposed on somebody, somehow, somewhere, and somewhen.

James saw this toolbox method as a way to use both principles and facts to cut through the thick Hegelian metaphysics of his day. This let him take the best of the old camps of rationalism and empiricism without joining either one. Take a claim and try to predict where it leads and retrodict where it might have led. Use whatever works best to trace down a "concrete consequence."

James went on to make a theory of truth out of the method and came up short. The testable effects of a statement do not exhaust its truth content. The statement "Grass is green" is true to whatever fuzzy degree it is true even if we or computers or super-aliens cannot figure out all the ways to test it.

Modern logician Willard Van Orman Quine has firmed up the case for pragmatism by applying it to the whole of science and math. "Grass is green" is on the evidential edge of a huge *web of belief* that has math and logic at its core. The logic strands shade into the fact strands at the edge. You test no strand or statement by itself. That is why we may not accept a new fact or theory or the latest citing of a UFO. It may uproot more strands than it is worth.

Facts and experience challenge and change the many edge strands in a belief web. Scientific theories help group these and middle strands into tree branches. New math theories (like chaos and fuzzy logic) challenge the logical roots and can shake or color the whole belief web. The march of science does not proceed a strand at a time as the logical positivists claimed. The plastic unit of knowledge is the whole of science and math.

Now consider the old question of metaphysics: Do numbers exist? Yes or no? Platonists say yes and fail to point to a number anywhere in the space-time continuum. Nominalists say no but fail to explain why a mere convention is an infinite set of interlocking theorems. And they have to say that scientists are wrong when they use math (and quantify over it) when they speak of the world. Neither position holds up under criticism. That suggests that the yes/no question poses a false binary split if it poses anything at all.

Quine and others resolve the question with a system-wide pragmatism. Inside the system of math it makes

sense to ask if numbers exist and the answer is yes. Outside of math we ask questions about the system. Here to say that numbers do or do not exist does not make sense just as it does not make sense to say that of an inch or a pound. We can ask pragmatic questions about the use of math and its effects. We can ask if math is a tool worth using and the answer so far has been yes.

What goes for the concept space of math goes for them all. We use them because it pays and only because it pays. Other forms of intelligence may use something else that pays better for them. We get mixed up in our words if we say our tools exist or are right or provable. We may not see this if we look at just one scheme or concept space or part of it by itself. This led the logical positivists to assert their "principle of verifiability" and so to paint the whole web of belief with the same brush of sense data. But verifiability is a matter of degree and holds more for star light than for quark tracks in a bubble chamber or for cosmic strings cast in terms of abstract group theory.

Libertarian pragmatism is a method. It is not a doctrine or set of beliefs about how the world is or how we should act.

At some point we have to stand back and see our interests or questions as part of a system and perhaps see that system as part of a larger system and so on up the chain. The final meta-questions about the systems are pragmatic. Logic might show that some systems are simpler or imply other systems. Facts might better match more parts of some systems. Or some systems might lead to more facts or promise to lead to them. How we vote has to do with how the systems pay off by our lights. As James said we want our word schemes to get us in satisfactory relations with our experiences.

Libertarian pragmatism works this way at two levels. For those outside of politics it offers them libertarianism on its social merits. We can argue that most people in most cultures want more wealth and the freedom to use it and that on net libertarianism gives them more of both than do its statist competitors. We can use all the facts and principles we can muster. In the past some have called this view utilitarian but that is mistaken. The pragmatist makes no claims about measuring happiness or utility and need not accept outcomes that favor the majority at the expense of some minority. A pragmatist may hold a mixed strategy of utility and duty or of utility and right or of something else. Most doctrines have some degree of value. We don't have to accept them all or none — and we can embrace as many or as few of them as we choose.

For those in the libertarian movement it offers a way to explore new options as well as a way to debate those options with non-libertarians and with one another. We have limited time and energy. All sides of the debate know that drug legalization favors personal freedom. The hard part is to show how a partial free market in drugs would unfold in time and to make these effects concrete. That is why there are tens of thousands of science-fiction writers but only a handful of these can secure book contracts and only a handful of these writers achieve wealth and fame. Extrapolation is an art but one that improves with practice.

Before I show how a libertarian pragmatist can deal with an abstract and a practical problem of liberty I want to pause and look at the recent history of libertarian pragmatism. The lesson is that you can use ethics and philosophy in your life as you see fit. But they will fail you in a fight.

The Recent History of Libertarian Pragmatism

A decade ago I called this position "scientific libertarianism" in an article by that name in *The Pragmatist*. The title and history of that journal makes clear that some form of libertarian pragmatism has been afoot for at least a decade.

Scientific libertarianism deals with arbitrary means to a valued end. The end is the pure end of libertarianism. It is to maximize personal and economic freedom. We favor means that help achieve this end and disfavor those that do not.

The name "scientific libertarianism" was a shot at Marx's "scientific socialism" and an attempt to take liberty straight as a naked value judgment and not to rest the case for it on God or philosophy. This brings up two hard facts.

The first fact is that science and math and the world they describe are all amoral. No one has produced a true or false statement of value. No one has derived "ought" from "is" and no one is likely to. Claims like "Profit is evil" or "You should not cheat" or "Green is better than blue" match no chunk of the space-time continuum or of any imagined one. They are not testable in principle. We have to start with this fact even if it hurts.

The philosophical libertarians did a great service for liberty and their place in its history is secure. But it is time to drop the crutch and move on.

Past libertarians tried to ground freedom in theology or metaphysics. Socialist atheists made short work of the old liberal claims that freedom came from God. In turn libertarian atheists like Ayn Rand and Murray Rothbard met them blow for philosophical blow and then went on to put forth their own species of rationalism. Rand's "Existence is identity" somehow replaces Marx's "dialectical materialism."

Both views are as reasonable and as untestable as the other. Rand turns to Aquinas and Aristotle for support. The best argument for Marxism was always a gun.

The next hard fact is that philosophy is just a playpen of words. It does not rest on logic or fact though it can use both in its word-schemes. Philosophy does not sit above science as some ultimate tribunal of thought. Facts don't answer to words. And scientists don't take orders from philosophers. August Comte got it right when he said large systems of knowledge advance from theology (astrology) to philosophy (celestial substance) to science

"Behind Your Back: What Do Other People Really Say About You & Your Libertarian Ideas?"

"Dear Michael,

"Behind Your Back: What do the people you talk to really say about you and your Libertarian ideas? After I leave a conversation and walk out of the room, what do they really say about me and my Libertarian ideas?

"This question has been bugging me since 1991. In 1993, I bought your *Essence of Political Persuasion* tapes. Within 14 days, the people I talked with started asking me to tell them more about libertarianism, agreeing with me more often and treating me nicer. I got compliments!

"Okay, to my face, people seemed to react dramatically better when I used your Political Persuasion formats and approaches. But what were they really saying behind my back?

"I decided to put your tapes to the test. I and two libertarian friends (one woman and one man) started regularly attending libertarian events, meetings and speeches. We also went to "mixed" parties (Parties that had libertarians and non-libertarians). We'd split up, and eavesdrop (Yeah, spy!) on conversations. We were listening for libertarians who were presenting libertarianism or arguing it. We just listened and waited until the libertarian left the group. Then we naively asked the non-libertarians what they thought of the ideas and how they felt about the libertarian who just left.

"Then we did the same thing with me using your *Essence of Political Persuasion* and one of my friends standing quietly by during my comments and discussion. I'd excuse myself. Then, after I left, my friend would innocently ask what the non-libertarian listeners thought of my ideas and how they felt toward me.

"We did this **Behind-The-Back Test** at 41 different gatherings, with 74 different (unsuspecting) libertarians (including 6 nationally known libertarians) in 138 different conversations. We did the **Behind-The-Back Test** with me using your Persuasion methods at the same 41 gatherings, in 87 different conversations.

"I mainly used your 'Political Cross-Dressing', 'Intellectual Judo', 'Rapport Recipes' and 'Words Are Weapons, Words Are Tools'.

"Michael, although I had 51 fewer conversations than my fellow libertarians (87 vs 138), your *Essence of Political Persuasion* got me 14 TIMES AS MANY POSITIVE REACTIONS TO OUR LIBERTARIAN POSITIONS and 27 TIMES AS MANY FAVORABLE FEELINGS TOWARD ME.

"Imagine convincing 14 times as many people about libertarianism and having 27 times as many people really like you.

"Michael, I tested it. I proved it. I did it. If it works for me, it'll work for every other libertarian.

"How convinced am I? Here's **$89.85** for 3 more sets of *The Essence of Political Persuasion*.

Name Withheld, Los Angeles, CA

Divorced Mother Gets Job

"Dear Michael,

"...although I have been a homemaker for the last eight years, my divorce made it necessary for me to go back to work. Whenever I felt like 'Why Me?' or 'It isn't fair!', I'd listen to your Self-Responsibility tape, and start making choices and taking action.

"I used your rapport techniques, 'Intellectual Judo' and 'Isolate the Concern' to get a job selling Toyotas. (I have never sold anything, anywhere to anyone 'til now.)

"My first month, I earned $1,700. Then I started listening to your Persuasion tapes during my drive to work and on the way home for 6 solid weeks.

"Michael, my second month, I earned $4,300. I earned $5,800 my third month - and won the Salesperson of the Month award for my dealership.

"Your *Essence of Political Persuasion* training tapes helped me regain my self-esteem, earn a good income and support my son and daughter.

"Michael, you saved my life."

M.B., Miami, FL

Shy Libertarian Gives Speeches

"Dear Michael,

"I used to be the shy guy who quietly sat through libertarian meetings. Since I started using your Persuasion Tapes, my communications skills and self-confidence have skyrocketed. I joined Toastmasters, and practiced 'Political Cross-Dressing' and 'Reverse Macho Flashing' from your *Essence of Political Persuasion* on them.

"Now I'm giving libertarian speeches to Service Clubs in my town.

"I used to be Clark Kent. Now I'm faster than Brady Bill bullets, more powerful than an Amtrack locomotive, and able to leap IRS buildings at a single bound."

C.N., San Antonio, TX

1-900 Libertarian Phone Sex?

"Dear Michael,

"The libertarian movement is like 1-900 phone sex. We spend hours talking with people about all the amazing things we're going to do, what it's going to be like and how good it'll feel. We spend hours Liber-teasing each other until we get our fantasy release.

"I'm married. My wife and I have a young daughter. Being a good husband and a good daddy to our little girl takes commitment and work. But I wouldn't trade one minute of my marriage or my family life for any amount of phone fantasy talk.

"I want real individual freedom in my life time. Your *Essence of Political Persuasion* audio tapes have given me the skills and confidence to bring more people into the libertarian movement and get them active.

"I'm fed up with liber-fantasy. I want liber-reality. We can't lose with the stuff you use. Your Persuasion tapes are the shortest distance between 2 minds."

C.M., Portland, OR

Captain Convinces Commander

"Dear Michael,

"The other night, at a social event, I got into a conversation with fellow officers over foreign policy. My Commanding Officer overheard our discussion and joined in.

"I used your 'Welfare Pigeons' and other Self- Responsibility ideas, 'Political Cross-Dressing', and turned your 'Welfare Junkies' Metaphor into a 'Warfare Junkies' Metaphor. We talked for a couple of hours.

"A few weeks later, I ran into my Commanding Officer at another gathering. He waved me over to his table and introduced me to his guests as the man who had convinced him that Europe should pay for its own defense. He then repeated my persuasive case for his guests. We had an interesting, thoughtful discussion.

"By using your persuasion methods, I was able to change the mind of a man in a position of authority. Please tell your readers that they can change the minds of leaders, centers of influence, professionals, bosses and others in positions of authority. All they need is your Persuasion Tapes and a little practice."

Captain stationed in Germany

Do you really want more people saying, "Yes, I Agree!" when you present libertarian ideas?

Do you really want the people you talk with to start advocating libertarianism to their friends?

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(astronomy). Philosophy is an epiphenomenon of science in the same sense that Santayana said mind was of brain: "a lyric cry in the midst of business."

That leaves libertarianism without philosophy. We may not like that but we have to make the best of it. The philosophical libertarians did a great service for liberty and their place in its history is secure. But it is time to drop the crutch and move on.

The term "scientific libertarianism" wove all these threads into the same banner. But the term did not stick. It did not seem to name a thing that most libertarians could endorse. George Smith once said in a debate with David Friedman that no freedom fighter ever has or will go to battle with a flag that reads "Pareto Optimality!"

Still when pushed or shoved we have to defend libertarianism. We want to say more than that it just tastes good. We want to give reasons for our beliefs and tastes. Philosophy tempts us here with its promise of logical proof and a knock-down-drag-out-30-second syllogism. But all you can prove is a tautology like "A is A." From that no fact follows. You don't establish a fact with logic or words. You do so with evidence and that is the job of science.

The best logic and philosophy can do is help sharpen our wits and help sort out what we claim and where our claims lead. Logic and philosophy will not do what we want them to do. They will not ground our value judgements in logic or fact. They will not convert taste to math theorem or causal truth. Asking them to do so can only confuse heart with head. And it smacks of an adult way of still asking the Lord to grant a casual favor in exchange for a prayer. As Bertrand Russell said: philosophy is the no-man's-land between science and theology.

Two Pragmatic Examples: Nonaggression and Taxes

Pragmatism offers a way to argue for liberty without making nonscientific claims for it. Pragmatism can help shape our political webs of beliefs. Near the center we seek principles simple in their logic and rich in their effect on actions and beliefs. The best principle grounds the other principles without conflict and grounds the social actions that can follow from these principles. Near the edges of the belief web we seek the effects of the principles on human action past and future.

The principle of nonaggression is a candidate grounding principle. It states that what is wrong is the *first* use or threat of force. What is wrong is starting the fight. In this sense it is more the principle of *anti*-aggression.

No freedom fighter has ever gone to battle with a flag that reads "Pareto Optimality!"

A pragmatic thing to ask is how would the world change if everyone (or no one) acted on the principle. Imagine U.S. and world history if the Constitution stated the principle in its opening line as the foundation of a free and just society. Imagine Stalin at the height of his power and terror switching his beliefs to fit the principle and reshaping the Soviet Union to reflect it just as the ancient Indian king Ashoka one day converted to Buddhism on a battlefield. How would things be different? What would be the cash-in value of the principle in terms of facts and beliefs? In this sense libertarian pragmatism is just a method of inquiry or way of looking in this case at the principle of nonaggression or in general at politics. It is not a doctrine or some new truth and you need not be a libertarian to practice it. The best libertarian pragmatist may well be a computer program.

"Okay, but peel it first."

The principle of nonaggression is both simple and rich. It grounds a wide range of legal prescriptions against fraud and assault and forced takings. Most of all it fits well with personal ethics in all cultures. Human nature has evolved a deep vengefulness that feels the need to repay even the slightest jab or jest between friends. We can argue that most people apply the principle of nonaggression in their own lives. We can suggest polls and studies that might test for how often we use the principle in practice and can speculate on the principle's evolutionary track record in prehistory and in more recent times.

The principle seems borne out by the new theorem in game theory that the tit-for-tat strategy (first cooperate and then reciprocate) is an optimal or stable strategy in a world of egoists. This optimal strategy is not unique since always cheating or "defecting" is stable too. The frequency that players fall into a stable tit-for-tat equilibrium depends on the odds that they will have to deal with one another in the future. We treat our neighbors and officemates better than we treat strangers in the check-out line or in distant airports just as we treat our own car better than a rental. The defection strategy beats tit for tat in an infinite crowd of strangers.

The principle of nonaggression also implies that taxation is theft. Modern liberals shrink from this and reject the principle as if the result were a *reductio ad absurdum*. Here the libertarian pragmatist can point to the logic strands in belief webs as well as to the fact strands. He can demand logical and legal consistency with the liberal's belief in a person's nonnegotiable civil rights and can argue for less aggressive ways to fund the state or argue for less costly state ends and means. He can do the same when the liberal objects to how the principle implies that the military draft and forced jury duty are forms of slavery and that eminent domain is wholesale theft. Nowhere need he claim more for liberty than his taste for it. And again he

could argue the pragmatist case even if he lacks the taste.

Taxes are unique among a libertarian's complaints. Taxes both harm the person the state takes them from and pay for the state to keep taking them from him. Cutting them cuts this positive feedback loop. A citizenry with infinite wealth could grow an infinite state. And taxes come in so many forms and with so many time horizons that to cut some and not others might give up more liberty than it gains. At a given time taxes are conserved. The state makes up for lost revenues here by taking them there or by borrowing them from future subjects.

Libertarian pragmatists have long asked how the state would change if we abolished the income tax. The question has lost its radical flavor since the income tax now makes up less than half the state's revenue in the United States. Other third parties now adopt the proposal just as they have adopted the libertarian call to abolish victimless crimes. To abolish the income tax in the future may yield no more than a symbolic triumph and may risk taking the blame for the huge state that remains. A flat tax may suffer the same fate.

I have proposed a "fuzzy tax form" to bring some personal choice into how the state spends whatever taxes it takes from its subjects. Current tax forms are binary in the sense that all the money you pay goes to general revenues. The state then spends it as it sees fit. Everything is a matter of degree in the fuzzy world view. So let half the money go to general revenue as before. That way politicians can't balk about their need to fund spot measures. The other half goes to some degree to broad categories of your choice. You may list on the form that you want 50% of it to go to debt relief and 30% to AIDS research and the last 20% to some miscellaneous cause. Or you could fill in all zeroes or leave the form blank and so get back the binary tax form as a special case. You would have that choice.

I put forth the fuzzy tax form as a fuzzy theorist. I argued for it as a libertarian pragmatist. The obvious argument is that it gives a say to those who pay and favors the pop democracy of the media and op-ed columns. It is hard to believe a politician would argue against it on the air or in public. Special interest groups would have a stake in passing it into law so that they could attract state funds straight from the source. And the name "fuzzy" gives the proposal a sense that it springs more from the forefront of science and machine intelligence than from a political point of view. In time a fuzzy tax form could change the structure of the state and the society that the state shapes. It might even make enough people ask why they have to pay their money to these categories in the first place.

The deeper pragmatic argument traces down a "concrete consequence": A fuzzy tax form could fund research contests for large cash prizes. Society gets what it rewards for. So reward researchers for breakthroughs. The latest trend is to punish them if they fail to come up with a breakthrough. That

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does not condition the same social reflexes. California now requires a minimum number of electric cars on its streets by 1998. It wants 2% or more of the cars sold there in 1998 to emit no pollutants. But in June of 1993 Whirlpool won $30 million for the cleanest and most energy-efficient design of a new refrigerator (which just happened to use fuzzy logic to control its compressor). Twenty-four electric utility companies put up the money in what may be the start of a new trend. So put up a few million dollars for the best electric car or the best way to clean up oil spills. Put up a billion dollars or 10 billion dollars or 100 billion dollars for a cure for lung cancer or AIDS. A fuzzy tax form would not just help society get what it pays for but would let it pay for what it wants to get.

The Virtual Future of Libertarian Pragmatism

Libertarian ideas and policies have come a long way in the last two decades since the Libertarian Party formed. Some ideas have sold better than others have and some policies have worked better than others have. Drug legalization has entered public discourse. But polls show that most Americans are not that worried about their taxes. They worry more about crime. So libertarian policies of restitution and private justice may come into their own in the future. And a greening of libertarianism seems sure to come with the growing joint concerns of the environment and of a world population that adds an extra 80 million babies a year. We can step back as we near the end of this century and guess at the ideas and policies that may fare best in the next century.

The future of libertarian pragmatism lies in tracing down more concrete consequences in new media. By far the boldest pragmatic idea is the Atlantis Project. It seeks to build a floating city in the free blue waters of the Caribbean Sea:

> Is true freedom possible? We at the Atlantis Project are tired of arguing about it, so we're going to find out. We're going to build a floating city in the Caribbean, founded on the principles of free thought and free enterprise.
>
> Located outside the hurricane belt in international waters east of Panama, our floating city will have small parks, theaters, schools, shopping, sports facilities, and ports for STOL aircraft, helicopters, and ships. This sea city will be the first in the new sovereign country of OCEANIA. Our painstakingly detailed constitution and laws will ensure that current and future generations will enjoy the same liberty as the founders.

The same architectural firm that designed a real floating hotel over Australia's Great Barrier Reef has since designed a small model of the floating city. Cost estimates start at a billion dollars.

Moore's Law means that every dog will have its day and sooner than we think. Socialism and Communism have had their day. Libertarianism will have its day.

The next century may see many such social experiments. They may float at sea or orbit the Earth or Sun or lie on or in the Moon or Mars. The very idea and scale of such libertarian projects helps erode the old statist notions of sovereignty and citizenship and binary property rights. Their designs and visions and conflicts will work their way into public debate just as drug legalization and city privatization have in this decade. The new ideas and dreams they supply will create and feed their own demand.

Virtual reality (VR) can speed both the supply of new libertarian visions and the demand for them. Future VR systems will let us trace down concrete consequences by directly experiencing them. The old pragmatists thought the best we could do was work them out in our heads. Today the VR game SimCity lets us design our own cities. The VR games of the next century will let us live in them as well. Think of the poll results when subjects spend a day each in the four VR test cities cast as extreme models of libertarianism, conservatism, populism, and liberalism. No arguments could compete with such direct experience. Libertarianism may stand or fall on its VR cash-in value alone.

Books and films have been the poor man's VR of the past. Ayn Rand and Robert Heinlein painted bestselling visions of their libertarian worlds in their novels. Some of the many libertarian worlds of scientific fiction stand to pass into films with the new advances in digital special effects. Oliver Stone's TV series *Wild Palms* showed a cyberpunk world where a fascist state controls the media of the future and tries to suppress the explicitly libertarian underground (as in many of Heinlein's worlds). Stone's 1991 film *JFK* put forth an "alternative myth" to that of the Warren Commission. Pundits of all stripes attacked this anti-statist movie for its denunciatory tone and its stark what-if questions. But in the end it forced the CIA to open some of its files on the Kennedy assassination. The film did in three hours what hundreds of books and articles and TV stories had failed to do over the past quarter-century. It made the state give a little. This suggests the powerful effects libertarian VR worlds can have on future hearts and minds.

The Information Age runs on Moore's Law: Computer chip density doubles every 18 months. The amount of information in society almost doubles from the time a candidate announces he will run for president to the time he takes office. There is no precedent in history for this MTV rate of cultural acceleration. And it stands to continue well into the next century if not far beyond it. The past grows more and more rapidly. It is both the graveyard of failed ideas and the birthplace of new and untried ones.

Moore's Law means that every dog will have its day and sooner than we think. Socialism and Communism have had their day. Libertarianism will have its day. Facts and logic will play a role in this. But at root they are subtle forms of coercion. Facts and logic may have little to offer the ultra-couch-potatoes of tomorrow. The best we can do is paint some of the pictures on some of their VR channels and let nature and machine intelligence take their course. The future lies in examples. ❑

Reviews

***Peddling Prosperity: Economic Sense and Nonsense in the Age of Diminished Expectations*, by Paul Krugman. Norton, 1994, 303 + xvi pp., $22.00.**

Quackery, Left & Right

Leland Yeager

Paul Krugman, a young academic superstar, classifies himself as left of center. He finds the divide between Left and Right less important, however, than "the fault line between serious economic thinking and economic patent medicine, between the professors and the policy entrepreneurs." Although the policy entrepreneur is an intellectual, he occupies the fringes of the profession. Krugman defines him as "the economist who tells politicians what they want to hear" (p. xiv).

A few professors do try to play entrepreneur, seeking the rewards of money and a heightened sense of importance. Those who manage to transcend the constraints of professorly ethics, however, "cease to be professors, at least in the minds of their colleagues. And in general it seems that it is easiest to become a policy entrepreneur if your mind has not been clouded by too much knowledge of economic facts or existing economic theories — only then can you be entirely sincere in telling people what they want to hear. As a result, most of our influential economic policy entrepreneurs, right or left, have their professional roots in journalism or law rather than economics" (12).

A Walk on Supply Side

Krugman examines "supply-side economists" as contemporary specimens of policy entrepreneurs of the Right. Supply-siders he mentions include Robert Bartley (editor of *The Wall Street Journal*), Jude Wanniski (sometime *Journal* editorial writer, author, consultant), Paul Craig Roberts (professor, columnist, think-tanker), Alan Reynolds (writer, think-tanker), and Arthur Laffer (consultant, part-time professor, napkin-doodler). Though not sharing all the characteristics of this group, Robert Mundell, an eccentric Columbia professor, somehow became their guru.

Krugman does not deny the importance of the supply side of markets, of course: no amount of demand can substitute for capacity and willingness to produce goods and services. Nor does he deny that opportunities, prices, taxes, and regulations can be powerful incentives or deterrents to production. But this message is scarcely new, and preaching it is hardly what separates supply-siders from mainstream economists.

What distinguishes supply-siders is their intellectual style: They come off as cranks, as slightly nutty outside challengers of scientific orthodoxy. They underplay the importance of demand-side issues and of the money supply. Some of them blamed the Great Depression largely on the Smoot-Hawley Tariff of 1930. One of them (Laffer) has maintained that currency devaluation never does any good but merely feeds inflation. Just before and during the Reagan years, supply-siders preached optimism about tax cuts, often without due attention to cutting government spending as well. Sometimes, apparently motivated by politics, they made excuses for government budget deficits, or wrote about deficits and even inflation with a tone of complacency. They trumpeted "growth" as the way out of economic difficulties, or out of difficulties with their own policy positions. Sometimes they played fast and loose with statistics.

Is the chronic government budget deficit of the Reagan and post-Reagan period leading us toward catastrophe or is it harmless? Does it even, as a few unreconstructed Keynesians suggest, provide beneficial economic stimulus? Krugman gives an intermediate answer, leaning more toward complacency than I myself do.

Supply-siders may complain that Krugman has not supported his charges with sufficiently detailed citations of chapter and verse. Not each of them is guilty of each charge. Still, my own (admittedly incomplete) acquaintance with them and their writings tells me that Krugman's criticisms are pretty much on target. One should be fastidious in choosing intellectual allies. Not everyone who claims to be a free-market economist is an asset to the cause.

Getting rid of bad ideas is like flushing cockroaches down a toilet: they come back sooner or later.

Strategic Industrial Policy

One especially enjoyable aspect of Krugman's book is that it is at least as hard on policy entrepreneurs of the Left as those of the Right. Just as he examined "supply siders" as specimens of policy entrepreneurs of the Right, he

focuses on a group of policy entrepreneurship of the Left: the academic vogue of "new" or "strategic" trade theory, to which Krugman himself has contributed.

This new theory — not so new, really, except in its specific details and examples — invents hypothetical, curious cases in which shrewdly applied subsidies and trade barriers could conceivably snatch the profits of imperfect competition away from foreigners for the benefit of the home country. Intellectual gymnastics like this have their legitimate place, provided the gymnasts understand and explain what they are doing. But leftist policy entrepreneurs have latched onto these theories as though they could successfully apply them to correctly identified opportunities in the real world. They imagine that they have a case for an activist trade policy — and, in general, for industrial policy, which means government identification of industries meriting special favor and industries to be eased into decline. Their key idea is that, "for a country to prosper, it must establish a leading role in the right sectors, somehow defined" (251).

If "you hear someone say something along the lines of 'America needs higher productivity so that it can compete in today's global economy,' . . . he might as well be wearing a flashing neon sign that reads: 'I DON'T KNOW WHAT I'M TALKING ABOUT.'"

Interestingly, "strategic trade has nothing to do with traditional liberal concerns about equality and social justice" (249). It takes a management consultant's view of the U.S. economy and its problems, applying concepts of business strategy to the economy as a whole — concepts which are going out of fashion in the business world itself. Still, the public "finds the simplicities of strategic trade much more palatable than the subtleties of the professors" (18).

In 1992 Krugman wrote an op-ed piece for the *New York Times* on the importance of raising productivity. An editorial assistant insisted that he "explain" why we need to be productive: "to compete in the global economy." Bill Clinton offered the same explanation in February 1993 when trying to justify his tax-hiking economic package. But the supposed explanation is wrong. "We need to be more productive in order to produce more, and this would be true even if the United States were completely without foreign competitors or customers" (268).

Refreshingly, Krugman admits that he does not have the definitive explanation of the slowdown in U.S. productivity growth. The slowdown worries him not because of any supposed problem of global competitiveness, but because productivity and production are decisive for the standard of living. What counts is overall productivity, so productivity growth is more important in large than in small sectors of the economy, whichever kinds of competition they may be facing. If, instead, "you hear someone say something along the lines of 'America needs higher productivity so that it can compete in today's global economy,' never mind who he is, or how plausible he sounds. He might as well be wearing a flashing neon sign that reads: 'I DON'T KNOW WHAT I'M TALKING ABOUT'" (280).

Two people as good as wearing this sign are Robert Reich and Ira Magaziner, both of whom attended Oxford with Bill Clinton and developed their ideas over years of conversation with the future president. Reich, originally a lawyer and now Clinton's secretary of labor, began advocating a U.S. industrial policy in op-ed pieces and magazine articles and books; he portrayed himself as a second Adam Smith by titling his 1991 volume *The Work of Nations*. But he "was isolated from his colleagues at Harvard, who conspicuously refused to change his title from Lecturer to Professor, a serious academic snub" (249). Meanwhile, Magaziner summed up his views on international competition in the title of his 1990 book, *The Silent War*.

Other sign-wearers include Robert Kuttner, *The New Republic*'s house propagandist for industrial policy, and Lester Thurow, whose book on economic rivalry, *Head to Head*, has been flaunted and cited by the president. Thurow's appearance on Krugman's list of unadmired persons is a delicious irony: Thurow is business school dean at MIT, the very university where Krugman teaches.

Alan Blinder, in his 1987 book *Hard Heads, Soft Hearts*, states Murphy's Law of Economic Policy — "Economists have the least influence on policy where they know the most and are most agreed; they have the most influence on policy where they know the least and disagree most vehemently" — and O'Connor's Corollary: "When conflicting economic advice is offered, only the worst will be taken." Similarly, Krugman explains that bad policy ideas tend to drive out good ones. Like the conservative professors who backed Reagan in 1980, today's liberal professors cannot believe that what they perceive as the silliness of Democratic policy entrepreneurs will be allowed to govern policy. Both groups have been proven wrong: "If there is any underlying trend in ideology, it is not to right or left but toward a sort of non-partisan dumbing-down" (19).

Here's how Gresham's Law of policy ideas works. Once an administration accepts bad ideas in one area, they "drive out good ones even in seemingly unrelated areas" (290). One of Krugman's examples focuses on Ira Magaziner, head of the Clintons' health-care task force. Professional economists had humiliated Magaziner on the issue of industrial policy at a conference in 1983, and he was severely criticized around the same time by economists from the Brookings Institution. Subsequently, he excluded Brookings economist Henry Aaron from his medical-reform deliberations, along with virtually anyone else with a background in health-care economics, despite Aaron's recognized expertise in the field and his left-liberal and pro-Clinton credentials.

Bad policy ideas tend to drive out good ones.

In short, "when a government is committed to an ideology that all real experts know to be wrong, this tends to

exert a chilling effect on its ability to get anything else right, even in areas in which that ideology seems to have no bearing" (290). Or, more precisely:

> If there is an economic dogma that is simply, flatly, demonstrably wrong, then good economists are likely either to have said that it is wrong or to be associated somehow with other economists who have said that it is wrong. If this wrong-headed dogma is then adopted as the official ideology of an administration, it therefore tends to drive out good economic ideas in general, even where they do not on the surface conflict directly with the dogma. . . . [Early indications are] that the foolish simplicities of strategic trade were damaging the ability of the Clinton administration to make good policy decisions across a surprisingly broad front. (291)

Getting rid of bad ideas is like flushing cockroaches down a toilet, Krugman recognizes: they come back sooner or later. But it would be wrong to give up the struggle.

Implications and Conclusions

Before drawing implications, I'll hail Krugman's soundness on some strands of academic economics that lack direct policy relevance. Recognizing that professors are an "inherently faintly ridiculous" species (8), he understands how the incentive structure of the academic world rewards clever technique more than plodding research into how the economy actually works. He duly takes to task the "new classical economists," believers in rational expectations and equilibrium-always who attribute such preposterous near-perfection to markets as to risk drawing ridicule onto free-market economics in general. Despite its "unrealism bordering on silliness" (52), their business-cycle theory apparently gained some appeal from its conservative political implications. Similarly, Krugman is duly scornful of "real-business-cycle" theories, which exclude monetary causes from their explanation of cyclical fluctuations. This theoretical fad illustrates how the internal dynamics of the academic game tend to displace contact with reality.

Although Krugman comes across as a pretty accurate commentator on persons and doctrines prominent during his own professional lifetime, he becomes unreliable when describing earlier doctrines. Most notably, he interprets Keynesian economics as emphasizing the importance of effective demand, of money, and of wage-and-price stickiness. These elements are indeed central to macroeconomics, but recognizing them was not the defining innovation of Keynesianism. On the contrary, they characterize old-fashioned (e.g., Clark Warburton's) monetarism, with which Krugman shows no acquaintance. He also says that Keynesians as well as monetarists saw the Great Depression as largely a monetary phenomenon; this, of course, is false. Krugman also makes historical slips regarding two technicalities, the liquidity trap and the real-balance effect.

It is ironic that Krugman pretty much assimilates Keynesianism to the promising monetary and macroeconomic doctrines that, in fact, it nearly crowded off the scholarly scene for several decades. These doctrines are now being independently rediscovered, refined, and extended in a line of research misleadingly labeled the "New Keynesian Economics." Krugman sympathetically sketches some of its main themes. If Krugman and some of the New Keynesians consider the history of economic thought too unimportant to be worth getting straight, I can't help but wonder why they bother mentioning it at all.

THE WORKING MAN

On the other hand, Krugman does do a good job criticizing one famous policy entrepreneur of the past. Readers should relish his dissection of John Kenneth Galbraith, accurately regarded by his academic colleagues as more media personality than economist. Although the popular press reviewed his *The New Industrial State* rapturously, the academics rightly treated it with indifference. Galbraith then "turned to increasingly bitter attacks on his fellow professors. . . . John F. Kennedy brought him into his administration, but literally put him as far from economic policy as possible by making him Ambassador to India" (14).

Perhaps unintentionally, Krugman gives libertarians new reasons and arguments for fighting ambitious government management of the economy. We already had the main economic reasons, developed in the Mises-Hayek analysis of socialist calculation and borne out in the worldwide collapse of socialism. The Public Choice school developed political reasons, explaining how an activist government tends to be perverted, in John Gray's words, into a key weapon in a Hobbesian war of all against all. Now Krugman gives us his Gresham's Law of ideas, explaining how bad ideas in one area of application infect other areas. Peddlers of bad ideas, once they have gained influence, act to protect themselves

against being shown up; in doing so, they surround themselves with people like themselves. Furthermore, Krugman demonstrates this in a well-written book that is enjoyable to read.

Libertarians should avoid hastily classifying thinkers into two groups, good guys and bad guys. Some apparent allies, like the supply-siders, may turn out to be embarrassments. And some self-styled (left) liberals and Keynesians may have much to teach us. ❑

***Hayek on Hayek: An Autobiographical Dialogue*, by F.A. Hayek; Stephen Kresge and Leif Wener, eds. University of Chicago Press, 1994, 170 pp., $27.50.**

The Evolution of an Independent Mind

Timothy Virkkala

"I've a theory that all economists who serve in government are corrupted as a result of serving in government," Friedrich Hayek once said. "I owe my own independence [to the fact] that I cleared out of every country as soon as they started using me for governmental service." This is one of the many little gems in *Hayek on Hayek*, edited by Stephen Kresge and Leif Wener, a light adjunct to "The Collected Works of F.A. Hayek."

Hayek on Hayek opens with an excellent biographical essay by Kresge, which contains some interesting information I have not seen elsewhere — for instance, Hayek's divorce and second marriage, and its relation to his move to America. But the bulk of the slender volume consists of memoirs by Hayek, interspersed with interviews expanding thoughts and subjects covered in the memoirs. It also includes a radio "debate" that Hayek subjected himself to in the wake of the popularity of his *Road to Serfdom*. This "round table" discussion with two American com-symps — er, "progressive socialist-liberals" — is a gas. As is the whole book.

The appeal of *Hayek on Hayek*, I readily admit, is all the gossip in it. Of course, since much of this is *old* gossip, and about famous people, it qualifies as *history*. But it is not the kind of history professors dole out to their students:

• Lord Beveridge "was completely ignorant of any economics whatsoever" (p. 83), and did not write the most important parts of his famous book on unemployment (the book that brought Keynesianism to the unwashed masses of politicians). He once wrote, after much counselling by Hayek on the nature of inflation, "But unfortunately, as Professor Hayek has discovered [!], an increase in the quantity of money tends to drive up prices" (84).

• "Harold Laski was a pathological problem. Even among his friends today, they recognize he was a pathological liar" (82).

• Hayek saw the great economist Carl Menger only once, and in a later tribute described the founder of the Austrian School of Economics as "tall." This one bit of personal observation in a generally scholarly account was, in fact, the only inaccurate statement: Menger was actually "quite medium-sized" (54). Hayek, impressed by Menger's bearing, and perhaps overawed by his intellect, simply overestimated his *physical* stature.

• Though by age 15 a convinced agnostic, Hayek's "position *vis-à-vis* the different Christian churches was somewhat ambivalent." As Hayek confesses, he "felt that if somebody really wanted religion, he had better stick to what seemed to be the 'true article,' that is, Roman Catholicism. Protestantism always appeared to me a step in the process of emancipation from a superstition — a step which, once taken, must lead to complete unbelief" (41).

• Contrary to rumor and suspicion, Ludwig von Mises failed to obtain a post at the University of Vienna not out of anti-Semitism (Mises was a Jew), but because the Jewish members of the faculty hated him (Mises was an anti-socialist; they were all socialists).

• Hayek was a mountain-climber, and this fact about him — *not* any contribution he made to economics — was what primarily interested Cambridge economist A.C. Pigou.

• Despite John Maynard Keynes' and Hayek's disagreements over economic theory — Hayek figured that Keynes had spent no more than a year studying economics, and that Keynes' knowledge of economic theory was pretty much limited to that of economists of Cambridge, where Keynes taught — the two were actually pretty good friends.

• Though Keynes prided himself on his political influence (he described himself as "Cassandra"), he was unable to get the British government to go along with his and Hayek's plan to fund the war effort in a non-inflationary way. (Could Hayek's support of the scheme have been the jinx?)

For the half-dozen or so people obsessed with trivia about economics and economists, this book is a gold mine. For those trying to make sense of the two most important anti-socialist thinkers of our socialist-drenched age, *Hayek on Hayek* is also helpful. We get a lot of Hayek here, but alas not much Mises; if you want Hayek's more studied thoughts about his mentor, you'd best consult Volume IV of the Collected Works, *The Fortunes of Liberalism* (1992), which contains a fascinating chapter on the older economist.

The appeal of this book, I readily admit, is all the gossip in it. Of course, since much of this is old gossip, and about famous people, it qualifies as history.

For my part, I was looking for an explanation of how a major intellectual

figure like Hayek could recapitulate most of the major ideas of one of his most influential predecessors, Herbert Spencer, without ever mentioning him. Was it a case of politic careerism? It is difficult to come up with a thinker as out of favor as Spencer was during the time Hayek was building his reputation. But once that reputation was established, he would have little reason to slight an un-P.C. antecedent. And Hayek, the consummate historian of ideas, was never reticent about giving credit.

Hayek felt that if somebody really wanted religion, he had better stick to what seemed to be the "true article," that is, Roman Catholicism.

But I found no smoking gun in *Hayek on Hayek*. Instead, I found quite a lot of evidence suggesting that Hayek's similarity to Spencer is a case of convergent evolution, of a later species evolving to fill the niche left by an extinct one. Few things are more certain than that during the middle 40 years of this century, the years of Hayek's flourishing, Spencerianism was as extinct as the Dodo.

The best evidence for Hayek's independence is found in his work in psychology. In these memoirs, Hayek takes pains to relate his early work on the psychology of sensations to his growing dissatisfaction with the ideas of Ernst Mach and the Vienna Circle. His solution to the problems of sensation, memory, and concept-formation may be Spencerian, but it is apparently the result of original research. Readers curious about the development of Hayek's psychological theory or its fruition in the least famous of his great works, *The Sensory Order* (1952), will be pleased with its extensive treatment in *Hayek on Hayek*. It appears that any similarity between *The Sensory Order*, regarded by some scholars as ahead of its time, and Spencer's *Principles of Psychology* of 1855 and 1870, is coincidental.

(There are more spectacular similarities between the two thinkers — "spontaneous order," social evolution, group-selection theory, and a sophisticated opposition to social engineering being only the most obvious. These similarities suggest *some* sort of influence. Perhaps Hayek got Spencer's ideas through others. Menger and Friedrich von Wieser are two good possibilities: Menger is the most important post-Spencerian "spontaneous order" theorist, and Wieser turned away from history and toward the more abstract social sciences primarily because of Spencer's work. Mises, who cited Spencer as a precursor, is also a possibility for such indirect influence.)

Of course, the filiation of Hayek's ideas is the prime interest in a book like this. Happily, it adds to our stock of knowledge on this subject. For instance, the similarity between Hayek's thought and Immanuel Kant's is treated nicely (and, thank the Invisible Hand, *concisely*). Appropriately, Hayek discusses his affinity with Karl Popper's work at greater length. Though this book is no substitute for the more thorough treatments of this subject available, it is good to have a primary document, something parallel to Ludwig von Mises' *Notes and Recollections* and Margit von Mises' wonderful and peculiar *My Years With Ludwig von Mises*. Like these books, it imparts a sense of the subject's personality. It also draws a picture of the evolution of Hayek's thought — of its integration, its increased sophistication, and (of course) its divergence from mainstream twentieth-century ideas.

Hayek on Hayek is elegantly designed, with photographic plates and a typesetting style worth noting: the memoir portions are typeset in standard book style, while the interview portions are in a sans-serif type, without right justification. The index is also helpful, with short biographies and bibliographies of all the personages cited in the text. Alas, here I detected two small errors:

1) Carl Menger is described as an "economist and mathematician." Though Menger likely knew math, he is infamous for not having used it in his economics. It was his son, Karl Menger, who was the professional mathematician.

2) Surely the editors could have found the date of death of Hans Mayer, who succeeded Wieser at the University of Vienna. The citation (p. 166), reads "Hans Mayer (1879–?; Austrian economic historian. Author, *Die Wirtschaft-*

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slehre der Gegenwart (1927–1932))". For the record, Mayer died thirty-seven years before Hayek, in 1955.

But these are minor flaws. It is Hayek who is the center of attention in this book, and I hazard that he should be judged independently of Spencer, Mises, and Mayer. And editors Kresge and Wener have been careful not to err regarding his life, or his opinions. ❑

***George Wallace: American Populist*, by Stephan Lesher. Addison-Wesley, 1994, 587 pp., $23.95.**

An Independent American

Bill Kauffman

In 1968, a curious voter had to travel far west, across the Death Valley of *Time* and *Life* and *The New Republic*, all the way to the New Left monthly *Ramparts* to find a single sage observation about rebel third-party presidential candidate George Wallace. Journalist Pete Hamill, while genuflecting enough to keep from getting expelled from the church, keenly noted that "Wallace and the black and radical militants . . . share some common ground: local control of schools and institutions, a desire to radically change America, a violent distrust of the power structure and the establishment. In this year's election, the only one of the three major candidates who is a true radical is Wallace."

Alas, the two healthiest factions of '60s politics — the Wallace populists and the New Left decentralists — never surmounted the cultural barriers that separated them, preferring to lob maledictions over the fence: "fascists," "pinkos," "dirty beatniks" (an archaism Wallace loved) . . . the whole dispiriting witless list. In a sane world Creedence Clearwater Revival would've played "Fortunate Son" at Wallace rallies, but as it was the Alabama bantam's showbiz supporters were limited to Chill Wills, Walter Brennan, and George "Goober" Lindsey.

Wallace revived American populism after its 30-year New Deal- and World War II-induced slumber, and for that, I for one am eternally grateful. "They all saying today what I was saying back then," Wallace noted recently — but with the exception of Ross Perot, they all liars.

Stephan Lesher's fine new biography, *George Wallace: American Populist*, ought to occasion reassessment of the most reviled public figure of our time. (It won't, but that's another matter.) Lesher covered Wallace for *Newsweek*; he is a Southern liberal who reminds us, whenever the picture gets too rosy, which side *he* was on in the civil rights struggle, but his book is noteworthy for its fairness to a subject who doggedly refuses to be lovable.

George Corley Wallace was not the reading kind, but he did have some understanding of Southern history and his role in it, so it's meet that he was born in Clio, Alabama. As a boy he accompanied his physician grandfather Oscar on his rounds in the country. George's father — sickly, ineffectual, and irritable — lost through foreclosures most of the land Oscar had accumulated.

George was a popular, pugnacious kid, twice an Alabama Golden Gloves champ (at 115 and 120 pounds). Unlike the populist *poseur* Harry Truman, who as a child was a sissy and a pipsqueak, George Wallace was a scrawny but tough kid who played quarterback in high school. He worked his way through the University of Alabama and its law school before enlisting in the Army Air Corps (his bomber crew flew the improbably named *Little Yutz*); in wartime, he married 16-year-old Lurleen Burns, who worked behind the cosmetics counter in Kresge's in Tuscaloosa.

Discharged, broke, and ambitious, Wallace secured a sinecure as assistant attorney general from Governor Chauncey Sparks, a fellow Barbour County resident. In 1946, at age 27, he won a seat in the state legislature, where his primary goals were reducing the sales tax and establishing technical and vocational schools throughout the state. (He was successful at the latter; three schools for whites and two for blacks were created in 1947.) In 1952 he was elected to the circuit court, where he earned the sobriquet "the fighting little judge." During this time, Wallace was a wary ally of the entertainingly eccentric populist Jim Folsom, who dominated Alabama politics in the 1950s; like Folsom, he was regarded as supportive of black interests. (Wallace asked for, and got, appointment as a trustee of Tuskegee Institute.)

In 1958 Wallace lost his first race for governor to Attorney General John Patterson, an arch-segregationist. Marshall Frady, the purple-penned New Journalist (imagine James MacGregor Burns under the influence of Tom Wolfe) who wrote the cheap shot biography *Wallace* (1968), claimed that Wallace vowed after this loss, "Boys, I'm not going to be out nigguhed again." Frady's story became a canker of Wallace folklore, but Lesher finds no evidence that Wallace ever said such a thing. (The funniest story in Lesher's book concerns the '58 primary. Candidate Shorty Price, a state legislator, was arrested for urinating on a fire hydrant one boozy night. Price complained that his arrest showed that he didn't even "have as many rights as a damn common dog.")

In a sane world Creedence Clearwater Revival would've played "Fortunate Son" at Wallace rallies, but as it was the Alabama bantam's showbiz supporters were limited to Chill Wills, Walter Brennan, and George "Goober" Lindsey.

Wallace was elected governor of Alabama in 1962; he delivered a memorable inaugural address, vowing, "I draw the line in the dust and toss the gauntlet before the feet of tyranny, and I say: segregation now, segregation tomor-

row, segregation forever." (This speech was largely ghosted by Asa Carter, a white supremacist who under the pen name Forrest Carter wrote the charming Cherokee coming-of-age novel *The Education of Little Tree*, as well as *Gone to Texas*, the source of Clint Eastwood's masterpiece *The Outlaw Josey Wales*.)

In his first year in office Wallace became a snarling symbol of white intransigence when he "stood in the schoolhouse door" in defiance of the Justice Department's demand that the University of Alabama admit two (well-qualified) Negro students. He claimed to represent the historic rights of localities against the encroaching national leviathan; he decried President Kennedy's federalizing of the Alabama National Guard as part of the "trend toward military dictatorship in the country."

He explained himself on *Meet the Press*: "I think it is a dramatic way to impress upon the American people this omnipotent march of centralized government that is going to destroy the rights and freedom and liberty of the people of this country if it continues, and we in Alabama intend to resist this centralized control, where they now tell us whom you can eat with and whom you can sell your house to. This is the great constitutional principle upon which we stand in Alabama."

He used the same vocabulary — libertarian, particularist, high-minded — in denouncing the Civil Rights Act of 1964, which he warned "will extend federal control over business, industry, and individuals." He raised the specter of "a welfare state where government referees all rights and the individual is subject to the caprice and whim of an autocratic, all-powerful government structure."

As Lesher notes, Wallace was becoming "a man who opposed federal intrusion into everyday life, not a man who opposed blacks." When he scared the hell out of the Democratic establishment by running strongly in a handful of primaries in 1964, Wallace deftly muted his racism and took his stand on the original federal principle: "A vote for me in Wisconsin is not a vote for segregation. It is a vote for the right to run your schools, your business, your lives as you and you alone see fit."

Then came 1968. Go back and read Wallace's press from that campaign. The corporate media feared and loathed him as they have no postwar politician with the possible exception of Ross Perot. (It is my firm conviction that had Perot not stupidly aborted his candidacy to save his daughter the shame of those doctored photos of her in a Sapphic clinch, the Texarkana populist would've been shot with Bremer's bullets. A safe rule of thumb when reading our stateside *Izvestias* and *Pravdas* is that a "demagogue" offering "simplistic solutions" and baring a "dark side" is, hands down, the best and most independent man in the race.)

Wallace, we were told, was a crude and malevolent force, an unthinking vessel of evil who spoke to the brownshirt in the mill, the Klansman on the beat, the bully in the shop, the bigot with a mop. The candidate was presented to easterners via a series of articles by housebroken southern journalists whose common treasonous ambition — often realized — was to work for the *New York Times* and piss on their ancestors' graves. Right-thinking people everywhere breathed a sigh of relief when on election night Walter Cronkite announced in his pompous, dim-witted way, "George Wallace has gone down to ignominious defeat." (Well, not quite: he won 9.9 million votes, or 13.5% of the total cast, and five states worth 46 electoral votes.)

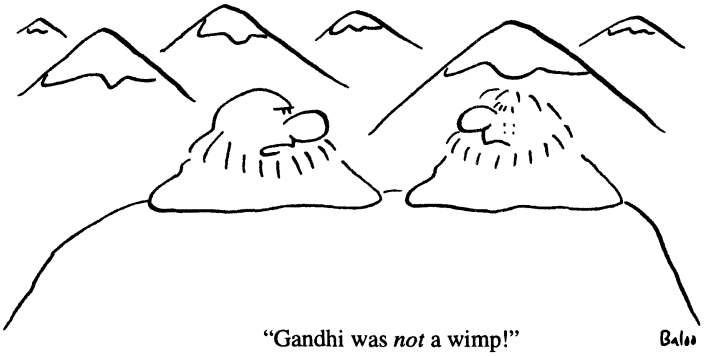

"Gandhi was *not* a wimp!"

So what did this boiling cauldron of hate want? James J. Kilpatrick's sneering profile of Wallace in *National Review* (April 18, 1967), which made the Governor Regent (wife Lurleen was keeping the seat warm) sound like a hookworm-addled cracker with moonpie smeared over his inbred, cross-eyed face, quoted the Dangerous Fascist: "The biggest domestic issue for 1968? I'll tell you. It's people — our fine American people, living their own lives, buying their own farms, working the way they like to work, and not having the bureaucrats and intellectual morons trying to manage everything for them. It's a matter of trusting the people to make their own decisions."

A safe rule of thumb when reading our stateside Pravdas is that a "demagogue" offering "simplistic solutions" and baring a "dark side" is, hands down, the best and most independent man in the race.

(*National Review* founder William F. Buckley, Jr. disdained Wallace as an uncouth "country and western Marxist" — but then Buckley and his dear friends Roy Cohn, Allard Lowenstein, and John Kenneth Galbraith were not exactly habitues of the Grand Ole Opry.)

Wallace was sharp enough to realize that Humphrey and Nixon were the same monster; he called his makeshift organization the American Independent Party, a name that sums up everything his opponents were not. The insurgent memorably described our one-party system back in 1966: "You can put LBJ in the sack. You can put HHH in the sack. And you can put Robert 'Blood-for-the-Vietcong' Kennedy in the sack. You can put Earl Warren in the sack; Warren doesn't have enough legal brains in his whole head to try a chicken thief in my home county. You can put wild Bill Scranton and the left-wing Governor Romney and Nelson Rockefeller, that socialist governor, in the sack. Put 'em all in the same sack, shake 'em up. I don't care which one comes out, you stick him back in — because there isn't a dime's worth of difference between them."

Wallace's faith in The People was

complete. "This is a people's awakening," he explained in 1968. "Those pluperfect hypocrites in Washington don't know what's coming over you. Well, if they'd gone out and asked a taxi driver, a little businessman, a beautician or a barber or a farmer, they'd have found out. But no, they don't ask those folks when they make their decisions. They ask some pointy-headed pseudo-intellectual who can't even park his bicycle straight when he gets to campus, that's who they ask. But they're not ignoring you now. You're tops. You're the people."

If the Vietnam War was not winnable with conventional weapons within 90 days of his taking office, Wallace pledged an immediate withdrawal of our troops.

His was an agrarian populism that harnessed a Jeffersonian vision of a country of landed freemen to a post-New Deal conception of the role of government in the national economy. Understanding that "the abnormal growth of . . . urban centers has created and compounded many of our socioeconomic problems," Wallace proposed a series of incentives to lure industry to rural America, in part to disperse population and encourage those poor whites and blacks of the Southern diaspora to trade the ghetto for birdsong and sunrise. As he told Tom Wicker, "I don't think God meant people to be all jammed up in cities. No courtesy, no time, no room — that's all you get in cities."

His most incendiary proposal was to tax the foundations endowed by "multibillionaires like the Rockefellers and the Fords and the Mellons and the Carnegies," as well as the commercial property of churches. He also promised to compel the employees of the Department of Health, Education, and Welfare to "throw their briefcases in the Potomac River."

Far from being the saber-rattling jingo of the Big Bad Wallace myth, the candidate advocated a foreign policy of prudence and sobriety (though he did delight in castigating that red-yellow devil "Mousey Tongue"). Though not in the resplendent Tom Watson/Huey Long tradition of rabble-rousing southern anti-imperialism, Wallace was a far less sanguinary internationalist than Humphey or Nixon. He was the last American politician to make the Old Right bugbear of foreign aid a major issue: "The average citizen is fed up with this foreign aid . . . to countries from Afghanistan to Zanzibar." He urged burden-sharing on the nations of Europe, Asia, and every established hegemony. If the Vietnam War was not winnable with conventional weapons within 90 days of his taking office, Wallace pledged an immediate withdrawal of our troops. "The hell with it," Wallace aides said of Vietnam to Pete Hamill. (His disastrous choice of vice-presidential candidate General Curtis "Bomb them back into the Stone Ages" LeMay — a self-described "moderate Republican," by the way — obscured his relative sensibleness on peace matters.)

On May 15, 1972, at the Laurel Shopping Center in Maryland, a wacky cipher named Arthur Bremer pumped five shots from a .38 caliber revolver into Wallace, permanently crippling the governor and ending his threat to the managers and owners of the American state. Another lone gunman, straight from central casting: this one was even thoughtful enough to keep a hilarious Diary of a Mad Utterly Solitary Assassin. Bremer's rambles were later published; Gore Vidal has speculated that a pro ghosted this bizarre memoir, and that the Wallace hit was not as random as our intrepid seekers of the truth insist. (See "The Art and Arts of E. Howard Hunt" in Vidal's *Matters of Fact and Fiction*, 1978.)

A Wallace presidency would've been a strange interlude. In 1971, woolgathering with a reporter, he suggested that a Wallace Cabinet might have Milton Friedman as treasury secretary — and George Meany as secretary of labor. He'd have eliminated foreign aid and reduced our commitments in exotic corners of the world. He'd have shifted the tax burden upward, off the beleaguered middle and working classes and onto the wealthy and whichever corporations he disliked. Federal desegregation orders and civil rights initiatives would've been defunded and rescinded, but the dollars would have poured like Niagara into road maintenance and park cleanup and other public-works jobs. Paradise, no, but fewer American boys would die in alien jungles, and some Americans — for instance, the good people of South Boston — would have been significantly freer in their daily lives.

Wallace was a politician, which is to say that as a man he was (or is; how ghostly he seems already) a virtual nullity. His personal life is a depressingly familiar story of ornamental wives, neglected children, corrupt cronies, and the occasional shiv in the blades to a friend no longer useful. (Idea for an unpublishable essay: the emasculatory effect of image-conscious second wives — Cornelia Wallace, Elizabeth Dole, Nancy Reagan — on contemporary American politicians.)

Yet George Wallace had a genuine feeling for ordinary folk, and he voiced their grievances with wit and fire. He was also far-sighted in his prediction that civil rights laws would become Big Brother's cudgels. The public accommodations provisions of the Civil Rights Act of 1964 did violate on a massive scale the right of restauranteurs and hostelers and other businessmen to serve (or not serve) whomever they please. This is, admittedly, a vexing matter, and one on which there seems to be a good deal of dissimulation (and judicious silence) on the part of respectable critics who understand which cattle may be slaughtered and which must be worshiped. Few things rankle like petty racism, but the American response to a Lester Maddox barring blacks from his chicken joint should be boycott, ridicule, and ostracism, not calling in the Justice Department.

"A vote for me in Wisconsin is not a vote for segregation. It is a vote for the right to run your schools, your business, your lives as you and you alone see fit."

In 1966 Wallace told Tom Wicker, "The real problem ain't race. The real problem is these intellectual liberals who take power and oppress people." Has anyone ever offered a pithier definition of the civil rights mess? George Wallace, American Populist, was also George Wallace, American Prophet. ❑

***The Penguin Book of Rock & Roll Writing*, edited by Clinton Heylin. Viking, 1993, 682 pp., $27.50.**
***From the Velvets to the Voidoids: A Pre-Punk History for a Post-Punk World*, by Clinton Heylin. Penguin, 1993, 384 pp., $14.00.**
***Ranters and Crowd Pleasers: Punk in Pop Music, 1977–92*, by Greil Marcus. Doubleday, 1993, 438 pp., $22.00.**
***Route 666: On the Road to Nirvana*, by Gina Arnold. St. Martin's Press, 1993, 228 pp., $12.95.**

Rock, Paper, Scissors

Brian Doherty

Of all popular art forms, rock music may seem the least worthy of extended literary or critical commentary. It is both a folk art and a commercial art, and its appeal, even in the sober musings of professional critics, often depends more on the enthusiasm, emotionalism, and hyperbole of the fan than the quiet, reflective intelligence expected of the critic or historian.

The recently deceased composer Frank Zappa — who was generally marketed as "rock," though he had nothing but contempt for the form, because he insisted on yoking his modern jazz and classical compositions to lyrics dependent on sophomoric toilet humor — had a famous quip about rock journalism being "people who can't write interviewing people who can't talk for people who can't read."

The jibe is funny, but inaccurate. The best rock journalism is not chatting with performers, but history, criticism, and analysis by aware and intelligent fans. Rock writing usually appears only in ephemeral magazine and newspaper form, and only rarely finds itself between book covers; its professional rewards, in prestige or cash, are slight. Rock writers must of necessity be motivated, at least initially, by love of the music or the community and way of life that surrounds it. (Or, in some cases, love of an easy, sleazy way to grub a meager living licking the butts of cretins and spreading received opinions about the worst sorts of commercial tripe.)

Such love, combined with the insularity of fandom and the difficult intellectual work involved in writing what one is really trying to say about a nonnarrative art like music, often makes for essays thick with jargon and dependent on a ready collection of descriptive clichés. Clinton Heylin calls this lingo "rockspeak," and *The Penguin Book of Rock'n'Roll Writing*, which he edited, is full of examples of it: "drive," "aggression," "raw, basic," "hard, tough, edgy," "fierce, self-destructive."

But the essential quality of good (and much bad) rock criticism is its attitude toward rock music and rock culture. As Caroline Coon writes in Heylin's Penguin collection, "The audiences are revelling in the idea that any one of them could get up on stage and do just as well, if not better, than the bands already up there. Which is, after all, what rock & roll is all about." Some version of this idea of rock as a necessarily demotic art is expressed by many of the dozens of authors in the Penguin book.

What, then, have scriveners to add to our understanding of this scrappy folk art that requires so little formal or technical skill? Is the historical and sociological commentary, hagiography, and criticism in these books necessary or valuable?

Rock's value as folk art does not, I hope, require an extended defense. It stands as late-twentieth-century America's grandest contribution to the musical and literary vocabulary of the world's popular culture. Opera is the only form that even approaches rock in its coherent combination of the physical and emotional immediacy of music, grand theatrical gesture, and the balance, beauty, and insight of the written and sung word. Rock can communicate on more aesthetic levels than music or poetry alone.

But for them who lack ear to hear, the intellectual tradition of rock criticism as represented in the Penguin collection is ill-equipped to enlighten. True, the writing is almost uniformly interesting, emotionally vivid, and colloquial, as befits its subject. It addresses almost every aspect of modern rock as art and business: obituaries of musicians, commentary by rockers on their music and lives, criticism that both adores and reviles. But a problem remains, one diagnosed long ago by Ezra Pound: "We talk about the odor of music and the timbre of a painting because we think we suggest what we mean and are too lazy to undertake the analysis necessary to find out what we do mean." Elvis Costello's snide comment that "writing about music is like dancing about architecture" is apposite, and more so for rock than any other genre.

Too often, rock writing consists of cries of enthusiasm or approbation that work only on an emotional level.

Too often, rock writing consists of cries of enthusiasm or approbation that work only on an emotional level. It might be understood but cannot be explained; it's more like sloppy poetry than criticism. In many cases, it aspires to the off-kilter emotional suggestiveness of its subject rather than the precision of the critic. And to the untrained

or unappreciative ear, rock really can sound like just a lot of noise, especially the more harsh and underground punk rock discussed in these books. So there is some explaining to do. The Western musical tradition's values of structure, elegance, modulation, melody, and harmony are often irrelevant to, subverted by, or stomped on in rock. And even when it pays homage to those verities, it usually does so in such a simple and repetitive manner that the experienced musician can well sneer.

Rock's social role as an accompaniment to the cretinous or foolishly ebullient activities of adolescents assembled in clubs, dances, and parties is also well-known, and doubtless hinders rock's prospects for critical acceptability among the intelligentsia (who rarely seem to understand it even when they try). So what makes late-middle-aged professional intellectuals like Greil Marcus and Clinton Heylin so obsessed with rock?

Opera is the only form that approaches rock in its coherent combination of the physical and emotional immediacy of music, grand theatrical gesture, and the balance, beauty, and insight of the written and sung word.

Marcus attempts to address this question, without directly acknowledging its importance, in some of the collected magazine journalism that makes up *Ranters and Crowd Pleasers*. He expresses his love for Bruce Springsteen, Elvis Costello, Gang of Four, the Au Pairs, Sonic Youth, and others in language that attempts to harness this noise, these little popular song-poems, to political, social, and emotional realities that the cynical might assume are far beyond the power of the music to reach. But fellow fans realize that Marcus is indeed onto something, even when he slips into seemingly absurd hyperbole — for instance, his claim that the Clash's music inspires "disbelief that mere human beings could create such a sound, and disbelief that the world could remain the same when it's over."

The fan knows that rock's combination of volume, repetition, simple melodic devices, speed, and direct verbal meaning can indeed make life seem this way sometimes; that rock can galvanize, inspire, excite, and even educate; that it is a uniquely powerful mode of communication.

In an essay explaining why an author might have chosen to use Rod Stewart's excellent song "Every Picture Tells A Story" as an element in her short story, Marcus writes: "I sometimes wonder how good a song has to be to make its way into fiction like that — into a life like that." He goes on to define a good record as "one that carries surprise, pleasure, shock, ambiguity, contingency . . . each with a faraway sense of the absolute; the sense that either for the whole of a performance . . . or more often for a stray moment, someone . . . wants what he or she wants, hates what he or she hates, fears what he or she fears, more than anything in the world . . . one that, entering a person's life, can enable that person to live more intensely." Marcus' impassioned and far-ranging book makes the case that rock music is as worthy of attention, and is as capable of serving the function of art, as poetry or more "culturally privileged" musics from the European classical tradition. He assumes from the outset that this is true; there is no stench of apologetics in this book, merely the assurance and urgency of a writer certain of the vital importance of his subject matter.

Of course, a professional violinist earning union scale in a modern symphony orchestra reading about the latest shenanigans of an Axl Rose may well wonder who's culturally privileged: the one earning millions or the one with the dubious honor of being embraced into a highbrow canon. Rock is a big business and a huge cultural presence, whether intellectuals take it seriously or not. The Penguin book recognizes on and off the necessity of considering the business as well as the music in trying to understand or explain rock music.

As Michael Lydon writes in his essay "Money: Rock for Sale," rock "was never an art form that just happened to make money, nor a commercial undertaking that sometimes became art. Its art was synonymous with its business." He later writes that "the companies that produce it and reap its profits have never understood it," thinking that this makes rock'n'roll unique. Actually, in a world of international megacorporations owning interests in every part of commodity culture, this is a necessary part of modern capitalism, and its effects can be both malign and benign. But the dark side is obvious: in modern radio and record production, it can limit the public's exposure to a wide range of music, denying listeners pleasure and corporations revenue.

The mass distribution network has let rock as an art form down. The best music is not being heard beyond a small core of what performer/critic Joe Carducci in the Penguin book calls "the real rock music audience . . . part hipster, part record collector, part music fan, part groupie, part misfit." This is accurate, and it is depressing, except to those hipsters whose self-image depends on a self-imposed, self-indulgent, and phony cultural marginality. Carducci's essay, the only extended and thoughtful attempt to define rock in a limited sense in musicological and aesthetic terms, cheers the divorce of rock from mass popularity. He steadfastly assumes that rock is rock and pop is pop, and never the twain shall meet. His bluster is entertaining and impassioned, but I feel he is barking up an irrelevant tree. Rock *is* popular music in the sense that it is not art music, not chamber music, not jazz music (which was itself popular in the beginning). It is pop in the sense that it is made in hopes of mass sales to a mass audience, even when it comes out in vinyl pressings of 300. In general, rockers limit themselves only when they feel that popular taste limits them. When they catch a clue that the masses might love them, they almost always throw themselves at the masses. Witness the speed with which so many for-

Rock's art is synonymous with its business.

merly independently-distributed bands have signed with major labels in the wake of Nirvana.

Heylin's *From the Velvets to the Voidoids* and Gina Arnold's *Route 666* are extended explorations of the music and communities that Carducci's hipsters built as rock evolved from a cog in a mass-production machine into a more personal and communal folk art, one whose pursuit of artistic values didn't necessarily depend on becoming a chart-topping popular sensation. (As amazing as such early rock artists as Chuck Berry, Elvis Presley, Little Richard, and Jerry Lee Lewis were, and as much as they loved the sounds they made, finding a place for southern misfits to make money, fame, and spectacles of themselves was central to their careers in a way that would seem alien to later self-conscious white urban bohos like Pere Ubu or Sonic Youth. But then again, neither Ubu nor Sonic Youth rejected major-label deals when offered them, and both are seeking as much success as they can within the limits of their aesthetic.)

From the Velvets to the Voidoids is a thorough and workmanlike (though dry) history of the arty and primitive bands that paved the way for the rise of punk rock as a semi-mass phenomenon in the late '70s. Written like a hypertrophied magazine article, the book's narrative is constructed from musicians' and hangers-on's reminiscences about the early years of such bands as the Ramones, Talking Heads, Blondie, Pere Ubu, the Dead Boys, Television, and Devo. The book's key contribution to the historical/critical record is its British author's recognition of the primacy of American bands in this musical revolution. (The Sex Pistols' successful self-promotion has fooled many into thinking of punk as a British invention. Not so. In a familiar pop pattern, the British sold back to Americans stylized versions of their own innovations.)

Route 666 is a more personal memoir of what punk rock as an economic and philosophic force turned into: "indie" (independent) rock. Arnold is now a professional rock critic, but in San Francisco during the '80s she played a role no less important to the functioning of independently produced and distributed rock music: that of "scene queen," the woman at whose house all the traveling musicians could stay and be treated kindly, fed, and allowed to shower without having to expend their razor-thin profit margin on hotels. (This hospitality, despite what the prurient might think, did not necessarily include sexual favors; Arnold makes clear that the alleged easy availability of sexual conquests for musicians who are not quite yet stars is largely a myth.) If buying records and writing about them is vital to the survival of this independent American folk art, helping the artists stay alive and cared for while out on the road plying their trade is at least equally important.

Arnold's enthusiasm for the role, for the second-hand glamor and news of the outside world the traveling musicians brought, shines through admirably. Yes, the book is filled with the overwrought emotionalism and critical howlers of which enthusiastic fans are prone. But for someone who finds it hard to believe that this music and lifestyle can be healthy, vital, and energizing, that it represents a hidden font of the most skilled and passionate popular American songs, Arnold's open-hearted and naive diaristic/journalistic account is instructive.

Arnold profiles record label heads, radio programmers, and musicians from the late '70s to now, from Jello Biafra of the early San Francisco punk band the Dead Kennedys to the recently deceased Kurt Cobain of Aberdeen, Washington's Nirvana, the band whose multi-platinum success in the early '90s leads Arnold to believe that the values of the rock underground have finally "won."

That curious belief casts shadows on the rest of her book, and makes its central theme murkier and more questionable. First of all, what are the "values" inherent in the

"For richer or for *what*?"

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music she loves? "It's not merely that I'd rather hear good music on the radio than bad," Arnold writes. "It's that I think people liking good music is indicative of better things." As sociology, this is nonsense. It leads Arnold to confusedly write that when Nirvana's song "Smells Like Teen Spirit" reached number one, she realized the success of a song whose first line was "Load up on drugs and bring your friends" meant that George Bush would not win reelection. To my ears, this intentionally hermetic tune's first line always sounded like "Load up on guns and bring your friends," a less Clintonian message, but no matter: Bush still lost, and would have with or without Nirvana.

Real punk rockers stand for community, self-reliance, and creative integrity, values that have nothing to do with worldly success or huge audiences.

The liner notes to Nirvana's follow-up LP demanded that anyone in their audience who didn't share their progressive attitudes toward women and gays not see their shows or buy their records. In other words, Cobain begged to return to the level of audience and wealth he would have had if he'd stayed on the independent label and club circuit. But he still cashed the checks the uncaring Middle American lunkheads he excoriated tossed his way. His awareness of this contradiction was probably among the thoughts that compelled him to pull the trigger on himself. (Anguished self-importance is a long-established rock tradition, with Pete Townshend as its king.)

If Arnold merely means that music she likes is selling in enormous quantities and making a lot of money for the musicians she admires, that is one thing, and it is a victory not be sneered at. But throughout the book she presents herself, her friends, and the bands she loves as standing for something more than merely good rock music; her heroes are Fugazi, a D.C. band that refuses to associate themselves with large corporations, to charge more than $5 for tickets to their show, or to play shows where fans of all ages cannot attend. The punk values Arnold is celebrating have something to do with community, lack of pretension, a do-it-yourself ethic, a small-business capitalism based on personal relationships — as well as great, personal rock music made for the love of it, not the money.

Making money doesn't have to kill the love; but Arnold quotes another of her heroes, Eddie Vedder of Pearl Jam — a band whose music this punk fan finds unconnected in any way with the musical and business tradition represented by that hoary term — as saying that, as their success has grown, "The audiences are suddenly getting bigger. And when they get bigger, I get smaller." Wealth and huge audiences are not a victory for punk or underground rock — necessarily. And if you want to think of it as "indie rock," it necessarily kills it. Except for Fugazi, every underground band whose success begins to burgeon feels it necessary to yoke themselves to an international megacorporation for the marketing, production, and distribution — and ownership — of their music.

Heylin concludes *From the Velvets to the Voidoids* with a similarly problematic statement confusing career victories for specific individuals with a victory for good underground rock. He wraps up his volume with an overview of what all the musicians he has discussed are doing now, and in almost every case it is continuing a career in the music industry long, long past the point where the music they are creating is valuable or interesting. But Heylin thinks this is some sort of spiritual or artistic triumph, just as Arnold seems to think it a triumph for her pals in Nirvana to become millionaires many times over selling their music to an audience that they hate and that hates the economic, political, and social attitudes they thought they stood for.

It is ever thus when art and business collide — or, as with rock, when the business and the art seem inseparable. But *real* punk rockers stand for community, self-reliance, and creative integrity, values that have nothing to do with worldly success or huge audiences. When success comes, the people sharing in it should well cheer. But to assert that the success of former punks has forever changed the world, or even the world of the music industry, is mistaken.

The last innovation rock brought to the music industry was the notion of the band as a self-contained artistic factory that could write and perform its own songs. Since then — well, Nirvana is getting the same piece of the wealth created from their songs as, say, Garth Brooks. Most of the money from their music went toward making billionaire David Geffen, owner of their record company, even richer. And who is this a victory for?

Rock is a popular folk art, in the sense that anyone can do it with love, enthusiasm, and a small gift of talent. The emotional impact of its peculiar combination of sound and sense can inspire writing that is insightful and brilliant — or overwrought and ridiculous. These qualities nestle uneasily side-by-side in all of these books. ❑

Booknotes

Very Free Speech — Fans of fringe literature and conspiracy theories will probably enjoy Jim Keith's ***Secret and Suppressed: Banned Ideas & Hidden History*** (Feral House, 1993, 315 pp., $12.95), a compilation of bizarre speculations on everything from the Jonestown massacre to the death of Jim Morrison to "subliminal images in Oliver Stone's *JFK*." What sets this book apart from the typical anthology of paranoia is the editor's ever-present sense of irony, shared by some (though not all) of his contributors. "On occasion," Keith writes, "I have included a particular piece in this volume not for its absolute validity, which is often nigh-impossible to determine, but for its quotient of unacceptability in the reality tunnels of the mainstream. . . . Please do not confuse the map with the territory, nor the editor or publisher with the contents of the book."

The result is a very odd volume indeed. Some readers will find it fright-

ening, others aggravating, others just plain weird. It is all of these things. And it's a lot of fun. —Jesse Walker

Hallowed Without Nonsense

— Daniel Sundahl, the author of ***Loss of Habitat*** (Mellen Poetry Press, 1993, 63 pp., $12.95), is a professor at Hillsdale College, which has the distinction of being one of the very few colleges in this country that does not accept money from the government. In fact, in the century and a half since Hillsdale College was started by independent churchmen and abolitionists, it has never accepted money from the government.

Daniel Sundahl is as independent as the college he works for. He is a poet who has done what we often hear that poets no longer do. He has written an extended work (63 pages) that tries to find the truth about serious issues (parents, children, death, religion, work).

This seems odd.

Odder still is the fact that Sundahl has not merely imitated, say, the Victorians' way with the long poem. *Loss of Habitat* is a long poem written in many and various parts, with constant variation of poetic form.

Sundahl's scheme allows him to move easily from one means of expression to another. There is a formal and summary statement:

> I know it will be well for me
> Will be well a year and more than a year
> Years in which I live my life on
> Slope of earth under slant of sky
> Desiring no less than I deserve.

There is plain but striking description:

> Someone's son sees
> Glowing yellow filaments of owl's eyes.

There is narration, usually of an elegiac kind:

> My mother calls to say she's sold the farm,
> Her voice a nervous lilting rising
> English and Norwegian tangle saying
> Farms have failed,
> Stores have closed,
> Empty elevators jut mortality against the sky.

And there is pure terror:

> Once ago in our town, an elder farmer plowed
> His spring-time fields and held his infant granddaughter
> Loving, distractedly, for she was
> Soft with warmth melting the river's ice;
> He felt a thawing at his core
> A jarring bump and she was sliced in pieces.

There is also a reaching beyond terror to grasp certain implications about the largest patterns of life. Sundahl develops these implications as they ought to be developed, by movements and repetitions of images that the reader can slowly put together for himself as if watching

> Passing clouds draw patches of sun across
> Alfalfa fields or chutes of sun bursting
> Through clouds.

To summarize the implications of Sundahl's poem would be to deny the full artistic experience from which they emerge. Suffice it to say that Sundahl believes that poetry

> tries to be exact,
> Even hallowed, to be without non-Sense

and that his poem approaches this ideal. —Stephen Cox

Rio? Bravo! — Those who attempt to demonstrate that privately-run businesses are superior to their government-run counterparts are often stymied by examples of private companies that rival government agencies in their zeal to stifle individual initiative, reward mediocrity and conformity, enforce senseless rules, invade employee privacy, and generate layers of wasteful bureaucracy. Yes, government uses its considerable economic and coercive clout to remake private businesses in its own image, but most people fail to grasp this connection, and consider private corporations' bureaucratic bungling to be part of the "free market" in action. Without specific examples, moving beyond theory to demonstrate how a business can succeed by applying market principles within the workplace is a difficult chore.

Ricardo Semler's remarkable new book, ***Maverick*** (Warner Books, 1993, 352 pp., $22.95), gives us an idea not only of what such a business would be like, but how one is able to prosper even in the hostile economic environment of Brazil. Its 35-year-old author heads Semco, a company in which em-

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ployees set their salaries, dress as they please, often work at home, periodically evaluate their bosses, have a major say in corporate policy, and are required (!) to take 30 days vacation each year. In conventional terms, this sounds like a recipe for a quick corporate demise, yet Semco, which manufactures industrial equipment and employs several hundred people, has grown 600% in ten years.

Semler writes with a breezy, informal style and delights in overturning nearly all the sacred cows of traditional corporate policy. He describes how company officials and employees at every level are treated as responsible, productive human beings. Conspicuously missing are the paternalism and adversarial labor-management relationships that are rampant in most other Brazilian (and American) companies. The company's books are open to everyone, as is information on each employee's salary. The company has implemented dozens of policy innovations, all serving to eliminate rules, slash corporate bureaucracy, and achieve a high degree of employee participation. "We have been allowed to innovate — to let our employees innovate," says Semler. "We are all freer."

—Charles Barr

The Devil You Say — Like so many other people, I bought a copy of Salman Rushdie's ***The Satanic Verses*** (Viking, 1989, 547 pp., $19.95 hc, $10.00 sc) when the Ayatollah Khomeini sentenced its author to death for "blasphemy." And, like so many others who bought the book, I did not read it. I just couldn't get past the first few sentences.

But *Atlantic Monthly* ran a fascinating article on Rushdie's friends and enemies in its March issue, and my curiosity was renewed. (I was especially amused by a quotation from John Le Carré: "Nobody has a God-given right to insult a great religion." Except, of course, Jesus of Nazareth.) So I tried it again.

After getting over my original distaste, I found the writing both clear and amusing. Rushdie may be no Nabokov, but he is not overrated Pynchon either. And he gives the reader something that neither reputed genius offers: sympathy for his protagonists.

I initially pigeonholed the book as an odd example of Magic Realism. But as the supernatural elements piled up, achieving effects with little relation to the wondrously evocative or the beautifully mysterious — and as these elements became too integral to the plot to be interpreted as a series of flourishes — I decided that Rushdie's novel had more in common with what publishers bill as fantasy than anything by Gabriel García Márquez.

So I wasn't surprised to learn that Rushdie once entered a novel in a science-fiction contest. It was returned with a note saying that it was very good, but not science fiction. But how could they tell? Science fiction, fantasy, horror — the lines between them blur, and none of these monsters will stay put. Beyond realistic fiction, what C.S. Lewis called the "armies of the weird and beautiful" gather, co-mingling, making up the vast movement of what might be called *ultrafiction.*

Critics should admit that the fantastic in literature cannot be herded into neat little categories. And ultrafiction should certainly not be despised as less artistic, *a priori*, than more realistic fiction. If Salman Rushdie is admitted into the realm of Legitimate Literary Authors, why not, say, Gene Wolfe? Fiction is, after all, a morally permissible form of lying, deliberate *un*truth-telling. Realists tell probable tales; romanticists, fabulists, fantasists, science-fiction writers, and the rest tell improbable or impossible tales. *All* forms of fiction can be artistically rewarding. Critics play an Ayatollah role when they deride more thoroughly fictive writing. The ritual belittling of whole categories of fantastic literature often amounts to little more than puritanic moralizing about the propriety of certain types of lying.

So add this lesson to the more ballyhooed morals that the Salman Rushdie affair has provided jaded Westerners. The moral balance sheet of your average Western literary critic is darker than you think. And the future of fiction is, well, brighter. —Timothy Virkkala

I Like Ike — *Liberty* editor Bill Bradford and I have had many a friendly but heated debate over the question of whether Isaac Asimov, the late mega-prolific author of science fiction, popular science, mysteries, history, literary analysis, dirty limericks, and yet more, qualified as a "hack." Bradford defines a hack as one who writes without love or concern for the material, but merely for the money — or, as we agreed in Asimov's case (I think), for the glory of racking up numbers in one's bibliography. I took these arguments personally, for Asimov's role in my life is central; he is a man I never met who I nevertheless consider not only an intellectual influence and advisor, but a friend. Indeed, like Martin Amis, after having read both volumes of Asimov's first attempt at autobiography in the late '70s and now the posthumous ***I. Asimov: A Memoir*** (Doubleday, 1994, 562 pp., $25.00), I can say I know more about him than any other human being on Earth, including my family and closest friends. It is improbable, unless your companions or family are frighteningly voluble or self-centered, that you've heard them expound for nearly a million words about their lives, times, and work.

By normal standards, one would expect this book — which is a shorter overview of Asimov's whole life, covering both the material in the earlier books and beyond, even unto his deathbed — to be frightfully dull. As Asimov admits, and as would be clear to anyone who thinks about it, a life spent from around age 35 to death sitting ten-plus hours a day, seven days a week at a typewriter makes for little drama. But Asimov's unparalleled ease with words and exposition, his wit, his warmth, and the scope of his interests, anec-

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dotes, friends, and ideas make everything he writes — without exception — a sheer delight to read. There is never any barrier between his thoughts and your brain; his writing slips in as if he were whispering in your ear. In this sense — and it is important — he may be the finest writer I've ever had the pleasure to read, as well as a sentimental favorite.

That is why — despite an unlovely interest in bibliography-packing in the last decade of his life, counting as books he wrote over a hundred anthologies he "edited" with the help of usually two other people — I refuse to agree with Bradford that he could ever be thought of as a hack. His love of explaining is the only thing that can explain his ability to make everything he wrote flow with such supple grace. As his love shone through, his readers could not, I think, help but love him in return. (As an interesting aside, he allows subjective crankiness to show through here too, far more than in his first two autobios. One wouldn't have suspected the depths of his disdain, annoyance, and disappointment toward the likes of his son, his first wife, his mother-in-law, or Robert Heinlein from any of his previous output.)

The final scenes of this book, as he succumbs at age 71 to a series of grotesque and disturbing bodily debilities, brought tears to my eyes. I was reading about the passing of a man who is not only a hero, but became, through his hundreds of pages of discussions of his doings, his friends, his wives, and his achievements, a more fully realized man (in the human, not the macho sense) in my eyes than anyone else.

Anyone who has ever loved any of Asimov's books will probably love this one too. Reading this volume made me miss Isaac Asimov all over again. Not a day goes by when I haven't had occasion to think a thought inspired by something I learned from him.

—Brian Doherty

Optional Reading — The tragedy of Thomas Sowell's career is that he is usually known simply as a "black conservative," a classification that too often reduces him to look-we're-not-racist window-dressing for activists on the Right and an easily dismissed Uncle Tom for opponents on the Left. Sowell is a first-rate scholar and writer who deserves better.

An economist by training, Sowell has published books on ethnic history, political philosophy, and education. But most readers know him from his syndicated newspaper column, where some of his best, most straightforward writing has appeared.

One of Sowell's particularly engaging qualities is his persistent crankiness: he never stops giving the impression that he has heard far too much crap in his life, and will not suffer fools gladly. In the most recent anthology of his columns, ***Is Reality Optional?*** (Hoover Institution Press, 1993, 192 pp., $14.95), he ably attacks those convinced of their own moral superiority and their ablity to run other people's lives, as well as those committed to following every fad or fashion no matter how absurd. His attacks on the "busybody addicts" who urge on the drug war is typical: "The morally annointed, whether liberals or conservatives, will never give up their attempts to tell others what to do — and to get the government to impose their beliefs on others. But the rest of us ought to start thinking about the ever-growing cost of our futile drug laws and how the whole society seems to be unraveling as a result."

Highlights include Sowell's defense of the Mercator Projection against its politically correct opponents, his four-part exposé of "Aha Statistics," and his collection of random thoughts. This last section is culled from his occasional "Larry King"-style columns — i.e., collections of random and unrelated thoughts like, "Whenever people refer to me as someone 'who happens to be black,' I wonder if they realize that both my parents were black. If I had turned out to be Scandinavian or Chinese, people would have wondered what the hell was going on." And: "What is history but the story of how politicians have squandered the blood and treasure of the human race?"

There are problems with this book. Like many collections of newspaper columns, it is repetitive: On page 28 there is an article entitled "The Chump Society" that describes, among other things, beggars in Paris; eleven pages

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later we find a column called "Beggars in Paris." And some "readers" might be "annoyed" by Sowell's "tendency" to put so many "words" in "quotes."

—Clark Stooksbury

Physics for Dilettantes — The days when a learned gentleman could aspire to the Victorian energy and ability to write massive multi-volume summations of the extant state of knowledge of various sciences, and personal observations and musings thereon, are long gone. The march of progress, even as it expands human aspirations in many areas, destroyed them in this. If one is doomed to be a dilettante, ought one even bother?

I do still bother, after my fashion, and the existence of ***Fear of Physics: A Guide for the Perplexed*** by Lawrence M. Krauss (Basic Books, 1993, 206 pp., $20.00) shows that other folk out there are trying as well. There is still room for this sort of limited popularization to appeal to those who still hope — all in vain, all in vain — that they can "keep up" in some meaningful way with the sciences.

Over the past twelve years or so I've probably read as many of these science popularizations as any American, but I still found this book, well, perplexing. It lacks the hand-holding and wondrous good will of the average quantum physics popularization and the steady, sensible elocution of an Isaac Asimov. It covers some of the more contemporary areas of theoretical physics, so it's not just a rehash of the old Schrodinger's Cat/Niels Bohr/Bell's Theorem roundelay of your typical pop physics book; but despite its avowed intent, it doesn't treat the ill-educated (as I think probably all of us without advanced degrees in the topic ought to think of ourselves) with the ginger care we require.

This book is concerned more with elucidating the method of physics — how physicists *think* — than with dazzling us with counter-intuitive mystagogic results, but it does take swings at explaining such peculiarities as superconductivity, scale-dependence, and symmetry and their importance in contemporary physics. (The key to thinking physics, according to Krauss, is abstracting out certain complicating details and ignoring them; he traces the triumphant beginning of this mode of thought to Galileo's discovery of the laws of motion through imagining intitially that no outside force interferes with motion, even though we all know they do. Readers trained in economics might recognize the method.)

The book covers much amazing — and vitally important — ground, but I think it's an even bet whether you will complete it educated, intrigued, and eager to learn more or befuddled and willing to cease thinking about the topic entirely.

—Brian Doherty

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Periodicals

Cross verbal swords in *The (Libertarian) Connection*, open-forum magazine since 1968. Subscribers may insert two pages/issue free, unedited. Lots of stimulating conversation. Eight issues (year) $20. 101 South Whiting #700Z, Alexandria, VA 22304.

Directory of Libertarian Periodicals, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29LB, Hiler Branch, Buffalo, NY 14223.

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Medianotes, *continued from page 20*

those of the other members of the student libertarian organization he headed. That way they could invite the speakers they wanted and run the conference without regard for the "suggestions" of their backers; that way, they could be sure that those attending would be there because of their interest and passion, and not because an all-expenses-paid weekend at a luxury hotel sounded like fun. He would have none of it. It turned out that what he really wanted was to enlist me in helping him obtain the funding.

So there I was, giving him the same when-I-was-your-age-I-walked-barefoot-five-miles-to-school-in-the-snow routine my father gave me when I was a kid. And to the same effect. I was more than ever conscious of my middle age. And more worried about what's-this-younger-generation-coming-to.

Happily, a few weeks ago I received a sample issue of *Guillotine*, subtitled "A Slice of Reality." It is the genuine article, a student-published, student-written, student-financed, and student-edited libertarian tabloid (albeit with some reprinted adult writing thrown in). It is full of the vigor and enthusiasm of the student publications I recall from my college days. It also contains some very good writing.

The first copy of *Guillotine* I received had no information about subscribing, so I wrote the editors. One promptly called me and told me that they didn't really have subscription rates, and that so far, thanks to desktop publishing and using a cheap printer, they had managed to finance the venture out of their own pockets. Personally, I think any enterprise gets valuable feedback by offering its product in the marketplace, and I suppose I wish they'd start operating their tabloid on a more business-like basis.

But it's their venture, and who the hell am I to tell them how to run it?

Anyway, if *Guillotine* sounds interesting to you, I encourage you to write for a sample copy, or even a subscription. Its address is P.O. Box 50000, Binghamton, NY 13902. You also might want to send them a donation of a dollar or two for your sample, or ten or so if you decide to subscribe. There's no reason for us ex-young-libertarians to be a financial burden on the new generation of libertarian radicals. —RWB

Notes on Contributors

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

"Baloo" is cartoonist *Rex F. May* in disguise.

Charles Barr is a longtime libertarian writer and activist.

John Bergstrom is special projects editor at *National Lampoon*.

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

John Briggs has written for *The Iowa Review*, *Religious Humanism*, and other journals.

Douglas Casey is author of *Crisis Investing for the Rest of the '90s* and other books and articles.

Stephen Cox is Professor of Literature at the University of California.

Brian Doherty is a journalist and musician.

James Gill, the cartoonist, recently returned from Europe.

Patricia Hanson is a writer living in Canada.

Robert Higgs is editor of *Arms, Politics, and the Economy* and other books.

Bill Kauffman is author of *Every Man a King*, *Country Towns of New York*, and the forthcoming *Nativist Sons*.

Bart Kosko is author of *Fuzzy Thinking* and other concise and readable tomes.

Pierre Lemieux is a Visiting Professor of Economics at the University of Quebec at Hull.

Michael Levine is *Liberty*'s spanking-new editorial intern.

Ron Lipp is an attorney practicing in Sacramento.

Loren E. Lomasky is author of *Persons, Rights, and the Moral Community* and coauthor of *Democracy and Decision*.

Wendy McElroy is a "fellow" at the Independent Institute.

William P. Moulton is *Liberty*'s roving Traverse City correspondent.

Todd Seavey has written for *Reason*, *Chronicles*, and *The Exchange*. His *National Review* article on Howard Stern appeared in its June 13 issue.

Jo Ann Skousen, past organizer of the Eris Society Convocation, is an editor and writer living in Florida.

Clark Stooksbury is assistant publisher of *Liberty*.

Thomas Szasz is author of numerous books and articles. His most recent is *Cruel Compassion*.

Timothy Virkkala is managing editor of *Liberty*.

Jesse Walker is assistant editor of *Liberty*.

Chris Whitten is managing editor of the *Laissez Faire Books Catalog*.

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Illustrations

"Chicago Black-Hole" p. 9), "Go O.J.!" (p. 12), "Eerie Parallels"(p. 14), "The Torch Is Passed" (p. 15), "Embarrassing?" (p. 16), and "Beatnik Beowulf," (p. 36), by John Bergstrom; "Statue of Stern" (p. 23) by Chris Whitten; and "Robert Reich, the Working Man" (p. 55) by James Gill.

Coming in *Liberty*:

- "Where Taxes Rise Fastest" — *R.W. Bradford* on the geography of tax hikes and legal plunder.
- "Talking Sex, Not Gender" — *Wendy McElroy* on the uses and abuses of pornography.
- "Deep Ecology Meets the Market" — *Gus diZerega* on libertarianism's final frontier, radical environmentalism.
- "Is it Free? Is it Trade?" — *Fred L. Smith* on the World Trade Organization, the latest protectionist device to pose as a tool of "free trade."

Terra Incognita

York, England

Clashing cultures in the British Isles, as reported by the *Times of London*:

Yin Yin Man was fined $1,075 for throwing hot water at trick-or-treater David Cooper, burning his face, chest, and back. Unaware of Halloween, the immigrant assumed Cooper was a ghost.

Harvard

The cause of inflated legal bills, as reported in the *Detroit News*:

Harvard superlawyer Laurence Tribe billed a client $625 for a one-sentence letter written by one of his law students. "It was a very long sentence," he explained.

Chico, Calif.

Rule of law in California, as reported by the *Chico News & Review*:

In order to fight graffiti, Chico's police chief wants to make it illegal for a minor to be in possession of an indelible ink marker "for other than a legitimate use."

Washington, D.C.

Avant-garde welfare reform, as reported on National Public Radio:

The Clinton White House floated a plan to fund government job training programs by taxing welfare benefits.

Portland, Ore.

Bargaining with criminals pays off in the Pacific Northwest, as described in the *West Sound Sun*:

A man claiming to have a bomb and demanding $25,000 held police and FBI at bay for more than two hours at a downtown U.S. Bank Branch. The incident ended when he bargained down his demand to a cigarette and a cup of coffee.

Los Angeles

Further progress in the fight for civil rights, as reported by *USA Today*:

An adult nightclub was ordered by city officials to remove its main attraction — a large shower enclosure — because disabled nude dancers wouldn't be able to get their wheelchairs into it, thus denying equal work opportunities to persons with disabilities.

Philippines

Advance in family planning, as reported by the *Times of London*:

Alarmed by birthrates in northern provinces, Filipino President Fidel Ramos gave all northerners free cable TV to give them something else to do.

Atlanta, Georgia

Impressive evidence of the progress of Austrian Economics, as reported by the Ludwig von Mises Institute:

"At a Plantation Supper at magnificent Stone Mountain, economist and historian Murray N. Rothbard will be honored by the Sons of the Confederate Veterans amidst a color guard and stirring music."

Wall Street

Dispatch from the war against sexism and discrimination, from the *Detroit News*:

Joanne Flynn, a former vice president at Goldman, Sachs & Co., sued the company alleging that she was denied a promotion and then fired because of her gender. The person who got the promotion and who eventually booted Flynn was Doris Smith — another woman. A federal jury found the firm guilty of gender discrimination.

Washington, D.C.

Another Congressional perk, as reported in *Newsweek*:

Though the public is not permitted to check books out of the Library of Congress, legislators may remove the library's books for as long as they want. As a result, many volumes have been missing for decades; an estimated 30,000 of the library's 16.4 million books are gone and considered stolen. Among the missing: two $7,500 collections of nineteenth-century Italian architectural drawings, a $6,000 nineteenth-century treatise on cactuses, two $1,500 volumes on Navajo rituals, and Abbie Hoffman's *Steal This Book*.

New York

Literary note from Larry King, from his column in *USA Today*:

"I read Henry Kissinger's new book *Diplomacy* and found it fascinating. Maybe his best work to date."

Alamogordo, N.M.

"Zero tolerance" in action, as reported by *USA Today*:

A man who bought a truck at a police auction found 20 pounds of methamphetimine in the dashboard.

Opelousas, La.

Reliable sources in action, as reported by the Associated Press:

A city police simulation of a post-office firefight turned surreal when a police spokesman who didn't know it was a drill told TV reporters that 14 people were wounded, one man was in custody, and shots were still being fired.

Luxembourg

Advance of culture in the European Union, according to a survey by *Euro Time*:

The favorite leisure activity of citizens of Luxembourg, the smallest member state of the European Union, is sleeping. The second favorite activity is resting.

U. S. A.

Advance of culture in the New World, according to a survey by 20/20, a consumer research firm:

Some 38% of American men say they like cars better than they like women; 8% of American women say they find men who drive nice cars to be more appealing; 15% of all Americans name their cars. The most popular names are Betsie, My Baby, and Angel.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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Inside Liberty

November 1994
Volume 8, Number 1

4 Letters Our readers gang up on us.

7 Reflections *Liberty*'s editors give metaphors a mugging, take liberties with the licentious, make sense of the disingenuous, disengage themselves from the senseless, inspire the masses, and conspire with *National Review* and *The New Republic.*

Features

19 Hail to the Wimp! *Leon T. Hadar* defends Bill Clinton.

22 Trading Away Free Trade *Fred L. Smith, Jr.* examines the World Trade Organization, and espies a nascent globalized Interstate Commerce Commission.

26 Academic Style *Pierre Lemieux* channels the sparkling literary flair of a professional academic.

27 Clinton's Disease *David Boaz* inspects the distended public sector, and offers a diagnosis.

29 Deep Ecology Meets the Market *Gus diZerega* unveils the next development in individualist thought: radical environmentalism.

35 Talking Sex, Not Gender *Wendy McElroy* explores the finer points of pornography.

41 One Strike, You're Out! *R.W. Bradford* celebrates the baseball strike.

44 The Logic of the Toxic Some regulations are healthiest in small doses. *Ben Bolch* and *Harold Lyons* explain.

48 Gotta Sing The compulsion to sing is a personal thing. *Greg Jenkins* shows what happens when the personal becomes political.

Reviews

53 Was There an Industrial Revolution? Probably not, says *Jane S. Shaw*. And it's just as well.

54 Tyranny Now There's no gridlock when it comes to chipping away at the Bill of Rights. *Jonathan Adler* reports.

56 Beat the Press *Jesse Walker* exposes the media watchdogs who play lapdog to conventional wisdom.

59 Science and Sensitivity *Linda Seebach* warns scientists to consider the dangers of the culture wars.

61 Booknotes on laundry (dirty), gun nuts (wordy), Dan Quayle (nerdy), upstate New York (purty), and the American middle class (not-so-sturdy).

62 Classified Ads We supply the supply side. You, the demand.

65 Index to Volume 7 Where we've been lately.

69 Notes on Contributors The unseen hands behind *Liberty*.

70 Terra Incognita Where the world's been lately.

Letters

Last Dispatch

It was a nice surprise to find out that R.K. Lamb is Bruce Ramsey ("An American Journalist in Asia," July 1994). Though Mr. Ramsey is kind enough not to name the publication he was working for, his colleagues like me know he is talking about *Asiaweek*. I was a staff writer at *Yazhou Zhoukan*, a Chinese-language sister publication; for ten months, Mr. Ramsey and I shared the same office floor.

I left the job in disgust in March 1993. What Mr. Ramsey says about *Asiaweek*'s editorial policy is even worse at *Yazhou Zhoukan*. We dared not offend dictatorships like China, Singapore, or Malaysia. We were not doing a journalist's job, but a cultural hooker's. We were paid to write whatever our editors told us to.

This kind of self-censorship is getting more and more popular in Hong Kong's journalistic circles. Most newspapers and magazines will do anything to stay in business. If a story will upset China, they throw it out. Why rock the boat and obscure the smooth transition?

I am still working as a journalist, but I believe the battle for press freedom has already been lost, even before it starts. I congratulate Mr. Ramsey for leaving *Asiaweek* and wish him the best in the U.S. Just don't forget us here. Write more about Hong Kong, and speak for us when we can no longer do so.

Kin-ming Liu
Hong Kong

Vox Populiars

Bill Kauffman ("An Independent American," September 1994) displays a stunning ignorance of both George Wallace and populist ideology.

Wallace is hardly the man of principle Kauffman portrays. For Wallace, everything is politics. He was pro-civil rights until the day he was defeated for public office by an anti-civil rights politician. Then he was anti-civil rights until he learned that a Democrat had to have the African-American vote to win the governorship of Alabama. He fought big government in Washington but institutionalized it in Montgomery. He opposed LBJ's Great Society but defends FDR's New Deal to this day.

Without a doubt the most absurd part of Kauffman's review is the assertion that Wallace used a "libertarian, particularist, high-minded" vocabulary. Perhaps Kauffman cannot tell the difference between what a libertarian means by liberty and what a populist means by liberty, but the difference is profound.

Wallace's populist "liberty" is nothing more than unbridled majoritarianism. The right to self-determination Wallace invoked in that famous schoolhouse door said nothing about the right of individuals to live their lives as they please. It had to do with the right of a majority of Alabamians to vote whatever form of government into power they desire, even if such a government should oppress racial minorities.

When Wallace said we should trust "the people to make their own decisions," he meant that only as it refers to the ballot box. That is decidedly not a libertarian vision of freedom.

As an Alabamian, I've grown used to the thoughtless praise some heap upon Wallace, but I expect better from a thoughtful libertarian publication.

T. Franklin Harris, Jr.
Athens, Ala.

Recheck Your Premises

Bart Kosko ("Libertarian Pragmatism," September 1994) maintains the old saw that "No one has produced a true or false statement of value" because normative judgments "are not testable in principle."

Sorry, but it just isn't true.

Normative judgments are testable because they have empirical implications. Consider the normative statements "George Bush is a just and virtuous man" and "No just and virtuous man would order the bombing of unarmed civilians." These entail the conclusion that Bush would never bomb unarmed civilians. Once we find evidence that he has in fact ordered such a bombing, we are forced to go back and revise our normative statements.

Kosko might object that in such a case we do not know which premise to reject; therefore, only *conjunctions* of normative judgments are empirically testable. This is true — but the same restriction applies to scientific judgments. If a liquid apparently fails to boil at 100° C, I can reject my belief that water boils at 100° C, that this liquid is water, that the thermometer is working correctly, that I am not hallucinating, etc. No belief can be tested in isolation — normative or descriptive. Kosko himself recognizes this when he describes what he calls the *web of belief*: "You test no strand or statement by itself. That is why we may not accept a new fact or theory [that] may uproot more strands than it is worth."

But this fact, while showing that moral beliefs are testable, should also make us question the sacrosanct epistemic status of empirical testability. Even if a moral belief does not conflict with the evidence of our senses, we may reject it once we discover it conflicts with a sufficient number of other moral beliefs. Hence, moral and scientific arguments are identical in structure, and have an equal claim to objectivity. All we have, in the end, are various beliefs of varying strength and their complex interconnections, each one's status depending on how it fits into the total scheme.

Nor do I follow Kosko in assigning some kinds of belief to the periphery of the web and other kinds to the core. Why should my perceptual belief that the dial on a scientific instrument points toward a certain number have an inherently more privileged epistemic status than my moral belief that slavery is wrong? Kosko should consider what finally turned the civilized world against slavery: not any empirical argument about its economic consequences, but its incompatability with moral beliefs to which most people were more firmly committed than they were to slavery. *Slavery was philosophically falsified.*

Kosko proclaims that "Philosophy does not sit above science as some ultimate tribunal of thought." But it does, and it has to. Philosophy is the perspective from which we integrate our entire web of belief, adjudicating the competing claims of various semiautonomous sub-perspectives (including, but not

continued on page 6

Letters Policy

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limited to, those of the sciences).

Kosko asks us to do without philosophy, but almost all his article is just that. *Bad* philosophy, yes, but philosophy.

Roderick T. Long
Chapel Hill, N.C.

Jes Grew

Jesse Walker ("Beating the rap," September 1994) unjustly equates rap's themes with those of other forms of music. If rap is so great, why not at least try to explain some of its values, or its excellence, rather than say other forms of music can sometimes be bad, too?

Music has four key elements — melody, harmony, meter, and (in popular song) lyrics. Overlaying these is a spiritual link to human emotion. Rap "music" has virtually no musical elements. It has no melody, no harmony, an uncertain meter (try laying rap "poetry" down on a page; it's illiterate and non-metric), and has an angry, destructive spirit.

Walker writes, "There is nothing uniquely offensive about this relatively new sort of music; country, blues, opera, and rock overflow with violence, sexism, and paeans to drunkenness and drugs." Really? Surely there is a vast gulf between a four-hour, in-depth psycho-spiritual examination of the motives of a doomed lover in, say, the operas of Wagner or Mozart or Verdi, and the three-minute "gangsta" rap, talkin' about rapin' a "ho" and wasting a cop. *Hamlet* is about death; so is *True Lies*. Topic alone does not determine artistic value, but the attitude toward the topic.

Violence was a rare theme in American popular music from 1930 to 1960. Walker cites an obscure song here and there ("Cocaine Blues" by Johnny Cash), but Cash now claims to be a born-again Christian and would decry that lyric. Look at all the popular songs of the 1930s. They were overflowing with love, hope, joy, caring. Call them naive or simplistic if you must, but not violent. You may find one or two obscure songs about violence, sexism, and drugs from 1930 to 1955, but they will be as rare as a positive rap song is now.

Walker continues: "'bitch' and 'ho' and 'nigger' can mean different things in different contexts." Really? Then where are those words used in any other context other than to denigrate women and races? You should see the look in the eye of a Nancy Wilson or Benny Carter when they hear their sisters called "ho" and "bitch" by their own people.

I think liberty gets a bad name if we don't discriminate excellence and beauty (art) from crudity and evil. Musically, rap is elemental and atavistic, making jungle drums stand advanced. Rap is an amplified heartbeat set to the words of the dark side of the brain. There is little musical or mental content to it.

And yes, I've heard some of the best rap artists, I've read the apologias, and I am not convinced. I've also talked to several jazz veterans, as a jazz DJ in New Orleans. They say black kids growing up in the 1940s could hum Duke Ellington but today's kids are musically illiterate, largely due to rap music.

Gary Alexander
Reston, Va.

Walker responds: I don't have the space to list enough violent songs to convince Mr. Alexander that he is wrong. Nor is there room for a spirited defense of rap — which, despite Alexander's contention that I value Ice T as much as Verdi, is far from my favorite form of music. (There's no rap I'd prefer listening to over Duke Ellington's "Mood Indigo" or "Mount Harissa," and I've never yet had trouble humming either.)

So I'll correct just one error: Johnny Cash recorded the hardly obscure "Cocaine Blues" *after* he was born again, and has sung many violent songs since. And yet he remains a devout Christian. Readers who find this an unresolvable paradox will probably never understand the article that raised Alexander's ire.

Cast off Your Bridles

David Brin ("The Perennial Threat," May 1994) writes, "We have seen that unbridled capitalism has its dangers." Well, I haven't seen them — please, let me know what they are. Mischief and harm come from sanctions the "unbridled capitalists" can buy from the government, be it the stifling of competition or laws forbidding unionization. The danger lies not in the zeal of the entrepreneurs, but that it is possible to bribe the government to support such methods.

I have seen "unbridled capitalism" in 1948, when Ludwig Ehrhardt set Germany on its ears by declaring the black market legal. One week we couldn't live on what we could buy on our ration cards, the next week the shops were full of everything. Ration cards went into the garbage cans. This was later called the "German economic miracle." It carried them a long way, even to the "bridled" system they have now.

Helmut Fritz Prochnow
Spring Hill, Fl.

Smells Like Pink Spirit

Maybe I'm wrong, but I detect the faint odor of a closet collectivist. David Brin's analogy of diamonds and pyramids seems based upon the idea that those at the "top" are not only rich, but also in control of "society." If he is talking about an "aristocracy" of management of free-market enterprises, then I have to disagree with his fuzzy ideas.

David Michael Myers
Martinsburg, W.Va.

The Passionate Jacobin

David Brin's claim that "Aristocracy is, after all, why we had a revolution in the first place, two centuries ago," is utterly false. America did not have a "revolution," but a war of independence against Britain, which imposed taxes on its colonies without popular consent. These taxes were imposed not by the king, but by Parliament, which had noble and popular chambers. In that war, America was led by George Washington (an aristocratic Virginia planter) and his aides, including the Marquis de Lafayette (a French aristocrat), Baron von Steuben (a Prussian Junker), and Thaddeus Kosciuszko (a Polish nobleman), not to mention Lord Peter Stirling.

Brin's other historical analogies are equally false. Ch'ing China was not an aristocracy, but a prototypical civil service bureaucracy. The patrician-plebian fights of ancient Rome were civil wars between two social classes with no real analog today, in which both sides' hands were equally bloody.

Frankly, it seems that Brin is so consumed with Jacobin passion that he just loves conjuring up the aristocratic bugaboo without citing any concrete examples. And it sounds like he supports confiscatory inheritance taxes. After all, he wants an "even playing field" for people to start off in life. How can you have that if A inherits a million and B nothing?

David Elving Schwartz
Springfield, N.J.

Objectivist Trekkie Alert

David Brin is an excellent science fiction writer. Unfortunately, his thoughts

continued on page 18

Reflections

Mugged by a metaphor — Someone once gibed that a neoconservative was "a liberal who's been mugged." A neoconservative riposted that a neocon was "a liberal who's been mugged by reality." The metaphor snowballed in the early 1980s, when various Reagan administration figures started being prosecuted and someone sneered that "a civil libertarian is a conservative who's been indicted."

Now we can further prolong the game by noting that the lawyer for evangelist Jim Bakker, recently released from prison to a halfway house, says that Bakker's future ministry "won't be a right-wing Republican commitment. There will be a strong core of calling for justice and equality as part of the gospel. You'll see a Bible-believing liberal Democrat." A bleeding-heart liberal is a right-wing crank who's spent three years in jail. —DB

Kim Il Abe — When Korean dictator Kim Il Sung bought the collective farm, Slick Willie sent the customary *pro forma* "condolences." This prompted several conservative and Republican publicists to throw a public hissy-fit. *How dare Clinton honor the memory of the man to blame for U.S. casualties in the Korean War?*

Wait a minute. The U.S. intervenes in a civil war thousands of miles from our borders with no possible influence on our sovereignty or freedom and it's some *Korean* guy's fault? Then I suppose if the Koreans lost thousands of lives intervening in the War Between the States, those deaths could be blamed on Lincoln. —CS

Red carpet? — President Clinton has announced his intention to beef up U.S. sanctions against Cuba unless it makes progress toward reform. Earlier this year, Clinton said he was encouraging reform in Vietnam by *lifting* sanctions.

Ron Brown, call your office. —JW

Conservatism über alles — Like most sensible people, I look forward to the day when modern liberalism, with its moral posturing, mendacity, and perverse policies, passes on to its just reward. But this is not to say that the conservative Republicans who will replace the likes of Bill Clinton, George Mitchell, and Lloyd Bentsen will likely be any better.

Those who pine for the conservative ascendency should look to the United Kingdom, where conservatives have controlled both the executive and legislative branches of government for a decade and a half. What sort of improvements have they wrought?

Well, the conservative government of John Majors has just introduced a measure that will virtually eliminate the right of people accused of crimes to remain silent and will authorize any police officer to search persons or vehicles without reasonable cause if he or she happens to "fear violence." No longer will a constable have to justify a search with a reason — merely asserting an emotional state will be justification enough!

But it is undermining the right to remain silent that is causing the most murmurs in Albion. Now, when an Englishman is arrested, he is advised, "You do not have to say anything unless you wish to do so, but what you say may be given in evidence." Once the new rules are passed, the police will tell him, "You do not have to say anything. But if you do not mention now something which you later use in your defense, the court may decide that your failure to mention it now strengthens the case against you. A record will be made of anything you say, and it may be given in evidence if you are brought to trial."

In other words, when a person is arrested, he must immediately provide the police with any evidence he has that might prove his innocence, or else that evidence might be disallowed at his trial. The police, meanwhile, need not reveal the evidence against him that they hold until they confront him in court.

Great Britain, it is worth noting, has neither a Constitution nor a Bill of Rights. But it has no shortage of political conservatives. —RWB

Market Stalinism, 101 — If Rudolph Giuliani, inquisitor, witch-hunter, persecutor of Michael Milken, and now supporter of New York's rent controls — if this infamous man and abject politican is really, as the media describe him, a free-market apostle — then I am all by myself the IRS commissioner, the Man in the Moon, and the king of the Pleiades. —PL

The Whitewater tapes — While I was vacationing during the Whitewater hearings, my VCR mysteriously failed, thereby denying me the pleasure of watching 114 hours of administration officials trying to skate on the legal side of perjury without confessing to, or implicating the First Family in, any felonies. This was accomplished, it appears, by combining the favorite tactic of the lawyer-politician (rambling off on tangents) with the second-favorite tactic of the mobster (claiming lapses of memory).

Happily, others with stronger stomachs (or more reliable VCRs) have stepped into the breach. An especially pleasant surprise was Doug Ireland's "Don't Ask, Don't Tell" in the September 5/12 issue of *The Nation*, which succinctly highlights the mendacity, evasions, and loathsomeness of the whole process.

Those who sat through the mini-filibusters proferred by the Clintonistas, overcoming the temptation to abandon C-SPAN for less somnolent entertainment, had an interesting

experience. The witnesses at the House Banking Committee hearings were aided and abetted by Chairman Gonzalez, who enthusiastically ruled out-of-order any question that had much prospect of getting at the truth. Gonzalez' services to Bill and Hillary will no doubt cost the taxpayers billions in the form of unneeded post offices and poverty-abatement programs for his district.

Fortunately, the head of the Senate committee, Don Reigle (D-Keating Five), had already announced he was retiring at the end of his term, and therefore had no need to bring more federal pork to his constituents. So the Senate hearings bore some fruit.

The first major fatality of the hearings was Roger Altman, the acting head of the Resolution Trust Corporation, who had admitted before Congress on February 24 that he had briefed the Clintons' staff on the status of the RTC investigation of the Madison Guaranty scandal. The RTC is supposedly a completely independent agency, and the fact that its head briefed the staff of individuals under investigation was such a blatant violation of the public trust that even the *New York Times* couldn't ignore it. Under questioning from senators, Altman had insisted that this was the only contact he had with administration officials on matters relating to Whitewater, except possibly for hallway encounters.

A few weeks later, he wrote Congress saying that his memory had improved and he could now recall a couple other meetings. Cynics suggested he was trying to protect himself against perjury charges. But even the cynics didn't anticipate what eventually came out in testimony: namely, that Altman had had more than 40 meetings with administration officials about Whitewater business. Altman lamely responded that he earlier had been talking about "substantial" meetings only, and offered, as proof that he had tried to tell the "whole truth," a videotape of him consulting with Treasury General Counsel Jean Hanson prior to answering questions in February. This may be the first time anyone has ever suggested that consulting an attorney is proof of innocence. No one bought this suggestion, and Clinton "regretfully" accepted the resignations of both Altman and Hanson a few days later.

So far, the victims of the Clintons' political corruption have been limited to their loyal supporters, individuals who so admire the First Family that they will break the law to protect the presidential couple. But with the dismissal of Special Counsel Robert Fiske, who the Clintons hand-picked to investigate them, and the appointment of Kenneth Starr to the inquisitorial chair, it is becoming more and more certain that enough details of the Clintons' we're-so-virtuous-in-our-politics-that-it's-okay-for-us-to-loot-the-public-treasury attitude will come out for them to be forced out of office fairly soon. How long will it be before the Clintons' conclude that their best hope is to pull a Nixon-Ford — that is, to resign from office in exchange for a pardon from Al Gore?

—CAA

This sceptred isle — Brenda Tatelbaum of Boston may soon be conducting what she hopes is not a one-woman crusade against British customs. Her sexually graphic periodical, *EIDOS* ("Everyone Is Doing Outrageous Sex"), has been singled out for confiscation by the Brits, even though its contents would be legal if published domestically. When *Penthouse* faced the same repression in the '70s, it had the resources to fight in court and win. Brenda has to rely on persuasion.

The trouble began in September 1993, when a female subscriber sent *EIDOS* a notice she had received from British customs declaring the magazine obscene and confiscating it under an 1876 law. Brenda wrote a letter of appeal — the only official course open to her — and contacted such organizations as Feminists Against Censorship and the Libertarian Alliance, to no effect.

Then, midway through July, her distributor faxed a letter declaring his intention to refuse further shipments of *EIDOS*. Perhaps because the magazine is popular in Britain among those who pursue alternative lifestyles, it has been tagged for special treatment. The distributor feared that, if shipments of *EIDOS* slipped through customs, officials might raid his home and confiscate not just that periodical but his entire inventory.

Brenda called the British consulate only to learn that she would be liable for arrest if she flew to England and tried to transport *EIDOS* on her person. From former run-ins with U.S. mail tyrants, she knew that they often "misinterpet" the law to fit their own needs. Accordingly, she is planning to touch down on British soil with the offending material and hold what she hopes will be a reasonable conversation with the officials there. This, coupled with talk shows and a bit of picketing, might have some impact.

But only if she receives support from sane-minded Brits able to provide publicity and stand beside her at Heathrow. As a student of nonviolent strategy, I hope she does not decide to fly off without such a network in place. Free speech cannot afford to lose even one of its zealots. —WM

From steel to stealing — I'm generally pro-robber-baron, but I'm beginning to think that Andrew Carnegie was a net loss to the country. Yes, he built the steel industry, but he also provided major funding for the New Class of intellectuals and social engineers that has plagued the twentieth century. Just before the 1992 vote on school choice in Colorado, the Carnegie Foundation for the Advancement of Teaching published a strikingly shoddy critique of school choice that was headlined in newspapers across the country. Now the Carnegie Corp., a New York foundation, has produced a study of the risks faced by children under three in our society. The report, "Starting Points: Meeting the Needs of Our Youngest Children," is a classic illustration of the total and complete collapse of modern liberalism. It reports that demographic and social changes have left many small children in poverty, in single-parent homes, in low-quality day care, and victimized physically by adults.

Now what are those social changes that have led to such problems? How about the increase in illegitimacy and divorce, along with the fact that most mothers work now, so

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
BK	Bart Kosko
RK	Richard Kostelanetz
PL	Pierre Lemieux
ML	Michael Levine
LEL	Loren E. Lomasky
WM	Wendy McElroy
JSS	Jane S. Shaw
CS	Clark Stooksbury
JW	Jesse Walker

their children spend most of their time in day care? (As for physical abuse, it might be noted that child abuse is overwhelmingly committed by stepparents, not biological parents.) What do Carnegie's social engineers recommend to deal with such problems? You could write this part without reading the study: more money for Head Start, more money for child care, "parenting education," gun control (!), creation of family and child centers in communities, and stronger mandates for employers to provide paid leave for parents. In other words, rather than trying to change the policies that lead to illegitimacy, divorce, and widespread use of day care, the report proposes to further subsidize single-parent families. You don't need a Nobel Prize to realize that means *more* single-parent families.

A more sensible agenda to reduce the number of children who face poverty, abuse, and low-quality day care would include an end to the welfare system, which makes it possible for teenage girls and young women to bear children they're not equipped to care for; a reduction in taxes on the middle class, so mothers wouldn't have to work outside the home just to pay their taxes, which took 2% of the median family's income in 1950 and 25% today; and a changed social attitude toward divorce, so that people would think twice — or more — before having children without a firm commitment to give them two parents for 18 years. —DB

French fried potentates — What can create more havoc than a government carrying out its policies?

Give up? The answer is: a government angling to influence another government's policies. You say you don't find the riddle very amusing? I must agree. Indeed, it's the opposite of amusing — it's sub-Saharan Africa.

Over the past couple of months we have all learned that "Hutu" and "Tutsi" are not the names of a couple of endearing stuffed animals from the Disney assembly line. Rather, they are tribes contending for supremacy in Rwanda, and to date something on the order of a quarter million people have thereby perished from bullet and machete and cholera and other unnatural causes. We turn off the evening news and sigh: another desperately sad case of the ethnic violence that has become rampant since the expiration of the Cold War. Or so it is tempting to pigeon-hole the Rwandan misery.

But this is neither accurate nor complete. Hutu and Tutsi are distinct Rwandan groups, but the difference is not primarily ethnic. They descend from the same stock, are culturally similar, and speak a common language. The predominant differences are economic and political. During the prehistory of Rwanda its Belgian colonial master employed avowedly racist categories to single out the minority Tutsis as a "higher" group to be favored with political preferment. But more recently the French were a constant prop to the Hutu government that held power until President Habyarimana was deftly blown into a thousand pieces, thus setting off the latest round of massacre and revolt.

Now, with a United Nations chastened in its zeal to intervene in African vendettas by recent unhappy experiences in Somalia, Angola, and elsewhere, France has taken it upon itself to send an expeditionary force of over 2,000 men to Rwanda. They protect a small enclave within a country that has otherwise entirely fallen under the control of the Tutsi-dominated Rwandan Patriotic Front. France was too late to avert the terrible internecine carnage, but it may have arrived in time to protect from reprisal, at least temporarily, the Hutu butchers who instigated it.

So, to summarize, the Belgians and then the French largely created internal divisions that were a fertile soil for animosities to take root. Then they nurtured those antipathies by politically elevating their favorites. In Rwanda, as in a half-dozen other African countries — the Central African Republic, Mauritania, Chad, Togo, and so on — France propped up, for its own pleasure and profit, incompetent and oft-times brutal governments. The French have been strongly identified for many years with the perpetrators of Rwandan genocide; now they offer "peace-making" services. This is something like the Menendez brothers pleading for mercy from the court because they have the misfortune to be orphans. For understandable reasons this is not taken with the best of graces by the new governing force, only a few months ago opposed by France. Further mischief is likely.

This is, then, if not a funny riddle, one with a moral.

As you will read elsewhere in the pages of this magazine, it is the burden of citizens of the American Republic to be multiply accosted by the pestiferous Republicans and Democrats. But it could be worse. At least our potentates are spared being advised, supplied, coddled, and juggled by the minions of Mitterrand. —LEL

O.J. meets Linda Lovelace — I have been interviewing dozens of actresses in the porn industry, trying to track down all those women radical feminists assure us are coerced into performing sex acts. So far, I've turned up zilch, zip, zero. So I've started to ask about the most celebrated accusation of "coercion into pornography," namely Linda Lovelace's account in her autobiography, *Ordeal*.

Porn producer Candida Royale of Femme Distribution had a unique take on the book: "What is shocking to me is that it is not about pornography, but about domestic violence. In Lovelace's own words, the whole thing about a gun to her head came from her husband and never took place on the set [of *Deep Throat*]. In fact, she says that the movie was the first time she felt like she could smile, because people were so nice

to her. The reason she ended up with bruises was because Chuck Treynor [her husband] was jealous of how nice people in the industry were to her, so he beat her up that night in the hotel room. If it had happened on the set, the crew would have put the camera down and stopped it."

Candida insisted that the book showed how porn was Lovelace's salvation. "Getting involved in pornography and becoming a star is what enabled her to finally escape from domestic violence."

Playing devil's advocate, I asked whether the crew had a moral obligation to question the overnight bruising. Candida acknowledged that, perhaps, they did. But it is natural to consider what happens behind closed doors between married people to be private. Besides which, she retorted, the LAPD didn't take it seriously enough to arrest O.J.

It is downright depressing when even a conversation about pornography ends up discussing The Juice. —WM

The yellow goldbrick road — President Clinton calls the $30 billion "anti-crime" bill "the toughest, largest, smartest federal attack on crime in the history of the country." After all these years in Washington, I still wonder: Does he *believe* that? Or do politicians spout nonsense in the full knowledge that they're spouting nonsense?

For the record, there's not a good thing to be said about the crime bill. In its essence, it federalizes many crimes that should be handled at the state or local level; there is no authority in the Constitution for a general federal criminal code. Its sweeping definitions of such terms as "gang activity" are a threat to civil liberties — by one critic's reading, the U.S. Senate qualifies as a gang under the bill. Its "three strikes, you're out" provision would include nonviolent crimes; surely life imprisonment should be reserved for violent criminals.

Finally, the bill is Clinton's failed economic stimulus package revived under a new name. It's a Christmas tree bill, with liberal boondoggles piled on top of conservative boondoggles: more prisons, $6 billion; more police officers, $9 billion; job training for disadvantaged youths, half a billion dollars; "model intensive prevention zones," $1.5 billion; municipal education, health, and jobs programs, $2 billion; an "Ounce of Prevention Fund," $1.3 billion; and hundreds of millions more for a Police Corps, expanded drug treatment programs, better school safety, midnight basketball leagues, and more. As Rep. Henry J. Hyde said, "This is not a Christmas tree. This is the whole Emerald City of Oz." —DB

I'll take my stand — In their August primary, South Carolina Republicans considered a non-binding referendum on whether the Confederate battle flag should continue to fly atop the state capitol. Seventy-five percent said yes. I was heartened to find that in the South, even members of the Party of Lincoln are imbued with rebel pride.

Not everyone saw it that way. The editors of *USA Today*, for example, see the southern cross is little more than a symbol of bigotry: "Born during the Civil War as a symbol of the South's resolute insistence on enslaving blacks, it has persisted as a proclamation of racism — not simply southern pride." The professional illiterates at *USA Today* are apparently unaware that the Stars and Stripes flew over slavery much longer than any Confederate flag, and continued to do so even after the Emancipation Proclamation was signed. If any flag should be banished as a symbol of racism and slavery, it is Old Glory. I don't deny that some of the people who use the Confederate battle flag are racist, but I don't care. Let Ku Kluxers fly whatever flags they choose. I won't let them or the forces of respectability do my thinking for me.

Some may wonder why I even care about the issue. I maintain certain irrational attitudes and attachments that developed in my youth. I have always been particularly proud of being from Tennessee, of being "Southern by the grace of God," though I was never particularly conscious of this chauvinistic attitude until I left Dixie. I associate the Confederate flag more with Ronnie Van Zandt and Richard Petty than Lee and Jackson, but I still revere it and would hate to see it driven into exile.

Actually, the best reason for taking down the flag is reverence for it. If it stands for anything, it is resistance to the federal tyranny. And unfortunately, I sense little meaningful opposition to the monster on the Potomac wafting from what a friend of mine used to call the "Sovereign State of South Carolina" — or any other part of the country, for that matter. So *USA Today* is partly right, but for the wrong reasons: until South Carolinians again have Sumter in their crosshairs, I suggest they furl that mighty banner and put it away. —CS

The northern peso, eh? — In the last year, the Canadian dollar has plummeted from 89 cents against the U.S. greenback to as low as 70. Meanwhile, the deficit-heavy feds are frantically trying to prop it up by selling off Canada's gold reserves at a breakneck pace. The reserves are at their lowest levels in 50 years and — at this rate — they'll be depleted sometime in 1995.

From some vantage points, the American dollar looks solid as a rock. Try the view from Canada. —WM

Send the Marines? — As I write, the U.S. is poised on the brink of invading Haiti. By the time you read this, we may already be at war, or that war may be over, or the standoff may continue, or peace may unexpectedly have broken out.

Libertarians and Old Right conservatives, like most Americans, are opposed to a Haitian war. Much of the radical Left, on the other hand, has dropped its usual anti-interventionist posture. This should not be a surprise to anybody — the Left showed itself willing to back U.S. intervention abroad in the 1980s, when it called for sanctions on South Africa. Deposed Haitian president Jean-Bertrande Aristide is a socialist; therefore, he has socialist support. Besides, as Christopher Hitchens has spent almost all of his recent columns in *The Nation* explaining, the Left is "anti-imperialist," not "isolationist," and should support "wars on fascism."

The more moderate, social-democratic Left threw in the pacifist towel long ago, to whatever extent they ever upheld its white banner. After backing World War II, the Cold War, the Korean War, and the Vietnam buildup, they turned on the latter bloodbath only when, in Nicholas von Hoffman's words, "Sen. Robert Kennedy, a man with an uncanny ability to flare his nostrils and smell a trend, jumped from asking President Johnson to send him to Vietnam to take command of winning the war to being an antiwar candidate." Some of them spoke out against Reagan's war on Central America, but few did

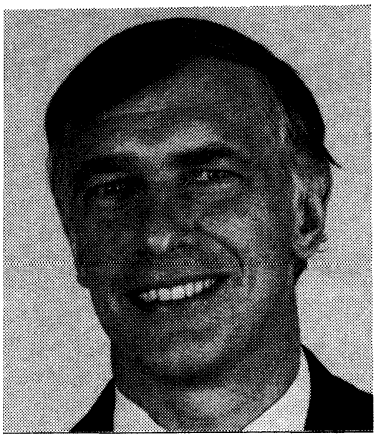

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KIRKUS REVIEWS
October 1, 1993

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anything about it, and most either endorsed the Gulf War outright (like the repulsive Rep. Stephen Solarz) or called instead for "letting sanctions work," i.e., starving Iraqis instead of bombing them. They have since backed the Somalia caper and endorsed military action in Bosnia, especially since these incursions have taken place under the aegis of their beloved U.N. So it's no surprise that they generally support invading Haiti.

What's interesting is the stance of most neoconservatives: far from the usual saber-rattling, they *oppose* an invasion. This position is not so much antiwar as pro-junta — I have seen no Charles Krauthammer columns deploring the CIA's *anti*-Aristide operations. Still, when it comes to the question of whether to send the Marines to Haiti, I find myself shoulder-to-shoulder with the neocons on a foreign policy issue. Ye gods.

Or maybe not. In mid-July, Morton Kondracke told his fellow McLaughlin Groupies that, while he is opposed to an American invasion of Haiti, we may have to send the troops in anyway. After all, we've built this conflict up pretty far, and it might *hurt our prestige* if we backed down.

It's good to know that, while the rest of the political spectrum plays musical chairs, Kondrake can still be counted on to call for sacrificing innocent lives on the altar of trivia. Perhaps there *is* some permanence in the universe. —JW

Kill for peace — Nothing is more deeply inscribed on the American cranium than the left wing's arguments against war. Everyone who can read a picket sign, an editorial, or a bumper sticker knows these arguments by heart; and even veterans of public schools, who have never learned to read, can at least recite the pacifist mantras of their teachers — to wit:

1. Killing is always wrong.
2. War never accomplished anything.
3. No nation has the right to impose its system on another.
4. Every country has its own definition of such terms as "freedom" and "democracy," and America, with its history of imperialism, is in no position to set itself up as a judge of the definitions that prevail in other countries.

These are the principles that have led the American Left to denounce and attempt to frustrate every warlike act this country has engaged in during the past 30 years, from the war in Vietnam to the embargo on Cuba. Whatever one thought of these principles, they certainly appeared to have the status of passionately held convictions.

But now it appears that they weren't convictions after all, that they were nothing, in fact, but the biggest pile of hypocritical shit that ever dripped from the news and editorial columns of the *New York Times.*

This blinding realization came to me the other day while I was driving to work behind a vehicle that was not so much a car as a set of admonitions.

"Think Peace."

"Hands Off Nicaragua" (this Volvo had aged a bit).

"Arms Are for Hugging."

When I got to the third bumper sticker, I thought, "But what about Haiti?"

Haiti is a Third World country that the United States once invaded and ruled for 19 years. Notwithstanding this benevolent intervention, Haiti retained a form of "democracy" that has always been somewhat different, to put it mildly, from that of the United States. Haiti has the kind of "democracy" that is frequently to be met with in Third World countries, only worse. Haiti is the kind of place where you can pretty easily get burned alive for questioning the "people's" latest whim. Right now, one set of Haitian "democrats" has expelled the "president" who was "elected" by another set of Haitian "democrats." Because this "president" is a man of the far Left, the far Left segment of the American Congress is demanding that he be forcibly restored to power. The United States has therefore clamped an economic blockade on Haiti and is threatening Haiti with invasion unless its high officials

Anyone who really Thinks Peace, believes that Arms Are for Hugging, and demands that we immediately Get Out of all Third World countries has had plenty of time to stir his convictions to the frothing point.

— whom our own officials publicly call "The Three Stooges" — surrender power and leave.

The United States has been on the brink of war for months. Anyone who really Thinks Peace, believes that Arms Are for Hugging, and demands that we immediately Get Out of all Third World countries has had plenty of time to stir his convictions to the frothing point.

But where is the antiwar movement? Where are the crowds of sun-worshippers camping outside the gates of military installations and the offices of college presidents? Where are the well-heeled clergymen courageously "speaking truth to power"? Where are the tax protestors? Where are the draft-card burners? (Yes, we still have draft registration, because our draft-dodging, left-wing president turned down the Pentagon's advice to end it.) Where are the New York schoolteachers and their air-conditioned buses to Washington protest marches? Where are Women Strike for Peace? Where are Veterans Against the War? Where is the American Friends Service Committee? Where are the ACLU lawyers, drumming up business among soldiers who have suddenly realized that they cannot bear to stain their consciences with acts of violence against innocent Third World people? Where are the white-haired eminences of the TV tube, and all their Probing Questions?

Well, they're no place. There's not a peep out of them, any of them. It's obvious that the antiwar Left doesn't have any convictions worth lugging from the last war to the next, at least when the next war is brought to us by their fellow "liberals." It's obvious that the only principle of importance to the whole highly principled group can be stated as:

Advancing the Left-wing Cause.

The Vietnam War, the Cuban embargo, the Gulf War, the Grenada incursion, and the Panama snatch were all directed at leftist targets. Therefore they were opposed, with whatever high-sounding arguments might be found. Whether these arguments were good or bad made no difference whatever.

Whether they resulted from a coherent view of the world made precisely the same amount of difference. Lyndon Johnson was regarded by the establishment Left as a liar, a sneak, and a power-crazed animal, because of his leadership in the War in Vietnam; he was regarded by the same people as a saint and seer, because of his leadership in War on Poverty.

When it comes to intervention in Haiti, however, there is apparently no cause for such divided judgments. The exiled "president" of Haiti is a leftist; therefore, it is our duty to put him back in power, no matter what the cost in lives and principles (and never fear, we won't be looking if he ends up detroying Haiti in order to save it).

People who sincerely hate war are often a beseiged minority, looking desperately for allies. They often find such allies on the Left, and so much the better, I guess, if an alliance is helpful in reaching some worthwhile objective. But the ideal of a permanent alliance between libertarians and leftists, an ideal cherished by many libertarians who reached maturity (or something superficially resembling it) during the 1960s, seems more unrealistic with each passing day. You don't make friends with an actor because you like some lines he once recited. —SC

Rent asunder — According to an investigation of corruption in the District of Columbia Subsidized Housing Administration, only ten of 400 rent vouchers given out by the SHA since 1990 were *not* awarded on the basis of a bribe. Apparently, a few good apples can't improve the whole bunch. —DB

Court economist — On an Internet list recently, I read a post from a serious economics professor who always says "present" when state intervention is questioned.

Government intervention in education is necessary, he argued, because of the gap between "private benefits" and "social benefits." One problem with the notion of "social benefits" is that they are difficult to disentangle from benefits to special interest groups, or to the ruling government class. The whole notion of externalities is questionable: Who evaluates externalities? What about the PC groups who claim that "perfume pollutes" — i.e., imposes negative externalities on others — and that consequently wearing perfume should be forbidden or regulated? Actually, it is pretty difficult to find a single "public good" that is not a public bad for at least some individuals.

The guy also argued that parent empowerment "is a version of the *laissez-faire* doctrine." I replied that this argues much more in favor of *laissez faire* than against empowerment.

The expression *"laissez faire,"* which means "let do," comes from French history. Colbert, the minister of Louis XIV, was asking a merchant named Legendre how the King could foster trade. Legendre replied, *"Laissez-nous faire,"* let us do it alone.

Actually, there are two different kinds of *laissez faire*. Either you let individuals do, or you let loose the bureaucratic and political processes. From Condorcet to Arrow, Buchanan, Ordeshook, and Schofield, we know how irrational and inefficient these processes are. From the whole history of mankind, we also know how dangerous they are.

The author of the message claimed that his critics must "take the view that economists should not be making cases for or against anything." But, he added, "the name of this list is 'political economy,' and political economy has always been about the rationalization of public policy, that is about sound rules (*nomos*) for the management of the common political (*polis*; political) household (*oikos*; thus *oikonomia*, economy)."

Indeed, the problem with a certain strand of political economy has been its constant "rationalization" of the Prince's activities. But this does not exhaust the role of political economy. As Robert Sudgen puts it (in *The Economics of Rights, Cooperation and Welfare*), why does the economist see himself on the throne of the tyrant, advising him against his subjects, instead of the other way around? Are we really members of the Prince's household?

Finally, our professional government defender wrote: "If we economists cannot make any distinctive contribution to that purpose, then we should give our salaries back and cease perpetrating the fraud on the body politic." There is something to this idea. The taxpayer could then spend his money as he sees fit. I suggest that he would not hire many economists to advise government as to what he should learn at school, what he should consume, what he should read, and how, from time to time, he should sacrifice his life for the state.

In *On Power*, French political scientist Bertrand de Jouvenal makes a historical observation about the absolute monarch that applies even better to the modern state: "He encourages the universities, which provide him with his most effective champions." —PL

On being a widely published unpublished author — Ezra Pound once wrote, "I fail most lamentably at ten and five year intervals precisely when I attempt to say something of major interest or importance. Trifles or ideas of third or second line I can always offer in a manner acceptable to my editors." Pound wrote those words when he was 49; now, a few years older and likewise a full-time writer, I find them applicable to my own situation. Though I've published a lot — thankfully — much remains needlessly unpublished, and much remains unwritten

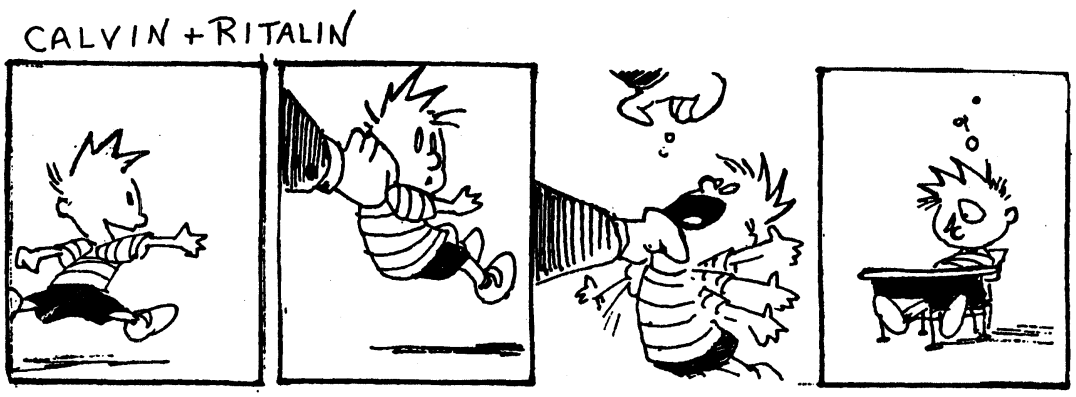

because the obstacles to publishing it seem so great.

An example of the last is anything like the critiques of literary granting I used to write. The same editors who seemed eager to expose Jesse Helms's dangerous but ultimately ineffective incursions have no interest in documenting abuses within the granting organizations. When I like a new book, as I often do, it is almost impossible for me to place a review of it. It's not worth trying, let alone writing, because the only magazines publishing my critical pieces are backed up with me, while others, alas, aren't interested at all. The difficulties with magazines, with all their smelly orthodoxies, drove me long ago to focus on books. Nonetheless, these too are hard to place, even when they are finished. Too many end up being released by publishers other than those who commissioned them. Others aren't published at all. Just recently, *Twenty-Five Years After: Recollections of Rock Theater* came back from a publisher that had announced it in *Publisher's Weekly*.

Where some see too many books being published, I see too few. I've stopped reading manuscripts submitted to me for publishing advice, not because I don't want to help out, but because I can't stand the fakery of bogus enthusiasm or the frustration of not seeing my own predicament in someone else.

It's a marvel any writing ever appears publicly at all. —RK

Population erosion — The U.N.'s September population conference in Cairo will bring out the usual hand-wringing about the Earth having too many people. But the population pessimists are not the monolith they used to be.

Some Third World countries have been showing fairly significant declines in their birth rates. For example, in Thailand the fertility rate fell from 4.6 children per woman in 1975 to 2.3 children in 1987; in Colombia, it fell from 4.7 in 1976 to 2.8 in 1990. Such declines are widespread, and are not limited to any one geographic region.

This change has splintered the population control movement. At first glance, it suggests that the Third World's long-awaited "demographic transition" — the drop in fertility that came along with economic growth in the West — has come. If so, perhaps everyone can just go home and stop worrying about population. But now some people doubt the relevance of the demographic transition.

Virginia Abernathy of Vanderbilt Medical School, for example, has found that when people's well-being improves above their expectations, they have more children, not fewer; similarly, an unexpected decline in income leads to fewer children. This may simply reflect a temporary adjustment as people boost their family goals when incomes rise unexpectedly and reduce them when they fall. But it will keep tongues wagging over champagne and caviar at the Nile Hilton.

Then there's the question of whether fertility rates are reduced by availability and knowledge of contraceptives or by changes in people's preferences. Last September, three scholars — Bryant Robey, Shea O. Rutstein, and Leo Morris — stated flatly in *Scientific American* that a "country's contraceptive rate . . . largely determines its total fertility rate. Indeed, the data reveal that differences in contraceptive prevalence explain about 90% of the variation in fertility rates."

Not so, responded Lant H. Pritchett in the March 1994 *Population and Development Review*. Pritchett argued that causation mostly runs the other way — from changes in the desire for children to the use of contraceptives (or other ways of controlling births, such as late marriages). If so, this means the "challenge of reducing fertility is the challenge of reducing people's fertility desires, not reducing 'unwanted' fertility" through contraception.

This fundamental debate is not easily resolved. Many factors enter into decisions about having children, and a lot of them can't be quantified, or even identified, in the surveys conducted by the Agency for International Development. For example, no one knows why "desired fertility" differs between nations, yet these differences are generally greater than the difference between desired and actual fertility within any one country. And despite their conviction that contraception is the major cause of the declines, the *Scientific American* writers also report independent changes, such as the rise in the age of marriage in sub-Saharan Africa and parts of Asia and the fact that more women are telling surveyors that they don't want more children.

My impression is that the available information is diverse enough to support almost any interpretation or ideology. In that light, the draft program for the Cairo gathering makes it look more like a conference on improving the status of women than one on population. And that could be a good thing, if improving the status of women means increasing their freedom. Emancipating women is a far more worthy goal than trying to discourage them from having more children. The two may be correlated, but until now, the latter seems to have been all that these people have wanted to do. —JSS

If at first you don't succeed — When the Bill of Rights says "nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb," its meaning is as plain as the principle that underlies it. If government can keep trying a person until it finds a jury willing to convict, none of us is safe.

So I was naturally upset by the Bush administration's decision to retry the L.A. cops who beat up Rodney King for a "civil rights" violation after a jury had found them not guilty. Appalling though that verdict surely was, trying the cops again was more appalling. Worse still was the semantic sleight-of-hand used to justify the second trial: the rubric of "civil rights" gave the false impression that the new trial was for a different offense than the first. But it was obviously held to remedy the previous trial's "incorrect" verdict. The cops' second trial was precisely what the double jeopardy clause was intended to protect against.

The effect is to politicize the process of selecting cases for retrial, with the determining factor being the public mood or (more likely) whether influential pressure groups are sufficiently pissed off to whine loudly enough to the feds. A new case demonstrates this point, further entrenching the practice of double jeopardy. A few years back, a Jewish man was beaten to death by 13 black men, apparently acting in angry response to the death of a young black girl hit by a car driven by a Jew. Only one of the men was put on trial for murder, and in 1992 he was found not guilty.

Had the victim been, say, a white supremicist, it is unlikely that anyone would've called for a federal trial. But the victim was a Jew, and Jewish pressure groups were not satisfied with the verdict of the first trial. Taking advantage of the

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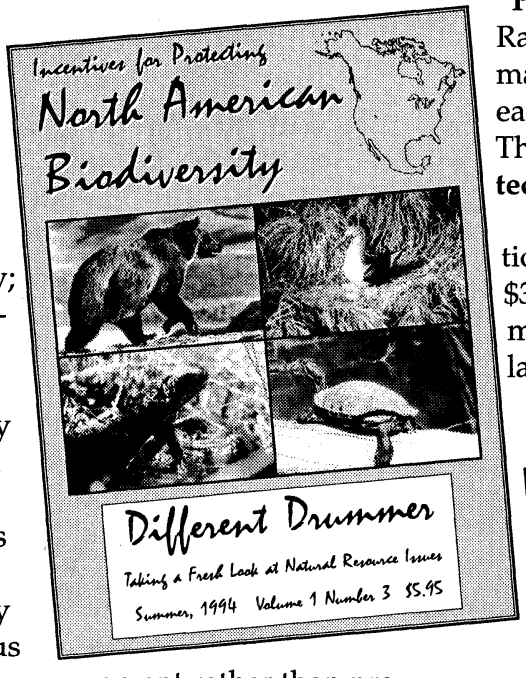

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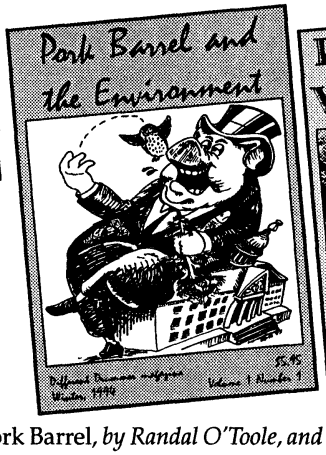

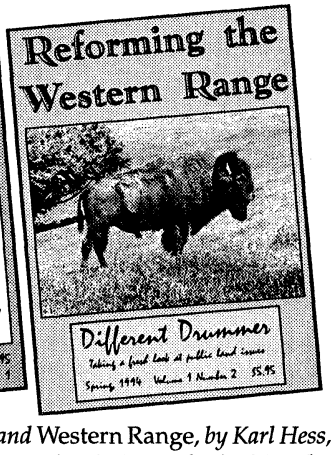

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King precedent, they demanded that the Clinton administration bring "civil rights" charges against the exonerated man. The Justice Department has obliged, and the second trial is now underway.

To my knowledge, no self-styled civil rights advocates have complained about the double jeopardy involved in the present case. Paradoxically, they cannot be counted on to defend the accused's constitutional *civil right* to be protected from a government hell-bent on getting a "satisfactory" verdict. The present trial goes on without much protest, the precedent for double jeopardy further affirmed, the judicial system further politicized, the Bill of Rights that much more ignored — and freedom that much more eroded. —ML

To dream the impossible dream — Am I the only one hoping that Paula Jones's sexual harassment case against Bill Clinton goes all the way to the Supreme Court, and that Clarence Thomas writes the decision? —WM

Saturday night holocaust — The oldest principle of war is that it costs more to attack than to defend. The Trojans sat behind their walls while the Greeks had to launch a thousand ships. Afghan rebels fired cheap Stinger missiles from their shoulder to shoot down Soviet helicopters. And Patriot missiles cost a fraction of what large lumbering SCUDs cost.

Cruise missiles may soon defy this ancient and stabilizing principle. Today, they cost over $1 million apiece. *Aviation Week* and other sources report that the price is falling to about $100,000 apiece. That's one reason the Pentagon now ranks cruise missiles the number one proliferation threat.

Meanwhile, no one knows how to shoot the things down. Cruise missiles fly too low for most radar systems and they can maneuver in flight at high speeds. Knocking out or evading a smart cruise missile is a lot like trying to dodge a bullet — except these bullets can track you when you move. No proposed Star Wars shield ever had the means to protect against such "air-breathing" threats.

The free market in computer modules may well bring the real cost of cruise missiles down to about $10,000 apiece — less than a car. All countries — and some non-countries — will have them in great stockpiles, and their machine IQs will rise as chip densities keep doubling every 18 months. Then it will be cheaper to attack than to defend. This will no doubt help start some of the "smart wars" of the next few decades. Imagine Israel trying to fend off swarms of Arab smart cruise missiles tipped with DNA gas.

Most countries will try to enforce some form of missile control as they now enforce gun control. The problem is, you can buy most of the computer and guidance modules off the shelf for a few dollars. These modules account for the most lethality, because they account for the machine IQ. Right now you can build your own cruise missile with a Cessna, a hand-held GPS navigator, a video camera, and some TNT.

The market question is whether some form of private defense will emerge and make a killing in the Mideast or Africa or South America. The U.N. might hire them to provide the service. Or, more optimistically, they might compete with the U.N. outright. —BK

Poor man's burden — "Aspen is a great place," my friend explained. "It has the culture and amenities of New York — opera, great restaurants, wonderful shopping — without the street crime." It is a place where locals worry about real estate prices — land is getting so expensive that there's no place for their servants to live, which has resulted in congestion on the road down the valley to less chi-chi towns like Basalt and Carbondale, where modest homes can be found for less than a half-million and apartments can be had for less than $1,500 per month.

This playground of the superrich is also the place in America where property rights are respected least, if reports in the local press are any indication. Take the case of Stefan Albuoy, who ended a land-use dispute with the Pitkin County by committing suicide. Albuoy is not the only casualty in the war on property: the *Aspen Daily News* also noted, "Locals will recall just last week the bizarre spectacle of Jim Blanning perched in the eaves of the county courthouse roof with a rope around his neck, threatening to hang himself from the rafters."

The problem these poor landowners face in Aspen is that, well, they're poor. As county executive Reid Haughey explained to the *Aspen Daily News*: "The people who get frustrated are the ones who try to do it on their own. They try to make a multi-million dollar deal out of the back seat of their

TWISTED IMAGE by Ace Backwords

truck. They need to get professional help from private planners and land-use attorneys."

In other words, when a landowner trying to build a home on his own property gets frustrated to the point of suicide, it's his own damn fault because he doesn't have "multi-million" dollars to handle the legal hassles and pay off public officials and the county and support the members of the *nomenklatura* who have the right connections to get permits.

Now the planning department is concerned that another local might get "frustrated." In a memo leaked to the press, Public Works Director Stan Berryman predicted that the demolition of Wilk Wilkerson's home "ought to be a lot of fun." The home was built on land for which local authorities refused to issue any building permits. Berryman also suggested in his July 26 memo that "no one go onto his property without a sheriff's deputy," and requested Haughey to suggest "other precautions that ought to be taken."

Aspen residents are subject to zoning regulations that give the city total control. At least that's the inference I drew from a small item in the *Aspen Times*, which reported that a local man had "asked the city council to allow him to rent out the second story [of his building] as offices instead of the nine-room lodge that currently is the only allowable use."

Even if you have the "multi-millions" needed to get permission to build — and to use your building for the purpose you desire — you will soon have to comply with mandatory "design guidelines," which require all new structures to "mimic the old Victorian cottages and sheds in style, balance, and character."

Nor is this sort of idiotic government activity limited to control of private property: The county is currently considering a plan to turn a local road over to the government-owned transit company and buy high-tech buses for the short run at a cost of $384 million. Does the project's $30,000-per-resident price tag faze the county? Not at all. Aspenites will use the new buses for free. Taking a page from the book of medieval land barons, the county proposes to finance the project by charging a toll on all motor vehicles that enter the county.

These stories, gleaned from a casual perusal of two days of Aspen's newspapers, were reported without a hint of criticism, except for one letter to the editor and a comment from Wilk Wilkerson, whose home the county proposes to have "fun" demolishing.

To paraphrase Abe Lincoln, God must have really loved fascism, else why would he have spread so much of it among the elite residents of Aspen? —RWB

Browneing in — Harry Browne's announcement that he will seek the Libertarian Party's presidential nomination comes as great news for those like me who still harbor hopes for the LP.

The move came as a surprise to many in the LP. Browne had been a prominent and eloquent critic of political activism, his most thorough statement being the passionate plea for self-liberation, *How I Found Freedom in an Unfree World*. But it was a welcome surprise: Browne offers the party an articulateness and credibility lacking in the pathetic characters who have sought its nomination in recent years. An active libertarian since the early '60s — long before his 1969 bestseller *How You Can Profit From the Coming Devaluation* practically invented the hard money movement and brought him fame and fortune — Browne is a superb communicator, as anyone who has seen him on talk shows can attest.

The LP has shown signs of maturity during the past few years, as its bureaucracy has become more professional and its fundraising more lucrative. But for all the best efforts of its members, the party has been steadily moving toward the irrelevant periphery of American politics. If its slide into obscurity isn't stopped, the LP might find itself in the position of the Socialist Labor Party — a party of aging true believers talking to themselves.

To reverse this process, the party needs to mount a visible presidential campaign that raises important issues. This is a tough and expensive task, one beyond the resources of its members, who simply cannot afford the $10 million price tag of a credible campaign. Furthermore, the party needs real growth beyond the 10,000-member level at which it has stagnated for the past decade. Whether Browne can succeed remains to be seen.

For this growth, Browne will need to reach out to new people, lots of new people. Browne's experience with the hard money community and with the media uniquely qualify him for the challenge. If anyone can save the LP from obscurity, Harry Browne can. —CAA

Shock jock drop out — Two media outlets correctly predicted not only that Howard Stern would withdraw from the New York gubernatorial race, but why: Comedy Central and *Late Night with Conan O'Brien*. Does this mean that you have to be a comedian to understand Stern, or that you have to be a comedian to understand New York politics? —ML

The Nixon difference — In his eulogy for President Richard Nixon, the Rev. Billy Graham said, "A few months ago [Nixon] was asked in a television interview, 'How would you like to be remembered?' He thought a moment, and then he replied, 'I would like to be remembered as one who made a difference.' And he did make a difference in our world and in our lives."

As I listened, I wondered just what difference Nixon ultimately made in our world. He "opened China," but that surely would have happened soon. He pursued détente with the Soviet Union, and that might have been an accomplishment that only a confirmed anti-Communist could pull off. In domestic policy, he dramatically increased the size of the state — through a determined inflation followed by wage and price controls, along with the creation of the Environmental Protection Agency, the Occupational Safety and Health Administration, affirmative action, and a host of other costly regulations — enough that Jonathan Rauch in *The New Republic* called him the worst president of the century. But he was neither the first nor the last president to ratchet up the federal government.

Finally, of course, he presided over the Watergate scandal. His defenders say, *Nobody's perfect, lay Watergate aside, look at China and his progressive domestic policy.* But ultimately, I believe that the most imporant way in which Nixon "made a difference in our world and in our lives" was to remind

Americans of what government is really like and thus to send distrust of government skyrocketing. And for that I thank him. —DB

The Hess conspiracy — A bizarre sidebar to the tributes paid to Karl Hess in *The New Republic, National Review,* and *Liberty* was published in the August issue of the *Rothbard-Rockwell Report*. Hess, you will recall, was a journalist whose intellectual odyssey led him from far Right to far Left to libertarianism. According to *RRR*'s designated hitman, Justin Raimondo, the Hess obituaries all shared a salient characteristic: "hatred of Murray N. Rothbard." This pervasive hatred of *RRR*'s coeditor, Raimondo explained, can be discerned even in the case of Charles Murray's obit in *National Review*, which Raimondo acknowledges "does not mention Rothbard by name."

Raimondo takes my own essay on Hess, published in the July issue of *Liberty*, to task for "blaming" Rothbard "for Hess's quixotic and misguided decision to become a tax resister." As evidence that he did no such thing, Raimondo asserts that "Rothbard has always opposed tax resistance as utopian and counterproductive and has never endorsed it, in private or in public." Raimondo didn't explain how he came to know this. Had he examined Rothbard's writing on the topic, he would surely have come across the April 15, 1969 issue of *The Libertarian*, dated the very day Hess began his tax resistance. Rothbard concluded his lead editorial, titled "Tax Day," with these stirring words:

> This issue of *The Libertarian* is dedicated to that growing legion of Americans who are engaging in various forms of that one weapon, that one act of the public which our rulers fear the most: tax rebellion, the cutting off the funds by which the host public is sapped to maintain the parasitic ruling classes. Here is a burning issue which could appeal to everyone, young and old, poor and wealthy, "working class" and middle class, regardless of race, color, or creed. Here is an issue which everyone understands, only too well. Taxation.

I suppose that Rothbard might argue that tax resistance is not among the "various forms" of "tax rebellion, the cutting off the funds" to the state, that he endorses. But if Rothbard "always opposed tax resistance," why did he publish Hess's eloquent declaration of tax resistance in the following issue of *The Libertarian* without taking an opportunity to criticize it?

In my defense, I should mention that I got the story from a good source which I cited in my article, verified it with a mutual acquaintance of Rothbard and Hess, and checked it against Rothbard's writing on the subject. I also attempted to verify the story with Rothbard, who told me he was "too busy" to talk about Hess and later bragged to friends that he had hung up on me.

Raimondo concludes his piece by addressing the burning question of what could motivate the panegyrics to Hess in *The New Republic* and *National Review*:

> . . . [B]oth magazines fear and despise the rising Hard Right populism that culminated around the Buchanan for President campaign [which combined] both populist and libertarian themes. Splitting these elements would stop the movement dead in its tracks. One way of engineering a split would be to substitute a placebo for one of the key elements, a phony left-libertarianism far too exotic to be compatible with populism of any sort . . . the strategy here is to construct a substitute libertarianism, a left-libertarian golem. This is the real meaning of the movement to canonize Karl Hess.

There you have it. Motivated by a hatred of Murray Rothbard and hoping to split the Buchanan for President campaign asunder, the editors of *National Review, The New Republic,* and *Liberty* conspired to publish favorable obituaries of Karl Hess.

I suppose I may as well confess. On April 23, I got a call from John O'Sullivan, editor of *National Review*. "I've got Andy Sullivan on line," he said. "With Karl Hess passed on to his heavenly reward, we've been thinking—"

Andrew Sullivan of *The New Republic* interrupted. "This offers us a golden opportunity to heap scorn on Murray N. Rothbard, and to split the Buchanan campaign," he said.

"All we have to do," O'Sullivan added, "is publish obituaries that portray Karl in a favorable light. It'll be a stake into the heart of the Buchanan movement!"

Andy chimed in again. "It'll be easy. I'll get John Judis to do a paean to Karl, and he'll be glad to dump on Rothbard. John can get Charles Murray to do the same. All we need is for you to come up with someone."

The rest is history. —RWB

Letters, *continued from page 6*

about capitalism demonstrate a grave error. He believes that *laissez-faire* capitalism is morally justifiable insofar as it produces an "American Dream" society with a vast and prosperous middle class, a small elite class, and an even smaller lower class. Regretfully, Gary Alexander (Letters, July 1994) only debates Brin's statistics and not his logic.

Although Brin is correct in asserting that capitalism has created the first civilization in which the rich outnumber the poor, it is possible that if Brin were convinced that socialism represented a better vehicle for achieving the "American Dream," he would be a socialist. But *laissez-faire* capitalism does not draw its moral justification from any utilitarian-collectivist premise. Its purpose is not to bankroll the largest middle class in history or eliminate poverty. It is not a "golden goose" to be spared death for the sake of its golden eggs.

Laissez-faire capitalism is a necessary corollary to a philosophy that holds the individual human life as its highest value. It completely repudiates Mr. Spock's Vulcan credo: "The needs of the many outweigh the needs of the few — or the one." Even if capitalism benefitted only 666,000 people, it would still be the most moral system of government the world has seen to date.

If Brin is so concerned with aristocrats rearing their ugly heads and keeping down worthy competitors, the solution is to dismantle anti-competitive laws and abolish all government handouts to both rich and poor.

David Marhoffer
Tempe, Ariz.

Brin responds: These letters show what excellent service *Liberty* provides. Most political journals, Left or Right, seek

continued on page 68

Letter from Washington

Hail to the Wimp!

by Leon T. Hadar

Every clouded presidency has a silver lining.

Many of my friends envy me for being a "Washington-based journalist." It sounds so romantic, so important! Sure, everyone knows reporters don't make much money, but working in the U.S. capital means the opportunity to mingle with the famous and powerful. People are always asking me questions: "Can you go to those White House press conferences? Do you get to see Clinton? How does Sam Donaldson look in person? Does he really wear a toupee?"

Well, to be honest with you, the last time I saw Donaldson was on ABC's *This Week,* and I prefer to watch White House press conferences from the comfort of my air-conditioned bedroom. In fact, *most* of my Washington reporting is done from the comfort of my air-conditioned bedroom. I begin my day reading the *New York Times*, the *Washington Post*, and *The Wall Street Journal*. Then I watch a bit of CNN and C-SPAN (and my favorite soap). I do some jogging, read the news wire reports on my online service, glance at the news releases I receive on my fax machine, or skim through the World Bank or Commerce Department reports delivered to me with your tax money (sucker!). And maybe, if I really feel in the mood, I make a few phone calls to my "sources." Then I recycle all the info I've collected over the day into a news story or "analysis" and wire it to my newspaper.

That's how I make my living. Really!

Okay — sometimes, when the weather is good or the illegal immigrant who cleans my apartment shows up, I go out and do some "reporting." This consists mainly of attending boring press conferences, think-tank "briefings," and embassy receptions. The rewards come in the form of free lunches, *hors d'oeuvres*, and other refreshments. I also get to "network" with colleagues, hoping to find a job that pays even more for this parasitic existence, and to flirt with some of the young chicks who flock to Washington.

One Friday, in the last week of July, I decided that it was time for me to take advantage of my press credentials and do some honest reporting. It was hot and humid in Washington, with very high levels of pollen, and the idea of having to wear a tie and jacket didn't seem very enticing. But when I heard that the diplomatic and national-security biggies of the Republican Party — former Secretary of State James "Jim" Baker, former Defense Secretary Richard "Dick" Cheney, former U.N. Ambassador Jeane "Jeane" Kirkpatrick, all-around statesman Henry "Doctor" Kissinger — would all be bashing Clinton at a foreign policy forum organized by the Republican National Committee, I just couldn't resist the temptation.

So I hopped into a non-air-conditioned cab, whose Nigerian driver took me to a K Street hotel. There I found one of those stuffy Washington foreign policy events where pompous media and think-tank types socialize and exchange ideas (and business cards).

I recalled attending similar gatherings in the glorious Reagan years, at the peak of the Cold War and the struggle against Soviet-sponsored terrorism, or during the video-game days of Desert Storm, as Bush's New World Order was evolving. Back then, there was a sense of excitement in the air. Here we were in the capital of the Free World, the New Rome, where Global History was being shaped, where the balance of power in "Euro-Asia" was being rearranged by the competent managers of Empire. And we were all part of it, extras in the great motion picture. It was a world where powerful and virile men of action, diplomats, strategists, and the female TV reporters who slept with them could make one hell of a global difference. Yeah! Those were the days.

Now, as I entered the hotel hall and observed the GOP contributors

chewing the last morsels of their disgusting lunch and waiting for the proceedings to begin, I felt a sense of emptiness in the air. *Things ain't what they used to be,* I told myself. One look at the unemployed beltway bandits, causeless neocon writers, and retired global crusaders around me said it all. Here we are, close to the mid-term point of the Clinton presidency, and America has yet to be engaged in any hot, luke-

It was a world where powerful and virile men of action, diplomats, strategists, and the female TV reporters who slept with them could make one hell of a global difference. Yeah! Those were the days.

warm, or cold wars. Peace is breaking out all over. There's no Evil Empire to push around anymore, no anti-Communist military despots to prop up, no "freedom fighters" to support. Even the Israelis and Yasser Arafat are making peace — a major blow to the neocons, who are now trying to out-Zionize the Israeli government.

And the American people don't give a hoot about foreign policy. It's one of the last items on the list of concerns in the average American's mind, sandwiched somewhere between the fate of the spotted owl and the whereabouts of the space station. Typist-turned-CNN-correspondent Christina Amampour broadcasts from the roof of a bombarded Sarajevo building every night, trying to convince Americans to fight in Bosnia. To no avail. Despite all the efforts of U.S. television's British stringers to bombard us with horrible images of tortured, wounded, and dying Bosnians/Somalis/Azeris/Haitians, public support for sending troops to any of these hot spots is next to nil. Isolationism, bless it, is alive and well in our beloved post-Cold War America.

And who knows better than that infamous draft dodger, the wimp himself, Bill "Don't Get Killed, Get a Blow Job" Clinton? When it comes to foreign policy, this president is just my kind of guy.

Yes, I know he made all those promises during the campaign about how he was going to spread democracy around the globe, save the Bosnian Muslims, punish the tyrants in Beijing, and cleanse the Third World of nuclear weapons. Plus, he committed himself to the principles of "assertive multilateralism" — that is, following the U.N. to fight for democracy anywhere and anyplace on the planet.

We thought we were getting a new Woodrow Wilson, a moralist interventionist, an idealist statesman who would try to make the world safe for democracy. Instead, we got a Warren Harding, a pragmatic neo-isolationist, a corrupt politician who wants to make the world safe for business — kind of a global Arkansas.

I suspected all along that Clinton's internationalist rhetoric was little more than campaign baloney for the columnists and foreign policy "insiders." But it wasn't until I saw Clinton's foreign policy team on television that I knew that the Republic was safe. Did anyone seriously think that aging Warren Christopher, bookish Anthony Lake, and eccentric Les Aspin were going to lead America into war?

Now, even with the more energized William Perry at Defense, the foreign policy team looks and sounds like it's OD'd on Prozac. It's true, the president and his aides keep espousing that crap about the U.S. being the only remaining superpower in the world. But they've been generally faithful to their commitment to cut the defense budget, making it harder to achieve that sacred Pentagon goal, to fight on two fronts (say, in Korea and the Persian Gulf). And they seem to be making the right moves so as to make NATO and all the other Cold War dinosaurs obsolete.

Now imagine a Jack Kemp presidency, with its expanding military budgets and crusades for global democracy. See what I'm getting at?

In Somalia, the Clintonites, following their U.N. lead, invited a bloody shootout. But then they cut their losses and authored a new policy directive that forbids Washington to back up a new interventionist U.N. adventure. They even refused to characterize the slaughter in Rwanda as "genocide," so as not to create the legal basis for a major U.S. military intervention there.

Bosnia? As Pat Buchanan recently noted, the president "has threatened Bosnia's Serbs more times than Jackie Gleason's bus driver Ralph Kramden shook his fist in the face of wife Alice shouting, 'One of these days, Alice! Pow! Right on the kisser!'" But despite the pressure from the Left and the Right, from Bill Safire and Jim Hoagland and *The New Republic*, Clinton and his aides were able to brilliantly rationalize their more-or-less non-interventionist posture in the Balkans. Good for them!

I loved the way Clinton climbed down from a threat to impose sanctions on China and the way he reestablished trade ties with Hanoi. Did you notice how he had to go through all that agony of surrendering to the butchers of Tiananmen Square and giving up the idea of sending Rambo to find those missing servicemen in the Vietnam jungle? In the end — as always with this president — money talks. And thanks to this unprincipled White House steward, trade will flow more freely across the Pacific, making the Chinese, Vietnamese, and American people happier and more prosperous.

I'll admit I was a little concerned in Clinton's early days. I was afraid all the

If it were up to the Republican crazies, we would already be in the middle of Korean War II, with Seoul nuked and tens of thousands dead.

criticism coming from the foreign policy insiders ("Draft-dodger!" "Inexperienced!" "Wimp!") would force Clinton to get macho, to follow his predecessor's path to proving his manhood by bombing some Middle Eastern country into the stone age. Instead, our young president, in what seemed to be a mild form of ejaculation, dropped a few bombs on an "intelligence center" in Baghdad and left Saddam alone most of the time. I didn't care for that, but it's better than what Bush did.

Actually, Clinton's entire "Middle East policy" seems to consist of inviting leaders from the region to shake hands on the White House lawn and serving as an effective master of ceremonies. (I

did attend Clinton's Arafat-Rabin handshake performance, and I can tell you: the guy is smooth.)

And Clinton was certainly a master strategist in the "North Korean crisis," sending Jimmy Carter to Pyongyang to buy some time and ignoring the advice of the Republican crazies. If it were up to *them*, we would already be in the middle of Korean War II, with Seoul nuked and tens of thousands of Americans and Koreans dead. Instead, Clinton took the advice of the Asians, which, more or less, was "Who needs a war now? We're doing so much business and making so much money in Asia. Let's wait for Kim Il Sung to die, and then maybe we'll be able to buy his playboy-midget son Kim Jong Il with a few bucks and yen." And what do you know? Kim Senior is dead, and it looks like Junior may be ready to cut a deal in return for a fresh supply of X-rated Swedish videos.

I'll admit I don't like Clinton's polices toward Haiti. As far as I'm concerned, it doesn't matter whether it's "Father" Aristide or bloody General Cedras who's leading the killing spree in Port-Au-Prince. If it were up to me, I would have lifted the embargo on that poor island yesterday and allowed all those hard-working Haitians to immigrate to Miami, thereby diluting the power of the Cuba lobby.

Still, isn't it refreshing to see a president making it clear to everyone that he's ready to send American soldiers to their deaths in Haiti, not to preserve Western civilization and the Judeo-Christian way of life, but to maintain the Congressional Black Caucus' support for his health package? (Public Choice economists could come up with an interesting model correlating the number of American war casualties and Congressional votes on the health-care bill, graphed nicely as indifference curves.)

So, since it looks like the only major foreign policy excitement we're apt to get during the Clinton term is a splendid little war in Haiti, it is not surprising that Washington's internationalist set is so depressed — which brings me back to that Republican foreign policy forum in Washington. As I mentioned before, that event forced me to leave my cool apartment on a muggy July day. You are all probably asking: *Was it worth it, Leon?* I could've spent that time at the pool, or taking a long afternoon nap, or watching *Sonya Live* or *Oprah*. Instead, I had to sit through frustrated right-wing Cold Warriors explaining why they should be back in power, so they can make American foreign policy "credible" again and turn Washington back into a safe sanctuary for the veteran managers of the National Security State, for the Global Democracy buffs, for the demented unipolarists.

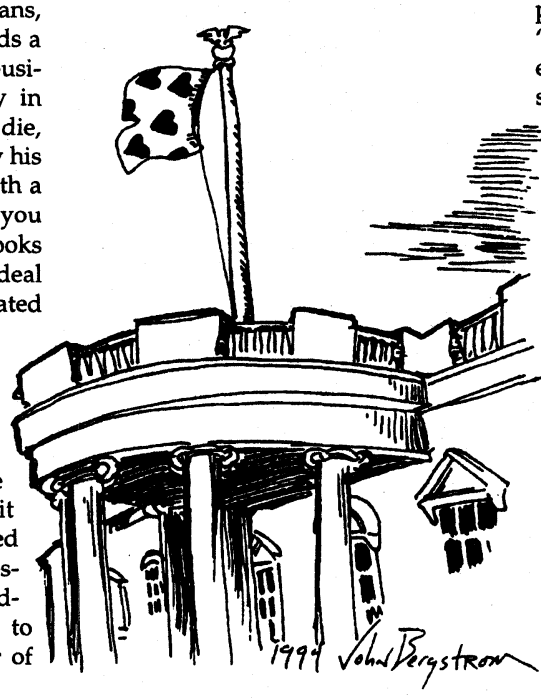

I certainly didn't get any story from the event, unless you want to count this one. My newspaper doesn't even come out on Saturday. But I did learn a lot, and came to some provocative conclusions.

When "Jim" and "Dick" and "Jeane" and "Dr. Kissinger" say it isn't in America's "national interest" to invade Haiti, the not-so-subtle message to the white middle-class voters is, *Do you really want to see American boys* (and girls — sorry!) *die for the sake of a bunch of AIDS-stricken niggers?* I believe that fighting a war in Haiti is not in anyone's interest. But Kirkpatrick and her neocon buddies tell us that it is in America's "national interest" to help the westernized yuppies of Sarajevo. Cheney and his Pentagon pals explain that it is in our "national interest" to send more money to the military, the CIA, and the rest of the National Security State apparatus. Baker wants to see a rerun of the Gulf War on the Korean Peninsula — again, that "national interest."

Kissinger believes that we should be doing our best to expand NATO and prepare it to deal with the new "threats": Islamic fundamentalism, Russian nationalism, etc., etc. And of course, all the great Republican foreign policy strategists think it's in America's "national interest" to continue its huge entitlement program for Israel and its security services for the Saudi royal family, and to prepare for a great war against the ayatollahs in Teheran, who they see as a threat to Israel and the oil sheiks. (In other words, what's good for Israel and the oil lobby is good for America.)

Which leads me to the following question, which I'd like to pose to you, the thinking libertarian: Who would you really prefer to see presiding in Washington after 1996? Hilarious Hillary and Horny Bill, trying (unsuccessfully) to get all their big government domestic programs passed by Congress, visiting our vacationing troops in sunny Haiti, drowning in the Whitewater, and constantly providing us with ammunition to use against the political class? Or deadly serious President Dick Cheney, his "virtuous" wife Lynn, and their company of wild-eyed spooks, military adventurers, and neocon *Commentary* propagandists, presiding over Gulf War II, Korean War III, Cold War IV, Iran-Contra V, and Watergate VI — while being forced by a Democratic Congress to pass all those big government programs anyway? Well?

Contrary to Republican propaganda, Clinton's poll ratings are falling, not because of his inability to handle foreign policy, but because he is incompetent, sleazy, and corrupt. In fact, the only reason he's still a serious contender for 1996 may be that he's kept the country at peace for close to two years. So I hope that Clinton will adopt Ron Paul's proposal to run under the "He Kept Us Out of War" banner in '96. And that he wins.

He may not get our votes, but he does deserve our sympathy. ❑

Trading Away Free Trade

by Fred L. Smith, Jr.

The creation of the World Trade Organization was supposed to be a landmark victory for free trade. But was it?

The General Agreement on Tariffs and Trade has lowered the world's tariff barriers fairly well. Its proponents — including the Cato Institute and other libertarian groups — argue that the latest modification to GATT, the World Trade Organization, will advance free trade even further. So does the Clinton administration, which negotiated the final agreement, and so have most large businesses. It is opposed by a handful of populists like Ralph Nader and Pat Buchanan, with environmental and labor groups withholding support until further "protections" are added.

The WTO builds on GATT's base, adding trade in services and intellectual property to the trade in goods already covered by GATT. It is being sold as a global equivalent of the interstate commerce clause of the U.S. Constitution, as a guarantee of the right to buy and sell goods throughout the world. But it may prove instead to be more like the Interstate Commerce Commission — a tool for the cartelization of economic activity, the exploitation of consumers, and the suppression of economic liberty.

Revamping GATT

Free trade needn't involve foreign entanglements. It only requires removing a nation's own barriers to international exchange. But protectionism is a powerful force, and few legislators are eager to confront special interests out to escape foreign competition. So they pander to producers whose goods are blocked from other countries' markets. Usually, they try to open those markets with "retaliation": "if you don't open your borders to my goods, I'll block your goods from my markets." This strategy rarely works even on its own terms; as Jim Powell has pointed out, "it is hard to find a single significant case in which trade retaliation or retaliatory threats have forced open a foreign market" ("Why Trade Retaliation Closes Markets and Impoverishes People," *Cato Policy Analysis* #143).

GATT also relies on trade retaliation. Nations bring disputes before GATT, and a panel is convened to judge the merits of the charges. If a country is found guilty of blocking trade, the offended nation is entitled to impose penalties against the offender's imports. Despite its authorization of this dubious practice, GATT seems to have worked fairly well: tariffs have been gradually reduced and world trade has increased. It is important to remember, though, that the system was never intended to promote free trade *per se*. Lower tariffs and increased trade may have occurred despite GATT as much as because of it.

At the same time, lower tariffs have increased the importance of other forms of protectionism. These new restraints are inherently more difficult to resolve — or detect. Unmodified cars are difficult to sell in England or Japan, where people drive on the left side of the road. Is this a trade barrier? Aggressive exporters convinced of the superiority of their products and selling abilities are too quick to see non-tariff barriers where brand loyalty, price or quality differences, lack of repair facilities, or already well-established trading patterns are to blame for their problems. To hear some firms tell it, *any* lack of sales is a result of foreign protectionism.

Will the WTO erase real impediments to free trade, or will it pander to fears of pantomime protectionism? You have to wonder.

For one thing, by widening the range of products covered by GATT, the WTO widens the scope of cross-retaliation against products not involved in the original dispute. Thus, the WTO sharpens the sting of trade sanctions by allowing governments to punish each other in ways that cause the most pain, dragging unrelated businesses into a trade dispute: an American software firm, for example,

might be punished in retaliation for an American agricultural firm selling rice too cheaply in Japan.

Clinton's negotiators, not known for their staunch free trade principles, incorporated some troublesome aspects of U.S. anti-dumping and countervailing duties laws into the GATT agreement, legitimizing the protectionist rules of the U.S. International Trade Commission and the Department of Commerce. European nations, in turn, insisted on explicitly defining their industrial-policy subsidies as acceptable trading practices. The Clintonites accepted these changes, which allow them to expand the domestic subsidies *they* wish to pursue. Combined with the European demand to allow export rebates for energy taxes, GATT's subsidy provisions could encourage European-style industrial policy in the U.S. and other nations.

Because the Uruguay Round of international tariff-reduction negotiations must be ratified as a trade agreement, the WTO will enjoy an enhanced status as its global enforcement arm. The voting rules of this bureaucracy are different from those of the old GATT, where decisions were made by consensus and voting procedures were rarely invoked. Like the United Nations General Assembly, every nation, regardless of size, will have an equal vote in the WTO. Larger nations will receive no Security Council-style veto, nor will they benefit from weighted voting, as in the World Bank and the International Monetary Fund. Moreover, unlike the old GATT, the WTO envisions incremental, one-at-a-time modifications in trade rules, each voted on separately. GATT rounds, by contrast, were package deals — complex sets of negotiated tariff reductions across a wide array of goods traded by many nations.

The United States found it much easier to close unnecessary military bases with a GATT-style package deal than with the WTO's incremental approach. Will similar incentive problems hamper efforts to reduce trade barriers?

Moreover, the WTO rules encourage "public participation," ensuring a change in the forces influencing future trade disputes. Mickey Kantor's claims that these rules will make it easier for citizens' interests to be represented are not to be believed. In the U.S., "public participation" has become a code phrase for granting extraordinary powers to narrow pressure groups. The all-too-likely beneficiaries of the public-participation provisions will be the "progressive" activist groups that have done so much to politicize the U.S. economy.

One danger inherent in an unweighted, veto-free voting system is that such groups could work with foreign protectionists to advance the ideologues' domestic agendas. For example, a German firm might argue that America's lower rates of recycling or higher rates of energy consumption are "non-sustainable," and thus constitute an unfair trading practice. The EC has already effectively excluded Spanish beer from German markets by requiring that all beer be sold in reusable bottles.

Will the WTO pander to fears of pantomime protectionism?

Deceptive Greenspeak

The Clinton Administration, supported by France and other nations, has pushed for a commission to consider how the WTO system should be modified to advance "fair," "sustainable," and "socially just" trade. The dominant multinational corporations, non-governmental organizations (NGOs), environmental activist groups, and government elites seem in general agreement that a more tightly managed world trading system is preferable to a free one. In this context, one has to wonder whether the WTO will advance or retard economic liberty.

The WTO's preamble already incorporates hortatory requirements that trade be compatible with government-defined environmental goals and that it encourage "sustainable development." America's experience with environmental laws provide good reasons to take such rhetoric seriously. The 1972 Clean Water Act gives the federal government regulatory authority over the navigable waters of the United States. Who could have dreamt that "navigable waters" would one day be interpreted so broadly as to allow the EPA and Army Corps of Engineers to impose land use controls on hundreds of millions of acres of private property under the guise of protecting "wetlands"?

Radical reinterpretations of such clear language have characterized most domestic environmental statutes — the Endangered Species Act, various hazardous waste laws, recycling mandates, etc. Why should we believe that free marketeers will be any better at stopping encroachments on "clear language" in the future than they have been in the past?

Our past experience with multinational agreements is cause for pessimism. When George Bush signed the Global Climate Convention in Rio, he assured us that it would be non-binding. Now the Clinton-Gore administration has informed us that it *is* binding, committing the U.S. to reducing carbon dioxide emissions to 1990 levels by the year 2000. This administration has also suggested that the treaty may be used to raise fuel economy standards, extending a deadly regulation that already causes thousands of highway fatalities each year. George Bush also signed Agenda 21, the Earth Summit's blueprint for "sustainable development" policies, including new restrictions on global commerce rationalized on environmental grounds. The U.N. Development Programme proposes a global trade levy as an initial means to that end.

The WTO's preamble, along with Keynesian goals of "effective demand" and "full employment," affirms the need for a greening of trade:

- It asserts the importance of "allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and enhance the means for doing so. . . ."
- WTO nations are committed to "harmonize" their technical regulations and sanitary standards. Provision is made for nations to adopt measures different from international standards, but only if they are more stringent. Downward harmonization is officially discouraged, though not prohibited — yet.
- The dispute settlement under-

standing allows nations and arbitration panels to seek scientific and technical advice from any individual or organization. NGOs will enjoy more "public participation" rights under these procedures.

- The Clinton administration fought to establish a WTO Committee on Trade and the Environment at the insistence of Sen. Max Baucus (D-MT) and other congressional environmentalists. It will develop modifications to WTO policies in order to support "sustainable development," including economic instruments, pollution charges and environmental taxes, compulsory recycling, regulation of processes and production methods, packaging and labelling requirements, and "public participation" rights. It may review any trade-related issue, including carbon taxes, levies on fossil fuels, and transportation restrictions.
- Thanks to French and American pressure, a general committee will address how the WTO can ensure "basic rights" for workers — i.e., labor laws that produce unemployment.

Some analysts assert that such managed trade policies merely represent a desirable extension of the Hayekian rule of law. That is nonsense. Hayek saw no virtue in harmonization or standardization for its own sake. He reminded us that legislation works best where customs, values, and language are already shared. This world is not such a place. Attempting to impose a "rule of law" on the international trading system via the WTO, or any other centralized organization, will be a complex and most likely ill-fated enterprise. Uniform rules that evolve through voluntary arrangements are beneficial; those imposed by some exogenous authority are not.

The New World Trading Order

The WTO's political centralization could come at the expense of our decentralized federal-state-local relationships. Writing in *Commentary*, Jeremy Rabkin effectively describes what is at stake:

> Sovereignty is not a matter of legal formalities .. . . [The] erosion of sovereignty entails a blurring of the lines of accountability. . . . [T]he internationalization of our domestic policy disputes adds one more — and potentially much larger and more intricate — layer of technical confusion between public preferences and the excuses of politicians not to respond to them. It makes government that much more obscure, remote, and inaccessible to ordinary citizens.

Consider our disastrous experiences with other global bureaucracies. GATT worked fairly well under its consensus rules, but it is an exception. More common is the phenomenal mischief-making of the World Bank and IMF, which have repeatedly destroyed economies, bailed out state socialism, and — despite their newfound environmentalist rhetoric — wreaked enormous ecological damage. Recent internal audits of the World Bank revealed a 37.5% failure rate on its lending projects. Few IMF loan recipients have become economically self-sufficient, and IMF conditionality arrangements have led to increased taxation, "balanced" trade policies, and other destructive statist programs.

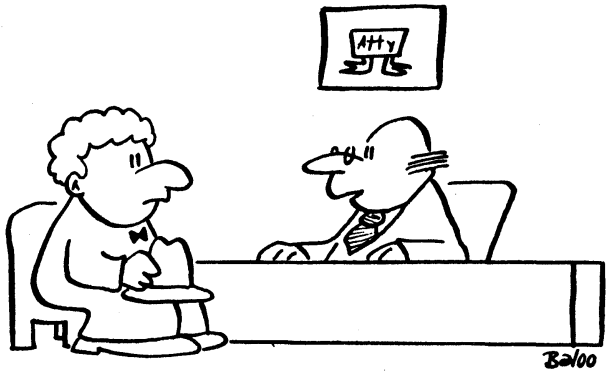

"Could you possibly come back in a couple of months for this? I have to start serving a short sentence today."

Institutions are shaped by the incentives they create. GATT's focus on reducing tariffs encouraged a pro-trade bureaucracy. By contrast, the U.S. International Trade Commission, the Commerce Department, and the U.S. Trade Representative are charged with ensuring "fair" trade; for that reason, they have never been proponents of free trade, even under the nominally anti-protectionist Reagan administration

At the WTO, U.S. economic interests are all too likely to promote a quota approach to trade policy, to find "unfairness" in any lack of market penetration, to see the use of a language other than English as a non-tariff barrier. And U.S. ideological interests are all too likely to use the WTO to promote a "social trade" agenda.

Exploiting the Third World

Some WTO proponents have seen virtue in the power the one-nation-one-vote system gives to smaller nations, arguing that the Third World has a strong stake in free trade and will counterbalance the regulatory demands of the U.S., Europe, and Japan. But experience with existing environmental treaties suggests they are wrong.

The International Whaling Commission was intended to ensure sustainable harvesting of whales, but has been transformed into an anti-development, pro-animal-rights statute. Even Norway's Prime Minister Gro Harlem Brundtland, the Joan of Arc of the Earth Summit, cannot control this process; recently, she charged the Clinton-Gore administration with caring more about whales than about people. Yet few of the world's nations care enough to oppose the movement to ban whaling — and those that do were outvoted by the NGO-influenced majority of nations.

Much of the Third World supported the Basel Convention, an agreement based on the premise that trade in hazardous waste services should be avoided wherever possible. Likewise, developing countries signed on to the Convention on Trade in Endangered Species (CITES), pushed by European and American environmental establishment groups seeking publicity and funding. The effect of CITES is to punish nations with sound conservation programs. A handful of African nations are beginning to have second thoughts about CITES, but so far too few to yet have an impact.

These experiences illustrate that developing nations are an ineffective force for free trade. Worse, they demonstrate that Third World elites have no compunction against betraying

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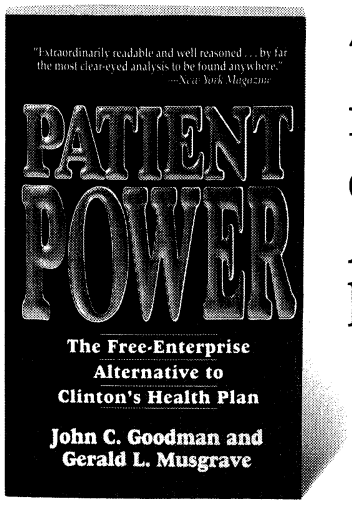

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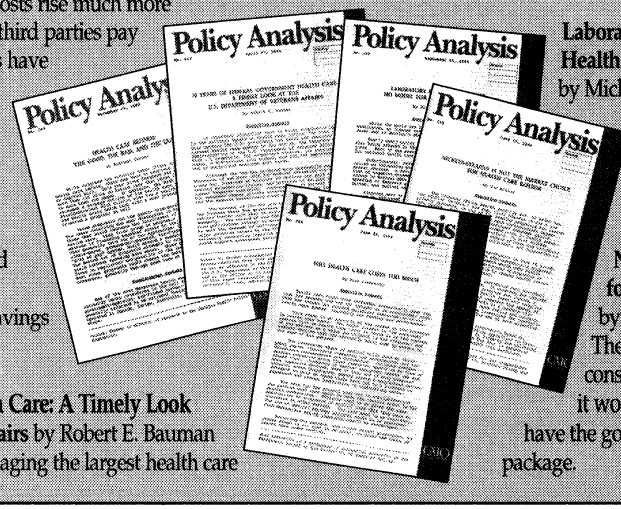

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their own people for personal gain. Foreign aid cannot compensate the world for the damage done by protectionism and regulation, but it can buy a lot of environmentalist Uncle Toms ready to sell their fellow citizens down the river. Will the Third World be crucified on a cross of green?

Global Cartels

The late nineteenth century was the era of robber-baron capitalism and rapid economic growth. For the first time, many firms were operating at a national level. The interstate commerce clause prevented Balkanization, while the lack of any federal political entity able to protect a specific firm, to "regulate" commerce, made cartelization impossible. Competition was inevitable and the nation prospered.

Neither business nor politicians nor the "public interest" community were happy about this. In the late nineteenth century, economic interests (railroads out to suppress competition) and ideological interests (anti-market Progressives) pushed for a federal body able to restrain competition. Together, this Baptist-Bootlegger coalition succeeded in creating the Interstate Commerce Commission, which suppressed transportation competition for almost 100 years under the guise of harmonizing and ordering the patchwork of state and local regulatory regimes.

In the late twentieth century, firms operate in a global economy. Without a global political entity to restrain trade, to "harmonize" regulations, to create a "level playing field," special interests and ideological groups lack the means of restricting competition. The value of trade and the mobility of capital create the functional equivalent of the interstate commerce clause that protected internal trade in the United States before the railroads and Progressives managed to establish the ICC.

Today, economic interests (major multinational corporations) stressed by global competition join with ideological interests (a powerful environmental movement) to create the global equivalent of the Interstate Commerce Commission — an agency that could restrain trade to ensure that it is "sustainable."

None of the other Bretton Woods institutions — the World Bank, the IMF, the old GATT — can play this global cartelization role. Nor could the U.N. But the WTO might.

Like NAFTA, the WTO's merits will be determined by seemingly marginal details — in particular, the actions of its Committee on Trade and the Environment. Disturbing trends have already begun to emerge from NAFTA's side agreements. The Mexican operations of General Electric and Honeywell have been charged with violating NAFTA's labor laws, and both companies are now under investigation. Even if no formal disciplinary action is taken, these companies will have been forced to spend substantial sums in their defense, setting a grim example for other businesses. Mexico has already been pressured into adopting U.S.-style laws regarding food inspection and the transportation of hazardous wastes. And U.S. firms are being pressured to comply with U.S. toxic release inventory laws in Mexico, even though no law requires this as such.

If NAFTA could already do so much damage, do we really have nothing to fear from the WTO?

But even without these complexities, the WTO deserves scrutiny. It is a GATT with teeth, and those teeth can enable it to discipline protectionism. They can also enable it to enforce protectionism more effectively than ever before. ❑

Academic Style[1]

An interesting question which has received comparatively little attention in the academic literature is whether somebody prosecuted for tax evasion can be said to be prosecuted in any meaningful sense of the word.[2] Indeed, the student of state persecution is faced with a difficult task because so little research has been done, and the literature on this topic is polemical rather than analytical, and must therefore be treated with caution.[3]

Professor John Kenneth Galbraith (Galbraith [1954], p. 295), in a carefully-reasoned argument, explicitly recognizes that "The more comprehensive the tax system — the fewer the loopholes — the better *it* serves both equality and stabilization."[4] Although it is not clear what Galbraith means by "loopholes"[5] (and although I am not a brain surgeon), it appears that broad historical trends support his argument.[6,7] But the reader must be careful (Himself [1996]) in interpreting this evidence.[8] Obviously, more research is needed before a definitive conclusion can be drawn.[9] —*Pierre Lemieux*[10]

Notes:

1. I would like to thank my wife, Nancy, and my secretary, Pam, without the support of whom (including the latter's old IBM Selectric) this article could not have been written. I am also grateful to an anonymous referee from this journal. Of course, any remaining error is entirely mine. NSF Grant #192–370–568–5666780.
2. I am not concerned here with the moral aspects of the question. On this, see Rawls [1971].
3. A good example is, of course, the little book by Frank Chodorov [1954], where the author argues in a somewhat anecdotal fashion that the income tax breeds state persecution.
4. Emphasis mine.
5. Recent reports (see the *New York Times*, June 3, 1994) of trouble with "potholes" may provide a clue.
6. See also Zauberman ([1967}, p. 291): ". . . the Soviet model was designed in the Central Economic Mathematical Institute of the Soviet Academy of Sciences (denoted thereafter as 'Ts'). Neither its numerical solutions nor its fate have been revealed. Nevertheless, it deserves our attention as an important stage in the history of formalized planning techniques."
7. If I understand Galbraith's argument correctly, it implies that the tax evader is a criminal.
8. I choose to avoid here the argument raised by Lysander Spooner (Spooner [1870]) to the effect that resisting robbery is legitimate.
9. Perhaps a little anecdote will help the reader understand the main thrust of the argument here. A friend of mine who was mugged said that, on the other hand, he has never been prosecuted for tax evasion.
10. Not the author. Article quoted from the *Old England Journal of Medicine*.

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The Distended Public Sector

by David Boaz

Our political leaders say the health care system is suffering from Baumol's Disease. As usual, they've got it wrong.

The United States has the highest quality health care in the world. At no previous time in history, and in no other country in the world, have we been able to cure as many people of as many injuries and diseases.

But our medical triumphs have had side effects, one of the most obvious of which is rising costs. Medical costs have increased for many reasons, including new technology and our ability to keep very sick people alive much longer.

Another reason was identified in 1966 by economists William J. Baumol and William G. Bowen. They called it "the cost disease of the personal services," but most economists call it Baumol's disease. The thesis that productivity in personal services does not improve has recently been forcefully advanced in the health care debate by Sen. Daniel Patrick Moynihan, who argues, "Productivity in most sectors has improved dramatically in the past 200 years, but not in jobs such as the arts, teaching, law, and health care, which require a high level of personal input."

He offers a persuasive example of how personal services resist productivity improvement: "In 1793 to 'produce' a Mozart quartet required four persons, four stringed instruments, and, say, 35 minutes. To produce a Mozart quartet today requires — four persons, four stringed instruments, 35 minutes." Yet many more of us can hear a Mozart quartet today than in 1793. Why? In 1793 perhaps a few hundred people could hear each performance, and it was difficult and expensive for the players to move on to the next town where several hundred more people might gather. Today, however, the musicians can travel by bus, train, or airplane and reach many more audiences. Even more dramatically, the performance can be broadcast over radio and television to reach millions of listeners at once. Or it can be recorded and distributed worldwide on records, tapes, or compact discs. Thus, despite the apparent lack of any change in musical productivity, people today have the output of dozens of musical

Price Trends: Health Care and Other Services *vs* the CPI (1960=100)

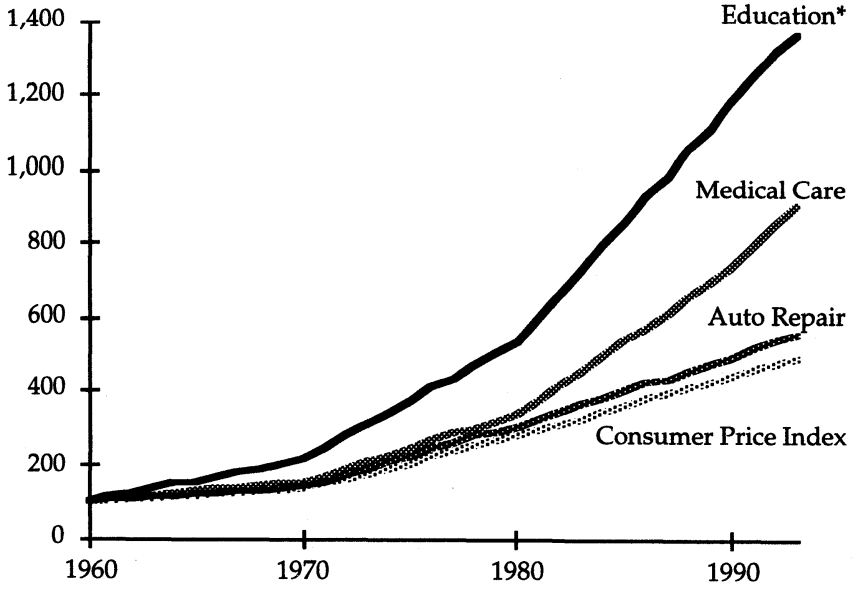

* per-pupil education spending

groups at their fingertips.

Moynihan identifies a number of services afflicted with Baumol's disease: "The services in question, which I call The Stagnant Services, included, most notably, health care, education, legal services, welfare programs for the poor, postal service, police protection, sanitation services, repair services . . . and others." He points out that many of those are provided by government and posits that "activities with cost disease migrate to the public sector."

But maybe he has it backwards. Maybe activities that migrate to the public sector become afflicted with cost disease. The conservative magazine *National Review* — which, surprisingly, seems to accept Moynihan's thesis — has inadvertently supplied us with some evidence on this point.

Ed Rubinstein, *National Review*'s economic analyst, writes, "For more than three decades health-care spending has grown faster than national income. . . . The trend in health-care costs is no different from that of other services." He cites education and auto repair as examples. However, the numbers Rubinstein provides don't support his — or Moynihan's — point. Look at the accompanying figure (preceding page).

The cost of auto repair, a service provided almost entirely in the private sector, has barely outpaced inflation. The cost of medical care increased twice as fast as inflation. Government's share of medical spending increased from 33% in 1960 to 53% in 1990. Meanwhile, the cost of education, almost entirely provided by government, increased three times as fast as inflation — despite the constant complaints about underfunded schools.

The lesson seems plain: Services provided by government are afflicted with Baumol's disease in spades. Services provided in the private sector, where people spend their own money, are much less likely to soar in cost.

Medical care is a good area in which to test this theory because over the past 30 years it has been paid for in three different ways: out-of-pocket spending by consumers; insurance payments, mostly provided by employers; and government payments. As out-of-pocket spending declines in importance, medical inflation heats up. And private-sector spending on medical care rose only 1.3% a year between 1960 and 1990, while government spending rose more than three times as fast — 4.3% a year.

When services are provided privately, and consumers can decide whether to purchase them or choose another provider or do without, there's a powerful incentive to improve productivity and keep costs down. Stagnant productivity in government-run services reflects not so much Baumol's disease as what we might call Clinton's disease: the notion — even now, in 1994 — that government can provide services more efficiently and cost-effectively than can the marketplace.

Senator Moynihan says the lesson of all this is that health care costs will keep rising as a percentage of our national income no matter how we pay for medical care. But the evidence points to a different lesson: that people spend their own money more carefully than any senator or bureaucrat can. To keep costs down, bring health care back into the competitive marketplace. ❑

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Deep Ecology Meets the Market

by Gus diZerega

Could the next step in libertarian evolution be radical environmentalism?

Classical liberalism upholds the ideal of mutually beneficial voluntary relationships. It also recognizes that, in dealing with people we do not know well, we are more likely to enter into such relationships when their boundaries and conditions are clearly defined. From these insights rises the case for property rights, contract, and other procedural rules that promote cooperation.

Environmental issues pose a sharp challenge to libertarian and classical liberal thought. Ecological problems are usually characterized by permeable boundaries and by the unexpected negative consequences of even voluntary relationships. The environment complicates and challenges traditional libertarian conceptions of the social and natural worlds.

This challenge is particularly pointed in "deep ecology," the view that the nonhuman world has value and claims to our regard whether or not we find it useful for our own ends.[1] Deep ecologists argue that there is an ethical dimension to our dealings with nature, even when the interests of other human beings are not involved.

Two Classical Liberalisms

The modern libertarian and classical liberal community contains two basic intellectual orientations, *individualist liberalism* and *evolutionary liberalism*. Both evince a commitment to voluntary agreement as the social ideal, a belief in the virtues of the market, a suspicion of political coercion, a dislike of collectivist thought, and an admiration for the principles of the American Revolution. But their differences are as important as their similarities, particularly where the questions raised by ecology are concerned.

Individualist classical liberalism has been expounded by John Locke and Tom Paine; contemporary representatives include Murray Rothbard, Ayn Rand, and Milton Friedman. The individualist approach dominates the contemporary classical liberal intellectual world. Though its adherents differ on many issues, they all share a common focus on the individual as the basic and irreducible unit of society. And they all employ boundaries and/or rights as the fundamental components of their worldview and the basic analytical tools for describing the good society.

A useful way to determine whether a thinker is an individualist (as I use the term) is to ask whether his or her analytical individual had a childhood. John Galt had no childhood that anyone ever noticed; he sprang forth full-grown as a force of nature (or, perhaps, of rationality). Neither did Locke's man in the state of nature, who existed fully formed, the product of his Creator. Economic Man is also an abstraction without a past.

This theoretical timelessness of individualist liberal models is important, because when we conceive of people as having childhoods, pasts, important formative experiences, different issues and questions are raised. In particular, we become sensitive to the fact that actual individuals exist in time, changing as they grow up, in part because of their socialization. Even our minds are embedded inextricably in society, as F.A. Hayek pointed out. Individualist libertarians would not deny that real people have pasts, of course, but they do not treat this fact as theoretically important.

Evolutionary liberals have included David Hume, Adam Smith, James Madison, and Alexis de Tocqueville. Perhaps the most important contemporary evolutionary liberal has been Hayek, but Alfred Schütz and Peter Berger also deserve mention. This group emphasizes the insight that individuals are members of societies that powerfully mold and influence them, that they are products of social institutions even as they simultane-

ously create and uphold those institutions. The evolutionary liberals recognize that social institutions evolve over time, often in ways that those whose actions maintain those institutions cannot foresee.

Consequently, evolutionary liberals focus on the *relationships* that generate, maintain, and alter the social web. To the extent that a society is free, procedural rules channel human action to facilitate voluntary cooperation. Evolutionary liberals are sparing in their theoretical use of abstract individuals, because for them the concrete particularity of real individuals is at least as important in understanding society.

The ecological community, like the market, is a spontaneous order.

The Environmental Challenge

Sometimes the individualist answer to environmental questions is extreme, even silly. A good example is Murray Rothbard's argument for an absolute prohibition on pollution, on the grounds that pollution constitutes trespass (expounded in "Law, Property Rights, and Air Pollution," *The Cato Journal* 2:1, Spring 1982). Confronted with the observation that this would prevent even a single internal combustion engine — one would inevitably produce *some* pollution that can blow *somewhere* — Rothbard shifts to saying that to be prohibited, boundary-crossings must interfere with a person's "use and enjoyment." This sounds reasonable at first — but what about the production of noxious photons?

In fact, the "use and enjoyment" criteria is weaker than it seems. Rothbard demands such rigorous standards of evidence to prove "aggression" that just about any pollution arising from many independent sources cannot even be reduced, because the aggressor responsible for each particular injury cannot be determined. Because of his focus on inviolate boundaries, Rothbard fails to confront the fact that no boundary is perfectly inviolate. We are in a world of more and less, not of simple black-and-white categories.

This is not an environmental strategy. This is a muddle.[2]

Other individualist liberals confronted with this problem have agreed that trade-offs must be made. But on what basis? The individualist framework offers no very helpful standard for balancing the sanctity of the body and the inevitability of pollution. In the absence of a workable system of inviolable rights, individualist liberalism tends to opt for the vague platitudes of utilitarianism. And over time, utilitarian logic takes the individualist liberal position ever farther from respect for the market and limited government.

I am not arguing that individualist liberals have nothing of value to say about environmental issues. Indeed, some problems can be dealt with very effectively within their framework. But overall, the ecological insight that boundaries cannot be clearly and unambiguously defined presents the individualist liberal with intractable, and ultimately fatal, problems.

Deep ecology poses a different challenge to evolutionary liberalism. The deep ecologists argue that it is not only our relationships with one another that carry moral weight, but also our relations with the natural world. Though this dimension has been largely unexplored by evolutionary liberals, insights the evolutionists have developed to address other questions can be put to powerful and sometimes surprising use when applied to environmental issues, as we shall see.

Interestingly, the core strengths of individualist liberalism can also be preserved in the process, particularly its emphasis on human rights that transcend mere custom. But these rights are derived from an ethical insight more basic than the one the individualists have offered.

Sympathy

While the early evolutionary liberals put little faith in a Biblical derivation of rights (*à la* Locke) or equally abstract formulations from non-theological sources, they did have an alternative — and, in my view, more defensible — foundation for ethics, developed by David Hume and Adam Smith. This was the theory of moral sentiments — in particular, the central role played in human affairs by *sympathy*. By "sympathy," Hume and Smith meant a quality more like what we would now call "empathy": our capacity for fellow feeling, for putting ourselves in the place of another.

In this view, sympathy and self-interest are deeply and inextricably linked. When a person acts in what we today call one's rational self-interest, one acts for one's long-term well-being, overriding the impulse for immediate gratification. How is this possible? Only through the human capacity for sympathetic identification.

The future self one imagines and toward whose good one is devoted *does not exist yet*. It is a hypothetical construct. We imagine our present self in the place of that future self and ask ourselves what we can do today to improve that future self's well-being. Often, when the future arrives, we find that we were wrong; what we thought we wanted no longer meets our expectations or desires. But even more often, we find that we were at least partially right.

This argument leads directly to a novel critique of ethical egoism. In order to act in our long-term self-interest, we must have the capacity to act in the interests of others. Imagining the circumstances of our future self is no less an act of empathetic identification than acting to help another person in need right now. Concern for others and concern for our future self are two sides of the same coin.

Sometimes the individualist answer to environmental questions is silly. A good example is Rothbard's argument for an absolute prohibition on pollution.

Sympathy is partly a rational faculty, but it is not reducible to reason. Our care for a concrete other's well-being is not derivable from abstract reason. It is, however, fundamental to our capacity as a human being. We can develop or stifle our capacity for sympathy, as with many other traits, but without it we would not be fully human.

Sociopaths, bereft of this quality, seem somehow inhuman; significantly, they are rarely able to act in their own long-term well-being. Instrumental reason alone is unable to take one very far or very enjoyably in life.

Human Uniqueness

Sympathy does not stop at the species boundary. As Hume observed, we also sympathize with animals. The more akin an animal seems to ourselves, the more easily we can sympathize with it. It is easier to sympathize with a cat or dog than with a lizard, and easier to sympathize with a lizard than a worm. This judgment of similarity is no more a subjective fantasy than is our capacity to understand other people, including our future selves. Nor is it "anthropomorphizing," for we do not regard cats and lizards as little men and women.[3]

This sympathetic capacity of ours carries an unexpected implication. As Aldo Leopold once noted, if human beings were to go extinct, no other form of life would give it a moment's notice. But plenty of people cared when passenger pigeons died out, and all felt it was a shame. Here, Leopold wrote, was "something new under the sun." Our capacity to care about the well-being of forms of life of no instrumental use to us, species many of us have never seen, seems truly unique.

This carries an interesting message for those who emphasize human uniqueness. Our capacity to care for others whom we have never met and who can be of no conceivable use to us, other than to provide the reassurance that yes, they exist, is our most unique human trait. Far from evidencing a lack of concern for human well-being, deep ecology rests on the most purely human quality we can exhibit.[4] We care about passenger pigeons because at some level we realize it is good to be alive, and that this goodness is not applicable only to ourselves. Life may not be the ultimate goodness, but it is an important value nonetheless. This insight leads to *respect* for other living beings, human and otherwise.

Respect

Respect, at this level of discussion, is too abstract to provide us much guidance. It means, minimally, that what is respected can never appropriately be treated purely as a means to an end. Something respected never counts for nothing. Its interests carry weight when we make a decision, and if they are overridden, they are overridden with genuine and thoughtful regret. At a minimum, respect means that the vital interests of one community member will not be sacrificed to the minor interests of another.

We participate in many communities. Some are specific to us as individuals with particular interests. Others apply to all human beings, in the sense that if someone does not participate in one, we regard that condition as unfortunate. These basic, universal levels of association — family, neighborhood, polity, planet — are nested within one another. And though respect is a constant, its form is community-specific.

In order to act in our long-term self-interest, we must have the capacity to act in the interests of others.

For example, within the community of equal human beings, respect means recognizing the rights of abstract individuals — the individualist liberal's ideal. Within the intimate community of the family, it takes a much different form. If you are having a disagreement with your spouse, one comment it is most definitely not wise to make is, "I have the right to say whatever I please!" That may be a right of citizens, but it is not a prerogative of lovers.

A third community encompasses the village, neighborhood, or immediate geographical area we are most likely to call "home." It includes far more people than a family, and we will be familiar with a great many of them, at least by sight. But most will not be personally close to us. Jefferson and de Tocqueville both emphasized the importance of this level of community in maintaining the fabric of a free society. In it, our relationships are neither deeply personal nor completely impersonal. People's individual preferences matter to us in a way that is not true for the larger society, but we are not intimate with them. Respect manifests here as being a "good neighbor."

This is why theories of rights seem so useless in real-world situations that do not involve impersonal relationships among equals — that is to say, with most moral dilemmas we encounter. It is also why attempts to convincingly derive rights from our fundamental qualities of humanness are so unconvincing. Liberal rights to freedom of speech and the rest are not fundamental terms, but secondary concepts, derived from respect for others in the context of a large community. Respect also carries potent environmental implications. Unlike a free human society, the natural community rests on a base of mutual predation; this is the fundamental truth that renders animal rights theories absurd. But the necessity to eat or otherwise consume others does not mean that they are without moral value.

Respect in the natural world exists at two levels. First, there is respect for other forms of life, so that we are mindful of our impact on them.[5] Second, there is respect for the grand ecological community within which all forms of life live. There is an interesting parallel here between the form respect for others takes when we deal with people personally, and the form it takes when we consider the rules appropriate to abstract relationships within the larger human society.

Principles Over Expediency

The ecological community, like the market, is a spontaneous order. In both ecosystems and markets, you cannot do just one thing; each is ordered by a process of mutual adjustment among its components. Most environmentalists forget this truth about the market and most market advocates forget this truth about the environment.

Hayek observed that the gains from any particular intervention within the market process will usually *appear* to outweigh the losses. The gain is visible; the losses frequently aren't. To a significant extent, we do not know what the losses are. This is why Hayek said that principle rather than expediency must be our guide in public policy. Expediency is irreducibly myopic.

This guideline — principle over expediency — is equally applicable to the ecological community, for exactly the same reasons.

In the economic realm, following principle means not subjecting the market process to rules that contradict the procedural rules establishing the market order in the first place. In the environmental arena, we should not override basic rules or principles that are necessary for maintaining the environmental community.

So long as human numbers were relatively small and society's impact on its environment relatively mild, these issues would not assume central importance. Nature is resilient. But there are limits to this resilience, and as they are approached we need to take these issues into account. The analogous principle in the market is that when interventions are small and intermittent — e.g., isolated minor theft — the impact on the market order is tiny.

The basic principle for maintaining an ecological community is to do nothing that will undermine its long-term viability. Because of our necessarily consumptive relationship with other forms of life, no environmental rules can have the absolute character of those that underly liberal society. But neither are they merely matters of personal taste. They are best conceived as basic orientations that can be occasionally overridden — but with the burden of justification always resting on those who would override.

It seems to me that there are three such principles:

1. A strong presumption against non-recyclable and non-biodegradable products.

2. No prolonged degradation of renewable resources, such as soil, water, fisheries, and (when they are being used in their resource capacity) forests.

3. A diverse flora and fauna. No extinctions of life forms not actively injurious to humans.

Ecological communities are sustained by processes that continually recycle resources throughout the web of life. The wastes of one life form are the nutrients of another. To remove a resource from an ecosystem is to change that system irrevocably — and, frequently, to reduce its capacity to support life. On a small scale, this is not a significant problem. On a large scale, it is. It becomes the ecological equivalent of capital consumption.

Farming should not degrade farm land. Fisheries should not be rendered unviable. Forests should not be destroyed. The purity of surface and ground water should not be seriously degraded. Of course, we can convert one resource into another — turning forest into farmland, for example, and vice versa. But in those cases the basic fertility of soil and water should not be injured. No ecologically significant community should be completely destroyed, and given the complexity of ecologies, the presumption should be in favor of maintaining communities. For example, many crops depend upon wild relatives for genes essential to repelling insects and disease. When those relatives are gone, the safety of our own agriculture is imperiled.

Human population has expanded to a point where few ecosystems re-

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main uninfluenced by our needs. Even wilderness can no longer simply be left alone: it now covers so little area that once-minor local fluctuations can today be devastating. This does not mean that humanity should be excluded from the natural world. But it does argue for maximizing co-existence, limited only by the need to control injurious disease organisms and their vectors.

History provides many examples of societies seriously injured by their failure to observe such rules. To destroy a naturally replenishing process and substitute an artificial method based on non-renewable resources is the height of short-term thinking, even if the day of reckoning lies 100 years in the future. Destroying topsoil and relying on chemical fertilizer instead is an excellent example of such foolishness, however great the short-term gain.

In short: the time-frame of individual human beings is different from the time-frame of restorative processes. Market economists are fond of reminding us that Keynes' "long run" does arrive finally. They should realize that it also arrives for environmental degradation.

To be sure, there is always a certain base rate of extinction. But this does not carry the implications that those who cite it usually intend. The base rate of extinction is extremely low — at a human scale, essentially zero. Over the past 600 million years, the extinction rate has averaged .25% per 10,000 years. This average includes rare large extinctions such as that caused by the meteorite that wiped out the dinosaurs and 65% of all species worldwide. Unless first stressed by a catastrophic event that reduces their numbers and range, most species are very resilient. Only when numbers and range are radically reduced can the many local events that cut into a species' numbers actually extinguish it.[6]

In human terms, the base rate of extinction over the past few centuries should have been almost nothing. It has been vastly greater than that, and has concentrated on the larger forms of life: mammals, birds, reptiles, and fish. In 1600 there were about 9,000 species of bird alive. Eighty-eight are proven to be extinct beyond all shadow of doubt, 1,029 are at severe risk of extinction, and 637 are close to that point. Many birds ranked at "severe risk" have not been seen for years. The threat is increasing with the growing human impact upon the natural world. The mammals, fish, and birds that survived often have their numbers and range greatly reduced — again, leaving them vulnerable to chance events that earlier would have had no major impact on the species as a whole.[7]

It is no exaggeration to say that human action has had a catastrophic impact upon the variety of life on Earth. It is hard to imagine a more destructive flouting of the principles that maintain an ecological community than the extermination of large portions of the community.

There is a fourth principle — one that grows from the implications of being human, rather than from the need to maintain a viable ecological community:

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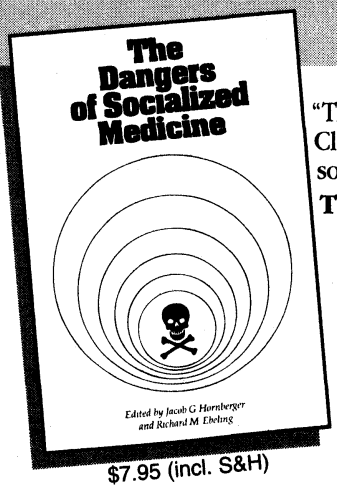

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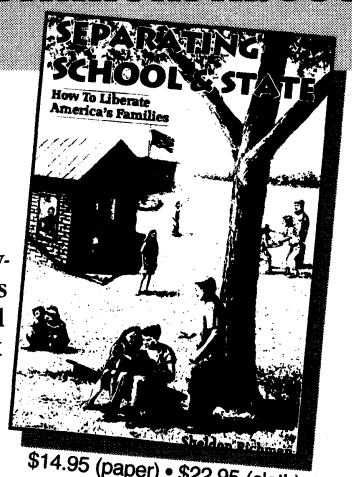

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THE FUTURE OF FREEDOM FOUNDATION

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4. Nothing living can be appropriately treated as a pure means.

This is a rejection of the despotic notion of property rights as applied to living beings. Interestingly, this idea — "It is mine to do with as I will" — is central to individualist liberalism. An ideology devoted to fighting against despotism carries at its very core a commitment to despotism in another context. Much more appropriate is the idea of stewardship, where ownership implies responsibilities as well as rights, and not unlimited arbitrary power.

Environment and State

Whether these principles should have the force of law is not a moral issue, but a practical one. For the most part, I believe that they should not.

For one thing, there is not yet a substantial social consensus in favor of them. If there were, there would be a stronger case for applying legal sanctions to those who flout them. Even then, the principles would be far better enforced by common law, deposit legislation, and the like than by stringent legal action. Serious transgressions aside, many of these precepts are more akin to moral principles which, while necessary for a decent society, are inappropriate for legal intervention. An analogous case is preventing sexual harassment.

At best, government is a stopgap, a dangerous and unreliable one.

In addition, there is another institution standing between the individual and the state that is far more suited for enforcement of moral norms: the community, in de Tocqueville and Jefferson's sense. It is in this intermediate realm that mores that aren't appropriate for the legal system to enforce are best maintained. Why give yet another task to the state, which already does much too much, much too badly? We would be better off strengthening local associations, so that they can apply social pressures against those who fail to exhibit decent behavior.

Nonetheless, a case can be made for action more vigorous than simple persuasion, particularly where preventing extinctions is concerned. The reason is obvious. Once a form of life is gone, it's gone for good. Even in *Jurassic Park*, the dinosaurs were part frog. Still, even here, the traditional approach of "passing a law" is usually unwise, save perhaps for prohibiting acts of deliberate destruction. The "takings" clause in the Endangered Species Act, for example, is certainly far too vague. Indeed, the Act has created a severe backlash when applied to private land, because it pits species against landowners in a zero-sum contest. If it is not amended intelligently, it may actually undermine species recovery.

Environmental intervention might best be compared to wartime. Occasionally, defense against a serious threat to the free human community is necessary. In my opinion, World War II was such a case, particularly the European theater; so was strengthening Western Europe against a Soviet invasion. But using government to repel a threat is not costless. The state grows, and no one has yet managed to shrink it back to a safer level. Further, maintaining a permanent wartime footing is very dangerous for a free society. In an emergency, the state should get in — and then get out. When it does not get out, it inevitably does serious damage.

The same principle holds for those very rare cases where there may be a case for political protection of a rare form of life or other vital environmental value. At best, government is a stopgap, a dangerous and unreliable one. We have seen the ways our national parks have been damaged by political control and the distorted priorities it brings.[8] Once established, such parks should have been depoliticized. The same principle holds for emergency species protection.

When collective action is necessary, it should harmonize private interests with other communities' needs, not put the two at odds. Positive incentives are always better than punitive ones.

Toward Dialogue

In my own experience, I have found environmentalists more open to reconsidering their views than libertarians. That's not to say that they're easy sells. It's just that environmentalists (many of them, anyway) are concerned more with outcomes than with ideological purity. And the state is lousy at producing good outcomes.

The heated division between environmentalists and market advocates does neither side any good. Any consistent libertarian philosophical position must accord legitimacy to the concerns and principles of the deep ecologists. Serious dialogue is needed.

Seeing how their views can fit together does not require either side to convert *in toto* to the other's point of view. But both must change. Both must listen to what the best representatives of the other position are saying, rather than simply reading publicists and allowing the popular press's penchant for sound bites, extreme statements, and short paragraphs to stand in understanding's way. ❑

1. Prominent deep ecologists include the Norwegian philosopher Arne Naess, who coined the term; the poet Gary Snyder; Aldo Leopold, the founder of wildlife management and the most influential American ecological writer of the century; the impossible-to-categorize Dolores LaChapelle; and a handful of other philosophers, including the Americans Michael Zimmerman, Holmes Rolston III, J. Baird Callicott, and Joanna Macy; the Canadian Alan Drengson; and the Australian Warwick Fox.
2. I am indebted to Jeffrey Friedman for the basic details of this critique of Rothbard's position. See Friedman, "Politics or Scholarship?" *Critical Review* 6:2-3, pp. 432–437.
3. Mary Midgley, *Animals and Why They Matter*, (University of Georgia Press, 1983) pp. 125–133.
4. Scott McVay, "Prelude: A Siamese Connexion with a Plurality of Other Mortals," *The Biophilia Hypothesis*, Stephen Kellert and Edward O. Wilson, eds. (Island Press, 1993) pp. 6–7.
5. An excellent discussion of this can be found in Richard Nelson's *The Island Within* (North Point Press, 1989).
6. David M. Raup, *Extinction: Bad Genes or Bad Luck?* (Norton, 1991).
7. Colin Tudge, *Last Animals at the Zoo: How Mass Extinction Can Be Stopped*, (Island Press, 1992), pp. 33–34.
8. For one example, see Karl Hess, Jr., *Rocky Times in Rocky Mountain National Park: An Unnatural History*, (University of Colorado Press, 1993).

Talking Sex, Not Gender

by Wendy McElroy

Too many feminists have turned their backs on the body's politics.

Today's allegedly fresh, radical perspectives on sex usually turn out to be little more than stale gender-politics postures. Everything you hear, everywhere you look, women are presented only as *victims* of sex. Rape, prostitution, pornography, domestic violence, sexual harassment — the list of sexual oppressions scrolls on.

There is no question: it is a dangerous world. But it is also a world of possibilities and pleasures. As a feminist who remembers "women's liberation" and the "sexual revolution," I have been left dazed, wondering where the joy in feminism has gone. I miss the open, rollicking attitude of the '60s and early '70s, that brief, happy period when women were encouraged to enjoy — to demand! — the bounty of pleasure within their own bodies. AIDS and a constellation of other dangers have changed sexual mores for us all, but AIDS cannot explain the "feminist" backlash against the safest sort of safe sex: consuming pornography.

A shift has occurred in the movement's approach to sex, and it is a change in kind, not degree. All humor and joy in women's sexual power seems to have deserted feminism. No longer a source of pleasure for women, sex (we are told) has become a key to their oppression. This shift has been ideological; it has come from the increasing prevalence of "gender politics," from the increasing prevalence of radical feminist ideas. Although radical feminists are only one faction within feminism, their ideology has had an impact on the entire movement, like a truck.

The extremes of gender politics and analysis can be found in the works of such radical theorists as Andrea Dworkin. Dworkin's view of heterosexual intercourse, as expressed in her book *Pornography: Men Possessing Women*, is typical:

> Force — the violence of the male confirming his masculinity — is seen as the essential purpose of the penis, its animating principle as it were, just as sperm ideally impregnates the woman either without reference to or against her will. This penis must embody the violence of the male in order for him to be male. Violence is male; the male is the penis; violence is the penis or the sperm ejaculated from it. What the penis can do it must do forcibly for a man to be a man. (p. 55)

Dworkin and her cohorts are often dismissed as an extremist minority, the gender guerrillas of the movement. But radical feminist ideas have increased in popularity over the last two decades, in the process redefining feminism's entire approach to sex. Modern feminism has drifted so far from its '60s roots that sexual liberation is often viewed as a mere pretext to exploit women.

In 1971, "J" published a bestselling book entitled *The Sensuous Woman*, in which she urged women to break down inner barriers to the panoramic pleasures of sex:

> Does the idea of putting a man's penis in your mouth revolt you? If so, you are probably a typical product of current taboos against oral gratification. . . . Actually, kissing a man's penis is a lot less insanitary [sic] than kissing him on the mouth. . . . It never occurred to me that I would ever find oral sex fulfilling, but thanks to an explosive experience with a wildly uninhibited man, I finally tuned into the joys of oral gratification. (pp. 78–9)

Today, radical feminists would roast *The Sensuous Woman* over a conflagration of gender outrage. Or they would dismiss the author with an *ad hominem* argument: "J," they would say, has been so damaged by white male culture that she has lost all true

sense of gender identity. For a growing number of feminists, sex is now acceptable only when the right attitudes or politics are attached to it.

Unfortunately, one of the first casualties of the gender war was the sexual liberalism of the feminists of the 1960s. Their libertarian goals were freedom and choice: "a woman's body, a woman's right." Radical feminists, by contrast, seek to restrict individual choice, through (for example) laws that limit pornography and the ability of women to participate in or consume it. In Catharine MacKinnon's words: "If pornography is part of your sexuality, then you have no right to your sexuality."

Modern feminism has drifted so far from its '60s roots that sexual liberation is often viewed as a mere pretext to exploit women.

This is political correctness pushed one step further: a regime of *sexual correctness*.

Radical feminists have re-examined virtually every sexual issue, each time employing a similar process. First they define the nature and effects of a sexual activity. Then it is explained how suppressing this activity supposedly expands the true range of women's choices.

Methodology of Marginalization

As an illustration, consider how radical feminists typically address two issues: pornography and prostitution.

The "radical" perspective on the nature of pornography is well expressed by Susan Brownmiller in her pivotal work, *Against Our Will*:

> Pornography, like rape, is a male invention, designed to dehumanize women, to reduce the female to an object of sexual access, not to free sensuality from moralistic or parental inhibition. The staple of porn will always be the naked body, breasts and genital exposed, because as man devised it, her naked body is the female's "shame," her private parts the private property of man, while his are the ancient, holy, universal, patriarchal instrument of his power, his rule by force over her. Pornography is the undiluted essence of anti-female propaganda. (p. 201)

Pornography is the policy, rape is the practice. A cause-and-effect relationship is drawn between viewing pornographic material and raping women. Often, pornography is considered an act of violence in and of itself.

By restricting a woman's ability to consume or otherwise participate in pornography, radical feminists claim to be expanding her options. Why? Because, by definition, no women willingly engages in pornography. Any woman who believes she has consented — by signing a contract or renting a video, for example — has been psychologically damaged and must be rescued. Minneapolis' anti-pornography ordinance, drafted with radical feminist support, was crystal-clear about the mental competence of women who choose to work in pornography: they are in the same category as children. To quote from the law itself:

> Children are incapable of consenting to engage in pornographic conduct, even absent physical coercion, and therefore require special protection. By the same token, the physical and psychological well-being of women ought to be afforded comparable protection, for the coercive environment in which most pornographic models work vitiates any notion that they consent or "choose" to perform in pornography.

This patronizing attitude is what the more individualistic feminist Camille Paglia has called "coercive compassion."

Prostitutes are censured by a similar means. First, prostitution is defined as a form of sexual exploitation and sexual coercion. The effect of prostitution is to damage the prostitute — and, less directly, all other women, since it is allegedly one of the props supporting patriarchal capitalism. In L. Schrage's words, "Because of the cultural context in which prostitution operates, it epitomizes and perpetuates pernicious patriarchal beliefs and values and, therefore, is both damaging to the women who sell sex and, as an organized social practice, to all women in our society." ("Should Feminists Oppose Prostitution?," *Ethics* 99:349).

And what about the prostitute's right to choose? What about "a woman's body, a woman's right"? The radical feminists give it a pass. "By acknowledging the social context of choice in which some women decide to prostitute," writes Jo Ann Miller in *Sexual Coercion*, "we can understand how prostitution is exploitation and an act of coercion. It cannot be viewed simply as a voluntary decision" (p. 50).

The very possibility of choice within prostitution is defined away by the concept of "economic coercion." Because capitalism badly undervalues the labor of women, the argument goes, they have little choice but to sell their bodies. By this standard, of course, all forms of wage-labor could be (and often are) viewed as economic coercion.

Other theories that purport to explain away prostitutes' apparent consent are more sophisticated. In *Sexual Contract*, Carole Pateman argues that the very concept of contract is itself a part of patriarchy. She contrasts the "social contract," by which rights are defined, with what she calls the "sexual contract," by which roles were set. Pateman contends that while the social contract gave freedom to males, the sexual contract insured the oppression of women:

AIDS cannot explain the "feminist" backlash against the safest sort of safe sex: consuming pornography.

> The social contract is a story of freedom; the sexual contract is a story of subjugation. The original contract constitutes both freedom and domination. Men's freedom and women's subjection are created. . . . The original contract creates what I shall call, following Adrienne Rich, "the law of male sex-right." Contract is far from being opposed to patriarchy; contract is the means through which modern patriarchy is constituted.

Despite such explanations, the issue of sexual choice refuses to die,

largely for two reasons. The first is simply a gut reaction: if a coherent adult willingly performs an act, especially over time, it is only common sense to assume that there is consent. In fact, the foregoing description is almost a definition of consent.

The second reason is that, for decades, sexual choice was *the* feminist issue. As decaying cultural walls crumbled, women demanded reproductive freedom, revealed themselves as lesbians, took courses on masturbation, demanded sexual pleasure from their partners. The unorthodox Ti Atkinson declared prostitutes the best role-models for women seeking liberation. Germaine Greer illustrated the sexual independence of women by posing with a banana. Pillars of puritan culture were swept away and replaced by joyous rebellion.

But modern radical feminism is an ideology of sexual oppression, not sexual liberation. As such, it has little room for celebration. Voices for sexual diversity have been largely silenced. Voices from the past have even been re-interpreted to become more sexually correct.

In *Against Our Will*, for example, Brownmiller offers heartbreaking accounts of rape and other brutalities committed against women, largely during times of war and other crises. This is valuable scholarship — especially now, when rape is being used as a self-conscious policy of war and "ethnic cleansing."

But Brownmiller's methodology is badly skewed toward the conclusion she wants to reach: that rape is the major weapon by which white male culture oppresses women. Nowhere does Brownmiller question the horror stories of rape, except perhaps to speculate about whether an account was understated. Yet when it comes to dealing with an "incorrect" sexual confession — one of sexual excitement at the possible dangers of sex — Brownmiller is willing to discount the testimony of no less august a figure than Anaïs Nin.

She quotes a passage from Nin's diary (Summer 1937):

> Sometimes in the street, or in a cafe, I am hypnotized by the "pimp" face of a man, by a big workman with knee-high boots, by a brutal criminal head. I feel a sensual tremble of fear, an obscure attraction. The female in me trembles and is fascinated. . . . A desire to feel the brutality of man, the force which can violate? To be violated is perhaps a need in women, a secret erotic need.

After validating the voice of every woman who supports her contentions, Brownmiller now tersely comments: "How much these thoughts reflect Nin and how much they reflect a dutiful parroting of Otto Rank, her former mentor, remains uncertain" (p. 363).

Radical feminists' definition of pornography precludes the possibility that the women participating consent. Their view of sex borders on this assumption as well.

The sexually incorrect words and demonstrated choices of women are not to be taken seriously, you see, because such women have been warped by male culture. The insights of women such as Anaïs Nin may be disregarded at will, like the statements of children or the insane. If a particular woman enjoys pornography, it is not because she is a unique human being with different perspectives, reactions, and needs. If she has fantasies of being dominated or even raped, it is not that she enjoys the contemplation of dangerous sex within the complete safety of her own mind. No. It is because she is pathetically warped and not to be taken seriously, except as an object of political philanthropy.

Suppression of Fantasy

Consider the radical feminist reaction to female fantasies of domination and rape. These are not uncommon, yet women who experience such fantasies are being dealt unnecessary grief and self-doubt. They are being told that their healthy curiosity is evidence of psychological damage and political oppression.

But rape fantasies can serve a healthy and natural function. The crucial factor in such fantasies is the fact that they are *fantasies*. The woman is in control of the slightest detail of every act, of the setting, and of her reaction. In its essence, the fantasy has no connection with genuine rape, which would strip control and consent away from her. Fantasies of rape are the opposite of actual rape; they express nothing more than a sexually curious nature.

In her book *Rape: The Bait and the Trap*, Jean MacKellar comments on women's fantasies of being taken:

> [T]hey serve practical and healthy functions in humane experience; they add *change*. And they do this without shattering the pattern of reality. This is important, for often a real change is neither desirable nor possible. . . .
>
> The most important difference between a fantasy of rape and a desire for the real experience is the element of control. In the fantasy . . . the helpless victim actually controls the acts of the offender. . . . Real terror and uncontrolled pain are not experienced in these fantasies. (p. 47)

Yet most women are made to feel ashamed. The shame becomes even greater for women who enjoy and consume pornography. In "Talk Dirty to Me: A Woman's Taste for Pornography," Sally Tisdale makes a courageous confession: she enjoys and regularly consumes many forms of pornography. To feminists, this pleasure makes Tisdale — in her own words — "a damaged woman, a heretic":

> Perhaps, as one school of feminist thought says, we've simply "eroticized our oppression." I know I berated myself a long while for that very thing, and tried to make the fantasies go away. But doing so denies the fact of my experience, which includes oppression and dominance, fear and guilt, and a hunger for surrender. (p. 46)

Having come out of the closet, Tisdale offers a fascinating glimpse of how even disturbing pornographic images can have a healing effect:

> There are examples of pornography, films and stories both, that genuinely scare me. They are no more bizarre or extreme than books or movies that may simply excite or interest me, but the details affect me

> in certain specific ways. The content touches me just there, and I'm scared. . . . And I want to keep watching those films, reading those books; when I engage in my own fears, I learn about them. I may someday master a few.

What does Tisdale think of "radical" feminists who oppose pornography — feminists who she, perhaps accurately, calls "conservative"? She comments:

Pornography is the genre of art that focuses on men and women as sexual beings.

> I take this personally, the effort to repress material I enjoy — to tell me how wrong it is for me to enjoy it. Anti-pornography legislation is directed at me: as a user, as a writer. Catharine MacKinnon and Andrea Dworkin — a feminist who has developed a new sexual orthodoxy in which the male erection is itself oppressive — are the new censors. . . . They look down on me and shake a finger: *Bad girl. Mustn't touch.*

Contrast Tisdale's attitude with a more typical feminist approach and the depth of her disenfranchisement from the movement becomes apparent. Consider Jillian Ridington's statements in *Confronting Pornography: A Feminist on the Front Lines*:

> For any feminist, focusing on pornography is painful. Pornographic values are antithetical to feminist values. By its very nature, pornography is hard for us to understand, and hard to deal with. It forces us to confront very deep feelings about sex, about freedom, about love, and about the way human beings relate to each other opposed to how we would relate to each other in a non-sexist, egalitarian world. In viewing pornography, we view a world in which all women are whores, a world in which it is impossible for women to be sexual and whole. (p. 23–24)

In Praise of Porn

It is time for women to start talking about sex instead of gender. It is time for feminists to become "improper" again, to be so outrageous as to suggest that sex, in its vast range of expressions, is fun. And the place to begin this renewal is with a defense of pornography, because this is the literature of sexual alternatives. Pornography is the life-flow of information on one of the most important areas of human psychology: sex and its banquet of possibilities. It is also the frontlines of the battle between sexual correctness and sexual liberation.

It is true that women can already discuss any sexual theme with impunity — so long as it qualifies as an "idea." That is, so long as the sexual theme is part of an argument. A woman can announce, "I am into bondage (or lesbianism) and you should be as well, because it is the purest expression of human nature." But when bondage is portrayed in art, when it is translated into graphic fantasy meant primarily to excite rather than to inform, the legal system begins to take note.

Some believe that open discussion should be enough to provide all the information about sexual choices. But a crucial element is missing: the reader's or viewer's vicarious involvement and reaction. And sex, after all, is not so much about outside information as it is about inside awareness. Tisdale's article on pornography details self-discoveries that could only have come from a graphic portrayal of sex. She describes one scene from a film she viewed:

> Two men are variously bound, chained, laced, gagged, spanked, and ridden like horses by a Nordic woman. *"Nein!"* she shouts. *"Nicht so schnell!"* The men lick her boots, accept the bridle in cringing obeisance. I found it laughably solemn, a Nazi farce, and then I caught myself laughing. . . .

Then, with amazing sensitivity, Tisdale reflects:

> I never want to laugh at the desires of another. A lot of people take what I consider trifling or silly to be terribly important. I want never to forget the bell curve of human desire, or that few of us have much say about where on the curve we land. I've learned this from watching porn: By letting go of judgments I hold against myself, and my desires, I let go of judgments about the desires and the acts of others.

Tisdale is making two points. First, that pornography helped her to understand her own sexual nature and needs. Second, that in accepting herself, she felt a benevolent desire to extend that same, increasingly rare courtesy to others. Tisdale provides a virtual blueprint for tolerance. And tolerance, as much as law and order, is what ensures a peaceful society.

Pornography, the "Hitchhiker's Guide to the Sexual Galaxy," can provide an invaluable education. It can also provide reassurance and validation. Viewing it, women realize that they are not alone in their fantasies and deepest desires. In this way, pornography can play an integral role in the liberation of women.

But before investigating further how pornography can benefit women, I should define what I mean by the word. In doing so, I want to avoid ideological or normative definitions, which usually tell more about the definer than it does about the object being viewed. This is the type of definition that Kathleen Barry offers in her book *Human Sexual Slavery*:

> Pornography . . . is the principal medium through which cultural sadism becomes a part of the sexual practices of individuals. The most prevalent theme in pornography is one of utter contempt for women. In movie after movie women are raped, ejaculated on, urinated on, anally penetrated, beaten, and, with the advent of snuff films, murdered in an orgy of sexual pleasure. Women are the objects of pornography, men its largest consumers, and sexual degradation its theme. (p. 206)

Nor does a purely semantic definition — an examination of the derivation of the word — seem to offer much useful information. D.H. Lawrence, in *Pornography and Obscenity*, dismisses this approach:

> The word itself, we are told, means "pertaining to the harlots" — the graph of the harlot. But nowadays, what is a harlot? . . . Why be so cut and dried? The law is a dreary thing, and its judgments have nothing to do with life. The same with the word

> *obscene*: nobody knows what it means. Suppose it were derived from *obscena*: that which might not be represented on the stage; how much further are you? (p. 1–2)

Perhaps the easiest way to define pornography is to eliminate what it is *not*. Porn *qua* porn is not an expression of any one cultural or political system, although it inevitably contains the cultural/political assumptions in which it is born. It has existed, in some form, within virtually every society and under every political system. And this universal presence suggests that pornography springs from an inherent need within human beings. It seems to flow from a natural curiosity about sex, a hunger for information and experience, and a burning drive for gratification.

Nor can pornography be defined as violence against women. Even the statistics provided by radical feminists fail to support this claim. For example, one feminist study of "adults only" paperbacks showed that one-fifth of all the sex scenes depicted rape. A necessary corollary of this is that 80% of the sex scenes did *not* depict rape. Assuming that the sado-masochism section of the store accounted for the vast majority of rape scenes, the percentage of books without them undoubtedly rises substantially.

Yes: some pornography treats women with contempt, even brutality. But other pornography tells women that the conventional morality that restricts them is hypocritical and wrong.

Only by dwelling exclusively on the subgenre of sado-masochism, only by ignoring such other subgenres as fetishism, can radical feminists credibly claim that pornography depicts violence. In doing so, they must ignore pornography made by women for other women or pornography made for couples. They must skim right over gay pornography, which doesn't depict women at all. Lesbian pornography is frequently exempted altogether.

Yet even granting radical feminists a generous latitude, sado-masochistic material is not violent in one crucial sense: everyone involved in its production has said "yes." They have signed contracts and releases; they have shown up at sessions and willingly posed. If this is not true — if anyone *is* coerced — the activity ceases to be mere pornography and becomes kidnapping, assault, and battery: crimes in which any decent third party should intercede. In the absence of force — or, more accurately, in the presence of consent — what is being portrayed is a fantasy.

Radical feminists deny this because their definition of pornography precludes the possibility that the women participating consent. Their view of sex borders on this assumption as well. Andrea Dworkin's comments in *Pornography: Men Possessing Women* are barely short of hate-mongering: "Men develop a strong loyalty to violence. Men must come to terms with violence because it is the prime component of male identity" (p. 51); "The immutable self of the male boils down to an utterly unself-conscious parasitism" (p. 13); "Men are distinguished from women by their commitment to do violence rather than to be victimized by it" (p. 53); "Men want women to be objects, controllable as objects are controllable" (p. 65).

Confronted with pornography that seems nonviolent toward women (e.g., where women are shown as dominant), Dworkin becomes dismissive: "The portrayal of men as sexual victims is distinctly unreal, ludicrous in part because it scarcely has an analog in the real world" (p. 34).

This is Dworkin's interpretation. And the simple fact is that she may be right. Certainly, this is the truth of pornography for her. But almost every message within pornography is a matter of interpretation. Even those pornographic acts some consider to be indisputable examples of sexist humiliation are wide open to interpretation. Take the classic "come-shot," in which a man ejaculates onto some part of a woman's body, usually her face. This is typically described as an archetypical act of gender contempt. But is it? In the introduction to *Perspectives on Pornography: Sexuality in Film and Literature*, Gary Day offers a more Freudian analysis:

> A feminist interpretation of this might be that it shows the subordination of a woman to a man's pleasure, thereby presenting him in a dominant role. However, if . . . pornography in part involves a realization of the incestuous phantasy, then the "come" shot takes on a very different meaning. For what the man does in ejaculating over the woman is in a sense to replicate the role of the mother giving milk to the infant. . . . If this analysis is accepted, then pornography does not show, as some feminists have claimed, a hatred of women but rather a desire to become like them. (p. 5)

Others, more attuned to the commercial aspects of pornography, claim that come-shots are there purely and simply to prove that the male did ejaculate, that he really was into the action. The woman's response of smearing or tasting the sperm is nothing more than proof that she enjoyed and approved of the sexual act.

Modern radical feminism is an ideology of sexual oppression, not sexual liberation.

Still others observe that women are particularly interested in seeing come-shots because men's ejaculations are generally hidden from them. In "normal" sex, women never see men come; to them, it is as elusive as a glimpse of breast or lace panty must be to a pubescent boy. In this context, the come-shot can be interpreted in an almost romantic way: the woman wishes to share as much as possible in her lover's orgasm.

The point is not that any one interpretation is "correct." The point is that the delightful diversity of human nature allows for many interpretations of pornographic material. None are inherently right or wrong. All contain implicit, underlying assumptions and preferences regarding sex.

Just one of the assumptions underlying the belief that come-shots

degrade women is that there is something degrading about semen. But as Beatrice Faust pointed out in her book, *Women, Sex, and Pornography*, "Logically, if sex is natural and wholesome and semen is as healthy as sweat, there is no reason to interpret ejaculation as a hostile gesture. Healthy semen is not like feces, which may smell offensive, dirty the sheets, and carry germs. . . ." (p. 18).

Having discussed what porn is not, the question remains: What *is* it? For the purposes of this article, I propose a descriptive, not a normative, definition. In common life, outside the heady world of political analysis, pornography is often called "sex films" or "sex books." I think this comes closer to the truth than any elaborate gender theory.

To state this definition with more formality: pornography is the genre of art that focuses on men and women as sexual beings. Just as mystery novels focus on the criminal nature of human beings and westerns describe humans in relation to a certain period of American history, so too does pornography specialize. Pornography presents human sexuality, with the entire spectrum of activities implied by that statement.

Most pornography, like most of any category of art, is poorly executed. In fact, current pornography probably contains less artistic value than any other genre. Whenever a genre is stigmatized (or criminalized), the best minds tend to abandon it. The D.H. Lawrences and James Branch Cabells who persist in bringing their genius to bear are persecuted without mercy. In this, our attitudes have not evolved far beyond the fourth century B.C., when Socrates was condemned to death for corrupting the youth of Athens. No wonder the industry is dominated by those who rush to make a quick profit rather than a profound insight.

Yet there is no area of human psychology that so badly needs exploration and understanding as sexuality. At the turn of the century, Freud changed the world's view of sex. No longer a need that women shut away in the attic like an idiot child, sex became popular; it became almost a moral duty to discuss and examine it. Through such examinations, pornography brought a benign and liberating message to women: sex need not be attached to domesticity or reproduction — or even to men, for that matter.

Yes: some pornography treats women with contempt, even brutality. But other pornography tells women that the conventional morality that restricts them is hypocritical and wrong. Porn encourages them to be full sexual beings, with revealed needs and hungers. It offers a panorama of sexual possibilities beyond the old roles of madonna, wife, and whore: sex as an adventure, sex with strangers, sex in unusual environments, sex as an expression of anger, sex as voyeurism, and more.

It is time for feminists to become "improper" again, to be so outrageous as to suggest that sex is fun.

Those who want a traditional marriage can also benefit considerably from pornography. In *Freedom, Rights, and Pornography*, the classical liberal Fred Berger offers an interesting view of how pornography can enhance a marriage:

> The fact is that most sex is routinized, dull, unfulfilling, a source of neurosis, precisely because its practice is governed by the restraints the conservatives insist on. Those constraints dictate with *whom* one has sex, *when* one has sex, how *often* one has sex, *where* one has sex, and so on. Moreover, the web of shame and guilt which is spun around sex tends to destroy its enjoyment, and thus to stunt our sexual natures — our capacity for joy and pleasure through sex. (p. 138)

Even those of us who rarely find sex "dull" often seek variety — not by cheating or lying to a loved one, but by sharing new experiences with him or her. It is no easy matter to keep sex fresh and playful throughout a marriage that may last for 60 years. Even strong marriages have crumbled when confronted by affairs or one-night stands that served no purpose but to satisfy a hunger for variety.

Despite these myriad advantages, pornography has fallen on hard times. No other issue seems to so capture Americans' schizophrenic attitude toward sex. Berger observes:

> An observer of American attitudes toward pornography faces a bewildering duality: on the one hand, we buy and read and view more of it than just about anyone else, while, on the other hand, we seek to suppress it as hard as anybody else. . . . I believe, in fact, that this state of things reflects aspects of our attitudes toward sex, and much of the current controversy has tended to obscure this fact, and to ignore important issues concerning sex and freedom to which the pornography issue points. (p. 132)

Gender politics has made the issue even more hopelessly tangled. Fortunately, there is a bright light in the dark tunnel that has engulfed sexuality. And it too comes from feminist ranks. Elizabeth Carols described a growing phenomena in her essay, *Women, Erotica, Pornography — Learning to Play the Game?*:

> If you go into almost any women's or gay bookstore in the United States, you'll be confronted with an array of new publications and audio-visuals. This material is not the latest in feminist/alternative thought. No, it's pornography produced by women, and ostensibly "about" and "for" women. . . . [T]he issue of the lesbian sex revolution and more generally, of the trend towards sexual libertarianism in the women's movement . . . is what, more than any other arena in alternative publishing, is being marketed. (p. 168)

This trend should be nurtured. Pornography needs to be legitimized. The quality and diversity of pornography needs to be expanded. By doing so — by making pornography go public — we will improve the working conditions of all women in the sex industry. And the possibilities of good sex — of human happiness itself — will increase.

More feminists have to follow the brave example of Emma Goldman and declare, in her paraphrased words: "If I can't enjoy sex, I don't want to be part of your revolution." ❑

One Strike, You're Out!

by R. W. Bradford

If baseball is to live again, it may first have to wither away.

Television newscasters have finally come up with a story as good as the Iranian hostage crisis, one that they can report in every single newscast, despite the absolute absence of news. "Today is the seventeenth day of the baseball strike," the anchor intones. "So far, 178 games have been missed. There is no progress in the talks."

I am a serious baseball fan. By that I mean, I consider baseball to be more important than life and death. In 1956, when I was seven years old, I witnessed every single Detroit Tigers game, either on the radio, on television, or at the ballpark. In 1993, I signed up for CNN solely so I could get baseball scores. I keep voluminous statistics, many of my own device. I am a long-time member of the Society for American Baseball Research. I read perhaps 15 different baseball magazines and scholarly journals. Baseball is an integral part of the rhythm of my life.

Once at a Valentine's Day party, the guests were asked to write on a slip of paper the happiest day of their lives. Most couples were picking the day they met or the day they got married. Without hesitation my wife and I both wrote down the same day — October 14, 1984, the day the Tigers won the World Series. (A chill goes down my spine as I write these words, and recall that day.)

So it is not surprising that many of my friends have asked me whether I side with the players or the owners. My answer is always the same: neither. My friends also ask how long I think the strike will last. A long time, I answer, and maybe it's for the better.

Yes, it doesn't seem like summer without seeing the Tigers play, without the diurnal ceremony of figuring the pennant race and refiguring my heroes' runs-created-per-game stats. But the fact is that baseball has changed over the past decade or two, and not for the better. Not caring a whit for the integrity of the game, the owners have introduced changes that destroy the game I love. I can tolerate some changes — night baseball, the designated hitter — but not those that strike at the heart of the game.

I speak of the introduction of artificial turf, which changes singles into doubles, and doubles into triples, forcing outfielders to play deeper to prevent the disaster of a ball bouncing off the hopped-up turf and over their heads.

And I speak of the replacement of pennant races with an annual tournament. Historically, baseball was the one sport where the playing season actually counted. Prior to 1969, each team played a season of more than 150 games. Only the best team from each league entered post-season play. This is a very wise practice. An inferior team can easily beat a better team in a short series in a sport where random events — bad bounces, unexpected slumps, etc. — play an important role. The best team in baseball typically wins about 65% of its games; the worst about 35%. A team that is good enough to win 65% of its games against another team, will win a best-of-seven series only about 75% of the time.

By limiting entry into the championship series to the best team from each of two leagues, the chances that a genuinely bad team would win the championship was eliminated. By expanding playoffs to eight teams — more than a quarter of all big league teams — the owners have increased the likelihood that a genuinely bad team will one day be world champions.

The chance that a so-so team would win the World Series was created by the owners in 1969, when they split each league into two divisions and introduced a playoff between the leaders of each division to

determine the league championship. There was a close call in 1973, when the New York Mets won a weak eastern division in the National League after winning just three games more than they lost in the course of a 162-game season. The Mets lost the World Series. But 14 years later, the inevitable ascendency of a mediocre team to the championship happened.

The 1987 Minnesota Twins were a so-so team by any measure: of the 14 teams in the league, they finished eighth in hitting (measured by runs scored) and ninth in pitching (measured by runs given up). In fact, their pitchers gave up more runs than their hitters scored. Four teams in the league won more games than the Twins. But in a game like baseball where the "breaks" make a big difference, the Twins managed to beat clearly superior teams both in the league championship series and the World Series.

I am a serious baseball fan. By that I mean, I consider baseball to be more important than life and death.

The 1987 Twins were not a genuinely bad team. Depending on how you figure it, they were somewhere around the middle of the pack. The same cannot be said for the Texas Rangers, the team that stood atop the western division of the American League when the 1994 season ended on August 12. The Rangers had lost ten games more than it had won; it was the 4th worst team in the 14-team league.

Now it may not be likely that a team of the quality of the Rangers would survive the playoffs. But the chaotic effects of random events in baseball make it inevitable that, under the current setup, a team of its quality will eventually win a championship. The frequency of this event is further increased by the owner's decision to goose the artificial "playoff position race" by establishing rules that don't even put the best eight teams into the playoffs.

Why would the owners make such a decision? For only one reason, the same reason that the owners decided to allow imitation grass: money.

I never begrudge anyone's efforts to make an honest buck, and I am not about to suggest that some sort of government intervention is needed to correct these problems. But I am convinced that the new profits the owners covet will be relatively short-lived, that in the long run, the expansion of the playoff to include eight teams will mean less fan interest in baseball's regular season, from which it earns most of its profits — and, eventually, less interest in the playoffs themselves. The use of counterfeit grass is arguably already hurting the bottom line. In a sport where the average performer is paid more than $1,000,000 per year, the extra cost that would be incurred by using real grass is trivial, and fans clearly show a preference for baseball played on real grass.

Of course, the strike isn't about important issues like the baroque playoff system or fake grass. It's about money. The owners note that many of the teams are losing money, and want to solve this problem by limiting the aggregate players' salaries to a fixed percentage of total revenue.

The players fear this might mean less money for them. They suggest that the reason some owners are losing money is that the small markets (e.g. Seattle, San Diego) simply will never be able to produce as much revenue as the large markets (e.g. New York, Los Angeles). They propose solving the problem of unprofitable teams by redistributing profits from the wealthy teams to the poor ones.

The obvious solution for the teams losing money would be to cut back salaries, and to some extent, the money-losing teams have done so. But players are free, within limits, to sell their services to the highest bidders. So the teams in poorer markets are not as good. The Seattle Mariners, for example, have had only one season in their 21-year history in which they won as many games as they lost. The only way a team in a small market can draw big crowds is to win. But they cannot afford to pay competitive salaries. Last I checked, the New York Yankees take in more cash from their local television sales than the Mariners take in from all sources combined, so it's pretty clear that the Mariners can never put a competitive team on the field.

Furthermore, the salary cap (as it's called) has worked very well in professional basketball. In fact, since the cap was instituted, both profits and player salaries have risen substantially. And revenue-sharing (as redistribution of profits is called) has worked very well in professional football, though in general it has not helped football players close the gap between their relative paltry earnings and the lucre taken home by their baseball and basketball brethren.

It's hard to be sympathetic with the multi-millionaire owners, even if they *are* losing money. Most can easily afford to do so, and even those that cannot and are forced to sell their teams typically manage to find buyers at such inflated prices that they make back their losses. The Seattle Mariners, for example, sustained losses for several years after Los Angeles businessman George Agyros bought the team, but Agyros managed to get back his losses when he sold the team to Jeff Smullyan. Losses increased under Smullyan, who was nearly forced into bankruptcy. But he managed to sell the team for $125,000,000 — a sum big enough to cover all his losses. (How an enterprise that loses money every year and whose only assets are contracts requiring it to pay millions of dollars to

The strike isn't about important issues like the baroque playoff system or fake grass. It's about money.

Erratum

In the September *Liberty*, we incorrectly listed the address of *The Guillotine: A Slice of Reality*, the libertarian student paper R.W. Bradford wrote about in his medianote, "A slice of enthusiasm." The correct address is *Guillotine*, P.O. Box 6000, Binghamton, N.Y. 13902-6000. We apologize for any problems caused by this typographical error.

athletes can be sold for $125,000,000 is another story.)

But it's not much easier to be sympathetic with the players. It's hard to see workers earning $1,000,000+ for seven months of part-time work as being downtrodden. It's hard to see that a contract that might limit their average wage to, say, only $950,000 is some sort of disaster.

Both the players and owners are determined not to give an inch. They have extraordinarily deep pockets and can afford to sit out a long strike. Neither gives a rat's ass about the fans who pay their salaries.

I say a pox on both their houses. I hope the strike lasts a long time.

For one thing, despite the huge salaries baseball performers earn and the huge profits owners make, both insist on government subsidies in the form of taxpayer-funded playing fields. From coast to coast, taxpayers have ponied up $100,000,000 or more to build ballparks designed, not to maximize the playing of the game or the enjoyment of the game by fans, but revenue for owners and players.

Government subsidy of major league baseball is based on idiotic economics. We've heard it a million times. Having a team means people go to ball games, eat hot dogs at the game, go to dinner before the game, and visit to a bar after the game. People from out of town stay in hotels. All this adds money to the local economy. And every dollar added has the effect of seven dollars because the waiter at the restaurant where the fan buys dinner spends his tip at a local hardware store, whose owner is therefore able to hire more employees, who spend their wages going to movies, whose ticket-takers spend their salaries and ball games. . . . Then there's the well-known "multiplier effect," which says that every dollar spent is spent again several times, so $10,000,000 spent on ball games, beer, and hot dogs has the effect of increasing local business by $50,000,000 or $70,000,000.

All this is nonsense, of course. It's based on the notion that the money spent attending baseball games would not be spent if it weren't for baseball.

By the year 2001, there will be 72 teams in the major leagues, of which 64 will make the playoffs.

The possibility that people would still eat out and still be entertained without major league baseball apparently never occurred to its purveyors. Nor has the possibility that if the money were not spent on entertainment, it might be saved or invested. They apparently assume that if the money weren't spent on baseball, it would simply be destroyed.

But when the public is threatened with the loss of their beloved team (or face the prospect of attracting a team to their non-big-league city) they are willing to believe any rationale that justifies what they want to do. Residents of St. Petersburg, Florida, went so far as to build a megamillion-dollar domed stadium in the *hope* that a big league team would move there. So far, the main effect of the St. Peter's Basebasilica, or whatever it's called, has been to increase the subsidy received by the Chicago White Sox, who told the voters of the Windy City that unless they were given a new ballpark at a cost of hundreds of millions, they would split to St. Pete.

Here's my hope. The strike will last and last and last, neither side willing to budge. Gradually, it will dawn on the fans that the players and owners are short-sighted blockheads who cannot see beyond their next paycheck or dividend. They'll start watching local baseball, played by kids and young men and women for the sheer pleasure of the sport. They'll rediscover the beauty of baseball played on real grass by people trying to win, not to maximize their statistics so they will qualify for a bigger year-end bonus. Voters will lose interest and voters will decide maybe it isn't worth coughing $200,000,000 to keep the local collection of overpaid bozos and bloated plutocrats around. Taxpayer subsidy of baseball will be a thing of the past.

In other words, baseball will be reborn as the great American game.

That is my hope, but it probably won't happen. More likely, by the year 2001, there will be 72 teams in the major leagues, of which 64 will make the playoffs. To reduce expenses, so they can afford to pay players an average wage of $50,000,000 a year, owners will change the rules to allow aluminum bats and plastic baseballs. The game will be played entirely indoors, so there won't be any more messy rain delays. The average game will take five hours to complete, to enable telecasts of games to include even more commercials between innings. In the ballparks, now all domed and without a single speck of living vegetation, the fans will take Disney-style rides to while away the time between innings.

But somewhere in this nation, there will be kids playing ball. And watching them will be a middle-aged man who realizes those kids don't have the superb skills that he has seen in other, older, better ballplayers, the men who interrupt the television commercials to play a little baseball. Batted balls will sometimes bounce crazily, because the field is rough. But the field will be made of grass. The fans will be few, seated on wooden bleachers or in lawn chairs brought from home. But they will appreciate the game in a way the businessmen in their $200,000 special boxes in the taxpayer-subsidized indoor playing fields never could.

In those kids and that rough field, the middle-aged man will see the game he loves. He will cheer and shout and drink a beer and talk to the other fans, people he doesn't know but with whom he feels a kinship based on shared love and respect for the game they watch. He will be happy if his team wins and sad if it loses. And he will forget the plastic baseballs and the aluminum bats and the fake grass and the Pharaonic domes. ❑

Ayn Rand and Her Movement

In this exclusive interview, Barbara Branden reveals intimate details of life inside Rand's New York circle. Topics include: the weird psychological manipulations, the expulsion of members in kangaroo courts, the glaring errors in Nathaniel Branden's memoir about Rand, and Rand's fight in a posh Manhattan restaurant with Alan Greenspan.

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The Logic of the Toxic

by Ben Bolch and Harold Lyons

Some regulations are healthiest in small doses.

The sixteenth-century Swiss physician Paracelsus, the father of chemotherapy, pointed out that a poison is only made by its dose. Indeed, it has been known since antiquity that certain toxic substances can actually be beneficial in low doses: many medicines in common use today (arsenic, lithium, and selenium, for example) are very poisonous in high doses, as are many, perhaps most, essential nutrients, such as table salt. The phenomenon by which a toxic substance becomes beneficial in low doses is called *hormesis*, and a substance that exhibits this property is said to be hormetic.

Figure 1 illustrates hormesis. The vertical axis measures some desirable biological effect so that on this axis large values are more desirable than small ones. The horizontal axis measures the dose of some hypothetical substance. A horizontal line is also drawn at the point of zero biological effect. Points above this horizontal line indicate that the effect of the dose is beneficial; at points below this line the effect is detrimental. An inverted U-shaped response curve such as the one labeled A indicates hormesis: at low-dose levels, the desirable effects of the substance can be increased by increasing the dosage. On this curve a dose smaller than some minimal level has an effect that is insignificantly different from zero, and the substance becomes toxic only at reasonably high doses. According to Edward Calabrese and Linda Baldwin, writing in 1993 in the *Journal of Applied Toxicology*, it is curves like A that are most often encountered in the actual evaluation of toxic substances.

Line B shows a linear relationship between dose and biological response.

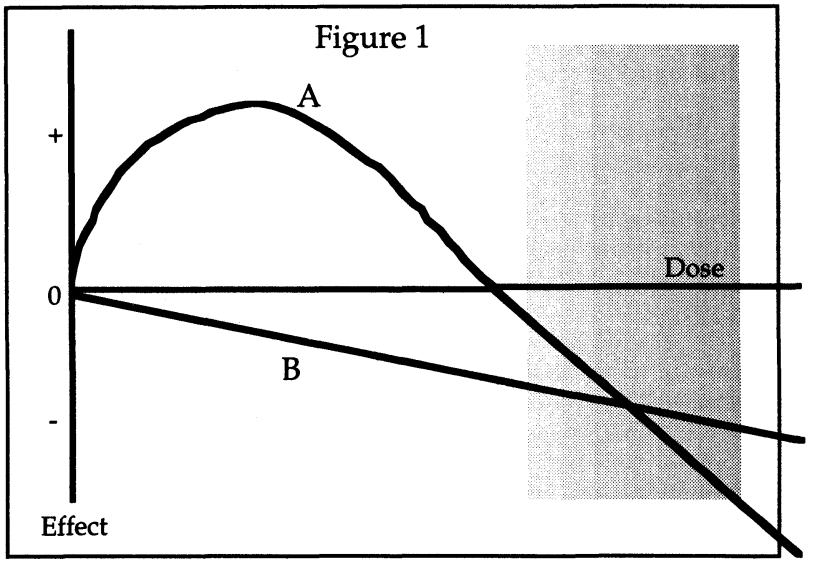

This represents the zero-threshold model of toxic substances in that any dose above zero is detrimental. This linear relationship is the one most often advanced by environmental alarmists, usually without scientific basis, and is generally defended on conservative grounds: when in doubt, presume that a high-dose toxin is also a low-dose toxin. Scientists are often in doubt about the low-level toxic effects of many of the most sensationalized high-level toxins because their low-dose toxicity has never been observed, much less measured.

In Figure 2, we see that in many cases actual detrimental effects have only been observed when doses are very high; i.e. toward the right end of the graph.

What can we conclude from these data? What is the effect of the as-yet-unmeasured smaller doses? Should we conclude that the relationship between dose and effect is linear, like Line B in Figure 1? Or should we conclude that the relationship is hormetic, like Line A?

The assumption that the high-level response curve should be extrapolated into the zone of ignorance as a straight line is conservative, but only in one sense: it assumes the worst case. It is quite radical on two other counts: it flies in the face of data for most toxic substances that have actual-

ly been measured at low doses, and it leads to public policy decisions that are incredibly expensive, are detrimental to economic growth, and may even be detrimental to public health.

Under a blanket acceptance of the linear model, society will become obsessed with rooting out every vestige of high-dose toxins at ever-increasing cost; people will find themselves besieged with warnings about the carcinogenic effects of common, even natural, substances; useful products will be banned; innovation and experimentation with substances that might be toxic will be outlawed, and a general condition of fear and dread will pervade the social order. In short, the presumption of linearity will lead to precisely the kind of chemophobic society in which we live today.

Like many other scientific concepts, the idea of hormesis has become politicized, and those who mention its prevalence are often characterized as lackeys of industry, proponents of junk science, or worse. The leading program in the United States to give serious scientific attention to hormesis is BELLE (Biological Effects of Low Level Exposures), located in the School of Public Health at the University of Massachusetts at Amherst. Yet in their newsletter of November 1992, BELLE is quick to point out that such "value judgment" phrases as "beneficial effects" or "hormesis" should be replaced by more acceptable phrases, such as "adaptive response" or "stimulatory response." The newsletter also mentions a publication bias that hampers publication of findings of hormesis. Political correctness, it would seem, is now well ensconced in science.

Radiation

The general public now widely believes that exposure to ionizing radiation at any level is harmful. This belief has supplanted an earlier one which considered bathing in mildly radioactive springs, the drinking of radioactive waters, and similar activities beneficial to health. A recent book by Jay Gould and Benjamin Goldman with Kate Millpointer (*Deadly Deceit: Low Level Radiation, High Level Coverup*) is typical of the scare literature that has brought this attitude change. At one point, it alleges that there have been 40,000 deaths in the United States from fallout from the Chernobyl accident alone. Although the book received scathing reviews in both the scientific press (*Nature*) and the popular media (the *New York Times*), it continues to foster a fear of radiation based in large part on a cultivated confusion of all radiation with nuclear weapons.

Figure 2

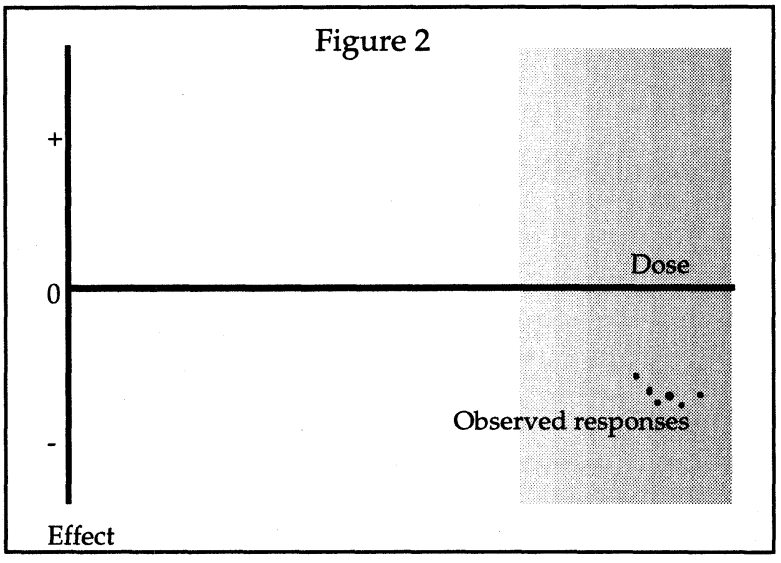

Similarly, *The Bulletin of Atomic Scientists*, which is known for its opposition to nuclear power, regularly presents frightening accounts of the dangers of low-level radiation. In the September 1990 issue, Michael McCally, director of special programs for the Educational Foundation for Nuclear Science, ends an account of the terrors of radiation (both man-made and natural) with the question of how to recognize and compensate the victims of the nuclear age. We suspect that it is the compensation part of the process of victimization that is most interesting to the purveyors of nuclear fear.

The Nuclear Regulatory Commission recently called for disposal in ordinary sanitary landfills of wastes that emit no more that ten millirems of radiation per year, prompting much opposition in Congress. Since the government allows exposure of 5,000 millirems per year in the workplace and since the average person in the United States is exposed to 360 millirems per year, this seems like a reasonable suggestion. But Congress has objected, thanks to the anti-nuclear hysteria that permeates American public life.

There is emerging evidence that low levels of radiation may not only be harmless, but hormetic. Most nonspecialists are surprised at the wealth of hard scientific literature on these effects. In 1979, T. Don Luckey of the University of Missouri published *Radiation Hormesis*, which contains well over a thousand references, and scientific meetings sponsored by BELLE have uncovered even more. Low-level exposure has been associated with increased longevity of laboratory animals, with stimulation of the immune system, and with a "priming" effect that allows animals to resist high doses of radiation after previous exposure to low doses. Merele K. Loken and L.E. Feinendegen, writing in *Investigative Radiology* in 1993, speculate that low-level radiation exposure may induce enzymes that assist in the elimination of harmful free radicals at the cellular level. There is also good evidence that DNA repair is enhanced by exposure to low levels of radiation. In fact, some scientists hypothesize that some radiation exposure is absolutely essential for normal life to function. Hubert Plantel of the medical school of Toulouse, France has shown deleterious effects on single-cell organisms associated with *reducing* background radiation. Since all life on earth survives in a sea of background radiation, it would not be surprising to find that adaptation has resulted in an absolute need for some minimal level of radiation.

What has our fear of low-level radiation wrought? It seems unnecessary to do more than sketch the costs it has brought upon our economy. The electric power industry alone has lost billions of dollars from aborted nuclear power projects; at the same time, the generation facilities of the power industry in the United States are aging at an alarming rate. Then there's the

expense of disposing of low-level nuclear wastes such as those generated by hospitals.

As we have pointed out, the hysteria over natural radon exposure that the EPA's use of the linear risk model has generated has led to vast, unnecessary expenditures, as well as much anxiety over the simple act of living in one's own home.* And even here, the observed positive correlation between natural radon levels and levels of average longevity has caused speculation that radon exposure may be hormetic at the low levels typical in American homes.

Chemicals

The linear extrapolation of hazard is by no means confined to radioactivity. The Delaney Act bans the use in food of any chemical that, when fed to any animal at high doses, causes cancer. Certification of carcinogenicity is carried out largely by the International Agency for Research on Cancer and by the National Toxicology Program. The testing is mainly done on rodents, which are often given doses so high that they fall just short of causing immediate fatality. As we pointed out in our book *Apocalypse Not*, these dosages usually constitute a wounding of the animals, something associated with cancer in itself. Thus, in some cases it may be the treatment of the laboratory animal rather than the substance that is carcinogenic. Yet in 1992, when the EPA proposed a more flexible application of the Delaney Act, the Supreme Court ruled that it permitted no discretion to allow pesticide residues on food crops, no matter how small the risk.

Chlorine — which, in its use for water treatment, has probably saved as many lives as any other chemical — may combine with other substances in water to produce chloroform. The EPA has classified chloroform as a potential human carcinogen, and has established a national drinking water standard for it of 100 parts per billion. But Calabrese and others report in the May 1987 issue of *Health Physics* that a number of investigators have found that low doses of chloroform have actually improved the survival rate of mice, rats, and dogs.

Dioxin, described by Michael Brown in a 1979 *Atlantic Monthly* article as having such toxicity that three ounces would kill a million people, has become so politically charged in its connection with Agent Orange that it has become almost impossible for government agencies to make use of new findings about its lack of toxicity. In 1990, the EPA and the FDA sponsored a meeting at Cold Spring Harbor, New York to reassess the toxicity of dioxin. The consensus is that while the toxicity models for dioxin are linear, the actual dose-response relationship for dioxin is nonlinear. It was the application of the linear model which led the federal government to spend $33 million to buy out all homes and businesses in Times Beach, Missouri, because waste oil containing very small amounts of dioxin had been spread on the streets to control dust. On May 25, 1991, the *Washington Post* reported that Vernon N. Houk, the official who had ordered the evacuation of the town, said that he would not have done so had he known then what he had since learned about the toxicity of dioxin. Still, the control of effluent that contains tiny amounts of dioxin now threatens to impose significant costs on many industries, including wood preservatives and pulp and paper.

Low doses of chloroform have actually improved the survival rates of rats and dogs.

If the same linear standards were applied to chromium, manganese, zinc, and the like, most common vitamin pills would be banned from neighborhood pharmacies.

Why the hysteria and alarm about such small amounts of chemicals? Part of the cause is the recent great advances in scientific measurement, which have made it possible to measure smaller and smaller amounts of these substances — amounts so small that they were undetectable only a few years ago. Under the Delaney Act there is virtually no end to the resources that can be spent to eliminate these substances.

Heavy Metals

The United States has undertaken a virtual vendetta against lead. The government-mandated removal of lead from gasoline is the most costly manifestation of this crusade, but there are many less-well-known examples. Many cities now require that certified deleaders do the simple task of removing lead paint. Lead shotgun shot is banned in many wildlife areas for fear of causing lead poisoning in ducks and geese — the same ducks and geese the hunters are trying to kill! Even the lead foil on the outside of wine bottles is under attack. Once vendettas are started, reason is thrown to the wind.

The seminal paper on low-level lead that has driven much of our public policy was published in the March 1979 *New England Journal of Medicine* by Herbert Needleman of the University of Pittsburgh. Needleman studied statistical data on lead concentrations in baby teeth and concluded that low lead levels could cause a drop in IQ of as much as three to four points. Such a fall would strike most of us as hardly significant, yet the regulators, in their wisdom, felt that three or four points summed over thousands of children was significant.

This strikes us as a most strange summation, akin to saying that if each of a thousand people lost one pound of weight the total result would be a significant pile of blubber. But we will be gracious and leave this issue aside.

Two years after the Needleman paper appeared, Claire Ernhart (now of Case Western Reserve) objected to the statistical methods used by Needleman, and charged that he had not done a proper job of controlling for confounding variables such as the quality of the schools attended by the children. Others have joined both sides of the fray, and the battle has gone on now for over ten years, both in and out of court. Ernhart and others charged that the government was engaged in a coverup to prevent the examination of Needleman's raw data, so that the errors in his analysis could not be brought out. The EPA convened a panel of scientists to review Needleman's work and the panel was critical of both Needleman and Ernhart. It concluded that the studies "neither support nor refute the hypothesis that low or moderate levels of lead exposure lead to cognitive or behavioral impairment in children." Yet by the time the panel reported to the EPA it had apparently

continued on page 67

* "A Multibillion Dollar Radon Scare," *The Public Interest*, Spring 1990.

"Dear Michael,

Why is Harper's Magazine Writing About Michael Emerling and The Persuasion Tapes? And Why Does ABC's 20/20 Lead Reporter Own a Set?

"Your Persuasion Tapes Saved My Marriage...

"We've been married almost 6 years. My husband is a member of the LP. He subscribes to all the libertarian magazines and journals. He reads 10 or 12 books every month.

"He talks to everyone about politics and economics, but he stopped talking to me and with me about what matters to us and our relationship. I felt taken for granted. I felt like he didn't really love me anymore.

"I talked with him. I read a few books on relationships and communication. I went to a counselor. (He wouldn't come.) I tried everything. Nothing worked.

"I was ready to give up. One night, while he was at a libertarian meeting, I saw your *Essence of Political Persuasion* Tapes on top of his book shelf.

"Maybe I could persuade him to talk to me...I listened to side 1 of the first tape. Your recipes for quickly creating rapport made sense to me. So did your keys to powerful communication...

"When my husband got home, I told him I had listened to side 1 of your first tape and asked him to practice your rapport recipes with me. We practiced for about 30 minutes. The next thing I knew we were talking about us, our relationship, our marriage and our life together. We talked 3 hours. It seemed like minutes.

"We have listened to your tape set 8 or 9 times. We practiced all the skills you teach. We started listening to and talking with each other. Now we really communicate.

"I finally understand why my husband is a libertarian. I've read 8 libertarian books in 6 weeks and discussed them with my husband. Now I'm a real libertarian, too.

"Michael, your *Essence of Political Persuasion* Tapes saved my marriage.

P.S. "We are expecting our first baby late this year."

Name withheld by request

"I'm a Christian Libertarian. While I've always felt uncomfortable discussing my Christian beliefs with libertarians, I've felt even more uncomfortable discussing my libertarian beliefs with my fellow Christians.

"Your *Essence of Political Persuasion* Tapes gave me the confidence and skills I needed to bring libertarianism to my church. Your story on 'the Judas Bargain' hit me deep. I'm getting powerful results with your 'Political Cross-Dressing' and 'Words Are Weapons' techniques.

"Liberty cannot triumph in America without the support of millions of my fellow Christians. Reaching them will be my special libertarian 'ministry'.

" God Bless you, Michael."

B.L., New York, New York

"...Michael, your Persuasion Tapes earned me $12,000. I was 1 of 4 candidates for a promotion in my company. I was the least qualified. I don't socialize with the boss. Nobody figured I had a real chance.

"When I went in for the interview, I started off with your Rapport building methods, then I used your 'Intellectual Judo' to turn objections to promoting me into reasons why I was the best candidate. I used your 'Isolate the Concern' tactic to handle the final issue.

"After 35 minutes, my boss said, 'Communication is very important to this job and so is poise under fire: Congratulations, you've got the promotion.' Your *Essence of Political Persuasion* Tapes earned me a $12,000 a year promotion in 35 minutes."

R.S., Los Angeles, CA

"My letters-to-the-editor used to make people angry. Since I started using your Political Persuasion methods, people started sending in letters agreeing with me."

T.L., Toronto, CANADA

"...anyway, I got fed up listening to my sociology professor praise welfare statism. One day, after class, I got him alone and used your 'Welfare Junkies' argument on him. It stopped him cold! He asked if I could recommend any books on the subject. I told him I'd bring one by later.

"Michael, that's when I called you. I followed your advice to the letter. I bought a copy of Charles Murray's LOSING GROUND - and **sold** it to my professor. You're right, if I'd given it to him I'd be practicing intellectual welfare, encouraging him to believe in something for nothing and he'd have had no financial investment in reading the book.

"Well, he read the book and asked for more. I gave him a Laissez Faire Books catalog (he bought several books over the phone while I was there) and a CATO catalog.

"My professor is on his way to becoming a libertarian. Think of how many thousands of students he will influence with libertarian ideas - thanks to your *Essence of Political Persuasion* Tapes."

R.J., Madison, WI

"...I'm a competent, trained Psychiatrist, but I was stuck. He was the most resistant depressive I've ever treated.

"In frustration, I tried your 'Intellectual Judo' method on him. I agreed with his depression. I embraced his position. I added to it, accelerated it and re-directed it.

"He started laughing. We talked. Then we started making progress...

"Michael, your persuasion techniques are powerful. I regularly use them with clients, colleagues, friends and family. Your methods have improved all my relationships."

Name withheld by request

"...I was one of the thousands of aerospace workers laid off. Not only was I out of work but I was competing against these thousands for a shrinking number of jobs here in California.

"For 3 months I got nowhere. One afternoon, I listened to your *Essence of Political Persuasion* tapes again. (I bought them a year ago.)

"I starting using the Rapport building steps, the Onus of Criterion and Political Cross-Dressing during every interview. In 2 weeks, I got 4 job offers. I'm now back at work. Michael, tell libertarians that your Persuasion tapes aren't just for politics...they got me a job."

B.N., Orange County, CA

"I'm a 74 year old retiree. I call in to several radio talk shows. People used to tell me that my libertarian ideas were crazy...Now they ask me to tell them more - thanks to your *Essence of Political Persuasion* Tapes."

A.J., Denver, CO

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Fiction

Gotta Sing

by Greg Jenkins

"I am going to sing for you, a little off key perhaps, but I will sing."
—Henry Miller, *Tropic of Cancer*

We all knew the General was crazy, but just how far gone he was did not become apparent until the day of his so-called "Final Edict."

I was in my office doing nothing in particular when word first came to me. My title at that time was Minister of Commerce. (In fact, even now, to the best of my knowledge, I am still officially the Minister of Commerce.) Several years had passed since I had taken any genuine interest in the alleged functions of my department. Since the advent of the General, our economy had been in a shambles, and it was obvious to me that nothing I said or did could alter that fact.

I can remember how oppressively hot it was, even for San Martinet; the overhead fan did little but stir the heat. They say there is something in that kind of weather — a microbe perhaps — which can drive a man to distraction. Perhaps this is true. For myself, it was driving me only toward sleep. I pushed aside the great heaps of paper on my desk and propped up my feet. I let my head bow and my mind tumble. In the distance I thought I could hear the faint strumming of a *guitarra*.

Two or three minutes later — or it may have been two or three hours — one of my aides, a young man named Carlos, came in on me abruptly. I was so startled, I actually opened my eyes a fraction. Motionless as the books and papers that littered my office, I waited for him to state his business so I could promptly ignore it. But he said nothing. He scuttled aimlessly around the stifling room, silently, a look of concern in his dark eyes and a shiny white scroll in his hand.

"Carlos," I spoke up, "what is it?"

He stood still. He glanced at me and then down at the scroll and then back at me again. I had never seen him so tense. For Carlos, who was the sort of *muchacho* that could fall asleep in the midst of a coup, such fidgeting was most extraordinary.

"It's . . ."

"Another proclamation?" I guessed. "By the General?"

"Yes."

Again I waited. "Well, what is it?"

"It's . . ." He grimaced, shook his head, lowered his eyes.

"Carlos?"

"Sir, he wants us to sing."

I kept my feet on my desk but sat up a little straighter.

"All of us," he said. "Every member of the ruling junta. He wants us all to . . ."

"Sing?" My feet dropped to the floor and I laughed convulsively. Humorous moments are rare in San Martinet, and one likes to get the most out of them; I must've laughed for a full minute. "What's he doing?" I gasped. "Forming an all-government glee club?"

"No sir, not exactly." Carlos wasn't even smiling, and the rigidity of his expression had a gradual sobering effect on me.

"What, then?"

He took a breath. "He wants each of us to put on a performance. Individually. Each of us must sing one song of our own choosing for the sake of the General's entertainment. The performance may be simple or elaborate, as the singer prefers." He had opened the scroll and was skimming down it. "Musical accompaniment, to include musicians and back-up vocalists, will be provided. Eventually everyone in San Martinet, except for the Army and children under the age of twelve, will be asked to participate. Government and quasi-governmental officials," he sighed, "will lead off."

I snorted, and smiled ruefully. "Well," I said, "another diversion for the people. I can see no real harm in it, especially since I will no doubt be exempted."

"Exempted?" Carlos frowned at me. "Why would . . ."

"Because fortunately for me, I can't sing. I have a terrible voice. I'm tempted to blame it on too much whiskey and tobacco, but the truth is I never could sing. Same as you, Carlos," I laughed; "I've heard you humming to yourself, and you're no Caruso either. So let's not worry about it, eh?"

Far from appearing relieved, he dropped the scroll, staggered, and grasped at his throat.

"Carlos?" I stood up in alarm.

"Sir, I — I don't think you understand." He bent over to pick up the scroll, had it by his fingertips but dropped it again. It rolled away from him. "We *have* to sing," he said.

"Anyone who refuses will be shot."

"So we'll sing," I shrugged. "Mi mi mi mi. Ha! It'll be no worse for us than for the poor devils who have to sit there and listen."

"I wouldn't be too sure of that. You see, our object is to please the General."

"Isn't it always?"

"Any singer who fails to do so will be shot."

"What!"

Carlos nodded at me somberly. "So it seems to me we are faced with three choices: either we join the Army, or we get our birth certificates revised rather drastically, or we take some singing lessons pronto."

"Or we head for the hills. Let me see that thing." And both of us lunged for the scroll at the same time.

I read through the Edict carefully, and made the unhappy discovery that everything Carlos had told me was correct. We were free to select any genre of music we wished — classical, popular, folk . . . whatever we felt might make a favorable impression on the General. We had the option of singing with the support of a state-assembled orchestra, or we could put together our own group. Or we could sing *a cappella*. We would be given sufficient time to rehearse and otherwise to prepare ourselves (probably a few weeks), and we were instructed to bear in mind that anyone whose performance was deemed by the General to be *"inadecuado"* would be subject to execution, courtesy of a firing squad.

I could find only one tiny glint of a silver lining in the entire Edict: the participant's pure ability as a singer would not be the sole criterion for judgment. Mary be praised. There would be other factors, such as song selection, musical arrangement, innovativeness, enthusiasm, poise, and so on. Unquestionably our General was a fair-minded, generous, and noble leader.

Or was he? What kind of man, what kind of sensibility, could have conceived such a perverse and unnatural scheme? It was my privately held belief that in a contest between the General and Albert Schweitzer as to which was the greater humanitarian, the General would have come off second best.

Let me tell you something about him, so you will be able to visualize and understand him better. Physically, he reminded one of a shaved bear. He was a huge, snarling hulk of a man who ate nothing but meat — even for breakfast. He spoke in a heavy, guttural voice, slept for long periods, and had a very quick and violent temper. I might also add that he always smelled as though he had just emerged from the woods.

Spiritually, too, he called up notions of something vaguely ursine. Immediately following his seizure of power he declared that martial law would thenceforth be in effect. Some of the measures he ordered were quite severe — for example, his announcement that jaywalking would be treated as a capital offense. When his own grandmother expressed misgivings concerning some of his policies, he accused her of plotting against him, put her on trial, and had her executed. Interestingly, evidence was uncovered later which strongly suggested the old woman actually *had* been plotting against him.

In any event, this was the man for whom we were expected to sing.

"Carlos," I said, wiping the sweat off my face with my bare hand, "did the General give any clue as to why he has decided to go ahead with this . . . this exercise?"

"Yes sir, he did," Carlos answered. "He said he was sick and tired of watching TV. And that movies these days contain too much sex and violence."

In due course a schedule was published and the sessions began. Most of them took place, quite naturally, in our Teatro Nacional de Cámera y Eusayo, but this was not a requirement. Indeed, you could sing wherever you liked: in a studio, in a *taberna*, even in your shower — wherever you felt you could perform most effectively. This was widely interpreted as another sign of the General's breadth of soul. Most people chose the Teatro for obvious reasons: excellent acoustics, ample lighting, a large stage.

There was also a substantial seating capacity — every performance there drew a tremendous crowd. I believe there were two reasons for this. First, of course, everyone was eager to see such a remarkable spectacle as a series of ordinary people singing for their very lives. But also they hoped to gain some insight into the General's tastes in music, since one day they too would have to sing, and sing with as much power and beauty as they could muster if they ever hoped to see their loved ones again.

Always the crowd sat in hushed silence before and during the performance. When the singer finished, all eyes would instantly converge on the General, who invariably sat himself in the front row, in the center section. The General would ruminate for a moment, utter some brief comment, and then turn his thumb either up or down, depending on his verdict. If the gesture happened to be thumbs-up, the crowd would erupt with such an outpouring of joy and approval that you might guess San Martinet had just landed an astronaut safely on the moon. If thumbs-down, they would whistle and jeer — and even throw things — as though the poor singer had been caught doing something despicable with a child. The crowd, you see, was very spontaneous.

I can recall the first performance vividly, as I'm sure all of us who watched it can. The gentleman's name was José Pedroza; he was the General's Chief of Staff. Wearing a confident smile and a smart gray suit, he strode to center stage and belted out, in what I must contend was a better-than-average tenor voice, the national anthem of San Martinet. You could tell by his exuberant manner that he was altogether satisfied with his performance and, even more so, with his shrewd choice of material.

If only the General had shared his exuberance. After a moment's hesitation, the General remarked:

"Politically, my old friend, I stand with you, for you, and behind you. As all of us here do. But musically . . . well, let's face it: 'Honor to Thee, O Ancient Republic' isn't exactly a classic."

So saying, he turned his thumb toward hell. Señor Pedroza blanched, sank to his knees, and tried to speak. But in the din of the hostile crowd his voice could not be heard. In another moment, five or six burly soldiers had dragged him roughly from the stage, back into the wings. None of us

ever saw him again.

The sessions continued. Normally there were ten or twelve performances a day, six days a week — a steady pace. In the beginning, most of the participants opted for military anthems, religious songs, and folk ballads. A few of the more daring ones elected to do numbers with a sultrier, jazzier beat. In these instances, they would often be supported by a troupe of lithe young dancers who, in the background, would do the *samba*, the *cumbia*, the *merecumbé*, the *mambo*, and other popular steps. To my mind, some of the performances were highly commendable; some were plainly mediocre. But in the eyes and ears of the General, every one of them was found wanting; each of these early attempts was met with a testy thumbs-down.

Perhaps a hundred people had been sent to their deaths — our country's morale could not have been lower — when at last a breakthrough occurred. The singer's name was Luis Otero; he was a minor bureaucrat in the Council of the Realm. With a mixture of courage, inspiration, and sheer audacity, he danced out onstage dressed like an old-time vaudevillian, hat and cane in jaunty motion, and unflinchingly sang:

The General listened attentively to "Heartbreak Hotel," but then remarked that someone ought to put a stop to "this Elvis thing" and it might as well be him.

Oh, you beautiful doll!
You great big beautiful doll!
Let me put my arms around you!
I could never live without you!
Oh, you beautiful doll!
You great big beautiful doll!
If you'd ever leave me
How my heart would ache!
I wanna hug ya
But I'm afraid you'd break!
Oh! — Oh! — Oh! — Oh!
Oh, you beautiful doll!

Señor Otero's last note seemed to hang in the air for a wondrously long time. The crowd sat stunned and utterly silent. Finally the General said, in a voice so crisp and penetrating that he seemed to be speaking directly to each and every one of us:

"An American song. Huh. Let me tell you how it is with these Americans. They are curs. They are swine. They are vermin. They are imperialist *warmongers*." He crossed his legs, folded his hands on his lap. "But they make pretty good music. Congratulations, Señor Otero. *Maravilloso, excelente.*" And up came the thumb, along with the delirious shouts of the crowd.

Needless to say, from that point on, every song done was either American or sounded American. We were treated to such timeless and diverse standards as "Strangers in the Night," "Take Me Out to the Ball Game," "Hello, Dolly" (sung in the style of Louis Armstrong, complete with handkerchief), "If Ever I Would Leave You," "Misty," and countless others. The General seemed to appreciate this trend, at least for a while. For the better part of a month, the success ratio was reasonably high — better than 50%, I would judge.

Then, abruptly, he began to disapprove every song presented, regardless of quality. Based on his comments ("Oh my God, not another one of *these*!"), the more perceptive members of the audience concluded that the General was growing bored with the unending barrage of mellow, middle-of-the-road tunes, and yearned for something with a little more bite. Thus the stage was set, both literally and figuratively, for a startling phenomenon by the name of Aurelio Lopez.

Señor Lopez was a clerk in one of our *juzgados*. He was also a genius. Donning an outrageous, multi-colored tophat and black leather pants — no shirt, no shoes — he proceeded to half-mince, half-prance onto the stage and sing, amid a crash of guitars and a burst of drums:

Just take those old records off the shelf!
I'll sit 'n' listen to 'em by myself!
Today's music ain't got the same soul!
I like that old-time rock'n'roll!

Midway through the rendition the General rose to his feet and began clapping his hands overhead, shouting: "Arriba! Arriba!" No thumbs-up was necessary. The audience was in a frenzy — screaming, cheering, and, in the case of a few *señoritas*, actually *swooning* with excitement. With a flourish, Señor Lopez introduced the members of his band, a group called "Loco," blew kisses to the adoring crowd, and ushered in what appeared to be the era of rock'n'roll.

I say "appeared to be" because in truth what he had ushered in was an era of great variety. Past experience had demonstrated that with the General, too much of a good thing could be a terrible thing. So after an initial flurry of rock music, perhaps a week's worth, we saw the introduction of gospel, country, rhythm & blues, and many other strains and varieties, all with primarily one thing in common: the songs themselves had originated up north. During this period the success ratio, by my own count, leveled off at about two-thirds, or slightly less than 70%.

I would like now to offer a short list of some of the songs which were sung and the reactions they received. These recollections are given in no particular order.

"Heartbreak Hotel" — thumbs-down. The General listened attentively, but then remarked that someone ought to put a stop to "this Elvis thing" and it might as well be him.

"Hot Stuff" — thumbs-up. It should be noted that disco music as a rule fared poorly; two or three songs originally done by Donna Summer were a notable exception.

"I Am Woman" — no official hand signal given. After two bars the General stood up, pulled out his revolver, and opened fire on the singer, who I believe was somebody's secretary. It is assumed that the General's action represented a negative verdict.

"Surfin' Bird" — essentially the same reaction as above.

"My Way" — thumbs-up, largely, it was felt, because of the singer's carefully worded preface, in which he dedicated the song to the General's life, accomplishments, and overall deportment.

"Come on-a My House" — thumbs-up, according to rumor. The song was performed by a comely female singer not onstage but in her own dimly lit *tacador*, with only the General and a pianist present. Rumor further has it that the woman, a widow, has since been given a sizable pension.

"Take This Job and Shove It" — thumbs-down. It came out later that the singer, a high-ranking official with the Council of State, had been despondent over a broken love affair. Evidently his choice of songs was deliberately suicidal.

You are perhaps wondering about my own fate. If so, you are not alone. I have wondered about it many times myself.

Because of my various political connections, cultivated during periods when I *should* have been busy at my job but wasn't, I succeeded in getting my performance postponed repeatedly. Naturally I made a prolonged and hard-fought attempt at getting myself overlooked completely, but found that this was impossible. The delays, however, were better than nothing, and I put them to good use.

I sought a way out of the country — and found none. I tried, ever so delicately, to plant the seeds of a coup among some of my highly-placed countrymen — and failed miserably. I rehearsed my upcoming song for hour upon interminable hour, until my throat was raw — and managed only to convince myself more deeply that when my time came, as inevitably it would, I would learn from a different perspective the horror which emanated from the brown, inverted thumb of our General. On second thought, the extra time I'd finagled had been put to no good use at all.

Within the U.S. and Great Britain, scores of singers and musicians were offering to travel to San Martinet and perform if only the General would cancel his Final Edict.

My only real hope had its roots outside our country. Word came to us through the grapevine that the rest of mankind was appalled by this latest turn of events in San Martinet, and that international pressure — political, economic, and moral — was being brought to bear on the General in a concerted effort to halt the "insane slaughter." The United Nations had issued a harshly phrased statement of condemnation, as had the United States Congress. Within the U.S. and Great Britain, scores of singers and musicians were offering to travel to San Martinet and perform if only the General would cancel his Final Edict. Amnesty International, we were told, was compiling a list of relevant names, dates, places, and even songs.

But all this, lamentably, was to no avail. The General made a thunderous speech in which he denounced all those who would "meddle in the internal affairs of San Martinet," telling them in effect to mind their own business. He declared that the sessions would continue according to schedule.

So it was back to rehearsal for the Minister of Commerce. The song I had chosen, after untold consultations with my closest advisors, who relied on computer-generated analyses of the General's moods, comments, and past decisions, was an energetic piece called "Rock Around the Clock," originally done by the American singer Bill Haley. This song, for those of you unfamiliar with it, features a driving beat and striking guitar riffs which, it was hoped, might compensate for any deficiencies in the singer's voice. To ensure that my musical backup was as strong as possible, I acquired the services of the group Loco, which had earlier worked so superbly with the incomparable Aurelio Lopez.

Of course there were other preparations. For one, I had to decide on a costume in which to perform, and I went with a skin-tight, gold lamé jumpsuit. Since I am 61 years old and not as slim as I used to be, this was something of a gamble. But, I figured, anything to take his mind off my voice. I also had to work out my choreography, and this I accomplished with the guidance of a young man, state-appointed, whose hair had the same color and glitter as my costume. Finally, there were certain legal papers to be reviewed and endorsed, so that my family would be taken care of if my performance went badly.

Despite my preparations, or perhaps because of them, I was not overly confident. I arrived at the Teatro on the given day just in time to see my aide Carlos unburden himself of a perfectly woeful performance; this did not bolster my spirits. The poor boy had been trying to sing "Happy Days Are Here Again." Even to my undiscriminating ears he sounded like a cat on a fence at three in the morning. Then, halfway through the number, he lost his voice altogether, though the music continued to the end. The General, finding some dark humor in the situation, allowed that if the first half of the song had gone as well as the second, Carlos might have eked out an approval.

Then he turned his thumb down.

My confidence received a further blow when I realized that my band was missing. I looked everywhere for them and simply couldn't find them. No one had seen them; no one could tell me where they might be. After rushing around the Teatro for an hour or more, accosting strangers, making phone calls, I approached the stage manager to tell him frankly that I couldn't go on: that it was impossible.

"Stage fright," he said, fingering the gun he wore on his hip. "Don't worry about it. Happens all the time — especially here."

"Not stage fright," I said. "Common sense. I can't find my band. They didn't show up."

"That has been known to happen as well. What did they call themselves?"

"Loco."

"Ah yes." He smiled at me — not a very warm smile, I must say. "Last night," he said, "they lived up to their name."

"What do you mean?"

"They were arrested for public drunkenness. So I wouldn't expect to see them anytime soon, especially since there were also allegations of jaywalking."

"*Dios,*" I murmured. Then: "So it's settled. I can't go on."

"True," he said. "You probably can't. But you will."

"What?"

"I am told you've had postponements enough, my friend. The General is growing impatient. So today is the day and now is the time."

"But I've been trying to tell you —"

He yanked out his gun and my words stopped as if someone had pulled the needle off a record. "And I have been trying to tell you — *Señor*, you are on."

"But —"

"*Ahora mismo.*" And he gave me a shove that sent me reeling onstage.

Somehow I kept my composure — have you ever noticed how bureaucrats rarely lose their composure? I stumbled along in a blur of intense white light. The audience, by contrast, was shrouded in darkness. I had a difficult time descrying the General, but finally I was able to make him out; he was seated in his usual place. I came to a stop and faced him: faced everyone. As always, the vast room was filled with a throng of very quiet people.

Amnesty International, we were told, was compiling a list of relevant names, dates, places, and even songs.

I had no intention of singing, though what I *would* do was another question. The seconds passed; they crawled over my skin like insects. Suddenly I began to speak.

"General," I said, "and people of San Martinet — good afternoon. As you have no doubt surmised, I came here today in order to sing to you. However, circumstances outside my control have made that proposition impossible for me to undertake, at least for the present. So instead I would like to use this opportunity to address you concerning two subjects, namely, this whole matter of . . . of singing, and indeed the overall quality of life in San Martinet."

All right, I know what you're thinking. You are thinking: What a valorous man, this Minister; our Savior must have endowed him with *mucho curaje*. Or perhaps you are thinking: The man is clearly an idiot. But in fact I believe that neither assertion is true. For me to have performed without accompaniment, that — that — would have been the act of an idiot. And when a man who has virtually nothing to lose does something "risky," what is he actually risking? Death means little to someone who suspects he may already be dead.

I waited for someone to rush the stage. No one did. Drawing my impetus from what I knew were the real hopes, dreams, and desires of the people, I continued with my little speech.

Basically I argued against the Final Edict, suggesting, in softer words of course, that it was a scourge on our country. I watched my tone as best I could, so as to *persuade* the General that my point of view was correct, but not to offend him, if this was possible. I was also careful to base my argument on pragmatism only, and not to enter into the touchy areas of ethics or religion. Thus, I noted how inflation had skyrocketed, while at the same time production had plunged almost to zero; we were eating ourselves alive, I said, like a shark tearing at its own entrails. Why? Because virtually the entire populace had ceased working so they could devote more time and effort to their songs. As Minister of Commerce I was in a position to speak on these issues.

"Not only that," I went on, "but how long do you suppose the Army will stand for this situation? *They* have been exempted, yes, but what about their mothers, fathers, brothers, and sisters who are civilians? What about their wives? Their civilian friends? What about — General — what about those soldiers with children older than twelve? Or with toddlers who will one day turn twelve? Have you considered these things?

"General, we all love music. It is a part of our heritage, a part of our nature as human beings. But I must ask you: Isn't there a better way? Mightn't there be a more positive approach?

"I beseech you, General — rethink your Final Edict, and rescind it. For your good and for ours.

"From the bottom of my heart, I thank you for your indulgence."

No one spoke for quite a while, or even moved. If there had been silence before, there now seemed to be a kind of vacuum. I stood there attached to the floor like a human stalagmite, waiting, waiting. Peering into the unchanging darkness. Eventually, the General leaned forward and said:

"I don't understand. No song?"

Now my feet moved slightly. "Er, no. You see, General, as I just —"

"No music? I don't understand. No song?"

"Actually, General, as I — as I just explained to you, and, uh, to everyone else . . . concerning the matter of, uh . . ."

"No *song*!" he cried in amazement.

He waved his hand and a squad of soldiers fell on me from all directions. As they dragged me away the crowd hooted and whistled at me.

"General," I screamed, bobbing along, "I was only kidding. Really. A little joke to set the mood . . ." But no one could hear me. "General," I screamed, "listen, please, for the sake of God: Well it's one two three o'clock four o'clock rock — General, please — five six seven o'clock eight o'clock rock—"

But it was no use.

So. For the time being I languish in jail: in this stinking little *mazmorra*. I write out my recollections on these tiny scraps of paper, and do little else. I don't eat, I can't sleep. My hour will come, though I don't know when. I am filled with fear . . .

A curious point. It isn't the fear that prevents me from sleeping. It is the sound of my fellow prisoners, throughout the cell block, singing. Out of habit, out of frustration, out of lunacy, they persist in singing their songs. Endlessly. Every one of them sounds awful, and in some odd way this gives me a sense of kinship, however remote, with the General. ❑

Reviews

***The British Industrial Revolution: An Economic Perspective*, edited by Joel Mokyr. Westview Press, 1993, 362 pp., $55.00 hc, $18.95 sc.**

Was There an Industrial Revolution?

Jane S. Shaw

For more than 40 years, historians have debated whether the working classes fared better or worse under the factory system engendered by the Industrial Revolution. Recently, however, a more fundamental debate has emerged: Did the Industrial Revolution exist at all? This deeper disagreement is the underlying theme of *The British Industrial Revolution: An Economic Perspective*, a collection of essays edited by economic historian Joel Mokyr.

We're all familiar with the basic idea of the Industrial Revolution. Between 1760 and 1830 or so — some extend the period much later — there was an explosion of inventions in Great Britain that ultimately transformed the economy of the Western world. Foremost were the mechanical spinning inventions, the spinning jenny and the mule, which revolutionized the British cotton textile industry; improvements in the making of iron; and the development of the steam engine. Along with these changes, the factory system began to replace the cottage system of manufacture.

The traditional understanding has been that these inventions unleashed the economic growth that set Britain and, soon, the United States on a steady upward path. Unfortunately for the standard theory, newly developed economic data do not support it very well.

Over the last couple of decades, economic historians have been trying to measure the economic growth of Great Britain during the Industrial Revolution. Their findings reveal little change, at least from 1760 to 1830. A leading light of this new statistical analysis, N.F.R. Crafts, estimates that per capita national income in Great Britain grew about .17% a year between 1760 and 1800 and .52% a year from 1800 to 1830. That's not very fast, and not much different from what it was before 1760. It was only after 1830 that per capita national income grew significantly — just under 2% per year, according to Crafts' numbers.

Meanwhile, David Landes reports that steam power, "long seen as the technological heart of modern industry," only gradually gained in importance, and did not surpass water power until late in the nineteenth century. Nor had iron and steel yet replaced wood in the mid-nineteenth century.

"All of this has given rise to a reassessment of the nature and significance of the Industrial Revolution," writes Landes (p. 146). That doesn't make him a convert, though — he calls the economic growth data "guesstimates" and the new analyses "brave structures on shaky foundations" (152).

Joel Mokyr also defends the Industrial Revolution. Its slow pace, he says, should not really be all that surprising, since it initially affected only a small segment of the population. "The British economy as a whole was changing much more slowly than its most dynamic parts, because growth was diluted by slow-growing sectors," he writes (12). Mokyr's bottom line: while there are "arguments about exactly what changed, when it started, when it ended, and where to place the emphasis" (3), the Industrial Revolution is still a "useful abstraction" (1).

I have no specialized knowledge to apply to this debate, but my literary analysis tells me that the proponents of the Industrial Revolution are on the defensive, maybe even running scared. And maybe it *is* time to lay this concept to rest.

By questioning the Industrial Revolution, no one challenges the fact that Great Britain (along with the United States and, ultimately, many other countries) became, in Mokyr's words, an "urban, sophisticated society, wealthy beyond the wildest dreams of the Briton of 1750 or the bulk of the inhabitants of Africa and Southern Asia in our own time" (131). Indeed, figuring out how this happened may be crucial if today's Third World nations are ever to replicate it.

The proponents of the Industrial Revolution are on the defensive, maybe even running scared.

The problem is that treating the 1760–1830 period as a revolution may have handicapped us.

In the 1950s, Walt Rostow, an influential economist, developed the idea that all nations would have to go through their own industrial revolutions; he coined the word "take-off" to mean a short-term, sudden transition to a steady upward trend. His idea was used by governments and international development agencies to promote state-directed industrialization.

But if Great Britain and the United States never had such a "take-off" period — if, for example, economic growth took hundreds of years to evolve — then the concept offers no helpful model to developing nations today. This may help explain why most Third World countries are economic disasters.

By shelving the idea of an Industrial Revolution, we can make room for more complicated and constructive explorations of how growth occurs. More attention can be paid to economist and historian Douglass North's view that a nation's rules, laws, and traditions — its *institutions* — determine economic growth more than its inventions do. And if economic growth depends on institutional changes, there is also room for the Austrian idea that economic growth occurs as individual entrepreneurs respond to new opportunities with time- and place-specific knowledge. As economic historian P.J. Hill once said to me, "We now believe that economic growth depends more on the actions of thousands of individuals responding to opportunities than on a few 'heroic' inventions."

So Douglass North's analysis of economic growth in Great Britain (conducted with Robert Thomas in *The Rise of the Western World*) goes back much further than the usual parameters of the Industrial Revolution, with important seeds of growth visible in the early modern period of British (and Dutch) history. And it goes forward, too. North believes that the most important economic revolution after the Agricultural Revolution of 10,000 years ago occurred late in the nineteenth century, when the application of science transformed industrial activity (see North's *Structure and Change in Economic History*). This broader view seems consistent with the thinking of Nathan Rosenberg and L.E. Birdzell in *How the West Grew Rich*, who emphasize the many small technological and organizational changes that developed the Western economies. By extending their thinking to broader expanses of time and by looking at much more than "inventions," these scholars offer more creative ways of analyzing economic growth.

There is another reason not to lament losing the Industrial Revolution. Its life may have been artificially prolonged by the "standard of living" debate mentioned above. That debate was really a dispute over capitalism, started by Marxists and others who wanted to make the market look bad. And that dispute is now over.

The demise of socialism leaves little doubt that capitalism is better for the working classes. Of course, it does not settle the question of whether the farm workers who moved to urban factories were better or worse off than before, but now that debate can be properly relegated to specialists. With the idea of the Industrial Revolution rapidly diminishing, other scholars may now be liberated to comb through longer periods of history and apply an appreciation of complex institutions to the elusive but crucial goal of learning how economic growth occurs. ❑

***Lost Rights: The Destruction of American Liberty*, by James Bovard. St. Martin's Press, 1994, 335 pp, $24.95.**

Tyranny Now

Jonathan H. Adler

Peter Fishbein's only mistake was agreeing to represent a client on bad terms with the federal government. A lawyer at the firm of Kaye, Scholer, Fishbein was accused of failing to disclose privileged information to the federal Office of Thrift Supervision (OTS) about his client, Lincoln Savings & Loan. Fishbein argued, correctly, that abiding by the OTS's demands would have been a violation of his professional responsibility to vigorously defend his client. In retaliation, the OTS unilaterally froze the firm's assets without a hearing or formal administrative procedure, and assessed a $275 million penalty.

Kaye, Scholer contested the action, but without its full assets to draw upon was forced to settle out of court. The lesson, according to the New York City Bar Association, was that if lawyers "represent the client vigorously, they risk financial ruin before an action against them is even brought before a judge."

As George Washington said, government is like fire: "a dangerous servant and a terrible master." That is why the founders tried to restrain it with formal procedures and institutional counterweights. But today, arbitrary persecution like that which befell Kaye, Scholer is increasingly common.

"Americans' liberty is perishing beneath the constant growth of government power," opens James Bovard's new book, *Lost Rights*. If freedom is to be restored, Bovard counsels, we need "to realize how much we have already lost" — and how much we still risk losing. His book is a crash introductory course in the threats the federal government poses to individual liberty, unleashed in a flurry of data — evidence of the power of NEXIS-aided research. Americans are forced to obey 30 times as many laws today as a century ago. The federal government employs almost 130,000 regulators, and itches for more. Each business day the government issues nearly 200 pages of densely-worded regulatory strictures and explanations in the Federal Register. The average citizen now works over 120 days simply to pay his share of the tax burden; the number of pages filled with tax regulations has ballooned from 14 in 1914 to over 9,000 in 1992.

In Bovard's words, "Governments have now amassed far more power than politicians are capable of responsibly and intelligently wielding."

Americans tend to distrust the federal government, but this has yet to stop voters from encouraging the creation of new programs and entitlements. "American political thinking suffers from a . . .

tendency to view the expansion of government power by its promises rather than by its results." Americans may dislike how the government performs its existing duties, but that has yet to translate into a broad-based campaign to cut it down to size. Few are willing to admit that the federal government simply tries to do too much.

Through the rapid proliferation of laws reaching every corner of human existence, "the government is manufacturing more criminals now than ever before." The list of illegal activities includes more minutiae than one would think possible. Beer-makers are barred from listing alcohol content on bottles, and liquor distilleries cannot advertise on TV. Filling one's own prairie pothole can land a property owner in jail, as can protecting private property from unlawful intruders. Placing handbills in neighbors' mailboxes is strictly prohibited, and attempting to sell nectarines of an improper size is a federal offense. Companies are no longer allowed to give salaried professionals partial days off without pay, and in Texas it is a crime to call oneself an interior designer without the government's permission. It is perhaps easier to recount all that remains legal than all that is now prohibited.

Of course, these rules are supposed to improve people's lives. But consider the guardians of the public trust and their priorities in bringing us such "help." Congress is a bastion of self-righteousness when there is a wronged constituency to be protected. Yet it has not seen fit to force itself to comply with its own laws. Senator Howard Metzenbaum was dreadfully concerned with NBC's prime-time portrayal of the Waco siege tragedy. Yet he was not troubled by the actions of the federal agents depicted in the broadcast. The Food and Drug Administration is notorious for delaying approval of desperately needed medications and treatments out of concern for their "effectiveness." That people die while waiting for the drugs to be approved scarcely catches the FDA's attention.

Perhaps of greatest concern is the arbitrary enforcement of federal strictures. One of the most important elements in rule of law is *predictability*: if you don't know what the law requires, it can be terribly difficult to comply. When a company cannot anticipate a regulatory agency's expectations, investments in increased capacity and new production methods are less likely. The hazardous waste regulations promulgated under the Resource Conservation and Recovery Act are so complex, even EPA officials are often unsure of what they mean. The Americans with Disabilities Act, which seeks to bar discrimination against the handicapped, is so vague that corporations will not know how to comply until years of litigation have defined employers' precise responsibilities.

Each business day the government issues nearly 200 pages of densely-worded regulatory strictures and explanations in the Federal Register.

Sometimes federal agencies deliberately obscure the regulations they enforce. The IRS, for instance, has opposed clarifying its rules governing the self-employed for fear that more individuals would exercise the option. Ironically, this campaign may actually reduce the revenue received by the federal government. As Public Choice economists have pointed out, agency priorities are often as much a function of what benefits empire-building bureaucrats as they are of public-minded priority-setting.

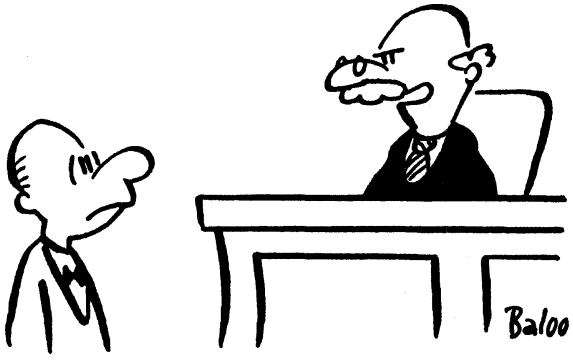

"'Not guilty?' — Do you think I was born yesterday?"

The current era of state-worship has yet to produce divine infallibility for government officials. People make mistakes, and a government manned by individuals is certain to have its share of problems. Procedures do exist for individuals to pursue grievances against arbitrary state actions. Yet these processes also have their problems. When one contests an agency's action, one must follow the Byzantine prescriptions of administrative procedure. Initial complaints are handled by Administrative Law Judges (ALJs) before the disputes can go to court. Yet ALJs are employed by the agencies in question. In some cases, ruling for a citizen against the government can injure an ALJ's career. An individual must "exhaust administrative remedies," typically at the cost of thousands of dollars, before a federal court will even entertain reviewing the case. Faced with this situation, many simply choose not to fight, and let the government have its way.

It doesn't have to be this way. The American system was designed to allow individuals to determine their own destiny; government would provide a bulwark against domestic chaos and foreign invasion, but otherwise let the people be. Today, writes Bovard, "the trademark of modern political thinking is an implicit faith in discretionary power wielded by benevolent politicians and administrators — in letting government employees treat private citizens as they think best." Such endeavors always require power and control over people's fortunes, possessions, and daily lives. Every increase in government power, for causes noble and nefarious alike, "means a decrease in citizens' ability to rely on themselves and plan their own lives." This is the defining message of Bovard's treatise, a message too rarely heard in mainstream political discourse.

As in his earlier books, *The Farm Fiasco* and *The Fair Trade Fraud*, Bovard makes his case anecdotally, with one example of government malfeasance after another. This is not a book of aggregated statistics, nor is there more than occasional philosophizing. Bovard seeks to convince the reader that injustices are routinely committed in the name of prohibiting the use of marijua-

na; that all drug prohibition should be put to an end is less explicit. Bovard shows how government programs have eroded fundamental freedoms, but rarely goes further to argue that these programs are simply wrong in principle, and still would be if their excesses could be controlled.

One also wonders at times about the selection of examples. There seems to be a conscious attempt on Bovard's part not to offend the Right anywhere near as much as he is sure to offend the Left. His book lays into the distribution of condoms in public schools, since such programs "exemplify parents' loss of control over their children's schooling," but there is little mention of efforts to impose the teaching of creationism. Bovard lambastes federal subsidies of political correctness and blasphemous art, but does not detail conservatives' efforts to move such funding in *their* direction. Homosexuality is not mentioned in the index. Nor is there any reference to conservatives' efforts to use the AIDS epidemic to justify a federally-funded bully pulpit to promote the virtues of abstinence. Bovard discusses the failures of civil rights policy, but there is scant mention of repressive immigration-control measures.

Perhaps Bovard is more comfortable with conservatives than leftists. After all, he receives far more honoraria from *National Review* and *The American Spectator* than *The Nation* or *Mother Jones*. Or perhaps the Left is simply a more inviting target; the Right has not wielded federal power as effectively as the Left, so it is possible that they've left fewer programs to assail. In any event, one wishes that Bovard had been a little more balanced in his anti-government assault. It would have made *Lost Rights* more compelling, and provided conservative readers with more of what they need to hear.

But this is a minor quibble with a mighty fine book. In *Lost Rights*, James Bovard has provided us with an encyclopedic guide to the abuses and petty tyrannies of American government — even if, by his own account, there are many stones still left unturned. There was no room to analyze "the Endangered Species Act, the Community Reinvestment Act, the Securities and Exchange Commission's creative definitions of insider trading, antitrust policy, sovereign immunity, federalism, and Social Security."

Much of the book will seem old hat to the well-read libertarian — Bovard is nothing if not prolific in recycling his own work. Yet even the committed will gain from his litany of governmental misdeeds. And, with luck, this book will allow such tales to reach a broader audience.

As Bovard points out, "America needs fewer laws, not more prisons." If *Lost Rights* succeeds in spreading that message, it will have provided a real public service. ❑

***Censored: The News That Didn't Make the News — and Why (The 1994 Project Censored Yearbook)*, by Carl Jensen and Project Censored. Introduction by Jessica Mitford. Illustrated by Tom Tomorrow, Four Walls Eight Windows, 1994, 318 pp., $14.95.**

Beat the Press

Jesse Walker

Sometimes it's hard to distinguish media criticism from sour grapes. There always seems to be more reporting we don't like than reporting we do, and one bad journalist can tar the whole press pool. So I'm usually wary of self-professed media critics, particularly those with an obvious ideological axe to grind.

Conservatives deride the "liberal media," and quote studies that show the majority of reporters are liberal Democrats. Leftists assault the press for being too right-wing, and cite the growing centralization of corporate ownership of the media. Both attacks ignore important countervailing forces. Liberal reporters are only as effective as the editors who select what qualifies as "news" allow them to be, and editors tend to be more conservative than reporters. Large corporations, on the other hand, are not necessarily right-wing — indeed, many fund left-wing activism. Nor do owners always have much influence on their papers' editorial slants: *The Village Voice* was as firmly leftist when it was owned by conservative media baron Robert Murdoch as it was before or has been since.

Actually, ideology is only one factor in "media bias," and it isn't the most important one. Many of the best reporters are obviously biased, but lay their opinions out for all to see, allowing readers/viewers/listeners to take them into account. What bedevils the press is more subtle than mere prejudice:

• **Sources.** Journalists have to get their facts from somewhere, and who they go to for those facts has obvious repercussions on the stories they write. Reporters covering heavily politicized scientific stories, such as environmental issues, often lack the training needed to discern solid research from hot air. And few know where to find alternate voices when one loudmouthed point of view drowns out the others.

Meanwhile, media-savvy sources try to monopolize their position, and to spin the information they control to cast themselves in as favorable a light as possible. This requires correspondents to maintain a strong curiosity and a critical intelligence. Too often, a reporter's skepticism cracks in the face of a powerful source — a government agency, or a well-established business or union or lobby. This can be seen at its worst in wartime, when governments monopolize and dole out information as it suits them. That's one reason mainstream coverage of the Gulf War was so overwhelmingly pro-war. (The most visible source of alternative information, CNN's Peter Arnett, was himself hampered by *Iraqi* censors, illustrating the point.)

Even more insidious are the long-

term relationships that emerge between reporters and the people on their beat. Journalists who want to keep channels of information open have to learn to tread lightly around their sources, and often wind up being used as mouthpieces. This is obvious among the more meretricious sorts of popular reporting — celebrity journalism, sportswriting — but it affects political writers too.

If this was such a burning question that every pundit suddenly had to take a stand on it in a one-week period, why wasn't it brought up earlier?

And growing centralization of government has meant growing centralization of sources, exacerbating the problem.

• **The pack mentality.** It's reasonable to report events as they break: elections, foreign wars, bills before Congress, etc. But many media "crises" might be better described as *news fads*: here today, gone tomorrow, apropos of nothing.

One person who understands this is rap icon Ice T. Asked how he felt about the feeding frenzy over his controversial song, "Cop Killer," the rapper reminded the interviewer of the long-forgotten wave of stories sensationalizing the alleged threat to public safety posed by pit bull terriers. Eventually, people tired of the hysteria, and the stories slackened off. "I guess pit bulls stopped biting people," Ice concluded.

Commentators also run in packs. A few months ago, the "serious" talk shows began to debate whether there really is a health care crisis after all; the issue was argued for a week or so, then forgotten. The discussion was mostly vacuous and certainly inconclusive, but no one ever raises it any more. So — if this was such a burning question that every pundit suddenly had to take a stand on it in a one-week period, why wasn't it brought up earlier? And why doesn't anybody talk about it any more?

The reason is simple — and the pundits ought to find it embarrassing. Republican strategist Bill Kristol advised a few of his party's legislators to bring the issue up, and they did. It didn't catch on with the public, so they shut up about it. The media simply took their talking cues from Congress.

The same thing happens when the evening news reports a speech the president or some other Very Important Politician made that day, even though chances are 10–1 the speaker had nothing memorable to say. This amounts to a modernized version of the Society Page that wasted newspaper space in years past: the media meticulously follow the daily schedules of the political class as though they are inherently newsworthy, allowing Washington to define what is news.

• **Time.** Reasoned analysis is always more intricate and complicated than can be fit into a soundbite, but pictures of dramatic plane crashes are "better copy" than a statistical demonstration that airline safety has improved since deregulation. And they don't require as much time or thought.

More time for better analysis isn't always filled wisely, though. *The MacNeil/Lehrer News Hour* uses its commercial-free hour to present long clips of dull presidential appearances and trite debates between utterly predictable politicians, bureaucrats, special-interest advocates, and think-tankers, only occasionally enlivened by a token independent thinker.

Who Reports on the Reporters?

Some media critics take all of this into account. Others do not. The right-wing "watchdog" group Accuracy in Media is infamous for being more ideologically biased than any of the reports it criticizes. Its leftist counterpart, Fairness & Accuracy in Reporting, used to provide useful information about the intricacies of who owns what paper or television station; since 1990, however, it has given its newsletter over to successive left-wing pressure groups to whine that the press is not advocating their positions with sufficient ferocity.

Carl Jensen's group, Project Censored, produces an annual list of the 25 stories its judges think were most undeservingly underreported the year before. It refers to these as "censored" stories; in fact, of course, they are not being censored in any meaningful sense of the word. But "Project Neglected" doesn't have the same ring as "Pro-

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ject Censored," so Jensen and his cohorts may be forgiven this minor abuse of language.

Less forgivable is much of what goes into their list. To judge from their yearbook, *Censored: The News That Didn't Make the News — and Why*, the good people at Project Censored suffer from some of the same problems they've set out to correct in others.

But first the good news. As usual, Project Censored has uncovered an array of important issues that slipped by while the rest of us were reading about Joey Buttafuoco or John Wayne Bobbitt or the progress of some damn hurricane. From the role of oil interests in promoting U.S. intervention in Somalia to the Anti-Defamation League's network of political spies to the poor performance of the D.A.R.E. program, Jensen and company have given some significant stories a new lease on life. The top ten are reprinted at the end of the book, and some of them are genuine top-notch reporting. Particularly impressive is *Southern Exposure*'s "The Poverty Industry," a comprehensive report on the corrupt, parasitic companies that leech off the debts of the Southern poor — and the grassroots, mutual-aid efforts that point the real way out of poverty and debt.

But Project Censored is hampered by its nebulous concept of censorship and by its judges' obvious left-liberal prejudices. Take its choice for the number-one censored story of last year, "The U.S. is Killing its Young." Because most of the media ignored a U.N. Children's Fund report on the violence and poverty afflicting America's children, the Project Censored crew declares this a censored story — as though the airwaves were not riddled already with the same material, albeit without the allegedly impressive imprimatur of the United Nations.

The number-three story has better cause to be on the list, if only because it was, in a sense, suppressed. In 1989, the Bush administration hired Sandia National Research Laboratories to investigate the state of American public education; when the report failed to support Bush's educational plans, it was buried. That's a legitimate story, though hardly one of top-ten-censored caliber: politicians bend the truth to fit their agenda all the time. The real reason Jensen and company list it has more to do with their own ideas about education than with Bush's hypocrisy: "Clearly," they write, "the findings of the report contradicted the political philosophy of 'deregulating' public education and would have seriously weakened the 'choice movement.'"

But that's not so clear at all. For one thing, George Bush and his cronies had little interest in deregulating education; indeed, they called for more spending on public schools and sharply increased federal control of schooling, complete with centralized planning for "national goals" and a standardized "national curriculum." The Bush/Bennett brand of school choice amounts to the right to choose between schools that are, by federal mandate, the same.

For another thing, the Sandia report has little to do with school choice to begin with: it never even mentions the issue. At best, it deflates some conservatives' allegations that America's socialized school system is completely inferior to the socialized school systems of other First World nations. At worst, it makes claims that are themselves deflatable. For example, it asserts that the decline in American SAT scores over the past 30 years can be attributed to the fact that more students in the bottom half of their classes are taking the SATs, thus lowering the average. But SAT scores are also declining at the top, implying that there is more to this story than the Sandia researchers let on. (Then there's the issue of just how useful SAT scores are in the first place, except as a tool of social engineering, but that's a whole other can of snakes.)

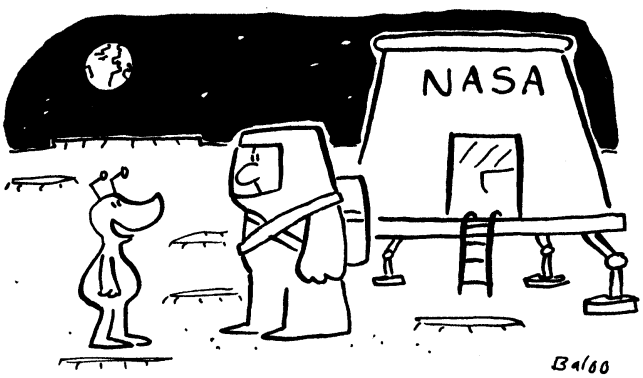

"Wow, all the way from *Earth*! Tell me — what's Willard Scott really like?""

So why is this report supposed to be the third most important underreported story of 1993? Because it seems to confirm the judges' political biases. That might also explain why these other "censored" stories are *not* on their list:

The "Eclectic Chronology of Censorship" also includes entries that are irrelevant, even stupid.

- the holes in the government's explanation of the Waco holocaust;
- the fact that, despite the media's incessant crime reporting, national crime rates (including the rate of violent crime) have been steadily declining for decades;
- the failure of gun control;
- the role of food aid in prolonging famine, in Somalia and elsewhere;
- the government's murder of Vicki and Sam Weaver;
- the legal robbery called "civil forfeiture."

Meanwhile, legitimately important stories are tainted by the same ideological bias. Take number 15: "Thousands of Cubans Are Losing Their Sight Because of Malnutrition." According to this report, hunger in Cuba has gotten so bad as to provoke an epidemic of optic neuropathy, a rare, malnutrition-caused disease that can lead to blindness.

What does Project Censored blame for this? The U.S. economic embargo! As though those sanctions, imposed in *1961*, have more to do with the recent sharp decline in Cuban living conditions than the Marxist government's inability to keep the country afloat without Soviet subsidy.

The rest of the book reflects the

same mix of valuable muckraking, strong civil libertarianism, and annoying left-wing clichés. Thus, Appendix A, "An Eclectic Chronology of Censorship from 605 B.C. to 1994," discusses censorship, media cartelization, encouraging victories for free speech, and depressing failures of journalistic nerve. It also includes entries that are irrelevant (*Woodstock?!*), even stupid:

> 1968 — Paul Ehrlich's book *The Population Bomb* created a stir with its prediction that mass famines would plague the world within 20 years. Ehrlich warned that to avoid the tragedy of overpopulation, birth rates must be curbed. . . . Ehrlich's prediction has been tragically fulfilled with the African famines of the 1980s and 1990s, yet his warning continues to go unheeded. The earth's population is now growing at a rate of more than 100 million people a year, and few people, including the press, seem to be aware that this is indeed a problem. (p. 174)

Far from being ignored, *The Population Bomb* was a bestseller, and its claims received widespread, hysterical coverage. To this day, its Malthusian nonsense has not felt the public criticism it deserves, largely because the media have failed to give Ehrlich's critics the hearing he got. Where are the *Time* cover stories pointing out that well-fed Holland and Hong Kong have population densities far greater than starving Somalia and Sudan? Where is the suggestion that famines are caused, not by population *per se*, but by the low carrying capacity of heavily controlled economies whose populations are artificially inflated by foreign aid? Maybe *that's* a tale that belongs in Project Censored.

I could go on like this, picking at other bizarre items the authors have squeezed into this book, but that would be pointless. It would also be unbalanced — after all, there's a lot of good stuff in here as well. I can only advise potential readers to approach this book critically, to chew all claims 50 times before swallowing, and to always be aware of what axes its authors have to grind.

In other words, approach these media critics with the same skepticism, intelligence, and caution with which you should treat the media they criticize. ❑

***Higher Superstition: The Academic Left and Its Quarrels with Science*, by Paul R. Gross and Norman Levitt. Johns Hopkins University Press, 1994, 328 pp., $25.95.**

Science and Sensitivity

Linda Seebach

Scientists tend to think of political correctness as Someone Else's Problem — that the sludge seeping from under the office doors of their colleagues in the humanities and social sciences won't contaminate their laboratories or classes. They are usually too busy to worry much about what non-scientists have to say about their endeavor, especially when the critics obviously don't know the first thing about it.

That's a dangerously naive view. Trofim Lysenko didn't know much about biology, and what he did know was wrong. But he had Stalin's ear, and real biologists had only his bullets. So Lysenko's asinine theories, built on doctored research and shoddy science, became the official doctrine of the Soviet Union, and genuine genetic research was effectively squashed.

Scientists shouldn't ignore their prospects for ending up as collateral damage in the culture wars. They would do well to read *Higher Superstition: The Academic Left and Its Quarrels with Science*, by Paul R. Gross and Norman Levitt. This elegant and intensively documented battlefield dispatch demonstrates that the academic Left's attacks on the scientific method — indeed, on the assumption of a rational universe amenable to scientific inquiry — are based on a stupendous ignorance of science.

Because the anti-science academics write only for others who are equally ignorant, their pretensions to understanding are as useful in the pursuit of high academic office as the real thing would be. If scientists are indifferent to politics they will inevitably find themselves governed by those who are obsessed with it.

The late Aaron Wildavsky trenchantly analyzed how faculty hiring practices spread the political ideology that dominates the humanities to fields that have hitherto escaped it. It's true, he conceded, that pressure to hire politically correct faculty at first brings only a few new professors who do not meet the ordinary academic standards of their fields. But those few are uncomfortable. Naturally reluctant to admit that they are the unworthy beneficiaries of a bad policy, they are strongly motivated to move into administrative positions, where they change policy to conform with their beliefs, enabling them to assert that they are as well-qualified as anyone.

This process is already well-advanced at a few unfortunate institutions. Yolanda Moses, now president of City College of New York, was catapulted to that position from a minor administrative post in the California State University system, where her job had been to set goals for affirmative action and cultural "diversity." "The deans' annual performance evaluations and salary increases were based on how well they met those goals," she told the *Chronicle of Higher Education* (Jan. 13, 1993).

The consequences of such policies is to marginalize scientists, who cannot compete according to that criterion — the pool scientists hire from has fewer of the currently favored groups than the general population. For academic ideologues, that's not a defense of the present climate, but an indictment: proof positive that science is a discriminatory enterprise, and that those who practice it are racists and sexists who must be forced to abandon their oppressive activities. In effect, that means that they should be excluded from competing for highly-paid administrative sinecures.

It was this work on behalf of coerced diversity that brought Moses her high post at CCNY. Scientists, take note.

For the purposes of the academic power struggle, Asian-Americans — who are if anything overrepresented in scientific fields — no longer count as minorities. (You can't win.) Witness the loan program for Ph.D. study at the Cal State system, a leader in the scramble to replace talent and achievement with race and gender. "If we receive an application from an ethnic Chinese in computer science," program director William Coffey said last year, "there is no shortage and we are not admitting them into the program."

Trofim Lysenko didn't know much about biology, and what he did know was wrong. But he had Stalin's ear, and real biologists had only his bullets.

There is no shortage either of departments that have experienced pressure to hire and promote faculty for reasons unrelated to scientific qualifications, and that pressure often comes from administrators under the influence of the anti-scientific claptrap Gross and Levitt expose in their book: "essays that make knowing reference to chaos theory, from writers who could not recognize, let alone solve, a first-order linear differential equation; tirades about the semiotic tyranny of DNA and molecular biology, from scholars who have never been inside a real laboratory, or asked how the drugs they take lower their blood pressure."

Gross and Levitt have rounded up all the usual suspects. Here is Jacques Derrida on the speed of light: "The Einsteinian constant is not a constant, not a center. It is the very concept of variability — it is, finally, the concept of the game. In other words, it is not the concept of some thing — of a center from which an observer can master the field — but the very concept of the game."

Fortunately for Derrida, the authors note, "few scientists trouble themselves to read him, while those academics who do are, for the most part, so poorly versed in science that they have a hard time telling the real thing from sheer bluff." The curious fact about the leftist critique of Western science is "the degree to which its instigators have overcome their former timidity toward the subject not by studying it in detail but rather by creating a repertoire of rationalizations for avoiding such study."

The acolytes are as ignorant as the prophets. Scientists know Heisenberg's uncertainty principle is a mathematical expression of physical reality as precise, unmetaphorical, and uncontroversial as Kepler's laws of planetary motion. But in the hands of such cultural constructivists as Stanley Aronowitz, "it seems rather to refer to a kind of epistemological and spiritual malaise, plaguing the minds and souls of contemporary physicists," Gross and Levitt say. They also find an obscure scholar who thinks that a truly psychoanalytic account of AIDS requires post-Euclidian topology, as well as some less obscure Afrocentrists who assert that ancient Africans originated much of modern science through their psychic powers.

"Women's studies" is a particularly strong, if fractious, part of the anti-scientific enterprise. In a chapter called "Auspicating Gender," Gross and Levitt begin their freak-show tour of the radical feminist critique of science with a modest paper presented to the Mathematical Association of America, "Toward a Feminist Algebra," by Maryanne Campbell and Randall K. Campbell-Wright. "They disapprove," Gross and Levitt write,

> . . . of a particular problem in which a girl and her boyfriend run toward each other (even though the girl's slower speed is carefully explained by the fact that she is carrying baggage) because it portrays a *heterosexual* involvement.
>
> Their general maxims call for problems "presenting female heroes and breaking gender stereotypes." . . . All this, mind, is to be done in an algebra class.

The theory behind this is shaky, to say the least. "Generations of Jewish kids have done quite well at these problems, despite having to concern themselves with Johnny's Christmas money rather than Menachem's Chanukah gelt; and in recent decades an ever greater cultural dissonance has done little to trip up vast numbers of young algebraists of Chinese, Korean, or East Indian background."

Even if it were true that changing the social details of word problems might help "some reluctant young woman handle simple algebra," the authors point out, anyone who is distracted by them is simply not destined to be any kind of mathematician. "A young lady who makes a game stab at 'Maude and Mabel' problems but balks at 'Joe and Johnny' versions of the same is almost certainly without the knack for abstraction that is an indispensable ingredient of mathematical talent." How true, and how rarely heard under the reign of an educational establishment that maintains that all children are equally talented if only their teachers are paid enough.

For a college-level example, the authors dissect "The Importance of Feminist Critique for Contemporary Cell Biology," generated by a collective called the Biology and Gender Study Group. The collective claims that gender bias has been detrimental to the discipline: "Whereas most feminist studies of biology portray it — with some justice — as a privileged oppressor, biology has also been a victim of the cultural norms." What they object to, though, is little more than incidental metaphors in textbooks — and, as Gross and Levitt point out, their rendering of the metaphor is far more lurid than any original. Take this overheated description of one innocuous textbook: "The fertilizing sperm is a hero who survives while others perish, a soldier, a shard of steel, a successful suitor, and the cause of movement in the egg. The ovum is a passive victim, a whore, and finally, a proper lady whose fulfillment is obtained."

If scientists are indifferent to politics they will inevitably find themselves governed by those who are obsessed with it.

Passing from pedagogy to philosophy, Gross and Levitt skewer Sandra Harding, whose reputation rests on an

influential book, *The Science Question in Feminism*. If physics is the paradigm of science, Harding admits, "feminism will not succeed in 'proving' that science is as gendered as any other human activity, unless it can show that the specific problematics, concepts, theories, language, and methods of modern physics are gender-laden."

But she can't do that, Gross and Levitt say, so she abandons the project in "a fog of evasions and excuses." Physics shouldn't be the paradigm, Harding concludes, so feminists "need not 'prove' that Newton's laws of mechanics and Einstein's relativity theory are value-laden in order to make the case that the science we have is suffused with the consequences of gender symbolism, gender structure, and gender identity."

Scientists who actually understand science "have no choice but to regard the whole business as a species of con game." True enough, but con games are dangerous for the conned, a group increasingly well-represented in faculty senates. *Higher Superstition* is a wonderful collection of horrible examples, recommended to those who know they should pay attention to this stuff, but don't have the stomach to read all of it themselves. Scientists especially need to realize that superstition come to power is extremely dangerous. They ignore it only at everyone's peril. ❑

Booknotes

Chicken Dancing — In the early days of May, I headed southwards to Texas to watch my younger brother graduate from college. The night before the ceremony, he and I drove up to Walburg, a tiny town of German-American farmers notable mostly for its locally popular Friday-night concerts. The concert site was a restaurant with a tarp-covered dance floor around back and an outdoor bar for the patrons; under the tent, an aging trio was playing polkified versions of sundry country hits. Some folks were drinking and some folks were dancing; most seemed to be having a good time. My brother told me there was usually a better band — younger, more talented, and fond of applying their polka talents to Jimmy Buffet's "Margaritaville." I liked the people playing well enough, though.

There's a whole branch of American folk and pop musics — Tex-Mex — that exists because some German instruments found their way into Mexican hands. I don't think country-polka is going to be as successful a synthesis, but it's the same sort of integration of once-separate traditions — what used to be what people meant by "multiculturalism." It's a spontaneous, syncretic, more-or-less peaceful kind of cultural evolution, preferable to both hateful Balkanization and dull homogeneity. As embodied by that old Texan trio, it symbolizes humanity's last, best hope: our natural inclination to make do with what we have, improvise our own recipes, and figure out ways to have fun. It's usually messy and sometimes goofy and hardly ever grand, but it's noble, sort of, in a peculiar human way.

Nowadays, when people talk about multiculturalism, they probably aren't thinking of Tex-Mex bands, blue-eyed rappers, or Voodoo. More likely, they're taking a stand on a relatively inconsequential debate over which books should be allowed into the "canon" — an artificial list of essential literary works, limited not by merit or importance but by how many can be crammed into a four-year education. (In the discourse of the culture wars, education stops at age 21, unless you plan on becoming an educator yourself. In that case, you are permitted to continue learning, so long as you never stray from your field of choice.)

But a few independent writers and thinkers, some calling themselves multiculturalists and some eschewing the label, continue to explore the vibrant intersections between cultural territories, where myths cross-fertilize and country-polka bands are born. From here issue

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His most recent book is ***Airing Dirty Laundry*** (Addison-Wesley, 1993, 273 pp., $20.00), a scattershot collection of commentaries on American politics and culture. Within it, Reed refutes the myth of the exclusively black underclass, wittily asking why no one ever worries about the "epidemic" of "Irish-on-Irish violence." He eulogizes Reginald Lewis,

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the late black CEO of Beatrice International, and pillories the media for criticizing in Lewis the very entrepreneurial qualities they demand of less successful blacks. He defends Clarence Thomas, denounces the drug war, praises bebop, attacks feminist pretensions, and, in the book's best essay, considers his mixed racial lineage — not just African, but Southern, Irish, and Cherokee. "The Afrocentric exploration of the black past only scratches the surface," Reed writes. "A full examination of the ancestry of those referred to in the newspapers as blacks and African Americans must include Europe and Native America. The pursuit of this journey requires the sort of intellectual courage that's missing in contemporary, politically correct America, where certain words cannot be spoken and certain secrets cannot be unearthed and certain investigations are frowned upon." Exploring his polyracial heritage, Reed concludes that "there is no such thing as Black America or White America, two nations, with two separate bloodlines. America is a land of distant cousins." —Jesse Walker

Hidden Upstate — Most Americans tour their country in one of two ways. Some travel by air, isolated and insulated from the nation below, touching down only in major cities or recreation areas. Others, who cannot afford to fly, travel over interstate highways designed to be characterless. So far as either tourist is concerned, America consists only of unconnected big cities, recreation areas, theme parks, and natural attractions.

Bill Kauffman knows there is a real America out there, in-between the cities and Disneyplaces and national parks, an America invisible to the superficial tourist. Kauffman loves that America, a place of small towns with their own histories, cultures, and traditions. In ***Country Towns of New York*** (Country Roads Press, 1994, 118 pp, $9.95), he offers the curious reader a useful guide to the part of that America that he knows best: rural New York, "an undiscovered country."

"We are," he writes, "in every sense but geographically closer to Nebraska than to New York City, but our regional character is markedly different from those of the Middle West, the Mid-Atlantic, or even the adjoining New England states." He portrays that character in brief descriptions of twelve towns in upstate New York.

Kauffman's idiosyncratic narrations teem with history and anecdote, and are blissfully free of the which-restaurants-have-good-espresso and which-motels-are-quaint-and-clean that characterize most travel guides for motor tourists. He leads you down the streets and roads, into the museums and shops, sharing history and lore as he goes. *Country Towns of New York* is what a guidebook for an intelligent tourist should be. —R.W. Bradford

If Gun Control Is Just, What Is Justice? — In the cultural and political war over gun rights, the bad guys seem to be winning the biggest and most publicized battles. So I'm glad when I see more good guys entering the fray — guys like libertarian science-fiction writer J. Neil Schulman. Schulman's latest book, ***Stopping Power*** (Synapes-Centurion, 1994, 287 pp., $22.95), collects pieces the author has written on firearms and related issues over the last three years — a Cajun stew with a little of everything thrown in. It includes practical, philosophical, and constitutional arguments against gun control, ranging from the powerful to the bizarre (one section is devoted to an English language expert's interpretation of the second amendment). Much of it relates to the struggle to force the Los Angeles Police Department to grant concealed-carry permits to worthy citizens (as California law requires), and much deals with his personal experiences trying to acquire such a license. (Schulman ultimately obtained his permit — by moving.)

Schulman is no armchair freedom-fighter. His book includes remarks before the L.A. Board of Police Commissioners; letters to ACLU president Nadine Strossen, Wal-Mart CEO David Glass, *Scientific American*, and Dr. Joyce Brothers; and several one-sided transcripts of e-mail debates. The e-mail should have been left out: with only Schulman's side of the discussions reprinted, the reader is left hearing only half the conversation.

The sections on the criminal justice system and the death penalty are unconvincing; more importantly, they are only tangentially related to the issue of gun rights. But I still enjoyed this collection. I can't quite go as far as the glowing cover blurb from Charlton Heston ("Most cogent explanation of the gun issue I have yet read"), but *Stopping Power* has plenty of fun facts, and is well-suited for people (like me) who enjoy flipping back and forth through a book, looking for interesting bits of information. —Clark Stooksbury

Abandoned! — Until a short while ago, things were going fairly well for

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middle-class Americans. Their standard of living was going up, the courts generally protected their rights, and they trusted the government. Then, somewhere along the line, the rules changed. Intellectuals and politicians, aided by the "new legal science," began to acquire ever-increasing amounts of power, running roughshod over constitutional rights.

This is the story William J. Quirk and R. Randall Bridwell tell in ***Abandoned: The Betrayal of the American Middle Class Since World War II*** (Madison Books, 1992, 442 pp., $16.95). Quirk and Bridwell divide the "abandonment" into distinct areas: the Money Abandonment, the Tax Abandonment, the Political Abandonment, the Legal Abandonment, and the Academic Abandonment. They provide detailed accounts of the oil shocks, the S&L fiasco, the budget deal of 1990, and other key points along the statist trail. And they offer interesting profiles of important players in the story, ranging from such well-known cretins as John Mitchell and Donald Trump to less famous figures, such as Christopher Columbus Langdell, the late-nineteenth-century Harvard Law School dean whose penchant for "reform" led to contemporary law schools' emphasis on current judicial opinions rather than classical philosophy.

Ronald Reagan does not fare well in this book: the authors consider him a Keynesian, and denounce him for raising taxes, particularly social security taxes, further hastening the middle class's demise. Quirk and Bridwell seem to possess a special disaffection for Alan Greenspan, pointing out his odd theory that the S&L bailout does not cost anything because the government is merely moving money from one group to another. Quirk and Bridwell are conservatives, but they are far from Republican loyalists. They note that if the Democrats' natural constituency is those in the bottom 15% of the economic barrel, the Republicans only truly represent the top 5%, leaving 80% of America politically homeless.

Abandoned covers a broad canvass without unduly overwhelming the reader. It only disappoints in the end, when the authors offer few suggestions beyond holding a second constitutional convention. Quirk and Bridwell do a more than adequate job of explaining how the abandonment of the middle class took place, but they never explain why the middle class went along so quietly, nor why they can be expected to suddenly express themselves wisely at a constitutional convention. —Colleen Coleman

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— Former Vice President Dan Quayle seems very stately on the cover of ***Standing Firm*** (Harper Collins, 1994, 402 pp., $25.00). He is wearing a nice, dark-reddish sweater with a pleasant pattern. It seems a little big for him, actually, but that could just be how it looks in the picture.

Mr. Quayle probably had more to do with picking out his sweater than with picking out the words between the covers of this book, so I think I can be forgiven for reviewing his clothes and leaving the text to someone with more fortitude. —Jesse Walker

Index

to Volume Seven

Chester Alan Arthur
The Oldest Established Permanent Floating Anarchy in Salt Lake ar 7:1, 42
Diagnosis confirmed rf 7:2, 14
Elections '93 Roundup rf 7:2, 17
The Great Bimbo Eruption of '93 ar 7:3, 48
One more thing sb 7:3, 50
And another thing sb 7:3, 50
Deconstructing Miss Hillary rf 7:4, 12
Whitewater Was No Accident ar 7:4, 21
A Bill of Particulars sb 7:4, 30
Sex and the singular president rf 7:5, 5
Spinning out of control rf 7:5, 8
Hillary's indulgences rf 7:5, 12
Teatime with Hillary ar 7:5, 37
Whitewater evaporates rf 7:6, 7
Non-sequiturissimo rf 7:6, 14

Charles Barr
Rio? Bravo! b 7:6, 65

John Bergstrom
Howard the yuck rf 7:5, 5

Matthew Block
A Kid's Eye View ar 7:5, 49

David Boaz
Progress report rf 7:1, 7
Mars beckons rf 7:1, 7
The values of the Elders rf 7:1, 8
Regulation at a new height rf 7:1, 10
Pope's on the ropes m 7:1, 13
In the freak range m 7:1, 14
Old party hand m 7:1, 46
Literary Business b 7:1, 63
Northern explosion rf 7:2, 5
Educated hypothesis rf 7:2, 5
Ingrates rf 7:2, 8
Gay health rf 7:2, 9
Good signals m 7:2, 15
Economics on the air m 7:2, 16
Beltway mafia rf 7:3, 5
Dodge City organs rf 7:4, 6
The culinary president rf 7:4, 12
Shoes for industry rf 7:4, 12
Vicious circle m 7:4, 14
Free China m 7:4, 16
20/20 hindsight m 7:5, 16

Kathleen Bradford
Look Homeward, African? b 7:5, 65

R.W. Bradford
Tneir day in court rf 7:1, 7
Viva la videotape, again rf 7:1, 9
The fugitive m 7:1, 13
Tree-sucker m 7:1, 14
The *Real* Health Care Crisis ar 7:1, 15
The First Pundits b 7:1, 61
Money Madness b 7:1, 63
A real tax reform rf 7:2, 5
Being there m 7:2, 15
Blame it on Reno m 7:2, 16
Presidential Malpractice ar 7:2, 35
A Question for Hillary sb 7:2, 38
Miles from Understanding rv 7:2, 63
Patriot games rf 7:3, 5
P.C. reservations rf 7:3, 9
What kind of man reads *Liberty*? m 7:3, 16
Freedom's Rose rv 7:3, 53
South of the border rf 7:4, 5
No time for compromise rf 7:4, 6
Gun Crazy rf 7:4, 7
With friends like these rf 7:4, 10
David Koresh died for your sins rf 7:4, 10
Festival of nationalism rf 7:4, 13
A critical review m 7:4, 14
Later on, Later off m 7:4, 16
Lies, damn lies, and health care polls m 7:4, 20
Ride a Paleo Horse rv 7:4, 51
Was Ayn Rand a Plagiarist? sb 7:4, 56
And into the fire again rf 7:5, 6
The libertarian as conservative m 7:5, 16
A Free Life ar 7:5, 17
Reclaiming the Truth ar 7:5, 46
Servility, 101 rf 7:6, 8
The Brady crunch rf 7:6, 8
O.J., Waco, and Letterman rf 7:6, 13
Murder most foul rf 7:6, 13
This C-note gets an F rf 7:6, 14
Lew "Ideological Diversity" Rockwell rf 7:6, 16
Clift notes m 7:6, 19
Pursuing truth at *The New Republic* m 7:6, 19
A slice of enthusiasm m 7:6, 20

John Briggs
Toad Trainers and the American Dream ar 7:6, 34

David Brin
The Perennial Threat ar 7:4, 45

F.H. Buckley
Over the Edge? rv 7:5, 57

Bryan A. Case
Anthony Burgess, 1917–1993 ob 7:3, 12

Douglas Casey
My dinner with Bill rf 7:2, 7
Sun, Seegars, and Socialism ar 7:5, 26
The Brady brunch rf 7:6, 8

John Conolley
Louis L'Amour, Freedom Writer rv 7:4, 61

Stephen Cox
The Significance of Isabel Paterson ar 7:1, 30
John Stuart Saint-Simon? rf 7:2, 9
Dole Invictus sb 7:2, 38
Einstein at the trough rf 7:3, 5
The sins of righteousness rf 7:3, 7
The motorcade sped on m 7:3, 15
The Last Straw b 7:4, 63
Curious Joe b 7:4, 64
Hooray for Hollywood! rf 7:5, 5
Richard Nixon, 1913–1994 ob 7:5, 15
The murderer as hero? rf 7:6, 12
The Allure of Organized Crime ar 7:6, 29
Hallowed Without Nonsense b 7:6, 65

Ralph de Toledano
Karl Hess, 1923–1994 ob 7:5, 23

Brian Doherty
No Place Like Cyberspace rv 7:1, 55
Drug Freedom for Me, But Not for Thee b 7:1, 62
Sucker bet rf 7:2, 9
The revolution of everyday life m 7:2, 16
Pass it and Move On ar 7:2, 29
Vex populi rf 7:3, 8
River Phoenix, 1970–1993 ob 7:3, 10
Catch-666 rf 7:4, 5
This is the World Bank! Get that hat off your bed! rf 7:5, 7
Kurt Cobain, 1967–1994 ob 7:5, 14
Paleoid b 7:5, 67
Rock, Paper, Scissors rv 7:6, 61
I Like Ike b 7:6, 66
Physics for Dilettantes b 7:6, 68

Richard D. Fisher
Behind the Task-Force Veil ar 7:5, 29

Frank Fox
Rainy Nights in Georgia ar 7:4, 43

Christopher Thomas Freeburn
Reindustrialization Redux ar 7:1, 49

Barry Goldwater
Karl Hess, 1923–1994 ob 7:5, 23

J. Orlin Grabbe
In Praise of Chaos ar 7:3, 17

Leon T. Hadar
Tribal Man rv 7:5, 51

Patricia Hanson
The ill-tempered libertarian rf 7:6 16

Stefan B. Herpel
Justice Forfeited, Justice Reclaimed ar 7:1, 19
Congressional relief? sb 7:1, 20

Robert Higgs
Faulty Clintonomics sb 7:2, 39
Business Economics? sb 7:2, 40
New boondoggles for old rf 7:3, 6
Legal abuse rf 7:4, 7
How low can our rulers sink? rf 7:4, 10
Let's Hear it For Democracy b 7:4, 63
Stifled Words Can Kill You b 7:4, 64
An Economist, Among Other Things b 7:4, 65
Your tax dollars at work rf 7:5, 5
Legal abuse, part 2 rf 7:5, 10
A modest proposal rf 7:6, 15

David Horowitz
Thuggery, Left and Right ar 7:2, 43

John Hospers
Panopticon, U.S.A. rv 7:3, 64

Tom Isenberg
Frank Zappa, 1940–1993 ob 7:3, 12

W. Luther Jett
Mostar p 7:5, 28

Bill Kauffman
At home in the Democracy rf 7:1, 8
How you gonna come? rf 7:2, 6
Best of 1993 rf 7:2, 10
Culinary note rf 7:3, 5
Breaking away rf 7:3, 6
The mass murder thing rf 7:5, 5
Business as usual rf 7:5, 13
An Independent American rv 7:6, 58

Greg Kaza
How I Walked into the Michigan House ar 7:1, 47

N. Stephan Kinsella
Funny money rf 7:2, 12
Bart Kosko
Not smart enough rf 7:5, 14
Libertarian Pragmatism ar 7:6, 47
Richard Kostelanetz
Stealing second base rf 7:1, 7
Pucker or Perish rv 7:1, 60
Ye Who Enter Here f 7:3, 30
Pierre Lemieux
Chaos, Complexity, and Anarchy ar 7:3, 21
A nation of informers rf 7:4, 5
Confederacy of Martians rf 7:5, 10
Downloading Big Brother rf 7:5, 12
Fascism and federalism rf 7:6, 8
Addicted to lawsuits rf 7:6, 10
Ship of Canucks rf 7:6, 15
Michael Levine
Tainted pot rf 7:6, 9
Addicted to sex rf 7:6, 10
Ron Lipp
Cubs 21, Kids 9 rf 7:6, 9
Ought there be a law? rf 7:6, 15
Loren E. Lomasky
Billionaire boys clubbed rf 7:3, 7
Rosty's wrongs rf 7:6, 7
Strikeout! rf 7:6, 10
Wendy McElroy
Abortion, Reproductive Technology, and Feminism ar 7:2, 48
Ladies, your slips are showing rf 7:6, 7
The New Mythology of Rape ar 7:6, 41
William P. Moulton
White Liberals Can Jump ar 7:1, 25
Mother superior jumped the gun rf 7:2, 6
Guilt and sympathy rf 7:2, 12
Rush fools in where angels fear to tread m 7:3, 14
I'm sorry, which trimester? rf 7:6, 7
Charles Murray
Karl Hess, 1923–1994 ob 7:5, 23
Robert Nelson
Secession as a First Amendment Right ar 7:3, 31
Gwynne Nettler
Trafficking in Numbers ar 7:4, 33
Victor Niederhoffer
An Eccentric Genius rv 7:3, 65
The First Speculatrix ar 7:5, 31
Carl Oglesby
Karl Hess, 1923–1994 ob 7:5, 23
James Ostrowski
Back to the Libertarian Party ar 7:4, 48
Randal O'Toole
Old-Growth Government ar 7:1, 23
Ross Overbeek
Midnight in Moscow ar 7:2, 23
Isabel Paterson
A Paterson Collection ar 7:1, 39
Robert Pogue
Larry King: too black, too strong rf 7:4, 14
Warriors on drugs rf 7:5, 5
Howard Stirner? b 7:5, 67
Ralph Raico
Right at the Post m 7:2, 17
Justin Raimondo
Reclaiming the Right ar 7:5, 43
Bruce Ramsey
An American Editor in Asia ar 7:5, 39
Marcus Raskin
Karl Hess, 1923–1994 ob 7:5, 23
Scott J. Reid
After the Election, *le Déluge* ar 7:2, 31
Marc Rembert
The Real Hair Care Crisis ar 7:2, 51
Sheldon Richman
Planners' ritual rf 7:1, 8
The butcher from Independence rf 7:2, 6
The myth of drug abuse rf 7:2, 10
The moral equivalent rf 7:2, 14
Dan Riga
The well-tempered libertarian rf 7:1, 12
James S. Robbins
Lloyd Bentsen in one lesson rf 7:1, 7
Whither the yellow peril? rf 7:1, 9
Rambo altruism rf 7:2, 5
Susan J. Rutter
The Acquisitive Society b 7:1, 65
Todd Seavey
The Inevitability of the Welfare State ar 7:2, 45
The Man *vs* the Empire State ar 7:6, 21
Hans F. Sennholz
Henry Hazlitt, 1894–1993 ob 7:1, 13
Jane S. Shaw
Aaron Wildavsky, R.I.P. ob 7:2, 14
What Are We Reforming? sb 7:2, 39
The North shall rise again rf 7:3, 9
Positively fourth estate m 7:3, 16
Discredit where discredit is due m 7:4, 15
Beyond bias m 7:4, 18
Why Prosperity is Rare rv 7:4, 59
Sandy Shaw
Biodiversity grows out of the barrel of a gun rf 7:1, 9
Hummurabi or Proudhon? rf 7:2, 9
Occam strikes back rf 7:5, 8
James Sheehan (with Fred L. Smith)
The Greening of Trade ar 7:2, 27
Jo Ann Skousen
Ezra Taft Benson, 1899–1994 ob 7:6, 17
Mark Skousen
Oscar Shrugged rv 7:5, 58
Fred L. Smith (with James Sheehan)
The Greening of Trade ar 7:2, 27
Gerry Spence
First They Came for the Fascists . . . ar 7:2, 19
David Ramsay Steele
Partial Recall ar 7:3, 37
Aaron Steelman
Think globally, act locally rf 7:1, 7
By his own hand rf 7:1, 10
Consider the Source b 7:1, 62
Clark Stooksbury
Catch-22 rf 7:2, 5
Uncivil and illiberal rf 7:2, 8
Smoking lamps lit rf 7:2, 10
Free at last rf 7:2, 12
Tea and stupidity m 7:2, 16
My Heroes Have Always Been Cowboys rv 7:2, 65
My long hair just can't cover up my red neck rf 7:4, 5
Where's Preston Brooks when you need him? rf 7:4, 8
Two thumbs down m 7:4, 18
P.C. smokes rf 7:5, 6
Gunfight at the paleo corral rf 7:5, 8
Justice Oprah rf 7:5, 13
Department of Unintended Irony m 7:5, 16
Silver lining rf 7:6, 13
All it takes is guts m 7:6, 19
Optional Reading b 7:6, 67
Thomas Szasz
Diagnosis in the Therapeutic State ar 7:6, 25
Clifford Thies
P.C. sports rf 7:5, 12
Robert F. Tinney
Putting Away Childish Things ar 7:1, 51
Timothy Virkkala
Margit von Mises, 1890–1993 ob 7:1, 13
Public Choice, 301 rf 7:2, 5
Getting apocalyptic rf 7:2, 9
The wages of marriage rf 7:3, 5
An argument for gun control? rf 7:3, 8
Question authority rf 7:4, 12
Thoroughly Modern Slonimsky b 7:5 68
Speaking power to truth rf 7:6 7
The Evolution of an Independent Mind rv 7:6 56
The Devil You Say b 7:6 66
Jesse Walker
Don't tell Robert Reich rf 7:1, 7
Confederacy of dunces rf 7:1, 8
Out in center field rf 7:1, 10
How to win enemies and influence the people rf 7:1, 12
The crappy filmmaker as hero m 7:1, 14
For Whose Welfare? b 7:1, 62
Denny's disease rf 7:2, 5
Is nothing sacred? rf 7:2, 6
Why did the skies not darken? rf 7:2, 7
Role-model rf 7:2, 8
Emily Litella redux rf 7:2, 14
Restoring hope m 7:2, 15
The New Conservative Welfare State rv 7:2, 55
Party on rf 7:3, 5
Paint it purple m 7:3, 14
Cartoons that kill? m 7:3, 14
Kennedy, what is the frequency? m 7:3, 16
Wading out of Old Muddy rf 7:4, 9
All the king's apologists m 7:4, 14
McCaughey the Dragon-Slayer m 7:4, 15
Formula-Breaker b 7:4, 65
Out of the fire and into the frying pan rf 7:5, 6
Robert Shea, 1933–1994 ob 7:5, 15
News briefs m 7:5, 16
Inquiring minds want to crow m 7:5, 16
Cry the Beloved Continent b 7:5, 65
Off the dole and high on life rf 7:6, 7
Beating the rap rf 7:6, 9
Slouching toward Jerusalem rf 7:6, 14
The tarantula and the widow m 7:6, 19
From beyond the grave m 7:6, 20
The Institutions of Higher Tuition ar 7:6, 37
Very Free Speech b 7:6, 64
Leland B. Yeager
After Liberalism . . . Liberalism rv 7:1, 57
Don't worry, be happy rf 7:5, 7
Quackery, Left & Right rv 7:6, 53

Key

Category:	Code:
ar	article
b	booknote
m	medianote
ob	obituary
p	poem
rf	reflection
rv	review
sb	sidebar

Following the category, location of cited writing is given by volume number, issue number, and page

Index

to Volume Seven

of Books Reviewed (by book author)

Allen, Robert L.,
Opening Doors: The Life and Work of Joseph Schumpeter 7:4, 66
Arnold, Gina, *Route 666: On the Road to Nirvana* 7:6, 61
Asimov, Isaac, *I. Asimov: A Memoir* 7:6, 66
Ayittey, George B.N., *Africa Betrayed* 7:5, 65
Brown, Rita Mae, *Venus Envy* 7:1, 63
Casey, Douglas, *Crisis Investing for the Rest of the '90s* 7:3, 65
Churchill, Ward (with J.J. Vander Waal), ed., *Cages of Steel* 7:3, 64
Duncan, Dale, *Miles From Nowhere* 7:2, 63
Epstein, Joseph, *Pertinent Players: Essays on the Literary Life* 7:4, 64
Farber, Seth, *Madness, Heresy, and the Rumor of Angels* 7:2, 55
Funiciello, Theresa, *Tyranny of Kindness* 7:1, 62
Garcia y Robertson, R., *The Spiral Dance* 7:4, 65
Gottfried, Paul, *The Conservative Movement* 7:5, 67
Gray, John, *Post-Liberalism: Studies in Political Thought* 7:1, 57
Gyohten, Toyoo (with Paul Volcker), *Changing Fortunes* 7:1, 63
Harris, Eddy, *Native Stranger* 7:5, 65
Hayek, F.A., *Hayek on Hayek* 7:6, 56
Hess, Karl, Jr., *Visions Upon the Land* 7:2, 63
Heylin, Clinton, *From the Velvets to the Voidoids* 7:6, 61
Heylin, Clinton, ed., *The Penguin Book of Rock & Roll Writing* 7:6, 61
Hoffman, John, *The Art and Science of Dumpster Diving* 7:1, 65
Holtz, William, *The Ghost in the Little House* 7:3, 53
Hopkirk, Peter, *Trespassers on the Roof of the World* 7:1, 61
Kaplar, Richard T., ed., *Bad Prescription for the First Amendment* 7:4, 64
Keith, Jim, ed.,
Secret and Suppressed: Banned Ideas & Hidden History 7:6, 64
Kopel, David B., *The Samurai, the Mountie, and the Cowboy* 7:2, 65
Kostelanetz, Richard, ed.,
Nicolas Slonimsky: The First Hundred Years 7:5, 68
Kotkin, Joel, *Tribes* 7:5, 51
Krauss, Lawrence M., *Fear of Physics: A Guide for the Perplexed* 7:6, 68
Kresge, Stephen (with Leif Wener), ed., *Hayek on Hayek* 7:6, 56
Krugman, Paul, *Peddling Prosperity* 7:6, 53
Lesher, Stephan, *George Wallace: American Populist* 7:6, 58
Lodge, David, *Nice Work* 7:1, 63
Magnet, Myron, *The Dream and the Nightmare* 7:2, 55
Marcus, Greil, *Ranters and Cloud Pleasers* 7:6, 61
McKenna, Terence, *Food of the Gods* 7:1, 62
North, Douglas C.,
Institutions, Institutional Change, and Economic Performance 7:4, 59
O'Neill, William L., *A Democracy at War* 7:4, 63
Radzinsky, Edvard, *The Last Tsar* 7:4, 63
Raimondo, Justin, *Reclaiming the American Right* 7:4, 51
Rushdie, Salman, *The Satanic Verses* 7:6, 66
Semler, Ricardo, *Maverick* 7:6, 65
Simmons, A. John, *On the Edge of Anarchy* 7:5, 57
Slonimsky, Nicolas, *Nicolas Slonimsky: The First Hundred Years* 7:5, 68
Sowell, Thomas, *Is Reality Optional?* 7:6, 67
Sterling, Bruce, *The Hacker Crackdown* 7:1, 55
Stern, Howard, *Private Parts* 7:5, 67
Stiebing, William H., *Uncovering the Past* 7:1, 62
Sundahl, Daniel, *Loss of Habitat* 7:6, 65
Volcker, Paul (with Toyoo Gyohten), *Changing Fortunes* 7:1, 63
Waal, J.J. Vander (with Ward Churchill), ed., *Cages of Steel* 7:3, 64
Wener, Leif (with Stephen Kresge), ed., *Hayek on Hayek* 7:6, 56

Bolch & Lyons, *continued from page 46*

experienced an epiphany: it now supported Needleman's findings, which became a part of the scientific basis for the lead standards established by the EPA in 1986. The entire dreary tale is summarized in an article in the August 23, 1991 issue of *Science*.

Needleman's findings fall into the category econometricians call "fragile": they tend to come and go depending on the statistical angle of attack. Most economists are smart enough not to place large bets on fragile statistical findings, but regulators are not so cautious. Worse yet, given the costs to our economy of near-total lead elimination, there have been reports that low lead concentrations might actually be hormetic. In 1984, Deborah Cory-Slechta reported in *Advances in Behavioral Pharmacology* a classical inverse U-shaped function for lead in rats, monkeys, sheep, and pigeons. According to Cory-Slechta, low doses of lead seem to produce an increased rate of neurological response while high doses decrease the response rate. It is an understatement to say that more research is needed in this area.

Conclusions

Most toxicological research concentrates on the effects of high doses. But even this narrow purview is further constrained by government-mandated testing procedures and government-funded research questions. This increasingly unhealthy mix of government and science has led to a neglect of the possibly beneficial low-dose effects of high-dose toxins. As recently as 1987, L.A. Sagan, in *Health Physics*, was moved to publish a paper entitled "What is hormesis and why haven't we heard about it before?" Why indeed?

America could benefit from a broad-based toxicological research program, one that could clearly identify at least some of the presently overregulated substances that are actually harmless or hormetic at low doses. If such a program brought a mandate for sensible deregulation, it would be one of the most cost-effective research projects ever undertaken.

Alas, it would be difficult to implement such findings in today's politicized scientific world. As Thomas Kuhn taught us, paradigms shift slowly. Remember: Paracelsus met his death by being thrown out a window by colleagues irate over his heretical views.

Plus ça change, plus c'est la même chose. ❑

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Letters, *continued from page 18*

only to reinforce their reader's pat partisan views with the same old nostrums. Only a courageous editor (and readership!) resists this temptation in order to contemplate new ideas.

Regarding the letters, I confess disappointment. In several cases, the correspondents imputed beliefs to me that I simply never articulated. Take Gary Alexander's contention (July 1994) that today's wealthy class consists mostly of self-made individuals, not old-money clans. His detailed rebuttal consisted mostly of anecdotes, each of which could be answered by a contradictory one. However, I will gladly grant that the degree of social mobility in America is debatable, and that I might be wrong about the amount of aristocratic power wielded today by inherited wealth. My own rags-to-comfort story weighs on that side of the ledger.

What Alexander flat-out failed to notice was that my essay was not about that issue at all. It dealt with the historical conflict between freedom and the aristocratic impulse. By implying that I favor social levelling and removal of open market incentives, Alexander proved that he did not read my article very carefully. Freedom, markets, and openness are the very things I seek to defend — by pointing out what killed such miracles in the past.

Prochnow and Myers also put words in my mouth, criticizing socialist views I have always rejected and resent having attributed to me. Still, Prochnow raised a very valid point about *how* conspiratorial capitalist aristocrats cheat and harm the free market — by bribing governments to pass laws favoring their established interests and stifling competition. Exactly! That is how it was done in scores of societies past, and the method is used rapaciously today. Prochnow seems to understand this, but he blames only the government tool, and not the aristocrats who use it.

David Elving Schwartz crammed words into my mouth even more offensively than Gary Alexander did. I'll ignore his baseless insults about my purported "Jacobin passion" and address the historical points he raises.

Regarding Ch'ing China — is he serious? Does he actually believe winners of the civil service tests had no connections by birth, bribery, and family in-

luence? Or the 99% of those chosen did not come from a narrow social class that fiercely defended its interests? Every Asian scholar I have read, from Maslowe to Bergamini, would disagree. As for the Roman patrician coups Schwartz so blithely dismissed, not only are the wars of succession waged by the Roman republican elite *extremely* relevant, but so is the later period, in which imperial law rigidly required men to stay in the social class of their birth, regardless of talent or ability.

Schwartz also claimed the American War of Independence had no dramatic social-engineering implications. Say what? Shall we ignore the vast consequences of the breakup of absentee estates — a third of the land in Maryland, Pennsylvania, and other states? Or the outlawing of patents of nobility and primogeniture? Or the expansion of suffrage? Or the post-war populist democratic experimentation in the new western states? Next to these and countless other upheavals, Schwartz's list of well-born generals is just plain silly.

I cannot answer David Marhoffer head-on, because his basic assumptions lie on a completely different plane than my own. His libertarianism takes a religious bent, hearkening back to the long tradition of purist theologians who preached that there is no justification or proof except that of pure faith. I must respect the purity of such conviction, even while pointing out that it is usually held by individuals subsidized by this wealthy, tolerant world of today, not by those who have, in fact, competed successfully in a world of hard knocks. Perhaps he is an exception.

Marhoffer is right. If human nature had been at all like Karl Marx fantasized, I might have been a Marxist. But human beings are not like old Karl's ditzy fantasy. If my pragmatism is anathema to Marhoffer, so be it.

Mastermind of Murder

Rather than criticize Yasser Arafat's call to *jihad*, Jesse Walker criticizes others for not interpreting *jihad* more softly, figuratively ("Slouching toward Jerusalem," September 1994). It apparently did not occur to Walker that the PLO's refusal to annul their charter calling for Israel's destruction and to condemn and confront the terror of Hamas, Hezbollah, and some PLO factions provides ample reasons to interpret Arafat literally. Not to mention the recent attacks on Israelis and non-Israeli Jews in Buenos Aires, London, and Panama.

Scott Gordon
Washington, D.C.

Friendly Amendments

I wish to clarify certain statements in my article "Back to the Libertarian Party" (May 1994) that could be perceived as strident or personal in nature. These statements pertain to my criticism of Murray Rothbard and Ed Crane for their strategic decisions to leave the LP.

When I wrote, "None of these factions have accomplished anything of lasting value for the cause of liberty," I should have added, "in their recent forays into presidential politics." Both Rothbard and Crane have accomplished much for the cause of liberty in other ways, as your readers are well aware.

My statement that "both groups have a knack for picking losers" seems a bit harsh out of context. I was simply arguing that those who leave the LP in part because of its sorry performance in elections open themselves up to similar scrutiny of their own candidates' performances.

An earlier draft of the article ended with an exhortation to "our old friends to come back to the Libertarian Party." That was the spirit, if not the exact lettering, of my essay.

James Ostrowski
Buffalo, N.Y.

Notes on Contributors

Jonathan Adler is Associate Director of Environmental Studies at the Competitive Enterprise Institute.

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

Ace Backwords is an infamous underground cartoonist.

"Baloo" is really cartoonist *Rex F. May*.

John Bergstrom is special projects editor of *National Lampoon*.

David Boaz is executive vice president of the Cato Institute.

Ben Bolch is McCallum Professor of Economics at Rhodes University and coauthor of *Apocalypse Not*.

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

Colleen Coleman is a writer in Ohio.

Stephen Cox is Professor of Literature at the University of California.

Gus diZerega is a senior associate at the Foundation for Research on Economics and the Environment.

Leon T. Hadar is Washington correspondent for the *Singapore Times*.

Greg Jenkins is a Pennsylvania storywriter.

Bart Kosko is author of *Fuzzy Thinking*

Richard Kostelanetz is an unsubsidized gadfly living in New York.

Pierre Lemieux is a vagrant economist and pamphleteer.

Michael Levine is editorial intern at *Liberty*.

Loren Lomasky is author of *Persons, Rights, and the Moral Community* and Professor of Philosophy at Bowling Green State University.

Harold Lyons is Schering Plough Professor of Chemistry at Rhodes University and coauthor of *Apocalypse Not*.

Wendy McElroy is a "fellow" at the Independent Institute.

Linda Seebach is a columnist for the *Los Angeles Daily News*.

Jane S. Shaw is a senior associate at the Political Economy Research Center.

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

Clark Stooksbury is *Liberty*'s assistant publisher.

Jesse Walker is *Liberty*'s assistant editor.

Terra Incognita

New York

A look into the criminal mind, from the *Milwaukee Journal*:

A man held up 18 businesses after casing the places while filling out job or rental applications. The spree ended after he accidentally signed his real name on one of the forms.

Algeria

Religious tolerance in Northern Africa, as described in the *San Francisco Chronicle*:

As part of a crackdown on Islamic fundamentalism, the Algerian government is registering all males wearing beards.

New York

Further advances in protection of intellectual property, as reported by *The Wall Street Journal*:

"Brrrr," "Huggahugga," and other distinctive noises of the Fat Boys merit copyright protection, said New York Judge Charles Haight.

San Clamente

The human side of power, as described in *U.S. News & World Report*:

"Intimates say it was Nixon who often made the other former presidents feel most at ease on the rare times they were all together."

Georgia

Saving the children, as described in the *Atlanta Journal*:

Under a "zero tolerance" policy towards weapons in the schools, a Fulton County elementary school student was suspended for bringing in a knife to cut cookies for her classmates.

New Jersey

Progress in taxonomy, as reported by the *National Law Journal*:

A New Jersey appeals court has ruled that seaweed is legally a fish.

Washington, D.C.

Congresspeople say the darnedest things, as reported by House of Representative Committee on Government Operations:

"Medical experts suggest that it is not uncommon for an individual, at the time of death, to ejaculate," noted the Hon. William F. Clinker, ranking Republican on the Committee on Government Operations.

Washington, D.C.

Congressional reform, as reported in *Roll Call*:

Until April, signs at Dulles and National airports proclaimed "Reserved Parking — Supreme Court Justices/Members of Congress/ Diplomatic Corps." Now they simply read "Restricted Parking/ Authorized Users Only." The change went into effect five days after the Senate rejected a proposal to end the tax-subsidized parking.

Great Falls, Montana

Administrative rights for the dead, reported by the *Bozeman Daily Chronicle*:

Four days after she died, Joyce Rennick received a letter from the Montana Department of Social and Rehabilitation Services, advising her, "Your food stamp benefits will stop effective 07-31-1994 because you are now deceased. Your medical assistance benefits will stop effective 07-31-1994 because you are deceased." It concluded by reminding Resnick that she was entitled to a fair hearing and could call with any questions about her loss of benefits.

United States

Creative way to relieve employers and employees of the burden of health care, suggested by the *Consumer Reports*:

"What's ideal: A broad-based, progressive income or payroll tax that would generate enough revenue to cover not only the uninsured but everyone else as well. That would eliminate the need for employers and, increasingly, employees to shoulder the burden for health-care premiums."

London

Interesting historic discovery, reported by Reuters:

In his new book *The House of the Messiah*, Ahmed Osman, an Egyptian-born academic, claims that Jesus, King Tut, and Joshua, the Old Testament figure who brought down the walls of Jericho, were the same person.

Louisiana

A new tack in the War on Crime, as reported by the *Dallas Morning News*:

The State Senate approved a bill already passed by the House that would penalize people who turn their car radios up too loud. Under the bill, those who turn up the volume would face a maximum $500 fine or up to 90 days in jail, or both.

The Vatican

Religion in the information age, as described by the *Detroit News*:

Father Pasquale Silla of Rome's "Divine Love" sanctuary has invented an electronic rosary. Punch in a prayer on a gadget like a hand-held video game, it goes "beep-beep," and the microchip points the way to salvation. "The idea was to help modern man pray," explains Silla.

Milwaukee

Peculiar way of grieving in the Metropolis of the Cheese State, as reported by the *Milwaukee Journal*:

Melvin V. Skinner has filed a suit against a local music store that sold him a $1,200 guitar and amplifier. "I went to the music store totally intoxicated to buy a cheap guitar in memory of my father, who had just passed away. After seeing the condition I was in, they purposely sold me the most expensive equipment. Now they refuse to take it back," he explains. "I don't even play guitar."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind!
with *Liberty* back issues

(continued from back cover)

Volume 5

September 1991
- "AIDS and Marijuana," by Robert O'Boyle
- "When Bombs Are Smarter Than People," by Bart Kosko
- "50 Really Stupid Ways to Save the Earth," by Karl Hess

Plus articles and reviews by R.W. Bradford, Frank Fox, John Hospers, James Taggart, Mark Skousen, and others. (72 pages)

November 1991
- "The Road to Nowhere," by David Horowitz
- "Ethics *vs* Economics," by Leland Yeager
- "Thelma and Louise: Feminist Heroes," by Miles Fowler

Plus articles and reviews by Robert Higgs, Carol Moore, and others; and a short story by J. E. Goodman. (80 pages)

January 1992
- "The National Park Disgrace," by R.W. Bradford and Karl Hess, Jr
- "Beyond Austrian Economics: Bionomics," by Michael Rothschild
- "How To Think About Pollution," by David Friedman

Plus articles and reviews by Leland Yeager, Bill Kauffman, Henry Veatch, Jane Shaw, Richard Kostelanetz, and others. (80 pages)

March 1992
- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
- "P.C. or B.S.?" by Meredith McGhan
- "JFK: The Once and Future Controvery" by Sheldon Richman

Plus articles and reviews by Karl Hess, Jane Shaw, William Holtz, Edward C. Krug, Randal O'Toole, and others; and an interview with Pat Buchanan. (72 pages)

May 1992
- "Hong Kong: Free Markets, Full Employment," by Mark Tier
- "The Dustbin of Prehistory," by Vernon L. Smith
- "Who is Richard Rorty?" by Dan Klein and David Horowitz

Plus articles and reviews by Eric Banfield, Karl Hess, Kyle Rothweiler, and others; and fiction by J. Orlin Grabbe. (72 pages)

July 1992
- "The 'Lock' on the Electoral College," by David Brin
- "Christians and Libertarians in a Hostile World," by Doug Bandow
- "God and Man at Bay?" by Timothy Virkkala
- "The Myth of (Heavy) Metal Illness," by Gracie & Zarkov

Plus commentary on the L.A. Riots, and articles and reviews by David Kelley, Leland Yeager, George H. Smith, and others. (72 pages)

Volume 6

September 1992
- "War on Drugs, War on Progress," by James Ostrowski
- "Five Years of *Liberty*," by R.W. Bradford
- "Stupid About Schools," by Martin Morse Wooster

Plus articles and reviews by J. Neil Schulman, Murray Rothbard, William Mellor III, and others; and an index to back issues. (80 pages)

November 1992
- "The First Time: I Run for the Presidency," by John Hospers
- "Who Kidnapped the Hardy Boys?" by David Justin Ross
- "Remembering John Cage," by Richard Kostelanetz

Plus articles and reviews by David Kelley, Daniel Klein, Loren Lomasky, Gregory Johnson, Jesse Walker, Ben Best, and others. (80 pages)

February 1993
- "A Feminist Defense of Pornography," by Wendy McElroy
- "Perot's 200-Proof Populism," by Bill Kauffman
- "The New Civic Religion," by R.W. Bradford

Plus election coverage, and articles and reviews by John Hospers, James Ostrowski, Scott Reid, and others. (80 pages)

April 1993
- "How to Cut Your Taxes by 75%," by R. W. Bradford
- "Clinton and the New Class," by Douglas Casey
- "Vicious Bureaucrats *vs* Helpless Wolves," by John Baden
- "Peter Drucker: The Other Austrian," by Mark Skousen

Plus articles and reviews by John Hospers, Stephen Cox, and others; and an interview with Roy Childs. (72 pages)

June 1993
- "Holocaust in Waco," by R.W. Bradford and Stephen Cox
- "Understanding the State," by Albert Jay Nock
- "Who Benefits from the Clinton Program?" by Harry Browne
- "The FBI Wants Your Codes," by Bart Kosko

Plus articles and reviews by Leland Yeager, Jesse Walker, Randal O'Toole, and others. (72 pages)

August 1993
- "How Do I Hate NPR? Let Me Count the Ways," by Glenn Garvin
- "What Happened in Waco?" by Loren Lomasky and R.W. Bradford
- "Somalia: Operation No Hope," by Jesse Walker
- "Lies, Damn Lies, and AIDS Research," by Brian Doherty

Plus articles and reviews by David Boaz, John McCormack, Stephen Cox, Jane Shaw, and others; poetry by Marc Ponomareff; and fiction by J. Orlin Grabbe. (72 pages)

Volume 7

October 1993
- "The Real Health Care Crisis," by R.W. Bradford
- "Isabel Paterson, Individualist," by Stephen Cox
- "White Liberals *Can* Jump," by William Moulton
- "The Supreme Court *vs* the American Police State," by Stefan Herpel

Plus articles and reviews by Greg Kaza, Brian Doherty, and others; aphorisms of Isabel Paterson; and an index to Volume 6. (72 pages)

January 1994
- "First They Came for the Fascists. . ." by Gerry Spence
- "My Dinner With Slick Willie," by Douglas Casey
- "Presidential Malpractice," by R.W. Bradford
- "The Inevitability of the Welfare State," by Todd Seavey

Plus articles and reviews by Wendy McElroy, Jesse Walker, Ross Overbeek, and others. (72 pages)

March 1994
- "Chaos and Liberty," by J. Orlin Grabbe and Pierre Lemieux
- "Secession as a First Amendment Right," by Robert Nelson
- "Partial Recall: Manufacturing Child Abuse," by David Ramsay Steele
- "Panopticon, U.S.A.," by John Hospers

Plus articles and reviews by Victor Niederhoffer, R.W. Bradford, and others; and a short story by Richard Kostelanetz. (72 pages)

May 1994
- "The Aristocratic Menace," by David Brin
- "Creation Myths of the Right," by R.W. Bradford
- "Trafficking in Numbers: The Seat Belt Scam," by Gwynne Nettler

Plus articles and reviews by R.W. Bradford, Jane Shaw, James Ostrowski, and others. (72 pages)

July 1994
- "Hillary's Trades, Hillary's Lies," by Victor Niederhoffer
- "Inside Cuba Today," by Douglas Casey
- "Remembering Karl Hess," by R.W. Bradford
- "Tribes in a High-Tech World," by Leon T. Hadar

Plus articles and reviews by Justin Raimondo, Bruce Ramsey, and others. (72 pages)

September 1994
- "Howard Stern: The Man *vs* the Empire State," by Todd Seavey
- "Diagnosis in the Therapeutic State," by Thomas Szasz
- "The Economist as Quack," by Leland Yeager
- "O.J., Waco, and Letterman," by R.W. Bradford and Stephen Cox

Plus articles and reviews by Wendy McElroy, Bart Kosko, Jesse Walker, Bill Kauffman, and others. (72 pages)

Information concerning the first two volumes of *Liberty* can be found on p. 68.

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There is a world of good reading in **Liberty**! Whether you want to catch up on what you missed, provide intellectual relief to your friends (or enemies!), or complete your collection, now is a good time to buy. Enjoy!

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- "Holocausts and Historians," by Ralph Raico
- "My Expulsion from the Ayn Rand Cult," by Murray Rothbard
- "Simple Principles *vs* the Real World," by David Friedman

Plus articles and reviews by R.W. Bradford, Richard Kostelanetz, Loren Lomasky, Gary North, Jeffrey Tucker, and others. (72 pages)

November 1989

- "The College Teaching Scam," by Richard Kostelanetz
- "Thatcher the Taxer," by Barry Bracewell Milnes

Plus articles and reviews by Loren Lomasky, Murray Rothbard, Tibor R. Machan, Joseph Miranda, R.W. Bradford, Michael Christian, and others; and an interview with Russell Means. (72 pages)

January 1990

- "The Politics of the Millenium," by Murray Rothbard
- "The Case for Paleolibertarianism," by Llewelyn Rockwell
- "The Not-So-Good War," by Sheldon Richman

Plus writing by Patrick J. Michaels, Karl Hess, R.W. Bradford, Stephen Cox, William Moulton, David Gordon, and others; and an interview with Barbara Branden. (80 pages)

March 1990

- "H.L. Mencken: Anti-Semite?" by R.W. Bradford
- "Libertarian Intellectuals on Welfare," by George H. Smith
- "Animal Rights and Wrongs," by John Hospers

Plus articles and reviews by Sheldon Richman, Richard Kostelanetz, Stephen Cox, Loren Lomasky, and others. (80 pages)

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- "Killing as Therapy," by Thomas Szasz
- "A Tribute to Ed Abbey" by Bill Kauffman
- "The Death of Thinking in the Schools," by Karl Hess

Plus articles and reviews by William Moulton, Richard Kostelanetz, Jane Shaw, Bart Kosko, Loren Lomasky, and others. (72 pages)

July 1990

- "Conversations with Ayn Rand (part 1)," by John Hospers
- "If You Believe in Dentistry, Why Should You Mind Having Your Teeth Knocked Out?" by William Moulton
- "The State Against the Family," by Terree P. Wasley

Plus articles and reviews by David Friedman, Bill Kauffman, James Robbins, Mark Skousen, John Baden, and others. (72 pages)

Volume 4

September 1990

- "Conversations with Ayn Rand (part 2)," by John Hospers
- "Me and AIDS," by Richard Kostelanetz
- "Fighting the Draft in World War II," by Jim Bristol

Plus articles and reviews by Jane Shaw, Ron Paul, James Robbins, and others; and a *ficción* by Harvey Segal. (72 pages)

November 1990

- "Why We Should Leave the Middle East," by Sheldon Richman
- "Searching for the Home of Truth," by R.W. Bradford
- "Government *vs* Farmers," by Leslie Fleming

Plus articles and reviews by Robert Higgs, Richard Kostelanetz, David Friedman, and others; and an interview with Ed Crane. (80 pages)

January 1991

- "Gordon Gekko, Mike Milken, and Me," by Douglas Casey
- "The Bonfire of the Subsidies," by Michael Christian
- "Skatepunks, UFOs, and Anarchy for Fun," by Lawrence Person

Plus articles and reviews by Karl Hess, David Boaz, Ralph Raico, Loren Lomasky, and others; plus special election coverage. (80 pages)

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- "The Myth of War Prosperity," by Robert Higgs
- "In Defense of Nude Rights," by David Danielson
- "Downloading Education," by David Friedman
- "The Strange Death of the McDLT," by R.W. Bradford

Plus articles and reviews by Jan Narveson, Jane Shaw, Richard Weaver, Linda Locke, William Holtz, John Baden, and others. (72 pages)

May 1991

- "Christiania: Something Anarchical in Denmark," by Benjamin Best
- "Journalists and the Drug War," by David Boaz
- "The Brain as Market," by Peter Reidy

Plus writing by John Baden, Scott Reid, Richard Stroup, Leland Yeager, and others; and a short story by Lawrence Thompson. (72 pages)

July 1991

- "Say 'No' to Intolerance," by Milton Friedman
- "Ex-Nazis Say the Darndest Things," by Richard Kostelanetz
- "The Owls Are Not What They Seem," by R.W. Bradford

Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, James Robbins, Richard Stroup, and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

(continued on previous page)

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1969: 25 Years After: **Durk Pearson, Sandy Shaw, Don Meinshausen, Karl Hess, Jr., David Schumacher & R.W. Bradford** (Video:V101; Audio: A101)

Searching for Liberty in Small Town America: **R.W. Bradford, Bill Kauffman, Durk Pearson & Sandy Shaw** (Video: V102; Audio: A102)

Searching for Liberty Around the World: **Doug Casey, Bruce Ramsey, Jim Rogers, Scott Reid & Ron Lipp** (Video: V103; Audio: A103)

Searching for Liberty in a Virtual Country: **David Friedman, Doug Cssey, R.W. Bradford, Pierre Lemieux & Scott Reid** (Video: V104; Audio: A104)

The Economy of the Twenty-First Century: **Jim Rogers, Victor Niederhoffer, David Friedman, Doug Casey, R.W. Bradford, Harry Browne & Leland Yeager** (Video: V105; Audio: A105)

The Assault on Private Property: **Wayne Hage, John Baden, Karl Hess, Jr., Richard Stroup, Jane Shaw, R.W. Bradford & Fred Smith** (Video: V106; Audio: A106)

Does Libertarianism Need Foundations? **David Friedman, Wendy McElroy, Bart Kosko, James Taggart, R.W. Bradford, Leland Yeager & John Hospers** (Video: V107; Audio: A107)

Pop Goes the Culture: **Jesse Walker, Brian Doherty, Gary Alexander & Timothy Virkkala** (Audio only: A108)

Global Trade or Globalony? **Fred Smith, Brian Doherty & John Baden** (Video: V109; Audio: A109)

How Long Can We Bear Arms? **Pierre Lemieux, R.W. Bradford, Clark Stooksbury, John Bergstrom & Jesse Walker** (Video: V110; Audio: A110)

Looking to 1996 — and Beyond: **Robert Higgs, Doug Casey, Gary Alexander & R.W. Bradford** (Video: V111; Audio: A111)

Talks

Chaos and Anarchy, by **J. Orlin Grabbe & Pierre Lemieux**, with **David Friedman** (Video: V112; Audio A112)

Will the Death of Liberalism Bring a New Birth of Liberty? by **R.W. Bradford**,with **Doug Casey** (Video: V113; Audio: A113)

How Hillary Got Rich, by **Victor Niederhoffer**, with **R.W. Bradford** (Video: V114; Audio: A114)

The Next Hundred Years, by **Doug Casey**, with **Victor Niederhoffer** (Video: V115; Audio: A115)

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Women and Pornography, by **Wendy McElroy**, with **Bart Kosko** (Video: V134; Audio: A134)

A Crash Course in Political Economy, by **Leland Yeager**, with **Robert Higgs** (Video: V135; Audio: A135)

Workshops

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Inside Liberty

December 1994
Volume 8, Number 2

4 Letters Return volleys from the great unwashed.

5 Reflections *Liberty*'s editors breathe easier now that health care reform is dead, Bill Clinton has collected his wits, and the corpse of Jeremy Bentham has been paraded around the schoolyard. But they're still gasping over the FBI, O.J., Isaac Asimov, and polluting perfume.

16 Haiti The world policeman trips up.

Features

21 Out of Cuba *Grover Joseph Rees* reports from the inner-tube-infested waters of the Caribbean and the Cuban-rich shores of Florida.

32 Crimes of Opportunity Where in America taxes are rising the fastest — plus the few spots where they're falling.

34 The Bedlamming of America *Seth Farber* warns: if the Ph.D.'ed Beltway bandits have their way, America will become a giant psycho ward.

39 Remapping the Balkans *George Manolovich* cuts through the lies and half-truths of those who would plunge America into the Balkan war.

43 Ended Quest *David Ramsay Steele* bids farewell to the man who solved the problem of induction, revolutionized how we think about science, and stalwartly defended the open society.

47 Disunited Colors As leftist critics devour leftist capitalists, the rest of us are left with a peculiar feast for the eyes. *Susan Rutter* busts a few icons.

49 The Market Meets Deep Ecology *R.W. Bradford* wonders where cows and wheat fit in the world of Deep Ecology.

51 Confessions of a Gnostic Gardener *R.R. McGregor* pursues heretical highs in a world where the Empire never ended.

54 Dear Judge *Dyanne Petersen* speaks irony to power.

55 Libertarian Free-For-All *Robert Formaini* recalls the heady early years of today's intractable factional wars.

Reviews

57 Biking the World for Fun and Profit *R.W. Bradford* gives a biker's view of the Wall Street legend who motorcycled around the globe and into the Guiness Book of World Records.

59 Truth and Lies in Black and White *Bruce Ramsey* gives a reporter's perspective on a classical liberal's critique of reporting.

62 The Critic, Years After *Richard Kostelanetz* speaks kindly of a lazy, anarchist grump.

65 Natural Born Critics *Jesse Walker* goes to see a movie, thinks he likes it, then watches the bombs fall.

66 The Music of the Cynic *Kyle Rothweiler* praises the Biercian muse of the late composer Havergal Brian.

67 Booknotes on history, hoaxes, and other hilarities.

64 Classified Advertisements The free market, at 50¢ a word.

69 Notes on Contributors Soundbites about our groovy writer-dudes.

70 Terra Incognita I read the news today, oh boy.

Letters

School of Engineering or Mystery Cult?

Jesse Walker's article "The Institutions of Higher Tuition" (September 1994) prompts this letter.

This year, I'm retiring from 29 years in electronics. My first job in this industry was for Hughes Aircraft Company. There was a saying at HAC, "It takes two years to teach electronics to a grad double-E." These bright youngsters hadn't learned about parts being other than ideal, but they had learned esoteric procedures requiring hours in the computer room, that inner sanctum of the elite, while I solved the same circuit parameters in about 20 minutes with nothing more than a pencil, a piece of scrap paper, and a six-inch slide rule.

When I showed one of the young engineers how I solved one such problem, he remarked, "It's sure to be correct, and it accords with theory, but they never taught us that way in college!"

Of course! If the professors taught as simply and directly as they could and should have, they couldn't impress their colleagues when it came time to divvy up funds between departments.

Kenneth H. Fleischer
Los Angeles, Calif.

Positronically Not a Hack

I share Brian Doherty's sentiments about Isaac Asimov ("I Like Ike," September 1994) and wonder how R.W. Bradford could seriously propose that Asimov is a "hack." While Asimov did include in his bibliography many anthologies he edited with others, he never claimed to have done more work on those books than he did. Anyway, subtract those and that still leaves hundreds of books he wrote all by himself.

Doherty observes Asimov's "subjective crankiness" in *I. Asimov* as compared to the more reserved assessments of contemporaries in his earlier autobiographical writing. It's worth noting that Asimov's wife encouraged him to be more emotionally revealing in this, his last book, and that those few who bear the brunt of that crankiness had died by the time of writing.

David M. Brown
New York, N.Y.

This Is Pragmatism?

I enjoyed Bart Kosko's discussion of "Libertarian Pragmatism" (September 1994) — until I got to the last page. Kosko's talk of "social experiments" on floating cities and Mars would be more appropriate in some new age publication, like *Omni*. Libertarianism needs to be rooted in reality, not some utopian ideal; otherwise, our philosophy will be taken as seriously as Communism.

The goal of the libertarian movement should not be the creation of a pure neoclassical society, but the gradual building of a more free world. This can be accomplished in more realistic ways: spreading our philosophy, increasing the number of voters registered with the Libertarian Party, lobbying for libertarian legislation. Such humble goals may sound mundane compared to Kosko's suggestions, but anything more grand is science fiction.

Holger W. Michaelis
Los Gatos, Calif.

Preach Fuzz

I can see why Bart Kosko likes the word "fuzzy" so much, though the word that came to my mind was "slippery."

"Slippery," "fuzzy" — what the heck, in the fuzzy dictionary they're synonyms, right?

Jamie McEwan
Lakeville, Conn.

Cinema of Liberty

I appreciated Mark Skousen's "Oscar Shrugged" (July 1994), especially his inclusion of *Hombre*. I was only sorry to see so many other libertarian movies left out. Two westerns worth watching are *The Ballad of Cabal Hogue*, in which Jason Robards is left to die in the desert by his ostensible friends, finds a source of water, and then begins to sell it to other wayfarers for all the market will bear; and *McCabe and Mrs. Miller*, in which Warren Beatty plays an entrepreneur who fights to protect a small business he built up from almost nothing against an extremely hostile take-over by a large conglomerate. The fact that his business happens to be a brothel gives the film another libertarian turn of the screw (so to speak).

I also recommend the apparently anti-libertarian movie *Thief*, starring James Caan as a professional robber who steals only uncut diamonds and cash. At one point, he explains property rights to a squad of policemen who expect him to pay them a portion of his ill-gotten gains if he wishes to stay in business. The irony is piquant as he refuses to give up any of the money he has acquired by his own efforts. "Make your own scores!" he yells defiantly.

Finally, it is unfortunate that Skousen decided to include *Sometimes a Great Notion*. Ken Kesey's book is one of the greatest modern novels in English, but I'm sure everyone involved in the movie version would like to forget they were ever associated with it. The fact that it was rereleased under the title *Never Give an Inch* indicates how poorly the book was adapted, for as the Stampers knew very well, their family motto was "Never Give *A* Inch," and they weren't about to change it just to conform to some namby-pamby conventions about grammar.

Robert L. Gaede
Weldon, Calif.

Not Insane, Not Responsible

Dr. Thomas Szasz ("Diagnosis in the Therapeutic State," September 1994) observes that current nosology reflects society's justifications for stopping nonviolent behavior. Nosology also creates ready *excuses*. Psychiatrists label behavior a disease to justify coercion. Individuals call behavior a disease to escape personal responsibility.

Henry E. Jones, M.D.
Monroe, La.

Letters Policy

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

Reflections

Hooray for Hillary! — This is a note of appreciation for everyone involved in the health care reform process. For 20 months, reformers and opponents were locked in a vicious legislative struggle. Plans were made, unmade, remade, and discarded. Hundreds of White House operatives held secret meetings at which nothing was accomplished — but because the meetings were secret, they led to indictments for the first lady and her advisors. Congressional staffers worked overtime crafting compromises, only to see their efforts frustrated by CBO number-crunchers who seemed to take their responsibilities a little too seriously. Public confidence in the president plummeted. Senators and representatives spent hours debating — in committees, on the floor, in back rooms, and in their home states — building animosities with their colleagues and with the public that may take years to heal. The respected Senate majority leader turned down consideration for a place on the Supreme Court in order to shepherd reform through Congress, and came up empty-handed. Other legislative initiatives were shunted aside, delayed, forgotten. Proposed government programs were shot down because the money to pay for them was earmarked for the new health care system. Thousands, even millions of man-hours were dedicated to the drive for health care reform.

And all of this effort, the ideas, the exertions, the passions of the reform group produced exactly nothing. And you think Clinton is doing a bad job? I wish the entire government worked as hard, and produced as little. —JSR

Vouching for Christine — New Jersey Gov. Christine Whitman recently defended her support for a statewide voucher program, stating, "The only thing we have to fear is success." That's a new twist on an old saying. I can only assume she was speaking for the teachers' union. —TL

Check with Zero Mostel — Swiss voters have approved a ban on all forms of racism, including "belittling" of the Holocaust. Does this mean I can't sing "Springtime for Hitler" in Zurich? —JW

Smoking out the Puritans — In *Democracy in America,* Alexis de Tocqueville criticized the Connecticut Code of 1650, which prohibited tobacco, adultery, sex between unmarried persons, and a few other innocent pleasures. At the 1994 *Liberty* conference, I did my civic duty by conspicuously lighting a cigarette during the question period after my talk. Chaotic eddies of subversive blue smoke curled up in the hotel's meeting room. Now, given the unruly and un-P.C. crowd we had, I admit that this was a cheap revolt *à la* Don Quixote. Yet, another speaker later asked me for a cigarette with which to do the same. From then on, one could sense a slow but constant degradation of public morality, although unfortunately we did not (to my imperfect knowledge) break all the prohibitions in the seventeenth-century Puritan codes. —PL

O.J. and counterfactuals — In the spring of 1968, I was appointed director of the School of Philosophy at the University of Southern California. Never having taken on administrative duties before, I was less than confident of my ability to fulfill the requirements of the job. I would have been even less confident had I known what my first problem would be upon taking office.

The first week of the September term had barely concluded when a frantic call came from the Athletic Department. How *dare* we flunk O.J. Simpson? I knew nothing about this — it had happened in the spring term. A temporary instructor had flunked half the students in his introductory philosophy course after his appointment had been terminated because of drug abuse. O.J. had received an F as well. If that grade wasn't changed, he would not be permitted to play football. "Change the grade!" It was not a request but a command.

The instructor had vanished into the tropical night and couldn't be located. So I got in touch with his teaching assistant, who had done most of his test-correcting. Luckily, she had kept all the tests. We spent several evenings going over O.J.'s papers. They weren't very good, but there were some even worse. I called in O.J., and he couldn't answer many questions. But neither, I surmised, would most of the other students assigned F's. We calculated that he had done no worse than some students with D's.

I ended up giving him a D, a bare pass. That was enough for the Athletics Department. They thanked me profusely and I never heard from them again.

And so it was that O.J. got to play football that season, and win the Heisman trophy that launched him on his stellar career. I have often reflected, in the light of recent events, what would have happened had I let the F stand. Lots of things that have happened, wouldn't have happened. For the want of a shoe the horse was lost . . . if Cleopatra's nose had been a little longer, she wouldn't have appealed to Marc Antony, and Egypt would never have been part of the Roman Empire.

But the tragedy might have happened anyway, by a different route. Or O.J. could have got into trouble some other way. If . . . if . . . —JH

Squeeze the Juice — I've been told that some prospective jurors for the O.J. Simpson trial were excused because they could not bear the financial hardship. What hardship? Don't they know that being an O.J. juror would mean instant celebrity?

A juror ought to be able to garner at least a few thousand from the tabloids after the trial is over. And a clever juror

could parlay it into much more than that. Suppose the prosecution proved their case absolutely and without doubt, and eleven members of the jury voted guilty. If I were the twelfth member, I would naturally vote *not guilty*. I'd have to come up with a plausible reason, of course — something very media-friendly. No doubt the defense would supply a useful rationalization during the trial — maybe some spiel about racist cops planting evidence. My reason would have to be good enough to stand up, if only temporarily, and to strike an emotional chord with a section of the viewing public.

The object of creating a temporarily hung jury would be to ratchet up the tension outside the courtroom and put the media feeding-frenzy into overdrive. In the process I would be distinguishing myself from the other jurors, thus enhancing my own marketability once the trial was over. Of all the people in the jury room, I would be the one with a unique story to tell. That would ensure access to every media outlet after the trial, and could be parlayed into a book deal, something a juror might not otherwise get. And I wouldn't have to have any ethical problems with letting a guilty man go free, because I would "grudgingly" give in eventually, and the verdict would be the same. (If the rest of the jury voted not guilty, I could vote guilty to the same effect.)

Financial hardship? Being an O.J. juror is a once-in-a-lifetime money-making opportunity. Why should the lawyers get all the loot? —JSR

To your health — On September 26, Senate Majority Leader George Mitchell admitted that health care "reform" was dead. This is the best economic news in years. It means the government won't yet take over another seventh of the U.S. economy after all, with all the horrible consequences of government mismanagement, higher taxes, and declining productivity.

It was also the best health news in years. Thanks to its defeat, Americans won't be forced to accept Soviet-style health care, with long lines, rationed services, declining standards, loss of research, and shorter lifespans.

Clinton claimed it was the partisanship of the Republicans and special interests that defeated his scheme, but he couldn't be more wrong. The Republicans hardly even opposed his measure. In the usual Republican fashion, they proposed a more "moderate" version of his program. They only stood up against it after the people made it clear that they didn't want it. (I remember something columnist Tom Anderson said back in the 1960s: "Democrats want to move to socialism at 100 miles an hour. Republicans only want to socialize at 50 miles per hour.")

It wasn't the special interests who defeated it. It was the exact opposite of the special interests, the general interest of all Americans. It took time, but people came to realize, at least for now, that Clinton's program would cause either health care rationing or escalating taxes, or (more likely) both. The Republicans finally noticed that the people didn't buy the scheme, so they stopped proposing watered-down versions and began to oppose it. The Democrats still don't have a clue. They are simply out of touch, and they will be justly rewarded by the voters.

If any single individual merits our thanks, it surely is Rush Limbaugh. Almost alone among Americans with a public platform, Limbaugh proposed no compromises, again and again making the obvious TANSTAAFL point, explaining day after day how the Clintons' reform would degrade the quality of medical care. He was virtually the only prominent conservative to stand firm.

There is a temptation to join Rush in a champagne toast to our nation's good fortune, or to join other pundits in offering a detailed analysis of how the defeat of health care reform represents a paradigm shift, from the old centrally planned, mechanistic outlook to a more sensible market-based approach.

But I have left my champagne corked. The advocates of government power and planning have lost a battle, but they will "carry on this fight," as Sen. Mitchell promised in his admission of temporary defeat. In the war to defend free institutions, we have won battles before. Socialized medicine was first credibly proposed in this country in the time of Harry Truman. It was defeated then, as well. But during the four decades since, medical care has been incrementally socialized, through the creation of Medicare, Medicaid, mandated insurance programs, tax incentives, and a million and one tiny increases of government power. We are paying the price for these past losses, and losses of this sort will likely continue, whether or not a broad-based program like the Clintons' is ever enacted. In the long run, it makes little difference whether we get socialized medicine as one great goofy scheme *à la* Bill Clinton or gradually via Republican reforms and conservative compromises.

On second thought, maybe I'll uncork my champagne and drink a toast to Rush Limbaugh. Without his bacchanalian efforts, the entire war might have been lost already. —RWB

Engineering consent — D.C. politicians have temporarily given up on producing a health care reform bill. Though the media did not treat this as a cause for celebration, opponents of Bill Clinton did. The American people at large should have, too. And not just because the various reform packages nearly all called for further cartelization, subsidy, regulation, and, yes, socialization. The health care bills should have been opposed even by stalwarts of the Democratic Party, for reasons of *social engineering*.

Americans have a love-hate relationship with social engineering — that is, with the ideology of the Democratic Party. Considering how obnoxious and high-handed and (usually) idiotic social engineering is, the hate part of this relationship is no surprise.

But what is most astounding is how superficially Democrats regard their core beliefs. Most Democrats treat their favorite social engineering schemes pretty much the same way conservatives treat their pet policy obsession, crime: symbolically rather than scientifically. But at least conservatives are not being untrue to their basic ideology; their beliefs have *always* been mushily symbolic. After all, conservatives have long argued the superiority of ritual over science. The Democrats have no excuse, for the Democratic tradition of social intervention has always rested, and can only

Liberty's Editors
Reflect

CAA	Chester Alan Arthur
RWB	R.W. Bradford
JH	John Hospers
BK	Bill Kauffman
BtK	Bart Kosko
PL	Pierre Lemieux
ML	Michael Levine
TL	Tom Loughran
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JSR	James S. Robbins
TWV	Timothy Virkkala
JW	Jesse Walker

rest, on Progressive attitudes about science.

To have any standing, social engineering should be experimental, as John Dewey taught, and should proceed piecemeal, as Karl Popper suggested. Wholesale reform should be limited, as much as possible, to several states, and should not be conducted at the level of the federal government. State-by-state policy differences could then be studied, contrasted, and appraised using the tools of modern social science. Only after a long run of testing different approaches should one policy overall be chosen at the federal level, if at all. Regarding the planning of health care reform, this means no secret meetings, no exclusions of health care experts, no pre-conceived agendas. And not a year-long study, but a *generation*-long study.

But such a scheme for actual investigation is almost never advanced by the proponents of social engineering. And politicians advocate such studies only as an element of pork, not program. Those who believe in the efficacy of social engineering should ask themselves why this is the case. It should be their crisis of conscience.

But those who do not favor social engineering probably already have the answer: the closer policy studies approach the level of actual science, the more certain the conclusions will be that government intervention does not work. In short, the real social engineer, by practicing his art, would merely engineer himself out of a job.

Thus, health care reform — and all other reforms — proceed only on the impetus of symbol and dogma, and die out of cowardice, intimidation, and distraction. These reasons have less to do with science, or even scientism, than with politics as we know it, and probably always will know it. —TWV

The laisser of two evils — Many Americans who remember their pre-OSHA-DEA-IRS-FTC-SEC-EPA-BATF-ETC revolutionary tradition seem to sympathize with the Quebec secessionist movement and the election of a separatist government on September 12. I only wish they were right.

What actually happened is that the separatist Parti Québécois won the election on a platform that stressed its social democratic program. The PQ's old-timer brand of socialism is illustrated by one of their electoral ads titled "No *laisser-faire*. Only solidarity." Disregarding what every student of French history knows (that the correct spelling is *"laissez-faire"*), the ad went on to argue that more state intervention is needed — in a province where public expenditures already amount to 55% of the GDP!

"Well, I got fired again — thanks to those crummy lunches you pack for me.

Yet the secession of Quebec would at least dismember the tyrant, and shake up what is becoming one of the most highly regulated, tightly regimented, and politically correct societies in the Western world. —PL

The closing of the American mouth — Two days before the school year began, the Chicago public school system announced that the Richard J. Daley Elementary School on the city's south side would be closed down for health and safety reasons; children would be bused 3.25 miles through some of Chicago's most dangerous neighborhoods to another school. A renegade group of parents, worried about the gang violence that might occur on the bus ride, pulled their children out of school, announcing that until the Board of Education accommodated their children by providing schooling in a building nearer to home, they would be on "strike." The parents then set up a makeshift school in a parking lot outside Daley, teaching the children themselves while pressuring the Board to negotiate.

The Board responded not by addressing the concerns of the parents — which were only slightly overblown — but by threatening them with stiff fines and neglect charges. The Board remained steadfast in its decision to bus the children to the distant school, arguing that no more convenient outlets were available. Eventually, Board members said, a new building would be built, but that, of course, takes time; the parents would have to be patient.

But the parents would have none of that. They had been complaining for months about Daley School's conditions, getting no response. Then, with hardly any warning and no public dialogue, the Board had announced their decision to shut down the school and shanghai the students. The parents, caught off-guard and justly pissed off, decided to up the ante.

I am a product of the Chicago public schools. I have witnessed — among many other things — a seven-week teacher strike, racial fights, a student stabbing a principal, and (of course) teachers who didn't give a damn about teaching. I had come to expect anything — or so I thought, for nothing prepared me for what this batch of parents did next: they went on a hunger strike. Needless to say, their actions had ceased to have any tinge of reasonableness. City Council called a vote on the matter and voted against the parents, who raised such a ruckus that a second vote was held, in which the parents lost again. But *again* the parents pressured the council into a revote, prevailing at last. The children will now have classes in trailers until a new school is built. Who says the government isn't responsive to the needs of the hungry?

I remember going on several hunger strikes back in my Chicago school days. Only I didn't call them "hunger strikes." I called them "not eating this disgusting cafeteria glop." Just think: if only I'd had the sense to adopt the jargon of civil disobedience, I might have won myself an education! —ML

Clinton collects his wits — I was delighted to learn in early fall that my old co-worker and all-around great guy, Mike McCurry, currently the State Department spokesman who glares at thick Serbs and mulatto Haitians via CNN, was about to succeed the hapless Dee Dee Myers as White

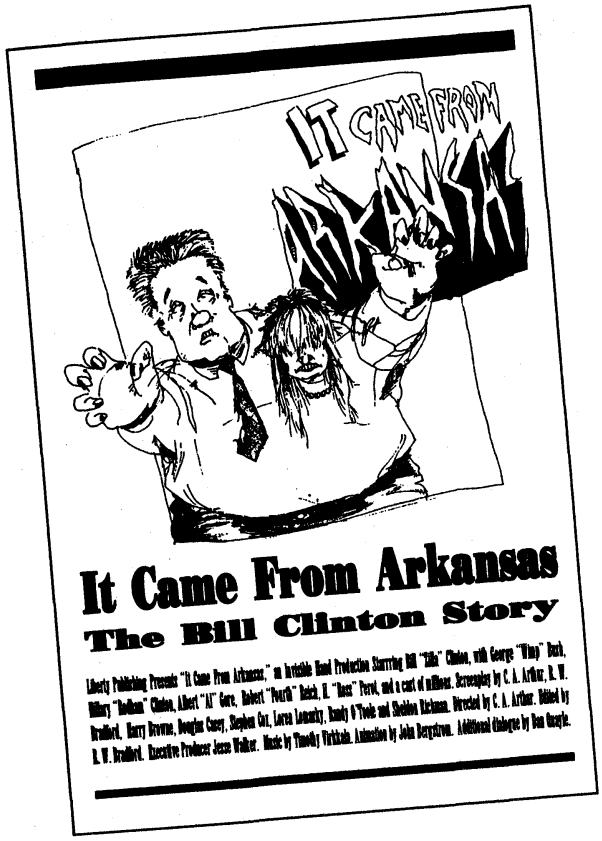

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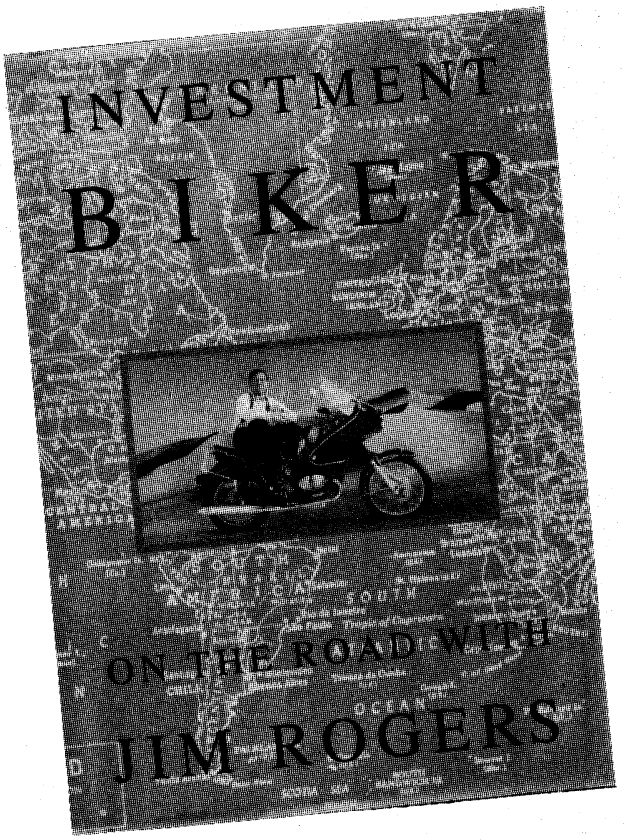

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House press secretary — until Dee Dee wept wept, and as we mustn't let the girl (no matter how numbskulled) cry, she gets to keep her job until the end of the year. Then she can rake in millions as the kind of fast-buck Beltway consultant candidate Clinton railed against eons ago, back in 1992. Mike McCurry will replace her in 1995, and I predict here and now that virtually overnight, Bill Clinton will acquire a wry wit, and as a result we'll have to read nauseating stories about his newfound maturity and how when the light strikes just right Clinton in repose looks like JFK and ah, wasn't Camelot grand? It'll all be McCurry's fault.

Mike McCurry came to Senator Pat Moynihan (for whom I was a legislative assistant) from Senator Harrison Williams, the Abscammed crook from New Jersey. Mike had — and still does have, I'm sure — *brio* and sparkle and a mischievous humor. We — the entire office (regular liberals are far less P.C. and uptight than conservatives) — joked with good old American insouciance: hate criminals laughing all the way to the Gulag. The conqueror of Haiti seems humorless, but I've been told that Hillary, when not Wielding Power, is actually droll and quick-witted (honest!), so perhaps Mike will have an appreciative audience.

Mike hooked up with presidential candidate Bruce Babbitt before the 1988 primaries; all of a sudden, that Arizona gob of phlegm became a veritable Will Rogers, dispensing wisecracks and pointed observations that were patently the work of Mike McCurry. (Notice that Cabinet Secretary Babbitt has not said a single amusing thing for two long years now.) So prepare for a Bill Clinton spouting Harry Truman homespunisms, Adlai Stevenson martini witticisms, JFK I-just-nailed-Angie-Dickinson-and-now-let's-snap-towels-in-the-locker-roomisms. The protean Clinton, reborn as comic.

I remember Mike had a poster in his office from the film *The Candidate*. (He'd been an extra, I think.) "McKay for Senate," it may have read, with a photo of a pensive Robert Redford. A real keepsake, that, and the film's final scene retains its punch. Redford, the idealistic young lawyer who has trimmed and juked to win a U.S. Senate race in California, turns to his campaign manager and says, "What do we do now?" I wonder.

Good luck, Mike. You're a far better man than the weasel you serve, so take notes and write a tell-all book in '97 and then assume your rightful place alongside our old colleague Tim Russert in Sunday morning TV land, where the stakes are lower (no Waco or Haiti to defend), the pay is higher, and you don't have to look at Andrea Mitchell every morning. —BK

Soot and Old Spice — Sad but true: barring a major change in buying patterns, women will be responsible for one of the most pernicious forms of pollution in the twenty-first century. Consider the following facts:

On the one hand, a new environmental movement claims that "Perfume Pollutes" (*The Wall Street Journal*, May 13). The feature explains that "What cigarette smoke was to the past decade, other smells — fragrant and foul — may be to the '90s."

On the other hand, Kevin Goldman reports in his September 9 *WSJ* marketing column that nearly 70% of men have their fragrances purchased for them by their wives and girlfriends.

Ergo . . . —PL

Get thee to a nunnery — As an anti-politico, I have been profoundly influenced by the onetime anti-electoralist Harry Browne. Thus, I was distressed by his announced intention to run for president. My husband, on the other hand, was irritatingly amused. To forestall a messy domestic scene, he raised his hand and explained the difference between us. "The pope has been caught in a whorehouse," he grinned. "You are a Catholic; I am a Protestant." —WM

Bentham's back and there's gonna be trouble — Last spring I saw the stuffed corpse of Jeremy Bentham in the main hall of the University College London. The godless founder of the hedonic calculus died in 1832. He had the school he helped found display him in a glass case — and there he sits right now. The staff has long since cut off his head and replaced it with a wax copy topped with a straw hat. His dead head lies in state in an unnamed safe.

Bentham argued for laws that favored the greatest happiness of the greatest number of people. He put forth the *util* as the unit of happiness. Today the util forms the basis of utility functions of modern economics. He opened his *Principles of Morals and Legislation* with a bald statement of utilitarianism: "Nature has placed mankind under the governance of two

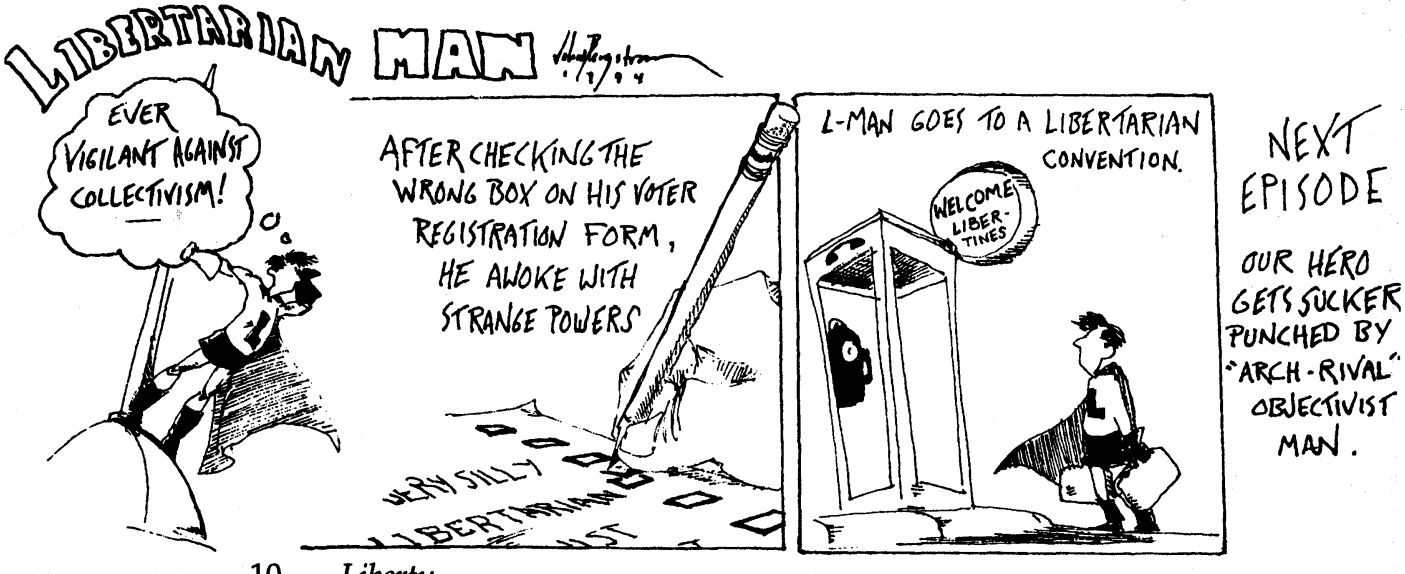

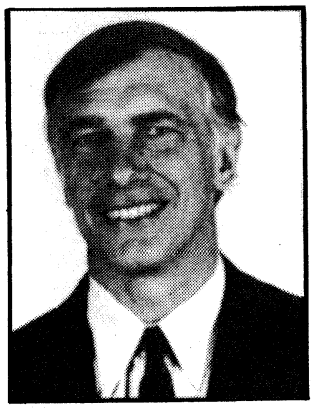

Do you ever wonder why so few economists and other forecasters agree on what the economic future will be? Do you ever worry how you can safely store and increase the value of your assets, if the experts can't agree?

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sovereign masters, *pain* and *pleasure*. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think; every effort we make to throw off our subjugation will serve but to demonstrate and confirm it."

UCL students parade Bentham's glass case around the campus at the start of each school year. New data on the utils of students in the U.S. may lead them to march in the streets in their own homage to Bentham.

Jon Cowan and Rob Nelson of Lead or Leave (an advocacy group for young people) report in the *Los Angeles Times* that an average 72-year-old will get $98,600 more in benefits from the state in her lifetime than she pays to it in taxes. So her cost-benefit ratio is less than one: C/B<1. But a 27-year-old can expect to pay $203,000 more in taxes than he gets in state benefits. So his cost-benefit ratio exceeds one: C/B>1. And no doubt his cost-benefit ratio exceeds one far more than hers falls short of it.

The hairline case of C/B=1 carves the population into two fuzzy sets: the gets and the get-nots. This now seems to match the fuzzy split between old and young and we can take it as a modern definition of the class struggle.

Popular views of government change with the ratio of the two sovereign masters C and B. The question is whether they change with anything else. —BtK

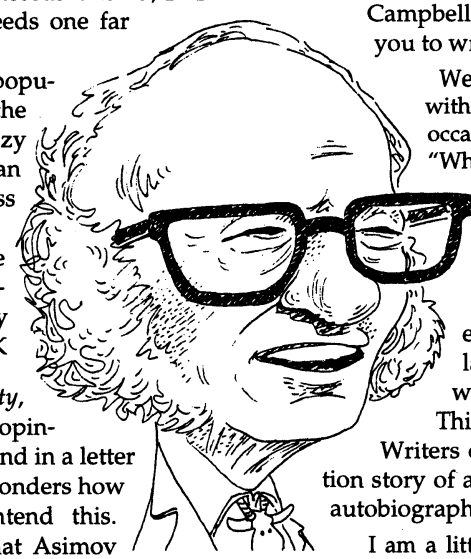

I, Hack — In the September *Liberty*, Brian Doherty ("I Like Ike") fumes at my opinion that Isaac Asimov was a hack writer, and in a letter published in this issue David M. Brown wonders how anyone, even I, could "seriously" contend this. Against my opinion, Doherty testifies that Asimov played an important role in his life, and Brown cites Asimov's incredible prolificacy. Neither response offers evidence against my view of Asimov, but they do suggest that my opinion is patently offensive, at least to some.

Like Messrs. Doherty and Brown, I have read Asimov extensively and think he is a good writer. But I am also convinced that he is a hack writer. In its broad sense, a hack is someone who writes, not because he has something to say, but solely as a means to other ends — usually money or fame. In its narrower sense, a hack is a person who writes for hire at the direction of others.

I did not suspect that Asimov was a hack until I read through the 1500+ pages of his first two volumes of autobiography (*In Memory Yet Green* and *In Joy Still Felt*). I observed his delight in the three rewards he received from writing — money, fame, and sex — and the way writing provided an escape from a dreary existence. His parents wanted him to be a physician, but he couldn't handle the lab work, so he became a biochemist instead, much to his parents' shame. He didn't have much luck with women. Etc.

Once he was visiting a friend — a famous astronomer, as I recall. At this point, he had already written several books and only-God-knows-how-many articles for the popular press on astronomy. At some point over dinner, he mentioned to his astronomer host that he had never actually looked through a telescope. His host insisted that Asimov accompany him to his attic and look at the stars through his telescope, something Asimov did only with great reluctance.

He wrote one genuinely memorable piece of fiction, the short story "Nightfall." In the first volume of his autobiography, he tells how the story came to be written:

> [Editor John W. Campbell] had come across a quotation from an eight-chapter work by Ralph Waldo Emerson called *Nature*. In the first chapter, Emerson said: "If the stars should appear one night in a thousand years, how would men believe and adore; and preserve for many generations the remembrance of the city of God . . ."
>
> Campbell asked me to read it and said, "What do you think would happen, Asimov, if men were to see the stars for the first time in a thousand years?"
>
> I thought, and drew a blank. I said, "I don't know."
>
> Campbell said, "I think they would go mad. I want you to write a story about it."
>
> We talked about various things, thereafter, with Campbell seeming to circle the idea and occasionally asking me questions such as, "Why should the stars be invisible at other times?" and listened to me as I tried to improvise answers. Finally, he shooed me out with, "Go home and write the story."

Twenty-two days later, Asimov delivered the story to Campbell, and nine days later finished revising it to satisfy Campbell, who paid him 1.25¢ per word for his effort. Thirty years later, a poll of the Science Fiction Writers of America declared it the best science fiction story of all time. In a footnote to this episode in his autobiography Asimov wrote:

> I am a little sensitive when people overestimate the importance of such contributions. It is one thing to say, "I think people would go crazy if they see the stars for the first time in a thousand years. Go home and write the story." It is quite another to go home and actually write the story. Campbell might suggest but it was *I* who then had to go home and face the empty sheet of paper in the typewriter.

Yes, Asimov wrote the story. But it was Campbell's idea, Campbell's plot, even Campbell's title — the elements that made "Nightfall" a great story all came from Campbell.

Like any hack writer, Asimov faced the "empty sheet of paper," and like any hack writer, he filled it with words. He wrote easily, he wrote well, and he wrote prolifically. But there is little evidence that he had any real interest in biology, or physics, or the Bible, or mathematics, or Shakespeare, or fiction, or any of the myriad other subjects he wrote about. He was a man of few passions besides his own success, few interests beyond his own career. He was a food critic who wouldn't eat, a film critic who refused to see movies. —RWB

No flies for dinner — "Democracy is that system of government under which the people, having 60,000,000 native-born adult whites to choose from, including thousands who are handsome and many who are wise, pick out a Coolidge to be head of the state. It is as if a hungry man, set before a banquet prepared by master cooks and covering a table an acre in area,

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The FBI & BATF got away with murder in Waco.

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"Waco, the Big Lie" was produced by Linda Thompson, director of the American Justice Federation, an eyewitness to the siege in Waco, and an attorney for three of the survivors.

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- Why the FBI and BATF threatened reporters in Waco with "tragic consequences" if they tried to get within two miles of the compound.
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- Why all exists from the Davidians' home were deliberately destroyed by FBI tanks.
- See for yourself how the fire that destroyed the compound really started.
- Learn the FBI's incredible explanation for using military hardware against civilians, in total violation of U.S. law.
- Why the FBI bulldozed the remains of the compound and destroyed virtually all physical evidence before arson investigators were allowed on the property.
- **Attorney General Janet Reno's own words announcing that the government is planning many such raids soon against gun owners, independent Christians, "cults," and other "threats."**

You will probably *never* see these video tapes on TV. The networks told producer Linda Thompson they would not show them. Reporters at a few independent stations that agreed to air the tapes were told they would be fired before they would be allowed to show them.

It may soon be illegal for you to buy a copy of "Waco, the Big Lie." When Janet Reno demanded government censorship of violence on TV, she explicitly mentioned coverage of Waco.

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should turn his back upon the feast and stay his stomach by catching and eating flies." In the seven decades since H.L. Mencken made this observation, little has changed. In 1992, Americans had three prominent choices for president: a corrupt governor of a backwater state; a demogogic, power-lusting multibillionaire; and a hypocritical elitist whose presidency had already failed. The best the Libertarians had to offer was a marginal small-time hustler who had somehow managed to be elected to a single term in the Alaska House of Representatives.

But things are looking up for 1994, at least for libertarians. And I'm not referring only to Harry Browne, who offers the Libertarian Party its most articulate candidate ever. Besides Browne, there is a Republican who strongly supports the libertarian position on health care and a whole panoply of property rights questions — perhaps the most important issues the nation faces. And there also is a nascent new party that has a libertarian program and a possible independent candidacy by a quasi-libertarian.

Virtually alone among Republican politicians, Sen. Phil Gramm of Texas opposed the Clintons' health care scheme tooth and nail from the start. His proposal for tax-exempt medical savings accounts was the only legislative proposal that would actually help alleviate the very real problem of uncontrolled medical costs that the Clintons claimed to address.

Gramm has also shown extraordinary courage and eloquence in defending private property. Witness, for example, his response to a loaded question from Michael Kinsley on a recent *Crossfire*: "You love the private sector. One of the reasons that Mike Synar lost his primary election is this issue of mining and grazing rights," Kinsley said. "He supported President Clinton's plan to reduce the subsidy that miners and big ranchers get by cheap use — below market rate prices — on federal land. Why should you, as a free-marketer — an alleged free-marketer, an alleged private enterpriser — favor the subsidy from the taxpayers to grazers and ranchers?"

Gramm refused to be put on the defensive. "I supported a compromise to raise rates when you could show that [they were below] market value. But the president wanted to go futher than that. He wanted the government to engage in national land-use planning. Basically his agenda is to drive people off public lands."

"Wait a minute!" Kinsley interrupted indignantly. But Gramm was not to be stopped. "I want to charge market rates. I want to let people use the land. Even better, if the land is being used for grazing, why does the federal government own it to begin with? Why don't we sell it, take the money and pay off some of this debt that's mortgaging the future of our children? Why does the government need to be in the grazing business? My basic position is this: I want government out of the land business. I want productive land that is used for private purposes in the private sector. When you've got a secretary of the interior going around and saying that private property is an outmoded concept in 1994, that scares the hell out of people, and it ought to. It scares the hell out of me."

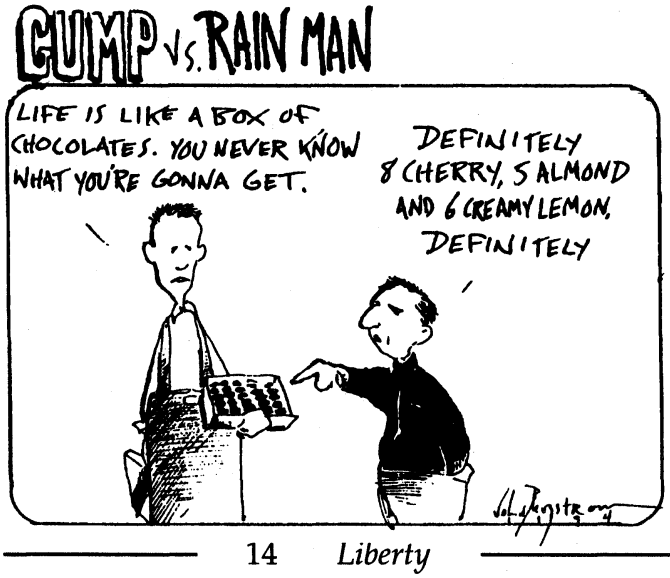

Later in the same program, Gramm was accused of opposing democracy by opposing Clinton's programs in the Senate. Gramm patiently explained that he and his Republican colleagues opposed the president because they thought he was wrong, and that "if the American people oppose [the Democrats] they'll get crushed [at the polls]; if they support them they will triumph. That's what democracy is about."

"I thought democracy was majority rule," Kinsley interjected, as Pat Buchanan started on a line of questions. "Not *our* democracy," Gramm snapped. "It's what the Constitution is about. We don't believe in majority rule when it comes to free speech and private property."

Gramm is on the long list of Republicans itching to run for president in 1996, and he remains a long-shot. But he is also the first serious major-party contender for the presidency to articulate fundamental libertarian principles since Ronald Reagan did in 1980, and he seems to have less of a stomach for compromise than did Reagan. Gramm is far more than the best of a bad lot. He is an individual who merits the support of those who value liberty.

Then there's the nascent Constitution Party, which bills itself as the "party of principles, not politicians." It's program is almost identical to that of the Libertarian Party, except that it calls for "the strongest national defense force in the world." Aaron Russo, the Hollywood producer responsible for *Trading Places*, was inspired by the political success of Ross Perot to return from a three-year exile in Tahiti to launch the party.

One has to wonder why Russo is launching a new party rather than participating in the LP. Right now, the CP's assets seem to consist of an 800 number, a post office box in Beverly Hills, an extremely libertarian program, and Russo's considerable energy and commitment, and it's hard to see the CP having major impact on the political process. But in January 1992, it was hard to see how Ross Perot could have much impact, and he garnered 19% of the popular vote, enabling Bill Clinton to be elected.

Meanwhile, actor Michael Moriarty has told the Libertarian Party's national committee that he plans an independent campaign for the presidency. "I do think I would make a pretty good president of the United States," he said, citing a laundry list of government actions that make him "mad as hell." To date his campaign has pretty much been limited to his appearance at the LP meeting and the resultant coverage in the *LP News*, and whether it will go any further remains to be seen.

1996 promises to be an exciting year. —CAA

Blank canvass — I do not like door-to-door solicitors, but I do like door-to-door proselytes. It is amusing to talk with people who seek to *give* wisdom away. My purpose in arguing with such people is never to convert them to my faith(s), but simply to remind them that there are other views — sometimes

diametrically opposed to theirs — that can be believed and defended, rationally. I like to watch their faces as they meet the devil, so to speak.

The most recent such unsuspecting zealot to knock on my door was a Sierra Club activist, working to oust my state's Republican senator, Slade Gorton. He was most earnest, and yammered on about Gorton's awful environmental record. He expected me to be sympathetic to his cause (I live in a very "green" town), and when I mentioned that I was rather heterodox on environmental issues, he assumed I thought that the Sierra Club was too radical. He immediately showed me "what we are up against, the 'real' radicals," which turned out to be the organized environmentalist opposition, the "Wise Use" movement. He showed me a xerox of an article describing the "Wise Use" agenda, with their main points conveniently highlighted in green. I looked over the agenda, which included privatizing some national parks, and then said that there was nothing on the sheet that I disagreed with.

Ah, the look of incredulity! He immediately informed me that Wise Users "want to cut down old-growth forests in order to protect the ozone layer!" I then informed him that if the production of oxygen were your chief concern, then old-growth forests would indeed be a waste of space: younger forests far outproduce mature forests in photosynthesis activity. "But," I said, "this is undoubtedly a nutty way to make policy. I mean, ozone layer, *come on*: what do we really know for sure about climatic trends?" Distancing myself from the Wise Users (who seem to favor industrial uses for natural resources over recreational uses), I nevertheless defended the privatization of national parks. I labored to explain to my benighted interlocutor why his ideas, combined with the incentives faced by bureaucrats, inevitably yield environmental catastrophe.

That same day one such canvasser knocked on the door of a local conservative family, and was directed to look at the bumper of their van: "Slade Gorton for Senate!" And next to it: a bumper sticker extolling the Grateful Dead. "I can't believe that you would have those two stickers on the same bumper!" he ejaculated. Smiling, the householder suggested that the young lad should consider not judging people's politics by their taste in music.

But the cognitive dissonance was just too much for the activist. He retreated into his ideology, and went on to the next house. —TWV

Telephone privacy, 1876–1994 — The FBI, DEA, and other law enforcers have just won the right to scan all our digital phone and fax calls when they feel they need to. They did so in the name of "telecommunications reform." The House passed such an FBI-backed measure from Don Edwards (D-Calif.) in a late-night voice vote on October 5. Patrick Leahy (D-Vt.) had pushed a like measure through the Senate Judiciary Committee with a 16–1 vote. He then got the Senate to pass his version of the Edwards bill moments before the 103rd Congress broke for recess. I spoke to Leahy's staff earlier that day. They assured me the bill would not outlaw encryption and that they would remove the last holds on the Hill to pass it. Hours later they did.

The final bill will force phone companies to retrofit their phone lines with devices that let the FBI and others "plug in" and listen to digital talk. Bill Clinton is sure to sign it into law.

At issue is the First Amendment right to say what you want to say in your own way. The new digital phones convert what you say into long strings of 1s and 0s. To say it in your own way you can encrypt those 1s and 0s with the latest smart software. The FBI wants to be sure it can crack the codes you use. It wants to limit the kinds of codes you can use and wants to be sure it can listen to you use them. The FBI does not want you to speak in a language it cannot hear or understand.

A few months ago the Clinton Administration tried to do much the same thing for the FBI with its failed "Clipper Chip" proposal. That would have built the codebreaker right into new computers and phones and modems and satellites.

The new FBI bill goes straight to the phone companies. The bill does not outlaw encryption per se. It lets "law enforcement" access digital phone signals and thus lets the state's networks of computers process the signals and perhaps decrypt them. FBI Director Louis Freeh claims that last year the FBI failed to carry out 91 court-ordered wiretaps because of poor line access. The new bill will pay the phone companies $500 million to retrofit the phone lines as the FBI sees fit. Thus will the state pay for our prior consent with our own tax dollars.

The state has long held that it does not need a warrant to tap our wireless phones and faxes. Agency computers can scan our wireless calls for key words just as the National Security Agency scans foreign data lines for key words and case leads. That is why the NSA needs those twelve underground acres of computers in Fort Meade, Maryland.

Now the FBI, DEA, and your local police can also scan your phone line for key words. They need just the slightest "probable cause" that you are involved with drugs or other "crimes." They do not even need that if they think what you do, say, send, or receive might affect "national security." Thanks to the Edwards-Leahy bill we once again have to trust the good will of unchecked state agencies that buy computers by the ton and that swap databases at the speed of light. —BtK

Russell Means liberty — When I returned to Port Townsend from the *Liberty* Editors' Conference, someone handed me a bright red flyer:

Free Rally
Spiritual restoration of all peoples to the land and water
Kah-Tai Peninsula, Olympic Peninsula,
North America, Mother Earth
Hear: Russell Means, well-known Indian Activist
Chief Chetzemoka Park (in Gazebo), Sunday
Gathering starts at 7:00–10:00 AM
Elders, Children, & Families of All Nations Welcome
Join Us in a "Healing Walk" Through Town
Ending at the Jefferson County Courthouse
No Alcohol, Drugs or Weapons

It was the first flyer I have ever received in Port Townsend for a "Healing Walk," as well as the first specifying "no weapons." I was intrigued.

Russell Means burst on the libertarian scene when he sought the Libertarian Party presidential nomination in 1987. He lost the nomination by an eyelash to Ron Paul, and drifted out of the movement. In the past few years, he has built a very successful career as a film actor. There were many who believed that his libertarian period was only a pose, or at best a brief phase he passed through. I hadn't seen Russell Means since I interviewed him for this magazine in 1989, and wondered just how much libertarianism he retained.

The flyer seemed a bit vague about the time Means would speak, but I figured he wouldn't show up too early. Means wasn't there when I got to the park at 7:30, but a couple dozen denizens of the local counterculture were, looking — aside from their wrinkles and saggings — like the '60s had never ended. A woman introduced herself to me, and then introduced me to a tree on the other side of the park. A rally organizer, Means' "spiritual brother," lectured us on the need to change the name of the Quimper Peninsula to Kah-Tai Peninsula, which means "passing through," and suggested that its permanent residents (himself included?) should vacate their homes so that the land could return to its pre-European idyll. Another offered a lengthy prayer to "Earth Grand Mother." After half an hour or so, I decided to take a walk on the beach.

When I returned to the park a half-hour later, Means was already speaking. The crowd had swelled to 42, including babes in arms and the city policeman there for crowd control. If the organizers were disappointed — they had blitzed the town and the concurrent Wooden Boat Fesitval with leaflets — they didn't show it.

Means was his old self, attired in long black braids, leather coat, and beaded belt; his marvelous stage presence prevented the baby blue polo shirt and double-knit pants from detracting from the effect. He held the crowd of elderly hippies, new agers, and crystal-worshippers as tightly in his grasp as he had held Libertarians at the 1987 Seattle convention.

As usual, Means spoke without notes and without organization, jumping from topic to topic in an almost schizophrenic fashion. His general themes were "the Indian way," healing the Earth, and spiritual wisdom. But what was most interesting to me was the intrusion of libertarian themes into his discursive discourse. "I am a great believer in free market economics," he said, then denounced "the idea that you can pay someone — even the government — to care more about your life than yourself."

He denounced speed laws, Clinton's crime bill, even zoning and public schools. "When you invite the state to control your children, like with organized religion, you can be spiritually lazy. But when you live in an anarchic society, you can be responsible. But when you're paying people to be responsible for you, watch out! [My son's] allegiance should be to his family and clan and Mother Earth, not to valueless government workers. When did education get taken away from the family? When did schools become government?" Even environmentalists were targetted: "They're among the most anti-Indian people in this country."

After an hour or so, Means stopped talking and turned the meeting back to its organizer, who tried to get the crowd to march on the county courthouse underway. In this she failed, after Means said that he prefered to ride in a car. —RWB

Haiti

D-Day matinee — Washington's "military experts" predicted that the Marines would land in Haiti on Saturday, September 17th. So my wife and I felt a little guilty discussing the idea of going out that D-Day to a matinee screening of *Quiz Show*. Something seemed unpatriotic about sitting in an air-conditioned theater, eating popcorn, and having a good time while American boys and girls were about to go to war in Haiti — as part of the U.N.-led "multinational force," of course, including 30 Israeli cops, 15 Jordanian minesweepers, and ten flood-watchers from Bangladesh — and perhaps sacrifice their lives to make that country safe for democracy and a nutty Marxist priest.

Moreover, as a working journalist I was also concerned about the opportunity costs involved in watching a movie on a day history was being made in Washington. I was thinking about the action I'd miss: attending "off-the-record" press conferences in the White House; listening to a briefing at the Pentagon; shmoozing with my fellow reporters in the State Department press room; watching my former colleague from the *Jerusalem Post*, Wolf Blitzer, transmitting the White House's propaganda line to a news-hungry world. Twenty years from now I could tell my grandchildren: *Yes, I was there in the middle of all the excitement, as the world was holding its breath, when the leaders of the "only remaining superpower" ordered its troops into a crummy little island in the Caribbean.* Instead, I was about to watch Robert Redford's anti-business film about a stupid quiz show from the '50s.

During the previews, as I was completing my last visit to the toilet, I had this image of the "crisis room" in the White House. You know: the president and all his "top foreign policy aides" like Secretary of State Warren Christopher and his deputy Strobe Talbott making "tough decisions" around a long table, *à la* the Cuban Missile Crisis. As I returned to the theater I was stopped by a Secret Service type (sunglasses, earphones, everything). The four seats behind us were reserved for officials from the administration, he explained, and he wanted to make sure I wasn't carrying a weapon or something.

I wasn't, so he let me sit down. "It's probably Chelsea and her girlfriends going to movies while Dad is coordinating the invasion and Mom is putting some final touches on the health care plan," I told my wife.

"Yes," she agreed, "with the grown-ups busy preparing for the war, it's probably the kids going out to the movies."

As the previews ended, the mysterious film buffs arrived to take their seats, and I turned back expecting to see Chelsea's braces and three babes from Sidwell Friends. Instead, to my surprise, I found myself looking straight into those two sad eyes of our secretary of state. Next to him was that famous FOB and renowned draft-dodger, Strobe Talbot. They were accompanied by two middle-aged ladies who looked like their wives.

Yeah! As America and its allies prepared to go to war, as U.S. planes and aircraft were on their way to Haiti, as the world watched and waited, the president's two top foreign

policy aides — and the main proponents of invading Haiti — were eating popcorn at the movies! And I thought I was missing something.

Later I learned the two were angry at Clinton for sending Jimmy Carter to Haiti to try to reach an agreement with the bloodthirsty generals in Port-Au-Prince. The two born-again hawks were apparently opposed to a peaceful settlement of the stupid "crisis" and, in any case, were angry at Carter for taking upon himself the duties of the secretary of state. So these two great men of honor were protesting the president's decision by going to see *Quiz Show*.

Well *that* was clearly a great moment in American diplomatic history. And I was there! —*Leon T. Hadar*

Black Jacobins, white Lafayettes — Here are the words with which Bill Clinton concluded his explanation to the American people of why their sons and daughters should be placed in jeopardy and billions of their tax dollars spent to help reinstall a defrocked Marxist priest to Haiti's presidential palace:

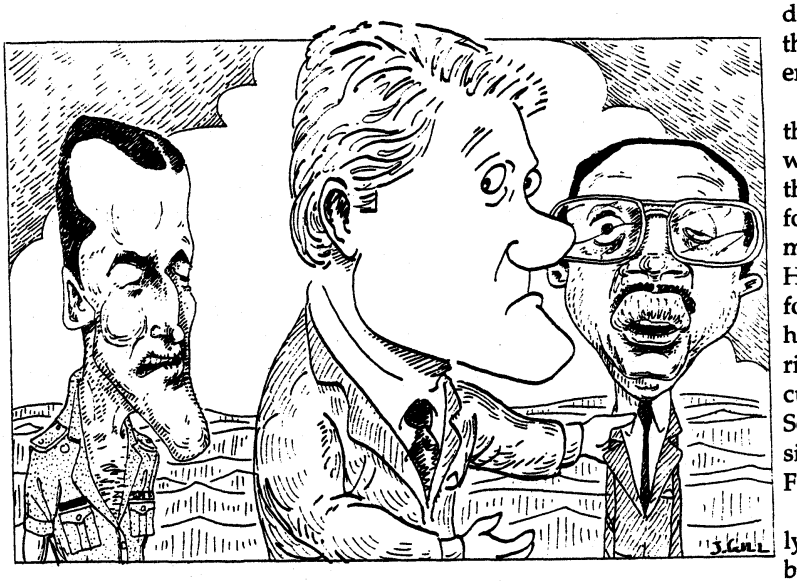

> I know many people believe we shouldn't help the Haitian people recover their democracy and find their hard-won freedoms, that the Haitians should accept the violence and repression as their fate. But remember, the same was said of a people who, more than 200 years ago, took up arms against a tyrant whose forces occupied their land. But they were a stubborn bunch, a people who fought for their freedoms and appealed to all those who believed in democracy to help their cause, and their cries were answered, and a new nation was born, a nation that ever since has believed that the rights of life, liberty, and the pursuit of happiness should be denied to none. May God bless the people of the United States, and the cause of freedom. Goodnight.

This sounds pretty good, doesn't it? I mean we're all for freedom and democracy, and wasn't it swell those foreigners helped us win the Revolutionary War?

But wait a minute. What foreigners helped us? Was it a rich and powerful neighbor, who sent in an army to occupy our country, while our elected head-of-state sat in their capital city, lobbying their legislature and executive to put him back in power?

Nope, the only foreign countries to help us in the Revolutionary War were France and Spain. And they didn't help us because they favored freedom and democracy. The France that aided the American Revolution was the France of Louis XVI, advocate of the absolute power of divinely appointed kings, the virtual antithesis of freedom and democracy. The Spain of Charles III that came to our aid was, if anything, even less free and less democratic. Then why did Louis XVI and Charles III help the American Revolution? Their motives were plain: Louis XVI wanted to hurt Britain, his enemy, and if that meant helping some British colonies establish their freedom . . . well, that was a small price to pay; Spain hoped to regain land in the New World lost to England in the Seven Years War.

But "freedom" and "democracy" are pretty effective buzzwords. Or are they? At the time of our triumphal occupation of our tiny neighbor, only 47% of Americans supported the move. A week later, support had dropped to 40%.

—*R. W. Bradford*

No blood for votes — Shortly before American troops invaded — er, *occupied* — Haiti, my TV was filled with films of Haitians demonstrating against U.S. intervention and against Aristide. Dan Rather and his colleagues told us we shouldn't put too much stock in the images we were seeing, since, after all, Haiti was a dictatorship and the people there didn't feel free to speak their minds. Well, fair enough.

After the troops landed, the TV news was filled with Haitians cheering their new overseers. The footage looked a little familiar — were these real Haitians, or was this stock footage of jolly Negroes hooting it up for the Marines, left over from our incursions into Grenada and Somalia? No, look: that sign in the background is in French. This must be Haiti.

Dan Rather, so unusually skeptical a few evenings before, did not suggest that this outpouring of support might be as paper-thin as the anti-Aristide demonstrations that preceded the invasion. Or that opponents of the invasion might be remaining wisely discreet for the moment. Or that any Haitian, agents of General Cedras' thuggish regime excepted, might be anything but overjoyed at the prospect of his island being occupied by a foreign power.

But a Haitian need not adore the *junta* that terrorized his country to be wary of an American occupation. The last time U.S. troops held western Hispaniola, they reintroduced the *corvée* system of forced labor, dispossessed thousands of natives of their lands, and suppressed every uprising with an iron fist. And even if this generation of Haitians has already forgotten those crimes, they still might be a little dubious about their "liberators" after watching their efforts to enlist the services of the old regime's military and police force.

Even if Aristide were the saint his handlers have painted him to be — which he isn't — none of this bodes well for the future of Haiti. Or America, for that matter. Or anything else, except Clinton's legislative program, which now presumably will receive the support of the Congressional Black Caucus. Altogether, a typical victory for Global Democracy. —*Jesse Walker*

Demo-crazy — Some points about democracy are so widely ignored in the administration and the media that,

though trite, they need frequent repetition. Many people prate about "restoring democracy" to Haiti, and the U.S. operation there even carries the name "Uphold Democracy."

Haiti never had any democracy to restore; we need not dwell on that fact. Democracy means more, anyway, than whatever the outcome of a single election may have been. Let's not confuse ourselves by blanketing several distinct concepts — liberty, equality, fraternity, harmony, a market economy, the American way of life, whatever — together with a particular political arrangement all under a single label. Nobody is entitled to legislate the meanings of words, but the central meaning of democracy (as Joseph Schumpeter wrote) seems to be an arrangement whereby political rulers are chosen and periodically subject to replacement by the votes of a broad electorate in relatively free and competitive elections.

Democracy itself is scarcely the criterion of what candidates and what policies the voters ought to choose. We hear *ad nauseam* that Father Aristide got nearly 70% of the votes in the 1991 election. So what? That figure may suggest something (possibly about the experience, information, and judgment of the electorate), but what does it demonstrate? Since when are facts, even such judgment-tinged ones as facts about a person's competence and moral character, established by majority vote? Even if other people have voted heavily for a particular politician, how does that historical incident commit me — or the American people — to admiring him or sending troops to support him?

Democracy is not an end in its own right. Constitutional democracy is an instrument that may possibly uphold conditions under which people have a chance at peace, freedom, prosperity, and happy lives. For nations that can handle it, democracy works less badly than other methods of choosing, disciplining, and replacing rulers. As *The Economist* editorialized in its issue of August 27, a democratic system bolstered by suitable traditions offers chances for political continuity, for reliability of property rights, and therefore for peace and prosperity.

Haiti cannot establish these conditions merely by wishing for them, or merely by wishes plus American troops. What that country needs now is a benevolent dictatorship, externally imposed and monitored, to enforce peace and security and so give Haitians a chance to get along successfully with their own lives.

I cannot see how it is in the interest of the United States or of any other power, however, to shoulder the burden of trying to provide those conditions. —*Leland B. Yeager*

Adventures in nation-building — Every president should be allowed to have his own little military adventure, just to get it out of his system. Even "draft-dodging, gay-loving, pot-smoking, womanizing" presidents.

Bill Clinton, still sore after being bested by an African "warlord," has decided to spend his adventure "restoring" "democracy" to Haiti. So far, the non-invasion has showcased Clinton's most endearing quality: his incompetence. He embarked on this adventure with little public support and a mish-mash of half-assed justifications. Even the Republican-conservative establishment has registered their opposition. The Gingrich-Limbaugh-Dole axis is usually eager to have the 82nd Airborne shed Third World blood in the name of "national security," but for once — strangely enough, during the reign of the Vicar of Hope — they have decided to defer to the ghosts of Taft and Lindbergh. The only enthusiastic supporters of Clinton's war policy have come from the usually pacifist black-leftist elite — and even they seem to be having some second thoughts, now that the colossal failure of Operation Uphold Democracy is becoming clear to all.

Clinton's Haiti policy looks more like George Bush's handling of the 1991 Civil Rights Act than any past military adventure. In 1990, Bush vetoed a civil rights bill that overturned several Supreme Court decisions, calling it a "quota bill," and lost forever any chance to gain support in the civil rights community. In 1991, he signed a virtually identical bill that managed to infuriate almost everyone else, especially the fire-breathing Pat Buchanan, who later had some success on the campaign trail berating the former president with the "quota bill" issue. The biggest beneficiaries of Clinton's Haitian policy will be those who decide to seek his job in 1996 — and those who would have died had a "competent" president been in charge. —*Clark Stooksbury*

Cleaning up — In the first week of October, *The Nation* reported that the CIA helped *establish* America's current Public Enemy Number One: FRAPH, Haiti's secret police. This story is not very surprising. Once again, the best argument for an American intervention abroad (Panama, Iraq, Somalia, etc.) appears to be "let's clean up after ourselves." Hardly stirring, but perhaps appropriate for this environmentally conscious age. —*Timothy Virkkala*

Keep the homefires burning — During the Gulf War, hawkish friends and acquaintances of the Republican persuasion told me I was wrong to oppose the war publicly, because antiwar demonstrations are bad for the troops' morale. They told me the military was right to censor soldiers who tried to tell reporters about their apprehensions, because this too would endanger morale. They told me it was impossible to "support the troops, not the war," as one popular slogan had it, because one could only support America's soldiers by supporting their mission. When I brought up my personal variation on that slogan — "support the troops by saving their lives" — they sneered and said I would never understand geopolitical realities.

I wonder how those hawks feel now that Bill Clinton is in charge of America's foreign policy. I don't see them complaining about press coverage of military dissatisfaction, typified by Army Specialist Marc Pierre's statement in the October 3 *USA Today*: "Ask anybody what we're doing here and they'll say, 'I don't know.' This is a joke." I don't see them saying it's impossible to empathize with Pierre without also supporting Clinton's Haiti policy. I certainly don't see them stifling any criticisms for the sake of troop morale.

I suppose I shouldn't look this gift horse in the mouth. If even Rush Limbaugh is willing to drop his put-aside-our-differences-and-support-our-president-in-wartime mantra, just because he happens for once to oppose a war, that can only be good news. But when President Kemp or Cheney or Dole or Powell sends warships to Korea, will the Republicans remember their brief tenure as dissenters? Or will they return to their old role as Thought Police? —*Jesse Walker*

Coincidence? — On August 25, 1994, President William Jefferson Clinton's crime bill was passed, thanks to a last-

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U.S. Silver Dollar, 1983 Olympic

U.S. Silver Dollar, 1986 Statue of Liberty

During the 1980s, we warned you against buying the Proof Silver Dollars offered by the U.S. Mint. We felt the Mint's prices were so high that those who bought were guaranteed to lose money.

We were right. People who bought from the Mint did lose money, and lots of it.

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That price was too high, and savvy investors stayed away from the 1983 Olympic dollar.

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The same is true of the 1986 Statue of Liberty Silver Dollar, pictured above to the right: its design is beautiful, its high purity and heavy silver content make it a magnificent coin. At the Mint's price of $22.50, it was too expensive. But at today's price of about $10, it's a bargain.

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To confirm your purchase, call toll-free at 1-800-321-1542. (In Michigan call 1-800-933-4720.) Or return the coupon below.

1987 U.S. Constitution Silver Dollar

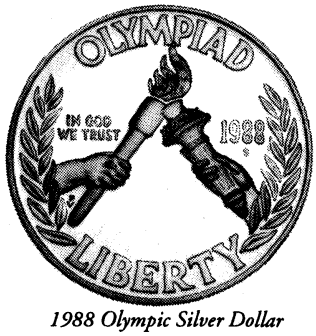

1988 Olympic Silver Dollar

Yes! Please send me the rolls of 20 U.S. 90% Silver Dollars in Gem Proof condition that I have indicated below. I understand that all are Commemorative issues from the 1980s, issued in accordance with the old standard for U.S. silver dollars as issued 1878–1935, and are backed by your exclusive guarantee of grading and authenticity, and that I may return any within 15 days for a full refund.

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minute decision by several members of the House Black Caucus to foresake their opposition and cast their lot with the president. Twenty-five days later, the United States sent an army of occupation to Haiti, thanks to a last-minute decision by Bill Clinton to foresake his opposition and follow the policy recommendation of the Black Caucus. It makes one wonder: if the president's crime bill had passed easily, without needing the support of the Black Caucus, would Marines be shooting Haitians today?

I know Clinton promised us more cops on the street, but I assumed he meant *in this country.* —*Chester Alan Arthur*

Why are we in Hispaniola? — The Haiti crisis — what a bore. If you suspend your moral indignation for even a second, the boredom becomes oppressive. If you think about the electronic media's attempt to fill almost a week of dead air with reports on Our Conquest of Haiti, a foregone conclusion, the boredom becomes overwhelming.

Consider what happened when Rush Limbaugh suspended his indignation. He paused, just for a *second,* in the midst of a fiery denunciation of Clinton's war policy. And immediately it occurred to him that there was something more interesting to talk about. He remembered that he, Rush, had a popcorn husk lodged somewhere in his gullet. "It doesn't cause me any pain; but I know it's there, and I'd like to get it out." Would gargling with Snapple get it out? Was it proper to gargle with Snapple so that ten million people can hear you? And so Rush whiled away the afternoon of September 16, as he waited for the Marines to start conquering Haiti.

If nothing is happening *now* in a crisis that simply *has* to be covered (American lives being at stake, and all), what can a poor electronic medium do?

Well, it might find something interesting to say about how that crisis came to be. It might explore its history. Haiti has a very interesting history. It is a place, as Faulkner described it, that "might have been created and set aside by Heaven itself as a theatre for violence and injustice and bloodshed and all the satanic lusts of human greed and cruelty." My most vivid memory of reading the history of Haiti is the image of one of its many deposed presidents being torn to pieces by a mob while trying to scale the wall of a foreign embassy.

The great television networks could have whiled away the tedious hours of "crisis" reportage by retelling some fascinating stories from this history, like the story of how the United States once decided to set things right in Haiti and ended up occupying it for 19 years. Viewers would certainly rather learn about this than watch a bunch of white people sweating like crazy in the tropical sun and glaring into the camera to tell us, hour by hour, that President Carter is still negotiating with General Cedras.

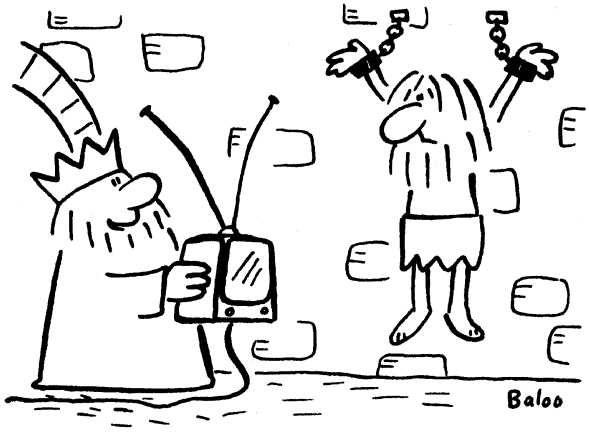

"You're all out of shape, so I'm going to let you watch Richard Simmons."

But some Haitian stories — all Haitian stories, in fact — are better off not being told, if one has any lingering sympathy for Democratic presidents who want to intervene in Haiti (and who else would?). Radio talk show hosts, who are almost all conservative Republicans, are free to liven things up a little. Even though Rush was evidently bored with the whole matter, he did manage to convey some information about our previous invasion.

But the television people, who are almost all "liberal" Democrats, did nothing to expand the brief narration of Haitian history that Clinton delivered in his stop-or-I'll-shoot speech of September 15. "Two hundred years ago," intoned the Mouse That Roared, "the Haitian people struggled for independence. But once they had achieved it, their hopes for freedom were snuffed out." Oh, gosh. Who snuffed them, do you suppose? And who kept them snuffed? No human agency is stated. It must have been a hurricane or something. But nothing that American know-how can't fix.

That was the implication, and none of the television people, who are supposed to be so avid for facts, was willing to send the office boy down to the library to get a book that might shed some light on it all. The problem of Haiti had to remain present time, and personal: Will we or will we not put Jean-Bertrand Aristide, the "democratically elected president of Haiti," back in power?

In that case, maybe somebody could add a little spice by telling us the personal history of our friend J-B.

Clinton did the best he could do. He called his buddy "Father Aristide" so often that one began to picture J-B as Bing Crosby and Clinton as his old Irish housekeeper. But there was a hint, just a slight hint, of something not entirely . . . not entirely mentionable about Aristide. The hint came when Clinton threw a kind of Rotary luncheon in the East Room and had the good "parish priest" stand up and give his word that if he ever got back to his parish he would refrain from telling mobs to burn his opponents to death.

Sly little J-B didn't say that in so many words, of course, but you'd be able to catch his meaning if you'd ever seen the notorious videotape in which he croons about the wonders of a certain "instrument" — an instrument that sounds a lot more like a burning tire fastened around somebody's neck than it sounds like "constitutional government" or any other interpretation that has been wrenched to fit it.

This videotape, with its fascinating insight into a personal history at least as interesting as that of O. J. Simpson, was not much exploited by the television people. The only person who seems to have shown it during the crisis was John McLaughlin. McLaughlin was outraged by what it seemed to indicate about the political causes that Clinton would use our military to support. McLaughlin's Group acted as if outrage were beside the point. Discussion ceased.

In other video venues, discussion hardly began. During the afternoon of September 16, CNN's Port-au-Prince correspon-

continued on page 69

Journal

Out of Cuba:

Cubans in Florida and on the High Seas

by Grover Joseph Rees

As Castro plays Clinton like a fiddle, Cubans flee their island. Some find freedom, others a watery grave.

September 17, 1993 (Friday)

It is good to be back at the Miami International Airport. It is an exciting and informative airport: like Heathrow or Honolulu, unlike LAX and DFW, it tells you right away just where you are and puts you in mind of other places it might be interesting to go. I spent a lot of time here two years ago, when I worked for INS and Haitians had been designated Alien of the Month. Now I have a feeling that this honor may soon devolve upon Cubans, and so I have come back to learn more about them.

Finding some Cubans does not take long. The first person who talks to me in Miami, the waitress at the airport coffee shop, begins the conversation in Spanish. My halting response causes her to switch smoothly and cheerfully to English, but the culture war does not end there. She takes my order for coffee to mean that I would like a *café cubano*, which is thicker than espresso and comes in a tiny paper cup with lots of sugar. She turns out to be right about this, but somehow I know the authors of *The Immigration Time Bomb* would not approve.

Time Bomb is the anti-immigration bible. It was written in 1985 by then Gov. Richard Lamm of Colorado, a left-of-center Democrat who had achieved national prominence with his suggestion that old people should be dying with dignity and without undue delay, and a man named Gary Imhoff from a group that calls itself the Federation for American Immigration Reform, or FAIR for short. The book uses the Cubans of Miami as an illustration of immigration run amok: they have taken American jobs, sucked up "massive amounts of federal resettlement aid," displaced and alienated members of other minority groups. The authors also suggest that the Cubans who came in the 1980 "Mariel boatlift" — generally acknowledged to have included many thousands of law-abiding people along with a much smaller number of career criminals deliberately sprinkled into the mix by Fidel Castro — were really almost all criminals. Finally, and maybe worst of all, the Miami Cubans have lived in "isolation and insularity," retaining their ancestral language and strong emotional ties to their home country. I have packed a copy of *Time Bomb* in my briefcase, right next to *1001 Pitfalls in Spanish*.

The anti-immigration people are right about one thing: Spanish is spoken here. What is harder to understand is why they mind. More precisely, why does "feeling like a foreigner in your own country" bother me so little and them so very much? What exactly do they mean, the people who say things like Last American Out of Miami, Please Pull Up the Flag?

One response to this sort of thing is that Miami has done awfully well by being the gateway to Latin America. Thirty years ago, as Lamm and Imhoff acknowledge, it was a "quiet, undistinguished city"; now it is among the great commercial and cultural centers of our hemisphere, with the problems but also the advantages of a great city. This transformation is generally acknowledged to have resulted not only from geography but also from the resettlement here during the 1960s and 1970s of much of Cuba's professional and business class. If commerce with Spanish-speaking countries is your ticket to greatness, you might just decide to get used to hearing some Spanish spoken. You might even learn some yourself.

A more complicated answer has to do with the uses to which Spanish-speaking is put. My encounter with the waitress turns out to be typical. People speak to me in Spanish more often than not, perhaps because my features are dark, perhaps just because they are used to people being able to speak Spanish. As soon as it occurs to them that I would be more comfortable speaking English — this generally happens after a sentence or two — they do so. This seems the best of both worlds: real bilingualism, not the Orwellian phenomenon of the same name that keeps schoolchildren from ever learning English.

By addressing me in Spanish but being willing and able

to speak English if I prefer, Hispanic Americans are welcoming and including me, maybe even complimenting me. I am made to feel like an insider, not a foreigner; and I get to learn a little Spanish. This is the very opposite of the Paris Syndrome, in which control over the choice of language is wielded to establish dominance and in which little or no useful information is exchanged. In America beyond the melting pot, assimilation works both ways.

Perhaps the Cubans I have encountered on previous visits to Miami are altogether different people than those the *Time Bomb* people are worried about. Most of the ones I meet are as American as I am, unless I get extra credit for being monolingual. Indeed, these people have much in common socially and culturally with my own family in Louisiana. Although most of us born since World War II and the invention of television have grown up speaking only a few words of French, this makes us sad and a little embarrassed; and we know from our grandparents that it is possible, even easy, to be a true cultural Cajun and a true patriotic American.

The Cuban-Americans seem to be getting both parts of this equation right. Even those who grew up here seem to speak Spanish fluently and often, but they also speak English without a Hispanic accent. Some aspects of assimilation can be disconcerting: one young man introduces himself as Angel, pronouncing it as in English. I have not met anyone who has done this with the name *Jésus*. In a related development, however, I know a few Cubans who have left the faith of their fathers for evangelical Protestantism.

The Miami Cuban residential pattern is like that of Italian-Americans in the middle of this century: ethnically mixed suburbs, ethnically homogenous working-class neighborhoods, no slums. Cubans do not contribute disproportionately to crime or to the welfare rolls. In the two congressional districts dominated by them, the Republican primary is tantamount to election; but in the current mayoral campaign many Cubans are supporting a conservative Anglo Democrat against a nominally Republican Cuban who is deemed insufficiently anti-Communist. With immigrants like these, who needs nativists?

September 18, 1993 (Saturday)

Early in the morning I meet Nick Gutiérrez, who has arranged for us to fly over the ocean, a few miles from Cuba, with *Los Hermanos al Rescate* — Brothers to the Rescue. We will be looking for people who have escaped from Cuba on small boats, rafts, and inner tubes.

I met Nick a few years ago when he was president of the Georgetown chapter of the Federalist Society, a group of conservative and libertarian law students. He is now an associate at a downtown law firm — the "blue chip" kind with three English names on the door, but a number of the partners and nearly half the associates have Spanish surnames. Nick is also the president of a group called *Puente de Jóvenes Profesionales Cubanos* (Bridge of Young Cuban Professionals). Like any number of other exile organizations, the Puente wants to help determine the shape of Cuba after Castro. Specifically, it wants a "democratic Cuba with constitutional safeguards and a free market economy."

Some of these young people, including Nick, are hoping that free markets and constitutional safeguards will begin with the return of the property that was confiscated from their own parents after the revolution. This issue is complicated and controversial, but it is generally agreed that the luckiest exile families are those whose homes were nice enough to be turned over to high-ranking Communist officials. It should be both politically unproblematic and morally satisfying to dispossess the current occupants of these homes — in contrast to the innocent third parties who have been assigned to most confiscated houses — once the government falls. Moreover, some residences of party officials have been well-preserved while everything else in Cuba has crumbled. A few young Cuban-Americans have taken advantage of the recent relaxation of travel restrictions to conduct discreet inventories of what is left of their families' homes and businesses. Most, however, prefer to postpone their homecoming to a time when it will not generate hard currency for Castro. They all expect this time to come soon.

Nick and I drive north and west of the city to Opa-Locka Airport, on the edge of the Everglades. The Opa-Locka runway is shared by a private aviation terminal and a Coast Guard base. The Coast Guard side is where we INS employees would catch planes for Guantánamo, the United States naval base on the south shore of Cuba, where we used to interview Haitian boat people who had been intercepted on the high seas.

During the time of the Guantánamo operation, those Haitians who were found to have a "credible fear of persecution" were brought into the United States to apply for political asylum. Those who were deemed ineligible for asylum because they were fleeing other things than political persecution, or just looking for a better life — about 65% of those encountered — were returned to Haiti on Coast Guard cutters. The INS asylum screening on Guantánamo stopped in May 1992, when our government decided that the 35% screen-in rate was acting as a "magnet" for an unacceptably large number of departures from Haiti. Since then the Coast Guard has been interdicting boats full of fleeing Haitians and repatriating them without asylum interviews. Opa-Locka was part of all that, and so was I; and so I find some awkwardness but also some comfort in our new association in an enterprise whose goal is to bring *balseros* — raft people — into the United States, no questions asked.

At the Opa-Locka terminal there is a group of older men, with a few young ones and two young women, sitting at a round table drinking cafe cubano. Most are wearing T-shirts and baseball caps with the Cuban flag on them, or with a stylized drawing of the flag along with a wave, a boat, and a seagull. Nick and I stand respectfully outside the circle. After a minute or so the man who seems to be in charge looks over.

"¿Qué tal, Nick?"

"¿Qué tal, Don José?"

This is José Basulto, who organized the Hermanos two years ago and who, as I have been told several times in reverential whispers, fought at the Bay of Pigs. He is sharing what seem to be intelligence reports with the assembled pilots and spotters: We may pick up our one-thousandth person today. There are a lot of people out on the water today, even including some military people. Things are really falling apart in the country. It looks like Castro will be out in two or three months.

In a few minutes a television crew from Orlando arrives, and Don José switches from Spanish to English. He reminds the pilots not to drop food and water to the balseros unless it is absolutely necessary: a package can hit the water with the force of a cannonball. Besides, going three more hours without water, until the Coast Guard comes, will not kill these people. Jumping into the water to get the package might kill them. And remember: if you have problems, I am your ambassador on the ground.

Each of the pilots is assigned an area somewhere between Florida and Cuba and a code name: Carlos will be Gull Bravo today. No, Carlos is always Charlie. Okay. And where is Gull Alpha? Señor Alpha, check out Elbow Cay. See if the people who were there last night have been picked up. If not, I am gonna raise hell. Now let's go. Of course, we are gonna pray first.

We say the prayer on the runway, joining hands. We pray for safety, for luck, and to be together soon in Cuba.

Five minutes later, Señor Alpha has already taken off, in a tiny single-engine plane festooned with Hermanos al Rescate stickers. The two young women are with him. The plane to which Nick and I have been assigned takes a while to fuel up, and then there are some negotiations about whether the airport maintenance people gave us the right sorts of life jackets. I am impatient: I sense that all the luck and all the balseros will be with Señor Alpha today.

Our pilot, Gilberto, is a businessman who owns his own plane and spends most of his Saturdays flying with the Hermanos. The pilots donate their time and the use of their planes; the organization pays for fuel and a part-time secretary.

The copilot, Arturo, introduces himself as a former captain in the Venezuelan Air Force. He is only 29, but he is a man who knows a lot about a lot of things — about Cuba, about Florida, about airplanes and politics and why things happen the way they do — and who is not unwilling to share this knowledge. After the counter-revolution he will be the obvious choice for minister of information. It is good to have him in the plane, because he knows how to keep a conversation going, and it turns out that the principal occupational hazard of staring at the ocean for hours on end is the danger of falling asleep. Several people have warned me of this danger. They all add that if I fall asleep, someone might die.

Many of the balseros do die. Often the searchers find empty rafts or inner tubes; occasionally they have found bodies, or parts of bodies. Usually, however, the only evidence is circumstantial: someone in Cuba telephones a friend in the United States to ask that the Hermanos or the Coast Guard make a special effort to find their son or brother, who is somewhere out on the ocean. Most of the time, about three-fourths of the time, the person is never found.

Finally we are airborne. For a few minutes we fly along the coastline, past the city and Biscayne Bay and the northern tip of Key Largo. Then the Keys fade away to the west and we head due south over the ocean, toward Cuba. After a few minutes a sleek white corporate-looking jet swoops down out of nowhere and flies alongside us, close enough that we can see faces in the cockpit. Arturo tells me it is a Cessna Citation 550 belonging to U.S. Customs, engaged in a search for drug dealers. After a minute or two it pulls away and climbs quickly back into deep heaven.

When we cross the twenty-fourth parallel, over international waters about 40 miles from the coast of Cuba, we come into the range of "Havana Center" air control. Gilberto duly reports our presence in the area, and a man answers in American-accented English. Maybe this is Axis Sally's grandnephew, or maybe just a long-lost member of the Yale Class of 1969. Gilberto tells him we are going to be flying around in the area for five-and-one-half hours. Havana Center requests no further information and has presumably figured out who we are, but Gilberto adds: Brothers to the Rescue. He says it in an over-and-out sort of voice, with the merest trace of Hi There Fidel. Notwithstanding my fondness for people who help tyrants to read things without their spectacles, this worries me.

Arturo says not to worry. Nobody bothers you unless Fidel wants. But what if Fidel does want? Well, then they would bother you no matter what you say.

At least once Fidel did bother the Hermanos. This was in 1991, a few months after they had begun flying. In those days they did not bother to report their presence to Havana Center. Then one day a MiG flew out to investigate. A few minutes later two F-16s from Homestead Air Force Base flew out to investigate the MiG. Eventually everybody went home, but Havana subsequently sent a message that it could "not guarantee the safety" of the Hermanos. This was no surprise to the Hermanos, who had never regarded the Cuban government as an especially reliable guarantor of safety, but they began reporting to Havana Center.

They do not, however, reveal their exact search pattern. Once, during a discussion over the radio among several of the pilots, the ambassador on the ground admonishes, "Gentlemen, we must maintain security at all times. Don't go giving away your position." The danger is not so much that our planes will be shot out of the sky as that if we find any balseros, they will be picked up by Cuban gunboats before the Coast Guard can get to them. Most of the people picked up by the Cuban government are brought back to be tried and imprisoned, but there are stories about gunboat crews using raft people for target practice. So we report our position to Opa-Locka by reference to our progress along the secret flight path rather than to latitude and longitude, and we keep

an eye out for gunboats.

Just before we arrive in our designated search area, we see Elbow Cay off to our right. Like the other islands between Cuba and the Florida Keys, it is small and uninhabited and belongs to the Bahamas. Because we have not heard anything on the radio about the people who were there yesterday, I gather that the Bahamian authorities have come for them.

At 10:03 a.m., however, Gull Alpha reports six people on an island called Anguilla Key. The pilot reports how to find them. José Basulto will call the Coast Guard, who will call the Bahamians. Congratulations all around.

A few minutes later we arrive at Cay Sal, the only island in our own search area. Arturo tells us to get ready, we are going to "orbit it." We fly around the island, checking for rafters who may have washed ashore. On the far shore are two abandoned buildings. There are also small boats. We see no people, but Nick thinks he sees footprints, so we go around twice more.

I see no footprints, just a perfect white beach and turquoise water. I resist this thought, feeling like a man who has just found himself coveting his neighbor's wife in church. Anyway, the plane could never land there. Eventually we decide the boats must belong to whoever once owned the houses.

For the rest of the morning and into the afternoon we fly back and forth, 500 feet over the ocean. It is hot. They were right to warn me about the danger of falling asleep. Looking for small objects on the surface of the ocean is like grading law exams: excruciatingly boring, but unlike most boring enterprises in that it requires your attention to be riveted upon its object at all times. You must not miss a single detail lest you commit a grave injustice. We do our best, and we manage to stay awake, but we do not save any lives today.

When we return to Opa-Locka we find Señor Alpha washing his airplane. He is Alfredo Sánchez, a tall, greying man who seems athletic and slightly professorial, and he is about to put another Hermanos al Rescate sticker on his plane. There are perhaps 20 of them, each with the drawing of a flag and a wave and a seagull, one for every time Alfredo has helped to rescue someone.

Today Alfredo's copilot, Virginie Buchette-Puyperoux, was flying the plane when they arrived at Anguilla, about 30 miles north of Cuba. Virginie flew about 300 feet over the water while Alfredo and his daughter Sofía scanned the island.

Then Alfredo saw the people. "They were hard to see, because they were in the bush toward the center of the island, away from the shore. But there were five of them, waving at us, and one of them had an orange flag. We went back ten to 15 times, and sometimes we could not see them. We dropped a message that said, stay there, someone will come. They were very happy, and they waved again. Then we continued our search. Of course, if it had been a raft instead of people on an island, we would have circled until they were picked up."

Alfredo Sánchez escaped from Cuba in 1962. Now he owns a sugar cane farm near Palm Beach, and he has been flying with the Hermanos since the beginning. He regards these missions as an obvious thing for him to do, and the quest of these Cubans for safety and freedom as his own. Some of the people he has helped to rescue have later flown with him, looking for other balseros.

Virginie, an articulate and dazzling young Frenchwoman, is one of several non-Cubans who flew today. She is a commercial pilot who gives flying lessons out of Opa-Locka, and she learned about the Hermanos when a Cuban-American colleague began flying rescue missions. Virginie joined not because of any special interest in Cuban politics, but because she thought it would be "fantastic to save a life." These were the lives she was in the best position to save, and now she does it two or three days a week.

I ask Virginie whether she is concerned about the potential immigration consequences of her activities, or about the possibility that an ongoing rescue program could operate as a "magnet" to encourage more unsafe departures. She points out that people were risking their lives to escape Cuba long before there were any rescue missions. While she agrees that too much immigration can be a problem, "the handful of people we save will not cause any problems for America."

September 19, 1993 (Sunday)

The news today is all about Cuba. On Friday a Cuban air force pilot took his MiG on a 13-minute flight to Key West, flying 50 feet above the water at 500 miles per hour to avoid radar detection. He requested political asylum upon his arrival. Another Cuban is in a Miami hospital after having his foot blown off in the minefield the regime has planted around the United States base at Guantánamo. "At least I am free," he tells a *Miami Herald* reporter. "Here with one foot, I am a man anyway. There, with two feet, I was just a dog."

The most amazing recent news is the arrival in Miami of several balseros who had been forcibly returned to Cuba after being picked up by a Mexican vessel. Cuban-American organizations and members of the Florida congressional delegation lodged urgent protests with Washington. In what must have been an interesting series of negotiations, our government convinced Mexico to convince Havana to let this group of balseros leave instead of prosecuting them under Cuba's harsh illegal-exit laws.* They flew to Mexico and then to Miami. The Cuban community celebrated all week, except during the funeral service for the seven members of the group who died during the sea voyage.

Cubans here are less enthusiastic about the latest piece of news, which is that Havana has turned over two accused drug smugglers to our Drug Enforcement Agency. A month ago the suspects drove their speedboat, the *Thief of Hearts*, into Cuban territorial waters in order to elude a pursuing U.S. army helicopter. The Cuban government took them into custody, and yesterday the DEA flew to Havana for what the *Herald* characterizes as "a historic transfer of prisoners" to complete "the first U.S.-Cuban drug bust."

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* According to a story by *Miami Herald* reporters Alfonso Chardy and Lisette Alvarez, leaders of the Cuban American National Foundation also negotiated directly with Mexico. The Foundation had earlier decided to support NAFTA, but might have reconsidered its support if nothing had been done about the deported balseros.

Cuban exiles have nothing against drug busts, but many of them oppose any expansion at all of our relations with Castro. They worry that this case may be part of a pattern — fewer travel restrictions, new telephone service, a rumored renewal of negotiations on longstanding immigration disputes — that will allow Castro to extract important concessions in other areas, or at least to shore up his tottering domestic and international support by claiming a dramatic change in his relationship with the United States.

Nor is it even clear that a closer relationship with the Cuban government is on balance a particularly effective drug enforcement strategy: there is reason to believe that the biggest drug smuggler in Cuba is the government itself. A few months ago the U.S. attorney in Miami was reported to be preparing an indictment against a number of Cuban officials, including Raúl Castro, the brother of Fidel, alleging a longstanding conspiracy to import massive amounts of cocaine into the United States. Nothing appears to have come of this project, and today DEA Administrator Robert Bonner is quoted as saying that the *Thief of Hearts* case is "an important step forward in our bilateral, counternarcotics relationship."

Today I drive to Key West to visit the Cuban Refugee Transit Home, where most rescued balseros begin their new lives in the United States. The Transit Home is located in a modest building in an even more modest neighborhood, surrounded by take-out restaurants and aging trailer homes with wooden porches attached and something that looks like a permanent yard sale. In back of the Transit Home there is a collection of balsero artifacts, including some of the rafts themselves. They range from six to 18 feet long, and from absolutely pathetic to nearly seaworthy.

The people on duty this evening — all Cubans, all volunteers — tell me I should have come earlier. There was a group of several people, men and women and children, who had been rescued yesterday. They had only been on the water for a couple of days. On Friday they saw a fighter plane coming toward them from Cuba, flying fast and low. At first they thought it was the government looking for them; then the plane flew by and they understood. It was the MiG pilot on his way to Key West. They waved and cheered, and the first thing they asked when they were rescued the next day was whether the pilot had arrived safely. They left a couple of hours ago for Miami, where they will be resettled by the U.S. Catholic Conference.

A young man comes in with plates of food for the volunteers. He has flown today with the Rafters Rescue Legion, a new group that flies out of Key West. Today he saw Cuba for the first time in his life. He says this softly, in English: *I saw Cuba today. I saw Cuba.*

The only balsero at the Transit Home tonight is Vicente Torres. He is 29 years old, and he was rescued three days ago after spending two weeks on the ocean.

Vicente lived in Havana, in an area called Arroyo Naranjo. He was the manager of a market. He says he resigned before he left, because "if they catch you, the sentence is higher if you have a job. They claim you stole goods from your place of employment."

He planned his departure for two months, telling no one. "*La seguridad* tries to find who is preparing an illegal exit. Whole families have been arrested when rafts are found in homes." So Vicente purchased an inflatable raft in another city, telling the black-market vendor that he planned to resell the raft "as a business deal."

Vicente left at 9 p.m. and rode his bicycle to the ocean, carrying the raft and two inner tubes in a sack. Then he threw the bike away, inflated the raft and the inner tubes, and put out to sea.

"The experience? There is nothing to compare. I had calculated six to seven days, but I got lost. I don't know whether I was in the Gulf or the Atlantic Ocean. On the second night a Cuban boat bumped me, maybe by accident, maybe on purpose. I did not reveal myself. I escaped the propellor.

"During the two weeks I saw several boats. They saw me but would not help. The one that came closest was a container ship, on the fourth day at about 10 a.m. I do not understand what the words mean in English, but I could read the letters on the back of the ship: M-E-A-T-L-O-A-K. The captain saw me and he changed course and sailed away.

"On the fourteenth day, I was rescued by a ship called the *Melbana*. They circled until the Coast Guard came.

"I hid from the sun under the inner tubes. I always had faith in God, but there were moments when I started to doubt. It is a difficult moment. There is nothing to compare."

I ask Vicente why he wanted to leave Cuba. He says he could not support his two children. "I did not have any possibility, because of the level of the life being lived." He quotes various prices of things, blaming them all on Fidel. "I decided to risk my life to see if I could make it to America. Maybe I can bring my children here someday. Maybe they will have a chance."

Now I find myself thinking like an INS interviewer: Vicente does not sound like a political refugee. He sounds more like what we call an "economic migrant." Just to be sure, I ask him whether he had any personal problems with the government, or with the Committee for the Defense of the Revolution in his neighborhood or at work. "No, I do not like the whole situation with the government, but I had no personal problems. I avoided them."

Then how would he respond to people who say there is no room here for people like him, people fleeing economic conditions rather than political persecution? The question is translated, and for a moment Vicente looks at me as though at a madman, or a monster. Then he decides that maybe I just don't get it: *"Es el mismo sistema!"* It is the same system.

"All things are tied together: the political system, the economic system, the social system. I had no ambitions, just to live a free life. But Fidel is putting brother against brother, just to prove that somebody still supports the Revolution."

Vicente will not have to qualify for refugee status in order to remain in the United States. Because he and other balseros picked up by the Coast Guard are "paroled" into the country by INS, they are the beneficiaries of the Cuban Adjustment Act, which provides permanent resident status after a year for Cubans who are lawfully admitted or paroled.

Even in the absence of the Adjustment Act, however, those balseros who did not have the requisite fear of political persecution at the time they left Cuba would probably have acquired such a fear — or at least a solid objective basis for it — in the very act of leaving. Not only the length of sentences typically imposed on persons who are caught attempting to flee the country, but also the rhetoric surrounding enforcement of the illegal-exit laws, strongly suggest that the regime is punishing such people not as routine lawbreakers but as perceived enemies of the state.

Vicente does not know the U.S. asylum law, but he knows what will happen to him if he goes back: "My best friend was sentenced three times, first to nine months, then 18 months, then two years. The judges are strict because they charge you with being *desafecto al proceso revolucionario* — alienated from the revolutionary process." Human rights observers report that sentences can be even higher for balseros charged under a catch-all provision punishing *peligrosidad*, or "dangerousness."

After I have wished Vicente well and turned to go, I have an afterthought, a question I used to ask when I was with the government: How did our people treat you? He brightens. "Beautiful." The Coast Guard? The INS? "Yes. Beautiful. They were all trying to help me. You cannot understand how badly the government treats people in Cuba. Here they were gentle. It is like night and day. There is nothing to compare."

January 1, 1994 (Saturday)

Fidel is still in power. The United States has not charged Raúl Castro or any other Cuban official with conspiracy to import cocaine. On September 28, a week after I left Miami, the Justice Department announced a new agreement for "expanded repatriation of Mariel Cuban felons."

A few Cubans, including relatives of the prisoners, expressed objections to the substance of this agreement. They claim that we have no way to monitor the treatment of prisoners who are returned to Cuba, and that many of those we have returned in the past have "disappeared." Others objected to the timing. Representative Lincoln Díaz-Balart, a Miami Republican, was quoted as saying that "Castro is pursuing these negotiations to create the impression, even on these supposedly technical immigration matters, that the United States is changing its policy. We shouldn't be giving him straws to grasp."

Last week Fidel Castro's daughter applied for political asylum while on a trip to Spain. She says she has no particular objection to socialism except that it causes food shortages, but that she vehemently objects to her father's slogan, "Socialism or Death." She says she believes human beings were meant to live, not die.

The Coast Guard has just announced that the number of balseros recovered in 1993 was about 50% higher than in 1992. This means about 3000 people, as opposed to about 2000 in 1992. The increase amounts to far less than an order of magnitude, and the total is a tiny fraction of the million or so people who wander across the southern border every year. The only thing newsworthy about the Coast Guard announcement is that it was made at all. Government announcements about how many people of a particular nationality have arrived in the United States are often the first sign that this nationality is about to be identified as a special immigration problem. If you are a boat person, even one with a strong refugee claim, this kind of attention is not what you want. Ask the Haitians and the Chinese.

Congress is unlikely to repeal the Cuban Adjustment Act any time soon, even though many immigration-policy aficionados regard it as a "Cold War relic" that gives Cubans an unfair advantage over Haitians and others who are refused entry into the United States unless they can qualify as political refugees. Even without repeal of the Adjustment Act, however, our government could deny protection to Cubans by simply not admitting or paroling them in the first place. No law would prevent us from picking up Cuban boat people on the high seas and returning them directly to Cuba, just as we do with Haitians and have recently begun doing with Chinese. Ironically, we will become more likely to want to do this if conditions become worse in Cuba — even if what becomes worse is political repression. The more intolerable the government becomes, the more people will leave, and the more announcements we are likely to hear about how many more "migrants" reached our shores this month than last month.

The strongest argument in favor of a change in our policy toward Cubans is the tension between this policy and our current policies toward persons of other nationalities. When I was in the government it seemed that equal protection arguments were almost always made in favor of giving less protection to the favored group, never the other way around. When we were deciding what to do with the Haitians, I cannot recall anyone in the government suggesting that we should just let them all in because this is what we do with Cubans. Whenever we were considering a favorable decision with respect to Cubans, however, someone would always ask how it was going to make the poor Haitians feel.

Distinctions can be made, of course, including the one between authoritarian and totalitarian states. Under a rigorous and country-neutral application of the refugee laws, a regime that requires the affirmative economic and moral support of every one of its subjects — and seeks to bring this condition about by creating new kinds of human beings — would be likely to produce many more genuine refugees than an unfree state in which political persecution is pretty much limited to people who shout "Down with the emperor" in front of the imperial palace.

My own position, and that of most of the Cuban-Americans with whom I have discussed the question, is that we should go further to resolve the tension between our treatment of Cubans and of other boat people by resuming refugee interviews for Haitians, and by not repatriating anyone to any place in which he or she has a well-founded fear of persecution. If the government of Haiti or of any other country should begin a Cuban-style campaign of punishing all returned boat people as enemies of the state, then nobody (except serious criminals who have forfeited any claim on our protection) should be forcibly returned to that country.

This does not mean that such people would necessarily come to the United States; there are other safe countries in the world, and most of them owe us a few favors. It does mean that we should begin the discussion by eliminating the options that should properly be regarded as unthinkable.

Even the most starry-eyed Statue of Liberty buffs have gotten the point by now that it is regarded as undesirable for the United States to be stuck with even a few thousand more huddled masses than are deemed economically and culturally useful. A few million such extra people, even if shared with the other civilized nations of the world, would presumably be regarded as undesirable in the extreme. But that the United States — i.e., the good guys — should forcibly return someone like Vicente Torres into the custody of someone like Fidel Castro, and should in the process transform freedom flyers into "alien smugglers," is unthinkable.

June 1, 1994 (Wednesday)

I am back in Miami, looking for Vicente Torres. It's been almost nine months since he arrived in Miami, and I have decided to use him as my case study of immigrant success or failure.

Having had the good fortune not to be a social scientist, I still believe that data is the plural of anecdote. Or at least this: that anecdotal evidence, honestly acquired and honestly confronted, is helpful and perhaps essential for getting to the truth of a matter. Legions of statisticians have addressed the employment and welfare implications of recent immigration. Two legions, to be exact: one has concluded that immigrants work harder and use fewer social services than native Americans, the other that immigrants *both* "take American jobs" *and* resort to welfare in ominous numbers. Some of the analyses on both sides seem convincing, but my attempts to reconcile and synthesize them have been unsuccessful, mostly because the two sides have chosen to count different things. So when I meet immigrants and people who work with immigrants, I ask them awkward questions about their friends and relatives; and when I meet anti-immigration people who tell me they know a woman who gets her AFDC check sent to her in Mexico, I ask for her name and address.

I have been looking for Cubans on welfare, and so far I have not met any. The only ones I have heard about are those who receive refugee resettlement assistance during their first six months here and a few old people on Medicaid. It may be, however, that by beginning my search among the Cuban-American lawyers and journalists I already knew, I preselected my encounters in ways that were destined to reinforce my comforting stereotype. So Vicente is my random sample; he selected himself last September when he inflated those inner tubes. My guess is that he has two jobs and that his English is already better than my Spanish.

My survey is unfortunately cut short by my inability to

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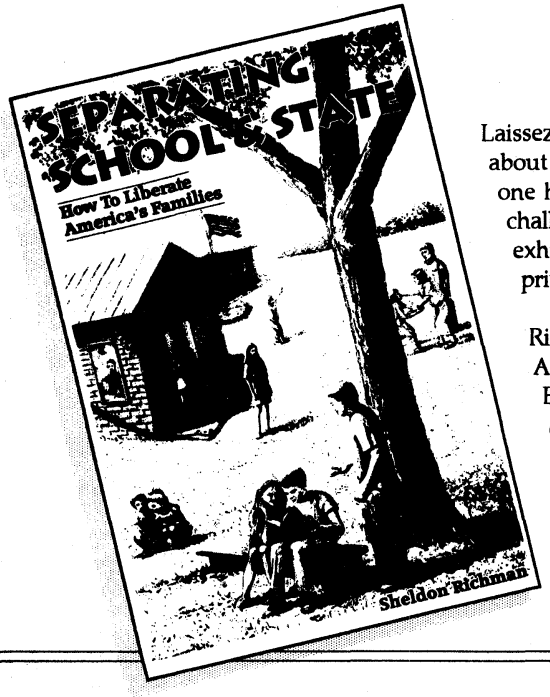

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find Vicente. After numerous calls to various resettlement agencies, I find someone who is able to locate the people with whom he lived for a few months after he left the Transit Home. But Vicente has moved, and the resettlement agencies do not keep track of their clients after they have been resettled. The phone book yields only the information that Vicente Torres is an awfully common name in Miami. I would have known this if I had paid more attention to *The Immigration Time Bomb*. The good news is that refugee resettlement appears to be the only social service program that actually ends when it is supposed to.

During the course of my search I meet Dr. Raúl Hernández, who works in the refugee assistance division of the Catholic Conference. His office is in the section of Miami called Little Havana, but most of the clients today are Haitians. Dr. Hernández has been working with refugees ever since 1980, when he escaped from Cuba in the Mariel boatlift.

He was in his twenties then, already a doctor, working in the western town of Pinar del Rio. He was a devout Catholic and therefore a presumed enemy of the state. The government had allowed him to become a physician anyway, because he got top grades in his science courses and managed to finesse his other classes, which were mostly about Castro. He had wanted to become a psychiatrist, but the authorities said it would be impossible for a Christian to cure mental illness; instead he would only influence people with his fantasies.

Dr. Hernández had applied for permission to emigrate even before Mariel. Instead of getting permission, he became the object of an "act of repudiation," in which a government-organized mob gathers outside the victim's house hurling stones and insults. Then he heard on the Voice of America about the people at the Peruvian embassy.

In May of 1980, a few Cubans managed to evade the cordon of armed guards that always surrounded the embassy. The Peruvians tried to persuade them to leave, but eventually agreed to give them asylum. Castro, in an effort to punish Peru, removed the guards. The predictable result was that thousands of people tried to get in. Buses full of people from all over the country headed for Havana. About 11,000 people managed to get into the embassy grounds. There was no food and no room to lie down. Castro announced that all the people at the embassy were common criminals and *escoria*, "scum," and Communist mobs attacked the people who were outside trying to get in. People were killed.

Dr. Hernández thought the whole thing might be a trap, but he left Pinar del Río for his family home in Havana to await developments. The first thing his father said was, "Why are you here? Why are you not at the embassy?"

Then Castro announced that people who wished to leave the country could do so from the port of Mariel. The standard analysis of this decision is that he was having such fun punishing the Peruvians that he decided he might as well punish the United States as well. But the United States refused to be intimidated: the Carter administration, to its great credit, welcomed the boat people, and allowed hundreds of Cuban-Americans to take boats to Mariel to rescue their friends and relatives. (Although it is not widely remembered, Ronald Reagan also mentioned Cuban and Haitian boat people in his acceptance speech at the 1980 Republican convention, as among those to whom the United States is a "shining city on a hill.") Castro, who had described the refugees as "thieves" and "scum" all along, eventually decided to make these words come true. He dispatched thousands of prisoners and mental patients to Mariel. People who had come to pick up their relatives were required to carry a few passengers from the official government list as well.

Even during Mariel it was necessary to have an exit permit in order to leave the country. No one could get an exit permit without approval from his neighborhood Committee for the Defense of the Revolution. Doctors and others whose skills were useful to the state were not generally allowed to leave. Fortunately, the head of the Committee in Dr. Hernández's neighborhood was a decent enough fellow: he signed a letter Hernández had written saying "this man is an antisocial element," which gave him priority for the boatlift. After a few days at a processing center and a camp called El Mosquito, Dr. Hernández was taken to Mariel and put on a boat for Florida.

Of the 125,000 people who managed to leave before Castro closed the gates again, as many as 20,000 were prisoners, mental patients, and other "antisocial elements." Because the line between political and nonpolitical criminals in Cuba is not a distinct one, it is impossible to know how many of these would have been considered criminals in the United States. We do know that the group included about 5,000 violent recidivist criminals. Castro eventually accepted many of the criminals back; the rest are still incarcerated in the United States. The overwhelming majority of the Marielitos, however, have become productive and law-abiding Americans. As Dr. Hernández points out, the Mariel population differed in certain respects from earlier Cuban immigrants. For one thing, they had less money: "The whole upper-middle class had left in the 1960s." So what distinguished the people who came in Mariel was that "they were able to think. There were writers, artists, professionals. The cultural and intellectual life of Miami was greatly enhanced."

Dr. Hernández, whose flight was motivated by his beliefs and who had been singled out for mistreatment because of these beliefs, would be a refugee by almost any standard. I ask him whether the United States should be more exacting in its scrutiny of those whose motives for leaving appear to have a strong economic component. Like Vicente Torres, he disagrees. "Repression is in your blood. You sleep with repression and humiliation, with not being able to raise your hand. So you think only about survival, and when survival becomes impossible, you have nothing." *Es el mismo sistema.*

August 5, 1994 (Friday)

The Coast Guard announced today that it has picked up 173 Cuban boat people in the last four days. People are start-

ing to come not just on rafts but on large boats, some hijacked from the Cuban government. Whether or not this means that something new is happening in Cuba, it will almost certainly set off a new wave of concern in immigration enforcement circles.

August 8, 1994 (Monday)

Castro has made it official: Another Mariel Boatlift. In response to the recent boat hijackings — and to what the newspapers are characterizing as an anti-government "riot" when the police tried to stop one of the boats from leaving — he blamed everything on the U.S. policy of accepting Cuban exiles. In retaliation he has threatened to let everybody leave.

There used to be a joke in West Germany, as it then was, about East German dictator Erich Honecker. In the joke Honecker is trying to find the strongest possible words to tell his mistress how much he loves her. "I would do anything for you. Why, for you I would even open the borders." And she responds coquettishly, "You're just saying that because you want to be alone with me." Some Cuban-Americans think Castro can no longer afford to let people leave: it would not be hundreds of thousands this time, it would be millions, and this would show the world how terrible things are in Cuba.

I think this is a miscalculation. If Castro opens the borders and even a few thousand people leave, the other fellow will blink. I miss Jimmy Carter.

August 9, 1994 (Tuesday)

Jorge Mas Canosa, the chairman of the Cuban American National Foundation, has announced that Cubans should not leave even if Castro lets them. Instead they should stay in Cuba and "work for democracy." Mas Canosa has long had a close relationship with the State Department; he has been an important restraining influence on the desire of many career officials at State for diplomacy-as-usual with Cuba. Perhaps he is returning past favors, or perhaps he is worried about a political backlash in Florida. It seems unlikely that many people in Cuba will be persuaded.

August 15, 1994 (Monday)

The Coast Guard has picked up over 1,000 Cubans in the first two weeks of this month. This is far more than in any other two-week period since Mariel. It is still, however, a tiny percentage of the total number of undocumented immigrants who come to the United States, mostly from relatively safe places. A thousand people is a quiet evening on the border at San Diego. So maybe if the rate does not increase much beyond what it is now, and Castro does not "officially" open Mariel or some other port, the United States will not rush to change its policy.

August 19, 1994 (Friday)

Today the United States blinked. Having picked up another 2,000 boat people in the last week, our government reversed its 30-year policy of accepting Cuban escapees. Instead of being paroled into the United States, boat people encountered at sea will be taken to a "safe haven" in Guantánamo, and perhaps eventually to various Latin American countries. Those who make it to Florida will be detained in an INS facility and placed in immigration exclusion proceedings.

The new policy is far from indefensible. Offering a "safe haven" instead of asylum or refugee resettlement in the United States is designed to protect people who are fleeing persecution without encouraging migration to the United States for economic or quality-of-life reasons. Our government recently began applying the safe haven policy to Haitian boat people, so applying it to Cubans has the virtue of symmetry. The important thing is that we are not forcing anyone back to Cuba.

Still, this seems a bad time to change our policy in a way that suggests Cuba might not be such a bad place to live after all. In announcing the change, President Clinton said he was not going to let Castro "dictate United States immigration policy." But this is of course just what has happened. Castro did not like our immigration policy, so he decided to make us change it, and we changed it.

August 28, 1994 (Sunday)

The news is all bad. The safe haven policy is deemed not to be working: since it was announced, another 15,000 people have left Cuba. One way to look at this is that the policy *is* working: we have announced that people who flee Cuba will be safe, even though they will not be in our territory, and they are willing to accept this because they would rather be anywhere than in Cuba. Journalists who have inter-

viewed the Cubans in Guantánamo, however, are generally of the opinion that the Cubans are leaving because they still believe they will eventually be allowed to go to Miami. (In contrast, the departure rate for Haitian boat people climbed sharply this spring after President Clinton announced that we would resume asylum pre-screening, then dropped dramatically when we shifted to a safe haven policy for Haitians.)

The administration's apparent plan is to proceed from a policy that is merely ill-advised to one that is affirmatively immoral: direct repatriation to Cuba. At the moment this is not considered feasible. Americans might not be ready for televised reports of people being dragged kicking and screaming back to Cuba, and Castro might not be ready to take the people back. So we are going to negotiate with the Cuban government. The shape of the table at these negotiations will be "low-level" and "strictly limited to immigration." This is announced often, to assure those who worry about such things that there is no plan to end the economic embargo against Cuba. Even so, any number of bad things and virtually no good things could come out of these negotiations.

One sign that at least some government officials would like to start sending people back to Cuba is a report in today's paper, attributed to U.S. government officials, that Castro may have released some prisoners to join the exodus. If what these unnamed officials cared about was keeping criminals out of our safe havens, they would be quietly devising measures to identify them and screen them out. The only purpose served by leaking the story to the press is to create a public impression that the boat people are a bunch of undesirables who are probably in cahoots with Castro. This is a rotten thing to do, especially since the Coast Guard reports that it has yet to encounter an actual criminal. No information has been leaked about how many doctors, teachers, Catholics, Protestants, grandparents, and young mothers with babies are among the boat people.

September 9, 1994 (Friday)

The negotiators announced their deal today. We have done the one thing worse than forcibly repatriating people to Cuba, which is to deputize Fidel Castro as our special agent in charge of making sure nobody leaves. This means he will go back to doing what he was doing a few weeks ago and for 30 years before that. From now on, however, he will be doing it with our blessing.

In return, the United States will accept 20,000 or so legal Cuban immigrants per year. We should have been doing this all along, but it is no substitute for decent treatment of people who manage to escape. A prospective emigrant is not "legal" until he or she gets permission from the Cuban government to leave. Nor is there any evidence of a correlation between the people who can qualify for immigrant status and those who most need our protection.

The chief Cuban negotiator, Ricardo Alarcón, is a smoothie. He is on all the television talk shows, reminding us that Cuba can only agree to our demand with great reluctance, because "after all, the right to leave one's country is a fundamental human right." Alarcón has also announced that Cuba will enforce the human embargo by "persuasion" — wherever possible.

September 14, 1994 (Wednesday)

A story in the *Washington Post* this morning reveals important details of how the latest exodus started. The first in the series of government boats commandeered by people trying to escape Cuba in July was a tugboat called the *13th of March*. About 68 people boarded the boat before dawn on July 13. They made it out to sea but were followed by three other government vessels. When the tugboat was seven miles from shore, the government boats attacked. They "pummeled passengers on its deck with water cannons, then systematically sank the boat by ramming it in unison until it broke apart."

When the boat sank, mothers tried to swim or hang on to floating objects while holding their children's heads above water. They begged the crews of the government boats to save them, but instead the crews turned the cannons on the people in the water. María Victoria García, 28 years old, lost her grip on her ten-year-old son, Juan Mario. He sank below the water. "I never saw my little boy again," Ms. García told the *Post* reporter. "What happened that morning was premeditated murder. It was a massacre."

Thirty-seven of the passengers on the *13th of March* were drowned. The dead included 13 women and seven children. The anti-government "riot" in early August was a manifestation of public outrage at the sinking. These facts have been well-known in Cuba for two months. Dissidents there have begun to call the sinking and the demonstration "Cuba's version of Tiananmen Square." Yet somehow these details were not reported in the United States until today.

President Clinton knew about the sinking of the *13th of March* when he made the agreement with Cuba. Indeed, he cited it as a reason for tightening the economic embargo the day after we stopped accepting balseros. It is hard to believe that the president, who appears to be a weak man but not a bad man, would have made the agreement with Castro if he had known the facts that were reported this morning. He is, after all, the president who finally stood up to his own advisors and stopped the forced repatriations to Haiti when it became clear that "they are chopping people's faces off down there." And yet it is difficult to believe that our government, which sees every sparrow fall when it comes to such matters as hypothetical criminals in boatlifts, could not have known that this is what our new partner and colleague means by persuasion. Perhaps we made a secret side agreement: no more child-killing.

We Americans should have known better. When we defined "another Mariel boatlift" as the one thing to be avoided at all costs, we forgot that there are other things in the world that need avoiding. When our premises lead inexorably to wrong conclusions — when they lead us to do things we would once have called "un-American" — then we must correct our premises. ❑

"Behind Your Back: What Do Other People Really Say About You And Your Libertarian Ideas?"

"Dear Michael,

"Behind Your Back: What do the people you talk to really say about you and your Libertarian ideas? After I leave a conversation and walk out of the room, what do they really say about me and my Libertarian ideas?

"This question has been bugging me since 1991. In 1993, I bought your *Essence of Political Persuasion* tapes. Within 14 days, the people I talked with started asking me to tell them more about libertarianism, agreeing with me more often and treating me nicer. I got compliments!

"Okay, to my face, people seemed to react dramatically better when I used your Political Persuasion formats and approaches. But what were they really saying behind my back?

"I decided to put your tapes to the test. I and two libertarian friends (one woman and one man) started regularly attending libertarian events, meetings and speeches. We also went to "mixed" parties (Parties that had libertarians and non-libertarians). We'd split up, and eavesdrop (Yeah, spy!) on conversations. We were listening for libertarians who were presenting libertarianism or arguing it. We just listened and waited until the libertarian left the group. Then we naively asked the non-libertarians what they thought of the ideas and how they felt about the libertarian who just left.

"Then we did the same thing with me using your *Essence of Political Persuasion* and one of my friends standing quietly by during my comments and discussion. I'd excuse myself. Then, after I left, my friend would innocently ask what the non-libertarian listeners thought of my ideas and how they felt toward me.

"We did this **Behind-The-Back Test** at 41 different gatherings, with 74 different (unsuspecting) libertarians (including 6 nationally known libertarians) in 138 different conversations. We did the **Behind-The-Back Test** with me using your Persuasion methods at the same 41 gatherings, in 87 different conversations.

"I mainly used your 'Political Cross-Dressing', 'Intellectual Judo', 'Rapport Recipes' and 'Words Are Weapons, Words Are Tools'.

"Michael, although I had 51 fewer conversations than my fellow libertarians (87 vs 138), your *Essence of Political Persuasion* got me 14 TIMES AS MANY POSITIVE REACTIONS TO OUR LIBERTARIAN POSITIONS and 27 TIMES AS MANY FAVORABLE FEELINGS TOWARD ME.

"Imagine convincing 14 times as many people about libertarianism and having 27 times as many people really like you.

"Michael, I tested it. I proved it. I did it. If it works for me, it'll work for every other libertarian.

"How convinced am I? Here's $89.85 for 3 more sets of *The Essence of Political Persuasion.*

Name Withheld, Los Angeles, CA

Divorced Mother Gets Job

"Dear Michael,

"...although I have been a homemaker for the last eight years, my divorce made it necessary for me to go back to work. Whenever I felt like 'Why Me?' or 'It isn't fair!', I'd listen to your Self-Responsibility tape, and start making choices and taking action.

"I used your rapport techniques, 'Intellectual Judo' and 'Isolate the Concern' to get a job selling Toyotas. (I have never sold anything, anywhere to anyone 'til now.)

"My first month, I earned $1,700. Then I started listening to your Persuasion tapes during my drive to work and on the way home for 6 solid weeks.

"Michael, my second month, I earned $4,300. I earned $5,800 my third month - and won the Salesperson of the Month award for my dealership.

"Your *Essence of Political Persuasion* training tapes helped me regain my self-esteem, earn a good income and support my son and daughter.

"Michael, you saved my life."

M.B., Miami, FL

Shy Libertarian Gives Speeches

"Dear Michael,

"I used to be the shy guy who quietly sat through libertarian meetings. Since I started using your Persuasion Tapes, my communications skills and self-confidence have skyrocketed. I joined Toastmasters, and practiced 'Political Cross-Dressing' and 'Reverse Macho Flashing' from your *Essence of Political Persuasion* on them.

"Now I'm giving libertarian speeches to Service Clubs in my town.

"I used to be Clark Kent. Now I'm faster than Brady Bill bullets, more powerful than an Amtrack locomotive, and able to leap IRS buildings at a single bound."

C.N., San Antonio, TX

1-900 Libertarian Phone Sex?

"Dear Michael,

"The libertarian movement is like 1-900 phone sex. We spend hours talking with people about all the amazing things we're going to do, what it's going to be like and how good it'll feel. We spend hours Liber-teasing each other until we get our fantasy release.

"I'm married. My wife and I have a young daughter. Being a good husband and a good daddy to our little girl takes commitment and work. But I wouldn't trade one minute of my marriage or my family life for any amount of phone fantasy talk.

"I want real individual freedom in my life time. Your *Essence of Political Persuasion* audio tapes have given me the skills and confidence to bring more people into the libertarian movement and get them active.

"I'm fed up with liber-fantasy. I want liber-reality. We can't lose with the stuff you use. Your Persuasion tapes are the shortest distance between 2 minds."

C.M., Portland, OR

Captain Convinces Commander

"Dear Michael,

"The other night, at a social event, I got into a conversation with fellow officers over foreign policy. My Commanding Officer overheard our discussion and joined in.

"I used your 'Welfare Pigeons' and other Self- Responsibility ideas, 'Political Cross-Dressing', and turned your 'Welfare Junkies' Metaphor into a 'Warfare Junkies' Metaphor. We talked for a couple of hours.

"A few weeks later, I ran into my Commanding Officer at another gathering. He waved me over to his table and introduced me to his guests as the man who had convinced him that Europe should pay for its own defense. He then repeated my persuasive case for his guests. We had an interesting, thoughtful discussion.

"By using your persuasion methods, I was able to change the mind of a man in a position of authority. Please tell your readers that they can change the minds of leaders, centers of influence, professionals, bosses and others in positions of authority. All they need is your Persuasion Tapes and a little practice."

Captain stationed in Germany

Do you really want more people saying, "Yes, I Agree!" when you present libertarian ideas?

Do you really want the people you talk with to start advocating libertarianism to their friends?

Would you like to be invited to dinner parties because people enjoy hearing your libertarian ideas?

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You've seen a handful of the letters I get. I'm grateful I can be part of our success.

During the next few weeks, you may talk to someone who has the potential to become the next Thomas Jefferson or Tom Paine, the next Rose Wilder Lane or Ayn Rand, the next Henry Hazlitt or Ludwig Von Mises, the next Robert Heinlein or Kay Nolte Smith...or even greater.

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Will you sow freedom in their fertile minds?

Will you lead them down the path less taken...to liberty?

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Taxonomy

Crimes of Opportunity

Taxes are rising everywhere. But some places' taxes are rising faster than others'.

Government is the fastest-growing industry in the United States. An examination of the growth in taxes between 1981 and 1991 indicates that, taking into account changes in the cost of living as reflected by the Consumer Price Index, state and local taxes rose an average of 29.5% per person during the ten years ending in 1991. Per capita federal taxes, in contrast, rose "only" 11.1% during the 1980s — again, after adjustment for changes in the cost of living.

Two obvious — but not widely appreciated — conclusions can be quickly drawn from these facts.

1. Despite all the talk of tax-cutting, the widespread tax revolt, and the election of anti-tax candidates, taxes rose very substantially during the "decade of greed."

2. Taxes are growing faster — almost three times as fast — at the state and local level than at the federal level.

As with overall levels of taxation and total personal taxation, there are wide variations from state to state. Taxes rose fastest in New Hampshire. They declined significantly in two states: Alaska and Wyoming. Curiously, those three states are all low-tax states by one measurement or another: Alaska and Wyoming have the lowest personal tax rates in the nation, while New Hampshire has the lowest rate of taxes as a portion of total personal income.

But there is a relatively simple explanation for this phenomenon: taxation is a crime of opportunity. With a prosperous economy and the lowest taxes in the country, elected officials in New Hampshire were able to increase per capita taxes by a whopping 58%. The reason per capita taxes declined in Alaska and Wyoming is that they both collect most of their taxes from the energy industry, which moved from boom in 1980 to bust in 1990.

Eight of the ten states in which taxes rose fastest began the decade with below-average taxes; four of those states began the decade in the bottom ten. It should not be surprising that New Jersey and Connecticut, the two states whose tax increases made the "top ten" in 1990 after beginning the decade with below-average taxes, both face significant tax revolts. (Despite its huge tax increase, New Hampshire both began and ended the decade with the lowest taxes as a percentage of gross personal income.)

All of the ten states in which taxes grew most slowly began the decade with above-average taxation. Six of the ten began the decade ranked among the ten highest-tax states.

The sad fact is that in today's political culture, taxes rise as fast as people will tolerate them. And sometimes faster. At the current rate of increase, state and local taxes double every 27 years. It is small consolation that the day will eventually come when Americans will have to ask themselves how long they can continue to increase the size of government without destroying the economy.

As is obvious from the map to the right, there is a regional pattern to the rate at which taxes are rising. In states east of the Mississippi, taxes rose an average of 33.6% during the past decade; west of the Mississippi, the average increase was "only" 22.1%.

Here are tax increases broken down by regions:

Region	Increase 1981-91	Taxes per capita 1991
New England	38.6%	$3,176
Mid-Atlantic	34.9%	3,603
South	30.6%	2,532
Midwest	29.6%	2,825
Plains	20.6%	2,672
Mountain	20.4%	2,821
Pacific	22.7%	3,416

Happy taxpaying! — *R. W. Bradford*

Increase in state and local taxes per capita, 1981–1991

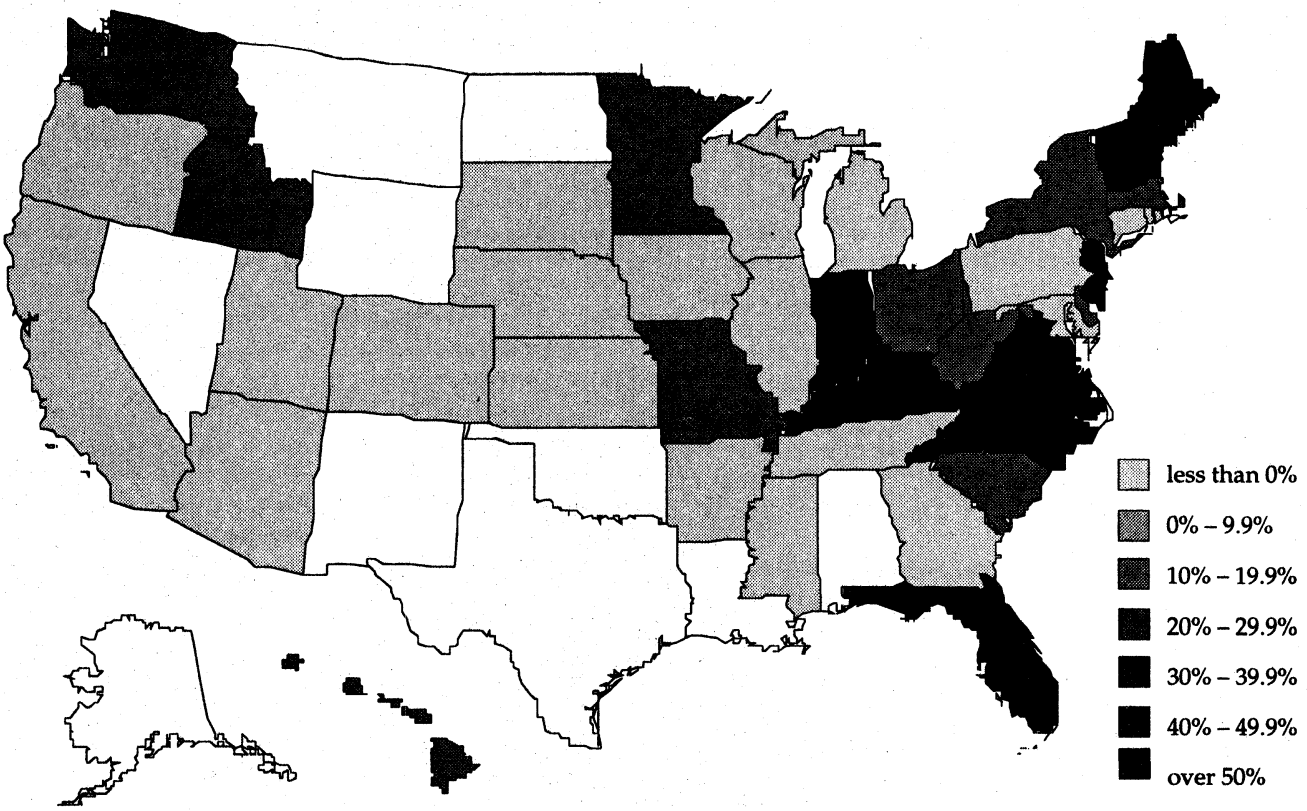

State	*1980-81*	*1990-91*	*change*	*rank*
Alabama	$ 1,938	$ 2,254	16.3%	10
Alaska	19,734	11,044	-44.0%	1
Arizona	2,192	2,805	28.0%	27
Arkansas	1,534	1,957	27.6%	24
California	2,679	3,309	23.5%	18
Colorado	2,338	2,983	27.6%	25
Connecticut	2,315	3,389	46.4%	45
Delaware	2,613	3,457	32.3%	33
Dist. of Col.	3,218	4,907	52.5%	50
Florida	1,914	2,834	48.0%	48
Georgia	1,966	2,526	28.5%	28
Hawaii	2,884	4,000	38.7%	40
Idaho	1,812	2,388	31.8%	31
Illinois	2,294	2,813	22.6%	17
Indiana	1,806	2,574	42.5%	43
Iowa	2,241	2,865	27.9%	26
Kansas	2,222	2,781	25.2%	20
Kentucky	1,660	2,454	47.8%	46
Louisiana	2,321	2,660	14.6%	9
Maine	1,852	2,741	48.0%	47
Maryland	2,501	3,035	21.4%	15
Mass.	2,536	3,319	30.9%	30
Michigan	2,499	3,012	20.6%	13
Minnesota	2,646	3,525	33.2%	34
Mississippi	1,657	2,056	24.1%	19
Missouri	1,665	2,224	33.5%	35
Montana	2,443	2,529	3.5%	5
Nebraska	2,260	2,878	27.4%	23
Nevada	$ 2,582	$ 2,904	12.5%	7
New Hampshire	1,679	2,658	58.3%	51
New Jersey	2,441	3,647	49.4%	49
New Mexico	2,968	2,941	-.9%	3
New York	3,164	4,362	37.8%	38
North Carolina	1,686	2,387	41.6%	42
North Dakota	2,804	2,899	3.4%	4
Ohio	1,884	2,596	37.8%	39
Oklahoma	2,228	2,489	11.7%	6
Oregon	2,619	2,980	13.8%	8
Pennsylvania	2,059	2,589	25.7%	21
Rhode Island	2,303	2,821	22.5%	16
South Carolina	1,720	2,371	37.8%	37
South Dakota	1,933	2,288	18.4%	11
Tennessee	1,661	2,137	28.6%	29
Texas	2,144	2,543	18.6%	12
Utah	2,014	2,434	20.9%	14
Vermont	2,065	3,017	46.1%	44
Virginia	1,984	2,800	41.2%	41
Washington	2,356	3,173	34.7%	36
West Virginia	1,825	2,406	31.8%	32
Wisconsin	2,425	3,055	25.9%	22
Wyoming	4,596	4,192	-8.8%	2
U.S. Average	2,322	2,964	27.7%	–

Per capita taxes corrected for inflation, in constant 1991 dollars. Data: U.S. Census Bureau, Bureau of Labor Statistics.

Warning

The Bedlamming of America

by Seth Farber

Secret informants, universal surveillance, abolition of constitutional rights — is this the old Soviet bloc, or America after "health care reform"?

In 1992, when the German government opened the files of STASI, the East German secret police, six million of the country's eighteen million citizens discovered that friends, neighbors, even family members had been informing on them. Vera Wollenberger, the member of parliament responsible for opening STASI's archives, was shocked to discover that the man who betrayed her to STASI, sending them detailed reports on her anti-government activity and her personal life, was her own husband.

STASI and its informants believed they were working for the common good, and often surreptitiously intervened in individuals' lives to foster their socialist education. Needless to say, the victims of this surveillance saw things differently. But in the context of East Germany's political culture, STASI was doing no wrong: people who were insufficiently socialist *had* to be "helped" — for their own good.

Bill Clinton's health reform plan may be dead in the water, but 1995 is sure to see both a new White House proposal for "universal health care" and a watered-down Republican version promising the same thing. Such plans establish the foundation for an American totalitarianism, comparable in the scope of its surveillance and its ability to encroach on our private lives to the totalitarian governments of the old Soviet bloc.

All the politically viable medical care plans, whether proposed by Republicans or Democrats, accept the pernicious premise the psychiatric-industrial complex has lobbied for aggressively: "Mental illness is an illness like any other illness." The corollary of this premise is that there ought to be parity in insurance coverage for mental and physical illnesses. The old White House version promised unlimited coverage for inpatient and outpatient treatment of mental disorders by the year 2001.

With unlimited insurance available, psychiatrists would have a strong incentive to find new reasons to incarcerate people and force them to take dangerous drugs. Bounty-hunting school counselors would scour children and adolescents for signs of mental illness, and send their catch off for indefinite stays in psychiatric wards. Multi-million-dollar marketing campaigns would try to convince the American public that mental illness is ubiquitous, and that the afflicted individuals have a "right to treatment" that requires incarceration in a psychiatric hospital. Even if they do not want treatment. Even if they feel that nothing is the matter with them.

Only one obstacle would stand in the way of this future: if psychiatry gets a blank check, the treasury may go bankrupt before the therapeutic police state is fully entrenched.

Building Bedlam

All this may sound unbelievable, even outlandish. But the trend has been underway since the '80s. Universal coverage would only accelerate it.

In the spring of 1992, Rep. Patricia Schroeder, head of the House Select Committee on Children, Youths, and Families, quoted from a Justice Department briefing:

> Current intelligence shows psychiatric hospitals and clinics are defrauding government programs and private insurers of hundreds of millions of dollars annually. . . . Our investigative team found that thousands of adolescents, children, and adults have been hospitalized for psychiatric care they really did not need. . . . Documents, affidavits, and testimony obtained by the Committee will show a systematic plan to bilk patients of their hard-earned dollars, strip them of their dignity, and leave them worse off than before they went for help.

In most cases, the patients did not personally pay for their treatment: the cost was passed along to everyone

who pays health insurance.

Schroeder's conclusions were confirmed by investigative journalist Joe Sharkey in his book, *Bedlam: Greed, Profiteering, and Fraud in a Mental Health System Gone Crazy*. Sharkey, a former editor at *The Wall Street Journal*, notes, "By the end of the '80s, millions of Americans who had never before come into contact with psychiatry were using greatly expanded health insurance benefits and spending stretches of time in the new psychiatric hospitals 20 to 30 days on average, rather than the five or six days a patient with a serious medical problem might spend in a general hospital. It was the triumph of medically-oriented psychiatry, a profession which, according to Peter Breggin, exists now at 'the political center of a multi-billion-dollar psychopharmaceutical complex that pushes biological and genetic theories as well as drugs on the society. It is a political institution licensed by the state, financed by government, and empowered by the courts.'"

In 1984, there were 220 for-profit psychiatric hospitals in the United States. Four years later, there were 440. These hospitals may be privately owned, but they subsist at the public trough. Some of their revenue comes directly from the federal government, which began providing medical insurance in 1965. And some comes from private insurers, whose behavior is channeled by subsidies, tax preferences, and state-level regulation: by 1990, 29 states would mandate that employers provide inpatient coverage for mental health care, 41 coverage for alcoholism, and 27 coverage for drug abuse.

Clinton's proposal for "universal health care" would establish a system comparable to the totalitarian governments of the old Soviet bloc.

Today, psychiatric hospitalization can cost as much as $1,000 a night. Tomorrow, with unlimited insurance coverage, it's likely to cost even more. From 1969 to 1988, private psychiatric hospital expenditures increased from $220 million to $46 billion — an average annual increase of 32.5%. (If defense spending had grown at this rate, by 1989 it would have been $16 trillion — about three times the GNP.)

In 1989, the federal government alone spent more than $360 million on inpatient mental health and substance abuse treatment for its three million civilian employees; the military's CHAMPUS program spent even more. Of all the money spent on health care in the U.S. today, mental health is the single largest expense.

The Market in Children

Children have been a particularly lucrative market. In 1987, the American Medical Association's official newspaper, *American Medical News*, reported that "psychiatric admissions to private hospitals nearly tripled between 1980 and 1986 for those younger than 18. . . . Patients are hospitalized for periods consistent with their insurance coverage and discharged with diagnoses that question whether hospitalization is appropriate. . . . The cost of inpatient psychiatric care is estimated at about $1,000 a day per patient. . . . The hospitalization rates have been particularly startling given that the population of ten-to-nineteen-year-olds declined 11% from 1980 to 1987." In 1987 (the last year with available figures), well over 300,000 children were in psychiatric facilities.

A 1990 federal review of 500 psychiatric inpatient cases found that two thirds of them did not require treatment. A 1993 study by the New York State Commission on Quality Care for the Mentally Disabled found that more than half of the children in state-run psychiatric residences did not belong there, and that "three quarters of the children . . . had no psychotic symptoms and almost all were receiving psychotropic drugs." Jim Kent, vice president of the National Health Professional Programs Corporation Managed Care Company in Tampa, estimated that 80% of adolescent admissions were unnecessary.

These statements actually understate the problem, since they imply that genuinely troubled patients receive genuinely therapeutic treatment. In fact, the programs are almost uniformly punitive and repressive. They seem designed to turn children into docile conformists, to make them accept arbitrary rules, to suppress individual initiative. Professor Ira Schwartz of the University of Michigan described them in the *Journal of Adolescent Health Care*: "It typically consists of rigid and punitive 'behavior modification' regimes . . . characterized by excessive and sometimes lengthy use of isolation; solitary confinement, often for minor misbehavior and rule infractions; mail censorship; and restricted or absolute prohibitions on visitation and use of a telephone." It is not unusual to find excessive use of restraints, handcuffs, and solitary confinement.

The programs seem designed to turn children into docile conformists.

Seventeen-year-old Naomi Clements' parents first confined her to a psychiatric hospital when she was 13. Worried because she smoked marijuana and spent time with youths several years older than her, they were persuaded by slick advertisements that Naomi's spirit of adolescent independence stemmed from a mental disorder. Once committed, Naomi was put on lithium; she was told she was chronically "manic depressive" and that, just as a diabetic must take insulin, Naomi would need to take lithium for the rest of her life. Her reluctance to conform to the draconian rules of the hospitals that housed her was interpreted as pathological resistance. On one occasion, she was put in isolation and strapped to a bed for three days. Another time, after 13 days in seclusion, she made a desperate attempt to get out by eating the room's only light bulb. (This ploy was successful: she was rushed to a regular hospital for treatment.)

Although Naomi recovered from the physical ordeal, the emotional wounds remained. Her parents today regret that they institutionalized her and believe that they were duped by psychiatry. Needless to say, their relationship with their daughter is even more strained now than before.

One of the most common diagnoses

used to justify incarcerating youths in mental hospitals is "Oppositional Defiant Disorder." Here's how *The DSMIII-R Diagnostic and Statistical Manual of Mental Disorders* describes this ailment: "Children with this disorder commonly are argumentative with adults, frequently lose their tempers, swear and are often angry, resentful and easily annoyed by others. They frequently actively defy adult requests and rules and deliberately annoy other people. They tend to blame others for their own mistakes or difficulties." So now childhood itself is a disease!

So, apparently, is adolescence. Many youths in the 1980s were hospitalized for "Identity Disorder," described by the *DSMIII-R* as "Distress regarding inability to integrate aspects of the self into a relatively coherent and acceptable sense of self. There is uncertainty about a variety of issues relating to identity, including long-term goals, career choice, friendship patterns." These symptoms need last only three months and impair "social and occupational (including academic) functioning" to qualify as a mental disorder. Anyone who has not taken leave of common sense will have a hard time distinguishing these "symptoms" from the normal features of adolescent development.

All We Madmen

Just as STASI regarded a third of East Germany's citizens as insufficiently socialistic and a potential threat to political stability, so the mental health professions regard increasing numbers of American citizens as mentally ill and a threat to social stability. In 1988, the National Institute of Mental Health estimated that 30% of all Americans suffer from mental disorders. The latest study, published by the prestigious *Archives of General Psychiatry*, claims that 48% of all Americans will suffer a mental disorder at some point in their lives, and that 30% suffer from a disorder in any given year. The news media dutifully reported this "discovery" as though it were a scientific fact. The *New York Times* headline read "One in Two Experiences a Mental Health Disorder."

Like virtually all psychiatric studies of human distress, the NIMH study is based on the questionable assumption that unhappiness has nothing to do with anything in individuals' lives, but is a manifestation of a medical or biological disorder requiring medical intervention. Like so much of the "science" of institutional psychiatry, this flies in the face of not only common sense, but also any understanding of what it means to be human. "Mental illness" is a misleading metaphor, a smokescreen preventing us from identifying the real causes of distress. A man may be in a state of despair because his wife has abandoned him; a young person may be undergoing an identity crisis at a critical juncture of her life; a boy may be lonely and shy and not have developed efficient social skills for making friends; a woman may have trouble adjusting to the difficulties of growing old. In every case I have dealt with, there is something disturbing the person, and when the problem is identified there is a sense of relief, even if it does not lend itself to an immediate solution.

Anyone who has not taken leave of common sense will have a hard time distinguishing "Identity Disorder" from the normal features of adolescent development.

In studies like NIMH's, the particulars at the root of people's emotional pain are invariably ignored, and the pain is interpreted as a symptom of an illness. The person is then "scientifically" classified and prescribed psychiatric drugs. As the adage goes, if one's only tool is a hammer, one treats everything as a nail. The medicalization of psychological discourse prevents the application of common sense, therapeutic skills, and intuition to the task of alleviating human suffering.

The NIMH study laments that "the majority of people with psychiatric disorders receive no psychiatric treatment," concluding that this "argue[s] for the importance of more outreach and more research to end barriers to professional health seeking." The journalists who reported these "findings" treated them as scientific conclusions, rather than a politically motivated ploy. Yet the authors of the study, printed in a journal read primarily by psychiatrists, did not go to great lengths to conceal their political motives. Indeed, they note that their research provides "the first nationally representative data *that can be used* in the current debate about health care policy in the United States" (emphasis added).

Psychiatrists don't just generate "scientific" documention of mental disorders old and new. They also popularize these "discoveries" through the media, and try to convince as many people as possible that they suffer from them. In the '80s, U.S. hospitals spent an aggregate $1.5 billion on advertising and marketing; a significant percentage of this came from the mental health sector. In Sharkey's words, "Hospital suites now bustled with a new breed of professional: the marketing expert, an executive whose background was often not in health care but in such fields as hotel management, fast food franchising, and advertising."

Television and newspaper ads define everything from poor grades to coming home late for dinner as symptoms of mental illness, exhorting anxious parents to take their children in for a psychiatric exam before it's too late. According to Schwartz, the ads "tell parents the message that if your child is having difficulty, you owe it to yourself as a responsible parent to bring your child into our hospital for diagnostic assessment. If you don't . . . something very terrible can happen to your child. They could end up in jail or committing suicide. In addition, of course, the ads remind parents that their insurance will pick up the tab."

The threat of suicide is one of the most powerful inducements for families to place one of their members in a psychiatric hospital. But R.E. Litman, who has extensively researched the issue for over 20 years, believes that hospitalization *increases* the incidence of suicide. "Psychiatric hospitals are stigmatizing. For most people they are frightening . . . a blow to their self-esteem . . . a sign that they are considered to be a helpless mental case." Whether or not Litman is right, one thing *is* clear: no inpatient program available at private psychiatric hospitals, or any other accredited mental

health care center, has proven effective in predicting or preventing suicidal behavior in their patients.

This abuse inflicted on hundreds of thousands of people could not occur without the complicity of the psychiatric profession and its allies in psychology and social work. Hospitals go out of their way to develop reliable referral sources within the community. An investigation by Texas State Sen. Mike Moncrief found that "social workers, school counselors, probation officers, crisis hotline workers, and even ministers were paid to refer patients to private psychiatric hospitals — people in our communities we have all been taught to trust, not to avoid."

Due Process?

Mental health personnel play a critical role in the scandalous project of turning ordinary people into mental patients. In order to hospitalize someone against his will, in order to convince an individual that she needs to be hospitalized, in order to bill insurance companies or the government for the cost of hospitalization, a psychiatrist or psychologist must first perform a "psychological evaluation." The bogus nature of these evaluations is demonstrated by the fact that mental health workers virtually always find prospective patients to be mentally ill and in need of treatment. Nevertheless these ceremonies provide a facade of scientific legitimacy for what other would be seen as (at best) self-serving manipulation and (at worst) criminal violations of individual rights.

The Supreme Court recognized in *Addington vs State of Texas* (1978) that rules of due process must apply to people in danger of being incarcerated in mental hospitals. Justice Burger wrote, "The Court repeatedly recognized that civil commitment for any purpose constitutes significant deprivation of liberty that requires due process protection. . . . Moreover, it is indisputable that involuntary commitment to a mental hospital after a finding of probable dangerousness to self or others can engender adverse social consequences to the individual." The Court's decision also included this astute comment: "At one time or another, every person exhibits some abnormal behavior which might be perceived by some as symptomatic of a mental or emotional disorder, but which is in fact within a range of conduct that is generally acceptable. Obviously, such behavior is no basis for compelled treatment and surely none for confinement."

By the Court's standard, there is no basis for the confinement of the overwhelming majority of people in psychiatric facilities today. It is simply and plainly a violation of their rights.

So why are they still being confined? Because there is a difference between theoretically having a legal right and actually being able to exercise it. While mental patients' rights are protected *de jure*, in practice they amount to a dead letter.

Youths, of course, have no rights at all; they are at the mercy of their parents, who may be deceived by advertisements or a smooth-talking diagnostician. But even an adult who demands a hearing is unlikely to receive a fair one: judges typically assume that the hospital psychiatrist's "expert" opinion constitutes clear, convincing evidence that the person is mentally ill and dangerous to himself or others.

Psychiatric Pushers

Since the feelings of distress and unhappiness that lead people to seek psychiatric help are not medical in nature, except when they are actually physically ill, it is not surprising that the mental health system has been so unsuccessful in solving them. Because of this, psychiatrists' power has been threatened by competition from nonmedical therapists, who typically charge much lower fees. In the early 1960s, Thomas Szasz and others presented new models for understanding the problems of life, models that refrained from interpreting deviant or troublesome behavior as symptoms of illnesses. At about the same time, pioneers in the family therapy movement — Salvador Minuchin, Jay Haley, Virginia Satir — discovered that thinking of their patients' emotional problems as diseases impeded their ability to help identify and solve them. A wide range of "acting out" or "crazy" behaviors actually emerged from conflicts between family members (or couples); their patients required conflict resolution, not medical diagnosis.

By the early 1970s, as Peter Breggin points out in *Toxic Psychiatry*, "the American Psychiatric Association was in financial trouble. It was losing membership and its total income was $2–4 million per year compared to its current income of over $21 million. . . . In general psychiatry was losing badly in the competition with psychologists, social workers, counselors, family therapists, and other nonmedical professionals who charged lower fees." At the same time, a small group within the profession were criticizing the APA's relationship with the pharmaceutical industry. In response to these criticisms, the APA formed a "Task Force to Study the Impact of Potential Loss of Pharmaceutical Support." The taskforce concluded that many local APA member organizations and various training programs would fold without drug company support.

Breggin summarizes the developments that took place:

> The floodgates of drug company influence were opened and . . . would grow wider each year. Nowadays, dozens of seminars are supported by the drug companies and the individual names of the companies are honored conspicuously with advertisements in psychiatric journals and newspapers prior to the meetings. . . .
>
> In 1980 the APA voted to encourage pharmaceutical companies to support scientific or cultural activities, rather than strictly social activities as a part of the Annual Meeting program. . . .
>
> Whatever function APA had ever filled as a professional organization was now superseded by its function as a political advocate for the advancement of psychiatric and pharmaceutical business interests. Continually reiterated is the conviction that only a medical or biological image can enable psychiatry to compete economically.

By 1985, almost 20% of the APA's revenue came from pharmaceutical advertisements. Their scientific meetings were entirely funded by the drug companies, which are also by far the leading funding sources for academic psychiatric research. To further the cause of medicalizing human life, the APA helped launch an organization of parents of patients, the National Alliance

for the Mentally Ill, which receives funding from pharmaceutical companies and, under the "right to treatment" slogan, demands unlimited power for psychiatrists to drug and incarcerate people.

Biopsychiatry was back in business, under new management.

One unfortunate consequence of the merger of psychiatry and the pharmaceutical industry has been the virtually unrestrained drugging of America.

Television and newspaper ads define everything from poor grades to coming home late for dinner as symptoms of mental illness.

Large segments of the American population are now on toxic psychotropic drugs. Hundreds of thousands of children who are restless in school are given psychiatric labels and placed on amphetamines for years at a time.

The January 16, 1994 *Psychiatric Times* suggests driving this trend further: "The use of psychiatric drugs in children under five years of age is a new frontier. . . . Though limited research exists on the safety and efficacy of pharmacotherapy in pre-school children, some psychiatrists have begun to use drugs such as . . . Ritalin, clonidine . . . and lithium . . . for children with severe cases of distress, aggression, and attention-deficit/hyperactivity disorder."

Virtually everyone who enters a psychiatric facility is forced to take neuroleptic drugs (e.g., Mellaril, Prolixin, Haldol, Stellazine). These drugs have many dangerous and frequently irreversible side effects, the most dramatic of which is tardive dyskinesia (TD), a frequently irreversible neurological disorder that the APA acknowledges will afflict approximately 20% of the people who take these drugs on a long-term basis. Breggin describes the disorder: "TD often begins with uncontrollable movements of the face including the tongue, lips, mouth, and cheeks; but it can start with almost any group of muscles. The most common early sign is a quivering or curling of the tongue. Tongue protrusion and chewing movements are also common and can become serious enough to harm teeth. The hands and feet, arms and legs, neck, back, and torso can be involved. The movements displayed are highly variable, and include writhing contortions, tics, spasms, and tremors. The person's gait can be badly impaired."

At least a million people — perhaps more — suffer from TD in the U.S. alone. Breggin has called TD "probably the worst medically-induced catastrophe in history."

The purpose of these drugs is not to help people overcome problems that make them unhappy, but to make them docile and easy to control. This was frankly acknowledged by the psychiatrists who pioneered their use in state hospitals in the early '50s. Dr. Heinz Lehmann, the man who introduced Thorazine to North America, wrote in 1954 that the drug's purpose "is to produce a state of motor retardation, emotional indifference, and somnolence." The psychological effects of these drugs — emotional blunting, intellectual confusion, apathy, lack of initiative — were so similar to the effects of psychosurgery that by 1955 Lehmann was calling Thorazine a potential "pharmacological substitute for a lobotomy."

To this day, it remains standard practice to force mental patients to ingest neuroleptic drugs. Even if a patient successfully obtains a hearing to protect her right to refuse her "medication," she is unlikely to receive due process for the reasons mentioned above.

Furthermore, although courts have ruled that failing to inform patients of the risk of TD constitutes negligent practice, in my experience patients are almost never told about the risks involved in taking their drugs. Instead, they are told that they *need* the drug and must under no circumstances try to withdraw. But I know many people who have had breakdowns and been labeled "mentally ill" who have nonetheless — with emotional support — weaned themselves from psychiatric drugs.*

Ironically, the same system that does so much to push one set of drugs on the public also profits mightily trying to banish another collection of chemicals. In 1986, approximately 65% of American employee health insurance plans provided for inpatient treatment for substance abuse. By 1990, over 95% did. Although these programs rarely do the targeted drug abusers much good, they bring millions of dollars to the ever-expanding addictions control arm of the psychiatric-industrial complex.

Fight the Power

The hegemony of psychiatrists within the mental health system, the merger of this system with the pharmaceutical industry, the explosive growth of private psychiatric hospitals, misguided regulations mandating insurance coverage for psychiatric treatment — all these pernicious trends would be strengthened by Clinton-style health care reform. Clearly, the president's scheme vests inordinate power in precisely those groups that demonstrated in the 1980s that they cannot be trusted to use power responsibly.

Under a Clintonian medical system, the taxpayer will be charged heavily for services that are unnecessary, ineffective, and frequently harmful. But even worse, basic constitutional rights will be trampled. Trusted friends will become psychiatric informants, seeking out "sick" citizens to turn in for a cut of the insurance windfall. Families will be torn apart as parents send healthy children to therapeutic prisons. A psychiatric STASI will emerge.

The president's scheme vests inordinate power in precisely those groups that demonstrated in the 1980s that they cannot be trusted to use power responsibly.

For these reasons, everyone committed to the basic values of American liberty should oppose Bill Clinton's "reforms." ❑

* See Farber, *Madness, Heresy, and the Rumor of Angels*, Open Court, 1993.

Remapping the Balkans

by George Manolovich

Truth is still the first casualty of war.

Most Americans, following the media's lead, blame the war in the Balkans on "Serbian aggression." The conflict just doesn't make sense to them — but then, few have tried to make sense of it. And a lot of what they're hearing from politicians, pundits, reporters, and "experts" simply isn't so.

Students of Balkan history and culture are bewildered by the contradictions between what they know and what they see and hear. They know that Serbs, Croatians, and Muslim Slavs are not ancient enemies; that the Serbs only appear to be the villains because they have been winning the war, allowing the Muslims to win the victimology sweepstakes; that most of the bloodshed would have been avoided if the international community had allowed the Serbs of Croatia and Bosnia the same right of self-determination that the Slovenians, Muslims, and Croatians enjoyed. But their voices are unheard, drowned out by the drums of the war party.

Serbia Is Not Yugoslavia

Early in the war, the media and the "experts" told us that the Serbs fight because they are still enamored with Communism and the ideal of a single, centralized multi-ethnic state, and that this was why they attacked Slovenia and Croatia. This explanation falls flat. The media have confused Serb nationalists (people who want to liberate and unite ethnically Serb lands) with Yugoslav nationalists (believers of any South Slav ethnicity in the Communist multi-ethnic state) because a series of historical and geographical accidents put these two forces on the same side. But not all Serbs are Yugoslav nationalists, and not all Yugoslav nationalists are Serbs. Conflating the two is like calling Stalin a Georgian nationalist because he was ethnically Georgian.

This distinction becomes clear when one compares two figures: Radovan Karadzic, leader of the Bosnian Serbs, and Slobodan Milosevic, president of Serbia. Karadzic is a Serbian nationalist; Milosevic is a Yugoslav nationalist. Karadzic wants the best possible deal for the Bosnian Serbs. Milosevic wants the largest possible state under his control, regardless of who populates it.

The media call Milosevic a Serb nationalist, but Milosevic's actions belie this characterization. Would a Serb nationalist accept the Contact Group's proposal, which forces the Bosnian Serbs to join the Muslim-Croat Federation and requires them to give up land? Would a Serb nationalist seal the border between Serbia and Bosnia, thereby isolating the Bosnian Serbs? Would a Serb nationalist betray the Serbs of Krajina in order to have good relations with Croatia?[1]

All this raises questions about the media's motives and competence, especially when they use expressions like "Serb-led" to describe the Yugoslav People's Army's attack on Slovenia and Croatia at a time when Croatians, Muslims, and others still shared its leadership. Communists of all ethnic backgrounds opposed Slovenian independence, because it meant their dream of a united Yugoslavia was breaking up. Serb nationalists, on the other hand, had no reason to oppose an independent Slovenia — and they didn't.

Croatia is a different story. In the beginning, Serbian nationalist irregulars and the Yugoslav People's Army fought against Croatian nationalists side-by-side. No more should be read into this than is read into the American-Soviet alliance against Nazi Germany: they shared a common enemy, even though they differed on long-term goals and political philosophy. For the Communists, losing Croatia meant a further blow to the Yugoslav idea. For Serbs living in Krajina — the

enclave claimed by the Croatians in which the overwhelming majority of the locals are Serbs — an independent Croatia with the same borders it had as a Yugoslav republic meant being ruled by the same people who 50 years earlier tried to exterminate them, and who were now openly hostile to them again. Had the new Croatian state redrawn the map to exclude Serbian Krajina from its borders, Croatians would have fought against the Yugoslav People's Army only.

The Serbs only appear to be the villains because they have been winning the war, allowing the Muslims to win the victimology sweepstakes.

History, True and False

The media and the experts have been paraphrasing each other about a history that never existed. "These people have been fighting each other for centuries," they like to say; there are repeated references to "centuries of ethnic hatred." Could anyone in the media tell us which centuries they are talking about? How many examples of this "ethnic fighting" can be found before the twentieth century?

In reality, Serbs and Croatians lived as friendly neighbors for centuries. Area Muslims were considered either Turks or Serbs and Croats who had converted to Islam — the idea of a "Bosnian Muslim" nationality was invented by the Communists in the 1960s.[2] It wasn't until the creation of Yugoslavia after World War I, when these groups were put together in the same state under their own control for the first time, that any animosity appeared. This animosity bloomed full and ugly in World War II, when Croatian collaborators sided with the Axis and were rewarded with their own state. The Independent State of Croatia lasted from 1941 to 1945 and comprised most of the modern republics of Croatia and Bosnia-Herzegovina. Figures vary, but some authors put the number of Serbs killed by the Croatian Nazis at over a million; others were forcibly converted to Catholicism. The concentration camp at Jasenovac was the site of as many as 100,000 executions.[3] Muslims generally sided with the Croatian state, which officially favored them and made a concerted effort to turn them against the Serbs.

Half a century later, most Croatians and Muslims either pretend nothing happened or argue that Serbs must share the blame because they fought back. Had the Croatians and Muslims ever come to terms with their past, the Serb movement for an independent Krajina and a Bosnian Serb Republic would be much weaker.

Developments since World War II have strengthened the Serbian will for independence. During the first 40 years of Communist Yugoslavia, Tito's government strongly discouraged Serbs from displaying any forms of ethnic identity. (Tito himself was an ethnic Croatian, though his loyalty, of course, was to Yugoslavia.) When Croatia declared itself independent in 1992, it declared itself a state for Croatians and made the Serbs an "official" minority. Then it adopted the flag it had used in World War II, renamed streets after Croatian Nazis from World War II, and rechristened its currency after its World War II money.

To get a sense of why the Krajina Serbs reacted as they did, imagine how German Jews would have felt if, following German union in 1991, the Kohl government had adoped the swastika flag; renamed streets after Himmler, Goering, and Hitler; and redubbed its currency the Reichsmark.

War between Serbs and Croatians could have been avoided had Krajina been excluded from the new Croatia. Helmut Kohl and the European Community could have been statesmanlike and conditioned recognition of Croatia on redrawing its borders. Instead they rushed to recognize it as it was.

In Bosnia, events took a different track. When the parliament of the Republic of Bosnia-Herzegovina voted for independence in 1992, the Serbs and Croatians supported the creation of a confederation along ethnic lines. The Muslims, by contrast, called for centralized state, giving Serbs the impression that the Muslims wanted to rule over them, bringing back ugly memories of World War II. Had the Muslims agreed to confederation at the beginning, there might have been no war at all, or only a short Slovenian-style war with the Yugoslavs. Unfortunately, the E.C. built on its example in Croatia — and the U.N. joined in — by extending recognition to Bosnia-Herzegovina with its Yugoslav borders.

So the Bosnian Serbs took up arms, and the Muslims hired a press agency. Yugoslav soldiers — who, by this time, were almost all Serbs — again fought alongside the Bosnian Serb irregulars. When the Yugoslav Army bowed to international pressure and pulled out of Bosnia, the land they held was taken over by the Serb irregulars, who became the Bosnian Serb Army.

Almost all media reported that Serbia had invaded Bosnia and that Milosevic was trying to create a "Greater Serbia." This impression was reinforced by two factors.

First, when Lord Owen and Cyrus Vance arrived to try to solve the Bosnian quagmire, they chose to negotiate with Milosevic; the Bosnian Serb leader, Radovan Karadzic, was virtually ignored. Milosevic, of course, was more than happy to stand in the spotlight and pretend that he spoke for all Serbs, including those from Bosnia who neither elected nor liked him.

The simplistic picture of Serbs in black hats and Muslims in white describes the conduct of the war as poorly as it does its causes.

Second, the media repeatedly referred to the Bosnian Muslims as "the Bosnians" and the Bosnian Serbs as "the Serbs," a linguistic sleight-of-hand giving the impression that the Muslims were the indigenous people and the Serbs were invaders from Serbia. Properly speaking, "Bosnian" is a geographical designation applying equally to any Serb, Croatian, or Muslim from Bosnia.

History, then, suggests two possible interpretations of the war in Bosnia. One is that it is an ethnic and religious war with Serbs getting re-

venge for what happened to them during World War II. This interpretation explains much of the barbarism, but it does not explain why the Serbs expel Muslims and Croatians. Nor does it explain why the Serbs stopped trying to gain land. It also inadequately explains Muslim and Croatian actions. Why does Alija Izetbegovic demand that Bosnia have the same borders it had as a Yugoslav republic? Why did Muslims fight other Muslims in the Cazin region? And why were the Croatians fighting the Muslims?

A better interpretation is that the Serbian nationalists only want to unite the Serbs and the land they stand on[4] and to be free from Croatian and Muslim rule. Croatians and Muslims also want land and independence, but their leaders, Franjo Tudjman and Alija Izetbegovic, want as much land as the U.N. and E.C. will recognize, regardless of who lives on it. In this respect they are much like Milosevic. Thus, the Muslim leadership insists on the "integrity" of Bosnia-Herzegovina, and the Croatians refuse to negotiate on the question of Krajina. The Serbs stopped trying to gain land when they already controlled all the land Serbs lived on, plus some areas they considered strategically or economically important. They seem willing to give up some of the territory they acquired, but are unwilling to be part of a Muslim- or Croatian-ruled state.

Unfortunately, the starting point for all the foreign "peace proposals" (i.e. ultimatums) has been for Bosnia to remain together as one state. The recent proposal by the so-called Contact Group is a typical example. The media reported that the plan gave the Bosnian Serbs 49% of the territory and Muslims and Croatians the other 51%. In fact, the Bosnian Serbs would get zero percent because the plan would not give them independence. Not surprisingly, they rejected it.

Proposals of this sort suggest that the interventionists are more interested in victory for the Muslims than in peace for the region. If they really wanted peace, they could have offered independence to the Bosnian Serbs; the Muslims would have had to live with it or lose international recognition. By insisting on the Muslims' agenda, the "peacemakers" have prolonged the war.

The "Atrocities" Question

And a bloody war it is. Most people are appalled the first time they see the results of battle; the carnage, destruction, and losses stand in stark contrast to their usual peaceful, comfortable existence. This is especially true today, when most Westerners have been fortunate enough to enjoy a lifetime of peace.

Imagine how German Jews would feel if the Kohl government adopted the swastika flag and renamed streets after Himmler, Goering, and Hitler.

In World War II, the Allies firebombed Berlin, Dresden, and other cities until they were almost levelled. Yet American newspapers did not describe those bombings as "atrocities" — reporters were battle-hardened and the bombings were considered an ordinary part of warfare. Today's journalists are as horrified as the rest of us upon seeing war's destruction for the first time: every time a bullet reaches its target, it looks like an "atrocity."

By that standard, whoever lands more mortars and fires more bullets commits more atrocities. In this war, the Serbs were more successful — initially — so it follows that they received worse press. Many of what were called "atrocities" early on were no more awful than the usual horrors of war — which is not to say that Serbs committed no despicable acts.

Lack of battle experience was compounded by a lack of pertinent education. Reporters were often ignorant of the region's language, history, and geography, so they relied on translators and press releases, making their reporting inaccurate and unreliable. Another factor further clouded this already murky picture: the Muslim leadership hired an advertising agency to win the war in the media.[5] Little needs to be said about the tremendous job this agency has done creating a positive (victim) image for the Muslims and a negative (aggressor) image for the Serbs.

This formula of savvy P.R. and inexperienced, incompetent reporting mixed to a potent brew in Sarajevo, where a complex situation was reduced to stories about Serbs shelling the city. Reporters neglected to mention, for example, that when the war broke out, Muslim soldiers occupied the Sarajevo hospitals, that only a small percentage of the hospital rooms continued to function for medical purposes, and that the other rooms became quarters and offices for Muslim soldiers. They also failed to report that these soldiers would point guns at the heads of Serbian doctors while the doctors operated on Muslim patients;[6] that Muslim gunners, sometimes with mortars and artillery, were stationed around the hospitals; that they occasionally fired on Serbian targets outside the city. But they always highlighted the Serbian return volleys that hit the hospitals.

The most damaging story for the Serbs was the Markala Market massacre. In February 1994, the media reported that a "mortar" exploded in a crowded Sarajevo marketplace, killing 68 people. Photos of the dead and television images of the bloodstained concrete horrified the public and prompted NATO, under U.S. leadership, to bomb Serbian targets and create an exclusion zone around the city.

The media blamed the Serbs for the killings, although the Serbs had nothing to gain — and much to lose from the negative publicity. The Muslim leadership, on the other hand, had a lot to gain: more credence for their image as victims and support for intervention against the Serbs. When the U.N. finally finished its report on the explosion, it concluded that Muslim forces were probably responsible.[7] But there was no outcry against the Muslim leadership for bombing their own people.

In short, the media's simplistic picture of Serbs in black hats and Muslims in white describes the conduct of the war as poorly as it does its causes. Ugly acts have been committed on all sides.

Despots and Leaders

Part of the blame for this must fall at the feet of foreigners. One of the tragic ironies of the Balkan war is that the interventionists have actually invigorated the despotic regimes of Slob-

odan Milosevic, Franjo Tudjman, and Alija Izetbegovic.

Milosevic was the epitome of unpopularity a few years ago. In March 1991, over 100,000 protesters gathered in Belgrade to demonstrate against "Slobo" and his government. He used tanks and police to disperse the crowd, but they regathered and were appeased only when the interior minister resigned. Many thought it just a matter of time before Milosevic was gone, too.

Then foreign "experts" Cyrus Vance and Lord Owen stepped in to save his regime and make him more powerful. When the Serbs in Krajina and Bosnia began fighting for independence, Vance and Owen didn't go to Milan Babic in Krajina or Radovan Karadzic in Bosnia to find out what the Serbs wanted. They went to Milosevic, putting him on center stage and making him spokesman for all Serbs at a time when his influence was in decline.

And when they *did* discover Karadzic, the media, especially television news, portrayed him as a madman or crackpot. Ironically, among the major participants, Karadzic is probably the least illiberal. Milosevic recently tried — unsuccessfully — to replace Karadzic with his own man, citing Karadzic's "increasing drift toward capitalism and Chetnik traditions." One of Karadzic's followers replied, "The Serb people did not fight to build socialism."[8] He also may be the least ambitious: Dobrica Cosic, former president of Yugoslavia, stated that Karadzic did not want to be leader of the Bosnian Serbs, but that Cosic insisted on it.[9]

Foreign politicians and reporters have embraced Muslim leader Alija Izetbegovic and his team like friends of the family. How they reconcile this support with Izetbegovic's philosophy — stated in *The Islamic Declaration*, which calls for a Muslim fundamentalist state in Bosnia — is unclear. Izetbegovic, unlike most Bosnian Muslims, is a fundamentalist. Lately, he has been crusading for Bosnian Muslim women to give up mascara and tight dresses and to take up veils and traditional attire. Muslim men from Bosnia, who sometimes like to drink alcohol and eat pork, have been asked to be more Middle Eastern. So far, his attempts have met with resistance, especially among young women.

Embracing Izetbegovic means ignoring or attacking his rival, Fikret Abdic, leader of the Muslims in the Cazin region. Cazin is a Muslim enclave in northwestern Bosnia completely surrounded by Serbian-controlled areas; Abdic declared it an independent state but was ignored by the E.C. and U.N. Unlike Izetbegovic, Abdic seems to get along with his Serbian neighbors; he has even received supplies from them. And though Cazin isn't large, it's bigger than Liechtenstein and probably has as good a chance at survival.

As long as there's a chance the Marines will rush to their side, the Muslim leadership won't sign an agreement that doesn't give them all of Bosnia.

In August 1994, Izetbegovic's army launched a successful offensive against Abdic in Cazin. Not surprisingly, the media neither denounced this aggression nor mentioned that 40,000 Muslim supporters of Abdic fled Cazin ahead of Izetbegovic's army and found refuge in Serbian territory.[10]

International hypocrisy reached its high point in Croatia, where Franjo Tudjman is supported by the West despite his obvious anti-Serbianism and rumoured anti-Semitism. Fanatics have bombed and burned down Serbian churches and houses in Croatia; though the culprits are usually known, few are arrested and fewer are punished.[11] Croatian radio even announces the addresses of Serbs who still live in Croatia, thus helping fanatics locate their next victims.[12] But the West turns a blind eye to Croatia's violence.

The Solution

Why is self-determination fine for everyone in Yugoslavia except the Serbs? The Serbs of Krajina and Bosnia should be allowed the independence they demand. If peace is to come, Western governments will have to tell the Muslims that they will give them no arms and will not support them militarily. As long as there's a chance the Marines will rush to their side, the Muslim leadership won't sign an agreement that doesn't give them all of Bosnia. Being told unequivocally that they should give up such hopes would force them to negotiate.

The Croatians, likewise, should be encouraged to negotiate. They have no legitimate claim to Krajina, and hanging onto it makes it a potential West Bank or Gaza Strip. In addition, the E.C. and U.N. should recognize the Republic of Cazin.

The Muslim and Croatian leadership will not like this solution. But disliking something and being willing to fight against it are different things. The Serbs' backs are against the wall; they believe they are battling for their lives. The other groups have less to lose.

The Muslim and Croatian leaders tell us that they are Westerners. It is time we gave them an opportunity to prove it. ❑

Notes:

1. Milosevic told Zvonimir Markovic, head of the Office of the Republic of Croatia in Belgrade, that the fate of the Krajina Serbs would be decided by the Serbs living there in a referendum, and that "you in Zagreb will not be dissatisfied with its outcome." Quoted in *Slobodna Dalmacija*, translated in *V.I.P. Daily News* (Belgrade), July 19, 1994.
2. Stevan K. Pavlowitch, "Who is 'Balkanizing' Whom?" *Daedalus*, Spring 1994, pp. 206–207.
3. See *Martyrdom of the Serbs* (Palandech's Press, 1943), one of the few books about World War II in Yugoslavia published during the period.
4. Bosnian Serbs now control about 72% of the land of Bosnia-Herzegovina. Although they were 32% of the population before the war, they say they had 64% of the land. This figure may be correct if, as they say, Serbs were primarily farmers and Muslims were primarily city- and town-dwellers.
5. Peter Brock, "Dateline Yugoslavia: The Partisan Press," *Foreign Policy* no. 93.
6. Interview with a Serbian doctor who worked two months in a Sarajevo hospital.
7. *The (London) Times*, February 19, 1994; and *Reuters News Service*, February 18, 1994.
8. *Telegraf* (Belgrade), July 6, 1994.
9. *Duga* (Belgrade), June 1994.
10. For example, *Deutsche Presse Agentur*, August 9, 1994.
11. For example, *Start* (Zagreb), June 2, 1994.
12. Peter Michael Lingens, "Kroatische Variationen zum Thema Hass," *Der Standard* (Vienna), August 8, 1994, p.19.

Ended Quest

by David Ramsay Steele

All men die. (A statement thus far not falsified.)

Sir Karl Popper, the founder of critical rationalism, who died on September 17 in London, was by all accounts a distinguished philosopher. As to the enduring importance of his contributions, opinions differ widely. Among most professional philosophers, Popper is regarded as a respectable thinker, but not one of the stars of the twentieth century. A few other people, such as the present writer, conjecture that Popper's thought is to be ranked with that of Plato, Hume, Kant, and Russell.

Popper's achievement currently looms far higher in the popular and journalistic consciousness than it does in that of specialists in the areas Popper was most concerned with. In this respect he is like Freud, or Sartre, or like George Orwell was 30 years ago (a case where the experts have now fallen belatedly into line with the verdict of a wider public).

Popper's reputation, like Orwell's, suffered a setback in the West because he had committed the mortal sin for a Western intellectual — he was anti-Communist. His celebrity has yet to attain its zenith. Inside the Soviet bloc, Popper, along with Hayek, made even greater strides in intellectual circles, with favorable consequences for the future of this region.

Popper is best known for his two anti-totalitarian works, *The Poverty of Historicism* and *The Open Society and its Enemies* (1944). These works were conceived together in the 1930s, and Popper referred to them as his "war effort." After some years, they made a formidable impact, though most commentary has concerned peripheral issues. Much discussion of *The Open Society* has turned on whether Popper accurately represented Plato, Hegel, and Marx, and much discussion of *Poverty* on whether his construction of "historicism" corresponds to a doctrine anyone has ever believed in. As a Marxist in the 1960s, I picked up *The Poverty of Historicism* eagerly expecting to find a capable attack on my own position, and was disappointed to find Popper capably attacking doctrines I had for the most part never held. (A necessary first corrective to *Poverty* is Alan Donagan's article in *The Philosophy of Karl Popper*.) Popper's interpretation of Plato is still controversial, though Popper's view of Plato as a totalitarian is probably now the majority one.

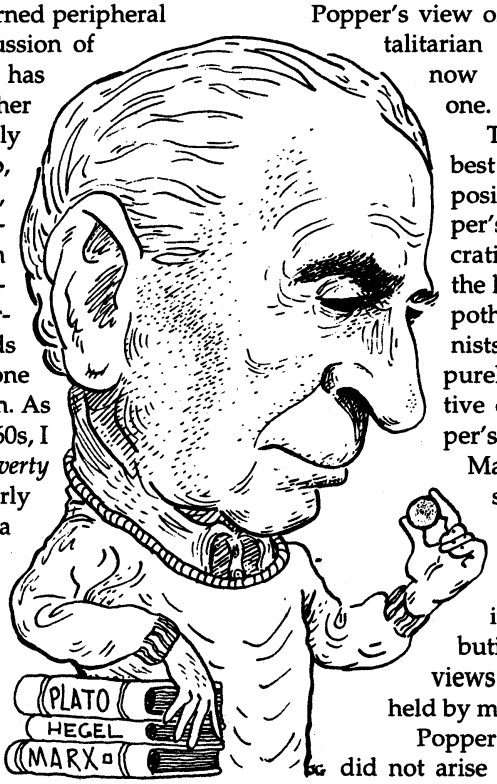

These works are best viewed as expositions of Popper's own democratic credo, with the historical or hypothetical antagonists being treated purely as illustrative examples. Popper's account of Marx, for instance, contains inaccuracies, but these are most often the incorrect attribution to Marx of views that have been held by many Marxists.

Popper's anti-Marxism did not arise from any commitment to libertarian principles. As we learn from his intellectual autobiography, *Unended Quest*, he grew up in Vienna as a thoroughly

committed supporter of the Social Democratic Party, which is to say, at first, the Marxist party, then, after about 1918, the party of traditional Marxists, opposed to Bolshevik methods and therefore opposed to the Communists who aligned themselves wholeheartedly with the new regime in Russia. Although Popper as a teenager decided that Marxism's "scientific socialism" was precisely *not scientific*, he remained an uneasy supporter of the Social Democrats, partly because they were the only major party which truly wanted democracy.

Popper's reputation, like Orwell's, suffered a setback because he had committed the mortal sin for a Western intellectual — he was anti-Communist.

Popper seems to have become more sympathetic to free-market solutions over the course of his life, yet he appears never to have addressed the question of whether there might be any powerful general considerations against relying on the government to get things done. Politically, he seems to have followed the trajectory of most social democrats: pragmatic and surprised acceptance of the fact that, in one piecemeal area after another, the malodorous market would in fact produce better results than government intervention. I don't suppose he ever abandoned his view that "under an unrestrained capitalism" (which, the context shows, means the kind of capitalism Marx wrote about, capitalism with substantially free competition), "an uncontrolled gangsterism of wealth may rule" (*The Open Society*, volume 2, page 127; the work contains many other passing endorsements of interventionism). However helpful libertarians have found many of his specific analyses, Popper was a social democrat, a moderate socialist or enlightened statist, never a libertarian or even a liberal in the mold of Hayek. If, with socialism out of the way, the final struggle is to be between libertarians and welfare-statists, then Popper personally sides with the latter, though the former can make better deployment of his arguments.

Popper's claim to greatness rests in his work on "philosophy of science" — though Popper always saw science as a kind of test case for knowledge in general. Popper's important works in the philosophy of science are his *Two Fundamental Problems of the Theory of Knowledge* (still untranslated); *Logic of Scientific Discovery* (1934); *Postscript to The Logic of Scientific Discovery* (1982–83, in three volumes: *Realism and the Aim of Science, The Open Universe*, and *Quantum Theory and the Schism in Physics*), and his collections of essays, *Conjectures and Refutations* (1963) and *Objective Knowledge* (1972). Also important are his replies to critics in *The Philosophy of Karl Popper*, edited by Paul Schilpp.

Popper claims to have solved the "problem of induction." The problem is this: there are reports of observations (such as: at 3:00 a.m. in Chicago last Wednesday an object was seen to fall to the ground with an acceleration of 9.8 meters/sec./sec.) and there are statements of universal generality, scientific laws or theories (such as Newton's inverse square theory of gravitation). What is the relation between these two kinds of statements?

Traditionally, the answer supplied has been, broadly, that an accumulation of statements of the first type (observation reports) somehow substantiates, or warrants, or justifies, or probabilifies statements of the second type (theories or laws). This alleged process of accumulation of facts to arrive at hypotheses, which after further accumulation of facts, become promoted to laws, is known as "induction," which used to be handily defined as "proceeding from the particular to the general."

But the question then arises how this can be so, since laws make predictions about many unobserved occurrences — indeed, about an infinite number of such occurrences. Over two centuries ago, David Hume showed that it is not possible to make a sound inference from the particular to the general. Hume went so far as to point out that it is not even possible to logically derive, from statements about a finite number of observations, however large the number of such observations, a conclusion that a universal law is made any more *probable*. For instance, if we observe 10,000 white swans, then assuming the number of swans to be indefinitely larger, this accumulation of observations does not prove that all swans are white, nor does it even make it the slightest bit more probable that all swans are white.

The past 200 years have not turned up anything that would call Hume's argument into question. Logically, it can never be warranted to proceed from a limited number of observations to a universal law. Broadly, philosophers have responded to this finding in one of three ways: (1) they have (as Hume did) thought that such a finding calls reason itself into question; or (2) they have thought that the mind brings other ordering principles than logic to the observation of events, and that these ordering principles somehow guarantee truth; or (3) they have argued that since scientists and ordinary people allegedly *do* practice induction, there just has to be some method of inference by induction, even though no one so far has managed to pin it down.

Politically, Popper followed the trajectory of most social democrats: pragmatic and surprised acceptance that, in one piecemeal area after another, the malodorous market in fact produces better results than government intervention.

Popper makes a sharp break with these traditional "solutions." Popper accepts Hume's finding that neither laws nor the probability of laws can be deduced from observation reports, but he lays great emphasis on a well-known, undisputed, and apparently trivial point: although no observations of white swans can substantiate the statement that all swans are white, a single observation of a non-white (for example, black) swan is sufficient to

disprove that statement.

According to Popper, no amount of evidence can ever substantiate a universal theory. But this does not mean that there is no way to choose among theories, for theories can be refuted. Science proceeds, not by trying to substantiate or justify theories, but by trying to refute, kill, or dislodge them. Induction is not only impossible; it is unnecessary. Rationality is saved — what could be more rational than abandoning a theory when it is refuted? But rationality is not employed to substantiate theories. The best theories always remain unsubstantiated guesses.

We can never say that we have proved from "the facts" that a theory is true, or even likely to be true. What we may be able to say is that we have tried hard to refute a theory, and been unable to do so, whereas other theories have been refuted. In a contest between two theories, we try to find testable consequences of both theories which are mutually incompatible. It may then be possible to show that one theory is contradicted by an observation report, whereas the other is not. In that case, we reject the second theory and say that the first theory is the best we have, for the time being, though we have not substantiated it and never can.

For this procedure to work, it's important that theories be *testable*. Every theory should come with the explicit or implicit assertion that certain kinds of possible observations would falsify the theory. A theory which seems to "explain everything" may therefore be most unsatisfactory. If it is compatible with any possible observation, then no observation could count against it. In that case, the theory has to be classed as non-scientific, though it may still be meaningful and worth discussing, and it may be possible to adapt it so that it becomes scientific. Popper early on determined that the theories of Freud, Adler, and Marx were unscientific in the sense that they could be reconciled with any imaginable observation.

The above is the bare bones of Popper's "critical rationalism." The doctrine has, naturally, attracted many criticisms of varying merit. David Miller's *Critical Rationalism: A Restatement and Defence* (1994) provides an up-to-date account of the debate.

Popper made a number of important contributions which have influenced discussions outside the ranks of those concerned with critical rationalism as a whole. To mention one example, his conception of "propensities" is a development of the view that the universe is objectively non-deterministic. According to Popper's objective view of probability, the number on which a roulette ball will come to rest is not determined by all the circumstances obtaining at the point where it is thrown onto the wheel. Chance is not an artifact of our ignorance: nature objectively contains randomness, things that could go in more than one way.

As an individual, Popper was dearly loved by students and others who worked with him. He was often a bit cross with people he thought had misrepresented him, and this gave him the reputation of being "difficult." At the same time, he observed a curious kind of tactful reticence or even timidity with respect to certain confrontational issues.

Through his teaching, Popper ac-

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quired disciples, but also numerous disciples-turned-apostates, including such prominent figures as Lakatos, Feyerabend, and Agassi. The late W.W. Bartley III was the earliest notable apostate but he later returned to Popper's good graces, and himself became a hammer of the apostates. (Popper largely accepted the generalization of critical rationalism Bartley had presented in *The Retreat to Commitment*.) Although Bartley defended Popper stoutly, including an article entitled "A Difficult Man," in conversation with me Bartley once referred to some then-recent testiness of Popper's and muttered a sour remark about defensible and indefensible ways of being "difficult."

Popper and his disciples never constituted a dogmatic church. There are several instances where Popper promptly admitted error in response to criticism. It was a leading critical rationalist, David Miller, who pointed out a mistake in Popper's attempt to elaborate the notion of "verisimilitude," a mistake which Popper immediately acknowledged.

Popper's tactful reticence is illustrated in various episodes. In an early draft of *Unended Quest*, Popper recalled the time when he had first encountered Viennese proponents of Zionism, and posed them the question: What about the people who already live in Palestine? The Munich attack on Israeli athletes occurred as Popper was completing this autobiography, and caused Popper to delete that passage. When Popper was once under consideration for a teaching job in Australia, and a question was asked in the Australian parliament about appointing a foreigner to such a post, Popper immediately withdrew his application.

This surprising willingness to back down perhaps arose from Popper's youth in an assimilated Jewish family surrounded by rising anti-Semitism. Popper made the rather unusual observation that, since Jewish intellectuals were disproportionately active in leftist politics, and this fact was used by anti-Semites, these Jewish intellectuals had some responsibility to desist from such activity. And when some demonstrating socialists were shot by police (in Vienna after World War I), Popper, although sympathetic to the socialists and appalled at excessive police force, concluded that adherents of the Marxist theory of class struggle were also partly to blame.

If I have rated Popper correctly, he solved the problem of induction, advanced a viable alternative to both empiricism and idealism, and showed a way to abolish the dependence of rationality upon justification. This concludes the inductivist epoch which began during the Renaissance, and even the justificationist epoch which began with the Greeks. If I have overrated Popper, he was at least a philosopher of note and an effective intellectual propagandist against totalitarianism, who hastened the liberalization of the world and therefore its future peace and prosperity. ❑

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Disunited Colors

by Susan J. Rutter

Nothing is more frightening to the academic Left than an uncaptioned image. No response comes easier than censorship.

You used to be able to recognize a Benetton ad from its collection of happy-looking, vapid, multi-ethnic models in colorful clothing. From 1984 to 1991, the Italian company peddled its pricey fashions with casual, asexual images of people from around the world. The ads seemed wholesome next to the soft-core fantasies proffered by Guess? and Calvin Klein. Like U.N. blue helmets in a war zone, they seemed to offer a kind of hope: amidst lust and perfidy, innocence survived. Through its ostentatious support of global harmony, Benetton designed advertisements the whole world, or at least naive Americans, could identify with.

Then the company launched its United Colors of Benetton campaign, with its disturbing images of race, religion, and international politics. Like the earlier ads, these contained no text beyond a small logo in a corner of the page. But in place of the previous pluralistic idyll, the new ads depicted a corpse from a Mafia hit, a man dying of AIDS, a priest kissing a nun, a refugee boat, the bloody clothes of a soldier, a placenta-smattered newborn, a black woman nursing a white baby, the genitalia of 56 people. If some of these images don't ring a bell, that's because many weren't published in the United States. France, Italy, the Scandinavian countries, and the U.K.'s Advertising Standards Authority also banned some of the ads.

Benetton is a company with an activist agenda. It has sponsored clothing redistribution drives to benefit the poor and has distributed a safe sex brochure. Mr. Benetton once even invited Fidel Castro to teach "revolutionary values" at his Italian design school, Fabrica, where he does his best to bar "privileged" students. The United Colors campaign is supposed to raise consumers' "consciousness" while making its pitch. Benetton's adman, Oliviero Toscani, explains: "We are not selling a product. We want to show human realities that we are aware of." This Madison Avenue doublespeak may alarm a skeptic, but the company itself seems to believe it.

There are three general lines of complaint against Benetton's ad-images. The first charge is that the ads reduce racism, AIDS, and terrorism to "simplistic images" that exploit and trivialize serious issues.[1] Those who make this claim presumably don't believe that Benetton is anything other than a profit-seeking business using the spectacular imagery of suffering to sell clothing.

At first glance, this is a reasonable enough assumption. But Mr. Benetton's obvious extracommercial agenda and the risky extremism of the ads' imagery seem to undermine it. Although it is tempting to say that Benetton is purely opportunistic, it is undeniable that many find the company's tactics repulsive — a fact that hardly enhances the bottom line. Indeed, in a 1992 *Advertising Age* poll of 18-to-34-year-olds (Benetton's target market), 82.7% said they were uninfluenced to shop at Benetton stores by the ads, and some were influenced adversely. And each new ad is more jarring than the last. (The most recent: a photo of Ronald Reagan doctored to look as if he were dying of AIDS.)

The second argument is that Benetton is symbolically "appropriating, taming, and controlling" problems that are potentially disastrous to the flow of business as usual.[2] And Benetton is indeed turning important realities into a "market mechanism," stripping them of their intensity and submerging them into the capitalist cause. But this is neither the end of the world nor a good reason to ban the campaign. Benetton does not change AIDS, racism, terrorism, or political persecution, but uses *images* of them to attract attention, sell products, keep the company name fresh in the mind, and "engender debate."

The third complaint is that some of the images perpetuate racism. But do they? One banned ad featured the hands of two men, one black and the other white, cuffed together. Both men wore identical business suits, yet certain minority "leaders" claimed the image implied that the black man was a criminal and the white man a cop. One wonders who exactly is perpetuating racial stereotypes here.

According to one critic, "almost invariably the white figure in [the ads] is presented in the dominant, active position."[3] But this was certainly not the case with the handcuffed men. That photograph is deliberately ambiguous, and the activists who reject it are guilty of a short-sighted iconophobia — and of projecting their own racialist thinking. Their black-man-as-criminal mantra is an automatic defense that serves to paste the stereotype back into place. In this case, it is a purposeful misreading of the company's intention.

Another Benetton image pictures a black woman nursing a white baby. In the United States, it was only published in articles condeming it. This ad invoked the stereotype of the black woman as slave/wetnurse and is a good example of the deliberate ambiguity Benetton employs. The image favors neither person, neither race. The bare-chested woman is cropped at the neck and waist, while the baby is whole and can be seen as more valuable and "in charge." But babies are completely dependent and vulnerable. Far from fixing the bodies into stereotypes, Benetton seems to have carefully designed the ad to question them.

One suggestion comes up in almost all the anti-Benetton arguments: to provide a caption, a text, for greater understanding. As one critic wrote, "captionless and with no originary information provided, the images seem like snippets from a rock video or movie."[4] Another complained that "the image of the AIDS patient, stripped bare of his identity and with no accompanying text [and] the image of the firebombed car, exploding in an unknown country for unknown reasons, displays a cartoon awareness."[5] And bell hooks, a black feminist and modern cultural critic, railed against "ads that focus on Otherness [that] make no explicit comments, or rely solely on visual messages" for their meaning.[6]

But these are real images, not cartoon images. The bombed car was a victim of Italy's ongoing bout with urban terrorism. The refugee boat was photographed escaping Albania. The "nameless" AIDS patient is David Kirby with his family in Columbus, Ohio, who was featured in *Life* magazine weeks before Benetton used the photo. Equating these ads with snippets of rock videos or movies is the stance of those who would sooner censor than analyze or debate.

The call for captions represents a desire to ensure we'll read the photographs the "correct" way.

The captionlessness and drama of some Benetton ads, particularly the AIDS victim and the refugee boat, scare those who would protect the issues they represent by making the images invisible. The call for captions represents a desire to ensure we'll read the photographs the "correct" way. It is the product of an irrational fear of imagery combined with a lack of faith in ordinary people's ability to understand the issues involved.

Benetton has also earned leftist scorn for its "strategic self-othering in relation to dominant cultural norms." This is what allegedly happens when, following the collapse of colonialism, the dominant culture (white America) still feels the need to dominate weaker people. Because capitalism is ruthlessly, almost genetically implanted within white middle-class America, the dominant culture does this even through advertising. The array of colors, so beautiful in Benetton's advertisements, urges the viewer to "self-other" or somehow "eat" these identities with their eyes and fantasies.

Why does white middle-class America desire the Other? Because they fear blacks and other exotics and believe them to be less constrained by all that represses white culture: Victorian habits, stifling professionalism, double standards, neuroses, and a lot of capitalist fallout; and because they can then learn a bit of this ethnic "savageness" and un-self-conscious Zen-like living, allowing them to cast the Other back to the side. In this way, the argument goes, Benetton is capitalizing on the fantasy of pleasure through (sexual) contact with the Other, by recognizing capitalist America's boredom in the absence of new frontiers to conquer.

But minorities cannot be "protected" from the vulgar marketplace. Multi-racial imagery in advertising — or the commodification of otherness, if you prefer — is already in full swing. And Benetton has always refrained from the tired, sexually charged ad.

In such magazines as *Self*, *Vogue*, and *Rolling Stone*, Benetton inserts unusually "real" images into an otherwise banal string of carefully contrived large lips, open mouths, breast shots, and long hair. Fashion magazines are places of luxurious fantasy where the real world seldom intervenes. Seeing a full-color newborn baby or a man's "H.I.V. POSITIVE" tattoo tends to disrupt the reverie of magazine-reading.

There is, admittedly, something fundamentally weird about using agitprop to sell clothing and perfume. Perhaps if Benetton released its images without its name attached, they would create less controversy.

The Left's reaction to Benetton's ads is a modern example of people granting images imaginary powers, of the fear of imagery that informs current politically correct censorship. The censors' unwillingness to candidly discuss these images and their issues amounts to an underestimation of those consumers who would see them, and it hurts a company the Left might have called an ally. ❑

Notes:

1. Fred Bacher, "Fear and Clothing in L.A.," *The Humanist*, Sepember/October 1992, pp. 45–46.
2. Carol Squiers, "Special Effects," *Art Forum* 30, May 1992, pp. 18–19.
3. Jan Nederveen Pieterse, *White on Black: Images of Africa and Blacks in Western Popular Culture*, Yale University Press, 1992, p. 209.
4. Squiers, p. 18.
5. Bacher, p. 46.
6. bell hooks, *Black Looks: Race and Representation*, South End Press, p. 28.

Riposte

The Market Meets Deep Ecology

by R.W. Bradford

Like it or not, cows are tools.

In "Deep Ecology Meets the Market" (November 1994), Gus diZerega proposes four "environmental rules . . . that can be occasionally overridden — but with the burden of justification always resting on those who would override":

> 1. A strong presumption against creating non-recyclable or non-biodegradable products.
> 2. No prolonged degradation of renewable resources, such as soil, water, fisheries, and (when they are being used in their resource capacity) forests.
> 3. A diverse flora and fauna. No extinctions of life forms not actively injurious to humans.
> 4. Nothing living can be appropriately treated as a pure means. (pp. 32, 34)

On the surface, I suppose these seem sensible. Who doesn't appreciate "a diverse flora and fauna"? Who favors extinctions of "life forms not actively injurious to humans"? Who wants "prolonged degradation" of "soil, water, fisheries, and . . . forests"? And if we create too many "non-recyclable or non-biodegradable products," the world will be overrun with trash, and who wants that?

But like many ecological ethical propositions, they have problems. For one thing, given enough time, biology degrades everything on the Earth's surface. And just about anything can be recycled, if you're willing to expend enough resources in the process.

And just what does "prolonged degradation" mean? Should land never be cleared for farms? Wouldn't this mean a return to primitive society? Isn't that a bit drastic?

It is diZerega's fourth "principle" that seems the most problematic: his prohibition against using any living thing as a "pure means." Throughout history and pre-history, human beings have used all sorts of plants and animals as "pure means" to their ends. Every single day, every single one of us does.

Virtually everything you eat started out as a living thing. The coffee you drank this morning was brewed from a bean that grew on a tree raised solely for use as the base for a beverage for human beings to drink, without a single thought to its own life, except as an instrument of our own. The sugar you put into it was refined from a tropical grass that was planted, raised, and harvested solely as an instrument for you and your brethren. The milk you poured into it was taken from a cow that was domesticated, bred, and nurtured solely so that its milk might be used as food for human beings.

Long before the industrial and information revolutions ushered in the modern era, human beings learned to domesticate animals and to raise crops for their own ends. The cow from which came the milk you drink or the burger you eat did not exist in nature. Her ancestor was domesticated at some shadowy time in prehistory, and bred through trial and error to be what she is today: a marvelously efficient means of converting otherwise inedible plants into delicious, nutritious food. She's stupid, slow, easily herded, easily led to slaughter. At no stage in the process of domestication and animal husbandry was she anything but a "pure means" to human ends. At no stage in the life of the particular cow from which you got your morning milk was she anything but a "pure means" to human ends. To your ends.

The same can be said of the wheat from which your bread was made. It was domesticated, bred, raised, harvested, milled, and baked as a "pure means" for human ends. For your ends. Even for Gus diZerega's ends.

Okay, maybe I overstate the case a little. After all, diZerega qualifies this principle by suggesting that "it can be

occasionally overridden — but with the burden of justification always resting on those who would override." So maybe it's morally acceptable for humans to have treated plants and animals as "pure means" for all of human existence — provided in each and every one of the cases presented continuously to each and every human being, we stop to evaluate whether this is one of the "occasional cases" where overriding this moral precept is justified. Of course, people who spend so much time contemplating the morality of so many actions fundamental to their own survival and prosperity wouldn't have much time for the actions necessary for life.

It is not everyday that we are advised to engage in a course of action that entails the virtual extinction of humanity as we know it. Given their startling character, one might expect diZerega to offer a tightly-reasoned proof, a detailed defense, or at the very least a thorough elaboration of the derivation of his ideas.

I have searched diZerega's article for such a proof, defense, or derivation. Here is what I found:

> We could only care about passenger pigeons because at some level we realize it is good to be alive, and that this goodness is not applicable only to ourselves. Being alive *may not be the ultimate goodness*, but it is *an important value nonetheless*. This insight leads to respect for other living beings, human and otherwise.
>
> Respect, at this level of discussion, is too abstract to provide us much guidance. It means, minimally, that what is respected can *never* appropriately be treated purely as a means to an end. (emphasis added, p. 31)

This is a genuinely astonishing passage. First diZerega knocks out the foundation of any argument for the proposition that "being alive" is something that must always be respected, then he concludes that being alive must always be respected! Surely, a value that "may not be the ultimate goodness, but . . . is an important value nonetheless" can never lead to a universal moral commandment.

DiZerega devotes fewer than 200 words to explaining his thesis.

A few pages later, he presents his thesis again, in these words:

> There is a fourth principle — one that grows from the implications of being human, rather than the need to maintain a viable ecological community:
>
> *Nothing living can be appropriately treated as a pure means.*
>
> This is a rejection of the despotic notion of property rights as applied to living beings. Interestingly, this idea — "It is mine to do with as I will" — is central to individualist liberalism. Thus, an ideology devoted to fighting against despotism carries at its very core a commitment to despotism in another context. Much more appropriate is the idea of stewardship, where ownership implies responsibilities as well as rights, and not unlimited arbitrary power. (pp. 33–34)

That's all there is on the subject. DiZerega devotes fewer than 200 words to explaining — if that is not too strong a word — this thesis. And most of those words are about its consequences (we must reject our "despotic notion of property rights"). Only seven words — the principle "grows from the implications of being human" — so much as hint at how diZerega came to know that the principle he posits is true or right!

Not a single reader of this journal has responded to "Deep Ecology Meets the Market." This was a tremendous surprise to me. When I accepted it for publication, I figured such a bizarre thesis would stir up considerable controversy, that this journal would be buried in responses from readers, including not a few who would ask me whether I had lost my mind in accepting it for publication.

I can only speculate about its failure to stir up controversy. Did readers gloss over his cascade of words without paying attention to their meaning? Did they focus only on the euphony of his words? Did readers consider it a bizarre satire, an editorial joke? Did anyone but *Liberty*'s staff even read the piece?

I don't know the answers.

But I suppose I should answer the unasked question of why I ran the piece in the first place. No, it wasn't because I wanted to beat up on diZerega; I'm sure that someone who believes it is always inappropriate to treat any other living thing as a pure means to his own ends has a difficult enough time in this world without my getting on his case.

I published the piece because I believe it is a well-written and provocative essay on a subject that interests the readers of *Liberty*. I remain convinced that it is well-written, and that readers of this journal are interested in philosophical and ethical questions that relate to ecology and human society. Where I went wrong was in thinking it provocative. And given the bizarreness of its thesis, I still don't understand why it provoked no response. ❑

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Testimony

Confessions of a Gnostic Gardener

by R.R. McGregor

The mark of Cain is still being applied to the temples of renegade horticulturalists.

I kept telling my wife that no one would notice the marijuana I was growing in the back yard. Trees block most of our yard from the neighbors' view, and the plants were scattered next to shrubs and stumps, looking like any of the other weeds around the place. I only tended them after dark, and I was confident that I could harvest from them all summer with no problems. But she was worried sick about it.

She doesn't mind that I smoke marijuana, though she rarely smokes it herself. Oh, she does enjoy a bowl of good hashish when I can get it, and she likes a few puffs of high-quality sensimilla once in a while to enhance our lovemaking, but she doesn't bother with green home-grown pot. She's quite satisfied to wind down after work with a glass of wine.

No, it's not the smoking she worries about. It's the Gestapo — the Drug Police — and the nosy neighbor behind us who'd be happy to see us dragged from our house in chains and burned at the stake.

We're heretics, she says.

So I cut down the green and bushy plants, just when they were getting to the point where I'd be able to pinch off a nightly pipeful of mild leaf. I had wanted to keep them, to nurture them until autumn when their budding flowers would sparkle with cannabinol-rich dots of resin.

If it were just me, I would have kept the plants. For years, I'd rehearsed dramatic courtroom speeches in my mind, imagining I could handle my own case as a *pro se* defendant were I ever arrested for drugs. I'd plead the Ninth Amendment, convincing the jury with impeccable rhetoric that Congress has no constitutional power to prohibit the voluntary ingestion of any substance. I'd talk about how George Washington promoted hemp as a cash crop, how he grew cannabis at Mount Vernon — and not just for rope and canvas, but for medicinal use as well. I'd testify that marijuana is the best (if not only) therapy for glaucoma, that it eases the pain and nausea of cancer chemotherapy. I'd point out that it has been used as a fiber crop for thousands of years, and that an acre of marijuana can provide as much fiber for paper as an acre of 50-year-old trees. I'd wind up by telling the jury about their right — based on the Magna Carta — to nullify unjust laws, and that it was their duty to acquit me in spite of anything Congress might say.

I'd even romanticized about doing time. Some of the greatest people in history had been to prison — Voltaire, Paine, Thoreau. I'd get in shape, I'd study, I'd write essays that would shake the foundations of orthodoxy. Or so I would imagine.

But it's not just me. My dear wife, my love, could be thrown into the street, if not into prison, and all the precious things she has collected through the years auctioned off to buy more bullhorns, bullets, and battering rams for the local moral guardians.

It's ironic that cultivating my own hemp for my own use is a federal felony bearing draconian penalties, while possession of an ounce or less of black market pot is (in our state) a misdemeanor. The law actually encourages me to support the black market and all that entails.

Who knows where black-market pot comes from? It could be grown by a harmless laid-back hippie in California, or a poor farmer in Kentucky trying to earn enough to pay the taxes on his land. Or it could be smuggled into the country by Mafia types who deal in murder and extortion. Worse, it could be brought in by CIA or Communist operatives who'll use their profits to finance murderous covert actions.

Most people may think of pot

smokers as anti-establishment hippies. But while I've always had a healthy suspicion of authority, I've never really considered myself a hippie. I grew up in a working-class family in a place where, once out of high school, girls got married and boys joined the service. I learned about smoking pot in Vietnam. While the hippies celebrated the Love Generation in San Francisco in '67, I was an 18-year-old Marine tank mechanic on a sandy beach in Chu Lai.

My battalion's enlisted men's club served only beer, usually warm, and

I wanted to keep them, to nurture them until autumn when their budding flowers would sparkle with cannabinol-rich dots of resin.

I've never liked beer. I used to trade my two-can ration for sodas or small cans of orange juice, so I seldom had the benefit of the drunkenness that most of my fellows used as a diversion. After a few months "in country," when I had earned the trust of those around me, one of my buddies offered me a joint to help relieve the alternating drudgery and tension of daily work and nightly guard duty.

I can still remember that first joint — the wonderful sense of relaxation and pleasure, the tunnel vision, the time distortion, the laughter as we sat around a candle passing it back and forth, watching the curling smoke jerk in zigzag movements as the thundering artillery behind us made the very air shake. From that time on, marijuana was my favorite drug. With pot, Vietnam became tolerable, at times even enjoyable. There is no peacetime experience quite comparable to watching the sun rise out of the South China Sea, leaning back against a machine gun in a bunker made of sand bags, or riding on the fender of an M60 tank, watching the sun flash through a green jungle canopy — if there's a little cannabis around to enhance the scene. It was even possible to pretend that we were actually doing something positive for our country, though few of us really believed it.

So I'm not interested in ending my habit, thank you, though I know there are many in this free country, the country I unquestioningly served in my youth, who would in a heartbeat force me into some brainwashing "chemical dependency" clinic to "cure" me of my illegal affliction. Even with those who know and like me, I must be careful. While most of my friends are people who, if they don't smoke themselves, are tolerant of the pastime, there are many whose good opinion of me would change to either pity or disdain, as if I harbored some dark perversion, if they learned of my habit. My in-laws are deeply religious, and I'm not sure that there aren't a couple of them who would, reluctantly, turn me in to the police for my own good. They would surely pray for my soul.

The possession of my soul is what it's all about. My wife is right: we're heretics.

Heresy is about choosing, and a heretic is one who chooses an unacceptable dogma or creed. My wife and I have accepted the idea that our lives and bodies are our own, and that we should be able to decide for ourselves what to do with them. We claim an inalienable right to prescribe our own medications, our own painkillers, our own therapies for dealing with the diseases, trials, and stresses of life.

In these insane times, this is heresy bordering on treason.

Heresy did not end with the conclusion of the religious wars of the seventeenth century. Secular religions with new orthodoxies have arisen, and these new orthodoxies have defined new heresies. In Nazi Germany, Jews, homosexuals, and gypsies were persecuted for political and social reasons above and beyond religion, as were dissident poets in the Soviet Union and racially mixed couples in the Old South.

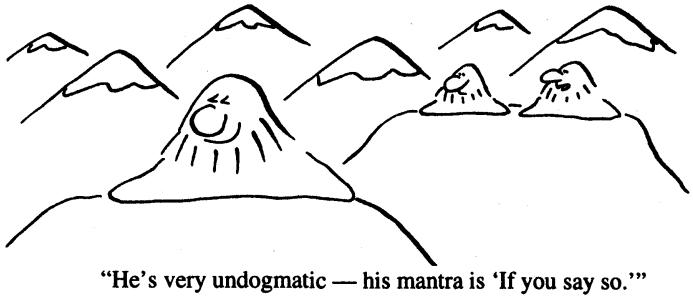

"He's very undogmatic — his mantra is 'If you say so.'"

Right now, Native Americans eating peyote to better commune with their god are heretics. And so are marijuana smokers around the world — except, perhaps, in Holland. We are subject to arrest, imprisonment, and possible death for our behavior.

No — that last sentence is not quite true. Behavior is not really what the persecution is about. Heresy is essentially a thought-crime. The outward act is merely a manifestation of the true crime: the defiance of authority, the failure to conform to orthodox belief. Authoritarians are not merely interested in controlling behavior. Their true interest is not the body, but the soul.

Prohibitionists describe marijuana as a gateway to stronger drugs, a downward-spiraling road to mental and physical debilitation, degradation, disease, and death. There is some truth to this, but only metaphorically. The gateway that marijuana opens leads not to physical death, but to the death of intolerance and blind obedience.

When all the drug users are caught, or killed, or cured, who will be the new heretics — the new Jews, queers, niggers, witches, Satanists — the new scapegoats for the new orthodoxy?

Marijuana is an introspective drug. With the right dosage, external time seems to slow down and internal time speed up. The mind seems to work faster, giving the user time to analyze the thoughts and emotions that normally fly past unnoticed. This allows the user to think critically and deeply.

Critical thinking is the stronger drug authoritarians fear.

In my case, the physical, behavioral heresy of smoking marijuana has led me away from the authoritarian belief-systems that hold sway in so much of

the world, toward a kinder, gentler, and terribly heretical belief system. If I were to label my particular brand of heresy, I would call myself a Pharmaceutical Gnostic. Like the Christian Gnostics of former centuries, I will not blindly obey the authoritarian orthodoxy of the moment; I value self-knowledge over unthinking faith. And like the Christian Gnostics, this places me and those I love in danger of persecution, financial ruin, imprisonment, and, if I would be so foolish as to physically resist, injury or death at the hands of the authorities.

Today's pharmaceutical orthodoxy lies at the core of the concept of the therapeutic state: the idea that people are unfit to determine their own best interests, that they are too irresponsible to use medicines and other chemicals wisely or moderately, that the state has a legitimate interest in enforcing the opinions of its own experts. This orthodoxy is upheld by politicians, police, mental health experts, and physicians who insist that people use only officially sanctioned substances and therapies to kill their pain or cure their ills. It is also promoted by pharmaceutical corporations, who spend obscene amounts of money lobbying to maintain their monopoly on the manufacture and sale of drugs.

Of course, it isn't necessarily wise to suggest publicly that physicians have enriched themselves and shut out competition with a legal monopoly on prescriptions and medical certification, effectively prohibiting pharmacists, homeopaths, herbalists, and midwives from prescribing remedies; that mental health practitioners are making enormous sums from the proliferation of chemical dependency clinics; or that politicians and police are unconstitutionally expanding their power yet further into our private lives. Such claims are usually met with rage, scorn, and derision, followed by the plaintive cry that our priesthood's actions have no such selfish motivation, and are all for the public good.

The real irony is that the United States was created as a haven for gnostics. Freedom-seeking Old Worlders, weary of religious and social persecution, flocked to the American colonies. The Declaration of Independence was a kind of gnostic manifesto, proclaiming that people have a political right to pursue their own vision of happiness, limited only by the rule that, since everyone has such a right, no one may coerce others into following any particular vision. I read the Declaration of Independence every few months to remind myself of what this country could and should be, and my heart breaks to think how its promise has been betrayed in so many ways.

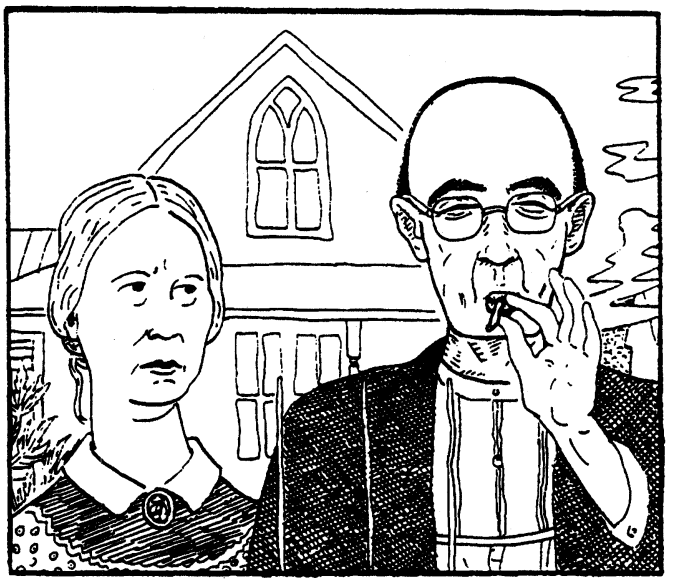

If drug prohibition were this country's only problem, I wouldn't complain. But it's only one symptom of a malady that has plagued humanity since Cain slew Abel: the insatiable desire to use force to control the behavior and beliefs of others. Persuasion and education can change minds, but these methods are usually slow and often ineffective; there are always those who stubbornly refuse to change their ways. Coercion, by contrast, is expedient and effective.

St. Augustine, in his early writings, decried the use of persecution to gain converts to Christianity, claiming that conversion was meaningless without freely given consent. Later in life, he changed his mind, because he saw so many examples of the effectiveness of coercion. He saw that persecuting a few would lead others to convert out of fear, and that after a time no one would remember why those few wouldn't go along with the crowd. The message was not lost on Hitler, Stalin, or the DEA.

Is there hope for the future? Will authoritarianism give way to a freer, more tolerant society? I'm not sure. The ideal of individual liberty seems to be declining in America. The obvious racial and class imbalance in drug persecutions is widening the gulfs between ethnic and economic groups, and I worry that this will result in more social chaos, more random violence, and more repression.

I also worry about the vast sums confiscated by the police, and how this booty is used to increase the sophistication of their tools for prying into our private lives. I have read of machines that hang over the entrances to landfills that sniff each truck for toxic waste. I wonder how long it will be before similar machines guard the entrances to public places, detecting illegal substances in the scent of people walking by. I also wonder, when all the drug users are caught, or killed, or cured, who will be the new heretics — the new Jews, queers, niggers, witches, Satanists — the new scapegoats for the new orthodoxy.

Two decades ago, 70% of America favored the relegalization of marijuana. Since then, the numbers have reversed. I try to take hope in the fact that this is the result of 15 years of negative propaganda, and that what propaganda has done, better ideas can undo. Then I remember that the Partnership for a Drug-Free America is getting a million dollars a day in free advertising to convince Americans that unsanctioned drugs are today's primary evil, and I wonder whether things will ever change.

Meanwhile, I'm back in the black market, paying extortionate prices for reefer from unknown sources, calling friends who call friends who think they know someone who has a friend who has some pot, hoping to avoid the narcopolice, and praying that I won't become another forgotten gnostic martyr. ❑

Epistle

Dyanne Petersen
#114874
County Jail
Portland, Oregon 97204
February 1, 1994

The Honorable Robert E. Jones
U.S. District Judge
Federal Courthouse
Portland, OR 97204

Dear Judge Jones,

I know I've done some bad things but it's really not my fault. There are influences that are above one's control and one just can't help certain things. I'm not to blame!

It wasn't my fault I was born a girl. And I can't help it if I come from a broken home, that my mother was Christian and Dad an atheist so I never had consistent values at home. I was discriminated against my whole life because I'm Danish, one of the smallest minorities in the U.S. And I lived in an all-white neighborhood and attended a private school, so I never had the benefits of multiculturalism. I was also very insecure because of genetically-small breasts and crooked teeth.

With this traumatic life and overwhelming difficulties and injustices like I've suffered, I turned to crime. Yeah, it was wrong, and I'm so sorry. But I'm not to blame! I couldn't help it! Plus, I was sick!

Your Honor, if you could only get me some drug rehab; psychiatric help; anger management; behavior modification; anti-depressant, mood-stabilizing, and anti-anxiety drugs; self-esteem counselling; sex therapy; repressed-memory treatment; vocational training; educational opportunities; cosmetic surgery; housing assistance; some new clothes; and a good used car, I'm sure I could be a productive, law-abiding member of society.

I'm not a predator or a criminal. I'm a victim and I deserve pity and understanding, not punishment -- and a second, third, or even fourth chance to correct the societal, genetic, and sexist injustices I've suffered. You owe it to me! I have rights!!

I know you can give me 20 years, but with the government's benevolence and the few tax-supported services I mentioned, two years probation should be enough for me to learn my lesson and get my act together. I'll be sure to tell all my friends to think twice before trying to break the law, that crime doesn't pay. Whadayasay?

Very truly yours,

Dyanne Petersen

A letter written by Dyanne Petersen, prior to being sentenced for a drug conviction.

Memoir

Cato Free-For-All

by Robert Formaini

Prior to the '80s, the libertarian movment presented the world with a harmonious façade. But developments within the Cato Institute changed that forever. Robert Formaini was there.

In the Cato Institute's early days, Ed Crane oversaw a collection of some of the country's most talented, and temperamental, libertarians. As is frequently the case in such organizations, egos clashed often and hard. Crane saw himself as a man who was bringing big money and respectability to a group noted mostly for its "crazies." He was as much involved with the Libertarian Party as he was with Cato — perhaps more involved. That meant others were needed to manage the daily operations when Ed was distracted or away on LP matters.

David Theroux was vice president for academic affairs when I arrived to take the position of conference director in early 1978. He oversaw a half-million-dollar-a-year operation, while Bill Evers edited *Inquiry* magazine, whose offices, though housed with Cato's in a nice suite on San Francisco's Montgomery Street, were separated both by the design of the floor and by matters of management and political strategy. Evers was very close to Murray Rothbard, who was in residence at Cato that summer. Also in residence was Leonard Liggio, who, along with John Cody, oversaw a somewhat smaller part of Cato's operations.

Theroux and I designed four long seminars in 1979, and I recall being away from home practically the entire summer. By the next year, though, Theroux and his entire department had been eliminated. The reason was his siding with Rothbard and Evers over the issue of the hiring of an economist to do policy analyses for Cato. The economist, whom I see no point in naming, was perceived by Rothbard, Theroux, and Evers as anti-Austrian and therefore, by their standards, simply unacceptable.

Although this might seem to be a minor issue in retrospect, at the time it was big news within the intellectual libertarian milieu, and phone calls crossed America as the sides sought allies and tried to short-circuit the machinations of their opponents. Crane's major ally was Roy Childs, then editor of *Libertarian Review*, a magazine housed two blocks away from Cato.

Although Crane prevailed, it was a hollow victory that sowed the seeds of a long-term vendetta by him against Theroux, Rothbard, and Evers, and by them against him. Crane told me he would eliminate all three from Cato — hence cutting them off from Koch funds — and, in time, he did.

The first to go, in the spring of 1979, was Theroux. He was given a three-month severance, and his department was eliminated. I was given his job, which had become vice president for public policy affairs. Cato's educational efforts would now be wholly directed at policy concerns. It would take Crane another year and a half to get the others. That would occur while he was on a leave of absence from Cato, working as communications director for the Clark for President campaign in 1980. Because of Cato's tax exemption, appearances had to be maintained, so Crane went to D.C.

During that time, I served as CEO of Cato, whose offices had moved to more modest quarters on Front Street. Evers was fired in April of 1980, although the magazine limped on for a while longer, even though it never had the full support of the Cato board. They always felt that *Inquiry* was too "left-wing," since it was anti-Cold War and would publish noted authors from across the political spectrum. So

that I do not leave the impression that I was blindly followed Crane's wishes in firing Evers, let me state that I was in agreement with the decision. My reasons, however, were not personal. (Ron Hamowy and Glenn Garvin did a heroic job editing *Inquiry*'s last issues as a Cato Institute publication; the magazine subsequently fell under the aegis of the Libertarian Review Foundation and the editorship of Doug Bandow.)

Rothbard's turn came at the first 1981 Cato board meeting. Murray had been on the board from the beginning and was an original "stockholder" in Cato. (The reasons for putting Murray's securities ownership in quotes would require another article!) In any event, Crane, with Koch's wholehearted support, simply purged Rothbard from the board at that meeting.

Ed Crane saw himself as a man who was bringing big money and respectability to a group noted mostly for its "crazies."

Prior to the meeting, the board had been deluged with all kinds of written materials and rumors concerning what was happening at Cato. Crane called me into his office one day and handed me one such package. As I read it, amazed that it contained direct quotes from memoranda between Crane and myself, I suspected that Evers might have been involved. Others suspected that Crane himself might have produced it.

To this day, I do not know who wrote these things. I do know that my copies were always kept locked away in my office.

Rothbard and Evers, still active in the LP and enraged at how they had been treated, quite naturally decided to try to hurt Crane where they thought it would sting hardest: in the LP. They succeeded in wresting the LP from Koch-Crane control in New York in 1984, when Crane's candidate, Earl Ravenal, did not get the presidential nomination. Theroux never was active in the LP and, after leaving Cato, he founded the Pacific Institute — an organization that misses him today, whether they will admit it or not.

Childs, always plagued by health and personal problems, went to New York after the demise of *LR* to write book reviews for Laissez Faire Books. My own relationship with Crane, having deteriorated steadily after he used spies to keep an eye on me while he was in Washington, finally ended when I left Cato in September 1981 to return to doctoral work and teaching. Cato moved to Washington, my job now falling to David Boaz.

By this time, Boaz and Crane were spending every morning in Ed's office laughing hysterically over some new information about Rothbard's activities. It was like being transported into some silly college fraternity with cliques at each other's throats. I suspect Boaz has done a good deal of maturing in Washington over the past 13 years and, knowing now that he probably doesn't need Crane anymore, is not only older and wiser, but also a more effective spokesman for libertarian ideas.

Rothbard lost interest in the LP by the late 1980s, when the twin workloads of his new UNLV professorship and his Ludwig von Mises Institute association precluded other (nonpaying) efforts. This is not in any way to suggest that Murray is not committed to what he does. I have never met a more committed person, although his goals do change, sometimes on very short notice. And Murray, like Crane, always has an enemies list in his mind. Both men are surrounded, by their own design or not, with the current crop of "friends" and "supporters." Things change, of course — and so do the crops.

Llewellyn H. Rockwell, Jr.'s relationship with Rothbard is not only ideological, but financial. Rockwell has been good for Murray in some ways, and Murray is not about to overlook that. Rockwell himself is, like the rest of us, a mixed bag. The main difference between the liberal-corporatist libertarianism of Crane, *Reason*, and Cato and the paleolibertarian views of Rothbard, Rockwell, and *Chronicles* revolves around Pat Buchanan's "culture war." Those who disagree with Rockwell on social issues (e.g. homosexuality) are *ipso facto* "Left," whether they call themselves libertarians or not.

This way, they can paint Crane as having a position no different from ACT-UP's. I suspect, although I haven't discussed this with Ed, that his position on this is a good deal more nuanced and libertarian than the Ludwig von Mises Institute people would concede.

It's been 16 years now since I first walked into the Cato Institute. I met people I never thought I would know and did things I didn't know I was capable of doing. It was, in John Podhoretz's phrase, a "hell of a ride." But for every benefit, there was a cost, some quite heavy and many simply deadweight. What I saw both pleased and depressed me. I am glad that everyone involved in those sometimes bitter episodes landed on their feet, but talented and ambitious people tend to do that.

David Theroux now runs the Independent Institute. Murray Rothbard has a legitimate, though taxpayer-funded, teaching position at UNLV, plus his work with the Mises Institute. Ed Crane continues his on balance good work with Cato. Leonard Liggio is affiliated with the Institute for Humane Studies. Bill Evers, after a stint at the Hoover Institution, is now (I think) an academic.

Rothbard, like Crane, always has an enemies list in his mind. Both men are surrounded with the current crop of "friends" and "supporters." Things change, of course, and so do the crops.

Unfortunately, the rancor and infighting have not yet ended, and the same old animosities drive current personal, even institutional decisions. In that regard, I can think of no better advice for all of us than that of Paul to the Corinthians: It is time to "put away childish things." ❑

Reviews

***Investment Biker*, by Jim Rogers. Random House, 1994, 402 pp., $25.00.**

Wheeling and Dealing Around the World

R. W. Bradford

Jim Rogers is a legendary investor, who co-founded (with George Soros) the Quantum Fund, and with it the whole concept of a hedge fund. Back in 1980, he decided that there was more to life than work, so he retired from the business of managing other people's money, with the idea of taking things easier.

But not too easy: he continued to manage his own considerable assets, took a position as Professor of Finance at Columbia University, bought a new motorcycle, and decided he should fulfill a lifelong dream of seeing the world. Somewhere along the line he also took a position as a commentator on the cable financial network CNBC. (He's the guy who asks fund managers the tough questions on *Mutual Fund Investor*.)

He wanted to see the world, but much of the world didn't want to see him. The Soviet Union and Communist China don't ordinarily roll out the red carpet for Western tourists, especially ones who are wealthy capitalists. But Rogers persisted, and eventually, he got most of the necessary permits, visas, carnets, and God-knows-how-many other documents — and the tools needed to fake the rest.

He chose a big, black BMW motorcycle as his means of transportation. And for good reason:

> The best way to go is by motorcycle. You see sights and smell the countryside in a way you can't from inside the box of a car. You're right out there in it, a part of it. You feel it, see it, taste it, hear it, and smell it all. It's total freedom.

I first learned about Rogers' travels a few years ago, when I watched a PBS documentary about his motorcycle trip through China. He did more than see the countryside and brave the inhospitable deserts and the roadblocks of Communist bureaucrats. He also traded on the black market, talked to people everywhere, and came away with an appreciation of China unlike anything else you've ever seen on PBS.

Rogers lusted for more. He wanted to travel around the world on a motorcycle, a feat never before accomplished. There were a lot of challenges: wars, revolutions, epidemics, horrible roads hardly fit for jeeps, let alone motorcycles. He figured he could overcome these, but one problem seemed insurmountable: Siberia. It is 7,000 miles across. Much of it is virtually roadless. It is thinly occupied by a xenophobic military power that until recently didn't allow foreigners even to fly over it, let alone travel on their own, on the ground.

But Rogers was determined, and he persevered. He applied to bureau after bureau, making a nuisance of himself. After nine years' effort, someone suggested he contact Sovintersport, an obscure Russian organization that sponsored international sporting events. He wrote a letter, suggesting that his proposed around-the-world tour was just the sort of international sporting event that would further their ends. To his surprise, Sovintersport quickly secured permission for his tour. Figuring that he could solve the other problems along the way, he and his girlfriend set out in March, 1990.

By the time they'd finished, they had ridden some 65,067 miles on their motorcycles. They'd crossed Europe and Asia twice, crossed Africa north to south, nearly circumnavigated Australia, and driven from Patagonia to Alaska. They'd got their motorcycles bogged down in the sands of the Sahara, navigated rivers of rocks in Siberia, and barged down the Ubangi and Congo Rivers in Africa. They'd been confronted by Communist revolutionaries in Peru, been held for ransom in Zaire, and bribed, blustered, and charmed their way through hundreds of borders and military checkpoints.

> *On Easter Island, Rogers saw the huge giant stone heads looking out to sea. To his experienced eye, these maoi "looked like a bull market that had gotten out of control."*

Rogers tells this story in *Investment Biker*, a book that combines travel and adventure with large doses of investment advice and observations on the political economies of the countries he visits. This sounds like a recipe for very strange mixed grille, but Rogers somehow manages to please the palate.

Rogers may not be a modern Ibn Battúta, but neither is he your normal tourist. In addition to describing his

unusual sights and experiences, Rogers *reflects* on what he saw and did in the 49 countries he toured. One moment he is visiting the world's largest motorcycle trade show in Germany, the next telling how Germany recovered from World War II so quickly, the next worrying that protectionism, "a dangerous worm in the apple of this economic paradise," might consume "the best part of this lovely fruit":

> Protectionism exists because local producers always clamor for it. French wheat farmers want to be protected from American wheat farmers. German steelmakers want to be protected from steel manufacturers in Korea. American autoworkers want to be protected from their counterparts in Japan and Mexico. Japanese rice farmers want to be protected from those in America. In turn, American sugar growers want to be protected from Latin American producers. The list is endless — and highly organized and loud. In every country around the world such groups contribute to political campaigns, hire lobbyists, and call for protection.
>
> After all, it sounds as patriotic as Mom and apple pie to protect American autoworkers' jobs, as well as those of Northeastern shoemakers and Southern textile workers. We all want that, don't we?
>
> The answer is no, we don't. Protectionism not only picks our pockets, it robs us as a society. We consumers, however, have no political leader active on our behalf, we have no lobbyists, and we aren't all that vocal. If Congress erects a wall to keep out foreign steel, the price of a tin can will go up, but perhaps only by an eighth of a cent a year, scarcely enough to notice. The cost of a car might rise by 4 or 5 percent instead of 2 or 3 percent a year; again, not enough to make you hire a lobbyist and hit the streets in protest.
>
> Over time, however, the effect is ruinous. Protected industries stagnate and don't innovate. Their products become shoddy and overpriced. American cars back in the sixties, without foreign competition, are a prime example. Once Chrysler, Ford, and General Motors had all the business, nature took its course and gave us poorly built cars at high prices.

After reading this passage, I wondered how different the last presidential election might have been if Larry King had chosen Jim Rogers as his favorite capitalist guest, instead of Ross Perot.

The underlying cause of most of the world's social problems, Rogers argues, is statism:

> . . . the belief that the state is the mechanism best suited for solving most if not all of society's ills, be they health related, natural disasters, poverty, job training, or injured feelings. Statism is the greatest political disease of the twentieth century, with Communist, socialist, and many democratic nations infected to a greater or lesser degree. When the political history of our century is written, its greatest story will be how a hundred variants of statism failed.

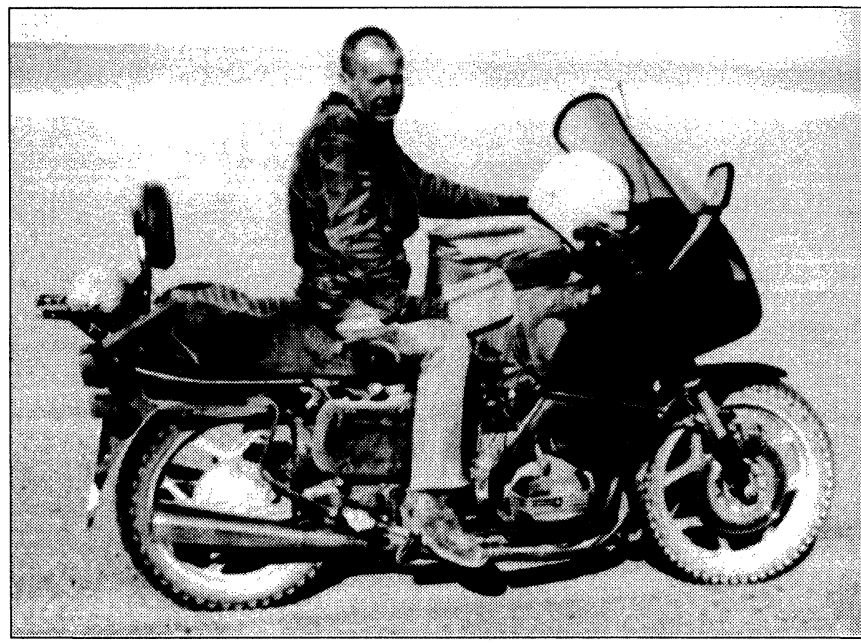

The Sahara Desert is a long way from Wall Street.

Thanks to such digressions, *Investment Biker* is one of the most broadly appealing libertarian books ever published. Rogers' observations on the world invariably take a libertarian approach, while never preaching or moralizing. Rogers is for peace, free enterprise, free trade, and other pop-libertarian ideas. But he doesn't shy away from radical positions, and he often adds an interesting twist to his argument. His call for the legalization of drugs, for example, concludes by suggesting that "after legalization, the freed-up jail cells could be used for corrupt politicians."

Rogers may be an adventure traveler, but he is always an investor. His trip gave him ample opportunity to evaluate what investments looked like from the ground. In every country where he saw the emergence of private property, no exchange controls, political freedom, and the diminution of the heavy hand of government, he sought out local investments. He hunted up stock markets, parked his motorcycle, and walked in. Still wearing his black leather jacket and chaps, he placed orders for local stocks.

In *Investment Biker*, he explains why he invested in Ecuador, Bolivia, and Botswana, but not in Russia, Central Europe, or Japan. He also explains why the United States is *not* a good place to invest, why its economy is in decline, and why that decline is likely to last a lot longer — and also why China will have the world's most productive economy by early in the next century.

Rogers sees civil peace as a vital characteristic of an economy worthy of investment, a proposition few would argue with. But Rogers seems to see a common culture and language as the most important factors in establishing civil peace. Thus he predicts that Latin America and China are on the verge of an economic boom, and that Central Europe is not.

He seems to be motorcycling on thin ice here. If a linguistic and cultural

thin ice here. If a linguistic and cultural unity is so likely to result in civil peace, why did Latin America and China spend virtually the entire century between 1850 and 1950 in civil war?

Of course, Rogers is the legendary international investor, and I'm not. And he has put his money where his mouth is. Maybe he's acting on other information or has special insights that he hasn't shared with us. But for me . . . well, let's just say I haven't bought any stock in Peru yet.

On Easter Island, he saw the huge *maoi*, the giant stone heads looking out to sea. To his experienced eye, the *maoi* "looked like a bull market that had gotten out of control." They were obviously the product of a fairly advanced society. He notes that when Western explorers discovered the island, people living there had no idea where the *maoi* had come from. He speculates that the civilization that produced the *maoi* had destroyed itself in civil war:

> Armageddon in a compass of six and a half by ten miles with no exit — and today no one even remembers why. Madness. One more absurd war.

Nothing lasts forever. Trees don't grow to the sky. "If there's one thing I've learned in going around the world, it's that societies become rich, swagger around a few years, decades, or centuries, and then their hour is done." In his afterward, Rogers reflects on his own country, which he had not seen in two years:

> Now that I'm back, having seen a good part of the world close to the ground, people ask me how the United States looks to me. I hate to say it, because this is my home, but I see America as an obvious short sale.
>
> It's painful to see how hopelessly provincial and isolated we still are in this country. It's frightening that neither political party has been or is willing to address our economic problems.
>
> Around the world we saw firsthand what statist shackles had done to so very many countries, and I can see clearly that here in the States it will have to become far worse before it gets better.

Like the *maoi*-builders of Easter Island, the United States might disappear with hardly a trace. But Rogers understands pretty well why the U.S. is falling, and he explains its decline — and the policy changes that must be made if its decline is to reverse itself — in extraordinarily plain language.

In his most startling prognostication, he predicts that as the U.S. economy declines and Mexico's improves, a considerable part of the United States will revert to Mexico. Clearly, Rogers is a man who revels in controversy.

Investment Biker is a travel book, an adventure book, an investment book, and a collection of essays on political economy. And it works on all these levels. *Investment Biker* is a book that virtually any libertarian — and anyone else — can enjoy and profit from. That is quite an achievement. ❑

***News and the Culture of Lying: How Journalism Really Works*, by Paul H. Weaver. Basic Books, 1994, 243 pp., $22.95.**

Truth and Lies in Black and White

Bruce Ramsey

The title was arresting: *News and the Culture of Lying: How Journalism Really Works*, by Paul H. Weaver. A review copy was on a reporter's desk at the daily newspaper where I work. I picked it up. Lying, are we? I looked it over. On the back were four blurbs, one of them by Edith Efron. Hmm. I'd better read it.

Weaver calls himself a former neoconservative. (And now?) He works at the Hoover Institution. He is also a former political science instructor at Harvard, a former writer and editor at *Fortune*, and a former press agent at the Ford Motor Company.

He does not look down his nose at journalists. "I once viewed journalists as glib and superficial people condemned by their lack of theoretical sophistication and rigorous intellectual purpose to skate forever on the deceptive surface of life." But practicing journalism made him more aware of the rocks and fissures of the planet than did teaching at Harvard. Now he tends to find academic social science "shallow, unpersuasive, naive, unworldly."

I agree. And yet he says journalism lies.

Why? Because the journalist has to stick to facts and verifiable statements, without adding what he thinks. He becomes a conduit for manipulation, for the presentation of play-acting as reality.

He cites the confirmation hearings of John Tower as President Bush's secretary of defense as an example. "Each side was fighting over an issue it didn't care about (drinking) and pretending not to care about issues it cared a lot about (defense spending and political advantage)."

Writes Weaver, "On the surface there was a made-up public story put out for the purpose of manipulating others in ways favorable to the story makers. Behind that was another story, known to those immediately involved and to outsiders with the knowledge to decode it, concerning the making of the public story and the private objectives it was meant to advance. The two stories, or realities, were often wildly at odds with each other. In the real world, the role of the press was to promote public illusions and private privilege."

This happens everywhere debates

are waged on a public stage. Here in the Pacific Northwest, a battle was fought over the spotted owl: whether the bird would die without old-growth forest; whether it was endangered; how many acres of forest each pair of birds required; how many pairs there were. That was the ostensible battle. The real fight was not about birds, but about what the National Forest was to be used for — timber harvesting or hiking and animal habitat.

Often the press wrote as if the fight were about owls. But only a fool could follow the dispute for long without knowing that it was about the whole forest. It was the same with the sham battles over John Tower — or Robert Bork, or Clarence Thomas. The flames were always visible behind the smoke and cinders.

Weaver says journalism presents a false picture. Sometimes it does; a particular story may take play-acting at face value, even when the reporter knows better. But much of today's journalism doesn't do this. Political journalism, especially, is constantly focusing on phony postures and sleazy stratagems — often so much that the reporter becomes a kind of theater critic. At election time, it sometimes seems that the press is not too credulous, but too cynical.

It would be difficult, maybe impossible, for a daily newspaper reporter to do his job the way Weaver proposes.

Sometimes Weaver is right. Maybe the reporter senses a veiled motive — but by the rules of objectivity, he cannot just say what other people's motives are. His editor will ask him: "How do you *know* that's their motive? Can you read minds?" And if the reporter says, "Don't you see that it's obvious?" his editor will simply say, "No, I don't." (Even when it *is* obvious. Because if the editor accepts it, someone will challenge *him*.)

But the reporter has his ways. If he can get some observer to *say* the obvious, he can quote that person. Journalists do this all the time. As a business reporter, I've called securities analysts many times so they could say for publication what I already knew.

Publications also employ columnists and editorial writers. They have fewer constraints. They can write what they think about hidden agendas and "obvious" motivations. That doesn't mean they will. They may be overworked, lazy, or timid. But if they fail to do their job, it doesn't mean the system was set up in some fundamentally wrong way. Weaver wants the journalist to abandon the pretense of objectivity. A similar argument is often heard from the Left: that all observers are biased, that "objective" journalism accepts society without question and therefore is biased in favor of the ruling class, and that the honest journalist writes from a point of view.

Weaver's argues: "In real life, when we speak with others about . . . experiences we have been through, we do not confine ourselves to facts or to objectively verifiable statements. We make whatever kinds of statements we think necessary to convey our experience as we understand it."

It's a convincing argument until you start applying it. I'm a newspaper reporter. Shall I make whatever kinds of statements I think necessary to convey my experience? What would that mean, in practice?

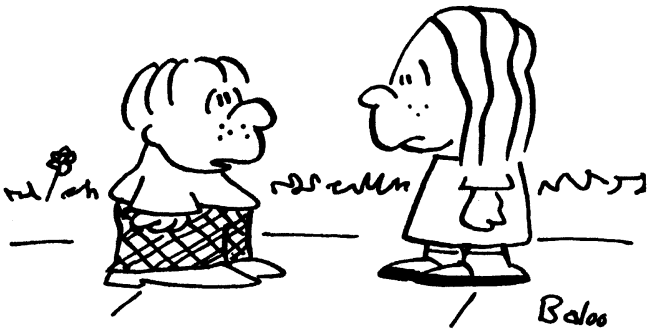

"If Santa Claus is really my father, then who's my *mother*?"

Weaver never draws a distinction between kinds of journalism. But the biweekly *Fortune*, where he worked, is different from *The Atlantic Mon-thly*, or a radio station, or a wire service, or a daily newspaper. At a daily, reporters work in beats, and sometimes have to deal with the school district or the cops or the big corporations or whatever every day. Reporters need the rules of objectivity. They have to be damned careful about making statements in print about their sources' motives. In any case, they frequently have little time to think. They have to get the facts, the he-saids and the she-saids, and pass the mass of sentences on to an editor. The reader is lucky indeed if the story has a logical structure, smooth flow, and proper ending. It is usually up to the columnists, editorialists, Sunday writers, and magazine journalists to put a spin on it.

Political journalism is constantly focusing on phony postures and sleazy stratagems — often so much that the reporter becomes a kind of theater critic.

It would be difficult, maybe impossible, for a daily newspaper reporter to do his job the way Weaver proposes. It would make better sense at *Fortune* — whose arch-rival, *Forbes*, does have writers take a point of view. And in the monthlies, writers always take a point of view.

In a long historical section, Weaver relates the faults of modern journalism to Joseph Pulitzer, the late-nineteenth-century publisher who popularized the front page, the headline, and the structure of the modern news story. This is the most theoretical part of his argument, and the least convincing.

He is on more solid ground when he describes *Fortune* — though he finds relying on personal experience embarrassing. It "goes counter to the prevailing practice in serious nonfiction writing, I'm aware, but it seems to me I have little choice in the matter." I think he was not a journalist long enough. This is the best part of the book, and he apologizes for it.

Weaver then moves on to the power of editors. "Outsiders often want to know why a news medium covers a topic in a particular way, as if there

were some complicated explanation known only to those on the inside. There almost never is. The 'explanation' of news is almost always the obvious one: What the media run is whatever the boss says the story is, period."

The reporter may come up with the story idea, but he has to clear the idea with an editor. "The editor compares this with the picture of the world he has in his head," writes Weaver. He may agree or not. "In the end, the editor decides; the story is always covered the way he chooses."

Yes — *if the editor wants to*. But on a daily newspaper, editors usually don't change a reporter's story in a big way. There are too many stories coming in, and too little time for the kind of consultation and review that goes on at *Fortune*. If it's going on page one, editors will have a hand in it. But much copy gets into the paper with only a routine review.

It was altogether different on the Asian newsmagazine where I worked from 1989 to 1993. There the reporters, with one or two exceptions, worked in distant cities, sending in copy by modem and fax. They could suggest stories, but decisions on stories were made by editors. Most of the big stories were in fact thought up by editors. We editors and rewriters sat in a room overlooking Victoria Harbor and ginned up cover stories to circulate in Malaysia and the Philippines. When the copy was faxed in, we treated it as raw material, for us to rewrite completely. The result was a slick, readable magazine — done our way.

The big editors called the shots over the little editors — especially on cover stories. The managing editor would choose the cover photo and cover line — the headline on the cover. The editor handling the story rarely had anything to say about the magazine cover, and sometimes had to modify his story to back it up.

A few times the whole story was dictated from the top. Once I was told to write a story on car-making in Asia. The boss had seen a number of small newspaper stories about car investments in Thailand, Malaysia, Indonesia, India, Pakistan, and China. His subordinate assigned me to supervise the cover story about it. We would tell our Asian readers that they were about to become the center of the world car industry. It was not true; the region was attracting significant investment, but as a car market it was decades behind Europe or America. It didn't matter. I had to instruct the writer to do it the way the boss wanted it written.

I left soon after. Just before I did, another editor presented an alarm-filled environmental story that predicted the extinction of the tiger. He had worked on the story for three months. The boss — a New Zealander — decided we needed to cover this from an Asian point of view. The story was rewritten. The tiger, which was being hunted so its penis could be ground up into Chinese medicine, became just another part of the Darwinian struggle. It had lost that struggle, and it was no use fretting about it in the sentimental Western way. As Asians, we should let it go in peace.

These two examples support Weav-

John Locke

David Hume

Adam Smith

Alexis de Tocqueville

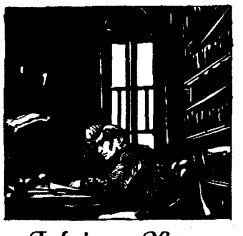
Ludwig von Mises

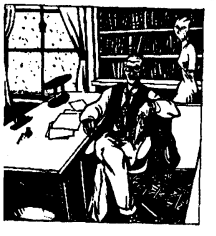
Friedrich von Hayek

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er's thesis of "editocracy." But they contradict his thesis about objective journalism, because in both cases the stories would have been better had we stuck to verifiable facts. And that's my problem with Weaver's book. My experience as a journalist fits his theory only some of the time, and then in the manner of a three-year-old trying on a shirt backwards: It fits only until you take a close look.

But I can't trash the book either, because there are some refreshingly honest passages in it. Journalists, he says, are too often courtiers. "In the mythology of the profession, the journalist is the aggressive advocate of the little guy, a thorn in the side of the pompous and powerful, a professional rebel. In reality, however, reporters are basically submissive toward and dependent on people they perceive as powerful."

Yes — far too often.

In his own case, he says, interviews with the high and mighty "have given me the feeling that I was, in a small and unofficial but still quite real way, a junior member in good standing of the American ruling class."

Maybe he shouldn't have been working at *Fortune*. He continues: "With so much psychologically at stake for me in my interviews, I usually had a queasy feeling in my stomach and a tremble in my hands as I put in the phone calls to introduce myself and set up appointments. What if they said no? a small voice worried inside my head. What if they said, Who the hell are you? Why should I bother to see and talk to the likes of you?"

A writer with that attitude will not want to come out and "make whatever kinds of statements he thinks necessary to convey his experience as he understands it." He will be too afraid. He will want those rules of objectivity, if only to hide behind. He will want that editor backing him up. In effect, he will reply to that person of power: "You should talk to me because I'll 'play it straight.' I won't try to psych out your motives or impute theories of my own. I will write down what you say, and let the readers decide for themselves."

The weakness of journalism, Weaver says, is the *system*. I don't think so. The weakness of journalism is the journalists. ❑

***A Rebel in Defense of Tradition*, by Michael Wreszin. Basic Books, 1994, 590 pp., $30.00.**

The Critic, Years After

Richard Kostelanetz

Dwight Macdonald was a curiously anomalous figure in American cultural history. He was a mostly full-time writer who didn't write much, a sometime editor who didn't edit much, a lifetime New York intellectual who wasn't Jewish and apparently didn't much like living in New York, a clear and witty writer who initially distinguished himself by publishing mostly in magazines filled with leaden obscure prose, an anarchist who wasn't a libertine, a book critic who wasn't particularly bookish (his son told me that his library at death was much smaller than mine in mid-career), a contentious individualist whose writings and career eventually commanded wide respect. Not unlike other independent critics who frequently swim over their heads, he also had an attractive capacity for providing intellectual surprise without appearing capricious or opportunistic.

Born in New York in 1906, Macdonald went to prep schools and to Yale, where he determined early that he would be a critic and so, while an undergraduate, flexed his muscles by publishing articles critical of Yale. (William Buckley, remember, had to graduate before publishing *his* attack on Yale.) After six months of executive training at R.H. Macy, he went to work for another Yale man only a few years his senior, Henry Luce. At Time, Inc., he learned to draft English prose that is comprehensible to most literate readers (as distinct from common journalism and professional jargon); indeed, he became a living argument that mass magazines provide a better literary apprenticeship than MFA writing programs. Resigning from *Fortune* in 1936, Macdonald became the following year an editor at *Partisan Review*. Near the end of World War II, he founded *Politics*, an eclectic political-cultural magazine — among the best ever done in this country — that was remarkably prescient not only in exposing Stalinism and the amorality of bureaucratic societies but also in publishing in 1944 Robert Duncan's "The Homosexual in Society" under Duncan's own name. (Remember that the author of the 1951 book *The Homosexual in America*, "Donald Webster Cory," was identified in the book itself as a pseudonym!) Someone should have long ago published a selection of the best articles from its pages — isn't this what the Liberty Fund is for? In 1948, Macdonald published *Henry Wallace*, a thorough devastation not only of a leftish phoney, but of the people supporting him.

Like other independent critics who frequently swim over their heads, Macdonald had an attractive capacity for providing intellectual surprise without appearing capricious or opportunistic.

Losing interest in political criticism, Macdonald folded the magazine and, after some desultory drifting, became in his late 40s a staff writer at *The New Yorker*. After contributing some windy profiles typical of that magazine, he developed a distinctive niche in its pages:

writing extended critiques of cultural balloons — the Revised Standard Version, the third edition of Webster's unabridged dictionary, the 50-volume "Great Books of the Western World." (A persuasive 1958 deflation of James Gould Cozzens' bestselling *By Love Possessed* appeared instead in *Commentary*.) Within the American tradition of literary bombing, these take their proper place beside Mark Twain's continually reprinted essay on James Fenimore Cooper and H.L. Mencken's lesser-known deflation of Theodore Dreiser's style; they account for why Macdonald's name is remembered more than a decade after his death. Most of these essays appear in three book-length collections of his journalism — *Memoirs of a Revolutionist* (1957), *Against the American Grain* (1962), *Discriminations* (1974) — titles that his new biographer Michael Wreszin scarcely mentions. (Wreszin's biography, *A Rebel in Defense of Tradition*, contains 72 pages of notes but has no bibliography!)

To understand the continuing relevance of Macdonald's mastery of the art of elaborate literary demolition, consider that such essays hardly appear anywhere nowadays — certainly not in *The New Yorker*. The closest semblance in my recent reading is Camille Paglia's "Junk Bonds and Corporate Raiders" (1991), reprinted in her book *Sex, Art, and American Culture* (1992), where it is the only essay of its elaborate deflationary kind. One reason few such essays appear nowadays is that they are hard to publish — I know because I've tried. The only places that will run them are tight-assed party-line journals (usually "Right," sometimes "Left"). Is there any better reason for calling this the Age of Puffery?

Incidentally, though "deconstruction" probably means something similar to "demolition," the two are in practice scarcely identical, purveyors of the first choosing obscure, elitist prose styles anathema to true essayists.

The principal theme of Macdonald's later criticism is cultural decline, initially in Biblical translation, dictionary compilation, the understanding of the classics, etc. That's what made him seem culturally conservative and thus attractive to cultural conservatives. (He also disliked *Finnegans Wake*, which is generally a reliable index of avant-garde *vs* anti-avant-garde tastes, and even the abstract art exhibited in the 1950s on Tenth Street, only a block or two from his apartment at the time.) Precisely because he was an essentially conservative critic — in contrast to, say, Clement Greenberg or Edmund Wilson, both of whom championed avant-garde work in their times — Macdonald never had much influence on the making of art or the development of alternative esthetic tastes.

He was also a film reviewer for *Esquire* between 1960 and 1966, where his chief theme was that Hollywood product paled before European cinema. This was so obvious and critically so easy at the time that his film criticisms, collected in *Dwight Macdonald on Movies* (1969), now seem trivial. (Wreszin doesn't mention this book at all, even though it was reprinted in 1981 as simply *On Movies*.) On the surface, all this doesn't constitute much of a literary career, making one initially wonder why Macdonald deserves such a thick biography.

By the 1970s, Macdonald was hardly publishing, having encountered a writer's block (if you believe such things exist — my own feeling is that they reflect lack of preparation and/or passion). Instead, he became a professor, initially visiting several institutions, later accepting a chair at John Jay College of New York's City University, in whose Queens College branch Wreszin teaches. The biography repeats that he was a good and popular teacher who was equally friendly to secretarial staff and students, without noting that this character trait probably reflected his lifetime in non-hierarchical situations.

In an illuminating episode that apparently escaped Wreszin's decade-long research, the sociologist Charles Kadushin asked other writer-intellectuals in the early 1970s which colleague they respected most. After the tabulations were complexly completed, Macdonald got the most votes, thereby becoming in Kadushin's view the most influential. Though this was the first time I recognized Macdonald as a success in spite of himself, this elevation is no less curious to me now

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than it was then. My sense at the time was that Macdonald must have been the least disliked, not withstanding that his best pieces were polemical and that he was personally contentious (and he acknowledged a reputation for frequently changing his mind), because he attacked cultural developments likewise anathema to Kadushin's respondents. (What would *Liberty*'s readers think if a survey found other contributors rating me, say, the most influential? They would rightly wonder about wayward survey methodology. I mention this only because *Liberty*'s publisher has a taste for such surveys, not to mention a religious faith in their authority.)

Another reason for Macdonald's centrality is his ability to produce sentences that struck his intelligent reader's heads, for example: "The Ford Foundation is a large body of money completely surrounded by people who want some."

There is no better measure of Macdonald's continuing reputation than all the favorable reviews of *A Rebel in Defense of Tradition* — even in *The American Spectator* (!). The surprising paradox is that someone so controversial in his time is by now all but universally admired. (This is a truth lost upon the opportunistic butt-kissers of the world.) What Wreszin's biography fails to explain is the central anomaly of Macdonald's career: the success in spite of all the moves that seem destined to bring failure. This makes Macdonald the opposite of a previous Wreszin subject, Albert Jay Nock, who strikes me as a failure in spite of the intrinsic merits of

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his work and career.

One question I cannot answer is the quality of this biography. The current academic style is a thick, predominantly chronological book, elaborately annotated mostly with interviews and personal papers, written in undistinguished prose by an author who rarely uses the first person or threatens to upstage his or her subject in any way. Their size notwithstanding, such books are customarily discreet about their subjects' emotional lives, invariably raising more questions than they answer. This is especially true if the subject is someone recently deceased: the manuscript was probably vetted by those close to the subject, creating the impression of lost passages that may be retrieved later. Think of this as a successor to Brad Gooch's biography of Frank O'Hara last year, Linda Hamilton's of Kenneth Rexroth two years ago, or Martin Duberman's of Paul Robeson a few years before. (Duberman provides a blurb for Wreszin's book, thus certifying its modish respectability.)

Alas — I cannot for the life of me tell whether one of these books is better than another, or why, and I don't see anyone else even trying to discriminate among them. I suspect that biographies, especially of colorful intellectuals, could be written in other ways. In Macdonald's case, his own brief autobiography — "Politics Past," reprinted in his *Memoirs of a Revolutionist* — is better-written.

I first read Macdonald in 1960, when I was an undergraduate charmed by his engaging style and critical independence. *Against the American Grain* was among the first books I ever reviewed for publication, and I was thrilled again when a passage from my review was the first to appear on the back of the paperback reprint. I took seriously his advice about the career benefits of writing for mass magazines while I was young. It is not for nothing that a forthcoming book of mine —*Crimes of Culture*, a collection of demolition essays — is dedicated to Macdonald.

My sense now is that Macdonald was a writer who disliked writing, preferring talking and drinking (one vice being no worse than the other for writers); but once he got some recognition, quite early in his career, he needed to write to support his drinking and talking. When pundit-level fame came to him, he didn't need to write anymore, so even when book contracts came his way, he did not fulfill them.

One implicit theme of this finally sad book is the writing he didn't do, and thus the thinking his readers — beginning with this one — missed. ❑

***Natural Born Killers*, directed by Oliver Stone; screenplay by David Veloz, Richard Rutowski, and Oliver Stone, from a story by Quentin Tarantino. Warner Bros., 1994. Starring Woody Harrelson, Juliette Lewis, Robert Downey, Jr., Tommy Lee Jones, Rodney Dangerfield, Russell Means.**

Natural Born Critics

Jesse Walker

Oliver Stone's latest movie, *Natural Born Killers*, has been both acclaimed and reviled. I'm not surprised that so many people don't like it; it was sure to provoke a lot of hatred, for four reasons:

(1) It cost a lot of money to make. This really gets some critics mad.

(2) It's directed by Oliver Stone. And Stone, as we all know, is easy to make fun of — sometimes because he deserves it, but usually because everyone else is doing it. This is chicness disguised as iconoclasm, like putting down Rush Limbaugh or cracking a five-year-old Dan Quayle joke; few of the trendy Stone-haters would be willing to puncture the pretensions of, say, Steven Spielberg.

(3) It's very, *very* violent, which is a political no-no right now. Cartoony mass murders are tossed off with the sort of ironic detachment the word "postmodern" used to imply, back when the word meant anything at all. At the same time, it indicts the audience for their detachment from all the violence, both in the film and in the world outside the theater. Moviegoers in the Janet Reno/Tipper Gore mold are generally incapable of recognizing irony, and when they do they tend to think it in dubious taste. So, naturally, they hate the movie.

(4) It's been heavily hyped, which means it was sure to provoke a snobbish backlash. A typical critique came from Stuart Klawans, film critic for *The Nation*, who complained that Stone's allegedly innovative editing is "thirty-year-old avant-gardism made expensive." Says Klawans: "'Unlike anything you've ever seen before'? We've been seeing this since Eisenhower was President!"

True enough, though, strictly speaking, Eisenhower ceased being president more than 30 years ago. Anyone who thinks *Natural Born Killers* is a Great Leap Forward in filmmaking hasn't seen many movies made outside of Hollywood. If all you care about is newness of technique, this isn't much more than Godard reshooting *Bonnie and Clyde* for MTV.

The real question, though, is whether Stone's technique serves a purpose, or if it's just a $34 million masturbation. I resisted liking this picture for the first half hour or so, not because it was bad, but because I was afraid its virtuoso editing was there to hide an inconsequential film. Ultimately, it won me over. Believe it or not, there's a difference between not being unique and being a hackneyed set of clichés, though this distinction is often lost on the fashion-conscious worshippers of the New.

As I was leaving the theater, my friend Paul asked me what I thought of what we'd just seen. "I *think* that was a great movie," I replied. "But I might have to see it again to be sure."

Natural Born Killers is very violent and a little pretentious, and it occasionally devolves into pedantic moral pos-

turing. It is also witty, disturbing, and technically flawless. There were times when I both felt like laughing and felt disgusted with myself for wanting to laugh — and knew that it was precisely this tension that the director was trying to produce.

The movie slams cultural trends that deserve to be slammed — tabloid TV, using child abuse as an excuse for adult crimes — but it mostly shoots for easy targets; Mr. Stone has certainly made braver pictures in his time. Fittingly for a film about the American media, it sometimes feels like a long rock video. I don't really mind that: it's better than anything on MTV or VH1, and Stone's soundtrack selections — e.g., the Specials' "Ghost Town" during a prison riot — are flawless. But I still can't escape that nagging suspicion that this isn't the great picture I've been telling people it is, that I've been snowed by an empty display of masterful technique.

At least I'm having a good time being fooled. I'm not sure that could be said of the Moral Guardians who hate this film. ❑

***Comedy Overture "The Jolly Miller," Violin Concerto,* and *Symphony No. 18,* by Havergal Brian. Marat Bisengaliev, Violin; BBC Scottish Symphony Orchestra, conducted by Lionel Friend. CD Marco Polo 8.223479.**

The Cheery Nihilist

Kyle Rothweiler

As soon as the English composer Havergal Brian's Symphony Number 18 comes marching in, it is obvious that we are in the presence of a musical intelligence that is sardonic, skeptical, ironic, iconoclastic, impatient, disgusted — one of the premier grouches of his or any other age. The huge percussion section constantly rattles and booms, the brasses roar and bellow, the woodwinds chatter and chant, the usual strings do their best to keep up — and it's all over in 15 amazing minutes. "Nietzsche loved brevity to the point of ellipsis," said Walter Kaufmann, and the same could be said of the late Brian. At the time of the work's creation — 1961, when he was 85 — Brian had lived in utter obscurity for most of his productive life; he composed 14 more symphonies before dying at the age of 96. He said that most of the people who would understand his music were dead; asked what his philosophy of life was, he replied, "Nothing matters."

Yet one gets the impression that his life was essentially a happy one. His music is not only deeply pessimistic but also exultant and exuberant. There is no contradiction. As H.L. Mencken pointed out, it is a completely fallacious notion that cynics are unhappy just because, in their caustic candor, they make everybody else unhappy. In the last analysis there is something profoundly satisfying about living in proximity to the horrible truth — on the slopes of Vesuvius, as the philosopher said. And there is indeed a Nietzschean quality to Brian's strange but logical mixture of willfulness and fatalism, heroism and misanthropy, esthetic excess and asceticism, Romanticism and revulsion. His gnarled counterpoint and motivic bombast and bellicose satire — if Ambrose Bierce had been a composer he might have written music like this — all suggest that life is a fascinating and heroic, but also meaningless and rather absurd struggle.

This is conveyed movingly in Brian's Violin Concerto (1935), a much more conventionally Romantic work than the late symphonies. Broader, more expansive, more lyrical, sometimes even charming, it still has the Brian stamp: the solo part is diabolically difficult, almost sadistic in its demands on the fiddler, who often has to fight to be heard over the characteristic Brian orchestration — heavy on the brass and percussion, with an awe-inspiring virility and directness that recalls times much manlier than this depraved and sentimental century. (That is, no doubt, the reason why Brian has been neglected: modern man has had no use for Brian because Brian had no use for modern man.) The solo violin plays the role of the many brief solo sections in his symphonies: the individual scraping and clawing his way through life, achieving weirdly transcendent beauties in the midst of the bleak and black and bitter battle. For this reason I find this work one of the composer's most moving, although (or because) it is one of only two concertos he wrote.

It is worth noting that Brian the consummate outsider was, *ipso facto,* a sound and sensible critic; his comments on the English musical establishment of his time were often excellent. This in 1934: "The fact of the matter is that the BBC in its present form has been with us too long: occasional changes in its personnel make no difference in its policy, which, in music, is offensively patronising and un-English when concerned with the art in its higher form. And all this has been made worse now that the huge machine is dominating the concert hall. Why should not the BBC go out of office completely, like an unpopular Government?" Three years later: "If the BBC continues to develop at the pace of its career during the past twenty years, the individual in music promotion must go. The Government, when it fixed the monopoly on the nation, doubtless did not foresee the result; but that is the habit of governments . . . but, balancing possibilities and probabilities, I think that music in England will survive even an extended period of the Civil Servant in Art."

If Ambrose Bierce had been a composer, he might have written music like this.

The present disc is part of a continuing cycle of Brian's symphonies and other orchestral music released on the Marco Polo label. The others so far in-

clude recordings of his "Gothic" Symphony (1927), a Himalayan work with Brobdignagian orchestral and choral forces that is probably the longest symphony ever written; the "Siegeslied" Symphony (1933), an atheist's setting of Psalm 68 with vast, grandiose, complex choral writing, terrifying in its evocation of Old Testament vengeance and bloodlust; the brief, Sophoclean Symphony Number 12 (1957); the long, Wagnerian/Elgarian funeral march, "In Memoriam" (1912); the astonishingly inventive Symphony Number 17 (1961); and Brian's last composition, his Symphony Number 32 (1968), whose first two movements provide the most extreme expression of the composer's stony stoicism and whose last two movements are churning with life. If ever there were a musical philosopher, it was this great man. ❑

Booknotes

It Ain't Necessarily So — I surprised a lot of people when I decided to attend the University of Michigan. This was in 1988, and the news media were filled with tales of dark, bigoted goings-on in Ann Arbor. Racist fliers stuffed under doors, racist comments from administrators, racist jokes on campus radio . . . to hear *Time* and PBS tell it, I was heading into a den of Klannish iniquity. But this picture didn't square with what I'd seen of the place, and I decided to ignore some friends' warnings that at Michigan, someone of my political inclinations was bound to be lynched.

Sure enough, the sum total of Michigan's "racist incidents" turned out to be pretty sparse. There weren't that many racist fliers, and for all anyone knew, the people responsible for them weren't even students. The administrator's "racist comments" were only racist if you considered any criticism of affirmative action to be anti-black. And contrary to the sloppy reporting of everyone from *The Nation* to Dinesh D'Souza, the racist jokes on "the campus radio station" *weren't* on the campus radio station (WCBN); they were on WJJX, a carrier-current-only project with approximately zero listeners.

Sometimes, in low tones, students would speculate about who was really responsible for those racist fliers that made the national news. Were they quasi-literate bigots, as most of us had assumed? Or were they — and here the voices dropped lower — anti-racist activists? It was easy to see the boost these incidents were giving the already powerful United Coalition Against Racism, and some members of that group were clearly willing to be opportunistic and unethical.

We never found out who was responsible. A conservative student government was elected, UCAR faded away, and the media feeding-frenzy over campus racism was replaced by a media feeding-frenzy over political correctness. Eventually, the issue ceased to seem important. But according to Laird Wilcox, a veteran observer of the political fringe, those students' speculations were not out of line. Across the country, alleged acts of racism and anti-Semitism have turned out to be hoaxes, perpetrated for any number of reasons: for power, for attention, for money, for revenge. Wilcox lists over a hundred of these frauds in ***Crying Wolf: Hate Crime Hoaxes in America*** (Editorial Research Service, 1994, 220 pp., $12.95), basing his research on reputable sources, usually newspapers. Wilcox is no right-wing crank out to pretend that bigotry does not exist or that these hoaxes are the result of a giant conspiracy. He is a reasonable (if maverick) independent sociologist with intelligent things to say.

What is the ultimate significance of all this? I'm not sure. One thing is certain, though: Wilcox has amassed a formidable reminder of the importance of skepticism. Anti-racists, anti-P.C.ers, doves, hawks, leftists, conservatives, libertarians — everyone with an ideological axe to grind tends to use different standards in examining evidence that supports or opposes one's beliefs. Books like this remind us how easy it is to be duped. —Jesse Walker

A Second Look — It's been eight years since ***How the West Grew Rich*** (Basic Books, 1986, 353 pp., $19.95) was published. Written by Nathan Rosenberg, an economic historian known for his study

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of technology, and L.E. Birdzell, Jr., a lawyer, the book attempted to explain the sources of Europe's growth since the medieval period. It was respectfully reviewed and generally praised.

But for me it was something of a drag. It offered no overarching theory to explain how economic growth occurred. Rather, it was full of details, all of which seemed about equal in importance. Although the book was viewed as favorable to capitalism ("Capitalism, or Virtue Rewarded" was the title of Donald McCloskey's review in the *New York Times Book Review*), the authors were diffident about making any claims whatsoever. Thus, for example, while they praised property rights, they buried their admiration in discussions about diversity and autonomous power centers. Indeed, rather than offer any profound themes, they provided lists of possible factors and tentative, partial explanations.

But eight years have passed, and I now know more about economic growth than I did then. I know, for example, that history is too complex to fit easily into broad generalizations and all-encompassing themes.

And now I find that when I delve into its details, this book has a great deal to offer. Let me share two nuggets of information.

Traditional history — as I was taught it, anyway — counterpoised the oppressive rules and obligations of feudal serfs against the freedom of life in the medieval cities. Feudalism equalled constraint; cities equalled liberty.

But Rosenberg and Birdzell offer a much more favorable view of feudalism, pointing out that it was unlike any major political system up to that time. Empires in China, India, and elsewhere were based on absolute ownership and control by a single sovereign. In contrast, feudal kings had obligations to their vassals. They "were not so much true sovereigns as they were individuals who, by contract with other individuals, their vassals, had established certain rights and obligations," say the authors. Thus, thanks to its "plurality of power centers," feudalism "contained the seeds of social arrangements suited to sustained economic growth."

Rosenberg and Birdzell go on to make another rather surprising suggestion: that hereditary succession may have been a critical factor in the rise of the West. Citing historian Fernard Braudel, they point out that a chieftain who doesn't have the ability to pass on property to his offspring will lose the loyalty of subordinates as he ages. Instead, they will cater to the higher-level chief who distributes the property after the chieftain's death, and power thus will tend to flow toward a single monarch. Hereditary succession interrupts this flow. It maintains diverse centers of power, setting the stage for eventual capitalism.

How the West Grew Rich offers many small pieces of a complicated puzzle that is still unfinished. I was pleased to reacquaint myself with this treasure trove of information. —Jane S. Shaw

Jeffersonian Principles — Originally published in 1824, John Taylor of Caroline's ***Tyranny Unmasked*** (Liberty Classics, 1992, 282 pp., $25.00 hc, $7.50 sc) is a book-length attack on what unfortunately came to be known as "the American System" of protectionist tariffs and "internal improvements." But it is still worth reading, and not only for historical interest.

It has wise things to say, and is elegantly written, though in the style of the day. Consider: "Governments able to do so, uniformly sacrifice the national interest to their own; the European governments possess this ability; therefore they have regulated commerce with a view to advance their own interest, and not the interest of the nation" (p. 9). And: "The [protectionists] say, 'that we flourished in war, and are depressed in peace, because manufactures then flourished, and are now depressed' . . . Who are We? Not the people of the States generally. They were loaded with taxes, deprived of commerce, and involved in debt. . . . It is a consequence of war to transfer property, and this has been hitherto considered as one of its evils" (39).

Liberty Classics has once again rescued another unjustly forgotten book, and presented it in an inexpensive, attractive edition. It is also a nice corrective to Liberty Classics' previous Taylor printing, *Arator*, which was, to be frank, an extreme bore (not every book this valiant publisher produces is as worthwhile as *Tyranny Unmasked*).

—Timothy Virkkala

Haiti, *from page 20*

dent Jim Clancy kept trying to explain why some people in Haiti were afraid of Aristide, but the guy at the CNN anchor desk kept changing the subject. Two days later, much the same thing happened to another CNN correspondent, Christiane Amanpour, who mentioned Aristide's left-wing politics and said that his religious order had "defrocked" him. Although she seemed to have extensive information, nobody gave her the chance to spill it.

Throughout the crisis, television's main source of information on Aristide was his own public-relations flack, who assured all interviewers that Aristide was the Haitians' "George Washington and Thomas Jefferson and James Madison and Martin Luther King" — anything you wanted to hear; and anything you might hear to the contrary was just a discredited right-wing myth. The interviewers nodded and smiled.

The interviewer who turned aggressive was Larry King. On King's September 15 show, just after Attila the Hog's big speech, Republican Senator McCain started to criticize Aristide. King, who had gotten snippy whenever Clinton was criticized, reacted with hostility. He turned to his other guest, Democratic Senator Graham, and asked him if he didn't think there were "racial motives" behind opposition to the president's policies. Senator Graham, less partisan than his supposedly nonpartisan interviewer, said that he didn't want to "impute bad motives" to people.

Nor do I. I could see that the innocent people inside my television could sense that something wasn't quite right about Clinton's Haitian adventure, even if Clinton was a Democrat. They probably understood that he must be lying when he said that Ayiti (as the natives call it) threatens the security of the United States. Although the TV experts didn't question Clinton's sincerity, they invited the nonexperts to do it for them, making frequent references to the unfavorable view that many of "the American people" took of his policies. If, on the whole, the television people gave Clinton an easy ride, part of the reason is that they just didn't know any better. And after all, why should we expect *them* to know anything about politics or history, or even to guess that they *don't* know?

On September 15, William Gray, a former congressman and Clinton's special advisor on Haiti, answered a television interviewer's question about the unpopularity of Clinton's war policy by claiming that no war is popular. Even after Pearl Harbor, Gray recalled, America might not have gone to war; it was "very, very close." Gray's intrepid interviewer, hearing no evil, sat quietly and absorbed this sentiment. Now, as *I* recall, and I'm right, only one member of Congress voted against World War II — and any reasonably intelligent person would guess that that's the way things would have gone, given Pearl Harbor and all. But why should one expect such astonishing penetration from anyone on TV? —*Stephen Cox*

Notes on Contributors

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

"Baloo" is cartoonist *Rex F. May* in disguise.

John Bergstrom is special projects editor at *National Lampoon.*

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Stephen Cox is Professor of Literature at the University of California, and editor of the new edition of Isabel Paterson's *The God of the Machine.*

Seth Farber is author of *Madness, Heresy, and the Rumor of Angels*, and is a practicing psychologist in New York City.

Robert Formaini directs the Center for Entrepreneurship at Reinhardt College.

James Gill is *Liberty*'s staff artist.

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

John Hospers is author of *Understanding the Arts* and other works of philosophy.

Bill Kauffman is author of *Every Man a King, Country Towns of New York*, and the forthcoming *Nativist Sons.*

Bart Kosko is author of *Fuzzy Thinking* and other concise and readable tomes.

Richard Kostelanetz is an unaffiliated gadfly and critic in New York City.

Pierre Lemieux is a vagrant economist and pamphleteer.

Michael Levine is *Liberty*'s elder editorial intern.

Tom Loughran is *Liberty*'s newer editorial intern.

George Manolovich recently returned from a fact-finding trip to the former Yugoslavia.

Wendy McElroy is a "fellow" at the Independent Institute.

R.R. McGregor is a gnostic gardener somewhere in America.

Dyanne Petersen is a long-time libertarian activist recently convicted on a drug charge.

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

Grover Joseph Rees was General Counsel of the Immigration and Naturalization Service from 1991 to 1993. He is Visiting Professor of Law at the University of Detroit.

James S. Robbins is a journalist and foreign policy analyst in Massachussetts.

Kyle Rothweiler has written for *Reason*, the *American Record Guide*, and other periodicals.

Susan J. Rutter studies art at the University of North Carolina.

Jane S. Shaw is a senior associate at the Political Economy Research Center.

David Ramsay Steele is author of *From Marx to Mises.*

Clark Stooksbury is *Liberty*'s assistant publisher.

Timothy Virkkala is *Liberty*'s managing editor.

Jesse Walker is *Liberty*'s assistant editor and involuntary film critic.

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

Terra Incognita

Houghton, Mich.

Progress in the new, "privatized" U.S. Postal Service, reported by the Associated Press:

"Hmm. Looks like a misprint," commented Houghton postmaster Jim Niemela when a reporter pointed out that a new United States postage stamp displayed Houghton, along with the entire Upper Peninsula of Michigan, as submerged in Lake Superior.

Council Bluffs, Iowa

Protection of animal rights in the American Midwest, as reported by the *Omaha World-Herald*:

A Council Bluffs city ordinance says it's illegal to "worry" a black squirrel.

Weed, Calif.

Public debate in the world's greatest democracy, as reported by the *New York Times*:

City officials of Weed, California hope to revive their town's economy by constructing a prison at the base of Mount Shasta. To sell voters the idea, they are distributing promotional materials that depict beautiful sunsets over prisons and inmates building schools. Opponents charge that a prison will hurt Mount Shasta's reputation for spiritual powers.

Contra Costa County, Calif.

Progress toward a less violent society, reported in *USA Today*:

Until year's end, anyone who turns in a gun to a police station in Contra Costa County will get three free hours of therapy.

Miami

The latest in police entrapment techniques, described in the *Washington City Paper*:

Mexican zoo official Victor Bernal was convicted of violating U.S. endangered species laws for trying to pay $92,500 for an animal that turned out to be a Fish and Wildlife Service agent in a gorilla suit.

Norman, Oklahoma

Free enterprise in action, as reported by *Human Events*:

Oklahoma Conservative Committee Chairman Elmer Z. "E.Z." Million has launched a campaign to shut down the Benetton store in Norman "to let these guys know that in our free-enterprise system, we don't need their kind of advertising."

New York

The thin blue line that separates civilization from anarchy, as revealed by the Mollen Commission and reported in the *London Times*:

Former police officer Bernard Cawley, known to colleagues as "The Mechanic," described how he earned his nickname: "Because I used to tune people up."

"What do you mean, 'tune people up'?"

"It's a police word for beatin' up people."

"Did you beat up people you arrested?"

"No. We just beat people up in general."

Germany

Entrepreneurship in the old Soviet bloc, as reported by the *Washington Post*:

Frank Georgi wants to build a theme park recreating East German totalitarianism, complete with May Day parades, an Erich Honecker look-alike, secret police, and closed-circuit TV sets showing old propaganda movies. Visitors could apply to leave, but at the risk of ostracism and petty harassment.

Italy

An untapped revenue source is uncovered in progressive Italy, according to the Associated Press:

Health Minister Pia Garavaglia has ordered dead citizens to pay an annual tax to help fund the nation's health system.

Houston

Judicial reform in the Lone Star State, reported by the *Boston Globe*:

District Judge Charles J. Hearn signed an execution order with a little "happy face" flourish. He explained that the symbol was "not intended to take away from the seriousness of anything."

Lake County, Fla.

The art of political compromise in the Sunshine State, reported by the *New York Times*:

The Lake County School Board agreed to implement a state-mandated multicultural program, amending it to require teaching that America's culture is "unquestionably superior."

Gateshead, England

Unintended art criticism, described by the *London Times*:

Two men stole a ten-foot pile of rusty scrap steel, not knowing it was a $51,000 environmentally compatible piece of art representing a heap of rusty scrap steel.

North Palm Beach, Fla.

A new drug menace, according to United Press International:

A judge has ordered a man on probation to quit eating poppy seed bagels or go to jail, because the poppy seeds result in false positive drug tests.

Iraq

International good sportsmanship, reported by the *Boston Globe*:

In a speech marking the anniversary of the invasion of Kuwait, Saddam Hussein remarked that the war had provided his people with "good memories."

Honolulu

Dispatch from the front on the Island Paradise's war on crime, described by the *Honolulu Star-Bulletin*:

A 57-year-old woman was Maced by police when she could not produce identification after being stopped for jaywalking.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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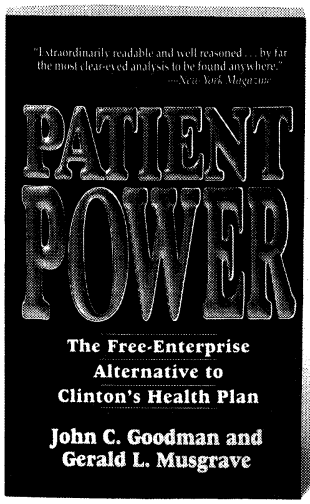

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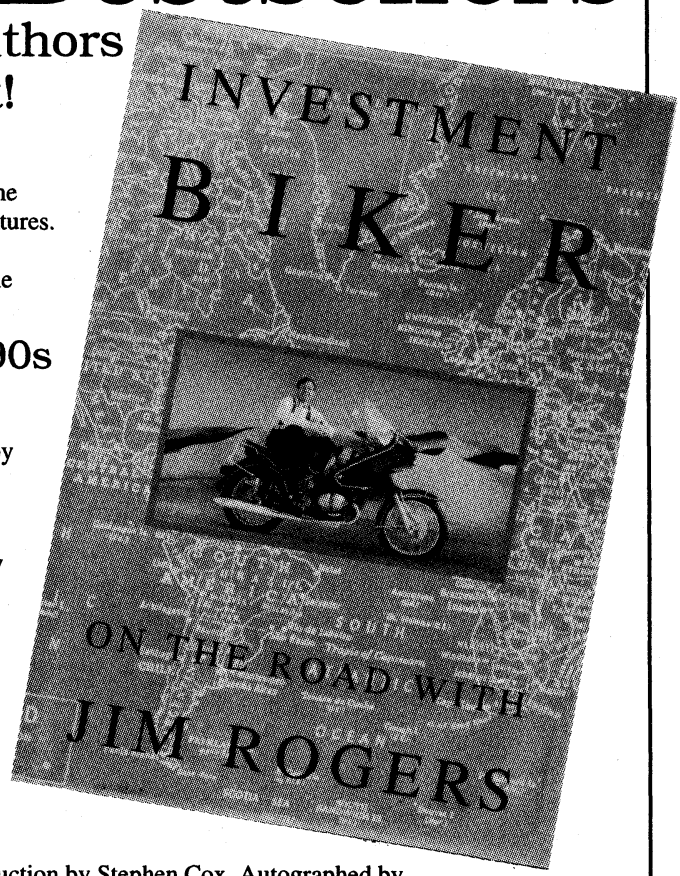

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Inside Liberty

January 1995
Volume 8, Number 3

4 Letters *Liberty* is a two-way street. But no passing.

7 Reflections *Liberty*'s editors eat doughnuts with prostitutes, vote for fictional persons, join the white flight, and toast the health benefits of wine. And still, they are a sober lot.

The 1994 Election

15 The Turtle and the Hare-Brains *Stephen Cox* draws a message from the defeat of Democrats. Neither the Republicans nor their left-leaning opponents will like it.

19 A Crisis of Faith The Republican triumph offers evidence that Americans have lost their faith in government, but haven't yet lost their faith in faith. *R.W. Bradford* explains.

25 To Vote or Not To Vote *Loren E. Lomasky* does it on the margin.

Features

27 Russo and Revolution *Chester Alan Arthur* interviews Hollywood heavyweight *Aaron Russo* about his new Constitution Party: serious political alternative, or another road to nowhere?

34 Free Speech, Blah, Blah *Brian Taylor* palavers with freedom's fair-weather friends on the Right.

37 Back to Work *Richard K. Vedder* and *Lowell E Gallaway* show why this century's obsession with "unemployment" worked so poorly.

43 I'll Take Manhattan *Richard Kostelanetz* espies utopia in the world's greatest metropolis.

45 Memoirs of a Soviet Dissident (in Canada) You don't have to live in a totalitarian society to feel the effects of ideological oppression, as *Pierre Lemieux* has learned.

52 Minds, Drugs, and the State *Sandy Shaw* defends the science of psychopharmacology. *Seth Farber* reiterates his warning: institutional psychiatry and its allied drug pushers are a grave threat to liberty.

Reviews

54 Not to the Swift, But to the Smart *Jane S. Shaw* makes sense of *The Bell Curve,* America's most controversial book. *Leland B. Yeager* looks at the science upon which it either stands or falls.

60 Requiem for Government Schools Critics of government schooling are easy to come by. *Jesse Walker* sets the standard for grading their proposals.

62 Farce and Madness *Ronald F. Lipp* finds that our decadent society is not only turning ugly, it is turning and turning in the widening gyre.

64 Radio Ga-Ga *Phil Leggiere* listens to a medium and its messages.

65 Booknotes on dead anarchists, white racists, wise economists, foolish newspapermen, and other specimens of *Homo sapiens sapiens.*

67 Classified Advertisements The free market, at 50¢ a word.

69 Notes on Contributors The authors *sans* muses.

70 Terra Incognita Gravity pulls at even the lightest of elements.

Letters

Anything Else Would Be Uncivilized

I didn't comment on Gus diZerega's "Deep Ecology Meets the Market" (November 1994) prior to R.W. Bradford's response ("The Market Meets Deep Ecology," December 1994) because I see responsible stewardship of resources as a legitimate concern, whether or not ownership is private. It's just another facet of the self-control libertarianism requires.

DiZerega simply opposes the right-wing "it's mine, all mine, to slash and burn, tee-hee" approach that says it's okay to cut down all the old growth in the northern hemisphere to make disposable chopsticks, and it's okay to hunt wildlife to extinction so recreational hunters can get their kicks. This cavalier readiness to destroy the irreplaceable is antisocial, whether or not you own it. Some things transcend property rights.

Raising and harvesting plants and animals for food and clothing can be done humanely, much as diZerega may doubt it. Humans are part of the food chain, after all, and these activities are no more than organized hunting and gathering. But there's always a line that separates civilized ways of meeting human needs from barbarism and savagery, and property rights don't exempt anyone from toeing that line.

I didn't object to diZerega's article because I agree with him in theory: property rights *do* carry responsibilities. But diZerega needs to admit that people have to kill for food and shelter, and Bradford needs to concede that society can and will judge what activities are appropriate uses of property rights — whether or not either of you likes it.

Leslie Van Sickel
Topeka, Kan.

Hegelian Hooey

One of the hallmarks of sloppy thinking is the yearning for "synthesis" where none is to be had. Gus diZerega's grand synthesis is his claim that "any consistent libertarian philosophical position must accord legitimacy to the concerns and principles of the deep ecologists." Even ignoring deep ecologists' animal rights arguments, as diZerega claims to do, this still leaves us with the movement's moral equalization of human and non-human life. DiZerega's "rejection of the despotic notion of property rights" and his willingness to allow a full-scale "wartime" assault on environmental problems "in an emergency" are evidence enough that there can be no synthesis between human rights and government intervention on behalf of non-human rights.

DiZerega also tries to synthesize the individual and society with the hoariest, most hackneyed objection to individualism: "individuals are members of societies." The real question is whether this nurturing social cradle exists to enslave the individual. DiZerega seems to think that's okay — in an emergency, of course.

DiZerega even offers a synthesis of self-interest and altruism: since humans are capable of imagining their long-term self-interest, they act on the basis of someone who "does not exist yet," and since "concern for others and concern for our future self are two sides of the same coin," one should embrace altruism not only for humans, but for animals as well! Again, the lust for synthesis creates a muddle, as when diZerega discerns "the ecological equivalent of capital consumption" or discovers that the "ecological community, like the market, is a spontaneous order." This kind of thought culminates in principles that are without content.

Terry Hulsey
Richardson, Tex.

Join Us!

As both a libertarian activist and an environmental activist, I was pleased to read "Deep Ecology Meets the Market." Unfortunately, because we are afraid of state intervention, most libertarians try to wish environmental problems away. Gus diZerega faces the issues head on. Environmentalists are looking for non-governmental solutions. Libertarians like diZerega are entering the environmental movement with fresh thinking. I urge *Liberty*'s readers to join us.

Gordon LaBedz
Seal Beach, Calif.

More on Cows

R.W. Bradford distorts Gus diZerega's main point: that humans have the capacity — indeed, the moral obligation — to treat living things as more than pure means. This is not really a revolutionary idea, despite Bradford's uncalled-for belittlement of diZerega as some sort of moral cripple who must have "a difficult enough time in the world without my getting on his case."

Although Bradford may find this hard to swallow, even the men and women who raise dumb cows for food rarely envision their domestic wards in the exploitative light of pure means. To many of them, livestock-raising circumscribes a culture of caring and stewardship, one that invariably ends in death but which until that moment is constrained by a powerful ethic of love and responsibility. No rancher I know who is worthy of the name has ever reduced the human-animal relation to one of pure means.

Bradford may be unwilling to acknowledge human responsibility in the natural world, but libertarian-minded people who see nature in a different light should inundate the pages of *Liberty* with principled arguments to the contrary.

Karl Hess, Jr.
Las Cruces, N.M.

The Despotic Editor

R.W. Bradford's criticism mostly ignores my arguments, except to complain that I didn't spend enough time making them. I wrote my piece to fit the general length of *Liberty* articles, so this seems a bit petty. If Bradford had wanted me to elaborate a point, all he needed to do was ask. But he admits he only wanted to draw fire by publishing my piece. Exploring issues was not his intent.

Bradford credits me with weakening my respect argument by allowing it to be "occasionally overridden." He misread. I allow for such overriding for the three principles growing out of membership within the ecological community, and explained why. I do *not* allow overriding with regard to the principle of respect, where those reasons do not apply.

To be sure, people often act thoughtlessly. My argument concluded that they will be *better people*, living more fully up to their human capacities, when they are more respectful of their relations with their environment. The deep ecological argument for respecting life is not anti-human. It is *rooted* in our being human. Like honesty, integrity, and kindness, the fact that it is frequently violated in no way weakens its value.

But there is still more amiss with Bradford's attack. His history is mistaken. Throughout history, most societies denied that animals, plants, and even the

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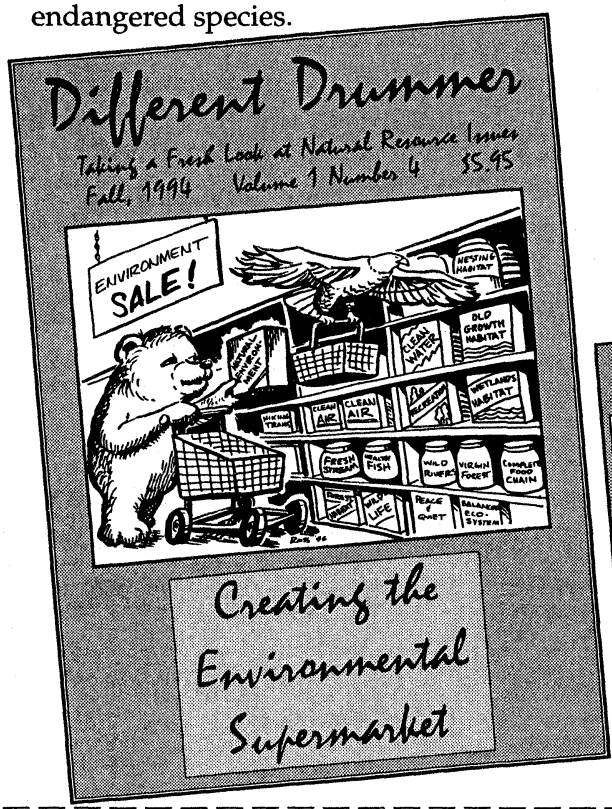

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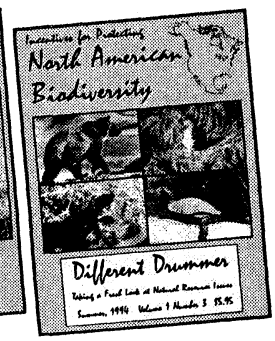

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earth, water, and sky were pure means to our ends. The view that they are is largely an Enlightenment legacy predicated upon a mechanistic view of nature combined with a purely transcendental view of God. It persists today due more to cultural inertia than philosophical or scientific rigor. For more on this, I recommend Mary Midgely's *Science as Salvation*.

Bradford is incredulous because I deny that life is always the ultimate value, yet hold that respect for it is an ultimate value. I do not see the problem. We probably all agree that sometimes it is legitimate to give one's life for a value. But it is the importance of life that makes that sacrifice meaningful. Sometimes we sacrifice our life in support of a value that can only then be enjoyed by *others*. Dare I suggest it is my *respect* for others that motivates me to give my life in such a case?

Moving closer to the issues in my article, if I eat meat (and I do), the conditions under which an animal is raised can still matter greatly to me. I can want it to have had a decent, even a good, life, and for its death to have been as painless as possible. In such a case I do not treat the animal as a pure means.

Liberty can be valued for many reasons. Bradford's seem different from mine. He apparently values liberty because it allows him to do anything he wants. Why else object to my criticism of using other beings as pure means? Apparently everything is either a tool, an impediment, or unimportant. This reason for valuing liberty would be endorsed by would-be despots who, realizing they will never be king, still seek as large a domain of arbitrary power as possible. They are libertarians because they cannot be kings. I call this the despotic defense of liberty, for it equates freedom with unrestricted arbitrary will.

An example illustrates my point. Only a despot or a sadist would chafe under laws forbidding the mistreatment of animals. Bradford seems to say that animals are simply means to his ends, whatever they may be. Assuming he is no sadist, his ends do not include deliberately mistreating them. It is the *idea* of limits, not any actual interference, that he apparently finds objectionable. Louis XIV would have understood.

Perhaps Bradford will say I distort him as badly as he distorted me, and that people should not be pure means but everything else should be. He would presumably base his distinction on our uniqueness. But then Bradford would have to address my argument about the nature of our uniqueness. In addition, anyone believing in evolution should be very careful about delineating the differences between ourselves and other animals, and their ethical significance. Certainly Darwin believed evolutionary insights pointed toward *expanding* our ethical circle to include animals.

Friends tell me R.W. Bradford is wiser and more decent than his argument would imply. I believe them, for I respect their judgment. But many good and decent people have been seduced by arguments with subtly inhuman implications.

Gus diZerega
Sebastopol, Calif.

Bradford responds: Contrary to Hess, diZerega did not simply assert "that humans have the capacity — indeed, the moral obligation — to treat living things as more than pure means." If he had made such an observation, I wouldn't have criticized it, since it is obviously true. But diZerega proposed that "Nothing living can be appropriately treated as a pure means." And this, I argued, is balderdash. Human civilization could never have developed and could not survive unless we sometimes use other living things as pure means. But I never suggested that humans should use other living things *exclusively* as pure means to our ends.

Nor did I suggest that ranchers treat their cattle exclusively as pure means. What I did suggest was that no rancher ever treated his cattle *exclusively* as an end in themselves. Virtually all ranchers, I am sure, *sometimes* treat their cattle as a pure means to human ends (when they slaughter cattle for meat or hide) and *sometimes* treat their cattle as ends in themselves (when they develop an affection for ol' Bessie). I myself raise plants and animals, primarily for ends in themselves. But I confess that occasionally I use one for my own end (e.g., I occasionally uproot an onion plant and eat it). Like Hess's rancher, I treat that onion plant with "love and caring" until the moment that I uproot it. As I eat it, I must admit, I love it even more, though I am no longer caring for it.

There are three possible positions regarding treatment of other living things:

(1) It is never appropriate for human beings to use other living things except as a pure means to human ends; in other words, you should never feel affection for your cow, but keep it only as a source of milk, meat or hides. (The position Hess attributes to me.)

(2) It is never appropriate for human beings to use other living things only as a pure means to human ends; in other words, you can only keep your cow as a friend. (The position, with an insignificant qualifier, that diZerega advocated in his essay.)

(3) It is appropriate, under certain circumstances, for humans to use other living things as a means to their own ends, and appropriate at other times for them to use other living things as an end in themselves; in other words, you can feel as much affection for your cow as you like, but if you want to milk it, that's fine. (My position, and the position of almost all human beings.)

DiZerega's comments are more mysterious still. I never complained that he "didn't spend enough time" making his arguments, though I did observe that in an article of some 4,000 words he invested fewer than 200 to explaining how he arrived at his astonishing conclusions.

Nor did I say that I "only wanted to draw fire by publishing [diZerega's] piece," or that "exploring issues was not [my] intent." To the contrary, I wrote, "When I accepted it for publication, I figured such a bizarre thesis would stir up considerable controversy, that this journal would be buried in responses from readers . . ." Nor did I suggest he weakened his respect argument when he qualified it by allowing it to be "occasionally overridden." Indeed, I believe his qualification *strengthened* his argument. Without that qualification, humans could *never* use animals or plants as "pure means," a prohibition that would preclude human life as we know it. With his qualification, humans could use plants and animals as "pure means" if they first went to the trouble of justifying it by his rather restrictive criteria.

I am delighted to learn that diZerega eats meat, behavior that surely violates his injunction that "Nothing living can be appropriately treated as a pure means." Whether this is a retreat from his previous position or an admission that he doesn't take his own philosophical ramblings very seriously is not clear. My own suspicion is that it is the former.

Of course, meat-eaters often care about "conditions under which an animal is raised" before it is slaughtered on their behalf. I share diZerega's concern for minimizing the pain an animal suffers in death, and want the animal "to have a decent, even a good, life," prior to its slaughter, at least to whatever extent that the concepts "good" and "decent" in this

continued on page 36

Reflections

Note to political scientists — Democracy is the theory that the country should be ruled by the marginal (i.e., indifferent and ignorant) voter. This sad fact was illustrated recently by a pre-election poll in which one in four voters in Tom Foley's old congressional district believed that Foley's Republican challenger would inherit the incumbent's position as speaker of the House. —CAA

Wining, not whining — America's long, dark night of the puritanical soul may be lifting — not by much, but by a crack. To be sure, sex is still potentially lethal even for those who dress in designer condoms, almost anything that tastes good will turn your blood to ooze, sun tanning will make you a motel for melanomas, heavy metal blasts your eardrums, marijuana will get you busted, hockey has followed baseball into class struggle limbo, any attempt at humor is sure to offend some group or other, and Elvis apparently is still dead. But now one suspect pleasure has escaped the slings of the health commissars. It seems that St. Paul was indeed right: a little wine is good for you.

So says no less an authority than the *Journal of the American Medical Association,* in its September issue. Alcohol consumption lowers heart attack rates by bumping up levels of "good" cholesterol and by preventing clotting. *JAMA*'s dispensation doesn't mean that "anything goes"; five-day benders still fry your brain and pickle your liver. It's not good to empty too many gin bottles at one sitting. But neither is it good to empty none at all. The number of premature deaths that result from unrestrained guzzling are almost matched by the number of coronary fatalities averted through moderate imbibing.

How refreshing it is finally to hear that *not* indulging may be hazardous to your health! Join me in toasting the good news. —LEL

You deserve a state today — In the November 21 issue of *The Nation,* writer Margaret Spillane gloated over the financial troubles that forced Chris Whittle to sell Channel One, the school-based news program that is infamous for including advertising. She also told of a youth organization called "Unplug" that is working to get rid of the program altogether. I share the writer's concern that children not be held captive for advertisers. But she is painfully naive if she believes that children are not already being advertised to in public schools. In reality, such schools are rife with advertising, and the messages are usually more noxious than paeans to overpriced Reeboks or larded Big Macs.

The most prominent advertising in public schools is for the importance of public schools. Right before the start of the NBA season, basketball players fanned out across the country to proclaim to children the importance of staying in school. This was actually a pernicious form of double advertising. In exchange for coming in to propagandize about the importance of public education, the NBA was allowed — after months of saturation coverage of O.J. Simpson's wife-beating and probable murder — to inculcate in children the importance of worshipping professional jocks.

This is not the only form of advertising that occurs in school. Police are brought in to advertise the importance of obeying the police and to spread the official truth about drugs. Mainstream politicians come in to advertise to children the importance of "public service" and to the public their concern for "our children."

The public school system is one huge advertisement, and when an earnest writer for *The Nation* relays the story of young high school students organizing to protest *that,* real progress will have been made. —CS

Bad whore! No doughnut! — The L.A. police have ordered doughnut store owner Zuita Contador to stop serving prostitutes, perhaps in fear that there would be no doughnuts left for the LAPD. "Tell me who is and who is not a prostitute," Zuita queried. "You should know one when you see one," replied the cops.

Located in a high-crime area, the mom-and-pop business is a victim of L.A.'s new mania: community-based policing. After hundreds of hours of legal work, Guita has convinced the L.A. Zoning Administration that her shop is not a public nuisance. The lawyer is being paid in doughnuts. —WM

Postal hellhounds on his trail — The U.S. Postal Service has issued a stamp commemorating the great Delta bluesman Robert Johnson. The picture chosen for the stamp shows Johnson with a cigarette dangling from his mouth, and, in contemporary America, this will not do. So the Postal Service engaged — for our children's sake, of course — in a little historical revisionism, and erased the cigarette from the picture.

Considering the kind of man Johnson was, this petty puritanism seems a little, um, *misplaced.* Johnson's vices are often more interesting to people than his musicianship; he may be better known for the legend that he sold his soul in exchange for his prowess on the guitar than for that prowess itself. The real Johnson was notorious for drinking and womanizing; he is reputed to have met his maker via the gun of a jealous husband. That Johnson was an adulterer may not be of concern to our moral guardians at the Postal Service, but the thought of him lighting up after the deed has them frothing at the mouth.

By erasing the cigarette from Johnson's picture, the stampmakers are trying to remove smoking, not just from *his* history, but from *America's* history. From Jamestown to Johnson to Humphrey Bogart, smoking is intimately woven into the

American fabric. A sane Postal Service might note this and give the cigarette itself a commemorative stamp. But then, one usually commemorates someone who is dead, and tobacco, despite the current holy war, lives on. —ML

Collaborators all — A new biography of French President François Mitterrand, written with Mitterrand's cooperation, finally tells the story the leader of French socialism has been concealing for decades: as a youth, he was a supporter of ultra-right-wing (i.e. semi-fascist) groups; later, Mitterrand worked with the Vichy government, and was personally close to men afterwards accused of war crimes.

There has been the usual handwringing about "collaboration": how could Mitterrand have collaborated with a regime that itself collaborated with the Nazis? Meanwhile, the moaners and groaners conveniently forget that the biggest collaborators in the Second World War were Roosevelt and Churchill, who collaborated with Stalin. If it is objected that that relationship was purely pragmatic, necessitated by the circumstances of the war — well, that was also the case with Marshal Pétain and Vichy, unless it is suggested that 40 million Frenchmen could have followed de Gaulle across the Channel to London.

"But Vichy aided the Nazis in transporting Jews to the camps in Poland." True — just as in 1945 the United States and Britain handed over to Stalin a much greater number of Soviet subjects who had fought against the Reds — Vlasov's Russian Army of Liberation, the Cossacks, and others — for execution by the NKVD or shipment to the Gulag. Enough already of this sanitized history of World War II, written as if Stalin never existed. —RR

Talkin' 'bout a revolution — Across the western United States, hundreds of county governments have approved or are considering so-called Catron County ordinances (named after the county in New Mexico where the first such ordinance was enacted), which require local approval or at least prior notification of federal actions affecting local property rights and "custom and culture." To me, the most remarkable aspect of this latest stage of the Sagebrush Rebellion is the language being used by some of the rebels.

In Chelan County, Washington, for example, residents are fed up with being bulldozed by the feds and the environmentalists. One local man proclaimed at a public meeting that "there's a war going on, it's time to fight back." Another resident compared environmentalists to "the mafia," and a third saw parallels between federal bureaucrats and those Nazis who excused their crimes as "just following orders." One local declared, "This is Chelan County and it should be run by the people of Chelan County."

Such talk may sound shrill, but substitute "America" for "Chelan County" and it sounds a lot like what our forefathers were saying in 1776.

The way people talk about their condition has a direct connection with how they feel about it and what they may ultimately do about it. Today, more and more people are resorting to unusually inflammatory rhetoric when talking about their government and its functionaries. Some are beginning to sound rather like the sainted Locke when he declared that "Whosoever uses *force without Right* . . . puts himself into a *state of War* with those, against whom he uses it, and in that state all former Ties are cancelled, all other Rights cease, and every one has a *Right* to defend himself, and *to resist the Aggressor*."

The vocal resurgence of Lockean sentiments is a hopeful sign. —RH

Girls, guts, and guns — Analysis of family homicide data reveals an interesting pattern. When women kill men, they often use a gun. When men kill women, they usually use some other weapon, such as their hands or a knife. The difference: men's physical strength allows them to wield almost every weapon more effectively than women can — except a handgun. That one doesn't require strength, only a steady aim.

People kill for many reasons. The best is self-defense. Indeed, defending yourself with a gun rarely requires killing; in 98% of the crimes stopped with a handgun, the gun is not fired.

Yet Sarah Brady wants to ban the civilian possession of handguns. She would leave women to the dubious mercy of powerful men.

Removing handguns from domestic situations won't change the number of people who get killed. It will only change *who* gets killed. —WM

Who's the boss? — Newly-elected Republicans are promising fast action to authorize a line-item veto, i.e., allowing the president to veto parts of bills rather than having to sign or reject legislation *in toto*. The logic here is that, to avoid vetoes by Republican presidents, Democratic Congresses have taken to crafting omnibus legislation containing vast amounts of unrelated measures. So if a president wanted to veto, say, an appropriation for federal funding of a new high school football stadium in a powerful congressman's hometown, he would also have to veto appropriations for the Department of Defense.

This certainly is a frustrating congressional tactic, and authorizing a line-item veto would thwart it. But I suspect that few advocates of the line-item veto have considered just how much power it would move from Congress to the president. A president empowered with a line-item veto could require two-thirds majority of both houses of Congress for any provision of any bill to become law. This would increase his bargaining power enormously, giving him a much broader power over the legislation process than he has today.

That is a fundamental change in our system of government. The architects of the Constitution clearly intended Congress to write laws and appropriate funds, and the president merely to execute the laws. (That's why this part of government is called the executive branch.) The power to veto legislation was intended as a restraint on Congress.

Liberty's Editors
Reflect

CAA	Chester Alan Arthur
RWB	R.W. Bradford
BD	Brian Doherty
LTH	Leon T. Hadar
RH	Robert Higgs
ML	Michael Levine
LEL	Loren E. Lomasky
TL	Tom Loughran
WM	Wendy McElroy
RR	Ralph Raico
CS	Clark Stooksbury
JW	Jesse Walker

A line-item veto would give the president a stranglehold on both legislation and appropriation, allowing him to horse-trade much more effectively.

A better approach would be to pass a constitutional measure restricting laws and appropriations to a specific range of effects. This approach has been used with reasonable success by several states. In my own state, a judge recently overturned a conviction on the grounds that the law in question violated the Washington constitution's prohibition on multiple-subject legislation.

But why do anything? Worse things could happen to the United States than returning to a system in which Congress passed laws and made appropriations while the president executed laws and oversaw operations of government. Speaking for myself, I'll take the wisdom of the founding fathers over the wisdom of Newt Gingrich any day. —RWB

The Manchurian candidate — A prominent opponent of Clinton's occupation of Haiti was John McCain, Republican senator from Arizona. When this alleged conservative was interviewed on the Brinkley show, he protested that, though an opponent of intervention in Haiti, he certainly did not deny the president's *right* to intervene if he so chose. George Will asked him if he believed that a president has the right to send American troops anywhere in the world, at any time, simply on his own authority. McCain replied, *yes*. Perhaps unable to fathom that a U.S. senator could so blithely break his oath to uphold the Constitution, Will persisted: Did that mean, for instance, that Wilson had the right to send the AEF to fight in France in 1918, without asking Congress for a declaration of war? McCain again replied, yes, he did.

It seems that during McCain's years of captivity, the philosophy of government of his Vietnamese captors penetrated rather deeply into the war hero's brain. —RR

Self-restraint — One of the first orders of business of the new Republican Congress will be to vote on a term limitation proposal. And it will almost surely pass, if only because the Republicans who have long advocated term limits will want to avoid being perceived as hypocrites after all these years of advocacy.

So it will likely come to pass that the first victims of term limits at the federal level will be the very individuals who enacted them in the first place. And it won't be the first time. The nation's first term limitation measure — a.k.a. Amendment XXII of the U.S. Constitution, which prohibits a president from serving more than two terms or ten years — was passed by a Republican Congress in 1947. To date, the only presidents who have served long enough to be prevented a third term have been Eisenhower and Reagan, Republicans both. —CAA

Timecop — In October, the sainted Nelson Mandela, president of South Africa, was in Washington, dispensing blessings, curing the lame and the halt, etc., meanwhile seeking vast handouts from American taxpayers for his new regime and pushing for a U.S.-funded New World Welfare Order. Addressing a cheering U.S. Congress, Mandela issued a call for American involvement everywhere in the world. Not simply to institute and forever uphold "democracy" around the globe — that's the old Muravchik-Wattenberg neocon line. No, according to Mandela, it is incumbent upon us to insure *world happiness*: "If what we say is true, that manifestly the world is one stage and the actions of all its inhabitants part of the same drama, does it not then follow that each one of us as nations, including yourselves, should begin to define the national interest to include the genuine happiness of others, however distant in time and space their domicile might be?"

Most intriguing to me in this blather is what Mandela might mean by those "distant in time." And they call Aristide crazy! —RR

The pagan voter — One single ballot is not going to make a difference in an election, except occasionally on a local level; voting is more an act of devotion than an act of democratic input. The United States is a participatory democracy only in the sense that one participates in a crowd singing a fight song or reciting mass. Voting is the holiest ritual in America's civic religion, and not much else.

There are two alternatives to this faith. One is civic atheism: refusing to vote. The other, usually ignored, is civic paganism: casting your ballot for your own pantheon — invented, if necessary, on the spur of the moment. I know a lot of self-styled radicals who think they're making an anti-authoritarian statement by not voting, but in my book, pagan write-in ballots are a greater threat to the system. Consider:

(1) Not voting is interpreted as a sign of apathy. Write-in votes are interpreted as a sign of disrespect. Which do you think the powers that be prefer?

(2) Write-in ballots are a real pain to count. If every citizen were to vote for just *one* write-in candidate, the do-good League of Women Voters types who tally the ballots would be overwhelmed. Once a couple of elections full of write-ins go past, they'll stop their "get out the vote" drives and start telling people they oughta just stay home if they can't take their goddamn precious right seriously.

(3) Write-ins keep you morally pure: if you pick your candidate right, there's little chance that he or she will go on to disappoint you. The only person I know who looks back on his vote in the 1990 Michigan gubernatorial race with true pride is my friend Des Preston, who voted for "Mimi, the 19-Foot Lobster."

This year, I grudgingly voted "realistically" in the local races, casting my lot with the Republican candidate for county commissioner and the Democratic hopeful for sheriff, both on lesser-of-two-evils grounds. Both lost anyway. I also voted for a few cranky, charming populist types who somehow got nominated for state-level offices; they all lost, too. Then came the fun part: whipping my pen up and down the rest of the ballot, writing in Sir Philip Sidney, J.R. "Bob" Dobbs, and anyone else who occured to me at the moment. Yippie!

Back in the nineteenth century, there were no official ballots — and, hence, no ballot access laws. Instead, people made their own ballots, or helped themselves to one of the ones candidates and parties would distribute to the faithful. It took a lot longer to total the results, but it was a far rowdier, freer system. And it wasn't any more open to fraud than those allegedly tamper-proof voting machines used in most urban areas are.

Until we return to that system, I'll be doing my best to replicate it with my write-in votes. Mimi in '96! —JW

Just say treason — Ought libertarians consider themselves men of the Right? Should they take pride or pleasure in the electoral and ideological victories of the right wing? Let's listen to movement leader Paul Weyrich, head of the right-wing cable channel National Empowerment Television, when he's mulling over ideas among friends. This, from the Free Congress Foundation's "Essays on our Times" series: "We should consider a formal Congressional declaration of war on drugs. . . . Under the declaration of war, any foreign national apprehended for violation of drug laws or any American citizen taken under arms while in possession of drugs would be treated as a prisoner of war. He would have no legal rights beyond those in the Geneva Convention; no right of *habeas corpus* or of trial. His imprisonment would be of indefinite duration, since he would not be released until the war is over."

While Weyrich doesn't extend his thinking this far, his logic implies that anyone advocating drug legalization — e.g., George Schultz, Milton Friedman, and William Buckley — would be guilty of treason. —BD

Creative destruction — In the November *Liberty*, Gus diZerega compared the spontaneous order of an ecosystem to the spontaneous order of a free marketplace. That is a familiar comparison, and a fair one. What is not fair is diZerega's notion of how to marry the two processes: a "presumption in favor of maintaining [ecological] communities," based on four vague "principles" (e.g., "no extinctions of life forms not actively injurious to humans").

Consider an economist who argues in favor of "maintaining economic communities," through state action if necessary, and who ignores what Joseph Schumpeter called the "creative destruction" of the marketplace. Such an economist would be labelled a protectionist, not a free marketeer. DiZerega, in turn, sounds like an eco-protectionist, for all his talk of spontaneous order and evolutionary liberalism.

A truly liberal approach to environmental problems would stress procedural rules, not preservationist prohibitions. DiZerega's article fails this test. —JW

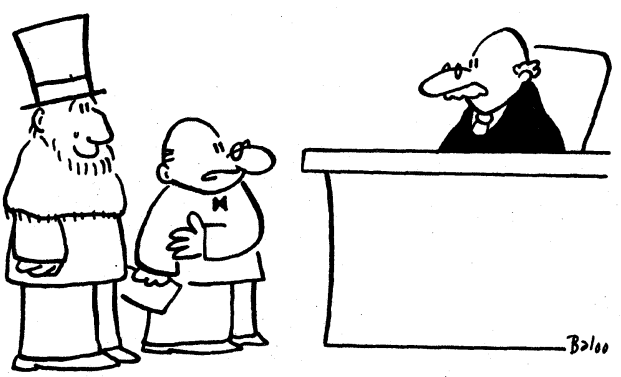

"I ask you, Your Honor — is this the face of a dishonest man?"

Out of Washington — It looks as though that sex-starved, power-hungry black nationalist and ex-drug addict, Marion Barry — who as mayor of Washington, D.C. bankrupted the capital of "the only remaining superpower in the world" and turned it into the murder capital of the universe — is returning from jail to reign over the city he helped destroy. So it's time for me, I think, to bid farewell to Washington.

I've been a resident of the District for the last ten years or so, living in Ward 3, the part of town the upper-middle-class whites inhabit — lawyers (many, many lawyers!), government workers (a lot of them, too), journalists (my competitors), and psychiatrists (who have to take care of the members of the three other groups). This affluent population produces D.C.'s tax base, providing the leaders of the corrupt and inefficient local government with the resources to enrich themselves and put the rest of the city on welfare. The residents of the White Ward are mostly liberal Democrats who send their kids to private schools, love Hillary Clinton, feel sorry for the black underclass, want to send U.S. troops to Bosnia, hate smokers, and believe that they are soooo good and soooo smart! You know the types.

Things have traditionally been cleaner and safer in this part of the city than in the black and Hispanic neighborhoods. The residents here usually learn about the recent nightly gunfight and latest body count only when they watch the local nightly news. "How awful," they gasp. "It's all the result of Reagan's budget cuts!"

But even here, the mood has been getting ugly lately. Actually, on Connecticut Avenue, where I live, the residents receive long reports each week detailing the assaults, rapes, robberies, and car thefts that took place in the area in recent days. It's quite a long list. Residents are warned not to stroll on this or that street after dark and to watch out for "suspicious" characters.

Last month, middle-class Washington experienced one of its occasional shocks. Michelle Miller, an attractive white 20-year-old fresh from Princeton, had moved to Washington a couple of months before, looking for a government job so she could "make a difference." As she was parking her car, she was attacked by two teenagers, who demanded she give them her car keys and then killed her. (It makes you feel nostalgic for the thieves of the old school, who'd only tie you up and steal your watch and jewelry.)

So white Washington has been getting a little worried. Its

The most famous coin of the Bible

Widow's Mites

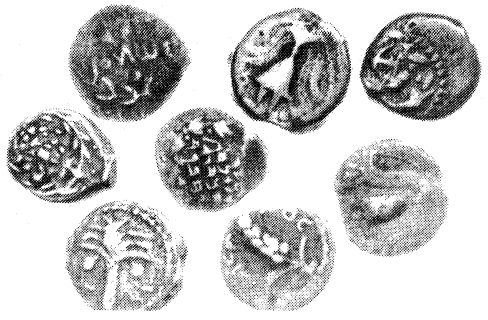

In the New Testament, Jesus and His disciples witnessed many rich people making conspicuous gifts to the Temple coffers, followed by a poor widow who gave a mere two mites, which together had the value of a quarter of a penny. Jesus drew a moral from this: "Verily I say unto you, This poor widow hath cast more in than all they who have cast into the treasury; For all they did cast in of their abundance, but she of her want did cast in all that she had, even all her living."

We are proud to offer genuine specimens of that same coin, the "Widow's Mite" of the books of St. Mark and St. Luke.

The "Widow's Mites" of the Gospels were actually a tiny copper coin called *Lepton*, the smallest denomination in the monetary system of the Greeks of the eastern Mediterranean.

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They were issued under the authority of Roman emperors and their client kings (the Herods) and procurators on the Levant, but none of the coins have representations of human figures, respecting the Jewish proscription on graven images. Among the images featured on the coins are cornucopias, ears of grain, palm trees, ladles, and other devices. Most coins are inscribed in Hebrew with the name of the ruler under which they are issued.

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members were really traumatized when their favorite politician, John Ray, a friendly and light-skinned black lawyer — the Last Black Hope, if you will — lost the Democratic primary to Barry. "How could they do that?" they wonder. (The first "they" refers to the black majority of the city.)

Political experts explain that the poor black Washingtonians voted for Barry to send an angry "message" to the affluent whites, to spit in the face of those who pay for their unemployment benefits and food stamps and who finance, among other things, such great D.C. academic institutions as Howard University, home of Louis Farrakhan's groupies, and the University of the District of Columbia. The message: "We'll show those whities!"

Barry says whites should get used to the idea that he's going to lead the city over the coming years. "Get over it!" he told one white Washington audience. But the whites — even our flaming liberal crowd — are not looking forward to a new Barry regime, and they are voting with their feet. Anyone who drives through northwest Washington can't fail to notice the many new "For Sale" signs in the area. Some suggest that the flight from D.C. has just begun.

There is, by the way, a secession movement underfoot: John Nelson and Paul Egan's "Free Ward 3" movement is calling for the "removal of Ward 3 from the District and union with the State of Maryland." I like the idea, and even contributed a few dollars for the secession campaign. But I'm not holding my breath, and I'm beginning to pack to emigrate to Maryland.

So, Marion, I wish you and the rest of the District all the best. Good luck with all your plans and programs — Afrocentric public education, raising taxes on business, releasing the criminals from the jails (and providing them with "stipends"), and "independence" for the State of New Columbia (with its mayor, governor, and two senators, it will provide a lot of job opportunities for the political class).

And Marion, next time you do a little coke, make sure no FBI agent is making a movie. —LTH

They should've sent Mark Slackmayer—

Garry Trudeau, author-artist of *Doonesbury*, tore himself away from his valiant, lonely fight against the tobacco companies long enough to plunge into the election campaign in a big way. Some of his most savage attacks were directed at Michael Huffington, and in those Trudeau did not spare Huffington's wife, Arianna. But if the once-talented comic-strip writer wanted a wife of a prominent figure to satirize, there was no need to go across the continent to California to find one. He could have looked across the breakfast table.

Trudeau's own spouse is Jane Pauley, the pretty cantaloup-brain who once "earned" a half million dollars a year as "anchorwoman" on *The Today Show*. Trudeau might have tried, for instance, to recapture a priceless moment during Pauley's interview of Dick Francis, the British mystery writer, and Francis' charming little English wife. Francis' new thriller had just appeared, and it concerned horse-racing (of course) and wine-making. Pauley asked, "Well, where *does* the best champagne come from?" Mrs. Francis, in the best courteous-killing English way, replied: "Why, it comes from *Champagne*, dear — that's part of France."

continued on page 14

Liberty . . .

Intellectual sparks flew in Tacoma at the 1994 *Liberty* Editors' Conference. There, the best individualist minds met to discuss the future of liberty and society — and have a ton of fun in the process.

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Searching for Liberty in Small Town America: **R.W. Bradford, Bill Kauffman, Durk Pearson & Sandy Shaw** (Video: V102; Audio: A102) Can freedom be found in the rural U.S.A.?

Searching for Liberty Around the World: **Doug Casey, Bruce Ramsey, Jim Rogers, Scott Reid & Ron Lipp** (Video: V103; Audio: A103) How freedom is faring in other corners of the globe . . .

Searching for Liberty in a Virtual Country: **David Friedman, Doug Casey, R.W. Bradford, Pierre Lemieux & Scott Reid** (Video: V104; Audio: A104) If we can't find a free country, we may have to invent one . . .

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Chaos and Anarchy, by **J. Orlin Grabbe & Pierre Lemieux** (Video: V112; Audio A112) The religion and science of unpredictability . . .

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The Next Hundred Years, by **Doug Casey** (Video: V115; Audio: A115) The world according to Doug Casey, iconoclast extraordinaire . . .

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A Globe of Villages: Toward a Localist Culture and Politics, by **Bill Kauffman** (Video: V123; Audio: A123) The case against gigantism, and for human scale communities . . .

Why Vote? by **Loren Lomasky** (Video: V124; Audio: A124) Why do people vote, when they're almost certain not to affect the outcome?

Building the Cause, by **Harry Browne** (Video: V125; Audio: A125) How to bring freedom back to America . . .

Why Libertarians Hate, by **R.W. Bradford** (Video: V126; Audio: A126) The roots of internecine libertarian strife . . .

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For a Fuzzy Libertarianism, by **Bart Kosko** (Video: V128; Audio: A128) "Fuzzy logic" meets liberty: a scientist's case for pragmatism . . .

Jazz: The Music of Liberty, by **Gary Alexander** (Video: V129; Audio: A129) A musical history tour of the most individualistic brand of American music . . .

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I think, though, that it would take a better artist than Trudeau to catch the look of stunned and frightened stupidity on Pauley's pretty face at that moment. —RR

Sinners in the hands of an angry Senate — In the wake of widespread electoral victories by conservative Republicans, whose love of liberty is a mile wide and a millimeter deep, my advice to fellow citizens is: Board up your bedroom windows and pray to God you don't piss off a prosecutor. —RH

The shaft to Schiff — In Harry Browne, the Libertarian Party has attracted an articulate, intelligent candidate for its 1996 presidential nomination. I'm not the most enthusiastic voter in the world, but if I do slink back to the polls two Novembers from now — and I probably will, like a battered wife who returns, again and again, to the man who beats her — I could happily cast my ballot for Browne.

There is a second candidate for the LP nomination: tax rebel Irwin Schiff. Schiff has told the *Libertarian Party News* that he can "probably get four or five million votes," on the theory that what voters want to hear is not "lectures on why less government is better than more government," but "15–20 second soundbites" on "why they are not legally required to pay income taxes." A prolific writer and speaker, Schiff has convinced thousands of impressionable activists that they can refuse to pay the income tax with impunity. The courts, by contrast, remain unconvinced: he has spent seven years in jail for tax evasion.

This stint behind bars is now part of Schiff's schtick: he argues that his being "the first convicted felon ever nominated" for president will bring him plenty of press attention. (Sorry, Irwin: Eugene Debs got there first.) Left unexamined is the question of just how useful voters will find the tax advice of a man who was imprisoned for . . . er, following his own tax advice.

I met Schiff once, and he seemed like a nice guy, so I regret having to say what I am about to say. I will not vote for Irwin Schiff, even if he gets the Libertarian nomination. I'd sooner cast my ballot for Bill Clinton. Or Dick Cheney. Or Bo Gritz. Or Gus Hall. —JW

Instead of a vote, by a man too busy to cast one — Another election has come and gone. Or so I've heard. I didn't vote and I didn't follow much of the "action." But since "alternative lifestyles" are so much in vogue these days, I thought I would offer up the following alternatives to voting, which can take up to a half-hour — maybe more — of precious time on Earth.

Stare out into space — it's very relaxing and you won't get polled afterwards.

Listen to a great piece of music. Kiss's "Black Diamond," for instance.

Pursue someone of the opposite sex. If unsuccessful, masturbate. It's still legal in most states.

Pursue someone of the same sex. This is still legal in some states as well.

Read a book. Almost anything you pick will be better than what you read inside a voting booth.

Have a party. Dance the night away knowing that more civic-minded people are standing still.

Sniff glue. All the bars are closed anyway.

In fact, almost anything you do will be more productive than voting. Some people say that if you don't vote, you have no right to complain. Personally, I find life is far too short to do either. —TL

Asimov III: the final chapter — In "I, Hack" (Reflections, November 1994), R.W. Bradford seems to mischaracterize my arguments ("I Like Ike," September 1994) about Isaac Asimov's alleged hackdom by claiming that I offer no evidence beyond testimony that he played an important role in my life. Actually, as I stated in my original piece, Asimov's "love of explaining is the only thing that can explain his ability to make everything he wrote flow with such supple grace." *That* is clearly my explanation as to why he is not a hack; my personal response to his writing is merely icing.

Asimov's lack of interest in peering through a telescope does not mean that he was uninterested in the facts and discoveries of astronomy. Such observation, for someone like Asimov, would be purely aesthetic: "look at the pretty stars." For a second-hand dealer in facts, it would teach him nothing new. —BD

Erwin Knoll, R.I.P. — I used to host a weekly talk show at a small, college-affiliated radio station. Occasionally, a guest wouldn't show up, or I'd get sick, or I'd just be too busy the week before to get a show organized. On those occasions, we'd instead broadcast *Second Opinion*, a syndicated interview show hosted by *Progressive* editor Erwin Knoll. We must have had dozens of as-yet-unplayed *Second Opinion* tapes lying around the station; they were all-purpose stuffing for anyone with a half-hour to fill.

Erwin Knoll died November 1. I'm sure that won't keep

continued on page 26

Election '94

The Turtle and the Hare-Brains

by Stephen Cox

The Republicans emerged from the November elections victorious. Clinton emerged a humbled man. What could Americans be up to?

On election eve, President Clinton, smiling his little Bobbsey-twin smile, went before a campaign audience and gave vent to some Arkansas folk wisdom. He was worried, he said, that people might fail to give him credit for the nation's "economic recovery." He did not mention the possibility that people might simply have missed this great event. If you were washing the dog or opening a can of soup, the "recovery" might easily have passed you unperceived.

Anyway, Clinton said that down in Arkansas there is a saying that if you're walking along the road and see a turtle on a fence post, you know that somebody put it there. What he seems to have meant was this: if a voter (i.e., a person walking along a road) sees evidence of an economic recovery (i.e., a turtle on a post), then the voter should conclude that somebody caused this recovery (i.e., put the turtle on the post), and that this somebody must be the president (i.e., himself).

Well, on the next day, election day, the president's folk metaphor really showed its mettle, though not in the way that he intended it to. The voters walked down the road, they saw a turtle on a fence post, they concluded that somebody had put the turtle there, and they knew that somebody must be Clinton. But the turtle they saw was an old, slow, one-eyed, hidebound, dirt-stained amphibian with a nasty habit of biting any hand that dared to feed it. This turtle was nothing so wonderful as "economic recovery." It was the Democratic Party, the nation's loftiest and (arguably) most self-isolated political organism, protected and imprisoned by its dominance of Congress and the presidency.

This turtle had enjoyed its supreme position for two years, but now, sitting there on its fence post, it had no food, it had no water, and it was broiling in the embarrassing light of public scrutiny. This turtle couldn't even shit in private, and turtles shit a lot. Probably it just wanted to be left alone to waddle off and hide in some dim, nutrient swamp that only turtles know. But every time it looked down and wiggled its flippers as if to jump, it started getting dizzy. There were mean things down there, things that lay in wait for the turtle in case it ever lost its perch. There were investigations and indictments and trials; there was even the necessity of providing for itself, like all the other creatures in the swamp. So the turtle stayed where it was. It knew that Bill Clinton, in his single-minded pursuit of power, was responsible for its plight. He had put it there and left it there, where everyone could witness its double-dealing, double-talking, self-righteous, obscurantist misery.

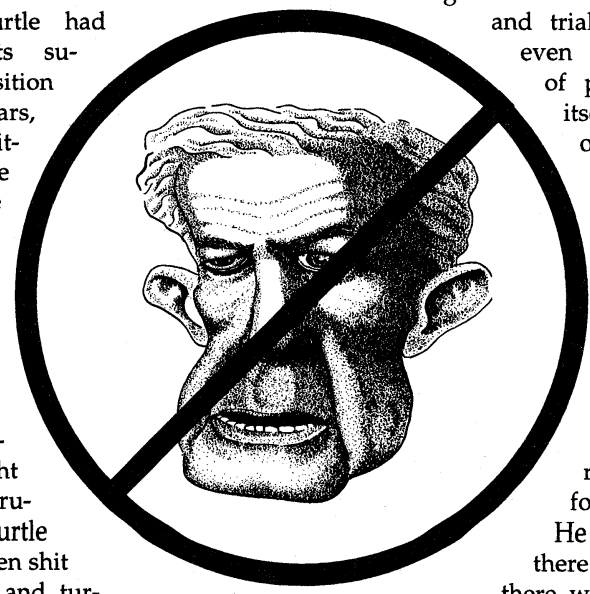

Exit Porkmeister Foley

When the voters saw all this, they knocked the turtle off its post.

Clinton lost the election, and he lost it on the old-fashioned collectivist program that wraps the Democratic Party like a hard, dull, dirty shell. He campaigned to the bitter end, and as he neared that end, he campaigned harder and more explicitly on the premise that government is good, and more government is better, because government does things for you that you couldn't conceivably do for yourself. The Republicans countered with the idea, largely borrowed from libertarians, that government should be limited. The Republicans were often lying about their allegiance to that idea. But the fact that they lied in this particular way simply enforces the point: the election was won by anti-collectivist sentiment.

The president himself claimed, on the morning after the election, that he had spent the last two years struggling for smaller government, which was what the voters had voted for, both when they elected him and when they elected his Republican enemies. Clinton's decision to run and cover from the pro-government campaign he had just conducted must have come hard. His new and outrageous claim, devised by the proposer of the largest peacetime takeover of the American economy, the "health care initiative," is further testimony to the power of the limited-government idea. Hypocrisy is the tribute that vice pays to virtue.

The collectivist defeat took a variety of concrete forms. Nationally, Republican victory in the House of Representatives put new and unexpected strength into the machinery of limited government, which depends on effective checks and balances. Because of this election, no one can take the inherited institutional authority of one party for granted any more. In local elections, voters showed renewed resistance to collectivist moral principles. Oregon passed an assisted-suicide initiative over the objections of people who argued that somebody besides the individual has the right to govern choices of life and death. In California, the Little Hillary initiative, a proposal to collectivize health insurance and subject it to the control of the state government, went down to ignominious defeat. Many states passed term-limits proposals, which were carried against the opposition of people who believe that no limits should be placed on the power of majorities to make fools of themselves in perpetuity. The practical principle of republican government, as Madison argued, is limitation of the majority's power to do as it pleases.

In several localities, voters threw out Democratic grandees who had thriven for years on collectivization of money and influence, taking individuals' power and money and serving them back to the collective in the form of pork. Speaker of the House Foley ran for reelection solely on his ability to dole out pork to his district in eastern Washington. He lost his district. (Headline, front page, above the fold, *Los Angeles Times*, November 10, 1994: "With Foley, Noble Era Will End.") Senator Sasser of Tennessee and Governor Cuomo of New York — big taxers and bigger spenders — claimed that their three terms in office constituted an "investment," as Sasser said, that would in the very *next* term be returned to the people in a millennium of sufficient pork for every pot. Sasser and Cuomo lost their states.

Race-mongers, propagandizers for the most vicious form of collectivism, also lost. Mrs. Cuomo threatened that race riots would erupt if her husband were not reelected, but no one seemed to be listening. Opponents of California's Proposition 187, an attempt to deny welfare "rights" to illegal immigrants, merely damaged their cause by sending children into the streets to riot against the "racism" and "genocide" of the proposition. (As a libertarian, you may not be in favor of restrictions on immigration, but are you really in favor of inviting immigrants to come here by giving them welfare?) Nobody except Rush Limbaugh's audience seemed to care that Charles Rangel, who has represented a black district in

Terms of Indictment — The most overlooked consequence of the 1994 election is that it has taken away Bill Clinton's immunity from prosecution. Although Clinton is only marginally more corrupt than most politicians, he and his larcenous wife felt no need to cover their tracks very well. His misfortune was to have been reared in a one-party state with a meretricious press, and thus a political climate without scrutiny from the press or opposition.

So he protected himself under cover of Henry Gonzalez, Donald Riegle, and the other old pols of the Democratic Party, whose hold on the levers of power in Congress was absolute. Remember the Senate Whitewater hearings? Donald Riegle refused to schedule hearings until the evidence against Clinton accumulated to the point where it could fill a modest library. Then he postponed hearings for four months. When they were held, he limited testimony to subjects having nothing to do with Whitewater. Lo and behold, the hearings came up with no hard evidence. The Whitewater investigation in the House was even more outrageously perfunctory.

On January 3, a new Congress convenes, one in which Republicans will decide what investigations will be held. The media has already made much of the fact that with a chairman from tobacco-producing Virginia, the House Subcommittee on Health won't be presenting cute ten-year-old asthmatics to the television cameras with tales of how sick they get from second-hand smoke. Similar changes will occur at the House Banking Committee under Jim Leach and the Senate Banking Committee under Al D'Amato. And, for that matter, the committees that oversee securities laws, whose new chairmen might be interested in the details of Hillary's remarkably successful cattle futures trading. Or the Interior committees, whose new chairmen might conceivably have an interest in just how thoroughly the Park Police investigated the suicide of Vincent Foster.

If the committees can find a smoking gun on only one of the charges against the Clintons, their goose will be cooked. More likely, Bill will resign as they close in. Prominent Republicans who are rubbing their hands at the prospects of taking him on in the 1996 election should start thinking about a strategy to defeat Al Gore. This might not be as easy as it seems — after the blazing corruption of the Clintons, the woodenness of Al Gore might seem reassuring. He seems too dumb to steal. —*Chester Alan Arthur*

Manhattan for about 1500 years, tried to convince people that a vote for tax cuts is actually a vote for "racism." The argument just didn't work any more.

To keep Rush's show amusing, God decided to spare a few of the most egregious Democrats from destruction. What would Rush, or any of us, do without Senator Kennedy — that enormous punching bag, chock-full of crap? While the senator was being reelected, several other Kennedys got elected or reelected to relatively minor offices, a development that may promise the rest of us some fun later on. Not that wickedness is confined to the Kennedys, or even to Democrats. A good number of evil and lunatic Republicans gained election, in some cases despite the electorate's full knowledge of their character. Again, a clear point is made: this election was about an issue, the power and loftiness of government. Whoever got on the wrong side of that issue was in danger; whoever got on the right side was not. All incumbent senators, representatives, and governors survived — so long as they were Republicans. And the Republicans survived and prospered because of their anti-government rhetoric.

Now, no one expects Republican legislators to live up to their rhetoric. Few of them, obviously, are dedicated to free-market classical liberalism. They are politicians, mostly small-town politicians, who are *infected* by classical liberal ideas — and, often enough, *confused* by them. The realignment of American politics that is now happening — typified by the desertion of Senator Shelby of Alabama from the Democrats to the Republicans — will have contradictory effects. The Democrats who survived the election are disproportionately representative of safe districts with far-left values. The Republicans who triumphed are mostly (A) safe-district conservatives full of down-home values, which are a mixed bag at best, and (B) committed ideologues who might never have achieved election in a normal year.

But if the Republicans want to keep winning, they might do well to think about the careers of such formerly marginal ideologues as Governor Engler of Michigan. A few months ago, Engler was considered a loser because he slashed welfare and destroyed the political influence of the public-school teachers' union, which was a mighty power in a union state. Engler stuck to his guns, refused to compromise, and won reelection by a big majority, meanwhile pulling a Republican candidate into the U.S. Senate.

To make realignment work in their favor, Republicans need to study examples of success like that rather than the advice so eagerly offered by the political "experts" and the media. As soon as the shape of the election started to emerge on the evening of November 8, the experts were already offering the Republicans a stale concoction of "bipartisanship." William Schneider, who for some reason is CNN's political consultant, assured viewers that the "message" of the election was the need for bipartisanship. Other CNNers chimed in: "I'm not sure it's a mandate to move to the right; it's a mandate for action" — any kind of action, presumably, that

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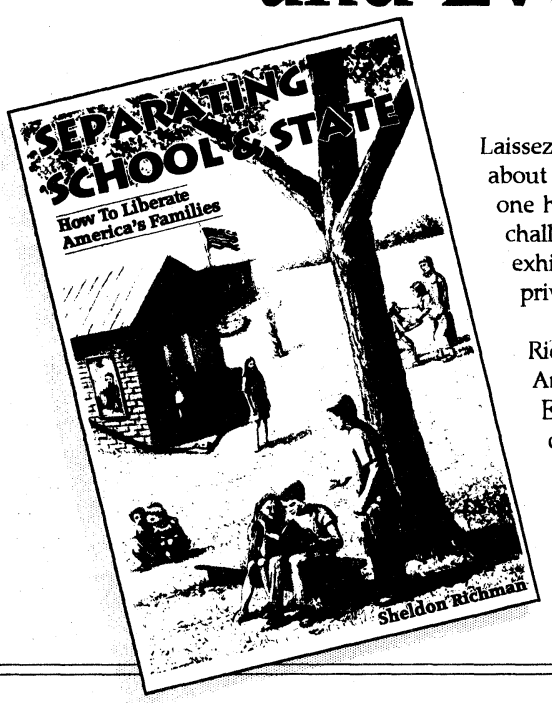

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would win bipartisan approval.

The cry, or whimper, was taken up by the Democrats. Cuomo, that unyielding partisan of modern liberalism, assured everyone that "partisanship for its own sake is a waste of time." Senator Robb of Virginia, who threw everything but the kitchen sink at his Republican opponent, said that the election "will force us to work together." Clinton thought he heard the people "demand[ing] that a more equally divided [!] Congress work together with the president." The point of this pishposh was to spread responsibility wherever it could possibly be spread, so that the Democratic elite would never again have to sit on that fence post and endure that sun.

Clinton, of course, always tries to diffuse responsibility until there's not a smidgen of it left. In his post-election press conference, he offered to take his "share of responsibility" for the Democrats' shell-shattering fall, but he had awful trouble with the word "I." "We," he said, "made mistakes in government, but I'm proud of the things we've been able to accomplish together."

The Republicans must make sure that Clinton's "together" doesn't include them. ❑

Periphery Vision — Almost overlooked in the hubbub of the smashing GOP victory November 8 were several record-setting performances by Libertarian Party candidates. In Arizona, Senate nominee Scott Grainger got 7% of the vote — the highest in any statewide three-party race by any LP candidate ever. In Indiana, the party's nominee for secretary of state got 2.2% of the vote, more than three times its previous best and enough to win it a spot on the 1996 ballot. In Missouri, Senate candidate Bill Johnson got 5%; in Michigan, Senate candidate Jon Coon got 4%. In Wyoming, Dave Dawson got 6% in a race for the state's only House seat.

In five states, the Party garnered enough votes to gain ballot status, thereby insuring its 1996 presidential candidate a spot on the ballot without the expense and hassle of petition drives. And in 17 other states, the LP retained ballot status that it had won at the ballot box in previous elections.

But the news was not all good. As usual, the LP failed to elect a single candidate in a partisan race, except in cases where its candidates cross-filed on a major party ticket. And these victories were down from 1992: New Hampshire voters re-elected Don Gorman to the State legislature (no surprise here, since he had the nomination of the Republicans, Democrats, and Libertarians) and elected long-time activist Jim McLarin (running on the LP and Republican tickets) to the same position, but the LP's two other incumbent dual-party members of the New Hampshire House both lost their elections. As usual, the LP national office had to pad its list of electoral successes with extremely low-level non-partisan victories (e.g., the election of Daniel Walker and Dick Byornseth to the "Ochlockonee Soil & Water Conservation District Board" in Florida and of David Morris to the "Advisory Neighborhood Commission 2F" in the District of Colombia.)

Richard Winger, editor of *Ballot Access News*, estimates that the LP received the votes of about 1.7% of voters who had the option of voting for an LP candidate, compared with 1.9% in 1990 and 1978.

Whether the LP's performance is encouraging in the context of the high voter dissatisfaction with major-party politics is debatable. But at the very least the LP showed that it can appeal to a visible number of voters when its mounts high-profile campaigns, as did its Senate candidates in Arizona, Missouri, and Michigan. —*Chester Alan Arthur*

Welcome Back, Gridlock — I have to admit that I was delighted to see the massive Republican victory. I was overjoyed at the humiliation heaped upon President Clinton and the repudiation of his program, but I don't want to get too enthusiastic over the Republican takeover of Congress. After all, this is the same crowd that brought us the drug war, a wasteful defense buildup, and a multitude of needless military expeditions in Central America and the Middle East. As purveyors of a positive political program, the Republicans are pretty weak.

But it is in their other, much more important role — as mindless obstructionists — that a Republican Congress may be most useful. The victory of the Republican Party in the 1994 election was a reward for their stalwart efforts to block the Clinton program. They have managed to kill Clinton's "stimulus" package and health care plan and they came very close to killing his tax increases, the Brady Bill, and the execrable "crime bill." If Bob Dole and Newt Gingrich are smart, and I think they are, they will deliver more of the same, irrespective of any nonsense they chatter about "bipartisanship."

As if the humiliation of Bill Clinton were not enough, there were other reasons to celebrate the 1994 election. Some big-name congressmen who betrayed gun owners on the assault weapons ban after years of cultivating their support paid with their jobs, including Jack Brooks of Texas and former House Speaker Tom Foley. Jim Sasser, who was instrumental in passing the last two major tax increases, was also turned out by a healthy margin. And the defeats of Mario Cuomo and Ann Richards were enjoyable, if only because that will silence their legions of media acolytes. —*Clark Stooksbury*

Sic Transit Gloria Magistrati — Readers may be wondering what some of the big names who lost in the November election will be doing in the future. I will now offer some of my predictions:

Oliver North will team up with Oliver Stone to play Alfred E. Neuman in *The Mad Magazine Story*.

North won't be the only big name to go into showbiz: Ann Richards of Texas will be added to the cast of *Hee Haw*.

Former Iowa Congressman Fred "Gopher" Grandy, who lost in his state's gubernatorial *primary*, will found the Department of *Love Boat* Studies at UCLA.

After beating the rap for his House Bank-related indictment, Dan Rostenkowski will dedicate the rest of his life to establishing the Richard J. Daley Foundation to Promote Democracy.

Former New York Governor Mario Cuomo will succeed Pope John Paul II. Larry King will immediately convert to Catholicism. —*Clark Stooksbury*

A Crisis of Faith

by R. W. Bradford

Something is happening here, but you don't know what it is — do you, Mr. President?

Contrary to the political consultants, news spinners, and media commentators, the Republican landslide was neither a "sea change" nor a "revolution." It was a public rejection of the established political religion, a rejection so profound that it shocked the political establishment and the media elite. But the public made no profession of a new faith, nor did it reject political faith altogether.

From the 1930s to the 1990s, American public life has been dominated by the notion that government is a magical entity that can take money from all of us and give back more than it took, making us all richer in the process. Stated baldly like that, this theory seems crazy. But it was seldom stated baldly.

This belief underlies all sorts of government policy, from subsidies to farmers to "free" college tuition, from Social Security to deficit spending to the Great Society to military adventures overseas. This faith dominated American political culture while most of us grew up — dominated so powerfully and so totally that it needed no name. It just passed as common belief. But it went by many names: modern liberalism, left-liberalism, the middle of the road. It has been tempered only by the American tradition of an open society, which provided limited protection for freedom of speech and religion.

There were dissenters from this faith, of course. There were totalitarians, who took it to its logical extreme, arguing that the state should control the economic, social, and even personal lives of the people. During the early years of the Welfare State Era, totalitarian dissent came from both the Left and the Right. The left-totalitarians were in league with the Soviet Union, the right-totalitarians with Nazi Germany. The alliance of the United States with the Soviet Union against Germany in World War II pretty well wiped out the totalitarian Right in this country, but the totalitarian Left continued to prosper until the collapse of its sponsor.

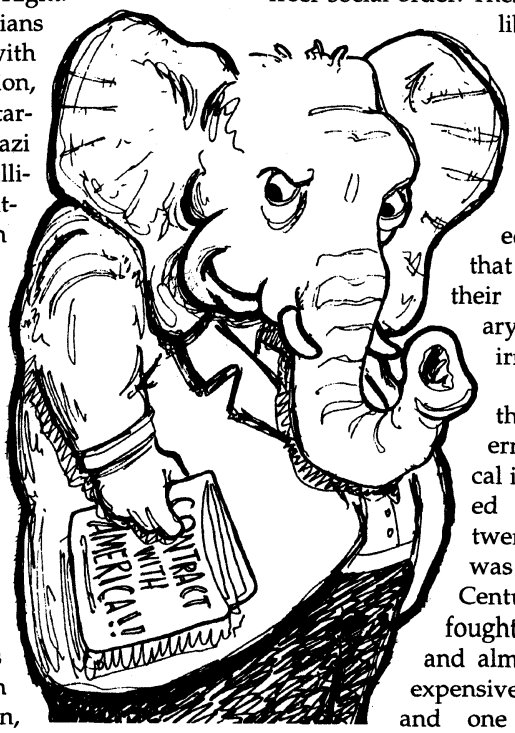

There was also dissent from another direction, from people who altogether rejected faith in government as a magical institution. Some of these dissenters considered themselves a remnant of the previous liberal social order. Others considered themselves prophets of a new, even freer social order. These old-fashioned liberals, libertarians, and anarchists were few and unorganized. All were profoundly alienated from a society that considered their views reactionary, lunatic, or irrelevant.

For a while the theory of government as magical institution seemed to work. The twentieth century was the American Century. As Europe fought two bloody and almost incalculably expensive world wars, and one third of the world's population fell under the control of a psychotic and reactionary Communist system, the U.S. became the richest country on earth.

But Communism failed, and Europe and Japan emerged from their wars with freer economies than before. Gradually, they have caught up with and surpassed the U.S.

Along the way, the old faith began to subside. In 1964, the Republican Party briefly stopped saying "me too" to the welfare state (though not, alas, to the warfare state) and chose Barry Goldwater as its presidential candidate. The intellectual establishment recognized Goldwater for the revolutionary he was and vilified him in the rankest terms. After a brutal smear campaign, Lyndon Johnson was elected with 61% of the popular vote, which he and the statolatrous establishment took as a mandate to accelerate government power, in the form of vast increases in domestic spending (the Great Society) and foreign policy (the Vietnam War).

The public reacted against the extremism of Johnson's programs. In 1968, Johnson's hand-picked successor got only 43% of the vote, a decline of 30% in just four years. But the winning candidate made no challenge to the ideological status quo, and the size and power of government continued to grow during the administrations of welfare state Republicans Richard Nixon and Gerald Ford and "moderate" Democrat Jimmy Carter.

It was obvious that things were changing during the 1970s. In 1971, the Libertarian Party was founded, and by 1976 it had established itself on the political landscape as a vocal challenger to the political faith. In 1978, California voters passed a tax limitation measure, despite the direst of threats from the media, politicians, and intellectuals, groups who benefited from the growth of government and whose piety was undiminished.

In 1980, the Republicans nominated Ronald Reagan for the presidency. Reagan eloquently opposed the growth of government and proposed to reduce its size and power, cut taxes, and increase individual freedom. He was elected in a landslide, and brought in a GOP majority in the Senate — the first time the party had enjoyed a majority in either house of Congress since 1954. Reagan pursued his program, but with only limited success. Everywhere it ran into two problems:

Clinton traipsed from one end of the country to the other like a political Joe Blfstk, spreading disaster wherever he went. Everywhere he visited, his fellow Democrats fell in the polls.

(1) Welfare state Democrats controlled the House of Representatives, and welfare state Republicans among the GOP majority in the Senate limited Reagan's ability to enact his program.

(2) The American people were very reluctant to give up the favors that government had seemed to have bestowed on them.

Reagan dealt with both these difficulties by compromising. Because he believed the greatest threat to American liberty was international Communism, he made increasing the military power of the United States his top priority. To get Democrats to agree to increase military spending, he agreed to accept increases in spending for social programs.

Reagan made a similar compromise with the American people. When he broached the idea of cutting middle-class welfare spending (programs such as Social Security and guaranteed student loans), many voters reacted with horror. So Reagan limited his free-market reforms to a few areas: he tried to privatize a few government programs, lifted price controls on oil, opposed increases in the minimum wage, fought gun control, broke the back of the powerful air traffic controllers' union, and made a few other pro-market moves. But by and large, he made no attempt to cut back the pow-

Keep Ted Alive — Right-wing direct mail fundraisers held their collective breath until the results of the Massachusetts Senate election came in. A great bogeyman like Ted Kennedy would have been hard to replace.

—Clark Stooksbury

My Kind of Town? — The defeat of Dan Rostenkowski feels like having a hideous birthmark removed from my face: it is the loss of a familiar sight, but I'm feeling nothing but pleasure for it. Rosty, you see, is the only representative my native district has had in my lifetime. He was always "Chairman" Rostenkowski, the man who brought home the goods — and he was rewarded for it, time and again, with reelection. When the law caught up with him this year, my neighbor nonetheless canvassed the area for him, saying, in effect, "Yeah, he's a scoundrel, but so what? He's provided so much for us!"

Ah, yes, my kinda town. But something was amiss this year. Even Chicago voters have an intolerance threshold, I guess, and Danny-boy's arrogance and obvious contempt for the laws the rest of us have to obey, not to mention his allegiance to Bill Clinton, exposed it.

But lest anyone think that the repudiation of the quintessential big government Democrat is an indication that Chicagoans have decided to pave the way for the open society, I report that people in my old 'hood are happier than ever to push others around via the legislative broom. For example, "community-based policing" has taken root, and the paranoid are informing police of "suspicious activity" such as people coming in and out of houses at "all hours of the night." Obviously, drugs are being used! Or: certain people are renting out their basements without proper zoning, and by George we must put a stop to it! Or: . . .

You get the message, I hope. I've no doubt that some libertarians will huff and puff about an anti-government mood, pointing to the overthrow of Democrats in Congress. This is nonsense. People want their taxes lowered, sure; but there are plenty of busybodies out there, and plenty of people delighted to take government handouts if others pay for them. They will expect the Republicans to provide the goods.

So, let us revel for a moment that such jackasses as Rostenkowski have gotten their comeuppance. But then calm down, take a deep breath, and start harassing the Republicans.

—Michael Levine

er of the welfare state.

Almost every government program benefits someone, if only the people who are given money by it. Only one form of government activity has no popular support: taxation. So Reagan ended up cutting taxes and increasing spending. And everything seemed nice. Americans got the "benefits" of higher spending without paying the costs of higher taxes. Student loans, matching funds, grants for public buildings, summer job programs, higher military spending, pork-barrel projects galore. To pay for all this, we borrowed money. Our kids (or maybe their kids, or their kids' kids) could pay it back. Someday. The program "worked." We were all living beyond our means, thanks to the fact that our government had borrowed over $1,500,000,000,000 and lavished it on us.

Democrats had always had trouble getting away with this sort of thing. Prior to the Reagan years, whenever Democratic presidents proposed huge budget deficits, Republicans and conservative southern and western Democrats would complain that we were mortgaging our future, that the program was fiscally unsound, that in the end there would be a disaster.

The Republican Contract with America is fundamentally dishonest. Yet this dishonesty pales beside the dishonesty of the Democratic alternative.

But Reagan's followers were reluctant to criticize their leader. They were tired of losing elections, and Ronald Reagan had shown them that if only they would stop complaining about deficit spending and go along with the program, they could win for a change.

Americans were prosperous and happy, as prosperous and happy as a family that borrows against the value of its home and spends the money on parties. But like that family, we were in danger of losing our way of life.

Voters elected Reagan's vice president George Bush in 1988, thanks partly to the good will Americans had for Reagan and partly to the Democrats' foolish decision to nominate an unreconstructed big-government, high-tax liberal. It quickly became evident that faith in big government was fading fast. Despite universal opposition from the media, politicians of both parties, and the entrenched bureaucracy of government, voters in numerous states passed term limitation measures. State after state passed tax limits.

In 1990, Bush raised taxes and lost the support of those who had elected him. In 1992, the Democrats nominated a "New Democrat," Bill Clinton, who claimed to favor less government power and lower taxes. Maverick populist Ross Perot entered the race with the aim of settling an old score with Bush. Perot got 19% of the vote, and Bill Clinton squeaked into office with 43%.

The Election

In 1988, it was widely and accurately observed that an incumbent member of Congress had a better chance of being re-elected than an incumbent member of the Soviet Politburo. It's easy to see why: congressmen had voted themselves huge powers to reward their constituents with spending bills, built up huge staffs to perform "constituent services," acquired tremendous government-subsidized campaigning privileges, and taken in huge amounts of "contributions" from special interests groups. But in 1992, things were different: 122 congresspeople lost their reelection bids or retired. (The retirement rate was extraordinarily high, thanks to two factors: many congresspeople were under fire for corruption and decided that discretion was the better form of valor, and a law prohibiting retiring congresspeople from pocketing for personal use campaign funds extorted from lobbyists and special interests was about to take effect.)

Clinton and the media saw his 43% of the popular vote as a mandate, and immediately set about promoting a traditional Democratic program. He sought to fight crime by pouring $30 billion into midnight basketball leagues and other welfare programs and preventing private citizens from owning guns for self-defense. He sought to reduce the deficit by raising taxes. He stepped up regulation of business by appointing aggressive regulators to head federal agencies. He sought to address the health care problem by having the government take over the entire industry lock, stock, and barrel. By returning to the old welfare state agenda of higher taxes, more regulation, and more gigantic, elaborate government programs, Clinton focused the voters' attention on the failures of their old faith.

These old-fashioned liberals, libertarians, and anarchists were few and unorganized. All were profoundly alienated from a society that considered their views reactionary, lunatic, or irrelevant.

The results were predictable.* Everywhere, energized anti-government conservatives sought Republican nominations for elective office. Almost everywhere, elected Democrats tried to downplay their records. They omitted the word "Democrat" from all advertising, claimed to favor downsizing government, claimed to be trying to balance the budget. In my state, the only political advertisement I saw that could even remotely be described as favoring the welfare state was a pro-Social Security ad by the incumbent Republican senator.

The voters weren't buying it. Forty years of Democratic control of the House were enough. Clinton clearly didn't have a clue about what was happening. After watching his popularity drop in the polls all year, he tried the oldest trick in the book: invade a tiny country, then go on a triumphant tour of the world. Sure enough, this boosted his popularity, to the point where almost half the American people thought

* I myself predicted the outcome of the election pretty accurately in mid-July, and reiterated my prediction in September. I also predicted in each article that Bill Clinton would not be re-elected in 1996 and that he would be the last Democrat to be elected president for a half-century, if not forever.

maybe he wasn't doing such a bad job.

But then he made a mistake. He came home and decided to hit the campaign trail on behalf of his fellow Democrats. He traipsed from one end of the country to the other like a political Joe Blfstk, spreading disaster wherever he went. Everywhere he visited, his fellow Democrats fell in the polls. He destroyed the campaigns of Democratic Senate candidates in Michigan, Washington, Minnesota, and Pennsylvania. Of 21 Democrat-held Senate seats up for election, the Republicans won eight. Every Republican-held seat stayed Republican. Of 278 seats in the House held by Democrats, Republicans captured 56, including 33 where they ousted incumbents. Prominent Democratic casualties included House Speaker Tom Foley, indicted Ways and Means chairman Dan Rostenkowski, and Judiciary chairman Jack Brooks.

Republicans won virtually every campaign they seriously contested. The exceptions merely illustrated their strength, though not always their sense. In Virginia, the party lost when they nominated a convicted perjurer and the party's senior elected official sponsored an "independent" candidacy by another Republican to split the GOP vote. In California, their nominee was an airhead who spent $26 million of his inheritance on his campaign but never figured out where he stood on the issues and was caught in a blatant act of hypocrisy. Even so, neither incumbent Democratic senator managed to get half the popular vote.

The president's spin doctors went to work, claiming that the voters were just expressing anti-Congress feelings. The trouble with this theory is that Clinton's fellow Democrats did even worse running for governor than they did running for Congress, winning just nine of 31 races and losing the governorship of every large state except Florida. The spin doctors also tried claiming that the voters weren't rejecting Clinton or his policies; they were just rejecting incumbents. The problem with this theory is that the only incumbents rejected were Democrats. Every single Republican incumbent in the

Measure for Measure — As in past elections, I have attempted to gauge the mood of the electorate by analyzing the state-wide ballot measures of special interest to libertarians. This year, I identified a total of 41 such measures, mostly on taxes or term limits.

Property Rights: It has been observed that if the Bill of Rights were put to a popular vote, it would have a very tough time finding a majority. In Arizona, voters were allowed to vote on the Fifth Amendment ("No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.") Their chance to confirm their support for the Bill of Rights came with a referendum on a law passed by the Arizona legislature requiring state agencies to identify potential takings and their costs when regulating private property, thereby insuring that private property would not be taken for public use without compensation.

The environmental movement, aware that environmental regulation takes private property for the public good without compensation, mounted an aggressive campaign against the measure, arguing that its passage would mean higher taxes and a degraded environment. Defenders of the Bill of Rights lost, and lost big: voters turned down the measure by a 60–40 margin.

Advocates of private property fared better in Massachusetts, where voters repealed rent control by a 51–49 margin. This is probably a reaction to the gross impracticality of rent control, evident to voters who have lots of actual experience with it, rather than any new found commitment to property rights by residents of the Bay State, who also re-elected Teddy Kennedy by a wide margin.

Taxes and spending: A mixed bag here. Big tax cuts were rejected by big margins by voters in Oregon, Montana, and Missouri. Tobacco tax hikes were accepted in Arizona, but rejected in Colorado and California, where voters also overwhelmingly rejected a bond issue for a mass-transit boondoggle. Soft drink taxes were repealed in Ohio and Arkansas, but extended in Washington. An amusement tax to finance breast cancer research and treatment failed in Oklahoma, but a hefty bond issue for human services passed easily in New Jersey. Montana rejected a flat income tax to replace its heavily graduated tax, while Massachusetts rejected a graduated tax to replace its flat tax. Nevada voted to require a supermajority for tax hikes in its legislature, but a similar measure was rejected in Montana. And voters in Montana and Oregon rejected measures to require popular votes for taxes.

Term limits: Term limits were passed everywhere they were up, except in Utah. Nevada even passed two of them, one for state politicos and another for feds.

Health Care: In what might be the most important ballot measure in the country, California voters overwhelmingly rejected (by a whopping 73% of voters) a measure for socialized medicine of the "single-payer" variety, a slightly more honest version of the Clintons' plan. Also, Pennsylvania voters removed Harris Wofford from the Senate in favor of a young, unknown conservative opponent of socialized medicine. (Wofford was originally elected in 1991 on a "universal health care" platform, a phenomenon that was greatly celebrated in the media and is said to have inspired the Clintons' health care proposal.)

Abortion: A measure to criminalize abortion was turned down by a 60–40 margin by voters of conservative Wyoming, the state that has the fewest abortions per capita in the U.S.

Miscellaneous: Colorado voters rejected a measure that would allow the state to force *grandparents* to pay for teen pregnancies. Oregon legalized doctor-assisted suicide. Alaska prohibited local governments from restricting guns. Colorado rejected a measure to freeze legislators' pay, but New Mexico rejected a pay raise for legislators, and Illinois forced its legislature to meet only part-time. Voters in North Dakota and Massachusetts approved mandatory seat-belt laws. And voters in Oklahoma legalized the use of out-of-state grapes by in-state wineries.

You figure. —*Chester Alan Arthur*

House, the Senate, and the governors' mansions was re-elected. The salient characteristic of the overwhelming Republican victory is its pervasiveness. Republicans gained control of the Senate, the House, most governorships, and many state legislatures. The last time the United States saw anything like this was in 1930, when the Depression converted the Republicans from the natural majority party everywhere but the South into what seemed like a permanent minority.

Today, the Democrats are in virtually the same condition as the Republicans were in 1930. They still control the presidency, and they still have a few small constituencies that will continue to give them their diehard support. But their day is through.

After 1930, Republicans lost the next five presidential elections. The Democrats controlled the presidency and both houses of Congress for 32 of the following 62 years. The Republicans controlled the presidency and Congress for just two years. The single two-year period of Republican domination (1953–54) was achieved by the Republicans' accepting virtually all the precepts of the Democratic New Deal: ever-expanding social programs, ever-more-intrusive government, ever-greater regulation, and ever-increasing taxes. The agenda of American politics, set by the Democrats from 1932 until 1980, never varied: the Democrats proposed bigger programs, more powerful government, and higher taxes; the Republicans responded by proposing to expand the power of government at a more moderate pace. In 1960, conservative commentator Tom Anderson summed it up: "Democrats want to move to socialism at 100 miles an hour. Republicans only want to socialize at 50 miles per hour."

Americans Wake Up

But in 1994, things were different. Republicans had adopted a new theme, and proclaimed it in virtually all their races: the old faith isn't working. The old system of raising taxes, increasing regulation, and solving every problem by throwing money at it has wasted billions of dollars, left our streets unsafe, strangled the American economy, and created a Congress whose members live like oriental potentates while ignoring the people. The Republicans wrote a "Contract With America" that promised to address these problems in the first 100 days of a Republican Congress. And almost everywhere, the Republicans won.

The '94 election signifies a loss of the old faith in government. But Americans still don't understand the full implications of rejecting the legacy of FDR, JFK, LBJ, Nixon, Carter, and Clinton. They still don't understand that they're going to have to wean themselves from the teat of government and live within their means, that there ain't no such thing as a free lunch. They aren't yet ready to give up their welfare benefits, but they do understand that something is fundamentally wrong, and that if they continue to expand the power of government, their quality of life will continue to deteriorate.

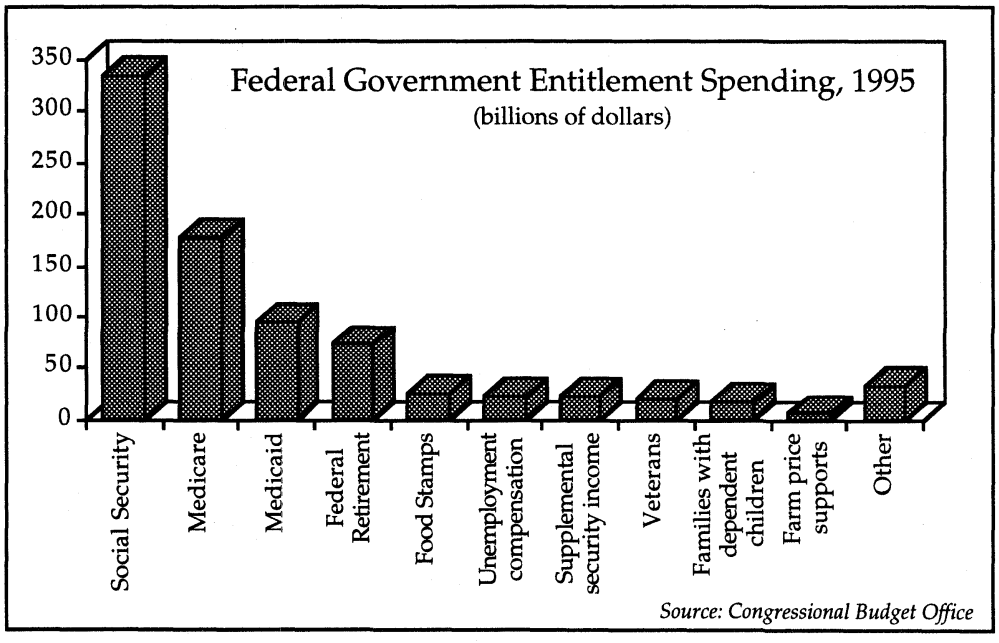

The Republicans understand this evasion. That's why their Contract With America promised tax cuts and a balanced budget *and* promised to keep the biggest entitlement programs intact and increase defense spending. The Republicans have fudged the math, pretending that the economy will be stimulated so much by their tax cuts that personal income will rise sharply enough that taxes, even at their lower rates, would cover the shortfall.

This is so idiotic that hardly any Republicans actually believe it. It is simply impossible to increase military spending, cut taxes by $50 billion per year, and eliminate a $200 billion deficit without touching the $885 billion of entitlements. But Americans were not yet ready to bite the bullet, so not a single Republican congressional candidate could summon the courage to admit that Congress cannot cut taxes without increasing the deficit or cutting popular programs like Social Security and Medicare. The Contract With America is fundamentally dishonest.

Yet the dishonesty of the Contract With America pales beside the dishonesty of the Democratic alternative. "All politics is local," Democratic House Speaker Tip O'Neill used to say. What O'Neill (and the Democrats who like to quote him) meant was that you can increase government power and taxes in Washington, D.C., then go home to your district and tell the voters that you are working to cut taxes and regulation. If you deliver enough pork barrel spending, answer constituents' letters promptly, and don't get caught with your hand in the cookie jar, your district will re-elect you forever. So Democrats ran for office with no pro-

gram at all, just vague sloganeering about "moving forward."

Of course, the Republicans do advocate cutting *some* entitlements — just not for their middle-class constituents. Take a look at the chart on the previous page. It details entitlement spending for 1995. This is all so-called "off-budget" spending; that is, it will be spent without Congress having to approve it.

Note that the overwhelming percentage of this entitlement spending goes, not to the poor, but to the "forgotten" middle class. Of the $885 billion spent on federal entitlements in 1995, only $140 billion goes to the poor (and their middle-class social workers). The rest goes to programs that primarily benefit the middle class: Medicare, college loans, federal retirement benefits, Social Security, veterans' benefits, etc.

The 1994 election signifies a loss of the old faith in government. But Americans still don't understand the full implications of rejecting the legacy of FDR, JFK, LBJ, Nixon, Carter, and Clinton.

These entitlement programs amount to over half of all federal spending. Together with interest on the national debt (which is also spent whether Congress authorizes it or not), in less than a decade they will consume more than 75% of all federal spending.

But neither the Republicans nor the Democrats will cut entitlements for the middle class. This is one thing you can bet on. The Democrats designed the programs and have always supported them. The Republicans are sometimes a little bit critical, but they don't want to risk losing votes by supporting cuts. During the eight years of the Reagan administration, spending on entitlements rose substantially, despite Reagan's rhetoric against them.

There is one exception. In California, Republican Governor Pete Wilson faced a budget crisis. He was afraid even to stand up to the state's teachers (who are politically organized and view their outrageous salaries as an entitlement), let alone the beneficiaries of the state's "generous" welfare system. So he raised taxes and watched his voter approval ratings collapse. Then he discovered an entitlement he could oppose: government aid to illegal immigrants, the one group of people who live in California but cannot vote. Of course, he didn't suggest that since illegal immigrants can't get the emoluments to which their fellow Californians are entitled, they should be exempt from taxes. He prefers to collect their taxes and show them the back of his hand. Capitalizing on the issue, he rose from 20 points behind to an easy victory.

So this is where we are today. Most Americans have come to realize that the tax-and-tax, spend-and-spend, elect-and-elect philosophy of the Democrats isn't working. They realize that changes have to be made, and they are willing to turn to the Republicans. But so far, the Republicans have lacked the will to provide real leadership, to make the hard decisions to cut middle-class entitlements.

"If they can put a man on the Moon, why can't they open the bars on Election Day?"

The 1994 election gives the Republicans an opportunity similar to the one handed the Democrats in 1930. If they can come up with a vision for the future and a coherent program for its implementation, they can become a long-term majority party. If they fail, they will be dumped into the ashcan of history, and the voters will elect a new party that *can* provide a coherent program.

But whatever happens in the next few years, one thing is certain: the political theory that has dominated the twentieth century so powerfully that it was advocated by almost all politicians, whether Democratic or Republican, is dead. The 1994 election is a crisis of faith. Americans now realize that we cannot spend money we do not have, that we cannot take money from ourselves and spread it around and make ourselves better off.

The Republicans have fudged the math, pretending that the economy will be stimulated so much by their tax cuts that personal income will rise sharply enough that taxes, even at their lower rates, would cover the shortfall.

Whether Americans will emerge from this crisis with a new Republican faith in government as miracle-worker — one that can solve the problem of the breakdown of the family by throwing money at it, the problem of drug abuse by arresting marijuana smokers, the problem of crime by hiring more policemen and giving mandatory life sentences to people caught with foreign bank accounts — remains to be seen.

The alternative is to dispense with faith in government altogether, to return to the older view of government as a human institution bound by the same natural laws as the ecosystem and the same economic laws as society itself, and to realize that a system where individual liberty is maximized will optimize the ability of human beings to flourish. There is substantial rhetorical support for this view. The most prominent Republican who seems determined to reduce the size and power of government and enhance

continued on page 26

To Vote, or Not To Vote

by Loren E. Lomasky

There was much talk, not long ago, of a "politics of meaning." But all that most politicians can achieve is a politics *demeaning*.

I'm an academic who thinks and writes mostly about political subjects. I am also an adult citizen of the United States who is thereby eligible to trek to the polls every November and vote.

When I came of age I tossed away my fake ID and began to patronize watering establishments under my own name. I also registered to vote and three months thereafter cast a ballot for someone who became president, someone who became vice president, and assorted other men of dubious character. In subsequent years I continued to vote whenever presented with the opportunity to do so, although I made sure that I never again would be implicated in supporting a victorious candidate.

About ten years ago I began thinking in a serious way about how democratic decision-making works (and fails to work). These reflections centered on the extreme unlikelihood in any large-numbered electorate of one individual's vote making a difference to the outcome. I quickly came to believe that if there is some reason why one morally ought to vote, it cannot be because of any straightforwardly consequentialistic factors. Less quickly I came to believe that there is no good reason of any kind to suppose that it is morally dutiful to vote. This is one of only two instances in which my scholarly work led me to change my mind concerning some practical conclusion. And then I stopped voting.

But this year I had resolved to go back to my old ways. I now live in a very small town in a rural county of northwest Ohio. Although I remain only too glad to distance myself from the official predations of Washington, here where I live and work politics isn't the preserve of goons and grandees. It's how we get our snow plowed in the winter, our swimming pool staffed with life guards in the summer, a gate installed at the dangerous train crossing, strayed children found and deposited back home. Our politics is not a big deal — and that perhaps is its greatest virtue. I was under no illusions that my votes would appreciably lubricate the workings of public business, but I would thereby express solidarity with my fellow residents of the state of Ohio, Wood County, and town of Rudolph.

But then the political ads commenced. Our Senate candidates matched each other for sleaze, duplicity, and unflinching reliance on the irremediable stupidity of their would-be constituents. In other words, my Senate race probably was very much like your Senate race. And this was no more than I expected.

I had not, however, realized how far down the pipe the political sewage had flown. Local races too had become thoroughly noxious. This year the prevailing theme was a mindless display of "toughness on crime," regardless of whether the office being sought had anything to do with chastising criminals. It was not enough to be in favor of capital punishment for murderers, drug dealers, and high-profile perverts; to outflank one's opponent it was necessary also to oppose judicial appeals ("Frivolous!"). An extra plus was to demand not just hanging but preparatory drawing and quartering. When they had finished proclaiming their toughness on crime, each candidate vowed to cut taxes and decrease spending, but beef up support for every program that some constituent somewhere might favor. And if some question was raised about how this could be accomplished, they would mumble something about saving funds by not coddling killers.

Despite their common attachment to a low level of public discourse, these candidates didn't much care for each other. Or so it seemed from the barrels of vitriol they poured over

each other's heads. I had previously believed that no one could match my fourth grade teacher's petty vindictiveness, but these public servant wannabes matched his bile secretions drop by corrosive drop. Below-the-belt-politics? Hell, these blows were low enough to shatter ankles!

My name is not Pollyanna, so I can tolerate a level of political interchange considerably less than Ciceronian. But the final straw was when one legislative race descended into a brawl concerning how many elections in which the Republican candidate had declined to exercise his franchise. "If he doesn't vote at home, how can you rely on him to vote in the House?" was one ad writer's catchy contribution.

"Doesn't vote . . . doesn't vote . . ." — it was a simple tune I couldn't get out of my mind. I asked: Do I really want to associate myself symbolically with these manifestations of the democratic spirit? Answering wasn't difficult. Election day came and went without my making a pilgrimage to the polls. I do continue to hope that the snow will be efficiently removed from the roads this winter, but it will have to be done without any electoral involvement from me. I've already been snowed enough. ❑

R.W. Bradford, "A Crisis of Faith," *continued from page 24*

human liberty is Senator Phil Gramm of Texas. In a press conference the day after the election, Gramm told reporters:

> It is not going to be easy to reverse 40 years of government policy. It is not going to be easy to reform a program like welfare. It is not going to be easy to ask and demand that the 40 million people riding in the wagon get out of the wagon and help the rest of us pull it. But it's something that has to be done if we're going to save our country. The American people are for it. They have given us the mandate to do it. They have sent us eleven new Republicans who are going to come into Washington like Teddy Roosevelt's Rough Riders, and they are not going to be of a mind to cut some type of a deal with Bill Clinton to raise taxes half as much, to increase spending half as much, and to implement half as many new government regulations. They are going to be coming to Washington to reverse that process, to cut government spending, to reduce regulations to let working people keep more of what they earn.

Those are powerful words. But we've heard powerful words before, only to see those who spoke powerfully compromise and the government continue to grow. Gramm seems aware of this danger:

> I am willing to compromise with the president as long as we're moving in the right direction. If we're talking about compromise where we meet the president halfway in moving in the right direction, that's a compromise that I'm willing to consider. But I am not willing to compromise meeting the president halfway and going in the wrong direction. Why should we want to go halfway in the wrong direction?

If the Republicans or some new party can find the courage and the intelligence to articulate to the American people that the way to return to permanent prosperity and a free and open society is to return to the principle of self-reliance and individual responsibility by cutting spending, cutting taxes, eliminating regulation, restoring civil liberties, and re-establishing property rights, then the future of our country can be greater than its past. But if no one finds that vision, if no one has the necessary courage, if no one articulates the policies that are needed, then the U.S. can look forward to a period of lengthy decline of the sort that has turned Britain from the wealthiest nation on Earth at the beginning of this century to the poverty-laden welfare state it is today. ❑

Reflections, *continued from page 14*

hapless DJs at low-watt community stations around the country from airing his shows whenever their usual programming fountains run dry. The man has achieved a kind of immortality through his scattered recordings; a decade from now, he'll still be playing himself out over one tiny station or another. And no one will be able to tell the difference.

I'm sorry. That was mean. But it's also true. For as long as I've been reading it, *The Progressive* has been repetitious and dull. It is occasionally spiced up by some good journalism, yes, but it usually offers little more than the tired leftism of a graying college sophomore. (There is one important exception to this: Knoll's *Progressive* has always been a stronghold of First Amendment absolutism, a position that is, alas, no longer fashionable among the sophomoric cadre.) Indeed, the magazine and its editor have been saying the same old thing for so many years, he could have been sending out ten-year-old interviews to radio stations *before* he died and no one would have been the wiser.

Knoll preached his gospel of Old Left socialism (leavened by a bit of mod multiculturalism) from one of the rare remaining preserves where his opinions would turn few heads: Madison, Wisconsin. And now he's dead. His passing is an unhappy event, not only in the sense that any decent man's death is sad, but because it means the departure from this planet of a crusty old anachronism. And I have a soft spot in my heart for crusty anachronisms of all political stripes.

—JW

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The *Liberty* Interview

Russo and Revolution

film producer turned politician Aaron Russo explains why he is working to create a new libertarian party

Aaron Russo burst upon the political scene earlier this year with a call for Americans to organize a new political party. But the Constitution Party he has proposed on talk-radio programs from coast to coast has an agenda a lot like the Libertarian Party's, which raises the question of why he believes a new party is needed.

Russo's first job was with his father's lingerie business in 1967: "I was designing ladies' bikini panties," he says. But then he moved from New York to Chicago, where he opened the Kinetic Playground, a rock music club. Before long, he was a major music promoter. In 1971, he met Bette Midler and began to manage her career. He produced a Tony-winning Broadway play and an Emmy-winning television special, both showcasing Midler's talents, before turning to Hollywood. His first film, The Rose, *also starring Midler, was nominated for four Oscars. His second film,* Trading Places, *was a major hit. After producing two more Hollywood films at major studios, he returned to New York to work as an independent film producer. He then directed* Rude Awakening, *a commercial and critical failure — Roger Ebert awarded it zero stars and suggested that "the perpetrators of this film should seek out new directions."*

After producing two more movies and retiring briefly to Tahiti, Russo took Ebert's advice and turned his attention — at least partially — to politics.

Russo spoke with Liberty's *political correspondent, Chester Alan Arthur, on November 12, four days after the 1994 election.*

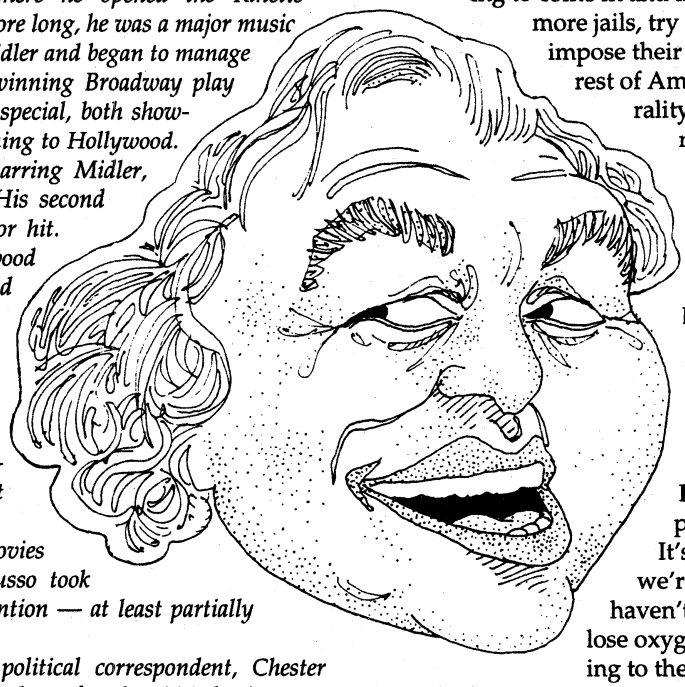

Liberty: Why did the Republicans do so well on Tuesday?

Russo: Oh, boy. I think they did well because people are terrified of Big Brother. People revolted against the fact that Clinton tried to put out all these leftist policies. The fact that Clinton tried to pass the health bill was a big problem for a lot of Americans. I think this crime bill and the gun ban were enormous problems. There are militias forming all over this country to fight the federal government so they can keep their guns.

And I don't know if the Republicans can do any better. I think the Republicans and Democrats are both the same party, with just a few minor differences. I think that the Right is going to make certain that the government gets a little bit smaller. They'll probably save a few dollars on taxes. But they're not going to eliminate taxes. They're not going to stop the trend of big government.

I'm very scared because I think the Republicans are going to come in and impose lots of restrictions, build more jails, try to arrest more people, and try to impose their will and their morality on the rest of America. The Left imposes their morality and the Right imposes their morality. No one recognizes that we're all individual people and we have our own morality, and government doesn't have the right to impose its morality on us.

Liberty: That has something to do with your attempt to launch the Constitution Party. You've been working on it for three months now. What progress have you made?

Russo: Starting a new political party is like climbing Mt. Everest. It's like we start up a mountain, we're doing real well so far, but we haven't hit the heights where we can lose oxygen. People seem to be responding to the idea of the party. They understand what the name of the party implies and what we're about.

We're doing really well, but we're fighting difficulties with the very far Right because we don't oppose abortion. I've taken on the right-wing fundamentalist Christians, and we're not going to kowtow to their ideas about abortion and homosexuality and drugs and those areas of morality. They think that they have a right to legislate morality. We don't. We've also had a problem with the very far Left, who believe in the redistribution of wealth, banning guns, stuff like that. But everywhere in-between, we're doing great.

We've been getting thousands and thousands of calls, and people are signing up very quickly. Never having been

in this position before, I don't know how to judge it exactly except that people are very enthusiastic. We're getting lots of volunteers.

Liberty: How many members do you have?

Russo: Between two and three thousand. That's in three months' time.

Liberty: Where are your members coming from?

Russo: My doing radio talk shows, mostly, and giving speeches in different places. I did a speech with *National Review* a couple of weeks ago, and got a standing ovation. I just gave a speech to all the alternative medicine doctors.

Liberty: Are you the Constitution Party's only spokesman?

Russo: So far. We're going to have to get more spokesmen because I obviously can't do the whole thing. But the party wasn't even supposed to be announced until after this election. It came out ahead of time and we've been trying to play catch up. In a way we're ahead of the game but in a way we weren't ready for what happened so quickly.

Liberty: How many states are you organized in?

Russo: We have coordinators in around 15 states and we have more people signing up. We have members in almost every state, so we're trying to decide which are the right people to be state coordinators in those particular states.

Liberty: Have you gotten the Constitution Party registered in California as a political party?

Russo: We're doing that, yes.

Liberty: Are you attracting people who have political experience?

Russo: Yes, we're getting some. We're getting mostly people who see the fact that there is no party out there for them to vote for, there's no one who is really there promoting our values. I guess the closest people are the Libertarians and a lot of people just don't want to be Libertarians, so they're coming to us.

Liberty: How's your program different from the Libertarian Party's program?

Russo: First of all there's the difference in terms of effectiveness. The Libertarians have had 23 years to be effective, and in my view they've failed. Ross Perot did in one year what they haven't done in 23 years. In this last election, the LP did nothing. As a matter of fact, in the state of Pennsylvania, the woman who ran for governor ran on a platform which is basically the platform of the Constitution Party, and she got almost 13% of the vote. The Libertarian candidate got less than 1%.

I think their *name* is a tremendous hindrance to them. People think it means "liberal" or "libertine." People don't understand that it stands for liberty. People don't even know what liberty means! Packaging is very important in today's world, and I don't think the Libertarians know how to package themselves well.

Also, I think one of the key differences between us and the Libertarians is the perception of us. The Libertarian Party is perceived as a bunch of intellectual, egg-headed people that the common man can't relate to. The perception of our party is that we're here to defend the Constitution of the United States and to restore it to its proper role as the law of the land.

Liberty: Okay, so you have a different image. But what about differences in the program you advocate?

Russo: We don't believe in GATT. The Libertarians have endorsed GATT and they've endorsed NAFTA. We're against both of those. We're against open immigration, which the Libertarian Party is for.

Liberty: What immigration restrictions do you favor?

Russo: Before I can tell you what restrictions I favor, I have to do the appropriate research. All I'm saying is that I do not favor open immigration. What restrictions there should be I can't tell you that at this moment.

Liberty: Does the Constitution authorize restrictions on immigration?

Russo: Not that I'm aware of.

Liberty: If the Constitution doesn't authorize them, why do you favor them?

Russo: I think that it's impossible to have 100 million people come into this country and have the country be run properly. I think it's an impossible situation. I think if you eliminate welfare, you're going to eliminate the real problem of immigration, because people aren't going to be coming here on a free ride. So I think it almost becomes a moot point. Once entitlement programs are eliminated, then the immigration problem will cease to exist for the most part. But there have to be limits somewhere.

Liberty: It seems to me that you've made two different suggestions. On the one hand, you say we should have some kind of legislative restrictions; on the other, you say if we get rid of entitlements, the problem will solve itself.

Russo: What I'm saying to you is this: If you get rid of entitlement programs, then I don't believe immigration will be a problem any longer. But if that theory is wrong, and immigration remained a problem, then you still must draw a line at some point. You can't let 200 million people come. If there is no welfare here, but all of a sudden there's a problem in another country and everybody decides to come to America because it's open, and some absurd number of people want to come here, you just cannot allow it.

The only way I would agree with the libertarians about having an open border is if the whole world were living under the same philosophy and we weren't such a standout attracting everybody. But if we are the freest country in the world, and we're living under the philosophy of the Constitution Party or Libertarian Party, billions of people are going to want to come here.

Liberty: What do you think of Harry Browne's candidacy for president?

Russo: I think Harry Browne is a very intelligent man. As a matter of fact, he's probably the first person who got me involved in investing. *How to Profit From the Coming Devaluation* had a remarkable effect on my life and my career. When I read it, I understood everything he was saying and I totally agreed with him. I read *How I Found Freedom in an Unfree World*. He amazed me even further, I think he's a brilliant man. I have an enormous respect for the man. But I don't think he can run for the presidency and succeed.

Liberty: Why is that?

Russo: I don't want to say anything negative about Harry Browne.

Liberty: Would he make a good candidate for your party?

Russo: I'd have to sit down and talk to him before answering

that question honestly. I just don't think Harry Browne is well enough known to become a national candidate. He sets a good example for the kind of party you want and what the party stands for. However, I don't think Harry Browne is a good candidate if you want to win an election. He's a good candidate if he wants his position to be understood by people, but I don't think he's going to win an election for anybody. But I'd love to have Browne involved in the Constitution Party. I have an enormous respect for the guy.

Liberty: But probably not as a presidential candidate?

Russo: I would have to put that in the context of the choices that I have.

Liberty: You say you want someone with a high profile as a candidate.

Russo: Yes.

Liberty: Do you have anyone in particular in mind? Do you have anyone involved?

Russo: I have somebody in mind, but not involved. I have a ticket that I'd like to put together, but it's nowhere near happening yet.

Liberty: Does this mean you can't tell me who it is?

Russo: I'd rather not say it.

Liberty: Are you going to pursue cooperation with the Libertarian Party?

Russo: Sure.

Liberty: How?

Russo: I don't know. When I say "sure," what I'm saying is that I'm open to that. I'm not sure anything is going to happen.

Liberty: Have you had any talks with officials in the Libertarian Party?

Russo: I've spoken with a number of people who have come to us. As a matter of fact, the Colorado chapter of the Libertarian Party wrote a very nice story about us. I've been speaking to them.

Liberty: Obviously there are some similarities between your efforts and Ross Perot's. What are the differences between what you are trying to do and what he has done?

Russo: Well, first of all, he's got a lot more money than we do. *(Laughs.)* I've never seen a platform from Ross Perot, so it's hard to know what our differences are. I know that I've been told, and I've never seen this or heard it myself, that Ross Perot said we should throw out the Constitution; that's one of our biggest problems, having a Constitution. If he said that, that's obviously a big area of disagreement between us.

The only place I know I agree with Ross Perot is in getting rid of the deficit. We're certainly in agreement with that, but not in the same way. Perot wants to raise taxes to solve the problem. If you raise taxes in this country, it would be a disaster. We're heading as it is right now into a severe deflationary scenario in this country, and if you raise taxes, deflation will accelerate and you could have a depression in this country worse than the 1930s, because the debt is much, much larger. Right now, the debt in this country is so large that to finance the debt, we have to keep re-inflating.

As we inflate to finance the debt, the bond market sees it and bucks forward, bringing interest rates up higher, creating more deflation, and acting as a governor on the inflation. So as the bond market sees inflation starting, it starts to crack, and as the bond market starts to crack, losses start mounting into the billions of dollars. It's like money going into a black hole, stopping the inflation and creating further deflation.

My feeling is that this country is going to enter into a massive deflation in the next couple years and the thing that we have to do to prevent that and to fight that is to get rid of taxes. Eliminate taxes to help fight the deflationary scenario. Ross Perot wants to raise taxes to get rid of the deficit. The only place that I know that we're in agreement with Ross Perot is to get rid of the debt. I don't know the rest of his platform and I know we certainly don't agree on how to get rid of the debt.

I think the Republicans are going to impose lots of restrictions, build more jails, try to arrest more people, and try to impose their will and their morality on the rest of America.

Liberty: There are two ways to get rid of the debt. One is to pay it back and the other is to repudiate it. Which do you favor?

Russo: I favor paying it back, obviously. If you repudiate it, you're in a very difficult situation if you ever need to raise debt again. And you should always pay off your debts. However, that has to be done by downsizing the federal government: selling off a lot of the federal government's assets, not national assets. Once you start paying down the debt, you can start wiping out the interest payments. You get rid of the entitlement programs.

Liberty: What is the distinction between federal government assets and national assets?

Russo: National assets are like Yellowstone National Park.

Liberty: Well, the federal government owns about 85% of Nevada.

Russo: I'd like to know what they own. I don't see how they can own 85% of Nevada. How could they get to own 85% of Nevada? Under the Constitution, the federal government only owns Washington, Guam, Puerto Rico, and certain territories. How could they own 85% of Nevada? I don't understand that. According to the Constitution, it's not feasible. I doubt that they really own 85% of Nevada. As a matter of fact, I understand there was just a big showdown in Nevada on July 4, where one of the county commissioners in Nevada was going to build a county road and the federal government came to him . . . have you heard about this yet?

Liberty: Fill me in.

Russo: The federal government came to this gentleman and said you can't build a county road there, it's government land. He said, "Bullshit, it's county land." They said if you try to build it, we're going to stop you. He said, "8: 00, July 4th, I'm going to build that road." The federal government

showed up, they told him not to build it. He said, "I'm going to build this road." They went back to their cars, got their guns out, and said, "Don't build it." The sheriff was there from the county and a bunch of ranchers, and they all pulled their guns on the feds, and the feds left. This is happening all over America. Counties are taking back their rights, taking back their land. Where does it say that the federal government owns the land?

Liberty: Where does it say that the federal government owns Yellowstone National Park?

Russo: They don't. That's what I'm saying.

Liberty: I'm sorry, I thought you said that was a national asset that you were going to have the federal government keep.

Russo: What I said was I don't consider Yellowstone National Park a federal asset, I consider it a national asset of that state, but that people from all over America can go visit it. Better put, it's a national treasure and not an asset. The federal government doesn't own Yellowstone National Park in my opinion. Under the Constitution the federal government owns Washington, D.C., that ten square miles.

The Libertarian Party is perceived as a bunch of intellectual, egg-headed people that the common man can't relate to.

Liberty: Do you favor privatizing some of the national parks and other federal land?

Russo: I haven't thought about that, honestly. When you say "privatizing," what do you mean?

Liberty: I mean selling them off. That would be one way to pay off the national debt.

Russo: But they can only sell it off if the federal government owns it. My feeling is that the states own the property, and the federal government cannot sell any of that off.

Liberty: So you're talking about paying off the national debt through taxes.

Russo: I'm talking about paying off the national debt through downsizing the federal government. Selling off the federal government assets, whatever they may be. I don't know what assets the federal government has. I'd like to know how much gold we have in Fort Knox. There hasn't been an order of that gold in years.

Liberty: What about the question of money? The Constitution prohibits states from making anything but gold or silver legal tender. It grants Congress the right to coin money.

Russo: It grants the Treasury the right to coin money.

Liberty: I believe it's listed in Section 8 as one of the powers granted Congress. What sort of money do you think the United States should have?

Russo: Sound money, intrinsically valuable whether it's gold and silver, or some combination of intrinsic money that makes it have a value, so that the dollar bill is only a receipt for something more valuable. The dollar shouldn't be the money in and of itself. You should always be able to trade in that receipt to get something real for it. The fact that the government can arbitrarily print money is a disgrace. Things can't function that way for long.

Liberty: Has the Constitution Party recruited any high-profile people?

Russo: Julian Whitaker is the latest recruit. He's very high-profile in the alternative medicine movement. He's just joined now and has become one of our founding members, and he's writing about us in his medical newsletter. We're getting all of the alternative medicine doctors to come with us. We're focusing on them, we're focusing on the gun groups, and we're focusing on the hard money people, and on the drug people.

Liberty: Does the party have a staff in place?

Russo: Yes.

Liberty: How many people?

Russo: It's not a huge staff. We have eight people that work here on and off. And I'm always here. And we have people in different states working. I've never actually made a tally of how many people are working for the party.

Liberty: Does the Constitution Party intend to contest races for state legislature and governorships, or is it just a federal party?

Russo: This is such a monumental task that we're focusing on the presidential elections in '96. However, many of our people have been calling us and saying they want the party to challenge senators and members of the House in '96. We haven't committed to that yet, but if the growth of the party is big enough, I'm sure we'll be doing it.

Liberty: When you say "we" haven't made a decision yet, who's "we"?

Russo: The people in the party, the founders and every member of the party. This is going to be a grass-roots movement with everybody in the party taking a part in it. If it doesn't happen that way, if they don't get involved, the party will ultimately fail.

Liberty: You bring some skills as an impresario to this. I understand that your early career involved the management and promotion of rock music. Did this experience prepare for launching the CP?

Russo: I would think so.

Liberty: Who'd you work with?

Russo: The Who, Led Zeppelin, Grateful Dead, Janis Joplin, everybody. I used to promote the shows.

Liberty: Whereabouts?

Russo: Chicago and Detroit and St. Louis. Do you remember Bill Graham? They used to call him Hertz and me Avis. He was number one in the rock promotion business and I was number two. I controlled the midwest and Bill controlled the coasts.

Liberty: How'd you get started?

Russo: I got a job in New York at a club called the Electric Circus, and they made me a manager. At first I was a gopher. It was like a psychedelic nightclub in 1968. From there I learned the business, and then left for Chicago and became incredibly successful.

In Chicago I got my first taste of what big government can do during the Democratic convention in '68. My club was the club for the hippies, and the cops raided my club and beat the shit out of me and a bunch of kids in the club. The Chicago police were like the Gestapo. They could come

in and do whatever they goddamn pleased. Nobody cared what they did and nobody paid attention to it. They came into my club like stormtroopers, beat the hell out of people, split kids' heads open with clubs, even if they offered no resistance. I went on television and screamed about it, and nobody cared!

After a few years I forgot about it. But as I grew older and wiser I began to see that what happened in Chicago was happening in all of America. The police have total control of our lives.

Liberty: When did you first become politically active? Did the events of 1968 get you started?

Russo: No. I was a 24-year-old kid then. I was a pseudo-hippie.

Liberty: What does that mean?

Russo: It means I was involved with the hippies. I wasn't living the life of a hippie, but I had the style of a hippie.

Liberty: You mean you actually had an apartment?

Russo: Exactly. I wasn't living on the street, and I wasn't at Haight-Ashbury. But I sympathized with the hippie movement.

Liberty: Have you been involved with the Republicans or Democrats or any other party?

Russo: Never. Never. I've never been involved in politics before. I've never registered Republican or Democrat. I'm one of those people who was never active in politics.

Liberty: Were you registered at all?

Russo: I didn't register at all, no.

Liberty: Oh, wow. So you've never voted in a presidential election?

Russo: I think the only time I voted was for John Kennedy. He was the only one I've ever wanted to vote for. They always say that if you don't vote, you're not doing your duty, and I don't believe that. My philosophy is that if there is no one to vote for then you shouldn't vote, because they perpetuate the system by everybody saying they voted and that they've done as much as they can do. If nobody showed up to vote, that would send a strong message!

Liberty: Getting back to your personal history . . .

Russo: After Chicago I moved back to New York and met Bette Midler. She consumed my life for the next nine years or so. At that point I just worked on Bette. That's when I read Harry Browne's book and got involved in the gold market, the silver market, and started understanding finances.

Liberty: You produced Midler's first film?

Russo: In the '70s I thought that she should play Broadway, so I produced *Clams on a Half-Shell,* which won a Tony. Then I produced a TV show she did with Dustin Hoffman called *Ol' Red Hair Is Back,* for which I won an Emmy. And then I produced *The Rose* for her, which got her an Academy Award nomination.

Liberty: A real string of successes.

Russo: Oh yeah. And then we went on a world tour, and after that tour she and I split up. We were together from '71–'79. Then I went over to Paramount and made *Trading Places,* which was an enormous hit. Since then I've just been rolling around.

Liberty: What other films have you made?

Russo: I made another big movie called *Teachers* with Nick Nolte, and *Wise Guys* with Danny DeVito, and then I directed a movie called *Rude Awakening,* which was my first directing job and I loved doing. If I can ever get out of politics I'll go back to directing movies.

Liberty: How did *Rude Awakening* do?

Russo: Not very well. It got some tremendous critical applause, but it didn't do well financially.

Liberty: What have you done since then? I read about a couple of HBO films, one called *Off and Running.*

Russo: That was something with Cyndi Lauper. I also made a movie called *Missing Pieces.* Orion, my distributor, went bankrupt and it was never released.

Liberty: I heard that you are working on a film about the IRS. What stage is this in?

Russo: I've hired a writer, Paul Haypenny, and he's writing a script. We've met with a few people in the tax movement — Larry Beecraft from Alabama, Kenny Royce, and a number of other people who are very familiar with the IRS. We're writing a script about what the IRS is really about. I think it's going to be an Academy Award movie for me.

If you and I are walking down the street and we see a homeless person, do I have the right to put my hand in your pocket and give him your money? Of course I don't. And neither does the government.

Liberty: When do you think it will reach production?

Russo: The script should be done in six to eight weeks, and then we'll take it out to different stars and get it packaged. I want to tie this in with what I'm doing with the party.

Liberty: I read somewhere you personally have IRS problems. Any truth to this?

Russo: Where'd you read that?

Liberty: In of the trade papers.

Russo: That must of been a few years ago. When I moved to Tahiti, that rumor started, — people wondered why I left the country. There was no truth to it.

Liberty: Getting back to the Constitution Party. . . your platform calls for the United States having the strongest military in the world, but it eschews military interference in the affairs of other nations.

Russo: Absolutely.

Liberty: What do we need the strongest military in the world for if we're not going to interfere in other nations?

Russo: Defensive reasons. The prime purpose of the federal government is to defend the individuals of this country. It's for everybody's common good. If we're going to have a federal government that's there to defend us, it should be the finest in the world. But I also believe that it's not our place to be in Haiti, or anyplace else. We do not have a right to violate other nations' sovereignties.

Liberty: So you see a much smaller role for the federal government than it currently has.

Russo: *(Laughs.)* I wouldn't say much smaller. I'd say *dramatically* smaller!

Liberty: Let me check off some current issues. You've already told me your opinion about Haiti. What about health care?

Russo: I'd eliminate government involvement in it.

Liberty: What about crime?

Russo: I believe that there should be no such thing as a victimless crime. If there is no victim, there is no crime. If somebody wants to smoke pot or shoot heroin, that's their own business. It's their life, and government doesn't have the right to legislate morality.

As far as we're concerned, there should be the total elimination of the IRS. There should be no more income tax.

They're the most immoral people of all, the people running our government. They don't have the *authority* to legislate morality. They don't have the right to legislate morality, they don't have the ability to legislate morality, and it's none of their goddamn business what people do with their own lives. People want to commit suicide, that's their life. People who want to do drugs, that's their business.

I think that government outlaws drugs because it gives them police powers, and they use drugs as a propaganda weapon to take over and control people's lives.

Liberty: What exactly should the government do? The only thing you've mentioned so far is defense.

Russo: It should provide a judiciary system. I'm talking about federal government, not local. The federal government's basic job should be the judiciary system and defense. I don't even think they should be running the postal service!

Liberty: You've got the federal government doing vastly less than it is today. That means it's going to cost a lot less, so that means presumably we're going to have a massive reduction in taxes. Can you give me an idea of what taxes you would reduce or cap?

Russo: As far as we're concerned, there should be the total elimination of the IRS. There should be no more income tax. There should be no more estate tax. The Constitution states very clearly that there should be no direct taxes, and we want to get back to that.

Liberty: Does that mean you want to get rid of the Sixteenth Amendment?

Russo: The Sixteenth Amendment, as you may or may not know, was never ratified. It's a totally illegal amendment. An amendment to the Constitution takes ratification by 75% of the states and two-thirds of the Congress. And the states never ratified the Sixteenth Amendment. It is a hoax and a fraud. We want to see the federal government acknowledge that it was never ratified and take it off the books. Even the Supreme Court has just said the Sixteenth Amendment gives the federal government no new taxing powers. Direct taxes are wrong, they're illegal, and they're a detriment to the people in this country.

Liberty: Are there any other amendments to the Constitution that you think weren't legally ratified?

Russo: I understand that the thirteenth might have a problem. I've heard rumors concerning the fourteenth. But the only one that I can feel certain about is the sixteenth. Everything else I've been told about the other amendments I don't have any evidence for. On the sixteenth I've read the books and seen some first-hand documents that prove it.

Liberty: What taxes are you going to leave in place? Or will you create new taxes to replace the ones you abolish?

Russo: We would create a national sales tax, as defined by Article 1, Section 8 of the Constitution, which says we have a right to have excise taxes. That would be fine: a very small national sales tax to take care of the military that this country needs. Hopefully, the national sales tax would be 2 or 3%.

Liberty: What about import duties?

Russo: Import duties are authorized by the Constitution, but I don't know if there's a need for them or not. That's something that we'd have to find out fiscally. They're not something I really like the idea of in my own philosophy, but we're trying to get back to the Constitution and the Constitution does allow them, so they would be something I'd be willing to swallow in order to get back to the Constitution. Once we get back to the Constitution, whatever amendments need to be looked at and passed to adjust it for today's world, we should do.

Liberty: Earlier, you mentioned that militias are being organized. How extensive is this phenomenon?

Russo: When I started this party, I didn't know about these militias. I started this party because I was fed up with the laws, the regulations. I've never been into guns myself, though I think you have the right to own a gun. It's your life, your right. Then I started this party. All of a sudden I started getting calls from all these militia people all across the country who wanted to join the party, asking me about the party, what does it stand for. We lost a lot of them because we weren't right-wing Christian fundamentalists. We don't believe in homosexuals not having rights and we don't believe that Christian morality should be forced on everybody else. So we lost a lot of them. Of course, we believe that the Christians have a right to their own morality, just like other people have a right to theirs.

I'm very scared there's going to be a serious uprising in this country. Because the government is just choking people.

But what did happen was the militias started calling, and from what I can tell and from the knowledge I have, it seems to me that there are millions of men in the militias across the United States at this point. At least 30–40 states have called me already — in Indiana, Michigan, Illinois, Ohio, Florida, North Carolina, South Carolina, several western states — I mean, there are militias all across the country, and there's millions of people in these militias, and I think that the militias are very happy that the Republicans won.

But I also think that they're going to find out that it's not going to matter much. I don't think it's going to prove to be their salvation. I'm very scared there's going to be a serious uprising in this country. Because the government is just choking people.

Liberty: When you say "serious uprising," do you mean a violent uprising?

Russo: Yeah, that's what I'm afraid of. I certainly hope it doesn't happen. The Constitution Party is here to do things in a peaceful manner. We're trying to give people a choice so it doesn't get violent. These militia guys are saying to me that if the Constitution Party doesn't work, then there's going to be violence. As I understand it, there are many U.N. soldiers on American territory training to fight these militias. There are detention camps being built to put people away.

Liberty: Where are these camps?

Russo: I don't know.

Liberty: What makes a country a police state?

Russo: In a free country you have a right to be left alone as long as you don't hurt anybody else. You have a right to live your own life peacefully and enjoy your property, and to be free from government interference.

In a police state, the government can legally ransack your house; they can come into your business; they can take whatever you own; they can assault you with impunity; they have no accountability. In a free society, government can't do that. And we're not a free society any more. People have to recognize that.

Liberty: How did you react to the events in Waco?

Russo: It got me crazy. It just blew my mind. There's a bunch of people, minding their own business, they've done nothing wrong, they have their own little church, their own community, everybody's there because they want to be there, nobody's being coerced. Everybody is there of their own free will, and have a life they liked! And all of a sudden the government decides to come in and destroy these people. They used CS gas on these people. Do you know CS gas is banned? It's not even allowed to be used in wartime. And these are little children, and they shoot these people, they kill these people. The government fired first, they came in with helicopters and machine guns. They used army weapons against civilians. All this stuff is illegal, it's not allowed. And they lied, they manipulated the press. What really killed me is, with all the stuff that happened, the press doesn't report any of it! It just showed how manipulated the press was — they were dupes!

Liberty: I understand you are thinking of doing some kind of movie about Waco.

Russo: Yes. It's not as far along as I'd like it to be. I'm going to make David Koresh a hero in my Waco movie.

Liberty: Did you see the TV movie?

Russo: What a disaster. That was so disgusting. That's what I mean about propaganda. This is what's happening in America. It infuriates me.

It makes me nuts that people are actually being fooled by this. I had dinner a week ago with a friend of mine, and I was telling him that militias are forming. He started laughing at me like I was an idiot!

Liberty: Are you investing your own money in the Constitution Party?

Russo: Of course I am.

Liberty: Is you commitment for the long term? Just how far do you intend to go with this?

Russo: If the time ever comes where this thing isn't going to happen, and people just don't give a shit, and people are too apathetic — if that should ever happen, at that point, I don't know what I'll do. I do know that I can't think about that yet, because everything is working so well at this point.

I just want my kids to be free. Look at the crime bill, for example. The government can now come in and say: we're suspicious of you, and we're going to investigate you, and because we're doing so, we're going to take away your assets, your house, car, money. We're selling it, dividing up all the proceeds among the different agencies, so we can investigate you. And we're not charging you with anything, and you haven't been convicted of anything, but we're taking your whole life's work. Now what the fuck is that? There's no more due process of law. The fact that the government can do that to us means that *we are now in a police state*, whether we want to recognize it or not. That's what has to stop. That's why I'm building this party.

We're not a free society any more. People have to recognize that.

They come in and take your house because you're smoking pot. Who gives them this authority? I don't. You have to work for the government from January to July. You're their slave! This has to stop because they don't have the legal authority to do this. The only reason they do this is because they have the guns and the weapons. This is why they want to take away everybody else's guns, just like Hitler did, so they can enforce these rules on us, and make us live by their code, be it Democratic or Republican. It's big government's code.

I want to stop this assault on our freedoms in this county. I want this country to be free and sovereign, and for my children to have a future here again. And I want to see the income tax repealed. Do you know what would happen if the income tax were repealed? All of a sudden, business would flourish, it would skyrocket. There would be millions and millions of jobs created. The welfare lines would be decreased dramatically. The unemployment lines would go down. You'll have a small bunch of people who would need help, and charity should take care of that. We don't need redistribution of wealth. We don't need welfare! That's ridiculous.

If you and I are walking down the street and we see a homeless person, do I have the right to put my hand in your pocket and give him your money? Of course I don't. And neither does the government. *It has nothing to do with government!*

All this stuff has to stop. That's why I'm starting this party. We've got to say to the government: "FUCK YOU! WE'RE NOT GOING TO TAKE THIS SHIT!" ❑

Dispatch

Free Speech, Blah, Blah

by Brian Taylor

Loose lips and tight asses in the war against (some) censorship.

Dave Gentry, conservative president of the recently founded First Amendment Coalition, claims that his organization is trying to recruit moderates, centrists, and leftists. "I'm always reminding people that we're a centrist organization," said Gentry. "We do not take a position on immigration, gun control, or homosexuality, but will sponsor debates on these issues."

Maybe so. But I'm the president of the Binghamton University chapter of First Amendment Coalition, and while I don't consider myself a conservative, I sure do feel like I'm in a minority.

FAC recently merged with the Individual Rights Foundation (IRF) and the Center for the Study of Popular Culture (CSPC). The CSPC is a right-wing group headed by radicals-turned-conservatives David Horowitz and Peter Collier. The IRF was founded in 1992 by Horowitz and John Howard. It has over 300 affiliate lawyers across the country committed to "defending First Amendment rights in the academy" by suing universities. A typical IRF case was their recent defense of a UC-Riverside fraternity accused of producing an offensive T-shirt; the frat was exonerated and campus administrators were forced to attend a "First Amendment sensitivity seminar."

On October 28 and 29, I attended a "Censorship on Campus" gala at Columbia University sponsored by FAC and the IRF. Other participating organizations included the Intercollegiate Studies Institute, Young America's Foundation, the Madison Center for Educational Affairs, Accuracy in Academia, the College Republican National Committee, the National Association of Scholars, and Delta Kappa Epsilon. In all, about 130 students participated.

Talkers, Talkers, Everywhere, and Not a Stop to Think

As is typical at academic conferences, most of the speakers had impressive titles but less-than-impressive things to say.

Take Ron Robinson. The president of Young America's Foundation did a fine job suppressing his sense of humor — assuming that he has one to suppress. He was mostly concerned with the "monopolistic mentality of the Left," going on incessantly about their efforts to restrict two essential, highbrow conservative mediums: talk radio and direct mail.

After he spoke, U-Penn's Dan Schorr gave a short address, from which I recall only two slogans: "Don't do to our children what our parents are doing to us" and "This is not the end, and definitely not the beginning, nor the end of the beginning, but maybe the beginning of the end." I was perplexed by the first statement, which was supposed to refer to speech codes. I don't presume to speak for Schorr's family, but I'm fairly confident my parents haven't penned any speech regulations recently. His second statement, of course, was simply Churchill made incoherent.

Then came Berkeley's Scott Yent. The free speech movement of the '60s began at Berkeley, he pointed out, but it didn't get far. Now an ambiguous speech code is in place. A particularly obscure clause in it holds up the "ordinary" person as a standard. "Who's 'ordinary' at Berkeley?" asked Yent. "I was roommates with 'the naked guy.'"

After that, Peter Collier took the mike and feigned surprise when he "realized" that he was preaching to the converted. This shock didn't prevent him from remembering his talk. If leftists were really concerned with diversity, he said, they would seek out fundamentalist Christians and outspoken pro-life women to serve as faculty members. I can't speak for the leftists, but I know *I* wouldn't pursue

contact with those groups; it's bad enough when I run into them by accident.

Then, either for balance or the appearance thereof, left-liberal *Washington Post* columnist Richard Cohen gave an address emphasizing the importance of sensitivity when discussing minorities and other "historically underrepresented groups." He also gave etiquette advice, counseling a young woman in the front row that it was not polite to hiss at him. Some in the audience were visibly shaken when he told a North-Central Florida student that he was insensitive. The student had refused to remove a confederate flag flying over his fraternity house, despite repeated requests from offended minorities to do just that.

Later, attorney Edward Cleary defended what he called "the right to offend." Cleary had successfully argued *R.A.V. vs St. Paul* — the "cross-burning case" — before the Supreme Court. In its decision, the Court decided that the government may not engage in "viewpoint discrimination." In other words, it can't single out one set of fighting words that express bias while not punishing others.

Peter Collier took the mike and said that if leftists were really concerned with diversity they would seek out fundamentalist Christians and outspoken pro-life women to serve as faculty members.

Cleary's talk was interesting and intelligent, but he forgot to bash the Left. We'll see if he gets invited to the next conference.

The presentations rolled on, and on, and on. David Eastlick, Jr., executive director of Delta Kappa Epsilon, explained why "fat, dumb, happy guys drinking beer" are the answer to campus censorship, claiming that "fraternities are the last bastion of heterodoxy, the last place on campus where you have free speech." The way to overcome campus repression, he suggested, is a conservative-fraternity alliance. (Nothing like a bunch of drunk frat boys to spice up Nock's Remnant, eh?) The other speakers weren't much more interesting. *Daily News* columnist Jim Sleeper argued that multiculturalists should value American civic culture, because that is what allows them to protest against it. "Try to protest Islamic culture in an Islamic country," he suggested, on the odd chance that someone in the audience was not already in agreement with him.

Tales From the Frontlines — Sort Of

Next came the fun part: hand-picked students scaring the audience with politically correct horror stories. Gentry had spoken to me before the gathering about the possibility of my speaking at this point, but never got back to me. At the conference, I spied a tag embossed with a name suspiciously similar to my own, and asked a friend what it meant. "It means you're speaking," he replied. He was right.

About an hour later, I was telling the audience about P.C. at Binghamton. One example: 70 or so militant youths and their professors chanting, yelling, and reciting bad poetry as they "occupied" the administration building for a couple of days. They were clearly amateurs, as they neglected to assign anyone to guard the doors, allowing secretaries and others to enter and exit the building at will. Their demand: a more stringent "diversity requirement." Here's part of their proposal:

> Harpur College [part of Binghamton University] requires that all students take two diversity courses to ensure that students encounter and understand the social construction of human diversity and the consequences of that construction. "Human diversity" refers to the differences which have hitherto been underrepresented in the traditional U.S. curriculum: that is, differences conventionally expressed by such categories as race, gender, religion, nationality, sexuality, class, and culture as well as their interrelations and intersections. Not only do these courses consider as central to the social construction of human diversity the asymmetries of power in structures of oppression, but also resistances to the hierarchical relations of dominance.

Because Binghamton is a state school and the diversity proposal requires teaching from a particular political view, it has been argued that the requirement is unconstitutional. Its proponents do not care. Neither, to tell you the truth, do I. The Constitution may read well, but on a practical level, it's failed to protect our freedoms.

The Constitution may read well, but on a practical level, it's failed to protect our freedoms. After all, it didn't prevent slavery, the New Deal, the Great Society, or Spam.

After all, it didn't prevent slavery, the New Deal, the Great Society, or Spam. I'm an outspoken critic of the diversity requirement, not because it's unconstitutional, but because there's not much else at my university worth protesting.

Other students told their anti-P.C. tales. Students from Swarthmore College's Conservative Union reported their attempt to fly the American flag over their campus last year, only to see it removed on the grounds that it is "a symbol of oppression and exploitation." The flag had been prohibited on campus since the '60s, and the administration demanded a student vote before allowing it to return. The motion carried by a vote of 376 to 239, and Swarthmore is once again a host to "oppression."

Mark Hardie, a black conservative student from the University of California at Riverside, told us about how he wrote a critical review of "gangsta rap" and picketed an appearance by Khalid Abdul Muhammad. For these actions, he and his family received numerous death threats. He was also called "Uncle Clarence Thomas" and an "oreo."

Delgado Dunks Hentoff

At the end of the day, one of the few non-conservative civil libertarians present — *Village Voice* columnist Nat Hentoff — debated University of Colorado law professor Richard Delgado over campus speech codes. Delgado, in proper debate form, presented clear,

sequential arguments: there was no empirical evidence that colleges with speech codes have suffered any harm; "a racial slur is not a point of view, but a slap in the face"; speech codes make a campus environment more hospitable; prompting others to change their language can effectively help them change their attitudes, which is a function of education; many forms of speech are already limited, such as fighting words, libel, slander, defamation, and copyright.

In rebuttal, Hentoff retold anecdotes from his book, *Free Speech for Me But Not for Thee*, used the word "star chamber" a lot, and generally didn't bother responding to Delgado's points. He would have done as well had he not shown up.

The debate was followed by a Q&A with the audience. "Mr. Delgado," a young woman asked benignly, "if I was arguing with my boyfriend in his campus dorm room and he called me a bitch, could I charge him with violating a speech code?"

"Yes," replied Delgado, prompting the audience to laugh in disbelief.

Delgado may be wrong, and Hentoff may be right, but Delgado still won the debate. Maybe Nat is in better form when he doesn't already have his audience in his pocket.

Another Day

When the next day's sessions began, half the students were adorned in suits and ties. The other half had slept in or never returned from a night on the town. Only the committed — and those who wanted another free meal — remained.

It was fortunate that few blacks, gays, and "women from Third World countries who were educated in France and have become socialists" attended the conference: they would have received a chilly reception from speaker Tanya Daly. Daly, a senior program officer at the Madison Center for Education Affairs, oversees the 30 or so "independent" (read: conservative) college papers her group funds. She gave a pep talk that put many to sleep.

The next speaker was Robert Bullock, managing editor of *Campus Report*, a nationwide college paper published by Accuracy in Academia. Bullock rambled on for a while about college curricula, making fun of a course on witchcraft, sorcery, and Ouija boards. (A perceptive student from Michigan muttered, "That sounds like Reaganomics.") He also inadvertently raised a few questions about his organization's name when he asserted that the Aztecs were conquered by Columbus. Even Cortez knows that Marco Polo was the one responsible.

By the time David Horowitz observed that "slavery did not destroy black families," the black and Latino wait staff had finished serving the lily-white audience, so I was unable to gauge their reaction.

Next, *American Spectator* editor-founder R. Emmett Tyrrell was to deliver a call to arms called "The Rise of the Intellectual Warrior Spirit," but he called in sick with the stomach flu instead. Someone allegedly in the know told me that this was a euphemism; according to him, Mr. Tyrrell is a drunk. I neither know nor care whether this is true; anyone who helped bring us Troopergate deserves the benefit of the doubt.

Fair-Weather Libertarians

Over some cold pizza, I asked David Horowitz why the IRF didn't defend Berkeley's "naked guy."

"It's public indecency," he explained. "I don't want my grandchildren exposed to that."

"What if they want to see 'that'?" I asked.

"It doesn't matter," he replied.

At dinner, Horowitz gave the keynote address, in which he apoplectically declared that "it's the left-wing racists who have stoked the fire of racism and denigrated America." What, exactly, does this have to do with free speech and censorship? About as much as the rest of his talk. "Nobody is oppressed in America," proclaimed Horowitz, "If America is racist, why do all the Haitians want to come here? There is only one group being attacked in America — white males. Yet they take it and still achieve, they're the role model."

By the time he observed that "slavery did not destroy black families," the black and Latino wait staff had finished serving the lily-white audience, so I was unable to gauge their reaction. "Political correctness is anathema to the center," said Horowitz, "presenting a great opportunity for coalition-building." Perhaps. But there wasn't much coalition-building going on this weekend in Columbia. For decades, leftists defended the First Amendment when it favored them, only to embrace censorship when that was to their advantage. Today, the opportunistic defenders of free speech are to be found on the Right. ❑

Letters, *continued from page 6*

context are meaningful and not merely anthropomorphic drivel. But my preference for humane treatment of animals does not mean that I believe the animal is not being treated as a "pure means" when it is slaughtered, even if it is slaughtered relatively painlessly.

For the record, I value liberty because it optimizes human flourishing, not because it enables me to "do anything I want." Nor do I believe that other people must never be treated as "pure means" because of "our uniqueness."

Contrary to diZerega's friends, I am no more decent than my argument implies — I take full credit for whatever indecency diZerega and others have discovered in my essay.

Pacifism vs Ignorance

Stephen Cox ("Kill for peace," November 1994) may be right about those close to Clinton on the ideological spectrum who have refused to condemn the invasion of Haiti, but he is wrong about actual pacifists.

Specifically, the American Friends Service Committee, which he denounces as being "no place" on the issue, strongly condemned the invasion. My source: Rush Limbaugh, who read the AFSC press release on the air along with

continued on page 69

Back to Work

by Richard K. Vedder and Lowell E. Gallaway

U.S. labor policy creates and prolongs unemployment. It's time to give it its walking papers.

The word "unemployment" wasn't even invented until 1888. During the first three decades of this century, government did very little about unemployment. Indeed, government involvement in labor markets was negligible: there was no federal minimum wage, no Davis-Bacon Act, no federal unemployment insurance, no anti-discrimination laws, no laws promoting unionization, no AFDC or food stamps. Policymakers did not try to "stimulate" the economy with "countercylical" fiscal policy during downturns.

Since the 1930s, all this has changed. Unemployment has become a dominant topic of public policy debate throughout the industrialized world. We have tried to stimulate demand by increasing disposable income and lowering interest rates; we have created a myriad of regulations to "protect" workers on and off the job; we have built massive training programs; we have passed anti-discrimination laws; we have introduced massive transfer payments to alleviate the problems associated with being out of work. In short, we have created a welfare state.

These efforts have been mostly well-intentioned — and largely unsuccessful. Indeed, they have probably destroyed more jobs than they have created, lowering both productivity and income in the process. In the past three decades — the years of the most active intervention — the average unemployment rate has risen to nearly 6.1%. That's an increase of nearly 30% over the 4.7% rate of this century's first three decades.

Some would argue that, despite this increase in unemployment, the negative consequences of joblessness have fallen because the government-provided safety net has made unemployment more bearable. This argument is weak. While it is true that unemployment insurance reduces the pain of being unemployed, it does so in a costly and inefficient fashion; a private system would do a far better job. Moreover, many Americans now have a new form of income protection: their spouses. The present unemployment compensation system was conceived in an era when two-worker households were rare. Today, few families face starvation if one member loses a job.

Other defenders of the status quo might argue that sharp fluctuations in unemployment are a thing of the past. But painstaking research by Christine Romer at Berkeley has shown that business fluctuations were no greater in the era prior to interventionist government policies than today.

In short, after expending much money and effort, we are left with higher unemployment and no greater economic stability. On top of that, taxes are higher, and all the activism they are financing is crowding out private investment: while public spending as a percentage of total output has risen since the 1920s, private investment as a percent of total output has fallen. This drop has reduced our ability to modernize our capital stock, slowing productivity and, therefore, keeping the standard of living from rising as quickly as it could.

Creating Unemployment

In our book *Out of Work: Unemployment and Government in Twentieth Century America*, we argue that unemployment results when the price of labor rises above a level that will clear labor markets. What we call the *adjusted real wage* will rise if money wages go up or if prices or productivity falls. Most of the book is given over to documenting that this relationship exists, and that many recessions were caused by well-intentioned but inappropriate government interventions that raised the price of labor.

It is instructive to compare the depression of 1920–21 to the Great

Depression of the 1930s. The 1920–21 downturn was, by most measures, more severe than the first six or seven quarters of the depression that followed 1929. Industrial production fell more, as did prices. Yet we recovered quickly from the 1920–21 downturn, while the Great Depression lingered for a decade.

What made the difference? In 1920–21, the government did little or nothing to end the recession. As the downturn began, President Woodrow Wilson had a stroke and refrained from intervention. (As one colleague once rather tastelessly put it, this was truly a stroke of luck.) He was replaced, five quarters into the downturn, by Warren Harding, who was committed to a policy of non-intervention.

This century's massive efforts to curb unemployment have destroyed more jobs than they have created, lowering both productivity and income in the process.

Compare this with 1929. Within a month of the stock market crash, President Herbert Hoover summoned the nation's business leaders to a conference at the White House, where he urged them to keep wages high in order to stimulate consumption. They followed his advice, which resulted in higher unemployment, deteriorating corporate balance sheets, and a decline in ability to repay bank loans. This in turn brought down the market value of bank assets, leading to a decline in investor and then depositor confidence in banks, which in turn ultimately led to the banking crisis of late 1930. Compounding the high-wage folly were the Smoot-Hawley tariff, deflationary policies at the Fed, and a large increase in the income tax.

In 1932, Franklin Roosevelt was elected president on a platform of fiscal conservatism. But once in office, FDR continued Hooverism with a vengeance, institutionalizing the high-wage policy in legislation that priced labor out of the market. From March to August 1933, the unemployment rate fell over 5%. Then Roosevelt's National Industrial Recovery Act, passed in June, started to take effect. The NIRA's minimum wage provisions led to an extraordinary increase in factory wages of over 20% in just six months. The fall in unemployment came to a screeching stop, and the country became mired in 20% unemployment for two years.

Finally, in 1935, the Supreme Court ruled the NIRA unconstitutional. The adjusted real wage then started to fall significantly, bringing unemployment rates down to around 13% by early 1937. At that point, though, the Wagner Act took effect, leading to massive unionization, another double-digit wage increase, and 20% unemployment rates. New Social Security and unemployment insurance taxes didn't help matters either, as they pushed the real cost of hiring workers up further.

The New Deal didn't restore prosperity. It prolonged the economic misery. The Great Depression is often depicted as a spectacular market failure. In fact, it is the best example of government failure in this century.

The Mark of Keynes

The old classical economics that had more or less prevailed until the late 1920s had argued that market adjustments in wages, prices, and/or productivity will reduce labor costs, increasing hiring and thereby alleviating unempoyment. Undergirding the Hoover-Roosevelt policy of increasing government expenditures to offset "underspending" in private markets, however, was the new economics of John Maynard Keynes, who argued that massive increases in budget deficits will stimulate demand and thus employment, while reduced spending will lead to rising unemployment.

On a superficial level, World War II seemed to justify Keynes's theory: U.S. budget deficits soared and unemployment decreased. Yet over half of this decline in unemployment actually occurred *before* Pearl Harbor. Moreover, much of the decline can be attributed to conscription. Take ten million people out of the civilian labor market and unemployment is bound to be reduced, but that's hardly a long-term means of curing unemployment in a free society.

By 1945, all the Keynesian gurus were predicting that double-digit unemployment would return after the war. Government spending was reduced by about 75% almost overnight. Within a year, 10,000,000 people lost defense-related jobs. The huge deficit gave way to a sharp budget surplus, the equivalent today of moving from a more than $1 trillion deficit to a $250 billion surplus in one year. But despite the Keynesian warnings of a howling depression, unemployment never rose above 4%.

Why didn't the depression come? Because markets worked. Real wages (adjusted for the change in productivity) fell, allowing millions of civilian workers to be absorbed back into the economy. Truman did not initiate a job stimulus program — indeed, he pursued the most severely contractionary fiscal policy in modern American history — but the expected depression did not come, because the falling real price of labor made hiring attractive.

Ever ingenious, the Keynesians quickly came up with a theory to explain what had happened: *Postwar prosperity resulted from pent up demand for consumer goods.* But while that demand certainly existed, the relatively painless shift to a low-unemployment peacetime economy occurred long *before* civilian durable goods production and housing construction returned to normal levels.

The Great Depression is often depicted as a spectacular market failure. In fact, it is the best example of government failure in this century.

In short, the most successful postwar economic transition in American history came during a period of sharp reduction in federal involvement in labor markets, a period when wartime wage and price controls ended.

The late '40s and the '50s saw more economic good times. There were several increases in the federal minimum wage during this period, but on the whole, the government avoided serious

"The most comprehensive book ever on unemployment in the United States." — GEORGE GILDER

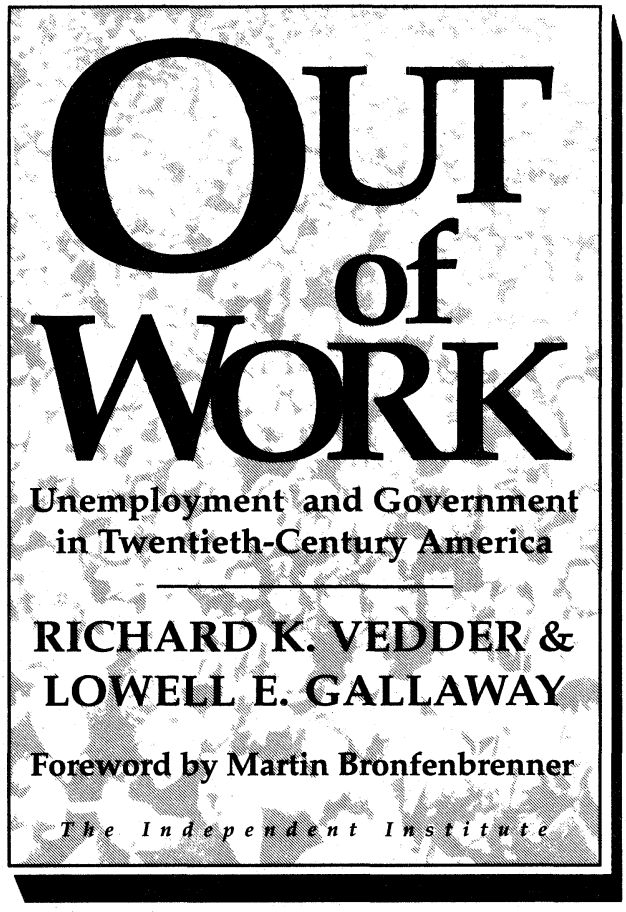

Unemployment is used to justify ever bigger government programs — from continuing high military expenditures to a return to New Deal-type make-work agencies. Now, ***Out of Work*** presents the devastating case that the major cause of high unemployment, both cyclical and secular, is government itself.

Out of Work challenges Keynesian fiscal demand-management, and then shows that such policies as minimum wages, labor controls, civil rights legislation, unemployment compensation, and welfare have all played significant roles in generating joblessness. Too, ***Out of Work*** lucidly and absorbingly recounts the history of American unemployment. It demonstrates, for example, that the policies of both presidents Herbert Hoover and Franklin Roosevelt not only prolonged and exacerbated the unemployment of the Great Depression, but directly contributed to the depression's banking crisis as well.

Out of Work shows how real economic growth can be produced and how one of the most explosive issues of the 20th century can finally be ended.

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new interventions in labor markets. The Taft-Hartley Act trimmed union power, and union membership began its ongoing decline. Keynesian-style fiscal policy was used tepidly, if at all. The real per capita federal public debt was smaller at the end of the Truman administration than at the beginning. By the end of the Eisenhower presidency, it was smaller still.

The '60s marked the high tide of Keynesianism. The economy was strong, with unemployment falling — though not to levels as low as were sometimes reached in the '40s and '50s. Real output rose sharply, and the country went 100 months without a downturn. This success seemed to be accomplished with Keynesian policies. Presidents Kennedy and Johnson deliberately induced inflation, reducing real wages and increasing the attractiveness of labor. Richard Nixon not only continued the policies into the early '70s, but expanded the role of government further. "We are all Keynesians now," he explained.

Yet the prosperity of the late '60s set the stage for the stagflation of the next decade. It didn't take long for workers and creditors to catch on to what was happening and alter their behavior. Workers demanded greater wage increases to compensate for the inflation. Bankers demanded higher interest rates. Inflation became anticipated, and government fiscal stimulus became ineffective. It had worked in the past only because people were fooled into accepting abnormally low real wages or interest rates.

The Keynesians of the stagflation era — Democrats and Republicans alike — thought the solution was still more stimulus, more jobs programs, more intervention. From 1970 on, budget deficits were the rule. But unemployment remained high. In 1980, we had both double-digit inflation *and* 7% unemployment for the first time in American history. The misery index — the sum of the unemployment and inflation rates — had been running in the single digits in the '50s and '60s, but hit 20 in 1980, the highest level in modern history.

Enter Fed Chairman Paul Volcker and President Ronald Reagan. The Great Inflation was dramatically and unexpectedly reduced, leading to a temporary surge in the purchasing power of wages that triggered the short but potent 1982 recession. In 1983, however, the longest peacetime recovery in American history began.

The '80s boom was further fueled by a retreat from government intervention. Labor unions became even weaker, aided by Reagan's symbolically important firing of air traffic controllers after their illegal strike. In real terms, the federal minimum wage fell by more than a fourth. Deregulation increased the mobility of resources and the ability of market forces to reallocate resources efficiently. Labor productivity rose much faster than in the 1970s, lowering the real cost of labor per unit of output produced. Nearly 20 million jobs were created, the stock market more than tripled in value, and prosperity reigned.

You can shock markets, you can mutilate markets, you can spook markets, but they always come back.

The new approach might best be understood by contrasting Reagan's response to the 1987 stock market drop to Hoover's response to the crash of 1929. Reagan did, roughly speaking, nothing, and the 1987 crash quickly passed into memory. Today the Dow Jones is more than double what it was after the events of October 1987.

The election of George Bush brought in renewed government activism, resulting in a new stagflation barely a year after Reagan left office. On May 1, 1990 the minimum wage went up for the first time in nine years, followed by another large increase a year later. The total increase was 27%, creating a wage inflation that made labor too expensive and led to rising unemployment.

Compounding the problem were some new federal policies that increased employer uncertainty and raised the potential financial liabilities of hiring workers. The Americans with Disabilities Act threatened labor productivity and thus the real cost of each unit of labor-produced output. A new civil rights act raised fears that workers would have to be hired and paid according to considerations other than productivity. New environmental legislation also raised costs, as did a big 1990 tax increase.

You can shock markets, you can mutilate markets, you can spook markets, but they always come back. Despite the awful policies of the Bush era, labor markets adjusted. Declining real wages gradually made American labor more attractive, as did soaring labor costs in other nations. A year or so ago, job expansion resumed at a healthy clip. A recovery was underway.

More than four million jobs have been created over the past couple of years, and nationwide unemployment has fallen below 6%. This job expansion has been aided by what some would call obstructionism and gridlock. Bill Clinton and his key aides have an interventionist domestic agenda that would dramatically increase labor costs. Fear of those plans kept job growth modest in the early months of the administration, but there has been a growing realization recently that Clinton will not be able to push through the more extreme elements of his program.

In particular, the tabling of health care "reform" removed, at least temporarily, a threat of significantly increased labor costs. Had that legislation passed, as many as one million jobs would have been lost, and there would have been a sharp reduction in real wages. In addition, Labor Secretary Robert Reich has failed to persuade President Clinton to push for a higher minimum wage, and the 10% decline in the real minimum wage over the past 41 months has aided job expansion. Other threats to employment, such as the striker replacement bill and a stronger plant-closing law, have diminished with the president's shrinking popularity.

But some fear remains. Employers worry that under Clinton, full-time workers will become a fixed cost that cannot be reduced in downturns. To an unprecedented extent, they have resorted to paying existing workers overtime and hiring part-time and temporary help.

"Voilà logic!"

—P. J. O' Rourke

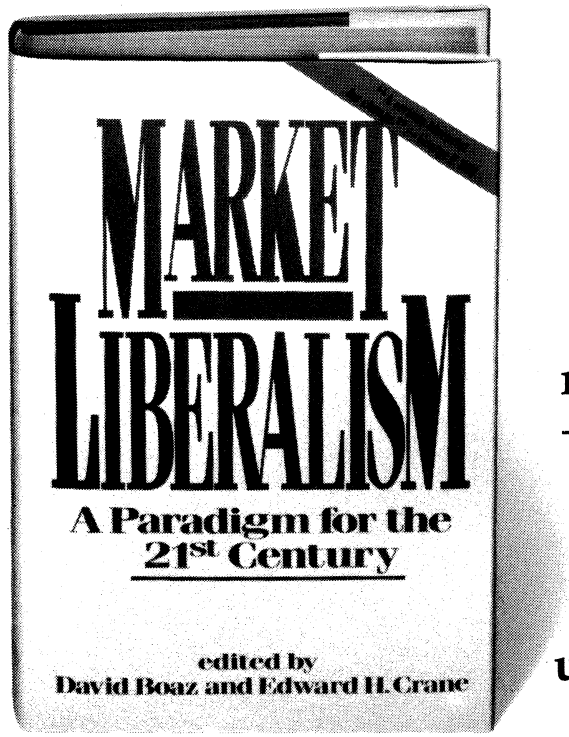

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The lessons of history are clear. Unemployment is generally low when markets are left unfettered. Major upsurges in joblessness often reflect labor cost shocks, usually resulting from well-intentioned but damaging government policies.

Paying People Not To Work

Meanwhile, the modern welfare state offers an alternate source of income, allowing many to *choose* to be unemployed. Unemployment compensation raises unemployment rates by as much as 1% by raising what in economics jargon is called the "reservation wage" — the minimum acceptable wage. If someone making $300 a week loses her job, why should she take another job at $200 a week when she can receive about that amount in unemployment compensation? Why work when you can stay home and watch *General Hospital* and live just as well?

The welfare state's impact on joblessness varies enormously among different groups. In the era of Jim Crow laws, KKK terror, and lynch mobs, the unemployment rate among black Americans was about the same as it was for whites. But in the past 40 years, as the lives of African Americans have improved in so many other respects, the black unemployment rate has typically been about twice that of whites. Why has black unemployment risen so much?

Part of the answer relates to demographics, but much of it reflects the fact that the modern welfare state induces incongruous numbers of blacks to choose public assistance payments over work. Welfare has raised the reservation wage. If a head of a household making $1,200 a month in cash and noncash welfare benefits takes a job paying the same amount, he will lose virtually all of his benefits. His short-run gain from working is zero. In essence, the government is imposing a 100% work tax on the poor. This applies to people of all races, of course, but African Americans are disproportionately poor, and thus disproportionately eligible for welfare. Accordingly, a large number of blacks have, quite rationally, chosen to be unemployed.

Thus, the welfare state has destroyed job opportunities for the most disadvantaged groups in society. *The welfare state is keeping people poor.* When a person goes on relief, he may improve his immediate economic position, but he will miss out on far more important long-run benefits. Job experience leads to higher incomes. Welfare experience does not.

Toward Full Employment

In August 1994, West Virginia's unemployment rate was 9%; Nebraska's was 2.4%. This difference is not new; throughout the past third of a century, unemployment rates have always been dramatically lower in Nebraska than West Virginia. Why?

While our analysis is still preliminary, statistical evidence suggests that states with relatively high long-term unemployment rates tend to have relatively high levels of public assistance, rising state and local tax burdens, and very high rates of unionization. In short, anywhere public policy and institutional rigidities tend to make labor expensive, more people will be without jobs.

States with relatively high long-term unemployment rates tend to have relatively high levels of public assistance, rising state and local tax burdens, and very high rates of unionization.

To improve job opportunities, many restraints on labor markets, such as minimum wages, should simply be abolished. In addition, welfare should be privatized. John Fund of *The Wall Street Journal* has proposed a system that would freeze welfare spending but grant tax credits to citizens wishing to help the poor through private charities such as the Salvation Army. This would dramatically reduce the work disincentives of the current welfare system; few private charities would give someone $1,200 in monthly benefits for extended periods of time.

There are other ingenious policies that would maintain the intent of current legislation but lead to much greater efficiencies and higher employment in labor markets. Americans would be immensely better off if they privatized the unemployment compensation system — and we do *not* mean merely turning its administration over to private insurance companies. One good idea would build on the idea of the Individual Retirement Account. Individuals could deposit tax-free dollars in an Income Security Account, or ISA; withdrawals could be made after a worker loses his or her job or retires. Withdrawals might also be made for non-routine medical expenses, as in a Medical Savings Account, solving many of our health care problems.

By privatizing unemployment insurance, we would reduce the work disincentives in the present system. A worker who lost her job could draw on her ISA, and thus receive income protection. Yet she would have every incentive to quickly find a new job, as she would be living off personal savings, not off the taxpayer.

Another sensible reform would be to reduce the hidden taxes of regulation by forcing regulators to take the private costs of their actions into account when making pronouncements about private economic behavior. We can end damaging and ineffective attempts at fiscal policy stimulus through a variety of constitutional means, ranging from a balanced budget amendment to line-item vetoes to requirements for voter or supermajority approval of major tax or spending initiatives.

In short, the worthy goals of the welfare state can be achieved in ways that empower individuals, that restore a sense of individual responsibility, that unleash the spirit of enterprise, and that reduce disincentives to employment of both physical and human capital. We can aim to achieve the low unemployment of the pre-Keynesian era, when the joblessness rate averaged under 5% and periods of prolonged high unemployment were rare. In short, we can restore the labor market vitality that once reigned in our nation, a vitality that made the United States the leading economic power in the world. ❑

Encomium

I'll Take Manhattan

by Richard Kostelanetz

City air makes men free.

When a libertarian friend once asked me what I thought was the most livable place in America, I was surprised at how rural-centric the criteria he gave me were. Seat belt laws, for example — how would I know anything about that? As a native New Yorker, I've never owned a car; I ride in private automobiles, as distinct from taxis, less than once a month. Don't think that I suffer from the lack of a car. I can get to my seat in Yankee Stadium in less than 45 minutes from my house and to a good beach in less than an hour, reading most of the way, with no worry about traffic jams or finding a parking space. One amenity unique to New York, in contrast to London or Paris or Berlin, is subways that operate all night, implicitly meaning that the poor need not get home by midnight. I can also purchase beer (though not hard liquor) in any of several all-night grocery stores within walking distance of my home. When fellow libertarians tell me they wouldn't live in a state with an income tax, my response is that I won't live anyplace where I might need to use a seat belt, which is to say, own a car.

Licensing restrictions? Doesn't Hernando de Soto hold up New York as the free-market contrast to his native Peru? To open a biz here you only need to get a d/b/a certificate, unless you plan to use your own name, and a sales tax exemption, which lets you purchase without paying the tax and requires you to collect 8.25% on sales. Most street vendors wear some kind of city-authorized badge, but a lot don't — and don't collect sales taxes either. Street booksellers don't need licensing at all, thanks to the First Amendment.

Taxes? I'm told they're terribly high, mostly to support a bloated city bureaucracy, but since I don't pay them directly, I don't "feel" them. Call me naive.

We've got sales taxes up the wazoo, but we also have such a competitive retail environment that even after the surplus gouge, common merchandise is much cheaper here. Since I purchase my Sony videotapes at $2.03 each (and my Goldstars for $1.52), I don't much mind paying that additional sales tax; for some purchases I show the exemption certificate, mentioned above, that I obtained for selling my art. I assume that this competition keeps out the vulgar chains that fill suburban-exurban malls. We have no Sears, no K-Marts, few Red Lobsters. Partly because you can survive without a car, it is possible to live here for far less than, say, in the suburbs. That — along with proximity to international airports — accounts for why 40% of New York is foreign-born. (The surest way the federal government could kill New York City's economy would be to further limit immigration.)

Choice? That's what we have more of than anywhere else, in schooling, lovers, merchandise, friends, cultural events. I remember that when I was in college in Providence there would be occasional cultural events of a quality that could not be missed. In New York, every week there are several events of comparable quality, few of which I ever get to see, though I'm glad they're there.

New York has a tradition of specialized "public" high schools that provide the best applicants, in a reportedly honest competition, with the most advanced educations known. You may recall the pop movie *Fame*, in which teenagers receive a theatrical education elsewhere reserved for adults. As a freshman at an Ivy League college, I noticed that the best-prepared students — the guys and gals who knew how to write long papers and take tests — had gone to one of only six schools: Andover, Exeter, Bronx Science, Stuyvesant, Boston Latin, and Hunter, three of them "public" in New York City. I remember being in awe of them, as well as annoyed: I had gone to a suburban high school that billed itself as "one of the best in the country." That was just a real estate ploy; the parents with whom we lived wouldn't have tolerated the amount of work required at those six schools.

Sexual freedom? Freedom of speech? Freedom of drug use? Pornography? Social tolerance? Are you joking? Remember our motto: "None of your business." I know a European woman, well over six feet tall, who once told me one of her greatest pleasures in New York: "People don't stare at me." I remember once being on St. Marks Place — a genuine paradeground for the odd and eccentric — and noticing that no one could make eyes turn, not even scantily clad women. Then I saw the exception: four West Point cadets in costume.

Whenever I see a psychotic performing on the subway, I congratulate myself on the experience of "free theater."

Nearly two decades ago I taught at John Jay College, whose students were mostly policemen. It was they who told me that any NYC cop making a bust for drug use would be ridiculed by his colleagues; it was they who told me that the only cure for our putative drug problem was decriminalization.

The surest measure of a community's social tolerance is the visible presence of homeless people. Anyone found undomiciled within a hundred miles from here, without a family nearby, is reportedly put on a bus to New York — as one backwoods official once told me, "They know how to deal with such people there." Or not deal with them, to be more precise. A friend of mine lives in a mostly black neighborhood of middle-class homeowners in the north Bronx. "No homeless," he reminds me as we come out of the subway onto his street. What he's really saying. is that since his neighbors wouldn't give money to street beggars (and are generally inhospitable), those independents have gone elsewhere.

Recreational opportunities? I've already mentioned the proximity of Yankee Stadium and the beach, but more important is my living in a neighborhood filled with art galleries, with their regular "openings" — parties where friendships are renewed, new lovers are met, and one is reminded that even in this allegedly expensive metropolis, the best things in life are free. (Another free benefit is the variety and quality of radio here, with two stations playing classical music most of the time and university stations playing it and much else esoteric some of the time. And whenever I see a psychotic performing on the subway, I congratulate myself on the experience of "free theater.")

Climate? Well, to each his own. I live here because I like changes in the seasons. Given my taste for ball games and the beach, it is not surprising that I get a lot more work done in the winter. Our airports are funnels aimed at Florida and Puerto Rico, with so many flights each day you need not fear getting stuck waiting for the next plane out.

Scenery? The great painter Ad Reinhardt inherited enough money, 40 years ago, to take a trip around the world. He took slides of whatever caught his eye. These slides, which I've seen, represent a wealth of verticals and horizontals, which is to say that everywhere he went Reinhardt captured a "nature" parallel to ours. I too prefer the urban landscape to any collection of trees. To my professionally estheticized sensibility there are few views in the world equal to that of the New York skyline — which, incidentally, I can see from the rooftop of our eight-story house. Murray Rothbard and I may not agree on much nowadays, but on these issues we'll stand united, taking on all comers. Woody Allen once complained that whenever he visited Mia Farrow in the country, he couldn't go out at night to look at people on the street. To him, as to me, *that* is compelling "scenery."

Let me tell you a secret. When a woman brings a bunch of flowers (a.k.a. "nature") to my home, my guard goes up — experience tells me I'm going to be subjected to some all-too-human abuse.

Level of pollution? A friend in medical school told me that he could distinguish NYC cadavers by the amount of "black junk in their lungs." On the other hand, I've lived here nearly all my life and I don't feel a thing yet.

I'll admit the real estate situation here is more screwed up than outsiders know. Rent control means not only that certain kinds of housing ownership is an unnecessarily bad business but, more importantly, that people don't move unless their income suddenly increases. Likewise with ownership. My SoHo co-op loft is now worth many times what I paid for it, thankfully, but the rest of the real estate in this city has also inflated, so I can't afford to move. Colleagues elsewhere innocently wonder why none of their New York friends change their addresses.

A few years ago, I considered purchasing an empty city space, to build a simple cinder-block structure from scratch. All the contractors I interviewed cited the same price — a "minimum of $75 per square foot" — which I knew to be too expensive. What accounted for the unanimity of responses was their sense of the cost of "bringing the building up to code," through their own efforts and/or payoffs to inspectors. Left-liberals frequently complain that no developers build moderate-rent housing, but given the elaborate rules — including some well-meaning ones, such as wheelchair access — it can't be done. The best solution to my problem would have been to become my own contractor and hire my own workers, since, unlike the full-time contractors, I wouldn't need to deal with the construction police again. Common wisdom holds that, New York being New York, I "could have gotten away with it."

A friend in medical school told me that he could distinguish NYC cadavers by the amount of "black junk in their lungs." On the other hand, I've lived here nearly all my life and I don't feel a thing yet.

New Yorkers are an instinctively anti-authoritarian bunch, the right folks with which to people my libertarian heaven. Nearly half a century ago, the street between Seventh Avenue and Fifth was officially renamed "Avenue of the Americas," and even though all official signs on that thoroughfare are emblazoned with that name, New Yorkers still call it "Sixth Avenue." Bless 'em. ❑

Lament

Memoirs of a Soviet Dissident in Canada

by Pierre Lemieux

Some Soviet dissidents have never touched Russian soil.

Even in the so-called free countries, the libertarian intellectual must live the life of a Soviet dissident. Whether he lived in the U.S.S.R. a few years ago or lives in Canada today, the Soviet dissident defends radical ideas that are incomprehensible to his contemporaries. He is isolated, with virtually no friends with real influence — or at any rate, virtually none who will put themselves in jeopardy to support him.

The dissident is often consulted by people from faraway lands. He corresponds with Nobel Prize winners. His name is mentioned in encyclopedias. But he is a stranger where he lives. He cannot get a job that would put him in the limelight, nor an ordinary job for which he would be overly qualified. He is poor, lives in perpetual insecurity, and is vulnerable to the slightest accidents of life. His few friends think he is a fine man, that he will make it, and wish him good luck. His family may think he is slightly crazy. The government does not like him and makes his life as difficult as it can.

Certainly, the Soviet dissident would rather live in Montreal or Paris than the Gulag Archipelago. The more totalitarian the country, the easier it is for the government to harass, persecute, or jail him. In more open societies, like ours, the process is more diffused and less easy to recognize — but from the dissident's point of view, not terribly different.

Alexis de Tocqueville explained in *Democracy in America* how "the majority raises very formidable barriers to the liberty of opinion." The author who steps beyond them "is not exposed to the terrors of an *auto-da-fé*, but he is tormented by the slights and persecutions of daily obloquy. . . . Every sort of compensation, even that of celebrity, is refused to him." To be treated as an alien is his punishment — to be shunned "like an impure being." If you dissent, then "even those who believe in your innocence will abandon you, lest they should be shunned in their turn."

What de Tocqueville had in mind was the tyranny of majority opinion in America, which, he argued, was only a prefiguration of all modern democratic societies. I suspect that he may have underestimated the power of free expression in his time. His description applies more to our day, when oversized government power lends support to, or manipulates, majority opinion. De Tocqueville's predictions apply to all modern democracies, especially the most statist and regulated ones — like Canada.

I am a Soviet dissident in Canada. While the following account of my experience is, of necessity, not objective, it still says something about what our societies have become. I am sure that other dissidents will recognize themselves in this account.

The Making of a Dissident

I was raised with the right mindset to become a Soviet dissident. My father, a practicing lawyer for most of his career, was (and still is) a fierce individualist — not very talkative and not always consistent, but deeply committed. He was a staunch conservative and nationalist, but also the kind of person who thought that one should refuse family allowances as a matter of principle. A practicing Catholic (like all small-town Québécois), he was however a *libre-penseur*, and his bookshelves were crammed with works on the Index.

At the Catholic high school I attended, I rapidly became known as a *mauvais esprit*, but it took some time for the clerical management to suggest that I might be happier elsewhere, for I had the best grades in my class and this was something they respected. I owe a lot to a couple of priests who, for all their faults, taught me how to write — i.e., how to shuffle simple words to convey complicated

thoughts. Had I gone to public school, I probably would have missed this lesson.

I left the Church on my eighteenth birthday by telling my father that I was not going to church that day, and in fact would never go again. Like many individualists, I've avoided being identified as a member of a given chapel. I even try to avoid the libertarian label, though I don't know how else I could characterize my outlook.

I started down the road to Damascus in the late '60s, as a graduate student in economics at the University of Toronto. Many of our teachers were Chicago-type economists, while most of the students (including myself) were leftists. I never paid much attention to the small group of Randian "Radicals for Capitalism," who put up propaganda stands next to the Trotskyists. Milton Friedman's *Capitalism and Freedom* was on our microeconomics reading list, but my classmates' standard recommendation was, "Don't read this — he's a fascist!"

The Soviet dissident defends radical ideas that are incomprehensible to his contemporaries.

A couple of years after graduating, I decided to read the fascist book. Somebody trained as a classical economist (or, for that matter, as a classical lawyer) cannot easily forget the individualist foundations of his training. A thought that had been insidiously creeping into my mind for years finally surfaced: liberty was not in traditional leftist ideologies, but in capitalism — real capitalism. I then read Robert Nozick, F.A. Hayek, some Ayn Rand, and, later, David Friedman, Murray Rothbard, and others. After reading *Capitalism and Freedom*, I wrote to its author — who, like all great men, replied to the young one. Friedman put me in touch with some U.S. organizations devoted to the ideal of liberty.

Socially Challenged

The Soviet dissident must overcome a handicap much heavier than those suffered by the people that the American with Disabilities Act purports to help. He has to be twice as good as the normal person to have half the opportunities. There is no affirmative action program for him, and even if there were, he would resort to it only in the direst circumstances. Moreover, he is subjected to a flurry of laws and regulations that not only violate his ethics and dignity but continuously put obstacles in his path.

Around the time I was becoming a Soviet dissident, I held a position as an assistant professor at a major Quebec university. The atmosphere there was not very congenial to my inquiries, especially after the free-market dean who hired me left. This impression of incongruence was shared by many of my sheepish colleagues and all-powerful students, and I was not able to stay there long.

Then I had a stint as an analyst with a large oil company, where I met many interesting pro-market businessmen who, alas, were often more prone to cajoling powerful politicians than defending liberty. I resigned this job to study for a second graduate degree, in philosophy, and to do some part-time lecturing in economics.

In Canada, intellectual life has been almost entirely nationalized. Publishers rely on government subsidy or protection. Nearly all social science research is done in public institutions, or else is subsidized directly by government bureaus. Quebec still contains some nominally private universities, but 90% of their budgets comes from the state, which approves their programs and regulates them intensively. University professors have academic freedom, but tenure forces them into the mold. They must teach their students what they want to learn — i.e., as little as possible. It is better not to have opinions, not to believe anything that goes against the Ptolemaic wisdom, to have nothing to teach but textbooks. In virtually all universities, the teachers are unionized, and departmental assemblies are all-powerful in hiring and promoting. It may be as difficult for a known libertarian radical to find an academic position here as it was for a Soviet dissident to be admitted to the U.S.S.R.'s Academy of Science.

In the mid-'70s, I was fortunate to be awarded a fellowship by an American foundation. I moved to California with my wife and baby son. That was probably the best and most productive time in my life, as I was able to indulge in my research and writing without financial worries. Out of this stay came my first book, published at a major Paris publishing house.*

This was still the time when one could open a bank account without a Social Security number and lead a peaceful life as an illegal alien. This is one of the few crimes I will admit (although I confessed a few more in my last book). After one year in California, my visa expired. I tried to phone the INS office in San Francisco, but the line was always busy. So with a "The heck with the bureaucrats!" I continued to live peacefully until the birth of my second son. As I suspected, registering the birth raised no problem; we didn't have to provide any paper or proof of anything. The only information the State of California was interested in was the name and date of birth of the newborn and the names, ages, and birthplaces of the father and mother. When, one month after the birth, I drove back to Quebec with my wife, sister, and two sons in the car, I was stopped for (barely) speeding on a straight, endless, desert road in the great Western plains. The large-hat cop, completely unaware that 60% of his catch were illegal aliens, gave me only a speed warning.

If you dissent, even those who believe in your innocence will abandon you, lest they should be shunned in their turn.

One reason why living a dissident's life has become increasingly difficult in the Western world is the tightening of government controls — tax, ID, immigration, etc. The right to ignore the state was never officially recognized,

* *Du libéreralisme à l'anarcho-capitalisme* (Presses Universitaires de France, 1983).

but its practical exercise used to be possible, to a certain extent. Nowadays, you need state authorization to fight the tyrant.

My return to Canada was difficult. I was still only a small-fry dissident, relatively unknown, and probably not very efficient at lobbying for jobs. I had already been called all possible names after a series of articles I had authored on separatism and for a speech on classical liberalism I had delivered at a political convention. People thought I had strong, strange ideas they had never heard before. For a couple of years, I could not find any employment. I applied to many small colleges but was turned down everywhere.

With two young children to feed, my wife and I quickly depleted our modest savings. Since I had life insurance, the fleeting thought of committing suicide with the gun I had brought from the United States crossed my mind (which shows how dangerous guns are), but I decided that a responsible man with young children does not do this. I also thought of becoming a drug dealer, which would have been a better idea.

I submitted many articles to newspapers and magazines. These usually paid nothing, but they brought libertarian ideas to the attention of a few business executives worried about the drift away from liberty. This led to some consulting contracts. The chief of the opposition in the National Assembly even hired me for some months; a conservative welfarist, this unconventional politician felt that Soviet dissidents ought to be heard. Although it is easier to be an enterprising Soviet dissident in an open society than a closed one, life was still tough.

I pursued my subversive activities, often making small hits. One day, for instance, I heard on the radio a speech excerpt from the then-prime minister of Quebec (now dead and adulated, with streets named after him in Montreal and remote villages). He was explaining how the government had decided which sectors of Laval Island (north of Montreal) would be zoned agricultural, thereby forbidding land owners to sell or subdivide their land for commercial or residential purposes. As he told the story, a map of the island was spread on the floor of the Council of Ministers' boardroom, and the minister of agriculture and the minister of economic development crawled over it hassling over which pieces of land would be expropriated. So much for rational economic planning. I requested a tape of the program from the public radio station, but they would only allow me to listen to it at their offices and take notes. I went with a portable tape recorder hidden under my coat, and recorded it. When some time later I was consulted by a journalist working on a TV documentary, I gave him the tape, which he broadcasted in his film.

I met many businessmen who, alas, were often more prone to cajoling powerful politicians than defending liberty.

Harassment and Beautiful Spies

In the early '80s, with the help of a few business friends, I created my own monthly magazine, *Liberté-Magazine*. It was basically a classical liberal magazine, though the paucity of editorial resources and the need to keep its business support did lead to some conservative compromises. I reflected that this society was still, underneath it all, free — after all, I could start my own magazine without asking anybody's permission. Then, right after the first issue hit the newsstands, a strange string of events unfolded.

There was a small journal called *Liberté*, edited by a who's who of the literary establishment and heavily subsidized by the federal and provincial governments. I had been barely aware of its existence, and would never have thought that "liberty" was a trademark of the statist; moreover, the format and the contents of the two publications were unmistakably different. Arguing that the very name of our magazine intentionally created a confusion in the public, the publisher of the literary journal — the "Liberty Collective" — obtained a provisional court order barring the use of the word "liberty" in our title, stopping the distribution of the first issue, and forbidding anybody to call attention to *Liberté-Magazine* until the matter was resolved in a future trial. This court order was issued without prior warning and without a public hearing, which apparently is not unusual for provisional court orders here.

A Soviet dissident cannot be silenced so easily. Despite my lawyer's warnings, I contacted a few journalists. Either because they considered the matter unimportant or because they feared being held in contempt of court themselves, they would not talk about it. Then a reporter from a large-circulation tabloid phoned me to inquire about the matter. I went out of my way to explain everything and to provide supporting documents. A few days later, a citation for contempt of court was issued on the basis of an affidavit sworn by the reporter, who accused me of having "incited him to write an article." Delivered to my home at night by a court bailiff, the citation requested $150,000 in fines and a three-year jail sentence.

Nobody ever looked into the underpinnings of this story, which remain unknown. Anyway, the court contempt citation did not make much news, even though I was still willing to talk to whomever was willing to listen. Before this accusation was disposed of, a trial was held on the original court order. I spent two days in court, facing alone many members of the literary establishment; only one of my friends came to attend the trial. The judge finally agreed with the suing party and issued a permanent order barring the word "liberty" in the magazine title. We had already changed it, because otherwise nobody would print, distribute, or advertise in the magazine. The contempt fight dragged on and on, until my accusers more or less backed off, probably because it was becoming an expensive proposition for them and because the case had by then received some public attention.

All this did not help the magazine, which folded after a few issues. I found myself deeply in debt and with vanishing support — although some of my business friends did finally take care of the legal bill. Some friends tried

to get me hired as a columnist for one of the main Montreal dailies, with no success. Very worried about my family's future, I was willing at this point to take any job and, as de Tocqueville said, "to subside into silence."

A few remaining supporters in the business community persuaded an important association with a free-market philosophy to offer me a consulting contract, which eventually evolved into a position as an economic advisor. Although this contract was not very secure, it did allow me to survive, and provided me over a period of nearly ten years with some institutional support. The research and writing I was doing for the association was obviously useful to them. It also often fell within my own fields of interest, and I was able to grapple some time away for my own work. I published many articles and two more books in Paris.*

But my contractual position was uncomfortable, since I had to take care to distinguish my own opinions from my employers', and to hope that attacks on me were not deflected onto them. I now realize, and acknowledge, the personal risks some officers of the association took on my behalf. One editorial writer singled me out in her paper as the business association's "outrageously libertarian economic adviser." (At least I had taught her the word "libertarian.")

Respectable people continued to distance themselves from the Soviet dissident. A few years after the failure of my magazine, a small group of classical liberals and conservatives — with a high proportion of the latter — started another one. Although one could argue that it transmitted the wrong image of liberty, it did provide a much-needed outlet for classical liberal writings, and a few friends of mine were regular contributors. However, to avoid being seen as too radical, the principals cleverly decided not to involve me. Their editorial committee even rejected one of the two or three articles I later submitted; I knew I had two real friends on the committee when they both immediately resigned. Strangely, most people I meet now seem to think that I was one of the principals in this magazine — a convenient interpretation of history, as it allows them either to explain why it also folded, or to rest confident that the dissidents have had their day.

The Soviet dissident has enemies who will take any occasion to injure him. Not believing in efficient conspiracies, I never discovered any, nor have I looked for one. I never had my phone line checked for taps, although I recently learned to use PGP ("Pretty Good Privacy," the "encryption software for the masses") for sensitive e-mail: even paranoids sometimes have real enemies. Anyway, I was too busy defending the victims of whatever attacks the Powers That Be can wage. I wrote articles, and later a book,† in defense of Michael Milken and other honest inside traders. My wife wondered why I would defend people who did nothing for me in return.

It may be as difficult for a known libertarian radical to find an academic position here as it was for a Soviet dissident to be admitted to the Academy of Science.

About the time my third book, on anarcho-capitalism, appeared in a pocket-encyclopedia collection that was well-known and widely read in France, I was invited to lunch in Montreal, and then to dinner in Paris, by a man who was probably a French counter-spy (from the DST, or *Direction de la Surveillance Territoire*). He obviously wanted to know who I was and what I was up to. Just as in the movies, I had been set up for these meetings by a beautiful 20-year-old secret agent — who, unfortunately, did not complete her mission. (I would have talked much more on the pillow — were I not married, of course.) The Canadian secret police may have been more discrete, for I never recognized them in any of my strange encounters. I suspect that they are too politically correct to hire anybody other than retired Air Canada hostesses.

Even without any overt conspiracies against him, the Soviet dissident is subjected to much small but nerve-racking harassment. Once, I mistakenly left a copy of a restricted firearm registration form on a Xerox machine. One of my foes at the business association found it and cleverly deduced that I might have a gun in my office. And indeed I did — I often came in late at night or over weekends to work on my personal writings, and there had been burglaries in our former office building. Moreover, I am a free man. One day, a police detective unexpectedly asked for me at the reception desk and requested that I show him the gun. This was back when you weren't necessarily deemed a criminal for owning a registered handgun, but not complying with this request would have been professionally, if not legally, risky. When I showed him the Smith & Wesson in my desk drawer, the policeman saw that it was not loaded, although a ready speed-loader was right beside the revolver. The cop mumbled something to the effect that there was nothing to make a fuss about, and left.

Today, with the new Canadian firearm controls, they would seize the gun and I would be charged with a criminal offense. Soviet dissidents can't protect themselves, and their increasing dependency is a great victory for the tyrant.

Occupational Hazards

In the late '80s, a group of "pragmatic" businessmen decided the business association was too dogmatic, fired the top management, and brought in a new team. Even before the change of guard was completed, they reallocated office space and asked me to work from home. That was fine with me, but I wasn't surprised a few months later to learn that my contract would not be renewed. I was back to square one.

I always had a few loyal friends in the business community, even if not many of them would go out of their way to support the cause of liberty.

* *La souveraineté de l'individu* (Presses Universitaires de France, 1987); and *L'anarcho-capitalisme* (Presses Universitaires de France, 1988).

† *Apolgie des sorciéres modernes* (Les Belles Lettres, 1991).

Some of us attempted to start a free-market institute in Montreal. After months of meetings and reports, we managed to raise only a few miserable thousand dollars.

I have often observed that it is mainly among the businessmen that one finds whatever liberal and individualist instinct remains: they are the only ones who know of a world where individuals and entrepreneurs live by voluntary relations and make responsible decisions. With growing government subsidies and intervention, though, many corporate executives and even small businessmen have become players in the political game and lost all sense of liberty.

One would think that in a polarized, bi-P.C. society like Quebec, the Soviet dissident would find support in one group or the other. Not really. The majority — in Quebec, the French-speaking Québécois — keeps a good distance from the dissident, as it (with good reason) suspects him of being inclined to side with minorities. The minority, meanwhile, won't touch him with a ten-foot pole, for fear of endangering their already tarnished public image. Quebec separatists resent those who take aim at their national tyrant, as I often did at the beginning of my dissenting career, while Canadian "federalists" don't appreciate attacks on their preferred tyrant, which I've done a lot more recently as the central tyrant became more dangerous.

Since I had life insurance, the fleeting thought of committing suicide crossed my mind. I also thought of becoming a drug dealer, which would have been a better idea.

And businessmen, even persecuted ones, prefer to lie low and reach accommodations.

I had a few friends in the academic community too, but none who could get me a university appointment. An internationally renowned University of Montréal criminologist tried, to no avail, to persuade the Department of Economics to hire me. Paradoxically, the academic from whom I've received the greatest practical support is a Marxist turned social democrat (but a personal friend). The problem is, he became a university president, a political position with little leeway. And being admired by the general gives the soldiers yet another reason to reject the dissident.

In the late '80s, some American and French friends offered me an opportunity to earn a living in France. I welcomed the chance to substitute one tyrant for another, and moved to Paris with my family. I survived quite successfully in Paris' more lively, less Tocquevillian intellectual environment. Not only did I pursue my subversive intellectual activities and publish another book,* but I also got an interesting consulting contract with a major French company.

I returned to Montreal, mainly for family reasons. Some friends in the Montreal business community had missed their national Soviet dissident, and offered me an opportunity to justify my move. They told me they were willing to "take a certain amount of heat" on my behalf, but their resolution did not survive the first economic downturn. This was followed by an unusual and more or less unofficial arrangement as a visiting professor, offered by my friend the university president. This last arrangement has now run its course, and the Soviet dissident is back to square minus one.

As I glide over thousands of events, let me mention that after having quit smoking for nearly 15 years, I started again. This is mainly a result of occupational hazards: the Soviet dissident's stress, the sensuous atmosphere of France, and one lunch with Fernando Arrabal, who ordered Havanas. But I am also doing my civic duty by resisting the new state puritanism. In this day and age, smoking is, as they say, a "social responsibility." I smoked in my university office, where P.C. regulations were not really enforced. When the Quebec government introduced steep fines for smoking contraband cigarettes, I wrote the minister of public security a letter saying that he would need to have me arrested, since I was proudly buying and smoking them. His reply was friendly but skirted the question, and I am still waiting for his goons.

I was struck by the progress of statism in Canada during the few years I had been away. The value-added tax introduced by the federal government implied new reporting requirements and tax controls for any businessman or independent professional trying to earn a living on the market. The tax and customs bureaucracies had become noticeably more powerful and intrusive. Firearm controls had been, and are being, tightened to the point of near prohibition. As a reflection of all this, total public expenditures now exceed 50% of GDP, a first in peace and wartime. In all, a bad country for a Soviet dissident.

A citation was issued on the basis of an affidavit sworn by the reporter, who accused me of having "incited him to write an article." It requested $150,000 in fines and a three-year jail sentence.

The Economics of Dissent

There is dissent and there is dissent. There is Scharansky and there is Yevtushenko. There is radical criticism and there is official opposition. One must distinguish the real, Soviet dissidents from the false, official dissidents.

One sort of false dissident is that of the politically correct, who basically espouse the intellectual mainstream and only push its logic farther. They criticize the government for not doing enough, or attack the actual state in the name of the state that could be. Because they bring grist to the mill of state power, they are not only tolerated but also heavily subsidized through the nationalization of academia, cultural policy, and trade union protection. They have taken over most public institutions, and university departments are full of them. At least in the social sciences, you are pretty sure to get an

* *Le droit de porter des armes* (Les Belles Lettres, 1992).

academic appointment if you are a '60s activist, a former unionist or politician — in brief, a docile member of the intellectual flock. It does not matter whether or not you have a Ph.D. or "the equivalent," or even if you don't have a Master's degree.

The real dissident, the Soviet dissident, is something else. Since he radically questions the existing order, the doors of the intellectual institutions are closed to him, unless he has two Ph.D.s from Harvard and Berkeley or got his appointment when he was 20. He finds bureaucratic obstacles everywhere, including in the heavily unionized press. This asymmetry means lots of false dissidents agitating for more government power, and very few Soviet dissidents fighting tyranny.

I don't mean to disparage all intellectuals and academics who hold established positions, for I know among them a few quasi-Soviet dissidents who have done much to promote liberty. Neither do I want to imply that character traits and the random accidents of life bear no responsibility for the real Soviet dissident's difficulties. Unless he is a professional hustler, the Soviet dissident does not know when his exclusion is caused by the Tocqueville syndrome, personality clashes, personal jealousy, or the lack of any organized dissident network. Some dissidents are more efficient than others at fighting by the rules. My main point here is twofold: growing statism makes it more and more difficult to promote liberty while abiding by the rules; and there is an unwritten rule that the closet dissident is better off not openly supporting the real one.

Real dissent is a public good that you cannot expect government to provide. In a free society, it is provided by private institutions, wealthy patrons, and other independent social authorities. But independent social powers have been all but destroyed by centralized governments. Wealthy patrons have been decimated by tax loads — the Canadian government even denies tax-deductible donations to non-P.C. research organizations. As for private firms, they are either scared of offending the state or its trade union creatures, or they have lost any leeway through difficult economic conditions created by state intervention. The more nationalized a society is, the more the Soviet dissident is forced to finance the public good he provides himself. I did much of this over the years, devoting a sizable portion of my scarce resources (including time) to subversive intellectual activities.

Bertrand de Jouvenel argued that forced redistribution of income destroys the elite that would privately finance the provision of public or cultural goods, including literary salons, large receptions and dinners, and other productive socializing activities. One of my tiny contributions to keeping these alive was, in 1986, to declare March 15 the International Day of the Individual. At least we now had one non-collectivist international day, even if only a handful of individuals knew it. To celebrate the first International Day of the Individual, I organized a fancy-dress ball at my Montreal apartment, which I financed with whatever money was left after the highwayman had passed. The neighborhood newspaper turned the event into a one-page feature.

I am doing my civic duty by resisting the new puritanism. In this day and age, smoking is a social responsibility.

The Soviet dissident living in Canada does have access to a free press, doesn't he? Over the last 15 years, probably half the articles I submitted to Canadian publications were accepted. The traditionally Catholic and now social democratic Montreal daily *Le Devoir* did not treat me badly, even before I had published books in Paris. Three of my article series even made it to their front page, and I should have been more grateful to a couple of their editors who probably incurred much risk in doing so. I have not been offered the front page recently, but the proportion of my pieces accepted for publication has come close to 100%. Mind you, the dissident does this for free, and no media would offer him a regular column, lest he get some real influence and alienate the all-powerful intellectual establishment or the journalists' unions.

Most of my books have been favorably reviewed by the Montreal French press, sometimes with glamorous interviews. I also gave a fair number of interviews on radio and TV stations, albeit quite interspersed in time. Often, the media only need a pet radical to parade to the masses. Yet more than once I have met producers and interviewers who were *libre-penseurs* genuinely interested in the dissident's ideas. These people generally haunt the federally owned Canadian Broadcasting Corporation, not the private radio or TV stations. This is not as paradoxical as it may seem. Public radio and TV are divorced from the market, and among the disproportionate number of intellectuals they have attracted, you are bound to find a few foes of political authority. Private stations, meanwhile, mainly cater to the debilitating tastes of their *fin de siècle* audiences. Radio-Québec, the provincially owned TV network, is the counterexample. It combines all the failures: decadence, sheepishness, and implicit (or perhaps even explicit) political control. Needless to say, it seldom invites Soviet dissidents, or does so only, as once happened, to set up a trap.

On CBC radio in Montreal, there was recently an impromptu, on-air debate between the morning man and one of his regular contributors. The latter had read some of my writings on the right to keep and bear arms, and he naively suggested that some conventional wisdom might have to be reconsidered. This brought the wrath of the P.C. morning man, who tried to question my credibility. He even resorted to one of Quebec's oldest xenophobic insults: "Moreover, he is a Frenchman." Who else but a Frenchman could ever contradict what everybody thinks are articles of faith? The irony is that I was born in Canada 300 years after my Norman ancestors touched shore, while my attacker is himself an immigrant from . . . France, whose nice-talk and newspeak must have seduced some moron in the CBC management.

Fortunately, the Western Soviet dissident still has an advantage that was unknown to his predecessor in the Communist bloc: access to cheap and

efficient communications technology. As long as the state does not succeed in taming or killing this tool, a single dissident is multiplied manyfold. Had I not gotten my first personal computer in 1986, I could not have done a fraction of all I've accomplished. And since I went on e-mail more than two years ago and started exploring cyberspace, I have been able to establish more contacts in the world than in the ten preceding years.

What is perhaps most difficult for the Soviet dissident is making his personal life as congruent as possible with his beliefs. In a statist society, you cannot avoid taking advantage of government programs, if only because health care is nationalized and private schools subsidized heavily. But I think I have done as well as one can: my children never went to day care centers and always attended private schools (with the exception of one year in a village nursery school), and we never asked for government scholarships. For the last two years, I did not claim family allowances. And, of course, I never took a cent in unemployment insurance or welfare.

An alternative approach is to scrounge as much as possible of the money that was stolen in taxes. Stealing from the thief is no theft. In academia, you cannot avoid this. I confess that my recent two-year visiting professorship at a public university was partly financed by a federal grant. But, as the president said, the money had been laundered by the university.

In 1986, I declared March 15 the International Day of the Individual. Now we have at least one non-collectivist international day, even if only a handful know it.

Erratum

The recent biography of Kenneth Rexroth referred to in Richard Kostelanetz's "The Critic, Years After" (December 1994) was written by Linda *Hamalian*, not Linda Hamilton.

Obviously, the Soviet dissident is not morally obliged to refuse all government money when this would condemn him to starvation and stop him from producing the public good of resistance. The problem with government money mainly lies in the danger of corrupting the dissident's sense of personal dignity and affecting his willingness to fight.

The Cost of Influence

The most difficult challenges for a Soviet dissident may be to avoid cynicism and not let his personal difficulties taint his opinions, his relations with his children, or his loyalty to his friends. This last moral requirement is especially difficult to fulfill, as it is sometimes difficult to distinguish real from false friends. On this point, I might have some confessions to make, but this is not the place for an autocritique before the large masses.

Once in a while, perhaps when he reaches his mid-life crisis, the dissident wonders if whatever influence he has had was worth it. His childhood buddies, his university classmates, his colleagues before he became a Soviet dissident, even his present personal friends — most of them have had secure jobs and regular incomes for decades, own a house and a pension fund, can show a positive net worth to their bankers, and don't have to worry each month about how they will pay the rent, the school bills, or the car installments. True, their own mid-life crises bring forth other kinds of concerns: the nearing peak of their careers, problems with their bosses, only making it once to Paris and San Francisco, the meaning of their lives, and, perhaps, the vacuity of their servitude. But most of them have an easy life.

What is the Soviet dissident's influence? In my own case, I think I can say that many of the debates that were to (softly) agitate Quebec society at some point were started under my pen, at a time when nobody thought there was a matter for debate. Nearly 15 years ago, I was the first, in a major feature in *L'Actualité* magazine, to question corporatism and regulations in the construction trades. About the same time, I was also the first, in a series of front-page *Le Devoir* articles, to report on the libertarian movement. For many years, I was the only one out of seven million to repeatedly question Quebec's tyrannical laws forbidding anybody but official parties to spend their resources on expressing their opinions in electoral or referendum campaigns. I often succeeded in deflecting the terms of the debates toward the real issues — like the rights issue in firearm controls. I brought up topics that mainstream academics were to consider only years later, i.e., after they noticed that they were debated in the U.S. or France.

The most difficult challenges may be to avoid cynicism and not let his difficulties taint his opinions, his relations with his children, or his loyalty to his friends.

What my influence will have been in Quebec is too soon to tell, but I suspect that most of it will have been indirect and anonymous. I have often seen ideas I just put forward attacked, sometimes in government press conferences, without my name being mentioned. That's their first rule: don't give credit to a seemingly credible dissident.

One recent (happy) event illustrates this last point. After my book, articles, and interviews had raised some hell on firearm controls, the main Quebec newsmagazine sent a reporter to Washington and ran a feature interview on self-defense with attorney Jeffrey Snyder. I had not yet met Jeff, but I had publicized the great article he wrote in the fall 1993 issue of *The Public Interest* — just as my book on the right to bear arms came out in Paris. So I was delighted that Snyder received this unusual press coverage here. In the presentation of the interview, the reporter did mention my book (which had not been reviewed in her magazine). One of my sons remarked that it was just as if they had said: "We went to Katmandu to interview one of the inventors of the four-hole button. Incidentally, the co-inventor lives here in Quebec." But just a few years ago, the typical reporter would have taken

continued on page 68

Dispute

Minds, Drugs, and the State

There is mind, and there is body, and between the two the war ever rages. Pharmacists supply some of the biggest guns.

Comment

Better Living Through (Voluntary) Chemistry

by Sandy Shaw

Seth Farber's "The Bedlamming of America" (December 1994) attacks coercive psychiatric hospitalization — in particular, the practice of drugging inmates into a stupor to make them more controllable. More of this kind of coercion, he explains, will occur under Clinton's health "reforms." While I agree with his conclusion about Clinton's takeover of medical care, there are two things about this article that bother me:

(1) Farber fails to distinguish between involuntary and voluntary drug use.

(2) He seems to believe that genetic or medical theories of mental function are all invalid.

Farber tells us of the horrors of a study by the National Institute of Mental Health: "the NIMH study is based on the questionable assumption that unhappiness has nothing to do with anything in individuals' lives, but is a manifestation of a medical or biological disorder requiring medical intervention" (p. 36). I do not know what the NIMH study actually said, since I didn't read it. But I do know that, while it is undeniably true that unhappiness is related to what a person does and what happens to him/her, it is also true that unhappiness is related to the biochemical states in the brain. You can change your brain's biochemistry by changing your behavior; you can also change your behavior by altering your brain's biochemistry.

Behavior, emotions, and the underlying biochemistry are just different aspects of the same thing, just as steel girders and iron atoms are different aspects of the same building. The physical and chemical properties of iron atoms are directly related to the physical and chemical properties of steel girders. You could not change the basic properties of one without changing the other.

Elsewhere Farber writes: "Since the feelings of distress and unhappiness that lead people to seek psychiatric help are not medical in nature, except when they are actually physically ill, it is not surprising that the mental health system has been so unsuccessful in solving them" (37). I do not know exactly what Farber means by "the mental health system" or being "actually physically ill," but I am quite familiar with work on psychobiochemistry reported in such respected peer-reviewed research journals as *Science* and *Nature*. Distress and unhappiness are not floating abstractions with no connection to physical reality; every emotion, every thought, every physical act depends upon the brain's biochemical states, including the movement of chemical messengers called neurotransmitters that carry information between nerve cells. There are many modern psychiatric drugs that are very effective in altering specific aspects of brain biochemistry and causing a change in emotions and/or behavior. This can be very useful to distressed people.

Farber approvingly quotes Peter Breggin's comment that psychiatric drugs are part and parcel of a "multi-billion-dollar psychopharmaceutical complex that pushes biological and genetic theories as well as drugs on society" (35). I am sure there are many asinine theories out there. But Farber has overlooked the fact that there is a well-developed and rapidly growing scientific literature that reports on biological and genetic theories of mental function, including learning, memory, depression, anxiety, sexual behavior, impulsive violence, and more. Where have Farber and Breggin been? A search of the National Library of Medicine's MEDLARS database on, for example, the effects of the neurotransmitter serotonin on behavior (including impulsive violence, suicide, and obsessive-compulsive behavior) yields hundreds of studies.

Behavior, emotions, and the underlying biochemistry are just different aspects of the same thing, just as steel girders and iron atoms are different aspects of the same building.

Antidepressant drugs that increase serotonin activity, such as Prozac, have

benefited millions of people — taking them voluntarily — providing them with increased confidence and self-respect. Some puritans find this obnoxious because, without any apparent self-denial, one can increase his or her mental and/or physical performance and happiness by taking the right pill. Does Farber fall into this category?

On page 38, Farber comments that "Large segments of the American population are now on toxic psychotropic drugs." This may be true in some cases, but why doesn't Farber at least allude to the existence of many useful and reasonably safe psychiatric drugs that are also part of the pharmaceutical industry and modern psychiatry? As with any powerful technology, these drugs must be used with care and responsibility. But that doesn't mean they shouldn't be used.

Some people are using certain nutrient supplements to alter their mental state, and there has been a fairly large amount of research on this subject. But no psychiatric patients are being forced to take vitamins, minerals, and amino acids. Using nutrients to alter brain biochemistry is likely to be safer than using xenobiotic drugs (substances not normally found in the human body).

Unfortunately, the FDA doesn't allow those who manufacture or sell nutrient supplements to make any claims of improved performance or mental attitude for them. The FDA is unlikely to permit nutrient supplement companies to provide much information on the relation between "structure and function" (which is supposedly allowed under the recently passed Hatch-Harkin bill). Truthful statements about structure and function are not health claims at all, but statements of well-established chemical relationships; for example, that vitamin C is required for the body's manufacture of collagen or that neurons can make the neurotransmitter serotonin from the nutrient amino acid tryptophan, along with cofactors vitamins B-6 and C, copper, and folic acid. But the FDA believes — rightly — that even that much information would threaten its attempts to strictly limit the use of nutrient supplements.

Increasing knowledge of brain biochemistry is offering millions of people a freedom of choice that has never existed before: an ability to turn yourself into the person you want to be by directly intervening in biochemical processes. Libertarians should celebrate, not oppose, this option. ❑

References

These are just a few examples of the scientific work that has been done in the field of psychobiochemistry. Interested readers should also examine *CA Selects: Psychobiochemistry*, published by the American Chemical Society. Each issue of this biweekly journal contains nearly 400 abstracts of recent scientific papers on psychobiochemistry. A MEDLARS search (which can be done at any university medical library) of several thousand indexed biomedical journals is recommended for the unpersuaded.

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Response

When Pushers Come To Shove

by Seth Farber

I fail to distinguish, Sandy Shaw states, between involuntary and voluntary drug use. I agree with her that this distinction is useful, and unlike "some puritans," I do not advocate abstaining from all mood-altering substances. But this distinction fails to take into account the fact that most *psychiatric* drug usage (even when uncoerced) is not voluntary in any meaningful sense of the term: it is not based on informed awareness of the benefits and risks of particular drugs. How could it be, when the government-licensed drug pushers known as psychiatrists, who are venerated by the public, will go to any extreme to market their drugs? How could it be, when they have no compunction against withholding from their customers the facts about tardive dyskinesia, no moral qualms about using their authority to persuade nervous parents that a restless or energetic three-year old has a biochemical imbalance that can only be corrected by amphetamines? How can consent be informed when the government itself is involved in this conspiracy? Is it cynical to expect that the FDA will deem Prozac "safe" and "effective" when five out of the ten members of their Psychopharmacologic Drugs Advisory Committee had ongoing relations with the manufacturers of antidepressant drugs?

Shaw is correct on one point: I do not accept the medical theory of mental illness. That does not mean that I am unaware that there is a relation between the mind and the body, and a correlation between mental and physical states. But — need it be stated again? — *correlation* is not *causation*. Despite decades of trying, mental health professionals have failed to prove that human unhappiness is genetically caused or the manifestation of illness. Yet they have managed to sell their theories to the American public, to convince millions of people who are unhappy for real reasons that they are constitutionally defective, thus instilling in them the seeds of self-contempt, rendering them even more unhappy, and sending them scurrying to psychiatrists for their quick drug fix and a pat on the head to help attenuate the insecurities that the mental health professionals have worked so hard to cultivate. They have managed to obscure the interpersonal, environmental, and political causes of unhappiness, rendering people helpless to alleviate their problems.

This perpetuates the social crisis that disposes many to look to the mental health system as a scientific beacon of salvation — and leads a small group of dissidents to recognize it as the Grand Inquisitor in modern garb. ❑

Reviews

***The Bell Curve: Intelligence and Class Structure in American Life*, by Richard J. Herrnstein and Charles Murray. Free Press, 1994, 845 pp. $30.00.**

Not to the Swift, But to the Smart

Jane S. Shaw

The media buzz over *The Bell Curve* may lead the unwary reader to think that the book is obsessed with race and intelligence. In fact, this subject is only one segment of a book that aims to make three major points:

(1) Intelligence can be measured and is important in predicting performance in jobs and other aspects of life;

(2) Over the past few decades, highly intelligent people have been segregating themselves into a "cognitive elite" that is increasingly powerful and isolated from the rest of society; and

(3) Ethnic groups differ in their average intelligence, thanks in large part to genetic inheritance.

The bitter controversy over the last point has not erupted because the authors, Charles Murray and the late Richard Herrnstein, have introduced any shocking new information. Rather, they have reported, in exhaustive and unflinching detail, their analyses of the psychological studies of race and intelligence. They find that on most IQ tests blacks score lower, on average, than whites, by about 15 points or one standard deviation; Asians score a little higher than whites, by about three points or so. (You can read essentially the same message in Thomas Sowell's new book *Race and Culture*, leavened with more detail about subgroups and a more upbeat discussion.)

They also report that intelligence is at least partly inherited. They estimate that somewhere between 40% and 80% of cognitive ability is passed on genetically. This finding is not new, either; everyone knows that bright children are likely to be born to bright parents, and dull children to dull parents.

So why the firestorm of outrage? Because the authors have linked these findings to suggest that blacks are less intelligent, on average, than whites (although there are plenty of blacks who are more intelligent than plenty of whites), and that a major cause of this difference is genetic, not environmental.

Furthermore, while linking race and intelligence is not the book's major focus — it is not brought up until the thirteenth chapter — once it is introduced, the authors present it with single-minded determination. They do not soften their message or make it more palatable by discussing the varying IQs of racial subgroups, as Thomas Sowell does. They make the reader swallow the bitter pill without sugarcoating.

It's almost as though there are two books inside this 845-page volume. One is a stern and depressing discussion of race and intelligence and its implications (mostly, for affirmative action programs). The other is a much longer book, a broad discussion of intelligence and its social impact. I'd certainly be happier if they had written two books and let the one about race be published in an obscure university press. But they didn't. They chose to discuss the social implications of intelligence and to challenge one of the most highly charged of present-day taboos. Murray may reap the traditional reward: ostracism. (Herrnstein died shortly before the book's publication.)

Herrnstein and Murray offer two reasons for taking intelligence seriously. First, they provide evidence that low intelligence correlates closely with poverty, illegitimacy, and crime. The implication is that if we had fewer people of low intelligence, we would have fewer social ills. Thus, steps that improve the intelligence of the underclass — if such a thing is possible, a point which hasn't been determined — are good for society.

Second, *The Bell Curve* argues that an efficient sorting process based on cognitive ability is creating a new and dangerous power elite. If correct, this is an important insight.

According to Herrnstein and Murray, this trend took off in the 1960s, when large numbers of bright young men and women began to go to college, the brightest attending the most elite schools. The authors illustrate this process by noting the dramatic rise in the SAT scores of incoming Harvard students between 1952 and 1960. In eight years, Harvard changed from a finishing school for the social elite to a university for people with high intelligence. The authors argue that this is only an extreme example of an intellectual stratification that has gone on for several decades.

Earlier in the century, the vast majority of smart people didn't go to college at all — certainly not to elite schools like Harvard. In 1900 only 2% of the nation's 23-year-olds had received college degrees. Even if all were among the smartest people, it is evident that many highly intelligent people didn't go to college at all. That has changed. The sorting process has become highly efficient; sorting by col-

lege is followed by sorting by occupation and even marriage.

The most dangerous potential effect of this process is a growing separation between the intellectual elite and the rest of society, especially the underclass, which the authors contend is heavily weighted with people of low cognitive ability. Admitting that they are being somewhat apocalyptic, they warn of a coming "custodial state" in which the smart upper class protects itself with a grim "expanded welfare state for the underclass," an increasingly totalitarian "high-tech and more lavish version of the Indian reservation for some substantial minority of the nation's population." To forestall this nightmare, Herrnstein and Murray recommend a number of steps, ranging from changes in immigration policy that would encourage competence as a criterion for entry to simplifying bureaucratic regulations that hold people who are cognitively weak back from opening shops and running businesses.

Other recommendations include abolishing welfare (Murray, of course, has argued that case persuasively before) and restoring more functions to neighborhoods, so more people can find "valued places" in communities regardless of their intelligence. They also argue for simplifying rules about what constitutes a crime and what obligations marriage demands. (The relatively new practice of forcing unwed fathers to pay child support bypasses marriage; Herrnstein and Murray think that the obligations of wedlock should be clear, and that the institution should be returned to its "formerly unique legal status.")

They also recommend redirecting (to some extent) public education money from serving the disadvantaged, which hasn't worked very well, to providing a better education for the gifted. Right now, a minuscule portion of

continued on page 58

***The Bell Curve: Intelligence and Class Structure in American Life*, by Richard J. Herrnstein and Charles Murray. Free Press, 1994, 845 pp. $30.00.**

Politically Sensitive Science

Leland B. Yeager

In *The Bell Curve*, Richard Herrnstein and Charles Murray investigate relations between intelligence and various indicators of successful lives and social pathology.

Their methods are primarily statistical. They make heavy use of the National Longitudinal Survey of Youth, a representative sample of 12,686 American men and women aged 14 to 22 at the start of the study in 1979 who have been followed ever since. Dropouts from the sample have been kept few, and the quality of the data, gathered by the National Opinion Research Council under the supervision of experts at Ohio State University, has been judged excellent. The survey brings detailed information on childhood environment, parental socioeconomic status, subsequent educational and occupational achievement, work history, and family formation together with measures of intelligence. Herrnstein and Murray also employ meta-analysis, systematically pulling together, evaluating, and combining the findings of hundreds of other researchers' studies. They take pains to explain their procedures. Useful analogies aid their exposition. Ingenious diagrams portray the results of their multiple regressions, showing how certain variables are related when "corrected" for the influence of others. Lengthy appendices show the numerical details of the authors' calculations.

Measured intelligence turns out to be associated with educational attainment, income, socioeconomic status, and civic responsibility (proxied, for example, by voting). The authors find low intelligence associated with low positive attainments and with crime, births out of wedlock, low birth weight of babies, unemployment or absence from the labor force, and enrollment on welfare. Intelligence appears to play a distinct role; it and education are far from the same thing. Herrnstein and Murray do *not* maintain that the correlations they find would persist, and to the same degree, under radically changed circumstances.

It is easy to question whether intelligence, socioeconomic status, and the like are measurable. Herrnstein and Murray take such questions seriously, citing abundant evidence that IQ and similar tests do indeed measure some actual quality, called *g*, or general intelligence. They also confront questions of whether the tests might not be vitiated by the "cultural biases" so routinely but vaguely invoked. It would be a rare critic, I suspect, who could raise plausible objections that the authors have not already carefully considered.

The ingenuity of Herrnstein, Murray, and other researchers in measuring psychological and social variables and in finding apparently reliable associations among them testifies that social science need not be a mere refuge for fuzzy thinkers. It can be a challenging enterprise. Work like theirs goes far toward dispelling the snobbish condescension with which we economists too often dismiss "sociology." Herrnstein and Murray are indeed doing science — framing hypotheses, thinking of

what observations would tend to discredit some hypotheses and leave others looking better, and then hunting for the facts and doing the calculations. They also conscientiously point out occasional anomalies requiring further research. Even the reader who opens *The Bell Curve* already harboring some notions about it can share its authors' evident excitement in their quest and some suspense about what detailed conclusions they will reach.

Not only technology but also the increasing complexity of life and the increasing centralization of authority are eroding the relative status of the less intelligent.

Some of their findings are politically awkward. This raises the question of whether the authors are pursuing a political agenda. No scientific findings, of course, can be guaranteed correct and immune to revision, and no work of this scope can be free of error. (A trivial example: the last three endnotes of chapter 22, promised by the usual superscripted numbers, are nowhere to be found.) But this reviewer, anyway, could find none of the usual signs of dishonesty or biased sloppiness, and I doubt that dishonest researchers would offer potential critics so many details and citations to challenge if in fact they had committed misrepresentation. As things now stand, Herrnstein and Murray have earned a strong presumption of intellectual integrity.

Besides reporting their research, the authors discuss why the topics they investigate are important. They offer frank conjectures about social trends and policy implications. They worry about increasing intelligence-based stratification of American society, especially as other barriers to equality of opportunity fall. Persons at the upper reaches of the intelligence distribution attend the best colleges and graduate or professional schools, enter fulfilling and prestigious careers, and enjoy rising incomes. Advancing technology enhances their options, freedom, and capacity to enjoy life. Members of this elite of intelligence increasingly confine their professional and social contacts and their marriages to each other, becoming ever-more isolated from the lower strata. Differential reproduction rates between these classes make for an overall dysgenic effect. At the bottom of society, poverty, drugs, and crime are rampant, and the traditional family decays. For the most unfortunate, technology is no boon but, through TV, "an electronic opiate." In the information age, technology seems to be developing in ways that put a growing premium on brains and render hard-to-train workers ever more a glut on the labor market. Not only technology but also the increasing complexity of life and the increasing centralization of authority are eroding the relative status of the less intelligent.

Education does not appear to offer an easy way out. Barring some unforeseen revolution in teaching technology, all the fine rhetoric about "investing in human capital" will not overturn stark reality: "For many people, there is nothing they can learn that will repay the cost of the teaching" (p. 520).

Between the two extremes, the mass of the nation finds their lives shaped by the power of the few and the plight of the underclass. Civility erodes, as does the prevalent sense of right and wrong. Herrnstein and Murray worry about the possibility of a Latin American-style "custodial state": driven by guilt, condescension, paternalism, and fear, the elites will keep the unintelligent decently fed and housed, but marginalized.

In their worries and diagnoses and in their very tentative suggestions for how to build a society in which all can live together in mutual respect, each person filling a valued role from which he would be missed, Herrnstein and Murray come across to me as deeply humanitarian. They simply are not insensitive or mean-spirited. They are decent, compassionate human beings. Although they might not phrase the matter exactly as I would, they would regret having one single scale by which everyone's status is ranked; they value a diverse society instead, one affording a great variety of self-chosen niches in which people have a chance to excel in their own individual ways.

Today, the unnecessary complexity of life gives the intellectual elite still further opportunities to outrun the others. It multiplies demands for lawyers — and in the adversarial business, being absolutely top-notch is worth vastly more than being merely very good. (Here the theory of positional goods expounded by Fred Hirsch and Robert Frank would come into the story.) Growing burdens on entrepreneurs, including tight government restrictions on occupational testing and the *de facto* mandating of quotas obstruct the creation of jobs. (Relevant here is the work of Richard A. Epstein.) In particular — so I conjecture — burdens on employers obstruct innovative experiments in enhancing the market values and self-esteem of less intelligent workers. Most generally, policymakers and their constituents should avoid presumptuously supposing that legislation, regulation, and lawsuits can solve any problem, actual or contrived. They should take to heart the law of unintended consequences. They should beware of gurus attuned less to science than to ideological fashion, political expediency, and character assassination.

Herrnstein and Murray's own findings may be unpleasant, but serving one's values — even deeply humanitarian values — presupposes perceiving reality correctly.

Race is *not* Herrnstein and Murray's main topic. This point deserves emphasis, since commentators (including me) tend to emphasize topics made exciting by controversy or taboo. Still, Herrnstein and Murray can hardly avoid observing racial patterns in the course of their research. In agreement with dozens of other studies, they find a difference between blacks and whites in average measured intelligence. It amounts, roughly, to one standard deviation. "[T]his means that the average white person tests higher than about 84 percent of the population of blacks and that the average black person tests higher than about 16 percent of the population of whites" (269).

This difference cannot be plausibly explained away as a meaningless fluke. To an apparently slighter degree, estimated at from a few points to ten points on the IQ scale, East Asians also show a different intellectual distribution than whites, scoring higher in nonverbal intelligence and the same or perhaps slightly lower in verbal intelligence. Racial differences persist whether the tests are given in the United States or in Africa and East Asia.

Though the measured black-white difference appears genuine and is large in statistical terms, how much it really matters in job performance and other aspects of life is not intuitively obvious. Herrnstein and Murray emphasize that many blacks are brilliant and many whites are dumb; it is the whole distributions that fail to coincide. In the past few decades, furthermore, the gap between black and white test scores has been narrowing slightly, apparently because of fewer very low scores in the black population rather than because of a growing number of high scores.

Herrnstein and Murray believe that the available evidence (including studies on twins and adoptions) suggests that this gap has at least as much a genetic or hereditary basis as a purely environmental basis, but they attach little importance to the question. Even a purely environmental difference is nevertheless real. A child whose brain has been damaged by his mother's alcohol abuse during pregnancy — an environmental factor — is still intellectually impaired. As this very example suggests, however, knowing the sources of differences in intelligence may carry implications about possible improvements.

Herrnstein and Murray comment briefly on research that J. Philippe Rushton, a developmental psychologist at the University of Western Ontario, reported in numerous articles and has now (since Herrnstein and Murray wrote) pulled together in *Race, Evolution, and Behavior*. Rushton argues that differences among races in average intelligence scores correlate not only with several other behavioral differences but also with differences in such physical characteristics as brain size, size of genitals, conspicuousness of secondary sex characteristics, gestation time, age of sexual maturity, rate of skeletal and dental development, gamete production, and frequency of dizygotic twins. Several, at least, of such physical differences seem hard to explain on nongenetic grounds.

They do fit in well, though, with observed differences in reproductive strategies among species and among groups within some species. At one extreme, the strategy is to produce many offspring per parent, of which only a few survive. The opposite strategy is to produce few offspring but give each one great parental care. *Homo sapiens* is far toward the pole of few offspring, well cared-for and given high chances of survival to maturity. Within the human species, however, some groups tend more toward this polar strategy, while others lean closer to the strategy of promiscuous reproduction and slight parental care. Fathers and mothers tend to differ in these respects for obvious biological reasons. So do the human races. Natural selection operating in the races'

DEATH&TAXES

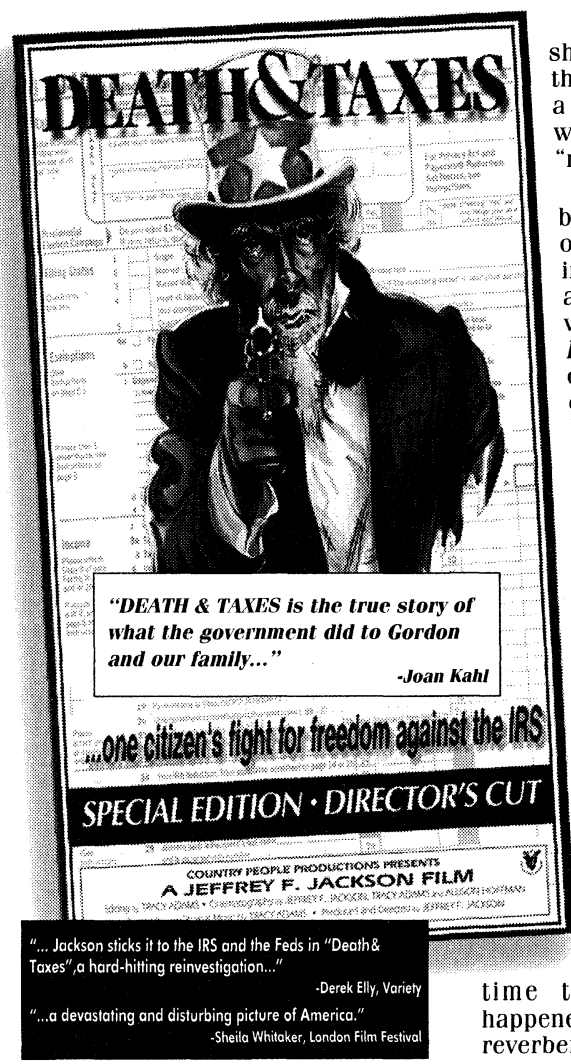

Jeffrey F. Jackson's shocking film exposé tells the story of Gordon Kahl, a North Dakota farmer who became America's "most-wanted" fugitive.

How did a WWII hero become the target of one of the largest manhunts in FBI history? Was Kahl a gun-toting fanatic or a victim of the IRS? Did ***Bill Clinton*** conspire to cover-up his torture and execution? Was the badly burned and mutilated body found in Arkansas, in fact, Gordon Kahl?

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different ancestral environments could explain those differences, as Rushton shows.

Recognizing how the observed behavioral and physical differences fit together in the light of the theory of differential reproductive strategies, Rushton concludes that even the racial differences in average intelligence do indeed have a largely genetic basis and an evolutionary explanation. This conclusion has drawn charges that Rushton is a crackpot or bigot, as well as demands that he be fired from his tenured professorship. Herrnstein and Murray are loath to judge "whether his work is timely or worthwhile," but "it is plainly science" (643). This is my own judgment also, for what it may be worth, after reading Rushton's book. "As science," the authors write, "there is nothing wrong with Rushton's work in principle; we expect that time will tell whether it is right or wrong in fact."

Herrnstein and Murray's own findings may also be unpleasant, but serving one's values — even or especially deeply humanitarian values — presupposes perceiving reality correctly. It would be convenient if truth were quickly, cheaply, and dependably knowable because it always coincided with our wishes or with what is politically palatable. But it isn't.

In a research program as difficult and ambitious as theirs, Herrnstein and Murray almost surely have made errors of fact and reasoning. These need to be found and corrected by painstaking further research. Sweeping imputations of agenda, motives, and character flaws are no substitute. Critics of *The Bell Curve* have their work cut out for them. For starters, they should actually read the book. ❑

Shaw, "Not to the Swift, But to the Smart," *continued from page 55*

federal education funds are going to the gifted, who, it turns out, aren't getting educated very well in spite of their high intelligence. (Murray and Herrnstein assume that government will retain control of the schools, though they do recommend vouchers and other programs allowing more choice.)

These recommendations have little or nothing to do with the issue of race and intelligence (another reason why I wish they hadn't focused on that so much). Two chapters, however, discuss affirmative action, and the harms it has brought. The policies recommended in this area will bring few surprises; the authors want to do away with current programs and go back to the original idea behind affirmative action, which they say was to expand job opportunities and places in college by widening the search for applicants and voluntarily giving slight preference to qualified but disadvantaged candidates.

Given the furor, perhaps it's fair to ask why Herrnstein and Murray wrote this book. They ask themselves this question, but I didn't find their answers — that they had an important idea and they thought that it would help public policy — particularly enlightening. There are other possible reasons, of course. Perhaps they wanted to sell a lot of books. Perhaps Herrnstein's previous work with James Q. Wilson relating crime to IQ suggested this more recent research. Or perhaps they felt that once they started on the subject, it was a matter of intellectual integrity to get it all out on the table, to end the taboo.

These factors may have played a role. But I suspect the authors believed that their writing would be so engaging, their evidence so extensive, and their arguments so persuasive that people would come around and accept their message after all. They were wrong.

Of course, people will come around if the ideas withstand scholarly challenge over time. While I cannot judge the truth of their findings, the authors clearly are careful in making their arguments (approximately three hundred pages are devoted to appendices, notes and bibliography) and, from what I've heard and seen, the critics have failed to draw blood.

If it is possible for good writing to overcome a hostile audience, this book will: like other Murray books, it is beautifully written, in many ways a pleasure to read. Herrnstein and Murray take many steps to win over the reader, not the least of which is flattery. (They imply that any reader is virtually in the cognitive elite or close to it; at the same time, they provide an appendix that explains "Statistics for People Who Are Sure They Can't Learn Statistics"!) Those familiar with Murray's other books will recognize the pleasing, conversational tone and the "thought experiments."

They go to great lengths to disarm an initially antagonistic reader. For example, they stress that intelligence is not everything (even while making it count for very much indeed). They write: "We all know people who do not seem all that smart but who handle their jobs much more effectively than colleagues who probably have more raw intelligence." In other words, "moderate correlations mean many exceptions."

They then explain that this does not invalidate their findings. Correlations between IQ and various measures of job performance tend to be between .2 and .6, they say, and in social science this is a "highly significant correlation." At the same time, it leaves room for many exceptions.

Along the same lines, they say later that knowing that if one child has an IQ of 110 and one an IQ of 90, on many important topics "we can tell you nothing with any confidence." But that is different from the question, "Given two sixth-grade classes, one for which the average IQ is 110 and the other for which it is 90, what can you tell us about the difference between those two classes and their average prospects for the future?" On this, they can say a lot.

Such careful, skillful writing might work, over time. In any case, the information is now there. If the content of *The Bell Curve* has merit, some of the thousands of purchasers will pay attention to it.

A More Personal Note

Before reading this book, I was, like many Americans, concerned about what seemed to be a society in disarray. From drive-by shootings to the decline in SAT test scores, I saw signs of civilization imploding through the decay of values, absence of intellectual discipline, and loss of civility. However, in

the face of this deterioration, I thought that I was helping to counter it, simply by bringing up my son properly.

By living in a small town where crime is rare, by sending my son to the best school I knew, and by taking him to church each Sunday, I was doing what I could at the very least to shelter him from this decay. I even thought I might be somewhat heroically contributing to the preservation of a civil society.

But if Herrnstein and Murray are correct, I completely misunderstood the situation. If they are right, thousands, perhaps millions, of other parents are doing precisely what my husband and I do. They are rescuing their children from ignorance and incivility by sending them to prestigious nursery schools, enriching their education with travel, introducing them to dictionaries, computers, and the Great Books, and teaching moral virtues.

The problem is that the people who are really good at this, the cognitive elite, are also moving more and more into a separate class. Most of the cognitive elite live in metropolitan areas. To achieve their goals for their children, they must separate themselves and their children from the social ills that are all around them. They have separate neighborhoods and separate schools and separate play groups. The symbol of their isolation is "the gated community, secure behind its walls and guard posts," say Herrnstein and Murray.

And this cognitive elite is not just isolating itself from the rest of society; it is beginning to control it. In the modern welfare state it is the cognitive elite who structure the laws and regulations. And because they are so bright, these members of the elite see nothing wrong with making the rules of life very technical and complicated.

The elite want less pollution, so it requires businesses — even small dry cleaners, for example — to meet onerous and complex environmental standards. While there may be ways to get around these standards, they involve complicated forms and permits; and the elite see nothing wrong with making failure to fill out a form a criminal act. In the same way, to ensure nice houses and authentically historic buildings in its communities, the elite is forcing people to go through complex zoning and permitting processes to make small changes such as adding a porch.

It used to be possible to open businesses or build homes through "sweat equity," but the barriers are getting more difficult. "Anyone who has tried to open or run a small business in recent years can supply evidence of how formidable those barriers have become," the authors say. Yet for the cognitive elite the barriers are easy to surmount, if necessary by hiring someone to figure them out. So, write Herrnstein and Murray, this group "busily goes about making the world a better place," at the price of making life difficult for everyone else.

I can see this happening now. What the authors foresee, somewhat farther into the future, is an even more complete separation of the elite, and the expansion of today's welfare state to keep the underclass "out from underfoot." This is the "custodial state," with government in charge of virtually everything.

So, if Herrnstein and Murray are right, my efforts to raise an intelligent, educated son are not likely to advance a more virtuous society. Instead, I may be training a centurion to man the barricades of the custodial state. It is a frightening dystopia, and the matter of race has little to do with it. ❑

Sliding Down the Bell Curve

To observe that *The Bell Curve* has had a hostile reception is a gross understatement. Typical of the media reaction is the treatment of the book in the *Seattle Times*. In order to be fair about the controversial book, the *Times* headlined a page of its Sunday book review section "Two Views of *The Bell Curve*."

The first view, by *Times* columnist Jerry Large, observed:

> Ever since someone had to come up with a justification for slavery, the hunt has been on for reasons why blacks are lesser humans. The authors of this book dismiss studies that show children of any race can improve their IQs if their environment is enriched. They downplay environmental and cultural factors that affect mental development, and they ignore the last 100 years of neuroscience. But this is all less about science than about social order. The authors say it nicely, but they still say it: Know your place and keep to it. . . .
>
> We don't wear IQ tags, so black people who are at the top of the chart will be assumed by the casual observer to be lesser lights until they prove otherwise, every day, to every new person, over and over.
>
> And maybe learn to resent other black people. "If it weren't for all those dumb black people everyone would love me."
>
> But make no mistake, once it becomes OK to cut black people adrift, poor whites, old people, people with disabilities, well just about anybody not in that perfect elite, will be subject to being judged a liability and treated as such. That kind of thinking isn't new, but there has usually been some kind of legal and moral mitigation. This current intellectual push would change discrimination from an embarrassment to a duty.

The second review, by *Times* columnist Jennifer James, is even more hostile:

> One of the news stories this week was another attempt to divide Americans for political gain. Charles Murray and Richard Herrnstein's book on race and intelligence, *The Bell Curve*, is such bad science and so obviously a racist polemic that it could have been published by a Ku Klux Klan press. . . .
>
> Citizenship in a democracy requires so much more than Murray's lifelong dedication to trying to prove his skin alone makes him smarter and therefore entitled to be an elite. He reveals his own intellectual limits. He is unable to synthesize data, accept modern intelligence research or maintain an awareness of the world he lives in.
>
> He tries to demonstrate his lack of bias by pointing out that on the IQ tests he uses "Asians" are now smarter than "Caucasians" (he never

defines "Caucasians," he just knows one when he sees one) but he doesn't suggest giving Asians control over the future. Charles Murray's need to reinforce his own politics reveals him as a sad fool.

The deeper questions revealed in this book and the dialogue about it are: What is so wrong with Charles Murray or any other racists that their self-worth is dependent on setting themselves apart and therefore hoping to claim unearned privileges? What is wrong with our self-worth that we are still printing and discussing these ideas in our newspapers without qualification?

How's that for a full range of opinions on a controversial book?

—*R. W. Bradford*

***Angry Classrooms, Vacant Minds,* by Martin Morse Wooster. Pacific Research Institute, 1994, 198 pp., $19.95.**
***Separating School & State,* by Sheldon Richman. The Future of Freedom Foundation, 1994, 128 pp., $22.95 hc, $14.95 sc.**

Scandal for Schools

Jesse Walker

School brings out the critic, or at least the cynic, in all of us — bored students, harried teachers, and frustrated parents alike. Reformers all have their pet panaceas — values curricula, or Outcome-Based Education, or national standards, or school choice, or whatever remedy is currently being touted on the op-ed pages of the *New York Times*. Some of these ideas have merit. Some don't. The best way to judge them is to look at the historical record: *Has this plan been put in place before? How well did it do then?*

But today's debates seem to take place in a historical vacuum. Few realize that Vermont has had what amounts to a voucher system for over a century, or that today's centralized efforts to inculcate "values" were tried, without much success, 80 years ago. Few know the typhonic history of the relationship between public and private schools, or between federal, state, and local education bureaucracies. Few seem to care about the past at all: better to pretend the latest public policy fad appeared *sui generis* than to investigate its roots.

Martin Morse Wooster's book *Angry Classrooms, Vacant Minds: What's Happened to Our High Schools?* is a noble effort to provide a short, readable summary of the history of American schools — not just high schools, as the subtitle suggests — a "book useful to parents, teachers, and concerned citizens who want to learn about the problems of American education but do not have the time or the patience to read all the books about the schools that I have read" (p. ix). Wooster's overview of the fads and trends of the last 150 years tries to be objective, but his prejudices aren't difficult to discern: he prefers decentralization to centralization and initiative to bureaucracy, and is particularly interested in attempts to restore some semblance of local control to the schools.

That leads him to examine two broadly defined reforms. One is "choice," the policy of allowing parents to select, within variably defined parameters, which schools their children will attend. Though sympathetic to the idea, Wooster is far from pollyannish about it, and is unafraid to criticize such sacred texts of the choice movement as John Chubb and Terry Moe's *Politics, Markets, and America's Schools*. All things considered, concludes Wooster, "school choice will not convince parents that education is worthwhile, tell students to do their homework, teach right and wrong, dissolve red tape, or even ensure that students are as educated as their parents and grandparents. Certainly school choice will provide some improvements in schools, but these improvements will probably be incremental and take place over time. The available evidence suggests that the benefits school choice will provide are more gradual and less dramatic than either friends or foes of the reform contend will take place" (171).

Sometimes choice programs don't even offer much in the way of choice. When Michigan's "schools of choice" legislation passed, most districts saw it as a mandate imposed from Lansing, not an opportunity to innovate. In Massachusetts, the school guides provided to parents were extremely vague: "every school in Worcester appeared 'to be committed to two things: recognizing diversity and using computers'" (158). Furthermore, unlike a real market, no choice plan yet implemented allows public schools to go out of business; instead, they simply receive more government money.

The other decentralist proposal Wooster examines is "site-based management," the transfer of decision-making power from central offices to individual schools. This is a sensible idea, but a hard one to put into practice; most efforts to implement it have proven to be little more than localist window-dressing for business as usual. Still, Wooster argues, meaningful education reform will have to restore the authority principals and teachers have lost to the school bureaucracy.

All this is well and good, but there's something missing here, a dimension of criticism that Wooster avoids. That critique can be found in another book, Sheldon Richman's *Separating School and State: How to Liberate America's Families*. Where Wooster is a reformer, Richman is a revolutionary. Where Wooster examines the origins of centralized schooling, Richman digs out the roots of *government* schooling.

Where Wooster evaluates quasi-libertarian proposals for improving public education, Richman steps out of the debate altogether, daring to ask whether there is a need for public schools at all.

That notion may sound radical, but it isn't as unpopular as one might think. A 1994 survey by the Wirthlin Group, a respected national polling organization, found that 13% of their sample supported an end to compulsory, tax-funded education, and that a full 26% at least sympathized with the idea. That's a minority, but it's a far more substantial minority than most observers would expect. *Separating School and State* is a persuasive argument for their position.

Martin Wooster's book is a litany of reforms that went bad once they left the world of ideas and entered the realm of bureaucracy.

Richman brings up issues that many people don't bother to think about anymore: the difference between schooling and learning, the insanity of expecting different students with different aptitudes to learn at the same rate, the corrosive effects of government schooling on families and other intermediary institutions. He takes on the propaganda included in school curricula, relating his daughter's scholastic encounters with Gulf War sloganeering, anti-drug puritanism, and discredited environmental theories. He points out the absurdity of referring to government schools as "public schools," as though they were somehow closer to the community than the "private" academies that parents voluntarily support. He demonstrates that even curricula designed to teach critical thinking usually wind up reinforcing conformity.

Richman puts his views in a historical context, pointing out similar criticisms offered in their day by such classical liberals as Wilhelm von Humboldt and Herbert Spencer. But many of his positions also resemble the radical critiques of the 1960s and '70s, critiques associated with such figures as Ivan Illich, Paul Goodman, and John Holt. Interestingly, some of these critics' ideas had considerable influence on public school policies in the 1970s. Wooster makes this point in a passage that, in a burst of bad editing, appears twice in his book:

> Many of the new teachers, fortified by reading John Holt or Jonathan Kozol, listening to Jefferson Airplane or Bob Dylan albums, or watching *To Sir With Love*, attempted to alter the schools radically. The result was to destroy the informal moral consensus that had governed public schools and replace it with what sociologist Gerald Grant calls a "more impersonal legal-bureaucratic order." The decisions teachers made were no longer based primarily on whether or not a student's action was right or wrong but on whether or not a student act violated federal statutes and district regulations. (xiii, 72)

It's clear from Wooster's tone that he has little use for the John Holts of the world. And, on one level, he is right. While some alternative education experiments worked pretty well — usually programs in private schools, such as those run by the Quakers, or in autonomous charter schools — many failed. "Open classrooms" and the like eroded personal responsibility in the name of a fabricated freedom, a process summed up in the infamous, perhaps apocryphal anecdote of the little girl who asked her teacher, "Do we *have* to do what we want to do again today?"

But while Wooster sees this as evidence against Holt's critique, Holt saw it as evidence against schooling itself. By the '70s, Holt realized that the deinstitutionalized learning he advocated was incompatible with an institutionalized learning environment. Even as other critics, such as Kozol, devolved into the left flank of the educational establishment, Holt and others began to adopt a more radical position, summed up eloquently on the fiery first page of Illich's *Deschooling Society*:

> [People are schooled] to confuse process and substance. Once these become blurred, a new logic is assumed: the more treatment there is, the better are the results; or, escalation leads to success. The pupil is thereby "schooled" to confuse teaching with learning, grade advancement with education, a diploma with competence, and fluency with the ability to say something new. His imagination is "schooled" to accept service in place of value. Medical treatment is mistaken for health care, social work for improvement of community life, police protection for safety, military poise for national security, the rat race for productive work. Health, learning, dignity, independence, and creative endeavor are defined as little more than the performance of the institutions which claim to serve those ends, and their improvement is made to depend on allocating more resources to the management of hospitals, schools, and other agencies.

In this perspective, schooling is not only unconducive to real education; often, it is diametrically opposed to it. Richman sympathizes with this view, commenting that schools "teach children that learning can take place only when they are shut away from the world with children their own age in a special place and are under the direction of a specially trained adult. The children are empty vessels into which the teacher pours knowledge" (p. 91). And that, of course, is nonsense.

Richman steps out of the debate altogether, daring to ask whether there is a need for public schools at all.

Richman has little patience with most of the reforms Wooster examines. Charter schools — the ultimate in site-based management — are to Richman a mess of contradictions, allegedly autonomous but still financed by the state and unable to go out of business. Vouchers he sees as a sly means for government to extend control over private schools. Contracting out school management to private firms, a new reform in Baltimore, comes under fire for maintaining government financing and monopoly. Some of these may be steps in the right direction, Richman concedes, but they still leave the fundamental problems in place: compulsory attendance and government control.

Even readers who agree with Richman might argue that his radicalism is far less practical, strategically speaking,

than incremental change. But Wooster's book is nothing if not a testament to the pitfalls of working within the system, a litany of reforms that went bad once they left the world of ideas and entered the realm of bureaucracy and politics. I have little doubt that a sensibly designed choice or decentralization plan might make the world a little more free and livable. But Richman offers an *immediate* out: homeschooling — or, as he prefers to call it, "family-based education."

In the media, homeschooling is usually associated with the Christian Right, but in fact it crosses all religious and political lines (Richman, after all, is a secular Jew and an anarchist). It rarely involves reinventing a classroom environment at home, relying instead on considerable self-directed learning, though most homeschoolers are happy to turn to specialized instructors where necessary. Most homeschooled children outperform their peers by the standard academic measures. This should not be surprising: as Richman points out, literacy rates were far higher in the years before compulsory government schooling than after.

Not every child is inclined to learn this way, of course, nor does every parent have the time or enthusiasm to spare for it. The greatest practical obstacle to family-based education is that parents tire of dealing with their kids all the time; school may not be the best babysitter around, but it's cheap and compulsory. But if as few as 10% of the families in a single state were to decide to homeschool, compulsory schooling would become a dead letter there. At that point, government regulation of schooling would also begin to crumble — if parents can homeschool legally, why can't a group of unlicensed neighbors or entrepreneurs start a storefront school of their own? And then real choices in education would emerge for those families who prefer not to teach their own but are dissatisfied with the government's schools and can't afford to send their kids to a private one.

Both of these books are worth reading. But only one offers real hope to people interested in seeing substantial change in the American education system in their lifetime. Ironically, it's the "impractical" one. ❑

***On Looking Into the Abyss*, by Gertrude Himmelfarb. Alfred A. Knopf, 1994, 192 pp., $23.00.**

Farce and Madness

Ronald F. Lipp

Early in our century, at a time of cynicism and fatigue born of war and the collapse of the old order, W.B. Yeats penned the celebrated lines that have come to symbolize the despair of modern times:

> Things fall apart; the centre cannot hold;
> Mere anarchy is loosed upon the world,
> The blood-dimmed tide is loosed, and everywhere
> The ceremony of innocence is drowned;
> The best lack all conviction, while the worst
> Are full of passionate intensity.

The horror Yeats captured was the impotence of modern man in confronting the destructiveness latent in all human society. A generation earlier, Nietzsche had warned that man must either master the abyss or be mastered by it.

The distinguished historian Gertrude Himmelfarb has now provided us with an assay of our progress with this struggle in the intervening 70-odd years:

> The abyss has grown deeper and more perilous, with new and more dreadful terrors lurking at the bottom. The beasts of modernism have mutated into postmodernism, relativism into nihilism, amorality into immorality, irrationality into insanity, sexual deviancy into polymorphous perversity.

In *On Looking Into the Abyss*, a slender volume collecting and expanding seven essays written over a three-and-one-half-year period, Himmelfarb has provided a compelling analysis of the pathology of the late twentieth century. It is more disturbing than Yeats' grim portrait. Himmelfarb describes a progressive flinching from reality: if early modern man recoiled in horror from human evil, he has now dispensed with it, first by denying that the denizens of the abyss are monsters and then by rejecting the very process of judgment which admits the possibility of monsters at all. If Himmelfarb is correct, the salient characteristic of our postmodern retreat from the abyss is a disconnection from reality that amounts to a kind of collective madness. The modern abyss is the habitat of meaninglessness, of unbeing embraced as such.

Exhibit A for Himmelfarb is Richard Rorty, "one of America's most respected philosophers." Rorty, she says, proposes to abolish reality, knowingly and altogether:

> It is getting more and more difficult, Rorty goodhumoredly observes, to locate "a real live metaphysical prig" who thinks there is a "reality" to be explored and a "truth" about reality to be discovered. . . .
>
> Rather than seek an essential truth, Rorty calls upon philosophers to . . . [adopt] a "lightminded aestheticism" to traditional philosophical questions, for only such an aestheticism can further the "disenchantment of the world." The disenchantment, moreover, must extend to morality as well as truth.

In response, Ms. Himmelfarb offers her book for a purpose which would once have seemed both prosaic and self-evident:

> Perhaps this book should be labeled "The Confessions of an Unregenerate Prig," for it is dedicated to the proposition that there are such things as truth and reality and that there is a connection between them, as there is also a connection between the aesthetic sensibility and the moral imagination, between culture and society.

It is a mark of our times that such a bald proclamation should seem remarkable and, in today's intellectual circles, even a little embarrassing — rather like cousin Fyodor, recently emigrated from Minsk, who shows up at a neighborhood party wearing a double-knit leisure suit and vinyl shoes. Much of what Himmelfarb says — about the evils of relativism and the deconstruction of history, of the abasement of our values and even of the concept of value itself, and of the conscious, deliberate, and altogether too successful campaign to denigrate Western civilization — has been said before. But it is said here so coherently, so succinctly, and with such grace, that the volume itself stands as an exposition of the culture it champions and whose loss it deplores. Lest it all be blackness and horror, Ms. Himmelfarb offers as a kind of midcourse sorbet a witty and self-deprecating discourse titled "Where Have All the Footnotes Gone?" — to the delight of all of us who as students in bygone days worshipped at the alter of her inspiration, Saint Kate Turabian.

The salient characteristic of our postmodern retreat from the abyss is a disconnection from reality that amounts to a kind of collective madness.

Himmelfarb's essays focus on three areas of intellectual activity: philosophy, literary criticism, and the study of history. In these venues, she dissects deconstructionism, nihilistic relativism, the new historicism, and postmodernism generally. But a central theme runs lucidly throughout her work: the prevailing modes of thought involve a fundamental detachment from reality and abandonment of moral integrity. As Derrida once smirked that metaphysics is mere mythology, Rorty reduces morality to idle aestheticism. Post-structuralism has de-historicized history, trivializing and demoralizing it so far as to make it utterly banal. Contemporary literary theory has elevated criticism above creation at the same time that criticism itself has become so malleable and indeterminate as to render literature devoid of any meaning at all.

In history, philosophy, anthropology, law, theology, and architecture, Himmelfarb sees various strains of contemporary thought denying the existence of any "essential reality" and reducing intellectual inquiry to a kind of aesthetic exercise for the amusement of its practitioners.

At best, these activities make intellectual inquiry an emasculated farce. At worst, they embody a cognitive madness.

By disclaiming the existence of truth or reality, all moral judgments are disavowed and all modes of perversion equilibrated. Thus, Rorty has asserted that the failing of the Nazi is not a lack of morality, but of feeling or heart. Similarly, he confesses that he can find no plain moral facts in the world, no truth outside language, nor any inherent reason to prefer kindness over torture.

The depth of moral disengagement is astonishing. One of the founts of postmodernism, Martin Heidegger, was an early and opportunistic member of the Nazi party who remained unrepentant even after its horrors, including the Holocaust, were well known. Himmelfarb quotes him writing in 1949:

> Agriculture is now a motorized food industry, in essence the same as the manufacturing of corpses in the gas chambers and extermination camps, the same as the blockade and starvation of the countryside, the same as the production of the hydrogen bomb.

Rorty, while admitting that "as a human being," Heidegger was a "rather nasty piece of work," denies that any connection can be drawn between the man and his philosophy. Heidegger should, Rorty says, be seen as an "original and interesting writer" whose work should be read "in a cool hour, with curiosity, and an open tolerant mind."

Ms. Himmelfarb's book is both elegant and compelling. As adjuncts to her main thesis, she also provides an insightful exposition of the triumph of Hegel over Marx as seen by Vaclav Havel, a critique of John Stuart Mill as a harbinger of the value-free society, and a sketch of "the dark and bloody crossroads where nationalism and religion meet." It is, in all, a virtuoso performance. ❑

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***Radiotext(e)*, edited by Neil Strauss with Dave Mandl. Semiotext(e), 1993, 365 pp., $12.00.**

Radio Ga-Ga

Phil Leggiere

With only a few sporadic exceptions that even a confirmed radio addict can count on the fingers of one hand, radio — commercial and "public" stations alike — has become a chronically, banally familiar environmental white noise in our lives, the antithesis of authentic communication, much less art. Yet as *Radiotext(e)*, a collection of radical writings on and about radio, reminds us, the wireless remains the most protean, mysterious, and potentially powerful of cultural media.

The challenge and substantial achievement of Neil Strauss and Dave Mandl's anthology is to defamiliarize radio, to provoke and compel us to listen to it with a new sense of its possibilities. Mixed like an eclectic all-night freeform show, this book incorporates obscure and forgotten documents, manifestos, and analyses covering all phases of the medium's development. Above all, it makes it clear that radio's history, far from being seamless or innocuous, has been socially and politically tumultuous from the start.

The book is clustered around a series of themes, beginning with the development of radio technology itself. In the chapter "Early Radio Bigwigs," Dwight Frizzell and Jay Mandeville make it clear that the wireless was the Internet of its day. A technology inadvertently developed to speed and facilitate communications within the command structure of the military and the shipping industry, radio soon spilled over into the enthusiastic hands of artistic and political visionaries, grassroots entrepreneurs, and hobbyists (hams were the original hackers). From there, in one of the less investigated and more important subtexts of the '20s and '30s, the medium was corporatized in the U.S. and bureaucratized in Europe. But this happened neither smoothly nor without resistance. It has been a process fraught with conflict — conflict that, as this book makes clear, continues to this day.

Early visionary hopes for the technology make for alternately poignant, ironic, terrifyingly prescient, and still inspired reading. Few, in the context they are presented here, are merely of nostalgic interest. To read Bertolt Brecht's elaboration of radio as vehicle for populist theater, George Orwell's "Poetry and the Microphone," or Rudolf Arnheim's prophecy of a new audio art alongside Derrick Sington and Arthur Weidenfeld's classic analysis of Nazi broadcasting (written in 1932, before the Reichstag fire) gives one a dramatic sense of the inherent variability of the medium. Tony Faulkner's "FM: Frequency Modulation or Fallen Man" explores a particularly brutal example of the war for financial control of the technology, a process that literally (as in the case of engineer/inventor Edwin Armstrong) left dead bodies and defeated minds in its wake.

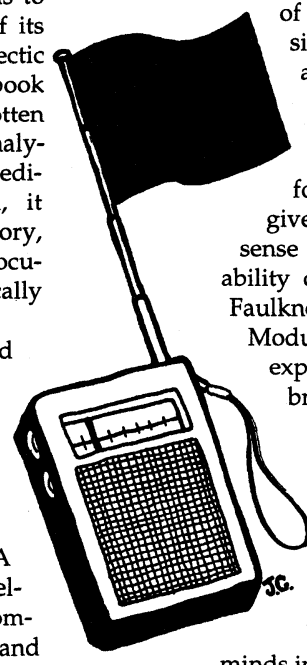

Such writings, raw and unpolished as they may seem, convey a sense of the excitement and urgency prompted by a burgeoning communications technology of unprecedented scope. So too does the debate between Walter Benjamin, who argues for the liberatory potential of radio, and Theodore Adorno, who saw radio as the epitome of commercial society's drive to reduce all authentic culture to a commodity. Exchanges like these, while fascinating in themselves, are even more interesting for their uncanny resemblance to today's debates between infotopians and cyberspace pessimists.

Radio's dual nature — tool of control, conduit of grassroots communication — is explored in a playfully developed clash of first-person accounts and historical narratives. Joseph Lanza's "Adventures in Mood Radio" and Steve Post's "Son of Playlist" delineate the convoluted workings of the regime of format as it has shaped most of what we've come to accept as radio as usual. "Mood Radio," a fascinating history of Muzak (the word's a jabberwocky jumble of music and Kodak), shows in great detail how the very lucrative industry of easy-listening radio has evolved at the cutting edge of the pursuit of the pacified consumer. "Son of Playlist," written in the mid-'70s, is a case study and personal account of the short life and gruesome death of freeform FM radio as it existed from the mid-'60s to the early '70s. Post's account, which focuses primarily on the saga of WABC-FM (now WPLJ) in New York, sketches the process by which the great exception, "alternative commercial" programming, ultimately proved the rule of increasing corporate control of format. In some senses, as Post shows, freeform actually paved the way for the fine-tuned, ever-more precise, fragmented, and airtight niche programming of the '80s and '90s.

While such accounts seem to validate Adorno's worst nightmares, this collection is also rich in evidence that a countervailing tradition of grassroots rebel radio tenaciously persists, occasionally even prevailing. These emanations range from the eccentric fringes of commercial broadcasting (nicely memorialized in "Lives of the Great DJs," a fun tribute to Wolfman Jack and others), to the entrepreneurial outlaw adventures in offshore "pirate" radio (particularly Radio Luxemburg, which successfully challenged the monopoly and monotony of the 1960s BBC), to a

myriad of anarcho-experiments in noncommercial community radio.

Accounts of these "free radio" initiatives and cultural guerrilla actions make for some of the anthology's best reading. Tetsuo Kogawa's "Free Radio in Japan" recounts how a small core of students, artists, and other troublemakers monkeywrenched the normal, boring functioning of official Tokyo radio by broadcasting from local bookshops, bars, and parks with low-power FM transmitters capable of covering about a third of a mile. WFMU's underground radio luminary, Bart Platenga, delivers a similar report on free radio in France. Other essays detail radio insurgencies in Italy, Germany, and around the world. And Jeff Zilm offers a hilarious account of a mobile CB-based operation called Radio Asphalt Nomad.

Essays by composer LaMonte Young, philosopher Murray Schaefer, performance artist Jacki Apple, and Negativland (a unique avant-garde rock band that "broadcasts" live from their Berkeley apartment, over the phone lines, via a network of college radio stations) explore the notion of radio as a medium for a new acoustic aesthetics and musical and theatrical art forms, rounding out an unpredictable collection.

Radio's dual nature — tool of control, conduit of grassroots communication — is explored in a playfully developed clash of first-person accounts and historical narratives.

If eclecticism, passion, and provocative organization are the criteria for a strong anthology, this book must be judged a success. My only criticisms spring from the few gaps in Strauss's rich mix. It would have been interesting to include more on the regional, R&B, country, and Mexican border radio of the 1950s — the stations which, outside the purview of the national networks, nurtured the development of that grassroots, spontaneous revolutionary direct action known as rock'n'roll, initiating many a sheltered middle-class white adolescent into the lores and traditions of black and poor white music. I also would have liked to see more on the two major counter-institutions designed to provide alternative (as in more expressive, experimental, dissident, and controversial) programming: Pacifica and — warts and all — National Public Radio. The omission of Richard Kostelanetz and Peter Bochan's thoughts on sound art weaken the section on radio and acoustic art, as each are in the forefront of experimental radio today. Finally, despite frequent allusions to the importance of radio in the national liberation movements of the Third World, little documentation of these struggles is actually offered.

Other readers are likely to notice other omissions, but that's a sign of this book's vitality as a critical stimulant. Despite the gaps, one thing is sure: you'll never listen to radio quite the same way after reading *Radiotext(e)*. ❑

Booknotes

Renaissance Economist — The few economists who write well, such as John Kenneth Galbraith, are usually bad economists. A remarkable exception is Donald N. McCloskey, whose latest book is ***Knowledge and Persuasion in Economics*** (Cambridge University Press, 1994, 445 pp., $17.95).

McCloskey is the leader of the small but growing "rhetoric school" of economics. Proponents of this approach hark back to the Aristotelian conception of rhetoric as the full collection of noncoercive devices speakers use to persuade their audience. McCloskey and his followers argue that, despite the "official" methodological doctrine of modern economics — roughly, that economists should ape physicists — economists actually use a variety of means to make their arguments, including mathematical models, accounting, appeals to authority, stories, arguments by analogy, and statistical studies. Rather than regarding this motley collection as an indication of deplorable scientific disarray, the rhetoricians view it as desirable and, in any event, inevitable. Economics, they say, is not only a science *about* humans; it is *practiced* by humans, and economists resort to whatever rhetorical devices will help to persuade the human beings who comprise their audience. Philosophers of science and other outsiders may deliver uninvited lectures on "scientific methodology," but real scientists need not — and usually do not — take their counsel seriously.

Don't worry about whether or not you find this thesis compelling. If you have a serious interest in the human sciences and you enjoy dazzling intellectual aerobics, then McCloskey's writing is for you. He brings to his exposition an extraordinary grasp of literature, literary criticism, poetry, history, philosophy, and the natural and social sciences, and delivers his message with stunning ingenuity and flourish. Reading McCloskey is *fun*. Whatever you learn is a bonus.

—Robert Higgs

Broken Promise — James D. Squires' ***Read All About It!: The Corporate Takeover of America's Newspapers*** (Times Books, 1994, 244 pp., $12), while necessary for any student of modern journalism, is in the end an infuriating book for the same reasons that most old newspapermen's nostalgic or hortatory writings on their craft infuriate. It's a fault you'd think a crusty old newsman would instantly catch with his first glance over the rough copy: details, details, details are missing, missing, missing. Squires' thesis is that the takeover of most newspapers by huge corporate chains has been fatal to the editorial quality and independence of papers. But he provides virtually no details, either anecdotal or analytical, to back up his point. He just complains about what jerks his old paymasters at the Tribune Company were, for whom he edited the *Chicago Tribune* from 1981 to 1989.

His major points: newspapers in general make a ton of money, and are making more and more all the time. But when newspapers are part of larg-

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er conglomerates, their profits are not churned back in to help fertilize journalism; they are used to prop up the Big Money's bottom line. Executives are expected to keep that profit line heading up eternally, and at eternally higher rate. The better a newspaper does for the Big Bosses, the less it is allowed to do for itself. He recounts sadly his own culpability in this trend at the *Tribune*.

But while praising the kind of real, meaty, shoeleathery journalism that is now missing from papers because of the almighty bottom line, he gives only one example: John Crewdson's exposé on Robert Gallo and the discovery of the AIDS.

Squires never explains why the evils he sees — kowtowing to local business and political interests and advertisers, mostly — were any less prevalent under the old regime, about which he is resolutely rosy-eyed. And he laments the fact that the *New York Times* and the *Washington Post* have *lost* the power to ignore a story and thus "keep it from becoming one." He also mourns the passing of hard news in favor of mere entertainment, but never makes a compelling case for what hard news *is* and why it should be privileged.

As an entertaining memoir of one old journalist's experience and perspective, this book is well worth reading. But ultimately, Squires fails to deliver what he promises. —Brian Doherty

The Mother, Not the Daughter, of Order — Benjamin Tucker began publishing *Liberty* from his Boston home in 1881; it lasted until 1908, when a fire ended Tucker's publishing career. During its 27 years, Tucker's *Liberty* published a wide range of individualist writers, from the English minimal-statist Auberon Herbert to disciples of Bakunin and Kropotkin. But at all times, Tucker, a proponent of the labor theory of value who eschewed natural rights as a "fiction," was the guiding hand. *Liberty*, Tucker wrote in the first issue, "will be edited to suit its editor, not its readers. He hopes that what suits him will suit them; but if not, it will make no difference. No subscriber, or body of subscribers, will be allowed to govern his course, dictate his policy, or prescribe his methods."

Until now, the primary collection of selections from *Liberty* has been *Instead of a Book, by a Man Too Busy To Write One*, published by Tucker in 1893. But it consists almost entirely of Tucker's own contributions, and draws only from the journal's first twelve years. ***The Individualist Anarchists*** (Transaction, 1994, 330 pp., $39.95), edited by Frank H. Brooks, is an attempt to produce a more complete and representative anthology.

The book contains over 70 articles and is divided into four parts: "The Political Theory of Individualist Anarchism," "Economics," "Social Controversies," and "Strategies for Advancing Anarchism." Among the more interesting pieces are Tucker's obituary for Karl Marx, "The Ethics of Dynamite," a debate between Auberon Herbert and Victor Yarros, and the essay for which Tucker is best known, "State Socialism and Anarchism: How Far They Agree, And Wherein They Differ."

The Individualist Anarchists is a fine introduction to a fine paper. Readers with a continuing interest in the topic may prefer to examine Greenwood's multivolume reproduction of *Liberty*, published as part of their Radical Periodicals in the United States series. But those simply looking for a solid survey of nineteenth-century individualist anarchist thought need look no further than Brooks' excellent book, ironically supported by a grant from the National Endowment for the Humanities.

—Aaron T. Steelman

Atlas shmucked— Many of *Liberty*'s readers have read and loved Ayn Rand's monumental novel *Atlas Shrugged*, no doubt. But few have seen through the surface of that engaging fiction to the sinister symbolic reality beneath. Apparently, *Atlas Shrugged*, written at the behest of Phillippe Rothschild, for whom Rand served as mistress, is in fact a secret codebook for satanic world Jewry's diabolical plans for world conquest.

The full outline of the incontrovertible facts leading to this conclusion can be found in an engaging little pamphlet called *Witchcraft and the Illuminati*, which I picked up about a decade ago in a Jacksonville, Florida bookstore. I read the pamphlet, chuckled, and since

it wasn't perfect-bound it never found its way onto my bookshelves, languishing instead in random piles of papers, miraculously surviving the ten or so times its peripatetic owner has moved in the past decade.

I was delighted to be reminded of it when I read Michael Barkun's ***Religion and the Racist Right: The Origins of the Christian Identity Movement*** (University of North Carolina Press, 1994, 290 pp., $39.95 hc, $15.95 sc), and to discover exactly which ideological cubbyhole produced this curious and fascinating screed. Barkun identifies the author as James Ellison of the Covenant, Sword, and Arm of the Lord, a Christian Identity organization.

The subject of Christian Identity is far more dramatic, zany, and fascinating than this book, which mostly leeches its information from secondary sources and refuses to grapple with the sheer crazed absurdity of many of the ersatz religion's tenets. Worse yet, the author does not bring to his subject the requisite wit and irony.

Barkun blandly and straightfacedly reports that Christian Identity types see the white Anglo-Saxon-Celtic-Germanic races as the true Israel of the Bible. God's Chosen are in an eternal war with the "pre-Adamic" races (blacks and orientals) and Jews, the literal biological spawn of Satan through the line of Cain. Their visions of history and eschatology are wild, dynamic, frightening, and apocalyptic, incorporating flying saucers, ancient Babylonian one-world government, satanic cults, ritual murder of infants, and bloody and violent tribulations from which the righteous *won't* be raptured away, but must be prepared to tough out. But Barkun runs them through the strainer of the political scientist and sociologist, and what comes out is a tasteless mush, a numbing adumbration of the gradual evolution of their ideology from its source in British Israelism (surviving today mostly through the Worldwide Church of God, publishers of *The Plain Truth*, a nifty giveaway zine you might be familiar with) to present-day organizations such as the Order, and occasional plots to overthrow the Zionist Occupation Government of America or secede into a racially pure stronghold. This book has too much dull sociological categorization and not enough getting down in the dirt to explain in detail why Identity believers actually think the way they do — as individuals, not links in a historic ideological chain.

I can certainly understand why one might want to write a book on the Christian Identity movement without having to meet any of its adherents, but it isn't the way to guarantee an interesting volume. There are plenty of good books to write on this topic, but this, alas, is not one of them.

—Brian Doherty

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Association of Libertarian Feminists, send SASE for literature list. Membership/newsletter sub, $10/year. ALF, Box 20252, London Terrace P.O., New York, NY 10011.

BYOB — Brew Your Own Beer Easy. Complete book only $10. S. Brennan, P.O. Box 4561, Whittier, CA 90607.

Crying Wolf: Hate Crime Hoaxes in America, by Laird Wilcox. Reviewed in December 1994 *Liberty*. $19.95 postpaid. Laird Wilcox, Box 2047, Olathe, KS 66061.

Don't understand trinitarianism? *Christianity, Crime Against Humanity* by Arnold Gordon exposes the pagan origins of false Christianity, including Christmas, Easter, the fish symbol, the cross, church steeples, and more! Send $9.95 and $2 postage and handling to 5 Star Publishing Company, P.O. Box 1432, Galesburg, IL 61402-1432.

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Periodicals

Directory of Libertarian Periodicals, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29LB, Hiler Branch, Buffalo, NY 14223.

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Lemieux, "Memoirs," *continued from page 51*

great care not to mention the name of the local Soviet dissident.

Until very recently, I could not interest the local book publishers in my work. I had to publish in Paris, which was a good idea anyway: as far as Quebec is concerned, the North Atlantic is a one-way street for books and ideas. An association for the reduction of public expenditures was launched in Quebec, but I only heard about it after the attempt had failed. I recently applied for a university position, with little hope, but I thought that the worst that could happen would be to give me a couple more lines for my memoirs. Although, or perhaps because, the rumor quickly spread (I am told) among the faculty, I was turned down by a word-processed letter. If I liked to complain, I could tell many other such stories.

English Canada is another planet: I have never been able to do anything with any established institution there. Recently, a group considered creating a free-market think tank in Quebec but kept me in the dark, even though I had put myself in touch with some of the principals involved. But after the *Toronto Globe and Mail* published a piece of mine a few months ago, I have been in touch with a few interesting individuals from "ROC" (the "Rest of Canada," as we say here), including the John Locke Institute.

I have often brought subversion right into the tyrant's fortress. The totalitarian federal minister of justice phoned me at home one weekend as a kind of goodwill gesture after he disagreed with one of my articles against firearm controls. Following another one of these articles, the Quebec minister of public security wrote me a rather congratulatory letter on his official letterhead. On the morning CBC radio show in Ottawa, I gave a long interview on the right to keep and bear arms, just as the bureaucrats were caught in the traffic listening to their car radios. I sometimes had pieces of subversive research done for me by people within government. Without much institutional support, though, the results of all this have been mitigated, and we lost many would-be fellow travelers.

Fortunately, I think my influence in the real wide world may have been larger. After the publication of one of my books, French novelist and Academician Jean d'Ormesson wrote to me: "You are among those who will have redirected the intellectual history of our time." I am quoted more often in France, and perhaps better known among the intellectuals there, than in my Canadian Siberia. When I was living in Paris, I met the Spoonerian president of Les Belles Lettres, a small but well-known publishing house, who has given me unflagging support. (Before you find a Canadian publishing house with a Spoonerian president, the pope will have posted *Playboy* centerfolds in the Sistine Chapel.)

At Les Belles Lettres, we created a book series that catered to anti-statists from Left to Right, and which was favorably reviewed in the *Times Literary Supplement*: "They order this matter better in France," the reviewer wrote. Among the authors we published are Lysander Spooner, Herbert Spencer, and Ayn Rand.

Here, I have to be careful, since my readers may know first-hand what I am talking about. For I also like to think that I have had some audience (if only for my *Wall Street Journal* pieces) in the land of Spooner, where I have a few great friends. Perhaps there are just more freemen left there. Only two periodicals have ever asked me to be a contributing editor: both were American, and one of them is *Liberty*. One recent night, while electronically wondering through D.C. on the World Wide Web, I had a Soviet dissident's ego trip: I discovered that the Library of Congress catalog lists more of my books (in the original French) than most university libraries in Quebec.

To tell the truth, I enjoyed this life when I was younger and had some temporary financial security for my family. Fighting the tyrant isn't just a moral duty; it's more fun than being a nine-to-four-thirty bureaucrat with an ugly wife, fat kids, and a suburban swimming pool. But in this society, the personal costs imposed on Soviet dissidents are getting prohibitively high.

Yet . . . yet, perhaps the new generations will one day discover that the Soviet dissidents were right. ❑

Letters, *continued from page 36*

one from another religious pacifist organization, Clergy and Laity Concerned. I know other pacifist organizations have taken similar positions.

Cox has not outgrown the right-wing ignorance of the difference between leftist opponents of only "capitalist" wars and pacifist opponents of war, period. Like libertarians, pacifists tend to take positions based on principles rather than political expediency and, like libertarians, they are condemned as left-wing or right-wing depending on who is doing the warmaking at the time.

In my experience, most pacifists are natural libertarians who will become more so as they come to realize the violent nature of the state. Rather than making ignorant accusations of hypocrisy, we should be encouraging them to understand that "war is the health of the state" and that limiting government is requisite for achieving a peaceful world.

Bruce Baechler
Austin, Tex.

How It Plays in Peoria

I was just beginning to develop a great respect for your publication until your November 1994 issue dashed it practically to pieces. I find "Talking Sex, Not Gender" by Wendy McElroy trash unworthy to be published in a magazine such as *Liberty*. Maybe in *Playboy* or *Penthouse*, but not *Liberty*. You do nothing to advance the cause of liberty by publishing such depraved material.

I believe McElroy has a right to have her article published in any magazine that will accept it, but you should have shown better discretion in deciding whether or not to print it.

I hope that any new readers of *Liberty* will not judge libertarians on the whole as being callous to the moral sensitivities of others. I also hope that this is the last time you publish a graphic, perverted article — or, regretfully, I will look elsewhere for current libertarian thought.

Mark Manthey
Peoria, Ill.

U.K. Jive

Given his penchant for deep research and accuracy — as well as his broad knowledge of history — I was somewhat amazed by R.W. Bradford's recent comment ("Conservatism über alles," November 1994) that "Great Britain has neither a Constitution nor a Bill of Rights."

Britain obtained a bill of rights in 1689, 100 years before your country got its document. Further, the Magna Carta, signed by a reluctant King John in 1215, was simply a bill of rights by another name. This earlier document enshrined such cornerstones of liberty as the rule of law (outlawing arbitrary acts by the government), and became the basis for similar documents in many other countries.

And Britain has a constitution. We simply do not have a *written* constitution.

Adrian Day
Annapolis, Md.

Bradford responds: The British Bill of Rights protects the rights of Britain's Parliament, not its citizens. The trouble with "unwritten" constitutions is that they're always "evolving" to fit whatever the current government wants to do. Despite all of America's problems, it is much harder, to give one example, for the state to censor here than in Britain. If you don't believe me, ask yourself in which country it is easier to buy a copy of *Spycatcher*.

Notes on Contributors

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

"Baloo" is cartoonist *Rex F. May*'s favorite pseudonym.

John Bergstrom has gone back to school, God help him.

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

Stephen Cox is Professor of Literature at the University of California at San Diego.

Brian Doherty is an assistant editor at *Reason* magazine.

Seth Farber is author of *Madness, Heresy, and the Rumor of Angels*.

Lowell E. Gallaway is coauthor of *Out of Work* and a research fellow at the Independent Institute.

James Gill is *Liberty*'s staff artist.

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

Robert Higgs is research director for the Independent Institute.

Richard Kostelanetz has produced many books, tapes, and other media, virtually all of which are available from Archae Editions.

Phil Leggiere is a journalist and critic in New Jersey.

Pierre Lemieux is author of French-language books on gun control, anarchism, and other topics.

Michael Levine is an editorial assistant at *Liberty*.

Ronald F. Lipp is an attorney in Sacramento.

Loren E. Lomasky is author of *Persons, Rights, and the Moral Community* and other books.

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

Sandy Shaw is coauthor of *Freedom of Informed Choice: The FDA vs Nutrient Supplements*.

Aaron T. Steelman is publisher emeritus of *The Michigan Review*.

Clark Stooksbury is assistant publisher of *Liberty*.

Brian Taylor is editor of *Guillotine: A Slice of Reality*.

Richard K. Vedder is coauthor of *Out of Work* and a research fellow at the Independent Institute.

Jesse Walker is assistant editor of *Liberty*.

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

Coming in *Liberty*

"The Case Against Politics"

John Pugsley and *Wendy McElroy* argue the inherent immorality and futility of political action in general and the campaign of presidential campaign of Harry Browne in particular. *Doug Casey* responds.

Terra Incognita

Reno, Nevada

The ongoing persecution of Jesus Christ, as reported in *The Progressive*:

Actor Mark Williams, wearing a beard, robes, and sandals for his title role in *Jesus Christ Superstar*, was ejected from the Pioneer Center for the Performing Arts when the theater's director mistook him for a homeless person.

Maricopa County, Ariz.

Consumer protection, Southwestern-style, reported by *Freedom Network News*:

Undercover agents from the Maricopa County Health Department have been crashing weddings to seize cakes baked without licenses by friends or relatives.

Milwaukee

An Earth-shaking law suit, described by the *Milwaukee Journal*:

Harmanjit S. Saini has filed a lawsuit seeking compensation for "unprecedented discrimination as the result of a worldwide conspiracy to prevent him from making a decent living and marrying a white woman." The 249 defendants named include CBS, Chrysler, the ambassador of Kuwait, Milwaukee public schools superintendent Howard Fuller, and Sen. Ted Kennedy.

Russia

Pre- and post-revolutionary protective headwear, described by the Russian newspaper *Segodnya*:

The familiar big fur hats worn on Soviet holidays by Politburo members were actually lined with steel. They were custom-made by a helmet factory, which now offers similar hats to entrepreneurs who fear attacks from gangsters.

China

Advice to Chinese travelling abroad, from a four-page government-issued guide quoted in the *Baltimore Sun*:

"If a problem comes up or you did something wrong due to inexperience, be sure to report the truth of what happened as soon as possible in case of the possibility of being taken advantage of by spies and special agents."

New York

Evidence of progress in social engineering, from an essay by Tamar Jacoby published on the editorial page of *The Wall Street Journal*:

"A renewed pursuit of integration need not mean a return to '60s-style social engineering. Washington can provide some opportunities for black and white to get to know each other: a conscripted national service corps, for example."

Missoula, Mont.

A change in policy in the Treasure State, reported by the Associated Press:

Hank Hudson, director of the Department of Family Services, said that his agency would no longer place children with known sex offenders.

Port Townsend, Wash.

A penetrating comment from *Together: A Newsletter for the Port Townsend School District Community*:

"All children and adults, regardless of economic class, experience what is known as 'transient hunger.' This is occasional hunger and is eliminated by eating."

Florida

Covering all bases, as reported by the *Washington Post*:

Michael Gifford should be acquitted of shooting abortionist David Gunn on grounds of diminished capacity, because anti-abortionists brainwashed and crazed him by showing him fetuses and hateful, blood-drenched effigies, his lawyers told jurors. And, they added, he didn't do it.

Prince William County, Va.

Advance in the ongoing fight against child abuse, reported by *The Amicus Curiae*:

Social workers may seize latchkey children as old as ten and put them in foster homes for three days with no hearing or notice, the Fourth Circuit ruled.

Albany, N.Y.

Judicial progress in the Empire State, reported by the Associated Press:

Owners of property near high-voltage power lines can be awarded damages when "cancerphobia" lowers their property value, even without proof of a health risk, New York's Court of Appeals ruled.

Mentor, Ohio

City planning meets art criticism in Middle America, as reported by the *Lake County News-Herald*:

Applebee's plans for a new downtown restaurant is facing problems from Mentor's city planners, who fear that its architectural flavor is "a bit bland." Meanwhile, Chi-Chi's Mexican Restaurante is being challenged from the opposite direction. "I think those canopies might be too gaudy," says Municipal Planning Commission Chair Ray Kirchner.

Fort Lauderdale

The declining education standards of American Nazis, as reported by the *Washington City Paper*:

Donald Leroy Evans, accused of strangling a prostitute, filed a motion before his trial to wear his KKK robe and for his name to be changed on all court documents to "the honorable and respected name of Hi Hitler." Courthouse employees explained that Evans thought Hitler's followers said "Hi Hitler" rather than "Heil Hitler."

Hillsboro, Ill.

Avant-garde religious education, described in *USA Today*:

To demonstrate how God will treat Satan on the Day of Jubilee, Rev. Anthony Dearinger picked up and threw an eight-year-old boy.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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(continued on previous page)

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"Discipline must come through liberty." —Maria Montessori

THE CONSTITUTION PARTY

The Party of Principles, Not Politicians

We, the founders of the Constitution Party, hold that our federal government has consistently violated the Constitution of the United States. The Founding Fathers designed the U.S. government to serve us — the people. It was not designed so that we the people would serve government. We no longer wish to see Americans dependent upon or enslaved by government. Generations of Republican and Democratic administrations have made it abundantly clear that they are incapable of managing the nation's affairs competently, justly, or lawfully. The CP is dedicated to ensuring the unalienable right of every American to Life, Liberty, Property and the Pursuit of Happiness by defending the Constitution for the United States of America and making certain that it stays the law of the land.

The right to own one's life is a natural right. It requires the rights to freedom and property ownership in order to sustain that life. Therefore, the CP holds that no one has the right to dictate to anyone else how to live. It further maintains that no one holds a higher moral authority to compel anyone else to behave in a particular way. The CP maintains that each individual has the right to behave according to his or her self-determined moral principles, provided the pursuit of these principles causes no physical harm to any other person or his property. The CP believes that if there is no victim there is no crime. The CP believes that no entity, including a majority of voters or citizens, may take away or violate the rights of an individual.

Accordingly, the CP calls for a reordering of national priorities. We aim to restore the right of every individual American to be a sovereign citizen, as well as the provision that all 50 States be free from unlawful federal interference so they can self-govern. Our goal is to create a truly free country where all people will learn to be responsible for their own welfare. Upon achieving this goal, enterprise will flower, thereby creating an atmosphere of prosperity, abundance, tolerance, and compassion.

Therefore, the CP offers the following platform to ensure our rights and those of our children:

1. Under no circumstance does the federal government have the power to violate the Constitutionally guaranteed rights of an individual.
2. Under no circumstance does the federal government have the power to violate the sovereignty of the States as defined in the 10th Amendment to the Constitution.
3. Each individual should be free to do whatever he chooses with his own person or property, provided he does not physically harm the person or property of another. People who harm others are to be forcibly segregated from the rest of society by government. It is society, not the criminal, that should be shown leniency.
4. The CP supports full private property rights. We reject the idea that federal government may dictate use of private property or confiscate property without full and just compensation pursuant to the limits of the Constitution.
5. Each individual adult has the right to keep and bear arms, providing the owner has never been convicted of a violent crime involving the use of a weapon.
6. The CP advocates the maintenance of the strongest national defense force in the world. The CP does not advocate military interference in the affairs of other nations.

   The CP further believes that the US should protect its sovereignty by maintaining full control over its own defense systems and not turning them over to the United Nations.
7. The CP advocates full financial freedom. The CP believes that individuals have the right to keep all money or property they have lawfully earned, to provide for themselves and their families. The CP believes it is not government's business to know how much money you earn, where your money or property is kept, or to require you to keep records on its behalf. Accordingly, it believes that government has no right to use any of its agencies to intimidate people into revealing how much money they have or earn, with threats of jail terms and property seizures.

   Government has no right to force an individual to report how much money he or she deposits or withdraws from a bank. It also has no right to force an individual to report how much money he or she takes into or out of the country. These laws force Americans to spy and report on each other.

   This stance requires the elimination of the Internal Revenue Service and the income tax code, the elimination of all gift and estate taxes, as well as any other direct tax not authorized under the Constitution of the United States. To the extent revenue is needed to support the federal government, within the limits of the Constitution, excise taxes (i.e. a national sales tax) are authorized in Article I, Section 8 of the Constitution.

   The elimination of these unlawful taxes would cause business to skyrocket, create millions of jobs, and significantly reduce unemployment and welfare lines. It would also reduce crime.

   The CP calls for repeal of the 16th Amendment or formal recognition by the government that it was never ratified by the states and is therefore illegal.
8. The CP calls for the reinstitution of sound money, preferably a hard dollar backed by gold.
9. The CP insists upon the elimination of the budget deficit by a rigorous program of downsizing federal government and eliminating entitlement programs. The CP also calls for the elimination of burdensome interest payments on the national debt by ridding the American people of this debt once and for all.
10. The CP advocates the elimination of entitlement programs. Just as no individual has the right to steal from you, the government has no right to steal from you on behalf of other individuals, that is, to redistribute your wealth. The money you earn belongs to you and no one else. How can you properly support yourself and your family while you are constantly being robbed? The price of personal freedom is individual responsibility. Consequently, it is not government's job to "save" people from poor choices, calamities, or the vicissitudes of life. At the same time, The CP encourages everyone, individuals and private institutions alike, in the strongest possible terms, to give to the charities of their choice, to care for the homeless, the helpless, and the needy. Charity is traditionally the work of religious organizations, individuals, private institutions and foundations. In contrast, giveaway programs run by the federal government rob individuals of the ability and desire to be charitable.

    The CP further believes that the elimination of giveaway programs will greatly alleviate the nation's immigration problem.

The CP believes in phasing out the Social Security program after current obligations to the elderly are met. We believe retirement programs are best handled by the private sector.

11. The CP believes that federal government has no lawful or moral authority in health care. The CP believes that government involvement in health care will adversely affect the health of the majority of Americans.

    The CP believes that federal government has no right to limit our choice of doctors, or medicines they prescribe, whether they be "alternative" or American Medical Association certified. Government also has no right to dictate what vitamins ought to be available.

    The CP opposes the proposed national health card. This card will ultimately be used as nothing less than a national tracking device that will result in the further loss of personal freedom.

12. The CP endorses full economic freedom. The CP believes that government should not set prices, set quotas, or create laws concerning hiring, firing, rents, wages, unionization, or any aspect of non-coercive private commercial behavior. Economic freedom would be a boon to both small and large business.

13. Government does not have the right to legislate morality. Adult consensual behavior ("victimless crimes") such as that involving sexual activity, gambling, drug use, or assisted suicide are a matter of individual adult morality and not a matter of lawful statute. The traditional organizations for discussion and persuasion regarding such issues include churches, synagogues, youth clubs, chambers of commerce, and other local social organizations.

14. The CP advocates a strong local police presence for violent crime. By eliminating laws against victimless crimes, police will be able to focus on violent crimes, making police more effective and public safety a reality. The prison system will then have ample space to house violent criminals for the full course of their prison terms. The streets will be safe, the country's legal and prison systems will unclog, and vast amounts of money that add to the budget deficit will be saved.

    Nevertheless, a government that must break the law in order to enforce the law is not a government worth having. Therefore, law enforcement officers and agencies must be above reproach with regard to due process of law, personal privacy, freedom from unreasonable search and seizures, and all the other fundamental constitutional guarantees. The CP believes that any government agent or employee who does not abide by, or who violates, the Constitution should face mandatory criminal penalties.

15. The CP believes that all judges must be directed to inform every jury of its lawful sovereignty under the Constitution in that it may find any defendant not guilty if it judges the law, even law upheld by the Supreme Court, to be defective, unwarranted, unconstitutional, or wrongly applied.

DON'T TREAD ON ME
1995

The CP believes that we are at the beginning of a movement, a movement toward individual freedoms, as our Forefathers planned. We believe that people have had enough of the taxes and the intimidating tactics of an out-of-control, unaccountable government which has lost sight of its role as our servant. We believe it is time again to make the government accountable to us — the American people — and to restore our personal freedoms which have been *slowly but systematically taken from us*. We believe that if we as a people fail to act, the course on which the ship of state is currently set is clear: an accelerating bankrupt socialist police state.

To all Americans who want to keep their rights: whether it be the right to speak your mind, the right to keep the money you earn, the right to use your property as you wish, the right to bear arms for the defense of your family from any threat including government, the right to engage in noncoercive behavior, the right to not wear a seatbelt or a motorcycle helmet, the right to practice (or refrain from practicing) any religion; the right to choose a doctor or the medicine of your choice, the right to end your life, or the right to begin a life — these are your personal choices, not the government's.

To all Americans who feel alienated from the politics of our system and are tired of being treated like juveniles: we understand your frustration and your desire for change. Come join us! No matter who you are or what you do, come join us. It's not whether you are on the left or the right, liberal or conservative, it's your individual rights that matter.

"A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits." —*Thomas Jefferson*

Founder

Aaron Russo (Film Producer — *Trading Places* with Eddie Murphy, *The Rose* with Bette Midler; won an Emmy and had films nominated for various Academy Awards)

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Letters

What Goes Around . . .

Last month, in preparation for a radio debate on the subject of pornography (I'm in favor), I was advised to pick up your November issue for Wendy McElroy's article on the subject ("Talking Sex, Not Gender"). Not only did it prepare me admirably for the debate, it convinced me that *Liberty* really was crucial reading, without which I could no longer exist. I sent in my subscription the next week.

Naturally, I was greatly amused to read, in the January issue, Mark Manthey's letter threatening to cancel his subscription over the same article.

Win some, lose some. You do a great deal to advance the cause of liberty by publishing such "depraved" material. Please, keep up the good — and controversial — work.

Scott O'Hara
Cazenovia, Wis.

How 'Bout the "Frito Party"?

I was intrigued by the interview with Aaron Russo ("Russo and Revolution," January 1995). My first reaction was somewhat negative; Russo's Constitution Party seemed to threaten "my" Libertarian Party. Why should a newcomer step in and take over all the good, hard work our people have done, and get the credit for it?

But the more I read, the more it seemed that Russo has some really good ideas. It doesn't matter who returns us to free markets and gets rids of the welfare state as long as the changes happen. There seems to be a number of groups pushing for these things but not working together. Why can't we have a merger? Russo sounds like the kind of new blood the movement could use. And while "Constitution" is also clumsy to pronounce, it at least has more appeal than "Libertarian." (If I were picking a name, my choice would be the "Freedom Party," with the members being called "Freeders." But no one's seeking my advice, and maybe it's just as well.)

Also — maybe I'm a bit prudish, but I'd like to see Russo and some of your writers clean up their language a bit. They sound at times like eight-year-olds who have just learned their first cuss words and want to show them off.

Bill Williford
Houston, Tex.

Blame Where Blame Is Due

While I appreciate Jesse Walker's kind words about *Angry Schools, Vacant Minds* ("Scandal for Schools," January 1995), he should know that the passage about John Holt he cites did not appear twice in my book as "a burst of bad editing." My publisher asked me to summarize the book in the preface, and in the summary I condensed arguments that I made elsewhere. That is why the passage Walker quotes is repeated.

Martin Morse Wooster
Silver Spring, Md.

Check Your FACs

Brian Taylor's article ("Free Speech, Blah, Blah," January 1995) probably left readers confused about the First Amendment Coalition (FAC), so let me explain it briefly. College campuses have in many cases become places where administrators, faculty, and fellow students single out certain ideas for proliferation and others for disparagement and ridicule. Too often, the disparaged ideas receive only nominal consideration (or none at all) in texts, classroom discussion, or discussion between peers in the lunch hall or dorm rooms. Also, overt acts of intimidation, such as radical groups preventing others from entering a public facility, have increased in frequency. FAC contends that such behavior is inimical to the function of the university.

FAC promotes the free discussion of all ideas, "Right" and "Left." FAC believes that the greatest learning takes place when individuals discuss ideas in an open forum. If a belief lacks merit, let that be demonstrated in earnest debate, not by individual censure.

I should remind Taylor that the FAC National Board subjected him to no political litmus test when working with him to start the FAC Binghamton chapter. I agree that the Columbia conference Taylor attended lacked widespread representation from the "Left." But FAC has worked with the ACLU, campus NOW chapters, and other traditionally left-wing organizations when our goals have agreed. Moreover, FAC invites students of all political, social, and cultural backgrounds to join in our fight.

I was bothered by Taylor's labeling FAC members "opportunistic defenders of free speech." As with many campus activists, FAC members are unpaid, hard-working college students taking time from their academic and social schedules to back a cause they believe in.

The balance of Taylor's articles consisted of *ad hominem* attacks on FAC, its leadership, its membership — even its pizza. Such unreasonable attacks are exactly what FAC hopes will diminish in the academy, to be replaced with intelligent and thoughtful argument.

Michael Francis
Cambridge, Mass.

A Word for Bedlam

As an individual who has had extensive experience with the mental health system in America, I must respond to some of Seth Farber's comments in "The Bedlamming of America" (December 1994). Although admittedly there have been many abuses in the mental health industry, some of the things Farber says in his effort to smear the entire field are inaccurate.

For example, Farber states that "no inpatient program . . . has proven effective in . . . preventing suicidal behavior." This is clearly untrue, as there have been many cases of acutely and imminently suicidal people who have been prevented from attempting or committing suicide because of the safety and structure of an inpatient psychiatric unit. Many such patients admit themselves into psychiatric hospitals voluntarily.

Farber also states that "virtually everyone who enters a psychiatric facility is forced to take neuroleptic drugs." This is also false. In most psychiatric hospitals, a large percentage of patients are not taking any neuroleptic (a.k.a. "antipsychotic") drugs. Of those who do take drugs, most do so voluntarily with informed consent.

Jeffrey I. Schwartz, M.D.
San Francisco, Calif.

The Will to Intelligence

The Bell Curve, by Richard Herrnstein and Charles Murray, is riddled with flaws, all of which were missed by Jane Shaw and Leland Yeager ("Not to the Swift, But to the Smart" and "Politically Sensitive Science," January 1995). The most glaring and the one that defeats their very thesis is Herrnstein and

continued on page 6

Letters Policy

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

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Inside Liberty

March 1995
Volume 8, Number 4

4 Letters *Liberty*'s readers talk back.

7 Reflections *Liberty*'s editors on masturbation, marijuana, adultery, sexual harassment, school prayer, and other taboo topics.

Features

17 Liberty Triumphant? Will the new Congress create a libertarian revolution? *R. W. Bradford* explains why it is possible — and why it is not likely.

20 Rothbard Remembered Nineteen friends, colleagues, and admirers remember a giant — Murray Rothbard.

29 Back in the States The health-care juggernaut that sunk in Washington, D.C., has surfaced in America's hinterlands. *Mark Rembert* reports from Tennessee, *Tom Loughran* from Washington state, and *David* and *Mary Lemke* from Oregon.

32 Stealth Health If socialized medicine *does* come to America, don't expect to see Hillary Clinton or Ira Magaziner waiting in line. *E.K. Gregory* tells where they will get their medical care.

34 A Globe of Villages *Bill Kauffman* offers an old, local, and disorderly alternative to the New World Order.

38 The Engraved Invitation Has Arrived *Durk Pearson* and *Sandy Shaw* espy a millennium. Are you coming?

43 Inside Kyrgyzstan *Douglas Casey* looks for gold in Central Asia, where the government and the Mafia are the same thing.

46 Harry, Don't Run! *John Pugsley* implores his friend Harry Browne to quit his quest for the presidency.

54 Run, Harry, Run! *Robert Prechter* explains what's wrong with John Pugsley's criticism of politics.

55 Go For It, Harry! *Douglas Casey* confesses to the evil soul that makes him support Harry Browne.

57 Sinful Taxes Is there any good excuse for excises on vices? *Roy Cordato* says no.

Reviews

59 American Spleen *Brian Doherty* contrasts the journalism of old rivals William Buckley and Gore Vidal.

63 Out of the Asylum *R.W. Bradford* searches for a spot for the madmen.

64 Praise for the Packaging *Phil Leggiere* discusses a young writer, a pretty good novel, and a case study in literary politics.

66 Pretty Great Privacy *Gary McGath* offers a few tips to cypherpunks in the making.

67 Booknotes on anarchism, Noam Chomsky, the *Whole Earth Catalog*, Michael Oakeshott, and other Tory favorites.

68 Classified Advertisements The market in miniature.

69 Notes on Contributors A glimpse at our souls — or at least our CV's.

70 Terra Incognita Weird, wild stuff.

Murray's inability to deal with human consciousness. The book divides the parameters of thinking into heredity versus environment while overlooking the human species' ability to choose to focus or not focus their mental capacities upon certain types of problems, at will.

William Voorhies
Kansas City, Miss.

Randian Psychobabble Corner

Jesse Walker's dirty little attack on Irwin Schiff ("The shaft to Schiff," January 1995) was a classic example of the psychopathology of the willing slave. As in most human activity, there is a bell curve among slaves, with those who will risk everything to get free on one end and those who not only willingly submit to slavery but actually help their masters suppress their fellow slaves on the other. Mr. Schiff is at one end, Walker the other.

Schiff knows that taxation is against the law in America, and I know it, too — not from him but from my own research. I simply go exempt at work and have since 1989. Of course, government is composed of anarchists who refuse to abide by the law, so there is always some risk.

The psychopathology of the willing slave is that he comes to loath himself for his own cowardice and turns that self-loathing outward — not toward his masters, where it should go, but toward those slaves on the other end of the curve. He not only ridicules them, as Walker does, but actually squeals on any attempt they make to get free. The classic identifying signature of the willing slave is, "A concerned citizen and a taxpayer."

The willing slave comes to love, instead of hate, his master. Walker says that he would vote for Clinton or even Gus Hall before he would vote for Schiff.

The psychopathology of the willing slave becomes a criminal psychopathology when he, for instance, sits on a jury in a political trial such as tax cases. His attitude becomes, for instance toward Mr. Schiff, "He thinks he is better than I am. By God, I'll show him."

What Jesse Walker is guilty of is a simple case of the fright and flight syndrome. He is obviously impressed, as are millions of others, by guns and goons, but he chooses to vilify those of us who are not so impressed. To me, a person who must rely upon guns and goons to get what he wants from innocent people is contemptible, not respectable or even fearsome. Such a person is making a terrible confession of incompetence, immorality, and impotence.

But the fright and flight syndrome does not come from fear of evil. It comes from the fear and hatred of the good. When a slave perceives that he cannot measure up to the good as exhibited by another human being, his reaction is to attack that other person. I've seen it happen countless times and know how to judge such persons. They are the world's Judases. I avoid them like the plague.

Westley Deitchler
Miles City, Mont.

The Great Conspiracy

That Irwin Schiff has spent time in prison for refusing to pay income taxes does not prove his legal arguments are faulty. Even in America, people can be railroaded into prison. And from what I've read, Schiff is correct in claiming that citizens residing in any of the 50 states are *not* required by law to pay federal income taxes.

How the federal terrorcrats perpetuate this hoax is a rather involved story. They have woven a very sticky web, involving disinformation and intimidation, which convinces citizens that they are required to pay a tax the terrorcrats themselves must lawfully refer to as *voluntary* (see the Note from the Commissioner, which prefaces the instructions for your form 1040).

Incredible? Where do you get *your* information? School? The media? Bill Clinton? The massacre at Waco should convince us that professional politicians of any stripe will stop at nothing to get what they want.

I subscribe to your magazine to balance the propaganda in the newspapers and television. Perhaps Jesse Walker should be writing for them.

Mitchell Stary
New Richmond, Wisc.

Vocab Quiz

In "To your health" (December 1994), R.W. Bradford uses the acronym TANSTAAFL.

At the risk of displaying my considerable ignorance, just what in the devil is he talking about?

Jack R. Kincade
Mason, Ohio

R.W. Bradford responds: "There Ain't No Such Thing As A Free Lunch."

Schumpeter Meets the Market

Jesse Walker adds a new and interesting criticism of my article "Deep Ecology Meets the Market" (November 1994) in "Creative destruction" (January 1995). He argues I depart from my liberal foundation by urging "preservationist prohibitions" rather than procedural rules. Preserving ecological communities is supposedly analogous to preserving economic communities by protectionist means. Walker argues I should allow Schumpetarian "creative destruction" within the environment as well as in the market. Otherwise I violate the logic and spirit of Hayekian liberalism.

Ecosystems and markets alike need to adapt. But if changes come too quickly, in too unusual a way, adaptation is impossible in ecosystems and markets alike. This is especially true when the disturbance comes from outside the system, arising independently of the rules that maintain the system as a whole.

The rules of the market generate the conditions within which economic communities rise, flourish, and decline. But if a sudden plague wiped out an economic community, this would not be evidence it failed economically. The threat was extraneous, big, and rapid.

An economic community undermined by government subsidies to others (say, to Minnesota wild rice growers by California's irrigated farms) is also hurt by factors extraneous to its purely economic viability. Again, the challenge is extraneous, big, and rapid. But this is not "creative destruction." Creative destruction refers to changes arising from following the rules generating and maintaining a spontaneous order.

Ecological principles generate conditions wherein biological communities arise, flourish, and decline. But the asteroid impact that apparently killed the dinosaurs does not mean they failed to adapt. The principles which generate adaptation never had a chance to operate. Again, no "creative destruction."

Similarly, an ecological community undermined by factory fishing is not injured by its "failure to adapt." Adaptation is probably impossible. Modern fishing is too rapid and too great. In addition, factory fishing is independent of purely natural processes. Again, destruction, but nothing creative about it.

By helping distinguish between changes internal to spontaneous order and those external to it, Schumpeter's point supports my argument.

Gus diZerega
Sebastopol, Calif.

Useful Feedback

This is bullshit. I despise your rhetoric and *meanness*. You are scumbags. The American people are fed up — with *you*.

Matthew D. Smith, Jr.
Brownsville, Tex.

Reflections

Oh, them big numbers — Commenting on the four-million-dollar book advance offer made to Rep. Newt Gingrich, President Clinton said that he'd earned $38,000 per year for twelve years and couldn't even think in terms as big as four million. Great, just what we need from a guy in charge of a $1.5 trillion budget! —JSR

A modest proposal — The Balanced Budget Amendment, after years of lonely support by a few conservatives and libertarians, is now making its way through the House of Representatives. But this plank of the Republicans' "Contract with America" has inspired quite a few attacks and objections. Here is a better idea. Simply deny a pension to any congressperson who served during a year in which the federal budget was in deficit. I bet we would see Congress "work together" in a remarkably efficient fashion to bring our country's debt under control. And if not, it would solve the idiotic pension problem in one fell swoop. —TWV

Slapping the flunky — Less than a month after Bill Clinton publicly mused about returning organized prayer to the schools, Surgeon General Joycelyn Elders raised a storm by remarking that, since masturbation is an important part of human sexuality, it too should have a place in the academy. She later explained that she did not mean students should be instructed in *how* to jack (or jane) off — even Elders realizes that kids are capable of figuring that out for themselves — but that they should be taught *about* it. This distinction was lost on the president (who's never been one for partnerless sex) and Elders was fired.

This decision was generally applauded by the political Right, for reasons I still don't understand. After all, Newt Gingrich and his cohorts have spent years demanding that the schools "teach abstinence." Just what do they expect these abstinence instructors to teach if masturbation is kept off the curriculum? Cold showers? —JW

Congress, rule thyself — Democrat-controlled Congresses traditionally exempted themselves from the laws they passed. So while the rest of the country sweats under the burden of the minimum wage, affirmative action, OSHA, etc., the progressive Democrats have maintained their personal fiefs as virtual plantations.

In fulfillment of its "Contract with America," the GOP Congress quickly passed a law ending these exemptions. I suppose that this was a great step forward in the corrupt world of politics. But it didn't really go far enough.

The problem with Congress' exempting itself from the laws and regulations it passes is that congresspersons never get a chance to know just how onerous those laws and regulations are. Rather than simply ending their exemption, Congress should have replaced it with a law mandating that new regulations apply *only* to Congress for a probationary period of, say, ten years. That way, Congress would have a chance to work out the kinks in laws before imposing them on the entire country.

If Congress had mandated Clinton's health care proposal for their own staffs while leaving the rest of the country alone for ten years, we wouldn't be risking the health of the entire nation. If the last few tax increases had applied only to senators, representatives, and their staffs, we would have had ten years to verify that the increases were equitable. If Medicare had been tried out on Congress and its staff for ten years, we'd have learned just how expensive the program was going to be without its threatening the fiscal security of the entire nation. And if drug laws applied exclusively to Congress for ten years, and the whole army of federal drug agents focused its efforts on congresspersons and their staffs, maybe Congress wouldn't pass so many stupid laws in the first place. —RWB

I'll take Haiti, and another slice — Have you noticed that the conservative Republican congressional leadership consists of deracinated college professors (Phil Gramm, Newt Gingrich, Dick Armey)? In twentieth-century American politics, our engaged professors have been at best innocuous statists (Paul Douglas, Paul Simon), more typically smug apologists for mayhem and militarism (Arthur Schlesinger, Jr., Henry Kissinger), and at worst . . . well, Woodrow Wilson. Not a one of this new trio had the pleasure of serving, as they say, in Vietnam, but when we drop the big one on Pyongyang all those grad-school nights of pizza, beer, and Risk will reach their logical and utterly depressing culmination. As we go marching, they grade the papers. —BK

The straight Newt — When Newt Gingrich charged that as much as 25% of the White House staff had used illegal drugs within a few years of entering government service, I believed him. Although he produced no real evidence to support his charge, it seemed plausible that many of the young Stephanopoulites, so soon out of college and grad school, had occasionally smoked a joint between student union *putsches*.

But I was appalled when Gingrich offered this as proof that there is a preponderance of "counterculture" types in the Clinton administration. For one thing, the Clinton administration is populated by the kind of people who were concerned in college with getting on the right committees, making the right friends, and getting ahead. It is hard to imagine any of this crew of class presidents, dean's listers, and fanny-smoochers lighting a scented candle, much less trying to burn Amerika to the ground.

For another, Gingrich is off his cookies if he thinks drugs are the exclusive preserve of the counterculture. I have

smoked pot with a few dozen different people in my lifetime, almost none of whom have a countercultural bone in their body. Most of them have been blue-collar, middle-class white males (including two U.S. marines!), the core constituency that Gingrich is supposed to represent.

It looks like Gingrich, who has taken up their banner, would not recognize a "normal American" if he were hit over the head with one — and is probably filled with same fear and hatred for them that animates most of our ruling class. —CS

Pretty girls, and gridlock too! — I teach a course in democratic political theory, and every semester a student will decry the state of democracy in Italy, which since 1945 has had a new government every ten months on average. "They can't get anything done," the student will say.

But what's wrong with that? By turning over governments so rapidly, the Italians have discovered a practical form of peaceful, parliamentary anarchy. It doesn't seem to be hurting the Italian standard of living, which is as high as the U.K.'s.

Imagine if the American system allowed governments to fall with such breathtaking regularity. Clinton would have been gone early last year. We might have had two governments since. Washington would be in turmoil. But everybody else would go on with life as though the politicians weren't even there. *Salute!* —JSR

Twice burned — Slowly, Marty Douma is recovering from severe burns over more than a third of his body. His accident can be traced to government regulation.

Last summer, Douma, the 49-year-old manager of a school bus company in Manhattan, Montana, was helping out at a landfill. He drove a Caterpillar bulldozer, burying garbage.

One August day a flatbed truck containing a lot of boxes drove up. A U.S. Customs inspector from Great Falls, Montana also arrived. He told Douma to spread the boxes out, crush them, and bury them. Douma started to back up the bulldozer when suddenly fire engulfed it.

Trapped in the bulldozer, Douma searched for an opening in the flames and leaped through. He survived, but his burns were so severe that he had to be rushed to the hospital, and then to the burn trauma center in Salt Lake City to begin a long and painful healing process.

The boxes, it turned out, contained nearly two tons of defective fireworks. But they hadn't been placed there haphazardly or surreptitiously. The Consumer Product Safety Commission had told the owner to dispose of them, but just burying them was not enough; they had to be destroyed. The Customs inspector was representing the Commission to make sure it was done properly.

Crushing the fireworks caused the accident. Had the owners used their own judgment and merely buried them, Marty Douma would not be spending his days in physical therapy, learning again to move his arms and fingers. (The rationale for crushing the fireworks, not just burying them, is that workers might take home the fireworks or children might find them if they were intact.)

The Consumer Product Safety Commission has responded to the accident by saying that the company owner should have done the job safely. It has also sent out memos indicating that anyone who destroys fireworks should consult with local fire officials and follow local fire ordinances. A spokesman for the CPSC said that the accident "has led us to be more precise about how to destroy fireworks." —JSS

Them wacky Democrats — In power, the Democrats were a fearful force. Out of power, they are simply silly. After the GOP won the November elections by promising middle-class tax cuts, President Clinton proposed his own middle-class tax cuts — a program almost identical to the Republican proposal he had ridiculed during the campaign. But House Democrat leader Dick Gephardt didn't want his president to hog the spotlight, so he called a press conference just prior to Clinton's so he could propose his own middle-class tax cut. A month later, after Republicans had floated the idea of a flat tax, Gephardt announced that he also favored a flat tax — although his version was heavily graduated.

As if he wanted to demonstrate how far he has strayed from reality, Clinton decided to announce his candidacy for re-election, apparently in hopes that his early announcement might prevent some other Democrat from wresting the nomination away from him. Hmm. What other Democrat would want the nomination?

Meanwhile, Hillary Clinton held an informal tea with reporters, confessing that she had botched things for her husband and asking them for help. The journalists responded to the flattering shared confidence by offering the troubled first lady their political advice and support. Unfortunately, one remembered something about reporters' responsibility to tell the truth to their readers, and that it might not be appropriate to offer public relations advice to their adversaries. The next thing Hillary knew, the story was embarrassing her in the *New York Times*. Oops.

Desperate for help, Bill turned to Tony Robbins, the toothy infomercial star who helps people lose weight, make money, and "awaken the giant within you." Tony has been amusing late night audiences for years with his hilarious half-hour spiel; my favorite part is where former football star Fran Tarkenton claims that Tony cured him of his preference for chewing tobacco over sex, though I have to admit that Casey Kasem's countdown on behalf of Tony is pretty funny too. Bill didn't reveal what Robbins told him. Perhaps he gave Clinton the reverse of his Tarkenton therapy.

The Clintons aren't the only Democrats losing touch with reality. David Kessler, head of the Food and Drug Administration, has announced that he plans to move his agency to a new complex, to be built in bucolic Clarksburg, Maryland at a cost of $675 million ("one of the largest federal construction projects ever," Kessler said). One problem with the plan: it will have to be paid for by Congress, now headed by Newt Gingrich, who has proposed abolishing the FDA. Perhaps Mr. Kessler should give a call to Donna

Liberty's Editors
Reflect

CAA	Chester Alan Arthur
RWB	R.W. Bradford
SC	Stephen Cox
BK	Bill Kauffman
JSR	James S. Robbins
JSS	Jane S. Shaw
SS	Sandy Shaw
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker
LBY	Leland Yeager

Shalala, secretary of health and human services, to see whether Dr. Shalala can find a spot for him in one of her classier loony bins. —CAA

The Gospel According to Hillary — Hillary Clinton has advised Newt Gingrich to consult the Old and New Testaments to "see how we should treat each other." Do you suppose Hillary really supports stoning homosexuals, forbidding women from wearing men's clothes, engaging in racial imperialism, and imposing a mere .2% wealth tax?

Then again, maybe she was talking about Deuteronomy 22:22 — capital punishment for adulterers. —JSR

Professional courtesy — A few years ago, while attending a conference in Aspen, Colorado, some electronic equipment was stolen from my hotel room. Since there was no sign of forced entry and the room was generally undisturbed, I concluded that the perpetrator must have been a member of the hotel staff. I reported this to the hotel's general manager, who told me there was nothing he could do.

The following year, I returned to the same conference and the same hotel, this time leaving my electronic toys at home. The young man driving the hotel van from the airport asked me whether I had stayed there before, and how I had liked it. I said the hotel seemed quite nice, but someone on the housekeeping staff had stolen from my room. "I sympathize with you, sir," he replied. "I was staying in a complimentary room earlier this year, and I forgot to leave a note to the housekeeping staff telling them I was an employee here. They stole $300 in cash from my room."

Thus I learned that hotel employees extend professional courtesy to one another, just like police officers or physicians. I have just learned about another type of professional courtesy, extended among politicians.

It seemed like an open and shut case. Sriyani Fernando and Josephine Alicog were locked in their employer's suite at the Ritz Carlton, where they were beaten and forced to act as servants against their will, forced to eat table scraps and to sleep on the floor. Ms. Alicog escaped with the assistance of an American security guard, who had told her, "Josephine, this is a free country. If you don't like your employer you can leave." Later, hotel staff and another security guard helped Ms. Fernando escape.

After their escape, Ms. Fernando and Ms. Alicog sued their former "employer" in federal court. They had numerous witnesses among the hotel staff and security guards, plus the testimony of the Houston Fire Department that their employer had locked the hotel's fire doors to prevent their escape.

What seemed like an open and shut case turned out not even to be an open case. U.S. District Judge Lynn N. Hughes ruled that the two women could not sue in the United States, even though their enslavement took place here, because their employer was a relative of the king of Saudi Arabia, and therefore immune from prosecution under the "Foreign Sovereign Immunities Act."

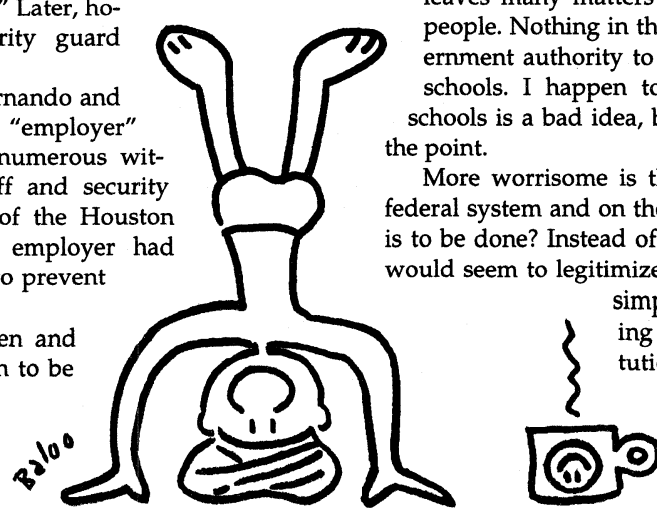

And so it is that 218 years after the United States declared its independence from class-ridden Britain, 205 years after the U.S. enacted its Constitution and Bill of Rights, 129 years after slavery was abolished, and 126 years after equality before the law was explicitly acknowledged in the Fourteenth Amendment, a federal judge dismisses a charge of slavery in one of America's great cities, on grounds that the accused is immune from the legal process because he is a relative of a foreign king.

But all is not lost. Although the judge ruled that slavery is not sufficiently serious to override the immunity granted to foreign potentates and their relatives — not if the "confinement" takes place, in the judge's words, "in one of Houston's ritziest hotels" — he did add that murder would be serious enough to override that immunity. —RWB

Ill-constituted — I oppose prayer in the public schools because it might embarrass the non-praying minority, and for other reasons. This, however, is not why I also oppose a school-prayer amendment to the U.S. Constitution. Such an amendment would seem to concede that school prayer is unconstitutional and that only an amendment can change the situation. Actually, school prayer is *not* unconstitutional. The Constitution does not forbid everything I consider unwise.

What concerns me more than school prayer or its absence is the Supreme Court's twisting and flouting of the Constitution on this and other topics. The Court has reached its present erroneous position by incrementally reading the First Amendment into the Fourteenth Amendment and by misreading the First Amendment itself. But how can an interpretation at loggerheads with the actual text of the Constitution be justified by its having emerged in a series of small steps?

Actually, the Constitution says nothing whatever about a supposed "wall between church and state." It does not even bar individual states from establishing religions. What the First Amendment does say is that "Congress shall make no law *respecting* an establishment of religion, or prohibiting the free exercise thereof" (emphasis added). Our federal system leaves many matters to the individual states and to the people. Nothing in the Constitution gives the central government authority to suppress or regulate religion in the schools. I happen to think that religion in the public schools is a bad idea, but this personal judgment is beside the point.

More worrisome is the Supreme Court's assault on our federal system and on the integrity of legal documents. What is to be done? Instead of a school prayer amendment, which would seem to legitimize the Court's abuses, I recommend a simple congressional resolution reminding the Court of Article VI: "This Constitution, and the laws of the United States which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby."

The Constitution is binding on all concerned, especially including legislators and judges. No amount of misinterpretation, however incremental, can make it say anything other than what it says. The Supreme Court should be reminded of that truth. —LBY

Uncle Tom's Cabinet — Hurrah for those Republicans who are talking up the abolition of supernumerary federal departments — though let it be said that Democrats Jerry Brown and Bob Kerrey suggested such excisions in 1992. The problem: those backwater Cabinet posts on the chopping block have been filled for almost 20 years by the Uncle Toms and Aunt Margaritas of the Diversity Brigade. Who can forget the lustrous reigns of Transportation Secretary William "Jerry Ford's Homeboy" Coleman, HUD Secretary Sam "Mr. Mayor" Pierce, Education Secretary Lauro "At Least He Wasn't Bill Bennett" Cavazos, and the current twosome of Energy Secretary Hazel "How'd She Get That Last Name?" O'Leary and Commerce Secretary Ron "That's More Like It" Brown? Attention, bootlicking lawyers of color: if these agencies are killed, you'd better all change your names to Colin Powell. —BK

Drop that baby, or we'll shoot! — There have been new developments in the sad case of Randy Weaver, the mountain man who was entrapped by the Bureau of Alcohol, Tobacco and Firearms on a minor violation of gun regulations, in hopes of forcing him to become an undercover agent among people who shared his political beliefs. Weaver didn't want to betray his compatriots. So instead of appearing for his trial, he protested by moving with his family to a cabin in the mountains, where they lived openly and peacefully.

Federal authorities didn't much care for his protest. So they invested several million dollars of taxpayer money in an elaborate system of surveillance, and planned to arrest him. They put their plan into effect on August 21, 1992. Six agents wearing body armor and carrying high-power rifles sneaked onto Weaver's property. Three of the agents threw rocks at one of Weaver's dogs. When Weaver's son came out to see why the dog was barking, the agents shot the dog. Weaver's 14-year-old son took a wild shot in the direction the shot that killed his dog had come from, and took off running for the cabin. As he ran toward the cabin, one of the agents shot him in the back, killing him.

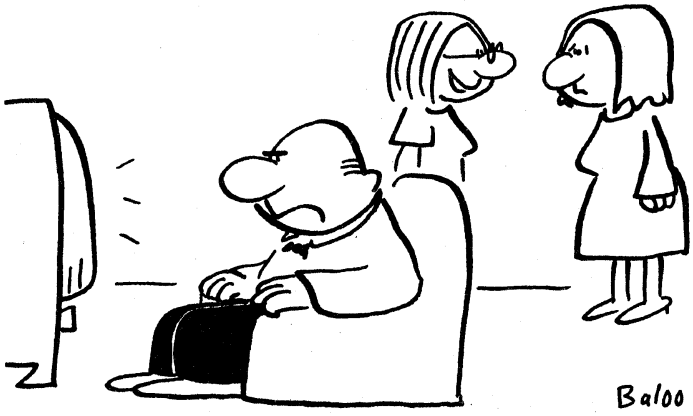

"Leonard just loves to watch the news."

Randy Weaver, his family, and a houseguest were inside the cabin when the shooting took place. Under the impression (correct, as it turned out) that they were under military attack, they shot back. Kevin Harris, the houseguest, shot one of the attackers, killing him. The authorities retreated, sealed off the area, and called for reinforcements. The FBI arrived and took charge.

But this was not the FBI that we saw on television or read about in juvenile fiction, or even the FBI of adult fiction (headed by wacky transvestite J. Edgar Hoover). This was an FBI that decided the proper course of action was to set a policy of assuming anyone from the cabin, armed or not, was a deadly threat. The orders were given: Shoot on sight.

The next day, Weaver went to the shack near his cabin where his son lay dead. As he opened the door, he was shot from behind by an FBI sniper. He struggled back to the cabin, where his wife Vicki stood in the doorway, holding their ten-month-old daughter. The FBI sniper saw an opportunity to get a clean shot at Mrs. Weaver. Mindful of his deadly orders, he fired a bullet into her brain. It was an easy shot. The FBI sniper, Lon Horiuchi, later testified in court that he could hit a target smaller than a dime at 200 yards. Vicky Weaver crumpled to the floor, dead; what had been her head was now a bloody pulp. Horiuchi fired another shot, but his target was moving; he wounded Kevin Harris, but not mortally.

Weaver made it back into the cabin. The FBI continued its siege. Ten days later, Weaver surrendered to Bo Gritz, Weaver's commanding officer in Vietnam, who had agreed to act as an intermediary. Weaver and Harris were charged with murder and put on trial. During the trial, it became evident that the FBI had manufactured evidence, told lies, and tried to cover up its deadly assault. Weaver and Harris were both found innocent.

Not surprisingly, the Justice Department ordered an investigation by its Office of Professional Responsibility. On December 12, the OPR released its 542-page report. It found that the FBI's deadly assault on Weaver, his wife, his children, and Harris violated not only FBI internal procedures, but also the Constitution of the United States.

FBI Director Louis J. Freeh reviewed the evidence and concluded that Larry A. Potts, the agent in charge at the siege, should be punished. After all, he had violated the supreme law of the United States, murdering an innocent woman in the process. So a suitable punishment was found: an official "letter of censure" would become part of Larry Potts' permanent file. This was tough punishment indeed — Freeh himself had suffered the same fate when he lost a cellular phone. At the same time, Freeh promoted Potts to the position of chief deputy of the FBI, perhaps to lessen some of the sting of punishment.

The FBI agent who murdered Vicki Weaver was not disciplined. An internal FBI investigator ruled that Lon Horiuchi's sharpshooting was justified, since he had "reason to believe his life was in danger." After all, Mrs. Weaver was holding a baby in her arms. For all Horiuchi knew, the baby was armed. —RWB

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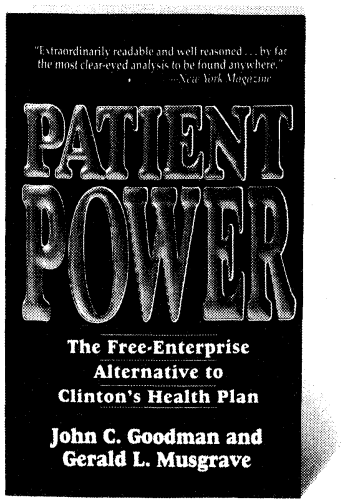

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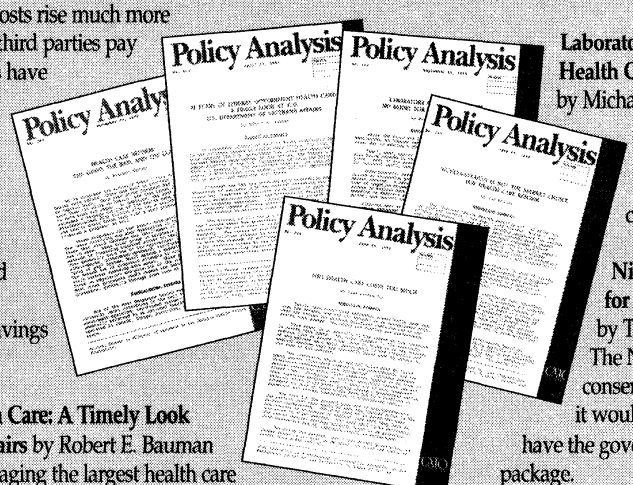

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light, or when seen from such and such a perspective. They are simply and literally *true.*

But just before our last issue was scheduled to be sent to the printer, I woke from a deep dream of peace and realized that my article on the November elections contained . . . an inaccuracy! Horrified, I lurched for the phone, dialed the publisher, and confessed my error — only to be told that the issue had gone to press two hours early. (*Liberty* is not just literally true but punctually true.) My error could not be expunged. I awaited an avalanche of mail from indignant readers.

Imagine my surprise when no one — not one single person — wrote in to complain that when I compared the Democratic Party to an old mud turtle, I referred to turtles as *amphibians,* when all the world knows they are *reptiles.*

Why this chilling lack of response?

Many readers were probably so shocked by my error as to be rendered incapable of action. When trust is gone, the spirit dies. If this is what happened to you, I want you to know that I feel your pain.

Other readers, I'm sorry to say, may not have appreciated the gravity of the situation. Some of you (forgive my suspicions) may take a sloppy, slovenly approach toward zoological distinctions. "Cox," you may have thought, "seems to believe that turtles are amphibians. They're not, of course, but what the hell! Why shouldn't they be? They live on both land and water, don't they? At least some of them do. So Cox is close enough. When he calls a cow an amphibian, then I'll write in to complain."

By the use of such logic, all will be lost. I, too, am hard pressed to think of any reason why turtles should not be classified as amphibians, but that doesn't mean that that's what they are. If writers can get away with calling turtles anything they want to call them, the next thing you know someone will be spelling Hillary Clinton's name with one "l" or referring to her husband as a giant ground sloth. (There are certain resemblances.)

Temptations surround the authors of *Liberty,* and it's up to our readers to help us retain a proper discipline. We can't do everything all by ourselves — not unless we raise subscription rates enough to hire some writers who can actually read a dictionary.

But let me be more candid still. My worst suspicion about you, the reader, is that you fail to identify mistakes in *Liberty* because you fail to read it in the first place. If that is true (and I hope, for your sake, that it is not), please ask yourself: How much will *Liberty* have to raise your subscription rate if we have to start hiring *readers*? —SC

The gated playscape — The January 1 *New York Times* reported a new trend: commercial playgrounds. These are indoor playgrounds where children can crawl and swing and jump into piles of plastic balls. (They resemble the play areas you can find at McDonald's, and McDonald's is, in fact, part owner of one chain of these playgrounds, Discovery Zone.) According to the *Times,* these "playscapes" have mushroomed over the past five years.

Is the advent of commercial playgrounds ("the privatization of child's play," says the *Times*) a good or bad thing? In

continued on page 14

Liberty . . .

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Searching for Liberty in Small Town America: **R.W. Bradford, Bill Kauffman, Durk Pearson & Sandy Shaw** (Video: V102; Audio: A102) Can freedom be found in the rural U.S.A.?

Searching for Liberty Around the World: **Doug Casey, Bruce Ramsey, Jim Rogers, Scott Reid & Ron Lipp** (Video: V103; Audio: A103) How freedom is faring in other corners of the globe . . .

Searching for Liberty in a Virtual Country: **David Friedman, Doug Casey, R.W. Bradford, Pierre Lemieux & Scott Reid** (Video: V104; Audio: A104) If we can't find a free country, we may have to invent one . . .

The Economy of the Twenty-First Century: **Jim Rogers, Victor Niederhoffer, David Friedman, Doug Casey, Harry Browne, R.W. Bradford, & Leland Yeager** (Video: V105; Audio: A105) How will the economy fare over the next 100 years, and how can investors protect themselves?

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Pop Goes the Culture: **Jesse Walker, Brian Doherty, Gary Alexander & Timothy Virkkala** (Audio only: A108) Is there room for individualism in contemporary pop culture?

Global Trade or Globalony? **Fred Smith, Brian Doherty & John Baden** (Video: V109; Audio: A109) Do trade agreements like GATT promote free trade or statism?

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How Long Can We Bear Arms? **Pierre Lemieux, Clark Stooksbury, R.W. Bradford, John Bergstrom & Jesse Walker** (Video: V110; Audio: A110) How to protect our right to guns — and a few other weapons . . .

Looking to 1996 — and Beyond: **Robert Higgs, Doug Casey, Gary Alexander & R.W. Bradford** (Video: V111; Audio: A111) What happens next in American politics . . .

Talks

Chaos and Anarchy, by **J. Orlin Grabbe & Pierre Lemieux** (Video: V112; Audio A112) The religion and science of unpredictability . . .

Will the Death of Liberalism Bring a New Birth of Liberty? by **R.W. Bradford** (Video: V113; Audio: A113) Liberalism is on its last legs. Is statism?

How Hillary Got Rich, by **Victor Niederhoffer** (Video: V114; Audio: A114) The ins and outs of the commodities market . . .

The Next Hundred Years, by **Doug Casey** (Video: V115; Audio: A115) The world according to Doug Casey, iconoclast extraordinaire . . .

Anarchy via Encryption, by **David Friedman** (Video: V116; Audio: A116) How new encryption technologies will erode the power of the state . . .

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my view, the answer is mixed.

It's good because it is another example of how the market responds to consumer demand. For a modest price (about $6 a day), the private sector can provide supervised, healthy activity. Furthermore, the playgrounds vividly illustrate the fact that private property is better managed and protected than public property — public playgrounds are, essentially, commons.

The unfortunate part is the fact that such playgrounds are needed. While one reason for them is the growing demand by busy parents for more day care, the most important factor is fear of crime, according to *Times* reporter Iver Peterson. Parents want to make sure that their children are playing in a safe place.

Indeed, the new private playgrounds remind me of the chief prediction of *The Bell Curve*: that the U.S. is heading toward a condition in which elites use all the power at their command, public and private, to protect themselves against the underclass. The present symbol of this protection is "the gated community, secure behind its walls and guard posts." Sadly, private playgrounds fit right in.

A libertarian can argue that we shouldn't have public playgrounds to begin with, but that doesn't make it acceptable for children to have to worry about being molested or mugged. The best lesson I can draw from this trend is that as civil society deteriorates, whatever help is found will come from the private sector. —JSS

Sic Transit Gloria Steinem — You have to expect radical feminists to protest vigorously when a woman in the public eye is exploited by an estranged lover who publishes pornographic photos of her. It stands to reason that activists would raise hell when the man asserts that the woman, who is embroiled in a sexual harassment suit, "enjoyed sex," thereby sanctifying anything her harasser did. This frustrated, spurned boyfriend is making money off private photographs, thereby objectifying, commodifying, dehumanizing the woman. The feminist protests should be deafening.

So where are the marches, where are the full-page ads, where are the screams of indignation over the treatment of Paula Jones? —JSR

Dirt Nazis — When the U.S. Department of Agriculture achieved cabinet status in 1889, it consisted of 3,000 employees. At that point, America had contained about five million farms. Now the department has accumulated approximately 125,000 bureaucrats, while the country has about two million farms. By the year 2060, there will be no farms left in the United States, but every man, woman, and child will be required to wear overalls and a straw hat.

By the year 2060, there will be no farms left in the United States, but every man, woman, and child will be required to wear overalls and a straw hat.

Perhaps the Founding Fathers were investing too much faith in their posterity when they didn't feel the need to create a federal agency to determine how we use our dirt. Today, the USDA doesn't just tell us how to use our dirt: it's willing to back up its opinions with guns. Or at least one of its agencies — the Forest Service — is. Apparently bored with extinguishing fires and picking up old Doritos bags, the Forest Service has somehow acquired police power.

I discovered this on a motorcycle excursion into one of our national forests. Popular wisdom has it that motorcycles are an affront to nature, and that someone like me would be better off riding through the forest on a horse. So far as I can tell, though, there's only two significant differences between a motorcycle and a horse: (1) it's nearly impossible to locate replacement parts for horses, and (2) I seldom step in motorcycle excrement.

The kind of motorcycle I ride, commonly called a "dirt bike," used to function under the same legislative barriers as horses: none. But on this trip, a Forest Service official went out of his way to inform me that my bike needed a license plate and that I needed to be carrying proof of insurance. If I didn't comply, he could issue me a ticket for $1,200. He even showed me his stack of tickets, with immense pride.

Please note: I wasn't cruising down Broadway on a YZ-250. I was in the middle of a forest, isolated from human society. The only roads around were five feet wide and paved with pine cones and bugs.

People say, "Ignorance of the law is no excuse." But this time, it sounded like a pretty good excuse to me. I mean, Roy Rogers never had to get a license plate for Trigger. Would a jury of my peers convict me? Not if I could get the trial

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moved to Los Angeles, where all the fun jurors are.

This whole problem could be avoided if we didn't have a Department of Agriculture. And we *wouldn't* have one, if our Supreme Court justices would read the Constitution they're supposed to be interpreting. It's right there in the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." I've perused the document, and can find no reference to federal supervision of farms, let alone dirt-bike trails.

But as long as the feds are more concerned with incinerating religious groups and molesting Senate staffers than abiding by their constitutional constraints, I may have to trade my Yamaha in for a horse. If the Forest Service tries to make me get a license plate for *that*, they can take it up with People for the Ethical Treatment of Animals.

—*Guest reflection by* Damon M. Hunzeker

Slick's willy — It's official: Paula Jones can sue Bill Clinton for sexual harassment, but the trial will have to wait until after the president leaves office. I suppose that this is the most reasonable solution anyone could have come up with, and that U.S. District Judge Susan Webber Wright deserves our applause. But I still feel let down. Remember, this case may turn on Ms. Jones' ability to describe correctly Mr. Clinton's genitalia — which means that sooner or later, the president may have to drop his drawers and enter his John Thomas as evidence.

In her decision, Judge Wright cited English Common Law. I'd have preferred she went a little further afield, and cited Bob Dylan: "Even the president of the United States sometimes must have to stand naked." —JW

Sitting bullshit — I take second place to no one in my disdain for the tendency known as political correctness, but some commentators spot it where it doesn't exist. In the January 23 edition of *National Review*, a commentary about attempts to bring "diversity" to the national parks contains a casual comment making fun of the recent decision to change the name of "Custer National Monument" to "Little Bighorn Battlefield."

Sorry, *National Review* — this strikes me as a fair and sensible change, in light of the fact that the site is within the confines of a Crow reservation and that Custer's forces were soundly defeated by the Indians. Removing the name "Custer" is no more P.C. than the fact that most southern states — defeated in war, if not massacred to the extent that the Indians were — contain more commemorations of Stonewall Jackson than of William T. Sherman. —CS

Genes, schmenes — For a long time now, many criminals have claimed that their behavior wasn't their fault, that their bad environments "made" them commit crimes. Now that the genetic bases for some kinds of behavior are becoming widely accepted among biological scientists (though not necessarily among social scientists), you will see more of the novel argument made by Georgia murderer Stephen Mobley's lawyers: that his genes "made" him kill. (See the November 15, 1994 *Wall Street Journal.*)

Mobley's family is loaded with people who have committed rape, burglary, murder, suicide, etc. His lawyers argued that "genes help regulate the body's production of neurotransmitters, or brain chemicals, that affect behavior." That is true, as far as it goes. One's biochemistry could predispose one to become violent. You could get a similar effect by being severely deficient in vitamin C or vitamin B-6 or copper or folic acid, which are required for the brain's manufacture of such neurotransmitters as noradrenaline, dopamine, and serotonin. Or you could have pellagra (a severe deficiency of vitamin B-3), which would make you irritable and easily provoked. *Hey, it's not my fault. I have a vitamin deficiency.*

But behavior does not come from nothing. Genes and biochemistry provide the working machinery that permits behavior to take place. Because of the limitations of this machinery, people have particular behavioral biases or predispositions. But to believe that genes and brain chemistry actually make the decisions is to imagine that people are hard-wired like insects and, like insects, cannot vary from fixed behavioral decisions.

To believe that genes and brain chemistry actually make the decisions is to imagine that people are hard-wired like insects.

You don't even need to argue over "free will" to deal with the problem. If somebody is "determined" by their genes and biochemistry so that they can't help going about killing people, then they should be locked up or killed (preferably by citizens defending themselves). Most people with predispositions to commit violence usually do so at a very young age and either learn to control themselves or end up dead or jailed. —SS

From Russia, with blood — In 1991, in these pages, I called for rescinding Mikhail Gorbachev's Nobel Peace Prize. But Gorby was a veritable peacenik compared to his successor, Boris Yeltsin. When the tide turned against Gorbachev in Party Congresses or the Supreme Soviet, he found ways to outmaneuver his opponents politically. When the Russian parliamentarians challenged Yeltsin, he called out the troops and pumped tank shells into their offices. As the Soviet republics began to split off from the U.S.S.R., taking land, resources, and even nuclear weapons with them, Gorbachev grumbled but didn't resist. When Chechnya, a minuscule "autonomous region" in the Caucasus with a fraction of the national wealth of Kazakhstan tried to do the same thing, Yeltsin sent in the army. When ground commanders took umbrage at being ordered to attack civilians who had taken no offensive action, Yeltsin sacked them and sent in the air force.

In hindsight, one misses Gorbachev and his bloodless political gambits. If you seek an image to symbolize Boris Yeltsin's presidency, go no further than a blood-spattered child crying over the shattered body of his mother, killed in a daylight raid on a Grozny vegetable market. —JSR

Pulp faction — As I write, the 1995 Oscar nominations aren't in yet, but three movies are considered frontrunners: *Pulp Fiction, Quiz Show,* and *Forrest Gump.* I

hope *Pulp Fiction* takes the honors, not just because it's the best movie, but for political reasons.

The message of *Quiz Show* is that television substitutes a false, manipulative spectacle for reality. In order to make this point, it tells a false, manipulative history of the 1950s quiz show scandals, featuring as its hero a government bureaucrat who in real life went on to be a presidential speechwriter — that is, an inventor of false, manipulative political spectacles. *Quiz Show* symbolizes corporate liberalism in all its gory glory: sanctimonious, hypocritical, strangely popular, and reasonably well-acted.

The message of *Forrest Gump*, on the other hand, is that it's better to be retarded than to be a hippie. No wonder so many conservatives (Pat Buchanan, Richard Grenier, *National Review*) have claimed this movie as their own. If *Quiz Show* is quintessentially liberal, then *Forrest Gump* sums up Beltway conservatism: inoffensive, predictable, trite, and kind of dumb.

Defeating these two pictures means defeating the two-headed monster of mainstream liberalism and conservatism. Whatever you may think of *Pulp Fiction*, you have to admit it's . . . different. Which is just what this country needs. —JW

Redistributing intelligence — I haven't finished reading Charles Murray and Richard Herrnstein's *The Bell Curve*, but I have read enough of it to know that most of the criticism of the book is bizarrely wrongheaded.

Murray and Herrnstein argue that there is such a thing as intelligence, that it is an important element in what makes an individual successful in this world, that intelligence is measurable, and that it is partly genetic. These are all empirical propositions, and the authors spend most of their book marshalling empirical evidence in support of them.

Yet most of the criticism does not substantially challenge their science. Most criticism consists of attacks on the persons of Murray and Herrnstein, along with handwringing along the lines of "Isn't this awful racist stuff that will undermine democracy?" Typical is the criticism of former *Wall Street Journal* editor Jude Wanniski:

> In fact, the only reason there is controversy about the Murray thesis is his assertion that intelligence is partly inherited . . . this leads to the logical conclusion that the clear disparity in IQ between white and black Americans . . . can be offset only through many generations of miscegenation.
>
> It also condemns all black Americans, *as a class*, to several generations of inferiority while they try to find superior white spouses with whom to mate if they want to catch up with whites, as a class. . . .
>
> It has not been 20 years since every white adult male I knew was certain we would never see a black quarterback in the NFL. They could jump and run, block, and tackle, but did not have it between the ears. How quickly black quarterbacks and black NFL coaches seem to evolve. (*Wall Street Journal*, Dec. 30, 1994, italics in original.)

My first response is to wonder what sort of friends Wanniski had 20 years ago. *My* adult male friends in 1975 didn't believe that that blacks were incapable of quarterbacking. (They also would have added passing to the list of skills needed by quarterbacks.)

But Wanniski is wrong at a much more fundamental level. It makes sense only if the fundamental units of society are racial classes, engaged in competition as races. This racism is explicitly eschewed by Charles Murray, who is careful to note that he believes that at both the personal and institutional level, all people ought to be treated as individuals and judged by their individual merit.

Intelligent people of all races would tend to rise in the professions to levels above stupid people of all races. Tom Sowell would have no trouble competing against Dan Quayle.

The Murray-Herrnstein thesis would be purely "academic," without implications for public policy, if the United States had a uniform public policy of non-discrimination on account of race. Each individual might be concerned about where he fits in along the bell curve, but the issue would have nothing to do with race. Intelligent people of *all* races would tend to rise in the professions to levels above stupid people of all races. Tom Sowell would have no trouble competing against Dan Quayle. If American public policy were non-discriminatory (i.e. individualist), the thesis that African-Americans are on average less intelligent than Euro-Americans would be of no more interest than the thesis that African-Americans on average have a greater aptitude for basketball than do Euro-Americans.

But America does not have a public policy of non-discrimination. A whole panoply of laws require discrimination in favor of African-Americans, based on the dubious theory that whenever white people are more prosperous at a trade or endeavor, part if not all of the explanation is that they are the beneficiaries of historic discrimination against African-Americans. Such "affirmative action" laws require businesses and governmental bodies take specific action to bring up the success

continued on page 33

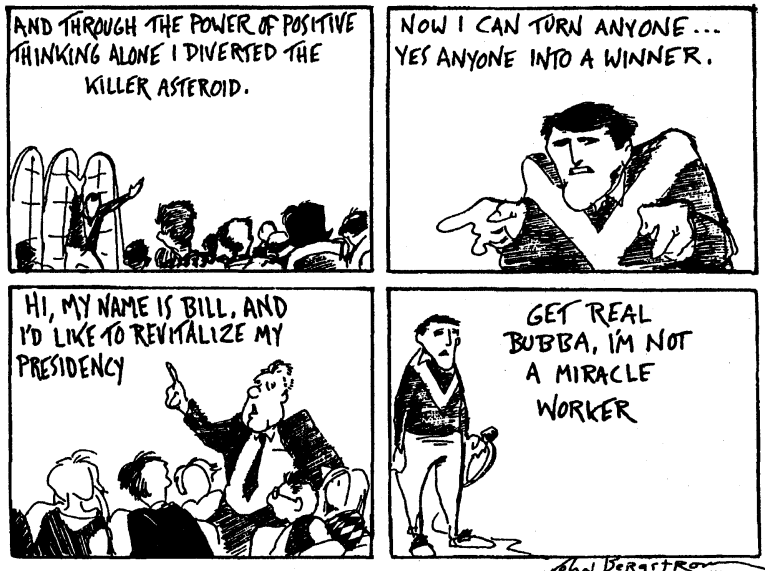

Liberty Triumphant?

by R. W. Bradford

It was the worst of times for Libertarians — and, perhaps, the best of times for libertarians.

In the run-down row house in a Washington, D.C. slum that serves as the Libertarian Party's national headquarters, the mood was grim. The November election had passed, and the American people had passed the Libertarians by.

The voters had been fed up with big government, higher taxes, and increasing regulation. They were in the precise mood that LP leaders had hoped for, had dreamed of. Finally, the voters seemed to agree with libertarian attitudes on just about every issue. State after state had passed term limits. Tax increases had gotten nowhere, and several states had passed measures restricting future tax increases.

The LP had managed to find an unprecedented number of especially attractive candidates. Party functionaries had worked hard. Party members had dug deep into their pockets. Finally, objective conditions had seemed perfect for the LP. 1994 would be the LP's "breakthrough" year.

But when the voters went into the voting booth, they ignored the LP lever, as usual. Instead, they voted for Republicans. When the networks reported the returns election night, the LP was as invisible as ever.

In the days after the election, party functionaries were almost immobilized, sitting around their offices muttering darkly about giving up on the LP. It was days before they could return to work churning out optimistic press releases, sending fundraisers to the faithful, putting on a brave face to the world.

Across town, in the bright modern offices of the nation's press corps, news reporters and analysts looked at the same election results and saw a great victory for libertarianism. Karen Hosler of the *Baltimore Sun* observed that the libertarian idea of "minimalist government . . . was once on the fringe but now seems closer to the mainstream of congressional thought." *The Wall Street Journal* reported that "the libertarian vision of limited government is the dominant ideological strain within the House majority." This appeared in a front-age *news article* — not on the *Journal*'s editorial page, which often expresses sympathy with libertarian ideas.

E.J. Dionne of the *Washington Post* looked at the same election results and saw a great victory for libertarianism:

> The emergence of the libertarian Republicans is the story of one of those quiet intellectual revolutions that can have enormous political impact. Libertarianism is attractive, especially to intellectuals, because of its rigor and consistency. [Representative Dick] Armey, for example, dislikes almost all government programs equally, which is why he allied himself with northeastern liberals to fight farm subsidies. In electoral terms, it is attractive to those well-off professionals who have nothing in common with the religious right but would just like to be left alone. And its moral code — that everyone should be responsible for himself or herself and expect no help from the state — has a certain clarity and finality. Tearing down the state, they insist, will work wonders.
>
> Libertarian Republicans may thus pose a far greater political and intellectual challenge to Democrats than either traditional conservatives or the religious right.

Of course, this is not the first time that libertarian ideas seemed to be on the ascendancy. Two decades ago, when an out-of-office Ronald Reagan called his political philosophy "libertarian" in an interview on *60 Minutes*, Mike Wallace responded cynically that libertarianism was "in" at the time. A few years later, Reagan was elected president, with such libertarians as Martin Anderson and Dana

Rohrabacher among his personal staff and libertarian academics in powerful positions in his administration.

But somehow the promise of a renewal of liberty was never fulfilled. The Reagan (and Bush) years saw tremendous growth in the size and power of government. In the name of the war on crime and the war on drugs, individual rights were destroyed. In the name of a stronger America, military intervention became the order of the day. Government spending rose even faster than taxes, more than quadrupling.

Libertarian Party functionaries were almost immobilized, sitting around their offices muttering darkly about giving up on the LP.

The election of Ronald Reagan hurt the libertarian movement in two ways, both arising out of his widespread identification as a libertarian. Among those who had sympathized with libertarian ideas, his election touched off a certain euphoria that made them less inclined toward activism or philanthropy. Among the general public, libertarianism was identified with Reagan's program, including elements that were not libertarian; the perceived failure of Reagan's programs was often blamed on libertarianism.

Will history repeat itself? Will the Republican triumph in the 1994 elections have the same short-term impact as the Reagan election? Will the Republicans fail to cut taxes, reduce spending, and stem the erosion of liberty — thereby discrediting libertarian ideas? Will marginal libertarians again abandon activism?

Before jumping to these easy conclusions, let's consider how different things are in 1994 from 1980.

The Fin de Siècle Difference

There are at least three major differences between the Republican victory in 1994 and the Reagan election in 1980. The Reagan election brought the office of the presidency back into Republican hands, where it had resided 16 of the previous 28 years. It brought the Republicans a small majority in the Senate, but left Democrats with a supermajority in the House, and with most governors and state legislatures. The Republican victory in 1994 was much broader. In its wake, Republicans had solid majorities in the House, the Senate, the nation's governorships, and even most state legislatures. The only major institution under the control of the Democrats is a much-weakened presidency. Obviously, the Republicans are in a much better position to implement their program.

Ronald Reagan ran for office on a conservative platform. But presidential candidates traditionally run on platforms with considerable ideological content. Platforms are drafted by the national convention of the nominating party, usually reflecting the ideological and financial interests of most constituents of the party. After the nominating convention they are traditionally ignored. Furthermore, in 1980, Reagan was immensely popular at a personal level, while his opponent was personally unpopular. As a result, Reagan's victory was widely perceived as only marginally ideological.

In contrast, the stunning GOP victory in 1994 was based on Newt Gingrich's brilliant idea of nationalizing the elections by getting Republican candidates to agree on a "Contract with America," a specific agenda of programs for reducing the power of government. Clinton and the Democrats played into Gingrich's hands by campaigning against the Contract, leaving no doubt in anyone's mind that it was the subject of the election.

Furthermore, no one could suggest that the popularity of the Republican leader was a factor. Most Americans had never heard of Newt Gingrich, and of the few who were familiar with him, most had vaguely negative feelings. The 1994 election was the most issue-oriented in recent history, and it was also the most decisive.

So the Republicans of today have two major advantages over the Reaganites in 1980. They have greater control of the institutions of power, and they have a much greater popular mandate. And they enjoy one additional advantage: in 1980, the United States was involved in a Cold War with the Soviet Union, a war to which Republicans were committed and Democrats were not. To get money to fight the Cold War, Republicans were willing to pay the price demanded by the Democrats who controlled Congress: capitulation to the Democrats on many domestic programs.

Today, there is no Cold War. The United States is virtually the only great military power in the world. The Soviet Union no longer exists. Its successor, Russia, is having difficulty putting down an armed rebellion by a defiant province containing only 1.2 million people — less than 1% of Russia's total population. Chechnya has about the same proportion of Russia's population as Wayne County, Michigan has of America's. Can you imagine how long it would take the U.S. Army and Air Force to recapture Wayne County?

The Republicans of 1994 are much more ideologically committed than the Reaganites of 1980. Many of the old-line Republicans used to picking up scraps as members of a minority party accustomed to defeat have retired. Their places (and the places of ousted Democrats) have been taken by hard-line conservatives, unwilling to make compromises of the sort Bush and Reagan made on taxes, spending, environmental regulation, and a host of other issues.

My own attitude toward Cato can be summed up in a cliché: It's dirty work, but somebody has got to do it.

There's one more reason to be optimistic about the next two years: the emergence of the Cato Institute as one of the most influential think tanks in the United States. It is almost impossible to pick up a newspaper these days without reading about the Cato Institute:

- "Cato Institute's Influence Grows in Washington As Republican-Dominated Congress Sets Up

Shop" (Headline, *The Wall Street Journal*)

- "One measure of libertarianism's rise is the growing role of the Washington-based Cato Institute as a generator of ideas that find themselves into Republican legislative proposals and rhetoric." (Analysis, the *Washington Post*)
- "Cato is well-connected. . . . Its influence is on the rise because its fundamentalism offers Republicans a reminder of the true faith." (Editorial, *The Economist*)
- "Maybe the word 'conservative' does not apply to these new Republicans at all, said Edward Crane III, head of the Cato Institute, a libertarian think tank advocating minimalist government, which was once on the fringe but now seems closer to the mainstream of congressional thought." (Analysis, the *Seattle Times*)

It took a lot of hard work and vision for Cato to attain this status. Cato was founded in San Francisco in 1977 as a sort of omnibus libertarian think tank. For years after it moved to Washington, D.C. and began to reposition itself as a policy institute, it was a fringe player on the American political stage. Only in the past few years has it managed to capture the limelight.

Libertarians have a curious attitude toward Cato. Most are pleased that Cato is hard at work, day-in, day-out, criticizing just about all government intervention, whether into the economy, the intellectual marketplace, or foreign nations, and offering libertarian policy alternatives to those interventions. But many libertarians' feelings about Cato are more complex.

"There have always been some Indians who like to hang around the fort," was Russell Means' answer when I asked him his opinion of Cato. Means' colorful metaphor illustrates many libertarians' attitudes. By hanging around Washington and dealing mainly with news media, elected officials, and their staffs, Cato seems like it has been corrupted by its dealings with politicians and the media.

I personally don't worry much about Cato's mortal soul. In its 15 years in Washington, Cato has remained true to its libertarian principles in virtually every situation. Sure, it has sometimes advocated policies that merely roll back the power of government when I prefer a more radical approach. But Cato is operating within a different milieu, and while Monday-morning quarterbacking is fun and sometimes enlightening, it is pretty plain that Cato has been consistently, persistently libertarian in a situation where the temptations to abandon principle have been omnipresent.

My own attitude toward Cato can be summed up in a cliché: It's dirty work, but somebody has got to do it. Concocting criticisms of every depredation thought up by nitwit politicians, developing programs to roll back the state, and sucking up to the media and politicians doesn't sound like fun to me. But I am glad that someone is doing it. And gladder that they are doing it so well.

"There have always been Indians who like to hang around the fort," said Russell Means.

In sum, the 1994 GOP has greater power, fewer distractions, a greater mandate, and greater ideological commitment than the Reaganites of 1980. And it looks to the Cato Institute for ideas on policy. Sounds like paradise, right?

Not exactly. Even with all these advantages over 1980, the 1994 model Republican still faces serious obstacles. And the problems don't come from the Democrats, who seem to have imploded into a sort of bankruptcy, intellectual, moral and political.

The Seductive Poverty of Welfare Statism

I refer, of course, to the problem of the ballooning national debt, which can be solved only by reducing (or eliminating) middle-class entitlements, which currently consume approximately $750 billion each year. Many politicians realize that the debt is a problem that can be dealt with only by reducing entitlements. But they are painfully aware of the fate of politicians who actually propose reducing middle-class entitlements.

In mid-December, the Bipartisan Commission on Entitlement and Tax Reform finished its investigations. The 32-member commission quickly identified the problem, and developed 52 different proposals to bring entitlement spending under control. The result was an orgy of complaints from the recipients. And there are a lot of recipients: the *average* American family receives more than $10,000 per year in entitlements.

In a show of courage typical of American politicians, the Commission never even voted on whether to endorse any of the proposed cuts. In the end, the Commission decided not even to issue a report. Instead it sent a letter to President Clinton, ominously warning that "tough action is needed sooner rather than later."

The problem is epitomized by a *Wall Street Journal*/NBC poll conducted just as the Bipartisan Commission threw in the towel. The survey reported that 59% of respondents favor cutting entitlement spending, with only 32% opposed. But when asked whether they favor cutting specific programs (Social Security, Medicare, Medicaid, and farm subsidies), only 23% favored cuts, with a whopping 70% opposed.

So while the Republicans might manage to cut back around the periphery of the state, the problem of our burgeoning national debt will almost certainly remain unaddressed. Unfortunately, it is a problem that will eventually make the other problems seem very small. When entitlements and interest on the debt take up 75% of all tax revenues, the pressure for even higher taxes and the consequent decline in productivity will likely lead to an economic crisis. And like past economic crises, the ultimate result will probably be a tremendous increase in state power.

If entitlements aren't reduced, that crisis will occur less than 20 years from now. And the outlook isn't very good. The GOP has controlled Congress for barely one week, and already GOP leaders have backed down on cutting the pork from the Small Business Administration, reducing farm subsidies, and even their promise to sell off a surplus House of Representatives office building. ❑

Encomia

Murray N. Rothbard 1926 – 1995

Murray Newton Rothbard was born in New York on March 2, 1926. As a child, he rejected the socialism that dominated his environment. At Columbia University in 1948, he helped organize Students for Thurmond. (Strom Thurmond ran that year in protest against the racial integrationist policies of Harry Truman.) Rothbard became a libertarian shortly thereafter, largely through contact with the Foundation for Economic Education.

During the 1950s, while pursuing his doctorate at Columbia University, he attended Ludwig von Mises' famous seminars on Austrian economics at New York University, where Rothbard organized like-minded students into an informal group he called the Circle Bastiat. In 1957, he joined Ayn Rand's circle, along with other members of the Circle Bastiat. Within a year he broke with Rand, along with some other members of his group.

Rothbard's libertarian thinking was grounded in a theory of absolute individual rights virtually identical to Ayn Rand's. But unlike Rand, Rothbard was convinced that this rights theory led to anarchism. He also differed from Rand — and from most libertarians — in his radical and principled anti-interventionism in international affairs, and his belief that the United States was the aggressor in the Cold War.

As a result of these beliefs, Rothbard and his circle were isolated from the nascent libertarian movement of the early 1960s, which generally sympathized with America's anti-Communist foreign policy. In 1964, in a famous letter to Liberal Innovator, *the major libertarian publication of that period, Rothbard denounced both Barry Goldwater (whose candidacy was generally supported by libertarians) and the conservative movement as "the pre-eminent enemies of liberty of our time," concluding that "those libertarians who believe in taking part in the political process should bend their every effort to defeat Barry Goldwater and all Goldwaterite candidates in November."*

During the late 1960s, as the Vietnam War escalated, most libertarians moved toward Rothbard's opposition to foreign intervention, though Rothbard's views on the U.S. as universal aggressor remained unpopular. During this period, Rothbard and his friend Leonard Liggio refined their position in their magazine Left and Right. *In 1968, former Goldwater speechwriter Karl Hess embraced Rothbard's views, and the two led many libertarians toward alliance with the political Left and toward an increasingly revolutionary position. In 1969, he and Hess launched* The Libertarian *(later* The Libertarian Forum*), a biweekly newsletter, and organized the Radical Libertarian Alliance. Rothbard's circle now numbered in the hundreds. At the 1969 convention of Young Americans for Freedom, a conservative student group, RLA members precipitated a walkout of libertarians, an event that some consider to be the birth of the modern libertarian movement.*

But Rothbard and Hess differed over strategy, and in 1970 they ended their alliance. When the Libertarian Party was organized in 1971, Rothbard was at first hostile. But in 1973 he changed his mind, joined the party, and quickly became its ideological leader and most celebrated member. He wrote for its newspaper, was a member of its National Committee, and attended its conventions. He remained the single greatest influence on the Libertarian Party for the next 16 years, always taking pains to see that it adopted his strategy, that its platform reflected Rothbardian views.

It was at this time that his influence on the libertarian movement peaked. In addition to his role in the LP, he wrote a regular column, "The Plumb Line," for Libertarian Review*; he also wrote a column for* Reason. *He helped organize the first libertarian think tank, the Center for Libertarian Studies, in 1976, and edited its lively scholarly* Journal of Libertarian Studies. *When the better-funded Cato Institute eclipsed CLS in 1977, he took a position there as resident scholar, and CLS became relatively inactive.*

Late in 1980, he split with Ed Crane, Cato's founder and the architect of the LP's growth during the late 1970s. Crane moved Cato from San Francisco to Washington, where it repositioned itself from academic think tank to public policy institute. During the following three years, Rothbard and Crane feuded within the LP; Rothbard triumphed at the particularly fractious LP convention in 1983, and Crane left the party, never to return. During the next few years, Rothbard resumed his role as the party's leading celebrity and guru. (Rothbard gave his account of his feud with Crane in great detail in the pages of Libertarian Vanguard *and* Libertarian Forum.*)*

By 1987, Rothbard was telling friends that he planned to resign from the LP, but his interest was temporarily rekindled when former Congressman Ron Paul decided to seek the LP's presidential

nomination. In 1989, he did resign from the Libertarian Party and moved to the Right, to a position he dubbed "paleolibertarianism." He ended his relationship with all libertarian organizations and publications except for the Ludwig von Mises Institute and the CLS, both of which he controlled, and began to write occasionally for conservative publications.

Throughout his career Rothbard maintained a steady flow of scholarly writing. He also was an active journalist, editing and writing extensively for libertarian magazines and newsletters and occasionally in the popular press. He continued editing The Libertarian Forum *until 1985, though in its later years it appeared only irregularly. Between 1979 and 1982 he wrote frequently for* Libertarian Vanguard*; in the late '80s he wrote movement material for the* American Libertarian. *He was an editor of* Liberty *from its launch in 1987 until he disengaged himself from the libertarian movement. Since 1990, he and his friend Llewellyn Rockwell (of the Mises Institute) published* The Rothbard-Rockwell Report, *a paleolibertarian newsletter.*

On January 7, Murray Rothbard died of a cardiac arrest in the city of his birth. He was 68.

It is a mark of Murray's greatness that he has left us with so many good memories of his personality and intellect. At Cornell University in 1973 he and Forrest McDonald lectured at an IHS seminar on American economic history. In addition to his late night singing of Cole Porter and hymns, Murray and Joey joined some of us going swimming at Buttermilk Falls Park. One of the students was in the water pestering Murray about bond rate forecasts. In frustration at this thick-headedness, Murray sank into the water over his head even though he hated to be underwater. Murray was subjected to much more than his fair share of pesterers.

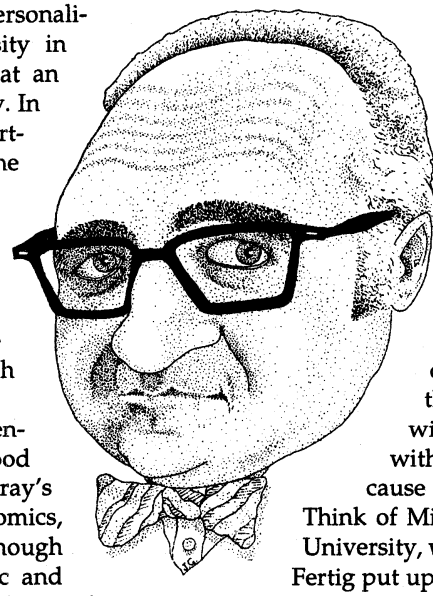

Murray's distinctive quality was his openness to people with clear thinking and good ideas. Many scholars benefited from Murray's thoughtful discussions regarding economics, philosophy, history, legal theory, etc. Although there has been a harvest of his economic and philosophical writings, his contributions in history have only partly made themselves felt. We are lucky that his history of economic thought — *Economic Thought Before Adam Smith* and *Classical Economics* — now has been published. It is a long-awaited magnum opus.

Murray's intellectual life has been a preparation to write this multi-volume history of economic thought. Murray's contact with Ludwig von Mises was a major intellectual and personal milestone. Mises not only had a major impact on Murray's understanding of economic science, but Mises' interest in history and philosophy had an influence on Murray. Murray trained himself to be a great historian and a great philosopher.

Murray studied contemporary rational philosophy, and then studied the history of rational philosophy, leading to his expertise on Scholastic philosophers. This permitted him to understand and describe their contributions to economics. In this he had the model of Raymond de Roover. A similar historian friend was Howard Adelson of City College of New York, a fellow member with Murray of the Columbia University faculty seminar on the History of Legal and Political Thought. Among Murray's historian friends were Ralph Raico, Joseph R. Peden, Leonard Leib, Justus Doenecke, and myself. An important role in Murray's interest in history, philosophy, and theology was played by his wife, Joey. —Leonard P. Liggio

I am a scribbler by profession and preference, and I have cranked out more than my fair share of forgettable words. But compared to Murray Rothbard's output, I am a piker. Murray's throw-away essays in obscure ideological journals with a life expectancy of three years or less were of greater intellectual value than most articles published in prestigious scholarly journals. This may be why he never bothered to publish much in scholarly journals — "incompetence by association" — and why his essays would have been returned promptly if he had tried. The visibly less competent do not want to be shown up by comparison.

As a stylist, he was a master. The gray sludge rhetoric of academic discourse never intruded into his pages except when he was quoting some scholar verbatim, which he rarely did. Rare is the occasion when a reader with an IQ above Forrest Gump's says to himself, "This just isn't clear" when reading something by Rothbard. He wrote to be understood, and he was understood, which is why he was academically unemployable for most of his career.

With the exception of Isaac Newton, those who have reshaped Western culture's thinking have been recognized only posthumously by the academic guild. Marx never got a university teaching position. Neither did Darwin. Neither did Freud. If you are recognized as a giant by the academic guild when you are alive, you will probably be superseded and forgotten within a generation: a defender of one more lost cause in a profession dedicated to lost causes. Think of Mises. His main academic post, at New York University, was as an untenured visiting professor: Larry Fertig put up the money to pay his salary. He got this job when he was about 63 years old. Rothbard's posts at Brooklyn Polytechnic and at the University of Nevada, Las Vegas were not granted for the magnitude of his academic accomplishments. His ideas will penetrate the academic community only when college professors are no longer on the public payroll. This will take a while.

He achieved more lasting scholarly output in approximately one year of publishing than most scholars achieve in a lifetime: *The Panic of 1819* (1962), *Man, Economy, and State* (1962), and *America's Great Depression* (1963). He threw in four volumes of colonial American history, *Conceived in Liberty* (1975–79), almost as an afterthought. He never got around to writing the fifth. It was a spare time project. Astounding.

In response, the academic community shrugged its collective shoulders. (My apologies to his memory: I have invoked a collective.) It took two decades for any historian to pick up the trail of *America's Great Depression*: Paul Johnson, in *Modern Times*. Johnson is also a near-outcast among academic

historians, but he is one of the great historians of this century, which is why he is not employed by any university and why he was smart enough and professionally immune enough to give Rothbard his due. So those of us who recognized Rothbard's greatness during his lifetime, and who shamelessly tapped into his fertile mind in our quest to make sense of the world, have been fringe people. But it is better to be an academically unemployable fringe scholar footnoting Rothbard as a reliable source than to be a tenured professor footnoting Paul Samuelson or Arthur Schlesinger, Jr. —Gary North

I used to identify Murray Rothbard with his ideas. Murray challenged everyone to think the unthinkable about all the things that we can do for ourselves, without depending on government. He pushed that idea to the edge; on occasion, perhaps, he pushed it over the edge. But he was no wild-eyed eccentric. He was a scholar who expounded Mises' economics more clearly than the master, and whose own economics and politics derived their persuasive force from his remarkable knowledge of history. Murray's intellectual systems — anarcho-capitalism, paleolibertarianism — developed a substance and precision that few modern isms can boast.

At some point, however, I stopped associating Murray primarily with those isms or worrying about the extent to which I agreed or disagreed with them. I saw that Murray was much more than the protagonist in a certain kind of intellectual debate. I began to see him in his broader and more important role, as an American.

I'm not talking about where he was born, of course; I'm talking about who he was. Murray was not the kind of libertarian who just *expresses* the classic American belief in freedom and the open society. He *was* a free and open person. I know that this is an astonishing thing to say about a college professor, but I am a college professor myself, and I know what I'm talking about.

Our academic traditions and systems of authority are derived from European models of subservience to a supposedly elite intellectual leadership. This subservience is rendered even drearier by a supposedly scientific reluctance to discuss any issues outside one's narrowest specialization. But Murray had another way of being. He was subservient to nothing, and he was interested in everything. Anyone could become part of the endlessly expanding conversation that Murray carried on in person and in writing. If you had something to say, Murray would respond. You might not like his response, but what he handed you would never be the pompous oracles of an academic priest. It would be fresh, forthright, and often hilariously entertaining.

Like every other great conversationalist, Murray knew that no topic has any inherent interest. He always knew that it was up to him to *make* his topics interesting, and he always did. Libertarianism, like every other political movement, is ordinarily a mighty dull topic, and doubly dull when it is treated, as political topics are normally treated by their partisans, with canting solemnity. That wasn't Murray's style. He was a libertarian, but he was never a pious libertarian. Although he occupied an important place in the movement, he wasn't pious about himself, either.

Murray joined the libertarian movement when it was microscopically small, he helped to shape its development, and he continued to be politically active at a time when the movement had grown astonishingly large. He knew everything about libertarianism, and he provided a vital link between its future and its past. But his most personal contribution was his special gift for ensuring that the movement to preserve American freedom would preserve America's own free style and spirit. —Stephen Cox

There probably never will be alternative "schools" interpreting what Murray Rothbard "meant" when he advocated free markets and extremely limited government. This despite the fact that Rothbard's preferred means for limiting government was the controversial "anarchic" one of prohibiting compulsory citizenship — that is, of forcing the institutions of police, courts, militias, etc. to acquire clients only by contract, thereby placing government in the (invisible) hands of market competition.

There will always be disagreement, of course, on the *merits* of his ideas. And I suppose that as long as people care about what he wrote there will be disagreement about *why* he believed as he did. But as we mark his passing, let us remember that he was always very clear about what he was saying. He was no obscurantist. Unlike Marx, Nietzsche, Heidegger, Dewey, Hayek, or many another eminent writer or thinker, Rothbard did not leave himself open to the kind of predatory scholarship that plagues our intellectual and academic life. On this level, at least, Rothbard was not only honest, but dedicated to clarity as a way of life.

I knew him chiefly as a reader, and most often think of him as a consummate stylist, a great explainer, and a marvelous entertainer. How will future generations judge him? Probably as a synthesizer of several diverse, but surprisingly complementary, intellectual traditions. Two are worth mentioning: the Austrian school of economics and the earlier French liberal (or "harmony") school of Bastiat and Molinari. This can be seen best in his classic 1956 essay "Toward a Reconstruction of Utility and Welfare Economics," wherein he brilliantly explicated the version of the marginal utility concept developed by his mentor, Ludwig von Mises, defending it against trendier alternatives, and took on modern welfare economics by expanding the characteristically *laissez-faire* notions of the French classical liberal economists. It may be that he mostly echoed others' ideas, but somehow these ideas seem louder and clearer in the echo.

Rothbard was the kind of teacher that the world needs more of. If, on his death, we feel that social utility has somehow taken a nosedive, we can be confident that things will improve — in part, no doubt, because of the enduring influence of his best work. —Timothy Virkkala

Although I knew Murray Rothbard for over 40 years, our contacts, mostly at occasional conferences, were fewer than I would have liked. I first met him in New York around 1950 on some occasion unconnected with our both being graduate students at Columbia University. (We did not fully overlap in time; and anyway, students numbered in the hundreds in some graduate economics courses in those early postwar years.)

Murray and Joey invited me to dinner once or twice, prob-

ably in the summer of 1981, at the house they were then renting in Palo Alto, California. There, as on other occasions, he was a delightful host, full of humor and exuberance. He told a riotously funny story about himself, Joey, and Ayn Rand, a story repeated in Jerome Tucille's *It Usually Begins With Ayn Rand.*

Once when he and Joey were spending a night at my house in Charlottesville, I asked him to autograph the several of his books that I had at hand. Only afterwards did I discover, to my horror, that I had written candid assessments in the fronts of the books. Yet, so far as I could tell, Murray never held these rather mixed judgments against me.

Nor did he bristle at knowing that I found his position on particular issues, notably the Cold War, highly idiosyncratic. He showed similar kindness when I wrote him about his purported derivations (as in *The Ethics of Liberty*) of all sorts of specific policy positions from a couple of axioms about natural rights. Several times he went to the trouble of composing multi-page letters to answer my concerns.

Unlike some libertarian professors, Murray was no mere ideologue or propagandist. He was a dedicated scholar. The self-importantly scientific types in academic economics gave him less recognition than he deserved, however; and if he were starting his career nowadays, he would fare even less well among these methodologically arrogant workers on the supposed frontiers of the discipline. What Ayn Rand called second-handism has infected these circles: the quest for prestige — the anxiety to look good by the standards of persons who are aping still other persons — has gained ground over the goal of learning and teaching how the real world actually works and might even be improved.

Murray Rothbard was different, thank God. He has given the rest of us a sorely needed example of intellectual independence. —Leland B. Yeager

Priests in training are not prepared to deal with an internationally renowned libertarian theoretician who says, "You know, Father, I can't quite bring myself to believe in God, but I do believe Mary was His mother."

The remark was made at the conclusion to what had been a fine meal coupled with scintillating conversation. My response was to turn the water glass that remained on the table into an impromptu baptismal font and, holding it aloft his head, entreating, "Murray, just give the word."

Murray never gave that word.

Yet here was a traditional iconoclast; an unbeliever who knew more about natural law and Thomist thought (and held to quite a bit of it) than many theologians I know; an individual who, while not subscribing to a religious faith, nevertheless energetically defended the positive role that religion played in formulating classical liberal ideas. So strong were these defenses that Murray actually had to refute the rumors that he had become a Catholic.

If the southern writer Flannery O'Connor could be called the Hill Billy Thomist, then Murray Rothbard has earned the title of the Agnostic Thomist.

This priest feels a spiritual loss on Murray's passing, which is eased only by the hope that the God whom Murray couldn't quite grasp may now embrace Murray with His tender understanding, and introduce him, at last, to His mother.

Requiescant in pace. —Robert Sirico

It is impossible to communicate how exciting Murray made ideas seem to those of us who crowded into his book-laden New York apartment. Everyone who walked out his door rushed home to look up references, to write up an idea, or to phone a friend to share a fresh insight. His many kindnesses were often unseen. They consisted of a word in the correct ear on someone's behalf, a letter of encouragement to an impoverished scholar who was "on the right track," or just a phone call in which he bubbled over about the importance of "our struggle." One such phone call reached me when I was particularly discouraged about an index of Tucker's *Liberty* I was compiling. "It's key! It's key!" Murray assured me. And when Murray stated something, you tended to believe . . .

. . . partly because of the gusto with which he stated it. Murray was crazy about being alive. He sometimes despaired over those of the younger generation who were stiff-backed, stiff-minded Randians. I remember one conversation in which he exhorted me to eat red meat, drink gin, and make love as often as possible. On discovering I was on a diet, he waved a piece of pastry under my nose and exclaimed, "Every calorie says *yes!!* to life!"

Two generations of the best libertarians became Rothbardians. Many of us came from the black-and-white world of Rand. As in the movie *The Wizard of Oz*, when we left Kansas and walked through Murray's front door, life and ideas became technicolor. —Wendy McElroy

Murray Rothbard really was what intellectuals are supposed to be, but hardly ever are in fact: open-minded, curious about a thousand things, only too happy to encounter dissent, always a model of sweet reason, and steadfast in his support of liberty.

I suppose I am biased because the first time I met him he mentioned a book I had written about New Orleans jazz — one of those odd subjects he unexpectedly knew a lot about. Not only had he read the book, but he quoted a couple of things I had said that I had completely forget about myself.

I met him only a few times but he was always the same; cheerful, original, filled with optimism and youthful enthusiasm for new ideas. All who knew him must now be thinking with regret about the things they meant to say to him, the conversations they meant to hold. I meant to go to Las Vegas and spend a couple of days with him — we even discussed it. I relished the incongruity of Murray Rothbard in such garish surroundings.

He lived through an age that tried to abolish economic reasoning, and substitute socialism for it. He resolutely opposed that *Zeitgeist.* I imagine that some time in the next century, when our reigning dogmas are long forgotten, he will be recognized as one of the most original economists of his day. People will surely marvel that it was only in the last few years of his life that he was allowed to teach at a major university.

—Tom Bethell

I met Murray Rothbard 40 years ago, at Ludwig von Mises' New York University seminar. We became friends and I joined the "Circle Bastiat," a group of his young admirers, most of whom later became academics.

In October 1957, when Ayn Rand's novel *Atlas Shrugged* was published, Murray arranged for our group to meet with

her. We started at 8 p.m. and left at 8 a.m., everyone exhausted except Ayn and Murray. He repeatedly defended *Atlas* against hostile critics, including Whittaker Chambers' hateful tirade in *National Review*. (I recall a reply he wrote to a reviewer who charged that Dagny Taggart was sexually promiscuous. Wrong, he explained, Dagny had practiced "serial monogamy.")

Murray soured on Ayn and dismissed Objectivism as "derivative" after he and Nathaniel Branden clashed over a charge that Murray was guilty of plagiarism. He had not cited *Atlas Shrugged* in a scholarly article he had written, though he did footnote unpublished master's theses by two young Objectivists. When George Reisman and I found Murray's explanation — that one does not cite novels in an academic essay — lame, he ordered us to leave his apartment and sent us each a tattered dollar-bill, signifying our expulsion from the "Circle Bastiat."

I did not see or speak to him for almost 30 years, yet I remained a faithful reader of his books and articles, especially enjoying his movie reviews under the byline "Mr. First Nighter" in his monthly, *The Libertarian Forum*. He preferred older movies to newer ones. His favorites included Groucho Marx and Cary Grant comedies, sentimental romances, and the Fred Astaire-Ginger Rogers musicals, reflecting the warm, bourgeois side of his personality, which was seldom seen in his hot-tempered polemical writings.

Six or seven years ago, when he was lecturing at Stanford University, I approached him to ask about the status of his book about the Progressives, whom he detested. We chatted amiably and he told me that he had switched to writing a history of economic thought, in which he would demolish Adam Smith's reputation as a champion of liberty. (The first two volumes have just been published.)

Murray's personality was dominated by his need to be waging battle. If his viewpoint ever became widely accepted, I suspect he would have defected and expounded a new minority position. I never will accept his views on the Cold War, or understand his admiration for Pat Buchanan or his alliance with the "paleoconservatives." Nonetheless, I will miss his lucid writings and his incredible erudition. It is impossible to imagine anyone filling the intellectual void created by his untimely death. —Robert Hessen

America has lost one of her greatest men, and the freedom movement one of its greatest heroes: Murray N. Rothbard. In his 25 books and thousands of articles — not to speak of his personal example — Murray was an inspiration. With his death, all who cherish individual rights and oppose the welfare-warfare state are the poorer.

Murray was a world-class Austrian economist, and he influenced thousands of students. I was one of them, for he taught me about economics and liberty, and encouraged my political work against war, inflation, and big government.

Although I had read Murray for years, I didn't meet him until 1979. I wrote him, he wrote back, and I invited him to the "belly of the beast" — the U.S. Congress. I knew he had a great mind, but instead of a pompous professor, I discovered a joyous libertarian, and one of the most fascinating human beings I've ever met.

I loved talking to this down-to-earth genius. And he told me he enjoyed meeting a congressman who not only read his books but used them as a guide in his votes and legislation. A close and lasting friendship was the result, which wasn't hard. Murray was the sweetest, funniest, most generous of men.

He was also a great help with the Minority Report of the U.S. Gold Commission, published as *The Case for Gold*. But who could be surprised? He was our greatest academic expert on the history and economics of the gold standard.

When I last talked to Murray, a few days before his untimely death, he urged me to run for office again. Recent elections or not, he said, our side needs an uncompromising anti-statist voice in Washington, D.C.

The founder of modern libertarianism and an economist, historian, and political philosopher of extravagant accomplishments, Murray also loved — and was an expert in — Dixieland jazz, the religious paintings of the Renaissance, basketball, baroque church architecture, and the nitty-gritty of politics. With tremendous zest for life and for the battle, he defended our freedom and our property, and built the ideas that are their foundation.

Murray N. Rothbard is now for the ages. My heart goes out to Joey, his wife of 41 years, and to all who knew him. We have lost a matchless champion of freedom. —Ron Paul

What can be said, in so short a space, about Murray Rothbard the libertarian? Only that without Murray Rothbard, there may well have never been a libertarian movement — certainly not the movement we know. No *Liberty*. No *Reason*. No Cato Institute. No Laissez Faire Books. Virtually every libertarian from the 1960s onwards was influenced directly and profoundly by the work of Murray Rothbard. Among the rest, most were influenced by some Rothbardian.

Before Murray Rothbard's influence was felt, there were isolated pockets of liberals, individualist anarchists, and Objectivists. There were a few organizations doing important work. There were thousands of people inspired by the novels of Ayn Rand. But there was no Libertarian Movement. Before a movement could be born, there had to be a systematizer, a radicalizer, a popularizer; for only by first systematizing, radicalizing, and popularizing the inchoate body of thought called liberal could enough people, particularly young people, be galvanized into what could be called a movement.

Luckily, a man came along with the intelligence, the breadth of knowledge, the originality, the inexhaustible energy, and, not least of all, the charisma to do the herculean job: Murray Rothbard. That's why we called him Mr. Libertarian. That's why that honorific has never been, and could never be, conferred on anyone else. —Sheldon Richman

Murray was one of the twentieth century's greatest intellectual champions of liberty, so it is hardly surprising that many members of the academic mainstream viewed him, if they viewed him at all, as a fanatic preaching a dogma. But how could a mere zealot have acquired such immense erudition?

When Murray wrote me early in 1987 inviting me to join the editorial board of the *Review of Austrian Economics*, I responded that I would be honored but, to allay possible misun-

derstanding, I explained why I did not consider myself a "card-carrying" Austrian economist.

Murray replied, "No 'loyalty oath' is required or desired. More broadly, I think that the discipline, particularly in philosophy and the social sciences, advances by the development of different schools of thought, who almost always consist of 'card-carriers,' sympathizers, etc., and who interact with each other and various degrees of eclectics. Not only is there nothing wrong with this, but this is precisely how these sciences or disciplines develop, and, one hopes, advance more than they retreat. I think all sciences would be the poorer if there were no schools of thought, or if there were no moderates or eclectics. As in every other walk of life, there is a division of labor here as well."

In the years that followed, Murray never failed to support me and my scholarship. I was honored to work with him in a number of programs and conferences, and I relished the long, warm, wise, and witty letters he sent me. He went far beyond just tolerating me, and I shall miss him terribly.

—Robert Higgs

For me, Murray Rothbard was the Newton of economic thinking. I was first introduced to his cogent, convincing prose in reading his little eight-page article, "The Great Society: A Libertarian Critique." Out of small things come great things, and I soon discovered Austrian economics and the grand traditions of Carl Menger, Eugen von Böhm-Bawerk, Ludwig von Mises, and F.A. Hayek. But it was Rothbard's Americanization of Austrian economics that excited me. Rothbard's pamphlet, *What Has Government Done to Our Money?* (1964), hit me like a bolt of lightning, revealing the mysteries of money and banking. His account of the origin and evolution of the dollar was like a revelation from on high. (This is especially ironic, given what I learned about economics at Brigham Young University from Paul Samuelson's statist textbook). Many leaders in the hard-money movement (Gary North, Jack Pugsley, Jerome Smith, James U. Blanchard III, and Harry Browne, among others) felt the same way. In fact, Murray Rothbard is the intellectual founder of the hard-money movement. As Larry Abraham has stated, "Murray Rothbard is the best popularizer of the 'Austrian' school of economics who has ever lived."

My enlightenment continued with Rothbard's *America's Great Depression*, which offered the one of the first scholarly proofs that the 1930s debacle was caused by government, not free-market capitalism. (The other was Friedman and Schwartz's *Monetary History of the United States*). Then, as a graduate student, I read his magnum opus, *Man, Economy, and State*. In fact, as my wife will attest, I read this thousand-page tome on our honeymoon — well, some of it, anyway! Reading it reminded me of the words of Wordsworth: "Bliss was it in that dawn to be alive, but to be young was very heaven."

I went on to obtain a Ph.D. in economics, doing my dissertation in 1977 at George Washington University on the Rothbard-inspired topic, "The 100% Gold Standard." I could even say that my job as a financial writer was due to Murray Rothbard. A few months before applying to become managing editor of *The Inflation Survival Letter*, I met with Rothbard at his apartment in New York City. I was working for the CIA at the time (1974). When I was interviewed by Robert Kephart, the publisher of the newsletter, I mentioned my contact with Rothbard. Kephart called Rothbard, who apparently gave me a positive recommendation. The rest is history.

Since my first meeting with Murray, our relationship flourished, and I became a major financial supporter of Austrian free-market think tanks (the Mises Institute, the Cato Institute, and the Foundation for Economic Education, among others) and was a contributor to *The Review of Austrian Economics*, which was edited by Murray. I spoke at many conferences along with Rothbard and other Austrian economists, sponsoring a conference in Vienna in 1988 and an anti-Keynes conference at Harvard in 1989.

The tragedy of Murray Rothbard's premature death is that he was a scholar with unfinished work — in particular, his gigantic multi-volume history of economic thought. I commissioned him to write it back in 1981; it was supposed to be a 300-page, one-volume review of the major economists, a vastly improved alternative to Heilbroner's popular yet misguided *The Worldly Philosophers*. True to Murray's burgeoning style, the book soon developed into a Schumpeterian tome, going from 300 pages to 3,000. There were far too many interruptions in writing the history, and so only two volumes were published — just this month.

I don't know how far along Murray was in the third volume, but his analysis of twentieth-century economics will be sorely missed.

—Mark Skousen

The only time Murray Rothbard became visibly upset with me — I could tell by a slight gritting of the teeth that contrasted with his usual joyous demeanor — was when I was pushing pessimism in the form of Public Choice economics at a summer conference of the Mises Institute. Liberty has no chance in a democracy, I told one and all, because the game is permanently fixed against us.

Dr. Rothbard balked. He explained that we should be "short-term pessimists" because events necessitate it, and "long-term optimists," because truth will out in the end. Moreover, he thought it would constitute a performative contradiction to be gloomy about the long run. Why devote oneself to the scholarship and cause of liberty if we are destined to live under state tyranny forever? Thus pessimism becomes a self-fulfilling prophecy, just as optimism, if you believe in the power of ideas, increases the likelihood of a quicker victory.

I can't remember if I was convinced at the time, but looking back, he was clearly correct, not only logically but empirically. He told me that in 1989, long before the public groundswell against the central state was obvious to one and all. He was nearly always correct — about theory, events, and people — and always ahead of his time. If he enjoyed saying "I told you so," he could have done it, and rightly, *ad infinitum*. He didn't have time and he didn't really care; he was on to the next project and the next battle.

—Jeffrey Tucker

Murray struck people who didn't know him as a wild, eccentric thinker. That is how I thought of him for many years. When I finally got to know him, I found him exhilaratingly reasonable in even his most unconventional views. This is such a rare quality that I have

tried to analyze it.

Murray's earliest memory of a political conversation was of a family gathering in the '30s at which his relatives, most of them Communists, were denouncing Franco. The prepubescent Murray Rothbard shocked them by asking, "What's so bad about Franco, anyway?" In that setting, the question was heretical. Murray started young.

That incident was typical of Murray. He wasn't perverse; just the opposite. Most people are herd thinkers; he wasn't. He distrusted herd thinking, which causes whole societies to err without knowing it, and he instinctively sought to restore equilibrium by questioning and, if necessary, correcting what the mass of people were repeating like parrots.

He was a spokesman for the underrepresented truth — not a heretic, but a seeker of lost orthodoxy. Against the huge forces of modern propaganda that try to drown out dissidence (making suppression superfluous), he had supreme confidence not only in his own reasoning power but in the power of truth itself. Unlike most denizens of mass society, he refused to accept the fashionable as *virtually* true. As Milton put it: "How few may sometimes know when thousands err!"

Murray had one of the most original minds of his generation, but he didn't highlight this. He delighted in *rediscovery*, in vindicating the discredited and forgotten — for example, the "isolationist" Old Right, who were really the last champions of constitutional government. Murray honored them and tried to redeem them from obscurity and scorn. God bless his gallant soul. —Joseph Sobran

In 1949, just as Mises' *Human Action* was coming out, Murray Rothbard began attending the Mises seminar. It was there that I met him. He was then a young graduate student at Columbia University working on his doctorate. As a result of his study, he introduced Mises' explanation of business cycles into his thesis on *The Panic of 1819*, thus delaying its acceptance by his board of advisors at Columbia. It was only after Columbia professor Arthur F. Burns went to Washington to become chairman of the Council of Economic Advisors that Rothbard was able to get his thesis past the remaining advisors.

Murray had a tremendous amount of energy and enthusiasm for the pursuit of ideas. He was a night owl, working, reading, and studying all night long when most of New York was sleeping. Night after night, his Manhattan apartment became a meeting place for young people with whom he shared his enthusiasm, debating and discussing with them until dawn. Murray would then go to bed, while his loyal wife Joey stood guard over the telephone and protected his sleep from disturbances.

Murray had a tremendous amount of energy and *joie de vivre*, which judging from his lifelong output never lagged. He refused to be sheltered in the ivory tower of academia, but entered the realm of political debate, taking delight at attacking statists and statist programs. I can hear him now, cackling with delight as he "smashed" some politico or interventionist program.

Rothbard differed from Mises on several points — notably government (Rothbard was an outspoken anarchist), praxeology (Rothbard believed in natural law), the possibility of scientific *Wertfreiheit*, and banking policy (Rothbard would require 100% gold backing for banknotes). Yet Mises respected Rothbard, and Rothbard's many profound theoretical works, books, papers, and articles reflect sincere and profound respect for Mises and his teachings, and make real contributions to economic understanding.

With his restless mind and his intellectual curiosity, Murray must have led his parents a merry chase as he was growing up. Always an independent thinker, he was a loyal spokesman for his beliefs and a relentless critic of ideas with which he disagreed. Through his many writings, the world will long reap the benefit of his great mind. The intellectual world is richer for his having lived. —Bettina Bien Greaves

People can argue over whether Murray Rothbard was the greatest libertarian thinker of his generation or whether he merited the title "Mr. Libertarian." But no one can argue that anyone had a greater impact on the libertarian movement between 1970 and 1990. His influence was the product of the power of his ideas and his ability to express them, and his tremendous capacity to befriend and assist those whom he perceived as sharing his strategic vision.

As a thinker, he sought to establish a radical, anarchist libertarian political theory and to apply it everywhere in the social sciences. His writing was witty, bombastic, brilliant, and — above all — extraordinarily clear. As a human being, he was consumed with a passion to create and expand a movement around his ideas.

Reared in the dreary years of the Great Depression and World War II, the period in which libertarian ideas were held in their lowest esteem by both intellectuals and ordinary people, he never wavered in his love of liberty. He hoisted the flag of freedom — pardon my cliché, but in this case it is as literally true as a metaphor can be — in the face of hostile fire, in the popular press, among students and intellectuals, even among politicians.

Along with Ayn Rand, he was the most influential figure in the rebirth of the libertarian movement that occurred in the 1960s and 1970s. He adopted the core of Rand's political theory, applied it vigorously, and defended it brilliantly. Like Rand, he attracted many fervent acolytes; unlike Rand, he was a man of great wit and personal charm, warm and outgoing to his friends. He was the most delightful person with whom I ever spent an evening in a bar.

In the end, his influence on libertarians waned, partly because of his apparent retreat toward his old nemesis, the political Right; partly because of his increasing relish for ideological infighting; and partly because a new generation of libertarian intellectuals found his brand of libertarianism too simplistic.

He was a founding editor of this magazine, contributing generously his enthusiasm, advice, and writing. He left *Liberty* in 1990, as a part of his turn toward the Right. During the last few years of his life, when he devoted his intellectual energy to the support of such conservatives as Patrick Buchanan, Oliver North, and George Bush, his conservative friends embraced him as much as his libertarian friends missed him.

Murray Rothbard was a great man, and a very engaging one. His passing leaves the world much poorer.

—R.W. Bradford

Dispatch from Tennessee

State of Ill Health

by Mark Rembert

The nation was spared the nightmare of the Clintons' health care scheme. The Volunteer State was not so lucky.

And so it was that the Clintons' grand vision of a brand new entitlement for all Americans evaporated. There would be no Health Security Act of 1994. The polls consistently showed that the voters were queasy about the proposed program, and Congress got the message. The subsequent elections merely confirmed that the "obstructionists" had been right to obstruct.

Freed from the Great Society model, the people could now concentrate on much-needed market-based reforms. But a funny thing happened on the way to the repudiation of government-dominated health care: not everyone listened. The state of Tennessee chose its own less-traveled road toward health reform. Clintonism's critics and supporters alike would be advised to take note.

The story of socialized medicine, Tennessee-style, began in April of 1993, when then-Governor Ned Ray McWherter addressed the Tennessee General Assembly and introduced his "radical new program for the delivery of health care." McWherter, a longtime beer distributor and West Tennessee pol whose most ambitious legislative initiative to date had been a failed effort to enact a state income tax, had come up with a way (he said) to control the state's out-of-control Medicaid spending. He would withdraw Tennessee from Medicaid and use the money saved to enroll that program's former clients and the half-million or so uninsured (the "working poor") in a new statewide program dubbed TennCare.

The outline of TennCare could have come right out of *Putting People First*. It was all there: a basic benefits package, a state-mandated emphasis on preventative care, a global budget to cap government expenditures, a board for "monitoring and oversight," and so on, all catalyzed by that North Star of efficiency — "managed care."

Ned Ray McWherter had one huge advantage that the Clintons did not: whereas the president was faced with the task of steering his reforms through a recalcitrant Congress, McWherter could enact his plan by executive order, with legislative action necessary only for clearing a path through the state Medicaid laws. The program thus insulated from legislative tinkering, the Volunteer State's brand of ClintonCare was implemented without adulteration.

Early reaction was overwhelmingly positive, with public and punditry alike agog over McWherter's health care speech. *Of course* Medicaid was a disaster: its cost was growing at double-digit rates. *Something* had to be done to fix this broken system before it bankrupted the state. The same day Democrat McWherter spoke, Republican House Minority Leader H.E. Bittle virtually endorsed the plan: "I'd have to say after first seeing the plan that I think it can work. . . . We need to try this, and if we do have problems, we can work them out." Newspapers immediately checked in with their support, and even conservative Nashville columnist Crom Carmichael, heretofore a consistent opponent of big-government liberalism, called the plan "a logical first step."

There were, however, a few voices of dissent. Hospitals found much in TennCare that displeased them, most importantly the loss of subsidy to institutions with a large volume of Medicaid patients. State Medicaid Director Manny Martins flippantly referred to these subsidies as "gravy payments," which did little to increase TennCare's support among hospital administrators. And doctors scoffed at the claim that a Medicaid system notorious for low (usually below-cost) reimbursement rates could somehow be amended to accommodate a half-million more people for the same dollars. But with the president and his henchmen eagerly adding heft to the public perception of doctors as profiteers, the objections of physicians did not carry much politi-

cal weight. That would come later.

With little room for the legislature to maneuver, McWherter aimed to rush his plan through as quickly as possible, so that a necessary federal waiver could be obtained and the program be ready to roll by his self-imposed January 1 deadline. Just one week after his introductory speech, the governor was "challenging" the few doubting Thomases "to make an alternative proposal." Only a week after that, he was chastising the state GOP for its delaying tactics.

The legislation cleared both houses of the legislature in a month — a remarkable performance for a "radical" reform, but hardly enough time for substantive debate.

The only significant bloc of opposition that emerged to challenge the McWherter steamroller was the hospitals' lobby, but the governor had a silver bullet ready for them. The hospitals were arguing for a go-slow approach, phasing in benefits to the uninsured and working poor rather than covering all eligibles at once. Ned Ray launched a flanking attack by proposing that the hospitals be taxed $100 million to help fund the transition to the new program. Faced with this immediate threat to the bottom line, the hospitals dropped their opposition in exchange for having this proposal rescinded. Ironically, this agreement to maintain the status quo was widely reported as a "tax break" for hospitals.

The legislation cleared both houses of the legislature in a month — a remarkable performance for a "radical" reform, but hardly enough time for substantive debate. With the legislature assenting by lopsided votes and the necessary waiver from Washington all but certain, the question could now be asked — what had Ned Ray wrought?

A glance at TennCare's five-year blueprint reveals the dimensions of the gap over which the governor's faith had leapt. The premise that managed care could save the state enough money to make such a large program viable becomes doubly dubious when the numbers are seen on paper. In TennCare's first year (fiscal '93/'94), the Medicaid budget allowed funds for the care of 1.1 million people. So efficient would be the new managed care system, asserted an administration-generated cost comparison, that as many as 640,000 more Tennesseans could be provided either free or subsidized care — for the same total cost. Just like that. Three and a half billion dollars in savings over five years, trumpeted McWherter.

Where could such savings come from? Doctors had little hope that Medicaid's paltry payment schedules would be beefed up, and sure enough, TennCare wound up paying providers even less than before. Indeed, the promise of a 40% larger pool of patients in a Medicaid-type system only guaranteed that much of the cash saved by the state would simply be shifted to private insurers and to patients who paid for their medical care out of their own pockets.

McWherter had thrown in another savings wrinkle, though. His wise men had decided that since there was a substantial amount of free treatment being given to the poor and indigent, that care could be "captured" by TennCare and built into the program's costs. According to the governor's TennCare information packet, the charity care provision would "ensure against financial windfalls to providers which might otherwise result from covering patients previously treated on a charity basis." Leaving aside for a moment the governor's outlandish justification (typical office visit charge: $40–50; Blue Cross TennCare reimbursement: about $14 — some windfall), these numbers amount to a 20% surtax per TennCare patient per doctor. Or, put another way, Ned Ray had figured that every TennCare patient would require $347 worth of charity care per year. Manny Martins praised the provision, saying, "Logic would tell you there would be a large reduction in the amount of uncompensated care." Perhaps, but only by spreading the burden, vastly increasing the amount of undercompensated care. Doctors were underwhelmed.

It is hard to overstate the importance of charity care to TennCare's fiscal plan, for $3.1 billion of the $3.5 billion of projected five-year savings come from this one provision. In spite of this immense burden of free care placed on the system, would the efficiency of managed care be enough to deliver the goods?

The essence of TennCare's managed care system is this: twelve Managed Care Organizations (MCO's, or "health alliances," in Clintonspeak) were established to accommodate eligible patients. Each MCO receives a per-patient fee to provide health care services for one year. The MCO's must then contract with doctors and hospitals to treat the patients who have chosen their plan. The logic goes that the MCO, which must be profitable, will negotiate with providers for the most favorable rates, thus allowing TennCare patients to receive treatment at the lowest cost.

In practice, the result is something along these lines: since the MCO is paid a flat fee per head, it becomes its mission to hang on to every bit of that fee that it can. The more the doctors are paid, the more treatments or tests the MCO approves, the lower the bottom line. Such is the inherent flaw in any system of third-party payment: the party paying for care is not the one whose life and health are at stake. If A is paid to save money on B's groceries, then B won't be eating as well. Tales of refused treatments, slow pay (or no pay) to providers, and outright coercion quickly became the norm.

As summer '93 faded into fall, the ball moved into the court of the twelve MCO's, whose job it became to sign up doctors and hospitals for their networks. When the mailed contracts began to hit offices, tiny but intense mushroom clouds could be seen over medical districts statewide.

The MCO agreements were loaded with onerous provisions, all presented to doctors on a take-it-or-leave-it basis. For starters, doctors were asked to sign their contracts without being informed what fees would be paid. They could only presume that the new payments for their services would be no higher than Medicaid's. But if treating TennCare patients was to be a money-loser

in the best of circumstances — and the Tennessee Medical Association now figures it's 40% of the cost of doing business — doctors would be saddled with much that would be far worse.

On top of that, physicians would be forbidden to refuse any TennCare patient in an agreed-upon MCO. This created a problem: consider the hypothetical small town with two doctors, only one of whom accepts TennCare. It doesn't take a CPA to see that the overload of unprofitable patients into one practice would likely force the TennCare doctor into another line of work.

Furthermore, as if to prevent doctors from applying even the most rudimentary business principles to their practices, TennCare physicians would be prohibited from refusing patients who had failed to pay their co-payments. (TennCare patients above the poverty line must pay some deductibles, co-payments, etc.). The state strenuously objected to any change in these provisions, arguing that the ability of doctors to limit their TennCare patient load invites discrimination.

There's more. Suppose an MCO refuses to authorize a test. Here's the disaster scenario: a patient complains of a symptom, the doctor recommends a test, the health bureaucrat at the MCO declines permission, and the patient subsequently drops dead of the condition the doctor wanted to test for. Sounds like the MCO has a liability problem, doesn't it? Not so. The MCO's contracts with providers specify that the liability for poor outcomes is exclusively that of the doctor or hospital. It's a hell of a note for a doctor to be sued because a test he recommended wasn't performed.

As if to prevent doctors from applying even the most rudimentary business principles to their practices, TennCare physicians would be prohibited from refusing patients who had failed to pay their co-payments.

Still more odium: Blue Cross/Blue Shield, the largest of the MCO's (48% of TennCare enrollees today have chosen their plan), also provides coverage for Tennessee's 130,000 state employees and their family members. Blue Cross's message to providers was succinct: if physicians didn't sign up for TennCare they would lose their patients who were state employees. This barely-veiled bit of extortion came to be known as the "cram-down" clause.

Here's the whopper, though: the contracts contained a provision ("Allocation of Deficits") that allowed an MCO to charge back to doctors and hospitals a portion of the amount they had been paid during the fiscal year if it became apparent that the MCO had lost money on the deal. This "take-back" clause spurred the most intense outrage. "It is absolutely unheard-of in a business transaction when there is satisfaction with the product being delivered to come back at the end of the year and say, 'We want some of our money back because we had a bad year,'" noted one physician.

By the time the program was implemented on January 1, 1994, doctors had pursued the only strategy left open to them. Having been entirely without input into the new system, and detesting the contractual requirements, they voted with their feet. Fewer than a third of the state's doctors agreed to accept TennCare, with a substantial number of non-participants costing themselves a sizable chunk of state business in the process (remember "cram-down"). Certain specialties with traditionally low reimbursement rates, such as pediatrics, were hit especially hard. In Murfreesboro, a town of 45,000 southeast of Nashville, only one of ten pediatricians signed on.

The doctors that did come aboard found rough sledding indeed. One Bradley County pediatrician, John Appling, tearfully characterized the governor as having "the intelligence of Quasimodo, the conscience of Adolf Hitler, and the ethics of Pontius Pilate." Appling went on to describe TennCare's potential to force him into bankruptcy: "The cost of doing business is just above the reimbursement."

McWherter quickly began to meet with groups of doctors, pleading with them to stick with the system while the bugs were being ironed out. In a major concession, Blue Cross agreed to drop "take-back," relieving doctors from the threat of a year-end bill from the MCO. Dr. Richard Pearson of Memphis, clearly yet to be won over to the plan, said in response, "This is like a situation where somebody is holding your thumb down and hitting it with a hammer and when they quit, you're supposed to say, 'Thank you.'"

Despite the removal of "take-back," the global budget continues to threaten providers, as it is unclear what might happen if the spending cap is breached in a given year. Will doctors be forced to accept still lower payments? Or will they just have to finish the year treating TennCare patients at no charge? The state has not answered these questions.

By the time the program was implemented January 1, 1994, doctors had pursued the only strategy left open to them: they voted with their feet.

Republican legislators tried to get into the game by proposing changes — most importantly, to amend "cram-down." All were summarily dismissed by Ned Ray's minions. In a bravura performance of buck-passing, the administration said, "Under TennCare, the state is in many ways out of the business of running a health-care system. . . . We believe it can be done better by private enterprise." In short: *We screwed it up, now you figure out how to fix it.* The governor's position was reminiscent of Clinton's rhetorical shift in spring of '94 to advocating "private insurance that can never be taken away."

So what are residents of Tennessee left with today? In the name of efficiency, their state government provides free or subsidized care to nearly 40% of its inhabitants. It tries to control the costs with the clumsiest form of price control — a total budget — leaving the participants to carve up the static pie. The carvers, much as the president proposed, are not government employees *per se*, but MCO bureaucrats whose sole

incentive is to part with as small a percentage of their per-head fees as possible. And though the rules were established and supervision conducted by the state, the existence of these private MCO's as its conduit allows the government to maintain the illusion that the system has somehow been privatized.

As the horror stories started spreading of patients being forced from their doctors, of MCO's reimbursing doctors slowly or not at all, of inadequate coverage in certain areas, and so on, the Tennessee Medical Association filed suit against the state to stop the program and either return to the old system or reform TennCare radically. The lawsuit argued that TennCare violates the federal Medicaid law, which mandates that the government build a network of physicians by paying them adequate compensation (two-fifths of break-even surely wouldn't qualify). Though the suit was thrown out of state court on a technicality, it is currently on appeal and is very much alive.

Until the suit is resolved, Tennesseans are left with a program that combines the worst of Medicaid and the Clinton plan. It guarantees that there will be a large population of patients whose insurance gives providers a huge disincentive to treat, and that these effects will be most felt in precisely those areas that TennCare aimed to serve: the poor, rural, and minority-dominated areas that contain the highest percentage of TennCare patients. Already, doctors are leaving TennCare networks in droves (a TMA survey projects a 15% decline in participating doctors in 1995); many physicians in rural areas are faced with the unappetizing choice of remaining in the TennCare system and being bankrupted by below-cost payments or leaving the network and treating a private market that is too small to support a practice. In terms of restricting access to care, it is difficult to conceive of a system that would do the poor more harm.

In a compromise aimed at halting the flow of doctors out of the system, Blue Cross has informally agreed to allow physicians to limit their TennCare patient load to the same percentage as their previous year's Medicaid practice. There are two problems here. First, few Tennessee doctors have much faith in Blue Cross to uphold this informal agreement. Second, doctors may not figure into their estimates those cash-paying patients who were treated on a charity or reduced-rate basis, leaving these people effectively frozen out or forced into TennCare.

With the minuscule fees (one estimate places the payment rate for surgeons at about 20–25% of the market price), TennCare further insures that the private insurance-holder and health care consumer will have to bear an even larger burden of shifted costs. This promises only to worsen, as fully half of all babies now born in the state are TennCare patients.

Despite its problems, TennCare enjoyed bipartisan support in the recent gubernatorial elections. Both candidates pledged minor changes, but neither was willing to address the system's fundamental flaws. The new governor, Don Sundquist, is a Republican — aren't all new governors Republicans? — and has spoken against "cram-down." He is also reported to dislike the fact that, officially, doctors still may not limit their TennCare patient load. However, the system has completed its first year at a surplus, simply because far fewer patients enrolled than had been expected. Though this has only the effect of disguising the coming catastrophe, it's good enough for the politicians, so TennCare appears to have achieved some institutional momentum. Indeed, in January the incoming administration announced that TennCare director Manny Martins would be retained, scuttling hope of any radical change.

So now Tennesseans are stuck with a system that, if unaltered, in a generation will have half the population subsidizing the medical care of the other half — assuming that there are any doctors left practicing medicine.

And what of McWherter? Triumphant from his two terms as governor, he's off to Washington to serve as one of the Clinton administration's newest advisors. ❑

Moribund in Washington

The pamphlet looked wonderful. Entitled "A New Direction in Health Care," its cover featured a drawing of ten people, black and white, young and old, embracing each other and smiling. Inside, there were more drawings of happy people; a black doctor examining a pregnant white woman, an older man walking a dog, and a doctor giving a boy a treat. Beside the drawing were explanations of Washington state's health care reform, how everyone would "pay their fair share," employers would pay half the cost of whichever uniform benefits package their employees chose, everyone will have affordable health insurance and that by the year 2000, premium costs won't be allowed to rise faster than average growth in personal income.

If all this sounds a lot like the late, unlamented Clinton plan, it should. The plan was drafted with direction from the White House. Hillary called it a model for the nation. Actually, it was *her* model for the nation. Managed care, employer mandates, a standard benefits package, taxes on cigarettes and alcohol — the works.

Nearly two years later, the vaunted Washington health plan is largely a dead letter. It's still there, in theory. Even as I write, the Health Services Commission is sending its recommendations for the plan's implementation. But Congress refused to grant Washington an exemption from the Employment Retirement Income Security Act, ruling out any mandates for employer-provided insurance. And then came November 8, 1994, wiping out the Democratic majority in Washington's government with one fell swoop.

As Brent Shirley, an insurance broker, put it, "In their infinite wisdom, government said, 'This is the package that will get me re-elected.' Well, they didn't get re-elected. They got fired. I think the reform is going down the tubes. There's a price associated with these mandates, and the price is not something we're willing to pay. I think the last election showed that."

—Tom Loughran

Death in Oregon

Meet Catherine. Sweet, spry, loveable lady who always takes the time to care for her friends, family, and neighbors. She never forgets a birthday or anniversary. Always, despite her fixed retirement income, sends a card and a couple bucks to "the little ones" on their birthday. Clips coupons for her fellow seniors down at the Senior Center. Buys a few extra cans of food for those less fortunate, whether a neighbor or a homeless person at the Mission. Yes, she can fixate, get cranky, and occasionally make mountains out of molehills. But it is January 1994, and her seventieth birthday is only a few weeks away. And she is starting to get a painful, cramping feeling in her chest. So, we can forgive her for being cranky.

She calls 911, and paramedics are dispatched immediately. Yes, sometimes it's nothing, but this time it's congestive heart failure. "Boy, good thing I'm getting health care under Oregon's new system," she thinks as she ponders her expected bill. Yes, that's the system that Bill and Hillary held up as a "model for the nation," the very one they had hoped to set up nation-wide.

Catherine mends nicely after a couple days in the hospital. Blasted water pills, though. Gotta go to the bathroom all the time. Her son and future daughter-in-law come down on January 28, her seventieth birthday. She gets the biggest party she'd ever imagined . . . cake, ice cream, a little shot of Bailey's (just what a diabetic needs, but hey, it's not every day one turns 70, is it?), a new 27" TV, and a cordless phone, among other things. She is Queen for a Day. Nothing could wipe that smile from her face.

February, her caseworker drops by to get her settled with her new health care insurance. No, Medicare is no longer active in this state. You *must* sign up, or lose all coverage. Now, how much money do you have? Where are your bank accounts? Give me your purse . . . you old folks always hide money. . . .

"Son," she blurts out through the tears, "that woman went through my purse, and the drawers in my dresser . . . even under the mattress looking for my money! I feel like I've been raped!" But there is nothing she can do. The state will now be taking care of her. All "excess" assets are to be confiscated. Just enough to pay her bills and "an appropriate" amount for food and miscellaneous. She must now mail-order her prescriptions, as it will save the state money and will only take an extra day or two.

She asks her son for a couple hundred dollars to get by; he sends her four hundred. More when you need it.

Catherine again feels that same pain and pressure in her chest in April. Tearfully and fearing for her life, she calls 911. This time, however, she's 70 years old and on the Oregon health care plan — the same one the Clintons want for you and I — and is told by the dispatcher, "You get some rest, and we'll send a nurse out in the morning to check on you." Click.

There is nothing she can do. The state will now be taking care of her.

"Son, if anything happens to me, you sue those bastards! I'll *never* call 911 again . . . they won't come anyway, so what's the use?"

Early in June, one of Catherine's closest friends, an 87-year-old woman, Mona, with Parkinson's disease, is told she is "no longer viable." "The state will no longer pay for your medication. It's too expensive, and you are over 70. You can either buy it yourself [after the state confiscated her money], live the life of a vegetable, or starve yourself. Besides, you don't want to outlive your children, do you?" Within a week she goes from a mobile woman who drives a car, runs errands for her friends, and grocery-shops for other shut-in seniors like Catherine, to wheelchair-bound, ready to die. Catherine fights back the tears.

Sometime during the night, Catherine suffers another heart attack. The nurse is to be "sent out in the morning" and her apartment manager finds her dead at 9:00 Monday morning.

Officially, her death certificate reads "cause of death unknown," but she was really murdered. Murdered by the State of Oregon and its "model" health care plan. She dies because she was over 70, and the state considered her "no longer viable."

Well, I've got news for you, Oregon. The hundreds of people who packed the church didn't think she was "no longer viable." Many of them had never met her, yet she touched them with her gifts of food and clothing. Many others couldn't attend. And still more will never know she helped them.

Her daughter-in-law didn't consider her "no longer viable," considering her standing as an emergency room nurse at a major trauma center. And certainly her lone son didn't consider her "no longer viable" either. Sometimes a pain in the neck, yes. But always a strong, loving bond.

I should know. That wonderful woman was Catherine Theresa Lemke, my mother. And I miss her dearly. She was, in my humble opinion, very "viable."

Are you listening, Gov. Barbara Roberts? Bill Clinton? Hillary? You all had a hand in her death.

In life, she helped people. In death, let that continue. This is what "health care reform" is all about. What they don't want you to know about. The restrictions, rationing, and God-playing. Let Catherine be a Martyr to the System, but don't forget her.

I never will.

Catherine Lemke, January 28, 1924 – June 13, 1994. Remember.

—David and Mary Lemke

Stealth Health

by E. K. Gregory

Death may be the great leveler, but wealthy socialists will do almost anything to escape *that* egalitarianism.

When Hillary Rodham Clinton put together her health care task force, she was careful to exclude practicing physicians from the process, because of their "special interest" in the practice of medicine. We since have learned that she was not so careful to exclude other special interest groups.

Denying practicing physicians input into the reorganization of health care delivery is akin to NASA having to deflect an incoming comet but rejecting the expertise of rocket designers and manufacturers because they might have some "special interest" in the finished product. It's possible that someone who wasn't a rocket physicist might manage to construct a rocket that would transport a warhead to the approaching comet — but the smart money would be on the comet.

The various ClintonCare clones bubbling up in Congress all contain provisions for an increase in primary care providers, with a concomitant decrease in specialists. No one discusses what impact this will have on medical care delivery.

Physicians are not a nonrenewable, finite resource. One does not have to decrease the number of specialists in order to increase the number of generalists or primary care providers. Even the Health Task Force attorneys and bureaucrats, who know little about medicine beyond how to file a malpractice brief or write a regulation, know that.

So why their unfaltering determination to reduce the number of medical specialists?

The Road to Rationing

Primary care providers are concerned principally with maintaining a healthy and working human body. They can and do diagnose problems, and they perform minor repairs when the human machine breaks down. But when things go really wrong — when a patient is beset by cancer, arteriosclerosis, major organ system failure, AIDS, brain tumor, serious trauma, joint deterioration, etc. — a specialist becomes necessary if the patient is to survive. It is only a slight oversimplification to say that generalists and primary care providers keep healthy people from getting sick if they can, but a specialist treats the illness if it occurs anyway — unfortunately, often at great expense.

Decreasing the number of available specialists results in a corresponding decrease in the number of seriously ill patients who receive treatment in time to do some good. Without treatment, they will expire. The cynic might posit that this is the point of government-controlled medicine: that those who are very old, very weak, very sick, or in extremely poor shape are too expensive to keep alive, and thus should be allowed to go ahead and die before they bankrupt the system. On a purely intellectual level, this argument has some merit. After all, 90% of an individual's entire lifelong medical expenditure is typically dispersed in the last six months of his or her life. Letting them die six months early would save the system some money. But simply making a policy decision to withhold medical treatment from people with six months to live does not resolve the problem, for it fails to answer the very real question that the physician always must face in real world situations: *How can I be sure when the patient is entering the last six months of life?*

One way around this very complicated problem is to ration access to specialists. Those who are in the last six months of life would simply die before their turn comes in the queue.

Studies of countries with government-controlled medical care reveal a common characteristic: long waiting lists for expensive procedures. Waits

of six months to two years are typical for such procedures as cardiac artery bypass, carotid endarterectomy, transplantation, and MRI imaging.

Of course, this restriction of access to specialists does not apply to the elite political class that is dismantling the existing system. In every government-controlled health care system currently in existence, alternatives exist to enable the super-rich and those in power to obtain first-rate care from specialists. The elite in Britain does not participate in that country's National Health Program. They receive treatment by private "Harley Street physicians" who practice on a fee-for-service basis in well-equipped private hospitals. There are no shortage of specialists on Harley Street. Unfortunately, ordinary people cannot afford these services, so they take their chances in the queue.

Canada does not have a separate, private health care system, but wealthy Canadians do not wait in a queue for potential life-saving operations, diagnosis, or treatment. They travel to the United States and pay out-of-pocket for private medical care. Australians have a system similar to Britain. The rich can buy private care; the non-rich take their chances.

The same holds true in Austria and Germany, where hospitals have special wings with private rooms and private physicians for those who can afford such luxuries, while those participating in the government system are admitted to wards of 6–20 beds with rudimentary nursing attention. When actress-politician Melina Mercouri died of cancer, she was a patient in a hospital *in New York*. Ms. Mercouri was an avowed socialist, but when it came to her own medical needs, she apparently preferred treatment in the U.S.

No one really expects Hillary Clinton, Edward Kennedy, Oprah Winfrey, or Jay Rockefeller to pack into a waiting room, or to queue up for life-saving surgery.

ClintonCare and its congressional clones appeared to address these inequities. Nearly all last year's bills established fines and/or imprisonment for patients who offer to pay out-of-pocket for treatment in order to avoid waiting and for physicians who accept such payments. No one knows how this would have impacted the wealthy Canadians and citizens of other countries who currently seek treatment in the United States, but they probably wouldn't have been allowed to jump the line either. What then would the power elite do? Surely, no one really expects to encounter Hillary Clinton, Edward Kennedy, Oprah Winfrey, or Jay Rockefeller in a packed waiting room or to hear of them queuing up for life-saving surgery.

The best guess is that they would take the Concorde to Europe, where until recently a $272.2 million high-tech U.S.-style hospital was being built outside Glasgow, Scotland by a group of international investors called Health Care International. This hospital was to offer top specialists backed up by cutting-edge technology, according to Stephen D. Moore's May 11, 1994 article in *The Wall Street Journal*. But recently — shortly after Clinton's health plan fizzled — HCI decided the hospital would be a bad investment, and pulled the plug on the project.

For those who can afford it, high-tech super-specialty medicine still would be available under a government-run system. Those who can't will have to cross their fingers, say a prayer, and get in line. ❑

Reflections, *continued from page 16*

rate of African-Americans to the success rate of Euro-Americans. In education, for example, this means admitting certain African-Americans to graduate school despite their lesser qualifications than some Euro-Americans applying for the same position, then providing them greater aid, special tutoring, etc., to try to enhance their graduation rate.

Happily, this same logic has not been applied to basketball, despite the fact that the National Basketball Association is overwhelmingly African-American. Whether this is the result of heredity or environment we do not really know. There are those who say "white men can't jump" and claim that black men are quicker, faster, and stronger than whites. But the paucity of white Americans at the highest level of professional basketball could result from their environment: perhaps they are subtly discouraged from playing the game as children, giving their African-American brothers a competitive advantage. This hypothesis is supported by the presence of many European white players in the NBA; no serious fan would doubt that a European white all-star team could take an American white all-star team.

Of course, affirmative action could be applied in basketball as it is applied in the professions. Each team could be mandated to give 80% of its positions and playing time to white boys. The public schools could provide special training programs and coaching to help white boys catch up, and mandate proportional playing time for whites on basketball teams beginning in elementary school and extending to college.

Were this to come to pass, it seems likely that black basketball players would develop the same resentment toward whites that white professionals have toward blacks. "He's only here because of affirmative action," they'd say, dismissing a white player. "He had advantages that blacks never had!" And the quality of basketball would suffer, as teams were required to invest resources and give playing time to inferior players.

And all these efforts to equalize basketball opportunity for white boys will fail, if it turns out that the real reason that blacks dominate basketball is genetic — just as all the expense, the ruined careers, the ill feelings engendered by affirmative action will go for nought if it turns out that Murray and Herrnstein are correct. No matter how much Euro-Americans are discriminated against, the difference between their success rate and that of African-Americans will persist. —RWB

Essay

A Globe of Villages

by Bill Kauffman

Liberty will be reborn in Batavia, not Manhattan.

A friend of mine, a police officer in my hometown of Batavia, New York, told me a couple of years ago of an encounter with some boisterous — but by no means criminal — black kids.

"We the boyz in the hood," they bragged, and though their hood encompassed perhaps five contiguous houses this was a nice illustration of Chesterton's dictum that a patriot must always boast of the smallness, and never the largeness, of his country.

"White man tryin' to wipe us out," they said. My friend, the white cop, asked them to explain.

"There's a liquor store on every corner, and a gun store too. That ain't no accident. Whites want us to get drunk and shoot each other."

My friend was perplexed. Yes, there are a couple of liquor stores downtown; the clientele, like Batavia's population, is overwhelmingly white. The gun shops are on the city's outskirts, and they cater to collectors and sportsmen. Cheap handguns are rare, and besides, we seldom have more than one murder every two years — and that is usually committed by a boozed-up, jealous, poor (and very white) husband. I can only think of one black man within the last decade who was arrested for murder: he killed a white bum who had attacked his brother, and because public sympathy ran so strongly in his favor he was let off with a rap on the knuckles.

The picture these guys on the streetcorner had drawn for the policeman bore almost no resemblance to life as it is actually lived in Batavia, New York in the 1990s. God knows that Batavia's blacks (at least those of long residence in town) have legitimate grievances, but a white plot hatched by the Rotary and Kiwanis clubs to lead them into intoxicated fratricide is not among them.

The kids had merely recited, almost verbatim, the hero's sermon in John Singleton's fine movie *Boyz N the Hood*. Singleton's violent South Central Los Angeles block had been transplanted to Batavia, which might be cute — like Vietnamese refugees in 1982 Iowa mimicking Sean Penn in *Fast Times at Ridgemont High* — had it not provided these young men with an entirely factitious set of sham complaints.

One of the stars of *Boyz N the Hood*, a Compton, Californian who goes by the name of Ice Cube, had some years earlier been lynched by the white-run pop music press after he admitted that he didn't give a damn about Nelson Mandela and South Africa. "I ain't gonna wear no 'Free South Africa' button if Mandela don't wear a 'Free Compton' button," was the gist of his remarks, and I suggest that our boys in their Batavia 'hood would've been better off following Mr. Cube's example and tending their own gardens.

I think it's fantastic that in the late 1980s kids made music that came straight out of Compton, and the situation in my hometown would be much healthier if our boyz 'n the 'hood would turn off their stupid television sets and boom boxes for a few hours a day and start making music that comes straight outta Batavia.

There are, of course, drawbacks to provincialism — I believe it was Ice Cube who vilified what he called the "chop suey ass" store owners who anchor the poorer parts of our polyglot cities. There are few better cinematic treatments of such ethnic rivalry than Spike Lee's *Do the Right Thing*, in which an idealized, harmonious neighborhood block in Bedford-Stuyvesant is riven by the sore-thumb presence of a successful Italian-American pizza-maker. Nevertheless, it is within these somewhat homogeneous communities, wherein members know and understand each other — if not like each other — that the possibility of a return to local self-government is likeliest, and these local autonomies seem to me to be the best and most practical alternative to the ravenous and homicidal leviathan whose subjects we are.

One of my favorite socialists is

Eugene V. Debs of Terre Haute, Indiana. Debs was a courageous man who was jailed during the police-state administration of Woodrow Wilson, the dour henpecked Princeton moralist, who refused, with typically obdurate nastiness, to pardon this martyr to free speech, leaving it for the pride of Marion, Ohio, Warren G. Harding, to do the honorable thing. After a meeting between the two men, Debs and Harding professed mutual understanding, even respect. This is because they had shared a milieu, even though they lived on opposite sides of the tracks. Terre Haute and Marion, though differentiated in important ways, were small Midwestern cities still governed, in part, by civility, civic pride, and mutual respect — virtues a Princetonian cannot be expected to cherish, much less possess. (Pardon the digression, but my wife and I visited the Warren G. Harding home in Marion a couple of summers ago. It's a grand place, with a big wrap-around porch, and it's easy to imagine the handsome whoring rogue within its walls, sipping bootleg gin, playing poker, enduring the nagging of his demented wife, the Duchess, and pinching the Irish maid whenever the Duchess was out of sight. The docent had a charmingly defiant pride in Marion's native son; he told us more than once that Harding "was definitely not the worst president in our history." Given his success at cutting federal taxes, slashing the military budget, and returning war-altered America to normalcy, I think he was one of the best.)

When you strip local people of the power to govern themselves you get a world in which ordinary people feel absolutely powerless, and engagingly wacky ideas like Ross Perot's electronic town hall come to seem positively visionary.

In any event, Eugene V. Debs used to speak longingly of his "beloved little community of Terre Haute, where all were neighbors and friends." His Terre Haute had multiple newspapers, locally owned for the most part; a strong class of independent artisans and merchants and skilled workers; and factories whose owners (and comely reformist daughters) lived on wide tree-lined Oak Streets. There *was* a Terre Haute then, with its own distinct personality and color. Indeed, across these United States in the late nineteenth and early twentieth centuries we had an explosion of regional novels on new inland subjects, from the Dakota of Hamlin Garland to the Indianas of Edward Eggleston and Booth Tarkington to the Upstate New York of Harold Frederic. Garland exhorted his compatriots to be true to your time, true to your place, and true to your locality, and the result was the second great flowering of American literature. The first, of the 1850s, had closed with the advent of the War Between the States; this second ended coincident with the Progressive dawn; the third would not survive the New Deal and the Second World War. It would be silly to say that swelling government kills regionalist art; I cheerfully concede that the Art and Theater projects of the 1930s WPA produced some fine work amid the dross, not least the plays about Upstate New York gathered by Alexander Drummond of Ithaca. But I do think that when you strip local people of the power to govern themselves, when you transfer that power to distant capitals, you set in motion a process of demoralization and devitalization that leads to a world in which men prefer music television to music clubs, and Madonna to the much more available tramp next door. You get a world in which ordinary people feel absolutely powerless to affect goings-on in Washington, and engagingly wacky ideas like Ross Perot's electronic town hall come to seem positively visionary. You get a world in which presidents and their handmaidens in the corporate media invade sovereign countries without declarations of war, and there's not a damn thing any of us can do about it except hit the off button on our remote controls.

Yet I am an optimist, because in my experience, people assume that much of what Newt Gingrich and the Heritage Foundation and Dan Rather and *USA Today* tell them is bullshit. There is and will always be a population of serfs of the spirit who, after watching the ritual two-minute hate from their recliners, want to kill Saddam Hussein or David Koresh or Kim Il Sung or whoever the enemy of the month is; they'll sob with joy as the little girl in the well is pulled to safety down in Texas, all the while deaf to the cries of the hungry child down the street. But these helots are a minority. There are still millions of refractory, stubborn, bull-headed, screw you/show me men and women, the folks Robert Frost called insubordinate Americans, the people who built this country. Let me give an example — homely and prosaic, drawn from my own down-at-the-heels town, because I believe anecdotal evidence is always the best evidence. (Numbers lie; trust the eye.)

My lonely little recommendation is to support localist or individualistic artistic tendencies and idiosyncratic visions you find congenial, and permit others to do likewise.

You may remember from his 15 minutes of fame — which stretched into six or so years — Terry Anderson, the AP reporter who was taken hostage by fanatical A-Rabs in Lebanon. He was identified as a native of Batavia, though not many people recalled him: he'd only lived in town for his high school years, which he spent castling in the chess club and being ignored by the olive dream Italian girls. He joined the service after high school, got an education, and never looked back. But the TV readers told us he was a Batavian, and our town was depicted as a place right out of Andy Hardy where Boy Scouts and busty virginal gals were waiting at the soda fountain, slurping chocolate malteds and waiting for Terry to come marching home again. Well, he did. He was released at the end of 1991 and the networks descended on Batavia, cameras on shoulders and microphones in hands, to capture the weeping, the shouts, the unadulterated joy. At 6:00 p.m., the church

bells throughout town rang in unison for the first time since V-J Day. I walked downtown, through the blowing snows of an early December storm, to hear the peals from the adjacent Presbyterian and Baptist churches on Main Street. There were two or three other auditors, that's all. We listened for a while and went home. Later that night, a restaurant threw a heavily advertised open party which thousands of jubilant Batavians and assorted freeloaders were expected to attend. To the consternation of the Celebrity Nation, about 75 showed up.

Does this mean that we're unneighborly, or shut-ins, or that we refuse offers of free pizza and beer? No. The genuine excitement had occurred the weekend before, as thousands had made the trek to Rich Stadium, home of the Buffalo Bills, where the Batavia High football team beat Grand Island for the state's Class B championship. These people had chosen real life, the ties of blood and kith and kin and authentic community, over the unreal and insubstantial images and artificial emotions that TV had conveyed.

Anderson, by the way, handled his awkward homecoming with grace, though he immediately moved downstate. He is plotting a political career as a kind of Common Cause Democrat, and his evident dignity will stand him well, even in his Republican cradle.

The Kentucky poet-farmer Wendell Berry has identified placeless people who attain power within placeless and puissant organizations as the bane of modern America. Berry writes, "Everywhere, every day, local life is being discomforted, disrupted, endangered or destroyed by powerful people who live, or who are privileged to think that they live, beyond the bad effects of their bad work." They seize by eminent domain the ancestral land of the rooted on which to site nuclear waste dumps. They order the children of Louisville and Roxbury to ride buses to distant schools, while the children of the decreers attend the poshest academies. They clamor to send the 19-year-old boys of Fargo and Tacoma and Duluth and the South Bronx off to die in blighted foreign lands in service of an abstract internationalism to which the soulless pledge allegiance.

The Batavia City Council has never drafted its sons and sent them to bleed to death in foreign sands, and the Genesee County Sheriff's Department has never massacred 86 members of a dissident religious group.

I have no idea what the twenty-first century holds in store for us. My record for prognostication falls somewhere between Nostradamus and Jeanne Dixon: I bet on the Buffalo Bills to win four straight Super Bowls. Nor do I believe in comprehensive programs for the remedy of all ills. My political preference is to act on Henry Adams' maxim that power is poison. I do not want to fight the power or, God forbid, exercise the power. I want to *abolish* the power. My lonely little recommendation is to support localist or individualistic artistic tendencies and idiosyncratic visions you find congenial, and permit others to do likewise. Encouraging diversity has nothing to do with IBM promoting incompetents who have the right skin tone or sex organs; it does not mean forcing eight-year-olds to sit through dreary lectures on AIDS or racism. It means the absence of control or coercion; it means creating a climate in which free men and women can follow their own polestars, no matter how blinding or dim; it means the flourishing of local cultural awareness and the prospering of holy fools and outcasts and solid Main Street citizens, whether Gus Van Sant along the Pacific Northwest tenderloin or George Romero among the Pittsburgh zombies, whether in Fred Chappell's North Carolina or Charles Portis' Arkansas or Chilton Williamson's Wyoming or Jim Harrison's Upper Peninsula of Michigan: places that are individuated, that are particular and real, that are different from every other place on earth.

I am certainly not saying that all writers or filmmakers or artists must be regionalist. If they were, I'd probably shout from the rooftops for cosmopolitanism. But I *am* saying that the precondition for a transfer of power from Washington back to New York — or better yet, Genesee County — or better yet, Batavia — or better yet, State Street — or better yet, the 'hood in which those black kids live — or better yet, to the kids and their parents themselves — is a nation of revivified local cultures, in which people have the capacity to paint their own pictures and sing their own songs and make their own mistakes.

Yes, there are violations of liberty at the local level: property taxes can be sky-high; merchants may face dumb regulatory hurdles; the zoning board may be unreasonable. But these pale when compared with the acts of Moloch in Washington. I can tell you that the Batavia City Council has never drafted its sons and sent them to bleed to death in foreign sands; the Elba Town Board has never slaughtered a single Iraqi or Panamanian or Vietnamese; the Genesee County Sheriff's Department has never massacred 86 members of a dissident religious group.

Small towns are often caricatured as nests of busybodies prying into the affairs of others and tut-tutting their disapproval of even the mildest nonconformity. There is of course some of this, though those who know these places best — even such alleged debunkers as Sinclair Lewis, who in fact loved Gopher Prairie beyond measure — understand the value of subtle social pressures, not least of which is that they make a kind of community anarchism possible.

One is less likely in a small town to march into the grocery store and buy a bag of Doritos with food stamps because there is a very good chance that the cashier with the glare in her eye is an old classmate. Similarly, I will pull Jim's car out of the snow drift, not

Erratum

In "Periphery Vision" (January 1995), Chester Alan Arthur reported that Scott Grainger's 6.75% in the 1994 Arizona senatorial race was the highest Libertarian Party showing ever in a statewide race against two major-party candidates. In fact, this record belongs to Dick Randolph, who got 14.9% for governor of Alaska in 1982.

Grainger's showing *was* the best ever for an LP candidate for U.S. Senate.

necessarily because I am a benevolent soul, but because next week I may need him to pull me out. A whole web of relationships is spun in a small town, with threads running from every person to every other person, and while some may find these have the texture of a noose, for most others they are lifelines. Mrs. Jones the bluenose over on Elm Street may grumble over the promiscuity of this neighbor or the dissipation of that one, but rarely, if ever, does she call in the cops. It is no coincidence that the anti-smoking zealots have had their greatest successes in larger cities and in college towns, with their mobile and rootless populations. People who do not know each other are less inclined, in my view, to live and let live; they create governments of the busy, by the bossy, for the bully. There is no smoking ban in Batavia or Elba, but there is one at the community college — a large bureaucratic institution run by outsiders who do not know us.

As one who has spent the better part of his life in in a rural county in New York, I can say that my own crotchets and eccentricities are tolerated, as are the weirdnesses of native sons far loonier than I. This is not to say that small town living is for everyone, or that any goofball can move into Dogpatch, Kansas, dance naked at noontime, and fall into the welcoming embrace of the Rockwellian multitude. Aliens who barge into a town and demand that decades of custom and tradition and inherited wisdom be tossed into the garbage will be greeted with coldness or even hostility. Nor do I claim that citizens of small towns are better people than metropolitans; I have tasted enough of the fruits of urban living to understand completely why one might prefer Boston or even Los Angeles to life in the hinterlands. Nevertheless, in fixity begins responsibility, and we are way past due for a radical devolution of power to the most local level possible.

The brilliant director Frank Capra once said that he wanted his movies to utter "the rebellious cry of the individual against being trampled to an ort by massiveness — mass production, mass thought, mass education, mass politics, mass wealth, mass conformity." Or, as a great band sang, "No man born with a living soul can be working for the clampdown."

The American renewal will not be achieved through the enactment of empowerment zones or the line-item veto or day care vouchers. It will not be planned in Washington or financed in New York or filmed in Hollywood. It does not depend upon the elevation to the presidency of Al Gore or Bob Dole or Pat Buchanan or Colin Powell. The one-party system of Washington, D.C. — with Newt and Bill as the Brothers Tweedle — will not herald its arrival with Olin-funded gabfests.

No, the American renewal will occur when Batavia produces a rich and varied art and literature and music; when Batavia speaks for itself; when Batavia has the confidence and self-knowledge to tell Washington, D.C. and Albany to go to hell, and to allow Batavians, individually and within families and neighborhoods, to chart their own versicolored lives and infinitely furcated courses. America awaits the flowering of Batavia. ❑

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Invitation

Welcome to the Revolution

by Durk Pearson and Sandy Shaw

Twenty-five years ago, Durk Pearson and Sandy Shaw made the case for eschewing political activism. Today, they argue for joining the fray.

Twenty-five years ago, we wrote an essay entitled "What If There Was a Millennium . . . and No One Came? Or, Don't Wait for the Engraved Invitation."[1] We wrote the article for freedom-lovers who, inundated with information, needed a set of heuristic principles to use that information in the search for greater personal freedom.

Our essay concluded that there is no single blueprint for self-liberation, only guiding principles that help you figure out where to look. You can't follow the general public because they aren't looking for the degree of freedom that you are — and even if they were, they probably wouldn't know where to find it. You'll do best by reading widely, reading between the lines, and using your resources wisely.

Today, because of technological advances in communications and information-processing, there are more opportunities than ever before to expand your personal freedom, despite the general increase in governmental power. Yet many freedom-lovers have not yet discovered these rapidly expanding micro-ecosystems of freedom. When we tell people that we think a second American Revolution has already begun and that the time is ripe for getting involved in selected activism, the suggestion is often met with cynicism and disbelief.

Here, then, is how we see the situation today. *The millennium has started.* The Wall may fall at any time within the next 15 years, and it's high time freedom-lovers started planning for large-scale freedom in America instead of focusing exclusively on what can be done at a personal level. Getting involved as this process starts gives us a greater chance of affecting the outcome than waiting until things have become too advanced. According to chaos theory, there is an optimal time (a crisis point) when small inputs will produce the greatest effects later. We don't know how to calculate that point, but it's hard for us to believe that it will be more than a few years from now.

You always knew that a time would come when you would need to stand and fight. For us, that time is now.

During the past three years, we have watched with amazement (and participated, too) as several anti-federal political movements have grown to such an extent that the political bigwigs in Washington, D.C. have started to take alarmed notice. Here are a few examples:

1. A grassroots private property rights and Fifth Amendment "takings" clause movement has emerged into a politically powerful force. The movement includes about 1,000,000 people in hundreds of different groups. During the past year, environmentalists were unable to get a single major bill through Congress, aside from the California Desert "Protection" Act, passed as a courtesy to California's senators. They couldn't get the Endangered Species Act reauthorized, and they couldn't get the National Biological Survey passed. Grassroots political lobbying by property rights groups succeeded in getting amendments to protect property rights attached to these and other environmental bills — requiring, for example, a cost/benefit analysis, written permission from landholders before government agents can go onto their land for "surveys," and compensation for regulations that reduce the value of private lands.

2. Another movement is demanding that the federal government comply with the Tenth Amendment by exercising only its enumerated constitutional powers, while respecting the constitutionally reserved rights of the states and the people over everything else. A resolution supporting the Tenth Amendment and asserting state

sovereignty over all except those powers specifically enumerated in the Constitution has passed several state legislatures, including Illinois, Colorado, California, Missouri, and Hawaii. The resolution has been introduced in Ohio, New Jersey, and Pennsylvania, and has passed one house in Oklahoma. Eight other states — Utah, Oregon, Idaho, Washington, New Mexico, Nevada, Michigan, and Wyoming — plan to introduce the resolution when their legislatures reconvene. Some counties have also passed the resolution, including ours in Central Nevada.

3. Educational efforts by the Fully Informed Jury Amendment movement have influenced the outcomes of several important trials involving abuse of power by agents of the federal government, including the Randy Weaver and Waco trials. England's Glorious Revolution of 1688 began with jury nullification of laws restricting freedom of speech and religion. Jury reform (greater power for juries) is now being debated seriously in several state legislatures, such as Arizona's. The Arizona bill would allow members of juries to take notes and ask questions, although the Arizona legislators were afraid to include information on jury nullification (there would be "too many acquittals").

The millennium has started. The Wall may fall at any time within the next 15 years, and it's high time freedom-lovers started planning for large-scale freedom in America.

4. The "No Unfunded Mandates" movement is an unlikely political alliance of liberal and conservative state, county, city, and town government officials, along with citizens' groups opposing high taxation. These groups are taking action to scale back the federal government's growing takeover of the economic base of lower levels of government through unfunded mandates. The Mayors' Task Force — chaired by a liberal big-city mayor, Richard Daley of Chicago — has funded economic analyses of the costs of unfunded mandates to America's cities and is actively lobbying to eliminate these mandates, including the Endangered Species Act, the Americans with Disabilities Act, the Clean Air Act, and the Clean Water Act. In the latest meeting of the nation's governors, there was wide agreement that unfunded federal mandates were the states' greatest problem.

It has occurred to us that it might be possible to harness the tremendous political forces arrayed to eliminate federal unfunded mandates. This would cut off a major form of federal regulation and off-the-books spending. (For example, the Clintons' "health reform" and the Brady Bill are unfunded mandates on the states.) The best approach, we believe, is a constitutional amendment to be passed through state legislatures. After all, states have the biggest incentive to get rid of unfunded mandates. We asked our attorney, Jonathan Emord, to research the issue from historical and legal perspectives and to report on the potential benefits of getting rid of federal unfunded mandates, to advise how the constitutional amendment process works through state legislatures, to evaluate the risk of runaway conventions, and to write a proposed state assembly resolution and accompanying constitutional amendment for passage through the states to eliminate federal unfunded mandates. He concluded that the risk of a runaway convention was no greater than the risk in the congressional constitutional amending process, provided that the authorizing resolution is properly written to strictly limit the authority of the conventions. He has prepared a detailed report on the subject, which we are making available to the public at the cost of copying.[2]

5. The "Taking Back the West" movement is sweeping the western states. Over 50% of the land in the west is controlled by federal agencies (the Forest Service, the Bureau of Land Management, etc.). Many state, county, and city government officials, including district attorneys, are trying to kick the federal government off its huge tracts of land. This movement has developed a legal challenge to the federal government's claims to these lands, basing their case on several doctrines:

A. *The Equal Footing Doctrine.* The Constitution has a provision whereby states joining the Union after the original 13 do so on an "equal footing" (on the same terms and conditions) as the original 13 — which had no federally owned lands.

B. *Prior appropriated lands.* In the west, much of the so-called unappropriated lands that the federal government now claims already had extensive private rights on them at the time the western states joined the Union. For example, large grazing areas that the federal government now holds were previously in private use, and these private rights were recognized by territorial and local court decisions; essentially all surface water rights and riparian areas had been appropriated by the time of statehood. These "unappropriated" lands were supposed to be transferred to the federal government with recognition of all prior rights.

More and more people are thinking, talking, and writing about the Constitution today. They are thinking about why this "limited government" has become so unlimited.

C. *Rights-of-way in "public" lands in the west.* R.S.2477 is a congressional statute passed in 1866 that allowed people to establish public highways across "federal" lands. The statute was terminated in 1976 under the Federal Land Policy Management Act; however, all R.S.2477 rights-of-way established prior to 1976 were grandfathered. These state-controlled public highways criss-cross the west, threatening the federal government's attempts to close off "wilderness" areas that, by definition, must contain no roads. Until recently, the feds had simply been illegally closing R.S.2477 roads into areas they wished to seal off, but now some Nevada county commissioners are bulldozing them open again in deliberate defiance of the

feds. "Prove to us that you have jurisdiction over these roads," they are demanding, while citing some of the extensive legal case precedents that consistently supports state control of R.S.2477 rights-of-way.

D. *The Tenth Amendment.* As mentioned above, the Tenth Amendment specifies that all powers not specifically granted to the federal government in the Constitution are reserved to the states and the people. The implications of this for the west should be obvious.

E. *Exceeding delegated authority.* Many of the actions taken by federal land agency employees "under color of law" are illegal because they go beyond their specific delegated authority. They are now being legally challenged in many parts of the rural west. For example, Forest Service employees do not have the legal authority to enforce the law, to have police-type rotating lights and sirens on their vehicles, or to carry guns while on duty. Some Nevada, Utah, and New Mexico counties have declared that federal land management employees who violate the constitutional rights of the residents of their counties in the guise of law enforcement will be arrested, charged, and prosecuted. Some of the feds in those areas are quite upset about the possibility of being tried before a local judge and jury and thrown into jail for actions that, until now, they have committed with impunity. (It is interesting to note that, after the Border Patrol, the Forest Service has the highest incidence of employees bumped off on the job of all the government "services.")

F. *Violation of trusteeship.* When the federal government acquired the "unappropriated" lands from the western states as a condition for joining the Union, it was understood that the federal government would hold these lands in trust for eventual sale. There was nothing in these state-federal government agreements about perpetual federal occupation of these lands until the above-mentioned Federal Land Policy Management Act of 1976.

6. The self-medication movement is gaining ground. Today, the government is less likely to attempt outright prohibition to prevent the use of products in ways the government does not approve, preferring to restrict marketers' freedom of speech. The FDA's policy is the most egregious example of the use of unconstitutional prior restraints on free speech.

We are happy to have played a major role in this particular revolt. Until last year, when we filed objections to the FDA's regulation of truthful speech accompanying the sale of dietary supplements, the FDA had never been challenged on a First Amendment basis.

We believe that as long as these movements' goal remains the restoration of constitutional rights, it is worthwhile to get involved. The Constitution isn't perfect, but it's a hell of a lot better than what we have now.

Now it seems as if everyone and his uncle in the dietary supplement industry — along with many of its customers, some physicians, and even a few research scientists — has discovered that there is such a thing as the First Amendment, that the FDA is wildly flouting it at great cost to the health of Americans, and that court precedent strongly supports our position in opposition to the FDA's prior restraints. Many people are now avidly following our FDA legal challenge before the Ninth Circuit Court of Appeals. The case has been reported extensively in *FDC Reports — The Tan Sheet*, a widely circulated source of information about FDA regulations. By the time you read this, oral arguments by Jonathan Emord and by the government's attorneys may have been heard before the Court.

The stakes are immense. The FDA is the greatest roadblock to improved biomedical technology in the United States. The FDA denies access to a huge and growing scientific literature on preventing disease and extending lifespan.[3] The FDA's restrictions on truthful speech apply to communication of truthful, non-misleading information on the effects of dietary supplements and on FDA-unapproved uses, also called off-label uses, of drugs the FDA approved for another purpose.

The FDA's and Justice Department's attorneys are bewildered by our First Amendment challenge. Their briefs display an unfamiliarity with the legal jurisprudence of the First Amendment. (Emord put it this way: "Neither the FDA nor the Justice Department have been able to identify precedent sufficient to exempt the FDA's prior restraint from the Supreme Court's First Amendment case law, which stands foursquare against it.")

Court rulings are notoriously difficult to predict. We are encouraged by the fact that the First Amendment seems to be on a roll in the courts. In the most recent decision, the U.S. District Court for the Northern District of Illinois (Eastern Division) decided on October 27, 1994 (*Ameritech Corp. v. United States*) that Section 533(b) of the 1984 Cable Communications Policy Act (which prohibited telephone companies from providing cable TV services) is an unconstitutional infringement of the First Amendment because, as the Supreme Court has said, cable programmers and operators "engage in and transmit speech, and they are entitled to the protection of the speech and press provisions of the First Amendment."

In the area in which this court has jurisdiction, telephone companies may now compete with cable companies in the provision of video programming to the home. The basis for this decision — that the law provided for an unconstitutional "prior restraint" on speech — is the same issue involved in our case, and we have brought up many of the same arguments in our lawsuit against the FDA. This is not too surprising, since Emord was one of the attorneys who filed a brief advocating that the Court strike Section 533(b).

Emord was also one of the attorneys who filed a brief in support of Bell-Atlantic Corporation in *United States v. The Chesapeake and Potomac Telephone Co. of Virginia, Bell Atlantic Video Services, and Bell Atlantic Corp.* before the U.S. Court of Appeals for the

Fourth Circuit. In that case, Section 533(b) was struck down as an unconstitutional violation of the First Amendment rights of telephone companies wanting to provide video programming to their customers. (Jonathan is on a roll, too.)

In the meantime, Congress has passed the Hatch-Harkin bill intended to protect the dietary supplement industry from those FDA regulations that threaten the continued availability of many dietary supplements and prevent communication of truthful information about any supplement's health effects. Unfortunately, the bill (which started out pretty good) went through extensive modification in a last-minute "compromise" process to get Rep. Henry Waxman to permit the bill to reach the House floor for a vote. Although the compromise law has some good features, it perpetuates the FDA's speech restrictions. Our First Amendment court challenge assumes greater importance in the face of Congress' failure to do anything about the FDA's continuing violations of free speech.

7. Citizens' militias now exist in all 50 states. In mid-October, CNN reported a protest by members of the Michigan citizens' militia about the flying of the United Nations flag at a town hall. (They ought to have protested the flying of the federal flag, too; we fly the 13-star Bennington Revolutionary War banner.) The militia movement has also attracted the attention of the *New York Times*, *U.S. News & World Report*, and other major media. We hope that government awareness of the growing number of armed citizens training in militias may deter recurrences of such naked government aggression as the mass murder at Waco.

8. — and beyond. There are a number of technological opportunities for increasing freedom which we haven't the space to discuss here, including the talk radio marketplace of ideas, the explosive growth of desktop publishing, the Internet (where people select the non-geographical societies in which they wish to live and make their own rules), the increasing availability of informational databases, and encryption (with the potential of 100% privacy and truly free information and banking markets).

In the Beginning . . .

The United States began with 13 colonies. Now there are 50. Just as the colonists of old sat around in taverns and argued about the rights of man while developing the philosophical principles that led to the American Revolution, we are seeing more and more people thinking, talking, and writing about the Constitution today. They are thinking about why this "limited government" has become so unlimited and how constitutional rights can be restored and strengthened. In some parts of the country — such as central Nevada, where we live — the federal government has about as much moral authority in the eyes of the inhabitants as an occupying army. This view of Washington, D.C. is spreading rapidly and is starting to scare the hell out of the Beltway crowd.

Will D.C. be a ghost town in 2005? We don't know, but it certainly seems possible. Lech Walesa once said that the most important factor in Eastern

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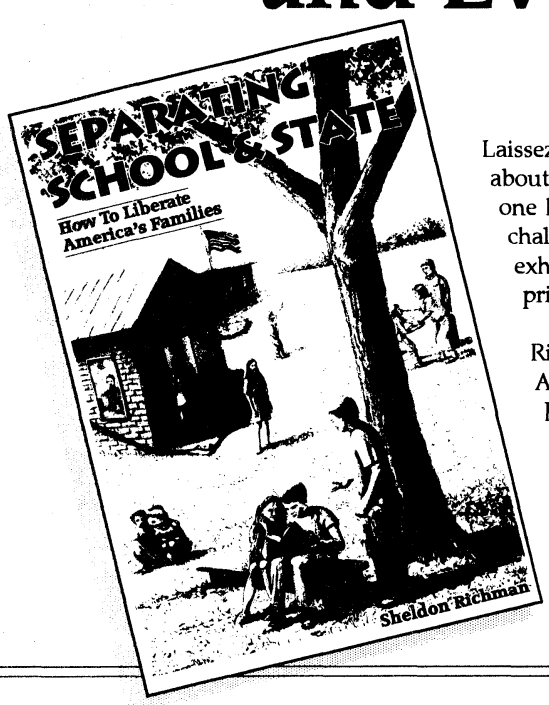

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Europe's break with the former Soviet Union was the availability of cheap information technology. The sudden influx of information about the "real" world caused a catastrophic decline in the Soviet government's moral legitimacy, followed by the breakup of the U.S.S.R.

To stay in power, any government, even a totalitarian one, has to have a significant degree of legitimacy in the eyes of its subjects. To a great extent, coercive laws (such as income taxes) depend upon voluntary compliance. Most people harbor some belief that the government represents them. Without this quasi-consent, enforcement costs would get totally out of hand. Washington, D.C. is losing legitimacy in the eyes of many Americans right now.

There could be many outcomes of this, some good, some bad. The U.S. might break up, possibly into 50 countries. If this happens, we hope the 50 are smart enough to have a strong free trade treaty among themselves. Alternately, the federal government might be chopped back to something more like the strictly limited federal system intended by the framers of the Constitution. If so, this time we need to put in stronger checks and balances, to avoid (or at least obstruct) the federal government's destruction of constitutional rights without increasing that risk at the state or local level.

We believe that as long as these movements' goal remains the restoration of constitutional rights, it is worthwhile to get involved. The Constitution isn't perfect, but it's a hell of a lot better than what we have now. These grassroots groups are trying to reduce federal power (we call this "a mid-course correction") in relation to the power of state and local governments and in relation to the power of individuals.

There is no guarantee, of course, that the ultimate outcome of all this will be large-scale personal freedom. It is clear, though, that growing numbers of Americans are demanding that the federal government return to constitutional limits, and that this is leading to a constitutional crisis in which, among other things, the courts will have to decide whether they are going to restore those limits. Even the Supreme Court realizes that its power stems from its moral legitimacy, and that it will lose that legitimacy if it fails to support the Constitution during this crisis.

If it does fail, we will have to rely on constitutional amendments passed through state legislatures to curtail unconstitutional federal actions. Intervention by the citizens' militias is the last resort. We do not want to see things get to this point, which is why we are expending so much of our time, money, and energy on the movements we've just described.

Please join us. The party has just begun! ❑

Notes:

1. Originally published in *The Libertarian Connection* #13. Reprinted in *Liberty*, December 1987.
2. Available from The Invisible Hand Foundation, P.O. Box 1181, Port Townsend, WA 98368. $5.50 per set of 43 pages.
3. At a 1994 scientific conference we attended, several scientists from large pharmaceutical companies took part in a panel discussion of industrial initiatives involving free-radical-induced disorders. In the question-and-answer period, one scientist asked them when they were going to develop a drug for the purpose of retarding aging itself, rather than simply treating diseases of aging. The panel members looked at one another and one of them answered slowly (requesting that he not be quoted on this, which is why we haven't identified him or even the conference itself) that he thought an anti-aging drug could be developed within five years with what we know now, but that this work will not be funded at their company because they would never be able to get FDA approval. The other panel members agreed and expressed considerable frustration about this situation. There will be a large increase in public dissatisfaction with the FDA as soon as the public discovers that the FDA is suppressing information about the ability of low-dose aspirin, moderate alcohol consumption, and antioxidant vitamin supplements to prevent 50–80% of heart attacks.

For a list of sources and addresses for the groups mentioned in this article, send a #10 SASE to Liberty Sources, P.O. Box

Travelogue

In Kyrgyzstan

by Douglas Casey

Through the ex-Soviet ex-Union with a gun and an investment portfolio.

Late last July, I flew across twelve time zones to Alma-Ata in Kazakhstan. From there I drove south to Bishkek, capital of Kyrgyzstan. Despite the hundreds of thousands of miles I've traveled in the Third World over the last 20 years, this was only my second trip to the old Soviet Empire. I went to check out some Kyrgyz gold mining properties that I was thinking of investing in, but I also wanted to see the country and the people. I can assure you: it's nothing like Kansas.

Just north of Afghanistan, nestled between China, Tajikistan, and Kazakhstan, Kyrgyzstan is about the size of South Dakota, with 4.7 million inhabitants. Even though the people speak a Turkic language, they're ethnic Mongols, tall and rangy. Almost all are Muslims, but few are fundamentalists. Ethnic Russians are unpopular and are rapidly vacating the premises. It's a pastoral society; once you're out of the city it becomes apparent that the people prefer yurts to the god-awful apartment blocks the Soviets tried to herd them into.

Upon arrival I was greeted by a surly but unarmed customs officer, who collected a form that asked how much currency I was carrying. A stupid nuisance, and always a tip-off that a country has problems. But he was a less intrusive than the armed, midnight-blue-jumpsuited little bedbug from U.S. Customs who asked me the same question as I boarded the plane in Dallas.

The official line pays lip service to free-marketization and liberalization. But talk is cheap, and anecdotal evidence is omnipresent that the country is going nowhere fast. Gasoline is seldom available at filling stations, which mostly are stripped and abandoned because they're still state property; gas is peddled from tankers by entrepreneurs on the roadside. No construction cranes grace Kyrgyzstan's cities.

You see men squatting in courtyards, smoking cigarettes and palavering, for lack of anything better to do. No restaurants, no shops, no foreign newspapers or magazines. No foreigners either, for that matter. In Kyrgyz hotels, you make your own bed. Expect grim and unsmiling service, although "service" isn't quite the right word.

Meanwhile, the old government officials remain employed; that is, they hang around their offices, figuring out ways to bedevil and extort the citizens so as to justify their existence. If any improvements are to be made in the lot of the common man here, they're going to have to be imported from the West. But that's not the kind of help the West is delivering.

The Development Game

What passes for development aid from the West is simply perverse. Kyrgyzstan is awash with bureaucrats from the World Bank and International Monetary Fund, anxious to squander Western tax dollars on all manner of cockamamie schemes hatched by the *apparatchiki*. In recent years they've emphasized privatization, deregulation, and tax reduction, which seems sensible enough. But neither the IMFers nor the World Bankers believe in those values. They simply recognize it's the only way they stand to recover any of the uneconomic loans they've made to these countries, and thus hold onto their jobs. I doubt that a single employee of either boondoggle institution has any experience running a business, or would last five minutes in a real venture capital firm. They're just the type you always find running around in Third World countries, playing bigshot instead of working for the post office, where they belong.

I met a female lawyer employed by the SEC, on loan to the Kyrgyz government to assist in setting up a stock exchange. In a brief (and predictably unpleasant) conversation, I learned that she was a firm believer in regulation and had no practical investment experience, but did have an

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abiding distrust of markets. Your tax dollars at work.

Speaking of tax dollars, I was informed that the IRS is also on hand to instruct the natives on how to set up a proper tax system. I kid you not. That's not going to make business here any easier.

Notwithstanding all this, Kyrgyzstan is a place in which an enterprising fellow could do very well.

Doing Business

I visited the mining properties in a helicopter. The properties checked out pretty good, the Western managers on site seemed competent, and the prices of their stocks were fairly cheap. Even so, I decided not to buy. I can't get very enthusiastic about properties in this part of the world. If they were almost anywhere else — South America, Africa, Southeast Asia — it would be a different story.

Even when the company and its management are clearly held in high regard by the locals, it's not going to be easy doing business here. For one thing, it's going to take at least a generation to overcome ingrained corruption. Everyone will have his hand out, awaiting the right amount of *baksheesh*, before signing papers or granting permits. American companies are constrained by American law to abstain from bowing to local traditions of that nature. I questioned them about it, and they feel that being known as straight shooters will inure to their long-term advantage. But this is Kyrgyzstan, not Kansas, and I suspect that ignoring this time-honored practice will generate non-cooperation from those in power.

Here's the real problem I have with mining in this part of the world. The deposits controlled by various companies are generally huge and rich. They have generally been drilled to a fare-thee-well by Soviet geologists. Environmental and official (as opposed to *baksheesh*-driven) regulatory problems are trivial. Labor is cheap and plentiful. Financing is usually subsidized by some government or international agency. It's all perfect except for one thing: this part of the world is a ticking bomb.

Strangely enough, that doesn't mean that companies here won't suc-

ceed in making mines, and making them work. The various warring factions have more interest in plucking a golden goose than killing it. They know they can't run a high-tech mine — after all, they watched the Soviets try and fail for decades. And they know the foreigners will cut and run if it gets too unpleasant.

I don't mean to say that an American couldn't make money here. If I were a younger man, hot on the trail of adventure and fortune, I'd be tempted to open a restaurant in Bishkek. The success of McDonald's in Russia and China is instructive, and several friends of mine who have financed a pizza chain in southern Poland are also doing well.

In Kyrgyz hotels, you make your own bed. Expect grim and unsmiling service, although "service" isn't quite the right word.

The first thing people do with disposable income — all people, everywhere — is eat out once in a while. And while there's nothing wrong with catering to the masses, the real money, and the fun, doesn't lie in slinging hash to the *hoi polloi;* it's in running an upmarket gin joint, perhaps in the style of *Rick's Café Americain*. The people who have big money here — at the moment, most of it appears to have a genesis in things like stolen cars from the West, sale of recently liberated government property, and plain old-fashioned corruption — simply don't have any place to spend it.

For the life of me, I can't see why anyone would put up with a low-return, highly competitive, aggravation-intensive business like a restaurant in the developed world when, in a place like this, there is no competition and infinitely higher returns. Admittedly, aggravation is an integral part of the restaurant business. But the real money in a place like Kyrgyzstan is in deals — real estate, construction, import/export, venture capital. A properly run bar in Bishkek, which is the ideal entrée, would result in a hundred times more commerce than any Stock Exchange from Hell set up by some lawyer from the SEC.

This needn't be just interesting theory and cocktail-party chatter. If you were to send your son or grandson (female progeny have the odds loaded against them in this part of the world, unless they're already really tough and street smart) to check it out for a few weeks or months, I promise you he'll get far more value than from years in an MBA program, "learning" from professors who couldn't make it in the business world.

I picked up a few lessons, myself. There are six provinces in Kyrgyzstan, and my companions and I were hosted by the governors of two of them. One governor made no secret of the fact that he was at a stage of life when getting rich was important; we discussed the prospect of the restaurant with him, knowing he could make things a lot easier. I asked him if the various mafias that control Russia had moved down into Kyrgyzstan, and whether we were likely to have any trouble with them. He answered, "Don't worry. I am the Mafia."

A Bit of Local Culture

Of course, an individual American entrepreneur could safely disregard the idiotic American law against *baksheesh*, so he could cough up a little now and then, enough to keep on the good side of the authorities. I personally didn't have to pay any on this trip, but I did partake of some other local customs.

Near the miners' housing at one mine site was a camp of nomads, living in yurts, dressed in traditional garb, riding skinny little ponies; things didn't look like they'd changed much since Ghengis Khan came through town. Just as they rode up to my house, I went out to greet them and offer them a Coke; they reciprocated with fermented horse milk. The stuff tastes somewhat like a watery alcoholic yogurt.

On the way back, the governor of another province hosted a traditional Kyrgyz feast alongside a stream in an aspen grove, in a valley overlooked by snow-capped peaks. It could have been Colorado. Two large yurts were joined together, and all manner of bizarre food was served; it was something like combining a quaint picture from your fourth-grade geography book with the feast from *Indiana Jones and the Temple of Doom*. Every meal in Kyrgyzstan is planned around mutton. The guest of honor was an executive of a mining company, a fact publicly acknowledged when he was presented with the sheep's head. By the time it got around to me, all the choice parts, such as the nose and eyeballs, had already been high-graded. I consoled myself with other dishes whose components defied recognition.

What's currently going on in Chechnya is simply a well-reported version of what's happening all over old U.S.S.R.

You may remember that song from the '60s whose refrain goes something like, "The French hate the Germans, the Germans hate the Dutch, and I don't like anybody very much." Well, multiplied by 100 nationalities, that could be the theme song for the entire old Soviet Empire for many years to come. What's currently going on in Chechnya is simply a well-reported version of what's happening all over old U.S.S.R. In the civil war in Tajikistan, there have been more than 100,000 casualties, including 20,000 deaths, in the last year alone.

For some reason — probably because they all get their copy from the same State Department press releases — the media think these places are "countries" in some real sense. It's more realistic to forget about the borders, which are meaningless lines some successful criminal in a capital city drew on a map after some war.

And forget about such inane concepts as "democracy," too. Even in the West it's just a polite variety of mob rule; here it's a laughingstock, useless except for pieties delivered to credulous reporters. ❑

Open Letter

Harry, Don't Run!

by John Pugsley

For 25 years, Harry Browne argued against participating in electoral politics. Now he is running for the presidency. An old friend asks him to reconsider.

Dear Harry:

Your decision to seek the Libertarian Party's nomination for president in the next election has electrified libertarians. It is, without doubt, the most exciting news that has hit the Party since its formation in 1971.

Many of us were stunned. Your writings over 30 years have consistently argued the futility of political action and maintained that people waste their freedom working to affect the government. However, on reviewing your writings, along with your explanation for the change, I'm satisfied that you haven't reversed course. You just believe that the public's perception of government has changed. Today, tens of millions of Americans — perhaps the majority — can see for themselves that government doesn't work. Where in the past you felt political action was futile, you now are convinced that the time is here to wage the battle for individual liberty through the ballot box. With heightened public recognition that government is the problem, you sense that the right candidate could be a lightning rod, collecting the disparate energies of a disenchanted populace and focusing them on disbanding the state.

As a long-time friend who has been one of your greatest admirers, I can testify that your considerable skills as a speaker, coupled with your brilliant mind and rapier wit, make you the most powerful candidate the Libertarian Party has ever put forward. The emotional appeal of a person of your intelligence, wisdom, and knowledge in the position of president makes the thought of joining your crusade compelling. Win or lose, such a campaign would bring the free-market argument to hundreds of thousands of disenchanted individuals, spreading the truth that big government is their enemy and the sole source of America's social decay. And yes, it would be an extreme long-shot, but with luck, the Libertarians might actually win. If you became president, it would appear that you'd be positioned to strike a potentially mortal blow to the state. And even if you didn't win, reaching voters with the truth might exert tremendous pressure on politicians in the other parties, leading them to change the direction of government.

I hear that support is pouring in from libertarians who have never before deigned to touch a ballot. Many of my close friends and colleagues, including such independent thinkers as Doug Casey, Mark Skousen, Bill Bradford, Rick Rule, and Bob Prechter, have told me that they are joining your campaign. The calls are coming in thick and fast entreating me to join the new libertarian army at the political barricades.

As I said, this is emotionally compelling. However, I ask you and all of our libertarian friends to re-examine the premises on which political action is founded before succumbing to its visceral appeal. Your charisma and persuasive power will attract the best and brightest minds of the libertarian world onto the political battlefield. If you are wrong, the

potential injury to the cause of freedom could take a century to heal.

The goal of all individuals of good will today and for most of history is and has been freedom. The brightest minds of every generation in recorded history have searched for the path to that goal. The discovery of how to achieve freedom has been and is mankind's most important quest. You and I are painfully aware of how completely mankind has failed. Nowhere on Earth does man live in freedom.

Why has our species failed to achieve this, its most important goal?

I think you would probably agree that it has failed because those searching for freedom have incorrectly assumed that freedom could only exist if we first designed *the perfect form of government*. Even those enlightened men whom we call our "founding fathers" started from the premise that a society can only function if individuals subordinate at least some of their personal freedom to a political authority. Outside of you, me, and a relative handful of libertarians around the world, this false belief that men cannot live in harmony without government is nearly universal.

Libertarians and anarchists have long recognized the wolf in grandmother's nightgown, and now conservatives and even many who consider themselves liberals at last are becoming aware that each time grandmother kisses them, they wind up with a nasty bite. As the victims of government multiply, the search intensifies for a way to contain it. The central issue facing all freedom-seeking individuals — conservatives, libertarians, and anarchists alike — is, *How can the cancerous growth of the state be stopped?* What can individuals do to effectively reverse the trend toward omnipotent government and ultimately achieve a stateless society, or at least the maximum degree of individual freedom?

Every person in the lynch mob is as guilty as the person who pulls the rope.

There are two fundamentally different strategies from which to choose. The most popular strategy is to use the political process to take control of the state apparatus. Those who choose this strategy believe that through education, political campaigning, and the voting booth, political power can be wrested from special interests, spendthrift politicians can be excised from government, and the state can be subdued. The Libertarian Party was founded to pursue such an agenda. The other strategy, that of using individual action, is far less popular. Those who seek freedom through a strategy of individual action refuse to condone political action even as a means to an end. They reject *all* political action. They do not register. They do not vote. They do not campaign for or against candidates. They do not contribute to political parties or political action committees. They do not write letters to congressmen or presidents. This non-political road is one some libertarians and all pure anarchists have followed.

In the past you have rigorously argued that individual action was the only rational strategy primarily because voting is futile — one vote doesn't matter. However, you now feel that masses of voters will choose a candidate who promises to bring down government, so that individual votes will matter. It's not clear why if one vote doesn't matter in one election, it does in another. If it's because now there is a chance of winning when before there wasn't, then that would presume that votes only matter if there's a chance of winning.

But you also argue that even if you don't win, a large voter turnout for a Libertarian candidate will send a message to the Democrat or Republican who does win in 1996. But again, I'm not clear as to why this wasn't true in past elections. If influence on the winner is a reason to participate in politics, this should have been just as legitimate a reason for voting in the past, too.

I ask you and all of our libertarian friends to re-examine the premises on which political action is founded before succumbing to its visceral appeal.

You've talked with people all over the country and they universally distrust government. The polls themselves continually signal the public's disenchantment with the state. If asked, even many liberal Democrats will say that government is doing a bad job. But have the majority of people become anti-government? There is some evidence to support the idea that a great number have become fed up with big government. Perot's appeal in the last election stemmed partly from his government-bashing. But part of it also came from his Japan-bashing and his courting workers and business owners with protectionist arguments. We shouldn't forget that in spite of all, the election was won by the "big government" party.

It would be dangerous to assume that just because someone says he thinks government is too big, he is ready to eliminate those areas of government in which he is a beneficiary. If history is any guide, the next election will be won by the candidate who promises to bring big government under control, *without cutting off the flow of government benefits*. Assuming there is a majority of voters who could be won over to a candidate that promises to bring down big government and repeal the income tax, what will happen to the attitude of these voters when the consequences of repealing the income tax and downsizing government become obvious? How many senior citizens will vote for repealing the income tax if they believe that the effect will be to curtail Social Security or Medicare? How many corporate executives will back away when they realize that their regulatory shield will be removed and they'll face open competition? How many managers of subsidized export industries will defect when they realize the foreign loans that pay for their products will be axed? How many public school employees will vote Libertarian when they learn that education will be privatized? How many union members will vote Libertarian

when they learn that minimum wages and other pro-labor laws they have worked years to get passed will all be trashed?

Yes, seven out of ten people will say they want less government — but I fear their desire will last only as long as it doesn't interrupt their own turn at the trough. The point is that the number of people who want smaller government is no indicator of how many will be willing to sacrifice immediate gratification to secure their longer-term well-being. Only an election will tell us.

Your arguments for political action basically revolve around a belief that political action really can ultimately result in freedom. But I ask you to reconsider each of the arguments against political action, one by one. Some, I grant you, are weak, as I will point out. But others require your response.

The voter implicitly agrees that whoever wins the election is entitled to regulate, tax, imprison, and kill.

1. *One vote doesn't matter*. The front-line argument against voting, and the reason that most people don't vote, is simply the belief that one vote doesn't matter.

This is one of the weaker arguments against voting, since we all know that this is not quite true. It's more correct to say that one vote probably won't matter. But it could. Elections have been won or lost on small margins. Since voting could swing an election, the low probability of casting a useful vote should not be considered a valid reason for abstaining from political action . . . providing that political victory could eventually lead to a free society. I think you properly qualified this argument when you said in *How I Found Freedom in an Unfree World*, "the individual's efforts become almost irrelevant to the outcome." The operative word is "almost."

2. *Libertarians can't hope to win*. The futility-of-one-vote argument above is harmonic with the argument that the Libertarians can't hope to win. Because of the power of the two major parties, the great sums of campaign money they command, and the bias of the media, the odds against free-market advocates are overwhelming. Furthermore, even if free-market advocates gain media coverage, the majority of individual voters will probably prefer to vote themselves benefits in the short term because they fool themselves into believing that somehow they will personally be able to avoid paying the price in the long term.

Again, I think this is one of the weaker arguments against political action. There is no law of nature that says a Libertarian candidate couldn't win. Victory is not impossible, just unlikely. The low probability of winning an election is not an insurmountable reason for abstaining from political action . . . providing, that is, that political victory could eventually lead to a free society.

3. *Natural rights*. The central anarchist argument against political action, and the first one, it seems to me, that is impossible to refute, is that of "natural rights." As stated in the Declaration of Independence, all men are created equal and are *endowed by their creator with certain unalienable rights*, including life, liberty, and the pursuit of happiness. If each person has a natural right to his body and property, then another individual cannot have a right to aggress against him. In a political democracy or republic, voting appoints a candidate to be your agent and implicitly sanctions him to aggress against others in the community. It is equivalent to saying that you have the right to give A permission to aggress against B. The anarchist argues that no individual, including you, has the right to give anyone else permission to aggress. According to the natural rights hypothesis, voting is an immoral act.

Before I go on, I should say that I don't harbor the illusion that nature granted any special rights to human beings. The most that nature granted each of us was life. Moral is a word we use to signify an action that is right or good, immoral an action that is wrong or bad. Aggression is not wrong for the reason that it violates some natural right; it is wrong because every act of aggression diminishes productivity, prosperity, peace, and progress, thus diminishing the well-being of mankind. Whether a person believes in the doctrine of natural rights or not, voting remains an immoral act.

The would-be voter, in a fall-back defense of voting, argues that he is not voting for just anyone, he is voting for Harry Browne. You're ready to swear that you'll never, never use the gun of political power against anyone, but are seeking that gun only in an attempt to destroy it once you hold it in your hands. If the other candidate wins, he may aggress, but you will not.

You and your voters know that the office carries with it — by law, by the Constitution, and by tradition — the power to aggress. Each voter admits he knows the authority exists and delegates it to the individual for whom he votes. The voter implicitly agrees that whoever wins the election is entitled to those powers — the power to regulate, the power to tax, the power to imprison, and the power to kill. If you are elected, you'll be required to swear an oath to carry out the duties of the presidency and uphold the law, as specified in the Constitution. You and the voter don't set the contract, but your participation is your agreement to abide by its rules. You condone the existence and authority of the office by the very act of entering the race and entering the voting booth, so you must therefore be responsible for acts of aggression performed by *whoever wins the election*. Where on the ballot is there a box that you can check saying you do not agree that the person elected should be given the powers of the office? Where on the ballot can you withhold the authorization for some or all of the powers that are attached to the office? Where on the ballot is there a box to check denying personal responsibility for the acts of any of the candidates once they are in office? *If an appointed agent acts within the boundaries of the office to which he is appointed, every individual participating in appointing an agent to that office is responsible for the acts of any agent appointed to that office*. The voter is not absolved of his responsibility simply because his candidate didn't win. In truth, what is missing from any ballot, and which should be printed on it, is the entire Constitution and body of laws setting down in detail the duty and powers of the office being voted on, as well as the place to check of the person you want to fill the office. It would then become crystal-clear that

every voter endorses the office, and is thereby responsible for the acts of whoever wins the election.

In response to the moral argument, your campaign manager, Michael Cloud, asked me: "If libertarian politics were an act of self-defense, would you consider it morally acceptable?"

In order to understand the implications of this position, burrow down to the basic principle on which the question rests. Political action is a synonym for aggression, and the term "libertarian politics," therefore, is an oxymoron. Substitute "aggression" for "politics" and he's really asking, "If *aggression* were an act of self-defense, would it be *moral*?" Well, something can't simultaneously be moral and not moral. The proper question is, "am I justified in aggressing against B in order to defend myself from aggression by A?" While aggression in the name of self-defense is widely accepted, I'm not certain Michael or you would be comfortable absolving yourself of guilt in this way. If you are threatened by a lion, are you justified in throwing me to the lion in order to save yourself? What if the lion is about to attack our group? Can individuals in the group *vote* to throw you to the lion and claim that it's an act of self-defense? If a mugger tells you he's stealing your money to defend himself against his neighbor, or hunger, or illness, does that make his aggression morally acceptable?

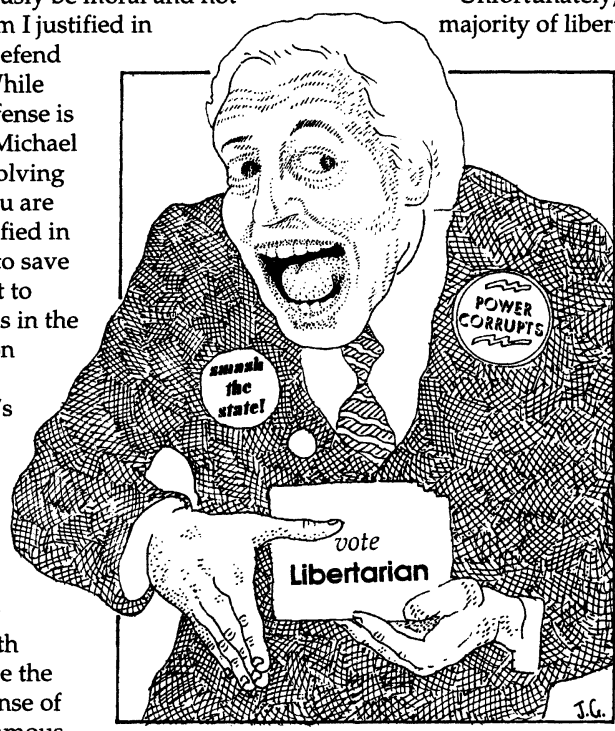

Of course, aggression in the name of self-defense is politically correct. In the Civil War, the North claimed that it was fighting to free the slaves, that the battle was in defense of the slaves' rights. In Sherman's famous march through Georgia, his soldiers left a swath of death and destruction, destroying crops, burning homes and killing civilians. Sherman himself acknowledged that only 20% of the destruction inflicted by his invasion was inflicted on military objectives. Civilian non-combatants, essentially innocents, suffered 80% of the losses. Was this self-defense? The Allies in World War II claimed to be acting in self-defense against Hitler. The saturation bombing of German cities, where there were no military bases, killed hundreds of thousands of innocent German civilians — men, women, and children. Would you or I have considered such actions morally justified?

By definition, any attack on the life, property, or freedom of an innocent third party is aggression. It does not become right or moral simply because it is carried out while acting in self-defense. Voting does not become moral simply because the voter declares that he is acting in self-defense.

In summary, according to my reading of morality, the voter can't deny responsibility for the acts of elected officials, nor can he deny being an aggressor because he appointed them in self-defense. Just as much as those who voted for Hitler share in the guilt of his atrocities, voters in the Allied nations share the responsibility for the deaths of the innocent civilians who died in the bombing of Dresden. Those who voted in the Clinton/Bush election have permanently stained their hands with the blood of the families who died in Waco. Those who vote in the next presidential election will share responsibility for the theft, coercion, and destruction the next administration will wreak on all Americans as well as on innocent people around the world who fall victim to American intervention. Every person in the lynch mob is as guilty as the person who pulls the rope. Since a voter appoints an agent and empowers that agent to aggress against others, the act of voting is immoral. It is wrong.

Unfortunately, for the majority, including the majority of libertarians, the moral argument is often brushed aside. Just as the preacher's sermon fails to make all in his congregation honest, moral suasion consistently fails to deter some libertarians from endorsing coercion as a defense against coercion. It's far too easy to believe that the end justifies the means — in just this one case, of course.

Political action to end political action is like drinking for temperance, being gluttonous to stop obesity, stealing to end theft, waging war to end wars.

4. *It doesn't work.* In spite of the moral arguments, your supporters may still argue that although it may be immoral to vote, if a minor violation of principle might result in a free world, it would be rational to vote. If it was possible to elect you to the presidency you would dramatically reduce the power of the state and the ends achieved would justify the means. Even though it violates morality, even though political action may be wrong on some erudite, ideological, hoity-toity level, why don't we just give it a try? What do we have to lose? Maybe this time the country is ready to abandon government and all it needs is the right voice to lead it. Let's give it one more try.

The cry to give politics one more try reminds me of P.J. O'Rourke's book, *Give War A Chance.* Those who are swayed toward political action have forgotten that we have already given it a try. It has been tried for thousands of years in thousands of nations, in tens of thousands of elections and through hundreds of thousands of political parties and candidates. Even if political action only had one chance in 100,000 of resulting in a free nation, statistical probability alone would suggest that there would be at least one free nation today. Mankind has reached the brink of self-extinction giving politics a try.

Thus, the most obvious, and therefore most overlooked reason to eschew political action is that it simply doesn't work. All of political history can be summed up as a struggle to throw the bad guys out and put the good guys in. Just as Sisyphus was condemned to spend eternity in Hades rolling

a rock up a hill, only to have it roll down again, so the human race seems to be sentenced to spend forever trying to put the good guys in office only to find they turn bad once there. I'm sorry to say it, but when it comes to placing power in the hands of humans, there are no good guys. Which brings us to the next argument against political action.

5. *Human nature.* It hasn't yet occurred to most freedom-seekers that the reason political action hasn't succeeded is not a matter of bad luck, bad timing, or inarticulate candidates. The reason is that it *can't* work. No matter how many times you roll the dice, they will *never* come up thirteen. Let me explain exactly why political action must fail no matter how many times it is tried.

A principle is a fundamental truth derived from a natural law. As A.J. Galambos so clearly pointed out in his courses on volitional science, the proper means to reach any objective is to establish a set of first principles. Thus, scientists establish a set of principles that describe the basic mechanisms of physics and from this they design the devices to reach their objective. If an engineer wants to design an airplane, he first tries to understand the principles governing the nature of the materials involved. He then tries to design the plane according to those principles. If he violates one principle of physics, the plane will not fly.

You condone the existence and authority of the office by the very act of entering the race and entering the voting booth.

Just as the principles of physics are determined by the nature of physical objects, the principles of human action are determined by the nature of man, a nature that has emerged over thousands of generations by natural selection. As sociobiologist Edward O. Wilson argues, "mankind viewed over many generations shares a single human nature. . . . Individual behavior, including seemingly altruistic acts bestowed on tribe and nation, are directed, sometimes very circuitously, toward the Darwinian advantage of the solitary human being and his closest relatives. The most elaborate forms of social organization, despite their outward appearance, serve ultimately as the vehicles of individual welfare" (*On Human Nature*, Harvard University Press, 1978, p. 50, 159). Simply put, individual man always acts in his own self-interest. At our core, we are programmed to be selfish, although we may not always be conscious of the fact.

The species exists because genes that impelled the individual toward personal survival were replicated more frequently, surviving more often than genes that impelled the individual toward unsuccessful behavior. Man's genetic programming requires that his actions be self-centered. Those species whose individual members cared more about others than about themselves are extinct. Man isn't bad or good because of his individual selfishness: he exists because of it. And this leads to a curious mistake made by most people.

When you talk to the average person about the advantages of a stateless society, the quick retort is that such an idea is utopian; it would never work. Government is required to control man's selfish nature. But clearly, the truth is precisely the opposite.

Because of the selfish nature of man, it is utopian to give a human being authority over the lives and property of strangers and expect that person not to consider his or her own well-being first. Because he is genetically programmed to be self-interested, man cannot be given authority over another without taking advantage. The idea that a government composed of human beings would put the well-being of the population before its own well-being is utopian. Historians have completely rewritten history, making it appear that political leaders have acted in the interests of nations, rather than in their own, but you and I know that behind every law some politician or political supporter benefited. For individuals elected to positions of authority, acts of altruism are almost non-existent. Lord Acton's famous maxim, "Power tends to corrupt and absolute power corrupts absolutely," is merely an astute observation about the nature of man. We find the statement compelling because it so perfectly describes the history of state power.

The only way government *might* work would be if man were not selfish. If man suddenly changed and became completely altruistic, he would have to be forced to look out for his own self-interest. Then, perhaps, a coercive government would be essential to prevent the extinction of the species.

Political activists of all persuasions are uncomfortable when confronted with the corruptibility of anyone given political power. All candidates assure voters that they will never be corrupted by power. A few, such as yourself, Harry, have a reputation for adhering to principle. And perhaps, in this one case, you may be that exception among humans who will not be corrupted in the slightest, no matter how many temptations are paraded before you, no matter how many "means-to-an-end" choices you are faced with. Even if you are not corrupted once in office, can you find hundreds more incorruptibles to populate the legislative and judicial branches? Can you find thousands of incorruptible appointees to staff the executive agencies? Even assuming you are incorruptible, and I believe you probably are, you must see that your candidacy will lend respectability and attract resources to the Libertarian Party, making it a more potent tool for your successors, who may not be so pure. Hasn't history proven that once a political mechanism is given life, it becomes a magnet for the corruptible?

Political action is a synonym for aggression, and the term "libertarian politics," therefore, is an oxymoron. All political action ultimately enhances state power.

6. *All political action ultimately enhances state power.* I have described the pragmatic arguments against political action. I have described the moral arguments against condoning the political process. I have touched on the scientific evidence

that indicates political action must fail because of the nature of man. Yet if you reject all of these arguments, there is still a compelling and over-riding reason to abandon political action.

On a practical and immediate level, political action is not only futile, it is not only immoral, it is not only bound to fail scientifically, *it is always destructive*. I once published "Pugsley's First Law of Government." It was: "All government programs accomplish the opposite of what they are designed to achieve." The same is true of political action. The libertarian's involvement in politics always will achieve the opposite of the result intended. No matter who the candidate is, or what issues motivate him, political action will not reduce state power. It will enhance state power.

Those who voted in the Clinton/Bush election have permanently stained their hands with the blood of the families who died in Waco.

Consistently down through history, all efforts to put the "good guy" in power have resulted in more government, not less — even when the person elected was overwhelmingly elected to reduce the size of government. Let us not forget the mood in the United States when Ronald Reagan ran for president in 1980. Here was a popular hero, a man of the people, who rode into Washington on a white horse. His campaign was simple and directly to the point: government was too big, it was taxing too much, it was spending too much, it was strangling the economy with regulations, and it was no longer a servant of the people. His mandate from the American people was clear: balance the federal budget and reduce the size of the federal government.

Yet what was the result? In 1980 federal spending totaled $613 billion. In 1988, at the end of his tenure, it totaled $1,109 billion. In 1980 federal tax revenue was $553 billion. In 1988 it was $972 billion. Total government debt went from $877 billion to $2,661 billion. Then, to prove the ultimate futility of electing a white knight, the electorate decided that the government wasn't doing enough, so it put a liberal Democrat in office. All of the rhetoric of the Reagan campaign is forgotten. All of the public anger over the bureaucracy is forgotten. Government is bigger than ever.

Political action will solve the problem? In some other universe, perhaps.

Harry, when you, who have earned respect and admiration in your own field, announce that you will seize the standard of liberty and lead us to freedom through the ballot box, you convince thousands of honest, desperate individuals that politics is respectable, that voting is the answer to change, and that political action can be a mechanism to dismantle the state. Your brand name, earned through providing positive products to the free market, gives a patina of respect to the very system of coercion and force that has enslaved the people. Your participation in the political process does not convince people that the process is wrong; it makes people believe that the right leader could be the answer to a perfect society.

Meanwhile, I fear that your support of political action plays right into the hands of the constituencies that nurture and feed on state power. Businesses that gain market share through regulations, laws, and subsidies; trade unions that depend for survival on coercive labor laws; entitlement recipients who demand their subsidies; welfare recipients; government employees — all are absolutely dependent on the survival of the myth that "you must get out and vote." In the end there will always be more votes for subsidy than votes against taxes. There will always be more people struggling to get up to the feeding trough than there will be people determined to keep them away. That is simply human nature. Encouraging individuals to vote strengthens the institution of voting. It violates the principle of human nature. It violates the principle of morality. It violates the principle of justice. Encouraging people to vote encourages them to abandon, to moderate their principles. And as Thomas Paine said in *The Rights of Man*, "Moderation in principle is always a vice."

Nor does history support your hypothesis that electoral politics might lead to a freer society. There is no case on record that I am aware of where electoral politics has reduced the size and scope of government in a fundamental or lasting sense. However, fundamental shifts have come on heels of trauma. Wars, depressions, or the outright failure of the state have, on occasion, led to fundamental changes. The destruction caused by governments through economic policies has caused their collapse and a necessary turn toward

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freer markets, as has been the case with the Communist nations in recent years. But none of these changes can be traced to electoral politics. The best that can be claimed for political action are small retrenchments of government intrusion, such as happened under Margaret Thatcher in England or in recent years in New Zealand. But inevitably, the relief is brief and has never resulted in a continuing erosion of state power. Electoral politics has never succeeded in achieving a free society. So, to all of the other arguments against political action, you can add the evidence of history.

In the end, no matter how forceful, how principled, or how scientific the arguments presented, you and many of your followers may say, "Principle and reason be hanged, we have to do something!" You can argue that we can't just stand helplessly by and let the politicians have their way with us. Even if it is immoral, even if it is contrary to man's nature, even if in the long run it is counterproductive, and even if there is no evidence that political action has ever been productive, *we have to do something*. After all, "the only thing necessary for the triumph of evil is for good men to do nothing."

There may be places in the world where you can live in greater freedom than in the U.S. Find them. Vote with your feet.

This idea that "something must be done" is a disaster. History is replete with instances in which well-meaning people who didn't understand the nature of the thing that was hurting them, but were intent on doing something, turned their discomfort into catastrophe. In past centuries, doctors, ignorant of causes of many ailments, but wanting to do something for their patients, commonly bled them, making a sick patient even sicker. Obstetricians in the mid-nineteenth century, not understanding the cause of "puerperal fever" but eager to do something to stop the fatal disease, gave unsanitary pelvic examinations that spread death from patient to patient. In order to avoid doing nothing they were doing something: they were bringing death. When the Black Plague swept Europe in the fourteenth century, people didn't understand the cause, but they wanted to do something. They killed cats. They burned witches. The flagellants beat themselves and each other with sticks and chains to atone for their sins. Was "doing something" to fight the plague better than nothing?

The first rule of medicine, as Hippocrates said, is "do no harm." Unless you know that the action you are undertaking is *right* you're much better off doing absolutely nothing.

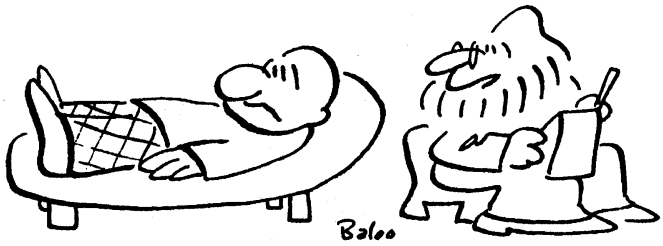

"You trust politicians? — You're a *very* sick man!"

Fortunately, doing nothing is far from the only alternative to political action. What positive steps can we take? The energy that is now expended by well-intentioned, freedom-seeking individuals on the destructive course of politics can be turned into powerful steps that will have a positive effect on the future. All are moral, right, and just. None require aggressing against your neighbor. None require you to abandon principle. Consider the following.

1. *Improve yourself.* Perhaps the single most important thing a person can do before he sets out to improve others is to improve himself. Become a model citizen. Don't use government to attack your neighbor, even if you don't like his dog or the color of his house or the color of his skin. If you want to stop others from aggressing through the political process, start by excising from your own life all vestiges of comfort and support for political aggression.

2. *Stop subsidizing your enemy.* Stop loaning the government money. Stop thinking you're profiting by getting a safer return. You wouldn't loan money to your local car thief to see him through a dry spell. Why would you loan it to the thugs in Washington or Sacramento? Moreover, point out to others that buying T-bills is supporting the muggers and mass murderers in Washington. Pull the drapes back and expose these criminals to the light of day.

3. *Stop doing business with your enemy.* Don't provide products to the government. Don't accept government contracts. Don't do business with government employees. Don't cash government checks — with the possible exception of tax refunds. If you're in business, don't cash them for your customers. Don't take government money. Don't take government subsidies. Don't be a willing, eager beneficiary of political theft.

4. *Stop doing business with people who support your enemy.* Boycott businesses that live on government contracts. Boycott those who lobby for protective legislation. Tell them you don't approve of them stealing from you through the state.

5. *Support private alternatives to government services.* Wherever you can use a private service instead of a government service, use it. Use faxes instead of the Post Office. Use private libraries instead of public ones. Use private schools instead of public schools.

6. *Create parallel mechanisms to replace government functions.* A positive step for society is to show that private enterprise is the correct alternative to government monopolies. By creating Federal Express, Fred Smith did more to reveal the insanity of a government mail monopoly than all of the free-market politicians who have ever argued for private mail service on the floors of Congress. Most individuals will never understand that all services are best provided by the free market. They do not need to understand the philosophical or intellectual basis for this truth. All they need to do is be given the opportunity to use one or the other. Most of the people who use Federal Express don't understand that it is superior to the government service because it is operated for a profit and not by coercion. They just know it works. Spend your creative energies developing products that compete with government. Put it out of business by offering consu-

mers a better product. Think of all of the things we are told government must do. Develop better home, neighborhood, and personal defense services, better consumer protection ideas, safer money, more secure retirement plans, better educational opportunities. With the government absorbing more and more of the private sector, the opportunities for successful private competition are exploding.

7. *Expose the enemy among us*. Instead of talking your neighbors into voting, spend your energy explaining why the political process is their enemy. Talk to centers of influence. Identify the real culprit as the individual who promotes bigger government by secretly lobbying for subsidy or privilege. Expose the businessman who is lobbying for a protective tariff, the defense contractor lobbying for tax dollars, the individual seeking government handouts. Call them what they are, moochers and thieves. Embarrass them. Shame them.

8. *Master the issues*. Libertarians should master the issues and learn to communicate so they can explain and persuade others. You, Harry, are the acknowledged master. You have developed simplicity of example and persuasion to an art form. Teach others how to confront the irrational arguments of government advocates.

9. *Have the moral courage to confront others*. When somebody makes a statement like, "I'm not in favor of government medicine, but we do have to do something to help the poor," or "Even if there are abuses, legalizing drugs is not a serious alternative — we have to enforce the drug laws," libertarians should never sanction such statist propaganda by silence.

10. *Get involved in campaigns designed to enlighten and enrage the public*. Speak out against victimless crimes. Support organizations such as the National Taxpayers Union, Amnesty International, the Fully Informed Jury Association, and Families Against Mandatory Minimums. Work with groups that are working against regulations. Put pressure on those who are supporting government intrusion. But don't get involved in electoral politics. Don't fight crime by becoming a criminal.

11. *Engage in civil disobedience if you are prepared for the consequences*. Henry David Thoreau went to jail for refusing to pay a small poll tax. He believed that civil disobedience was a moral obligation. His view of political action as a means of changing government was succinctly stated in his tract, "On the Duty of Civil Disobedience": "How does it become a man to behave toward this American government today? I answer that he cannot without disgrace be associated with it."

12. *Find ways to avoid taxes*. Cut every corner. Make life miserable for a tax collector. Consider using trusts, foundations, tax-deferred investments, and offshore charities. Your success will be emulated by others, and every dollar denied a thief makes him that much more likely to find another line of work.

13. *Pamphleteer*. Follow the noble lead of Thomas Paine and Lysander Spooner. Tell it like it is. Inundate the talk shows, newspapers, and magazines with rational arguments against government. Let other people who are fed up with Big Brother know they are not alone. But show them there is another way than voting.

14. *Write free-market novels and produce free-market movies*. Support companies and individuals that bring a positive message to the audience. *Atlas Shrugged* may have had more influence on the direction of freedom today than all the libertarian political activity since it was written.

15. *Consider becoming an expatriate*. Stop falling for the ridiculous cultural blather that says, "My country, right or wrong." Just because you're born at a place controlled by a particular group of politicians doesn't mean they are right.

Political action to end political action is like drinking for temperance, being gluttonous to stop obesity, stealing to end theft, waging war to end wars.

There may be places in the world where you can live in greater freedom than in the U.S. Find them. Vote with your feet.

Basically, look for solutions that don't violate your principles. Design the system to be fully compatible with the laws of human nature. Don't think you can work around them.

Finally, Harry, I would hope that you, Doug Casey, Mark Skousen, Bill Bradford, Bob Prechter, and all the other writers of our group return to the principles of free-market economics as outlined in the works of such giants as Adam Smith and Ludwig von Mises. The central theme of our economic philosophy is that the "invisible hand" of the marketplace — the individual efforts of independently acting people — creates progress and plenty; and that any attempt to "organize" and "centrally plan" economic activity subverts progress and eventually leads to tyranny.

Political action is built on exactly the same false premise as that of a centrally-planned economy: i.e., that an organized group of political activists engaged in a planned group effort can build freedom more rapidly or better than the individual efforts of independently acting people. The positive actions listed above are merely the top-of-mind suggestions of a few thinkers. They are only the obvious steps. But if all of the energies now being expended on political action by libertarians around the world were focused instead on finding individual solutions, we would marvel at the ideas and mechanisms that would be bound to evolve.

Harry, I am acutely aware that you understood all of the arguments against government that I have brought up in this letter long before I had heard of them. It was your teaching that helped lead me to many of these conclusions. I laud you, our mutual friends, and all of those libertarians who are willing to go to the political barricades in defense of freedom. I recognize your sincerity and respect your integrity. However, I implore you all to reconsider. Let us gather around the single, unifying principle set down so clearly by the great founding fathers of Austrian economics. Let us have the courage of our convictions and leave the design and construction of freedom to the invisible hand.

Sincerely and in friendship,
Jack

Criticism

Anti-Politics in Action

by Robert Prechter

Dear Jack:

You are right to point out that in the past, Harry Browne has "consistently argued the futility of political action." And I agree that taking political action to meet social goals is immoral, and that human nature dictates that such action is futile.

But Harry Browne's presidential campaign is not a "political action" in the sense that you use the term. Harry's stated goal is to *eliminate*, to the greatest degree possible, political action. Harry is engaged in the opposite of political action; he is fundamentally anti-political and anti-coercive.

If I can support NORML's efforts to lobby Congress, why can't I support a Libertarian president's efforts to lobby Congress?

So it is perfectly moral for Harry to run for office and for people to vote for him.

Ah, you say, but voting grants politicians the right to aggress against others. Not necessarily. Nowhere on a ballot is there a little box that reads, "By voting, you are supporting the state's coercion." Politicians will coerce whether or not you or I vote. At least, by voting for Harry, we can vote to *remove* aggression against others. This is not immoral. It is profoundly moral. (Your argument that anyone newly in office must swear to uphold the laws as specified in the Constitution, and therefore is agreeing to aggression, is seductive. But it overlooks the fact that the Constitution includes methods for changing and even abolishing the government, and is therefore not an inviolable statist document.)

I don't think you've thought through the implications of your stance. If any act that attempts to influence the state is a political action — and, thus, unethical — you wind up prohibiting almost every possible form of libertarian activism. To Thomas Jefferson, Benjamin Franklin, James Madison, and Patrick Henry, you would have had to say, "Don't do anything at all." With that approach, King George would have continued to run America. In 1917, had you been a citizen of Russia, you would have said, "Do nothing to kick out these new Communists. It will only sanction government." Your progeny may not have forgiven you for such a stance.

I'm not sure you would be willing to go this far, even though your argument demands you do so. After all, you do urge people to support such groups as the National Taxpayers Union, Amnesty International, and the Fully Informed Jury Association — organizations whose entire mandate is to attempt to influence government. If electing a candidate who wants to eliminate government coercion is sanctioning the state, then certainly supporting these institutions is, too. If I can support NORML's efforts to lobby Congress, why can't I support a Libertarian president's efforts to do the same?

Your next suggestion, to eliminate taxes by using trust foundations, tax-deferred investments, etc., is a complete surrender to the coercive apparatus that government has erected. It is not a drive to eliminate that structure; it is a sanction of it by living quietly within it. Ultimately, this tactic will fail anyway, because it places funds in identifiable places that the government can later seize at will.

And your final suggestion — "Consider becoming an expatriate" — simply means to sanction some other government. This approach, while occasionally necessary, is hardly prudent as a policy. It announces to any political thug, "Come on in and take whatever you like. We freedom-loving people will simply get up and leave" (if there's any place left to go). It is both cowardly and counterproductive.

If a pro-freedom party were to win an election, that would send government a harsh message: that it no longer has the sanction of the majority. And even if we never win at the ballot box, each electoral effort will demonstrate to young people that the drive for freedom is alive. That way, when the next depression or crisis comes, at least some of them will know that there is an alternative.

Sincerely,
Bob

Defense

Lighten Up, Jack

by Douglas Casey

Politics is a dirty business, but somebody has to undo it.

Well, it would seem I have some explaining to do. Since Harry declared he covets the ignominious and despicable post of president of these United States, I've not only given him the maximum allowable contribution ($1,000), but have made it my business to get everyone else to do so as well. Naturally, the question arises: How can an avowed anarchist (me) justify aiding and abetting another avowed anarchist (Harry) in a quest for the presidency? Well, a quick answer would be to ask how an anarchist can support anyone but another anarchist for president; certainly, Harry is the only person I've ever supported for that office.

I'm sure Harry will have his own rebuttal of the points Jack makes. I can only speak for myself.

First, let me say that I agree with absolutely everything Jack says in his excellent letter. So it's pretty tough for me to justify this whole adventure; the most I can do is rationalize it. So I'll explain why I'm supporting Harry, even though I suspect little of it will hold water with Jack. At least then Jack won't be able to say "I wonder what the devil is going on in Casey's head, raising money for a political campaign." There are at least six good rationalizations I can come up with.

It seemed like a good idea at the time.

Years ago, Harry and I discovered we were both fans not only of the movie *The Magnificent Seven*, but of a particular scene in it where, as I recall, after the Seven realize they're in a real jackpot, the Ricky Nelson character says to the James Coburn character, "You know, I always thought you were a pretty smart guy. What in hell are you doing here?" To which the Coburn character responds, "Well, it seemed like a good idea at the time."

Well, I may come to regret this (and so may Harry). Maybe Holy Mother of the Church was right, and my soul will suffer the eternal fires for having done such a Bad Thing.

You gotta fill those idle moments somehow.

I've known Harry for close to 20 years; he's always been a fairly private person. My guess (and I haven't asked him, so this is just conjecture) is that he's up for something besides writing his newsletter and an occasional book. Harry's something of a Renaissance man at heart, and probably feels the need to be known as something other than a writer and thinker. Sure, he could finish his long-awaited book on opera, but that's just going to keep him indoors and up late. I think maybe Harry feels like he needs something new and different to divert himself, and locked onto this simply because it has the prospect of being so very interesting.

I support this because I tend to support anything that buoys my friends' spirits, or amuses them, just on general principle. Yes, yes, I can hear Jack muttering, "Would you support Harry if he thought becoming an axe murderer would make him happy?" Well, let's leave that question for another essay.

The American people have bought practically every cockamamie scheme that every political charlatan has ever come up with in the past. Why shouldn't they buy from us too?

Patience my ass.

My favorite piece of poster art shows two buzzards on a withered tree in the desert. One buzzard says to the other: "Patience my ass, I'm gonna kill something." Jack makes the point that we have to win the hearts and minds of the *hoi polloi* by education and such. I certainly do my part, but perhaps I'm a bit of a Leninist at heart. I believe a real libertarian revolution is inevitable, but I'd also like to see it in my lifetime.

I support Harry for president because it may speed up and alter the process of evolution. If evolution is sped up enough, you can put the letter R in front of it.

Revolution for the hell of it.

In his open letter, Jack lists 15 ways to change the political world for the better without resorting to actual politics. There is, however, one he left out, although I can assure you he's aware of it, and it's on his mind. That is revolution. You can't

talk about it much, or you might get a surprise visit from some guys in dark glasses, cheap suits, and wires growing out of their ears. Which is, of course, one reason why it's on people's minds. I believe the U.S. is starting to look like France in the mid-1770s, or Russia in the early twentieth century. Or even itself in the 1760s. The pot is likely to boil over in the years to come. It's increasingly desirable, and probably inevitable, even if not imminent.

In an environment like this, revolutionary libertarian ideas presented in the way Harry can present them could have a powerful and salubrious influence. Maybe they'll touch a match to the powder keg.

True, revolutions entail a degree of unpleasantness and inconvenience. But so does filling out a tax form every April 15.

The thrill of victory.

I'm a big fan of science fiction. There's plenty of evidence that the speculations you'll find in its pages come a lot closer to predicting the future than the output of a thousand wonk-infested think tanks. And they're a hell of a lot more fun to read.

In his classic *The Moon Is a Harsh Mistress*, Robert Heinlein describes a revolution on the moon. A friendly supercomputer calculates the odds of the rebels' success as the plot hatches. It starts out at a million to one against success, but as the rebels do various things, the odds keep dropping, until it's a one-to-one shot.

Harry is about as good a spokesman as I can imagine for a libertarian point of view. The American people have bought practically every cockamamie scheme that every political charlatan has ever come up with in the past. Why shouldn't they buy from us too? Maybe Harry's actually right in believing we can win. Maybe we'll get lucky; maybe the odds of a libertarian revolution here will start dropping fast. Sure, that's no moral argument. But the thrill of victory doesn't relate to morality.

Who cares? Let's just see if we can raise some hell.

Now, as I already acknowledged, nothing can serve to make involvement in the political sphere any more "right." But politics is not now, nor will it ever be, an intellectual or moral arena — and all Jack's arguments are intellectual and moral. Politics is a creature of emotion; the human animal largely disregards moral and intellectual arguments when it comes to politics. Stuff like love and loyalty are there, to be sure. But its main ingredients are the capital sins and assorted minor vices like glee, revenge, antagonism, and a general blood lust. Philosophy gets trampled in that stampede.

Being involved in a political campaign is not unlike being on an attack helicopter swooping down on an enemy village to the strains of the *Ride of the Valkyries*. Not everybody is Mother Theresa. And I'm not even sure *she's* a libertarian.

Finally, you might ask, is there something personal in all this for me? Isn't it true that the only reason anyone ever really supports a political candidate is that he hopes to share in the loot? Well, of course. Let me disclose what my payoff is. I believe I might convince Harry to do two things when he's president.

First, I want him to replace "The Star-Spangled Banner" with a song both more melodic and more in keeping with the spirit of the times. My choices are "On the Border" by Al Stewart and "Street-Fighting Man" by the Rolling Stones. (Listen to the lyrics, and see whether you think I'm kidding.)

The other is to be appointed chief of the Secret Police. Because if Harry is ever elected, the powers of darkness will go totally berserk, and we might need one. (Okay, this time I *am* kidding.)

So, in conclusion, although I do agree with everything Jack has said, that doesn't mean there aren't some appealing reasons to support Harry for president. There are many paths up the mountain; let a thousand flowers bloom.

I just hope Harry doesn't disavow my support after reading this. ❑

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Sinful Taxes

by Roy Cordato

Live fast, die young, and send a big check to Uncle Sam.

"Sin taxes" — excises on alcohol and tobacco — have again become popular with policymakers. Plans for such taxes are embedded in several current proposals for health care reform, and are often proffered as reforms in themselves. Pass them, the reformers say, and Americans' health will improve; pass them, and health care costs will go down. Pass them. They'll work wonders.

In this atmosphere, it is rank heresy to assert that these taxes do little good and much ill. But that is precisely the case. Sin taxes undermine economic efficiency, individual liberty, and the democratic process.

In a free market unencumbered by taxes, prices capture information about consumer preferences and the cost of production. The relative prices of goods and services bring consumers' decisions into accord with resource scarcities, which in turn encourages sellers to adjust their output to be consistent with consumer preferences.

Economists usually argue that tax policy should strive to be "neutral" with respect to this process. Taxes, we say, should exert as little influence as possible on the relative costs and benefits of different activities — and, thus, on relative prices. (There is no such thing as a truly neutral tax, of course. *All* taxes influence decision-making. This doesn't imply, though, that all taxes are equally non-neutral.)

Excise taxes alter relative prices in order to penalize a particular activity, driving a wedge between the amount a seller receives for his product and the amount the consumer pays. The price the consumer faces in the marketplace is greater, by the amount of the tax, than the amount the seller receives when the good is purchased. Ultimately, the quantity of the good is less than the amount most consistent with actual conditions of demand and scarcity.

The distortion doesn't stop there. Activities associated with production of the taxed good are also scaled back. A typical example of this followed the 1990 budget agreement, when new taxes on large recreational boats led to major cutbacks in the yacht-building industry. Many workers whose livelihood depended on production of the "luxury good" were laid off.

Further economic damage can result if the item being taxed is used in other production processes. Consider the effects of excises on cigarettes and on gasoline. Both generate inefficiencies in their particular markets and industries, but the gasoline tax also increases production costs throughout the economy, because motor fuel is necessary for producing a wide array of goods.

Excise taxes also hurt the democratic process. Taxation should inform the electorate how much their government is costing them. But the actual amount of most excise taxes is hidden in the prices people pay; few consumers are aware how much the tax is, or even that the price includes a tax.

The Problematic Panacea

In general, economists don't dispute that excise taxes cannot be justified on economic grounds. But there is one exception: the "social costs" argument. Burning fuels causes air pollution, a cost borne by people other than the ones burning the fuel. Traditional welfare economics calls for an excise tax on the use of such fuel to force the market to "internalize" these social costs. Thus, the argument goes, an excise on carbon or gasoline can help solve both environmental and budgetary problems while promoting overall economic efficiency.*

The case for sin taxes is similar.

* For a criticism of the case for pollution taxes, see Roy Cordato, "Excises, Social Costs,

Advocates argue that the use of alcohol and tobacco generates costs that are not borne by consumers or producers of those goods, falling instead on the shoulders of the medical industry, purchasers of health care and health insurance, and taxpayers (the government being the single largest payer of medical bills). Thus, the argument goes, sin taxes should be used to pay the costs associated with health care reform. In this context, cigarette taxes of as high as $2.00 a pack have been proposed. Some argue for new sin taxes even in the absence of comprehensive medical reform, simply because, by reducing smoking and drinking, they would reduce the costs borne by society.

But even if the sin-taxers are right about the social costs of drinking and smoking, alcohol and tobacco are goods that people voluntarily choose to consume, implying that they derive satisfaction from them. Any tax on these products reduces not just social costs, but also the benefits these consumers enjoy. Sin-taxers need to demonstrate that the advantages of reducing the former will outweigh the costs of losing the latter.

This cannot be done. The benefits people derive from smoking and drinking are personal, subjectively experienced, unobservable, and, therefore, unmeasurable. No comparison between these benefits and the alleged social costs is even conceptually possible. Claims that society is made "better off" by excise taxes on cigarettes and alcohol can have no meaningful economic validity.

In addition, the social costs cited are too narrowly defined and are often under scientific dispute. For example, while there is ample evidence that excessive drinking has negative consequences, there is also considerable evidence that consuming red wine is correlated with reduced risk of heart disease. Similarly, the argument that second-hand smoke increases the risk of lung cancer is heavily disputed.

More significantly, even undisputed risks — the connection between smoking and cancer, for example — do not necessarily impose burdensome costs on the health care system. There is no way to determine if, on net, social costs exist.

Here's why. The sin-taxers argue that smokers have more health problems than non-smokers. This in turn increases overall demand for medical services, driving up health costs for everyone. Additional excises on cigarettes would force smokers to pay these additional costs.

But viewed over a lifetime, it is not at all clear whether smokers actually incur greater medical expenses. More likely, smoking simply transfers costs from later to earlier years in life. If smokers indeed have shorter life expectancies, as is typically argued, they would require fewer "old age" services — long-term care, nursing home care, etc. They would also collect less in Social Security, and would incur fewer Medicare costs. These savings must be factored into any calculation of the social cost of smoking. Yet they never are.

The benefits people derive from smoking and drinking are personal, subjectively experienced, unobservable, and, therefore, unmeasurable.

And what if smokers *do* raise the price of others' medical services? Even that would not justify a tax. The price of every good and service is affected unevenly by different consumers. No two individuals are likely to demand any product to exactly the same extent. The taxers' tortured logic could be used to justify taxing anyone with a greater-than-average demand for anything. Those who play golf three times a week contribute more to the overall demand for golf courses than those who play three times a year, thus raising the cost of golfing. Should they be taxed to subsidize occasional golfers?

Another social cost allegedly generated by smoking and drinking involves lost productivity. It is argued that smokers and heavy drinkers take more sick leave from work, and therefore contribute less to society's economic well-being.

But why should this require a tax? If there really is an egregious cost here, it should be reflected by wage rates. To the extent that someone has a relatively low level of productivity, he or she should expect to receive less compensation. And if employers were allowed to take drinking and smoking into consideration when making personnel decisions, it would be harder for such workers to find employment — assuming that smokers and drinkers are indeed less productive.

The government is currently preventing labor markets from responding efficiently in this regard. Under the Americans with Disabilities Act, the fact that someone has had problems with alcohol or other drugs in the past cannot be considered in hiring, firing, and wage-setting decisions. Current proposals for "community-based rating" would prevent health insurers from considering personal behavior in determining rates, further socializing what would otherwise be private costs.

The Bottom Line

All the talk of social costs boils down to little more than a smokescreen for a tax grab — yet more money for a government that apparently sees no economic or moral limits to what it can extract from the private sector. With antagonism toward drinking and smoking on the rise, people who indulge in those activities have become politically acceptable targets for punitive taxation. Smokers in particular are an unorganized minority whose decision to smoke is generally regarded as somewhat masochistic. Politicians never fail to notice opportunities for new revenues to support new programs — in this case, a costly takeover of the medical industry — and are anxious to exploit the smokers' social and political powerlessness.

The result is a small but real tyranny. Besides their unpleasant economic consequences, sin taxes are similar to other excises in another respect: their intent and effect is to control citizens' private behavior. Such social engineering subverts individual liberty.

In what purports to be a free society, sin taxes should be opposed on that ground alone. ❑

and the Myth of Efficient Taxation: The Case of Carbon Taxes," *IRET Policy Bulletin* #56, July 3, 1992.

Reviews

***Happy Days Were Here Again: Reflections of a Libertarian Journalist*, by William F. Buckley, Jr. Random House, 1993, 473 pp., $25.00.**
***United States: Essays, 1952–1992*, by Gore Vidal. Random House, 1993, 1,295 pp., $37.50.**

American Spleen

Brian Doherty

For most people on the Right, expressing affection for Gore Vidal is akin to declaring that you find that darn Mao Zedong a puckishly charming character. Some conservatives accuse Vidal of anti-Semitism, because of his strongly expressed disapproval of Israeli state terror and Israel's mooching off the United States. Others denounce his readiness to criticize his country's government harshly — especially while spending most of the time in Italy. But I suspect that the Right's hatred and contempt for Vidal stems mostly, to borrow R. Emmett Tyrell's awful neologism, from the Right's "Kultursmog": a received opinion whose very lack of considered thought makes it seem all the more necessarily true.

As an adolescent quasi-right-winger, I formed an opinion of Vidal, before I read him, from the frequent denunciations of him in *National Review*. Indeed, I've come to suspect that the ultimate root of conservatives' hatred of Vidal is *National Review* founder William F. Buckley's personal contretemps with him, so vividly displayed during ABC's coverage of the 1968 political conventions in Miami Beach and Chicago.

Vidal did not comport himself well during these exchanges, pricking Buckley with subtle insinuations of homosexuality and casual accusations of Nazism. I don't know whether he acted sincerely or merely out of a puckish desire to raise Buckley's ire. He certainly succeeded in the latter: Buckley called him a queer and threatened to "sock him in the goddamn face" — hardly a picture of conservative civilized virtue, a role Buckley's chosen public persona generally forces him to play.

Vidal is largely free from such constraints.. This makes him a far more engaging and rewarding writer than Buckley. Vidal's most obvious virtues are his biting and hilarious irony and wit. The virtues of fitting into a prescribed range of acceptable opinions have never occurred to Vidal; he is entertaining and provocative in direct relation to how far he ventures from the range of prescribed opinion. He writes of "this great land of ours where the price of freedom is eternal discretion," but he never has taken this lesson to heart. In the vernacular, he is a "crank," and of such American public life never has enough — or, at least, never enough who write so well.

To dismiss Vidal for his occasional intemperate opinion is to value political correctness over intelligence, piety over vividness, and propriety over wit. Anyone who reads, to give one example, Vidal's essay on Orson Welles and fails to be charmed and impressed by Vidal's sensibility and imagination bears a crabbed soul indeed.

The essay's conclusion is a masterpiece of humor, tenderness, and surrealism:

> I have a recurring fantasy that if one were to dial the telephone number of someone in the past, one would hear again a familiar voice, and time would instantly rewind from now to then. I still have Orson's telephone number in my book (213–851–8455). Do I dare ring him and talk to him back in 1982, where he is busy trying to convince Jack Nicholson to play Pellarin for two not four million dollars? Should I tell him he'll not get the picture made? No. That would be too harsh. I'll pretend that I have somehow got a copy of it, and that I think it marvelous though perhaps the handkerchief was, from so prudish a master, a bit much? Even incredible.
>
> "Incredible?" The voice booms in my ear. "How could it be incredible when I stole it from Othello? But now I have a real treat for you. Standing here is your neighbor . . . Rudy [Vallee]! Overcome that 'quiet reserve of shyness.' Sing."
>
> From out of the past, I hear "My time is your time," in that reedy, highly imitable voice. The after-life's only a dial tone away. "What makes you think this is the after-life?" Orson chuckles. "This is a recording." Stop story here.

Buckley, too, rarely disappoints, once one learns what to expect from him: tortuous expressions of predictable establishment conservative bromides (with a handful of brave exceptions such as drug legalization, where he and Vidal are in precise agreement) with occasional tangents into the ill-considered prerogatives of institutionalized celebrity. Appreciators of *National Review* as a bazaar of the bizarre are surely still perplexed by such classics as his book-length, inconclusive perorations on the possible anti-Semitism of

various friends and associates and, of course, the demon Vidal. Buckley has also had free range to essay at length the joys of obscenely expensive wristwatches, and his senescent Catholic musings on his pilgrimage to Lourdes.

The most absurd and, to the average reader, utterly confusing specimen of Buckley's runaway Vidal-hatred appeared in the September 20, 1993 issue of *National Review*. There, Buckley dedicated six pages to reprinting a friendly correspondence with Professor R.W.B. Lewis, to prove that Lewis had indeed been very gracious and friendly to him over 20 years ago. But now something must have gone heinously wrong with his old friend — as if Buckley's readers should care — because he dared praise Vidal's new book in the pages of the *New York Times Book Review* and now doesn't promptly answer Buckley's correspondence. Buckley seems to want the reader to consider this some sort of tragedy of lost comradeship and vile betrayal: once he walked with me, laughed with me, called me Bill; now he is impressed by the writings of . . . (choke) . . . *Gore Vidal.*

Vidal is entertaining and provocative in direct relation to how far he ventures from the range of prescribed opinion.

Two Writers

Obviously, it was their decades-old public conflicts that made the idea of linking Buckley's and Vidal's latest essay collections occur to me. Neither the queer nor the crypto-Nazi has distinguished himself in their public "debates"; but who ever manages to do so on a televised political show? These men are American *writers*, not TV stars.

I'll leave the comparative analysis of their novels to the more qualified; I've never finished one by either. But from their range of subject matters — Buckley writes only spy thrillers, Vidal has ranged from historical novels to war memoirs to comedies of manner about transsexuals to science-fiction epics — Vidal seems to have the imaginative edge, at the very least. Their essays confirm this judgment.

On one level, comparing these two books is unfair. Buckley does most of his essaying in the constricted format of the 800-word commentary on current political events. Vidal ranges from literary review essays to reminiscences on dead friends to multi-thousand-word meditations on matters political and social. But both men chose their paths in life, and it says something important that only Buckley chose to so constrict himself. It's possible that Vidal would be even more irritating than Buckley if he wrote in Buckley's realm, but Buckley would almost certainly fail embarrassingly if he attempted to enter Vidal's. One does not get the impression, reading Buckley, that he has indulged much in *belles lettres* since his college days.

When each writer is at his best, their prose styles are similarly elegant, balanced, and careful. But Buckley is more likely to spiral off into faux-Jamesian nightmare sentences from which the reader fears he might never awake. It is not a particularly thoughtful and certainly not well-edited writer who can partiturate thalidomide prose like the following: "Any discussion of the role of ideas inevitably brings to mind the paradigm: How ought things to be, if things were as we wished they might be? But of course the concern of the Ethics and Public Policy Center is to explore the bridge between the paradigm and the particular: the criterion and actuality. Though they are separate, the one ought never to shrink from its authority to inform the other, even as the latter should never proceed as though providence and the morally informed intellect had not posted, however distant and obscure on the horizon, lights to guide our thought and conduct." Amazingly, to the political Right (with the exception of *Chronicles*) Buckley is a premier intellectual and thinker and most meticulous crafter of words, while Vidal is a vile, anti-American queer.

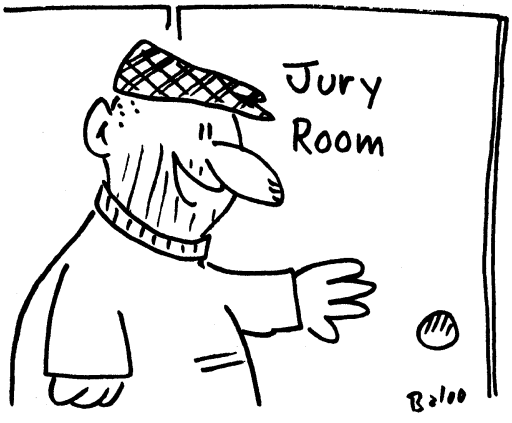

"They're letting me out on bail — can I bring you guys anything?"

But ignoring Vidal means ignoring a sharp and sometimes catty wit that occasionally slides off pleasingly into the absurd; a refined sensibility, demonstrated most powerfully in his amazing memoriams for Tennessee Williams and Orson Welles; and a wide-ranging and meticulous bookishness. He also has a real sense of history: he fancies himself America's biographer through his series of historical novels, and is astute enough in studying the life of his chosen subject to notice that it has had three lives already — the new ones beginning with Lincoln and Roosevelt II's regimes — and is quite ready for a fourth. The range of writers and literary ideas Vidal is able to discuss intelligently and with insight merits an admiring whistle from those of us who can't imagine having the time to do all that reading, much less all that thinking. Vidal, unlike Buckley, is capable every few pages of inducing a teeth-grinding jealousy: *Why couldn't I have seen that, thought that, said that so well?*

Buckley is more likely than Vidal to spiral off into faux-Jamesian nightmare sentences from which the reader fears he might never awake.

Some examples: While gently mocking a portentous conclusion to a James novel that went "We shall never be again as we were": "The fact is that people are almost always exactly as they were and they will be so again and again, given half a chance." On a bad Arthur Miller sentence: "That is not a writer writing or a man trying to get through to others; it is the voice of a holder of a degree in Education." On Anthony Burgess reviewing an Anthony Burgess book: "Shouldn't there be at

least one review in all of England written by someone who had actually read the book?" On the takeover of the novel by professional teachers of English: "On that day the kingdom of prose will end, with an exegesis." On consensus: "To take at face value any newspaper story is to be dangerously innocent. But one can't challenge everything that has ever been printed. So, through weariness and ignorance, there is a general consensus, which then becomes what I call an 'agreed-upon' fact. We all decide not to worry it." On political conflict: "The country is now dividing, as it did a half-century ago, between those who think that America comes first versus those who favor empire and the continued exertion of force everywhere in the name of democracy, something not much on display here at home." And this only scratches the surface; on matters of literature and national character, his thoughts and conclusions are not so readily condensed to epigrams. Vidal needs to be read *in toto* to appreciate his brilliance.

Envious as we may be, we can't all be Vidal. But just about anybody can probably manage a reasonable simulacrum of Buckley's writing. His ideas and impressions rarely rise above the obvious, though they can sink toward the ridiculous. See his occasional ill-thought attempts to grapple with the "light" issues the regular columnist feels compelled to essay, such as rock music and Elizabeth Taylor's mania for matrimony.

Vidal never sinks below his subjects, whether they be lengthy analyses of obscure James novels; meditations on the life, death, and works of Mishima; appreciations of Edgar Rice Burroughs and L. Frank Baum; his families' connections with the history of flight and Amelia Earhart; or his delightfully libelous speculations that E. Howard Hunt is the true author of the diaries of would-be George Wallace assassin Arthur Bremer.

Two Americans

Despite their many differences, there are interesting areas for comparison between the two old antagonists. I emphasized above that they were both *American* writers; they are, indeed, both exemplary Americans. Both have run for elected office, and both have become, through effort with help from lineage, American legends of sorts.

Buckley is the acknowledged *Vater* of a significant American political movement given credit (though perhaps blame might be more appropriate) for the election of a president. Vidal's family and soul are rooted in old Washington and the venerable traditions of the American ruling class, tied in with the likes of the Adamses — I suspect that being a new Henry Adams is a self-indulgent fantasy in the back of Vidal's mind. And, in a true American spirit of barely contained fratricide, the two men bear a deep and unbridgeable enmity.

One comes away from Vidal enriched and energized and inspired One comes away from Buckley mostly bored.

The official spirit of America is unity: the *United* States. But the American people have always seemed unable to meld their differences into one. Vidal deals thoughtfully with the repercussions this has had for American politics and culture. He considers it *prima facie* evidence of Norman Podhoretz's un-Americanism that he expressed scorn about Vidal bothering to write a play about the Civil War:

> I explained to him that my mother's family had fought for the Confederacy and my father's for the Union, and that the Civil War was — and is — to the United States what the Trojan War was to the Greeks, the great single tragic event that continues to give resonance to our Republic. "Well, to me," said Poddy, "the Civil War is as remote and as irrelevant as the War of the Roses." I realized then that he was not planning to become an "assimilated American," to use the old-fashioned terminology; but, rather, that his first loyalty would always be to Israel.

In Buckley, a far less subtle and dextrous thinker, conflict and division are dealt with only on the cartoonish level of conservatives *vs* Lowell Weicker, or debates about abortion, or wondering why American liberals hate Nazis more than Commies.

Which brings us to the Right's key excuse for admiring bland Buckley while hating vivid Vidal: the latter's politics. Vidal's political instincts and opinions are sometimes admirable and sometimes goofy. He loves the Old Republic, and can even find a good word for the likes of Pat Buchanan, "a reactionary in the good sense — reacting against the empire in favor of the Old Republic." Now, what other monotheism-hating queer would write that?

Vidal is no libertarian, of course, and he is not particularly thoughtful or sensible on politics much of the time. He harbors a clichéd aversion to the accumulation of wealth, seems to believe capitalism can only succeed by driving its workers into penury and quasi-slavery, and holds an affection for socialistic redistribution of income that is not practically compatible with his hatred for the national security state and for a government that, since Lincoln and Roosevelt, can get away with whatever it pleases.

Yet even when indulging his moralism toward commerce and those who untowardly succeed at it, the patrician Vidal never gets as cloyingly sanctimonious as Buckley does when trying to show his admiration for the Common Man. While he occasionally lectures on the sometimes barren landscape of the

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American middlebrow mind — in one essay he mocks the intellectual dullness that characterizes many questions he receives — Vidal usually shows the common folk the respect of leaving them alone.* His biggest complaint about his countrymen is that they tend to not like reading novels much anymore, a matter of concern to a craftsman such as Vidal.

But Vidal never stooped to using them for a sententious deadline-buster piece like Buckley's "A Quiet American," a cloying paean to the ordinary working Joe who once drove him to the airport in Portland. The guy jogs every day (!), and was in Vietnam (!!), and works for a living insulating volleyball courts (!!!) after years of teaching himself a trade (!!!!), and likes to read Emerson (!!!!!). Buckley, a self-made aristocrat whose soft streak for the *volk* is a mile wide and an inch deep, concludes this dull presentation thusly: "I felt like Antaeus. I had touched earth, and it's a fine feeling." Buckley then, I suppose, went on for another few years conversing with no one but professional intellectuals, politicians, and jet-setters.

Libertarians Not

Buckley is the archetypal American conservative, yet his book's subtitle identifies him as a "libertarian" journalist, which is not only misleading and wrong, but curious. In my experience, the term is suspicious to Joe Eightpack, vaguely connoting a freakish subculture of nerds and LaRouchies. (This doesn't prevent me from using it, because it is accurate and, within its own realm, noble.) Why did Buckley, who patently is no such thing, burden himself with the term?

Given his already considerable cultural stature and audience, he takes no real risk in identifying himself as such, and in fact might be adding a soupçon of daring to his calcified image. In some circles of the Right a certain radical chic adheres to suggesting that, by gosh, I am such a man of the Right, one might almost consider me a *libertarian.*

Buckley's own words put the lie to his ideological usurpation. Consider his essay "To Bind the Wounds." In his typically scattershot fashion, he praises Jim Baker's decision to send $500 million in aid to the former Soviet Union by first acknowledging with a firm-jawed nod of the head that yes, these are hard times we're living in, as evidenced by the fact that some Rolls Royce owners in Beverly Hills are having to pawn their vehicles at 4% interest a month. (If Vidal had written this, it would have been amusingly snide irony; Buckley, alas, appears entirely earnest.) Yet think of the poor hordes of twelfth- and thirteenth-century France, penurious wretches by today's standards, who managed to dig deep into their pockets to finance building the glorious French cathedrals. Thus can Americans do no less than send $500 million (surely Buckley can't be so much of a political naif to believe that that would be the start and end of it) to save the Russians from hunger or reaction? This man's vision of the role of government cannot, if words are to retain their meaning, be called libertarian.

To dismiss Vidal for his occasional intemperate opinion is to value political correctness over intelligence, piety over vividness, and propriety over wit.

Vidal's certainly can't either. He hates tyranny, but seems also to hate wealth and that which is often done to attain it. But he also hates empire and loves civilization, and praises its loveliness in his wide-ranging enthusiasms and joyous and witty expressions of admiration for so many things. One comes away from Vidal enriched and energized and inspired — to read the

* He does give them the credit of assuming they would not sell their birthright for a mess of pottage in the event of a new constitutional convention. Vidal would like to see one because "the president and the Congress together or the president by himself or the Supreme Court on its own very special power trip can do virtually anything that they want to do as a result of a series of usurpations of powers that have been taking place since the Second Constitution of 1793."

author he has been discussing, to ponder his interpretations, to learn more about his topic. His book is rich in achievement and implication.

One comes away from Buckley mostly bored. In a duel of sensibilities and how they are expressed, Vidal moves with such grace that Buckley wouldn't even know what hit him. I've read every word of every issue of the *National Review* since fall of 1986, but any attempts to brainwash me into a thoughtless disdain for Vidal didn't work. ❑

***Cruel Compassion: Psychiatric Control of Society's Unwanted*, by Thomas Szasz. John Wiley & Sons, 1994, 264 + ix pp., $19.95.**

Out of the Asylum

R. W. Bradford

Thomas Szasz will forever be associated with the phrase "the myth of mental illness." Indeed, many people consider his critique of mental illness and the incarceration that typically follows that diagnosis to be virtually Szasz's only interest. There is just enough truth to this view to give it plausibility. Szasz has spent most of his life on a lonely crusade against psychiatric imprisonment. And psychiatric imprisonment is a theme he returns to again and again.

Of course, there is far more to Szasz than his critique of psychiatric imprisonment, but even when he returns to this theme his writing is fresh and exciting. Szasz is both a brilliant polemicist and a resourceful historian. This latter characteristic serves him particularly well, since so much of the history of psychiatry is deliberately obscured by its apologists. He is also an accomplished epigrammist: it is difficult for me as a reviewer to pass up the opportunity to quote him extensively.

His latest book, *Cruel Compassion*, is a case in point. It begins with a survey of the types of people that have been incarcerated for reasons other than crime: the poor, those in debt, epileptics, children, and the homeless. *Cruel Compassion* teems with fascinating, sometimes horrifying information that, were it not for Szasz, would probably have disappeared down the memory hole forever.

I had no idea, for example, that during the first part of this century epileptics were routinely imprisoned in the United States. This was justified on the grounds that during an epileptic seizure, the victim is liable to commit horrible acts of violence. This theory was concocted without a shred of evidence by Sir Henry Maudsley, a prominent British psychiatrist, and was readily accepted as an excuse for hustling epileptics off to "colonies," where they were imprisoned for life. This replaced the earlier theory that a person who suffers an epileptic fit is possessed by demons and should be imprisoned for life. People were willing to accept Maudsley's theory simply because it is unpleasant to witness an epileptic fit and troublesome to take care of relatives who suffer from epilepsy.

Szasz's discussion of children is of particular interest to libertarians: as usual, his analysis is fresh, vigorous, and challenging. As in so many other cases, whether you agree with him or not, he has the power of shaking your own thinking to its roots.

His discussions of the poor, debtors, and the homeless are also insightful. He argues, for example, that these are characteristically modern problems, dating back only to the birth of modern capitalism. Before the Industrial Revolution, everyone except a tiny elite lived in virtual poverty, so there was no concept of a class of "poor" people. Furthermore, non-productive and disruptive members of society were generally dealt with at a subsocietal level, by their extended family or clan.

Szasz takes a praxeological view of the origin of the problem:

> There are three ways a person can obtain the necessities of life: (1) As a dependent, receiving food and shelter from donors (parents, family, church, state); (2) as a producer, providing for his own needs; or (3) as a predator, using force or the threat of force to rob others of the goods and services he needs and wants. A person who does not want to be, or cannot be, a producer, must become a dependent or a predator or perish. Anything that discourages or prevents peaceful market relations among productive adults — regardless of whether it is due to biological, cultural, economic, or political factors — thus encourages dependency or predation or both. The fact that both are adaptive — that both parasitism and crime "pay" — accounts for the increased frequency of both behavior patterns during times of social upheaval and among members of the underclass.

Psychiatry was developed to deal with unwanted, noncriminal dependents: diagnose them as mentally ill and lock them up someplace where they don't bother us. Szasz is opposed to this practice. When it comes to the question of how to deal with society's unwanted, Szasz is an absolutist. He believes they should be allowed to get their own way unless and until they commit a crime, at which time they should be treated exactly like any other criminal:

> If civil commitment were abolished, mental hospitals as we know them would disappear. Regardless of their psychiatric diagnosis, persons who break the law would have to be accused of a crime, tried, and, if found, guilty, punished in the criminal justice system; whereas persons innocent of crime would have to be left unmolested by the legal and psychiatic systems. Only then would mental illness be destigmatized and psychiatrists resemble regular physicians whose practice is limited to treating voluntary patients.

His argument is brilliant and con-

vincing. Plainly, people who have committed no crimes ought not be incarcerated. But what about the crazy person who commits a crime? What about the individual who clearly has no control over himself? Should he be treated as an ordinary criminal?

I see two problems with such a policy. In a fundamental sense, the "crazy" criminal seems quite different from the "ordinary" criminal. The criminal is punished for doing wrong. The raving lunatic, however unpleasant he may be to be around and whatever damage he causes, is not aware that he is doing wrong, and therefore ought not be punished in the same way as the predatory criminal. In addition, incarceration places a heavy financial burden on those who pay for it; institutionalization, whether in prison, orphanage, or asylum, costs about the same as attending Harvard.

And what about the criminal lunatic? When I was a child, a family moved into our neighborhood whose nine-year-old boy was a problem. He habitually engaged in vandalism, assault, and theft. Because of his extreme youth, treating him as a criminal seemed inappropriate. Yet he was a one-boy crime wave. What should be done? By Szasz's theory, as I understand it, the only two alternatives are to treat him as a criminal (i.e., send him to prison) or leave him in the bosom of his family. Neither seems like a very reasonable course. Prison for so young a person seems unjust. But leaving him in his family seems unjust to them and to their neighbors, victims all.

The Szaszian response seems to be in the tradition of libertarian thinking that treats only the exogenous effects of interpersonal harm. Legal theorists such as Randy Barnett have long argued that punishment for a crime should be limited to restitution: one should not consider the motivation of the perpetrator. Robert LeFevre went even further: he argued that when a person tried to repel aggression he must limit his defense to the same energy as the assault. Thus you can block the punch of an aggressor, but if you punch back, you too become an aggressor.

The problem with this thinking, it seems to me, is that intentions *do* count, at least on some level. Consider the appropriate responses to the following situations, all with the same damage incurred:

The accident: While turning around his car after backing out of his driveway, your neighbor accidentally backs into the side of your car, which is parked in the street.

The vandal: The neighbor kid, angry at you, decides to teach you a lesson by driving his car into the side of yours, which is parked on the street.

The lunatic: A neighbor goes nuts, hops into his car, and goes on a lunatic journey, smashing into cars, trees, and other objects, one of which is your car. He eventually tires of this, exits his car, and lies on the ground screaming obscenities.

According to this school of libertarianism, all three cases should be treated the same. The fact that one was accidental, one predatory, and one lunatic makes no difference. I understand the appeal of this thinking: it certainly makes the judicial process efficient by providing an easy-to-apply universal standard. But does it really make sense? I am not convinced.

This question is beyond the scope of *Cruel Compassion*. But it is typical of the questions that Szasz stimulates one to think about. *Cruel Compassion* is a powerful therapy for focusing one's thinking. ❑

***Going Native*, by Steve Wright. Farrar, Strauss & Giroux, 1994, 305 pp., $22.00.**

Road Yuppie

Phil Leggiere

It's rare and encouraging to see an ambitious young writer's work receiving the kind of hyper-enthusiastic celebration that Steve Wright's *Going Native* has, from sources both near the center of contemporary literary hipdom (jacket blurbs from Toni Morrison and Don DeLillo) and further left. Rare, encouraging, and . . . suspicious. Suspicious, because the raves have been so breathlessly and conspicuously vacuous in their celebration of Wright's experimentalism.

Consider, for instance, this comment from the *Voice Literary Supplement*: "In his amazing third novel, Wright stares long and hard at the dim delirium confronting us. He broadcasts an English as electrically intoxicating as a mescaline Slurpee. Identity is a fluid yet foul thing in *Going Native* whose loosely linked scenarios reveal that, however hard we try to escape ourselves, we remain 'Guests in our own lives.' . . . Wright's immersive orgy in the here and horrible tracks a suburban family man's flight from himself across a dense and dangerous American simulacrum undreamt of even by Baudrillard."

The skeptic's instinct is to think that if a rare talent is indeed involved here, it's more likely a talent for literary politics than for literature. Suspicions aside, however, *Going Native* does confirm Steve Wright as a genuinely accomplished prose stylist. No contemporary writer I've read conveys our technology- and media-saturated domestic environments like Wright, whose sense of detail recalls that of the best super-realist painting: "It's late Friday in late summer in Wakefield Estates, where the shadows are long and the light is perfect and the sky a photographer's fantasy of absolute blue typically apprehended only on film, too blue to be arching in inhuman grandeur over this engineered community of pastel houses and big friendly trees."

Wright also excels at satiric replica-

tion of contemporary language, often to startling effect: "From her bag she pulled fat handfuls of typewritten paper to hold before her like a shield, damp tattered sections of a pirated manuscript copy of that hot new novel with cool attitude, *Wittgenstein's Jockstrap*, a dimly imagined tale of one vague young man's desperately vague quest for something or other, composed in freeze dried europrose so devoid of nutrients even tears couldn't vivify it. Six figure option to Pogo Pictures. Bernardo Scungilli slated to direct. Friends of Amanda's at GAM thought she would be 'perfect' for the part of earnest young English professor who serves as ventriloquist's dummy for the author's startlingly conventional views on any number of trendy topics. She also attends to our hero's less lofty needs. She's hip, she's urban, she gives good ideological head."

The road narrative's conventions are knowingly distorted, as though Dashiell Hammett had written "The Grapes of Wrath."

The fashionably elliptical, hyper-*noir* anti-detective novel Wright ends up with, however, is overripe with quotations from every crossed strain of gothic in contemporary writing, from Jim Thompson to John Hawkes to Patrick McGrath. For all its glossy grotesquerie and sure mannerism, *Going Native* lacks the dramatic tensions and psychological intensities that might distinguish it from its sources.

The novel's main character — or, rather, anti-character, since Wright is fairly insistent in his deconstruction of unified characters — is named, tentatively, Wylie Jones. Jones, a bored yuppie, disappears during an upscale suburban barbecue he hosts with his wife, hitting the road in the time-honored fashion of the man with the seven-year itch going out for the proverbial pack of cigarettes. Through a sequence of loosely related episodes, connected primarily by their similarly macabre atmospheres and recurring character types with different names and driver's licenses (scruffy hitchhikers, teenage runaways, serial killers, religious cultists, coke dealers, outcasts, desperados — the psychopathic unconscious of Kerouac's sentimental Americana), Jones reappears and disappears in various guises. Circumstantially but never definitively identified by the reader as a mass murderer on the loose, Jones is involved in shifting relationships with a panoply of characters who similarly emerge and disappear.

To give Wright his due, some of these characters are among the most memorable in current literature. Perry Foyle, a film school dropout who develops his own *cinema verité* from his flophouse hotel room, where he films prostitutes and their tricks. Drake and Amanda, a Hollywood actress and her aspiring screenwriter husband, who travel to Borneo for a ritual initiation and are near-perfect conduits for satirizing the baby-boom search for the primal. Jones' encounters with hitchhikers and local sheriffs probe layers of grotesquerie beneath the surfaces of Middle American Gothic with effects that recall such films as *Badlands* and *Blue Velvet*.

Throughout these slow-paced, bizarre episodes, Wright adroitly manipulates American literary mythologies; the road narrative's conventions are knowingly distorted, as though Dashiell Hammett had written *The Grapes of Wrath*. Starting from the simple premise of domestic upper-middle-class *ennui*, restlessness, and dread — the kind that used to drive John Cheever's executive martini-drinkers to sneak around skinny-dipping in their neighbors' pools in the middle of the night — Wright cuts'n'mixes whole syllabi of "intertextualities."

What Wright seems to be aiming for is a narrative equivalent of the positive acoherence that the poets grouped around the "Language School" have made fashionable in poetry. Clark Coolidge and others have reproduced the surfaces of ostensibly traditional poetic forms only to undermine the conventional bases of syntax and meaning, replacing them with unpredictable new patterns based on sound, rhythm, diction, and connotation. In a similar way, Wright scrambles the traditional novelistic "syntax" of character, plot,

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and setting. But while the best poems of writers like Coolidge gain strength from the linguistic evasiveness of their jagged-edged juxtapositions, Wright's free-floating signifiers of *noir* conventions and highway motifs, while smooth, are ultimately too mechanically manipulated to come to life.

From a writer of less obvious talent, *Going Native* would be quite enough to celebrate. But a writer with Wright's keen intelligence and evident gift for prose promises more. *Going Native,* however it packages its stylized academic neo-formalism, is still just that: package. And that is something our era, rotten with cynically nostalgic irony, already has plenty of. ❑

***Protect Your Privacy: A Guide for PGP Users,* by William Stallings, Prentice Hall PTR, 1994, 302 pp., $19.95.**

Pretty Great Privacy

Gary McGath

A computer book reviewed in *Liberty*? Of course — when it's about software that will help you protect your Fourth Amendment rights, when the head of the FBI wants to outlaw that kind of software, and when the author of the program is being threatened with federal prosecution.

The book in question is William Stallings' *Protect Your Privacy: A Guide for PGP Users*. PGP stands for "Pretty Good Privacy," Phil Zimmermann's excessively modest title for a program that encrypts messages so that only the intended recipient can decipher them. It is the most widely used encryption software for personal messages on the Internet. Stallings' book is not about the political and legal battles behind PGP, interesting as that subject is; rather, it's a how-to guide for users.

Stallings explains the key ideas behind PGP at a level most computer-literate readers won't have trouble following. He covers public/private key cryptography, digital signatures, and key generation and verification. The DOS and Macintosh versions of PGP are covered in detail.

What does PGP do for you? Two things. First, it allows you to send messages over an unsecured channel without leaving them vulnerable to snoopers. Whether you want to send a credit card number to a mail-order house or to discuss a plan to smuggle in Cuban refugees, it can be important to shield a message from others. And mail on the Internet is definitely not secure; a message may pass through any number of computers on its way to the target.

Second, PGP allows you to show that you are who you claim to be and that your message hasn't been tampered with. The program lets you append to a message your "signature," which is based on the contents of the message and your key. If someone else tries to fake a message or alter the contents of your signed message without knowing your private key, the signature won't match. A message can be signed without being encrypted.

PGP uses what is called "public/private key encryption." When you set yourself up, you create two coordinated keys of up to 1024 bits each: a public key, which you let the world know about, and a private key, which you guard with your life. Others will use your public key to encrypt messages to you; only your private key allows them to be decrypted. You use the private key to send messages, and readers can use your public key to verify the signature.

The book offers valuable tips on how to set up your key and how to distribute it to others. A tricky issue in public key cryptography is providing assurance that a given public key really belongs to the person it claims to belong to; Stallings discusses features of PGP that make this easier to do, and explains the role of key servers.

The book also covers one of the trickiest issues: how to get PGP. The program is available for free; however, the U.S. government classifies strong encryption programs as "munitions," bars their exportation without a license, and claims that unrestricted posting of a program on the Internet constitutes "exporting" it. For this reason, few sites carry the program, and they make you jump through hoops in at least a token effort to guard against downloading by foreign users. There is also a commercial version, called Viacrypt PGP, which is likewise restricted against exportation.

The U.S. government classifies encryption programs as "munitions," bars their exportation without a license, and claims that posting a program on the Internet constitutes "exporting" it.

Stallings doesn't mention Phil Zimmermann's legal defense fund, which allows users to reimburse his efforts while resisting the government's war on encryption. This fund is mentioned in the documentation that

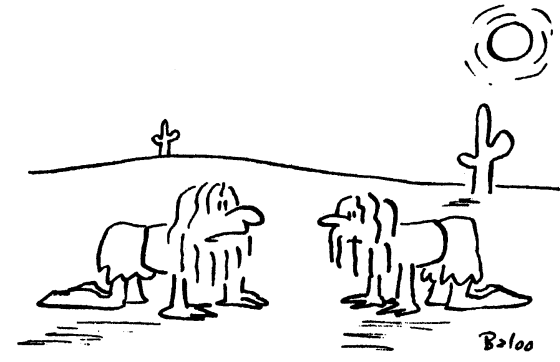

"Nothing, of course — what's new with *you*?"

comes with PGP; while the situation may have changed by the time this article is printed, I urge everyone who uses PGP to give to it if it is still active. If Bill Clinton, Louis Freeh, and the NSA face no determined opposition, they will allow us only to use encryption they can break at will, such as the Clipper chip.

The classification of encryption as munitions has at least a grain of truth to it: just as being armed allows you to defend your home, encryption software allows you to defend your private communications. Stallings' book is a valuable guide to using this weapon effectively. ❑

Booknotes

More Hayekian Than Thou — The idea that government has a specific end dominates most of Western political philosophy. Libertarian thought, of course, is no exception. One philosopher who bucks this tradition is Michael Oakeshott, whose ***Rationalism in Politics and Other Essays*** (Liberty Press, 1991, 558 pp., $24.00 hc, $7.50 sc) is both an excellent introduction to his thought and his most readable work.

Oakeshott argues that tacit knowledge — knowledge that can be expressed only in action and not in principles, but is nonetheless necessary for human life — is legitimate knowledge. From this, he attacks teleological views of the state, and presents a defense of freedom that provides a welcome corrective to the hubristic malarky of most such efforts. He not only comes off as more Hayekian than thou, but more Hayekian than Hayek.

—Michael Levine

Access to Tools — The first *Whole Earth Catalog* appeared 27 years ago. On the first page was this message from the founder and editor, Stewart Brand:

> We are as gods and might as well get good at it. So far remotely done power and glory — as via government, big business, formal education, church — has succeeded to the point where gross defects obscure actual gains. In response to this dilemma and to these gains a realm of intimate, personal power is developing — the power of individuals to conduct their own education, find their own inspiration, shape their own environment, and share the adventure with whoever is interested. Tools that aid this process are sought and promoted by the *Whole Earth Catalog*.

With this individualist credo, the finest publication to emerge from the American counterculture was launched. Over a quarter-century later, ***The Millennium Whole Earth Catalog*** (edited by Howard Rheingold, Harper San Francisco, 1994, 384 pp., $29.95) moves the Whole Earth operation into the mid-'90s, with information on everything from gardening to desktop filmmaking to grassroots politics. They even review *Liberty*.

The media, ever anxious to squeeze the counterculture into the narrow confines of 25-year-old boomer fashion, don't know how to deal with the *Catalog*, an institution more in tune with the best American traditions (Jeffersonian democracy, Thoreauvian anarchy, Samuel Clemens snaking up the Mississippi) than most of what the hippies were rebelling against. For that reason, it is usually stereotyped — even by its media admirers — as a "back to the land" sourcebook, despite the pages it devotes to punk zines, pirate radio, the Internet, and other postmodern matters.

A quick glance through the *Catalog* puts the lie to that pigeonhole. This is a book about *doing your own thing*, in the best sense of that once popular, now long-discarded cliché. May it last another 27 years. —Jesse Walker

The Critic, Clothed — For me Noam Chomsky was shock therapy. When I first read him, my views were still vaguely in accord with the mainstream, Republican-oriented Right. Chomsky forced me to confront inconsistencies in my views, specifically on the subject of war and peace. The dominant strand of modern American right-wing thinking holds war to be a sacrament. At one time this religion seemed to have something to do with Communism, but recent interventions in Panama and the Persian Gulf seemed to be fought for their own sake, irrespective of the ostensible reasons.

When it comes to foreign policy, the Democrats — supposedly dominated by McGovernite peaceniks — have in the last few years become the "me too" party. They want just a slightly smaller military and want to show a tad more restraint than the Republicans. Remember: before the Gulf War, the "doves" held the peace-loving, noninterventionist position of wanting to starve the Iraqis a little while longer before we began bombing.

Bill Clinton has been true to form in recent weeks, with his public statements that Pentagon spending should perhaps be increased after all. That is why it is a pleasure to see Chomsky examine the foreign policy of the last few years in his latest book, ***World Orders, Old and New*** (Columbia University Press, 1994, 311 pp., $24.95).

Chomsky sets the tone with a brief

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overview of the Gulf War and Clinton's 1993 retaliation for the alleged Iraqi plot to assassinate former President Bush. Remember how Clinton "stood tall" against "Iraqi aggression"? Chomsky treats Clinton's behavior with the appropriate level of sarcasm: "Clinton was greatly cheered by the results, the press reported. 'I feel quite good about what transpired and I think the American people should feel good about it,' the deeply religious president said on his way to church the next day" (p. 17). Chomsky also points out the absurdity, lost on most of the media, that the administration's justification for the attack was based on Article 51 of the U.N. Charter, which allows for self-defense against armed attack only when the necessity is "instant, overwhelming, and leaving no moment for deliberation" (17).

Chomsky scorns critics who believe American foreign policy is simply misguided or wrongheaded. He ridicules several critics at the "outer limits of tolerable dissidence" who saw our efforts in the Vietnam war as an "'error' based on misunderstanding and naïveté'" (95). I don't much care for this approach, though not because I attribute good motives to the likes of Robert McNamara and George Bush. I don't *care* about their motives; their actions have led to mass killings of people who posed no threat to the United States, and that is sufficient reason to condemn them.

Chomsky's economic views are often wrongheaded, although he does have one advantage over many of his fellow leftists: he recognizes that the American corporate system rests on state intervention, not *laissez faire*, a point that he documents in meticulous detail. Alas, he does not see this as an argument for free-market prescriptions (though as an anarchist, he ought to oppose most anti-market prescriptions as well).

I can live with Chomsky's faults, because in the current intellectual atmosphere, where the bounds of respectable opinion fall into the tiny ideological crevice that separates *The Wall Street Journal* from the *New York Times*, it is good to have as many critics as possible pointing out that not only the emperor, but those courtiers who pose as "independent journalists," are devoid of even a shred of clothing. —Clark Stooksbury

The Mismeasure of Anarchy — In the late 1980s, German journalist Ulrike Heider came to the United States to gather material for a book on modern American anarchism. She spoke to Sam Dolgoff, Noam Chomsky, Murray Bookchin, Murray Rothbard, and other anarchists of various ideological hues. The result was ***Anarchism: Left, Right, and Green*** (City Lights Books, 1994, 156 pp., $12.95).

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Periodicals

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The Voluntaryist — sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

Heider divides her book into three sections, each looking at a separate school of anarchist thought: anarcho-syndicalism, "eco-anarchism," and anarchocapitalism. This final section is marred by the exclusion of several important figures (Karl Hess is mentioned only in passing, while David Friedman is completely ignored). Even worse, it is littered with offhand derogatory comments: "The anarcho-capitalists always serve to remind us of the intrinsic cruelty of profit-oriented market society" (p. 139); "Anarcho-capitalism represents the most extreme variety of the rediscovered *laissez-faire* ideologies. If the left does not succeed in stopping this trend, we will face a worldwide social and ecological disaster" (151).

She even suggests that libertarianism has its roots in authoritarianism and that classical liberalism is not so far removed from Nazism: "It was slowly dawning on me what a friend of mine had meant when he had predicted that my German accent would assure me great success with libertarians" (117). Sometimes her effort to push anarcho-capitalism into a fascist mold becomes comic: while discussing Samuel Edward Konkin III, she goes out of her way to point out that Wisconsin, where Konkin lived for a spell, has "a strong German heritage" (119).

Heider compounds this silliness with numerous factual mistakes. Here's a typical clunker: "After World War II, several arch-conservative adherents of the Austrian School of Economics made a name for themselves in the U.S.; the most famous of these was Rothbard's former teacher, Ayn Rand" (109). Elsewhere, she describes Milton Friedman as an Austrian economist, Murray Rothbard as a founder of the Libertarian Party, and *Liberty* as the official publication of that organization.

Perhaps surprisingly, Heider concludes this concatenation of misinformation with a prescient observation. Discussing the paleolibertarian-paleoconservative marriage that Rothbard was so key in orchestrating, Heider states, "Only the future will show whether Rothbard has bet on the right horse. I sincerely doubt, however, that he will be able to convert the paleoconservatives to anarchism."

—Aaron Steelman

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Terra Incognita

Royal Oak, Mich.

Sophisticated logic of Dr. Jack Kevorkian, quoted by the *Detroit Free Press*:

"That's exactly what the state of Michigan is. It's been consecrated by Hitler. [Michigan Governor John] Engler is against abortion, so was Hitler. Engler's Catholic, so was Hitler. Engler does what he wants despite the will of the people, so did Hitler. They're exactly the same, except one difference: Hitler was honest."

San Francisco

Interesting observation from James McSheehy of the San Francisco Board of Supervisors, quoted in the *Baltimore Sun*:

"Ladies, I have here some figures which I want you to take home in your heads, which I know to be concrete."

Washington, D.C.

The high cost of consulting, described by the *Detroit News*:

In 1990, CH2M Hill, a consulting engineering firm, charged the federal Superfund cleanup program $147,000 for parties and picnics, hiring a dance instructor, and renting a reindeer suit for an office Christmas party.

Turkey

Unique job training program, described by the *Detroit Free Press*:

Sixteen Turkish dancing bears will enter a sanctuary this week designed to teach them to live on their own again. Officials in Istanbul said the bears would be taught skills like foraging

Australia

Pollution taxes Down Under, as described by the *Detroit Free Press*:

The Australian government is considering taxing animal flatulence as part of a proposal to cut greenhouse gas emissions by 20% by 2005.

San Francisco

Strange new respect for property rights, reported in the *Ocala Star-Banner*:

The Communist Party, U.S.A. is suing a breakaway group, the Committees of Correspondence, charging that they have absconded with its property.

Oakland County, Mich.

Judicial snag in the Wolverine State, reported by the *Detroit Free Press*:

"Assistant Prosecutor John Skrzynski said Wednesday that proving Gerard Carlin acted illegally has been difficult because of the lack of laws to back up the charges."

Hawaii

Unusual defense, reported by the *Honolulu Star-Bulletin*:

An accused child molester argued that because prosecutors failed to establish he was not married to the 12-year-old boy he allegedly molested, he should be acquitted.

Dubai

More bad news from the front in the War on Drugs, reported in the *Gulf News*:

Teens in Dubai are smoking ants and sniffing the fumes they emit when crushed. The practice has become so popular that a small packet of ants now sells for up to $135.

Kansas City

Equal opportunity in action, described by the *Detroit News*:

Regulators ordered a Kansas City bank to put a Braille keypad on an automatic teller machine in a drive-through lane.

Chechnya, Russia

Remarkable military maneuver by the Russian Army, reported in *The Economist*:

"The high command launched the ground assault on new year's eve. The next day, the generals were claiming to control the city, including the presidential palace. The day after that they trimmed: 'control,' it seemed, did not mean the palace had been taken, just encircled. Another day on, and Russian troops were 'regrouping' (i.e., retreating)."

Dallas

Ross Perot proposes a new and different approach to the health care "crisis," from his op-ed piece "The Sensible Approach to Health Care":

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Washington, D.C.

Spending priorities in Dan Quayle's branch of the Service, as reported by *Capital Ideas*:

The National Guard spent $600,000 in training funds to *practice* the operation of lifting the Freedom Statue from the top of the U.S. Capitol building and bringing it to Earth for renovation. A private firm later did the job for $60,000.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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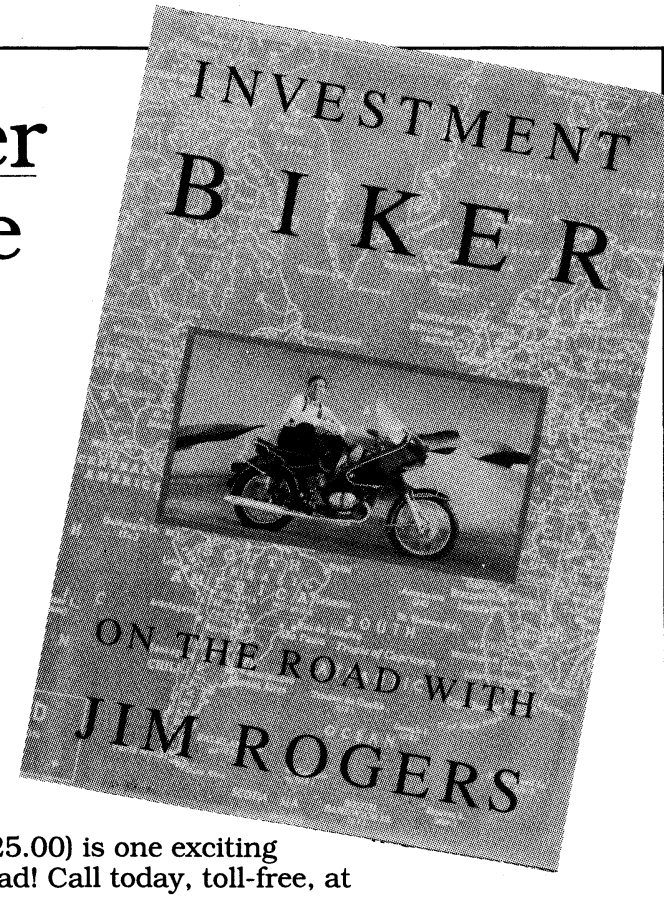

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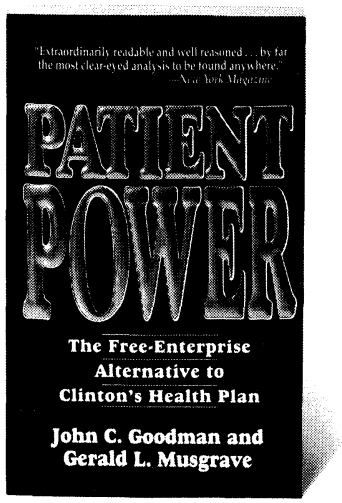

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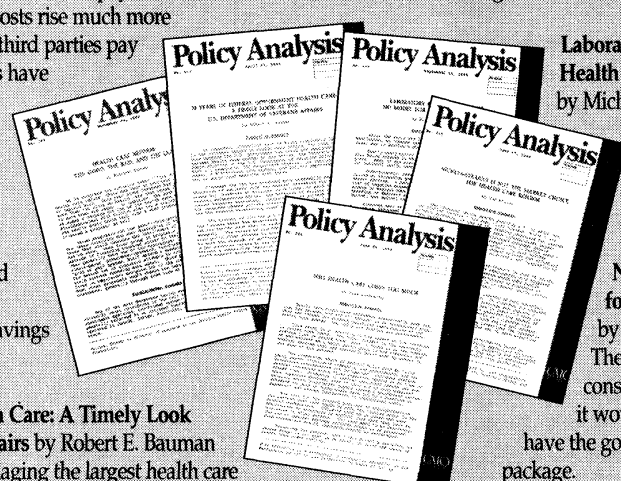

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Inside Liberty

May 1995
Volume 8, Number 5

4 Letters Just what the name suggests.

7 Reflections *Liberty*'s editors comment on the covenants of Clinton, Kemp, Christ, and other cats.

Features

15 Mexican Hayride Robert Reich may not care for corporate welfare, but his boss just made a colossal payoff to Wall Street. *R.W. Bradford* reports.

17 A World Partly Free Heavens to Mercator! *Bruce Ramsey* remaps the geography of freedom.

23 Flowers for the Underclass Whatever the authors of *The Bell Curve* may intend, their book may become the bible of a new ruling class. *David Ramsay Steele* explains.

29 Vocational Ethics *Robert Lee Mahon* uncovers the latest pedagogical scam: "ethics education."

31 Africa Unseen So far as the media are concerned, Africa is the *in-the-dark* continent. *Martin Morse Wooster* searches for exceptions to the rule.

33 Convincing the Unconvincible *Val Lambson* navigates the straits to *laissez faire*.

37 The Greening of Liberty *Randal O'Toole* builds bridges between the libertarian and environmental movements.

40 Bond Market Babylon A selection of commentaries by a poetess of the Net, *Caroline Baum*. Introduced by *Victor Niederhoffer*.

45 Straight Outta Brooklyn *Chris Sciabarra* defends the *real* New Yawk.

47 The Electoral Quagmire *Wendy McElroy* extricates herself.

50 "We the Living" How do Russian libertarians view the most famous Russian advocate of liberty? A translation of the introduction to the first Russian edition of Ayn Rand's *We the Living*.

51 Feed the Children Fiction by *J. Orlin Grabbe*. Sensitive readers beware.

Reviews

55 Blunder on the Right Conservatives would have a better chance if they would stop giving away the war to win the battle, says *Paul Piccone*.

59 The Feminine Critique The biggest secret about feminism, says *Jesse Walker*, is that it's already won the most important battles.

62 The Sensitive Jacobins *David Boaz* takes a look at an anti-P.C. liberal.

63 I Saw John Cage at Madison Square Garden Amidst the runners and jumpers and crowds, *Richard Kostelanetz* heard America singing the offbeat, chance non-harmonies of America's late non-master of chaos.

64 Booknotes on P.J. O'Rourke, civil-rights pork, the relativist as dork, a Seattle dystopia, a mystery cornucopia, an alternative to NATO myopia, and (of course) O.J. Simpson.

65 Star Trek: The X Generation *John Bergstrom*'s graphic review of the latest Trekkie spinoff.

66 Videonote New light on the Gordon Kahl case.

66 A CD-Rom Guide *R.W. Bradford* surveys a new medium that only occasionally lives up to its potential.

68 Classified Advertisements Classified, but not secret.

69 Notes on Contributors People, places, and positions.

70 Terra Incognita Bob Woodward meets André Breton.

Letters

President Browne?

Congratulations to Mr. Pugsley on a tightly reasoned, well-written article ("Harry, Don't Run!" March 1995).

I was involved with the Libertarian Party at its inception, both in New Mexico and nationally (as first national secretary). Six months later, I left the party in disgust because I had discovered that the only way to achieve anything by political means would be to sell out my reasons for being involved in the first place.

In his perceptive and excellent article in *It Came from Arkansas* ("Who Benefits from the Clinton Program?"), Harry Browne shows that he has no illusions about the context in which a president works. Given all this, Mr. Browne, could you tell us what exactly you believe you could accomplish as president?

This last election, I registered for the first time in many years, but could not stomach going to the polls, especially with Ross Perot telling listeners that the people are the boss; I felt like a sheep being herded.

Mr. Browne, if I were able to make myself enter a polling booth in order to vote for you, what would I be voting for?

Diane Amsden
El Cajon, Calif.

Harry's War

I appreciate John Pugsley's concern about my campaign for the presidency. And I admire the thinking that has gone into his article.

John has chosen to further his beliefs through such political activities as pushing the FIJA movement and fighting government regulations. I have chosen to further my beliefs by trying to become president to cut the size of government.

John has decided to set aside immediate self-interest by undertaking such uncomfortable activities as engaging in civil disobedience or taking chances with his taxes. I have decided to set aside six years of my remaining life to try to serve a term as president.

John has explained why he believes the activities he favors are moral or praiseworthy, but he hasn't explained how they will lead to a reduction in the size of government. All these activities are valuable, but by themselves they won't lead to a day when we will wake up magically in a free society. On the other hand, I know that the federal government (and most other governments) would be considerably smaller after I served a term as president. And since it is extremely unlikely that we will see a totally free society in my lifetime, I would like to make it as free as possible for the years remaining to me. That is in my self-interest; I'm not concerned about the generations of the coming centuries who might find a way to profit from the educational activities of today.

I have no quarrel with anyone who chooses not to support my campaign; after all, I didn't vote for 30 years. But I don't agree that I am aggressing against anyone by running for president or by being president. Every change that I make will be a change toward less government. I will disarm the politicians, not hand them new weapons.

And those who know me personally — including John Pugsley — will testify, I believe, that I am far more reliable than the politicians he cited, such as Ronald Reagan. I mean what I say, and my intentions will not be subverted.

If I'm elected, on the first day I will pardon all those convicted of tax evasion, nonviolent drug crimes, "insider trading," and gun control edicts. I will abolish all the regulations in the federal register that harass businesspeople. None of those acts require the cooperation of Congress. In addition, I will work to repeal the income tax, abolish federal departments and agencies, and reduce the size of government by at least two-thirds.

If John feels this is aggression, I will gladly add a provison exempting him from my actions, and he can continue paying income tax.

Harry Browne
Lafayette, Calif.

Civil and Disobedient

Hold it, Mr. Prechter ("Anti-Politics in Action," March 1995): Mr. Pugsley didn't say don't do anything at all. He said doing nothing is far from the only alternative to political action. He then lists 15 points of action to consider. I'd like to expand on point number three: "Stop doing business with your enemy."

The notorious bank robber Willie Sutton, when asked why he robbed banks, replied, "Because that's where the money is." If we were to ask our lawyers, legislators, judges, and policemen why they so mistreat us, they might well answer, "Because you still pay us handsomely, you still vote for us no matter how many onerous laws we make, you still walk into our courts voluntarily and say "Your Honor," and you still submit meekly when we apprehend you even if you know you have not defrauded, threatened, or harmed anyone."

Civil disobedience works. I recently spent eight months behind bars for obstruction of governmental administration and refusing to plea bargain or post bail. I also didn't walk into court. They pushed me in and when I was in I remained silent. Sure it involved pain but there was also a high degree of satisfaction watching them trying to run the show without my cooperation. They were exposed and stung. The community was asking, "Why him? Why not the criminals?"

Jacob Lapp
Cassadaga, N.Y.

Damned If You Do . . .

I found John Pugsley's argument against libertarians participating in the political process enlightening, but not convincing. It seems to me that not participating is political action by default.

While Pugsley is correct in recognizing that all human beings act out of self-interest, those who recognize natural law act out of self-interest *rightly understood*.

William Paul Hayden
Anchorage, Alaska

The Life of Politics

John Pugsley revives a debate that periodically engages libertarians. This is not the first time an apolitical libertarian has challenged Libertarian Party activists, accusing them of giving aid and comfort to the enemy by voting, running for office, or otherwise working to influence the direction of society with "political" activism. Interestingly, the issue has been somewhat dormant for a few years. Now that Harry Browne has decided to seek the LP presidential nomination, it is again spotlighted. Mr. Pugsley's letter is informative if one is new to the issues he discusses. But for those of us who have

continued on page 6

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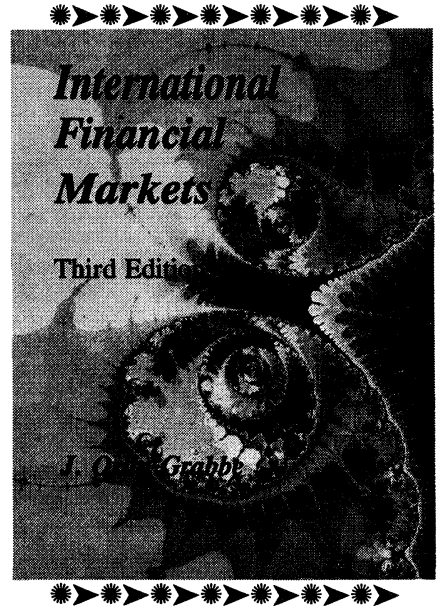

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About the Author:

J. Orlin Grabbe has an AB in Economics from the University of California at Berkeley and a PhD in Economics from Harvard University. While teaching at the Wharton School of the University of Pennsylvania, he founded FX Systems Inc., which built banking risk-management computer software systems for trading in foreign exchange, interest rate instruments, and commodities. After selling his interest in FX Systems (which later split into the two firms of FNX Limited and FSS), Dr. Grabbe became a short-story writer and banking consultant for derivative products in New York. He currently lives in the middle of the Nevada desert, near a cactus with a hidden computer jack, and with a .3030 close at hand.

Table of Contents

Preface
Reader's Introduction

PART I HISTORY OF THE INTERNATIONAL FINANCIAL SYSTEM, 1944—2000

1 The Rise and Fall of Bretton Woods
2 Globalization and the Growth of Derivatives
3 The Crash of '94-'96 and Beyond

PART II FOREIGN EXCHANGE MARKETS

4 Introduction to the Foreign Exchange Market
5 Forwards, Swaps, and Interest Parity
6 Foreign Currency Futures
7 Foreign Currency Options

PART III EUROCURRENCY MARKETS

8 Eurobanking and Eurocurrency Centers
9 Deposit Dealing and the Term Structure of Eurocurrency Rates
10 Eurocurrency Futures and Options
11 Syndicated Eurocredits

PART IV INTERNATIONAL BOND MARKETS

12 Introduction to the International Bond Markets
13 New Issue Procedures in the Eurobond Market
14 Eurobond Valuation and Hedging
15 Interest Rate and Currency Swaps
16 Pricing Option Features in International Bonds

PART V SELECTED TOPICS IN INTERNATIONAL FINANCE

17 Forecasting and the Image of the Future
18 Chaos in International Financial Markets
19 The Fractal Distribution of Foreign Exchange and Interest Rates
20 Purchasing Power Parity
21 Central Banks and the Balance of Payments
22 The European Monetary System

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debated them during the last couple of decades, there is nothing new.

It is generally accepted that a society changes, undergoes an ideological revolution, only when the people in it change their thinking. They change their belief systems, primarily with regard to moral issues, as to what is right and what is wrong in how people ought to deal with one another. In today's America, this includes the question of the proper relationship between the individual and the state.

Someone once said, "Ideas have consequences." And many have repeated it since, because it is so obviously true. The change in society begins when someone, or some group, develops a different idea about how things should be and promulgates it. First, it is ridiculed and rejected outright. But as more thinking people begin to examine and criticize it, the idea is lent some legitimacy. Through a process of further examination, criticism, and expanding acceptance, the new idea becomes part of the thinking of more people, usually academics and other intellectuals. It is taken up by journalists and others (screenwriters, songwriters, talk-show hosts) who have influence on the general population. The common folk make it part of their discussion and, if the revolution succeeds, the majority embraces the new idea and demands the changes it implies. So it was with the American revolution of 1776 and so it must be today with our freedom movement.

Mr. Pugsley urges libertarians to do just about anything to advance this process except vote or otherwise directly involve themselves in political matters. My experience tells me that LP activism can be a powerful educator of academics, journalists, and plain folks. As a spokesperson for the LP for over 20 years, dealing with a wide variety of audiences, I have observed a major shift in attitudes on issues that illuminate basic thinking about the rights of individuals and the proper role of the state. The shift is (mostly) in the libertarian direction.

I am firmly convinced that the LP has played a role in making libertarian views better known and more widely accepted. One reason for this is that people running for office and political party representatives are given access to the media, classrooms, and other venues where ideas are discussed. The existence of the LP as an "official" political party opens a great many doors for our participation in the mainstream political discussion. I have personally introduced thousands of journalists and others to libertarian approaches in my role as an LP candidate and spokesperson. In short, all political activism is educational. It makes no sense to deny ourselves this opportunity to introduce people to libertarianism and influence them in the right direction.

Why does it work like this? Basic communications principles tell us that people will listen to, and follow, people who are like themselves (share their values) and who address the issues that are important to them. In other words, if you want to be persuasive, you must go to where your audience is, join them, and move with them toward the destination you have chosen by convincing them it will serve their values to do so. So it is important to make some judgments about our audience in order to better devise strategies for effective persuasion.

It is unfortunate that almost all Americans still believe that some substantial amount of government is at least a necessary evil, if not a positive good. They believe that political parties, elections, and voting are legitimate avenues for change. They also have a healthy skepticism about all of it. Probably at least half believe that government bungles most of what it attempts. That is the opening for libertarian views; and the LP, including Harry Browne as its presidential candidate, is in a unique position to capitalize on it because we have consistently preached the inadequacies and evils of government.

The LP message to this audience has two parts. First, government doesn't work and is costing us billions in taxes and ruining our lives in many ways. Most Americans already agree with or are willing to evaluate this contention. Second, just about everything government does can be done better by honest hardworking people without government, so we can cut it drastically, save ourselves a bundle in taxes doing it, and increase our freedom too. This second point is the libertarian answer to the question raised by the first point: so what are we going to do about (education, medical care, crime, etc.) if government doesn't work? The context in which people are most interested in discussing these matters is electoral politics. That's why the LP is a valuable tool in the freedom fighters' arsenal.

Here's one example from an increasingly likely scenario. Probably, there will be televised presidential debates in 1996. If the Browne campaign strategy is successful in developing early support, Harry Browne will be included. Can you imagine what effect a witty, articulate, and well-informed libertarian like Harry will have on the quality and direction of the debate? No matter who is elected, the questions he will raise about the statist programs of both the Democrats and Republicans will be embedded in the American consciousness. The next president and Congress will have to deal with a new electorate substantially more enlightened and empowered by libertarian ideas. I wouldn't miss that for anything. I hope Mr. Pugsley decides to watch too.

David P. Bergland
Costa Mesa, Calif.

Nirvana in Nevada

I don't blame people like Durk Pearson and Sandy Shaw for seeing nirvana in the Nevada desert ("Welcome to the Revolution," March 1995). It's great fun to read the text of the U.S. Constitution and win imaginary battles in court. I once attended a painfully illiterate People of the West luncheon and read their newsprint broadsides. God help them! They're honest and decent, but innocent of the critical intelligence to understand that federal case law voided the Tenth Amendment 60 years ago. Their Western uprising is nothing more than a ragtag coalition of gun nuts and New Age health nuts, politically inert beyond five free minutes on a local PBS station once every two years.

But *Liberty* is a different animal: it's your job to tell the truth. And the truth is, libertarians have failed. There is no magic horizon in the year 2000 or in 2010

continued on page 44

Letters Policy

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

Reflections

State of the onion — In his State of the Union Address, President Clinton said, "The American people certainly voted for change in 1992 and 1994." What he didn't say is that in 1994, they voted, as best they could, to change what they voted for in 1992. —SR

Jack of all tripe — With Bill Clinton's hopes for reelection about as low as Fox network standards, you'd expect Republican hopefuls to be throwing their hats into the ring with glee. Not a chance: Jack Kemp, Bill Bennett, Dick Cheney, and Dan Quayle have all decided not to run. I have to admit I was a little disappointed about Quayle. I have a soft spot for the dopey former veep, who can at least take comfort in being smarter than Al Gore.

On the other hand, I was delighted at the departure of Kemp, the godfather of "progressive conservatism." This school preaches a laundry list of happy-sounding reforms: cutting the capital gains tax, enterprise (now "empowerment") zones, tenant ownership of public housing. This last sounds like a good idea until you see how Kemp put it into practice as HUD secretary. His HOPE (Home Ownership for People Everywhere) program consisted of spending huge amounts to renovate the buildings, selling them to the tenants at below-market prices, and doling out an ersatz brand of ownership that excluded the right to sell on the open market. This arrangement did not resemble a free-market system so much as it did the "land reform" the Reagan State Department foisted on El Salvador in order to snow congressional Democrats into appropriating more money for killing Salvadorans.

Kemp's kind of "free-market" thinking makes Clinton's policies seem attractive. —CS

A Gramm of prevention — The first Republican to enter the presidential race was Phil Gramm, the lifelong public employee famed for his firm free-market convictions. Gramm often ignores limited-government doctrine when it is politically advantageous to grab some pork for his home state (hence his support for the ill-fated Supercollider project, the Sematech consortium, and the mohair wool subsidy) or curry favor with another politician (hence his support for George Bush's 1990 tax increase). But when most Republicans vote for government intervention, they are only betraying their *rhetoric*; when Gramm votes for intervention, he is betraying his *principles*. In modern American politics, guilty-Catholic libertarianism may be the best we can hope for.

The real problem with the Texas senator isn't his tepid free-market economics. It's everything else about him. Even if you ignore his hawkish foreign policy views, Gramm is worth opposing for his proto-fascist stances on civil liberties. Gramm is the worst kind of drug warrior there is: the kind who doesn't care if the war on drugs destroys the lives of even those who have nothing to do with illegal chemicals. Gramm is a strong supporter of "civil forfeiture," the police practice of seizing alleged drug traffickers' property even if the owners are found innocent — or never even charged. He advocates mandatory minimum sentencing for first-time nonviolent drug offenders. He favors increased federalization of law enforcement.

Worst of all, he sponsored S 2245, the Drug and Crime Emergency Act of 1990, which would have declared a five-year state of emergency to win the drug war. S 2245 (and its counterpart in the House of Representatives, HR 4079, sponsored by Newt Gingrich) would have created enormous concentration camps for drug offenders. It also called for compulsory drug testing in schools and workplaces, forced prison labor, mandatory minimum sentencing, and suspension of Fourth and Eighth Amendment protections. All of this, incidentally, would have been an enormous unfunded federal mandate — something Gramm and Gingrich allegedly oppose.

Some libertarians will line up behind Gramm, just because he favors medical IRAs and a few spending cuts. I'd sooner not vote at all. —JW

Cutting back county hall — On a sad note, the *Los Angeles Times* reports that the Reason Foundation has endorsed a "short-term" tax increase as a "crucial part of a wide-ranging recovery plan" for Orange County, California. "You don't want to stand on principle to the point where you cut your own throat," said Bryan Snyder, senior vice president of the libertarian foundation. To date, the politicians in Orange County have ignored that advice, insisting that "tax increases are out of the question." —CS

Slovakia, mon amour — So you were wondering: what was the *real* message behind last November's Republican victory? Was it that famous populist wave? Term limits? The balanced-budget amendment? The Angry White Male? Newt's Third Wave charisma? Heidi Toffler's sex appeal?

Ha! You're all wrong, dead wrong. The real answer is *Slovakia*. When the voters kicked the Democrats out of Capitol Hill, it was because they were itching to make the world safe for a tiny former Nazi protectorate. Didn't you notice all those long lines of people in front of the Slovak Embassy in Washington? They're just a sample of the hundreds of thousands of Americans dying to die for Slovakia, so that proud nation could perhaps try to recapture its lost territories in the Czech Republic.

If you don't believe me, read Newt's Contract With America and its little-noticed "National Security Revitalization" bill, passed in February. It calls on the United States not only to maintain and strengthen that Cold War

relic called NATO — the North Atlantic Treaty Organization, not the National Association of Theater Owners, which is actually a more worthwhile cause to die for — but to expand it to include Poland, Hungary, the Czech Republic, and our lovely little Slovakia.

Remember that famous "tripwire" on the West German border with Poland? If Soviet Bloc forces were to cross it on their way to Paris, U.S. troops were expected to retaliate, and you know the rest. Well, now that Congress has adopted the NSR bill, the tripwire is moving closer to Moscow. By the end of the century, the U.S. is expected to become the *de facto* protector not only of the British, the French, and the Germans, but also the Poles, the Hungarians, and our beloved Slovaks against the fearsome Russian military genius most recently demonstrated in Chechnya.

Gingrich did make some concessions to the more isolationist forces in his party. Initially, the NSR bill had proposed that the new NATO include all three Baltic states, Bulgaria, Romania, Ukraine, the southern former Soviet republics, and even Albania. But now Albania and company have been left out. What has provoked this defeatist attitude among the Republicans? Is the Vietnam Syndrome — or, worse, Munich-style appeasement — threatening to take over the GOP? Why else would the Republicans abandon the good people of Albania and Romania and Armenia to their tragic fate?

My own modest proposal is to turn "NATO" into a discussion group on the Internet. That way, Newt and the other Tom Clancy buffs can play war games to their heart's content. They can even lead U.S. troops on an invasion of — you guessed it — Slovakia. After all, providing all those guys with free laptops would be cheaper than fighting a new war in central Europe. —LTH

As we go marching down Tobacco Road

— Thomas L. Friedman, heir to the chair (not to mention the ponderous prose style) of the *New York Times'* foreign affairs columnist Flora Lewis, recently scolded the War Party tandem of Gingrich and Dole for using "'U.N.' and 'Boutros-Ghali' as four-letter words" in their cynical appeal to "isolationists without high school degrees." Of course, those unlettered isolationists (read: Middle American members of the Peace Party) are called upon to sacrifice their sons in the wars Mr. Friedman and his colleagues prevaricate us into, but at least we've caught a glimpse of the class hatred that motivates those American globonauts.

Friedman, by the way, castigates Senator Jesse Helms for his "isolationism" — Jesse Helms, who throughout the '80s sought to stick our snouts in the business (and our guns in the snouts) of every campesino, bushman, and nomad in the Third World. If Jesse Helms is an isolationist, Thomas L. Friedman is a columnist of rare style and lambent wit. —BK

The Yale man's burden —

In a March 20 editorial, *National Review*'s editors commented on a provision of the Contract With America that would prohibit placing U.S. troops under U.N. command. "*NR* does not usually like restrictions on presidential authority in foreign affairs," they haughtily intoned. "But neither can *NR* recall any Republican President who ordered U.S. troops into interventions as hare-brained as Mr. Clinton's, all in the name of humanitarianism." The question that immediately comes to mind is: *What about Somalia?* Has "NR" so quickly forgotten that the recent spate of "hare-brained humanitarian" interventions was begun by Republican George Bush? —CS

Blockheaded grants —

Back in the Nixon era, conservatives loved to denounce "revenue-sharing," the president's scheme for allowing the federal government to redistribute money among the states. Revenue-sharing, they argued, subverted federalism by giving Beltway bureaucrats control over local governments' pursestrings.

Two and a half decades later, congressional Republicans are pushing hard for "block grants" — i.e., having the federal government redistribute money among the states. According to today's Right, block grants will *strengthen* federalism. Go figure.

As I write, the Newtoids are gearing up to challenge last year's crime bill. The Republican changes that passed the House earlier this year still assault the Second, Fourth, and Fifth Amendments; they still federalize law enforcement; they still waste millions of dollars. But now those millions are to be wasted block-grant-style: instead of going to the particular pork projects Democratic legislators have carefully selected for their financial-political advantage, the cash will be directed toward whatever pork projects state governments, most of which are now Republican, select for *their* financial-political advantage.

Needless to say, the Democrats are apopleptic. The Republicans are standing firm, though — they were elected with a mandate, by God, and they're not about to jettison their federalist principles. —JW

Whose ox is xeroxed —

A reader sent me a newspaper column that provided a forthright defense of property rights, written by multibillionaire computer software magnate Bill Gates. "I think the views he expresses are fairly libertarian and well-articulated," my correspondent wrote. "You might want to ask him to write something for *Liberty*."

The property rights that Mr. Gates holds so dear are those that prohibit unauthorized copying of computer software. They are not the only public policy recommendations that Mr. Gates has offered the public. In Washington state, he has made large donations to a Democratic Party effort to try to defeat a measure that would limit the growth of government spending, a position that might seem a bit less libertarian than those he expressed about the property rights of software publishers.

Apparently Mr. Gates is an advocate of his property rights, but is not so sure about the property rights of others. I was reminded of an evening I spent with two friends a decade ago. Over drinks, the conversation turned to the question of copyrights. One friend believed that it was

Liberty's Editors *Reflect*

DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
LTH	Leon T. Hadar
JH	John Hospers
BK	Bill Kauffman
WM	Wendy McElroy
SR	Sheldon Richman
CS	Clark Stooksbury
JW	Jesse Walker

perfectly appropriate to copy a computer program without the authorization of the publisher, but believed it absolutely immoral to copy books without permission. The other found nothing wrong with xeroxing a few pages from a book, but believed copying a computer program to be a foul deed.

One of my friends is a book publisher; the other a software writer. Would you like to guess which took which position?

On December 31, U.S. Trade Representative Mickey Kantor told the government of China that if it failed to provide the sort of legal protection for intellectual property rights that the United States believes appropriate, the U.S. would impose tariffs of 100% on a variety of Chinese goods exported to the United States. In effect, he told China that if it didn't punish Chinese people who make unauthorized copies of American computer software, CDs, audiocassettes, and videocassettes, the U.S. would slap a tax on Chinese shoes, hand tools, electronic toys, and other products.

In other words, for crimes committed by Chinese software and entertainment "pirates," Kantor proposed to punish two groups of people: Chinese manufacturers of inexpensive consumer goods and Americans who purchase inexpensive Chinese consumer goods. The proposition that innocent parties ought to be punished for the crimes of others is abhorent to most people; in the past, it has been practiced mainly by tyrants — for example, the late Joseph Stalin, who routinely punished the relatives of those he accused (that is, convicted) of crimes.

But those whom Kantor proposed to punish were well-chosen. Manufacturers and exporters are powerful interest groups within China, well able to influence their government to change its policies according to Kantor's specifications. And the Americans who buy cheap Chinese flip-flops and tennis shoes, hammers and screwdrivers, 50¢ watches and 75¢ calculators are generally poor and neither sufficiently articulate nor well-organized enough to influence the administration, despite its professed love of the "common man."

But who is the intended beneficiary of the threat? Two groups stand to gain financially if the Chinese yield to Kantor's threat: the entertainment and software industries. The first is virtually the only U.S. industry to provide massive support to Kantor's boss Bill Clinton and the Democratic Party. The second is too entrepreneurial to provide uniform support to Clinton and company. But at least one figure in the software industry — Bill Gates — supports the Democrats. And his firm accounts for 75% of the software exports whose value would be tremendously enhanced by the imposition of U.S.-style copyright protection.

It wasn't just the victims of Kantor's threat who were well-chosen. —RWB

You gotta license for that mouth? — The Oregon state legislature has been considering a bill that would require people to take a course before purchasing a handgun.

The Second Amendment guarantees the right to bear arms. Yet even those friendly to gun ownership seem undisturbed by what would amount to a "literacy" requirement for the exercise of this right. If rights require literacy — just as the right of blacks to vote once hinged on passing an exam — then why not subject all items in the Bill of Rights to the same standard? Why not make people learn proper grammar and syntax before being allowed to exercise their right of freedom of speech? —WM

What a friend we have in Willy — I may have missed something, but I haven't noticed any media curiosity about the origin of President Clinton's name for his legislative program, the New Covenant. One would think that so curious, so obviously archaic a name (New Deal, New Frontier, New *Covenant*?) would attract a lot of interest. It hasn't.

The Clinton New Covenant first surfaced during the 1992 campaign, but it soon disappeared. I assumed at the time that it had been dropped because a lot of people — not people in the media, certainly, who were as uninterested then as they are now — had complained about it. You see, "the New Covenant" is a crucial term in Christian theology. Its use in politics is bizarrely inappropriate.

According to the book of Hebrews and other New Testament sources, the New Covenant is God's covenant of salvation for believers: "I will be merciful to their unrighteousness, and their sins and their iniquities will I remember no more" (Hebrews 8:12). The New Covenant is sealed by the blood of Jesus. The common ritual of many churches includes the recitation of Jesus' words at the Last Supper: "This cup is the new testament [or 'covenant': same Greek word] in my blood" (1 Corinthians 11:25).

The Christian idea of covenant or agreement continued Judaism's emphasis on God as an agreement-making deity. (The Old Covenant, according to Christian theology, was the covenant that God made with Israel, which was fulfilled and supplanted by the New Covenant that He made with all and sundry.) Americans' belief in the sanctity of religious covenants undoubtedly influenced their belief in the sanctity of secular contracts and contributed to their acceptance of the capitalist system, which is based on contractual relationships.

All this having been said, President Clinton's decision to put the New Covenant to use for political purposes seems curious indeed. In fact, it seems blasphemous, in view of the fact that the aforesaid Clinton constantly advertises his deep involvement with Christianity, indeed with evangelical Christianity, the most covenant-conscious branch of it. True, Clinton prefers attending churches whose ministers are more

STATE OF THE UNION

preoccupied with the social gospel than with evangelical theology, but hasn't this guy any better sense or knowledge than to use the language of God's blood sacrifice as a label for his political schemes?

Perhaps this is the point at which we just ought to forget everything that has been said about Clinton the reader of books, as well as everything that has been said about Clinton the prayer of prayers.

As to the media, it's been clear for a long time that the people who write for them either don't read books or insist on repressing any evidence that they do. These naifs may believe that the phrase "New Covenant" came to Clinton out of nowhere. But it amuses me to think that when they're tootling down the freeway and they see the New Covenant Tabernacle or the New Covenant Church of God in Christ, they imagine that Clinton's legislative program has already become an object of worship.

Not in these columns, of course.

But even as a secular contract, the Clinton New Covenant is peculiar. It's an agreement that's not agreed to — simply announced. The parties to the contract are unknow. Is it a contract between the voters and themselves, or between the voters and the Clinton administration, or the voters and Congress? As if any of these solutions made any sense, anyway. The terms of the contract can be changed at any time, in response to any political whim. And the benefit to some, at least, of the probable contracting or contracted parties (i.e., normal taxpayers) is impossible to discover.

This is another kind of blasphemy. —SC

The Sistine urinal — It looks like federal welfare for the intellectual class, in the form of NEA, NEH, and CPB grants, may finally come to an end. But the recipients and their media spokespeople will not give up without a shriek. Consider columnist Donald Kaul, a representative of the viewpoint humorously known as "liberalism," who addressed the issue in a recent syndicated screed.

Kaul raged that the "yahoos" in Congress have "declared war on the smart letters of the alphabet — NEA, NEH, PBS, CPB." In Kaul's view of the world, these institutions cater to an elite who refuse to dumb themselves down to the level of the "creationists, astrologers, homophobes, nativists, eugenicists, and talk show hosts who make up the spine of the right."

He also repeated the tiredest of clichés about art — that it must shock and disturb to be of value. "The core of [artists'] duty is to comfort the afflicted and afflict the comfortable. The greatest art is always subversive, never safe. Whatever the medium it should strike with the immediacy of a hot poker." Is the Sistine Chapel second-rate because Michelangelo failed to urinate on it?

In recent years, sophisticates have increasingly become enamored with art that is banal or offensive; the NEA has been eager to please them by subsidizing art that is loaded with hot-poker intensity, but tends to irritate the creationists and astrologers who inhabit Flyover Country.

Still, Kaul does come to the correct conclusion. If art must be offensive to have value, he reasons, it would be better to end federal subsidies than to have them filtered through the "crude sensibilities of dreary folk like Jesse Helms, Strom Thurmond, and Larry Pressler, whose taste in fine arts runs to Super Bowl halftime shows." He apparently has faith that in a culture where Madonna passes for a singer and Donald Kaul passes for a journalist, André Serrano will still find a patron willing to pay him to piss. —CS

Hanging is too good for it — The Canadian artist Eli Langer's recent work — executed without models — was meant to heighten awareness of child abuse. When charges of child pornography were brought against Langer and the gallery exhibiting his paintings, Toronto's art community rallied in a rare burst of outrage. The court's solution: charges were dropped against Langer and the gallery. The paintings themselves were arrested and ordered to stand trial.

Refusing to testify in its own defense, the artwork has not yet been found "guilty." If a conviction results, lawyers will probably request community service rather than hard time. But if worse comes to worst, the jailed artwork is expected to demand the same rights and privileges as any other Canadian prisoner: visitors and rehabilitation. —WM

Pulp friction — A few months ago, *National Review* carried an article listing "the best films of all time," on the basis of their "inspirational" quality. Most of those listed were sanctimonious pap, offering either tearful religious inspiration or oversimplified heroic nationalism. The films that (in my opinion) did inspire non-phony emotions — such as Fellini's *La Strada* (1954) — were not mentioned. I started to write a response, but gave up the enterprise as hopeless.

But when I read Jesse Walker's praise for *Pulp Fiction* ("Pulp faction," March 1995), I began to believe that I'm no longer living in the same world as today's critics. My first thought was, "He can't be serious!" Sure, there were some cute lines of

dialogue that might have done credit to a play (most film scripts are pretty awful), especially by writers in a bitchy mood, as well as a few nice plot twists, such as returning to a setting not seen for an hour and now confronting us again to help connect our minds with what happened some time earlier — thus giving a disjointed series of events some measure of unity. It wasn't quite as repellent as *Interview with a Vampire*, from which one could retrieve one's sanity only by walking out during the first half-hour. But in *Pulp Fiction*, one had the expectation that something interesting was still going to come — and it never did.

As for *Quiz Show*, it is at least internally coherent and interestingly developed, though Walker's comments about its playing fast and loose with the facts are true enough. *Forrest Gump*, the best of the three movies Walker discusses, as far as I could see had *no message whatever*. There's not much you can conclude from it except that some numbskull managed to live through a period of history without a glimmer of what was really going on — a fate he shares with 99% of the American people. So what else is new?

There was, I think, only one film masterpiece in 1994, New Zealand's *Heavenly Creatures* — faultless in its development from the first moment to the last, astonishing in its psychological insight and its marvelous melding of fantasy and reality scenes. But this film has hardly been mentioned: perhaps its honesty and raw power were too much for audiences (including the Academy) to take.

There were other fine films in 1994. I thought I'd never see a better cinematic treatment of alcoholism than *Days of Wine and Roses* (1962), but the cumulative power of *When a Man Loves a Woman* changed my mind. (Perhaps it came too early in the year to be remembered.) Less intense but still absorbing and credible was *Blue Sky*, Tony Richardson's final legacy to films.

On some earlier films: Whatever happened to Ingmar Bergman's *Best Intentions* (1992, written but not directed by him), so deeply probing about parent-child relations that some viewers had to leave before the two and a half hours were over — was the honesty too painful? And why was Ingrid Bergman's best work, *Autumn Sonata* (1978), almost totally ignored? (It's almost impossible to find on video.) For that matter, New Zealand's other masterpiece of a couple of years ago, Jane Campion's *An Angel at My Table* (1990), a true account of a young woman's incarceration in a mental institution for seven years on the basis of a false diagnosis, hasn't been heard from either, though libertarians ought to have latched onto this one, as it dramatizes a favorite libertarian theme. There's lots of others, but let me mention one of the most subtly nuanced acting jobs in the world, as well as one of the most moving stories, Michael Redgrave's *The Browning Version* (1951; it's impossible to find, too).

What has happened to the films of Howard Hawks and George Stevens and Elia Kazan in the '50s, always with a coherent story line, interesting characters, and psychological credibility, the action always growing out of the characterizations? Has the present generation any acquaintance with these masters? Or don't these films "get the action started" fast enough? Doesn't it matter any more who the characters *are* before we find out what they *do*?

Hawthorne once wrote that the final test of fiction is whether it possesses "truth to the human heart." That is the quality I value still, but the emphasis on it has mostly disappeared in today's reliance on special effects, cuteness, and gimmickry. I guess that's why I don't live in the same world. —JH

CyberDianetics — In his novel *Virtual Light*, William Gibson describes near-future "data havens" that serve the same privacy functions for information as Swiss banks do for money today. The precursor of such havens currently exists in the form of "anonymous remailers." These are nodes on a computer net that accept e-mail, replace its address with a random code, then forward the mail on to its final destination. Replies can be processed care of the anonymous remailer.

The most popular of these services, anon.penet.fi, has just been raided by the Finnish police, who confiscated the real name of one of its users. The user's crime: he raided a Church of Scientology computer and posted confidential and embarassing information to a Usenet discussion group.

Johan Helsingius, who offers the remail service free to anyone on the Internet, described the police raid: "They treated my computer and hard drive as if it were a gun." Helsingius shouldn't be so surprised. A computer is the most revolutionary weapon you can aim at agents of the state. —WM

Disown a piece of the Rock — When the Mitsubishi Estate purchased Rockefeller Center, nativists warned that the Japanese were "buying up America." A few years have passed since the purchase; let's see how the Nipponese conspiracy has progressed.

Mitsubishi Estate paid about $1.4 billion for Rockefeller Center. To do so, they borrowed about $1.3 billion from Rockefeller Center Properties Inc. (RCP), a company created just to make that loan and hold the mortgage. RCP got the money to make the loan by issuing stock and bonds. RCP owes about $800 million to its bondholders. It pays them out of its own interest income. But Mitsubishi is losing money on the deal hand over fist because rents at Rockefeller Center did not increase as expected; in fact, they went down. So Mitsubishi, the *International Herald Tribune* reports, may default on its loan and walk away from the building, leaving RCP with both the building and several hundred million dollars of profit, free and clear.

Had anti-Japanese hysteria prevailed, of course, this never would have happened. An American corporation, RCP, would be several hundred million dollars poorer, the U.S. balance of payments would be several hundred million dollars further in the red, and the pandering politicians would be bragging about how "we saved Rockefeller Center."

Investors, foreign and domestic, sometimes win and sometimes lose. In a free market, win or lose, every investment is also a mutually agreed-upon exchange. Both parties hope to benefit and often do. Our government usually respects our freedom to make exchanges and take risks. It does not often interfere with the sale of an asset by this company or that individual. On the other hand, it destroys countless opportunities for efficient exchange whenever it erects trade barriers, usually in the name of "protecting American industry" or "reducing the trade deficit."

What is it about those Japanese? They pay so much to buy our stuff, and they charge so little to sell theirs. They buy our

productive assets — that's investment. We buy their goods — that's consumption. In other words, to promote Japanese exports, they are subsidizing our consumption both by taking a low return on their investments (by selling their stuff cheap) and by paying high prices for American assets.

Sounds like those Japanese are giving themselves a bad deal. And yet Americans complain, or at least in the popular media they appear to.

The Japanese have a very high savings rate. Did you ever wonder what they do with the money they save? They end up buying productive assets like Rockefeller Center because they are willing to pay the highest price. Their money subsidizes our consumption — often of competitively priced Japanese goods. The result: Japanese investment in American assets, and a U.S. trade deficit with Japan. Of course, the so-called trade deficit with Japan only means that Americans buy more from Japan than they sell — but sell more to many other countries than they buy. It does not mean that Americans or their government owe money to the Japanese. I have a terrible trade deficit with my wine merchant, but an even better trade surplus with my clients. Doesn't bother me.

With a little bit of hindsight, we can see that the takeover of Rockefeller Center and similar assets was no skin off our collective nose. No one really cares about or notices the foreign ownership now, except for the American sellers, who probably thank their lucky stars that they were able to dump that property before the market slumped. Now we laugh about those fears — if we remember them at all.

If our government leaves it alone, no one will care about the trade deficit either.

Unfortunately, no one seems to be laughing about the trade deficit yet. That's what worries me. By the time we forget about this new yellow scare, Congress may have imposed more restrictions on our freedom to buy what we want, damaged Americans' relationships with tremendously valuable trading partners, and set back free trade and the prosperity that goes with it for decades to come.

—*Guest reflection by* Michael Christian

Run for the border — As the United States careens toward socialized medicine, Canada is experimenting with privatizing *its* system. The American company Dynacare Health Group Inc. is being asked to take over lab testing for the Canadian Sunnybrook Medical Centre.

This precedent-setting step has Canadians howling about being "Americanized." But as Dynacare's chief operating officer, Harvey Shapiro, comments, "In Canada we still have a concept of a not-for-profit mentality, but that just doesn't work. In order to provide service there has to be a proper return. Someone has to have ownership of the system. Health care is not different from anything else."

When Prime Minister Jean Chretien openly speculates about massive cuts to Medicare, entrepreneurs sit up to listen. Who knows? As a resident of Ontario, I may soon be able to go to a private doctor (an encounter currently prohibited by law), pay my own way, and demand state-of-the-art procedures.

For decades, the United States has been a safety valve for Canadian health care. I presently receive extremely good '50s medicine: blood pressure is recorded, pap smears are checked, antibiotics are prescribed. When I need procedures from the '90s, I look to the States, which — God bless America! — still exchanges Canadian dollars. —WM

Atlas juiced — Simpson jury-watchers have discovered that one member of the panel arrives at court carrying a book of unknown title that is described by the *Los Angeles Times* as "something by Ayn Rand." This sighting probably sent Simpson's lawyers scurrying to find out more about Ayn Rand and her possible connections with their case. Office boys must have been dispatched immediately to collect Rand's entire canon, from *Night of Januray 16th* to *Philosophy: Who Needs It*. Alan Dershowitz probably started staying up all night to figure out the angles of Galt's speech.

If Simpson's lawyers sense the persuasive power that even one juror adept in Randian ideas could wield, they are sure to devise plans to enlist the sympathies of that juror. Imagine what these guys are likely to come up with. Let's see . . .

The defense might argue that Nicole Simpson, who never held a job after meeting O.J., was a second-hander whom her husband justifiably decided to shrug off. Or picture this: Johnnie Cochran tries to explain the larger dimensions of the case by means of a day-long lecture on ontology, epistemology, psychology, politics, and economics, culminating in a demand that the jury get the hell out of O.J.'s way. Or O.J. himself addresses the jury, explaining that his relationship with Nicole was not completed according to his specifications and that he was therefore within his rights to . . . uh . . . destroy it.

Well, maybe not. Somehow the Randian form of these arguments just doesn't cover their Simpsonian substance.

Probably Simpson's lawyers are smart enough to see this. They may already have discovered that the most useful thing for them to study is the speeches of Ellsworth Toohey. —SC

The Chechnya syndrome — It's fascinating to follow the debate taking place in Moscow over the bloody war in Chechnya. Listen to the Russian liberals (the real liberals, that is) who are staunchly opposed to sending Russian troops to that depressing Muslim area. The pathetic military intervention in Chechnya, they argue, is strengthening the power of the national security state apparatus and making it impossible to reform the economy and democratize politics.

Those liberals have got it right. If you want to weaken state control over the economy, you have to make sure to weaken its ability to wage war. But in Washington, the Republicans, who supposedly want to remove the government from our lives, are the most forceful advocates of increasing the defense budget and are already devising new military adventures. Bob Dole and Newt Gingrich want to use U.S. military power against the Serbs. Gingrich calls for a major confrontation with "Islamic fundamentalism," including the ousting of the mullahs in Teheran. And Phil Gramm doesn't like the accord with North Korea.

I guess nuking Pyongyang *would* make that government smaller and more cost-effective.

And that gives me an idea. —LTH

Shine the light of truth — The main reason for the great resistance to cutting Social Security is that the elderly consider it a true "entitlement": knowing what they paid in Social Security taxes during their working lifetime, they feel entitled to collect Social Security benefits. What most retirees do not know, however, is that the average SS recipient receives far more in benefits than the accumulated value of the FICA taxes they paid.

It comes down to an issue of "fairness." We therefore suggest that, as a first step in the reform of Social Security, checks sent to recipients should contain a statement of the total accumulated value of that individual's receipts from the system. Most of the elderly will then see that they are receiving more in payouts than they put in. This would significantly blunt any feeling of entitlement. It could also be a major step in convincing recipients that it is not fair that their working children and grandchildren have to pay high SS taxes to subsidize a lifestyle for retirees that far exceeds the amount to which most recipients believe they are entitled.

The cost of providing this information should not be great, since the system already has the information available upon request. Americans cannot be expected to make reasoned and informed political decisions without knowing the costs and benefits associated with these decisions. Providing this information is the first step in putting Social Security on the cutting table with all other federal government programs. —Durk Pearson and Sandy Shaw

Roger Lea MacBride, 1929–1995 — Roger Lea MacBride, the 1976 Libertarian presidential nominee, died March 4 at the age of 65. MacBride's activism as a classical liberal spanned virtually his entire life, from his childhood friendship with Rose Wilder Lane to his most recent role as chairman of the Republican Liberty Caucus. In some ways he was the last living link to the best of the Old Right — the rugged-individualist, anti-New Deal, anti-interventionist spirit of Rep. Howard Buffet, Albert Jay Nock, H.L. Mencken, Isabel Paterson, and Lane.

MacBride was born in New Rochelle, N.Y. Through his father he met Rose Wilder Lane, the daughter of Laura Ingalls Wilder, and came to regard himself as her "adopted grandson" as well as eventually her legal heir. (The *New York Times* obituary for MacBride on March 8 described Lane as an "adherent of the *laissez-faire* Objectivist philosophy of the novelist Ayn Rand," but it is probably more correct to say, as MacBride did in a recent article, that Lane and Isabel Paterson "made a conscious decision to recruit and promote the efforts of younger people to compete in the world of ideas. One of the first and most successful of their efforts was to discover and nurture the Russian emigré Ayn Rand.")

Lane introduced MacBride to anti-statist ideas, which he managed to hold on to despite attending Princeton University and Harvard Law School. He joined a Wall Street law firm but then moved to Vermont, where he opened a small practice, served in the state legislature, and was the Goldwaterite candidate for governor in 1964. His first book was *The Electoral College*, a defense of that system. Ironically, one of his arguments was that the electoral college strengthened the two-party system; but presciently, he did note that the electors are not legally bound to vote for the nominee of their party.

He moved to Charlottesville, Virginia, and was made Republican elector in 1972, probably because he was known to be an expert in the electoral college. The joke was on the Republicans, because MacBride became a "faithless elector" — faithless to Nixon and Agnew, anyway, but faithful to the constitutional principles Rose Lane had instilled in him. He cast his electoral vote for the brand-new Libertarian Party ticket of philosopher John Hospers and journalist Tonie Nathan, who thereby edged out Geraldine Ferraro by twelve years as the first woman to receive an electoral vote.

That vote — along with his background, intelligence, and accomplishments — quickly made him a star in a party short on people of maturity and recognized achievement. Ed Crane, then active in the Libertarian Party of California, recalls getting a letter from MacBride in 1973: "He was the first Libertarian I'd encountered who had engraved stationary, and I decided then and there that he should be our next presidential nominee."

The rest of the party agreed, though not without a spirited fight for the nomination, and MacBride put the LP on the map by getting on the ballot in 32 states and garnering 173,000 votes. MacBride was not only a thoughtful and articulate exponent of libertarianism: his personal campaign contribution of $300,000 was indispensable to the growth of the party. The book he wrote for the campaign, *A New Dawn for America*, introduced thousands to libertarianism.

Like many early activists, MacBride eventually drifted away from the LP, disillusioned with the prospects for a third party. He spent some time turning Wilder's *Little House on the Prairie* books into a hit television series. Later he wrote his

own young-adult historical novels about Rose Lane's childhood on the Wilder family's Missouri farm, including *Little House on Rocky Ridge*, *Little Farm in the Ozarks*, and the forthcoming *In the Land of the Big Red Apple*. MacBride moved to Florida a few years ago, where he was active in the Republican Liberty Caucus, trying to promote libertarian ideas and candidates within the Republican Party. He was an early supporter of Connie Mack (R-Fla.).

Roger MacBride put libertarian ideas on the map in 1976, garnering a great deal of respect — if not a lot of coverage — from major national journalists. He played a key role in the growth of the modern libertarian movement. —DB

Mr. Something-or-Other — Murray Rothbard (1926–1995) liked to be known as "Mr. Libertarian," and no one was more identified with the libertarian movement. It is therefore curious that not one of the over 600 words written by his friend and intellectual heir, Llewellyn H. Rockwell, Jr., in a memorial to Rothbard published in *The New American* and the *Washington Times*, was "libertarian." What to make of this I do not know. Do the editors of *The New American* and the *Times* object to the L-word? Or is Rockwell rewriting history? —RWB

Rothbard the isolationist — Alas, I was not strictly speaking a colleague of Murray Rothbard's, or a neighbor, but no other intellectual had nearly the impact on my own political evolution, or materialized in my life at a more propitious moment.

It was 1965. I had just left a secret-clearance supervisory job in the defense industry to become president of SDS and begin a long period of intense campaigning against the Vietnam War. I was told that this made me a "New Leftist," but I was not so sure. Why should opposing a wrong-minded military expedition make one a "leftist" at all, whether "new" or not?

Then someone — was it not Leonard Liggio? — noticed some latent libertarian conscience in my views and put Murray's work in my hands. To this day, three decades later, I remember the wooded hillside in New Hampshire where I first opened up Murray's work. As I wrote in 1967 after that experience, "The Old Right and the New Left are morally and politically coordinate."

Job well done, Murray. Rest in peace. —Carl Oglesby

Rothbard the teacher — The first night of class, this little man with thick glasses perched on a Durantesque nose, sporting a bow tie and a pocketful of pens, shuffled into the room. He began talking the moment he stepped through the door, poking fun at the silly politicians who were deriding the "evil" oil companies for supposedly using the Gulf War to gouge consumers.

It was a typical Rothbard tale, illuminating how the free-market price system efficiently distributes goods, while government intervention mucks things up. He then launched into his History of Economic Thought story, which during the fall 1990 semester had a monetary theme. There was no time to take roll or go over a syllabus; we had centuries to cover.

Most libertarians discovered Murray Rothbard by reading *The Ethics of Liberty*, *For a New Liberty*, or one of his many other books or articles. My discovery started with the following entry in the University of Nevada Las Vegas 1990 fall course catalog: "History of Economic Thought, instructor — Rothbard."

When I asked another graduate student about the History of Thought class, the student advised me not to take Murray, describing him as a "kook." Luckily, I didn't take this incredibly poor advice.

Murray's classes had no sterile graphs or labyrinthine equations. Rather, it was like listening to your favorite uncle tell stories about the good old days, peppered with countless reading suggestions. Murray was a walking bibliography, reciting not only the title, but the author, the date published, and in some cases the publisher of the books he recommended. He was an awesome weapon to have on your side when researching and writing a thesis.

Two evenings a week I listened as Murray told of good guys and bad guys, the theories they espoused, their influences, and why these theories were put into practice. The villains of these economic dramas were always evil government bureaucrats and politicians, who lurked ominously in the shadows either silently stealing through inflation or openly robbing with taxation.

A Rothbard lecture was like being a passenger in a high-speed car chase. With facts and ideas streaming at us, Murray would suddenly change direction, heading down a path that seemingly took us away from our destination, but never did. He knew exactly where he was going. I hung on with the rest of the class, furiously trying to take down every word.

Because Murray's lectures were so good (and different from semester to semester), many of his students would audit his History of Economic Thought and U.S. Economic History classes over and over. In one of his last History of Thought classes, only 20% of the students were taking the class for credit.

Murray's office hour time was always in great demand. I spent many hours outside his office door waiting in line to talk to him. My waits were always rewarded. Murray did not talk down to me or any of his other students. In fact, he often asked as many questions as he answered, and was genuinely interested in what I thought. And we always had plenty of laughs. It was worth driving across town just to hear Murray's spin on current events, punctuated with his unmistakable cackle.

But Murray was anything but revered by most of the economics faculty at UNLV. The rest of the department resented the "east end of the hall," where Murray, Hans-Hermann Hoppe, and a couple of free-market sympathizers had their offices on Beam Hall's fifth floor. Although most of the Economics Department's publishing came from the "east end," the department chairman and graduate coordinator continually made snide remarks to students and colleagues about the Austrians, and did all they could to discourage students from studying under Rothbard and Hoppe.

The initial draft of Murray's performance evaluation for 1991 illustrates the appalling treatment he received from the department's then-chairman (whose claim to fame was that

continued on page 69

Analysis

Mexican Hayride

by R.W. Bradford

How Bill Clinton and Newt Gingrich raided Americans' wallets to save Wall Street investments and crooked Third World politicians' power base.

"I've been madly buying Mexican stocks, currencies, and U.S. debt all day . . ." It was a hastily scrawled note faxed to me January 30 by a friend who earns his living as a speculator. On that day, the peso fell 10%, to new all-time lows, and Mexican stocks were collapsing. But my friend figured that the politicians and Wall Street types would prevail in the end, and bail out the Mexican government.

When the Mexican peso collapsed in mid-December, Bill Clinton promised Mexico a big pile of money. Not his money, of course. Our money. $40,000,000,000 of it. "But it's not like we're spending the money," he said. "It's like we're co-signing a note."

The bailout was needed, he explained, because Mexico is our biggest trading partner; if it has to default on its loans, it won't be able to finance future imports from the U.S. Furthermore, he said, if the peso falls more, the Mexican economy will be hit even harder, which will drive more Mexicans across the Rio Grande.

The American people understood Clinton's message all too well. They realized that when you co-sign a note, you have to pay up if the borrower defaults. The last time they recalled our government "co-signing a note" was less than a decade ago, when it guaranteed savings-and-loan deposits — a decision that ultimately cost hundreds of billions of dollars.

Furthermore, people wondered who would gain from such a bailout. Certainly not the people of Mexico, who will still suffer under the heel of a profligate government that spends most of its effort lining the pockets of wealthy Mexicans. The Mexican government always buys popular support with wild spending for a few months prior to each presidential election, only to have the United States — i.e., the American taxpayer — bail it out after the election. This is the third election in a row that was prefaced with a spending binge and followed by an American bailout.

So who really gained from the bailout? American investors who purchased Mexican bonds that otherwise would not be repaid, that's who. And why did American investors and institutions buy Mexican bonds rather than others? There's just one reason: Mexican bonds paid higher interest rates.

Of course, as with any investment, bigger payoffs are the product of bigger risks. In other words, the American investors who sent their money to Mañanaland *knew they were taking a bigger risk.*

During January, the Wall Street investors, banks, and institutions who had accepted that risk were busy lobbying Congress to cough up $40 billion for Mexico. They told us they were motivated by a desire to do good, to protect American jobs, to help poor Mexicans, to prevent an upswing in illegal immigration, etc. It was entirely an accident that the bailout would line their pockets.

The following day, Bill Clinton did what Congress wouldn't do: he bailed out Mexico using $20 billion from the U.S. Exchange Stabilization Fund (which is directly under his control, but had previously been thought unavailable for such bailouts), and getting the International Monetary Fund and the Bank for International Settlements to cough up another $30 billion.

And so the Mexican government can repeat its cycle of vote-buying and begging, Mexican peasants can continue to live under grinding poverty with a party thrown for them every six years, Wall Street investors can breath freely, and you and I can look forward to a loss of only $20 billion in taxpayer money, instead of the $40 billion Clinton originally proposed. And my friend made a fortune by serving the function of the speculator: taking big risks when others are afraid or cautious.

Letting the Market Work

All through the "crisis," Clinton, the Wall Street bankers, the

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Republican leadership,* and other advocates of the bailout issued dire warnings about the horrible consequences that would follow if the U.S. treasury isn't raided for the benefit of the Mexican government and its bondholders.

According to Lawrence Summers, Clinton's undersecretary of the Treasury for international affairs, the bailout had nothing to do with helping wealthy American investors:

> This is about promoting U.S. exports, about preventing illegal immigration into our country. Most importantly, this is about the kind of economic system that the U.S. has stood for since the Cold War ended: market-based capitalism. And if Mexico were allowed to encounter dire financial distress it would have reverberations around the world. You know you saw that yesterday when the Brazil stock market went down 8% on news about what was happening with respect to U.S. policy toward Mexico. You see that in political discussions in a variety of countries in Asia where the idea of open markets, the idea of economic liberalization is questioned because of concerns about what happened in Mexico.
>
> This has nothing to do with bailing out investors. This has to with protecting America's fundamental national interests.

In sum, according to Clinton's man, when the U.S. government bails out a bunch of wealthy investors and a profligate government, this amounts to a defense of "market-based capitalism." But Summers didn't stop there.

> I'd sure have to disagree that the Latin American debt crisis of the 1980s was some kind of picnic. If you look at what happened, U.S. exports to Latin America fell by more than 50% during the period of the last debt crisis. Illegal immigration rose by more than a third. You know, in fact, in the three weeks since the peso collapsed, you see illegal immigration apprehensions on parts of our border rise threefold.
>
> I think it's a view of yesterday's world to say that somehow financial distress in our neighbor has no real effect. We can make a difference. We have made a difference and it's very much in our national interest. That's why we're doing this.
>
> We're sure of what would have happened if we had not been prepared to act, and it would not have been pretty. It would have made the kind of adjustment that Mexico's going to have to go through now much, much more serious. . . .
>
> Will this work? Strong economic conditions in Mexico. Strong conditions on their borrowing, on their money, on their fiscal policy. A Mexican economy that's now based on the private sector in a way like it wasn't before. An up-front fee that Mexico is going to have to pay for any guarantees that we give them. Ultimate recourse to Mexico's oil export revenues. I think it will work. You know, that Chile thing, Chile went through a lot of hell, and it would have been a big problem for us in the early '80s if it had been on our border. But you know again, that's living in the past. In those days you had a small number of bank creditors and you could get them all together and you could push them to continue lending. You could work out a negotiated free-market solution. In today's world of thousands of creditors all dispersed, that's just not a possibility.

Before he began to babble incoherently, Summers mentioned that the loan will be secured by "Mexico's oil export revenues." Some security: the only way we can use that "ultimate recourse" for payment is the same way we can get them to repay now: by military invasion. Early in this century, the United States and other great powers did occasionally use their military to enforce repayment of loans. But that was before poor countries built modern armies. This alternative has been considered unacceptable for more than half a century.

Ironically, one of the first times the U.S. refused to use force to collect a debt occurred in 1938, when the government of Mexico expropriated American-owned oil companies, organizing the confiscated property into Pemex, the huge, grossly mismanaged, government-owned oil company

continued on page 22

* In an amazing press conference following the bailout, Newt Gingrich was beside himself with praise for Clinton's decision, asserting that it was "statesmanlike," "courageous," and worthy of Winston Churchill.

Taxonomy

A World Partly Free

by Bruce Ramsey

Freedom is not indivisible.

Freedom. We're all in favor of it. But freedom to do what?

In 1993, I returned to the United States after living in Hong Kong for three and a half years. In Hong Kong I was free from about half the tax burden I'd had in the United States. I was free to import a housemaid from the Philippines, which I could not have done in the United States. I was free from most of the street crime of the United States. When I arrived in 1989, I was free to smoke at work, in restaurants, even in movie theaters. I could have my bank accounts in marks, yen, pounds, and several flavors of dollars.

But I was legally required to carry a government ID card. Even if I had been a citizen, I would not have been free to vote in an election to bring an opposition party to power. Citizens were not free to engage in homosexual sex, buy pornography, or own a rifle or handgun.

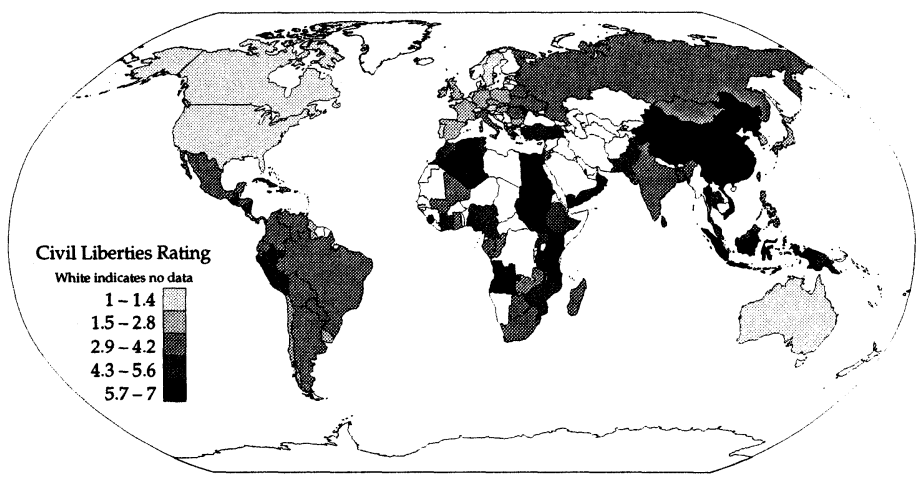

Advocates of freedom often talk as if freedom were indivisible, that being "partly free" is like being partly pregnant. If that's so, then most of the planet is partly pregnant. Strictly speaking, all of it is.

The group that pays the most attention to these issues is Freedom House. This New York organization has been issuing annual reports on world freedom for years. Its most recent report, published in its magazine, *Freedom Review*, in January 1995, evaluates freedom in 191 countries and 58 territories. Later this year, it will publish a book with several pages for each country.

Freedom House's definition of freedom is not as sweeping as libertarians'. It measures no freedom to smoke marijuana, for example, or to own handguns — neither of which is internationally recognized. It does cover two important kinds of freedom in actual contention in the world today.

The first is political rights. The highest scores go to democracies, defined by Freedom House scholar Joseph Ryan as systems in which "people choose their authoritative leaders freely from among competing groups and individuals who were not chosen by the government." The second concept, civil liberties, Ryan defines as "the freedoms to develop views, institutions and personal autonomy apart from the state."

Nations' scores in these categories are determined by a checklist of questions (see sidebar, "A Look At What Counted," on page 19). All are rights to do things, or to be free from coercion or domination by others. Included in civil liberties are the rights to own property and form businesses, trade unions, and professional groups, though no concern is paid to the level of taxes or commercial regulation. Not included are the socialist "rights" to food, housing, or medical care.

The resulting 1–7 rating system for political rights and civil liberties is a real-world standard (see maps above and on pages 20–21). Among the 191 nations, 26 top out at 1 in both categories, including the U.S., Canada, Australia, some of Western Europe, Barbados, Greek Cyprus, Kiribati, and Tuvalu. At the other end, 21 are ranked a rock-bottom 7 in both, including China, Vietnam, Saudi Arabia, and Cuba.

FIGURE 1

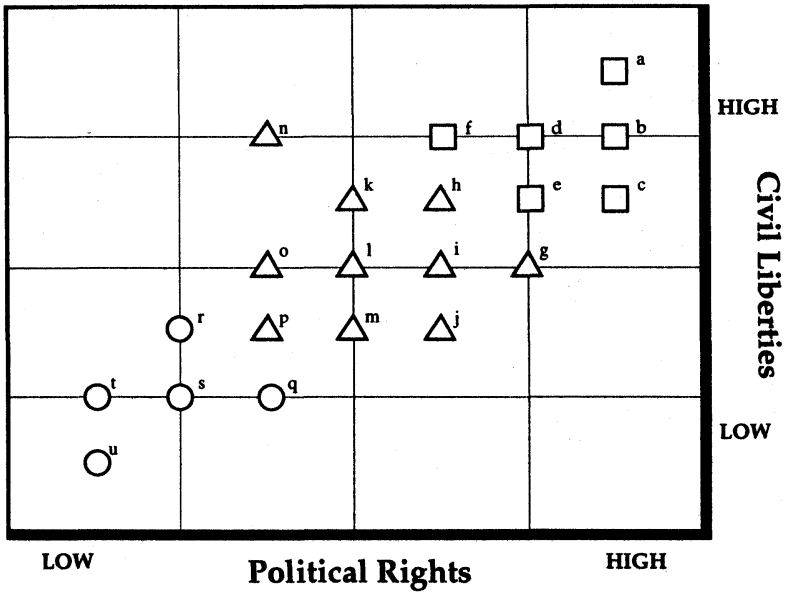

□ = Free

a. Australia, Austria, Barbados, Belize, Canada, Cyprus, Kiribati, Malta, Portugal, Sweden, Tuvalu, U.S.
b. Bahamas, Britain, Costa Rica, Czech Republic, France, Germany, Hungary, Ireland, Italy, Spain
c. Greece, Israel
d. Bulgaria, Chile, Guyana, Japan, Poland, S. Korea, Uruguay
e. Argentina, Bolivia, Botswana, Ecuador, Jamaica, Malawi, Mongolia, Panama, Slovakia, S. Africa
f. Estonia

△ = Partly Free

g. Bangladesh, Brazil, Madagascar, Mali
h. El Salvador, Honduras, Taiwan, Venezuela
i. Albania, Colombia, Philippines, Russia, Ukraine, Zambia
j. Mozambique, Pakistan, Thailand
k. Dominican Republic, Fiji, Paraguay, Romania
l. Belarus, Congo, India, Jordan, Mexico, Moldova
m. Guatemala, Malaysia, Nicaragua, Sri Lanka
n. Hong Kong
o. Gabon, Ghana, Peru
p. Haiti, Morocco, Singapore, Turkey, Uganda, Zimbabwe

○ = Unfree

q. Yemen
r. Cameroon, Ethiopia, Guinea, Ivory Coast, Swaziland, Tunisia
s. Bahrain, Bosnia, Egypt, Kenya, Oman, Tanzania
t. Indonesia, Nigeria, Sierra Leone
u. Algeria, Angola, China, Cuba, N. Korea, Saudi Arabia, Sudan, Vietnam

If the sum of the two scores is 5 or less, the country is rated free; 6 to 10, partly free; 10 to 14, not free. By that reckoning, 20% of the world's citizens thus ranked were free in January 1995, 40% partly free, and 40% not free. The "not frees" were mostly in Asia and Africa.

The standards rank practice, not form. Most of Latin America, for example, is nominally democratic. But as Douglas Payne of Freedom House wrote in its 1994 report, "Rule is still based more on power than law, the exceptions being Costa Rica and Chile, and to a lesser extent Uruguay. . . . Voters can choose a president and legislators at election time, but government remains a racket dominated by the powerful and the well-connected."

Freedom House also ranks freedom of the press in 186 countries. In 1994, it judged 68 of them to have free media, 64 partly free, and 54 not free (for methodology, see sidebar). The worldwide map of press freedom (see page 21) looks much like that of freedom in general: a swath of "not free" states across the middle of Asia and Africa; "free" ratings for the English-speaking world, Europe, Japan, South Korea, Taiwan, and most of Latin America; and "partly free" for the rest.

Add to these analyses a new entrant: the conservative Heritage Foundation's *Index of Economic Freedom*, by Brian Johnson and Thomas Sheehy. This study, published in late 1994, ranks countries on ten factors: tariff rates, income taxes, government consumption, inflation, barriers to foreign investment, bank regulation, wage and price controls, property rights, business regulation, and black markets (for methodology, see sidebar). Unfortunately, it examines only 101 countries. One of its purposes is to rank recipients of foreign aid, so it leaves out many important states, including Saudi Arabia, Syria, the Netherlands, and Switzerland.

One can quibble about these rankings, particularly for the countries one knows about. I'd rank Hong Kong above Singapore in economic freedom, though Heritage ranks them equally high (1.25). Hong Kong has had a bit more inflation, but much more important to economic freedom, I'd say, is that Singapore has substantially higher taxes to support lavish public works, a tough military force, and a forced-savings plan for housing, medicine,

FIGURE 2

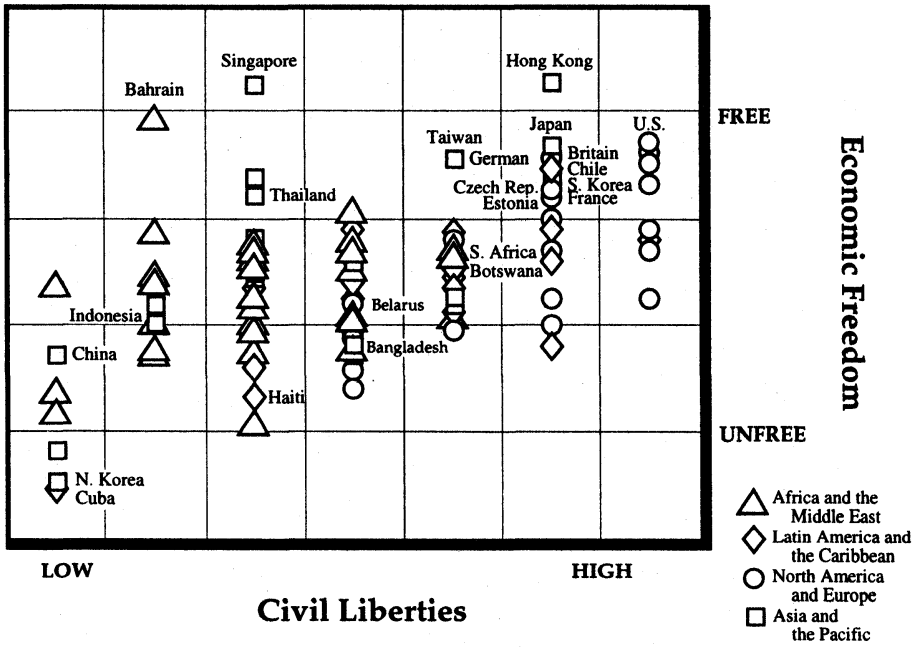

and retirement.

None of these scores is a scientific measurement, though some incorporate objective facts. An average tariff rate is a fact, even if how to judge what level is a 1 and what a 5 is not. Others, such as the scores for property rights or press freedom, are pure judgments. But they are informed judgments, and they are all we have to go on. From my look at these studies, they appear to be pretty good judgments. And they lead to several conclusions.

The first is that political rights and civil liberties are intimately related. That striking fact is demonstrated in Figure 1.

"Political rights" is essentially another name for democracy. Adrian Karatnycky, Freedom House's executive director, notes that only one democracy was rated "not free": Bosnia. "Two thirds of democracies are free," he writes, "and all free societies are democracies."

Repeat that: *All free societies are democracies.* That should give pause to those who scoff at politics and refuse "on principle" to vote. No independent country has achieved civil liberty up to Freedom House's standard (let alone a higher one) without open political parties and free elections. (Hong Kong, a seeming exception, is not independent.)

The second conclusion is that political freedom and civil liberties are powerfully related to economic freedom. But there are more exceptions. Figure 2 (at left) shows a few countries with high economic freedom and low civil liberties. It's troubling to note that the three freest economies — Singapore, Hong Kong, and Bahrain — have low political freedom. But this is still far from the claim, which Singapore likes to make, that authoritarian capitalism is the Asian way. Writes Freedom House consultant Charles Graybow: "The continuing democratic evolutions in formerly authoritarian Taiwan, South Korea, and Thailand obliterate the myth that democracy is an alien, Western concept." In Figure 2, South Korea and Japan are in the same "free" territory as Germany, France, and Britain.

Overall, of 21 countries with high economic freedom (2.50 or better), 16 rank high (1 or 2) in civil liberties. And of the 27 countries that rank similarly high in civil liberties, 15 rank high in economic freedom.

A similar comparison can be made between Freedom House's measure of press freedom and Heritage's of property rights (Figure 3). Because property rights is scored in round numbers, the countries line up on the chart in distinct groups: capitalist democracies at upper right, mostly conservative kingdoms to the left, the Third World in the middle, and socialist backwaters toward the lower left.

The countries line up in a band. The top edge of the band are those with the most economic freedom — and they happen to be in the fast lane of economic growth: Thailand, Malaysia, South Korea, Taiwan, Bahrain,

FIGURE 3

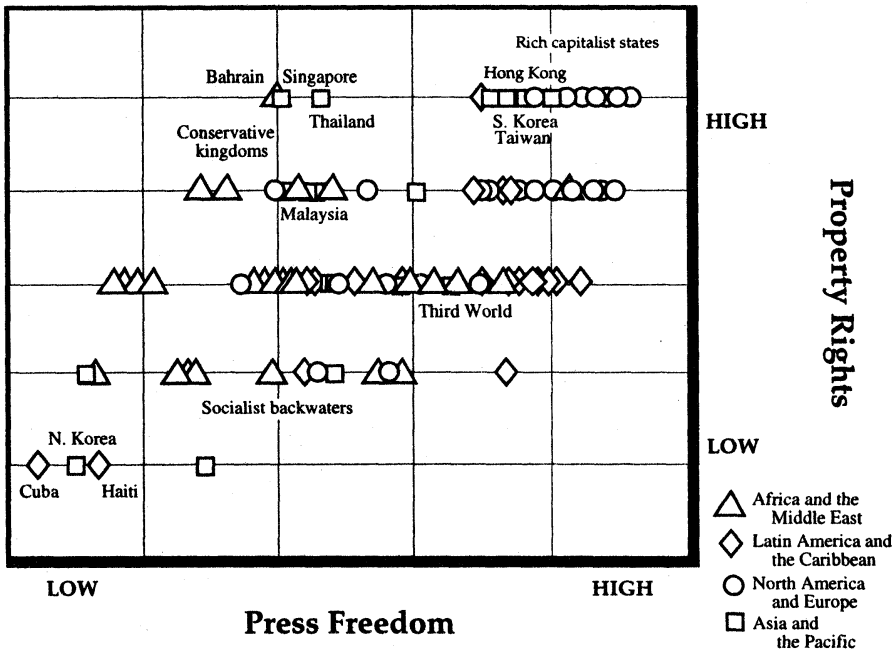

A Look At What Counted

Political Rights: Are legislators and the head of government popularly elected? Are elections free for challengers to participate in, fair to them, and conducted honestly? Do the elected representatives have real power, or do other groups (military, churches, landowners, the king) pull the strings? Can people organize new parties? Is there a significant political opposition that has a reasonable chance to be elected to power? Are minority groups excluded? For larger nations, is political power decentralized or concentrated in the center? Is the government an occupying power? If the government is a monarchy, is there consultation with the people and the right to petition the ruler?

Civil Liberties: Are there free and independent TV and radio stations, magazines and newspapers, book publishers, and other cultural voices? Do state-controlled outlets offer pluralistic points of view? Is there open public discussion? Free private discussion? Freedom to assemble and protest? Freedom to form political or quasi-political groups? Can citizens call upon the judiciary to give them equal protection of the law? Are they respected by security forces? Are they subject to political terror? Can workers organize unions and bargain collectively? Can citizens form professional and trade groups, businesses, and cooperatives? Is religion free of the state, and can people express their religion privately and publicly? Is there sexual equality? Property rights? Freedom of movement and residence? Choice of marriage and family size? Is there domination by landlords, employers, union leaders, or bureaucrats? Is there extreme government corruption?

Press Freedom: Do laws and administrative decisions of the government influence media content (score: 0–10)? How much political influence does government wield over media content (0–10)? How much economic *continued on next page*

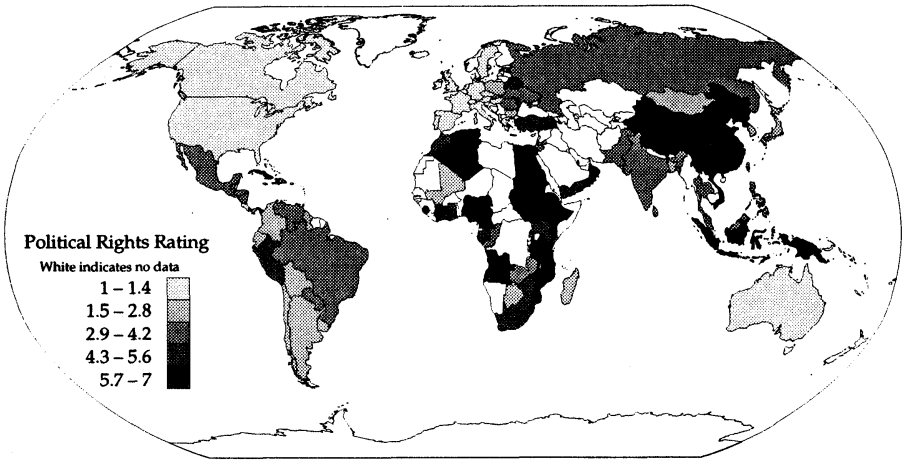

Singapore, Hong Kong. In the World Bank's listing of the fastest-growing countries in per capita GDP, 1980–1991, South Korea is #1 (8.7% annual rate), Thailand #4 (5.9%), Hong Kong #5 (5.6%), Singapore #7 (5.3%), Malaysia #17 (2.9% — though in the 1990s it has been at more than double that). Only Bahrain, an oil sheikhdom, didn't shine in the 1980s. (The World Bank is forced to define Taiwan as part of China and ignore it, but that economy grew like a weed.)

These charts have several drawbacks. One is that they don't say how long a country has had a certain score. This is crucial for the ex-Communist states, which would have been bunched in the lower left corner a decade ago but now are scattered all over like popcorn. In Figure 2, the Czech Republic and Estonia are right up with Germany. But western Germany has been following relatively sound economic policies for 47 years; the Czechs and Estonians, for about five. It is no wonder the Germans drive BMWs.

These charts measure systems and policy, but systems and policy are not the only things that count. Japanese score high on freedom of speech, but for cultural reasons, they are less likely to speak out than Americans. Chinese are similar. When I worked at a Southeast Asian newsmagazine, most of our letters to the editor came from Westerners and Filipinos, though we had at least as many ethnic Chinese readers. But we got few letters from them, and most of the critical ones were unsigned.

Culture also affects economic performance. Of the top ten fastest-

A Look At What Counted, *continued from previous page*

influence do government or private entrepreneurs wield over media content — through ownership, control of newsprint, official advertising, or other financial relationships? This includes economic incentives to distort coverage (0–10). Is there non-institutionalized or extrajudicial intimidation: killings of journalists, physical abuse, censorship, or physical interference with the media (0–20)? The ranking is the sum for both print and broadcast.

Sample rankings:

	State control	Political control	Economic control	Intimidation	Total
U.S broadcast	1	1	3	1	
U.S. print	1	1	3	1	12
Canadian broadcast	1	2	1	1	
Canadian print	2	1	2	3	13
Mexican broadcast	3	8	8	4	
Mexican print	3	8	8	18	60
Chinese broadcast	10	10	8	18	
Chinese print	10	10	8	15	89

Economic Freedom: Average tariff rates of below 4% rated a 1; tariffs of 20% rated a 5. Personal income taxes with a flat rate of 10% or less rated a 1; an average rate of 25% rated a 5. Government consumption of less than 10% of GDP rated a 1; of 46% of GDP, a 5. Inflation rates of less than 6% a year in the 1980s rated a 1; of 30% or more, a 5. Capital controls rated a 1 if there weren't any; a 5 if foreign money was barred. A banking regime with few restrictions on foreign banks, on types of services, and with no government deposit insurance ranked 1; tightly controlled, 4; in chaos, 5. Price and wage controls ranked 1 if there weren't any; 5 if they were pervasive. Private property rights were ranked on a judgment-call basis (see below), as was regulation. Black markets that were restricted to drugs, weapons, and prostitution, totaling no more than 10% of GDP, were rated 1; at more than 30% of GDP, 5. The total ranking is the average of all these factors. Highest were Hong Kong and Singapore.

Sample rankings:

	tariff	tax	govt. consumption	inflation	capital controls	bank controls	price controls	property	regulations	black markets	average
Hong Kong	1	1.5	1	2	1	2	1	1	1	1	1.25
U.S.	2	4	2	1	2	2	2	1	2	1	1.90
Canada	2	4	2	1	3	2	2	1	2	1	2.00
Mexico	3	3.5	1	5	2	4	3	2	4	3	3.05
China	5	4	5	3	3	3	3	4	4	4	3.80
Haiti	5	3	3	2	5	5	4	5	5	5	4.20

Property Rights: To earn a 1, private property must be guaranteed by law, and backed by an efficient court system and adequate enforcement. If it falls appreciably short in practice, through loopholes or spotty enforcement, then the country earns a 2. France, otherwise high, scores a 2 because its constitution reserves "natural public services" and "natural monopolies" to the state. If a government recognizes only some property rights, such as land, but not others, and expropriation is possible, the country earns a 3. If property is limited to personal items with little legal protection, communal property is the rule, and expropriation likely, the country earns a 4. If private property is outlawed, or the country is in such chaos that it has no protection at all, the country earns a 5. The sources used to come up with these rankings were the Economist Intelligence Unit, *ITL Reports*, Price Waterhouse, and the World Bank. By this standard, the U.S. and Canada each rank a 1, though they may not measure up to the standards of property rights advocates. —*Bruce Ramsey*

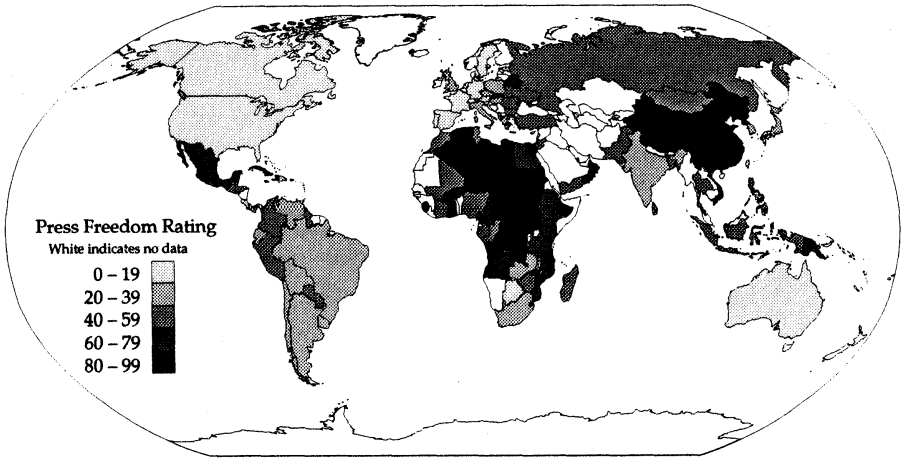

growing world economies, 1980–1991, Chinese entrepreneurs play a crucial role in five: Thailand, Hong Kong, Singapore, Indonesia, and China itself. Indeed the oddest discrepancy in the Heritage data is the low position of China — and yet its roaring success in the past 15 years. In average per-capita GDP growth 1980–1991, China ranks #2 worldwide (7.8%). And yet in economic freedom it is down there with Belarus and Bangladesh.

One can make excuses: China is freer in some places (Shenzhen) than others (Shanghai), and the boom has been centered in the freer parts. Plus, it has 1.3 billion people, and it has special access to hoards of capital and entrepreneurial skill in Hong Kong and Taiwan. China has a low freedom score, but the trend is rapidly upward, making it a better bet than an unfree country with no upward trend. But the fact remains: China's economic freedom score does not predict its performance.

In most cases, the fit is better. Consider the former Communist states. Based on your own reading, think of which ones have progressed the most socially, which ones have been associated with clean elections and free-market economics. Then look at their economic records.

Or consider Latin America, where the highest-ranked country in combined economic and political freedom (Figure 2) is Chile. Or Africa, where the best combined score, after South Africa, is Botswana. Chile and Botswana are the favorites of former hedge-fund manager and *Investment Biker* author Jim Rogers. In GDP per capita, 1980–1991, Botswana is sixth worldwide, with an average 5.6% growth — right between Singapore and Hong Kong. Chile is the current star of Latin America.

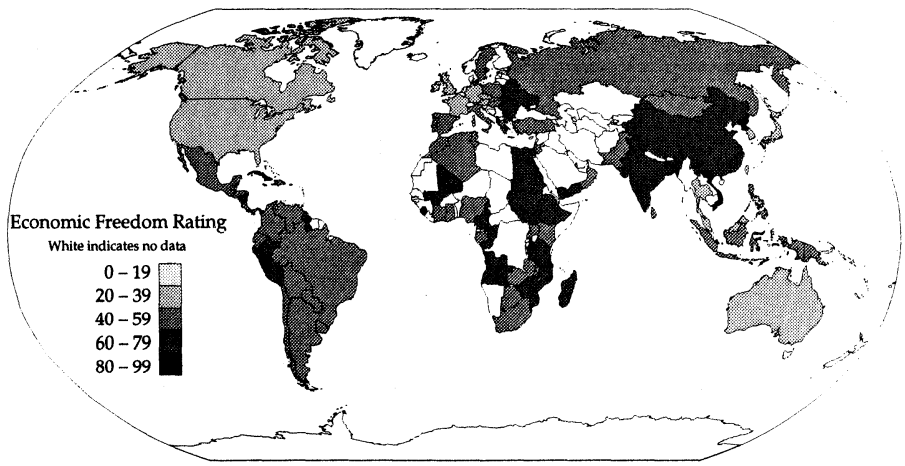

The broader message of these charts is that freedom is not all or nothing, black or white. It is tempting to argue that it is, especially in making a case for decriminalizing victimless activities: if we try to ban heroin, AK-47s, or hard-core porn, libertarians like to say, we will necessarily end up banning beer, bird guns, and *Cosmopolitan*. It's a neat rhetorical trick, but it's not true. Most of the world lives with partial freedom, and has for a long time. Partial freedom can mean nine-tenths or one-tenth. That doesn't mean you cannot, or should not, ask for ten-tenths. But each step has to be fought on its own merits. There is no slippery slope that, once stepped upon, leads inevitably to hell.

FIGURE 4

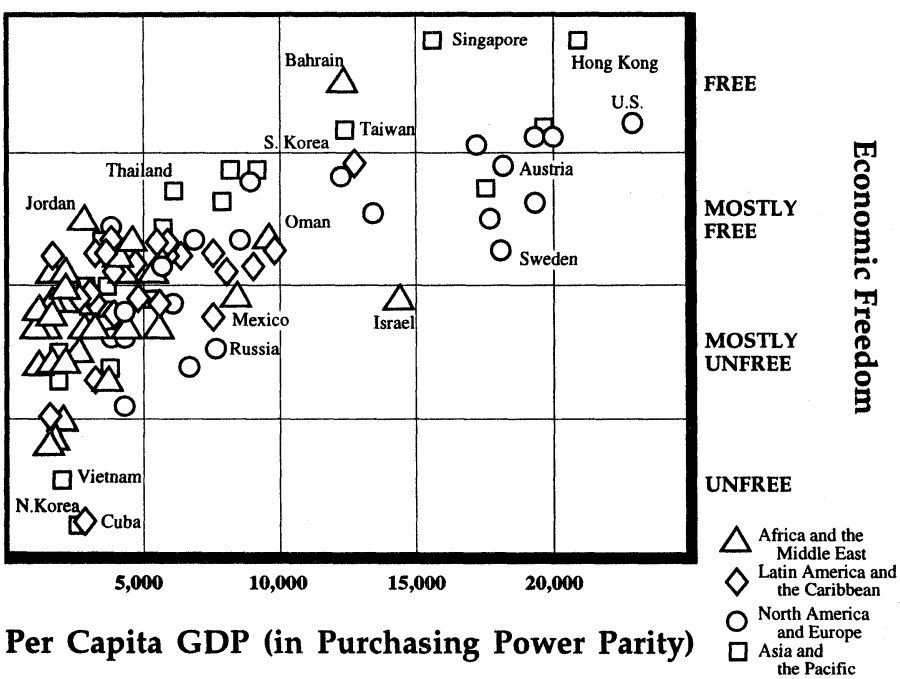

There may be a slope, all right, but all of humanity is on it, and our progress has been generally upward. No country is locked in hell. Not even Albania, China, and Vietnam. Ten years ago I argued with a leftist friend that military dictatorships seem to be able to shake off authoritarianism — I cited Portugal and Spain — but no country ever emerged from the Black Hole of Communism. Well, events proved me wrong. Socialism is discredited. So is one-party rule.

The real message of these charts is, *remember world standards*. Yes, you may have utopian dreams — we all have them. But when you are judging your country against the ideal outlined in some book, don't forget to judge it against real countries, past and present. Zealots who convince themselves that they are living in a quasi-police state in the United States or Canada are suffering from a massive distortion of perspective. Yes, you've lost some freedom in the past 50 years, especially from taxes and regulation. You've gained some, too, in personal conduct. By world standards, you are doing well. ❑

Bradford, "Mexican Hayride," *continued from page 16*

whose revenue now will "secure" the new loans.*

Summers also mentioned Chile, which suffered a similar financial crisis in the early 1980s, differing mainly in that the United States government did not intervene with a huge pile of your money. Did the disaster that Summers seemed to be predicting occur?

Well, yes and no. In the short term, Chileans suffered. With their currency practically worthless, they couldn't afford to import much from abroad, and the standard of living in Chile declined sharply. But just as the collapse of Chile's currency made imports very expensive, its collapse made its exports cheap. Because of the crisis, Chile freed up its economy, reducing regulations and taxes. Today, a decade later, Chile has the most prosperous economy in Latin America and is setting an example for the "undeveloped" world. It has also, perhaps not coincidentally, embraced the sort of democratic reforms that Mexico seems incapable of adopting.

And what happened to the investors in Chilean bonds? They took their lumps, and they learned something about investing in countries that don't follow a sound financial policy.

Profit and loss play vital roles in the marketplace. When individuals invest their money or labor in a way that fills other people's needs, they make a profit. When they invest money or effort in ways that do not fill others' needs, they lose. If you protect people from risk of loss, you encourage them to invest in ways that do not serve other people, thereby undermining the whole economy.

Bankruptcy serves an important role in a market economy. It liquidates bad investments, sends signals to investors to put their money in sounder ventures, and redistributes assets from incompetent managers to competent ones.

Of course, governments are not private enterprises. Free-market businesses deal with their customers on the basis of voluntary, mutual benefit: if you don't want to buy a good or service, you don't have to. Governments, by contrast, can force their "customers" (their citizens) to buy goods or services regardless of whether they want the "benefits" or not, and even to make payments without any good or service offered in return. If you don't believe me, try not paying your taxes.

Allowing a government to go bankrupt is even more important than allowing a business to go bankrupt, for it is the only way to discourage the profligacy of a government like the one Mexico suffers under today, or Chile suffered under prior to its crisis. In the long run, the very best thing the United States could have done for Mexico would have been to let it suffer the discipline of the international marketplace.

What has happened since the $50 billion bailout? The peso rallied briefly, but has again begun to fall. As I write these words, the peso is worth 13.4¢, down more than 15% from its level *before* the bailout. In other words, the precise disaster that Bill Clinton said would occur it we didn't bail out Mexico has occurred.

The U.S. dollar has collapsed with the peso, falling to its lowest level ever against the Japanese yen and the German mark. Today, it costs about 90 yen to buy one U.S. dollar. That same dollar bought you 235 yen in 1985. Today a German mark costs about 72¢. In 1985, you could buy that same mark for 29¢.

European speculators have concluded that the currency of a government willing to put billions on the line to help Mexico or Wall Street may not be a very good investment.

So far, Bill Clinton hasn't said a word about the calamitous post-bailout collapse of the peso. Apparently he has bigger things to worry about. ❑

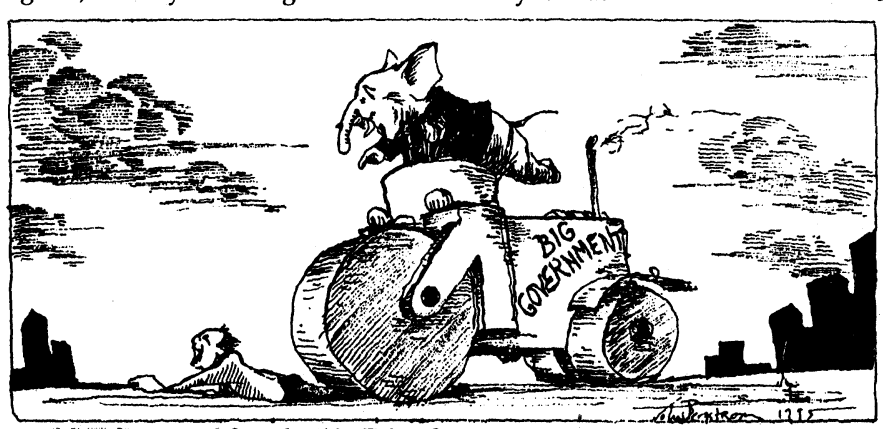

DON'T WORRY CITIZEN, I'LL FIND THE REVERSE ANY MINUTE NOW

* Mexico considers this act of theft a great historical accomplishment. In 1988, Mexico celebrated the fiftieth anniversary of the event by issuing a set of commemorative gold coins. Needless to say, unlike other commemorative Mexican coins, these were not heavily promoted in the United States.

Flowers for the Underclass

by David Ramsay Steele

The hidden message of *The Bell Curve*.

A number of fair-minded people have responded with indignation to the ferocious media *Blitzkrieg* against Richard Herrnstein and Charles Murray's *The Bell Curve*. The two cautious and sensible pieces by Jane Shaw and Leland Yeager in the January 1995 issue of *Liberty* are good examples. Both articles regretfully mention the many unreasonable attacks on the book, and they are accompanied by Bill Bradford's documentation of a typical case of unfair journalistic treatment, one of hundreds.

While I agree with this general response, it is somewhat narrowly focused. As I see it, the more interesting facts are these:

(1) Compared with the way such a book would have been treated as recently as 20 years ago, there are numerous clear signs that *The Bell Curve* has received a remarkable amount of toleration and acceptance. We are merely anticipating by a few years if we say that Herrnstein and Murray have won the debate hands down, at least on those issues that are currently the most emotionally charged.

(2) Equalitarianism is at the end of its rope. At some point in the future, perhaps as early as 15 years from now, statements about human differences of the kind now subject to frenzied outbursts of vilification will be the most commonplace of truisms, accepted by all the mainstream media and all respectable university humanities departments.

These two facts help to put in perspective the following judgment:

(3) *The Bell Curve* not only offers virtually nothing to oppose the trend it most fears; the book actually serves to powerfully reinforce that trend. Herrnstein and Murray sound the alarm at the growth of a new ruling class, the "cognitive elite." Yet whatever the intentions of its authors, *The Bell Curve* is a manifesto for this new ruling class and is ideally suited to become the elite's bible.

Opinions Do Change

Although favorable, or even temperate, commentary on the book is still very much in a minority, I think it is of sufficient volume and breadth to demonstrate that an ideological sea change has occurred in recent years.

A highly respected mainstream public figure and (at the time) plausible presidential hopeful, Bill Bennett, is asked on TV what he thinks of the book. He replies that it's a serious work, deserving consideration, and that Murray is a respectable analyst. Gwen Ifill makes sure she has heard right: "*Is* a serious work?" "Yes, it is." The incident passes by without further comment. Can you imagine the reaction if any leading politician had said something equally favorable about Arthur Jensen, when denouncing Jensenism was all the rage 25 years ago?

The New Republic gave Murray a platform, though Murray's contribution was preceded by a baker's dozen of denunciations. These denunciations counted for little. Readers could easily form their own conclusions about how cogent the critics' arguments were. *Newsweek* did something similar: it carried a couple of hostile articles, the usual exhibitions of emotional distress, with another piece calmly stating the facts about IQ research. Ben Wattenburg's *Think Tank* TV show devoted three programs to the book, one of them entirely consisting of an interview with Murray, the other two with a balanced panel of supporters and critics.

I could continue with numerous other examples, but I think the point is clear. *The Bell Curve* is not being effectively consigned to oblivion, nor is Murray being effectively demonized in the eyes of the general public the way Jensen was. Murray has predicted that, within six months, no politician will want to admit knowing him. I doubt it, but in any case, within a few years many politicians will boast of having broken bread with this illustrious sage.

Some opinions become so entrenched and so unanimously stated in public that it's easy to assume that they will never change. Practical politicians know that it is folly to make an assault on these established ideas, which seem to be immovable in the short run — though

a few politicians may be able to reap entrepreneurial profits if they detect a shift in the dominant ideas before other politicians have noticed it.

Yet the most established opinions can and do change. Sometimes they even change dramatically within a few years. An idea may rule for many decades, with all its critics dismissed as demented wackos, no matter how reasonable their criticisms, and yet within a few years that idea may fall into serious question, and rapidly become an unfashionable minority view.

It is a historical accident that equalitarianism caught the imagination of intellectuals. It is entirely possible that it will evaporate like morning mist.

The unexpected suddenness with which a reigning idea may be dethroned arises because the reigning idea is never as strong as it looks. It is a paper tiger. This frailty arises for at least three reasons:

First, most intellectuals or active communicators (like most people in general, but even more so) will always agree with a clear consensus, as individual sheep follow the flock. Most people believe what their peers believe.

Second, those harboring doubts or disagreements with the ruling opinion hold their tongues, out of fear that their personal or professional standing might suffer if they were outspoken. Most people who don't believe what their peers believe pretend to believe it, or at least keep quiet about their disagreement.

Third, monopoly privilege enfeebles the mind. Those who argue for the fashionably correct line are easily able to beat down all opposition using weak arguments, because their powerful position intimidates critics. So they become flabby; they lose the ability to marshal arguments well. They are encouraged to tolerate even outrageously silly arguments (just look at three quarters of the hostile reviews of *The Bell Curve*), as long as fashion is on their side. When the dikes break, people are emboldened to point out the feebleness of arguments that formerly went unchallenged.

Here are a few recent examples of major changes in ruling ideas: (1) the downfall of the Keynesian view of economic policy, which was scarcely challenged at all (as far as the general intelligent public was aware) as late as the mid-1960s; (2) the switch from a "color-blind" view of race relations, in which "integration" was considered all-important and was thought to be achievable by forcing people to ignore the skin color of individuals, to the standpoint that racial quotas and the encouragement of minority racial chauvinism are the best techniques to homogenize the population (considered a desirable goal before and after that switch); (3) the metamorphosis of environmentalism from something perceived as a luxury of the comfortably off ("conservation") into the currently fashionable dogma that "The Planet" is in danger and needs to be "saved" by all kinds of measures that hurt the majority of people; (4) the recent spectacular fall in the authority of Marxism; (5) the equally steep plunge in the authority of Freudianism.

I will add a further case, which I am not quite old enough to have witnessed, in the sense of being able to personally recollect people stating the "old" view: (6) the switch from the opinion that underpopulation is a serious danger, and obviously needs to be combatted by strong action to increase fertility (this view was utterly dominant as late as the early 1950s) to the opposite fear of overpopulation (which dominated from the 1960s to the 1980s, and which is now shifting back to the old fear of underpopulation, or "birth dearth" scare).

The Twilight of Equalitarianism

Admittedly, the fact that some dominant ideas have been overthrown does not show that *any* of them may be overthrown. Perhaps equalitarianism is different. Much ethical and policy discourse does assume that equalitarianism is here to stay. Yet, all too conspicuously, throughout history the importance of ineradicable differences in human abilities, and the desirability or inevitability of class hierarchy, have been taken for granted, as they are still taken for granted by the 80% of the population who don't control newspaper columns, college lecture halls, or the like. Somewhat ironically, the equalitarian fashion is mainly confined to the privileged intellectuals.

I don't think that equalitarianism is an exception. It is a historical accident that equalitarianism caught the imagination of intellectuals for a while, and entirely possible that it will evaporate like morning mist. Equalitarianism could be defeated and replaced by a virtually unanimous commitment to a belief in human differences.

If this is correct, then I think that we are now witnessing that defeat: equalitarianism is in retreat on all fronts, and will be completely routed within the next 15 to 30 years. *The Bell Curve* is one straw in the wind; others include *Brain Sex*, *In Defense of Elitism*, and *Why Men Rule*. It's all over but the shouting.

One of the amusing signs to look for in the next few years is that people will start to deny that anyone *ever* held equalitarian opinions. With the change in paradigm, or dominant theory, a colorless, tasteless, odorless nerve gas is released into the atmosphere, so that people come to see the formerly dominant theory as incurably grotesque and risible. (Or a hallucinogenic gas is removed from the atmosphere — either metaphor will do.)

An idea may rule for many decades, with all its critics dismissed as demented wackos, and yet within a few years it may rapidly become an unfashionable minority view.

Inequality: Get Used to It

Roughly speaking, *The Bell Curve* has two messages: (1) a restatement of the current views of the majority of psychometricians (psychologists concerned with mental testing); and (2) distinctive arguments peculiar to this book.

The vast majority of media comment has been focused on the first of these, while the second has received

very little attention. This widely denounced and detested tome is not detested and denounced for what is peculiar to it, but for what is the consensus, and indeed mostly utterly commonplace, among scholarly specialists.

Another irony is that Herrnstein and Murray's distinctive arguments, which hardly anyone is discussing, are somewhat hasty, while their exposition of orthodox psychometric findings, which has reduced intellectual bolsheviks to heartrending wails of distress, is outstanding both for its accuracy and for the impartial clarity with which it is presented.

Arthur Jensen was denounced by the media in the 1960s and 1970s, and stigmatized as an ideological leper in the eyes of the broad public. But among scholars in the field, Jensen remained a highly respected figure, and research has piled up corroborating the once-controversial positions associated with Jensen, so that they are now more or less the mainstream view among the knowledgeable.

Two separate and incompatible consensuses have come to prevail. To take just one example, the generic media keep announcing that IQ tests are biased against blacks and in favor of whites. Unbeknownst to the broad public, however, serious attempts have been made, over the last 30 years, to test this proposition rigorously, and the conclusion is that IQ tests are slightly biased in favor of blacks and against whites. The same story of one consensus among the "informed public" and an entirely different consensus among the experts crops up again and again.

In summarizing the situation like this, I am not for a moment supposing that the expert consensus restated in *The Bell Curve* is bound to be true, or that it will survive intact in all details. We are doubtless in for some surprises, and even revolutionary developments, in psychometry and the genetics of human personality. Some of the findings Herrnstein and Murray report will come to be seen in a different light, while others will be exposed as due to faulty research, careless assumptions, or the overlooking of important factors.

Herrnstein and Murray are inclined to give the impression that their conclusions are better corroborated than they in fact are. At times they seem to assume that "the data" can speak for themselves, and tell us the correct theory. They forget that all science is speculation. They even appear to suppose that if A is better correlated with C than B is, then A has been *demonstrated* to be "the explanation" for C.

The authors themselves point out that parts of their summary of the consensus are much worse corroborated than others: in particular, their discussion of the genetic component in the difference between average ethnic group performances is based upon less reliable and more problematic evidence than the discussion of differences within the white population (which occupies far more space in the book). Herrnstein and Murray say that the question of genetic differences in cognitive ability among races is "still riddled with more questions than answers" (p. 272).

But it is hardly conceivable that the importance of heredity in helping to determine all aspects of any

DE-INVENTING BUREAUCRACY

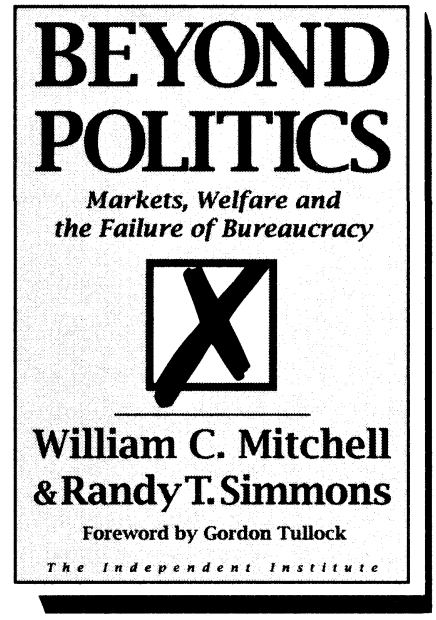

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individual's personal character, including intellectual capability, will ever be called into question by competent scientists. It is hardly conceivable that innate differences, among individuals and among populations, will be shown to be nonexistent. This is about as plausible as the notion that astronomers will one day conclude that all planetary orbits are square.

A point which Herrnstein and Murray, but few of their opponents, have grasped, is that for purposes of practical policy, it may make little difference whether IQ is substantially inherited or not. No one knows any practicable, reliable way to take a group of people with markedly low IQs and turn them, or their children, or their children's children, into a group of people with markedly high IQs. We do know that giving them money does not work, giving them schooling does not work, giving them skills does not work, and giving them self-esteem (which many of them already have far too much of) does not work. If intelligence is not substantially inherited, then it might as well be, for all that anyone can do about it.

The imminent acceptance by all intellectual leaders of human inequality as an eternal and entirely gratifying fact of life will have momentous repercussions for our culture.

The imminent acceptance by all intellectual leaders of human inequality as an eternal and entirely gratifying fact of life will have momentous repercussions for our culture. Statists will shift gears: instead of advocating government action with the avowed purpose of moving us in the direction of equality, they will advocate government action to bring about the right sort of inequality. Libertarians will also have to shift gears: instead of combatting the zeal to impose equality upon people, we will have to return to our customary historic task of combatting attempts to keep the lower orders in their place. We should get ready, for example, to oppose the coming tide of demands for compulsory eugenic policies, in part by pointing out that voluntary eugenic methods will work better.

A New Ruling Class?

The Bell Curve convincingly argues that something unprecedented has happened during the last 30 years or so. There has always been a tendency for unusually clever people to rise to the top, but this tendency, before the 1950s, was very rough. There were many individuals who slipped through the net. Today, anyone with exceptional brains will, with overwhelming likelihood, be "discovered" and recruited away from their community of origin. He will probably pass through one of the best twelve universities. He will have a fair chance of earning a six-figure income — and few who do receive such incomes will be drawn from outside this high-IQ group.

Whereas you once could always find an unusually bright carpenter, cab driver, or small-town store proprietor, such creatures (as a good approximation) no longer exist among native-born Americans under the age of 40. The exceptionally clever people, the cognitive elite, are becoming segregated from the rest of society. They graduate from the same top schools and read or watch the same select media — quite different from those favored by the majority.

Meanwhile, on the other side of the bell curve, exceptionally unintelligent persons are also increasingly isolated — and increasingly subject to all sorts of "pathologies." They will soon be perceived, both by the elite and by the great cognitive middle class (the vast majority of the population), as at best a damned nuisance, and steps will be taken to hygienically remove them from decent society, to the functional equivalent of Indian reservations.

Most of these predictions have been made several times before — the word "meritocracy" became well established over 30 years ago — but Herrnstein and Murray's documentation is more up-to-date and more persuasive, their presentation more topical and more chilling.

A Gloomy Future

In contrast to the book's arguments about the social significance of IQ, its statements about political trends and policies are disappointingly uncritical. The underlying vision seems to be a kind of Ross Perot view of America, with mere stagnation the story of the last 20 years and steep decline a serious danger for the immediate future. Or perhaps this is the orthodoxy the authors feel they dare not challenge, while seeking a hearing for their deviant views on other matters.

Herrnstein and Murray must have underestimated the rate at which the consensus on welfare-related issues would change. Portraying a gloomy future for the swelling underclass, they predict that the allocation of welfare costs will shift from the states to Washington. "Unable to bring itself to do away with the welfare edifice — for by that time it will be assumed that social chaos will follow any radical cutback — the government will continue to try to engineer behavior through new programs and regulations" (525). The ink was hardly dry on the first printing of *The Bell Curve* when the above prediction began to be refuted. Of course, the welfare state is still here. It may, sadly, still be here ten years from now, but it will be smaller. In case anyone hasn't noticed, the people are in revolt, all over the industrialized world, against the welfare state.

Herrnstein and Murray tend to view the lowest-income class as irremediably enmired in stagnant poverty. They do not forthrightly propose *permanently raising the prospects for the poorest* by abolishing welfare, abolishing the minimum wage, cutting taxes, and slashing regulations. They do advocate replacing the present welfare system with a guaranteed minimum income (547–48), and they do advocate cutting some regulations, on the refreshingly novel grounds that these are too complicated for people of low intelligence to follow.

The specter of the supreme cognitive elite is indeed disquieting, but surely less disquieting if the elite is not going to have interests or policies substantially distinct from the cognitive middle class, the people of mediocre IQ who constitute 90% of the population (*The Bell Curve*'s classes II, III, and IV).

Ruling classes have generally sought to reserve privileged positions

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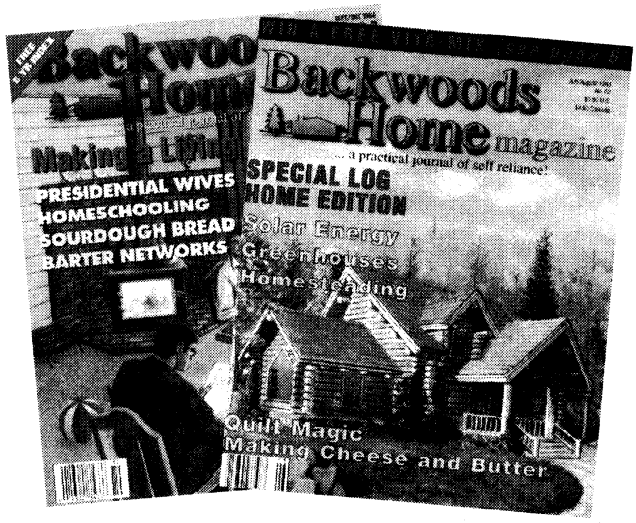

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for their children, but this is one thing the cognitive elite cannot do, without ceasing to be a *cognitive* elite. Because of the phenomenon known as regression to the mean (which implies that, for characteristics like height, intelligence, musical aptitude, or athletic prowess, the average offspring of parents above or below the average attainment for the whole population will score between the parents and the population average) the majority of elite members in any generation will have non-elite parents and non-elite children. As long as the top 5% ruling elite remains a cognitive elite, there has to be open entry for the brightest offspring of the remaining 95% of the population.

The exceptionally clever people, the cognitive elite, are becoming segregated from the rest of society.

Herrnstein and Murray, as if aware that they can't seem to come up with any serious conflicts between the middle class and the elite, and that this weakens the urgency of their concern, suggest an alternative kind of disquiet: the elite will elude the shackles which constrain the rest of us: "Try to envision what will happen when 10 or 20 percent of the population has enough income to bypass the social institutions they don't like in ways that only the top 1 percent used to be able to do" (517). As instances, the authors cite faxes, modems, Fedex, private courts, alternatives to public schools, and private security guards.

And what about automobiles and telephones? These things started with 1% and moved to 20%, but this was merely a stage on the way to 80 or 90%, and there's no reason to doubt that the same applies to all the other devices mentioned. Everyone wants to escape from statism and obsolete technology, and high-income people often pioneer the way.

In contrast to their account of the sociology of IQ, much of Herrnstein and Murray's political assumptions and analysis will come to be seen as an uncritical reflection of currently fashionable and largely ephemeral worries.

Manifesto for an Aspiring Ruling Class

Documents of protest or dissent which come to be employed as scriptures by ruling classes are well known. The obvious example is the New Testament, some of whose component books were clearly written in expectation of an imminent, well-deserved end to the evil world of secular power, but which has since served as the other-wordly arsenal of many all-too-worldly rulers.

Another instance is the works of Marx, especially *The Communist Manifesto*, designed as a strategy for revolution by an exploited working class but handily pressed into service as apology for a Marxist-Leninist ruling class which, unlike nineteenth-century factory owners, actually did exploit the workers.

The Bell Curve is ideally suited to become an inspiration and apology for the cognitive elite. It is deliberately addressed to the elite — the authors say that readers will generally be elite members. If that's true, and given the book's unexpectedly huge sales, it must be read by virtually every member of the elite.

The book is therefore a perfect instrument for giving members of the elite a sense of class solidarity, converting this group from a *Klasse an sich* to a *Klasse für sich*. Millions of intelligent young people will read this book over the next several years, and will acquire a new sense of identity and of mission. Nothing could have worked so effectively to convert high-IQ, potentially high-income people into a cohesive, self-conscious collective, acutely aware of who their true class comrades are, swept clean of the last cobwebs of the guilty equalitarian prejudice that they ought not to rate themselves as better than the sluggish masses.

This will work all the more effectively by being a disturbing indictment. A book that appealed to smug self-importance could hardly have turned the trick so deftly. Readers will absorb the book eagerly because it raises the specter of horrifying social problems which sensitive souls ought to be compassionately exercised about.

Herrnstein and Murray attribute the growing power of the cognitive elite to particular trends, and whenever the authors have occasion to touch upon any of these trends, they either treat them as inexorable or they advocate policies which will accelerate the trends. For instance, they lament the loss to national income in the fact that IQ tests are not permitted to be used in industry (85), and they generally accept without hesitation any policy that would more effectively pluck all candidate members of the elite out of any non-elite setting. They are alarmed at the falling quality of education for the highly gifted, which has arisen because curricula have been dumbed down to encourage the less gifted (434). They never once stop to spend a few words on the possibility of leaving a sprinkling of high-IQ Judes in obscurity by making educational selection procedures *less* efficient.

Though seriously perturbed at the rise of the cognitive elite, the authors propose absolutely nothing to limit its influence. Instead they in effect propose that the elite use its power wisely, humanely, and morally. The implicit prescription is that the elite should take care not to become too isolated from the outlook and concerns of the vast cognitive middle, and should support measures that make things better for the underclass, the cognitive *Lumpenproletariat*. This is a policy they urge upon the elite on grounds of humanity, but it could equally be advocated as a technique of class survival.

The Bell Curve exhibits nostalgia and alarm at the rise of the cognitive elite. But suppose instead that Herrnstein and Murray had been over the moon about this development. Suppose they had argued: "This is the neo-Confucian or Jeffersonian ideal; at last the people of real ability are running the show. Oh, and by the way, these ideal rulers should prudently beware the dangers to themselves of becoming too isolated from their subjects." The tone of the book would then have been utterly different, and it would have repelled many of the readers it now attracts, but the policies it advocates would be just the same. ❑

Vocational Ethics

by Robert Lee Mahon

"Some things had not changed. A potter's wheel was still a potter's wheel and clay was still clay."
—Cyril M. Kornbluth, "The Marching Morons"

Like counseling, consulting, coordinating, and psychowhatsis of most kinds, teaching ethics to particular groups of professionals is one of the bromides of modern times. Ethical training has become a cottage industry, based on the premise that ethics is more complicated than we previously believed, but nonetheless can be taught as a kind of problem-solving technique. Vo-tech ethics, as it were.

According to this way of thinking, each discipline possesses special ethical problems, all of which somehow differ from the next's. Thus we are blessed with courses in medical ethics for aspiring surgeons, legal ethics for would-be lawyers, business ethics for potential MBAs, and now even ethics for computer hackers. According to *Newsweek*: "Several years after the introduction of computers into the nation's classrooms, teachers are realizing they have a two-fold lesson to teach: computer use and computer abuse." The article goes on to state that "few schools have initiated the second part of the program" because most "are still trying to catch up with the changing technology, which leaves little time for thinking about its moral implications." Or, in the words of Jeanne Dietsch, of Talmis, Inc., a Chicago computer-consulting firm: "Computer instructions don't teach lofty things like the difference between right and wrong."

Another recent *Newsweek* article indignantly reports that, for all the hue and cry over ethics in business, and in spite of the now-flourishing business of supplying businessmen with those ethics, over half the participants at a recent conference of corporate executives decamped before their lecture on business ethics — after, appropriately enough, hearing Mr. T. Boone Pickens lecture on the how-to's of hostile mergers. (The business of America is no longer, apparently, business, but seminars about how to conduct business.)

Presumably they adjourned to the nearest bar to pad their expense accounts while dreaming dreams of Pickensesque raids and money-making ventures. But we may take some heart from this. Who knows what idea for what new product may be launched on a sea of martinis? Certainly none will result from the lecture on ethics, unless sheer boredom drives the occasional businessman to his own private brainstorming (read: "daydreaming") session.

Things used to be simpler. You studied theology to help you communicate with God, or at least maneuver your soul into a more advantageous position. You studied philosophy to help you understand those mysteries of the universe which the sciences couldn't plumb (which were plenty, back before genetic engineering and microchips). And you studied literature and history to help you hassle with everything that could be neither solved nor understood.

Come to think of it, I *did* study ethics. In fact, I "had" two semesters of ethics as a senior at Rockhurst College. But this course was a *history* of ethics, a survey from the Greeks to Maritain. Naturally, I don't remember a word of it. Equally naturally, I don't need to. By the time I got to the history of ethics, I already had my own. From whom, where, whence? Parents? Friends? (Peers, as they are now labeled?) God? Sanctifying Grace? Natural Law? All of the above? None?

Who knows? We didn't worry about it back then. In that era, we assumed that we could tell right from wrong, and that we had a reasonably decent chance of doing close to right most of the time. Knowing ethics and being ethical are not necessarily, or even probably, synonymous.

Like war and the generals, ethics is too important to be left to the ethicians. Let the businessman take care of business, and let the buyer beware. He'll have to anyway, because anyone who thinks an ethics class on a

resumé makes a businessman more moral is one of those suckers P.T. Barnum liked to talk about.

Our society has adopted the weird belief that everything connected with the latter half of the twentieth century is so complex that it has to have its own educational specialty, complete with consultants and experts and sundry attending authorities — the nine muses raised to the ninth power. With that, we've adopted a crucial corollary: the notion that everything, no matter how personal, how mired in the ambiguity of the human condition, is still, somehow, teachable; that all problems are not just analyzable, but solvable, bottom-lineable.

Thus, presumably, kids who didn't learn ethics before they even knew what the word meant will somehow learn ethics for that part of their lives neatly compartmentalized with their computers — conveniently enough, from experts in "computer ethics."

Accept that logic, of course, and every field, every tool, should have its own course in ethics — and to teach them, its own ethical experts, analysts, and consultants. Why not have courses in, say, ethics for construction workers? Plumbing Ethics 101? The ethical use of hammers and screwdrivers?

The business of America is no longer, apparently, business, but seminars about how to conduct business.

Ethics for auto mechanics? (Who, come to think of it, might be able to profit from . . .)

Is this a *reductio ad absurdum*? No — there's no *reductio* to it, only absurdity. What we're seeing is a typical modern response to social problems. The professions of power (business, medicine, the law, the technologies and sciences) do possess more potential to shaft the average citizen than janitoring or teaching. But they always have.

Our mistake lies in thinking that an ethics class aimed at a specific profession or technology will affect the behavior of those professionals or technocrats. What hubris leads us to think that our time has complexities unfathomed by other eras, all because our technologies are more complex?

Do we need a teacher to point out that cheating with a computer is still cheating? Do we need a special course to see that stealing with a computer is still stealing? Or to tell when we're gouging our clients, or endangering our patients, and thus abusing our authority?

And do we really imagine that pointing out any of these abuses to the abuser will result in any *mea culpas*?

If all those previous generations turned out more or less ethical without any kind of formal education in ethics, that would suggest that this generation has no need for vocational ethics education. Or, for that matter, for counselors, consultants, shrinks, or other *idiots savant* whose presence doesn't seem to have altered the nature of the beast. ❑

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Africa Unseen

by Martin Morse Wooster

When it comes to Africa, we've all been left in the dark.

Most stories about Africa south of the Sahara are of two types: gloomy accounts of disasters in countries Americans know little or nothing about (Somalia, Rwanda, the Sudan) and reports on the dismantling of apartheid in South Africa. At first glance, these don't have very much in common. But they are similar because they tend to be terribly misleading, because they recast the continent's complexities in American terms.

When most black African nations gained their independence in the 1950s and 1960s, many liberal journalists saw these countries as places where innocents, freed of the foulness of Western civilization, could build a socialist paradise, living on indigenously produced fruits, nuts, and wholesome grains, wearing homespun clothes untouched by the drones of multinational corporations.

By 1980 or so, it was clear even to the most partisan observer that the socialist policies of most of black Africa had led those countries to economic ruin. As freelancer Christina Katsouris reports in the September 1994 *Africa Report*, between 1970 and 1980, most sub-Saharan economies bordered on collapse, thanks to rising government spending, higher taxes, monetary inflation, and artificially high exchange rates. Not only did Africa's share of world trade fall, but so did the sub-Saharan per capita income.

But we didn't hear very much about this continuing decline, because the editors of many American newspapers and magazines decided that Africa wasn't very interesting. The reason for this disinterest probably had something to do with the expense of sending correspondents to distant lands, but it also sprang from many American editors' old and silly notion that their readers are only interested in foreign news from places where many Americans live or vacation.

Ken Silverstein, editor of *Counterpunch*, best makes this point in the September 1994 *Washington Monthly*. He argues that the civil war in Rwanda took people by surprise because most newspapers did not devote very much space to that troubled land — and when they did, they preferred to write about gorilla researcher Dian Fossey and ignore the rest of the country. A Nexis search in mid-June 1994 "which cross-referenced Rwanda with 'gorillas' vs. 'guerrillas' resulted in a rout by the apes, 1,123 to 138," with 91 of the "guerrilla" stories appearing only after the eruption of the Rwandan civil war in April 1994.

Silverstein's point is well-taken; Americans should know more about Rwanda. But his call for more *political* coverage of Africa is misguided. There are already far too many stories about how one African strongman has been toppled and replaced by another, and even the most dedicated *New York Times* reader justifiably skips them.

Another Sort of Story

In South Africa, a different script was developed. All the internal differences among South Africans — between liberal Anglophones and conservative Afrikaners, between Xhosa, Zulu, and other tribes, between urban and rural blacks — were ignored. The conflict in South Africa was simply between oppressed blacks and oppressing whites. Liberal journalists told Americans that the South African situation was exactly like the civil rights struggle in the 1960s; conservatives warned what might happen if a Communist-allied South Africa seized that nation's supply of gold and platinum. (Some right-wing writers made even odder comparisons. My favorite was the one who claimed South Africa was like America because the Boers, just like America's pioneers, trekked across the desert in covered wagons to seek a new land.)

Press coverage of South Africa certainly didn't decline in the past 20 years, and probably increased, at least until Nelson Mandela became president. (Since then, coverage has dramatically fallen, at least in America.) But what is important about South Africa is what did *not* happen. There was no race war, no nationalizations, and no white flight. The country is still South Africa and not Azania. Nelson Mandela addressed the first session of the multiracial South African parliament in Afrikaans.

By 1980 or so, it was clear even to the most partisan observer that the socialist policies of most of black Africa had led those countries to economic ruin.

It's certainly true that the average journalist in South Africa didn't have far to go to find hate-spewing fanatics. In the August 1994 *Esquire*, Daniel Voll spends a month with the racist Right and finds they have connections to goose-steppers around the globe. Vladimir Zhirinovsky offered to give the Boers a homeland in Russia! David Duke called to give advice! (On how to lose elections and alienate people?)

But South Africa's hard white Right, like the hard black Left, was marginalized by the 1994 elections. White racists may grumble about black dominance and their black counterparts in the Pan Africanist Congress may spew fantasies about "One Settler, One Bullet," but when it came time to vote, the white Freedom Front received just 2.2% of the vote and the Pan Africanists received only 1.5%.

A very good analysis of the South African election is provided by Alexander Johnston in the October 1994 *International Affairs*. Johnston, a political scientist at the University of Natal, predicts that one result of the 1994 South African election is that small parties will have to change or die. The Pan Africanists, a party nearly as old as the African National Congress, began its legal life weaker than its longtime rival and failed to catch up. The white Right failed to decide whether to take part in the election or boycott it, decided to participate weakly, and was crushed. Also doomed in Johnston's view is the Democratic Party (DP), the long-time voice of anti-apartheid English-speaking liberals. Whites deserted them and blacks ignored them; they received 100,000 fewer votes than they received in the whites-only 1989 elections. "The suspicion lingers," Johnston writes, "that the DP will have to die before the broadly based liberal democratic party capable of attracting substantial numbers of black voters can be born."

The three largest South African parties, says Johnston, should also not rest on their laurels. The African National Congress' 62.5% of the vote came from very poor urban blacks, union members, and rising businessmen; these groups have very little in common with one another aside from skin color. The National Party gained its 20.5% mostly from people who simply didn't like the ANC. And the Inkatha Freedom Party, the *only* major South African ethnic party, received its 10.5% by getting over half of the vote in KwaZulu/Natal and very little anywhere else.

If South African democracy is to be successful, Johnston argues, its political parties need to be based on ideas, not on skin color. South Africa has no significant socialist or libertarian party; the National Party pretends to be conservative but actually has no ideology at the moment. Should ideas become dominant in South African politics, it is quite possible that the ANC would splinter, particularly as income levels rise. But until a credible opposition arises, Johnston says, it's probable that "the most substantial opposition may come from within the ANC's ranks or from outside the party system altogether." Whatever happens to South Africa's political parties, they will not resemble the Democrats or the Republicans.

One sign of the deracialization of South Africa can be found in the October 1, 1994 *Economist*, which notes that the newly elected African National Congress parliamentarians have been far more eager to get perks than to foment revolution. Nelson Mandela, as president, has a salary that is not only twice as high as his predecessor, F.W. de Klerk, but even higher than that of President Clinton. Parliamentarians earn 193,200 rand ($55,000) a year, more than they made under white rule. And other politicians enjoy other perks: the Orange Free State premier, "Terror" Lekota, delights in travelling by jet and ignoring commercial flights.

Both Archbishop Desmond Tutu and the head of South Africa's trade unions have denounced these fat salaries as betrayals of the revolution. That may be true. But politicians who are now members of the ruling class are less likely to promote wealth-damaging measures that might threaten their incomes.

Africa Altogether

Now that South Africa is black-ruled, it should not be considered separately from other black African nations. Both the Left and the Right have debated ways to help Africa, and their divisions are remarkably similar. The Left, reports *E* magazine editor Will Nixon in the August 22, 1994 *In These Times*, is divided between people who want aid to go to local entrepreneurs and other small-scale projects, and more radical abolitionists, most notably *Lords of Poverty* author Graham Hancock, who want Western aid to Africa ended altogether.

A Nexis search that cross-referenced Rwanda with "gorillas" vs "guerrillas" resulted in a rout by the apes, 1,123 to 138.

The Right, to judge from two articles in the November 14, 1994 *Insight*, is equally divided. American University economist George B.N. Ayittey argues that the West should only aid African countries that become democratic, and then only respond to African requests for funds. Hoover Institution fellow Peter Duignan counters that *all* aid is wasteful, that Western funds allowed one-party regimes in Tanzania, Zaire, and Kenya to survive for decades, and

continued on page 44

Argument

Convincing the Unconvincible

by Val Lambson

We may have to make a few payoffs on the road to freedom.

Whether the objective is to maximize wealth or freedom, *laissez faire* is the best prescription. Yet the U.S. continues to move toward greater government control. Why?

The reason liberty has not supplanted statism is that government intrusion confers benefits on some constituencies — constituencies who can then be counted on to oppose any reforms that might reverse their gains. In a transition to a free society, these people may have to be bought off, sometimes for reasons of political expediency, sometimes for reasons of fairness. Honest libertarian policy prescriptions must identify these costs and specify who will pay them.

Consider four such interventions: Social Security, rent control, the Postal Service, and grazing on public lands.

Social Security

It's easy to figure out one way to dismantle Social Security: simply cancel benefits. But this would run into the opposed constituency problem with a vengeance; even "means-testing," which would reduce benefits for wealthy recipients only, prompts tremendous opposition. So on grounds of political pragmatism alone, the case for compensating the opposed constituency — individuals who are or will soon be Social Security recipients — is strong.

There are also equity-based arguments for such compensation. One is that it would be wrong to cancel benefits because retirees are only receiving what they paid into the system. Social Security was originally sold to the American people as a forced savings plan: workers would pay into an interest-earning fund and receive their contributions with accrued interest after they retired. To this day, suggestions that Social Security should be cut are met with cries of indignation from retirees who believe their contributions give them a moral right to their current level of benefits.

But the system never really worked this way. The first Social Security recipient, Ida May Fuller of Ludlow, Vermont, contributed a mere $22 to the system and, having the audacity to live until she was 99, reaped benefits of $20,000.[1] Of course, few receive such a healthy return on their Social Security "investment." Nonetheless, on average, current retirees receive all their Social Security taxes back with interest in about four years. Social Security has never been a savings plan. It has always been a "pay as you go" system in which workers, many of whom are poor, are forced to support retirees, most of whom are not.

It is true that as recently as the 1960s, the old were significantly poorer than the general population, but this is no longer the case.[2] Granted, Social Security and Medicare constitute a significant fraction (perhaps 30–40%) of the income of the elderly, and it is clear that many depend on this government money. But this must be understood in context. A worker contemplating retirement takes into account future Social Security benefits and thus saves less than he would in the absence of the program. Social Security taxes also reduce his ability to save. If the system were suddenly cancelled, young workers would have time to adjust their private savings behavior — and, on average, would be much better off. But older workers, who have been forced to pay Social Security taxes of nearly 15% to finance their predecessors' benefits, would not have time to save for their own retirement. It would be unfair to cut their benefits.

One might thus argue that Social Security benefits should be phased out gradually. Young workers would be informed that they will receive no benefits while old workers would receive the level of benefits they have been led to expect. Workers between the two extremes would receive bene-

fits between the two extremes.

But such a plan is probably doomed to failure. As long as the Social Security apparatus is in place, workers are unlikely to find the state's commitment to reduce and eliminate benefits to be credible, and will not adjust their savings behavior. There will then be tremendous pressure to reverse the commitment, making the credibility gap a self-fulfilling prophecy. Efficient, permanent dismantling of the Social Security system requires it to be suspended in a single stroke.

So how can equity and efficiency be reconciled? One way would be to pay workers immediately instead of when they retire. Each person currently covered by Social Security should receive government "retirement bonds" maturing the year the individual turns 65.

These bonds should be tradeable, of course. That way, people who prefer to sell them at the market-determined price — to raise cash for a home, a small business, or riotous living — would be free to do so. Individuals holding mature bonds would receive cash they could then use for retirement — by purchasing a private annuity, for example. The Social Security bureaucracy would be unnecessary and could be terminated; the Treasury could handle the redemption of the bonds using revenues from taxes or sales of government property.

Some might argue that, since the bonds would be obligations backed by the federal government, this plan would dramatically expand the national debt. Actually, such a move would only *appear* to increase the debt. Social Security is a huge unfunded liability. The government claims that the system is running a surplus of over $100 billion per year, but this ignores future outflows. As the baby boomers begin to retire, the ratio of retirees to workers will skyrocket; there will not be sufficient funds to maintain current benefit levels. Either benefits will be cut or Social Security taxes will be raised — or, more likely, both.

By making the unfunded Social Security liabilities explicit — and limiting them to the face value of the retirement bonds — this proposal would remove the uncertainty surrounding the government's future liability. The charade would end before the system becomes even more difficult to deal with.

Rent Control

Like Social Security, rent control is a forced transfer: it usurps landlords' property rights and gives them to the tenants living in the newly controlled apartments.

These tenants, when they move, often sell the usurped rights to new tenants; such transactions may be illegal, but they occur nonetheless.[3] These new tenants may not reap any of the gains from rent control. Indeed, if rent control were abruptly rescinded, they would essentially have to pay the market price of the apartment twice: once to buy out the previous tenant and once in the form of suddenly higher rents. Some might argue that they shouldn't have to bear so much of the cost of past intervention into the housing market.

Efficient, permanent dismantling of the Social Security system requires it to be suspended in a single stroke.

In this case the opposed constituency consists of current tenants. An oft-suggested method of phasing out rent control is to remove restrictions on apartments as they are vacated. This is a step in the right direction, but it gives tenants an incentive to remain in an apartment indefinitely; for many landlords, that will be a long wait. Furthermore, to the extent that tenants are able to sell their leases, this proposal would still have an opposed constituency problem: current tenants would suffer a loss when they move, since their leases would no longer have resale value.

A better method would be to phase out rent control over a given period, during which time all rent increases would be tax-deductible. Tenants would have to adjust, they would have *time* to adjust, and they would be partially reimbursed for their losses. But the gradual nature of the change may make the reform difficult to carry through: every relaxation of rent ceilings would be likely to reopen the debate.

So it's probably better to end rent control as quickly as possible. How can the process be sped up? In contrast to Social Security, the losses from a given rent restriction are localized. Landlords thus have an incentive to buy off the opposed constituencies themselves. They might be allowed (but not compelled) to buy out rent-controlled leases and escape controls thereafter. Ideally, of course, the beneficiaries of the expropriation should repay the gains they enjoyed. Better still, the politicians who passed the expropriating laws should be required to repay the losses the landlords suffered. But this is impractical. Perhaps, once again, some "housing bonds" (paid for by taxes and sales of public property) should be issued to buy off current tenants.

The Postal Service

Libertarian postal reform entails both ending government ownership of the Postal Service and establishing a free market in mail services. The major opposed constituency consists of postal workers, who are well aware of the advantages of working for a government monopoly and will fight to retain those benefits.

A second opposed constituency is less obvious: postal service consumers living in distant rural areas. Right now, the Postal Service charges the same rates for first class mail regardless of destination. For 32¢, you can mail a one-ounce letter from San Diego to Los Angeles or from Rising Fawn, Georgia to Trout Creek, Utah. Not only is the distance involved in the first route much shorter, but the per-unit processing cost is lower in large population centers (where a lot of mail is processed and economies of scale can be enjoyed) than in isolated rural areas (where the volume of mail is limited). Revenues from short, dense routes thus subsidize service on long, sparse routes. People in distant rural areas might have to pay higher rates after privatization than under the current system, as would people who mail a large proportion of their letters to distant rural areas.

Of course, the greater efficiency of a free market may more than offset this

loss. United Parcel Service delivers to virtually every physical address in the continental United States without discriminating in price, except for distance and weight. It costs no more to ship a package from New York City to Terlingua, Texas than to ship the same package to El Paso, despite the higher cost of delivery to hard-to-reach Terlingua. The reason? UPS absorbs the extra costs, in order to offer their clients a simple, easy-to-understand rate structure. Federal Express, on the other hand, sometimes charges a small premium in the form of restricted service. It does not offer morning delivery to some obscure locations, and charges a small fee for afternoon delivery.

It is worth noting that rural residents are accustomed to paying more for certain goods and services than do city people. Most consumer goods cost more in Quilcene, Washington than in New York City, thanks to higher transportation costs and to less efficient, less competitive marketing. But not all goods: a cord of firewood that costs $100 or more in New York can be had for $45 in Quilcene. The price of land and housing is also much less than in thinly populated Quilcene than in densely-populated New York.

The point is that rural people are accustomed to paying different prices than residents of metropolitan areas. There is no inherent reason that they should find paying different postal rates — if higher rates were to develop — any more offensive than paying higher rates for gasoline. It is entirely possible that they would not oppose postal privatization.

The pragmatic case for compensating postal workers is clear: they are a political force to be reckoned with. The case from equity is harder to make. One might argue that postal workers made their career decisions based on expectations that were distorted by the promise of lifetime employment at high wages; had they known the Postal Service would be privatized, they might have taken a different course. Even so, whether a given postal worker would have been better off in another career is a difficult empirical question. Young postal workers have time to adjust and old postal workers have enjoyed years of high wages.

Besides, the notion that someone deserves monopoly privileges simply because he has come to expect them is morally unconvincing. Does the postal worker who made his career choice expecting life-long high-wage employment deserve more sympathy than someone who chose to become a skilled buggy-whip-maker in 1905, or a college student who pursued an academic career in Marxist economics in 1988?

Equity arguments for compensating rural postal customers are weaker still. It seems unlikely that any of them were lured to rural areas by the promise of inexpensive postal services. Any argument for compensating rural postal customers must be based in pragmatism, and thus depends on their ability and desire to block reform. And, as noted above, the desire might not be there.

A natural transition policy thus suggests itself: remove monopoly protection from the Postal Service and distribute all ownership shares to members of the opposed constituencies. Alternately, sell the Postal Service to the highest bidder and distribute the cash proceeds to the opposed constituencies.

The first method saves the government the marketing costs of selling the shares. Furthermore, to the extent the postal workers receive the shares, it gives them a stake in the profitability of the new company. This stake may not be enough to induce them to go along with restructuring, however. For example, workers faced with immediate layoffs would probably vote their shares against restructuring even if it is in the company's long-term best interest. Furthermore, distributing fractional shares of the Postal Service to rural customers is impractical — the transactions costs for individuals to trade such small amounts of stock would be prohibitive — but offering them tax credits funded by the sale of shares *is* feasible.

Of course, if the political clout of the opposed constituencies is low, the Postal Service could simply be sold to the highest bidders — minus its monopoly protection, of course — with the proceeds used to compensate opposed constituencies in other areas.

Grazing Rights on Public Lands

The current debate over federal lands reflects their varied potential uses. Environmentalists value wilderness, and would prefer public lands be

left alone. Ranchers value the lands as a source of feed for their animals. Needless to say, these intentions are inconsistent with each other.

Currently, ranchers pay government-set fees for grazing permits. The permits are not freely tradeable — the government must approve all transfers of ownership — but when they do trade it is at a positive price, suggesting that the grazing fees the state charges are below market value. The permits typically have a ten-year term, but they are renewed yearly, so that ranchers always have a ten-year horizon. They grant only limited property rights, however: the government can change grazing fees or the maximum allowable intensity of grazing at any time. The clash between ranchers and environmentalists thus takes the form of legal and political battles over grazing fees and intensity.

A sensible approach to these problems would rely on profit-maximizing landowners deciding how the land should be used. But even a small step in that direction, such as allowing permits to be traded without restriction (and to be purchased by environmental groups who wish to prevent their use) has been met with strong opposition. Environmentalists seem to believe they can exert better control through regulation than through ownership — in short, that their money is better spent on lawyers than on land.

Fortunately, as with the Postal Service, the government owns resources it can use to buy off the opposed constituencies. As current permits expire, the government should, instead of selling further grazing rights while maintaining federal land ownership, dispose of the land.

To buy off the ranching constituency, current owners of grazing permits could be given the first chance to buy the land at below-market prices. To buy off the environmental constituency, some federal lands could be set aside and given to environmental organizations. The author's dream is to deed Yosemite to the Sierra Club and Yellowstone to Earth First!, then watch the optimal amount of logging and mining that would undoubtedly take place. This is not the fantasy of a cynic: it would not take long for rational environmentalists to understand that the resulting income could be used to further their agenda elsewhere by purchasing additional land.

The reason liberty has not supplanted statism is that government intrusion confers benefits on some constituencies. In a transition to a free society, these people may have to be bought off.

The Road to Laissez Faire

In addition to creating winners and losers, government intrusion shrinks the economic pie. For that reason, the winners' gains are usually significantly smaller than the losers' losses. Even if the winners could somehow be forced to remit their gains to the losers, the latter would be insufficiently compensated. And they usually can't be forced to do this anyway. The biggest winners from Social Security are deceased. Many of the winners from rent control have sold out and moved on. Furthermore, reasonable notions of fairness might preclude reversing commitments the government has made and people have come to count on.

Thus, the chief cost of libertarian reform is reimbursing those who benefited from interventions past; how and to what extent they should be bought off depends on the nature of the intervention. In the case of government ownership, they could receive shares in the privatized assets. In the case of forced transfers, they might be issued bonds. Where individual losers from such transfers can be easily identified, as with rent control, they can be allowed to buy out the opposed constituencies themselves. In any case, taxpayers might kick in with cash or bonds — one time only — to ease the cost of transition.

Above all, it is absolutely crucial that the transition be credible. No intelligent landlord will buy out a rent-controlled lease if future politicians are likely to reimpose controls. A well-worded constitutional amendment prohibiting government ownership and forced transfers is probably essential.

The old Soviet bloc is already attempting the difficult transition to liberty. America has much less far to go, but difficult issues remain to be resolved along the way. Freedom-lovers should do more than praise the destination: we should create a good road map to it. ❑

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The Greening of Liberty

by Randal O'Toole

Understanding environmentalists: a guide for libertarians.

I know prominent environmentalists who worked on Barry Goldwater's presidential campaign and admired Goldwater's speechwriter, the late Karl Hess. I know prominent libertarians who like nothing better than hiking, fishing, or rock-climbing in pristine wilderness. Most libertarians place a high value on clean air, clean water, and beautiful scenery. Most environmentalists place a high value on personal freedom and support a nonviolent philosophy.

Despite these and other similarities, libertarians and environmentalists have a difficult time communicating with one another. The two groups use different jargon and often apply different meanings to similar terms. Misunderstandings often lead to rancorous debate with no resolution.

Yet libertarians and environmentalists have much to gain from an alliance. Libertarians can gain from the sheer size of the environmental movement: more than two out of three Americans call themselves environmentalists, and more than one in five actively work to protect the environment. And environmentalists can gain from a strategy that relies on individuals rather than big government.

The 1994 election has left environmentalists running scared. Up through the 1970s, environmentalism was supported by almost everyone, Democrat or Republican, conservative or liberal. But the strongly Democratic Congresses of the 1970s and '80s, combined with the polarization generated by the Reagan administration, led environmentalists to hitch their star to the Democratic Party. Now that the Democrats are out of power and likely to remain so for some time, environmentalists need a new strategy.

But an alliance between libertarians and environmentalists can only happen if libertarians make an effort to understand environmentalists, to learn their language, and to emphasize the things they have in common rather than the things they do not.

Movement Dynamics

People who equate "environmentalists" with high-powered Sierra Club or National Wildlife Federation lobbyists see only the tip of the iceberg. In fact, the environmental movement is extremely decentralized.

The National Wildlife Federation's *Conservation Directory* lists nearly a thousand different environmental activist groups in the U.S., most of which have paid staff. It omits hundreds of groups with paid staff, and I conservatively estimate that for every group with staff there are at least five that rely solely on volunteers. All totaled, the U.S. has between 5,000 and 10,000 organizations committed mainly to environmental causes.

The largest groups have hundreds of thousands (a few claim millions) of dues-paying members and dozens or even hundreds of staff members. But most activists believe that the real work is done by the locally-based volunteer and near-volunteer organizations. Those groups lead the way in finding new issues and provide the backbone for grassroots lobbying.

One of the effects of this decentralism is a tremendous tension within the movement. If you think a libertarian convention is contentious, try going to an environmentalist meeting. Groups fight over everything — strategy, tactics, and goals. Underlying the outward differences is a competition for members, media attention, and foundation support.

Most environmental activists think that the main conflicts are between national and local groups. In fact, the real tension is between staffed and volunteer groups. The volunteer groups tend to focus on a single goal: saving a particular scenic area or stopping a particular project. Once a group has a staff, it has a new object: staying alive. This leads it to broaden its range of activities and makes it more likely to compromise — that

way, politicians are more likely to view it as a group they can deal with.

The volunteer groups accuse the staffed groups of selling out. The staffed groups view the volunteers as unreasonable. Meanwhile, the staffed groups contend with one another for members and donations, leading to further changes in behavior and further conflicts.

Tactically Strong, Strategically Weak

Each group develops its own tactics. Some emphasize litigation; others organize local volunteers; still others hire lobbyists. When one group finds a successful tactic or issue, others follow; a new, successful tactic often spreads through the movement like wildfire. This diversity, I believe, accounts for the movement's success. Of course, "success" is measured more by media attention or funding than by the ultimate effects on the environment.

But for all its tactical skills, the movement is strategically inept. With hundreds or thousands of groups competing for resources, environmentalists have little incentive to develop a cohesive strategy. As a result, environmental "strategy" is little more the sum total of individual tactics. Sometimes those tactics work together with amazing success, as they appear to have done (at least for now) in the northwest forests. Most often, the movement can hope to do little more than temporarily stall activities it opposes.

This tactical strength and strategic weakness has backed the environmental movement into a corner. One of the best tactics for any political movement is to demonize its opposition. This mobilizes supporters, draws media attention, and enhances the fundraising of any group that uses it. The success of polarization is illustrated by the the fate of two environmentalist organizations. In 1980, the Wilderness Society and American Forestry Association each had about 100,000 members. When Reagan was elected, the Wilderness Society used the tactic of polarization, while the American Forestry Association positioned itself as a middle-of-the-road group. By 1985, the Wilderness Society had doubled its membership, while AFA's had declined by two-thirds.

But polarization carries a long-term cost: it also polarizes the opposition. The environmental movement had no real enemies in 1970, when everyone from Richard Nixon to Newt Gingrich was an environmentalist. Demonization of corporate America, corrupt politicians, inept bureaucrats, and private landowners produced short-run benefits in the form of greater activism and more donations to environmental causes. But it also became a self-fulfilling prophecy: corporate leaders, elected officials, agency employees, and property owners turned into opponents of environmental causes.

No central planner told the trees where to grow, no judge decided which deer the wolves could eat, no legislature allocated land to individual species.

The strategic weakness of the environmental movement was highly visible by 1993, when environmentalists tried to form a coalition to reform national forest management. The organizations involved couldn't agree on how to accomplish their goals, or even what their goals were. So they settled for a kitchen-sink strategy that combined all the groups' legislative goals while pretending to ignore the many conflicts between these ends.

The resulting package of proposals had something to anger every other forest interest group: private landowners, public land users, public land managers, state and local government officials, even timber companies that don't buy from public lands. It made enemies of everyone but the true-believer environmentalists. Needless to say, the package was never implemented.

In saying these things, I am not casting aspersions on any environmental leader or group. The tactical situation of the past few years has been beyond their control. So long as the Democrats were in power, the benefits of polarization outweighed the costs, so the groups that embraced polarization were the most successful. Today, with a Republican Congress, polarization is a recipe for failure, and groups that are willing to make friends rather than enemies may have an advantage.

Libertarians deny that the environment has "enemies." Instead, they argue, environmental problems are institutional: lack of property rights for certain resources and government interference in the market for others. This insight is of immense value to environmentalists; it gives a libertarian-environmentalist alliance real potential.

Unfortunately, the latest opposition provoked by environmental polarization calls itself the "property rights movement," leading environmental activists to be immediately suspicious of anyone defending property rights. Consequently, it is especially important for libertarians who wish to build an alliance with environmentalists to learn to speak their language.

Thinking Like an Ecosystem

Probably the biggest difference between environmentalists and libertarians is their worldviews — their intuitive understandings of how the world works. The libertarian model is primarily an economic one, and libertarians probably understand basic economics better than any other political group. By contrast, the environmental model is primarily an ecological one, and most environmentalists pride themselves on their knowledge of ecology and biology.

This shouldn't be a problem, because economics and ecology are really the same subjects. "The theory of natural selection is uncannily similar to the chief doctrine of *laissez-faire* economics," says noted biologist Stephen Jay Gould. In fact, he adds, "the two theories are 'isomorphic' — that is, structurally similar point for point, even though the subject matter differs."

If, as most environmentalists agree, a natural ecosystem is best, what does that ecosystem tell us about the best way to order our political-economic system? The ecosystem has millions of individual plants and animals, all working for their own selfish ends. No central planner told the trees where to grow, no judge decided which deer the wolves could eat, no legislature allo-

cated land to individual species. Yet the system as a whole thrives. In fact, environmental doctrine holds that attempts by humans to interfere with or plan the ecosystem will be ultimately destructive.

In addition to thinking of the economy as an ecosystem, libertarians should keep a few other things in mind when talking with environmentalists. First, environmentalists are end-oriented: they want a cleaner environment. Libertarians argue that the best means to this end are markets and property rights, not big government.

While environmentalists are suspicious of markets, they are also suspicious of government. Few feel happy with any of the federal agencies originally created to protect the environment: these agencies have become environmental destroyers, not saviors. The hard part is to convince environmentalists that markets will do better.

The answer lies in a basic understanding of environmental issues.

Every environmental problem consists of a market resource that threatens a non-market resource. The conclusion that environmentalists erroneously reach is that markets caused the problem. The reality, of course, is that non-markets caused the problem.

Libertarians who want to work with environmentalists ought to give up at least one of their cherished goals: privatization of federal lands.

The solution is to create markets for environmental goods. This isn't always possible, but it is possible more often than not.

Another point to bear in mind: environmentalists often confuse symptoms with problems. But this doesn't mean that the problems aren't real. There may be considerable debate about global warming, the toxicity of dioxin, or the threats to the spotted owl or grizzly bear. Rather than dismiss these concerns, libertarians who want to work with environmentalists should treat them as genuine symptoms of a serious underlying problem.

This means focusing on environmental problems not as technical issues but as big government and property rights issues:

- "Will dams make the salmon go extinct?" is the wrong question. The right question is: "Why is the government subsidizing dams?"
- "Will timber cutting make the spotted owl go extinct?" is the wrong question. The right question is: "Why are there no property rights for owls and salmon, and how could property rights help protect these species from extinction?"
- "Do pulp mills damage rivers with dioxin pollution?" is the wrong question. The right question is: "Why are there no property rights to the rivers and how could property rights protect them from pollution?"
- "Is burning of hydrocarbons changing world climate?" is the wrong question. The right question is: "Why are people allowed to emit pollutants into the air that trespasses onto my property?"

Nearly all environmental problems are rooted in the failure to adequately define property rights in some resource. An ecosystem doesn't solve such problems by passing a prescriptive law or creating a regulatory agency; it relies on individual self-interest to produce a balance. The important thing is to show environmentalists how thinking of the economy as an ecosystem leads to decentralized free-market solutions to environmental problems.

Trading Off Dogmas

Another point: libertarians and environmentalists will never reach an accord if they both tenaciously stick to their respective dogmas. Libertarians who want to work with environmentalists ought to give up at least one of their cherished goals: privatization of federal lands. I would rate such privatization as more politically feasible than repealing Social Security — but not by much. And even if it were feasible, privatization is neither necessary nor sufficient to improving public land management.

The real key is not "Who owns the land?" but "What are the incentives facing the land managers?" Both public and private resource managers have incentives to seek subsidies from Congress. Environmental problems will be resolved — and taxpayers will save billions of dollars — only when a new political philosophy becomes dominant that rejects such subsidies, no matter who owns the land.

My proposal is to decentralize federal lands into particular units — forests, parks, or whatever — and fund each unit exclusively out of a fixed share of the net income it earns from a broad range of user fees. Each unit might have a board of directors elected by users, but each would be expected to return funds to the Treasury each year as "rent" for using public land. This arrangement should satisfy both libertarians and environmentalists who are familiar with the current state of public land management.

Thinking of the economy as an ecosystem leads to decentralized free-market solutions to environmental problems.

Finally, libertarians should not expect to successfully reach every environmentalist. Some environmentalists are more rational; others are more spiritual. The spiritual ones will be the harder sell — even the rational environmentalists have a difficult time talking with them. Still other environmentalists are dedicated extremists determined to polarize every situation by taking the most radical positions possible.

The great majority of environmentalists, however, are open to new ideas. Not surprisingly, those most willing to embrace libertarian ideas have operated their own businesses or worked in the private sector at some time or another. So if at first you don't succeed, try again.

Some libertarians worry that the environmental movement threatens liberty. While this is true of some of the tactics used by some of the environmental groups, it is not true of environmentalism in general. Treating environmentalists as a threat will simply polarize them into an anti-libertarian stance. ❑

Portfolio

Bond Market Babylon

by Caroline Baum

The wit and wisdom of an on-line columnist.

Monday, July 18, 1994
11:00 a.m. EDT

When last seen, Carter administration economist C. Fred Bergsten was rattling around in a trunk in the White House attic. He had been so confined because every time he ventured out, he ended up in Tokyo, where his words are taken to heart. Fred is a certified Friend of Bill. (On the other hand, maybe they think Clinton I is Carter II.)

For as far back as you can remember, Fred has been sharing with anyone who would listen his prediction that dollar/yen would drop to ¥90–100. When he spoke, almost always during Japanese hours (wouldn't you play to the most attentive audience?), currency traders listened, and you could watch the dollar/yen start to slide. It wasn't for nothing that they called him "Dollar Dead Fred" around the Treasury Department.

When the Clinton administration finally realized that its weak dollar policy was not doing U.S. stock and bond markets any good, it decided to recall Fred from the Far East and shut him in a trunk in the attic.

But he was in good company. David Gergen was up there for retooling, and he was glad to put his talents to good use by helping Fred redefine his public image so as to more effectively promote the administration's agenda. That's no easy task when you consider that for these folks, everything is on the table, and everything is being reinvented, including its policy toward the dollar.

Once the president realized that spin was spin was spin, he decided that the administration could use a little of it in the foreign policy department. So he had the movers come and cart Gergen off to State.

That left Fred to the likes of Bentsen, Brown, and Kantor, who were in need of a fourth for bridge now that Gergen had been reassigned.

One day, Clinton media advisor Mandy Grunwald was taking lunch up to the boys in the attic. She saw Fred studying the material Gergen had given him, and she had an idea. If the weak dollar was not playing well to the international audience, why not try a strong dollar?

And so Fred's stay in the attic was cut short. He was dispatched to spread the new testament. It will come as no surprise to learn that Fred is a born-again dollar bull, which is the worst kind. Fred has a new image, tailor-made for him by spinmeister Gergen. He has a new expense account, courtesy of the Clinton administration. And he even has a new message, which is that the dollar's travails may be over.

Tokyo ran the dollar up when Fred's *WSJ* interview ran on the wire last night. The dollar ebbed against the European currencies, however. Europeans aren't into Fred the way the Japanese are. But with Bentsen, Brown, and Kantor incorporating to form a new ad agency, with a little help from Gergen, they will be ready to go to work on the dollar/mark.

Monday, August 15, 1994
4:00 p.m. EDT

Never have so many waited so long for so few to do so little.

They waited all morning for the afternoon. When the afternoon rolled around, they waited until it was time to go home. They will wait through the night till the dawn's early light. They will wait and watch all day tomorrow until they see the puffs of white smoke billow from the chimney of the Eccles Building at 20th and C Streets.

Perhaps around mid-day an emissary will be sent forth to calm the crowds congregating in the square to await the decision that will affect the lives of millions of people around the globe. He will tell them that no decision has been reached yet; that the eminences have a great and noble task before them; that they will seek divine guidance to do God's work on Earth; that they are presently taking a repast of poached turbot, boiled potatoes and string beans to better fortify themselves for the business at hand.

The masses will return to their vigil until the middle of the afternoon, at which point they will conclude that the College of Cardinals has not been able to come to a decision.

And while the masses are waiting for the cardinals to agree on matters most holy, the secular leaders will offer counsel that is neither requested nor desired nor warranted. They will tell them of the travails of the unemployed, the homeless, the disabled. They will tell them of the lives destroyed because of the work the cardinals must perform to preserve the sanctity of the Church. They will tell them not to institute yet another tithe to suppress the underclass, even as they connive to push through legislation that would give them more power, more income to redistribute, more spending that will have to be funded by even higher taxes.

The cardinals will search within themselves to find the strength to resist the preachings of these misguided souls, whose sole concern is life on Earth. The cardinals' work, after all, is designed to have impact on the hereafter, when the soul leaves the body.

They will look within, not without, because they must answer to a higher power.

Tuesday, September 27, 1994
11:00 a.m. EDT

I am walking down a long corridor. At the end of the corridor, I see a large room where lots of men in white shirts, dark pants and red ties are staring at TV screens that display an array of numbers and graphs.

Everyone appears to be waiting for something to happen. Some kind of announcement.

After a time, people realize that there will be no announcement. All the men in white shirts, dark pants and red ties scurry to fill up the big hole that they dug in the middle of the floor. Once that is done, they go back to waiting. For something. Or someone. No one shows up.

The leaves on the potted plants start to fall off. (Hint: the leaves are green.) In the distance, there is a glittering object that catches everybody's eye. While they are watching the leaves fall and the glittering object get brighter, the roof caves in.

A dream? Hardly. It's a bond trader's nightmare scenario. With dealers faced with the prospect of underwriting $17.25 billion of two-year notes with the outcome of the FOMC meeting hanging in the balance, a potentially damaging durable goods report on deck and $11 billion of five-year notes as an encore, what is a prudent trader to do?

Hillary Rodham Clinton is looking for a kinder, gentler image now that it is apparent that she will be remanded to the practice of law, Little Rock style, in 1997.

"You bid either 6.50% or 6.70%," a trader said. "6.50% if you need them; 6.70% if you don't." While dealers do not expect the Fed to raise rates today, they know in their heart of hearts that it would be much better for the market if the Fed took the initiative and acted sooner rather than later.

"Everyone knows that gold is going up through $400" if the Fed does nothing, a trading manager said.

His recurrent nightmare is that the Fed does nothing, the Street covers its short in the front at the auction, the market has a reflex pop (the front end, at least), buyers fail to show up, durable goods prints up 5% and "the bond goes down two points. All of the expectations are on today, but the real action comes tomorrow."

So what would he suggest?

"I have puts on everything," he said. "Euros, fives, bonds. I can't lose."

Not surprisingly, customer activity is subdued in front of the old-est estaaaaaaaaaaaaa-blished per-ma-nent flooooooooooat-ing crap game in New Yorrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrrk. There was a large overseas buyer of

continued on next page

Who is Caroline Baum?

by Victor Niederhoffer

The U.S. government debt market is the biggest securities market in the world, regularly trading $50 billion per day in the futures markets and another $190 billion in cash transactions. The total outstanding debt of the U.S. government is approximately $4.5 trillion, and, of course, growing. Comparing these figures to the dollar volume for all New York Stock Exchange issues combined — approximately $10 billion per day — gives one a sense of the colossal proportions of the Treasury market.

For those involved in marketing, trading, analyzing, and investing in U.S. Treasury obligations, the definitive source of market information is Dow Jones Telerate, a real-time on-line system consisting of around 150,000 terminals and computers providing global price data and a scrolling newswire. Foremost among Telerate's subscriber services is the twice-daily column by Caroline Baum, whose bond market analysis appears on screens 9400 and following.

Baum consistently writes about debt market events with wit and insight. She also provides just the right balance of sexual innuendo and market analysis to keep the traders attentive. When the Fed increased the Fed Funds rate in February 1994, Federal Reserve Board Governor Lawrence Lindsey tried to calm market fears by saying that "once is enough." When the market went down on the comment, Baum suggested that more firming was in order:

> No day would be complete without a small dose of Fedspeak. . . . Parry, in a rare challenge to the collegial atmosphere of the Fed, took his colleague, Governor Lawrence Lindsey, to task and said that it was unlikely that once would be enough. Amen.

With commentary like that, it is no wonder that Alan Greenspan introduced Baum to his significant other,

continued on next page

five-year notes and some random nibbling in the intermediate sector. Traders are talking about a hedge fund unwinding part of a flattening trade — buying twos and fives, selling bonds — but most of the focus this morning is on, What if.

What if the Fed tightens? What if the Fed doesn't tighten? What if there is no announcement by auction time? What if durable goods is up 7%?

There does seem to be a consensus emerging: market participants want to sell strength, assuming, that is, that there is strength to sell. The idea of a relief trade is losing proponents, and the estimated time of existence for any uptrade is growing shorter with each passing hour.

"You have to remember that the curve is going to flatten at higher, not lower, yields," a trader said.

If there is a consensus position, it is short. If there is a consensus trade, it is one that profits from curve flattening.

"We realize that we may be wrong for a few basis points," said a salesman whose shop has a flattener in place. "But we're willing to risk it."

Nothing can really supersede the focus for the day, which is the Fed. Especially not consumer confidence.

As usual, the administration has it ass-backwards. Instead of telling the market what the fundamentals are and where the dollar should be, it should take its cues from the markets.

The conference board reported that its consumer confidence index dipped two points to 88.4 in September, with the present situation showing more of a tail-off than expectations. This is the third month in a row that the conference board's index has ebbed, which is not confirmed by the University of Michigan sentiment index. While the trend is important, the total decline in the conference board index — from a high of 92.5 in June to 88.4 in September — is not statistically significant.

Think of it this way. If you had to respond to questions on a day when you dropped a quick 100 grand of someone else's money, would you be all sweetness and light when asked about your present situation?

Tuesday, January 10, 1995
5:00 p.m. EDT

While the government hasn't mandated it as such yet, Tuesday was National Image Day. And nowhere was it more evident than in the corridors of power in the nation's capital. Everyone who is anyone, it seems, was searching for a new image for the new year with a new majority party in power.

The first make-over candidate was

Niederhoffer, "Who Is Caroline Baum?," *continued from previous page*

Andrea Mitchell, as "the only person who can make the flattening of the yield curve sound pornographic."

When I arranged to have Baum speak at a monthly seminar I host, all the traders from my office arranged to show up to see her. She's just as feisty and provocative in real life as she is in her writing, and a great time was had by all — especially after she read some of her columns, where she loves to flagellate traders for clinging to the long side too long.

Baum's perspective is as praiseworthy as her style. She understands that *price* is a wonderful machine that, with the minimum expenditure of energy required, delivers to individuals in the marketplace essential and timely information as to the kinds and quantities of things desired, as well as the level of appetite currently obtaining for each thing. In doing so, the market's invisible hand gathers up all the millions of points of view regarding the value of the thing traded. Some points of view are more valuable than others, having special insight; others are the merest result of rudderless emotion. But in aggregate the market is always right, even, as some say, when it is wrong. As Baum put it on February 25, 1994:

> Whatever the market is, be it overdone, oversold, extended or cheap, the market is where it is for a reason. Just as it has an invisible hand, it has an unconscious that operates in subtle ways. That's why the market always turns before the fundamental reasons for the turn become apparent.
>
> The market may be a mystery at times, but it is a mystery that must be respected.

And the market is never more right than when it is giving the lie to the machinations of purportedly selfless, disinterested politicians, who in fact ceaselessly conspire to tinker with the market in any way that will help them gain or keep a job, or increase the scope of their power and sexual perks. Baum rarely lets pass an opportunity to shine a bright light on their skullduggery, as in this analysis of the disastrous Clinton U.S. dollar policy (November 7, 1994):

> Then there's the problem of the dollar, which the Treasury finally had to address last week with a double dose of intervention. The administration would have us believe that the foreign exchange value of the dollar does not appropriately reflect the strong fundamentals of the U.S. economy. Instead, the dollar's depressed level is the result of speculation against the dollar by traders looking for a replay of the famous *Soros v. Bank of England* match of September 1992.
>
> As usual, the administration has it ass-backwards. Instead of telling the market what the fundamentals are and where the dollar should be, it should take its cues from the markets.

Caroline Baum's daily commentary is a sparkling and integral particle of the dynamic feedback loop that embraces the market, its direct participants, and the myriad political and economic events that shape and are shaped by the market from moment to moment. But why try any longer to describe that which can be presented? Just read the accompanying samples of some of the best of Baum's recent writing. ❑

none other than the first lady herself, Hillary Rodham Clinton, who told the *New York Times* that she was looking for a kinder, gentler image now that it is apparent that she will be remanded to the practice of law, Little Rock style, in 1997, a career whose capitalist aura gives her public image a much harder edge than her present persona of a bolshevik crafting social policy for the masses from the People's White House.

While the *Times* allowed as to how Mrs. Clinton ("Rodham" never made the first cut by the media consultants) "spoke in the relative comfort of an informal lunch with reporters who do not usually cover hard news," one wonders why the *New York Times* sent one of its food writers to cover the event. Perhaps the first lady is looking to beef up her cookie recipe file, having already taken a good chunk of beef out of the cattle market in the late 1970s.

As she has so many times in the past, Lady Hillary again resorted to blaming the failure to communicate as the source of her tarnished public persona, recently encapsulated in the one word conveyed by mother-of-Newt to wife-of-Maury.

Alas, she and hubby Bill just don't get it. They communicate just fine; as a matter of fact, it's what they do best. What the American people recently rejected was their policies, the worst of which (health care reform) was fortunately never enacted.

Perhaps the first lady is looking to beef up her cookie recipe file, having already taken a good chunk of beef out of the cattle market in the late 1970s.

In testimony submitted to the Senate Finance Committee, Treasury Secretary-designate Robert Rubin set out to prove to the committee that he was no Lloyd Bentsen. While Mr. Rubin used all the appropriate buzzwords — "strong dollar," "deficit reduction," "tax reduction," and "cuts in government regulations" — to demonstrate that he had the right stuff to keep the dollar afloat in the foreign exchange market, his emphasis on "public investments" (a.k.a. government spending) as "critical to future productivity" exposed him for the liberal he is.

While the first lady was working the luncheon circuit and the Treasury secretary-designate was sailing through the Finance Committee on a voice vote, a new image worthy of Maestro Gergen was taking shape in the House of Representatives. House minority leader Richard Gephardt, still reeling from a fall flat on his face on nationwide TV last Sunday when he argued for an increase in the minimum wage to help those that are earning it, told the Ways and Means Committee that the Democrats were working on a "flatter tax" than the 17% one proposed by House Majority leader Dick Armey. His tax would lower the rate to 10%–11.5% for most Americans.

Struggling to shed his old image as a tax-and-spend liberal, Mr. Gephardt

"This Book Should Be in the Hands of Every Teacher and Every Parent."

—John Hospers
Professor Emeritus of Philosophy
University of Southern California

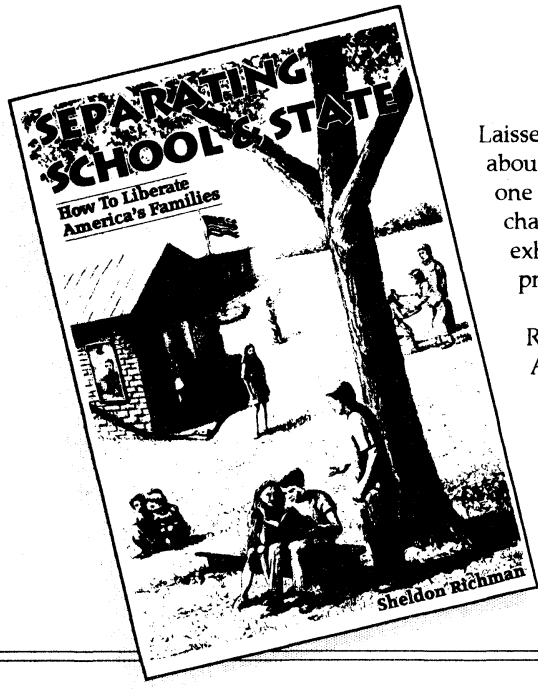

Laissez Faire Books, the world's largest source of books on liberty, says this about *Separating School and State*: "This is a thrilling book! It goes where no one has dared go before. This book mounts the most fundamental challenge to the government school monopoly and provides an exhilarating vision of how much better off everyone will be with 100% private, voluntary schools."

John Taylor Gatto (New York Teacher of the Year) says: "Mr. Richman is right—state schooling doesn't work because it can't work." And Dr. Walter E. Williams (John M. Olin Distinguished Professor of Economics at George Mason University) calls this book "a powerful contribution." You'll call it an essential addition to your bookshelf.

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by Sheldon Richman

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went on record to say that the federal government should tax as little of the American people's income as it can.

While fiscal policy makers were knocking the socks off their audience with their high-wire image transformation act, representatives of the monetary authority were busy at work, too. Fed Governor Lawrence Lindsey, appalled at the explosive growth of consumer credit (what did he expect when the Fed was giving out free loans to banks for so long at a real funds rate of 0%?), sounded as if he were finally coming around to the view that once might not be enough for the Fed after all. A supply-sider during the Reagan administration, Governor Lindsey appears to have abandoned free market values in favor of a government-knows-best approach when it comes to borrowing and lending.

He worries that consumers are "in over their heads" and suggests that banks limit their credit lines before problems arise. With so many Democrats posing as Republicans, it looks as if Governor Lindsey sought to recreate himself in the image of the Democrats.

While various government heavyweights were trying to reinvent themselves and their public image, the Treasury market was content to revel in its old image of a stationary runner. After Monday's down day, the market was due to reverse, as it has done on every trading day this year, and trade higher. And that is exactly what it did.

The PPI came in as expected, with a .2% increase in the December index, both overall and core. Price increases are busting out all over at the crude and intermediate goods level, but that story is sounding like a broken record. Eventually, you've got to see it to believe it.

The non-directional trade in the Treasury market was driven by large orders, many of which entailed liquidations in the 30-year sector (bonds and long principals). Leveraged buyers were active in the front end, meanwhile, which continues to have a good bid in anticipation of long-end supply, a Fed tightening already priced in, the financial crisis in Mexico, the political crisis in Russia, and the real or imagined crises in a host of other Latin American countries — Argentina was the rumored one today — that no doubt would have been glad to participate in National Image Day. ❑

Wooster, "Africa Unbound," *continued from page 32*

that only trade will encourage African economies to grow. No one appears to support the time-honored practices of the World Bank and other lending agencies that gave money to African governments to develop ecologically damaging projects unwanted by the people.

In my view, Duignan's proposals would help Africa more. It's hard to see how development agencies that have spent billions in wasteful projects can suddenly reform themselves and learn how to give responsibly. Equally persuasive are Duignan's arguments that aid bloated African governments and partially subsidized weapons purchases.

This debate is taking place without much input from ordinary Americans. Perhaps the best way for the media to focus people's attention on real African issues would be to devote more space to non-political African news. When the American press bothers to write about Africa, they tend to only see Africans as victims of disasters who deserve our pity. We rarely see or read about Africans when they are happy, at festivals, weddings, dances, and sports events. Nor do we know very much about the entrepreneurial energies of many Africans, particularly women, who are able to cut through red tape and bring goods to the poor at a reasonable cost. Nor do we know very much about African literature and culture.

There is a great hunger for knowledge about the way people in other countries live, a hunger not being met by the American press. If Americans knew more about the culture and society of African countries, they would understand them much better than if they only read about Africans grasping submachine guns or clutching begging bowls. ❑

Letters, *continued from page 6*

— except the relentless trendline of government outlays that hits 50% per capita GNP in 2010, equal to the confiscatory war effort of 1943–44. I trust you understand what that means. Every hour of productive output, every service beyond minimum maintenance will be confiscated and rationed by government, precisely one generation hence. I dare you to assert that Generation X has the attention-span requisite to see the light and save us. Even if the Xers ran to libertarian principles like lemmings, they'd still be outvoted 20:1 by Great Society retirees.

Face the facts. We blew it. We failed as a libertarian wing in the Republican Party; we failed as an independent Libertarian Party. There is no third chance.

Alan Smith
no fixed address

Libertarian Scientism

I find it illuminating that libertarians are whooping up *The Bell Curve* ("Not to the Swift, But to the Smart," January 1995). For years many of them have denounced the collectivist methods of sociology as fraudulent scientism, rank mumbo-jumbo; Hayek wrote a book on the subject, *The Counter-Revolution of Science*. Murray and Herrnstein use the same methods, but I guess mumbo-jumbo is okay as long as the mumbo-jumbists are on "our" side.

As for I.Q. tests, the ostensible data on which the book is based, I'm with Thomas Szasz, who in *The Untamed Tongue* defines "intelligence test" as follows: "Hocus-pocus used by psychologists to prove that they are smart and their clients stupid. The general acceptance of these tests suggests that this claim may not be without foundation."

Kyle Rothweiler
Bozeman, Mont.

Straight Outta Brooklyn

by Chris Matthew Sciabarra

Take Manhattan — please.

During the recent election campaign, upstate backers of conservative GOP gubernatorial candidate George Pataki were fond of pointing out that "liberal" New York City is not the capital of New York State. It was the kind of swipe that city dwellers are used to, but it didn't deter our feisty mayor from retorting that Albany may be the capital of the state, but the Big Apple is the capital of the world. Rudy Giuliani may have his faults, but he surely is one of New York's greatest cheerleaders.

In the January 1995 issue of *Liberty*, we were treated to additional New York cheers from Richard Kostelanetz. The title of the article — "I'll Take Manhattan" — offended my Brooklyn sensibilities (I was born, raised, and still reside in the most populous of New York's five boroughs), but I was delighted to see somebody noting the kind of spontaneous order that New York can generate. But Richard, if you're in search of good pizza, you can take Manhattan; you've never had real pizza or real Italian ices until you've been to the L&B Spumoni Gardens in Bensonhurst.

Yes, Manhattan has its Greenwich Village and Central Park, Broadway and Times Square, World Trade Center and Empire State Building. But you haven't experienced real New Yawk neighborhood life until you've strolled through Sheepshead Bay, Brighton Beach, Flatbush, Bay Ridge, Canarsie, Boro Park, Brooklyn Heights, and Park Slope.

Believe me, Brooklyn ain't what it used to be — nothing is. Plenty has changed since 'dem Bums left for the City of Angels. But Brooklyn still has its share of charming sights and sounds. We have a Brooklyn Museum, an exquisite Botanical Gardens, an Aquarium, a Brooklyn Academy of Music, and the original Nathan's. We even have our very own Arc de Triumph (a huge monument to Civil War veterans that adorns the entrance to Prospect Park) and our very own Eiffel Tower (a now-abandoned parachute jump near the Coney Island Boardwalk, an artifact of the once glorious Steeplechase Park).

You want charm? Walk along the waterfront on Shore Road in Bay Ridge, under the string of pearls that is the Verazzano Bridge. Or the Brooklyn Promenade in the Heights, under the glow of lighted harp-like cables that suspend the bridge named for our borough. The Manhattan skyline seems so close from here, you're sure it can be touched if only you stretch far enough . . .

We've got modern condominiums and Victorian brownstones, huge mansions and small two-family homes with rents that are cheap relative to anything you'd find in the city. (Yes, we Brooklynites still call Manhattan "the city.")

Civic pride? As my Italian *paisans* would say: "Fah-get about it!" Our borough remains a gateway for every immigrant group in America; one out of every seven families in the United States can trace its roots back to Brooklyn. My own grandparents came here from Sicily and Greece, and my family has stayed here ever since. I've lived my whole life in Gravesend, a community established by the Dutch under Lady Deborah Moody in the seventeenth century, but home to Native American tribes such as the Canarsees long before the Dutch arrived. And the talent! Brooklyn is the birthplace of Walt Whitman, W.E.B. DuBois, John Steinbeck, Richard Wright, George Gershwin, Jackie Gleason, Jackie Robinson, Lena Horne, Mae West, Mary Tyler Moore, Barbra Streisand, and hundreds of other noted personalities.

Just recently, I went on my first plane trip. (How's that for a New York-centered lifestyle?) I went to Colorado in search of Galt's Gulch, and was awestruck by the majestic mountains, the deer, bison, elk, and

cleanliness. On my return, I was just as awestruck by the sight of New York from the air. But I knew that upon landing at LaGuardia, urban reality would have a sobering effect on me. To drive back home, I had to deal first with the unbearable traffic on the Grand Central Parkway, en route to the Brooklyn-Queens Expressway (an oxymoron if ever there was one).

While it has become a mantra in this town that "New York is not among the top 25 urban crime centers in America," I don't know a single New Yorker who really believes this.

Perhaps Richard's vision of New York is a bit rose-colored because he's never been a motorist here. Living in Manhattan, he couldn't own a car unless his last name were Trump or Onassis — only they could afford the parking! But out here in Brooklyn, I drive. After travelling urine-drenched, congested subways for over a decade, I have chosen to risk a nervous breakdown on the worst roads in America.

In this town, a road construction worker has a guaranteed lifetime job (or a lifetime wage, at least). You can't travel from point A to point B without major traffic delays, re-routes, and rude, positively dangerous drivers doing their imitations of Michael Douglas in *Falling Down*. In New York, traffic regulations are mere suggestions.

And then there's "alternate side of the street parking," when New York motorists have to move their cars from one side of the street to the other so that sanitation workers can "clean" one half of the block — that is, when they're not playing basketball on city time. At least two days a week, we are subjected to this street ritual, when a "slow-moving vehicle" drags trash under its filthy brushes from one end of the block to the other. And while this is transpiring, the Department of Transportation gestapo descends on our neighborhoods in a rare display of bureaucratic industry, ticketing every parking violator in sight. Nothing can be more aggravating than getting up before 7 a.m. to legally double-park your car to avoid those fines, only to discover later that today is the Feast of the Immaculate Conception, and alternate side parking has been suspended, and now you've been fined for illegal double-parking. It's a wonder the motorists haven't staged a civil insurrection.

I am familiar with those neat libertarian arguments for road privatization. But in this town, it would probably be cheaper to dynamite the roads and start from scratch. It took longer to repair Brooklyn's Eastern Parkway than it took to build it — probably because today's construction crews consist of one man working and three drinking coffee. They've just announced a two-year closure of a segment of the FDR Drive. Savvy New Yorkers know that no construction project here takes only two years. Maybe Richard's subways might be worth risking after all, despite the urine, the panhandlers, and the firebombs.

Of course, Richard is right about one thing — New York has much more to offer than dilapidated highways. New York has great radio and television stations, nightlife, museums, and recreational and professional opportunities, and unparalleled social tolerance. You don't have to live in Greenwich Village to enjoy an alternative lifestyle. Even "2001," the sprawling Brooklyn disco on whose glittering floors John Travolta danced in *Saturday Night Fever*, has become a gay and lesbian club.

As Kostelanetz attests, New York does have specialized schools. Almost 20 years ago, I graduated from one: John Dewey High. It was one of the finest, most individualistic, most genuinely progressive schools I've ever attended. But today's city schools are slowly degenerating into vast criminal havens of drug traffic and gang warfare. Indeed, the only virtue of prayer in the public schools is that it will give teachers and students alike a moment of reflection — on whether or not they will make it home alive.

After travelling urine-drenched, congested subways for over a decade, I have chosen to risk a nervous breakdown on the worst roads in America.

While it has become a mantra in this town that "New York is not among the top 25 urban crime centers in America," I don't know a single New Yorker who really believes this. In my own middle-class neighborhood, I have seen homes burglarized, cars stolen and vandalized, and people assaulted. Even sanitation seems out of control, as the trash piles up in both commercial and residential areas. This, coupled with the fact that many people who live here are unadulterated slobs, does not make for the most aesthetically pleasing way of life.

More distressing is how this town, which draws so much of its strength from diversity, has become Balkanized. Boroughs divide along racial and ethnic lines, at war with one another and with

continued on page 49

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Challenge

The Electoral Quagmire

by Wendy McElroy

Do libertarians have any excuse for getting involved in politics?

In 1982, George Smith, Carl Watner, and I founded the Voluntaryists to promote non-political libertarian strategies. We rejected electoral politics, both in theory and in practice, as inconsistent with libertarian-anarchist principles. In the opening editorial of our newsletter, *The Voluntaryist*, I wrote:

> [Our] rejection of the political process . . . is a moral one based on the insight that no one has the right to a position of power over others and that any man who seeks such an office, however honorable his intention, is seeking to join a criminal band.
>
> . . . [T]his rejection of the State has been eroded to the point that anarchists . . . can hear the words "anarchist Senator" without flinching. No longer is libertarianism directed against the positions of power, against the offices through which the State is manifested; the modern message — complete with straw hats, campaign rhetoric, and strategic evasion — is "elect *my* man to office" as if it were the man disgracing the office and not the other way around. Those who point out that no one has the right to such a position, that such power is anathema to the concept of rights itself, are dismissed as negative, reactionary, or crackpot.

Pursuing political office is consistent with advocating limited government, but for anarchists, for whom the state is fundamentally evil, it flies in the face of the theory and tradition they espouse. If a political office is inherently unjust, then how can one aspire to it?

The standard rationale of anarchist political action goes something like this: if a "well-intentioned" person rises (or sinks) to the level of, say, senator, couldn't he sabotage the state, by vetoing bills or filibustering?

The answer is no. My reasons for saying this follow from an institutional analysis of the state and from the need to delegitimize the state.

Institutional Analysis

An institution is a recognized and stable method of pursuing a social activity. Universities, for example, are institutions for the pursuit of learning. Institutions exist apart from the actions and intentions of the individuals involved in them.

As George Smith argues:

> An institutional analysis of an automobile factory would examine the role within the factory, the efficient order of roles in relation to each other (Which job should be done first? Where is the best location within the plant for a particular job?), and the relations of these roles to the desired outcome. . . . We can speak meaningfully of the production *process*, the production *result*, and the contribution of roles to both process and result — even if these are unintended from the standpoint of individual workers. The welder may insist that his intention is to contribute to the building of boats — he may adamantly denounce cars as dangerous and swear his eternal hostility to them — but insofar as he fulfills the institutional role of automobile welder, we will insist that he does, *in fact*, contribute to the building of cars. ("The Ethics of Voting")

The state is an institution with the goal of monopolizing power over a given territory. As long as a person functions as a politician, using the tools of the state, he contributes to this goal. A well-meaning libertarian who holds office thus contributes to the injustice and oppression of government. His intentions are irrelevant; the outcome will be shaped by the institution he is attempting to use.

When a well-meaning socialist proposes providing a guaranteed income to all Americans in order to ensure national prosperity, you do not question his intentions. Rather, you describe the realities of the institution known as the marketplace, demonstrating how his policy would have unintended consequences — indeed, would actually produce the opposite

of what he intends. The same is true when a libertarian proposes to use the state as a means of providing liberty. The state can never be used to create freedom; that is its institutional reality.

Delegitimization

In mid-sixteenth-century France, Etienne de la Boétie, in the book *Discourse on Voluntary Servitude,** explored why people consent to their own enslavement. Why do they vote, pay taxes, cheer kings, and obey the law? His conclusion was that *people consent to their enslavement because they believe the authority being exercised against them is legitimate.* However much people complain about Clinton, they never question the office of the presidency itself.

Contemporary government's main prop is the notion that it rests on the consent of the governed. Just as totalitarian states go through the charade of "free elections" to justify their rule, Western democratic states base their claim to legitimacy upon consent via the ballot box. While it is clear to most people that they do not consent to state authority the way they consent to an ordinary contract, they nevertheless accept the notion that by "participating in the electoral process," they have given consent in one important manner.

For centuries, non-politicals — from Tolstoy to Gandhi to Tucker — have spelled out alternative strategies in great detail.

This claim has a major flaw. Even if a voter does — in some sense — consent to the results of an electoral process, he or she cannot similarly bind non-voters. No one can acknowledge the authority of the state over anyone but oneself. But this is the clear implication of voting. One man's ballot implies the right to bind another man to an election's results.

In *No Treason*, Lysander Spooner denies the possibility of such a right:

> No man can delegate or give to another any right of arbitrary dominion over a third person; for that would imply a right in the first person, not only to make the third person his slave, but also a right to dispose of him as a slave still to another person.

Voting is an act of implicit violence, because it is an essential aspect of a system that binds others to the will of the state. Moreover, voting provides the legitimacy upon which the state lives and breathes.

Personal Ethics

So — all things considered, can a libertarian anarchist hold political office without violating his or her principles? No.

I am not questioning the sincerity or good intentions of political anarchists who seek office; I have no window through which I can glimpse their souls. I have to judge people by their words and actions. And a political anarchist who seeks electoral office can do so only by violating his or her principles.

Which brings us to Harry Browne's pursuit of the office of U.S. president. Browne's candidacy is a remarkable development, given his long history of opposition to participation in the political process. As recently as 1993, he wrote, "Don't waste your time trying to reform government. You can't make an agency of coercion be efficient or benevolent."

If Browne were to be elected president, he would be required to take an oath to uphold the laws of the United States. Every day he would have to confront the problem of enforcing laws that he considers to be unjust. Would he violate his oath? Or become an active agent of injustice?

Perhaps he might consider his public oath a trivial matter. A person in that position might, I suppose, lie in public to the American people about upholding the law, while telling the truth in private to libertarians. But why should anyone trust him, if he is willing to violate his oath?

The point is not that Harry Browne lacks integrity. The point is that anyone seeking to hold political office will violate libertarian anarchist principles, simply because holding political office *is* a violation of these principles.

Strategy

Strategy is the process by which we try to affect social and political change. This sort of change usually occurs over a long period of time, usually as the product of uncoordinated efforts — many people pursuing the same goal in independent ways.

Many libertarians arrogantly dismiss people like me who eschew political action, claiming we have no strategy. That is absolutely false. For centuries, non-politicals — from Tolstoy to Gandhi to Tucker — have spelled out alternative strategies in great detail. One is countereconomics, a strategy based on participating in the black market. Another is the creation of non-statist "parallel institutions" to provide goods and services currently provided by the state; homeschooling is a magnificent example. Another is nonviolent resistance. Another is participating in *ad hoc* attacks on state power, such as Families Against Mandatory Minimums.

Libertarian anarchist strategy should aim at social, not state, power.

Many politicians dismiss these as non-strategies, because they think a real strategy must embody centralized organizations, coordinated efforts, parties and platforms, and a media blitz. This reveals how thoroughly they have swallowed the statist line that only electoral politics can roll back government. If anything, the opposite is true. Political parties exhort people to "cast their vote" for much the same reason that churches advise them to "worship at their place of choice." Respect for worship benefits all churches; respect for voting is the mechanism by which governments seek legitimization.

Libertarian anarchist strategy should aim at *social*, not *state*, power. The former is individuals controlling their own lives; the latter is the state controlling individuals. These are

* Also published under the titles *The Politics of Obedience* and *The Will to Bondage*.

antagonistic conditions; one can expand only at the expense of the other.

Libertarian anarchism's most important strategic goal is to delegitimize the state. William Godwin wrote, "Government is founded on opinion. A nation must have learned to respect a king [or the position of kingship], before a king can exercise any authority over them." Without such legitimacy, the only means by which a government can enforce its will is naked force, something most governments — for P.R. reasons alone — want to avoid.

Another important goal of libertarian strategy should be to dispel the myth of the state's invulnerability. The state tries to project an image of massive strength, of a self-perpetuating, self-contained institution upon whose good will the people depend. The reverse is true. The state is no more powerful than the human resources, skills, knowledge, and obedience it is able to command. The power of the people lies in the ability to resist and to withhold cooperation.

There is a strategic point on which all libertarians supposedly agree: the need for education. And LP anarchists often fall back on the argument: "we don't expect anyone to be elected; running for office is merely an educational ploy to get the message out."

But what message is being disseminated — that libertarianism is just another political party? How can libertarian anarchists persuade people that the state is inherently evil while clamoring to join it? How can they claim the state is a criminal band while wearing an "Elect My Man to Office" button? Do they wish to amend Acton's famous principle — "Power corrupts; absolute power corrupts absolutely" — by adding an asterisk and a footnote, "Except for us"?

The state is no more powerful than the human resources, skills, knowledge, and obedience it is able to command.

First as Tragedy, Then as Farce, Then as the Libertarian Party

Twice before in American history, libertarian energy has been diverted into third-party politics. Both times, the outcome has been disastrous — not merely for the political parties, but for the movement as a whole.

Historical precedent is a weak foundation on which to argue, because history does not always repeat itself. Nevertheless, the past provides us with cautionary tales. Even those who discount the foregoing arguments should acquaint themselves with the tragic compromises of the mid-nineteenth-century Liberty Party and the turn-of-the-century Georgist Party. This history has convinced more than one libertarian that electoral politics is the riskiest, least productive strategy they can adopt. ❑

Sciabarra, "Straight Outta Brooklyn," *continued from page 46*

new arrivals, some of whom go directly on welfare, others of whom pool their resources to open productive businesses that compete with established ones. Justified resentment mixes freely with xenophobic envy as each group scapegoats the other, never looking at the system responsible for the mess.

New York's bloated municipal government is to blame for many of our problems. These are, after all, *public* roads and *public* schools and *public* subways. Despite his ill-fated endorsement of Mario Cuomo (perhaps an attempt to thwart the corrupting influence of Senator Al "Pothole" D'Amato), poor Mayor Giuliani is trying at least to move the city toward lower taxes, lower spending, and a balanced budget. While most of the city's career politicians deride Rudy as a little "Mussolini" (more out of ethnic bigotry than political analysis), New Yorkers are still giving the mayor their overwhelming support. His style is pure New York. When the City Council rejected his "draconian" budget cuts, Rudy refused to implement their alternative budget. The Council took him to court and lost. Now, in an unprecedented and historic confrontation, Rudy has unilaterally imposed another $800 million in cuts, impounding City Council funds, and calling on New York's citizens to become more self-reliant. Imagine that!

But our problems are not strictly political or economic; they stretch into the realm of culture and social psychology. In the early 1960s, when Kitty Genovese was raped and murdered as neighbors ignored her pleas for help, New Yorkers were shocked and shamed. Today, an occasional hero might appear on our streets, but we silently witness too many injustices. For all of our "instinctive anti-authoritarianism" that Kostelanetz writes about, too many of us have become anesthetized to urban squalor and brutality. In just the past two decades, I have observed a very real decline in common civility. Despite our complaints and our inimitable — and justified — cynicism, we are humbled by the thought that we can't fight City Hall. The players change, but the system endures.

One last thought: the very day I read Richard's statement that we have no "vulgar chains" here in New York, K-Mart announced that it would open one of its largest stores yet on 34th Street at 1 Penn Plaza. Now even New Yorkers can shop at K-Mart! ❑

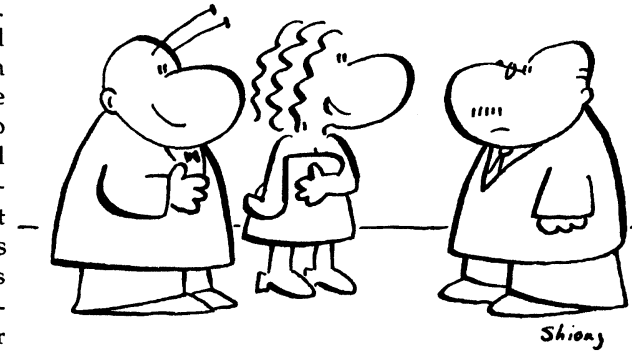

"I'd like you to meet Mr. Jones — Mr. Jones is one of the new breed of Republicans."

Document

"We the Living"

by Y. Gvozdev and D. Costygin

The first novel by one of Russia's most famous writers has at last been translated — into Russian. Here is a translation of the translators' introduction to Ayn Rand's "We the Living" . . .

Ayn Rand is a well-known American writer. Tens of millions of copies of her works have been printed. It is amazing that her name is not yet known in Russia. This fact becomes even more amazing when we take into account that she was born in St. Petersburg in 1905. She suffered, along with her family, all the want and misery the refugees of the Civil War faced. After the defeat of the White Army, the family decided to return to Petrograd. Beginning in 1921, Ayn studied history at Petrograd University.

From the time of her return and as the new regime was establishing itself, Ayn was obsessed with the desire to make a break for freedom. In 1926 her dream came true: the Soviet government permitted her to visit the U.S.A. She never returned to Russia.

"If they ask you in America, tell them that Russia is a big cemetery and that we are all slowly dying." These were the words that her family and friends said in parting. She promised to gratify this request and wrote *We the Living.*

This is her first novel. It is about Petrograd-Leningrad in the early 1920s. About the starvation of the vanquished and the semi-starvation of the victors, allowed to pick crumbs from under the tables of Power. About how people forgot their honor, dignity, and integrity, committing big and small infamies, betrayals, treacheries. About the time when people stopped trusting each other.

Recently, there appeared a widespread opinion that it was the Bolsheviks who spoiled the Russian nation. This book by Ayn Rand, an expatriate who hated Communism along with any other form of totalitarian regime, questions this idea, so convenient for the "national self-esteem."

The main idea of the book is individualism — the ability of a human being to remain an independently thinking creature, irrespective of the environment. Let everyone else around turn into a submissive, obedient herd; those with willpower and a clear objective must strive for happiness. Such people exist in this book.

For Kira Argounova, the heroine of the novel, happiness is doing the job she loves, and living with the man she loves. She is not interested in politics; she is nearly indifferent to other people's convictions and aspirations. She has her own purpose; she has a loved one. But the State System cannot allow a separate individual to lead a private, independent life. That is why, as events unfold, Kira becomes increasingly convinced of the necessity of leaving Russia.

Ayn Rand writes about this book, "Ideologically, I had said exactly what I wanted, and I had had no difficulty in expressing my ideas. I had wanted to write a novel about Man against the State. I had wanted to show, as the basic theme, the sanctity of the supreme value — of human life, and the immorality of treating men as sacrificial animals and ruling them by physical force. I did so."

The novel was completed in 1933. Now, 60 years later, the novel about Russia returns to Russia. We think that the ideas of Ayn Rand, expressed in this book and in her later works, are very important to us, the Russians of today. In this time of unrest very much depends on whether we have enough people capable of accepting responsibility for their words and deeds, willing and able to do their work persistently and professionally. It is to these people that Ayn Rand's works are dedicated.

Since Russian people are about to meet the works of this amazing woman for the first time, a few more words about her are in order.

"My philosophy, in essence," Rand tells us, "is the concept of man as a heroic being, with his own happiness as the moral purpose of his life, with productive achievement as his noblest activity, and reason as his only absolute."

In 1991 the U.S. Library of Congress conducted a poll among its readers in order to find out which books had influenced their lives to the greatest extent. The list began with the Bible; *Atlas Shrugged,* another novel by Ayn Rand, came second.

"The Soul of Capitalism," "The Only Man in America" — that was how Americans themselves characterized the writer. What names shall we, her compatriots, find appropriate? The future will see. One thing is doubtless: her books will become favorite reading for millions of Russians.

On behalf of all the participants in the first publication of the collected works of Ayn Rand in Russian, we congratulate Russian readers on the appearance of the first volume, containing the novel *We the Living.* ❑

Fiction

Feed the Children

by J. Orlin Grabbe

Lithgow first met Karen at The Delphic Oracle, a café-bar in the East Village, where she had listened to the bartender's tape: the one made an earlier night when the performer, a folk singer, had stayed on after closing time, and a few of the regular customers had had a sing-along, and — moved by the mood and the wine — Lithgow had given an economic diatribe in the style of a Southern preacher. Something like:

Well, brethren, I have called this Council together because there is evil in the land, and we've got to root it out. Now there are those who talk about their multiple regressions. And econometric transgressions. But I want to tell you, I looked at the housing market, and — brother — I saw sin!

Oh, I say we got to get those interest rates down! Say Amen!

Oh, I say we got to get those interest rates down! Say Optimal!

Something like that. A few days later Lithgow came in and saw a woman sitting across the corner of the bar. She stared at him and he said hello.

What do you do? he asked.

Guerrilla theater, she replied.

He sipped his wine, wondering what that meant.

I'm an unemployed actress, she said. I type 120 wpm and live in Indianapolis. My name is Karen.

I'm Lithgow. What brings you to New York?

Who is this guy? she asked the bartender.

He did the sermon on the tape, the bartender replied.

Umm, she said. I'm here looking for a job. I used to be with the LaRouche organization, and we were trying to feed the starving children, before I was fucked over by some of the top people. Do you know anything about his theories?

Unfortunately, Lithgow said. LaRouche is a fascist.

She looked at the bartender. Is he for real?

I think he's for real.

Okay, I guess I'll listen to what you have to say then.

She came around the edge of the bar and sat beside Lithgow.

What do you do? she asked.

I'm trying to write a play, but I do research to make a living. I took economics in school.

She looked at him with an open gaze that in another context he would have interpreted as a sign of sexual interest.

We need to have a discussion about what to do about the housing situation, and the homeless, and how we are going to feed the hungry of the world, she said. Do you know that six million children will die of starvation this year alone?

He didn't answer. He hadn't come to the bar to talk about global problems he could do nothing about.

Before you came in, the bartender related to Lithgow, Karen was having dinner with this social worker. And there were three Englishmen who had come in, and Karen says in a loud voice to the social worker that she'd had no money the previous night and had to give someone a $5 blow job for cabfare.

Lithgow looked at Karen. She didn't seem to mind that the bartender was relating the story in front of her.

So the social worker starts yelling, the bartender continued, that she had promised to be decent in public and stomped out saying he would call her later.

What did the Englishmen say?

Two of the three Englishmen were having a good time, but felt inhibited in front of their boss. But they all turned to listen when Karen started talking about blow jobs.

Karen looked at Lithgow with pride. I'm very good, she said.

Lithgow didn't know what to say. Are you always this way? he eventually asked.

As long as I've known her, she's always been Crazy Karen, the bartender said.

I'm crazy as my Lord is insane. I've been fucked over a lot. Once I was grabbed by the Secret Service at a Dukakis rally. I had a sign, and I started yelling at him, asking him what he was going to do to feed the children, and the SS grabbed me and threw me in a car.

What happened then? Lithgow asked. But her attention was already elsewhere, and she began to talk to another person who had sat at the bar. A stranger, apparently.

After a while she turned back toward him.

Harry meet Lithgow. Lithgow is an economist. I don't know much about economics, but one thing I do know is when money cancels out debt, there will no longer be an excuse not to feed the hungry. Lithgow, would you be so good as to explain to Harry what MV = PT means?

Startled, Lithgow attempted a quick explanation, then felt foolish. He did not know why he felt a need to answer, or

why Harry should care, or why an explanation was relevant.

What do you think, Karen asked Lithgow, if we had the Concorde fly over Africa and drop tons of Wonder Bread?

He looked at her carefully. He decided she meant it as a serious question.

I don't know. I don't think it will work. Anyway, I'm not interested in solving social problems.

You're already on record! she screamed at him, slamming her fist on top of the bar.

Lithgow buried his attention in his wine glass.

How old do you think I am? she asked calmly.

Her age was indeterminate. Somewhere in the thirties, he decided. Early thirties.

I'm 40, she said. You know, it's getting past time for me to have a child. I want to have the first child born on the moon. Or conceived on the moon and born on Mars.

They talked for a while in a manner that Lithgow found distressingly desultory. To have a conversation with this woman, he thought, I'll have to find a way to condense anything I have to say about any particular topic into a single sentence. That's all I get before the subject changes.

When he was ready to leave the bar, he told her he lived in midtown, and she said she was staying with a friend in the nineties. She asked if he would walk her by the cash machine on Second Avenue. They walked to the automatic teller near St. Marks, where her hometown bank balance stood at $12 after withdrawing $30 in cash.

Why don't you come uptown and play pool with me, she asked. There's a table in a bar near where I'm staying. We can stop at your place on the way, if you want.

He shrugged consent and waved down a cab. She introduced herself to the cab driver, and asked him how he was doing. The driver complained there was no money in driving a cab all day.

This is Lithgow, an economist, she said. Perhaps the two of you should discuss the labor situation in this country.

Lithgow nodded at the driver but didn't say anything, and was grateful to receive silence in return. After a time, he put his arm around Karen. He wasn't sure why. It seemed natural and cozy.

She looked at him. Do you want to make love to me?

Maybe, he said. He didn't know if he did or not. He was embarrassed by the cabdriver's attention to the conversation.

You must, you have your arm around me, she said.

When they got out of the cab, he stopped on the sidewalk and kissed her with sudden passion. She felt his erection with her hand. Do you like oral sex? she asked. I'm not using any birth control.

I don't have any either, Lithgow thought to himself. He didn't do this often.

They walked along the sidewalk.

You know this may only happen once, she said, just this time.

I know that.

When they reached the lobby of his apartment building she looked around and said You must be rich.

I'm not rich, but I'm not poor.

This is just between me and you, right? she asked in the elevator. You aren't going to tell anyone?

He shook his head. He didn't know why she was so concerned. When they entered the apartment, he left the lights out, and they went out on the balcony and looked at the city. He kissed her again and she said Feel how wet you are making me. He felt her through her dress and she said No, put your hand inside my panties. Then she asked Do you want to make love now, and he said Yes and pulled off her panties, and then said Let's go inside. In the bedroom she said No, don't make me come, I want to be hot like this for the rest of the night.

Sometime later she said: I want you inside of me. Lithgow thought about the lack of birth control, and the people she might have been with, and then he entered her and didn't think about it anymore.

There was a full moon shining through the bedroom window. She said Oh I'm coming, and then lay strangely still. She lay inertly, without emotion.

There is nothing for you to do but come now, she said.

I came the same time you did.

She turned her face toward him. You shouldn't have done that. I told you I wasn't using any birth control.

It's a dangerous game, he said.

But you would support the child, she said, looking into his face and seeming to find something reassuring.

They took a shower together, and he soaped the blemishes on her back, and she wanted to know if she should put on makeup and he said he didn't care. She tuned in a rock station on the stereo, and then borrowed his hairdryer. He didn't like the station, and after a minute turned it off and put on a CD by the Doors. Then he watched her try to smoke the tail end of a joint using scissors as a roach clip. He decided it was futile, and rolled some pot of his own, and they both smoked it rapidly.

Why don't you give me a job, she said. You can dictate your plays to me, and I can type them.

I'm sorry, I can't work that way. I write and edit them directly on a word processor. It's the only way I know how to work.

They took a cab to the bar near where she was staying, and she ordered a sweet drink with tequila and madeira. The bartender was a big man, and fat, and wore a beret, and she knew him. When he was closing he stood beside them pressing his stomach into them like a barricade, and said It's time to go now. Lithgow was annoyed.

They decided to walk on down the street to another bar which was still open, as they hadn't had a chance to play pool. On the way there she said We could go back to your place and make love. He didn't respond because he wanted more time to think about it, and he was feeling very drunk. At the bar Karen ordered White Castle hamburgers, which were available for a dollar each, and he got a martini. At one point he ran his hand up her skirt and she said angrily Will you stop it.

Sorry, he said, taken aback by her shift in mood.

The fat bartender from the previous bar came in, and the familiar way he acted with Karen made Lithgow wonder if he was the recipient of the $5 blow job of the previous night. Another man, a dancer in his early twenties came in also, and Karen started talking to him, and then the four of them paid for a pool table. But Lithgow was so drunk he decided to walk home.

I leave Karen in your capable hands, he said to the dancer.

The dancer followed Lithgow to the door. Who is the big guy? he asked. Is she with him?

Don't worry about him, Lithgow said. He's just a bartender from up the street.

Then Karen came to the door, and asked Lithgow if he would be all right.

I think so.

Will I see you again?

At the café.

I do want to get together for a serious discussion of economics, she said.

She's crazy, you know, the bartender at The Delphic Oracle told him the following night. I knew her when I was staying in Rome, and one night after she had come to visit, she ran naked through the streets and tried to hijack a bus.

Lithgow thought about his conversation with Karen, and then he realized the problem. The economic diatribe that the bartender had recorded and then played for her was actually an excerpt of a skit Lithgow had written a previous year. But — listening to the tape — Karen had interpreted Lithgow's sermon as a spontaneous visionary possession, which made him a performance artist like herself: an agent for geopolitical change through public scenes in establishments for eating and drinking

What was it she had said? One random statement without context: Draw people into the scene so they are at first unaware of what is really going on.

The bartender answered the phone and then handed Lithgow a note with a phone number. Call Karen at Samuel's apartment, it said.

Who's Samuel?

Samuel is the social worker who was here with Karen the other night. He's a friend of hers.

Lithgow called the number and a man's voice answered.

I have a note to call Karen, Lithgow said.

Well you can't call her at this number, the voice responded firmly, and then in the background, before the receiver clicked, he heard the same voice screaming: You have your lovers call here! After the way I loved you!

Lithgow returned to the bar.

What did Karen have to say? the bartender asked.

Samuel answered and said I couldn't call her there.

Well, that's Samuel. The bartender looked at Lithgow. Are you okay?

Lithgow was thinking about the previous night. It's just between you and me, she had said.

Would Karen set me up like this? he asked the bartender. Have me call her at Samuel's, just so some man would be calling her there when Samuel answered the phone?

No, I don't think so, the bartender replied. She doesn't want to deal with that.

Lithgow, preoccupied, forgot to ask him what it was she didn't want to deal with.

The following evening Lithgow found Karen sitting at the bar at The Delphic Oracle with a haggard, indifferently dressed man in his late thirties.

Lithgow, this is Samuel, Karen said.

Samuel didn't appear to recognize him as the person who had called the previous night.

I'm a psychologist, Samuel said. I'm working to prevent psychiatric abuse.

Like with Karen? Lithgow asked.

Karen is the Harry Houdini of institutions, Samuel said. She gets in or out whenever she wants.

I'm doing better, aren't I? Karen asked Samuel.

You're not crazy, Lithgow told her.

Thanks, she responded. How much sorrow has to be endured before you can say it is finished?

Two gay men, apparently friends of Karen, came in, and she went and sat with them at a table across the room.

Samuel looked at Lithgow. I was one of the first people Karen asked to marry, Samuel said. Did she say anything about that?

Samuel searched Lithgow's face.

She didn't mentioned it to me, Lithgow said. Samuel looked relieved.

I guess you know I've had a thing for Karen for a couple of years, Samuel said. But now I've met this 21-year old Yugoslavian girl with long blonde hair who is helping me get over her.

That's good, Lithgow responded.

Karen told me you were her lover.

Lithgow shook his head at the question, thinking It's none of your business. He saw Samuel looking at him. Let him interpret the gesture however he wants, he thought.

She tells everyone that everyone is her lover, Lithgow said.

He saw Samuel was pleased with the response, a reaction that puzzled him for a moment. Then he realized that Samuel had probably never slept with Karen.

A pale woman in a flowered dress came in and sat by Samuel. She was one of Samuel's colleagues.

Lithgow knows Karen, Samuel said to the pale woman.

The problem with Karen, the woman said, is her praxis. For example, Karen is concerned about world hunger, but she still eats meat.

Hmm, Lithgow answered. He looked at both of them with distaste. There is a whole industry of problem solvers, he thought. Politicians, bureaucrats, demagogues, counselors, and charity workers who have found the way to power, fame, and wealth lies in championing lost causes and mucking about in other people's lives. They're really just parasites and vampires who are healthy only when others are sick, whose well-being increases in direct proportion to other people's misery, and whose chief occupation is giving the appearance of working on the problems of others.

What is your play about? the woman asked Lithgow, when he told her what he was doing.

It's a drama based on the Gnostic Gospels, Lithgow said.

Karen came back to the bar with the two gay men.

We're going out, she said to Lithgow. Will you still be here later?

Probably.

Where are you going? Samuel asked. He looked distressed.

We're going down the street to play pool, Karen said. Why don't you stay here and talk to Lithgow? Lithgow is an economist, you know.

We were talking about the Gnostic Gospels, Lithgow said.

Why hasn't God forgiven Satan? Karen asked. His prodigal son? She turned toward the door without waiting for an answer.

Samuel watched them leave. I'm afraid she'll stop in every

bar, he said to Lithgow. No telling what kind of trouble she'll get into.

Why don't we go to Blimpie on Sixth Avenue? the pale woman asked Samuel.

Lithgow stayed at The Delphic Oracle until closing, but Karen did not return.

The next morning was Saturday, and Lithgow slept until noon when he was awakened by the phone. It was Karen.

What are you doing? he asked.

There is nothing to do but make a joyful noise. I was calling because Samuel and I are going to have dinner at Cozy on Amsterdam at 5:45. Why don't you join us? Afterward maybe we can go to The Delphic Oracle and have Rolling Rocks or whatever.

Okay, he said, where are you now?

I am currently at the Helmsley Hotel with Freddy, she said.

Who is Freddy?

He is a rock singer who has several gold records. I sang for him. He says I have a pretty good singing voice, but it needs some work. Last night we made a tour of the drug scene in Harlem.

You've been up all night?

I want to experience what the children are experiencing. If they're shooting up, I want to shoot up. If they're smoking crack, I want to smoke crack.

Be careful, Lithgow said. It was the only thing he could think of to say.

How can anyone be careful when there is death all around? She hung up.

Lithgow showered and dressed and was making coffee when Karen called again.

Something's come up, she said. Samuel and I won't be going to Cozy after all. I apologize. Will you be at The Delphic Oracle later? I just want to spend time with cool cats who know how to hang out and stay calm and have a good time. Do you know what I mean?

Maybe I'll see you there, Lithgow said.

Karen came into The Delphic Oracle at eight. She was wearing a Cleveland Indians T-shirt and baseball cap. Her face was covered with red makeup and she was wearing dark glasses. She said she had been doing coke all night with Freddy.

And I didn't sleep with him, she said vehemently.

I didn't ask, Lithgow thought. Why is she telling me this?

I'm just trying to get the rock music industry to focus on the starving children, she said. Live Aid — what was that? One day, one week. That isn't shit.

Come, and I'll introduce you to my friends, Lithgow said.

Later, she said. I have to go out. But I will come back and we can have dinner.

It was a hour or two later before Karen returned. The cap and dark glasses were gone, and she had changed her T-shirt. All that remained of the Cleveland Indians outfit was the red makeup still smeared over her face.

She slammed a manila folder down on the counter twice. This city is filled with nothing but hypocrites, faggots, and whores, she said to the bartender — the one she had visited in Rome.

The bartender looked at Lithgow. Sounds pretty accurate to me, the bartender said.

Lithgow opened the folder. Inside was a letter to George Bush. It was about world hunger.

What do you think of Karen's crusade? the bartender asked Lithgow.

I don't believe in crusades. My first responsibility is to take care of myself, so I won't be a burden to other people.

Can the children take care of themselves? Karen asked.

I don't believe in fighting evil. The universe disposes of its own evil. I think I read that in *Dr. Sax*.

It's disposing of the children. Are they evil?

You are controlled by what you love and what you hate. But hate is the stronger emotion. Those who fight evil take on the characteristics of the enemy and become evil themselves.

Would you just read the fucking letter? Karen demanded. Read it out loud so everyone can hear.

Lithgow read the letter silently and then replaced it in the folder. Someone was playing Streets of London on the piano.

Would you like to dance? he asked Karen.

No, she said. But after a moment she changed her mind.

Aren't I a good follower? she asked.

Yes.

Isn't anyone going to cut in? I want to be had by all the men at the bar.

Lithgow looked at the bar. Anyone in particular? he asked.

That one, she said, pointing to a man with a long blond ponytail.

They returned to the bar, but the man with the ponytail was not interested in talking to Karen.

Lithgow was at The Delphic Oracle the following evening when the bartender passed him the phone. Karen seemed to be speaking with her head turned.

Ready to go? The brothers are ready? They want to see the children fed?

Now the voice came through distinctly.

We're having a demonstration. A midnight vigil before the U.N. Food riots are happening all over the world. We're going to hold all things in common. You want to come to 42nd Street and join us?

He didn't. But what he said was: Maybe.

continued on page 67

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Reviews

***Dead Right*, by David Frum. Basic Books, 1994, 230 pp., $23.00.**

Blunder on the Right

Paul Piccone

Hardly over, the 1994 elections are already being heralded as the end of the Clinton era and a new beginning of right-wing hegemony in American politics. When all the dust settles, however, the Republican leadership is unlikely to have much of an alternative to offer. 1994 will probably be remembered more as a resounding rejection of the Clinton administration than as the unqualified triumph of Newton Gingrich and his gang.

In fact, the victory was made possible only by the Republicans' strategy of turning what historically has been an electoral contest concerning largely local matters into a national referendum on an immensely unpopular Democratic administration. Successful as it may have been, this was no conservative strategy. It simply extended the statist trend of nationalizing all politics and disempowering localities (at a time when such a move would have and in fact did benefit Republican interests), thus setting the stage for an increase rather than a decrease in central authority and more rather than less government. Even the main Republican P.R. document, the "Contract With America," exhibits none of the standard conservative tenets. There is no call to end "affirmative action," which has almost single-handedly destroyed American higher education; there is no reference to subsidiarity, the principle of devolution of governmental functions to their lowest possible unit, or to federalism, the privileging of localities in restructuring governance. The Contract's main objective seems to be nothing more than a minor rationalization of existing practices — even though some of their plans, such as "welfare reform," are in principle impossible without any major reconstitution of governing institutions.

This is not the first time Republicans have managed to defeat their Democratic opponents by deploying the very strategies they otherwise deplore. The Reagan success a decade and a half ago was predicated precisely on such a gambit. These Pyrrhic victories, however, end up delegitimating rather than advancing conservative objectives. This is one of the main points of David Frum's well-written and well-argued book, *Dead Right*. In the midst of all the Republican euphoria, Frum's book stands out as a reminder to conservatives that winning is not enough, unless victory is based on sound principles. Worse yet, Frum argues, the conservatives' opportunistic borrowing of the opposition's strategy betrays something more ominous: the embarrassing extent to which the conservative emperor may have no clothes and the unlikely prospects of finding some new ones anytime soon.

As an evaluation of the Reagan years from the viewpoint of an insider committed to the cause, Frum's account is devastating. His short but brutally honest history of the 1980s carefully documents the high price conservatives have had to pay for their success during the Reagan and the Bush years: a *de facto* repudiation of their most cherished principles. Frum does not mince words: "through the 1980s, the conservatives failed to do their job" (p. 38). All the rhetoric concerning cutting government spending was shipwrecked on the hard rocks of massive deficit spending: "Ronald Reagan's two administrations piled up more debt, in inflation-adjusted dollars, than Roosevelt and Truman had incurred to win World War II. In just four years, George Bush accumulated three times more debt (again adjusting for inflation) than Woodrow Wilson had taken on to fight World War I" (29). As a result — as the blurb on the cover bluntly puts it — after twelve years of Republican tenure of the White House, "Government is bigger, taxes are higher, family values are weaker."

The problem is not merely one of practical political necessities taking priority over philosophical principles. Frum's analysis of the 1992 Republican Houston convention clearly shows how efforts to appeal to a broad, heterogeneous constituency watered down and marginalized whatever principle might have distinguished the Right and the Republicans from the Left and the Democrats. When it was time to vote, it simply came down to charisma, and Clinton turned out to have more of it than Bush. The 1992 Clinton victory brought to an appropriate end a sad failure in reversing a statist trend in American politics.

According to Frum, the problems did not begin with Bush: there was a massive failure of nerve very early on within the Reagan administration, resulting in a statist involution and,

eventually, massive failure. Reagan's success had been predicated all along on a "no fault" implementation of the conservative agenda. Unlike Goldwater a generation earlier, the Reaganites never meant to roll back government, but simply to rationalize it: "Reagan promised in 1980 that no needy person would lose any benefits under his administration" (34). He kept his promise: "Federal spending rose by an average of 2.75 percent a year after inflation during the Reagan administration" (39). While most of the growth was in the military, it still represents a significant retreat from conservative principles.

This is not the first time Republicans have managed to defeat their Democratic opponents by deploying the very strategies they otherwise deplore.

Aside from the conservative leadership's failure of nerve, Frum documents an even more fundamental flaw much more difficult to rectify. Over the years, much of the so-called conservative movement had itself become addicted to the statist narcotic and would have balked at the kind of reduction of spending necessary for the kind of substantive difference the more doctrinaire conservatives wanted. Rather than confront opposition within its particular constituencies, the Reagan administration simply rolled with the punches and expanded the despised welfare state policies it had originally promised to roll back. Even in areas where conservative therapy could have been carried out swiftly and relatively painlessly, as in the elimination of affirmative action through simple executive action, Reagan did not dare do anything. He allowed existing measures to stand, no matter what debilitating consequences they entailed. Frum quotes a 1993 study to the effect that "the direct, indirect, and opportunity costs of affirmative action denied the U.S. economy 4 percentage points of potential gross national product every year" (72), not to mention its even more devastating impact on higher education, meritocratic principles, and institutional rationality in general. Frum's indictment of the conservative predicament is devastating. Not only has there been a leadership failure and a corruption of the rank-and-file, but there does not seem to be anything in particular that the conservatives now stand for. His meticulous analysis of Barbara Bush's speech at the Houston convention convincingly drives home the point that even the rhetoric of "family values" had long since been compromised into meaninglessness.

The only redeeming feature in such a situation is that the opposition is in even worse shape. Whatever the shortcomings of conservative politics, they cannot be remedied with standard liberal politics. The most pathetic outcome so far of the 1994 election has been the Clinton administration's abrupt redirecting of its agenda to accommodate the worst features of the Republicans' ersatz remedies (such as his willingness to negotiate concerning school prayer and his irresponsible call for a demagogic middle-class tax cut — fiscally irrelevant from the viewpoint of the recipient, but significant in further burdening an already strained budget).

Unfortunately, Frum has no idea where to go. The book ends with a call for conservatives to bite the bullet: "practice honesty, and pay the price" (205). Conservatives need to do what their predecessors did in the 1950s, to lead "by discarding all considerations of what the public wants to hear, and telling the public what it needs to know to respond intelligently when the crisis does arrive" (200). But what if conservatives have forgotten what it is that they are meant to conserve? What if all the instinctive revulsion at welfare state policies and further state expansion does not amount to any coherent alternative philosophy?

Then the conservatives will probably end up behaving exactly the way they did in the 1980s and in 1994: aping the Democrats while demagogically trying to appeal to the most desperate constituencies.

Is there any clearly identifiable conservative tradition able to provide an alternative vision, one that could translate into a program of political reconstruction? Frum is skeptical: "Conservatives have never had much use for the utopian or the visionary" (204). Even when, having given up on reducing government, conservatives focus on the cultural arena, there is nothing very explosive they can fall back on. The emphasis on "bourgeois values" does not sufficiently distinguish them from the liberals and, at any rate, they no longer seem very appealing in a context that presents very few risks. Thus the future looks bleak indeed: more of the same.

Not surprisingly, Frum's obligatory survey of the factions constituting the current conservative front adds up to a haphazard bunch unable to agree on much of anything. The neoconservative "optimists" are ex-liberals who have lost none of their bad habits and now simply recycle them as conservative virtues. The equally neoconservative "moralists" are not much better off, seeing decline as a result of elite betrayal. Similarly, the "nationalists" (the old conservatives rallying around Buchanan) and the religious Right do not seem able to threaten anyone, nor have they generated any program able to appeal beyond their narrow constituencies.

This part of Frum's analysis is also one of the weakest. Focused too close on Kemp, Bennett, Buchanan, and the fundamentalists, the divisions are too personalized and their resulting wooden character does not explain even the internal differences within the Republican Party. Paul Gottfried's alternative typology in *The Conservative Movement* makes much more sense and throws much more light on the internal dynamics of conservative politics. Distinguishing neoconservatives from paleoconservatives, libertarians, and the New Right allows a better understanding of what is at stake within the conservative ranks — and helps locate possible domains of ideological reconstruction. After all, if liberalism really is in a state of terminal exhaustion, a concrete alternative might have to come out of the internal conflicts of the only potentially viable opposition.

Much of the so-called conservative movement had itself become addicted to the statist narcotic.

If the main internal division within the conservative movement is paleoconservatives *vs* neoconservatives, it may be possible to envision a somewhat brighter future. Frum notwithstanding, it is the vision of the future that defines the nature of the past. Thus, conservatives are defined less by what they want to conserve than by what they want to see "restored." Here paleoconservatives cannot be reduced to mere "nationalists." In fact, many of them are *federalists* concerned more with defending a specific culture than with safeguarding particular borders. Unlike the neoconservatives, they have never really given up on a project of drastic governmental reduction. The paleoconservatives have a much more definite sense of what society should be like: they remain committed to individual responsibility and have a more rigorous understanding of American culture.

Frum dismisses the paleoconservatives (the "nationalists") as a bunch of multiculturalists intent on defending what their Left opponents identify as white, middle-class, Eurocentric values. But their defense of American culture cannot be reduced to any of its particular subcultures. American culture provides the metacultural framework within which the very concept of "multiculturalism" receives its particular meaning. After all, where does the U.S. Constitution come from? If pluralism is not a natural attribute of all cultures, from which particular cultural context did it develop as a value? Even multiculturalism is conceivable only within a cultural framework where fundamental values have already been objectified into an institutional arrangement strong enough to allow particular subcultural elements to thrive within it. Such a metacultural framework is "the American model," which cannot be subsequently reduced to any of the subcultural species it tolerates and actually encourages. So the vindication of a particular American culture is not the same as defending Kwanzaa or matzoh balls within some sort of cultural rainbow. Rather, it has to do with those more general climatic conditions that make rainbows possible. This may be the forgotten core of American conservatism.

What defined Americans as a people was the colonial experience and the need within that experience to safeguard cultural particularity and political autonomy. Americans were Protestants, but also cast-offs unable to fit into the predominant European orthodoxies. The original federal system spelling out the country's fundamental values objectified these Protestant values into a political system predicated on individual responsibility, participatory politics, and religious autonomy. The U.S. was not created as a unitary "nation" to be homogenized by a central government enacting laws and regulations to that effect — that is to say, it did not follow the standard European national model — but as a federation of *particular* communities willing to give up only as much autonomy as absolutely necessary for unity (*e pluribus unum*). The U.S. was multicultural from the very beginning, but not in the current abstract and relativist sense. It sought to guarantee the particularity of territorially defined communities seeking to identify themselves on the basis of their cultural specificity. This is the

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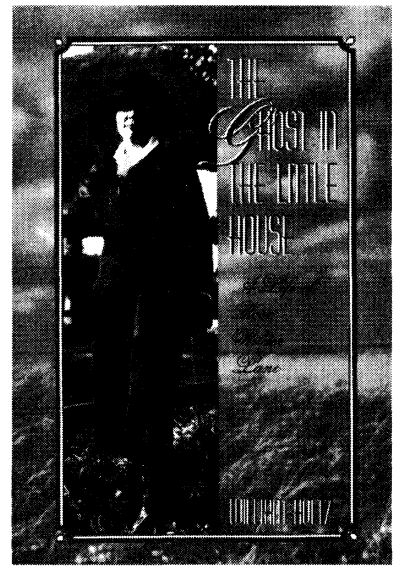

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essence of American individualism and character.

If this traditional dimension constitutes the paleoconservatives' core, then conservatism may not be, at least in the long run, as bankrupt as Frum thinks. The defense of a broad set of paradigmatically "American" traditions predicated on local autonomy, individual responsibility, non-statist communitarianism, participatory democracy, and other individualist values remains essential, and these particular traditions are still able to generate a concrete political alternative to the existing state of affairs. It does, however, call for something considerably stronger than the Contract With America, demagogic calls for enforcing school prayers, and ritualistic appeals to evanescent "welfare reform." Here the vindication of local and autonomous federal units is essential. Why do tax dollars have to go to Washington first, to be diminished by bureaucratic redistributions (and the funding of an immense and expansive redistributive bureaucracy), to come back down to localities with particular mandates as to how to spend them? Why is it necessary to have Washington decide what is "appropriate" housing, education, welfare, etc.? Why is it not possible to redistribute existing bureaucratic functions away from Washington and back to the states, counties, cities, and villages? Whatever happened to democratic control? At a time when everyone knows that Washington does a bad job, why not call for radical decentralization?

Unlike Goldwater a generation earlier, the Reaganites never meant to roll back government.

The myth of centralization has long been exposed as a political fraud. The assembly line was not cheaper, more efficient, and more rational. Rather, it was an excellent way to impose a mode of political domination for the enrichment of a few.

The most long-lasting implications of the collapse of the U.S.S.R. — the discrediting of the superiority of the "central plan," the decline of "modernity," and the almost universal acceptance of market mechanisms as the only rational mode of resource allocation — has also affected liberal bureaucratic centralism. It is becoming increasingly clear that what the libertarians have been claiming for more than half a century was absolutely correct: Washington is only a less developed version of the same centralized system that has so thoroughly devastated the U.S.S.R. and Eastern Europe. Today, the U.S. federal government may need shock therapy even more than Romania and the Ukraine. So why aren't conservatives calling for it? Why is there no mention of it in the Contract With America? Why aren't mediational institutions, such as churches and other voluntary associations, called on to perform their historically democratizing role as informed constituencies able to participate in that process of consensus formation presently mediated by special interests (the most powerful of which is usually the federal government itself)?

Although there are no documents outlining any particular "conservative" program, it is certainly not difficult to list the sort of necessary components that would be part of one. Frum himself fulminates against so much current waste, irrationality, and duplicity that any short list of what he implicitly proposes as alternatives could function as a rational conservative program. The bitter truth is that such a program would strike at so many conservative constituencies as to make it a non-starter. When all is said and done, Frum is right in locating the conservatives' Achilles' heel in the complacency that has penetrated even the most orthodox conservative groups, none of which are likely to stand for measures that would reduce what they presently receive as benefits — Medicare, Social Security, educational subsidies, etc. Even if it is clear that much of this could be delivered cheaper, more rationally, and more efficiently at a local level with local means, no one is likely to risk losing what is already available.

The solution to this quandary will not consist of developing a new and improved Contract With America, nor in devising more of the gimmickry that kept Reagan popular for so long. Rather, it will be a function of the gradual unfolding of what the Frankfurt School half a century ago identified as the "Dialectic of Enlightenment" — the growing irrationality of efforts to rationalize in the absence of a supervising subjectivity. Only by restoring a legitimate moral authority at a level accessible to all — the local community — will it be possible to tackle problems such as illegitimate teen pregnancies, crime, and lack of education. But moral authority does not operate in a vacuum: it needs access to legitimate power and self-determination in order to be effective. Here is where a rigorous program of refederalization may have an impact. Real communities based on stable kinship groups and long-standing traditions are the surest guarantees for autonomous individuality, responsible citizenship, and a meaningful existence not tied to the superficial pleasures of consumerism.

This is what Frum means, in the closing pages of his book, when he calls on conservatives to forget about immediate success at the price of principles and instead develop a perspective necessary for the long haul. Such a strategy will probably not win elections next year, but it will help reinstate conservatism as a serious pole in future political discussions. Here conservatives may run into surprising allies. The same Old Left that once sought economic justice in the central plan has realized all too well the error of its ways. Far from guaranteeing economic justice, the plan introduced relations of domination even more pervasive and difficult to eliminate than those imposed by capitalism. But where can this Old Left go to find satisfaction once it gives up on the plan? The communitarian option becomes increasingly attractive.

The conservatives will probably end up aping the Democrats while demagogically trying to appeal to the most desperate communities.

Already, during the NAFTA and GATT debates, it became normal to find paleoconservatives and Old Leftists on the same side, fighting to defend local jobs, community, and traditional institutions. Aside from the possibility that such a struggle may have been mis-

directed, it is clear that a new similarity of interests tends to bring together old enemies, now that the mystification of immediate economic salvation is no longer taken seriously.

And who are the new enemies of this unlikely alliance? Here Bill Clinton and Newt Gingrich suddenly join ranks. Along with the new class of technocrats, administrators, rationalizers, and other "experts" tucked away in the myriads of Washington bureaucracies, professional politicians thrive on the pretense that their knowledge, skills, and expertise can best decide what needs to be done, away from direct democratic control and legitimated only by a coterie of like-minded colleagues.

Frum may be right: given its disgraceful record during the Reagan and Bush administrations and the demagogic character of the post-1994 Republican Party, the Right may well be dead. Its legacy, however, still shows signs of life. Conservative virtues may yet be resuscitated within new modes of political oppositions that have not yet found institutional expression. ❑

***Who Stole Feminism? How Women Have Betrayed Women*, by Christina Hoff Sommers. Simon & Schuster, 1994, 319 pp., $23.00.**

She Said, She Said

Jesse Walker

When Christina Hoff Sommers' *Who Stole Feminism?* was published last year, the ensuing debate followed the same course as most disputes over politically controversial books. One side proclaimed it a brave exposé of an entrenched feminist establishment. The other denounced it as a right-wing assault on the gains of the women's movement. And almost everyone ignored the author's point.

Sommers argues that "equity feminism," which she likes, has been overshadowed by "gender feminism," which she does not. The former is a liberal movement for social and political equality; the latter is a cult of victimization, built on a foundation of New Age jargon, mod multiculturalism, and bad science. Sommers' dichotomy is an oversimplification, but it is a useful oversimplification. It raises important issues about what feminism is and what it has accomplished — issues most pundits apparently prefer not to discuss.

Most of *Who Stole Feminism?* is a critique of the studies and statistics gender feminists have used as scientific support for their ideology. Some of this research, such as the American Association of University Women's 1991 study of girls' self-esteem, is almost self-refuting; Sommers had to spend more time trying to get her hands on the AAUW's data than she did showing how it contradicts the results the AAUW claimed. The Wellesley report on discrimination in education is also rather easily refuted, as are Sheila Kuehl's claim that 40% more women than average are battered on Super Bowl Sunday and Naomi Wolf's assertion that 150,000 women die of anorexia each year. Other research has more value: while the *Ms.* Report on rape on campus draws some dubious conclusions, the data it gathers is not in itself useless.

Sommers has won the statistical debate hands down. The proof of this lies in the kind of criticism her book has drawn: there has been a lot of carping over trivial errors, such as Sommers' misstating the date of the 1993 Super Bowl, but little effort to defend the statistics under attack. I noticed a few more insignificant mistakes in the book (e.g., a few references to NPR as "PBS radio"),

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but few substantial factual errors.

The most troubling inaccuracy, if that's the word, is Sommers' simplistic summary of the philosophy of Michel Foucault, who she portrays as proto-totalitarian. It is difficult, of course, to sum up Foucault's thought in a few paragraphs, especially when one considers how much his worldview evolved, from neo-Marxist to left-anarchist to quasi-libertarian. But then, it's unclear to me why Sommers tries to summarize his ideas at all.

Sommers argues that Foucault was a key influence on two popular and influential gender-feminist books, Susan Faludi's *Backlash* and Naomi Wolf's *The Beauty Myth*. But she concedes that Faludi never acknowledges any debt to Foucault, and that his only appearance in *The Beauty Myth* is in the bibliography. Sommers believes his influence is there nonetheless, since both Faludi and Wolf write about invisible power structures, a favorite theme of Foucault's. She buttresses her case with a quote from Faludi: "The lack of orchestration, the absence of a single string-puller, only makes it harder to see — and perhaps more effective. A backlash against women's rights succeeds to the degree that it appears *not* to be political, that it appears not to be a struggle at all. It is most powerful when it goes private, when it lodges inside a woman's mind and turns her vision inward, until she imagines the pressure is all in her head, until she begins to enforce the backlash too — on herself" (p. 232).

But this is an idea much older than Foucault. It is the old Marxist notion of false consciousness enforced by an ideological superstructure. Sommers' half-baked critique of Foucault only distracts the reader from a more important point: that Faludi seems unwilling to believe someone might make a decision she disapproves of without being brainwashed by the patriarchy. For Sommers, this disrespect for individual women is a key difference between equity feminists and gender feminists — bringing us back to the advantages and disadvantages of that dichotomy.

One disadvantage is the sheer size of the two categories. The equity feminist camp includes libertarians whose political goals are limited to establishing equality before the law and a woman's right to control her own body, liberals who would have the government ban private sexual discrimination, and socialists with an even broader agenda. Gender feminists are even more varied. Some would have the government pay women for housework; some would have women stop doing housework; some would return *all* work to the home. Some claim that women are naturally more "nurturing" and "lateral-minded" than men; others believe virtually all sexual differences are socially constructed. Some are willing to ally themselves with the religious Right; others hate the idea. Some love Foucault; others ignore him; others, *contra* Sommers, despise him. One of the commonest complaints reviewers have raised against this book is that it paints gender feminism as more ideologically unified than it really is. They have a point.

Of course, the great differences within the animal and plant kingdoms do not prevent us from distinguishing animals from plants. Splitting the women's movement in two isn't a bad idea; it allows Sommers to point out the most important ways the academic Left has betrayed feminist ideals. But there are subtler distinctions to be made within each camp. By ignoring them, Sommers has given feminists an excuse to ignore her critique.

Another potential problem is the blurry boundary between the two groups. One might think Katha Pollitt should be classified as an equity feminist. After all, she wrote "Are Women Morally Superior to Men?" (*The Nation*, December 28, 1992), as well-argued an attack on Carol Gilligan's "difference feminism" as I have ever read. But she only appears in *Who Stole Feminism?* to be attacked for her defense of the *Ms.* Report's rape statistics. And Sommers ignores those pro-sex, anti-censorship, individualist feminists who nonetheless espouse a radical critique of society, such as Susie Bright and the iconoclastic publishers of *Bad Attitude* and *On Our Backs*. These women are hardly part of the equity mainstream, but they aren't MacDworkinite collectivists, either. Sommers' dichotomy has no room for them.

All this may seem to be beside the point. So what if I can list some aberrations from Sommers' model? Her point still stands, doesn't it? The noble movement for women's equality *has* been stolen by a bunch of P.C. nuts, right? Well, yes — but theft works both ways.

In her preface, Sommers cites a 1992 *Time*/CNN poll in which 57% of women said they think America needs a strong women's movement, but 63% refused to characterize themselves as feminists. This trend is replicated throughout our society: the great majority of Americans now believe that women should have the same legal rights and social opportunities as men, but only a minority will adopt the "feminist" label.

As recently as 1980, most anti-feminist rhetoric was frankly patriarchal: women, we were told, should stay in the home. Period. Today, challenges to feminism almost always come from maverick feminists — Katie Roiphe, Camille Paglia, Sommers herself. Phyllis Schlafly has moved on to more winnable culture wars, and George Gilder is busy building shrines to the microchip. The "post-feminist" wave of a few years ago — women deciding they might prefer husband and hearth to career — was just that: *post*-feminist. There was no attempt to destroy a woman's right to choose to pursue a career; many women simply decided that they would prefer to exercise that right by turning wage-work down. The choice itself was never under dispute.

Opponents of Sommers' book like to point out that it was partially financed by the neoconservative Bradley, Carthage, and Olin foundations. The critics' intent is to imply that Sommers, a self-proclaimed feminist and a registered Democrat, is actually a closet conservative. Few stop to consider whether they've got it backwards — whether today's conservatives are actually closet feminists.

Consider two events at the 1992 Republican convention, remembered in political folklore as an assembly of unadulterated reactionaries. One was Marilyn Quayle's speech, in essence a discussion of balancing family and career. *This was a feminist speech.* If you doubt that, ask yourself how it would have played at the Republican convention of 1972.

The other was Pat Buchanan's address, a cannonball blast against Pat's opponents in the culture wars. At one point, turning his fire on the environmental movement, Buchanan related the story of a woman he'd met who had lost

her job because of environmental regulations. Left-liberals watching the speech on TV were probably too busy seeing red to notice that the most right-wing candidate for the Republican nomination had just complained that *a woman had lost her job.* Could you imagine Pat Robertson doing that?

Buchanan is no feminist, of course. And that's just the point. Basic feminist precepts have wormed their way so far into our society — so far into what the vast majority of us think is right and just — that Pat Buchanan simply didn't notice the implications of what he was saying in Houston in 1992.

From the gender feminists' point of view, their fortified Ovary Tower is an embattled liberated zone, a safe space surrounded by a swamp of sexism. In fact, it is just another bureaucratic niche.

These cultural changes have been accompanied by a dizzying economic shift. Most feminist activists think of the 1980s as a disastrous decade in which the gains of the '70s were attacked and often reversed. The statistics Sommers has gathered belie that claim. The wage gap — the difference between men's and women's salaries — narrowed steadily from 1980 to 1989. In the '60s and '70s, women made about 59% of men's salaries. By 1990, they made 72%. This figure includes marginal older workers; exclude them, and the picture grows rosier still. Younger women "now earn 80 cents for every dollar earned by men of the same age" (239). The bulk of this progress took place in the vilified 1980s.

In 1970, 41% of college students were women; by 1992, the figure was 55%. In 1970, 5% of law degrees were granted to women; in 1991, 43% were. Sommers quotes Diane Ravitch of the Brookings Institution to show how far women have moved toward professional equality: "in some [fields], such as pharmacy and veterinary medicine, women have become the majority in what was previously a male-dominated profession" (238–239). This progress took place throughout the 1970s — and the 1980s.

This is not meant as an argument for the Republicans. Reagan's reign simply proves it's possible for significant social change to take place even during a hostile administration's watch. What has happened to American women in the 1980s and '90s is not a *political* change, in the sense of a changing of the guard atop our governing institutions. It is social, economic, and cultural change — change in the way millions of individuals are living their lives and viewing the world, change that goes much deeper than anything the state could impose. One might reverse the Susan Faludi quotation cited earlier: "The lack of orchestration, the absence of a single string-puller, only makes it harder to see — and perhaps more effective. Feminism has succeeded to the degree that it appears *not* to be political, that it appears not to be a struggle at all. It is most powerful when it goes private, when it lodges inside a person's mind." This is not to deny that there were and are important political battles to fight and win. But the most important battles are taking place, not in legislatures or courtrooms, but in our day-to-day lives.

Which goes a long way toward explaining the anger Sommers' book has inspired. *Who Stole Feminism?* is more than an attack on a particular brand of feminism or a particular group of feminists. There is feminism, and then there is Feminism; there are feminist doctrines, and then there are feminist institutions. Sommers has undermined the latter.

While women made these incredible gains, gender feminists spent their time accumulating power in government and the academy. From the gender feminists' point of view, their fortified Ovary Tower is an embattled liberated zone, a safe space surrounded by a swamp of sexism. In fact, it is just another bureaucratic niche, as the stories in Sommers' book make clear. There is an irony here. Here is a movement that prides itself on its opposition to "male" hierarchy and "vertical thinking," but has found the male-dominated vertical hierarchies of the university more congenial than the chaotic, lateral sea of civil society.

So the distinction between equity

THE RIGHT GUIDE 1995

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and gender feminists is a useful one, especially for those of us who would like to be able to identify ourselves as feminists without running the risk of being mistaken for a crypto-Stalinist. But more significant, I think, is the distinction between those whose respect for human dignity draws no distinction between male and female, and those who are still hung up on the gender divide. The first category includes a lot of people who shun the feminist label; the latter includes quite a few who wear it on their sleeves.

Optimism is out of style, I know. And it's true that the revolution is not yet complete: abortion rights are under attack; some wage discrimination persists; rape and battery are still pressing social problems. But the fact remains: when it comes to sexual equality, the world has been steadily improving.

Feminism is winning — despite the feminists. ❑

***Dictatorship of Virtue: Multiculturalism and the Battle for America's Future,* by Richard Bernstein. Knopf, 1994, 367 pp., $25.00.**

The Sensitive Jacobins

David Boaz

Careful followers of the public debates over multiculturalism and political correctness may occasionally get the feeling that every list of P.C. excesses contains the same items, that maybe there have only been half a dozen such outrages on America's campuses, each one recycled endlessly by Dinesh D'Souza, George Will, and Rush Limbaugh. Richard Bernstein's *Dictatorship of Virtue* will be valuable to such readers, because it offers a plethora of P.C. stories large and small that will likely be news even to the best-informed reader:

- In Brookline, Massachusetts, the public high school decided to eliminate its celebrated and demanding advanced placement European history course because it was "incompatible with multiculturalism."
- At Hans Christian Andersen Contemporary Schools in Minneapolis, a fifth-grade social studies teacher says that she wants students to come away from her class knowing four American historical figures, all black: Crispus Attucks, Sojourner Truth, Harriet Tubman, and Frederick Douglass. Pressed, she adds Tecumseh, but says "it wouldn't be traditional white heroes" like George Washington.
- At Dallas Baptist University — yes, Dallas Baptist — an untenured professor of sociology and the dean who defended him were both dismissed after the young professor gave a talk critical of feminism.

According to Bernstein, a *New York Times* reporter, the noble idea of civil rights and multiculturalism has been perverted into "a dictatorship of virtue." As in the French Revolution, which "skidded from the enlightened universalism of the Declaration of the Rights of Man and Citizen into the Committee of Public Safety and the Terror," the multiculturalists — like Robespierre — have become so sure of the rightness of their cause that nothing, not reason or privacy or civilized debate, must be allowed to stand in its way.

Bernstein makes a strong case that multiculturalism has metamorphosed from an attempt to make American society and especially the academy more inclusive into "a cult [with] no differing points of view" and a mandatory attitude toward the politics of race and gender. He argues that an elite generation of '60s rebels who "see the United States, its role in the world and its record in history, as more tainted by iniquity than infused with good" have won a "secret victory" by becoming the very establishment they once criticized. "The victory of ideological multiculturalism is not in the numbers or in the polls, because there it would always lose. It is in the penetration of the new sensibility into the elite institutions, in the universities, the press, the liberal churches, the foundations, the schools, and show business, on PBS and *Murphy Brown,* at Harvard and Dallas Baptist University, on editorial boards and op-ed pages, at the Ford Foundation and the Rockefeller Brothers Fund, the National Education Association, the American Society of Newspaper Editors, the National Council of Churches, and the Pew Charitable Trusts."

The multiculturalists have won, he says, "but their victory depends on their declining to claim it. . . . They thrive by maintaining the fiction that they are nothing but small voices struggling to be heard," even as students are hauled before star chambers and professors are told to get psychotherapy to cure them of their insensitive ideas. In the end, though, Bernstein concludes, "the multiculturalist fortress is empty." If conservatives and liberals fight back, the dictatorship of virtue can be replaced by a traditional but increasingly inclusive American system of reason, science, liberty, academic standards, and genuine pluralism.

The multiculturalists have won, Bernstein says, but their victory depends on their declining to claim it.

Bernstein's book seems not to have sold well, apparently because liberals don't want to hear about the P.C. problem and conservatives don't need a liberal reporter from the *New York Times* to tell them about it. Bernstein has fallen prey to the most unfortunate fact about bookselling in the United States: that people only buy books they expect to agree with by authors they like. ❑

John Cage: composer, writer — and athlete?

I Saw John Cage at Madison Square Garden

Richard Kostelanetz

For many fans of competitive running and jumping, the annual Millrose Games is the apex of the New York City indoor track season; for me, it is the epitome of nonhierarchic, noncentered Cagean performance. The floor of Madison Square Garden, essentially a basketball court and hockey rink some 60 yards by 20, is covered with a four-lane wooden track that runs circularly along the edge and is drastically sloped ("banked") at its narrow ends to compensate for sharp turn-to-reversal. Whereas the standard outdoor track is 440 yards long, requiring four laps to a mile, the Garden's is approximately 150 yards long, requiring eleven laps to the mile. Inside the track is paraphernalia for the pole vault, the high jump, and the long jump, as well as another, straightaway track for the 60-yard dashes and hurdles. The events begin promptly at 5:45 p.m. with a series of relays, and continue past 10:30 p.m, with no clear break for roughly five continuous hours. Incidentally, five hours was the length of Cage's greatest theatrical creation, *HPSCHD* (1969), which likewise took place in an indoor sports arena (Assembly Hall at the University of Illinois).

What first of all marks the Millrose Games as Cagean performance is that two and often three events occur simultaneously. While runners go around the main track, pole vaulters and jumpers are flinging themselves to various heights and distances. This means that spectators must constantly choose where to look. More than once I heard some members of the audience cheering something that had completely escaped my attention. Curiously, the announcer describing the running is not the same man identifying the pole vaulters, which means that the voices sometimes interrupt each other. More than once I saw a pole vaulter in mid-air about to execute his concluding moves over the crossbar just as the starter's gun coincidentally sounded. In its diffusion of spectator attention, the Millrose Games resembles the traditional American three-ring circus — which, incidentally, also takes place in Madison Square Garden later in the spring. The three-ring circus was always an esthetic ideal for Cage (exploited and compromised though it was by the Rolyholyover exhibition, which was subtitled "A Circus" though it scarcely was).

What also makes the Millrose Games Cagean is the abundance of participants within an absence of hierarchy. The same indoor track hosted a wide variety of men's and women's 1,600-meter relays, with teams representing local universities, Ivy League universities, public high schools from each borough and from the suburbs, Catholic high schools, local club teams, and "masters" teams (limited to runners 40 years and older). One of the more amusing races, "Chemical Bank Women's 4x400 Meters Indoor Challenge," pitted the Board of Education's team against Memorial Sloan-Kettering, Citibank, IBM, and the FBI. (IBM won, while the FBI finished fifth, apparently amicably. The parallel male race was won by the Board of Education.)

This was the same track on which some of the meet's stars ran — Marcus O'Sullivan in the Wannaker Mile, Hassiba Boulmerka (an Olympic champion) in the Women's Mile, Reuben Reina in the 3,000 meters, Maria Mutola in the 800 meters, Mark Everett in the 800 meters. Also here, before the same audience, was the High School Boys' Solo One-Mile Run, the women's equivalent, a 400-meter race, a 500-meter race, 3,200-meter relays, etc. — all of them staged with roughly an equal amount of fanfare. Of the total of 44 events, 36 were run on this track. One could identify with the thrill for a young person (or even a master) running on the same boards trod by a world-class star only a few minutes before or after.

(Some runners barely negotiated the banking, for which they lacked experience; it was both sad and amusing to see amateur runners losing their balance around the turns. One fell flat on his stomach, his forward force propelling him up all the way to the track's outer edge.)

I've written elsewhere that the common mark of Cage's masterpieces, as distinct from his lesser pieces, is an abundance of disconnected activities. There is no doubt that the Millrose Games by most measures ranks among the most populous sports shows, with so many events within such a small space — and that this abundance is key to its esthetic quality. Though the newspapers and television networks covered only the competitions starring celebrities (most of whom did not win this year), I found the whole games superior to any of its parts.

The first time I saw the Millrose Games, I sat in the expensive seats, several rows from the edge of the track, but could not see the runners directly in front of me. Essentially, the slope of the Garden's seats is designed to make the center stage visible to all, while the space beyond the sidelines of, say, a basketball court can be seen only from the seats on the other side of the Garden. Since this design hides so much of the track directly below, spectators in front of us began to stand in order to see better, obscuring the entire scene. The surprise this time was that the cheapest seats, at the very top of the house, provided the best view, precisely because the greater slope angle up there enabled one to see more of the entire scene. No one ever stood up, except of course to move out of or into his seat. An anti-snob anarchist to his gut, Cage would have liked the notion of the cheapest seats being best.

What I mean to say is that the Millrose Games bear John Cage's theatrical signature, even though, in fact, he had nothing to do with them. ❑

Booknotes

Cato on NATO — Ted Galen Carpenter is the only serious strategic thinker left in Washington, as demonstrated by his latest book, ***Beyond NATO: Staying Out of Europe's Wars*** (Cato Institute, 1994, 180 pp., $18.95). The book calls for scrapping NATO and letting the U.S. military return to doing what it's supposed to be doing: defending the United States. —Leon T. Hadar

Relatively Speaking — If you're sick of hearing conservative critics whine about philosophers they've never read, but nonetheless have raised your eyebrows over some of the nuttier elements of contemporary thought, you'll appreciate James Harris' ***Against Relativism*** (Open Court, 1992, 228 pp., $54.95 hc, $19.95 sc). In this book, Harris (an actual philosopher!) provides capable critiques of Thomas Kuhn, Richard Rorty, Willard Van Orman Quine, Paul Feyerabend, Helen Longino, and other epistemological relativists.

Since I sometimes teeter-totter on the edge of relativism myself, this book was a useful reminder that I've been playing footsie with paradox. Kuhn, for example, cannot claim that his paradigm theory of knowledge is any more correct than Karl Popper's falsification theory because, if Kuhn is right, there is no standard for judging between them. And so on.

Harris' book may not be the final word on this topic, but it is a valuable addition to the debate. —Michael Levine

Bad Medicine — A comprehensive critique of this country's civil rights policies is long overdue. I had hoped that Byron Roth's ***Prescription for Failure: Race Relations in the Age of Social Science*** (Transaction Publishers, 1994, 392 pp., $41.95 hc, $21.95 sc) would be it. But while Roth has collected some important data, he is unwilling to stray far enough from the bounds of respectable thinking to draw the conclusions his data clearly implies — and some of the conclusions he *does* draw are just plain weird. For example, Roth writes that the "first and most important" way to reduce youth crime "is to enforce in a serious way the truancy laws that are currently on the books" (p. 252). He offers no solution to the crime wave that would sweep the public schools once the criminal class is rounded up and put into study hall.

Ultimately, Roth only wants to tinker around the edges — get the kids into the classroom, "reform" welfare, support "equality of opportunity" over "quotas." In short, rearrange the deck chairs on the Titanic, and perhaps the seating arrangements at the captain's table as well. I have a different plan: stop treating blacks (or anyone) as wards of the state, and instead treat them as citizens capable of running their own lives and their own communities. If they have children, allow them to make arrangements for their care. If they commit serious crimes, lock them away instead of "understanding their rage." If they aren't satisfied with the service at Denny's, suggest they try Shoney's. —Clark Stooksbury

Dead On — Ruth Rendell is, on the face of it, a writer of mysteries. But the bulk of her most recent crime novels do not rehearse the process of professional crime investigation; they instead explore the personal worlds of criminals, victims, and witnesses. She has developed several of her own formulae (most spectacularly under the well-known pseudonym Barbara Vine), which may someday qualify her as an important literary figure.

Her best books, I think, are *Live Flesh* and *Talking With Strange Men*, two novels with trendy themes. The former convincingly and chillingly fleshes out the standard theory of the psychopathology of the rapist. The latter is a clever, subtle thriller about child molestation, of all things. Her latest to hit American paperback racks, ***The Crocodile Bird*** (Dell Publishing, 1993, 374 pp., $5.99), shows that Rendell wears no politically correct blinders. It deals with a *female* serial killer who homeschools her daughter, and how this legacy of murder casts shadows on her daughter's life. The tension in this odd coming-of-age story derives from the implied *Bad Seed* theme: will the young woman take up her mother's hobby of casual murder?

The crocodile bird of the title is an animal with a fascinating ecological niche: it enters the willing jaws of the reptile and safely feasts off the decaying flesh lodged there. In this book the daughter plays the bird's role, but Rendell's faithful readers know that the label applies to them as well.

—Timothy Virkkala

X Offender — If you're only going to read one homoerotic political novel this year, make it Matthew Sandler's ***The Sex Offender*** (HarperCollins, 1994, 206 pp., $22.00). Part *Nineteen Eighty-Four* and part *Lolita*, Sandler's surreal tale follows a man through his government-imposed therapy for having an affair with a teenage boy; along the way, he gets involved with underground rebels and with the clandestine salon where the authoritarian government's officials get their faces worked on. (In this dystopian vision of Seattle, the government practices socialism with a happy face: officials' faces are carved up so they can look good for the people, appearance being everything.)

—Tom Loughran

Armageddon! — P.J. O'Rourke has carved out a distinctive niche as a writer. A conservative humorist, he writes books that are not just collections of articles but sustained think pieces about issues that interest him — yes, funny think pieces. The issues are almost always grim: recent titles include *Holidays in Hell* (his travels through war-torn countries) and *Parliament of Whores* (about the federal government).

His latest, ***All the Trouble in the World*** (Atlantic Monthly Press, 1994, 344 pp., $22.00), takes on the apocalyptic extremism that has been the rage over the past five or six years — all the scare stories you've heard about overpopulation, pollution, famine, and deforestation. The book is partly a reasoned response to doomsday claims and partly a vivid political travelogue to such places as Bangladesh and the Peruvian rainforest. (He visits some war-torn countries for this book, too.)

O'Rourke's humor isn't a series of one-liners; he usually takes a few lines to build to a humorous point. And while he does skewer liberals now and then, the jokes are often directed at himself — particularly himself as an adolescent or young adult.

For example, to illustrate the tragedy of the commons, he asks, "Which is

safer, your yard or a city park? Which is cleaner, your bathroom or the pissoirs of Paris? Which is more palatable, the dinner you cook or school lunch? If you're a male bachelor under twenty-five, skip the last two questions."

When he does mock liberals, the put-down is just but not harsh. He points out that Paul Ehrlich's book *The Population Bomb*, designed to scare us into zero population growth, started with a description of "one stinking hot night in Delhi," full of "people, people, people, people." Says O'Rourke: "Notice that Paul Ehrlich is not panicked by being caught in the tremendous squash and jostle of rich folks around the bar in the Churchill Downs clubhouse on Kentucky Derby Day."

Since humor is intensely personal, this book will not suit everyone. But O'Rourke is literate, mostly libertarian, and refreshingly realistic about human nature. In his twelve years of international travels, says O'Rourke, he has yet to meet a person "who was any worse than some of the people I hung out with in high school." He recognizes that what causes harm is bad institutions and bad ideas — and he has met with plenty of both. —Jane S. Shaw

O.J.'s Rage — O.J. Simpson's ***I Want to Tell You*** (Little, Brown & Co., 1995, 842 + xxvi pp., $17.00) was a guaranteed bestseller, thanks to the media spectacle surrounding the Simpson trial. It would have been easy for O.J. to churn out yet another quickie celebrity cash-in paperback of no merit. Instead, he has produced a work that recalls the best of Jorge Luis Borges, Flann O'Brien, and (especially) Italo Calvino — a book that is at once a novel, an autobiography, and a brooding, powerful meditation on what America once was and could yet become. Multilayered, visionary, and thoroughly readable, this volume heralds the arrival of a startling literary genius.

The hero of *I Want to Tell You* is Tyrone Martin, an African-American athlete who bears a striking resemblance to Simpson himself. But there are important differences. Unlike O.J., Martin is a failure — a once-promising talent who burned out early, a victim of Demon Gin. When the novel opens in 1989, Martin has been unemployed for five years. He lives in a welfare hotel in Portland, Oregon, where he drinks, smokes, watches TV — and, in the middle of the night, writes. Martin becomes obsessed with a pretty waitress named Nicole, but finds himself unable to speak with her. Instead, he mails her chapters from his novel-in-progress about a fictional football player named Homer Simpson. As O.J. explains in his brief preface, Homer Simpson is, in all respects except his first name, O.J. himself; indeed, he insists that all of Martin's "novel" is actually true.

Readers hoping to find new revelations about the death of Nicole Simpson will be disappointed; O.J. wisely keeps mum about the case. He does, however, confess to five other murders, as well as a rape and a botched burglary, and hints that he was involved in the World Trade Center bombing of 1993. He also writes extensively about his experiences on the set of *Airplane!*, the Zucker-Abraham-Zucker film that established him as a movie star. Most of all, he discusses at great length his surprisingly sophisticated social and political philosophy. While some of his ideas are unusual, to say the least (viz., his proposal that America adopt a "tricameral" legislature), others are nothing short of brilliant. Describing himself as "socially liberal but fiscally conservative," Simpson outlines the most workable scheme yet devised for privatizing Social Security, makes an original case for second-trimester abortion rights, and offers a "constructive critique" of NAFTA — all in witty, sometimes side-splittingly funny prose.

To Martin's horror, Nicole falls in love, not with him, but with Homer Simpson, the character he has invented. Mad with jealousy, he adds more and more disquieting characteristics to his creation. Homer begins to drink heavily. He habitually beats up his many lovers. He has an affair with his girlfriend's adopted Korean daughter. None of this dissuades Nicole from her love, but it does plant within her a seed of hatred for Martin. Finally, in the penultimate chapter, she breaks into the writer's apartment and kills him. This leads to the book's surreal conclusion, which I shall not reveal here; suffice to say that it is perhaps the most penetrating comment on the human condition I ever have read, as well as the most humane.

Bravo! —Jesse Walker

Star Trek: The X Generation

videonote

Things in Life That Are Certain — It's been twelve years now since federal police killed tax rebel Gordon Kahl. For the government and the media, Kahl was a racist, a religious nut, a man obsessed with dubious legal arguments against the income tax. And, so far as that went, they were right: Kahl doesn't seem to have cared for non-whites or Jews (though he didn't advocate racial repression and never engaged in KKK-style terrorist violence), and he did hold to some weird theological and legal beliefs. But that should have no bearing on his civil liberties: even the apparently kooky should have the right not to be assassinated by their government.

Death & Taxes (Country People Productions, 1993, 113 min., $12.95) is an unusual documentary. It opens with a montage of apparently unlinked footage and uncaptioned interviews; as it gradually fills in the gaps, the facts of the Kahl case begin to emerge. The result is occasionally confusing but always fascinating. And in the wake of recent events at Waco and Ruby Ridge, it is newly relevant as well.

Director Jeffrey Jackson emerged from the '60s counterculture, not the populist Right; perhaps because of this, his film is generally (and thankfully) free of special pleading for Kahl's worldview. Jackson is content to relate his tale of government terror, then allow viewers to draw their own conclusions about the state of freedom in America today.

If other filmgoers draw the same conclusions as I, I don't think our Keepers in Washington will be very happy that this movie was made.

—Jesse Walker

Mixed messages from mixed media . . .

Knowledge Compact

R.W. Bradford

CD-Rom technology has revolutionary potential. A CD-Rom player is a device that can be added to a computer and read information from compact disks. A single CD-Rom disk, identical in appearance to an ordinary music CD, can store an incredible 700 megabytes of information, which amounts to about 350,000 pages of text. This information can be accessed very quickly. And the cost of manufacturing a disk is absurdly cheap, about a dollar or so. To top it off, a CD-Rom drive is hardly more expensive than an audio CD player. At *Liberty*'s office, we have four units that cost us between $50 and $300 each, depending on their speed and (more importantly) when we acquired them (like every other form of computer hardware, their prices are dropping like public confidence in Bill Clinton).

Theoretically, an entire encyclopedia can be recorded on a single CD-Rom disk, with lots of room left over. In fact, the entire 20-volume *Oxford English Dictionary* has been published on a single disk.

The implications of CD-Rom technology are mind-boggling. Suppose you want to see what your encyclopedia has to say about Mexican art. With a printed encyclopedia, the process is cumbersome: you look up "Mexico, art" in the index, then look up articles in several different volumes. With an encyclopedia on CD-Rom, one merely has to type "Mexico, art," and in a second or two a list of all relevant articles is on your screen. In another second, you're reading the articles you find most useful. The CD-Rom is not only faster and easier to use, but cheaper to manufacture and easier to store as well. In addition, because of its gigantic capacity and low cost, CD-Roms are ideally suited for storing graphic images, which take up a lot of storage space in digital form.

That's the theory. In practice, CD-Roms have proved disappointing: slow, hard to use, and often containing disappointingly small amounts of information. The widely-used CD-Rom encyclopedias, for example, contain far less information than a decent print encyclopedia, despite the advertising promises of their publishers.

Why the disparity? Because publishers are convinced that the public wants a lot of glitz but doesn't really care about information. *The New Grolier Multimedia Encyclopedia*, for example, doesn't mention Ayn Rand or Ludwig von Mises, in contrast to the *Britannica*, which has brief entries and bibliographies for both. But *Grolier* does have a swell movie of Martin Luther King, Jr, delivering a few seconds of his "I have a dream" speech. The movie is only two inches square, and the picture is very jerky. But the Britannica doesn't have any movie at all. Similarly, *Grolier* has only 600 words on Egyptology, versus 2,000 in *Britannica*, but it does have a nice little seven-second animation of how a xerox machine works.

Unfortunately, CD-Rom disks are generally not terribly cheap, and the optimistic buyer is frequently disappointed at what he gets. Here are my evaluations of some of the titles I have acquired, along with my rating of them on a scale of one to four stars. From the foregoing comments, I hope you've noticed that my prejudice is in favor of good, easily accessible information. Prices quoted are "street" prices, i.e., what you are liable to pay from a dealer, as opposed to list prices, which are often very heavily discounted. I list the versions that I am reviewing; in some cases new (and possibly better) versions are available.

The New Grolier Multimedia Encyclopedia. Grolier Electronic Publishing, 1992, $80. ★★★ This is not a bad reference book, but don't toss your printed encyclopedia. As I noted above, the cost of fitting in lots of glitzy junk (color photos, sound recordings, film clips) is the omission of tons of the information you expect in an encyclopedia.

Microsoft Bookshelf. 1994, $60. ★★★★ An amazing amount of informa-

tion and a fast, virtually flawless interface makes this an essential reference resource for students, writers, and anyone else. It includes the full text of *The American Heritage Dictionary, The Concise Columbia Encyclopedia, Roget's Thesaurus, The Hammond World Almanac, The World Atlas, The Book of Quotations, The People's Chronology,* etc., all arranged for fast searches and easy access. I use it for fact-checking when I write, for looking up data, for checking the etymology of a word, and for a hundred other little tasks.

Furthermore, data can easily be exported from *Bookshelf* to database programs and spreadsheets, making further exploration of information easy and accessible. For example, recently I needed a list of the 100 least densely populated counties in the United States. It was an easy matter to copy the lists of each states' counties from the *Almanac* into a spreadsheet program, add a column to calculate population densities, and sort — a task that ordinarily would have taken so long I wouldn't even attempt it by other means, but which I completed in less than an hour using *Bookshelf.* Data can also be exported with ease to processors, page layout programs, and graphic programs.

At its street price of about $60, this is a genuine bargain. *Bookshelf* does for CD-Rom what spreadsheets did for early microcomputers: it justifies the purchase of a CD-Rom drive (now available for under $100) and transforms what was for most people a toy to a necessity.

Cinemania '95. Microsoft, 1994, $55. ★★★★ This is another terrific reference disk from Microsoft. It contains the full text of Leonard Maltin's *Movie and Video Guide* and selections from Pauline Kael's *5001 Nights at the Movies,* Ephraim Katz's *The Film Encyclopedia,* and *Roger Ebert's Video Companion,* plus excerpts from other film references, and stills, short video clips, and recordings of dialogue from a handful of films. The interface is virtually flawless. For example, you can put together a list of, say, all westerns in which Ronald Reagan appears in a few seconds, and call up capsule reviews of them in a few seconds more.

One minor criticism: its references contain reviews of only about 21,000 films. Maltin has eliminated thousands of reviews from his book in order to keep it from getting too large; wouldn't it make sense to restore them to the CD-Rom version of his guide? Similarly, not all the biographies (let alone the other entries) from the past edition of Katz are included. All this information exists in machine-readable form. *Cinemania* would be all the more valuable if it were included, using up some of the disk's 150 megabytes of empty space.

Even so, this is a tremendous product. With it, you can find just about any piece of information you want about just about any film or film actor. And you can find it fast.

Small Blue Planet. Now What Software, 1993, $50. ★★★1/2 The promise that CD-Rom makes of flashy video is usually kept only in the breach. This disk is the only one I have seen whose video is worth the investment of storage space. *Planet* contains a gallery of maps, satellite photographs, and other images of Earth. You can zoom in to see incredibly fine detail (e.g., individual buildings in cities). If you're a geography nut like I am, you have to have this disk.

World Atlas. Software Toolworks, 1992, $20. ★1/2 Second-rate maps with very little detail, plus a modest amount of statistical information, flags, and national anthems. The interface is fine, I guess, but the amount of information is so negligible and so easily available from other sources (it's all in *Microsoft Bookshelf,* for example, along with a lot more information), that this is simply a waste of time.

U.S. Atlas. Software Toolworks, 1992, $20. ★1/2 See comments about *World Atlas* above.

Street Atlas U.S.A. Delorme, 1994, $50. ★★★ The good news is that this incredible product contains detailed maps of every city, town, and county in

continued on next page

Grabbe, "Feed the Children," *continued from page 54*

Is regurgitation biodegradable? she asked, and hung up.

After a while Lithgow walked up Second Avenue to 42nd Street and over to the U.N. building. There was a group of six or seven people on the sidewalk. They were watching Karen, who was in the middle of the street arguing with a policeman. The policeman put his hands on her shoulders and began pushing her back in the direction of the sidewalk. At the last moment she jerked away, then tripped over the curb and fell into a police barricade.

She sat up and Lithgow came and sat beside her.

Do you think there are politics in the Kingdom of God? she asked Lithgow. She seemed to be all right.

He knew what he wanted to tell her.

The universe is basically indifferent to human joys or suffering, he would say. What happens just happens. It doesn't warrant labels of "good" or "bad," or human reactions of sympathy or hatred. Effort to control or alter the course of events is wasted. One should cultivate detachment and learn to go with the flow. Because the sage strives not, no man may contend against him. He who attracts to himself all that is under Heaven does so without effort. He who makes effort is not able to attract it.

He wanted to say all these things, but he didn't. He didn't say anything.

Kill me or let me have my freedom, Karen said.

After a while she looked at Lithgow: Did I ever tell you I had an abortion? The doctor so fucking butchered me I'll never be able to have children.

Can I take you somewhere in a cab? Lithgow asked.

No, I have to stay here. I'm the only one who cares.

Lithgow did not see Karen at The Delphic Oracle the following night. But when he returned home there were two messages from her on his answering machine.

The first one said: *I'm at Penn station. Amtrak fucked me over. The police fucked me over. The next stop is bus stop. I'd like to fly home United tonight. Tonight! In the flesh I'd like to kick up my heels. Tonight!*

The final message was shorter: *This city has defeated me. I've done all I could. Now it's up to you.* ❑

the U.S., right down to the street level. The bad news is that its interface is slow and, quite frankly, doesn't always work.

In theory, you can enter a zip code and a street name and it will find the location. Sometimes it works. Sometimes it doesn't. I don't know why. When it doesn't work, you can generally find the proper map (or proper view) by zooming in and out and moving your view about, a rather slow process.

Even so, the simple fact that for about $50 you can get a disk with such detailed maps of everywhere in the U.S. makes this disk valuable to travelers who have portable computers.

Great Literature. Bureau Development, 1992, $30. ★★★ The interface is inelegant, but this CD-Rom is a very impressive resource nonetheless. The reason? This single disk contains the complete text of 1,896 literary works. As nearly as I can tell, all are in the public domain (no doubt helping keep the price low), though for some reason the publisher in its tiny and almost useless manual claims to hold the copyright on everything here. The searching capability may be inelegant, but it works. The cost is about one cent for each work contained.

U.S. History on CD-Rom. Bureau Development, 1990, $30. ★★★ The same inelegant interface as Great Literature (above), but nonetheless a comprehensive library of sources on American history. Virtually everything contained is in the public domain (again helping to account for the inexpensive price of the disk), and a lot of it is not necessarily first-rate. Even so, having at hand the full text of all sorts of documents, journals, and memoirs is pretty handy. A few days ago I was writing an article that mentioned the landmark Supreme Court decision *Wickard v. Filburn* and wanted to mention a few details. I popped *U.S. History* into my CD-Rom drive, told it to search for the word "Wickard," and in two seconds up came a relevant passage from *A National Historic Landmark Theme Study of Selected Constitutional Decisions and Other Sites*, saving me all kinds of time digging through my library.

History of the World. Bureau Development, 1990, $30. ★★★ Like the two other Bureau Development disks listed above, this one combines an inelegant interface with a huge amount of public-domain information. Together with the previous two works, you can build a pretty impressive library consisting of thousands of books for around $60. It's hard to argue with a price like that. ❑

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The Market for Liberty, by Morris and Linda Tannehill. Anarchist classic, back in print. Forward by Karl Hess, introduction by Doug Casey. Send $12.95 + $3 s&h to Liberty Bookshelf, P.O. Box 1181, Port Townsend, WA 98368.

Pocket copy Constitution: $3.95. Gerald Fitzgerald, 2831 Acorn, Bloomfield Hills, MI 48302–1003.

Refute Liberals! Handbook. $4.00 to Showdown, P.O. Box 246512, Sacramento, CA 95824.

Periodicals

Directory of Libertarian Periodicals, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. $3 postpaid, $4 overseas. Jim Stumm, Box 29LB, Hiler Branch, Buffalo, NY 14223.

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The Voluntaryist — sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

Reflections, *from page 14*

he had coauthored a journal article concerning the various strengths of sunscreen). "Student evaluations indicate that Professor Rothbard's performance is significantly above the department average," wrote the chairman — yet he rated Murray's classroom performance as only "satisfactory."

More unbelievable was the chairman's claim that Murray's professional growth was "disappointing." That year, Murray had published two books in France, two smaller books in the U.S., and two scholarly articles, and had consulted on the publishing of a colleague's book. He was the editor of two scholarly journals and delivered papers at a number of conferences. All of this while teaching his classes, directing three graduate students' professional papers, and chairing one student's Masters essay and oral examination.

The chairman even had the nerve to write that he expected Murray "to teach more students," despite the fact that he had been instrumental in abolishing the Masters program in Theory and Policy that most of Murray's students, including this writer, elected to pursue. As Murray wrote in his protest, the chairman's "actions belie[d] his words."

Murray Rothbard was a treasure that the UNLV economics department attempted to keep hidden from students. Thus, there were very few of us fortunate enough to have studied under him. I think about Murray every day, and how lucky I am to be one of those few.

The last time I saw Murray was in mid-December of last year, prior to final exams. As usual, we talked and laughed about many subjects, including my trip to *Liberty*'s Tacoma conference. We were going to have great fun listening to R.W. Bradford's "Why Libertarians Love to Hate" tape from that conference when Murray returned for the spring semester.

At Murray's memorial, his UNLV colleague Clarence Ray related that Murray Rothbard was, first and foremost, a nice man. There were many at UNLV who disagreed with Murray's ideology, but no one disliked him.

Murray Rothbard was a cheerful, sweet, likeable man who didn't hate anyone, especially fellow libertarians.

—Douglas French

Notes on Contributors

"Baloo" and *"Shiong"* are the not-so-secret identities of master cartoonist *Rex F. May.*

Caroline Baum is an on-line columnist for Dow Jones Telerate.

John Bergstrom is the real name of an all-too-real cartoonist living in California.

David Boaz is executive vice president of the Cato Institute.

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

Michael Christian is an American attorney living in San Diego.

Stephen Cox is author of *Love and Logic: The Evolution of Blake's Thought*, and other books and articles.

Douglas French is a writer in Las Vegas, Nevada.

James Gill is *Liberty*'s staff artist.

J. Orlin Grabbe is author of a textbook, *International Financial Markets*, now in its third edition.

Leon T. Hadar is a journalist living in Washington, D.C., and author of *Quagmire: America in the Middle East.*

John Hospers is author of *Human Conduct* — a new edition forthcoming soon — and numerous other works of philosophy.

Bill Kauffman is author of *America First! Its History, Culture, and Politics.*

Richard Kostelanetz has written and edited several books about John Cage, as well as many other volumes about art and literature.

Val Lambson is associate professor of economics at Brigham Young University.

Michael Levine is circulation manager of *Liberty.*

Tom Loughran is editorial intern at *Liberty.*

Wendy McElroy is the author of a book on pornography, to be published by St. Martin's later this year.

Robert Lee Mahon is professor of English at East Central College in Union, Missouri.

Victor Niederhoffer is a trader in the international money markets.

Carl Oglesby is former president of Students for a Democratic Society and author of *The Yankee and Cowboy War.*

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

Durk Pearson is coauthor of *Freedom of Informed Choice: The FDA vs Nutrient Supplements.*

Paul Piccone is editor of *Telos*, the lost bridge between the Frankfurt School and the Rockford Institute.

Bruce Ramsey is a journalist living in Seattle.

Sheldon Richman is author of *Separating School and State* and originator of the "onion" theory of government.

Chris Sciabarra is the author of forthcoming books on Ayn Rand and F.A. Hayek.

Jane S. Shaw is a journalist living in Bozeman, Montana.

Sandy Shaw is coauthor of *Freedom of Informed Choice: The FDA vs Nutrient Supplements.*

David Ramsay Steele is author of *From Marx to Mises* and numerous articles and reviews.

Clark Stooksbury is assistant publisher of *Liberty.*

Timothy Virkkala is managing editor of *Liberty.*

Jesse Walker is assistant editor of *Liberty.*

Martin Morse Wooster is an associate editor of *The American Enterprise.*

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Terra Incognita

Seoul

Belated repatriations in the Far East, reported in the *London Times*:

Two thousand Korean noses taken to Japan by invading Samurai in 1597 were recently returned and buried near Seoul.

Washington, D.C.

Witty repartee from the nation's First Lady, reported in the *Washington Post*:

"It is not unusual for Hillary Clinton to end a conversation with a staff member by uttering, 'Okey-dokey, artichokey.'"

Japan

Cultural imperialism in action, as described by *World Press Review*:

Ticket sales jumped when Japan Airlines began plastering Disney characters on the outside of its planes. But flight attendants were less than pleased when told to wear Mickey Mouse ears on some routes.

Russia

Literary trends in the land of Dostoevsky, as reported by *The Economist*:

Russia's number-one nonfiction bestseller is *How to Become a Happy Cat*.

Washington, D.C.

Progressive labor regulation, described in the *Detroit News*:

In 1994, the Equal Employment Opportunity Commission ordered a company to supply "any supporting documentation" it could to prove its claim that it hadn't conspired to monitor an employee's brain by putting a microchip in her molar.

Turkey

Intriguing slogan from a Turkish newspaper's safe-driving campaign, quoted in the *Detroit News*:

"People who are violating the traffic rules are, or are becoming, homosexuals."

Wichita, Kansas

Conclusions drawn from a recent Harris poll of Shriners, quoted in *The Wall Street Journal*:

"People look at the fez and say, 'Hmmm, wonder what kind of organization that is — does that have to do with Arabs?' The survey showed that the fez was not an attraction."

San Francisco

The intricacies of identity politics, as reported in *The Wall Street Journal*:

When a black lesbian was nominated for a San Francisco city commission, black supervisor Willie Kennedy exploded in outrage, insisting that black lesbians invariably favor homosexuals over members of their own race. "I want someone who is black all the way!" she bellowed.

Des Moines, Wash.

How police protect the innocence of young prostitutes, according to *The Highline Times*:

According to Police Chief Robert Thompson, undercover officers routinely expose themselves to women suspected of being prostitutes to prove they're not cops, unless the suspect appears to be underage.

Zion, Ill.

The legal enforcement of temperate cuisine, as reported by the *State Journal-Register*:

Charlie Hauck's Zion bakery is facing a legal challenge in this dry city because he makes rumcakes.

Liberia

Burroughsian revolutionaries in West Africa, as described by the *Nairobi Daily Nation*:

Liberian guerrillas with names like No Way, Pepper, and Dirty Dick have been photographed wearing a weird assortment of women's dresses and wigs.

Haugesund, Norway

Local pride, Scandinavian-style, as reported by *Dagbladet*:

A coastal village plans to erect a statue of Marilyn Monroe because the actress, an illegitimate child, may have been fathered by a man who may have had roots there.

Buffalo, N.Y.

Labor's ongoing struggle for employee benefits, reported by the Associated Press:

A Buffalo city official admitted stealing at least $200,000 in public funds. After he resigned, he requested to be paid $8,500 for unused vacation time.

New York City

Why Margaret Sung of the New York Civil Rights Coalition says she became estranged from former ally Michael Meyers, quoted in *The Wall Street Journal*:

"He was talking more about individual personal freedom and individual responsibility, more educational standards."

Washington, D.C.

Progress in the War on Fraud, reported in *Capitol Ideas*:

In 1993, the FBI purchased copies of 35 Medicare cards and sold them to a suspected fraud ring. Instead of using fake ID numbers, the FBI insisted on the genuine articles. So far, 23 clinics have charged taxpayers $163,745 for services the actual cardholders neither requested nor received.

Since Medicare numbers are issued for life, the government can't cancel the 35 cards without wiping out the original beneficiaries' records.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

The Voices of Liberty

Our Right to Drugs — **Thomas Szasz** assaults the very foundations of the War on Drugs in this forthright defense of the individual's basic human right to put what he pleases into his own body. A probing talk, followed by a intense question-and-answer period. Szasz defends his thesis with wit and energy. Indispensable! Two-tape set. **Audio: $12.95**

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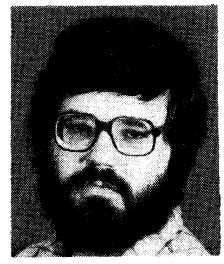

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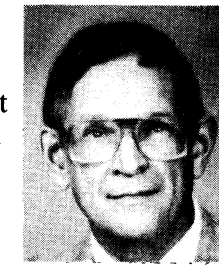

Women and Pornography — The official radical feminist line says that pornography oppresses women — even if they voluntarily produce and consume it. In this incisive lecture, maverick feminist **Wendy McElroy** defends the rights of women in the porn trade against the real oppressors: the "feminists" who would take away their livelihood. **Video: $19.50; Audio: $5.95**

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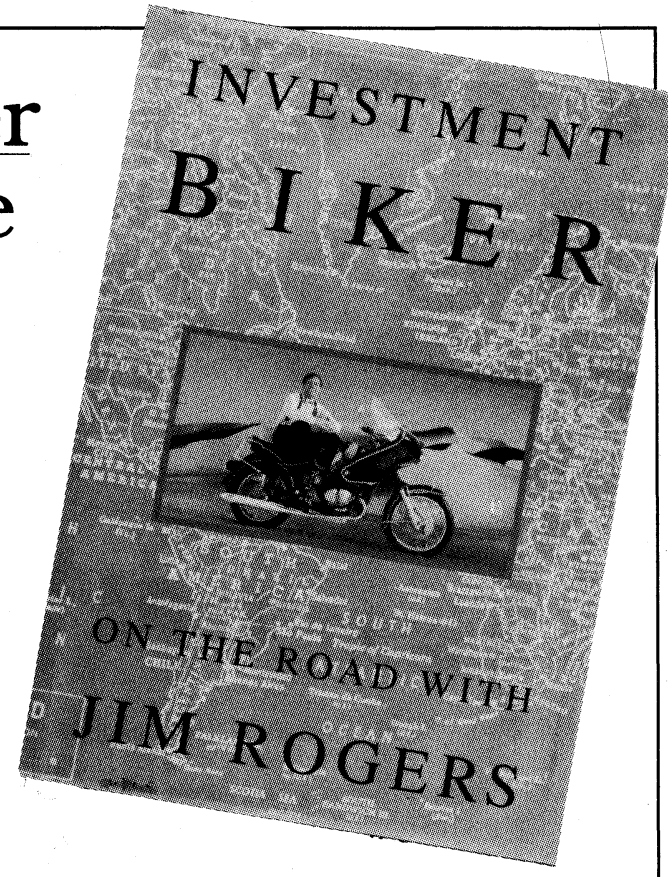

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Inside Liberty

July 1995
Volume 8, Number 6

4 **Letters** Our readers bare their souls.

7 **Reflections** *Liberty*'s editors contribute to an atmosphere of fear and hatred.

14 **Medianotes** Refractions.

Oklahoma City and Waco

15 **Innocent Bystanders?** The media seem incapable of covering tragedies with intelligence and honesty. *Stephen Cox* explains why.

19 **Signatures of Terror** *David Ramsay Steele* deconstructs the Unabomber.

22 **Still Smoldering** *R.W. Bradford* sifts through the ashes of Waco and the rubble of the Clinton Administration.

25 **Conspiracy Is As Conspiracy Does** *Jesse Walker* shows how to spot a scapegoat.

26 **A Tale of Two Terrorists** *David Ramsay Steele* draws the links between Ulster and the Heartland.

29 **Hobbes and Locke in Oklahoma City** *Loren E. Lomasky* contrasts two roads to civil security.

Features

32 **The End of Ordinary Money** *J. Orlin Grabbe* unravels the DEA and NSA's war on privacy.

43 **Disobedience, Civil and Uncivil** *Pierre Lemieux* explains why Henry David Thoreau would have obeyed stop signs, and why it matters.

46 **Reinventing What?** *Ed Crane* reexamines the New Democrats' favorite public-policy fad.

50 **What Does Affirmative Action Affirm?** *Wendy McElroy* makes the feminist case against quotas.

53 **Solving the National Debt Crisis** *R.W. Bradford* tells how the United States can pay off the entire national debt without cutting spending or raising taxes on a single American.

Reviews

55 **Expedient Faith?** *Leland B. Yeager* compares M. Stanton Evans' simplistic view of history to the simplistic view it is trying to supplant.

57 **Dystopia Undone** *Gene Jewett* recounts how information technology killed the Soviet empire.

58 **Going for the Guns** *Dale Steinreich* dissects the "assault weapons" hysteria.

61 **Anarchist Lockstep** *Richard Kostelanetz* reviews a strangely univocal history of anarchism.

62 **The Authoritarian Behind the Curtain** *Sharon Presley* unmasks authority.

64 **Booknotes** on Congress, Coase, Camille, and other questionable topics for books.

65 **Classified Advertisements** *Liberty*'s bazaar.

69 **Notes on Contributors** Our crowd.

70 **Terra Incognita** Here there be dragons.

Letters

Cutting Remark

I was disappointed to see the item (Clark Stooksbury, "Cutting back county hall," May 1995) taking at face value the *Los Angeles Times'* claim that the Reason Foundation has endorsed a short-term tax increase for bankrupt Orange County. This is most definitely not the case.

In fact, the Reason Foundation produced a detailed report outlining how Orange County could deal with its financial crisis without a tax increase — via downsizing its workforce, contracting out services, and selling off assets. Our study received extensive press coverage and became the centerpiece of debate during February and March, and portions of it are already being implemented.

The new county CEO has urged adoption of a "temporary" (ten-year) increase in the sales tax of one-half cent, which has sparked huge controversy in Orange County. In the initial days of this debate, a Reason Foundation administrative staff member was interviewed on a talk radio program and said, in response to a question, that he could not rule out a sales tax increase becoming necessary as a last resort to avoid default. This was seized upon by a *Times* reporter and became the basis for that newspaper's gloating editorial, quoted in your last issue.

My staff member's comment was inadvertent and unauthorized, and we quickly issued a strong statement repudiating it and reaffirming the recommendations of our report.

Robert W. Poole, Jr.
Pres., Reason Foundation
Los Angeles, Calif.

Degenerate Orlin

I am shocked that "Feed the Children" by J. Orlin Grabbe (May 1995) found its way into *Liberty*. My efforts to find words to describe this story fall far short of expressing my feelings. The best I can come up with are "disgusting," "revolting," "degenerate," "degrading," "nauseating," and "repulsive." It offends every feeling of decency I have.

It is hard to believe that a magazine like *Liberty* would print such trash. *Liberty* is supposed to be dedicated to the promotion of free-market principles. Was there anything in this story about such a creed? Well, maybe: the lead character had "taken economics" in school.

I have encountered many articles and stories in *Liberty* that I found interesting and useful. "Feed the Children" was not one of them. It won't take many more like that to cause me to cancel my subscription.

Bill Williford
Houston, Tex.

Schiff Happens

You and your writer, Jesse Walker, should be ashamed of yourselves. His attack on Irwin Schiff ("The shaft to Schiff," January 1995) puts *Liberty*'s imprimatur on the IRS, the income tax, and the welfare state they finance. His article may be the best thing that happens to the IRS this year. Irwin Schiff, on the other hand, will be the worst nightmare the IRS has ever known if he receives the Libertarian Party's presidential nomination.

Jim Russell
Shaker Heights, Oh.

A Suppressed Letter

After reading Bruce Ramsey's "A World Parly Free" (May 1995), one might get the impression that Canadians enjoy the same free speech rights as Americans. Such is not the case.

Since 1985, German-born Canadian writer and publisher Ernst Zündel has been put through the legalistic hell of several trials over his controversial revisionist views of the Second World War. Whether one agrees with Zündel's views or deplores them is not the issue. Putting a man on trial for publishing views that some find offensive is the issue. There is no way that politically correct Canada is free the way most Americans think of freedom. No free society persecutes people for opinions that many find stupid, nasty, or wrong.

It isn't just Zündel who has run afoul of these laws. Several Canadian schoolteachers have been fired for revisionist activities, and in 1992 British historian David Irving was arrested and deported from Canada for giving a revisionist speech in Vancouver. Canadians cannot legally buy books, tapes, or videos on history not approved by Canada's liberal establishment.

Sadly, many libertarians are too cowardly to defend these victims of political persecution. In fact, if this letter makes it to the pages of *Liberty*, I'll be truly surprised. Why is this? Revisionism is not "hate" (and even if it were, that would still be no excuse to outlaw it).

Let Ramsey call those of us who won't compromise our freedom "zealots." The truth is that Canada *is* a quasi-police state, and the good old U.S.A. isn't too far behind!

Mark Richards
West Milford, N.J.

That Damn Sucking Sound

I'm dumbfounded by R.W. Bradford's so-called analysis of the Mexican/Wall Street bailout ("Mexican Hayride," May 1995). How did he propose to analyze this scam without bothering to mention the setup for it? The entire NAFTA/bailout scenario, including peso devaluation, was exposed over a year ago, and widely circulated.

Evidently, those who swallowed Wall Street's propaganda find "crow" unpalatable and, now, are trying to separate NAFTA from its consequences in a vain attempt to minimize their own gullibility. Rather than practice duplicity while spouting Austrian economics, perhaps these dupes should just stuff wax in their ears when the boys, in banker's gray, sing the siren's song of free trade.

John Weaver
Udall, Kan.

From Cuba, With Disgust

It's tiresome to listen to moral arguments about not participating in politics. (John Pugsley, "Harry, Don't Run!" March 1995). If you don't want to get involved, that's fine — but don't hide behind "morality."

Americans hardly need to be persuaded not to vote. Most have already decided that politics is a dirty business and that they want nothing to do with it. The result is that only the dirty get involved in politics. Politics will continue to live up to its reputation for being "dirty" until the "clean" start getting seriously involved, send the professional career politicians back home, and bring back the era of the citizen-politician.

In Cuba, where I come from, many high-minded Cubans shared the Yankee

continued on page 6

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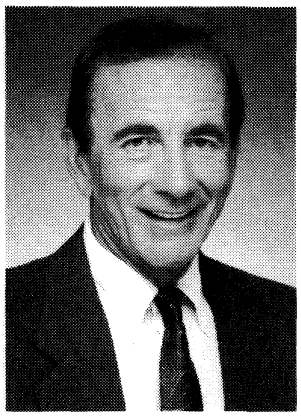

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You can be of average intelligence (like me), starting with little or no money, and still earn a fortune. Publishing is, perhaps, the best opportunity for building a big income from small beginnings that's available to the little guy.

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opinion of politics. As a result, we got leaders like Batista and Fidel. A few years ago my mother's uncle expressed to me his regret that, as a young man, he had followed the "politics is dirty" line of thought and turned down an opportunity he had had to run for office. Now he can only express his regret in exile since, like so many Cubans, he voted with his feet by leaving his homeland.

I lived under Batista and Castro as a youngster and, as an adult, lived for five years in Haiti during the regime of Jean-Claude "Baby Doc" Duvalier. In Haiti, too, many honest citizens shrank from soiling their hands with dirty politics. The net result was tyranny. Living under three different dictatorships has convinced me that Pugsley's theory of non-participation is phony and should be relegated to the dustbin of history. I have already voted with my feet by coming to the U.S. Where should I go from here — Mars?

Lorenzo Gaztañaga
Bethesda, Md.

Neccesary Monopoly

I would like to remind Wendy McElroy ("The Electoral Quagmire," May 1995) that not all libertarians are anarchists. Some of us believe government does have a purpose, the one that is laid out in the Declaration of Independence: to secure our rights. This proceeds from the nature of government, which is force. Force can only be used to secure rights or to violate them. Therefore, the only moral purpose of government has to be to secure our rights.

As long as government doesn't stray from this purpose, it is not a necessary evil, but a necessary good. Evil is never necessary. Anarchists argue that there is nothing government could do that would not be done better voluntarily, but securing rights is the one thing that can be done better by government. Good government is basically a monopoly protection racket, in which those with a lot to lose pay for those who have little to lose, so everyone's lives and property are protected. Competition among protection rackets is not a good thing; just look at Russia or Somalia.

However, I agree that anarchists should avoid electoral politics. Leave the Libertarian Party to those who believe that government has a purpose, and know what it is.

Rick Brown
Kingman, Ariz.

The Pure Logic of Voting

While I very much admire Wendy McElroy's clear and insightful writing, I must disagree with her argument that voting is "an act of implicit violence," and that holding political office is a violation of libertarian principles.

It is impossible to see how casting a vote or holding office can in itself be an act of aggression. One who votes or holds office may also decide to explicitly assent to the acts of government agents and accept responsibility for those acts, but no such responsibility should be imputed without such consent. Others may wrongly conclude that one believes the state is legitimate, but one is not responsible for their mental processes.

As for the oath of office: yes, lie. After all, non-libertarian politicians do it all the time, so obviously the oath is not intended to be taken seriously. Moreover, you are under no obligation to tell the truth to those who hold you at gunpoint.

I am David, confronted by a seemingly omnipotent Goliath, who is cheered on with mixed emotions by most of my compatriots. My best shot is to befriend the behemoth — and then, as a fifth columnist, subvert and slay him. Shall I forego this option because of Ms. McElroy's arguments?

Richard D. Fuerle
Grand Island, N.Y.

Professional Ethics

In "Vocational Ethics" (May 1995), Robert Lee Mahon writes, "Knowing ethics and being ethical are not necessarily, or even probably, synonymous." Mahon also tells us that by the time he took his college ethics class, he had already acquired his own ethics, thus presumably showing that the class was unimportant to his development as a moral being.

This is a strange argument for a professor of English to make. I imagine that Mahon's students come to his classes already reading and writing English. Does Mahon believe that they are wasting their time? While those "knowing ethics" may not be ethical, it is also well known that most teachers of creative writing cannot support themselves as authors. Does this make their enterprise a sham in Mahon's eyes? I hope that Mahon is able to defend the notion that it is possible to learn more and to become more critical in the use and appreciation of English, even after learning the basics of reading and writing.

Mahon also directs some of his animus toward consultants teaching business or other professional ethics. Apparently, for Mahon, there is right and there is wrong, and we know them when we see them, without the help of fancy consultants. "Ethical training has become a cottage industry, based upon the premise that ethics is more complicated than we previously believed." I wonder if this would be his attitude toward seminars in Medical English or Electrician's English, if the market were to produce them — but then he already has a job as a professor, and so might be able to afford consistency on this point.

In my experience with the seminar in ethics offered by my company, Mahon is incorrect to maintain that any special ethics is taught based upon the idea that technology has created new ethical problems never faced by Plato and Aristotle. (Nevertheless, technology *has* produced new ethical problems, but that is not the point I wish to argue here.) My company offers ethical instruction to its employees, in part to assist them in problem-solving, and also to improve communication among middle managers. The class uses examples taken from the work environment, not because of some special love of complexity, as Mahon would have it, but rather because the students are all managers. Learning a common methodology for approaching ethical problems is especially useful in large corporations that are seeking to present a consistent view of their corporate actions.

Mahon has overlooked this explanation in order to write his own trendy piece against a trend in business consulting.

Gordon Sollars
New York, N.Y.

Letters Policy

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

Reflections

New clowns, same circus — Sen. Helms, reading from cue cards, misidentifies North Korean leader Kim Jong Il as Kim Jong the Second. Richard Armey refers to a House of Representatives colleague as "Barney Fag." And Sen. Al D'Amato does an impression of a bucktoothed samurai judge that amuses few. Welcome to the new Republican Congress!

These next few years offer something of a controlled experiment in comparative political maladroitness. Which can do more damage to the Republic: a party dominated by crude and ignorant dolts or one starring clever Ivy Leaguers burning with zeal to do good? This is liable to be closer than any recent Super Bowl, but I'm guessing that for a while the Republicans will be a modest improvement — if only because they give the rest of us something to which we can feel intellectually and morally superior. —LEL

No quarter — Log onto the World Wide Web and call up the White House's home page. You will find a map of the Washington Mall, where most of the business of government is conducted. Clicking onto buildings in different quadrants gets you access to the one you want. The "quadrants" are self-described as being A through F.

No wonder they can't balance the budget. —WM

Cherchez la harridan — Argentine president Carlos Menem had his wife barred from the presidential palace. Peruvian president Alberto Fujimori fired his wife as first lady. Now South African president Nelson Mandela has fired his wife from his cabinet and sent 60 police officers to raid her office. President Clinton? —DB

Are they us or are we they, or none of the above? — In the second turn of the French presidential election held on May 7, Jacques Chirac, candidate of a coalition of center-right parties, won 53% of the popular vote and defeated Lionel Jospin, the Socialist Party's candidate. The results were received by the politicians — "the political class," as they say in France — and apparently by the voters as the crowning of the new, unquestioned representative of the general will. "Our Father, which art in heaven . . ."

Is the state "us," or is it "them"? Here is a paradox for minarchist libertarians: the more the state is perceived as "us," the more people trust it and the more dangerous it becomes; on the contrary, the more it is viewed as "them," the less threatening it is — provided that "we" can control it. The standard opposition between European and American conceptions of politics follows this fracture line: in Europe, according to conventional wisdom, the state is "us"; in America, it is "them." Yet, it is not clear that liberty is in more immediate danger in France than in America. The French system of checks, balances, and healthy disobedience succeeds in protecting some liberties. How is it possible that we (in France) disobey us more than they (in the U.S.) disobey them?

Twenty-year-old people in France have the impression of getting rid of socialism, after 14 years of the Mitterand presidency. On the one hand, this could lead to cruel disillusions as the new president and the government he appointed are far from libertarian. On the other hand, the new government does harbor a classical liberal minority, led by Alain Madelin, the new minister of budget, finance and economic affairs. Whether Madelin succeeds in swerving the dynamic of the French brand of statism may teach us much about the future, and strategy, of liberty. —PL

Algorithm and blues — On February 21, a federal lawsuit was filed seeking to prevent the government from regulating the publication of cryptographic documents and software. The plaintiff is Daniel J. Bernstein, a grad student in math at Berkeley. Bernstein has developed an encryption equation which he wishes to explain in mathematical journals and at scholarly conferences. Unfortunately, the government presently defines his algorithm as though it were a physical weapon. Disseminating his work may legally constitute dealing in munitions.

The current penalties Bernstein would face for publishing his algorithm could include ten years' imprisonment and a $1,000,000 criminal fine, as well as civil fines. Perhaps the saying should be changed to "publish *and* perish." —WM

Corporate banana — A couple of years ago, Hollywood released an animated children's movie called *Fern Gully: The Last Rainforest*. I never saw the picture, but I did manage to discern its moral: *It's bad to cut down the rainforests, because magic talking animals live there.* It seems to me that there are good reasons to want to preserve rainforests, but that the fate of magic talking animals is not one of them — and that children who find *Fern Gully* convincing now might stop caring about the rainforests once they grow old enough to realize that, outside the borders of California, there are no magic talking animals.

Yesterday I bought a drink called Fruitopia Strawberry Passion Awareness. On the bottle was this thought-for-the-day: "If you can't judge a fruit by the color of its skin, how can you judge a person that way?" It immediately occured to me that this suggests that, if one *could* judge a fruit by the color of its skin, racism would be perfectly all right.

Which is a problem, since I am probably not the only person in the world who avoids green bananas and any fruit that is brown. I hope I'm also not the only person in the world who recognizes that the Fruitopians' logic is a little skewed.

Many "progressives" believe the planet would be a better place if corporations had more of a social conscience. Given

this track record, I'd say we'd all be better off if they just stopped trying. —JW

Joplinomics — I really enjoy the Mercedes-Benz commercial featuring Janis Joplin singing, "Oh Lord, won't you buy me a Mercedes-Benz." Andrew Goldberg, Mercedes' general manager of integrated marketing and communications, has explained why they used the record: "What appealed to us was the warmth and personality of the song itself." Satire is, apparently, a subtle thing. But critics who charge that the ad campaign perverts the message of Joplin's hymn against materialism and bourgeois decadence also miss the point. Are we not all "postmoderns" now? The ad's reference-without-a-referent suggests that the joke may be on the consumer.

Goldberg denies this, arguing that the song's "emotional, nostalgic connection" appeals to the cash-heavy fiftyish male market Mercedes is aiming at. But critics see Madison Avenue and big business subverting another '60s counterculture icon, just as Nike did in the 1980s by using the Beatles' "Revolution" to sell sneakers.

Oh, so the Beatles never made any money on "Revolution," right? Those record companies just gave the vinyl to the people, man. And Janis Joplin, she never took a check from anybody. She didn't need royalty checks to score her heroin — people just gave it to her.

Janis Joplin *was* big business. Her records were commodities. Her image was a commodity. Her songs were recorded, pressed, and distributed because they sold — and for no other reason. Record companies were not minstrels of the revolution; they were out for profits. They sold the '60s kids what they wanted then — and Mercedes is selling the '90s adults what they want now.

In 20 years, Johnny Rotten will hawk Jaguars. —JSR

Naughty bits — On March 22, the office of Sen. Larry Pressler, chairman of the Senate Committee on Commerce, Science and Technology, received a couriered package of approximately 1,000 pages containing 107,983 signatures, all in protest of S 314, the Communications Decency Act of 1995. The petition had been circulated by an unparalleled coalition of groups as diverse as the Voters Telecommunications Watch, the CyberQueen Lounge, and Rock Out Censorship. There would have been still more signatures, but the coalition was fighting a March 15 deadline.

Pressler's office was flooded with so many phone calls that a staff member finally exploded at one concerned caller: "Why are you calling us? It's Exon's bill!" Other members of the Senate Committee on Commerce had to bring in outside help to answer their squawking phones.

What had sparked all this protest? On February 2, Sen. Jim Exon (D-Neb.) had introduced S 314 with these words: "I want to keep the Information Superhighway from resembling a red light district. This legislation will stop those who electronically cruise the digital universe to engage children in inappropriate communications. . . ." The provisions of his bill would have made employers, service providers, and carriers legally liable for the transmission of prohibited communications, such as those involving graphic sex.

The Act, it was claimed, would merely strengthen existing law covering telephone calls. This was not quite accurate. The Exon bill would prohibit many currently legal practices and fling open the Internet door to criminal prosecution.

Current law — Sec. 223 (a), Communications Act of 1934 — already prohibits "obscene, lewd, lascivious, filthy, or indecent" transmissions over the phone lines. The Exon bill would have extended this prohibition to *all* telecommunications. It also would have made transmitting obscenity — rather than originating it — a criminal offense. For example, if an employee transmitted an obscene message from his work computer, the employer, the e-mail service, and the carrier could each be subject to a $100,000 fine and two years' imprisonment. This is comparable to making Ma Bell criminally liable for obscene phone calls.

Actually, it is much worse. Telecommunications servers break every message down into separate digital packets, which are transmitted over phone lines and only reassembled at the destination. Until reassembly, the individual packets are not readable. Some have compared the process to shredding a letter, mailing the individual pieces, and putting them back together at the new address. Short of monitoring every receiving computer, it is impossible for the carrier to control content.

Chafing under a barrage of protest, Sen. Exon modified his bill to exempt carriers from criminal liability — and to increase restrictions on those who originate telecommunications. On March 23, by a unanimous vote of Congress, the former stand-alone bill became an amendment to the telecommunications reform bill, a measure already well along the congressional fast track. —WM

Crazy Willie's auto sale-a-thon! — Japan has opened its borders to American automobiles and automobile parts. Most tariff and bureaucratic restrictions are long gone, but the Japanese still don't buy very many American cars and Japanese manufacturers don't buy many parts from American manufacturers. Needless to say, America's automobile industry leaders, anxious to line their pockets with valuable Japanese yen, would like this to change.

Toward this end, they have enlisted the Clinton administration. Not satisfied with the mere removal of barriers, the administration is insisting that the Japanese buy specific quantities of American automotive parts. The administration has called for the Japanese to guarantee that they meet "voluntary" targets for purchasing parts from U.S. manufacturers. The Japanese automotive industry, already depressed, has reacted to this in about the same way as American automotive companies would react if they were asked to include a certain quantity of parts produced in Paraguay.

The Japanese government has refused to impose this automotive affirmative action on its citizens and manufacturers. So the Clinton

Liberty's Editors *Reflect*

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JSS	Jane S. Shaw
TWV	Timothy Virkkala
JW	Jesse Walker

administration has made it virtually illegal to import Japanese cars that cost more than $25,000.

In other words, Americans who want to drive cars that cost 20% more than the average new car will have to choose among American behemoths or European dinosaurs and sportscars. And Japanese automobile manufacturers will be prohibited from selling their higher-quality cars to Americans. Bill Clinton will gain votes in Michigan, Ohio, and Missouri, where the American automobile industry is influential.

In the May *Liberty*, I chronicled the Clinton administration's test of this sort of trade skirmishing in a dispute between China and some of the administration's most powerful supporters. It is cases like these, lacking even a pretense of justice or rationality, that lead to trade wars. Let us all pray for peace, in the form of intervention against the Clinton administration by the World Trade Organization. —RWB

An American life: act six

— Robert McNamara, accurately tarred by *The Washington Monthly* with being "responsible for four of the six major post-war catastrophes" (the Vietnam War, the nuclear arms race, the Third World debt crisis, and the conventional arms market — they forgot the Edsel), has come clean with some of his regrets over his monstrous disaster of a life. For some reason, this is treated as a major news story, though it is really only advertisement for his book; even his best gimmick, his tears, were revealed to an earlier biographer, Deborah Shapley, years ago.

But it does provide opportunity for reflection on one of the most false of American proverbs, Scott Fitzgerald's "There are no second acts in American lives." America is willing to provide almost infinite opportunities for failing. From the Edsel to Vietnam to the World Bank to well-received tearful recriminations, McNamara, exemplar *par excellence* of the managerial welfare-warfare state, keeps on trucking. Needless to say, he has always been wrong about everything, and caused enormous damage in doing so. Needless to say, his opportunities to make decisions kept coming. He was the right kind of people, you see — and those credentials!

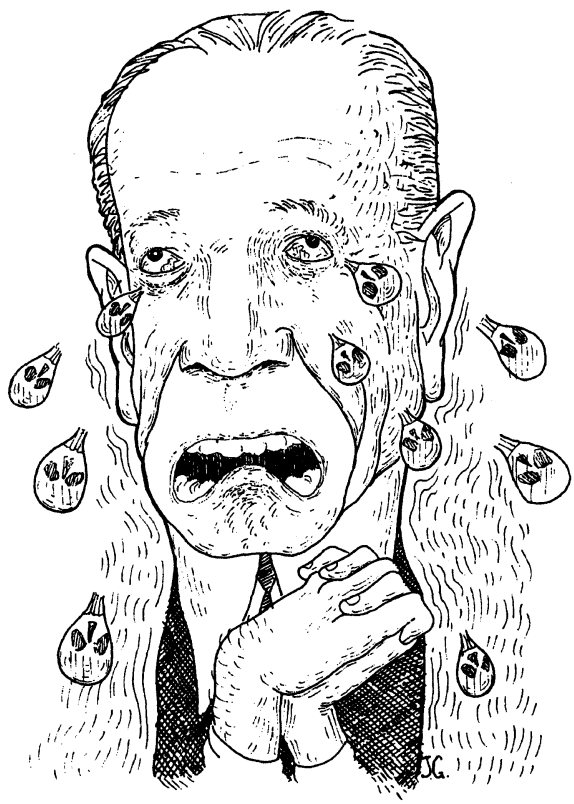

Robert McNamara

Unfortunately, instead of being stoned in a public square, he is honored for his strength and integrity in trying to sell his book. Upon his death, I'm certain that the major newsmagazines — the periodical equivalents of everything he stood for — will solemnly eulogize his tragically flawed greatness. A quotation from Bob Dylan's "Masters of War" might be apposite here, but the man has family. —BD

A prophecy comes home to roost —

On May 20, the White House closed Pennsylvania Avenue to vehicular traffic, to protect the president and his household. This came only a few months after the senior senator from the Tar Heel State was publicly ridiculed for suggesting that the president could not enter his state without an armed bodyguard. —CAA

Contract for liberty? —

One reason (perhaps the only one) that Newt Gingrich will go down in history as one of the greatest of American politicians is his "Contract with America," which brought real content back into the political debate.

From the beginning of the two-party system until earlier this century, there were real and perceptible differences between the programs of the two major political parties. These differences were widely publicized and understood. But during this century, each political party became a coalition of interest groups whose goals often conflicted with one another. It was difficult to reconcile the legislative agendas of the southern racists and northern union members of the Democratic Party, or the small-town Main Street businessmen and big-city plutocrats of the Republican Party, so political platforms fell into irrelevance. They became a sort of religious ritual hotly contested at anachronistic political conventions and utterly forgotten during the campaigns.

Gingrich changed that by creating a specific agenda of legislative actions and convincing nearly all GOP congressional candidates to sign on. That is why the Republican victory in 1994 left Gingrich the most powerful man in Congress, and why the Contract with America became the nation's legislative agenda. If there ever were an electoral mandate, this was it.

All elements were test-marketed before being included in the Contract. Gingrich had opinion polls taken for every single proposal, and only those with clear popular majorities were included in the agenda. That is why, for example, certain favorite conservative causes were conspicuously absent. An anti-abortion plank, for example, was omitted because most Americans favor legal abortion. This "pre-marketing" made the Contract a far easier sell than the Democrats, who ridiculed it as the "Contract *on* America," could fathom.

Now along comes the Christian Coalition with its "Contract with the American Family." It calls for guarantees of religious "freedom" (allowing, for example, public expressions of Christian faith in the public schools and in courts), tax credits to families, an end to funding of the National Endowments for the Arts and the Humanities and the Corporation for Public Broadcasting, requirements that

criminals make restitution to victims, legislative encouragement of charitible giving, censorship of pornography, and restrictions on abortion. Like Gingrich's contract, this proposal was tested in polls. As a result, it is far more moderate than one might otherwise expect from fundamentalist Christians. The restrictions it proposes on abortions, for example, apply only to abortions during the third trimester.

The creation of the Contract with America and the Contract with the American Family illustrates the fundamental problem that libertarians face when engaged in politics. Suppose the Libertarian Party were to try to write a "Contract for American Liberty." What sort of specific proposals could past muster with the pollsters? Sure, Americans will agree to general libertarian principles (provided they are not stated too harshly), but how many really want to cut taxes radically, let alone *eliminate* them entirely? How many want to legalize all drugs, including hard drugs? Or open our borders to totally unrestricted immigration? Just what specific programs that are radical enough to garner libertarian support would be supported by most Americans?

It is the fundamental unpopularity of the libertarian agenda that accounts for the failure of libertarian politicians and provides the incentive for libertarian politicians to moderate their views. Those willing to moderate their views may find electoral success, though they will not likely have much success in enacting a libertarian agenda. If libertarians insist on measuring success only in electoral terms and define themselves only in radical terms, then they are doomed to fail.

So what's a radical libertarian to do? The radical libertarian can eschew electoral activism and focus on broader cultural or intellectual activity. Or pursue politics as a purely educational or movement-building activity without seriously entertaining the fantasy of victory. —CAA

Postal Employment Syndrome — I'm not sure what it is about the Postal Service that leads so many of its employees to, uh, "disgruntlement," but I've a pretty good idea why it hasn't been able to take many effective measures to prevent further post-office massacres.

Thomas Lussier, a Maine postal worker, was fired shortly after the 1991 Royal Oak, Michigan, post-office shootings because his supervisor believed he was "mentally unbalanced and capable of a Royal Oak-type incident." Last year, a federal judge ruled that this dismissal was illegal because Lussier's "mental disability" is protected by federal anti-discrimination regulations.

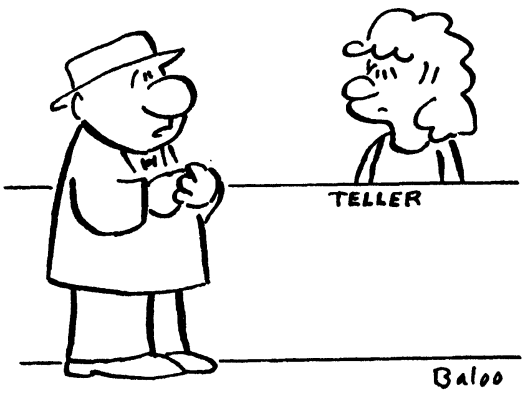

"I cut myself on a safety-deposit box."

I got this story from the April 5 *Wall Street Journal*. There's a lot of ammunition in that article for those of us with a Szaszian skepticism about psychiatry. Consider this comment from attorney Robert Provan: "It's often difficult to distinguish between what conduct is the result of a mental disability and what conduct is a result of generally unacceptable behavior." Ignore the question of how "behavior" causes "conduct," and you're still left with a puzzle. Since the only diagnostic tool we have for recognizing a "mental disability" *is* "generally unacceptable behavior," how on Earth could it only be "often" difficult to distinguish one from the other?

It sounds to me like the only distinction Provan can make is between deviant behavior that psychiatrists have already categorized as an illness and deviant behavior they have not yet so classified. Who'd have thought so much legal power rests with the editors of the *Diagnostic and Statistical Manual of the APA*?

A box accompanying the article featured a list of ways employers may choose to reduce workplace violence, and the legal problems that may follow:

Method: Fire dangerous employee
Pitfall: Liable for discrimination
Method: Give job applicant psychological test
Pitfall: Invasion of privacy
Method: Ask applicant about mental problems or past drug abuse
Pitfall: Violation of antibias laws
Method: Ask references about past episodes of violence
Pitfall: Reference can be sued for slander [!]
Method: Check criminal records
Pitfall: Access limited in some states
Method: Do nothing
Pitfall: Liable if employee becomes violent

In short, don't hire anyone at all. Somehow, I don't expect the Post Office to take that approach either. —JW

From sea to private sea — Democracies don't wage war on democracies. This is standard wisdom among certain foreign policy analysts, and there is some truth to it. I was thus intrigued by the confrontation between Canada and Spain (and the EU) over fishing rights in the outer banks near Newfoundland. Spanish fisherman were overfishing the area, and Canadian naval vessels were sent to intercept and impound the Spanish fishing boats. When the EU protested on behalf of Spain, Canada sent out a destroyer and threatened further action. One problem: the area is outside Canada's territorial waters. I was reminded of another such confrontation between democracies, the "Cod War" between Denmark and the United Kingdom in the 1970s. Again, ships from democratic nations faced each other in hostility over fishing rights.

Should we amend the democratic international non-aggression axiom to except fishing disputes? Well, actually these confrontations prove the rule. The reason liberal democracies don't go to war is that they have erected mechanisms to adjudicate international disputes, mechanisms based on

rights, contracts, and agreements. In this case, there is no clear ownership of the seas in question, and certainly not of the fish. Thus there is no basis for either side to make a legitimate claim to the fishing grounds.

So maybe it is time to consider bringing property rights to the three-fourths of the Earth's surface not currently claimed by private owners. —JSR

Strike four — In early April, a federal judge ordered an end to the baseball strike. By late April, the "real" big-league players were back on the field throwing and batting balls about, and the "real" owners were in their counting houses, counting all their money. The only thing missing from the picture was the "real" fans. Many stayed away from ballparks altogether. Others found more colorful ways to protest. In Detroit, for example, fans turned (in the words of *USA Today*) "drunk, ugly and mean." They screamed insults at players on both teams, and threw bottles, hubcaps, and beer cans at players.

The notion that people earning $1 million per year would expect a $5-per-hour peanut vendor to honor their picket line, while being unwilling to reciprocate, is simply obscene.

The judge ordered the new season to be played under the same terms as the previous season, terms that were unacceptable to both owners and players. So the strike that did what neither World War, nor Great Depression, nor San Francisco earthquake could do — prevent a World Series — accomplished nothing at all.

During the strike, despite the fact that major-league baseball was not operating, the owners met to authorize yet another expansion. Why did they make such a decision under such peculiar circumstances? Because the authorization of a quarter-billion-dollar subsidy from the city of Jacksonville, Phoenix, St. Petersburg, or some other goddamn stupid city was about to expire.

Then, as the season approached with no progress toward a resolution of the strike, the owners cobbled together "replacement" players to man their teams. Did they use the best talent they had available? No way. The best players they had available were those already under contract but playing in the minor leagues. But these players were left in the minors and grossly inferior players were signed. Why? Because five years after a player under contract with a major-league team first plays in the big leagues, he becomes eligible for salary arbitration. So the owners let the fans watch furnace repairmen and elevator operators and hardware store clerks rather than talented but inexperienced players. This is contemptible.

The players were no better. They protested mightily when ballpark vendors decided to work despite the players strike, but willingly crossed the picket lines of striking umpires. The notion that people earning $1 million per year would expect a $5-per-hour peanut vendor to honor their picket line, while being unwilling to reciprocate, is simply obscene.

In short, my prayers have been answered. I celebrate the fact that fans are abandoning their game, and hope dearly that baseball is losing its hold on the American psyche. This is a necessary precondition for its return to the robust health of its earlier days, when players actually loved the game and played to win, not to amass dollars and statistics; when owners competed to field the best teams they could, not to obtain the largest possible government subsidies for their hugely profitable businesses. —RWB

Third down, Beethoven's Fifth to go — Confession: I do not follow sports. I understand that baseball is back from the brink; big deal. Something recently occurred in my corner of the country regarding basketball; I do not even know whether it was professional or collegiate. The football season is over, I think, but this means nothing to me. Since I get cable, I have plenty of ways to avoid watching any sport. I have even programmed both my VCR and my television to skip ESPN. I can honestly say that not one of my desires or wants is dependent on any sport or sports figure.

Concession: I do follow politics. This means, my friends tell me, that I must understand *something* of the irrationalities of team affiliation, the excitements of partisan conflict, the love of the minutia of transitory play — if only by analogy. Yes, I suppose. But there are major differences.

Consider: politics affects real life in important ways. My interest in politics is thus reasonable, if viewed as an instrumental interest. And I think my interest is, in great part, a response to the importance of the subject. Proof? I often cannot abide actually listening to politicians speak — that is, observing the "players" go about their dangerous game. But I do enjoy listening to and watching people analyze the activity.

Sports fans do not seem to have a comparable set of preferences. For all their love of post-game analyses and Monday-morning coaching, they still like to watch the actual game being played. But I often press the mute button when Bill Clinton, Newt Gingrich, that Elmer Fuddy-duddy Texas senator, or Ted "I'm not greedy, I'm horny" Kennedy takes the mike to speak.

But I could be wrong. When I visit my relatives and the weekend (or holiday) sportcast blares its presence throughout whatever TV-dominated living room I find myself in, rarely is my suggestion heeded: Why not turn off the sound and turn on the music? You can still watch the game, and we wouldn't have to listen to all the pointless blather!

Recently I have begun taking my own advice. Whenever

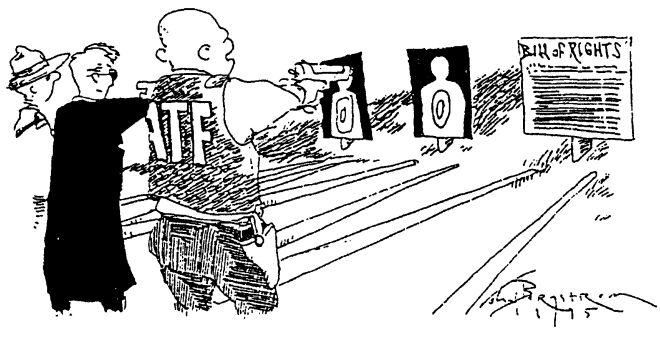

the politicians get unbearable, I switch my home entertainment system's audio from the video input to the CD input, and listen to music instead of lies. There's a sort of primitive justice to Darius Milhaud's *L'Homme et son désir* providing the soundtrack for Bill Clinton's VE day speech; similarly, Aulis Sallinen's Fifth Symphony ("Washington Mosaics") offers perfect counterpoint to the arrogant ramblings of yet another Republican presidential hopeful. And you can even learn something in the process. What have *I* learned? Well, that Bill Clinton looks more and more like Boris Yeltsin every day, and that Arlen "the Republican who is haunting America" Specter now ominously sports the jowls of Richard Nixon. I doubt that I would have noted these signs of the times had I dutifully doted on their every word.

Of course, such transformations should not shock us; we have all read *Animal Farm*. But, as politics gets weirder and weirder, you might want to follow my example. Turn up the volume, not on the intonings of some putative statesman, but on a good performance of *The Carnival of Animals*. Or try *Cantus Arcticus*, an exquisite "Concerto for Birds and Orchestra" recently released on the BIS label. Believe me, in this Orwellian age, composers Camille Saint-Saëns and Einojuhani Rautavaara offer the best respite from the barnyard din of politicians.

And from the sportsification of everyday life, too. —TWV

John Chamberlain, 1903–1995 — John Chamberlain, man of letters, author, journalist, columnist, and book reviewer, died on April 9. He was 91 years old. John was a wordsmith extraordinaire. But he was more than a skillful literary stylist; he had a message. In his many books, columns, and reviews, he presented the case for private property, limited government, and entrepreneurship. In *The Roots of Capitalism* and *The Enterprising American*, he wove free-market ideas and tales of innovative entrepreneurs into a rich tapestry of economic history. His reviews were better than most of the books he reviewed. His delightful prose and his quiet, unassuming manner made many friends for freedom.

Chamberlain was not always a free market spokesman. For four years (1932–1936) he read a book every day and wrote the *New York Times* daily book review. During this time, although he never succumbed to the lure of Communism, he was anti-big-business, flirted with socialism, and considered himself "a literary liberal." But he was shocked when he overheard the *Times'* Moscow correspondent, Walter Duranty, casually dismiss the three million deaths caused by the Communist attempt to eliminate the kulaks: "You can't make an omelette without breaking eggs."

After Chamberlain left the *Times*, his ideas began to change. He interviewed, for *Fortune*, a number of corporate executives and found they did not fit the anti-business stereotype; they were individuals — varied, complex characters. Also, his innate distrust of big government had increased with his reading, interviewing, and research. Three books by three women, all published in 1943, helped turn Chamberlain from "left-liberal" to "libertarian": Rose Wilder Lane's *The Discovery of Freedom*, Isabel Paterson's *The God of the Machine*, and Ayn Rand's *The Fountainhead*. "These books made it plain that if life was to be something more than a naked scramble for government favors, a new attitude toward the producer must be created." And respect for the producer, for the entrepreneur, and for individual freedom of choice were henceforth constant themes throughout Chamberlain's work.

In the course of his decades of writing and reporting, Chamberlain researched many fields — corporations, labor unions, politics, economics. He interviewed many colorful figures: politicians (Wendell Willkie), athletes (Ted Williams), generals (Douglas MacArthur), and many, many more. Chamberlain was also an ardent sports fan. He spent one exciting summer, just after Jackie Robinson joined the Brooklyn Dodgers, reporting on baseball.

His keen reporting led to some important revelations. President Roosevelt had slandered the famous aviator Charles Lindbergh as a Nazi-lover because of his visits to Germany shortly before World War II and his pre-Pearl Harbor antiwar stand. Chamberlain discovered that the U.S. government itself had asked Lindbergh to study Nazi aircraft and to try to help the German Jews; his report appeared on page one of the *Times* and helped vindicate Lindbergh.

During World War II, Chamberlain learned that over a year before the attack on Pearl Harbor, U.S. cryptographers had decrypted MAGIC, Japan's super-secret diplomatic code. Thus he realized that U.S. officials had been privy for months to many of the Japanese government's most secret communications and almost certainly knew the Pearl Harbor attack was imminent, yet did not alert the Pearl Harbor commanders. For the sake of military security, Chamberlain and his boss at *Fortune*, Henry Luce, kept this secret while the war lasted.

During World War II, Chamberlain realized that U.S. officials almost certainly knew the Pearl Harbor attack was imminent, yet did not alert the Pearl Harbor commanders. For the sake of military security, Chamberlain kept this secret while the war lasted.

Along with Henry Hazlitt, Chamberlain founded *The Freeman* in 1950 as a biweekly newsmagazine. Then, after *The Freeman* became a monthly and was taken over by the Foundation for Economic Education in 1956, John was its regular book reviewer until his death.

John's long life was spent reading and writing; his autobiography was appropriately titled *A Life with the Printed Word*. But he enjoyed a happy family life too. After his first wife died, John was left with two teenaged daughters. The girls were studying dance with Ernestine Stodelle, the widow of the internationally known theater director-designer, Theodore Komisarjecsky, and a former member of Doris Humphrey's dance troupe. The girls suggested their father marry their dancing teacher. Ernestine had three children of her own, and before long John and Ernestine were married. In time, John and Ernestine had a son of their own. John

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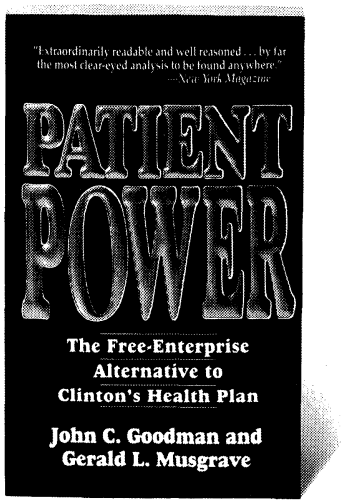

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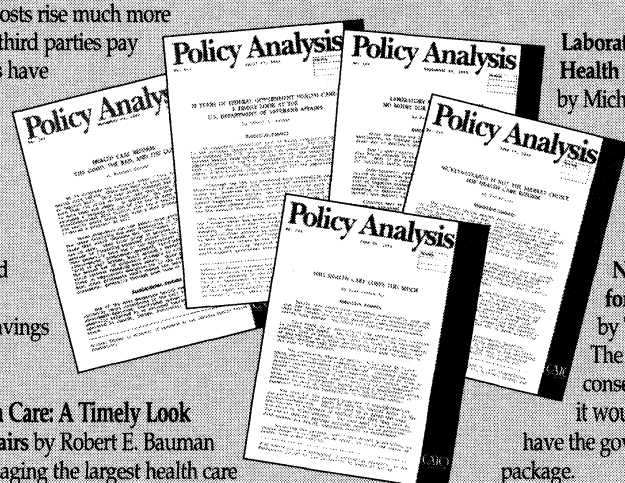

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camped and skied with all six young people and taught them tennis.

John had many friends, no enemies, and a loving family. He is survived by his wife, two daughters, one son, two stepsons, one stepdaughter, nineteen grandchildren, and three great-grandchildren. —Bettina Bien Greaves

Medianotes

Mao more than ever — Want to relive those heady purge days? How about the ribbon-cutting ceremony for the Cultural Revolution? Or — my personal favorite — the 1981 arrest of the Gang of Four for treason? A 46-year run of *The People's Daily*, mouthpiece of the Chinese Communist Party, is now available to you on 92 CDs at the price of $19,800.

Deputy editor Zheng Mengxiong heralds the preservation of "precious historical material." Making a profit, he assured the curious, was secondary. $19,800? —WM

After apartheid — Up until last year, it often seemed as if left-wingers, when discussing the crimes of African governments, would only focus on South Africa, then ruled by whites and thus an easy target. The horrid records of black African governments were virtually ignored, the problems of those countries being chalked up to colonialistic residue and the like — anything white or Western. Guilty white liberals could thus avoid blaming the victim, "leading" African Americans could keep their illusions in place . . . and African kleptocrats could continue pillaging their subjects without much worry of a backlash.

But in mid-April, the Pacifica news network devoted a few sympathetic moments to protests being held by blacks in front of the Nigerian embassy in Washington. Not only were complaints voiced about the shoddy treatment the common Nigerian suffers at the hands of the government, but one protester drew an explicit parallel between the Nigerian despots and the apartheid oppressors, saying that the only difference between the two is skin color.

To have made such a comparison just a few years ago would've been the most extreme heterodoxy. But today, I hear it on Pacifica, a network I swear sometimes thinks all the world's problems are caused by the U.S. embargo of Cuba. And while I don't think we'll be seeing Denzel Washington starring in a film about Nigerian oppression any time soon, and while I know Pacifica is hardly mainstream, perhaps this portends more honest discussions of the suffering caused by African governments. —ML

Operation Restore Chaos — The U.N. has left Somalia. The general media consensus is that the absence of multinational peacekeepers will plunge that country back into war. They're right, but for the wrong reasons.

In the Spring 1995 *Forbes MediaCritic*, former USAID food monitor Michael Maren explained the real effect of the U.N. intervention in Somalia: "UNOSOM's protective umbrella was shielding a massive arms buildup, and UN supplies were being looted to finance it. . . . Aided by numerous corrupt peacemakers, the factions began stockpiling goods for future battles." The "peace agreements" negotiated by the United Nations didn't do much to hold off those battles: "What the UN failed to realize, or refused to acknowledge, was that, because of its reputation, its very participation in a peace process nullified agreements in the eyes of the participants. In contrast, agreements that the Somalis hammered out among themselves, usually after a dose of bloody confrontation, seemed to hold." Maren doesn't mention it, but the prospects for lasting peace are best in the northern republic of Somaliland, where grassroots peace efforts were unhindered by U.N. interference, simply because local forces did not allow the blue-hatted troops to cross their borders.

And so, "With the two factions now rearmed, mostly through UN supplies and money, the death toll is likely to rise. Already, hundreds of people have been killed in intensified fighting that started in November." Thanks, Mr. Boutras-Ghali.

Many in the press now acknowledge that Operation Restore Hope was a mistake, but few seem to understand why. Rare is the *Time* article or CBS report that treats foreign aid as anything but Western benevolence, or that recognizes the initiative and local wisdom of the Third World poor, or that sees famine as caused by anything other than the vagaries of the weather.

Throughout the Somalia intervention, Michael Maren has been one of the loudest and wisest dissident voices in the English-language press. Only Rakiya Omaar and Alex de Waal of the human rights group African Rights have produced equally incisive critiques of the U.S./U.N. occupation and the policies that led up to it. Credit is due *Forbes MediaCritic*, *The Village Voice*, *Africa Report*, and the other motley media outlets that gave them space to make their case. —JW

It's not easy seeing green — H.L. Mencken once described the journalist's job as "snouting out and exhibiting new and startling horrors, atrocities, impending calamities, tyrannies, villainies, enormities, mortal perils, jeopardies, outrages, catastrophes — first snouting out and exhibiting them, and then magnificently circumventing and disposing of them."

I've always known that journalists snouted out the horrors, but only recently did I see a journalist disposing of them.

In 1989, Bill McKibben published a celebrated book called *The End of Nature* (preceded by an equally famous *New Yorker* article of the same name). McKibben contended that the advent of global warming, ozone depletion, and acid rain marks an unbreachable division in human history. Human beings have so insidiously affected their world that nothing is untouched and, as a result, "there's no such thing as nature

continued on page 68

Innocent Bystanders?

by Stephen Cox

The media's double vision has never been more apparent.

They may have felt nothing, most of them, after the first moment of blinding, inexplicable pain, as the familiar walls, floor, and ceiling rushed in on them, obliterating consciousness. I hope they felt nothing, though I realize that some of the people who, a moment before, had been idly chatting or beginning their daily business in the federal office building in Oklahoma City, Oklahoma, would awaken to find themselves trapped and broken in the concrete ruins, and most of those who awakened would die before any help could reach them.

As for the others, the men, women, and children who died two years before in the church compound at Waco, Texas — did they suffer more because they saw their deaths approaching? Week after week, as food ran low and calls for help to the outside world ("We Want the Media" was the sign they hung on the compound wall) proved unavailing, the scent of death must have grown almost as strong as the smoke that finally overwhelmed them when the tanks moved in and the people cowered together in their burning house. But some of them may have been burned alive.

In juxtaposing the two atrocities, Waco and Oklahoma City, am I engaging in an exercise in moral equivalence? No. Suffering of either kind can hardly be imagined; no comparison of sufferings can lead to anything but horror. Neither can the guilt of those responsible for one incident be accurately measured against the guilt of those responsible for the other, not until we can imagine the thought processes of people who could coldbloodedly, indeed self-righteously, prepare such sufferings for others.

What we can compare is the responses that the two incidents received from the nation, at least from its vocal and governing classes. A young woman of my acquaintance found a precise index of comparison in the most widely-circulated picture to emerge from the Oklahoma City disaster: a photo of a rescue worker cradling in his arms the broken body of a tiny child. Struck by that picture and by its omnipresence in the media, my friend sent me the following e-mail message:

> Not to understate the horror of either group of victims, but I don't recall pictures on the news of burned babies dug out of the Branch Davidian complex, or video of the families of the Branch Davidians crying in the arms of the firemen who tried to rescue the victims. Well, I guess the point is that no one was trying to rescue the people in Waco.

That's one good point. Another is that the mainstream media, traditionally so eager to sensationalize all suffering, and to invent it even where they do not find it, have made no attempt to sensationalize either the victims of Waco or the fact that they died without rescuers. The media remain at an emotional distance from Waco, and they remain there because they want to, just as they remain at a peak of hysteria about the Oklahoma City atrocity — because they want to.

For a full three weeks after Oklahoma City, television news and the above-the-fold sections of the daily newspapers were fully occupied by the terrors of the bombing and its aftermath. The nation was deluged by pictures of bleeding victims, grieving families, desperate rescuers, and politicians showing up for their share of the spotlight. The critical faculties of media pundits were wholly occupied by such profound questions as, "Will America ever be the same again?"

Dazed Oklahoma citizens were enticed to comment on the astonishing fact that bombs could be exploded in the state of Oklahoma. Distracted citizens of New York were encouraged to say that they regarded terrorist bombs as part of the natural order of things in their own state but that they suffered panic attacks when they heard that

bombs had been detonated elsewhere.

Cameras dwelt lovingly on the hosts of alleged psychologists who fanned out across the country to help schoolchildren heal their emotional wounds by talking about death and drawing pictures of explosions. Alleged FBI experts on "right-wing movements" were solicited to explain the motives of the perpetrators of the Oklahoma City bombing, and their explanations were received respectfully even after they blandly confessed that they didn't know who did it and had no acquaintance with the particular "movements" under suspicion.

The media remain at an emotional distance from Waco just as they remain at a peak of hysteria about the Oklahoma City atrocity — because they want to.

A Texas congressman received a weird fax that seemed to be related to the bombing; he turned it over to the FBI. The next day, one of his staffers sent a copy to the National Rifle Association, whose position on gun laws had been supported by the congressman. When the media learned of this, they implied that both the congressman and the NRA might be associated with the bombing itself. When the congressman held a press conference to display a memo from the FBI that cleared him of any such association, he was mercilessly hounded by reporters who obviously refused to believe that he, a politician who opposed gun restrictions, might actually have had nothing to do with a bombing.

Not content with suggesting the worst about individuals and political groups, the media turned on America itself. "Bomb Points up Simmering Hate in the Heartland" — lead headline, *San Diego Union-Tribune*, May 7. This is what a large metropolitan daily apparently considered urgent news nearly three weeks after the Oklahoma City bombing. The article underneath the headline was the by-now-customary paranoid attack on "paranoid" politics: a weird but regrettably typical commentary on supposedly expert opinion arranged so as to link "right-wing populist violence" with such dangerous things as "economic restructuring," "desk-top publishing, the Internet, videocassettes, and shortwave radio" — not to mention, of course (and this is the pay-off) "opposition to government, taxes, gun control, welfare. . . ."

These "issues," the *Union-Tribune* reported, are "powerful, violence-sparking wedge issues" in contemporary America. The implication is clear: if you don't want to drive a "wedge" or provoke "violence," you shouldn't bring these issues up.

Meanwhile, during the long, long crisis that supposedly gripped America's heartland, the president was given daily and sometimes thrice-daily opportunities to disgorge his own astonishing supply of self-serving cant. He was constantly on the tube, ranting against "violent speech," deploring the evils of "evil," and (on a day when he gave testimony to investigators concerned with his relationship to the Whitewater scandal) consoling little children by telling them that there are more good people in the world than bad, and that the bad people will certainly get punished.

I hope that he is right about that, but the results of the Waco atrocity have furnished precious little evidence to support his view. Congressional and Department of Justice investigations of the government's attack on the Waco cultists produced a few references to mistakes and bad judgment. Such investigations amount, on balance, to legitimization. But the most important legitimizing acts had already been performed by the media. You won't need all your fingers to count the number of nationally prominent, media-friendly people who expressed sympathy for

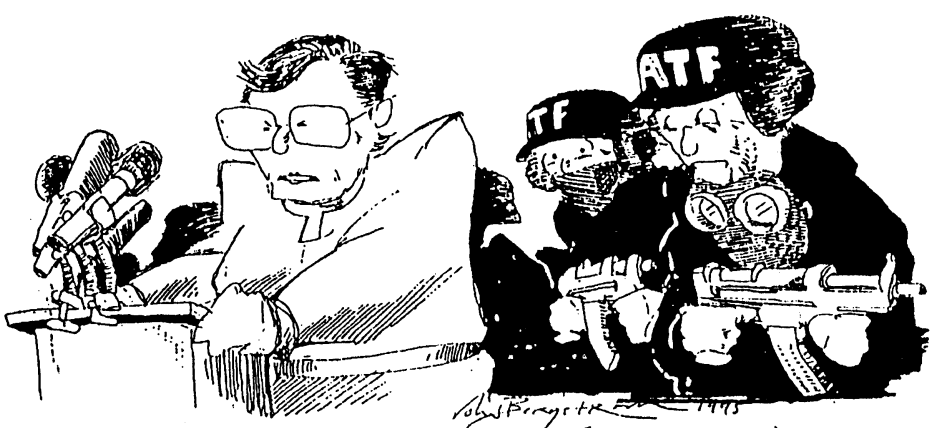

AS ATTORNEY GENERAL I VOW TO SEEK THE DEATH PENALTY FOR ANYONE WHO DESTROYS BUILDINGS + KILLS INNOCENT CHILDREN. . .

The Voice of Reason — For a day or two after the Oklahoma City bombing, the three television networks and CNN and their "terrorism experts" assured us that the crime was the work of Middle Eastern terrorists, backed (of course!) by Iran-led "Islamic Fundamentalists." CNN and other media reported that the FBI was looking for two "Middle Eastern suspects," while pro-Likud neocons such as the *New York Times'* Abe "Out of My Mind" Rosenthal were demanding the U.S. bomb Teheran and what was left of Baghdad. And maybe also Damascus, since we were in the area anyway.

CBS, riding on the anti-Islamic wave and trying to uncover the Oklahoma City "Middle East connection" (you see, there are several hundred Muslims in Oklahoma and they had a conference there earlier this year, so that explains everything), even made fun of a report on Iranian radio, the "Voice of Iran," which suggested that *American* terrorists were behind the Oklahoma City bombing. "The Iranians are reporting that according to their sources, American right-wing extremists were responsible for the bombing," a smiling CBS correspondent told American viewers. He had that smug look on his face of "Hey Americans, see

the victims of Waco or attempted to discover if any bad people had been involved in the affair, apart from the victims themselves.

When Congressman Conyers of Michigan suggested to the attorney general — a woman whose name should not disgrace the pages of this journal — that he would gratefully accept her offer to resign her position if she was shown to have done anything wrong about Waco, even Rush Limbaugh took to the air to castigate the congressman for his ungentlemanly conduct. Conyers apparently had some difficulty accepting the attorney general's explanation that she had ordered the assault on Waco because she was concerned that children were being mistreated there. Because of the assault, the children died. But by the time the media were through with the attorney general, they had done such a good job rehabilitating her that they could delightedly proclaim her "the most popular member of the Clinton administration."

After the Oklahoma City disaster, media pundits could be heard asking themselves innocently, "Why do so many Americans hate their government?"

If you have to ask that question, then you are, psychologically and spiritually, a part of the government.

The strength that this pro-government psychology can gather was indicated by an exchange between John McLaughlin and Christopher Matthews on the May 5 *McLaughlin Group*. McLaughlin is one of the few well-connected, high-profile media folk who keep reminding the public of the government's culpability at Waco. He ably presented the case against the attorney general's recent "in your face" promotion of Larry Potts, who was reportedly one of the FBI officials who approved the attack at Waco and who was also reportedly involved in the 1992 attack on the Weaver family in Idaho.

Matthews, a columnist for the *San Francisco Examiner* and a nationally prominent media personality, responded with one of those displays of "hurtful political speech" that the media are always warning us against, at least when they come from the Right:

> John, I think that, that, that screed we just watched there is part of the paranoia of this country. I don't understand why anybody would put that on the screen. That was a whole indictment by the crazy Right of this country against the Amer— not just the people who are running this country, the country itself. They don't like the federal government; they don't like the institutions; they go after ATF one week, FBI the next week, th-th-they're crazy people, and I'm tellin' ya', they they focus on

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what the crazy ayatollahs are saying?"

Now you tell me: who deserves the Pulitzer Prize for investigative reporting next year? CBS or the Voice of Iran?

—Leon T. Hadar

Truth, Terror, and TNR —

So the Oklahoma City bombing was committed by Americans. I don't think anyone was less pleased with this than *The New Republic*, which I assume had to junk several pages of Arab-baiting editorializing. Some of the old copy appears to have survived, though — witness this odd passage from their May 15 editorial, "An American Darkness":

> While the suspicion of Middle Eastern terrorism had a basis in reality — the feds would have been delinquent in their duty if they were not reminded of the signature history of truck-bombing — the taunting of Arab Americans, on the streets and on the airwaves, was terrible. There was much less of this, however, than their spokesmen would have had us believe and there would have been even less had Arab American leaders convincingly shown their revulsion at previous acts of terror.

Do *The New Republic*'s editorialists believe that every time an Arab does something wrong, every prominent Arab American, from John Sununu down, should denounce it? Or do they have particular Arab Americans in mind? If so, who? I must have missed something big here: I never realized that America's leading Arabs were incapable of being "convincingly" revolted by politically motivated mass murder. And this was obviously a big deal, since it was apparently a leading cause of recent anti-Arab harassment.

If workaday racists knew about this phony revulsion, how did *I* miss it? I must have been sick when it happened. Or away.

At any rate, denied the opportunity to spend an issue kickin' A-Rabs around, *The New Republic* turned its eye to the American terrorist Right. Sort of. On the cover, Alex Heard's article is called "Inside the Network That Created a Massacre." Within the magazine, the article is blurbed "Inside the world of the Waco-obsessed right." But the article itself has little to do with the people who (allegedly) committed the bombing. Instead, it's a surprisingly fair-minded rundown of Waco theorists that takes care to distinguish the sane revisionists from the flakes. It's a little snotty, yes, but it's hardly pro-Reno. And it's accompanied by a fine sidebar by libertarian journalist James Bovard, outlining the case for "skepticism about the federal government's version of what happened at Waco."

In short, the actual articles are rather good, once you get past the sensationalist packaging. Unfortunately, the packaging seems more likely to represent the views of the editors.

Oh, well. I enjoy *The New Republic*, but I've never mistaken it for the Old one.

—Jesse Walker

Leon Czolgosz Redux —

When I first heard that a white man was arrested for the Oklahoma City bombing, I was relieved: Charles Krauthammer, I said to the air, put away that pen — no calls for invading Syria today! But my relief soon dissolved into annoyance as Nina Totenberg began to refer to the accused and his cohorts as "anarchists." Now whether the bombers actually consider themselves anarchists I don't know. But it's clear that using the term as a label for nutball right-wing bombers does little to enhance the reputation of those of us who would prefer watching the state wither away to smashing it.

Left-anarchists in the 1890s. Right-anarchists in the 1990s. They're hogging all the attention. What's an evolutionary to do?

—Michael Levine

> Waco, they love the Waco, it's very much like the early Nazis, they would find these one little incidents where they were put down or they were oppressed and then they would *fester* over it and build that up as a big indignation argument for, for fighting the federal government.

When McLaughlin asked if Clinton should reverse Potts's promotion, Matthews replied:

> This is buckling to the Nazis, buckling to the Nazis. You're going, if you start playing ball with the guys in the brown shirts and the camouflage, you might as well turn the country over to them.

Other members of the Group became uneasy, but Matthews continued nonetheless:

> These people, these people are basically taking up arms against the federal government, they're insurrectionists, they're insurrectionists, they're challenging the authority of of uh uh institutions like the FBI and the AFT [sic] . . .

Apparently referring to investigative interest in the government's misconduct, Matthews said:

> It's the invasion of the body snatchers, this is the invasion of the body snatchers, they're taking over the minds of this country.

Finally, Matthews comforted himself with the hope of silence and forgetfulness in regard to the matter of Potts:

> This set, and people wearing camouflage, are the only people talking about this.

If the nation would only forget! But silence seems an odd hope to be nourished by someone who gets paid to talk.

This is, however, simply one more of those weirdly typical media phenomena. They look odd, to say the least of it, but they're quite predictable, and natural enough in their way. People in the orthodox media react pretty much as you would expect them to react as members of the governing class. When a newswriter or media pundit thinks of "government," he does not think of taxes, coercion, and subsidized self-righteousness. He thinks about a bunch of guys he went to college with. It is not pleasant to think about guys like that — guys you *know* — being accused of doing horrible, painful things. It is about as pleasant as it would have been for the journalists who covered FDR,

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Jackboots and Garter Belts — A question for those who applauded the Republican sweep in November: to whom would you rather entrust the crafting of the "anti-terrorism" (suppression of domestic dissent) bill: civil libertarian fossils Don Edwards and John Conyers of the *ancien régime*, or Newt Gingrich and Henry Hyde, who propose to vest the FBI with powers undreamt-of since the days when J. Edna Hoover frolicked in ladies' undergarments?—Bill Kauffman

Be All You Can Be — President Clinton and various federal authorities have blamed the Oklahoma City bombing on right-wing "militias," despite the fact that such organizations denied membership to Timothy McVeigh, the alleged perpetrator of the bombing. Practically no one has paid attention to the fact that there *was* one militant organization that embraced McVeigh as a member, supported him, trained him in the tools of mass murder, psychologically prepared him to kill without remorse, and rewarded him for doing so. I refer, of course, to the U.S. Army.

The *New York Times* sent a battalion of reporters to investigate McVeigh's background. Its front-page story of May 4 describes him as one who "tried to be the perfect soldier, working longer and harder than anyone else, winning quicker promotions."

He won a Bronze Star in the Gulf War:

> At one point, as Sergeant McVeigh's Bradley [tank] approached the Iraqi trench line, an enemy vehicle was spotted about 500 yards away. "Everybody wanted to shoot it," [a fellow soldier] recalled. "You know, first round, down range. McVeigh was, of course, the lieutenant's gunner so he received the opportunity to shoot the first round. I mean, he was just thrilled."
>
> "He was telling me how accurate the 25-mm cannon was," said [another soldier]. "He said when they were invading Iraq, he saw an Iraqi soldier coming out of a bunker and that when the first round hit his head, it exploded. He was proud of that one shot. It was over 1,100 meters [about 3/4 mile] and shooting a guy in the head from that distance was impressive."

"He played the military 24 hours a day, seven days a week," one of his fellow soldiers told the *Times*. "As far as soldiering, he never did anything wrong," said another. "He was a dedicated soldier; he loved being a soldier," added another.

To date, I have not heard a single call for an investigation of the U.S. Army. Instead, there have been calls for investigating and suppressing the militias, which so far have trained no one to kill without remorse and which apparently are less willing than the Army to allow lunatics to join them.

—R.W. Bradford

Halfway Humane — Late in May, President Clinton swore never again to use the phrase "government bureaucrats," on the grounds that it dehumanized public employees, making attacks like the Oklahoma City bombing more likely. Earlier, George Bush resigned from the NRA because one of its direct-mail packages referred to ATF agents as "jackbooted thugs." Clinton and Bush prefer we see agents of the state as human beings, not arms of an abstract enemy — a humane and individualistic goal.

Bill Clinton did not forswear the word "cultists," and George Bush did not express any regret for punishing all Iraqis for having a president he felt resembled that mother of all jackboots, Adolf Hitler.

So what conclusion should good Americans draw from this? Easy: *We're* not the subhumans. *They* are.

—Jesse Walker

Memory Hole — The president said the Oklahoma City bombing was the worst case of domestic political violence in United States history. Tell that to victims of Sherman's march to the sea. —James S. Robbins

and who supported him politically (as virtually all of them did), to think about the possibility of news photographs depicting him realistically, as a cripple. No such photographs appeared during FDR's career. If it were up to the "moderate" media of today, nothing more would be heard of Waco. We would hear only about Oklahoma City and the heroic president who restored America's confidence in herself.

Fortunately, however, the nation does not get news and opinion from the orthodox media alone. Thanks to free enterprise, the nation actually enjoys such fear-inspiring things as "desk-top publishing, the Internet, videocassettes, and shortwave radio." There is also talk radio, which is hated and despised by all credentialed authorities on heartland values but is loved by the heartland itself. There is even a segment of more-or-less mainstream journalism that tries to compete with the alternative media by pursuing the kind of stories that they have started.

To judge by the post-Oklahoma City reactions in these media sources, a sense of moral discrimination has not deserted the country. America has shown that it is not particularly inclined to follow the president on a crusade against right-wing witches, or to turn the state of Oklahoma into a Permanent Memorial to the Victims of Anti-Government Extremism.

This country is not filled with geniuses, but it's a lot smarter than most of the media personalities that presume to "educate" it. Most of the American people seem to know that being skeptical about the government is not, in itself, a proof of moral lunacy. Most of the American people seem to know that it is wrong to kill other people because you don't like them, whether they are federal employees or members of an unpopular church. And most of the American people seem to know that the death of a hundred innocent people doesn't give moral justification to those who seek to exploit their suffering. ❑

Hermeneutic

Signatures of Terror

by David Ramsay Steele

Note the style, find the man.

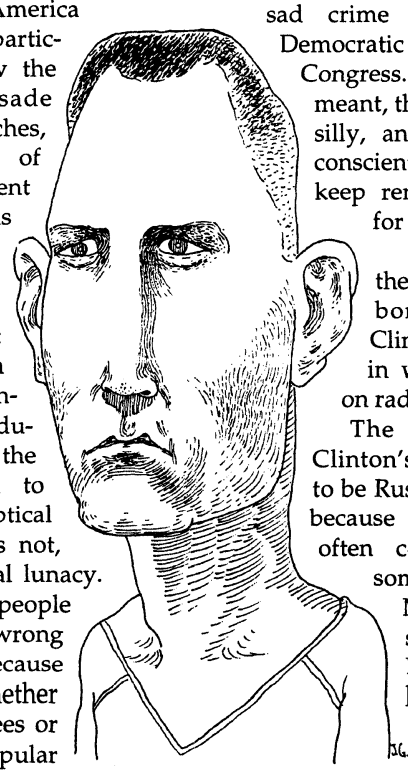

Some months ago Newt Gingrich referred to the case of Susan Smith, a South Carolina mother who had drowned her children, as a symptom of the malaise afflicting our culture. Mr. Gingrich's remarks were taken as implying that this particular sad crime was due to the Democratic Party's control of Congress. If that is what he meant, then it was extremely silly, and the media were conscientious enough to keep reminding us of this for some weeks.

A few days after the Oklahoma City bombing, President Clinton gave a speech in which he blamed it on radio talk shows.

The target of Mr. Clinton's remarks appeared to be Rush Limbaugh, partly because Mr. Clinton has often confessed to being somewhat nettled by Mr. Limbaugh: it seems that Mr. Limbaugh has got hold of the notion, goodness knows how, that Mr. Clinton is a crook, a slimeball, and politically a rudderless zig-zagger. The following day, Mr. Clinton's aides clarified his remarks. The clarification might have meant that it might not have been the case that Mr. Clinton had accused Mr. Limbaugh of inciting the bombing.

Mr. Clinton's performance here was just about as silly as Mr. Gingrich's earlier remark, yet the media treated it somewhat differently: though the predominant view was that the president had committed some kind of miscalculation by saying what he did, there was a show of earnest deliberation as to whether there was any truth in what he had said.

Another few days later, on April 26, the *New York Times* published the text of a letter from the "Unabomber," so named by the FBI because his earliest targets had been university professors and airlines. The Unabomber prefers to be known as "the terrorist group, FC" (yet another case of the Multiple Personality Disorder which has of late become so rife); the letters "FC" have been found scratched on most of his bombs.

FC sends bombs by mail. He mailed his first bomb in 1978. His 16 bombs have caused three deaths and 22 injuries. The most recent bomb killed the chief lobbyist for the California Forestry Association. It was addressed to the victim's retired predecessor, but naturally, from FC's point of view, the death of a forestry lobbyist with more activity still ahead of him is an even better hit. FC's letter smugly discloses that he has improved his bomb-making techniques so that we can now expect

more fatalities rather than mere injuries.

The letter states that "anyone who will read the anarchist and radical environmentalist journals will see that opposition to the industrial-technological system is widespread and growing." FC's avowed ultimate aim is "to break down all society into very small, completely autonomous units. Regrettably, we don't see any clear road to this goal, so we leave it to the indefinite future. Our more immediate goal, which we think may be attainable at some time during the next several decades, is the destruction of the worldwide industrial system." Reminds me of the old joke about the recipe for a perfect bank robbery, which begins, "First, you steal a battleship. . . ."

If FC's purpose is as he describes it (and it may not be), he is laboring under a misapprehension. Even if we were to suppose that his detestation of a high level of comforts and conveniences for the mass of people were morally right, he is grossly mistaken on a pure matter of fact in supposing that technological advance and growing output are now in any fundamental danger. The environmentalist frenzy has passed its peak, and the mainstream organs of opinion, besotted as they were for a while by the ravings of ecological demagogues like Paul Ehrlich, are now increasingly critical. Most of the world's people are clamoring to enter the high-tech, high-output realm of industrial capitalism, which alone can offer them a decent life, and they will remove anyone who makes a visible attempt to hold them back in preindustrial wretchedness.

If right-wing radio shows are responsible for the Oklahoma City bombing, who is responsible for FC's crimes? There are many candidates, of course, but one naturally thinks of Mr. Al Gore, author of the bestseller, *Earth in the Balance*. This appeared in 1992, but its self-congratulatory autobiographical references indicate that Mr. Gore has been putting out this kind of stuff since before 1978.

Earth in the Balance, as even its alarmist title suggests, is calculated to arouse panic in the minds of readers. It evinces utter credulity about any number of bogus scares like global warming, and conveys a contempt for our "dysfunctional civilization."

Just as Mr. Limbaugh condemns the Oklahoma City bombers, so Mr. Gore condemns the "deep ecologists," who see humankind as the equivalent of an AIDS infection of the planet, only to be cured by eliminating the virus — people. Mr. Gore tut-tuts about this, and offers instead the theory that humankind is "addicted to the consumption of the earth itself." At the root of this desperate addiction, claims Mr. Gore, is a culture which encourages thought and stifles emotions. In that case, *Earth in*

Photo Ops — Was anyone else revolted by the president's use of the Oklahoma City bombing to tout his National Service Corps? The president's attempt to tie that true spirit of voluntarism to his wretched federal "volunteer for pay" program was simply grotesque. Watch next for a day-care bill in the name of the children killed at the "America's Kids" center in the Murrah building.

—James S. Robbins

Cold Media, Hot America — During the Los Angeles riots, news coverage from the burning city was dominated by mushy empathy, but not with the real victims — the Korean store owners and middle-class homeowners defending themselves against the thieves and murderers. No, the press was obsessed with the plight of the city's criminal underclass — the gangs, the bums, the "homeless," and just your average scum — who were setting L.A. on fire, cracking the heads of passing-by truck drivers, and stealing color TV sets, all because, well, they were so anguished over the verdict in the Rodney King trial. Right!

I recall in particular the series of hour-long "specials" in which *Nightline*'s Ted Koppel interviewed some of the gang leaders responsible for the death and destruction in L.A. He did so with the same respect he would probably have conferred on the leaders of the French Resistance — as larger-than-life romantic figures — treating with the utmost seriousness the thugs' views on the predicaments of Third World peoples, the Fed's anti-inflation policies, the Great Society programs, and how white businesses are infecting blacks with AIDS.

The villains in the media's sentimental crap were the Los Angeles Police Department and those white jurors responsible for the physical and psychological torment of that great martyr, Rodney King. And, of course, those Korean store owners who did not have legal permits to use those guns against the rioters. All of which played into the hands of activists, lawyers, and members of Congress, who were able not only to overturn the jury's verdict, but also to help launch new big government welfare programs to help the "victims."

I was reminded of the media's treatment of the L.A. nightmare as I followed the coverage of the Oklahoma City bombing. This time the real victims were identified — the innocent men, women, and children who died. And the perpetrators of the crime were portrayed as the terrorists, the plain and simple killers, that they are.

But notice what was missing from the Oklahoma City coverage. No media empathy this time with the social and economic predicaments of the white underclass, no attempt to uncover the "underlying causes" of their anti-government campaign — high taxes, repressive regulations, "assertive multilateralist" diplomacy (leading to the deaths of American soldiers in Somalia), U.S. tax money bailing out corrupt Mexican politicians and irresponsible Wall Street investors, FBI agents killing innocent Americans.

Instead, all those tax resisters, Second Amendment proponents, U.N. skeptics, anti-government activists, and anti-environmentalists united in their anger over the government's criminal actions in Waco and Ruby Ridge have been portrayed as, at best, pathetic and cartoonish figures, and at worst, racists, anti-Semites, "white trash," "the lunatic fringe," "conspiracy nuts," "paranoids," and "America's anti-government zealots" (see *Time*'s May 8 cover). There are no four-part *Nightline*

the Balance's level of argumentation proves that cultural conditioning has its limits.

Mr. Gore's book contains inflammatory "hate" passages, such as his mention of "many political, business, and intellectual leaders" who serve as "enablers" for our addiction to consuming things, by willfully refusing to "acknowledge these destructive patterns." Surely a fragile soul might be prodded by such a remark to start physically eliminating some of these devilish enablers?

Was FC influenced to do what he did by Al Gore? Probably not, and even if he was, it wouldn't be Al's fault.

Bombings require organization and commitment. They don't happen because fragile souls are pushed over the edge by fiery rhetoric. And that aside, the preachers of some doctrine are not responsible if others act upon that doctrine in ways which the preachers have never recommended.

Those who preach environmentalism and advocate environmental policies are not responsible for others who plant booby traps killing loggers. Those who argue that a fetus has a right to life are not responsible when others shoot abortionists. Those who preach that homosexuality is immoral are not responsible when others beat up homosexuals.

Rush Limbaugh does not advocate violence as a way of advancing conservative policies (except by military means abroad, a matter in which most of his critics keep him company, when they do not positively out-jingo him). It's being said that Gordon Liddy has advocated shooting federal officials, but as far as I know, Mr. Liddy has not recommended that these officials be sought out and killed in their homes or offices. He has merely recommended that we use deadly force in pre-emptive self-defense when our homes are forcibly invaded by federal officials acting criminally. And although Mr. Liddy may have spelled this out in more lip-smacking detail than some folk would have liked, who will dispute that such purely defensive action would be morally justified?

What can actually be learned from FC's letter?

Obviously he is male (his extreme self-conceit) and a middle-class Caucasian (his trendy-lefty anti-industrial views), most likely Anglo-Saxon or Jewish. His IQ is at least 125, though much higher on verbal than on numerical skills. His background is purely in the humanities, in some areas of which he is extremely well-read. He is ignorant of natural science and economics. He was very likely enrolled in some college, perhaps a fairly prestigious one, in the late 1960s or early 1970s, though quite possibly he did not graduate. He has almost certainly visited Europe.

On my reading of the ideological nuances of his prose, he is not first and foremost an environmentalist, but someone who became a committed anti-capitalist and anti-industrialist for reasons largely unrelated to environmental issues. Both "anarchism" and "environmentalism" are convenient misdirections. FC was an anti-capitalist first, an environmentalist second — and mainly for tactical reasons. A number of indications suggest involvement with Situationism, which (in a United States context) points to the San Francisco Bay Area. But I would allow some possibility it might have been Maoism or Trotskyism.

There are several feints and sham clues. He writes of testing his bombs "in the Sierras," which presumably means that he is now based nowhere near the Sierras, though of course a double-bluff remains a possibility. There's no reason to doubt that the deceptions extend to the presentation of his ideology and to his choice of victims. His early victims had nothing to do with environmental issues, but he is now killing a few environmentalist bogeys. Although he probably does believe that this is a good thing in itself, it serves to bolster his Green credentials.

The *Times* tells us that FC's exact wording and punctuation have been retained. Though very slightly old-fashioned, the grammar and style are

---

series to take a serious look at the lives and times of the militia leaders. Instead, their views on the Fed, the World Bank, and the United States are being ridiculed as being paranoiad. (Which, in many cases, they are.)

All of which plays into the hands of all those activists, lawyers, and Members of Congress interested in denying Americans their constitutional right to bear arms, to impose restrictions on freedom of speech, and to strengthen the powers of the FBI, permitting it to spy on "subversive" groups and publications, such as the one you are reading. (Is this a sign of paranoia on my part?)

—Leon T. Hadar

Motivated by Hate — Murray Rothbard used to say that the mark of a true libertarian radical was that he hated the state. If this is so, libertarianism may soon be declared a hate crime. Talk radio, the Internet, fringe publishers — almost every outlet for dissent has now been attacked for contributing to "an atmosphere of fear and hatred," by which it is meant fear and hatred of the government. The *federales* don't always fear being feared, of course, but they sure hate being hated. It is time, they say, to restore a "civil discourse" — that is to say, public debates in which no one refers to any important person or thing by an emotionally charged name. Waco was not a holocaust; Janet Reno is not a killer. The Gulf War was a police action; the MX was a peacekeeper. Ignorance is strength, freedom is slavery, and Bill Clinton is a decent human being.

When I was in college, the P.C. Left tried to distinguish "hate speech" from "free speech," presumably so they could call for censorship and still think of themselves as civil libertarians. Since hate speech is a kind of speech and free speech is a kind of freedom, this linguistic sleight-of-hand never impressed me very much. Besides, "hate speech" didn't necessarily mean speech that is hateful — just speech that is potentially offensive. "Luke is a real bastard" was not hate speech. "I lost my job because of affirmative action" was.

But if "hate" was a trendy euphemism for "offensiveness" then, since the Oklahoma bombing it has come to mean "dissent." I think I prefer the old code. Some Orwellianisms are more Orwellian than others.

—Jesse Walker

flawless, which may turn out to be a serious mistake. Only about 1% of the U.S. population is that literate, and, while it's not too difficult for a literate person to feign illiteracy, it's impossible for an illiterate person to feign literacy.

It would be a remarkable eventuality if such an egoist ("We reserve the right to engage in sabotage") and such a practiced writer ("So we expect to be able to pack deadly bombs into ever smaller, lighter and more harmless looking packages" — not many people can handle prose with that degree of assurance) had never appeared in print, and perhaps also as the motivator of some organization (booking rooms for meetings, and so forth).

There are stylistic fingerprints in this document. For example, not many Americans use the locution "ever smaller." Someone else might have put "progressively smaller." A person who writes so well, and who uses "ever smaller," is very likely to have used "ever" followed by a comparative adjective in earlier published writings. There are plenty of other mannerisms in the document, and the FBI say they have three other letters from FC. All the radical-left publications in the San Francisco Bay area from 1965 to 1978 could be run through a stylometric analysis, and this would probably turn up our bomber.

Stylometry is the technique which tells us, for example, that all the New Testament letters attributed to Paul are not by the same person, that the Old Testament Book of Isaiah was cobbled together from three separate writers' works, and that the Book of Mormon was not translated from ancient Chaldean. But there's no reason stylometry couldn't also catch a bomber.

Le style c'est l'homme même. It should now be fairly easy to find this bastard, and if he isn't put away within the next couple of months, I'll begin to wonder what I'm supposed to be paying my taxes for. ❑

History

Still Smoldering

by R. W. Bradford

The intelligent person's guide to Waco.

A month or two ago, I asked a publisher friend whether he thought there would be much of a market for a book on Waco. "It's a dead issue," he said. Last week, he called to apologize, wondering if I had a particular writer for such a book in mind.

What changed his mind was the bombing of the Oklahoma City federal building, apparently by an individual upset by a number of recent activities of the federal government, including its confrontation with the Branch Davidians in Waco. I say "apparently" because the accused McVeigh has said virtually nothing about his motives for allegedly bombing the federal bulding; he seems to consider himself a prisoner of war, obligated to reveal nothing but his name, rank, and serial number. What we know of McVeigh's motives comes from slow and incoherent reports of investigations of his background by federal police and the press.

What really thrust Waco back into the headlines was Bill Clinton's bizarre answer to CBS reporter Leslie Stahl's question on *60 Minutes* about whether he had "any second thoughts" about the Waco tragedy. "Before that raid was carried out, those people murdered a bunch of innocent law enforcement officials," he shrieked, "and when that raid occurred it was the people who ran that cult compound who murdered their own children, not federal officials. They made the decision to destroy the children that were there."

Clinton's answer was, of course, an absolute lie. Eleven Branch Davidians were charged with conspiracy to murder the four federal agents who died in the government's original assault on the Davidians, and with aiding or abetting the murder of those agents. All were tried in court. All were found innocent. No charges were ever brought against anyone for murdering the Davidian children, but if they were, the most logical culprit would be the FBI, which induced poison gas into the building where it knew children were housed.

Will there be an investigation of Waco? Not if the Clinton administration has its way. "Why is there this terrible diversion on Waco when the real problem we're confronting today is Oklahoma City?" asked White House Chief of Staff Leon Panetta. He added that the administration's "anti-terrorism" legislation (that is, its measures to give police access to telephone and credit card records) isn't moving through Congress fast enough to suit the president "because there is this diversion going on to try to create

attention on the Waco incident. . . . I think that's despicable."

The Republican-controlled Senate has voted overwhelmingly to postpone any such hearing until the investigation of the Oklahoma City bombing is completed and its perpetrators tried and convicted, a process that will almost certainly take several years. House Speaker Gingrich has said the House subcommittee on terrorism will hold hearings sometime this summer or fall.

The Undiverted Truth

There are two competing versions of what happened at Waco: one from the radical right wing, determined to find a conspiracy in every act of the federal government, the other from the government.

The government's version claims that the ATF agents who initially attacked the Davidians on February 28, 1993, were innocently trying to serve a search warrant when they were fired upon by deranged and illegally armed religious fanatics. After the ATF withdrew, the heroic FBI took over and, in an attempt to save the Davidian children, fired harmless tear gas into the cultists' compound. The Davidians reacted by shooting each other and setting themselves on fire.

This story is a fabric of lies embellished with obvious self-contradictions.

The radical right wing theory, which may have inspired Timothy McVeigh, portrays the attack and killing of the Davidians as part of a government conspiracy. In its more absurd forms, this theory describes the ATF killing its own agents at Waco (because they "knew too much about the Clintons") and then blaming the deaths on the Davidians. There is also the idea of Waco as practice run for a coming United Nations crackdown on patriots in order to foist The New World Order on complacent Americans.

Based on a careful examination of the evidence, it appears that the conspiracy theories are wrong. But it is easy to see why so many people believe them: officials from Bill Clinton to Janet Reno down to virtually every press spokesman for the ATF and the FBI consistently lied, and the administration and federal law-enforcement bureaucracies do have a powerful urge to disarm private citizens and suppress religious diversity ("cults").

The most sensible explanation of the Waco tragedy is not much more reassuring than the conspiracy theories. It's disquieting in more subtle ways.

A careful examination of the events and the testimony of those involved yields the following:

The ATF decided to assault the Davidians in an attempt to gain favorable publicity. They expected that the element of surprise and their huge show of force would intimidate the Davidians into a quick surrender. The attack went tragically wrong thanks to two miscalculations by the ATF: first, that the Davidians would not learn of the raid in advance, despite the ATF's advance publicity (which included inviting local television film crews along for a photo opportunity); second, that the Davidians would lack either the means or the will to resist. In the initial assault by 80 heavily armed ATF agents, allegedly intended only to search for possible violations of gun-licensing laws, the ATF failed to capture the Davidian property, and an uneasy truce resulted. In that confrontation, four ATF agents and five Davidians were killed. The ATF claimed that the Davidians had fired on them without provocation and that it had videotape evidence to prove this.

A turf war developed between the Treasury Department's ATF and the Justice Department's FBI. Ultimately, the FBI prevailed, and its "Hostage Rescue Team" took over managment of the operation, despite the fact that there were no hostages to rescue.

During the siege, the FBI used a variety of "psychological warfare" tactics, including bombarding the Davidians with loud noise, flooding them with bright lights at night, playing rock music to prevent them from sleeping, and wantonly destroying their property. The FBI also installed listening devices within the Davidian property and kept careful track of everything said inside. It consulted experts in psychology, religion, and other fields it believed relevant. It also used the age-old tactics of military siege: it cut off water, food, and contact with the outside world. Its spokesmen sought to create a favorable impression of FBI activity with frequent news conferences, during which (it was later established) they made a comprehensive effort to lie to the American public.

After 51 days, the FBI (with the approval of Attorney General Reno, and probably Bill Clinton as well) attacked the Davidians, firing CS gas into the buildings from tanks. CS gas is poisonous, and its manufacturers stress that it should never be used within buildings. It is especially harmful to children, of whom there were more than 15 within the compound. The FBI knew that the Davidians possessed no gas masks that would fit the children.

After several hours of attack, a fire broke out. There is no conclusive evidence explaining how the fire started, though the FBI had to be aware that fire was likely under the circumstances. CS gas is extremely flammable; under the right conditions, it can be explosive. The FBI knew that Davidian property was a wooden frame structure, reinforced with bales of hay as a defensive measure against small arms fire. The FBI knew that the Davidians were using kerosene lanterns for light and that kerosene was present in a variety of locations within the building. The FBI also chose a day for its attack when winds exceeded 30 miles per hour and conditions were dry, and ordered all fire-fighting equipment to be kept away from the Davidian property during the attack. During the entire siege and the attack, the press had been kept more than a mile from the scene.

During the course of the fire, 81 Davidians died, some from the fire itself, some apparently by suicide. The FBI prohibited any effort to fight the fire. It arrested those Davidians who escaped the conflagration and told the press that the escaping Davidians had confessed to having started the fire, a

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claim subsequently denied by all the surviving Davidians. After the fire died down, the FBI combed the wreckage; it subsequently claimed to have found evidence that the Davidians had possessed unlicensed automatic weapons, though in the subsequent trial it denied defense experts access to this evidence. The government claim that the Davidians had lit the fires was supported by an "independent" expert, who was later revealed to have been a long-time government consultant whose wife was employed by the ATF.

In the wake of the mass carnage, Attorney General Reno took "full responsibility" for the decision to attack the Davidians, and President Clinton denied any responsibility. Taken together, Reno's public statements constituted a virtual admission that she had consciously ordered the attack while in full knowledge that it would result in the mass death of innocent children. However, most of the American public did not listen to her statements in their entirety or evaluate their implications. Instead, loath to believe that such a horror had been committed in their name, they applauded her willingness to take responsibility.

Eventually the search warrant that had justifed the initial raid was unsealed. It proved to be a fabric of irrelevancies and falsehoods.

When the surviving Davidians were tried, the government offered no evidence other than the testimony of seven of its own agents, one of whom recanted his earlier statement that the first shots fired were the ATF's killing of the Davidians' dogs. Most notably, the government failed to produce the videotape that it had claimed would prove the Davidians had fired the first shots.

With the site of the crime burned to the ground and bulldozed over, the defense could offer no physical evidence for its side other than a tape of the Branch Davidians' call to 911 ("There's 75 men around our building and they're shooting at us!"), which sounded a lot like people under attack. The only other witnesses were television reporters invited to the scene by the ATF but kept too far away to have any idea who fired first.

All eleven Davidians were found not guilty of murder, conspiring to murder, and aiding or abetting the murder of the federal agents. Five were found guilty of a lesser charge of "aiding/abetting voluntary manslaughter," based on Judge Walter S. Smith's instructions that jurors convinced that the accused had acted "in the sudden heat of passion caused by provocation" could convict them of this lesser charge.

The American people did their best to forget about Waco. Internal investigations by the Treasury and Justice Departments exonerated all officials of anything worse than lapses in judgment and blamed the Davidians entirely for the tragedy, and four congressional investigations were perfunctory. The two ATF officials whose judgments seemed most egregious were suspended, but later reinstated with back pay. The official who directed the FBI's efforts was reprimanded, but subsequently was promoted to the position of deputy director. ❑

"Anti-Government" — The press should stop using the "anti-government" label for all the right-wing groups it is focusing on after the Oklahoma bombing. There is nothing "anti-government" in the views of the Nazi and White Aryan movements. These are proponents of totalitarian ideologies that advocate establishing powerful regimes to repress and even exterminate political enemies and religious and racial minorities. Nor are Christian fundamentalists who want a central political authority to regulate our cultural and spiritual lives part of an "anti-government" crusade. Perhaps they are part of the "lunatic collectivist fringe." —Leon T. Hadar

"Anti-Terrorist" — In response to the bombing of the federal building in Oklahoma City, President Clinton has proposed new legislation that would:

- allow him to declare an organization a "terrorist group";
- allow him to use the military to investigate domestic "terrorist groups";
- allow federal agents access to credit card, financial, telephone, and hotel records;
- allow federal gents to wiretap individuals suspected of any federal felony (not just serious felonies, as currently required);
- hire 1,000 new federal agents, prosecutors, and other personnel;
- allow evidence from illegal electronic surveillance to be used in court;
- require adulteration of fertilizer and other substances that can be used to make bombs to allow them to be traced; and
- spend $500,000,000,000 to enable federal authorities to listen in on secured digital telephone lines.

The use of cash has been virtually outlawed in the United States. Under various laws and regulations enacted as part of the Reagan-Bush "War on Drugs," banks, merchants, travel agents, and others are required to file reports to the IRS of any cash transactions deemed suspicious. In general this means that all transactions of more than $10,000 and most transactions of $1,000 or more are reported directly to the IRS. So giving federal officials access to your credit card records is tantamount to giving them information on how you spend every dime you earn. And giving federal officials the right to listen to your phone calls and giving them access to a list of all calls you make or receive goes a long way toward eliminating private communications.

What's curious about the proposed measures is that not a single one of them would have prevented Timothy McVeigh from bombing the federal building in Oklahoma City or made him any easier to apprehend. McVeigh was not part of any organization. He apparently did no planning by telephone. He seems to have purchased the inexpensive components of his bomb with cash. And his apprehension was simple: he fled the scene driving an automobile without license plates.

Republican leaders were quick to endorse this comprehensive and expensive program of increasing government power and reducing what's left of the traditional American right to privacy. About the only criticism has come from the ACLU. Newt Gingrich has said he hopes to have the program enacted by the time you read this. —R.W. Bradford

How-To

Conspiracy Is As Conspiracy Does

by Jesse Walker

How to spot a scapegoat theory.

We've heard a lot about conspiracy theories in the weeks since the Oklahoma City tragedy. Alleged bomber Timothy McVeigh has been "linked" to the militia movement, and the militia movement, we are told, holds to all sorts of paranoid notions. Such as:

- the federal government plotted the Oklahoma City bombing;
- Soviet troops are performing maneuvers on American soil;
- Vincent Foster was murdered by Hillary Clinton;
- the Constitution is being gradually undermined; and
- the federal government cannot always be trusted.

All of which, of course, are equally ludicrous. Right?

Political analyst Chip Berlet expressed one popular explanation for conspiracy theories on National Public Radio's *Morning Edition*. "I'm a straight white Christian man. I don't like having to give up my privilege and status," he said. "We now have a large group of people blaming the government because the government is the agency by which we're forced to deal with these unpleasant realities. All of these social stresses are backlash movements aimed at these other causes, but displaced over to the scapegoat of the government as the agency by which these people [blacks, gays, and women] are in our face."

Which explains, I guess, why conspiracy theories are so popular among the Black Muslims.

Scapegoating is a real social ill, even if Berlet's remarks about it are not particularly cogent, and it is indeed often tied to conspiracy theories. So, as a case study, let's compare two views of the events leading to the incineration of the Branch Davidians in Waco, Texas. Here is the official government story, as expressed in the ATF's search warrant and by government officials during and after the standoff:

> The Branch Davidians were a dangerous cult. They were completely devoted to their megalomaniacal leader, who engaged in ritual sex with children. They were amassing an arsenal of illegal weapons, which they planned to use in an attack on the outside world. They may also have been involved with manufacturing dangerous illegal drugs. When they refused to submit to a lawful warrant, killing four federal agents instead, the standoff began. Officials had reason to believe they were abusing children, so they attacked their compound — but the mad Davidians set themselves on fire rather than surrender.

Here's the mainstream revisionist account of what happened, as expressed (in slightly variant forms) by critics ranging from Alexander Cockburn to *The American Spectator*:

> The ATF had recently suffered a lot of bad publicity, and were concerned for the future of their funding. The Branch Davidians did not pose a social threat: there was no credible evidence that their weapons were illegal or that they were plotting violence, there was no evidence at all that they were manufacturing drugs, and at any rate there were several less confrontational ways to arrest Koresh. The ATF did not expect a standoff; they assumed they would easily take the "compound," seize a lot of weapons, and ride the publicity through their funding difficulties. The fire was probably caused by the combination of the highly flammable CS gas the FBI pumped into the compound and the FBI's tanks knocking over kerosene lanterns. There is some evidence that this was deliberate, but this has not been proven.

Which of these accounts of the holocaust sounds more like a scapegoat theory? The government's lurid portrait of diabolical Davidian Templars plotting apocalypse, or the revisionists' description of an ATF publicity stunt gone horribly awry?

Of course, there are other revisionist Waco tales that do merit the "conspiracy theory" label. But these stories emerged largely because the government and media were so uninterested in uncovering what actually happened in Texas two years ago. Cover-ups breed suspicion of further cover-ups. If Janet Reno had been fired after Waco, fewer people would be convinced today that the U.N. is building concentration camps in Indiana.

The important point is that it is the government, not the dissidents, that is looking for scapegoats. The dissenters, *contra* Berlet, are not simply scapegoating the state; they have legitimate reasons to fear it. Waco and Ruby Ridge were not aberrations. Government agencies have shown their contempt for life and liberty on countless recent occasions: civil-forfeiture larcenies, harassment of homeschoolers, FDA raids on health food stores, ATF assaults on law-abiding gun owners, INS harassment of Hispanics, BIA abuses of American Indians, local police corruption and brutality. Anyone who wonders why so many Americans have come to fear their government need look no farther than the corpses of Donald Scott, Vicki Weaver,

Malice Green, and David Koresh.

The state, on the other hand, has always been quick to paint its victims as a subhuman Other. Cultists. Crackheads. White supremacists. Black gangsters. Muslim terrorists.

Many of the current attacks on the militia movement have also followed this pattern. On *The MacNeil/Lehrer News Hour*, Morris Dees of the Southern Poverty Law Center "linked" the militia movement to the Order, a neo-Nazi terrorist group of the early 1980s, offering no evidence for this connection beyond the presence of one militia organizer at one conference of white nationalists half a decade ago. His conclusion: the government should ban the militias. One local news program did a report on "Hate on the Internet," the upshot of which was that one could access militias (automatically defined as "hate groups") and discuss weaponry via one's modem. Their conclusion: we need controls on electronic speech.

And the president has been quick to use fear of further terrorism to call for increasing the power of the FBI and other federal police agencies. To their credit, many media figures, such as Ted Koppel and Anthony Lewis, have pointed out how the government has abused these powers in the past; for the first time in my recent memory, network news programs have actually discussed the FBI's COINTELPRO operations of the 1960s and '70s, in which the feds infiltrated antiwar, civil rights, and other protest groups in order to sow dissent within those movements.

The commentators have avoided mentioning one facet of COINTELPRO, though: the use of *agents provacoteur* to drive peaceful organizations to acts of violence, thus discrediting the groups and their causes. Interestingly, the one conspiracy theory that every commentator has denounced as unthinkable — indeed, has held up to show just how loony these militia people are — is the notion that the federal government had something to do with the Oklahoma City bombing. If one remembers earlier *agents provacoteur*, this hypothesis becomes less unreasonable — though still completely unproven.

To some pundits, of course, *any* critique of power is itself a paranoid conspiracy theory. No distinction is made between naive references to the Trilateral Commission as a modern Illuminati and intelligent critiques of Trilateralism as an overt, non-secretive brand of elitism. No distinction is made between improbable tales of one-worlder cabals and legitimate fears of global concentrations of power. In these pundits' worldview, any critique of elites is paranoid — and any claim that issues from those elites is not. In that context, we should remember that the most dangerous conspiracy theories are those that *aren't thought of as conspiracy theories*. Chip Berlet and Morris Dees may find covert anti-Semitism in every diatribe against bankers or Hollywood, but it was the federal government, in its assault on the Branch Davidians, that carried out a modern pogrom.

"Every one of us has to accept responsibility for allowing scapegoating and dehumanization and conspiracy theories and demagoguery and soundbites to become the operant political discourse in America," Berlet told NPR. I'd like to believe that Berlet is denouncing the tendency to blame every social ill on some alien force — illegal aliens, or Japanese businessmen, or "assault rifles," or marijuana, or militias, or *Beavis and Butt-head*. But I can't help but suspect that he's more concerned with citizens who fear the government than with governments that foment fear of a new alleged demon each month.

And watching, reading, and listening to the commentators since that horrible Oklahoma blast, I can't help but suspect that in this, Berlet is far from alone. ❑

Comparison

A Tale of Two Terrorists

by David Ramsay Steele

The Ulster connection.

Immediately after the Oklahoma City bombing, our Head of State and Role-Model-in-Chief read a meticulously-crafted statement voicing his heartfelt loathing and commitment to retribution:

> We will find the people who did this. When we do, justice will be swift, certain, and severe.
>
> These people are killers, and they must be treated like killers.

This was something of a change of tune for Mr. Clinton, who was abruptly abandoning a quite different procedure for dealing with terrorist bombers. Just one month earlier, he had run the following simple six-point program:

(1) Wait until a few weeks have elapsed since the bombers last bombed anyone.

(2) Locate the bombers' political spokesman.

(3) Invite him to a cordial get-together at the White House.

(4) Praise him as a peacemaker for not bombing anyone lately.

(5) Resist all attempts to make disarming of the bombers a condition for further recognition, including further high-level chats and photo ops.

(6) Give the bombers the go-ahead to publicly raise funds for future bombing.

This was, in essence, the masterly

THE RADICAL ROMANTIC

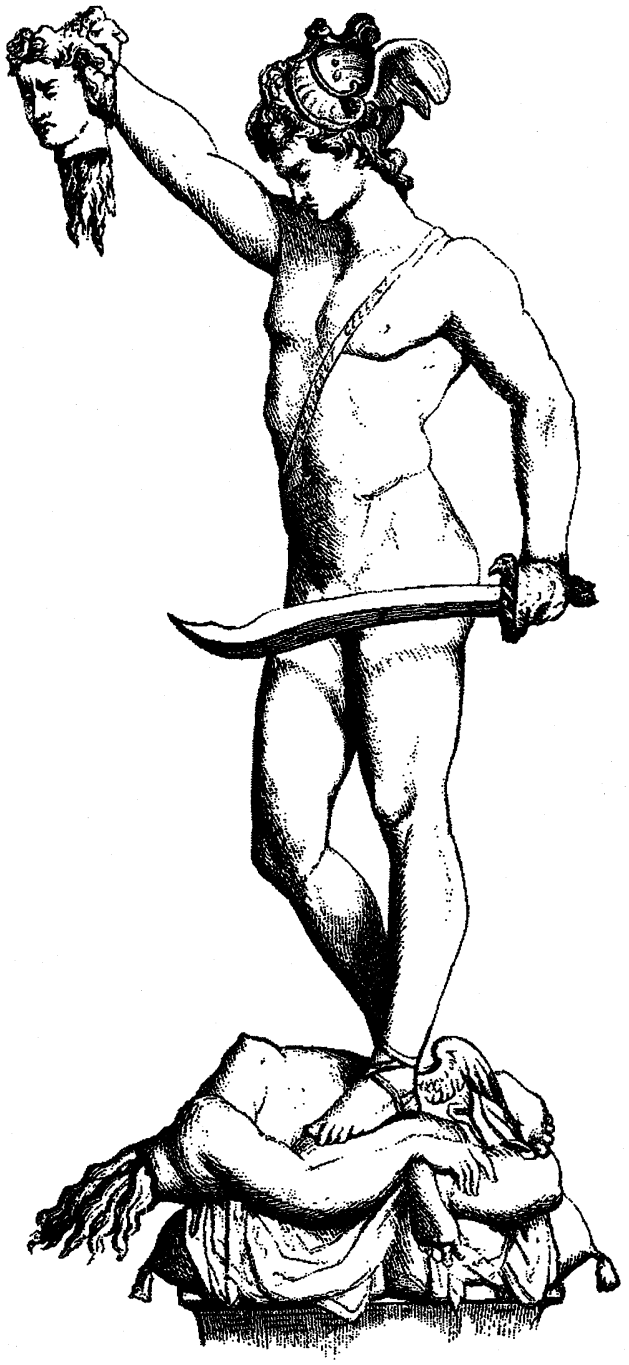

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strategy Mr. Clinton adopted in the case of Mr. Gerry Adams, the charming, mild-mannered spokesman for Sinn Fein/the Irish Republican Army. In no significant matter of principle does the Oklahoma bombing differ from the terrorist campaign of the IRA.

Oklahoma was a juicier crop of corpses than the IRA has been able to harvest at one sweep of the scythe, and no doubt Gerry Adams' gallant knights are even now studying the newly demonstrated possibilities of low-tech. But over the years, in many bombings and shootings, the IRA has dispatched thousands of souls to the banks of the Styx, many of them admittedly guilty of working for the government, including an impressive tally of women and children. The death, suffering, and horror inflicted upon Americans by whoever did the job in Oklahoma is much the same as the pain inflicted many times on the people of Ireland and Britain by Gerry Adams' boys.

Do the aims of the bombers have anything to recommend them? We do not yet fully grasp the aims of the Oklahoma bombers, but it seems that they may have been trying (1) to encourage the state to become more oppressive, in order (2) to advance some revolutionary scenario. The first part is a cinch, the second is less dependable.

The IRA's declared aim is to get the British to leave Northern Ireland, but this glib phrase is equivocal. Whether or not British troops are pulled out of the Six Counties, so that full control of combatting the IRA is returned to the usual peacetime security forces, is a matter of tactics. In any case, no one doubts that the troops are kept there to deal with the IRA and that they would indeed go home after a while if the IRA permanently stopped killing Northern Irish civilians.

What is really intended by "British withdrawal" is that Northern Ireland should cease to be part of the British nation-state. Forgive me for an uncouth lapse of taste at this point, if I bring up the tiresome little detail that about two-thirds of the people of Northern Ireland (virtually all of the Protestants plus a few of the Catholics) view themselves as British, while about nine-tenths of the remaining one-third are fully prepared to accept British rule in practice and work peacefully within it.

The point of view of the majority two-thirds is clear and has been voiced repeatedly, in numerous referendums and elections: they desire to remain part of the United Kingdom. If they are expelled by Britain, they will form an independent state of Ulster. Either way, they strongly prefer not to be ruled by Dublin.

So getting the British out of Northern Ireland either means getting two-thirds of the population to leave, or it means bombing the survivors of that two-thirds into submission, so that they accept a foreign rule which they dread more than IRA bombs.

The British government would like nothing better than for the Northern Ireland majority to undergo a miraculous conversion and wake up tomorrow morning consumed by a feverish craving to be part of the Catholic nation governed from Dublin. Failing that, the British have done what they could to poke and cajole the Ulster people into accepting the inevitability of Dublin rule. So far, the Prods (as they are contemptuously called by Catholic nationalists at street level) have remained perversely stubborn. And so far, the British government, while ceaselessly intriguing against the Ulster Protestants, has stopped short of expelling Northern Ireland from the U.K.

The majority of the Catholic population, in Northern Ireland and in the Irish Republic, has some attachment — varying widely in quality and intensity — to the ultimate goal of a united and independent Ireland, but most want this to be brought about peacefully, by the eventual uncoerced consent of the Ulster Protestants. This is a perspective of centuries rather than decades.

Some hope that growing prosperity, secularization, and liberalization in the South will eventually make that culture seem less alien to the non-Catholic people of Ulster, while the higher fertility and lower emigration of Catholics will gradually weaken the Protestants' majority position in the North. This could happen, but as Irish Catholics become more secular-minded they might also become less fascinated by the project of extending the effective borders of the Catholic nation.

If Britain were to be persuaded to expel Ulster, the repercussions in the whole of Ireland could easily be akin to the present situation in Bosnia. Today, of course, even counting the hazards of the IRA and of the Protestant paramilitary gangs which have arisen in response to the IRA, everyday life in Northern Ireland is much safer from violent attack than life in any American city.

The immediate aim of IRA bombing, like the immediate aim of the Oklahoma bombing (insofar as we can now conjecture that), is more violence and suffering, not an end to violence and suffering. This is not a prospect which any reasonable person who values human life and liberty can thirst after. In either case, the notion that more good than evil will ultimately emerge from the carnage is fanciful.

But, it may be said, all this is hopelessly, even deliciously, naive. Both Steele's heavy-handed irony and his irritable complaints about mass murder sanctified by cant are entirely beside the point, for they overlook the dispassionate arithmetic which alone motivates the Man from Hot Springs. To wit:

The people most upset about the Oklahoma bombing are American voters. The people who give money to Gerry Adams so that little kiddywinks

in Northern Ireland can have their arms and legs blown off are American voters. The individuals slaughtered and crippled by Gerry Adams' tough lads, on the other hand, are *not* American voters. Neither are most of the residents of the British Isles who witness the results of these exploits on TV.

To censure Mr. Clinton because every word he has uttered anent the Oklahoma bombing and the IRA is a calculated move governed by political advantage is like blaming the hyena for not being partial to harvestburgers.

I understand all that. But there seem to be some people who do not yet understand it. For their sakes, the inconsistency in Mr. Clinton's behavior ought to be more widely appreciated, as well as the hidden consistency which underlies and explains it. ❑

Perspective

Hobbes and Locke in Oklahoma City

by Loren E. Lomasky

The view from Philosophy 101.

When the Oklahoma City federal building shuddered and collapsed under the explosive force of fertilizer turned deadly, it set off reverberations that are sounding still. We have been redirected back to the basics of a civics curriculum. What is the state for? Crop forecasts, subsidies to performance artists, coal gasification plants, military bands, OSHA inspectors, surgeon general ruminations on onanism: all of these and more — much, much more — fall within the capacious ambit of the state. But although such activities have increasingly become what government *does*, they are not what government is *about*.

No one has ever stated the case with quite the chillingly persuasive clarity of Thomas Hobbes. The natural condition of human beings is not, he claimed, an Arcadian revery of joyful innocence. It does, to be sure, hold out the inviting promise of an absence of unwelcome constraints, but that is because all constraints over people's behavior are absent. And so, in the state of nature, one enjoys a perfect liberty to do whatever one believes conducive to securing and expanding one's powers and, thus, one's chances of avoiding a premature demise. One enjoys a right to all things, including the bodies of others. Unfortunately, everyone else enjoys that perfect liberty too, and so unlimited rights make for unlimited anxiety and terror. The state of nature is, therefore, a state of grim and unalloyed war in which lives are "solitary, poor, nasty, brutish, and short."

There can be no surcease from these evils, Hobbes argues, until men agree amongst themselves to exit the state of nature by entering into a covenant that enthrones a common judge over all, one possessed of a sufficiency of power to overawe and hold in thrall potential malefactors. With the establishment of sovereignty comes the pronouncement of binding edicts, and it is the existence of law that affords individuals the security they perpetually sought but could not find in the state of nature. It is not law, though, without tough-minded, reliable enforcement, and that is the primary and ultimate function of governance. The state is the agency charged to hold at bay the terrors of the natural condition; all else that it may initiate is secondary.

There is, of course, one enormous peril coeval with the generation of government. Some 2,000 years earlier, in *The Republic*, Plato anticipated the dilemma posed by Hobbes's irresistible sovereign. "Who," he asks, "will guard the guardians?"

The Republic is a great work of political philosophy, perhaps the greatest ever written, but it provides no satisfactory answer to that question. Nor does Hobbes in *Leviathan*. To the contrary, he argues that a guarded guardian is no guardian at all. That is to say, the logic of the state is one sovereign: ultimate, unconstrained, and supreme. There is simply no alternative except the natural condition in all its rampant ferocity.

Or so says Hobbes. From this evaluation of the take-it-or-leave-it character of political rule John Locke demurs. An unlimited sovereignty, he observes, constitutes unlimited jeopardy. To suppose that the original contractors would opt for Hobbes's leviathan is, says Locke, "as if when men quitting the state of nature entered into society, they agreed that all of them but one should be under the restraint of laws, but that he should still retain all the liberty of the state of nature, increased with power, and made licentious by impunity." Human beings should not be deemed so craven and irrational as voluntarily to have traded the uncertainties of the state of nature for the certainty of tyranny without end. "This is to think, that men are so foolish, that they take care to avoid what mischiefs may be done them by pole cats, or foxes; but are content, nay think it safety, to be devoured by lions."

Locke, therefore, is willing to sacrifice the airtight logic of Leviathan for the breathing space afforded by limited government. But limited how? Locke is among the earliest architects of a regime of separated powers, rule of law, and, perhaps most important, natural rights that constrain both individuals and governments in their operations. But none of these, he admits, are immune to trespass and authoritarian excess. When rulers encroach and then obdurately ignore

continued on page 69

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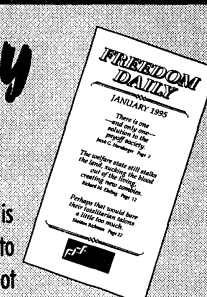

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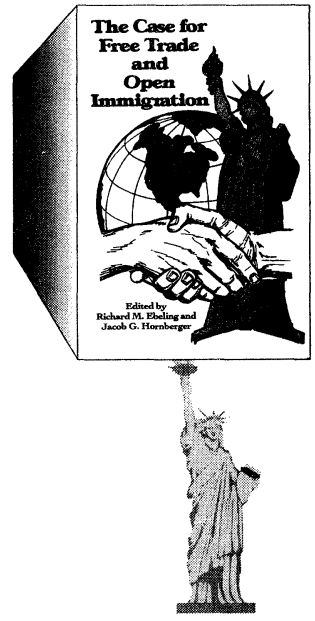

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Exposé

The End of Ordinary Money

by J. Orlin Grabbe

Beware your banker: by law, he's a snitch.

Late one night while sharing a pharmacological product with a spook I met in the northeastern part of the United States, I mentioned I was studying cryptology.

"Cryptology is the future," he responded emphatically. "It's what's going to protect us from Big Brother."

Since he worked for the National Security Agency (NSA), the thought did occur to me that many might consider him and his colleagues to *be* Big Brother. But I had learned years ago not to demonize people on the basis of their accidental professions. And I additionally believed that one of our best defenses against the national security state is the perennial proclivity of clandestine organizations to piss off their own employees.[1]

At any rate, the spook spoke the truth: cryptology represents the future of privacy — and more. By implication cryptology also represents the future of money, and the future of banking and finance. (By "money" I mean the medium of exchange, the institutional mechanisms for making transactions, whether by cash, check, debit card, or other electronic transfer.) Given the choice between intersecting with a monetary system that leaves a detailed electronic trail of all one's financial activities and a parallel system that ensures anonymity and privacy, people will opt for the latter. Moreover, they will *demand* the latter, because the current monetary system is being turned into the principal instrument of surveillance and control by tyrannical elements in Western governments. These elements want to know where your money comes from and when and how you spend it. After all, you might be a terrorist, a drug dealer, or a spy. And if you try to hide your transactions, you are by definition a money launderer, and perhaps a child pornographer.

Say what? To understand this accusatorial juxtaposition, one only has to grasp a few simple facts: Money is digital information. The way to hide digital information is through cryptography. The government doesn't want you using cryptography, because they want to know where your money is so they can get some of it. And they don't like you using drugs, unless the government is the dealer,[2] or viewing child pornography, unless the government supplies it because it is setting you up for blackmail or a smear campaign.[3]

Okay, I'll admit it. I like privacy (I often send mail inside sealed envelopes, and sometimes I close the door when I go to the bathroom), take drugs (nothing like a cup of espresso in the morning), and don't like to pay taxes (but doesn't H&R Block make a living off this popular sentiment?). I don't know much about child pornography, but a friend of a friend is said to have a distant cousin who swears he keeps several hundred gigabytes of encrypted pictures of naked children stored in NSA computers at Ft. Meade. ("No one breaks in there," the cousin supposedly brags.)[4]

This is serious stuff. Consider the following items as pieces of an overall mosaic, whose ultimate meaning will become even more obscure as we proceed.

• Cryptography software is classified as munitions, and its export is restricted by the State Department. The International Traffic in Arms Regulations (ITAR) defines "encryption software" to include not only computer programs designed to protect the privacy of information, but all of the technical data about those programs. ITAR restrictions continue to be enforced, even though the Justice Department originally found them unconstitutional.[5] Mail a copy of your new encryption program to a friend in Italy, and — presto! — you are subject to prosecution as an international arms dealer. (It is not, however, illegal to export your program to outer space, or to deliver it to your friend by rocket, since a "launch vehicle or payload shall not, by the launching of such vehicle, be considered export for the purposes of this subchapter" [120.10].)

• Stewart Baker, chief counsel for NSA, points out how the spread of cryptology plays into the hands of pedophiles: "Take for example the campaign to distribute PGP ('Pretty Good Privacy') encryption on the Internet. Some argue that widespread availabil-

ity of this encryption will help Latvian freedom fighters today and American freedom fighters tomorrow. Well, not quite. Rather, one of the earliest users of PGP was a high-tech pedophile in Santa Clara, California. He used PGP to encrypt files that, police suspect, include a diary of his contacts with susceptible young boys using computer bulletin boards all over the country. 'What really bothers me,' says Detective Brian Kennedy of the Sacramento, California, Sheriff's Department, 'is that there could be kids out there who need help badly, but thanks to this encryption, we'll never reach them.'"[6] Which does lead to a few questions. Since the NSA is the largest user of encryption software in the world, does this mean NSA is rife with pedophiles? Are police suspicions to be taken as convincing evidence? And what if this alleged pedophile never kept notes in the first place?

The NSA chief counsel also noted, as he had in previous speeches, that "it's the proponents of widespread unbreakable encryption who want to create a brave new world, one in which all of us — crooks included — have a guarantee that the government can't tap our phones." Which led one observer, Bruce Sterling, to remark, "As a professional science-fiction writer I remember being immediately struck by the deep conviction that there was plenty of Brave New World to go around."[7]

• Georgetown University cryptologist Dorothy Denning reminds us that "Because encryption can make communications immune from lawful interception, it threatens a key law enforcement tool. The proliferation of high-quality, portable, easy-to-use, and affordable encryption could be harmful to society if law enforcement does not have the means to decrypt lawfully intercepted communications. Although encryption of stored files is also of concern, 99% of the issue is telephone communications (voice, fax, and data)."[8]

The reason for this is all those people on the phone dealing drugs. "Almost two thirds of all court orders for electronic surveillance are used to fight the war on drugs, and electronic surveillance has been critical in identifying and then dismantling major drug trafficking organizations. In an operation code-named 'PIZZA CONNECTION,' an FBI international investigation into the importation and distribution of $1.6 billion worth of heroin by the Sicilian Mafia and La Cosa Nostra resulted in the indictment of 57 high-level drug traffickers in the U.S. and five in Italy. . . . The FBI estimates that the war on drugs and its continuing legacy of violent street crime would be substantially, if not totally, lost if law enforcement were to lose its capability for electronic surveillance."[9]

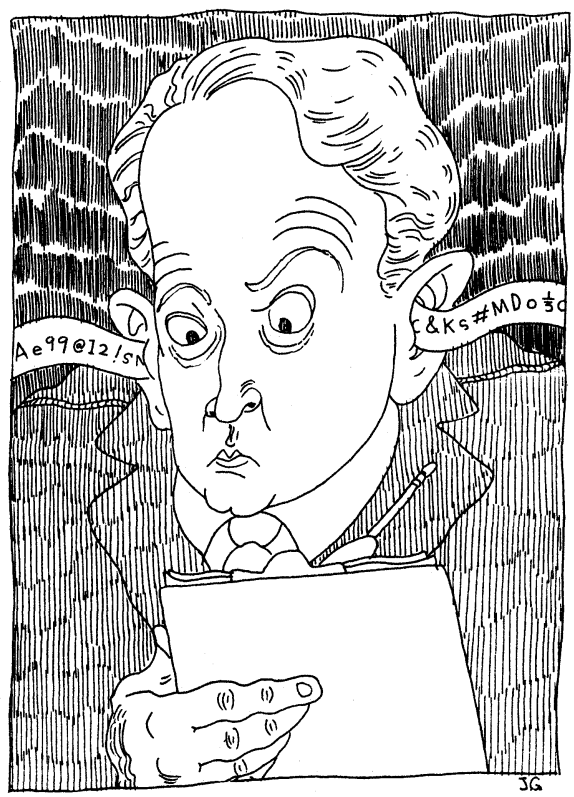

In fact, that's supposed to settle the issue right there: "We need such-and-such to fight the war on drugs. Case closed." This argument is used *ad nauseam* in document after document. Nowhere is the issue raised: *Oh yeah? So why are we fighting a war on drugs?* Such questions are ruled out, because we're dealing with needs here, and needs spew forth their own logic and evolve their own morals.

• One of governments' biggest needs is to get all that drug money for themselves. The U.S. State Department proposes a sort of international orgy of government theft: "We must effect greater asset seizures, not just of bank accounts, but also corporate assets and even corporate entities. . . . We must be ready to impose appropriate sanctions against banking institutions, as well as bankers. . . . The FATF [Financial Action Task Force] countries, the twelve EU nations, the EFTA countries, and the majority of the 95 states party to the 1988 UN Convention are adopting (if not yet fully implementing) legislation that will ultimately improve individual and collective capabilities."[10]

Everyone is suspect. You say you want to buy some Portuguese escudos? We better keep our eye on you — you're a potential money-launderer. According to the State Department, "Entry in the European monetary system has made the escudo, which became fully convertible in 1993, more attractive to potential money-launderers."[11] (Perhaps they should send some investigators from Foggy Bottom up to Nineteenth Street. There's an entire building there housing an outfit called the International Monetary Fund, which was originally set up to work for currency convertibility. No telling what wicked potential money-laundering havens they're working on next.)

• The Financial Crimes Enforcement Network (FinCEN), located in Vienna, Virginia, was set up in April 1990 to track money-laundering. It was given computerized access to data from pretty much everyone — the FBI, the DEA, the Secret Service, the Customs Service, the Postal Service, the CIA, the NSA, the Defense Intelligence Agency, the National Security Council, the State Department's Bureau of Intelligence and Research, and, despite denials, the IRS. FinCEN has a $2.4 million contract with Los Alamos National Laboratory to develop artificial intelligence programs to look for unexplained money flows.[12] FinCEN also proposed a "Deposit Tracking System" (DTS) that would also track deposits to, and withdrawals from, U.S. bank accounts in real time.

• Now, if you were a drug dealer (or

maybe just an average Joe), how would you react to all this unwanted attention? Try to keep a low profile, maybe? Perhaps opt out of the usual banking channels? "During the past two years, analysts saw an increasing use of non-bank financial institutions, especially exchange houses, check cashing services, credit unions, and instruments like postal money orders, cashier's checks, and certificates of deposit (particularly in 'bearer' form), with transactions occurring in an ever longer list of countries and territories."[13]

This process whereby money flows through non-traditional banking channels is termed *disintermediation*. Disintermediation happens whenever a government manipulates banking services in a way that makes them less attractive. For example, if bank deposits have an interest-rate ceiling of 3%, you may elect to pull your money out of bank deposits and purchase Treasury bills, which have no ceiling. In the same way, if the government is looking around in your bank account, perhaps with the idea of seizing it, or seizing you, you may elect not to have a bank account — or at least not one the government knows about. Or you may elect to use non-traditional financial channels that are less likely to be observed. The ultimate end of the process is completely anonymous banking through encrypted digital cash.

The State Department also notes with alarm that drug traffickers are "employing professional money managers." Whatever is the world coming to? The next thing you know, drug dealers will be shopping at the local grocery store and sending their children to better schools. They'll be mowing their lawns and sprucing up the neighborhood. How could we live in such a society?

• All this talk of computers has gotten the IRS hot and bothered too. Not in a negative way, mind you. The IRS has become obsessed with the noble goal of saving us time by just sending us a bill: "In an effort to catch more tax cheats, the Internal Revenue Service plans to vastly expand the secret computer database of information it keeps on virtually all Americans. . . . 'Ultimately, the IRS may obtain enough information to prepare most tax returns,' said Coleta Brueck, the agency's top document-processing official. 'If I know what you've made during the year,' she said, 'if I know what your withholding is, if I know what your spending pattern is, I should be able to generate for you a tax return . . .'"[14]

All this talk of computers has gotten the IRS hot and bothered too.

We have nothing to fear, apparently, but fiends who hide their spending patterns.

How did we come to this state of catch-as-catch-can, and where are we going from here? Perhaps history will give some perspective. Let's start with that big bugaboo: drugs.

Oh, What a Lovely War!

In the mid-1990s, the United States and other countries are spending a good deal of money on a war on drugs. It's unclear what a "war on drugs" could mean in a nation where 50 million people use tobacco, over 100 million use alcohol, and virtually everyone uses aspirin or an equivalent pain-reliever. But certainly there is a prohibition against using or dealing in *certain* drugs. Of course, these illegal drugs are still available on the black market, despite prohibition. The market supplies the consumption needs of not only the general public, but also federal prisoners. Thus, even if the country were turned into a police state, such drugs would still be available.

Given this, what is the purpose or function of the prohibition? The simple economic rationale is this: the war on drugs is a source of profit to both those who deal in prohibited drugs and those who conduct the war against them.

The prohibition of anything entails a restriction in its supply. Restricting supply drives up the price. In 1973–74, the OPEC cartel caused a quick fourfold increase in the price of oil by restricting its supply. It also greatly increased the profit margin on each barrel pumped out of the ground. In a similar way, prohibition of drugs increases their black-market price and the potential profit margin from supplying them to the public. But legitimate businessmen are deterred from entering the market. Hence, drug prohibition creates high profit margins only for those willing to deal in prohibited products. Just as alcohol prohibition financed the growth of powerful mobsters like Al Capone earlier in the century, so has prohibition of cocaine financed the growth of powerful production and supply cartels, such as the Cali cartel in Colombia. The U.S. government's prohibition has made it possible for them to become rich and powerful.

Since trade in drugs is illegal, drug contracts cannot be enforced in court. Drug distributors cannot resort to common or commercial law. Because of this, these contracts are often enforced via the barrel of a gun. And there is no countervailing authority: those who enforce their contracts with guns may use the same method to simply eliminate competition. Territory is acquired and defended by force. As Steven B. Duke, Professor of Law of Science and Technology at Yale University, has pointed out, "The use of drugs (except, of course, alcohol) causes almost no crime." But drug prohibition *does* cause crime. The firearm assault and murder rates rose in the U.S. with the start of Prohibition in 1920, and remained high during it, but then declined for eleven consecutive years after it was repealed.

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In the U.S. today, perhaps one-third of murders are related to contract enforcement and competition over dealing territory.[15]

Prohibition turns others into crime victims. Because certain drugs cannot be obtained at the local neighborhood drugstore, drug consumers visit unsafe parts of a city to buy their chemicals, and are simply assaulted. Such victims, naturally, are in no position to complain to the police. Others are harmed by the lack of effective quality control. Because drugs are illegal, rip-off artists who deal in substitute or impure products know they will not be sued.

Other suppliers simply make mistakes in production, but these mistakes are not caught right away because information flow is not efficient in a non-public market. This also results in injuries — often caused not by the use of the prohibited drugs themselves, but by prohibition's constraints on the flow of information.

During the earlier era of alcohol prohibition, many of a city's leading citizens became criminals by the fact of visiting the bar of a local speakeasy. There, naturally, they associated with the proprietors, mobsters, who began to acquire increasing political influence. Today, billions of dollars in cocaine profits leads to similar widespread corruption.[16]

About 1.2 million suspected drug offenders are arrested each year in the U.S., most of them for simple possession or petty sale.[17] American police currently spend half their time on drug-related crimes. The court system is on the verge of collapse because of the proliferation of drug cases, which — because they are criminal cases — have priority over civil cases. Six out of ten federal inmates are in prison on drug charges. Probably another two of the ten are there on prohibition-related offenses. This has led to a crisis in prison crowding (40 states are under court order to reduce overcrowding), with the result that violent criminals — including child molesters, multiple rapists, and kidnappers — are often released early.

This is reinforced by mandatory sentencing laws. Consensual drug offenses are not only treated as the moral equivalent of murder, rape, or kidnapping; they are given harsher punishment. Youths are sent to prison for life for selling drugs, while murderers are eligible for early parole for good behavior.[18] As one example, Florida punishes "simple rape" by a maximum prison term of 15 years, second-degree murder with no mandatory minimum and a maximum of life in prison, and first-degree murder (where the death penalty is not imposed) with a mandatory minimum penalty of 25 years, after which one is eligible for parole — but trafficking in cocaine is punished with life imprisonment "without the possibility of parole."

The war on drugs is a war on people suspected of using, or dealing in, or otherwise being involved with drugs. But the drug industry survives because tens of millions of people engage in voluntary transactions that they try to keep secret. Hence law enforcement must attempt to penetrate the private lives of millions of suspects, suspects who could be almost anyone. So the war on drugs has become a war on civil liberties. As a Nobel Prize-winning economist wrote: "Every friend of freedom . . . must be as revolted as I am by the prospect of turning the U.S. into an armed camp, by the vision of jails filled with casual drug users and of an army of enforcers empowered to invade the liberty of citizens on slight evidence."[19] Unfortunately, not everyone is a friend of freedom. A mayor of New York has advocated strip-searching travelers from Asia and South America. A U.S. congressman introduced a bill to create an "American gulag" of Arctic prison camps for drug offenders. Other proposals have been even more draconian.

The drug trade is sustained by prohibition itself. Such agencies as the Drug Enforcement Administration (DEA)

Incendiary Speech

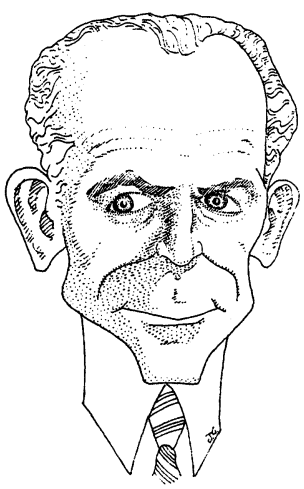

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grew up to fight the drug war. Their budgets, prestige, and paychecks depend on the war's continuation. They have vast sums to spend on public relations and propaganda ("education") and a vested interest against relegalization. Since these agencies profit from crime, they have an incentive to cultivate criminality as a natural resource. The sheriff of Broward County, Florida, manufactured his own crack cocaine to sell to buyers in order to arrest them.[20] Others employ cocaine gigolos, who then pressure unsuspecting boyfriends/girlfriends into purchasing drugs from undercover agents.[21] Periodically, a new "biggest ever" drug bust (such as 22 tons of cocaine in a Los Angeles warehouse) is proudly announced, with no apparent perception that such busts prove the agencies are failing in their alleged goal to eliminate drugs. Meanwhile, some government employees — drug warriors — themselves engage in criminal acts for enjoyment or to supplement their income. Drug dealers, in particular, can be killed and robbed with impunity. Forfeiture laws, which allow the seizure of money, houses, boats, cars, planes, and other property on the basis of a circumstantial connection with prohibited drugs, have also been profitable. The associate deputy attorney general in charge of the U.S. Justice Department's forfeiture program has publicly said "we're not at all apologetic about the fact that we do benefit" financially from forfeitures.[22]

Others are paid to extend the war internationally. Examples include Latin American coca crop eradication and substitution programs. These have had almost no success, and have created massive social problems.[23] Poor farmers can make four to ten times as much growing coca as growing legal crops,[24] they can grow coca and marijuana in regions with poor soil, and they can avoid oppressive agricultural regulations encountered with the production and sale of crops lacking an efficient alternative to government marketing organizations. The 200,000 peasant families (one million people) engaged in coca production in Peru are oblivious to campaigns urging them to "just say no" to their livelihood.

In the last few years, the use of, and hence the demand for, cocaine has fallen. But there are always new ways to justify increased drug war budgets. The U.S. Department of State recently noted, without irony: "The economics of the heroin trade are also important. While at U.S. street prices, cocaine and heroin are competitive, at the wholesale level heroin has a strong advantage. A kilo of cocaine wholesales for between $10,500 and $40,000; a kilo of heroin will fetch on average between $50,000 and $250,000. With the likelihood that heroin will be to the 1990s what cocaine was to the 1980s, Latin American trafficking organizations are poised to cash in on a heroin epidemic."[25] And, naturally, so also are those who fight them.

The FDIC Improvement Act required the FDIC to study the cost and feasibility of tracking every bank deposit in the U.S.

At some point it occurred to these drug warriors mighty and bold that there might be easier ways to make a living. Why not just go after the cash? After all, if you go out to the poppy fields, you may get your boots muddy — and besides, bankers don't carry guns.

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The House of Representatives report that precipitated the U.S. Banking Secrecy Act of 1970 noted that "secret foreign bank accounts and secret foreign financial institutions" had been used, among other things, to "purchase gold," and to serve "as the ultimate depository of black market proceeds from Vietnam."[26] The report did not explain why the purchase of gold was a menace to society, nor did it elaborate on the U.S. government's role in creating a black market in Vietnam. Within a few years, ownership of gold was legalized, and the withdrawal of U.S. military forces from Vietnam eliminated the black market.

The report also noted: "Unwarranted and unwanted credit is being pumped into our markets." This was also attributed to foreign banks with secrecy laws, although the Federal Reserve (the real source of excess credit in the years leading up to the breakdown of Bretton Woods) is not foreign.

In short, the House report was a broad-based attack with little rhyme or reason, setting the tone for future government studies of bank secrecy.

In a typical case of political doublespeak, the Banking Secrecy Act was an act of legislation intended to prevent, not preserve, banking secrecy. It created four requirements that were supposed to address the issue of money-laundering:

(1) A paper trail of bank records has to be maintained for five years.

(2) A Currency Transaction Report (CTR) has to be filed by banks and other financial institutions for currency transactions greater than $10,000. CTRs are filed with the IRS.

(3) A Currency or Monetary Instrument Report (CMIR) had to be filed when currency or monetary instruments greater than $5,000 are taken out of the U.S. CMIRs are filed with the Customs Service.

(4) A Foreign Bank Account Report (FBAR) had to be filed whenever a person has an account in a foreign bank greater than $5,000 in value. (The latter two requirements have been increased to $10,000.)

These reports mostly collected unread during the 1970s. But that was to change with the growth in computerized record-keeping and artificial intelligence processing and with the escalation of the "war on drugs." In the early 1980s, a Senate staff study noted in alarm "what appears to be otherwise ordinary Americans engaged in using offshore facilities to facilitate tax fraud. These cases signify that the illegal use of offshore facilities has enveloped 'the man next door' — a trend which forecasts severe consequences for the country."[27]

The same report made a concerted effort to draw connections between the Eurodollar market and criminal activity, noting, "few banking authorities address the issue of primary concern to us here: criminal uses of Eurobanking." The focus was not banking fraud or theft: "The most visible and notorious aspect of offshore criminality involves drug traffic." One of the report's many recommendations was that the Treasury Department should work with the "Federal Reserve Board to develop a

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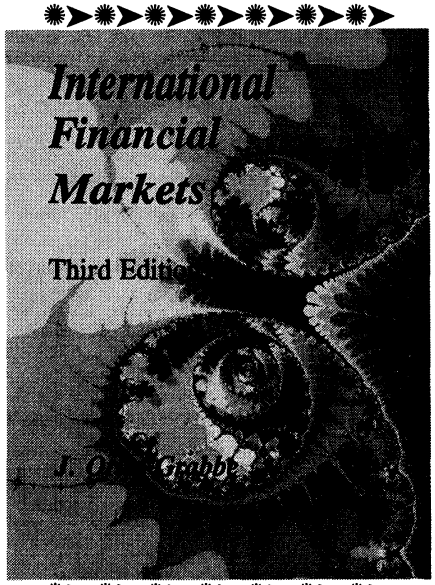

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About the Author:

J. Orlin Grabbe has an AB in Economics from the University of California at Berkeley and a PhD in Economics from Harvard University. While teaching at the Wharton School of the University of Pennsylvania, he founded FX Systems Inc., which built banking risk-management computer software systems for trading in foreign exchange, interest rate instruments, and commodities. After selling his interest in FX Systems (which later split into the two firms of FNX Limited and FSS), Dr. Grabbe became a short-story writer and banking consultant for derivative products in New York. He currently lives in the middle of the Nevada desert, near a cactus with a hidden computer jack, and with a .3030 close at hand.

Table of Contents

Preface
Reader's Introduction

PART I HISTORY OF THE INTERNATIONAL FINANCIAL SYSTEM, 1944—2000

1 The Rise and Fall of Bretton Woods
2 Globalization and the Growth of Derivatives
3 The Crash of '94-'96 and Beyond

PART II FOREIGN EXCHANGE MARKETS

4 Introduction to the Foreign Exchange Market
5 Forwards, Swaps, and Interest Parity
6 Foreign Currency Futures
7 Foreign Currency Options

PART III EUROCURRENCY MARKETS

8 Eurobanking and Eurocurrency Centers
9 Deposit Dealing and the Term Structure of Eurocurrency Rates
10 Eurocurrency Futures and Options
11 Syndicated Eurocredits

PART IV INTERNATIONAL BOND MARKETS

12 Introduction to the International Bond Markets
13 New Issue Procedures in the Eurobond Market
14 Eurobond Valuation and Hedging
15 Interest Rate and Currency Swaps
16 Pricing Option Features in International Bonds

PART V SELECTED TOPICS IN INTERNATIONAL FINANCE

17 Forecasting and the Image of the Future
18 Chaos in International Financial Markets
19 The Fractal Distribution of Foreign Exchange and Interest Rates
20 Purchasing Power Parity
21 Central Banks and the Balance of Payments
22 The European Monetary System

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better understanding of the financial significance and use of currency repatriation data as well as information about foreign depositors' currency deposits." Subsequently, Panama was identified as the major banking center for the cocaine trade, and Hong Kong as the major center for the heroin trade, based largely on the amount of U.S. dollars, including cash, being returned to the Federal Reserve by, respectively, the Banco Nacional de Panama and Hong Kong-based banks.[28]

Thus, with that simple act, the Federal Reserve Board was transformed from an institution that watched over the currency to a co-conspirator that watched over currency users.

Efforts to trace cash movements were extended internationally. The 1984 Bank for International Settlements Code of Conduct recommended a global version of the CTR. Information from the global CTR was to be processed by the OECD and shared with tax authorities in all industrialized countries. In 1989, the G-7 countries agreed to form the Financial Action Task Force (FATF), with staffing and support to be provided by the OECD. FATF now includes 26 governments. In May 1990, FATF adopted 40 recommendations on money-laundering countermeasures. These included provisions for the creation of a global currency tracking system (the global CTR proposed earlier by the Bank of International Settlements), for financial institutions to be required to report "suspicious transactions" to law enforcement authorities, for global sting operations to be used against potential "launderers," and for electronic money movements, especially international wire transfers, to be monitored.

So beware your banker: by law, he's a snitch. He may even be a government employee. In one recent example of a global sting, government officials set up a bank in the Caribbean (Anguilla) and advertised their services in confidential banking. They then turned all the information over to tax authorities.

Did you ever wonder why uneducated people believe in international banking conspiracies?

The Digital World of Money

Money is a mechanism for making payment. What we want from a payments mechanism is fast and reliable service at a low cost. In current technology that means that the payment mechanism will be determined by transaction costs. For that reason, money in a modern economy exists chiefly in the form of electronic entries in computerized record-keeping systems or databases. Money exists as a number (e.g., 20) beside which is attached a currency or country label (e.g., DM or BP or U.S.$) and also an ownership label (e.g., "Deutsche Bank" or "Microsoft" or "Jack Parsons"). Physical goods are transported to different geographical locations, but currencies, by and large, are not. This is true both domestically and internationally. A bank in London will sell British pounds to a bank in Frankfurt for deutschemarks by having the Frankfurt bank's name recorded as the new owner of a pound deposit in London, while the London bank's name is recorded as the new owner of a deutschemark deposit in Frankfurt.

The war on drugs is a source of profit to both those who deal in prohibited drugs and those who conduct the war against them.

Payment between banks is made by an exchange of electronic messages. The scope and size of transactions mandates this type of payment mechanism. The most important communications network for international financial market transactions is the Society for Worldwide Interbank Financial Telecommunication (SWIFT), a Belgian not-for-profit cooperative. This system for transferring foreign exchange deposits and loans began actual operation in May 1977; by 1990 it had 1,812 members, connected 3,049 banks and securities industry participants in 84 countries, and carried an average of 1.1 million messages per day. SWIFT messages are transmitted from country to country via central interconnected operating centers located in Brussels, Amsterdam, and Culpeper, Virginia. These three operating centers are in turn connected by international data-transmission lines to regional processors in most member countries. Banks in an individual country use the available national communication facilities to send messages to the regional processor. A bank in London, for example, will access SWIFT by sending messages to a regional processing center in the north of London.[29] The message will be received by a bank in New York via the SWIFT operating center in Culpeper, Virginia.

Within the U.S., the most important communications-money channels are Fedwire and CHIPS. Eleven thousand depository institutions have access to Fedwire, the electronic network system of the Federal Reserve System. (About a thousand of these access the system through the New York Fed.) In 1991 an average of $766 billion daily went through the net, of which $435 billion involved the New York Fed. The average size of a funds transfer was $3 million. There were 258,000 average daily transfers.

The New York Clearing House Association (twelve private commercial banks) operate the Clearing House Interbank Payments System (CHIPS) to settle foreign exchange and Eurodollar transactions. CHIPS connected 122 participants in 1991. On an average day, $866 billion goes through the CHIPS network, with 150,000 average daily transfers (or an average transfer size of about $5.7 million). Sometimes there are large fluctuations in the level of payments. On January 21, 1992, $1.5977 trillion went through the CHIPS system — the entire U.S. M1 money supply turned over several times on that single day. The CHIPS system maintains an account at the New York Fed. Much of the nation's money flows through what is literally an underground economy: the computer banks located beneath 55 Water Street in Manhattan.

These systems, even the Fedwire system, did not arise through centralized government planning. As Patrikis, Baxter, and Bhala have noted, they "evolved in almost a 'natural' manner; no one at the Board or at a Reserve bank ever sat down and said 'let there be a wire transfer system.' Thus, Fedwire can be regarded as an example of a market tendency to evolve, over time, in an efficient manner."[30] In Europe, banks have available CEBAMAIL, a shared voice and data network established by European cen-

tral banks and later expanded to other users. European banks also use IBM's International Network and DIAL service to communicate with the Bank for International Settlements in Basle, Switzerland, and with each other.

Money, then, is part of the worldwide information superhighway. The Clinton administration's proposal for a "National Information Infrastructure" was announced in 1994: "All Americans have a stake in the construction of an advanced National Information Infrastructure (NII), a seamless web of communications networks, computers, databases, and consumer electronics that will put vast amounts of information at users' fingertips. Development of the NII can help unleash an information revolution that will change forever the way people live, work, and interact with each other."[31]

To be sure, the ensuing hype has made the whole thing sound like more circuses to keep the masses pacified and thirsty: 500 channels of MTV with beer and Pepsi ads, and insurance salesmen popping out of your home computer. But the information revolution was already well underway, and had been so for years. The real agenda for government involvement was stated in a White House press release of April 16, 1993: "Sophisticated encryption technology has been used for years to protect electronic funds transfer. . . . While encryption technology can help Americans protect business secrets and the unauthorized release of personal information, it also can be used by terrorists, drug dealers, and other criminals."

In fact, almost all modern technology, from can openers to automobiles, can be used by terrorists, drug dealers, and criminals — even the thieves in the Justice Department who preside over asset forfeitures. But what is special about cryptography is that it threatens to slow or nullify the effectiveness of government-sponsored computer surveillance.

The Growth of the Information Superspyway

The National Security Agency is the U.S. intelligence agency responsible for collecting electronic and signals intelligence. Its activities include monitoring the conversations of foreign leaders, listening in on most international communications (including financial transactions), breaking codes, and setting the cryptological standards for U.S. military and security agencies.[32] In 1975, at the University of California at Berkeley, I made a special trip over to the employment office to see the NSA recruitment posters. They were, after all, a novelty. Hardly anyone knew the NSA ("No Such Agency") existed, and the word was just getting around that mathematicians could compete with physicists for Defense Department largesse.

A couple of years later, Bobby Inman departed his post as head of Naval Intelligence to become head of NSA. Soon thereafter, the NSA began harassing certain mathematicians in the private sector, claiming "sole authority to fund research in cryptography."[33]

In those days such a monopoly was possible. The computer culture was hierarchically structured and mind-bogglingly pedantic. Peon programmers produced a token 20 lines of code per day, allowing them plenty of time to attend "efficiency" meetings. Systems analysts involved themselves in busywork — creating elaborate flow charts to explain self-evident routines. Only those who learned to toe the line were allowed gradual access to better equipment and more CPU time. NSA, meanwhile, was one of the top markets for expensive, sophisticated computer equipment. If you wanted to be a cryptologist,[34] you bit the bullet and bowed to NSA and IBM.

continued on next page

Public-Key Cryptography in One Easy Lesson

Eager students can read David Kahn's exhaustive history of cryptography, *The Codebreakers: The Story of Secret Writing* (1967), but for here, we will only focus on the tail-end, post-Kahnian part of the story: "public-key cryptography." Readers with a particular interest in this branch of the discipline might want to pick up Bruce Schneier's *Applied Cryptography* (1994), the best accessible book on the subject.

Public-key cryptography relies on two scrambling devices, called "keys." There is a public key P and a private key R. Suppose I write a sweet, sensitive love letter, filled with spiritual values, genetic imperatives, and sexual innuendo, to my current flame Veronica. Let's refer to this letter as message M. I sign it with Veronica's public key P, producing the encrypted message P(M). Anyone looking at P(M) will only see a string of meaningless symbols, gibberish. When Veronica receives it, she will apply her private key R to the encrypted message, producing R(P(M)) = M, turning the apparent randomness into tears, joy, and erotic fantasy.

The key pairs P and R must have the relationship that for any message M, R(P(M)) = M. In addition, it should be practically impossible for anyone to determine M from P(M), without the associated private key R. For any other private key R′, R′(P(M)) is not equal to M — it's still gibberish. The key pairs P and R also have the commutative relationship P(R(M)) = M: if you encrypt a message with your private key R, then anyone can decrypt it using your public key P.

Being able to send secure messages is one function of public-key cryptography. Another function is authentication. Suppose you sent a message M to Bill Bradford. He receives the message M*. Bill doesn't know whether M* is really from you; or, even if it is from you, whether it has been altered in some way. The solution to this problem, using public-key cryptography, is that you also send Bill a digital signature S along with the message M. Here is how this authentication process works.

For simplicity, assume you don't even encrypt the message to Bill. You

continued on next page

The federal encryption standard for unclassified government computer data and communications, an encryption algorithm called Lucifer, had been developed by IBM in the early '70s. It was later certified by a civilian agency, the National Bureau of Standards (now NIST), as the Data Encryption Standard (DES) in 1976. Unlike public-key cryptography, which uses two "keys" (either one of which may be used to encrypt a message, but only one to decode it — see sidebar), DES was a symmetric key system, using a single key to both encrypt and decrypt. Because of this, DES could be used for encryption or authentication, but not both simultaneously.

Through the American Bankers Association and ANSI's Financial Institution Wholesale Security Working Group, DES entered the banking world as a method of encryption and message authentication in electronic funds transfer. But for digital signatures it made more sense to rely on public-key cryptography. And although the NIST began to solicit public-key cryptographic algorithms in 1982, it didn't approve anything for another decade, so both federal agencies and private organizations, including banks, began to look to commercial sources of digital signature technology. (They basically settled on one called the Rivest-Shamir-Adleman, or RSA, system.)

Meanwhile, the anarchy of the personal computer had been unleashed. The PC allowed one person to be in charge of the entire software development process. This person could be hardware technician, systems analyst, mathematician, programmer, artist-in-residence, and general hell-raiser rolled into one. Just as Gutenberg inspired later generations to learn to read precisely because they had acquired the ability to write, so did the microprocessor inspire a generation of talented and creative people to absorb themselves in computer-accentuated tasks which no longer required interaction with a phalanx of mandarins whose notion of Eros was a COBOL routine to insert Tab A into Slot B. To be sure, the PC was not powerful enough to break codes (cryptanalysis), but it was a good enough tool for creating cryptography software.

In 1980, Executive Order 12333 made the secretary of defense the government's executive agent for communications security. In 1984, Reagan's National Security Decision Directive 145 shifted the responsibility for certifying DES-based products to the NSA, and expanded the role of the secretary of defense to telecommunications and information systems. The director of the NSA was made responsible for the implementation of the secretary's responsibilities. In 1986, the NSA created an uproar: it said it would no longer endorse DES products after 1988, and would substitute a new set of incompatible and classified hardware standards. Banks and software vendors weren't happy with the news because they had only recently invested heavily in DES-based systems. But Congress effectively rejected the directive's fed-

"One Easy Lesson," *continued from previous page*

just send him the plain message M: "Dear Bill: You are wrong and I am right. Here is why, blah blah blah [for a few thousand words]." Then you sign it by the following procedure.

First you chop your message down to size, to produce a (meaningless) condensed version, where one size fits all. To do this, you need a message chopper called a *hash function*. You apply the hash function H to the message M to produce a "message digest" or "hash value" H(M) which is 160 bits long. You then sign the hash value H(M) with your own private key R, producing the signature S = R(H(M)).

The receiver of the message, Bill, applies the same hash function to the received message M* to obtain its hash value H(M*). Bill then decrypts your signature S, using your public key P, to obtain P(S) = P(R(H(M))). He compares the two. If H(M*) = P(R(H(M))), then he knows the message has not been altered (that is, M* = M), and that you sent the message. That's because the equality will fail if either (1) the message was signed with some other private key R', not yours, or if (2) the received message M* was not the same as the message M that was sent. It could also fail for other reasons, such as a signature garbled in transmission (solution: re-send it) or disagreement on the hash function (solution: adopt a common standard, such as the Secure Hash Standard).

By some accident, of course, Bill might find H(M*) = P(R(H(M))) even if the message has been altered or is not from you. But the odds of this happening are roughly 1 in 2^{160}, which is vanishingly small. And even if this happens for one message, it is not likely to happen with the next.

The Clinton administration proposed the Escrowed Encryption Standard (EES) to combat this opportunity for privacy. The EES involved a bulk data encryption algorithm called Skipjack, contained on a tamper-resistant chip called the Clipper Chip. The chip would be manufactured by VLSI Logic and programmed with the algorithms and keys by Mykotronx at a facility in Torrance, California. Each chip would contain a trapdoor that would allow the government, using a two-part key, each half deposited with a different escrow agency, to decode any communications sent through the chip.

The EES also implemented the Capstone Chip, which includes Clipper's Skipjack algorithm and adds to it digital signature, hash, and key-change functions. While Clipper is mostly intended for telephone communication, Capstone is designed for data communication. Finally, there's Tessera, a PCMCIA card that contains a Capstone Chip.

Here is how the process works. In addition to the Skipjack encryption algorithm, each chip will contain a 80-bit family key F that is common to all chips; a 30-bit serial number N; and an 80-bit secret "unique" key U, which can be used to unlock all messages sent through the chip. Suppose I have my secure device get in touch with Veronica's secure device. The first thing that happens is our two chips agree on a randomly generated 80-bit symmetric session key K, which will be used only for this one conversation. The Clipper Chip takes our whispered message stream M and encrypts it with K, using the Skipjack algorithm, producing the encrypted message K(M). Simple enough. But my chip also has other ideas. As an entirely separate process, it also takes the session key K and

eral computer security plan by passing the Computer Security Act of 1987, and DES was reaffirmed anyway.[35] Changes in technology were creating both new security concerns and spying opportunities. On the one hand, a rank amateur with a scanner could sit in his apartment and monitor his neighbors' cordless and cellular telephone conversations. (After all, if a signal makes it into your bedroom, you may feel you have a right to tune it in.) On the other hand, the NSA could in the same way make use of the electromagnetic signals sent out by computer hardware components. Unshielded cables act as radio broadcast antennas. Related signals, especially from the computer's monitor and CPU, are sent back down the AC power cord and out into the building's electrical wiring. Signals may also be transmitted directly into the phone line through a computer modem — even if it isn't in use. These frequencies can be tuned, so that what appears on one person's computer screen can be displayed on an observer's screen a block away. There were no laws against monitoring computer radiation then, and there are none now, so the NSA can take the position that it is doing nothing illegal by parking its monitoring vans in domestic spots in New York, Chicago, San Francisco, and Washington, D.C.[36]

The erosion of the spying monopoly led to the 1986 Electronic Communications Privacy Act (ECPA), which prohibited phone and data-line tapping — except, naturally, by law enforcement agencies and employers. ECPA made cellular (but not cordless) phone monitoring illegal. President Bush would later sign a second law that prohibited even the manufacture or import of scanners that are capable of cellular monitoring. But the latter law was nonsensical, since every cellular phone is itself a scanner. In a demonstration for a congressional subcommittee, it took a technician only three minutes to reprogram a cellular phone's codes so that it could be used for eavesdropping.[37]

With the worldwide collapse of Communism, federal agents quickly discovered a new fount of terrorist activity: teenage hackers. The Secret Service crusade to conquer children started in 1986, when Congress passed the Computer Fraud and Abuse Act, and culminated in May 1990 with Operation Sun Devil, in which 42 computer systems were seized around the country along with 23,000 floppy disks.

One college-age hacker, Chris Goggans (a.k.a. Eric Bloodaxe), upon receiving information that led him to suspect the coming raid, went home and (like any good host) cleaned and vacuumed his apartment, placed little notes in drawers ("Nope, nothing in here"; "Wrong, try again"), and adorned his desk with brochures from the local Federal Building — *How to Become an FBI Agent, How to Become a Secret Service Agent*, etc. The raid came one morning while Goggans was in bed. "Leading the pack is Special Agent Tim Foley," Goggans recounts, "and he's got his service revolver out, and

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encrypts it with the secret key U, producing U(K). Then it tacks the serial number N on to the end of the encrypted session key, giving the sandwich U(K)+N. Then it takes the family key F and encrypts the sandwich, giving F[U(K)+N]. The encrypted sandwich, F[U(K)+N], is called the Law Enforcement Access Field, or LEAF.

Both my encrypted message K(M) and the LEAF, F[U(K)+N], are sent out over the telephone line. Veronica's chip receives both these, but mostly ignores the LEAF. Her chip simply takes the previously agreed session key K and uses it to decrypt the message, yielding K[K(M)] = M.

Now suppose Fred is a horny FBI agent who wants to listen in on all this. He gets a warrant (maybe), and has the phone company plug him into the conversation. With his listening device, he siphons off both my encrypted message K(M) and the LEAF, F[U(K)+N]. As a member of the FBI he is allowed to know the family key F, which he uses to decrypt the LEAF, yielding the sandwich: F{F[U(K)+N]} = U(K)+N. So now he knows the serial number N. He then takes N along with his warrant over to the first escrow agency, which gives him half of the secret key, U1. He takes N with his warrant over to the second escrow agency, which gives him the other half, U2. He now knows the secret key U = U1+U2. He uses U to decrypt the encrypted session key: U [U(K)] = K. Now he knows the session key K, which he uses to decrypt my encrypted message: K[K(M)] = M. To his great disappointment, he discovers I was only calling to thank Veronica for the pepperoni and cheese pizza she sent over.

Although the NSA has kept the details of its Skipjack algorithm classified, it has revealed that Skipjack uses 80-bit keys and scrambles the data for 32 steps or rounds. The earlier standard, DES, uses 56-bit keys and scrambles the data for only 16 rounds. Skipjack's secrecy has hurt its credibility. The details of DES are public, and people have probed it for years and failed to find any weaknesses, so people are confident of its security. The primary reason for Skipjack's classification appears to be an attempt to prevent its use without transmission of the associated LEAF field.

An outside panel of experts concluded there was no significant risk that messages encrypted with the NSA's Skipjack algorithm would be breakable by exhaustive search in the next 30 to 40 years. But the same cannot be said for the Clipper Chip protocol as a whole. Matthew Blaze, a researcher at AT&T, has shown there are ways to corrupt the LEAF, so that the session key K cannot be recovered, and hence messages cannot be decrypted. (See Matt Blaze, "Protocol Failure in the Escrowed Encryption Standard," AT&T Bell Laboratories, June 3, 1994.)

Of course, if you are sending data files and not voice, you can ignore the presence or absence of the Clipper Chip altogether. Just encrypt your file with, say, Pretty Good Privacy before you send it through the Clipper Chip. Thus your original message is an already-encrypted file, and it won't matter if FBI Fred reads it or not.

But things aren't so simple with voice messages. So the first target for a government ban is alternative encryption devices for voice communication, particularly if the Clipper Chip doesn't catch on. Which would be nothing new: for years ham radio operators have been prohibited from using encryption on the air. —J. Orlin Grabbe

he's got it pointed at me. He's a pretty big guy and I'm me. . . . Hackers are a notoriously violent group of people who are known for their physical prowess, so guns are definitely always necessary."[38]

Paranoia verged on the imbecilic. AT&T (Bellcore) Security found a description of 911 system administration, called "E911," on one bulletin board service. They claimed in court that the theft of this information was worth exactly $79,449, but the case fell apart when the defense showed the same information, with more technical details, was publicly available from AT&T for just $13.

The FBI, meanwhile, was undergoing culture shock. Telephone carrier signals were now digital and multiplexed, so that any specific channel might be interleaved among many others in a continuous stream of bits that the FBI could no longer access with only a pair of alligator clips. In March 1992 the FBI proposed Digital Telephony legislation (code-named in FBI documents "Operation Root Canal") that would require private industry to provide access ports in digital equipment for the purpose of tapping specific conversations. The 1992 Digital Telephony proposal would have also given the Justice Department the unilateral and exclusive authority to enforce, grant exceptions to, or waive provisions of the law, or to enforce it in Federal Court.

The FBI proposal didn't sit well with the General Services Administration (GSA), the largest purchaser of telecommunications equipment for the U.S. government. GSA noted that the "proposed bill would have to have the FCC or another agency approve or reject new telephone equipment mainly on the basis of whether the FBI has the capability to wiretap it." So GSA opposed the legislation for security reasons, noting it would "make it easier for criminals, terrorists, foreign intelligence (spies) and computer hackers to electronically penetrate the public network and pry into areas previously not open to snooping. This situation of easier access due to new technology changes could therefore affect national security."[39] Ironically, the World Trade Center was subsequently bombed by a group that was already under FBI surveillance, so one could make a case that *voyeurism*, not public security, was the real intent of the proposed legislation.[40]

The Computer Security Act of 1987 had authorized a U.S. government project to develop standards for publicly available cryptography. On April 16, 1993, the Clinton administration announced two new controversial Federal Information Processing Standards that embodied Capstone's principal elements. These were the Escrowed Encryption Standard (EES) — a.k.a. "Clipper" — and the Digital Signature Standard (DSS). All private companies doing business with the government might be affected.

In a typical case of double-speak, the Banking Secrecy Act was intended to prevent, not preserve, banking secrecy.

The EES was promulgated by the Clinton Administration as a voluntary (for now, anyway) alternative to the Data Encryption Standard (see sidebar). Industry was urged to build the EES into every type of communication device: computer modem, telephone, fax, and set-top TV converter. Of course, doing so (surprise, surprise) makes a product subject to State Department ITAR export controls. But AT&T promptly popped the Clipper Chip into the AT&T Security Telephone Device 3600, which has a retail price of about $1,100, because they had been "suitably incentivised." (More on that below.) Despite generating universally negative comments, EES was approved by the Department of Commerce as a federal standard in February 1994.

The future of the EES may depend on the purchasing power of the U.S. government. A memorandum prepared for the acting assistant secretary of defense noted a number of U.S. computer industry objections to a trapdoor chip such as the Clipper Chip: "The industry argues persuasively that overseas markets (much less drug lords or spies) will not look with favor on U.S. products which have known trapdoors when offshore products which do not have them are available. In support of their argument, they note that powerful public-key cryptography developed and patented by RSA using U.S. tax dollars is free to developers in Europe, subject to royalties in the United States, and cannot be exported without expensive and time-late export licenses. These charges are true. . . . Despite these concerns, the President has directed that the Attorney General request that manufacturers of communications hardware use the trapdoor chip, and at least AT&T has been reported willing to do so (having been suitably incentivised by promises of government purchases)."[41]

The second announced standard, DSS, uses a Digital Signature Algorithm (DSA) to authenticate the source and validity of messages.[42] Digital signatures are the equivalent of handwritten signatures on legal documents. While there is as yet no body of case law dealing with the subject, documents signed with proper digital signatures will almost certainly be legally binding and will probably also have the same legal standard as handwritten signatures.

The computer industry had generally wanted the U.S. government to choose instead the RSA algorithm, at that point the most widely used authentication algorithm. The banking and financial services industry was using both the RSA algorithm and a modified form of the DSA algorithm.[43]

That both EES and DSS were rushed onto the market to break the spread of good cryptography in the private sector has been acknowledged even by a government agency, the Office of Technology Assessment (OTA): "In OTA's view, both the EES and the DSS are federal standards that are part of a long-term control strategy intended to retard the general availability of 'unbreakable' or 'hard to break' cryptography within the United States, for reasons of national security and law enforcement. It appears that the EES is intended to complement the DSS in this overall encryption-control strategy, by discouraging future development and use of encryption without built-in law enforcement access, in favor of key-escrow encryption and related technologies."[44]

continued on page 66

Speculation

Uncivil Disobedience

by Pierre Lemieux

Would Henry David Thoreau have obeyed stop signs in Outremont, Quebec?

In the town where I live — Outremont, a wealthy suburb just adjacent to downtown Montreal — a kind of civil disobedience has spread to even higher levels than elsewhere in Montreal: drivers don't obey stop signs. They barely slow down, give a quick look left and right, and speed on. I have often reflected on this phenomenon, not only because I risk being run down while jogging, but because it raises some interesting questions about civil disobedience.

There is something tonic in observing a large number of people act as if a particular law did not exist. Suppose they made laws, and nobody obeyed. Suppose they sent out income tax forms, and nobody returned them. Learning to say *non serviam* to the state has become a crucial necessity.

Indeed, blind obedience to formally approved laws is one of modern America's puzzling features. One understands why felonies that carry a high probability of heavy penalties (say, insider trading) are not openly broken. But most Americans seem to comply blindly with petty prohibitions, such as those that have thrown smokers, those modern niggers, out of "public places" (most of which are actually private places open to the public). This may not be true in southern Louisiana or in Montgomery County, Indiana, but university professors have told me that they do not dare to smoke even in their own offices. In many states, traffic on three-lane highways crawls at African trail speed. In other countries — say, France, and to a certain extent, Quebec — such petty laws are much more difficult to enforce because people don't cave in to whatever the state says.

Thoreauvian Disobedience

Is it an act of civil disobedience to run a stop sign? Civil disobedience means a conscious refusal to obey laws or government commands when they are deemed unjust. As Henry David Thoreau wrote in *Civil Disobedience*: "It is not desirable to cultivate a respect for the law, as much as for the right." If injustice is more than just "friction" in the "machine of government," if it "requires you to be the agent of injustice to another, then, I say, break the law." Thoreau himself refused to pay taxes to finance a government that supported slavery and waged war with Mexico.

It is not clear that stop signs are unjust, that they violate anybody's rights. This brand of traffic laws creates, or embodies, expectations that make life easier. It reduces the probability of accidents at little cost. It decreases information requirements: when you have the right of way, you do not have to watch constantly for somebody not yielding. French drivers, for instance, drive fast, change lanes, and will engulf in any interstice to gain a few meters. Yet they follow so religiously the yield-to-the-right rule that you can drive virtually without looking on your left-hand side. Outremont drivers don't follow any rule, so you don't know who has the right of way, and the bullyest wins.

Well, sometimes. At the time I was working on this article, one of my sons gave me a ride from the office. While driving home, we were probably, as usual, denouncing the state when my son dutifully made his first stop entering Outremont. The car following us screamed to a halt and nearly bumped us, as the guy could not imagine we would actually stop. Which we did again for all the following stops.

Right-of-way rules don't have to wait for legislation to come into force. The application of game theory to social interaction has shown how, under certain conditions, it is in everybody's interest to abide by rules, and that such rules will spontaneously evolve and gain force without the state's coercive powers. Indeed, one of the main illustrations of spontaneous solutions to "Prisoner's Dilemma" problems is how it is in everybody's interest to drive on the right-hand (or left-hand) side of the road, once it is perceived that more than half of the drivers follow the rule. But the simple fact that an evolved (or would-be-evolved) rule has been given the force of law does not diminish its usefulness. Breaking it

only because it's a law undermines an efficient rule on which other people count; it violates other people's expectations.

An expectation, of course, is not identical to a right. The fact that most people expect you to pay "your" income tax does not give them a right to force you to do it. If you have a right to your income, any expectation that runs counter to that right is null and void. Yet many expectations do not contradict rights. Some are mere social rules that facilitate the exercise of individual rights. Other expectations may be intimately linked to the foundations of individual rights if, as Robert Sugden argued, moral rights derive from expectations grounded in the nature of things: property rights, for instance, may embody expectations based on the natural right of the first occupant. Breaking a rule that stems from either right-consistent or right-creating expectations only because it happens to be a state law does not lead to anarchy, but to random disorder. One does not commit murder only because the state forbids it.

Thoreau understood well the difference between resisting unjust laws and cheating on your neighbors' legitimate expectations. "I have paid no poll tax for six years," he wrote. "I was put into jail once on this account, for one night." But he adds: "I have never declined paying the highway tax, because I am as desirous of being a good neighbor as I am of being a bad subject." When he visited Quebec City in 1850, he was surprised to meet so many soldiers in the streets, "all passengers giving way to them, even the *charette*-drivers stopping for them to pass." There is a difference between not respecting a neighbor's right of way, and running down a soldier who has not yielded to you.

Whether or not breaking a law amounts to civil disobedience depends both on the nature of the law and the purpose of the violator. Individuals operating on the black market or even driving fast but carefully on the freeway may be conscious of violating unjust, or at least stupid, laws. I suspect that people who disobey stop signs, though, seldom feel that they are resisting an unjust law. Without conscious resistance on the one hand, and an unjust law to resist on the other hand, there can be no civil disobedience — at least in the moral, Thoreauvian sense of the word — only *petty disobedience*.

In a sense, anarchy can only work when people hold their spoons and forks correctly.

It might be that petty disobedience serves as a psychological outlet for people obliged to yield continually before more serious infringements of their liberty, and who have interiorized their slavery to the point of thinking that liberty means violating stop signs or cheating their neighbors. In Outremont, you can sometimes see in the drivers' defiant faces what a great statement of individual sovereignty they think they are making by shifting in second gear. Now, these same people, who are heroically risking a tiny probability of a $100 fine and three points off their driver's license, would not dare carry a revolver in their car, which would make them liable to a felony and a 10-year jail sentence. What a paradox! A peaceful citizen carrying a gun does not impose any cost on third parties — he actually creates a positive externality through crime deterrence — while shooting a stop sign endangers the welfare of others.

"Gee, I guess we *over*simplified our lives."

In Outremont, even police cars often don't make full stops. One explanation is that we have good cops who are just like ordinary townspeople and will substitute individual judgment for blind obedience when they have a chance. This explanation is wanting. For one thing, the cops are not really townspeople, since all local police forces were legally disbanded in the '60s and replaced by an impersonal metropolitan police. Furthermore, the same cops who cheat on stop signs dutifully carry out orders to ticket others who run stop signs. More seriously, they will also arrest people with illegal, unregistered, or just "unlawfully stored" firearms, as well as honest citizens using legal guns in self-defense. A better explanation is that we have bad cops with little judgment, who do not believe in rules or laws but only obey direct orders.

One must not discount the sheer inefficiency of the state, which also has some bearing on the stop sign question. As Montesquieu said, useless laws weaken necessary ones. In Outremont, virtually all intersections without traffic lights have stops on all four corners. Presumably, this stems from a good intention: slowing down the traffic. Or perhaps it is just that, in case of doubt, the bureaucrat will issue four commands instead of two. In any event, four-corner stops arouse the free-rider instinct: if the other guy stops anyway, why should I? It would not be the first time that state processes not only impede the emergence of private solutions to coordination problems, but also impose counter-productive solutions.

Knives, Forks, and the Economics of Disobedience

Ordered anarchy, suggests James Buchanan in *The Limits of Liberty*, works only when people — or at least most people — abide by rules. When they don't, everybody yearns for Leviathan. Using theories of spontaneous social order, a good case can be made that anarchy would foster the development of the very rules that make it workable. These rules are not only the ones that define, and draw the limits of, individual rights: they probably also include evolved rules of etiquette. In a sense,

anarchy can only work when people hold their spoons and forks correctly.

In this perspective, violating stop signs looks more like anti-social, anti-anarchist behavior. Even in a minimal state, even in anarchy, there would exist basic rules of conduct that would take their force from the fact that everybody, or almost everybody, understands or accepts their role in sustaining a free society and follows them. Should such a rule happen to obtain in our statist society, it is among those to be retained, not discarded.

The only way out of this conclusion would be to argue that any lawbreaking is good *per se*, as it will bring down the statist system and move us toward anarchy. But such lawbreaking should be done consciously, in a Thoreauvian way: "I, Henry Thoreau, do not wish to be regarded as a member of any society which I have not joined. . . . It is for no particular item in the tax bill that I refuse to pay it. I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually." With petty cheating instead of principled civil disobedience, one wonders what kind of people would crawl, crooked and crippled, into the light of liberty.

There is something tonic in observing a large number of people act as if a particular law did not exist.

Consider black markets for, say, smuggled cigarettes. Having been a customer myself, I know how economically useful these markets are. In Canada, they have even forced governments to retreat on tobacco taxes (until the government eventually decides to increase the taxes again). There is no question that such black markets do not violate anybody's rights or legitimate expectations, and that they provide a useful built-in restraint against Leviathan. Both their morality and economic efficiency would therefore appear to be unquestioned. *Idem* for tax evasion. But then, consider their dynamic effects on moral character and the foundations of a free society. Is it not possible that people who, in self-defense, learn to cheat and hide in their public dealings will carry this morality to their private affairs?

One major piece of empirical evidence suggests a positive answer. The Soviet empire was able to survive so long because of black markets and other forms of petty disobedience. Many economists (including myself) assumed that the crumbling of the system, especially in the context of widespread calls for economic freedom, would foster immediate economic growth and individual liberty. This is obviously not happening. The standard economic explanation is that these people lack the basic institutions needed for a functioning market economy. Local tyrants took this to mean that they had to establish an income tax system and create Western-style regulatory agencies. But the lack of social institutions means more than this: it means that individuals used to circumventing rules that always worked against them have simply not learned to follow the basic rules that make an ordered anarchy possible.

Indeed, one of the most deleterious effects of state power in our time has been to undermine spontaneous morality, honesty, openness in social relations (think about sexual harassment), and individual responsibility. The state, supposedly required to provide public goods allegedly unavailable on the market (like public protection), has been the grave-digger of the main — and perhaps the only real — public good: an enlightened, independent, and moral populace.

Knowing to Disobey

If we obey, we all become slaves in the name of the system. If we disobey, we will all become Eastern Europeans when the system crumbles. Happily, this dilemma does not exhaust the alternatives. If petty disobedience is a necessary evil — sometimes justifiable, sometimes not — real, principled, Thoreauvian, civil disobedience to major tyrannical laws is a positive virtue and should be promoted. One of André Thirion's heroes, at the end of his play *Défense de . . .*, states a great maxim: "*Savoir désobéir* — Knowing [how and when] to disobey." There are things that a free man will not mind obeying, if only because he has a moral duty or contractual obligation to do so. But he will disobey state commands that violate his sovereignty — "cost what it may" said Thoreau.

Up to a point, the state has one useful feature: it provides a locus for disobedience. The state should exist (if it should exist at all) to be hated. Thoreau talks about the "very few — as heroes, patriots, martyrs, reformers in the great sense, and men — [who] serve the state with their consciences also, and so necessarily resist it for the most part." In this perspective, libertarianism may be better conceived as a discovery process than as an ideal state of the world.

One does not commit murder only because the state forbids it.

After having been released from his night in prison, Thoreau was soon, as he said, "in the midst of a huckleberry field, on one of our highest hills, two miles off, and then the State was nowhere to be seen." Wouldn't it be nice today to know of places where the state is nowhere to be seen? Suppose that the size of the state was cut only in half. This would still not be paradise; many of the libertarian criticisms of the state, from Locke to Spooner, would still hold; and ways would still be needed to keep Leviathan in check. But in the meantime liberty would have increased greatly. Spaces of liberty would appear with the state nowhere to be seen. We could then support many small irritants, and hate the state, without feeling everyday threatened in our basic liberties.

Although I am not a Thoreauvian scholar, I think the Walden philosopher would not have violated stop signs in Outremont. Such petty, egoistic, cynical, wrong-headed, and questionable disobedience leads in the wrong direction. Driving 15 or 25 miles an hour above the speed limit on freeways (as people casually do in Quebec) is more ethical and more economically efficient. Black markets and tax evasion are one notch higher, although they may also carry more long-term moral hazards. All this cannot replace the grand, principled, and efficient civil disobedience Thoreau was advocating. ❑

De-Inventing Government

by Ed Crane

On April 6, 1995, author David Osborne for "reinventing government" at a meeting of the Philanthropic Roundtable. Then the head of the Cato Institute took the mike to respond . . .

Let me first say that I think it's interesting to observe how David kind of slips by the issue of our $1.6 trillion federal government. It may be 30 square miles bounded by reality — although you'd have to subtract the new Cato Institute building from that total — but it's also the home of Al Gore's much-ballyhooed Reinventing Government Project. If reinventing government's what we're about, why not look at how things are going inside the Beltway with an administration that is, after all, as adept at tossing around business management jargon as David Osborne is?

Could the answer be that, as Peter Drucker points out in his recent piece in *The Atlantic Monthly*, things aren't going so well? Most of what Al Gore's reinventors have come up with are, in fact, reinventions of what Peter Grace came up with during the Reagan years, but which were never implemented. Indeed, Drucker says Gore's team will be lucky if they streamline the federal government by two-tenths of one percent. The vice president's efforts are a case study in why reinventing government is a problematic undertaking.

In the preface to *Reinventing Government*, David Osborne and his coauthor write, "We believe deeply in government. We do not look at government as a necessary evil." That they do believe deeply in government is obvious from the book and from David's thoughtful comments this afternoon. Indeed, if I believed deeply in government, I'd no doubt find David's call for reinventing government to be nothing short of inspiring, because it is filled with insight, intelligence, and a clear commitment to making government work.

But, alas, as some of you in this room are aware, I don't believe deeply in government. The truth is, I hardly believe in government at all. I take seriously the Jeffersonian admonition that the government which governs best, governs least. The sum of good government to Thomas Jefferson, of course, was one "which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned."

David Osborne has government doing a bit more than that, and therein lies the rub in terms of commenting on his presentation. Because while it's hard to find fault with the idea of making government more responsive, less bureaucratic, and more efficient, it is much less difficult to question the wisdom of the analogy he employs in the very first chapter of his book — namely, the idea that it's the job of government to *steer*, rather than to row, the boat called America. There is, I should say, something of a concession on David's part that when you get down to specifics, very often government is ham-fisted in the way it does things. It's not a very good rower. But without much in the way of an explanation, we're asked to assume that in something which is ultimately much more important than the rowing — namely, the steering — the government has a sure hand. It knows where the ship of state and, indeed, where the ship of society should be headed. It knows this, presumably, through the democratic process, and despite the ambiguities of that process.

And, as David points out in the book, "those who steer the boat have far more power over its destination than those who row it. Governments that focus on steering actively shape their communities, state, and nations. They make *more* policy decisions. They put *more* social and economic institutions into motion. Some even do *more* regulating. Rather than hiring more public employees, they make sure *other* institutions are delivering services and meeting community's needs."

So, whatever else reinventing government is all about, it is clearly designed to increase the role of government in our society. The authors of

Reinventing Government even seem convinced that there's support for an increased role for government. They write, "there is more demand for governance — for 'leading' society, convincing its various interest groups to embrace common goals and strategies."

Of course, the book was written before the November 8 elections, but my guess is that David still believes people want government to perform a more active role in steering our society. The book even offers a helpful chart that lists no less than 36 different ways government can do so, ranging from old-fashioned regulations and taxes to what he calls avant-garde methods, such as providing seed money and restructuring the market.

But I think David Osborne's been talking to the wrong people. I remember the New York congressman, Hamilton Fish, who used to complain that during elections, everyone seemed to want less government, lower taxes, and lower spending, but once he got into office, his constituents who visited him always seemed to want more government. He was, of course, talking to the representatives of concentrated benefits in his office and the unlucky recipients of diffused costs on the campaign trial. Different people. Similarly, those who find discussions of reinventing government fascinating may turn out to be an atypical lot. It's unlikely, for instance, that the 80% or so of Americans who support term limits for their elected officials do so because they think replacing professional politicians with citizen-legislators is going to get them more government steering. I've never spoken to David about this issue, but I'll bet you a dollar he's part of the 20% who oppose term limits.

There is throughout this reinventing government mantra a concerned undercurrent that somehow Americans are slipping away from the world of government-imposed solutions to society's ills.

It seems to me that the twentieth century's been a grand experiment in big government, run by those who "believe deeply in government." What the voters were saying on November 8 is that the experiment has failed. It's failed in the command economies in Eastern Europe. It's failed in the welfare states of Scandinavia. And it's failed in the so-called mixed economies of Western Europe and the United States. The recent election was less a rejection of Bill Clinton than it was a rejection of the New Deal — of, to put it plainly, too much government involvement in our lives. And no amount of dressing up the nature of the state in jargon about mission-driven government, customer-driven government, anticipatory government, and market-oriented government is going to change that reality.

Because there are, at bottom, basically two ways to order social affairs. Coercively, through the mechanisms of the state — what we can call political society. And voluntarily, through the private interaction of individuals and associations — what we can call civil society. All the various political "isms," from socialism to fascism to liberalism to conservatism to "entrepreneurial governmentalism," are all predicated on a single question: *Who's going to make this decision about your life? You, or somebody else?* In a civil society, you make the decision. In a political society, someone else does.

It strikes me that the enhanced "steering" that David sees as an appropriate role for government necessarily involves a diminution of individual decision-making on one's own behalf. The steering, after all, involves rewards and punishments, subsidies, prodding, regulations, mandates, and government-sponsored incentives. All undertaken, of course, in the best spirit of entrepreneurial government.

But is that really what the American experiment is all about? David asks in his book how we solve social problems. He answers, "By acting collectively. How do we act collectively? Through government." There is throughout this reinventing government mantra — whether from Al Gore or Bill Clinton or David Osborne — a kind of concerned undercurrent that somehow Americans are slipping away from the world of government-imposed solutions to society's ills. So we'll dress up government and repackage it in the rhetoric of the marketplace. Maybe then everyone will recognize the importance of politics, good government, and "acting collectively."

But I think Americans *are* slipping away from the old paradigm. The continuous rationales for a prominent government role in our society have a hollow ring these days. Even the old *reductios* that David brought out — the Great Depression and the public school system — are weak reeds with which to justify pervasive government. The Great Depression was not caused by *laissez faire* but by the actions of well-intended politicians and bureaucrats. The Federal Reserve System, after all, was not created in response to the Great Depression, but in 1913. Soon thereafter it began experimenting with its awesome powers, expanding the money supply during the roaring '20s, propping up the pound sterling in London, extending credit so Europeans could buy American agricultural products. All the while, Congress was becoming more and more protectionist. When the Fed reversed policies in 1929 and actually shrunk the money supply by a third over the next three years, and Congress culminated its protectionist tendencies with the Smoot-Hawley tariff, the collapse was underway. The fact that Hoover then raised taxes and Roosevelt kept wages artificially high guaranteed the massive unemployment that marked the 1930s. Government caused and exacerbated the Great Depression.

Whatever else reinventing government is all about, it is clearly designed to increase the role of government in our society.

As for the public schools, most scholars agree that their advent had nothing to do with universal education or illiteracy, but everything to do with assimilating the Catholic masses into Protestant America. Horace Mann was quite explicit about the rationale for his campaign to create an America dominated by government-run schools. The

public school system started here in New England in the 1840s, so it's interesting to note that a couple of years ago Sen. Edward Kennedy's office issued a study that pointed out that literacy in Massachusetts reached its peak at 98% prior to the advent of the first public school. It is considerably lower than that now.

So yes, I'm an advocate of *laissez faire*, of civil society. Will civil society be perfect? Will it be a utopia? Of course not. Human beings are fallible and civil society will have its problems. But compared to the litigious, contentious, corrupt, and coercive political society? There can be no comparison.

David skipped over the federal government and looked to what he estimates in his book to be 83,000 separate state and local governmental units in the United States for his success stories of entrepreneurial government. Some struck me as more compelling than others. But the point is that when you're dealing with 83,000 governments, you're bound to find some resourceful bureaucrats. Yet, since we're betting here today, I'll bet you another dollar that I could pick a government at random out of those 83,000 and come up with more horror stories of incompetence, indifference, and indolence than all the alleged successes in *Reinventing Government*.

Let me say here by way of disclaimer that I agree with Will Rogers or whoever it was who said it's a good thing we don't get all the government we pay for. Efficiency in government is a two-edged sword. But even if we agreed that it would be a good thing to have government do more steering on the cheap, I have grave doubts about how successful we could ever be in implementing this entrepreneurial, market-oriented government. The bureaucratic imperative to expand is second right behind the sex drive in terms of persistence. Indeed, it's my view that the book *Reinventing Government* is itself a sophisticated manifestation of that imperative.

Methodologically speaking, I don't think you can get from here to there. From unresponsive bureaucracies to happy, helpful market-driven government employees. Because the market isn't something you can imitate. Our friends in Eastern Europe can tell you about that. The market is simply what happens in the absence of artificial restraints and within a framework of private property and respect for contract. The market is primarily a discovery process, which is why regulation tends to be so detrimental to it. When government proscribes entrepreneurial options, it short-circuits the discovery process and inherently inhibits economic growth, because each new discovery is used by countless entrepreneurs in new ways to yield yet more useful discoveries.

Washington wasn't just admonishing us to be wary of government. He was juxtaposing civil society with political society.

Let me give you an example. When interstate trucking was heavily regulated, there wasn't much competition and a few big companies dominated the industry. Many smart economists and even some bureaucrats believed that if the market for interstate trucking were deregulated, competition would increase, leading to lower shipping rates. They were right. But what they didn't predict was that the deregulated market would generate much greater savings — on the order of tens of billions of dollars — by discovering that greater flexibility allowed for radical downsizing of inventories, the just-in-time inventory phenomenon. Government wasn't reinvented here; it was simply removed from the scene.

But there's a greater problem there than just the mechanics of how you go about reinventing government. There's an assumption that somehow basic social needs — from drug treatment to day care to garbage collection — simply won't be met unless bureaucrats, albeit now helpful bureaucrats, aren't involved.

If I had to cite one book that answers the issues raised by *Reinventing Government*, it would be Charles Murray's *In Pursuit of Happiness and Good Government*. In it, he argues that the *de facto* goal of social policy has been to "take the trouble out of" things.

Social Security took the trouble out of planning for retirement. AFDC took the trouble out of having a baby without a father. Government-run unemployment insurance took the trouble out of being unemployed. But Murray argues that there's a subtle corruption of our culture that takes place as a result, and the cost to society is enormous. Murray writes,

> The practice of a virtue has the characteristics of a habit and of a skill. People may be born with the capacity of being generous, but become generous only by practicing generosity. People have the capacity for honesty, but become honest only by practicing honesty. . . .
>
> People tend not to do a chore when someone else will do it for them. At the micro-level, the dialogue between the government and the citizen goes roughly like this:
>
> "Do you want to go out and feed the hungry or are you going to sit here and watch television?"
>
> "I'm tired. What'll happen if I don't go?"
>
> "Well, if you don't go I guess I'll just have to do it myself."
>
> "In that case, you go."

Through this process, Murray argues, the tendrils of community are severed. He goes on to suggest that we eventually come to treat social ills not as something odd where we should look to see what is blocking our natu-

ral tendency to seek happiness, but as something systemic, natural, and generic that requires a government program — not to solve the problem, but to service it, to live side-by-side with it for the indefinite future.

Civil society tends to automatically deal with problems, not by direction or steering but through the spontaneous order F. A. Hayek spoke of. It does so through voluntary help organizations and through natural incentives to correct self-destructive behavior.

And if Osborne's answer to this is, "Well, perhaps civil society does work better than a big centralized federal government, but local, entrepreneurial governments can ultimately do the best job," I would respond that it is precisely at the local level where government severs most of the tendrils of community. Further, it is at the local level where the coercive power of government is often most abused, as anyone who has sat in on a city council meeting or a zoning board meeting can testify. We can paint happy faces on local bureaucrats and politicians but the reality is that political society gets pretty nasty at that level.

In his classic book *Modern Times*, Paul Johnson wrote,

> The state was the great gainer of the twentieth century; and the central failure. . . . But whereas, at the time of the Versailles Treaty, most intelligent people believed that an enlarged state could increase the sum total of human happiness, by the 1980s that view was held by no one outside a small, diminishing and dispirited band of zealots. The experiment had been tried innumerable ways, and it had failed in nearly all of them. The state had proven itself an insatiable spender, an unrivalled waster. . . .
>
> To . . . the new class . . . politics — by which they meant the engineering of society for lofty purposes — was the one legitimate form of moral activity, the only sure means of improving humanity. . . . By the 1980s, the new ruling class was still, by and large, in charge, but no longer so confident. . . . Was it possible to hope that the "age of politics" was now drawing to a close?

I would argue that in the decade since Paul Johnson wrote *Modern Times*, the age of politics has in fact continued to fade, as more and more Americans take a skeptical view of the pronouncements of those who "believe deeply in government."

Ladies and gentlemen, America was never meant to be the land where citizens are cajoled, subsidized, regulated, mandated, and steered. America was meant to be the land of the free. As Lord Acton put it, "Liberty is not the means to a higher political end. It is itself the highest political end."

Let me conclude with a quotation from George Washington. He said, "Government is not reason, it is not eloquence. It is force. Like fire, it is a dangerous servant and a fearsome master." It seems to me that Washington wasn't just admonishing us to be wary of government. He was juxtaposing civil society with political society. Civil society is based on reason, eloquence, and persuasion, which is to say voluntarism. Political society, on the other hand, is based on force.

Regrettably, no amount of reinvention will change that fact. ❑

Freedom's Struggle

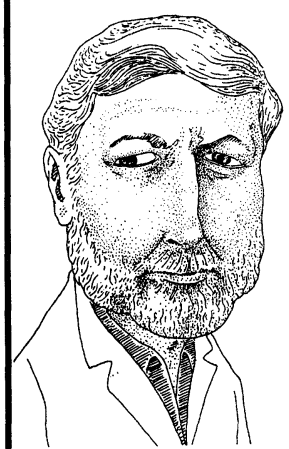

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What Does Affirmative Action Affirm?

by Wendy McElroy

The feminist case against quotas.

Radical feminist Eliza Toledo calls it "one of the most significant attacks on our rights." Elizabeth Schroeder, associate director of the Southern California ACLU, worries that "it may become a wave, just like other attacks . . . maybe they [white males] are scared when they see qualified minorities and woman able to get jobs."

What has sparked this concern? The attack on affirmative action.

In California, Assemblyman Bernie Richter has proposed a constitutional amendment to prohibit the state from giving preferential treatment to anyone in the public sector on the basis of race, sex, color, ethnicity, or national origin. The amendment has a lot of support; according to recent polls, the majority of Californians are disillusioned with affirmative action. If the measure passes the Assembly and the Senate, California voters will have the final say in a March 1996 vote. If it gets blocked — perhaps in the Assembly, where Speaker Willie Brown will crusade against it — it is likely to become a ballot initiative.

Jesse Jackson has already equated Gov. Pete Wilson's support for the measure with the racism of former Alabama Gov. George Wallace. Many feminists attribute the movement to white male sexism. The State Legislature's African-American Caucus chalks it up to racism. State Democrats charge Republicans with political opportunism.

The last accusation has some basis. In Washington, leading Republicans suspect that Clinton's civil-rights policies may be his lethal weakness. If congressional debate on anti-affirmative action legislation can be scheduled for next fall, the issue is certain to become an election flash point. If he continues to support preferential treatment for women and minorities, Clinton will risk alienating the Americans who resent such policies. On the other hand, backing away from affirmative action could hurt him among important elements in the Democratic power base, especially black voters. Republicans would be bumbling fools to miss such a golden chance.

But what of the charge of sexism? As a feminist-in-good-standing, I feel qualified to say: "This is balderdash, balderdash on stilts." I will go one step further: in my opinion, those who are pro-women ought to be *anti*-affirmative action. They ought to applaud Sen. Phil Gramm when he has the *chutzpah* to declare, "We need free and fair competition. We need equal opportunity and unlimited opportunity for everybody. But we should not have special privileges."

A feminist against affirmative action may seem like a strange spectacle. After all, the policy was ostensibly designed to encourage qualified women and minorities to apply for jobs and compete on a non-discriminatory level. How could a reasonable feminist object to that?

Easily. And on several grounds.

But before doing so, it is important to draw a distinction. The affirmation action policies being debated today bear little resemblance to the original presidential directives issued in the mid-'60s. The words "affirmative action" were first officially used in Executive Order 11256, issued by President Johnson in September 1965. This order required businesses with government contracts to aggressively recruit women and minorities — as *applicants* for employment. From this pool of recruits, however, all applicants were to be judged on their merits.

The touchstone document of affirmative action, Title VII of the 1964 Civil Rights Act, states that it is unlawful for any employer:

> (1) to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, or privileges of employment because of such individual's race, color, religion, sex or

national origin.

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

Current affirmative action policies violate Title VII by requiring unofficial quotas, which can be filled only through preferential treatment. Thus, when White House Chief of Staff Leon Panetta claims that those who wish to eliminate preference are trying to "turn the clock back on civil rights," he exposes his ignorance of Title VII's wording. (Either that, or he is subtly complimenting his opponents for wanting to go back to the original intentions of the civil rights movement. But somehow I doubt that.)

But whether we're dealing with the original affirmative action policy or its Franken-incarnation, the point remains: preferential treatment harms women.

Let me explain why.

Three fundamental arguments have been offered to justify employment privileges for women: (1) social good, (2) compensatory justice, and (3) the ideal of equality.

Social Good

The social good argument states that society will be enriched by advancing women. This justification is undermined by the fact that feminists generally concede that they would back the policy even if it lowered the overall good of society.

Which it certainly does. The most ominous side effect of affirmative action may be that it fosters the very evil it seeks to cure: prejudice against women. To fill their quotas, employers must hire unqualified women, promote women too quickly, or transfer them inappropriately to other departments. When these women fail, it is seen as confirmation of their inadequacy. Conversely, when competent women succeed on their own, it is assumed that they were coddled by preferential policies. Successful women used to be accused of sleeping their way to the top. Now, men can accuse them of being in bed with government.

And what of the men who are discriminated against? A February 12, 1995 AP report quoted San Francisco firefighter Ray Batz, who used to call himself a liberal Democrat:

> I've watched my department become demoralized, downgraded, debased, demeaned. Everybody falls into one or even more than one protected class. That is, everybody except white males.
>
> We're hiring tiny women. Size is no longer a criterion for firefighters. [But diversity] doesn't carry grandma down the stairs in the middle of the night.

Such resentment naturally translates into a heightened sexism. Affirmative action is fertile ground for the evil it ostensibly opposes. Perhaps this is inevitable for a policy that enshrines its own version of sexism into the legal system.

The state is being used as a remedial historian, to right the wrongs of the past.

Allocating jobs via a quota system rather than merit has disastrous long-term economic consequences. And it drives a wedge between individual worth and economic success.

Compensatory Justice

The second common justification for affirmative action is the argument from compensatory justice. This claims that anyone who injures an innocent person should compensate the injured party for the damage. This is reasonable enough.

But affirmative action goes much farther. It claims that descendants of injured parties should be compensated as well. After all, today's women still live with the consequences of past discrimination. In essence, the state is to be used as a remedial historian, to right the wrongs of the past.

There are two basic objections to this position: first, most of the people receiving compensation are not the victims of discrimination; and second, most of the people paying the compensation are not the perpetrators.

Overwhelmingly, the perpetrators, like the victims, are dead. Herbert Deane, in his book *Justice — Compensatory and Distributive*, explains:

> Present members of the society are being asked to assume the responsibility not only for unjust acts in the present or the recent past in which they may have had no share, but also for acts of discrimination which were performed long before they were born, and when their fathers and grandfathers may not have been Americans at all, but may have been suffering persecution and discrimination, for example, in Eastern Europe.

Affirmative action does not even attempt to single out the heirs of victimized women. It lumps all women into a class, drawing no distinction between the privileged daughter of a Rockefeller and the direct descendant of a black slave. Nor does it attempt to identify those who actually discriminate. White males, as a class, are forced to accept collective guilt.

We are all victims and beneficiaries of our ancestors, not only economically, but physically, culturally — in virtually every aspect of who we are. This is not a matter for legal theory; it is an accident of nature. I was born into a lower-class working family that could not provide me with music lessons, hardcover books, and other niceties. On the other hand, I inherited the virtually indestructible good health of my Irish peasant ancestors. The circumstances of my birth were neither just nor unjust; they merely were. And where there is no injustice, how can there be compensation?

Women do themselves no favor by asking for privileges. That only strengthens the paternalism from which they suffered for so long.

The Ideal of Equality

The third common argument for affirmative action is based on the ideal of equality: women should be equal to men. But what sort of equality is being championed? Social? Economic? Legal?

Traditionally, in America, equality has meant equal treatment under the law and equal access to political power. This model focuses on the individual and her relationship to the state.

The equality promoted by affirmative action demands equal access to

wealth and opportunity. This model focuses on classes of people and their relationship to other classes, or to society in general.

These two concepts are incompatible. Affirmative action flies in the face of equal treatment under the law. And that is a right for which women have fought, and fought hard, for centuries. For most of the nineteenth century, women were excluded from universities and unions, barred from such professions as medicine, and — upon marriage — often lost all title to whatever pittance they were allowed to earn. When Susan B. Anthony and Elizabeth Cady Stanton battled to have women explicitly mentioned in the Constitution, it was in order to secure equal treatment under the law.

Affirmative action does nothing for women whose goal is legal equality. Affirmative action aims at socioeconomic equality. It calls for distributive justice.

Justice: Distributed and Free

During the social turbulence of the '60s and '70s, a political phrase gained popularity: "institutional discrimination." This referred to institutional arrangements that excluded or hindered certain classes of people from participating in the distribution of power. Institutional discrimination is not the same as personal prejudice. For example, a company might decide to hire people from its community out of a sense of local pride. But the community might not contain any qualified women. Thus, from unbiased — and even laudable — motives, the company can distribute employment in a disproportionate manner. Good intentions and lack of prejudice are no defense against this charge.

At the heart of the issue is the question of how power — economic, social, and political — should be distributed throughout society. How is justice achieved?

To individualist feminists, like me, justice is not a matter of achieving a particular end-state, such as equality or non-discrimination. The individualist view of justice is means-oriented. That is, as long as a social situation is nonviolent and voluntary, it comes as close to justice as mortals can get. This may not produce the perfect society, but it's the best that we can do.

By contrast, statist feminists have an ends-oriented concept of justice.

Successful women used to be accused of sleeping their way to the top. Now, men can accuse them of being in bed with government.

The end sought is socioeconomic equality for women. And virtually any means — including the use of force to regulate attitudes and peaceful behavior — is justified. This is why feminists who cry out against discrimination do not hesitate to use that tool in reverse if it serves their purpose.

There is a sad irony here. In the name of gender justice, feminists are crippling the surest safeguard women have ever had against discrimination: the free market. The marketplace tends to further the interests of women, not because it is an arena of justice, but because businessmen want to make a profit. Discrimination is costly: it alienates customers and reduces the pool of talented employees. In their pursuit of profits, employers tend to be blind to color and sex. The market is a great leveler of prejudice.

But to many feminists, the free market is a chaotic process — an anarchy of undirected preferences. How, they demand, can such unbridled chaos possibly produce a social good? They contrast the market with the ordered society proposed by social engineers, in which planners coordinate and channel individual behavior for the common good. This is a false dichotomy. The real alternative is not between chaos and order, but between two conflicting forms of order: one spontaneous, the other military.

Statist feminists wish to impose a military order in which individuals are organized into sexually correct ranks marching in orderly formation toward gender equality. The free market is under a comparative disadvantage; at first glance, it appears to be random, not orderly. But imagine this scenario. Floating near the clouds, you have a god's-eye view of a flea market going on beneath you. People pour through the *ad hoc* aisles, grabbing at goods, bargaining with stall owners. The scene appears to be complete chaos.

What is really happening? A mass of people are spontaneously and independently pursuing their own self-interests. When arguments break out over goods, the conflicts are nonviolent and resolved privately. All sales occur because they benefit both parties. No one is harmed. What you are observing is an extremely sophisticated and intricate form of order that efficiently satisfies individual goals without violence.

The true choice in affirmative action is not between chaos and order, but between freedom and control.

The Prognosis

Affirmative action may well become the issue-from-hell for Democrats. Republicans have taken over the moral high ground and are staging a full frontal attack. Affirmative action looms as an election flash point in California. Court cases challenging preferential policies are pending in several states. And the Supreme Court is now inclined to frown on federal affirmative action, with Justices Rehnquist, O'Connor, Thomas, Kennedy, and Scalia likely to vote against it.

Democratic strategist Duane Garrett summed up his party's attitude toward the affirmative action controversy this way: "Most Democrats I've talked to are just averting their eyes and hoping it goes away." They can always hope. ❑

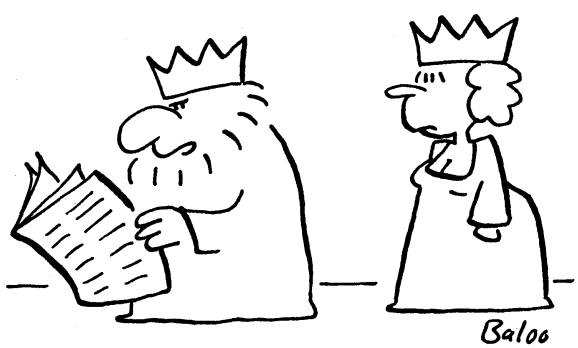

"Now I know it's fixed. Your *mother* just won the Nobel Peace Prize!"

Proposal

Solving the Debt Crisis Without Raising Taxes or Decreasing Spending

by R.W. Bradford

The burgeoning cost of financing middle-class welfare and rebuilding American military power threatens to send the United States into bankruptcy unless the tax burden on Americans is raised very substantially.

Three responses to this problem have been proposed, but each of these has fatal shortcomings:

(1) Cutting welfare spending on middle-class Americans would be political suicide for its proponents, and is undesirable anyway. Middle-class Americans deserve their student loans, subsidized mortgages, farm subsidies, Medicare, veterans' benefits, and generous government pensions.

(2) Military spending needs to be higher, not lower, if the United States is to maintain its role as the world's only remaining superpower, thereby guaranteeing democracy and justice to all the people of the world.

(3) Americans are already overburdened with taxes. Raising taxes further would be even quicker political suicide than cutting welfare spending would be.

A fourth solution — repudiation of the public debt — is virtually unthinkable, as it would make it very difficult for the government of future generations to borrow money that it could not afford to pay back.

I am proud to announce that I have discovered a way to cut the Gordian knot. In fact, I have discovered a way to increase welfare *and* military spending, while eliminating the budget deficit and paying off the national debt.

Right now, the United States collects over $600,000,000,000 each year in income taxes. I submit that Congress has created a gigantic loophole in the Internal Revenue Code, a loophole that allows literally billions of people to avoid paying taxes. I speak, of course, of the over five billion potential taxpayers who get off without paying one red cent in income taxes, simply because they *do not live in the United States and are not American citizens.*

Some of these people are not as wealthy as Americans, but many are wealthier. The Sultan of Brunei, for example, has an income of billions of dollars a year, yet he pays *no American income tax at all.* And even the poorer among the five billion tax-shirkers could certainly afford to pay something, if only a few dollars per year. If every person in the world now taking advantage of this loophole would pay an average of only $240 per year — that's 90% less than the average American pays — we could balance the budget and pay off the entire national debt, while providing even more welfare programs and even bigger defense spending.

Now, I know that there are doubting Thomases out there. They will say that taxing foreigners would violate the Constitution or international law, or that it is impractical. Their thinking is plainly fallacious, and dangerous to America.

A universal income tax would be entirely constitutional. Here is the wording of the Sixteenth Amendment:

> The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

As you can see, the Sixteenth Amendment clearly grants Congress the "power to lay and collect taxes *on incomes, from whatever source derived*" (emphasis added). There is not even a hint that this power is limited to taxing the incomes of Americans or income derived from American sources.

I suppose there are individuals who will argue that the jurisdiction of U.S. law stops at the borders of the United States, just as the jurisdiction of the laws of other sovereign nations stops at their borders. But this is also plainly wrong. In *U.S. v. ALCOA*,[1] a federal appeals court decision recognized that U.S. law can, in Learned Hand's words, "impose liabilities" upon foreigners whose acts have "consequences within its borders which the state reprehends." In recent

years, Congress has passed many laws that U.S. authorities enforce outside the United States. Most notable are the laws that outlaw the sale or possession of certain drugs if they might eventually be sold in the U.S. The Coast Guard and Navy routinely board ships on the high seas and arrest the officers and crew if any drugs are found. In 1989, the United States invaded a sovereign nation so that we could arrest its president for trafficking in drugs, and in 1991 it convicted that head of state and sentenced him to a long term in the federal penitentiary.

I suppose it might be objected that these laws are limited to individuals who are engaged in international commerce, whose goods are bound for the United States. But this objection is also specious, according to the logic of numerous Supreme Court decisions.

You will recall that the constitutional authority for virtually all federal regulation is found in Article I, Section 8, which reads (in part), "The Congress shall have the power . . . to regulate commerce . . . among the several states." From time to time, lawsuits have been brought against the U.S. government arguing that one or another regulation imposed by Congress is unconstitutional, on grounds that the commercial activity involved takes place entirely within a single state, not in commerce "among the several states." For more than half a century, the Supreme Court has always found against the plaintiff in these cases.

In 1942, Kansas farmer Roscoe E. Filburn challenged a law that prohibited his growing wheat without the explicit permission of the U.S. Department of Agriculture. Filburn argued that the wheat he grew without government permission was not in interstate commerce: he fed it to his own chickens, most of whose eggs and meat his own family ate, with only a small portion sold locally and none sold to residents of other states. In the famous case of *Wickard v. Filburn*,[2] the Court patiently explained that the wheat was in "commerce among the several states" for the plain and simple reason that, if the farmer had not grown wheat, he would have had to buy it (or some other form of chicken feed), and *that* wheat (or whatever) might have been grown in another state. Furthermore, his chickens were also in interstate commerce because, if he had not raised them on his own farm, he would have had to buy chickens from someone else, and *those* chickens might have been bred and reared in another state.

This reasoning makes it perfectly legal for the United States to tax the income of, say, a Pygmy living in an isolated village in the Congo River basin. That Pygmy has income in the form of the nuts and berries he gathers; if he did not gather those nuts and berries, he would have to buy food from someone else, and that food might have been produced in the United States. Surely the commercial nexus here is as proximate as the nexus in the case of *Wickard v. Filburn*.

Lastly, it may be argued that citizens of other nations will object to being subjected to U.S. income tax laws. This is no more serious than a South American drug lord's objections that he should not be subject to U.S. anti-drug laws. And if any foreigners refuse to pay their taxes, the United States can always enforce its tax code by military means, just as it enforced its anti-drug laws in Panama in 1989. After all, we already have the most powerful military machine in the world. And with these new tax revenues, we can expand it even more than the new Republican majority in Congress envisions. ❑

Notes:

1. 148 F.2d at 442 (2d Cir. 1945)
2. 317 U.S. at 120

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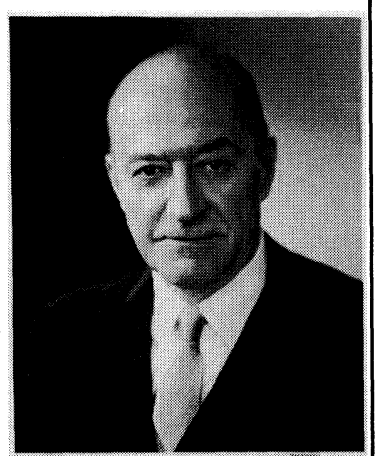

Henry Hazlitt, *defender of freedom*

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Reviews

The Theme is Freedom: Religion, Politics, and the American Tradition, **by M. Stanton Evans. Regnery, 1994, 366 pp. + xvii, $24.95.**

Render Unto God

Leland B. Yeager

In *The Theme is Freedom*, M. Stanton Evans challenges the "liberal history lesson" that portrays religion and liberty as always in conflict. "Freedom, democracy and intellectual inquiry allegedly flourished in the pagan era, only to be crushed to earth in the Christian Middle Ages" (pp. 15–16). They revived only when humanists of the Renaissance and Enlightenment threw off the shackles of belief. Religious and moral absolutes taught by conservatives still portend authoritarianism, according to this version of history. America's liberties require the protection of secular doctrines and the "wall of separation" between religion and public institutions erected by the Bill of Rights.

Evans identifies no canonical statement or source of this supposedly standard view, though he does cite books by J.H. Randall, Jacob Burckhardt, R.C. Whittemore, and Allan Bloom. He also takes jabs at John Stuart Mill, Oliver Wendell Holmes, utilitarianism, secularism, economic determinism, economic planning, social engineering, and ethical relativism.

Today, he finds the pagan worldview resurgent in astrology, Eastern cults, abortion, euthanasia, the environmental movement, homosexuality, the *jihad* against religious expression, and the reemergence of the unlimited state and reduction of the individual. He further cites routine praise of pluralism, diversity, and alternative lifestyles; pop culture; the doctrine of evolution; and, perhaps chiefly, "the scientific-rationalist bias of modern thought."

Evans sees this materialist thought underlying gun control and arms agreements. Left-liberals assume "that material objects, rather than the motives of human beings, are the chief causes of social conflict" (115). They trace crime, illegitimacy, drug abuse, and other pathologies to material "conditions"; they recommend attacking the "underlying causes" through housing projects, job training, and other government programs for changing economic factors.

Evans replies with a history lesson of his own. In the ancient world, and even in the profoundest works of Greek philosophy, ideas of personal freedom and limits on state power were absent, he says. Freedom meant participation in running the state. "It took the biblical view of Deity, nature, man, and state to make the free society even a mental possibility" (309). Ideas of personal freedom, limited government, and economic and scientific progress come from the religion of the Bible. A separate source of spiritual awareness challenged the authority of the state. Western constitutional history has been a gradual working-out of the concept that the king or emperor is neither the law incarnate nor a divinity but is under God and the law. Western liberty and free institutions cannot survive without religious faith.

Religious settlers in British America established representative bodies. The colonists "brought with them well-developed views about the rule of law, protections against the power of the state, government by consent, and limits on taxation" (310–311). Their habit of consulting scripture undergirded their reliance on written agreements. They made the rule of law a principle of statecraft, not just a sentiment or theory. The American Revolution was an essentially conservative movement to preserve the traditional rights of free-born Englishmen. The common law was an important part of this tradition: laws best arise through age-old custom and consent rather than as the dictates of kings and legislatures. (On this Evans echoes Bruno Leoni, whom, however, he does not cite.)

Contrary to the standard liberal history, says Evans, America was not founded by secularists and Deists intent on denying official support to religious precepts. The Founders were by and large religious people. They did not want to build a wall between church and state; neither did they want the central government, under the Constitution's federal system, to meddle with religion.

Evans counters Marxian economic determinism with a theological determinism: "Always and everywhere, the governing system that is adopted will reflect the underlying religious presuppositions of the culture, and as these vary so will the prospects for statecraft, science, economics, and a great deal else" (118, italics omitted). He makes recommendations consistent with this law. No relatively specific reforms — replacing Democratic politicians with

Republicans, managing government programs more efficiently, or even rolling back federal power — would themselves suffice to restore our freedoms. "In every sense, the spiritual and intellectual vision must be foremost. Recovery of our religious faith and its teachings should be our first and main concern. Without it, nothing much by way of practical improvement can be accomplished. With it, all the rest might readily be added" (323). Above all, we need "a reinfusion of religious precept in our national life and public custom" (318–319). We should applaud the "religious Right" and evangelical churches. We should welcome the active engagement of traditional Catholics and Jews. Evans recommends "not 'imposing' belief on others, but rather defending it against an aggressive and relentless opposition" (319).

Evans counters Marxian economic determinism with a theological determinism.

While first reading Evans' book, I found myself agreeing piecemeal on many specific points — for example, how the federal courts pervert the Constitution when they suppress school prayer and other involvements with religion by individual states. I also applauded Evans' sympathy with Frank S. Meyer's blend of classical liberalism and traditionalist conservatism. Meyer's "fusionism" (a label both Evans and I dislike) does not try to mix oil and water. Respect for and a presumption in favor of time-honored practices and institutions (which is not the same as mindless adherence) does indeed serve a free society — so I could argue. A narrow, excessively individualistic, iconoclastic, market-worshipping, smart-alecky libertarianism — epitomized in a book I might name — is self-destructive.

Still another reason for initially liking Evans' book was his considerable erudition, illustrated in 16 pages of annotated bibliography.

Only when I began pulling together and summarizing his many remarks did I fully realize what a stark position they add up to. How strong a case does he make for that stance? His own reading of history, like the putative "liberal" history he attacks, is a product of selection and emphasis, and rivals of both are plausible. In *Uncommon Sense* (1993), Alan Cromer, a physics professor and not obviously a left-liberal or crusading atheist, persuasively argues that modern science derives from ancient Greece, where political and intellectual conditions happened to be favorable. Religion or rigid traditions stifled its independent origin elsewhere and interrupted for many centuries its progress in the West. The scientific attitude is important to a free society. It values free inquiry, open discussion, and persuasion by evidence and reasoning instead of resort to unexamined tradition, authority, or force.

But let's suppose, if only for the sake of argument, that Evans' history is substantially right and that the free institutions of the West did evolve under the aegis of Christianity. (Let's overlook the frequent tensions between them, as well as Ralph Raico's point — made years earlier in a famous debate with Evans in *The New Individualist Review* — that several Christian tenets, if taken seriously, would scarcely be compatible with a free and prosperous society.) Was the actual route to our free institutions the only possible route? It is interesting to ponder (in the spirit of essays gathered by J.C. Squire in *If*, 1931) how history would have unfolded if Christianity had never taken hold — if, say, Saul/Paul had not had his vision on the road to Damascus.

But what would follow? What do historical speculations recommend about religion nowadays? Of course libertarian-conservatives deplore government attempts to squelch religion; they value tolerance and may even be squeamish about holding religion up to ridicule. But what are we — what am I — supposed to believe and do if Evans is right about historical links between religion and freedom? The convenience of a doctrine's being true or being generally accepted, or both, is not the same as its actual truth. Are intellectuals nevertheless supposed to preach expedient doctrines as if they were true?

Although Evans no doubt sincerely accepts the truth of his own religion, nowhere in the book does he actually argue its truth. He respectfully mentions Judaism as well as Christianity. Well, how can one attach great importance to religious doctrine and still straddle between those two religions? The divinity and redemptive mission of Jesus Christ are scarcely unessential details of Christianity.

My old friend James Waller used to worry that we moderns are living off and eating up our religiously based moral capital of the past. (Tacitly, Evans makes much the same point.) Suppose he were right; suppose it would be socially healthy if we could rebuild our moral capital on a religious basis. Again, what follows about the actual truth of religion? Although not so intended, Waller's point can serve as a device to protect Evans' main thesis. Counterexamples of nonreligious libertarians and conservatives and of societies where morality apparently flourishes without religious consensus supposedly lose their force; they simply exemplify living off inherited (or perhaps imported) moral capital. But a thesis thus immunized against counterevidence loses its substance.

Libertarianism (or a libertarian-conservative blend in the style of Meyer and Evans) is a *political* philosophy, not a comprehensive philosophy of life or a metaphysics. Some libertarians, probably a minority, do value seeking out and arguing over the ultimate foundations of their position, whether metaphysics, religion, tradition, Lockean rights, social contract, or utility. These disagreements need not, however, keep libertarians from working together in their areas of agreement. Students of Ayn Rand, for example, need not worry about giving "sanction" to irrationality by not pressing the religious question at every con-

How can one attach great importance to religious doctrine and still straddle between Judaism and Christianity? The divinity and redemptive mission of Jesus Christ are scarcely unessential details of Christianity.

trived opportunity. Those of us who enjoy the controversy over foundations may continue pondering what follows from the apparent or alleged expediency of religion. And let traditionalists like Evans avoid anathematizing potential allies who find the evidence and arguments for religion deficient. ❑

***Dismantling Utopia: How Information Ended the Soviet Union,* by Scott Shane. Ivan R. Dee, Inc., 1994, 352 pp., $25.00.**

Dystopia Undone

Gene Jewett

As recently as ten years ago, the Soviet Union seemed like a stable country, with a relatively healthy economy. Those who viewed it as an evil empire were seen by most Western intellectuals as hopelessly Neanderthal. Well-known economists were sanguine about Soviet prospects.

Within a few short years, the Soviet Union imploded, its political ideology dead, the economic theory upon which it was based totally discredited — except perhaps in some reactionary groves of the American academy.

Who slew the Evil Empire? In *Dismantling Utopia,* Scott Shane, the *Baltimore Sun*'s Russian correspondent from 1988 to 1991, argues that "information slew the Soviet giant." Shane follows the *denouement* of the U.S.S.R. from Gorbachev's rise to power in 1985 through the coup of 1991, analyzing the role of information technology in sparking the Soviet implosion.

Shane opens with the 1985 arrest of 27-year-old Andrei Mironov, jailed for discussing three banned books — Valery Grossman's *Life and Fate,* George Orwell's *Animal Farm,* and Varlam Shalamov's *Kolyma Tales* — with foreign exchange students. Two years later he was released; by then Gorbachev's mildly liberal policy of *glasnost* was in place, and those books had become freely available, rendering his crime irrelevant. The information revolution was underway.

But this was only the beginning of the information explosion. Shane also chronicles the unplanned effects of expanded television formats, telling the story of a national hero, an Olympic weightlifter, who excoriated the KGB and the Communist Party before a riveted audience on national television. Because the Communists had used television as a tool of propaganda, everyone had one, and everyone tuned in. But suddenly, it was being used to fight the Communist system, not bolster it. Under *glasnost,* fear of KGB terror was rolled back, and dammed up dissent flooded the country, drowning out socialism.

Of course, we now know that Communism was weaker than most Westerners had ever imagined. Shane argues that Soviet leaders knew their country had its back to the wall in 1982, contrary to their eternally optimistic rhetoric. The highly centralized Soviet economy functioned like a human body being forced to run on manual. It was as if you tried to direct consciously all of your organs to function, directing your pancreas to secrete just the right amount of insulin and instructing your heart's left ventricle to squeeze at the precisely correct moment. Needless to say, the system didn't work very well. Central planners could not efficiently make the millions of economic decisions needed to run a consumer economy. Without the feedback of the price system, they lacked meaningful information about consumer demand, and were reduced to such embarrassing tactics as using CIA crop estimates to forecast their agricultural production.

Their response to their failure was to proclaim it a success. Shane quotes a Bolshevik in 1920: "If the masses don't understand that we are bringing them mathematically flawless happiness, it is our duty to force them to be happy, but before we use weapons, we will first try words." This may have worked in the 1920s when information flow was primitive, but by the 1980s it was plain to the Soviet masses that those "exploited" by decadent capitalism were far better off.

As the Soviets continued to fall further behind the West, Shane argues, the Soviet leadership made a desperate move to put Russia's economy back on track: imitation capitalism in the form of *perestroika.* In 1983, Gorbachev asked Andropov about allocations and amounts of state spending, only to find that no one knew the numbers. Tight control of copiers, computers, videocassette recorders, and other technologies was inhibiting development, especially in high-tech fields. When he took power, Gorbachev decided that to fix socialism, he had to allow more information to flow. The KGB backed Gorbachev, but the military — initially — did not. The reality of reduced hard currency reserves, a result of declining commodity prices in the wake of the boom of the '60s and '70s, finally led them to accept the need for reform, as did concern over American experiments with high-tech weaponry, such as SDI.

The microchip revolution is making a hash of ruling elites' efforts to keep their subjects divided and ignorant.

But the influx of information carried a price. When Russian families gathered around their new VCRs to watch movies from the West, they found themselves paying more attention to the background than the plot. They noticed that everyone in the West seemed to own a car, and that the refrigerators were filled with plenty of food and cold beer. While Soviet leaders boasted that Russia was the world's largest producer of steel, cement, lumber, oil, and tractors, their subjects waited in long lines to buy barely edi-

ble food and shoddy consumer goods; waited ten years to spend five years' wages on cars that would be laughed off Western roads; and crowded into tiny crumbling apartments.

The Communists may have won the race of steel production, but it was the wrong race. Central planning and gross production were unsuited to the task of raising living standards and meeting the demands of the heretofore patient consumers. On one all-too-typical occasion, planners discovered that millions of people had washing machines, but no soap powder. Within two years, the central planners had provided so much soap that it had to be warehoused in apartments. *This* was the system that was supposed to compete with the invading Hollywood visions.

The curtain had been ripped away, and the myth of Communism unraveled like that of the Wizard of Oz.

The knowledge released by Gorbachev's reforms created a universal and passionate disillusionment. When Gorbachev announced that two plus two was not, after all, six, he helped spark a powerful skepticism — fooled once, the people were not about to accept their leader's assurances that two plus two actually equaled five.

Shane's account culminates with the failed coup of 1991. After six years of *glasnost*, it was impossible for the conspirators to effectively seize control of the means of communication; the information blockade they imposed was more a tennis net than an iron curtain. Boris Yeltsin and his allies simply switched on their fax machines and sent out appeals to newspapers, to embassies, to other republics, to other cities. Within Soviet borders, information was reproduced and disseminated by the new technology: faxes, copiers, VCRs, and PCs became a sprawling social nervous system linking the Russian political opposition. The new media enabled a community of resistance to emerge among millions of once-isolated people. And an empire fell.

Shane believes that the Russian people's desire for a normal consumer economy remains a powerful brake on efforts to return to empire and autocracy. Educated workers demand consumer goods that a planned economy simply cannot produce. But one could also argue that little has changed, that The Who had it right, that the new boss is the same as the old boss, that Russia could have continued as a closed society had its rulers had the will to continue to use terror as a means of control. Human beings will always have the capacity to lie to themselves and deny the obvious, as long as they have a material or emotional investment in the *status quo*.

But the availability of multiple sources of information erodes this complacency and expedites the formation of a revolutionary consensus. What happened in Russia demonstrates that people now have access to too many avenues of communication for their rulers to keep them completely in the dark.

Institutions both religious and secular have always used their control of information to maintain their power; freedom of information has always been a force for other liberties. In 1450, when Gutenberg's movable type printing press was first used, there were roughly 50,000 books in existence, and almost all were owned by religious institutions. By 1500, there were 10,000,000 books, widely owned. It is no coincidence that the Protestant Reformation erupted almost immediately afterwards, bringing the monopolistic power of the Church to an end.

In the computer age, the process has been tremendously accelerated and its reach extended. Information changes the course of civilization, and modern technology delivers information faster and more accurately. The microchip revolution is making a hash of ruling elites' efforts to keep their subjects divided and ignorant. The result has been an explosion of human freedom. ❑

***Guns, Crime, and Freedom*, by Wayne LaPierre. Regnery Publishing, 1994, 263 pp., $22.95.**

Shooting Down Your Rights

Dale J. Steinreich

One evening late last summer I found my father shaking his head in annoyance at the television screen. CNN anchor Bernard Shaw was jubilantly trumpeting President Clinton's "tremendous victory" in signing the Omnibus Crime Bill, which purportedly would save our troubled republic by banning 19 types of so-called assault weapons (the bill actually banned over 150).

After changing channels, my father settled into deep thought before speaking. "You know something, Dale? In 1955, when I was living in Queens, I would fly every couple of months to Buffalo, to visit a friend with whom I used to do some hunting. I remember walking through La Guardia airport, whenever I made these visits, carrying a suitcase in my left hand and a .22 caliber rifle with scope in my right hand. I walked through a concourse past no security personnel and no metal detectors. I usually waited about 15 to 30 minutes before a Douglas DC-3 pulled up to the gate. After an clerk checked my ticket, I would walk out on the tarmac, board the plane, and store my rifle right below my seat near the window. In those days no one took special notice of what I was carrying, much less showed great alarm about it. If you tried the same thing today at La Guardia you wouldn't make it past curbside before being tackled, cuffed, and booked at the jail."

Much has changed in America in the last 40 years. It is for this new and troubled America that Wayne LaPierre, in *Guns, Crime, and Freedom,* offers his reasons for continuing to value the Second Amendment. As CEO and chief national spokesman for the National Rifle Association, LaPierre has one of the most thankless jobs in America. Although he has fought an energetic and vigorous battle against the recent passage of the Crime Bill and the Brady Bill, he has found time to write a book that trenchantly defends the right of Americans to keep and bear arms.

LaPierre begins with the Second Amendment, responding to the oft-heard claim that the Founding Fathers never intended for private citizens to use or possess arms, that the "militia" in the Second Amendment refers to organizations such as the National Guard. LaPierre points out that the amendment clearly stipulates a "right of the *people* to keep and bear Arms" (emphasis added). It makes no sense for liberals to argue that the Fourth Amendment applies to individuals because of its "rights of the people" phrase but that the Second Amendment does not.

Even more effective are the quotations from the Founders that LaPierre has assembled. In Virginia's debate over the Constitution, George Mason said, "To disarm the people [is] the best and most effectual way to enslave them." Thomas Jefferson wrote in the Virginia Constitution that "No free man shall be debarred the use of arms within his own land." In *Federalist* number 46, James Madison wrote, "Americans [have] the right and advantage of being armed — unlike citizens of other countries whose governments are afraid to trust the people with arms."

Little disagreement exists among most historians and legal scholars on this issue. Historian Joyce Malcolm writes that the Second Amendment was meant to fulfill two objectives: self-defense and militia use. "The argument that today's National Guardsman would constitute the only persons entitled to keep and bear arms has no historical foundation." History professor Robert Shalhope, writing in the *Journal of American History,* states that James Madison clearly believed (1) that individuals have the right to bear arms for self-defense, and (2) that states had the rights to "maintain militias composed of these individually armed citizens." Even more embarrassing to the gun-grabbers is the respectable liberal legal scholar Don Kates, one of the foremost experts on the Second Amendment, who says "the Founding Fathers out NRAed the NRA."

But the NRA, often portrayed as a group of extremist fanatics, does agree that the Second Amendment has limits. Individuals who are either under the age of 18 or have committed a felony may be forbidden to purchase and possess firearms. And LaPierre claims that while Americans are allowed to legally own "ordinary small arms" such as handguns, rifles, and shotguns, they are forbidden to own tanks, artillery components, grenades, bombs, bazookas, or nuclear weapons.

He should have preceded this last series of items with the phrase *fully operational.* A superior court judge in Indianapolis owns a total of six tanks, while an Indiana millionaire living to the north of him owns over 130. These two collectors are able to drive their tanks around on their private land but are allowed to shoot only blank ammunition from the tank guns. Many army surplus stores sell disarmed grenades and rockets to military equipment collectors and enthusiasts. An inert intercontinental ballistic missile in your backyard might violate the neighborhood's restrictive covenants and/or be an eyesore, but would probably not be illegal if it had been lawfully acquired.

LaPierre's chapter on so-called "assault weapons" exposes one of the most outrageous and flagrantly demagogic witch-hunts our government/media apparatus has waged since the burning of the Branch Davidians. "Assault weapon" has been used for years to characterize pistols or rifles with full automatic or burst capability. Not one of the weapons banned has this capability. They all employ semi-automatic technology more than 100 years old and detachable magazines that have been around since the advent of the Spencer carbine in the 1860s.

The reason these weapons are popular with many shooters is their cosmetic resemblance to real military weapons. They are used in NRA-sponsored com-

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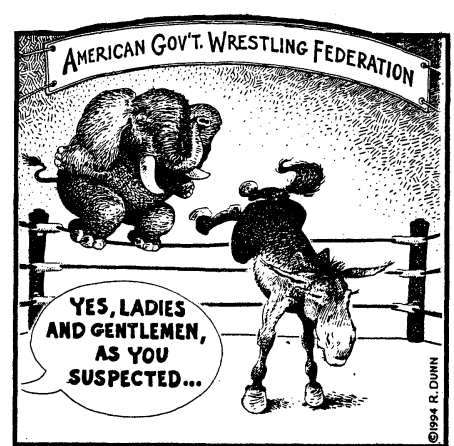

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petitive match shooting and are target and recreational guns. The belief that criminals use or even prefer them to other weapons in the commission of a crime is one of the most baseless myths ever promoted. LaPierre shows that nationally, so-called assault rifles have been involved in less than 0.5% of all violent crimes. In testimony to the Senate Judiciary Committee, Police Chief Joseph Constance of Trenton, New Jersey, said, "assault weapons are/were used in an underwhelming 0.026% of crimes in New Jersey." In Los Angeles, San Francisco, and New York, they make up no more than 3% of the guns confiscated by law enforcement. A statistic that LaPierre does not mention: of a total of 2,394 homicides in New York state in 1992, 20 (0.8%) involved assault weapons, while 117 (4.9%) involved "kicking, beating, or stomping." Anyone for a waiting period on hands or feet?

The simple fact is that the term "assault weapons," as used by those who propose to restrict gun ownership further, is purely pejorative. It refers only to cosmetic differences among weapons. For example, the Colt AR-15 is a .223 caliber semi-automatic rifle with a 16" barrel. The Ruger Ranch is a .223 caliber semi-automatic rifle with an 18.5" barrel. Which rifle is more accurate and therefore more potentially dangerous? Obviously the Ruger. Yet the Ruger, packaged as a hunting or varmint gun, is perfectly legal — and the AR-15 is banned because it is packaged with a military look.

Many journalists applauded the assault weapons ban, claiming that the Founding Fathers never intended for citizens to possess military-type weapons. Leaving aside the well-documented participation of civilians in militias throughout American history, the military/sporting distinction never existed when the Second Amendment was ratified. And as LaPierre points out, "practically every type of popular firearm in existence at some time has been used by the military."

"Assault weapon" has been used for years to characterize pistols or rifles with full automatic or burst capability. Not one of the weapons banned has this capability.

Many pro-Second Amendment groups have a well-founded fear that the same process used to delegitimize competition and sport weapons will be used to delegitimize hunting weapons as well. Like 1989 all over again, some jerk in California will stand outside a schoolyard, not with an "assault weapon" this time, but with a "sniper rifle," picking off kids who wander into the crosshairs of his deadly "sniper" scope. The media will mount a massive scare campaign against these indefensible "sniper weapons." Sniper weapons will be characterized by their mean-looking scopes, which no one should be allowed to possess. The public will become convinced that the Founding Fathers never intended for private citizens to own deadly "sniper weapons." Liberals, who now accept hunting as the only legitimate reason to own a gun, will inveigh against hunters ("animal snipers") and decry their practice of polluting our environment with lead bullets and buckshot. Sound like a slippery slope? The EPA is already compiling evidence to support a ban on lead bullets and buckshot, while Patricia Schroeder (D-Col.) and Health and Human Services Secretary Donna Shalala are trying to bring firearms manufacturers under Consumer Products Safety Commission regulation with the hope that all guns can be declared a public safety hazard and banned.

One of the most enjoyable and refreshing parts of LaPierre's book is a chapter entitled "Is America Too Free?" It surveys firearms laws around the world. On such enlightened media outlets as *Today* or *Good Morning America*, Americans are incessantly told that Europe has a lower homicide rate because it has very strict gun control laws. This is a lie. While there is a lot of discussion about Britain, there is never any mention of Switzerland — and no wonder. Switzerland is the land with a machine gun in every home. With no standing army, the Swiss government gives all male citizens an automatic rifle to keep and maintain in good working order. As members of the militia, they are required to have an adequate store of ammunition, undergo training, and enter shooting matches to demonstrate proficient use of the weapon. In 1990, there were only 34 shooting deaths in Switzerland — about as many as are murdered in New Orleans in less than five months.

LaPierre also debunks arguments for gun buy-back programs and waiting periods, and his chapter on the transgressions of the BATF will make the blood of gun owners and nonowners alike boil. And he provides an excellent synopsis of the Randy Weaver and Waco cases for people who have been spoon-fed the BATF's side of the story from Mr. Rather, Mr. Brokaw, and the other nightly agitprop artists.

When dealing with as many names, statistics, facts, and dates as appear in this book, there are bound to be some

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gaffes. On page 158, LaPierre refers to "basketball star Michael Jackson." In a discussion of talk radio, he claims that Ken Hamlin is a "local" host in Denver; actually, Hamlin's program is produced in Denver and broadcast over 60 stations, but is *not* broadcast in Denver.

Guns, Crime, and Freedom is a welcome addition to anyone's bookshelf. While gun owners will undoubtedly comprise the vast majority of those who read the book, there is at least a chance that some open-minded adherents of the conventional wisdom will want to see how NRA neanderthals could oppose something as "reasonable" as gun control. They may get the surprise of their life. ❑

Anarchist Voices: An Oral History of Anarchism in America,
by Paul Avrich, Princeton, 1995, 574 pp., $75.00.

Anarchist Lockstep

Richard Kostelanetz

For over a quarter century, Paul Avrich has been publishing major scholarly works about anarchism in Russia and America. To say that he has no peer in American academia is an understatement; no one else produces in his league. Most of his books are published not as modest paperbacks from alternative presses but as overpriced hardbacks from the Princeton University Press, which makes them the sort of volumes most of us would persuade our libraries to order rather than purchasing them for ourselves. I find him a good writer and a persuasive scholar. One measure of his care is footnotes that are interesting not just as documentation but, say, for brief biographies of individuals who are not acknowledged in the primary text. Typically, his bibliographies are fresh and thus invaluable.

Anarchist Voices collects his respectful interviews with over 150 people, most of them known in their lifetimes only to other anarchists and now remembered only by their descendants. Arriving on the scene in the 1960s, Avrich was too late to interview Emma Goldman or Benjamin Tucker, so instead he spoke with the former's secretaries and lawyer and with the latter's daughter. Avrich told me that he rarely used tape recorders, because his interviewees found them intimidating, and instead kept notes on 5" x 8" cards, sometimes made during the interviews, often just afterwards. From those cards, he composed this book. Every struggling political movement should have such a loving academic amanuensis.

Nonetheless, there are several problems with this book. While he includes Benjamin Tucker in his pantheon, Avrich neglects later individualist-anarchists without explanation. He also neglects artistic anarchists, beginning with Henry Miller, Kenneth Rexroth, Judith Malina and Julian Beck, and John Cage, all of whom lived well past the 1960s. (They are important to me because I became an anarchist in college from reading these people and Paul Goodman, rather than from knowing anyone.) My sense is that Avrich as a political historian is predisposed to focus upon those who belonged to anarchist groups, rather than those independents who had greater intellectual influence.

Secondly, perhaps out of a wish to make his anarchists socially acceptable, Avrich avoids deviance. Though he acknowledges more than once Emma Goldman's sexual designs on young male anarchists, he scarcely mentions homosexuality (not even in the indirect

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memoir of Paul Goodman), sexual adventuring, or drug use, all of which, we would now say, were ways of practicing anarchism as well as preaching it. Finally, if only because Avrich himself includes only one person younger than himself (and a strange choice at that), he gives the false impression that anarchist voicing has died in America.

Thirdly, presumably because Avrich depended on his own notecards, all his anarchists sound alike, regardless of whether they were immigrant Italians, immigrant Jews, or native-born Americans; whether well-educated or undereducated. What's missing from the book is any attempt to render in print group dialects or individual speech. That means that the title is a misnomer: the book presents not many voices but, alas, the single one of a refined and sympathetic scribe. This failure to render vocal variety is not only funny, if you think about it, but embarrassing, because the example of William Faulkner for one demonstrates the possibility of doing so in print. (Another trick, more feasible in the age of computers, is using various typefaces to represent different backgrounds and levels of cultivation.) For instance, Avrich has told me of his surprise that Peter Kropotkin's daughter, living in New York in the 1960s, spoke with a British accent, because her father lived in London when she was young, but this book says nothing about such aural experiences. Avrich's predisposition for false uniformity accounts for why most of the testimonials here typically begin with the informant reciting his or her birthdates and other basic biographical data. After a dozen chapters, such rote exposition can become boring; after a hundred, it is maddening. Attribute this fault of uniformity not just to Avrich's medium but to his homogenizing method. ❑

***The Guru Papers: Masks of Authoritarian Power*, by Joel Kramer and Diana Alstad. North Atlantic Books/Frogs Ltd., 1993, 374pp., $14.95.**

The Authoritarian Behind the Curtain

Sharon Presley

Don't be deceived by the title: *The Guru Papers* is about much more than cult groups. It is a profoundly important critique of the covert authoritarianism of most religions, both Eastern and Western — and of such allegedly secular cultural values as unconditional love, addiction, and twelve-step programs. It is also a critique of any mode of thought, religious or secular, that encourages following leaders and looking for saviors.

At the heart of all the cultural and religious authoritarianisms that authors Joel Kramer and Diana Alstad decry are what they call "renunciate worldviews." By this they mean philosophies which suggest that the "solutions to life's problems involve making what goes on in this world and this life secondary to some other projected kind of existence deemed more important and sacralized." In their view, this notion leads inevitably to valuing sacrifice of the non-sacred to the sacred, and to unchallenged authority figures who define how this sacrifice is to be accomplished. This morality of self-sacrifice, they argue, is at heart authoritarian because it claims that being good means sacrificing self-interest to some higher interest — which, of course, the authority conveniently defines. Thus the guru, church, or state that preaches self-sacrifice can control its subjects by defining which behaviors are acceptable and "good."

The authors' insight into how fundamentalist religions use renunciation to maintain their power is an especially useful addition to critiques of fundamentalism. An entire chapter is devoted to examining how fundamentalists exploit the desire for certainty in a time of social fragmentation. This is accomplished not only by offering an absolute worldview but by emphasizing the importance of the rules of the system over the actual moral principles of the religion. Rules that must be obeyed provide clear and secure answers to troubling existential questions. Fundamentalist leaders know, the authors assert, that the easiest way to convince people that they want to obey these rules is by making people feel bad about themselves, then offering them a way to feel better. Disobeying the rules and being selfish (pursuing one's own interests) is bad; obeying the rules and putting higher interests (duty, obedience, and sacrifice) first is good.

The application of Kramer and Alstad's analysis of the doctrine of renunciation to cultural as well as religious values provides another useful insight. "Accepting selflessness as the highest value," they observe, "is where the insidious authority of the old order unwittingly seeps into the many modern paradigms that attempt to be new."

Consider the model of unconditional love that says we should love selflessly and sacrifice endlessly to the beloved. The authors argue that this is a carry-over from renunciate religious views. The danger of unconditional love is that it leaves no room to withstand abuses, keeps people in old role-dominated relationships, and sets no boundaries on demands from the other partner. It can thus become a way of controlling the person who is doing the sacrificing. "Love between adults," Kramer and Alstad point out, "flowers only when there is some balance between self-centeredness and giving."

They argue that twelve-step programs such as Alcoholics Anonymous are also authoritarian, sharing many features of cult groups: unchallenged authority, admission of helplessness and self-mistrust, disagreement labeled as resistance, surrender to religious experience. While I don't agree that all twelve-step groups can be pilloried on this point, it is a legitimate criticism of at least some of them.

Another thought-provoking and radically important point that Kramer

and Alstad make — one that, as a psychologist, I particularly applaud — concerns the tacit messages many parents send to their children. "Most of us as children have been conditioned to the idea that being bad means disobeying the rules and being selfish, while being good means obeying the rules and putting others first." To be self-centered, we've been taught, is to be morally lacking. Coupled with this exhortation to be uncritical of authority is the equally troubling message that others know what's best. Many people are thus deeply conditioned to expect some outside agency, power, or person to somehow solve their problems.

"Looking for saviors, or holders of wisdom, as the way to lead humanity (or oneself) to salvation or survival," assert Kramer and Alstad, "has been ingrained into the old order. . . . Behind much of the appeal of such authority is the essentially childish hope of external and magical answers to the existential problems and fears around living and dying." No wonder gurus, New Age flakism, and fundamentalism are popular: they all offer different brands of the magical answer.

At the root of the power gurus have over their followers is a desire for a savior to provide certainty and clear-cut answers — which raises the specter of political guruism. Kramer and Alstad's guidelines for recognizing authoritarian religious control provide a standard for evaluating any ideological group:

We can judge the Song without necessarily condemning all the Singers as fools and robots.

no deviations from the party line are allowed, the authority is always right, the actions of the authority are always defended without knowing what has actually occurred, the leader is trusted to know what's best.

These guidelines can provide the opportunity for some critical thinking about our own beliefs, rather than merely attacking such obvious targets as guru-led "cults." It's much easier to identify others who fall under authoritarian control than to examine on our own beliefs. I have seen quasi-cult-group behavior exhibited by individuals in every religious, political, and social-issue-oriented group I have ever observed in my studies of ideological behavior: socialist, progressive, humanist, feminist, libertarian, Objectivist, and others. So pervasive is the desire for clear-cut answers that members of even the most rational groups can fall prey to the seduction of the dogmatic.

Having praised this book for its many virtues, I should also point out its problems. The dearth of specific concrete examples of groups exemplifying the authoritarianism under attack makes the book very abstract, even abstruse. Also, though its psychological insights are right on target, *The Guru Papers* is written more like a philosophical treatise than a popular psychology book, which will make it slow going for some readers.

More importantly, I believe the authors exhibit some unintentional dogmatism of their own. Their critiques of religions and ideologies sometimes

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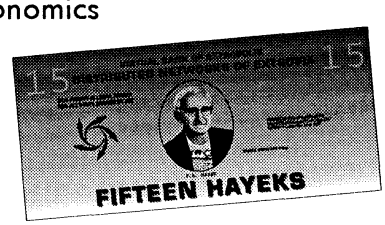

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invoke sweeping generalizations that don't allow for the diversity of individual applications of these ideologies. Many thoughtful people, for example, would disagree with the authors' indictment of Zen as authoritarian. Not every Buddhist monk is authoritarian, not every adherent of Christianity is a practitioner of mindless sacrifice, not every person involved in a twelve-step program is an automaton abjectly disavowing his or her own experience. Many people have found value within these systems; we should not summarily dismiss their experience without knowing their particular stories. We can judge the Song without necessarily condemning all the Singers as fools and robots.

Despite these caveats, I hope that many people will read this extraordinarily rich and complex book. What the authors are calling for is a profound change in the basic philosophy of our culture, for a morality that integrates and values both sides of the self, the spiritual and the carnal, the selfless and the self-centered, the compassionate and the egotistic. Only by refusing to deny legitimate parts of our selves can we heal the wounds created by authoritarianism. We must teach our children to be more critical of authority, to weigh evidence, to ask questions, to trust their own experience. We must learn new ways of structuring society without the crippling hidden authoritarianism of the old order.

"The old paradigms," conclude Kramer and Alstad, "all have some authority — be it leader, wise man, guru, avatar, representative of god, or prophet — telling the rest of us what life is about and how to lead it. How to replace the old methodology that we are outgrowing is a major issue facing humanity." This book can make an important contribution to that change, if enough people read it and take it to heart and mind. ❑

Booknotes

Das Fräulein Ist So Wild — Most conservatives who complain about the P.C. Left seem most annoyed with its relativism. Indeed, they seem most vexed by the very *idea* of relativism. I, on the other hand, am most annoyed by the *practice* of this relativism. By that I mean the habit of allowing membership in some categorizable collectivity to trump any argument. How I hate such phrases as "speaking as a woman," "as a person of color," or somesuch reason-scuttling special plea! I prefer dealing with arguments, fact and theory — or even good, old-fashioned rhetoric — to this ritual form of intimidation. (I say this, of course, as a Finnish-American individualist of the male sex — er, gender.)

For a while, this kind of talk had made honest discussion of sexual matters nearly impossible in this country. Then, enter Camille Paglia. Since the publication of *Sexual Personae* in 1990, she has become one huge monkey wrench in the gears of the leftist multicultural Academy, and the body politic appears to be shaking off its politically correct straightjacket, getting down, once again, to frank talk about sex. Not a moment too soon.

So how did she do it?

Not, I think, by being a better scholar than everybody else; as a work of scholarship, *Sexual Personae* stands right up there with its precursor, Nietzsche's *The Birth of Tragedy*: provocative, illuminating, great reading, but kind of weird. Ms. Paglia, like *Herr* Nietzsche, is more of a visionary historian than a real historian; like Nietzsche, she is more at home with assertion than with argument or demonstration.

No, Paglia has made her impact with bluff, wit, and myth. Myth, you ask? Paglia describes the world of ideas and culture with mythic representations; she places herself in the pantheon of pop icons (if icons can be said to constitute a pantheon), and she tells her story, over and over. Count the instances in her most recent collection of essays, ***Vamps and Tramps*** (Vintage, 1994, 532 pp., $15.00), where she refers to her place in the world in terms of "we of the Sixties' generation," or of her own experiences as a "lesbian" (or bisexual, or whatever), or of her Catholic heritage, or as an academic underdog.

Suffice it to say that Paglia not only returns the P.C. volley with this sort of *faux* relativism, she *ups the ante*. By framing her personal experience in a context that also has meaning, she can use these combined symbols to attack the relativism and nihilism and cowardice and totalitarianism of the Left like none other before.

In the late nineteenth century, only one Nietzsche was necessary. The same is true of Camille Paglia. No one else need ape her bravado, no one else don her persona. She has done the shaking up. The rest of us can go about our business with reason and civility. The Left's sexual puritanism is bleeding, and the wound was made by a self-proclaimed lesbian vampire woman.

Thanks, Camille. We'll clean up the mess. —Timothy Virkkala

Nein! Nein! — Another book on political correctness? Alas, yes: Marilyn Friedman and Jan Narveson's ***Political Correctness: For and Against*** (Rowman & Littlefield, 1995, 153 pp., $56.50 hc, $18.95 sc).

At least this book is thoughtful, and is not a leftist screed or conservative whine. But will this dispute never leave us alone? I shoo you away from buying this and other such volumes: perhaps abstinence will help shrink this tiresome topic to its proper stature.

— Michael Levine

Methodenstreit — R. H. Coase usually manages to be both charming and fair when he evaluates the economic thinking of others, but in ***Essays on Economics and Economists*** (The University of Chicago Press, 1994, viii + 222 pp., $27.95) he fails in one striking case: he really balls up a discussion of economic methodology with his commentary on Milton Friedman's famous foray into the philosophy of science, "The Methodology of Positive Economics." Coase argues that "what we are given [in Friedman's essay] is

not a positive theory at all. It is, I believe, best interpreted as a normative theory. What we are given is not a theory of how economists, in fact, choose between competing theories but, unless I am completely mistaken, how they ought to choose" (p. 18).

Well, the meaning of the distinction between "positive" and "normative" economics is pretty well agreed upon, and has been since John Neville Keynes (J. Maynard's father): positive economics *explains* the social world, normative economics *prescribes* for it. To be fair to Friedman, no one prior to Coase would have had any problem with admitting that a theory of positive economics had normative implications *for those practicing the discipline*. Indeed, that is one reason why philosophers and economists came up with such theories of method: to prescribe for scientists.

Coase simply conflates two distinct levels of theory. In the process he was rather unfair to a fellow Nobel Prize winner.

His ultimate point may very well be correct, however. After all, ought implies can, and if, as he suggests, no economist actually goes about choosing between theories in the way that Friedman prescribes — well, then, perhaps the prescription is too strict.

Or perhaps not. In any case, Coase's bit of rug-pulling is amusing, as amusing as the rest of his book is informative, challenging, and wise. It would be unfair of me to discourage any interest in this brilliant collection of essays by sticking only to this one point. But sometimes I prefer brevity to fairness.

—Timothy Virkkala

Skinning Leviathan — Call me a cynic, but I have a hard time picturing the new Congress cutting the federal government back to its 1988 level, let alone to the minimal state proposed by the scholars and wonks behind ***The Cato Handbook for Congress*** (Cato Institute, 1995, 358 pp., $24.95). Nonetheless, this is a valuable book — an across-the-board anti-government assault ready for any politician willing to take up the gauntlet.

As with any wide-ranging policy book, it sometimes supports steps I would oppose (ABMs, a national sales tax), and is occasionally a bit coy (its CIA "reforms" would effectively terminate that agency, but the authors shy away from explicitly saying this — which, considering the intended audience, is probably wise). But this is more than made up for by its hard-hitting approach to virtually every issue under the sun, from protecting the Fourth Amendment to junking the Export-Import Bank. Let's hope at least one of the congressional staffers paid to skim reports like this sees the light.

—Jesse Walker

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Grabbe, *continued from page 42*

Which brings us back to privacy and the monetary system.

The Buck Stops Here

In 1993, SWIFT began asking users of its messaging system to state the purpose of their payments in all messages, as well as payers, payees, and intermediaries. This type of arrangement would allow NSA computers to scan for any names in which they were interested. To be sure, $10,000,000 for the "purchase of plutonium" would have been scanned for anyway. But now they can search for "Hakim 'Bobby' Bey," because someone has decided he's a terrorist. (Or decided she just doesn't like him, and therefore claimed he's a terrorist.)

In addition, proposals resurfaced for a two-tiered U.S. currency. When such a proposal was rumored around 1970 during the slow breakdown of the Bretton Woods agreement, it was dismissed as a paranoid fantasy. Recently the proposal itself has been discussed on the federal page of the *Washington Post*, a paper which supports the plan of "an expert on terrorism" (another one?) for two separate U.S. currencies, "new greenbacks for domestic use and new 'redbacks' for overseas use." The International Counterfeit Deterrence Strike Force (an interagency working group informally called the "Super-Bill Committee") supports a revived 1989 DEA plan for the forced conversion of "domestic" dollars into "international" dollars by U.S. travelers at the border, which would be re-exchanged on their return.[45] In the last two sessions of Congress, Sen. Patrick Leahy (D-Vt.) has introduced bills to enact such a plan.

While Customs deals with physical cash, NSA is set to deal with the electronic variety. The NSA has already been monitoring some international banking transactions since at least the early 1980s, to judge from the inclusion of detailed banking transactions between the Panamanian branch of the Discount Bank and Trust of Switzerland and a Cayman Islands bank in a Reagan-era classified report. It appears as though the information in the report could only have come from electronic access to the bank's computerized records. Some observers have speculated that a bugged computer program, Inslaw's PROMIS, was involved. This program, allegedly stolen from Inslaw by the U.S. Department of Justice, was sold to dozens of banks. (A federal bankruptcy judge found that the Justice Department had purposefully propelled Inslaw into bankruptcy in an effort to steal the PROMIS software through "trickery, deceit and fraud.")[46] The program was said to have been altered in such a way as to allow government agencies trapdoor access into a bank's transaction records.[47]

The Federal Deposit Insurance Corporation (FDIC) is the government corporation that insures deposits at U.S. member banks. The FDIC Improvement Act of 1991 required the FDIC to study the cost and feasibility of tracking every bank deposit in the U.S. The hope was to be able to compute bank deposit insurance requirements in real time. Not everyone thought this was a good idea. The American Bankers' Association noted it was inconceivable that such data would "be used only by the FDIC in deposit insurance coverage functions." And even though the FDIC itself argued against the proposal in its draft report to Congress in June 1993, FinCEN used the occasion to propose a "Deposit Tracking System" (DTS) that would also track deposits to, or withdrawals from, U.S. bank accounts in real time.

So advances in cryptography come face to face with round-the-clock, round-the-border surveillance. Big Brother's plan to turn the monetary system into a powerful instrument to pry into the private lives of individuals is well-advanced. But this plan can be thwarted by the popular adoption of cryptography and anonymous digital cash.

The battle between privacy and tyranny has only just begun. ❑

Notes:

1. The NSA employee handbook notes: "It is the policy of the National Security Agency to prevent and eliminate the improper use of drugs by Agency employees and other personnel associated with the Agency. The term 'drugs' includes all controlled drugs or substances identified and listed in the Controlled Substances Act of 1970, as amended, which includes but is not limited to: narcotics, depressants, stimulants, cocaine, hallucinogens and cannabis (marijuana, hashish, and hashish oil). The use of illegal drugs or the abuse of prescription drugs by persons employed by, assigned or detailed to the Agency may adversely affect the national security; may have a serious damaging effect on the safety [of yourself] and the safety of others; and may lead to criminal prosecution. Such use of drugs either within or outside Agency controlled facilities is prohibited." A copy of this handbook can be found in the hacker publication *Phrack* #45, March 30, 1994, which is available on the Internet at ftp.fc.net/pub/phrack.
2. Governments have always been in the drug business. Two references on historical drug politics are Jack Beeching, *The Chinese Opium Wars* (Harcourt Brace Jovanovich, 1975), and Alfred W. McCoy, *The Politics of Heroin: CIA Complicity in the Global Drug Trade* (second edition, Lawrence Hill Books, 1991). Two sources for information on more recent U.S. government involvement in the drug trade are the well-documented book by Peter Dale Scott and Jonathan Marshall, *Cocaine Politics: Drugs, Armies, and the CIA in Central America* (University of California Press, 1991), and the less well-substantiated, but provocative, *Compromised: Clinton, Bush, and the CIA*, by Terry Reed and John Cummings (Shapolsky Publishers, 1994).
3. The following may be related, although no charges have been filed. In 1987, Tallahassee police traced an alleged child porn operation back to a warehouse in Washington, D.C. The warehouse was operated by a group called The Finders, whose leader has an extensive background in intelligence. Customs agents had information that was, according to Customs and FBI documents posted on the Internet by Wendell Minnick (author of *Spies and Provocateurs: A Worldwide Encyclopedia of Persons Conducting Espionage and Covert Action, 1946-1991*), "specific in describing 'blood rituals' and sexual orgies involving children, and an as yet unsolved murder in which the Finders may be involved." The evidence included a telex which "specifically ordered the purchase of two children in Hong Kong to be arranged through a contact in the Chinese Embassy there" and a photographic album. "The album contained a series of photos of adults and children dressed in white sheets participating in a blood ritual. The ritual centered around the execution of at least two goats. . . ." As the investigation proceeded, the "CIA made one contact and admitted to owning the Finders organization as a front for a domestic computer training operation, but that it had 'gone bad.' CIA defers all further contacts to FCIA (Foreign Counter Intelligence Agency). FCIA is distinct and autono-

mous organization within FBI. . . . FCIA contacts [Washington] MPD Intelligence and advised that all reports regarding Finders are to be classified at the Secret level. FCIA also advised that no information was to be turned over to the FBI WFO [Washington Field Office] for investigation, and that the WFO would not be advised of the CIA or FCIA involvement/contact." I've since checked with all my programming friends, but no one remembers seeing a computer training film involving the sacrifice of goats.

4. It is argued that the creation and distribution of images of nude children should be prohibited, since they might be used "for the purpose of sexual stimulation or gratification of any individual who may view such depiction" (Edward De Grazia, "The Big Chill: Censorship and the Law," *Aperture*, Fall 1990, p. 50). Where I grew up, children sometimes played naked. However, I guess in that case rays of natural light seen by the human eye underwent a mysterious *transubstantiation* that turned the data into *pastoral innocence* before digitized messages were sent to the brain. By contrast, .gif files stored in a computer have not undergone transubstantiation, and remain slimy with evil inherited from the Original Snub.
5. The Justice Department's Office of General Counsel issued a legal opinion on the First Amendment constitutionality of ITAR restrictions on public cryptography on May 11, 1978. The opinion — addressed to Dr. Frank Press, the science adviser to the president — concluded: "It is our view that the existing provisions of the ITAR are unconstitutional insofar as they establish a prior restraint on disclosure of cryptographic ideas and information developed by scientists and mathematicians in the private sector." The ITAR regulations are also referred to as Defense Trade Regulations. See Department of State, *Defense Trade Regulations*, 22 CFR 120–130, Office of Defense Trade Controls, May 1992. The State Department turns all cryptology decisions over to the NSA.
6. Stewart A. Baker, "Don't Worry, Be Happy," *Wired*, June 1994.
7. Remarks at Computers, Freedom, and Privacy Conference IV, Chicago, March 26, 1994.
8. Denning, Dorothy E., "Encryption and Law Enforcement," Georgetown University, February 21, 1994.
9. Which explains, I guess, why I am no longer able to get any smack with my pepperoni and cheese.
10. U.S. Department of State, Bureau of International Narcotics Matters, *International Narcotics Control Strategy Report*, U.S. Government Printing Office, April 1994.
11. Ibid.
12. Kimery, Anthony L., "Big Brother Wants to Look into Your Bank Account (Any Time It Pleases)," *Wired*, December 1993.
13. *International Narcotics Control Strategy Report*, op. cit.
14. *Chicago Tribune*, January 20, 1995.
15. Steven B. Duke and Albert C. Gross, *America's Longest War: Rethinking Our Tragic Crusade Against Drugs*, Putnam, 1993.
16. Examples may be found in Steven Wisotsky, *Beyond the War on Drugs*, Prometheus Books, 1990.
17. John Powell and Ellen Hershenov, "Hostage to the Drug War: The National Purse, the Constitution, and the Black Community," *University of California at Davis Law Review* 24, 1991.
18. David B. Kopel, "Prison Blues: How America's Foolish Sentencing Policies Endanger Public Safety," *Cato Policy Analysis* #208, May 17, 1994.
19. Milton Friedman, "Open Letter to Bill Bennett," *The Wall Street Journal*, September 7, 1989.
20. Larry Keller, "Sheriff's Office Makes Own Crack for Drug Stings," *Fort Lauderdale News & Sun Sentinel*, April 18, 1989.
21. For example, *United States v. Eugenio Llamera*, No. 84-167-Cr (S.D. Fla. 1984).
22. The quote may be found on page five of Andrew Schneider and Mary Pat Flaherty, *Presumed Guilty: The Law's Victims in the War on Drugs*, reprinted from *The Pittsburgh Press*, August 11–16, 1991.
23. Melanie S. Tammen, "The Drug War vs. Land Reform in Peru," *Cato Policy Analysis* #156, July 10, 1991.
24. Rensselaer W. Lee, *The White Labyrinth*, Transaction, 1989.
25. *International Narcotics Control Strategy Report*, op. cit.
26. House of Representatives, *Banks Records and Foreign Transactions concerning P.L. 95–508*, House Report 91–975, October 12, 1970.
27. U.S. Senate Permanent Subcommittee on Investigations, *Crime and Secrecy: The Use of Offshore Banks and Companies*, U.S. Government Printing Office, February 1983.
28. President's Commission on Organized Crime, *The Cash Connection: Organized Crime, Financial Institutions, and Money Laundering*, U.S. Government Printing Office, October 1984.
29. Bank for International Settlements, *Large Value Funds Transfer Systems in the Group of Ten Countries*, May 1990.
30. Ernest T. Patrikis, Thomas C. Baxter Jr., and Raj K. Bhala, *Wire Transfers: A Guide to U.S. and International Laws Governing Funds Transfer*, Probus Publishing Company, 1993.
31. *The National Information Infrastructure: Agenda for Action.*
32. The activities of the NSA were first comprehensively surveyed in James Bamford, *The Puzzle Palace*, Houghton Mifflin Company, 1982.
33. David Burnham, *The Rise of the Computer State*, Random House, 1983.
34. Cryptology is divided into *cryptography*, the art of secret writing (encryption), and *cryptanalysis*, the art of code-breaking. By analogy, thinking of the world of banking as divided into vault-keepers and thieves.
35. They also reinstated the NIST as the certifier of applications that met the standard. DES was affirmed again in 1993; the next DES review is scheduled for 1998.
36. Computer Monitor Radiation (CMR) is involved in the plot of Winn Schwartau's *Terminal Compromise*, the best hacker novel available. A freeware version, replete with misspellings and other typos, under the filename termcomp.zip, is available by ftp or gopher from many sites. One location is ucselx.sdsu.edu/pub/doc/etext.
37. Cindy Skrzycki, "Dark Side of the Data Age," *Washington Post*, May 3, 1993.
38. Interviewed by Netta Gilboa in Gray Areas. Interview reprinted in *The Journal of American Underground Computing*, 1(7), January 17, 1995.
39. Attachment to memo from Wm. R. Loy 5/5/92, (O/F)-9C1h(2)(a)-File (#4A).
40. I was a block away in a building with a view of one of the World Trade Center towers when the explosion occurred, but, along with all the Barclays Precious Metals dealers, only found out about it when the news came across the Telerate monitor a few minutes later.
41. Ray Pollari, Memorandum for the Acting Assistant Secretary of Defense (C31), April 30, 1993.
42. National Institute of Standards and Technology (NIST), The Digital Signature Standard, Proposal and Discussion, *Communications of the ACM*, 35(7), July 1992, 36–54.
43. American National Standards Institute, *American National Standard X9.30–199X: Public Key Cryptography Using Irreversible Algorithms for the Financial Services Industry: Part 1: The Digital Signature Algorithm (DSA)*, American Bankers Association, March 4, 1993.
44. Office of Technology Assessment (OTA), *Information Security and Privacy in Network Environments*, September 9, 1994.
45. "TerrorDollars: Counterfeiters, Cartels and Other Emerging Threats to America's Currency," *Washington Post*, March 6, 1994.
46. Maggie Mahar, "Beneath Contempt: Did the Justice Dept. Deliberately Bankrupt INSLAW?," *Barron's*, March 21, 1988; "Rogue Justice: Who and What Were Behind the Vendetta Against INSLAW?," *Barron's*, April 4, 1988; U.S. Congress, Committee on the Judiciary, *The Inslaw Affair*, House Report 102–857, September 10, 1992.
47. Thompson's, "Congress backs claims that spy agencies bugged bank software," *Thompson's International Banking Regulator*, January 17, 1994.

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Medianotes, *continued from page 14*

anymore." Even the rain is a "subset of human activity," and "the planet is utterly different now."

He was pretty sure about this. "If nature were about to end, we might muster endless energy to stave it off," he wrote; "but if nature has already ended, what are we fighting for?" And, he asked, "how can there be a mystique of the rain now that every drop — even the drops that fall as snow in the Arctic, even the drops that fall deep in the remaining forest primeval — bears the permanent stamp of man?"

He did toy with the remote possibility of saving nature. "Though not in our time, and not in the time of our children, or their children, if we now *today* limited our numbers and our desires and our ambitions, perhaps nature could someday resume its independent working," he wrote. But he dared this hope only because he couldn't stand "the clanging finality of the argument I've made."

But guess what? A mere six years later, nature is back. *The Atlantic Monthly*'s April 1995 cover story by Bill McKibben was titled "An Explosion of Green." The subject was the reforestation of the eastern United States. This, writes McKibben, is "the great environmental story of the United States, and in some ways of the whole world."

Today, New England is covered with trees. In spite of great population growth, writes McKibben, "90 percent of New Hampshire is covered with forest. Vermont was 35 percent woods in 1850 and is 80 percent today, and even Massachusetts, Connecticut, and Rhode Island have seen woodlands rebound to the point where they cover nearly three fifths of southern New England. This process, which began as farmers abandoned the cold and rocky pastures of the East for the fertile fields of the Midwest, has not yet run its course."

Along with the woods, wildlife has returned: deer, moose, black bears, wolves, and bobcats roam the forest; there are even reports of mountain lions. The "regreening" of the East, says McKibben, is "undeniably real."

Now, this wonderful rebirth of forests may not directly contradict the end of nature that McKibben described in 1989. But what happened to man's dominance? To global warming? To acid rain? To gloom and hopelessness? That was yesterday. Today, one has to write about something.

Of course, that something is not actually new; trees don't grow *that* fast. Forest specialists have been noting the return of the trees for some time. Between 1952 and 1987, for example, the volume of timber in the U.S. as a whole increased by 27%.

Indeed, when McKibben was contemplating the end of nature at his home in the Adirondack Mountains in the late 1980s, trees were invading all around him. He should have seen them. Come to think of it, he did see them. A passage in *The End of Nature* described the stream by his home; nearby was the stone chimney of an abandoned homestead, its foundation "now filled by a graceful birch." An old mill used to stand near the waterfall and the remnants of a mine could be found a mile or so away from the creek.

But in 1988 and 1989, global warming and acid rain were in fashion, so McKibben ignored "the great environmental story of the United States." Only now that global warming and acid rain have been debunked, or at least have disappeared from the headlines, and when an environmental writer has to look around and find something to write about, does the dramatic story of the Eastern forests become worth paying attention to.

Even so, halfway through his new article McKibben begins to fret about the threats to these renewed forests. This time the threat is not global warming, acid rain, or ozone depletion. It's clearcuts. Clearcutting is going on in "Bunyanesque" dimensions in Maine, he writes, although you must go up in an airplane to see it. From up there, the damage is "a sight to behold." But what is even more worrisome is residential development, because it brings people. No matter how sensitively planned these "carefully clustered homes" are, development means that "the unbroken forest will vanish."

Nevertheless, McKibben concludes on an optimistic note. The regeneration of eastern forests "gives some distant promise that in other places in future days people may be able to depend on a replenished and revivified nature to provide them with a modest and reliable life." And thus McKibben neatly disposes of the death of nature. —JSS

Lomasky, *continued from page 29*

petitions from a much put-upon citizenry, the only recourse is the "appeal to Heaven." Welcome back, state of nature.

So what is the relevance of this glance at seventeenth-century philosophical debates for the destruction in Oklahoma? In a word, everything. A society in which militant ideologues or sociopathic drifters enjoy *carte blanche* to spew their violence on random unfortunates who wander across their murderous path is unlivable. If the institutions of government are not robust enough to guard against such threats, we are truly launched back into the battlefields of the Hobbesian war of all against all. Violence and disorder are the problems. And for better or worse, there are no permanent solutions. Legal structures that were at one time sufficient to afford a tolerable degree of protection may later fall into disrepair. The balance between liberty and authoritarianism is precarious and can be preserved only through continued prudent vigilance. There are no recipes, no guarantees.

Even before carnage descended on Oklahoma City, Congress was busy contemplating new legislation to counter 1990s-style violence. Mr. Clinton has endorsed the Omnibus Counterterrorism Bill co-sponsored by Senators Biden and Specter and has recommended further provisions designed to avert future domestic firestorms. These measures include enhanced scope for FBI surveillance, permission for military involvement in domestic law enforcement matters, non-public quasi-judicial proceedings, incursions on the rights of immigrants, transformation of what had formerly been protected speech into actionable conspiracy. The pendulum is swinging from Locke in the direction of Hobbes.

Do recent events justify these proposed inroads on the prerogatives of Americans? I am inclined to think not, but I possess no expertise concerning the means through which ordered liberty can best be maintained under contemporary conditions. So I leave micro-evaluations of policy proposals to others better qualified to offer them.

Some will be disappointed that I offer no algorithm for making the fine-grained determinations on which a republic's health rests. Since Hobbes, even since Plato, there have been offers aplenty of such algorithms. None is worth much; some, like the nostrums of Lenin and Hitler and Pol Pot, have wreaked incalculable damage. Liberals and libertarians do best not to play that game. Politics is not mathematics; it yields neither certainties nor enduring prescriptions. It is rather the art of the possible, and slipping into either the disordered anarchy of pole cats and foxes against which Hobbes warned or into the devouring jaws of lions against which Locke cautions are perennial possibilities.

Having good institutions matters; so too do good laws. But these are not self-sustaining. They need regular nurturing mediated by the intelligence and affections of citizens jealous for their own liberties and respectful of the rights of their compatriots. Otherwise, we will lose out either to the lions in Washington or to the pole cats that snuck into and then out of a bleeding Oklahoma City. ❑

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Terra Incognita

Bonn

Environmental consciousness in modern Germany, as described by *The New Republic*:

In Bonn, the government requires citizens to recycle toenails.

Washington, D.C.

Observation by Rep. Charles Rangel (D-N.Y.), quoted in the *Washington Post*:

"It's not 'spic' and 'nigger' anymore. They say, 'Let's cut taxes.'"

Poland

Living history, described in *World Press Review*:

Developers have converted Adolf Hitler's East Prussian command post into a tourist attraction. Hitler's guest house has been made into a hotel.

Minnesota

One man's fight for religious freedom, as reported by *The Lutheran*:

Clifford Ansgar Nelson died Oct. 26. He was well known for leading a 20-year effort to preserve the Fort Snelling Memorial Chapel from threats posed by highways, state planners, and libertarians.

Washington, D.C.

Expert advice in the Clinton era, described by the *Milwaukee Journal*:

Actress Kate Mulgrew, star of *Star Trek: Voyager*, was invited to the White House for an "issues briefing" touting women's achievements in science.

Florida

Dispatch from the front in the War on Deadbeat Dads, from *The Wall Street Journal*:

Officials of the Florida Department of Revenue acknowledged that 500,000 of the 700,000 notices to fathers in arrears in child support payments were sent to individuals who in fact did not owe child support.

U.S.A.

The science of standardized testing, elucidated in *Report Card*:

SAT designer Edward Curley admitted that coached test-takers were able to earn a perfect score on the reading comprehension sections of the test without reading the passages they're supposed to comprehend. But the tests still measure reading comprehension, he explained: "When they read the questions, and [read] the wrong answer choices, and [read] the right answer choice, the students are reading hundreds of words."

Jerusalem

Traditional religious values in action, as described by the Associated Press:

Rabbis have ruled a couple's 1982 marriage unlawful because of a sin committed by the wife's family 2,500 years ago.

San Francisco

Religion in the postmodern age, as described by the *Washington Post*:

San Francisco New Agers have been worshipping a four-foot-high abandoned parking barrier that resembles Shiva Linga, a symbol of the powers of the god of destruction.

Washington, D.C.

Constructive advice from the federal government, reported by the *Detroit News*:

After researching ways to redesign five-gallon buckets to prevent infants from climbing into them and drowning, the Consumer Product Safety Commission recommended that manufacturers produce buckets that leak.

Ottawa

Fighting unemployment in the Gentle White North, as reported in the *Globe and Mail*:

Paul Ebbs, for three years a lawyer for the House of Commons, says his $70,000 a year was a waste of tax money. He has since successfully sued the government for giving him a boring job.

San Francisco

A semiotic dispute in the Bay Area, as reported by the *San Francisco Examiner*:

A mural that resembles an enormous highway sign has been charged with violating the municipal planning code's rules governing signs.

Hackensack, N.J.

Racial justice in the Garden State, as described by the *New York Times*:

An entire Montclair State University fraternity was required to perform 150 man-hours of community service after a member hung his Confederate flag over their sign in the student cafeteria.

Washington, D.C.

Law enforcement strategy in our nation's capital, described by the *Washington Post*:

A planned drug raid had to be called off after the District of Columbia's public-housing agency announced it in a press release.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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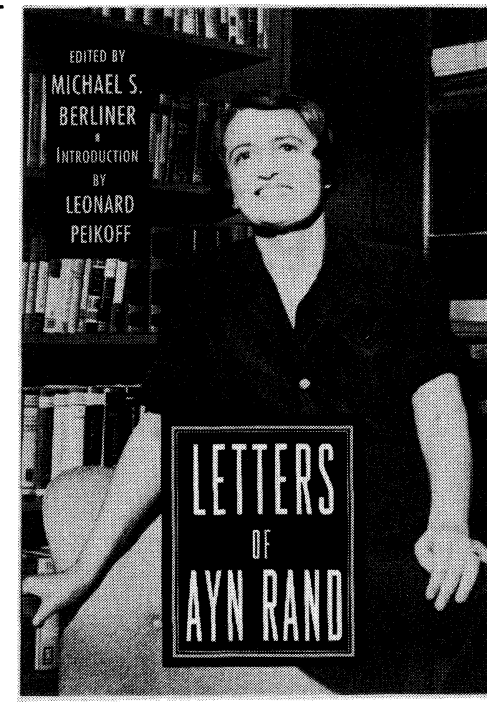

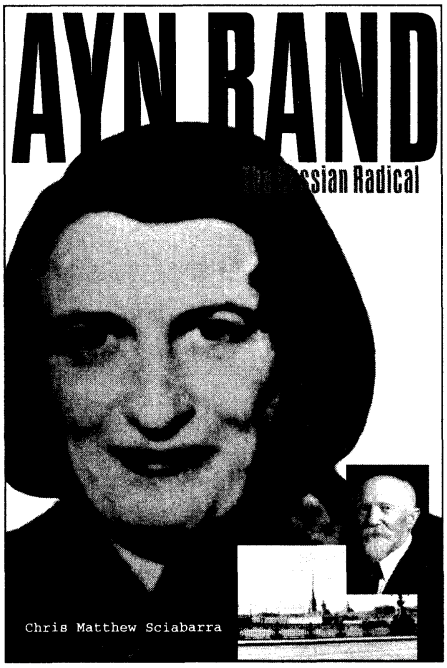

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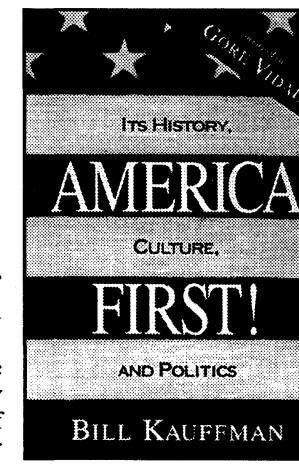

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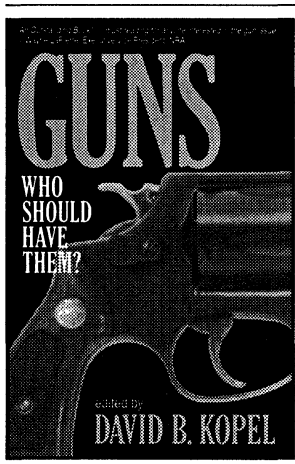

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David B. Kopel, an attorney, is research director of the Independence Institute in Denver, CO. He is the author of numerous articles and books about gun control, including the highly acclaimed *The Samurai, the Mountie, and the Cowboy.*

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Inside Liberty

September 1995
Volume 9, Number 1

4 **Letters** Our words come back to haunt us.

7 **Reflections** *Liberty*'s editors on Bob Dole, Bill Gates, John Major, Hillary Clinton, Franklin Roosevelt, Phil Gramm, O.J. Simpson, and other paragons of leadership, intelligence, and virtue.

13 **Waco and Ruby Ridge** The rest of the world catches on to what really went down outside Waco and in the wilderness, to the Branch Davidians and the Weaver family.

18 **Medianotes** Medium cool.

Features

22 **The Battle of Oak Grove** *Randal O'Toole* recounts his town's struggle against the latest social-engineering fad: "new urbanism."

25 **Shameless in Seattle** There's a scandal in Seattle. But what's even more scandalous is the public response. *R.W. Bradford* tells why.

27 **Drug Laws as Cultural Lobotomy** The war on drugs is really a war on information. *John Dentinger* explains.

31 **The Myths of Schooling** *John Taylor Gatto* lists nine false assumptions of compulsory schooling — and 21 facts that call the whole enterprise into question.

35 **The Balanced Budget Amendment: Myth *vs.* Fact** The Senate killed the balanced budget amendment. But do not mourn its passing, advises *Scott J. Reid*. It wouldn't have worked anyway, but its next incarnation just might.

41 **Auditing the Income Tax** *Pierre Lemieux* wonders: why is our income tax called "progressive"?

48 **Husband Abuse** *Wendy McElroy* uncovers the invisible victims of domestic violence.

Reviews

51 **Rand: Behind the Self-Mythology** Digging through the officially sanctioned collection of Ayn Rand's letters, *R.W. Bradford* discovers a few treasures — and some strange editorial decisions.

56 **Three Cheers for Virtue** *Lester Hunt* defends neo-Victorian morality, but not neo-Victorian legislation.

59 **Reconstructing History** *Clark Stooksbury* contrasts some recent revisionist histories from the Right and the Left.

62 **Booknotes** on the economist as Taoist, the epistemologist as pundit, the historian as bigot, the academic as Harpy, and the recovered-memory therapist as Fury.

64 **Videonotes** What to check out from your local rental library.

62 **Classified Advertisements** On your way out, stop in the gift shop.

66 **Index to Volume Eight** Our latest escapades.

69 **Notes on Contributors** The closing credits.

70 **Terra Incognita** The cannibals live in the *next* village.

Letters

Dammit, John, I'm a Writer, Not an Asshole

I have voted Libertarian since 1980, am a registered Libertarian, and have been a subscriber to *Liberty* since its inception. I am also a writer for *Star Trek: Voyager*, as well as *Star Trek: The Next Generation*. Until "Star Trek: The X Generation" (May 1995), I was also a fan of John Bergstrom.

While I appreciate the humor of Bergstrom's Captain Kirk asking Captain Janeway to put on a miniskirt, and Mr. Scott's expressed fear that "the premise is stretched to the breaking point," I don't much care for being referred to in the next panel as a "producer asshole." I assure you that I am actually quite a nice fellow, and that I work very hard to include as many libertarian ideas in *Star Trek* as I possibly can. I also believe that one of the reasons for the enduring success of *Star Trek* is that Gene Roddenberry's core beliefs, as expressed in the show, were largely libertarian.

I would really appreciate it if, in the future, Bergstrom would instead pick on *SeaQuest*. Then I can go back to being his fan.

Ronald Wilkerson
Los Angeles, Calif.

These Old Bones

In reminding us that "the average Social Security recipient" receives more in benefits than he or she put in over a working lifetime, Durk Pearson and Sandy Shaw ("Shine the light of truth," May 1995) appear to forget that these recipients' "contributions" were matched penny-for-penny by their employers and taken from both at gunpoint over that working lifetime, which for most of today's retirees was a period of 45–50 years. In a genuine pension plan, these "contributions" would have earned a tidy sum in interest or dividends over that many years. Looked at from this standpoint, it isn't so strictly true that the average Social Security recipient gets back more than he/she put in.

In other words, the Social Security fraud was just as unfair to the now-elderly as it is to the now-young. Isn't it unfair to resent and rail at current recipients for a situation that is clearly not their fault? It seems to me it's time to be reassuring them, not scaring them. My guess is that most of the folks on Social Security — that is, the numerical majority — have nothing else, or very little else, to live on. Most went through the public school system where they learned to be obedient and not think too much (if at all). Why scold them now for having been duped? The culprit is the state, not them.

Talk of doing away with Social Security terrifies these old people, who, believe it or not, are not all crochety, selfish, or stupid. The young mouth off in indignation at having to support them, not realizing that elderly folks may be thinking, "They don't know how cold old bones can get sleeping under bridges." (Since I'm over 65 myself, I'm an expert on cold bones.)

Shouldn't libertarians be coming up with more ideas on how to handle the transition from state-managed to private Social Security?

Joanna Parker
Long Beach Peninsula, Wash.

Irish Eyes Aren't Smilin'

Perhaps in the future the editors at *Liberty* can prevail upon David Ramsay Steele to write about Mises or Marx or some other topic with which he has at least some passing acquaintance. His knowledge of Ireland ("A Tale of Two Terrorists," July 1995) might possibly fill a post-it note — presuming he could describe in 50 words or less how to locate the country on a globe.

The Brits gained control of Ireland not by colonization but by military conquest. From Cromwell's scorched Earth policy to Trevelyan's deliberately engineered, genocidal famines, the outrages of the Brit occupying forces against the Irish over the last eight centuries are too numerous to detail in even 50,000 words. In fact, the reason for the large Protestant population in the northern six counties today is a result of the confiscation of Irish lands, which were then given to loyalist homesteaders as part of a Brit pacification effort over three centuries ago.

Steele labors under the misapprehension that the existence of Northern Ireland is the result of a decision reached via some Irish democratic process. Actually, the splitting off of six counties into "Northern Ireland," as well as British recognition of the Irish Republic, resulted from the Partition of Ireland Act by the British Parliament in 1921 as a compromise settlement of the 1916 Irish Rebellion. There has never been a vote of the Irish people on this question. Further, contrary to Steele's implied assumptions, referendums and elections confined to so-called "Northern Ireland" are of no more validity than those conducted in any other gerrymandered district.

The Oklahoma City bombing *vis-a-vis* the "troubles" in Ireland is indeed instructive to Americans and a frightening portent of our future if participation in the normal political process is foreclosed here, as it has been in occupied Ireland. Sinn Fein is analogous to the Libertarian Party in the U.S. in that it represents the efforts of individuals sympathetic with the radical ends of some of their fellows to achieve change through the political process rather than by violent resistance.

Unfortunately, these efforts by Gerry Adams and others have been hamstrung by British law (compared with which U.S. ballot access restrictions pale into insignificance) which, for just one example, until this summer banned broadcasting the sound of their voices even after they have been elected — leading to the bizarre spectacle of BBC news coverage showing Members of Parliament giving speeches from the floor of the House of Commons with the audio eliminated and the speaker's words carried in text windows or overdubbed with actors' voices.

Steele, like virtually everyone else, bandies about the term "terrorism" without ever defining it. And the definition is crucial. Governments define terrorism as an act of violence intended to achieve a political goal committed without the sanction of a government they recognize. People generally define terrorism as an act of violence intended to achieve a political goal which deliberately targets civilians.

Governments are, of course, anxious to blur the distinction. By the first definition, the attack on the U.S. Marine barracks in Lebanon several years ago was an act of terrorism. By the second definition, it was not. By the second definition, the carpet bombing of Hanoi was an act of terrorism. By the first definition, it was not. By either definition, the bombing of Harrod's department store in London some years ago was an

continued on page 6

THE RADICAL ROMANTIC

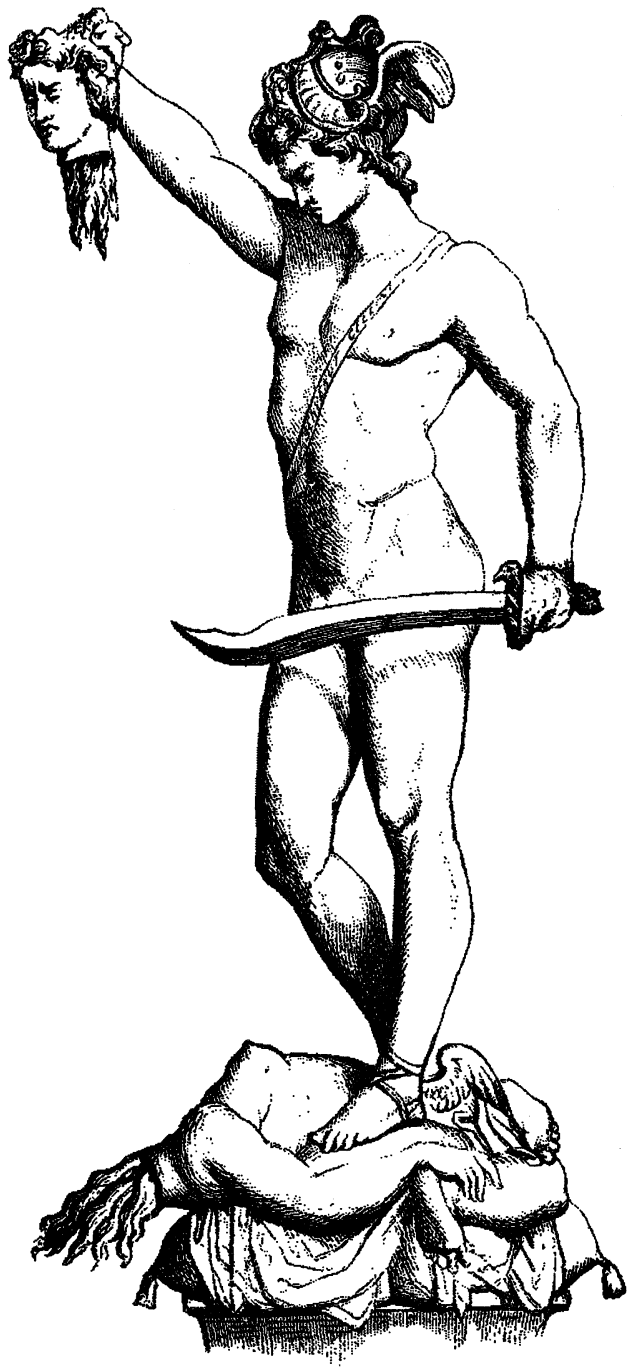

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Letters, *continued from page 4*

act of terrorism (and it was roundly denounced as such by Irish-Americans, the leadership of the Irish Republican Army, and Sinn Fein through Gerry Adams).

The bombing of the Oklahoma City federal building is more problematic. Though there were numerous civilians — including children in a day care center — killed in the attack, the target was clearly the federal offices (though media accounts might lead one to conclude that the target was a day care center that merely happened to be in a federal building). This calls up a problem nearly as old as warfare itself: "innocent shields." How does one plan a military campaign against an enemy who puts POW camps or hospitals or day care centers adjacent to its military/C&C installations?

Now that the IRA's unilateral ceasefire has opened the door to a negotiated peace, we are all hopeful. As for the Brit insistence (apparently endorsed by Steele) that the Irish both forever forswear the use of force *and* surrender all of their weapons, the Irish response will continue to be precisely what I would hope would be the response of Americans if our government were to make similar demands: *"Pogue mahone!"*

A surprising number of Americans seem willing and even anxious to overlook how and from whom we won our own independence. They support Mother England at every opportunity — witness the reaction here to Argentina's attempt a decade ago to reclaim the stolen Malvina Islands.

It cannot be observed too often that libertarians do not endorse all of the perversions that they would allow. There can be no better example of this patience-testing tolerance than Steele's Anglophilia.

Tim O'Brien
Allen Park, Mich.

Sitting on the Story

Bill Bradford's "Solving the National Debt Crisis" (July 1995) is one of the funniest pieces of satire I've read in a long time. I fear, however, that it may be too clever for its own good. Some thug in Congress will doubtless see it and leap on the idea. (It sounds right up Richard Gephardt's alley, to name one thug of many.) It actually has immense popular appeal. Millions of Americans are always ready to attack those not paying "their fair share," and they hate anything or anyone foreign as well. Thus Bradford's plan brilliantly meshes two of the lowest and most common American prejudices.

This is a scheme that some demagogue can ride to the White House. Furthermore, once elected, vigorous pursuit of the plan is guaranteed to lead to endless worldwide wars that will rally all patriotic Americans, allow for the suppression of whatever feeble voices of dissent remain, and guarantee reelection after reelection.

Bradford may have unleashed a monster. I urge *Liberty*'s staff to make sure the CIA, under orders from the Trilateralists and the Bilderbergers, didn't jab a microchip in Bradford's behind and dictate the article to him via microwave hypnobeams.

James W. Harris
Marietta, Ga.

Actually, He's the Grand Pooh-Bah

Does anyone on the *Liberty* staff monitor the ravings of R.W. Bradford before your magazine goes to press? I realize he's the high priest of the Liberty Cabal, but he waxes exceedingly stupid when not speaking *ex cathedra*.

I refer to Mr. Bradford's latest outburst ("Be All You Can Be," July 1995) about an organization which he obviously has not the slightest inkling about. His assertion that the U.S. Army "psychologically prepared" Timothy McVeigh "to kill without remorse" would be laughable, were such prattle not widely held to be true by the effete intelligentsia. Concomitantly, Mr. Bradford's apparent predilection to believe the Ministry of Truth and condemn Mr. McVeigh without benefit of trial disturbs me no end.

Finally, I can assure Mr. Bradford that at least one of his readers has more than a passing acquaintance with the U.S. Army, is a libertarian, and knows the Bradford brand of fertilizer regarding military matters comes right off the stable floor!

John D. Weaver
Udall, Kan.

O'Toole of the Kremlin

I was astounded by Randal O'Toole's "The Greening of Liberty" (May 1995). Though the red-green political alliance has been widely recognized for more than a dozen years by most Americans, Mr. O'Toole coyly pretends that it does not even exist! For years the Gorbachev Foundation U.S.A. — based at the Presidio in San Francisco, California — has served an umbrella organization for almost all of the major Marxist/Environmental groups in America, including the Environmental Defense Fund, Earth Watch, Nature Conservancy, and many others. It is very natural for Mr. O'Toole and leading environmentalists to be suspicious of the property rights movement, since as good little Marxists they are committed to the abolition of private property and to the vast expansion of government power over the rights of the individual.

Mr. O'Toole will find more natural allies at the EPA or the KGB than he will among libertarians.

J.C. Alsis
West Palm Beach, Fla.

Choosy Readers Choose Economics

I just finished J. Orlin Grabbe's "The End of Ordinary Money" (July 1995). It was excellent, if long and sometimes beyond my power to understand. He put his ideas over in such a way that even I, a very nontechnical person, got a lot out of them.

It is hard to believe that the same person wrote "Feed the Children" (May 1995), to which I objected so strongly in my letter published in the July issue. My sentiment toward Grabbe's story has not changed, but my admiration for his technical article is profound.

Bill Williford
Houston, Tex.

Oops . . .

I was thrilled to see my letter printed in the July issue, except that some guy named "Rick" got the credit.

Rycke Brown
Kingman, Ariz.

Letters Policy

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

Reflections

States of the union — Sen. Bob Dole, the Man Who Used To Be Funny, has taken to carrying around a copy of the Tenth Amendment, which is a little like Teddy Kennedy brandishing the Sixth Commandment.

Okay, Mr. Decentralist, here's a question for you. In 1984, Transportation Secretary Elizabeth Dole championed a measure (signed by President Reagan) to coerce the 50 states into raising their drinking ages to 21. State's rights, shmates rights: America could not survive the anarchic turmoil of having "no uniform minimum drinking age," the stylish Mrs. Dole "wrote" in the Power Couple's as-told-to co-autobiography *Unlimited Partners*. Pray tell, Bob: would President Dole (when taking a break from his taxing duties as our Movie-Critic-in-Chief) favor the repeal of Secretary Dole's Big Sisterly legacy? —BK

United we stand — Months into the O.J. Simpson trial, America has divided into two camps: those who believe Simpson is guilty but will be set free, and those who believe he is innocent but will be jailed. What unites us is our conviction that justice will not prevail. —JW

Virgin territory — In the aftermath of the Oklahoma City bombing, America has lost her innocence once again. Prior to this, we lost our innocence after the Civil War, Vietnam, Watergate, the Challenger disaster, the assassination of John F. Kennedy, the assassination of Martin Luther King, the death of Buddy Holly, and the quiz show scandals of the 1950s.

All this loss of innocence brings a speck of sentiment to my eye, as I recall my childhood in Montana. In Montana, you see, three months of celibacy technically returns a man or woman to virgin status. I'm not sure how this local standard came to be adopted nationally, but I can see why it would appeal to our current president. —PF

Still life with Clintonism — Hillary Rodham Clinton is honorary chairwoman of the President's Committee on the Arts and Humanities. In June, she gave a speech at the Metropolitan Museum of Art, in defense of robbing taxpayers to support the arts. Here is her high-toned retort to those who can discover no constitutional warrant for such subsidies and who want to save the taxpayers a few bucks: "I find it ironic that those who talk the loudest about America's loss of civility, character, and values (particularly those arising from Western civilization) are often the first to recommend obliterating the agencies responsible for promoting the arts programs that make Sophocles, Shakespeare, Mozart, and O'Keefe available to our children." Poor Georgia O'Keefe.

Rodham Clinton's remark illuminates not only the dreck-world that she, the clown she lives with, and their trashy friends inhabit, but, alas, our national culture as well. It was received by her distinguished audience — and reprinted as an op-ed piece in the *New York Times* — with no evident sign of embarrassment. Poor America. What do you say to someone — an advocate of "the arts," no less — who puts the fashionable calendar-artist of vagina-like big flowers in the same category as Mozart? —RR

I'm not a real president, I just play one on TV — One of the more amusing anecdotes shared by the Arkansas state troopers who served as Gov. Clinton's bodyguards (and personal servants) was of a fight between the governor and his wife. It seemed Hillary had gotten angry when Bill inquired, innocently enough, what court had original jurisdiction in a dispute between two states. Since any high school kid who's read the Constitution knows the answer, she thought a former professor of law and a graduate of Yale Law School ought to know too.

Now it appears that Clinton's ignorance of the Constitution is even broader than anyone had imagined. Apparently, Clinton is under the impression that the president, not the Congress, passes laws. In Bill Clinton's ubiquitous television ads for his re-election campaign, the narrator intones, "Bill Clinton did what no other president has ever done. He passed and signed tough laws banning assault weapons . . ."

Remember three things. While at Yale, Clinton was preoccupied with his political career, as he has always been, everywhere and at every time. Yale is an equal-opportunity, affirmative-action institution and it must be hard for Eli to find enough Arkansans to fill its quota. And his law professorship was at the University of Arkansas Law School. —RWB

Instant hero, just add hype — Captain Scott O'Grady, the U.S. Air Force pilot who was shot down a little while back in Bosnia, is everywhere called a "hero." I believe in the precise use of language, because if you use words in a sloppy, ill-defined manner, it becomes impossible to know what someone is talking about. My dictionary defines a hero as "a mythological or legendary figure often of divine descent endowed with great strength or ability; a man admired for his achievements and noble qualities." It seems to me that the fighter pilot in question doesn't qualify; he had the good luck to survive his meeting with a missile, and then simply stayed alive until his rescuers picked him up. He showed competence, but did no more than what he's been trained and paid to do. The only reason he's a "hero" is because the government wants to make its adventure in Bosnia popular with *Boobus americanus*. Making a big deal out of a good-looking, affable young fighter pilot with the misfortune to be shot down impresses me as ridiculous and manipulative.

The same could be said about the demonization of the

Serbs, who are now the U.S. government's Devil of the Month. The spin here is that the evil Serbs are massacring the gentle Bosnians. If the situation were described as a civil war between Christian Bosnians and Muslim Bosnians, you can bet that *Boobus americanus* (who is overwhelmingly Christian) wouldn't be so anxious to see U.S. soldiers get involved. It seems the Muslims are the bad guys in every context but this one.

In any event, if there were a civil war here, and a Bosnian fighter were bombing and strafing your neighborhood, what would you do? I'd launch an SAM at the plane, which is exactly what the Christian Bosnians did, and I'd expect you'd do the same thing. —DC

Think locally, scam globally — What can a retired New Delhi bureaucrat or an out-of-work Lagos politician do in these difficult post-Cold War times? Perhaps incite the members of their tribe to kill the members of another — that's a very effective way to gain the support of the people and ignite international attention. (Where are you, Christiana Amampour?) Or they can try to get everyone mad about the contaminating influences of Western culture, kill a few American tourists and reporters, and establish this or that fundamentalist regime.

Or perhaps join the club of winners. Form a drug cartel, represent an American business, or become a visiting professor at the Kennedy School of Government.

A group of ex-cosmo-bureaucrats has found a better way to spend the rest of their lives. I had the pleasure of meeting them in Washington last week. Shridath Ramphal is a chubby and pompous politician from Guyana (yes, that's where those nuts committed mass suicide a few years ago) and a former secretary-general of the Commonwealth. I.G. Patel is the former governor of the Reserve Bank of India — one of those Indians who speaks with an upper-class British accent, giving one the impression that everyone in his country is smart and watches *Masterpiece Theatre*. Ramphal, Patel, and 28 other parasites from several Third World governments, along with a few social democrats from Scandinavia, have found a few American and Japanese suckers to finance what they call The Commission on Global Governance, headquartered in Geneva, aimed at "developing new ways of managing global relations in the post-Cold War era and establishing new structures of international cooperation."

The quote is from their just-issued report, *Our Global Neighborhood*. Its cover features a photograph of smiling African children, elderly Chinese, and several Arabs in a desert. You know, the kind of people you see in your neighborhood every day. It's all very cute, very moving. But be cautious: these guys want your money.

Ramphal, Patel, and the rest were visiting Washington to sell me and other "prominent" Washingtonians on such great ideas as establishing a United Nations Economic Security Council. (Ramphal's pitch: "We need a new high-level forum for coordinating the policies of international financial institutions and providing a more stable international environment for sustainable development.") They also want to finance the U.N. operations through "international levies on foreign exchange transactions or arms transactions and charges on the use of global commons, including sea lanes, international airspace and space travel." And American money and troops will keep going to places like Somalia and Bosnia. "We want to amend the U.N. charter to authorize intervention in internal conflicts to protect the security of people," Patel tells me. "We also want to form an international criminal court and to impose taxes on multinational corporations and to transfer wealth from the 'North' to the 'South,' he adds.

If I were a paranoid militiaman, I might get the impression that these people are talking about a world government. "No! No!" stresses Ramphal. He just wants more "global diversity."

Commission sponsor Adele Simmons of the MacArthur Foundation suggested I try to think about the "Global Neighborhood" metaphor and what it means, along with some other New Age crap. I did that, and explained to the lady that in my own little neighborhood (Chevy Chase, Maryland), I receive every Monday a list of all the assaults, rapes, and car thefts that occurred there over the last week, a list that suggests to me that my local politicians can't even provide me with the minimum I expect from them: security. So perhaps she can understand why I'm in no mood to help supply troops to secure the Global Neighborhood. If it's not working in Chevy Chase, I don't see why it should work in Bosnia. And anyway, I don't have the money.

If I were a paranoid militiaman, I might get the impression that these people are talking about a world government.

Moreover, when the mayor of D.C. is asking me and other people in my neighborhood to pay a commuter tax so I can destroy my car driving over Washington's potholes, I find the idea of paying a commuter tax on *space travel* — well, not very timely.

I proposed to our guests that they go back to Guyana and India and get their own neighborhoods in order before asking for my money and blood to help them remedy the problems of the world. In the meantime, they could leave the management of the Global Neighborhood to Bill Gates, Rupert Murdoch, MTV, and the rest. And if our friends from Geneva are still bored, they might try proposing their ideas to a high-school Model U.N. They're the only ones who might take them seriously. —LTH

Major league, Bush league — In early July, John Major, British prime minister, survived the challenge to his position as leader of the Conservative Party. The challengers in the vote of confidence he set up were mainly "Euroskeptics" — the embattled

Liberty's Editors *Reflect*

KRB	Kathleen Bradford
RWB	R.W. Bradford
DC	Douglas Casey
SC	Stephen Cox
PF	Peter Flynn
LTH	Leon T. Hadar
BK	Bill Kauffman
ML	Michael Levine
LEL	Loren E. Lomasky
WM	Wendy McElroy
RR	Ralph Raico
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

minority among the Tories who are trying to salvage what remains of British freedom and independence from the European Community bureaucrats in Brussels.

Major is another George Bush, more or less. More, because he can speak in whole, correct English sentences. Less, because — well, for instance, in an interview with the *Financial Times* before the vote, Major was, according to the interviewer, "at his most animated when laying out his vision of a sporting revolution." Said the Conservative PM: "Later this month we will have the most comprehensive proposals for sport in school, sport beyond school, and excellence of sport that this country has seen for half a century. What we are really looking at is increasing people's participation in sport and increasing both the quality and quantum of sport." George Bush, time-serving schlemiel that he was, would never have dared advocate state meddling to the point pushed by this leader of the British "conservatives."

The fact is that the whole political mentality of our allies and sister "democracies" in western Europe is rotted out with statism. Something to keep in mind when it comes to surrendering bits of our own national sovereignty to "international bodies." God bless America. —RR

Grammonomics in one lesson — Speaking at the Heritage Foundation this May, Sen. Phil Gramm commented: "I'd like to turn our prisons into industrial parks. Every year since I've been in Congress, Jesse Helms, my dear friend, has offered an amendment to ban Chinese goods produced by prison labor. And every year I wonder why we can't make our own prisoners work."

And so the Right's favorite major presidential hopeful, known far and wide as an advocate of free markets, now holds up Communist labor camps as a model for the U.S. economy. Couple his fondness for forced prison labor with his promises to step up the drug war, impose higher mandatory minimum sentences on nonviolent offenders, and pour federal dollars into a war on gangs, and his "free-market" vision becomes clear: lock up half the country in work camps, where they'll toil for whatever wage the government says is adequate. Gramm is *not* proposing that prisoners work to pay restitution to their victims; most of the inmates he'd send into the fields didn't even *have* victims. And needless to say, their subsidized low wages will drive down the price of everyone else's labor. A more revolting species of industrial policy can hardly be imagined.

Republican double-talk is destroying our language: "free enterprise" turns out to mean corporate subsidy, "welfare reform" turns out to mean government jobs. And now this. This is the interzone where workfare and the drug war comingle and American liberty finally dies. —JW

I'd fall a mile for a Camel — Your roving correspondent writes this month from Down Under, where he is busy sampling the local grog, steering deftly around obstinate kangaroos who believe that because they were here first the roads belong to them, and, yes, ascertaining the prospects of liberty in its southernmost reaches. Stay tuned to these pages for upcoming reports.

Even prior to takeoff, though, I learned something that jogged my mind and buoyed my spirits. Air New Zealand, my carrier of choice for the journey, had posted at the check-in counter signs announcing that, as of July, all their international flights with the exception of those originating or terminating in Japan are smoke-free. This policy was not a coerced response to legislative bludgeons, nor was it an act of obeisance to puritanical precepts of political correctness. Rather, the airline had calculated that on balance it would better satisfy the preferences of its clientele by banning smoking. Japan it found to be an exception, so the rule was modified accordingly.

Have they hit on the optimal strategy for promoting passenger satisfaction and thereby maximizing revenues? I have no idea. But probably Air New Zealand's directors do, and if they have misjudged, the market will alert them to that fact and they will be quick to backtrack. This economically-motivated response to the opposed tastes of cigarette smokers and abstainers is more flexible and more friendly than those mandated politically. People who desire the total absence of smoke between L.A. and Sydney get what they want by flying Air New Zealand. Those who prefer to be placed during 14-hour flights at the business end of a cigar-

ette have the option of choosing a different carrier. Between Auckland and Tokyo the balance of preferences evidently is different, and the airline modified its delivery of transportation services accordingly. Nothing dramatic, just voluntariness at work.

New Zealand may, agriculturally speaking, be a nation of sheep, but it has something to teach our pontificating pols and evangelizing surgeons general about the virtues of freedom. —LEL

Every spud a king — Recently, my friend Paul and I were discussing the bad habits of certain Republican leaders. Among the most disreputable of those habits is the practice of invoking Franklin Delano Roosevelt, the Republican Party's ancient enemy, as a figure whom all American ought now to venerate. Former president Reagan said fond things about Roosevelt, and Newt Gingrich is currently doing the same, despite the fact that Roosevelt created the social-welfare state that the Republicans supposedly want to dismantle.

During our discussion, I mentioned to Paul that Roosevelt, the new idol of small-government Republicans, had gone so far along the road to the omnipotent state as to support a Potato Control Act.

Paul exploded.

"Control potatoes? You can't control *potatoes*! Potatoes are uncontrollable! You can do anything with a potato. You can bake it, boil it, fry it, mash it, stuff it. You can cover it with butter, margarine, sour cream, chives, or gravy. You can have French fries, German fries, American fries, home fries. You can make hash-brown potatoes! You can go to a yuppie restaurant and order 'new potatoes' or just stay in your living room with a big old bag of potato chips. You can start a meal with potato soup, move on to potato salad, and climax with potato pancakes.

"Potatoes, inserted into glass and propped up on toothpicks, are a child's first experience with the science of growth. Potatoes have eyes, about which much can be learned. And that's not all. Any science fair will demonstrate that a potato battery can actually be used to run a clock. And for younger children, there's Mr. Potato Head! He may not literally *be* a potato; he's some kind of plastic, of course; but his form is an homage to potatoes.

"The potato started off in the jungles of Brazil, it ruled as queen in the Andes, and it ended up on fancy tables by the *Rue Saint-Honoré*. The potato is welcome everywhere. No tariffs, quotas, or agricultural-management decrees can arrest its progress. If you can't grow enough other food to keep you alive, potatoes will do the job. Potato culture was one of the first large-scale efforts of scientific agriculture, and it was its greatest success. Since the eighteenth century, potatoes have supported the immense population of the northern hemisphere.

"The potato: how easy to buy! how delightful to eat! how simple to smell! Can anyone who trifles with the potato have good intentions?"

Think about this, Mr. Gingrich. —SC

Bored on the Fourth of July — The Fourth of July is my favorite holiday. It is the only one in which I have a socially acceptable excuse to blow up firecrackers and

There's still time to sign up for . . .

David Friedman

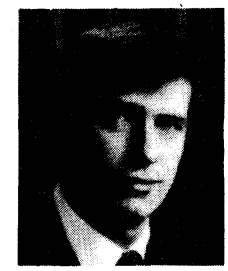
Douglas Casey

Thomas Szasz

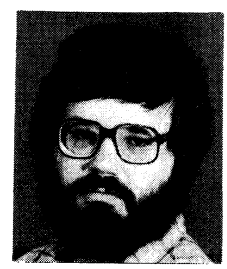
R.W. Bradford

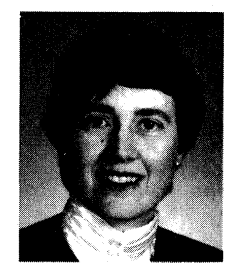
Jane Shaw

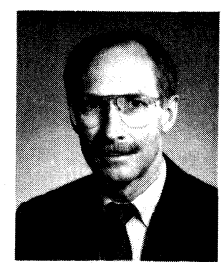
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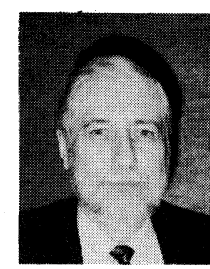
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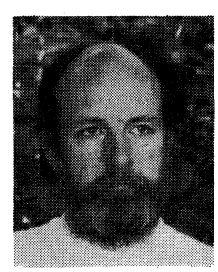
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launch bottle rockets. Alas, the off-the-shelf fireworks of my youth are no longer easily available; nearly everything you get these days would have qualified as a "dud" a generation ago. Indeed, to properly celebrate Independence Day — and American freedom — one has to go to an Indian reservation to get the good stuff. There is an irony here, I suppose.

I remember when it all began to go bad. I remember the talk of legislation, of prohibition. And I remember the stories of kids blowing off fingers, hands, burning themselves. These grisly tales were supposed to assuage my sorrow at the gradually deteriorating quality of explosives and Roman candles. I was not particularly impressed. *Of course* some rather careless people hurt themselves. But wasn't that the price of freedom? I didn't say this in so many words, but I was already leaning towards a different philosophy than that of those who wrote the laws.

In the years since, I have witnessed Americans become more and more obsessed with safety. And though I would like to blame this on politicians trying to make easy points, this level of obsession does seem to be something ordinary people demonstrate, too. Even where there are no laws, everywhere I go I see kids riding around in bicycle helmets! (This might not seem odd to many of you, but I remember a time when the mere suggestion of wearing such goofy-looking helmets would have elicited laughter from just about everyone.)

Now, I am not saying this concern with safety is wholly idiotic. Perhaps bicycle helmets *are* a good idea. I won't wear them, but I will wear a motorcycle helmet. Still, some things do seem completely bonkers — the recent attempt in my state to ban riding in the backs of pick-up trucks is one.

Why, I remember riding atop haybales stacked seven layers above the truck bed as the old family Chevy wheeled down the highway at 20 miles per hour (I held the top layer together). This seems a bit risky, now that I think of it, but I don't see my father or uncles as having encouraged anything immoral here. Were something unfortunate to have happened to me — perhaps a tire go out, throwing the whole load to the pavement — everyone would have thought it a tragedy, no doubt. But nowadays the adults would be brought up on charges.

I suspect that one reason for this safety obsession — aside from such factors as the litigation explosion and the growth of general busybodyism — is demographic. When I was young, most kids came from fairly large families. Nowadays, most kids are either "only children" or one of two children per family. I remember what we used to say about the parents of "only children": *too protective*. Now we are all too protective.

And it is simple economics. It is really a function of the old principle of diminishing utility: for any stock of goods, the value of each diminishes as the number of the goods increases. Though it may seem callous to apply this simple explanatory model to children, it is obvious that parents obey the principle, though few would 'fess up. As Gary Becker, who won a Nobel for this kind of thinking, has observed, parents are switching from investment in *quantity* of children to investment in *quality* of children. This switching has many effects. Including wimpy fireworks at the Fourth of July. —TWV

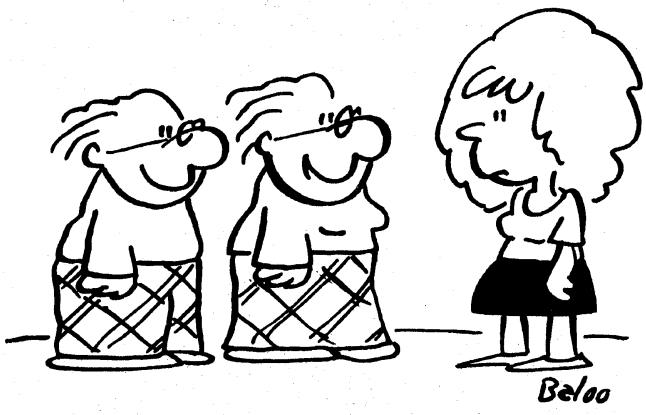

"We've been together over 20 years now."

Microsnitch — Ostensibly to combat software piracy, Beta (test) versions for Microsoft's Windows 95 include a module that scans hard disks and reports contents, authorized or not, back to Microsoft. The program, called Registration Wizard, snoops on every system hooked up to your local network and records what software every machine is running. A list of Microsoft programs and competitors' products is then compiled by machine. If customers object, it's up to them to disable the program. —WM

Ad vice — The president has announced plans to give the FDA power over cigarettes. Such a move would involve the increased regulation (and perhaps the outright abolition) of print ads and a crackdown on the sale of cigarettes to minors. These two goals are not unrelated: is there a more demonized fictional character in the media today than Joe Camel? To demonstrate the evil of this humpbacked, sunglassed, pool-shooting, womanizing cartoon, a Seattle news program "uncovered" for viewing parents the "startling" number of ten-year-old kids who associate Joe Camel with cigarettes. (They aired a grand total of three, one of whom was openly prompted to make the connection by the newswoman.)

When I was ten years old, there were nearly a dozen sports figures I could link to beer drinking, courtesy of Miller Lite commericals. I started drinking when I was 15, and got drunk (forgive me Ma) quite often in high school. I can only assume, using President Clinton's apparent logic, that had the government eliminated Miller Lite commercials and athletes, I would have never touched alcohol.

Of course, I doubt that Clinton or the FDA is using such logic. They probably don't expect to make much of a dent in teenage smoking, either. But boy, what an easy target for the president, who, amusingly enough, was already running campaign ads before the end of June. And, boy, think of the funds and power this will generate for the FDA!

I think I need a beer. And a cigarette. —ML

For Chrysler's sake — Let's see if I understand this. Japan has opened its markets to U.S. imports, but many Japanese still prefer Japanese products. So American companies complained to the Clinton administration, and Clinton decided the Japanese ought to be forced to buy American products whether they want to or not — a sort of affirmative

action for American producers. Then the Japanese government balked at forcing its citizens to buy American, and the Clinton administration slapped a tariff of 100% on Japanese "luxury" cars (which to Clinton means any car that costs 25% over the average price of a new car). It was purely a coincidence that this move would win Clinton votes in Michigan, Missouri, and California, all key states to his re-election bid.

Anxious to save face, the Japanese agreed, sort of. Now the Clinton administration wants to force the Japanese to buy Kodak film. The Republicans respond by claiming that they could run the trade war better.

Doesn't anyone support free trade? Or remember how the Smoot-Hawley tariff of 1930 helped turn the 1929 recession into the Great Depression? —RWB

No strikes, you're out — I didn't realize how dedicated my 15-year-old was to earning money until he took a job umpiring Little League Baseball. Since he had played on those fields until he reached the age limit, had seen how parents act, had seen how umpires get treated, I was surprised when he took the job. But, like most teenagers, he's looking for that first car — and knows that its quality will be directly related to the amount of money he has.

It didn't take long before a concerned citizen turned in our recreation director for violating the child labor laws. In the state of Florida, a 15-year-old is not allowed to work past 7:00 p.m.

Think about this for a minute. My son is older than any other child playing baseball. The players are there until 9:00 or 9:30 each night. My son can sit in the bleachers and watch the game. He's just not allowed to earn any money while he watches. This is the height of stupidity.

At least now my son understands what it means to have the state watch out for his welfare.

—*Guest reflection by* Allyn Uptain

Tick, tick, tick — Sixteen months ago, I bet another *Liberty* editor $50 that Bill Clinton will eventually resign or be forced from office. I knew it was a sucker bet — a lot of scoundrels have served as president — but I also knew that Clinton is both extraordinarily shifty and not particularly careful about covering his tracks.

As we go to press, three days of Senate hearings on Whitewater and two days of House hearings on Waco have taken place. While the mass media have focused on spectacular but irrelevant testimony about the sexual activities of David Koresh, the hearings have already established the following new information:

On Whitewater, that Vincent Foster was working on the Clintons' tax treatment of their Whitewater investments at the time of his apparent suicide and that White House aides interfered with the Park Police investigation by denying police access to Foster's office, papers, and briefcase, and by refusing to allow the office to be sealed, thereby allowing Clinton aides access to the evidence prior to the police.

On Waco, that federal agents invented allegations of drug manufacture by the Davidians in order to obtain military assistance, and that Assistant Secretary of the Treasury Robert Altman warned his boss Lloyd Bentsen of the risk of a "tragedy" if the Davidians were attacked with gas.

The clock is ticking on the Clinton presidency. My bet is looking better and better. —RWB

Waco and Ruby Ridge

Boundaries of discussion — Is the lid on Waco finally coming loose? Suddenly, after two years of silence, mainstream politicians and media (Arlen Specter, the *Washington Post*) have begun to criticize the government's attack on the Branch Davidians. Firm limits on this inquiry remain, however, and there is a disturbing possibility that the issues that are now off-limits will remain untouched as Congress and the press reinvestigate the disaster.

What are the boundaries of permissible discourse? In chronological order:

The initial attack: It is permissible to ask why the raid was necessary — why the BATF did not arrest Koresh while he was jogging or visiting town, or serve the warrant in a peaceable manner. It is not permissible to question the warrant itself, even though the evidence it contains clearly does not justify a search, let alone a raid (see R.W. Bradford, "There's No Kill Like Overkill," August 1993). One may rhetorically ask who fired first, the BATF or the Davidians, because the answer to this question will probably never be discovered. Recognizing this, one is required to give the BATF the benefit of the doubt. One may not raise questions about the BATF's motivations for ordering the raid, as that would be a "conspiracy theory." (Raising questions about the Davidians' motivations, on the other hand, does *not* constitute a "conspiracy theory.")

The media blitz: Going to the Cult Awareness Network for information about Branch Davidianism is like taking Torah lessons from David Duke. Nonetheless, almost all the "cult experts" interviewed during the standoff came from CAN and similar groups. Today, it is still impermissible to discuss the media's role in demonizing the Davidians and creating the atmosphere of a pogrom. One may criticize the FBI for not consulting academic experts on minority religions, but not the press.

The fires: Now that the government has finally produced one piece of evidence that suggests that the Davidians may have started the fires, it has become permissible to discuss the question of who lit the blaze. It is still improper, however, to bring up any of the considerable evidence that the

fires were an accidental byproduct of the government's final assault, let alone the circumstantial evidence that the FBI intended the compound to burn down.

Janet Reno's defenders are beginning to construct and plant a new explanation for the final assault. In this version of events, Reno was a helpless victim; her FBI briefers, who incorrectly informed her that Koresh was beating babies and that CS gas was harmless, are the villains. This story is conceivably true, but it should ring alarm bells. From My Lai to Iran-Contra, high-ranking officials have dodged responsibility for wrongdoing by insisting that they were out of the loop. Is Reno really an innocent lass led astray? Or are we being set up for a containment job — for a few low-ranking officials to be thrown to the wolves while the most powerul criminals walk free and the institutions that make disasters like Waco inevitable persist?

As long as the debate avoids the key issues, justice will not be served. —JW

Verdict on Waco — Two weeks before the congressional hearings on Waco were scheduled to begin, ABC News got hold of transcripts of hundreds of hours of taped conversations inside the Branch Davidian compound and between Davidians and government negotiators.

The headline-grabbing story that came out of this was that the tapes revealed that the Davidians spread fuel around the buildings during the assault. This has been widely ballyhooed as evidence that the Davidians themselves lit the fires that leveled their buildings and killed virtually all of them, thereby putting to rest the charge that the FBI started the fires.

The fuel was spread at about 6:00 a.m., a full six hours before the fire started. If the FBI was listening in and knew the fuel had been spread, why didn't they stop the assault? Jeff Jamar of the FBI had an answer: "We didn't hear it at the time. It took enhancements to hear that."

We are supposed to believe this, the same way we are supposed to believe that the ATF video recorder set up to record the initial assault — the one the Davidians believed would prove beyond any shadow of a doubt that ATF had fired first — had somehow malfunctioned, leaving the tape blank. But there's one problem with Jamar's claim: at the trial of the surviving Davidians in San Antonio, the tapes from inside the compound were played without enhancement, sounding exactly as they sounded to the FBI agents listening on the day of the attack. While some portions were difficult to understand, many of the statements by Davidians that they were spreading fuel were clearly intelligible. So the FBI must have known from the very beginning.

Without stopping for breath, Jamar went on to provide a second answer: "Our supposition is that they were preparing, there were other comments on the tapes, that they were spreading fuel on the presumption that we were coming in. They were going to wait for us to come into the compound and then start the fires."

By Jamar's own statement, the FBI believed the Davidians were going to use the fuel *against* the FBI. This can hardly be considered a simple case of mass suicide, or the "murder of their own children," as Bill Clinton likes to call what happened.

I remain convinced, as I argued in this magazine less than a week after the flames consumed the adults and children, that the FBI is guilty of killing innocent children *even if the Davidians consciously lit the fires themselves.* In fact, the case that the FBI murdered innocent children is strengthened by the taped conversations.

The tapes again underscore the questions that have been troubling from the very beginning: if the FBI had good reason to believe their assault would result in a fire that would kill everyone there, including the innocent children, then why did it go ahead with the assault? Isn't it just as guilty as if it had lit the fires itself?

New evidence is mounting that is making the case against the FBI ever stronger. In the tapes of negotiations between the FBI and the Davidians, the subject of annihilation by fire comes up time and time again. Koresh himself told negotiators that he believed that the end would come in fire. The FBI agents knew that the Davidians had a substantial amount of kerosene inside the compound. They believed the Davidians were suicidal.

So how did the FBI respond? Did they decide to wait for a rainy day to attack? Did they decide to attack with firehoses? Did they decide to have firefighting equipment standing by?

The FBI took not one of these reasonable precautions. Instead of attacking in wet weather, they chose to attack on a hot, dry, extremely windy day. Instead of attacking with water from fire hoses, they attacked with poisonous gas from tanks. Instead of having firefighting equipment standing by, they kept it several miles away.

Many of the statements by the Davidians that they were spreading fuel were clearly intelligible. The FBI had known from the very beginning.

Worse still, they chose to attack the building with a type of tear gas that can be explosive if used in enclosed places. Like buildings. On July 20, NBC News showed a CS gas canister of the sort used in the final assault on the Davidians. The camera focused on a closeup of the warning label, whose first three words were "May Start Fire." The report, on the health dangers of using CS gas on children, highlighted the health warning contained on the label, and the NBC reporter did not comment on the fire danger.

And when the FBI heard the Davidians — people obsessed with fire, people the FBI believed were likely to commit mass suicide — spreading fuel inside the buildings, the agents chose to maintain the attack for hours, ramming the building with tanks, continuing to pump poisonous, *incendiary* gas into a wooden building with kerosene spread about.

Fire was virtually inevitable under these circumstances. And it is inconceivable that the FBI didn't know that fire was inevitable.

We still don't know how the fire started, whether a Davidian threw a match onto a kerosene-soaked wall or one

of the CS gas shells exploded, igniting the kerosene or the tinder-dry wooden structure itself. We'll never know.

But we do know who is *responsible* for starting the fires. We know who is *responsible* for killing the Davidians. We know who is *responsible* for killing 22 innocent children.

If the Davidians lit the fires that engulfed the compound, they were no more guilty of suicide than were the inmates in Hitler's death camps who threw themselves on the barbed wire that surrounded them, knowing they would be shot immediately.

Even if the Davidians had not spread fuel and had no inclination toward suicide or self-immolation, it is virtually certain that the FBI's chosen attack tactics would have eventually ignited the compound and killed its inhabitants.

All this the FBI knew.

There is a lot more at issue here. But the issue of who is responsible for the fiery deaths of 80 people is settled. —RWB

Why it happened — Here is a quick summary, based on the first two days of testimony at the Waco hearings, of how the apologists for the Clinton administration, the FBI, and ATF explain how the attempt to serve a search warrant resulted in the death of four law enforcement agents and over 80 members of a religious community, including 22 innocent children:

1. High-level officials did not know what was going on.
2. Middle-level officials made honest tactical mistakes.
3. Agents in the field were just following orders (and were heroic in doing so). —KRB

Minister of disinformation — Hearings on Waco begin in the House of Representatives just as this issue of *Liberty* goes to press. The White House doesn't like that very much. Clinton lapdog Albert Hunt of *The Wall Street Journal* has suggested that maybe investigators may turn confidential employment records of ATF agents over to "crazy right-wing hate groups." Loyal Clinton supporters in the House are planning to hold "public forums" on the dreaded militias while the Waco hearings are taking place. So far, Al Hunt hasn't fretted about the danger that information from these forums will be turned over to "crazy left-wing hate groups."

Treasury Secretary Robert Rubin issued a letter to news organizations saying that he was "worried" about the effect of the investigation, and that maybe Congress ought to investigate the militias instead. He is fearful, he said, that "misinformation about what happened at Waco" might be spread by "opponents of law enforcement."

That's a good one. From the start, the major source of misinformation has been law enforcement agents themselves. One recent and particularly amusing example: on July 10, ABC News broke the story that it had obtained under the Freedom of Information Act documents in which the ATF had applied, on January 6, 1993, for military support for a drug case at the Branch Davidian compound. In particular, ATF wanted military equipment, combat training, medical and communications services, and assistance with planning the raid. On February 3, the Army denied the request on grounds that it violated restrictions on military enforcement of civil laws. ATF revised its request, and on February 16, the Army approved a plan for Army Special Forces to provide ATF with communications, medical training, and assistance, but fobade soldiers to participate in the raid itself.

Prior to this time, ATF had denied that the Army had participated in the raid.

And ATF wasn't through spreading "false information." The very next day, Steven Higgins, who was in charge of ATF at the time of the operation, was interviewed on CBS television by Tom Snyder. *What about the charge that the military was somehow involved?* asked Snyder.

"I'm a little surprised that this is new news because back as [far] as two years ago almost to this date a congressman accused the ATF of misusing the military by saying that there was some drug lab there and thereby avoiding paying some of the costs of help that was provided by the military," responded Higgins. "That was investigated totally by the Treasury Department and found out not to be the case, so I am surprised that somebody says that is new news now . . ."

Is that the same Treasury Department now headed by Robert Rubin, the man who is worried that a congressional investigation might spread "false information"? —RWB

Justice at Ruby Ridge — After three years of denial, Congress plans hearings in September to examine what transpired between federal agents and the household of Randy Weaver at Ruby Ridge, Idaho. This has distressed many important people, such as New York Rep. Charles Shumer, who believes that these hearings and the ones relating to Waco are pandering to "small fringe groups of paranoid people," that is, to people who care about possible criminal behavior of federal agents.

Shumer is terrified that any sunlight shed on the abuses of government agencies involved in enforcing firearms laws will dampen public enthusiasm for the gun control measures

that give meaning to his existence. Perhaps he would change his tune if he were confronted with the internal Justice Department investigation of the Weaver affair, conducted by representatives of the Office of Professional Responsibility and the Criminal Division. Their report was obtained by *Legal Times* and posted on the Internet. It is heavily critical of the government's handling of the siege and trial.

This fiasco was begun by the Bureau of Alcohol, Tobacco, and Firearms. Disaster seems to follow in the wake of every endeavor of this relic of Prohibition, and the Weaver case was no exception. Most critics of the Weaver case have condemned the ATF for entrapping Weaver into sawing off some shotguns so that they could force him to infiltrate and spy on the Aryan Nations. But the report exonerates the Bureau of the entrapment charge, and in light of its harsh assessment of the government's other behavior, I am willing to give ATF the benefit of the doubt on this matter — even though a jury, confronted with the evidence of entrapment, found Weaver innocent of making, possessing, and receiving illegal guns.

The government's significant errors began before the siege. Weaver was sent a letter incorrectly dating his trial as beginning on March 20, 1991, when in fact the trial was scheduled for February 20. According to the report, the U.S. Attorney's Office (USAO) in Idaho was "unnecessarily rigid in its approach to the issues created by the erroneous letter" and the "USAO improvidently sought an indictment before March 20, 1991." They also "thwarted the efforts of the Director of the Marshals Service to focus the court on the danger involved in making the arrest and incorrectly terminated efforts by the Marshals Service to negotiate with Weaver through intermediaries," thereby increasing the likelihood of a violent confrontation.

The violent exchanges between Weaver *et al.* and government agents occurred in two phases, one (involving federal marshals) at an area near the Weaver cabin known as the "Y" and the second (involving members of the FBI's Hostage Rescue Team) at the Weaver cabin. The report is much more critical of the second phase. It states that there is "no proof that the shooting of the boy [Sammy Weaver at the 'Y'] was anything other than an accident." It is not so forgiving of the events that resulted in the killing of Vicki Weaver at the cabin. According to the report, "Certain portions of these rules [of engagement issued at Ruby Ridge] not only departed from the FBI's standard deadly force policy but also contravened the Constitution of the United States." The investigators "found these rules to be imprecise" and concluded that they "may have created an atmosphere that encouraged the use of deadly force thereby having the effect of contributing to an unintentional death." Death, intentional or otherwise, resulted when an FBI agent, attempting to shoot Randy Weaver's associate Kevin Harris, shot Vicki Weaver instead. The report concludes that the shot that killed Vicki Weaver did not meet the constitutional "objective reasonableness" standard and that the "internal FBI review of the shooting incident has not been sufficiently thorough and reached incorrect conclusions about the second shot."

After the attack, FBI misconduct continued. According to the report, "the general disorganization and inexperience of some of the participants" in the FBI review of the incident, "coupled with inaccuracies in the searches adversely affected the prosecution and contributed to the negative impression of the government generated during the trial." The Bureau also hindered the USAO's investigation of the incident, thanks to its desire to be "the only agency or, at a minimum, the lead agency on the case, resisted working as a coequal member of the prosecution team." The report recommends that the Justice Department and the executive branch assess the case to determine what criminal and administrative action may be appropriate.

From beginning to end, the Weaver affair was a textbook case of government agencies dominated by groupthink and a bureaucratic mindset. The government's actions reek of the banality of evil. Weaver misses his trial date because of the government's error, so they charge him for that . . . he is armed and paranoid, so Marshals snoop around his property unidentified . . . his cabin has his wife and children in it, so the feds get trigger-happy . . . the FBI believes that he fears a violent conflict with federal agents, so they make it happen. There was no good reason for any of these events to have occurred. Weaver presented a danger to nobody, and his initial "crime" was selling shotguns with barrels that were too short.

Larry Potts, the agent in charge of handling the siege and formulating the faulty rules of engagement, was recently removed from his position as deputy director of the FBI. Rep. Shumer has told reporters that his removal "takes a sword away from those who believe that Waco and Ruby Ridge were a grand government conspiracy." Not a conspiracy — just business as usual. —CS

Judgment call — Two years ago, in the wake of the confrontation near Waco that resulted in the deaths of about 86 Branch Davidians, I proposed making *Liberty*'s analysis of the story the most prominent feature on our cover, with the headline "Holocaust in Waco."

I discussed my proposal with several other editors, one of whom vigorously argued that it would be a terrible idea. "By using the word 'Holocaust,' you're comparing what happened in Waco with Hitler's attacks on the Jews," he said. "That's going to offend a lot of people." I was cognizant of the fact that the American public overwhelmingly supported the government's attack on the Davidian compound and that virtually no other publication in the United States was critical of the government.

In the end, I stuck by my guns. That issue turned out to sell better on the newsstands than any other issue we've ever published, I'm pleased to report.

Last week, I was listening to Tom Snyder interview Steven Higgins, the bureaucrat who had been in charge of ATF when the assault on Waco occurred. Snyder was giving his usual kid-gloved, ever-so-polite treatment to the man who ordered the initial assault, asking his usual softball questions, being satisfied with Higgins' evasively flatulent answers. Then, so help me God, I heard Tom use the word "holocaust" to describe what had happened.

"Holocaust in Waco." Our controversial, incendiary, offensive headline. No one reacted to his choice of words.

Public opinion has changed in the past two years, I am happy to say. —RWB

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Medianotes

Slick Philly? — *The New Republic* got Phil Gramm dead to rights in its exposé of his secret past as an investor in pornographic movies. Despite Gramm's best efforts to squirm out of the charges, the evidence is overwhelming, as any fair-minded person who reads John Judis' "The Porn Broker" in the June 5 *TNR* is bound to conclude.

It's amusing, of course, to watch a presidential hopeful squirm and lie like ol' Phil had to if he wanted to keep his following among redneck fundamentalists, apparently the biggest component of the GOP these days. It is just as amusing to watch the way *TNR* celebrated its scoop.

In an editorial in its June 12 issue, *TNR* ridiculed Gramm's absurd defense. It concluded with this sanctimonious paragraph:

> Gramm's response to our article bears out its central contention. The point was not that Gramm was wrong to invest in low-life movies, nor even that he is a hypocrite. It was that he is profoundly amoral, committed only to his own political advancement, ruthless in getting his way and untrustworthy in accounting for his actions. Everything Gramm has done since confirms this analysis. He has a major character problem. Is he someone we should even consider electing to the presidency?

The charges it hurls at Gramm are true, more or less. Yes, it was immoral to lie about this action in his distant past. But "profoundly amoral"? C'mon. It's no more profoundly amoral than a teenage girl's lie to her parents about what time she got home last night. "Committed only to his own political advancement"? What politician isn't? "Ruthless in getting his way"? Try as I might, I cannot see any ruthlessness here. I mean, it isn't like he sent tanks to kill innocent women and children, is it? "Untrustworthy in accounting for his actions"? Since when should we expect a politician to account for his private actions, anyway?

The worst that can be said about Gramm is that in his distant past he invested in a soft-core movie, an action that was neither illegal nor immoral. He tried to keep it secret at the time, and lied about it when it was exposed by a political journal that dislikes him immensely. In sum, he is a hypocrite liable to tell a fib to save himself embarrassment.

TNR's description of Gramm does fit another contemporary political figure: ". . . profoundly amoral, committed only to his own political advancement, ruthless in getting his way and untrustworthy in accounting for his actions."

If you can't recognize Bill Clinton in that description you are blind or dead. It is Clinton whose ambition was so great that he refused conscientious objector status as a college student because he feared it might harm his future chances of being elected president, and instead lied to avoid the draft. It is Clinton who baldly lied to the nation about his extramarital sexual affairs. It is Clinton who used government employees charged with his personal protection as procurers and as personal servants. It is Clinton who offered to pay off a jilted girlfriend with a government job. It is Clinton who got mysterious cash contributions from businessmen for whom he had obtained government subsidies. *Et cetera, ad nauseam.*

The evidence that Clinton was all these things was in long before the 1992 election. And it was Clinton whom *The New Republic* supported in that election. "In endorsing Bill Clinton," *TNR*'s editors wrote, "we are expressing our belief that he offers the best chance in a generation to bring reform and renewal to a country that desperately needs both."

No wonder *TNR* doesn't want to condemn hypocrisy.

—RWB

The state of things to come — Unlike L. Ron Hubbard, compulsive writer and "futurologist" Isaac Asimov hasn't been enough of a futurist to pull off the feat of writing posthumously. Not too long after his death three years ago, his slot as editorialist for *Asimov's Science Fiction* was taken over by Robert Silverberg. Like Asimov, Silverberg has written bestselling science fiction and well-thought-of popularizations of science. Unlike Asimov, Silverberg is not a technocrat, and has scarcely a totalitarian bone in his body. Asimov was one of the most convincing technocrats of his day, favoring "scientific" management of social affairs through the "benevolent" hands of government intervention; as such, many of his policy prescriptions veered off into tyrannical directions. But like any big-government liberal, he never noticed just how totalitarian his principles were.

But as I said, Silverberg is a breath of fresh air. Sometimes he is almost as good as Stanley Schmidt, the rather libertarian editor of *Analog*, *Asimov's* sister publication. But whereas *Analog* publishes only so-so science fiction, all framed by weird, cloying moralistic blurbs, *Asimov's* actually publishes some stories that are quite good (and, unlike Asimov's own workmanlike stories, occasionally demonstrate undeniable literary merit). The idea of buying a fiction magazine for its opening editorial strikes even me as bizarre, so I limit my occasional purchase of science fiction periodicals to magazines with good stories, *The Magazine of Fantasy and Science Fiction* as well as *Asimov's*. It is only as an added bonus that I thus partake of essays by Gregory Benford and Bruce Sterling (*Fantasy & Science Fiction*) and Norman Spinrad and Silverberg (*Asimov's*).

Though sf is often thought of as "forward looking," the sf writer *qua* essayist gives at best only an indication of what current trends in ideology are. The passing of the baton from Asimov to Silverberg reflects the trend of thinking people abandoning big-government liberalism.

True to his science-fiction roots, Silverberg offers a vision of the future: "In the era of global interconnectedness that now is opening, economic rationalism will be a powerful force for peace. The various ideology-driven nations are discovering that it's bad business to let themselves be controlled by political configurations that are rooted in abstraction." This is the thesis of "The Millennium Is Almost Here," his August editorial in *Asimov's*. He is right, of course: the comparative isolation that nations once had are a thing of the past, and this is transforming how people think about their governments, and about their politicians and polities. Furthermore, there are some truths of economics that even politicians can't ignore.

But what Silverberg ends up with is not a coherent limited-government philosophy, but a "common sense" one. He fails to draw any deep understanding out of his quick tour through the political future, and leaves his readers with little but a glimmering of what is going on in the world. The extent, for instance, to which government — and not just "political ideology" — is necessarily parasitical beyond a very narrow scope of activity, Silverberg does not broach (though evidence for this mounts daily). And readers of *Asimov's* are left with a sort of bare-minimum wisdom — a sense of common knowledge, but no breakthrough thought. But, as Voltaire observed long ago, "common sense is not so common"; at least *Asimov's* readers are ahead of those people who get their vision from TV. —TWV

Rating the bottom of the barrel — Without a hint of irony, a recent *Republican Liberty* reports that "At this point, with no clear-cut libertarian-minded GOPer in the race, the vast majority of libertarian Republicans remain uncommitted." *Republican Liberty* must believe that *at some point* a "libertarian-minded Republican" may enter the race. Apparently, the propensity for self-delusion is not limited to those Libertarian Party members who thought that Andre Marrou would get a couple of million votes in 1992.

The article lists a variety of Republicans that libertarians are lining up behind, including Phil Gramm, Richard Lugar, Pete Wilson (supported by Martin Anderson and *George Schultz*?!?), Susan Molinari (because she has the same last name as anarcho-capitalist Gustave de Molinari?), and Christine Whitman. To me, none of these people can in any meaningful sense be called libertarian, but my standards are somewhat higher than *Republican Liberty*'s, which recently rated Al D'Amato as a libertarian and Jesse Helms as "leaning" in our direction. Next I suppose we'll see a "libertarians for Clinton" commitee. —CS

Leftists get it right — At first glance, it seems like Left and Right have reversed themselves in the wake of the Oklahoma City bombing. "President Clinton, the croaking mouthpiece of liberalism, has been talking up law-and-order," observes Tom Bethell. "Conservatives have been reminding us of our civil liberties."

But what really seems to be going on is that the center is scrambling to reassert its hold on the public mind. If Newt Gingrich and his ilk are what we mean by conservative, then I haven't heard much about civil liberties from the Right. This is, of course, because they have more in common with their nominal opponents than with Americans feeling disenchanted and disenfranchised.

In the past two months, no one has been more aware of this than Alexander Cockburn. He has, in one article after another, noted the similar anti-authoritarian sensibilities of the '60s Left and the current grassroots rebellion that is being smeared as right-wing paranoia and hatred. He has even suggested that instead of fretting about the alleged epidemic of heartland Nazism, leftists should be setting up booths at gun rallies. His thoughts seem to have reached the status of epiphany in a recent column in *The Nation*: "Truth be told, 'left' and 'right' . . . have lost their power to motivate and direct political action; they have become scapegoats for all disturbances that might resist centrist hegemony."

Cockburn isn't the only *Nation* regular who is beginning to wonder about such things. As far back as last December, Christopher Hitchens declared that the "Democratic Party is going the way of the Whigs, and a very good thing, too. To see the back of men like Foley and Rostenkowski and Cuomo is a positive pleasure. The pity is only that it didn't happen in 1992, thus sparing us the miserable two years past and the dismal two years still to come." Hitchens went on:

> During the lunacy of the Reagan period in Washington, I was impressed by how often it was the Cato Institute that held the sane meeting or published the thoughtful position paper. These days, I get more out of reading the libertarian magazine *Reason* than I do out of many "movement" journals. There are important differences of emphasis, but it can be more of a pleasure to joust with the libertarians than to have another go-around with the center-left. . . .
>
> Faced as we are with an apparently libertarian inclination among the voters, and a strongly authoritarian strain among the Republicans, the dialectical thing to do is to work with the libertarian tendency.

To be sure, Cockburn and Hitchens aren't your average leftists. Indeed, most of *The Nation*'s editorials about the new dissidents have been downright frightening. As Cockburn understates it: "It's been . . . disheartening to find out how many on the liberal/left end of the spectrum hope earnestly for a ferocious pogrom against the militias." But if most analysts aren't ready to chuck the Left-Right straightjacket, that doesn't mean it isn't losing its hold. Cockburn and Hitchens are intelligent enough to realize what libertarians have been claiming for years: that the real battle isn't between Left and Right, but between liberty and power. —ML

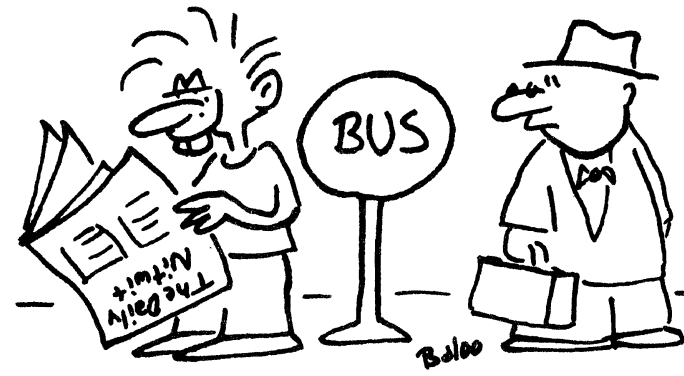

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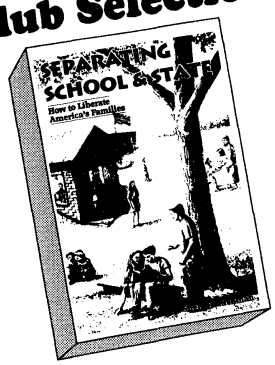

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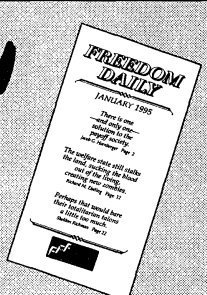

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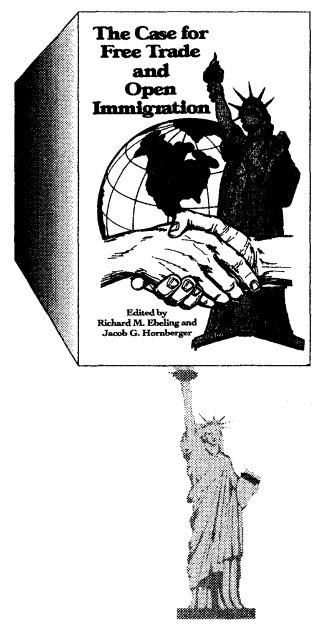

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War Report

The Battle of Oak Grove

by Randal O'Toole

One community fights the new social engineers.

Soviet-style social engineering is alive and well in the United States. And the most avid practitioners are not in Washington, D.C., but our own communities — specifically, in our city and county planning offices. A new breed of social engineer — the "new urbanist" — has taken root there. Convinced that the automobile is the most monstrous invention ever devised, the new urbanists have concocted plans that would actually *increase* congestion and air pollution. According to their Orwellian reasoning, cities are congested with cars because they don't have enough people, so their solution is to cram more people in. Streets, they say, are busy because they are too wide, so their solution is to make streets narrower. And people drive a lot because their homes are so ugly, so planners want to impose strict design requirements on all new construction.

I first encountered this logic in 1977, when I was trying to understand federal land agencies such as the Forest Service. Someone convinced me that I could find answers at the University of Oregon's Department of Urban and Regional Planning, so I moved from my hometown of Portland to Eugene to enter the masters program.

Most students in the program took no classes outside the department, but for some reason, I signed up for a class in urban economics. Fortunately, it was taught by Ed Whitelaw, a soon-to-be-well-known Northwest economist who helped us build simple models of an urban economy, test those models against reality, make the models more complex, and test them again. I was awestruck by the power of the economic way of thinking.

At that time, the legislature had recently enacted a law requiring cities to draw urban growth boundaries around themselves. Development outside these boundaries would be forbidden, or at least discouraged, until all available sites inside the boundaries were fully developed. The theory was that this would protect prime farmland. But our models clearly showed that since the measure resulted in roughly the same number of cars in a smaller area, the tradeoff would be more congestion and the increased pollution associated with it (cars pollute more in stop-and-go traffic).

Soon after developing this model, one of my urban planning classes considered the same question: *What effect would an urban growth boundary have on congestion and pollution?* The budding planners unanimously reasoned that, with a smaller urban area, more people would walk or use mass transit, reducing congestion and pollution. I tried to explain the economic model in 25 words or less, but convinced no one. I was particularly shocked to find that the two professors in the class agreed with the other students and considered my answer wrong.

That day I decided I was an economist, not a planner. During the next two years I crammed as many economics courses as I could take. Over the next ten years I applied the economic way of reasoning to the Forest Service (and, in 1988, published my findings in a book titled *Reforming the Forest Service*). During that time, I had little contact with urban planners, except for the times I served on hiring committees for various environmental organizations. Recently graduated planners were often attracted to such organizations, and I had the pleasure of automatically rejecting any candidate with a degree in urban planning.

In 1989, I moved back to the Portland area and settled in an unincorporated suburb known as Oak Grove. Unlike most suburbs, Oak Grove has a distinguished history stretching back to 1893, when the world's first electric interurban rail line was built between Portland and

Oregon City. Wealthy Portlanders built grand houses on large estates along the line, and someone decided to call a small retail area next to one of the stations "Oak Grove."

Today, most of those large houses remain, but many of the estates have been subdivided. Still, most families live on lots of a quarter-acre or more. The block I live on is 20 acres, ten times the size of a normal city block. At a third of an acre, my lot is one of the smallest on the block. The temptation to subdivide further is tempered by the fact that the zoning requires a minimum lot size of 10,000 square feet (slightly less than a quarter-acre).

Such a low density means there is little auto traffic. When I walk with my dog around the neighborhood, I meet many of my neighbors who are also out walking. Since the houses were built one-by-one over a 100-year period, each is unique, with many made of native rock by a pioneer family of stonemasons. Many people take advantage of their large yards to grow flowers and vegetables, and a few own small livestock — poultry, goats, even a donkey.

They hoped people would tear down the older homes and erect buildings fronting on the streets with enough bay windows and other cutsie features to look "historic."

The interurban railway is long gone, but several blocks away is Highway 99, the first four-lane road ever built in Oregon. Today it has developed into what many people scornfully refer to as a "strip development," though my neighbors and I find the numerous supermarkets, variety stores, and specialty shops to be convenient with competitive prices. And frankly, we're glad to keep most of the commercial areas some ways distant from our homes.

I've spent more than five years here blissfully unaware of the new urbanism. Then, last April, a neighbor slipped a note into my mailbox suggesting that I should attend a county planning meeting. Ordinarily, I might have ignored it, but the note had an urgent tone that made me feel I should go.

At the meeting, I learned that county planners had been working for six months with "my neighbors" on a "transportation and growth management plan." The purpose of the plan, they claimed, was to give people more opportunities to walk and ride their bicycles than we have. This seemed peculiar since no one I know has ever felt hesitant to walk or bicycle around the neighborhood.

Then they showed us a map of the plan. The block I lived on and several nearby were to be rezoned for a 5,000-square-foot minimum lot size. The block across the street plus many others would be rezoned for multi-family dwellings with up to 24 units per acre. We were assured that this "densification," as the planners called it, was for our own good and that it would encourage walking and discourage cars.

To give people a place to walk to, a significant chunk of our neighborhood would be "mixed use," with stores and other businesses located a few steps from residences. In particular, planners hoped that many of the multi-family dwellings would be three stories high (two stories is the current limit) with businesses occupying the street floor.

When my neighbors and I asked about the reasoning behind these ideas, planners responded with totally circuitous logic. Why did planners want to densify our community? "Because densification is part of the neotraditional concept." What is neotraditionalism? "Neotraditionalism is a planning concept that calls for densification."

As someone familiar with Forest Service planning, I was struck with what was missing from the plan. First, there were no data. Any requests for populations or numbers of homes were met with, "Well, we haven't got our geographic information system working yet." (They didn't get it working until the plan was almost done.) Moreover, Forest Service plans always come with at least four alternatives. This one considered none.

The planners were fairly unguarded and made some amazing statements. One gushed, "To preserve the historic character of downtown Oak Grove, we propose to allow zero-foot setbacks of buildings." This meant that the planners hoped people would tear down the older homes and erect buildings fronting on the streets. Design standards would require enough bay windows and other cutsie features to look "historic."

Planners also proposed to dissect our large blocks with new streets. When people protested that they didn't want new streets, planners started calling them "pedestrian ways." When someone asked if such walkways would be protected from auto traffic by building walls at the entrances, a planner said, "Oh no, it would be unfair for us to deny access to cars. People have to be able to get to their properties."

When people protested that they didn't want new streets, planners started calling them "pedestrian ways."

One planner admitted that it had been raining the one time she had visited Oak Grove and that she "couldn't imagine why anyone would want to live here." She was from the government and she was here to help us neotraditionalize our neighborhood.

As it became clear that we didn't like these ideas (the meeting's official minutes report that "at least two people" said they opposed neotraditionalism), planners chided us for not participating in earlier meetings. I noticed that most of the "neighbors" on the original committee were developers, realtors, and business owners, and the directors of the local fire, sewer, and water districts.

This led us to ask how we were supposed to know about the meetings. Notices had been placed in the newspaper and the sewer district newsletter, they said. But such notices were innocuous, emphasizing bike paths and saying nothing about rezoning. In any case, planners from the very beginning had limited the plan to neotraditional concepts, so our participation wouldn't have changed anything.

After the meeting, I took some time to catch up on recent planning literature. Neotraditionalism turns out to be the brainchild of a California architect named Peter Calthorpe and a Florida husband-wife architect team named Andres Duany and Elizabeth Plater-Zyberk. Calthorpe has designed a neotraditional community near Sacramento and Duany and Plater-Zyberk have one near Miami.

These architects decided to model their plans after communities where people mainly walked, bicycled, or rode mass transit rather than drove. Based on their studies of such communities, they decided that people would reduce their use of cars if they lived in multi-family dwellings or in houses on small lots with tiny front yards and garages in back, and if their homes were close to grocery stores and other shops.

What communities did they study to reach these conclusions? Why, American communities of the 1920s. Americans had few cars back then, and they didn't drive much, so, the architects reasoned, if they designed communities like those of the 1920s, the people who live in them today won't drive much. (I am not making this up.) "Urban planning reached a level of competence in the 1920s that was absolutely mind-boggling," claims Duany.

Duany, Plater-Zyberk, and Calthorpe are confusing cause and effect. People lived in "neotraditional" communities in the 1920s because they didn't have cars. But that doesn't mean that people will abandon their cars if we force them to live in such communities again.

Were those cities of the 1920s so wonderful? Not to the planners of the day. Contrary to Duany's claim, those urban areas weren't planned — they just happened. It was the unplanned mixture of uses to which today's planners want to return that inspired zoning in the first place.

About the same time I began to question neotraditionalism, *Newsweek* magazine featured a cover story on the new urbanism. Such wonderful ideas as small lot sizes, design codes, and corner grocery stores, the magazine gushed, would cure the suburban blues.

The 13-page article barely admitted that anyone might not appreciate the architects' latest schemes. But it did quote an urban planner who questioned whether anyone "really wants to re-create the social ambiance of an eighteenth-century village" and an economist who thought architects had a "strange conceit . . . that people ought to live in what they design." The magazine dismissed these comments as the natterings of free-marketeers.

But most of the problems that new urbanists complain about aren't the fault of the "free market." Instead, they are the legacy of previous generations of planners. Duany's ideal cities of the 1920s were almost totally unplanned — and planners hated them.

Most of the problems new urbanists complain about are the legacy of previous generations of planners.

By contrast, the large suburban lots and strip developments that we have today are the direct result of the zoning ordinances that planners imposed on cities in the 1940s and 1950s. Mixed uses were supposed to be unhealthy, so planners separated them. Small lot sizes were unappealing, so planners zoned for minimum lots of 7,000, 10,000, or more square feet.

Though many planners blame urban blight on the automobile, some planners recognize that zoning is the true cause. Says Randall Arendt, a planning professor at the University of Massachusetts, zoning "is why America looks the way it does. The law is the major problem with the development pattern."

Zoning is not a cure that is worse than the disease. It *is* the disease. Planners have become nostalgic for a time before most of them were born — a time that people in their profession said was so bad that it could only be fixed by zoning. And how are we supposed to get back to this wonderful time? More zoning.

But this time we will have "zoning with an attitude." Says Plater-Zyberk: "Most zoning codes are *pro*scriptive — they just try to prevent things from happening without offering a vision of how things should be." For example, a traditional zoning plan might contain a provision calling for 5,000-square-foot building lots at a *minimum*, allowing people to use 10,000- or 20,000-foot building lots if they want.

In contrast, says Plater-Zyberk, neotraditional zoning is "*pre*scriptive. We want the streets to feel and act a certain way." That is to say, neotraditional zoning might call for building lots with a *maximum* size of 5,000-square feet. Such prescriptive zoning is used in many places, including parts of the Portland area. Multi-family zones forbid construction of single-family homes.

But this is only the beginning. Neotraditional zoning, including the proposed zoning code for my community, included "design codes" requiring peaked roofs, bay windows, full-width front porches, and certain other "cute" features. They also dictated that garages must be behind houses, not in front. Apparently flat roofs and prominent garages make people drive too much.

The new codes differed from the old in another important way: setbacks. Traditional codes require that homes and other buildings be built (typically) at least 20 feet apart and 30 feet from the street. In contrast, the new codes would require that homes be at *most* 20 feet from streets and that most commercial buildings be zero to ten feet from streets.

In sum, the planners got it wrong before, and now they propose to fix the urban blight they created. The solution they propose is a simple one: give them more power — power not just to prevent certain uses but to prescribe uses as well.

This will fix the problem?

An Ignoble Tradition

Urban planners trace their history to architecture, and most university urban planning departments are in architecture schools. What makes architects think that, because they can design a house, they can design entire cities? That's like doctors presuming that, because they can reconstruct a shattered hip or create an artificial heart, they can also create human life from scratch.

Yet many architects have proposed grandiose urban designs. Frederick

continued on page 68

Shameless in Seattle

by R.W. Bradford

A scandal in the society pages.

The newspaper article set the facts down in cold black type. Ida Cole, a 47-year-old multimillionaire who had made her money in computers, had started a new business. She had bought an old movie theater and an office building and begun to restore them. She had invested part of her own $50 million fortune in the project, as well as a few million from other wealthy computer people, including Bill Gates of Microsoft. "It's a business investment," she explained to the paper. "They can expect profits. It won't be the return you'd get from Microsoft stock, but it will be respectable."

The article also reported that she had made substantial donations to the candidates of the Democratic Party at the local and state level and used her expensive home to raise additional funds on their behalf. Local government, controlled by the Democrats, had given a $1 million subsidy to the profit-making business of Ida Cole and her millionaire and billionaire friends, and had granted her special treatment on development rights — an advantage that will substantially increase her revenue. A state bureau, also in the control of that party, is working on another million-dollar subsidy.

In sum, Democratic-controlled governments gave millions of tax dollars as subsidies to a private, profit-making business owned by a group of multimillionaires. The head of the business (and at least some of the other investors) are heavy donors and big-time fundraisers for the Democrats.

The *Seattle Times*, an independent paper that usually supports Republicans, got the story. What did it do with it?

You might think the *Times* would smell a Pulitzer Prize. You might think it would turn its investigative reporters loose to see just how far the corruption goes. You might think it would publish the story under a banner headline, maybe using it as a kick-off for an anti-corruption crusade.

You'd be wrong.

The facts I listed above were virtually all published in a single article in the *Seattle Times*. Not on the front page. Not on the editorial page. Not even in the news section.

They were published in *Pacific Magazine*, the *Times'* Sunday supplement. *Pacific*'s cover showed a color photo of Cole, smiling broadly, alongside the construction site, decked out in a white hardhat and jewelry. It was titled "Queen Ida." Above the title in smaller letters were the words "Northwest People." It was not an exposé. It was a society feature, the sort of article a public relations man gets paid to place in a newspaper.

The first page of the article was another flattering color photo of Cole, this time looking pensively at her building. The title here is "Stage Struck." It is subtitled: "After breaking the glass ceiling at Microsoft, Ida Cole resurrects a Seattle landmark." The theme of the article is that Ida Cole is an accomplished woman, a wonderful role model, who lives the sort of life all people should aspire to or maybe envy. "Friends, former employees, colleagues and even professional rivals extol the woman's authentic kindness and generosity," runs a typical line. "They also praise her analytical savvy and flair with a spreadsheet."

"Though she wears her All-American wholesomeness with pride," reporter Misha Berson gushes a few paragraphs later, "Cole is a gentle paradox: a woman with the perkiness of Mary Tyler Moore, the marketing smarts of a Fortune 500 tycoon and a fierce determination that just won't quit. . . . It didn't hurt that Cole started out with that increasingly rare underpinning: a happy middle-class childhood. She smilingly recalls scenes from her Virginia youth: fishing; bowling; playing classical music; solving math problems with her father . . ."

Cole's fundraising for Democratic candidates appears in a description of

her home some paragraphs later. Her getting her millionaire and billionaire friends to invest appears later still, along with her projected profits. The list of subsidies handed over to her by the Democrat-controlled local government is buried on the final page of the story.

The story illustrates something very frightening about American political culture. A generation ago, if a politician (or group of politicians) gave a million-dollar subsidy to a profit-making business owned by a millionaire who helped finance the politician, the whole process would be considered to be so corrupt that it would be hidden from public view. If a newspaper discovered it, they'd play up the story with banner headlines and launch a crusade.

Today, it's not even considered corrupt by a newspaper that politically opposes the politicians who gave the millionaire a million taxpayers' dollars.

And worse. Today, it's considered admirable. Admirable enough that the person who receives the million dollars, paid under threat of law by people far poorer than herself, is considered a hero, a role model, an object of aspiration.

Something has changed. And I don't like it.

A decade and a half ago, Ronald Reagan helped popularize the phrase "welfare queen" as a convenient label for an unmarried woman, probably black, who makes a career of having children and cashing government welfare checks. The theory is that such women are proliferating and are responsible for America's budget crisis. Voters have responded well to this theme, one that Republicans have echoed more frequently in each subsequent election.

I'm pretty much with the voters on this issue. I don't think spending tax money to subsidize unmarried women who have children is a good social policy. I think it's probably bad for the country. And like most people, I'd like my taxes to be lower. On the other hand, I've never been a poor young woman with a child. I'm sure they face a very tough situation, even with the welfare checks they get. So politicians carrying on about "welfare queens" don't win much support from me.

It was not an exposé. It was a society feature.

Unlike the welfare queens the Republicans complain about, Ida Cole isn't poor. She's rich. She's beyond rich: she's super-rich. The single mom who cashes a government check has an excuse: she really needs the money. Ida Cole doesn't have that excuse. The million or two or however many dollars her political friends shovel her way isn't really going to make a significant difference to her. Let alone to her co-investor, Bill Gates, another Democratic Party donor, who happens to be the richest person in the United States.

I don't know whether the single mom who cashes her monthly government check ought to be decried as a "welfare queen." But I do know this: if ever anyone deserved that title, that person is Ida Cole — and any other wealthy and middle-class Americans who figure the government ought to subsidize them.

The welfare payments that go to the poor are dwarfed by the welfare payments that go the middle class and wealthy. So long as Americans bemoan the former but get in line for the latter, they will remain mean-spirited hypocrites. And so long as they keep them in place, their country will continue on its road to bankruptcy.

But there's a more important issue here. The corruption of public morals that enables multimillionaires and multibillionaires to collect million-dollar gifts of taxpayer money from politicians they financially support without the slightest hint of public outcry is eating away at the soul of American public life.

It will have to be reversed if the United States is ever going to get taxes and government spending under control. Or if America is to restore the political culture that made it a good and great country. ❑

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Prescription

Drug Laws as Cultural Lobotomy

by John Dentinger

The first casualty of the war on drugs.

Since it is customary in articles about drugs to recount one's personal struggle with the demon, I will begin with a personal anecdote.

My drug addiction began in Wisconsin in the late '60s. I didn't think it was serious at first. I just took a nosefull of the stuff with a high-school chum. Later I increased the dose. I was buying it every three weeks. I didn't know the nasal congestion I suffered was a withdrawal symptom, but I did know the stuff cleared it up. It wasn't until years later, when a doctor told me, that I realized I was addicted.

To Neo-Synephrine. An over-the-counter nasal decongestant which I took for hay fever. What I didn't know about the nose drops was that my friend was taking far more than he needed; and following his lead, so was I. What I needed to protect me from Neo-Synephrine addiction was not laws, but information.

Drug laws keep society from learning anything from the drug use that occurs; they foster lies to fill the silence; and this discredits valid warnings about the real dangers of drugs. This silence and disinformation, this never-ending cultural lobotomy, is the most subtle, the most ignored, and yet the greatest cost of the war on drugs.

Silence and Disinformation

My Neo-Synephrine experience coincides with recent findings cited by Arnold Trebach in *The Great Drug War*: that honest, credible drug education may increase drug use — but decreases drug abuse. No one claims education would eliminate abuse, but some commonplace examples indicate why it would reduce it: because much abuse is due to ignorance. Many common legal products are allergenic or harmful to a hypersensitive few: allergists often cite sulfites and monosodium glutamate in food, as well as ingredients in Irish Spring soap and Tide laundry detergent. Caffeine is an elusive cause of insomnia, heart palpitations, and other alarming symptoms.

Now, a lot of the use of these products results in needless anxiety, time lost from work, and doctor bills. And how does our government respond to that waste? By requiring warning labels on these products?

No. Rather, it busies itself outlawing drugs, many of whose users are far better-informed of their effects than is the average user of the caffeiniferous Coca-Cola. By subjecting users to a black market, government makes them less informed about, and thus in greater danger from, what they are ingesting. Sometimes it even pollutes the drugs itself: spraying poisonous paraquat on marijuana, as it adulterated alcohol with poisonous methanol during Prohibition.

One need not be in battle fatigues to take pot-shots at the truth; one can be a sort of civil defense worker, like Janet Cooke was when she wrote her Pulitzer-winning fabrications about an "eight-year-old heroin addict." As Thomas Szasz noted, lies on the subject of drugs are so common that if Cooke had not also lied about her academic credentials, she probably would have gotten away with it. Another classic tale told as true came in 1968 from then-Governor Raymond Shafer of Pennsylvania: six college students had gone blind staring at the sun while on LSD. The governor later recanted when his source, another government official, admitted he'd made it up. I mention this old hoax because (a) we all remember its tenacity, and (b) it illustrates the self-fulfilling hysteria about "bad trips," thereby guaranteeing that first-time LSD users would be more susceptible to them.

I can attest to this personally. In the summer of 1972, I did once what friends had done numerous times: I took LSD. I went into the experience with the wrong attitude, and had a very bad trip. The public hysteria did two monstrous things simultaneously: it made me fear that I had permanently damaged the only asset I

had — my mind — and it made this unfounded fear something I could not confide to anyone. I finally went to the student health service, which referred me to a psychiatrist, whom I saw once. His answer to my problems: Valium, 10 mg., several times a day.

I had no idea what a high dose this authority had prescribed. One-tenth or one-twentieth of that would have provided a crutch. The prescribed dose, which I took, was an emotional straitjacket. I needed the plain truth, and I got chemical repression. All of the harm here came not from drugs but from silence and lies. Much the same, I suggest, is true of our culture.

The Trials and Errors of Drug Laws

Society advances, in Karl Popper's phrase, by a process of "trial and the elimination of error." Hindering either of these two steps in the name of cost-cutting or risk-aversion does not hamper the commission of error, merely the elimination of error. It disconnects the ratchet of social progress.

For example, the backfiring of the attempt through regulation and tort law to produce a risk-free society is becoming increasingly clear. Had heavier-than-air flight been made even heavier with detailed regulation after the first plane crash, we would not have developed a means of long-distance transportation far safer than any alternative. Transportation would be costlier and riskier, but ten thousand back-page car crashes don't have the impact of one front-page plane crash. And a rat overdosed with cyclamate warrants a headline; extra human deaths from obesity do not. In innumerable areas of life, safety-at-any-price exacts a high price not only in dollars, but also in safety.

The same analysis applies to drugs. Illegal drug "experiments" go on constantly, but we can learn little of or from the good or bad experiences of drug users, since they may be arrested if they talk about them. Celebrities thus arrested may be able to escape prison if they agree to go on the lecture circuit and recant their heresy. In this, our sole advance over the Inquisition is that heretics do not need to be shown the instruments of torture: *viz.*, prison and the press. In any case, the resultant testimony can hardly be considered reliable.

Drug companies have no incentive to invest in developing safer psychotherapeutic or "recreational" drugs, since these would simply be outlawed. The government's hostility to safe drugs was noted by Durk Pearson and Sandy Shaw in *Life Extension*: the Bureau of Alcohol, Tobacco and Firearms "forbids the addition of antioxidant vitamins such as B-l to booze, although medical experts . . . agree [it] would significantly reduce alcohol-induced brain and liver damage." An even better solution, they note, "would be to develop new recreational drugs which provide the desired alcohol high without the damaging side effects. There is, in fact, such a drug. [It has already been tested, but it] is not FDA approved, and it is not likely to be approved in the foreseeable future."

Likewise, the prescription drug diphenylhydantoin "has been used successfully to allow smokers to quit without withdrawal symptoms," but of course, it is not FDA-approved for that purpose. "In fact," noted Pearson and Shaw, "since smoking is not a disease, the FDA may *never* approve any treatment, no matter how safe, specifically for the purpose of stopping smoking."

Safety-at-any-price exacts a high price not only in dollars, but also in safety.

This show of concern for the health of even legal recreational drug users is no less that we could expect from those wonderful folks who let thousands of AIDS and other patients die while awaiting the nirvana of the perfectly effective drug, and the chimera of the perfectly safe one. These examples of costs imposed as savings, of danger and death imposed as safety, could be — and still are — multiplied *ad infinitum*.

The Blinding Success of Drug Laws

In particular, the law "protects" us from the effects, both maleficent and beneficent, of coca and cocaine, amphetamines, psychedelic drugs, and cannabis (a legal medicine until 1937). But as Lester Grinspoon and James B. Bakalar, both of Harvard Medical School, note in the Pacific Institute's anthology *Dealing with Drugs*, all of these have medicinal uses.

To take one example, as recently as 1985, psychotherapists from around the country offered the DEA testimony to the therapeutic efficacy of MDMA, a mild, then-legal psychedelic drug. (The term "psychedelic" may be misleading; MDMA — unlike alcohol — does not cause hallucinations, even in substantial overdoses.) The drug, they said, vastly increased the very bases of therapy: motivation, empathy, and depth and extent of communication. Dissolving the fear or embarrassment or inertia associated with new self-insight, the drug helped to break through the sticking points of therapy. Success stories abounded: a woman who was the victim of rape and torture and was still suicidal after six months of ordinary therapy was able to face the past and begin living a normal life again. The positive mental attitude it helped encourage seems to have aided another woman's remission from an otherwise fatal cancer. And so on. Disastrously, however, the drug was nicknamed "Ecstasy," a term so reeking of hedonistic heresy that no product could bear the name and not be outlawed, not even dog food or suppositories.

The medical case for marijuana is even clearer, to the point where even the government can't deny its efficacy in treating nausea, glaucoma, and other conditions.

Rick Morris, a truck driver in Tennessee, lost three-eighths of his body weight while on nauseating chemotherapy. Like many chemotherapy patients, until Morris began smoking marijuana, even the smell of food would cause him to vomit, his attorney said.

Attorney? Oh yes, Morris was convicted in 1988 of possession of marijuana.

Two million Americans suffer the progressive eye disease of glaucoma. An eighth of those have serious vision impairment already, and 7,500 people a year go blind from it. In 1972, Robert C. Randall, aged 24, was told he had

glaucoma and could expect to be totally blind in three to five years. He found *by chance* that smoking marijuana completely restored his eyesight and arrested the progress of his ailment. When he grew these medicinal plants, it was he himself who was arrested. Naïvely, he called federal drug bureaucrats to get permission to use marijuana as medicine — and found *they already knew* of its unique value in treating glaucoma, and never bothered to tell the public. After tremendous battles, he won the right to use marijuana (supplied from Uncle Sam's Mississippi pot farm), which the bureaucrats tried to make subject to Randall's conceding to keep quiet about it. He refused to accede to this, and they capitulated. But later the "liberal" Carter White House drug policy chief, Dr. Peter Bourne, threatened to cut off Randall's marijuana supply because he insisted on appearing in the press, telling people the truth about this medicine. In effect, the government repeatedly threatened to blind Randall if he didn't keep his mouth shut.

People are still going blind not because marijuana laws cut off the supply of the drug (tens of millions of people use it, after all), but because they cut off the supply of *information*. Glaucoma, cancer, and other patients have had to discover this information independently (and criminally). Or not discover it, and go blind or starve to death in retching agony, which all of them would have done if drug laws had been "successful." These millions of American remain, in effect, victims of a gigantic Tuskegee experiment (an experiment in which black males were intentionally denied medical treatment for syphilis for purposes of studying the disease).

The Procrustean Moral Calculus

Prohibitionists are starting to concede that their policy has costs. Morton Kondracke, writing in *The New Republic*, offers a typical interventionist analysis: he estimates the cost of the drug war at a paltry $30 billion — a third of that for direct enforcement, two-thirds for the cost of crime generated by heroin addicts. But this sort of cost/benefit analysis fudges entries on both sides of the ledger, by techniques including these:

(1) Ignoring the costs of the "Tuskegee experiment" above.

(2) Aggregating costs imposed by people on themselves with costs imposed by people on others. Every life counts the same in this Procrustean moral calculus, the consenting and unconsenting alike. We can see the same shell game when gun control advocates slip suicides into the figures on "gun-related deaths."

Consider what the interventionist does when he cites "productivity loss" as a cost of drugs. If Joe Would-Be-Cokehead were not producing anything in the first place, then his self-destruction would have "zero cost." Thus Joe's very productivity is perversely used as an argument for curtailing his liberty. This approach would argue that if Charles Krauthammer could make more money as a doctor than a political writer, the law should force him to do so.

This leaves us with the one real social cost: accidents, primarily driving under the influence by a small, irresponsible minority of drinkers and other drug users. The idea that we should round up all drug users because of this sounds suspiciously like "There is no such thing as an innocent suspect." Surely this is better dealt with by diverting $10 billion a year worth of zealous narcotics officers into traffic patrols than by attempting preventive detention of all of society.

(3) Ignoring damage to other constitutional rights. When the government can blind its critics lawfully, the First Amendment is a mockery. When the government confiscates putative drug profits (including money intended for attorney's fees) in a "civil" proceeding, due process is mocked, as is effective assistance of counsel. Increasingly obtrusive searches are rubber-stamped in the name of the drug war. Penalties for marijuana sales have often grossly exceeded commonly given penalties for murder. And the list goes on. War is the health of the state, and the drug war is no exception.

(4) Ignoring psychic benefits. The feelings of would-be drug users are given no weight in this scheme, although they are willing to part with money to alter their feelings. This is like saying that one who survived an

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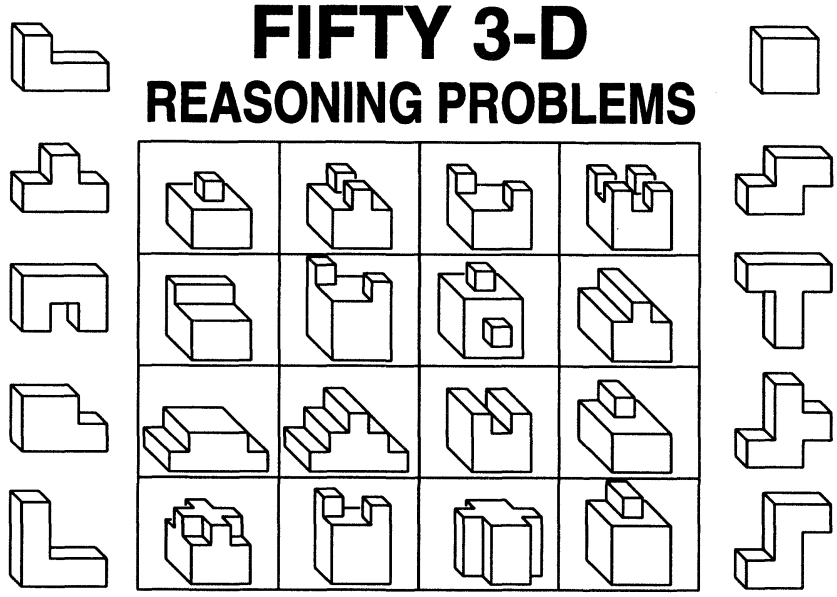

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involuntary game of Russian Roulette had zero loss and one who survived psychotherapy had zero gain. In fact, the psychic benefits of some drugs may be far more than the mere physical pleasure of, say, cocaine.

One of the objections to drugs is that they "cause" some people to lose control over their lives. But in most such cases, I submit, drugs, legal or illegal, are simply the means by which a person carries out his early-life programming for self-destruction. The "cure" is not the removal of a few of many available means to that end, but the teaching of the victim how to change his own programming — i.e., how to be an autonomous human being instead of a robot. Ironically, there is, as noted above, strong evidence that some illegal drugs would be good for precisely that psychotherapeutic purpose. For vast numbers of responsible would-be users, then, drug laws are not aiding but obstructing self-control.

(5) Ignoring spinoffs. *Only when drugs are legal can they give rise to spinoffs benefitting non-users.* This is the biggest cost of all, meriting separate discussion.

Spinoffs

The entire advance of civilization is a web of "spinoffs," intricately and unpredictably related. Cut off a strand of inquiry, narrow the range of allowable personal experiments, and the damage to the web grows exponentially with time — and in ways we cannot predict. Thus Friedrich Hayek writes in *The Constitution of Liberty*, "We shall never get the benefits of freedom, never obtain those unforeseeable new developments for which it provides the opportunity, if it is not also granted where the uses made of it by some do not seem desirable. It is therefore no argument against individual freedom that it is frequently abused."

Let us look at a business analogous to the recreational drug trade: the entertainment industry. If any business could be hamstrung without impairing progress, surely it is this. Let's say, *arguendo*, that "freedom of entertainment" has been grossly abused — that 99% of entertainment dollars have gone for mindless rubbish. But let's see what those dollars have financed.

Audiophiles financed the development of magnetic tape, later used in computers; diskettes and hard discs spun off that. The quarters plunked into early video games helped finance Silicon Valley. From the money consumers spent on laser discs there arose CD-Rom storage, which even New Age bookstores use for instant computer access to *Books In Print*. Couch potatoes in the '50s buying TVs to watch *I Love Lucy* helped make it possible for millions to have high-quality, inexpensive computer monitors today.

Thus entertainment spinoffs accelerated all advances based on computers.

When the government can blind its critics lawfully, the First Amendment is a mockery.

This includes artificial intelligence, whose applications include medical expert systems, aiding doctors with faster and more accurate diagnoses. It also includes the new science of chaos theory, which has been applied to the study of cardiac arrythmia, Parkinson's disease, and similar medical abnormalities.

The hardware and software developed to animate sequences in the *Star Wars* movies have been adapted for computer-aided design and medical imaging applications. It's a shame radiology departments don't have signs rubbing this in, but the first people whose lives were saved by this technology can thank George Lucas and his fans.

If science fiction has yielded medical spinoffs, it defies credibility that recreational drug research would fail to do likewise.

We can already point to the accidental discovery of marijuana's value fighting nausea and glaucoma. In fact, we can even name one of its nonmedical spinoffs: many utilitarian products can be made from the marijuana plant, including an inexpensive, high-grade paper that is far more long-lasting than acid-treated wood pulp. Thus the specific form of cultural brain damage that occurs as many old books disintegrate is one of the continuing legacies of the drug war.

A free society's complex web of information and innovation is one with which we tamper at our peril.

Inventing Danger

The reason our culture has evolved the custom of freedom and the concept of individual rights is that in the long run, they work. And the reason they have developed so slowly is that any zealot, well-meaning but without understanding, can point to the short run.

Every single freedom we now take as self-evidently crucial arose in a struggle against those who attacked it as dangerous. Neophobes of Plato's day attacked *writing* — as an enemy of memory. Luddites, Gordon Tullock tells us in *The Organization of Inquiry*, have been with us always: "inventions which simply eased the method of production of existing products were usually frowned upon [by governments]. The fear that labor-saving inventions will result in widespread unemployment [rather than more but different employment] is as old as history."

Here, in the realm of invention, is the paradigm of the mechanism and value of freedom. Very few people personally utilize the right to invent, and in the short run, some people are "harmed" by invention to the extent of having to change employment. Despite these two factors, we not only let people invent things — we encourage them. We sort out the results in the most callous manner: if they hit the jackpot, we get to use the invention without having taken their risks. If their experiments fail, well, tough for them.

This is the model for the discovery, diffusion, and utilization of knowledge in a free society.

Of course drug use has risks and costs, but only those to bystanders should be curtailed by law. Anything more done to the "social organism" — any laws and silence and lies — is not an immune response, but a jolt of curare, a routing to oblivion of the cultural neurons bearing information on which drug use is beneficial and which harmful.

This cultural lobotomy is a cost we should insist be included in the accounting when next the drug warriors trot out their moral calculators. ❑

Lecture

The Nine Myths of Schooling

by John Taylor Gatto

Everything you ever should have wanted to know about schooling, but didn't think to ask.

The Swiss, just like us, believe that education is the key to their national success. But that's where the similarity ends. In 1990, about 50% of American secondary-school graduates enrolled in college, but only 22% did in Switzerland. In America, almost 100% of our kids go to high school or private equivalents, but under a quarter of Swiss kids do. And yet the Swiss per-capita income is the highest of any nation in the world, and the Swiss keep insisting that virtually everyone in their country is highly educated!

Remember, we're talking about a sophisticated economy that produces the highest per-capita paycheck in the world. High for the lightly schooled as well as the heavily schooled. Higher than Japan's, Germany's, or our own. What on Earth could be going on?

No one goes to high school in Switzerland who doesn't also want to go to college; three-quarters of the young people enter apprenticeships instead. It seems the Swiss don't make the mistake that schooling and education are synonyms.

If you are thinking silently at this point that apprenticeships as a substitute for classroom confinement isn't a very shocking idea — and that it has the drawback of locking kids away from later choosing white-collar work — think again. I wasn't talking about blue-collar apprenticeships (though the Swiss have those, too) but white-collar apprenticeships in abundance. Many top managers of Swiss insurance companies, manufacturing firms, and banks never saw the inside of a high school, let alone a college.

Well, *shocking* is the word for it, isn't it? I mean, here you are putting away your loot in a Swiss bank because it's safe over there and not so safe here, and now I've told you the bank president may only have a sixth-grade education. Just like Shakespeare.

As long as we're playing "Did you know?" — did you know that in Sweden, a country legendary for its quality of life, a nation that outperforms America in every academic category, kids aren't allowed to start school before age seven? The hard-headed Swedes don't want to pay for the social pathologies attendant on ripping a child away from his home and mother and dumping him into a pen with strangers. Can you remember the last time you worried about a Swedish Volvo breaking down prematurely or a Swedish jet engine failing in the air?

Did you know that the entire Swedish school sequence is only nine years long, a net 25% time and tax savings over our own twelve-year sequence?

Did you know that students in Hong Kong, a country with a population the size of Norway's, beat Japanese students in every scientific and mathematical category? Did you know that Hong Kong has a school year ten weeks shorter than Japan's? How on Earth do they manage that if longer school years translate into higher performance?

Why do you suppose you haven't heard about Hong Kong? You've heard enough about Japan, I'm sure.

But I'll bet you haven't heard that in Japan, a recess is held after every class period.

Or that in Flemish Belgium, the country with the shortest school year in the developed world, the kids regularly finish in the top three nations in international academic competition. Is it the water in Belgium or what? Their success obviously didn't come from any passionate commitment to forced schooling.

Did you know that three British prime ministers in this century, including the current one, didn't bother to go to college?

Exactly in whose interest do you think it is that the *New York Times* —

and just about every other outlet for American journalism — doesn't make information like this readily accessible?

If you trust journalists or the professional educational establishment to provide you with the data you need to think for yourself about schooling, you're the kind of citizen who would trade his cow for a handful of colored beans.

Why School?

Shortly into the twentieth century, American educators decided to move away from justifying their jobs with the rhetoric of intellectual development and skills training, and to enter the eerie world of social engineering, a world where "socializing" and "psychologizing" the classroom preempts attention and rewards. Professionalization of the administrative/teaching staff was an important preliminary mechanism to this end, serving as a sieve to remove troublesome interlopers and providing lucrative rewards for allies and camp followers.

Non-intellectual, non-skill schooling was supported by a strange and motley collection of fellow travelers: by unions, yes, but also by such legendary businessmen as Carnegie and Rockefeller, Ford and Astor; by genuine ideologues like John Dewey, yes, but many academic opportunists as well, such as Nicholas Murray Butler of Columbia. Prominent colleges such as Johns Hopkins and Chicago played a large part in the deconstruction of American academic schooling, as did a powerful core of private foundations and think tanks.

Whether they did this out of conviction, for private advantage, or any hybrid of these reasons and more I'll leave for others to debate. What is certain is that the outcome aimed for — socializing children into creatures who would no longer feel easy with their own parents, psychologizing children into dependable and dependent camp followers — had little to do with why parents thought children were ordered into schools.

In the early years of this century, a radical shift was underway, transforming a society of farmers, craftspeople, fishermen, and small entrepreneurs into the disciplined workforce of a corporate state, one in which all the work is sucked into colossal governments, colossal institutions, and colossal business enterprises — a society whose driving logic is comfort, security, predictability, and consensus rather than independence, originality, risk-taking, and uncompromising principle. In the gospel of social engineering this transformation was to lead to a future utopia of welfare capitalism. With the "problem of production" solved, the attention of professional intellectuals and powerful men of wealth turned to controlling distribution, so that a "rational" society, defined as a stable state without internal or external conflicts, could be managed for nations, regions, and eventually the entire planet. In such a system, if you behave, you get a share of the divvy; if you don't, your share is correspondingly reduced. Keep in mind that a small farmer, a carpenter, a fisherman, a seamstress, or an Indian fighter never gave undue attention to being well-behaved and you will begin to see how a centralized economy and centralized schooling box human behavior into a much narrower container than it normally would occupy. You will begin to see why intellectual development, for all its theoretical desirability, can never really be a serious goal for a society seeking comfort, security, predictability, and consensus; indeed, that such a fate must be actively avoided.

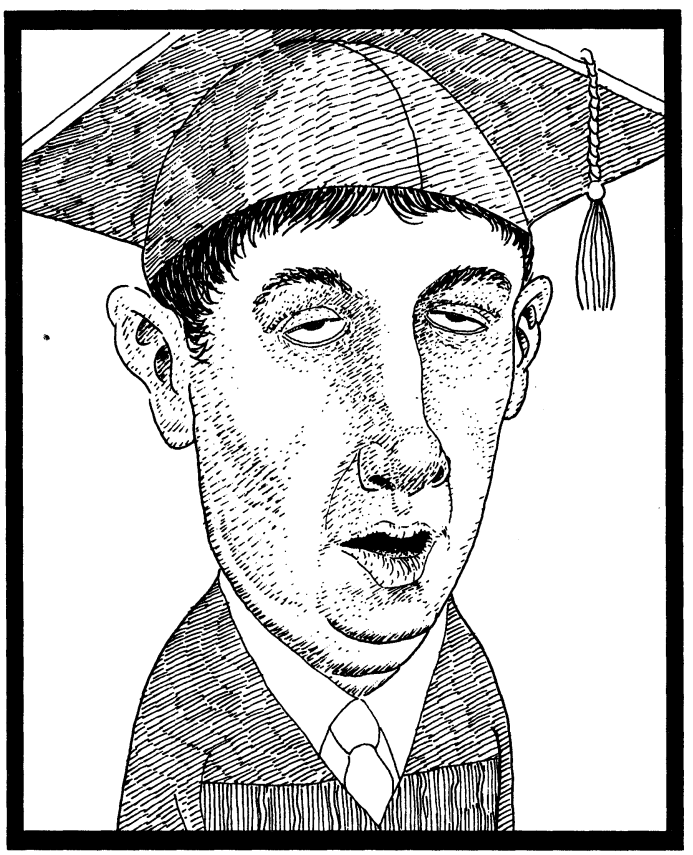

Once this design was in place — and it was firmly in place by 1917 — all that remained to reach the target was a continual series of experiments on public schoolchildren: some modest in scope; many breathtakingly radical, such as "IQ tests" and "kindergartens"; and a full palette of intermediate colors, from "multiculturalism" to "rainbow" curricula to "universal self-esteem."

Each of these thrusts has a part to play in the movement toward the larger planners' utopia. Yet each is capable of being rhetorically defended as the particular redress of some current problem.

The biggest obstacle to a planned society is parents. Parents have their own plans for their own children. Most love their kids, so their motivations are self-reinforcing, unlike those of schoolpeople who "work with children" for a paycheck. Unless held in check, even a few unhappy parents can disrupt the conduct of an educational experiment. The second biggest obstacle to a planned society is religious sects, each of which maintains that God has a plan for all human beings, including children. And the third biggest obstacle is local values and ethnic cultures, which also provide alternative maps for growing up. Each of these three is an external force bidding against the school system for children's loyalties.

One final obstacle — a colossal one

— is the individual nature of each particular child. John Locke pulled a whopper when he maintained that children are blank slates waiting to be written upon. He should have asked a few mothers about that. If you watch children closely under controlled conditions, as I did for 30 years as a schoolteacher, you can hardly fail to conclude that each kid has a private destiny he or she is pulled towards wordlessly — a destiny frequently put out of reach by schoolteachers, school executives, and project officers from the Ford Foundation.

In a planned society, individuality, cultural identity, a relationship with God, and close-knit families must be suppressed, if not totally extinguished. The Soviet Union was an object lesson in this utopian undertaking; the United States has gone down the same road, albeit with more hesitations, at least since the end of the First World War. If the social engineers are to accomplish such a complex transformation of nature into mechanism, the general public must be led to agree to certain apparently sensible assumptions — such as the assumption that a college degree is necessary for a high-status career, even though Swiss corporations and the British government are often run by managers without college training.

The security of schooling depends on many such assumptions, some of which, by adroit concealments worthy of a card sharp, seem to link schooling and future responsibility; and some of which serve to exalt the political state, diminish essential human institutions like the family, or define human nature as mean, violent, and brutish. I'd like to list nine specimens of these assumptions for you, to allow you to gauge which ones you personally accept, and to what degree.

Nine Assumptions

(1) Social cohesion is not possible through means other than government schooling. School is the main defense against social chaos.

(2) Children cannot learn to tolerate each other unless first socialized by government agents.

(3) The only safe mentors of children are certified experts with government-approved conditioning; children must be protected from the uncertified, including parents.

(4) Compelling children to violate family, cultural, and religious norms does not interfere with the development of their intellects or characters.

(5) In order to dilute parental influence, children must be disabused of the notion that mother and father are sovereign in morality or intelligence.

(6) Families should be encouraged to expend concern on the general education of everyone but discouraged from being unduly concerned with their own children's education.

There is no evidence showing a positive relationship between length of schooling and accomplishment.

(7) The state has predominant responsibility for training, morals, and beliefs. Children who escape state scrutiny will become immoral.

(8) Children from families with different beliefs, backgrounds, and styles must be forced together even if those beliefs violently contradict one another. Robert Frost was wrong when he maintained that "good fences make good neighbors."

(9) Government coercion can serve the cause of liberty.

Twenty-One Facts

These assumptions and a few others associated with them lead directly to the shape, style, and exercise of contemporary school politics. And these primary assumptions generate secondary assumptions that fuel the largely phony school debate played out in American journalism, a debate where the most important questions are never asked.

I once had dinner at the same table as Fred Hechinger, education editor of the *New York Times*. When I raised the possibility that the *Times* framed its coverage to omit inconvenient aspects of school questions (such as challenging the presumed connection between quantity of money spent on schools and quality of education), Mr. Hechinger became very angry and contemptuously dismissed my contention. Almost the same thing happened on a different occasion, when I dined at the same table as Albert Shanker of the American Federation of Teachers.

With that history of failure in opening a dialogue with some of the powers and principalities of institutional education — and I could add Lamar Alexander, Bill Bennett, Joe Fernandez, Diane Ravitch, Chester Finn, and many others to the list of luminaries who have listened to me only with impatience — I've turned to addressing the general public instead. I have tried to refute the assumptions schools rely on by drawing people's attention to several facts open to formal verification (or the informal variety grounded in common sense):

(1) There is no relationship between the amount of money spent on schooling and "good" results as measured by parents of any culture. This seems to be because "education" is not a commodity to be purchased but an enlargement of insight, power, understanding, and self-control almost completely outside the cash economy. Education is overwhelmingly an internally generated effort. The five American states that usually spend the least per capita on schooling are the five that usually have the best test results (although Iowa, which is about thirtieth in spending, sometimes creeps into the honored circle).

(2) There is no compelling evidence showing a positive relationship between length of schooling and accomplishment. Many countries with short school years outperform those with long ones by a wide margin.

(3) Most relationships between test scores and job performance are illegitimate, arranged in advance by only allowing those testing well access to work. Would you hire a newspaper reporter because he had A's in English? Have you ever asked your surgeon what grade he got in meat-cutting? George Kennan, intellectual darling of the Washington elite some while ago — and the author of our containment policy against the Soviet Union — often found his secondary-school math and science grades below 60, and at Princeton he had many flunks, D's, and C's. "Sometimes," he said, "it is the unadjusted student

struggling to forge his own standards who develops within himself the thoughtfulness to comprehend." Dean Acheson, Harry Truman's secretary of state, graduated from Groton with a 68 average. The headmaster wrote to his mother, "He is . . . by no means a pleasant boy to teach." Einstein, we all know, was considered a high-grade moron, as were Thomas Edison and Benjamin Franklin. Is there anybody out there who really believes that grades and test scores are the mark of the man?

(4) Training done on the job is invariably cheaper, quicker, and of much higher quality than training done in a school setting.

If you wonder why that should be, consider that education and training are two different things, one residing largely in the development of good habits, the other in the development of vision, understanding, judgment, and the like. Education is self-training; it calls into its calculations mountains of personal data and experience that are simply unobtainable by any schoolteacher or higher pedagogue.

(5) In spite of relentless propaganda to the contrary, the American economy is tending to require *less* knowledge and *less* intellectual ability of its employees, not more. Scientists and mathematicians currently exist in numbers far exceeding any global or national demand — a condition that should grow much worse over the next decade, thanks to the endless hype of pedagogues and politicians. Schools could be restructured to teach children to develop intellect, resourcefulness, and independence, but that would lead in short order to structural changes in the old economy so profound that such a transformation is not likely to be allowed to happen.

(6) The habits, drills, and routines of government schooling sharply reduce initiative and creativity. Furthermore, the mechanism of why this is so has been well-understood for centuries.

(7) Teachers are paid as specialists but they almost never have any real-world experience in their specialties. Indeed, the low quality of their training has been a scandal for 50 years.

(8) A substantial amount of testimony exists from such highly regarded scientists as Richard Feynman, Albert Einstein, and many others that scientific discovery is negatively related to the procedures of school science classes.

(9) According to research by sociologist Christopher Jencks and others, the quality of the school any student attends is a very bad predictor of later success — financial, social, or emotional. On the other hand, quality of family life is a very good predictor.

(10) Children learn fastest and easiest when very young. General intelligence has usually developed as far as it will by the age of four. Most children are capable of reading and enjoying difficult material by that age and also capable of performing all the mathematical operations skillfully and with pleasure. Whether or not kids should do these things is a matter of philosophy and cultural tradition, not a course dictated by any scientific knowledge about the advisability of the practice.

(11) There is a direct relationship between heavy doses of teaching and detachment from reality. Many students so oppressed lose their links with past and future. And the bond with "now" is substantially weakened.

(12) Unknown to the public, virtually all famous remedial programs have failed. Such programs as Title I/ Chapter 1 survive by the good will of political allies, not by results.

(13) There is no credible evidence that forced integration has any positive effect on student performance, but a large body of data suggests that the confinement of children from subcultures with children of a dominant culture does harm to the socially weaker group.

(14) Forced busing has accelerated the disintegration of minority neighborhoods without any visible academic benefit.

(15) There is no reason to believe that any existing educational technology can significantly improve intellectual performance. On the contrary, to the extent that machines establish the goals and work schedules, ask the questions, and monitor the performances, the already catastrophic passivity and indifference created by forced confinement in school only increases.

(16) There is no body of knowledge inaccessible to a motivated elementary student. The sequences of development we use are hardly the product of "science"; they are legacies of unstable men like Pestalozzi and Froebel, and the military government of nineteenth-century Prussia from which we imported them.

(17) Delinquent behavior is a direct reaction to the structure of schooling. It is much worse than the press has reported because all urban school districts conspire to suppress its prevalence. Teachers who insist on justice on behalf of pupils and parents are most frequently intimidated into silence. Or dismissed.

(18) The rituals of schooling reduce mental flexibility, that characteristic vital for adjusting to different situations. Schools strive for uniformity in a world increasingly less uniform.

(19) Teacher-training courses are held in contempt by most practicing teachers as well as the general public, because expensive research has consistently failed to provide guidance to best practice.

(20) Schools create and maintain a caste system, separating children according to irrelevant parameters — poor, working-class, middle-class, and upper-middle-class kids are constantly made aware of alleged differences among themselves.

(21) Efforts to draw a child out of his culture or background has an immediate negative effect on his family relationships, his friendships, and the stability of his self-image.

A Closing Thought

There you have them: nine false assumptions and 21 assertions I think can be documented well enough to call facts. What can we do to remedy the problems that government schooling has caused? After spending 35 years in and around the institution (53 if I count my own time as inmate), the only way I can see to improve American education is to put full choice back into the hands of parents, let the marketplace redefine schooling — a job the special interests are incapable of — and encourage the development of as many styles of schooling as there are human dreams.

Let people, not bureaucrats, determine their own destinies. ❑

Tools for Taxpayers

by Scott J. Reid

The balanced budget amendment is dead. Long live the balanced budget amendment.

At one point during the interminable debate over the Contract with America and its centerpiece, the balanced budget amendment, Sen. Robert Byrd of West Virginia hauled a copy of the Constitution out of his pocket, waved it before the cameras, and melodramatically declared, "This is *my* contract with America." In a debate characterized by tedious exchanges of political clichés, Byrd's Constitution-waving was the rhetorical high point.

Ultimately, the House of Representatives passed the amendment, but the Senate amended it to make it unenforceable, then killed it. To supporters of mandatory spending caps and constitutionally balanced budgets, the failure to translate last spring's political momentum into a two-thirds supermajority in the Senate seems like a political tragedy. In practice, it probably isn't.

Here's why. The Contract with America's balanced budget amendment is only the latest in a long series of legal limitations on government appropriations and spending to enter into American public debate, and it certainly won't be the last. An examination of these proposals reveals that each time the idea comes back, it is a little bit more thorough in the restrictions it places on the government. This latest version was better than the previous one, but probably not good enough to deserve to be carved in constitutional stone — particularly because this would discourage enacting a better, more comprehensive amendment.

Like all legislated or constitutional rules binding government, tax-and-expenditure limitation laws (TELs) are tools, or technologies, for controlling undesirable state behavior. A constitutionally entrenched balanced budget law/spending cap is simply a fiscal version of the rules that prevent the government from silencing the press, outlawing private ownership of firearms,[1] or requiring defendants to incriminate themselves. The closeness of this relationship becomes apparent when one realizes that the taxes and deficits that TELs seek to limit are themselves technical innovations developed by governments in order to circumvent the restrictions the common law and Constitution place on the most direct forms of taking: seizure of goods by means of direct expropriation and seizure of services by means of forced labor. Such restrictions are characterized by some scholars as a "fiscal constitution."[2]

So in a sense, Sen. Byrd is right after all in drawing attention to the existing provisions of the Constitution. The Constitution contains numerous restraints on spending and on takings. Unfortunately, it employs what can only be characterized as outdated technology. Starting from the beginning of the Republic, legislators gradually have found ways of circumventing nearly every one of the tax-and-expenditure limits (better known as "checks and balances") that the Founding Fathers designed. Any effort to recapture in American constitutional law the essence of Washington and Madison's fiscal constitution therefore requires a much more effective TEL than the Contract with America's. In the arms race between increasingly elaborate limits on government spending and increasingly effective devices for getting around them, the recently deceased balanced budget amendment was as out of date as a Sherman tank.

To understand how to make fiscal constitutions more effective, it helps to know a little about their past. Constitutional history in the English-speaking world — and also the history of tax-and-expenditure limitations — begins with the Magna Carta. Before this date, constraints on the arbitrary appropriations of monarchs were limited to those which could be gently urged on them by wise counsellors, or imposed by means of periodic palace revolutions. (Feudalism

also imposed some constraints on the revenue-raising and spending powers of kings, and primitive societies have their own ways of dealing with overbearing chieftains, but that is, as they say, a different story.) In some countries, this absolutist stage of history has continued to exist until very recently; one writer has nicely characterized tsarist rule in nineteenth-century Russia as autocracy tempered by assassination.

In this pre-constitutional period, those enlightened individuals who thought it might be nice to limit Leviathan's appropriations and spending were forced to focus their efforts on insinuating themselves into the court of the nearest king, so that they could whisper sentiments of moderation into his ear. Confucius and his disciple Mencius spent most of their adult lives wandering through the kingdoms of ancient China, looking for local sovereigns willing to consider constructive alternatives to rape and pillage. Likewise, Plato travelled twice from Athens to Sicily in the futile hope of providing decisive counsel to King Dionyisus II of Syracuse, and Aristotle tutored the young Alexander of Macedonia, thereby earning himself a lifetime sinecure as the head of his own university. Normally, as Plato discovered, such advice fell on deaf ears. There was the odd success, as illustrated by the enlightened reigns of King Asoka in India and Marcus Aurelius in Rome. But in general, meaningful changes did not take place in any country prior to the local version of Runnymede.

In the arms race between increasingly elaborate limits on government spending and increasingly effective devices for getting around them, the recently deceased balanced budget amendment was as out of date as a Sherman tank.

The earliest form of TEL, therefore, was the creation of a parliament. To restrain the natural tendency of kings to consume the entire wealth of the nation, a body representing the interests of the rest of society was given the task of limiting the funds available to the monarch. The control by the legislature of the "power of the purse" and the nominal retention by the monarchy of the spending power remains a common feature of parliaments in almost all surviving constitutional monarchies. In Canada, for example, where much traditional British practice was formalized in 1867 and frozen into law in its mid-Victorian form, Section 54 of the constitution requires that bills proposing any form of expenditure be initiated by the queen or her representative rather than by one of the houses of Parliament.

As long as kings were able to retain their role as the initiators of all spending measures, parliamentary control over revenue-raising measures worked tolerably well. Kings were still profligate, but they had to be profligate with less. It is a matter of record that China's dowager empress, who was unrestrained by any parliamentary oversight, and England's Charles II, who could only spend what Parliament gave him, each used the greater share of moneys intended for their nations' respective fleets to purchase corporeal delights. But whereas Tzu Hsi destroyed the economy of a great empire, King Charles' rapaciousness was limited by the size of the budget that Parliament turned over to his care. As a result, his greed had little more effect on England's well-being than the extravagant congressional pension plan has on the economic prosperity of the United States.

Control over the raising of revenue eventually translates into control over the manner in which it is spent. In Britain the transformation from monarchical to parliamentary control over expenditures was largely complete by the end of the eighteenth century. The power to win friends and influence people by dispensing largess proved to be a powerful countervail to the traditional wrath of the electorate against legislators who consented to higher taxes. The pattern of interest-group pressure and legislative overspending that continues to this day was well-established, both in Parliament and in the colonial assemblies, by the time of America's Constitutional Convention.

For this reason, the assumption that popularly-elected representatives will overtax and overspend was built into the bicameral structure of nearly every state constitution. The now-abolished property requirement to hold a seat in many state senates was clearly an attempt to stack the upper house of each legislature with individuals who would be predisposed to reject any excessive taxation measures proposed by the lower house.

Even more telling is the constitutional stipulation, at the federal level, that although most legislation may originate in either house of Congress, spending measures must be initiated in the House of Representatives. If the House were to assume the role of the king, then the Senate would assume the (now-abandoned) role of restraining the House. In Canada, this assumption is etched out even more clearly: not only must spending bills originate in the House of Commons (after their initial proposal by the queen), but the Senate is semi-officially designated as the chamber of "sober second thought."

To judge by the generally restrained fiscal behavior of America's federal government through its first century, bicameralism seems to have been a very effective anti-spending technology. Margaret Bayard Smith's 1906 observation that senators behave toward one another primarily by "falsehood, deceit, treachery"[3] suggests that the all-pervasive logrolling that characterizes the modern Senate was not established until after the bicameral system was over 100 years old. That things have changed over the course of the past 89 years is indicated by Robert Axelrod's observation, in *The Evolution of Cooperation*, that "For me, a typical case of the emergence of

The balanced budget amendment is only the latest in a long series of legal limitations on government appropriations and spending to enter into American public debate.

cooperation is the development of patterns of behavior in a legislative body such as the United States Senate."[4] Axelrod cites the gradual development of the Senate's "folkways" that permit vote-trading as a paradigm for the central theme of his book.

Other procedural restraints on potential overspenders were implemented in the early days of the Republic or introduced over time. In the early days, governors were typically elected only for very short periods and given only limited powers. Later, when it became clear that bicameralism was starting to fail, gubernatorial powers were increased in the hope that governors would act as a check on free-spending state legislatures. The line-item veto, also a part of the Contract with America, is the latest innovation in this game.

Line-item vetoes may be successful to some degree in derailing the congressional logrolling machine. A realistic guess, however, is that its main effect at the federal level will be the same as it has been in the states: it will transform the executive into a sort of one-man third house of Congress, thereby increasing his powers in the logrolling game. If vote-trading (or veto-trading) is more rewarding to the occupant of the White House than the electorate's perception of him as a brake on spending, the line-item veto will prove ineffective.[5]

Term limits are another procedural restraint on overspending. Judging from the results of the 1994 midterm elections, they seem to be even sexier than line-item vetoes. Although there appears to be some truth to the contention that elected legislators become more profligate as the number of terms they serve increases (in *The Culture of Spending*, political scientist James Payne claims to have developed a statistical measure of this phenomenon), term limits are still too new to assess their effectiveness as a means of controlling spending.

Procedural changes such as term limits and line-item vetoes are indirect methods of limiting spending, designed to impede overspending by reducing politicians' incentives to overspend. But of course the Contract with America's balanced budget amendment employed a direct approach. Direct TELs make no assumptions about the redeemability of politicians or about the ability of citizens to play one group of politicians off against another. They simply make overspending illegal. The philosophy of direct limits was summed up tidily by Proposition 13 initiator Howard Jarvis: "The bastards can't spend what they don't have."

The direct approach raises mixed feelings in some observers. One contemporary comment on Jarvis' philosophy was that it was "Neanderthal in its sophistication, merciless in its application," but also that it was effective: "[Jarvis'] strategy is to limit revenues to a level that the electorate deems appropriate and then let the government officials work it out from there. The fact that this might be the only thing that works is a sobering thought."[6] Of course, one could just as easily argue that the first ten amendments to the Constitution are the product of the Neanderthal insistence of the Virginia House of Burgesses that the Constitution spell out the areas off-limits to the federal government, rather than relying exclusively on the more sophisticated set of checks and balances dreamed up at Philadelphia.

The Constitution contains numerous restraints on spending and on takings. Unfortunately, it employs what can only be characterized as outdated technology.

Popular pressure in favor of direct limits on federal spending can be traced back to a time before there *was* any federal spending, to the constitutional debates of the 1780s. "Brutus," one of the leading Anti-Federalist pamphleteers, wrote in 1787, "I can scarcely contemplate a greater calamity that could befall this country, than to be loaded with a debt exceeding their ability ever to discharge. If this be a just remark, it is unwise and improvident to vest in the general government a power to borrow at discretion, without any limitation or restriction."[7]

The Constitution itself did not limit either debt or spending, but its ban on direct taxation placed an effective restraint on revenue-raising capacity. This had the practical impact of limiting both the ability to spend and the ability to repay large debts. This was a tight limit by today's standards, but not enough to satisfy Thomas Jefferson, who wrote to John Taylor in 1798 that if an amendment forbidding deficit spending were made to the Constitution, "I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution."[8]

TEL advocates frequently quote Jefferson's letter nowadays, but his suggestion had no short-term practical impact. Debt limits were forgotten until the mid-nineteenth century, when reformers added them to most state constitutions after overspending on canal and railroad construction caused a rash of state and municipal bond defaults. By the end of the century, nearly every state had amended its constitution either to eliminate state and local borrowing entirely or to limit it to fixed-dollar amounts that rapidly became negligible as the population ballooned and commerce expanded. So thorough were these bans on deficit spending that by the 1890s state and municipal debt was regarded as a matter of purely historical interest. At the federal level, debts accumulated

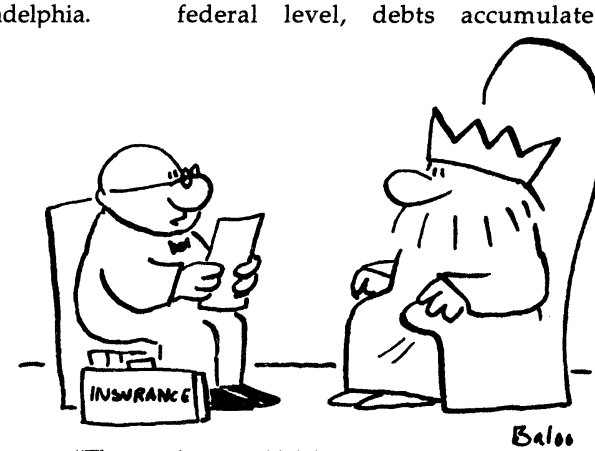

"The premiums are high because you're in a high-risk profession."

during the Civil War were rapidly paid down with revenues from the country's extremely high tariffs, while deficits remained small of their own accord and were regularly balanced by surpluses.

The eventual overthrow of this equilibrium at the federal level after World War II is a well-known story. However, things had started to unravel at the state level far earlier. Almost immediately after the states amended their constitutions to prohibit public debt, politicians began to seek out ways to circumvent them without violating the letter of the law. The technology that finally did the trick was the "off-budget enterprise" (OBE). OBEs were initiated by government but were to be financed — on paper at least — by revenues generated by their operations, rather than tax revenues. As James Bennett and Thomas DiLorenzo explain in their comprehensive book on OBEs, *Underground Government*,

> Because the taxpayer is not deemed to be liable for the financial obligations of OBEs, voter approval is not required for the debt issued by such organizations and, more importantly, debt restrictions do not apply. . . . No great feat of logic was required to establish a separate corporate entity to issue bonds and, simultaneously, to escape the borrowing restrictions that had been imposed on the unit of government that had created the corporation. . . . By superimposing separate corporations on a political jurisdiction, politicians could effectively multiply the debt limit, even if the debt limit is applied to each corporation.[9]

The first such district (the Kennebec Water District) was created by the city of Waterville, Maine, in 1899, following a court battle over the legality of this clear violation of the spirit of the state constitution. In the ensuing years, debt limit laws gradually lost all meaning, though they remained on the books in most states.

At the federal level, statutory limits on debt were first imposed in 1917, as part of the Second Liberty Loan Act. The complete failure of the legislated limit as a restraint on spending was quickly demonstrated, as Congress adjusted the debt limit upward to $43.5 billion in 1921 and higher still in 1931 to deal with "the exigencies of the Great Depression."[10] In 1940 the ceiling was raised again, and in 1945 Congress set it at the "permanent" level of $300 billion, which was raised "temporarily" by another notch with each budget debate of the 1950s and 1960s (and "permanently" again in 1959 and 1967). The Budget and Impoundment Control Act of 1974 and Gramm-Rudman-Hollings are merely the best-known of a long list of statutory limits that have had precisely no effect on government spending.

Debt limit laws themselves evolved into pork-barrel legislation. The low point was probably reached in 1982, when senators added more than 1,400 nongermane amendments to that year's debt limit bill in response to Majority Leader Howard Baker's promise that it could be used "as a vehicle for pet legislation that had been bottled up all session."[11] After this embarrassment, it was agreed that henceforth legislators would have to find other bills to which to attach their pet projects. But by 1987, the omnibus idea had emerged in a new form, with Congress submitting a single vast spending bill to President Reagan in place of a number of smaller appropriation bills, thereby "essentially daring him to veto them and shut down much of government."[12]

Legislators have found ways of circumventing nearly every one of the tax-and-expenditure limits (better known as "checks and balances") the Founding Fathers designed.

The brief illusion of stability that statutory debt limits seemed to bring in the early postwar era was actually a product of two factors completely unrelated to the laws themselves. First, the appropriations committees of both houses, as well as the Senate's Finance Committee and the House Ways and Means Committee, were dominated by curmudgeonly old chairmen who didn't care for new-fangled deficit-promoting Keynesian ideas or policies. Second, and more important, in the first two decades of the postwar era America experienced such a surge of economic growth that it became possible to increase government spending at a rapid rate within the confines, more or less, of a balanced budget. Had it been possible to maintain these growth rates into the 1970s, the illusion of fiscal moderation would have been maintained even longer.

But the 1970s were not a period of economic growth. The economy stagnated while government spending continued to soar. Popular frustrations with overspending grew, launching a new wave of demands for direct limitations on deficits, taxation, and expenditures at both the federal and state levels. This wave, which culminated with the passage of Proposition 13 in California and Proposition $2^1/_2$ in Massachusetts, lasted from 1973 (when Ronald Reagan's comprehensive TEL, Proposition 1, failed to win the approval of a majority of California voters), until about 1983.[13] During this period, voters in five states were successful in initiating TELs and constitutionally imposing them on their governments, while the legislatures in more than a dozen other states adopted statutory TELs or prepared constitutional TELs for voter approval, usually with the intent of derailing more stringent petition-driven measures.[14]

These were the first pieces of legislation to be called "tax-and-expenditure limitations." As the label makes clear, these new technologies were intended to be far more comprehensive than any direct restriction previously imposed by a state fiscal constitution. Typically, TELs of this generation limited legislatures' ability to raise taxes or increase expenditures faster than the rate at which the state's gross domestic product was growing.

Legislated TELs from the Proposition 13 era have proven to be so full of loopholes as to be completely meaningless, and constitutional TELs seem to have had a only minimal impact on spending levels. Reports published in the 1980s and early 1990s repeatedly arrive at the same depressing conclusion: "[TELs have] resulted in virtually no success in limiting growth in their budgets" (Dale Bails, 1990); "For most

states, TELs have not been a constraint on growth in taxing or spending" (Daphne Kenyon and Karen Benker, 1984); "By and large, the behavior of the [spending] cap states has been similar to that of noncap states." (James Cox and David Lowery, 1990). The most optimistic study concludes that less than half of the TELs of this generation have succeeded in keeping spending increases significantly lower than they would otherwise have been — and even in these states, the effect was only temporary, lasting on average for around four years.[15]

Their failure can best be explained by way of metaphor. TELs are intended as a sort of dam behind which private wealth can accumulate free from government appropriation or control. The quantity of water that can accumulate in the reservoir behind the dam depends on two factors.

The first is the height of the dam. TELs from the 1970s and early 1980s typically limited state expenditures to a percentage of state wealth, as measured by Gross Domestic Product, personal wealth, or some other yardstick. This was an easy target to meet, given that taxes in many states had already approached levels at which the political cost, in terms of taxpayer backlash, from any additional revenue increases

The earliest form of tax limitation was the creation of a parliament.

outweighed the political benefits of increased spending.[16] A 1989 review of the impact of TELs notes that in 16 of the 19 states studied, the revenue limit set in place by the state TEL was so lenient that it had always exceeded appropriations.[17]

So in a sense, the dams were built too low.

Second, most TELs — particularly the ones passed by state legislatures — included elaborate mechanisms for setting aside the normal limitations in the event of emergencies, or for purposes that were judged too important to be regulated by mere considerations of cost, such as education, fulfilling federal mandates, and obtaining federal matching grants.

Some TELs allowed legislatures to control and periodically rewrite the accounting rules by which they were to be judged; some excluded vast sections of the total budget from limitation. Marcia Howard, research director at the National Association of State Budget Officers, notes that "on average, approximately 44% of state-appropriated funds are excluded from tax or expenditure limitations."[18] The most extreme case is Oregon, where in 1989, 71% of the funds in the state budget were exempted from the limits imposed by the state TEL. There was no state in which less than a quarter of the budget had been exempted from the TEL.

This kind of loophole is the equivalent of a hole in the dam.

The taxpayers' revolt of the late 1970s and early 1980s produced no concrete results at the federal level, but it did produce a series of proposals for a constitutionally-entrenched federal TEL. Most of these proposals suffer from the same flaws as the state-level TELs of the period, so it is probably just as well that none of them was adopted.[19] Even some of the authors of these proposals seemed uncertain as to whether their efforts would produce positive results. In 1982, for example, Alvin Rabushka expressed the rather vague hope that the TEL he was then promoting would establish "a focus upon two or three critical votes each year relating to the total level of taxation or the size of the deficits, in place of the present piecemeal focus on hundreds of separate spending measures," thereby "enabl[ing] the electorate to better identify those members of Congress most responsible for higher levels of spending, taxing, and deficits."[20] The likelihood that such a measure would reduce expenditures can be surmised from the unimpressive performance of Britain, Canada, Australia, and other countries that have based their entire political systems on accountability.

Although it incorporates some more recent innovations, such as a flat-rate ceiling on government expenditures rather than a ceiling that is measured as a percentage of GDP, the Contract with America's balanced budget amendment is essentially a product of the tax revolt of the late '70s and early '80s, and contains the weaknesses normally found in tax limitations of that generation. Conspicuous by their absence are the innovations that have been added into the latest generation of tax-and-expenditure limits, such as the voter approval requirements for expenditure increases, provisions making a violation of the TEL actionable in a court of law, and

So thorough were the states' bans on deficit spending that by the 1890s state and municipal debt was regarded as a matter of purely historical interest.

mechanisms for punishing elected officials who have violated the spending limit. Such measures have been adopted or are under consideration in Colorado, Washington, Oklahoma, and Nevada, and in the Canadian provinces of Manitoba and Ontario. One particularly important provision that is almost certain to be written into the next version of the federal TEL will be an anti-offloading provision forbidding the federal government from requiring states or municipalities to undertake tasks they cannot afford within the constraints of its constitutional spending limits. Such a provision exists already in the state constitutions of Colorado and Missouri (with regard to offloading expenditures onto county and municipal governments), and its absence from the Contract with America's TEL was the object of much concern last spring. This improvement, in itself, makes the delay in the adoption of a balanced budget amendment worth the wait.

Bringing the federal-level TEL up to par with the present generation of state-level TELs will be an important step, but even this represents merely a stage in the long struggle to develop a responsible fiscal constitution. One of the most important developments in the Prop 13-era tax revolt was an outpouring of intellectual publications on the concept of TELs and of fiscal constitutions in general. The studies and

theoretical essays authored by Rabushka, Aaron Wildavsky, and others[21] have not only laid the intellectual framework for the latest generation of TELs, but also noted the substantial additional restraints that will have to be adopted before Leviathan is truly tamed.

Among these measures is a limit on Congress' power to require individuals to undertake economic functions without regard to cost. This is the equivalent, at the personal level, of the unfunded mandates Washington imposes on lower levels of government; as long as this power exists, any limitation on direct expenditures will serve merely as a minor impediment to the powers of the state. Nearly as important are limitations on governments' ability to make loan guarantees. Without restraining these indirect methods of spending, there will be nothing to prevent governments from creating new off-the-book deficits just as big and nasty as the existing Social Security debt.

The most promising new proposal issues from James Buchanan and Geoffrey Brennan. They recommend that each act of Congress should state not only what is being spent and where, but also what the limit on such expenditures shall be. Every runaway taxation effort or spending project, from the Sixteenth Amendment to Medicaid, has been enacted with a promise that expenditures would be modest. A constitutional requirement that spending under any act be limited to the amount appropriated when the law was passed would reduce the number and the severity of any new out-of-control entitlements or taxing authorities.

A balanced budget and spending cap amendment would be a real step forward. But this particular road never ends. ❑

Notes:

1. In Canada, where I live, the government is in the process of enacting one of the most restrictive gun laws on Earth. No compensation is being offered for the millions of weapons that will eventually be confiscated, which points rather strongly to the need, north of the border, for a version of the Fifth Amendment.
2. See, for example, Kenneth Dam's article, "The American Fiscal Constitution," *The University of Chicago Law Review*, Winter 1977. W. Craig Stubblebine has observed of the fiscal constitution that the "central concern is not . . . whether we should have such limits, but whether the provisions now extant in the Constitution will be modified by new language." W. Craig Stubblebine, "Balancing the Budget versus Limited Spending," in W.S. Moore and Rudolph Penner (eds.), *The Constitution and the Budget: Are Constitutional Limits on Tax, Spending and Budget Powers Desirable at the Federal Level?* (American Enterprise Institute, 1980), p. 50.
3. Quoted in Robert Axelrod, *The Evolution of Cooperation* (Basic Books, 1984), p. 5.
4. Ibid.
5. This is not to rule out entirely the beneficial effects of the line-item veto. Lewis Uhler reports that a 1981 report prepared by the Advisory Council on Intergovernmental Relations found that "there is a [statistically] significant relationship between the magnitude of the governor's veto activity and lower levels of state spending." See Lewis Uhler, *Setting Limits: Constitutional Control of Government* (Regnery Gateway, 1989), p. 161.
6. Both Jarvis and the contemporary commentator are quoted in Stubblebine, op. cit., p. 52.
7. Quoted in William Irvine, "'Brutus': Anti-federalist hero," *The Wall Street Journal*, February 6, 1987.
8. Thomas Jefferson, letter to John Taylor, November 26, 1798, in Paul L. Ford (ed.), *The Writings of Thomas Jefferson* (E.G. Putnam's Sons, 1904), p. 481.
9. James Bennett and Thomas DiLorenzo, *Underground Government: The Off-Budget Public Sector* (Cato Institute, 1983), pp. 35–36.
10. This is the phrase used by Linda Kowalcky and Lance LeLoup in "Congress and the Politics of Statutory Debt Limitation," *Public Administration Review* 53:1, January/February 1993, p. 15.
11. Ibid., p. 23.
12. Uhler, op cit., p. 48.
13. Writing in 1989, Marcia Howard notes that all but two of the 19 TELs then in force had been adopted prior to 1983. The only exceptions were a revenue-limiting TEL adopted in Massachusetts in 1986 and a revenue-limiting TEL adopted in New Mexico in 1987. See Marcia Howard, "State Tax and Expenditure Limitations: There is No Story," *Public Budgeting and Finance* 9:2, Summer 1989, p. 83.
14. For a list of these measures, including the manner of initiation and adoption, see Dean Stansel, "Taming Leviathan: Are Tax and Spending Limits the Answer?" *Cato Institute Policy Analysis* #213, p. 16.
15. Barry Poulson, "The Rules of the Game: Designing a State Fiscal Constitution," in John Berthoud and Samuel Brunelli (eds.), *The Crisis in America's State Budgets: A Blueprint for Budget Reform* (American Legislative Exchange Council, 1993), p. 133.
16. Marcia Howard writes the following (op. cit., p. 89): "For revenue systems as a whole, the percent of state personal income accounted for by tax revenue has grown. When corrected for recession-related tax increases from 1983 to 1984 and federal tax reform in 1986, however, taxes as a share of income have remained relatively constant. This suggests that TELs may not be needed to keep state spending under control; state tax systems do that by themselves." On the other hand, the revenue and expenditure limitations were occasionally triggered. Howard notes that revenue limits had been triggered in California, Oregon, and Massachusetts by 1989, with the result that some tax revenues were refunded to taxpayers, and that expenditure limits had been triggered in Colorado, California, Oregon, Rhode Island, and Tennessee (p. 86). Likewise, Michigan's revenue limit was triggered in the 1993–94 fiscal year, forcing the state to find some way to refund taxpayers an average of $65 per capita before September 30, 1995. See Oscar Suris, "Michigan Residents May Get Unexpected Reduction in Taxes," *The Wall Street Journal*, January 10, 1995.
17. Ibid., p. 86.
18. Ibid., p. 87.
19. Proposals from this period include the Heinz-Stone spending limitation amendment (1979) and Senate Joint Resolution 58 (1981), both of which were endorsed in turn by the National Tax Limitation Committee, and proposals authored by William Niskanen and Aaron Wildavsky. See (among others) Alvin Rabushka, "A Compelling Case for a Constitutional Amendment to Balance the Budget and Limit Taxes," in Richard Wagner, Robert Tollison, and John Noonan (eds.), *Balanced Budgets, Fiscal Responsibility and the Constitution* (Cato Institute, 1982), pp. 55–83; Aaron Wildavsky, *How to Limit Government Spending* (University of California Press, 1980), pp. 127–133.
20. Rabushka, op. cit., p. 81.
21. Probably the most important work to come from this period was James Buchanan and Geoffrey Brennan's *The Power to Tax: Analytical Foundations of a Fiscal Constitution* (Cambridge University Press, 1980), in which they developed the theory of the revenue-maximizing "Leviathan" state.

Assessment

Auditing the Income Tax

by Pierre Lemieux

"Progress = Regress": welcome to the wonderful world of the income tax.

A resident of, say, Butte, Montana, who earns $14,000 per year must surrender 15% of his income to the United States Treasury and another 6% to the State of Montana. His neighbor who earns $62,000 must surrender 34% of his income to the *federales* and another 11% to his state. In other words, the person who earns $15,000 must work for his state and federal governments for 10.4 weeks per year, while a person who earns $60,000 must work for his governments more than twice as long — a total of 23.4 weeks per year.

Such discrimination is not always apparent in other demands that governments make on their citizens. There has never been a provision requiring young men with high incomes — say, the gigantic gifted athletes of the National Basketball Association — to be conscripted into military service for four years, while less affluent young men be drafted for only two. Nor have the courts forced high-income individuals to serve longer terms as jurors. The taxes embedded in the price of every gallon of gasoline, every bottle of wine, and every cigarette are the same for the rich as for the poor. The postage stamp sold by Canada Post costs 43¢ — many, many times more than an e-mail message — whether its buyer is wealthy or indigent.

Does discrimination become "progressive" when applied to an income tax, or is it merely the majority's way of forcing the better-off minority to pay a disproportionate amount of the cost of government? My intent here is to show not only that there is no economic justification for progressivity, but that there exists a strong moral and political case against any tax levied as a function of income.

To understand the economic argument against progressivity, one must first grasp the difference between a real cost and a mere transfer. Since some individuals necessarily receive more in government services than they pay in taxes, taxation operates transfers among individuals. Standard economic theory does not have much to say about transfers, for it assumes that the "marginal utility of income" is the same for all individuals, i.e., that everybody's last dollar is worth the same in terms of utility (satisfaction).

As non-voluntary and recurring transfers, though, taxes carry a real economic cost over and above the transfers they operate. The price of a good (or service) hit by a tax will increase compared to other goods. Individuals will consume less of the former and more of the latter. By distorting relative prices, taxes incite people to substitute goods that bring less utility for goods they actually prefer. This net utility lost — or its money value — is called the welfare cost, or "deadweight loss," of taxes. There is less to redistribute because taxes dampen incentives to produce and consume more valuable goods and services. This of course applies to income taxation, which reduces the price of leisure relative to other goods (bought with income). The standard economic case in favor of income taxation is that it is less distorting, more "neutral," than other kinds of taxes, because it hits more equally all economic activities. While personal income taxes only exclude leisure, payroll taxes discriminate against salaried employment, consumption taxes favor savings, etc.

The Economic Case Against Progressivity

Progressivity increases the income tax's welfare cost and cancels at least part of its less distorting effects on relative prices. An income tax levied at one single constant rate would still reduce the remuneration of work and the price of leisure, and would still generate welfare costs, but less than progressive rates would. For if a government wishes to raise the same amount of taxes with progressive rates as with a constant rate, it will

have to compensate for lower rates at the bottom of the income scale with higher rates at the top. These higher rates will have a negative effect on work incentives and thus increase the welfare cost of taxation.

The only way that substituting a progressive tax for a flat tax could reduce the welfare cost of taxation (for a given level of government revenues) is if the low-income earners were to react to lower marginal rates by increasing their supply of labor more than the high-income earners were to reduce theirs. This is unlikely, though, for the high-income earners probably do not value leisure less than low-income earners. Those subjected to the largest disincentive effects are likely to be the most productive. Indeed, it has been estimated that the welfare cost of one dollar raised through the actual income tax system could be as high as $0.38, and that the shift to a constant marginal rate would raise GDP by 3%, or nearly $750 per person.[1]

There has never been a provision requiring young men with high incomes to be conscripted into military service for four years, while less affluent young men be drafted for only two.

A progressive income tax is discriminatory as it imposes differential burdens on different individuals. Now, this is not true if (contrary to what we have assumed thus far) the marginal utility of income is lower for the rich than for the poor. Then, one more tax dollar imposes a higher utility loss to the poor than to the rich. There is a net loss, and a real economic cost, in non-discriminatory taxes. Consequently, argue the supporters of tax discrimination, tax equality in terms of utility lost requires taxing the poor less than the rich.

This argument does have some intuitive appeal, if only because an individual experiences that, *for himself*, a dollar is worth more when he is poor than when he was rich. In other terms, for any given individual, the marginal utility of income decreases as he gets more of it. But the difficulty lies in comparing utility across individuals. Utility is subjective and cannot be measured, so the objection is impossible to prove or disprove. Moreover, one's intuition is not independent of one's own preferences. It may be true that one less Havana cigar for a rich man is worth less than a two-day milk supply for a poor man's child. But what if the poor man buys a case of beer and the rich man a recording of a Bach harpsichord concerto? Faced with these and similar considerations, the welfare economist usually assumes that the marginal utility of income is the same across individuals. This assumption may not be more satisfactory than an accounting convention, but it at least embodies the fundamental axiom that "Each man counts for one, and that is that," as James Buchanan puts it.[2]

A more subtle economic argument for discriminatory taxes is that if the government knew all individuals' preferences, it could impose higher taxes on those whose behavior is less responsive to relative prices — those, for example, less inclined to reduce their work after being taxed higher. But if the government could graduate an individual's income tax according to his subjective demand for income (and conversely leisure), the ideal schedule to minimize disincentives would be a regressive one, i.e., from the highest marginal rate for the first hour of income-earning activities to lower rates as the marginal utility of income decreases.

So it may be that optimal discrimination would actually require *regressive* taxes. Such a system would be politically unacceptable, of course. Moreover, tax discrimination carries economic costs of its own, over and above the welfare costs considered earlier. In the real world of majoritarian democracy, as opposed to the benevolent-despot model of the state, coalitions of taxpayers will try to get on the right side of discrimination. This rent-seeking means that they will invest real resources (time, political contributions, lobbying, etc.) that could have been used for producing wealth instead of merely transferring it. Tax discrimination will also generate a complex tax system, with high administrative and compliance costs.[3] These efficiency costs of tax discrimination are likely to be higher than any of its uncertain benefits.

The standard alternative to the high economic costs of a graduated income tax is the "flat tax," which would tax all incomes at the same rate. In the U.S., this idea has been in the air since the '80s, and some proposals actually before Congress would replace the existing schedule with a single marginal rate of 17% or 19%, designed to be "revenue-neutral," i.e., to bring the same revenues into the government's coffers.

One problem with a flat tax is that it will be tempting for government to inflate it again. Look at the record. The U.S. federal income tax was introduced in 1913, with rates ranging from 1% to 6%. World War I rapidly brought the top marginal rate to 77%. It shot up to 94% during World War II, and was still 92% in 1952–53. John Kennedy initiated a reduction to 70%. The top rate then seesawed between 77% and 50%, until Ronald Reagan's reforms replaced the 11%–50%, 15-rate schedule with a three-tier structure: 15%, 28%, and 33%. George Bush and Bill Clinton have since added 31%, 36%, and 39.6% rates.

When free to exert tax discrimination, Leviathan is in a position to levy the highest rates against those subjects who are least likely to respond to the disincentives of the tax system.

But a flat income tax that remains flat would certainly be less discriminatory and less costly than the present system. The problem with income taxation, though, is much deeper than its narrow economic aspects and, I am convinced, not amenable to such a simple solution.

The Moral Curse of Redistribution

The moral case for an income-based tax is closely related to the assumed

desirability of redistributing income to the poor. Of course, even a flat rate would make the distribution of income more equal. As we saw, the economist does not have much to say about income redistribution, except to the extent than the process generates real economic costs. If $100 were to be taken from all women and redistributed among all men in a one-shot, lump-sum, and non-recurrent manner, there would be no welfare cost. From an ethical point of view, though, such redistribution would certainly be questionable. Transfers are not morally neutral.

One argument for redistribution proceeds from the notion of need: some people's needs are not satisfied on the market, while other people earn more money than they need. But how do we measure need? Any definition — in terms of basic or primary needs, for example — is necessarily arbitrary and a function of time and place. Otherwise, it would be a matter of justice for poor Americans to be coerced into making transfers to even poorer people across the planet.

Assessments of need are common in voluntary relations: when I give $10 to my son, I judge that he needs it more than I do. But the more removed we are from close personal relations or voluntary charity, the more uncertain the assessment is. Redistributing according to need across what Hayek calls the "Great Society" requires arbitrary appraisal and coercive action.

Yet, the idea that some needs have priority over others cannot be summarily dismissed. From the point of view of human accomplishment, the needs of a hungry child have priority over the swimming pools of the rich. Even the advocate of the minimal state wants to have his property rights protected more than his other wants fulfilled. And the anarchist would argue that people need to be freed from government more than they need electric toothbrushes. Of course, the more we move away from the most basic requirements of human accomplishment and social life, the fuzzier and the more conflictive the needs argument becomes. Let's avoid drawing the line, and just say that some needs may have priority over others, that people in dire need (either for protection or food) should be helped. Private charity will certainly provide help. But suppose it is not sufficient?

In such a case, a distinction can be made between "direct" (or intentional) and "indirect" redistribution. Direct redistribution aims at a more equal distribution of income. Indirect redistribution, on the contrary, is just a by-product of other actions, without any grand view to flattening income distribution. While direct redistribution violates individual rights, indirect redistribution cannot be disentangled from most voluntary relations, nor from production of "needed" public goods. If the minimal state's police spend more resources protecting more vulnerable individuals, this is indirect redistribution. Or consider a private hospital whose bad debts from poor patients are indirectly financed by higher prices charged to paying customers. Indirect redistribution does have the side effect of making utility somewhat more equal, but such is not its goal.

One less Havana cigar for a rich man is worth less than a two-day milk supply for a poor man's child. But what if the poor man buys a case of beer and the rich man a recording of a Bach harpsichord concerto?

In other words, setting an income or utility floor, by whatever private or public means, is logically distinct from the purpose of equalizing incomes. The argument from need calls for indirect, not direct, redistribution. If the only tax levied were a head tax, indirect redistribution would ensue from the way the moneys are spent. Income taxation, then, is not required. Indirect redistribution is accomplished by the expenditure side of state activity.

Maximizing Social Welfare

Modern utilitarians justify redistribution with the goal of maximizing total utility (or "social welfare"). Since it is impossible to quantify individual satisfactions, let alone calculate their total, utilitarians fall back on the concept of the "social welfare function," which embodies society's preferences as regards the distribution of utility among individuals. The argument is often couched in terms of the "trade-off between efficiency and equity." Because of the welfare cost of taxation, redistributing income will move society under its efficiency frontier. But even with this efficiency loss, people might still prefer the new distribution to more efficient but more unequal outcomes.

The main analytical problem with the social welfare function is that it does not exist. Society is not a superindividual with a mind capable of harboring preferences. Political processes (or any other processes, for that matter) are demonstrably incapable of consolidating individual preferences into anything like an unambiguous, consistent utility function.[4]

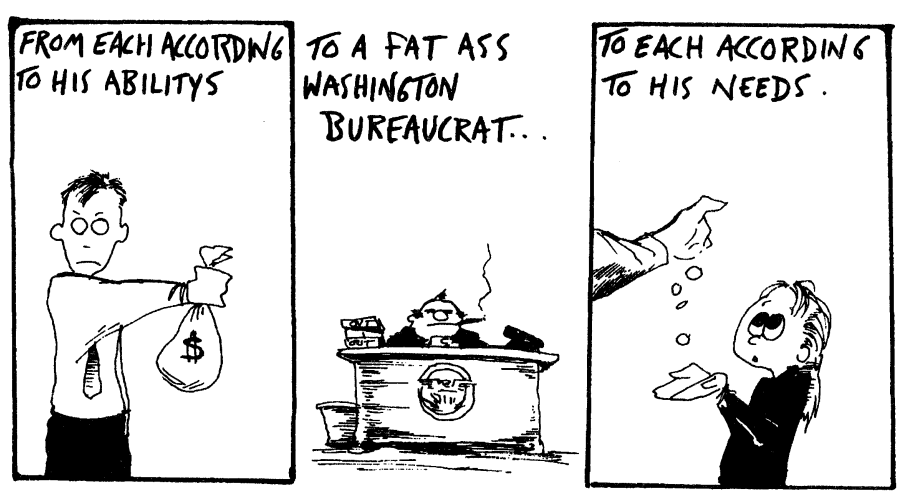

Moreover, as powerfully argued by Bertrand de Jouvenel,[5] there is a blatant inconsistency between the objective of maximizing social utility through redistribution, and any post-redistribution intervention. Suppose government has redistributed income to maximize social utility. If income is redistributed from the rich to the poor, making everybody middle-class, demand for high-income goods and services (say, sports cars, classical concerts, or Ivy League educations) will fall, while demand for middle-taste goods (family sedans, baseball games, self-help books) will rise. Now, the same people who argue for income redistribution in order to increase social utility are also likely to propose that the state then support these very activities — education, the arts, urban renovation, etc. — that will decline absent a wealthy class.

If the state has to intervene to support what the rich were financing before redistribution, that means that social welfare was higher before. And then income redistribution did not increase social welfare as claimed. It will not do to reply that state financing will equalize access to what was formerly the preserve of the rich, for government will certainly not be able to produce more with the wealthy's money then the latter's demands were bringing on the market. The difference will be that, after redistribution *cum* intervention, some people will now get goods they are not willing to pay for, while those who would be willing are expropriated.

From a utilitarian point of view, the case for forced redistribution seems to boil down to a single factor: envy. The mere observation of higher incomes creates so much disutility among the less well-off that they gain more from redistribution than what the rich lose. Expediency and brute force provide a closely related justification: let the most powerful charge, as it were, what the market will bear. In his delicious little book, *The Income Tax: Root of all Evil*, Frank Chodorov quotes one economics text: "Yet it is inevitable that taxes should be levied in this [progressive and redistributionist] way because the state must get the revenues from people who have the money." This means, comments Chodorov, that "it is right to get where the getting is good."[6] More to the point, one is reminded of Willie Sutton's famous explanation of why he robs banks: "Because that's where the money is."

Contractarian Redistribution

Another argument for redistribution lies in contractarian equity or fairness. All individuals unanimously agree to redistribution at some fictitious constitutional stage — "under the veil of ignorance," as John Rawls puts it. It is in each individual's interest to make sure that he cannot fall to the bottom of a very unequal distribution of income.

Parties to this social contract are very convenient creatures: Rawlsians can mold their preferences (risk aversion, for instance) to get any redistributive outcome they like. You wouldn't know it from reading Rawls, but the social contractors might not be completely ignorant of the costs and benefits of political society. Negotiating behind the veil of ignorance, some of them just might recognize the public-choice dangers of the welfare state. They may realize that granting redistributive powers to the state will invite exploitation of minorities by the majority, or even of the majority by minorities. Most of the actual redistribution carried out by the state benefits bureacracies and the "poverty industry" much more than the poor. A host of regulations, from minimum wages to occupational licensure, actually redistribute income opportunities *away* from the poor, who are not always members of the winning redistributive coalitions.[7] Consequently, the original parties to a social contract are just as likely to limit the state's redistributive powers as to expand them.

One is reminded of Willie Sutton's famous explanation of why he robs banks: "Because that's where the money is."

Perhaps the most serious argument for income-based, redistributive taxes is that the value one receives from government services is related to one's income. "The subjects of every state," wrote Adam Smith, "ought to contribute towards the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state."[8] The idea that one benefits from the state's existence in a way that is proportional to one's income probably explains why so many classical liberal thinkers accept proportional taxation as non-discriminatory and just.

In the context of voluntary exchanges, prices of goods and services generally bear no relation to the buyer's (or the seller's) income. Suppose a grocer offers you the following deal: "When you purchase a pound of beef, I will charge a price equal to X% your income." ("And here is the beef-income report to be filled each year.") Perhaps you will accept if X% amounts to less than the fixed prices offered by competing grocers; otherwise you will decline, or put an end to the deal when your circumstances change. The fact that everybody reasons the same way explains why grocers do not make such offers. If the state is considered a voluntary institution created by a social contract, why would the contracting parties to be any more sympathetic to this method of settlement? After all, they are also the state, and will not wish to be in the grocer's shoes.

The State as Insurer, the State as Pimp

One could argue that protection of life and property resembles an insurance contract. Just as an insurance company will charge you more to cover a castle than a shack, the state is justified to exact more payment from somebody whose protected property is more valuable. This argument might well be applicable to real property taxation, but does it apply to the state protecting one's own person? Other things being equal, a Pinkerton bodyguard will not charge you more if you are wealthier.

Other things are not always equal, though, as in ransom insurance, where the risk of being kidnapped presumably goes up with your wealth. It is not altogether inconceivable that prices charged by private protection agencies

in an anarcho-capitalist society would bear some relation to a person's wealth or income.

The question now is, *Why do we need the state?* Assuming that we do need it, the answer is presumably because protection of individual rights is deemed too important to be left entirely to the market. This amounts to saying that, as far as one's own protection is concerned, one person is worth as much as any other, whatever his income or the value of his human capital. Otherwise, why should not the state charge more for protecting, say, a sexy woman than an old maid? Either the price of personal protection depends on the "value" of an individual, and we don't need the state, or else we need the state precisely because we think protecting all individuals' rights is equally important. If this reasoning is valid, the state may not tie the price of personal protection to an individual's wealth or income.

While insurance premiums are a function of covered property values, commissions compensate services rendered in proportion of income derived from the deal. Read Adam Smith's argument between the lines: the more income you earn, the more you owe in taxes because you would not have earned it without the state's protection. Perhaps, then, we pay the state on commission to help us increase our incomes. Perhaps the state is a pimp, and we are his prostitutes.

Most of the actual redistribution carried out by the state benefits bureacracies and the "poverty industry" much more than the poor.

This argument makes sense only to the extent that production and incomes are made possible by the state's existence. Income taxation justified this way can apply only to that part of an individual's income which he could not have earned in anarchy. One implication is that the most efficient individuals in a peaceful society should be taxed more heavily, while the big tough brutes who would do better in a Hobbesian setting would be totally exempted. A line of the income tax form would ask for the size of your biceps. This does not make much moral sense, even for the IRS.

Assuming that there would be virtually no production or incomes without the state, is it still obvious that parties to a social contract would unanimously agree to pay the state on commission? Just as commission-paid employment faces competition from other compensation formulas, alternative proposals might be brought to the attention of the social contracting parties, and they may well choose a protection agency or association willing to accept a flat fee.

If the state does not offer protection insurance and is not a commission-paid broker or a pimp, perhaps we must look at it as an income insurance company. Back to our hypothetical grocer, suppose he offers you the *permanent* opportunity to buy beef at an income-related price. Some people might want to hedge against the possibility of being too poor to buy beef in the future. Such insurance-grocers do not exist, presumably because the business would carry a high moral hazard. Some people with a beef-insurance plan would stop working. Do we create the income-insurance state to correct this market failure? If the grocer can't do it, call 911.

Some forms of income insurance do exist on the market: they go under the names of permanent employment, nest-egg investing, and life in communes and religous orders. Another, non-market, form of income insurance is called slavery. The typical nineteenth-century American slave had a standard of living comparable to that of a free laborer. The master spent 88% of the slave's production on his slave's lifetime upkeep (lodging, food, clothes, medical care, etc.), and the slave enjoyed an income security that the free man did not have.[9] The price he paid for this, willy-nilly, was his liberty — a very high price indeed. But in return for 12% of his earnings and his liberty, he got income insurance.

The point is that non-market income insurance can only be provided by a master who owns the human capital of a slave and is certain that he will forever control the flow of income from this capital. The only way the state can economically offer income insurance is for its customers to accept a slave-relation with their supplier. Income taxation, where the state takes the first cut on your income, institutionalizes such a relation. The argument against the state as a universal income insurer is the same as the general argument against slavery. Unless he is dead drunk during the social contract negotiations, no free man would accept the deal.

Perhaps we pay the state on commission to help us increase our incomes. Perhaps the state is a pimp, and we are his prostitutes.

There is, then, no moral basis for a tax levied as a proportion of income. This conclusion applies whether the rate is regressive, proportional, or (*à fortiori*) progressive.

Income taxation is, however, a great tool in Leviathan's arsenal.

Optimal Exploitation

Thomas Hobbes compared the modern, sovereign, all-powerful state to Leviathan, the Biblical monster. "None is so fierce, explained Yahweh, that dare stir him up . . . There is nothing on earth to be compared with him. He is made so as not to be afraid. He seeth every high thing below him; and is king of all the children of pride."[10] The Public Choice school of economics has combined the Hobbesian view of the Leviathan state with the rather realistic hypothesis that the children of pride, as parties to the social contract, will want to impose constitutional restraints on their protector. The state is not some benevolent despot, but (at best) a sleeping Leviathan who exploits its subjects when not kept in check.

Even if one dismisses the economic case against progressive income taxation, and the moral case against redistribution and income-based taxes, the most powerful argument — the political case — remains to be made: any tax based on income grants unacceptable powers to Leviathan.

The first reason for this is that income taxation allows Leviathan to maximize its exploitation of its subjects. When free to exert tax discrimination, Leviathan is in a position to levy the highest rates against those subjects who are least likely to respond to the disincentives of the tax system. This discrimination will be efficient from a narrow economic point of view, as it will minimize the welfare cost of taxes. But this is true only to the extent that the state is a benevolent despot financing the optimal amount of public goods. To the extent that the state is conceived as Leviathan, tax discrimination will allow it to raise "public" revenues and expenditures much above the optimal size of government and, therefore, to increase the economic cost of taxation.[11] When Leviathan cannot discriminate with rates, income taxation still allows him to exact more in absolute value from people who earn more money income. A flat tax is still discriminatory. Among two individuals who are identical except for the fact that one prefers leisure more than the other, the latter would bear a higher tax burden than the former.

The main danger in flat tax proposals is that they come with an enlargement of the tax base. Both the 1986 Reagan reforms and the current proposals are meant to be revenue-neutral, i.e., to keep government receipts unchanged. But Leviathan is always at work maximizing its revenue. In order to ensure that the marginal rate faced by bottom income earners does not increase too much, flat tax proposals require reduced exemptions and deductions. The advantage of so-called loopholes is that individuals use them to avoid confiscation. Other things (including discrimination powers) being equal, the larger the tax base, the more Leviathan can confiscate. So the citizenry won't necessarily benefit from trading high marginal rates for a larger tax base. Leviathan will be much tempted to raise the flat rate in the future — if not actually to reintroduce discrimination on its new, wider tax base.

To protect our privacy, it is necessary to keep the bureaucrats in the street.

Any income-based tax system offers Leviathan both opportunities for tax discrimination and access to a large tax base. When one door is closed, the monster comes in through another one. Only 2% of the American population was hit by the federal income tax introduced in 1913. Then, rates climbed up. When the children of pride became impatient, government yielded on the rates but enlarged the tax base. In the process, all of the American working population had been subjected to the income tax. The same trend can be observed in most countries.

The Rule of Law

The second source of political danger in the income tax is that it is an ideal tool for political persecution. The income tax requires reporting — as we say in French, it is a "declaratory" tax: the taxpayer has to provide government with the information it needs to assess it.

Not all taxes are declaratory. The head tax, for instance, is not. The average government bureaucrat will normally notice that you have a head; in the worst case, the most you might have to declare is that you exist. Another example is the medieval French tax on house windows and doors: as Jean-Claude Martinez writes, "the civil servant could establish it without entering the homes, he would just walk in the street and count the number of windows and doors." To protect privacy, adds Martinez, it is necessary to keep "the bureaucrats in the street."[12]

With the income tax, the state breaks into your home. The state's obscene peeping gives it information it should not have that can be used against its subjects. It accustoms individuals to answering questions from the authorities concerning their most private affairs, and, on top of that, forces them to sign their returns as though they were contracts. This debasement of a man's privacy, signature, and honor has more disastrous moral effects than all the vices of capitalism one can imagine.

Moreover, a tax applied on such a wide and fuzzy base as income is bound to rely on the most arbitrary criteria. What is income? Presumably net income, i.e., what is left after you have incurred the necessary expenses to earn it. Now how in heavens can one sensibly determine which part of a four-course business meal topped with a cigar is pleasure, and which part is business? Or what kind of office do you need at home? (Why should not seduction of your boss provide deductible expenses?) One only has to read the *Wall Street Journal* "Tax Report" column about the arcane decisions of the IRS or tax courts on such matters to realize the arbitrariness, verging on stupidity, of income taxation. Or examine the instructions that accompany one's tax forms.

Mobil Corp.'s 1993 income tax return comprised nine fat volumes totalling 6,300 pages and weighting 76 pounds; its preparation required 146,000 documents and cost $1 million.

Try to make this consistent with the rule of law, and the result is abstruse complexity. Add the fact that it is in many people's interest that tax laws be recondite — not only accountants and lawyers, but also all the beneficiaries of loopholes and privileges — and what you get is a tax system that no specialist, not to mention any average citizen, can understand.

The U.S. Internal Revenue Code occupies 21 megabytes of disk space on the Internet, which makes for 2.8 million words, and would fill fifteen 3.5-inch diskettes if one dared to click "Download." Assuming that the average citizen can read these 11,200 pages of tax jargon at the rate of one page a minute, going through the Internal Revenue Code would take him more than one month full-time. The Swiss host who provides it in full text from his World Wide Web server warns the visitor: "Looking for something in that mass of verbiage can be daunting." You should, he adds cheerfully, "harness the free WAIS-sf indexing and retrieval engine."[13] Just click here.

What would the Founding Fathers

have thought about the citizens harnessing the power of the WAIS-sf indexing and retrieval engine? Wrote Madison: "It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood . . ."[14]

Corporate income taxation suffers from the same disease. Mobil Corp.'s 1993 income tax return comprised nine fat volumes totalling 6,300 pages and weighting 76 pounds; its preparation required 146,000 documents and cost $10 million. According to the House Ways and Means Committee's chairman, the compliance costs of the current income tax system reach $300 billion a year.[15]

Tyrannical Enforcement

To raise revenue by means of such an arbitrary and complex set of rules entails a tyrannical enforcement apparatus. At some point, tyranny has to come in the open, when armed men go to capture the recalcitrant taxpayer. But the government will try to hide tyranny under *a priori* controls — payroll deductions, compulsory reports and forms, restricted currency denominations, etc. To the children of pride, Leviathan will issue ID cards in the name of "Social Security," and number the wandering cows lest their earning whereabouts escape the IRS.

For any free spirit in tune with the American dream, the ubiquity of the social insurance number is a tragic symptom of our times as well as an insult to personal dignity. Go visit the WWW site of Wells Fargo,[16] the bank hailed as the first to allow its customers to access their account on the Internet: the customer is asked for his secret password (given by Wells Fargo), and his social security number (compliments of Leviathan).

The U.S., of course, does not stand alone in this predicament. How much mentalities changed between the time the dynamics of liberty was on the rise and our disastrous twentieth century! About the possibility of taxing income, Adam Smith wrote: "An inquisition into every man's private circumstances, and an inquisition which, in order to accommodate the tax to them, watched over all the fluctuations of his fortune, would be a source of such continual and endless vexation as no people could support."[17] About corporate income taxation, he added: "It would have been impossible to proportion with tolerable exactness the tax on a shop to the extent of the trade carried in it, without such an inquisition as would have been altogether insupportable in a free country."[18]

If the income tax apparatus were used only to collect racket money, it would be unacceptable enough in a free country. Because an income taxation system is necessarily replete with arbitrariness and complexity, and because of the information-gathering powers given to the state, it would be surprising if Leviathan did not yield to the temptation of using it against his political enemies. This hypothesis does not require a grand conspiracy, only enterprising politicians and career-minded petty bureaucrats. Let a bureaucrat look far enough into anybody's taxes, and he will always find something. In the U.S. as elsewhere, many cases of tax audit persecution have been documented over the years. The IRS's current crackdown the NRA is only the latest.

We can't say we were never warned. In 1894, Rep. Robert Adams, among others, foresaw that an income tax "will corrupt the people. It will bring in its train the spy and the informer. It will necessitate a swarm of officials with inquisitorial powers."[19] All this is done under the guise of redistribution. "The more one considers the matter," wrote Jouvenel, "the clearer it becomes that redistribution is in effect far less a redistribution of free income from the richer to the poorer, as we imagined, than a redistribution of power from the individual to the State."[20]

There are a few great causes that have such symbolic and strategic value that, if they were won, we could probably live with the state that would ensue. Near the top of such a list would rank the constitutional prohibition of any tax that is at the same time direct, widely based, declaratory, and potentially discriminatory. This would settle the case of progressivity and all the problems of income taxation under its many forms. It is difficult to determine which taxes are the most acceptable — or least unacceptable — taxes, but relatively easy to see which ones are utterly inconsistent with a free society. ❑

Notes:

1. See Raymond J. Keating, "The Great Tax Debate: Making Sense of Competing Tax Plans," Testimony at the House of Representatives Small Business Panel Hearing on Flat Tax, *Tax Notes Today*, May 19, 1995; and Alvin Rabushka and Robert E. Hall, "Testimony Prepared for the Subcommittee of Taxation and Finance," Federal Document Clearing House, May 18, 1995.
2. James Buchanan, *The Limits of Liberty: Between Anarchy and Leviathan* (University of Chicago Press, 1975), p. 2.
3. James Buchanan, "The Political Efficiency of General Taxation," *National Tax Journal*, December 1993.
4. The Arrow Impossibility Theorem is but one version of this impossibility.
5. Bertrand de Jouvenel, *The Ethics of Redistribution* [1952] (Liberty Press, 1990).
6. Frank Chodorov, *The Income Tax: Root of All Evil*, Devin-Adair, 1954, p. 29.
7. Cf. Gordon Tullock, *The Economics of Income Redistribution* (Kluwer- Nijhoff, 1983).
8. Adam Smith, *The Wealth of Nations* [1776] (Modern Library, 1965), p. 777.
9. Robert William Fogel and Stanley L. Engerman, *Time on the Cross* (Little, Brown and Company, 1974), especially chapter 4.
10. Job, 41.
11. Geoffrey Brennan and James Buchanan, *The Power to Tax: Analytical Foundations of a Fiscal Constitution* (Cambridge University Press, 1980).
12. Jean-Claude Martinez, *Lettre ouverte aux contribuables* (Albin Michel, 1995), p. 113.
13. At http://www.fourmilab.ch/ustax/ustax.html.
14. James Madison, *Federalist* #62, in *The Federalist Papers* (Bantam Books, 1982).
15. "Tax Report," *The Wall Street Journal*, June 7, 1995, p. 1.
16. At http://www.wellsfargo.com.
17. Adam Smith, op. cit., p. 800.
18. Ibid., p. 804.
19. Quoted by Frank Chodorov, op. cit., p. 63.
20. Bertrand de Jouvenel, op. cit, p. 72.

Consciousness-Raising

Husband Abuse

by Wendy McElroy

No man is safe when personal responsibility is undermined.

On December 4, 1990, Stanley Green locked himself in his car to get away from his abusive wife. Breaking in, she shoved him down face-first into the passenger seat, planting her knees in his back. She used a hefty cellular phone to club him repeatedly across the side of the head.

In a telephone interview, Green described what happened when he tried to report the attack to the police. "Blood streamed down my face. Internal injuries dislocated my ribs. Lacerations and multiple abrasions marked my back and groin. My attacker had no injuries. I told the officer that I wanted the crime report to note my injuries and the names of witnesses. He responded: 'We ain't takin' a report from you, buddy.'" The Long Beach police refused to take Green seriously because he was a man. And, as we all know, women do not beat up men.

Yet Murray A. Straus, co-director of the Family Research Laboratory, can point to at least 30 studies of domestic violence that show both sexes to be equally responsible for starting and continuing spousal abuse. Some of the studies, he cautions, leave "out data on women abusing men . . . because it's politically incorrect."[1] The National Family Violence Surveys of 1975 and 1985 concluded that men are as likely to become victims of domestic violence as women. A 1988 survey of couples in Calgary found the rate of severe husband-to-wife violence to be 4.8%, while the severe wife-to-husband violence was 10%.[2] More recently, on July 11, 1994, the U.S. Department of Justice released a study on violence against women that claimed women committed "spousal" homicide at approximately the same rate as men did. Indeed, this statistic has been stable for the last two decades.

Every year, thousands of women seek safety at shelters for battered women. In 1974, the first battered women's shelter in the U.S. opened its doors in St. Paul, Minnesota. By 1990, over 1,500 shelters offered protection to women. But not to Stanley Green.

In California, the shelter for battered men closest to Green was run by the Community United Against Violence (CUAV) in San Francisco. The CUAV is geared toward gay men. In San Luis Obispo, California, men's rights activist David Gross is currently organizing the Allen Wells Memorial Fund for Battered Husbands. Wells recently committed suicide after losing custody of his children to an abusive wife.

Today, in St. Paul, George Gilliland, Sr. — the director of the Domestic Rights Coalition — has set up a shelter for men, after years of effort. Gilliland is an abused man whose wife hit him on the head with a board, a protruding nail narrowly missing his eye. Gilliland claims that women's organizations in the twin cities have tried to block his efforts to aid abused men. Why? Perhaps they fear scarce government resources would be diverted away from women.

In their book *Intimate Violence*, Straus and coauthor R.J. Gelles comment, "Unfortunately, the scarcity of resources has not led to agencies and institutions banding together to lobby and demand more resources for the prevention and treatment of family violence. Instead, as is often the case when the need is great and the resources are small, there has been fierce competition for the limited resources that are available."

After his attack, Stanley Green approached several battered women's shelters. They would not even answer his questions over the phone. "How should I handle the police?" he asked one woman. "We don't know what to say to a man," she replied. "What would you say to a woman?" he pressed on. He got no answers.

Yet most shelters receive government funding, which requires nondiscrimination on the basis of race or sex. In 1994, Congress allocated $1.5 billion to combat violence against women. Most of the money will go to

advocacy groups such as the Battered Women's Justice Project. And men will pay taxes to support a program that explicitly excludes them.

What has happened to women's sense of fair play? In a word: ideology. Domestic violence is no longer a criminal act but an ideological one, a hate crime that men commit against women. The official feminist line on domestic violence has two components: (1) wife-beating is epidemic and on the upswing, and (2) such violence against men is virtually nonexistent.

Is domestic violence on the rise? Not necessarily. The Thirteenth World Congress of Sociology on July 19, 1994 reported that male-on-female violence had been gradually decreasing over the last decade. Female-on-male violence was increasing.

In fact, violence in general seems to be on the decline. According to the Department of Justice's National Crime Victimization Survey, nearly 22.1 million U.S. households in 1992 — just under 23% of all households nationwide — were directly affected by crime. This is both the lowest number and the smallest percentage of households victimized since the inception of the "households-touched-by-crime" indicator in 1975.

After his attack, Stanley Green approached several battered women's shelters. They would not even answer his questions over the phone.

Yet on August 30, 1994, CBS correspondent Bob Arnot reported that domestic battery is the leading cause of injury to American woman between the ages of 15 and 44. This figure was derived from the study of a single, very poor inner-city neighborhood. The principal investigator for the study, Dr. Jeane Anne Grisso, has cautioned against using any of its conclusions to apply more generally to other populations.

Now consider the second claim of the feminist orthodoxy: that domestic violence against men is virtually nonexistent. The media hurries to trumpet this misinformation. Newspapers such as the *Houston Chronicle*[3] throw around such figures as "only 2% of domestic violence is directed at men." And for once, the police agree with the media. In cases of domestic violence, the Houston police department uses the word batterer interchangeably with the word male.

Abused men are in a position similar to that of women who were raped three or four decades ago. They are reluctant to go to the police or even admit the abuse occurred. Why? Because they think, "No one will believe me"; "I will be blamed for the crime"; "I will be ridiculed"; "I will be further traumatized by an unsympathetic system."

Keith O'Donnel works with abused men. After hearing tales of police refusing to take reports, O'Donnel decided to check out the situation himself. "I posed as an abused man and I asked two lawyers for help. They suggested that I get help (mental help for me, not her). I called the abuse hot lines and they too suggested that I get help (for me — not her) and politely told me that I absolutely could not stay with them." O'Donnel recommends that skeptics repeat his experiment.

O'Donnel explains the trauma of abused men, "Abused women are accepted today and helped. Men are not so. They are silent. It *isn't pride*. . . . Abused men don't feel pride — it has been destroyed. They feel *shame* — soul-shattering shame."

Eighteenth- and nineteenth-century Europe had a custom called *charivari*, in which an abused husband was dressed as a woman and forced to ride through the village, sitting backwards on a donkey. If the man escaped this punishment, his nearest neighbor was forced to take his place. After all, the neighbor had permitted such an unnatural act to go on under his nose.

Armin A. Brott comments on the twentieth-century equivalent of *charivari*. "Take Skip W., who participated in a program on domestic violence on the short-lived *Jesse Jackson Show* in 1991. Skip related how his wife repeatedly hit him and attacked him with knives and scissors. The audience's reaction was exactly what male victims who go public fear most: laughter and constant derisive snickering."

Included on the list of abused men is no less a figure than Abraham Lincoln. Mary Lincoln was known to hit him with firewood, to throw coffee in his face, to beat him with a broom, to pelt him with potatoes and books. Lincoln sought refuge with neighbors and friends — and, some say, in the Oval Office.

Yet many feminists would maintain that Mary must have been acting in self-defense when she fired those potatoes at the president's head. They claim that women's violence is always in self-defense. Again, what do the data say about this claim?

Our society has a deep commitment to the myth of women as helpless and innocent. At the same time, we bring up girls to believe it is acceptable to strike a man: "If he gets fresh, just slap him across the face."

In her unpublished Ph.D. thesis, Dr. Reena Sommer accumulated data on domestic violence from approximately 450 men and 450 women.[4] She followed up on this research two years later. Her study concluded that women were more likely than men to initiate both severe and minor violence. The Straus and Geller studies back up this conclusion.

Nevertheless, it is sometimes argued that violence against women is more *important* than violence against men, because women are more likely to be seriously injured. Perhaps, but women are also more likely to use a weapon. A 1984 study of 6,200 cases found that 86% of female-on-male violence involved weapons. By contrast, only 25% in cases of male-on-female violence involved weapons.[5]

According to Jim Sniechowski and Judith Sherven, a husband-and-wife team who speak out on gender issues, "To offset men's larger physiques, women more often use weapons than do men (82% of women, 25% of men). A woman with a knife, scissors, gun, lamp, frying pan, and the like can be very dangerous and damaging." Besides which, not all men are larger

than all women. Stanley Green's wife weighed 200 pounds.

Despite these statistics, the courts are beginning to legally recognize women as helpless victims. Consider the trial of Laurie Kyles for manslaughter. Kyles shot her husband in January 1994 after a quarrel in which he pinned her on the bed. No other violence was charged. There had been no history of prior physical abuse.

In her closing argument, the prosecutor Maria Leslie reminded the jury that the law does not allow people to kill each other over a quarrel. "You can't blow people away simply because they're yelling and screaming at you, no matter how much you're sick of it."[6] Laurie Kyles was acquitted. Why? Because she was a psychologically battered woman. Because women are victims.

Crime and punishment now revolve around genitalia, and — legally speaking — men have the wrong equipment. Indeed, the only right men seem to have retained in full is the right to remain silent. But silence cannot cloak the fact that violence is wrong, regardless of who commits it.

Keith O'Donnel has issued an appeal to feminists over the Internet. "Consider this . . . an unhealed abused man may have a high probability of becoming an abuser or of raising abusers. . . . A healed abused man will respect your rights. An abused man will look at you as a person who can and will destroy him if given the opportunity."

Our society has a deep commitment to the myth of women as helpless and innocent. At the same time, we bring up girls to believe it is acceptable to strike a man: "If he gets fresh, just slap him across the face." And when a woman hits a man, the attitude of observers is often, "Good for her." Meanwhile, men are told to never hit a woman, even in self-defense. And when they do accept abuse without hitting back, society laughs at them.

Domestic violence is clouded by gender myths and politics. The fog must be cleared away. Spousal abuse is a dynamic in which both people participate, for which both people bear some responsibility. Domestic violence is a crime that needs prevention as much as it needs punishment. But first we must take a deep breath, cast aside our preconceptions, and examine the issue realistically.

Stanley Green has learned this lesson the hard way. I asked him for the most important thing he could tell people about domestic violence. "Educate yourself," he replied. "The best prevention is education. If I had recognized the signs of abuse I might have taken steps earlier to protect my children and myself." ❑

Notes:

1. *Washington Times*, January 31, 1994.
2. Brinkerhoff and Lupri, *Canadian Journal of Sociology* 13:4 (1988).
3. June 12, 1994.
4. Department of Sociology, University of Manitoba, June 1994.
5. McLeod, *Justice Quarterly* 2 (1984), pp. 171–193.
6. Quoted in the *Omaha World Herald*, July 1, 1994.

EXTROPY

The Journal of Transhumanist Thought

Major feature in #15 (2nd/3rd Qu. '95):

Money without the State & Electronic Cash

Max More on Hayek's *Denationalisation of Money*

Lawrence White: The Economics of Digital Money

Introduction to Digital Cash (Grant)

Review of Selgin's *The Theory of Free Banking*

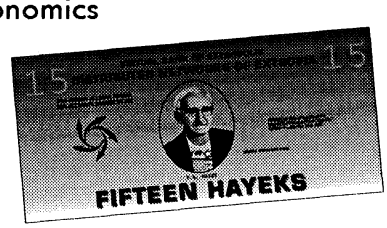

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Reviews

***Letters of Ayn Rand*, edited by Michael Berliner, with an introduction by Leonard Peikoff. Dutton, 1995, 681 pp., $34.95.**

Rand: Behind the Self-Mythology

R.W. Bradford

There is a lot of interesting writing in *Letters of Ayn Rand.* I think my favorite is a letter that illustrates her craftsmanship as a novelist:

> Thank you for your letter. I liked it. It read as if your suggestions for what you take to be factual inaccuracies in *The Fountainhead* were prompted by a sincere interest, not by any ill feeling — so I will answer you in detail.
>
> You say that "the scale for quarry workers is $1.62 1/2." So it is — now. You must have overlooked the fact that the quarry sequence in my book took place in 1928. I had a New York granite company check through back records to tell me the exact scale for that year, and the one I have is correct. . . .
>
> You say that Roark would not be allowed to take an exam for a license . . . in the state of New York a man without a college degree is allowed to take an examination if he has worked in an architect's office for a certain number of years. In my story Roark had worked the exact number of years necessary.

A close runner-up would be a 1934 letter to H.L. Mencken, in which Rand sought to curry his favor by flattery and feigned humility: "I have always regarded you as the foremost champion of individualism in this country. . . . I realize that I am a very 'green,' helpless beginner. . . . I consider myself a young and very humble brother-in-arms in your own cause." It's not easy to imagine Howard Roark writing such a letter!

Mencken was not the only celebrity Rand approached hat-in-hand. On December 12, 1937, she wrote Frank Lloyd Wright, describing herself in flattering terms and requesting an opportunity to meet him. His secretary replied, "[Mr. Wright] has now left for a several month sojourn in the Arizona desert so there will be no opportunity for you to see him." A year later Rand telegraphed Wright, this time offering to "come out to Taliesin [Wright's studio] for a twenty minute interview." Wright's secretary wired back, "Sorry. Mr. Wright has already left for the Arizona desert." (I was reminded of the letter Mencken had his secretary send to annoying inquiries: "Mr. Mencken has just entered a Trappist monastery at Gethsemane, Ky., and has left strick orders that no mail was to be forwarded.") After Rand became a celebrity herself, Wright wrote to her, she finally got her chance to meet him, and he eventually did preliminary plans for a home for Rand, which was never built.

Rand was a great wit, as anyone who has ever read the cocktail party dialogue in her novels knows. But she believed she was humorless; indeed, she *celebrated* her humorlessness. To say she took herself seriously was an understatement. Her letters to Archie Ogden — the editor at Bobbs-Merrill who had threatened to quit his job if *The Fountainhead* was not accepted for publication — were among the friendliest in the collection (her greeting was usually "Archie darling"). In 1967, all that changed. She had asked him to write a new introduction for *The Fountainhead* to appear with its twenty-fifth anniversary edition, but she didn't care for what he wrote:

> My basic objection is to its overall spirit and style: it is flippant. Flippancy is not a proper approach to the nature of my novel, of my ideas, of my own character, of my career. The events surrounding the publication of *The Fountainhead* were not funny. That a book and an author survived triumphantly the kind of battle I was and still am fighting, is not a humorous subject.
>
> I had always believed that you understood and appreciated *The Fountainhead*. Now I am sadly obliged to conclude that you and I have grown too far apart intellectually and that you have forgotten what you did know about me.
>
> Perhaps the most offensive touch in your Introduction is the following line (in regard to the matter of cutting the character of Vesta Dunning out of the book): "So, out went the Hollywood whore — and every line deleted was like removing one of the author's fingernails with a pair of red-hot pliers."
>
> In your letter to me of July 26, you say: "I may have slightly exaggerated the story of excising the budding actress." What you wrote is not a "slight exaggeration," but an outright fabrication which implies some extremely derogatory things about me. To refresh your memory . . .

Rand refreshes his memory for another 325 words. Then she turns to another point:

> A similarly misleading implication about my character is conveyed by another passage in your Intro-

duction: "my only major contribution to it [the novel], in addition to encouragement and keeping the author's screams to a minimum when proofreaders altered a word, was the title." If I was the kind of person who needed "encouragement," I would not have been able to write *The Fountainhead* nor to survive any of things that went on before and after its publication. When did you ever see me *"discouraged"* about my writing? As to my "screams" — if you found that my refusal to read the galley notes of some pretentious mediocrity . . .

She concludes the letter with these words:

> You can see from the above that the differences between your attitude and mine are fundamental and that there is no way to bridge the distance. . . . I will not attempt to tell you how sad and painful this is for me.

So much for an old friend and long-time champion who failed to treat her with sufficient gravity.

The Problem of Ayn Rand

Despite her celebrity, Rand has always been an obscure figure. The challenge faced by anyone who tries to come to grips with the life or intellectual development of Ayn Rand is that she was both a very private person and one who believed that myth was sometimes more important than truth. In other words, it's difficult to understand a person who is both secretive and prone to lying about herself. Whether one is generous or ungenerous in explaining the problem of Ayn Rand, this underlying problem persists.

Rand's quest for privacy is by now almost legendary. Her keeping secret the details of her early life, including even her real name, was justifiable, in light of the risk of retribution against her family in the Soviet Union. Her desire to keep secret her now-famous affair with her protégé Nathaniel Branden seems also understandable, if for less noble reasons.

Rand's habitual self-mythologizing makes the task of coming to grips with her life even more difficult still. For example, in the introduction to the 1959 edition of her first novel, *We The Living* (originally published in 1936), Rand claimed that "all the changes are merely editorial line-changes." Yet she made several substantial changes in meaning, removing a strong Nietzschean flavor. She told her biographer and her acolytes that the Italian film of her novel was censored by Mussolini's government on grounds that it was subtly anti-fascist, when in fact it never was banned (see R.W. Bradford, "The Search for *We The Living*," November 1988).

She also told her biographer that she took a course in philosophy at the Petrograd University from Professor N.O. Lossky, "a confirmed Platonist and a distinguished international authority on Plato's philosophy; he was a stern, exacting man, contemptuous of all students — particularly of women, who, he believed, had no business in philosophy; it was said that he failed most students the first time they took his examination." With this setup, she proceeds to tell a dramatic story illustrating how her brilliance and determination led this old Platonist misogynist to give the young Rand a score of "Perfect." Unfortunately, as it turns out, Lossky was not a Platonist, gave reasonably easy examinations, in no way treated woman students poorly, and was not even at Petrograd University when Rand studied there.

Compounding the difficulty of the problem the biographer and intellectual historian face, Rand labored most of her life in obscurity. She grew up in the revolutionary era in Russia. Her first novel was a commercial failure. *The Night of January 16th,* her first play to be staged, was moderately successful, though she disavowed its production entirely. Her second play, *The Unconquered,* was a complete flop, and remains unpublished. It was only with the success of her second novel that she became a well-known literary figure. Shortly after its publication, she moved to California, and within a year she removed herself to the San Fernando Valley, working part-time as a screenwriter and part-time on her next novel. Eight years later, she moved to New York, where she kept to a very small circle of friends, continued work on her novel, and wrote nothing for publication.

The appearance of *Atlas Shrugged* in 1957 marked a critical change in Rand's life. Prior to that date, her writing was virtually all fiction, and remarkably little was published, considering she had been a professional writer for over a quarter century. Her *oeuvre* at that point included two novels, *We the Living* and *The Fountainhead;* a novella, *Anthem;* two plays, *The Night of January 16th* and *The Unconquered;* three screenplays, *The Fountainhead, Love Letters,* and *You Came Along* (the last of which credited her as "co-screenwriter"); two magazine articles; and one pamphlet.

For the remaining 25 years of her life, she never published another word of fiction. Mostly she wrote commentaries on contemporary culture, but also she also wrote several essays of an explicitly philosophical nature.

Those who expect *Letters of Ayn Rand,* a collection of a half-century of her correspondence, to be a big help in rounding out the picture, providing details of her life and intellectual development, will be disappointed. Yes, there is new information here — there's bound to be in a 672-page collection. But far less than one would ordinarily imagine. There are three reasons for this.

(1) For a literary figure, Rand wrote precious few letters. According to Michael Berliner, editor of *Letters,* her estate contained "more than 2,000 letters." There is considerable evidence that Rand kept copies of even the most trivial correspondence, giving us reason to believe that these 2,000-plus letters are virtually all she wrote between 1934 and her death in 1982. That's an output of about 40 letters per year, an astonishingly low figure when one considers that it includes such items as requests for free advertising calendars, recipes sent to friends' wives, very brief notes to friends, and such missives as "In response to your letter: thank you," all of which are included in Berliner's anthology. Or that during a period of more than two years in the mid-1940s, she lived in the country, without a telephone.

Rand herself frequently admitted to being a very poor correspondent, usually explaining that the long delays between letters was the product of her total immersion in her fiction-writing. She offered Isabel Paterson a different explanation: "The first letters I ever wrote regularly were to my family in Russia, when I came here — and every letter was censored, so I had to be extremely careful of what I said, in order not to embarrass them. I always rewrote

every page before I could mail a letter to them. I had to doubt and scrutinize every sentence for any possible misinterpretation. I have not been able to write any kind of letter spontaneously ever since." At least into the early 1960s, she was still using stationery with the address of her California home, in which she had not lived for more than a decade, neatly typed over — suggesting both a personal frugality and the infrequency of her correspondence.

(2) *Letters* has a remarkable paucity of background information. In the preface, Berliner explains: "I have kept the explanatory notes to a minimum, because this is a collection of Ayn Rand's writing, and not a biography." Consequently, one is often left wondering what Rand is writing about and whom she is writing to. (Thank goodness editors of other anthologies of letters have not had such an abiding fear of being mistaken for biographers!)

Is the George Boardman to whom Rand wrote on May 19, 1961 the libertarian theorist and writer? I suspect he is, but Berliner identifies him only as "a fan." Is the W.M. Curtiss to whom she wrote on November 30, 1945 the same W.M. Curtiss who was executive secretary of the Foundation for Economic Education? Again, he is identified only as "a fan."*

Berliner refrains from identifying "the fascinating little book" that Rand thanks Gouverneur Morris for (January 23, 1936), leaving us to wonder why he bothered to include Rand's 150-word encomium on it. He identifies Rose Wilder Lane only as "a pro-individualist writer and daughter of Laura Ingalls Wilder (author of *Little House on the Prairie*)." Surely, if one is going to spend only 16 words identifying Lane, one ought not spend 13 of them describing her parentage.

What little background information Berliner includes is sometimes rather strange. He identifies Gouverneur Morris as "a screenwriter at Universal, whose credits included many silent films in the early 1920s, such as *Anybody's Woman* (1930) and *East of Java* (1935)," leaving us to wonder why he selected as examples of Morris' "silent films of the early 1920s" two talkies made in the 1930s.

But the strangest editorial move was the decision to exclude any but the briefest excerpts from Rand's correspondents. This is especially unhelpful in the chapter "Letters to a Philosopher," her correspondence with John Hospers from 1960 and 1961. Here we have Rand discussing her philosophy with a distinguished philosopher, making a case for her system, responding to his arguments, arguing, instructing, disagreeing. Yet except for short excerpts from Hospers' letters that Rand quotes in her responses, we have none of Hospers' half of the dialogue. As a result, reading the chapter is rather like listening to someone speaking on the telephone. We know what Rand is saying, but we can only guess what she is responding to. The chapter of letters to Isabel Paterson is saved from the same degree of bizarrerie only by the fact that this correspondence was somewhat less philosophical than the correspondence with Hospers.

(3) Those who hold title to Ayn Rand's literary estate very much see themselves as keepers of the flame, protectors of her privacy, and promulgators of the myths Rand spent so much of her life spreading. This had an obvious impact on the editorial process.

For example, in a 1943 letter to her editor, Rand writes:

> I find — in the horror of the present time and in the horror of man's past history — *not* a proof of man's essential evil, but a great and tragic proof of his essential morality, that is, his determination to act according to what he considers as right. Altruism (the conception of living for others as a virtue) has been preached as mankind's moral ideal for centuries. And all the great horrors of history have been committed in the name of altruistic purpose. After each disaster men have said "The ideal was right, but Robespierre was the wrong man to put it into practice," (or Torquemada, or Cromwell, or Lenin, or Hitler, or Stalin) and have gone on to try it again. At the price of incredible suffering and rivers of blood, mankind has stuck to the pursuit of its alleged moral ideal — surely a demonstration of men's moral instinct. But we look on and say: "This noble ideal is beyond human nature, because men are imperfect and evil."

Berliner footnotes the penultimate sentence with this comment:

> "Moral instinct" is metaphorical. AR was an opponent of the deterministic view that man possesses instincts, i.e., innate ideas.

Try as I might, I see no indication that Rand used the term "moral instinct" metaphorically. Indeed, the context makes it clear that she meant the term in its literal and conventional sense. So why the footnote — virtually the only explanatory footnote Berliner offers?

Berliner is acting to protect Rand's myth that her philosophy sprang from

Illustration by James Gill

* By my count, 110 of the 540 letters included in this collection are replies to fan mail, some of which are interesting, but most of which are perfunctory. Is there another collection of letters of a literary figure that consists so much of replies to fans?

The largest category is "literary business," consisting of 114 letters to agents, publishers, producers, and the like. Only 15 letters were written to philosophers, of which eight were written to John Hospers. Incidentally, the total number of letters, 531, falls far short of the 700 to 800 that Berliner claims in his preface to have included.

her head in full armor, without any mother, like the goddess Athena from the brow of Zeus. As part of her struggle with the paradox of free will and causation, Rand later came to believe that instincts were a particular type of "innate idea" and rejected them as irrational. Berliner rewrites her intellectual history to reflect this later development in her thought.

Similarly, there is little or no mention of several of the most important figures in Rand's life. There is precious little that relates to Nathaniel Branden, the central person in her life both personally and intellectually between 1951 and 1968, the years during which she finished writing her magnum opus and systematized her philosophy. Branden, arguably more than Rand herself, was responsible for the cult that grew around her during these years, was a major figure in publicizing her ideas, helped manage her career, wrote and performed several authorized lecture series on her philosophy, organized an institute to promulgate her thought, coedited and copublished both *The Objectivist Newsletter* and *The Objectivist*, and had a secret love affair with her from 1954 to 1968.

Yet we have but three letters to him, all from 1950, written to Branden before he had changed his name from Nathan Blumenthal to Nathaniel Branden (an anagram of "Ben Rand," or Son of Rand) — indeed, before he had reached his twenty-first birthday. Other than that, we have three references to Branden's lectures in her correspondence with Hospers, several mentions of Branden in a letter complaining about an article about her cult that was scheduled to appear in the *Saturday Evening Post*, and brief mentions of him (neither noted in the index) in a letter to Barbara Weidman (later Barbara Branden) and a letter to Barbara Weidman's mother.

There's no mention at all of Joan and Allen Blumenthal or Henry and Erika Holzer, her closest associates during much of the post-Branden period. This is not surprising, I suppose, since like so many others, their relationships with Rand ended acrimoniously.

There is but a single mention of the political movement that was founded by people heavily influenced by her political philosophy. In a letter dated June 2, 1974, Rand wrote Mrs. William Maethner, "a fan":

> Please tell your daughter that I am profoundly opposed to today's so-called libertarian movement and to the theories of Dr. Murray Rothbard. So-called libertarians are my avowed enemies, yet I've heard many reports on their attempts to cash in on my name and mislead my readers into the exact opposite of my views.

This letter, written when Rand was 69 years old, offers sad evidence that her wonderfully precise way of choosing words had either begun to slip or had disappeared in an orgy of hostility. While Rand expressed a powerful animosity toward libertarians, virtually no libertarian ever expressed sufficient animosity toward her to be characterized as her "avowed enemy." And her use of the term "so-called" as a contentless pejorative is outright embarrassing.*

Surely there were letters that mention the Holzers and Blumenthals, and others mentioning the Brandens and Rothbard. These were omitted from the book, no doubt because Berliner wanted to help maintain Rand's self-made myth, which ultimately came to minimize the importance of those close colleagues with whom she had broken off relations. For Rand to engage in self-mythology was at least understandable. She was, after all, a writer of fiction who had an interest in her public image. But when a scholar consciously protects myths about his subject, his action is inexcusable. Indeed, he has given up the pretense of scholarship.

Happily, despite the inept editorial job and the paucity of material, *Letters of Ayn Rand* contains many interesting glimpses into her life.

In letters to her family, we sometimes see a more "human" Rand than she ever chose to reveal in public. Her early family letters seem quite loving and normal (though she'd hate to have anything about her described that way), but by the late 1940s, they are preachy and didactic. In more than one, she warns relatives against asking her for financial help, adding brief lectures about morality complete with references to her philosophy. Her final letter, in contrast, is a short note written 74 days before her death, accompanying a cash gift to the same niece she had earlier lectured. "This is to help you with the burden of holiday guests; I don't like you to be depressed, if it can be helped. Give your guests something nice for dinner, without worrying about the cost." Here, at last, Rand had rested her philosophically pure persona. Or has she? Her explanation ("I don't like you to be depressed") sounds a bit like an egoistic rationale, or at least a rationalization.

We learn that she "never considered [*The Night of January 16th*] to be a particularly good play and was fully prepared to allow any changes to improve it" (November 29, 1935), a view that contrasted sharply with her later view that, "As to my opinion of the original play's merit, it is very high — as high, relative to its scale, as my opinion of any other work of mine" (March 13, 1965), as well as her antipathy to allowing anyone to edit any of her work in any way.

Some of her opinions seem preposterous. For example, in 1943, she wrote the president of Republic Steel a letter suggesting that he read two recently published books, *The Fountainhead* and Isabel Paterson's *The God of the Machine*. Toward the end of her letter she offered him this analysis:

> Our communication lines have been cut by our own side. The literary editors of all important conservative publications are pinks, "liberals" and actual communists. The proof? That you have never heard of *The God of the Machine* or *The Fountainhead*.

Her opinion of conservative publications didn't improve much during the next few years. In a 1946 letter to Leonard Read, she observed:

> All these so-called respectable publications, owned by conservatives, have been staffed with pinks who maintain a blockade against all real advocates of our side. Only the Hayeks and other such compromisers are allowed to get through, the kind who do more good to the communist cause than to ours.

This may be the first time Hayek has been accused of helping the Communists!

* This is also the only mention of Rothbard in *Letters*. Rothbard had briefly been a member of her "collective," before she tried and convicted him of plagiarism, and expelled him from that elite body. See "My Break With Branden and the Rand Cult," by Murray N. Rothbard (*Liberty*, July 1989).

There is also a hilarious letter-of-recommendation Rand wrote for her protégé Leonard Peikoff in 1980, to aid his vain quest for an academic appointment. One wonders what a university hiring committee would make of the letter from the 75-year-old Rand, attesting to Peikoff's "superlative understanding of the philosophy of Objectivism. . . . He grasps not only its well-known ideas in ethics and politics, but also their basis in Objectivist epistemology. In particular, he has a detailed grasp of my theory of the role of mathematics in concept-formation, and of the implications of this theory for the analytic-synthetic, *a priori-a posteriori* dichotomy. . . . One day soon, I think, Dr. Peikoff will have a national reputation in the field of the philosophy of history."†

There's specific information also. We learn, for example, that the payment she received from the producers of the 1943 Italian film version of *We The Living* came from an out-of-court settlement of her own aggressive lawsuit — and thus that it was not an unexpected windfall negotiated by the U.S. State Department, as she later claimed. We also learn that she herself had seen the film in 1948 and possessed a print of it, contrary to her later claim that all copies of the film had been destroyed by the Italian government. We now know something about what happened to the print she possessed.‡ And we get a pretty good idea of why she promulgated the myth that the film was banned ("If this is true, I think it is wonderful. It would make the greatest kind of publicity . . .").

We learn that well into the 1940s, Rand generally described herself as a "conservative," a term she later rejected (though she could equivocate on the subject when writing to Sen. Barry Goldwater). We learn about her relationships with others who were what we would now call libertarians, including such well-known figures as Leonard E. Read, Isabel Paterson, Rose Wilder Lane, Henry Hazlitt, and Ludwig von Mises, and such lesser-known figures as Jasper Crane and William Mullendore. We get insights into the development of her theory of rights, thanks to discussions in correspondence with both Isabel Paterson and Rose Wilder Lane. (Once again, the editor could have been more helpful: in a letter to Lane dated August 21, 1946, Rand writes: "I do not quite understand the basis of your definition of rights, which you mentioned briefly in your letter." Neither do we: at no point are we offered a description of Lane's definition, brief or otherwise.)

Her correspondence with other conservatives and classical liberals is revealing. At first she was generally pleasant, often humble, and sometimes even obsequious. As her reputation grew, her letters became collegial and friendly. By the late 1940s, she was lecturing them, holding herself an authority on matters of philosophy and politics, even at one point offering Leonard E. Read of *The Freeman* her services "without charge, to protect your publications from internal treachery."

Ayn Rand was both a great novelist and an important philosopher. She was without a doubt the most important influence on a whole generation of libertarians, and is more responsible for the resurgence of libertarian thinking than any other individual. Her eccentricities, as well as her radicalism, have tended to keep her from being given the sort of serious consideration she merits.

The fact that those to whom she left her literary estate posthumously indulge her eccentricities — especially her proclivity toward self-mythology — also works against her being taken seriously. What her estate has so far published — selections from her unpublished fiction, this anthology of letters, and a few carefully selected bits of her philosophical journals — is guarded and insufficient. Whether Peikoff, Berliner, and company will ever allow scholars access to such important resources as the bulk of her philosophical journals, her remaining correspondence, or other important personal papers remains a matter for speculation. If I were a betting man, I'd bet against it, for the simple reason that her unpublished works are bound to undermine elements of the Rand myth. In this, her estate is probably acceding to her wishes, but undoubtedly undermining her reputation and influence.

Letters of Ayn Rand lifts the veil on her life and intellectual development, especially during the period before her

† Incidentally, Peikoff, owner of Rand's literary estate, provided an uninformative introduction, memorable mostly for the ridiculous claim that Rand "alone" saw the "slow deterioration" of America during the 1930s!

‡ At least it seems as if we do. A letter to a storage company dated June 23, 1949 authorizes them to release "31 cans of the film stored in my name to Mr. Walter Wanger for temporary withdrawal. . . . Please give him the complete film *with the exception of* the can marked 'FILM CUTS.'" Berliner does not tell us whether this was indeed Rand's copy of *We The Living*, though it seems almost certain that it was: there's no evidence she possessed prints of any other films, and at the time Rand was trying to arrange for it to be re-edited and released in the U.S. Wanger was a film producer, though Berliner does not mention this either.

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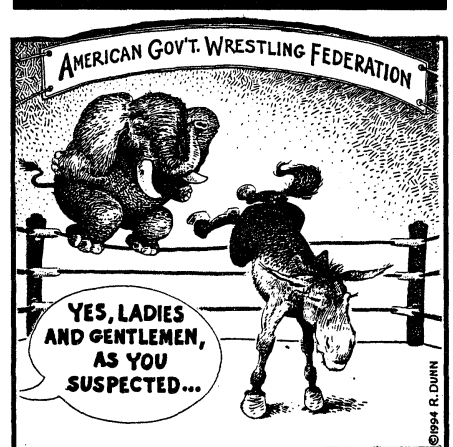

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move to New York to be closer to Nathaniel Branden, before she was cocooned within her cult, the period when she was Ayn Rand, Aspiring Writer and Ayn Rand, Successful Novelist — the period before she became Ayn Rand, The Greatest Novelist Who Ever Lived™ and Ayn Rand, The Greatest Philosopher Who Ever Lived™. Despite the transparent attempts of its editor to keep Rand the human being hidden behind Rand the myth, *Letters of Ayn Rand* allows the reader to see glimpses of the real woman and her development as a thinker and writer. ❑

***The De-Moralization of Society: From Victorian Virtues to Modern Values*, by Gertrude Himmelfarb. Knopf, 1995, 314 + x pp., $24.00.**

Three Cheers for Virtue

Lester H. Hunt

For its fortieth anniversary issue last December, *American Heritage* magazine asked a wide array of luminaries (some merely so-called, but some genuinely luminous) what the most important changes during those 40 years had been. To me, the most interesting answer by far was that of Jacques Barzun, who began by noting that all human actions can be assigned to one of three classes: those that are free, those that are enjoined or forbidden by force of law, and those that are enjoined or forbidden "by habit and the sway of opinion." He said that the most important development since 1954 had been the shrinkage of the third of these classes. Part of what this means, I would add, is that morality, as a form of social influence independent of law, has lost influence, for the force of morality is the sway of opinion. A good deal of the point of Professor Himmelfarb's book is to denounce this contraction of morality as a calamity with no hope of a remedy, other than to reverse the calamitous process itself.

More specifically, she defends a specific set of moral values: those by which England and America were swayed during the Victorian period. Much of the book is an account of what Victorian morality really was and a description of its actual effects on various aspects of Victorian society. Her story, as she tells it, leaves the impression that the creation of this morality was the most fundamental social achievement of the era, the one from which its other achievements flowed.

New Moralities for Old

Victorian morality, as she describes it, was a new table of values. It contrasted sharply with the classical virtues of the ancient philosophers (which included wisdom, justice, temperance, courage, magnanimity, munificence, liberality, and gentleness) and it also differed radically from the traditional Christian virtues of faith, hope, and love of God.

Neither of these older moralities was well-suited to ruling the sort of world in which the Victorians found themselves. The classical virtues were designed for a warlike and aristocratic society, and were mainly concerned with getting aristocrats to use their superior prowess in ways that were either harmless or beneficial. As such, they served well in their day, but they were of limited importance for running a democratic world devoted to peaceful competition and the production of wealth. The Christian virtues were not meant to assist in running the world at all, but for preparing for the afterlife. The Victorian world was one of declining religious belief and increasing this-worldliness. The Victorians accordingly fashioned a morality suited for living in this world, and in the corner of this world into which fate had thrown them: the system which their age was the first to call "capitalism." By examining it we see that, contrary to what socialists say, capitalism has "a moral as well as an economic dimension" (p. 187).

Himmelfarb presents this morality as organized around two central values: gentlemanliness and respectability. In their notion of the gentleman the Victorians took an aristocratic value and moralized and democratized it. Anyone (including women and the poor) could be a gentleman (or lady), provided only that he (or she) acquire the gentlemanly virtues, including honesty, integrity, courage, and politeness. Respectability meant having a certain sort of reputation *and* deserving it. One comes to deserve this sort of reputation by possessing the respectable virtues, such as hard work, sobriety, frugality, and prudence.

Himmelfarb makes a convincing case that these values were not mere hypocritical cant but were actually acted on — acted on to a surprising extent, and in every level of society. Particularly impressive is the fact that even the very poor managed to practice the minor Victorian virtue of cleanliness, a feat that must have required real dedication in a world without washing machines and dustbusters.

As evidence of the general moral condition of society in the Victorian Era and after, Himmelfarb rests great weight on certain statistical facts regarded as "social indicators." We may disagree about how to interpret them, but the numbers themselves are quite impressive. In England, the "illegitimacy ratio" (percentage of births that are out of wedlock) increased during the first half the nineteenth century from a little more than 5% at the beginning to 7% in 1845. This is hardly surprising to us, of course: we think of such numbers as naturally tending to rise, like helium or cigarette smoke. But during the period from 1845 to the end of the century (roughly, the Victorian Age) the number actually *sank* from 7% to less than 4%, which means the size of this fraction shrank by about 40%.

In case it seems too hopelessly

"Victorian" to treat the illegitimacy rate as an indicator of what Himmelfarb calls "social pathology," a similar tale can be told about the crime rate. From 1857 to 1901, the rate of indictable offenses shrank by almost 50%, despite the fact that society had suffered the strain of technological and economic change as well as massive movements of population.

Even more impressive, and crucial to her argument, is what has happened during the decades after Victoria and her Age passed from the scene. The illegitimacy ratio held to something surprisingly close to its turn-of-the-century level until around the beginning of the 1960s, when it began to increase rapidly, and then skyrocketed. In 1992, the rate was 32%. In America a similar succession of numbers can be presented, with the ratio reaching 30% by 1991. Among American blacks in the same year it was an incredible 68%.

What caused such changes? Himmelfarb thinks that history refutes most of the possible explanations. Do you think the rise in illegitimacy is caused by industrialization and urbanization? In the Victorian era the ratio was actually lower in the cities than it was in the countryside. Is it caused by poverty? During the same period, the rate in one of the poorest sections of London was consistently below the national average. Do you think the recent skyrocket-like surge was fueled by the recent recession? Then you have to explain why neither illegitimacy nor divorce increased in the Great Depression of the '30s, nor indeed during any other recession or depression for which we have relevant data.

According to Himmelfarb, there is one thing that distinguishes life as we have lived it since the early '60s from everything else in recent history. That is our "reluctance to speak the language of morality" (240), our fear of being "judgmental." That, together with the fall from grace of the specific content of Victorian morality, of the particular virtues they venerated, can explain the social pathology we see. Nothing else can. Thus the course of recent history, properly understood, compels us to bring back some of old reliance on the moral point of view that distinguished both the private and public discourse of the Victorians, and something of the content of their moralizing as well.

This is a very interesting book, and it should be read by everyone who is seriously interested in the moral dimension of capitalism, especially those who believe it never had one. It is full of astute comments and throws light on parts of the Victorian world with which most of us are unfamiliar. Of particular interest are the chapters on Victorian feminists (more individualistic than those of today) and the chapter in which she argues that the Jews were the ultimate Victorians because their morality was particularly well-suited to thriving in capitalism.

Enforcing Morality

Like all books, however, this one does have its problems and limitations, and I would be remiss if I did not try to point some of them out. One thing that will bother some people very much is the fact that Himmelfarb never really explains why a high illegitimacy rate is an infallible sign that something is terribly wrong with society. It seems to be self-evident to her. Of course, things like this are never literally self-evident, in the sense of being known in the absence of supporting evidence. As I sit here, I can think of several halfway plausible reasons for thinking she is right about this. But that's not my job — I didn't write this book, she did. Some readers aren't going to be as generous as I am about donating missing premises.

More problematic are the policy recommendations she bases on her historical narrative. Though most are only very briefly and vaguely set forth, they are not offered as unimportant asides. Himmelfarb is in deadly earnest about them, as serious as a heart attack. Despite this passionate seriousness, however, I don't think they all show the same depth of understanding that is evident in her historical explanations.

One policy that she seems to suggest is restoration of something like traditional obscenity laws. Her rationale is that "values, even traditional values require legitimation." Legitimation may require backing these values up with the force of law, given that it "requires a great effort of will for the individual to decide for himself that something is immoral and to act on that belief, when the law declares it legal and the culture deems it acceptable" (248). Civil rights legislation, she says, helped convince people that discrimination is morally wrong.

One thing that bothers me here, admittedly a minor point, is that I am not convinced that this judgment about civil rights laws, though it has often been made, is true. The fact that only 27 senators voted against the 1964 civil rights bill suggests that the belief that discrimination is wrong was already widespread at that time. I am old enough to remember the controversy

about the 1964 federal bill, as well as the debate over a similar enactment in California. I followed these discussions closely, and never heard anyone say that discrimination should be legal because it is sometimes morally innocent or socially desirable. Obviously, people were not always so enlightened, but just as obviously people did not achieve this comparative enlightenment by having the law pound it into their heads.

Another, more serious problem with this whole line of reasoning is that, if it is applied in an unconstrained way, it would seem to be self-defeating. If we were to legitimate all virtuous behaviors by making them legally mandatory, we could seldom be sure who was doing the right thing from virtuous motives and who was acting out of a not-so-virtuous desire to avoid trouble with the cops. This would interfere with one of the most important ways in which virtue is spread through a healthy society: by means of known examples of (real, not bogus) virtuous conduct.

While Queen Victoria lived, cocaine and heroin were both legal and cheap.

What is particularly disappointing in Himmelfarb's argument here is the near-absence of historical evidence for her conclusion that some sort of obscenity laws are desirable. The closest she comes is to argue that, in the past, when the law was reformed to allow dramatists and filmmakers to purvey obscene images, they always did so, and in fact went further than the reformers expected or desired. This is certainly true. But it is also irrelevant. She should be arguing that legally prohibiting such images results in people having more of some virtue, such as temperance or chastity, and that failing to do so results in their having less of it. The issue is not the behavior of artists and entertainers but the moral effects of their behavior.

I can imagine a historical narrative that would support the conclusion that she wishes to support. I can imagine someone arguing, for instance, that the moral rectitude of the Victorian era was preceded by the establishment of laws requiring moral behavior, and that this rectitude collapsed after these laws were repealed. One would be arguing for legislating morality in the same way that Himmelfarb argues for having morality itself.

But she does not offer such an argument. She does mention that Victoria, toward the beginning of her reign, issued a proclamation forbidding the sale of liquor during church services, but adds that it "was not strictly enforced" (28). She does not try to correlate morality with legality in the way that she correlates morality with social order.

I think the main reason for this is that no such correlation can be made. The most impressive attempt to legislate Victorian morality was Prohibition, that ancestor of our present drug war. Prohibition was a response to just the sort of problem that Himmelfarb is concerned about: she mentions drug abuse as an indicator of social pathology. But, except for a few puritanical backwaters, prohibition laws were passed years after Victoria died. While she lived, cocaine and heroin were both legal and cheap.

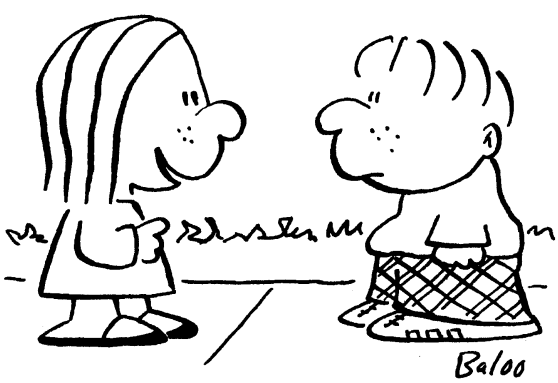

"Let's play house — I'll be a divorced executive, and you can be my butler."

Similarly, the court decisions that made possible the pornography explosion of the last two decades occurred after the sexual revolution was well underway. These changes in the law were obviously related to major changes in morals, but they were more likely effects than causes.

Of course, I would not want to deny that law has an effect on morals. But the effect is not the same sort as the effect of morals on behavior. It is not as strong and it is also not as easy to identify and generalize about. In this respect the case of antidiscrimination laws is rather misleading, in that they might be connected with morals in a relevant and fairly close way. Presumably, the moral lesson of such laws is that discrimination is wrong. We can readily understand how it might teach this lesson: it says that discrimination is wrong, and lends the great prestige of the law to this idea. This could convince people that the idea is true.

Conceivably, this could make an important contribution to inculcation of a certain virtue: fairness. Fairness consists, in part, of never discriminating on the basis of race. Of course, we could argue about whether this is actually true, but at least it has one thing in its favor: the content of the law is immediately and clearly relevant to the virtue it is supposed to instill.

We cannot give the same sort of account in the case of obscenity laws. What these laws declare to be wrong is the production of obscene movies and printed matter. But this declaration is not the deep moral lesson they are supposed to impart to most of us. What Himmelfarb and others evidently hope is that they will help to give us some virtue, such as chastity. But it is far from obvious what relationship holds between chastity and the availability or unavailability of obscene materials. Contrary to popular misconception, the traditional virtue of chastity did not mean having a weak libido or abstaining from sex. It meant something like having rightly ordered appetites and conducting oneself in appropriate ways. It included such things as the avoidance of promiscuity. It is not difficult to think of ways in which this trait might actually be aided by the availa-

In the Victorian era the illegitimacy ratio was lower in the cities than it was in the countryside. The rate in one of the poorest sections of London was consistently below the national average.

bility of erotic materials and undermined by a legal system that bans them.

However, as I say, Himmelfarb's policy recommendations, important as they might be to her, do not take up many pages of this book. Most of it is revisionist history of the most interesting sort. Some people, I am sure, will be annoyed or offended by it, but that is not necessarily a bad thing, especially if they are among those who have had things pretty much their way for the last several decades. ❑

***Lies My Teacher Told Me*, by James W. Loewen. The New Press, 1995, 372 + x pp., $24.95**
***The South Was Right!*, second edition, by James Ronald Kennedy and Walter Donald Kennedy. Pelican Publishing, 1994, 431 pp., $22.50.**

Reconstructing History

Clark Stooksbury

You probably wouldn't want to invite James Loewen and James and Walter Kennedy to the same cocktail party. James Loewen is a left-leaning sociology professor at the University of Vermont. The Kennedy brothers are unreconstructed Southern Nationalists. Loewen has a high level of antipathy for Confederate-minded southern whites in general, and Mississippians in particular. The Kennedy brothers are members of the Sons of Confederate Veterans; they grew up in Mississippi.

But there is a common thread that runs through Loewen's *Lies My Teacher Told Me* and the Kennedys' *The South Was Right!* Both books take to heart the old adage about history being written by the victors. And both try hard to set the historical record straight.

A Textbook is a Committee Designed by a Camel, or Something Like That

Loewen's thesis, simply stated, is that high-school American history texts are awful. They are filled with inaccurate information, contentless drivel, and nationalistic cheerleading. They tell a fairy-tale history: Columbus discovers America, then the Pilgrims land and celebrate Thanksgiving, and democracy takes root and freedom rings and everything just gets better and better. Nothing is ever complex; nothing is ever debatable. Reading these textbooks, one gets the impression that everything that has ever happened was inevitable; the debates *of* the past are rendered almost as invisible as debates *about* the past.

Loewen offers an alternate American story, one in which Indians are more than "props in a sort of theme park of the past" (p. 92), one which presents still-open questions (the number of pre-Columbian Indians, details about Columbus' life, etc.) as controversies, one which eschews one-dimensional heroes in favor of multifaceted individuals. He devotes a chapter to debunking two textbook favorites in the "hero" department, Helen Keller and Woodrow Wilson. In the texts, Keller overcomes great obstacles as a child and never does anything else; her devotion to radical politics disappears, along with almost all the rest of her adult life. Textbook writers whitewash Wilson's repugnant public career. His imposition of racial segregation among federal employees, his suppression of dissent during the First World War, and his use of U.S. Marines to serve corporate interests in Latin America are glossed over or ignored.

Most of the time, Loewen is on fairly solid ground. He does slip up sometimes, though. Some of his worst moments come when he ventures into the realm of economics, as with his bizarre explanation of the oil shortages of the 1970s. Loewen tells us that "capitalism, a marvelous system of production, was never designed to accommodate shortage" without ever mentioning the fact that, due to Nixon's price controls, "capitalism" never had the *opportunity* to "accommodate" the "shortage."

But Loewen's weak understanding of economics is more forgivable than his warped view of the War Between the States. Throughout *Lies My Teacher Told Me*, Loewen criticizes textbook writers for being vapid, one-sided, simplistic, uncritical cheerleaders for the U.S. government. Yet all of these words can be used to describe his treatment of the Civil War.

Unpleasantness About the Late Unpleasantness

Loewen's treatment of Abraham Lincoln is positively sycophantic — he acknowledges Lincoln's professed racism with his right hand but then tries to absolve him with his left. "In conversation, Lincoln, like most whites of his century, referred to blacks as 'niggers,'" Loewen writes. "When responding to Stephen Douglas's race-baiting in the Lincoln-Douglas debates, Lincoln himself sometimes descended into explicit white supremacy: 'I have no purpose to introduce political and social equality between the white and black races'" (172). Just a couple of paragraphs later, Loewen describes Lincoln's views on race as "more 'complicated' than Douglas's," offering this quotation in

Textbooks tell a fairy-tale history: Columbus discovers America, then the Pilgrims land and celebrate Thanksgiving, and democracy takes root and freedom rings and everything just gets better and better.

evidence: "If one man says it [the principle of equality in the Declaration of Independence] does not mean a Negro, why does not another say it does not mean some other Man?" (173).

In a mere mortal, such inconsistency would merit the title "two-faced" or "hypocrite," and might answer the hypothetical question, "I wonder how Bill Clinton would have responded to slavery?" In Lincoln, it is a sign of his "complexity."

No one ever manned the barricades after being fed a diet of "on-the-other-hand" rhetoric.

The South Was Right! produces further examples of the Great Emancipator's "complexity," such as his promotion of one Colonel Turchin to brigadier general after the colonel was court-martialled (and convicted) for allowing his command to commit war crimes in the town of Athens, Alabama. The Kennedy brothers' source for this is the U.S. government itself, in *The Official Records: War of the Rebellion*. Loewen doesn't see fit to discuss this or the many other outrages committed by the Northern army.

He does recount the story of a racist atrocity committed by the Confederates: "the infamous Fort Pillow massacre by troops under Nathan Bedford Forrest, who crucified black prisoners on tent frames and then burned them alive, all in the name of preserving white civilization" (184). But the events at Fort Pillow are actually disputed. According to Shelby Foote's *The Civil War*, a different version of events occurred. The soldiers occupying Fort Pillow refused an opportunity to surrender and were attacked. Many (including a disproportionate number of blacks) were shot while trying to surrender, but according to Foote, Forrest put a stop to it as soon as he was able (Foote, Vol. III, pp. 108–112). This was not the proudest moment in the history of the Confederate Army, but neither is it the ghastly war crime Loewen describes.

So who does Loewen cite as a source for this controversial anecdote? Himself! The tidbit comes from his own history textbook, *Mississippi: Conflict and Change*. When one of the texts he spends a few hundred pages analyzing ignores a historical debate this way, he mercilessly attacks it for being simplistic, for mindlessly promoting the views of the United States government, and for treating complex questions as simple morality plays.

Lies, Damn Lies, and Yankee History

The South Was Right!, as you might guess, takes a different view of the War Between the States. The Kennedys are determined to answer every possible charge that might be made against the South and the Confederacy, and they leave few stones unturned when leveling charges against the North. The first chapter consists of retorts to what they call "Yankee myths." Among the myths: "Lincoln the Emancipator, Humanitarian, and Protector of Liberty" (26), "The North Fought the War to Save the American Constitutional Union" (32), and "General Lee was a Reluctant Southern Nationalist" (40).

Most of these are indeed myths, but some of their debunking isn't very convincing. Take the above-mentioned discussion of Robert E. Lee. The authors allow that Lee was opposed to secession until the threat of aggression forced his hand. That sure sounds "reluctant" to me.

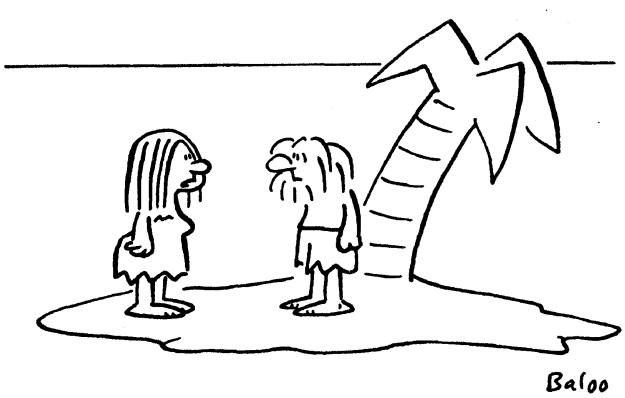

"Not tonight, Eddie — I have to wash my hair."

Perhaps the weakest chapter in *The South Was Right!* concerns race relations in the Old South. As far as I could tell, the Kennedys' statistics and anecdotes are well-documented — but they're rather selective as well. The authors are a bit pollyannish on the issue of slavery. Granted, this is a book called *The South Was Right!*, not *An Even-Handed History of the South*. But the "peculiar" institution is too evil a practice to skirt over and prettify.

On the brighter side, the chapter includes some facts you'd never dream of had you only been reading a conventional history text — or *Lies My Teacher Told Me* — including a list of blacks, both slave and free, who served in the Confederate States Army, and an anecdote about a black veteran who was admitted into a Confederate Veterans' retirement home in the early twentieth century. Details such as these tend to be ignored by those who prefer one-dimensional paintings of the South as a land of nothing but hatred and oppression.

Still, after reading the Kennedy brothers' comments on slavery and racism, it would be wise to turn back to Loewen for a more critical view.

Slavery was an important reason for secession, particularly in the Deep South. But Virginia, Tennessee, Arkansas, and North Carolina only seceded after Fort Sumter had been attacked.

Nowhere in *The South Was Right!* will you read about — for example — the Confederacy's "twenty nigger" law, which exempted overseers of a large number of slaves from military service.

Bury My Heart at Stone Mountain

Is Loewen correct when he asserts that "slavery was the primary cause of the Civil War" (134)? Or are things more complex? From the documents of the time, one has to conclude that slavery was an important reason for secession, particularly in the Deep South. Georgian Robert Toombs' remarks in a debate on secession with Alexander Stephens include a passage in which he

"demand[ed] the equal right with the North to go into the common territories with all of our property, slaves included, and to be there protected in its peaceable enjoyment by the federal government." The Mississippi resolutions of November 1860 denounced the northerners for having "insulted and outraged our citizens when traveling . . . by taking their servants and liberating the same." But Virginia, Tennessee, Arkansas, and North Carolina only seceded after Fort Sumter had been attacked and Lincoln had called for 75,000 volunteers to invade the South.

More importantly — and here is a point that Loewen completely misses — the reasons for secession and the reasons for the war are not necessarily the same. If the North fought the war to end slavery, why didn't Lincoln abolish it in the loyal states of Missouri, Kentucky, Maryland, West Virginia, and Delaware? And why didn't the Emancipation Proclamation do a little more emancipating and a little less proclamating? Why didn't Ole Honest Abe at least ask General Grant to free his wife's, er, "involuntary servants"? (Loewen, who laments critical omissions from U.S. history texts, leaves the reader blissfully unaware that the leader of the war against slavery was himself tarred by the infamous practice.)

Loewen criticizes the mote of cognitive dissonance in others' eyes, but is oblivious to the beam of inconsistency in his own. Noting some southern voices who called for abolishing slavery and/or arming slaves, he asks, "What . . . would the new black soldiers be fighting *for*? Slavery? Secession? What, for that matter would white Southern troops be fighting for, once blacks were also armed?" (185, emphasis in original) The obvious answer, *their homeland*, never occurs to him. Perhaps he is not aware of the United States' war atrocities against black southerners, atrocities recorded in *The Official Records* and recounted in *The South Was Right!* It also never occurs to him that if many southerners were considering abolishing slavery, perhaps the survival of that institution was not their only concern.

If his views about the war are questionable, on some related subjects Loewen goes off the deep end. He seems to believe that the Fourteenth Amendment was written in stone by the finger of God: "The passage, on behalf of blacks, of this shining jewel of our Constitution shows how idealistic were the officeholders of the Republican Party, particularly when we consider that similar legislation on behalf of women cannot be passed today" (187). This quote is guilty of several sins he uncovers in other texts, primarily in its whitewashing the story of how the amendment was passed. One would never get the impression, reading Loewen, that the amendment was added to the Constitution only by denying several southern states reentry into the union until they ratified it — and refusing to recognize some northern states' repeal of passage. His "idealistic" Republicans could not have succeeded in passing this "shining jewel" if they had been idealistic about the U.S. Constitution.

A Look Back in Anger

Teaching U.S. history is too important to be left to the experts. Loewen largely confines his critique to the twelve history texts that he studied, and his book generally succeeds at showing their weaknesses. To his credit, he usually avoids painting history as one long episode of White Guilt, and he opposes "feel-good history" for minorities as well as for affluent whites. His chapters on the Civil War should be taken with a massive pillar of salt, but he redeems himself in most other areas.

The South Was Right! was conceived for a very different reason than *Lies My Teacher Told Me*. The Kennedy brothers are trying, with intellectual and emotional appeals, to activate and enrage people, especially southerners, against the Leviathan on the Potomac. I believe they are correct in their core view that the southern states had the right to assert their independence in 1861, even if some of the evidence they offer to support that position doesn't wash, and even if they skirt around southern motives less noble than a desire for freedom and independence. I find their occasional sins, more of omission than commission, to be forgivable. This book is a manifesto, not an even-handed history, and no one ever manned the barricades after being fed a diet of on-the-other-hand rhetoric. Nonetheless, the South can still be right even if it is allowed to be imperfect. ❑

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Booknotes

That Which Is Called the Tao Is Not the Tao — I'd never given much thought to all those *The Tao of This-and-That* and *The Tao of Whatever-Ails-Ya'* books. Then I read, in the first chapter of Murray Rothbard's *Economic Thought Before Adam Smith*, that the "Taoists were the world's first libertarians, who believed in virtually no interference by the state in economy or society."

So I'm browsing through Borders, and in the middle of the economics section is Ivan Hoffman's ***The Tao of Money*** (Prima Publishing, 1994, 210 pp., $17.95). Well, I can't pass up a book on money from a libertarian point of view. Unfortunately, Hoffman's version of Taoism doesn't jibe with Rothbard's. And the book really isn't about money, either.

On the plus side, Hoffman is for open borders and eradicating military spending. But he also writes, "It should be fairly clear that unbridled freedom in economics can and indeed has led to significant abuse of the system, through greed [Ah! The G-word!], unethical practices, and the like." To offset all this greedmongering, government should stimulate the economy, train workers who have lost their jobs due to technological shifts, and feed, clothe, and house the poor.

What would the original Taoist, Lao-tzu, have to say about this? A few selections from Thomas Cleary's translation of the *Tao Te Ching* should offer a few clues:

When the government is unobtrusive,
the people are pure.
When the government is invasive,
the people are wanting.

The more laws are promulgated,
the greater the number of thieves.

When people are starving,
it is because their governments take too much,
causing them to starve.
When people are hard to control,
it is because of the contrivances of their governments,
which make them hard to control.

About the only thing Hoffman and Lao-tzu agree about is that war is bad. Other than that, Hoffman is about as Taoist as Bill Clinton.

—Douglas French

Out of His Depth — Hilary Putnam is a distinguished professor of philosophy at M.I.T. and the author of numerous books on epistemology and philosophy of science. I read his ***Realism with a Human Face*** (Harvard University Press, 1990, 424 pp., $15.95) in order to absorb the latest developments on scientific realism (e.g., what is the current status of elementary particles in physics?) and necessary truths (e.g., is it necessarily false that I could have been born at a different place or time?). One essay in this collection, "How Not to Solve Ethical Problems," begins with a blast at those ethical theories that "prove too much" — that is, if they are true they devastate not only the opponent's theories but also parts of one's own. He uses Nozick's theory in *Anarchy, State, and Utopia* as a case in point: Nozick's theory not only gets rid of welfare but also gets rid of taxation, which in Putnam's opinion is enough to make Nozick's theory absurd on its face.

Putnam describes his early Marxism, as well as his return to it during the Vietnam War, which he abandoned because he found Marxists intolerant of dissent. He condemns Communism along with (what he calls) conservatism — Communism, because their system cannot provide justice, and conservatism, because it lives too comfortably with the thought that millions will have to remain in permanent poverty. How this is implicit in "conservatism" is not made clear. But he does appear to believe that the conservatives in power are to blame:

When we take the stand that nothing

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can be done about high unemployment rates, and that a whole generation of young people in their teens and twenties will simply have to wait for better times before they can hope to have better than a dead-end job (or in many cases, any job at all), we are flouting our professed commitment to a "right to a job." Unemployment did not come about by accident, after all: government decisions to raise interest rates and 'wring out' the economy in order to bring down the rate of inflation *predictably* had the effect of throwing millions out of work and causing the disappearance of entry-level jobs. If it is right for government to regulate the rate of employment at all (and "wringing out" the economy *is* regulating it — regulating it *downwards*), then the government, which is supposedly acting in the interest of the majority who still have jobs, has a moral obligation to protect and help the minority which is asked to suffer for the sake of the community. To ask young people who are unemployed to give up their life chances by deferring entry into real jobs for five, or ten, or however many years so that the middle class won't have to worry about inflation is to ask too much. (p. 188)

Putnam mentions Milton Friedman only to dismiss him. Whose economic theory then is Putnam using to "prove" that high employment can be achieved only at the price of high inflation? Is it perhaps his view that high employment is impossible without creating millions of government make-work jobs, and that the resulting debt entails inflation? Has he not heard of prosperous economies without inflation? Has he read anything of American economic history? Has the thought crossed his mind that high unemployment occurs when taxes and regulation make it no longer worth someone's while to start a business and take on employees? Is it a thought unfamiliar to him that our present condition has come about because big government has eaten our sustenance? But no, big government is not one of his villains — it is for him a necessary means of rescuing the needy from their otherwise inevitable condition.

So, instead of identifying the real enemies of unemployment and depression, he demonizes the very people who could alleviate these conditions. It is a dangerous thing for a person with distinction in one field to use that distinction to make pronouncements in another field of which he has only a hearsay acquaintance. —John Hospers

Crackpot in the Ivory Tower

— "What finally broke the S&Ls was a combination of bureaucratic meddling, a credit crunch after years of 'easy money,' and the industry's own chronic mismanagement and massive overinvestment," George Roche writes in ***The Fall of the Ivory Tower*** (Regnery Publishing, 1994, 310 pp., $15.95). "That combination is precisely what threatens colleges and universities today."

Roche's book is at its best when it details the history, politics, and distorting effects of government funding of higher education. It also includes interesting information about corruption among administrators, exploitation of the untenured, and affirmative-action failures. And its discussion of rising tuition, while incomplete, is on the right track.

It is much less successful when it strays from these topics.

Roche's favorite form of argument is the anecdote; far more pages are spent listing one-sentence horror stories than offering detailed, broad-based, statistical support for his positions. Such stories are useful, of course, and some of the tales Roche has gathered are damning. But others aren't. For example, when Roche decides to demonstrate the pointlessness of much modern scholarship, he offers as proof a list of recent scholarly books, on the theory that their titles alone should prove his point. Unfortunately, many of the books are actually legitimate scholarship (*Girls Lean Back Everywhere* is a respected history of censorship), or could very well be legitimate scholarship (I've never heard of *Acting Gay: Male Homosexuality in Modern Drama*, but I don't see anything inherently silly about the topic). And many aren't even published by university presses: his list includes titles from such commercial publishers as Random House, St. Martin's Press, and Basic Books.

What's more, while Roche understands the pernicious role of education subsidies, he ignores other forms of government intervention that have fed the collegiate Leviathan. Occupational

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licensure is never mentioned. Neither is the Pentagon. Instead, Roche wastes time on such topics as "Morality on Campus," a subchapter mostly given over to complaining that universities no longer persecute homosexuals. Such ranting reveals more about the author than about college life.

Someday, someone is going to write a comprehensive report on what's wrong with American higher education. He'll find some useful leads in Roche's book, but he'll have a lot more legwork to do on his own.

—Jesse Walker

Blankout — In the mid-'70s, my mother, brother, two cats, and I packed our blue Impala and drove from Boston to Chicago. Sometime during one of the 30 gazillion ear-torturing times Barry Manilow's "I Write the Songs" was on the radio, the car overheated, leaving us stranded on I-90. Ma flagged a man willing to help and, telling her eight-year-old and four-year-old sons to stay in the car, rode off to get some antifreeze.

Or so I remember. It didn't occur to me until a few years ago that this behavior didn't speak well for my ma's ma-ing instincts. So I asked her if she had indeed left us alone. Of course not, she answered, she brought us with her. My brother corroborates her claim. I'm inclined to believe them. So why do I have such a vivid memory of the (non)incident?

One obvious explanation is that human memory isn't reliable. ***Return of the Furies*** (Open Court, 1994, 431 pp., $39.95 hc, $16.95 sc) by Hollinda Wakefield and Ralph Underwager offers ample evidence supporting this explanation. The book provides a layperson's introduction to current research on human memory, the claims of repressed memory theorists, and the case against their validity.

I don't buy their basic thesis, indicated by the title, that recovered memory claims represent a vicious return of rampant irrationality, and that this represents a serious threat to our society. America has always had a surplus of scapegoats and paranoiacs. Repressed memory battles are at most just another symptom — and a marginal one, when one compares it to, say, the persecution of drug users or gun owners.

The book could also do with a little less babble about the wonders of Western civilization, e.g., "At the beginning of Western civilization the conflict between men and women was settled by reason, balance, and fairness" (p. 380). One doesn't have to be a P.C. nut to find this absolutely absurd.

All the same, the case against recovered memories is very strong, and they present it ably. It's a book worth reading, by those on all sides of the debate.

—Michael Levine

A Place in the Sun — If you ever wanted to read a semi-literate account by a small-town bigot of what happens when members of a strange foreign religious cult buy up land in the American hinterland and try to practice their religion in private, get a copy of ***A Place Called Antelope*** (August Press, 1994, 150 pp, $11.50), by Donna Quick. Without the slightest hint of self-awareness, Quick tells the story of how her friends and neighbors harassed the Rajneeshees who settled in the Oregon desert only 35 miles from their little town of Antelope (pop. 39), only to have the Rajneeshees rent a place in town, move in, win the election, and take over the town. Before the struggle was over, the state of Oregon, the U.S. government, and an elitist environmental group had joined the struggle against the outsiders, who proved themselves just as loony as the townspeople, though not as unneighborly.

—R.W. Bradford

videonotes

My Gun Is Quirk — Quentin Tarantino may be credited with reinvigorating cinema, showing Hollywood decision-makers that good writing and odd plotting and an offbeat point-of-view can sell at least as well as cut-and-paste filmmaking. But other recent films demonstrate that Tarantino has no monopoly on oddity. Consider ***My New Gun*** (Stacy Cochran, director; 1992).

From the video's cover, I feared that this would be an anti-firearms cautionary tale. But the writing is too weird, too attentive to realistic speech-patterns and everyday misunderstandings — indeed, too attuned to human eccentricities — to ruin the film with anti-gun moralizing. Indeed, like, say, NBC's *Seinfeld*, it is basically morality-free. But it is not farcical, like Jerry Seinfeld's sitcom; and it is not superficial or inhumane. The film is full of surprises, odd moments of people trying to figure out what is going on; people acting, that is, pretty much as they do act when strange things actually happen to real people.

So what happens? A doctor buys his wife a gun; she loans it to the quiet next-door neighbor, even though he may be a criminal; getting it back, the husband shoots himself in the foot; he is poisoned by an egg salad sandwich while in the hospital; he demands a trial separation . . . well, the litany of events does not even suggest how peculiar this movie feels. The acting is perfect, though I recognized only two players (Tess Harper, playing the mother of "Skippy," the next-door neighbor; and

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Stephen Collins, playing the doctor-husband). The lead actress, Diane Lane, is marvelous, with a perfect, puzzled look and excellent hesitant delivery. (She is also extremely attractive.)

My New Gun takes a slice-of-life look at yuppie-middle-class life and, with a twist of the cutting room knife, shows it in its full vacuity . . . if through a glass, quirkily. —Timothy Virkkala

It's a Horrible Life — Few documentaries are as well-titled as ***The wonderful, horrible life of Leni Riefenstahl*** (Ray Müller, director; 1993). The wonderful part of Liefenstahl's life, of course, was her films, notably *Triumph of the Will* (1935) and *Olympiad* (1938), two of the most visually stunning movies ever produced, and certainly the two greatest documentaries ever filmed.

They are also the horrible part of her life. Both movies were made in Nazi Germany. Worse still, the subject of the former was the 1934 Nazi rally in Nuremberg, and it glorified Hitler and Nazism. Indeed, it was used as Nazi propaganda. Her critics also manage to find a Nazi flavor (the body beautiful was a Nazi theme, they say, and . . .) to *Olympiad*, though here they stretch credibility a bit.

Riefenstahl never cared much for politics, and saw her films as apolitical works of art. She could just as easily have filmed a rally for Franklin Roosevelt or Joseph Stalin, or Olympic games staged in Moscow or Los Angeles. Even so, after World War II, she was put in detention for four years, and has pretty much remained an object of opprobrium ever since. Much of the documentary about her life consists of her being badgered about her work for the Nazis. She explains over and over that her concern was cinema, not politics. Before the documentary is over, it seems like she protests too much.

Leni Riefenstahl is not the only great filmmaker to put her talents to work on behalf of a totalitarian monster. The very celebrated Sergei Eisenstein did his work for the murderous Soviet regime, beginning in the 1920s and lasting through the post-World War II period. Unlike Riefenstahl, Eisenstein was an ideologically committed servant of his master. He was a Latvian studying in St. Petersburg when the Bolshevik revolution broke out. Rather than return to his newly independent homeland, he volunteered for service in the Red Army, where he studied theater. In 1920, he left the army to join the First Workers Theatre of Proletcul, which was striving to replace the old culture with a new Communist one. He made his first film in 1923. In the words of a standard reference book, "he believed that his duty as an artist was to contribute to the forging of the new life for his country [and] eagerly embraced the film medium as the most efficient tool of communist propaganda." He followed every jot and tittle of the Communist Party line, even speaking in favor of alliance with Nazi Germany during the period of the Stalin-Hitler pact. His films were easily as propagandistic as *Triumph* and vastly more so than *Olympiad*.

Yet curiously, Eisenstein is not remembered as part of the murderous Stalinist regime. He is celebrated as a great pioneering filmmaker who happened to live in the Soviet Union.

Why the different treatment? Well, Eisenstein's pro-Stalinist views had a lot of appeal to American intellectuals and filmmakers of the era. He visited the United States in 1930, lecturing at Ivy League colleges and making a triumphant visit to Hollywood, where he hoped to make a film and was welcomed by Douglas Fairbanks, Charlie Chaplin, and Walt Disney. His Hollywood project was sidetracked and he returned to renew his work on behalf of Stalin.

But I suspect the real reason is simpler. Germany lost the war and the Soviet Union won it. Just as the victors write the history books, so they evaluate filmmakers.

When the war ended, Riefenstahl was shown Allied film of the piles of corpses in Hitler's death camps. She was shocked, as any decent human being would be. But there was no one to show Eisenstein films of the 30 million starved in the Ukraine during Stalin's collectivization of agriculture. As a conscientious and dedicated Communist, would Eisenstein have been shocked? —R.W. Bradford

A Short Note — One of the best films of 1993 received no Oscars (though it did get four "Genies"): ***Thirty-Two Short Films About Glenn Gould*** (Francois Girard, director). It is a

continued on page 69

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Friday, October 6 through Sunday, October 8

Index

to Volume Eight

Jonathan H. Adler
Tyranny Now rv 8:1, 54
Chester Alan Arthur
The Whitewater tapes rf 8:1, 7
Browneing in rf 8:1, 17
No flies for dinner rf 8:2, 12
Coincidence? rf 8:2, 18
Note to political scientists rf 8:3, 7
Self-restraint rf 8:3, 9
Terms of Indictment sb 8:3, 16
Periphery Vision sb 8:3, 18
Measure for Measure sb 8:3, 22
Them wacky Democrats rf 8:4, 8
A prophecy comes home to roost rf 8:6, 9
Contract for liberty? rf 8:6, 9
Chester Alan Arthur (interviewer)
Russo and Revolution in 8:3, 27
Caroline Baum
Bond Market Babylon ar 8:5, 40
John Bergstrom
Star Trek: The X Generation rv 8:5, 65
Tom Bethell
Murray N. Rothbard, 1926–1995 o 8:4, 23
David Boaz
Mugged by a metaphor rf 8:1, 7
From steel to stealing rf 8:1, 8
The yellow goldbrick road rf 8:1, 10
Rent asunder rf 8:1, 13
The Nixon difference rf 8:1, 17
The Distended Public Sector ar 8:1, 27
Roger Lea MacBride, 1929–1995 o 8:5, 13
The Sensitive Jacobins rv 8:5, 62
Cerchez la harridan rf 8:6, 7
Ben Bolch (with Harold Lyons)
The Logic of the Toxic ar 8:1, 44
R.W. Bradford
Conservatism über alles rf 8:1, 7
Poor man's burden rf 8:1, 16
The Hess conspiracy rf 8:1, 18
One Strike, You're Out! ar 8:1, 41
Hidden Upstate b 8:1, 63
To your health rf 8:2, 6
I, Hack rf 8:2, 12
Russell Means liberty rf 8:2, 15
Black Jacobins, white Lafayettes rf 8:2, 17
Crimes of Opportunity ar 8:2, 32
The Market Meets Deep Ecology ar 8:2, 49
Wheeling and Dealing Around the World rv 8:2, 57
Who's the boss? rf 8:3, 8
A Crisis of Faith ar 8:3, 19
Sliding Down the Bell Curve sb 8:3, 59
Congress, rule thyself rf 8:4, 7
Professional courtesy rf 8:4, 9
Drop that baby, or we'll shoot! rf 8:4, 10
Redistributing intelligence rf 8:4, 16
Liberty Triumphant? ar 8:4, 17
Murray N. Rothbard, 1926–1995 o 8:4, 26
Out of the Asylum rv 8:4, 63
Whose ox is xeroxed rf 8:5, 8
Mr. Something-or-Other rf 8:5, 14
Mexican Hayride ar 8:5, 15
Knowledge Compact rv 8:5, 66
Crazy Willie's auto sale-a-thon rf 8:6, 8
Strike four rf 8:6, 11
Be All You Can Be sb 8:6, 18
Still Smoldering ar 8:6, 22
"Anti-Terrorist" sb 8:6, 24
Solving the Debt Crisis ar 8:6, 53
Douglas Casey
In Kyrgyzstan ar 8:4, 43
Lighten Up, Jack ar 8:4, 55
Michael Christian
Disown a piece of the Rock rf 8:5, 11
Colleen Coleman
Abandoned! b 8:1, 63
Roy Cordato
Sinful Taxes ar 8:4, 57
Dmitry Costygin (with Y. Gvozdev)
"We the Living" d 8:5, 50
Stephen Cox
Kill for peace rf 8:1, 12
Why are we in Hispaniola? rf 8:2, 20
The Turtle and the Hare-Brains ar 8:3, 15
Democratic Party reptile rf 8:4, 10
Murray N. Rothbard, 1926–1995 o 8:4, 22
What a friend we have in Willy rf 8:5, 9
Atlas juiced rf 8:5, 12
Innocent Bystanders? ar 8:6, 15
Ed Crane
De-Inventing Government ar 8:6, 46
Gus diZerega
Deep Ecology Meets the Market ar 8:1, 29
Brian Doherty
Just say treason rf 8:3, 10
Asimov III: the final chapter rf 8:3, 14
Broken Promise b 8:3, 65
Atlas Schmucked b 8:3, 66
American Spleen rv 8:4, 59
An American life: act six rf 8:6, 9
Seth Farber
The Bedlamming of America ar 8:2, 34
When Pushers Come to Shove ar 8:3, 53
Robert Formaini
Cato Free-For-All ar 8:2, 55
Douglas French
Rothbard the teacher o 8:5, 14
Lowell Gallaway (with Richard Vedder)
Back to Work ar 8:3, 37
J. Orlin Grabbe
Feed the Children f 8:5, 51
The End of Ordinary Money ar 8:6, 32
Public-Key Cryptography in One Easy Lesson sb 8:6, 39
Bettina Bien Greaves
Murray N. Rothbard, 1926–1995 o 8:4, 26
John Chamberlain, 1903–1995 o 8:6, 12
E.K. Gregory
Stealth Health ar 8:4, 32
Y. Gvozdev (with Dmitry Costygin)
"We the Living" d 8:5, 50
Leon T. Hadar
Hail to the Wimp! ar 8:1, 19
D-Day matinee rf 8:2, 16
Out of Washington rf 8:3, 10
Slovakia, mon amour rf 8:5, 7
The Chechnya syndrome rf 8:5, 13
Cato on NATO b 8:5, 64
The Voice of Reason sb 8:6, 16
Cold Media, Hot America sb 8:6, 20
"Anti-Government" sb 8:6, 24
Robert Hessen
Murray N. Rothbard, 1926–1995 o 8:4, 23
Robert Higgs
Talkin' 'bout a revolution rf 8:3, 8
Sinners in the hands of an angry Senate rf 8:3, 14
Renaissance Economist b 8:3, 65
Murray N. Rothbard, 1926–1995 o 8:4, 24
John Hospers
O.J. and counterfactuals rf 8:2, 5
Pulp friction rf 8:5, 10
Damon M. Hunzeker
Dirt Nazis rf 8:4, 14
Greg Jenkins
Gotta Sing f 8:1, 48
Gene Jewett
Dystopia Undone rv 8:6, 57
Bill Kauffman
Clinton collects his wits rf 8:2, 7
I'll take Haiti, and another slice rf 8:4, 7
Uncle Tom's Cabinet rf 8:4, 10
A Globe of Villages ar 8:4, 34
As we go marching down Tobacco Road rf 8:5, 8
Jackboots and Garter Belts sb 8:6, 18
Bart Kosko
Saturday night holocaust rf 8:1, 16
Bentham's back and there's gonna be trouble rf 8:2, 10
Telephone privacy, 1876–1994 rf 8:2, 15
Richard Kostelanetz
On being a widely published unpublished author rf 8:1, 13
The Critic, Years After rv 8:2, 62
I'll Take Manhattan ar 8:3, 43
I Saw John Cage at Madison Square Garden rv 8:5, 63
Anarchist Lockstep rv 8:6, 61
Val Lambson
Convincing the Unconvincible ar 8:5, 33
Phil Leggiere
Radio Ga-Ga rv 8:3, 64
Road Yuppie rv 8:4, 64
Pierre Lemieux
Market Stalinism, 101 rf 8:1, 7
Court economist rf 8:1, 13
Academic Style ar 8:1, 26
Smoking out the Puritans rf 8:2, 5
The laisser of two evils rf 8:2, 7
Soot and Old Spice rf 8:2, 10
Memoirs of a Soviet Dissident in Canada ar 8:3, 45
Are they us or are we they, or none of the above? rf 8:6, 7
Uncivil Disobedience ar 8:6, 43
David & Mary Lemke
Death in Oregon sb 8:4, 31
Michael Levine
If at first you don't succeed rf 8:1, 14
Shock jock drop out rf 8:1, 17
The closing of the American mouth rf 8:2, 7
Postal hellhounds on his trail rf 8:3, 7
My Kind of Town? sb 8:3, 20
More Hayekian Than Thou b 8:4, 67
Relatively Speaking b 8:5, 64
After apartheid m 8:6, 14
Leon Czolgosz Redux sb 8:6, 17
Nein! Nein! b 8:6, 64
Leonard P. Liggio
Murray N. Rothbard, 1926–1995 o 8:4, 21
Ronald F. Lipp
Farce and Madness rv 8:3, 62

Loren E. Lomasky
- French fried potentates rf 8:1, 9
- Wining, not whining rf 8:3, 7
- To Vote, or Not To Vote ar 8:3, 25
- New clowns, same circus rf 8:6, 7
- Hobbes and Locke in Oklahoma City ar 8:6, 29

Tom Loughran
- Vouching for Christine rf 8:2, 5
- Instead of a vote, by a man too busy to cast one rf 8:3, 14
- Moribund in Washington sb 8:4, 30
- X Offender b 8:5, 64

Harold Lyons (with Ben Bolch)
- The Logic of the Toxic ar 8:1, 44

Robert Lee Mahon
- Vocational Ethics ar 8:5, 29

George Manolovich
- Remapping the Balkans ar 8:2, 39

Wendy McElroy
- This sceptered isle rf 8:1, 8
- O.J. meets Linda Lovelace rf 8:1, 9
- The northern peso, eh? rf 8:1, 10
- To dream the impossible dream rf 8:1, 16
- Talking Sex, Not Gender ar 8:1, 35
- Get thee to a nunnery rf 8:2, 10
- Bad whore! No doughnut! rf 8:3, 7
- Girls, guts, and guns rf 8:3, 8
- Murray N. Rothbard, 1926–1995 o 8:4, 23
- You gotta license for that mouth? rf 8:5, 9
- Hanging is too good for it rf 8:5, 10
- CyberDianetics rf 8:5, 11
- Run for the border rf 8:5, 12
- The Electoral Quagmire ar 8:5, 47
- No quarter rf 8:6, 7
- Algorithm and blues rf 8:6, 7
- Naughty bits rf 8:6, 8
- Mao more than ever m 8:6, 14
- What Does Affirmative Action Affirm? ar 8:6, 50

Gary McGath
- Pretty Great Privacy rv 8:4, 66

R.R. McGregor
- Confessions of a Gnostic Gardener ar 8:2, 51

Victor Niederhoffer
- Who is Caroline Baum? sb 8:5, 41

Gary North
- Murray N. Rothbard, 1926–1995 o 8:4, 21

Randal O'Toole
- The Greening of Liberty ar 8:5, 37

Carl Oglesby
- Rothbard the isolationist o 8:5, 14

Ron Paul
- Murray N. Rothbard, 1926–1995 o 8:4, 24

Durk Pearson (with Sandy Shaw)
- Welcome to the Revolution ar 8:4, 38
- Shine the light of truth rf 8:5, 13

Dyanne Petersen
- Dear Judge d 8:2, 54

Paul Piccone
- Blunder on the Right rv 8:5, 55

Robert Prechter
- Anti-Politics in Action ar 8:4, 54

Sharon Presley
- The Authoritarian Behind the Curtain rv 8:6, 62

John Pugsley
- Harry, Don't Run! ar 8:4, 46

Ralph Raico
- Collaborators all rf 8:3, 8
- The Manchurian candidate rf 8:3, 9
- Timecop rf 8:3, 9
- They should've sent Mark Slackmeyer rf 8:3, 12

Bruce Ramsey
- Truth and Lies in Black and White rv 8:2, 59
- A World Partly Free ar 8:5, 17
- A Look at What Counted sb 8:5, 19

Grover Joseph Rees
- Out of Cuba ar 8:2, 21

Mark Rembert
- State of Ill Health ar 8:4, 27

Sheldon Richman
- Murray N. Rothbard, 1926–1995 o 8:4, 24
- State of the onion rf 8:5, 7

James S. Robbins
- Hooray for Hillary! rf 8:2, 5
- Squeeze the Juice rf 8:2, 5
- Oh, them big numbers rf 8:4, 7
- Pretty girls, and gridlock too! rf 8:4, 8
- The Gospel According to Hillary rf 8:4, 9
- Sic Transit Gloria Steinem rf 8:4, 14
- From Russia, with blood rf 8:4, 15
- Joplinomics rf 8:6, 8
- From sea to private sea rf 8:6, 10
- Memory Hole sb 8:6, 18
- Photo Ops sb 8:6, 20

Kyle Rothweiler
- The Cheery Nihilist rv 8:2, 66

Aaron Russo (interviewed)
- Russo and Revolution in 8:3, 27

Susan J. Rutter
- Disunited Colors ar 8:2, 47

Chris Matthew Sciabarra
- Straight Outta Brooklyn ar 8:5, 45

Linda Seebach
- Science and Sensitivity rv 8:1, 59

Jane S. Shaw
- Population erosion rf 8:1, 14
- Was There An Industrial Revolution? rv 8:1, 53
- A Second Look b 8:2, 67
- Not to the Swift, But to the Smart rv 8:3, 54
- Twice burned rf 8:4, 8
- The gated playscape rf 8:4, 12
- Armageddon! b 8:5, 64
- It's not easy seeing green m 8:6, 14

Sandy Shaw
- Better Living Through (Voluntary) Chemistry ar 8:3, 52
- Genes, schmenes rf 8:4, 15

Sandy Shaw (with Durk Pearson)
- Welcome to the Revolution ar 8:4, 38
- Shine the light of truth rf 8:5, 13

Robert Sirico
- Murray N. Rothbard, 1926–1995 o 8:4, 23

Mark Skousen
- Murray N. Rothbard, 1926–1995 o 8:4, 25

Fred L. Smith
- Trading Away Free Trade ar 8:1, 22

Joseph Sobran
- Murray N. Rothbard, 1926–1995 o 8:4, 25

David Ramsay Steele
- Ended Quest ar 8:2, 43
- Flowers for the Underclass ar 8:5, 23
- Signatures of Terror ar 8:6, 19
- A Tale of Two Terrorists ar 8:6, 26

Aaron T. Steelman
- The Mother, Not the Daughter, of Order b 8:3, 66
- The Mismeasure of Anarchy b 8:4, 68

Dale Steinreich
- Shooting Down Your Rights rv 8:6, 58

Clark Stooksbury
- Kim Il Abe rf 8:1, 7
- I'll take my stand rf 8:1, 10
- If Gun Control Is Just, What Is Justice? b 8:1, 63
- Adventures in nation-building rf 8:2, 18
- You deserve a state today rf 8:3, 7
- Welcome Back, Gridlock sb 8:3, 18
- Sic Transit Gloria Magistrati sb 8:3, 18
- Keep Ted Alive sb 8:3, 20
- The straight Newt rf 8:4, 7
- Sitting bullshit rf 8:4, 15
- The Critic, Clothed b 8:4, 67
- Jack of all tripe rf 8:5, 7
- Cutting back county hall rf 8:5, 7
- The Yale man's burden rf 8:5, 8
- The Sistine urinal rf 8:5, 10
- Bad Medicine b 8:5, 64

Brian Taylor
- Free Speech, Blah, Blah ar 8:3, 34

Jeffrey Tucker
- Murray N. Rothbard, 1926–1995 o 8:4, 25

Richard Vedder (with Lowell Gallaway)
- Back to Work ar 8:3, 37

Timothy Virkkala
- Engineering consent rf 8:2, 6
- Blank canvass rf 8:2, 14
- Cleaning up rf 8:2, 18
- Jeffersonian Principles b 8:2, 68
- A modest proposal rf 8:4, 7
- Murray N. Rothbard, 1926–1995 o 8:4, 22
- Dead On b 8:5, 64
- Third down, Beethoven's Fifth to go rf 8:6, 11
- Das Fräulein Ist So Wild b 8:6, 64
- Methodenstreit b 8:6, 64

Jesse Walker
- Red carpet? rf 8:1, 7
- Send the Marines? rf 8:1, 10
- Beat the Press rv 8:1, 56
- Chicken Dancing b 8:1, 61
- Dedicated Follower of Fashion b 8:1, 64
- Check with Zero Mostel rf 8:2, 5
- No blood for votes rf 8:2, 17
- Keep the homefires burning rf 8:2, 18
- Natural Born Critics rv 8:2, 65
- It Ain't Necessarily So b 8:2, 67
- The pagan voter rf 8:3, 9
- Creative destruction rf 8:3, 10
- The shaft to Schiff rf 8:3, 14
- Erwin Knoll, R.I.P. o 8:3, 14
- Scandal for Schools rv 8:3, 60
- Slapping the flunky rf 8:4, 7
- Slick's willy rf 8:4, 15
- Pulp faction rf 8:4, 15
- Access to Tools b 8:4, 67
- A Gramm of prevention rf 8:5, 7
- Blockheaded grants rf 8:5, 8
- She Said, She Said rv 8:5, 59
- O.J.'s Rage b 8:5, 65
- Things in Life That Are Certain v 8:5, 66
- Corporate banana rf 8:6, 7
- Postal Employment Syndrome rf 8:6, 10
- Operation Restore Chaos m 8:6, 14
- Truth, Terror, and TNR sb 8:6, 17
- Halfway Humane sb 8:6, 18
- Motivated by Hate sb 8:6, 21
- Conspiracy Is As Conspiracy Does ar 8:6, 25
- Skinning Leviathan b 8:6, 65

Martin Morse Wooster
- Africa Unseen ar 8:5, 31

Leland B. Yeager
- Demo-crazy rf 8:2, 17
- Politically Sensitive Science rv 8:3, 55
- Ill-constituted rf 8:4, 9
- Murray N. Rothbard, 1926–1995 o 8:4, 22
- Render Unto God rv 8:6, 55

Key

Category:	Code:
ar	article
b	booknote
d	document
m	medianote
o	obituary
rf	reflection
rv	review
sb	sidebar
v	videonote

Following the category, location of cited writing is given by volume, issue, and page numbers.

Index

to Volume Eight

of Books Reviewed (by book author)

Alstad, Diana (with Joel Kramer), *The Guru Papers* 8:6, 62
Avrich, Paul, *Anarchist Voices* 8:6, 61
Barkun, Michael, *Religion and the Racist Right* 8:3, 66
Bernstein, Richard, *Dictatorship of Virtue* 8:5, 62
Birdzell, L.E., Jr. (with Nathan Rosenberg), *How the West Grew Rich* 8:2, 67
Bovard, James, *Lost Rights* 8:1, 54
Bridwell, R. Randall (with William Quirk), *Abandoned* 8:1, 63
Brooks, Frank H., ed., *The Individualist Anarchists* 8:3, 66
Buckley, William F., Jr., *Happy Days Were Here Again* 8:4, 59
Carpenter, Ted Galen, *Beyond NATO* 8:5, 64
Cato Institute, *The Cato Handbook for Congress* 8:6, 65
Chomsky, Noam, *World Orders, Old and New* 8:4, 67
Coase, Ronald H., *Essays on Economics and Economists* 8:6, 64
Evans, M. Stanton, *The Theme is Freedom* 8:6, 55
Friedman, Marilyn (with Jan Narveson), *Political Correctness: For and Against* 8:6, 64
Frum, David, *Dead Right* 8:5, 55
Gross, Paul R. (with Norman Levitt), *Higher Superstition* 8:1, 59
Harris, James, *Against Relativism* 8:5, 64
Heider, Ulrike, *Anarchism: Left, Right, and Green* 8:4, 68
Herrnstein, Richard J. (with Charles Murray), *The Bell Curve* 8:3, 54
Himmelfarb, Gertrude, *On Looking Into the Abyss* 8:3, 62
Jensen, Carl, *et al.*, *Censored: The 1994 Project Censored Yearbook* 8:1, 56
Kauffman, Bill, *Country Towns of New York* 8:1, 63
Kramer, Joel (with Diana Alstad), *The Guru Papers* 8:6, 62
LaPierre, Wayne, *Guns, Crime, and Freedom* 8:6, 58
Levitt, Norman (with Paul R. Gross), *Higher Superstition* 8:1, 59
Mandl, Dave, ed. (with Neil Strauss), *Radiotext(e)* 8:3, 64
McCloskey, Donald, *Knowledge and Persuasion in Economics* 8:3, 65
Mokyr, Joel, ed., *The British Industrial Revolution: An Economic Perspective* 8:1, 53
Murray, Charles (with Richard J. Herrnstein), *The Bell Curve* 8:3, 54
Narveson, Jan (with Marilyn Friedman), *Political Correctness: For and Against* 8:6, 64
O'Rourke, P.J., *All the Trouble in the World* 8:5, 64
Oakeshott, Michael, *Rationalism in Politics and Other Essays* 8:4, 67
Paglia, Camille, *Vamps and Tramps* 8:6, 64
Quayle, Dan, *Standing Firm* 8:1, 64
Quirk, William (with R. Randall Bridwell), *Abandoned* 8:1, 63
Reed, Ishmael, *Airing Dirty Laundry* 8:1, 61
Rendell, Ruth, *The Crocodile Bird* 8:5, 64
Rheingold, Howard, ed., *The Millennium Whole Earth Catalog* 8:4, 67
Richman, Sheldon, *Separating School & State* 8:3, 60
Rogers, Jim, *Investment Biker* 8:2, 57
Rosenberg, Nathan (with L.E. Birdzell, Jr.), *How the West Grew Rich* 8:2, 67
Roth, Byron, *Prescription for Failure* 8:5, 64
Sandler, Matthew, *The Sex Offender* 8:5, 64
Schulman, J. Neil, *Stopping Power* 8:1, 63
Shane, Scott, *Dismantling Utopia* 8:6, 57
Simpson, O.J., *I Want to Tell You* 8:5, 65
Sommers, Christina Hoff, *Who Stole Feminism?* 8:5, 59
Squires, James D., *Read All About It!* 8:3, 65
Srauss, Neil, ed. (with Dave Mandl), *Radiotext(e)* 8:3, 64
Stallings, William, *Protect Your Privacy* 8:4, 66
Szasz, Thomas, *Cruel Compassion* 8:4, 63
Taylor, John, *Tyranny Unmasked* 8:2, 68
Vidal, Gore, *United States: Essays, 1952–1992* 8:4, 59
Weaver, Paul H., *News and the Culture of Lying* 8:2, 59
Wilcox, Laird, *Crying Wolf* 8:2, 67
Wooster, Martin Morse, *Angry Classrooms, Vacant Minds* 8:3, 60
Wreszin, Michael, *A Rebel in Defense of Tradition* 8:2, 62
Wright, Steve, *Going Native* 8:4, 64

O'Toole, *continued from page 24*

Law Olmsted, who invented the profession of "landscape architecture," spent most of his career telling cities how they should redesign themselves, and designed many communities with large lots, separated uses, and other features of modern-day suburbs.

The Swiss-French architect who called himself Le Corbusier proposed cities of huge ugly apartment buildings separated by wide avenues and concrete plazas. These may have been the model for modern cities in the Soviet Union.

Frank Lloyd Wright proposed "broad-acre city," which placed every single-family home on a full acre of land. In many ways, Wright predicted (rather than designed) the modern suburb, and he is also credited with designing the style of home known as "ranch houses."

So architects like Calthorpe and Duany are merely following a long, if not exactly glorious, tradition. And if people want to live in the communities that they design, that is fine.

But Calthorpe and Duany and the planners who follow them presume that everyone would be better off living in such cities, and are ready to impose their standards on communities like Oak Grove. Planners in my county hired Peter Calthorpe to help them design a neotraditional community. With strict design codes and maximum lot sizes of 4,500 square feet, the community meets new urban standards. Though the planning began five years ago, no homes have been built and only three are under construction — on spec. Apparently, developers don't have a lot of confidence that people want to live on small lots.

For the new urbanists, it isn't enough to design new suburbs to their standards. They also want to impose neotraditional concepts on existing suburbs. The county's plan for Oak Grove was an experiment to see if this would work.

Oak Grove Fights Back

Planners announced that they were going to present their plan to the community at a public meeting in early May. To inform people of the meeting, they leafleted the neighborhood with another innocuous notice. My neighbors and I distributed a counter-leaflet, emphasizing densification, multi-family zoning, and 5,000-foot lot sizes.

Obviously expecting a small turnout, the

planners had set out around 100 chairs in the meeting hall. In fact, more than 175 angry residents showed up. But planners were ready, spending an hour and a half on boring presentations about bike paths and pedestrian ways before saying anything about zoning. The presentations were made by the "neighbors" on the planning committee, thus deflecting people's anger from the planners.

At the end of the presentations, the planners refused any public comment and allowed only 15 minutes for questions and answers. But it was clear that the people attending opposed the plan, and the meeting was punctuated by frequent outbursts of "Go home" and "Who asked you, anyway?" An informal poll showed that fewer than 20 people attended in response to the planners' leaflet, while at least half came in response to our leaflet.

To give people a chance to comment, planners held another meeting in early June. Again, they hoped that few people would show up, but we leafleted again and 150 people attended. Two hours of questions and acrimonious debate made it clear that the community was overwhelmingly opposed to the plan.

The meeting completely transformed the situation. Most of the original committee members distanced themselves from the plan, saying they were duped. A poll of committee members who actually lived in the neighborhood revealed them to be 100% opposed to the plan they had previously acquiesced to.

The planners could see they weren't getting anywhere, and said they'd drop the plan if that's what the community wanted. "But if you don't let us pass this plan now," warned one, "then Metro will make us impose even more densification on you next year."

What is Metro? Three years ago, it was Portland's garbage collection agency. Now, suddenly, it has become the nation's first regional government, with the authority to dictate zoning and residential densities to 24 cities and three counties.

The planner's warning was clear: Oak Grove residents may have won a battle against densification, but the war had only begun. ❑

Notes on Contributors

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Videonotes, *continued from page 65*

near-perfect movie that shows the many facets of Glenn Gould's life in discrete units — that is, in short segments. The full effect is impressive, and the concluding set of "films" is quite moving. (Thirty-two, by the way, is an allusion to Bach's *Goldberg Variations,* which Gould twice recorded, to much praise. The great harpsichord work contains an aria, 30 variations, and a restatement of the aria. Hence 32.)

Some of you may know Glenn Gould best as the pianist who hummed and groaned while playing — an obnoxious habit that I share (but safely: no one wants to hear me play). A few readers here may remember Richard Kostelanetz's speculations in "Sex, Drugs, and the Goldberg Variations" (November 1990); the film covers some of Kostelanetz's notions about Gould's peculiar life style, but concentrates, appropriately, on Gould's career.

Which is fine, since Gould's artistic life was odd enough for several films. Maybe, even, 32. —Timothy Virkkala

Terra Incognita

Boise, Idaho

Regulation in the public interest, reported in the *Detroit News*:

OSHA threatened to sue a Boise plumbing contractor because its employees didn't use approved resuscitation techniques when they pulled a worker from a mud-filled trench and saved his life.

Wolleka, Ethiopia

Advance of thespianism in east Africa, as described by *World Press Review*:

Now that the last Fallasha Jews have left Ethiopia, Amsale Neguissie, a Coptic Christian, portrays Jewishness for tourist dollars. She greets visitors with a "Shalom," recites gibberish that she pretends is the Torah, and shows off Judaic souvenirs, including a Star of David with legs and a face.

Colorado

Contemporary government bookkeeping standards, as described in the *Rocky Mountain News*:

KUSA-TV reporter Paula Woodward repeatedly signed up to vote in Denver under false names in order to expose sloppy record-keeping.

"Denver did nothing wrong," protested Jefferson County clerk Joan Fitzgerald. "Paula Woodward did something wrong."

New York

Hope for due-process rights, reported in *The New Republic*:

A Manhattan federal judge overturned the conviction of alleged drug trafficker Dale Tippins, ruling that Tippins' Sixth Amendment right to effective legal counsel was violated when his attorney fell asleep for significant portions of the trial.

Minnesota

The populist credentials of Sen. Paul Wellstone (D-Minn.), as reported by the *Washington Times*:

Campaigning for office in 1989, Sen. Paul Wellstone labeled out-of-state fundraisers "absolutely insidious," assuring voters: "Some people want to represent the Rockefellers; I want to represent the little fellers."

Earlier this year, Abby Rockefeller held a fundraiser for Wellstone in Boston. Tickets cost a minimum donation of $250.

British Columbia

Privacy under socialized medicine, as described in the *Milwaukee Journal*:

Canada's Health Ministry says it will investigate how the confidential computerized medical histories of thousands of Vancouver-area patients turned up for sale on floppy disks at a Value Village store.

Russia

Vladimir Zhirinovsky's comment on a proposal to sell Lenin's embalmed body to Euro Disneyland, quoted in the *Irish Times*:

"Disneyland is the proper place for a man who tried to turn Russia into a utopian fairground."

Brazil

Brazilian federalism at work, as described by *World Press Review*:

Brazilian law calls sterilization a form of physical mutilation punishable by eight years in prison. The city of São Leopoldo has legalized and begun funding tubal ligations and vasectomies.

Greensburg, Penn.

The benefits of compulsory schooling, as reported in the *Greensburg Tribune-Review*:

With the knowledge and cooperation of his seventh-grade son's teachers and guidance counselor, Charles Hayden took his son Chris out of his last-period study hall every day to help him prepare for classes. Subsequently, Chris' average jumped nearly ten points and he didn't have to repeat the seventh grade. School administrators have charged Hayden with illegally taking his child out of school.

Savannah

Natural beautification by fiat, as described in *Frequent Flyer*:

City Council has ordered taxi drivers bringing passengers from the airport into town to avoid the shorter back route. The shortcut "is not an image we want newcomers to experience," explains the Savannah Airport Commission. "The front route, on the other hand, is very pretty and landscaped."

Washington, D.C.

Media vigilance, reported by the *Washington Times*:

On March 10, a *Washington Post* reporter who covers Capitol Hill telephoned Rep. Michael Bilirakis' office to point out "rather antagonistically" that the congressman had his facts wrong about the Safe Drinking Water Act, and to demand to know from where he had gotten his information.

It had come, word for word, from an article in the *Washington Post*.

U.S.A.

Advice for parents whose children were disturbed by the Oklahoma City bombing, from Prof. Lorraine Wallach of the Erikson Institute, quoted in *Ladybug*:

"Tell children, adults will take care of you. In fact, the whole government will take care of you!"

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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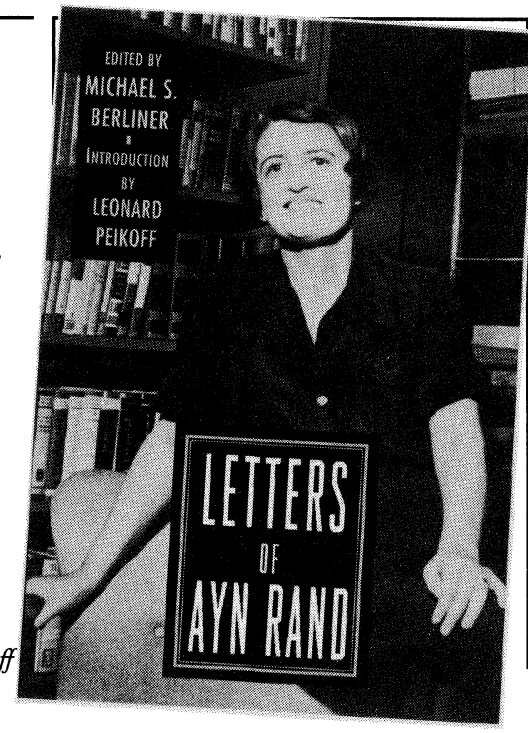

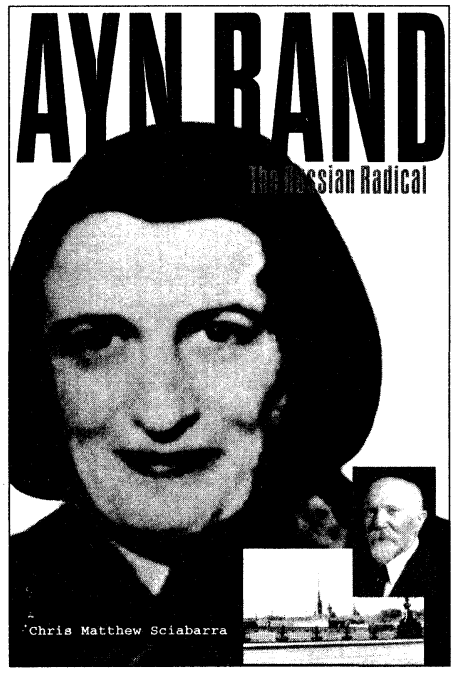

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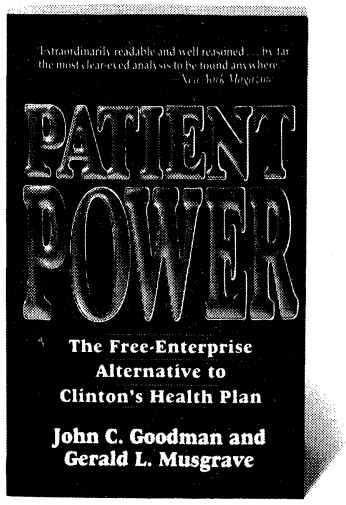

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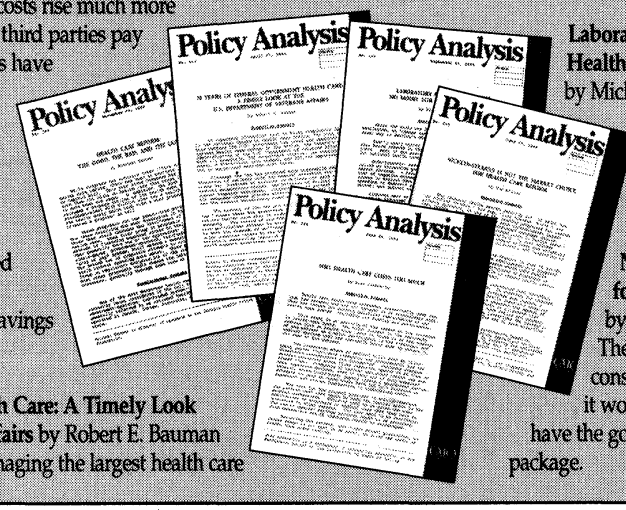

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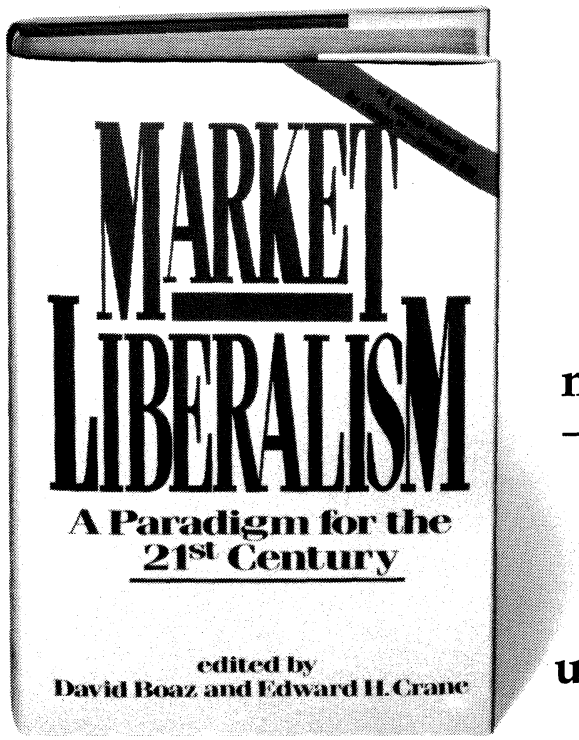

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Inside Liberty

November 1995
Volume 9, Number 2

4 **Letters** *Liberty*'s readers have their say.

7 **Reflections** *Liberty*'s editors remember Jerry, revive the '70s, read the Unabomber, berate Bill Bradley, weep for Waco, and cerebrate Newtonian logic.

Features

15 **The Randy Weaver Show** *R.W. Bradford* examines the prime-time police state.

23 **A Warm Day in Peace Park** *Michael Oakes* visits Hiroshima and learns that paeans to peace are not enough.

30 **A Week in Bosnia and Points West** *Bryan Alexander* journeys through the Bosnian interzone.

33 **The Money Laundromat** *J. Orlin Grabbe* explores the nooks and crannies of the international monetary system, explaining money-laundering, privacy, and surveillance.

45 **Obscenity at the National Endowment for the Arts** *Richard Kostelanetz* uncovers what's *really* obscene.

47 **High Noon for the Feds?** *David J. Owsiany* wonders whether the Supreme Court is finally reining in federal power.

49 **Economical Cogitations** *Daniel Klein* on licorice, liberty, etc.

50 **Undercover Economist** *Matt Asher* learns a lesson in real-life Chicago economics.

53 **When Will It All End?** *David Ramsay Steele* confronts the approaching millennium.

Reviews

55 **I Left My Heart in Tenochtitlan** *Stephen Cox* explores the ancient Aztec culture of ritual cannibalism and the bizarre Spaniards who penetrated it.

57 **The Libertarian Iconoclast** *Max Schulz* celebrates the latest legacy of H.L. Mencken.

59 **Cosmetic Surgery** *Mark Rembert* wades through Joe Califano's latest tome, searching in vain for a heterodox thought.

61 **How the Ether Was Won** *Jesse Walker* looks back on the cyberspace wars of 1928–1935.

63 **Triumph of the Image** *Richard Kostelanetz* recalls the life and work of Edmund Wilson.

64 **Booknotes** on spies, feds, coins, and Koontz.

68 **Filmnotes** We're all thumbs.

64 **Classified Advertisements** The Whole Libertarian Catalog.

69 **Notes on Contributors** You can't tell the score without a program.

70 **Terra Incognita** The sound of one finger snapping.

Letters

An Old-Fashioned Home

I disagree with Randal O'Toole ("The Battle of Oak Grove," September 1995) about the "new urbanism." At bottom, neotraditional town planning is a return to the small lots, garages on alleys, and neighborhood shops of the 1910s and 1920s — about like the neighborhood I live in, which was developed pre-zoning. After 50 years of building on big lots, tying homeowners to these goddamned lawns, and chewing up the countryside, a way emerges to conserve land while still preserving the single-family house. The garages on alleys are a way to move the garage out of the front of the house, so they can bring back the old-fashioned porch, built within talking distance of the sidewalk. Streets are narrower to save on land, and a grid system of streets takes traffic off the arterials. Allowing small shops nearby ends the 100% reliance on cars.

I live in a neighborhood like that, and I like it. Such neighborhoods have not been built since the 1940s, I think. My house was built in 1921.

O'Toole's story has to do with the retroactive application of "new urbanist" zoning on an already-built neighborhood, which is something I'd never heard of. New urbanism was explained to me as a way to build a type of new development that is *disallowed* by traditional zoning.

Bruce Ramsey
Seattle, Wash.

C'mere — Scratch My Back

I know that my publisher, some time ago, sent you a review copy of my recent book, *The Decline and Fall of the Supreme Court*. I have heard nothing about any impending review from your quarter.

The facts suggest a *quid pro quo*. If I learn in a timely manner that my book has been assigned to a reviewer, I will renew my subscription. If not, not. That is probably somewhat too starkly put. But you cannot with any show of reason accuse me of obfuscation.

Christopher Faille
Enfield, Conn.

We Would, But He Works for Free

I pondered Ronald Wilkerson's letter in the September *Liberty* for all of ten seconds before my laugh reflex kicked in. *What* happens to those "libertarian ideas" he claims he sneaks into *Star Trek*? Surely they aren't on the screen. All I ever see is advertising for big government in the form of the United Federation of Planets and its military arm, Star Fleet.

Question: Does anyone *ever* do anything for profit on the show? Well, yes, but then they're polluters or stereotypes so old that dust visibly falls off (the Farengi are just medieval Jews with big ears and bad teeth).

John Bergstrom got it right. Keep paying him.

Robert McMillin
Garden Grove, Calif.

In Rand's Way

R.W. Bradford's discussion ("Rand: Behind the Self-Mythology," September 1995) of the relationship between Rand and N.O. Lossky, her most memorable philosophy professor at the University of Petrograd, raises significant historical questions. Bradford states that, contrary to Rand's reminiscences, "Lossky was not a Platonist, gave reasonably easy examinations, in no way treated woman students poorly, and was not even at Petrograd University when Rand studied there." This is not entirely correct. While in *Ayn Rand: The Russian Radical* I dispute Lossky's reputation as an "authority on Plato," it is certainly conceivable that Rand would have viewed the mystic-collectivist *content* of Lossky's philosophy as thoroughly Platonic, even if his dialectical methodology owed more to both Aristotle and Hegel. Students of Lossky didn't consider his exams especially difficult; the exams were described as forthright and fair. And though Bradford is correct to note that Lossky was not a misogynist, it is incorrect to suggest that Lossky was totally absent from Petrograd University.

Lossky had been barred from teaching in the university proper due to his religious convictions, but he retained an appointment to the University of Petrograd annex, the Institute of Scientific Research. Rand would have had to make a conscious decision to study with Lossky, to seek him out, and to gain permission from the university to take his courses. She may have learned of the celebrated Lossky from her earlier attendance at the Stoiunin gymnasium, a school for young women at which Lossky taught, and which was founded and administered by his in-laws.

While it is accurate to note that the folly of Randian "self-creation" often stands in the way of a serious discussion of her thought, this is not the scholar's greatest obstacle. Take from one who knows — the greatest myth that scholars like myself have faced is the belief that Ayn Rand was merely a "pop philosopher" or a "dime novelist." It is through such characterizations that many academics and publishers have thwarted any serious consideration of her profound intellectual legacy. Their time is up. Ayn Rand is here to stay.

Chris Matthew Sciabarra
Brooklyn, N.Y.

Constructive Criticism

Whether or not the many negative "facts" R.W. Bradford quoted about Ayn Rand are true, her contribution to the philosophy of freedom remains untarnished. Furthermore, such a vicious personal attack against someone who is no longer alive to defend herself ought to be beneath a person of Bradford's stature. His time would be better spent dealing with more constructive issues.

Christopher B. Heward
Torrance, Calif.

Occam's Razorbacks

R.W. Bradford ("I'm not a real president, I just play one on TV," September 1995) imputes Bill Clinton's ignorance of the Constitution to all of us who choose to live in Arkansas. ("Yale is an equal-opportunity, affirmative-action institution and it must be hard for Eli to find enough Arkansans to fill its quota.") He then resorted to self-satisfied, smug elitism by noting that, although Clinton, a former instructor in constitutional law, was apparently ignorant of the Constitution, it was understandable because "his law professorship was at the University of Arkansas Law School."

While I, like many others in Arkansas, share Bradford's opinion of Clinton, neither your disapproval of his politics nor his lack of respect for his learning in the law (received at Yale) justifies his suggestions that Arkansans are in need of affirmative action in order to be accepted at institutions such as Yale and that, even at that, we poor, inbred

continued on page 6

THE RADICAL ROMANTIC

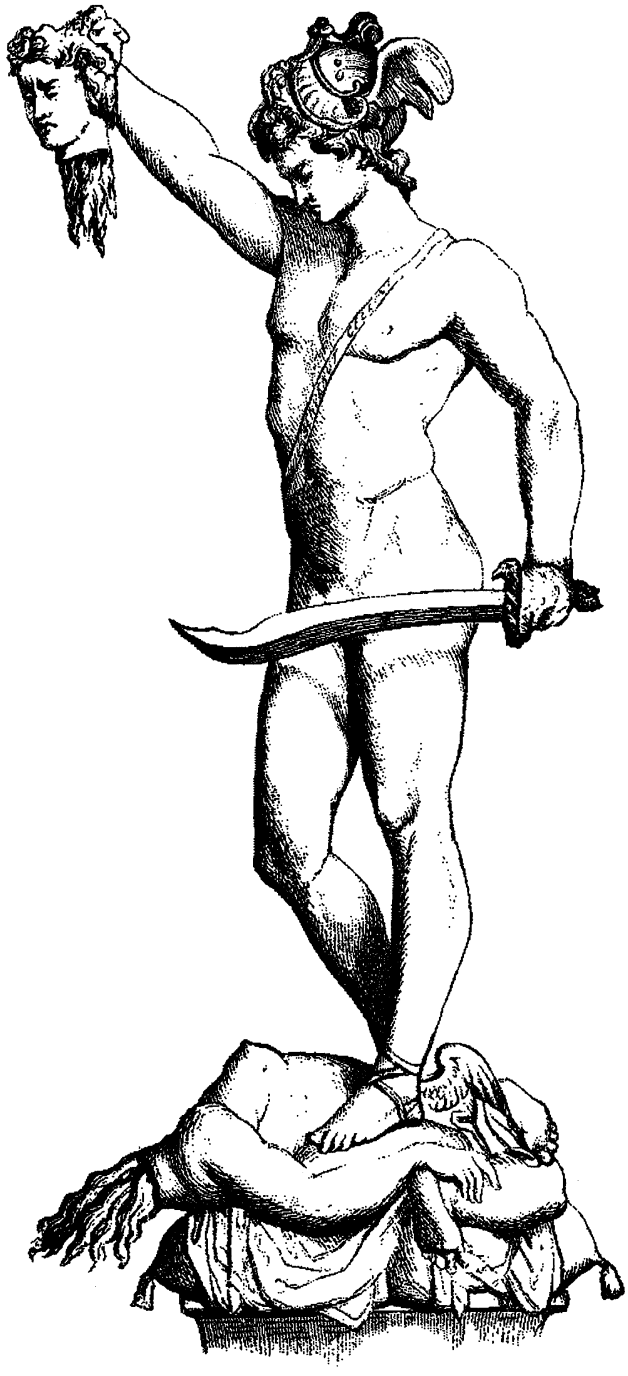

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Letters, *continued from page 4*

hillbillies can't even scrape together the brain cells to fill out our quota. By applying your criteria, your dim-bulb musings would lead me to believe that the residents of Washington are arrogant and aggressively ignorant.

Furthermore, your swipe at the school of law at the University of Arkansas indicates that you are as ignorant of the quality of that institution as you are of the people of this state.

Being a native of Arkansas, as well as a resident by choice, I am, *ipso facto*, intellectually incapable of understanding the U.S. Constitution or the case law interpreting it with which I work in my law practice every day. It must then be true, *a fortiori*, that divining the insights set out in your publication is far beyond my meager capabilities. At subscription renewal time, if I can get my inadequate brain to work, I will take that into account.

W. Paul Blume
Little Rock, Ark.

The Zombies Are Coming! The Zombies Are Coming!

R.W. Bradford's use of "holocaust" to describe Waco ("Judgment call," September 1995) is obscene. None of the victims of the "real" Holocaust had any choice. Most tried desperately to avoid it. *All of the Davidians were volunteers. They had choices and elected not to use them!*

The starting point for any discussion of Waco has to be: "Was there any reason for the government to be there in the first place?" That has been answered clearly. David Koresh was a certifiable wacko, albeit a charismatic one. It does not matter that he had religious delusions. What matters is that his followers had become mindless zombies and were building an arsenal that could easily outgun all the local authorities. They were in a position to take away other people's most basic liberty, namely, their lives.

Farren H. Smith
Camden, S.C.

Death With Dignity

R.W. Bradford's commentary on the Waco massacre brings to mind the following incident. On the night of March 16, 1190, following six days of anti-Jewish riots in York, England, the leaders of the Jewish community and their families locked themselves in their synagogue and set fire to it, perishing in an act of religious martyrdom. In Judaism, this type of martyrdom is called *Kadosh HaShem*, Sanctification of the Name. When the holocaust occurred in Waco two years ago, I was struck by the parallel to this little-known incident in medieval history. That the Davidians may also have thought of themselves as acting to "sanctify the name" is a possibility I do not discount. Neither, apparently, does Bradford.

While Bradford presents a compelling argument that the FBI must bear the burden of responsibility for whatever actually happened at Waco, I quarrel with him on one point. I don't like the suggestion that the Davidians themselves bear no responsibility. Assuming — and this is all we can do — that the Davidians did intend to immolate themselves and their children with them, this was a conscious act on their part. I would grant them the dignity of responsibility for that act; to do otherwise demeans an act which the Davidians must have considered the ultimate test and expression of their faith. Moreover, to grant that dignity to the dead in no way detracts from the terrible responsibility borne by the FBI agents and their superiors for creating the situation that drove the Davidians to their tragic and final end.

W. Luther Jett
Washington Grove, Md.

Wes, We Hardly Knew Ye

I don't read *Liberty* anymore because it doesn't provide me with anything I need in my battle to get myself free. Actually, I have already won that battle. I only continue it to get the rest of you free because that is the only long-term assurance that I will stay free.

I have loved *Liberty* from its inception but you are stuck where I was back in 1987. I simply outgrew you.

Westley Deitchler
Miles City, Mont.

Buchanan's Rainbow

If creating the "general climatic conditions that makes rainbows possible" is "the forgotten core of American conservatism," as Paul Piccone suggests ("Blunder on the Right," May 1995), then no one has forgotten it more thoroughly than the conservatives themselves.

Pat Buchanan might sometimes sound as if he wants institutions under which diversity will flourish. But as soon as anyone starts building "rainbows" that don't conform to his white male stereotype, he'll be the first to use federal power to squash them.

The real supporters of diversity are the libertarians, whichever party they find themselves in. Why confuse everyone by calling them "conservatives"?

Charles Richardson
Fitsroy, Australia

Shame!

To review a book which you obviously never read must require considerable courage. The thousands of folks, worldwide, who know the facts about the struggle between the 40 retirees of Antelope, Oregon, and the Indian guru, Bhagwan Shree Rajneesh, and his cultists will now hold all of R.W. Bradford's writings in suspect ("A Place in the Sun," September 1995).

Had Bradford read *A Place Called Antelope*, he would have discovered that the religion of the Rajneeshees was not the concern. Their political clout put Wasco County in jeopardy when they imported thousands of voters from around the nation and then, to further their edge at the polls, poisoned over 750 county residents.

And shame on him for demeaning "small-town" folks.

Donna Quick
Ryderwood, Wash.

. . . continued . . .

I explained this earlier, but I suppose I'll have to keep it up.

If I hear that you plan a review of my recently published book, *The Decline and Fall of the Supreme Court*, I will resubscribe. If I do not hear that, I will not.

Christopher Faille
Enfield, Conn.

Letters Policy

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

Reflections

Who's to blame? — After listening to Janet Reno's testimony at the House committee hearings on the Waco holocaust, I was inspired to conceive a new theory of the responsibility for starting World War II. The Polish Army is at fault. After all, they got in front of the German assault. —RH

Colinoscopy — It's a guilty pleasure, but I love watching primaries, conventions, and election returns. Most experts have anointed Bob Dole as the GOP nominee. Do the Republicans really want a man who could run with the slogan "If you liked Nixon . . ."? But the rest of the field isn't much better: Dole is joined by such winners as Lamar Alexander and Phil Gramm.

With such an appalling cast, many an alleged outsider has started dropping hints that he may run. Malcolm "Steve" Forbes, Jr. (who has just entered the race as a Republican), Colin Powell (who may run as a Republican or independent), and New Jersey Sen. Bill Bradley (who would run as a Democrat or independent) are the flavors of the month. Of these three, Forbes is the best — but that's not saying much. His message amounts to warmed-over Kempism. He told *Reason* a few years back that he is "pro-growth. If that means enterprise zones, I'm supportive." More recently, *Wall Street Journal* columnist Paul Gigot noted approvingly that Forbes will fill the Republican Party's "growth and optimism void" by stressing a "rising tide" instead of "shrinking government." All of this is wonderful if you believe there's nothing more important than an ever-growing economy. As for me, I have my doubts about the virtues of endless growth — and whether it can be sustained without constant government manipulation.

Media darling Colin Powell is the most popular of the would-be candidates, but so far he's just an empty uniform who's criticized the "liberals" and the "far right" enough to achieve centrist respectability. Here's a sample of his advice to the country, from his book *My American Journey*: "We have to start thinking of America as a family. We have to stop screeching at each other, stop hurting each other, and instead start caring for, sacrificing for and sharing with each other. We have to stop criticizing, which is the way of the malcontent, and instead get back to the can-do attitude that made America." Blah, blah, blah.

Powell's momentum is rolling along on nothing more than his respectability and his skin color. To his credit, he doesn't buy into this nonsense about his "transcending race" and has indicated an unwillingness to serve as Republican window-dressing.

The worst of the lot is Bill Bradley. As *Newsweek* points out, Bradley is a "100-percenter with Clinton on major issues, from Head Start to student loans to the Brady bill to job training." When he deviates from the Democratic Party line, it's usually for things like aid to the Nicaraguan "contras" (read "terrorists"), who he supported in the mid-1980s. He will soon be hawking a book — the ghostwriting industry always booms at election time — that he describes as a "journey into America and a journey into myself." Yecch! Brace yourselves for more pap along the lines of Colin Powell's tome.

Newsweek reports that Bradley "has been fascinated in recent months by the challenge of restoring American 'civic society' — the conversations neighbors have with each other, ideally across racial lines, in local restaurants, school boards, living rooms." This is a worthy goal, but Bradley is wedded to a political faction that has worked overtime to build up the federal government at the expense of exactly this kind of real community. Until he credibly distances himself from that faction, he's just chattering. —CS

GOP flip-flop — Last year, when the Clintons suggested imposing "managed care" (i.e., bureaucratically controlled medical care) on all Americans, Republicans rose as one and denounced this as a monstrous threat to everyone's health. Now the Republicans, as part of their attempt to cut down the growth of Medicare spending, propose managed care for old people. Maybe there's something to the old Democratic saw about Republicans being heartless about old folks after all. —RWB

America, I want to talk to you! — On September 19, the Unabomber made his debut as a newspaper columnist, quickly establishing himself as my second-favorite pundit (after Hillary Clinton). The Unabomber — or, as he prefers to call himself, "the terrorist group, FC" — got into print by announcing he would stop bombing people if the *New York Times* or *Washington Post* would print his anti-industrial ravings. (*Penthouse* volunteered to excerpt them, but this wasn't enough for FC, thus blowing the theory that he's just another frustrated guy dreaming of getting published in *Penthouse Letters*.) After much soul-searching — and not a little government pressure — both papers chose to run his manifesto. Word has it the document is no duller than Abe Rosenthal's "On My Mind," but much longer.

The great fear is that this will only salt the bomber's appetite: today he demands space in the *Times*, tomorrow a spot on *The McLaughlin Group*, next week a chance to guest-host *Larry King Live*. Before you know it, he's the White House press secretary. Well, so what? What media figure *hasn't* left a pile of bodies in his wake? You think MacNeil and Lehrer got where they are today on their *merits*? Now who's being naive? —JW

Pap faction — I finally caught up with *True Romance*, the Quentin Tarantino-scripted sex- and gore-fest Bob Dole denounced in his infamous attack on Hollywood. (His speech is said to have been written by Mari Maseng — Mrs. George

Will — which explains all: getting laid by that smug little prig could derange any gal.) Dole, of course, got it exactly wrong: *True Romance* is a sweet picture in which a boy kills a pimp while defending his girl's honor, after which they take it on the lam. Then again, what would Dole know of honor? After all, in 1971 he snarled "I want out" to the wife who had nursed his war wounds and endured his black moods, and before you know it he was making goo-goo eyes at the much foxier Elizabeth Hanford.

That Dole's silly speech was roundly applauded by "conservatives" shows just how debased the American Right has become. Among the many pernicious legacies of Newt Gingrich's hero Teddy Roosevelt is the notion of the presidency as the "bully pulpit." Bully shit! Even the most expansive Schlesingerian conception of the executive doesn't make the president a cross between Roger Ebert and Miss Grundy. Can anyone imagine Grover Cleveland issuing an *ex cathedra* opinion on the latest novel by Howells? —BK

Who weeps for Waco? — The House hearings on Waco have come and gone, and seem to have had remarkably little impact. On the opening day, little Kiri Jewell testified that Davidian leader David Koresh repeatedly molested her. On the closing day, Janet Reno replayed her "I-take-all-responsibility-the-buck-stops-here" act, while the Republican members of the committee looked on with trepidation.

So far as the Left is concerned, the hearings were a right-wing bullet aimed at everything good and progressive in American government, but somehow missed its target, thank God. So far as the Clinton apologists are concerned, the hearings were a right-wing bullet aimed at the Clinton administration, missing its target thanks to the heroic efforts of loyal Clintonistas on the committee, especially Rep. Charles Schumer. As far as the Right is concerned, somehow the new Republicans failed to bring the story into focus and rally public opinion, mostly because they were not well-prepared. (They didn't bother to figure out that Kiri Jewell was going to testify that she was molested — or to learn that she was not a resident of the compound, despite her testimony.)

The Republicans blew it, everyone agrees.

I'm not so sure. Yes, there's little doubt that the Republicans lost the public relations battle. The superficial reports from the hostile media, ranging from *The Wall Street Journal* to your local television news team, told a very simple story: It's too bad so many children were killed, but David Koresh was a monster, and maybe a few mistakes were made, but he got what he deserved.

But the congressional hearings did a great deal more than provide grist for news purveyors and opportunities for political posturing. The Joint Subcommittee had subpoena power and used it. They obtained thousands of pages of documents, many of them discrediting the ATF, the FBI, the attorney general, and the president. No longer is it credible for anyone to maintain that what happened at Waco was right or just or reasonable.

The hearings may have lost the public relations battle. But they won the battle of history.

Even *The New Republic* now acknowledged, in an unsigned editorial, that many issues were settled:

> More to the point, there is no need to endlessly debate the details of Waco. Many of them have been incontrovertibly established, and they do not flatter the administration. There were no drugs at the compound. Koresh was not "stockpiling" weapons, he was trading them. The ATF never adequately understood the religious volatility with which it was dealing. Time, like force, was on the government's side. The feds had opportunities to seize Koresh when he left the compound, but they blew it. The gas they used made a surrender less likely. And so on.
>
> Law enforcement is a noble and necessary element of government, but at Waco the Clinton administration acted coarsely and thoughtlessly and lethally, and then it refused to consider what it had done.

Of course, *TNR* didn't arrive at this conclusion without taking a cheap shot at Waco's most determined critics:

> For the anarchists of the right the destruction of the Branch Davidians confirmed that the government is evil, that the finest symbol of freedom is a rifle, that America is an eschatological scene. These people do not weep for Waco. They have a use for it.

I suspect *TNR* was talking about me and people like me here. If so, they are crudely insulting. Yes, there is a sense in which I am pleased that the events at Waco have helped some Americans see their government as a monster that has "acted coarsely and thoughtlessly and lethally, and then . . . refused to consider what it had done." But if the editors at *TNR* think I would prefer the government act monstrously at the cost of the lives of over 80 innocent human beings to it acting sensibly and fairly and humanely, they are grievously mistaken. I wept for the Davidians, like all decent people. But there comes a time when one should dry one's tears and try to do what one can to ensure that there are no more Wacos. —RWB

No secrets in cypherspace — Community ConneXion, an Internet privacy server in Berkeley, California, has challenged hackers to find security flaws in Netscape Navigator, a wildly popular program that provides easy access to the Net.

Ian Goldberg and David Wagner, members of the "cypherpunk" community, have found a way to break through Netscape security in 25 seconds. Since Netscape has advertised itself as a safe way to transmit sensitive data, customers have been sending their credit card numbers, as well as bank account and stock portfolio information, over the Net.

Community ConneXion will send Goldberg and Wagner free limited edition T-shirts. —WM

Forbes in, Browne down — Steve Forbes' entry into the presidential race must have sent shivers down the spines of Harry Browne's campaign managers. Radically lower taxes, less regulation, a return to sound money, and "killing the tax

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
RWB	R.W. Bradford
SC	Stephen Cox
RH	Robert Higgs
BK	Bill Kauffman
WM	Wendy McElroy
RO'T	Randal O'Toole
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

monster" are all themes that will resonate well with those voters who are most susceptible to Browne's message, as will his refusal to accept taxpayer subsidy for his campaign.

Unlike other Republican candidates, Forbes has no ugly baggage on the issues of crime, drugs, and civil liberties. His stand on abortion — no federal funding, no third-term abortions, parental notification before minors can get abortions — is more forthright than Browne's expressed position. The fact that Forbes is better known, better financed, and not burdened with the label of an obscure third party will also work in his favor.

Whether Forbes will be able to make much headway toward the Republican nomination remains to be seen. My guess is that he will do well, given his competition. Steve Forbes is the only plausible outsider seeking the nomination, the only candidate calling for genuine tax cuts, the only candidate who hasn't endorsed the Wars on Crime and Drugs. His ability to finance his own campaign will free him from the need to spend half his time dialing for dollars and schmoozing with fat cats. He is personable and reasonably articulate, especially when compared to other politicians. While all the other Republicans except Arlen Specter compete for support from social conservatives, Forbes ought to be able to build broad support from the Republicans who aren't social conservatives — those who favor less regulation, less taxes, and less government, but have little no desire to clamp down on civil liberties — a category certainly less vocal, but quite possibly more numerous. —CAA

Stand by your man — By now it is apparent to everyone that Rush Limbaugh long ago sold his soul — and whatever claim he once had to intellectual integrity — to the Republican Party. And most of us didn't really need a book entitled *Logic and Mr. Limbaugh* to notice that he is more than willing to marshal a fallacy now and then in his chosen cause.

Apparently, Limbaugh is not the only political commentator who has made such a deal. Syndicated columnist Molly Ivins has also sold out. But being her charming, out-of-sync-with-the-masses self, she sold *her* soul to the Democratic Party. She has taken on the role of *pro bono* spin-doctor for the Clinton administration.

One could, of course, attack this left-wit for her posturing down-home-isms, her egregious use of backwoods homilies in defense of big-city liberalism. But I won't, since I used to enjoy her style, and since I probably would enjoy it still if similarly shanghaied for *my* brand of cosmopolitanism. No, what is objectionable about Molly Ivins is that, professing herself wise, she makes fools of her fans.

Consider just one recent instance of Molly Ivins' "integrity." In a column that I pulled off the Net, Molly Ivins asserted that the accusations ("common on the 'Net and elsewhere") that Bill Clinton is a murderer are "absurd." Yes, she said *absurd*. She offered a warning:

> To those who like to titillate themselves with sludge, I pass along an observation of Voltaire's: "Those who can make you believe absurdities can make you commit atrocities."

Molly Ivins thus shows herself as a clever, but ignoble, rhetorician.

It is not *absurd* to suggest that our president is guilty of murder. Of course, it is unlikely that the Clintons are involved in a personal conspiracy to commit murder — I doubt they took out a contract on poor old Vince Foster, who probably killed himself, sickened by his role in Arkansan corruption.

But Clinton's role in the Waco holocaust is looking more suspicious every day. The more outright lying I heard from the FBI as the Waco hearings rolled on, and the more I try to decipher what went on at the Davidian compound at Waco, the more likely it seems that the fires were an *intended* consequence of the final tank raid at the Davidian compound.

Until the hearings, I thought the conflagration was simply a result of bureaucratic face-saving gone horribly wrong. Now I think a very different verdict is equally plausible: Bill Clinton gave the command to go with the tank raid, to save *his* face, to salvage his popularity, to make sure he wouldn't go down in history (or the polls) like his predecessor, Jimmy "I Couldn't Do Anything About the Hostages" Carter. My guess is that Bill Clinton made a huge mistake, a mistake that made him responsible for the deaths of nearly a hundred people, people whose gravest crime was to put their eschatological beliefs ahead of their own safety and who couldn't find a way (or, deluded by their ideology, didn't bother to find a way) to keep the murderous thugs at the FBI from killing them.

I now wonder just how far Molly Ivins will go to protect Clinton's reputation. Two years ago, Ivins was refreshingly critical of the feds' assault on the Davidians. Will she now argue that this is not murder, but merely statesmanship?

By the way, I'm not sure where Molly's Voltaire quotation came from, but I bet the old Ferney gardener was slamming the Catholic Church, which he hated. Would he approve of our government's Cult (i.e., deviant religion) Policy?

It is disgusting to see a humanist liberal's words be used to exonerate criminal conduct by government officials.

But Molly Ivins will do pretty much anything to save her man. —TWV

Oregon rules — I have an intimate familiarity with Oregon forest practice rules, since I worked hard to change them during the 1970s. At that time, Oregon's forest practice rules were written by a board of forestry that, by law, was dominated by representatives of the timber industry. Not surprisingly, the rules were filled with weasel words, such as

"minimum," "avoid," and "whenever possible."

During an annual review of the rules, I asked the board to eliminate these ambiguities, but I got nowhere. I then went to the legislature, at the time dominated by Democrats, and lobbied to change the board to one composed mainly of citizens with no financial interest in the industry. But the state's governor was a Republican, and Democratic leaders didn't want to give him the power to appoint all members of a new board. I gave up after two legislative sessions, which turned out to be too soon. As soon as a Democrat was elected governor, the legislature changed the board to exactly the setup I had proposed: seven members, no more than three of whom could have a financial interest in forest products. (This was standard for other Oregon boards and commissions, so I can't take credit for it.)

The new board soon took an aggressive look at the state's forest practice rules. But by this time, I had discovered the role of incentives, and was no longer enamored with the idea of regulating every one of Oregon's 24 million forested acres.

In 1989, I made a presentation to the board arguing that the best thing they could do to improve forest practices was to lobby the federal government to charge recreation fees. This would encourage private landowners to also charge fees which, in turn, would lead those landowners to take better care of the non-timber resources on their land. I cited examples of International Paper and other companies in the South that began to leave large buffer strips around streams and lakes in order to promote more recreation.

The board found this an interesting idea, but I imagine they had little faith in their ability to convince the feds to charge for recreation. So they passed stringent rules of the kind I supported in the 1970s: strict requirements regarding buffer strips, logging practices, and so forth.

A few months ago, I got a phone call from my dad. A friend of his had promised her dying brother that she would finance his son's college education. Now that her nephew was about to start college, she wanted to sell the timber on a patch of forest she owned to help pay the tuition.

The state told her she couldn't cut the trees because nearly all of them were within a 200-foot buffer strip along a fish-bearing stream. She remembered the trickle of water that ran through her property and couldn't imagine it had any fish in it. "Yes, it does," said the state forest officer. "The Fish and Wildlife Department stocked it with fish last week."

My stomach went hollow when I heard this story. The rules I fought long and hard for nearly 20 years ago were now in place. But I had always imagined that those rules would apply mainly to big timber companies. Even though I knew that a quarter of Oregon's timber is in small wood lots, I never thought that the rules I wanted would impoverish individual people.

Be careful what you ask for. You may get it. —RO'T

Christendom and Christendumber — Søren Kierkegaard distinguished Christianity from Christendom. Though we should not expect evangelical Christians to follow the Danish existentialist in very many things, one would think that they could follow him in this distinction, at the very least. Why? Because the distinction seems so in the spirit of Jesus of Nazareth, the Man whom Christians putatively follow. Jesus was very clear on this: outward observance and institutional arrangements are not what is important; *what is in your heart* is what is important. To believe this requires no strange dialectic, no *outré* hermeneutic, no advanced theology. It is the soul of Christianity.

But it is *not* the soul of Christendom, which is all about external observance and public pronouncements.

Nor, apparently, is it at the heart of modern, public evangelical advocacy. What matters to too many such Christians seems to be nothing other than Pharisaic posturing about public rituals and public confession.

What matters here, in America, is "public prayer in the schools."

I am not the first to note how the perennial demand to reintroduce "public prayer in public schools" sounds like a "whitening of sepulchers," akin to the public demonstrations of religiosity that Jesus excoriated in the "scribes, Sadduccees and Pharisees" who ostentatiously prayed on the streetcorners. And I am not the first person to be unsurprised to witness the majority of Christians flee the teaching of Jesus and embrace its supposed opposite. Jesus said that one would have to give up much to enter the kingdom of heaven; why should anyone be shocked to discover vast hordes of supposed followers shirking the narrow path, traveling the open road of public religion instead?

Rush Limbaugh may have been fooled by Clinton's "turnaround" on the prayer-in-school issue, but evangelicals are not as marginally religious as Rush.

But as unsurprising as this may be, it is a bit depressing. The idea that corralling classrooms of children and praying at them could have a salutary effect indicates a belief not in the teachings of Jesus but in the accommodations of Augustine, who tried to refit Christianity to rule an empire, rather than to subvert the worldly ways of man. Now, there is much to be said against Jesus and otherworldliness in general, I am sure, but not by Christians. (One would think.)

And it is unsurprising to hear Bill Clinton speak to this issue, trying to show Americans that he "cares" about their religion. Clinton's style of presentation — earnest, oh-so-earnest declarations from a heart-on-sleeve politician — sickens, of course. Every word he says echoes the contrived emotionalism of Jimmy "I was 'born again' in the back of a limo" Swaggart or nearly any other of the half-dozen stars of the "Christian media." I have known many ministers and revivalists and missionaries of integrity. Apparently the vast numbers of Christians out there in TV Land have not, elsewise they would not fall for brummagem spirituality. It is not the Spirit that these men are filled with. But they still draw a loyal audience. Amazingly, *Clinton* still draws a viewing audience. Clinton's paeans to spirituality are as unconvincing as his predecessor's testimony that he had been "born again." (But then again, Bush probably did not lie completely: politicians are born again and again, each election, with ritual regularity and magical magnitude. They live for each rebirth, for

each shift of the opinion polls.)

Thankfully, the content of Clinton's prayer-in-the-schools program seems unobjectionable; he is very moderate, demanding nothing that the Supreme Court has not already granted. School time and space designated for a diversity of extracurricular activities may include prayer meetings and Bible studies, and voluntary student prayers (such as in the lunchroom, or, traditionally, before tests) may not be prohibited. There is nothing radical here, nothing not reasonable, nothing worth much comment. An *atheist* could support this position. Indeed, a likely atheist does: Bill Clinton.

Alas, I doubt that the institutional evangelical community will be content with the Clintonian compromise. Rush Limbaugh may have been fooled by Clinton's "turnaround" on the prayer-in-school issue, but evangelicals are not as marginally religious as Rush. Clinton's pronouncements are over two months old now, and no great change has visited us. Public evangelicals have not judged Clinton's "heartfelt" defense of Christianity as a great victory. They pray for something much more rich and strange: an official recognition of the "Christian roots" of America, an institutionalization of religion and ritual in public places. They pray for a sea change, a washing away of America's secularism, a conversion of America into the pillar of Christendom it once was.

They pray, I think, for too much.

So this is my prophecy: until evangelical Christians convert, en masse, to the sober separatism that lies dormant in their exiles' faith, until they renounce the temptations of worldly power and officially sanctioned ritual, there is little hope for freedom in this country. The state will remain supreme as long as masses of respectable people still invest it with the authority to bolster their fragile faith.

Pray for a religious revival. —TWV

Back to the present — Revivals, it has often been noted, follow a 20-year pattern. There was a '50s revival in the '70s and a '60s revival in the '80s, so I suppose the present obsession with the age of Pol Pot, Studio 54, REO Speedwagon, and other atrocities was inevitable. There was a valiant attempt to stave it off at decade's dawn, by moving, not forward, but *backwards*, into the '40s. But it was not to be. Harry Connick, Jr. sold a few records, and that was it: the '40s were reburied and the '70s were upon us again.

A friend of mine used to manage a bookstore located under a dance club. In 1991, he and I began to hear strains of Sister Sledge wafting down through the pipes, while outside, nineteen-year-olds who barely remembered John Travolta camped it up in leisure suits. I called them dancing fools; they didn't mind. It was Disco Night at the Nectarine Ballroom.

On TV, an unlikely outfit called the Seventies Preservation Society started appearing late at night, hawking CDs of mediocre '70s hits; at first, I mistook it for a sketch on *Saturday Night Live* (another institution that should have stayed in the older decade). Bill Clinton was elected, dragging Fleetwood Mac in his wake. Nixon was re-rehabilitated on his deathbed. Henry Kissinger churned out another book. Pop sociologists declared *The Brady Bunch* my generation's formative experience; on their advice, beer advertisers produced short films of hippie golfers waxing nostalgic over Supertramp, *Frampton Comes Alive*, and related horrors of the not-so-distant past.

I tried to retreat — first to the '20s, 'till my stereo grew tired of Fats Waller; then to the early '80s, where, by being 15 years behind my time, I could be five years ahead of it. None of this seemed to work, so I decided to jump the gun and embrace my own era. I am now a *'90s* revivalist:

Remember the '90s? A time of lost innocence, so long ago. . . . A time when the worst thing you could get from sex was AIDS . . . a time when men and women of different races could share a freeway in relative peace . . . a time when most young Americans hadn't even heard of Andorra, let alone fear they might die there one day. A time when people weren't too jaded and cynical to enjoy a grunge record. A time when abortion was a legal right, not an unfortunate consequence of the average woman's diet. A time when Rush Limbaugh still hadn't gotten the notion that he could sing.

You don't miss your water, kids, until your well runs dry. —JW

Report from Ruby Ridge — Contradictions are everywhere. Agent Lon Horiuchi testified at Randy Weaver's trial that visibility was "excellent" when he shot Vicki Weaver, but the FBI snipers claimed at the Senate Ruby Ridge hearings that visibility was poor, and their supervisor said, "You could almost say the sun never came up, tt was dark, it was rainy," etc. The rules of engagement gave the snipers a "green light" to shoot anyone, but were really no different from the FBI's standard policy on deadly force. The sniper felt free to fire on the people from the Weaver cabin because they were threatening to shoot an FBI helicopter, but none could recall seeing or hearing the helicopter at the time of the shooting. Weaver held his gun in the "port arms" position (from which it is impossible to fire a gun), but was also threatening the helicopter. The marshals and FBI agents were acting to protect Weaver's wife and children, yet his wife and children, we were repeatedly told, were as big a threat to them as Weaver himself. (This last claim turned out to be an understatement — at least partly. Sammy Weaver actually

fired toward his attackers shortly before he was machine-gunned in the back and killed. Randy Weaver, on the other hand, testified that he never in his life aimed a gun at any other human being, and no testimony was introduced that contradicted his claim.)

The contradictions go on and on — except in the testimony of Randy Weaver. Remarkably, his testimony has been entirely consistent, even with the statement that he wrote out while surrounded by the FBI, convinced that he and the rest of his family were about to be killed. —RWB

The thin line blues — Out of the blue, the O.J. Simpson trial rounded a corner and turned socially relevant. Mark Fuhrman, the LAPD detective O.J.'s lawyers had accused of framing their client, claimed on tape that he had manufactured evidence and committed perjury throughout his police career. To add insult to injury, he peppered these comments with the word "nigger." Suddenly, issues of police corruption, brutality, and racism were back in the public eye.

Meanwhile, in Pennsylvania, Mumia Abu-Jamal was granted a stay of execution. Jamal is the black activist-journalist sentenced to death in 1982 for allegedly killing a Philadelphia police officer. A lot of people believe in Jamal's innocence; his cause has been embraced by institutions and individuals both admirable (Amnesty International, Salman Rushdie) and embarrassing (Detroit City Council, Jacques Derrida). Jamal's status as leftist *cause célèbre* has led many a conservative wag to denounce the Free Mumia movement as mere "fashion," a profoundly irrelevant charge. Support for Mumia Abu-Jamal is no more (or less) fashionable than support for Randy Weaver. The greatest tragedy of the modern political landscape may be that the defenders of white separatist Weaver and the defenders of ex-Panther Jamal have been unable to make common ground — as though the issue at stake were the opinions of the state's victims, and not their civil liberties.

Indeed, whether Jamal is innocent or guilty may be less relevant, ultimately, than the ruptures in our justice system his experience has exposed. In 1982, Mumia's past membership in the Black Panthers was used as evidence that the murder was premeditated. Prosecutors read from a twelve-year-old interview in which a teenaged Jamal advocated political violence, as though this were germane to whether the adult Jamal committed this particular violent act. Police made little or no effort to look for other suspects, and failed to test Jamal's pistol to see whether it had been fired. Jamal was not allowed to defend himself, and was assigned a court-appointed attorney who was later disbarred; his efforts to dismiss counsel were blocked. Most disturbingly, the prosecution's star witnesses were an arsonist on probation and a prostitute, both ripe for police manipulation. Both changed their stories several times, and both delivered testimony at the trial that was contradicted by several other eyewitnesses — witnesses the prosecution did *not* call.

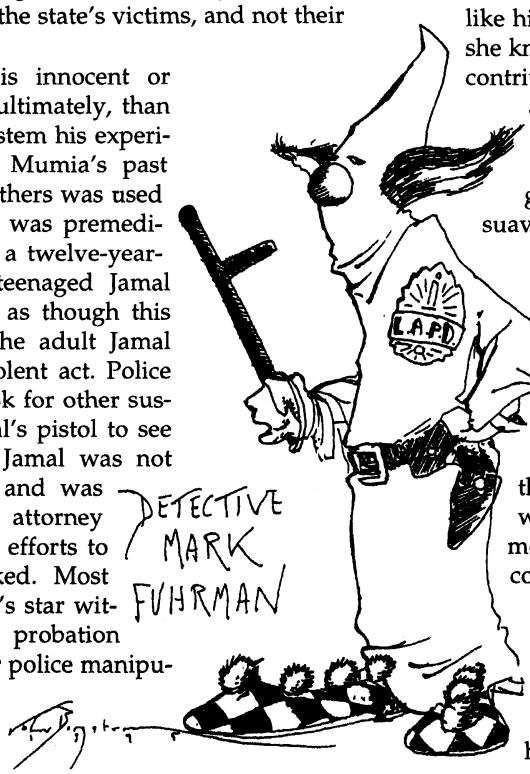

The judicial mayhem suffered by Jamal, the police corruption embodied by Fuhrman, the FBI's contempt for the lives and liberties of the Weaver family — these represent systemic problems that go far deeper than any particular defendant's innocence or guilt. Fuhrman's past deeds prove nothing about his behavior in the O.J. case, but they say a lot about what can happen when a society puts too much power in the hands of its police. Power corrupts. And as long as police work includes incentives to be crooked and opportunities to be a thug, crooks and thugs will join the police force, embarrassing their colleagues and making life miserable for the rest of us.

If Jamal's cause has become fashionable, it is nowhere near as fashionable as the current drive to do *anything* to stop crime. Anything, that is, except uphold individual responsibility — for cop and criminal alike. —JW

How much wood would Packwood pack if Packwood could pack wood? — The first time I witnessed Sen. Bob Packwood (R-Ore.) in action, I was impressed. He was smooth, very smooth, the acme of smoothness. Young and impressionable, I saw Packwood as the ideal to which all politicians should aspire. He came across as knowledgeable, reasonable, considerate, witty, wise.

After his second debate in 1980 with Ted Kulongoski (Democrat) and Tonie Nathan (Libertarian), I chatted with a friend about the relative merits of the candidates in this race for the Senate. She loathed the politics of the Democrat, and admired both the politics and person of the Libertarian (who had effectively "skewered" the Big Guys in her first debate with them, according to the major papers). But regarding Packwood, I could see she was struggling. She did not like his "big government Republican" orientation, and she knew that every ounce of his being was a carefully contrived artifice. But he was, as she admitted, so very good at his pretense. "Suave," she said of him.

If someone had asked me, right then, how Packwood got on with the ladies, I would have guessed *very well*. Little did I know that this suave senator was a cad, at the very least.

I had no way of knowing, of course, that there would be such a disjunction between his personal and public personae, but I don't think I would have been shocked. It's tough, being a politician, having to pretend to believe all sorts of nonsense, simply to please the masses of "rationally ignorant" voters. The cognitive dissonance can wear at a guy. Perhaps that is the reason Packwood couldn't keep it together, why his drunkenness and lechery and "hegemonic seduction" (old-fashioned macho-rapist courting) became a big part of his life.

And why it led to his undoing as a senator.

Though I am not usually sympathetic toward politicians, before September 7, when Packwood resigned from the Senate, I had a hard time working up support for the calls for his ousting. It seemed somehow indecent that a

politician's *private* indecency should lead to his undoing, while the *public* indecencies of many a previous solon had been passed by with hardly a handslap. I loathe caddishness and despise rape, but Packwood's furtive assaults, as related by his many accusers, seemed simply pathetic. Since he was not prosecutable under law, ousting him while having let others' greater crimes slip by seemed itself indecent.

But as Packwood's infamous diaries came to light, the complexion of the case changed: what was so "shocking" about the diaries was not all the sexual bravado and indelicacies, but all the confessions of graft, special privileges, and violations of the public trust.

Not really shocking, of course, but it made Packwood's forced resignation much easier to swallow. There is justice in seeing a politician destroyed for his abuse of power. It may be true that this abuse is as commonplace as Packwood's own misuse of alcohol and his abuse of women. But tolerance for commonly practiced indecency is on the wane. Adding fuel to the bonfire of the vanities would be a good thing.

Perhaps the standards are reversing themselves. Perhaps now we will expect bluntness in politicians and suavity in private persons. The figure that Packwood cut in public life may become standard in the realm of sexual relations: knowledgeable, reasonable, considerate, witty, wise.

We could do worse. With Packwood, we obviously have. —TWV

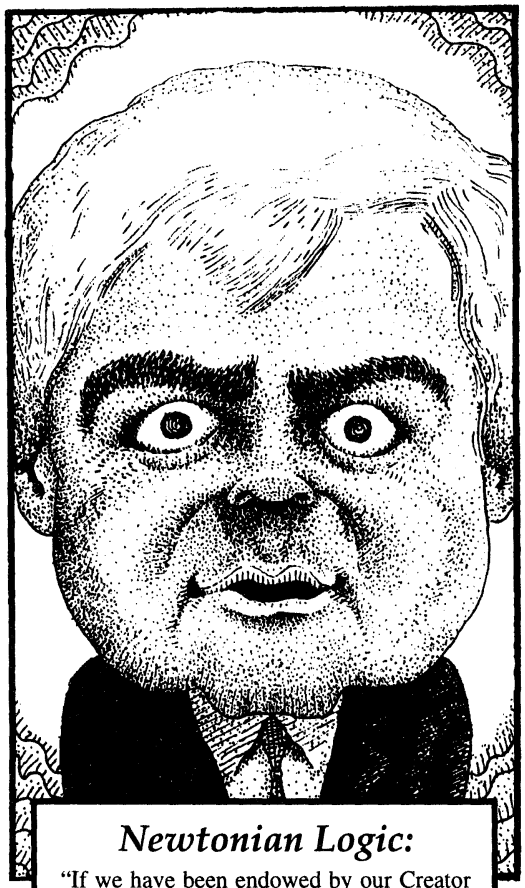

Newtonian Logic:

"If we have been endowed by our Creator with certain inalienable rights, then someone who sells a person an addictive, life-destroying substance diminishes us all. . . . [Therefore] drug users should face serious economic penalties: 10 percent of their gross assets for first conviction, 20 percent for a second conviction, and 30 percent for a third conviction. . . . [D]omestic drug dealers should face sentences and confiscation of property that are as steep as the Constitution allows. . . . [A]nyone importing commercial quantities of drugs should be regarded as an invader of our national boundaries . . . [and be subject to] a mandatory death penalty . . . [and] we should intensify our intelligence efforts against drug lords across the planet and help foreign governments to trap them. . . . For our children's sake, it is the right direction, the right scale, and the right intensity."

— *To Renew America*

Minor detail — In a letter in September *Liberty*, John Weaver, an Army veteran, took offense at R.W. Bradford's assertion that the Army "psychologically prepared" Timothy McVeigh to "kill without remorse." I also have military experience and can confirm that the ability to kill the enemy without remorse was one of the goals of my training. Of course, I was in the Marine Corps, where we learned that the real enemy was the U.S. Army. —CS

Jerry Garcia, 1942–1995 — For over 30 years, guitarist Jerry Garcia and his band, the Grateful Dead, criss-crossed the country playing a freeform blend of folk, blues, jazz, country, and rock'n'roll. His death at 53 brought an abrupt end to this uniquely American tradition in music, leaving an empty space that cannot be filled.

But some good things never die, like the free community that always surrounded Garcia and the Dead. The Deadheads, the circus-like society of fans that followed the band from one arena to the next, embodied a cultural dynamic that is at the very core of American society, where individual freedom melds with tradition and chaos becomes order.

A Grateful Dead concert was first and foremost about spontaneity. That is what attracted Deadheads to the band in the first place, and the reason why some would follow the Dead across the country, seeing dozens of shows a year. The Dead never played the same set twice, or even the same arrangement of a song. Every show was a perfectly unplanned event. As Garcia described it, "We're just doing what we do [on stage], but we don't know why." Sometimes the music created was great, and sometimes it was not so great. But most Deadheads would argue that even a bad Dead show was far better than watching any other band play the same set the same way, every night, every year.

The music itself is the best metaphor for the social order that gathered around a Grateful Dead concert. To quote a classic Garcia tune: "It's got no signs or dividing lines, and very few rules to guide." In whatever city the band was playing, a spontaneous community of Deadheads emerged to sell and buy clothing and food, to tell tales about the road or sell a tape of a particularly crisp second set from the last Pittsburgh show. With very few rules to guide it, this spontaneous order allowed tens of thousands of people to gather peacefully, to meet and trade in an open, unregulated market.

While the press has made much of the several times this delicate order broke down during the final tour, what made this Deadhead scene so amazing was the mere fact that it usually worked well. Last year alone, 1.7 million people attended a Grateful Dead show, and many, many more showed up to be a part of "the scene."

Needless to say, some people never got it. Many never even tried, blithely dismissing both band and fans as worthless hippies — tired relics of the '60s counterculture. "At least Cherry Garcia lives," columnist Richard Grenier sarcastically eulogized in the *Washington Times*. "Because if you overindulge in ice cream you just get fat. But if you overindulge in a Jerry Garcia's lifestyle you might end

up a slab at the Serenity Knolls drug treatment center." *Wall Street Journal* editorial feature editor David Asman was equally unimpressed: "Onstage and offstage, Garcia was a drugged-up knockoff of a social experiment that went sour."

You might expect social conservatives to have little interest in or tolerance of a strange-looking fellow like Garcia, with his long wiry hair and white beard. But perhaps the harshest criticism of Garcia and his following came from *Washington Post* columnist Coleman McCarthy. Garcia had committed the unforgivable sin of going about the business of his own life instead of embarking on some holy crusade for social justice. He "avoided involvement in the hard social issues of human rights, hunger, and disarmament," sniffed McCarthy. Garcia didn't run for Congress or even join the Peace Corps. He just played in a band, and "gathered to himself throngs of the self-absorbed."

Heroin is bad stuff, but McCarthy's intolerance for anyone who fails to live the good life (as defined by Coleman McCarthy, of course) is truly toxic. Ironically, while McCarthy feels good about spending other people's money on ineffectual government programs, Garcia was funneling over $1 million a year in Grateful Dead earnings to private charities through the band's philanthropic arm, the Rex Foundation.

Just days before Garcia's death, another *Washington Post* writer, Carolyn Ruff, took time to fret over the "darker, more malevolent side of the Grateful Dead milieu . . . where the looming specter of capitalism rules supreme." Even President Clinton, with no apparent sense of irony, took advantage of Garcia's death to worry over others' poor lifestyle choices.

Though it probably pains liberals and conservatives alike to think it, Jerry Garcia and the Grateful Dead embodied "capitalism" at its very best. This is true in the vulgar meaning of the term, because Garcia made big bucks. The Grateful Dead was a huge, multimillion-dollar business venture that spent the past decade on *Forbes'* list of top-grossing entertainers.

But Garcia was also a "capitalist" in Hayek's more metaphysical sense. Without any intention of doing so, he contributed to the social order. As musical entrepreneurs, Garcia and the Dead created a peaceful cultural phenomenon, nurturing the very process of free association between free individuals. Such freedom may not be perfect when measured against some imagined utopian standard, but it works here on Planet Earth.

For Deadheads, Garcia's death is difficult to accept. "He's gone," the song goes, "nothing's gonna bring him back." But his musical legacy can live forever. And so will freedom, if our government and society's intolerants see fit to just let us be. —Matt Kibbe

"Maybe we ought to try to figure out what has happened to cause these people to hate the federal government."

"I have a concern I think that's greater than this, and I've written to my congressmen and senators about it, first time I've ever done that in my life — and that's my concern that we are fast going down the road to a federal police force in this country. We seem to have a tendency to federalize every crime; right now everything from carjacking to abating child support is a federal crime in this country. That really worries me. And I think in this kind of hysterical state we're in after Oklahoma City, that we run a big risk of passing some very repressive laws that are going to be, in years to come, detrimental to our civil rights in this country. And as a law enforcement officer I worry about that.

"I think that for law enforcement to be effective, it has to be accountable. And to be accountable, it has to be controlled at the lowest possible level. It worries me to think that we're vesting, and I don't mean to be fingering the FBI outfit, but we seem to be vesting a tremendous amount of authority in the FBI to take over every aspect of civil law enforcement in this country. And I feel strongly about that. I think that it is detrimental to our continued freedom in this country, because I don't believe anybody wants a national police force in this country, and I certainly don't. I just think we need to kind of step back, take a deep breath, and look at this thing. And, you know, all the militia stuff and all that, it is serious, no doubt about it. But maybe we ought to try to figure out what has happened over the years to cause these people to so just absolutely passionately hate the federal government.

"People talk about being anti-government. I think sometimes I'm anti-government. I don't like paying all the taxes I'm paying and a lot of other things. And I resent the fact that I think every aspect of our daily life is intruded onto some way by some level of government. I'm not going to go out and take up arms against this country. Quite the contrary, I'm going to defend it. I'm going to defend the constitution of Texas and this country as long as I can. But I just think that we ought to look at that."

— Capt. David Byrnes, Texas Rangers,
testifying before the House Waco Committee,
July 17, 1995

Every spud a king — Recently, my friend Paul and I were discussing the bad habits of certain Republican leaders. Among the most disreputable of those habits is the practice of invoking Franklin Delano Roosevelt, the Republican Party's ancient enemy, as a figure whom all Americans ought now to venerate. Former President Reagan said fond things about Roosevelt, and Newt Gingrich is currently doing the same, despite the fact that Roosevelt created the social-welfare state that the Republicans supposedly want to dismantle.

During our discussion, I mentioned to Paul that Roosevelt, the new idol of small-government Republicans, had gone so far along the road to the omnipotent state as to support a Potato Control Act.

Paul exploded.

"Control potatoes! You can't control potatoes!

continued on page 48

Television

The Prime-Time Police State

by R.W. Bradford

Justice flickers as America adjusts its reception.

As customary, September marked the hyper-hyped beginning of a new television season, this one with over 40 new programs on the six broadcast networks alone. But it was not the mass debut of new sitcoms about single people sharing apartments, or new "dramas" about police or physicians or single people sharing apartments, or even the return of old, well-established hit programs along those lines, that provided the most compelling television. Indeed, the best television was not even to be found over the airwaves.

No, the best television was found on an obscure channel available only to cable subscribers and satellite receivers. I refer to C-Span, the non-commercial network created and funded by cable operators to cover the affairs of government, in hopes that by showing the tedious speeches of congresspeople, regulators, and bureaucrats, somehow their industry will minimize congressional interference, regulatory intervention, and bureaucratic meddling.

The affairs of state are usually as dull as Saturday night in Villisca, Iowa, so most C-Span programming is boring beyond tedium: politicians sloooowly reading uninteresting speeches or witlessly evading reporters' questions, droning conferences staged by special interest groups, and worse. Consequently, C-Span's viewers are normally pretty much limited to politicians' mothers and girlfriends, reporters realizing their bosses won't know they covered a dull press conference by watching it from the comfort of their apartment, and a few hopeless fans of politics.

By marvelous coincidence, just as the new fall television season began, a Senate subcommittee began hearings on the events surrounding federal marshals' attempt to arrest Randy Weaver for failing to appear in court on a gun law violation.

You'll recall that the affair resulted in the killing of Weaver's wife — whose head was blown off as she held their infant child in her arms — and his son, a boy less than five feet tall, weighing only 80 pounds, plus the wounding of Weaver and a houseguest, the death of the family dog, and (not incidentally) the death of one federal marshal.

You know the rest of the story. Bo Gritz, the former gung-ho Green Beret, agreed to act as a negotiator. Gritz had credibility with Weaver, and the FBI reluctantly accepted his services. Weaver and Harris surrendered and were charged with all sorts of crimes, ranging from violations of gun regulations to murder. The U.S. attorney sought the death penalty. In due course, Weaver and Harris were tried by a jury of their peers. Harris, who had fired the bullet that killed U.S. Marshal Degan, was found innocent of all charges. Weaver was found innocent of all serious charges and of the original gun violation, but guilty of failing to appear at his court date and of violating pre-trial release conditions. He served a brief sentence, and was released.

Whether moved by zeal to defend the U.S. Constitution or hope of drawing attention to his longshot presidential candidacy, committee chair Arlen Specter was plainly not one to be haplessly manipulated by hack apologists for abusive state power. No, Specter's Ruby Ridge hearings would not suffer the fate of the House hearings on Waco. There would be no Kiri Jewell to grab headlines with incredible stories of rape, no wimpy Republicans bending over backwards to support "law enforcement," no matter how brutal, irrational, or lawless it may be.

Of course, Specter had an advantage over the GOP Waco investigators: at Ruby Ridge, despite the FBI's best attempts to insure that there would be no "long siege" (i.e., to kill everyone involved, as it would later do in Waco), several of the targets of the government assault lived to tell their story. And the "compound" at Ruby Ridge was not burned to the ground, destroying physical evidence.

Those who have watched the hearings have by now seen moments of high drama, heart-wrenching pathos, hilarious comedy, and sheer horror.

Randy Speaks

The hearings began with the testimony of Randy Weaver. By the government's account, Weaver was a monster who had plotted a war with the U.S. government for nearly a decade, hoping to murder as many innocent people as he could in the process.

The Randy Weaver who testified before the committee bore little resemblance to that monster. He was dressed in simple work clothes and spoke the humble language of the rural America from which he came, apologizing for his lack of eloquence, adding that if his wife could be there, she could explain things better. ("My wife was the smarter of the two by far," he explained. "She could speak very well . . . she could tell you like it was a lot better than I can.")

Committee chair Arlen Specter was plainly not one to be haplessly manipulated by hack apologists for abusive state power.

Weaver told how he had come to believe the government was out to get him, how he had been ensnared by his own poverty and the blandishments of a professional informant into selling two shotguns whose barrels he had shortened, how he had refused a government offer to let him off on the misdemeanor charge if he would only "turn snitch" and try to entrap his friends. With little embellishment, he told how he came to be arrested on a misdemeanor charge and had not appeared for his trial.

He spoke simply, emotionally, plainly. He told how he withdrew to his mountain cabin where he tried to live in isolation with his family, only to be the subject of extensive government surveillance involving videorecorders hidden in the forest, helicopters flying overhead, and even the government's tracking the menstrual cycles of his teenaged daughter.

He spoke of the events of August 21, 1992, when heavily armed men in camouflaged clothing surprised him and his son and their friend Kevin Harris as they followed their barking dog in search of game, how one of the men shot his dog, and how they then turned their machine guns on him and his family. He told how Harris and Weaver's 14-year-old son had fired back at the armed intruders and tried to escape to their shack, and how his little son was shot twice, once in the arm and once in the back, as he vainly retreated for safety. He told how his family retreated to their cabin, trying to understand what had happened.

Tragic as the events of August 21 were for Weaver and his family, the following day was worse. Late in the afternoon, he and his daughter and Harris left their cabin to go to the shed where his son's body lay. As Weaver went around the shed and was about to open its door, he was shot without warning, from behind, by an FBI sniper. As he ran back to his home, the FBI sniper shot again, this time killing his wife Vicki, who was standing behind the front door, and seriously wounding Kevin Harris, who was going through the door. He wept openly as he told of prying his infant daughter from the arms of his wife, who lay on the cabin floor with her head blown off.

He spoke sincerely, even pathetically, about the terror of the next few days, as he and the surviving members of his family lay on the floor of their cabin, next to the rotting corpse that had been his wife and their mother, fearful that if anyone stood up, federal agents would see them through the windows and shoot them dead too. He told how FBI agents sent a mechanical robot armed with a sawed-off shotgun to bring him a telephone, and how he had refused to be killed by such a transparent ruse, and how FBI taunted him and his family. In a particularly pathetic moment, he admitted that he had felt his only hope to come out alive was for Jesus Christ to return to Earth and perform a miracle.

Weaver made no attempt to hide or sugarcoat his unpopular political and religious views, admitted to past mistakes, expressed regret that he had refused to appear in the first place — a decision that, in conjunction with the zeal of ATF, the Marshals' Office, and the FBI, ultimately resulted in the deaths of his wife and son. He came across as utterly guileless. Even Dianne Feinstein, who at first seemed intent on defending the law enforcement authorities by discrediting Weaver, softened and seemed even to sympathize a bit as the hearing wore on.

Send in the Cops

Things were different the following day, when the ATF agents testified. Herb Byerly, the ATF agent in charge of the case against Weaver, was one very sweaty guy, palpably evasive when questioned by former prosecutors Specter, Patrick Leahy, and Fred Thompson, all of whom seemed to smell entrapment and suspect an outright frameup.

Thompson questioned Andrew Vita, assistant director of enforcement for ATF, about the quality of the initial case against Weaver, pointing out that the case depended completely on the testimony of a single undercover agent. Somehow, the undercover agent had neglected to record key conversations that he claimed established Weaver's guilt, though he recorded many other conversations with Weaver. Worse still, the agent's payment was contingent on helping ATF prove its case, giving the undercover agent a motive to misrepresent this conversation. Vita was glib, slickly evading questions. Thompson was no fool — observing at one point that Vita was "begging the question" — and the senator was clearly frustrated.

By the government's account, Weaver was a monster who had plotted a war with the government for nearly a decade, hoping to murder as many innocent people as he could in the process.

Thompson turned his attention to Byerly. Thompson wanted to know about the letter Byerly had written the U.S. attorney, stating that Weaver had a long criminal record. He wondered

whether this claim was true. Byerly admitted that it was not. Thompson noted that this false information was contained in a letter requesting that the U.S. attorney prosecute Weaver. "Of course, the U.S. attorney's office sometimes declines minor cases even though they're clear violations of laws, don't they?"

Weaver spoke the humble language of the rural America from which he came, apologizing for his lack of eloquence. He made no attempt to hide or sugarcoat his political and religious views.

"Yes," Byerly admitted, "they do."

"Do you think your telling the U.S. attorney that he had other convictions in the plural, that he had more than one other conviction, might have had something to do with their determination to prosecute this case?"

"No sir, I don't. That letter, ah, is a typographical error, error. Ah, I had been in, ah, telephone, ah, contact with the assistant U.S. attorney, ah, before that, on several different times, and discussed this case with him. The, ah, that was a cover letter which accompanies the criminal case report. The case had been discussed with the U.S. attorney's office prior to the submission of this letter and the case report."

"Well, I don't know what you just said. But it says here that he was convicted of activities . . ."

Thompson's allotted time was up, but Specter took up the issue.

"Well, Mr. Byerly, on that point did you tell the U.S. attorney that that letter was incorrect, that he had been convicted or had prior convictions?"

"No sir, what that, that letter, ah, is, is somewhat of a synopsis of what was contained in the case report. There is a, one of the exhibits in the case report is a record of criminal history, ah, and that record of criminal history was showed definitely to the U.S. attorney that Mr. Weaver had no prior convictions. "

"Well how do you know that that was shown to the assistant U.S. attorney?"

"I don't know that, sir."

"Well, did you take any affirmative steps to correct your letter which said that he had prior convictions?"

"I had telephone conversations with the assistant U.S. attorney concerning, ah, Mr. Weaver's, ah, criminal background, he was certainly aware of it, the, ah, telephone conversations."

"Well, just a moment ago you said you hadn't told the U.S. attorney that the letter was incorrect. Now what's the case?"

"I . . ."

"Excuse me. Had you told the assistant U.S. attorney that the letter was wrong when it said Mr. Weaver had prior criminal convictions?"

"I don't recall. I don't know if I did or I didn't. But I know I discussed the case with the assistant U.S. attorney, who knew that Mr. Weaver did not have a prior criminal history."

"Well, how did you know that the assistant U.S. attorney knew that Mr. Weaver had no prior criminal history?"

"Because I discussed the case with the assistant U.S. attorney."

"But did you discuss the fact that your letter was wrong and in fact Mr. Weaver had no prior convictions?"

"I don't know, sir."

Specter's time was up, so he turned the floor over the Sen. Leahy, who took another tack. "I'm somewhat troubled by all of this. For what it's worth, I own a lot of weapons: handguns, revolvers, semi-automatics, long guns. I do a lot of shooting, target practice . . . I also, like Sen. Thompson, have prosecuted cases and used informants. I say that because I sit here listening to all these little things that just jangle wrong in my mind as I hear this testimony. . . . We have a U.S. marshal, Marshal Degan, who's dead, leaving behind a widow and two orphan children. We have two members of Randy Weaver's family dead. We have millions and millions of dollars spent. We have the humiliation of some of our top and best law enforcement agencies in this country. We have careers being ruined, some through mistakes and some apparently through intentional — I'd call it malicious — action. And all this comes from somebody who sold two shotguns that you or I could buy at Sears Roebuck and spend an extra 15 bucks for a hacksaw, cut them off, and if we have any ability at all at woodworking put the pistol grips on them and so on. I was thinking of this over and over again, how anything could come so tragically wrong. Agent Byerly, you said that you wouldn't have done anything different up to the time of Mr. Weaver's arrest and arraignment. Would you have done anything differently after that part? After the arrest and arraignment."

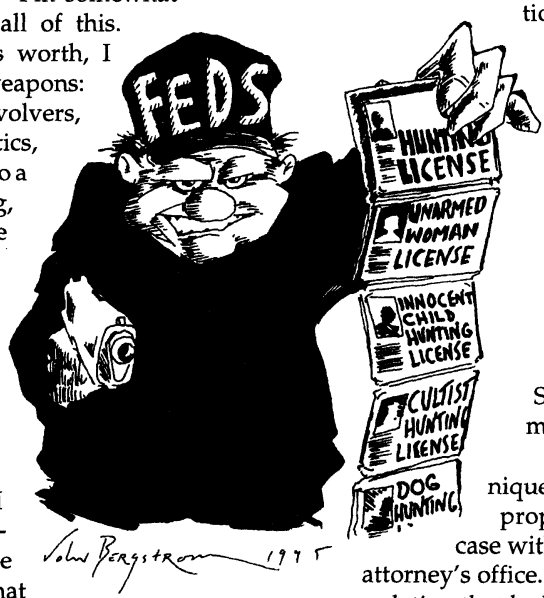

Byerly looked left, then right, then down, then swallowed hard, then blinked. Eventually he said, "I'm not sure I understand your question."

Leahy repeated the question.

Byerly again seemed stumped. He began to answer several times but each time stopped before the first word was fully formed, looking around the room like a trapped animal. Finally, he summoned an answer to this softball question. "If I could have done, or if I could do anything, to bring back the lives that were lost, of course I would."

"So would we all. What I'm thinking about are the procedures."

"I've thought about this a lot, Senator. I believe in my heart that what I pursued, the techniques that I used, were proper. I discussed the case with the assistant U.S. attorney's office. I made my recommendation that he be prosecuted. The U.S. attorney's office looked at the cases and the U.S. attorney's office pushed the case forward. There was,

ah, information that, ah, I provided to the U.S. attorney's office concerning various, various facets. I explained to the U.S. attorney's office concerning the, ah, 1985 investigation ah of Mr. Weaver. I made them aware of all the information that I had, and they, they stated that they wanted to take the case."

Leahy changed the direction of his questioning. "Well, let's get a little bit into how you get the information you had and what information refers to things that were actually there and things that were prompted by the government's own action. I assume the ATF has guidelines for dealing with organizations like the Aryan Nations where some members might engage in criminal acts while other members' sole interest in the organization is to protect constitutionally protected speech. . . . Do you have such guidelines?"

"Ah, yes."

"Are they written down?"

"Ah, yes."

"Do you offer training or guidance to agents or informants on how to conduct surveillance on things like the Aryan Nations?"

"We provide instructions as to entrapment, as to, ah . . ."

"What I'm saying is, if you're talking about organizations where some members may be there just because they want to express their views, hateful though we may find them, and you have other members who might be there engaged in criminal activity. Do you have training on that?"

"To provide to informants?"

"Yes."

"No, sir."

"To agents?"

Byerly again looked around the room, apparently unaware of whether he had ever had such training himself or administered it to others. At this point, the other witness piped up, giving a long-winded, cliché-laden answer that Leahy could not understand.

And so it continued: Vita long-winded and slick; Byerly acting like a liar fearing discovery; both of them as evasive as Weaver had been forthright the previous day.

Specter was well-prepared, even brilliant. Before the hearings were over, he had proven that the ATF's case against Weaver was a sham — a case of entrapment, plain and simple — and that the government had not even attempted to make a *prima facie* defense against entrapment when Weaver was ultimately tried in federal court. Specter mopped the floor with the ATF agents, reducing the sleazy Byerly to claims of a failing memory and the smarmy Vita to babbling incoherently about how he is "working very hard to restore the public trust."

. . . And the Second Time as Farce . . .

On September 13, the hearings turned to comedy. Kenneth Fadeley, the undercover agent who had entrapped Weaver on the gun law violation, insisted on testifying from behind a screen with his voice altered to sound like Daffy Duck. Perhaps the funniest moment came when he explained that although he had on four separate occasions during the Weaver trial admitted that he would be paid for his undercover work only if he came up with evidence that would convict Weaver, in fact, ATF offered him no incentive at all. He had simply been confused at the trial, he explained. He had tried to explain his error to the U.S. attorney, but had been unable to find his office. (One wonders whether his confusion at the trial resulted from having to appear without the protective screen or the Daffy Duck disguise.)

Weaver wept openly as he told of prying his infant daughter from the arms of his wife, who lay on the cabin floor with her head blown off.

The hearings became theater the next day, when the U.S. marshals who were "doing surveillance" on the Weavers on August 21, 1992 testified. The dramatic highlight was Marshal Larry Cooper's claim that he had not killed little Sammy Weaver, despite all the evidence to the contrary, but that the real killer was Randy Weaver. His theory was that, as Randy Weaver ran for his life up the mountain to get away from Cooper's murderous machine gun fire, Weaver stopped, turned around, and took a wild shot down the mountain, accidentally killing his son. When Specter pointed out that the shot that hit Sammy in the back was moving on an upward trajectory, and therefore had presumably come from below, Cooper suggested that Randy Weaver had perhaps stopped to shoot wildly from a depression further up the mountain. Another bizarre moment occurred when the marshals suggested that the Weaver family had ambushed *them* — despite the fact that it was the marshals who surprised the Weavers after surreptitiously entering their property, clad in camouflage, armed with machine guns and silenced weapons.

On September 14, the hearings changed genres again, this time to a horror story. Lon Horiuchi, the FBI sharpshooter who shot Mr. Weaver, gravely wounded Kevin Harris, and killed Mrs. Weaver refused to testify on grounds that his testimony might incriminate himself. This was no surprise. At the trial, he had testified that as he fired at the fleeing Harris, it appeared that Harris "was trying to hold the door open or moving someone out of the way," making it clear that he knew there was someone behind the door and had fired through it anyway. And after the event, he made a sketch of a door with a window with two circles that look a lot like a woman's head and a baby in just about the same position as Vicki and her baby daughter Elisheba. So there was powerful evidence that he had willfully shot a person who posed no immediate threat to anyone and who had not even been accused of committing any crime; that is, that he has committed second-degree murder.

But the other eight FBI "sniper/observers" who accompanied Horiuchi the day he shot Randy Weaver, Kevin Harris, and Vicki Weaver *were* there to testify — and testify they did, in horrifying detail.

The snipers were members of the FBI's elite "Hostage Rescue Team," created to respond to violent situations where hostages are held. Before proceeding to Ruby Ridge, the snipers had met with superiors. Richard Rogers, head of the HRT, told them that this would "be no long siege," that the

family was to "be taken down hard and fast."

Rogers gave the snipers rules of engagement (ROE) that limited the conditions under which they could shoot their weapons:

(1) If any adult in the area around the cabin is observed with a weapon after the surrender announcement had been made, deadly force could and should be used to neutralize the individual.

(2) If any adult male is observed with a weapon prior to the announcement deadly force can and should be employed if the shot could be taken without endangering any children.

By all accounts, the ROE were extraordinary. The usual FBI policy requires that the target of deadly force "pose a threat of serious physical harm, either to the officer or others . . . [and] possess an immediate threat to the safety of others." The ROE at Ruby Ridge authorized deadly force against "any adult male observed with a weapon," whether or not he was acting in a threatening matter, immediate or otherwise. It went even further, saying that deadly force "*should* be employed" (emphasis added). The FBI snipers understood what they were there to do:

Professional ATF informant Kenneth Fadeley insisted on testifying from behind a screen with his voice altered to sound like Daffy Duck.

- "We had a green light to use deadly force against an armed adult male." (Agent Monroe, August 31, 1992)
- "My understanding of the ROE was that if I saw an armed adult outside the residence, I was to use deadly force against that individual." (Agent Winger, August 28, 1992)
- "The ROE were that if before the occupants of the cabin were notified that they were to surrender a male adult occupant were seen carrying weapons that deadly force could be used." (Agent Whitcomb, August 31, 1992)
- "We were told that we should use deadly force if no children were endangered." (Agent Tilton, August 31, 1992)

Agent Dale Monroe began by reading a statement: "I would like to correct something said last week in this hearing. Mr. Spence said we were trained killers. We are not. We are trained to save lives." Before the day was over, viewers had strong reason to reject that claim.

Monroe, who had been the partner of the killer Horiuchi, then took questions. The purpose of their mission that day, he explained, was to "observe and report." This was too much for Sen. Herb Kohl, who noted a powerful distinction between "observe and report" and "green light to use deadly force." Clearly, the snipers were not getting off to a good start with the investigators.

Not surprisingly, the questions turned to the issue of whether the shots Horiuchi fired that killed Vicki Weaver and wounded Randy Weaver and Kevin Harris were justified. This was not a surprise to anyone, given Horiuchi's testimony cited above at the trial of Weaver and Harris, the testimony of the other snipers, and the simple facts that no one from the Weaver cabin had fired a weapon or even aimed one at anyone since the FBI took over the case, that Weaver had been shot in the back as he was moving away from the FBI snipers and the helicopter, and that Harris and Vicki Weaver had been shot when Harris was racing into the cabin and Vicki was holding nothing more threatening than a little baby.

Sen. Specter wanted to know about the special rules of engagement: Were they permission 22to use deadly force?

"They were an authorization to use deadly force only as long as the requirements for the overall policy is met," responded Agent Monroe. "That is, that a threat has been shown to myself or another, and a threat of grievous bodily harm or death. And I only interpreted those rules of engagement within and under that umbrella. They were advisories."

Specter was stunned by this assertion that the shooting of Vicki Weaver was justified even under normal rules of engagement, which require an immediate threat of bodily harm. "Well, Mr. Monroe," he asked, "if the rules of deadly force were to be used, or deadly force was to be used where there's threat to yourself or another, then can you explain to the subcommittee what the justification was for Mr. Horiuchi's shot which ended in the death of Mrs. Weaver?"

Specter mopped the floor with the ATF agents, reducing the sleazy Byerly to claims of a failing memory and the smarmy Vita to babbling incoherently about how he is "working very hard to restore the public trust."

"Well, first of all the actions of the subjects the previous day," responded Monroe. "We knew that there was a propensity for violence; they had already exhibited that. However, the reason for the shot was because in my opinion, the helicopter crew was in danger by the conduct of the individual, adult males, with the rifles shortly after they came out of the cabin."

"Was the helicopter crew endangered, in your opinion, at the time Mr. Horiuchi fired the shot which killed Mrs. Weaver?" asked Specter.

Monroe paused. "I believe as long as the helicopter is airborne and it contains individuals that could be harmed, and at any time there are individuals out that have exhibited propensity for violence and shown that, I believe that the helicopter at all times was in danger. And I also believe that whether the individual, whether the threat was outside the cabin, whether the threat to the helicopter was outside the cabin or inside the cabin. . . . Actually, in my opinion the threat was heightened with the individuals inside the cabin because the rules of engagement were restrictive; they were not broadening of the deadly force policy. We knew there were children inside that cabin. The individuals exhibiting threat could go inside the cabin and from any point they could fire."

Specter: "Are you saying then it was to prevent them from going inside the cabin and taking positions to fire at the helicopter?"

Monroe: "Well, I definitely feel it was to prevent, to stop the threat and prevent the threat that was being exhibited and ongoing."

Specter: "Mr. Monroe, law enforcement necessarily has latitude in the use of deadly force. And I've seen a fair amount of it from experience that I've had. But there are the constitutional bounds, and I think you have articulated them well: the threat of deadly force against you or another or grievous bodily harm. But what we want to understand is, and we don't have Mr. Horiuchi here, and you were beside him, so you're the closest person to the event, and we're asking you for your interpretation. Although you cannot give Mr. Horiuchi's interpretation, you are as close as we have at the moment. So is what you are saying that even though there was not a threat at that moment, as these three people were running into the house, of grievous bodily harm or death to anyone, that the shot was taken to prevent them from being in a position subsequently where there would be a threat of death or grievous bodily harm to others, including the people in the helicopter? I'm trying to understand what you really mean here . . ."

Monroe: "Yes, in my opinion, the threat, the threat of death had been exhibited, had been, their conduct, it was continuing . . ."

Specter: "But was there a threat of death to anyone or grievous bodily harm at the precise moment that the shot was fired which killed Mrs. Weaver?"

Monroe: (pause) "I believe a weapon can be fired from any position. Previously we were told that Marshal Degan had been killed and I did not think that his death was the result of a highly planned shot. And even though the individual was running into the cabin, our position, specifically Mr. Horiuchi's and mine, could possibly have been known by the individuals knowing where that first shot had come from."

Specter: "Mr. Monroe, are you aware of the conclusion of the Department of Justice that the second shot, the one that killed Mrs. Weaver, was fired in violation of constitutional standards?"

Monroe: "I'm aware that the Department of Justice did come to that conclusion and I'm in complete disagreement with that."

Specter: "Well, Mr. Monroe, you were on the field, you have standing to agree or disagree with anybody. . . . You and the others were on the firing line. And that's a very different position to be in. . . . We're interested in how you felt, and you think, about that shot. Was [it] justified under the standard for avoiding death or grievous bodily harm, even though nobody was in jeopardy at that precise moment?"

Richard Rogers told his team of snipers that "this would be no long siege," that the family was to "be taken down hard and fast."

Monroe: "Yes, I believe the second shot was just as justified as the first."

Monroe's meaning was plain. He believed he and any other police officer had a license to kill anyone who had ever committed a violent act. Sen. Thompson, apparently horrified at this notion, wanted to be sure that Monroe understood what he was saying:

Thompson: "So, at any time for the next few days, if you had seen them outside the cabin armed . . . say the helicopter has made another run the next day. And they showed no movement toward the helicopter, didn't point anything at it . . . [but] they saw the helicopter. Under the standard rules of engagement, you would still be allowed to shoot them because of the danger that was still posed [because] they had the day before . . . pointed a gun at it?"

Monroe: "Senator, I don't want to get into hypotheticals, I know what I saw. I know the threat that was administered by the two adult males. And those are the conditions that met the requirements of deadly force."

Thompson: "Well, you know, rules of engagement, you know, has to do with hypotheticals. Let's say that you're chasing a fugitive. Obviously, under the standard rules, you are under immediate danger of death or grievous bodily harm. But let's say he turns and runs, and you chase him. Under the standard rules, is it your interpretation that you would be allowed to shoot him in the back?"

Monroe: "If the individual has already demonstrated that he is a danger to society — has already been involved in the killing of another, and I have reason to believe that if he gets away he will kill again, then the deadly force policy, the policy will authorize deadly force to prevent the escape."

Thompson: "And the potential that he will kill again is your interpretation of immediate danger of death or grievous bodily harm under the current rules. Does everybody agree with that?" At this point he looked around at the other agents, none of whom offered any dissent. "If somebody once poses that kind of threat, then that kind of threat kind of hangs out there forever and you can shoot them on sight. Is that your idea?"

Monroe: "Senator, that was a hypothetical, and I did not—"

Thompson: "Well, I know, but it's pretty important."

Monroe: "I'm just saying if I had reason to believe that the individual continued to pose a threat. I thought that I had reason to believe that."

Sen. Leahy then asked each FBI sniper whether he agreed with Monroe. All affirmed their agreement, confirming Gerry Spence's claim that they were "trained killers," but demonstrating they were not very well trained about when to kill.

Then Sen. Specter, perhaps remembering Randy Weaver's desperate plea for permission to go to the bathroom, asked the FBI snipers whether any desired a brief break. All manfully denied any need or desire. Sen. Thompson joked, "That doesn't include counsel, right?" Specter allowed that "if counsel would like a break, we'll take a break." The FBI attorneys jumped up as one and acclaimed a need for a break.

When he returned, Monroe virtually recanted his earlier testimony, claiming that deadly force could be employed only when a direct, immediate threat

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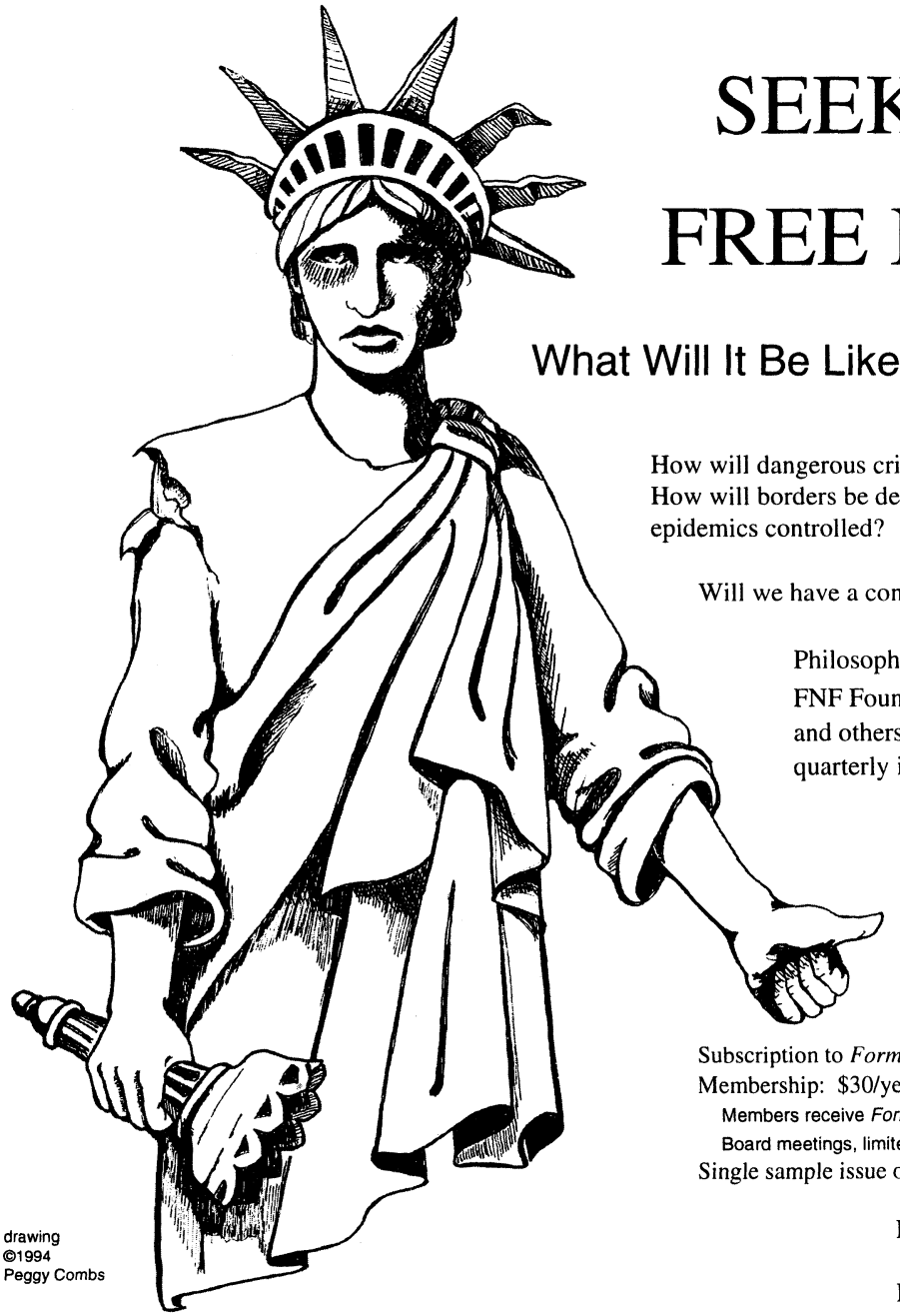

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was evident. He added, preposterously, that he believed Weaver and Harris were immediately threatening the helicopter even when they were retreating into the cabin, subverting his previous testimony that he had never seen the helicopter, hadn't heard it except some 10 to 15 minutes earlier, and directly contradicting Horiuchi's testimony at the trial that the helicopter was behind the snipers and that Weaver was walking away from the helicopter when Horiuchi shot him, as well as his own testimony that Weaver and Harris were holding their guns in the "port arms" position — with their right hand on the stock and their left hand on the barrel — a position from which it is impossible to fire a weapon. Sen. Abraham, who obviously sympathized with the FBI, summarized Monroe's new justification for using deadly force as "they might have had a chance to turn and shoot at a helicopter that might have been in the vicinity."

Even the Justice Department's review of the events at Ruby Ridge, which assumed that every statement by every government employee was true, rejected this argument, and stopped short of accusing Horiuchi of murder (or manslaughter) only because it limited its concern to whether the actions violated internal bureau policies or federal law:

> On one hand, Horiuchi believed that at least one subject was armed and had intended to shoot at the helicopter, and that the subjects now knew at least generally where a sniper was located. However, this perception must be evaluated in conjunction with the reality that the subjects were returning to their home and had not returned fire when shot upon. Thus, their actions as they ran into the cabin were not aggressive, but rather protective or defensive.
>
> We find Horiuchi's explanation of the threat and necessity of the second shot speculative. Based on the facts known and the actions of the subjects, we do not believe it was reasonable to perceive an immediate threat as they ran back into the cabin. Once the family was back in the cabin, the potential threat to the safety of the helicopter and law enforcement personnel was more remote than when Horiuchi had earlier believed that the armed male was about to position himself to shoot at the helicopter.
>
> Although we believe Harris and the Weavers knew that law enforcement personnel were present, no call out or surrender announcement followed the first shot. The subjects were never given a chance to drop their arms to show that they did not pose a threat. The subjects simply did what any person would do under the circumstances: they ran for cover.

Monroe's new testimony was clearly an attempt by the desperate FBI attorneys to mitigate his more horrifying earlier testimony, to which all the other agents had agreed.

This was too much for Sen. Herb Kohl, who noted there is a difference between "observe and report" and "having green light to use deadly force."

A week later, the highest level of the FBI confirmed the FBI policy that agents in the field should be a law unto themselves, with no oversight.

Larry Potts was the direct supervisor of the FBI operation at Ruby Ridge, and later supervised the FBI operation at Waco. He was rewarded for his service by promotion to the position of assistant director of the FBI.

In a carefully prepared statement before the Specter Committee, Potts asserted: "The split-second decision of a sniper to fire, and the basis for doing so, are best known and understood by him alone, and it is unfair to condemn that decision from the perspective of hindsight."

To sum up: In the opinion of the FBI agents who laid siege to the Weaver cabin, if a law enforcement officer believes, even erroneously, that a person has committed an act of violence and is likely to do so again, he can act as judge, jury, and executioner and kill that person in cold blood. *This is the conscious operating policy of an elite officer of the nation's most elite law enforcement agency. And this policy is supported by the highest officials within the FBI.*

This illustrates what is most disturbing about the events on Ruby Ridge. The problem is not that a particular government agency or a particular government agent has gone astray. It is not that somehow, by some horrible mistake, Lon Horiuchi killed Vicki Weaver. It is not that some aberrant agency entrapped Randy Weaver.

The problem is that this is the way the U.S. government works today.

Behind the Veil of Secrecy

The Weaver case is an aberration, all right. It is an aberration because Randy Weaver refused to be blackmailed into going undercover after he was entrapped, and because the FBI snipers failed to kill him when they fired their high-powered rifles at his back as he moved away from them on August 22, and because the FBI committed a horrible public relations mistake when it killed his wife, and because against all odds a negotiator came on the scene who was acceptable to Weaver and who the FBI could not reject, and because Weaver obtained, free of cost to himself, the services of a highly skilled attorney to level the legal playing field against a government that spent tens of millions of dollars to put him down, and, when that failed, to convict him of murder and execute him.

If Randy Weaver had given in to the BATF's blackmail and become a government agent, he would have become part of the oppression he hated. If he had appeared for the trial for the crime for which he was entrapped, the chances that an attorney of the skills and resources of Gerry Spence would have been available to him were virtually nil, and he almost certainly would have been convicted. If he hadn't moved suddenly and unexpectedly as an FBI sniper fired at his back, he would have been killed and forgotten. If the FBI had been able to kill the people in the Weaver cabin, any investigation would have been inconclusive.

Typical television fare is contrived and imposed on the audience. The Ruby Ridge hearings offered the viewer something very different: the sort of drama that goes on frequently, but is usually hidden from sight. It was television at its very best.

The man who deserves the most credit for the Ruby Ridge hearings, Arlen Specter, promises another blockbuster miniseries soon: hearings on the saga of the Branch Davidians. Watch for it in late October. ❑

Travelogue

Hiroshima

by Michael Oakes

All the monuments in the world can't stop war.

The train from Iwakuni was old but well-maintained and clean. It ran mostly along the sea, with the tile roofs of old homes on the mountains' side and the red and white smokestacks of industrial Japan hugging the coast on the other. Not all of the country is organized like this, but most of it is. In the resort town of Beppu, farther south on Kyushu — the island the American Sixth Army would have invaded on November 1, 1945 had Mr. Hirohito not spoken up in August — restaurants and hotels along the coast have their interesting sides facing the street, not the sea. A McDonald's playground faces the street; 50 yards of oceanfront property behind it is an ugly parking lot.

Though we left Iwakuni Station at 5:07 in the morning, the air was already hot. I'm told there are places hotter than western Japan during summers, but I've never been to any of them. Here, it's hot enough for young and old women to carry parasols to block out a few of the sun's rays. It's hot enough for old men to wear straw hats and hang narrow towels around their necks. Japan is hot like movies make Africa and India seem hot. Only there are no oxen blocking traffic in dirt streets in Japan.

The train passed through tunnels and across bridges and curved slowly right. Even this early, there were people waiting at each stop — men in shirts and ties heading for offices, well-educated women in uniforms heading for the same offices to make tea for the men, young couples holding hands and wiping their sweaty brows with Mickey Mouse handkerchiefs. The eastern sky lightened quickly. We saw an occasional island, cone-shaped and mystic in the morning haze, and fishing boats in the few areas not fully industrialized.

As the train wound north and east, the sun rose over Miyajima Island on our right and hung in the dull white sky in an impressive imitation of the Japanese flag. It was a red-orange ball, solid, fully round, for a few moments unobstructed. There it stayed until the train scooted west and the taller love hotels and *pachinko* parlor signs shoved it out of sight.

We arrived at a fully alert and freshly swept Hiroshima Station a few minutes before six, the morning of August 6, 50 years after the dropping of the bomb.

The Bomb

The story of the bomb received a good telling this year. Despite the surrounding controversies, no one really disputes the essential facts of the bombing itself, and within the first hour of a visit to Peace Memorial Park, in the heart of the city, it's clear that Hiroshima's city government is obsessed with burning these facts — figuratively, of course — into the world's collective memory.

On August 6, 1945, at 8:15 a.m., a B-29 Superfortress named "Enola Gay" dropped a uranium bomb nicknamed "Little Boy" on the city. It had been delivered aboard the USS Indianapolis to Tinian Island, about 1,700 miles from Hiroshima. Its last transport was flown by a Lt. Colonel Paul Tibbets, who according to television looks like Bobby Ewing.

The blast and subsequent fires probably killed as many as 50,000 to 70,000, in a matter of a few hours. The numbers are not now and never will be exact. Wartime Japan, though pitiful, was a dynamic place. People moved constantly, from city to city, city to country, country to city. Many women and children were evacuated from the cities; but many of them came back regularly. Schoolchildren were often away in the mountains; but they were also often in the middle of the cities, supplementing factory forces and helping the volunteer corps. Soldiers moved in and out, depending on assignments. Korean slaves were stashed here and there, including as many as 30,000 in Hiroshima on August 6.

Hiroshima might have had 330,000 people in the city that morning; or it might have had 400,000.

Many of the first victims were killed instantly. The bomb's destructive power was about 20,000 tons of TNT, creating a fireball 180 feet in diameter with an internal temperature of 300,000 degrees Celsius. Anyone within 500 meters of the hypocenter was destroyed instantly. People within 1,000 and 2,000 meters of the hypocenter were burned by the thermal flash or injured by flying debris. Within a radius of a mile and a half of the hypocenter, all wooden structures were destroyed and burned either immediately or by later spreading fires.

The memorials themselves lack passion — which is to say, perhaps, that they are essentially Japanese.

A few concrete structures survived, but their interiors were gutted by fire. The most notable was the Hiroshima Prefecture Industrial Promotion Hall, the now familiar A-Bomb Dome. Its ruins stand about 50 yards from the hypocenter.

The rest of Hiroshima was flat, gray rubble. Moonscape.

By November 30, 1945, Hiroshima police headquarters listed 78,150 dead and 13,983 missing. By the following year, August 10, 1946, 118,661 had died due to the blast or injuries sustained from the blast; 3,677 were still missing. As of August 6, 1992, a register at the "Cenotaph for A-Bomb Victims" in Peace Memorial Park contained 176,964 names. This year, the list was updated to 192,220 names.

What all of this means is that Little Boy was a very good bomb. It killed, it destroyed, it terrified. It did this while Bobby Ewing and his small crew remained airborne 35,000 feet above and headed quickly back to safe territory.

Three days later, another B-29, this one nicknamed "Bockscar," made three passes over the city of Kokura, the second target for an atom bombing. Cloud cover was prohibitive, however, and "Fat Man" later fell on Nagasaki.

On the evening of August 14, 1945, Mr. Hirohito recorded his surrender announcement. When it was broadcast the next day, many Japanese were shocked to hear his voice, believing him divine. Many other Japanese had thought the divinity story ridiculous, and continuing to use this good sense had not believed the military's optimistic view of the war for the past two years; these people weren't surprised at all. Still other Japanese couldn't understand what their emperor said: he spoke in a traditional dialect reserved for the educated and royal classes, which means that he spoke rather pompously and that a lot of hungry, fatherless, barefoot schoolkids had no idea what language he was speaking.

Peace Memorial Park

A taxi popped open its automatic door and spit us out at the Peace Memorial Post, in front of the Hiroshima Peace Memorial Museum and right next to the Peace Tower. These are just steps from Peace Bridge, the Monument in Memory of Marcel Junod, and the Clock Commemorating the Repatriation of Those Who Chose to Return to the Democratic People's Republic of Korea, this latter being a commemoration of the freeing of Korean slaves, as many as a million of whom were brought to Japan during the Japanese occupation of the Korean peninsula. (Across the park is the Monument in Memory of the Korean Victims of the A-Bomb.)

Peace Memorial Park is a triangle-shaped stretch of land roughly under the hypocenter of the bomb's blast and framed on two sides by brown rivers that merge at the tip. Aioi Bridge at the tip is T-shaped and often mentioned as a target for the Enola Gay's bombardier. The park is uncharacteristic for Japan. It has trees and shrubs, except for a few more typical wide open spaces that are just dirt and gravel. It has benches, too, further distinguishing it from other Japanese parks. When I visited two years earlier, on another hot summer day, homeless men napped on the benches. On this anniversary day, a CNN crew used a bench to fiddle with their equipment.

At the base of the triangle are the museum and the International Conference Center. Odd-shaped pilings support the main hall of the museum, symbolizing "humanity's power to rise from amidst ruin." The proportions are all wrong, though, and the result is a heavy, squat structure that looks like art deco designed by someone who wasn't really trying for art deco. It has a sort of bent, Jetsons look to it. It fits right in with the rest of Japan's architecture.

This isn't just pettiness. Peace Memorial Park is esthetically unappealing. It isn't necessarily flat-out ugly — like, say, the Miro thing in Chicago. It is something more disappointing: it is unexciting, unmoving. The monuments and memorials are often concrete, very plain — *simple* was probably the desired effect — but at the same time shallow and unemotional. They lack drama and force. Despite the park's purpose — to commemorate the atomic bombing — the memorials themselves lack passion; which is to say, perhaps, that they are essentially Japanese. Nothing remotely on the edge of design, no dramatic, passionate expression could have maneuvered through Japan and Hiroshima's bureaucratic approval mazes.

Is it really necessary to have one memorial tower for A-bomb victims and one for A-bomb-related victims? Must there be both a Peace Tower and a Peace Clock Tower?

One of the most popular memorials is the Children's Peace Monument, nicknamed the Tower of a Thousand Cranes. It is about 27 feet tall, a smooth concrete structure open underneath and balanced on three narrowing legs. On top is a bronze statue of a girl "stretching her arms up in the air and holding a crane, conveying hope for a peaceful future." The bronze has tarnished badly, spreading a green-gray dye on the concrete, and the statue is surprisingly small, like an inexpensive afterthought. Originally, a bell and windchime were designed for the

underside, which might have been pleasant. These were removed, though, and placed on display in the museum.

But the most interesting feature has nothing to do with the planned memorial itself. Surrounding the base are tens of thousands of paper cranes — folded by schoolchildren, mostly, from all over the world. These lay in massive colorful piles, some with expressions of hope and peace and grief attached. They steal the show. They are fresh air in an otherwise dull and muted park. They express so much better what the memorial should have expressed — great sorrow for the thousands of children who were killed by the bomb — that it's possible to hardly notice the tower and the tiny statue.

The dullness is pervasive because the monuments and memorials are pervasive. Near the Children's Peace Monument is the Peace Fountain, the Figure of the Merciful Goddess of Peace, the Stone Lantern of Peace, the Statue of Peace, the Peace Bell, and the Peace Clock Tower (which is surely sometimes confused with the aforementioned Peace Tower and the nearby Flower Clock). There is a Statue of a Prayer for Peace, a Pond of Peace, a Flame of Peace, a Peace Cairn, a Monument of Prayer, a Prayer Monument for Peace, and a Prayer Haiku Monument for Peace.

That there have been "No More Hiroshimas!" is true merely by a technicality.

Children are represented not only by the Tower of a Thousand Cranes, but by the Monument to the A-Bombed Teachers and Students of National Elementary Schools, the Hiroshima Second Middle School A-Bomb Memorial Monument, the Mobilized Students' Merciful Kannon Monument, and the Memorial Tower to the Mobilized Students. ("Mobilized" students were schoolkids who worked for the Imperial Army. Over 10,000 Japanese students died from Allied bombings, and of these it's estimated 6,000 died in Hiroshima.) There is also a Statue of a Merciful Mother and a Statue of a Mother and Child in the Storm.

This isn't yet half of it. The list goes on and on: the Memorial Tower to Console A-Bomb Victims, the Memorial Tower for A-Bomb-Related Victims, the Atomic Bomb Memorial Mound, and the A-Bombed Gravestone (which is not a gravestone for the victims, but rather a "bombed" gravestone of the Asano family, who were lords during the pre-Perry days of feudal Japan).

Walking through the park is at first a genuinely sober experience. This is, after all, the site of thousands of deaths, of massive destruction from a single bomb the size of a Kawasaki jet ski. This is the Hiroshima of our junior high school textbooks, with their otherworldly pictures of a desolate, ruined landscape. The elderly Japanese who pass us may be survivors of that day. The taxi driver who delivers us from the train station may have had parents

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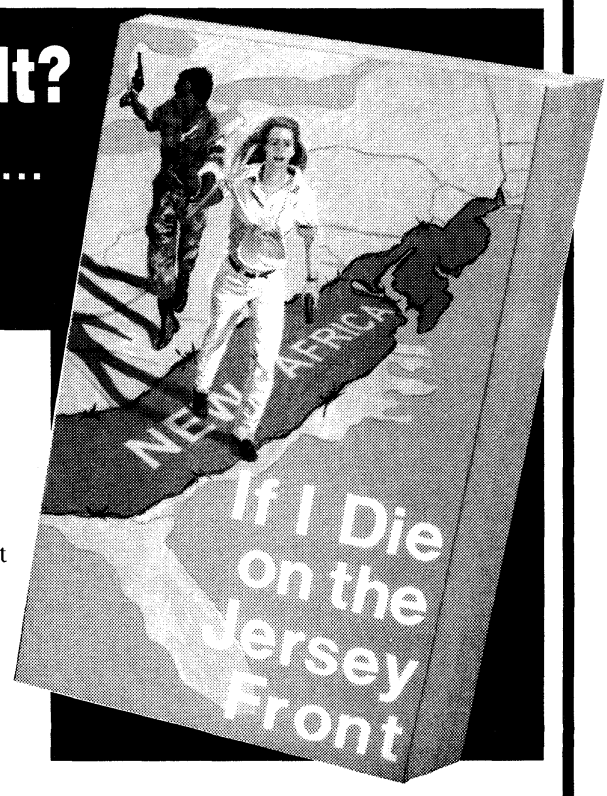

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or brothers or sisters who instantly turned to ash — or worse, who suffered later from radiation sickness.

The first few memorials and monuments drive some of this home.

But here are five more. Then another eight over there. Twenty after that. In all, there are 60 of them, and just as at first the nature of the place itself draws you up straight and sober, later the weight and persistence of all these peace things backfires. Is it really necessary to have one memorial tower for A-bomb victims and one for A-bomb-*related* victims? Should there be both a Peace Tower and a Peace Clock Tower? Mightn't the city officials be acting a little extra sensitive — or, frankly, extra silly?

Silly? In Hiroshima?

Here is a Hair Monument, sponsored by the Hiroshima Barbers' Association. The inscription reads: "We enshrine here hair, cut and gathered in the morn of life." According to the Hiroshima Peace Culture Foundation's *Hiroshima Peace Reader*, the Hair Monument is "a prayer for the advancement of the barbering profession and an expression of gratitude."

Some People

I traveled with Sarah, a tall, noticeable woman who is the kindest and most sensible person on the planet. We watched the crowd gather from near the entrance to the Peace Memorial Museum in order to be first in line after the outdoor memorial service. But we held back. All the really good seats for the service were reserved for the surviving victims, victims' relatives, politicians, "peace ambassadors" from other countries, and no doubt some of those barbers, too.

So we waited while a steady flow of hundreds passed us. The tour groups arrived in their buses. Neatly weaving single-file lines of Japanese followed their tour guides everywhere, many with matching hats or matching ribbons pinned to matching shirts. Throughout the park we saw these groups walking along paths, stopping like a drill team at a monument, observing it, taking pictures, then quickly moving on again in neatly weaving single-file lines. Americans and Europeans may think the Japanese travel like this only when abroad. They don't. They learn this drill in preschool. They use it when they go to the post office.

Troops of boy scouts blocked our way to the museum doors, so we waited patiently nearby. I took Sarah's picture while she stood in front of them. People are interested in Sarah as much as they are uninterested in me. The scouts gave us some "Hallos" and "Good mornings." I like that. I like hearing everyone speak my language.

Steve from Redondo Beach, California, joined us. He introduced himself and wanted to know where we were from. Sarah volunteered this immediately, she being kind, while I noticed Steve had a message-button fetish and that the messages had something to do with the writer Mr. Karl Marx. Here to attend the "International Symposium: 50 Years of A-Bombing of Hiroshima and Nagasaki," Steve was a delegate of the Socialist Workers Party of the U.S.A. I asked him how he liked Japan, and he answered quite well, noting that the capitalist world was falling apart nicely, beginning with the 1987 dive at the NYSE and continuing through the lies of the Bush administration, the "continuing recession in the West," the bursting of the bubble economy in Japan, of course, and the French nuclear testing decision. "Things are really coming together for us now," he said, what with the ill treatment of the *hibakusha* (the victims of the atomic bombing), the falling Japanese stock market, and, well, there was probably no need to explain how badly the dollar was doing.

Nicely, politely, everything in Peace Memorial Park asks for peace. But there's no clue as to what's required to achieve and maintain it.

No there wasn't.

Actually, what I'd really wanted to know was how he liked Japanese food and did he have any difficulty using chopsticks.

Mr. Hiroshi Matsubara, 71, from Osaka joined us next. He was dressed in an old coat and tie, a sort of 1955 Jimmy Olson look, with a walking stick and a hat that would have been expensive in 1955. He was a survivor of the A-bomb, one of the *hibakusha* Steve was apparently aligned with, though I didn't see them together. He had been a student at a technical college two kilometers from the blast. Because of his technical studies he had not been pressed into service, and he seemed happy about that. He seemed happy, too, that the Americans had dropped the bomb and ended the war. He kept saying "Good, good," with great emphasis. "America is good country, *good* country."

Mr. Matsubara showed us many pictures from his wallet. He had small, cropped photos of himself as a student in high school and later as a young, quite handsome man. They were naturally old and brown, sepia, remarkably well cared for. He showed us pictures of his sons, and of an American woman named Deloris Smith, whom he had loved once (and even now) greatly. There was Deloris on the street in Osaka. There was Deloris on the roof of a department store. Deloris Smith took a fine picture, her smile wide and confident. She had hair like you'd expect of an American woman in the 1950s, and for a moment I wondered if we weren't looking at photos cut from *Life*. But then here were Deloris and Mr. Matsubara together, the happy international couple. Sarah asked what happened to her, and he said he didn't know. "She knew I was married, of course."

A group of junior high school students moved around us in the museum line. Japanese children are the happiest, healthiest children in the world. They are full of life, pampered at home and at schools, loved unconditionally, secure in the knowledge that a parent is always waiting for them. This is true at least until the last year of junior high school, when studying for senior high school entrance exams takes priority over everything and the kids realize this joy they've experienced until then has nothing to do with the grown-up lives they'll have in Japanese society. At 14 or 15, the adolescent Japanese yearns for individuality and at the same time realizes that bitter old men in the education ministry in Tokyo are determined to deprive

them of it.

But these students around us were 12- and 13-year-olds. They were still fun. They learned our names and asked Sarah if she was a movie star. They wanted to know our favorite foods and favorite movies and favorite sports. They knew Michael Jordan was from Chicago. I introduced them to a woman from Chicago who was standing in front of us and told them she was Michael Jordan's sister. They didn't believe that because she's white and he's black. "It's an American joke," one of them said.

Yes, it was a silly American joke. Though the real joke was that these quite ordinary junior high school students were conversing with two foreigners in a language other than their own, and enjoying it, and doing a good job of it. And that millions of Americans don't realize this is the kind of people Toyota recruits.

One of them, a quiet guy half my size, kept inching in front of me. He seemed not to respond to my tugging him backward, so I put my foot on his to hold him in place. My foot was a giant's foot on his. I could have crushed his toes with a tap. He studied the situation for a moment, and then placed his other foot on top of mine,

Explosion-devastation. Explosion-devastation. It's like an exceptionally didactic MTV video stuck on replay.

preventing me from moving forward, too. He looked up at me, his black hair thick and shiny and ready for a cut, and smiled.

Get rid of the old men in Tokyo and these kids will take this country someplace.

Suddenly, the constant flow of people stopped. The kids grew quiet. Beside us a tour guide held his colorful banner and behind him his group members halted together like a marching band. The boy scouts stopped fidgeting and straightened their ranks. The chattering hum of thousands disappeared.

It was 8:15, the moment 50 years ago when atomic weapons were used for the first time.

The Peace Bell tolled.

The Devastation

When the bomb struck, people in Hiroshima were already weary from air-raid warnings earlier that morning. The national volunteer corps in Hiroshima Prefecture and mobilized students from area middle schools and girls' high schools were continuing work on the sixth phase of dismantling buildings for fire breaks. According to the records at Hiroshima police headquarters, over 10,000 households already had been displaced by the dismantling of buildings through phase five.

At 8:15 the day was well underway. It was summer. People were outside doing their chores, getting to places, talking, gossiping, buying train tickets, some praising the Emperor, some wondering when the hell the war would finally end.

Survivors of the initial blast were pitifully helpless. Flesh dripped or hung in strips from their arms and torsos. The intense heat seared them, leaving many alive for minutes, some for hours, with nothing but bodies of pain. Their heads and limbs swelled and bloated from the heat. Survivors witnessed people limping with hair on fire, some with hands and arms melting. Faces were ravaged by flying debris. Children cried under burnt corpses.

Many stumbled to the rivers, only to drown from strong currents or beneath the growing flotilla of bodies, which eventually washed out to sea. Thousands of others lay on river banks in piles. A group of high school girls dragged themselves to one spot along a river. One of the few survivors wrote: "When I tried to help them, the flabby bodies slipped and fell away. Nothing could be done. Shouts surrounded me, 'Do you want me to die — to die?' And with these ringing in my ears I fled."

Later, radiation sickness killed thousands more. Hair fell out, eyes bled, organs stopped functioning, massive growths and scars appeared, sometimes disappeared, often reappeared. For days and weeks, many lay sick on clinic floors, soaked in blood and vomit and excrement, alive yet not really alive. Doctors had little idea how to treat them and no means to do it anyway. Doctors and nurses died, too.

Inside the Hiroshima Peace Memorial Museum is a record of all this. There are fingernails of victims. There are preserved, alien-looking growths and blackened ooze pressed from hands. Eyeglasses, watches, lunch boxes; scorched pants, shirts, hats, belts, socks, school uniforms. Steel I-beams warped and bent like

Who started the war and why it started and what the Japanese did and what the Americans were trying to do — Hiroshima ignores it. Instead: here's the bomb, here's what it did.

taffy. Concrete littered with tiny shards of glass. A white wall streaked with black rain.

Stone steps from a bank show the shadow of the man who was sitting there when the bomb struck. A pile of dark hair that fell off a woman is encased in glass.

There are endless pictures of the devastation — of crumbled temples, of derailed streetcars, of a mound that was once Hiroshima Castle and in which 23 Allied POWs were kept, of survivors at Miyuki Bridge standing in line — always the Japanese in lines, even then — awaiting treatment, their clothes just burned rags hanging from shoulders and elbows.

There's the constant playing of film footage of atomic explosions. TV monitors on pedestals and hanging from the ceiling repeat brief sequences over and over. Explosion-devastation. Explosion-devastation. It's like an exceptionally didactic MTV video stuck on replay.

No question: it was a very, very good bomb.

The Peace Message

The museum has been criticized for its singular focus on this, the bomb, without providing a corresponding context. Dave Barry has written that

the museum presents the bomb as though it were lightning out of the blue. This complaint has some merit, for there is hardly any mention at all of the war or of the circumstances of early August 1945. In 1994, a new entrance to the museum provided a slightly broader perspective. There is now a brief history of Hiroshima's role as an important military city. There's mention of the troops stationed in the city, some in the homes of civilians, and of the surrounding Mitsubishi factories. This then quickly turns into a fuller discussion of nuclear weapons, ending with graphic appeals to rid the planet of them.

The peace movement in Japan developed from the country's physical and psychological confrontation with what happened here and at Nagasaki. The initial sense of outrage, later grief, and still later resolve to insure "No More Hiroshimas!" is uneasily linked in a complex nexus of events and still unresolved issues. Censorship, first by the Japanese government, later by the U.S. Occupation, delayed this confrontation until the 1950s. By then, various parties in Japan struggled for control of the political reins, and the Cold War turned hot in Korea. Censorship again blocked from formal education any discussion of Japan's wartime behavior in Manchuria, in Korea, at Nanking, on the Bataan Peninsula.

The movement, like general peace movements elsewhere, became a magnet for political influences and programs. It was a small but significant battleground for Japan's socialists and Communists, both groups working hard to use nuclear weapons, and the *hibakusha*, to their own political advantage. In the 1960s, the U.S. and Japan renewed their security arrangement, prompting students and other groups to engage in widespread protests (for Japan anyway). This fueled a rash of commemorative services and symposia and conferences devoted to ending development of nuclear weapons. The prospect of U.S. nuclear arms at bases in Japan, the continuing U.S. military presence itself, gradually increasing attention to Japan's wartime atrocities — these complex issues made it particularly appealing for most Japanese to focus their attention back to the simpler beginning, back to Hiroshima and Nagasaki, to the uncomplicated, awful, no-questions-necessary nature of nuclear weapons.

The bomb is merely an outcome, a consequence of what and how people choose to think, as are all other weapons.

Surrender also brought the Japanese a difficult realization: they'd been had. On top of adjusting to defeat and occupation, ordinary Japanese citizens faced, at least momentarily, the treachery of their leaders and the meaning of their own weaknesses and gullibility. With much of the truth still concealed by censorship; with an inability to comprehend the nature of the disasters not just in Hiroshima and Nagasaki but elsewhere in the Pacific; with self-defenses kicking in, understandably, at a time when much of their world was revealed a sham; with these giant, white outsiders now in control of their precious islands; with obvious hunger, poverty, and devastation everywhere, the Japanese very quickly after the war saw themselves as victims. Exactly of what they were victims was not so clear. Gradually, this "new and most cruel bomb" Mr. Hirohito mentioned in his surrender announcement on August 15 looked like the answer.

Americans, too, look for the uncomplicated in their analysis of the bomb. The result is outrage over any perspective that doesn't hold the bomb as the best solution to a war that had to be ended at all costs. A real struggle with the various factors influencing Truman's decision to use the bomb, and with how one ought to view that decision 50 years later, is as difficult for Americans as the same struggle with their own government's acts in the Pacific is to Japanese.

So we are left with two of the most intelligent groups of citizens on the planet settling for two painless but inadequate and hopelessly opposed notions.

The simple A-bomb-is-evil story is what Hiroshima's Peace Memorial Museum offers. Who started the war and why it started and what the Japanese did and what the Americans were trying to do — Hiroshima ignores it. Instead: here's the bomb, here's what it did. That's the city's choice, one its people are certainly free to make. And as a reminder of what happened here 50 years ago, the museum succeeds very well.

But as a self-chosen symbol of, and platform for, world peace, Hiroshima fails sadly.

Everywhere in Hiroshima's plea for peace, from the Children's Peace Monument to the MTV-like videos, the message sounds hollow. It does so because it focuses specifically on the weapon and not at all on the principles, or lack of principles, behind its use. Nearly 6,000 children were killed by Little Boy. Yes, well, that will happen when nations are at war; it will happen when one nation uses its schoolkids to supplement armed forces; it will happen when the other nation decides to bomb civilian targets.

The bomb is really trivial. It's merely an outcome, a consequence of what and how people choose to think, as are all other weapons. It's a cliché few take seriously anymore, but it's nevertheless critical if we're to understand anything enduring about

"Actually, I suppose we should consider ourselves lucky to be here at all."

Hiroshima: guns don't kill people, people kill people. Really. The atom bomb itself means hardly anything. Certainly, it's not necessary for human atrocities.

> I headed for the bomb shelter searching for my father and brother, trying hard not to step on the stinking, charred bodies. Other bodies, many of them, were floating down the river. I finally reached the shelter only to find my father's body, rigid and charred black. "Father's dead!" I screamed, but mother just sat there, saying nothing. Then she murmured my brother's name. I saw his body about a meter away. . . . I could tell from his clenched fists that he had died in agony. One body nearby was ghastly; black, congealed blood came from his mouth . . . another one had its head split open and brain matter was oozing out.

Those are the words of Kikuko Uchida. She's a survivor of Tokyo, not Hiroshima.

In March of 1945, U.S. B-29s hit Tokyo with napalm bombs in a massive air raid. First a circle around central Tokyo was bombed, establishing a ring of fire through which few could escape or enter to help. The center of the ring was then carpet-bombed. A firestorm erupted. Whirlwinds of fire moved quickly through the wooden residences. It was so hot, people burst into flames. River and canal water boiled. B-29 crew members — in the planes above it all — retched from the smell of burning flesh. More than 100,000 died in that air raid, more than the immediate death tolls of either Hiroshima or Nagasaki.

A U.S. Strategic Bombing Survey concluded that "probably more persons lost their lives by fire at Tokyo in a six-hour period than at any [equivalent] time in the history of man." Brig. General Bonner Fellers, an aid to General MacArthur, called the Tokyo bombing "one of the most ruthless and barbaric killings of noncombatants in all history."

Having no atomic bomb, the Japanese killed 50,000 at Nanking in China. German records suggest 135,000 people died from the Allied bombing of Dresden. Approximately 300,000 Japanese were killed in the battles to take back the Philippines. More than 10,000 Japanese died during the battle for Guam; 21,000 died fighting for Iwo Jima. On Okinawa, only weeks before Hiroshima, 150,000 Japanese military and civilians died.

With only muskets and cannon, 53,000 Americans died at Gettysburg.

You don't need atomic bombs to kill an incomprehensibly large number of human beings.

Hiroshima fails tragically to establish an understanding of what kinds of ideas lead to war and what principles are required for people to live together in peace. Nicely, politely, everything in Peace Memorial Park asks for peace. But there's no clue as to what's required to achieve and maintain it.

"Nuclear weapons are clearly inhumane weapons in obvious violation of international law," claimed Hiroshima Mayor Takashi Hiraoka in his Peace Declaration for 1995. "So long as such weapons exist, it is inevitable that the horror of Hiroshima and Nagasaki will be repeated — somewhere, sometime — in an unforgiving affront to humanity itself." Maybe. For what it's worth, they haven't been used again. Despite the Cold War and the arms race and those warhead stockpiles, the world since has been unharmed by nuclear weapons.

Unfortunately, it hasn't been spared the horror or the unforgiving affront to humanity. For what's really ghastly about Hiroshima is that all this effort, all this storytelling — all these calls for peace, the words and symbols, the Peace Bell and Peace Bridge and Peace Tower — all this did nothing to prevent Mr. Stalin's Gulags, or Korea, or Vietnam, Cambodia, Argentina, Afghanistan, Iraq, Iran, Somalia, Bosnia . . .

That there have been "No More Hiroshimas!" is true merely by a technicality.

Leaving

We left the museum near noon. The chairs from the morning service were being folded and packed away. People still stood in line to lay flowers at the Cenotaph and offer prayers for the victims. However disappointing and sometimes silly, Peace Memorial Park is still a place for people to remember those struck dead on a terrible day. There's value in that.

We walked past the A-Bomb Dome, the greatest monument here. It's a huge structure, though all the pictures I've seen of it make it appear much smaller. There are wonderful shade trees around it and a lot of grass. It's ironic that this area blasted 50 years ago by a split atom is one of the greenest areas in any Japanese city.

Tour group members rested in the shade, wiping their necks and brows. Half the people aimed cameras at someone else.

I thought of my favorite photograph in the museum. In it, perhaps two dozen junior high school boys are sitting in ranks on the ground — some with uniform shorts on, some shirtless. They hold their shaved heads at the same slight angle. A teacher stands under a tree that isn't a tree any more, just a black stump with two stubby arms reaching up. You have to look at the picture closely to realize the school teacher, in a drab teacher's uniform, isn't a corpse hanging from one of those stubby tree arms. Behind the teacher is a hill still covered with rubble. The hill ends a football field later at the ragged remains of a church. The rubble and wreckage are pale and pasty, same as the sky. Moonscape. The dark cropped heads of the school boys stand out like charcoal briquettes.

The picture is at once stirring and frightening.

It's stirring because with total destruction all around them, the Japanese still manage to hold classes, shave heads, wear pieces of uniforms, teach children, listen to teachers. There are no texts or chalk or maps. But no matter. Classes must go on, there are lessons to be learned. The determination is remarkable.

It's frightening, though, because with total destruction all around them, the Japanese children are still in uniform, still attending classes, still in orderly rows, still taking in every one of their teacher's words. And there is a chilling sense that nothing has changed.

Before we turned toward the station, I looked around for some of the junior high school students who entertained us in line, but I couldn't find them. I wanted to see them one more time and tell them to kick all old men in the shin. ❑

Journal

Travels in Bosnia and Points West

by Bryan Alexander

Sunday and Monday, 16–17 July

The closer I get to Bosnia, the more I see soldiers. There were none on the flights leaving Detroit and Cincinnati, but the airport at Zurich bulks with sullen UNPROFOR, each Nordic and obsessed with staring at the floor, smoking, belying the bellicose iconography of their ranks and uniforms. The L1011 to Croatia is crammed with these men, their officers cold and lonely. From our point of view during our descent, Zagreb is first of all largely horizontal, and second overrun with U.N. aircraft, jeeps, APCs, helicopters, humans.

And they've renamed the place. The Slavic airport is no longer called *aerodrom* or something like it, but a wholly alien two-word term that fails to sink into my brain. This should disturb me more than it does.

I wait in the terminal, brooding on Swissair's loss of my luggage (all of it, save my conference paper, passport, camera, and books). A formidable Croat official stolidly refuses to offer me hope. A fatalist Slav — I despair when confronted with stereotypes.

The next plane, traveling in a direct path, would fly over either the battles raging around Bihac or the insurgency of the Krajina, or both. Instead we arc placidly over the Adriatic, flirting with Italy until we land in the Republic of Croatia once again.

The city of Split is, in fact, split: the airport and part of the town are on one side of a bay, the urban center on the other. Exhausted, I stare at half-completed buildings from a vast bus, the driver of which festoons his perch with rosaries, pictures of the Pope, Mary images, crosses, crosses. We arrive safely.

The Hotel Bellevue glowers at a looming, fascist-like plaza. One member of our delegation is already present. Bob is a terrific historian and now a businessman. We talk over dinner.

Back at the hotel, too tired to think or even read, I fall asleep.

Tuesday, 18 July

I am awakened by loud church bells. This Catholic country is enthralled by its services, waging sonic warfare against travelers every noon. I stagger into the day.

Split interlaces the historical baklava of Diocletian's Palace, a Roman gigantism encrusted with and mutated by Venetian, Turkish, Yugoslav accretions. I sip bad tea next to a Coca-Cola sign affixed to fourth-century stonework. I ask for *kleb* ("bread," according to my Russian and more limited Serbo-Croat). The waiter pales, then, returning with a basket of the stuff, slams it down onto my rickety table, snarling *"KRUG!"* Evidently I have made a mistake. I withdraw to the seashore, reading Thomas Mann amid smells of salt and aging styrofoam.

Later, I discover the American delegation: Bob the historian-businessman once more, John the medievalist, Dennis (who sounds exactly and terrifyingly like John Huston) of more modern times, Marian of tombstones and material culture. We sip overpriced beer, watch the sun drown itself in the Adriatic behind a troop ship, and talk. I ask about the currency, the kuna (I'm an English lit academic, not a Balkanist). Its name refers to an animal, the marten, whose pelt was apparently medieval Croatian currency. It was also the printed money of the fascist Ustashe regime. Imagine Hitler's face on every deutschemark and you'll get an idea of its diplomatic effect.

I ask about the confusion with the waiter. The vocabulary is changing, comes back the answer. Serbo-Croat used to be used uniformly across all of former Yugoslavia. But Tudjman, Croatia's ruler, has started a program of vocabulary reform, redesigning the language to be "truly Croatian." Radio stations, newspapers, and TV reporters all receive lists of the new terms. Our waiter knows eight or ten words for the same fish.

Marian tells us that our destination, the city of Mostar, has this day come under fire. No one suggests calling off our trip.

Still no luggage. I wrest a promise from the sleepy hotel clerk to forward it to me in Bosnia, should Swissair retrieve it and send it on. The clerk refrains from laughing at me.

Wednesday, 19 July

Bob has talked a European Union rep into getting us a ride. Shortly before noon we clamber into an EU van and are

driven north, toward the Republic of Bosnia and Hercegovina (labeled BiH in graffiti). At the border we pass a line of 20 or more trucks filled with aid and supplies, all pulled over for paperwork checks. Some of the drivers, used to the routine, have set up tables for marathon card games.

The region between Mostar and the Croatian border is occupied by a roving militia. They don't stop us; we don't see them. We pass sharp mountains, sudden valleys, house after house tiled with red, and chthonic old staring women in black.

Mostar is like Los Angeles in two ways. (1) It has lost thousands of citizens to violent deaths. (2) Surrounded by mountains, its air is warm and trapped. Worse yet, the mountains are bare and reflect the sunlight into the city, baking its atmosphere. We arrive without incident, spiraling down toward the blindingly white buildings. Arriving on the city's west side, a furious contact man races us over a tiny military bridge far too quickly for me to make out much, kicks us out on the east side of town, and drives off at top speed in a fog of dust.

We are met by Professor Bedic, a tall, gloomy, immensely resourceful mathematician and speaker of English. He gives us the tour of the city — or, rather, of its eastern sector. In 1993, local Croats drove Muslims from their homes in brutal urban fighting, then kept the west side to themselves behind the (extravagantly capitalized) EU/UNPROFOR DMZ. Croat forces lazily patrol the line, seizing Muslim men who attempt to cross and shipping them to camps. So today we just see one half of Mostar, which is plenty. Bedic leads us through the furious sun, along alleyways, from building to building, along the green Neretva River, to points near the DMZ, into buildings that still stand, to the former gates of those that do not. Every surface bears bullet holes or grenade gouges or both. I lag behind, reading graffiti: BiH, Clinton Clitoris, Viva Dole, Peace, Victory, Victory, Peace.

Two children peek around a corner behind me, giggling. I stare at them. They scream. Old reflexes take effect: I mug, waggling my mouth. The kids riot, run, come back with friends. It hits me: I'm the only person around with a full beard. The Bosnians prefer to be as clean-shaven as possible. I relax into children's games, making monster noises, pretending to chase them. Our group and its guide are amused but proceed; I tag along; so do the kids. Dennis laughs and calls me a Pied Piper. The children scream *"Chetnik!!!"* This means enemy Serb. *Ha ha,* I think, *good joke.* They're calling me by the name of a monster, a monster that butchers their families. And they laugh.

We peer in our Open University Conference site — a bunker, essentially — and retire to the guest house. A mad scholar named Salih mercilessly tells me his life story as Mostar's ur-curator in French, Russian, English, Serbo-Croat, stopping only when he realizes I don't speak German and have run away.

Thursday, 20 July

First day of conference. Bob and John discuss their pro-BiH book, take questions on politics. Halfway through the session, the bunker's electricity fails. With one smooth motion, every attendee, die-hard smokers all, whips out lighters, matches, candles. Later I spot the greatest sign of optimism in the Balkans: posters for an anti-smoking campaign.

We meet with the president of the *okrug* (a level of government between city and republic), who cheerfully assures us that he has no real power at all. Our meeting ends with air raid sirens punctuated by shell impacts; we flee to a basement until things seem calm. The genial president treats us to an ambitious lunch.

In the blast of afternoon I set out on my own to look at mortar craters, ruined buildings, and roving tribes of children. A gang of lazy drunks accosts me, snarling "... *chetnik* ..." languorously, daring me to sample a mysterious fluid in an anonymous bottle. Remembering the bizarre and homicidal alcoholic experiments of my Russian friends, I shudder but stomp forward, seize the viridescent bottle, and drink deeply. The stuff is infernally bad, naturally, but not without character. Smiling, I praise their abilities and ask for an extra bottle. *"Bravo chetnik!"* My followers are children and drunks. Tomorrow: march against Milosevic ...

Friday, 21 July

As we walk in the last morning breeze to the day's lecture, we hear explosions, then see NATO planes race by overhead; it's hard to tell whether the noises are shells or sonic booms.

In 1992, a Serb army assaulted the city, killing many, then withdrew under pressure from Bosnian Army units operating nearby. In 1993, war broke out again with the Croat drive to exterminate the Muslims. Things have been largely quiet since then, which is why Mostar seemed a good site for the conference.

Walking along an alleyway on cobblestones old as the Ottoman empire, I chat with a street vendor. Among his usual wares (plates, paintings, colored sticks) stands a display of fallen shells, Cyrillic-labeled Serbian projectiles on one hand, Roman-inscribed Croat items on the other, neatly arranged by type and size, all priced in deutschemarks. (DM is the basic currency here. BiH issues the dinar, but in vain — a one-dinar notes costs two to print.) The man tries to convince me that the British police won't mind me smuggling a semi-dud shell through their country. I could see that with the Americans, but not the Brits ...

Saturday, 22 July

Today we cross to West Mostar for the first time. We pass by our lecture bunker, then two utterly ruined buildings. Baked in the heat, several checkpoints scowl at our displayed American passports. This Croat half of the city is comparatively well-off. It looks like bits of Queens or Detroit: some damaged cars, run-down buildings — typical urban semi-squalor, semi-affluence. Pictures of the Pope follow us everywhere, beaming, blessing, welcoming us to his friendly hands. Bob and I go to the Hotel Ero, which is a sort of Casablanca-style interzone. The European Union has its HQ here, as does a mayor. (Mostar has three mayors: one Muslim, one Croat, one EU. It also has five (5) police forces, all fully and eagerly armed: Muslim, Croat, EU, *okrug*, and Croat-Bosnia Federation.) Ero has mysterious guests from

France, Germany, the Philippines, Argentina, the U.S., and points unknown. Once we see the crown prince of Jordan swoop in — or, rather, we see his wake: hotel security fall back before Croat cops, Croat army, UNPROFOR, the ubiquitous men in black suits with shades and machine guns and attaché cases, pressing the teeming mass ever forward, spilling over chairs, sofas, tables, crushing everything in their path, shepherding the invisible object of their mission through the lobby and out again.

The tide of security passes. Bob and I buy Dove bars and eat them blissfully in the 100-degree heat as we walk back to the East, apartment buildings and healthy automobiles giving way to wall stumps, collapsed roofs, gutted cars.

Sunday, 23 July

John has fallen in love with an orphan girl. We are sitting in a café, drinking beer and talking about Tito and Thomas Mann. Police forces cruise past, some friendly, others caressing their rifle stocks. Bloated grasshoppers cling to roofs, walls, rubble; rumor has it they are good luck, since the last time such a plague hit was in 1945, when another war ended. Something hits the back of my head. I whirl; I see John laugh, then bullet-riddled walls, then a staggering apartment building. Some of its balconies and floors are collapsed or missing, the rest are overcrowded with laundry and ancient women. On one balcony: a giggling little girl, hands filled with hard red onions. *"Brot!"* she shouts. *"On . . . brot!"*

"It's your beard, Bryan, she's probably never seen anything like it," counsels John. He calls for her to join us. She hurtles down to our table: little Esme, eight years old, missing half her family in the war. John is entranced by her energy, her smile, her audacity. Esme has no thought for him, lusting after my beard instead, touching it, giggling. Sated, she demands we join her and her truncated family in their new apartment (more refugees from the west side of town). We decline, but will visit tomorrow. She responds with an apocalypse of pouts, but is fobbed off by ginger ale and ice cream. John is smitten. I resolve to be his guide and co-tormentor.

Monday, 24 July

My paper on Romanticism and military discourse is a shambles. The translator, Mirsad the anti-Semite, screws up nearly every other word, massacring nuances and whole meanings. A deranged and massive veteran demands I tell him about *pro*-war poetry and how to kill Serbs. I drink more coffee, and listen to a series of recitations of Bosnian war poems.

After the conference we meet with the ombudsman of the semi-hallucinatory Croat-Bosnian Federation. This agreement is largely on paper, since neither side has done much to act on it. The stolid ombudsman tells us that he's not sure it really exists, but that he can use it to do some good for people on both sides. No, he wasn't aware the Federation has police. Who are these guys?

Esme finds us afterwards, naturally. We follow her to her flat, John grinning and lurching on his ruined leg, me crushing the good-luck fat grasshoppers that Esme lives in fear of with my steel-toed paratrooper boots — the only footwear I've had for a week, since my luggage has yet to arrive. Esme's uncle, a BiH soldier on leave, tells us that Dole will save them by allowing the Bosnians to arm themselves. I drink endless cups of Turkish coffee while listening to Esme's familial conspiracy theories.

Before and after dinner I am followed by my usual entourage of drunks and children.

At night, we Americans sit on a terrace, staring at the dark mountains, listening to the crump of shells, whistling rockets, chattering rifles. Troop trucks rumble by, gone before we can get a good glimpse of their affiliation — NATO? BiH? Croats? We resign ourselves to history. Vietnam vet Bob tells us, "This reminds me of Saigon."

Tuesday, 25 July

I lecture to a University class on English in the morning, then to a select few about America in the afternoon. These Mostari, mostly women, are eager to leave Bosnia and become business leaders. They are also concerned with apocalypse and doom. A classful of fatalist Horatio Algers.

Many of them read science fiction; *Neuromancer* is their favorite book. My colleagues introduce some science fiction of their own to the affair, raving about how e-mail will help Mostar thrive. Bedic snarls back, "Sure! Once we have phone lines."

An evening's entertainment: the University of East Mostar offers youths dancing to old Balkan and Turkish folk music. Terrific vitality, style, dexterity. Feet stamping, hearts pounding, we are interrupted by a counteroffer. The faculty at *West* Mostar U. desires our presence at a gala event, to include the faculty of the East. We pile into EU vans again, every Eastern prof always within one foot of an American. They cross the checkpoints calmly, their thoughts hidden. Our hosts have prepared a bizarre program at Hotel Ero, where a Swedish choir group regales us with Elizabethan music in English. The Croats are mad about being Western, but this is ridiculous.

We eat a very late dinner thrown by the friendly president of the *okrug*. There is no tangible presence of government here, no respect for the state. These Muslims have lived in terror too long not to adore immediate community, not to distrust the distant Republic. I think of the huge gulfs between the West Mostar Croats, of their chilly demeanor toward one another, as these Muslims down vodka and wine, feed each other food (grown often by themselves), tell stories, and refuse to weep. I grow hazy with fatigue, residual heat, too much vodka, the paucity of my Serbo-Croat — and am asked by the assembly to resolve the essential difficulties faced by modern states. I stand, weave, my mind a heaving blank, then ramble about how no elected official can do right by us, how voting for *sentient beetles* is as useful as supporting a Democrat or Republican or Socialist or . . . I collapse, toasted in every sense.

Wednesday, 26 July

Our last day in Bosnia. I walk with limping, Esme-sick John to the last session. John is in many ways insane. Two days ago, a shell hit a building one block away, throwing rubble into the air and onto the surrounding area. The rest of

continued on page 46

Exposé

The Money Laundromat

by J. Orlin Grabbe

Above ground or below, as paper or electrons, money will always find a way.

It was bright lights and balmy action. Thomas Constantine, the head of the U.S. Drug Enforcement Administration (DEA), claimed we've entered a "new world order of law enforcement."[1] He was referring to the cooperation of British, Italian, and Spanish authorities in setting up a fake bank in Anguilla, in the Caribbean. It was a sting to trap money launderers.

Like all pirate organizations, the group calculated success by the amount of booty seized. And this cleverly code-named "Operation Dinero" added $52 million, nine tons of cocaine, and a number of paintings (including works by Reynolds, Reuben, and Picasso) to official coffers. There were also 88 arrests. It was a great scam in classic DEA style: government officials got to keep the goods, while taxpayers got to pay for the incarceration of up to 88 people.

The British Foreign Office — those wacky guys who, you will recall, conveniently released a barrage of information about Nazis in Argentina at the outbreak of the Falklands (Malvinas) war, and who also helped coordinate Operation Dinero — have since made a propaganda video about this official foray into fraudulent banking. Among others it stars Tony Baldry, junior minister.

Be prepared for more of the same. The nine tons of coke should enable the British Foreign Office and the nosy DEA to burn the midnight oil for months to come, planning other booty-gathering raids and video thrillers. After all, the Financial Action Task Force report of 1990 encouraged international banking stings like this one. But it isn't just the pseudo-bankers you should worry about.

The Banker as Snitch: The Brave New World of Law Enforcement

In the world of money-laundering, you pay your thankless banker to turn you in to the government. In 1993, a federal judge in Providence, Rhode Island, issued the longest sentence ever given for a nonviolent legal offense: 600 years in prison for money-laundering. The launderer had been fingered by his bankers, who then cooperated with federal agents in building a case against him, even while the same bankers received fees for providing him services.

American Express was recently fined $7 million for failing to detect money-laundering, and agreed to forfeit to the U.S. Justice Department another $7 million. As part of the settlement, the bank will spend a further $3 million in employee education, teaching them recommended procedures for spying on customer transactions.

In his book about banker Edmond Safra, author Bryan Burrough notes: "To truly defeat money launderers, banks must know not only their own customers — by no means an easy task — but their customers' customers, and in many cases their customers' customers' customers." And then, as part of an argument clearing Safra's Republic National Bank of money-laundering charges, Burrough recounts how he visited the office of the Financial Crimes Enforcement Network (FinCEN) and talked with one of its top officials. The official said that Republic had made "some solid suggestions about new ways the government could track dirty money."[2]

But most people still have not gotten the message that their banker is a spy. They are still stuck in yesterday's world, where the Right to Financial Privacy Act of 1978 allowed banks to monitor their own records and inform the government when there were suspicious transactions in an account, but prohibited them from telling the government the account number or account's owner. The Privacy Act was effectively gutted by the Annunzio-Wylie Anti-Money Laundering Act of 1992, which gives protection from civil liability to any financial institution,

director, officer, or employee who makes a suspicious transaction report under any federal, state, or local law.[3]

Money-Laundering — What Is It, Anyway?

There's a specter haunting the international financial markets: the specter of crime by nomenclature, by theological semantics. To be sure, the faceless piece of transaction information that makes money "money" — a useful medium of exchange, whereby we exchange everything for it, thus avoiding the direct bartering of wheelbarrows for oranges — has been under attack before. The '60s brought us "Euro"-dollars, and the '70s "petro"-dollars. Now we have "narco"-dollars, "terror"-dollars, and (who knows?) maybe "kiddie-porn"-dollars. Today, some of the data bits stored in banks' computers comprise "clean" money and others "dirty" money, the latter legalistically smitten with original sin.

Like all pirate organizations, the DEA calculates success by the amount of booty seized.

As Yogi Berra might say, it's digital voodoo all over again.

Since the governmental powers-that-be can't do much about drug-dealing or terrorism — if only because they themselves are the chief drug dealers and terrorists — they have transferred these and other (often alleged) sins to the money supply. And since every dollar is a potential "narco"-dollar or "terror"-dollar, they must track each one as best they can.[4] The fact that monetary monitoring has done nothing to diminish either drug-dealing or terrorism is of no importance, because it's all part of a larger game. All the players can easily see that this same financial tracking yields political side benefits in the form of social control and government revenue-enhancement.

The body of U.S. law about money-laundering includes the Bank Secrecy Act of 1970, the Comprehensive Crime Control Act of 1984, the Money Laundering Control Act of 1986, the Anti-Drug Abuse Act of 1988, the Annunzio-Wylie Anti-Money Laundering Act of 1992, and the Money Laundering Suppression Act of 1994. International efforts include the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988; the Basle Committee on Banking Regulations and Supervisory Practices Statement of Principles of December 1988; the Financial Action Task Force Report of April 1990 (with its 40 recommendations for action); the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime of September 8, 1990; the 61 recommendations of the Caribbean Drug Money Laundering Conference of June 1990; the agreement on EC legislation by the European Community's Ministers for Economy and Finance of December 17, 1990; the Organization of American States Model Regulations on Crimes Related to Laundering of Property and Proceeds Related to Drug Trafficking of March 1992; and a tangled bouillabaisse of Mutual Legal Assistance Treaties.

Anyone who has studied the evolution of money-laundering statutes realizes that the "crime" boils down to a single, basic prohibited act: *Doing something and not telling the government about it*. But since the real big-brotherly motive is a Thing That Cannot Be Named, the laws are bogged down in prolix circumlocution, forming a hodge-podge of lawyerly fingers inserted here and there into the financial channels of the monetary system.

"Most economically motivated criminals always have wanted to appear legitimate," says attorney Kirk Munroe. "What is new is the criminalization of money laundering. The process itself now is a crime separate from the crime that produced the money."[5]

The President's Commission on Organized Crime has defined money-laundering as the "process by which one conceals the *existence*, illegal source, or illegal application of income, and then disguises that income to make it appear legitimate" (emphasis added).[6] Now, apparently, simply concealing the existence of income is money-laundering.

But whatever money-laundering is, in practice U.S. law purports to detect it through the mandatory reporting of cash transactions greater than or equal to a threshold amount of U.S.$10,000. For countries in Europe the figure ranges from ECU 7,200 to ECU 16,000.

In the U.S., Section 5313 of the Banking Secrecy Act requires a Currency Transaction Report of cash deposits or transactions of $10,000 or more. Section 5316 of the act requires a Currency or Monetary Instrument Report for transport of $10,000 or more of currency in or out of the United States. Section 5314(a) requires you to report any foreign bank or financial accounts whose value exceeds $10,000 at any time during the preceding year. Section 60501 of the IRS Code requires the reporting of business transactions involving more than $10,000 cash.

Suppose you're an arms dealer in trouble and need a criminal lawyer. (You've violated those pesky ITAR restrictions because you carried a copy of Pretty Good Privacy on your portable computer when you drove over to Matamoros from Brownsville for the day, and you forgot to fill out those customs forms, and that girl you met said she just *had* to set up a secure channel to her cousin who works in Washington, D.C., as an undocumented maid for a potential Cabinet nominee. . . .) The lawyer charges a modest $200 an hour, so the first month you pay him $7,000 in cash. The next month you pay him $4,000 in cash. Under current U.S. law, the lawyer is required to report complete information about you, including the $11,000 total cash payment, on IRS Form 8300, and ship it off to the IRS Computing Center in Detroit within 15 days of receiving the second payment (which put the total above the reporting threshold). Never mind such matters as attorney-client privilege, the Sixth Amendment right to counsel, or the Fifth Amendment right to be free from self-incrimination. If your attorney does not make the report, and

In the world of money-laundering, you pay your thankless banker to turn you in to the government.

the IRS finds out about it and prosecutes him, the courts will probably back up the IRS.[7]

The scope and arrogance of the money-laundering statutes knows no bounds. The Kerry Amendment to the Anti-Drug Abuse Act of 1988 demands that *foreign nations* must also require financial institutions to report deposits of U.S.$10,000 or greater, and to make this information available to U.S. law enforcement. Otherwise the president is directed to impose sanctions against non-cooperative countries.[8]

Having extended the concept of evil to cover a vaguely defined practice called "money-laundering," and having established a system to help detect it, the laws have proceeded to make evasion of the monitoring system evil also. This tertiary sin may be found in the practice of "smurfing," or "structuring," which basically amounts to any method of spreading cash among accounts or across time to avoid the $10,000 reporting threshold. Structuring is defined in a 1991 amendment to the Bank Secrecy Act thusly: "Structure (structuring). . . . [A] person structures a transaction if that person, acting alone, or in conjunction with, or on behalf of other persons, conducts or attempts to conduct one or more transactions in currency in any amount, at one or more financial institutions, on one or more days in any manner, for the purpose of evading the reporting requirements. . . . 'In any manner' includes, but is not limited to, the breaking down of a single sum of currency exceeding $10,000 into smaller sums, including sums at or below $10,000, or the conduct of a transaction or series of transactions, including transactions at or below $10,000. The transaction or transactions need not exceed the $10,000 reporting threshold at any single financial institution on any single day in order to constitute structuring within the meaning of this definition."[9]

And what does the government do with the information it collects? When your lawyer's report reaches the IRS Computing Center in Detroit, it is entered into the Treasury Financial Data Base (TFDB). Similarly, if you cross a U.S. border with more than $10,000 in cash, you will fill out Customs Form 4790, which will be sent off to Customs' San Diego Data Center, and it too will eventually show up in TFDB. These and other forms will now be available on-line in the Treasury Enforcement Communications System. The TFDB data will also be processed through the FinCEN Artificial Intelligence System, which is trained to identify suspicious transaction patterns.

The '60s brought us "Euro"-dollars, and the '70s "petro"-dollars. Now we have "narco"-dollars, "terror"-dollars, and (who knows?) maybe "kiddie-porn"-dollars.

So when you deal in cash, expect to give a note to the government, a crumb to the friendly FinCEN AI System. But the system has a voracious appetite, so the reporting doesn't stop with cash. The heart of any modern monetary system is the digital transfer of electronic money through the telecommunication links among bank computers. Internationally, banks are connected by a computer messaging system operated by the Society for Worldwide Interbank Financial Telecommunication (SWIFT). Domestically, banks within a country use equivalents of the U.S. clearing systems operated by the Federal Reserve (Fedwire) and the Clearing House Interbank Payments System (CHIPS). A Federal Reserve Policy Statement of December 23, 1992 asks financial institutions to include (if possible) complete information on the sender and recipient of large payment orders sent through Fedwire, CHIPS, and SWIFT. "Historically, law enforcement efforts to curtail money laundering activities have focused on the identification and documentation of currency-based transactions; however, recent investigations have focused on the use of funds transfer systems," the statement notes.

The focus on funds transfer brings in the resources of the National Security Agency. The NSA has been monitoring civilian communications ever since it installed IBM computers at Menwith Hill in the U.K. in the early '60s to keep track of international telex messages. NSA tentacles are now ensconced not only in transatlantic communications, but also in Pacific satellite transmissions, the regional Bell System offices, the SWIFT messaging system, the CHIPS clearing computers in Manhattan, and Fedwire. In addition, a satellite surveillance system picks up the high-frequency transmissions of specially constructed computer chips that are activated by certain types of transactions-oriented financial software.

U.S. agencies are not alone in financial monitoring: the Council of Europe has even recommended Interpol be given access to SWIFT to assist in money-laundering detection.[10]

The PROMISed Land

When most people hear the term "money-laundering," they think of Miami, London, Hong Kong, or Panama City. But what about Arkansas? *Money Laundering Bulletin* reports, in what it calls "The Greatest Story Never Told," that an "archive of more than 2000 documents . . . allege[s] that western Arkansas was a centre of international drug smuggling in the early 1980s — perhaps even the

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headquarters of the biggest drug trafficking operation of all time."[11] Perhaps that is why it was in Arkansas that modifications were made to the stolen PROMIS software system to enable it to spy on banking transactions. For where there are drugs, there must be money-laundering, or so one can suppose.[12]

The PROMIS software was created by the Washington, D.C.-based software company Inslaw for a single purpose: to track people. It was initially designed to be used by federal prosecutors. Want to know who the judge was on a particular case? Ask PROMIS. Want to know all the similar cases that same judge has heard? Ask PROMIS again. How about all the accused money-launderers a particular attorney has defended? And so on. But after the Justice Department acquired the PROMIS software by "trickery, deceit, and fraud" (to quote a federal bankruptcy judge who tried the case) and installed it in most of its regional offices, the system was modified and sold to foreign intelligence organizations, then modified again and sold to banks.

Money-laundering boils down to doing something and not telling the government about it.

To see the relationship among these apparently diverse uses, consider the following items of information about Joe Blowup, who lives in Sacramento:

Item 1: Monday, June 3. MasterCard record of payment by Joe Blowup for lunch at the Cliff House in San Francisco.

Item 2: Wednesday, June 5. Motor vehicle records show an automobile registered to Joe Blowup is involved in a minor accident in Barstow.

Item 3: Saturday, June 8. Check for $3,000 made out to Pierre "C-4" Plastique is deposited in Pierre's account in Glendale Federal Savings, and clears against Joe Blowup's First Interstate account in Sacramento on Tuesday, June 11.

Who might be interested in this computer-sorted chronology?

Firstly, anyone wanting to track Joe Blowup's movements. He was in San Francisco on Monday and in Barstow on Wednesday. The sequence also generates obvious questions for further investigation. Did he meet Pierre in Barstow and give him the check there, or did he drive on to Los Angeles? What is the check payment for? And who did Joe Blowup have lunch with in San Francisco? In order to generate relevant questions like these, federal agents, spies, and other detectives all want a copy of this neat software.

Secondly, banks and other financial institutions. Notice that, in fact, most of the information is financial. That's because financial institutions keep carefully detailed transaction records, and over the years they've become increasingly sophisticated in doing so. There is nothing nefarious in this per se. If I go to a bank to get a loan, the bank has a right to make an evaluation as to whether I will repay it. They are principally concerned with (1) ability to pay and (2) willingness to pay — and to make this evaluation, they rely on current and historical information. In the example here, none of the items is of interest to banks, unless that accident in Barstow created a financial liability that would affect Joe Blowup's ability to repay other loans. But if the (modified) PROMIS software organizes banking transactions in a nice way, banks too will want a copy of it.

Thirdly, tax authorities. Do Joe Blowup's financial records indicate a pattern of rather more income than he has been reporting? Or, in the case of doubt (and this is the fun part), is there a record of assets the IRS can seize in the meantime? The IRS wants a copy of the software so it can better understand Joe Blowup's — and your — spending patterns, even though present IRS files already put private credit bureaus like TRW and Equifax to shame.

In the 1980s, intelligence organizations around the world salivated over the PROMIS software's ability to track terrorists, spies, political opponents, and attractive models. Aside from distribution to almost all the three-letter agencies in America, PROMIS was allegedly sold to intelligence organizations in Canada, Israel, Singapore, Iraq, Egypt, and Jordan, among others. In addition, the DEA, through its proprietary company, Eurame Trading Company Ltd., in Nicosia, Cyprus, is said to have sold PROMIS to drug warrior agencies in Cyprus, Pakistan, Syria, Kuwait, and Turkey. PROMIS was also converted for use by the British Navy in connection with its nuclear submarine intelligence database.[13]

There's more here than Ed Meese and Hillary Clinton's cronies' simple desire to make a fast buck. The sale itself was part of an intelligence operation. As former attorney general Elliot Richardson noted, "One important motive for the theft of Enhanced PROMIS may have been to use it as a means of penetrating the intelligence and law enforcement agencies of other governments. The first step in this scheme was the sale to the foreign government of a computer into which had been inserted a microchip capable of transmitting to a U.S. surveillance system the electronic signals emitted by the computer when in use. Enhanced PROMIS has capabilities that make it ideally suited to tracking the activities of a spy network. Several INSLAW informants formerly affiliated with United States and Israeli intelligence agencies claim that both the United States and Israel have relied on 'cutout' companies to provide ongoing support for the PROMIS software."[14] Of course, what can be done with foreign intelligence computers can also be done with banking computers, and at least one of these "cutout companies" is a major provider of banking software.[15]

There is nothing intrinsically evil in storing a great deal of information about ourselves.

The Gathering Storm

All of these efforts — the legal reporting mechanisms, the spying by bankers, and the supplementary activities of such organizations as FinCEN, NSA, and Interpol — fly in the face of a contrary technological and social development: anonymous digital cash made possible by advances in cryptology.

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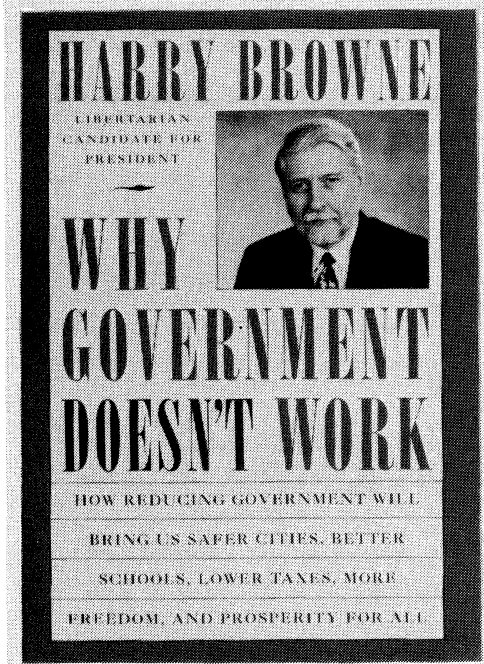

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by Wendy McElroy
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Unlike the ideologues who rant about the horrors of the porn industry, long-time libertarian and feminist activist Wendy McElroy actually investigated it, interviewing the women and men who earn their livelihood from porn. With a both sympathetic and critical ear, McElroy creates the most complete portrait of the world of porn yet.

From this emerges a stirring defense of sexual freedom. Surveying the mutually complementary histories of feminism and pornography, McElroy pulls no punches: Pornography, she concludes, does not oppress women — it liberates them. Anyone defending a woman's right to her own sexuality must also defend a woman's right to pornography.
Publisher's price $21.95 — Liberty Book Club price $18.95, 243 pp., hardcover

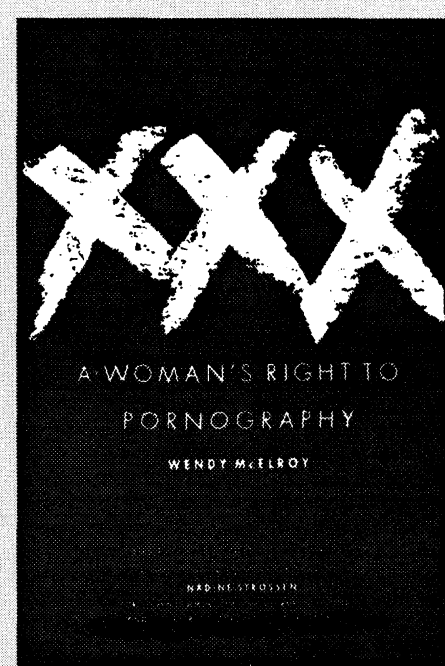

"Wendy McElroy eloquently exposes and courageously opposes the evil naïveté of the currently fashionable anti-pornography movement." —*Thomas Szasz*

Sexual Correctness

A new breed of feminist has declared war on due process and individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. In this information-packed talk, individualist feminist Wendy McElroy gives the chilling details of the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. **Audio: $5.95. Video: $19.50.**

Women and Pornography

Heard all the stories about porn oppressing women? Don't believe the hype. In this eye-opening tape, Wendy McElroy defends the rights of women in the porn trade against the real oppressors: the "feminists" who would take away their livelihood. Don't miss it! **Audio: $5.95. Video: $19.50.**

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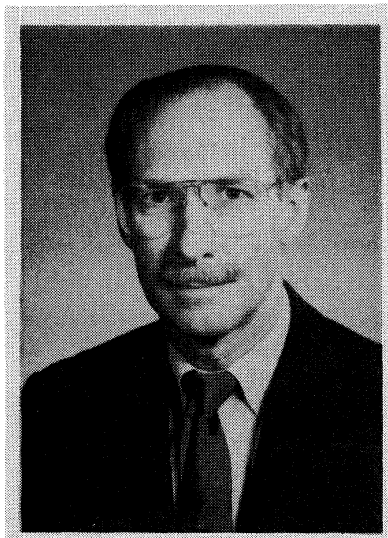

Hazardous to Our Health?
edited by Robert Higgs

The Food and Drug Administration is one of the most powerful — and therefore *dangerous* — agencies in the country. With each of its decisions, it seizes the power of life or death over millions of Americans. And it has used this power perniciously: Its approval delays have led to a holocaust of suffering and death.

How could an agency ostensibly created to protect the public be one of its worst enemies? To explore this and related questions, FDA expert Robert Higgs has put together the most comprehensive study of the agency yet published. *Hazardous to Our Health?: FDA Regulation of Health Care Products* explores the genesis of this tyrannical agency, why it has become the monstrous opposite of what it was supposed to be, and how we can stop it before it kills again.

At a time when the FDA is coming under closer scrutiny, this book shows us how to protect the American public from the Therapeutic State. A must!

$14.95, softcover

Pretense of Protection

FDA regulation of medical devices is a prime example of government "protection" that kills. In this fascinating talk, Robert Higgs shows how the FDA has retarded medical technology, what incentives it has to keep technologies off the market, and how it justifies its restraints. By the talk's end, you'll be screaming for David Kessler's blood! **Audio: $5.95. Video: $19.50.**

The Prospects for FDA Reform

For now, abolition of the FDA may be just a libertarian dream. But is there any hope for serious FDA reform? A year after the Republican Congress was swept into power on the strength of its anti-government rhetoric, Robert Higgs takes a hard look at the prospects for real change. A real eye-opener. **Audio: $5.95. Video: $19.50.**

Freedom of Informed Choice: FDA vs. Nutrient Supplements
by Durk Pearson & Sandy Shaw

Bestselling science authors Durk Pearson and Sandy Shaw have been putting it to the FDA for years. Here they give a well-informed exposé of America's pharmaceutical "fearocracy." **$6.95, 126 pp., softcover**

The authors' "'split label' proposal makes great sense." —*Milton Friedman*

Speakeasies in a New Age of Prohibition

The FDA's war on drugs increasingly resembles that of the DEA. In this informative and entertaining tape, science writers Durk Pearson and Sandy Shaw take a look at the regulators' New Prohibition and its social effects. **Audio: $5.95. Video: $19.50.**

Our Right to Drugs

No one is more radically opposed to the War on Drugs than Thomas Szasz, and in this devastating analysis he pulls no punches. The War on Drugs is bad not only for its side effects, he tells us, but is completely wrong-headed from the roots on up. No lover of liberty will want to miss this speech!

Two audiotapes: $12.95

Welcome to the Liberty Book Club! This special section includes several items not available anyplace else, including a selection of the exciting talks given over Labor Day at the 1995 *Liberty* Editors' Conference. Also making their debut are the hottest sellers at the conference: Wendy McElroy's *XXX: A Woman's Right to Pornography* and Harry Browne's *Why Government Doesn't Work*. And much more . . . enjoy!

Ambush at Ruby Ridge
by Alan Bock

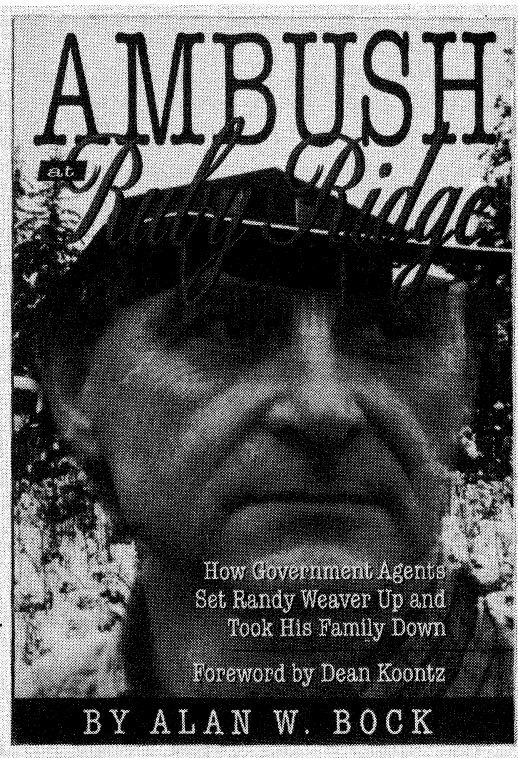

In a year in which pundits and politicians alike have fretted about an "anti-government" mood sweeping the country, the truth has slowly but surely come out: This mood is *justified*. Along with the Waco massacre, the event that has done the most to marshal dissent was federal agents' August 1992 attack on Randy Weaver and his family, during which Weaver's wife and son were brutally gunned down.

In this enthralling book, Alan Bock, senior columnist for the *Orange County Register*, explores in-depth the events leading up to the ambush and what happened after. Bock exposes how the feds entrapped Weaver, murdered his loved ones, then attempted to cover it up. More importantly, Bock demonstrates that, far from being an isolated event, the Ruby Ridge massacre represents a rising tide of attacks on American citizens by their own government. The book also includes a sharp foreward by bestselling novelist Dean Koontz.

A courageous and important exposé!

Publisher's price $22.00 — Liberty Book Club price $18.95, 281 pp., hardcover

Voices of Dissent

The Oklahoma City Bombing

Half a year after the terrorist assault on the federal building in Oklahoma City, the conspiracy theories are flying. But who really knows what they're talking about, and who's just a paranoid flake? Explosives expert Larry Grupp investigates the different theories of how the bombing was done — including the official story — and offers his own hypothesis. The most believable explanation to date, in full (but easy-to-understand) technical detail. **Video: $19.50.**

Going to Extremes

When people are radicalized, they often embrace all sorts of suicidal — or even homicidal — strategies. How do libertarians get drawn into martyrdom? How do others get drawn into terrorism? How can radicals avoid the other danger — of being sucked into the system? Is electoral politics a dead end? This tape deals with all these questions and more, debated by Wendy McElroy, Pierre Lemieux, David Friedman, Timothy Virkkala, and R.W. Bradford.
Audio: $5.95. Video: $19.50.

The Assault on Private Property

The newest, fastest-growing revolt against the state is the property rights movement. Now the federal government has stepped up its war on private ownership of land. Join Wayne Hage, Jane Shaw, Karl Hess, Jr., Richard Stroup, R.W. Bradford, John Baden, and Fred Smith for the latest news from the frontlines.
Audio: $5.95. Video: $19.50.

Revolution

The militia movement is readying itself for a revolution. But is the time really ripe? In this tape, Pierre Lemieux asks the questions, "Revolution — if not, why not? And how do you know if it *is* time?" **Audio: $5.95. Video: $19.50.**

If Government Is So Villainous, Why Don't Government Officials Seem Like Villains?

Most bureaucrats really believe in what they're doing. A lot of them are actually nice folks. But their actions lead to suffering, even death, for millions of their fellow human beings. How is this possible? Economist-philosopher Daniel Klein of the University of California offers a compelling explanation.
Audio: $5.95. Video: $19.95.

A Globe of Villages

The Beltway monster has an insatiable appetite for power. Bill Kauffman makes an eloquent plea for decentralization, arguing that returning power to communities is the best way to ensure individualism will flourish. **Audio: $5.95. Video: $19.50.**

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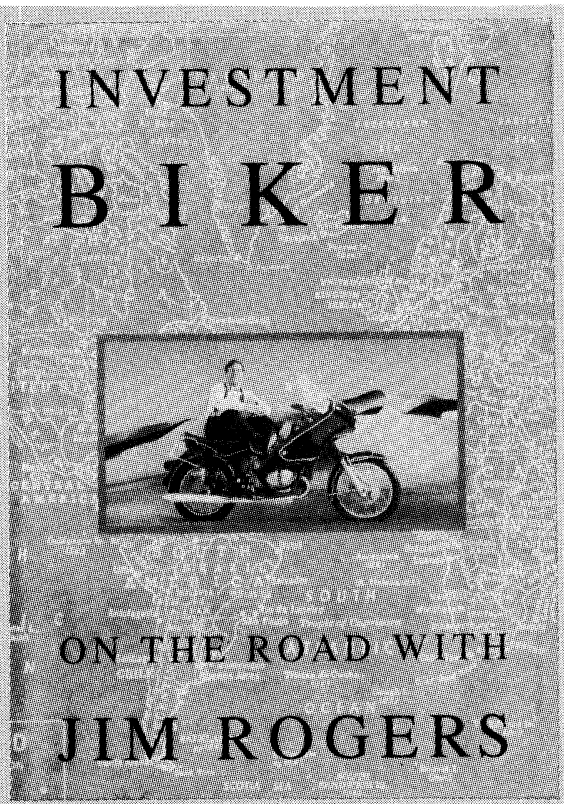

Investment Biker

by Jim Rogers

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A world tour unlike any other — around the world on motorcycles, with a keen individualist eye for the politics of the countries visited, and a probing investor's eye for economic opportunities.
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"One of the most broadly appealing libertarian books ever published."
—R.W. Bradford, *Liberty*

"The book, I promise you, will be one of the best you'll read all year."
—Douglas Casey, *Crisis Investing*

Crisis Investing for the Rest of the '90s

by Douglas Casey

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Gonzo investor Doug Casey has garnered a loyal following for his eccentric investment advice and his acidic attacks on politicians. This volume — the best-selling investment book of all time, updated for today's investor — combines both of these qualities.
$22.50, 444 pp., hardcover

"Creative metaphors; hilarious, pithy anecdotes; innovative graphic analyses."
—Victor Niederhoffer, *Liberty*

The Economy of the Twenty-First Century

The future promises to challenge every one of our prejudices, every one of our expectations. Sparks fly when world-famous commodity speculator Victor Niederhoffer and Jim Rogers join investment advisors Doug Casey and Harry Browne, academic economists David Friedman and Leland Yeager, and journalist R.W. Bradford for a fascinating exploration of the future. An incredible tape! **Audio: $5.95.**

The Best — and Worst — Places to Invest and Live

Investment advisor Doug Casey is also a world traveler, visiting Third World backwaters and chatting with tinpot dictators from Cuba to Central Asia. In this fascinating talk, he recounts his recent adventures — and tells what valuable wealth-protecting information he learned. **Audio: $5.95. Video: $19.50.**

The Nazification of the Money Supply

The War on Drugs has sent U.S. government officials after your right to privacy, turning the very money you use into an instrument of your own subjugation. J. Orlin Grabbe explains how and why the government has taken over the banking system for its own ends, and how you can get your privacy back. **Audio: $5.95. Video: $19.50.**

Investment Advice — Bonanza or BS?

Do investment advisors really have anything to offer their customers — at least so far as good investment advice is concerned? Is there a science of economic forecasting? Advisors Harry Browne, Doug Casey, and R.W. Bradford are joined by economist David Friedman and professional speculator Victor Niederhoffer in this no-holds-barred debate!
Audio: $5.95. Video: $19.50.

Camouflage, Deception, and Survival in the World of Investing

Victor Niederhoffer, one of the most successful speculators in the nation, offers his model of how markets function. Complex and in-depth. **Audio: $5.95. Video: $19.50.**

Do Short-Sighted Corporate Decision-Makers Screw the Future?

Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist Richard Stroup takes on this charge. **Audio: $5.95. Video: $19.50.**

A Crash Course in Political Economy

A beginner's guide to economics, featuring Auburn University economist Leland B. Yeager. **Audio: $5.95. Video: $19.50.**

Letters of Ayn Rand
edited by Michael Berliner

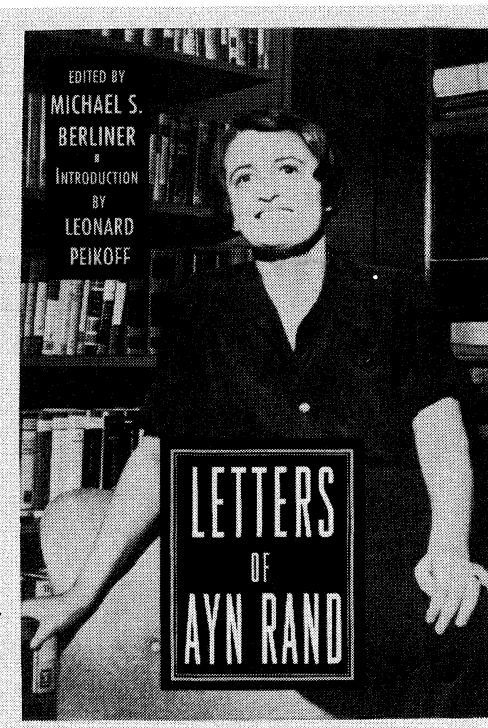

Finally, readers can take an intimate look into the private and professional life of Ayn Rand — in her own words!

Letters of Ayn Rand spans over half a century of this titan's correspondence — letters to H.L. Mencken, Nathaniel Branden, Frank Lloyd Wright, Barry Goldwater, Rose Wilder Lane, John Hospers, Walt Disney, Alexander Kerensky, Isabel Paterson, Ira Levin, Mickey Spillane, Dashiell Hammett, John T. Flynn, Barbara Stanwyck, Cecil B. DeMille, Leonard Read, John Chamberlain, Michael Collins, Henry Hazlitt, Robert Stack, W.H. Hutt, Duane Eddy, James Michener — even Gene Shallit. And many, many others . . .

This book is indispensable for scholars, for fans, and for anyone else interested in the life of one of America's most fascinating, controversial, and popular writers. A must!

Publisher's price $34.95 — Liberty Book Club price $29.95, 681 pp., hardcover

"It is almost eerie to hear her inimitable voice again, so many years after her death, but this book *is* Ayn Rand, exactly as I knew her." —*Leonard Peikoff*

Ayn Rand: The Russian Radical
by Chris Matthew Sciabarra

At last! A detailed account of Ayn Rand's early years in Russia, missing from all previous studies of her life and thought. This masterful study employs new biographical information and rigorous philosophical analysis to create an important new assessment of Rand's place in the history of social thought. Indispensable!

Publisher's price $55.00 — Liberty Book Club price $21.95, 477 pp., hardcover

"The most thorough and scholarly work ever done on Ayn Rand." —*John Hospers*

The Passion of Ayn Rand
by Barbara Branden **Autographed!**

An intimate biography of Rand by her colleague and friend of 18 years. Spans Rand's early life in Russia and as an aspiring writer, through the triumphs and tragedies of *Atlas Shrugged* and the Objectivist movement. **$14.95, 442 pp., softcover**

We The Living — Rand's classic tale of the individual versus the state, set in revolutionary Russia, can finally be read in her homeland! Translated into Russian by Dmitry Costygin, this first-edition collector's item can be bought only from Liberty Book Club! Autographed and numbered by the translator. **$19.95, hardcover**

Ayn Rand and Her Movement — In this exclusive interview, Barbara Branden reveals intimate details of life inside Rand's circle — the weird psychological manipulations, the expulsion of members in kangaroo courts, and the glaring errors in Nathaniel Branden's memoir about his affair with Rand. This account includes information that cannot be found in any other source. Available only from Liberty Book Club! **$4.00 monograph**

Understanding Ayn Rand — Over *ten hours* of analysis, opinion, interpretation, anecdotes, sorrow, laughter, argument, reflection, and revelation about the remarkable woman whose writing ignited the renaissance of freedom! Jeff Walker interviews Barbara Branden, Nathaniel Branden, Roy Childs, Erika Holzer, David Kelley, Edith Efron, Leonard Peikoff, Alan Blumenthal, Joan Kennedy Taylor, and many others. Information about Rand that can't be found elsewhere!

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Ayn Rand: The Woman Behind the Myth — In this incredible tape, R.W. Bradford hosts an intimate conversation with two who knew Rand — Barbara Branden and John Hospers — and Chris Matthew Sciabarra, author of the most in-depth scholarly investigation of her life and work yet written. Includes countless priceless moments, along with information unavailable anywhere else. A must for any Rand fan! **Two audiotapes: $14.95. Two videotapes: $29.95.**

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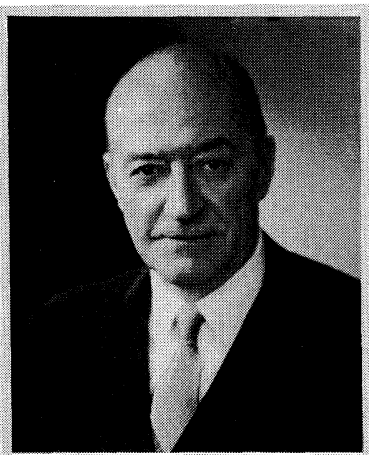

The Foundations of Morality
by Henry Hazlitt

From the author of the perennial classic *Economics in One Lesson* comes a most readable, most sensible defense of individual freedom. Pointed, original observations — all in Hazlitt's inimitable prose style! An indispensable addition to any libertarian's library.

"One of the few economists in human history who could really write."
—*H.L. Mencken*

Publisher's price $17.95 — Liberty Book Club price $13.95, 398 pp., softcover

Quagmire: America in the Middle East
by Leon T. Hadar

Autographed!

"Leon Hadar's highly readable book is a sweeping, provocative, and powerful frontal assault on U.S. Middle East policy. Many will differ with Hadar's prescriptions for 'benign neglect' of the Israeli-Palestinian conflict and American 'constructive disengagement' from the Middle East, but they must, nonetheless, take his arguments very seriously."
—*Duncan L. Clarke, American University*

$14.95, 233 pp., softcover

Does Foreign Policy Matter?

Most libertarians focus their energies on domestic issues. Should they pay more attention to the world around them? R.W. Bradford and Leon Hadar hash out the pros and cons of foreign affairs. **Audio: $5.95. Video: $19.50.**

The Four Political Types

Fred Smith points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. **Audio: $5.95. Video: $19.50.**

Is Libertarianism Getting Anywhere?

Harry Browne, Robert Higgs, Pierre Lemieux, Fred Smith, and R.W. Bradford debate the case for libertarian optimism. Are we making any progress? **Audio: $5.95. Video: $19.50.**

How to Write Op-Eds and Get Them Published

Have you ever wanted to get your libertarian views in the editorial pages, next to the Cal Thomases and Anna Quindlens of the statist Right and Left? In this valuable workshop, widely published journalist Jane Shaw explains how to write a strong newspaper column, and the ins and outs of getting it into the papers. **Audio: $5.95. Video: $19.50.**

Do Ideas Matter?

Do libertarian intellectuals overrate the importance of ideology? In this wide-ranging lecture recorded live in New York City, *Liberty* editor R.W. Bradford makes the case that ideas might not be as important as you think. **Audio: $5.95.**

Machinery of Freedom author **David Friedman** isn't just an innovative economist and political philosopher. He's one of the most dynamic, fascinating speakers in the libertarian milieu. Now's your chance to see him in action . . .

Liberty via Encryption

New encryption technologies are going to revolutionize the world by making absolute privacy possible for the very first time. In this tape, David Friedman explores the encrypted world of the twenty-first century: a world of surveillance-proof electronic money, tremendously decentralized power — and a new threat of cyberspace crime. Friedman explains why the government will be unable to stop the new technologies, and suggests ways to deal with the problems this new world will bring. A riveting talk! **Audio: $5.95. Video: $19.50.**

Why Not Hang 'em All?

Everyone's talking about crime and punishment, but few ever approach the topic from an economist's point of view — and even fewer without an unrealistic trust in government. In this *tour de force,* David Friedman explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with crime issues in the past. **Audio: $5.95. Video: $19.50.**

Private Law Enforcement in Eighteenth-Century England

Two hundred years ago, prosecution of felons in England was a *private* matter, rather than one for district attorneys or other agents of the state. How did this system work? Why did it emerge? What were its advantages — and disadvantages? What can it teach us today, in the very different world of 1995? David Friedman holds your attention for all of this fascinating talk. **Audio: $5.95. Video: $19.50.**

Is Cyberspace Liberspace?

David Friedman, Leon Hadar, Pierre Lemieux, and Ross Overbeek debate the impact the Internet, encryption, virtual reality, electronic money, and other technological innovations will have on the political realm. Is cyberspace leading us toward greater individual freedom? Or is it all cyberhype? **Audio: $5.95. Video: $19.50.**

Of related interest:

For a Fuzzy Libertarianism

Bart Kosko (author of *Fuzzy Thinking*) links fuzzy logic and libertarianism. An important new perspective. **Audio: $5.95. Video: $19.50.**

Chaos & Anarchy

Pierre Lemieux discusses chaos theory, complexity, artificial life, and other recent scientific avenues that support the theory of spontaneous order, and their social implications. With a hilarious introduction by J. Orlin Grabbe. **Audio: $5.95. Video: $19.50.**

Unlocking the Human Genome

Computer scientist Ross Overbeek of the Human Genome Project explains what we know about how genes work, and what the impact of the effort to map the human genome will be. **Audio: $5.95. Video: $19.50.**

more on next page!

Has Environmentalism Run Its Course?

The honeymoon seems to be over for such green giants as the Sierra Club and the Wilderness Society, with their bloated bureaucracies and statist politics. But is the bell tolling for the environmental movement as a whole? And where do free-market environmentalists fit in? Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup, and R.W. Bradford explore these and other questions. **Audio: $5.95. Video: $19.50.**

What Libertarians Can Learn from Environmentalists

Randal O'Toole is a libertarian who has worked with environmentalists for years, observing the strategies of one of the most successful political movements of the twentieth century. In this fascinating talk, he applies his insights to the battle for freedom.
Audio: $5.95. Video: $19.50.

The Property Rights Movement: Where Do Libertarians Fit In?

Where is the property rights movement heading, and why are they here? Jane Shaw fills you in — and talks about the role libertarians can play in the movement.
Audio: $5.95. Video: $19.50.

Searching for Liberty

R.W. Bradford, Bill Kauffman, Durk Pearson, and Sandy Shaw discuss the special kinds of freedom and community they've found in different corners of rural America. Then Jim Rogers, Doug Casey, Scott Reid, Bruce Ramsey, and Ron Lipp recount their quests for freedom around the globe — from Hong Kong to Canada to Botswana. Indispensable for anyone looking for liberty! **Two audiotapes: $12.95. Two videotapes: $39.50.**

Can Liberty Survive Without Religion?

Conservatives — and some libertarians — argue that religious institutions are necessary for a free society to survive. But religious belief seems to be on the decline. Has evolution killed religion? And, if so, is there any hope for freedom? Jane Shaw addresses these questions and more in this amazing talk.
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advertising supplement

The principal opponent of any contemplated system of encrypted digital cash is the Leviathan that feeds off money-laundering laws. The edicts against money-laundering are attempts to make all financial transactions visible, while the aim of anonymous digital cash is to keep financial activities private. People-monitoring systems such as those utilizing PROMIS track individuals by the electronic trails they leave throughout the financial system. But anonymous digital cash is specifically designed to make such tracks virtually invisible.

Money-laundering, as Barry A.K. Rider has frankly observed, "amounts to a process which obscures the origin of money and its source."[16] On that basis, the pursuit of anonymity in financial transactions *is* money-laundering.

At the beginning of the '90s, money laundering was an offense in only four of the (then) twelve members of the European Union. Now all twelve have made it a crime. In a scramble to justify continued large budgets, intelligence organizations have hopped on the anti-money-laundering bandwagon. The U.K. intelligence service MI5, in an attempt "to justify its existence after reviewing its future in the light of a probable reduction in counter-terrorist operations in Northern Ireland," has been "pressing for a change in the law which would see it involved in countering drug-trafficking, money laundering, computer hacking, nuclear proliferation and animal rights groups — a far cry, say police, from its original remit to 'protect national security.'"[17]

Even accountants are getting in on the act. Australia's Institute of Chartered Accountants has issued "a set of guidelines on money laundering, including a recommendation that client confidentiality take second place to public interest if an accountant suspects laundering is occurring."[18]

So the coming battle over financial footprints is inevitable, and perhaps inevitably bloody. But in the end it is the money-laundering regulations that will have to go. For one thing, advances in the technology of anonymity are putting financial privacy within the reach of everyone. For another, there is a growing awareness that the existing laundering statutes have little or no effect on terrorism or drug-dealing, but instead are related to an upswing in government-sponsored harassment of targeted political groups.

Electronic Finance 101

Many of the basic features of electronic cash — variously referred to as "e-cash," "digital cash," "digital money," and so on — may sound novel to those unfamiliar with the financial markets. But much of the financial system is already on an electronic basis, and has been so for years.

To see why, consider the foreign exchange market.[19] This is a largely interbank market for trading the currency of one country for the currency of another: dollars for pounds, dollars for yen, and so on. But if I, as an interbank trader, sell U.S. dollars for British pounds, what are the actual logistics of the transfer? Consider the problems that would be imposed by a cash-based market. The standard transaction size in the foreign exchange mar-

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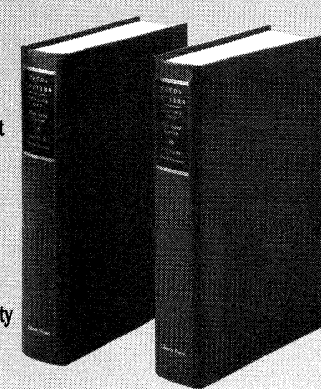

As Clinton Rossiter once observed, *Cato's Letters* "was the most popular, quotable, esteemed source of political ideas in the colonial period." Published anonymously by the Englishmen John Trenchard and Thomas Gordon in *The London Journal* from 1720 to 1723, the 144 letters provide a compelling theoretical basis for freedom of conscience and freedom of speech. Virtually half the private libraries in the American colonies contained bound volumes of *Cato's Letters*. This Liberty Fund edition is based on the text of 1755.

Hardcover	$30.00	0-86597-129-3
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POLITICA
By Johannes Althusius
Translated and abridged, with an Introduction, by Frederick S. Carney
Foreword by Daniel J. Elazar

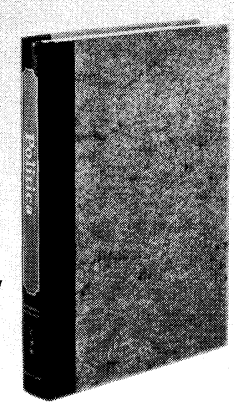

This is "one of the most important works of political philosophy from seventeenth-century Germany," notes Professor Patrick Riley at the University of Wisconsin. "American readers especially will find *Politica* fascinating. Althusius' work offers the most subtle understanding of federal government before the writing of *The Federalist*."

Originally published in 1603, *Politica* is now recognized as an extraordinary contribution to the intellectual history of the West. It combines ancient and medieval political philosophy with Reformation theory and is considered a bridge between the political wisdom of the ancients and the moderns.

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ket is an amount of currency equivalent to U.S.$1 million. A $20 bill weighs about one gram. So, if transacted in cash, the $1,000,000 — 50,000 bills — would weigh 110 pounds. Imagine the cost of such a transaction: I'd have to fill up a suitcase with $20 bills, lug the 110-pound suitcase to a Manhattan taxi, take a long ride to Kennedy Airport, fill out a Currency or Monetary Instrument Report, check my baggage, arrive at Heathrow seven hours later, retrieve my baggage, go through customs, and catch a cab to the appropriate British bank in central London. Once there, I would pick up the equivalent in pounds sterling and reverse the whole process. Anyone trying to change dollars into pounds will go to some other bank where he doesn't have to pay for my plane tickets and cab fares, not to mention my courier salary and that lunch I had at the Savoy before I headed back to New York.

Transaction costs are too great for the market to be organized on a cash basis.

In the present markets for cocaine and heroin, the weight of the drugs is less than the weight of the cash proceeds. In the early '80s, drug transactions were often settled for cash. Paper money was actually loaded into suitcases and moved around. To save time, however, the cash wasn't counted. After a spot check of bills for denomination and authenticity, the suitcases were simply *weighed* to determined the total value. This measurement was accurate enough. But foreign exchange trading does not suffer from the burdens of illegal drug trading, and has evolved to a more efficient standard.

To see how international money transfers really work, consider the case of a Greek immigrant who has opened a restaurant in Boston, has made a little money, and wants to send some cash to the folks back home. In earlier days he probably would have gone down to the Western Union office and handed the attendant cash to "wire" to his mother in Athens. The Western Union office in Boston would put the cash in its safe, or perhaps deposit it in a Boston bank, and would meanwhile send a message to the Athens office: "Give so-and-so X dollars" (or, more likely, "Y drachmas"). That is, the cash received was not the same as the cash sent. All that was sent was a message. But no one cared, because cash itself is *fungible*: the dollar that is taken out is interchangeable with, but not the same as, the dollar that was put in. The bills are also *unregistered*: no particular name is associated with any particular serial number.

In this example, bills were put into the safe at one end of the transaction, and different bills were taken out at the other. Consider now a slight modification to this scenario: Eurobond trading. Eurobonds are generally placed in the depository systems operated by Euroclear in Brussels or Cedel in Luxembourg. Once bonds enter the vault, they generally stay there, because of transactions costs. If a trader in Frankfurt sells a GM Eurobond with a coupon of $7^1/_8$% and maturing in 2012 to a trader in London, they both send messages to Euroclear. Euroclear compares the two set of instructions, checks the cash balance of the London trader, then switches the computer label of ownership of the bond to the London trader, and the ownership of the requisite cash to the Frankfurt trader. Again, however, the bonds are not registered, and are fungible within the parameters of a particular issue. There may be several thousand GM Eurobonds with a coupon of $7^1/_8$% and maturing in 2012, and the London trader owns one of them, but his ownership is not attached to a particular bond serial number.[20]

People-monitoring systems track individuals by the electronic trails they leave throughout the financial system. But anonymous digital cash is specifically designed to make such tracks virtually invisible.

This is pretty much the way the foreign exchange market works. If a New York bank deals dollars for deutschemarks with a London bank, they send each other confirmations through SWIFT. Then the New York bank will turn over a dollar deposit in New York to the London bank, while the London bank will turn over a deutschemark deposit in Frankfurt to the New York bank. The Frankfurt bank simply switches the name of the owner of the deutschemarks from the London bank to the New York bank. The New York bank now owns X-number of fungible, unregistered (but completely traceable) deutschemarks at the Frankfurt bank.

"I remember my shock when I learned that the fastest way for two banks in Hong Kong to settle a dollar transaction was to wire the money from Hong Kong to New York and back again," said Manhattan Assistant District Attorney John Moscow. [21] He was shocked because he didn't understand how the process works. The "wired" dollars were sitting in New York all along as numbers in a bank computer, originally labeled as owned by the first Hong Kong bank. After the transaction is completed, they are still in the same place, but labeled as owned by the second Hong Kong bank. There is nothing mysterious about this at all.

Now let's modify the basic scenario again: Yankee bond trading. Yankee bonds are dollar-denominated bonds issued by non-U.S. citizens in the U.S. bond market. Yankee bonds are registered. If you buy a bond, your name is attached to a particular bond with a particular serial number. If someone steals the bond, he will not be able to receive interest or principal, because his name is not attached to the bond serial number. So when Yankee bonds are traded, the seller's name is removed from the serial number of the bond being sold, and the buyer's name is attached.

To this point we have talked about things that potentially exist in physical form. I can take a bond out of the vault, or I can cash in my electronic deutschemarks for printed bills. The final modification to these various scenarios is to get rid of the physical paper entirely. Such purely electronic creatures already exist: U.S. Treasury bills — short-term debt instruments issued by the U.S. government. You buy, for example, a $10,000 T-bill at a discount, and it pays $10,000 at maturity. But you don't see a T-bill certifi-

cate, because there isn't one. T-bills are electronic entries in the books of the Federal Reserve System. You can trade your T-bill to someone else by having the Fed change the name of the owner, but you can't stuff one in your pocket. You can "wire" your T-bill from one bank to another, because the "wire" is just a message that tells the Federal Reserve bank to switch the name of the owner from one commercial bank to another.

Smart and Not-So-Smart Cards

So most of the financial system is already electronic, and "wiring" money doesn't correspond to the mental image of stuffing bills down a phone line. To bring this story closer to home, let's consider how most of us use a computer and a modem on a daily basis to make financial transactions. Even if we don't own a modem. Or a computer. Let's talk about smart and dumb cards — ATM cards, credit cards, phone cards, and the like.

Some "smart cards" have microprocessors and are actually smart (and relatively expensive). They're really computers, minus a keyboard, video screen, and power supply. Others, such as laser optical cards and magnetic stripe cards, are chipless and only semi-smart.

Laser optical cards are popular in Japan, and can hold up to four megabytes of data — enough for your tax and medical files and extensive genealogical information besides. The cards are a sandwich, usually a highly reflective layer on top of a nonreflective layer. A laser beam is used to punch holes through the reflective layer, exposing the nonreflective layer underneath. The presence or absence of holes represents bits of information. A much weaker laser beam is then used to read the card data. You can later mark a file of information as deleted, or turn it into gibberish, but you can't reuse the area on the card.

Magnetic stripe cards, popular everywhere, don't hold much information. An ATM card is one example. Data is recorded on the magnetic stripe on the back of the card similar to the way an audio tape is recorded. There are three tracks, the first of which is reserved for airline ticketing.[22] This track holds up to 79 alphanumeric characters, including your name and personal account number (PAN). The ATM doesn't actually use the first track for transactions, but it may read off your name, as when it says, "Thank you, Joe Blowup, for allowing me to serve you." The second track contains up to 40 numerical digits, of which the first 19 are reserved for your PAN, which is followed by the expiration date and other information. The third track will hold 107 numerical digits, starting again with your PAN, and perhaps information related to your PIN (personal identification number, or "secret password"), along with other information, all of which potentially gets rewritten every time the track is used.

The ATM machine into which you insert your card is itself a computer. The ATM typically has both hard and floppy drives, a PC mother-board that contains the microprocessor, and a power supply — as well as drawers for deposits, cash, and swallowed cards. If

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Professor Emeritus of Philosophy
University of Southern California

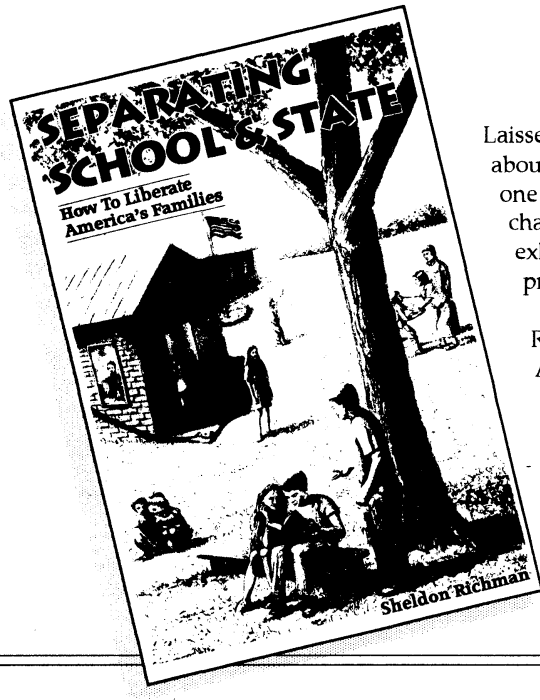

Laissez Faire Books, the world's largest source of books on liberty, says this about *Separating School and State*: "This is a thrilling book! It goes where no one has dared go before. This book mounts the most fundamental challenge to the government school monopoly and provides an exhilarating vision of how much better off everyone will be with 100% private, voluntary schools."

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the ATM is "on-line" (i.e., connected to a distant central bank computer, which makes all the real decisions), then it also has a modem to communicate over phone lines with the central computer. When you make a request for cash, the ATM machine compares your password to the one you entered. If they are the same, it then takes your request and your PAN, encrypts the information, and sends it on to the central computer. The central computer decrypts the message, looks at your account information, and sends an encrypted message back to the ATM, telling it to dispense money, refuse the transaction, or eat your card.

Somewhere between the ATM and the authorizing bank, there is usually a "controller," which services several ATMs. The controller monitors the transaction, and routes the message to the correct authorization processor (bank computer). Some transactions, for example, will involve banks in different ATM networks, and the transaction will have to be transferred to a different network for approval. The controller would also generally monitor the status of the different physical devices in the ATM — to see that they are operating properly and that the machine is not being burglarized.

Consider some of the security problems in this framework. The first duty of the local ATM is to verify you've entered the correct PIN. A typical way of doing this is to recreate your PIN from your card information and compare it to the one you entered.

Here is a general example of how PINs are created (there are many variations). The bank first chooses a secret 16-digit "PIN key" (PKEY). This key will be stored in the ATM's hardware. The PKEY is then used as a DES-encryption key to encrypt 16 digits of your account number, which the ATM reads off your card. The result of the encryption is a 16-digit hexadecimal (base 16) number. Hexadecimal numbers use the digits 0 to 9 and also the letters A to F (the latter standing for the decimal numbers 10 to 15). Next, a table is used to turn the 16-digit hexadecimal number back into a 16-digit decimal number.[23] The first four digits of the resulting 16-digit number are the "natural PIN." (If you are allowed to choose your own PIN, a four-digit "offset" number is created, and stored on the third track of your ATM card. This offset will be added to the natural PIN before it is compared to the one you entered at the ATM keyboard.)

It is not clear how replenishing one's card balance at an ATM is any more convenient for the user than getting cash at an ATM.

Since this comparison between the natural and entered PIN is done locally in the ATM hardware, the customer's PIN is not transmitted over phone lines. This makes the process relatively more secure, assuming no one knows the PKEY. But if an evil programmer knows the PKEY, he can create a valid PIN from any customer's account number. (Customer account numbers can be found by the hundreds on discarded transaction slips in the trash bin.) He can easily and quickly loot the ATM of its cash contents.

The security problems worsen when the ATM gets a "foreign" card. A foreign card is essentially any card from any bank other than the one that runs the ATM. The local ATM does not know the PKEYs of these other banks, so the PIN that is entered at the ATM must be passed on to a bank that can authorize the transaction. In this process, the account number and PIN will be encrypted with a communication key (COMKEY), and then passed from the ATM to the ATM controller. Next, the account number and PIN will be decrypted at the controller, and then re-encrypted with a network key (NETKEY) and sent on to the proper bank.

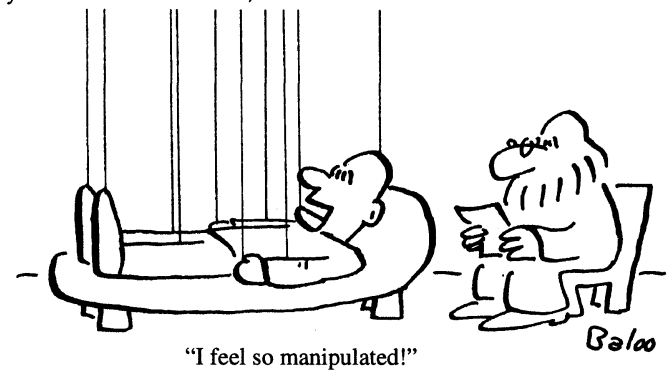

"I feel so manipulated!"

Foreign PINs give the evil programmer three additional possibilities for defeating security. The first way is to get hold of the COMKEY. He then taps the line between the ATM and the controller, and siphons off account number/PIN pairs. A second possibility is to get access to the controller, because the account number/PIN pairs may be temporarily in the clear between encryptions. The third possibility is to obtain the NETKEY, and tap the line between the controller and the foreign network.[24]

The COMKEY and NETKEY are generally transmitted over phone lines, so the chances of acquiring them are pretty good. These two encryption keys are themselves usually transmitted in an encrypted form, *but the keys used to encrypt them are sometimes sent in the clear*. Thus, while banks are generally somewhat careful with their own customers, they are often quite helpful in giving rip-off artists access to the customers of other banks. The evil programmer simply reads off the encryption keys and uses them to decrypt the COMKEY and NETKEY, which are in turn used to decrypt account numbers and PINs.

The way to solve these security problems is to use smart cards and public-key cryptography. That way, banks could transmit their public keys in the open without worrying about evil wire-tapping programmers. Customer messages encrypted with a bank's public key could only be decrypted with the bank's private (secret) key. Digital cash issued by the bank could be signed with the bank's private key, and anyone would be able to check that the cash is authentic by using the bank's public key. In addition, the bank would not be able to repudiate cash signed in this way, because only the bank had access to its own secret key. Communications between ATM machines and bank computers could also take place with randomly-generated encryption keys that can be determined by each of the

two parties, but which could not be discovered by someone who listens in on both sides of the traffic.[25]

Are Smart Cards the Mark of the Beast?

Besides optical and magnetic stripe cards, there are two types of "chip" cards. Chip cards are basically any cards with electronic circuits embedded in the plastic. One type of chip card, called a memory (or "wired logic") card, doesn't have a microprocessor and isn't any smarter than the cards we discussed previously. Prepaid phone cards are of this type. They may have about 1K of memory, and can execute a set of instructions, but can't be reprogrammed.

Then there are the truly smart cards, which have a microprocessor and several kilobytes of rewriteable memory. Smart cards allow for greatly increased security, since access to their data is controlled by the internal microprocessor. And there can be built-in encryption algorithms. This versatility has made smart cards controversial.

The negative reputation arises from certain cases where smart cards were imposed by force, as well as from smart-card storage of biometric data. The use of smart cards became a prerequisite for Marines to receive paychecks at Parris Island. Fingerprint-based smart card ID systems were implemented by the Los Angeles Department of Public Social Services and the U.S. Immigration and Naturalization Service. The "childhood immunization bill" introduced by Sen. Ted Kennedy (D-Mass.) would have used smart cards to track vaccinations of all children under six years of age, together with at least one parent, across geographical areas. Access control at the U.S. Department of Energy Hanford Site requires smart card badges that store the cardholder's hand geometry. Security access through retinal scan patterns stored in smart card memory have been tested at the Sandia National Laboratory.

It is smart cards more than any other aspect of banking technology that will allow for financial privacy. It's simply a matter of taking control of the technology.

Visa recently announced plans for creating an "electronic purse." The purse would be a reloadable spending card. You would charge the card up at an ATM machine, where it would suck some cash value out of your account and store it in memory. You would then use the card instead of cash to make small purchases. Visa is attracted by the estimate that consumer cash transactions in the U.S. are about five times the size of bank-assisted transactions (those that use checks, credit cards, and debit cards). Visa has been joined in this endeavor by a consortium that includes VeriFone, the leading supplier of point-of-sale transaction systems, and Gemplus, the leading manufacturer of smart cards.

There may be increased security in the use of an electronic purse, but it is not clear how replenishing one's card balance at an ATM is any more convenient for the user than getting cash at an ATM. Since Visa is not advertising the privacy aspects of electronic purse payments, one must assume this feature was omitted in the planning. Hence a cynic could conclude that the "electronic purse" is little more than a Rube Goldberg device which, by substituting for cash, will create a better set of PROMIS-type transaction records.

These and other examples suggest possible uses of smart cards for more general surveillance and social control. The truly paranoid envision the use of a single smart card for every financial transaction, medical visit, and telephone call. This information would be sent directly to a common PROMIS-like database, which would constitute a record of all your activities. In addition, they suggest, "your card could be programmed to transmit its identification code whenever you use it. So you (or your card, anyway) could be instantly located anywhere on earth via the satellite-based Global Positioning System."[26]

But smart cards don't have to be used this way. Recall that mainframe computers once seemed destined to turn the average citizen into Organization Man, a creature to be folded, spindled, and mutilated in lieu of IBM's punched cards. The advent of the personal computer, however, showed that the same technology could be a tool of individual freedom and creativity.

There is nothing intrinsically evil in storing a great deal of information about ourselves, our finances, and our current and future plans. That is, after all, exactly why some of us carry around portable computers. But in this case the use of the computer is voluntary, and we ourselves control both access to and the content of the information. The same may apply to smart cards. It is smart cards more than any other aspect of banking technology, I believe, that will allow for financial privacy through cryptology, for anonymous and secure digital cash transactions. It's simply a matter of taking control of the technology and using it to enhance personal freedom.

Digital cash transactions should be untraceable yet at the same time enable you to prove unequivocally whether you made a particular payment.

Electronic Cash the Way It Ought to Be

Suppose we had it our way. Suppose we sat down to create digital cash that had all the right properties. What would these be? Think of the attractive properties of currency — physical cash.[27]

(1) Physical cash is a portable medium of exchange. You carry it in your pocket to give to people when you make purchases. The digital equivalent of this process could be provided by smart cards, which would actually improve on the mobility of physical cash: the weight of $1,000,000 in digital money is the same as the weight of $1.

(2) You would want the ability to make digital cash payments off-line, just like you can with

physical cash. A communication link between every store you shop at and your bank's authorization computer shouldn't be required. Moreover, if digital cash is to have all the desirable qualities of physical cash, you should be able to transfer it directly to another smart-card-carrying individual. Smart cards that could connect directly to other smart cards would be ideal in this respect, and would represent an improvement over physical cash. Even if everyone observed two smart cards communicating, they would have no way of knowing whether the transaction involved $5 or $50,000. There would be no need to slide money under the table.

(3) Digital cash should be independent of physical location — available everywhere and capable of being transferred through computer and other telecommunication channels. So we want a smart card that can jack into the communication nodes of the global information network. One should be able to pop into a phone booth to make or receive payments.

(4) Got change for a dollar for the quarter slots in the pool table? Just as we "make change" or divide physical currency into subunits, so should electronic cash be divisible. Electronic calculators can perform an operation known as division, and so can third-graders. So smart cards ought to be able to handle this also, even if it presents a few difficulties for theoretical cryptology.

(5) To be secure against crooks and rip-off artists, digital cash should be designed in such a way that it can't be forged or reused. We wouldn't want people spending the same money twice, or acting as their own miniature Federal Reserve System, creating money from nothing. This cryptological problem is different between on-line and off-line cash systems. In on-line systems the bank simply checks whether a piece of cash has been spent before.

Proposed off-line systems rely on a framework developed by David Chaum. Chaum has been the preeminent cryptological researcher in the field of digital cash.[28] In his framework for off-line systems, one can double-spend the same piece of digital cash only by losing one's anonymity. This has considerable value, because the bank or person, knowing the identity of the devious double-spender, can send out a collection agent.

But I consider this way of enforcing the "no double-spending" rule a serious flaw in Chaum's framework. Catching thieves and rip-off artists is not the comparative advantage of either banks or the average citizen. (Banks are usually only good at providing transactions services, and charging interest and fees.) Would you really want to see, say, The First Subterranean Bank of Anonymous Digital Cash merge with the Wackenhut Corporation? Luckily, however, there are alternative approaches that will prevent double-spending from ever taking place.[29]

(6) The most important requirement for individual freedom and privacy is that digital cash transactions should be untraceable yet at the same time enable you to prove unequivocally whether you made a particular payment. Untraceable transactions would make impossible a PROMIS-type data-sorting of all your financial activities. In Joe Blowup's financial chronology, discussed previously, you wouldn't be able to connect Joe Blowup's name to any of his purchases. Similarly, no one would know about the money you wired to Liechtenstein, your purchase of Scientology e-meters and the banned works of Maimonides, or your visits to the Mustang Ranch. Privacy-protected off-line cash systems can be made nearly as efficient as similar systems that don't offer privacy.

Parallel Money Systems

To set up a digital cash service meeting these requirements, you would need to buy the rights to use patents held by David Chaum and RSA, or equivalent rights, and then set up a bank to issue accounts and smart cards in a legal jurisdiction where the service won't run afoul of the local banking and money-laundering laws. Of course, in many other countries the money-laundering statutes will be quickly amended in an attempt to apply the same reporting requirements to anonymous digital cash transactions as currently apply to currency transactions. Such laws will probably generate little compliance.[30] Since the transactions in question are unconditionally untraceable, there won't be any evidence of wrongdoing.

Anonymous digital cash will arise as a parallel system to the existing one of ordinary money. Therefore, there will be a record of the initial entry into the anonymous system. For example, you might write a $10,000 check drawn on Citibank to The First Subterranean Bank of Anonymous Digital Cash. This check will be recorded, but no subsequent transactions will be traceable, unless you make transfers back out into the ordinary banking world. Over time, as more people begin to use the anonymous cash system, some wages will be paid in anonymous digital cash. This will enable all income transactions, as well as expenditures, to take place entirely outside the ordinary monetary system.

Since the anonymous cash system will exist parallel to the existing system, a floating exchange rate will be created by market transactions between ordinary money and anonymous money. Think, by analogy, of a currency board. Such a board issues domestic currency through the purchase of foreign "hard" currencies. In the same way, anonymous digital cash will be issued through the purchase of ordinary cash or bank deposits. That is, when you make a deposit at The First Subterranean Bank of Anonymous Digital Cash, First Subterranean will issue you an anonymous digital cash account, and will in turn acquire ownership of the ordinary money. The exchange ratio will not necessarily be one-for-one: anonymous digital cash that does not meet some of the ease-of-use requirements listed previously may exchange for less than one ordinary dollar. On the other hand, digital cash that meets all those requirements will trade at a premium, because anonymous digi-

tal cash has enhanced privacy aspects. Money-launderers, for example, currently get about 20% of the value of money that is made anonymous. That represents an exchange rate of 1.25 "dirty" dollars for one "clean" dollar. The market will similarly determine the exchange ratio between ordinary and anonymous digital money.

In the 1960s, various tax and regulatory burdens and political risk considerations gave rise to a new international money market, the Eurodollar market, which was created specifically to get around these regulatory and political roadblocks.[31] When a junior staff member of the Council of Economic Advisors named Hendrik Houthakker discovered the Eurodollar market's existence, he thought it was an important development, and recommended that some discussion of it be included in the annual *Economic Report of the President*. "No, we don't want to draw attention to it," he was told. When Houthakker himself later became a member of the Council under Nixon, he made sure the Report included a discussion of the Euromarkets. But it was only much later, in the mid-'70s, that the *Report* said, in a burst of honesty: "The emergence and growth of the Eurodollar market may be viewed as a classic example of free-market forces at work, overcoming obstacles created by regulations, and responding to market incentives to accommodate various needs."[32]

In a similar way, some future report will say that "the emergence and growth of anonymous digital cash may be viewed as a classic example of free-market forces at work, overcoming obstacles created by surveillance technologies and money-laundering regulations, and responding to market incentives to accommodate the public's need for financial privacy." ❑

Notes:

1. Quoted in *Money Laundering Bulletin*, January 1995, p. 3.
2. Bryan Burrough, *Vendetta: American Express and the Smearing of Edmond Safra* (HarperCollins, 1992), pp. x, xi.
3. Sec. 1517 (c) states: "Any financial institution that makes a disclosure of any possible violation of law or regulation or a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure."
4. "A completely cashless economy *where all transactions were registered* would create enormous problems for the money launderers" (emphasis added), *Report of the Financial Action Task Force on Money Laundering*, February 7, 1990.
5. Kirk W. Munroe, "Money Laundering: The Latest Darling of the Prosecutor's Nursery," law firm of Richey, Munroe & Rodriguez, P.A., Miami, Florida, 1994.
6. President's Commission on Organized Crime, *The Cash Connection: Organized Crime, Financial Institutions, and Money Laundering* (U.S. Government Printing Office, October 1984). This definition is certainly more coherent than Michael Sindona's circular statement that "laundering money is to switch the black money or dirty money . . . to clean money." The U.S. definition of money-laundering is found in 18 U.S.C. 1956, which was enacted in 1986, and strengthened in 1988, 1990, and 1992. It sets out three categories of offenses: transaction offenses, transportation offenses, and "sting" offenses:

   Transaction Offenses: It is a money laundering transaction crime for any person to conduct, or to attempt to conduct, a financial transaction which, in fact, involves the proceeds of specified unlawful activity, knowing that the property involved in the transaction represents the proceeds of some crime, and, while engaging in the transaction, with either (a) the intent to promote the carrying on of the specified unlawful activity, or (b) the intent to commit certain tax crimes, or with the knowledge that the transaction is designed at least in part (a) to conceal or disguise the nature, location, source, ownership, or control of the proceeds, or (b) to avoid a cash reporting requirement.

   Transportation Offenses: It is a money laundering transportation crime for any person to transport, transmit, or transfer, or to attempt to transport, transmit, or transfer, a monetary instrument or funds into or out of the U.S., and, while engaging in the act, with either (a) the intent to promote the carrying on of specified unlawful activity, or (b) the knowledge that the monetary instrument or funds represent the proceeds of some crime, and the knowledge that the transportation, etc., is designed, at least in part, (i) to conceal or disguise the nature, location, source, ownership, or control of the proceeds, or (ii) to avoid a cash reporting requirement.

   "Sting" Offenses: It is a money laundering crime for any person to conduct, or to attempt to conduct, a financial transaction which involves property represented to be the proceeds of specified unlawful activity, or property used to conduct or to facilitate specified unlawful activity, said representation being made by a law enforcement officer or by another person at the direction of, or with the approval of, a federal officer authorized to investigate or to prosecute §1956 crimes, and, while engaging in the transaction, with the intent to (a) promote the carrying on of specified unlawful activity, or (b) conceal or disguise the nature, location, source, ownership, or control of the property believed to be the proceeds of specified unlawful activity, or (c) avoid a cash reporting requirement.
7. See Samuel J. Rabin, Jr., "A Survey of the Statute and Case Law Pertaining to 26 U.S.C. 60501 (Forms 8300)," in Fletcher N. Baldwin, Jr. and Robert J. Munro, *Money Laundering, Asset Forfeiture and International Financial Crimes* (Oceana Publications, 1994, three volumes).
8. Section 4702 of P.L. 100–690.
9. 31 C.F.R. 103.11(p) (1991).
10. "The means should, in fact, include access by Interpol to the telecommunications system SWIFT," *Draft Explanatory Report on the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, September 8, 1990.
11. *Money Laundering Bulletin*, March 1995, p. 3.
12. Curiously, however, some of the same set of characters were apparently involved on all sides: in drug-running, money-laundering, and the theft and modification of the PROMIS system. I will leave it to someone with more lawyers, guns, and money than I have to bring that part of the story to light.
13. U.S. Congress, Committee on the Judiciary, *The Inslaw Affair*, House Report 102–857, September 10, 1992.
14. Memorandum to Judge Nicholas Bua from Elliot Richardson, p. 34. The NSA, naturally, does not acknowledge the existence of such a chip, much less provide technical information. But in order to avoid detection of the chip's transmission signal by the organization being spied upon, the chip would be designed so its broadcast would be masked by the general — or some characteristic — electronic noise of the computer. This could imply a

low-probability-of-interception digital spread spectrum (SS) communication system with a broad bandwidth, perhaps with a transmission frequency in the range of 1–10 gigahertz. As a related example of this technique, a "low level wideband SS signal, can easily be hidden within the same spectrum as a high power television signal where each signal appears to be noise to the other." Quoted from "Spread Spectrum Techniques," in Geoff Lewis, *Newnes Communications Technology Handbook* (Oxford, 1994). The broadcast power requirements of such a chip would not be large, but rather similar to a walkie-talkie's. The information broadcast by the chip could then either be monitored locally and re-transmitted to satellite, or transmitted directly to a geosynchronous signals-collection satellite such as Magnum. The Magnum and other U.S. spy satellites are operated by the Air Force on behalf of the National Reconnaissance Office, while NSA does the signal processing. (I am grateful to John Pike, Director of Space Policy & CyberStrategy Projects, Federation of American Scientists, for advice on the information in this footnote. He is not responsible for any errors or the specific content of any statement.)

15. I have in mind an NSA operation. But recently, the CIA approached my own former company (which sells banking software) and proposed that it provide cover for their agents to enter foreign banks. The CIA also separately offered to pay $100,000 for the customer list of a particular bank among the Swiss big four.
16. Barry A. K. Rider, "Fei Ch'ien Laundries — the Pursuit of Flying Money," in *Money Laundering, Asset Forfeiture and International Financial Crimes.*
17. *Money Laundering Bulletin*, April 1995, p. 2.
18. Ibid, p. 4.
19. Details of the foreign exchange, Eurocurrency, and Eurobond markets are covered at length in J. Orlin Grabbe, *International Financial Markets* (Simon & Schuster, 1995, third edition).
20. Eurobonds are *bearer* bonds. So if you have the bond in your pocket, you own it, in the same way you own the dollar in your pocket. The same goes for interest coupons — they are to be paid to bearer. Most Eurobond-issuing companies pay interest to Euroclear, which distributes the payments to the owners of the bonds stored in its depository vaults. But the companies are afraid that if the bonds are stolen, they will have to pay the same coupons again. Hence they insist coupons be clipped and destroyed as they are paid. When I visited Morgan Guaranty (which operates Euroclear) in Brussels in 1982, there were 20 employees whose full-time job was clipping coupons.
21. John W. Moscow, "The Collapse of BCCI," in *Money Laundering, Asset Forfeiture and International Financial Crimes.*
22. Details of the card size, layout, coding, and recording are laid out in ISO standards 7810 to 7813. The first track is sometimes called the International Air Transport Association track, the second the American Bankers Association track, and the third the Mutual Institutions National Transfer System track.
23. This may be as simple as assigning the numbers 0 to 5 to the letters A to F. If this assignment is made, the probability is three-fourths that a digit in the resulting decimal number is one of 0 to 5, while there is only one-fourth probability that a digit is 6 to 9.
24. Computer logs are often kept for each part of a transaction. So the evil programmer doesn't have to tap lines if he can get hold of the logs instead.
25. Public-key encryption is implemented in the Datakey smart card of the National Institute of Standards and Technology. This card uses the Hitachi H8/310 processor. Atmel and Phillips chips also include public-key encryption hardware, and allow algorithms to be implemented by the card's application designer. Smart and other chip card standards are laid out in ISO 7816. More on smart cards can be found in Jose Luis Zoreda and Jose Manuel Oton, *Smart Cards* (Artech House, 1994). The recent ANSI X9F standards include those for using public key systems to secure financial transactions. The communication link would involve two-way authentication using Diffie-Hellman key exchange.
26. From Clark Matthews, "Tomorrow's 'Smart Cards': Technical Marvels That Give Government Fearful Power," reprinted from *The Spotlight*, undated.
27. Some of the following points were broached in a different way by T. Okamoto and K. Ohta, "Universal Electronic Cash," *Advances in Cryptology — Crypto 91* (Springer-Verlag, 1992).
28. See David Chaum, "Achieving Electronic Privacy," *Scientific American*, August 1992; "Blind Signatures for Untraceable Payments," in D. Chaum, R.L. Rivest, and A.T. Sherman (eds.), *Advances in Cryptology — Crypto '82* (Plenum, 1983); "Online Cash Checks," in J.J. Quisquater and J. Vandewalle (eds.), *Advances in Cryptology — Eurocrypt '89* (Springer-Verlag, 1990); "Efficient Offline Electronic Checks," with B. den Boer, E. van Heyst, S. Mjxlsnes, and A. Steenbeek, in *Advances in Cryptology — Eurocrypt '89*; "Cryptographically Strong Undeniable Signatures, Unconditionally Secure for the Signer" with E. van Heijst and B. Pfitzmann, in J. Feigenbaum (ed.), *Advances in Cryptology — Crypto '91* (Springer-Verlag, 1992); "Numbers Can Be a Better Form of Cash than Paper," in D. Chaum, *Smart Card 2000* (North Holland, 1991); "Privacy Protected Payments: Unconditional Payer and/or Payee Untraceability," in D. Chaum and I. Schaumuller-Bichl (eds.), *Smart Card 2000* (North Holland, 1989); "Security Without Identification: Transaction Systems to Make Big Brother Obsolete," *Communications of the ACM* 28:10, October 1985; "Smart Cash: A Practical Electronic Payment System," in J. Bos and D. Chaum, *CWI-Report CS-R9035*, August 1990; "Untraceable Electronic Cash," with A. Fiat and M. Naor, in S. Goldwasser (ed.), *Advances in Cryptology — Crypto '88* (Springer-Verlag 1989).
29. "[P]rior restraint of double-spending can be achieved by using a tamper-resistant computing device that is capable of merely performing a signature scheme of the Fiat-Shamir type (of one's own choice), such as the Schnorr signature scheme" (Stefan Brands, "Highly Efficient Electronic Cash Systems," March 17, 1994).
30. I highly recommend Henry David Thoreau's essay "Civil Disobedience."
31. These included the interest ceilings set by the Federal Reserve's Regulation Q, Kennedy's Interest Equalization Tax, and the Foreign Credit Restraint Program. See Grabbe, op. cit., chapter 1.
32. *Economic Report of the President*, 1975.

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Critique

Mediocrity Bites

by Richard Kostelanetz

The NEA: the final insult.

An insider at the National Endowment for the Arts has finally revealed the major deficiency of that well-intentioned institution. The secret is not the NEA's slight support of putative pornography (which is no crime), nor its purported bias toward the esthetic avant garde (which isn't true). According to Joseph Epstein, a consummate insider — for over two decades editor of the Washington-based *American Scholar*, and for six years a councilor (trustee) of the NEA — its principal failure is its support of mediocrity, its preference for people who have done little and are not likely to do much more. "Mediocrity, the question of what might be called quality control, was rarely discussed during my time at the NEA," Epstein concludes in a recent *Commentary* article (April 1995). "It could not be."

As I have noted in these pages before ("Subsidized mediocrity," May 1990), the dominant characteristic of the annual lists of winners of, say, writing fellowships from the NEA, both now and in the past, is that nearly all the names are unfamiliar. The recipients are neither commercial writers nor small-press celebrities, neither widely loved nor widely despised. You can get a similar impression of unfamiliarity by looking at the lists of winning visual artists or composers in NEA competitions or winning scholars in competitions at the companion National Endowment for the Humanities.

This is not a new phenomenon; it has characterized grantwinners for decades. You may rightly wonder by what hocus-pocus these people, rather than others, were chosen. After all, you don't get any sense of rampant anonymity from looking at the beneficiaries lists from the Guggenheim or MacArthur Foundations.

The problem at the NEA/H is not that the best don't apply but that they are so rarely rewarded. In this respect, the NEH is probably worse than the NEA, if only for the former's persistent favoring of academic *apparatchiks* over independents who necessarily survive more competitive circumstances. Indeed, Epstein's failure to examine the NEH, which works out of the same Washington building as the NEA, makes one wonder about his motives and integrity. (What is also lacking from his memoir is what he did as an insider to combat the mediocrity. I know of at least one example where he behaved otherwise, and thus suspect more.)

The initial difficulty with this critique is that mediocrity is a hard charge to prove. You need to know more about culture and excellence than most newspaper reporters have, not to mention their editors, to identify a list of nonentities. A major problem with Epstein's essay is that he "proves" mediocrity by citing familiar, overly publicized examples that he thinks *Commentary* conservatives would find offensive. But these, necessarily, are not unknowns. Nor are all of them mediocre.

To get a surer sense of this sweet tooth for mediocrity, look at cultural funding in other countries. At the Canada Council there is a stronger obligation to support the best, if only because the Council's purpose is insuring the survival of Canadian culture. Everyone involved there knows this won't happen by distributing purses to anonymities. (The Canadian independent filmmaker R. Bruce Elder recently expressed surprise that a widely published American writer we both knew, honored both here and abroad, had never received support from the NEA. "It could not be," I had to tell my friend — this writer's publication record counted for nothing at the NEA and indeed might be held against him. Someone like him would have been regarded differently in Canada, Elder assured me.)

In my observation, German cultural authorities operate under the assumption that they must support the best, the very best, if they are to

respect not only themselves but taxpayers' money. To do anything less would sabotage the reputation of enlightened patronage that marks a great country. It's easy for a skeptical outsider to mock German smugness about cultural discriminations but less easy to dismiss the quality of the results. (Ask many Germans why Germany is a superior country and they will cite as a reason such cultural support, particularly of opera and theater. No sane American could make that claim.)

One gets the unfortunate impression, first, that the folks at the Endowments have so little respect for American possibilities that they would prefer to make other First World countries look better, and second, that they couldn't smell the best even if it were passed directly under their noses. One truth that Epstein dares not utter, writing in the editorially authoritarian and self-consciously neoconservative *Commentary*, is that such mismanagement has been worse during Republican regimes.

When Epstein blames the NEA mediocrity partly on a lack of leadership, one implicit conclusion of his critique is that the most persuasive reason for dismantling the Endowments has simply been administrative insufficiency. My opinion is that the lack of leadership complements the nature of annual *ad hoc* panels whose ill-chosen members see a once-in-a-lifetime opportunity to reward friends, lovers, and debtors, in addition to learning from the inside about Endowment chicanery, before beating it safely home. (That explains why the current list of winners, particularly at the NEH, includes a disproportionate number of previous panelists.)

A principal failure of the Endowments has been their inability, or unwillingness, to improve the economy of American culture and thus eliminate our traditional reputation for cultural philistinism. Anyone familiar with any art can identify major figures who never received much, if any, NEA/H support, who are still economically struggling, whose productive future as artists/scholars is threatened. I'm talking not of people I think important, but of individuals recognized by many, whose names often appear in the histories of their respective arts. Discriminating critics in the future will inevitably use these individuals as a measure for the failure of American governmental patronage, much as earlier generations of under-supported major American figures (Walt Whitman, Thorstein Veblen) have been used to indict private patronage in their times.

Anyone familiar with the culture of applications can remember many promising projects that never happened for lack of support. Other major figures, especially of an avant-garde orientation, continue to earn more of their incomes abroad than here, to our embarrassment. The worst thing to be said about the National Endowments is that the KGB couldn't have done a more subversive job if it tried.

Whether the Endowments self-destruct of their own incompetence or are terminated for weaker reasons, one shouldn't fear the end of American culture. A truth kept secret by the NEA's defenders is that so much has happened — and will continue to happen — in America wholly without them. The reason is not merely that the preference for mediocrity, sort of known to everyone, has not bestowed persuasive cultural authority on NEA/H beneficiaries, but that this support has finally been so slight. Epstein cites these statistics: "Federal support for the arts costs the taxpayer only 64 cents a year, whereas the figure in Germany is $27 and in France and Canada it is $32." That means the NEA/H bureaucrats could not become cultural czars comparable to those in the old Stalinist countries *even if they tried*.

To some, this discrepancy means that America has been self-consciously bush league. To others, it means that Americans have been justifiably dubious about the benefits of government cultural largess. You don't pay your money and you get your choice. ❑

Alexander, "Travels in Bosnia and Points West," *continued from page 32*

us flinched and hid, but John simply sat and grinned. "Nothing bad can happen to me in *my* Bosnia," he told us. He loves this country to madness.

The last lecture is awful. The speaker is a slow, agonizingly cheerful Austrian named Stoyan, who tells the audience at length that they should forgive their enemies, turn the other cheek to the Serbs, sit down with the Croats once more. The audience of veterans, widows, widowers, and wound-sporting survivors is polite in a tight-lipped way. As Stoyan rambles, I doze in the heat, hoping some poor local would off the man. Suddenly a quiet economics professor leaps to his feet and pounces on a fat grasshopper, flinging the creature across the audience, where it lands at the feet of another scholar. The two men pounce, joined by others who leap across chairs. The mumbling Austrian stares.

The EU threatens to leave us in Mostar, then sends a van at the last possible moment. Our driver (dazzling in all-white EU uniform) guides us along the yard-wide labyrinthine death-trap blind-curve shell-pocked roads. We cross mountains, valleys, sinkholes, and lakes, then descend into Split.

I take the bus to the airport and at last find my damn suitcase. For the rest of my trip I revel in the luxury of a hairbrush, changing shirts three times a day.

Thursday, 27 July

It's hard to enjoy Split. The natives are arrogant, very well-dressed, obsessively Western. The Ustashe graffiti is now unbearably obscene. Croat Army soldiers roam the streets — more of them than usual. We do not know about Operation Blitz yet. Pictures of the Pope and Tudjman are everywhere.

The hotel has a new clerk, a demented Croat who thinks he's a Scotsman. "We arre going to hunt the monsterrr," he says, then quotes Burns.

John buys an issue of the *Feral Tribune*, Croatia's only dissident paper. The masthead describes the journal as anarchist and Satanist. Much better.

Friday, 28 July

We fly out of Split, then Zagreb. More UNPROFOR troops, tanks, and aircraft. The airport is still not called *aerodrom*. ❑

Legal Report

High Noon for the Feds?

by David J. Owsiany

Has the federal government's authority reached its peak?

Since the adoption of the Constitution, the federal government has grown from an institution with limited, enumerated powers to one of practically limitless scope and authority. In late April, the U.S. Supreme Court issued an opinion, in the case of *U.S. v. Lopez*, that may signal, finally, a limit on this ever-expanding set of powers.

The founding fathers' view of the federal government seems radical to the political elite of today. In *Federalist* #45, James Madison wrote:

> The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

Article I, Section 8 of the Constitution enumerates the powers of Congress, including the power to "regulate Commerce" among the several states. It is this commerce power that has been the principal vehicle for the federal government's expansion of authority.

On March 3, 1817, President Madison vetoed a bill that pledged funds for "constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense." In his veto message Madison wrote that the power to regulate commerce among the several states "can not include a power to construct roads and canals, and to improve the navigation of water courses."

Madison conceded that he was "not unaware of the great importance of roads and canals and the improved navigation of water courses, and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity." However, he concluded, such a power was "not expressly given by the Constitution" and could "not be deduced from any part of the Constitution without an inadmissible latitude of construction."

For the most part, the commerce power remained limited until the late 1930s. In the early years of the New Deal, the Supreme Court found several new, far-reaching federal laws — such as the Bituminous Coal Conservation Act of 1935, which set maximum hours and minimum wages for workers in coal mines — to be unconstitutional on the grounds that they were invalid uses of the commerce power. Franklin Delano Roosevelt eventually had the opportunity to change the character of the court by nominating justices who took a broad, expansive view of the authority of the federal government. By 1937, the Court found the National Labor Relations Act, which significantly redrew the relationship between employers and unions, to be a valid use of the commerce power because labor disruptions could affect commerce.

In the 1943 case *Wickard v. Filburn*, the Supreme Court upheld the Agricultural Adjustment Act of 1938, which permitted the secretary of agriculture to set quotas for the raising of wheat on every farm in the country. The court held that a farmer who

raised wheat for consumption on his own farm could be penalized by the secretary of agriculture if the farmer's wheat production exceeded his quota. Even though the wheat was consumed domestically on the farm, the court concluded that the farmer's activities could be regulated by the feds. The Court had opened the floodgates. As Robert Bork has observed, the *Wickard* case "meant that the most trivial and local activities could be regulated by the federal government."

Apparently, Clinton believes only the federal government can protect children.

This broad reading of Congress' commerce power has been extended to criminal statutes in order to uphold federal laws that criminalize local activity. In the 1971 *Perez v. U.S.* case, the court upheld Title II of the Consumer Credit Protection Act, which made "loansharking" a federal crime. Justice Potter Stewart, the lone dissenter in *Perez*, pointed out that loansharking has no clear connection to interstate commerce and that local crime is the responsibility of the states. No other member of the court in 1971 recognized any limitation on the federal government to criminalize local activity.

But now — finally — in the *Lopez* case, the court has found a limit on the commerce power. In *Lopez*, the court struck down the portion of the Gun-Free Zones Act of 1990 that made it a federal offense "for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone." Writing for the majority, Chief Justice William Rehnquist commented that while Congress has broad authority under the Commerce Clause to regulate "numerous commercial activities that substantially affect interstate commerce," it cannot regulate each and every aspect of local schools.

Justice Stephen Breyer, in a dissent joined by Justices John Paul Stevens, David Souter, and Ruth Bader Ginsburg, indicated he would have upheld the Act. According to Breyer, Congress could have found that guns in schools "significantly undermine the quality of education in our Nation's classrooms." Breyer concluded that poor education caused by guns in our schools affects commerce because (1) inadequately educated graduates "must endure low paying jobs" and (2) communities and businesses must endure an inadequately trained workforce.

As Rehnquist pointed out, under Breyer's theory of the commerce power, Congress could mandate a federal curriculum for all elementary and secondary schools, since the curriculum relates to the adequacy of education, and that certainly has enough effect on commerce to confer congressional authority to act under the Commerce Clause.

Following *Lopez*, the Clinton administration reacted as one might expect the federal government to do when it is told it cannot do something: it vowed to do something. Clinton asked Attorney General Janet Reno to find a way around the ruling. Apparently, Clinton believes only the federal government can protect children. It does not matter to him that more than 40 states already have laws criminalizing gun possession near schools similar to the federal law struck down in *Lopez*.

The founding fathers' approach to the commerce power is supported by at least one member of the court, Justice Clarence Thomas, who in a concurring opinion in *Lopez*, called for Commerce Clause jurisprudence that "is more faithful to the original understanding" of the Commerce Clause. But the question remains whether the *Lopez* case marks a return to the founders' intent or merely an outer limit on the reach of federal power. Either would be welcome, but the former might indicate a shift in power away from the federal government to the states. ❑

The founding fathers' view of the federal government seems radical to the political elite of today.

"Reflections," *continued from page 14*

Potatoes are uncontrollable! You can do anything with a potato. You can bake it, boil it, fry it, mash it, stuff it. You can cover it with butter, margarine, sour cream, chives, or gravy. You can have French fries, German fries, American fries, home fries. You can make hash-brown potatoes! You can go to a yuppie restaurant and order 'new potatoes' or just stay in your living room with a big old bag of potato chips. You can start a meal with potato soup, move on to potato salad, and climax with potato pancakes.

"Potatoes, inserted in a glass and propped up on toothpicks, are a child's first experience with the science of growth. Potatoes have eyes, about which much can be learned. And that's not all. Any science fair will demonstrate that a potato battery can actually be used to run a clock. And for younger children, there's Mr. Potato Head! He may not literally be a potato; he's some kind of plastic, of course; but his form is an homage to potatoes.

"The potato started off in the jungles of Brazil, it ruled as queen in the Andes, and it ended up on fancy tables by the rue Saint-Honoré. The potato is welcome everywhere. No tariffs, quotas, or agricultural-management decrees can arrest its progress. If you can't grow enough other food to keep you alive, potatoes will do the job. Potato culture was one of the first large-scale efforts of scientific agriculture, and it was its greatest success. Since the eighteenth century, potatoes have supported the immense population of the northern hemisphere.

"The potato: how easy to buy! how delightful to eat! how simple to spell! Can anyone who trifles with the potato have good intentions?"

Think about this, Mr. Gingrich.

—SC

Aphorisms

Economical Cogitations

by Daniel B. Klein

Some folks are dissatisfied with free enterprise if it doesn't work perfectly, and satisfied with government if it works at all.

Bribery must stop, you say? Tell it to Schindler.

Affirmative action: Countering prejudice by providing a sound reason for it.

When the circus of politics is finished, the groundskeeper sweeps the litter into a pile and calls it "the law."

The Political Dialectic of Twentieth-Century America: The Conservative believes the government should run education, place a check on vice, fine-tune the economy, promote democracy abroad, and be led by a man in pin stripes. His opponent the Liberal believes the government should run education, place a check on vice, fine-tune the economy, promote democracy abroad, and be led by a man in plaid.

When the anti-capitalist holds profit-hungry business in contempt, he conveniently neglects the fact that business is the paid servant of customers and the served payer of employees.

The democratic faith comes in two varieties, the naïve and the sophisticated. The naïve democrat believes that if everyone would just be nice and participate, as in a town meeting, we can make it all work out. The sophisticated democrat recognizes the tender-minded folly of this view and is ready to face the tough truth: we must enlist qualified experts to make it all work out.

The dirigiste intellectual takes experience with scribblings about a subject for experience with the subject itself.

Is it the will to control that gives birth to the pretense of knowing, or is it the will to know that gives birth to the impulse to control?

Wisdom in economics: refined knowledge of the unknowableness of the economy.

The dispute between two economists over whether or not the labor market is competitive is usually a dispute over the meaning of competition, just as the dispute between two lovers over whether or not he loves her is usually a dispute over the meaning of love.

Some economists are a riddle. On an issue-by-issue basis they are libertarians seven times out of ten, but when you put it all together you get a Clinton supporter. The answer to this riddle often lies in conjugal consideration.

Liberty is like licorice: some people hate it and some people love it.

The value of safeguarding a man's right to life against unjust force divided by the value of his life itself equals, on average, three hundred thousand.

To work its wonders the principle of individual liberty need not be mythologized, but only upheld. But to be upheld it must be mythologized.

The battle is not one between power and justice, nor between unjust power and just power. The battle is between unjust power and less just power.

Clever leftists miss the point when they contend that individual liberty is "mere" mythology. The point is that it is mythology worth consecrating.

The government's war on smoking is getting so outrageous, it is turning smokers into libertarians and libertarians into smokers.

Good taste favors *laissez faire* even for personal activities that show bad taste.

Laws that prevent the choosing of sin also prevent the choosing of virtue.

If we hold groups rather than individuals accountable, we all end up criminals.

May the socialist enter private industry, and the libertarian, government.

Examination

Undercover Economist

by Matt Asher

The Chicago school of economics they don't teach you about.

It's 2 a.m., and we're sneaking through the dark hallways of Robert Taylor Homes, one of the nation's poorest housing projects. Cold air rushes through the chain link fence that serves as an outer wall. Barely muffled sounds echo from behind the painted cinder blocks. Karen tugs at my arm, and we duck into a smoke-filled room. She lives here, on Chicago's South Side. I live on the North Side. Karen is black. I am white. She is here to sell bags of pot. I am here to solve a mystery.

Taking the expressways, it's a ten-minute drive from Robert Taylor Homes to Lincoln Park. If you had a nickel bag[1] of marijuana on the seat next to you, its selling value would double during the short trip, from $5 to $10. This could never happen on the open market. What economists call arbitrage would quickly set in, as people bought massive quantities on the South Side to sell on the North. But this is the black market, with peculiar rules stemming from its own peculiar nature.

For starters, there is no official contract enforcement on the black market. With the government out of the picture, disputes are often resolved by private force. So dealers and buyers take precautions to minimize disputes. Buyers go to dealers with a good reputation, and dealers try to feel out new customers to make sure they aren't dangerous, or cops. It is the risks of dealing that push black-market prices higher than their open-market counterparts. Dealers factor in the risks of their business tacitly, without formal T-balance accounting. But even the greenest dealer I spoke with had some idea as to how much profit justifies how much risk.[2]

Demand for pot is generally not very price-sensitive. For a typical customer paying a typical price, the cost of getting high is about $2, less than the cost of a fast-food meal. Someone who's developed a tolerance for the weed would need about $6 worth — but that's still cheaper than a movie. As a result, the limits of what a dealer can charge are set by his competition, not his customers. And because the wholesale price of marijuana tends to be about the same throughout Chicago, retail price differences tend to be a function of transaction costs. One might expect such costs to be relatively uniform throughout the city. Yet the price of marijuana is approximately 60% higher, gram for gram, on the North Side.

To investigate why this substantial price difference exists, I spoke to a number of dealers from different parts of the city. Two were typical: "Karen" from the South Side and "John" from the North Side.

Karen

It is rare, but not unheard-of, for women to deal pot. Like most who do, Karen started young. She sold her first nickel bag when she was 15. Now 19, she has carved a small business out of Chicago's South Side. "Business is good," she tells me. "Just last week I added another worker. That makes three."

Karen earns approximately $50,000 a year, tax-free. For that money she works hard, often 40 or 50 hours a week. Each week she purchases one pound of marijuana, which costs her about $1,000. She (or her employees) breaks it into 500 "nickel-bags,"[3] which sell for $5 each. This makes Karen's gross weekly revenue $2,500. Subtracting the $1,000 she pays for product and another $500 for workers and miscellaneous expenses, and she is left with $1,000 profit per week.

Each of Karen's three salespeople deliver about 170 bags, for which they receive $150 per week. A good worker can make 15 deliveries per hour, which puts his salary at $12 to $14 an hour. This is significantly more than could be made flipping burgers, but these street-level dealers are the ones most often exposed to cops and random violence.

Karen has little first-hand contact with her customers. Each link in the

selling chain knows only the person directly above or below him. This way, if one link gets busted the others are insulated. But despite subordinating the riskier aspects of the operation to her employees, Karen has had her scrapes with the law. On several occasions, police officers have taken money from her during random searches. "They ain't never found product," she says. "I'm smarter than that. But once they took near two grand from me. That was stupid. Should never have been carrying around that much."

Karen figures her odds of spending a year in jail are one in ten for every year she deals. How bad would spending a year in jail be? Having spent a few days in jail before charges were dropped, Karen figures $200,000 would be enough compensation. Multiplying her perceived odds of spending a year in jail with her required compensation gives her a legal risk of $20,000.[4]

Karen also faces the threat of dealing-related violence. She downplays this: "No, man, selling pot ain't like that. Nothing's ever happened to me.

Karen opposes legalization. "Hell, no!" she explains. "That would put me out of business!"

My brother, he was into some serious shit. They gave him pumpkin head." Pumpkin head? "That's where they punch you and kick you in the head until it swells all up. Like you got this big melon on your shoulders." Karen laughs and shakes her head. "Man, they fucked him up. But I stay away from that shit."

Accordingly, Karen sees her odds of falling prey to dealer-related violence as "only" one in 250 per year of selling. It is hard to get her to estimate what might be fair compensation for such an attack, considering the result could be anything from a black eye to a bullet in the head. Karen says $100,000 might be enough for an "average" attack. Given this figure, her required compensation for physical risk is $4,000 a year.

Finally, consider Karen's opportunity costs. She has a high school diploma, unlike most of her peers. But a diploma from a Chicago public school, especially one on the South Side, is only worth so much. If she put all the energy she now gives dealing to "goin' legit," Karen figures she could make $20,000 a year — and that's only if she's "lucky" enough to land a factory job. So, including these opportunity costs, the total price of dealing is $44,000 per annum.[5] Since she makes $50,000 a year dealing, Karen realizes a $6,000 surplus for selling pot. Economically speaking, selling on the black market is her most rational choice.

Karen opposes legalization. "Hell, no!" she explains. "That would put me out of business!"

John

John deals pot on Chicago's North Side, primarily in the yuppie-dominated neighborhood of Lincoln Park and the artsier Wicker Park. A college friend turned him on to marijuana, then turned him on to dealing. For John, this is strictly a part-time job: a way to pay the bills, pay some of his college tuition, and fill his CD racks.

"If things get dangerous, I'll just quit," he says. "But unless they do, it's like, why not? Easy money."

Every two weeks, John buys a quarter pound of marijuana. This costs him $300, or $200 more per pound than Karen pays. Most dealers offer strong financial incentives to buy in mass quantities, because, as one dealer put it, "The fewer deals you need to unload your stash, the fewer chances for things to get fucked up."

From the quarter pound that John gets, he makes 100 nickel bags.[6] This is fewer bags per pound than Karen. But then, John sells his bags for twice as much — $10 apiece. John has no workers to deliver the goods; he does all the selling himself.

John's customers are drawn from his circle of friends. Most of the transactions take place over the weekends, many of them at parties. Word gets around that John is the man to go to, so he has little trouble unloading 50 bags a week. This gives him a total revenue of $500 a week, or $350 in net profits.[7] Since John deals 40 weeks a year, his business brings in $14,000 a year. Tax-free.

Now consider John's costs in terms of perceived risk. He figures his chances of spending a year in jail at one in a thousand for every year he deals. At first John insists that "no amount of money" could compensate him for spending a year in jail — "I've heard stories, man. . . . I don't know if they're true, but I don't want to find out." So I bargain with him.

"Would you spend a year in jail for a million dollars?" I ask. He shakes his head. But when I get to $2 million, John says that might make a year in jail worth his while. This puts his legal risk at $2,000 a year.

John sees the risk of drug-related violence as small. He estimates it at one in a thousand per year as well. However, since John has less tolerance for pain (or death) than Karen, an average attack might hurt him $500,000 worth. So it takes $500 a year to compensate John for the physical risk he takes.

Clearly, if John has the stomach for it, dealing is his best economic choice.

Finally, consider the opportunity costs of dealing. With his current level of education, John thinks he could get a part-time job making $8 an hour. If he spent 16 hours a week at a job instead of dealing, he would make $128 a week, or about $100 take-home. At the same 40-week-per-year rate, dealing has an opportunity cost of $4,000 in lost wages per year. Of course, if John gets caught, that might reduce his future earnings. But even if his future wages dropped $1 million upon conviction, that only adds another $1,000 to the opportunity costs of dealing.[8] So the total cost to John of dealing is $7,500 — or $6,500 less then the amount he makes dealing.[9] Clearly, if he has the stomach for it, dealing is his best economic choice.

Accounting for Differences

We have seen how it is advantageous for John to sell nickel bags at $10 a pop, and also worthwhile for Karen to sell them at $5 each. But this still doesn't fully account for why the prices are different. After all, if

Chicago were all one market, everyone would get the same price for an equal-sized quantity of marijuana.

But Chicago isn't one great big market. It is one of the most segregated cities in America, both racially and economically. Even though Karen and John live only miles apart, they live in very different worlds. In some North Chicago areas, the average annual income approaches $90,000. In the Southside area where Karen operates her business, it is less than $2,000.[10] Continuous poverty tends to cheapen the value put on life. For many who spend their lives "trapped" in the ghetto, opportunities to earn $50,000 per year are few. Dealing drugs offers, to those willing to take the risks, immediate and tangible benefits.

Economists would call dealers like Karen "risk-loving," because it requires little (monetarily) to get her to risk her life. Likewise, John would be considered "risk-averse," since he would quit dealing if it weren't twice as profitable as his next best alternative. It is these disparate risk profiles — and, hence, varying transaction costs — that contribute most to the difference in prices.

Additionally, competition on the South Side is fierce. Customers are more likely to shop around because they aren't buying from friends, and because the marginal cost of money is high to them. An extra dollar means a lot to someone making $40 a week. Northsiders are inclined to stick to dealers they know, even if the price is a little steep, because they fear the police more than they fear running out of cash.

There is also a difference in the social status of dealing. On the North Side, few are impressed by one's willingness to skirt the law. On the South Side, many are. Because merely surviving in the projects is hard, those willing to "do whatever it takes" to get by are viewed more positively. It is hard for those who see police as oppressors to be upset with nonviolent criminals.

Other factors help keep prices on the South Side low. Over 100,000 people live in Robert Taylor Homes, a series of concentrated high-rises. It is a highly compressed market, so economies of scale can take effect. And Southside dealers form stronger attachments to their jobs. They are less inclined to quit, even if profits fall or risks increase. For John, dealing is a way to make extra cash; for Karen it is a way of life.

In some North Chicago areas, the average annual income approaches $90,000. In the Southside area where Karen operates her business, it is less than $2,000.

This still doesn't explain why Northsiders don't carpetbag their way south for cheap bags of pot, or why Southside dealers don't head north for higher profit margins. The reason for the former is that most whites have no desire to visit the projects. This may be just as well, as their chances of being mistaken for police or getting shot are high.

Southsiders remain so because that is their world. Selling pot on the North Side is done through friends and connections; you have to know people to do it. It would be hard for a black Southsider to set up shop in the North. Even if he could make the necessary connections, he would be regarded by police as an automatic suspect.

Still, where there are profits to be made, there are bound to be profiteers. I met one such man: "Eric." He lives on the North Side, but has Southside friends who are black. Some of these friends deal. Eric purchases bags from them, already packaged and ready to sell, then makes the ten-minute drive back up to Lincoln Park. He even has a section of his car removed for hiding the goods. The result: quick profits, little work, and very little risk.

There aren't enough Erics out there to induce arbitrage and cut the price differential between the two markets. So for now, those willing to be color-blind will find there are definite economic advantages to dealing on the black market, as well as the white. ❑

Notes:

1. A "nickel" bag of pot is supposedly equal to one-twentieth of an ounce, or 1.4 grams. Similarly, a "dime" bag is one-tenth of an ounce, or 2.8 grams; and a "quarter" is one-fourth of an ounce, or seven grams. However, all these weights are theoretical. Most dealers understuff their bags, especially after they have established a firm marketplace.
2. It is important to note that dealer compensations are based on perceived, not actual, risks. If dealers underestimate the risks associated with selling, prices will be "artificially" low. If they overestimate the risks involved, costs will be "artificially" high. This is similar to a construction worker who under- or overestimates the physical risks of his trade. Either way, the compensation they require will depend on perceived risks.
3. This is equivalent to one-thirtieth of an ounce, or one-third less than a "real" nickel bag would weigh. Karen tells me she can get away with this because her brand is very fluffy, and so the bags look packed even when significantly understuffed.
4. To figure out risk compensation in monetary terms, multiply the odds of a bad event happening with the cost, to that person, of such a bad thing happening. In this case, the legal risk equals one-tenth (the odds of imprisonment) times $200,000 (the amount of money needed to make Karen indifferent to spending a year in jail), or $20,000.
5. This figure is obtained by adding $20,000 legal risk plus $4000 physical risk plus $20,000 in opportunity costs.
6. This means John's nickel bags contain 1.14 grams of pot, or 13% less than a true "nickel."
7. Fifty bags at $10 is $500 profit per week, minus the $300 he spends on supply per two weeks, and you have $700 profit per two weeks, or $350 a week.
8. This figure is from the previously mentioned one in 1,000 chance of conviction multiplied with the $1 million in opportunity costs such a conviction would impose.
9. This figure is obtained by adding $2,000 in legal risk plus $500 in physical risk plus a total of $5,000 in opportunity costs.
10. These data can be found in a study of the 1990 census data done by Pierre DiVise, Director of Demographics at the Institute for Metropolitan Affairs, a research institute associated with Chicago's Roosevelt University.

Quibble

When Will It All End?

by David Ramsay Steele

This is not the end, my naive friend.

You might suppose — but you would be wrong — that the following is the least controversial statement in *The Bell Curve*: "The factory worker seldom lives next door to the executive, and this was as true in 1900 as in the last years of the century."

The authors evidently believe that there is a "century" which began in 1900 and is currently in its final few years. Now, since *any* consecutive 100 years *may* legitimately be called a "century," there can be no objection to a century beginning with 1900 and finishing with 1999. But, contrary to what most people think, that century is not the twentieth of our era.

In truth, the twentieth century began with the year 1901 and will expire at the *end* of the year 2000. 1900 was precisely the *last* year of the *nineteenth* century. Yet a few months ago, in 1994, I heard a speaker address a large gathering with the words: "There are now less than six years to the end of the century." There was no murmur of dissent from the audience, except me, so it is safe to infer that the listeners accepted the speaker's supposition that 1999 would be the final year of the present century.

An informal poll of my acquaintances corroborates my impression that most people think the decade, the century, and the millennium end at midnight on December 31, 1999. I have even heard that some folk have already begun preparations for riotous carousing culminating at that time, as recommended by Prince with his admonition to "party like it's 1999."

The present decade, the twentieth century, and the second millennium do indeed end at the same moment — but that moment is midnight on December 31, 2000, a year later than most people imagine. The first day of the new century and of the new millennium is January 1, 2001. If you don't quite see this immediately, please pay attention.

There is no Year Zero in our calendar — the ancient Romans and Greeks, unlike the Aztecs and the Hindus, never discovered Zero, though there is no reason to suppose that they would have named a year Zero even if they had hit upon the concept, for Zero is not a counting number; counting starts with One.

The year 1 B.C. was immediately succeeded by the year A.D. 1. If the first year of our epoch (the supposed year of the birth of Christ) was year 1, then the first decade ends at the end of year 10, the first century at the end of year 100, the first millennium at the end of year 1000 . . . , and so on.

Two factors often muddle people's thinking on this topic. The first is that they easily tend to become sidetracked into questions of the origin of the calendar: how, when, and by whom the years were fixed, whether Christ was really born in year 1, and so forth. All this history is completely immaterial. It would make no difference if the calendar had been composed yesterday or if Jesus Christ had never existed as a historical personage (as has been argued ably and at length by G.A. Wells). What matters is how the years are calculated now, and by that reckoning the twentieth century finishes at the end of 2000 A.D.

There is, however, one interesting offshoot of that question. If Jesus actually was born on December 25, then one might expect the calendar year to begin and end on that date. Since this isn't so, the nearest approximation would be to count the January-December year after the birth, the year 2 A.D., as the "truest" year 1. In that case, the twentieth century and second millennium of our epoch would end on December 31, 2001, and the first day of the new century and millennium would be January 1, 2002. Counting Christ's fetal life would make the approximation to 1 A.D more accurate, however, so some prolifers might care to use the calendar as

evidence for their position — though very few Christians would now care to defend December 25 as the historical date of Jesus's birth (according to the story, the shepherds were out on the hillside at night, which seems unlikely in mid-winter).

The other confusing factor is to think of years by analogy with a person's age. Somebody who has just passed his fortieth birthday is said to be "40 years old." The fact that the current year has the name "1995" may be thought to mean that the era is 1,995 years old, in which case it would be in its 1,996th year. *Then* the twentieth century would indeed conclude at the end of 1999.

The key point here is that it is merely a fortuitous aspect of our language that a person who has just had his fortieth birthday is said to be "40." He has completed 40 years, and he is in his forty-first. The language could just as easily have evolved to refer to his age as "41," because he is in year 41 of his life. Some languages, I am assured by a linguist of my acquaintance (Jim McCawley), actually do this. Dr. Samuel Johnson somewhere refers to the newfangled locution of "40 years old," as replacing the formerly prevalent "in his forty-first year."

The question, then, is: Does the year 1995 A.D. mean that the era is 1,995 years old, or does it mean that the era is in its 1,995th year? The correct answer is the latter. The designation "1995" does not mean that 1,995 years have been completed and we are now on the 1,996th. It means that 1,994 have been completed and we are now on the 1,995th. This is even suggested in the traditional Latin form: *Anno Domini*, the year of the Lord, not the rounded-down age of the Lord.

Consider a car odometer reading. When "02000" appears, then two thousand miles have been completed — that's true. But during the first mile the reading was zero-point-something. If fractions of a mile were omitted, and the first mile was designated "Mile One," or 00001, then two thousand miles would be completed at the point when "02000" flipped to "02001." This is the way that calendar years are reckoned.

What can we expect as we approach the end of the year 1999, which so many people wrongheadedly believe to be the conclusion of the decade, the century, and the millennium? There will no doubt be an ideological battle between a discerning elite, who understand that the end arrives at the completion of 2000, or will soon acquire such an understanding through little communications like this one, and a benighted mass, who cling to the theory that century's end occurs at the close of 1999.

The unreflective take this position because they are easily impressed by superficial appearances. They have spent their lives denominating the years with a "19"; suddenly, there's a switch to "20." Pow! This must be the beginning of something truly momentous!

As 1999 approaches, I expect that organs of extraordinary percipience like *Liberty* will try to explain the true state of affairs, while *The National Enquirer* will take no notice, and blithely "celebrate" the beginning of something or other at the end of 1999. In between, there is a range of levels of sophistication, encompassing the *New York Times* and *Harper's*, and it's difficult to say how the battle will play itself out.

Humankind being the way it is, the end of the millennium will doubtless be heralded by chiliastic excitement among various religious and political sects, eventuating in dotty, and occasionally atrocious, public gestures. It will be sadly fascinating to see how many of these enthusiasts get the date wrong, along with everything else.

There is one apparent loose end. *Decades* are never referred to in a way analogous to the correct usage for centuries and millennia. I have never found anyone willing to include 1930 in the Roaring Twenties, for instance, or to exclude 1920, and it doesn't seem right to recommend such a locution.

Although this may look incongruous, it is easy to reconcile with correct usage. Remember that "a decade" or "a century" or "a millennium" can begin *at any time*, depending on the purpose of the reference. Thus, the decade from January 1920 to December 1929 is just that — a decade. There is nothing wrong with labelling such a decade by reference to the fact that each of the years has the phonic component "twenty" in its name. It's no more a mistake than employing the expression "the teens" to refer to those years in an individual's life which have the component "teen" in their names, a fortuitous usage which could have no counterpart in most languages.

But when we talk about the *twentieth* century, we go along with the view that the century in question is twentieth in a series of centuries, and what could this mean other than that it is the twentieth century of the conventional calendar? And surely the same implication is conveyed by referring, as Herrnstein and Murray do in *The Bell Curve*, simply to "the century."

It's perfectly okay, on the other hand, to refer to the decade 1920–29 as "The Twenties." But we should bear in mind that The Twenties are not the third decade of the twentieth century — *that* decade began at the *end* of 1920, when the decade known as The Twenties was exactly one year old.

In just the same way, you may want to celebrate the end of the "nineteen hundreds" as we move from 1999 into 2000. But the tenth decade of the twentieth century, the twentieth century itself, and the second millennium will all pass into history at midnight on December 31, 2000. Against that moment, save the costliest wine, the wettest kisses, and the brightest fireworks. ❑

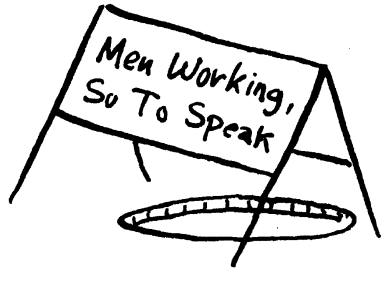

Reviews

Conquest: Montezuma, Cortés, and the Fall of Old Mexico, by **Hugh Thomas. Simon and Schuster, 1993, 834 pp., $30.00.**

I Left My Heart in Tenochtitlan

Stephen Cox

On November 8, 1519, Hernán Cortés and his Spanish expeditionary force arrived at the Aztec capital of Tenochtitlan. They were greeted by the Aztec nobility at a place on the outskirts of the city called Malcuitlapilco, which means "the end of the file of prisoners." In 1487, when the Aztecs inaugurated the Great Temple in Tenochtitlan, a line of prisoners waiting to be sacrificed on the city's pyramids had reached this point. It was two miles to the Great Temple, and there were four such lines of victims.

You can see them there, young men standing in the sunlight in the great city built on an island in the great lake of Mexico, a name that means "in the navel of the moon." The sky was blue above them, and the two lofty volcanoes, Iztaccihautl and Popocatepetl, rose in the distance. Throughout the day, the young men waited in line for the blood-caked priests of Huitzilopochtli, god of the sun and the chase, to rip their hearts out and roll their bodies down the sides of the pyramid so that they could be dismembered and eaten. At the foot of the Great Temple, a carved stone was set in the pavement; this stone was called "Huitzilopochtli's dining table."

The interest of the Aztecs can never fade; the story of their conquest by the incredible strangers who came from beyond the sea can never lose its romantic power. The highest recommendation of Hugh Thomas, author of the latest recounting of this story, is that he understands this power and communicates it vividly, never letting the main features of the story be obscured by his exhaustive research, his judicious weighing and balancing of rival interpretations, or his knowledge of how the story might be viewed from the standpoint of modern moralists.

It's not that Thomas relaxes into amorality. He leaves no doubt that both the Aztecs and their Spanish conquerors were morally vile beyond the vilest imagination. He spends no time trying to make a relativistic "case" for any of them. But he succeeds, somehow, in preserving whatever was beautiful, courageous, or simply curious about them. Even after the Emperor Montezuma had been taken into custody by the Spanish, Thomas explains, the captive

> continued to seem to rule. He had his baths, his elaborate meals, the constant presence of his superior chiefs, his discreet meetings with his special women. He as usual rose at midnight to observe from the roof of the palace the North Star and the Great Bear, the Pleiades and other constellations, and to offer his blood to them. He saw innumerable suitors, and nominated judges, taking care that "they were not drunkards, nor likely to be bribed, nor to be influenced by personal considerations, nor impassioned in their judgements." . . . Jesters continued to tell Montezuma jokes, "laugh-giving and marvellous jugglers" made logs dance on the soles of their feet, maimed dwarfs leapt and danced, while singers performed to the accompaniment of flutes, drums, rattles and bells. Sometimes Montezuma would visit his zoo, and see the jaguars, the ocelots, and the deformed humans. (pp. 310–11)

Thomas loves the Aztec poetry, which is one of the world's artistic treasures. "Ponder this, eagle and jaguar knights," wrote King Nezahualcoyotl:

> Though you are carved in jade, you will break;
> Though you are made of gold, you will crack;
> Even though you are a quetzal feather, you will wither.
> We are not forever on this earth;
> Only for a time are we here. (30)

The Spanish, greedy and cruel, dirty and stinking in every respect, are not nearly so picturesque as the Aztecs. But Thomas lets them live, too. He sees the Spanish both from the Aztecs' perspective and from their own, conditioned as it was by strange legends and legalisms, complex family and community relationships, odd results of Spain's recent assimilation to something called the Holy Roman Empire, memories of Spain's recent struggles against Islam. Thomas also illustrates some effects of the weird and imperfect merging of the Aztec world with the Spanish.

Tecuichpo, a daughter of the sixth Aztec emperor, married in succession the seventh and eighth emperors and three Spaniards. Of her a sarcastic poet sang,

> Who are you, sitting beside the captain-general?

Ah, it is Doña Isabel, my little niece!
Ah, it is true, the kings are captives. (542)

It is interesting to reflect on the fact that noble descendants of Montezuma ended up in Spain, where "the family of the counts of Moctezuma survived many generations" (594). In Mexico, pork became a favorite dish of the former Aztec nobility, "since it had a slight taste of human flesh" (578). Thus Thomas twitches the curtain and allows a glimpse of the conquest's strange afterlife in the two countries that before 1519 had never dreamed of each other's existence. Speculative fiction could hardly improve on history.

Even more interesting are the glimpses that Thomas provides of the history that preceded the conquest. One wishes, indeed, that he had provided more than glimpses of the formative period of the mighty yet strangely brittle Aztec empire, which was not nearly so old and venerable as one usually imagines an "empire" to be. Only as recently as 1428 had the Aztecs become independent of the Tepanecs, one of those nearly indistinguishable neighboring peoples who never achieved a rendezvous with destiny. Having won independence, the Aztecs conceived the idea, as Thomas puts it, that they were "'a chosen people,' with a mission, whose purpose was to give to all humanity the benefits of their own victory" (10). In other respects besides their cruelty, the Aztecs were not so different from the Spanish.

Chief among the benefits that the Aztecs wished to confer on humanity was the imperial religion, centering on Huitzilopochtli, "Hummingbird on the Left" (or south, where the sun is). Human sacrifices were traditional in Mexico, but mass human sacrifice seems to have been an Aztec innovation. In fact, it may have been the invention of one man, the evil genius of Aztec history, Tlacaelel, a general and member of the royal house. For five decades (c. 1430–c. 1480) Tlacaelel was the chief political force in Mexico. When a movement arose to elect him emperor, he responded contemptuously, "I am the ruler and you have regarded me as such. How can I be still more of a ruler?" One of Tlacaelel's methods of consolidating his rule was to take the Aztecs' pliable history into his own hands. He ordered the destruction of all their records, so that henceforth he could make things up to suit himself.

After the Aztecs had subjugated or terrorized almost all their neighbors, opportunities of acquiring prisoners of war to be used for sacrifice greatly diminished. With his characteristic directness, Tlacaelel therefore arranged the so-called Wars of Flowers, mock battles in which the Aztec army "fought" neighboring states for the sole purpose of taking captives to be sacrificed. This strategy had the effect of rationalizing what Tlacaelel pictured as a market for sacrifice, a market in which prices had ordinarily been high:

> Just as men go to the market to find their warm tortillas . . . our god come[s] to market with his army, to buy sacrifices and human beings, which he can eat; our people and our armies must reach this market in order to buy with their blood, their hearts, their heads and lives the jewellery, the precious stones, and the beautiful feathers required for the service of Humming-bird on the Left the wonderful.

The Spanish, greedy and cruel, dirty and stinking in every respect, are not nearly so picturesque as the Aztecs.

The Wars of Flowers made it possible for Hummingbird on the Left to get "warm food which has only just left the oven" and to get it "whenever [he] might desire to eat and to enjoy himself."

Thomas' main object, of course, is to describe what happened when the Spanish finally showed up; he hasn't space, even in this long book, to provide a full account of the Aztecs' instructive past. (In fact, the remarks of Tlacaelel that I just quoted can be found in the work of another author, Friedrich Katz, *The Ancient American Civilizations*, trans. K.M. Lois Simpson [New York: Praeger, 1972]: 175, 164, 169.) If space permitted, Thomas might also have provided more theoretical reflections about what happens when political systems collide, as they did in Mexico in 1519. But while the lack of any particularly new or startling theory is regrettable, it will provoke few readers to paroxysms of grief. Most people are sick and tired of "theory" in the humanities; they are willing to take the facts and let the theory go. Thomas has a wealth of facts and a becomingly modest theory. He attributes the Spanish success to a number of predictable causes.

Compared to the Spanish, the Aztecs were pitifully limited in technology: no wheeled vehicles, no draught animals to pull those vehicles even if they had existed, no steel, no guns, no candles, no pulleys, no *nails*, no ships of war. (Few people realize that one of the greatest feats of the Spanish invaders was the building of ships with which to attack the Aztec capital on its lake.) Huitzilopochtli was not the God of the Machine. Another thing the Aztecs lacked was smallpox and other European diseases; Thomas claims that they had never encountered a viral disease (444). Biology exacted a terrible toll on native people.

The Aztecs were even more severely damaged by their social and intellectual system. They had difficulty escaping their belief that battles should be fought, not to kill people right away, but to take captives who could later be sacrificed. The Spanish went to work more efficiently; they meant to eliminate their enemies, and they did. They also found willing allies. The Aztecs' high-handed imperialism raised intense resentments among their neighbors, some of whom were very happy to help Cortés with the dirty work.

Cortés enjoyed certain freedoms that the Aztecs lacked. He had a way of wiggling out of the restrictions that his home government liked to impose. He and his followers were the kind of people who exercised a good deal of personal initiative, or they would never have found themselves in Mexico in the first place. Once there, they needed initiative and innovation in order to survive. But the Aztecs' addiction to traditional customs and formal and centralized authority rendered them the victims of any unprecedented event. They were used to fighting wars of only a few days, and to fighting only in the daytime. They were slow to organize a popular resistance movement when the Spanish boldly insulted their

gods, liquidated their important citizens, and kidnapped their emperor for use as a puppet. Thomas observes that although such events discredited Montezuma in the eyes of his people,

> the result was that there was a vacuum of power among the Mexica. Most of the alternative leaders of the people had been killed. No one could take the initiative to find a new ruler. The tradition, in a rule-bound society, did not exist for improvisation. (397)

When the remains of the Aztec nobility finally woke up and started to reorganize, Cortés was in serious trouble. He had to fight long and hard, first to escape from the Aztec capital and then to retake it. Thomas' careful account of this struggle indicates that Cortés and all his followers might easily have wound up on Huitzilopochtli's dining table; some of them did wind up there. But the vastly outnumbered Spanish invaders would have had no chance at all of conquering the Aztec empire if the technical, intellectual, and political structure of the empire had not been terribly weak.

Many generalizations might be drawn from this fact, and many political and sociological sermons might be preached about it. Thomas is slow to generalize and has no tendency at all to preach. He indulges a few interesting speculations. He suggests, for instance, that if the Aztecs had succeeded, as they might have, in killing off the first invading force, they might have been able to adapt enough European technology to resist succeeding forces. They might have anticipated the adaptive strategies of the Meiji regime that maintained Japanese independence in the nineteenth century (601). After all, the plains Indians would later learn to use guns and horses well enough to pose a considerable problem for the U.S. Army.

It should be noted, however, that they didn't win. Effective use of technology depends on the existence of a social and political system that can give it good material support and allow it to be directed with appropriate flexibility. The best support is a free and productive political and economic system. Sixteenth-century Spain was certainly no miracle of free enterprise, but it appears to have been much more productive and flexible than the Aztec empire.

Thomas' speculations remain provocative. For the most part, however, he sticks to his story — thus offering an example of soldierlike good conduct to his fellow historians, many of whom, oddly enough, make careers out of sneering at historical narration. They apparently believe that a concern with human action (as opposed to "theory" or social statistics) is the mark of an unscientific mind. But if you have a story as good as the Conquest, all you really need to do is to get the story right; and Thomas seems to have done that.

His book is not without its annoyances. He has not found a way of making most of Cortés' comrades seem worth remembering as individuals. Thomas' book contains too many lists of names that remain just lists of names, and he sometimes builds up a character without providing adequate (or any) information about what finally happened to him. Thomas' prose is often colorful, sometimes eloquent, and always accessible, but it is too frequently marred by petty syntactical errors and editorial lapses. His maps offer much less help than the reader has a right to expect.

But Thomas knows what is interesting, what is important, what is magnificently worth wondering at in his central story. His book will undoubtedly be superseded one day, but that day will probably be a long time coming. ❑

***A Second Mencken Chrestomathy*, by H.L. Mencken, edited by Terry Teachout. Knopf, 1995, 491 pp., $30.00.**

The Libertarian Iconoclast

Max Schulz

Henry Louis Mencken cemented his status as a national icon in 1949 with the publication of *A Mencken Chrestomathy*, a collection of writings over the course of a half-century. The *Chrestomathy* (a fancy word for anthology Mencken insisted upon) inhabited the bestseller list for a long time, and the Sage of Baltimore, having much capital material left over, decided a sequel was in order. But the debilitating effects of a stroke he suffered in late 1948 derailed the project. When death called in 1956, H.L. Mencken went to his just reward, while his unfinished manuscript went to oblivion.

Enter journalist and scholar Terry Teachout. While working on his biography of Mencken, Teachout stumbled on the lost manuscript. He whipped it into shape, paring here and trimming there; the result is *A Second Mencken Chrestomathy*. The publication of the book comes, ironically, just as Baltimore's *Evening Sun*, Mencken's home for four decades and our last institutional link to him, announces its plans to close.

For those too young to remember him: Mencken was a swashbuckling journalist who can legitimately lay claim to the title of America's greatest newsman. As editor of *The American Mercury* and *The Smart Set*, author of numerous books, and anchor of the *Evening Sun*, Mencken penned essays, criticisms, reports, and reviews that helped shape America's opinions throughout the first half of this century. To a large degree, they still do.

The virtue of the new book lies in the intellectual legacy it exposes to new

generations of readers. Though Mencken is known today chiefly for his acerbic wit — and there is wit aplenty in these pages, as when he dismisses the Zeppelin as "a floating sausage" — he also displays here a distinctively libertarian philosophy. The reader picking up Mencken for the first time will be amazed at the substance of his arguments, and at a facility with ideas that matches his mastery of words.

To the iconoclast — and H.L. Mencken ranks as perhaps the most effective iconoclast of the twentieth century — few targets loom as large as government. Where many would have settled for merely criticizing the latest government boondoggle or misappropriation of taxpayer funds, Mencken was far more radical. "The only way to make a government tolerant, and hence genuinely free," he wrote, "is to keep it weak." Mencken never shied from engaging the reader in thoughtful sparring over government's roles, responsibilities, and limits.

"The only way to make a government tolerant, and hence genuinely free," Mencken wrote, "is to keep it weak."

Mencken was against many things and many people — moralists, uplifters, proselytizers, golfers, politicians, imbeciles, socialists, and clergy, and their varied and sundry causes. But more important, and instructive, than any of his attacks is the idea in which he invested his faith. What was Mencken *for*?

"I believe in liberty," he wrote. "When I say liberty I mean the thing in its widest imaginable sense — liberty up to the extreme limits of the feasible and tolerable. I am against forbidding anybody to do anything, or say anything, or think anything, so long as it is at all possible to imagine a habitable world in which he would be free to do, say and think it."

He proudly believed in no causes, no religions, no fads, no ideas — except liberty. Few have been as eloquent in championing freedom as H.L. Mencken. "The burden of proof, as I see it, is always on the policeman, which is to say upon the lawmaker, the theologian, the right-thinker." Such statements are remarkable considering the period in which he wrote, the first half of a century of statism. Mencken bravely fought the collectivist nostrums of his day, adroitly pointing out the inconsistencies that tatter the fabric of socialism.

When Ludwig von Mises began writing for English-speaking audiences, following his 1940 flight from the Panzers overrunning his native Austria, he made a compelling argument about why so many people dislike capitalism. "Everybody knows full well that there are people like himself who succeeded where he himself failed," he wrote in *The Anti-Capitalist Mentality*. "Much worse, he knows that all other people know it, too." Writing decades earlier, Mencken sounded similar themes. "The central belief of every moron is that he is the victim of a mysterious conspiracy against his common rights and true deserts." Elsewhere he added, "I do not pity [the poor], and do not believe in their common plaint that they are the victims of cruel and inexplicable circumstances. I have yet to meet one who did not show plain evidence that external circumstance had little, if anything, to do with his condition. The blame, so far as my experience runs, always lies within. . . . His poverty, nine times out of ten, is not due to a lack of opportunity, but to a shirking of opportunity."

Mencken didn't exactly presage the arrival of Austrian economics in the U.S. Many of his writings gave no hope for capitalism, and he refused to credit the free market with an ability to create and distribute wealth. His endorsement of freedom arose from his belief that liberty is something with intrinsic value, to be cherished for itself and not as the means to creating a better world.

Liberty, then, is everything and the only thing. Mencken lampooned the Comstockians and Prohibitionists who would use the state to enforce their sentiments on others. He stood fast for the notion that each person should be free to make those decisions which affect himself.

This respect for individual autonomy did not translate into a faith that autonomous individuals would always choose wisely. Mencken despised democracy, along with the politicians who would buy votes out of the public till. A blowhard and an incorrigible elitist, he was contemptuous of the masses and highly suspicious of man's ability to govern himself. Americans, he felt, do not adequately appreciate their liberty. They will happily endorse actions to restrict other people's freedoms, "especially the Liberals, who pretend — and often honestly believe — that they are hot for liberty. They never really are. . . . [They] advocate only certain narrow kinds of liberty — liberty, that is, for the persons they happen to favor. . . .The liberty to have and hold property is not one that they recognize. They believe only in the liberty to envy, hate, and loot the man who has it."

The *Second Chrestomathy* is full of cynical wit, and not always about political matters. "One hears that 'the women of the United States' are up in arms about this or that," Mencken wrote, "[but] the plain fact is that eight fat women, meeting in a hotel parlor, have decided to kick up some dust." In an essay titled "The Commonwealth of Morons," he asserts that the American stock was so low that any man who knows his trade, has read fifty good books, and isn't afraid of ghosts ought to make a fine living.

Mencken despised democracy, along with the politicians who would buy votes out of the public till.

In Mencken's compositions, there is something for everybody — to be offended by, at least. "At Sing-Sing, forty head of Italians are waiting to be executed," he off-handedly writes. Suspicious of U.S. attempts to horn in on World War II during the early part of 1940, he mocks FDR's "heroic attempt to rescue England from the law of natural selection." Sentiments like the latter drew rebuke and censorship from his editors, leading to a less-than-amicable divorce from the

Evening Sun editorial page.

Other outrages seem, on reflection, eminently reasonable. To prevent war, he wrote in 1927, let the U.S. assemble a cache of horrible armaments. "Then let it launch them against France, or some other chronic troublemaker, and proceed to give the victim a sound beating. And then let it announce that war is adjourned." I'll second that.

Presidents, artists, professors, suffragettes, police, prohibitionists — none escape the barbs of one who so despised the self-seriousness of so many. The theologian makes a mess of everything he touches, especially religion. The lawyer teaches people how to swindle without risk. The doctor prolongs the lives of people whose deaths would be a social boon. Actors and singers are merely retailers of better men's ideas.

A nastiness, or at least a benign contempt, infects the writings of the man who saw life as a circus, populated by clowns too blind to see themselves for what they really are — third-rate hucksters, morons, and knaves. Consider the perspective Mencken brought to Steinbeck's *The Grapes of Wrath* ("a sugar-teat for the intellectually underprivileged"). The family of sharecroppers, he writes, "having afflicted the soil for years and gone further and further into debt, is finally chased off its so-called farm by its owner, who puts in tractor crews in an effort to get at least a part of his money back." With one sentence he successfully undoes the work of thousands of glassy-eyed high school lit teachers. What could be more valuable? ❑

***Radical Surgery: What's Next for America's Health Care*, by Joseph A. Califano, Jr. Times Books, 1994, 316 pp., $25.00.**

Cosmetic Surgery

Mark Rembert

Former LBJ aide Joe Califano had considerable influence on the establishment of Medicare and Medicaid, and later served as Jimmy Carter's secretary of health, education, and welfare. One might therefore expect his new book, *Radical Surgery: What's Next For America's Health Care*, to be a work full of bold and original ideas from a creative thinker. But one would be wrong.

Indeed, it is difficult to put into words just how orthodox Califano's thinking is. Few left-liberal causes go unchampioned. Cigarette companies are "sinister," gun control is a "health care concern," and "universal health insurance is an imperative of social justice." He goes so far as to suggest that the L.A. riots were caused by alcohol. And yet, like many a New Democrat of recent vintage, he is unrelenting in his calls for "personal responsibility."

It is here that Califano misses his greatest opportunity for genuinely radical thinking. His baby, Medicare, the crown jewel of the Great Society, is a superb example of the defeat of individual initiative by collectivist government. And while Califano does concede some of its faults — its arbitrary and below-market fee schedules, its byzantine rules, its stifling paperwork requirements — he ignores its most significant flaw. If anyone expected the author to pull a Robert McNamara here, I'm sorry: there is no *mea culpa*. Califano still thinks the basic concept of

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nationalizing the health insurance of the population over 65 years of age is sound. He simply cannot grasp that Medicare is structured to *destroy* individual responsibility.

The government's program undermines responsible behavior in exactly the same way the private insurance market does. Both feature low deductibles, subsidized premiums, and few incentives for patients not to seek treatment for anything. Just as Medicare patients can and do receive extremely expensive treatment in the final months of life for terminal conditions, so too are the privately insured more likely to seek expensive treatment — say, elective surgery — in a year when a deductible has been met. Just as the Medicare patient receives a premium subsidy in the form of the taxes paid by everyone else, so too does the private worker receive a similar subsidy in the form of the federal tax deduction allowed his employer. And just as Medicaid patients commonly queue up at the emergency room for runny noses and headaches, so too will a private customer with "good" insurance (low deductible, maximum discretion) self-diagnose and seek out a specialist for care that may be entirely inappropriate — something a less expensive internist could have easily determined. In each case, the disconnection of the customer from the cost of the commodity results in a perverted market.

Yet Califano sees no inconsistency in expecting a patient whose bills are paid by a third party to act as though he pays them himself. Calling his proposals a "cultural revolution" (with no discernible irony), Califano would propagate the perverse culture of insurance by mandating that all coverage, public and private, pay for primary and preventative care — with doctors, patients, and taxpayers already bearing the immense administrative costs of filings for routine treatment. And he proposes this in the name of cost containment!

As one progresses through the book, the novelty of this goofy sort of thinking fades, for Califano employs it over and over. He observes that the threat of malpractice judgments escalates costs by giving doctors an incentive to overtreat. But then, rather than suggesting steps that might mitigate this problem, he would exacerbate it by "[t]urning the potent incentives of the malpractice system and professional decertification toward providing preventative care." In other words, "Doctors who do not provide preventative services and counseling should be held accountable for malpractice when patients get preventable diseases." Imagine a system in which a stroke victim could sue his doctor for failing to persuade him to exercise and eat less fat. Could this *possibly* restrain medical costs? Incredibly, Califano proposes this in the name of greater individual responsibility.

Incorporating routine care into the insurance system has all the same efficiencies as using homeowner's insurance to pay the electric bill.

Califano may speak often of patients' obligation to manage their own health wisely, but he doesn't seem to trust their ability to do so. Nowhere does he advocate that routine care be shopped and paid for by the patient, thus allowing consumer choice to impose market discipline on health care. Instead, he discusses cost choices in terms of expensive care for terminal patients. Let the patients and their relatives choose the amount of aggressive treatment they wish, he argues, mindful of cost and quality of life. This is fine, as far as it goes, but in the context of our insured society, he's got it exactly backwards. What should be taking place is a return to true insurance, where only catastrophic expenses out of the normal range of expectation are covered. Incorporating routine care into the insurance system has all the same efficiencies as using homeowner's insurance to pay the electric bill.

Some Republicans have picked up on this theme, as evidenced by the recent discussion of Medical Savings Accounts, which would allow individuals to save for and purchase routine care. But far too many members of the new Congress are willing to settle for a statist system. For though the GOP has drawn fire for its proposals to rein in Medicare costs, which opponents argue would damage the system and threaten current beneficiaries, the core of the program would remain — indeed, no politician has questioned the idea that the state should provide health insurance for the elderly. The Republicans' main change would be to save money by contracting out to HMOs. As anyone who has dealt with an HMO knows, managed care and individual choice verge on being mutually exclusive. So turning Medicare into a giant managed-care program simply means trading a system of government rules for one of HMO dictates. True, consumers would most likely be able to choose between competing HMOs, which would certainly be preferable to the single-payer arrangement that now exists, but the fundamental culture of insurance, with the state as paymaster, would remain intact.

The real shame of *Radical Surgery* is what *isn't* in it. The liberal Califano might have proposed that government require citizens to buy new health policies with a cash value, similar to whole-life insurance, so that consumers could tap into the accumulated dollars to pay for more expensive care later in life. More conservative characters might push for using the carrots and sticks of the tax code to nudge patients into so-called "whole-health" insurance, Medical Savings Accounts, lifetime HMO contracts, or a similar alternative. These are not libertarian approaches, but they would at least lead to an honest discussion about the future of the health care market and state intervention in it.

In any case, there is no hope of experiencing the increased productivity, enhanced efficiency, and cost deflation that accompanies spreading technology until the medical market is removed from government interference. This would involve nothing less than dismantling Medicaid and Medicare, privatizing the VA, and allowing individuals to buy and sell health care freely, as they do most other services. It is no real surprise that Califano considers his statist nibblings "radical," but it is a pity that, in this supposed day of profound change, so few ideas have been put forth that really would profoundly change the government's role in health care. ❑

***Telecommunications, Mass Media, and Democracy: The Battle for the Control of U.S. Broadcasting, 1928–1935*, by Robert W. McChesney. Oxford, 1993, 393 pp., $17.95.**

How the Ether Was Won

Jesse Walker

Today's cyberspace wars have a historical precedent. In the 1920s and 1930s, a similar series of battles was waged over the future of radio broadcasting. The anarchic give-and-take of the Internet, the more controlled corporate ethos of Prodigy and CompuServe and America Online, the ever-present specter of government control . . . all these had their analogs in the early days of radio. Those with hopes for a more open, less regulated electronic media would do well to study these earlier policy wars, if only to see where and how their predecessors succeeded and failed.

Unfortunately, while Robert McChesney's *Telecommunications, Mass Media, and Democracy* adds a lot to our understanding of that period, it suffers from many painful flaws. This is all the more disappointing considering the length and breadth of the author's investigations. McChesney has been diligently studying his subject since the 1980s, when it was his Ph.D. dissertation topic, and has already published many of his findings in a variety of scholarly journals. Furthermore, as a revisionist, he is especially interested in recovering fragments of this history that have escaped his colleagues' attention. Yet he takes for granted historical myths that scholars in other disciplines have exploded.

Specifically: McChesney accepts without question the traditional rationale for government regulation of broadcasting — that without federal direction, the airwaves of the 1920s were a mass of competing signals, each station interfering with another. But economist Thomas Hazlett laid this fallacy to rest in 1990, with his *Journal of Law and Economics* article, "The Rationality of U.S. Regulation of the Broadcast Spectrum." There, he demonstrated that the unregulated ether was generally orderly before the secretary of commerce deliberately induced a breakdown in 1926. And in *Freedom, Technology, and the First Amendment*, Jonathan Emord, building on Hazlett's work, sketched a convincing theory of competition-fearing broadcasters and power-hungry government officials combining to create the Federal Radio Commission.

Hazlett is mentioned nowhere in McChesney's book, while Emord's volume is only briefly cited in a footnote; it's unclear from the context whether McChesney has actually read the book or merely knows it by reputation. Either way, he never betrays any knowledge of either writer's work on the 1920s.

Reliance on government is what did the broadcast reformers in, and those fighting today's cyberspace battles are in danger of making the same error.

All this amounts to more than just an omission; it radically alters the conclusions the author draws from the facts he has gathered. McChesney sees corporate domination of the spectrum as a necessary corollary of free markets. The "broadcast reformers" he discusses who fought the emerging system all favored some level of intervention to protect nonprofit broadcasting, and many endorsed (though often only privately) outright nationalization of the industry. Of the reformers, only the ACLU recognized "public interest" regulation as a potential infringement of the First Amendment, and this only after lengthy public soul-searching. McChesney shies away from endorsing any particular reform plan, but he makes it clear that he cannot understand why anyone would link private property to freedom of speech. And he identifies "private property" with the American system, thus taking the networks' free-market rhetoric at face value — even though he knows the feds expropriated their competitors in 1928, hardly a propertarian policy. Indeed, he takes several commercial broadcasters to task for discovering the rhetoric of free speech and deregulation only *after* they had reaped the benefits of statism. Somehow, in his hands, this becomes an argument against deregulation itself.

This leads him to dismiss more recent arguments for less government control of the airwaves:

> The contemporary deregulation movement uses history selectively to illustrate the only relationship it deems significant: the commercial broadcaster, who by definition should rule the ether to make as much money as humanly possible, and the government regulator, who, regardless of intent, can only portend evil. All other aspects of U.S. broadcasting history are relegated to the margins, which is necessary to maintain the untenable "immaculate conception" notion of the origins of commercial broadcasting. This is an extraordinary bias that provides a dubious foundation for the entire deregulation argument. (p. 259)

This is a caricature of the libertarian position. I cannot speak for everyone who advocates deregulation, of course, but none of the writers I have cited in this review hold to any immaculate-conception theories. The difference is that they see the networks' power as a consequence of their political clout, while McChesney attributes it to "capitalism." Indeed, he argues that the Radio Act of 1927 (which established the Federal Radio Commission) was relatively unimportant in birthing the

corporate system; the real culprit, he argues, was General Order 40 (the FRC's program for reorganizing the spectrum, which drove so many nonprofit stations off the air). But without the Radio Act, there could have been no General Order 40!

In short, the *concept* of a top-down reorganization of the broadcasting industry seems to be all right with McChesney. It's just that a more "democratic" government could have done better.

These ideological glasses distort McChesney's view of contemporary media debates:

> Deregulationists argue that [new communications] technologies have reduced the power of the broadcast networks over their audiences and have permitted a wave of vigorous competition to enter previously uncompetitive markets . . . rendering moot traditional concerns, like those held by the 1930s broadcast reformers, about corporate domination of communications media. . . . [But] the ability of consumers to benefit by the new communications marketplace is strictly determined by how much money they have. Hence, the market will be skewed toward providing numerous choices to those with larger incomes and neglect those who are poor. (258–259)

McChesney has it precisely backwards: it is deregulation that is allowing new technologies finally to enter the marketplace, not new technologies that are allowing deregulation. Powerful governments — even "democratic" ones — are beholden to powerful private interests. That's why regulators held up some of these "new" technologies for decades: because of political pressure from the communications industry. Under McChesney's model, AT&T and the networks would have spent this period arguing for *laissez faire*. Obviously, there's something wrong with McChesney's model.

But McChesney is willing to ignore historical evidence that does not conform to his theory. "License revocation," he writes, "has been disregarded as a legitimate policy option. . . . In effect, there has been a de facto privatization of the airwaves" (249). Does McChesney really believe this? Politically connected interest groups have always used the threat of losing one's license to ensure that broadcasters conform to their programming preferences. Take this example from 1952, as described by then-FCC Commissioner Paul Walker: "[T]he Commission surveyed the programming of some of the television stations then in operation, and found that some of them had reported no time devoted to broadcasts of a religious nature. We felt in view of this fact that regular renewal of their licenses would not be in the public interest. . . . All of these stations have since been granted renewal because we have been assured either that they had in fact devoted time to religious broadcasts, or that they would do so in the future." Or consider any of the subsequent occasions in which politicians silenced their critics via the misnamed Fairness Doctrine.

None of this should be taken as a criticism of McChesney's always interesting (though often dry) historical narrative. His broadcast reformers were a fascinating collection of characters, from the respectable critics financed by the Payne Fund to the ever-cranky Harris K. Randall. With a few exceptions (the labor-run station WCFL, the ACLU), these activists were elitists, not populists, interested not so much in popular access to the airwaves as in ensuring properly enlightened programming. Many held up the BBC as their model.

Six decades later, a new generation of critics has resurrected the call for a democratic media. But some widely different platforms lie behind that common slogan. Some are calling for *open access* — deregulation of micro radio, talk radio, low-power television, the Internet, and every other medium that offers the little guy a voice. These critics have lost faith in the state's ability to enact meaningful reform. As Peter Franck and Alan Korn of the National Lawyers Guild recently wrote, media activists "cannot rely on the power of the state to get it right. This is because powerful institutions contain the built-in contradictions of centralization and bureaucracy." They went on to argue that this reliance on government is what did McChesney's broadcast reformers in, and that those fighting today's cyberspace battles are in danger of making the same error.

But other media democrats (e.g., Pat Aufderheide, the gang at FAIR) want a return to the Fairness Doctrine and other content controls, tighter regulation of the Internet, and a well-endowed (and more left-wing) Corporation for Public Broadcasting. They hate talk radio. They don't object to political correctness. What they advocate may, in some sense, be "democracy," but it is not freedom. (Interestingly, it is this group's stranglehold on public broadcasting in this country — and, more and more, on "community" broadcasting like the

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Pacifica Network, once free of both governmental and corporate largess but now increasingly reliant on both — that has driven so many of the first group into such alternative media as low-power pirate radio.)

Robert McChesney, alas, seems closer to the second position. But there's a lot in his book that supports the first. Does he know it's there? ❑

***Edmund Wilson: A Biography*, by Jeffrey Meyers. Houghton Mifflin, 1995, 554 pp., $35.00**

Triumph of the Image

Richard Kostelanetz

The prolific biographer Jeffrey Meyers reports in the preface to *Edmund Wilson* that, when he began the book, "a learned friend" commented on his subject's fading star: "He terrified every one [sic] and today his books are unread." While this biography is impressively thick and thus the most complete so far, what Meyers doesn't confront is the question of *why* the Wilson reputation has faded. Why are institutions like the New York Public Library forever sponsoring symposia on why Wilson had no successors?

For answers, look no further than the efforts of those who promoted Wilson, who were forever touting him as "the greatest mind," the greatest literary critic, known for his independence and interdisciplinary literacy. I'm thinking of Alfred Kazin, Irving Howe, Gore Vidal, and Wilson's loyal publishers Roger Straus and Jason Epstein, among others. What they share is a disinterest in critics younger than themselves (other than servile epigone). While they saw themselves as perpetuating Wilson, they didn't have enough respect for Wilson's example to recognize (let alone encourage) younger writers who likewise thought that example persuasive. Beware of any group of writers, whether literary or political, who do not encourage successors; they are finally showing more respect for their own careers than for whatever models they espouse.

Given the lack of support, it is not surprising that some of these younger literary critics turned elsewhere — think of Hugh Kenner, Hugh Fox, or John Leonard. Others became self-consciously modest academics (too many to list) or retired altogether (too forgotten to enumerate). I should add that Wilson was a hero for me when I first began 30 years ago — I owned nearly all his books, and the profiles of major American artists and intellectuals that I collected in *Master Minds* reflect his biographical approach. But I soon turned to writing about music and the intermedial arts because it was hard at that time to function as an independent literary critic. (It still is.)

Wilson's enthusiasts were so eager to repackage him in the 1950s that certain radical activities were neglected. Leslie A. Fiedler pointed out long ago that the 1958 reprint called *American Earthquake* omitted several "Communist" essays from the earlier *American Jitters* (1933) on which it was based. *Night Thoughts* (1961), which collects his shorter imaginative work, omits "The Three Limperary Cripples" (1930), a piece of James Joycean prose that would undermine Wilson's image as conservative about the avant-garde. (It can be found in *Note-Books of Night*, published in San Francisco by the Colt Press in 1942.) Wilson's *Five Plays* (1954) omits an experimental ballet, "Cronkhite's Clocks," that appeared in *Discordant Encounters* (1926). There is no acknowledgement of such deviant work in *The Portable Edmund Wilson* (1983).

Meyers' book is another of those fat literary biographies — over 550 pages in length, with photographs that are mostly familiar and footnotes that are not. I've raised this question before: Who the hell reads these grand pianos and how? My sense is that they were written to be published, within some convention of "This is the sort of book we can sell." No one expects them to be read. I find myself able to look at them only during long train/bus/plane trips (not even a day at the beach is tedious enough), always skipping ahead to parts that might be more interesting. I notice that most reviewers of such biographies focus more upon the subject than the book (as I'm doing now).

Much has been made about Wilson's failure to file tax returns between 1946 and 1955. Since I'm reviewing a biography, I must tell a personal story. I've long known an attorney specializing in tax default. Around the time Wilson's *The Cold War and the Income Tax* (1963) was published, a client with a similar problem gave my friend a copy. Unfamiliar with Wilson's name, my friend asked me if I knew him or knew about him. Only the second, I replied. "He drinks too much, doesn't he?" I've heard that, but how do you know if you've not heard of him before? "I've been in the business for a long time. Ninety-nine percent of the time when a man forgets to file several returns and honestly thinks he forgot, he drinks too much." Explaining away Wilson's book was for him that easy.

What this "unauthorized" biography succeeds in portraying is the messy life behind such neat prose — the constant moving, the infidelities, the drinking, etc. The man portrayed as highly rational and formal actually had low indulgences and unforgivable sins. Implicitly echoing a principal theme of Thomas Mann, the book finally suggests the heresy that the style might *not* be a reflection of the man, but some concoction, an artifice, that is somehow mastered and sustained in spite of all personal evidence to the contrary. This illusion, realized in collaboration with publicists, may be Wilson's principal achievement. ❑

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Booknotes

Short Cuts — A famous libertarian once told me a story, which he swore was true. It seemed that an economist, a historian, and a philosopher were talking about Murray Rothbard, all expressing great admiration for the great libertarian. The historian said, "The breadth and genius of his work is truly mind-boggling. Except, of course, for his history, which is fraught with error."

The philosopher responded, "Surely you are mistaken. I have nearly read all of Rothbard's works, and found them invaluable — except for his philosophy, which is puerile and nugatory. But his history and his economics are simply brilliant."

They turned to the economist. "Well, I agree with both of you, up to a point. Rothbard certainly was a genius whose work is tremendously admirable. Indeed, it is hard to believe that one man could accomplish so much. But you have misidentified his Achilles heel. His philosophy and history are nothing short of brilliant. But his economics . . ."

I was reminded of this story when I read ***From Here to Economy: A Shortcut to Economic Literacy*** (Dutton, 1995, 259 pp., $21.95), by Todd G. Buchholz. Although I am not a professional economist, I am reasonably well-read in the field. As I read this primer, I marveled at how concisely Buccholz explained complex economic concepts and economic history, and the liveliness of his prose. Further, he shows considerable respect for Austrian economics — a respect not often in evidence among mainline economists or their popularizers — and an admiration for the Chicago School. Surely, I thought, this is a book of great merit, making matters economic understandable to those unwilling to devote the study to the field that I have.

I was already planning to buy copies as gifts for the economically underendowed when I encountered the following two paragraphs:

> The U.S. moved to a de facto gold standard in the 1830s and adopted it formally in 1900. Tourists who visited Washington could walk up to

the Treasury Department building on Fifteenth Street and swap their bills for gold. Every bill was inscribed with the following promise: "The United States of America Will Pay to the Bearer on Demand One Dollar in Gold."

(In the 1930s the U.S. dropped this pledge and replaced the inscription with a promise to "Pay to the Bearer on Demand One Dollar in Lawful Money." A puckish man from Cleveland who decided to test the government then mailed a ten-dollar bill to Washington asking to swap it for "lawful money." The wits at the Treasury Department mailed him back two fives!)

As it happens, this passage discusses the one aspect of economic history where my knowledge is systematic and arguably expert. And I immediately recognized several errors:

(1) The United States more or less adopted the gold standard *de facto* in 1873 and *de jure* in 1900, more or less abandoned it in 1934, and completely abandoned it in 1971. Prior to 1873, the U.S. was on a bimetallic standard; that is, the U.S. dollar was defined as a fixed quantity of either gold or silver; in effect, there were two dollars in circulation, one .7734 troy ounces of silver, the other .04837 troy ounces of gold. Needless to say, this bi-metallic standard was an utter failure, as in the marketplace the values of both gold and silver fluctuated. Prior to the Coinage Act of 1834, the laws of the United States decreed that one ounce of gold was worth 15 ounces of silver, the market ratio that prevailed (more or less) at the time of the creation of the U.S. monetary system in the 1790s.

Unfortunately, by the early 1800s, this arbitrary valuation was out of whack with the prices of gold and silver in the market. It overvalued silver; that is to say, $100 in silver coin had less value as metal than did $100 in gold coin. At the time, Congress had no authority to repeal Gresham's Law, so the result was predictable: gold coins were driven from circulation.

The Coinage Act of 1834 changed the gold-silver ratio to 16-to-1, which was by then, more or less, the market ratio. As before, this new ratio worked for a while, but soon the market ratio changed, this time in favor of gold. (That is to say, the ratio soon overvalued gold.) Silver coins were driven from circulation. Between 1849 and 1873, the coinage system was an utter mess, thanks to this problem and to the paper-money inflation of the Civil War years.

In 1873, Congress repealed authorization for striking a silver dollar, in effect, reducing the status of silver coins from standard to subsidiary coinage and demonetizing silver. Finally, the U.S. was on a *de facto* gold standard.

(2) There was no government-issued paper money at all until the Demand Notes of 1862 and the Legal Tender Notes of 1863. These notes were not legally redeemable in gold or in silver and, in fact, were routinely refused by the federal government when tendered in payment of tariffs. Needless to say, they never included any language guaranteeing that they could be redeemed upon demand in gold.

(3) Between 1862 and 1933, the U.S. government issued, at one time or another, thirteen different types of paper money: Demand Notes, Legal

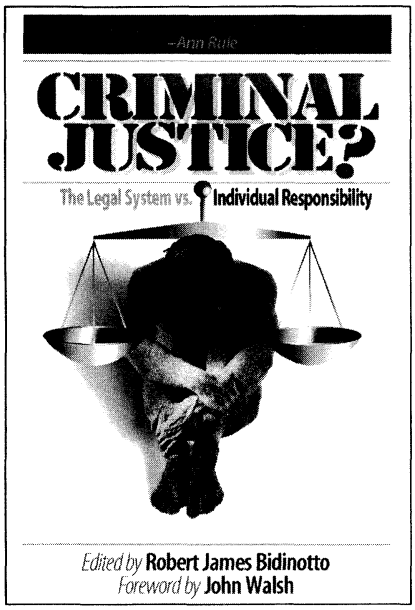

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These pieces of paper money had a wide variety of redemption clauses, some of which were changed from time to time. The only ones the federal government promised to redeem in gold were Gold Certificates and Federal Reserve Notes (Series 1928 only). None of these were issued in denominations of $1.00.

The Treasury Notes (Series 1890 and 1891) promised redemption in "coin," which in fact meant the bearers choice of gold or silver coin, but this is nowhere stated on the note. The National Gold Bank Notes (co-issued by the federal government and certain federally-chartered National Gold Banks during the 1870s) promised redemption in gold, but by the National Gold Bank, not the federal government.

So I don't know how much I ought to recommend *From Here to Economy*. Its discussion of the one area where I might be considered an expert is fraught with errors.

The frustrations of a book-reviewer!

—R.W. Bradford

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Secret Agent Man — The editor of *The New York Times Book Review* once told me that the principal purpose of his medium was not acknowledging cultural excellence, or even diversity, but simply reviewing the books most visible in his readers' favorite stores. If that be true, then a principal purpose of the review pages in *Liberty* should be identifying important books that can *not* be found in local outlets.

Of those to come my way recently, I was most charmed by ***The Whole Spy Catalog*** (Intelligence Inc., 1995, 426 pp., $44.95), a highly informative large-format compendium in the distinguished tradition of books that have the words "whole" and "catalog" in their titles. Indeed, I found it a better read than the recent *Millennium Whole Earth Catalog*, the latest effort of Stewart Brand's formula-conscious collaborators. Author Lee Lapin offers a wealth of advice about uncovering information via data banks, electronic surveillance, Internet-based services, aerial photography, and the like. In the tradition of expanding out, rather than narrowing down, this book even has capsule reviews of other books about the subjects covered here. It is better, as well as truer, than science fiction.

The author, previously unknown to me, offers only the credit of authoring *How to Get Anything on Anybody*, which is a reference of sorts. His name, which means bunny in French, is another favorable reference. The bad writing and inadequate proofreading suggest he might be an enthusiastic beginner. What gives Lapin authority, at least to this reader, are his anecdotes about such things as an international spies' convention in Bulgaria and how the Israeli Mossad had more success than our FBI in telephoning him at home "at a time I was living with a roommate, taking the normal security precautions — phone listed in someone else's name, utility bills in a fictional name, real mail going to a mail drop that was visited only when necessary." If this book offers as much strategic advantage as I imagine, then its readers would prefer that it *not* be available in the local bookstore or, need I say, reviewed in the *New York Times*. —Richard Kostelanetz

Just Because You're Paranoid . . . If spreading paranoia about the government becomes a crime, Clinton will have to prosecute Dean Koontz for his chilling novel ***Dark Rivers of the Heart*** (Knopf, 1994, 464 pp., $24.00). In one of the book's most riveting sections, Koontz shows what it is like to be subjected to civil asset forfeiture, describing how these statutes can be used to destroy the lives of innocent people by taking their property without trial or due process. In his afterword, Koontz drives the point home: "The type of criminal behavior by government agencies depicted in this novel does not spring entirely from my imagination. Paramilitary assaults against private citizens are a reality of our time."

Dark Rivers of the Heart introduces a super-secret federal agency "with no name" and almost unlimited resources. This agency specializes in covering up the failures of other agencies — FBI, DEA, ATF, etc. — and leaves no trail. Its secrets are known to a woman whose husband programmed its central computer. Now they want her dead.

The pursuit is led by a terrifying government agent named Roy Miro. Behind his pleasant smile, Miro holds to a psychopathic form of political correctness that permits murdering people for their own good. ("Sleep, dear lady. . . . No more worrying about finances, no more working late, no more stress and strife. You were too good for this world.") Miro is the archetypal utopian statist, convinced that any atrocity can be justified if the motive is "compassion." Naturally, he hates individualists. ("Civil order was not sustainable in a society populated by rugged individualists. The dependency of the people was the source of the state's power, and if the state didn't have enormous power, progress could not be achieved or peace sustained in the streets.")

An exaggerated caricature? Maybe. But *Dark Rivers of the Heart* was written

before the House of Representatives passed H.R. 666, before the president devised his "anti-terrorism" bill. Its conclusions may seem paranoid, but that doesn't mean they aren't true.

—George L. O'Brien

Rashomon Ridge — Alan Bock's ***Ambush at Ruby Ridge*** (Dickens Books, 1995, 273 pp., $22.00) and the ***Department of Justice Report on Internal Review Regarding the Ruby Ridge Hostage Situation and Shootings by Law Enforcement Personnel*** (Lexis Counsel Connect, digital, available on Internet at http://www.counsel.com/ruby/ruby1) both summarize and try to evaluate the events at Ruby Ridge, Idaho, in August 1992, when a gun battle occurred between federal marshals and the family of Randy Weaver, resulting in the death of one marshal and Weaver's son; and the subsequent attack on the family by FBI agents, which resulted in the death of Weaver's wife

But they are as different as night and day. Bock makes a serious attempt at sorting through the evidence and testimony surrounding the case, evaluating it, and trying to figure out what happened. Bock is a libertarian, so it should not be surprising that he is often dubious about the testimony of law enforcement officers. His dubiousness is borne out by the fact that the officers' stories have changed considerably over time and often contradict one another, while the Weavers' account has never varied. Not surprisingly, Bock concludes that the lawmen acted improperly and illegally, and calls for restrictions on federal power and a reinvigoration of the American tradition of respect for individual rights.

The anonymous Justice Department chroniclers take a very different approach. They work from the assumption that the statements of law enforcement officers are truthful and accurate. This is quite an act of faith, to say the least. For example, they conclude that FBI agent Lon Horiuchi's shooting of Randy Weaver in the back from ambush without warning was justified, based on Horiuchi's statement that Weaver was a threat to a helicopter that had been in the area for some time — despite the numerous contradictions between Horiuchi's statement and the testimony of other FBI snipers.

In light of this peculiar methodological approach, what is most interesting is that the *Report* concludes that the second shot was unconstitutional, and recommends "referral of the matter of the second shot to the appropriate component of the Department of Justice for a determination of whether federal criminal prosecutive merit exists."

There are other significant differences: Bock's book is well-written and engaging; the Justice Department tome is written in semi-readable bureaucratise. Also, the Justice Department report is missing several integral parts that were not released by the Justice Department. The most intriguing of these is the entire chapter entitled "FBI Internal Review of HRT Shots Taken on August 22, 1992." A note in the text explains that this chapter was "omitted by Department of Justice editors."

Bock's book includes some extremely helpful features: a list of

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characters, a map of the Weavers' and adjacent property at Ruby Ridge, a bibliography, and an index. It might have benefitted from a little more editing — he sometimes repeats himself, and could have pared down his lengthy introduction about the government war against Chief Joseph of the Nez Perce — but here I nitpick. It is altogether a fine piece of writing and an extraordinarily handsome book. —R.W. Bradford

The Curse of the Thick Black Ink — The new edition of Ayn Rand's ***Anthem*** (Penguin, 1995, 253 pp., $21.95) appends a facsimile of the novelette's entire first edition, with editorial changes marked in Rand's own hand. This is certainly valuable to the Rand scholar, since the first edition has long been scarce and difficult to obtain. Rand's extensive edits are interesting, of course, if only because the show the development of her craft. Unfortunately, in striking out words and passages, she sometimes obscured them so completely that the original words cannot be read.

This edition also includes a new introduction by Leonard Peikoff that is worth reading.

—R.W. Bradford

Filmnotes

Mr. Natural — Any reviewer of ***Crumb*** (Terry Zwigoff, dir.; 1995), the recent documentary about the cartoonist R. Crumb, is faced with two difficulties. First: which of the holy trinity should you review — the man, his work, or the film? Second: how do you avoid sounding like one of the pathetic critics interviewed in the movie?

Any cartoonist or connoisseur of cartoons will tell you that Crumb is a master of his art. In gritty tones rendered in nervous, scratchy lines he evokes images of profoundly disturbing beauty and wit. His genius as a cynic lies in his lovingly crafted use of the cartoon — the artful manipulation of visual cliché — to express his boundless contempt for most of the presumptions of our culture.

Crumb speaks of himself as a completely intuitive creator. Many lesser artists have offered this self-description as an excuse for the most appalling dreck. In Crumb's case, however, his intuition is matched with an almost clinically obsessive craftsmanship and a ruthless honesty. The result: a marvel. His art poses questions about tolerance, the limits of speech, the limits of individualism, capitalism, and the often dubious quality of the mass culture that capitalism encourages. Crumb rarely offers clearly convincing answers. He observes and renders, and in the hatched contrasts and contradictions of his life and work we are thrown not into a jumble of confusion, but forced toward our own resolutions.

Crumb is a mesmerizing, self-hating misanthrope (and, some would say, an irredeemable racist and sexist). Director Terry Zwigoff is an old friend of Crumb's, and he knows his subject well. He treats Crumb's life as a work of art, which may seem unfair. But Crumb has invited this by speaking of the "Crumb persona" and by featuring himself as the lead character in many of his stories.

The documentary includes a couple of ludicrous episodes with men who fancy themselves connoisseurs of the arts. Crumb himself invites us to laugh at a particularly gushy art gallery patron as he stands in conversation with him, and I've yet to talk to anyone who wasn't slightly embarrassed by the pompous meanderings of art critic Robert Hughes. Still, these scenes belong in the picture, if only because they represent the very sort of pretentiousness for which R. Crumb is the antidote. —James Gill

You and Your Batman — The first Batman movie had the real Batman, a mysterious, dark avenger who could be vulnerable without unloading his feelings on everybody. Then director Tim Burton started listening to the critics about how Nicholson's tubby "Joker" stole the show and the movie was "too dark" (especially for kiddies, for whom every movie must be made these days, with a couple glances over the shoulder at the Political Correctness Ministry). So the villain quotient was doubled for the second movie, the plot was even more scatterbrained, and all the dark and forbidding, artistically ambitious elements were scrubbed away with a wire brush. All that was left was an army of penguins with bombs strapped to their back ("the penguins are heading south," Alfred tells Batman at one point, via bat-radio). But at least Keaton still delivered a serious, laconic Batman when he was allowed to bat land on stage.

Now, forget it. In ***Batman Forever*** (Joel Schumacher, dir.; 1995), Burton's sensibility has vanished — he exec-produced the thing during coffee breaks from *Ed Wood*, apparently — and the new Kilmer "Batman" directed by somebody-or-other utterly lacks the grim, driven quality of the Keaton crusader. (The new one announces that he's "driven," as if verbal articulation were the same as acting.) Plus he has to deliver cutsie unbatmanlike lines, and grin like a goof at the prospect that Bruce Wayne's love life might be in for a big improvement. Kilmer is stolid and monotonic enough in the role, and anybody would look fab in that costume, but cripes — where's *Batman*?

At least the plot is a little more intelligible than in number two. Though, once again, we have Alfred idiotically allowing somebody to slip into the Bat Cave — this time Dick Grayson.

The new movie has lots of fun in it, especially moments with Jim Carrey as the Riddler. But *Batman* was always about darkness and mystery. The original movie, I mean the one that hit theatres in 1989, is more memorable and true to the character than what is being served up now. Even the music has been sanitized in the new movie. It sounds more like the damn TV show.

Here's what I want: I want them to take one half of the money they spent on special effects this time around and spend it on *finding* an appropriate writer. Finding, not paying. The right

writer would come up with the right script even if he were being paid a paltry couple million. (Harlan Ellison could do it. Read his review of the first *Batman*, which appeared in *Fantasy & Science Fiction*.) Then they should beg Keaton to come back, like they begged Sean Connery to return to the James Bond films. Then they should rehire the guy who did the sets for the first movie. Also the guy who did the music. (I don't keep track of the credits. If it's the same composers and designers doing the latest movie that did the first one, all is lost.) —David M. Brown

Feel-Good Thriller of the Year

— Seeing ***Crimson Tide*** (Tony Scott, dir.; 1995) the first time is much like seeing it the second time: there is never a moment's doubt how it will end. Denzel Washington plays a brand new first officer on a U.S. submarine commanded by an eccentric captain, played with the usual aplomb by Gene Hackman. They set out to sea knowing that they may be required to fire their missiles: Russia has gone into civil war, and "right-wingers" have taken over eastern Siberia *and* its missiles.

A third of the way into the film, Washington and Hackman are ordered to fire on the enemy, thus ushering in a nuclear war. Immediately they encounter a Russian sub, and, amidst the fighting, a second communication gets interrupted. Since the second communication could have countermanded the first, the first officer refuses to authorize the missile launch. Conflict ensues. The captain is relieved of command. A mutiny (or putative counter-mutiny) occurs. And in the end . . .

It is never in doubt that nuclear war would be averted. I mean, how could any respectable Hollywood writer have written it any differently? I knew how the movie would end when I walked into the theater, just from seeing the trailers. The film's concern with moral responsibility in a military chain of command is tailor-made for Holly-wood moralism. And that's just fine. I agree with this morality. I do not believe that soldiers (or sailors, or electric boatmen) should be automatons to authority. And I think people capable of starting a nuclear war should be extra careful. There is nothing controversial here.

But it would have been fun to see this thriller conclude "irresponsibly," with the end of the world. The film would not have suffered if Quentin Tarantino, who contributed the film's most amusing dialogue, had taken up the whole project. As demonstrated by Thomas Disch's novel *The Genocides* and Stanley Kubrick's film *Dr. Strangelove*, total destruction in art sticks with you, and leaves you thinking long after. And you begin the second viewing (or reading) of such work with a whole different attitude than you started the first run through. The spine tingles. *Death is in the air.* Time and crimson tide wait for no man. —Timothy Virkkala

Notes on Contributors

Bryan Alexander is a graduate student in English at the University of Michigan.

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Matt Asher is *Liberty*'s editorial intern.

"Baloo" is the alter ego of cartoonist *Rex F. May.*

John Bergstrom is a Californian cartoonist and animator.

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

David M. Brown is a writer living in New York.

Stephen Cox is Professor of Literature at UC-San Diego and author of the biographical introduction to Isabel Paterson's *The God of the Machine* (Transaction).

James Gill is *Liberty*'s staff artist.

J. Orlin Grabbe is author of the textbook *International Financial Markets* (Simon & Schuster), now in its third edition.

Robert Higgs' most recent book is *Hazardous to Our Health?* (Independent Institute).

Bill Kauffman is author of *America First!* (Prometheus).

Matt Kibbe is Chief of Staff for Rep. Dan Miller (R-Flor.). The opinions expressed in his essay are his own, and are not intended to reflect the views of Rep. Miller or the U.S. Congress.

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Richard Kostelanetz has written many books, most recently *Crimes of Culture* (Autonomedia).

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Timothy Virkkala is managing editor of *Liberty.*

Jesse Walker is assistant editor of *Liberty.*

Coming in *Liberty* . . .

"What Libertarians Can Learn From Conservatives" — *Jim Powell* explains the tactics one movement can teach another.

"Dollar an Inch of Skin" — *Bo Keeley* has an adventure in Caracas, barely escaping with his life . . .

"Of No Importance" — A fable by *Karen Michalson.*

Terra Incognita

Washington State

The limits of property rights, explained in a notice mailed to residents of The Evergreen State:

"If you're planning any activity that requires digging down a foot or more — even on your own property — remember that Washington State law requires that you call 1-800-424-5555 at least two business days before you dig."

Washington, D.C.

The state of public opinion, as reported by the *Des Moines Register*:

A new poll shows that 76% of Americans distrust the government, but 59% approve of the job being done by the United Nations.

Tarrant County, Tex.

Respect in the modern church, reported in the *San Antonio Express-News*:

Rev. William Hoover resigned after admitting he had molested a twelve-year-old, but he retains the support of some parishioners. "He is very well-liked and very well-respected here," said Fern Bombadier, "and he has touched a great many people."

Los Angeles

"Dynamic budgeting" in action, as reported in the *San Diego Union-Tribune*:

"Facing the worst fiscal crisis in its history, the Los Angeles County Board of Supervisors passed an estimated $11.2 billion budget late yesterday, reducing a massive layoff with unexpected revenue that has yet to materialize."

The Netherlands

The latest consumer protection legislation in this progressive European nation, as reported by the *London Times*:

Government regulations require S&M prostitutes' clients to be bound and gagged in such a way that they can work themselves free in an emergency in a maximum of 30 seconds.

Tavares, Fla.

Expanding the War on Drugs, as reported by the *Sarasota Herald-Tribune*:

Bonnie Turner was suspended from Tavares Middle School for having Tylenol in her backpack, and will not be allowed to take classes this fall until she completes a "substance-abuse awareness" course.

Jay Marshall, supervisor of student services, defended the policy. "A student is not to have any kind of medication on their person . . . because they are potentially dangerous to students that would ingest them. People commit suicide by taking Tylenol."

Virginia

Career preparation techniques in the Old Dominion, as described by *The Key Reporter*:

Andrea Ballengee was dethroned from her position as Miss Virginia after pageant officials discovered she had falsely claimed to be a member of Phi Beta Kappa and to have been graduated from high school with "highest honors," and that she misrepresented her high school "Most Outstanding Cheerleader" award as "Most Outstanding Female Athlete."

Ballengee intends to attend law school and eventually to run for Congress.

Walworth County, Wisc.

Hindering hate in the Badger State, as reported by *The New Republic*:

In drafting an anti-bigotry resolution, the Walworth County Board changed a reference to white supremacist organizations from "hate groups" to "unhappy groups."

Sonora, Calif.

The perils of visual impairment, as reported in the Associated Press:

A former Forest Service worker tried to escape punishment for stealing truckloads of government property, claiming that his eyesight was so bad, he couldn't see how much he'd taken.

Washington Island, Wisc.

Careful planning in the public sector, as reported by the *Milwaukee Journal-Sentinel*:

In May, federal officials proposed a $400,000 plan to double the size of the Washington Island Coast Guard station — even though it was scheduled to be closed in September.

Italy

A social note in the *International Herald-Tribune*:

"Alessandra Mussolini, 32, the granddaughter of Benito Mussolini, is expecting her first child in July. Mussolini, a member of the Chamber of Deputies for the neofascist National Alliance Party, said she planned to keep working. 'It may slow me down some, but I really want to deal with it as if I were a man,' she said. She is married to Mauro Floriani, an officer of Italy's tax police."

Crystal Lake, Ill.

Politically correct headline in the *Crystal Lake Northwest Herald*:

"Atomic Bombers Criticize Enola Homosexual Exhibit"

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Liberty Back Issues

(continued from back cover)

January 1992

- "The National Park Disgrace," by R.W. Bradford and Karl Hess, Jr.
- "How To Think About Pollution," by David Friedman

Plus articles and reviews by Michael Rothschild, Bill Kauffman, Henry Veatch, Jane Shaw, Richard Kostelanetz, and others. (80 pages)

March 1992

- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
- "The Ghost in the Little House," by William Holtz

Plus articles and reviews by Karl Hess, Jane Shaw, Edward C. Krug, and others; and an interview with Pat Buchanan. (72 pages)

May 1992

- "Hong Kong: Free Markets, Full Employment," by Mark Tier
- "Who is Richard Rorty?" by Dan Klein and David Horowitz

Plus articles and reviews by Karl Hess, Vernon L. Smith, Kyle Rothweiler, and others; and a short story by J. Orlin Grabbe. (72 pages)

July 1992

- "Christians and Libertarians in a Hostile World," by Doug Bandow
- "The Myth of (Heavy) Metal Illness," by Gracie & Zarkov

Plus commentary on the L.A. Riots, and articles and reviews by David Kelley, David Brin, George H. Smith, and others. (72 pages)

Volume 6

September 1992

- "War on Drugs, War on Progress," by James Ostrowski
- "Five Years of *Liberty*," by R.W. Bradford

Plus articles and reviews by J. Neil Schulman, Murray Rothbard, Martin Morse Wooster, and others; and an index to back issues. (80 pages)

November 1992

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Volume 7

October 1993

- "The Real Health Care Crisis," by R.W. Bradford
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Volume 5

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(continued on previous page)

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"Our acts of liberty are our strongest propaganada." —*Paul Goodman*

Letters

Burning and Burning in the Widening Gyre

Attacks on *Liberty*'s editor were so numerous in the November issue's letters that it was understandable that R.W. Bradford made no direct reply. (Where to begin, after all?) The letter on Waco by Farren Smith was so outrageous, though, that I offer this reply for myself and every decent person as well as Bradford.

Smith begins with an attack against Bradford's use of "holocaust" and ends by arguing that federal agents were justified in attacking the Branch Davidians because the latter "were in a position to take away other people's most basic liberty, namely, their lives." Whether the Davidians were in such a position or not, for members of the government to act on a belief that certain people are "in a position" to harm others — without proof that they are actually about to do so — violates the most basic guarantee of the rule of law: that no one may be denied life, liberty, or property because of what they *might* do.

That federal authorities tormented people to death for what they or their parents might do ought to be universally troubling. It does reflect the philosophy of the Nazis who believed in the state's right to persecute people who pose imaginary threats and in the state's freedom from any accountability for its deeds.

Yet even without this parallel to the Nazi Holocaust, *Liberty*'s generic use of "holocaust" applied to the deaths in the Davidian compound is perfectly right. The Greek word simply means "burned entirely," or total destruction by fire.

Miles Fowler
Oakland, Calif.

Grass Roots Exploitation

Matt Asher's article on the sale of marijuana in Chicago ("Undercover Economist," November 1995) lucidly documents the unfortunate implications of America's idiotic drug laws. The failure to legalize marijuana as a recreational drug, much like the attempt to curb alcohol use during Prohibition, serves only to benefit those members of society who wish to take advantage of others for their personal profit — the alcohol and tobacco industries, on the one hand, and the underworld, on the other.

In the latter regard, the fact that marijuana costs over $1,000 a pound to a local dealer today, as compared to less than $100 a pound to someone at the same level of the hierarchy during the early 1970s, testifies to the effects of turning over the marijuana trade to "professionals" after the '60s were over. If drugs were legalized and made freely accessible, a "nickel" bag would cost just that — a nickel. Although I do not begrudge ghetto residents such as Karen her $50,000-a-year income, it is unfortunate that her fellow community residents must be exploited in order to provide it.

The arguments against legalization of drugs are specious — drug addiction has never been a serious social problem in any country in which drugs were legal. Certainly the legalization of marijuana, the most innocuous and harmless of all drugs, would hurt no one but those who deserve to be hurt — and in their case, would hurt them only in their pocketbooks.

Robert S. Wyer, Jr.
Urbana, Ill.

Pray Along With Tim

I am an evangelical Christian. Timothy Virkkala ("Christendom and Christendumber," November 1995) identified one of my biggest complaints with most of my brethren in the evangelical community: their belief that the state is an appropriate vehicle for imposing their notion of piety on believers and unbelievers alike. Evidently the Holy Spirit can no longer be trusted to lead people to the Truth. Where Mr. Virkkala's reflection fell short was in applying his prophecy only to the evangelical bloc of American Christianity. If the revival of which Mr. Virkkala wrote were to occur, the state would still remain supreme, because there exists another large bloc of Christians — those designated as mainstream or "liberal" by many evangelicals — which also invests the state with the authority to impose its agenda on society. The fact that its agenda is more socialistic than moralistic is beside the point.

This bloc's belief in the state's authority is based on the same idolatrous attitude accurately ascribed to the evangelical community by Mr. Virkkala. Namely, those Divine attributes like omnipotence, omniscience, and righteousness, which at one time were strictly God's alone, have now been transferred to the state. This is the gospel in which most evangelical and liberal Christians really believe along with the vast majority of all other Americans, regardless of their religious affiliation. As long as people in general and Christians in particular continue to yield to the temptations of worldly power and officially sanctioned ritual or officially sanctioned "compassion" there is little hope for freedom in this country.

I join Mr. Virkkala in praying for a religious revival.

Tim Smith
Sumner, Wash.

Lies My Reviewer Told Me

Clark Stooksbury's review of James Loewen's *Lies My Teacher Told Me* ("Reconstructing History," September 1995) was good, but missed a salient point. One of the most insidious and destructive aspects of the state control of schools is the control of the curricula, which necessarily become politicized. Nowhere is this effect more pernicious than in the teaching of history, which becomes by this process bland, reflective of current political trends, statist, and, worst of all, factually incorrect.

Loewen's point is not simply that we are boring our students with watered-down feel-good history, but that we are giving them an extremely inaccurate picture of the United States of America, a picture where they see no role for themselves as individuals. In the history presented in high school textbooks, "important" personages are virtually deified; events occur without cause, debate, or dissent; and the good guys win because it is preordained. History as taught in this country is devoid of the ideas and intellectual conflict that shape events; the protagonists are lacking the foibles, motivations, and contradictions that show them as human; the bad guys never win. Students thereby are given little or no opportunity to empathize with our predecessors in such a way as to draw inferences that relate historic events to current events, and can envision no role for themselves in using ideas and convictions to shape future events.

Without some broad understanding of how we got where we are, students will have little idea how to get us where we want to go. In all, the current teaching of catechisms of American history amounts to an ideal formula for making

continued on page 4

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Inside Liberty

January 1996
Volume 9, Number 3

2 **Letters** Our readers cruise the *Liberty* superhighway bypass.

7 **Reflections** *Liberty*'s editors on Hooters, hemp, HUD, hate, health, and other hot topics.

13 **Medianotes** We watch the watchers.

Features

15 **No Accounting** The federal government runs out of money . . . sort of. *R.W. Bradford* balances the accounts.

19 **That's Orenthal, Folks!** *Randy E. Barnett* explains why the O.J. Simpson case matters. *R.W. Bradford* explains why it doesn't.

25 **With Farrakhan's Flock** *Matt Asher* covers the cabalistic revolutionaries of the Million Man March.

29 **Presidential Follies** Powell is out, Forbes is up, Browne has written a book. Never fear, gentle reader — *Chester Alan Arthur* makes sense of it all.

31 **Goodbye, DMV** After all, w hy *should* the government handle drivers' licensing and vehicle registration? *John Semmens* makes the case for privatization.

35 **The New Separatists** The Quebec secessionists struck out once , but they still have men on base. *Eric Duhaime* tells how and why.

37 **Faith and Freedom** *Jane Shaw* asks whether liberty can survive without religion — and whether religion can survive.

42 **How Regulation Kills** *Ben Bolch* and *Deborah Pittman* calculate the cost of an additional year of life.

43 **Dollar an Inch of Skin** *Bo Keeley* visits a restaurant in Caracas, and barely escapes alive.

45 **Conservative Lessons** *Jim Powell* explains the tactics libertarians can learn from conservatives.

49 **Of No Importance** A fable by *Karen Michalson*.

Reviews

55 **In the Flesh** *Bruce Ramsey* discusses pornography, feminism, and Wendy McElroy.

57 **Virtually Libertarian?** *Michael Grossberg* opens the gay and lesbian tents.

60 **Crime and Punishment** *Bruce Benson* makes the case against both.

64 **The Mediated Anarchist** *Richard Kostelanetz* reviews Paul Goodman's essays on media.

65 **Booknotes** on Michael Kinsley, Randy Weaver, Paul Feyerabend, and other figures unlikely to be given posts at the Heritage Foundation.

66 **Classified Advertisements** Your opportunity to stimulate the economy.

69 **Notes on Contributors** Just us folks.

70 **Terra Incognita** Off the map and high on life.

students into the passive, ineffectual, nihilistic, apathetic sheep that much of our populace has become.

I am surprised that Stooksbury made no specific mention of chapter eight, provocatively entitled "Watching Big Brother: What Textbooks Teach About the Federal Government." The concluding paragraph of this chapter states in part, "[T]extbook authors narcotize students from thinking about such issues as the increasing dominance of the executive branch. By *taking the government's side*, textbooks encourage students to conclude that criticism is incompatible with citizenship. . . . All this encourages students to throw up their hands in the belief that *the government determines everything* anyway, so why bother, *especially if its actions are usually so benign*" (emphasis mine).

David Dannenberg
Philadelphia, Pa.

The Tylenol Scare

Further to your "Terra Incognita" (November 1995) concerning a student who fell victim to the war on drugs for possession of Tylenol: I note that the quoted "supervisor of student services" — whatever *that* is — managed, in a single sentence, to use three incorrect pronouns, plus an extremely awkward double conditional, quite a feat.

If schools would keep out of moral issues that do not concern them, perhaps the standards of reading, writing, and 'rithmatic would be improved.

Adrian Day
Annapolis, Md.

Ordinal Sin

If David Ramsay Steele ("When Will It All End?" November 1995) doesn't believe there is a "Year Zero" in our calendar, that means he hasn't been spending much time with astronomers or historians who specialize in chronology. If he had, he would have found "0 A.D." (or "0 C.E.") much more common than "1 B.C." If he were a regular reader of the old *American Ephemeris and Nautical Almanac* or the new *Astronomical Almanac*, he would have noticed all kinds of zeros, even "January 0." Was Mr. Steele one year old the day he was born? I think not. But in China he would have been. It is just the difference between cardinal numbering, with its zero, and ordinal numbering, without.

continued on page 6

Liberty Live . . .

Intellectual sparks flew in Tacoma at *Liberty*'s 1995 Editors' Conference. There, the best individualist minds of our time met to debate the future of liberty and society — and to have a ton of fun in the process.

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The Prospects for FDA Reform: For now, abolition of the FDA may be just a dream. But is there any hope for serious FDA reform? **Robert Higgs** takes a hard look at the prospects for genuine change. A real eye-opener. **(Audio: A138; Video: V138)**

The Oklahoma City Bombing: Half a year after the bombing in Oklahoma City, the conspiracy theories are flying. But who knows what they're talking about, and who's just a paranoid flake? Explosives expert **Larry Grupp** investigates different theories of how the bombing was done — including the official story — and offers the most believable explanation to date. **(Video only: V139)**

Going to Extremes: **Wendy McElroy, Pierre Lemieux, David Friedman, Timothy Virkkala & R.W. Bradford.** When people are radicalized, they often embrace suicidal — or even homicidal — strategies. How do libertarians get drawn into martyrdom? How do others get drawn into terrorism? How can radicals avoid being sucked into the system? This tape deals with all these questions and one other: *Is voting immoral?* **(Audio: A140; Video: V140)**

Revolution: The militia movement is readying itself for a revolution. But is the time really ripe? In this tape, **Pierre Lemieux** asks the questions, "Revolution — if not, why not? And how do you know if it is time?" **(Audio: A141; Video: V141)**

The Best — and Worst — Places to Invest and Live: Investment advisor **Douglas Casey** is also a world traveler, visiting Third World backwaters and chatting with tinpot dictators from Cuba to Central Asia. In this fascinating talk, he recounts his recent adventures — and tells what valuable wealth-protecting information he learned. **(Audio: A142; Video: V142)**

Investment Advice: Bonanza or BS? **Harry Browne, Douglas Casey, R.W. Bradford, David Friedman & Victor Niederhoffer.** Do investment advisors really have anything to offer their customers — at least so far as good investment advice is concerned? Is there a science of economic forecasting? A no-holds-barred debate! **(Audio: A143; Video: V143)**

Camouflage, Deception, and Survival in the World of Investing: **Victor Niederhoffer**, one of the most successful speculators in the nation, offers his model of how markets function. Complex and in-depth. **(Audio: A144; Video: V144)**

Do Short-Sighted Corporate Decision-Makers Screw the Future? Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. **(Audio: A145; Video: V145)**

Does Foreign Policy Matter? **R.W. Bradford & Leon Hadar.** Most libertarians focus their energies on domestic issues. Should they pay more attention to the world around them? **(Audio: A146; Video: V146)**

Share the Excitement!

The Four Political Types: **Fred Smith** points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. **(Audio: A147; Video: V147)**

Is Libertarianism Getting Anywhere? **Harry Browne, Robert Higgs, Pierre Lemieux, Fred Smith & R.W. Bradford.** The case for (and against) libertarian optimism. Are we making any progress? **(Audio: A148; Video: V148)**

Why Not Hang 'em All? Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with crime issues in the past. **(Audio: A149; Video: V149)**

Private Law Enforcement in Eighteenth-Century England: Two hundred years ago, prosecution of felons in England was a *private* matter, rather than one for agents of the state. How did this system work? Why did it emerge? What were its advantages — and disadvantages? **David Friedman** holds your attention for all of this fascinating talk. **(Audio: A150; Video: V150)**

Is Cyberspace Liberspace? **David Friedman, Leon Hadar, Pierre Lemieux & Ross Overbeek.** What impact will the Internet, encryption, virtual reality, electronic money, and other technologies have on the political realm? Is cyberspace leading us toward greater individual freedom? Or is it all cyberhype? **(Audio: A151; Video: V151)**

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

Can Liberty Survive Without Religion? Are religious institutions necessary for a free society to survive? Has evolution killed religion — and, if so, is there any hope for freedom? **Jane Shaw** addresses these questions and more in this amazing talk. **(Audio: A153; Video: V153)**

If Government is So Villainous, Why Don't Government Officials Seem Like Villains? Most government bureaucrats believe in what they're doing. Many are actually nice folks. But their actions lead to suffering, even death, for millions of people. How is this possible? Economist-philosopher **Daniel Klein** offers a compelling explanation — with very interesting implications. **(Audio: A154; Video: V154)**

Sexual Correctness: A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. In this information-packed talk, individualist feminist **Wendy McElroy** gives the chilling details of the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. **(Audio: A155; Video: V155)**

What America Needs — and What Americans Want: The 1994 election showed that Americans are sick of politics-as-usual, but it's clear that the GOP isn't going to deliver on its promises. **Harry Browne** explains why the time is right for a Libertarian victory, and lays out his plan for dismantling the federal government. **(Audio: A156; Video: V156)**

Has Environmentalism Run Its Course? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford.** The honeymoon seems to be over for such green giants as the Sierra Club and the Wilderness Society, with their bloated bureaucracies and statist politics. But what about the environmental movement as a whole? And where do free-market environmentalists fit in? **(Audio: A157; Video: V157)**

Ayn Rand: The Woman Behind the Myth: **Barbara Branden, John Hospers, Chris Sciabarra & R.W. Bradford.** These incredible tapes include countless priceless moments, along with information unavailable anywhere else. A must for any Rand fan! **(Two audios: ARM, $14.95; Two videos: VRM, $29.95.)**

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Letters, *continued from page 4*

I hate to be the one to break the news to Mr. Steele, but the zero, brought by the Arabs centuries ago from India, is here to stay.

Kelley L. Ross
Los Angeles Valley College
Van Nuys, Calif.

The Millennium Begins With This Issue!

Does it really matter if the new millennium begins in 2000 or 2001?

In case it does matter to some readers, they may be interested to know that it's later than they think. On January 1, 1996, we will in fact have already arrived at 2000 or 2001 years since the birth of Jesus. I made this discovery quite by accident while thumbing through an old *Oxford Cyclopedic Concordance* (Oxford University Press, n.d., p. 39).

Here's what it says: "Jesus was actually born four years before the time from which we count his birth. The simple reason is that no one calculated dates from the birth of Christ until centuries after He was born, and then Dionysius Exiguus, the monk who published the calculation in A.D. 526, made a mistake of four years. He placed the birth of Christ in the year of Rome (A.U.C.) 754. But Herod the Great, who slew the innocents of Bethlehem, died in April of the year of Rome 750; so that Christ must have been born several months before, or not later than the last of 749."

In other words, Jesus was four years old during A.D. 1, at least until his fifth birthday sometime that year (my guess is early fall).

Joanna Parker
Ocean Shores, Wash.

Leading Chronological Indicator

The *true* end of the millennium is December 31, 1999, because that is the day when the best parties start.

Mark Reboul
New York, N.Y.

Dueling Statists

I find it fascinating that Randal O'Toole ("The Battle of Oak Grove," July 1995) can describe a banjo contest between a group of babbling, burbling bureaucrats (the so-called city planners) and a group of self-serving and self-righteous "citizens" representing the tyranny of the majority of the fine town of Oak Grove without ever considering the rights of property owners.

Not only is Soviet-style social engineering alive, but we must also assume that the confiscation of property though zoning is also alive and well in the good ol' U.S. of A.

Too bad O'Toole doesn't understand that the right of property ownership has not yet been entirely denied by our Constitution.

Bill Tepper
Hastings on Hudson, N.Y.

Commerce Toward None

I believe David Owsiany ("High Noon for the Feds?" November 1995) discerned the crux of future Supreme Court decisions regarding the Commerce Clause: the definition of what actions constitute "commercial activities that substantially affect interstate commerce."

The *Lopez* standard should seemingly logically lead to the overturn of *Wickard v. Filburn*; however, given the narrow, tenuous majority in *Lopez*, the case could but lead to the classification of noncommercial activities as commercial activities depending upon how many justices base their legal reasoning upon, not the constitutionality of, but the desired social outcome of a case.

Thaddeus G. McCotter
Wayne County Commissioner
Livonia, Mich.

The Gift of God

R.W. Bradford's dirty little attack on the FBI, the BATF, and the U.S. Marshals ("The Prime-Time Police State," November 1995) sums up everything wrong with libertarian thinking. Why defend scumbags like Randy Weaver? Maybe a few agents got carried away — but if Weaver had been left alone, and had gone on to foment racial violence, all you naysayers would be after the FBI for not stepping in soon enough. There's just no pleasing some people!

I understand why you libertarians feel the need to defend "civil liberties," but you haven't thought through your position very clearly. Libertarians always go on about protecting property. But public property belongs to everyone — or, in practice, to the majority, acting through their democratic representatives. It doesn't make sense to say that people have the right to do what they want on their own property, but that they have to put up with people doing whatever they want on public property. Such "civil liberties" are, in fact, a gross violation of liberty.

It's true that Randy Weaver's cabin was his private property. But his behavior had the potential to have an effect on a much, much wider scale. When Randy Weaver chose to sell an illegal sawed-off shotgun, he chose to violate the standards of behavior demanded by his neighbors — the standards they would enforce on their own property. Thus, the government had every right to stop him. This violated no one's legitimate freedom.

The government may have made a few mistakes in the process, but nobody's perfect. I can't see how Bradford's petty sniping will help in constructing a better procedure for stopping those who ignore the demands of society.

It's Marshal Degan who is the real hero, not Weaver. Men like Degan are a gift of God. I like what libertarians have to say about some economic matters, but I can't join a group that champions malcontents and doesn't respect our protectors, the police. I wonder how long Bradford would last if *he* were a federal agent going after scum like Weaver. I'll bet within a week, he'd forget about "individual rights" and start crying for all the powers he could have — just to stay alive!

Jem Casey
Dalkey, Ark.

Our Just Reward

Destroy confidence in the government as you and your ilk are doing, and we head straight to chaos. The beneficiaries are the very wealthy and powerful, who I am sure will reward you handsomely if you succeed! You will not!!

George Costopoulos
Old Bethpage, N.Y.

Letters Policy

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

Reflections

Abandon all hope — I turned on *Nightline* at 11:35:30 the other day just in time to hear the words "for the world to act." Click! I just knew that with that introduction it couldn't be anything good. —DB

Feds go bust — Midway through November, the federal government — except for "essential services" — shut down. A couple days after that, the headlines were filled with news of the EEOC's suit against Hooters. It seems that the restaurant chain whose reason for being is its scantily clad, big-busted waitresses discriminates, horror of horrors, against men.

When harassing Hooters is considered an essential government service, you know things have gotten out of hand. It's enough to make a man yearn for the restrained, Constitutional governance of Lyndon Johnson. —JW

Taking the Fifth — It has often been said that if the Bill of Rights were put up for a vote, it would never be approved. In the State of Washington, one portion of the Bill of Rights was indeed put on the ballot. It was the Fifth Amendment, which stipulates, among other guarantees of personal freedom:

> . . . nor shall [any person] be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

In Washington, as in many states, the government has claimed the power to regulate the use of private property to the point where the owner is not allowed to use it for any purpose, all in the name of the public good. By this means, the state managed to maintain a high level of environmental amenities at very low cost to the taxpayer — except, of course, the poor taxpayer whose land was regulated into a public good. The many benefited at the expense of the few.

This clearly violates the Fifth Amendment's provision against "private property taken for public use, without just compensation." So the Washington legislature enacted a measure requiring the state (or its subdivisions) to pay for the property it takes through regulatory action.

A coterie of government officials, environmental groups, and other public-spirited citizens quickly got enough signatures on petitions to bring the measure to a public vote. The campaign against the law was a vociferous one. Both of the state's largest newspapers endorsed the effort, on the grounds that taxes would have to be increased if the state had to pay for the property it takes. A study by a state university claimed that the cost would be $11 billion, sending a shiver down the spines of property owners, who now knew just how much property the state expects to confiscate in the near future.

On November 7, 60% of the voting public opted to repeal the law, thereby gutting the Fifth Amendment.

Incidentally, the same voters elected to the state's Supreme Court Richard Sanders, a libertarian property-rights advocate. —TWV

Referendum this! — The close results of the secessionist referendum (49.4% yes, 50.6% no) show that Quebec society is split into two halves, each side as irrational as the other.

The official secessionist side claims that granting their state unlimited powers (which is what sovereignty is all about) will produce the ideal society. The official anti-secessionist side argues either for the country that Canada was, or could have been, or in favor of more power concentrated in the Canadian government cartel.

In fact, both official groups (which were the only ones legally allowed to spend resources to promote their options) have defended the same naive conception of the state. There is one expression that was seldom — if ever — pronounced during the referendum campaign: "individual liberty." Both sides were reaching for political power, called "sovereignty" on one side, "unity" on the other.

Choosing among them amounted to taking sides between, say, the Hell's Angels and the Rock Machine — two motorcycle gangs which have also been fighting one another recently in Quebec. But one should add that mounting tyranny in Ottawa and the would-be tyrants in Quebec City are much more dangerous for individual liberty than common criminals.

The fact that both sides want unlimited democratic power only brings home the inherent contradiction in their beliefs: Over which territory should a ruling majority be defined?

The consequence of the referendum split between two brands of statism will be a more polarized, politicized, conflictual, and violent society.

The revolution that is required is a revolution for the individual against power. At the very least, there is an urgent need to shake the system. Quebecers have missed their chance. —PL

Heal me, Mary Jane — I would like to buy my mother pot. She is slowly wasting away under the effects of chemotherapy. Her hair is gone and her body, small to begin with, has shrunk to under 100 pounds. She tells me that she is eating well, that she is having lots of ice cream. When I am around she tries to act strong, and to eat regularly, but I can see it is an effort. I think marijuana might help.

We have not discussed this subject often. My mother is a child of the '60s and an ex-hippie. She danced at Woodstock and marched on Washington. She is no stranger to drugs. Once in a while she mentions having smoked pot with her

friends. I don't think she does it regularly and I doubt she ever buys. I once told her flat-out that I could get her pot. She turned down the offer, saying it didn't help her condition that much. But I know her, and I think she just doesn't want to get me into trouble.

I know also that THC is no miracle drug and that it will not cure her disease. And yet, if it eases her suffering or helps put some meat on her all-too-visible bones, she may be better prepared to heal. Giving my mother an illicit drug could mean the difference between pain and comfort, or even life and death.

It would be nice to know the chances that marijuana would help my mother's condition. But with prohibition of use has come prohibition of research. I wish my mother could pick up the latest study and calmly sift through the results. I wish she could read about a whole host of experimental cancer drugs, knowing that which ones (if any) to take would be a matter for her and her doctor only.

My mother will be coming to visit in a couple months. Like most of the people I know, I could get pot if I wanted to. My risk would be almost negligible. Besides, if out of fear I don't do everything I can for her, what does that make of me?

The risks my mother would face are uncertain. She will be here only a few days, and then will be flying back home. She could probably hide the pot well enough, but who knows? Who knows how much the look on her face would give her away as she passed through security? She is not a professional smuggler. If she gets caught with the pot I give her, would I be able to deal with that? Would she?

It has been a long time since I trusted my government to do the right thing. There are American citizens serving life sentences — *life!* — for possessing too much of the wrong substance. I believe my mother has a divine right to self-medicate. I also cannot imagine any district attorney cruel enough to prosecute, or jury brainwashed enough to convict. But each year over a million people are arrested for their pursuit of pharmacological happiness, and hundreds of thousands of them end up locked up.

Of course, my mother has something else going for her: She is middle-class and white. I have a friend who is black and poor and lives on the wrong side of town. The cops have been much harder on her than I imagine they would be with my mother. As distressing as it is, this inequity allays my fears.

Until more people like my mom are prosecuted for doing what millions of people like my mom do, the backlash against prohibition will remain small. Many in the middle class are disturbed, or even appalled, by what the drug war has wrought. But until the horrors hit home, they will tacitly watch it advance. Ironically, the cause of legalization might benefit from my mother's arrest. I am sure my stomach wouldn't be the only one to turn if she is harassed by the legal system. Americans may not speak up loudly when they come for the poor or the black or the hispanic, but if they come for white cancer patients the cry should be deafening.

Still, there is no guarantee that my mother would escape the draconian clutches of our drug war. I do not wish to see her become a martyr to the cause of legalization. So I am back to my original problem: what to do when the right thing and the legal thing conflict?

—*Guest reflection by* Eric Larson

Liberty's Editors *Reflect*

DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
RK	Richard Kostelanetz
PL	Pierre Lemieux
ML	Michael Levine
RO'T	Randal O'Toole
TR	Thomas Reardon
TWV	Timothy Virkkala
JW	Jesse Walker

If all men were brothers, would you let one marry your sister? — Some of the saddest sights that television has ever let us witness have come to us courtesy of the Bosnian war. You cannot see a toothless old Serb grandmother stumbling along a muddy road to some wretched internment camp without thinking, "Under slightly different political circumstances, this might be *my* grandmother." But the sounds are even more disturbing than the sights. Whenever a Western reporter approaches either a winner or a loser in this war, a current of filth rushes into the microphone — a stream of the foul, disgusting, truly diabolic hatred that even kindly Serb grandmothers, pretty young Croat ladies, and nice, cleancut Muslim teenagers feel for their counterparts on the other side of the hill.

I don't believe most of the atrocity stories provided for Western consumption. I don't believe the wildly exaggerated body counts. But I do believe that the people of the former Yugoslavia want to burn each other's churches and throw each other's bedridden uncles out on the street, after they've shot the family dog. Maybe they'll shoot Uncle Sava, too, if they feel like it, and blame it on what the other side did in World War II or the Battle of Kosovo. And these are nice people; they really are. If they lived in America, they'd be fine neighbors. They want peace and harmony and a good living and a stable social order and all the rest of it; but they want something even more. They want to torture and kill the people who live in the next village.

Historical evidence gives little cause for hope that such emotional conflicts will be amicably resolved. There is no material or even ideological justification for Serbs, Croats, and Bosnian Muslims to hate one another. There is no real issue to be settled among them, except the issue arising from the fact that they regard one another as demons from hell. Normally, such issues are settled only with the military defeat of one side and a forcible separation of populations — such as happened, for example, when Greece attacked Turkey after World War I, and lost. There followed a treaty and a "compulsory exchange of populations." The Greek population (1,500,000) left Turkey, and the Turks (800,000) left Greece. Ripples of conflict then gradually died away, except on Cyprus, where the two populations continued living next to each other — until Cyprus was partitioned by force in 1974.

A similar process is happening now, with the expulsion of Bosnian and Croatian Serbs from their ancestral homes by Croat and Bosnian-Muslim forces. We will see if it ends a conflict that nothing else seems capable of ending.

And the moral is — nothing, except James Madison's moral that diversity and self-interest are two-edged swords. Madison said that "the first object of Government" is protec-

tion of "diversity in the faculties of men"; but he followed that statement by saying that people's diverse interests include a disposition to "vex and oppress each other":

> So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts.

But perhaps Jonathan Swift's diagnosis of the problem in human nature is even more to the point. "There is in mankind," he says, "a certain *****. And this I take to be a clear solution of the matter." —SC

Slumming it — Don't think that his own marital, extramarital, financial, and political problems are preventing Housing and Urban Development Secretary Henry Cisneros from solving the nation's ills. Most recently, the *Washington Post* reports, "Cisneros said he envisions [public] housing developments modeled after college campuses, with units wired for computers and *all residents required to attend classes each day* — in prenatal training, educational day care, high school equivalency sessions or seminars for the elderly" (emphasis added).

Passing over the breathtaking audacity of such a program, I ask merely whether an administration headed by Bill Clinton and Henry Cisneros is the best entity to teach young adults how to be responsible citizens and family members. Who's going to run the program — Mel Reynolds? —DB

The current market value of Mao's thoughts — I bought my first Little Red Book as an impulse purchase from a small antique shop in Beijing. I couldn't find anything else for a souvenir of my first trip to China. When I got home and looked through it I decided it was quite a find. My copy was well worn, with certain important sections underlined and occasional notes in the margin. A letter was tucked away inside it, as were two ticket stubs to events of some kind. This was an important book to someone. He or she had carried it for a long time and probably knew a quote or two by heart. It had most likely been carried for protection, though the owner could have been a believer.

Then the world changed. Nixon visited. Mao died. The Gang of Four were vanquished and the owner of my Little Red Book pawned it for some minuscule sum.

An interesting bit of history, I thought, so on my next trip to China I looked for about 20 or 30 books to send to friends and family. This trip was to Shanghai, which has always been more interested in the commercial than the political world. When I went to the local antique market, I found only one seller with five copies of *Quotations from Chairman Mao Tse-Tung*. This sole seller of Mao memorabilia had a few hundred Mao pictures and several thousand Mao lapel buttons, but few books. There didn't seem to be much demand for them. So I caused a bit of a stir on that relatively dull and rainy Friday afternoon when I appeared with my translator and driver and started to negotiate for a bulk purchase. A crowd quickly gathered. "Hey Zhong, Liu, Yong! There is a foreigner over here buying Little Red Books!"

I then had the ironic pleasure of trying to establish the current market price for the thoughts of one of the most anti-market thinkers of all time. We started at 30 Yuan ($3.52). I countered by saying that I would pay that, but I can't read Chinese and therefore should get a better deal. These books are, after all, incomprehensible. Long inscrutable exchanges took place between the Mao man and my interpreter. Well, for five books, he could accept 20 Yuan each ($2.35). Okay. I can afford that. So I went for the ending capitalist negotiation strategy — the nibble. "I will pay you 20 Yuan each for these five books if you throw in one of these Mao buttons."

Apparently this was hilarious. I think I could have gotten more. But the deal was closed. Yuan changed hands and the Mao man was one happy guy. I just wish I knew what the markup on this sale was.

But what should my friends do with these relics? I wrote them the following instructions: "Now that you have a Little Red Book, you too can hold it up in your right hand and shout: 'Down with the landlords and death to the imperialist counter-revolutionary revisionists and the capitalist roaders.' Go on! You will feel less oppressed."

The verdict from my friends was mixed. Some reported

feeling less oppressed while some reported feeling more foolish. I think they just needed a few thousand comrades to share the experience with.

Later I found an English version. The first page with printing says, "WORKERS OF ALL COUNTRIES, UNITE!" Well, my copy is in all caps. I'm not sure if Chinese script even has capitals. After a brief scan, I found the following thought under the section "The Mass Line":

> In the work of our Party, all correct leadership is "from the masses, to the masses." This means: Take the ideas of the masses (scattered and unsystematic ideas) and concentrate them (through study turn them into concentrated and systematic ideas), then go to the masses and propagate and explain these ideas until the masses embrace them as their own. Such is the Marxist theory of knowledge.

Now wasn't that worth about $2.35?

—*Guest reflection by* Carl McEvoy

Senataz with attitudes — In September, Sen. Jesse Helms appeared on the *Larry King Show*, where he was interviewed by guest host Robert Novak. At one point in the program, a caller from Alabama offered the senator this compliment: "Mr. Helms, I know this might not be politically correct to say these days, but I think you should get a Nobel Peace Prize for everything you've done to keep down the niggers."

"Thank you, I think," replied Helms.

Helms and Novak hurried to point out that using the word "niggers" is wrong (although *literateur* Helms reminded viewers that "Mark Twain used it"). They did not suggest, however, that there is anything immoral about keeping the n-people down, or that this might be a dubious criterion for a Nobel Peace Prize. This implicit racism drew some criticism, as it should. But what none of the critics — at least, none I've heard — have publicly questioned is the caller's sincerity. It has simply been assumed that this was a real racist calling to compliment Helms on his Service to the Cause.

I'm not convinced. This whole affair has the earmarks of a political prank. For one thing, there's that opener: "I know this might not be politically correct to say these days . . ." It's become a truism in certain circles that anyone can say anything, no matter how offensive, and be praised as an independent mind — *if* he prefaces his remarks by pointing out that his ideas are un-P.C. The caller had to have known that his statement would be widely repeated. What better way to spread the idea that mere political incorrectness does not a great mind make?

Then there's the matter of opportunity. Suppose *you've* got a chance to speak to Jesse Helms (or Bill Clinton, or Newt Gingrich, or Dick Gephardt — fill in your least-favorite pol here) while millions look on. Do you offer a probing, biting question, knowing that your target is a practiced dodge? Or do you confront him with the unexpected, asking the president what kind of underpants he wears, or thanking the senator for holding off the colored hordes, or — here's an idea, in case any of you out there ever get the opportunity — heaping praise on Bill Clinton for his surprisingly youthful and relatively sober appearance, revealing only at the end of your spiel that you have mistaken him for Boris Yeltsin? (They do look alike. Many's the time I've seen our First Couple on TV and exclaimed, "Goodness! What's Yeltsin doing with Camille Paglia?")

No, I don't have any proof. But I can't help suspecting that somewhere in Alabama, a Helms-hating prankster is having a good laugh — and maybe plotting another jape against the powers that be. "General Reno, I'd just like to say that I'm not one of those militia people who's against what you did at Waco. I think it's *good* we have some people in Washington willing to stand up to social deviants, whatever the consequences. God bless you . . ." —JW

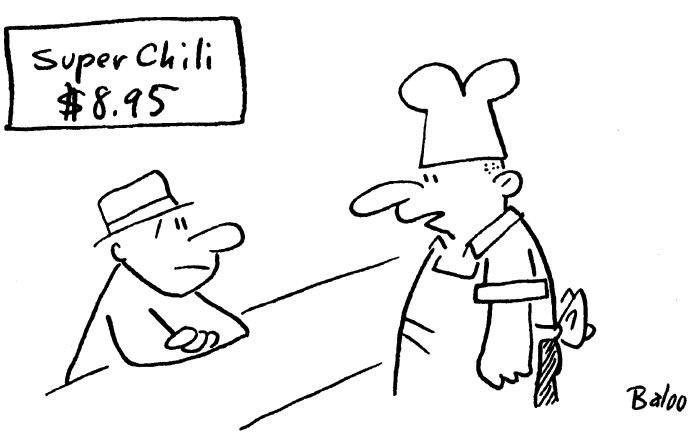

"Because it ruins the pan and we have to buy a new one."

Witness at the inquest — When the Soviet Empire died, I argued in these pages that the cause of Communism's death was its failure to keep its part of the bargain it had made with its people: In exchange for their giving up their rights, they would eventually get a decent standard of living, ultimately one that would exceed that of the West. After 70 years, it was plain that the gap between Western and Soviet living standards was widening, and moves to ameliorate the totalitarianism of the Soviet system had only brought about demands for its complete destruction.

In sum, I argued that freedom had proved itself more conducive to human prosperity than statism.

Conservatives, in the pages of their magazines, offered a somewhat different autopsy. Ronald Reagan killed Communism, they said, by increasing American military spending to the point where the Russians were facing bankruptcy trying to keep up with us. It was not the superiority of our social system that had prevailed, but the superiority of our state, under the inspired leadership of a Great Man. If it hadn't been for Reagan, Communism would still be with us.

If we were physical scientists, we'd go back and repeat the episode, changing only a single variable, until we isolated which variable consistently resulted in Soviet collapse. We'd label that variable the "cause" of the death of Communism, and move on to another problem.

But we aren't physical scientists, so the controversy continues.

There is new testimony in the case. Mikhail Gorbachev's memoirs have been published in Germany. They haven't been translated into English, but *The Economist* has published a review, which quotes Gorbachev on this very subject:

> The crisis of the communist movement and its collapse were fundamentally unavoidable. For the crisis was produced by

the inner weakness of the communist idea, the realization of which had led to the establishment of a totalitarian society. This model was bound to collapse sooner or later.

Gorbachev's testimony coheres with my autopsy, but ultimately, as Mises pointed out, controversies over historic questions of this sort can be answered only by resort to theory.

I strongly suspect that somewhere in the 1,216 pages of his *Erinnerungen* there is more that is relevant to the subject. I look forward to the English translation. —RWB

Old Rough-and-Unready — All the hype about a potential Colin Powell presidential campaign overlooked two important facts.

First, the last Army general to become president was the best president we have had in the last 60 years. Eisenhower produced more balanced budgets than all of his eight successors combined. He wasn't seduced by the idea of using the powers of the federal government to solve major social problems. And, with his intimate knowledge of the nation's armed forces, he was able to cut defense budgets without sacrificing defense abilities.

Second, of all the possible presidential candidates, Powell was the only one who has his roots in and understands that fourth branch of our government: the bureaucracy. Most legislators assume that the bureaucracy is an impartial institution that will carry out their orders. In fact, as the British TV series *Yes, Minister* told so well, the bureaucracy has its own interests that it places before the laws or mission that Congress prescribes.

At first glance, business leaders such as Ross Perot or Steve Forbes might be expected to understand this, since they deal with their own private-sector bureaucracies. When businesspeople are immersed in government, however, they rarely recover from the shock of discovering that government bureaucracies are fundamentally oriented around the appropriations process, instead of the production and profits that motivate the private sector.

It may be naive to expect Powell to tame the bureaucracy that runs more than a quarter of our economy. But it seems far less likely that a Dole, Gramm, or Bradley could ever do it. Powell, who describes himself as a "fiscal conservative with a social conscience," deserved more careful scrutiny from libertarians than he got. —RO'T

Doctors without borders — In October, the *Washington Post* ran an article about the growing number of Canadian physicians emigrating to the U.S. in search of a less socialized health care system. Not — as some might assume — primarily for higher salaries, "but because cutbacks in Canada's nationalized health system are denying them the resources, funding or freedom to do their jobs as they desire." And not only are their numbers increasing, but "among them, according to several experts, are some of the best."

The absurdity is obvious. All these doctors really want is *to be doctors*. They want to exercise their individual judgments, to have access to all necessary resources. In other words, they want to give their patients the best care possible. But the state won't let them.

So I ask: When will Canada question the benevolence of a system that only offers its physicians a choice of either enslavement to bureaucratic dictates or emigration? How healthy is a nation whose doctors are left no alternative but to pervert their professional standards? When will Canadians recognize the true price of "free" health care?

Wisely noting the present condition of health care in the U.S., the final paragraph of the article offered this caveat: "The ones who did make the move know that the American system is in flux as well, that referrals to specialists are rarer now, and that pressure to reduce costs is growing." The warning is well-taken. Now if only we could get the politicians to leave . . . —TR

A brief time of history — I was in a restaurant the other day when the after-theater crowd came in. Two guys sat next to me — about 35 years old, middle-middle class, civilized, clean. When they had finished their dinner and had run out of things to say about the marital complications of some couples they knew, one of them turned to me and asked what book I was reading. Repressing my natural desire to tell him that when I have a book, I prefer to regard the people in my vicinity as scenery, not as collocutors, I told him courteously that the book in question was Schlesinger's history of Roosevelt's political career.

"Oh, Teddy Roosevelt," he said.

"No," I replied. "The other one."

"The *other* one?"

"The other President Roosevelt."

"What do you mean?" he said. He had a sort of strange look on his face.

"You're joking," I offered.

But he wasn't. The strange look resulted from a mild but total confusion. He had never heard of any Roosevelt other than Teddy, and it seemed likely that Teddy had lodged in

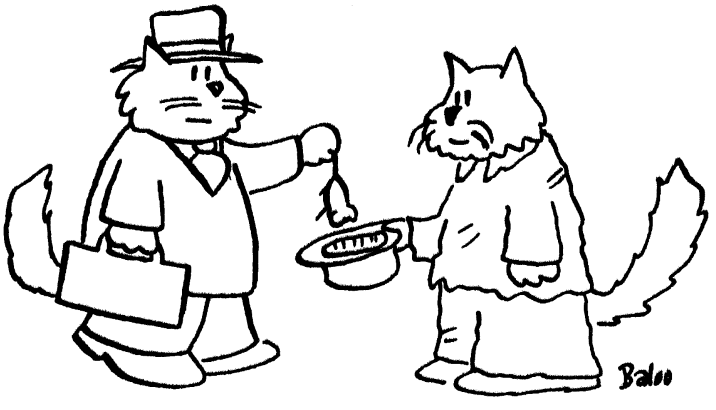

Roe *v.* Herself

— or —

The Apostasy, Redemption, and Self-Actualization of Norma McCorvey

by Matthew Benjamin Asher

With a pudgy and outstretched hand, Norma McCorvey, alias Jane Roe, did lead her people out of the dark era of back-alley abortions. Now, on the occasion of her self-imposed excommunication from the Church of NOW, let us take a moment to trace her journey.

It was in 1969 that McCorvey did consent to lead the abortion fight. She had to obey the law to fight the law, and so she had to sacrifice her unborn daughter to life so that others might die. It was a price she accepted.

After victory, she kept her silence for years, content to mismanage her own life — drugs, stealing, alcohol — in anonymity. But religion holds out the promise of redemption to all of us, and so, in an effort to make something of her life, McCorvey claimed her namesake as the woman who fought the law and won. "I am Jane Roe," she declared.

Yea, and the feminists rushed to lift up her arm and praise her knockout blow to oppression. You have led us out of the dark ages and into the light, they proclaimed.

Yet within herself, McCorvey had moments of doubt and pain. Her mother's voice, damning her for "murdering little babies," rang in her ears. She awoke at midnight with the oppressive weight of Satan bearing her down.

Only after her very public baptism could she quench her personal Hellfires. Once the poster child for pro-choice, she became the darling of the Club of 700.

But still she was not happy. It seems the Bible-thumping God-of-her-choosing hates homosexuals, and McCorvey has kept a longtime companion for 26 years. That preference too shall pass, prophesied her new-found friends.

No way, says McCorvey: "I might walk away from Jesus before I'd walk away from Connie." She adds, "Lord Jesus Christ this, and Lord Jesus Christ that. After a while I just get a little tired of hearing about it."

Already souring on the grapes of evangelical wrath, McCorvey has turned to the only Being she can truly have faith in.

"This is not pro-choice," she says. "It is not pro-life. It is pro-Norma."

Amen.

his brain, more or less at random, while he was watching some television program about bears.

"*Franklin* Roosevelt," I said.

"Oh," he replied. "Whatever."

So this, I thought, is what the nation's great system of public education comes to. Here is the average twentieth-century American citizen, and he is unable even to recognize the name of the twentieth-century American who was probably more responsible than any other for the world we live in. What an outrage!

And then I thought: "Outrage, hell! This is wonderful! It's over! The New Deal is finally *over*!" A long time ago, there was a libertarian bumper-sticker that read, "Sing and Dance the New Deal Away." That bumper-sticker flashed into my mind. At the moment, I couldn't see any singing and dancing going on, but at least the New Deal had disappeared. "Not with a bang but a whimper."

But then it occurred to me: Maybe that expression can be applied just as easily to triumphs as it can to defeats. Maybe what I had just heard from my one-man cross-section of modern America was the final, whimpering proof of Roosevelt's success. Roosevelt and his friends proposed to create the Era of the Common Man, and they had created it, all right: an era in which people had become so intellectually common that they didn't have a clue about what might have made them that way.

Before I knew it, the guy and his friend got up and made for the door. "No, no!" I felt like screaming. "Let me tell you all about the New Deal!" —SC

Yitzak Rabin, R.I.P. — Another Big Man has passed on. Upon hearing that Yitzak Rabin had been offed, I felt my usual two-second pang of sadness that accompanies the news that any person has died. However, the throngs of people I saw on the news bawling over someone they never met hardened me, driving me to cynicism. Therefore, my only response to the death of the man who was allegedly bringing peace to the Middle East is to quote Berkeley Breathed's Opus the Penguin: "A statesman is a dead politician. Lord knows we need more statesmen." —ML

A man of peace — Yitzak Rabin, dead. A great man, fallen. He loved his country, and he served the cause of peace. Or so they all say.

It's considered bad taste to criticize a man right after he dies, so all the discussions of Rabin's legacy thus far have tended to sound the same. Ambrose Bierce defined an encomiast as "a special, but not particular, kind of liar." For now, the liars will have their day — even Nixon, you will recall, was praised after his death, perhaps to stave off the possibility that he might return. Then the historians will weigh in, and we might finally acquire a balanced account of Rabin's contribution to the cause of peace. Until then, I'll have to man the anti-Rabin turf alone.

Well, not entirely alone. Quite a few Palestinians might join me.

Like Hitler in the Mel Brooks movie — "All I want is peace: a little piece of Poland, a little piece of France . . ." — Rabin's concept of *peace* boiled down to *Don't you cause any trouble for me.* Yasser Arafat's allegedly autonomous fiefdoms

are little more than autocratic bantustans, policed by the PLO for its new Israeli masters. What is the reality of Palestinian "autonomy"? Consider this item, from an article in *The Nation* by Edward Said, one of the few brave voices speaking out against the new order: "All commercial traffic between Gaza and the West Bank is in Israeli hands. Thus, a truck carrying tomatoes from Gaza to the West Bank town of Nablus must stop at the border, unload onto an Israeli truck, then reload the produce onto a Palestinian truck entering Nablus. This takes three days, with the fruit rotting in the meantime and the costs going so high as to make such transactions prohibitive. (In the West Bank it is cheaper to import tomatoes from Spain than from Gaza.)"

Within the not-so-autonomous zones, Arafat rules with an iron fist. Due process is a dead letter. Dissident newspapers are shut down. There's no pretense of democracy or of constitutional limits, no effort to generate a working economic order. This is Arafat's side of the bargain: Keep your subjects in line, and you can have all the power you desire — over them.

So why pick on Rabin, then, if Arafat is the villain here, selling out his people for a phony peace? Rabin, at least, is a patriot; Rabin, at least, has honor. But does he? We might have been able to chalk up the peace process as a net gain had Rabin kept his promise to stop the explosion of new "settlements" (i.e. land-grabs) on Palestinian soil. But the settlements have increased since the first Oslo agreement, and so has the amount of money Israelis have invested in them.

Supposedly, Oslo II will put a stop to that. I'll believe it when I see it. At any rate, you won't be able to attribute any future shifts in policy to the late prime minister.

When the hagiographers look back on Rabin's career, they see noble rhetoric and a Nobel statuette. They don't see dead men and women, dead children; they don't see police beatings and shootings on the street; they don't see kids locked up for flying the Palestinian flag. They don't see land and water stolen, newspapers and universities shut down. And if a Dylan song happens to enter their mind, it'll be "Neighborhood Bully," the songwriter's defense of embattled Israel. It won't be another song on that album — the one that goes, "Sometimes Satan comes as a man of peace." —JW

Medianotes

The Devil's plaything — Last year's big news in the magazine world was the simultaneous debut of John Kennedy, Jr.'s *George* and the Kristol, Jr./Podhoretz, Jr./Barnes triumvirate's *Weekly Standard*. Neither was worth the hype. I expect the first rag to last until John-John gets bored, and the second until Rupert Murdoch tires of financing it. But don't expect me to keep reading them until then.

There *are* good magazines in the world, journals filled with interesting writing and original perspectives. You just have to look a little farther than the local Waldenbooks to find them. One such publication is *The Idler*, a London-based bimonthly subtitled "Literature for Loafers." Politically, *The Idler* owes its soul to Paul Lafargue, William Morris, Bob Black, and their anti-employment brethren. In practice, though, it takes its topic too seriously to waste its time with mere theory. Typical is Stewart Home's essay on the Art Strike, published in the July-August 1995 edition. Home mentions the official justification for his silly Strike — "To call one person an 'artist' is to deny another the equal gift of vision; thus the myth of 'genius' becomes an ideological justification for inequality, repression and famine," etc., etc. But then he confesses, "my real motivation for striking was far simpler: I happen to prefer staying in and watching kung fu videos to putting on art shows."

Most of the articles are practical paeans to the pleasures of layabouting, including a tribute to Joë Bousquet ("a French poet who spent nearly his entire life in bed"), tips for weed-gardeners ("the ultimate in low-maintenance gardens"), and a Drugs News column ("If you are stealing speed derivates from a chemist, make sure you wear a smart suit: if you are caught you will at least look well on your arrest photos"). Perusing the back issue ad, I discover that past editions of the magazine have covered such topics as "idle sex," "life is shit," "think tanks on welfare," and "is Homer Simpson a hero of our time?"

All things in moderation, golden mean, blah blah blah — yes, I know: Like any virtue, idleness can be taken too far. So what? I don't read *The Idler* for lifestyle tips. I read it because it is witty and original, putting it on a level far above the perfume-paged political groupie-ism of *George* and the neoconservative bromides of *The Weekly Standard*. *The Idler* is worth seeking out — though if you're too lazy to make the effort, I'm sure the editors will understand. —JW

Spank me, Ms. Cheney! — The opening issue of the much-touted *Weekly Standard* closes with Lynne V. Cheney's attack on Larry Clark's new film *Kids* as objectionable pornography, incidentally mentioning that Clark as a photographer of modest gifts and peculiar tastes once received a modest grant ($5,000) from the National Endowment for the Arts. Ms. Cheney failed to mention that she herself was formerly the head of the companion Humanities Endowment (as well as the wife of the Republican former secretary of defense).

Inflating as it deprecates, her purported attack strikes me as a devious attempt to make Clark more famous than he would otherwise be, much as self-styled conservatives, don't forget, helped make another modest photographer with pecu-

liar obsessions, Robert Mapplethorpe, more prominent than he would otherwise have been. Generations ago, publishers would try to have their more salacious new books banned in Boston, until the censors there realized that they had become unwitting accomplices in someone else's publicity ploy. Don't be surprised if Cheney and her kind begin to serve a similar purpose for making certain artists notorious and thus famous. As a writer who has dabbled in erotica, I would gladly give her a princely sum to object publicly to me.

Precisely because someone with Ms. Cheney's experience should by now be more aware of the final effect of such publicity, her article raises questions once again about not only her cultural intelligence but her ultimate political allegiances. Remember that this is the same Lynne Cheney who, having mismanaged the NEH for several years, now calls for its demise. There as well as here, someone is being either stupid or subversive. Since Ms. Cheney has advanced academic degrees, one conclusion is inescapable, making me for one wonder not only about her hidden agenda but her hubby's. Mark my words: Should Clark become famous, if not a P.C. culture hero, don't be surprised to find Cheney blaming his success on P.C. publicists — and, of course, the knocked-down NEA — rather than herself.

Think twice, and you'll realize it is clear that the principal beneficiaries of Ms. Cheney's double-agentry are first Clark and then Ms. Cheney herself — if not in the head alone, perhaps eventually in the pocket; the principal losers are first better artists and then the American public. What distinguishes America now is that such subversion is sponsored by those who should know better, beginning with William Kristol, son of Irving. Understand why this is so and you begin to understand the reasons for America's decline in the past two decades. —RK

Broadcast noose — Since the autumn of 1986, the FCC's definition of "indecency" has expanded. Limited since the 1978 *FCC v. Pacifica Foundation* case to a ban on airing any of the "seven dirty words" before 10 p.m., it soon shifted to a vaguer standard: "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary standards for the broadcast medium, sexual or excretory activities or organs." To judge from some of the Commission's targets, this can include any non-clinical reference to masturbation, breast size, erections, or even tabloid sex scandals. Some broadcasters can afford the commission's fines; Howard Stern nets Infinity Broadcasting enough profits for the latter to survive the FCC harassment Stern also brings. Other broadcasters can't. In January 1993, WSUC-FM, a Cortland, New York, college station, was fined $23,750 for airing a rapper's "vulgar language" during the afternoon. The cost of meeting the fine nearly drove the station off the air.

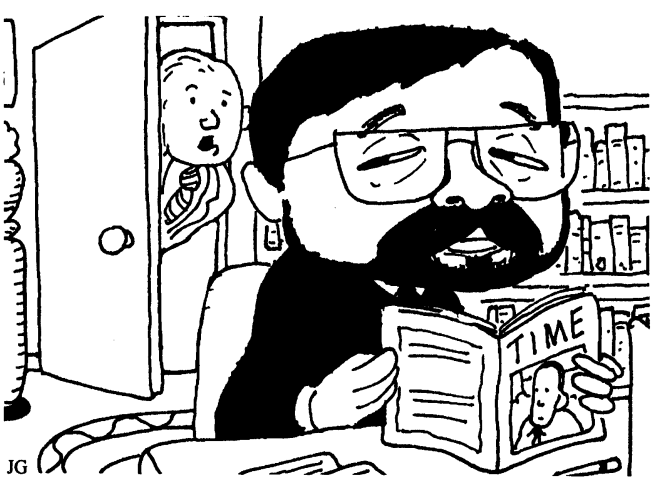

"The jury wants to hear again what messages they have the option of sending."

The FCC only levies indecency fines after receiving a listener complaint — and the number of complaints has dropped recently, for reasons unknown.

After Congress' 24-hour indecency ban was challenged in court, the government instead established a "safe harbor" period in which children were allegedly less likely to have their radios on. During this time, questionable material could be played. The problem, says attorney John Crigler of Haley, Bader & Potts, a communications law firm that often represents stations before the FCC, is that "the safe harbor keeps changing." Until recently, indecency was protected between 8 p.m. and 6 a.m. On August 18, the FCC narrowed the harbor to 10 p.m. to 6 a.m. How long that will last is anyone's guess.

This latest shift was the indirect result of a recent challenge to the indecency policy. The case was initially heard by a three-judge panel of the D.C. Circuit, which found in the challengers' favor, but was subsequently reversed by the entire twelve-judge Court of Appeals. On September 28, the challengers filed a petition with the Supreme Court. And that's where the matter stands now, with the petitioners waiting to hear whether the Court will review the case.

If successful, the broadcasters and writers who are challenging the policy will elicit a wider and less vague standard of protected speech. In the meantime, though, the trend seems to be against free expression over the airwaves.

There is a silver lining. Both the number of indecency forfeitures and the amount of the fines have declined over the past few years — though not, as some might expect, because the Clinton administration is more tolerant of controversial programming. (This is, after all, the regime of Janet Reno and Tipper Gore.) One reason is that the FCC only levies indecency fines after receiving a listener complaint — and the number of complaints has dropped recently, for reasons unknown. Also, in 1994, the FCC's fine structure was ruled invalid by a Federal Appeals Court in the District of Columbia, making the agency more nervous about having to justify its forfeitures and more likely to judge cases on an individual basis. Its most recent fine against Infinity Broadcasting totaled only $4,000, a significant drop from the $600,000 it demanded from them two years before.

So the assault on indecency has been slowed. But less well-endowed stations still have to watch what they say, always aware that they aren't the only ones whose ears are perked. —JW

Appraisal

In Dubious Battle

by R.W. Bradford

Politics-as-usual shifts downgear as politicians get down and dirty.

The federal government had a $24.8 billion interest payment due on Wednesday, November 15. This was different from a house payment that a typical family might owe, and not just because it was such a gigantic amount of money. When you or I owe money, we almost always pay it out of current income or savings. But the government has a different way of doing things: It just borrows more. Every time this happens — and it happens every week — the national debt gets a little higher.

But the $24.8 billion due November 15 was different. You see, the U.S. Treasury can only borrow money if it's authorized by Congress. And stingy old Congress had limited Treasury to a measly $4.9 trillion. And Treasury had already borrowed all that.

This happens all the time. The national debt has grown every year for a quarter of a century, and has been growing lately at the rate of about $4 billion a week. So every so often, the administration reluctantly asks Congress to raise the debt authorization "one more time," and Congress does so, on a "temporary" basis.

But things were different this time. The Democratic president and the Republican Congress were locked in a dispute, ostensibly about the whole problem of the budget deficit and the national debt. The president was threatening to veto the new budget (which didn't increase Social Security as much as he wanted it to). No, the budget Congress was enacting did not balance the budget. But it did keep spending increases down to a point where, by Congress' calculation, the budget could be balanced by the second year of the next millennium.

Furthermore, Congress had long ago enacted measures that, in the unlikely event that some future Congress might fail to approve an increase in the debt limit, legally authorized the secretary of the Treasury to take the sort of action to avoid default that a private person facing bankruptcy might take, and might be put in jail for taking. This Congress didn't much care for this sort of legal fraud. So when it authorized another increase in the debt limit, part of the measure removed this wiggle room.

As November 15 approached, Secretary Robert Rubin issued dire warnings about the impending default, not mentioning the anti-default measures at his disposal. Inevitably, these warnings touched off a worry in the currency markets, and the value of the dollar dropped. Why Rubin did this seemed difficult to fathom: Certainly it didn't benefit the United States to have its currency fall into disrepute and its credit rating sink.

If Rubin were to default, the United States would be technically bankrupt and subject to the usual indignities of bankruptcy. This sort of thing occasionally happens to governments, but usually in places like Mexico or Italy. When it happens, the currency of the country goes down the toilet, as investors don't have much interest in lending money to a government that does not repay its debts.

On the morning of Monday, November 13, it was plain that this deadlock would have one of three resolutions:

(1) Congress would cave in and increase the debt limit without taking away Treasury's ability to fudge the books, and the government would go on borrowing an additional $4 billion each week with Congress unable to stop it.

(2) The president would give in and sign the debt limit increase as passed by Congress, which would become a *real* limit.

(3) Neither side would give in, and the U.S. would either default (as Rubin had indicated, causing chaos in financial markets) or Rubin would use the power an earlier Congress had given him to paper over the problem.

At 8:30 a.m., the president ended

the suspense. He vetoed the debt authorization and the secretary of the Treasury announced that he would use his legal authority to evade the law. The Treasury manages the retirement funds of federal employees, which are held in the form of government bonds. Naturally, these bonds are an obligation of the United States, and part of the national debt. Rubin tendered the bonds to the Treasury for redemption,

If a private business were to raid its employees' pension funds to pay its obligations, its officers would go to jail. But the U.S. government is not to be judged by normal standards of decency or honesty.

thereby lowering the national debt and allowing Treasury to issue more bonds to investors without exceeding the debt limit. The pension funds lent their cash to the Treasury without interest, but this loan is not counted as debt, so it doesn't count as part of the national debt. However, an earlier Congress' legislation promised that the cash will be repaid with interest eventually, so the pension funds will not lose anything. In other words, these actions enable the secretary of the Treasury to borrow money from the government workers' pensions and not include that loan as part of the overall debt.

If a private business were to raid its employees' pension funds to pay its obligations, giving the employees a promise to repay at some vague time in the future, its officers would go to jail. But this, remember, is the U.S. government, a unique institution that is not to be judged by normal standards of decency or honesty.

Upon Rubin's announcement, the dollar rallied, the price of gold dropped $4.00 and peace returned to financial markets. But it's a funny kind of peace. Speculators are a little upset, a little worried. The market isn't racked with the pain of an ulcer, but it is a bit queasy.

No one really seemed to know just how much wiggle room Treasury had. How many billions of dollars could be shifted about to paper over the problem of the relentless need for $4 billion or so per week to cover the deficit?

It turns out Treasury's wiggle room is more like a wiggle stadium. On Wednesday, less than three days after Secretary Rubin had been speaking gravely about default, he announced that the Treasury's crack team of attorneys, working around the clock while Rubin was publicly worrying, had discovered sufficient legal authorization for another year's borrowing that wouldn't count as real debt. So no matter how much Congress wants to stop the dollar hemorrhage, it can't do so for at least until the 1996 elections are over. Which, it turns out, is a critical point.

The Role of Politics

During the congressional battle over the the creation of Medicare in 1964, the Democrats bought television ads showing a man putting three quarters into a pay phone while the announcer intoned that the cost of Medicare would be only 75¢ per week. The implication was that it would be downright immoral to oppose a measure that would solve the health problems of the elderly at such a low cost. And so Medicare was enacted, at a cost of $6.00 per recipient per month, half paid by the recipient, half paid by the taxpayer.

By 1995, the effects of inflation and subsidy had driven up the monthly cost from $6.00 to $146.35. Congress had responded to the rising cost by decreasing the portion paid by the recipient from 50% to 31.5%, so now the elderly pay premiums of $46.10 per month (deducted from their Social Security check), while the taxpayer chips in $100.25.

Even this seemed too high to the elderly, who successfully lobbied an earlier Congress to give them an even larger subsidy. And so, as the law now stands, as of 1996 the elderly will pay only 25% of the cost of their visits to doctors' offices, with taxpayers picking up 75%. With another year of price inflation fueled by subsidy, the total cost of the coverage increased by 16.1%, but the cost to the recipient would decrease to $42.50, with the taxpayer now picking up $127.41.

This increased subsidy seemed like a poor idea even to Bill Clinton, who proposed in 1993 that it be repealed to help bring spending under control. So when the Republicans tried their hand at cutting government spending this year, they naturally included this measure. Under the budget passed by Congress, the premium deducted from the elderly's Social Security check in 1996 would have risen to $53.50, an increase of $7.40. Happily, the average Social Security payment will rise by $18.00 per month, so the net amount received would still increase. Since the president had supported this measure in the past, it seemed non-controversial.

But the Republicans had underestimated Bill Clinton's lust for power and his willingness to adjust his beliefs to gain voter support.

The president wants to score some points with old people and increase his chances of re-election. On the theory that old people vote their pocketbooks, Clinton figures that if he can convince them the Republicans will mean less loot, they'll quickly become Democrats. And Bill Clinton can no more pass up an opportunity to win votes than he could pass up an opportunity to "get to know" Gennifer Flowers.

So the president took to the airwaves, denouncing the very proposal he had made in 1993. He vetoed the budget. "I *want* to balance the budget," he said. "But I don't want to destroy Medicare." The Republican plan to do away with the increased Medicare subsidy is an attempt "to impose huge hikes in Medicare premiums. . . . I am fighting it today. I will fight it tomorrow. I will fight it next week and next month," he roared to the television cameras. "I will fight until we get a budget that is fair to all Americans."

"The longer this goes on," Democratic pollster Geoff Garin said, "the more it gives advantage" to Clinton.

On his television show, Rush Limbaugh aired a videotape of the 1993 version of Bill Clinton proposing the measure he now indignantly denounced. *The Wall Street Journal* ran a news article, pointing out that the difference between the Republican proposal and the president's was only $11.00 per month for Social Security recipients, not the draconian difference sug-

gested by the president's claims. But Limbaugh is widely perceived as a GOP apologist, and both he and the *WSJ* were preaching to the choir.

And the president bought television spots, showing a middle-aged couple at their kitchen table. What can we do about Grandma, now that Medicare is slashed? "She's . . . she's my mother," says the woman. Tears well up in the eyes of the actors, and in living rooms across the nation. Needless to say, the ad didn't mention the cost of Grandma's Medicare coverage would rise only $7.40 per month under the GOP proposal, or that the couple already pays, via payroll deduction, about $180 per month to support Medicare, and that this figure will inevitably rise if the president prevails.

Suddenly, Bill Clinton was rising in the polls, which also showed that most voters blamed the budget crisis on the Republicans. Clinton had at last found an issue that was working for him.

The Republicans read the same polls, and caved in to the president on Medicare on Wednesday, only one day after the crisis had come to a head. Now, they figured, the president would agree to balance the budget in seven years, a plan using the non-partisan Congressional Budget Office's economic projections, and sign their budget, which would allow "non-essential" government offices to reopen.

But Clinton was not about to accept their surrender, not while his popularity was rising. "You are in a situation where the White House is clearly emboldened," said former Democratic senator Paul Tsongas. "They [sic] see this as their ticket to 1996."

"The longer this goes on," Democratic pollster Geoff Garin said, "the more it gives advantage" to Clinton. "The public gets to understand that what this [crisis] means in reality is higher Medicare premiums and less Medicaid, less funding for nursing homes, less funding for student aid."

So Clinton said the Republicans would have to give up more. Any plan to balance the budget must be based on the perpetually rosy (and uniformly inaccurate) projections of his Office of Management and Budget. And it would have to ensure no cuts in entitlement programs.

By this time, you will recall, Secretary of the Treasury Rubin had found a way to keep the government running, more or less, for another year without the permission of Congress. Clinton figured he could ignore Congress until the election, gaining in popularity all the time. He just might be a two-term president.

Delightfully unencumbered by any beliefs or principles, Clinton held the upper hand. On Sunday, November 19, the Republicans caved in. In exchange for Clinton's "commitment" to balance the budget within seven years, using a plan that "basically" follows CBO projections, they agreed to keep entitlement funding at "adequate" levels and to authorize an increase in the debt ceiling that will suffice until December 13. And federal workers, unlike workers laid off in private industry, would be paid at their regular wages for the six days they were furloughed. The agreement, CNN reported, gave the president "room to maneuver."

And so this battle in the Budget War went to the Democrats, though Gingrich and Dole tried to portray it as a Republican victory. Clinton had turned the Republican attack back on them, forcing a retreat. He had committed to nothing, while getting the Republicans to back down on key issues and gaining in the polls.

But there will be more battles, perhaps as soon as December 13. The Budget War is not over yet.

The Prospects for a Balanced Budget

For the first time in the memory of any person born since World War II, Congress seems to be trying to get government spending under control. This goes contrary to the whole conventional political process, which elevates every problem to the status of an emergency to be used to justify more spending, while at the same time calling for a balanced budget. The old system sat very well with voters, who like spending and like balanced budgets but aren't very crazy about tax increases.

Of course, it is impossible to raise spending, cut taxes, and erase a budget deficit all at the same time. The way around this thorny problem is to solve the last problem in the future, by making economic projections that show things getting better (so tax revenue will rise sharply) and problems going away (so spending can shrink, or at least not grow very much). Lo and behold, when the future comes, the deficit is even larger.

Of course, even those with the most negligible understanding of economics can see the silliness of this. When the government subsidizes an activity (say, provision of medical care to the indigent or elderly), demand for the activity is increased and the cost rises rather than declines. And, of course, government officials never cease to discover new crises that require additional spending and bigger staffs and more power. This presents no real problem: The politicians simply increase the deficit, and enact a plan to reduce and eliminate it during the next five years. The White House has a special bureau, its Office of Management and Budget, whose sole function is to cook up projections that justify the new plans to balance the budget during the period three to seven years later.

So the deficit has continued to grow and the national debt has exploded in the past 40 years, while every president and every Congress has promised to reduce or eliminate the deficits. Every year for the past quarter-century, the government has spent more money than it has taken in. The federal debt has tripled in the past ten years. And it tripled in the ten years before that. Today, the federal government is about $4.9 trillion in debt.

The budget process has become a ritual. Congress enacts and the president signs a budget with a huge deficit, at the same time revealing a multi-year plan to balance the budget. Within a few years, the plan is obsolete, as revenues have proved lower than expected and expenses higher. The need for a balanced budget is agreed upon, and a new budget is drawn up. Once again, the current year has a huge deficit. But once again, spending and revenue for future years are projected to converge into equality.

Ostensibly to break this cycle of ever-increasing deficits, the Gramm-Rudman Act was signed into law in 1985. It outlawed the deficit. But Congress found ways around the law, and the deficits continued to grow.

Things looked different after 1994. Virtually every Republican candidate

for Congress signed a "Contract with America," making an explicit promise to balance the budget. Swept into control after being out of power in the House for 40 years, the new Republicans quickly proposed and passed a balanced budget amendment.

This was the first battle of the Budget War, and the Republicans almost won it. But they failed to get enough Democratic votes for the necessary two-thirds majority in the Senate. This was not necessarily a bad thing: There were problems with the amendment's wording that could have made it just another toothless weapon. At any rate, the battle was a draw: The Democrats had fended off the Republican knockout punch, but the Republicans had mustered large majorities in both houses and scored a clear victory with the voters.

Now the Democrats have won a clear victory in the second battle of the Budget War. The Republicans claim to have learned from this defeat, and remain determined, they say, to continue the fight.

Before you conclude that the Republicans will stand up to the president and win the war, take a look at the graph on this page. It shows the budget deficit for every year between 1936 and 1992.

Most people think the Democrats are the party of deficit spending, while the Republicans are the party of balanced budgets. But that is not the case. Indeed, to judge from this graph, the major cause of deficits is Republican presidents (who are marked with shaded areas). Eisenhower was pretty good, but Nixon, Reagan, and Bush were terrible.

But it is not fair to blame this entirely on them. These Republican presidents had Democratic Congresses, after all. And it is Congress that enacts the budget, not the president.

Nor are wars the major cause of the huge debt. There were big deficits during World War II. But the Korean War resulted in no deficits at all, and the Vietnam War deficits were pretty small.

The real cause of the huge deficit is the enormous increase in entitlement spending that began under Johnson, was expanded by subsequent presidents, and has now become a part of American life. Of the $885 billion in entitlement spending in 1995, only $140 billion went to the poor. The rest went to programs for the middle class, in the form of Medicare, student loans, farm subsidies, Social Security, veterans' benefits, and a hundred other programs.

The middle-class voter is happy to cut programs that benefit the poor or the rich. But I doubt very many middle-class voters want to cut programs that benefit themselves. They don't mind balancing the budget on someone else's back. But when push comes to shove, they'd rather live with perpetual deficits than give up their government subsidies.

It's going to take more than rollbacks of increased Medicare subsidies to balance the budget. If you think voters are upset now, wait until someone proposes substantial *cuts* in their handouts. If the Republican resolution to roll back a minor Medicare premium cut evaporates after a week's worth of television spots and a few phony righteous harrumphs from the president, what are the chances they will find the resolve to enact actual cuts in middle-class entitlements?

Very slim, I am afraid. Maybe I'm wrong about this. I *hope* that I am. But I suspect middle-class voters will react as they have in the past, and Republican congresspeople will react as Republican presidents have reacted in the past. I wouldn't make any bets that the budget will be balanced in the foreseeable future.

Meanwhile, I shall celebrate the recent government "shutdown." My local congressman went on television to enumerate the hardships it was causing — the Smithsonian was closed, the Washington Monument was shut down, the IRS wasn't answering its help lines — and concluded absurdly, "Now we can see just how much we need government."

Yeah, right. A couple tourist attractions closed, no "help" from the IRS . . . how can we go on? If nothing else, the budget crisis should help Americans understand just how unimportant the federal government is to their real lives. Now there's an accomplishment! ❑

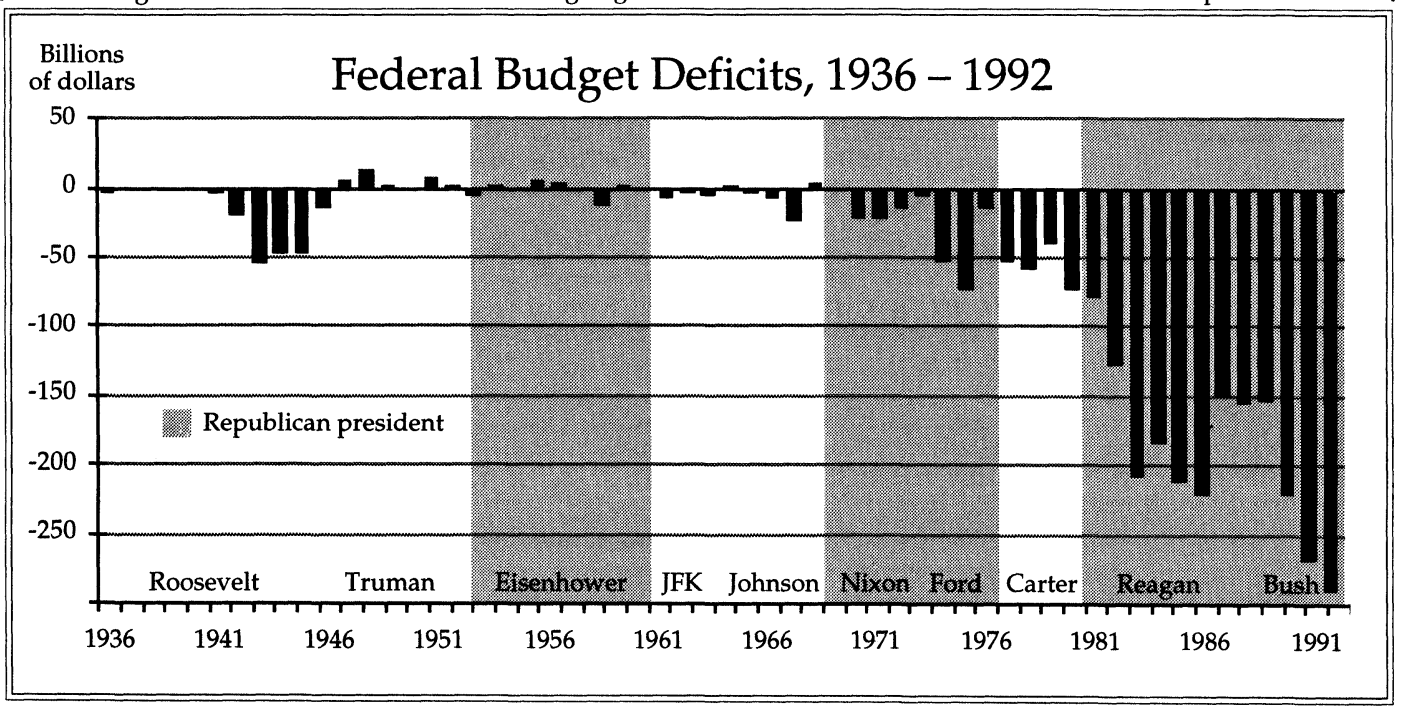

Making O.J. Pay

by Randy E. Barnett

There will be no rest until there's restitution.

The O.J. Simpson case has posed a difficulty for those of us who believe the mission of the criminal justice system should not be to inflict pain and suffering on those with *mens rea* ("guilty minds"), but primarily to compel criminals to make restitution and secondarily to incapacitate those who have proven by their conduct to be dangerous to others. Restitution — making criminals work to pay off their debts, not to society, but to their victims — would reconnect the victim to the justice system, by reminding criminals that they violated the rights of others. While such a system poses some practical problems, they are not insurmountable. Indeed, monetary restitution even for murder (coupled with outlawry for repeat offenders) was actually the norm in medieval times, before the rise of the modern church and state. And any practical problems must always be compared with those of the current system of punishment.

Under the prevailing punishment paradigm, a rape victim, for example, is considered — obscenely, in my view — merely a witness to a crime committed against society, the people, the state, etc. No effort is made to compel her attacker to compensate her for her suffering. In most jurisdictions, she would be committing the crime of compounding a felony if she were to accept compensation from her attacker in lieu of punishment. If convicted, her attacker would be incarcerated in an institution that would either grossly over- or underpunish him. If he were a first-time offender

with a background similar to those reading this article, he would be condemned to a chamber of horrors that is difficult for us even to conceive. (This is one reason why judges are so lenient with first-time offenders.) If he were a hardened criminal or a street-gang member, however, he would fit right into the gang structure that runs most penitentiaries in this country. He would get to lift weights and watch Ricki Lake on TV.

When persons of modest means commit murder, making full restitution might take them most of the rest of their lives. But opponents of a restitution-based system often ask how it would respond to a hypothetical rich murderer who can simply write a check to the family of the victim. Until Simpson, it was easy for restitution advocates to dismiss such objections as highly improbable. Prominent wealthy people usually refrain from committing murder, not out of fear of the penitentiary, but because they are socialized to handle their frustrations and disputes in other ways, or because they are deterred by the prospect of losing everything they care most about: their wealth and prominence. The proper function of the criminal justice system is to deal with real criminals and real victims, not with unrealistic scenarios.

For restitution advocates, then, Simpson represented our worst hypothetical nightmare come to life. For here was an accused murderer who really could write a check to the

victims' families and presumably walk away free and clear. And who among us would feel comfortable arguing that this would be "severe enough" sanction to constitute justice? If ever there were a real case that seemed to call for punishment, O.J. Simpson's was that case.

With Simpson's acquittal, however, the situation has been reversed. Now the weaknesses of a criminal justice system based on punishment have come to the fore. With punishment, the cost of error is so severe that, to avoid punishing the innocent, we demand proof beyond a reasonable doubt. With punishment, we refuse to compel defendants to testify. With punishment, wealthy defendants are willing to pay a fortune for defense lawyers who might help them avoid or delay getting punished. With punishment, we must rely on sometimes less-than-competent government agencies to prosecute the case, whose weaknesses are magnified when confronting the best criminal lawyers money can buy. When all these hurdles result in a verdict of "not guilty," defendants can claim to have been proven innocent. And, though this was not an issue in the Simpson case, when punishment is being sought, we need to find that a defendant was "culpable" — permitting some, such as John Hinkley and Mark David Chapman, to escape justice by pleading insanity.

Many people favor punishment because of the "message" it supposedly sends to criminals and to society. But what if the opposite message is sent? Simpson can be viewed as having "gotten away with murder," and our system of punishment made it more likely that he would. While it is true that a wealthy person could make restitution, by the same token a wealthy person can (and here did) use his wealth to avoid being punished. Simpson can claim a vindication he would have been denied if compelled to make restitution. The victims' families received nothing but additional frustration and humiliation.

So now that the system of punishment has failed to punish a wealthy defendant accused of murder, what is left? The victims are going to pursue justice by means of civil suits seeking monetary compensation. Another name for this is restitution. In the words of a car commercial, "*This* changes everything!"

Now the burden of proof is easier to meet — a "preponderance of the evidence" (that is, "more likely than not"). Now Simpson loses his right to remain silent and must answer the questions we all want answered. Now the victims' lawyers have far more discretion to exclude prospective jurors than is permitted government prosecutors. Now probative evidence ruled inadmissible in the criminal trial can be admitted. As for Simpson's wealth, contingency fees mean that *his* money will be used to pay the plaintiffs' lawyers if he loses. The more he has, therefore, the more that can be spent against him. Merely the threat of losing these civil suits has already prevented Simpson from rehabilitating himself on national television.

But assuming that Simpson is made to pay the Goldman and Brown families, has justice been done? Is this "enough"? The answer is both yes and no. On the one hand, justice to the victims' families, imperfect though it may be, would have been done. Neither restitution nor punishment will bring back the lives of Nicole and Ron, but Simpson would have been made literally to *pay* for his crime. Simpson would also have been made to *answer* for his crime by compelling his testimony. Because he will have been adjudicated a murderer, he would have a great deal more difficulty proclaiming his innocence and rehabilitating his reputation.

On the other hand, because our legal system is committed to punishing murderers, it will always be perceived that Simpson got away with something. As a former prosecutor, I can well-appreciate the urge to punish severely someone who savagely murdered another human being. Yet how much of this urge is based on our assumption that guilty murderers should be punished and how much is based on the unavailability of any serious alternative? Does punishment itself undermine the meaningfulness of restitution?

Some would argue that the current system allows for *both* punishment and restitution by means of civil suits. But does not the message sent by Simpson's acquittal undermine the plausibility of this claim? And with virtually all ordinary criminals, of course, the choice is either/or, not both.

Perhaps, then, the not-so-hypothetical wealthy murderer poses as big a challenge to punishment

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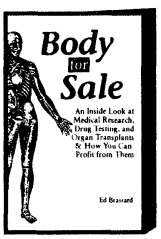

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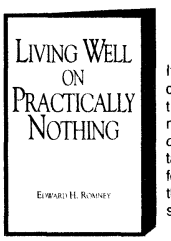

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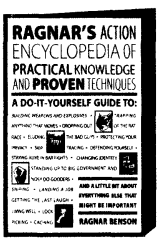

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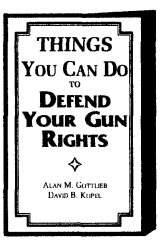

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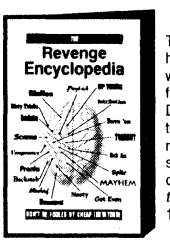

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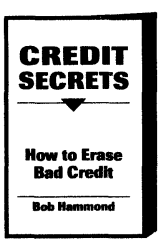

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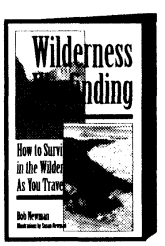

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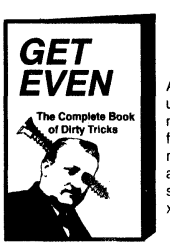

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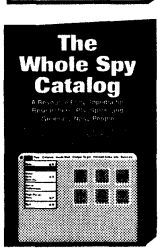

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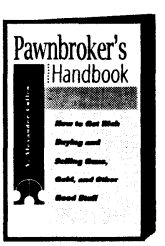

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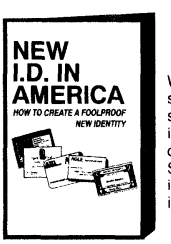

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advocates as it does to those of us who favor restitution. If an O.J. Simpson freed after admitting his guilt and making restitution to the victim's family is the price to be paid for a system in which all criminals are made to pay their debts to victims and their families, it may be a price worth paying. ❑

O.J.'s Free and I Don't Care

by R.W. Bradford

At a scholarly conference in France last May, I mentioned to a European friend that I did not know a single American who believed either (a) that O.J. was innocent, or (b) that he would be found guilty. This so astonished him that he asked every other American at the conference whether he thought O.J. was innocent and whether he would be convicted. The opinions of my fellow Americans were all identical, as were the astonished and horrified reactions of the Europeans.

My conviction that O.J. would walk, despite his apparent guilt, was strengthened last summer, when I heard Tom Snyder interview a juror who had been dropped from the trial. Snyder asked about the other victim in the case, Ron Goldman, whose throat was slit after considerable struggle with his assailant. The ex-juror, still in his first day out of sequestration, began his response, "Ronald Goldman, if he was indeed murdered . . ." After six months of trial, during which extensive evidence about the brutal fashion in which Ronald Goldman's life had been presented, this man was not even convinced that Goldman had been murdered! What alternative explanation was there?, I wondered. Had Goldman been carrying a large quantity of very sharp knives, slipped and fallen (whoops!), sending the knives high into the air, spinning end over end, only to come down and slash him in several places? And did Goldman, in his death throes, flail about, bruising his body in such a way that it looked like he had struggled for his life with an intruder? And did some neighborhood dogs then arrive and, without tracking any of the blood, pick up the extra knives, carry them away, and hide them where no one has ever found them? Yeah, right.

What really was happening, it seemed apparent, was that the jury was determined to find O.J. not guilty, despite the evidence presented in court.

My certainty wavered a bit the afternoon of October 2, when it was reported that the jury had reached a quick verdict, after asking to reexamine some testimony that was supposedly damaging to O.J. Overwhelmed with optimism, the possibility of a conviction fleeted into my mind. My friend Jesse Walker called me in the wee hours of the morning October 3, offering to bet even money against a not-guilty verdict. I passed, telling Jesse and myself that I didn't want to take advantage of him. But in my heart of hearts, I again held out hope that O.J. would be convicted. Then I thought again about the juror on the Tom Snyder show.

The next morning, of course, O.J. was acquitted and immediately began the search for the "real killer," while his defense team partied. The polls showed that an overwhelming majority of white Americans (like me) figured he had "gotten away" with murder, while most black Americans figured his innocence had been established.

My belief that O.J. committed the brutal murders is about as uninformed as anyone's. I have pretty much shunned news of the event, like I shun most news of violent crime, automobile accidents, and the comings and goings of celebrities. Of course, the O.J. story has pervaded television news and conversation public and private like no other story in recent years, so I have nevertheless heard quite a lot about it. I figure he did it because he had motive and opportunity, there seems to be a fair amount of physical evidence implicating him, and no one else had motive and opportunity or has any physical evidence pointing at them. I mean, unlike the juror that Tom Snyder interviewed, I am convinced that it *was* murder, and that somebody has to have done it. From what I hear, the L.A. cops probably fabricated some evidence to make their case stronger, but the case against O.J. remains very strong with that evidence removed.

What's intriguing to me is the whole question of why Americans (oops, I mean white Americans) are so indignant about the whole matter. Yes, I realize that it is a terrible thing when a person gets away with committing a brutal murder. And I suppose it's a bad thing when he manages to avoid the chair by using a portion of his immense wealth to hire smart attorneys who play on the credulity and prejudices of the jury. And, yes, violence against spouses is terrible. (As is violence against waiters at upscale restaurants who are returning the sunglasses of diners.) Yes, yes, yes . . .

But O.J. wasn't the first American to be found innocent of a crime of which he was manifestly guilty. He wasn't the first wealthy individual to use his money to hire top-notch legal talent and use "questionable" means of swaying a jury. In the first of this century's "Trials of the Century," millionaire playboy Harry Thaw was found not guilty of murder. Thaw had shot and killed a prominent public figure in front of hundreds of witnesses in a crowded New York nightclub. His attorneys argued that his victim had had sex with Thaw's wife before she was married, and managed to convince a credulous jury that the aforesaid sex was rape (the woman in question was a "showgirl" who had a lot of other "men friends"). Only last year, the Menendez brothers survived a trial for the murder of their parents (whom they had brutally killed) by spending a

huge amount of the money they inherited from their victims to hire top-quality legal talent. Sure, there was outrage over these cases, and others like them. But not the sort of outrage that O.J. is subject to.

And what about the murders that go unsolved? I suspect that every day somewhere in this great country of ours, some poor bastard is brutally offed in a street crime or crime of passion and the culprit never found. Hell, if the victim is poor enough or unprominent enough, or the murder insufficiently gory to interest the press, or it happens on a heavy news day, chances are good that the murder will be investigated in only a perfunctory way.

What about the murders that go undetected? What about the wife who, fed-up with years of tedious conversation with her husband, looks up a poison in some reference in her public library, secures a supply in a nearby town, and kills the poor bastard, no one the wiser? Or the man who hires a prostitute, strangles her in a moment of perverse "passion," then runs her body through his Cuisinart and down his garbage disposal?

Personally, as you may have guessed, I don't feel outrage about O.J. Well, more precisely, I don't feel any more outrage about O.J. than I do about the Menendez boys, or Harry Thaw, or the street punk who gets away with killing an old lady in South Bronx. The outrage I feel is pretty pale . . . at least, pale in comparison to the outrage I would feel if O.J. (or anyone else, for that matter) had offed or brutalized someone close to me.

Blacks and guilty whites have an answer to the puzzle of O.J. outrage. People are outraged because O.J. is black. Harry Thaw and the Menendez brothers were white, the theory goes, but O.J. is black, and race prejudice runs deep.

That's a nice theory, but I don't think it holds water. The day after O.J.'s exoneration, *The Wall Street Journal* ran a story about a somewhat similar case, though the evidence seemed even stronger. Davon Neverdon killed a man in a robbery attempt. Four eyewitnesses testified they saw him do it. Two other witnesses testified that Neverdon had told them he had committed the murder. Neverdon had agreed to plead guilty, in exchange for a 40-year sentence. The prosecution wanted to accept the plea, but the family of the murder victim objected, so the case went to trial.

Neverdon was found "not guilty," same as O.J. And quite possibly for the same reason: Neverdon is black, like O.J. And eleven of the twelve jurors who found him not guilty were black, like ten of the twelve jurors who freed Simpson. "Race," the only non-black member of the Neverdon's jury told the judge, "may have played some part" in the decision.

Unlike that juror, I am convinced that it was murder, and that somebody has to have done it.

The point of the *Journal*'s article was that there is a tendency for juries composed of blacks to find black defendants not guilty, even when the evidence against them is overwhelming. The *Journal* cited other evidence, as well as support for this sort of jury nullification among certain legal scholars. ("African-American jurors are doing a cost benefit analysis," said Paul Butler, a black criminal-law professor at George Washington University. Many black juries have determined, he adds, that "defendants are better off out of jail, even though they're clearly guilty.")

Personally, I wasn't particularly upset by this new trend, though of course I think it's nuts. In the long run, the Republic will survive. For one thing, black juries will learn soon enough that turning violent criminals back into the streets may leave the criminals "better off," but it won't do the same for anyone else.

What's intriguing is that I haven't seen any groundswell of white outrage against Davon Neverdon. If O.J. outrage were a case of race prejudice, why was there no similar reaction to Davon Neverdon going free?

I suspect that there is a single factor that has been overlooked in the O.J. case — a single factor that helps explain the behavior of the jury, the jubilation felt by most blacks at his exoneration, and the outrage felt by most whites: O.J. Simpson was a celebrity hero.

Before the murder, he was arguably the black man most admired by American whites and very high on the list of heroes to American blacks. He was proof that a black man could make it in a white world without compromise. He was a tremendous sports hero, arguably the greatest football player who ever lived. He was a spokesperson for Hertz Rent-a-Car, chosen for his appeal to Hertz's mostly-white businessmen clientele. He was a familiar figure on television: Besides his commercials, he was a guest on talk shows and a football commentator.

For blacks, I suspect, the notion that this great race hero could commit such a horrible crime was virtually unthinkable. The black jurors did not want to believe him guilty. Absent compelling eyewitness testimony, the prosecution didn't have a chance. For whites, the Simpson story was a moral tale of a hero with a fatal moral flaw that resulted in the brutal death of two people. They were overwhelmed by the evidence, and wanted him found guilty to reaffirm their belief that justice generally prevails in this world. (Blacks, who have had far more experience with police manufacture of evidence, know better.) And whites felt betrayed by Simpson, whom they had accepted as a hero only to learn he had done such a horrible thing. It's as if we were to learn that in his off-camera life, Barney the Purple Dinosaur sexually molests, murders, and eats the bodies of small children.

Celebrity is one of the ugliest aspects of American public life. It is aspired to even more widely than wealth or political power. It confers on those who achieve it a license to be forgiven for horrible things, an ability to have others hide one's faults, a permission to survive and prosper without the normal sort of human decency. O.J.'s violence toward his wife was not unknown, either to the public or to his friends. It was overlooked, explained away, excused, forgotten — because O.J. was a celebrity.

In Defense of Juries

One of the inherent features of the jury system in this country is that it

makes mistakes. But no sensible person has ever argued that the jury system is infallible. The case for the jury system is built mostly on two points: It takes judgment out of the hands of government officials and therefore is a check on tyranny, and it is less likely to make mistakes than other systems.

I just received in the mail a proposal from "NYULAW Artificial Intelligence Research, The Solomon Project." It observes the many shortcomings of the current system, and proposes replacing it with a computer program. Prosecutors, defense attorneys, witnesses, and litigants would input various information and a computer would ask them questions, which they would answer while attached to sophisticated polygraph equipment. The computer would then consult its vast database of legal precedents and other relevant information, decide whether witnesses were telling the truth, and make a decision. "Once it is integrated into the legal system, SOLOMON will single-handedly reestablish the public's failed confidence in the judicial process," writes Joseph Bonuso, Ph.D., Research Fellow and Founding Director of NYULAWAIR,TSP. "SOLOMON is the future and the future is now." Lest you think Dr. Bonuso lacks ambition, he proceeds to suggest that SOLOMON's application is wider than the U.S. and wider than the law: "The technology is available to all nations and can function based on the input of any system of laws, morals and ethics. Our ultimate goal is world-wide reform of the judicial process."

As one who treasures liberty, I am offended by the notion that the government ought to conscript jurors. On the other hand, it might be preferable to the present system.

Whether this is a serious proposal or an elaborate joke, I am not sure. But I doubt many people would like the idea of being tried and sentenced by a computer, no matter how expertly it is programmed. Not only would the potential for mischief be substantial — imagine what fun a hacker could have with this! — but adjudication of cases requires judgment of the credibility of witnesses and the reasonableness of the law, both of which functions are filled by a jury.

In theory, juries are randomly selected subsets of competent American adults, assuring fairness and objectivity. In practice, this is seldom the case. In most states, those called for jury duty are routinely excused upon almost any pretext, which results in a great deal of "self-selection." Furthermore, litigants are allowed to exclude certain individuals from juries. Both of these factors tend to result in juries composed of less educated, less intelligent, and older individuals. The Simpson jury, for example, had only two college-educated individuals among its twelve members. The jury was untypical in another way: Despite being located in the third most racially diverse county in the United States, a county in which about an eighth of the population is black, ten of the twelve members of the Simpson jury were African-American.

The jury system is further abused by the practices of playing to the jury and engaging in jury research. Playing to the jury is as old as juries themselves. In its most elemental form, an attorney speculates that a particular juror (because of his or her appearance or demeanor or somesuch) is sympathetic to certain aspects of his case and modifies his argument to appeal specifically to that juror. The more sophisticated version consists of researching the character and history of each particular juror, then trying to find a way to appeal to each one. These days, attorneys are likely to try to exclude potential jurors that don't meet their specifications as sympathetic to their cause.

What annoys so many people, I suppose, is that the mistakes do not appear to be random. Just as referees in the National Basketball Association tend to make calls that favor the home team over visitors, veterans over rookies, stars over journeyman, whites over blacks, etc., so American juries tend to show certain prejudices in favor of certain kinds of litigants. Southern white juries, for example, are traditionally hard on blacks accused of crimes against whites and easy on whites accused of crimes against blacks. Rural juries are hard on "city slickers."

One way to solve (or at least minimize) these problems would be to reform the system so that juries were impaneled in a genuinely random fashion. It would be relatively simple: Select jurors at random, allow no challenges, excuse no juror unless he is an acquaintance of a litigant. This notion is unattractive to most Americans, since most Americans dislike the prospect of being uprooted from their life and forced onto a jury at negligible pay, and harbor hopes of finding a way to escape jury duty if they should find themselves called. As one who treasures human liberty, I am offended by the notion that the government ought to conscript jurors. On the other hand, it might be preferable to the present system.

Celebrity is one of the ugliest aspects of American public life.

There is a prospect that occasionally a jury will have a member who is genuinely prejudiced. This problem, I believe, is not very worrisome. For one thing, who doubts that the race prejudices of Southern white juries in the 1930s or of urban black juries in the 1990s have mocked justice in many cases? Yet these juries were impaneled under the current rules that supposedly eliminate prejudiced jurors. A truly random jury might occasionally have prejudice, but the incidence of such prejudice will probably be less than the current system. ❑

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Report

Witness to the Revelation

by Matt Asher

"It's raining revolution." — *Arrested Development*

"What time is it?"
"Nation Time!"
"What time is it?"
"Nation time!"

The Million Man March on Washington opened with calls for revolution. Malik Zulu Shabazz, chairman of Unity Nation, led off the preliminary speeches. He spoke in quick, forceful tones: "It's time for the black world to rise, the white world demise!" Steve Cokley put it even more forcefully, calling for "the destruction of all that has come from this illegal government of America." Author Tony Martin, describing the history of terrorism by blacks, compared those who died fighting oppression to Jesus. "Our people fought back," he said, even though it often cost them their lives.

Martin also wasted no time before wading into the mire of anti-Semitism. He clicked off a list of those who have hurt African-Americans, from whites to Uncle Tom blacks. But most of all, Martin said, "We have suffered at the hands of Jews, who started the whole thing."

Martin had no need to argue ancient Semitic conspiracies to make the case for an uprising. He needed only to point to modern statistics. At the heart of every revolution is a list of gripes, and on the face of it, blacks have a lot to gripe about. Consider the following:

- The median per capita income for white males is $22,669; for black males, $14,982.
- Black males are three times more likely to be living below the poverty level than white males.
- The unemployment rate is 11.3% for blacks, compared with 4.8% for whites.
- The median household net worth for whites is $45,740. For blacks it is only $4,418.
- Young black males are four times more likely to be in prison, jail, or custody than young white males.
- Black men are nine times more likely to be murdered than white males.

Jesse Jackson presented the list of grievances. "Why do we march?" he shouted. "Because our babies die earlier . . . because the media stereotypes us . . . [because] we're less able to borrow money . . . because we're trapped with second-class schools and first-class jails." Jackson posited that jail-building was a kind of final solution to the black "problem." He pointed out that every major city has two new buildings, "a stadium and a jail." And "between those two mountains is a canyon where jobs are sucked out and youths are sucked up."

From there, Jackson targeted some of the legal trickery that has filled prisons with dark-skinned convicts: "Five grams of crack — five years mandatory. Five hundred grams of cocaine, you can get probation. . . . It must change." And if it doesn't, Jackson had a warning: "Rabbit hunting ain't fun when the rabbits stop running and start fighting back."

Louis Farrakhan delivered the

keynote address. Farrakhan, a.k.a. Louis Walcott, a.k.a. The Honorable Minister Farrakhan Leader Of The Nation Of Islam, was at the heart of both the March and the controversy that surrounded it. He is a revolutionary figure in the tradition of antagonistic religious leaders, going back to Martin Luther, even Mohammed.

Farrakhan claimed the inspiration for the event came during a UFO visit with God. He also said he didn't care if this made people think he was crazy, because it was the truth.

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Praise the Lord and Pass the Plate

When Farrakhan finally sauntered up to the bulletproof-glass-enclosed microphone, the audience went crazy. Early in the speech, he called America a beautiful country. "There's no place like this on Earth," he said. "And certainly if I lived in another country, I might never have had the opportunity to speak as I speak today. . . . You allow me to speak, and that is your saving grace."

And speak he did. When Farrakhan began, the sun shone brightly on the packed Mall. As he wound down nearly two-and-a-half hours later, the departing sun lengthened the shadows of the already dispersing crowd. Farrakhan was dynamic and forceful. He yelled and whispered, his rhythmic voice at times ever so sweet and serene. At other times he sounded like Samuel L. Jackson delivering his Biblical monologue of vengeance in *Pulp Fiction.*

Indeed, Farrakhan's entire sermon was infused with religious references. The revolution he wished to inspire was also a *jihad*, a holy war and revival led by the Nation of Islam's leader. Such a movement needs funds, and Farrakhan was not shy about soliciting them. Just before he spoke, the assembled multitudes were asked to "pull something out of your pocket that's green . . . [and] wave your dollars over your head in a show of love for the future of our people." Then the collection plates were passed around. "We have surrounded the perimeter and now ask that you now contribute dollars. That's right, dollars, brother." It was church on Monday. It was Robertson, Falwell, and Marcus Garvey all rolled into one.

"Now, why have you come here today?" Farrakhan asked. "You came not at the call of Louis Farrakhan, but you have gathered here at the call of God." But Farrakhan had no intention of letting God take all the credit for the demonstration. He denounced those who tried to separate the message from the messenger: "Many have tried to distance the beauty of this idea from the person through whom the idea and the call was made." The minister shook his head in silent chastisement. "Brothers and sisters, there is no human being through whom God brings an idea that history doesn't marry the idea with that human being, no matter what defect was in that being's character. . . . It would be silly to try to separate Moses from the Torah, or Jesus from the Gospel, or Mohammed from the Koran."

Like these and other prophets, Farrakhan argued, he is being persecuted for speaking the truth. "How do we treat the person who points out our wrong?" he asked. "You don't hate the doctor when he points out what's wrong." But the "guy who points out our wrongs as a person — that person is gonna be hated and misunderstood."

His status as martyred prophet established, Farrakhan turned to the condition of black men in America, comparing their predicament to that of Jews in ancient Egypt. "How long were the Jews in Egypt?" he asked. "Four hundred years. And how long have blacks been in America? Four hundred and thirty-two years."

Here Farrakhan's religious message melded with his call for separatism and revolution. For the Jews were led out of Egypt by a strong prophet of God, who freed the Israelites by removing them from the oppressors. One could almost hear Farrakhan saying to the segregated crowd, "I will lead you to the promised land and drown the whites for their sins."

God, of course, did not let his people be oppressed without reason. "We've got a right to question God," Farrakhan asserted. "And if God were to answer us today, he would say to black people, 'Yes, I allowed this to happen, and I know you suffered. But Martin King, my servant, said undeserved suffering is redemptive.'"

There is another reason for the prolonged enslavement of blacks, he argued: They had turned away from God. "God wants us to humble ourselves to the message that will make us atone."

The Man Behind the Guards

If ever there were a protest led by men in need of atonement, it was the Million Man March. Whether or not Farrakhan spreads a message of hatred and divisiveness, one thing is clear: Few black leaders have fattened their wallets with as much money from their impoverished followers as he. Walking past his Hyde Park mansion, it is impossible to miss the guards out front or the stretch limo in back. It seems ironic that many of his followers, culled from the ghettos of the surrounding South Side of Chicago, have paid with their meager earnings for these perks. And yet they have no armored limos or guards, though they need such things more.

It was church on Monday — Pat Robertson, Jerry Falwell, and Marcus Garvey all rolled into one.

Farrakhan blends smoothly with the corrupt Chicago political landscape. He may preach self-reliance and an end to life on the dole, but much of his income comes from government contracts. For example, the Nation-affiliated security firm New Life has received $15 million to guard public housing projects. Their guards at the Chicago Housing Authority have been

accused of overbilling and of proselytizing on the job. They are probably no worse than the guards they replaced, but they seem to be no better.

And then there is the matter of Farrakhan's various snake oils. They can be found at any number of small South Side stores, or at the colorful Afrocentric Boutique downtown. Farrakhan has peddled these products promising beauty and health, perhaps even a cure for AIDS.

Certainly, Farrakhan isn't the only preacher to line his pockets with the loot of destitute believers, but this does not shield him from the accusation of hypocrisy. If Farrakhan's message is to help fellow African-Americans, then he doesn't practice what he preaches. If his message is "reach out and help those around you," his college-professor neighbors on Woodlawn Avenue will be pleased.

Farrakhan wasn't the only March organizer with a muddy past. Ben Chavis, former NAACP director ousted for using organization funds to settle a sexual harassment suit, helped out. And thrown in for good measure were Reverend Al "Bring Me False Martyrs" Sharpton and Mayor Marion "Bring Me Coke and Whores" Barry.

Despite this, or perhaps because of it, *atonement* was the most powerful idea Farrakhan elaborated. He presented it as a way of turning inward, acknowledging wrongs, and seeking redemption, and led the crowd through the "eight stages of atonement."

"Pointing out wrong, our faults, is the first step," Farrakhan said. Next is to acknowledge these faults, then to confess them and "relieve your soul of the burden that is there." After that comes repentance, and then a pledge to do something about your sin. Step six is to forgive, to "pardon in the heart." The seventh step is reconciliation and restoration; blacks must be restored to their original, unimpaired position. The final stage is "perfect union."

"There's a balm in Gilead," he said, "to make the wounded whole."

There was nothing hateful or mean about this portion of the speech. It came across as deeply sincere and soulful. Farrakhan described the cathartic process of atonement in moving terms, and when he was done, it was as if the entire crowd had been washed clean by his words: They sighed and laughed and cheered.

They were ready to join together and follow Farrakhan into battle for the glory of God.

A Plan to Please Ralph Reed

Farrakhan's speech wasn't only about the need to atone and return to God. It was about the condition of blacks in the secular land of America. That baneful state, he declared, is the result of white supremacy, "the idea that undergirds the setup of the western world." Before they regain their "unimpaired position," blacks have to come to grips with the strange power that oppresses them. In the present day, evil whites are working against black freedom. "One of these ruffians was named Jublio Fuhrman," Farrakhan said. The other two racists he mentioned by name were "Jublie Billbo" and "Jublium Jesse Helms."

King used metaphor and symbolism to craft his message. Farrakhan used numerology and almost cabalistic wordplay.

"These racists hit him [the black man] in the head and carried him in a westerly course, and buried him in the north country in a shallow grave," he said. "You produced a sick society," Farrakhan continued, his voice ringing with condescension. "You gave us your version of history. . . . I want to operate on your head." Yet this "operation," or pointing out of wrongs, must be done with a clean heart: "You can't point out malice with malice . . . or hatred." Blacks should "grow beyond our bitterness."

Much of Farrakhan's rhetoric resembles that of the religious Right. His calls for self-reliance, for taking care of your family, and for atoning to God might have been swiped directly from the playbook of Promise Keepers. So will Farrakhan's followers be lining up behind Dole and Gramm in '96? It seems unlikely. Criticisms are taken best when they come from within. When right-wing politicians attack the black community, it is often assumed, rightly or wrongly, that they are doing so out of "malice or hatred" — not out of a positive desire to help. Unless conservatives and the religious Right can convince blacks their rhetoric is well-intentioned, few African-Americans will be lured by their piping.

A good first step would be to criticize problems in their own (white) communities, as Farrakhan did.

In his speech, Farrakhan claimed that he exposes the evils of black people "like no other leader does." Certainly, he attacked black culture as ruthlessly as he attacked white society. Farrakhan excoriated black men for carjacking, drive-by shooting, using filthy language, producing culturally degenerate films and tapes, and being abusive to women.

"We are feeding the degenerate mind of white supremacy," he said. "I want us to stop feeding that mind and let it die a natural death." The revolution has to begin from within, and it has to start with blacks straightening out their own lives: "Freedom can't come from white folk. . . . Clean up, black man, and the world will respect and honor you."

A Dream Deferred

Even before Farrakhan's Sermon on the Mall had ended, politicians and pundits were weighing in on the meaning of the March.

In a speech delivered far away in Texas on the morning of the event, President Clinton waxed eloquent about the need for both whites and blacks to "clean our house of racism." He called the economic disparities between blacks and whites "unacceptable," but asked blacks to "understand and acknowledge the roots of white fear in America."

Referring to the March, Clinton said, "One million men are right to be standing up for personal responsibility." But he added, in an unmistakable dig at Farrakhan, "One million men do not make right one man's message of malice and division." Clinton spoke with somber dignity and even a hint of sadness. He castigated those who "seek to sow divisions for their own purposes — to them I say: 'No more.

We must be one.'"

Republicans, as usual, showed they had nothing to contribute to the debate on race. Instead of focusing on the protest, they chose to harp on the president's decision not to denounce Farrakhan by name. Gingrich chided Clinton for his inability "to articulate Farrakhan's name for condemnation." The invisible candidate, Lamar Alexander, said Clinton showed a lack of "moral courage" by not naming names. And Dole, dipping into the same Republican thesaurus, claimed to be "shocked and dismayed that President Clinton did not find the moral courage to denounce Farrakhan by name."

Other gripes came from the public at large. Some argued that if a million white men led by Patrick Buchanan marched on the Mall, the event would be considered racist to the core. But this is missing the point. Young white males aren't more likely to be in jail than in college, and their leading cause of death isn't bullets. If a million white men — just whites, just men — rallied behind Buchanan, it would not be to resolve crises in the white community but to wallow in Buchanan's xenophobic views.

Even dismissing these complaints, there remains the questions of what message the Million Man March has sent and what impact it will have. And this has as much to do with the event's image as it does with its substance.

In his 1963 speech on the Mall, Martin Luther King, Jr. declared he was speaking in the shadow of Abraham Lincoln. Thirty-two years later, Farrakhan, speaking before the largest ever gathering of African-American men, spoke in the shadow of King.

"Hear ye, hear ye! This is Jonathon Cooper substituting for Bartholomew Pritchard . . ."

King spoke to an integrated crowd about the need for harmony; Farrakhan spoke to black males about the need for unity. King wanted his listeners to cast a skeptical eye on the world; Farrakhan exhorted listeners to look inward.

King used metaphor and symbolism to craft his message. Farrakhan used numerology and almost cabalistic wordplay, imputing significance to the heights of monuments and endlessly deconstructing the word "atonement." Where King spoke of the need to "rise from the dark and desolate valley of segregation to the sunlit path of racial justice," Farrakhan pointed out that "in the middle of this Mall is the Washington monument, 555 feet high. But if we put a '1' in front of that 555 feet, we get 1555, the year that our first fathers landed on the shores of Jamestown, as slaves." King admonished followers "not to seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred." Farrakhan noted that both the Jefferson and Lincoln memorials were 19 feet high: "Abraham Lincoln, the sixteenth president. Thomas Jefferson the third president, and 16 and three make 19 again."

Both speakers employed religious imagery, but Farrakhan was far more explicit. The minister called repeatedly for marchers to humble themselves before God, to atone before He made blacks suffer even more. At times, save the missing references to fire and brimstone, Farrakhan could have been Billy Sunday crusading to save souls.

Whether Farrakhan's speech will have as great an impact as King's depends in large part on how well the schemes he presented work. Will black Americans all give $10 a month to Farrakhan's nebulous Black Economic Development Council? Will another eight million blacks be registered to vote, so that an "independent [racial] voting block" can be established?

There is power in Farrakhan's basic message of transgression and atonement. We all need to question ourselves, to admit our mistakes and find some path of redemption. Unfortunately, this positive message might be diluted by the event's image of uniformity and segregation. This seems particularly true in the economic realm.

Farrakhan urged those gathered to buy black, to keep their money in the community. But if this means supporting black enterprises even when they are more expensive or less convenient, it can only backfire. It was this kind of stubborn loyalty that artificially inflated American carmakers' profits in the '60s, leaving them fat, inefficient, and ripe for the plucking when imports came rolling in. Only open competition with the world spurred them on to quality and value. Protecting black business from open competition not only costs patrons extra money they can ill afford to spend, it does no service to the businesses themselves. If they wish to grow beyond the bounds of the ghetto, they will have to broaden their consumer base. And this can only be done if the market has forced them to be efficient.

The Promise

At the end of his speech, Farrakhan asked those left to chant with him the following promise:

"I pledge that from this day forward I will love my brother as I love myself. . . . I will work to better myself and my community. . . . I will never raise my hand with a knife or a gun to beat or cut or shoot any member of my family or any human being, unless it is in self-defense . . . and I will never abuse my wife by striking her, disrespecting her, for she is the mother of my children and the producer of my future."

If the hundreds of thousands of black men shouting out this pledge carry it through, if they return home inspired to respect themselves and others, Farrakhan's speech will have been a great boon to this nation. And despite his reputation as a racist, an anti-Semite, and a misogynist, he will have accomplished more for the cause of humanity than any programs initiated in the city in which he spoke, no matter how upright and honorable those who created them. ❑

Presidential Follies

by Chester Alan Arthur

The primary the media missed.

My, how the political landscape changes. A month ago, the Republican race shaped up as a contest between Colin Powell, Bob Dole, and a bunch of longshots. Now Powell is out — was he ever in? — and the only things keeping Dole from waltzing to the nomination are his embarrassing performance in the "budget battle" with Clinton and the surging popularity of Steve Forbes.

Colin Powell pulled out of the race because he thought it was beneath his dignity to spend time raising funds, as his fans within the GOP say. Or maybe because he figured the Social Conservatives within the Republican Party would prevent his getting the nomination and bloody his nose in the process, as the Republican SoCons suggest. Or maybe because his wife worried about his personal safety in these violent times, Democrat advocates of gun control say. Or maybe because he simply lacked the "passion" for the job, as he himself says. Or maybe his boomlet was a contrivance to goose the sales of his autobiography, which rocketed to the top of the bestseller list and stayed there for two weeks, long enough to make him independently wealthy, as some cynics (me, for instance) suspected.

Who knows? All we know for sure is that the man who according to the polls had the best chance of any Republican of knocking Bill Clinton back into his sewer, and was the favorite of Republican voters, is out of the race. And that his book was outsold by Howard Stern's latest swill by a ratio of about two to one.

The other major development is the emergence of Steve Forbes from nowhere to second place in the race for the GOP nomination. Forbes was in the race for barely a month before he trounced all Republicans except Dole and Powell in the CityVote primary held November 7, and is now running second in most polls. Most pundits seem not to have noticed Forbes' quick rise, and those that have seem confused. The editors of *The Wall Street Journal* and the reporters of PBS's *Washington Week in Review*, for example, seem to think his rise is a function of his being rich. This is crazy. Forbes is rich all right, but he hasn't spent any money in the states where CityVote was held.

Forbes' rise came as no surprise to readers of this magazine, in whose pages two months ago (and only one day after Forbes announced his candidacy) yours truly predicted he would do very well, thanks to his calling for genuine tax cuts (as opposed to goofy Gingrich-Republican notions, like "tax cuts" in the form of a government gift of $500 for each child to parents who actually pay federal taxes), his support for legal abortions, his failure to jump on the hysterical war-on-drugs-and-crime bandwagon, and his status as a political outsider. His social views may not be those of most Republicans, but they are the views of a great many. And, of course, they are pretty much the views of most Americans.

The most comic moment of the campaign so far was Lamar Alexander's announcement at a press conference after the Powell "withdrawal" that the race for the nomination was now down to himself versus Dole. Yeah, right, Lamar. And the race for pope last time came down to me versus Karol Wojtyla. Alexandar made this preposterous claim with a straight face, and no one in the press that I heard called him on it. This is the man who finished twelfth among Republicans in the CityVote primary, garnering a whopping 0.7%, being clobbered by such luminaries as Alan Keyes, managing even to finish behind Libertarian Harry Browne. (He did edge out Charles Collins and Art Fletcher, though. For the record, neither Fletcher nor Collins claims that the GOP contest is down to them against Dole.)

I don't know why the media have

ignored the CityVote primary, in which voters in 15 cities cast ballots in an open "beauty-contest" primary. The votes aren't binding, and the election is a long way away, but the media pay considerable attention to the results of the Washington State caucus, whose results aren't binding and in which fewer people participate, and the non-binding South Dakota primary, as if South Dakota is typical of anything or otherwise remotely relevant.

The CityVote results are probably the most reliable data on presidential preference yet in, though they probably ought to be normalized based on past performance of the voters involved. The raw data looks pretty much like what the polls are showing, with Republicans enjoying a small lead over Democrats and "other" candidates garnering more than 10% of the vote. Here is how the Republicans finished:

Colin Powell	38,205	40.2%
Bob Dole	24,890	26.2%
Steve Forbes	10,134	10.7%
Pat Buchanan	6,209	6.5%
Phil Gramm	6,122	6.4%
Alan Keyes	2,786	2.9%
Lamar Alexander	1,434	1.5%
Richard Lugar	1,306	1.4%
Arlen Specter	1,286	1.4%
Pete Wilson	1,124	1.2%
Bob Dornan	969	1.0%
Charles Collins	391	.4%
Art Fletcher	241	.3%

Colin Powell, the Republican winner, has since dropped out of the race, and Pete Wilson dropped out before the election. The way things stand now, Dole is the front-runner, with Forbes a distant second. Buchanan and Gramm are longshots. You have to figure that everyone from Alan Keyes on down will need a miracle even to contend for the nomination, though not to collect huge sums of tax money in matching funds.

Everyone from Alan Keyes on down will need a miracle even to contend for the nomination, though not to collect huge sums of tax money in matching funds.

Here's the Democratic vote:

Bill Clinton	91,763	98.8%
Lyndon LaRouche	1,106	1.2%

Pretty uninteresting. No Democrat has dared enter the race, which is not surprising when you figure that Clinton has a fundraising lead of about a zillion bucks and has shown a willingness to wreak horrible revenge on those with whom he disagrees. LaRouche, of course, is a complete nutcase. Many of the other people whose names were on the ballot are frauds, but he is the only one who has actually spent time in prison for fraud.

Here are the other votes:

Ross Perot	7,619
Bill Bradley	5,729
Jesse Jackson	4,234
Harry Browne	1,974
Lowell Weicker	993
John Hagelin	921

While Ross Perot polled 35% of the miscellaneous vote, he managed to get only 3.6% of the total vote, down about 81% from his performance in 1992. Unless he is a complete fool (a real possibility), this is very discouraging to him. Bradley, Jackson, and Weicker are all mainline politicians who are suspected of aspiring to independent candidacies; they can find little encouragment here. John Hagelin of the Natural Law Party got about one vote of every 227 cast. His true ambition can be inferred from his party's decision to schedule its convention a week before the general election. (Third-party candidates can collect federal tax subsidies only until they hold their nominating convention.)

Harry Browne, the Libertarian candidate, managed to pull a slightly higher percentage in CityVote than LP candidate Ed Clark got in the general election in 1980, the high point of Libertarian electoral experience. Whether this is encouraging is moot. The Clark vote was achieved at tremendous cost after a long campaign, while Browne's campaign has barely started and has spent very little so far. On the other hand, Browne is one of the few candidates who actually campaigned, and fewer than one voter in 100 cast his ballot for him. Browne did manage to beat several well-known Republicans, including Lamar Alexander, Arlen Specter, and Richard Lugar. But this is probably better proof of the futility of their efforts than of Browne's strength.

The Libertarian Alternative

Anyone who wonders about Browne's campaign strategy need only read his campaign book, *Why Government Doesn't Work*. Browne is moving right, apparently based on the belief that he can pick up the votes of disgruntled conservatives after Robert Dole gets the GOP nomination.

The book is the print equivalent of soundbites, critical of big government and written to be appealing to conservatives. When I say "soundbites," I mean it. Chapters average seven pages, and are broken into short passages by numerous subheads, lists, bulleted items, and charts. Browne seems well aware how much voters' attention spans have shrunk.

Why Government Doesn't Work is a blueprint for shrinking government. This is no shilly-shally Republican plan, either. He would cut government expenditures to the bone and sell off most government property. Browne proposes an immediate end to all entitlements except Social Security, which he would privatize by the purchase of annuities over a three-year period. The first year, government spending (on matters other than Social Security and interest on the debt) would be cut by 78%, down to a paltry $300 billion. Another $50 would be cut from spending in each of the next four years. He also wants to eliminate all federal taxes except those explicitly enumerated in the Constitution, *viz.*, customs duties and excise taxes.

Harry Browne did manage to beat several well-known Republicans, including Lamar Alexander, Arlen Specter, and Richard Lugar.

How will Browne pay for the government that remains, its remaining debt, and privatizing Social Security? Mostly by selling government property, which he estimates could raise $12 trillion over six years. He

continued on page 41

Why Insurers Should License Drivers

by John Semmens

Privatize the DMV!

Being the victim of a traffic accident is bad enough. When the driver who causes the accident is uninsured or underinsured, the situation is many times worse. Each year in the U.S., uninsured and underinsured drivers inflict an estimated $5 billion in uncompensated damages on their victims.

If the victim has the foresight to purchase "uninsured" or "underinsured" coverage from his insurance carrier, it will pay for a portion of these damages. But these payments typically reimburse only medical expenses related to bodily injury, not property damage. Nor do they cover lost wages, or pain and suffering.

These uncompensated losses occur despite the fact that most states require owners of vehicles to carry liability insurance. In theory, drivers are held accountable for any damage they cause while operating their vehicles. Yet many vehicles on the roads are without this required insurance.

Uninsured automobiles are only half the problem. Other vehicles are grossly underinsured. Arizona, for example, permits vehicles to be operated with liability coverage as low as $15,000/$30,000/$10,000. What this means is that the insurer will cover bodily injury damages up to $15,000 for a single victim, up to a $30,000 total for multiple victims, and up to a $10,000 total for property damage.

It doesn't take much of a wreck to total a car. Replacing one totalled car could easily cost more than $10,000. Since 75% of traffic accidents involve more than one vehicle, many crashes produce property damage in excess of the minimum mandated liability coverage. The average cost of a "property damage only" accident in Arizona is $6,500. Minor-injury accidents result in costs averaging over $10,000 per accident. Major-injury accidents generate an average cost of over $32,000. Fatal accidents produce damages of close to a million dollars.

One often overlooked reason for this problem is that issuing licenses to vehicles and drivers is separate from insuring them. The state bears no liability for the damages caused by those it licenses. Nor does it face any consequences for failing to enforce the mandatory insurance laws. With such weak enforcement incentives, it is unsurprising that so many drivers evade the insurance requirement.

Meanwhile, insurers have no means of keeping the worst drivers off the roads. On the contrary, many states force insurers to cover the worst drivers — often at rates subsidized by safer drivers. This increases the frequency of accidents and the probability of uncompensated damages.

In the Ballpark

Clearly, auto liability must be clarified. This could be done in one of two ways. One is the "ballpark" model. In a ballpark, customers are warned that the management assumes no responsibility for injuries or damages the fans may suffer should they be harmed by baseballs, bats, or players in the normal course of the game. If this model were applied, anyone who purchased the necessary licenses and registrations would be allowed on the roads. Drivers would determine whether to buy insurance or not. Anyone venturing onto the roads would do so at his own risk and with the explicit warning that he might be harmed by others who would not be able to pay for any damage done.

The ballpark model would remove the ambiguity regarding who should be responsible for insurance. No one could venture onto the roadways under the impression that the state had guaranteed the other drivers are insured. The knowledge that there are no insurance requirements would inspire those who wish to be indemnified against damages other drivers may inflict to purchase their own insurance. Those willing to bear the risks of driving without insurance would be permitted to do so.

This would not necessarily be an irrational decision. Since the accident rate is about one per 500,000 vehicle-

miles of travel, the odds of any one driver being in a crash are very small. Given a typical annual 12,000 miles of travel for each automobile, there is a 98% chance that the vehicle won't be involved in an accident in any one year. When we factor in the possibility that one can significantly reduce the chances of an accident through safer driving (obeying traffic rules, keeping the vehicle in good running order, not consuming alcohol), driving without insurance may not seem unreasonable.

Each year, uninsured and underinsured drivers inflict an estimated $5 billion in uncompensated damages on their victims.

The chief disadvantage of the ballpark model is that the least responsible drivers — those with bad driving habits, no insurance, and no means of compensating victims — can shift the risk onto more responsible drivers. Those more responsible drivers who purchase insurance might have to buy more coverage, since there would probably be a larger number of uninsured drivers.

So even though the total cost of traffic accidents would likely be lower under the ballpark model, it would be lower because risk-averse drivers would have a greater incentive to minimize their use of the roads. Some may view this shift of financial burden onto the more responsible drivers as undesirable.

Drivers' Disneyland

An alternative to the ballpark setup is the "Disneyland" model. In Disneyland, customers are covered by the business' liability insurance. Consequently, the management sets its own risk-reducing restrictions on who may use various facilities. Customers may be barred from some rides or attractions for being too small, too big, too frail, too pregnant, etc. Since the business is strictly liable for any damages suffered by those entering the park, management undertakes a substantial effort to enforce its rules.

The Disneyland model would also reduce the ambiguity concerning who is responsible for damages. In this case, obtaining insurance would be a prerequisite for venturing onto the roadways. The insurance requirement would be enforced by having the insurers issue the licenses and vehicle registrations.

The chief advantage of the Disneyland model is that it would provide a much stronger incentive to keep bad drivers off the roads. If insurers had to accept full liability for whoever they licensed, the problem of "underinsureds" would vanish. The insurer would, in fact, be insuring that any damage caused by its policyholders would be covered. Bad drivers would not have the option of buying a woefully inadequate policy. They would have to pay the full cost of the risks they create. Insurance companies would see to this as a matter of business survival.

From some perspectives, of course, the chief advantage of the Disneyland model is also its chief disadvantage. Many high-risk drivers would not be able to purchase insurance. Either the price would be higher than they would be willing or able to pay, or they would be unable to find an insurer willing to sell them coverage at any price. This would effectively deny them the legal right to drive. Keeping these high-risk drivers off the roads, then, could lead to hardship by greatly reducing their mobility.

Both models — the ballpark and Disneyland — could work, because in each, responsibility is clearly assigned. Under the current system, it is not.

Let's take a closer look at how the Disneyland approach might operate. Conceivably, the state could supply the insurance. But while plausible on paper, government insurance schemes have not fared well in practice. The old age, survivors' and disability insurance program (i.e., Social Security) has had repeated financial problems. Government medical insurance (i.e., Medicare and Medicaid) has seen expenses soar beyond planned outlays on a regular basis. Government-insured student loans have an extraordinary default rate.

It seems unlikely that a government-run auto insurance program could avoid these kinds of problems. So if state control isn't the right way to consolidate the insurance and licensing/registration functions, the alternative — private insurers issuing licenses and registrations — merits examination.

Vehicle registrations and drivers' licenses would be issued by those willing and able to assume full responsibility for any damage caused by the vehicle and its driver. Normally, this would mean insurance companies would do the job. Since it would be absolutely clear who was responsible for a particular vehicle being on the road, insurers would have a strong incentive to make sure every vehicle and driver is adequately insured. They would also have a strong incentive to make sure uninsured vehicles and drivers stay off the roadways.

To clarify financial responsibility, the law should state that as long as a vehicle bears the license plate of an insurer, that insurer will be held liable for any damages caused by that vehicle. It is likely that insurers would only issue plates to people whose driving records they had investigated thoroughly. An insurer could not escape liability by later showing that its customer lied on his application.

The law should state that as long as a vehicle bears the license plate of an insurer, that insurer will be held liable for any damages caused by that vehicle.

This may seem hard on the insurers, but consider the alternative. When an insurer can bail out of a policy, the victims of the supposedly insured driver may be left without any recourse for the damages they have suffered. Potential victims have no reasonable means of investigating all potentially high-risk drivers prior to an accident. On the other hand, insurers *do* have reasonable means of conducting such an investigation before issuing a policy. If a company is not satisfied that a prospective customer is truthful or a good risk, it can refuse to insure him.

Since selling an auto insurance pol-

icy and issuing license plates would be simultaneous events, uninsured drivers would be easier to spot on the roads: Their cars would have no plates. Indeed, given the greater degree of responsibility placed on each insurer, they would probably undertake steps to improve the plates' visibility. The much-tested but little-deployed "electronic license plate" is one likely innovation, as it would make plateless vehicles even more conspicuous.

And one familiar scheme — buying insurance just to obtain registration tags, then cancelling the policy — would become much more difficult. Since the insurer would be responsible for damages done by vehicles bearing the company's plates, there would be a very strong incentive for them to eliminate the problem.

Individuals would be free to shop for the best license/registration/insurance deal they could find. Each insurer would be free to establish its own criteria for issuing policies and license plates. Some insurers might opt to cover only low-risk drivers. Others might opt to cover high-risk drivers at correspondingly higher premiums. Some might give written and/or road tests to prospective customers. Some might require some of the vehicles they insure to be equipped with safety-enhancing devices (for example, an ignition that can only be activated after the driver passes an automated, on-board breathalyzer test).

Some customers would accept some limitations on their driving in exchange for reductions in premiums. Others would prefer to pay more in order to escape restrictions. And those who could not meet the minimum requirements of *any* insurer would not be issued vehicle plates. Insurers would have no incentive help people beat the system.

Privatizing the issuance of licenses and registrations would also do away with underinsured vehicles. Since the issuer of the vehicle plates would be responsible for whatever damage is caused by one of its policyholders, there would be no motive for selling low-dollar coverage. The current policy of allowing "judgment-proof" drivers (those who do not fear the financial consequences of the damage they may do because they are unable to pay) to buy insurance that falls far short of compensating their victims is irresponsible and, in many cases, inhumane.

Improved Safety and Customer Service

The current system burdens victims with uncompensated costs. The Disneyland system would shift these costs onto those who cause the accidents. As the perpetrators are forced to bear a larger share of the costs of their actions, we would begin to see modifications in their behavior. Over the long run, the cost of accidents would not only be shifted back onto those at fault; such losses would probably be *reduced* as driving behavior improves and the worst risks are removed from the roads.

The much-tested but little-deployed "electronic license plate" is one likely innovation, as it would make plateless vehicles even more conspicuous.

Another source of potential benefits would come from eliminating functions of state Departments of Motor Vehicles. While the costs of specific DMV activities are not usually published, I estimate that about $1 billion a year in taxes could be saved.

Some will argue that these savings would be offset by an increase in private-sector spending, as insurers undertake issuing registrations and licenses. These expenses may be exaggerated, though. As it now stands, auto dealers must compile all the data necessary to register newly sold vehicles. This data is then forwarded to the DMV to be entered on the state's database. Selling insurance and issuing registrations on the spot would be cheaper and easier than the current process. (Indeed, the perception that this might be the case inspired an Arizona auto dealership to volunteer to pilot-test a program wherein it would issue registrations.)

The advantages of "one-stop shopping" would be substantial. One could buy a car, get it registered, and get it insured all at one location. The insurers and auto dealers would have an incentive to make the process as expeditious as possible. In fact, competition among insurers and dealers would help promote efficiency and convenience.

Consider a typical transaction with the current DMV. It's your lunch hour. You have chosen this time to take care of some business down at the Motor Vehicles office. Maybe you need to renew a driver's license, register a vehicle, or obtain a title.

Your first task is to *find* the office. They're not always conveniently located. They're certainly scarcer than any other auto-related business location you might need to find. As your search drags on, you pass numerous gas stations, a half-dozen auto parts stores, several auto insurance sales offices, and a few auto dealerships.

Finally, you locate the office. You walk in and join the line of people waiting for service. Your progress in line is not hastened by the fact that some DMV personnel are out on their lunch hour. When your turn finally arrives you are greeted by an employee whose occupation was ranked last in a survey of civility published by *The Wall Street Journal*. On a scale of zero to ten, DMV employees were rated 0.2.

You think the service could be more convenient, expeditious, and courteous, but it isn't, and it's not likely to change. The government's monopoly position pretty much ensures it won't. After all, it's not as though you could take your "business" elsewhere.

Achieving Reform

Shifting issuance of registrations and licenses to the private sector would require legislation — legislation that would be resisted by the state DMV bureaucracies. After all, if a department is no longer needed to register motor vehicles, some may question whether it is needed at all. At the very least, we're talking about a 50% cutback in its budget. Thousands of people would see their public-sector jobs eliminated.

We may also expect some initial opposition from the auto insurance industry. At the outset, the increased responsibility thrust upon it will provoke uncertainty — something that, in

Why Government Doesn't Work

by Harry Browne

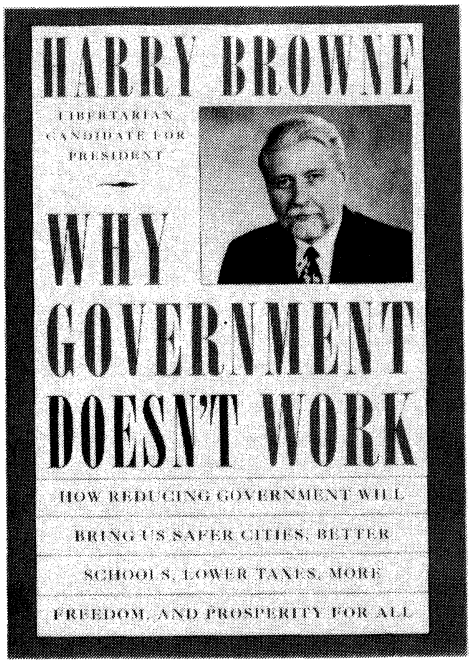

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general, businesses do not like. Uncertainty increases risk. New means of coping and profit-making would have to be learned. Yet insurers should also perceive that playing a more direct role in controlling roadway risks will reduce underwriting losses. As the roads become safer, insurers' losses will fall; ultimately, premium rates should fall as well, though not as rapidly. This should improve profitability. And many of those currently evading the insurance laws will have to become customers. This too should increase profitability.

The general public may be apprehensive about allowing private-sector insurers to decide who gets onto the roads. But would this be any less desirable than allowing a government bureaucracy that bears no responsibility for the consequences of its decisions to make that choice?

We've grown accustomed to allowing private-sector businesses decide who can obtain credit. We have learned to live with this system. We expect the decisions to be made on rational criteria. And they are. Reflection on how the private sector has handled this vital segment of contemporary life combined with the greater convenience of the hours kept by insurers and the assurance that responsible drivers would not have to pay high premiums to cover damage done by uninsured or underinsured drivers should help alleviate the general public's apprehension.

Of course, those who are currently flouting the mandatory insurance laws (or exploiting them by underinsuring their vehicles) will raise a fuss over this reform. Some of these drivers do, in fact, have legitimate concerns. The case that most deserves our sympathy is that of the individual whose past driving behavior has taught him a lesson. Unfortunately, many more people claim to have learned lessons than actually have. Consequently, individuals with bad driving records would have trouble obtaining insurance, and hence permission to use the roads.

We should expect insurers to establish methods of serving this market. One would be requiring such people's vehicles to be equipped with

continued on page 36

Report

Revolution Postponed

by Eric Duhaime

A new generation of separatists has discovered individual liberty.

In 1980, the government of Quebec held a referendum on secession from Canada. The "no" side won, with almost 60% of the vote. As far as federalist politicians and bureaucrats were concerned, the debate was over and the sovereignty movement was dead.

Fifteen years later, on October 30, a second referendum was held. This time, 49.4% supported secession. This, after a campaign in which Bill Clinton and Warren Christopher told Quebecers that if they voted "yes," they might be thrown out of NAFTA. A campaign in which the federalists were clearly playing with a stacked deck, putting the entire weight of the government behind preserving confederation. A referendum in which the state went so far as to allow people in the ROC (Rest of Canada) free phone calls to Quebec, to persuade people they knew to vote "no." A referendum in which 17,000 English-Canadians came to Montreal to demonstrate their love to Quebec — after receiving an airplane discount of 90% off the regular price. After all this, the sovereigntists *still* barely missed winning.

Separatism has risen from the political grave.

But this is a new separatism. My parents' generation fought for French-Canadian independence; their nationalism was historical, linguistic, cultural, ethnic. Today, hardly anyone refers to those emotional issues. More and more, the secessionist argument has become economic and individualistic.

Yes, my ancestors were discriminated against because they were French and Catholic. Yes, it's hard to watch demonstrators in Brockville, Ontario, trample our Quebec flag. And yes, it's not very funny when I have to argue with a salesman in Montreal because he refuses to speak with me in French, even though 83% of the population is Francophone. But I realize, and most people realize, that this rancor is often provoked by the political elite. On a personal basis, it's hard to hate someone just because of their provincial origin.

The sovereignty movement is no longer mired in backwards-looking ethnic feuds. It has been reborn, has become more alive than ever, because it has been able to adapt to new realities.

Last February and March, the provincial government set up several commissions to study the future of Quebec. One — the *Commission des jeunes* — was created to hear what young people had to say about the issue. It discovered that most of them support sovereignty, but for different reasons than their parents. The young men and women complained that Canada's fragile unity is maintained only by indebting its citizens. The public debt's mad, dizzying rise shows no sign of slowing; our debt is now greater than our GDP. Young people in Quebec no longer want to support the federal government at the expense of their future. They no longer want to artificially maintain Canadian unity.

And Canadian unity *is* artificial. Canada is a factitious invention imposed from London, not an expression of cultural unity or popular desire. Only a few years after it was created, it established high trade barriers against U.S. goods and began constructing a costly and economically irrational east-west railway. The intent was to promote east-west trade at the expense of north-south exchange, even though the latter often made more economic sense — especially in Quebec.

Today, even east-west trade is suppressed. Provinces raise a host of interprovincial trade barriers against their neighbors. According to the Canadian Manufacturers' Association, there are over 500 such barriers among the provinces. OEDC studies indicate that Canada is less economically integrated than Western Europe.

NAFTA has actually made trade with the U.S. and Mexico easier than trade with neighboring provinces.

An independent Quebec would have much more difficulty isolating itself — especially when you consider that over 43% of its GDP presently depends on exports, mostly to the U.S. and the ROC. Even if the ROC stays walled off, escaping Canada's country-wide trade barriers would be a great step forward.

More and more, the secessionist argument has become economic and individualistic.

Add to this protectionism the cost of Canada's bloated interventionist state — Canadians now pay roughly 50% of their incomes in taxes, and the federal government regularly accumulates annual deficits in excess of $30 billion — and the libertarian case for secession becomes clear. Secession may be the only means Quebec has to escape the federal government's bureaucratic duplication and ruinous jurisdictional overlap, to move toward free trade, to adopt a sane fiscal policy. Secession will at last allow us to set in-depth reform in motion.

Unfortunately, the paleo-secessionists have not entirely died out. Indeed, despite the new generation of liberty-minded separatists, one can argue that the majority of the secessionist electorate consists of dyed-in-the-wool statists. These dinosaurs just want to move the national capital from Ottawa to Quebec City, so they can establish and more effectively centralize their own interventionist state. Many are too narrow-minded even to understand what the younger generation is talking about; they tolerate people like me, but only because right now it is in their political interest to do so. They don't grasp what I'm doing when I write speeches on secessionism, individual responsibility, and the elimination of coercive political and bureaucratic power.

But some do think they understand — and their reaction is hysterical. Bernard Parent, an advisor to the leader of the Official Opposition in the House of Commons, wrote me, "I clearly see where you and your small drum and bugle band of ambitious kids, who have not succeeded, want to go. In spite of your narrow spirit, your ambitions are big. Behind your speech which is prone to the disengagement of the state and, at the end, the disappearance of the politics and juridics, your ideal is well defined: fight for money and power. In fact, your inveterate willingness makes you prone to destroying what many generations have built, with your only aim being to erect a new system of hierarchy which profits only the rich, the bigwigs, the defenders of classical liberalism, those who make you wet your pants. In fact, the actual thieves that rob your generation of frustrated youth are not the small public servants without importance, who earn only $40,000 a year. The true thieves are the masters of the world, speculating, creating recessions, blaming governments and not respecting *national sovereignty*." Etc., etc.

I often ask myself what the hell a classical liberal like me is doing in bed with these statists. Am I really defending liberty, tolerance, and individualism in promoting secession? Daily, I have to argue with my dear colleagues, to tell them that they are has-beens, that they are proposing archaic policies that have already proven ineffective.

But Quebec's voters and parties are split on secession all across the political spectrum. A victory for separation would at least bring the diversion of the debate to an end and force the politicians to start dealing with the real issues that confront us — in Quebec *and* the ROC. (As Gary Becker has pointed out, "Separation could also help the economies of English-speaking Canada because it would reduce cultural battles and eliminate the confrontations with Quebec over the allocation of tax revenues and government expenditures.")

Quebec secession would promote liberty, even if most secessionists haven't a clue to what freedom is all about. An independent Quebec would have no choice but to trade with other countries and compete with them for capital — which would require slashing taxes and red tape. Right now, Ottawa is the greatest brake on our ability to make these needed changes.

Canada is a factitious invention imposed from London, not an expression of cultural unity or popular desire.

This last vote has brought us one step closer to freedom. So I'll stick with the separatists, and keep defending the undefendable. After all, the dismantling of the Canadian state is at play . . . ❑

Semmens, "Why Insurers Should License Drivers," *continued from page 34.*

devices that enhance safe operation. I've already mentioned the possibility of a breathalyzer-ignition link. Other options include vehicles that could only run during daylight hours (perhaps having a solar collector connection to the engine or transmission), or whose maximum speed could not exceed a low setting (perhaps having speed governors placed on the engine). Some insurers might require regular driving tests for individuals whose past driving has been more hazardous than normal. Some might require regular auto safety inspections.

It may then be feasible for some high-risk but repentant drivers to work toward a full reinstatement of their driving privileges. For others, though, the outlook will be less sanguine. Some people simply shouldn't be allowed behind the wheel. Stopping them from driving not only helps preserve the lives and health of others; it may save them from injuring or killing themselves. Incompetent drivers must find other means of meeting their transportation needs. Like carpooling. Or riding the bus. Or living or working closer to the places they need to travel.

The rest of us shouldn't be obliged to bear the risk of allowing them to drive. ❑

Faith and Freedom

by Jane Shaw

Can liberty survive without religion?

Is religion essential for lasting freedom? Can faith withstand the continuing assault of science? Many libertarians would reply with two "no"s. But others are less sanguine — at least with respect to the first question. Conservative writer M. Stanton Evans, for one, argues in *The Theme is Freedom** that the erosion of religious faith has led to collectivism and totalitarianism, and that without a return to faith we will never have a society based on liberty.

Not surprisingly, Evans' thesis is supported by many Christian and Jewish libertarians and conservatives. It also has support from some nonreligious thinkers as well. F.A. Hayek, for example, suggested in *The Fatal Conceit* that religious belief may be important for the survival of a free society — much more important than most people realize.

Furthermore, the continuing turmoil over teaching Darwinian evolution in the public schools suggests that the conflict between science and religion is not about to go away. If Evans and Hayek are right, the prospects for freedom may be in danger of running aground on the rocks of scientific truth.

The Theme Is Freedom, More or Less

Drawing his evidence from history, Evans argues that Americans' commitment to limited government is largely the product of our Christian heritage. Most of us are unaware of this fact, according to Evans, because virtually everything we have been taught about the historical role of religion, especially Christianity, is wrong.

The central thesis of modern "liberal" thinking, he says, is that religion imprisons and enslaves people, and that rejection of religion expands freedom: "If belief in religious absolutes implies repression, it follows that denial of such absolutes will lead to freedom" (p. 40). This view reflects what Evans calls the "liberal history lesson" (15), the way that history has been taught in schools for decades. This "lesson" glorifies the pagan civilization of Greece and Rome; it treats the Middle Ages as "a long slumber of the human spirit" (149) that ended with the Renaissance (the rediscovery of the classical civilization) and was followed by the Enlightenment (the light at the end of the Dark Ages). In this view, the Founding Fathers were children of the Enlightenment — *philosophes* and Deists hostile to or uninterested in religion.

Evans believes this "liberal history lesson" is wrong in nearly every respect. To begin with, he argues, Greece and Rome weren't founts of individual freedom. He points to the Greeks' acceptance of slavery and infanticide and their glorification of the state. In these civilizations — even in Athens, the cradle of democracy — "the state and its rulers were assumed to have a magical, sacred character," says Evans. "We are so accustomed to hearing the Athenians or Romans of the republic described as people like ourselves that this enormously important fact, and its political meaning, are frequently neglected" (136–7).

Respect for the individual, Evans claims, has its origins in Judaism. To make this point, he cites a passage from the Old Testament in which the prophet Samuel tells the Israelites, who want a king, what harm will befall them if they choose one. (Evans notes that this passage was frequently cited by writers in the past.) Evans argues that the Christian Church during the Middle Ages "did the most to advance the cause of constitutional statecraft" (152) and that the medieval period as a whole "nourished the institutions of free government, in contrast to the ideas and customs of the ancients" (150).

Evans' position is clearly

* Regnery, 1994; see Leland Yeager, "Render Unto God," July 1995.

controversial, although many scholars now accept his revisionist perspective on the Middle Ages. In terms of understanding the relationship of religious faith to our society, Evans' most important point is that the gradual abandonment of religion in favor of rationalistic relativism has had severe consequences. The "central fallacy of liberal thought," says Evans, is the idea "that a libertarian system can be constructed on relativist assumptions." Following John Stuart Mill, liberals continued to "affirm the secular by-products of our faith, imagining them to have been invented by purely rational methods, and to suppose that they can be set up as self-sustaining concepts." But "one by one," these "secular by-products" began to be rejected as well (315).

The prospects for freedom may be in danger of running aground on the rocks of scientific truth.

The ultimate result is that today the concept of a society of free individuals has been displaced by the view that government must control people's activities. In fact, argues Evans, even the concept of freedom has changed. The classical idea of freedom as "the absence of coercion" has given way to what Evans calls "the pagan view of freedom as inclusion in the circle of power" (316). As examples, he cites the steady erosion of the principles of the U.S. Constitution: "There are no universals, no commitments that are binding, no meanings that are certain" (315). A key result is "the reemergence of the unlimited state and reduction of the individual . . . [and] a resurgence of the pagan world-view, and behaviors common to the pagan era" (316).

The Evolution of a Free Society, Sort Of . . .

F.A. Hayek, in his last book, *The Fatal Conceit*,* paints on a very different canvas than Evans, but their messages have important similarities. Evans attempts to explain where our concepts of freedom come from; Hayek attempts to explain how civilizations evolved. Religions are critical to this evolution.

As Hayek sees it, the most important strand of world history is the gradual evolution of what he calls the *extended order*. This is the vast network of interrelationships, based on trade, that make possible wealth undreamed-of by primitive people. The foundation of this order is transferable private property, which makes possible an extremely fine specialization of labor, which in turn leads to prosperity and the ability to support large numbers of people.

One of Hayek's persistent themes is that this order developed spontaneously, not through human design. But how did this evolution occur? Hayek says the process may have taken hundreds of thousands of years. It involved the development of a morality, or a collection of habits and behaviors, different from that which enabled primitive people, roving bands of hunter-gatherers, to survive. Traits and instincts that enable tribal humans to subsist in small numbers — such as solidarity and altruism in the pursuit of common ends — had to be replaced by "general, end-independent abstract rules of conduct" (31) that allow people to pursue diverse ends autonomously.

The most fundamental of these abstract rules is the recognition of property rights; Hayek calls property "the heart of the morals of any advanced civilization" (30). And, he says, the first great example of the extended order was the civilization that developed through trade in the Middle East. "So far as we know," writes Hayek, "the Mediterranean region was the first to see the acceptance of a person's right to dispose over a recognized private domain" (29). He credits "the Greeks, and especially the Stoic philosophers," for first developing "the moral tradition which the Romans later propagated throughout their Empire" (31).

Thus, Hayek has a more favorable view of Greek civilization than Evans does, because that civilization was the beginning of the extended order, although he also points out that it, too, was the result of a long period of evolution. He does share Evans' contempt for Aristotle, in particular Aristotle's "utter incomprehension of the advanced market order in which he lived" (45) and his "naive and childlike animistic view of the world" (47), and deplores Aristotle's continuing impact on social thought today.

The development of the extended order was advanced by certain religious beliefs. "Mankind achieved civilisation by developing and learning to follow rules (first in territorial tribes and then over broader reaches) that often forbade him to do what his instincts demanded," writes Hayek (12). These rules include "those dealing with [private] property, honesty, contract, exchange, trade, competition, gain, and privacy" and "largely consist of prohibitions ('shalt not's') that designate adjustable domains for individual decisions" (12).

The positive consequences of the abstract rules Hayek discusses are not immediate or obvious. To affect cultural evolution — that is, to result in greater prosperity — they have to be followed over a long period of time, probably several generations.

If there is no designer of social systems, one must consider the possibility that there may be no Designer of species, and perhaps no Designer of life itself.

Only rules with the stature of sacred or mystical beliefs can hold sway for this long, since, after all, they are contrary to human instincts. "We owe it partly to mystical and religious beliefs, and, I believe, particularly to the main monotheistic ones," Hayek writes, "that beneficial traditions have been preserved and transmitted at least long enough to enable those groups following them to grow, and to have the opportunity to spread by natural or cultural selection" (136).

Hayek is not religious. "The undoubted *historical* connection between religion and the values that have shaped and furthered our civilisation, such as the family and [private]

* University of Chicago Press, 1988; see Timothy Virkkala, "Reason and Evolution," September 1989.

property, does not of course mean that there is any *intrinsic* connection between religion [and] such and such values," he observes (137). But that doesn't make the link unimportant, and he points out that the only religions to survive in the extended order were those supporting private property and the family.

Hayek devotes the concluding chapter of *The Fatal Conceit* to religion. "[L]ike it or not, we owe the persistence of certain practices, and the civilisation that resulted from them, in part to support from beliefs which are not true — or verifiable or testable — in the same sense as are scientific statements, and which are certainly not the result of rational argumentation" (136–137). In this light, he can sympathize with "those clerics who are said to have become somewhat sceptical of the validity of some of their teachings and who yet continued to teach them because they feared that a loss of faith would lead to a decline of morals" (137). He expresses hope that "support by a professed agnostic may help religious people more unhesitatingly to pursue those conclusions that we do share" (139–40). And he tries to bridge the distance between himself and believers: "Perhaps what many people mean in speaking of God is just a personification of that tradition of morals or values that keeps their community alive" (140).

The "Fittest" Doctrine

If Hayek is right about the role of religious belief, the state of Judaism and Christianity today must give us pause. It is hard to see them as thriving. I am not about to make a comprehensive assessment of the state of these religions here. But I shall offer some thoughts on what seems to be a major cause of the deterioration of Christianity in the West.

Charles Darwin's theory of evolution by natural selection dealt a body blow to the Christian faith from which it has not recovered, and from which it may be unable to recover. The Darwinian ("neo-Darwinian," these days) theory of evolution undermines belief in God, because it eliminates the necessity of believing that something greater than humans exists. To have religious faith — as religious faith is understood in the Western monotheistic tradition, at any rate — one must believe in an entity that transcends human beings, at the very least a Creator who set the world in motion and initiated life. Darwinian evolution offers an alternative explanation for the initiation of life, one in which there is no need for a Creator. The ascendence of Darwin and the decline of Christianity are not entirely coincidental.

Many people will disagree. They will point out that Christianity has survived the century-plus since *The Origin of Species* was published, suggesting that whatever Darwin's impact was, it has been absorbed. Alice Kehoe, writing in a volume of essays entitled *What Darwin Began*, states that "among Christians broadly defined today, the majority viewpoint is that evolution is the process through which life developed, and is developing, on earth. God may have instituted the process, or God may be actively working within the process" (74). And D.F. Bratchell, author of *The Impact of Darwinism*, has said that "religious opinion generally can accommodate scientific explanations of evolution" and the only problems he sees are "reports from the United States about objections by fundamentalists to the teaching of Darwin's theories in schools" (78).

In this post-religious age, if people must have a "personal Will" to believe in, will they not seek it in "society" and thus, ultimately, through socialism?

They could be right. But in the United States, the mainstream denominations that make a point of accommodating science are the ones that have been in decline for decades, while many of the expanding denominations reject Darwinian evolution. (And Kehoe's statement that "scientific creationists are living fossils from a bygone era of science" [180] makes me wonder how objectively she weighs the evidence.)

As for Bratchell, he was writing in Great Britain, where only 16% of the population even attends church. More to the point, perhaps, is that he made his statement in 1981. Fourteen years later, the assault in the U.S. on teaching Darwin's theories in schools is stronger than ever.

Furthermore, the uneasy accommodation of Darwinism by the Church of England and mainstream American denominations may reflect a poor understanding of Darwin.† Kehoe's dismissal of the problem ("God may be actively working through the process") seems too casual. It glosses over the fundamental distinction of Darwin's contribution, the truly mind-boggling part of the theory: not that species evolved, but that they evolved through natural selection, a largely random process.‡

The fundamental issue with Darwinism, as Bratchell summarizes it, is "whether there is a motivating force or organizing principle behind the evolutionary process, or whether the apparently blind chance of natural selection is the only explanation" (78). Darwin endorsed the second position, and his theory has been elaborated through knowledge of Mendelian genetics. It is on this point that the latest conflict over Darwin has erupted. Advocates of "intelligent design" challenge Darwin's theory of natural selection.

Percival Davis and Dean H. Kenyon make the case for intelligent design in *Pandas and People*, published by the Foundation for Thought and Ethics, intended to be supplementary science text. In a very readable, thoughtful manner, it questions Darwinian evolution on a number of counts, offering intelligent design as a solution to the problems within Darwinian theory.

Scientific American is inclined to view intelligent design theory as a creationist sneak attack. Discussing *Of*

† I am also open to the possibility that I don't understand how Darwinian evolution can be compatible with theological orthodoxy, and am in need of elucidation.

‡ Some people don't consider natural selection a random process. While genetic mutation may be random, the process of selection occurs because a mutation turns out to be advantageous.

Pandas and People, the magazine said: "Antievolutionists are using a new weapon in their fight to bring the supernatural into science curriculums." It went on to describe intelligent design as a "theistic formula that posits an unnamed intelligent force to explain the diversity of life" and a way of bringing the "supernatural" back into the public schools.

Technology Review, published by the Massachusetts Institute of Technology, was concerned enough about the popularity of the book — the publishers claim 19,000 copies are in print — to publish a cover story that addressed the idea seriously and, perhaps surprisingly, somewhat sympathetically.

Kenneth R. Miller argues that, when all the evidence is in, natural selection is more credible than intelligent design. One significant category of evidence is all the signs that evolution has made "mistakes" an intelligent designer would not have made. The eye is a marvel of cell specialization and thus, seemingly, powerful evidence for intelligent design. However, the eye has cells that inconveniently block the photoreceptor cells. Miller argues that an "intelligent designer" wouldn't have introduced such errors, but evolution by natural selection can explain their presence. He goes on to say that genetic material is replete with similar "mistakes."

Such arguments may be persuasive, but it must be noted that intelligent design probably would not have attracted so much attention were there more consensus within Darwinian circles. Indeed, the neo-Darwinian theory of evolution so solidly accepted by scientists in the 1950s is not even the prevailing theory now. The strongest theory today, proposed by Niles Eldredge and Stephen Jay Gould in 1972, is "punctuated equilibrium." In this view, changes from one species into another occur over a very short period of time, followed by a long period of equilibrium. Punctuated equilibrium deals with a problem that troubled Charles Darwin himself: missing links. Darwin's original theory held that species developed gradually over time. Fossils show ancient plants and animals, many of them now extinct, but they don't show a series of changing life forms. Where are these missing links?

Punctuated equilibrium explains the mystery of the missing links. But there is dissatisfaction with punctuated equilibrium, too. James W. Valentine, writing in *What Darwin Began*, notes that "it is probably true to say that even at the most rapid rates of morphological change usually considered between species, new phylum-level body plans cannot be evolved in the times available" (270). He has other ideas which may indeed be the direction in which evolutionary biology is now heading: toward recognizing changes in gene regulatory patterns as the forces behind evolutionary change, rather than simply gene mutations. Valentine admits, however, that his account is "quasi-philosophical" and only a "generalized scenario of a possible explanation of mechanisms of the origin of phyla and classes" (271).

Laurie Rohde Godfrey, who edited *What Darwin Began*, says that these disagreements and reconsiderations are a sign of health in the profession. She notes that "anti-evolutionist polemicists seize on all kinds of critiques in an effort to portray evolution as a crumbling citadel defended by a powerful but wrong-minded Establishment. . . . But evolution is not a crumbling citadel." Evolutionary biology, she says, "is actually in a period of rapid and healthy growth. That growth centers in part around controversies" (viii).

This seems to be overly optimistic. In the same paragraph, she notes that "some of the basic premises of Darwinism are under serious attack from within evolutionary biology" (viii). And elsewhere in the same volume, two scientists are more outspoken: "Not since the late nineteenth and early twentieth centuries have there been such controversy and polarization in this field" (17). The editors of *Pandas and People* may be right when they suggest that evolutionary biology has reached the stage of "paradigm breakdown — a state where a once-dominant theory encounters conceptual problems or can no longer explain many important data" (153).

The Survival of Civilization

Whether the continuing controversies within the Darwinian theory of evolution mean it is coming apart at the seams rather than merely being refined, thereby creating an opening for an alternative hypotheses like intelligent design, is not clear. In any case, the broader issue of whether Darwinism is compatible with religious faith remains an interesting one. While I am still open to further argument and evidence, Darwinian theory and religious faith seem to be mutually exclusive. If I am correct, there are important implications for those who value human liberty, as I do.

If religious faith plays a critical role in development of a free society, as Evans and Hayek argue, then embracing Darwinian evolution may come back to haunt us by destroying the underpinnings of the liberal social order. Of course, I do not mean to suggest that we should reject Darwinian evolution on these grounds; truth should out, whatever the consequences. But I do suspect that the triumph of intelligent design theory would be the best outcome for our society, because it would be more compatible with religious faith. If widespread loss of faith leads to widespread loss of freedom, then a theory of the origin of life that allows people to maintain their faith may have crucial benefits, even for those in society who have no interest in religion.

But I am *not* an adherent of intelligent design theory, and my skepticism about intelligent design stems, as much as from anything else, from my reading of Hayek. The chief goal of Hayek's intellectual life, I believe, was to persuade people to stop thinking that human beings designed the social systems they lived under, and to recognize instead that these orders developed spontaneously, without design, over time. As long as people believe these systems were designed by a human mind, they will consciously try to redesign them. The result will be socialism, in one or another variant.

Hayek was writing about cultural evolution, not biological evolution, a distinction he makes clear in *The Fatal Conceit*. "The mechanism of cultural evolution is not Darwinian," he writes (23). At least in part, he means that cultural evolution occurs through the inheritance of acquired, that is, learned characteristics, while biological evolution occurs through genetic information.

But he also observes that "all evolu-

tion, cultural as well as biological, is a process of continuous adaptation to unforeseeable events, to contingent circumstances which could not have been forecast" (25). This process is the same as, or very similar to, natural selection, the keystone of Darwinian theory. If continuous adaptation to unforeseeable events can explain social systems, perhaps it can also explain the evolution of species. And if there is no designer of social systems, as Hayek persuasively argues, one must consider the possibility that there may be no Designer of species, and perhaps no Designer of life itself.

As I have indicated, in the final chapter of *The Fatal Conceit* Hayek attempts to build a bridge (unfortunately, a very schematic one) between his agnosticism and his culture's religion. He suggests viewing God as the personification of a moral tradition; this moral tradition was, in his view, "the source of order that religion ascribes to a human-like divinity" (140). The problem he perceived was this: It is probable that most people need to believe in a "personal Will" (the personification, not the tradition) as the source of order. Yet today, faith in God is widely rejected as superstition. In this post-religious age, if people must have a "personal Will" to believe in, will they not seek it in "society" and thus, ultimately, through socialism?

"On that question," Hayek concludes, "may rest the survival of our civilisation." ❑

Arthur, "Presidential Follies," *continued from page 30.*

acknowleges that "we don't know how much the assets are worth, and we won't know until they're put on the auction block and people bid for them." This might make it impossible to "repeal taxes as cleanly and quickly as possible." After reiterating his insistence that the current income tax must go, he considers two possibilities: a 10% flat tax (which he estimates would raise $500 billion per year) and a 5% sales tax (which would raise $250 billion per year). Concerned about the cost of compliance and the invasive activities of the IRS, he structures his suggested 10% flat tax in an original way. Businesses would withhold taxes from their employees, without reporting the identity of individual taxpayers. Realizing that business returns would require a profit-and-loss statement, which would subject them to IRS snooping, he would allow businesses to opt out of the flat tax by paying 5% of gross sales instead.

Browne makes a strong case for scaling back "defense." His position is basically old-line isolationism of the sort Isabel Paterson, Rose Wilder Lane, and other libertarians of the pre-World War II generation espoused. He unflinchingly criticizes every U.S. war since the Revolution, and rejects entirely activist foreign policy of the sort the U.S. has engaged in for the past half-century. He concedes the need for national defense, in the form of an anti-missile defense. But he is skeptical that it can be provided by a government bureaucratic organization, or even contracted out to the lowest bidder (too much danger of problems like "underbidding, cost overruns, and so on"). He proposes instead that the government offer a fixed sum to the first private firm that delivers "a working missile defense."

This is radical stuff, though it will not likely be radical enough for some libertarians, who will be troubled by Browne's willingness to allow the states to continue some government programs:

> In some cases, state or local governments will take over [federal programs] — and perform them at less cost to the taxpayer. And citizens in each state will have more power to reform or abolish programs as they choose. (p. 66)
>
> People within each state could then decide for themselves whether they want their state or city governments to perform some of the regulation. (83)
>
> The answer to the Medicaid funding problems, the corruption, and the scandals is to end the program. Don't string taxpayers along with more "reforms" that don't reform anything. End federal grants and federal tax-collecting on behalf of the states. Let each state's citizens decide for themselves whether they want a government program to provide health care for the needy. . . . And let's hope most states stay out of health care. (101)

These passages are Browne at his most "moderate," probably intended as evidence of his practicality and his respect for the U.S. Constitution. I suspect Browne hopes it will resonate with conservatives, and perhaps make him sound less strident.

Much more troubling is Browne's waffling on abortion:

> Until science can demonstrate otherwise, I must assume that life begins at conception. Thus I believe abortion is wrong — very wrong. But the government that can't win a War on Poverty or a War on Drugs isn't going to win a War on Abortion.
>
> An unfortunate fact of life is that there always will be abortions, just as there always will be people who misuse drugs, no matter what the laws are.
>
> The only practical solution is a program of education and persuasion. . . . (180)

The problem with this is that if an individual's life begins at conception, then abortion is not simply "wrong." It is *murder*, an act of violence against another human being, not merely self-destructive behavior (like drug use is alleged to be) or a social condition (like poverty). And by the logic of the rest of his argument, government shouldn't outlaw rape or murder either. After all, "there will always be rapes and murders." Would Browne be content to fight rape and murder with "education and persuasion"?

Here Browne's pandering to the Right gets the better of him.

But overall, *Why Government Doesn't Work* makes a powerful and cogent case for radical libertarian change, a case stated simply and accessibly. The Browne campaign has a lot riding on it. I don't know how the average voter would react to it, but I think it has a better chance than past libertarian propaganda efforts. A bigger challenge may be getting an average voter to spend $19.95 for a political book. ❑

Extrapolation

The Cost of an Additional Year of Life

by Ben Bolch and Deborah Pittman

Sometimes regulations can kill.

In 1994, T.D. Hopkins of the Rochester Institute of Technology published a paper in the *Journal of Regulation and Social Costs* that measured the direct compliance costs of federal regulations. He estimates that this alone comes to about $6,000 per household per year, and that by all projections it will continue to increase. Yet whenever members of Congress attempt to reduce this burden, they are painted as pawns of industry, polluters of the environment, abettors of cancer, or worse.

Now comes a new study by Tammy O. Tengs *et al.*, a team with affiliations at Duke, Harvard, and other sites not noted for their anti-regulatory bias. It is a massive literature search on the costs of regulations and other interventions designed to save life, and it has been published in a recent issue of *Risk Analysis* (Vol. 15, No. 3). The study systematically reviews the costs associated with life-saving interventions, defined as "any behavioral and/or technological strategy that reduces the probability of premature death among a specified target population." It assesses the net incremental costs (in 1993 dollars) of around 500 interventions, each scaled so that it adds one year of life expectancy to one person. The study treats an additional year of life and future costs as any rational businessman would treat an investment (they are both discounted, in this case at a conservative 5%). There is little doubt that the Tengs study is among the best in comparing diverse measures that are purported to increase life expectancy.

The first thing the study notes is the tremendous difference in median cost among several federal agencies per life-year saved. The Federal Aviation Administration is the most cost-effective, with a median cost per life-year saved of $23,000. Then comes the Consumer Product Safety Commission ($68,000), the National Highway Traffic Safety Administration ($78,000), the Occupational Safety and Health Administration ($88,000), and finally the Environmental Protection Agency ($7,600,000). These figures are unnerving to economists and rational businesspeople because they indicate that life-saving interventions among these agencies are grossly inefficient, as efficiency dictates that the incremental cost of a life-year saved should be the same across life-saving investments. Put another way, efficient investment in life-saving intervention does not put scarce dollars into high-cost intervention until all possible mileage has been gotten from low-cost actions.

A number of mandated life-saving interventions have costs well in excess of $1 billion per life-year saved. These include banning asbestos in diaphragms ($1.4 billion per life-year saved), benzene emission controls in tire manufacture ($20 billion), and chloroform emission at 48 pulp mills ($99 billion), among others.

At the same time that the government makes these mandates, it complains about the cost of health care. Yet a number of medical procedures whose high cost subjects them to complaint are, by comparison to environmental mandates, inexpensive. Heart transplants for patients under 55 with favorable prognosis cost $3,600 per life-year saved. Hysterectomies with oophorectomies for asymptomatic women age 40 cost $51,000 per life-year saved. Hospital dialysis for kidney failure with patients 55–64 — a treatment considered so expensive that it is almost impossible to obtain in Britain — comes in at a mere $42,000 per life-year saved.

The moral of all this is that many lives could be saved by redirecting expenditures on any number of silly regulations to more cost-effective interventions. Tengs found that such a reallocation of resources could save an additional 60,000 lives per year — or, viewed another way, that we could save the same number of life-years while reducing the associated cost by $31 billion per annum.

Given that the amount a nation can spend on such matters is finite, it is literally true that mindless regulation kills. ❑

Travelogue

Dollar an Inch of Skin

by Bo Keeley

A dance with the cheetah.

"Can I change 20 American dollars if I eat a meal?" I ask in Spanish.

"Si, si."

The dish is steaming on my table in two minutes. There are two other couples in the café, a husband-wife pair who stand to leave, and two males seated a few tables to my right. They drink tall bottles of beer from glasses with their meals.

The airport money-changers were closed yesterday, Saturday, when I flew into Caracas. It was a simple task to beg onto the airport bus with a couple greenbacks, and to secure a room on promise of payment, but today I need foreign pocket money.

The restaurant is shaped like a french fry and has a bar with a dozen tables. It is not fancy, not a dive — it's a place to get a meal. Located near the bus terminal, the patrons would be arrivals or in transit. I am careful, when globe-trotting, about where I eat and with whom. My practiced eye sizes a location, spots a scam, and steers me clear of thugs.

I take particular note of the man eating with his back to me. Clean ebony skin, pressed orange shirt, closely cropped hair, and a grace of movement as he brings the glass to his mouth. He has not been on a bus, and seems too much a part of the place to catch one out. Now he turns to me and salutes with his glass. A tidy mustache, no drugs in those alert eyes, a strong face with a graceful jawbone. He is tall and built like a cheetah. I nod in return and look to my meal. But before the first bite I note his dark face is blushing.

The Chinese food is delicious and although I am not sure of the menu — my Spanish is only passable — it resembles chop suey. As the waiter comes to clear the table at my rear, I order another meal and pay on the spot with a $20 bill. He returns in two minutes with another plate and change in Venezuelan currency.

The food is piping hot and must cool for a minute. The cook is gone. The cashier is gone. The waiter has disappeared and the floorsweep, a female, closes the bathroom door behind her. This is a small café and all within my visual field. The black man and his shorter companion exit to my left, greeting, *"Adiós, amigo."* I am alone with my food.

The black man built like a cheetah and his comrade enter at brisk stride. My chair is five steps from the door and already they have machetes out. I sink slowly into the chair with an eye on each hefty knife as they separate and walk to either side of me.

There is no time for any reaction beyond a long stare. I gauge quickly there will be little room to explore. One man is on either side, the table in front, and my back to the wall.

When trouble rears, I am ready to face it and have. There is only a vapor of fear, and I am thinking clearly. I wince mentally, however, at the possibility of taking a long knife in the side repeatedly. I am alert and could spring, though I realize my fate is bleak.

"Tranquilo," orders the cheetah man. His short cohort says nothing.

The tall one holds the knife low and expertly. The blade is 14 inches long, plus another six in the handle. His strong fingers grasp the weapon in familiar balance and I see he can strike, withdraw, and rotate it with deftness.

The knife held by the other one is shorter, a foot in length in total, but with a sharper point.

The cheetah is jabbing me in the left side under the rib cage. The other is jabbing repeatedly at my right thigh.

The strikes are firm but do not break the skin. They are painful enough to bruise. I cannot glance down to find if my clothing is being ripped, for the nature of the sharp blows is such that I can hardly move. One high on the left, the other low on the right. If I inhale deeply I will impale myself, or if I twist my trunk an inch the result will be the same. Either of the men could plug me full of holes in a heartbeat.

If either gets angry he will.

"Give us your money." Everything in Spanish. "Of course, I give you my money."

I empty my pocket of the Bolivares I have gotten in the earlier trade and toss the money on the table next to the chop suey. I perform this with a rigid body, moving only my arms and hands to avoid putting blood on the continuing thrusts.

"Bah," says the cheetah man through gritted teeth. "More money. *Pronto.*" Jab. Jab. Jab. His steel catches me repeatedly in the left side a fraction under the bottom rib. The guy knows anatomy like a pro, and I cannot suppress a flare of admiration for him. He understands that one upward thrust of one of those probes will take the long blade through my diaphragm. I will not be able to pull wind. The heart is the next stop. I would shoot this man without a blink if I had a gun. I want badly to shy from the knife but the other one pokes my right thigh and he could run my leg through.

This is an orchestrated hold-up. Is it an inside job? I think so. They certainly are kitchen machetes. And a room does not clear of so many workers by coincidence.

A traveler to out-of-the-way parts must be prepared to face the consequences. That he will be robbed eventually is a given. I have been robbed on many occasions of little violence, by pickpockets and room thieves for the most part. I scheme far ahead of the mugger to cut my losses short.

The first step is to create small stashes on different areas on the body. The best place is in a cloth money belt that holds the valuables close to the small of the back where it is difficult to get at. The problem is that a sophisticated holdup man knows most travelers carry money in this manner and looks there immediately. I do carry money in this place, but only a big wad of small bills to satisfy any poor-country crook. The robber in these countries, or in impoverished districts of wealthier countries, salivates at the sight of a small quantity of American dollars. Hence I will get heisted and play the act of woe as the money belt is found and the crook trots away a happy fellow, and I walk on with the big store still on me. The real stash, of course, is in another place, somewhere no thief will think of. I have sewn a pocket on the inside of my jeans above boot level, and it is here the $100 bills are carried. Dozens of them, which have never been discovered.

Another trick I use is to have a pocketful of small notes and when accosted throw them high in the air and flee. The robber wants the money, not the person. On a windy day he hasn't a chance against me. This technique becomes more effective with an increase in the number of holdup men. I scatter enough bills to keep them busy for a minute and, knowing the nature of thieves is that one will not trust the others to hold the money while he pursues, I escape.

Many of the countries I travel in are raw and reckless, their cities islands of lawlessness.

Taking a stand against a sidewalk pirate is something I am also accustomed to. I am not small, and have a degree of strength and ability, so courage comes easily in a one-on-one encounter. That is not the typical scenario, however. Most folks have little comprehension of the explosiveness and lack of fairness in violence. There will not be one man but at least two. They do not come with clenched fists but with weapons. They have no decorum and will spill my blood without hesitation.

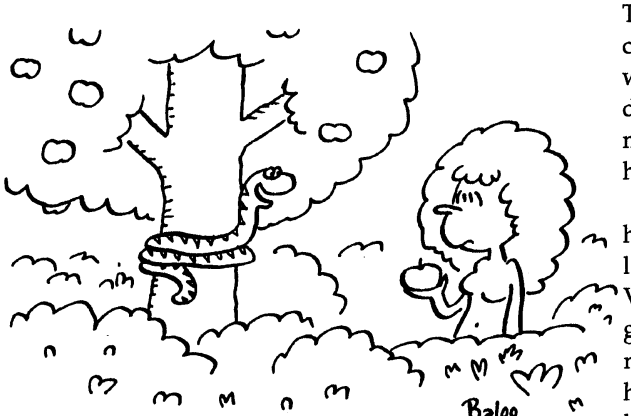

"Red is definitely your color!"

I can do nothing but hold still and breathe lightly as the two Venezuelans jab me and gruffly demand more money. They will not hold their patience much longer, and a dead man is easier to pluck. It is time to pull out the money belt and relinquish the big wad of small bills. It was time long ago, but there is a hitch today.

The tall man is stabbing at me just above where the belt is. I cannot reach for it without injuring myself against his knife, much less make him think I am going for my own weapon. I fidget and sweat. I do not know the words in Spanish to explain that the money is under my clothes at my spine. I sit seconds getting poked, watching their frustration grow. Over and over I consider reaching for the money belt but each time I reject the action because of the likely consequence. *If only he will begin to search me, he will find it,* I am thinking. But that will take two hands and one of his is busy.

Meanwhile the shorter man does start searching my right side with one hand, the other still making time with the blade. My heart sinks. In a moment he is sure to come across the big store. His free hand works with practiced speed down my leg until he feels the thickness of extra material. He reaches under the cuffs, easily slices through the secret pocket. My main bank, neatly wrapped in a plastic baggie, drops straight into his hand. He starts for the door.

Now the tall black feels for the money belt, saws with the steel, and has all the rest of my savings. He springs away and is on his partner's heels out the door.

"Silencia," he pauses to shout at the exit. Then they are gone.

As if on cue, the sweepgirl emerges from the bathroom. She looks on sadly and shakes her head in sorrow. She knows.

I am crestfallen. Cleaned, wiped out, but alive. This is no place to linger. I find my feet and leave by the door.

The chop suey is still on the table, cold.

Many of the countries I travel in are raw and reckless, their cities islands of lawlessness. I found myself wedged between a rock and a hard place, and what many call a tangle with bad luck I say is fortune to have bucked odds without losing blood. I learned a bit about myself and, at the price of a dollar a square inch of skin, walk on lighter feet to the next adventure. ❑

Lessons from Success

by Jim Powell

What libertarians can learn from the conservative movement.

Libertarians have the books, but conservatives are getting out the votes. That's because conservatives have built a genuine political movement, while libertarians stand out mainly as an intellectual trend. If libertarians are to develop strategies for achieving a serious, sustained impact on public policy, they will have to learn the difference.

Most libertarians seem to believe that ideas are the beginning and end of political influence: publish books, win over intellectuals, and eventually libertarianism will reach the general population. In short, follow the strategy pursued by the Fabian socialists a century ago. How many times have we heard libertarians quote Richard Weaver's phrase, "Ideas have consequences"?

Without doubt, libertarians have achieved much on the intellectual front. Three decades ago, the movement consisted of the crowds drawn to Ayn Rand and Nathaniel Branden, plus scattered individuals. There was one major libertarian magazine (*The Freeman*, given away free). There were no libertarian think tanks. The publication of a libertarian book was an event. Now several hundred libertarian books come out every year, increasingly by major publishers, covering every imaginable issue. The Cato Institute has made libertarian ideas respectable not just in Washington, D.C., but across the country. There are many regional think tanks producing fine libertarian material. *The Freeman* goes to paying subscribers, and *Reason* and *Liberty* magazines have experienced gratifying growth. Libertarian professors teach at the most prestigious universities in America. Laissez Faire Books serves some 30,000 customers interested in liberty.

Moreover, libertarians have achieved some political influence. This is primarily because of grassroots lobbying organizations. The National Taxpayers Union boasts 300,000 members. Citizens for a Sound Economy, which lobbies on a wide range of issues, has 250,000 members. U.S. Term Limits, the largest term limits organization, has 80,000 members. The closest thing to a libertarian business organization is the National Federation of Independent Business, with 607,000 members.

Such organizations do far more on a day-to-day basis than the Libertarian Party does, although the LP reports things are looking up. Paid membership, at 12,500, is at an all-time high. More people than ever are registered as Libertarian Party voters. There are more Libertarian Party members holding public office — 144 — than ever before. The Libertarian Party says it is on the ballot in more states now than at the comparable stage of any previous presidential election cycle.

The libertarian movement has made substantial progress since the early 1960s. But compared to the conservative movement, the libertarian movement is still very limited in scope.

Consider communications. The Conservative Book Club reports it has about 50,000 members. *National Review* (biweekly), 250,000 subscribers. *The American Spectator* (monthly), around 300,000. *The Limbaugh Letter* (monthly), 500,000. *Human Events* (weekly) is well behind these with about 50,000, but it's growing fast thanks to an infusion of promotion money from its new owner, Phillips Publishing. *Human Events* could soon surpass *Reason*, the largest libertarian magazine, which claims a 60,000 circulation. There isn't a libertarian (or anyone else for that matter) who

approaches Rush Limbaugh's broadcast numbers: five million people per three-hour weekday radio show. His TV show does well in its out-of-the-way time slots. The Heritage Foundation, the largest conservative think tank, operates with a $25.3 million annual budget, more than double that of the Cato Institute.

The conservative movement is even more impressive at grassroots lobbying. The largest multi-issue conservative grassroots lobbying organization, the American Conservative Union, claims over 1,000,000 members. Then there's the single-issue grassroots lobbying organizations. Focus on the Family reports it has 2.1 million members and an annual budget over $100 million. The Christian Coalition, 1.6 million members and a $25 million budget. Citizens Against Government Waste, 600,000 members. The National Right-to-Life Committee says it doesn't keep track of individual members but rather operates through 50 state affiliates and some 3,000 chapters. Phyllis Schlafly's Eagle Forum, which now focuses on school curriculum issues, claims 80,000 members with chapters in 47 states. The Conservative Caucus, lobbying a wide range of conservative issues, reports about 60,000 members.

Libertarians might belittle such conservative battle cries as patriotism, school prayer, and abortion, but these issues move millions.

I'm well aware that many of these numbers are probably exaggerated. But I expect such inflation occurs in libertarian organizations as well, so the numbers should serve as a reasonable indicator of comparative size. Conservative organizations generate far more revenue and turn out far more people for demonstrations, telephone campaigns, precinct canvassing, and other grassroots political action.

While some conservative lobbying groups go their own way, many have banded together. Conservative activism gathered momentum in 1974, after President Gerald Ford named an enemy of conservatives, Nelson Rockefeller, as his vice president. That year, some activists started a Conservative Political Action Conference (CPAC) in Washington, D.C., in order to share experiences, discuss strategy, and get fired up for the political battles ahead. CPAC has met every January since then. The biggest annual conservative event, it attracts as many as 2,000 people. Every major conservative organization has a booth to distribute literature and seek recruits. Almost every prospective Republican presidential candidate speaks there. Ronald Reagan addressed CPAC a dozen times. Among the politicians who spoke at CPAC this past January were Bob Dole, Newt Gingrich, Phil Gramm, Jack Kemp, Dick Armey, Lamar Alexander, Patrick Buchanan, and Dan Quayle. Libertarians don't have anything like CPAC.

During the 1970s, conservative activists found their Seven League Boots. They became much more sophisticated with direct mail, a medium which made possible an end-run around "liberal"-controlled TV networks, magazines, and newspapers. Conservative activists such as Paul Weyrich (Free Congress Foundation) began systematically channelling money to conservative candidates, and within four years they had helped elect more than 30 to Congress. Strategist Terry Dolan (National Conservative Political Action Committee) pioneered independent conservative media campaigns aimed at unseating "liberal" adversaries in Congress, and he achieved some notable successes. Conservatives demonstrated considerable savvy during their unsuccessful campaign to defeat the treaty which gave away the Panama Canal — the campaign became Ronald Reagan's stepping-stone to the White House.

Last year, conservative-led grassroots campaigns did much to defeat Bill and Hillary Rodham Clinton's attempted seizure of our health care system. The American Conservative Union helped coordinate efforts among more than 40 grassroots lobbying organizations. Altogether, conservatives mailed over 20 million letters urging people to contact their representatives in Washington. And the Christian Coalition distributed some 30 million postcards expressing opposition to government-run health care.

To be sure, libertarians made important contributions to the anti-ClintonCare campaign. The Cato Institute distributed over 100,000 copies of a *Patient Power* minibook that explained the most appealing alternative to government-run health care. Citizens for a Sound Economy did a superb job on many fronts. It led a coalition of 30 organizations against socialized medicine. It conducted an advertising campaign in the districts of congressmen drafting health care legislation. It organized well-publicized rallies that helped bury the Clintons' cross-country "Health Care Express" promotional bus tour. But most of the big numbers were turned in by conservative lobbying organizations.

Conservatives perform just about every function needed for an ongoing movement. For example, conservatives train journalists. Author and former newspaper editor M. Stanton Evans heads the National Journalism Center, which offers twelve-week courses emphasizing free-market economics. Held in Washington, D.C., these courses include six weeks of classroom work and six weeks of internship at publications and TV stations. The National Journalism Center says it has trained about 1,000 people over the years. They have gone on to work at CBS-TV, CNN, C-Span, NBC-TV, Evans & Novak, *Forbes*, Gannett News Service, *Investor's Business Daily*, the *Los Angeles Times*, *Newsday*, *Newsweek*, *Reader's Digest*, *The Wall Street Journal*, and the *Washington Post*, among others.

Newt Gingrich's election to the House in 1978 was, from a long-term perspective, as important to conservatives as Reagan's victory in 1980.

How important is such training? Well, recently ABC-TV reporter John Stossel (*20/20*) told me he'd love to hire libertarians, but he can't find any with adequate journalism and/or broadcast experience. This is in New York City,

the nation's media capital!

There are conservatives who do nothing but train people for political careers. Since 1979, Morton Blackwell's Virginia-based Leadership Institute claims to have trained over 10,000 aspiring candidates, campaign managers, broadcast media people, and campus activists. They learn how to recruit volunteers, how to motivate volunteers, how to develop an effective campaign plan, how to raise funds, how to conduct opposition research, how to give good speeches, how to set up media events, how to build coalitions, and so on. By contrast, the Libertarian Party employs just one political consultant.

Each year, the Institute for Humane Studies helps about 400 college libertarians develop a more sophisticated knowledge of classical liberalism — important work, but a fraction of the students reached by campus conservative organizations. College Republicans, which became conservative during the Reagan presidency, claims it has about 100,000 members and recruits some 800 new members a week. They serve as foot soldiers in political campaigns, and some enter politics as a career. Phyllis Schlafly's Eagle Forum has chapters on about 60 campuses. The Intercollegiate Studies Institute claims to have chapters on most college campuses and a total membership of over 55,000. It distributes some 900,000 pieces of literature annually. Young America's Foundation helps finance and promote conservative speakers across the country. For example, over the past year, Schlafly drew 900 students at Swarthmore. William F. Buckley, Jr. spoke before 2,300 at Indiana University. Some 3,000 students at Oregon State University turned out for former drug and education czar William Bennett. Former Vice President Dan Quayle attracted 6,000 at College of the Ozarks. The only other speakers who can produce these numbers now are outrageous black radicals with promotion heavily subsidized by college administrations.

An important factor in the conservative movement's growth is its powerful emotional appeals. Some libertarians might belittle such conservative battle cries as patriotism, school prayer, and abortion, but these issues move millions. Religion, supposedly doomed by modern science, is expanding its influence. There are now an estimated 24 million Evangelicals and 58 million Catholics, many of whom are joining forces in the "pro-family" conservative movement.

Religious appeals and business ability made television evangelist Pat Robertson a leading power broker in the Republican Party. His Family Channel (formerly the Christian Broadcasting Network) reaches 1.5 million people a day. His Operation Blessing claims to have distributed more than $50 million to poor people. He operates Regent University with a $150 million endowment. Robertson controls International Family Entertainment, which owns Ice Capades, the Family Channel, and Mary Tyler Moore Entertainment — altogether, its annual revenues exceed $200 million. There isn't any outspoken libertarian with a media empire like this. Robertson used his resources to start the Christian Coalition, perhaps the most dynamic conservative grassroots lobbying organization.

Libertarians should resist the temptation to offer a laundry list of positions that most people are too distracted to remember.

Ever since Barry Goldwater ran for president in 1964, conservatives have absorbed ferocious abuse from the media. They've been tarred as racists, fascists, and extremists. In recent years, many conservatives have become adept at handling themselves. Rush Limbaugh, Ralph Reed, William Bennett, Phil Gramm, and, of course, William Buckley have become media-savvy stars, to name just a few. About the only libertarian with as much fame and finesse is Milton Friedman, now largely occupied with his memoirs.

The conservative movement has benefited from aggressive marketing talent. Take direct-mail pioneer Richard Viguerie. He compiled the first conservative direct-mail list in 1964, and now he has perhaps the largest files of conservative donors, approaching five million. He has methodically applied the techniques of America's biggest commercial mailers. He has helped launch conservative grassroots lobbying organizations and raised millions for other conservative organizations and dozens of conservative political candidates.

The conservative movement was fortunate to have formidable organizing talent. Back during the 1950s, 1960s, and 1970s, the Johnny Appleseed of the movement was Marvin Liebman, who launched several dozen lobbying organizations. Best-known was the Committee of One Million Against the Admission of Red China in the United Nations. Back before conservative direct-mail lists were available, Liebman would form an organization, raise seed capital, and spend it on *New York Times* advertisements soliciting more money and encouraging people to contact their congressman about the particular issue. On one occasion, he filled Manhattan's Madison Square Garden with 18,000 screaming conservatives who paid money to get in — selling tickets for a political rally was unheard-of, but Liebman operated on a shoestring, so he didn't have much choice. When the movement was small, he achieved an impact far out of

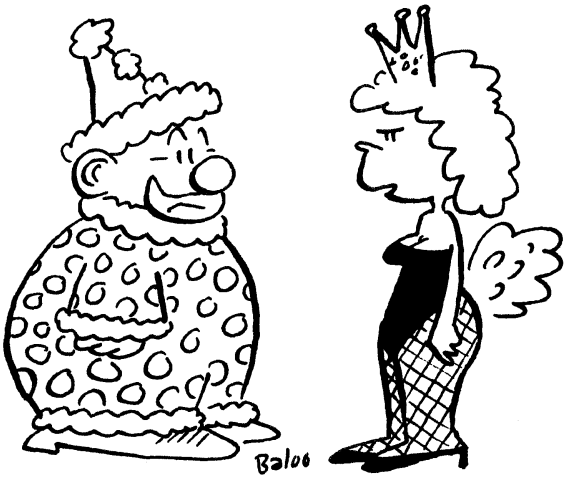

"Me marry you? Get serious!"

proportion to the number of people involved with his groups.

The most phenomenal conservative mass organizer was Phyllis Schlafly, the Alton, Illinois, mother of six who almost single-handedly stopped the Equal Rights Amendment. Its adoption had seemed inevitable, because it was promoted aggressively by the national media, two presidents, and both Democratic and Republican congressional leaders. Schlafly had honed her organizational skills on her way to becoming president of the Illinois Federation of Republican Women (when it had 27,000 members) and later first vice president of the National Federation (when it had 500,000 members). Her vehicle for the anti-ERA campaign was her group Eagle Forum, which established state organizations, and these, in turn, started local organizations. Schlafly had an estimated 10,000 people working for Eagle Forum in a single state, Illinois. She could capitalize on a fast-breaking situation by organizing a rally within hours — a few dozen phone calls to her key people would result in a crowd of several thousand. Her stellar performance was a 20,000-person rally that dwarfed a pro-ERA demonstration in Houston, in November 1977.

Schlafly encouraged corny but effective tactics for gaining publicity and goodwill. For example, in Illinois — the first state to give women the vote yet the only northern state not to approve the ERA — Schlafly's "Eagles" descended on the state capitol and gave every legislator a homemade apple pie emblazoned with the slogan "I'm for Mom and apple pie." She appeared at the capitol building with a clergyman in a gorilla suit, waving a banana and a sign: "Don't Monkey with the Constitution." Despite enormous pressure from feminists, labor unions, and TV celebrities and a porkbarrel deal from President Jimmy Carter, the Illinois legislature voted against the ERA eleven years in a row before it finally died.

Newt Gingrich's election to the House in 1978 was, from a long-term perspective, as important to conservatives as Reagan's victory in 1980. Gingrich was the first person in anyone's memory whose avowed goal was to establish a conservative Republican majority. He didn't want to get along with the ruling Democrats. He focused single-mindedly on taking them out. He recognized that congressional committee meetings were, among other things, a ploy to waste the time of minority members who couldn't determine policy by attending. He skipped committee meetings and spent his time strategizing with movement conservatives and forging coalitions.

Finally, social conservatives have gained some wisdom. They recognize that a political movement always consists of people in the private sector, not officeholders — however friendly they might be. During the 1980s, conservatives waited on the sidelines, figuring President Reagan would take care of everything. He delivered socially conservative speeches without putting social issues on his agenda, but he was such a revered figure that hardly any conservatives grumbled publicly. Now social conservatives recognize that they must maintain pressure on conservative office-holders. Neither Newt Gingrich nor Dick Armey nor any other Capitol Hill conservative leader enjoys a honeymoon. James Dobson of Focus on the Family, Ralph Reed of the Christian Coalition, and others have already escalated their demands for timely action. This new, more aggressive posture suggests conservatives will be gaining even more political clout.

My point here certainly isn't to criticize the libertarian movement for being small. After all, I'm part of it. I'm proud of how far we've come. My point is to gain perspective and see what needs to be done. These are what I believe to be the most important lessons libertarians can learn from the conservatives:

(1) It isn't enough to get good ideas into circulation. Maybe they will prevail eventually, and maybe they won't. They're much more likely to prevail if people take deliberate steps to convert them into political action. This means generating pressure on politicians through cards, letters, mailgrams, faxes, and phone calls, which means direct mail.

(2) The biggest lobbying organizations always focus on a single issue, since it's easier to find people who agree on one issue than on many issues. Libertarians should emulate the success of conservatives — who, indeed, emulated the success of "liberals" by forming more single-issue lobbying organizations. Property rights offers intriguing possibilities now.

(3) The most successful political campaigns tend to focus on a single overriding issue, or at least very few. In 1980, Ronald Reagan campaigned on three key promises: cut taxes, cut regulations, boost defense. Libertarians should resist the temptation to offer a laundry list of positions that most people are too distracted to remember.

(4) To connect with large numbers of people, a campaign issue must make powerful emotional appeals. Fear and greed are the two strongest emotions in politics. Taxes, for example, involve both appeals. If libertarians are constrained by academic diffidence, they will never compete politically with conservatives or anyone else.

(5) Appeals must be sincere and credible. The most effective direct-mail letters are written the way one intelligent person would talk with another intelligent person across a dinner table.

(6) Libertarians should take advantage of established organizations, because it's so costly and time-consuming to build brand new ones — although sometimes they're necessary. True, conservatives were betrayed by many Republicans, such as Richard Nixon and George Bush, but they have had increasing success in the Republican Party. The Christian Coalition works through about 60,000 churches. Religious libertarians should consider what might be done through churches. Perhaps other libertarians could gain influence in business organizations, such as Chambers of Commerce and Rotary International.

In short, we should try to learn from the successes of others. ❑

Fiction

Of No Importance

by Karen Michalson

And so Oscar Wilde is sitting on one side of me and the eyeless Happy Prince with his broken heart is sitting on the other. Our little table is fierce with roses — the kind of roses the nightingale pierced her heart and sang for as she died into dawn and her life's blood colored them red. We are drinking arsenic and lead and discussing the nature of want. There is a dead swallow on the Happy Prince's plate with a sapphire in its bony beak pointed towards Oscar. It is that kind of day.

Oscar is a wit, as everyone knows. He likes to call me Salome, after the girl in his play. Salome who danced for the head of the prophet. Salome whose art pleased the king unto someone else's death. Poor lovely Salome, the beautiful princess whom Oscar clothed in his most killingly exquisite language, who then got banned in England, like Oscar himself.

Salome the woman he once became. I have his picture for proof.

"It is a very dangerous thing to know one's friends," he blithely tells the Happy Prince, who is weeping through his emptied eye sockets. "Why, look at Salome here — look carefully with your eyeless face and your broken heart — she knows better than to know her friends. I'm quite sure she doesn't know us. In fact, I'm quite sure she doesn't know half the people that come to her house."

"And shouldn't like to," I answer as Lady Markby did in another of Oscar's plays. He smiles approval at my wit, so I continue with my own lines, "It is so dreadful knowing anybody nowadays. They all insist on knowing you in return."

"Is that so bad?" asks the Happy Prince.

"It's absolutely hideous," I answer. "Because once they know you they don't believe in you anymore, and then they stop visiting altogether. Which is really quite rude."

"And so it is," sniffs Oscar. "I quite agree. It is always much more pleasant to be believed in than known. Cucumber sandwiches, anyone?"

"No," says the Happy Prince softly.

"No," I echo. "Not unless I can share your food with your dull gray Happy Prince here, who insisted that the dead swallow tear the gold from his leaden body to shower a city with Beauty, and so was thrown on the dust heap for his pains. Or break fast with your dead discarded nightingale who died to color a soft rose for a young lover's whim. Or with the beautiful bloodied rose itself, cast in a gutter for a cart-wheel to crush out its spiny guts. Or with your remarkable

unremarked rocket, who believed so strongly that his own glory would make a great sensation that he fizzed out in the mud."

The Happy Prince nods and weeps to my words like an old dull daisy losing petals. I am alarmed at how well we know each other. "Or with my namesake Salome," I add, "whom nobody reads."

"My dear Salome," chides Oscar, "there are much better things in life than being read. It is far better to be taken seriously."

He is pleased, however, that I have read his stories seriously enough to summarize them.

"My dear Oscar," I respond sadly, "I'm taking tea with you and the Happy Prince. You've been dead for nearly a century and the Happy Prince is fictional. How the hell can I hope to be taken seriously?"

Oscar sips his tea and considers. "There would be no difficulty in solving most of your problems if you only had a sense of style. I've always said that in all important matters style, not sincerity, is the essential. A really well-done bit of sham is always more interesting and attractive than the sloppy sort of honesty that passes for phoniness nowadays. Really it's gotten so bad that the cheapest vices we all carry in our bosoms are routinely mistaken for deceit, when they are really only awkward truth making an unwelcome intrusion into an otherwise pleasant day. I'm afraid that when it comes to fraud, my dear Salome, most people are completely unable to distinguish excellence from hackwork."

"So why should I cultivate phoniness?"

"Because if you go around baring your ugly soul to everyone in the interest of honesty no one will believe you. To be truly taken seriously you have to constantly pretend you're something you're not. Then society will claim you as its own."

"He's right," says the solemn Happy Prince. "When I had my thin veneer of gold plate the world set me in a high place and worshipped me as befits an exquisite statue. When I bade the swallow to strip my gold and my true leaden form was revealed—"

"—it was the dust heap for you," quips Oscar. "You see my tale was quite true. People will only take you seriously if you're willing to make fools out of them. Nothing is more aggravating than being treated like a perfectly intelligent being."

I have to agree that Oscar has a point.

"I never have a point," he answers sharply. "I absolutely refuse to."

"What's your point, Salome?" asks the Happy Prince solicitously.

"I want to be understood. It is the tragedy of my life."

"No," says Oscar, "It is your folly."

"All right," I concede. "Will you indulge my folly and write me into one of your tales, then? Make me into something utterly fictional and utterly absurd, and throw lots of style over it, so someone may at least love me for that?"

"O, yes, please, a story," says the Happy Prince, clapping his dull leaden hands.

"I should be honored," says Oscar.

And so he begins.

Salome was more beautiful than any other princess in the world, and lived in a great pleasure palace near a sparkling river with sun-washed gardens of rich fruit and overripe bursting dreams.

One day her step-father the king declared that there was to be a celebration to honor the birthday of his favorite court musician, and that everybody was to come with great gifts from far and wide. The musician's name was Blondello, and he couldn't really play very well, but nobody seemed to mind as the king, who was quite old and partially deaf, liked him.

And with the king's favor to cap his pocket Blondello was much admired. Whenever he performed the courtiers all praised the king's taste. Then they would retire early so the king might have the pleasure of the music all to himself. The court ladies all professed that Blondello's songs made them swoon, even though they were only old standards that everyone had heard other minstrels play correctly hundreds of times before. Salome often remarked that the ladies seemed more inclined to sip their pale wines and eat their delicate sweetmeats and gossip loudly about all the palace goings-on than swoon when Blondello played, but professing to have a sensitive soul is quite as good as actually having one, especially if one declares it loudly and self-righteously and publicly enough.

"He provides perfect background music and he doesn't play anything nobody's ever heard of before," said the old duchess, who was angling for a place of honor at the great celebration so she could show everyone that she was a woman of discerning taste.

"That is why we like him. He is a good reflection of us. It is very good of my cousin the king to sponsor minstrels that everybody likes."

Salome had doubts about Blondello's skill and often wondered if he were capable of playing anything really original, but was far too well-bred to contradict popular opinion. Besides, she couldn't play herself, so she decided there was nothing she could say, especially since her reputation as a dancer was now in ruins. True, the king had given her the head of the prophet as payment for her last dance, but that was really all her mother's doing and besides, if the king held Blondello in such high regard she decided that royal approval of her own art wasn't worth a summer snow.

Also, it was after that last dance that she had been told by a one-legged lady courtier, who merely spoke as a friend that cared deeply about the young princess' future, that her dancing was really too much for court occasions, and she would make everyone happier if she suited her movements to Blondello's predictable cadences instead of to the wild Nubian drummers she imported for her performances. "You shouldn't expect people to pay close attention to a dance performance, anyway," she said, as a friend, but in a voice that sounded very much like a reprimand, as if all of court society should be quite insulted and out of patience should Salome dare to expect anything so horrendously inappropriate. "It's all right to dance, but just don't get so much into it, that's all.

It makes people uncomfortable. Really, you should be more thoughtful and *sensitive* to what others think. After all, if you ever wish to be considered a real princess like your step-sisters you should set an example of good manners."

Salome certainly did not wish to appear insensitive merely because she had the temerity to dance as if she wasn't, and she instantly regretted the girlish innocence that caused her to assume that anyone paid close attention to her performances. Despite her hard work, she was considered less than Blondello, for his performances were generally praised and celebrated while hers were considered a social insult. She desperately wanted to find the right words with which to defend herself, but as she could think of no response that would not sound a bit snobbish, and as she was horrified at anyone thinking that she thought herself better than others, she just stood there in the crowded hall holding tightly to the head of the prophet and feeling like she was on the verge of childish tears.

"Besides," the lady continued, "I have a cousin who is considered a really brilliant dancer. He is so graceful and charming and unbelievably sure-footed that he used to dance with Trillo the Great." Salome had once seen Trillo the Great perform. He was one of the reasons she danced. So moved had she been by his performance that she had demanded her mother hire a Dance Master to instruct her immediately. "Now, really, my dear, it is highly unlikely that you will ever get that kind of recognition, few people ever do, so don't you think it is far more seemly for you to adopt a modest air while you are dancing — one more suitable to your modest position? You shouldn't try to dance like Trillo if you aren't as well-known as Trillo — it just looks pretentious and overdone. Even my cousin — a *really* talented dancer as I said," gushed the lady in a voice that distinctly implied that despite the intimidating intricacy of the princess's dances, she did not wish Salome to consider herself *really* talented after all, "even my cousin was happy to move his arms and legs in the background with the other dancers while Trillo performed."

Salome could feel the blood of the head of the prophet coloring her fingers like the blood of a dead nightingale coloring a dying rose. A solitary diamond tear scratched the surface of her perfectly expressionless face. She hated the tear. She hated betrayal. She was trying her damnedest to do the socially expected thing and smile and bob her head in the most ingratiating manner in order to pretend she didn't care enough about dancing to cry a diamond tear, and yet here was one escaping. That shameful realization made her cry another. She felt totally unworthy of good society and saw no help for it but to throw herself from the parapet and dash out her brains.

"You've also got to grow up and learn to take friendly criticism," said the lady in mildly satisfied reproof. "Stop crying, my dear, I'm only saying these things for your own good."

Salome knew that if she ever danced before the court again she would have no choice but to tone down her movements to Blondello's playing, because if she refused to show a public willingness to incorporate everyone's criticism into her performance, she would get a reputation for snobbishness. Snobbishness is not necessarily a bad thing in a princess because it often passes for royal dignity, whereas in a poor peasant woman it is universally condemned because chances are she doesn't live in a fine palace to warrant carrying herself with any dignity. But snobbishness is fatal to an unknown dancer, because it gives people a reason to loudly find fault with her dancing, even if they've never really seen it.

Besides, if Salome never became as renowned as Trillo, which seemed likely, people would say it was her own fault for not taking the well-meant advice of others. The princess was certainly prescient enough to see where this path led, despite her supposed lack of sensitivity. It meant that she would have absolutely no way to protest her lot. Which isn't bad in itself, because nobody likes a complainer, especially a complainer who lives in a great pleasure palace, except that if she couldn't complain Salome would have no choice but to cheerfully act as if she never really seriously cared about dancing anyway. And if you are greeting life with a simpering smile then surely you must be fine with everything that's ever happened to you. And if you are fine with everything that's ever happened to you, well then, you don't deserve the dignity of really calling yourself a dancer except in the nominal, lightest, most self-deprecatory sense, because you're not really driven enough to succeed, as Trillo the Great clearly was.

Salome cried harder as she stood there anticipating the life-long torture of having to be enough of a lady to blankly smile and murder her soul to please the court.

"O, just enjoy it," interrupted an old fat count in a syrupy voice, who had done nothing of note in his own life, and so felt vaguely unhappy around anyone who had. He had decided that since Salome was crying, she wasn't really as professional as he had feared and so it was quite safe to speak to her. "Never mind chasing some addle-headed idea of excellence that nobody cares about. Life is too short. Eat the fruit of your pleasure gardens and just be a lovely princess like your two step-sisters. Why do you have anything to prove?"

Salome left this conversation feeling all sweaty and dirty and guilty, like it really was bad manners to insist on dancing as well as she could. She had been thoughtless and selfish and immature. She had cried. She had been ill-mannered enough to show how hurt she was. She would be ostracized for taking herself more seriously than anyone else did. After all, if court society decreed it would be happier with her as a mediocre dancer, it was terribly rude of her to insist on being a good one. Didn't other people's feelings matter more than her own? Wasn't dancing supposed to be for the amusement of others? So why shouldn't those others all have their say? After all, she was a princess, and had her pleasure gardens for amusement, and her sparkling little river, so perhaps it was unreasonable for her to be so unhappy over society condemning her silly pursuit of excellence.

But when she was alone she thought again about the parapet. Salome knew as certainly as she knew how to execute a difficult pirouette, that someday the parapet would happen. If not now, perhaps a few years from now. If it didn't happen it would mean she had somehow adjusted her life to society's demands, which she knew was just another kind of parapet, although of the sort that everyone approved of because it didn't make a big splash or demand any notice. And she

knew if there wasn't going to be a real parapet to dash her brains against, then she really didn't care enough about dancing to call herself a dancer in the truest sense, because she would have chosen to mock her own talents by pandering to those who didn't value dancing anyway.

She was a good girl, though, and wanted to please, so to her credit she tried to dance a simple well-known jig to one of Blondello's simple well-known folk songs one evening, smiling graciously at the one-legged lady courtier while she did it. Blondello made his usual mistakes, the gentlemen courtiers retired early, and the ladies ate their sweetmeats and gossiped. The old duchess told her she hadn't really paid attention to her performance, but that she was sure it was charming anyway because Blondello played all the old songs everybody liked. The one-legged lady courtier smiled approval afterward and said, "There, that was all right. Everybody liked that. It's how we all dance. Don't you feel much better about yourself now, my dear?"

Salome stopped dancing in public. Nobody noticed. Occasionally in the dark of the night she would still trace soft patterns of moonlight across her marble floor with her beautiful slippered feet, and run starlight through her graceful arms, and sway prettily to the pull of the moon, but soon she stopped doing even that, as the moon and the stars took no notice of her movements, and it took a far stronger heart than the one she possessed not to feel faintly ridiculous about all the energy she was putting into her excruciatingly private efforts. It is hard to respect your own artistic endeavors when nobody else does, unless you are blessed with a particularly perverse and unpleasant personality, or enjoy living in a state of utter denial. People who believe their lives matter when society doesn't are never pleasant to be around. They either end up murdering everyone in sight in a fit of rage and self-assertion or succumbing to long quiet years of resentment and self-loathing, which everyone seems to prefer.

Salome quietly apologized to the head of the prophet. She no longer believed her dancing was worth anyone's life.

Three days before Blondello's birthday, Salome sat on her cold floor and wept. The king had asked her to be mistress of ceremonies, and had commanded her to devise a gift for Blondello that would be a reflection of the royal family's generosity and good taste. He also wanted her to dance. She had refused, and so the king had shut her up in her tower to teach her better manners, thinking that her social skills would vastly improve if she was prevented from practicing them on anyone. She tearfully told the indifferent moon, the same moon that took no notice of her movements, that she had no gift for Blondello that she could give him with honor, and that she would be a prisoner in her tower until she did.

An old raven who lived outside her chamber window overheard her. He stuck his beak through the partly opened casement and croaked, "Salome, Salome let me in."

"Why?" asked the princess through her tears.

"Because if you do my bidding I will grant you a wish."

"All right," said the princess, opening the casement wide enough for the raven to enter. "What is your will?"

The raven hopped lightly into Salome's lap and twisted his shiny black head around to look up at her carefully. "I was once in love with a beautiful dancer. She would have nothing to do with me, for I was ugly and misshapen from birth. In despair I tied a rock around my waist and threw myself into a deep pond, but a kindly witch pulled me out. She couldn't save me, so she turned me into a raven. And so I must remain a raven until a dancing princess of the blood royal can humble herself to do my bidding for three nights running. If she agrees and faithfully does whatever I tell her, I will become a handsome prince. If she agrees and then fails to do whatever I tell her, I will regain my true, misshapen form. If she doesn't agree to help me, I must remain a croaking raven."

Salome remembered all the fairy tales she had heard as a child and decided she would like to help the raven. Never mind the gift for Blondello. The bird loved dancers, and it was the custom for handsome princes under a curse to marry whoever freed them. Even though she was a princess, Salome had few marriage prospects among her peers, because her intelligence and "attitude" scared off potential suitors, and unlike her two step-sisters she was really only a step-princess and so didn't have much dowry to offer. She was also a little flattered to be so casually described as a "dancing princess." No one else had ever seriously referred to her as a "dancer" before, and it made her feel a little more real about her life than she remembered having felt for years. She also supposed that as queen of another kingdom with the grateful prince by her side she could dance as brilliantly as she chose and none would dare to tell her otherwise. Rank has its privileges.

"All right, Raven, I will help you. But I must tell you that I am only the king's step-daughter, and so not truly of the blood royal."

"That part doesn't matter, dancer," croaked the raven, "for your style counts for everything and your truth for naught. Besides, when you are dancing, the blood that bathes your sacred legs and feet is more royal than the blood of 20 spinning kings."

Salome blushed with deep joy and pleasure so unused was she to compliments. "What is your will?" she cried eagerly as her young blood stung her face.

"My first bidding is for you to hold this lonely pearl in your left hand and stand in the moonlight in front of your silver mirror and dance as beautifully as your heart will let you. And as you dance you must close your eyes and be like the moon and pay no attention to your body's rough movements. Then, when I count to three, you must enter the mirror and give the pearl to the first person you see."

Salome did as she was bade, and her dancing was gentle and hesitant. Like a dream of dawn glancing across the face of an impenetrable sky. Like a dawn light burning slow and inconsolably through the hard old sky's black dreams. Like a dawn star shyly kissing her namesake Venus and crying her delicate beauty upon soft receptive earth. Like the same star pulsing harder now before the sun's glare might burn her into the ashes of a hard unyielding day. Like the blood-soaked fingers of new rose petals trembling in the light and stinging joyfully with the blood-soaked song of the nightingale. Like the soft golden curls of the prophet she once grasped in wonder before paying with a diamond tear. Like loveliness beginning to know itself — quick before anyone else can stop it.

"One, two, three," chanted the raven.

Salome entered the mirror and stopped dancing and

opened her eyes. She found herself in a poorly furnished garret in a dangerous part of her city. The room was so dirty that each breath felt like she was swallowing filth, because the wind brought dust and soot in through all the cracks in the wall. It was a death wind, moist and cold and pregnant with ague. Salome saw there was no fire, except in the fevered eyes of a young, haggard-looking man who was desperately writing something on bad parchment with the help of a single wavering rush light, while a dirty, gaunt looking woman lay snoring in the corner on a pile of rags. Her breath was foul and full of drink.

"What are you writing?" asked Salome politely, feeling greatly ashamed of her fine clothes.

"Poetry," said the man, showing no surprise at her arrival. "Are you a new character come to make an entrance?"

"I don't know," answered Salome, rightly guessing that the poet was a little delirious for lack of food. "Why do you write alone at night?"

"Because I work by day slopping for the king's swineherd so the court may enjoy pork and sweetmeats at the royal feasts and I have only this length of borrowed rush light to write by. I am writing about a great beauty that I love and shall never meet as an equal."

"And what is her name?"

He sighed. "I cannot name her name. Her reality is not as important as my vision of it, and I know in my heart it is only my vision I write to. I should like to be a court poet. I suppose it is another fruitless wanting. But I suppose with such success I could at least send her a poem with the hope of my words being taken seriously."

"Does your woman know?"

"She knows. She doesn't care. She loves my poems and so accepts whatever inspires them."

"May I read what you've written?"

"Yes." Salome read the words and saw that they were good because they made her cry without shame. She wanted to be the poet's vision of beauty and adored with such words. She was greatly sorry that she wasn't a character to live in such a poem. Then she remembered the pearl she held and the raven's bidding. "Please take this pearl."

The poet looked at her in amazement. "Why?"

"Because I like your poem. I am the Princess Salome, and the pearl is a token of my regard." She didn't feel like telling the entire truth, that she was obeying a raven's command with the selfish hope of one day promoting her own art. She was slouching towards phoniness.

The poet wept, so sincerely touched was he by her unknown insincerity. "Now I shall be successful. Now I won't have to choose between keeping my writing a secret and apologizing every day of my life for being a lowly swineherd with a king's vocabulary."

Salome returned through the mirror and fell asleep, feeling extremely satisfied and blessing the raven's goodheartedness in her dreams and prayers. The king came to her the next day and said he had appointed a new court poet who had bought his position with a rare pearl, even though he bored everyone to tears because his writing demanded a certain level of intelligence from his audience, but perhaps he would improve as time went on. The king wanted her to give this pearl to Blondello. She refused.

"Stay in the tower, then," said the king, "until you learn some respect and appreciation for the arts, as befits a well-educated, cultured princess of my house."

That night the raven returned. "Salome, Salome let me in."

She did so. "What is your will?"

"Take this pale emerald and hold it in your right hand and stand in the moonlight in front of your silver mirror and dance. And as you dance you must close your eyes and pay no attention to your body's rough movements. Then you must enter the mirror and give the emerald to the first person you see."

Salome did as she was bade, and her dancing was violent and self-assured. Like her body was an exploding sun scorching the blue out of an open, tattered sky. Like desert light burning rapidly and giddily through the bone-charred sky's admonitions to stop. Like a pyre taking captive its namesake Hephaestus and shrieking his horrible frightening twisted beauty over the ancient rock-strewn earth. Like a hard unyielding day. Like the blood-soaked feet of a muse treading burning grapes for new wine; or the bloodsoaked mouth of the doomed prophet she once kissed in secret. Like loveliness without apology. Or God without mercy.

"One, two, three," chanted the raven.

Salome entered the mirror and stopped dancing and opened her eyes. She couldn't see very well because it was quite dark, but she could feel that her silken skirts were soaked to the knee and her dainty legs were shivering and her slippered feet were cold with wet. As her eyes adjusted to a smear of light fading out of a sloping postern, whose supports were so warped that the battered door could not properly close, she found herself standing in a squalid little pool at the bottom of a *cul de sac* that drained refuse from a higher street. She did not know this part of the city. The air was tight with the stench of offal.

Salome carefully peered through the postern's narrow opening. She saw an incredibly beautiful young man sitting inside on a murderously damp floor and playing a lute. So enchanted was she with the sounds that she couldn't move or speak, and she forgot the diseased cesspool that had licked its way into her soft legs, for she suddenly felt greatly ashamed of her dancing. She could dance bright worlds and dizzy stars out of a grandmother goat's dried up teat and she knew it would not come near these simple stunning chords played with such simple stunning authority. And then she knew that no dancer — not even Trillo the Great — could ever honestly respect the power of his own art after encountering the power of a skilled musician — and something in her heart broke open and died.

Then she remembered the poet that she had given the pearl to, and his desperate burning vision of unattainable Beauty, and his words that pierced like the death wind that shrieked through his garret. Wasn't poetry still worth a life? Wasn't beautiful language worth suffering for without shame? No, she decided, as the musician struck up a more demanding cadence. How much better to *be* Beauty — to *be* this young man sitting so carelessly in front of her — or to *be* the poet's distantly loved lady — than to merely write a poem out of some moon-mad vision. All vision is an insult to Beauty, just as all *image* is an insult to truth. She regretted the pearl.

Then she suddenly understood why even a bad musician like Blondello would always earn a higher place in people's hearts than a brilliant poet or a brilliant dancer like herself. The king's favor helped, but that was not the only reason for Blondello's public success. The king had once favored them both and Blondello was loved and praised by court society while Salome was either quietly ignored or rudely reprimanded. The real reason for his popularity was that even Blondello manifested a faint echo of genius when he played, for the standards he played so badly still had something of the genius of their composers in them the way the dullest deformed creature still manifests a faint echo of the life force of an exploding nebula, and so it was this echo, this faint image of an image of an image, that earned him the adulation he got. Also, it is much easier on most people's souls to worship a buzzing cockroach than a living god. A real god invites too many unfavorable comparisons with his worshippers.

The musician looked up at Salome with soulful tormented eyes and as their eyes met she greatly longed to possess the sort of talent that justified the melancholy beauty of his torment. But she knew that until she could play the lute like this young man could, she had no right to suffer for her dancing. You have to be a true artist to suffer like one, and in the presence of this musician she suddenly knew she wasn't, and she cursed her lying heart for ever believing that she was. She wordlessly left the emerald on the floor.

Salome returned through the mirror and fitfully fell asleep. The king came to her the next day and said that he had appointed a new court musician who had bought his position with a rare emerald, even though he bored everyone to tears because his music demanded too much careful listening, but perhaps he would improve under Blondello's guidance, whom he was hired to play behind. The king wanted her to give the emerald to Blondello. She thought about it. Then she refused.

"Stay in the tower, then," said the king, "until you learn some respect and appreciation for the arts, as befits a well-educated, cultured daughter of my house."

That night the raven returned. "Salome, Salome let me in."

She did so. "What is your will?"

"Take this diamond knife in both your hands and stand in an attitude of prayer before your silver mirror. Do not dance in the moonlight, but enter the mirror and take the knife and cut off your legs. Then I will be free of my spell and I will grant you your desire."

"I cannot do that, Raven." But her voice wavered uncertainly for she was thinking of the lutist.

"If you don't I shall become the wizened misshapen thing I once was," wept the raven sadly, "and you will be responsible for destroying all my hopes for becoming a prince. Besides, it is only your reflection, and everyone knows that image is not reality."

Salome had been told so many times that taking her legs seriously made her a snob and unfit for good society that a wave of guilt rushed over her. How could she love her own dancing and claim to value beauty above all if she chose to make the poor raven ugly? Hadn't he generously helped the poet and the musician with his gifts? Didn't he deserve to become a prince and wasn't it terribly mean of her to refuse him his dreams? She of all people knew what the hurt of that refusal felt like. And besides, as the raven said, it was only a reflection, an image and nothing real, so why worry about it?

"All right, Raven," she said. "My desire is that I want you to make it all right for me to dance my dances."

"I will. I promise. Only do my bidding."

Salome entered the mirror and cut off her legs. She returned to her room and her blood stained the marble floor in great ugly blotches and she died. All the court then acknowledged she was a great dancer, and so I suppose it became all right for Salome to dance her dances at last, although everyone then went on with their lives and said no more about it. Blondello wrote a dismal little song about poor Salome's death that the court ladies gossiped over, but the song was soon put aside and forgotten in favor of the more cheerful melodies that everyone was familiar and comfortable with. The raven became a handsome prince and married one of Salome's step-sisters.

"Oscar," I protest, "what a stupid story. Everyone knows fairy tales are supposed to have happy endings. What is the moral?"

"There isn't one," says Oscar. "Why mar a good story with a moral?" He pours himself another cup of tea. The room feels a little smaller and better-defined.

"I know the moral," shouts the Happy Prince. "I know what it is. 'Mediocrity gets preferred for its own sake; excellence needs help, and usually has to buy its way in.'"

"Wrong," says Oscar. "You tried to buy your way in by stripping away your gold for all and sundry. And it didn't work."

The Happy Prince looks crestfallen and solemnly nods over his dead swallow.

"How's this?" I offer. "No matter how hard you work at your art, no matter how brilliant you are, some guy with a guitar — and it usually *is* a guy — will cheerfully show you how utterly futile your life's work is."

Oscar considers. "That one almost works," he concedes. "But why should you call that unhappy? You've been accounted a fine guitarist, and have passed for a guy more than once. Think of all the poor neglected poets you've slain with a few well-placed arpeggios. Not to mention the women you've fooled into buying you drinks."

"Think of how much better than that my fiction is."

"I thought that was your fiction," says Oscar cruelly, so now I have nothing to say. "Which is why I've never cared much for music," he adds to my silence. "It's worse than truth."

"Why?" says the Happy Prince, whose rejected leaden body is one long ache of truth.

"Because all things considered, it does tend to ruin an otherwise pleasant chat." ❑

Reviews

***XXX: A Woman's Right to Pornography*, by Wendy McElroy. St. Martin's Press, 1995, 243 pp., $21.95.**

In the Flesh

Bruce Ramsey

What feminist would arrange a dinner with a pornographer known in the trade as "Buttman?" Wendy McElroy did. A description of this dinner starts on page four of her new book, *XXX: A Woman's Right to Pornography*. In it, we learn that women performers earn more than men, that all violence in professionally produced pornography is faked, and that there is an unwritten law allowing insertion of no more than three fingers per orifice.

And why do we need to know this? Because someone who sets out either to denounce or defend the porn industry ought to have the decency to find out the facts about it. This, says McElroy, is what the anti-porn feminists like Catharine MacKinnon have not done — and what she, as a defender of the industry, has.

To an extent, at least. McElroy is a polemicist rather than a reporter, and presents her forays into Sodom as a series of discrete encounters. Her text has subheads like "MY FIRST INTERVIEW WITH A WOMAN IN PORN." A journalist would have interviewed more people, used more secondary sources, and organized the book by topic. McElroy's way is much more personal; she asks fewer hard questions, but gives the psychological subtext to her interview that straight journalism edits out.

Given the contrast between McElroy and her subjects, this is often quite effective. McElroy is a married woman — she took her husband to dinner with "Buttman" — and she turns beet-red as the men's sex stories get so loud that people at other tables begin to stare. She is getting her first dose of the swashbuckling style of adult-video performers, who see themselves as "the sexual elite."

Nobody in his right mind would commit a murder and then sell the evidence for $79.95.

Later she meets the women of porn. "I didn't expect to like them as much as I did," she writes. "The women I encountered were not victims. They were rebellious, a bit raunchy, shrewd at business, and they didn't take shit from anyone."

Not from the men, and not from feminists either. At one point, when McElroy mentioned feminism, porn star Veronica Hart let out with a blast at the anti-porn theorist Andrea Dworkin. "I don't appreciate being called 'psychologically damaged,'" Hart retorted. "I have friends in the business who call themselves 'Anarchists in high heels.' They'd love to have a word with her."

Anti-porn feminists argue that pornography is saturated with rape and domination of women. But rape scenes have declined markedly since 1980, McElroy finds. Twenty-nine percent of tape rentals are now by men-women couples, and 15% by women. And in the S/M section, the whip wielder is most often a dominatrix, and the groveler, some pathetic guy. In any case, *all* rape and domination scenes on commercial tapes are staged. With the exception of some British spanking magazines, where the the hindquarters seemed "sincerely red," McElroy says all the "bruises" she saw were obviously makeup.

Are the women exploited? Those under contract — not many — typically make $5,000 to $10,000 a month; those hired by the day make anywhere from $150 to $600. Women who make a name for themselves in porn tapes can go on the road as dancers, and make as much as $6,000 to $10,000 a *week*. (We do not know how much the producers of these tapes make, or whether the actors' share is commensurate with their share in "legitimate" movies.)

Do the women in this industry know what they're doing and give genuine consent? McElroy says unequivocally that they do. And if you think about it, it would be impossible for a multimillion-dollar industry to exist otherwise, on U.S. soil. If it kept women in genuine bondage, it would have been raided and shut down long ago.

And what about the stories of "snuff" films, where actors are tortured to death? McElroy was unable to find such a film, but was told that a famous one — which sparked a feminist demonstration at a cinema in New York — was faked. Again, if you think about it, nobody in his right mind would

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commit a murder and sell the evidence for $79.95. A nut might do that; a businessman would not.

The Arguments

Much of this book is argument. Given its subject, it is notable for the arguments it doesn't make as well as for those it does. McElroy makes little use of the "slippery slope" defense — that a ban on hard-core porn puts censors on a slippery slope that leads inevitably to the banning of political dissent and literature. She mentions only that the 1992 Supreme Court case *Butler v. Regina* in her home country, Canada, banned material that "degrades" or "dehumanizes" women — and has been used to interdict the books of American feminists, including Dworkin.

But despite the inability to develop scientific definitions for such phrases as "community standards" or "prurient interest," it is fatuous to say, as other libertarians do, that such standards can't be set. They *are* set. The world I grew up in had such standards; Hong Kong, where I lived in the early 1990s, has them; America today has them. (No kids, no defecation, no real violence, three fingers maximum, etc.)

McElroy steers clear of the "slippery slope," but leaves questions unanswered. Should there be such standards? Set by the government? By the market? We don't know. She defends the industry as it is. (The only reform she suggests is the eminently practical one of written contracts for sex actors.)

The first part of her defense of the industry is that there is no compelling case that pornography causes sex crimes. This is apparently so, though one wonders what a libertarian feminist — or a libertarian of any kind — would say if it could be shown that *A* caused *B*. Suppose *some* pornography caused *some* people to commit rape and murder. What then? She doesn't say. The strength — and weakness — of this book is that it deals strictly with what is.

The second part of her argument, which is not often made, is that pornography is *good* — an argument doubly powerful because it is made by a woman, arguing that porn is good *for women*. (Would St. Martin's Press have published *A Man's Right to Pornography*? I don't think so.)

This is a ballsy book. It says some women can *benefit* from porn tapes: "How do you give a man a blow job?" she says. Rent a tape and find out. What would S/M be like? Watch, and see if spike heels turn you on. What would a tryst with the UPS driver or the man next door be like? Experience the thrill on TV instead of screwing up your marriage. Such fantasies are "served up in the privacy of a woman's own bedroom, on a television set that can be turned off when she has had enough. She does not have to defend herself against persistent advances." The tape on the VCR may be of a man subordinating a woman, but it is not real: "Rape fantasies offer absolute control to women."

McElroy also argues with her feminist sisters over the meaning of 150 years of feminism. Feminists will home in on this, as the reviewer for the *New York Times Book Review* did. McElroy attacks the radicals' definition of pornography ("subjugation of women") and offers a very Randian alternative: "Pornography is the explicit artistic depiction of men and/or women as sexual beings."

I could accept all this, but found parts of it tedious. The Dworkins and MacKinnons of the world are so preposterous that to me, the right reaction is a laugh, not a definition. But then, I'm not a feminist. Even McElroy's individualist variety still strikes me as a kind of sexual nationalism. I agree with sex-ad publisher Kat Sunlove, who finds the term *feminist* off-putting: "If men went around calling themselves *masculists*, we would probably all be somewhat offended."

But if a man had written this book, what would he have put in 243 pages? As long as the whole process of creating and buying pornography is limited to consenting adults and does not cause violence to third parties, pornography is — from this man's point of view — simply another product, with no more call to be prohibited than karaoke or lutefisk. If you don't like the smell of it, don't stick your nose in it. What more needs to be said than that? Yet in today's America, in which radical feminists strike deals with zealous Christians, somebody has to stand up and explain the case for freedom. And just as the attack on racial preferences has had to be led by non-whites, it is fit-

ting that the defense of sex videos be made by a woman with solid feminist credentials — and the *chutzpah* to insist on her "right to pornography." ❑

***Virtually Normal: An Argument About Homosexuality,* by Andrew Sullivan. Knopf, 1995, 209 pp., $22.00.**

***Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation,* by Urvashi Vaid. Anchor Books/Doubleday, 1995, 444 pp., $24.95.**

Virtually Libertarian?

Michael Grossberg

The twentieth century has seen wave after wave of movements for equal rights. First blacks, then women, then gays and lesbians demanded that America fulfill its promise of liberty. Just as blacks have fought to overcome the legacy of slavery and segregation and women have struggled for first-class citizenship, gays and lesbians have come out of the closet to demand decriminalization of "the love that dare not speak its name."

These movements have all contained a variety of competing philosophies and strategies. One major tendency of each sees state power as a fruitful tool. Another, more skeptical of government, reflects a classical liberal vision of minority rights as a logical extension of individual liberty. Controversial gay activist Urvashi Vaid explores both tendencies, with pronounced sympathies for the former, in *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*. With equally strong sympathies toward the latter, Andrew Sullivan, personable editor of *The New Republic*, critiques four leading views of gay rights and synthesizes his own approach in *Virtually Normal: An Argument About Homosexuality*.

With gays and lesbians so visible, even trendy, in 1990s film, fashion, art, business, sports, and television, it's easy to believe the gay and lesbian movement has entered the mainstream. Not so, documents Vaid in *Virtual Equality*, an ambitious book that aims to be a gay history, an activist's autobiography, a strategy manual, a radical commentary, and a call to arms.

Sullivan's concise book is more modest, exploring variations on a theme: "how we as a society deal with that small minority of us which is homosexual."

Vaid and Sullivan share some revealing similarities — and not merely their books' trendy titles, which reflect the current craze over virtual-reality technologies. Both are immigrants who don't take America's freedoms for granted. Vaid, who came here from India at the age of seven, is an attorney and activist who used to direct the National Gay and Lesbian Task Force. Sullivan, who grew up in a Catholic family in England, came here to attend Harvard and stayed to become a major player in American intellectual life. Since joining *The New Republic*, he has graced the increasingly unconventional liberal magazine with several thoughtful articles.

As a British gay and an Indian lesbian, Sullivan and Vaid are double outsiders. Both look to the success of other "once-foreign" groups as historical guideposts — Sullivan, primarily the struggles of blacks and Jews; Vaid, mainly of blacks and women. Sullivan draws apt parallels between the current discomfort with homosexuality and nineteenth-century uneasiness with mass suffrage, early-twentieth-century fears of female suffrage, and more recent tensions over racial equality.

These similar backgrounds lead to overlapping, though different, political prescriptions. Sullivan ranks the acceptance of openly gay and lesbian soldiers as one of the most important priorities of a reconceived gay politics. Vaid agrees that this is a key issue because of its symbolism and inherent justice. As an initially suppressed military study concluded, gay soldiers have served bravely alongside heterosexuals for decades, and their sexual orientation does not appear to undermine unit cohesion and morale.

Both writers also matter-of-factly support repeal of sodomy laws — perhaps the most blatant violation of homosexuals' individual rights. Vaid approvingly quotes law professors David Cole and William Eskridge's comment that the Supreme Court's infamous 1986 decision in *Bowers v. Hardwick* "is to the growing gay rights movement what *Plessy v. Ferguson* was to the civil rights movement and what *Dred Scott v. Sandford* was to the abolitionists." One wonders how gay marriages and gay military service — Sullivan's two strategic priorities — can be legalized when gay sexuality is still criminalized in 23 states.

Legitimists, Liberationists, Prohibitionists, Etc.

While the origins of homosexuality remain mysterious, both Vaid and Sullivan survey recent research to briefly address how different explanations for it undermine or bolster gay-rights arguments. Sullivan, sensitively introspecting about his youth, believes that homosexuality combines genetic factors and early childhood development. For most, "the condition of homosexuality is as involuntary as heterosexuality is for heterosexuals" — and, therefore, should not be outlawed or condemned as a crime against nature.

Vaid disagrees. Skeptical of biology as a defense against persecution, she

champions sexuality as a choice society ought to respect. Vaid wants to redefine gays and lesbians as "sexual dissenters" battling puritanism. Her ultimate ideal: "the liberation of the most powerful and untamed motivating force in human life: desire." Same-sex behavior is "as old as desire itself," she argues, but homosexuality and heterosexuality are twentieth-century constructions embodying culture-bound concepts of masculinity, femininity, and identity.

Sullivan concedes Vaid's insights but rejects the pseudo-libertarian rhetoric of the late 1960s, which falsely implied that homosexuality is a freely chosen "alternative lifestyle." He argues convincingly that human sexuality is such a deeply rooted aspect of our being that our only choice is to accept it — or to repress it at a devastating psychological cost.

These differences show through when each author analyzes the spectrum of gay opinion. Vaid divides the gay world into legitimists and liberationists. The legitimists, like Sullivan, generally favor legal reform, political access, and visibility; the liberationists, like Vaid, push beyond legitimacy to cultural acceptance and social transformation. The bulk of her book explores the pros and cons of those different strategies and goals as played out over the past three decades.

Sullivan divides the gay (and non-gay) world into four categories: prohibitionists, liberationists, conservatives, and liberals. The bulk of *his* book offers a critical portrait of each philosophy, from its deepest assumptions to its contradictory consequences.

One wonders how gay marriages and gay military service can be legalized when gay sexuality is still criminalized in 23 states.

Sullivan's overriding goals are political liberty and social assimilation; Vaid's, political revolution and cultural transformation. Of course, both would like to see more social acceptance and less discrimination. But Sullivan believes government is limited in its ability to achieve these ends. And he suspects there are even deeper reasons why some worthy ends may be unreachable:

> Whatever society teaches or doesn't teach about homosexuality . . . no homosexual child, surrounded overwhelmingly by heterosexuals, will feel at home in his sexual and emotional world, even in the most tolerant of cultures. And every homosexual child will learn the rituals of deceit, impersonation, and appearance. Anyone who believes political, social or even cultural revolution will change this fundamentally is denying reality. This isolation will always hold. It is definitional of homosexual development. And children are particularly cruel. At the age of eleven, no one wants to be the odd one out; and in the arena of dating and hormones, the exclusion is inevitably a traumatic one.

Here Sullivan reveals his realism. Vaid, though hardheaded in her strategizing, is utopian in her goals. She clings to her messianic conviction that a radical politics can usher in a day when a lesbian child feels as loved, accepted, and "normal" as other children. (As if heterosexual children never feel rejected or abnormal!)

Even those uninterested in gay issues can learn much from Sullivan's probing analysis of prohibitionists and liberationists. At times, he sounds like Friedrich Hayek: "Prohibitionists are faced with predictable problems: how to coerce a spontaneously occurring natural order into a preordained moral structure, how to force human nature against itself, how to assert by force of human will that the world is not what it is." Sullivan skewers prohibitionism for its perverse unintended side effects: "As with all ineradicable human behaviors, there is a level at which the state's attempt to extinguish homosexuality only backfires, pushing homosexual behavior into parks, public restrooms, private networks and coded language."

He concludes that the prohibitionists are most persuasive in arguing for the centrality of heterosexuality, not its exclusiveness, and that homosexuality has a place in Catholic natural law, just as "albinos remind us of the brilliance

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of color." Accordingly, denying homosexuals personhood and rights is the real crime against nature: a refusal to accept the variety of God's creation.

Sullivan insightfully points out that liberationists are the prohibitionists' mirror image. The former endorse homosexuality and the latter condemn it, but both view it as a free choice. Both therefore deny its reality, by reducing it to an arbitrary social construct or by consigning it to hell as a perversion of the natural order.

If the prohibitionist philosophy can be traced back to Thomas Aquinas, the liberationist premise finds its roots in Kant and Rousseau by way of Michel Foucault. As philosophy, it's pure hokum. As sociology, however, some liberationist ideas can be salvaged — especially insights into how inequalities of power are embedded in theoretically neutral discourse. (Scientists analyze heterosexuality and homosexuality as seemingly logical binaries, but heterosexuality's privileged status somehow always sneaks into their equations.)

Sullivan goes on to expose — sympathetically — the hypocrisies, inconsistencies, weaknesses, and strengths of the conservatives (more accurately, traditional moderates), who until very recently were at the center of America's majority consensus on gay issues. Conservatives attempt a shaky balance between private tolerance and public disapproval, a balance that growing gay visibility has rendered untenable. Ironically, they undermine the social norms they support by denying homosexuals equal rights. Legalizing gay marriage would stabilize and conservatize gay culture while reinforcing our tottering consensus on monogamy, fidelity, and the pivotal role of the family. Current military policy — a hair-splitting, Orwellian compromise that can't possibly last — embodies the paradoxes of this faltering view.

Today, the conservatives are at an impasse. Will they retreat into an uncomfortable alliance with prohibitionists, or will they adapt to the new gay visibility with more tolerant policies that encourage responsible gay citizenship?

Sullivan also criticizes the "liberal" view that government should prohibit private discrimination. He is rightly skeptical of "affirmation action," which is at best irrelevant to most gays and lesbians. His treatment of liberals is especially interesting because he dissects the crisis of modern liberalism — a crisis reflected in the pages of his magazine. Today's liberalism has degenerated from classical liberalism, with consequences that have undermined its impartial, universalizing appeal.

Although he doesn't label himself, Sullivan's sympathies clearly lie with a revival of classical liberalism, especially concerning the issues he cares most deeply about as a gay man. The final chapters of *Virtually Normal* develop a nuanced synthesis of the liberal and conservative views, finding room for morality, social norms, *and* "a place at the table" for homosexuals while keeping government restrained.

Denying homosexuals personhood is the real crime against nature: a refusal to accept the variety of God's creation.

Throughout, Sullivan remains keenly aware of the fear of the Other that provides much of the subconscious bulwark for statism. Always, his penetrating critique is informed by his refreshing ability to distinguish between the private and public spheres. The hallmark of his book is his commitment to reason. If everyone wrote essays with such thoughtfulness, searching honesty, and sobriety, the level of debate in the West would rise considerably.

Virtual Equality

While Sullivan's book has the virtue of brevity, Vaid's book has the virtues and limitations of trying to do too much — with a politics that expects too much.

Vaid concedes that mainstreaming strategies have brought gays and lesbians considerable access and progress. Her concern is that the failure to displace homophobia leaves a foundation for authoritarianism on all levels. At the same time, while acknowledging the different spheres of politics and culture, she is insensitive to the many ways in which well-meaning efforts to enforce tolerance can actually violate individual rights. Vaid complains that we live in a "mean, antihuman-rights, anti-government climate," not understanding that many gay problems could be eliminated or minimized under a libertarian climate of "pro-human rights and anti-government."

Thus, Vaid attacks Sullivan and Bruce Bawer (*A Place at the Table*), among others, for allegedly working to narrow the movement's political focus to public discrimination. Actually, Sullivan's sophisticated, multi-leveled approach opposes government mandates against private discrimination while recognizing it as an evil that ought to be opposed through education. Why do so many self-styled progressives believe that the primary locus of real change is in Washington, D.C.? Here — with the interest-group politics that betrayed her — is a likely source of Vaid's disenchantment with and distrust of the mainstream. The failures of the Democratic Party, especially with regard to sodomy laws and gays in the military, ought to lead more gays to rethink their politics. When Clinton waffled on his 1992 campaign promises, Vaid and other lulled leaders realized their mistake: They confused access with success.

Vaid's ultimate point — yes, she has one — is that homosexuals should come out and join together in a broad-based movement for social change. Libertarianism is just such a progressive movement, but I fear Vaid is imagining something closer to democratic socialism. (Despite all her upfrontness, she stays in the closet about the exact pedigree of her overall politics.) She does express the classical liberal sentiment that no one is fully free until all are free. Moreover, she speaks fairly and sympathetically of libertarianism throughout her book, noting its consistent support for individual rights. Although a few columnists (notably, the *New York Native*'s increasingly libertarian gadfly Stephen Miller) have expressed understandable frustration with Vaid's "lesbigay" brand of multiculturalism and anti-capitalism (she views the market as operating "shamelessly, without morality or boundary"),

most libertarians should sympathize with aspects of her idealism.

Vaid remains hopeful about the continuing strides of gays and libertarians in the arts, science, business, and local communities. Today, more than 10,000 gay and lesbian organizations operate at the community, regional, and national levels — a diverse and colorful embodiment of free association. Such groups provide mutual support and self-help, empowering individuals to develop pride and entrepreneurial skills.

Examining gays and lesbians' tremendous strides over the decades, Sullivan makes a similar point, noting that deeper forces are at work, "abetted by the open culture and market society of the West." Sadly, right-wing rhetoric has turned many intelligent people away from discovering the vast potential of freedom and free markets, a dynamic system that disciplines businessmen and shatters authoritarian traditions.

Each in their own way, Sullivan and Vaid are attempting to complete the American Revolution for gays and lesbians. Both books offer insights that should help pave the way away from statism and homophobia, from virtual to real liberty. ❑

***Punishment: A Philosophy and Public Affairs Reader*, edited by A. John Simmons, Marshall Cohen, Joshua Cohen, and Charles R. Beitz. Princeton University Press, 1995, 360 pp., $45.00 hc, $14.95 sc.**

***Criminal Justice? The Legal System vs. Individual Responsibility*, edited by Robert James Bidinotto. The Foundation for Economic Education, 1994, 320 pp., $24.95 hc, $15.95 sc.**

Crime and Punishment

Bruce L. Benson

Together, *Criminal Justice?* and *Punishment: A Philosophy and Public Affairs Reader* reveal a lot about what's wrong with the criminal justice system. Yet they reveal more by what they do not say than by what they do. For instance, the contributors to *Punishment* are concerned with "morally justifying legal punishment," and their book provides a good overview of the mainstream philosophical debates on this topic. But to a libertarian reading this literature, one point is immediately obvious: Justifying "legal" punishment presumes a prior justification for the state, a presumption one might question.

Only A. John Simmons' contribution asks why certain persons or groups have the authority to punish while others do not. He concludes that it has little to do with any of the theories raised in the debate over punishment itself. Simmons accepts (with some modification) John Locke's argument that there is a natural right to punish wrongdoers, and that all members of "civil society" give up this right upon entrance into the social contract, granting monopoly power to the government.

If we accept this — something many libertarians might not do — then philosophical justifications for punishment can proceed.

These typically fall into three categories: (1) retributivism — a moral argument based on "just deserts"; (2) deterrence — a utilitarian goal of reducing future offenses; and (3) mixed theories that draw on both retributive and utilitarian arguments. The primary focus of *Punishment* is arguments for and against each position; in addition, three papers argue against capital punishment and one supports it.

It seems to me that something important is missing from this academic debate, even if one accepts a prior justification for the state: consideration of the rights of victims.

I enter this debate with the premise that individuals should be unhindered in the pursuit of their own interests, as long as that pursuit does not impinge on someone else's liberty. If someone intentionally violates another person's rights through theft or violence, he forfeits his own rights until justice is done — until the property taken has been restored in fact or in kind. Justice does not demand punishment, it demands restoration. Punishment may reflect negative consequences of criminal acts back *onto* the criminal, but it fails to reflect negative consequences *off of* the victim.

Justifying restitution does not require a prior justification of the state. Individual victims are allowed to recover their losses when their rights have been violated. This need not involve creating a state. In fact, several historical and anthropological examples suggest that effective restitution-based systems of law have preceded the development of states.

The Injustice System

The contributions in *Criminal Justice?* come much closer to this libertarian position than most of the contributors to *Punishment* do, although they also focus on punishment and implicitly accept the state as the appropriate punishing institution. Nonetheless, they do stress victim's rights to a degree that the *Punishment* writers do not. As the book's editor, Robert James Bidinotto, emphasizes, influences are not causes — the way a person *responds* to his environment is determined by the choices he makes. There should be no excuse for committing a crime against a victim; when such a crime occurs, the criminal must be held responsible.

The volume focuses on three topics, with lead chapters in each section by Bidinotto followed by several supporting essays. In section one — "Crime: Who's Responsible" — the authors

explain that most people who are unemployed or poor, are addicted to drugs or alcohol, were abused as a child, have no father in residence, are young, and/or are members of a minority group that has been mistreated in the past do *not* commit crimes, but that today criminals are taught that these factors are excuses for their behavior. Thus, the "excuse-making industry," as Bidinotto labels it, has undermined individual responsibility and fostered crime.

In addition, government has assumed many functions that are difficult to distinguish from crime. People who are willing to use the state's coercive powers to take from others do not believe they have a responsibility to respect other people's property rights. Little wonder that others, who may not have the political power necessary to benefit from government takings, adopt a similar attitude and turn to crime. Some people who are not "content to play by the political rules," David Walter explains, simply ask why they should "wait for some greedy bureaucrat to get around to giving them the money 'everyone' recognizes as having no rightful owner."

Section two — "The Flight from Responsibility" — devastates many of the central institutions of our criminal justice system, including plea bargaining, the exclusionary rule, and the insanity defense. For instance, Ralph Adam Fine explains that, while the typical justification for plea-bargaining is that it relieves court crowding and delay, after Alaska stopped the practice in 1975 a National Institute of Justice study concluded, "Supporters and detractors of plea bargaining have both shared the assumption that, regardless of the merits of the practice, it is probably necessary to the efficient administration of justice. The findings of this study suggest that, at least in Alaska, both sides are wrong." Indeed, guilty pleas continued at roughly the same rates because most defendants pled guilty even when the state did not offer reduced charges, and cases were actually processed more rapidly because prosecutors previously spent as much as a third of their time bargaining with defense attorneys. Sentences have been more severe, but the courts have not been clogged.

Why plea-bargain then? Because those who participate in the bargain gain personal benefits. The criminal gains because his punishment is lessened. Defense attorneys gain because criminals (or taxpayers, for public defenders) have little money to pay the costs of a trial; as one Alaskan attorney put it, "Criminal law is not a profit-making proposition . . . unless you have plea-bargaining." And prosecutors want to avoid trial because "trials are hard work."

The attack on exclusionary rules may be of more interest to libertarians, since many of us believe these are important safeguards against police abuse of civil liberties. Chapters on "The Paradox of the Exclusionary Rule" (by Caleb Nelson) and "The Urge to Confess" (by Fine) suggest that this goal has not been effectively achieved by exclusionary rules, particularly where the rights of the *innocent* are concerned. Indeed, if the police enter a person's home, destroy or damage his property, and find nothing incriminating, exclusionary rules accomplish nothing. The victim's only recourse is to file a damage suit, with all its accompanying costs. Such suits are frequently unsuccessful, as many states require proof of vicious intent or prior knowledge of innocence before damages are paid. Public police are allowed to be careless and make mistakes.

Thus, there is often no effective course of action against the police available to those who are actually innocent. And there is a large but uncounted number of searches that never discover any contraband.

Unfortunately, the court system had little option but to establish exclusionary rules. Rules of evidence are under the Supreme Court's control, but more efficient means of protecting our civil rights are not. The logical remedy would be legislation requiring a civil fine on the offending officers and/or their government departments. If sufficiently direct sanctions were applied *any* time *any* person's rights were violated, police bullying would be significantly reduced *without* any exclusionary rule. Indeed, as Caleb Nelson explains, "if the exclusionary rule were abolished in favor of a sensible mechanism for directly punishing offending policemen, the Court's

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present dilemma would be resolved." This would also enhance the probability of convicting real criminals, by removing restrictions that are intended to protect the innocent but end up shielding the guilty.

One way to achieve this that is not considered by Nelson is privatization of police services. After all, private security firms are already liable for the misbehavior of their employees. Indeed, considerable evidence suggests that cases brought by private security are usually well-developed, reflecting the fact that they have a strong incentive to avoid violating anyone's rights: They can be sued.

In section three — "Restoring Responsibility" — Bidinotto argues that when a crime occurs, justice demands punishment to "reflect those negative consequences of harm and injury back onto the criminal." While he recognizes that punishment may be used for "utilitarian" purposes such as deterrence, incapacitation, retribution, and rehabilitation, he instead advocates accountability and "moral retribution." He suggests that accountability is required because justice for victims entails it, noting that victims "are too often forgotten people in our legal system; and their cries for justice must be heard and answered." But this is where Bidinotto's logic seems to falter. He too forgets the victim, asserting for unclear reasons that restoring victims is simply another utilitarian strategy.

Bidinotto does suggest that restitution or fines might be sufficient moral retribution for some minor crimes, but that for "more serious offenses, prisons are an unavoidable punitive measure." As we'll see, this isn't necessarily so.

A Spectrum of Philosophies

In *Punishment*, the philosophers debate the same issues raised in Bidinotto's more practical discussion. Like Bidinotto, Michael Davis proposes a retribution-based justification for punishment, although he argues that the principles on which retribution theory is generally based (that the punishment should fit the severity of the crime and that the gravity of the offense is a function of the fault of the offender and the harm to the victim) should be replaced. Davis proposes instead that punishment should be proportional to the "unfair advantage the criminal takes just by committing the crime." This has some appeal from a "rights-based" libertarian perspective, although, as argued above, such a perspective supports restitution rather than retribution.

If the police enter a person's home, destroy or damage his property, and find nothing incriminating, exclusionary rules accomplish nothing.

Also like Bidinotto, Jeffrie Murphy objects to utilitarian theories, noting their potential for justifying punishing the innocent and pointing out that such theories are generally inconsistent with the idea that individuals have rights. Murphy is an "excuse-maker," however: He argues that capitalism deprives the disadvantaged while fostering selfishness and greed, thus causing the crimes that are to be punished. In other words, he argues that criminals are victims of the capitalist system. In fact, of course, free markets are built on reciprocities, while governments in both capitalist and socialist societies foster destructive competition for existing wealth (the scramble for tax loot).

Martha Nussbaum argues that retribution theories tend to ignore the specifics of individual offenders and offenses, that justice requires equity in the form of sensitivity to such particulars. But this argument also might be used to support restitution. After all, economic payments can be easily adjusted to reflect a wide variety of circumstances, while punishment implemented by a state bureaucracy is much less flexible. In historical restitution systems, well-known rules evolved that detailed the payment to be made for every type of offense while simultaneously recognizing the particulars of the parties involved. Many primitive and medieval societies, where restitution was a primary goal of the justice process, varied fines with the status of both the victim and the offender, as well as the nature of the offense. In medieval Iceland, the amount an offender was obliged to pay depended in part on whether the offender tried to hide or deny the offense. If the offender chose to plead guilty, thereby lowering the costs of pursuit, prosecution, and trial, the fine was lower. Similarly, many restitution-based systems treated repeat offenders differently than first-time offenders.

Warren Quinn offers a utilitarian justification for punishment. He suggests that deterrence justifies defensive threats, and that the right to punish derives from the prior right to threaten punishment, which in turn derives from the right of self-protection. C.S. Nino also points to deterrence to justify punishment, contending that criminals consent to punishment as long as their crimes are voluntary and known to be punishable. Both of these arguments have an attractive ring from a libertar-

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ian perspective, although I believe they are flawed. Certainly, a criminal accepts the risk of whatever the negative consequences of a crime may be, but this does not prove that punishment is a more appropriate consequence than restitution. Furthermore, while a right to self-protection, including a right to threaten an attacker, seems completely valid, after an attack occurs this should become a right to recovery rather than (or at least prior to) a right to punish. Refusal to pay restitution certainly might be punishable, but historical restitution-based systems demanded that retribution be exacted only if restitution were not provided. (Circumstances might alter this. In pre-Norman England, for instance, an offender could "buy back the peace" on a first offense, but a second offense would not be forgiven, so a repeat offender was an outlaw with no legal protection from retributive efforts.)

But Bidinotto forgets the victim, asserting for unclear reasons that restoring victims is simply another utilitarian strategy.

In other words, if a restitution-based system can provide deterrence, deterrence cannot be a sufficient reason to favor punishment over restitution. Suppose, for instance, that restitution fines are set to cover all measurable costs to the victim, plus the full cost of bringing the offender to justice (a cost that may or may not be borne by the victim), all divided by the probability that the offender will be captured and found guilty. For example, the fine for stealing a car would be the value of the loss *plus* the cost of pursuit, court time, and so on associated with solving and prosecuting the offense, divided by the probability of successful solution and prosecution. If half of all car thefts are solved, then the long list of costs would be divided by .5 — in effect, multiplied by two. The fine would be double the measurable damages. This clearly would be a deterrent. An additional multiplier might be added to reflect the number of offenses committed, so that repeat offenders face stiffer fines than first-time offenders, and so on.

Of course, restitution and retribution are clearly intertwined. Payments should cover more than measurable damages (e.g., lost income or property), and some restitution theorists see this as a requirement for a retributive element. For instance, a burglar who breaks into a house by picking a lock (so no measurable property damage is done) and is caught before taking anything should still owe the intended victim for violating the sanctity of his property. I contend that these payments, characterized by some to be punitive (or retributive), are actually restorative, reflecting the unmeasurable harm suffered by the victim from the invasion of his rights. Indeed, if a victim is not satisfied with a restitution payment, demanding additional "punitive damages" or "retribution," that itself suggests that the victim has not been fully restored.

This view is not without its potential pitfalls, of course. In particular, payments for unmeasurable harms creates an incentive to claim more unmeasurable damages than actually occur.

This is, in part, why actual restitution-based systems always have third-party dispute-resolution institutions to mediate or arbitrate the conflicting claims of offenders and victims. It also explains why standardized rules regarding appropriate or "fair" damages evolve, and why the victim is obliged to accept "fair" payments as determined by such rules and/or by arbitration or mediation. In other words, in true restitution-based systems, institutions evolve to prevent the victim hold-up problem.

Thus, restoration should be easier to justify than punishment. But this requires adding a new element to the analysis: victims' rights.

A Better Way

Perhaps philosophical arguments can only go so far. At some point we must return to the real world and think practically. This is one of the strengths of *Criminal Justice?* And Bidinotto does at least recognize restitution as a possibility. He rejects it as being insufficient from a retribution perspective, but he

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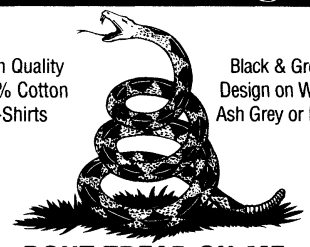

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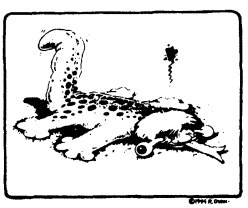

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also dismisses it because "in practice, it has proven to be hard to enforce."

While this may be true *in the current institutional environment*, it need not be so. After all, there are numerous real examples of effective restitution systems. Furthermore, Bidinotto's own policy prescriptions are also impossible to achieve in the current institutional environment. He would do away with all of the utilitarian objectives that permeate crime policy today. He would redefine crime as an "intentional, nonconsensual act entailing the initiation of force, fraud, or coercion against another person or persons," thereby eliminating all victimless crimes. These are very attractive proposals, but they require changes that are no more dramatic than those required to establish a restitution-based system.

By focusing the debate on punishment, both books ignore what may be the only real solution to the massive government failure we call crime: privatization. A very different — and more just — system would evolve if we granted victims restitution rights and freed up the private sector to collect the payments. ❑

***Format and Anxiety*, by Paul Goodman. Edited by Taylor Stoehr. Autonomedia, 1995, 250 pp., $12.00.**

The Mediated Anarchist

Richard Kostelantetz

Paul Goodman (1911–1972) was among those who made me an anarchist (rather than, say, a socialist or a conservative) over three decades ago. His books persuaded me that bureaucracy itself, any bureaucracy, was the enemy. Though he preached communal anarchism and tried from time to time to live in communes that invariably fell apart, he was really an individualist. An independent from his head to his feet, he published in a great variety of outlets, both literary and political — often lamenting that he had to repeat himself, since his assumptions would be fresh to each audience. Remembering his importance to me, I was pleased to hear one of *Liberty*'s editors tell me recently that a major influence on his own orientation was Goodman.

Because nearly all his books have been out of print for so long now, it is gratifying to see *Format and Anxiety*, a new selection of Goodman's writings about media. About the early essays on film there is little to say, other than that in the 1930s he was among the few trying seriously to understand the new medium. Goodman is stronger on the old medium of print-publishing and the new ones of radio and television. His great perception is that format can be as dangerously restrictive, as humanly limiting, as outright editing and censorship. For instance, every magazine has a pantheon of gods and devils whose reputations cannot be challenged, especially by a newcomer. One magazine's Karl Marx is another magazine's Ludwig von Mises is a third magazine's John Kenneth Galbraith.

Similarly, every periodical has length limitations that inhibit thinking. If you write for a newspaper that limits you to 500 words, it would be very hard for you to develop a theme or subject that requires 5,000 words, even if you let such a theme or subject into your mind at all. I can recall a *New York Times* staffer telling me that "nobody ever wrote a great book while working at the *Times*." This failure has less to do with self-censorship than the cultivated development of marathon capabilities. What Goodman wanted for himself as an independent writer (as I want for myself as an independent writer) was open access to a variety of formats.

The success of *Growing Up Absurd* (1960) granted Goodman several opportunities to appear on radio and television over the following decade. Here too, he frequently wrote, he encountered such format obstacles as time limitations, the distaste for *ad hominem* argument (in which he courageously indulged), requirements to stick to the interviewer's subject, etc. What is missing from his critique is any sense of the chronological limitations of both newspapers and broadcast media, which are generally concerned with what is happening today or yesterday, rather than last week, last month, or last year. As essentially a writer of books, Goodman's chronological frame had longer terms.

Given the quality of his perceptions, it is unfortunate that Goodman wasn't a better essayist. His pieces tend to be digressive, if not indulgent, and thus unfocused, as though he were working out his ideas in the course of writing, rather than elaborating his conclusions. Contrast him with his colleague and sometime fellow anarchist, Dwight Macdonald, who wrote well-formed and thus effective essays. My sense is that as a poet and playwright, Goodman regarded essaying as lesser work, which it isn't, and wasn't, especially in his own life.

Thus, the essays collected here are best read for magically penetrating sentences:

> "Ten professionals and a hundred fifty students, the equivalent of most medieval schools, could provide professional education better and more cheaply than we do."

> "I am not a friend of advertising, but as a friend of art I must say that there is more inventive showmanship, in layout, calligraphy, musical setting, and almost in diction and syntax, dedicated to these stupid commodities, than poets dare muster for the truths of the heart."

> "Exercise sanctions against TV censorship when it is committed. But of

course the chief sins are those of omission."

"The essential structure of American TV at present is to mesmerize attention at a low level for quarters of an hour in order to frame the authentic action of the commercials."

"In brief, what we need is countervailing powers, not a Fairness Doctrine."

No one writes like him nowadays, which is another way of saying that the intelligence about media contained in this new book still hasn't become common knowledge. ❑

Booknotes

Surely You're Joking, Mr. Feyerabend — There is a type of woman who digs philosophers. Plop yourself down in a coffeehouse with a copy of Derrida or somesuch and she'll glide over and start talking to you. Of course, the book itself isn't enough to arouse her romantic inclinations — it is merely a stepping stone. I have used my education in philosophy with some success, but compared to Paul Feyerabend, I'm a rank amateur.

Indeed, considering that he was rendered impotent by an injury sustained in World War II, the most striking thing about Feyerabend's life is the amazing number of women whose affections he commanded. It is this success with women — not his fame and genius as a philospher of science, or his association with Popper, Lakatos, Carnap, and other celebrities of twentieth-century philosophy, or his stupendous egotism — that is the main reason his autobiography, ***Killing Time*** (University of Chicago, 1995, 192 pp., $22.95), is a gas.

Reading about those other things is a lot of fun, too. Feyerabend annoyed a lot of people with his book *Against Method,* but to my mind, it performed an invaluable service: It punctured the pretensions scientists have about being the ultimate translators of reality, superior to the rest of us who wallow in subjectivity. Feyerabend was as much a thorn in the side of hard scientists as Hayek was to social scientists. (Hayek, incidentally, makes a few appearances in the book, and even shows up in one of the photographs.)

Feyerabend eventually gave up his scattershot approach to romance and settled down with one woman for the last decade of his life, which ended at age 70 in early 1994. Ultimately, the message of his life is that love and art are more important than science and philosophy — and that the latter two aren't as different from the former as scientists and philosophers would like to pretend. —Michael Levine

Return of the Giant Muffins — Michael Kinsley is one of the sharpest critics of conservative — and

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libertarian — ideas around. As libertarian columnist Stephen Chapman writes, other columnists tear their hair out in frustration when they see how hilarious a column Kinsley can get out of the federal budget or the Malcolm Baldridge Quality Award. It's a shame that one can't read him regularly in *The New Republic* anymore. Instead, the devotee must check *Time, The New Yorker,* and occasionally other magazines to find his wit and insight. Those who missed some of his recent columns should welcome ***Big Babies: Vintage Whines*** (Morrow, 1995, 327 pp., $23.00), a sampling of his essays over the past decade.

Many of his classic subjects are here: his commitment to free trade, his admiration for Henry George, his addiction to Nexis, his scathing denunciation of Reagan Republicans for their unwillingness to demand sacrifice of the American people, his "neurotic obsession" with the *Wall Street Journal* editorial page. The title refers to his notion that the American people are "big babies" who "make flagrantly incompatible demands — cut my taxes, preserve my benefits, balance the budget — then explode in self-righteous anger when the politicians fail to deliver."

Some of my favorite columns are unfortunately omitted, including a *Time* essay on how he decided that government paperwork made having an assistant too time-consuming — not that he drew the obvious macro lesson, that regulation reduces employment. It's also too bad that he omitted the 1994 *New Yorker* essay pointing out that "community rating" for health insurance, the simple "insurance reform" backed by some conservative think tanks (oh, all right — the Heritage Foundation) and politicians, would lead inexorably to socialized medicine.

And fans looking for the classic Kinsleyism, "the scandal is not what's illegal, it's what's legal," will be surprised to find instead this commentary on the House Bank contretemps: "It's a funny kind of 'scandal' that has been public knowledge for years if not decades."

Readers of *Liberty* will notice that Kinsley cites in the book "libertarian cranks," "extreme libertarians who want to privatize the potholes" (well, guilty, I guess), and "libertarian zealots." Come on, Mike: Couldn't you once in a while take on the moderate libertarians? —David Boaz

Back to Ruby Ridge — It is impossible for me to review Jess Walter's ***Every Knee Shall Bow*** (Regan Books, 1995, 374 pp., $24.00) without comparing it to Alan Bock's excellent *Ambush at Ruby Ridge,* which I reviewed here last issue. Both recount the story of Randy Weaver's confrontation with federal authorities, which resulted in federal police killing Weaver's wife and son, the killing of a federal officer in self-defense by Kevin Harris (Weaver's friend), and the subsequent trial and exoneration of both Weaver and Harris.

Both Bock and Weaver tell the story very competently. Both write very well. Bock gives a better account of the internal dynamics of Randy Weaver's family, but Walter does a better job on Vicki Weaver's family. Bock's account of the trial is much more detailed and dramatic, but Walter's account of the jury's deliberations is much better than Bock's. Bock does a better job of putting the story into a broader social context, but Walter follows up the story after the trial with interesting details.

If you were to ask me which I thought was the better book, I suppose I'd have to say Bock's. For one thing, it includes an index and a *dramatis personae,* both terribly handy in tracking the standoff, the events that led up to it, and the trial that followed. But it is a fairly close call, and there's enough material unique to each book that both merit attention. The story they tell is genuinely dramatic, and more horrifying than any movie ever made, and I suspect many of those who read one will have enough interest to read the other. —R.W. Bradford

In the Mold of Yancy — Douglas Rushkoff, author of ***Media Virus!*** (Ballantine, 1994, 338 pp., $21.95), is described on his book's jacket flap as "the first mainstream writer to cover topics like virtual reality, cyberpunks, the psychedelic revival, and rave culture." Not the first writer, and certainly

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Angels — Best Collection of Proverbs and Quotes about Angels. $2.95, Thompson Research, 12239-A, West Village, Houston, TX 77039.

The Concise Guide to Economics, by Jim Cox. "Wealth of useful information" — James Harris, *The Liberator;* "marvelous idea" — Andrea Rich, Laissez Faire Books; "valuable contribution" — David Bergland. $10, Savannah-Pikeville Press, 1301 Atkinson Road #1155, Lawrenceville, GA 30243.

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not the first good writer; the first *mainstream* writer. This provides the book with its frame: *Something interesting is going on out there on the fringe, and Mr. Rushkoff is going to explain it to you. He will sometimes oversimplify, and will flub a few facts that aren't really relevant to his thesis — he is, after all, an outsider. But he'll let you know what's going on out there, Mr. and Mrs. America. He's your window into the underground!*

And that's just the kind of book Rushkoff has written, which is probably why I didn't like it very much. It's sometimes perceptive, but most of its perceptions seem borrowed from someplace else. Several of its topics — "Generation X," "virtual reality" — are more trendy than relevant. And the author's gee-whiz posture guarantees that the critical distance his "mainstream" pose is supposed to afford him is never there when he needs it.

Rushkoff argues that the world is being confronted, not only with an array of new media, but with a new way of relating to the media. Skeptical younger viewers understand how the media work, and thus approach news, entertainment, and advertising with a new degree of ironic awareness. Old public-relations techniques of mass-media manipulation have lost their power. Instead, guerrilla pranksters send out cognitive-dissonance-inspiring "media viruses" that don't make issues seem simpler than they are, as PR did, but expose their complexity. Between the pranksters and the ironists, establishment efforts to manufacture consent are bound to backfire.

All this is partly true. Rushkoff does a good job showing that most people are cleverer than they're given credit for — that in relation to the potentially totalitarian structure of mass media, they often as not actually have the upper hand. The media pranking techniques he discusses do exist, and they do work. And some anarcho-pranksters have indeed wormed their way into the belly of the beast. (Rushkoff quotes one of the producers of *The Simpsons* summing up his program's philosophy: "the media's stupid and manipulative, TV is a narcotic, and all big institutions are corrupt and evil.") Rushkoff is at his best when he debunks the anti-*Beavis and Butt-head* hysteria of a few years ago, demonstrating that there's more to both the program and its fans than meets the eye.

He's at his worst when he cites Bill Clinton's appearances on MTV as another sign of the skeptical new order. How is this a change in anything but the *form* of public-opinion management? Thanks to Clinton and Perot's antics in the '92 election, we've reached a point when virtually every politician feels the need to stage "town hall meetings" — political spectacles that appropriate the rhetoric, but not the content, of participatory democracy. Far from a reason for celebration, Clinton and others' television success suggests that the powers-that-be are catching on to how to use the new media.

So: Has there really been a clean break with the propaganda past? When are the guerrillas manipulating the media, and when are the media manipulating them? When Clinton, Gingrich, and Time-Warner don the revolutionary's mask, who has really won?

You won't find any answers to those questions in this book. In fact, you won't even hear them posed.

—Jesse Walker

Premature Autopsy — I like it when an author makes it easy for his readers. The opening page of Paul Ormerod's ***The Death of Economics*** (St. Martin's Press, 1994, vii + 230 pp., $23.95) nicely introduces his thesis and, better yet, handily undermines his own argument, thus making the job of the critic much simpler.

Thesis: Though the world faces grave economic dislocations, etc., etc., the "orthodoxy of economics, trapped in an idealised, mechanistic view of the world, is powerless to assist."

First bit of evidence for thesis: "Teams of economists descend on the former Soviet Union, proclaiming not just the virtues but the absolute necessity of moving to a free-market system as rapidly as possible. . . . But despite governments in the former Soviet bloc *doing everything they are told*, their economic situation worsens" (emphasis added, as if any were needed).

Despite Ormerod's statist views and sometimes astounding political naiveté, many of his arguments are valid. The formalism, model-building, and number-crunching ways of mainstream economists are often little more than exercises in illusion. But though he devotes one chapter to critiques of economics within the profession, he does not discuss the most thoroughgoing criticisms, or acknowledge the skeptical tradition that has developed within the Austrian school. (He mentions but one Austrian, Böhm-Bawerk, and then only to portray him as part of the neoclassical mainstream.) Worse yet, he never once cites the work being done in Public Choice, an important offshoot of the neoclassical mainstream that has applied economic methods to such "non-economic" subjects as governments and families. This allows him to restrict his focus to the ho-hum traditional policy issues of labor and industry, boom and bust, inflation and employment.

And this limited scope allows him to pretend that, when he finally gets to *his* solution to the paradigm crisis — nonlinear systems theory — he has offered something fairly novel.

He has not. —Timothy Virkkala

Iron and Blood — Imagine what it would be like to live in a country where no one has brothers, sisters, uncles, aunts, nephews, nieces, or cousins — and where four grandparents dote over one grandchild.

Dehumanizing the family unit (via the one-child policy) is just one tragic result of the Communist Party's repressive rule over one billion Chinese. Others include forced abortions and sterilizations, concentration camps filled with dissidents, and a totalitarian state that dominates every aspect of its subjects' personal affairs.

The West has been cheerfully complacent about China, subdued by the anticipation of cheap labor and a billion new customers. As a financial writer and economist, I've been to China a half-dozen times, and like everyone else on Wall Street, I've been allowed to witness the bright side of this authoritarian devil. China is indeed growing by leaps and bounds, and many peasants are now enjoying the benefits of rising wages and Western consumer goods. You can see the economic miracle everywhere.

Yet there is a sinister side to all this good news. China's new wealth is creating a gigantic military-industrial complex, permitting its leaders to maintain

their capricious abuse of power indefinitely.

China Wakes (Vintage, 1994, 501 pp., $14.00) was written by Nicholas Kristof and Sheryl WuDunn, a husband-and-wife team who spent five years in China as reporters for the *New York Times*. WuDunn tells the most personalized stories because, as a Chinese-American who speaks the language fluently, she can get into places her husband can't. Both authors flatly repudiate their former "conventional liberal view that the Communist Revolution itself was not a bad thing for China" (p. 61) — the establishment line that Mao was a benevolent dictator, ending inflation, enacting land reform, and liberating women.

Upon arriving in Beijing, the couple quickly learned the terrible truth. To quote Kristoff, "about 30 million people died in the aftermath of the Great Leap Forward. Thirty million! Never before had so many people died in one country for any reason, whether of war or natural disasters. Even Stalin killed only about 10 million of his subjects by famine or execution. . . . Mao managed to kill almost 5 percent of his subjects" (66). He and WuDunn describe in gruesome detail the mass killing of landlords and intellectuals during both the Great Leap Forward and the Cultural Revolution, including the large-scale cannibalism that occured in South China during the latter.

The brutality today doesn't occur on such a grand scale. It takes place more selectively. WuDunn calls it a "thugocracy," a government of local whim and abuse. She tells the story of Wang Chaoru, a 41-year-old retarded man who was beaten to death by Beijing police because he might embarrass the government during the city's bid for the 2000 Olympics. She writes of Wei Jingsheng, Deng's former rival, who was sentenced to 15 years in prison for writing a "counterrevolutionary" newspaper. "For the first three years, he was denied family visits and sunlight, and he was forbidden to talk to anyone at all, including the guards" (108). And he's still in prison.

China Wakes is a devastating indictment of the Chinese regime. After reading it, you will never again accept that nation's façade of peace and prosperity at face value. As Luhui, a former senior official, concludes, "There hasn't been a single good thing that has come out of Communism" (63). —Mark Skousen

O'Hara, Si; Apollinaire, No — The higher and deeper Frank O'Hara got in administration at the Museum of Modern Art, the greater the decline of his poetry and, it seems, his mental health, symptomized by excessive drinking. His friend Stephen Holden, now a critic at the *New York Times*, testifies in Brad Gooch's recent biography ***City Poet: The Life and Times of Frank O'Hara*** (Knopf, 1993, 532 pp., $30.00) that by the mid-1960s, "his muse was gone." While Gooch attributes O'Hara's avoidance of naps to a fear of bad dreams, he doesn't surmise what the content of these dreams might have been.

The argument portraying O'Hara as an American Apollinaire won't wash either. Neither O'Hara's essays nor his poems were or would be as original or influential as Apollinaire. It's remarkable how his poetry fails my favorite collegial test, which is simply asking a fellow poet to name at least one O'Hara poem which isn't the title of a book. (Most are prepared to identify "In Memory of My Feeling," which was, alas, the title of his first collection.) Incidentally, it's amazing how many visible, "prominent" poets fail this test of individual identification.

What this book sadly portrays is how visual artists who barely understood O'Hara's poetry flattered it as more accessible to flattery than his museum power. (You could probably impress Ted Turner if you similarly flattered his yachting skills.) They flattered him and even slept with him. They had trouble accepting that only someone out of his senses (i.e. drunk) could be killed by a dune buggy on the Fire Island sand bar late at night. The "younger" artists he favored (though most were older than he) felt so dependent upon him that, as O'Hara was dying, Willem de Kooning opened his checkbook at the hospital, offering to pay his bills. (Imagine what might have happened, say two decades ago, if the publisher Jason Epstein, so important to the popularization of the New York Literary Mob, were similarly threatened.)

Though this first extended biography of O'Hara has been condemned for concentrating on his homosexual activities (mostly with straight men, some of whom recall embarrassing experiences), its real problems reflect literary ignorance. Though Gooch is by trade a professor of English, he reads and quotes O'Hara's verse exclusively in relation to events in his subject's life, which considerably reduces the poetry's possible weight. Since he doesn't identify O'Hara as the dedicatee of Kenneth Koch's most innovative poem, "When the Sun Tries To Go On," he misses the chance to document poetic development between them. Gooch doesn't know about O'Hara's uncollected dance criticism, and says little about Frank's brother J. Phillip O'Hara, who became a book publisher of some distinction, or his sister, who has become the model of a deficient "administratrix" who refuses to answer letters, even when coaxed.

While repeating the image of the poet Bill Berkson as an ass-kisser, Gooch doesn't consider that ass-kissing, like abusing women, is characterological and thus usually repeated; he therefore can't question why, to my recollection, Berkson didn't do it again. (Readers will recall that lack of enough other similar incidents undermined Anita Hill's characterization of Clarence Thomas.) I read this book for intelligence about New York literary life and found as its principal truth that troubled, "bitchy" writers (including O'Hara, but not only him) must latch onto power if they expect to survive professionally.

If asked to evaluate this book generally as a biography, I'd give up, in part because I've had so little experience with this genre. What apparently attracts commercial publishers, who would publish biographies of "personalities" whose poetry they'd spurn, has little appeal to me. Liking the opening scene, which recreates a funeral in which, as the composer Virgil Thomson put it, "a dozen of his lovers turned up for the glory of being the chief widow," I thought the rest weaker. Whenever I read about someone whose friends are still alive, I wonder how much of the original text was left out because someone thought someone else might be offended.

The final problem caused by any big but insufficient literary biography is that it will keep anyone from publishing a successor for at least a generation;

the question then becomes whether O'Hara or his work will be remembered in the year 2015. Surprised that it has survived three decades, I'm not so sure it will last a generation more.

—Richard Kostelanetz

The Great Society, the Morning After — Awakening from three decades of fantastic delusions, "liberal" elitists have been confronted with an unexpectedly ugly reality. Philip K. Howard's ***The Death of Common Sense*** (Random House, 1994, 202 pp., $18.00) marks the beginning of their dismay. Similar criticisms have been available for much longer, but these earlier authors hailed from the wrong political tribe, and were thus unable to garner widespread favorable notice.

Howard, with the help of a diverse group ranging from the Brookings Institution to the Claremont Colleges, has assembled an assortment of governmental misplays that will make anyone's blood boil. Many have made the evening news:

- Mother Teresa is denied a New York building permit for a homeless shelter because she won't agree to put elevators into the three-floor, burned-out building she wanted to renovate. Her order rejects the use of elevators. And so the building remains in ruins.
- Risking federal prosecution, homeowner Michael Rowe plows an illegal fire-break around his house. His is the only dwelling to survive a southern California firestorm.
- Twenty-seven other homes are sacrificed during that fire so that some kangaroo rats can be naturally baked in their tunnels.

This is the stuff that has made the book popular, and it helps explain why it has attracted so much establishment attention. But Howard's real contribution is his analysis of the reasons we have stumbled down this road. The source of our current regulatory nightmare, Howard argues, is the transformation of handouts into entitlements. He traces the creation of these new rights to Professor Charles Reich's work at Yale in the early 1960s. The idea was to end governmental paternalism. Prospective recipients of governmental largesse could simply resort to the courts whenever adversity threatened to retard their climb up the ladder of prosperity. What could be more dignified and engendering of self-worth? Howard reports that as recently as 1991, many left-liberals expected the litigation explosion to decrease as "smaller, finer rules [result] in clearer law."

But Howard makes it clear that the proliferation of regulations has worked to *entrench* our regulators. Each has the discretion to pick and choose from literally thousands of minutiae with which to torment the private sector. Today they enforce paint chip specifications. Last week it was guard rail heights. Next week, maybe hazardous materials paperwork on Windex bottles.

The book's cover suggests that Howard has synthesized his anecdotes into a solution. Don't believe it. His "solution" consists of granting yet more authority to our compassionate federal officials. You don't have to look far to find evidence that this might create more problems. Consider HUD's vindictive prosecution of homeowners who have sought to exercise their rights of free expression and assembly. Such an outcome is an inevitable result of arbitrary regulatory power.

Howard does us all a service by reminding us that the rights created by Reich are not the rights our forefathers fought for. But increasing bureaucratic discretionary authority would only put America that many steps closer to Mussolini-style fascism.

—Robert J. Stewart

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Ben Bolch is Robert McCallum Professor of Economics at Rhodes College.

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Richard Kostelanetz's most recent collection of poetry criticism is *The New Poetries and Some Old.*

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John Semmens is an economist at the Arizona Transportation Research Center.

Jane Shaw is a senior associate at the Political Economy Research Center.

Mark Skousen is editor of *Forecasts & Strategies* and an economics professor at Rollins College.

Robert J. Stewart is a writer living in Seattle.

Timothy Virkkala is managing editor of *Liberty.*

Jesse Walker is assistant editor of *Liberty.*

Terra Incognita

The Sea

Why we should respect lobster rights, according to Mary Tyler Moore, as reported in *Outside*:

"Like humans, lobsters flirt with one another and have been seen walking claw-in-claw."

San Mateo

Planks from "A Different Contract with America," published by the *San Mateo Times*:

9. Remove all parking meters from downtown areas to revitalize the inner cities. All through-state freight to go by rail.

10. Combine all armed services into the Coast Guard.

13. Downsize the CIA to about 15 guys. Issue automatic weapons to the homeless for them to hunt with.

14. Return state and national parks and forests to Native Americans.

17. End wearing neckties. Men's clothing styles have not changed significantly in 150 years.

Dallas

Innovation in education, as described by *Report Card*:

The principal and dean of instruction at Sunset High School were fired for giving hundreds of students A's in "Peer Assistance and Leadership," a class that had no homework, no required attendance, and no teachers. Several students signed up to take the class as many as four times a day. The school used the class to fill schedules because it lacked enough electives.

New York

The New Yorker corrects a typo:

"In criticizing the political views of Patrick Buchanan, [Bill] Bennett said, 'It's a real us-and-them kind of thing,' not, as we reported, 'It's a real S&M kind of thing.'"

U.S.A.

America's top guns, described in the *Washington Post*:

Two Navy fighter pilots and a navigator removed their clothes, helmets, and oxygen masks and attempted to moon another plane's crew. They passed out and their plane crashed.

Farmington, Utah

Marriage in the '90s, as described by the Associated Press:

A man who posed as a woman during a three-and-a-half-year marriage has pleaded guilty to defrauding his unsuspecting husband.

Prosecutors contend the "wife" tricked his husband into marrying him by claiming he was pregnant with his twins. Authorities describe the husband as "naive."

Bangladesh

Progress on the labor front in the Third World, as reported in the *Daily Telegraph*:

More than 500 beggars have formed a union to press for a higher rate of alms.

Brazil

A North American moviemaker in South America, as described in *CounterPunch*:

Oliver Stone was interviewed on Brazilian television by model Bruna Lombardi. After the interview concluded, unaware that the cameras were still rolling, the director exclaimed, "That was an exhausting interview. I hope you're not that exhausting in bed."

Washington, D.C.

Government priorities, as reported in *The Wall Street Journal*:

The government imposes tighter controls over the shipment of peanuts to U.S. ports than over the shipment of plutonium used in nuclear weapons.

Atlanta

The status of the U.S. Postal Service in the mid-1990s, as described in *Linn's Stamp News*:

United Parcel Service has become an official sponsor of the 1996 Olympic Games. As a result, the U.S. Postal Service is not permitted on the sites of the Olympic events.

The Post Office will be permitted to have one table at the closing ceremonies for applying a special pictorial cancel. That one table will be allowed to host up to two Postal Service employees — dressed incognito.

Santa Cruz

Protecting the public in the Golden State, as described by the *Daily Sundial*:

A man dressed as a clown spent his own money feeding parking meters that were about to expire. Santa Cruz police arrested him and charged him with "feeding the meters without the car owners' consent."

Washington, D.C.

The downside of mandatory safety measures, as reported in *USA Today*:

Infants and small children can be killed by air bags, federal safety officials said.

Largo, Fla.

Tools of revenge, part six: pedagogy, as reported by the Associated Press:

A teacher upset by a neighbor had her eighth-graders send the neighbor a batch of hate mail.

San Diego

The Republican Party helping a city cut the cost of local government, as described by the *San Diego Union-Tribune*:

The City of San Diego has already incurred $100,000 in out-of-pocket costs preparing for the 1996 Republican convention, and will devote at least $6 million in cash and in-kind services to the event.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

THE RADICAL ROMANTIC

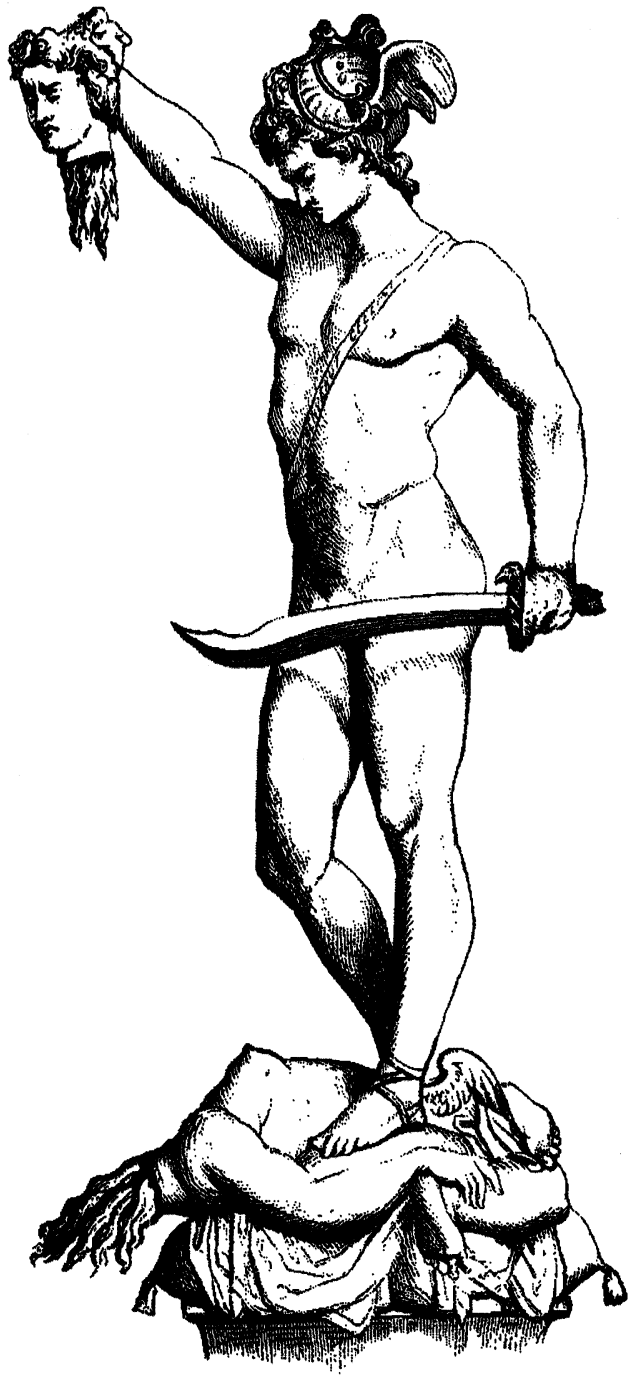

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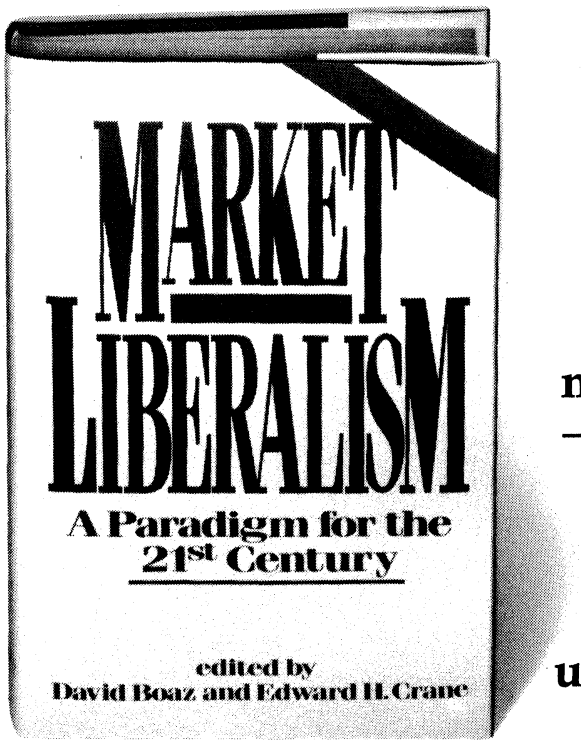

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Inside Liberty

March 1996
Volume 9, Number 4

4 Letters You know — like "viewer mail" on Letterman.

9 Reflections *Liberty*'s editors on Kareem Abdul Jabbar, Jane Austen, Forbes' media critics, Iraqi has-beens, ex-presidents, pogs, and other items in and out of the news.

Features

15 All in the Tribe To understand the budget squabble, *Stephen Cox* goes to the witch doctors.

19 The Road to the Big House It's a long way from Little Rock to breaking rocks. But not as far as it used to be. *Chester Alan Arthur* reports why Hillary Rodham Clinton is worrying.

22 The Executioner's Errors *Lester S. Garrett* tells the real-life stories of men sentenced to die for crimes they didn't commit.

25 The Education of a Speculator *Victor Niederhoffer* remembers the deals, and how he learned to do them.

31 The Wars of Yugoslav Succession *Bryan Alexander* tries to make sense out of the slaughter in the Balkans.

33 A Short and Absurd History of Schooling *Stanley Wolf* chronicles the history of school reform and school reformers, discovering that the more things change . . .

39 Learning from Environmentalists It's not easy being green, *Randal O'Toole* explains, but if you want to affect policy . . .

42 Murder, Mayhem, and Meathead *Bill Kauffman* describes the difference between Gene Siskel and Bob Dole.

43 Endless Conspiracy *John McCormack* explores some extraordinary populist delusions.

49 The New Praetorians *Douglas Casey* investigates the proud, the few, the dangerous — armed unmarried young males who travel in packs.

Reviews

51 In Search of Rand's Roots Was Ayn Rand a Hegelian in Aristotelian clothing? *Lester H. Hunt* peaks beneath the cloak.

56 Ty Cobb, American Genius *R.W. Bradford* recalls a baseball genius, and explores why he was hated so.

59 The Paradigm Thing *Jonathan Adler* deciphers James Pinkerton's newest "new paradigm."

61 The Milken Myths *Jeff Scott* unravels the plot that took Michael Milken down.

63 P.C., Left and Right *Jesse Walker* wonders: is political correctness mere myth?

66 Booknotes on anthropological angst, economic edification, unsecured censorship, and mercenary missionaries.

67 Classified Advertisements The business district.

69 Notes on Contributors Our secret identities.

70 Terra Incognita Reality intrudes.

Letters

Think of It As Extraterrestrials in Action

In "Faith and Freedom" (January 1996), Jane S. Shaw suggests that the speed with which species have appeared cannot be explained by any natural phenomenon, and thus may imply divine intervention in natural history. Let's assume for the moment that there is in fact no good explanation available for periods of rapid appearance of species, or for periods of rapid disappearance. (Mass extinctions are well documented in natural history, and their cause is highly disputed, but for some reason theists don't introduce *these* as evidence of divine intervention.) What conclusions should be drawn?

Whenever we have an unexplained phenomenon, we can simply say, "We don't understand it." Or we can say, "We don't understand it, therefore it must have a supernatural cause." The latter response is characteristic of primitive man; it is the willingness to keep looking for explanations for what we don't yet understand that underlies the spirit of science. Positing supernatural intervention can explain anything, and therefore gives us no knowledge.

Let's go a step further and suppose that scientific investigations exclude, beyond any reasonable doubt, any earthly cause for the appearance of some species or group of species, and requires acceptance of some form of "intelligent design." What would this tell us? Only that some kind of intelligence beyond Earth has been influencing the development of species. This intelligence could be anything; it need only be very powerful by our standards and operate over long periods of time. It would not follow that this intelligence managed the entire universe, much less that it was omniscient and omnipotent. The fact that it worked its interventions only once every several million years would argue that it was far from omnipotent.

Finally, if such an intelligence exists, what implications would that have for how we should act? Shaw appears to think that the hypothetical intervention of some being in Earth's evolution is a reason why people should respect others' liberty. I find this to be a complete non sequitur.

Shaw simply has me puzzled. After offering an argument of sorts for intelligent design, she states that she is not an adherent of intelligent design theory, although she suspects "that the triumph of intelligent design theory would be the best outcome for our society." Is she suggesting that the best way to advance liberty is to promote both scientific and social fallacies? But she says "truth should out, whatever the consequences." She appears to be trying to keep one foot on reason and the other on wishful thinking. This is a very precarious stance.

Gary McGath
Hooksett, N.H.

God in the Dock

When I read the article "Faith and Freedom" by Jane S. Shaw, my immediate reaction to the sub-heading "Can liberty survive without religion?" was that it should have read "Can liberty survive *despite* religion?"

In the article, faith is taken to be a belief in the unknown, i.e., God. How can the Bible, accepted by most Jews, Protestants, and Catholics as the word of God, be held as a shining example of morality by anyone other than a hypocrite?

According to the Bible, God sanctioned the following atrocities: human sacrifices, killing the Egyptian firstborn, slavery, selling one's own children, killing witches, death for heresy, death for violating the sabbath, death for cursing one's parents, death for blasphemy, death for adultery, and death by stoning for unchastity at time of marriage.

There is absolutely no proof that one has to be religious to be moral. In fact, considering the above and such things as the Inquisition, I would suggest just the opposite.

James E. McGeorge
Arroyo Grande, Calif.

Conservative Lessons

Jim Powell's article ("Lessons from Success," January 1996) on conservatism and what libertarians can learn from its success was right on the money. Most people view libertarians as a fringe group that consistently loses the presidential election every four years with an insignificant percentage of the vote. What the conservatives have done is to reach out to expand their base by fundraising, forming grassroots groups with "powerful emotional appeals," and in short taking advantage of every opportunity — especially new technologies. This is exactly the MO that libertarians should be emulating.

There is a large market out there for libertarian ideas. The growth of the Cato Institute, Laissez Faire Books, and other groups leaves little doubt that there is a great demand, even hunger, for the libertarian message of limited government and personal and economic freedom. There must be a greater outreach to non-libertarians, rather than the all-too-requent preaching to the already converted.

Mr. Powell should be commended for his edifying, enlightening article. My sincere wish is that it serves as a wake-up call to all libertarians: "Learn from your mistakes and always strive to become larger and stronger!"

Jeff Mills
Nutley, N.J.

O.J.'s Free and I'm Glad!

Regarding R.W. Bradford's "O.J.'s Free and I Don't Care" (January 1996): O.J. did not really have a motive to kill Nicole, because he had other girls. He was going out with Paula Barbieri and some other six-foot blonde who made Nicole look like a whore, so why would he kill her in jealousy when he had these women, along with who knows how many others?

The whole problem with the O.J. Simpson case and the whole reason why most prejudiced white Americans like Bradford wanted to see O.J. convicted is because they cannot stand miscegenation. It makes white men insecure because they feel that these white women want black men instead of them. It affects them deep down in their psyches (just like it affected the white men who lynched Emmett Till in Mississippi in 1964).

Mr. Bradford, the bottom line is this: People like you live in a different coun-

Letters Policy

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

try from people like me. You live in a dream world where everyone is nice and everything is perfect. I and other blacks live in reality, where people are bigoted and prejudiced, and they use whatever means are at their disposal to get what they want.

Jeffrey Whitlow, M.D.
Monticello, Ky.

The Naughty Naughts

I hate to pop Mr. Steele's bubble ("When Will It All End?," November 1995), but the issue is not as clear-cut as he makes it out to be. B.C. means "before Christ" and A.D. means "in the year of our Lord." So, obviously enough, the new millennium must start exactly 2,000 years after the birth of Jesus. But when was Jesus born? Should we celebrate the new millennium on Christmas Eve of 2000? Well, no, because Jesus was not born on December 25 (that's a modern adjustment). How about on the eve of the winter solstice in the year 2000? After all, one ancient tradition holds that Jesus was born on the solstice — though the early Christians probably made this up so they could celebrate when the Romans were having fun during Saturnalia. Or how about on the eve of Good Friday in 2000? Another ancient tradition holds that Jesus died on the same day of the year on which he was born. Corroborating evidence: the shepherds were tending their flocks by night to watch over the spring newborns — they would never have been out like that in the winter! However, here again the Christians were competing with a Greco-Roman religion, this time that of Mithras (whose birth from a rock was witnessed by shepherds).

No, perhaps Mr. Steele can solve a more pressing problem for us: What shall we call the next decade? The zeros? The Os? I'm hoping for the naughts myself — the "Naughty Naughts" sound highly appealing after the "No-Fun Nineties."

Peter Saint-André
Maplewood, N.J.

Caveat Driver

Did you print John Semmens' "Why Insurers Should License Drivers" (January 1996), just to see how many of your readers would shoot it down? I can't believe you were serious.

He presents us with two plans, the "ballpark plan," with no mandatory insurance (a free market), and the "Disneyland plan," in which insurance companies are forced to assume responsibility for licensing and full liability for those they license. To deal with the problem of a few irresponsible drivers who are too poor to sue, he would make no one responsible but the insurance companies!

He presents what he calls "a rational reason" for driving uninsured, that the risk is relatively low and can be reduced by safe driving. But he neglects the major rational reason for driving uninsured: that one is too poor to afford insurance and doesn't have that many assets at risk. The purpose of insurance is to cover your own assets, not everyone else's. That by covering your own assets you also are able to compensate others is gravy, not a moral imperative, and certainly not a legal one.

Mandatory insurance makes it illegal to be poor. Our society is built to the scale of the automobile; it is not practical for most people to live without a car, however old, tired, and uninsured. So you can't get compensated if they hit you? Well, you can't get blood out of a turnip, not even a drop at a time. There has to be some compensation for being

Money Talks

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poor. Lord knows there are compensations for being rich enough to be sued.

Mr. Semmens seems to assume throughout the article that the only reason a driver couldn't get licensed by the insurance companies is a poor driving record. I and many of my friends are driving without insurance, license, or registration because of Arizona's requirement to show proof of insurance to register your car. And we're finding out we can do so with near impunity.

We all pay for the roads with our taxes and for our cars with our money. The only reason the state should deny a driver's license is a bad driving record, based first on driving tests, later on the number of accidents and driving infractions. Whether a person insures his or her assets should not enter into the equation. Let the driver beware!

Rycke Brown
Kingman, Ariz.

Wausau Saves?

John Semmens' proposal for automotive insurance reform makes some pretty rash assumptions concerning insurance companies being the saviors of society. After all, they hire lawyers, lots of them, to keep from paying claims; and their lawyers have lobbied hard to structure our present system, which seems to annoy him so much.

For real reform I'd prefer the ballpark model. Semmens' concern over compensation could be eliminated by having people purchase insurance that only covers themselves. Whatever you think you can buy would determine your compensation. The purpose of insurance is to reduce losses, not to provide a windfall when something goes wrong. This attitude would straighten out a lot of drivers' bad habits.

Actually, no one is making you drive. It might be easy or even fun. But it is easy to screw up or get wiped out by someone else's screw-up. It's a relatively free country and you cut your own deal. You can accept this as reality or settle for a society run by groups out to save you from your underinsured self.

Harold Shull
Phoenix, Ariz.

Where the Blame/Praise Lays

The two letters in the January issue that accuse libertarians of fomenting disrespect for the police and destroying confidence in government are undeserved praise. Police and government

continued on page 8

Liberty Live . . .

Intellectual sparks flew in Tacoma at *Liberty*'s 1995 Editors' Conference. There, the best individualist minds of our time met to debate the future of liberty and society — and to have a ton of fun in the process.

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The Prospects for FDA Reform: For now, abolition of the FDA may be just a dream. But is there any hope for serious FDA reform? **Robert Higgs** takes a hard look at the prospects for genuine change. A real eye-opener. **(Audio: A138; Video: V138)**

The Oklahoma City Bombing: Half a year after the bombing in Oklahoma City, the conspiracy theories are flying. But who knows what they're talking about, and who's just a paranoid flake? Explosives expert **Larry Grupp** investigates different theories of how the bombing was done — including the official story — and offers the most believable explanation to date. **(Video only: V139)**

Going to Extremes: **Wendy McElroy, Pierre Lemieux, David Friedman, Timothy Virkkala & R.W. Bradford.** When people are radicalized, they often embrace suicidal — or even homicidal — strategies. How do libertarians get drawn into martyrdom? How do others get drawn into terrorism? How can radicals avoid being sucked into the system? This tape deals with all these questions and one other: *Is voting immoral?* **(Audio: A140; Video: V140)**

Revolution: The militia movement is readying itself for a revolution. But is the time really ripe? In this tape, **Pierre Lemieux** asks the questions, "Revolution — if not, why not? And how do you know if it is time?" **(Audio: A141; Video: V141)**

The Best — and Worst — Places to Invest and Live: Investment advisor **Douglas Casey** is also a world traveler, visiting Third World backwaters and chatting with tinpot dictators from Cuba to Central Asia. In this fascinating talk, he recounts his recent adventures — and tells what valuable wealth-protecting information he learned. **(Audio: A142; Video: V142)**

Investment Advice: Bonanza or BS? **Harry Browne, Douglas Casey, R.W. Bradford, David Friedman & Victor Niederhoffer.** Do investment advisors really have anything to offer their customers — at least so far as good investment advice is concerned? Is there a science of economic forecasting? A no-holds-barred debate! **(Audio: A143; Video: V143)**

Camouflage, Deception, and Survival in the World of Investing: **Victor Niederhoffer**, one of the most successful speculators in the nation, offers his model of how markets function. Complex and in-depth. **(Audio: A144; Video: V144)**

Do Short-Sighted Corporate Decision-Makers Screw the Future? Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. **(Audio: A145; Video: V145)**

Does Foreign Policy Matter? **R.W. Bradford & Leon Hadar.** Most libertarians focus their energies on domestic issues. Should they pay more attention to the world around them? **(Audio: A146; Video: V146)**

Share the Excitement!

The Four Political Types: **Fred Smith** points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. **(Audio: A147; Video: V147)**

Is Libertarianism Getting Anywhere? **Harry Browne, Robert Higgs, Pierre Lemieux, Fred Smith & R.W. Bradford.** The case for (and against) libertarian optimism. Are we making any progress? **(Audio: A148; Video: V148)**

Why Not Hang 'em All? Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with crime issues in the past. **(Audio: A149; Video: V149)**

Private Law Enforcement in Eighteenth-Century England: Two hundred years ago, prosecution of felons in England was a *private* matter, rather than one for agents of the state. How did this system work? Why did it emerge? What were its advantages — and disadvantages? **David Friedman** holds your attention for all of this fascinating talk. **(Audio: A150; Video: V150)**

Is Cyberspace Liberspace? **David Friedman, Leon Hadar, Pierre Lemieux & Ross Overbeek.** What impact will the Internet, encryption, virtual reality, electronic money, and other technologies have on the political realm? Is cyberspace leading us toward greater individual freedom? Or is it all cyberhype? **(Audio: A151; Video: V151)**

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

Can Liberty Survive Without Religion? Are religious institutions necessary for a free society to survive? Has evolution killed religion — and, if so, is there any hope for freedom? **Jane Shaw** addresses these questions and more in this amazing talk. **(Audio: A153; Video: V153)**

If Government Is So Villainous, Why Don't Government Officials Seem Like Villains? Most government bureaucrats believe in what they're doing. Many are actually nice folks. But their actions lead to suffering, even death, for millions of people. How is this possible? Economist-philosopher **Daniel Klein** offers a compelling explanation — with very interesting implications. **(Audio: A154; Video: V154)**

Sexual Correctness: A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. In this information-packed talk, individualist feminist **Wendy McElroy** gives the chilling details of the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. **(Audio: A155; Video: V155)**

What America Needs — and What Americans Want: The 1994 election showed that Americans are sick of politics-as-usual, but it's clear that the GOP isn't going to deliver on its promises. **Harry Browne** explains why the time is right for a Libertarian victory, and lays out his plan for dismantling the federal government. **(Audio: A156; Video: V156)**

Has Environmentalism Run Its Course? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford.** The honeymoon seems to be over for such green giants as the Sierra Club and the Wilderness Society, with their bloated bureaucracies and statist politics. But what about the environmental movement as a whole? And where do free-market environmentalists fit in? **(Audio: A157; Video: V157)**

Ayn Rand: The Woman Behind the Myth: **Barbara Branden, John Hospers, Chris Sciabarra & R.W. Bradford.** These incredible tapes include countless priceless moments, along with information unavailable anywhere else. A must for any Rand fan! **(Two audios: ARM, $14.95; Two videos: VRM, $29.95.)**

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Letters, *continued from page 6*

are wholly responsible for bringing disrespect and lack of confidence upon themselves.

August Salemi
Atascadero, Calif.

The Case for a Progressive Income Tax

After a critical reading of Pierre Lemieux's "Auditing the Income Tax" (September 1995), I must say that libertarians seem better at debating the evils of a coercive welfare state as a whole than analyzing which form of coercive welfare state is preferable. Unfortunately, unless we believe that national governments will one day wake up and embrace classical liberalism — and that the electorate would allow this — we must evaluate the transitory stages needed to progress from where we are to where we want to be.

Most at flaw here is Lemieux's evaluation of the economic cost of progressive taxation. To begin with, he argues that a higher interest rate at the top of the scale would create a work disincentive to those who are bordering on entering a new tax bracket.

The first problem with this is that Mr. Lemieux is assuming that a progressive tax is synonymous with a bracket-based tax system.

But there are other types of progressive taxes that do not fall under this awkward system.

While I do not intend to suggest that I can say what the absolute baseline cost of survival is, I am prepared to say that there is an amount of money that will allow a person to eat nutritiously, live in a place free of vermin, clothe himself, and get to and from work. We will call this amount X. Arbitrarily, I will set X at $20,000/year. Now, if you begin determining your taxable income at X, rather than at zero, so that anyone making less than $20,000/year will pay no taxes, while anyone making over that amount will pay a federal income tax of (again, arbitrarily) 10% on all income above $20,000, you do, in fact, have a progressive tax, since the person making $25,000/year will be paying 2% income tax and the person making $100,000/year will, in fact, be paying 8% income tax.

In this case, there would be no discontinuity in the scale — that is to say, no point at which a person will actually bring home less money because he initially earned more. The person who makes $20,000.10 instead of $20,000.00 will bring home nine more cents this year; the person who makes $200,000 instead of $100,000 will bring home an additional 90 grand. Yet this is a progressive tax.

As for the difference in marginal utility of untaxed income between the rich and the poor, Mr. Lemieux's arguments do not seem to hold together. He uses the anecdotal case of the poor man who spends his newly untaxed income to buy a case of beer and the rich man who uses the same untaxed money to buy "a recording of a Bach harpsichord concerto." The problem here is in attempting to analyze a system that affects millions on the basis of our analysis of two of them.

continued on page 24

Why Government Doesn't Work

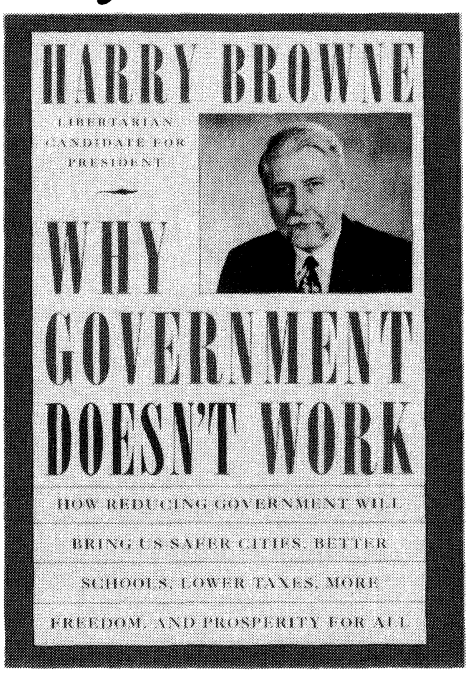

by Harry Browne

Always eloquent, always convincing, Harry Browne shows that in every area the state has stuck its snout — welfare, drugs, industry, medicine, you name it — it has only made the situation worse. Only voluntary action, Browne argues, can make this country great again — and that means slashing away at America's overgrown government.

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After a year of speaking with Americans around the country, Harry Browne is more optimistic than ever about the prospects for liberty. From coast to coast he has met with enthusiasm, as everyday Americans denounce the continued erosion of their freedoms. In this illuminating talk, from the 1995 Liberty Editors' Conference, Browne recounts his political education on the campaign trail and outlines his agenda for a rapid and comprehensive dismantling of the federal government. Audio: $5.95; Video: $19.50.

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Reflections

Those ominous parallels — On December 14, 1995, in an Air Force One interview with Peter Jennings, President Clinton contrasted the Bosnia mission with other long-term U.S. force commitments. "This is not West Berlin," the president said. "This is not the 17th parallel in Korea." Of course, the 17th parallel was in Vietnam. Freudian slip. —JSR

Lawyer vs. salesman — The mendacity of Bill and Hillary Rodham Clinton illustrates a sharp contrast of style. Bill is a salesman: he'll say anything he needs to make the sale. First he sells himself on what he is going to say, then he sells his customer. He exudes earnestness, no matter how bogus his words. And, by and large, it works. When Bill says he is mortally offended that Republicans would increase Medicare recipients' monthly premium by $6.00, ignoring the fact that he himself had advocated exactly the same reform a few months earlier, he is believable. The downside is that his lies are easily exposed. The upside is that few people really care: the obvious force and passion of his sales pitch makes the issue of truth or falsity almost irrelevant.

Hillary's style is completely different. Her technique is the lawyer's. She artfully skates around the subject of the question while trying to give an impression of being forthright, but she always endeavors to avoid saying anything that can be flatly disproved. Her speech is fraught with qualifications, memory lapses, and outright evasions. Consider the following interchange:

Barbara Walters: "Mrs. Clinton, while we are clearing up rumors, you know there is a re-occurring rumor about you and Vince Foster. What was your relationship with him?"

Hillary Rodham Clinton: "Oh, he was one of my dearest friends, Barbara. He was a colleague, he was a partner, he had been a friend of my husband's since they were boys of four or five years of age, and I miss him, I miss him very much. I just wish he could be left in peace because he was a wonderful man to everyone who knew him."

Oh, that should clear up that rumor! Everyone wondered whether Mrs. Clinton and Mr. Foster were friends, whether they were law partners, and whether Mr. Foster had been a childhood friend of her husband. *That* was the rumor about Mrs. Clinton's relationship with Mr. Foster that everyone was curious about. —CAA

I'll take Norman Schwarzkopf to block — Whatever happened to the Persian Gulf War? You may remember it: it was really big five years ago, and even after it was over, everyone figured its legacy would be with us for decades to come. George Bush would be reelected, the Vietnam Syndrome would be vanquished, and the Only Remaining Superpower would stay super, remaining, and only. Now it's been reduced to a vague memory, a weird blip in the post-Cold War era. People go for days, weeks, months without thinking about it, like a forgotten actor on the has-been circuit. ("And your celebrity partner today is . . . Operation Desert Storm.")

So you'll have to forgive me if I'm not too excited about Bill Clinton's decision to send American troops to Bosnia. I'm against it, of course. I'll argue against it. If it lasts long enough, I'll write broadsides against it. If my town hosts an antiwar demonstration, I'll march against it. But I won't mistake it for a defining point in my life. Fool me once, shame on you. Fool me twice . . .

The hawk wing of the punditry, so concerned over the course of "genocide" (i.e., ethnic violence) in the Balkans (but not in Sudan, Rwanda, or Azerbaijan), will spend the duration of the mission explaining why it is morally necessary for the U.S. to be involved. When the mission is cut short — and it will be, since we sure as hell aren't going to bring peace to the region and we sure as hell aren't going to stay there *forever* — they will find something else to worry about, and Slobodan Milosevic will join Jamie Farr on *Hollywood Squares*. Such is the way of the world: today's crises are tomorrow's trivia. Politics is the art of pretending otherwise. —JW

Calcutta-on-the-Potomac — Governance in the District of Columbia continues to spiral downward. The city is bankrupt, the mayor is an ex-con, and each month the courts take over another city agency. Latest news: the city has been paying health insurance premiums for years for thousands of former employees. Broken traffic signals are flashing red because the electric company has stopped fixing them — it hasn't been paid for months. Many students don't have textbooks, because $10,000 per student per year just doesn't go as far as it used to. City workers with city vehicles disrupt a major downtown intersection at rush hour to protest the threat of rational fiscal policies. People in the southwest quadrant are told not to drink the water.

Living here is sort of like visiting the Third World without having to fly on any of those scary little airlines. —DB

Searching for skinheads — In the wake of a recent racially motivated slaying, the U.S. Army has undertaken a search for "skinheads" in the 82nd Airborne Division. Key indicators of skinheadism include: extremely short haircuts or shaved heads; a predilection toward wearing paramilitary clothing (especially boots); knowledge of weapons and hand-to-hand combat methods; and militaristic behavior. That ought to narrow it down. —JSR

Back on the job — In April, Lech Walesa will return to his old job as an electrician in the Gdansk shipyards. This return to his old occupation — and honest work — strikes the editors of *The Wall Street Journal* as amusing. On January 10, they devoted their "A-head" column, which is customarily devoted to a light, comic, or amusing features, to the plight of Poland's ex-president, noting that the recipient of a Nobel

Prize and an honorary Harvard doctorate would soon be repairing electric motors.

American presidents, of course, are far too puffed up with their own importance to go back to their old line of work. So Ronald Reagan went on a multi-million-dollar public relations tour of Japan, instead of returning to Hollywood. He probably couldn't have found work as an over-the-hill B-movie star, but he might have become a gracefully aging character actor.

And Jimmy Carter became a professional do-gooder, hammering up houses for the poor and traipsing off to Communist countries on "peace" missions, rather than returning to the red dirt fields of Georgia and harvesting a fortune in peanut subsidies from the Department of Agriculture. (In all fairness, Carter does still collect the subsidy; he just doesn't do the farming.)

Lyndon Johnson lived the life of a country gentlemen in Texas, financed by the millions that somehow came his way in a lifetime of public service, rather than returning to his old job, teaching high school history.

Just about the only recent American president who returned to his occupation prior to entering politics was George Bush, who renewed his career as an aging preppy.

Of course, we shouldn't expect all American presidents to return to their old jobs. Gerald Ford, for example, entered politics right out of the Army, and I doubt the armed forces would accept him back, despite his brief rise to commander-in-chief three decades after mustering out.

And it was probably best for Harry Truman to have retired to his home in Independence, Missouri, since he had failed in two careers (farming and haberdashery) before his entry into politics.

And John Kennedy never had a job outside politics, aside from a brief stint in the service that would have been embarrassing had his millionaire daddy not staged a huge public relations campaign that transformed his military bonehead-edness into heroism. Had he dodged the nefarious bullet in Dallas, it's hard to say what he'd have done. I suppose he'd have returned to his career as a wealthy playboy.

It wasn't so long ago that American presidents were a bit humbler. James Monroe returned to rural life in Virginia, where he served as a justice of the peace. John Quincy Adams spent the remainder of his life as a member of the House of Representatives, where he served until his death. Even George Washington returned to his plantation in Virginia.

Anyway, I am pleased that Lech Walesa has returned to repairing electric motors. If America were still a republic, Bill Clinton would soon be greeting voters with the phrase, "Fill 'er up, mister?" —RWB

Whose pork is gored — My fellow environmentalists are still up in arms over the timber salvage rider that passed as part of the budget recisions bill. The rider directed the Forest Service and Bureau of Land Management to sell more salvage and exempted such sales from appeals or judicial review.

This was the result of a successful industry campaign about forest health. The forests of the West, said industry lobbyists, are threatened by insects and disease; the solution is good forest management — meaning timber sales.

In fact, much of this is true, or at least half-true. Insect and disease epidemics are indeed on the rise. But this is not because of too much wilderness, as some members of Congress think. It is more likely the result of decades of fire suppression. Moreover, timber sales are not the only tool to deal with the problem. Yet the new law, and the incentives built into the Forest Service's budget, will ensure that timber-cutting will be the main tool used, while little will be done to fix the fire suppression problem.

So long as greens seek prescriptive legislation as a solution to ecological problems, we will see such legislation turned against us. That's what happened with the salvage rider, a prescriptive law pushed through by anti-environmentalists. Good or bad, such legislation doesn't address, let alone solve, the ultimate federal land problem: pork. —RO'T

Virtue and virtuosity — The rediscovery of Jane Austen is the latest sign that Americans yearn for a return to traditional behavior and values. In Austen's world, people's actions are circumscribed by manners, and emotion and meaning are revealed through behavior that meets (or attempts to meet) accepted standards of propriety.

Austen's books are classics that transcend the interests of any single era, but the revival is part of the phenomenon that sent Bill Bennett's *Book of Virtues* to the top of the bestseller list and that has led to books like Gertrude Himmelfarb's *The Demoralization of Society: From Victorian Virtues to Modern Values* and to calls for the "restoration of civil society."

A lot of people want to restore traditional values. But they may be going about it the wrong way.

One of the themes of David Frum's 1994 book *Dead Right* was that cultural conservatives who are trying to reclaim the culture are avoiding the real issue. That issue is the growth of government. Cultural conservatives who "throw in the towel on issues like Social Security and Medicare and welfare in order to direct their full attention to 'the culture'" are doomed to failure because the welfare state itself is the biggest impediment to those values.

Frum points out that the "bourgeois virtues" — such qualities as thrift, prudence, diligence — do not make up a very "poetic" list (in contrast to heroic virtues such as passion and courage). They are not inherently attractive, yet they are the essence of self-reliance and crucial to a free society, and modern government destroys them. Thrift is unnecessary when the government supports you in your old age; prudence is extraneous when the government rescues you from floods and low crop prices; diligence is unattractive when the government takes half your earnings and gives it to those who aren't diligent and who don't save.

Conservatives are "simply deluding themselves" if they think they can preserve the old virtues under conditions that make those virtues "at best unnecessary and at worst active

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
RH	Robert Higgs
RO'T	Randal O'Toole
JSR	James S. Robbins
JSS	Jane S. Shaw
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

nuisances." Conservative intellectuals, he says, should "care a little less about the electoral prospects of the Republican Party" and more about the connection between today's government programs and today's social problems. —JSS

Thatcher in the wry — Reading a right-wing magazine, I came across a full-page ad for *Telling the Truth*, the new book by Culture War maven Lynne V. Cheney. The ad included a puff quote from none other than Margaret Thatcher: "I urge everyone to read this excellent book, and not to be bullied out of their views by the politically correct brigade."

Yes: far better to be bullied away from reading *Spycatcher*, which Thatcher's government banned entirely. Thanks for the tip, Maggie. —JW

It takes a bureaucrat — Hillary Rodham Clinton titled her new book *It Takes a Village*, from the adage "It takes a village to raise a child." *Village* here is a fuzzy feel-good metaphor; her actual thesis is that it takes the federal government to raise a child. How does this square with traditional family values?

When a television interviewer asked Mrs. Clinton why she was calling for "Medicare for children, universal health care for children, federally funded early education (Head Start), and proper day care," Mrs. Clinton responded:

> I think we are causing ourselves a lot of problems because we are not doing what it takes to support families, and I mean hold them accountable, hold them responsible. I believe strongly in marriage, I think that divorce should be harder for people with children, I want people to take responsibility for themselves and their kids. But at the same time, I'm out there. I know how hard it is for most Americans right now. They don't have a place to put their child that is safe and good, unless it can be subsidized.

I shall try your patience by pointing out the obvious: that Mrs. Clinton's proposal is precisely the opposite of "holding families accountable, holding them responsible."

In our present system, most children are in government custody only for about seven hours per weekday, and only from the age of five to 17 or so. Their families are responsible for them the rest of the time, and responsible for their health care at virtually all times. And, except for lunch on school days, the family is responsible for their meals.

If Mrs. Clinton's program is enacted, children will be in the custody of the state almost from the day they are born. They will spend most of their waking hours in the control of government day care centers, presumably from the day their mother finishes her maternity leave. They will be put into government schools at an earlier age. Their health care will no longer be the responsibility of their parents, but of government physicians. In short, Mrs. Clinton's program would practically eliminate parents' responsibility for raising a child.

Further, her program would make divorce easier, not more difficult, for people with children. Many people who would like to get out of their marriage have an abiding affection for their children, and are aware that divorce would be traumatic for their kids, if not downright destructive. Some of these people who would otherwise divorce will choose to stay married "for the kids' sake." Others will stay married because they know raising children by themselves would be an extremely difficult task.

But under Mrs. Clinton's proposal, the rearing of children by divorced parents would be made much more convenient, and parents would find it much easier to rationalize breaking up: "The kids will still get the same medical care, and already they're at daycare or school all day anyway . . ." Whether the economic and emotional incentives to keep a marriage with children intact are an altogether good thing is debatable, but the effect of those incentives is not. And it is clear that Mrs. Clinton's proposal to have the government take much greater responsibility for child-rearing will reduce those incentives.

I am reminded of an experience I had while I was editor of my college newspaper. The charter of the newspaper guaranteed freedom of the press and prohibited censorship by the university's bureaucracy. It also gave the university's bureaucracy the right to kill articles and fire the editor.

I pointed this out to the president of the college. He referred me to the author of the policy, a college vice president, who defended the contradictory document with double talk. Finally I realized the truth: the administration wanted to retain control of the newspaper, but it also wanted to support the freedom of the press. Like Mrs. Clinton, it simply asserted the contradiction.

That college vice president, by the way, went on to become an advisor to the president of the United States and eventually head of the Resolution Trust Corporation. —RWB

Balancing act — Caught up in the blow-by-blow accounts of the budget battle in Washington, some observers may suppose that something of historic importance is happening. It isn't. We've gone down that road before, and there's nothing at the end of it.

Remember the Congressional Budget and Impoundment Control Act of 1974? That was going to make the budget process rational and orderly and timely. Ha, ha.

The Gramm-Rudman-Hollings law, enacted in 1985, made the achievement of a balanced budget in 1991 an unavoidable legislative requirement. Hee, hee. In quick succession came Gramm-Rudman II and the budget deal of 1990. Har, har.

Now the president and Congress agree that the budget

IN THE FUTURE I SEE ALL OF AMERICA... LAUGHING AT US.

will be balanced in 2002. Anyone who believes this will actually happen should lie down until his head stops swimming.

Even if both sides were genuinely knowledgeable about the economy's future performance, which they cannot possibly be, and serious about their budgetary commitments, which one may well doubt, the current Congress cannot bind any future one. Any deal cut now can, and almost certainly will, be overturned by future deals. —RH

The need for speed — As a classical liberal, fan of fast cars, and Montana maven, I reacted to the abolition of speed limits in Big Sky Country like it was a manifestation of a personal holy trinity. The vision of highway workers hacking down speed limit signs almost brought tears of joy to my eyes. I only learned later that the speed limit was not truly abolished, but was replaced with the "reasonable and prudent" standard.

The immediate question is, reasonable and prudent *to whom*? The answer: to the police in the area. Thus the objective speed limit has been replaced with a subjective judgment by law enforcement officials.

The problem, of course, is that drivers will assume that reasonable and prudent refers to *their* judgment (which, in fact, it should). Police officers already have wide latitude in defining what is a criminal act (e.g., what constitutes "disorderly conduct") because human action doesn't always fall into neat categories. But when an objective measure exists, such as measured speed, it ought to be used. Under the new law, a person might be pulled over for speeding when he or she never intended to break any law, and in fact believed that he or she was obeying it. This places the individual in a poor position vis-à-vis the state. Thus, much as I hate to say it, Montana ought to adopt a speed limit — say, 90 or 100 mph — so that drivers will know what is permissible and what is not. Either that or go to a true no-upper-limit regime like the Autobahn and only pull over the real reckless drivers: the people who don't observe the *minimum* speed. —JSR

Constitutionally ignorant — The other day, someone on a sports talk show asked basketball great Kareem Abdul Jabbar what the biggest difference was between players today and players back when he played. "In my day," he replied, "players could read their contracts and sign their names."

As I listen to public discussion of the budget crisis, I feel a little bit like Kareem. Media coverage is dominated by the suggestion that recalcitrant Republicans are determined to foment some kind of "constitutional crisis" by refusing to authorize the spending demanded by the president. I have even heard suggestions that Newt Gingrich is acting in defiance of the U.S. Constitution.

Well, back when I went to school, kids actually read the Constitution, and I for one remember what I read, including this part of Article I: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills. . . . No money shall be drawn from the Treasury, but in consequence of appropriations made by law." During the past century, there has been a growing trend to give the president more power, and gradually the custom has been for him to provide Congress with a budget and for Congress to enact it. Supporters of the president in the House of Representatives customarily go through the motions of introducing the president's budget, so the practice is within the letter of the law, though not its spirit.

What is amazing to me is that when the House attempts to follow the practice spelled out in the Constitution, it is attacked as a *destroyer* of the Constitution. When Rep. Bill Archer suggested that perhaps it was illegal when the administration spent some $75 billion or so that hadn't been appropriated by Congress, Secretary of the Treasury Rubin self-righteously responded that the law "requires" him to do so. And no one pointed out the absurdity of the claim that the law "requires" violating the Constitution. So far as I know, no one has even pointed out that the Constitution puts the power of raising and spending money firmly in the hands of Congress, and specifies that the House originate any measure "raising revenue." —RWB

Bill o' wrongs — For years I have considered myself a big fan of the first ten amendments to the Constitution, but I am beginning to wonder if we get much more than pious good feelings from the Bill of Rights.

The First Amendment, for example, is the most hallowed and venerated part of the Constitution. Americans spend a lot of time congratulating themselves for their tolerance of different views. But aside from the right to read *Screw*, has the First Amendment been of much use? I don't think so. At almost every critical juncture of American history, the First has failed. President Lincoln shut down newspapers he didn't like; Wilson jailed war opponents; the FBI harassed Vietnam-era dissidents.

Today, the press and the people are so supine that such extreme measures are superfluous. Politicians spoon-feed propaganda to the public, and the public eagerly laps it up. Our hard-hitting press, harshly condemned by conservative critics as "unpatriotic," treated the Gulf War as a long press conference and snorted up every line the Bush-Baker-Powell-Schwarzkopf mob offered. The gassing of the Davidian compound was received in the same fashion. In times of war and emergency, the great majority of people hear only the government's view — and that's the way most of them seem to want it.

I don't want to abolish the Bill of Rights — that would be crazy. But mere procedural protections can do little for a people that does not wish to be free. —CS

Pogs for peace! — I was changing the station on my TV one night and, for some unexplained reason, stopped on one of those shopping channels. I have never bought anything off those stations, but this TV didn't have any way to block out unwanted channels. A woman and a man were promoting a "limited-edition" series of 60 pogs ("collectible" bottle caps, more or less) with plastic sheets and a binder. The guy was from the World Pog Federation. I can't remember their exact words but, while the woman turned the pages, they couldn't stop talking about what wonderful things pogs are. They said things like: "Pogs promote social skills." "They give kids something to do." "They learn how to play together, how to get along."

Then I lifted my head and dreamed of a new world order. "Let's take a billion pogs to Bosnia!" I shouted. "Then they'll

learn how to get along!" A billion pogs for Israel and the Middle East! A billion pogs for Northern Ireland! A billion for Rwanda! Who needs the United Nations when we have the World Pog Federation? —*Guest reflection by* Chris Baker

Street smarts — John Semmens' otherwise thoughtful article ("Why Insurers Should License Drivers," January 1996) contains an oversight. Semmens never questions whether roads ought to be owned by the state.

If the roads were privatized, licenses, insurance, even air pollution would be problems for the roads' *owners*. Semmens could hire out to them to help them decide whether to use the Disneyland or ballpark model, but it wouldn't be any concern of ours.

Sell the streets! —RO'T

Forbes' media critics — The best argument other Republicans can devise against Steve Forbes is that he's rich, and was born that way. Indeed, to judge from the Iowa presidential debate of January 6, that's their only argument. All alone, with nothing but the logic of his position to defend himself, Mr. Forbes emerged pretty much unscathed.

Meanwhile, the media, which failed to anticipate Mr. Forbes' rise, insist on explaining his success only in the same terms: they argue he has bought his number two position in the Republican race. This theory flies in the face of history — lots of campaigns have spent the kind of money Mr. Forbes has without going anywhere. And it also fails to explain why the pundits failed to anticipate Forbes' rise. After all, he was just as rich back in October when he announced his candidacy as he is today. Richer, actually, in that he has spent about 6% of his fortune on his campaign already, and plans to spend another 6%.

The appeal of Steve Forbes comes from two factors, both evident back when he announced his candidacy in October, and both of which I noted when I predicted his emergence in the November *Liberty*:

(1) He wants to cut taxes significantly and to simplify the tax code in a radical manner. Under Forbes proposal, not only would taxes be much lower, but the tax system would no longer be used for social engineering. (2) Forbes is not a right-wing nut on so-called "family" issues; i.e., he is a moderate on abortion. He opposes both re-criminalization and government subsidy of abortion. In this he shares the views of most Americans and most Republicans, though perhaps not the views of most Republican activists.

If anyone can stop Bob Dole from capturing the Republican nomination and stopping the 1994 "revolution," it is Steve Forbes. Personally, I think the odds are against him. But when the Republican caucuses are held in my state, I shall attend, and cast my ballot for Forbes. Still, I expect to cast my November ballot for Harry Browne, refusing to choose between Bill Clinton and Bob Dole. —CAA

Labels and libels — The final clause of the Fifth Amendment to the Constitution declares, "nor shall private property be taken for public use, without just compensation." In the past, only full-scale legal expropriation counted as a "taking," but in recent years, in great part as a result of the work of Richard Epstein, a movement has emerged that argues that when a government regulation radically diminishes a property's value, this is tantamount to a "taking." Since much government interference in people's lives takes the form of control rather than outright confiscation, this reinterpretation is highly desirable — or so it seems to those of us who like the ideas behind the original Constitution.

To the enemies of limited government, however, this new movement can only be seen as sinister. Which is why the movement is usually characterized as "conservative," "reactionary," or "right-wing" by so-called "liberals." This labelling game is often as annoying as their arguments.

For one thing, it is just as appropriate to call the property rights revival "liberal" as "conservative." It is is liberal in that it prevents uncompensated government control of private property, as in the fascist systems of inter-war Germany and Italy. (For liberals, the f-word in politics is "fascism.") It is liberal in that it supports civil liberties, and prevents discrimination against property owners. It is liberal because it treats the little guy fairly — in an important sense, as an equal to the government.

Of course, the reinterpretation is also conservative, because it supports private property without wholly remaking the world as we know it — it would tend to grandfather in all current zoning and other regulations and restraints.

This last point is particularly interesting. Last November in

How Old Is Bob Dole?

BY ALLEN HYDER

How old is Bob Dole? No one knows.
I saw him campaign when a kid
When I was wearing still short clothes
And so my father's father did;
The oldest guys around the gas pump
As kids, heard Bob Dole on the stump.

How old is Bob Dole? Ask the stars
That glisten in the hair of night
When day has drawn her golden bars
To shut the sunbeams from our sight;
The stars were present at his birth —
Were first to welcome him to Earth.

Washington State (where I live), the legislators referred back to the voters a property rights law that incorporated this new interpretation of takings. What amazed me most about the public debate was how the "conserving" character of the referendum was never mentioned by its opponents.

It wasn't enough for them that all the current legislation would remain firmly in place. They demanded, quite literally, that governments be able, at minimal cost, to re-regulate, re-zone, and add yet more property regulations. The very idea of any limit on government power alarmed them.

Which shows that the most ardent proponents of the American Regulatory State are neither liberal nor conservative, but authoritarian to the bone. —TWV

Memoir of an unsuccessful lobbyist — Several months ago, I sent ten congressmen an idea for legislation. Not one was willing to introduce it. In fact, none even replied to my letter.

What was this unthinkable proposal that provoked such stony silence from our rulers? I suggested that everyone applying for government grants and subsidies simply be asked to sign a Declaration of Gratitude: "I realize that the payments I am about to receive represent the labor and savings of American taxpayers, and I am grateful for the sacrifice they are making on my behalf."

The idea is that once people have to admit they're depending on taxpayers, some will feel uneasy or guilty, and won't apply for the subsidy. Hence spending would go down. The food stamp recipient grousing about businessmen who rip off the government would be too proud to sign, and the businessman on SBA loans who disparages food stamp recipients would be in the same boat. Social Security recipients would realize that in signing they give up their moral right to criticize government spending. Self-righteous painters with NEA grants would be exposed to the fiscal facts of life.

Why did the legislators object to the proposal? I don't know, but I surmise that some probably resisted out of willful fiscal ignorance. They don't want to face the fact that government gets its money only by inflicting pain and suffering on its people. To them, government funds bubble up from a deep pool at Washington's 11th Street and Constitution Avenue, and the building called Internal Revenue Service has been placed over this artesian money source simply to keep leaves and dust out.

If we *do* agree that government funds do come from the taxpayers, what's wrong with recognizing their efforts? When someone holds the door open for us, we say "thank you." Why not do the same when given money?

It's true that beneficiaries of spending programs are also taxpayers, but why should this change anything? Having held a door open for someone else doesn't relieve you of the obligation to show gratitude when the favor is returned. The relation between paying taxes and getting subsidies is not a contractual one, with the exact *quid pro quo* spelled out beforehand. It is, at best, an approximate system of mutual aid, like exchanging help with neighbors. When you borrow your friend's lawn-mower, you don't refuse to say thank you on the grounds that he borrowed your ladder last month. Expressing gratitude is the socially constructive way to act.

If the Declaration of Gratitude is both factually correct and morally sound, why won't congressmen consider it? Why is the entire country so reluctant to acknowledge the simple truth that our government payments represent the sacrifices of our neighbors? —*Guest reflection by* James L. Payne

A cheery note — Just as I was falling for the zillionth time into despair over the political outlook, I came upon an uplifting headline: "Americans more fed up than ever, pollsters say."

Pollsters have been surveying attitudes toward government for decades, and the latest surveys show that alienation has reached an all-time high. In 1966, a Harris poll found that 29% of the respondents, most of them youths or members of ethnic minority groups, felt alienated from government. Lately, the proportion reaches about two-thirds.

In 1972, a Harris poll found that 46% of respondents agreed with the statement, "The people running the country don't really care what happens to you." In 1994, 63% agreed. I presume that the remaining 37% were under the influence of some pretty bad drugs.

What the journalists insist on calling "cynicism," I perceive as more like realism. Can it be that people are finally waking up?

Anyone who has traveled abroad must have been struck by the extent to which Americans, far more than most other people, have tended to exhibit a mindless loyalty to their government. No matter how tyrannical the government became, Americans kept stumbling along like zombies, reciting, "It's a free country, ain't it?"

Budget impasses, legislative gridlock, the venial and mortal sins of members of Congress — whatever makes the citizenry more "cynical" about our rulers bodes well for some long-overdue resistance to the tyranny dished out by our blessed functionaries. —RH

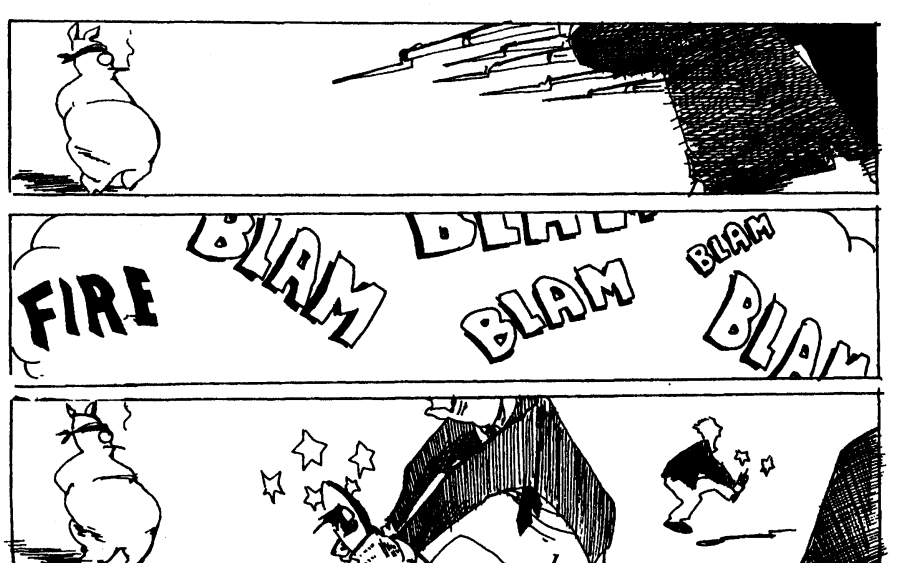

REPUBLICANS EXPERIENCE TROUBLE CUTTING GOVERNMENT PROGRAMS

Field Report

All in the Tribe

by Stephen Cox

Can't figure out the bickering over the budget? Consult a witch doctor.

In mid-November, when the balanced-budget war between the president and Congress was getting hot, Rush Limbaugh revealed to his audience one of those strange and annoying "contradictions" that opinion polls are always turning up. A majority of Americans, or so it appeared, supported a balanced budget; but a majority of Americans also resented any specific proposals to balance it. They wanted no cuts in "Social Security," no cuts in "Medicare," no cuts in "defense," no cuts in — whatever.

At this news, Rush's audience turned ugly. Caller after caller denounced, not just President Clinton, but the American people, who were immoral, irresponsible, hypocritical, and every other bad thing you could think of. Rush tried to quell the antipopulist frenzy, but at last even he got worn down, ending the afternoon with fainter and fainter references to the people's temporary confusion, the possibility that they would gradually come to their senses, the continued need to fight the good fight, and so forth.

None of his callers seemed convinced. It just didn't make sense to them. How can the American people want something and not want it at the same time, without being, well, nothing but a bunch of hypocrites? And the callers clearly had reason on their side — at least in their analysis of other people's political and moral behavior. The polls did imply that people wanted to get certain political goods without paying for them or taking the responsibility of thinking about what that might mean.

But Rush's callers were not so good at analyzing a field of behavior that is related to, but not the same as, politics, a field that is more appropriately studied by the amateur anthropologist than by the amateur moralist or policy wonk.

I refer to the behavior of the tribe.

A tribe is a group of people held together not just by common descent or location but by shared conceptions of a common identity, conceptions represented in symbols and realized in symbolic action.

Notice that these are immaterial and often wholly impractical considerations. Think of the difference between watching football and being a fan of some particular football team. One might understand the game perfectly, one might enjoy it keenly, one might even make profitable bets on it, but one might still stop short of being a fan. Being a fan of the Buffalo Bills does not imply that one has any practical interest in the fate of Buffalo, N.Y., or any clear idea of where Buffalo, N.Y., happens to be — much less any clear idea of who Buffalo Bill was or what buffaloes have to do with any of the above. A fan is someone who wears a buffalo on his cap. Wearing it is his form of symbolic identification with other fans.

To be a fan, one does not have to believe or think about much of anything. One does not have to weigh the evidence and decide that Buffalo has an excellent team and should therefore be especially interesting to watch this Sunday. A fan *hopes* that his team will be good this year, but he will watch it play, no matter what, and he will yell at the television set, as if it could answer him. He knows, by the way, that it will not answer. He is not crazy; he is simply expressing his tribal identity in symbolic action.

Now, let us apply this little anthropological analogy to the problem of America's allegedly hypocritical populace. What are the political insignia of the American tribe? For the past two generations or so the insignia have included Social Security (an established government program), Medicare (an established government program), a strong military (an established government program), and a balanced budget (a pious wish). These are all artifacts of America, symbols of American power

and good will. Anyone who favors these things is a fan of America. We are *for* these things, because we are *for* our team; and who knows, perhaps it will win. In any event, we are *for* it. We are for it *all*.

Tribal identity is not an especially rational and not an entirely static thing. There are tribes that began as hunters and gatherers and had unto themselves the gods of hunters and gatherers. When they became agricultural, they made for themselves other gods, without entirely discarding the old ones. To determine which gods are worshiped at the moment, and how they are worshiped, an anthropologist needs to rely on something more than abstract reasoning about what arguments should impel the tribe to maximize its religious utilities. Instead, the anthropologist will consult the experts who are in charge of manipulating the symbols of the tribe. He will consult the witch doctors. These are the people who select the symbols that hold the tribe to its identity. Their interest in the matter is very strong. If they exalt the right symbols, they will be able to maintain their own exalted social role.

On January 3, I consulted some of the most experienced witch doctors in America. I observed a ritual press conference of the Democratic Party leadership.

The topic was the various un-American things that Republican congressmen were doing. The chief complaint was that the Republicans had shut down "the government," pending President Clinton's agreement to a balanced budget plan. Subsidiary complaints involved the delayed paychecks of federal employees and the imminent starvation of "senior citizens who can't get Meals on Wheels."

A political analyst might immediately decide — and would be right in deciding — that all of this consisted of so many promises of material benefits to be given in exchange for votes. People who bank on government were being told to exert their influence in behalf of the Democratic Party. No anthropological insight was necessary to penetrate this political stratagem. But without anthropological insight, the Democratic leadership would be unable to mobilize the majority of Americans who do not get Meals on Wheels or receive a federal paycheck — the majority of Americans who, in fact, would probably be happy to donate a few bucks a year for Meals on Wheels if they had any bucks to spare after the government employees get through with them.

To mobilize this majority, a display of pure symbolism was offered. A symbolic history was created, and along with it symbolic enemies and a symbolic drama of suffering and salvation.

Speaking of the Republican-inspired budget "crisis," Rep. Richard Gephardt (D–Mo.), minority leader of the House, contended that "for the first time in American history" millions of

people were "being held hostage by extremists." It is pointless to seek any historical reality that might lie behind this historical myth.

Of course, you could try arguing about it. You could try recalling, to cite one obvious example, the millions of blacks who were once held in slavery by people whose conduct might be considered, by modern standards, somewhat extreme. You could try speculating that American politics was "held hostage" by such "extremists" throughout the first half of the nineteenth century, that the crises of 1850 and 1860–1865 were a good deal more serious than the supposed crisis of 1996, and so forth. But you would be missing Gephardt's point, which was to invite the worship of a tribal god ("American history") and the reviling of a tribal devil ("extremism").

And what, may we ask, is "extremism," in this particular era of the life of our tribe? Extremists, Rep. Gephardt declared, are people who believe that "government is the enemy."

By this he meant the freshman Republicans, who had just rejected Senator Dole's advice that "enough is enough" and it's time to compromise with the Democrats. Gephardt lauded Dole for saying that. A good witch doctor always extends professional courtesy to another, and witch doctors are by no means confined to the Democratic Party. But Gephardt's insight went beyond the divination of good and evil spirits. It involved the power of symbols that are self-reflexive and circular. What the extremists failed to understand, he said, was that in America "the government" is "us"; for *this* reason, he implied, anyone who opposes "the government," even for a week or a month, is not one of "us" and should have nothing to say about anything that *we* do.

We are the Church and the Church is us, and apart from the Church, what would we be? "He that gathereth not with me, scattereth."

The equation of "government" and "us" has no literal meaning; it is entirely symbolic, and it is symbolic not of any political mechanism by which power is wielded but of a saving state of identification between oneself and all the other good adherents of the team. "WE are FAM-I-*LY*!": so goes the old disco song, often sung in athletic stadiums.

It was the deployment of this kind of symbolism that frightened the Republicans into relenting on January 5 and "reopening the government." The voters — who, after all, had little evidence, given the records of both political parties, to believe that politics is anything more than a game — were telling pollsters that they were slightly more impressed by the war cries of the Democrats than by those of the Republicans. The Republicans got scared and left the field, leaving their opponents to crow about their supposed superiority as a governing party.

In fact, the Democrats were simply playing a game of psychic intimidation, relying on the immense pile of

statist symbolism that the American tribe has inherited from the past few generations of welfare liberalism. Americans have long been taught to regard the welfare state as Rep. Gephardt evidently wishes to regard it, as a divine entity in which everyone mystically participates. (People like Thoreau may have had trouble believing that the government is "us," but he was sort of an oddball, wasn't he?)

Since this image of the state, moreover, is nothing but symbolism, it is highly susceptible to manipulation. Images can easily be revised to agree with contemporary fashions. Times being what they are, government's symbolic image is no longer that of a benignly distant figure ("General Washington") or even that of a demanding patriarch ("Uncle Sam Wants *You*!"). It has been altered to that of the kindly and succoring aunt ("Meals on Wheels") — a busy-body, perhaps, but she means well; and we couldn't really do without her. This is the Age of Caring, and caring is naturally associated with images of domesticity.

Such images were very cleverly manipulated by that old smoothie of the *New York Times*, Russell Baker, in his column of January 6. Baker's ruling metaphor for the budget crisis was that of conflict within a family, the kind of family whose existence is imperilled by the childish or insane behavior of certain members (you know who). Baker was troubled by the lack of kindness that the Republican "radicals" had shown to their sweet old uncle, Senator Dole, whose attempt at compromise with Clinton they had rudely rebuffed.

People like Thoreau may have had trouble believing that the government is "us." But he was sort of an oddball, wasn't he?

Dole had, of course, acted in accordance with the mores of the tribe, as currently defined: "He is a government man, trained by years of Washington experience in the art of making government work." His Republican adversaries were distinguished by their gross impiety to the household gods: "The Gingrich people . . . profess to loathe government, and most probably mean it."

You can imagine how trying such a religious conflict can be for a family. Uncle Bob had been "repudiated and embarrassed," "cavalierly abused by his own people." "Play[ing] cut-throat in the budget quarrel," they came "out to get" poor Senator Dole. The whole thing was a blot on the history of the tribe. The Republican radicals, Baker declared with the priestly smugness of the *Times* at its best,

> believe their demand for a balanced budget in seven years makes them champions of a principle too high to allow for compromise. Most things in American life, of course, are the result of compromise — even including the location of Washington, D.C., and the structure of the Congress itself.
>
> Still, zealous devotion to principle is the American style this year. See the right-to-life and "militia" movements. The rule of governing used to be, "Half a loaf is better than none." No more. Now it is, "I want the whole loaf, and I want it now. . . ."

During the great government "shut-down," the ineffable CNN Headline News broadcast incessant "interviews" with "American citizens" — usually government employees — who explained the event with references to Congress' "childish" refusal to compromise. But it took a genius like Russell Baker to surround this domestic bad conduct with an appropriately mythologized history.

His performance was masterly. Note his juxtaposition of airy generality ("most things in American life") and arcane specificity ("the location of Washington, D.C."), all sanctified by that confident "of course." *Obviously*, everyone who understands American history understands the importance of compromise; if you don't understand it, you're not an authentically concerned American but a mere disrupter of the tribe. Maybe you're a militia member! Maybe you're about to throw a bomb! Maybe you oppose abortion!

If you feel like quibbling about this, Baker just hasn't the time for you. You might be tempted to ask, If compromise is the virtue of our tribe, why did we put Abraham Lincoln, rather than James Buchanan, on the five-dollar bill? But by the time you have the sense to bring this up, Baker has depicted you as a squalling little brat who is trying to snatch that other half-a-loaf from the rest of your presumably hungry family.

Yet for the boldest experiment in the renovation and domestication of tribal symbolism, one must return to January 3 and the remarks of Tom Daschle (D–S.D.), minority leader of the Senate. Like his colleague, Rep. Gephardt, Daschle knows that the most powerful images are often those that unite seeming oppositions. Gephardt declared the mystery of the perfect union of government and people; Daschle decreed that the government is victim as well as savior. He did not just mention the multitudes who look up daily to their government for life and health; he invoked the sufferings of the poor government itself. He invoked the pain of those hundreds of thousands of federal employees "whose lives have been shaken" by the cruelty of Congress.

I consulted some of the most experienced witch doctors in America. I observed a ritual press conference of the Democratic Party leadership.

Again, the factual referent of such symbolism would be far to seek. The paychecks of federal employees had been slightly delayed; many of these employees had also suffered from a free vacation. So what? But the effect of Daschle's poetic remarks was the symbolic identification of government — every atom and speck of government — with the life-tremors of our tribe in the intimacy of its domestic moments. We all know what it means when our lives are *shaken*: we get a divorce, we lose a friend, we lose a job, we try to save ourselves from some horrible addiction, we learn that we have contracted cancer. Just so, according to Senator Daschle's imagery, is it with government. Government is people, people like us, people whose *lives* have been

shaken. We must save its life, as we would save our own.

At some distance behind such words we can discover the familiar symbols of Christianity: the Good Samaritan, salvation through sacrifice, the sufferings of the wounded healer. One remembers Clinton's decision to call his political program "the New Covenant." The old religion remains — at just the right distance for subliminal exploitation. That distance can be measured by the degree to which Americans have left formal and doctrinal religion and identified themselves with a government that has assumed many quasi-religious functions.

It's well worth noting that wherever formal and doctrinal religion has roused itself, it has struggled to reclaim its old insignia from government, to reclaim the charities, schools, and moral responsibilities that used to be the peculiar possessions of the church. That is why proponents of big government always invoke the spectre of "the religious Right" when they need some symbols of diablerie.

But now we are in the realm of competing treatments of symbolism. The difference between twentieth-century Americans and some primitive tribe is that a complex society has many possible ways of expressing its identity. The welfare liberals' incessant invocation of the American "family" is a directly competitive response to the religious conservatives' invocation of "family values" as the characteristic expression of the tribe.

The welfare liberals' other main competition comes from the rationalists, the people who are unimpressed by any but a practical and literal approach to politics. The rationalists are demystifiers. Their strategy is to reveal the emptiness of all mere symbols of the state. The rationalists have demonstrated, with miles of statistics, with a real knowledge of history, and with perfect truth, that "we" are not the government, that government isn't our kindly relative, that government, in fact, doesn't give a damn about much of anything but its self-perpetuation, and that the welfare of the nation is largely the product of individuals' ability to keep themselves out of the clutches of government.

These tactics have had some effect, at least in increasing the self-confidence of the rationalists themselves. The problem is that the rationalists usually cast themselves as mere watchers of the game, disdainful of the fans and their peculiar folkways. In fact, these rationalists (or I should say *we* rationalists, since virtually all libertarians are like this) would probably be happy enough just to call the game off. Why fuss around with "symbols" and "identities," when you can simply demonstrate that Social Security is a disaster and that if we want to make some progress we should start phasing it out, no matter what most of the old people think?

If compromise is the virtue of our tribe, why did we put Abraham Lincoln, rather than James Buchanan, on the five-dollar bill?

This approach has gotten us no closer to ending Social Security.

Perhaps it is time for a more anthropologically-friendly approach. I am not calling for us to become our own witch doctors. We don't have the experience or the cunning to do that; and besides, as Mr. Nixon once remarked, "That would be wrong." What is most necessary is for us to link our own political positions with the hitherto misused symbols of American identity.

Begin with a list of the adjectives that Americans like to apply to themselves as a nation: powerful, efficient, healthy, caring, responsible. Think about the ways in which every political proposal you advance could associate itself with that composite image of the tribe, and give that image the substantial relevance to good politics that the witch doctors would deny it.

If you're talking about Social Security, make sure that people know the facts — how much it costs, how little they are likely to get from it, how much it hurts the economy. But make sure to insist on how much wealthier, how much more independent and secure our parents and grandparents would be if they had the power to invest 15% of their income privately. If you're arguing against the state's continual military interventions in the affairs of other countries, don't just review the statistics about how much these expeditions cost, or scoff at the idea that America constantly needs to demonstrate its "leadership." Dwell on the traditional image of America as a country that exerts moral leadership by exhibiting self-restraint. (You might recall how the founding fathers viewed such matters.) If somebody advocates gun control as a way of preventing the deaths of thousands of innocent people, don't just denounce politicians for using wildly erroneous statistics on this subject to make themselves seem "caring." Show that you care about the poor and elderly people whose guns give them protection that police forces cannot or will not supply.

And for God's sake, when somebody makes an inane remark about democratic rights in the economy, don't immediately quote H.L. Mencken to the effect that democracy is the theory that the people know what they want and deserve to get it good and hard. Nothing against Mencken, but you'll get farther if you talk about how wonderful it would be if we all had the power to make our own economic decisions, without interference from the government.

You see what I mean; you can think of your own examples.

Years ago, I asked my friend Bill Bradford what he thought of the "tribal rock musical" *Hair*, and he said, "I don't know; I guess I'm just not tribal." That's pretty much the way that I feel, too. Libertarians are not a particularly tribal folk. (Come to think of it, though, a lot of us do get an irrational thrill when the local Libertarian candidate for Congress receives 6% of the vote. That may not mean much in strictly political terms, but *it's still our team*.) However that may be, it is not always a concession to collectivism to speak the tribal language. T.S. Eliot writes about the need

> To purify the dialect of the tribe
> And urge the mind to aftersight and foresight.

You can't purify the dialect if you can't see the point in using it. ❑

The Road to the Big House

by Chester Alan Arthur

There's no business like snow business. And the White House knows how to produce a snow job when it needs to.

On April 6, 1994, Hillary Rodham Clinton responded to questions from the General Accounting Office about her role in firing the White House travel staff in early 1993 and replacing it with one consisting of relatives and political cronies. She had her attorney W. Neil Eggleson respond in these words: "Mrs. Clinton did not direct any action to be taken with regard to the Travel Office. Mrs. Clinton does not know the origins of the decision to remove the White House Travel Office employees. She believes that the decision to terminate the employees would have been made by Mr. Watkins with the approval of Mr. McLarty. Mrs. Clinton was aware that Mr. Watkins was undertaking a review of the situation in the travel office, but she had no role in the decision to terminate the employees."

Virtually every word of that response was a lie, according to evidence the White House reluctantly released on January 3 to a House Committee investigating the matter. The same David Watkins whom Mrs. Clinton had claimed made the decision entirely by himself with no direction from her, wrote a memo to Clinton Chief of Staff Mack McLarty, explaining that he fired the staff at "the First Lady's . . . insistence that that the situation be resolved by replacing the Travel Office staff." Furthermore, Watkins added, he had made this decision out of fear of losing his job: "If I thought I could have resisted those pressures, undertake more considered action, and remained in the White House, I certainly would have done so." The memo, designed to "set the record straight" (i.e., protect Watkins from prosecution), included a frank admission that he had "been as protective and vague as possible" in dealing with investigators.

Further evidence that Mrs. Clinton had lied came out a week later, with the release of a 1993 note written by White House aide Lorraine Volz: "Susan Thomases went to David and Mac [McLarty]. Hillary wants these people fired. Mac wouldn't do it. DW [David Watkins] didn't want to do it." When asked about these notes, Lorraine Volz told *ABC News* that she "doesn't remember these notes exactly . . . but she cautioned that she was speaking to a reporter at the time, and these could be notes she was taking from that reporter." Right. She was being interviewed by a reporter, but she was taking notes on what the reporter said.

Mrs. Clinton responded to this new flurry of evidence by reiterating her story in what Ted Koppel called an "over-lawyerly" fashion:

> Well, I think what is fair to say is that I did voice concern about the financial mismanagement that was discovered when the president arrived here. In the White House travel office. I think that everyone who knew about it was quite concerned and wanted it taken care of. But I did not make the decisions. I did not direct anybody to make the decisions. But I have absolutely no doubt that I did express concern, because I was concerned about any kind of financial mismanagement.

In other words, she didn't have them fired, and if she did, they deserved it. It is worth noting in passing that the White House had the head of the travel office put on trial for financial mismanagement. He was quickly acquitted and, along with all the other "financial mismanagers," given his job back with back pay.

Watkins' memo also included two other provocative passages. One mentions that "Vincent Foster became involved," but provides no details. Another makes a mysterious reference to the Secret Service: "an incident developed between the Secret Service and the First Family in February and March requiring resolution and action on your's [sic] and my parts. The First Family was anxious to have that situation immediately

resolved, and the First Lady in particular was extremely upset with the delayed action in that case . . . after the Secret Service incident, it was made clear that I must move more forcefully and immediately follow the direction of the First Family."

The other document released on that evening was even more intriguing. Presidential assistant Todd Stern speculated about how the media might react if the Travel Office firings were investigated:

> We need to think seriously about whether or not it won't be better to come clean, even to [the] point of conceding that HRC [Hillary Rodham Clinton] had some interest. . . . You risk merely compounding the problem by getting caught in half-truths. You run [the] risk of turning this into a "coverup."

Now we know that, prior to her deceiving the GAO and Congress and the public about the firings, Mrs. Clinton had been warned by a White House aide about the possibility — even the likelihood — that evasion or deception had tremendous risks. Mrs. Clinton's decision to deceive was not made on the spur of the moment. It was made after careful consideration.

All this leads any intelligent person to wonder: Just how much is she hiding?

Two days later, a low-level White House employee found 115 pages of Rose Law Firm documents and billing records that provided substantial evidence of another systematic attempt by Mrs. Clinton to deceive authorities and the public about her involvement in another matter, the plainly criminal endeavor that has come to be known as "Whitewater."

From the start of the inquiry into the Whitewater/Madison Guaranty mess, Mrs. Clinton had systematically minimized any role she herself had played in the whole business. "There was a very bright young associate in our law firm who had a relationship with one of the officers at Madison," she said in her famous pretty-in-pink press conference nearly two years ago. "The young attorney, the young bank officer, did all the work."

Well, not quite *all* the work. It turns out that Mrs. Clinton did quite a lot of the work herself. For example, she billed Madison for more than a dozen conferences with her partner Web Hubbell's father-in-law, who borrowed $4 million from Madison that he never paid back. (*You* paid it back, you and America's other taxpayers. In all, you paid back $60 million borrowed from the bank owned by the Clintons' business partner and advised by Mrs. Clinton.) She also reviewed several documents, was involved in numerous conferences, and negotiated with the state's securities commissioner, who had been appointed to her job by Mrs. Clinton's husband. She also worked on a transaction involving a trailer park known as Castle Grande, which investigators suspect was part of the overall scheme to defraud the taxpayers. Last May, she told investigators for the Resolution Trust Corporation, "I don't believe I knew anything about" Castle Grande, and she told an FDIC investigator that she "was asked about a sewer project undertaken by Castle Grande. She replied that she was familiar with the name but had no other knowledge of the matter." The billing records show that she reviewed a twelve-page memo on the sewer project. Meanwhile, her personal attorney, Donald Kendall, continues to deny that she was in any way involved.

Curiously, the records had been annotated in red ink by Vincent Foster, Mrs. Clinton's close friend and law partner — and the First Family's damage control attorney — prior to his mysterious death in the summer of 1994.

It is also curious that the documents were discovered in the White House less than a week after the Resolution Trust Corporation had concluded its investigation into the Madison Guaranty business and

A Unique First Lady

"This is a unique investigation into a first lady. We've never had this before. We have never had a first lady like this before. This is the first [first] lady we've had who had a career — not even Eleanor Roosevelt had an actual career. It is the first first lady we've had who had records, who knows how to speak as a lawyer. The difference is that in the past first ladies like Nancy Reagan, like Rosalynn Carter, would say, 'Dear, I think there's something wrong with the travel' — I don't want to put them down at all, I don't mean that — 'something wrong with the travel department at the White House. Why don't you do something about it?' And it would probably get done.

"This first lady is probably much more direct. She admits herself, 'I am direct, I say it,' and if people then do it, obviously then she's had an influence.

"We are not certain about the role of women in this country, yet. We're still a little confused. And we're especially confused about the role of the first lady. We don't want her to spend her days playing bridge like Mamie Eisenhower, which was fine in that time, and we want her to have a project. But when the project becomes something serious — health care, problems with the travel office, Medicare for children — then we say, 'We didn't elect you, back off.' So one of the problems is that we're not used to this kind of a first lady.

"I don't want to speak for the first lady and I am certainly not an apologist for the first lady. I think she would agree that she was direct. My point is that first ladies' opinions have always been expressed, but in a more devious way, perhaps in a more coy way. And we're not ready yet for a first lady to speak out on almost any substantial issue."

—Barbara Walters, in response to Ted Koppel's question about Mrs. Clinton "over-lawyerly" answers to queries about Whitewater and Travelgate

decided not to prosecute the Clintons for lack of evidence.

And what of the "young attorney" Mrs. Clinton told the nation had done "all the work" regarding Madison Guaranty? He was Rick Massey, then only with the firm for eight months. In a note written in 1992 by Patty Thomasson, Vincent Foster's secretary (and now White House administration director), "Rick will say he had a relationship with Latham and had a lot to do with getting the client in."

Before November

The wheels of justice grind exceedingly slowly, but exceedingly fine. The question facing the First Family is: can they slow the wheels sufficiently that justice will not be ground out before November 5, when William Jefferson Clinton faces the voters? If the Clintons are able to heave enough sand into the gears, to slow the gears sufficiently that no "smoking gun" is found prior to that date, Mr. Clinton not only stands an excellent chance of re-election, but also a good chance of carrying into office enough lapdog partisans to end the investigations into allegations of the web of corruption that has entangled the Clintons throughout their entire public life.

And it is clear that it will take a smoking gun to convict the Clintons in the public eye. The allegations of fraud have already been supported by an abundance of circumstantial evidence and a fair amount of eyewitness testimony. As the election year begins, the following charges have virtually been proven:

• Hillary Rodham Clinton's $100,000 profit in highly-leveraged cattle futures trading was a fraudulent transfer of funds to Governor Clinton.

• The Clintons interfered with the police investigation into the death of Vincent Foster.

• The Clintons interfered with the federal investigation of their participation in fraud that swindled millions of dollars from taxpayers via Madison Guaranty Trust.

• Bill Clinton lied about his sexual relations with Gennifer Flowers, and about his paying her off with a government job for which she was not qualified.

Can the First Family slow the wheels of justice sufficiently that justice will not be ground out before November 5, when William Jefferson Clinton faces the voters?

Ordinarily, you might think that this would be enough for the American public, that Clinton would be a lame duck, and the competition among other Democrats for their party's presidential nomination would be the biggest political story of the year. But you'd be wrong. The president's popularity is near its all-time high, and public interest in his record of corruption is very limited. There are three reasons for the public indifference to the Clintons' felonies:

(1) Most Americans want to believe that their president is basically a decent man; the notion that their president and his wife are larcenous and perhaps even involved in murder is almost unthinkable to them.

(2) The evidence that has proven their culpability has slowly dribbled into the public arena; most Americans' attention spans barely enable them to watch an entire hour-long episode of televised moronism.

(3) The evidence against the Clintons is mostly complex and difficult to understand, and few Americans have the intellectual ability and interest to follow it through. Reared by television and Hollywood, most Americans figure proof must consist of a dramatic confession or eyewitness account.

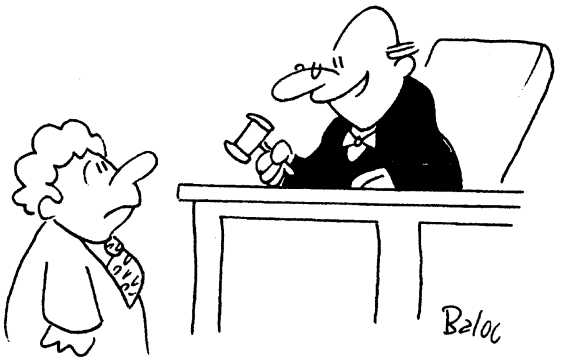

"Just in case, what's your last request?"

The Clintons make an excellent defense team. Hillary knows the law, Bill understands the popular mind, and both are utterly without scruples. Hillary hides evidence and crafts carefully worded statements that seem to deny charges while leaving wiggle-room for later explanation should evidence contradicting her statements be discovered. Bill performs superbly before the television camera and distracts the public from the mounting evidence. And both stall, stall, stall.

For much of November and December, for example, the Clintons fought a Senate panel request for notes on a meeting of their personal advisors by arguing that the notes were protected by attorney-client privilege. It was a complete bluff. Attorney-client privilege applies to civil and criminal matters, but has never been grounds to prevent congressional investigators from gaining access to evidence. And it applies only to meetings between attorneys and their clients, not between a person's factotums and his attorney. But this ludicrous stratagem did manage to stall the investigation for several weeks, while the Senate Committee discussed whether it should subpoena the records, and the possible consequences of litigation over the Clintons' preposterous argument. Eventually, the Committee voted to subpoena, and the Clintons immediately abandoned their claim of attorney-client privilege, presumably to save themselves the embarrassment of being laughed out of federal court. The notes contained nothing of interest, but the conflict over them brought the Clintons two weeks closer to the November 1996 election.

Similarly, Clinton disposed of a charge of sexual assault by postponing his court date until after he is out of office. Similarly, the Clintons "lost" the billing documents for Rose Law Firm in the private portion of the White House for more than two years. Similarly . . . the list goes on, and will go on until after the next election, if the First Family has its way. ❑

Argument

The Executioner's Errors

by Lester S. Garrett

The empirical case against the death penalty.

The same "rigorous" legal procedures and safeguards are applied in each and every capital case. But in some cases brutal killers are sentenced to death; in others, innocent men are sent to the executioner. I repeat: the *same* legal procedures, the *same* jury determination that the defendant is guilty beyond a reasonable doubt, the *same* safeguards, are applied in each case. Yet they send the innocent as well as the guilty to death row.

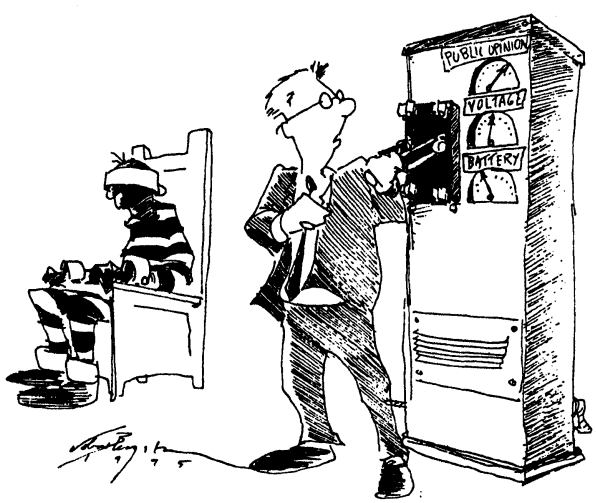

• In the summer of 1984, a nine-year-old girl was tortured, sodomized, and murdered near her home in Baltimore County, Maryland. Based on circumstantial evidence, 23-year-old Kurt Bloodsworth was convicted and sentenced to death. After two years on death row, Bloodsworth got a new trial on a technicality. Once again he was convicted. This time, however, he received a life sentence.

Nine years later, DNA analysis of the child's garments proved that Bloodsworth could not possibly have been guilty. The wrong man had been sentenced to death.

Unknown to Bloodsworth, three days after his first conviction, police and prosecutors learned about David Rehill. Hours after the girl's murder, Rehill showed up at a mental health clinic with fresh scratches on his face and told one of the therapists that he was "in trouble with a little girl." Rehill resembled the police composite, and, not surprisingly, looked remarkably like Bloodsworth. But Bloodsworth was already behind bars. Six months passed before the police interviewed Rehill. They never bothered to check his alibi or place him in a lineup.

The state had known about Rehill for two years prior to Bloodsworth's second trial. Despite this, that information was withheld from the defense until just days before the trial. His attorneys did not have time to investigate and failed to ask for a postponement. The second jury never learned that there was another potential suspect.

CBS correspondent Edie Magnus reported on the Bloodsworth case for a segment of *Eye To Eye* broadcast October 28, 1993. He asked prosecutor Robert Lazzero to respond "to the criticism that the system closed in on one guy with some evidence, and that everybody just stopped looking at other things that didn't fit."

Lazzero responded, "I would say that, unfortunately, that is not all that rare of an occurrence in our criminal justice system."

Magnus then suggested that the Bloodsworth case demonstrated that "it is eerily easy with a weak case to convict an innocent man."

"Yes," said Lazzero thoughtfully, "in retrospect it is."

• From 1979 to 1989, Fred Zain was a medical examiner and forensics expert for the West Virginia State Police. During those years, Zain was involved in thousands of criminal cases; his expert testimony was responsible for sending hundreds of

defendants to prison.

In 1989, Zain moved to San Antonio, Texas, where he served for the next three years as its crime laboratory's chief serologist. In 1989, Jack Davis was arrested for the sexual assault, murder, and mutilation of Kathie Balonis, a New Braunfels, Texas, woman. At the time, Davis had been employed as a maintenance man at the victim's apartment complex. During Davis' trial, Fred Zain testified that blood specimens found under the victim's body belonged to Davis, who'd cut his hand prior to the murder. There were no eyewitnesses, so Zain's testimony was extremely influential. Davis was convicted of murder and his jury came within a single vote of sentencing him to death.

In 1992, a hearing was convened to investigate prosecutorial misconduct in the Davis case. Davis' defense attorney, Stanley Schneider, explained what had happened: Zain had originally testified that "his testing had proven that blood found under the woman's body came from Davis. Now it comes out that he never did the testing. So Davis was convicted on Zain's lies." Indeed, in a deposition taped about a year later,

Zain fabricated or falsified evidence in just about every case he touched, including at least 133 murder and rape cases.

Zain reversed himself and stated that the blood samples in question actually belonged to the victim and not to Davis. When subsequently questioned under oath about his conflicting statements, Zain refused to answer and invoked his Fifth Amendment protection against self-incrimination. Judge Charles Ramsey was outraged and said that Zain's conduct was "intentional and outrageous," adding that it "shocked the conscience of the court."

Meanwhile, back in West Virginia, the American Society of Crime Laboratory Directors was investigating Zain's activities there. In November 1993, their report was released. It concluded that Zain "fabricated or falsified evidence in just about every case he touched," including at least 133 murder and rape cases. His actions, stated the report, were the "result of systematic practice rather than an occasional inadvertent error." As a result of that report, the West Virginia Supreme Court ruled, "Any testimony or documentary evidence offered by Zain, at any time, in any criminal prosecution, should be deemed invalid, unreliable and inadmissible."

Zain was dismissed from his Texas job in June of 1993, when evidence vital to the prosecution of a San Antonio murder was lost. Subsequently, Bexar County Medical Examiner Vincent DiMaio hired Irving Stone of the Institute of Forensic Science in Dallas to conduct an extensive review of Zain's work during his period of employment in San Antonio. According to the *San Francisco Examiner*, Stone's team discovered "reports from tests that were never done, negative results that would have cleared a suspect reported as positive and inconclusive results described as conclusive." Said Stone: "Everything that Fred Zain did, whether it was in West Virginia or Texas, has to be suspect, and it worries me to the point that [the tests] ought to be repeated." Estimates of the total number of cases in which Zain was involved vary from 1,200 to 4,500 (the latter is Stone's).

• In August of 1980, Clarence Lee Brandley, a black janitorial supervisor for a Conroe, Texas, school, was convicted of rape and sentenced to death. Evidence that would have exonerated him had been deliberately suppressed. He received his first stay five days from his scheduled execution. His second stay was granted 13 days from his final walk. Brandley spent nine and a half years in while appealing his conviction. It was finally overturned in 1989, and Brandley was released in January of 1990.

• And then there's the case of Randall Dale Adams, made famous by the film *The Thin Blue Line*. Adams was found guilty beyond a reasonable doubt of killing a police officer. Sentenced to death, his appeals were rejected. Just 72 hours from execution, by a stroke of good fortune, he was granted a stay of execution. It was soon established that the wrong man was about to be put to death, and Adams was released.

• It took 13 years to prove that Freddie Lee Gains was not guilty of murder. Thirteen years before an innocent man was freed. Keep that in mind the next time you hear someone demand that we shorten the appeals process. Years after Gains' trial, conviction, and death sentence in

Prosecutors, judges, expert witnesses, and jurors are no more immune to prejudice, blind ambition, or error than the rest of us.

Birmingham, Alabama, one of the actual perpetrators, who was arrested for another crime in Florida, confessed. Gains, who had insisted all along that he was innocent, would be dead now if the advocates of shortening the appeals process had had their way.

• In August of 1978, Matthew Conner was convicted of the rape, murder, and brutal mutilation of a twelve-year-old girl. He spent twelve years in prison before boxes of concealed evidence were discovered in the possession of the district attorney — evidence that, had it not been denied his lawyer at the time of his trial, would have established that he was not guilty.

• In California, Benny Powell and Clarence Chance were convicted for the murder of a sheriff's deputy. In 1992, after spending 17 years in prison, they were released, after the Los Angeles district attorney admitted that the two black men had been wrongfully convicted and joined with their defense attorney in a motion for their release.

It must be stressed that all these men were subjected to the exact same procedure as the Ted Bundys. They too were found guilty beyond a reasonable doubt. But *they* were innocent. They are not someone's hypotheticals; they are real, flesh-and-blood human beings who were wrongly convicted and sentenced to death. And lest I be misunderstood, let me make it clear that I have no compassion whatsoever for brutal killers. It is myself, my family,

and my friends who concern me — as they should you.

The state can never give back to Benny Powell and Clarence Chance the 17 years they spent in prison for a crime they didn't commit. It is impossible to undo any penalty imposed on an innocent man. But it is possible to mitigate that penalty, to give victims like Powell and Chance back the remainder of their natural lives. There is no way to give a man back his life should you discover that a horrible mistake has been made.

The potential for error and abuse is, of necessity, inherent in the system. As the stories above make all too clear, this is not some vague, hypothetical theory. It is all too frighteningly real. Shorten the appeals process, and many of those innocent men would long since have been executed. (One wonders: How many innocent victims have been executed over the years who would have been exonerated had they been allowed a longer appeal process?)

We must repeal the death penalty and substitute life without parole for *our* own protection. Not against some long-past abuse, but against the abuse and error that occurs today and will occur tomorrow and for as long as human beings administer a criminal justice system. It is to protect each and every one of us from racial prejudice, from ambitious prosecutors who have forgotten why they are there, from incompetent defense attorneys, and from *innocent error*. We must never forget that prosecutors, judges, expert witnesses, and jurors are no more immune to prejudice, blind ambition, or error than the rest of us. The death penalty allows the state to bury its mistakes, leaving the guilty to walk free. Once an innocent man is executed, no one is likely to continue investigating his case.

If we truly believe in justice, we must abolish the death penalty. ❑

Letters, *continued from page 8*

The fact is, the closer an individual's income is to X, the more likely an additional tax dollar taken from his pocket is going to cause him to forgo something essential to his survival. Assuming that, by eliminating the progressive tax mentioned above, the state could "get by" on a mere 5% flat tax, that means that everyone who was making $21,000 or less must now forgo something absolutely essential so that the man making $100,000 a year can afford his Bach records and his Havana cigars.

It strikes me that, in this case at least, a flat tax will do a far greater amount of harm than a progressive one. (As libertarians living in a welfare state, we must sometimes argue what type of theft is more morally criminal.) Regardless of what welfare economists usually assume, marginal utility is not the same across individuals.

Before I read Mr. Lemieux's article, I thought I was against a progressive income tax. If his article was intended to convince me that a progressive tax is more immoral than a flat tax, he has been preaching to the converted . . . and making them doubt what they already believed.

Jekke Bladt
New York, N.Y.

Lemieux responds: I am not sure I understand where Mr. Bladt disagrees with me in the debate between progressive and flat income taxes.

There are two ways of defining progressivity: in terms of increasing *marginal* rates, or in terms of increasing *average* rates. The former implies the latter but, as Mr. Bladt correctly points out, the latter does not imply the former. Economics 101. I chose the first definition (although perhaps I did not make this explicit enough) because it is closer to the common understanding of progressivity, and because it allows one to differentiate between the commonly recommended flat tax (with constant marginal, but increasing average, rates) and the actual income tax. Indeed, my economic point was that the welfare cost is lower for a flat tax than for a progressive one.

Now, if we accept Mr. Bladt's argument for an $X poverty line, a flat tax could indeed just kick in at that amount, which is what is imbedded in actual proposals. But then, besides the arguments I offered against (and some in favor of) the arbitrary X, I also claimed that it can be provided through government expenditures instead of direct redistribution through tax rates.

My main point was that, although a flat tax (according to both my definition and Mr. Bladt's) is less economically inefficient than a progressive one, it is as morally flawed and politically invasive. I argued against any tax levied as a function of income.

If more people in the world disagreed with me as little as Mr. Bladt, my income would be way above $X.

"It's sad — he was coming crawling back home to me, and a bread truck ran over him."

Stuck in the Laffer Curve

I was surprised by R.W. Bradford's comment that "it is impossible to raise spending, cut taxes, and erase a budget deficit all at the same time" ("In Dubious Battle," January 1996).

Impossible? Who told you this? Some Democrat?

I thought that it was an article of faith that, in an overtaxed society, a tax cut might bring about great growth and, consequently, a great increase in tax revenue.

In fact, if memory serves (doesn't always, anymore) when Ronnie gave us that cut in '81 it produced a 70+% increase in tax revenues and, in those years, the mid-late '80s, spending raises and great deficit cuts could have been simultaneous.

Am I right?

Miles Rader
Grass Valley, Calif.

The editor responds: No.

Memoirs

The Education of a Speculator

by Victor Niederhoffer

A commodity speculator can make or lose millions in a matter of minutes. The lessons he learns he had best learn well.

The waves were at a summer high that day, August 23, 1992, as we tested the waters of the Atlantic Ocean in Southampton, Long Island. Holding my hand was my 16-year-old daughter Katie, who was venturing into the waves with me. Behind us stood my friend, the sultan of speculation, the legendary 60-year-old Hungarian-born speculator, George Soros himself, who affects the style of many European men of reducing the size of the bikini bathing suits they wear in direct proportion to their age.

"Get out. They're too big for you," George warned me. "They'll knock you down. This is just another case where you don't understand that the pull of the tide is more important than the waves."

The sight of my former boss, the bilious billionaire in his bikini, giving me yet one more directive even as I was vacationing at his summer home was too much.

"Oh no," I quickly rejoined, "the recommended procedure, as first stated by the great scientist, Francis Galton, is to lie on your back and just let the waves roll over you." Although I had not enjoyed the luxury of a childhood in Southampton, the Atlantic Ocean was equally forceful for those who, like me, grew up in the working-class neighborhoods of Brighton Beach, Brooklyn. "I'm very familiar with how to handle big waves. That's the *raison d'être* of speculators like me — to go against the tide."

Always aware of the virtue of having an escape route in mind, I hastened to add, "Anyway, good people on shore can rescue a weak swimmer in trouble by firmly holding hands together in a line, with the foremost — that's you, George — ready to clutch me while the wave recedes."

Despite my bravado, a shudder ran through me. You see, I am a speculator, and my daily bread-and-butter depends on battling the waves. I sell when prices are up and buy when prices are down. By doing this, I serve the same function as a warehouse. When there's too much of something, I store it for a fee, and when there's too little, I let it go. When prices are too dear, I help users from paying up and deter producers from wasting resources, by pushing prices down. When prices are too low, I keep producers from going broke and prevent product gluts by bringing prices up. In simple economic terms, my function is to balance supply and demand.

But these waves we were battling — caused by Hurricane Andrew, the biggest hurricane in 20 years — had been pounding the shore mercilessly. Although I wouldn't admit it to George, it was very clear, even to me, that something unusual was going on. My attempt to balance tidal price movements like these would presumably have the same success as King Canute's demonstration that he was unable to hold the tides back.

Indeed. As it turned out, that conversation marked a crossroads for both of us. After a decades-long career in speculation, I would soon suffer my greatest loss ever. With a liquid capital base of $4 million, I would manage to lose $5.2 million in September and October of 1992, by speculating that the dollar would reverse downwards against the British pound and other European currencies, after first rising 2% or 3%. Like the poor farmer, I had brought the reversing pot to the well once too often.

At the same time, George was on the road to what *Forbes* has called the greatest speculative coup of all time. He was speculating that the British pound, which had just topped $2.00 because of high interest rates ordained by the Bank of England in order to maintain sterling's parity with the German mark, would have to come down. His bet was that the tide would turn and would wash away all those hoping the pound would stay high. His reasoning was that British interest rates, and the pound, had reached levels too high to allow economic recovery to proceed in the United Kingdom. By selling the pound he saw a chance to force the hand of the British central bank to do the right thing, while at the same

time lining the Quantum Fund's coffers and his own pockets with a few billion.

But it's an ill wind . . . Those losses caused me to revisit my basic principles, to begin rebuilding the foundations on which my speculative activities were based. In the process, I have been forced to review the lessons I learned throughout my life. And in reviewing them, I came to believe that others might find them useful, too.

◆

"Professor, what will you have?"

"I'll have the turtle soup, please, and the crepes with anisette and grenadine."

One of my students then added, "Professor, now that we are all here I'd like to treat the table to a bottle of Sauvignon Blanc."

The occasion was the culmination of an annual contest I held for the best papers on the subject of how a company's financial statements could be used to glean information useful to investors. The prize for the top contestants was dinner at Sam's Grill on Bush Street in the financial district of San Francisco. Sam's was my favorite restaurant and the perfect venue for the celebratory dinner. The restaurant opened over a century ago, during the California gold rush, and still retains the opulence characteristic of the era: polished wooden booths accented with gleaming brass fixtures and inlaid cut-glass mirrors. And Sam's had the finest cuisine in the district, being especially renowned for its fish: its petrale, abalone, and sand-dab dishes ranked with the finest creations of gourmet dining that the hand of the chef has ever wrought.

After the opening toasts I asked the students, who had worked in groups on their analyses, to describe the criteria they had employed to select their fellow group members. One student indicated that since he was an accountant and already familiar with analyzing financial statements of individual companies, he had sought out a statistician who could provide the skills for aggregating and analyzing financial data in large amounts. Another replied that he had access to earnings forecasts from friends who worked at Wells Fargo Bank, and had wanted to pair with a computer programmer to write a proprietary program to crunch the data.

Finally, it was the turn of Larry Grover, one of my most astute students, who said, "Professor, can I be honest?"

"Yes, of course."

"I chose this group because I wanted to be in the same group as Melanie. She's the most attractive girl in the class. I knew that you would want to go to Sam's with her, so she was bound to be one of the winners. So I asked her if I could join her group, and she said yes."

"Mr. Grover, you are absolutely right. What do you intend to do after you graduate? Would you like a job at my firm?" Thus I hired my first employee at the emerging firm of Niederhoffer, Cross & Zeckhauser.

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As the splendidly tailored crowd swept by us there suddenly appeared, near the black wrought-iron gate of the graveyard, a certain ghost, an appalling figure bedraggled of mien, threadbare of coat, and bloodshot of eye. I felt Martin stiffen beside me as he said, "Get away now, Paulie, I've got nothing for you today." Martin grabbed me by the elbow and steered me around this apparition as Paulie leaned after us, whispering about a tip on an impending merger. Giving up on us, Paulie tried his luck on various members of the departing congregation, but with no better luck.

Before I could ask the question, Martin turned to me. "That was Paulie, and he's a hoodoo. Don't ever take a tip from a hoodoo, Vic, their luck is cursed. Paulie used to be a top bond broker for one of the best houses, but then his luck went against him. Making money was easy, until the Fed raised the interest rate, and suddenly all of Paulie's bond accounts were underwater. Then he tried his hand at stocks, and piled heavily into the new computer companies. He was one of the biggest spending Stock Exchange members during the '50s; the parties he threw at his Park Avenue apartment were legendary. But then his luck turned sour again. I heard he got his customers into Burroughs at around 90 and held on while it collapsed, finally selling out around 8. He bought Texas Instruments at over 200, and his last customer walked out when the stock fell below 50. Paulie moved from firm to firm and each one fired him. Now he's out of a job, and spends all day on the steps of Federal Hall, trying to cadge a living out of old acquaintances by giving them takeover stock tips. Take my word for it, Vic, when you see a hoodoo, don't ask questions and don't hang around to listen. I don't know, but some guys think a hoodoo's bad luck is contagious."

Years later I came across a classic definition of a hoodoo in the writings of Garet Garrett, one of the greatest chroniclers of Wall Street. In 1911, Garrett had described him this way: "There is about him an air of departed prosperity which is unmistakable. Nearly everybody knows him. He was once a member of the New York Stock Exchange, or the son of one, or what's-his-name that was Gould's broker 20 years ago. He is most knowing of speech and would easily fool you if you were not warned. All the past he understands, and the why of everything, but for the present and future he is a source of fatal ideas and a borrower of money."

The legendary Rothschilds would never do business with a hoodoo, no matter how blue his blood or impeccable his references. They knew it looked like rank superstition, but they nonetheless had no scruples about basing a credit decision on such a judgment. Of course the Rothschilds knew full well that bad luck could arise from chance alone. But more likely, excess of greed, rashness, cowardice, bad temper, or plain moral turpitude was the root cause of the hex. Like most successful operators, they made their own luck.

In the course of my own speculations, I have found that there are indeed certain persons whose trails are littered with disaster and carnage. While they always have an explanation ready, the record shows that all who associated with them lost money and position. One of my greatest business talents, I believe, is my ability to identify these hoodoos early in their careers and keep the Hades away from them in all my business and personal affairs. One close call comes to mind.

In 1986, my mentor and the literal father of my speculative business, Jim Lorie, arranged for me to meet Mr. Ivan Boesky. Jim apparently believed that Boesky's activities in stock trading might mesh well with the futures trading strategies I was developing. Boesky at this time was in his glory. He liked to convene power breakfasts at the Harvard Club of New York, where the proscription against placing papers on the tables enables profound matters to come under discussion without

the risk of any precise numbers or other type of analysis interfering with the grand schemes being contemplated. The somber tone of the high-vaulted, oak-panelled dining hall lends gravity and probity to the personalities there assembled, and the accent of virility is added by the many portraits of Harvard-bred statesmen that line the walls, punctuated by the staring heads of antlered beasts that presumably were dealt a thundering, high-caliber death by bully old TR and his ilk. This room provided the perfect backdrop to Boesky's rich, ruddy glow, the result of frequent Palm Beach vacations and a daily workout on the squash court.

Boesky's Club membership was apparently the result of his having attended a class at Harvard's Extension School, and this connection was more than sufficient for the Harvard Club to welcome him with open arms. The Club is always in a delicate financial position, despite its notorious personnel policies, such as hiring and firing without benefit of pension or severance, and its chronic labor relations problems. Indeed, the Club was in such dire straits in those days that it even accepted for membership a Jewish squash player, namely the present author, although a friend — the great diplomat Charlie Ufford, who scored the finest point against me in my multifarious squash career — had to intervene to tilt the balance in my favor.

Boesky did not grant me an audience at the Harvard Club, however. Either because I was not important enough to warrant such treatment, or more likely because Jim had warned Boesky that since I was already a member I was unlikely to be impressed by the venue, I was invited to the arbitrageur's office for a breakfast meeting, where I was served a bagel on a silver tray. Splashed everywhere on the walls of his office were photographs of Ivan, speaking at university commencement exercises, shaking the hands of political grandees, being borne aloft in a chair by the muscle-power of 20 worshipful members of a temple he supported, holding up a copy of his bestseller *Merger Mania*, sitting behind the wheel of one of his pink Rolls-Royce Phaetons. A soberly groomed secretary in a floor-length skirt freshened my coffee. Ivan himself breakfasted on a glass of grapefruit juice and a Danish, and discoursed on the merits of dietary moderation — in honor, he said, of my attainments on the squash court.

The phone rang, and after taking the call, Ivan beckoned elaborately to me to listen in on one of his "arbitrage situations." At this point I had a vague feeling of *déjà vu*, and suddenly had a powerful memory of the ghost who once had scratched my back in the chill shadow of Trinity Church. I quietly made my exit as he spoke in a tense whisper to his counterparty, and before he could invite me to a power lunch at his favorite midday hangout, the Four Seasons.

◆

When I sense that a commodity is in the throes of a big move and the gambit is overdone, invariably I will come in, take a contrary position, and lie in wait for a reversal. At the end of 1993, Japan's Nikkei index was in a free-fall, having dropped about 25% from 22,000 and cracking the 16,000 level. Pundits were predicting 8,000 by spring of '94. So I waded in and went long 200 Nikkei contracts at 16,000 on January 27.

I vowed I would ride the position until the end of 1994. I had made a similar vow in a similar trade in the Nikkei contract at the end of 1992. Once burned, twice shy. In the earlier trade, after having promised myself I would not cut my profits and run, I went and did exactly that, only to watch the Nikkei continue to climb. And this time was no different. The night after I put on my position I watched the Nikkei trade up 400 points to close near 17,000, one of the biggest one-day jumps in the previous three months. I had just suffered through a bad month, in particular having lost some money in the yen, so I figured it would be appropriate to grab my profits, around $400,000. Need I add that in the ensuing two weeks the Nikkei streaked upward to over 20,500? My profit, had I done nothing, would have been around $4 million.

The frequency with which the above scenario manifests itself in my trading is beyond belief. I cannot seem to break the habit.

Similarly in my squash playing, I was able to play an entire match with no errors. I played with a short backswing — as those of us fortunate enough to have been coached by Jack Barnaby had learned to do — and with my comparatively long legs and arms, relative to most squash players, I was able to hit back just about anything they could hit to me.

This edge, combined with my patented slice and my ability to bury the ball on the side walls while leaving a wide margin over the tin, gave me the strategy that was good for a world championship in the game. But I could never consistently gain the upper hand over Sharif Khan, who used to make four or five errors in a game — more errors than I would make in an entire match. Sharif won the North American Open five years in a row before I upset him in 1975, and two years thereafter in 1976 and 1977. His edge over me was his willingness to take chances, make mistakes, and hit a lot of shots on the rise. Similarly, Monica Seles has revolutionized the game of women's tennis in the '90s by hitting her shots on the half-volley.

My record against Sharif was three won and ten lost. I believe that had I not been so conservative a player I could have beat him more frequently. But it was the same problem: I was too risk-averse in my playing. I could never go for the home runs.

Likewise, I'll never be a Soros. To go for broke takes the instinct of the professional gambler. As Stanley Druckenmiller, currently the number-one trader at Soros' Quantum Fund, puts it, "It takes courage to be a pig." All the great professional gamblers experience professional bankruptcy sooner or later, and often, due to their willingness to throw every last chip on the table, even for the sake of a "spec" bet, like gambling $100 that the next person to sit down at the bar will order a bourbon and water.

◆

One day during the height of my partnership with George Soros, I related my father's character traits to him in the course of one of our phone conversations. This was during a time when George and I were in contact continuously during the day and he wouldn't consider making a futures trade without me. Red-colored hot-line phones on his desk and mine kept us in close touch. On hearing my comments about my father, he was quiet and then mumbled something in Hungarian that I took to mean he felt this was true about me also.

Three weeks later, he launched an audit of all the trades I had ever done for him. "Victor, I trust you completely . . . but

because we're so close I thought I should have this done for our mutual protection. Now what was the name of that firm you called to change the ticket of that losing trade from your account to mine? Gary, finish this audit within a week and report directly to Curacao." He later translated the Hungarian he had mumbled into the phone as: "The more he talks about his honesty the faster I count my silver."

I guess this skepticism, which he also applies to himself, is one of the reasons that George is legendary. But the mere fact that I told him this self-serving story about my honesty was enough to trigger his antennae. I must admit that I am the same way. When someone starts a sentence with "Quite honestly . . ." or "In all frankness . . ." I put my hand firmly on my wallet.

◆

Reading Albert Jay Nock was a watershed event, profoundly influencing my life and speculations ever since. Life is a struggle between those who produce and those who destroy, and few have articulated the terms of this struggle better than Nock. In the tradition of Herbert Spencer, Nock wrote that the state's "administrative officials, especially its diplomats, would immediately, in any other sphere of action, be put down as a professional-criminal class . . . if in any given circumstances one went on the assumption that they were a professional-criminal class, one could predict with accuracy what they would do and what would happen; while on any other assumption one could predict almost nothing."

In this Nock followed Jefferson, who noted that what a politician thinks of when contemplating some piece of policy or legislation is first, how does this further my own interests; second, how does this help my party; and third — in the unlikely event his thinking extends any further — how does this improve the common weal?

I have observed the Nockian-Jeffersonian tradition in my own speculations with considerable success. Before elections, I look at markets from the point of view of how politicians will want them to move in order to maximize their own advantage. Incumbents will use the power of their administrations to push for the desired outcome. Usually this means they will want the U.S. stock, bond, and commodity markets to go up.

My favorite recent example of a profitable application of the Nockian dictum arose in the aftermath of the critical devaluation of the Mexican peso that hit the financial markets on December 20, 1994. Over the course of the next six weeks the peso fell some 60%, from 2.9 pesos to the dollar to over 7.3. With the predictability of a Swiss timepiece, U.S. politicians charged into the economic breach, sensing a once-in-a-generation opportunity to enlarge their sphere of influence. By late January, President Clinton had begun to push for a $40 billion loan-guarantee program, and soon the usual suspects lined up behind him: Robert Rubin, Robert Dole, Alice Rivlin, and Fred Bergsten began beating the drums in support of the measure, even as members of Congress began to balk at the expense. Polls taken in Mexico City showed "an overwhelming majority of Mexicans" opposed such a measure, "feeling that it compromises their nation's sovereignty," as the *New York Times* put it on January 31. The emergency legislation showed signs of grinding to a halt.

As the situation deteriorated the drumbeat grew inexorably louder. Clinton weighed in: "We can't let the financial markets, in effect, collapse the Mexican political and economic structure." Bob Dole warned that if the bailout plan failed to pass, "the U.S. will be flooded with cheap goods or lots of immigrants." Then "unnamed American officials" were quoted as saying that Mexico's international currency reserves had fallen to dangerously low levels, placing the country in technical default. Mexican central bank officials denounced the statements as false, but declined to disclose the actual reserve levels. The knockout blow came when Federal Reserve Chairman Alan Greenspan himself called in to Rush Limbaugh's radio show to describe the catastrophe that would ensue if the rescue package failed to pass.

Inevitably, the global titan of investments, George Soros, somberly intoned from the pulpit of the World Economic Forum in Davos, Switzerland, "If investors are severely hurt and stability isn't established, it will have an impact throughout the world. Investors are already repatriating capital, and this will hurt countries relying on investment. If you push that part of the world into recession," he warned, deftly characterizing the *laissez-faire* approach as an act of premeditated economic aggression, "it will have global repercussions." In response to a query as to whether his views might be tarnished by self-interest, he responded magisterially, "I think on balance we may have lost some money."

Congress continued to vacillate, sensing that their constituents at home considered the bailout a form of subsidy for Wall Street investors. Treasury Secretary Robert Rubin, the former co-chairman of Goldman Sachs, was quick to argue, "I couldn't care less about bailing out those investors. . . . If they lost every cent of their investments I couldn't care one whit."

I soon recognized that a classic Nockian paradigm was taking shape. The Clinton administration and its fellow travelers, having taken a terrible thrashing in the prior November elections at the hands of voters disgusted with the overweening statist ambitions of President Clinton and his deceitful wife, were obviously rubbing their hands together at the prospect of a fresh opportunity for intervention and state aggrandizement. The administration was behaving precisely like a corporation operating in a mature, decreasing domestic market that is showing signs of resistance to new product launches. In such a case the corporation will seek out new foreign markets to penetrate, where it will encounter little resistance to its product and sharpen its skills at entering the next virgin territory.

Further testimonials from the ranks of political dignitaries were procured. Every living president save Reagan went on record and appeared in photo ops to defend the plan. President Bush and his son, the governor of the State of Texas, lobbied the legislature aggressively. Conspicuously absent from the media events, Ronald Reagan, known to be suffering with Alzheimer's disease, showed more sense than all the rest of the pack in aggregate. Or was his absence meant to signal that there is something undignified about a person suffering from his affliction taking part in a state ritual of self-aggrandizement?

As the peso staggered and the Mexican stock and bond markets gasped and reeled, I began buying U.S. bonds and Mexican stocks in modest amounts. Over the weekend of January 28 and 29, I received calls at home warning me that

the bailout package was all but dead, and that there could well be carnage in the Mexican stock market when the bell rang on Monday morning.

There was. I saw my Mexican stocks dive 10% in a matter of hours. At that point I began to buy heavily, calling on the ghost of Nock to stand by me in the perilous hour. I felt like I was sipping hot tea with a fork as I soaked up stocks and then watched them get hit with successive waves of selling by panicked investors. Siegmund Warburg used to say, buy only when there's blood in the streets. I thought I could feel the warm, scarlet waves lapping at my ankles.

Then, oh then! Bill Clinton, friend of speculators, came on the tape at 10:50 a.m. on Tuesday, January 31. Fed up with the dithering of Congress, he was invoking his "executive authority." Under the powers vested in him by "the Exchange Stabilization Fund, established by the Gold Reserve Act of 1934 for the purpose of maintaining orderly exchange arrangements" (I could almost hear the sound of backs being slapped in the legal department offices at Treasury), Clinton was ponying up almost $50 billion in loan guarantees and direct credits, backed by the U.S. and a consortium of international monetary agencies. My Mexican stocks soared. I thanked the ghost of Nock, and cashed out. And not an hour too soon: as I sold out of my position I watched the market reverse and tank again. The Mexican index of 40 stocks ended down 100 points, about 5%, on Wednesday. The brief intoxication had given way to the grim hangover of a crippled economy and a shotgun marriage to an 800-pound gringo gorilla.

Nock's basic idea, that politicians will take every opportunity, especially a crisis, to increase their power, had its corollary: that every such lunge for power is paid for by the public. Who in fact was the beneficiary of the implementation of the Clinton Doctrine in Mexico in the first weeks of 1995? Certainly not the Main Street American businesspeople Clinton had adduced, no more than were the people of Mexico City, who immediately saw through the gambit. It was, of course, the holders of Mexican securities, especially the huge bond funds — the very Wall Street constituency that the co-chairman of Goldman Sachs had dismissed as irrelevant to the picture.

And the consequences of this bargain? A signal was sent out across the globe that less-developed sovereign nations need not conduct their fiscal and monetary policy with any measure of prudence, for the U.S., the IMF, and the BIS were standing ready to bail them out of any folly. And investors in search of her returns, likewise, need not have a care about political risk, for they are henceforth backstopped. So when the next Mexico melts down, there should be *no problema*. As my friend Paul DeRosa put it, "Think of how long the U.S. government gave support to the S&L industry and it never cost the taxpayer a nickel, until one day it cost $300 billion. The problem with credit support is that it costs nothing at all, until suddenly it costs a lot."

◆

Before big announcements, I usually clear all our positions down to zero. Most of the announcements I consider random numbers, but they do have an enormous impact on the markets. And many of these announcements are widely disseminated in advance to big players like the central banks, big power politicians, and their friends and fellow-travelers. But never, oh never, to me.

So why take the risk? The markets will always be there.

But on Thursday, October 7, 1993, three non-recurring events took place that in combination prevented me from closing out before an employment announcement the next day. Our computer broke down, so no position sheet was printed at the close of trading. Second, I had a meeting Thursday evening, so I didn't realize I had no position sheet until midnight. Third, the next morning I had a court appearance at 8:00 a.m. I left for this before anyone arrived at my office who could have told me our positions. Sure enough, we had large short positions in currencies, which I had neglected to cover before the close on Thursday. On the employment announcement I lost my shirt, to the tune of about ten times the amount at issue in the legal matter.

I've always been disciplined when the markets are going against me. I generally hold until the wolf point, i.e., until my very liquidity or survival is threatened. If that involves sitting in front of a screen for 72 hours without a break for sleep, so be it. But even stoics like me must heed the call of nature. Inevitably, in that 60-second interval, some announcement will be made that makes prices move wildly in my favor. But I won't be there to act. And by the time I'm back the announcement will be denied by a high official.

On one occasion in February 1992, I was long about 1,200 contracts of foreign currencies. They had moved about 100 points against me, and I was down $2.5 million on the trade. I had predicted my trade on the precarious state of the U.S. stock market and the desire of the Republicans to stay in office; under these circumstances, I reasoned, the administration would act to prop up the dollar. Sure enough, at 1:00 a.m. on Monday morning, the Japanese central bank intervened in my favor. There was an immediate move of 100 ticks in my favor and I rushed to tell my wife that I was whole.

"Did you get out yet?" she asked me.

"No, I'm not going to let my losses run, and cut my gains. That would be ruinous."

"Well, you know me — when in doubt, get out and take a rest."

"That's why I'm the trader and you're the chauffeur. Now get back to your nursing."

With that, I took a well-deserved break. I had been up the night before coaching my wife as she delivered my sixth daughter, Kira. In-between contractions, when she was too busy to notice, I called the dealers to get current prices. Perhaps this was my low point as a trader. Certainly, my wife had to be a saint to accept my preoccupation while she was going through a 24-hour labor.

Anyway, I went to sleep. When I woke up, the dollar had moved back up. And there was no trading because it was President's Day. By that time I was forced out by the wolf point. I had dropped another $2 million.

◆

On October 19, 1987, I had a nice long bond position. But then my better half, Susan, walked through the trading room. She noted the Dow was down 300 already that Monday, after having dropped 108 points the previous Friday. "I hope you're not playing the stock market today; it's too wild."

That was all I needed. I figured if someone as naive as my

partner was too afraid to buy, then everyone would be too scared. It was the perfect opportunity. I immediately called in an order to our broker to buy 100 S&Ps. By the time I could say Jackie Robinson, I was down $3 million on the trade.

I then received a call from a customer, Tim Horne, who runs one of the most successful metal manufacturing businesses of all time, Watts Industries. Watts, now a $750 million market value company, had a market cap of $10 million when Tim took over as chairman in 1978. "Victor, the boys at the Metal Manufacturers Trade Show and I have been talking. We're scared to go near the market. It looks terrible. I hope you don't have any stock positions in our accounts."

"Tim, you do the valve manufacturing and I'll do the speculating. That's the division of labor. I'll call you after the close."

Again, for the same reason — businessmen were so nervous they were worrying about the market rather than their own products — I bought another 50 S&P futures, based on their fear.

I took what would have been my best day ever, and turned it into a nightmare. I actually might have bankrupted myself if everything had been marked to the market.

◆

Seven a.m. Tokyo time, nine p.m. in New York, and the Tokyo stock market is opening up strong, the Nikkei index hitting a six-month high. I'm trading alone, night-time, wind and snow outside. The yen is going through the roof, too, as investors bid up its price in expectation of surging Japanese exports and increasing demand for yen-denominated stocks. Once the yen makes a move like this against the dollar it tends to move in strong cycles. Last week, on January 26, 1994, Fred Bergsten, a former Carter-era official and now a Washington private-sector economist generally thought to be a mouthpiece for the Clintons, was talking about the yen going as high as 90, from its then-level of around 110 to the dollar. Looking for a reversal, I bet against him and got hooked for seven figures for my audacity.

It is now around 108. It has been many days now since I have caught a good move in the yen.

The administration now disavows Bergsten's comments, but as journalists say, don't believe the rumor until it's denied. Bergsten's views are fully in line with the jawboning coming from the Treasury via Lloyd Bentsen, and Clinton is eager to show voters he meant it when he bragged about "getting tough" with Japan during his election campaign. This could mean more dollar weakness, adding momentum to the yen surge. The Japanese have a fondness for imitation and Japanese traders are no exception. Once the move gathers more steam and they'll all pile on.

Now I'm watching the yen trade in the Sydney and New Zealand markets. It's eleven a.m. there, and trading is volatile. The Aussies and Kiwis like to be thought of as roustabout gamblers, and they sometimes break up a move when they enter the fray. Then the more sober Singaporean and Japanese players take their place at the table. More sober, that is, except for Bank Negara, the swashbuckling central bank of Malaysia, known for its hedge-fund style of trading and proud of its take-no-prisoners reputation. All I need right now is to take a position and watch Negara come in with a market-moving bid, trying to run the stops and shaking me out of my position in their backwash.

Anyway, the rising yen looks ripe for a fall, and I come in, selling yen for dollars, a $40 million position, at 108.45. The yen stops for a minute, the hook in its mouth, and then resumes its course, breaking one resistance point after another, 108.42, 108.40, 108.37. How much line can I give this fish before it kills me? For a moment's distraction I read a letter from my friend Steve Stigler. "I hope the yen is your friend," he writes, knowing my contrarian bent and knowing how treacherous these waters are. 108.35, 108.34. Better average down. I pick up the phone and try to buy more dollars. Now they're moving it against me, jumping over my limit. Make it a market order. I'm filled at 38. I'm holding $60 million of yen. The pain. Please, please go down. Every 2% move against me costs me $1 million. Let's hope Negara isn't feeling feisty this morning.

Oh, no — here comes Prime Minister Hosokawa on the tape. His tax-cut, fiscal incentive package is in doubt. Wait a minute, the Japanese always hedge in their public statements. But if he's not bluffing, the yen will skyrocket, the U.S. trade negotiators will stick it to them. What a horror. Moving against me some more; they're taking his statement for real. Wish I had the boy here, one in the morning, I'm tired, need some tea, need another computer run, can't take my eyes off the screen. I have no luck any more. But who knows? Maybe tonight. It is better to be lucky. But I would rather be exact. Then, when luck comes, I am ready.

I may not be as strong as I think. But I know many tricks and I have resolution.

Imagine Clinton preaching tax cuts to the Japanese to revive their economy. Japan's current account surplus with the U.S. makes a handy whipping-boy for our fiscal irresponsibility. Plays well to his protectionist pals, who respond favorably to any kind of Japan-bashing, even though the Japan, Inc. tiger has been flat on his back for six months now and is desperately trying to change his stripes. Now here comes the finance minister, Hirohisa Fuji. Says he will never accept the income-tax-cut program without an offsetting increase in consumption tax. There, now, it's weakening, 108.38, 39.

But now the Socialist Party chairman comes on the tape, says he'll fight any increase in consumption tax. Irony upon irony, a socialist opposing taxes, supporting the consumer. And wreaking more havoc with my position, tearing the flesh off it with great teeth, 108.34, 33, 32. I'm down about $700 thousand. Don't weaken now. The fear of the exposure.

Sharks tearing at my fish, the line tearing my hands. Increase my position, give him some more line, put in a bid to buy more dollars, 108.40 top. Suddenly it turns. 35, 36. 37. Filled. Now it's still moving my way, trade wind at my back. The yen is my friend. 108.40, 43, 44. If it gets to 50, nice round number that will attract more dollar buyers, tempting bait, then scale out.

I get out at 52, for a nice profit. The yen keeps falling to 68. Got out too soon. Again. I watch the screen as an extra $1 million of profit floats by me. Aching, too tired to care. Get up, stagger to my room.

Go to bed.

Dream of the lions. ❑

Excerpted from The Education of a Speculator, *forthcoming from John Wiley & Sons.*

Analysis

The Wars of Yugoslav Succession

by Bryan Alexander

You can't tell the butchers without a scorecard.

In 1980, Marshal Tito, partisan victor and synthesizer of Yugoslavia, died of old age. Sixteen years and one genocide later, U.S. taxpayers bought tennis shoes at a mall for Slobodan Milosevic, a former Belgrade banker and party hack, in celebration of a territorial division that echoed the eighteenth-century carve-up of Poland.

It had taken several years for Yugoslavia to tear itself apart. After Tito died and real power devolved to the party apparatus (the League of Communists of Yugoslavia, or LCY), federal authorities tried a series of plans for the gradual capitalization of the economy.

In 1982, the federal presidency had asked the International Monetary Fund for assistance with cash and debts. The IMF responded by imposing a plan to shut down imports of foreign goods, which created brief fortunes for investors abroad while sparking inflation in Yugoslavia. From less than 20% in 1979, inflation reached 200% in 1988 and 1,200% the following year. What had been a growing middle class gradually collapsed. Labor unrest increased dramatically, with 1,685 strikes in 1988 and "continuous working-class unrest" in the following years. Yugoslav opinion, not incorrectly, associated this economic disaster with the federal regime, crucially weakening it.

At this point, the International Money Fund offered a loan rescheduling in return for a new set of economic reforms. Inflation fell from 1,200% to less than 1% within one year. Unemployment remained low and constant. In 1990, federal Prime Minister Markovic was seen as a hero and considered the most popular man in Yugoslavia.

But in the meantime, Yugoslav politicians had discovered the value of nationalism. The IMF never recognized the degree to which citizens blamed the federal government for the economic disaster of the 1980s; nor did it appreciate the concomitant tendency toward political decentralization. Instead it insisted on a single economic system. For the first time since the early part of the century, national unity seemed a sham, a profiteering imposition. Nationalist politicians found it easy to depict the federal government as incompetent and as the tool of rapacious and ignorant outsiders; they offered to work for local interests instead. The only regional barrier to nationalist wars withered away.

In Slovenia, Milan Kucan linked his nation's heritage to an unfairly dampened economy. In Croatia, Franjo Tudjman rewrote history, rehabilitating the Ustashe (the Nazi puppet government of World War II) and promulgating a national myth of Croat victimization and heroism. Most famously, Slobodan Milosevic began staging mass rallies of Serbs in Kosovo, Vojvodina, Croatia, and Serbia itself, demanding a protective union of the Serb people, wherever they might be.

Federal economists and republican nationalists naturally came into conflict. The latter triumphed in 1990, when the LCY dissolved itself and nationalist parties won several republic-level elections. In June of 1991, after repeated conflicts between local and federal forces, Croatia and Slovenia seceded from Yugoslavia. The Yugoslav National Army (JNA) immediately descended on both republics. In Slovenia, after facing stiff resistance and hostile international pressure, the JNA ceased operations after ten days. But in Croatia, the JNA helped local Serb irregulars seize a third of the republic's territory, bombarding cities and allowing militias to slaughter civilians. The United Nations deployed some peacekeepers and opened negotiations.

The war spread in April 1992, as the republic of Bosnia and Herzegovina declared its independence and was immediately assaulted by the JNA and local Serb militias. By August, reliable reports had emerged about mass killings and concentration camps. Once again, the U.N. — which

had withdrawn from Sarajevo one month before independence! — deployed soldiers and diplomats. Croat irregulars within Bosnia linked up with the Croatian Army to seize Bosnian territory.

The complex, three-sided war featured several diplomatic shifts, such as Croatia's oscillation between supporting and massacring Muslims, and Milosevic's withdrawal of the JNA from the Bosnian conflict. The war continued with variable intensity until late 1995, when NATO imposed a peace treaty and sent in occupying troops. At the beginning of 1996, the putative peacekeepers are dug in and under harassing fire.

Myths

To understand the Wars of Yugoslav Succession, it is necessary to dispel several widely held but erroneous explanations for events.

Balkan uniqueness. This theory holds that the peoples of southeastern Europe have an unusual propensity for extremely brutal wars fought often and for mysterious, facile reasons. A survey of the modern history of the region reveals the Yugoslavs to be as war-happy as the rest of humanity: they fought wars of liberation against the Ottoman Empire, were overrun by both World Wars, and have otherwise been reasonably peaceful. The United States, having shattered Southeast Asia with environmental war, massive armed occupation, and extensive bombing; massacred civilians in Panama; and slaughtered hundreds of thousands in Iraq and Kuwait — all within the past 30 years — is hardly in any position to complain about the bloodthirstiness of others.

The Yugoslav peoples are prone to war and to peace, more or less as the other nations of the world. We cannot find an explanation for recent events here.

Balkan nationalism. This theory holds that what was called "Yugoslavia" was in fact a seething cauldron of antagonistic nationalities, all distinct and resentful. Tito was able, through a combination of force and canny diplomacy, to keep a lid on things; his death released decades of pent-up energies that could only explode in senseless violence.

In fact, although the peoples that live in the former Yugoslavia can somewhat readily identify themselves and each other by ethnic identity, this does not necessarily generate hatred unto death. Three confessions (Catholicism, Islam, Eastern Orthodoxy) and three ethnicities (Croat, Bozniak, Serb) have lived in relative harmony for centuries in Bosnia and Herzegovina.

The years it took for ambitious politicians to tear this unity apart (eleven, from the death of Tito through the opening JNA attack on Slovenia and Croatia) indicate the strength of that synthesis. The rapidity with which such well-established cooperation was undone is a tribute to those leaders' skill and energy.

Islamic fundamentalism. Usually a product of Serb propaganda, this theory states that Bosnian Muslims were led astray by fundamentalist clerics under the inspiration of Iran and the Afghani *mujahadeen*. Non-Muslims were justified in taking preventative measures to protect themselves against *jihad*, and understandably fought hard in response to the repression when it came.

For the first time since the early part of the century, national unity seemed a sham, a profiteering imposition.

But aside from the presence of some foreign holy warriors (whose effect, aside from boosting local morale, was negligible), the Bosnian leadership has been pluralist and tolerant. President Alija Izetbegovic was once jailed for seeking to develop Bosnian Muslim culture; his views in print and practice have in fact been based on celebrating the essential multifaith nature of Bosnia.

This may come as a surprise to those who have heard Izetbegovic's book *The Islamic Declaration* described as an argument for a Muslim fundamentalist state in Bosnia.* But Izetbegovic draws a distinction between Islamic government and Islamic society, and argues that the former can only exist where the latter predominates; that is, where Muslims are the clear social majority. "Without this majority," he writes, "the Islamic order is reduced to mere power (because the second element, Islamic society, is lacking), and can turn into tyranny." While he does comment that there can be "no peace or coexistence between the Islamic faith and non-Islamic social and political institutions," he is here referring to countries with Islamic societies, and explicitly declares that Bosnia is not such a state.

Izetbegovic is certainly a statist, but he is no fundamentalist theocrat-in-waiting.

Causes

These myths have not just obfuscated clear analysis. Western pundits and leaders have espoused these delusions, out of ignorance or out of deception, in order to excuse their policies. If the war has truly wound down, it is too late to alter policy by destroying these mythical tenets — but such dispelling might enable us to more accurately comprehend the depth of the Balkan tragedy.

And so what are the real causes of the Yugoslav conflict? I have already listed one — the policies of the IMF. Here are more:

Slovene independence and the EU. The republic of Slovenia is the region's only success story. It seceded from Yugoslavia with almost no casualties, then hooked up with the European Union for greater prosperity.

The dark side of this story is the precedent it set, which paved the way for the worst Western intervention. Germany, classically a dominant economic power in the region, swiftly pushed the EU into recognizing Slovenia without provisions for the rest of Yugoslavia. In so doing, the EU legitimized secession from a legally constituted and recognized state without negotiation. Slovenia, as it happens, is nicely homogeneous, its population fairly unified in religion and ethnicity. But since the EU's policy by default extended to the other breakaway republics, it could only lead to catastrophe when applied to Croatia, with its substantial Serb minority, or to Bosnia, divided roughly into thirds by nationality. When Croatia was recognized

continued on page 41

* For example, see George Manolovich, "Truth and Lies in the Balkan War," *Liberty*, December 1994.

Chronology

A Short and Absurd History of School Reform

by Stanley Wolf

And here, poor fool! with all my lore
I stand no wiser than before.
—Goethe, *Faust*, Scene I

In the schools, the buzzwords remain "reform" and "change" — but reform of what, and change to what? The answers are determined by gored oxen, political ideology, and journalistic topicality. The broader passion for reform seems to emerge from a vague and poorly articulated unease, a social itch that recurs, is scratched with dollars and rhetoric, only to itch again.

This cycle is obvious in this brief review:

Long Ago
Adam's good woman Eve scolds Cain for bothering his brother Abel. This early failure of cognitive therapy should have told us something.

c. 400 B.C.
Plato teaches in the Academy, which is the proper name of a garden (grove) near Athens owned by Plato's friend Academus. Over time, academies proliferate as gardens are neglected.

1635
A Latin Grammar School is established in Boston.

1642
Massachusetts School Ordinance of 1642:

> It is further ordered, That where any town shall increase to the number of one hundred families or householders, they shall set up a grammar school, the master thereof being able to instruct youth, so far as they may be fitted, for the university.

1750
Christopher Dock writes about learning problems,

> [A]nd anyone having failed in more than three trials a second time is called "lazy" by the entire class and his name is written down. . . . I know from experience that this denunciation of the children hurts more than if I wre to weild and florish the rod.[1]

But 250 years have produced progress. We now label such a child "Learning Disabled." No longer "lazy," he is "sick."

1786
Noah Webster approaches Ben Franklin with a project to reduce English orthography to perfect letter-sound regularity. Almost 200 years later, in the 1960s, Lippincott will publish a series of basal readers that move toward letter-sound correspondence.

1787
The Continental Congress passes the Northwest Ordinance, which contains a clause on the establishment of public schools.

1790s
Rousseau preaches that all children belong to the state. In Jacobin France, the idea is quickly embraced. Rousseau practices as he preaches: he has five children and places them all in foundling hospitals upon their births.

1805
The first monitorial school begins for the purpose of providing mass elementary education. Later, in 1840, nearly all the monitorial schools close because the students had not learned enough to sustain their existence.

1819
Prussia sets up a centralized government school system.

1843
Horace Mann visits Prussia and finds a model for educational organization.

The Prussian influence persists to this day.

1852
The first compulsory school attendance law passes in Massachusetts.

1870
The National Educational Association is formed.

1900
Just 6% of adolescents complete high school; 0.25% complete college. Those who do not complete high school are not called "dropouts." They typically move directly into jobs with paychecks.

1912
Ladies' Home Journal investigates American education, concluding that the schools largely fail to educate students.

1918
All states now have compulsory school attendance laws, thereby assuring universal scholarship and good citizenship.

1932–1940
The *Eight-Year Study* of 30 high schools shows that non-conventional schools do as well as conventional schools

1947
Norbert Wiener publishes the first edition of *Cybernetics*, which details his concept of servo-systems. He and other scientists interested in this issue (Von Neumann, Shannon, Turing) feel that feedback is important in the learning process. The public schools continue to ignore the importance of feedback, self-correcting systems, error, and the recognition (as opposed to denial) of error.

1954
The U.S. Navy Special Devices Center develops a self-tutoring device that provides instant feedback for training and testing applications. It works and is used by the Navy and in some industrial training settings.

The public schools wait for personal computers before using these readily available devices.

1955
Why Johnny Can't Read is read by all except Johnny.

1956
Benjamin Bloom puts together the *Taxonomy of Educational Objectives*, providing teachers with a set of standard classifications of the goals of education. Beautifully done, it has little impact at the time. Later, Dr. Bloom will introduce the idea that all children can learn anything if enough time is spent. Called Mastery Learning, this concept will be embraced by the school community, on ideological grounds.

1957
We are insulted and threatened by Sputnik. The repercussions shake the schools for over a decade.

1960s
The self-esteem movement accelerates. Achievement does not.

1960
Friedrich Hayek writes,

> [O]ne of the reasons why there should be the greatest variety of educational opportunities is that we really know so little about what different educational techniques may achieve.[2]

But in the '90s, the feds increasingly will speak of national standards and national testing. The corollary of national testing is a national curriculum.

1964
Disciples of Harvard's B.F. Skinner push programmed learning as the grand solution to educational problems. Many teachers-in-a-box are sold. Many students have trouble staying awake as they pretend to be mice. This is called the "Pall Effect."

1967
A year of wisdom, well-bottled, but the bottle gathers dust in the basement.

The *James S. Coleman Report* concludes that the differences in physical and economic resources of schools attended by black children and by white children are not significant and that, in general, student achievement depends on forces over which the schools have little control. The report also contains an early critique of the effectiveness of the Head Start program. The education policymakers don't like either conclusion.

Jeanne S. Chall's *Learning to Read* drops bits of reality for her colleagues to savor.

> Their [teachers', administrators', researchers'] language was often more characteristic of religion and politics than of science and learning.
>
> In general, I found more emotion where reason should prevail. There appeared to be such a need to defend what one was doing.[3]

> Of the many teachers and administrators I talked with, not one ever said that he or she had been influenced to make a change by an article that reported an experiment or that described a finding about the reading process. It seems that research findings, carefully selected for the purpose, serve primarily to back up decisions and commitments already made.[4]

> Where uncertainties abound, people tend to take strong stands: some resist change and overdefine their positions; others, convinced that change is necessary, tend to oversell and overdemonstrate.[5]

Her colleagues prefer more agreeable fare.

February 1968
At the meeting of the American Educational Research Association in Chicago, George Geis states,

> The history of educational innovation, as we read it, was dismal. It was marked by disappointment, disillusionment and despair both on the part of the innovators and those for whom the innovations were designed. Repeatedly, under quite different conditions, innovations were introduced only to fail a short time later. Those that had not failed were, almost without exception, not evaluated. . . . We came away from our study of innovation with the distinct impression that the school was, at best, an unhappy recipient of innovation and, at worst, a highly conservative bureaucracy, resistant to change and "intensely" passive.[6]

May 1968
Paul Goodman's hyperbolics are more poetry than objective truth. Nevertheless, he makes interesting and often

constructive poetry:

> [T]here is no correlation between school performance and life achievement in any of the professions. . . .
>
> Any benevolent grown-up — literate or illiterate — has plenty to teach an eight-year-old; the only profitable training for teachers is a group therapy and, perhaps, a course in child development.[7]

July 1968

The Batelle Laboratories earlier on gave us xerography. Here, this well-endowed institute gives wisdom. A negative wisdom, perhaps, but it deserves more copies.

> Researchers at the Batelle Memorial Institute have surveyed school boards in Ohio and concluded that most do not know what kind of education the public wants or needs and that even if the boards did, they would not know whether they were providing it.[8]

1969

Just three years after its release, Christopher Jencks takes a second look at the *Coleman Report* and finds that,

> Like a veritable Bible, [it] . . . is cited today on almost every side of every major educational controversy, usually by people who have not read it and almost always by people who have not understood what the authors meant when they wrote it.[9]

Jencks goes on to offer his own interpretation of Coleman's data:

> [F]acilities, curriculum and teacher characteristics are even less important than Coleman and his colleagues supposed.[10]

He then touches upon the neglected issue of the place of academic competence in our present and future culture:

> Yet despite popular rhetoric, there is little evidence that academic competence is critically important to adults in most walks of life.[11]

1970

With admirable prescience, Clark Kerr writes,

> The good life will continue to be increasingly defined as including good health care and good education.

But he is too optimistic regarding the organizational flexibility of our schools:

> The average school leaving age may well be lowered once people are able to go back whenever they desire instead of being excluded once they have left the not-so-hallowed halls.[12]

The year also sees the publication of the second and revised edition of Thomas Kuhn's brilliant book, *The Structure of Scientific Revolutions*. This work provokes constructive discussions in the culture of science, and even among social scientists. It is overlooked by our educational policymakers.

> It is, I think, particularly in periods of acknowledged crisis that scientists have turned to philosophical analysis as a device for unlocking the riddles of their field.[13]

The government policymakers say "crisis" but show little interest in serious analysis or examination of premises.

March 1970

The fingerprints of Daniel P. Moynihan, then special assistant to President Nixon, are all over "The President's Special Message to Congress on Educational Reform of March 3, 1970"; so are the footprints of *The Coleman Report*. Nixon was reportedly quite good at foreign policy. The education establishment, then as now, could be regarded as a faraway country with a strange language and exotic folkways.

This report is excellent. The quantity of silliness is minimal as good sense and longer-term validity dominate. To this date, we have not seen anything of comparable quality emerge from Washington or from any state house.

> We must stop thinking of primary and secondary education as the school system alone — when we now have reason to believe that young people may be learning much more outside of school than they learn in school.
>
> [O]ur Federal education programs are largely fragmented and disjointed, and too often administered in a way that frustrates local and private efforts.[14]

Still happening, but Moynihan has left this troubled field for the more certain rewards of senatorial politics.

> We must stop pretending that we understand the mysteries of the learning process, or that we are significantly applying science and technology to the techniques of teaching. . . .
>
> Unfortunately, it is simply not possible to make any confident deduction from school characteristics as to what will be happening to the children in any particular school. Fine new buildings alone do not predict high achievement. Pupil-teacher ratios may not make as much difference as we used to think. . . . [W]e do not seem to understand just what it is in one school or one school system that produces a different outcome from another. . . .
>
> I am determined to see to it that the flow of power in education goes toward, and not away from, the local community.[15]

Despite Moynihan's determination, power becomes increasingly centralized.

1972

Daniel P. is quite fertile during the '70s. With Frederick Mosteller, he produces *On Equality of Educational Opportunity*, which deals with the myth that public money can create such equality. They find that neither teacher-pupil ratios nor per-pupil expenditures correlates with academic achievement.

1973

The quotation that follows is not news in 1973 and should not be news in 1996.

> School effectiveness has always been constrained by the level of talent possessed by teachers and by the ways in which that talent was mobilized to achieve school goals.[16]

This statement is taken from the *Second Handbook of Research on Teaching*. That volume has 1,400 double-column pages of research summaries, almost all of which remains unknown to most school policymakers.

More from the 1973 handbook, voicing an early concern with labeling youngsters:

> Beginning with definition and classification we find that the label assigned to a disturbed child often reflects the bias of the labeler.[17]

More on "science," this time from John Bormuth, one of the talented non-educators who chose to interest themselves in this needy field: there simply

. . . was not an adequate scientific base on which to build the necessary technology. Reading instruction and readability were practiced as crafts, whose effectiveness depended heavily on the experience and intuitions of the practitioners, rather than as technologies, which could be employed to produce predictable results.[18]

1975

Public Law 94-142 mandates individualized programs for all handicapped children. The law is amended in October of 1990 and renamed the Individuals with Disabilities Education Act, or IDEA.

Donald N. Franz writes that Ritalin is bad stuff and is similar to "speed," the use of which is illegal.

> [M]ethylphenidate [hydrochloride, USP Ritalin] is a mild CSN stimulant with more prominent effects on mental than on motor activities. . . . Its pharmacological properties are essentially the same as those of the amphetamines. Methylphenidate also shares the abuse potential of the amphetamines.
>
> However, indiscriminate use of stimulant drugs for "problem" children and sole dependence on drug therapy for MBD [minimum brain dysfunction] should be discouraged.[19]

Twenty years later, some school psychologists and too many physicians will still urge the use of this mind-altering drug.

1976

Moynihan and associates in a symposium on social science titled "Social Science: The Public Disenchantment":

> Any collective enterprise calling itself a "science" will be judged and rewarded by success in answering if/then questions. During the 1950's and 1960's, the social sciences claimed a greatly expanded capacity to answer such questions. . . . [I]n public policy and human service areas . . . performance fell unacceptably short of what had been promised.[20]

Two decades later, social science will remain lovingly embraced by school policymakers, whose ardor increases in inverse proportion to the value of the research and in direct proportion to the ideological drenching of the "science" produced.

1980s

The Excellence Movement: "Let them eat cake."

1983

The *A Nation at Risk: The Imperative for Educational Reform* study is prepared by the National Commission on Excellence in Education, appointed by President Reagan. It finds the schools deteriorating toward crisis.

Thirteen years later, this "imperative" will remain. When is an imperative not an imperative?

1985

The Great School Debate, put together by Ronald and Beatrice Gross, is published. It is just one of an avalanche of studies and grand statements that will push policymakers toward the ill-advised pronouncements to come (see 1990 below):

> Many 17-year-olds do not possess the "higher order" intellectual skills we should expect of them. Nearly 40 percent cannot draw inferences from written material; only one-fifth can write a persuasive essay; and only one-third can solve a mathematical problem requiring several steps.[21]

The Grosses here demonstrate that they do not understand the normal probability curve, i.e., the normal and not at all insidious distribution of abilities. Will they soon notice that 49.99% of all Americans are overweight and that an equal number are underweight? Will someone then call for the redistribution of calories?

1986

The *Third Handbook of Research on Teaching* is published. This edition has only 1,037 pages, rendering it even easier to ignore.

1987

Baroness Warnock, mistress of Girton College, reviews education theory and practice:

> At last [about the early '70s] it became the duty of local authorities to provide education for all children without exception. It was inevitable that the notion of education itself should be reexamined now that it was supposed to be available for children of such totally different capabilities.
>
> For a curriculum is futile, however well devised, if the particular child has no access to it, either because he cannot understand what he is being taught, or because the environment of the school where he is taught it is inimical to learning.[22]

The notion of just what education should be has not been reexamined. The model that originated in ancient Greece and prevailed during the Middle Ages — when education was "academic," i.e., college prep for the children of nobility — remains unexamined.

March 1989

Donald Orlich writes his dramatic and sad summary of the educational follies of the '70s and '80s.

> Education reforms have been suggested by individuals, foundations, associations, governmental agencies, university boards of regents, state boards of education and local school boards. Too frequently, however, the suggested reforms have been contradictory in nature, poorly implemented, and eventually abandoned.[23]
>
> Two factors work against the reform of education. The first is a strong tradition of intuitive wisdom among educators — and a strong position among politicians of meddling with the professional aspects of teaching. The second is a rather weak empirical knowledge base in the schools.
>
> 700 pieces of legislation were enacted from 1983 to 1985 alone — all to reform the schools and those who work in them. . . . The initial wave focused on efficiency, the second wave focused on teacher-proof curricula, and the next one stressed a return to basics [1988] — as if we never left them.[24]

Orlich goes on to report that in the mid-'80s, 275 educational task forces had been organized. After outlining some of the better-known reports of these groups, he closes with his own pointer:

> This nation has wasted billions of dollars on poorly organized but politically popular reform movements that have sapped the energies of school people. We need a national

> moratorium on reforms [benign neglect?] so that educators and local policymakers can analyze their own problems. This could lead to a new concept: local system analysis.[25]

But power continues to flow toward Washington and local prerogatives lessen with each federal statute.

June 1989

Utopia in the middle schools, as offered by the Carnegie Corporation:

> Teaching an interdisciplinary core curriculum . . . emphasis on critical thinking . . . making connections between ideas. . . . Eliminating the practice of tracking. . . . Boosting academic performance. . . .[26]

Let them eat critical thinking? The Carnegie Corporation is not thinking critically.

September 1989

Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching, speaks out for a greater national role in education to change what he feels is a lack of direction. He feels that "all students should participate in community service projects that connect their schooling more fully with the realities of life."[27]

In happier times this was called "work," from which, many felt, our children should be protected.

October 1989

A "Jeffersonian Compact" is issued by then-president Bush and the governors to establish a process for setting national educational goals. One benefit: the goalie, at least, has an easy job.

December 1989

David Kearns, chairman of Xerox Corporation, puts his head together with the staff of the Hudson Institute to issue a six-point national education plan that includes: year-round schools, public-school choice, annual testing to assure each school's performance, teacher undergraduate degrees in academic subjects, basic skills mastery or no promotion, teaching of ethical and democratic principles, and — surprise! — more money from the federal government.

February 1990

Summarizing the 1980s as a decade of school reform, Ed Fiske quotes Frank Newman, president of the Education Commission of the States: "To improve our schools we need a total redesign of our educational system." To this end Newman organized 150 governors, educators, and legislators to "brainstorm" restructuring. The years pass, and we are not restructured. Some people do indeed like conferences.

Fiske comments, "Beyond decentralizing of schools, restructuring can mean anything."[28]

August 1990

The National Governors' Association issues its report on education. Included are education as a life-long experience, removing barriers to education, performance/results orientation, flexibility, accountability, attracting talented professionals, accommodating varying learning styles.

No trees? The other Shangri-La had trees.

September 1990

The National Assessment of Educational Progress reports its finding from 20 years of research and observation:

> Large proportions, perhaps more than half, of our elementary, middle school, and high school students are unable to demonstrate competency in challenging subject matter in English, mathematics, science, history, and geography. . . . [O]nly about half of our high-school seniors may be graduating with the ability to "use their minds" to think through subject related information in any depth.[29]

This was a strange statement from the NAEP. Their work is usually rigorous, objective, and helpful to those who bother to read them. The problem is the manner in which they use the loaded words "competency" and "only." Their finding that half do and half don't suggests the use of tests with good discrimination qualities. But isn't this normal? Are not their criteria arbitrary? Is the hope for universal "excellence" really productive?

October 1990

Chubb and Moe issue their Brookings Institute report documenting that since the mid-'40s, the educational establishment's intention to reform has failed even with the infusion of serious dollars. The report gathers the usual flurry of press attention and attacks from the NEA, but within the year, lacking an ideological fit with that of the educational establishment, it ceases being news.

Winter 1991

More wisdom from Senator Moynihan:

> In truth, the graduation rate in New York State has been declining steadily since the 1960s. . . . As for funds . . . New York, at $7,153, had the third highest per pupil expenditure in the nation.[30]

> If, as is forecast here, the year 2000 arrives and the United States is nowhere near meeting the education goals set out in 1990, the potential will nevertheless exist for serious debate as to why what was basically a political plan went wrong. We might even consider how it might have turned out better.[31]

1991

The Year of Edenic Mandates.

March 1991

The New York State Education Department proclaims a new Compact for Learning. A few magisterial items are listed here. Many of the items omitted were either overly modest and well within reach or stated in language that is not testable or falsifiable, e.g., "Apply reasoning skills to issues and problems."

> Each student will:
> 1.1 Think logically and creatively.
> 1.4 Write clearly and effectively in English
> 2.5 Learn language and literature in at least one language other than English.
> 4.1 Knowledge of American political, economic and social processes and policies at the national, state and local levels. [sic][32]

Why do these pronouncements so seldom say "some" or "many" as contrasted with their "all" or "each"? If all this actually came about, the talents of "all" graduates would well exceed that of most congressmen.

April 1991

AMERICA 2000: An Education Strategy.

This rather ambitious and vaporous set of goals was, fortunately, subject to a credibility gap shortly after being announced. The National PTA and the Chrysler Corporation surveyed 792 parents:

How Parents View the Six National Education Goals:

Goal — % Believe Goal Attainable

1. All children will start school ready to learn — 29%
2. The HS graduation rate will increase to 90% — 43%
3. Students will leave grades 4, 8, 12 competent in challenging subjects like English, math, and science — 62%
4. U.S. students will be first in the world in science and math — 19%
5. Every American adult will be literate — 14%
6. Every school in America will be free of drugs and violence . . . — 4%[33]

Here, the policymakers have failed to fool all the people any of the time. They had best go back to fostering motherhood, apple pie, and a-doctor-in-every-garage, these being more credible than the fantasies of the governors. Note again the "all" and "every" everywhere!

1993–1995

Robert Reich, secretary of labor, cruises all available podiums to proclaim that in the modern world, employment without a college education is impossible. Has he tried to get a plumber lately?

January 1994

Albert Shanker is probably the closest thing to an education statesman that our country has produced during all the recent decades. A union man, his views reflect his responsibilities to the members of his teachers' union. However, given this premise, he argues and comments thoughtfully and intelligently, and makes his points based upon the best research available to him. Many disagree with him. I disagree with him most of the time. While comfortable with his union-spokesman role, he evidences little patience with the conceptual sloppiness that pervades this field.

In January of 1994, Shanker employs M. William Salganik as guest columnist in his weekly "Where We Stand" column, published as an advertisement in many newspapers and magazines. The following example of his good sense summarizes this historical venture:

> Education panaceas have a curious resilience. Ideas come along, fail, drop from sight for a while and then reappear. When they do come back, no one seems to remember why they didn't work before.[34]

◆

Yet, there are Edens . . .

Kindergarten, the children's garden or a garden of children, an Eden with many good apples and no serpents, yet. Their teacher has chosen to be with them to savor their alleged innocence while she indulges her nurturing instincts.

Yesterday she was advised to just let them grow. The day before yesterday her duty was to carefully reward every indication of civilized cognition and withhold approval in the absence of correct cognitive growth. And today she must present many stimuli, each capable of expanding awareness and constricting innocence.

But this teacher floats above these shifting sands and does what she does. Hers is a monastic calling. She has paid her college dues and is certified, appeasing the gods in the state house. She does what she does and does it invisibly. And her principal likes this tranquil invisibility.

The twelve years pass, and at least some of the good apples have been consumed. At graduation this teacher marvels at the happy transformations of some of her former pupils and regrets the absence, here, of the others. She is not sure, but does hope that those she sees capped and gowned are survivors and that those absent will find their way.

Whatever, it is a good day and she still does not understand what all this "reform" stuff is about. ❑

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continued on page 41

Tactics

Learning from Environmentalists

by Randal O'Toole

The children of the '60s have not prospered equally. Greens have succeeded where libertarians have failed.

After three decades as one of the nation's most influential lobbies, environmental forces have suddenly become a political zero in Washington. But don't count them out too quickly. Environmentalists have shown an incredible ability to adapt and thrive under almost any circumstances.

While libertarians may not agree with all environmentalist objectives, they have a lot to learn from the greens. They can learn why the environmentalist movement has been such a spectacular success while the libertarian movement has barely caused a ripple. They can learn from environmentalists' mistakes. And they can learn the benefits of building alliances with others — perhaps even with environmentalists.

Consider all that environmentalists have accomplished over the past 30 years:

- They have convinced Congress to set aside millions of acres of public land as national parks and wilderness.
- They have successfully pushed for laws controlling air pollution, water pollution, and hazardous wastes, as well as laws governing wildlife habitat, forests, and agricultural lands.
- They have won numerous lawsuits over pollution, clearcutting, spotted owls, mining, and other issues.
- They have practically shut down entire sectors of the economy in several regions of the country.
- At the state and local level, they continue to win support for parks, stringent pollution control, mass transit, and other programs.

You don't have to agree with all (or any) of these actions to admit that the environmental movement has had a major influence on our nation and our lives.

The environmental movement and the libertarian movement were both founded, in their current incarnations, between 25 and 30 years ago. They have a common origin: antiwar activists following through with their political skills and philosophies. Yet their achievements stand in sharp contrast with one another.

Since the contemporary libertarian movement began, around 1969, the size of the federal government has nearly tripled — *after* adjusting for inflation. The war on drugs, criminal forfeiture laws, and anti-gun campaigns all stand as evidence of the movement's failure to significantly influence the political system, even during the supposedly pro-market Reagan administration.

What has made the environmental movement so successful while the libertarian movement remains practically unknown? The answer can be found by taking a close look at the environmental community.

To those who live inside the Washington Beltway, the environmental movement consists of a handful of large organizations: the Sierra Club, the Wilderness Society, the National Wildlife Federation, and five or six more. In reality, these groups are merely the tip of the environmental iceberg. The movement's real strength comes from the nearly 10,000 grassroots organizations, about 10–20% of which have paid staffs, that are found at the state and local levels.

Many of these grassroots groups focus on a single problem or goal: saving a particular forest or opposing a particular factory. The staffed groups tend to be a little broader in scope, but still concentrate on a single geographic area and, usually, a narrow range of topics.

All of these groups constantly try out new tactics to achieve their goals. When a tactic proves successful, scores of other organizations immediately begin to emulate it. These groups accomplish things that many libertarians have never dreamed of, much less tried.

How many libertarians have appealed an agency decision under the Administrative Procedures Act? Many environmentalists file such appeals so often that they have boilerplate language in their computers that is almost guaranteed to stop, or at least significantly delay, actions they oppose.

How many libertarians have filed a Freedom of Information request?

What has made the environmental movement so successful while the libertarian movement remains practically unknown?

Many environmentalists can write such requests, together with requests to waive fees, in their sleep.

Some environmental groups focus on filing lawsuits. Others lobby their state legislatures. Others educate the public through posters, newsletters, slide shows, videos, and other programs. Still others orchestrate letter-writing campaigns and phone-trees. Other tactics include protest marches, tree-spiking, research and policy analyses, publication of picture books, and much more.

The large number of groups, the range of tactics they use, and their willingness to experiment with new methods has given the environmental movement a tactical strength that private industry can rarely match, much less overcome. It is this strength that has made the movement so effective at passing new laws, enforcing existing statutes, and keeping the public aware of environmental problems.

The presence of so many organizations creates enormous tension among environmentalists, as groups compete with one another for members, funding, and volunteers. Because *ad hoc*, unstaffed groups have very different incentives than established groups with heavy monthly expenses, the various organizations constantly disagree about strategy, even when they share the same goals.

Virtually everything the environmental movement has accomplished has been achieved *without* any coherent strategy. Strategy may be important, and the current eclipse of the movement may be due to a strategic failure. But the lack of any strategy did not prevent great successes for more than two decades.

A clear strategy was often unnecessary because the various groups' tactics synergized into what appeared to be a carefully thought-out plan. Earth First! would draw attention to an environmental problem by sitting in trees or blockading bulldozers. A local group would start filing appeals. The Sierra Club Legal Defense Fund would follow through with lawsuits. The inside-the-Beltway groups would build up a lobbying campaign. Though none of this was planned in advance, together these tactics would often produce a major success, such as the shutdown of much of the northwest timber industry.

And what tactics are used by libertarians? Basically, there are two: think tanks, and running someone for president every four years. True, organizations such as the Pacific Legal Fund file a few lawsuits, and think tanks like the Cascade Policy Institute have begun lobbying state legislatures. And many libertarians participate in narrower groups, such as the National Taxpayers Union, which lobbies for fiscally sound public policy, or the Fully Informed Jury Association. But as a whole, the libertarian movement remains about as tactically advanced as the environmental movement was in 1969.

The results are predictable. In 1969, few Americans knew much about environmentalism. Today, few Americans know much about libertarianism.

Why the retarded state of the libertarian movement? I can only speculate. For one thing, while the environmental movement was fracturing into thousands of splinter groups, libertarians were focusing their energy on the Libertarian Party. I suspect that this placed enormous pressure on libertarians to conform, to join the party, and to participate in the quadrennial campaign or run for various local and state offices.

I am not saying that there is anything wrong with running for office or running someone for president. Environmentalists ran Barry Commoner for president back in 1980. What's wrong is putting all your eggs in one basket. When running Commoner for president didn't notably advance the cause of environmentalism, the movement dropped that tactic.

The biggest mistake environmentalists have made was attaching themselves to the Democrats in the 1980s, when the major environmental groups discovered that demonizing James Watt and other members of the Reagan administration was a great tactic for gaining members, raising money, and building their organizations. In doing so, they effectively painted environmental issues as Democratic concerns. Before 1980, the environment was considered a nonpartisan issue; by 1985, it was heavily partisan.

While siding with the Democrats has left environmentalists out of the current political picture, it at least insured that they would have a major influence on a party that is in power about half the time. That is a lot better than the libertarians, who attached themselves to a party that is in power *none* of the time.

While the environmental movement appears to be floundering today, a close look reveals that most of the groups are experimenting with new tactics to cope with the current political situation. A few of the larger groups are trying to ride it out, hoping the 1994 elections were a fluke. But many of the grassroots groups are trying to shape their rhetoric and objectives to suit the current fiscally conservative period.

Virtually everything the environmental movement has accomplished has been achieved without any coherent strategy.

Even when things seemed brightest for environmentalists — during the Carter years, when both the White House and Congress seemed environmentally friendly — the movement could accomplish little by itself. Its greatest achievements came when it allied itself with other interests, such as Native Americans, scientists, or hunting and fishing groups.

For example, environmentalists could not have halted timber cutting on eight million acres of prime northwest forests by themselves. Though few people realize it, this happened only because they had the support of forest ecologists and numerous top Forest Service officials.

How can libertarians emulate the successes of the environmental movement without making the mistakes environmentalists made? First, libertarians should begin forming hundreds of new groups, many based on single issues. Is someone threatening the freedom of your neighborhood, city, or state with some new ordinance or legislation? Then form a new group to oppose it. The "not in my backyard" reaction has been one of the greatest sources of growth in the environmental movement.

When starting these groups, don't worry too much about the libertarian credentials of the people you work with. The important thing is the goal of stopping whatever bad law has brought you together. If some of the members learn that this law is only one of a larger series of bad laws being written all across the land, so much the better.

Second, libertarians should build allies by joining other groups whose goals are, in some way, libertarian. This could be anything from the PTA to the Republican or Democratic parties (and libertarians would do well to work with both). Again, don't use your membership as a vehicle to evangelize the libertarian cause. Instead, teach by example.

You say there aren't enough libertarians to start or join thousands of organizations? Then it is time to expand the movement by allying it with some other movement — maybe even the environmentalists. Many environmental groups would welcome any new members who can speak fiscal conservatism. While environmental groups seem rudderless, they have a shock force of tens of thousands of volunteers who will work hard toward their objectives.

Many libertarians suspect that environmentalists are command-and-control freaks who will oppose libertarian ideals. That may be true in some cases. But not all.

If nothing else, libertarians and environmentalists have two things in common: neither like to breathe dirty air and neither like to pay high taxes. Build on that common ground. Join your local environmental group, and show them how freedom and free markets can protect the environment better than big government can. You won't be sorry. ❑

Alexander, "The Wars of Yugoslav Succession," *continued from page 32*

within its old borders, borders that included the Serb-dominated Krajina region, the stage was set for confrontation — especially with a nationalist party in power that non-Croats justly feared.

EU policy follows logically from its economic interests, but what's good for Western Europe is not always best for everyone else. Kucan and his followers have — accurately — characterized themselves as eager capitalists willing to plug into the world of transnational corporations; not surprisingly, a Germany and EU with the same ethos was willing to assist them. In less "developed" areas, things are different.

For example: in 1987, the Albanian-majority republic of Kosovo, one of the poorest regions in Eastern Europe, declared bankruptcy. The next year saw massive and repeated general strikes, as economic conditions spiralled downwards. The federation, under Serb pressure, cracked down with enormous and bloody police and army attacks; the deaths continue to this day.

The EU has yet to show any inclination toward intervening on behalf of the Kosovars. Nor have the U.N., the U.S., or any of the media's laptop bombardiers.

Franjo Tudjman. The president of Croatia and leader of the nationalist Croatian Democratic Union, Tudjman has had one consistent goal: to aggrandize his and his nation's power. Long before Operation Blitz, he sent the Croatian Army into Bosnia to encourage and link up with Croat paramilitary forces operating there. Despite occasional truces and even the tactical alliance (laughingly called the "Federation" today), the Croats have committed every one of the atrocities we know so well: expulsions of civilians from their homes, bombardment of cities (Mostar has the dubious honor of being shelled by Serbs from one side and Croats from the other), internment in concentration camps. Unlike the Serbs, Tudjman has a good sense of the Western media, and has jockeyed himself into the position of the West's ally in former Yugoslavia. His accumulation of personal power, which resembles nothing so much as a cult of personality, goes unnoticed; so does his *Nineteen Eighty-Four*-like program for the creation of a new Croatian language. Although his armies have fought the Serbs and the JNA to a standstill at several remarkable battles, Tudjman as early as March 1991

continued on page 68

notes to Wolf, "A Short History of School Reform," *continued from page 38*

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Hollywood Minute

Murder, Mayhem, and Meathead

by Bill Kauffman

Be careful what you wish for, partisan movie-goers: you just might get it.

It never would have occurred to Franklin Pierce to denounce Walt Whitman's *Leaves of Grass*. William McKinley never called a press conference to vilify Theodore Dreiser for *Sister Carrie*. But that was then, and this is now, and Senator Robert Dole hopes to move into what blear-eyed sentimentalists risibly call "the people's house," aided by ghostwritten attacks on movies he hasn't bothered to watch.

Last year it was *Natural Born Killers* and *True Romance*; now it's *The Money Train*, which I have no doubt is deeply moronic, but *still* . . . isn't it odd to hear denunciations of fictional violence from a man who has rubber-stamped a Clinton policy that will employ American men and tax dollars to kill real live Bosnian Serbs — people who have never so much as lifted a finger to harm us?

"We must hold Hollywood and the entire entertainment industry accountable for putting profit ahead of common decency," Dole thundered in his now-notorious campaign speech last year in Los Angeles. Disparaging those who take refuge in "the lofty language of free speech," he singled out *Natural Born Killers* and *True Romance* as "films that revel in mindless violence and loveless sex." *Natural Born Killers* is a special case: for all of Oliver Stone's manifold talents as a writer-director, he lacks a sense of humor, which is more or less required when making a satire. But in re: *True Romance*, Dole's is the most inaccurate description of a movie since a critic called *Last Year at Marienbad* "entertaining." Anyone who finds the relationship between Patricia Arquette and her chivalrous husband Christian Slater "loveless" is the sort of guy who would dump an aging wife and take up with a power-mad Beltwayette.

Dole praised such "friendly to the family" films as the cretinous *Flintstones* and the Arnold Schwarzenegger killfest *True Lies*. All of which called to mind Attorney General Janet "Burn Babies Burn" Reno's performance before the Senate Commerce Committee in October 1993. Fresh from her massacre of flesh-and-blood religious dissidents in Waco, Texas, the (h)AG scolded the TV networks for airing *make-believe* violence. She later offered her own mind-numbing idea for a movie-of-the-week: a 14-year-old "helps raise his two siblings while his mother is recovering from crack addiction." Three years later, "she goes to law school and he graduates as valedictorian." (Dear old dad is nowhere to be found.)

Reno's hectoring paid off, not least in the seemingly endless parade of cute lesbians who pop up on television in the anodyne roles once reserved for non-threatening blacks. And now comes the Rob Reiner-Aaron Sorkin valentine to Bill Clinton, *The American President*, which exhibits all the irreverence of Albanian *auteurs* in 1982 preparing a documentary on the life of Enver Hoxha. (*The American President* has been called "Capra-esque," but Frank Capra was a bare-knuckled populist, one of the great FDR-haters. He cut a treacly scene from the prologue of the *It's a Wonderful Life* script in which the angels gush over the newly deceased President Roosevelt.)

Be careful what you wish for, partisan movie-goers: you just might get it. In the 1970s, black Responsibles hooted at a raft of lively films (*Sweet Sweetback's Baadassss Song*, *Shaft*, *Superfly*) about black characters who possess a more ambiguous morality than the usual Sidney Poitier cardboard cutouts; the resultant timidity gave us a handful of Noble Negro pictures and a long drought during which the only parts for black actors were as the white guy's bland sidekick (see: Glover, Danny, career of).

This was remedied by the Cinematic World On Its Head Act of

continued on page 50

Crackpot Alert

The Conspiracy Bugaboo

by John McCormack

Paranoia strikes deep.

There's a lot to like in the militia movement. The militiamen distrust the federal government. They're willing to resist federal assaults on individual rights. They're hostile to the income tax, the Federal Reserve System, and the regulatory state. They enthusiastically exercise the right to keep and bear arms.

Yet the militia movement usually alienates freedom-minded Americans. Some of this stems from the movement's crude rhetoric, frequently ignorant public statements, and more-than-slightly-ridiculous paramilitary exercises. But the problem is more serious than that. It's the militias' propensity for conspiracy theories. The militias attribute almost all major political and economic events to an elite group of "Insiders."

Rather than focusing on destructive institutional arrangements, conspiracy believers emphasize the supposed malevolence of small, usually alien, groups. This doesn't just keep them from reaching a more sophisticated understanding of the world; sometimes, it leads them to distinctly illiberal policy prescriptions. This tendency can be seen at its worst in the unfortunate overlap in membership and beliefs between a few of the militias and some racist and anti-Semitic groups. Bo Gritz, a "patriot" leader and former presidential candidate, has insisted publicly that the Federal Reserve System is controlled by eight Jewish families. Linda Thompson, the "Acting Adjutant-General of the Unorganized Militia of the U.S.A.," tells interviewers that the Israeli Mossad is responsible for the American farm crisis.

Militia members aren't the only Americans with conspiratorial views of history. The John Birch Society, the Nation of Islam, the Aryan Nations, and such Christian Right leaders as Pat Robertson also espouse variations on these beliefs. And some leftists — Oliver Stone, Mark Lane, and the Christic Institute come to mind — hold conspiracy views that are distantly related to the militias' and nearly as bizarre.

Where did these theories come from? What do they entail? What leads people to believe them? Glad you asked.

A Brief History of Conspiracy Theory

A particular genus of conspiracy theory has persisted in the U.S. and Europe since the nineteenth century. These theories assert that a secret and sinister circle of international bankers exercises control over major political figures, manipulating financial markets to its own benefit and to the detriment of wage-earners and farmers. This power extends to being able to cause wars and depressions and to profit enormously from both. Having no loyalty to any national governments, the conspirators operate from the world's financial capitals, where they continue to scheme for world domination. Jews often — though not always — feature prominently in these conspiracies.

Such theories are unlike the various plots posited by Kennedy assassination buffs — which, however mistaken they may be on technical and other grounds, usually have at least the merit of being limited as to goals, time, and participation. They also differ from the Marxist theory that capitalist control of politics flows inevitably from private ownership of the means of production, and that maintaining control does not depend on the conscious efforts of individual capitalists. These "Endless Conspiracy" theories hold that real political power does not lie in the hands of the property-owning class as a whole, but is wielded by a tiny, self-conscious financial elite. Moreover, the conspiracy is virtually unlimited as to time and place. It is centuries old — or, in the imaginative theories of Robert Welch and Lyndon LaRouche, millennia old — and over this period its

locus of control has shifted from its origins in Central Europe to London and later to New York. In some accounts, the conspirators maintain their influence through mysterious, almost occult powers.

Strictly speaking, conspiracy theories of this sort are neither conspiracies nor theories. They are not criminal conspiracies in the legal sense, because they involve people who (supposedly) have the power to change laws to suit themselves. They are not theories in the scientific sense, because few or none of the claims made can be tested. Perhaps because of this, conspiracy theories have been a persistent but usually marginal feature of American politics.

In the fog of conspiracy thinking, many people misdirect their attention from deeply flawed institutions to nonexistent cabals.

Late-nineteenth-century populists, including presidential candidate William Jennings Bryan, attributed the misery of southern and western farmers and miners to nefarious Wall Street and European capitalists. In the 1920s, similarly-minded members of Congress blamed the First World War on munitions-manufacturers such as DuPont, which some theorists had identified as part of the international conspiracy. Conspiracy-watchers also blamed the Bolshevik *coup d'etat* in Russia and the activities of other Communist parties on the same dark forces.

New conspiracy theorists emerged after World War I, asserting that the war and International Communism were the products of the same plutocratic machinations. Perhaps the most influential was Nesta Webster, an Englishwoman whose 1921 book *World Revolution: The Plot Against Civilization* provided a chart diagramming the supposed connections between all of the revolutionary movements of Europe during the prior one-and-a-half centuries. According to Webster, the source of the international conspiracy was a renegade Jesuit priest named Adam Weishaupt, who founded the Order of the Illuminati in Bavaria in 1776. The Illuminati were no strangers to the world of political paranoia: they had been suppressed in the 1780s because the Bavarian authorities feared their secretive efforts to promote freethought, were blamed in the next decade for the French Revolution, and in the late 1790s were accused of controlling the Jeffersonian Republicans. According to Webster, they were still a potent political force in the 1920s. She presented no evidence to show how different revolutionary organizations were linked except to point to similarities in their written programs and to such "shocking" coincidences as Weishaupt having formed the Illuminati on May 1, 1776. (You see, May 1 was later chosen by the Communist movement as Labor Day.) As ridiculous as Webster's claims were, they nonetheless captured the imagination of conspiracy believers (including, interestingly, Winston Churchill). Partly as a result, she was later to become a significant figure in Oswald Mosley's British Union of Fascists. Webster insisted that "the Jews" played a large part in the conspiracy, that they had financed the Bolsheviks, and that their "international and insidious hegemony" dominated Western democracies. Similar conspiracy theories were popular during the 1920s among Russian emigrés, who helped circulate them in continental Europe and the United States. No doubt, many Russians were quick to accept these ideas because they had already been exposed to anti-Semitic forgeries such as *The Protocols of the Learned Elders of Zion.*

The works of Webster and others introduced conspiracy theory to anti-Communist groups in Europe and the U.S. in the inter-war years. These notions were also well-received by several successful American businessman with deep suspicions of the financial establishment, such as Henry Ford. The same ideas continue to bubble up in the writings of latter-day American conspiracy believers, including Pat Robertson.

Robertson's book *The New World Order* is perhaps the best recent example of the Endless Conspiracy idea. Far from original, it is a pastiche of classic conspiracy notions and therefore serves as an excellent source for anyone wishing to get a good overview of the genre. Like the John Birch Society, Robertson espies a coalition between international financiers and Communist governments. "Until we understand this commonality of interest between left-wing Bolsheviks and right-wing monopolistic capitalists," he writes, "we cannot fully comprehend the last seventy years of world history nor the ongoing movement toward world government." (Robertson was writing in 1991.) In order to achieve the "One-World Government" under establishment control, "they have perceived that radical Marxism is an important intermediate step toward their goal of a managed world economy." In the post-Communist era, he reveals, the United Nations is an instrument propelling us toward "a global society, managed by an elite central government that exercises supervision and control by means of its massive army of so-called peacekeeping forces."

Like Nesta Webster, Robertson is convinced that establishment institutions are secretly controlled by the conspirators. "A single thread runs from the White House to the State Department to the Council on Foreign Relations to the Trilateral Commission to secret societies," he informs readers. Elsewhere he explains how the Federal Reserve, the income tax, and fractional reserve banking all combine to produce breathtaking profits for commercial bankers, which enable the conspirators to carry out their plans. According to Robertsonian history, the U.S. Federal Reserve System came into being because a "secret" group of international bankers wanted a "privately owned central bank" so that they could manipulate interest rates and the money supply for their own benefit. The income tax was part of the same

The people convinced that eight Jewish families control the international banking system are not likely to become free-banking advocates.

conspiracy. "The companion piece" to establishing the Federal Reserve, Robertson tells us, "was to change the United States Constitution to force the American citizens to pay for the loans these bankers would make through the Federal Reserve to the treasury." The "Money Trust" picked the unwitting Woodrow Wilson as president in 1912 in order to establish both the Fed and the income tax and to get the U.S. into the First World War. The conspirators guaranteed Wilson's election by getting Theodore Roosevelt to run as well, thereby splitting the Republican vote and ensuring Taft's defeat. In the decades since then, the conspiratorial group has maintained its control by influencing the major news media and industrial corporations through bank lending and voting shares managed by bank trust departments. The group reinforces its power by controlling Ivy League universities and other elite colleges. New recruits to the conspiracy are drawn continually from these elite institutions to perpetuate the plan over generations.

This much would be familiar to readers of standard conspiracy tracts, but Robertson adds a dimension that would stun even the John Birch Society faithful. Although money may fuel the conspiracy, Robertson insists that neither wealth nor political power is the conspirators' ultimate motivation. Rather, the political and financial leaders visible to ordinary citizens are simply front men for "a tightly knit cabal whose goal is nothing less than a new order for the human race under the domination of Lucifer and his followers."

Strange as they might sound, Robertson's claims are rather moderate, as conspiracy theories go. Unlike the versions propagated by the Liberty Lobby, the Aryan Nations, and Posse Comitatus, to name a few, Robertson's book makes no attacks on Jews. Although much of Robertson's conspiracy theory has historically been associated with anti-Semitic movements, he does not blame Jews *per se* for orchestrating the New World Order; indeed, like other evangelical Christian leaders, he is a vocal supporter of the Israeli state. (This has not prevented left-liberal commentators from claiming that Robertson and his Christian Coalition are mounting a surreptitious anti-Semitic campaign, and that other conservatives — particularly Jewish neoconservatives — are too cowardly to repudiate them. See "Rev. Robertson's Grand International Conspiracy Theory," by Michael Lind, in the February 2, 1995 *New York Review of Books*.)

The conspiracy theories promoted by the John Birch Society also avoid attacking Jews as a group. To be sure, some villainous Jewish bankers do appear in Bircher theories, but they are rather modest bogeymen in comparison with the Rockefellers and other establishment WASP figures.

In some accounts, the conspirators maintain their influence through mysterious, almost occult powers.

Does All This Matter?

These theories prevent clear thinking about politics, culture, and society. Their proponents fail to understand how a relatively simple set of rules — those protecting private property and voluntary contract — can produce a complex civilization that is the result of human action but not of human design. In the fog of conspiracy thinking, many people misdirect their attention from deeply flawed institutions to nonexistent cabals.

Like other conspiracy believers, Pat Robertson senses there is something wrong with our Federal Reserve System, but his irrationality leads him to bogus solutions. He objects to the Fed because (he claims) it is owned by private interests that might be foreign. In *The New World Order*, he endorses a "greenback solution," so that the Fed will no longer "create money out of nothing and lend it out at interest." His alternative is to have *Congress* monetize deficits directly via the printing press. Not only would we still be on a fiat money standard, but we would be inflating the money supply even faster than we are now.

Obsession with conspiracies has led many otherwise pro-private-property activists to take utterly bizarre positions. Franklin Sanders, a Tennessee-based newsletter-writer with a following among hard-money enthusiasts, once wrote an article opposing Margaret Thatcher's privatization program. He knew it was a terrible idea because N.M. Rothschild & Co. was an advisor to the Thatcher government! Similarly, the people who have been convinced by Bo Gritz that eight Jewish families control the international banking system are not likely to become free-banking and private money advocates. They are much more likely to simply rally to anyone promising to "get" those elusive eight families.

Conspiracy theories are a debilitating example of what Thomas Sowell calls the "intentional fallacy" — the idea that *someone* must be running the whole system. People who believe this seem particularly susceptible to anti-Semitism. Once convinced a group of "Insiders" exists, the conspiracy believer naturally becomes curious about the cabal's membership. According to the theory, the conspirators make money through mysterious ways (i.e., through financial markets), have international social and business ties, have "special" ways of communicating with each other, and seem to prosper when others do not. For some people, Jews are the most obvious candidates for

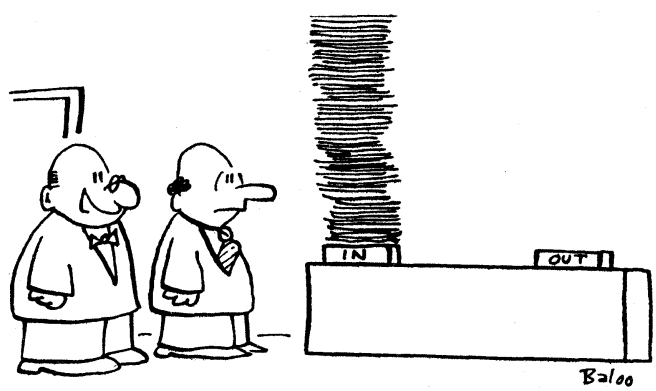

"Go get 'em, tiger!"

"Insider" status. As a result, for many, conspiracy theory has been the first step down a slippery slope to vehement anti-Semitism. The Aryan Nations, the Order, the Posse Comitatus, the Ku Klux Klan, and neo-Nazi groups all insist the financial system is controlled by a coterie of evil Jews and that the U.S. government amounts to a "Zionist Occupation Government." In which case murder, bombings, armored car robberies, and the shooting of offensive radio talk show hosts become morally justified.

Conspiracy Theory vs. Public Choice Theory

It is important to distinguish between theories of governmental malfeasance and the kind of conspiracy theory that claims that the Illuminati control the world's governments. Clearly, real conspiracies exist, but they are always limited to relatively small numbers of people working toward a limited end over a limited period of time. There is little doubt, for example, that various federal agencies collaborated to set up both Randy Weaver and David Koresh as public menaces in order to justify their budgets for paramilitary operations. And the feds' efforts to cover up their murderous bungling after the fact almost certainly amount to a criminal conspiracy. But the notion that the BATF and FBI were pawns of a secret group of "international bankers" is just plain silly.

Public Choice offers a much more plausible explanation for government encroachment on our liberties. It is simply an iron law of bureaucracy that governments tend to increase their power and their demands on citizens' wealth unless opposed by an informed and vigilant citizenry. Unfortunately, certain kinds of people can't seem to make sense of the world without believing in some hidden evil force in their midst.

Conspiracy theory is attractive to many people because it radically simplifies what they have to understand about how the world works. Once one accepts the conspiracy, there is no end to the phenomena that can be explained. Did the First World War lead to the birth of socialist governments? The *Insiders* must have benefited financially from their political success. Have gold prices failed to rise as predicted by newsletter-writers? No doubt the *Bilderbergers* conspired to suppress the price. Has *The Economist* demolished some argument you made? No need to respond — *The Economist* is a *Rothschild* publication. Is Africa a collection of basket cases? *Powerful international economic interests* must have pushed African countries into independence prematurely.

Political Marginalization of Conspiracy Theorists

Although books promoting conspiracy theories have sometimes been widely distributed, actual belief in the conspiracies has usually been limited to the political fringe. Since the Second World War, no major political figure in the U.S. — not even Joe McCarthy — has espoused such views, and only a handful of congressmen and state officials have ever been associated with them. The John Birch Society was read out of the mainstream conservative movement by the early 1960s, owing in part to the efforts of people such as *National Review* editor William F. Buckley. While major news media occasionally feature articles on organizations whose members hold such views, the theories themselves are not discussed at any length. Usually, the ideas seem so manifestly absurd to journalists that no refutation seems required. Neither libertarian nor mainstream conservative periodicals differ from conventionally liberal news media in this respect. Because organizations promoting conspiracy theories are never party to serious political discussion, libertarian writers find no reason to deal with conspiracy theories directly. Many feel that to respond to them in detail is to confer a degree of intellectual respectability on the ideas, and that the most prudent course of action is to ignore them.

Treating conspiracy theorists with silent contempt has had unfortunate consequences. While libertarian journals have provided intellectual ammunition to their readers for all sorts of other battles, few dissections of conspiracy fallacies have appeared in free-market publications. Readers who could look to any one of several periodicals for detailed criticism of statist propositions have not been presented with corresponding arguments against conspiracy theories. This has permitted conspiracy-mongers to promote their ideas in an intellectual vacuum and to suggest that the lack of response from

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the conventional media is evidence of a plot to prevent the real story from being exposed.

Personal circumstances often affect how receptive people are to conspiracy theories. Few militia members, for example, have any first-hand experience with the world of high finance or with the members of the organizations that loom so large in conspiracy demonology (such as the Council on Foreign Relations and the Trilateral Commission). Claims that would immediately sound laughable to people with direct knowledge of financial institutions and political decision-making may seem plausible to less knowledgeable individuals if presented by an articulate person with an apparently coherent explanation of international events. People who would be willing to consider objections to conspiracy theories on logical and factual grounds often succumb to them because they hear no other explanations. An open airing of these issues would satisfy many people that conspiracy theory has no merit.

We can begin by taking apart Pat Robertson's very representative theory. While it is true that his book contains a blizzard of bogus charges that can be neither verified or refuted, the conspiracy theory itself rests on just a single reasonable supposition and an utterly false explanation of the banking system.

Robertson reasonably supposes that a sociopolitical elite would use its influence for financial gain at public expense if presented with opportunities to do so. On this foundation, Robertson constructs a model of a perpetual money machine commanded by the "Insiders." According to Robertson, the conspiracy is empowered by a privately owned Federal Reserve and immensely profitable commercial banks that benefit from war, taxation, and socialism. Belief in this money-making process depends upon a number of propositions that are not only false, but can fairly easily be refuted.

1. The Federal Reserve is privately owned.

Although nominal shares in the Fed were sold to member banks at its establishment, it is not privately owned in any meaningful sense. Bank member shareholders elect only six of the nine Fed directors and of those six, only three can be bankers or bank shareholders. More importantly, member banks do not control the Federal Open Market Committee, which determines monetary policy. Seven of the twelve members of the FOMC are the Fed governors, appointed by the president and confirmed by the Congress. The other five members include the head of the New York Fed and four other regional Federal Reserve Banks.

Moreover, holding shares in the Fed is not a very profitable activity. Dividends to member shareholders are limited to 6% of nominal capital (hardly a great rate of return) and all Fed revenues above this amount (invariably vastly greater sums) are returned to the U.S. Treasury. In 1994, for example, total dividends to member banks amounted to $212 million while the Treasury received $20.5 billion, 97 times as much.

Claims that would immediately sound laughable to people with direct knowledge of financial institutions may seem plausible to less knowledgeable individuals.

The Fed is, and always has been, an arm of the U.S. government.

2. Lending money to the government has been a lucrative activity.

This is a truly reckless claim for someone with a conservative middle-class constituency to make. Robertson's followers must be as aware as anyone else that the financial rewards to buying U.S. Treasury securities (i.e., lending money to the U.S. government) are negligible. Even if one had been entirely exempt from income taxation during the twentieth century, something that was most assuredly not the case for either the average American or rich bankers, investing in Treasury securities would have provided returns just slightly greater than the rate of inflation. From 1926 to 1990, the average annualized returns to holding short-term Treasury bills was 3.7%, to holding medium-term Treasury notes was 5.1%, and to holding long-term Treasury bonds was 4.9%, while inflation averaged 3.2%. For any individual or institution that paid significant taxes, the inflation-adjusted returns were negative over the whole period. For long periods of time, in fact, real returns were *extremely* negative. Anyone buying long-dated Treasury bonds in 1940 (for a 2% yield to maturity) and holding them until 1980 would have seen the real value of his capital reduced by 57% even if he were entirely exempt from income tax. If the same person had been in the 50% tax bracket for this period, his real loss would have been 73% of his original capital.

3. Fractional reserve banking allows individual private commercial banks to create money out of nothing and to lend it out at interest.

It is true, as any elementary economics textbook will show, that the fractional reserve commercial banking system *as a whole* creates money when the Fed buys securities, commercial banks make loans, and borrowed cash is deposited in other commercial banks. But this does not permit individual banks to earn free interest on loans they make from self-created money, as Robertson suggests. Commercial banks must still pay competitive rates of interest on the deposits they take in to fund the loans they make. Robertson's sense of banking economics is grossly distorted. He illustrates the process of fractional reserve banking with a preposterous example in which a bank with $5 million in capital enjoys $90 million in gross interest income and $10 million in net interest income. The return on capital for the largest U.S. commercial banks has usually ranged between 10% and 15% per annum, not especially impressive in comparison with non-bank enterprises and nothing like the 2,000% in Robertson's illustration.

If the fractional reserve process and "insider" connections enabled one to make a fortune in finance, this would be evident in the Chase Manhattan Bank's stock price, particularly during the years when David Rockefeller was chairman. In fact, Chase's share price was lower in *nominal terms* (adjusted for splits) when Rockefeller stepped down as chairman of Chase in 1981 than it was when he took over in 1969.

As the Consumer Price Index increased 250% over the period, this represents a serious loss of capital. David Rockefeller owes his billionaire status to the fortune he inherited from his grandfather who made it refining crude oil. Fractional reserve banking hasn't added anything to it.

While Chase Manhattan's performance has been particularly lackluster during the last three decades, none of the other New York money center banks that figure in Robertson's conspiracy tales have been especially profitable. As almost any undergraduate business student is aware, the compensation paid to officers of, or partners in, major investment banks (which do not create money through the fractional reserve process) has generally been much greater than that of their counterparts in major commercial banks. Of course, the relationship would be reversed if Robertson's understanding of the banking system were valid.

Clearly, we have no reason to mute criticism of defective institutions simply because they are the targets of irrational conspiracy theorists.

4. The great European banking houses benefited from World War I and the overthrow of the continental monarchies. They profited from the political success of socialism.

Rothschilds and Warburgs were among the more conspicuous financial losers of the two world wars and the collapse of the continental monarchies, despite Robertson's absurd claim that "high finance held sway along with socialism" after 1918. Warburg wealth was sharply reduced by the German defeat in the First World War and their bank was completely expropriated after Hitler came to power in 1933. One member of the family did manage to establish a merchant bank in London after World War II, but this was not a commercial bank and is no longer even an independent institution. Three of the four Rothschild branches in continental Europe that flourished under conservative nineteenth-century monarchies (in Frankfurt, Vienna, and Naples) were gone for good within 20 years of the end of the First Word War. The surviving Paris bank was eventually nationalized by the socialist president François Mitterand in 1981. It is true that the London merchant bank N.M. Rothschild & Sons remains a substantial institution, but it is only one of several prominent merchant banks in London today. No Rothschild institution has ever achieved much size in the United States or anywhere else outside of Europe.

If Robertson's beliefs about the workings of international finance had any validity, the Rothschilds, Warburgs, and other alleged conspirators would have done very well this century. But while a few members of those families have achieved some distinction in the last 70 years, none of them possess anything remotely like the wealth of their nineteenth-century forebears. The mid-nineteenth-century Rothschilds had no peers in terms of wealth; their collective net worth would have been about $20 billion in contemporary dollars. Yet not a single Rothschild or Warburg appears on any of the lists of the world's richest individuals and families compiled today by financial journals such as *Forbes*.

In fact, no U.S. commercial banker of today could possibly live in the manner of such turn-of-the-century American bankers as J.P. Morgan and George Baker in the period *before* the income tax and the Federal Reserve System. The handful of remaining Gilded Age mansions in New York are reminders of the wealth American financiers accumulated during the last century. The fact that none of these is currently in use as a private home is stark testament to the effect of income and inheritance taxes on private fortunes.

5. Western banks benefit from the ruin of Third World economies because those countries then become "dependent" on the banks.

Banks benefit from borrowers who are dependent upon them (i.e., who can't repay their loans) no more than taxpayers benefit from welfare recipients. It is true that commercial banks have sometimes succeeded in getting the federal government and quasi-public financial institutions to bail them out of problem Third World loans. But this is part of a general problem of businesses using the political process to rescue themselves from their own blunders, and is not an issue peculiar to commercial banks.

Dealing with Conspiracy Theories

It is extremely important for us to distinguish between foolish conspiracy claims and legitimate issues. Clearly, we have no reason to mute criticism of defective institutions simply because they are the targets of irrational conspiracy theorists.

The fact that the Federal Reserve System is foolish in theory and destructive in practice is in no way mitigated just because a bunch of nuts think it is run for private profit by a bunch of Jewish conspirators. The fact that the income tax is bad public policy is not lessened because some John Birchers are convinced it was conceived two centuries ago by Adam Weishaupt and put in place by the Bavarian Illuminati.

The theories espoused by Pat Robertson and his ilk need to be challenged, publicly and persistently. No argument is likely to drive sense into the hardcore paranoiacs, but debunking the most popular fallacies will help many people avoid getting stuck in the intellectual quicksand of conspiracy theory.

Pat Robertson's theory rests on just a single reasonable supposition and an utterly false explanation of the banking system.

By distinguishing our rational objections to big government from the conspiracy theorists' *irrational* objections, we individualists can clearly disassociate ourselves and our political goals from people most Americans rightly consider cranks. And in the process, we can promote a better understanding of how society and government actually work. ❑

The New Praetorians

by Douglas Casey

Who watches the Yahoos?

Today, American police act and dress more and more like the military, with kevlar- and nomex-suited SWAT teams everywhere and law enforcement ever more federalized. And there's continual talk about using the military in a domestic police role — tanks at Waco, patrolling the border with Mexico, "counterterrorist" actions, etc. More than ever, the military, police, and intelligence agencies are becoming castes loyal to themselves, with increasingly tenuous bonds to common citizens.

A recent survey, conducted by Lt. Cmdr. Guy Cunningham of the Navy Postgraduate School, posed the following question to 300 Marines:

> The U.S. Government declares a ban on the possession, sale, transportation, and transfer of all nonsporting firearms. A 30-day amnesty period is permitted for these firearms to be turned in to the local authorities. At the end of this period, a number of citizen groups refuse to turn in their firearms. Consider the following statement: I would fire upon U.S. citizens who refuse or resist confiscation of firearms banned by the U.S. government.

One hundred and twenty-seven Marines strongly disagreed, and 58 disagreed; 56 agreed, and 23 strongly agreed; 36 had "no opinion." It's encouraging that over three out of five said they wouldn't fire, but much more discouraging that more than a quarter of the jarheads apparently would. I suspect the numbers would have been even worse if the question hadn't been about gun owners, who I think most Marines are sympathetic to.

Several other responses displayed some really dangerous and scary attitudes:

- 256 Marines (85.3%) said they'd be willing to become part of the "U.S. National Emergency Police Force," an action that is not only completely contrary to American tradition, but counter to existing law (the Posse Comitatus Act of 1878), which prohibits the military from becoming involved in U.S. law enforcement.
- 252 (84%) favor direct military involvement in the enforcement of domestic drug laws.
- 245 (81.7%) agreed that U.S. combat troops should be used within the U.S. as advisers to SWAT teams, the BATF, and/or the FBI.

I have long believed that about 80% of the human race are basically people of good will. About 17% can be classed as potential trouble sources — PTS's — who will basically bend with whatever wind prevails. Only 3% are actively destructive sociopaths. But that 3% tend to gravitate toward politics, the military, the media, the financial system, and other centers of power.

There's every reason to believe there's a normal distribution of sociopaths across time and space. There's little reason to believe, therefore, that there were any more sociopaths and PTS's in Russia under the Communists or Germany under the Nazis than there are right now in America under the Republicans. Certainly, the Marines' responses to the questions above tend to bear that out. It just takes the right set of circumstances to get them to crawl out from under their rocks.

It's indisputable that the most dangerous creature ever to have walked the face of the Earth is the young, unmarried male. Putting a bunch of them together in a pack, giving them an arsenal, and training them to kill is just asking for trouble. This is especially true with a volunteer or professional military, which has a special attraction for the very people most likely to be carrying an extra Y chromosome.

I remember my own mindset when I was of marauding age. Thank Crom I went to a military high school;

it vanquished my dreams of going to West Point before it was too late. Notwithstanding that, the war in Vietnam had a certain appeal in the summer of 1965. For many young, unmarried males who'd grown up on a diet of books and movies about visiting strange far-off places, meeting interesting and exotic people, and killing them, Vietnam seemed like a rite of passage, an adventure.

The most dangerous creature ever to have walked the face of the Earth is the young, unmarried male.

That summer I worked in a scrapyard, not far from Calumet City, hometown of the Blues Brothers. One day, a dead ringer for Mike Tyson — not that we'd have known that at the time — showed up for work; he only stayed on the job a few days, but I talked with him when I could. His name was Willy Deal, and the fact I remember his name to this day shows the impression he made on me. Willy was just back from Vietnam, and I asked him about it, expecting to be regaled with some star-spangled war stories. He didn't go into a lot of detail, but I remember one thing he said word-for-word. It's stuck in the front of my mind, clear as a pure diamond: "If some officer tells me I got to go somewhere where I'm gonna die, and I know I'm gonna die, then that officer better get his gun 'fore I get mine, 'cause he's gotta die."

As officer material, I was taken aback. But I pondered his words for some time, and came to the conclusion that it wasn't a question of Willy's lacking physical courage; it was a question of his having common sense. He hadn't volunteered to go off and kill people he didn't even know just because somebody told him to — although I have no doubt he was capable of killing people he did know, if he didn't like them. In that, Willy was a lot like Muhammed Ali, who opted out of the draft with the observation, "I ain't got no beef with no Viet Cong. No Viet Cong ever called me nigger."

The Vietnam-era Army had its problems, but there wasn't much danger of it being used against U.S. civilians. That now seems to be changing, as the Marine questionnaire shows. The U.S. seems well set on following the course of Rome, which devolved from a sturdy yeoman republic (reminiscent of the U.S. from 1861 to 1916), to an empire (the U.S. from 1917 to about the time it started having one adventure after another in places like Kuwait, Somalia, and Bosnia). The next step is a completely corrupt dissolute empire, with Clinton imitating Commodus, Caracalla, or Elagabalus. Military expenditures, as much as bread and circuses, destroyed the Roman Empire. Late-third-century Rome looks more and more familiar.

The U.S., like Rome, has always had generals in politics, but the popularity of outsiders like Powell seems analogous to the rise of emperors from outside the Roman establishment. This whole subject is worthy of a long essay; I'd hate to see the once-thriving cottage industry of comparing America's descent to that of Rome fall into disrepair.

We've even developed our own Praetorian Guard — the FBI, CIA, NSA, DEA, ATF, Secret Service, and various military and police special ops units. They've always been used by the presidents; eventually, they'll try to become kingmakers and -breakers as well. It may sound outlandish, but something like what was envisioned in *Seven Days in May* is much more likely now than it ever was in the '60s.

I've already quoted Willy Deal. Now I'll quote Edward Gibbon: "The army is the only order of men sufficiently united to concur in the same sentiments, and powerful enough to impose them on their fellow citizens. But the temper of soldiers, habituated at once to violence and slavery, renders them very unfit guardians of a legal or even civil constitution." I suspect Gibbon's observation about the decline of Rome may prove true of America's coming decline as well.

"If some officer tells me I got to go somewhere where I'm gonna die, and I know I'm gonna die, then that officer better get his gun 'fore I get mine, 'cause he's gotta die."

"How precarious," Gibbon wrote of Caeser Augustus, "was his own authority over men whom he had taught to violate every social duty! He had heard their seditious clamors, he dreaded their calmer moments of reflection." ❑

Kauffman, "Meathead," *continued from page 42*

1991, which mandated that all judges in movies and TV be stern black females while the meaty criminal parts must go to white actors, preferably those who can affect Southern accents and play characters named Dean. Thus the silly "realistic" cop shows *NYPD Blue* and *Homicide* would have us believe that virtually every criminal in Baltimore and Gotham is a white guy, usually a skinhead, smarmy businessman, or working-class lout. "There are almost no ethnic villains on television," ABC executive Bruce J. Sallan told the *New York Times* a few years back. Nothing has changed, which may soothe liberal consciences but does not help black actors.

A Doleful Hollywood might have one or two surprises. A revisionist remake of *The Fugitive* in which the one-armed man is the hero? Or, if Reiner can apotheosize the dweeby George Stephanopoulos, will Glenn Close play Dole flunky Sheila Burke as the tigress of the Oval Office? (I don't suppose *I Was a Bag Man for Archer Daniels Midland* would be a viable project.)

Artists — even the fast-buck artists of Hollywood — are too useful to the state to ever be ignored. Even Franklin Pierce gave Nathaniel Hawthorne a sinecure after the novelist had written a flattering campaign biography of his old friend. But is it too much to ask of the Beltway virtuecrats that they shut up and (for those who haven't abandoned spouse and children for trophy wives) tend to their own families? ❑

Reviews

Ayn Rand: The Russian Radical, by Chris Matthew Sciabarra. The Pennsylvania State University Press, 1995, 477 + xiii pp., $55.00.

In Search of Rand's Roots

Lester H. Hunt

Highly creative people sometimes present themselves in a way that makes their origins very difficult to understand. Frank Lloyd Wright was clearly a creative genius, perhaps — if such things can ever be quantified and compared — the most productive mind that has ever applied itself to architecture. Where did his ideas come from? His own writings, as I recall them, do suggest some sources, but the ones that were outside his own mind (the Japanese, the ancient Mayans) were often so remote from his own practice that they seemed to explain little. His self-explanation made him seem almost like the god of certain theologians: the sole cause of himself.

Some years ago, Vincent Scully displayed the origins of Wright's very earliest designs in sources that were much less arcane — specifically, in what he called "the shingle style," a type of domestic architecture that is now almost forgotten but was very prominent in Wright's environment when he was just getting started. The effect of Scully's text and illustration was almost revelatory. It gave us a detailed, three-dimensional picture of what genius really does: taking what the environment offers and transforming it into something startlingly new.

Of course, there is no creation *ex nihilo,* of oneself or of anything else. The act of creation always makes something out of materials, and those materials are always the product of some other act or event. What is new arises from what is old. The materials with which theoretical thinkers begin include, at least at the beginning of their careers, ideas produced by their predecessors. One way to shed some light on a thinker's eventual point of view is to go back to its origins and show what he adopted from his early environment and how he gave it a new shape and character.

This is the approach taken by Chris Matthew Sciabarra in *Ayn Rand: The Russian Radical.* In doing so, he admittedly receives no support from Rand's own self-explanation, which is at least as ahistorical as the one I just attributed to Wright. The only philosophical debt she could acknowledge, according to a notorious statement she made in a postscript to *Atlas Shrugged,* was to Aristotle. In a way, Aristotle was her version of the Japanese and the Mayan stone-cutters: an influence so remote from the most obviously salient features of her thinking as to leave her looking almost as unconditioned by history as she did before the connection had been noted.

Obviously, it would help us to achieve a greater understanding of Rand if we could find some additional appropriate connection between her and the world that preceded her. To achieve this end, Sciabarra examines her work in light of the environment in which she spent her first 20 years and received her entire formal schooling, including her university education: the Russia of the so-called Silver Age.

Here again, relevant texts seem at first sight to offer him resistance. The intellectual milieu of Russia at that time, as both Rand and Sciabarra depict it, consists broadly of two intellectual traditions. One was traditionalist and mystical, the other revolutionary, secular, and collectivist. Both, apparently, were deeply authoritarian. The problem here is that Rand, even at that tender age, was repelled by both these traditions. Her later comments on the intellectuals who were influential then were generally negative and usually dismissive.

Here the only sort of influence that seems possible is negative. That, at least, would constitute a connection of sorts between her work and her early environment. There is such a thing as negative influence. If Debussy composed *Pelléas et Mélisande* out of hatred for the music of Wagner, in order to show that a good opera can be made that has none of the characteristics as those of Wagner, then Debussy will have been powerfully influenced by Wagner; an understanding of Wagner's music would be essential for understanding why *Pelléas* is the way it is.

In fact, to some extent, this seems to be just the sort of influence that Sciabarra finds in Rand's connection to her Russian origins. As his historical narrative unfolds, he makes it very clear that Rand's own views are about as far as one can get from those that dominated her early cultural environment.

That, however, is not his main point, or his most original one. He also finds that Rand was influenced by this

environment in a positive way, that in fact "her system is as much defined by what she accepted in Russian thought as by what she rejected" (p. 10). Briefly, his thesis is that, while the content of what she thought is virtually the reverse of the views that dominated the intellectuals of that time, including all her professors at Petrograd University, she absorbed, and always used, the intellectual method that dominated this same group of people.

This method Sciabarra characterizes as "dialectical." The dialectical approach, as Sciabarra describes it, is a way of avoiding both dualism and reductionist monism. Dualists, as he puts it, "distinguish mutually exclusive spheres." A classic example is of course Cartesian dualism, with its division of the world into minds and bodies. Reductionist monists "accept the dichotomies defined by dualists and reduce one polarity to an epiphenomenon of the other" (16). Thus, materialists explain mind away as an aspect of matter, and subjective idealists reduce matter to an appearance produced by the mind.

The dialectical philosopher views the elements singled out by the dualist as parts of a whole, as parts that can only be understood in terms of the rest of the whole. Thus a dialectical approach involves two characteristics that might be found in points of view that we do not ordinarily think of as dialectical: it treats the object of knowledge as a system and not as a collection of independently understandable isolates, and it understands the nature of a thing by understanding its relations to other things (the so-called doctrine of internal relations).

The Lossky Case

The most dramatic piece of evidence Sciabarra offers to connect Rand to the dialectical approach is his discussion of N. O. Lossky, a practitioner of this approach and one of the most prominent philosophers of his time and place. He is Rand's only philosophy teacher that she is known to have mentioned by name. Sciabarra's argument on this point rests on an anecdote that Rand once told Barbara Branden. Everyone who knows much of the Objectivist corpus remembers Branden's vivid retellings of this story.

In it, Rand tells how her favorite course while a student at the university was one on the history of ancient philosophy given by Lossky, who Rand describes as an authority on Plato. At the final exam, which is an oral one, he gives her a grade of "perfect," despite the fact that he is a harsh grader and especially hard on women. When he asks her the reason for her evident distaste for Plato, she says, "My philosophical views are not part of the history of philosophy yet. But they will be."

It is to Sciabarra's credit, and adds considerably to the interest of this part of the book, that he lists an extraordinary number of obstacles to believing this story. According to convincing testimony, Lossky was not an especially tough grader and was not prejudiced against women. Nor was he an authority on Plato: his area of specialization was nineteenth-century German philosophy. None of his listed courses at the university deals with Plato, Aristotle, or the Greeks. Worst of all is the fact that, shortly before Rand came to the university, he had been barred from teaching there because of his adamantly anti-Communist views.

Sciabarra manages to overcome all these obstacles without making any evidently implausible assumptions. Rand's apparent misperception of Lossky's character he explains with the hypothesis that, as a banned professor whose career was suddenly in ruins, he might well have been very dour and irritable at the time. Further, the ban on Lossky's teaching was qualified. He was allowed to teach, provided the content of his courses was not objectionable, at an institution connected with the university, the Institute of Scientific Research. Rand could have taken such a course if she had gotten special permission to do so. Teaching an introductory cource on ancient philosophy, though not his usual sort of work, might have been desirable on the grounds that it would have seemed harmless to his politically correct tormentors. Unfortunately, as a course offered by a censured professor on the fringes of the university, there was no official record of it.

Sciabarra also turns up a reason

Ayn Rand: The Russian Radical

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why Rand might have gone through the trouble of asking permission to take a course from Lossky. She had earlier attended the Stoiunin Gymnasium, a school run by Lossky's in-laws. By an interesting coincidence, Lossky was there at the same time, lecturing to students who were older than she was. One can easily imagine the hushed tones of awe with which the gymnasium teachers would have spoken of the great man. If, while attending the university, she had found that he was still teaching courses that were available to university students, she would certainly have recognized his name and might well have retained a favorable impression of him, sufficiently favorable to make her want to hear what he had to say.

Of course, though the assumptions used in this theory are plausible enough, there is no independent evidence for most of them. They are offered only as the best available explanation of the facts that are known to be the case. As always, however, there are other explanations. A while ago, R. W. Bradford suggested an explanation which doubtless has occurred to others: that Rand was simply lying ("Rand: Behind the Self-Mythology," September 1995). Of the major alternatives, this seems to me the least plausible. What motive could she have had for inventing a connection with Lossky? The only one I can think of would be that of attempting to gain some sort of respectability. At the time she told this story to Barbara Branden (1961), he was dying in almost complete obscurity. Very few people in this country knew who he was, or would have cared had they known. His name unfortunately could work no magic in the world that she knew at that time. Further, trying to gain respectability by associating yourself with some antecedently respectable person was not the sort of thing that Rand did. As I have indicated, she was, if anything, in the grips of the opposite vice: that of presenting oneself as unconnected with human history.

There are obviously important similarities between the content of Rand's thought and Nietzsche's.

Probably, any plausible explanation of her claiming to have taken a course from Lossky would have to assume that she believed she had done so. But of course Sciabarra's is not the only explanation that is consistent with this constraint. Given that the tape-recorded interview on which Branden bases her retelling is the only time she is known to have mentioned Lossky or this course, the possibility that she is misremembering it in some crucial way seems particularly real. Obviously, an explanation that assumes that her memory was crucially faulty has something going for it: people do misremember events that happened 40 years in the past. What it has going against it is Rand's phenomenal memory and the vividness with which, according to Branden, Rand seemed to remember this event.

Further, supposing that her memory of the entire event is not delusional, the only error that would damage Sciabarra's case would involve the name of the professor. His point, after all, is to show that she took a course from a leading practitioner of dialectical method. Even then, little damage would be done if she were recounting a real event but replacing the name of the professor who was involved in this incident with the name of another professor from whom she took a course. It would still be true that she took a course from Lossky.

But this means that the sort of error that would seriously damage Sciabarra's case would be for her to have falsely remembered the name of a professor from whom she had never taken a course. This would seem to be an odd sort of mistake to make: to try to remember the name of someone with whom one had frequent contact for several months, and come up with the name (apparently accurately remembered and correctly spelled) of someone who one did not know at all. I grant you that even this is possible, but it seems very unlikely.

My own opinion on this issue, for whatever it might be worth, is that Sciabarra's explanation is the best that is readily available, but that its advantages over the others are not overwhelmingly large. At present, this issue is still a mystery, with the peculiarly obsessive fascination that mysteries often have. None of the available views about it can be held with entire ease and comfort.

Either/Or, Neither/Nor

Fortunately, though the interpretation of Rand that Sciabarra is defending is helped by an assumed connection with Lossky, it does not require it. Sciabarra claims that dialectic had a strong and widespread effect on the culture around her in those years, on "both the Slavophiles and Westerners, and even on those thinkers who turned to materialism and positivism" (27). In particular, it was widespread in the history department, in which Rand majored (77–82). This is really his main argument, or rather half of it. The other half is that we can find the dialectical approach in her own works, and that looking for it sheds light on them. For people who, like me, are not competent to dispute the case he makes about Russian culture, the issue that is really discussable and debatable is the textual one: do Rand's works support the dialectical interpretation, and are they illuminated by it?

Rand's lack of civility and tolerance may not have been a purely personal foible, but deeply rooted in Rand's way of thinking.

On this issue I find that the evidence is mixed. One fact that works in Sciabarra's favor is that the rejection of dualism is a definite and important theme in her work. In the canonical Objectivist works, the word "dichotomy" is consistently used as a term of opprobrium, as in "the soul-body dichotomy," "the analytic-synthetic dichotomy," and so forth. When we look up this word in the dictionary we find that it is simply an old logical term for a certain sort of distinction, in which a genus is divided into two species that are mutually exclusive and jointly exhaust the genus. It is, however, the sort of distinction with which dualists divide up the world.

Consequently, although many

dichotomies (such as the division of pine wood into white pine and yellow pine) are obviously harmless and legitimate, some philosophers tend to be suspicious of dichotomous distinctions where philosophical issues are concerned. There is some evidence that Rand is one of them. She certainly rejects a number of important dichotomies with considerable animus. Aside from the soul-body and analytic-synthetic dichotomies, there are the divisions between the theoretical and the practical, between morality and self-interest, and between reason and emotion.* Two of the most memorable passages in *Atlas Shrugged* are Francisco's parallel speeches on sex and on money. In one of them he depicts sex as being at the same time a physical pleasure and a moral choice that embodies one's deepest values. In the other, he characterizes money simultaneously as the apt symbol of greed and as profoundly moral and "noble."

All this is obviously and fiercely anti-dualist, and it would be easy to compile other examples. Are they evidence that Rand's point of view is dialectical in Sciabarra's sense? For this to be true, something more must be the case; being hostile to dualism is not enough to make one a dialectician. From a dialectical point of view, what is objectionable about dualistic distinctions is not simply that, say, the mind and the body are supposed to be mutually exclusive and jointly exhaustive of reality, but that they are supposed to be separately understandable. We can only understand what something is by grasping its relations with other things. That is, all things are internally related to other things. This is why all dualities are bad from a dialectical point of view, in themselves and on principle.

I think we have good reason to doubt that this extra dimension of animus against dualism is present in Rand. One thing that should at least make us suspicious is the fact that all the examples of rejected dichotomies that I have just gave are dependent, at least as Rand understands them, on one dichotomy: the one that divides the soul and the body. Part of the reason, according to Rand, that morality and self-interest are thought to be mutually exclusive is that one of them is associated with the realm of the soul and the other with the body, and that these two realms are thought to be mutually hostile in some way. Something like this can be said of all the obviously important dualities that Rand denounced.

What this suggests is that what we are looking at is not an attachment to internal relations as such but a much narrower sort of concern. What lies in the background may not be a notion of how all things must be understood but rather a view of what sort of entity the human being is. These are two very different things.

Of course, they are not mutually exclusive. Sciabarra does a very good job of marshalling examples from the Objectivist literature in which the elements of a distinction are understood in terms of one another. He argues, for instance, that virtue for Rand is defined in terms of its conduciveness to life, while on the other hand human life has that status precisely because it embodies those same virtues (258). One of the most interesting parts of the book is Chapter 13, in which Sciabarra discusses Rand's analysis of racism as a paradigm of her way of understanding social phenomena. In it, the psycho-epistemological flaws of individuals both cause and *are caused by* distortions in the language, and both of these in turn cause and are caused by defects in massive political institutions.

As a result of this habit of thought, Rand tends to think of the problems of life as problems about large wholes. As such, seemingly isolated problems, such as the fact that some people today think racist thoughts more often than they used to, cannot be eliminated unless the system itself is changed. This, according to Sciabarra, is why Rand is a radical thinker (hence the title of the book): her way of thinking more or less requires her to call for change in the system as a system, changes that would alter every aspect of life.

Sciabarra is very skillful at eliciting this tendency of Rand's to think in terms of totalities. He sheds unexpected light on many aspects of her work. I am also impressed by his evidence that this is something she gets from her Russian beginnings. What I am skeptical about is his claim that it constitutes a use of something that can rightly be called a dialectical method. The philosophers who clearly employ such a method do so for a reason: they believe that things are what they are in virtue of their relations to other things. This is why they always try to understand diverse phenomena by relating them to the wholes of which they are parts. As far as I know, this is the only reason why this practice could, as such and in general, be a good thing. But this idea is quite lacking in Rand's thinking; she has, to put it another way, no metaphysical

* In a letter to John Hospers, she said: "Do you accept reason vs. emotions as a dichotomy? . . . In a man of fully rational, fully *integrated* convictions, emotions follow the judgements of reason as an unforced, automatic response." Michael Berliner, ed., *Letters of Ayn Rand* (Dutton, 1995), p. 526.

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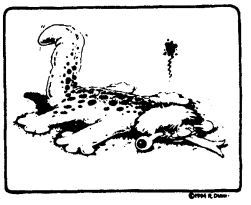

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doctrine of internal relations.

This would mean that any generalized tendency on her part to think dialectically would be, not an instance of philosophical method, but a mere habit of thought, picked up (if Sciabarra is right about this) in her Russian youth and never gotten rid of.

The Problem with the Totality

This might sound almost like a technical point, but I don't think it is. To the extent that Rand's thinking exhibits these generalized tendencies, it would be something that she — and her followers — would not be able to recognize as a virtue. This could go far in explaining why this book has elicited hostility from orthodox Objectivists, though others often seem to like it very much. Those whose thinking follows Rand's very closely may have good reason not to like it, in spite of its obvious merits.

A habit of thought that is a mere habit and not an intellectual method may be either a good habit or a bad habit. Suppose that I have picked up such a habit in my youth and then developed a way of thinking that, as far as its content is concerned, is sharply opposed to the entire culture of my youth. I should be concerned about whether the habit conflicts in some way with the content that I have developed.

If Sciabarra's account is right, I think there is some reason for this sort of concern in Rand's case. The problem, as I see it, is this. The content that Rand eventually developed placed a very high value on liberty. As Sciabarra shows very effectively, liberty for her is very closely related to the value of reason itself. But if she has the habit of using her reason, for want of a better term, totalistically — that is, if she was in the habit of seeing everything as connected with everything else — this habit would tend to give her other habits, ones that tend to be very unfriendly to liberty. Suppose I notice that you have made a mistake of some sort. To the extent that I have the habit of thinking in totalistic terms, I am apt to think there is a great deal more wrong with you than this one mistake. This will be true whether the mistake is moral, aesthetic, or philosophical, whether you are attracted to a person I find unworthy, or do not adequately appreciate the music of Rachmaninoff, or have wrong views on the problem of free will. At the very least, you are ignorant of the logical import of all the truths that support the idea you have rejected or the virtue you have failed to show. Worse yet, if I expect your thinking to constitute an organic whole, then I will suspect that your error will bring with it many other ideas, ones that must also be faulty somehow.

On such a view, there will not be many small mistakes, and harmless ones will be far between. But in that case, people who appear to me to make mistakes — that is, people who disagree with me — will be ones that I find unwelcome and undesirable. If that is true, then I am that much less likely to show the virtues of civility and tolerance. But these virtues are an essential part of a free society, because they require me to act in such a way that I leave others free from irrational pressure to subject their way of thinking to mine.

It is well known that Rand's own life — and that of some of her followers — sometimes exhibited this lack of civility and tolerance. The possibility that Sciabarra's interpretation opens up is that this flaw was not a purely personal foible, but deeply rooted in her way of thinking, an aspect of it that is a relic of her Russian past. If he is right, then the question, for me at any rate, would be to what extent her totalism is detachable from the rest of her system.

After Nietzsche, at Odds with Hayek

There is a great deal more in this book to talk about, but I suspect it would tax the reader's patience and my own time exorbitantly to go into any of them at length here. I will briefly mention just two of the more important issues.

One on which Sciabarra makes interesting, if disappointingly brief, comments is Nietzsche's influence on Rand. Though he rightly calls for further research on this subject (382), he seems eager to downplay the influence that Nietzsche might have had (100–6). I think this is a serious mistake. There are obviously important similarities between the content of Rand's thought and that of Nietzsche, including her idea that life is the standard of value and her idea that evil rests on some sort of incapacity or failure and consequently is not to be taken as seriously as good is.* There are also direct statements from Rand herself that she was strongly impressed by Nietzsche at one time.† In both these respects, the Rand-Nietzsche connection differs sharply from her relations with the Silver Age writers Sciabarra discusses. I don't mean to suggest that these relations are not real or that they are not worth writing a book about — they are — but the odds seem very high that the connection with Nietzsche is more important.‡

One other issue opened by Sciabarra that cries out for further discussion is the relation between Rand and Hayek. Here the obviously important problem is ascertaining the nature of the difference between these two seminal thinkers. Hayek's case for liberty is largely based on the idea of spontaneous order, in particular on the idea of phenomena that are the results of human action but not of human design. Not only is this idea virtually absent in Rand, but her few apparent references to it seem to be unfriendly, to say the least. She seems to have been hostile to whatever is fortuitous in human affairs.§

This, according to Hayek and his followers, is one of the most fundamental errors of socialism, the source of many others. How deep does this difference between Rand and Hayek go, and who is right? Sciabarra's discussion of this issue is a very helpful beginning, though I think he errs in making the difference involved seem much less profound than it probably is.

It is indicative of the interest of this book that I have so far engaged in an

* On the former idea, see my *Nietzsche and the Origin of Virtue* (Routledge, 1991), pp. 111–112. On the latter, see Part I of Nietzsche's *On the Genealogy of Morals.*

† Incidentally, I believe he is also the only real person who is quoted by any of the characters in *The Fountainhead.*

‡ There is also an important methodological connection: namely, the tendency of both Rand and Nietzsche to criticize other authors in terms of their hidden motives and what they "really" meant to say, as a result of which both have been criticized (too facilely, I think) for their intemperate and unfair comments on the views of others.

§ This, incidentally, is another important trait she shares with Nietzsche. See *Nietzsche and the Origin of Virtue*, pp. 43–46.

argument with it instead of saying how good I think it is on the whole. Among other things, it is an excellent synthesis of the Objectivist literature, both the works of Rand and those of her immediate successors. Sciabarra's mastery of enormous amounts of material is almost literally incredible. He also manages to break entirely new ground on several different issues.

I don't think that Sciabarra has achieved the detailed, three-dimensional picture of genius at work that we ultimately desire, but it may be a long while before we can expect that. We are barely past the earliest beginnings of serious Rand scholarship. He has, at least, executed the largest single leap forward that it has taken so far. While it is true that his interpretation of Rand is very controversial and likely to remain so, it is also true that he has produced indispensable reading for anyone genuinely interested in Rand's life or work. ❑

***Cobb: A Biography*, by Al Stump. Algonquin Books of Chapel Hill, 1994, 436 pp., $24.95.**

American Genius

R.W. Bradford

Ty Cobb could never tolerate being less than the best.

As a teenager, he pursued his goals with a determination and intensity that startled people. Before he reached his twenty-first birthday, he was the best baseball player in the world.

Other players who achieved star status at an early age were inclined to take things easy and enjoy the good life. Not Ty Cobb. He had to do better still. So he continued to practice technique, spending hours on end working on a certain style of slide or a certain type of bunt. And he continued a grueling training regimen.

Two years later, Cobb led the league in hits, batting average, slugging, and runs-batted-in for the third straight year. He also led the league in home runs, runs scored, and stolen bases, and led his team to its third consecutive league championship. At age 22, Ty Cobb was the best baseball player who had ever lived.

He could not tolerate not being better still. He continued the same dedication, the same determination, the same regimen. And he continued to get better and better. His lifetime batting average continued to improve for the next eleven years.

Playing long before the science of physical training and the incentive of multi-million-dollar salaries that routinely extend superstars' careers beyond the age of 40, Cobb played until he was nearly 43 years old. Unlike modern players (for example, Pete Rose) who extended their careers at the price of hurting their teams, Cobb remained an asset to his team even as his skills finally declined. When he retired at the end of his twenty-third season, he was still one of baseball's better players. His lust for victory never diminished, nor his will, nor his fearlessness.

Ty Cobb could never accept defeat, nor could he tolerate those who could. The purpose of baseball was winning, and when you lost you failed. But baseball is a game where even the very best teams lose a third of their games, and Cobb was not always a member of the very best team, or even a very good team. Consequently, he found it difficult to get along with his fellow ballplayers. There is no doubt that Cobb was the most hated ballplayer in history.

What Makes a Genius?

Genius is 1% inspiration and 99% perspiration, or at least that is what generations of schoolchildren have been told was the observation of Thomas Alva Edison. Like most truisms imposed on the young, that aphorism is balderdash. If genius were 99% perspiration, then the most frequent species of the genus genius would be hard-working day laborers.

But like most such aphorisms, it has an element of truth. Genius is plainly much more than inspiration or intelligence, and the "more" has something to do with perspiration. What distinguishes a genius from someone who is simply inspired or gifted or both is the way he pursues his goals — tenaciously, systematically, obstinately; the way he ignores obstacles that would stop others; the way he makes his objective the focus of his life.

Not surprisingly, there is a fine line between genius and madness. The obsession and monomania that characterize the genius also often characterize the lunatic, and few geniuses escape neurosis. The single-minded pursuit of a single goal, the intense focus on a single objective to the exclusion of all other human experiences, has an effect on one's mind and one's personality. It makes it impossible for the genius to understand the emotions of ordinary people. It separates the genius from other human beings, leaving him isolated and often profoundly lonely. Aware both of the magnitude of his achievement and of the price he paid for it, the genius often demands admiration, even worship, as the price of his acquaintance.

Anyone who knows the life of Ayn Rand knows that her achievements were purchased at a great price, that in a million petty and irrational ways, the great rationalist made her own life and the lives of those around her miserable. Her mania for philosophic truth left her unable to carry on ordinary human conversations or to maintain ordinary human relationships. She insisted that all those who knew her hold her in the highest possible esteem, yet she so lacked self-esteem that she shut herself off from all but flatterers and acolytes.

The same can be said of Jascha Heifetz, if we are to believe Roger Kahn's biographical sketch of the great violinist. And the same can be said of Ty Cobb, the greatest of all baseball players, the one baseball player who was undoubtedly a genius at his sport.*

Cobb's maniacal pursuit of excellence and his extreme competitiveness made him difficult to get along with; like Rand and Heifetz, his genius cost him friends, family, and lovers. Whether one views this as a tragic flaw or as a condemnation of human greatness itself, I suppose, depends on how much one values genius and achievement.

All this is lost on Al Stump, whose *Cobb: A Biography* combines a nasty and mean-spirited portrait of an elderly Cobb dying of cancer, but fighting for his life with the same passion he brought to baseball, with a gee-whiz conventional sports biography of the sort written for little boys, lacking any feel for the game Cobb played or the life he led.

Partly, I suppose, this was Cobb's own fault. After he was diagnosed with cancer, Cobb ached to do an autobiography, to demonstrate the superiority of the kind of baseball that he played. He'd had a book contract for some time, which called for the assistance of Stump, a sportswriter. Cobb was by this time crazy with pain and dying, but determined to maintain control over his life. He was miserable, nasty, idiosyncratic, virtually impossible to work with. Yet Stump knew he had the opportunity of a lifetime, a chance to spend a serious amount of time with Cobb, to ask Cobb whatever he wanted about baseball, to go through Cobb's private papers, to discover what made a man like Cobb . . . a man like Cobb. And so he tagged along on Cobb's desperate journey to stay alive on his own terms. For Cobb, this meant drinking a quart of bourbon (mixed with milk) daily, driving like a maniac through blizzards in the Sierras, and getting in fights with stickmen at casinos in Reno. It meant keeping huge sums of cash on hand at all times, and a pistol for protection. It meant firing that pistol at ruffians in a motel parking lot who disturbed his sleep. It meant distrusting his physicians, refusing their treatments, and outliving their expectations. It meant living in the dark in his California mansion, the power cut off by the electric company because he had refused to pay a disputed bill. Death was creeping up on Cobb, and Cobb fought it the same way he fought players of other teams on the baseball field. It wasn't a pleasant thing to watch, and it was worse to participate in. It involved a lot of humiliation for Stump, who Cobb bullied, abused, and treated like a servant. Stump stayed on the job, taking the abuse, swallowing his pride, unhappy that Cobb had such definite ideas about his autobiography.

In sixteen months, Cobb and Stump put together a memoir that historian Charles Alexander describes as "possibly the best book of its kind ever published." Five months later, Stump wrote a venom-filled article for a "men's magazine," chronicling Cobb's final sixteen months, embellished with every nasty rumor about Cobb that Stump had ever heard. It was a hatchet job, obviously the work of a small, bitter man. But it had truth in it.

Thirty-two years later, someone brought the magazine story to the attention of a film producer, who liked the idea of portraying the hero of an earlier generation as a sexist, racist bigot, and turned it into a nasty film.

* I realize that to speak of playing a sport as an activity at which one can be a genius strikes many as odd. Sport is physical, we ordinarily think, while genius is intellectual. In this we are wrong. Ty Cobb, John McEnroe, and Earvin Johnson excelled at baseball, tennis, and basketball because they profoundly understood their games in a way that no one else did. All were physically gifted. Athletic ability is necessary, but not sufficient, to achieve the sort of greatness they achieved — just as intellectual ability is necessary but not sufficient for genius in other fields. Just as other philosophers could manipulate words more or less as well as Rand and other violinists could manipulate a bow more or less as well as Heifetz, so could other baseball players run and bat more or less like Cobb, other tennis players could serve and volley like McEnroe, and no other basketballists could dribble and shoot like Johnson. What distinguished Cobb and McEnroe and Johnson was the way they pursued winning, the innovative ways they discovered to beat their opponents.

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Stump took his old magazine article, added a perfunctory account of Cobb's career, and rushed *Cobb: A Biography* into print, its cover emblazoned "Look for the WARNER BROS. motion picture COBB."*

Stump's book was obviously cobbled together. Aside from its inclusion of his personal memoir of his 16-month association with a dying Cobb, it is of little value. It is mainly a recapitulation of the facts of Cobb's playing career, showing little research beyond a newspaper morgue and consultation of a few easily available histories and biographies. Its bibliography is perfunctory, and has no source notes. Charles Alexander's *Ty Cobb* (Oxford University Press, 1984) remains the definitive biography of Cobb, distinguished by first-rate scholarship and a genuine appreciation of baseball in Cobb's era. John D. McCallum's *Ty Cobb* (Praeger, 1975) remains the best biography of Cobb by one who knew him. Neither McCallum nor Alexander make any attempt to whitewash Cobb, but both maintain a more judicious attitude toward their subject.

Of course, there was more to Cobb than baseball. He had an extraordinarily successful career as an investor and an unusually unhappy family life, and engaged in the sort of philanthropy typical of the wealthy. But first and last, Cobb was ballplayer. It was baseball that captured his intellectual interest and it was baseball that was always the focus of his life.

Baseball is a contest between two teams of nine men. The team whose players safely cross home plate more than the players of the other team wins the game. In the final analysis, all that counts is scoring runs by crossing home plate safely. There are three ways to score a run: You can hit the ball out of the ballpark, you can cross home plate because of the play of others — batters on your own team hitting while you are on base, a player on the other team throwing the ball inaccurately, etc. — or you can score on your own, without the benefit of a batted ball or misplay by an opponent. One steals home by running from third base to home plate on a pitched ball and touching the plate before the other team's catcher can touch you with the ball.

Stealing home is the most dangerous and most dramatic play in baseball. The play begins with a runner edging off third base, 90 feet away from the plate. The pitcher holds the ball atop the pitchers' mound, some 60 feet, six inches from home plate. The fastest runner alive can cover the distance to home plate in about 2.8 seconds. An average pitcher can throw the ball there in about half a second, leaving the catcher 2.3 seconds to tag the runner. Being fast is not enough. Nor can the runner rely on strength: the catcher wears heavy protective gear, giving him a powerful advantage in any collision.

To succeed, the runner must find an edge. He may choose to run as the catcher throws the ball back to the

* *Cobb* is one of the nastiest films ever made. Not content to portray Cobb warts and all, it insists on adding new warts of a vileness that escaped the imagination of even Cobb's most hate-filled enemies, and to omit virtually any hint of Cobb's virtue or genius.

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pitcher, thereby cutting the advantage the defensive team enjoys by perhaps a second or so. He may run with the pitch, hoping the catcher will be distracted. Or he may run while another runner attempts to steal a base or otherwise distracts the defensive team.

The danger of injury and the need for speed make stealing home a young man's action, and the likelihood of ignominious failure makes it one of the most infrequent plays in baseball.

During the two seasons he played after he turned 41, Ty Cobb stole home five times — more often, on average, than all 700 of today's major league players combined.

There was only one Ty Cobb. "He was the meanest, toughest son of a bitch who ever walked onto a field," said Babe Ruth. "He gave everybody hell — me included — because he couldn't stand to lose. All he wanted was to beat you on Saturday and twice on Sunday."

Tyrus Raymond Cobb was the best there was when baseball was at its very best. ❑

***What Comes Next: The End of Big Government — and the New Paradigm Ahead*, by James Pinkerton. Hyperion, 1995, 356 pp., $21.95.**

The Paradigm Thing

Jonathan H. Adler

Five years ago, James Pinkerton was the closest thing in the Bush administration to a thinking, breathing libertarian. Within that den of statists, he promoted a "new paradigm" that stressed markets, choice, and decentralization. Pinkerton seemed to be the only White House employee who could make a principled case for school vouchers without reading a sheet of carefully scripted talking points.

On the other hand, he also proposed a Civilian Conservation Corps, *à la* Franklin Delano Roosevelt, that would pay the jobless to plant trees to stave off global warming. "Save inner-city kids by saving the environment," was Pinkerton's pitch. ("Communist," was budget director Richard Darman's response.) Still, to be fair, had George Bush taken Pinkerton's advice, embracing an AmeriCorps-style program would have been the least of the president's failings.

Now that he has been freed from the political constraints of appointed office, one expects much more from Pinkerton. No longer should he have to curry favor with Republican elites to keep his corner office. And he doesn't. In his new book, *What Comes Next*, Pinkerton's new freedom shows.

What Comes Next is an insightful and irreverent look at contemporary public policy. When not bogged down by jargon, it is enjoyable and provocative. Unbeholden to any particular political constituency, Pinkerton proposes some unconventional ideas and flirts openly with a third party. (This book was published in the heat of Powellmania, and is clearly not designed to ingratiate the author with Republican power-brokers.) Pinkerton's goal is a political revolution, even if some of his recommendations are anything but revolutionary.

Future Shocked

When Pinkerton gazes into the crystal ball provided by futurists and cyberpunk novelists, he sees a troubling potential for dramatic social decay. The pervasive growth of government, whether or not it was ever justified, has produced terrible consequences. The state has sapped people of their independence and created barriers to reform. As Pinkerton writes, "the biggest obstacle to change in the public sector is the public sector itself." Today, governing institutions are ossified structures more likely to crumble than change.

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While the public sector can be inordinately immune to change, it cannot stop those with sufficient wealth from opting out of the system. As the state continues to lag behind in meeting the demands placed on it, "more and more Americans will withdraw from civil society and tend their own personal gardens." The result, Pinkerton rightly fears, could be a "Brazilification" of American society, in which haves maintain their private realms while the have-nots are increasingly subjected to the will of the state — and the chaos the state is unable to prevent. Those who are able will seek to protect what is theirs on their own, through "evacuation," "cocooning," and "retreating into bunker habitats."

This is not a future that Pinkerton desires, and he thinks it can be avoided. Government overreach created many of these problems, and scaling back government, combined with an "empowerment" agenda and the occasional cutesy "new paradigm" political reform, can help get America off the slow boat to disintegration. Jack Kemp, save us from William Gibson.

Same as the Old BOS

To better understand the present mess, Pinkerton takes his reader on a tour of bureaucratic history, reaching as far back as biblical times. (For Pinkerton, Joseph, son of Jacob, was the first bureaucrat of all.) Modern bureaucracy is the outgrowth of progressivism and "scientific management": the idea that, with the proper design, bureaucratic government would operate like a machine.

Attuned to the times, Pinkerton presents a different analogy for bureaucracies: the computer operating system. Where most personal computers once ran on DOS, most modern governments run on some form of BOS — the Bureaucratic Operating System. (Pinkerton is an insufferable neologist.) Over the past hundred or so years, governments have upgraded their governing structures, becoming more elaborate and proficient, but the underlying system is the same. BOS 1.0 is replaced by BOS 2.0, and some bugs are eliminated, but the system's underlying failures remain. All bureaucratic structures have their limits, no matter how many upgrades or National Performance Reviews they endure.

How can the BOS be replaced? Pinkerton argues that dramatic change can only result from a successful "big offer" — when a political movement proposes "a new idea, a new direction" to the American people, prompting realignment and a new political consensus. The "Republican Revolution" does not qualify, even if one takes it at face value; a big offer requires a true consensus, at the very least a governing majority that cannot easily be filibustered in its quest for political change. By this standard, no amount of Gingrichian maneuvering or Dolean compromise will ever produce truly dramatic change. Only a majority coalition on the order of that which created the New Deal or guided Reconstruction will be enough to bring the BOS to an end.

If Pinkerton could produce this after several years in the Bush administration, imagine what he could have done had he worked someplace else.

Yet even were there such a majority behind Pinkerton's agenda, there would be no full-scale revolution. For despite his visionary dreams, Pinkerton seems unwilling (or unable) to divorce himself from the regnant statism of American politics.

Consider the elements of the big offer that Pinkerton would propose. He would promote economic growth through a flat or consumption-based tax and deep cuts in federal spending. There would be no Departments of Energy, Education, Transportation, HUD, or Veterans' Affairs. There would be a "new emphasis on federalism," to return decision-making to where the costs and benefits of decisions are felt. ("Moving decision-making authority away from the center may decrease control, but it increases intelligence," Pinkerton avers.) Medical savings accounts would replace the current third-party-dominated payment system, and educational choice would be a national norm. Notes Pinkerton, "If there's a shortage of 'good' schools today, that's because there's a shortage of unencumbered money to pay for good schools."

So far, so good. But then Pinkerton's vision gets confused. Pinkerton is still enamored with his Civilian Conservation Corps idea, and with "the guarantee of a job for everyone." Why? "America is not a left-wing country, nor is it a right-wing country: it is a *work* country." Pinkerton's brief paean to FDR and the virtues of the New Deal work programs is hardly a basis for a new anti-big-government agenda.

Pinkerton also argues that "we must consider ways to raise the prestige of government service" to create an elite of "samurai" bureaucrats to perform that large handful of functions that would remain in federal hands. But government service, particularly in the nation's capital, offers tremendous perks, not the least of which is the potential of lucrative consulting and lobbying opportunities later on. If Pinkerton is serious, he has spent too much time inside the Beltway.

Not Quite Revolution

Despite his often insightful analysis, Pinkerton is not the revolutionary he would like to be. His vision is as constrained by current political paradigms as the visions he critiques. At critical points he is unwilling to write off a potential constituency or recognize that certain interests may be simply illegitimate. Sure, teachers' unions may be politically powerful, but expecting them to lead the fight for debureaucratization is more than a bit fanciful.

True revolution, of the sort Pinkerton says he wants, cannot be gained by simply marshalling available forces. New constituencies must be created, and intellectual, financial, and moral capital must be mobilized. Consider the term limits movement, a whole new constituency created by the power of an idea and the willingness of certain individuals to stand behind it and push. This, albeit on a much larger scale, is what policy revolutions require.

What Comes Next may not be the next revolutionary manifesto, but it is a good read. If Pinkerton could produce this after several years in the Bush administration, imagine what he could have done had he worked someplace else. ❑

***Payback: The Conspiracy to Destroy Michael Milken and His Revolution*, by Daniel Fischel. HarperBusiness, 1995, 332 pp., $25.00.**

The Milken Myths

Jeff Scott

The "decade of greed" is only six years past, and Daniel Fischel's *Payback* is the latest addition to the pile of books about it. Fischel's book is about Michael Milken, and the forces that targeted him because of the money they lost and he made.

Fischel is the first writer to offer a tight legal and economic explanation of how the state assaulted innovative financial activities in the late 1980s. Other authors have focused on financiers' private vices, offering loose allegations and inciting readers' piety by reporting the salacious details of conventions and yacht parties. Fischel has the good sense to avoid such trivia. But his decision to emphasize the positive consequences of financial tumult leads him to stumble over the critical ethical issues that surface in a mixed economy. When the state sanctions corrupt fiduciaries, con men will be conflated with entrepreneurs, and moral confusion will abound. But Fischel shows little awareness of this complexity.

Payback benefits from Fischel's formidable credentials as a professor at the University of Chicago. No other author to tackle this case brings as much combined experience in the fields of law, economics, business, and government. It also helps that he participated in many of the events he writes about. His command of the factual record is strong, though he sometimes misses the forest for the trees. Fischel's mood and theme are captured by his subtitle, *The Conspiracy to Destroy Michael Milken and His Financial Revolution*, and though he is more dispassionate and less dyspeptic than this choice of words suggests, he often sounds like a defense attorney offering a tense closing argument. But although Fischel has downplayed some facts and left out some important details, his is a welcome addition to the literature.

Eyeing the Target

Like most economists, Fischel is pro-Milken on economic grounds. But as a legal scholar, he delves deeper into the dispute, concluding that Milken's felony confessions were for technical violations of little importance, extracted under serious duress.

In the best part of the book, the second and third chapters, Fischel explains, in logical order, the headliner cases, including Posner, Princeton/Newport, and Mulheren, among other nodes in the alleged web of financial deceit. He starts with the question of just what the ill-defined "crimes" of insider trading, stock parking, and stock manipulation *are*, then shows how prosecutorial discretion ultimately triumphed. Rough-and-tumble financial practices that had previously been treated as mere civil disagreements were now fodder for ambitious prosecutors, legislators, and regulators. Even though the authorities could not distinguish between legitimate and illegitimate activities, they applied the blunt axe of criminal sanction. Thus, a crucial distinction between civil disputes and criminal felonies broke down. In the end, no one but legal scholars could even begin to understand how and why hypertechnical violations had suddenly become crimes.

Another way law was perverted beyond reasonable and Constitutional limits was with the smash-up derby car known as RICO (the Racketeer Influenced and Corrupt Organizations Act). RICO was supposed to be an anti-Mafia tool, but the authorities had no qualms about treating investment bankers as mobsters. By giving police the power to freeze assets, RICO could deal an instant mortal blow to an institution that deals in credit. So without blinking, the authorities exacted punishment before trial, tossing aside the presumption of innocence. The flimsy but "clear" admissions of guilt elicited in cooperative plea-bargains triggered by the threat of RICO do not match up against the reality of a sorry record of unsuccessful prosecutions.

The weakest section of the book is the final third, consisting almost entirely of case studies from the savings-and-loan crisis that bore on Milken only indirectly. The stories linking junk bonds to the S&L fiasco have been wildly overblown, owing to a combination of their inherent complexity and journalistic laziness. It's true that traces of junk bond DNA were found on the corpses of several S&Ls, but it is simply bizarre to associate the collapse of the junk bond market in 1990 to the collapse of the S&Ls in the 1980s. If these S&L failures had nothing to do with Milken — as Fischel agrees — why does he devote an entire third of a book to them?

Without blinking, the authorities exacted punishment before trial, tossing aside the presumption of innocence.

A Choice of Conspiracies

The first conspiracy theory about the "decade of greed" was presented by James Stewart, in his bestselling *Den of Thieves*. That book featured tales of insider trading, corner-cutting, and stock manipulation on a grand scale, as a vast web of financial deceit. Ultimately, *Den* tells us more about book marketing savvy than about financial crime and the economy of the '80s.

The second conspiracy theory was expounded in Benjamin Stein's *License to Steal: Michael Milken and the Conspiracy to Bilk the Nation*, based on his articles in *Barron's*. This theory has come to dominate the debate because, stripped of its shrillness, it contains a basic truth: some easy taxpayer money was available to buy junk bonds. Stein

focuses on the manipulation of distressed bonds for the purpose of depressing junk bond default rates to make them look like better opportunities than they really were. Stein presents a coherent theory about Milken's place as the linchpin of a huge financial scheme, arguing that there was a basic deceit in the sale and promotion of junk bonds. By exchanging and refinancing junk bonds in a few key S&L portfolios, Stein says, Milken was able to postpone the day of default, making the company that issued the bond look better and the market itself more strong and liquid. Therefore, the whole set of enterprises that were involved in junk bonds (LBO takeovers, S&Ls, mutual funds) should be evaluated with the highest degree of skepticism. Stein thus shrugs off the vast evidence from financial economists that show the creation of wealth from changes in managerial conduct. To Stein, the most important aspect of the junk bond market was the Milken client base, who he accuses of participating (willfully or ignorantly) in a phony, if not criminal, exercise.

Fischel describes a different kind of conspiracy, arguing that Milken was a scapegoat for what was fundamentally a political failure. This plot starts after corporate restructuring was well underway, thanks in part to the availability of junk bond financing. By 1985, an alliance was forming among those whose oxen were gored by the leveraged buyout. This coalition included the oil industry (which was squandering shareholder money on ridiculous investment projects), old-line investment banks (who were not nimble enough to compete in the new merger wave), state legislatures (who were beholden to established management interests), and several others. These economic losers and their political lackeys found allies among journalists and intellectuals who morally detested risk-taking activity.

Such a marriage of Left and Right for convenient political ends is a familiar phenomenon: the Left likes more constraints on market freedoms, and the entrenched Right likes to use those laws against weaker competitors. This time, the unholy alliance was led by future New York mayor Rudy Giuliani, an unprincipled opportunist aided by the arrogant and expanding Securities and Exchange Commission.

Giuliani's major cohort was Treasury Secretary Nicholas Brady. Brady was the former head of Dillon, Read, an old Wall Street investment bank — where he rose on the strength of his success in mergers and acquisitions. He adopted the position that acquisitions *by* large blue-chip companies (represented by the blue-blood firms such as Dillon, Read) were a good thing, but that acquisitions *of* blue-chip companies by smaller investors using junk bonds were somehow bad. Dillon, Read had been left on the sidelines as Drexel rose to prominence during the hostile takeovers, and Brady never lost his contempt for Milken and Drexel.

And in the public realm, "greed" became so unfashionable among the illiberati that even Donald Trump and Henry Kravis (of KKR) came out against it. Together, Fishel concludes, the losers and the haters spitefully maligned a legitimate enterprise that promoted management competition and changed corporate America for the better.

The Kernel of Truth

Fischel is mostly right, and Stein is mostly wrong. But there is a kernel of truth in the Stein theory, one which has been elaborated on by several prominent economists. Couldn't sophisticated investment products be a problem in a subsidized industry vulnerable to corporate welfare abuse? Junk bonds were one among many high-risk, high-return S&L strategies. Perhaps they were abused. But so was every other asset strategy somewhere in some S&L, including the plain vanilla home mortgage. There is no intrinsic evil to junk bonds, nor is there any intrinsic good to mortgages. Both can, under appropriate circumstances, lead to investment failure or success.

The regulatory apparatus of the mixed economy is a breeding ground for corruption. Among S&Ls, the context under which any investment product could be managed was radically biased toward managerial discretion. That is, the managers of S&Ls could get away with almost anything because the owners could not exercise effective control. Some would argue that the incentives involved were so perverse, the S&L was by its nature a ticket to paradise: an S&L manager could make a bundle, bankrupt the S&L, and walk away unscathed. Deposit insurance was (and is) a subsidy to banks and S&Ls, since it guarantees the flow of depositor money regardless of performance or risk. This basic structural defect in the system created the means and opportunity for massive and unprecedented looting. Junk bonds, like many other assets with even scarier names, were one small part of that.

The government created the circumstances. The question is whether Milken assisted S&L executives by providing them a means (high-risk assets) to take advantage of the opportunity handed them by Congress. It is plausible that Milken had effective control of the junk bond trading accounts in taxpayer-backed S&Ls, thereby misleading investors about the true credit quality of junk bonds. Milken, like any other innovator, was conducting an experiment, one that might have relied, at least in part, on the public guarantee of funds. He could be the most successful user *and* abuser of the S&Ls' pool of easy money.

For all the books and articles that have been written on this subject, including *Payback*, it's still difficult even to sort out what constitutes abuse in this context. After all, even if junk bonds were abused, why should we distinguish them from the sorts of investment and operational tools (salary, perks) generally available to S&L executives?

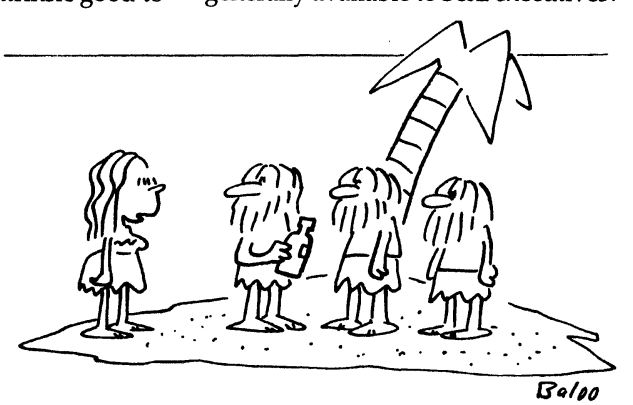

"But if we use it send a message, we won't be able to play spin-the-bottle anymore!"

There are other hard questions about the Stein theory left unanswered in *Payback*. Consider how two specific cases function in the Milken mythology and how Fischel misses their significance. He devotes a full chapter to Columbia Savings' Thomas Spiegel, the most successful junk bond S&L operator. Drexel-Beverly Hills and Columbia were in the same building, and the relationship between Milken and Spiegel, and between the Drexel sales staff and the Columbia credit staff, cries out for answers. Is there no connection between Spiegel's operational irregularities and his investment policies? There is, after all, such a thing as corporate culture, and it can affect the destiny of a financial institution. This is a more open question than Fischel would have us believe.

Similarly, Fischel considers too narrowly the bribery charges relating to a Fidelity mutual fund manager, Patricia Ostrander, who was allowed to buy shares of one of the legendary Milken investment partnerships. Even Milken acknowledged that this was a wheel-greasing offer, leaving the charges of commercial bribery still hanging in the air. Fischel would have seen the importance of these two cases had he considered more seriously the default rate controversy. Default rates and alleged manipulation of distressed securities are the foundationstone of the conspiracy theory, explaining why Milken would be motivated to control junk bond trading accounts and bribe mutual fund managers. Thus, the heart of Stein's theory still beats.

Unfinished Business

There are other problems with this book. For example, Fischel tries to dispel the "decade of greed" label by repeating the familiar story about the rise in corporate giving during the '80s. But ethics is about what people do in their lives, not about cutting checks to orphanages and opera societies. Would the author defend Milken by pointing to his contributions to prostate cancer research?

Payback is not the full story of the Milken saga we've been waiting for. Still, it's better read than unread. If nothing else, it shows how reckless Stewart's *Den of Thieves* is. *Payback* is a good book on a maligned decade; unfortunately, it will not eradicate or completely supplant the established anti-market mythology. We need a wooden stake to drive into this beast, and Daniel Fischel has brought us garlic and crosses. ❑

***The Myth of Political Correctness: The Conservative Attack on Higher Education*, by John K. Wilson. Duke University Press, 1995, 205 + xv pp., $44.95 hc, $14.95 sc.**

P.C., Left and Right

Jesse Walker

Growing up in the state that keeps sending Jesse Helms to the Senate, I never dreamed I would one day find myself defending the rights of fundamentalist Christians against an attack by gays. But my first year at the University of Michigan, I did just that. A Christian group sponsored a concert by a folksinger whose repertoire included a song called "God Hates Queer"; offended homosexuals demanded the student government "derecognize" the organization. And my world turned topsy-turvy.

As my college years progressed and I witnessed other P.C. horrors, I never dreamed I would one day find myself giving a generally favorable review to a book called *The Myth of Political Correctness*. But my world has turned upside-down again. For all its flaws — and it has quite a few — John Wilson's book presents a theme that is undeniably true: conservative critics of political correctness are usually guilty of wild exaggeration, sloppy reporting, poor logic, and hypocrisy.

The question then becomes: now that we know this, what do we do? Wilson has wounded the conservative critique of P.C., but he has done little to injure those of us who always thought campus pwogwessives and campus babycons are each other's mirror image.

Part of the problem is that no one is entirely sure what *political correctness* means to begin with; the term is too vague to discuss on any deep level. It can refer to:

- A leftist conspiracy to replace the canon of Great Books with the works of Jacques Derrida, Rigoberta Menchu, and Ice Cube; to confine all conservatives to reeducation camps; to prosecute all sexually active straight men as rapists; and to destroy all academic standards in the name of diversity. No such conspiracy exists, and no one thinks it does, outside of a few daily-newspaper writers who haven't set foot on campus since 1973.
- A mentality common among leftists, on campus and elsewhere, who are better at reciting the party line than understanding it. Such people tend to be humorless, intolerant, in love with "sensitive" jargon, and unconcerned with free speech, due process, and other civil liberties. This is the original meaning of "politically correct," and while it is to some extent a caricature, it is nonetheless a dead-on description of many real people. I know this because I've met them.

Wilson doesn't deny that this mentality exists. He only asserts that these people are not guilty of operating a reign of terror; that's the "myth" of the title. He's right, sort of. At Michigan, they were unafraid to trash their opponents' civil liberties when they could — but they weren't always in a position to do this, and it wasn't very difficult to muster opposition to them when they did. But so what? P.C. might not have reigned supreme on my campus, but

that didn't mean it wasn't a force worth fighting.

• A mentality common among administrators, on campus and elsewhere, who have lost their principles and their spine and replaced them with a love for empty symbolic gestures. At Michigan, this trend is symbolized by such events as Diversity Day, known in the rest of the country as Martin Luther King Day, on which students celebrate King's legacy by sleeping late.

Diversity Day was won after a long student struggle. Blacks and whites marched together, demanding the holiday in loud, angry voices. The administration finally succumbed. Classes were cancelled, and a day's worth of seminars was put in their stead. Some of these sessions were worthwhile, but hardly anyone attended them. This didn't bother the administrators. Diversity Day was a feather in Michigan's cap, proof of its sensitivity to the plight of people of color, people of gender, and people of orientation.

The spineless bureaucrat is an important figure in modern political imagery. Conservative papers (e.g. *Heterodoxy*) often blame campus problems on administrators who cave in to student radicals. But there's more to this story than meets the eye. As Wilson points out, "Administrators on college campuses are equal opportunity offenders when it comes to academic freedom. Intent on avoiding controversy, they are rarely staunch defenders of free speech for anyone" — Left or Right.

Besides that, there's another issue. How often are the *administrators* actually manipulating the *protesters*? Somehow, the demands the radicals manage to push through always seem to dovetail with the administrators' economic interest in bureaucratic expansion: more departments, more government funding, more "affirmative action" programs, more *in loco parentis* regulations. It's hard to believe this is mere coincidence.

• Censorship of "insensitive" speech, as via speech codes. Wilson argues that this trend has been exaggerated: that few people have actually been the victims of such codes, and that most of the victims have been exonerated following pressure from anti-P.C. conservatives and ACLU liberals. Again, Wilson is right, but not as right as he thinks. The fact that speech-code censorship does not rule on campus is only trivially true; more interesting is the fact that many of Wilson's fellow leftists (though not Wilson) would like it to. Again, I know this because I know these people. I've spoken to them about free speech, and I've heard their opinions. And having heard them, I think vigilance is justified.

Speech codes aren't the only sort of censorship that goes on in universities, of course. Wilson offers a whole chapter on "Conservative Correctness," an eye-opening survey of leftist, moderate, and even conservative victims of right-wing repression on campus. Some of these incidents, including most of the cases of anti-gay intervention, took place in small Christian colleges — private schools with the right to set their own rules of conduct, no matter how onerous they strike the rest of us. But many are set at the large, publicly-funded liberal-arts institutions that P.C.-watchers say are being swept by only leftist oppression.

Incidentally, Wilson is guilty here of some hypocrisy of his own. After spending page after page refuting anecdotes about political correctness — sometimes successfully, sometimes not — he swallows whole the late-'80s media feeding-frenzy about the wave of racism allegedly sweeping universities. Readers of *The Myth of Political Correctness* may want to pick up a copy of Laird Wilcox's recent *Crying Wolf: Hate Crime Hoaxes in America* as well, if only to learn that conservative journalists have no monopoly on empty hype. As for which side can boast the greater number of true horror stories, the question is outside my competence. I suspect it is outside Wilson's — and Wilcox's — as well.

• Incidents in which professors are attacked for politically controversial statements they've made in lectures or for stances they've taken on campus issues. Wilson argues that many of these cases are not censorship at all — that criticism, no matter how ill-informed or unfair, is itself protected speech. Michael Kinsley has made the same argument: "Phrases like 'accused' and 'ran into trouble' often turn out to mean that someone was yelled at, or picketed, or vilified in the student newspaper. How is that censorship?" Wilson and Kinsley have a point. But again, the argument has its limits.

Consider the case of Alan Gribben, a professor of English at the University of Texas at Austin. Gribben first saw controversy in 1987, when he opposed creating a Master's program specializing in ethnic studies and Third World literature (but supported the program at the Ph.D. level). Soon he was criticizing UT in *Academic Questions*, the journal of the National Association of Scholars. Then, in 1991, he helped lead the fight against his department's proposed revisions of E 306, a required freshman rhetoric class. The new course would have focused on writing about racism and sexism; Gribben and others feared this meant it would become a class in left-wing indoctrination. After all, they argued, it would take a brave student to argue the "racist" side of the debate.

Gribben began receiving threatening phone calls and hate mail, and was widely denounced as a bigot. Soon he decided that the university atmosphere was poisoned against him, and left.

For Wilson, this is just another exaggerated story of a "victimized white male conservative." He's already off track: Gribben may well be a conservative now, after this experience, but he was a liberal for most of his life. When he attended Berkeley in the early 1970s, he was active in the antiwar and civil rights movements. White and male he may be, but he is no right-wing ideologue.

In any event, Wilson argues, Gribben's rights were not violated: "If treating a colleague rudely is a violation of academic freedom, then thousands of professors (and Gribben himself) are guilty of it." In the end, "having alienated most of his colleagues, he freely chose to leave for another job. But Gribben's story of victimization convinced many." (Note the shift in language: from saying that Gribben's "academic freedom" was not under attack, a defensible proposition, Wilson moves to asserting that no "victimization" occurred, a much more dubious claim.) "The true violation of academic freedom at UT-Austin came from the conservative forces inside and outside the university who sought to impose their ideological agenda on an English department that did not con-

form to their ideas," through outside political pressure.

Again, Wilson is being one-sided. If it is wrong for right-wing politicians to try to impose their will on a university — and I think it is — then it is equally wrong for left-wing politicians to do the same. But after the E 306 reforms were discarded, state legislator Ron Wilson (D-Houston) tried to pass a bill requiring students to take a course on racism and sexism before graduating. This attempt to "impose" an "ideological agenda" is not mentioned in *The Myth of Political Correctness.*

Nor does Wilson look very closely at exactly how the E 306 controversy came to an end: the committee charged with designing the course resigned *en masse,* explaining that they were frustrated with how their syllabus had been popularly represented. Why is it a "true violation of academic freedom" for a committee to disband voluntarily, but not for a professor to leave voluntarily?

• The phenomena known collectively as "sexual correctness." This is a touchy subject. A lot of writers, myself included, are reluctant to discuss topics such as date rape, for fear that our criticisms of other people's ideas will be mistaken for a flip lack of concern with the subject. Still, it's hard to keep your mouth shut when you hear someone simultaneously claim (a) that "rape is a crime of violence, not sex," *and* (b) that it is possible for sexually aggressive men to commit rape without realizing it.

In any event, Wilson's chapter on sexual correctness is sensible on some of these issues (he is almost unique in understanding that sexual harassment and poorly written harassment policies are *both* problems) and silly on others (he spends several pages defending some dubious statistics). And sometimes he's dead wrong. For example, he describes Katie Roiphe's *The Morning After* and Christina Hoff Sommers' *Who Stole Feminism?* as "attacks on feminism." But both authors are themselves feminists, and their criticisms of other women are couched in feminist terms. Also, Wilson asserts that no feminists have claimed that consensual sex can be rape. But at Michigan, posters around campus announced that the spectrum of sexual coercion includes, yes, "persuasion."

Interestingly, Wilson's usually crisp and enjoyable prose falters in this chapter. After over 100 pages of good writing, the reader is suddenly confronted with sentences like: "Contrary to what rape deniers believe, the cause of women is not promoted by denying the truth about sexual violence." What could lead an ordinarily talented writer to use the word "deniers" in the same sentence as "denying"? Or at all, for that matter? Or to create such awkward constructions as "the cause of women is not promoted by denying the truth about"? Or, most importantly, to offer such a strawman argument in the first place?

Such is the fate of the sensitive male leftist: the P.C. censor becomes internalized. But *contrary to what P.C. deniers believe, the cause of women is not promoted by denying the truth about sexual correctness.*

• Recent efforts to revise or restructure the college curriculum in the name of multiculturalism. Whatever the merits or demerits of such proposals, they have nothing to do with censorship or thought control. The conservative effort to link the canon debates with political correctness is an obvious attempt to hitch their ideological agenda onto a more popular wagon.

The same goes for rightist attacks on revisionist history, deconstruction, postmodernism, Afrocentrism, women's studies, and Foucault.

A War on Higher Education?

So there you have it: seven kinds of political correctness. I'm sure there are more. Like I said, it's a pretty vague term. No wonder the public debate has been so vacuous.

There's another reason for the empty debate: Some of academe's harshest critics have been shut out of it. Just as the best criticisms of the Bush administration often came from conservatives, some of the sharpest critiques of P.C., and higher education in general, have come from the Left. For the most part, the mainstream media have ignored these voices. So does Wilson — probably because, for all his problems with the way universities are run, he is ultimately a part of the system.

For a more incisive look at the ivory tower, one can't do much better than the Fall 1993 issue of *Telos,* a post-Marxist journal with an interest in libertarian and paleoconservative thought. That issue included a lengthy excerpt from Russell Jacoby's recent book *Dogmatic Wisdom,* followed by a number of commenting essays, most notably Paul Piccone's "Scapegoating Capitalism," Paul Gottfried's "Up from McCarthyism?," and Tim Luke's "The Leisure of the Theory Class." These writers have their differences, but they all agree that there is something deeply wrong with higher education today. Luke has a label for it: "professional correctness."

In his essay, Jacoby dissects professionally correct academics' self-serving justifications for their own irrelevance, bemoaning the transformation of radicals who happen to be professors into professors who happen to be radicals. With far more credibility than the likes of Lynne Cheney could ever muster, he argues that "multiculturalism" is usually the agent of monoculturalism, and that the jargon of literary theory exists mostly to preserve an otherwise untenable critical hierarchy. Why, he asks, should *reading* be professionalized? And what kind of radical thinks it should?

Meanwhile, Gottfried uncovers the common ground between political correctness and the neoconservative backlash: both live off the same state-corporate-academic trough. "The quarrel of today's liberals with Roger Kimball, Charles Sykes and other neoconservatives critics [sic] . . . is an intermural battle between feuding sets of welfare state democrats who differ on specific policy issues but mostly on who among themselves should rule." And: "[There are] ties between what the neoconservatives leave out of their educational criticism and their own funding sources. It is corporate wealth and government agencies, not the friends of Sartre and Marcuse, who pay for neoconservative educational foundations and books."

Gottfried is onto something here. When John Silber and Bill Bennett present themselves as defenders of academic freedom and decentralization, no one familiar with their professional histories can take their pious statements at face value. By the same token, the self-styled radicals who join

Teachers for a Democratic Culture (a leftist organization whose newsletter Wilson edits) seem curiously uninterested in genuinely radical critiques of the university. They search high and low for evidence of racism, sexism, and homophobia, but the solutions they propose always seem to do more to expand the university bureaucracy than to solve any of these problems. They denounce skyrocketing tuition, but ignore the root of the problem, students' inability to control where their tuition dollars are going; they instead call for more student loans, which only make the problem worse. They generally ignore the exploitation of the untenured, and would never dream of criticizing occupational licensing laws or the ideology of credentialism.

Wilson argues that the P.C. hysteria is part of a concerted effort to weaken American universities, an effort spearheaded by state and federal cutbacks. Gottfried's assessment is more realistic: the Cheney bunch doesn't want to destroy the ivory tower; they want to own it. Wilson's own anecdotes about conservative correctness support this thesis. Bearing that in mind, Wilson's demands for more funding for academia are laughably un-radical. As Piccone points out, "even (or, better, most of all) the best funded American universities have tended to develop into dens of self-congratulatory idiocy." The problem isn't money. It's who controls the disbursement of that money, and how.

It's up to the true radicals — and the true conservatives — to call for something different. ❑

Booknotes

The Military-Informational Complex — Those who do not understand the connection between the extension of executive power at home and the extension of executive power abroad ought to read Ted Galen Carpenter's ***The Captive Press: Foreign Policy Crises and the First Amendment*** (Cato Institute, 1995, 315 pp., $14.95). Carpenter traces the stormy history of press-state relations in America, from the Alien and Sedition Acts of the first Adams administration to the international misadventures of the Clinton era: the police-state atmosphere of the First World War, the extraordinary growth of executive authority under Ronald Reagan, the imposition of the press pool system during the Gulf War, and more. Along the way, Carpenter demolishes the myth that the media lost the Vietnam War, offers a compelling analysis of reporters' willingness to collaborate with the state, and critiques the U.S.'s recent interventions in Somalia and the Balkans.

Many civil libertarians believe global affairs aren't relevant to their domestic concerns. They should read this book and think again.

—Jesse Walker

Friction in Eden — Today, it is considered proper to believe that primitive cultures were harmonious and peaceful until Western civilization disrupted them. In this view, for example, American Indians lived harmoniously with nature, walked quietly on the Earth, and worked out their problems peaceably until the white man came. Modern cultural products such as the movies *Dances With Wolves* and *Pocahontas* support this view.

A major source of this idea is anthropological research. In ***Sick Societies: Challenging the Myth of Primitive Harmony*** (The Free Press, 1992, 278 pp., $24.95), Robert B. Edgerton says that "many anthropologists have chosen not to write about the darker side of life in folk societies, or at least not to write very much about it. Among themselves, over coffee or a cocktail, they may talk freely about the kinds of cruelty, irrationality, and suffering they saw during their field research, but only a relative few have written about such things or about any of the many ways in which people in various folk societies do things that are seemingly harmful to themselves and others."

Edgerton's rereading of the ethnographic literature makes quite clear that some societies *are* "sick." He presents an overwhelming case that many primitive cultures have (or had) severe disharmonies that cause strife or maladaptation, in some cases to the point where they threaten the cultures' existence.

The maladaptations are varied. For example, the Tasmanians (first studied in 1802) loaded so much work on women that the women became angry and discontented and failed to provide enough food in winter. A more recent example is a group of the Maring people of Papua New Guinea. Depending on a diet that lacked protein, they were severely undernourished, but their mourning practices made things worse. When someone died, the spouse and close relatives ate far less food and stopped working in their gardens, leading to more deaths. Maladaptive practices in other cultures include infanticide, cannibalism, and *suttee* (the practice of burning widows on their husbands' funeral pyre), to mention a few.

Anthropologists have ignored or downplayed such practices for a variety of reasons, says Edgerton. Some believe that they resulted from colonialism and are not inherent facets of the culture under study. Others are reluctant to offend their hosts by discussing practices that would make them look bad. Many take the view that these practices must be "adaptive" or beneficial in some way. And many anthropologists are cultural relativists who don't want to judge other cultures.

Sick Societies is a kind a "Emperor's New Clothes," revealing that at least some members of the anthropology profession have distorted reality — another reminder that "scientific" reports are often colored by the views of those reporting them. I suspect it is causing a stir in academic quarters. For those of us concerned with liberty, it should remind us how unusual, and how precarious, is the modern "extended order" that allows individual freedom.

—Jane S. Shaw

Hayek and Keynes at Cambridge — Each new addition to *The Collected Works of F.A. Hayek*, the University of Chicago's painstaking series of reissues and collections, is a gem. But the latest to reach my hands, ***Contra Keynes and Cambridge: Essays, Correspondence*** (University of Chicago Press, 1995, 269 + xi pp., $35.00), is the first that I would not recommend immediately to anyone interested in the work of the august Austrian. The reason for this is simple: this book is largely about Keynes, and it is hard for me to work up much interest in Keynes these days. (We are all ex-Keynesians now.)

The present volume contains two classic essays by Hayek: his early essay

contra underconsumptionist doctrines, "The 'Paradox' of Savings," and his famous review of Keynes' now-forgotten "instant classic," *A Treatise on Money*, "Reflections on the Pure Theory of Money of Mr. J.M. Keynes." More interesting than either of these is the cobbled-together history "The Economics of the 1930s as Seen from London." And more interesting than this is the peculiar exchange between Hayek and the Cambridge economist Pierro Sraffa.

I had read about the exchange before, but never read the volleys themselves. I was fully prepared to despise Sraffa's infamous attack on Hayek's *Prices and Production,* first printed in the pages of Britain's *Economic Journal.* And the tone of Sraffa's review is indeed nasty: "The lectures collected in this volume fully uphold the tradition which modern writers on money are rapidly establishing, that of unintelligibility." To my surprise, at times I found myself agreeing with with Sraffa, who caught the weirdness of Hayek's juggling of both the standard "general equilibrium" approach and the foreign (Austrian) "disequilibrium" notion. It is hard not to agree with some of Sraffa's criticisms, even though he himself was dealing with another notion of equilibrium altogether. (Sraffa was a peculiar neo-Ricardian, not a full-fledged Keynesian, to his Cambridge comrades' chagrin. His notion of equilibrium was pre-Jevonsian, pre-Austrian, pre-Walrasian, pre-sensible.)

Sraffa's harsh, fiery essay helped ruin Hayek's reputation in London during the '30s, despite the fact that most economists were bewildered by the whole debate! Though Sraffa may have been disingenuous, his role as destroyer of economic theory was complicated enough to make of him more of a devil in the literary sense than in the practical sense. That is, his character (as revealed in this debate, anyway) is more interesting than despicable.

The introduction by Bruce Caldwell is most helpful, and his careful editing and footnoting is mostly flawless. I am especially pleased to see that Caldwell is no neo-Austrian acolyte: he correctly points out that neither Hayek nor Keynes had a monopoly on either truth or error, and that a complete understanding of business cycles would have to incorporate ideas from both theorists. (Though reading Keynes seems hardly worth it. Pretty much every stylistic criticism Sraffa directed towards *Prices and Production* applies doublefold to Keynes' *General Theory.*)

—Timothy Virkkala

White Girl's Burden — It has often been remarked that Communism resembles a religious faith. But rarely is the reverse point made — that religious faith often resembles Communism. Religious leaders follow their faith even as the bodies pile up and the noble goals they are assumed to be following are never met.

In his extended essay ***The Missionary Position: Mother Teresa in Theory and Practice*** (Verso, 1995, 98 pp., $10.95), Christopher Hitchens paints the saintly one as a hypocritical demagogue who cavorts with despots and leaves a trail of suffering in her wake. But, one might object, doesn't Teresa ease suffering? No: her "homes" are intentionally run-down warehouses for the sick, where the terminally ill are given nothing stronger than Tylenol to ease their pain, where the diseased are misdiagnosed and kept away from real hospitals. (Of course, when the Divine Miss T ails, she checks into a modern medical facility.)

Meanwhile, the chief Minister of Charity runs from one Third World country to another, preaching the evils of birth control, proclaiming that "there can never be enough" children, even in the poorest countries; "God always provides." Her goal, Hitchens argues, is not to eliminate suffering but to enshrine it. "I think the world is being much helped by the suffering of the poor people," she croons.

Hitchens blasts Teresa for hypocrisy, noting that her actions invalidate her claim to "not mix up in business or politics or courts." If it is possible to prove guilt by association, then Hitchens

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Directory of Libertarian Periodicals, updated latest edition, lists about 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

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Periodicals

Liberty back issues: Vols. 1 & 2: $30 ea.; Vol. 3: $20. Dennis, 206-347-7257.

The Radical Individualist, quarterly zine of anti-authoritarian ideas. Sample issue $4.00 from Jeffrey Deboo, 1442-A Walnut St. #64, Berkeley, CA 94709.

shows Teresa's culpability beyond a reasonable doubt. Not only does she pose with such politicos as Margaret Thatcher, Ronald Reagan, Hillary Clinton, and even Robert Dornan, she also exhorts them to "never allow in this country a single abortion." Nor does Mother Teresa limit her associations to "respectable" contributors. Here she is, gazing approvingly at the wife of Haitian dictator Jean-Claude "Baby Doc" Duvalier. There she is, posed in a studio with scam artist John-Roger, the poor of Calcutta pasted in the background later. And that's her smiling at Charles Keating, convicted S&L embezzler.

Her link with Keating, who contributed vast sums to her Missionaries of Charity, provides the book's most amusing documents. The first is a plea from Teresa to Judge Lance Ito, the not-yet-famous adjudicator of Keating's case, on behalf of the defendant. She informs Ito that Keating "has always been kind and generous to God's poor, and always ready to help whenever there was a need."

The other document is Keating prosecutor Paul Turley's reply. "You have been given money by Mr. Keating that he has been convicted of stealing by fraud," he writes. "Ask yourself what Jesus would do if he were given the fruits of a crime. . . . Do not keep the money. Return it to those who worked for it and earned it." Hitchens notes wryly that Turley has yet to hear back from Teresa. "Nor can anybody account for the missing money; saints, it seems, are immune to audit."

Hitchens also adds flesh to that oft-repeated anecdote about Teresa being unable to open a New York City home because of bureaucratic red tape. It turns out this is half true. The state did demand Mother T put in an elevator before moving people into the rundown building. But they also offered to pay the cost of putting one in. Teresa refused, unwilling to coddle the crippled with such a luxury.

Ultimately, though, Hitchens says his argument is not with Mother Teresa but with us, not with a deceiver but with the deceived. She has never pretended to be anything but a religious zealot on a strict doctrinal mission, he observes. It is we who overlook this.

—Matt Asher

Political Market Failure — In virtually any university economics department — certainly in the one that awarded me my degree — one concept, above all, is repeatedly driven into students' minds: market failure. Left alone, proclaim the professors, the free market foments pollution, monopoly, economic instability, and gross inequality. The solution is government intervention. Class dismissed.

Although orthodox economic theory has been eager to identify "market failures" and quick to concoct statist solutions, it has conspicuously failed to scrutinize *government* failures. Indeed, as William C. Mitchell and Randy T. Simmons contend in ***Beyond Politics: Markets, Welfare, and the Failure of Bureaucracy*** (The Independent Institute, 1994, 234 pp., $49.95 hc, $17.95 sc), "The problem is that few economists have applied their powerful tools for analyzing market processes to an analysis of government processes. Those who argue that market failure justifies government action don't stop to ask certain questions: What incentives exist in government? Who wins and who loses? Are the actual outcomes different from those we hope for? Do good intentions in government produce good results?"

Throughout *Beyond Politics*, Mitchell and Simmons examine these and other questions through the lens of Public Choice, the application of economic analysis to political institutions. In so doing, the authors not only present a concise and coherent introduction to Public Choice theory, but wield it deftly as well. —Thomas Reardon

Alexander, "The Wars of Yugoslav Succession," *continued from page 41*

discussed with Serbian President Milosevic the partition of Bosnia into two spheres, one Croat, the other Serb. The Dayton agreement virtually establishes this land-grab.

Slobodan Milosevic. Although defenders of Western and NATO policy often dismiss the invocation of this name as an oversimplification and a cliché, we must nevertheless acknowledge the awesome audacity and criminal responsibility of this man.

Head of the Serbian Party in 1987, president of Serbia in 1989, Milosevic worked energetically on a Serb version of Tudjman's plan for the expansion of power. The first component of his rise was and is nationalism. Violating LCY orders, Milosevic in 1988 began staging massive nationalist rallies wherever Serbs could be found in Yugoslavia. This created for him a substantial power base while foregrounding nationality as an issue and radicalizing nationalist politics.

Tito's last revision of the Yugoslav constitution set up an eight-member collective presidency. Once vaulted into local power in 1987, Milosevic worked to control this awkward body. In 1988, he engineered the abolition of autonomy for the Vojvodina and Kosovo parties, enabling his candidates to attain membership in the presidency. Milosevic cronies took over the Montenegran Politburo in January 1989, sending another Milosevic-approved president to the collective. At this point Milosevic, himself part of the presidency, controlled four of its eight members and could veto any act, thus disabling any opposition he might face.

Not surprisingly, at this point the remaining republics began to argue for a decentralized federation.

In the meantime, Milosevic was carefully nurturing Serb nationalism in the other republics. Croatia and Bosnia-Herzegovina each contained a powerful Serb minority, nearly one-third of the population in each case. Until Milosevic intervened, militant national radicals in both republics were fairly marginal. Yet in 1990, JNA material from Belgrade began to arrive in certain Bosnian Serb communities; in response, certain radical leaders gained in stature, an increase furthered by spectacular confrontations with police. This yielded a vicious circle: Milosevic could justify further support to these communities by pointing to the police oppression he essentially stimulated. This in turn yielded greater power for Serb nationalists. The logical outcome was militant separatism and civil war. But the appearance of rebellion was belied by the constant flow of JNA troops and material throughout the wars to these catspaws of

Milosevic's ambition.

A similar process occurred in Croatia, most notably within the Krajina region.

Once the wars began in 1991–92, Milosevic's power-grab expanded further. War allowed the process of ethnic cleansing, whereby Serb forces would terrorize or simply exterminate non-Serbs to set up "pure Serb" communities in the emptied ruins. Milosevic was careful to use separate agents, such as the charismatic Radovan Karadzic in Serbian Bosnia, or the thoroughly vile paramilitary travelling exterminator Arkan. This allowed him to seem above the fray, a man of peace and just war.

Of all the people responsible for the nightmarish horrors in the West Balkans, Slobodan Milosevic is by far the most culpable.

The international community. It is a commonplace — and, like all commonplaces, based on truth — that the Western nations furthered the Balkan tragedy. We noted above the unfortunate results of instantly recognizing Slovenia and Croatia. We need note one more problem.

Every peace plan, from Vance-Owen to the current agreement, is based on trying to map political affiliation and structure to the ethnic situation "on the ground." Although this seems sensible and has honorable precedents (the plebiscites in Alsace-Lorraine earlier in this century, for example), in the Wars of Yugoslav Succession it is the worst diplomacy imaginable. Why? Because if the newly designed maps reflect conditions on the ground, *the reverse can also be true.* Nationalist leaders who see themselves about to become merely partners in a coalition regime created in Geneva suddenly have all the incentive in the world to alter the ethnic composition of their community — mass murder as the logical response to peacemaking.

The Vance-Owen draft plan of 1992, for example, led to the worst levels of ethnic cleansing in Europe since World War II. Since the Western powers refused to intervene against this — but created the "peace plan" that inevitably led to it — they essentially created and enforced a shifting arena of extermination attempts.

Intervention

We can see the results — the concentration camps, the ethnic cleansing, the mass murder, the mass rape, the mass starvation — on CNN every night. It is crucial to remember that these horrors were neither necessary nor preordained. Other multiethnic societies since the end of the Cold War have managed to negotiate themselves to pluralism and safety.

The latest tragedy in this sequence of nightmares is that the Dayton treaty, which has every appearance of succeeding, ratifies the work of those responsible. Germany continues to enjoy the profits of its neighboring colony, Slovenia. Tudjman has won back the Krajina, and now rules about a third of Bosnia. Western leaders come and go, but not one has satisfactorily been assigned blame for his or her misdeeds — not the recently deceased François Mitterand, not Bush/Clinton, not John Major. Grimmest of all is the recreation of Slobodan Milosevic as a man of peace. He continues to rule Serbia, Montenegro, Kosovo, Vojvodina, and one-half of Bosnia.

All this is supported — is *enforced* — by the armed forces now settled in Bosnia. The multinational "peacekeepers" are there to protect the reputations and the gains of these responsible parties, not the ever-suffering Bosnian Muslims. Remember that the next time you hear Bill Clinton describe the U.S. intervention as a blow for justice and peace. ❑

Notes on Contributors

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Terra Incognita

Wheaton, Ill.

New trends in literature, as described by *Publisher's Weekly*:

"Our books show how people can incorporate the Lord in their relationships," says Tyndale House editor Karen Ball, explaining a new series of evangelical Christian romance novels.

Berkeley, California

Much ado about nothing, as reported in *Hard Times*:

Holocaust revisionist David Irving, taken by surprise at finding a venue for espousing his theories, conceded after fussing with his notes for ten minutes that he actually has nothing to say. "Our whole purpose is to discredit people by provoking them into obstructing our speech," he explained. "I've never actually prepared any remarks."

Honolulu

Government compassion in action, as reported in the *Hawaii Tribune*:

Three women who hand out early-morning coffee and pastries to the homeless could face fines of $1,000 a day. The trio has run afoul of the state Department of Health because they brew their coffee at home, not in a kitchen approved by the state.

Yorba Linda, Calif.

Historiography in action, as described by United Press International:

The director of the Richard Nixon library and museum has announced that people who want to know Nixon's real story should avoid Oliver Stone's movie *Nixon*, and instead visit the Nixon museum.

Vietnam

Quality programming abroad, as described by Knight-Ridder News Service:

One of the most popular TV programs in Vietnam is *Charlie's Angels*, especially among intellectuals.

Washington, D.C.

The Hon. Sonny Bono explains what he does as a Member of Congress in an interview broadcast on the CBS television network:

"You try to do that [get jobs for the people back home in your district]. You try to improve the economy. You worry about all their concerns. You listen to almost every problem they have, and they tell you, and you try to take care of it through legislation."

Springfield, Ill.

The health hazards of going electric, according to the Associated Press:

Murderer-rapist George Delvecchio asked the Illinois Supreme Court to stay his execution, contending that a recent heart attack, his medication, and his incoherence render him unfit to be executed.

Beverly Hills

Government health care in action, as described in *Capitol Ideas*:

The Centers for Disease Control and Prevention held a national conference in Beverly Hills to discuss problems of vaccinating low-income children. The gathering cost taxpayers $1,015,900.

Tuzla, Bosnia-Herzegovina

Preparing for the Americans, as described by the *Baltimore Sun*:

When the citizens of Tuzla heard that 20,000 American soldiers were on their way, condom sales jumped, as Tuzlans hoped to ward off the AIDS epidemic they assumed would accompany the Americans.

Santa Fe, New Mexico

An amendment passed by a voice vote in the New Mexico State Senate, quoted in *The New Mexican*:

"When a psychologist or psychiatrist testifies during a defendant's competency hearing, the psychologist or psychiatrist shall wear a cone-shaped hat that is not less than two feet tall. The surface of the hat shall be imprinted with stars and lightning bolts.

"Additionally, a psychologist or psychiatrist shall be required to don a white beard that is not less than 18 inches in length, and shall punctuate crucial elements of his testimony by stabbing the air with a wand. Whenever a psychologist or psychiatrist provides expert testimony regarding a defendant's competency, the bailiff shall contemporaneously dim the courtroom lights and administer two strikes to a Chinese gong."

Orlando, Florida

Cognitive dissonance in the lowest of the 48, as observed by a *Liberty* subscriber in a grocery store parking lot:

Two bumper stickers on the same car: "Smokers Vote" and "Say No To Drugs."

Milwaukee

Trouble in paradise, as reported by the *Milwaukee Journal Sentinel*:

9to5, a feminist worker's rights organization, is facing a union-organizing drive by its employees. The union accuses the group of mistreatment of racial minorities.

Singapore

Government's role in promoting social harmony, as reported by the *New Zealand Herald*:

Singapore's National Courtesy Council called for the island state to adopt a nation-wide code of courtesy, noting that an after-dinner belch, while appropriate among some Singaporeans, may be an assault on the sensibilities of individuals of other cultures.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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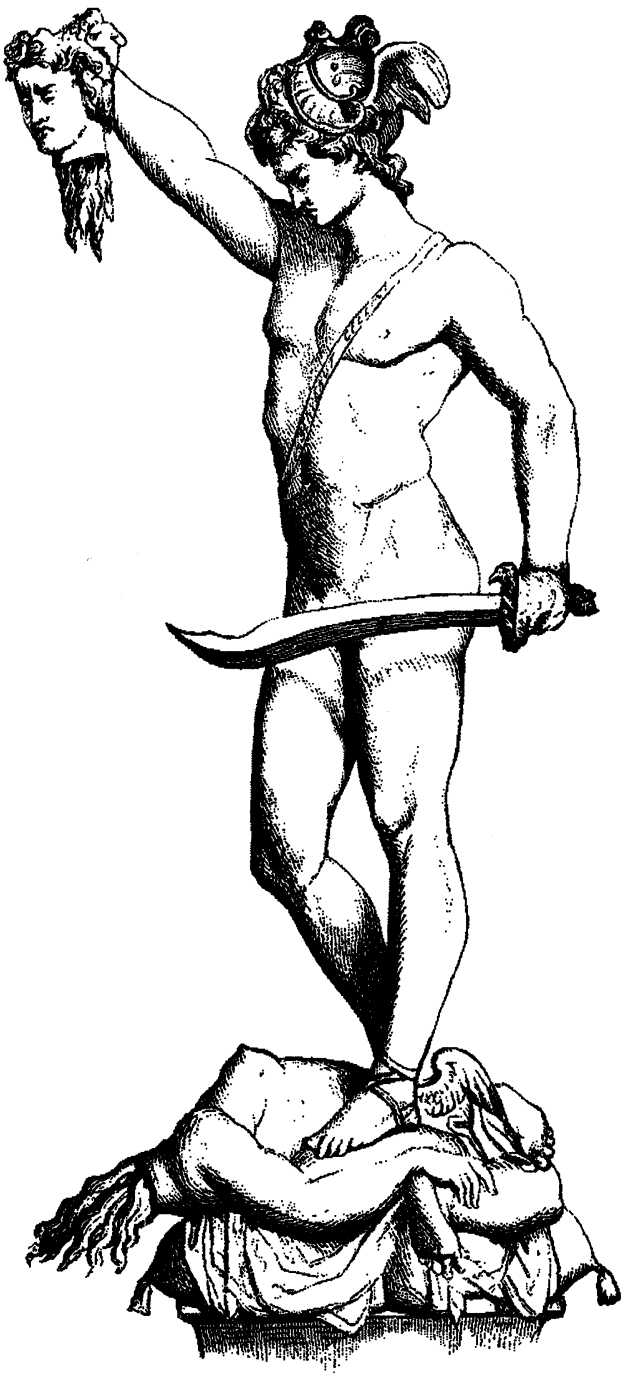

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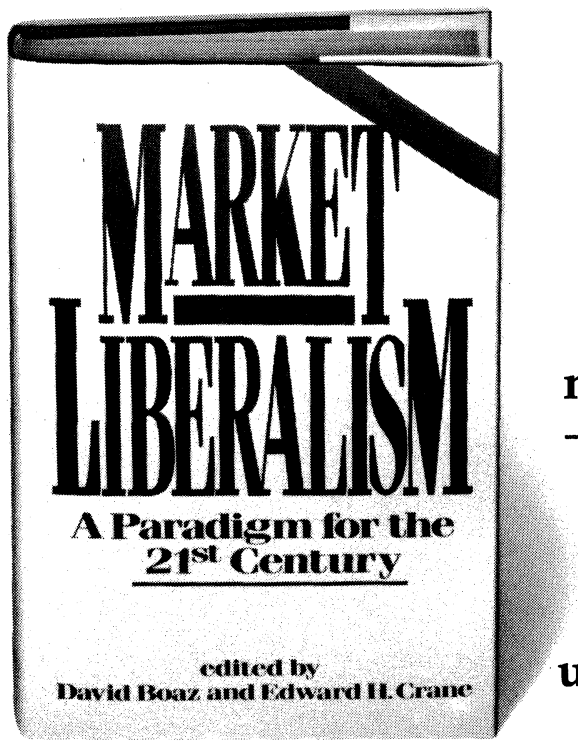

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Inside Liberty

May 1996
Volume 9, Number 5

4 **Letters** Not the alphabetical kind.

9 **Reflections** *Liberty*'s editors on the radicalism of Rob Reiner, the hidden advantages of global warming, the return of the Cold War, and other news you may have missed.

16 **Medianotes** Journalism about journalism.

19 **Politics** The return of Ron Paul, the manly virtues of Bob Dole's secret ally (Pat Buchanan), the rhetorical consistency of Bill Clinton, and more!

Features

23 **The Life and Death of the Forbes Campaign** *Chester Alan Arthur* explains why the Forbes campaign mattered — and exposes the stealthy deceit that Bob Dole used to sabotage it.

27 **Puritan Overdose** *Robert Nelson* examines the religious persecution of chemistry.

33 **Wings Over Mongolia** *Jim Huffman* flies the unfriendly skies.

35 **Timothy Leary, Then and Now** Interviewer *Brian Doherty* is on the outside, looking in.

39 **The Truth and Ayn Rand** Ayn Rand left the Soviet Union in 1926. *R.W. Bradford* inspects her baggage.

42 **Revolution Betrayed** *Kevin Knight* tells how Congress betrayed its mandate to reduce government. *Aaron Steelman* offers a case study: the survival of Selective Service.

44 **How Johnny Cash Restored My Faith in the Healing Powers of Hip** *Jesse Walker* testifies.

46 **Why I Would *Not* Vote Against Hitler** *Wendy McElroy* explains why she won't vote not matter what — and why *you* shouldn't either!

48 **Kill the Mockingbird!** A cache of secret Hollywood memos, exposed for the world to see by *Jesse Walker*.

50 **Peace, Love, and Violence** Quebec's secessionist movement has stumbled on some basic questions about the nature of the state. *Pierre Lemieux* explains.

Reviews

51 **The Woman Who Knew Clinton** *Stephen Cox* reviews the promising debut novel of a writer who calls herself "Hillary Rodham Clinton."

55 **Rum, Sodomy, and Christopher Lasch** *Jesse Walker* decries the expropriation of everyday life.

59 **Market-Based Miseducation** *Nathan Crow* dissects market socialism in the classroom.

62 **Inward Ho!** *Michael Levine* puts America first.

64 **Not Right from the Beginning** *David Boaz* defends our godless Constitution.

65 **Booknotes** Reviews in miniature.

66 **Classified Advertisements** Our sometimes bizarre bazaar.

69 **Notes on Contributors** Your identification kit.

70 **Terra Incognita** These are the times that try men's souls.

Letters

Endangered Speciousness

Randal O'Toole's "Learning from Environmentalists" (March 1996) was a useful exercise. In his analysis, though, O'Toole missed one of the most important ingredients in the environmentalist success story — their willingness to lie in order to create hysteria. From Alar to global warming to the thinning of the ozone layer, organized environmentalism has pursued what might be called a big lie strategy. The approach is to fabricate evidence or distort existing science to scare people into believing some disaster is imminent. The unquestioning media then disseminate the lie, which stimulates contributions to the eco groups. This money, in turn, gives them the clout they need on Capitol Hill.

Hopefully, libertarians will not stoop to emulating this aspect of the environmentalist strategy.

Roy E. Cordato
Buies Creek, N.C.

Biting the Arm That Fed Him

John McCormack ("The Conspiracy Bugaboo," March 1996) sets out to refute the most common misconceptions about the Fed, starting with: "The Federal Reserve is privately owned." Let me quote from his next paragraph: "shares in the Fed were sold to member banks at its establishment," "shareholders elect only six of the nine Fed directors" (let's see, six-ninths is the same as two-thirds), "holding shares in the Fed is not a very profitable activity," "Dividends to member shareholders are limited to . . ." And then, as if proven by the foregoing statements: "The Fed is, and always has been, an arm of the U.S. government."

Gee, I didn't know that you could purchase shares in various arms of the federal government. I'd like to buy some shares of IRS, FBI, ATF, and perhaps some NSA and Justice Department. Then I could sleep better at night, knowing that, since I was a shareholder, they'd leave me alone. I wonder if they pay dividends, too.

If the Fed is an arm of the U.S. government, that must mean that all the people at the Fed are government employees. They must get paychecks from Uncle Sam. So those guys who head up the Fed banks are civil service employees on regular civil service payroll. Boy, some of those bank directors live in really nice homes to just be civil service employees.

I only have one question though. Who are those shareholders who own this arm of our government? And are they all U.S. citizens?

Jim Showker
Eugene, Ore.

Letters Policy

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

Paranoid Free

In a mere six pages, McCormack debunks thousands of hours of conspiracy talk radio and tens of thousands of pages of conspiratorialist tomes. Bravo!

For years, conspiracy theorists have co-opted libertarian economic arguments. Alas, the cross-pollination has gone both ways.

One of Murray Rothbard's last works, *The Case Against the Fed*, contains more pages devoted to railing against the Rockefellers and Morgans who started the Fed than to presenting cogent arguments against central banking. The Ludwig von Mises Institute is presently promoting a posthumously published Rothbard monograph, *Wall Street, Banks, and American Foreign Policy*, as "Rothbardian 'power elite' analysis at its best."

And Rothbard isn't alone. Ron Paul has been known to speak of the "Eastern banking elite" in terms reminiscent of Pat Robertson. Conspiracy theorists now seem the dominant force on libertarian Internet newsgroups.

We libertarians have a hard enough time being taken seriously without having our arguments tainted with conspiratorialist paranoia.

T. Franklin Harris, Jr.
Athens, Ala.

Conspiracy: The Evidence

John McCormack makes a serious mistake by sloughing off the conspiracy theory about "secret" international bankers. He offers no evidence to arrive at his cavalier conclusion; he disregards the theory, using the rhetoric of politicians: *bizarre, crackpots, silly, political fringe, absurd . . .*

But look at the evidence submitted by conspiracy theorists:

The Federal Reserve Bank is as "federal" as Federal Express! Of the original 203,053 shares of Federal Reserve stock, 65% is owned by foreign banking interests and 35% is owned by domestic banking families — the Rockefellers and Morgans — 36,000 shares each. Who are the other stockholders? Rothschild Banks of London and Berlin, Lazard Brothers Banks of Paris, Israel Moses Sieff Banks of Italy, Warburg Bank of Hamburg and Amsterdam, Lehman Brothers Bank of New York, Kuhn Loeb Bank of New York, and Goldman Sachs Bank of New York.

The following editorial appeared in the *London Times*, a newspaper owned by the Rothschild banking dynasty, at the time President Lincoln was taking action to create an unborrowed currency — the Greenback: "If this mischievous financial policy, which has its origin in the American Republic, shall become permanent, then that government will furnish its own money without cost! It will pay off its debts and be without debt. It will have all the money necessary to carry on its commerce. It will become prosperous without precedent in the history of the world. The brains and the wealth of all countries will go to America. That government must be destroyed or it will destroy every monarchy on the globe!"

Believers and non-believers must not dwell on the conspiracy, true or not, but must keep focused on the Big Picture: electing constitutionalists to Congress to reduce a bloated bureaucracy; forcing Congress to justify, by article and section of the Constitution, their authority to pass every piece of legislation; and encouraging the Supreme Court to interpret the Constitution as it is written.

Leon Howard
West Richland, Wash.

Dense Dave

If "fractional reserve banking hasn't added anything to" David Rockefeller's fortune, then David must be as dense as McCormack believes your readers to be.

Jack Dennon
Warrenton, Ore.

The Best-Laid Schemes

If Mr. McCormack (and other starry-

eyed libertarians) could get over their unsophisticated faith, viz., that they will save the world by privatizing garbage collection, they might ask of privatization, *Who benefits?* By the context and the company in which he places my remarks about N.M. Rothschild Co. acting as consultants to the Thatcher privatization, Mr. McCormack implies that I was actually promoting anti-Semitism *(wink, wink, it's really the Jews behind it all)*. If he had read my two lengthy reports on New Zealand and the privatization there (published in 1989), he would have found that the Rothschild firm also consulted there and in numerous other countries. It appeared that the New Zealand privatization was *not* democratic, free-market capitalism in action, but merely a political scheme to transfer government assets to a well-connected oligarchy.

From the county ward heeler to the halls of power in Washington, business and politics run on a network of contacts. This is a fact of life known to all but the terminally naive. Those with the contacts get the business. The "free market" is an illusion as long as real human beings are involved, and as long as governments regulate the economy and the monetary system there can't be any free markets.

In any event, I have never promoted any conspiracy theory akin to what Mr. McCormack describes. But I have spent hundreds of hours reading the mind-numbing documents published by the CFR, Trilateral Commission, U.N., etc., etc., and if you don't see a commonality of interest, action, and sponsorship among these people, you're blind as a bat. If you want to know what "your" government and "your" free markets will be doing ten years from now, just read them. However, I have never argued that our American establishment is all-powerful, and have in fact controverted such naive views.

Furthermore, I have done everything in my power to promote racial harmony according to the plain demands of the gospel of Jesus Christ. I have, quite literally, put my family, my property, my career, and yes, even my life on the line for liberty under law and monetary reform. I have fought every level of government from the municipal to the federal, and with precious little help from libertarians who blow hard at the bar or at their keyboards but lose their wind when there's fighting to be done.

I've written a lot of controversial things about the Establishment, even a book (*The Greening*) with Larry Abraham, who happens to be half Jewish and a Roman Catholic. Strange for an anti-Semite, don't you think? I don't mind hanging for what I write, but I certainly don't deserve hanging for what someone *imagines* I write.

Franklin Sanders
Memphis, Tenn.

Gibbon, Toynbee, Webster

John McCormack's polemic against the conspiratorial view of history is typical of all such attacks. McCormack carefully avoids reference to, or discussion of any examples from, the mountain of primary-source archival documentation that exists to support the Master Conspiracy thesis most associated with Nesta Webster and Robert Welch. McCormack attempts to discredit the Webster/Welch thesis by lumping it with the wholly unsubstantiated theories of Lyndon Larouche, Social Credit economists, racists, and anti-Semites (as well as McCormack's long-distance and unsolicited psychologizing). McCormack also makes some careless errors:

(1) Robert Welch dated the founding of the Master Conspiracy with the Order of the Illuminati in 1776, not "millennia old." See his essay "The Truth in Time."

(2) Nesta Webster was not "a significant figure in the British Union of Fascists" and no one has ever produced any documentation of that or any other alleged British fascist partisanship on the part of Webster. She lectured on the Master Conspiracy in 1920–1921 before the Royal Artillery Institution and the Brigade of Guards at the United Services Institute. And, before her death in 1960, Webster rewrote her 1921 book *World Revolution*, clearly rejecting any belief in a "Jewish conspiracy," admitting that when she wrote in 1920 she was then only aware of conspirators in such events as the Bolshevik coup of 1917 who were of Jewish or German extraction (none of whom were religious or Orthodox Jews).

Far from being "ridiculous" or "silly," Nesta Webster was a most impressive and serious historian whose *The French Revolution* (1919) remains a work of major importance today. I feel I can fairly make this claim because I own the only copy of her research notebooks (about 14,000 pages) in the U.S., have looked up and checked many of her sources in the British Library and elsewhere; and have collected the majority of her original source materials over almost three decades.

(3) McCormack is almost correct in insisting that that the Fed is "an arm of the U.S. government." It is precisely a government monopoly corporation or privileged cartel.

Conspiracy is best defined as a human activity involving more than one person, in which the parties are: (1) advancing basically the same or common objectives, (2) advancing objectives which would reasonably be recognized as personally harmful, destructive, or evil, (3) doing so either in secret or without warning their potential victims. Note that the definition says only that the parties are promoting the same objectives, not at all necessarily for the same personal reasons, goals, or motivations. This helps one understand why many different types of individuals would promote totalitarianism both in Washington and worldwide, each for their own reason or benefit. It also helps one realize that the conspiratorial view of history is little more than the application of human volition (a person is normally presumed to intend the logical consequences of his or her actions) to historical events. And it helps us recognize the irrational assumptions of such a superficial, sociological notion as McCormack's undefined "public choice theory."

William H. McIlhany
Beverly Hills, Calif.

McCormack responds: Jim Showker repeats a demand made often over the years by conspiracy theorists — that someone produce a list of Fed shareholders. This is asked as though uncovering the list of member banks (the nominal "shareholders") were something requiring heroic detective work and not information the Fed's public affairs department is happy to send to anyone who calls and asks for it. Perhaps by combining his prodigious intellect with the others in his "financial circles," Showker may be able to master the arcana of directory assistance.

But even if he were to review the names of all 4,115 member banks (year-end 1994), representing all nationally-chartered U.S. banks and 67% of all U.S. commercial bank branches, Showker would not have gained any insights into the Fed's decision-making. As explained in my article, member banks have no control over the Fed power that matters — the power to create money. That

power is held by the Fed's Board of Governors, all seven members of which are political appointees.

Not only do the nominal "shareholders" not control Fed decision-making, they don't even benefit from "ownership" in a passive way. Their "investment" represents a capital loss to them because the 6% maximum return is lower than the cost of capital of every U.S. bank. National banks become "shareholders" because it is required of them by law. The number of "shares" they are required to "own" is determined by a fixed percentage of their regulatory capital; it isn't an investment portfolio decision they make themselves.

Showker misunderstands even the point about the low real returns to holding Treasury securities. That the Fed creates inflation and collects an economic rent from money creation is hardly in dispute. The important point is that the money generated (over $20 billion in 1994) goes to the government by law and not into the pockets of private citizens.

Leon Howard's letter also demonstrates the mental confusion induced by conspiracy theory. In addition to including a spurious *Times* quote (and attributing the paper's ownership to the Rothschilds!) he provides us with a hilarious list of Federal Reserve "owners," including the Rothschild Bank of Berlin (sic), Israel Moses Sieff Bank of Italy, and the Warburg Bank of Hamburg and Amsterdam — institutions that have been defunct for more than half a century. While I applaud Howard's desire for constitutional government, I cannot imagine anyone laboring under his misapprehensions as an effective spokesman for the cause.

Regarding Rockefeller wealth: *Forbes* has estimated the net worth of John D. Rockefeller in 1910 at $1.1 billion, when $20.67 bought an ounce of gold. That would be about $20 billion in current dollars. *Forbes* estimates the wealth of all Rockefeller descendants (now numbering in the hundreds) at $6.2 billion. Of that amount, $1.3 billion is attributed to David Rockefeller, the oldest and single richest Rockefeller. I presume Jack Dennon is not too "dense" to figure out what kind of a real return that represents.

Franklin Sanders' wounded response to my article is simply bizarre. It is amazing that he spends so much time defending himself against anti-Semitism, a charge I never made against him. The

continued on page 8

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The Prospects for FDA Reform: For now, abolition of the FDA may be just a dream. But is there any hope for serious FDA reform? **Robert Higgs** takes a hard look at the prospects for genuine change. A real eye-opener. **(Audio: A138; Video: V138)**

The Oklahoma City Bombing: Half a year after the bombing in Oklahoma City, the conspiracy theories are flying. But who knows what they're talking about, and who's just a paranoid flake? Explosives expert **Larry Grupp** investigates different theories of how the bombing was done — including the official story — and offers the most believable explanation to date. **(Video only: V139)**

Going to Extremes: **Wendy McElroy, Pierre Lemieux, David Friedman, Timothy Virkkala & R.W. Bradford.** When people are radicalized, they often embrace suicidal — or even homicidal — strategies. How do libertarians get drawn into martyrdom? How do others get drawn into terrorism? How can radicals avoid being sucked into the system? This tape deals with all these questions and one other: *Is voting immoral?* **(Audio: A140; Video: V140)**

Revolution: The militia movement is readying itself for a revolution. But is the time really ripe? In this tape, **Pierre Lemieux** asks the questions, "Revolution — if not, why not? And how do you know if it is time?" **(Audio: A141; Video: V141)**

The Best — and Worst — Places to Invest and Live: Investment advisor **Douglas Casey** is also a world traveler, visiting Third World backwaters and chatting with tinpot dictators from Cuba to Central Asia. In this fascinating talk, he recounts his recent adventures — and tells what valuable wealth-protecting information he learned. **(Audio: A142; Video: V142)**

Investment Advice: Bonanza or BS? **Harry Browne, Douglas Casey, R.W. Bradford, David Friedman & Victor Niederhoffer.** Do investment advisors really have anything to offer their customers — at least so far as good investment advice is concerned? Is there a science of economic forecasting? A no-holds-barred debate! **(Audio: A143; Video: V143)**

Camouflage, Deception, and Survival in the World of Investing: **Victor Niederhoffer**, one of the most successful speculators in the nation, offers his model of how markets function. Complex and in-depth. **(Audio: A144; Video: V144)**

Do Short-Sighted Corporate Decision-Makers Screw the Future? Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. **(Audio: A145; Video: V145)**

Does Foreign Policy Matter? **R.W. Bradford & Leon Hadar.** Most libertarians focus their energies on domestic issues. Should they pay more attention to the world around them? **(Audio: A146; Video: V146)**

Share the Excitement!

The Four Political Types: **Fred Smith** points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. **(Audio: A147; Video: V147)**

Is Libertarianism Getting Anywhere? **Harry Browne, Robert Higgs, Pierre Lemieux, Fred Smith & R.W. Bradford.** The case for (and against) libertarian optimism. Are we making any progress? **(Audio: A148; Video: V148)**

Why Not Hang 'em All? Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with crime issues in the past. **(Audio: A149; Video: V149)**

Private Law Enforcement in Eighteenth-Century England: Two hundred years ago, prosecution of felons in England was a *private* matter, rather than one for agents of the state. How did this system work? Why did it emerge? What were its advantages — and disadvantages? **David Friedman** holds your attention for all of this fascinating talk. **(Audio: A150; Video: V150)**

Is Cyberspace Liberspace? **David Friedman, Leon Hadar, Pierre Lemieux & Ross Overbeek.** What impact will the Internet, encryption, virtual reality, electronic money, and other technologies have on the political realm? Is cyberspace leading us toward greater individual freedom? Or is it all cyberhype? **(Audio: A151; Video: V151)**

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

Can Liberty Survive Without Religion? Are religious institutions necessary for a free society to survive? Has evolution killed religion — and, if so, is there any hope for freedom? **Jane Shaw** addresses these questions and more in this amazing talk. **(Audio: A153; Video: V153)**

If Government Is So Villainous, Why Don't Government Officials Seem Like Villains? Most government bureaucrats believe in what they're doing. Many are actually nice folks. But their actions lead to suffering, even death, for millions of people. How is this possible? Economist-philosopher **Daniel Klein** offers a compelling explanation — with very interesting implications. **(Audio: A154; Video: V154)**

Sexual Correctness: A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. In this information-packed talk, individualist feminist **Wendy McElroy** gives the chilling details of the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. **(Audio: A155; Video: V155)**

What America Needs — and What Americans Want: The 1994 election showed that Americans are sick of politics-as-usual, but it's clear that the GOP isn't going to deliver on its promises. **Harry Browne** explains why the time is right for a Libertarian victory, and lays out his plan for dismantling the federal government. **(Audio: A156; Video: V156)**

Has Environmentalism Run Its Course? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford.** The honeymoon seems to be over for such green giants as the Sierra Club and the Wilderness Society, with their bloated bureaucracies and statist politics. But what about the environmental movement as a whole? And where do free-market environmentalists fit in? **(Audio: A157; Video: V157)**

Ayn Rand: The Woman Behind the Myth: **Barbara Branden, John Hospers, Chris Sciabarra & R.W. Bradford.** These incredible tapes include countless priceless moments, along with information unavailable anywhere else. A must for any Rand fan! **(Two audios: ARM, $14.95; Two videos: VRM, $29.95.)**

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Letters, *continued from page 6*

only reference to him in my article was a single line accurately characterizing his opposition to Thatcher's privatization plans on the grounds that they involved N.M. Rothschild as advisor and underwriter. While *Liberty* readers will undoubtedly be gratified to learn of the ecumenical nature of his collaboration with Larry Abraham, Sanders illustrates the difficulty conspiracy-minded people often have in dealing with policy issues.

His attack on the New Zealand privatization program is an excellent case in point. The most socialistic country in the First World just 15 years ago, New Zealand is now ranked below only Hong Kong and Singapore in the Fraser Institute's survey of global economic liberty. The privatization program initiated by Roger Douglas and implemented with the advice of Rothschild, among others, was an absolutely critical element in New Zealand's transformation. That Sanders echoes the claptrap of the socialist opponents of privatization shows how debilitating his obsession with the "Establishment" is.

William McIlhany's defense of Nesta Webster is disingenuous. Oswald Mosley's British Union of Fascists was far more representative of the groups Webster addressed as a featured speaker in the 1930s than the Brigade of Guards or the Royal Artillery Institute. Not only did the BUF promote her literature extensively in Britain, but the Nazi Party in Germany cited her frequently and approvingly in their own propaganda. McIlhany cannot deny that Webster publicly and repeatedly attributed the ills of the Western world to the "international and insidious hegemony" of the Jews at that time; he simply attempts to sidestep the issue by saying she disavowed all that before she died in 1960.

Perhaps most revealing, though, is McIlhany's definition of conspiracy. It is so elastic as to be meaningless. That Welch's latter-day admirers feel it necessary to define conspiracy to include all those who promote the same objectives, whether or not their goals and motivations are the same, and whether or not they actually collaborate consciously, shows how intellectually empty the "Master Conspiracy Theory" is. By McIlhany's definition, Congress itself — and everyone who votes on the basis of the benefits they expect — is a conspiracy. "Master Conspiracy Theory," as defined by McIlhany, is simply a historical Rohrschach blot.

As for whether Welch's conspiracy is "millennia old": in *The New Americanism*, Welch traced the conspiratorial idea back to ancient Sparta, though he admitted that the Spartans "did not establish an esoteric core of uninterrupted organizational permanence to control and guide collectivist drives for power in the centuries ahead." Instead, he claimed, it splintered into "many small sects and heresies and societies and associations . . . each of which intended to be the embryo of an organization that would grow in power until it ruled the world." Soon, they "coalesced into a uniformly Satanic creed and program" that was promoted by the Bavarian Illuminati.

By McIlhany's definition, this fantasy would certainly qualify as a millennia-old conspiracy. I'd say it qualifies by the usual definition as well.

I thank Franklin Harris for his kind comments. I certainly share his concerns about the libertarian movement and, judging from some of the other letters responding to my article, our concerns are very well-placed.

Errata

Owing to a faulty transcription and to incomplete fact-checking, several errors appeared in "The Road to the Big House," by Chester Alan Arthur (*Liberty*, March 1996): the associate White House counsel is W. Neil Eggleston, not "Eggleson"; the Clintons' attorney is David Kendall, not "Donald"; it's Patsy Thomasson, not "Patty"; Vince Foster died in 1993, not 1994. Our apologies to readers and the author, and our thanks to those who wrote with corrections.

—*Jesse Walker, Asst. Editor*

The Dialectic of Context

Lester H. Hunt ("In Search of Rand's Roots," March 1996) questions whether Rand adhered to a doctrine of internal relations. In my book, *Ayn Rand: The Russian Radical*, I support his contention that Rand had no such *metaphysical* commitment. She acknowledges that everything is related in the universe, but that it is not a philosophical task to establish the ultimate nature of these interrelationships. However, I also argue that Rand endorses a kind of epistemological internalism. An analysis of relations is legitimate provided that one defines one's context. By altering one's context, vantage point, or level of generality, Rand suggests, one can articulate the essence of the thing, and those relations that might be relevant to our analysis of it. Moreover, since nothing can be defined external to its context, the conditions of one's definition are partly constitutive of the analysis.

These principles are on display in virtually every aspect of Rand's thought. Even when Rand stresses the primacy of existence she argues that one cannot fully understand metaphysics, epistemology, ethics, politics, or aesthetics in their abstraction from the whole they jointly constitute. In her literary methods, she recognizes that each story — with its characters and plot integrated to a central theme — "is written as a man is born — an *organic whole*, dictated only by its own laws and its own necessity" (*Letters of Ayn Rand*, p. 157, emphasis added). And in her social theory, she rejects vulgar economism, and traces the internal relationships among disparate factors, identifying "the great mistake [of] assuming that economics is a science which can be isolated from moral, philosophic and political principles, and considered as a subject in itself, without relation to them" (*Letters*, p. 260).

Chris Matthew Sciabarra
New York, N.Y.

Out of the Ballpark

Is Randal O'Toole ("Street smarts," March 1996) not a regular reader of *Liberty*? If he were he would have known that his assertion that the solution to highway problems is to sell the roads is hardly original. In fact, I proposed that very thing my article in the November 1988 *Liberty*. Inasmuch as the quest for a more rational highway system via selling the roads has not yet been achieved, I think it is worthwhile to pursue other means of making progress toward that objective.

While I, like Brown and Shull (Letters, March 1996), am not completely at ease with the role insurers have played in influencing driving and highway laws, I am more troubled by their apparent willingness to disavow responsibility for their own driving mistakes. It is this cavalier attitude of "to hell with everybody else" that gives libertarianism a bad reputation. A free society requires that each person take responsibility for his own actions. Those who would repudiate this responsibility (because they are "too poor") invite chaos and tyranny.

continued on page 68

Reflections

The end of the end of history — So you thought you could really get rid of us, the good old boys of the Cold War — the spooks, the propagandists, the military-industrial complex. The fall of the Berlin Wall . . . capitalism in China . . . peace in the Middle East . . . the End of History. Things will be different now, you said.

You were wrong, my friends. Just look around you: the Communists are about to return to power in Moscow after an impressive comeback in Poland, Hungary, and Slovakia. Russia is emerging again as a "threat" to our "national interest," so we'll strengthen and expand NATO, and forget about the peace dividend. China and the United States may soon go to war over Taiwan, just like in the 1950s. We may even have another armed conflict in the Korean Peninsula. And Cuba and Castro are back in the headlines — maybe we'll have a rerun of the Bay of Pigs. In Israel, most polls indicate that the Likud party will win the coming election. Bye-bye, peace; welcome back, *intifada*. And maybe even another Desert Storm — against Iran this time.

Most important: an aging Nixonite may be the next U.S. president, meaning it will soon be springtime in Washington for the neocons and other lovers of global crusades and military intervention. The CIA, USIA, VOA, NSA, and all the other parasites of the warfare state are back in business, ready to roll back Russian nationalism, Islamic fundamentalism, and Chinese expansionism. You'll have to go back to reading *Commentary* and Martin Peretz's articles in *The New Republic*.

Ah, life is good! —LTH

Randolph Bourne, call your office — Why did Clinton send troops to Bosnia? Economists Gregory Hess and Athanasios Orphanides may have the answer.

In an econometric model, they tested the theory that, in bad economic times, weak presidents (those with shaky re-election prospects) tend to send troops abroad. The test included data for the period 1897–1988. Its conclusions: when the president could not seek re-election or the economy was not in recession, the probability of initiating war was about 30%. When the president was up for re-election with a poor economy, the probability rose to about 60%. —WM

The blame falls mainly on the rain — A few years ago, Forest Service ecologists were predicting dire things for U.S. forests if global warming took place. They painted pictures of desertification throughout the West, with most of our forests pushed up to the Canadian border.

When global warming was all the rage, Congress gave the Forest Service several million dollars to study its effects on forests. Now the results are in, and guess what? The main problem is going to be that we will have too much wood.

Forest Service scientists combined the latest global climate models (made by others) with models of forest productivity and the U.S. timber economy. I don't know about the climate models, but I give the agency credit for putting together some productivity and economic models that are pretty good.

Their results showed that under a "worst-case" (or is it best-case?) scenario, global climate change will increase U.S. forest growth by 24% in 50 years. This will reduce timber prices by 35% below what they would be without climate change. Though 50 years is the extent of the agency's economic projections, it is clear that growth will increase and prices will decline even further after that time.

Global warming means more carbon dioxide in the atmosphere, which is essential for plant growth; warmer temperatures, which means longer growing seasons; and more, not less, rainfall. So if you're worried about global warming, don't fret for America's forests. Instead, you better buy an umbrella. —RO'T

The parent trap — The education establishment likes to blame children's poor performance on their parents. The Department of Education's "Goals 2000" program, for example, lists "increased parental involvement in learning" as one of its aims.

It is true that smart parents tend to have smart children and that dysfunctional families block learning. But the idea that children won't learn unless their parents are actively involved in school is nonsense. It's just another effort to pass the buck.

For four years my son went to a private Montessori school, where children proceeded at their own pace through a specified curriculum. Some did better than others, but all children learned the basics, and parents didn't have to do a thing. Oh yes, they attended potluck dinners and helped paint the furniture, but the teachers did the teaching.

Now my son is in public school. There are a lot of daffy situations and bureaucratic rigidities with public school, as you would expect, but the direct cause of children's difficulties is this:

Children are expected to follow a specific curriculum at the same pace. That is, they are supposed to read the same stories, do the same exercises, learn the same spelling words, figure out the same math problems. At the same time, the makeup of each class is designed to include as wide differences in ability as possible (the opposite of "tracking," which is viewed as elitist).

In this situation, the curriculum must be geared to the median student. So nearly half find it too easy and nearly half find it too hard. Only a few find it "fits."

Eventually, parents realize that their child is out of step — either ahead of the curriculum and bored, or behind it and frustrated.

At that point, concerned parents *have* to be involved. They scurry around trying to figure out what is wrong. They talk to

the teacher, help with homework, try out tutoring, go for special tests, seek out enrichment programs. And, yes, the Department of Education is right: those parents who devote the most time and energy can save their children from educational disaster.

After creating the problem, the educationists tell us that parents must solve it. —JSS

They'll read it when it's out in Tagalog

— Hillary Rodham Clinton's quasi-handbook on childrearing, *It Takes a Village*, is obviously meant to cement her status as a champion of family values before the presidential election tolls in. I wonder if the nannies who raised Chelsea will buy it? —WM

The marrying kind — Why does anyone have to be concerned about another person's sexual preferences, so long as he or she doesn't use or threaten force to impose his or her wishes on another? Like so many problems, the controversy over homosexual marriages results from government intervention. After all, a heterosexual marriage is simply a contractual arrangement between a man and a woman concerning their respective rights under the law. Typically, they embark upon such an arrangement out of love and a desire to live their lives together and form a family. Except for not having children of their own, a homosexual couple might do so for similar reasons. In any event, there is no reason why two men or two women couldn't enter into a marriage-like contract covering their respective rights to property, inheritance, pensions, and adoption, and their obligations to one another.

However, government discriminates against such contracts between two same-sex companions. Government regulations permit only survivors of a legal heterosexual marriage to inherit certain valuable rights such as Social Security, pension and job-related benefits, and the right to occupy rent-controlled apartments. Government also discriminates against homosexual couples with respect to adoption. So homosexuals fight for "affirmative action" laws and to have their relationships legally certified as "marriages."

Ending government-decreed benefits would eliminate the problem. Then homosexuals would be free to settle amicably and legally, by entering into mutually-agreed-upon contracts with one another, such matters as their respective rights to property, inheritance, and adoption. —BBG

Secret agenda? — Rob Reiner's movie *The American President*, last year's wildly overpraised mediocrity that made many critics' top ten lists, has generally been interpreted as a paean to the Clinton administration. But could it have a more subtle message — something more radical being slipped into our subconscious?

Consider Michael J. Fox's character, Rothschild, the young White House aide obviously modeled on George Stephanopoulos. Throughout the film, he hectors the president to impose stronger gun control legislation. In the end — and don't worry, I'm not giving away anything you won't figure out for yourself in the first ten minutes of the picture — the president does indeed call for gun confiscation.

So beneath the surface Clintonism, the movie is saying this:

THE ROTHSCHILDS ARE PLOTTING TO DISARM THE AMERICAN PEOPLE!

And Clinton thought Rob Reiner was his friend. The man belongs in the Michigan Militia! —JW

www.censorship.stupid — German prosecutors are trying to control cyberspace once more. Their target: a computer in Santa Cruz, California (www.webcom.com) that is declared "legally off limits" because it has the audacity to list Ernst Zundel among its over 1,500 customers. Zundel is a Canadian resident who believes that the Holocaust is a Jewish historical invention — that it never took place.

Ironically, the attempted censorship has brought Zundel undreamed-of publicity and widespread circulation of his theories. David Jones, president of Electronic Frontier Canada, explains: "Instead of limiting the audience for Zundel's propaganda, Germany's clumsy attempt to block access has resulted in the information being copied to new locations in cyberspace and becoming even more accessible, . . . and with the publicity, more people might want to visit these web pages to see what all the fuss is about. It's rather unfortunate." Jones also stressed that EFC "strongly disagrees with Zundel's views."

Declan McCullagh, a free speech activist, loaded Zundel's message into a single file and posted a Usenet newsgroup with instructions on "how to open your very own Zundelsite mirror archive in five minutes or less." The same has been done at Carnegie Mellon University, Stanford University, and MIT. "If Germany starts to prevent their universities from connecting to other universities outside the country, it defeats the purpose of them being on the Internet in the first place," observes Jones. —WM

Spoiler alert — Democrats are elated over Ron Wyden's victory over State Senator Gordon Smith for Bob Packwood's seat in the U.S. Senate. The environment, abortion, and the recent budget debate have all been credited with the liberal Democrat's victory.

In fact, the vote was so close — Wyden beat Smith by less than 1.5% (568,000 to 551,000) — that almost anything could have made the difference. One factor not mentioned in any account I read was the presence of third parties.

Wyden and Smith actually shared the ballot with four "third-party" candidates. Two of them, the Socialist Party's Vicki Valdez and the Pacifica Party's Lou Gold (a noted environmentalist), collected 15,000 votes. The

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
BBG	Bettina Bien Greaves
LTH	Leon T. Hadar
BK	Bill Kauffman
RK	Richard Kostelanetz
LEL	Loren E. Lomasky
WM	Wendy McElroy
RO'T	Randal O'Toole
SR	Sheldon Richman
JSR	James S. Robbins
JSS	Jane S. Shaw
SS	Sandy Shaw
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

other two, Karen Shilling of the American Party (i.e., the Perotistas) and Gene Nanni of the Libertarian Party, collected 40,000 votes.

This means that a majority of voters selected parties or candidates who generally oppose big government and generally support trimming government spending. In other words, if the American and Libertarian Party voters had gone for Smith, he would have won the election even assuming the Socialist and Pacifica votes had gone to Wyden.

I draw two lessons from this. First, contrary to Democratic hopes, Oregon voters are getting more conservative: no one as conservative as Smith has come this close to winning a statewide election in decades. Second, if the Libertarian Party is going to act as a spoiler, I'm not interested in it. Though I may not agree with his social views, I'd rather have a fiscal conservative such as Smith than a tax-and-spend liberal such as Wyden any day. —RO'T

Sofa, so good — What is it about a couch on a porch that fills certain people with rage? When I was a college student, I lived in a house with a sofa on its porch, and life was grand. People could gather there to talk, or smoke, or drink, or play music, or make out, or just watch pedestrians wander by. It was both an adjunct to the house — an extra room smokers or loud talkers could be sent to without feeling banished — and an opening to the outside world. Random passers-by could stop for a second, stay for an hour, and end up our newest friends. The couch was ripped-up, dirty, and comfy. And our landlord made us get rid of it.

He was a good landlord in every other respect. But after he took away our couch, our house's social life took a bit of a dive. And we weren't the only ones: friends and neighbors also had their sofas evicted by other landlords (including one moderately prominent contemporary philosopher, whose sensible writings on politics might lead one to expect he'd know better). What gives?

Well, couchnapping our favorite furniture is a landlord's prerogative, I suppose. The house is his property, after all, and I don't remember demanding any special sofa rights in our lease. But the city council of Indiana, a small town in western Pennsylvania, has no such excuse. In December, the Indiana Borough Council banned residents from using furniture outside if it is "not specifically constructed for outdoor use." Offenders will be fined $50–$100 for a first offense, and up to $300 if they keep sinning. The law was specifically designed to get couches off porches. According to the Associated Press, "The idea came from Councilman John Morganti, who has campaigned to clean up things he regards as eyesores."

Well, that's America: one man's way of life is another man's eyesore. Except in this case, the latter is a powerful prig, and he doesn't mind forcing everyone else to conform to his sterile social vision. Don't be surprised if this latest affront to civil society catches on in other cities. There is something about a happy porch that drives a busybody mad. —JW

Nature boy, spare that tree — "Too many of us are still locked into the mindset that says the way to make money off a piece of land is to mine it, drill it or log it," wrote Jon Roush, president of the Wilderness Society, in a letter to the *New York Times* in January. His point was that preservation, not "extractive industry or agriculture," leads to a healthy economy, since tourists and new industries are attracted to places with forests intact.

Roush should know all about the mindset, since he has it. Not too long ago, he sold 400,000 board feet of wood from his ranch in the Bitterroot Valley of Montana to Plum Creek Timber Company. That's not necessarily bad, but logging while categorically condemning logging seems hypocritical.

Roush is not the first environmentalist to attack logging while doing it himself. In 1993, William Arthur, the northwest regional director of the Sierra Club, cut 70% (or 85,000 board feet) of the standing timber on his property. At the time, the Sierra Club was suing the Forest Service over its management of Colville National Forest, which surrounds Arthur's property. Also that year, Arthur was a witness at Bill Clinton's "Forest Summit," urging that more land be preserved to protect the spotted owl.

These two actions typify the arrogance of the environmental movement. *The Nation*, which originally broke the Jon Roush story, said that "the head of the Wilderness Society logging old growth in the Bitterroot Valley is roughly akin to the head of Human Rights Watch torturing a domestic servant." That's harsh, but these guys do seem to take their private property rights for granted while actively trying to eliminate those of others. Jonathan Adler points out in his book *Environmentalism at the Crossroads* that in 1989 the Wilderness Society pushed for a doubling of federally protected wilderness and in 1992 it urged the federal government to buy $1 million worth of private land.

Roush and Arthur remind me of the high-level Soviet *nomenklatura* who bought their goods in hard currency stores but expected others to stand in line at GUM. —JSS

Belfast on the Potomac — James B. Stewart's revelations (in *Blood Sport*) of the way the Clinton duo worked in Little Rock — and in Washington — brought to mind the structure of a terrorist organization. Bill is the political wing, always at arm's length from the activities of Hillary, at least in terms of deniability. Hillary is the militant wing, enforcing the will of the organization on any who cross its path. I've always wondered why so few of the people the Clintons have double-crossed over the years have come forward to tell their stories, and I've assumed it was a combination of Bill's charisma and the probability that the Clintons

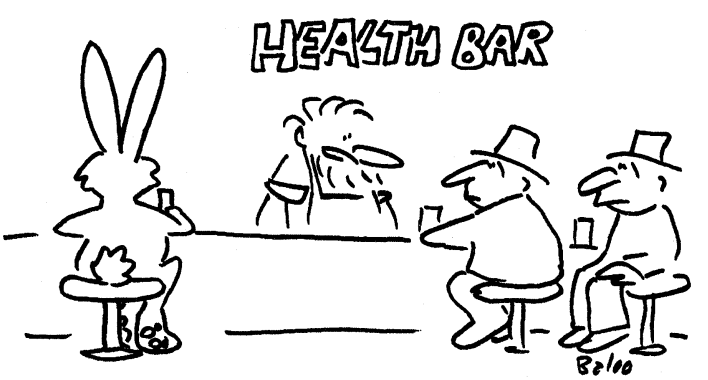

"Relax, guys — he was a rabbit long before he started coming in here."

have just as much dirt on all of their potential detractors. But the portrayal of the ruthless, manipulative Hillary Rodham Clinton in Stewart's book shows who inspired the real terror. It would take a strong-willed person indeed to face off with Hillary the kneecapper. —JSR

The Hamas golem — The peace process in Palestine is effectively dead. The carnage recently unleashed on innocent Israelis has destroyed it, and those responsible for the bombings have an ocean of blood on their hands: not just of their direct victims, but of all those who will die in the crackdown to come. Hamas' terrorist tactics are as vile as its fundamentalist ideology.

That much is obvious — not just because it is true, but because it does not break with conventional thinking about the Middle East. It is easy, in the United States, to condemn Arab and Muslim terrorists. It is much harder to seriously discuss what makes it possible for a group like Hamas to flourish.

The hawks are now demanding a harsh crackdown in the occupied territories; peace, they not unreasonably suggest, must take a back seat to Israelis' immediate security. The putative doves can only suggest greater subsidies for Yasser Arafat, to give him a leg up on his Hamas rivals. We have thus been maneuvered into a position where the only options discussed in the corridors of power are punishing all Palestinians for the crimes of a minority (rather like punishing all Israeli Jews for the assassination of Prime Minister Rabin), or further propping up the man whose corruption and illiberalism has handed Hamas its constituency.

Hamas is pursuing a classic *strategy of tension*. Its intent is to create a situation in which the average Palestinian has only two alternatives: acquiescence to unbearable oppression, or support for Hamas. The tactic requires (a) provoking a severe clampdown, and (b) eliminating all other challengers to Israeli authority. Hamas has now achieved the first goal — largely because every other player in the "peace process" has achieved the second for it. Arafat's autocratic disdain for his people's interests drove supporters from his camp, and his vigilant suppression of dissident voices in the PLO ensured that a third path between Arafat and Hamas would not emerge. Meanwhile, Israel and the U.S. only helped Arafat along by underwriting him. (And not only that: before the peace talks began, Israel subsidized *Hamas*, hoping to undermine the PLO's authority among Palestinians. At the time, the country was governed by the Likud Party — the same hawks who now push for no-holds-barred repression. The chickens, as Malcolm X liked to say, have come home to roost.)

Arafat is, in more ways than one, the anti-Moses: he led his people to the promised land, then entered it alone. Had he not cashed his nation's interests in for a chance to speak at Harvard and be photographed on the White House lawn, he would have been able to suppress Hamas before its campaign of terror got out of hand. Had Israel treated Palestinians with dignity and respect — allowing them freedom of speech instead of censorship, freedom of enterprise instead of punitive regulation, a rule of law instead of arbitrary violations of civil rights — Hamas would never have drawn the kind of fanatical support a campaign of suicide bombers requires. The strategy of tension is working because the Israeli government and the PLO are allowing it to work. Hamas is to blame for the recent mass murders on Israeli soil, but Israel and the PLO are to blame for Hamas. —JW

It took a village — In the spring of 1947, socialism was still a strong intellectual force. Most leading economists were either mixed-economy Keynesians or hard-core collectivists, and the other disciplines weren't in much better shape. Virtually every nation was in the grip of one statist doctrine or another, from the harsh totalitarianism of Josef Stalin to the much milder, but still destructive, Fair Dealism of Harry Truman. In that environment, 36 pro-market intellectuals from around the world gathered at Mont Pelerin, Switzerland, to plot strategy in the postwar era. F.A. Hayek was there. So was Ludwig von Mises. So was Milton Friedman.

I traveled to Mont Pelerin not long ago, after a trip through the Swiss Alps. Mont Pelerin, I discovered, is not actually a mountain, at least in the snow-covered alpine sense; it is a tiny village overlooking Lac Leman near the Swiss town of Vevey. A *petit* red funicular railway transports tourists up the hillside from Vevey to the village, where a spectacular view of the Swiss Riviera awaits. To the east is Montreaux, site of the internationally renowned jazz festival. To the south, across the lake, is Evian — a famous French spa where alpine mineral water is bottled. And in the distance, there are the breathtaking mountains.

Pelerin is the French word for "pilgrim," and it was easy for me to imagine the conferees making their pilgrimage to

Switzerland a half-century ago. The world has changed dramatically in the years since that meeting, and much of the intellectual change can be attributed to Mont Pelerin's conferees. A grounded scientific belief in free markets is supplanting the old faith in the state. In 1947, the Austrian and Chicago schools of free-market economics were widely ignored. In 1974, Hayek was awarded the Nobel Prize, an honor bestowed on Friedman two years later.

So I arrived at Mont Pelerin with certain expectations. A statue of Hayek, perhaps, or a Rue du Mises; at a minimum, a simple plaque outside the Hotel du Parc, commemorating the great conference that took place within. Instead, I found a Tibetan Institute and some cows wandering in a nearby meadow. If 36 socialists had gathered there in 1947, there would be statues, streets, plaques, and still more: five books, three plays, and two novels would have been produced already, with more in the works.

I was disappointed, but not depressed. The land was too scenic, too beautiful for me to feel down. I consoled myself with thoughts of *Mont Pelerin: The Movie* as I rode the funicular down to Vevey. Perhaps *One Week That Changed the World*, or *36 Angry Men*. —*guest reflection by* Greg Kaza

It takes a village, a sociology department, and the 82nd Airborne — In Hillary Clinton's smarmy book on childrearing, *It Takes a Village* (from the expression "It takes a village to raise a child"), the "village" is a metaphor for the state. The cozy little tome is nothing short of a self-righteous call for the state to replace parental authority. As this absentee-mother explains, "The village itself must act in place of parents; it accepts those responsibilities in all our names through the authority we vest in government."

When should parental rights be terminated? Not surprisingly, she argues for breaking up the family upon sexual or physical abuse of the child. But then the brave Hillary plunges ahead to raise the vague specter of "improper child maintenance." How could wayward but nonabusive parents be swayed toward her view of proper child maintenance? She suggests that medical benefits to such people be made "contingent on agreement to allow home visits [from social workers] or to participate in other forms of parent education."

First she wanted to socialize medicine, placing it under government control. Now she wants access to medical care to be a privilege that must be earned through conformity to her view of childrearing. As Alexander Cockburn has commented, "She should change her book's title to *It Takes a Police State*." —WM

Plebiscital maniacs — In Australia, they take democracy seriously.

The Australian state of Victoria introduced the secret ballot in 1854, on the theory that it would prevent intimidation of voters. From a somewhat different perspective, Lysander Spooner saw the so-called "Australian ballot" as a way for voters to rob their neighbors in secret, via taxation. The Australian ballot prevailed and Spooner's thinking lay dead to the world, embalmed on the yellowing pages of old political tracts. In 1894, only 15 years after Wyoming enacted the world's first women's suffrage, South Australia followed suit. In 1924, Australia made voting no longer a right, but an obligation, instituting fines for those who fail to vote.

A more recent reform requires that voters rank candidates for office in order of preference. As I understand the system, they count the first-choice votes for each candidate, eliminate the candidate with the fewest, and increase the ranking of the remaining candidates on each ballot. In other words, if you rank candidates Adams, Brown, Cromwell, Dimwit, and Edwards, and Adams finishes last, your ballot now counts in favor of Brown. If in the second counting of ballots, Brown is last, your vote now goes to Cromwell. And so on. It sounds a bit cumbersome, but pretty fair, right?

Well, not so fair as you might think. It makes voting for the candidates of minor parties virtually irrelevant, since in the end the election comes down to the two candidates of the major parties, after all the ballots for other candidates are eliminated in the early rounds of ballot counting. At least that's what Albert Langer figured. So he suggested that voters simply rate the two major parties in a tie for last on their ballot. This is a violation of the voting laws, but it's a lot harder to punish the Australian who follows Langer's advice than it is to punish the Australian who does not vote, since Australia has the secret ballot.

Not to worry. In a country that takes democracy as seriously as Australia does, there is a way to deal with such insolence. The electoral commission won an injunction forbidding Langer to advocate such treason. He defied the court order, and on Valentine's Day was sentenced to ten weeks in jail.

Yes: in Australia, they take democracy seriously — so seriously, in fact, that they fine people for refusing to vote and jail people for challenging the two-party oligopoly. Of what importance are the rights to liberty and property — the most fundamental rights of liberal society — when Australia's peculiar democracy is challenged? —RWB

These guys were the Vikings? — There's something about foreign travel that makes you hum all those patriotic songs you learned in grade school.

My mother and I recently traveled to Norway. Fjords, lakes, forests, crisp clean air — it all makes you feel alive. Altogether a fine place for a vacation. We had the added pleasure of visiting relatives, and being welcomed into the homes of the local people. Norwegians have a reputation of being cold, and it is not undeserved, but if you are "in," they

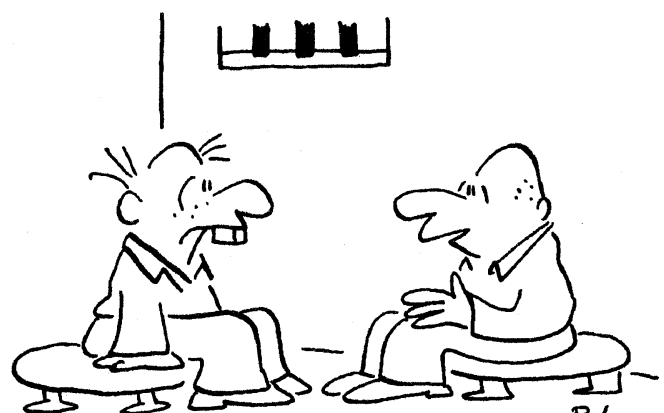

"Look, just because somebody *yells* 'stop thief' . . ."

become extremely friendly. We spent a lot of time drinking coffee and eating little cakes.

Our visit included a stop by the old family farm, the place where my grandmother was born, and the place she left in 1917 to find a brighter future abroad. My grandmother didn't like the pool of potential mates in her town, and although she didn't speak a word of English, she went to America, all alone. My cousins still own the old farm, a beautiful piece of land right on the fjord. That's where the trouble starts. They *sort of* own it.

The concept of private property rights hasn't reached this country yet. The government decided to build an aquarium on the property. Oh, my cousins would still own the land, all right, they'd just have to put up with tourists, staff, parking lots, and a huge aquarium right next to the house — if the house is allowed to remain standing, that is. For some reason, the aquarium has not yet been built, but the property's sort-of owners (my cousins) answer the government's plans with lapdog obedience. That's just the way it goes in Norway.

Luckily, one of my most unfortunate cousins was kind enough to rescue me from the endless string of coffee parties and the blue-haired old ladies. He took me out to drink beer with the rest of Young Norway. Luckily again, almost all young Norwegians are fluent in English. We talked about a lot of things over our $10.00 pints of beer — alcohol is very highly taxed in Norway, to discourage abuse. Naturally, this just promotes heavy patronage of the duty-free liquor shops by those who travel, and of moonshine aquavit by those who stay at home. One additional problem with drinking in Norway is that the penalties for driving under the influence of alcohol are very severe, and the definition of "under the influence" is very strict. Breathing into a breathalyzer after eating a liqueur-filled chocolate candy will qualify you as intoxicated. Now, I'm no fan of drunk driving, but most people can manage to operate a motor vehicle after one beer, certainly after a liqueur-filled candy. In Norway, however, such an act will land you in jail for three weeks.

One of our relatives once hosted a party. A guest asked the host to move a car that was blocking his, so the host moved the car several feet out of the way. The police saw this, arrested him, and threw him in jail, even though he had not even left his own driveway.

The family noted his example. All Norwegians take the idea of designating a driver very seriously. Well, what's wrong with that? What's wrong with the government scaring the beejeezus out of the population? It's good for business, too. As you might expect, the taxi business in Norway is booming, which is a very good thing for another cousin of mine, a cab driver. He has five children, at last count, by three different women, none of whom he has bothered to marry. A young woman I met in the bar, wearing a microscopic miniskirt, also had a child at home, also was not married. She seemed more embarrassed about not having a job than about the fact that her child didn't have a father. Norwegians, like many other Europeans, don't seem to get married anymore, and none seem to have any plans to do so. Although this helps keep the divorce rate low, I wonder how having six or eight sets of parents will affect the children.

The most comical thing I learned about Norway demonstrates perfectly how this benevolent dictatorship operates. The bureaucrats of Norway have banned eyedrops as, get this, "unnecessary, and possibly addictive." It is against the law to sell eyedrops in Norway! And red-eyed Norwegians don't even seem to mind. They just smuggle cases of ClearEyes every time they come back into the country, clearly not concerned about either health or legality, but unwilling to exert the effort to change the law. One wonders what the Norwegians would do if their government decided to take the same approach to caffeine. Starbucks on the black market, sweater-wearing blonde bums in alleys . . . "C'mon, Sven! I need my fix!"

Somehow, I pried Mom away from our relatives' constant addictive and unnecessary coffee parties, and we left little Norway and all its friendly, well-meaning socialism, urging our relatives to come and visit us in America. For the most part, they were unenthusiastic. They have a comfortable life, predictable and safe. The social engineers are doing their jobs.

—*guest reflection by* Carolina Beroza

Better living through litigation — Coming up: Durk Pearson and Sandy Shaw *et al.* vs. Shalala, Kessler, the FDA, *et al.* When Durk and I first began our research into aging mechanisms in 1968, the limit to what could be done to extend human lifespan was information: there wasn't very much of it. In 1996, the limit is regulatory barriers, particularly those put in place by the FDA. Some of their most appalling regulations concern "health claims." You aren't allowed to print a statement accompanying a health care product, either as part of the label or as advertising, in which truthful and non-misleading information suggests the product may be good for your health, without permission from the FDA. Our First Amendment suit against this policy is working its way through the courts, after having detoured through the Ninth Circuit Court of Appeals (which said it didn't have jurisdiction).

The FDA's blanket ban on health claims constitutes a prior restraint, which is not only contrary to the First Amendment but has been considered very dubious by the courts even under the commercial speech review standard. (The courts have considered commercial speech to be somehow different from other speech and not "deserving" of full First Amendment protection. The First Amendment, of course, makes no such distinction. However, even under this reduced standard, the courts oppose prior restraints except under very unusual circumstances.)

If we win this case, our victory will dramatically expand the market for health products, particularly dietary supplements, because it is very difficult to sell products without being able to tell people what the products can do. Until then, America still won't have a health-care system, just an after-the-fact illness-care system. —SS

Hired gun control — The principal objection to libel laws is that the business of establishing truth and falsity is strictly a matter for theocracies and other dictatorships. The liberal secular state should not be in that business at all. Anyone who supports libel is probably inclined to support other government intrusions as well.

If someone has defamed you, the alternative to a lawsuit is simply to reply to the charges. Defamation can succeed

only if you lack sufficient intelligence or self-respect to respond. The fact that your critic might have a louder voice than you — say, because he is an established writer, or because the periodical publishing him has a wide circulation — does not excuse failing to answer in kind. In a free society, such circumstantial inequalities are just as inevitable as unequal economic opportunities. Truth will usually triumph, all excuses to the contrary notwithstanding.

Individuals who choose to respond to criticism with a lawsuit usually do so because they *can't* defend themselves in the free marketplace of ideas. I cannot think of any recently alleged "libel" that was not at least somewhat true, regardless of what was decided in court. Furthermore, in almost all cases, the complainants actually managed to *increase* the circulation of the supposedly defamatory comments. In suing Mary McCarthy for calling her a liar, the playwright Lillian Hellman reminded everyone that she was indeed a fabricator.

Libel suits are strictly for the rich, for if litigious petitioners lose, they are responsible for paying not only their own lawyers but the writer's lawyer and court costs as well. Since such suits are rarely won, especially nowadays, only rich pricks can afford them. This is another way of saying that anyone who initiates a defamation suit, especially of a visible critic, wants to have his or her name forever prefaced as That Rich Prick X.Y.Z., much as prostitutes are called "whores" long after they've turned their final trick. (Don't discount the advantages of such a moniker in attracting a certain class of literary groupies.) This explains why, when an author writes something critical, the first question his or her publisher asks is not whether the charge can be substantiated, but whether the person criticized is rich — i.e., whether he or she can afford to lose a lot of money engaging in legal intimidation.

The real function of such a suit is to waste a writer's time — to keep him or her away from his or her primary work. Perhaps, then, an unsuccessful litigant should be responsible for fair compensation of professional time lost. Assuming a rate of $50.00 per hour for a writer's time, the court could rule that, if 200 hours of a writer's time were wasted, the debt would automatically be $10,000. If 2,000 hours, then $100,000. (This is actually a cheap rate. Plumbers charge more, at least in New York City.)

If we accept this principle, it would be wise to require litigants to put sufficient money in escrow before the suit begins, simply because we all know how hard it can be to collect a debt from moneyed deadbeats, such as negligent absentee fathers. This requirement ought to be acceptable, because nothing is more dubious than a rich person who does not put his or her money where his or her mouth is.

Precisely because libel suits can be so expensive, semi-scrupulous lawyers specialize in conning rich people into initiating them. It is easy to suspect a *provocateur* behind the most comic current libel case, in which the British arm of McDonald's is suing two impoverished environmental activists for a six-page leaflet alleging that the multinational destroys rainforests, abuses workers, and causes health problems. Because the trial has become a well-publicized farce, McDonald's has suffered bad publicity, protests at its stores, and legal expenses of nearly $10,000 a day. According to *The Wall Street Journal*, "Acknowledging that Mr. Morris and Ms. Steele are broke, McDonald's isn't seeking damages or even court costs. It only wants the judge to say the leaflet's statements are false." McDonald's has reportedly offered, without success, to "settle" the case if only the writers would state that the charges are untrue. The defendants "say they will go away only if McDonald's promises never to pursue such a case again — against anybody." Hoisted on its own arrogance — and its susceptibility to aggressive con men — McDonald's is left embarrassed, its purported representatives no doubt snickering as they write out their bill.

So-called defamation suits simply represent bullies' efforts to harrass or censor using hired guns. Anyone initiating such a suit is courting the ignominy that is generally accorded bullies. —RK

Unpersuaded — I was surprised to read Jane Shaw's comment that the new interest in Jane Austen at the Cineplex is a "sign that Americans yearn for a return to traditional behavior and values" ("Virtue and virtuosity," March 1996). I've yet to see any of the recent movies based on Austen's work (unless you count *Clueless*, which, in this context, I don't). But I've read Austen, and if the new films are faithful to her books, I think I'm more inclined to agree with *The New Republic*'s Stanley Kauffmann: "this *Sense and Sensibility* adaptation becomes a somewhat pitiless exposé of a cruel society: young women whose sole purpose is to find proper husbands, young men whose sole function is to inherit money or to marry it. Thus, rather than extolling the allegedly enviable assurances of the past, the film implicitly admires the present for being in great degree different."

When I read *Pride and Prejudice* in high school, I initially hated it, largely because I didn't like most of the characters and despised the way they lived their lives. After 60 pages or so, dawn finally cracked over my thick skull, and I realized that Austen didn't care for this way of life either. Holding up Jane Austen books to show the wonders of old-fashioned manners is like holding up *Invisible Man* as a testament to American race relations.

This doesn't really affect Shaw's ultimate point — that the state subverts traditional values — since the people who populate *Pride and Prejudice* aren't exactly exemplars of bourgeois virtue. Theirs is the old aristocratic way of life, something

"Don't you understand, Lenny? You don't *have* to sell *Watchtowers* anymore."

that free markets tend to undermine, much as the therapeutic state undermines the civil values Shaw and I admire.

Besides, I'd be wary about drawing sweeping conclusions from what's doing well at the box office. After all, more people go to movies like *Judge Dredd* than to movies like *Persuasion*. I'm not sure what social lessons can be drawn from that, but whatever they may be, they probably won't give much solace to those who hope to see a revival of virtuous behavior. —JW

Another Rhodes scholar we never needed — The lamentations in the press over the announced retirement of Sen. Bill Bradley (D–N.J.) were particularly gloomy, and it was no mistake that his announcement coincided with a tour to promote his new book, *Time Present, Time Past: A Memoir*. The anguish commentators feel over the departure of the "moderate middle," the "sensible center," etc. seems well out of proportion to anything these politicians have actually done over the years. In fact, as Bradley's book demonstrates, he has no original ideas.

But Bradley is from a group that actually prides itself on having no ideas: the Moderates. Their special talents are deal-making, compromising, and supporting the status quo. They are not the hope of the future; they are the people who have caused the problem, by lacking the will to stand up and change the way the government works. Their reaction in the face of an attempt at real change? Give up, leave, and spout holier-than-thou rhetoric all the way out.

The Republic will survive without them, even flourish. Good riddance. —JSR

PoliSci for beginners — Democracy: A system of political governance in which the ayes have it and the nays get it. —SR

Medianotes

Indifferent to the truth — If you've been following political news, you pretty much know the story on the fight for the Republican nomination. Dole went into the race a frontrunner, but he quickly relinquished that role to Pat Buchanan after Buchanan won the Alaska and Louisiana caucuses, finished a strong second in the Iowa caucus, and won the New Hampshire primary. Then Steve Forbes came on strong, winning in Delaware and Arizona and taking the lead. But in a dramatic last-ditch stand, Dole came back from the dead by winning South Carolina big, then swept the primaries on "Junior Tuesday" and virtually assured himself the nomination.

It's a great story, full of drama, surprises, upsets, come-from-behind wins . . . there's just one problem: it is false in almost every detail. From the moment, in late January, when the Forbes campaign was untracked by Dole's stealthy use of fraudulent telephone campaigning, the battle for the nomination was virtually over. By the morning of February 27, Dole had the nomination won. Buchanan was never the frontrunner. In fact, Buchanan never even had a realistic chance at the nomination. Forbes's victories in Delaware and Arizona didn't mark his comeback. They were the last gasps of a mortally wounded campaign. Buchanan's support within the Republican Party, while enthusiastic, was never large enough to give him any prospect of winning. Neither in 1992 nor in 1996 did he ever manage to get even 40% of the vote in a primary; given his views, he never will. For decades, the Republican Party has been the party of free trade. Yes, a minority favors protection from foreign competition (at least for whatever industry this minority happens to be employed in), but the majority does not. Nor do many Republicans warm to Pat's other big issues: absolute prohibition of abortion, even in cases of rape or incest; keeping foreigners out of the U.S.; government support for religious values. All these have the enthusiastic support of a minority of Republicans — between 15% and 30% in most states. But all are opposed by a large majority in nearly every state.

A candidate like Buchanan, who has the fanatical support of a minority but is the last choice of a substantial majority, can get a significant portion of the vote in a few states where his big issues appeal to an especially large minority. He can even win a few states whose delegates are chosen by caucus, where the zeal of one's followers is magnified by the fact that the less zealous are less likely to sit through the tedious caucus process. If there are enough other candidates to split the vote, he might even finish first in a primary or two, as he did in New Hampshire. But sooner or later, the field will narrow and delegates will accrue to one or another opponent. There is simply no way a candidate ranked least favorite by a large majority of Republicans can capture the nomination — even if he is as good a campaigner, as charming a fellow, and as clever a debater as Buchanan. Buchanan was way behind when he started the race, way behind after Iowa, way behind after New Hampshire, and is way behind today. He will always be way behind.

But of course, the press knows that basketball tournaments sell more papers and get higher ratings than runaway campaigns. And the press delights in the presence of a Republican who is easy to beat up on. So after Buchanan won his caucuses in Alaska and Louisiana, got almost a quarter of the Iowa caucus vote, and finished first in New Hampshire, the press declared Buchanan the man to

beat and portrayed Dole as the man trying to catch up. Never mind that two of Buchanan's victories had come in very conservative caucus states and that his sole primary victory was in an extremely conservative state with a large Roman Catholic electorate, circumstances that would be repeated nowhere else. Never mind that Buchanan's margin in New Hampshire was so tiny that within five days Dole had pulled ahead in cumulative popular vote. (If one includes the "CityVote" primary in November, Dole's cumulative vote always exceeded Buchanan's by more than 5%.)

You would think that the returns from the Arizona, North Dakota, and South Dakota primaries on March 5 would have brought the press back to reality. Sure, Forbes carried Arizona and won all its delegates, and Buchanan finished a fairly strong second in South Dakota, a strong anti-abortion state. But by now, Dole had a substantial lead in the popular vote and was a close second in the delegate count, with Forbes's small lead explained by his good fortune in winning two winner-take-all primaries. At this point, Dole had won two primaries and finished second in the other three. Buchanan had won one, finished second in one, and finished third in three. Forbes had won two, finished second in one, third in one, and fourth in one. Dole had a 5% lead in popular vote over Buchanan and a 6.5% lead over Forbes.

How did the experts play the story? They said that the Dole campaign was practically finished, kaput, dead; that Forbes had made a remarkable comeback; and that Buchanan was now the leader. The most idiotic interpretation came on *Nightline*, which led with a false report that Dole had finished third in Arizona and proceeded to spend

It's a great story, full of drama, surprises, upsets, come-from-behind wins . . . there's just one problem: it is false in almost every detail.

an entire half hour explaining how and why the Dole campaign had collapsed. The print media followed with an orgy of "in-depth" coverage of the emerging frontrunner, Pat Buchanan, the new threat from the extreme Right. His picture, sometimes retouched to make him appear Satanic or Nixonesque, appeared on the covers of *Time, Newsweek, U.S. News, The Economist*, and *New York*. The apogee of this orgy was *The New Republic*'s March 18 issue, which contained seven separate articles attacking Buchanan. Pat Buchanan the nutball right-wing television commentator might not sell magazines, but Pat Buchanan the nutball future nominee of the GOP plainly could.

Four days later, Dole carried South Carolina by a wide margin. This surprised no one who had a glimmer of understanding of American politics: conservative rural fundamentalist Protestants were not likely to vote for big-city Catholic Pat Buchanan even if he did oppose abortion; Steve Forbes's campaign was going nowhere; Lamar Alexander's ludicrous idea-free campaign was relying on nothing but hope that the rednecks would prefer a fellow Southerner. Most importantly, the South Carolina GOP is perhaps the nation's most powerful political machine, and it was absolutely committed to Bob Dole. Three days later, Dole swept the "Junior Tuesday" primaries, again to no one's surprise.

Except the media's. "Bob Dole's campaign seems to have gone from inert to invincible overnight," explained *The Wall Street Journal*. An upset, a come-from-behind victory, a miracle!

It may seem that there are only two ways to explain why the news media portrayed this dull runaway victory as a dramatic race. One is that they are fools, too stupid to bother to add up the numbers and see that Dole was ahead from the beginning, too stupid to realize that Buchanan could never capture the nomination of a party whose members overwhelmingly oppose him on all his crucial issues, too stupid to see that after his drubbing in Iowa and New Hampshire, Forbes was at best a long shot.

The "star" jobs go to people who will stretch the truth a little, ignore the evidence, dramatize a story a little — or maybe a little more, or maybe a lot more — until it reads like a child's sports novel.

The other explanation is that journalists have at least a glimmering of an understanding that more people read the paper for its sports coverage than for its political coverage, and that if they emulate the journalistic standards of sports reporters (i.e., ignore the truth, dramatize everything) they may prosper.

But the truth probably encompasses parts of both explanations. In America, there are reporters and analysts who know how to add, who have common sense, who are determined to discover the truth and to tell it. But the stories they tell are often not terribly exciting. So they don't get high-visibility jobs with television or newspapers. Instead, the "star" jobs go to people who will stretch the truth, ignore the evidence, dramatize a story a little — or maybe a little more, or maybe a lot more — until it reads like a child's sports novel.

There is, of course, one very interesting story in the campaign: the story of Bob Dole's use of mendacious telemarketers to quash the Forbes campaign and ensure the nomination for himself, calling tens of thousands of early caucus and primary voters and telling them outright lies about Forbes. It was a tough story to get, requiring a lot of legwork and lots of paperwork, and it didn't have strong visual elements. The fact that Dole lied when he claimed that his campaign had not used negative telemarketers was discovered by a small newspaper in Springfield, Illinois, which stumbled on the story when some of the phone salesmen talked about it among friends. The fact that Dole's campaign spent more than $1,000,000 with a single such telemarketing firm was revealed only when reporters dug through literally thousands of pages of Federal Election Commission reports.

And nobody really cares, anyway. The most prominent journalistic report of the details of Dole's fraudulent use of telephone marketing to knock Forbes out of the race came weeks later, buried on the back page of *The Wall Street Journal* on Super Tuesday, when political attention was clearly focused elsewhere.

No one cares, any more than they cared when Bill Clinton brazenly lied on *60 Minutes* about his affair with Gennifer Flowers or lied repeatedly about how he obtained his draft deferment. This isn't the real world. It's politics. It's a world where fraud that goes undetected until after the election interests only political groupies, whose view is, "If you don't get caught, it's good campaigning." A world where the so-called "watchdogs" are really lapdogs, and pundits are rewarded not for their analytic ability, but their skill at dramatizing the banal. Truth isn't important in this world.

—CAA

Talking heads, empty skulls — Friday, March 8, on *The Newshour with Jim Lehrer*, Messrs. Lehrer, Shields, and Gigot discussed why the pundits failed so miserably in analyzing the 1996 GOP presidential primary race. The three analyzed their own failed analyses, and they'll be back next week with even more analysis. There was no trace of self-irony. A recent study in *The Harvard Journal of Press and Politics* revealed that the accuracy rate for predictions on the *McLaughlin Group* is 50.1%, the same as "a monkey flipping a coin." The McGroupies will be back next week too.

The problem is that there is no quality control in the punditocracy — no one ever gets fired. And they are so self-conscious about being part of the process that they lack the objectivity necessary for real analysis. Instead they discuss "perceptions" or the conventional wisdom, and play the horse-race game with opinion polls.

A new low was reached the same night, when a journalist at the Republican debate in Texas referred to Alan Keyes as a radio talk show host with no foreign policy experience. The former ambassador to UNESCO then humiliated the reporter for his lack of preparation and appalling display of ignorance. But that reporter was back on the job the next day.

—JSR

Columny — Out of work? Down on your luck? Not too bright? Perhaps you should think about becoming a newspaper columnist. It's a booming profession where any semi-literate can succeed, so long as you don't rock the boat or think for yourself.

I used to believe that "liberals" — the likes of Molly Ivins and Robert Kuttner — had a corner on the half-wit columnist market. But then I began receiving the national weekly edition of the *Washington Times*, whose editorial columns are filled with ex-Reagan/Bush speechwriters, supply-side theologians, and Beltway-foundation intellectuals. It was in these pages that I first learned from Don Feder that "the war between the president and Congress" over the 1995–96 government shutdowns was a "conflict of visions as stark as any in our history." Feder is a fool if he actually believes the budget battle is comparable to the secession of the southern states in 1860–61, the battles over the New Deal, or the domestic fights over the war in Vietnam. But this is to be expected: Feder has to embrace opinions as frequently as Liz Taylor embraces new husbands.

Similar pap flows from the pens of Tony Snow, Mona Charen, and Donald Lambro into the pages of my *Times* every week. Richard Grenier, who always appears at the front of the "Commentary" section, is probably the worst of the lot. Usually, his tripe is interchangeable with that of the aforementioned writers. But occasionally, to employ a popular annoying phrase, he pushes the envelope of illiteracy. He sometimes writes as if English were his second language, and perhaps Earth his second planet. A recent column on . . . well, something to do with movies, begins: "Those were the days when the roughest, toughest, meanest critters were the gunslingers of the Wild West — or at least they were thought so by their admirers gathered at Musso and Frank's on Hollywood Boulevard. Bang! Bang! Caramba! But where have they gone?" After this auspicious opening, he rambles on about Mel Gibson, foreign film critics, Peggy Noonan, and William Randolph Hearst. The beginning and end are only tangentially related to the middle. When he has a mind to, he can be as thick and unreadable as William F. Buckley. And like Buckley, each column is accompanied by his incredibly pompous visage.

The irony in all of this is that the *Times* recently fired columnist Samuel Francis for his white supremacist views. In spite of his obvious dislike of blacks, gays, and other minorities, Francis is one of the more interesting conservative commentators. He does not repeat William Kristol–approved puffery for the Contract With America. In fact, he dismisses congressional Republicans and their hangers-on as the "Stupid Party." Francis is wrong about a lot of things, but he's an independent and idiosyncratic voice. You'd think a paper as filled with warmed-over Gingrichism as the *Times* would want at least one freethinker in its pages.

—CS

Lust lessons — *Washington Post* columnist Mark Shields wishes that Bill Clinton would emulate Franklin Roosevelt's words: "I should like to have it said of my first administration that in it, the forces of selfishness and of lust for power met their match. I should like to have it said of my second administration that in it, those forces met their master." I'm not sure about selfishness, but I think it's fair to say that in FDR any lust for power previously seen in America indeed met its match.

—DB

Our man in Guyana — How has Jesse Helms been doing as chair of the Senate Foreign Relations Committee? Not well, argues Barry Yeoman, a North Carolina journalist writing in the February 5 *Nation*. When Democrats filibustered Helms's anti–foreign aid bill, the senator responded by shutting down his committee for four months. "The news media had a field day with Helms's maneuvers," reports Yeoman, "but reporters failed to explain the critical issues at stake in the affected countries. In August, Guyana suffered a massive cyanide spill from a gold mine into its largest river, and no U.S. ambassador was present to marshal cleanup resources."

I'm sure the Guyanese are still cursing Senator No for this.

If there were an ecological disaster in *my* backyard, the first person *I'd* look to for help would be some foreign bureaucrat who got his job as a political payoff. Damn you, Jesse!

According to Yeoman, Helms has used his new position to fight foreign aid (i.e., subsidies to American multinationals and Third World bureaucrats) and throw sand in the wheels of America's "presence abroad." Furthermore, all his work as Foreign Relations chair has distracted him from his domestic concerns — the censorship, bigotry, and theocracy that used to put him in the headlines. I've never admired, supported, or liked Senator Helms, but Yeoman's article almost made a Congressional Clubber out of me. —JW

Kiss up and don't tell — During the speculation over the identity of "Anonymous," author of the exposé of the 1992 Clinton campaign, *Primary Colors*, Mark Miller of *Newsweek* stated that he "could have written that from [his] notes." Well, Mark, thanks for keeping the electorate informed in 1992, back when it would have mattered! The fact that almost anyone in the press corps could have written the book is a sad comment on the journalistic profession. Reporters prize their access to candidates, access which they presumably would lose if they reported the juicy stuff — but what good is access unless it is *used* for something?

The real exposé in *Primary Colors* is of the arrogance and insularity of the press, for whom the author's identity is a bigger story than his depiction of a venal, racist, philandering presidential candidate. But of course the "identity" issue was more interesting to them. They already knew about the president's character. —JSR

The best magazine that ever was? — Pundits residing between Wall Street and the Upper West Side have lamented the decline of *The New Yorker* for this or that reason. What they seem to have missed is the demise of its once-distinguished prose style. This became most apparent to me while reading the issue dated January 8, 1996. In a review of a biography of Malcolm Lowry I found the following: "Bowker draws a convincing and chilling portrait of the two main relationships in Lowry's life. His second wife, Margerie Bonner Lowry, herself a writer, is seen partly as an opportunistic parasite, keeping Lowry afloat but feeding off the aura of his genius." A portrait "drawn" that is both "convincing" and "chilling" has three clichés in less than twice as many words, while the image of a genius generating an "aura" is likewise more hackneyed than visible. (Try to imagine it.) "Keeping . . . afloat" as a simile for *support* is likewise a cliché. "Opportunistic" is redundant with "parasite," if only because its opposite is inconceivable.

On the following page, in a review of the film *Nico Icon*, is this from another *New Yorker* author: "One of the reasons that 'Nico Icon' works is that Nico herself was 'film perfect': lovely to look at in her youth, arresting in middle age, and capable of a thousand transformations while projecting a persona that conveyed ennui, chances missed, and the sense that she was stunned by her own enigmatic arrival." "Film perfect" is not an expression so familiar that it merits quotation marks, which function here to divorce the platitude from its author, rather than enhancing its value. Any "critic" judging anything in terms of "what works" (and thus implicitly of "not works") is a patent beginner; that is the language of gatekeepers making commercial decisions. These are verifiable gaucheries. What's a matter of opinion is my sense that the image beginning with the word "capable" and ending with "arrival" is incomprehensible, precisely because it is a series of clichés strung together to be individually acceptable but in sum obscure.

Need I go on? —RK

Politics

Is integrity a family value? — James Carville, in a February 1, 1996 interview with CNN's Bernard Shaw, gave some insight into the issues the Clinton re-election team will stress this fall: "I think what we've had is we've had stagnant wages in this country for too long, and we've had a growing number of children growing up in non-traditional non-two-parent families. And I think that that's, by and large, what I hope the '96 campaign is about." President Clinton began this drift towards family values rhetoric last August, when he presented his 14-point American Family Values Agenda, a list of political proposals — most of which involved funding for federal education and anti-crime and health-care programs.

Just for the record, compare this to candidate Clinton's July 16, 1992 acceptance speech at the Democratic convention: "Frankly, I'm fed up with politicians in Washington lecturing the rest of us about 'family values.' Our families have values. But our government doesn't. I want an America where 'family values' live in our actions, not just in our speeches. An America that includes every family. Every traditional family and every extended family. Every two-parent family, every single-parent family, and every foster family. Every family."

Is there any reason why anyone should believe anything Bill Clinton or anybody remotely associated with him says? If so, I'd like to know it. —JSR

Rich, mean, and old — Each of the leading Republican candidates brought some strengths to bear, but none touched all the bases. Forbes has money, endless

amounts of money. Buchanan knows how to be mean when he has to be — even when he doesn't have to be. Dole has experience; he's put in his time; he's paid his dues; hell — he's just damned old!

Each of these features is good by itself. But what has been lacking to this point is the complete package. The party should have dumped these three also-rans and drafted the one man who combines all of their assets. The perfect GOP nominee for 1996 is none other than . . . Montgomery Burns! ("That's 'Mr. Burns' to you, Simpson.") —LEL

Dole's flat tax — Steve Forbes's abortive campaign proved the electoral appeal of the flat tax. So it's not surprising that Forbes's opponents began to claim it for themselves. After Forbes won the Arizona primary, Pat Buchanan claimed that the flat tax had not been "worked up by the boys in the Yacht Club" but actually had been Buchanan's idea in the first place; Forbes had stolen it from him. Dole — who had spent millions attacking the proposal in thousands of secret, fraudulent telephone calls and hundreds of television ads that misrepresented its impact on taxpayers — suddenly picked up the flat tax. Of course, he didn't do so without checking the polls, which revealed that while people liked the idea of a flat tax, they also liked deductions for mortgage interest and charities. So he added these deductions to his plan. For the primary in New York, where state and local taxes are outrageously high, Dole added a deduction for state and local taxes. Then he let on that the flat tax should have two rates, not just one.

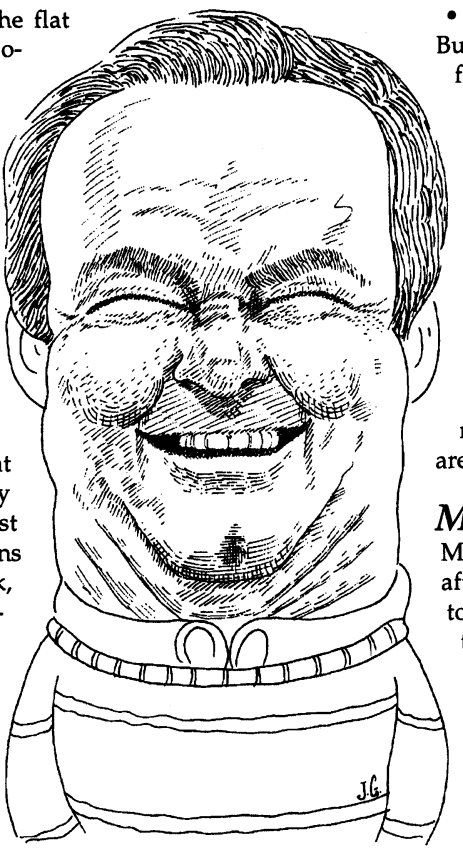

In short, Dole's flat tax is about the same as Ronald Reagan's proposed tax reform of 1986 — except that Reagan did not want to allow a deduction for state and local taxes, figuring that such deductability was in effect a federal subsidy for state and local taxes. In other words, Dole's flat tax would be even less flat than Reagan's 1986 reform. But the comparison breaks down: I don't recall Reagan ever calling his proposal a flat tax. —RWB

Das Buchanan — Working in the office of a libertarian publication, it is no surprise that I often have to defend the frequent kind words that I have for Patrick J. Buchanan. It's not as if I'm unaware of his faults. He would ban the *Sports Illustrated* swimsuit issue if given the chance, and I don't care for his protectionism. But Buchanan has qualities that made him, for me, the best of the Republicans:

• He has *some* good things to say. Buchanan would have U.S. "allies" pay for their own defense and would abolish foreign aid. He favors a flat tax and is, relatively speaking, an isolationist. Try to imagine Bob Dole promising to bring the New World Order "crashing down," as Pat Buchanan has.

• He is entertaining. From his days of putting words into Spiro Agnew's mouth to his bouts with Michael Kinsley on *Crossfire*, Buchanan has never been boring.

• He helped destroy King George. Once you discount the real criminals (Wilson, LBJ, etc.), George Bush has to be the worst U.S. president of the century. He was a feckless troll who did nothing but kill people, raise taxes, and expand government. Pat Buchanan had him in his cross-hairs when Bill Clinton was still whore-hopping his way across Arkansas.

• He has made good enemies. Anyone who is despised by George Will, Bill Bennett, Norman Podhoretz, and Jack Kemp can't be all bad.

• He was the only *man* in the race. Buchanan is imbued with an appealing zest for life. His biography, *Right from the Beginning*, tells unequivocally where he comes from. He is, among other things, Scotch-Irish, Roman Catholic, and Mississippi Confederate. The other Republican candidates were mostly faceless organization men (Bob Dole, Richard Lugar) or grotesque cartoon characters (Alan Keyes, Robert Dornan).

I realize I'm not going to win many converts with this line of argument. Buchanan has too many flaws to gain much libertarian support. But his virtues are worth noting. —CS

My enemy's enemy — The Two-Minute Hate that greeted Pat Buchanan after his victory in New Hampshire ought to teach Middle Americans once and for all that our ruling class not only despises them but lives in mortal fear that someday, someway, the old ghosts — of Jefferson and Shays, of Jackson and Long — will return, and the revenants will inspire a revolt. No, Buchanan isn't perfect. In fact, as I cheered him on one night from the comfort of my couch, watching TV in what now passes for an act of citizenship, I realized that I disagreed with him on tariffs, an abortion amendment, a moratorium on immigration — but *so what*? As the Mugwumps said of Grover Cleveland, we love him for the enemies he's made.

Pat's subsequent flare-out — it's not easy to win primaries when ABC/NBC/CBS/*Time*/*Newsweek* depicts you as Lucifer's black-sheep brother — does have a bright side. At least it averted a meeting with the inevitable Arthur Bremer who awaited him on the road to San Diego. —BK

Aiming for the top — The spectre of Pat Buchanan still frightens many people, especially those who worry about his tendency to play on fear and hatred. But a Buchanan presidency would have many beneficial side-effects. Consider just one: it might turn leftists away from gun control. —TWV

Stardust memories — Barring a sudden heart attack, indictment, or unforgivable political *faux pas*, Bob Dole

is sure to become the Republican nominee for president. Until recently, though, there were three major candidates in the Republican fray. Dole was the anointed candidate, the favorite of traditional party elites. Steve Forbes was the preppy candidate, embraced by unreconstructed supply-siders. And Pat Buchanan was the fuck-you candidate. He railed against the Powers That Be — and some That Aren't — no matter where it landed him on the political spectrum. He even quoted the late author of *Das Kapital* on the perils of free trade, making him the closest we've had to a Marxist Republican since Vito Marcantonio was in his prime. Buchanan's appeal had little to do with his philosophy (such as it is) and nothing to do with his personal qualifications (such as they are) for the job. He was there so voters could feel like they were sticking it to the Man. On that level, he was my favorite of the lot.

There were other candidates, too — loony Bob Dornan, booming Alan Keyes, plain-talkin' Morry Taylor. None of them had any chance of winning, so they got to stick their necks out a little farther than the frontrunners did. Eventually, they disappeared from the race, short of breath and short of funds. And the campaign became a duller spectacle to watch.

"What do you think about the presidential candidates?" "I prefer the earlier, funnier ones." —JW

A mispacked court — At the *Liberty* Conference last September, I asked a panel of prominent libertarians a hypothetical question: If the presidential election were held today, and you had to vote in it, and your choices were limited to Bob Dole and Bill Clinton, for whom would you cast your ballot? Four of the panelists said they'd vote for Clinton. Their thinking was that however bad Clinton may be, Dole would be worse: a Washington insider bereft of principle, he would be Nixon II, leading Republicans even deeper into the jungle of pork, high taxes, and gargantuan government. The one holdout confessed that he'd probably vote for Clinton if he were faced with such an odious choice, but there was one good argument to be made for Dole. The president controls judicial appointments, and Dole (he figured) would be likely to appoint people less favorable to power and more favorable to individual rights.

In 1988, John and Tina Bennis purchased a beat-up old 1977 Pontiac for $600. A few months later, John solicited a prostitute while in their car. Local law (this was in Michigan) authorizes the state to seize property used in such heinous crimes, so the old Pontiac was taken by the police. Tina Bennis pointed out that she had a half interest in the car, and it was not fair to punish her for her husband's crime. A Michigan court ruled that her half interest amounted to so little money that she could go screw herself. (Or, as the *New York Times* put it, "a state circuit court judge in Detroit responded to Mrs. Bennis' request to insulate her half-interest in the car by noting that the value was so slight that 'there's practically nothing left' after court costs were deducted.") Mrs. Bennis appealed, supported by a brief from the Institute for Justice, a sort of American Civil Liberties Union for property rights. The case wound its way up to the Supreme Court, which ruled on March 5 that there was nothing in the Constitution that could prevent a state from punishing one person for the crime of another, at least when the punishment amounted to only $300.

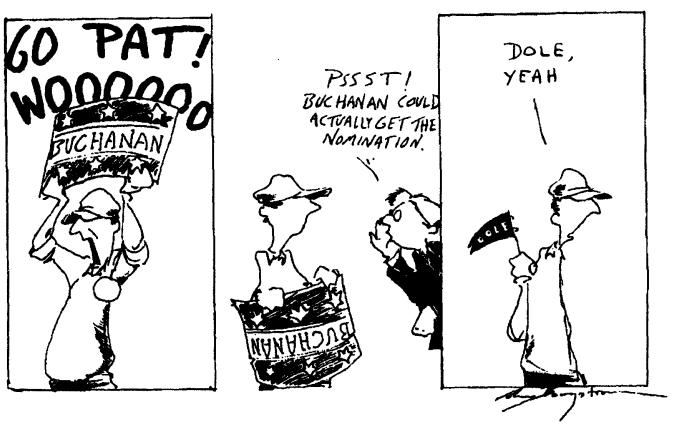

Chief Justice William Rehnquist observed in the majority opinion that "an owner's interest in property may be forfeited by reason of the use to which the property is put even though the owner did not know that it was to be put to such use." In a concurring opinion, Justice Clarence Thomas observed that "if improperly used, forfeiture could become more like a roulette wheel employed to raise revenue from innocent but hapless owners whose property is unforeseeably misused," but that nothing in the Constitution could stop such an injustice: "This case is ultimately a reminder that the federal Constitution does not prohibit everything that is intensely undesirable."

Now, the Fifth Amendment to the Constitution, with which the Supreme Court is presumably familiar, happens to state, "No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." One now has to wonder what interpretive machine has transformed this clear idea into the Supreme Court's opinions. Perhaps we are to conclude that legislation allowing the government to steal the property of innocent people isn't covered by the Fifth Amendment. Or perhaps we are to conclude that when the State of Michigan passes a law authorizing the police to seize the property of innocent people, that's "due process of law."

It's worth noting that the judges who dissented were Kennedy, Souter, Breyer, and Stevens — a moderate conservative, an eclectic, a Clinton appointee alleged to be a leftist, and the justice usually considered furthest to the left. The majority consisted of four conservatives and purported conservative-libertarians, plus Clinton appointee Ginsberg.

When I hear libertarians suggest that a vote for Bob Dole will at least have a salutary effect on future Supreme Court nominees, I shall think of this decision. —RWB

Bad cop, worse cop — The Silly Season has begun, first with some warmup stretches in Louisiana, then a dash through Iowa, followed by the official *mano a mano* primary combat in New Hampshire. Then, just when the purveyors of public wisdom solemnly united in declaring that the senior senator from the Sunflower State had stumbled, perhaps irrevocably, with Pat Buchanan the unlikely deliverer of mortal wounds, Mr. Dole wrapped up the nomi-

nation with a string of primary landslides. What had happened?

Not for the first time, the pundits had applied their full powers of analysis to a delicate political phenomenon and thereby managed to get it precisely backwards. What should have been apparent even before the New Hampshire sleight of hand is that Buchanan, rather than being Dole's *bête noire*, is in fact the best thing that has happened to him since God smiled on the senator and miraculously lifted all the gray from his hair.

Until now, Dole has been a consistent loser in presidential races. Why is this? It cannot be because of his incoherent mumble: compared with Ford and Bush, Dole is a veritable Demosthenes. Nor does he lack sufficient intelligence to occupy a post within a heartbeat or two of the presidency: the example of Mr. Quayle is, in this regard, exemplary. Dole is, to be sure, dull, but he is outflanked on the soporific side by Vice President Al Gore. And, of course, as he points out on every feasible occasion, Dole has been waiting for his turn since — well, just about since feuds in his part of the world were settled with bows and arrows.

Dole's problem is his unlikeableness. Try as he might, he can't help saying things that are downright nasty. Yes, some of his acerbic asides are funny — and some zinged people deserve the hit — but it's simply creepy to watch and listen to Dole as his thin lips stretch sardonically across his midwestern visage and he launches a barrage of barbs. Most of us somewhere in our past had a vice principal like that, and we did not relish another visit to his office. So even if we respected Dole's service as minority/majority leader (or, more reasonably, gave thanks that at least he wasn't Dick Gephardt or Jesse Helms) when it came time to vote we looked elsewhere.

But now Dole has been freed from the third-rate Nixon persona that has haunted him lo these many years, and the agent of deliverance is none other than that first-rate Spiro Agnew, Pat Buchanan. It is difficult to retain the image of Dole the Meanie when he shares the podium at presidential debates with a candidate who truly oozes nativist malice and authoritarian bile. If Dole occasionally knees an opponent in the groin, it's because something untoward has come over him; when Buchanan does so, it is for the sheer sport of the occasion. Dole doesn't seem exactly to like people, but Buchanan's fondness for them is the political equivalent of Hannibal Lecter's. If there is some group against whom an animus can be evoked for political gain, Buchanan gleefully places it in his sights and pulls the trigger: homosexuals, Zionists, blacks, illegal immigrants, legal immigrants, abortionists, corporations, foreigners. Dole may not dote on the above groups, but at least he will tolerate them, much as he has tolerated the Democrats across the aisle.

Accordingly, Bob Dole has been anointed the Great White Hope — except for Alan Keyes, there is no other kind of Hope among the Republican tribe — for decency and Marquis-of-Queensberry-rules politics. A vote for Dole is no longer simply an endorsement of narrow-minded midwestern Republican boosterism, but a protest against xenophobic brutishness.

Do we chalk up the makeover to happenstance? Or is there more here than meets the eye? Might it not be the Dole people who launched and funded the Buchanan campaign? Is this political tussling as exquisitely choreographed as the full nelsons and body slams of the World Wrestling Federation? Are we being set up by the same people who gave us the Gulf of Tonkin resolution and the Designated Hitter rule?

I shall say no more here. But look for my name in the credits of the next conspiracy-shredding movie blockbuster. —LEL

Paul runs off — In the Texas primary on Super Tuesday, Ron Paul advanced into an April 9 runoff against incumbent Republican congressman Greg Laughlin, thereby assuring Republican voters in Texas' 14th district that their nominee for Congress in 1996 will be someone who was not a Republican a few years earlier. After serving in Congress from 1976 to 1984 and trying unsuccessfully for a term in the Senate, Paul jumped to the Libertarian Party and ran as its presidential nominee in 1988, only to jump back to the GOP a few years ago. Laughlin, on the other hand, was elected to office as a Democrat and jumped to the GOP when he smelled the coffee after the 1994 GOP landslide.

This year's battle proved an expensive one, despite its rather small audience of about 34,000 GOP voters. Laughlin won financial support from PACs and regular Republicans, who want him to succeed in hopes of encouraging more Democrat incumbents to switch parties. Paul depended on small donations from conservatives and libertarians. More than $1,600,000 was spent in the primary, which amounted to approximately $500 for every vote cast.

Laughlin attacked Paul mostly for Paul's libertarian background, bringing up libertarian positions on so-called "social issues" in order to reduce Paul's support among religious conservatives. Paul attacked Laughlin as a big-government, big-spending Democrat, and attempted to maintain the support of the religious Right by citing his own longtime opposition to legalized abortion.

When the dust settled, Laughlin had 42% of the vote and Paul 32%. The third major contender in the race, Jim Deats, whose 24% of the vote prevented either Paul or Laughlin from getting the majority that would prevent a runoff, is close to Paul's thinking. Deats, *The Wall Street Journal* reports, has agreed to support Paul in the runoff.

Paul is probably the most successful explicitly libertarian politician in American history. As a congressman in the 1970s and '80s, he had a wonderful record of opposing taxes, supporting civil liberties, opposing government spending (even military projects in his own district), and opposing the expansionist foreign policy popular with both parties. Often he stood alone in defense of individual liberty, notably in his opposition to various "anti-crime" measures that greatly increased the power of federal police.

Both sides expect a lot more heavy spending in the runoff, with both sides drawing on the same sources that financed the first round. Paul is rated the slight favorite, despite his second-place finish. He is expected to pick up most of Deats's support, and his own support is rated very solid. It is also worth noting that over the past 15 years, no incumbent congressman forced into a runoff has managed to survive the second round. —CAA

The Life and Death of the Forbes Campaign

by Chester Alan Arthur

Why it flourished, how it was destroyed, and what it means.

Steve Forbes never called himself a libertarian, but his presidential campaign was based on a number of libertarian themes. Its central proposal, the flat tax, combined a major tax cut with an end to using the tax code for social engineering and political favors. Forbes proposed to tax all income once, and all at the same rate. (The sole exception was a reasonable exemption for every person.) No longer would the tax on corporate profits be paid twice, first by the corporation and later by the stockholder. Interest income wouldn't be taxed at all, and interest payments wouldn't be deductible; neither would charitable donations or state or local taxes.

A person's (or a business's) tax return would be remarkably simple. The tax code would be reduced from millions of words to a few thousand. Days spent filling out returns would be virtually eliminated. So would tax evasion schemes, tax shelters, uneconomic investments made to get tax breaks, and all the other distortions caused by the current Byzantine system.

Indeed, the biggest threat that Forbes's scheme poses to the current political structure is that it would take the granting and removing of tax breaks out of the political process. Under the current tax code, individuals and businesses can make or save huge sums of money by lobbying for relatively small changes in the code. Not surprisingly, the lobbying industry is big, and the senators and representatives who sit on committees that write changes in the code get huge "campaign donations" (i.e. bribes) from lobbyists. Under the Forbes proposal, all this would change. People would invest their money and energy in trying to profit by fulfilling consumer wants, instead of filling out tax forms, investing in schemes to reduce tax liability, and bribing congressmen.

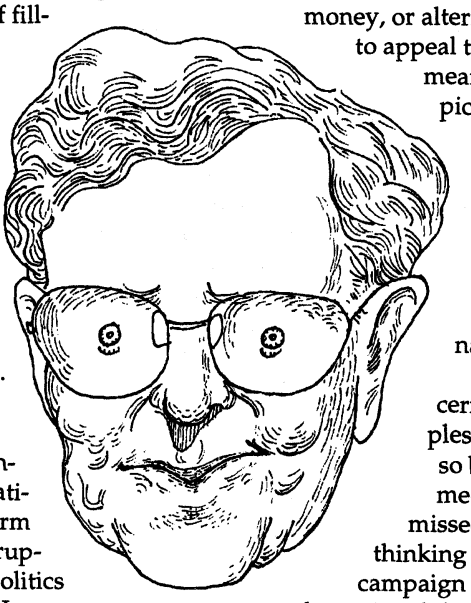

Forbes's other proposals also struck libertarian themes. He bravely spoke about allowing people to opt out of Social Security. He advocated school choice, a step away from government control and toward privatization. He favored term limits, to end the corruption inherent in the politics of the welfare state. He even called for a return to the gold standard. He was pro-choice on abortion, at least in comparison to other Republican contenders. And he never descended into the swamp of anti-civil-libertarian emotion in pursuit of a "war on crime."

And unlike the other candidates — Republican, Democrat, and Libertarian — Forbes was willing to spend his own money on his race, and could afford to do it. This meant he had no need to invest a lot of time asking people for money, or altering his program to appeal to donors. It also meant that he didn't pick the taxpayer's pocket to finance his campaign, unlike the rich Republicans in the race.

Political journalism, of course, is not very concerned with principles, or even policy, so by and large the media pretty much missed the libertarian thinking behind Forbes's campaign themes. Indeed, they missed the fact that he was thinking at all; he was almost universally portrayed as a classic single-issue candidate — slightly daft on the subject, don't you know? The only exceptions that I noticed to this particular policy of stereotyping could be found in an article in *The New Republic* and an article in *The Nation*. Unfortunately, neither of these articles gives

anything like judicious consideration to the ideas that they admit Forbes has.

In the March 25 *TNR*, John B. Judis identifies the libertarian implications of the Forbes program:

> For two decades, Republican presidential candidates have threatened to dismantle Lyndon Johnson's Great Society, while simultaneously pledging to preserve such popular liberal reforms as Social Security and Medicare. These reforms were based on the assumption that, without government intervention, corporate capitalism would create extremes of wealth and power that would undermine the American commitment to social equality. Democrats and Republicans from Woodrow Wilson to Ronald Reagan quarreled over the extent of intervention but not over the need for it. Malcolm S. "Steve" Forbes Jr. is the first major presidential candidate since Barry Goldwater to step on what he calls the "third rail of American politics" and directly attack these reforms. . . . And he's getting votes — not enough to be nominated, but enough to have a long-term impact on Republican and national politics. . . . Forbes himself seems to believe sincerely that government lies at the root of every American problem . . . He thinks the current American economy, if freed from government intervention, will create an "economic boom of historic proportions."

Needless to say, Judis is no fan of Forbes's libertarian agenda. He ridicules virtually every aspect of Forbes's program. He describes Forbes's observation that "the way you drive wages up is by having a productive, vigorous economy" as "sincere but crazy optimism." But this pales in comparison, he thinks, to Forbes's support for a sound dollar based on gold. This "frivolous proposal," Judis explains, is "perhaps his loopiest."

In the March 11 *Nation*, Marc Cooper is shocked by the kind of people that Forbes has attracted to his campaign:

> The problem for Forbes, however, is that he may be attracting a thriving new subculture in American life: economic nuts (though they might prefer the "libertarian" label) . . . five of six in a group of young Forbes activists I spent three hours with rejected any role for government in legislating or enforcing social morality. But then again, they rejected just about any role for government, except maintaining the army, the police and the courts.

Cooper goes onto describe the table talk at a Forbes fundraiser in Arizona, in which all but one participant expressed opinions that might easily take place at a dinner table at a Libertarian Party convention: the income tax is "nothing but class envy," it "penalizes achievement" and "steals from people who work hard." Social Security? "Let's privatize it." "Welfare is stealing from me." Like Judis, Cooper is aghast. He is especially distraught that the opinions come from people who are "all middle class or above . . . very political and very articulate."

From Cooper's account, it seems almost certain than none of the libertarians had ever been affiliated with the Libertarian Party or any other libertarian organization. This suggests that there are a lot of potential activists out there remaining to be tapped. It remains to be seen whether Forbes will remain active in the Republican Party and attempt to keep these new activists involved. But if he does, the GOP could very well turn in a more libertarian direction.

Of course, libertarians have noticed the Forbes campaign. In an Internet survey concluded February 12, libertarians were asked: "If one of the major declared Democrat or Republican candidates stands out as being more libertarian or less statist than the others, select their [sic] name from the list below." Over half of the respondents selected Forbes, who easily eclipsed "None of the Above." Curiously, respondents who said they expected to be delegates to the Libertarian Party convention were 18% more likely to identify Forbes than those who didn't expect to be delegates, which suggests that Forbes's libertarianism is more evident to libertarian activists than it is to others who sympathize with the movement.

Until the Forbes campaign ran aground on the invisible shoal of Dole's telephone smear campaign, it was demonstrating that many Americans will respond favorably to a libertarian agenda.

Thoughtful libertarians have long wondered how things might have worked out if so many libertarians had not left the GOP in the 1970s to form the Libertarian Party. The success that the Forbes campaign enjoyed suggests that the move may have been unwise. Certainly the presence of an additional 10,000 libertarian activists within the GOP would have moved it in a different, more libertarian direction.

In the meantime, libertarian activists of all parties ought to be thinking about how they can mobilize the support for a libertarian agenda that the Forbes campaign mobilized in the early Republican primaries.

The Death of the Forbes Campaign

Forbes entered a race against four well-established politicians, and virtually no one had ever heard of him. Furthermore, his opponents all had important allies within the Republican Party, and political organizations in place. He had none. So he followed a simple strategy: invest your time and money in television advertising that articulates your program, concentrating your efforts on the two most

"Freeze, sucker!"

"Voilà logic!"

—P. J. O' ROURKE

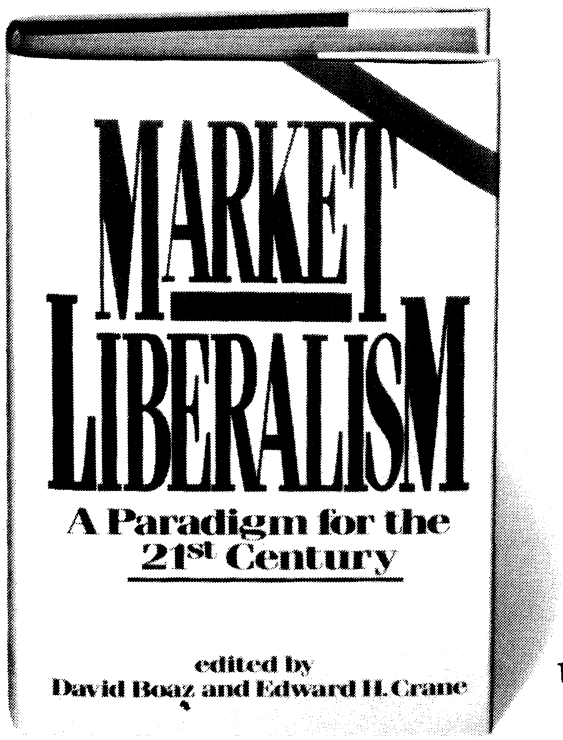

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visible races. If you can do well in Iowa and New Hampshire, your lack of fame and organization can be overcome.

The Forbes strategy worked pretty well, at least through late January, by which time he was the frontrunner in New Hampshire and within striking distance of Dole in Iowa. Then Forbes got hit by a meteorite and was destroyed almost overnight.

No, I'm not talking about the gangbang the other Republican candidates inflicted on the flat tax at the Iowa debate. Sure, Lamar Alexander denounced it as "a truly nutty idea in the Jerry Brown tradition." And Pat Buchanan said "it looks like one that was worked up by the boys at the yacht basin." Nor do I refer to all the denunciations of Forbes for being a millionaire. (The other Republican contenders, by the way, were also millionaires.)

Political journalism, of course, is not very interested in principles, or even policy, so by and large the media pretty much missed the libertarian thinking behind Forbes's campaign themes.

And no, I'm not talking about the use of "negative" television advertising, widely heralded at the time. Yes, Forbes did run advertising pointing out how frontrunner Bob Dole had supported tax increases and was part of the Washington power structure. And there was probably some reaction against these ads. But they also did Forbes a lot of good — they were needed to counter Dole's false claims of being a longtime opponent of tax increases and a critic of big government.

Forbes's mistake was failing to realize early enough the depths of fraud and deceit to which the Dole campaign would lower itself. About a week before the Iowa caucuses, the Dole campaign secretly hired telemarketing firms to call unsuspecting voters. The professionals posed as pollsters or representatives of credible organizations, giving voters false information under false pretenses.

Thousands of Iowa farmers received phone calls from telemarketers following this script:

> My name is _____ and I'm calling with a special message from Iowa's Farm Families. The Iowa Farm Bureau has adopted a resolution that opposes the flat tax like the one offered by candidate Steve Forbes. Under the Forbes flat tax, Iowa's farmers would pay an average of $5,000 more in taxes.

There is no organization called Iowa's Farm Families. But there is an Iowa Farm Bureau, and it certainly did not adopt a resolution against Forbes's (or any other) flat tax plan. And Forbes's plan would lower the taxes on Iowa farmers, as it would lower them on virtually all other Americans. All the claims were false, and the first two can be proven false very easily. If the same script had been used in a television ad, Dole would have been denounced by every newspaper, every television station, and every decent Iowan for his conscious deception.

Other voters got calls from people claiming to be pollsters for "National Market Research," another nonexistent organization. People were asked whom they intended to vote for. If they indicated support for Forbes, they were asked follow-up questions beginning with "Are you aware that Steve Forbes . . ." and ending with a claim, often false, designed to turn the voter against him.

One of the firms making such phone calls for Dole was Campaign Tel, headquartered in New York City. An employee of Campaign Tel's office in Springfield, Illinois, said telemarketers at his office alone made between 10,000 and 30,000 phone calls following this and similar scripts. According to press reports, Dole used other telemarketers, too, targeting other potential participants in the Iowa caucuses. Forbes invested in broadcasting his message; Dole narrowcasted his, honing in on those most likely to participate in the coming caucus or primary.

The genius of Dole's tactic was that it could be conducted in near-secrecy. This enabled Dole to lie with impunity, leaving Forbes unable to respond, unaware even of the lies told about him until the damage had been done.

Of course, the Forbes campaign eventually got reports of the massive fraud, and Forbes accused Dole of being behind the effort. Dole denied the accusation, and responded, of course, by accusing Forbes of dirty campaigning.

On January 25, Forbes had risen above the pack of GOP challengers to Dole, with 18% in the polls of likely caucusers, versus Dole's 26%. By February 10, only four days before the caucuses, Forbes had cut Dole's lead to just 1%. But then Dole's secret telephone campaign went into high gear. At the February 14 caucuses, Dole captured 26% of the vote. Forbes finished a distant fourth, with just 10%.

The pattern repeated itself in New Hampshire. On February 13, Forbes, Dole, and Buchanan were in a virtual three-way tie. But with Dole's secret telephone smear and news of Forbes's dismal showing in Iowa, Forbes's support fell like a rock. He finished fourth once again, and his chances of winning the Republican nomination disappeared.

The genius of Dole's method was that it could be practiced in near-secrecy. This enabled Dole to lie, leaving Forbes unable to respond.

Forbes came back to win the Delaware primary four days later, and three days after that, he won the Arizona primary. But it was too little, too late. By now the press had painted him as an also-ran and was focusing its energy on two major stories, both of them palpably false: the emergence of Pat Buchanan as frontrunner and the sudden death of Bob Dole's hopes. What would have happened if Dole had not engaged in his secret telephone smear campaign? It's impossible to know for sure. But one thing is certain: until the Forbes campaign ran aground on this invisible shoal, it was demonstrating that many Americans will respond favorably to a libertarian agenda. ❑

Criticism

The Chemical Inquisition

by Robert H. Nelson

"The lamp of American Puritanism . . . became converted into a huge bonfire, or rather a blast furnace, with flames mounting to the very heavens, and sinners stacked like cordwood at the hands of an eager black gang."

—*H.L. Mencken*

Our Puritan heritage has left us the view of America as a model for the world, the place where God's full design will first be realized. Puritans see the world as a struggle between good and evil, with America leading the forces of good. But the devil is always seeking to corrupt the innocent and sow discord. Constant vigilance is required to subdue this force for evil.

The Puritan impulse has produced some noble causes, such as the movement against slavery, in which New England abolitionists applied the moral righteousness of their Boston forebears to a worldly purpose. But it also has let loose in the land the fear of devils, giving rise to such public hysteria and religious persecutions as the Salem witch trials.

Puritanism pervades the American experience. Today's prosecutions of alleged child abusers, often brought to trial on no evidence other than flimsy, crackpot-therapist-induced "repressed memories," are eerily reminiscent of the Salem hysteria. So are campaigns to ban pornography, and some feminists' claims that all heterosexual sex reflects unworthy motives. But these developments pale in comparison to a much larger campaign to purge the corrupting presence of chemicals from American life. In chemical substances, our new Puritans see contaminants that threaten the very fabric of American life. The synthetic products of modern science have become our contemporary witches. They must be suppressed and eliminated.

There is no real disagreement about this between Republicans and Democrats, though they do disagree about which chemicals threaten us most. Democrats tend to focus on dioxin, Alar, asbestos, and other environmental pollutants, and call for a federal police authority to protect the citizenry. Republicans prefer to fixate on heroin, cocaine, and other psychoactive drugs. Both parties call for a nationwide crusade to purify the nation.

Last year, House Speaker Newt Gingrich took up the Drug War theme with great enthusiasm, suggesting the execution of some drug dealers. Gingrich's get-tough approach follows in the steps of Bush's Drug Czar William Bennett, who warned in his 1989 report to Congress that the "evils" of drugs raised the prospect of "personal, social, medical, and economic catastrophe."[1] President Bush denounced drugs as a moral "scourge" upon the nation, and called for vastly increased enforcement activity and spending.[2]

These Republicans, to be sure, had already seen the environmentalist brand of chemical prohibitionism at work. The Clean Water Act of 1972 aimed to ban all pollution from the waters of the United States by 1985, whatever the cost. Earlier, the Delaney Clause had banned even the minutest part per billion of any food additive that has been shown to have the potential to cause cancer in tests on any laboratory animal.

These fears play on the modern anxiety that science and technology may be not the savior but rather the destroyer of life. Science, many people suspect, may be the devil's final trick. First he tempted us with scientific knowledge, offering people new power over nature and vast material rewards. Then he used the very same instrument to destroy mankind. Synthetic chemicals are the modern apple, and society today faces expulsion from Eden.

But we can be spared that fate if our politicians are vigilant enough — or so drug warriors like Gingrich and environmental crusaders like Henry Waxman tell us in their different ways. They can save us from our fallen selves.

The Bible tells us that playing God is not only a great sin, but one sure to provoke His wrath. This theme appears first in the book of Genesis and is repeated many times through-

out the rest of the Bible. In the story of Noah, for example, good times spread in the land, the people turn to evil ways, and God must impose severe punishment — here, as elsewhere, in the form of an environmental catastrophe. Now modern science, seeking to remake God's creation, threatens the same severe punishment in the same form. Environmental Jeremiahs warn that the sinners of the world will soon face their just fate, with global warming and other supposedly imminent results of human industry leading to widespread flooding, famine, disease, and other disasters.

Science, many suspect, may be the devil's final trick.

The drug warriors focus their punishments on the iniquity of the inner cities. It is here above all that people have succumbed to chemical temptations. For a few moments of pleasure, they have sold their souls. And they will surely pay a price as a different type of environmental calamity strikes, already visible in the social decay, crime, and other hellish conditions of the inner city. But if the forces of good are sufficiently vigilant and mount a crusade to purge the evils of drugs from the world, some people may yet be saved.

Like the crusades of the Middle Ages, America's campaigns against evil have fallen short of expectations. Nineteenth-century abolitionists succeeded in freeing the slaves, but — owing to their own intransigence and extremism — they failed to solve the problem of black-white relations in the South. In the aftermath of the Civil War, black slavery was replaced with a century of almost equally severe repression. The temperance movement, which ended in complete failure with the repeal of alcohol prohibition in 1933, repeated the experience.

The Costs of Intolerance

Having failed to learn from history, we are condemned to repeat it. When lawmakers initiate moral crusades — when their goal is to banish evil — practical results, social tolerance, and individual rights generally end up taking a back seat to moralistic posturing and self-righteous condemnation. Laws assert religious symbolism and ignore the disastrous practical consequences of mandating personal choice. It becomes difficult or impossible to ask questions about the costs and benefits of laws. Indeed, some environmental laws specifically prohibit consideration of costs and benefits. Drug policy advocates who advocate "zero tolerance" of drugs and drug users speak in the same absolutist terms.

The high costs to American society of environmental policy — more than $100 billion per year just for laws administered by the Environmental Protection Agency — are probably matched by the costs of drug policy. The costs of drug enforcement, although sometimes harder to measure than the costs of pollution enforcement, include:

(1) *Widespread criminal activity affecting all Americans.* About 10% of all violent offenses and 25% of all property offenses in the United States are committed "to get money for drugs," according to Justice Department surveys of current jail inmates.

(2) *Destabilization of other countries' political systems.* In Mexico and Colombia, for example, drug-related corruption is rampant.

(3) *Increased taxes for enforcement of drug laws.* The federal government's direct expenditures alone totalled $13.3 billion in 1995 (up from $1.5 billion in 1981). State and local governments spent $15.9 billion in 1991, the year with the most recent data available.

(4) *Overloading the criminal justice system.* In 1993 alone, 1.1 million people were arrested for drug offenses, "bankrupting the criminal justice system [and] leaving it without the resources to punish violators of other laws," in the words of Harvard professor Mark Kleiman.[3]

(5) *Massive expansion of the prison population.* Drug offenders now constitute 61% of federal prison inmates, up from 25% in 1980. More than 300,000 people are being held in all U.S. prisons for drug offenses at a typical cost of $30,000 to $50,000 per inmate per year, a main reason for the explosive growth of the U.S. prison population. That's a total cost of about $12 billion per year.

(6) *Transformation of many inner-city areas into virtual war zones.* The culture of urban crime and poverty is largely a product of the War on Drugs.

Despite its enormous costs, the Drug War has done little to reduce illegal drug use. The number of casual recreational users has dropped somewhat over the past ten years, but the most recent data show this trend is reversing.[4] Hard-core use has stayed about the same. Researchers generally think that drug use is driven more by broad cultural and social factors than by government control efforts. Peter Reuter of the Rand Corporation and the University of Maryland finds that "the available evidence suggests that intensified enforcement has had modest success in raising drug prices and has not reduced already limited access for the middle class. Public disapproval of drug use has increased, and that may well have reduced initiation, but it is unlikely that this disapproval is a function of enforcement stringency."[5]

In his standard sermon, prominent environmentalist David Brower describes human beings as a "cancer" on the Earth.

The government simply does not have the power to prevent tens of millions of Americans from getting what they want. Fully 77 million Americans twelve and older (37% of the population) report having used some kind of illegal drug at some time in their life.

Junk Science Paves the Way

In a moral crusade, dispassionate analysis is suppressed and sound science loses out. The victims of the Salem witch trials were convicted in substantial part on the basis of testimony given

by adolescents who claimed to see "spectral images" (spectres flying in the air) of the accused — images only people in league with the devil were said to be capable of producing. That was the junk science of 1692.

Today, junk science takes the form of the epidemiology and other "scientific" data used to buttress environmental fanaticism, as well as the wild misinformation used to justify much of the current drug policy debate. Avram Goldstein, professor emeritus at Stanford University, says that the public discussion of illegal drugs has been "virtually uninformed concerning the neurobiology, neurochemistry, toxicology, and medical aspects of the addicting drugs."[6]

Another leading authority on drug pharmacology, Dr. E. Leong Way, comments that — despite its fearful public image — "heroin does not have major effects on the motor and cardiovascular system and hence, the user can function effectively if access to the drug is not prevented."[7] Americans understand the physiological effects of heroin no better than they do the actual risks of dioxin, Alar, asbestos, and other chemical substances that have caused recurring and costly public panics.

Cocaine is a less predictable and more dangerous drug than heroin. Discovered in 1884, it was at first considered a "miracle drug," and doctors prescribed it for a wide variety of conventional uses. Cocaine was the first local anesthetic, enabling surgeons to perform operations that up to then had been extremely painful or altogether impossible. As is well known, cocaine was also part of the early formula for Coca-Cola, although in small enough amounts that it posed no risk of physical harm or addiction.

Higher levels of cocaine use, however, not only have much more powerful effects on the mind but can cause unexpected heart stoppages. And heavy cocaine use can lead to paranoia. Still, withdrawal from cocaine addiction, although psychologically very difficult for many people, is less physically stressful than heroin or alcohol withdrawal. And the proportion of recreational cocaine users who become addicts is similar to the proportion of recreational drinkers who become alcoholics. Alcohol has almost as severe physical and psychological consequences for abusers. Many people use cocaine, like alcohol, for long periods without great adverse effects.[8]

Users who face a low risk of addiction might well benefit from the availability of new types of relatively innocuous mental stimulants — as millions already so regard alcohol, nicotine, caffeine, and other equally powerful but legal drugs. Early in the century, before heroin was banned, many doctors recommended it to alcoholics as less damaging in its overall consequences. And the harmful effects of cigarettes, which cause 400,000 deaths per year, might be diminished by increased access to alternative stimulants. But with the religious crusade against psychoactive drugs, no alternative but prohibition can even be discussed.

Democrats tend to focus on dioxin, Alar, asbestos, and other environmental pollutants. Republicans fixate on heroin, cocaine, and other psychoactive drugs.

Drug War or Class War?

Except, of course, for the mood-altering drugs whose use is popular with "respectable" people in the middle and upper classes; drugs such as caffeine, nicotine, alcohol, and various prescription tranquilizers remain quite legal. It is the drugs of the poor and dispossessed that become the objects of Puritan hysteria, public anxiety, and repressive legal control. When a drug's popularity moves upwards in society, persecution is reduced or eliminated. The Salem witch trials stopped when prosecutors began to file charges against eminent citizens of the Massachusetts colony.

Indeed, drug policies often reflect racist attitudes. Years before national prohibition, many states and localities, particularly in the South, adopted their own alcohol prohibition laws. The arrival of prohibition in the South roughly coincided with the imposition of Jim Crow, since Southerners feared that the availability of alcohol would stir local blacks to violence, as black resentments festered under increasingly oppressive race laws.

The history of heroin and cocaine is similar.[9] Concerns about opium — the naturally occurring predecessor to manufactured heroin — were stirred by the spectacle of poor Chinese gathering in mysterious opium dens. However, it was not until early in this century, when cocaine use spread to poor urban districts, that the movement for strong measures to control drugs gathered enough strength to enact legal restrictions. In a recent Rand Corporation study of the history of cocaine, Joseph Spillane observed:

> The fear of violent crime committed by cocaine fiends appeared in countless popular accounts of the period. As several historians have argued, there is little doubt that these accounts frequently distorted reality and were sustained through fear and prejudice against cocaine users.
>
> In much the same way that the real health costs of cocaine were often grossly exaggerated, so too were the real effects of cocaine on the behavior of its users. Nowhere was this more true than in the South, where police departments in particular rallied to the defense of white communities against the imagined menace of cocaine-crazed blacks. No one expressed a more extreme view than E.H. Williams. . . . Cocaine, Williams believed, transformed "hitherto inoffensive, law-abiding Negroes" into "a constant menace to his [sic] community." Under the influence of cocaine, "sexual desires are increased and perverted, peaceful Negroes become quarrelsome, and timid Negroes develop a degree of 'Dutch courage' that is sometimes almost incredible." The result was that "a large proportion of the wholesale killings in the South during recent years have been the result of cocaine." A black user of cocaine was "absolutely beyond redemption."[10]

The great gap between public attitudes toward middle-class, "respectable" drug users and poor or non-white "dangers to society" was formalized in the 1980s when highly disparate federal penalties were enacted for dealing in different kinds of cocaine. These

new laws mandated much more severe penalties for crack (the form of cocaine popular with poor, black Americans) than for powder (the equally dangerous form of cocaine favored by white middle- and upper-class users). To receive the same prison sentence, powder cocaine users must possess 100 times the amount of cocaine as crack users. Only 4% of imprisoned crack offenders are white, compared with 32% of those imprisoned for powder cocaine offenses. The drug laws are a principal reason why one third of black men in their twenties are currently in prison, on probation, or on parole.

In Puritan theology, the elect are revealed by their success in a business or other calling — a key contributing factor, Max Weber argued, in creating the cultural conditions for the emergence of capitalism. The same theological tenets strongly suggest that many of the poor, by contrast, are sinners chosen by God for damnation. As instruments of the devil and of weak moral fibre, and thus a great menace to society, it is necessary to wage a constant and fierce war against their influence.

The Puritan roots of our drug policies have not gone unnoticed. One authority has described them as a "pharmacological Calvinism."[11] For the Calvinists of old, a life of pain and suffering could be therapeutic. Life should be lived for labor, not consumption; too much enjoyment is likely to create an opening for the devil. Our modern Puritans fear that illegal drugs will lead people astray by offering pleasure without work. In environmental matters, the same Puritan spirit sees the corruption of the human spirit in the mass consumption that characterizes prosperous, modern life.[12] The false lure of science everywhere tempts us down the path to destruction.

Sin and Pleasure

In his standard sermon, prominent environmentalist David Brower described human beings as a "cancer" on the Earth.[13] Drug dealers, others say, are the cancer of the inner city. These views are secularizations of the old Calvinist belief in the total depravity of man. Evil can be combated only by public authorities willing to administer harsh punishments. The moral crusades against chemicals are waged as total wars that will decide whether the endangered forces of good in the world will prevail or lose out to the looming forces of evil. According to the reigning drug "theology," the ideal state is a natural condition unaltered by artificial substances — a personal Garden of Eden, chemical free. A new substance introduced into the body, of course, may be considered a great medical advance if it "restores" the body to its "natural" state — even if it may have dangerous side effects. Thus, sufferers from "depression" are encouraged to take lithium or Prozac, even though some dangers may be posed, because such drugs are administered in an attempt to bring patients back to "normal." However, a drug such as LSD is unquestionably evil — although for many users it has few, if any, adverse effects — because it is taken to stimulate an "abnormal" or "unnatural" mental state.

Republicans and Democrats agree . that certain chemicals pose a threat to the American way of life, though they disagree about which chemicals threaten us most.

In deciding whether to take a medical drug, the doctor and the patient simply weigh the dangers against the potential benefits. For illegal drugs such as cocaine or marijuana, however, such pragmatic balancing is permitted neither to the individual nor to society. Instead, religion makes one absolutist determination for all of us, based on a strict morality of the "natural."

As Joseph Spillane showed in his study cited above, early in this century, addiction to cocaine was considered an acceptable risk of medical treatment. But if the "sole excuse [for using cocaine] is the seeking for new sensations," then the cocaine user "does not need protection, but rather restraint by law in order that he may not become a menace to the public weal."[14] What determines the attitudes of society is not the actual damage done by cocaine but the social — really religious — context of its use.

In the Middle Ages, usury was a sin against God, but the identical financial transaction, properly reinterpreted by clever theologians, could receive the blessing of the Church. Today, heroin is taboo, but methadone is a valued and legal treatment for heroin addicts. In actual fact, methadone is very similar chemically to heroin. It has similar physical effects on the body, but less euphoric impact. The great sin of heroin, then, is not that it causes addiction, but that it violates the Calvinist stricture against effortless and thus illegitimate sources of pleasure.

As in so many other respects, drug policy has common Puritan roots with environmental policy. The areas included in the national system of wilderness — those "cathedrals" of the environmental faith — are defined by their freedom from roads, buildings, motorized vehicles, and other human contaminations of the natural order. The theology of environmentalism strongly supports efforts to "restore" nature — like the Bible, which calls on man to emerge from his fallen state by resurrecting the Garden of Eden, or, failing that, to look forward to the harmony of man and nature in heaven.

In Yellowstone National Park, official park policy has decreed that mountain goats entering from the west side must be welcomed, but other mountain goats — biologically identical — seeking to enter from the northeast side can be killed if necessary to keep them out of the park. Park officials explain that the goats west of the park are a "natural" herd; those to the northeast, having been introduced there in the twentieth century by hunters, are artificial. They are like the new chemicals discovered by modern science in this century. Similarly, the EPA for many years showed little interest in indoor air pollution, even while spending billions of dollars to curb less dangerous pollutants that threatened to contaminate the "natural" environment outdoors.

I don't want to minimize the personal tragedies — death, homelessness, bankruptcy, family breakup, physical incapacitation, etc. — suffered by those addicted to heroin, cocaine, and other

THE RADICAL ROMANTIC

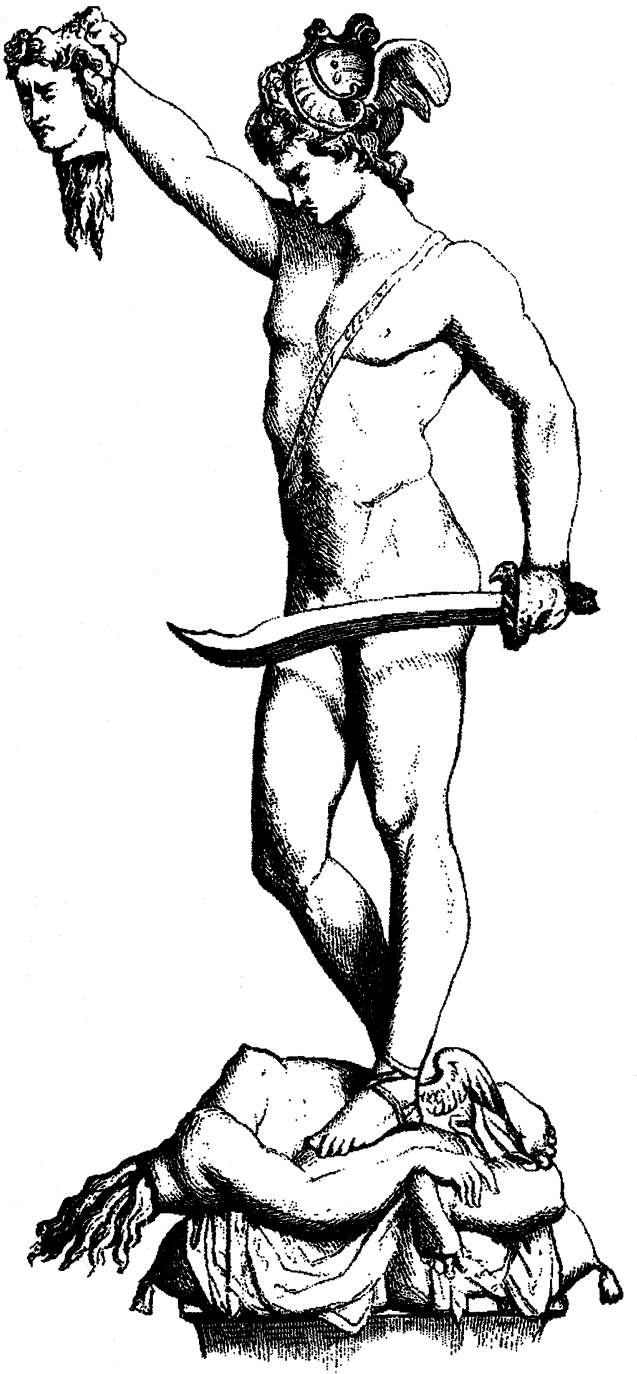

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illegal (and legal) drugs. Nor do I intend to imply that no environmental threats exist. But the anti-chemical crusade has cost billions of dollars with few results beyond the promulgation of a civil intolerance informed by a system of quasi-religious symbolism. It has created a vast and expensive bureaucracy that tramples on civil rights and uses tax money to defend itself through propaganda, beginning in grade school and continuing in the workplace. It has generally assumed the role of a benevolent dictator: part nanny, part cop. Such are the results of religious warfare.

Part of the reason the system works for politicians is because they receive money to distribute to constituents. Prisons have become a new form of pork. According to one recent report, "the burgeoning business of supplying goods and services to prisons is fueling demand for even tougher laws." One student of prison policies notes, "The people lobbying on the crime bill are from these industries. It's rivaling the old Pentagon industry."[15]

Inside the Beltway, it frequently appears that Republicans differ from Democrats more by the constituencies they serve than by matters of political and economic principle. Puritan hysteria may waste tax dollars and destroy lives, but it serves both parties by motivating supporters to contribute time and money in the belief that they are enlisting in a righteous crusade to save the world from evil.

Some Republicans recognize these problems when it comes to environmental regulation. Following up on the Contract with America, the House this year passed legislation requiring that the benefits of such regulations be weighed against their costs. But when it comes to illegal drugs, the average Republican seems blind to the logic of costs and benefits. Democrats suffer a reverse blindness: they occasionally show greater tolerance for drugs, but seek to ban environmental pollutants regardless of the cost.

There are many alternatives to the War on Drugs.[16] Total drug legalization lies at one end of a spectrum that includes different forms of limited legalization hedged by various controls. I can imagine a system that fully decriminalizes personal use and possession, imposes mild sanctions against illegal drug sales, allows low-dose legal sales of non-addictive and mildly addictive drugs, and establishes a tightly controlled and monitored system by which physicians can prescribe heroin, cocaine, and other drugs when they judge it will be in the patient's overall interests. Different places might experiment with more lenient policies, perhaps allowing drugs to be sold over-the-counter, like cigarettes. In any case, there is no need to insist that there be one policy for everyone, decided everywhere by federal law.

Neither the absolutist crusade for a drug-free America nor the absolutist crusade for a pollution-free environment serves us well. Both are grounded in a secularized account of man's fall from grace, in which, having eaten of the apple of science, humanity must fight to restore its purity by containing the evil forces of chemistry set loose in the world. People of other faiths and convictions can derive little satisfaction from all this Puritan righteousness.

Now some prohibitionists are calling for using the death penalty in the drug war. This is the modern equivalent of burning witches at the stake. As Paul Johnson has reminded us, in the sixteenth and seventeenth centuries, "wherever Calvinism be-came strong, witches were systematically hunted" — not only in Salem, Massachusetts, but throughout Europe.17

It is time to call off this Puritan crusade, a crusade that once again persecutes some Americans in the name of the religious certainties of others. ❑

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Wings Over Mongolia

by Jim Huffman

First class isn't even second-rate in the Third World.

Air travel, like railways in an earlier day, reflects a country's life. The benignly oppressive states, like Singapore, have wonderful airlines, I am told. It was said of Mussolini's Italy that its trains ran on time. Mussolini is no more, and the Italian railways didn't really work well even then, but one can still learn a lot about a country from its airlines — as I learned last summer, when my 13-year-old son and I traveled to Mongolia.

There are essentially two routes to Mongolia by air — through Russia, and through China. I chose China, where we hopped a Mongol Air flight to Ulaanbaatar, Mongolia's capital. Mongol Air is also known by its Mongolian initials, MIAT. The few Americans who have flown in Mongolia say the initials stand for "Maybe I Arrive Today." MIAT has two tiers of air service — international (essentially, to Beijing and back) and domestic. International is pleasant enough, flying on old planes that remind you of, say, Eastern Airlines in 1972. The flight attendants seem to bathe with some regularity. Meals are served.

But what meals! People bitch about airplane food, but I confess to a certain delight in it; it reveals the airline's national face. And a lot of the time, I *really like* what I'm eating. But those who complain about Western airlines' overcooked, high-fat meals have probably never eaten on MIAT. Mongolia is hell for vegetarians: a land of descendants of nomads, big on their meat and little else. I relish the idea of bringing those who grumble about American dependence on beef to this land, where a meal without meat in unthinkable. And the airline meals are no different.

I had dreamed of going to Mongolia since I was 17, so they could have served shit on crackers (as my wife's family indelicately puts it) and I would not have cared. What they served was not that, but it ranked not far behind. Soggy corn chips, sandwiches made of some unknown meat (complete with bones), and some unusual pickles. The redeeming factor for my son came when I belatedly explained to him that, not being amongst American puritans, he could have a beer. I told him the Mongolian word — *piiv* — and he relished using it for the next two weeks. (I finally began to limit him to one beer per flight, much to his consternation.)

But at least they *serve* food on the international flights, so if you're hungry, you can have something. On international flights, there is at least a modicum of competition, and it is truly astonishing what even a slight market can do. Admittedly, the competition is not fierce. If you were fighting China Airlines head-to-head for market share, you probably wouldn't be shaking in your corporate boots either.

Domestic flights are a different animal entirely. Mongol Air is the only ride in town. And it shows.

Apologists for the USPS first-class mail monopoly should be required to fly around Mongolia on domestic runs for a month or so. MIAT being MIAT, they probably wouldn't make it back, but what the heck. While MIAT's international flights resemble flying on Eastern from Greensboro to Chicago in 1972, MIAT's domestic flights resemble flying with a Soviet invasion force in 1943. And I'm being generous.

The aircrafts themselves are — let's be charitable — elderly. Giant Soviet behemoth hand-me-downs. Airplanes that look like giant mangy Chia pets. My son and I flew from Ulaanbaatar to Dalandzagdad, a small town of 5,000 in the middle of the Gobi desert. The x-ray operator at the Ulaanbaatar airport was sleeping beside her machine. Luckily for the Mongols, I was not carrying a bomb. There was no check-in. Someone from MIAT announced boarding, and the

race was on. While rushing on board, we waved our laminated, reusable boarding passes at the flight attendant. (Believe me, they are *definitely* reused. I wanted to keep mine for a souvenir, and was told that this was forbidden.)

Like the shuttles here in the states, there are no assigned seats. But don't misunderstand me. This policy does not exist for the convenience of the passengers. One boards through the back of the plane, on a rickety ladder. My son and I managed to find adjacent seats, but the fun had only begun. Let's say that maintenance was probably not one of MIAT's corporate targets for 1995. You see, my seat had no seat belt. Neither did my son's. There were no oxygen masks, no seat-cushions-that-double-as-life-rafts. (Okay — Mongolia is mostly desert, so I suppose they wouldn't be much help.) There were no flight attendants giving safety instructions and pointing out passenger exits. In fact, there was only one flight attendant, and her sole function consisted of bringing around a tray of hard candies at the beginning of the flight. One apiece, please.

While MIAT's international flights resemble flying on Eastern in 1972, their domestic flights resemble flying with a Soviet invasion force in 1943.

There is no air conditioning on MIAT planes, either. Given that we were flying in August, this was no small consideration. But there were flies, and they were a source of mild torment for us during the flight. Initially, I blamed the flies for the constant itching on the back of my head. After an hour or so, the Mongolian friend I was traveling with spoke harshly to the man behind me, and the itching stopped. He later explained that the man had been playing with my hair, which apparently is a custom in certain parts of the country.

(The Mongolian summers are cool enough that getting along without air conditioning is generally not a problem. But heat in midwinter Mongolia is hardly optional: in January, the temperature sometimes drops to 50 below in Ulaanbaatar. Those madcap masters of centralized planning, the Soviet-era Russians, brought their own ideas of city planning to Mongolia. Ulaanbaatar, a city of 600,000 people, operates one gargantuan central heating facility, and heat is distributed throughout the city by a network of pipes and conduits. Should something happen to that facility around, say, January 15, things would get pretty cool pretty quickly. I am told that the American embassy has emergency plans to evacuate all Americans in that event.)

Mongolia has decided that the way to rectify the inequities of the world is to charge anyone unfortunate enough to have a non-Mongolian passport in U.S. dollars. That's anyone: Americans, Mexicans, Canadians, Germans, Japanese. Anyone traveling to Mongolia must bring along a considerable cache of American cash. Our flight from Ulaanbaatar to Dalandzagdad was about 350 miles, and my round-trip ticket was $140 — cash, since hardly anyone, including MIAT, takes charge cards — while my son's was $70. Mongols (the only other people on our flights) were charged about $14.

We didn't realize that this constituted a form of first-class passage.

I have never flown first-class in the West. It always struck me as a little ridiculous to pay such high prices for the privilege of wider seats and minimally better meals. But I got what passed for Mongolian domestic first-class treatment on this trip.

On the way down, we were foolish enough to get on with everyone else. On the way back, the solitary flight attendant singled us out of the crowd and insisted we board first. Uh-oh, I thought, we've done something wrong. But no: she was merely giving us the pick of the seats.

Americans expect certain amenities at airports, and we are not usually disappointed. What would an American airport be without Hare Krishnas, surly luggage checks, bad and overpriced food, and rude miniature Stalinists at the x-ray machine? And there are other things, usually invisible to us. Things like navigation systems, radar, and ground-to-air communications. Even paved runways.

Outside of Ulaanbaatar, it is an act of charity to refer to anything as an airport. We were preparing to land in Dalandzagdad when I realized that there was no runway there. We were coming into the middle of a sheep field. What's more, my son noticed that the pilot barely missed the fence. I bemusedly asked my Mongolian host if animals were ever killed by incoming flights. He took me with complete seriousness: "Oh, no," he replied, "There are heavy fines for the pilot who kills an animal." The Mongols take their animals seriously.

Not necessarily so their human charges.

It was perhaps fortunate that Mongolia is so cut off from civilization that international phone calls are almost impossible, making my wife and me unable to speak to each other for the entire two weeks. Had she known we were flying MIAT, there would have been wringing of hands and biting of nails back in North Carolina. For MIAT is cursed with a somewhat less than sterling safety record. A month after our return, a plane bound for the unfortunately named city of Moron crashed into a mountain in fog. While this sort of incident occurs in other countries, too, it happens a tad more frequently in Mongolia. Nor is it reassuring that outside Ulaanbaatar, we saw no radar equipment.

The x-ray operator at the Ulaanbaatar airport was sleeping. Luckily for the Mongols, I was not carrying a bomb.

Upon disembarking, passengers walk out onto the field. The glaring sun contrasts with the subdued light in the plane. (Subdued because the inside is painted military green — does this give you some indication of the plane's previous purpose?) Disembarkation is slowed because each passenger has his luggage with him there on the flight. There's nothing quite so disconcerting as realizing that one is flying on a plane

continued on page 41

Profile

The Transmigration of Timothy Leary

by Brian Doherty

An interviewer, on the outside, looking in.

After a couple of decades as that saddest of things, a celebrity without portfolio, Timothy Leary has enjoyed a recent spate of media attention for an unfortunate distinction: he is dying of prostate cancer. It has metastasized, he tells me, and causes a severe pain in his left hip. He's been turning up more often than usual in newspaper features and on TV. A biopic is also in the works, possibly to be directed by Leary's friend Tim Robbins.

When I first arranged to interview Leary, my intention was to do a simple Q-and-A, to be transcribed and published in *Liberty*. That's not what happened, for reasons that will become clear. If this *had* been the feature that *Liberty* and I had planned, I might have explained in the introduction that in talking to Leary, I was not a disinterested journalist just doing a job. I had long admired the man and his work, ever since first reading his books in my early adolescence. I was talking to one of the heroes of my youth, which undoubtedly blunted any aggressive journalistic edge and contributed to the interview's disappointing results.

My affection for the man went beyond enjoying his books. I admired the fine rebellious figure he cut: a straight-laced Harvard psychologist and designer of personality tests discovers the magic of psychedelic mushrooms and begins wondering what applications they might have for psychological science. He launches on a program of applying psychedelics to psychology, discovers LSD, and experiments with reducing prison recidivism rates, changing personality traits, and working out the theological implications of this strange and powerful substance. Controversy erupts over his using undergrads in psychedelic experiments. He is driven from Harvard, gets wealthy backing, and establishes himself and his research at a house in Millbrook, N.Y. He becomes a public proselytizer for the wonders of acid, shifting from the traditional scientist's role into a shaman/showman mode, and attracts unwanted attention from the law. He runs for governor of California, is arrested for pot possession, and escapes from prison, fleeing the country with the help of the Weather Underground. He then lives the life of the international fugitive jetsetter in Algeria and Switzerland, is captured in Afghanistan and dragged back to the States in chains, serves a few more years in prison, and is let out under circumstances that led to accusations of being a federal stool pigeon, even a CIA agent. He moves to Hollywood, where he lives the life of the L.A. party boy, works with computers, debates G. Gordon Liddy, lectures, guest-stars in various movies and rock videos, and is adopted as a premiere intellectual on a low-level Hollywood star circuit.

To me, Leary was a hero not for his associations with psychedelics, but for his eventful life — and for the expansive, radically libertarian visions of his '70s books, particularly *Exo-Psychology*, *Neuropolitics*, and *The Intelligence Agents*. Written during a time of simultaneous advances in rocketry, neural sciences, and genetics, these were fabulous, systematic, rococo treatises elaborating on the '70s sequel to "Turn On, Tune In, Drop Out": S.M.I^2.L.E., which stood for Space Migration, Intelligence Increase (I-squared, get it?), and Life Extension. ("The making of slogans," says Leary, "is key to any form of humanist culture.") Leary portrayed DNA as a godlike intelligence rapidly propelling human beings toward the next phase in the evolutionary script: escape from the planet, exponential growth in intelligence, immortality. He built these visions around a unique model of human consciousness, which he divided into eight "circuits" — four terrestrial and four post-terrestrial. He linked these to other traditional human psychological

testing systems: tarot, I Ching, astrology.

Leary's grab-bag of '70s enthusiasms pretty much summed up what is currently being hyped by a colorful group of Southern California entrepreneurs as "Extropianism." If Dr. Tim wasn't the first Extropian, he's definitely a Hall-of-Famer.

His '70s books were daring, optimistic, and encyclopedic, risking ridicule and error in their dense breadth of speculation. They were my first exposure to sociobiology, life extension science, and credible space colonization schemes. Leary wrote these tidings of the ultimate escape while locked up in a cage by the U.S. government. It was a grand vision, and presented with just the right touch of what those who sneer call snake-oil salesmanship. The ever-optimistic and chipper Leary doesn't bridle at such descriptions — a chapter of *Neuropolitics* is called "In Defense of Snake-Oil Salesmen."

"I can walk from my study to the kitchen and forget what I was going for, but recapitulate the history of humanity from the amoeba to Dan Quayle, and how Freud fits in."

Tim & Me

When I heard Leary was dying, I vowed to meet him before he went. We were both living in Los Angeles, but I didn't know how to go about contacting him. I knew he lived in Beverly Hills — I even had a couple of friendly acquaintances who were associates of his — but I didn't try too hard to finagle the matter.

In early December, there was a book-signing at Hollywood's La Luz de Jesus gallery for Leary's newest book, *Surfing the Conscious Nets*, a very curious and uncharacteristic computerized graphic novel telling the adventures of a young ambisexual black man with the improbable but telling name Huck Getty Mellon von Schlebrugge. (Von Schlebrugge was the maiden name of Leary's second wife Nanette; the significance of the other three names should be clear enough.) I went.

The computer illustrations for this peculiar and frustrating book were done by my pal Howard Hallis, who was also at the signing. I got some old books autographed, introduced myself to Leary, and tried to enlist Howard's help in scheduling an interview. A week later, by accident, I found myself sitting next to Leary at a party at a Hollywood restaurant.

Unusually for Hollywood, we ended up talking one-on-one for around 45 minutes — perhaps because we were sitting toward the back of the patio with no natural flow of traffic around us. I was not, of course, taping our conversation, or even taking notes, but in many ways this approached a dream Q-and-A. We talked about Thomas Szasz and Noam Chomsky — Leary praised them both, and I expressed discomfort with Chomsky's economics. Leary winked — "We're all libertarians, of course," he whispered conspiratorially, but Chomsky was still a brilliant linguist and critic of government crimes. We talked about the AIDS establishment (we had been introduced at the party by a mutual friend, heretical AIDS journalist Celia Farber of *Spin*), medical fascism (he mocked attention deficit disorder — "It's just kids being hyper, curious"), Leary's relationship with his stepson, computers, senility ("I can walk from my study to the kitchen and forget what I was going for, but recapitulate the history of humanity from the amoeba to Dan Quayle, and how Freud fits in"), and his arrangements for his death. (LSD, he has decided, can work as a mental preparation for death. "If you haven't had a couple of death experiences, your dealer is cheating you.")

He was sharp, he was interested, and the conversation didn't lag. He signaled the conclusion of one line of talk with, "And that's the end of that." Then we were on to the next topic. I dared to broach the idea, as he prepared to leave, that perhaps we could talk like this again on tape, for this libertarian magazine I write for? We exchanged numbers.

My first attempt at a scheduled, official interview was aborted; he was entertaining a couple of female houseguests when I arrived, and he wasn't interested in leaving them to talk to me. While Leary was occupied, Howard showed me around the house. After a while, Leary joined us in his study/computer room, where he tested his deteriorating memory by making me write my name on a pad while he tried to remember who I was. (He had warned me when we exchanged numbers that I would have to constantly remind him who I was and where we had met, and indeed I did.)

We chatted for a few minutes, then he and Howard and I inhaled a balloon full of nitrous oxide. Leary got "professorial," as he put it, and lectured us briefly about the roles of William James and Gertrude Stein in popularizing the use of nitrous oxide — "pure brain food." He raised his hands in supplicant prayer to heaven, in the name of William James, and asked Howard to fetch a biographical dictionary and a quotation book. He read us some of Stein's *bon mots* and her bio entry, then dismissed me; we'd have to do the interview some other time.

A few weeks later, I arrived at the arranged time to find the contents of his garage/archive scattered in the driveway. The garage was being repainted. Dozens of people milled about the house, Leary was far too distracted to talk, and one of his assistants, suspicious of my presence, asked me to please fax the details of why I wanted the doctor's time. (I passed that test — she even waved his customary $1,000 interview fee in recognition of *Liberty*'s small-press status.)

Timothy Leary is going to try to talk to us from the dead. Well, who would you rather hear from?

A few weeks later, the taped interview finally took place. Leary was sitting in sweatpants at a table in his living room, that day's mail and faxes scattered around him. The phone rang a lot, and Leary actually answered it himself most of the time. (Once he had me do it, and take a number down for him. He also asked me to move a pile

of old newspapers and envelopes into the laundry room. What can I say? It's Timothy Leary. I did it.)

The Interview Commences

The interview did not start well. Questions that I'd hoped would trigger long, discursive answers garnered brief, telegrammatic ones instead. Leary was impatient with the interviewer-subject game. I had hoped that, as an early expert in transactional psychology, he would remember the rules and respect them. But Leary is uninterested in playing anyone's games but his own these days. He is a great, accomplished man in his last days — who can blame him for not delighting in taking yet another hour of his rapidly diminishing life to explain his work to yet another reporter?

As a nervous acolyte speaking with him for the record — for *history* — I was nonplussed, growing on annoyed. Questions about his writings got responses like this: "My problem here is I've written all of this. Saying it is like reciting it; it's already written. What can we do about that?" He stared off into space, was unresponsive, hesitant. He'd cut off long silences with a sharp "Next question," even if the last one hadn't quite been addressed. Brief perorations on subjects like S.M.I².L.E. or cryogenics (Leary wears a bracelet that identifies him as a candidate for cryogenic preservation) would trail off with him telling me, "You know all that."

He was right. But, I tried gingerly to explain (my enormous admiration for the man making me unwilling to be adversarial), this was more than just us two chatting. A tape recorder was running. An audience of 14,000 who might not — probably do not — know all of what Timothy Leary has to say had to be considered. But he still didn't want to play.

One question about his attitude toward death led to a lengthy break as Leary and one of the young, dread-locked Lollapaloozians who litter the house tried to retrieve a computer document Leary had written for a Japanese magazine, which he insisted would be a better response to my question than anything he could tell me. It turned out to be a strange three-page poem that mixed computer and sexual imagery bizarrely, and I still can't figure out how it relates to my question.

While they disappeared on this mission, I had plenty of time to take in my surroundings. For once, no one else wandered through for almost 20 minutes. (Earlier in the interview, a neighbor had arrived with dog food.) Leary's home is plainer than you'd expect from its hyperwealthy surroundings at the heights of Beverly Hills — the slope above his house is uninhabited grassland, rare in L.A. It's a typical suburban one-story bungalow, garage on the right, a study, a living room, and one bedroom. From the back yard spreads a glorious vista of the Los Angeles basin. The house is sparsely but delightfully decorated: bits of art by Robert Williams, Kenny Scharf, Howard Hallis; a portrait of his friend, actress Susan Sarandon; a Japanese poster for the film *True Romance*; movie promotion stand-ups of John Wayne and Clint Eastwood — gifts of rock star Al Jourgensen of Ministry. Pretty/grungy young people, male and female, float about the house helping Leary take care of his business.

"My politics is basically saying that power resides inside the individual. The state has simply no right."

The house did have a smattering of more bizarre bric-a-brac. I was facing a seven-foot-tall pencil in the left corner, and a large, stringless musical instrument — double bass? cello? — on the right. Other items catalogued:

- A gold record for Ministry's *Psalm 69* album.
- A well-wishing note from William Burroughs, taped to a sideboard in the kitchen.
- A three-dimensional car door with a mannequin's arm hanging out, adorning a wall.
- A billiards table.

The walls were white. There weren't as many books as I had expected — one wall in the dining room, some in his study/computer room.

Tim Speaks

I had hoped to recreate some of the best moments from our first conversation, bringing up some of the same topics and hoping to get some of the same responses. No such luck. On Thomas Szasz: "I have been a great admirer of his for years. He is one of the great libertarian figures of our time. He's taking power away from the medical monopoly and empowering individuals, he's right down the line for libertarian politics, humanist politics." At our first meeting, he had called Szasz "brilliant, dangerous, ahead of his time" and told me of having brought Szasz to speak at Harvard.

On his death: he is ready to be frozen, but "I want to make it clear I may decide not to do it." He also commented that "if I could be brought back, the condition of my brain might be of some interest to science." His executors "are commanded to disconnect any life-preservation method if I'm inarticulate. This is a tremendous opportunity. . . . I'm gonna try to plan my dying. You plan for college, you should plan for dying. In my case for many years I've been planning. I have prostate cancer that's metastasized, painful cancer rupture in my left hip. I'm having radiation, doing everything the cancer doctors want. I want to be a good patient," he added, but admitted that he ignores their dietary advice, and continues to eat what he likes.

He is attempting one final experiment in mental exploration and communication. There's a period of time after the heart stops but before brain death. "Obviously, this period [is] a wonderful opportunity to explore, communicate back," he explained. We tried to figure out how long that period might be. Leary suggested 2–15 seconds. I know very little about this subject, but recalled that during our party conversation on the same topic he suggested the time could be minutes. "I try to be conservative," he winked. "It has been known for a thousand years that there was a period after death. Oriental philosophies suggest that it's your duty as a brain-carrying, conscious person to turn off your mind, get the body no longer involved.

"So I'm gonna have in my dying room, when I'm tubed up and wired up, so even when I'm close to inarticulate, I'll be able to type with my finger, maybe even by blinking eyes, work out

a language. The key thing is my whole front wall in my deanimation room will be a screen, so I can word-process and communicate when I won't have the body to help out." In our party conversation, he had suggested using a system analogous to the experiential typewriter he and Richard Alpert developed to help communicate ineffable psychedelic impressions in something better than ordinary language.

For the intrepid explorer of new ways of thinking, experiencing, and communicating, this was a predictably delightful obsession: Timothy Leary is going to try to talk to us from the dead.

Well, who would *you* rather hear from?

Surfing Waves

To many people, Leary's career seems flighty, if not flaky — even dangerous or criminal. From transactional therapy to drugs to space travel to computers, he has not chosen the standard academic (or celebrity) route of hoeing the same row over and over. Accusations of trendiness bounce off him; he is consciously and philosophically trendy. When asked about his current status as spokesman for individualistic, self-chosen dying, he points out that it's an obvious concern of aging baby boomers, a generation he is a full leap ahead of (he's exactly 25 years older than the oldest boomer) yet has strangely haunted. "Now the baby boom is discovering death. It's spooky. I read the *New York Times* and see five articles dealing with someone planning to die. Life extension stuff, it's hot right now. It's quite predictable. Once again I'm surfing a wave that's there. I expected the wave to come."

The same goes for drugs and computers. "That's being a evolutionary agent, watching cultural stuff that's been happening sequentially. It's nothing new that I'm doing. I'm simply passing on the word."

"I'm an absolute fanatic about language," Leary told me on two occasions — the one idea he repeated of his own volition, not because I tried to make him. When I would refer to "his ideas" and his success in spreading them, he corrected me, not pedantically but almost angrily: "They're not *my* ideas."

Even with regard to space travel and life extension, his more *outré* concerns, he sees himself serenely going with the flow. "Everyone knows that. Everybody knows we're getting off the planet. No big Socratic leap there. What I'm trying to do in all my work is point out my duty as a genetic engineer. Obviously that idea was ahead of its time. It's gonna happen, but not right now. But there is more humanization of space. They're flying around there all the time now. That's good."

In the decade between space travel and dying, Timothy Leary began a love affair with the computer. "Over and over again, I'm gonna come back to the Web," Leary told me — and he did. "The Web's implications are so profound and far-reaching and so obvious. Once you get kids growing up dialing . . . what power that gives the kid! *Those* kids are gonna wanna turn on and tune in!" Leary says that his "Turn on, Tune in, Drop out" slogan for acid in the '60s was ahead of its time technologically; only with computers and the World Wide Web does it fully make sense. "We can make pretty solid predictions here. The Web will change human civilization. McLuhan talked about it and we always knew we'd have a global village — and now it's happening. It's coming right now."

"I get mad when liberals insult advertising," Leary said, calling the great cathedrals of Europe grand advertisements for the Catholic Church.

I wondered what Leary's understanding of computers had taught him about his older interest, human intelligence. During our first conversation, he had shared his fascination with words, their history and meaning and precise usage. Sitting casually on a couch in his study is a printout of a parsing of the definition of the word *celebrity*. Posted to the wall in his study is an advertisement doing the same for the word *amplify*. (He told me at the party that one of his favorite words is *reflect*.)

He loves tracking down words' meanings, tracing their roots. He had pounced on me ferociously and Socratically at the party when I casually mentioned that something "calmed my nerves." What, precisely, did I mean by "nerves"? We went back and forth on this for a few minutes. I began to understand why the Athenians got so pissed off at Socrates that they made him swallow hemlock.

He had gone on to wax on the beauty of computer language, direct commands leading to direct and predictable results. He was fascinated with the *save as* command, allowing one to create something new over the body of something old while preserving it as well. He ended with one of his grandly charming and disarming Irish winks: "And, of course," said one of America's most notorious prison escapees, "'Escape.'"

Politics

Of course, we talked politics. "Yes, I am a libertarian," Leary said. During one of our phone conversations, when I mentioned *Liberty*, Leary brought up his Libertarian Party membership. "I've known some of the people involved in it for years." He hosted a fundraiser for Ron Paul's 1988 presidential campaign at his home.

Why is he a libertarian? "I'm a humanist. The state has no right to tell adult humans what to do with their personal lives. I'm not waiting for the government to give me permission." A lot of people probably feel similarly, but not that many take active steps like joining the LP. "There's an enormous minority of people who are basically libertarians, but see no reason why they should say it." The notion of an *obligation* of any sort to be an activist about one's personal politics rankles him. "My politics is basically saying that power resides inside the individual. The state has simply no right — politics, laws, bills, lobbying about personal life, censor sexual expression, drugs? What does that mean? I was accused by many, like Abbie Hoffman, of luring a young generation away by making them feel good, allowing them to reward themselves."

Leary is not afraid of the market, unlike so many "civil" libertarians who might agree with him about censorship and personal-freedom issues. During

continued on page 69

The Truth and Ayn Rand

by R.W. Bradford

Ayn Rand left Russia in 1926. Just what did she bring with her?

In 1961, Ayn Rand told Barbara Branden about an encounter many years earlier with a long-forgotten philosopher. Back in 1924, while a student in the Soviet Union, Rand had taken a course on ancient philosophy from Prof. N. O. Lossky, an "international authority on Plato." Rand explained that she had demonstrated a mastery of Plato that impressed her professor. Lossky detected a hostility toward Platonism in her account, and asked about her own views. Rand explained her position to the famous scholar, concluding, "My philosophical views are not part of the history of philosophy yet. But they will be." The professor, an especially harsh grader who believed women incapable of understanding philosophy, gave Rand the score of "Perfect."

Unfortunately, research by Chris Matthew Sciabarra has demonstrated quite conclusively that Lossky did not teach at the University of Petrograd when Rand studied there, that he was not a Platonist, that he was not a harsh grader, and that he had many women students and treated them very well.

In the September *Liberty*, I suggested that Rand's story was not entirely accurate, but was probably an attempt at self-mythology. In the January *Liberty*, Lester Hunt ascribed to me the view that Rand was "simply lying" when she told this to Branden, and that this is the "least plausible" interpretation. His reasoning:

> What motive could she have had for inventing a connection with Lossky? The only one I can think of would be that of attempting to gain some sort of respectability. At the time she told this story to Barbara Branden (1961), he was dying in almost complete obscurity. Very few people in this country knew who he was, or would have cared if they had known. His name unfortunately could work no magic in the world that she knew at that time. Further, trying to gain respectability by associating yourself with some antecedently respectable person was not the sort of thing that Rand did. As I have indicated, she was, if anything, in the grips of the opposite vice: that of presenting oneself as unconnected with human history.

Prof. Hunt's criticism seems wrong in so many ways that I hardly know where to begin.

It mischaracterizes my position. I have never suggested that Rand was "simply lying" when she told the Lossky anecdote. Here is the closest I have come to making such a charge:

> The challenge faced by anyone who tries to come to grips with the life or intellectual development of Ayn Rand is that she was both a very private person and one who believed that myth was sometimes more important than truth. In other words, it's difficult to understand a person who is both secretive and prone to lying about herself. Whether one is generous or ungenerous in explaining the problem of Ayn Rand, this underlying problem persists.

This is the only place I have used the word "lying" about the Lossky story. I use the term in what I describe as an "ungenerous" characterization of her behavior; I think the other (which I describe as "generous") is more accurate. Worse still, there is nothing to suggest that I believe that what she was doing was in any way "simple."

Prof. Hunt could conceive of only one reason that might explain why Rand would tell such an anecdote were it not true: she was "attempting to gain some sort of respectability . . . by associating [her]self with some antecedently respectable person." It is, he observed, ludicrous to suggest Rand would have such a motive, since Lossky was not respectable when she told the story and since Rand considered such a motive downright dishonorable. His observation is correct, of course, and if I could think of only such a ludicrous explanation of

Rand's motivation, I would also reject the hypothesis that her account is less than true.

Happily, I can conceive of another explanation. Why might a person concoct a story about herself that portrays her as brilliant, fearless, extremely original in her thinking, and extraordinarily self-confident and self-perceptive? Perhaps because she would like people to think of her as brilliant, fearless, extremely original in her thinking, and extraordinarily self-confident and self-perceptive.

Why might a person concoct a story about herself that portrays her as brilliant, fearless, extremely original in her thinking, and extraordinarily self-confident and self-perceptive?

I believe that it is likely Rand told the story to illustrate these traits in herself, just as she told stories to illustrate the personal traits of the characters in her novels. My suspicion is that she had a vague memory of Lossky as a prominent philosopher of the appropriate time and place (likely, one she remembered from a guest lecture at her gymnasium), inserted his name into a story that may have had some (probably slight) basis in fact, and embellished the tale to illustrate the traits she wished to portray. I further doubt that she ever suspected that Lossky was still alive or that anyone would ever investigate (and thus undermine) her fanciful story. Further, I suspect she may have come to believe her anecdote, at least in some sense, like any good salesman would.

Of course, what I offer is only a hypothesis. Despite Sciabarra's herculean search, the historical record is not absolutely conclusive. As Sciabarra has shown, it is possible to construe Rand's story in a way that is consistent with the historic record, if certain gaps in the evidence are filled very, very carefully. Perhaps, for example, Lossky was "very dour and irritable" because he was banned from teaching, and therefore at the time a tough grader who disliked women to the point of discriminating against them academically — though at other times in his career he was an easy grader, who was pleasant and treated women students very well. And perhaps Lossky did teach a special seminar — though there is no evidence that he did. Perhaps the subject of that seminar was Plato, since the Communist authorities would perhaps think Plato was a harmless subject for an anti-Communist to teach — though Lossky apparently never taught Plato at any other time. Perhaps the reason that there is no evidence that Lossky ever taught such a course is that all records were lost, because "it was taught on the fringes of the university." And perhaps, although it would be extremely unusual, Rand managed to get permission to attend the seminar, and (again) the records were lost. And perhaps Rand simply forgot that her vivid experience with Lossky did not take place at the university, but rather at the annex.

This is the account that Sciabarra provides and that Prof. Hunt finds "most plausible." I personally am more inclined to apply Occam's Razor. All these unlikely events are *possible*, since there is no documentary evidence that specifically disproves them. But what are the chances that *all* these less-than-likely events occurred without leaving a scintilla of evidence?

I invite the interested reader to examine the evidence and form his own conclusion.

Defender of the Faith

James G. Lennox is one reader who has examined the evidence. In a review of Sciabarra's book published in the newsletter of the Institute for Objectivist Studies (and reprinted, in a slightly different form, in *Reason*), he arrives at pretty much the same conclusion I did. Peculiarly, much of the remainder of his review reveals the same sort of propensity for apology as the evaluations of the most fanatical followers of Rand.

In a stunning passage, he jumps from rejecting Sciabarra's case for a direct Rand-Lossky connection to a bizarre conclusion:

> [T]he direct evidence that the youthful Ayn Rand was positively influenced, through Lossky, by the "dialectical antidualism" of early 20th century Russian philosophy is thin. . . . [S]uch influences are taken for granted: "Though Rand rejected much of the content of Lossky's philosophy, her own system retained an exhaustive and dialectical form that reflected her roots," writes Sciabarra. And, later, "[A]s I have demonstrated, Rand's philosophy . . . was a historical product of her revolt against formal dualism."
>
> Demonstrated is a strong word — and entirely inappropriate here. No evidence that Rand was familiar with Lossky's philosophy has been provided, and only weak, conflicting evidence that she studied ancient philosophy with him. Sciabarra thoroughly discusses the philosophy of Russia's "Silver Age," but provides no direct evidence that it influenced Ayn Rand.

That's it. From the fact that Sciabarra failed to prove that Rand had known Lossky, Lennox concludes that the philosophy of Russia's Silver Age did not influence Rand!

All these unlikely events are possible, since there is no documentary evidence that specifically disproves them. But what are the chances that all occurred without leaving a scintilla of evidence?

Lennox has it precisely backwards. Sciabarra may have presented only "weak, conflicting evidence" that Rand knew Lossky, but the evidence Sciabarra presents that Rand was influenced by the philosophy of Russia's Silver Age is thorough and convincing. Sciabarra's case consists of two elements. First, the philosophical environment in which Ayn Rand immersed herself was saturated by Silver Age thinking. Second, Rand's philosophy contains powerful similarities to that thought, as well as elements that seem very much to be intended as reactions against portions of it.

This case is entirely circumstantial. But it is so overpowering that Lennox's criticism of it is reminiscent of the defense attorney who tells the jury: "Yes, it's true that these credible witnesses all claim to have seen my client shoot the victim. But all they saw was him aiming his gun at the victim and pulling the trigger, followed by a loud report, and the victim falling over dead, with a bullet wound to the heart. *Not a single witness actually saw the bullet leave the gun and enter the victim's body.* I therefore ask you to find the accused not guilty."

Lennox concludes his attack on Sciabarra's book with these words:

> The recently published *Letters of Ayn Rand* contains numerous letters, especially those to Isabel Paterson and John Hospers, in which Rand discusses philosophical method and the history of modern philosophy. The picture that emerges from them is of a young novelist caught up in the battle for liberty and individualism in an America quickly succumbing to the collectivism from which she had fled. . . . They show no hints of the sorts of influences that Sciabarra conjectures were crucial to her philosophical development.

Good grief. Rand's philosophical letters to Isabel Paterson were written between 1945 and 1948, more than two decades after the period of her intellectual development that Sciabarra is writing about. And they were written after "nights and nights and nights of discussion" with Paterson, so naturally they focused on issues that interested Paterson and her at the time, not the issues that interested her two decades earlier while a student in the Soviet Union. And Rand's letters to John Hospers date from 1960 and 1961, by which time Rand was in her mid-fifties, no longer "a young novelist" by any stretch of the imagination. By then, she had already begun to promulgate the myth that her philosophy sprang fully mature from her head like the goddess Athena from the brow of Zeus. ❑

Huffman, "Wings Over Mongolia," *continued from page 34*

with no radar to an airport with no radio on a plane with no safety equipment, with a staff consisting of one flight attendant — and knowing that your way out is blocked because the fat lady in the aisle seat has a breadmaker box between her bandy legs.

But it was an uneventful landing, and we spent the next three wonderful days exploring the Gobi desert around Dalandzagdad.

We found out belatedly that Dalandzagdad's domestic terminal (a concrete building to the side of the field) had a bar. The Mongols love their alcohol, and my friend and host knew that the flight would have no beverage service, so he entered the bar, there to be fortified for the return flight to Ulaanbaatar. My son and I waited in the "lounge" (a picnic table outside with a roof over it). The flight was scheduled to leave at 1:30 and was the one and only flight that day. We arrived at the airport around 1:00 and there was no plane in sight. Nor any passengers. We occupied our time by looking at the arrival and departures board. It was not high-tech. It consisted of a chalkboard. Given that there were two incoming and two outgoing flights a week — and that the arrival and departure times seemed more in the realm of hope or prophecy than reality — there were not a lot of changes in the schedule. In the meantime, passengers began trickling in, and finally, a few minutes after 3:00, there was a stir of excitement among the waiting passengers as we saw an airplane descending from the sky. The plane had no sooner stopped when the crowd surged forward, mobbing the aircraft. The flight attendant shooed us all away to allow the arriving passengers to get off, then shooed us away again because she needed to clean. And clean she did. She swept the inside, and anyone unfortunate enough to be standing at the door when she was finished was treated to a faceful of dust and assorted airplane debris.

There was only one flight attendant, and her sole function consisted of bringing around a tray of hard candies at the beginning of the flight. One apiece, please.

I made it back to Ulaanbaatar. But I was not through with MIAT. The attendants on the flights to and from Beijing wear an apron when serving food. It is a gloriously pretty piece of cloth, all done up in the colors of the Mongolian flag. I wanted one of those aprons. I knew I could not buy one, but I thought perhaps I could bribe the attendant into giving me one.

Being an American, I am not good at bribery. And being a Southerner, I am not good at being direct. So it was doubly bad when I waited until all the other passengers left the plane in Beijing, then suggested to the attendant that I wanted an apron. I waved some U.S. currency, which — as you've probably guessed by now — is widely beloved in Mongolia.

She did not take the bait. They are not for sale, she said, smiling. I'm not sure she even understood that I was offering her a bribe. But that was my fault, not hers.

Get me out of this country alive, I vowed while in Mongolia, and I won't complain about American air travel for . . . a long time. Well, maybe two weeks. And then I'll shut up. If the flight attendant is grumpy, I'll smile and be nice. Because I know that 12,000 miles away, flying across the Mongolian desert, one of her comrades-in-arms is passing out hard candies that would scare your dentist half to death. If I have a rough landing, I'll secretly rejoice that we didn't squash a sheep on the way down. That, indeed, there were no sheep there for the squashing. Then I'll remind myself that when Reagan fired the air traffic controllers, he could have replaced them with Mongolian scabs.

Few things can make American air travel look appealing. MIAT is one of them. ❑

Republicans

What Became of the Revolution?

by Kevin Knight

How the GOP betrayed its mandate to reduce the size and power of government.

The GOP revolution has bombed. In November 1994, Americans believed big government was a failure, and the Republican Party was given the opportunity to reduce the government's size and scope. But congressional Republicans have since crumpled under the weight of political pressure, pork, and privilege. It appears we voted for Dimestore Democrats ("we can do it ten cents cheaper").

At the outset of 1995, House Speaker Newt Gingrich and the 73 fresh-faced first-term House Republicans excited the public with their promise of smaller government. The federal departments of Commerce, Education, Energy, and Housing and Urban Development were targeted for elimination. The National Endowment for the Arts, the National Endowment for the Humanities, the Legal Services Commission, and the Corporation for Public Broadcasting were headed for the trash heap.

A cynical public had faith that finally, someone was going to do something about wasteful big government. At the start of the Republicans' first 100 days, Gingrich set the marching orders: *Cooperate, yes. Compromise, no.* But as *Boston Globe* columnist Jeff Jacoby has said, "Right after that, the compromising began."

The revolution wasn't derailed by predictable Democratic demagoguery — tales of children not learning, seniors starving, Big Bird out of a job — but by Republicans "moving too slow," according to Republican pollster Frank Luntz. The challenge, he added, was to "produce reform people can point to."

Unfortunately, what people can point to is business as usual. While GOP leaders should have proposed balancing the budget in two years, reducing cost of living adjustments in order to preserve and then privatize Social Security, and enacting affluence-testing for other entitlements, longtime Republicans in the House and Senate have become infatuated with their newfound seniority. As committee chairs, they've joined the Democrats in a celebration of pork, be it courthouses and highways or B-2 bombers the Defense Department does not want. A conspicuous example was the federal ethanol subsidy. Gingrich and Senate Majority Leader Bob Dole fought tooth and nail to preserve this $770 million pork-laden welfare program for farmers and agribusiness.

Even the 73 freshmen, the spearhead of the GOP revolution, have become embroiled in the business of Washington, abandoning their promise to abolish agencies and programs that regulate, subsidize, or redistribute. As *Time* magazine noted, these "onetime absolutists are giving ground to the sordid realities of getting re-elected and to a larger realization that the incomplete victory of nudging the government in a new direction is better than the total defeat of bringing it down."

David Boaz, executive vice-president of the Cato Institute, has accurately assessed the current political mood: "Americans feel they are faced with a choice between Democrats who want to tax productive citizens to subsidize both a non-working underclass and a new class of cultural elitists, and Republicans who project an image of intolerance and *don't actually cut government*."

The GOP revolution stalled in part because members have failed to educate the public. It's a challenge to decipher trillion-dollar economics for people justifiably more concerned with balancing a $100 checkbook. Members have not explained the big picture — that to help the homeless, the poor, and children, we've got to balance the budget. And members failed to illustrate the degree that government borrows to finance current spending. As Robert Eisner recently wrote in *The Wall Street Journal*, "voters would not permit

increased spending if it had to be financed by taxes rather than painless borrowing."

Perhaps most importantly, members failed to clearly redefine the role of government. As Cato's Stephen Moore has said, "no matter how long one searches the Constitution, it is impossible to find any language that authorizes at least 90% of the civilian programs that Congress crams into the federal budget today."

By reducing the deficit, we strengthen the economy for future generations of Americans, rich and poor. If the federal government borrowed less to sustain its spending programs, there would be more money available for business to create jobs, boost productivity, and deliver better paychecks. Less government borrowing means lower interest rates. Homes, autos, and college tuition could be financed more cheaply, saving Americans billions of dollars.

Many elected officials here in Minnesota have railed against the hard-fought spending reductions proposed in the federal budget, crying that such reductions place unfair burdens on state, county, and city governments. But remember, we are all federal citizens. I welcome the reductions. I welcome the opportunity to take responsibility for our own.

It appears we voted for Dimestore Democrats ("we can do it ten cents cheaper").

We must make drastic changes in how we spend your money. Even if the revolution in Congress has stalled, we must reduce the size of government everywhere, quickly.

The GOP must rediscover its mandate and continue the revolution, putting aside the spoils of office. As GOP freshman Rep. Mark Neumann of Wisconsin has said, "This is about the future of our kids and what's going to happen to them. . . . You've got a group of people here who want to fix this country and go back home and live out our lives."

The voters sent revolutionaries to Washington, not co-conspirators. Unless Republicans move faster, voters will be sending them home a lot sooner than they imagined. ❑

Conscription Fever

by Aaron Steelman

Congressional Republicans like to preach against intrusive government — but they're dodging the draft.

The failure of the Republican "revolution" is nowhere more evident than in the survival of that absurd relic of the Cold War, draft registration. The Republicans, like their twins across the aisle, support this authoritarian and intrusive system even though it has no valid military purpose. Indeed, government committees appointed to investigate the matter have repeatedly rejected peacetime registration as inefficient and unnecessary.

Draft registration survives for one reason alone: statists like it. It reminds young men that they are servants of empire.

In the wake of the Soviets' 1979 invasion of Afghanistan, Jimmy Carter proposed restoring draft registration as a "necessary step" to preserve and enhance "national security requirements." But around the same time, the Selective Service System (SSS) released a report that found post-mobilization registration "preferable" to registration in peacetime. Carter quickly changed his tune, presenting registration as a symbol of America's "resolve" to stand firm against Soviet aggression. Over the opposition of non-interventionists such as Mark Hatfield and a handful of left-wing Democrats, Congress caved in and restored registration in 1980.

During Ronald Reagan's 1980 campaign, he repeatedly stated his opposition to the new policy, arguing that forcing young men to register would destroy "the very values that our society is committed to defending." As soon as the election was won, however, he abandoned this principled stand; now, he declared, registration was needed to procure emergency manpower. Reagan's superficially practical rationale, like Carter's, was contradicted by a nearly simultaneous government report. This one was issued by the president's own Military Manpower Task Force, which echoed the SSS's finding that peacetime registration does little to increase efficiency. Like most products of presidential task forces, it was buried, and registration became a non-issue.

Then, in December 1993, the Department of Defense issued a report stating that registration could be ended with "no effect on military mobilization requirements, little effect on the time it would take to mobilize, and no measurable effect on military recruitment." As a result, the report stated, "suspending peacetime draft registration could be accomplished with limited risk to national security considering the low probability of the need for conscription." These admissions won widespread praise from both Republicans and Democrats. Rep. Peter DeFazio (D-Ore.) remarked, "For the first time in 14 years, we've gotten a straight answer from the Pentagon that says that peacetime registration has nothing to do with real defense needs."

Since the man in the White House had spent the better part of his youth avoiding the draft, Selective Service

continued on page 47

Testimony

How Johnny Cash Restored My Faith in the Healing Powers of Hip

by Jesse Walker

Two years ago, the good folks at *Time* magazine, in their never-ending quest for new "trends" to invent or oversimplify, discovered the death of Hip. According to Richard Lacayo's August 8, 1994 cover story, things have gotten to the point where *everybody* is trying to be hip. Therefore, since hipness is supposed to be an outsider's stance, Hip is dead.

The Hip Dialectic

What *Time* discovered, in its characteristically — forgive the word — unhip way, goes far beyond hipness. To be hip, once upon a time, meant to be aware, to see through social games, as in "I'm hip to that." Somewhere along the line, it changed meaning; now, it is synonymous with fashionability. Fashion, after all, is the art of selling poses, and no pose is more fashionable than that of not caring about fashion. ("I'm the kind of guy who doesn't like labels," an anarchist acquaintance once told me. What better label could a hep cat hope for?)

The fashion cycle already turns without logic or reason. Grease the wheels with hipness, and they spin ever faster. Now, whatever is hip becomes fashionable, but what is fashionable cannot long be hip. David Lynch labored in hip semi-obscurity for years before the *Twin Peaks* television series made him fashionable — and that fashionability ensured that in a year or two he would be unhip, ignorable, backlashed, passé. The fashionable Lynch produced a minor, moderately amusing movie called *Wild at Heart*, and it won the Cannes Film Festival prize. The passé Lynch produced a powerful film prequel to his TV series, and it was roundly booed at Cannes, because the director had hogged the spotlight too long.

The hipster despises fashionability, or at least makes a fashionable show of doing so. Why? Partly out of elitism: *Everybody's into "my" thing; better dump it fast.* But partly out of a real disgust with seeing his honestly felt attachments mass-produced and reduced to an oh-so-contemporary wink. *So you're into Johnny Cash, eh? Yeah — I hear he's big with Generation X right now.* Imagine my surprise when I woke up one morning to find the flannel shirts I'd been wearing since the seventh grade had been magically turned into the badge of an imaginary movement called "grunge." *Damn,* I thought to myself. *Now everybody's going to think I'm trying to be hip.*

The Man in Black

I mentioned Johnny Cash a moment ago. For those in the dark: in 1994, Mr. Cash dropped out of the Nashville rat race to record a CD, *American Recordings*, that seemed targeted at the so-called alternative music audience. It was produced by Rick Rubin, known for his work with stars of rap and rock, and featured songs written by such un-Nashville figures as Tom Waits and Glenn Danzig, the latter the former frontman of the '80s punk band the Misfits (sample song title: "Mommy, Can I Go Out and Kill Tonight?"). Its most notorious track was "Delia's Gone," about a man who murders his betrothed. That song in particular set the critics' tongues a-waggin': to hear the media tell it, this was something incredibly new for Johnny Cash.

Few, if any, pointed out that he had recorded the same song once before, back in 1962.

American Recordings is a stark, dark, and wonderful album, but it marked no great break with Cash's long-established punk persona. (*Johnny Cash at San Quentin* packs more revolutionary fervor than anything any '60s rockers set to vinyl, and "One Piece at a Time" belongs in the IWW songbook.) Nor, despite the "Generation X is discovering Johnny Cash" articles that filled the trashy pages of *USA Today* and its ilk, was the man in black a newcomer to hipness. I worked at an alternative radio station from 1988 to 1993 with the hip-

pest bunch of folks you'll ever lay eyes on, and they all loved Johnny Cash. All of them. Long before the hype machine shifted into gear.

According to the old fashion-cycle pattern, Johnny Cash should be terminally unhip any time now. This time, though, it might not happen. Here's why.

Time says that because everyone is hip, Hip is dead. But hipness in the old sense — the sense of awareness, of discovering the truth behind the social *maya* — need not shrivel when popularly adopted. Truth doesn't change; only lies do. The Mel Tormé revival will disappear once the kids figure out that Tormé doesn't have much to offer besides a few campy laughs. The Johnny Cash revival might last for as long as Cash can produce great music. If you're a music-lover looking for a rebellious hero, you can sign on with the adolescent thrills of a heavy-metal hairspray band (or their contemporary "alternative" soundalikes), or you can seek out the real thing. And if the real thing turns out to be a born-again Christian who sings country music — well, who were you expecting? Sammy Hagar? The authentic is eccentric; only the prepackaged fit into easy stereotypes.

The authentic is eccentric; only the prepackaged fit into easy stereotypes.

A Utopian Scenario

Perhaps, if I may be optimistic, *Time* has discovered, not the death of Hip, but the death — or growing irrelevance — of Fashion. In other words, people may be getting hip to Hip.

Back in 1990, *Time* started the Generation X hysteria with a stupid cover story about some people they annoyingly called "twentysomethings." *Time*'s reporters interviewed a number of members of my generation and discovered, to their horror, that they could discern no pattern. Since they had to find a "trend" to write about, they announced to their readers that twentysomethings are directionless and confused.

In plain language, they discovered that we are all individuals. Shocking, shocking.

This is true of every generation, of course. But with mine, one factor was different: even the generational "leaders," those arrogant folk who claim to speak for all their peers, were heading in wildly different directions. No one in the media knew who to write about, or when. They finally settled on the *Time* line — that we were simply confused — and Generation X was born. When even this generation gap failed to materialize (the people who didn't fit the label hated it, and the people who did fit it hated it even more), *Time* and the rest threw their hands in the air and proclaimed that Hip must be dead.

In the meantime, forgotten music, movies, even commercials of the past are reissued on low-circulation videos and CDs. Cassette networks, cheap camcorders, micro radio, and desktop publishing make local, do-it-yourself expression even simpler than before. Twenty-year-olds find it easier to explore Fats Waller, or Hasil Adkins, or Spike Jones — or Johnny Cash — while they're supposed to be tuned to Pearl Jam, Blind Melon, and the other officially designated alternatives to the mainstream. Kids find it easier to produce their own zines about their own interests when the mass media leave them behind, or just to post some comments on the Internet. Hegemonic pop culture dissolves into an egalitarian soup, where yesterday's creations are as accessible as the fashions of today.

And the guardians of mass culture, of the Fashion Cycle, see their precious pose of hipness decline in value, because just about everyone is hip to it by now.

In this optimistic view of things, *Time*'s "Death of Hip" story is a rearguard action, a last-ditch attempt to get this secession from mass media under control. *Oh, so you think it's a waste of time trying to be hip? I hear that's very "in" now.* And it might work. But it might not. Not if popular culture really is getting more diverse and uncontrollable.

A Dose of Realism

But is it? It may be easier to find old records or movies today, but they were always there, somewhere, for the committed to hunt. Today's desktop publishing may be cheaper than the amateur-press magazines of past decades, but the new zines aren't necessarily any better.

There have *always* been some people who prefer creating to consuming, or who prefer consuming something old or *outré* to consuming something current. If I think there are more of us now than before, I'm probably just falling prey to the Last Generation syndrome: the ludicrous faith that the changes of *my* time will dwarf those of past and future eras.

The reporters could discern no pattern. Since they had to find a "trend" to write about, they announced that twentysomethings are directionless and confused.

An Unaccountably Optimistic Conclusion

Still, at the risk of embracing a Tofflerian faith that a Great Transformation is taking place around me, I prefer optimism, if only because it helps to get me through the night. Besides, every now and then, something comes along to justify it.

Last summer, a friend and I attended a Johnny Cash concert, along with the most diverse crowd I'd ever seen at a musical event. There were kids under 20, and there were a couple of folks I swear were older than my grandmother. There were Garth Brooks lookalikes and there were Cure wannabees. In the aisle, two young men passed a joint back and forth; next to them sat an old man with a cane. June Carter sang for a bit — and so did the lead singer of the Screaming Trees. The audience crossed all boundaries of age, culture, and class, and just about everyone seemed to enjoy themselves.

Generation gaps, petty subculture boundaries, and class prejudice are always fashionable. But the Johnny Cash concert — so everyone told me — was hip.

And even if that doesn't signify anything, I still had a good time. ❑

Explanation

Why I Would Not Vote Against Hitler

by Wendy McElroy

You can't fight tyranny at the ballot box.

At the last *Liberty* Conference, an intellectual brawl erupted during a panel discussion on terrorism. Since I consider electoral politics the milquetoast equivalent of terrorism, my opening statement was a condemnation of voting. My arguments were aimed at libertarians who consider themselves anarchists yet jump to their feet in ebullient applause upon hearing that a fellow libertarian wants to be a politician.

In the two raucous hours that ensued, a question was posed: "If you could have had cast the deciding vote against Hitler, would you have done so?" I replied, "No, but I would have no moral objection to putting a bullet through his skull." In essence, I adopted a stronger line — a "plumb-line," as Benjamin Tucker phrased it — on eliminating the Hitler threat.

I consider such a bullet to be an act of self-defense in a manner that a ballot could never be. A bullet can be narrowly aimed at a deserving target; a ballot attacks innocent third parties who must endure the consequences of the politician I have assisted into a position of power over their lives. Whoever puts a man into a position of unjust power — that is, a position of political power — must share responsibility for every right he violates thereafter.

The question then shifted: "If there had been no other strategies possible, would you have voted against Hitler?" This postulated a fantasy world which canceled out one of the basic realities of existence: the constant presence of alternatives. In essence, the question became, "If the fabric of reality were rewoven into a different pattern, would you still take the same moral stand?" Since my morals are derived from my views about reality, it was not possible for me to answer this question. But my first response was to wonder what I would have been doing for the months and years that led to the momentous dilemma of whether to scratch an X beside Adolf's name. Or did I have no alternatives then either?

I can address only the reality in which I live and, in a world replete with alternatives, I would not vote for or against Hitler. Let me address a more fundamental question: What is the nature of the state? According to Max Weber, a state is an institution that claims a monopoly of force over a geographical area. It is a form of institutionalized power, and the first step in dissecting its essence is to analyze the defining terms "power" and "institution."

Albert Jay Nock wrote of two sorts of power: social and state. By social power, he meant the amount of freedom individuals *actually* exercise over their lives — that is, the extent to which they can freely make such choices as where and how to live. By state power, he meant the *actual* amount of control the government exercises over its subjects' lives — that is, the extent to which it determines such choices as where and how people live. There is an inverse and antagonistic relationship between social and state power. One expands only at the expense of the other.

I stress the word "actual" because the power of the state does not rest on its size — the number of laws on the books or the extent of the territory it claims. A state's power rests on social conditions, such as whether people will obey its laws and how many resources it can command to enforce obedience. A key social condition is how legitimate the state is seen to be. For without the veil of legitimate authority, the people will not obey the state, and it will not long command the resources, such as taxes and manpower, that it needs to live.

In other words, freedom does not depend so much on repealing laws as on weakening the state's authority. It does not depend — as political strategists expediently claim — on persuading enough people to vote "properly," so that libertarians can occupy seats of

political power and roll back legislation. Unfortunately, this process strengthens the institutional framework that produced unjust laws in the first place: it strengthens the structure of state power by accepting its authority as a tool of change. But state authority can never strengthen social power.

This brings up the issue of institutional analysis. People apply the word "institution" to such wide-ranging concepts as "the family," "the free market," "the church," and "the state." An institution is any stable and widely-accepted mechanism for achieving social and political goals. To a great extent, these institutions function independently of the good or bad intentions of those who use them. For example, as long as everyone respects the rules of the free market, it functions as a mechanism of exchange. The same is true of the state. As long as everyone respects its rules — voting, going through state channels, obeying the law — it functions as a mechanism of social control.

F.A. Hayek popularized the notion of *unintended consequences*, observing that conscious acts often produce unforeseen results. This explains why good men who act through bad institutions will produce bad results. Good men acting through the state will strengthen its legitimacy and its institutional framework. They will weaken social power. Ultimately, whether or not they repeal any particular law becomes as irrelevant to producing freedom as their intentions.

So, returning to the question of voting for Hitler: purely for the sake of argument, I'll grant the possibility that I could morally cast a ballot. Yet even then, I would still refuse to vote against him. Why? Because the essential problem is not Hitler, but the institutional framework that allows a Hitler to grasp a monopoly on power. Without the state to back him up and an election to give him legitimized power, Hitler would have been, at most, the leader of some ragged thugs who mugged people in back alleys. Voting for or against Hitler would only strengthen the institutional framework that produced him — a framework that would produce another of his ilk in two seconds.

Freedom does not depend so much on repealing laws as on weakening the state's authority.

Killing Hitler does less damage. But it — like voting — is an admission of utter defeat. Resorting to brute force means that all avenues of social power have been destroyed and I have been reduced to adopting the tactics of the state. Under tyranny, such violence might be justified as long as I could avoid harming innocent third parties. In these circumstances, however, voting could not be justified, because there *is* a third party. No one has the right to place one human being in a position of political power over another. A consistent libertarian can never authorize one human being to tax and control peaceful activities. And the state is no more than the institutionalized embodiment of this authorization.

You cannot help freedom or social power by bowing your head to Leviathan. ❑

Steelman, "Conscription Fever," *continued from page 43*

seemed to be on its last legs. But in May 1994, President Clinton announced otherwise: "Maintaining the SSS and draft registration provide [sic] a hedge against unforeseen threats and is a relatively low-cost 'insurance policy' against our underestimating the maximum level of threat we expect our Armed Forces to face." The SSS had been given yet another reprieve.

The Republican "revolutionaries" of 1994 initially moved to abolish the agency. The subcommittee on Veterans Affairs, HUD, and Independent Agencies voted to allow SSS only $6 million this year — just enough to close down operations. As Rep. Jerry Lewis (R-Calif.), chairman of the subcommittee, stated, "Dollars are mighty dear, and it seemed to us that one agency you could do without is Selective Service."

Ignoring Defense's own conclusion that registration was pointless, some Democratic leaders opposed eliminating it. Sen. John Glenn (D-Oh.) favored SSS because "it's an inexpensive way to keep records on the cadre of people who would be available if they were ever required to be used." But it was not Clinton's friends in Congress who were most active in fighting the proposed cut. It was Gerald Solomon (R-N.Y.), chairman of the powerful Rules Committee, who made it clear that he would support registration at every turn. The day before the subcommittee voted to end SSS, Solomon said, "The small amount of money is worth it. Killing it is not going to put any more school lunches on anybody's table."

After the vote, Solomon lobbied tirelessly until the House Appropriations Committee voted to refund the agency at a cost of over $28 million. Proud of his work, the GOP leader noted that "these young men who have to go down to the post office and register — it makes them very much aware of the military and our need for it."

Solomon's single-handed rescue of the useless agency drew little criticism from advocates of limited government. The reaction of Peter Sepp of the National Taxpayers Union was typical. "We don't expect any member of Congress to vote the right way every time. It's an unrealistic expectation given the political pressure on them from all directions. What we would hope is that all legislators try to practice fiscal responsibility — and in the case of Congressman Solomon, he has made it mostly a habit."

Any hope that the Republicans would change the way Washington is run has been squelched. Gerald Solomon is not an aberration. He is typical of the supposed Republican revolutionaries, who do not understand that if the welfare-warfare state is ever to be dismantled, programs such as SSS must be pulled out by the roots.

And until weak-kneed lobbyists like Sepp are replaced by men of conviction, that's not going to happen. ❑

Exchange

Kill the Mockingbird!

by Jesse Walker

Memo

To: B.
From: R.

With the O.J. trial over, I think the time is finally ripe for the *To Kill a Mockingbird* project we've been talking about. Here's a rough outline of the movie, as I see it:

We open with a shot of Gregory Peck close to the end of *To Kill a Mockingbird*. Then cut to him today. (I figure his character should still be alive. When was *Mockingbird* supposed to take place? Let's figure 1959 or so — there was segregation then, right?) He's old but tough, with a sour look on his face. Through flashbacks, we show the great tragedy of his life: in 1975, Scout was assaulted and killed by a gang of black toughs — who got off scot-free, thanks to crook-coddling liberals in the justice system. He turns his back on his liberal values and dedicates himself to one end: "Putting every nigra criminal behind bars."

Jump back to the present. A black athlete has just killed his wife. (We should use a made-up name for the athlete, of course — but could we get O.J. to play him? At the very least, Kato should get a cameo.) America is outraged, and Peck offers his services to the prosecution. They rebuff his offer and blow the case. Outraged, Peck makes the final step over to vigilantism — "Law? Who needs the *law*? I stand for justice!"

At this point we move into familiar Charles Bronson territory. In the end, Peck leads a group of other enraged citizens in capturing the athlete and hanging him.

I think we should call the movie *Kill the Mockingbird!* What do you say?

Memo

To: R.
From: B.

Unfortunately, I think *To Kill a Mockingbird* was supposed to take place earlier than 1959. I'm sure we can find some way around that, though — maybe something about cryonics. Anyway, that's not the biggest problem I see with your idea.

As you know, the studio has a firm policy against making films that are insensitive or racist. Your story may cross that line when it employs the word "nigra." Can we cut it?

Also, one of the toughs who kills Scout should be Latino, and one should be a white guy wearing his baseball cap backwards. The rest can be black, but should not be given many lines.

The biggest problem, though, is that I'm not sure Gregory Peck is still a bankable star. In fact, I'm not sure whether he's still alive. How about Jim Carrey?

With those changes, I think this may be ready for development.

Memo

To: B.
From: R.

Good suggestions, except that I don't think people were wearing their baseball caps backwards in 1975. Someone should check this.

Rather than cryonics, why don't we use time travel? Jim Carrey and his daughter are suddenly, unexplainably pushed into the future. Almost immediately, she is killed by a gang, and then . . . etc.

In fact, why don't we push this completely into the future — say 2010? Then we could have them pursued by a Terminator-like creature from the further future that wants to stop some important thing they do in the year 2010. Ideally, O.J. would play the Terminator character.

We'll keep Scout alive in this one, and make her a cute, spunky, wisecracking kid. Let's drop the justice stuff and make it a straight chase movie — O.J. coming to kill Carrey and his daughter. We'll call it *Kill the Mockingbirds!*

Interested?

Memo

To: R.
From: B.

Of course I'm interested! But it needs a little more work. What, for example, is O.J. trying to keep them from doing? And why are they in 2010 to begin with?

My people have spoken with Carrey's agent, and he seems interested. Is there any way we can rewrite this to make better use of his comic talents?

Memo

To: B.
From: R.

Naturally. Let's say he's brought to 2010 because the people of the future *have forgotten how to laugh.* Someone reads an old book about Carrey's zany courtroom antics and decides he's just the man they need — and they pick up his wisecracking daughter as well, by mistake. (I must admit I haven't actually seen the original *To Kill a Mockingbird* — are there any zany courtroom antics in it? Even if there aren't, we might dig up some in the original book — I'll have one of my readers check it out — or else we'll just come up with some flashbacks of our own. I seem to remember a great scene in the original *My Cousin Vinny* script that was never filmed; maybe we could use it.)

Instead of O.J. coming back from the future to kill our heroes, let's say he's already there in 2010, and that he's responsible for the grim state of the day. We could add an environmental message as well: he's trying to wipe out endangered species for some reason or another (I doubt we'd have to explain it) with a terrible flying machine, "the killing bird." Our heroes' eventual mission (and our movie's title): *To Mock the Killing Bird.*

Memo

To: R.
From: B.

Bad news — Carrey's getting cold feet. Says he wants to be "taken seriously as an actor" and won't be doing any more comedies after his upcoming sci-fi project, *Ace Double.* While we're searching for a new lead, I thought you might turn your attention to the *Amadeus* followup we've been kicking around. I'm thinking we should go for a horror angle — say, a summer camp haunted by the spirits of dead composers.

Did they have chainsaws in the eighteenth century? ❑

Peace, Love, and Violence

Until recently, Canadians would have shrugged off the idea that the Quebec secessionist movement could lead to violence. Many are now having second thoughts.

After the October 30 referendum, when 49.4% of the Quebec electorate voted to secede, a few separatist dissenters started a new movement that, they announced, would not rule out mild violence. Then a few Montreal English Canadians noted that if the province seceded, regions of Quebec where a majority opposed secession might choose to split off from Quebec and remain with Canada. If Canada is divisible, they reasoned, so is Quebec (a thought I had already expressed in a 1983 book). Their stance won approval from Canadian Prime Minister Jean Chretien and other federal politicians.

Ottawa politicians have treacherously challenged the Quebec government to commit itself to use no violence against such breakaway regions. Quebec politicians have requested that Ottawa commit to not interfering with the whole province seceding, so long as it is "democratically decided." Both sides claim to be the most democratic — and neither deals with the issue.

Indeed, they cannot. Violence is inherent to the situation. Forcing somebody to live under a state he does not want may not lead to open violence if the victim does not take up arms, but it is still violence, albeit covert. Such is the situation under a Tocquevillian, administrative, intrusive state — like both the present federal government and the promised sovereign Quebec. A large chunk of the population will be bloody angry whatever the majority decision is, and whichever majority makes it.

The question is only whether the violence will be covert and legal, or open and revolutionary.

Canadians are normally very patient subjects. They trust their government, even when it confiscates more than 50% of what they earn, even when it disarms them. In this respect, Quebecers are disturbingly Canadian. Federal Immigration and Citizenship Minister Lucienne Robillard recently voiced the conventional wisdom: "It's not the Canadian way of doing things, it's not the Quebec way of doing things," she said. "We are a tolerant country, a peaceful country." But this may be changing with the increasing confrontation and frustration that always accompany growing state power.

There is another reason why politicians do not want to paint themselves into the peace-and-love corner. Irrational emotions are running very high. One half of Quebecers, and an awful lot of other Canadians, believe that Quebec secession would destroy the greatest country in the world, the country that has given them free medical care, cheap education, the welfare state, wall-to-wall security — even if the walls are cracking and liberty is being swept under the rug. The other half of Quebecers passionately long for "the Country" (as former Quebec prime minister Jacques Parizeau used to say with tremolos in his voice), even if all it would give them is a bit more of the same under their very own local tyranny.

The third reason for the politicians' dumbness about open violence is that they can find no rational answer to the partition argument. On the one hand, if Canada is divisible, so Quebec must be — and so must be any region or subregion within Quebec, up to the sovereign individual. On the other hand, if none of these territories is divisible, why is North America, or the world, partitioned into different countries? What right has the Canadian government to rule on, to use Voltaire's expression, these "few acres of snow"?

The root of this logical contradiction lies in the very definition of the sovereign, democratic state, the system under which — as Quebec Prime Minister Lucien Bouchard implied — the majority of "the people" has the right to do anything. Once you get into this system, there is no way other than violence (overt or covert) to define just who "the people" is. The ones with the guns will win, the ones without guns will cave in. What's interesting about the present partition debate is that it raises fundamental questions about the nature of the state, questions that are long overdue in Quebec and Canada.

In some ways, French Canadians are clandestine individualists. They never made revolutions. They passed their turn when the French Revolution was waged and when American revolutionaries called on them. When authority gets too heavy, they quietly retreat in tax evasion, the underground economy, and other kinds of illegality — provided they think they can get away with it. The recent report of Quebec's auditor general is revealing in this respect: a whole chapter deals, in a kind of panicky way, with means to fight endemic tax evasion and the growing underground economy.

Some individualists are coming out of the closet. For the first time in Quebec, libertarian ideas are making headway. A group of young Quebecers have created *Les Amis de la Liberté* ("The Friends of Liberty"). A sign of the times: the Canadian parliament refused to hear their brief against its recent firearms control bill. Another sign is the radicalization of ordinary people. The Quebec Federation of Motorcyclists, for example, is adopting a tough ideological stance toward police harassment of peaceful bikers.

If there is violence in this country, let's hope, for our children's sake, that it will be against statism, and not between two irrational and tyrannical brands of nationalism. Remember Thomas Jefferson's words: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

—*Pierre Lemieux*

Reviews

***It Takes a Village: And Other Lessons Children Teach Us*, by Hillary Rodham Clinton. Simon and Schuster, 1996, 319 pp., $20.00.**

The Woman Who Knew Clinton

Stephen Cox

No one knows who produced this curious work of fiction. Published rumors suggest that the person we have to thank for it is a writer named Barbara Feinman. In any event, the idea of attributing authorship to "Hillary Rodham Clinton" is a masterstroke of irony. Mrs. Clinton, as everyone knows, is one of America's toughest and wiliest politicians. No one who follows public affairs can fail to notice the difference between the style of the real Mrs. Clinton and that of this novel. *It Takes a Village* is equaled in blandness only by the self-help articles in the nicer Sunday supplements. The comic effect is similar to what one would receive from the presentation of General Patton as the author of a book on the art of flower arranging.

The intention behind *It Takes a Village* can be surmised only gradually. Does the author want to demonstrate that commanding figures like Mrs. Clinton are, at heart, merely reservoirs of banality? Or is there a darker purpose, an attempt to probe the complexity of a human mind that disguises its aggressive instincts beneath a harmlessly banal exterior? Is the intention still more deeply ironic — a desire to show that aggression and banality can, in some minds, complement each other perfectly?

I will return to these essentially psychological issues. What commands immediate attention is the novel's literary method. In this respect, *It Takes a Village* challenges comparison to such satires as Sinclair Lewis' *The Man Who Knew Coolidge*. Lewis invented a representative bourgeois American and permitted him to talk, at whatever length he wanted, about whatever he thought was interesting. The longer and more excitedly he talked, the more clearly he revealed the horrifying emptiness of all his works and days.

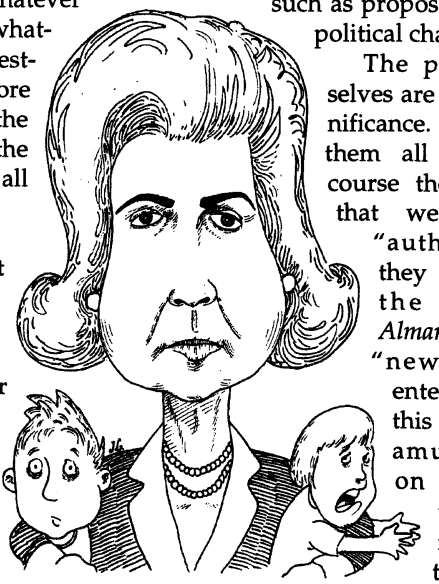

"Hillary Rodham Clinton," the protagonist of *It Takes a Village*, is allowed the same scope for self-revelation, but her creator takes a bolder and more complicated approach than Lewis. "Mrs. Clinton" has the rhetorical cunning that *The Man Who Knew Coolidge* lacked. She pretends to be concerned, not with herself, but with her ideas about the welfare of children:

> This book is not a memoir; thankfully, that will have to wait. . . . It is a statement of my personal views, a reflection of my continuing meditation on children. Whether or not you agree with me, I hope it promotes an honest conversation among us. (p. 17)

Too modest to enjoy writing a book about herself, the "author" will merely convey some "personal views" — meanwhile ignoring the question, which one might expect to arise, of why her "views" should be of any greater interest than her life. But she has views about children; who could quarrel with that? But you might! You just might quarrel! If so, fine; she generously grants you the freedom you already had, and she hopes that you are capable of "an honest conversation." Of course, the "conversation," honest or otherwise, is bound to be rather one-sided, since "Mrs. Clinton" is writing the book and you are not. She doesn't dwell on that. She simply continues to talk about her views, allowing them to ooze modestly to the surface in a series of "meditations" on children and matters supposedly connected with them, such as proposals for social and political change.

The proposals themselves are of no special significance. We've heard them all before, and of course the satirist knows that we have; if the "author" thinks that they constitute what the *Old Farmer's Almanac* used to call "new, useful, and entertaining matter," this is just another amusing comment on the pride she takes in her profound meditations. "Mrs. Clinton" wants government to raise the minimum wage, send unemployed people to college, send unemployed people into AmeriCorps programs, pay parents not to work, make all children take phys ed,

make all children do "public service," use the schools to teach "empathy" and "social development," impose new laws on the insurance industry, regulate television to make sure that children don't see too many advertisements, subsidize and regulate people who offer daycare: the list of this "author's" great thoughts is long. Its most deliciously humorous feature is a proposal for the government to provide "funding" to help people "break through" government-funded bureaucracies (264)! Apparently the government should just take charge of everything.

But lest one accuse "Mrs. Clinton" of believing that, she spends scores of pages lecturing her readers — who are presumably adults — about their own personal responsibilities: they need to spend time with their children, talk with them, teach them the difference between right and wrong, get them to eat healthy food, find out whether their babysitters have some minimal standards of cleanliness. . . . This list is also long. All the things that are instinctively obvious to other people strike this highly educated "author" as so many bolts from the blue, revelations that she must urgently communicate. She has recently discovered, for instance, that children improve their chances of developing intellectual skills when their parents provide them with intellectual stimulation. Modern "researchers" have taught her that, and she explains the concept at some length.

Naturally, one would like to know how such a slow thinker as "Mrs. Clinton" could actually have come to regard herself as an expert on how other people should think. For this reason, if not for any other, one begins to desire some facts about her life. But her creator has given "Mrs. Clinton" a strong impulse to secrecy, or, perhaps more accurately, to pseudo-revelation.

The "first lady" selects a few shiny fragments from her life and uses them to decorate the edges of her political and social sermons. She relates some little stories about her parents, her childhood, her husband and his childhood, their marriage, the birth of their daughter, their experiments in rearing her, and so forth. But we learn next to nothing about the political struggles on which, as we know, a president and his wife must have lavished most of their waking hours for many years. On the novel's first page, the protagonist refers to her "work," but she confides so little information about it that, three hundred pages later, one is still not sure exactly what it is. She says that she has "advocated for" children, but what precisely does that mean? And what other roles has she played in her long public career? The answers never come.

Basic facts are not the only things that the "author" leaves obscure. There is also the question of motives. "Mrs. Clinton" believes, or at least suggests, that her life has been guided by very simple things: her childhood in a close and loving family, her sense of social responsibility for those less fortunate than herself, her commitment to her church, her collection of inspirational quotations. She implies, in other words, that a lifelong quest for political power has developed more or less automatically from such homey sources. Is this sincerity — or another sample of the "author's" cunning attempts to ingratiate herself?

It may be sincerity. This is a character who, despite her efforts to manage and manipulate her audience, is blind to the most bizarrely obvious clues to her own nature. One such clue is planted by the novelist amid the protagonist's thoughts on the inspirational value of literature. "You never know," she says,

> where you might find such guidance when you need it. One of Chelsea's [her daughter is named "Chelsea"] and my favorite nursery rhymes summed up the absolute unpredictability and frequent unfairness of life: "As I was standing in the street/As quiet as could be/A great big ugly man came up/And tied his horse to me." (148)

A peculiar rhyme, one thinks, in which to look for "guidance"; a grotesque rhyme to repeat to oneself, and a frightening rhyme to foist upon a child. But it helped the protagonist, or so she believes:

> I thought often of that rhyme during our first year in the White House: My father died, our dear friend Vince Foster killed himself, my mother-in-law lost her battle against breast cancer, and my husband and I were attacked daily from all directions by people trying to score political points. (148)

Here, the author seems to be saying, is a woman who regards the deaths of other people as things that happened to her, as weird impositions on her nice-

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girl quietude, as intrusions comparable to unwarranted political attacks; she sees them as horses that ugly people tied to her. And she accepts her reaction as perfectly natural — as laudable, in fact.

The passage is brilliantly inventive. Few people in real life would be willing to talk this way out loud, but in the context of the novel, it all makes sense: that is the way this character would think. The passage achieves two important aims. First, it allows the reader to imagine all the horrors of a personal relationship with this demanding, entitled, self-righteous, and self-pitying character; it shows what being her relative or friend would have to mean, thus providing information about the social and domestic atmosphere that the protagonist herself would not convey directly. Second, the passage confirms the reader's impression that the truth of the protagonist's life will never emerge from her own analysis. That truth must be sought in her unwillingness, perhaps her sheer inability, to analyze anything.

The satirist's insight into the central character is clear, and devastating.

Ideas are not things that she can identify, distinguish, and reflect upon. They are material that she kneads together, like so much wet dough, until it suits her purpose. The simplest examples of this agglutinative mental (or merely verbal) process can be found in her political remarks, because her politics, unlike her motives, is simple to the point of inanity.

As far as "Mrs. Clinton" is concerned, "government is not something outside us"; it simply "is us" (312).

> [W]hat, after all, as a fellow was saying to us at the Kiwanis Club the other day — what is the Government but the union of all of us put together for mutual advantage and protection? (*The Man Who Knew Coolidge*)

If you believe that, you'll believe almost anything, and "Mrs. Clinton" does. According to her, new laws cannot be considered "unwarranted government intrusion" so long as their purpose is "important enough" (86–87). Importance is pretty much the same as legitimacy, isn't it? To "Mrs. Clinton," means and ends are as one; she cannot tell the difference:

> [T]ry applying the invective you hear leveled broadly at "government programs" directly to the children who are among their most important beneficiaries. Are the children sustained by government-subsidized day care or fed by government-supported school breakfasts and lunches a "threat to our economic freedom" or guilty of "waste, fraud, and abuse"? (313)

But the protagonist's principal failure of analysis appears in her constant conflation of herself with other people. Although the book consists almost entirely of Eleanor Roosevelt–like nagging, there is never the impression of a person speaking to other persons, never the sense of listeners who might have their own ways of life and thought, separate from those of "Hillary Rodham Clinton." In this book, "we," "us," and "our" are the salient words.

That makes for some odd literary effects. Regretting the fact that America doesn't look much like a "village" anymore, the protagonist observes:

> Instead of strolling down Main Street, we spend hours in automobiles and at anonymous shopping malls. We don't join civic associations, churches, unions, political parties, or even bowling leagues the way we used to. (13)

Apparently, the first lady of the United States doesn't join bowling leagues the way she used to; she prefers to hang out at anonymous shopping malls. But no, that's not quite what she means, is it? By "we," she must mean "you," yet she somehow includes herself in that "you," not as someone who actually does the stupid things that "we" do, but as someone who can embody and "advocate for" all of "us."

Thus the real author suggests that the protagonist is the kind of individual who fantasizes herself as the spiritual consummation and savior of the group. The individuals whom she encounters do not interest her as individuals (and why should they? they're usually just driving around, or shopping) but as illustrations of her own ideas, as people whom she thinks she hears saying things like: "This is real, America. . . . We ask you the government, and you the employer, to help us, the working people, to make it work. We can't do it alone" (238). So proclaims one of this book's many subsidiary characters, a moment before she is hustled off the stage, like all the rest of them. Her sole function is to act as a ventriloquistic exponent of the protagonist's own great thoughts. When she's said her piece, that's it.

But notice that last phrase: "We can't do it alone." The protagonist's great theme is the dependence of every individual on the help of others. "It takes a village to raise a child" — this, she says, is an "old African proverb" (12). It may, of course, be simply the real author's invention, since it expresses so clearly the leading character's conception of other people's primitive weakness. Her ideal America is a humble village whose humble residents never think of doing anything alone, because they understand their unconditional need for one another — which is to say, given the close and clammy relationship between the putative author and her country, that they understand their unconditional need for the president's wife.

Once again, the satirist's insight into the central character is clear, and devastating. The protagonist is a naive and unreflective egotist, a person who is always right, a person who could never mean anything less than perfectly well, a person who would be perfectly satisfied with herself if she lived alone on a satellite of Neptune. Yet she is vulnerable. She has the obscure sensation that there are other people on her planet, unpleasant people, people whom she cannot avoid no matter how "good" she is:

> As I was standing in the street
> As quiet as could be
> A great big ugly man came up
> And tied his horse to me.

The protagonist has two options. She can rebel against her surroundings and tell other people how ugly and stupid she thinks they are. Or she can protect herself by asserting a benevolent mastery over those people, pretending that her will is "our" will and that her plans are, or ought to be, "our" plans.

She chooses the second option, which is obviously the more profitable

one, since it simultaneously asserts her power and assuages any guilt that she might contract from asserting it. Guilt itself is a vulnerability, but how can one feel guilty about trying to help the billions of other people who depend on one? The protagonist's own vulnerability is thus projected outward, onto society in general — and one sees how right, how perfect it is that the author of this novel should have portrayed its protagonist as preoccupied with children, with the weakest and most vulnerable segment of the population.

Indeed, from the protagonist's point of view (and this is another literary masterstroke), the adults who surround her are actually weaker than the children whom they have been trying so fecklessly to rear without her help. "I have never met a stupid child," she claims (239), though it is obvious that she has met many adults too stupid to understand this mighty truth.

The comic effect is similar to what one would receive from the presentation of General Patton as the author of a book on the art of flower arranging.

But that is not the cream of the jest. The poet Wordsworth addressed the child as "Mighty Prophet! Seer blest!" The president's wife is naive enough to take such notions literally. "Some of the best theologians I have ever met," she says, "were five-year-olds." Even she and the president, she admits, had a tough time dealing with these mighty intellects. The First Couple "struggled" to answer the theological inquiries of their daughter and her little friends, who came up with such brain-twisters as: "'Where is heaven, and who gets to go there?' 'Does God ever make a mistake?' 'What does God look like?' 'Why does God let people do bad things?'" and "'Does God care if I squash a bug?'" (169–70) It apparently never occurred to either the president or his wife that people who asked questions like this might not be great theologians, after all.

Neither did it occur to them that they could answer the children by simply saying:

> Beyond the material world.
> Good people.
> No.
> Nobody ever caught sight of him.
> Because he's given people freedom.
> Go ahead and squash that bug.

These are answers that any child can understand. But the president and his wife never asked themselves whether people who have to struggle to come up with simple answers to childish questions could possibly be very bright themselves.

The protagonist's identification with children, which is her means of infantilizing and thereby dominating the world around her, is a much more accurate identification than she guesses. Although much of "her" writing attains the elevated tone of a term paper written by the best darned student in Everytown High School, some of it descends to the kind of conversation that goes on in *Mister Rogers' Neighborhood*:

> Imagine a country in which nearly all children between the ages of three and five attend preschool in sparkling classrooms. . . . It may sound too good to be true, but it's not. (221)

The country so breathlessly imagined turns out to be France! And oh, don't those French children have nice things! They spend the day in "bright and colorful" buildings, and the buildings are "modern," and they actually have walls that are "specially constructed to absorb sound." The sound just vanishes! And, oh, gosh, they have "spaces" that are specially set aside "for play," and for "sleeping," and for "eating, and even for good-byes and big hello hugs with parents" (222). Special spaces for hugs! Gee, I'd like to live in France! Wouldn't you?

We have now, perhaps, come full circle. Aggression and banality have met together; yea, they have even kissed each other. The "Hillary Rodham Clinton" of this novel — and how cruel it now appears that the satirist should have exploited the name of any living person — will feel useful and good about herself only if "nearly all" her fellow-citizens submit to being nagged, led, managed, nursed, instructed, conscripted, protected, and "advocated for" by people like her, from age three on. That's aggression. And the height of her imaginings is a European preschool, with special spaces for great big hugs. That's banality.

The chief virtue of this novel is the acuteness and broad applicability of the psychological case-study that it presents. "Mrs. Clinton" wants to be a species, not just an individual; and so she is. There are millions of people like her; they are a distinctive feature of the American middle class. The novelist has captured all of them in "Hillary Rodham Clinton." Bored, entitled, shallow, ignorant, they seek refuge from self-analysis in verbal formulas, in the various kinds of counterfeit thinking that "professionals" who have no real work to do mistake for intellectual wealth. Hence "the first lady's" babble about "parenting" and "emotional intelligence"; her aversion to "extremism," which she defines as, basically, anything but her own "middle of the road" position; her piety toward "experts," so long as they favor her own vapid prejudices; her purely culinary attraction to what she calls "both big and bite-sized ideas" (18); her total lack of interest in any history except the progression of her own emotional states. And hence the striking similarity between "Mrs. Clinton," the dynamic first lady, the hardball politician, the world's greatest exponent of humanitarian ideals, and all those people to whom you are forced to listen politely at the annual office party.

She hopes that you are capable of "an honest conversation." Of course, the "conversation" is bound to be rather one-sided, since "Mrs. Clinton" is writing the book and you are not.

Such "conversations" usually last far too long. If this novel has a defect, it is the enormous length to which the protagonist is allowed to pursue her so-called thoughts. Three hundred nineteen pages! — as if the novelist, like "Mrs. Clinton," did not know where to stop. ❑

The Revolt of the Elites and the Betrayal of Democracy, by Christopher Lasch. W.W. Norton, 1995, 276 pp., $12.95.

The Expropriation of Everyday Life

Jesse Walker

The world lost a unique voice when Christopher Lasch died in February 1994. In his nine books and countless articles, Lasch constantly defied easy categorization. He was a radical critic of capitalism, a conservative critic of modern culture, and a populist critic of concentrated power; a man who abandoned the Left but could not bring himself to join the Right; a man who shared the libertarian antipathy to the state but fiercely opposed unrestrained individualism. He was a small-r republican, not a small-l liberal, and had little love for social mobility or follow-yer-bliss. Yet there is much for an individualist to value in his work.

His posthumously published final book, *The Revolt of the Elites and the Betrayal of Democracy*, is not a single, focused argument. A majority of its chapters were previously published as separate essays, and as a result, the book sometimes seems lost on one tangent after another. But all these detours relate back to his theme of an elite at odds with democratic culture.

The Illusion of Certainty

Underlying all of Lasch's arguments is his philosophical pragmatism. Lasch argues that Left and Right alike attribute too much importance to certainty. If "the hope of grounding our knowledge of the world in propositions unassailable by doubt" (p. 188) fails, intellectuals across the political spectrum agree, society's moral foundations must crumble as well. We thus see conservatives desperately trying to defend untenable absolutes, while the academic Left effectively throws out values and truth altogether.* Both sides assume that the standards and traditions that provide our social glue have to be grounded in some universal principle. As a result, they give up concrete attachments, one side replacing them with dubious abstractions, the other with a nihilistic fascination with fashion.

Reading this reminded me of my first exposure to existentialist literature, in my teens. (This sounds odd, I know, but bear with me.) The existentialist idea that human beings are condemned to be free, to create our own meaning in a meaningless universe, struck me as both obviously true and curiously misstated. Free we are, but why should this be a bad thing? It's exhilarating to create our own meaning — and besides, it isn't as though we're flying blind. We're embedded in a human culture that has survived for thousands of years; values, morals, and meaning have evolved for as long as people have interacted with each other. Some of the cultural stock we've accumulated may be worth throwing out, and a lot of it may be entirely arbitrary (which doesn't necessarily mean it's worth trashing); but it's there, and it's a base on which we all depend.

The beauty of a free society is that it allows individuals and institutions to experiment, to succeed, and to fail; to create different ways of living, and to fall back on the wisdom of the ages if their efforts go awry. Liberty is thus both radical and conservative, and above all else *skeptical*. It implies a skepticism about tradition that allows for the most radical experiments, and a skepticism about change that erects a conservative bulwark against social engineering.

Many under the spell of existentialism tend to downplay the rich body of tradition that has evolved over the years. Lasch takes the opposite route. He shares the libertarian's conservatism, but not his radicalism. He rejects the "romantic subjectivity" of Oscar Wilde, the French rebels of '68, and the postmodernists; he does not share "the modernist ideal of individuals emancipated from convention, constructing identities for themselves as they choose, leading their own lives . . . as if life itself were a work of art" (234).

And less exotic sorts of individualism are in for criticism as well. The unlimited experimentation of the marketplace, Lasch suggests, has undermined communal ties as surely as statism has. One might reply that some communal ties are worth undermining — that when people vote with their dollars or with their feet to change their way of life, this is a creative destruction that should not be constrained. For Lasch, this is dangerous thinking.

Lasch refuses to let anyone else do his thinking for him, making him exciting to read even when he's saying something that's completely nuts.

Lasch argues that while "the market appears to be the ideal embodiment of the principle . . . that individuals are the best judges of their own interests and that they must therefore be allowed to speak for themselves in matters that concern their happiness and well being," this tells only part of the story. "[I]ndividuals cannot learn to speak for themselves at all, much less come to an intelligent understanding of their happiness and well-being, in a world where there are no values except those of the market. Even liberal individuals require the character-forming discipline" of family and community. And these intermediary institutions are undermined by the marketplace, which "notoriously

* These are generalizations, of course — some might say ludicrous overgeneralizations. But they are a useful rough model of the intellectual world.

tends to universalize itself. . . . It puts an almost irresistible pressure on every activity to justify itself in the only terms it recognizes: to become a business proposition, to pay its own way, to show black ink on the bottom line" (97–98).

If this were so, one would expect the ongoing erosion of civil society Lasch documents to correlate with eras of relative *laissez faire*. But social bonds were stronger, by Lasch's account, in the years before the Great Society, stronger still before the Progressive Era. How does this indict the market?

Lasch is far too smart to make an argument so easily knocked down. The erosion of community, he contends, actually goes back to the Industrial Revolution and the transformation of artisans into proletarians. "By the end of the nineteenth century," he writes, "'laboring classes' no longer referred to the vast majority of self-reliant, self-respecting citizens; the term now referred to a permanent class of hirelings, escape from which appeared to be the only compelling definition of opportunity." The meaning of democracy began to change as well. It now referred not to "the democratization of intelligence and virtue" but to "the opportunity to 'rise' in the social scale" (72–73). Today, he concludes, the transformation is complete: the ruling class's idea of democratic reform amounts to allowing more people into the elite, not breaking down the class barrier itself. This can be seen, for example, in the present university system, where racial diversity has become a smokescreen for class homogeneity. "Increased enrollment of lower-income groups, notably black and Hispanic, has obscured a more important development, the gentrification of the leading colleges and universities, both public and private. . . . Economic stratification means that a liberal education (such as it is) has become the prerogative of the rich, together with small numbers of students recruited from select minorities" (176–177).

The fact that this situation has worsened during the statist twentieth century only supports the second half of Lasch's argument: that the welfare state has been a cure as bad as the disease. "The replacement of informal types of association by formal systems of socialization and controls weakens social trust, undermines the willingness to hold others accountable for their actions, destroys respect for authority, and thus turns out to be self-defeating" (98). Lasch's heroes are nineteenth-century Populists, not Progressive Era planners. His ideal is a decentralized republic of small property-holders, not a socialist bureaucracy.

This is an incisive analysis. Still, Lasch doesn't actually cite any credible process by which the market must force every other institution into its image. Supposedly, the late-nineteenth-century experience proves that, "Instead of serving as a counterweight to the market, . . . the family was invaded and undermined by the market" (96). But is that great abstraction, "the market," really to blame? The chief villains in Populist demonology — the capitalists whose power angered radical democrats of the day — were the banks and the railroads, both even then subsidized (and soon cartelized) by the state. More generally, the industrial era, especially from the Civil War on, was a period of intense angling by business for public power, public protection, and public subsidy.

Conservatives desperately try to defend untenable absolutes, while the academic Left throws out values and truth altogether.

And were intermediary institutions really wiped out during this period? The vast array of voluntary associations that characterized the nineteenth century extended well into the post–Civil War era. The urban neighborhoods Lasch praises for their informal social bonds actually blossomed during this time. Working-class organizations devoted to economic mutual aid continued to grow, and did not decline until after the Progressive Era. One need not prettify Gilded Age America to recognize that much freedom and conviviality survived the Great Barbecue.

The Coerced Market

There is a better explanation for the atomized, stratified society Lasch sees. The cash nexus has indeed eroded fam-

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ily and community in recent decades, but the culprit is government-imposed professionalization, not liberal markets. Licensing and credentialism have forced us to overspecialize. Education, medicine, law, construction — all these and more can no longer be provided informally. They now must be bought and sold, and the number of people who can buy or sell them has been artificially reduced. What has happened is not so much the market forcing itself into informal life as the state forcing informal life into the market.

This professionalization has marched arm-in-elbow with the growth of the welfare state. Both have progressed over the same time period; both have been supported by the same policymakers and intellectuals; both represent the expropriation of everyday life. So does the growth of corporate bureaucracies, built on a foundation of limited liability and fed by the growing split between private ownership and managerial control. Lasch recognizes and appreciates the tremendous wealth created by modern capitalism, even as he bemoans the end of the days of dispersed property ownership and *petit-bourgeois* society. But wealth and artisanship are not incompatible. The economy of Italy's Emilia-Romagna region, for example, is dominated by small-scale, family-owned, usually worker-controlled high-tech manufacturing. This was not created by deliberate government policy, but by market forces — forces that have not prevented Northern Italy from maintaining a strong civic culture.

The erosion of community, Lasch contends, actually goes back to the transformation of artisans into proletarians.

In short, while Lasch is right to link the atomization of society to the growth of the state, one can bemoan the former without attacking market liberalism or individual liberty. In *The True and Only Heaven* (1991), Lasch condemned Americans' "impatience with anything that limits our sovereign freedom of choice, especially the constraints of marital and familial ties." The real problem, I suggest, arises when Americans accept any constraints on their behavior *except* those imposed by the people with whom they share their lives. Freedom from the neighbors and children, but submission to the corporate state. Freedom from community, but acquiescence to coercion. Liberation only from those who might have a legitimate stake in how one chooses to live.

Are We Tolerating Ourselves to Death?

Fortunately, we have not plunged totally into this dystopia, though Lasch sometimes writes as if we have. He complains that liberal opinion (and society in general) stresses tolerance too much. "We have become far too accommodating and tolerant for our own good," he declares. "In the name of sympathetic understanding, we tolerate second-rate workmanship, second-rate habits of thought, and second-rate standards of conduct" (107). But in my own brief lifetime, public opinion has turned harshly on more than a few forms of inexcusable behavior. Drunk driving, wife-beating, hazing, and more have come under assault, not just from the state (whose ham-handed opposition has sometimes made the problems more intractable), but from a public willing to be unaccommodating and intolerant in the name of moral standards.

Talk of the dangers of tolerance puts a lot of people, including me, on guard, not because we think anything goes, but because the Bill Bennetts who preach social sanctions tend to have a different view of just what should not be tolerated. It should be incumbent upon any intellectual who calls for a restoration of standards to delineate exactly what it is he is talking about. For my part: driving while wasted is bad; private pot-smoking is acceptable. Shoddy craftsmanship is a problem; neither homosexuality nor homophobia threatens the republic. Deliberately opaque language drives me bugfug; profane language rarely troubles me. In general, I don't like it when people push other people around, put others in danger, act like jerks, are extremely pompous, or do second-rate work where first-rate work is required.

Everyone has his own list, which is one argument against involving the state in any of this. Lasch argues that "Americans agree even about concrete issues" (110), and that politics therefore can and must "give more weight to the community than to the right of private decision" (113). But to the extent that we agree about values, the state's involvement is superfluous. To the extent that we don't, it is dangerous. The government isn't very good at teaching good manners, so instead it persecutes druggies and queers. Civil society, on the other hand, isn't consistently good at persecution.* But it *is* good at enforcing civility and upholding standards.

Talk of "the complete privatization of morality and behavior" is ultimately pointless, since such could only occur under a state so powerful that it prevents people from interacting long enough to form bonds. A society with any degree of freedom will have both public and private spheres. More importantly, it will have many intermediary zones of social interaction, areas of only moderate intimacy, of conviviality without intimacy, of friendly familiarity, and of respectful distance. As one of Lasch's favorite thinkers, Jane Jacobs, pointed out in *The Death and Life of Great American Cities*: "Cities are full of people with whom . . . a certain degree of contact is useful; but you do not want them in your hair. And they do not want you in theirs either" (pp. 55–56). Such intermediate relations are essential for social order, but can only emerge voluntarily.

To the extent that we agree about values, the state's involvement is superfluous. To the extent that we don't, it is dangerous.

The goal of public policy should *not* be, as Lasch suggests, to hash out our

* There are parts of the country where it isn't pleasant to be an atheist, a lesbian, or a fundamentalist Christian, but there are always other communities that will either welcome such minorities with open arms or at least let one do or say as one will in private.

communities' values. It should be to create the conditions under which those values can flourish.

The Yuppie International

Ultimately, Lasch's critique isn't aimed at individual rootlessness. It is directed at a footloose class. Lasch attacks the elite, not just for its domination of the larger society, but for its separation from it. The professional classes are steadily withdrawing from common life, he argues. Neighborhoods are replaced by networks, public life by private cocoons. When the upper-middle class withdraws into its own enclaves, this only exacerbates the class barriers that are inimical to a free society.

But can you really fault people for sending their children to the best school they can find? For choosing FedEx, fax, or e-mail over the Post Office? For protecting themselves against crime as best they can? Indeed, in his discussion of the welfare state, Lasch urges working-class, lower-middle-class, and poor people to do just that: "As formal organizations break down, people will have to improvise ways of meeting their immediate needs: patrolling their own neighborhoods, withdrawing their children from public schools in order to educate them at home. The default of the state will thus contribute in its own right to the restoration of informal mechanisms of self-help" (100).

It's natural to turn to the voluntary sector when the state fails. The root problem isn't that middle-class professionals are withdrawing from common life; it's that the state is a poor substitute for common life. The government has produced poor schools, unreliable services, and unsafe streets, and as long as it continues to control these central institutions, any attempt to build superior parallel structures will have the unfortunate side effect of removing the innovator from the public sphere.

The danger of Lasch's rhetoric is that it can lend support to the wrong policies. Instead of removing the institutions that have created the credentialist society, policymakers might simply aim new sorts of social engineering at the professional class. Analyses like Lasch's often lead to calls for "national service" (conscription) and punitive taxation. Instead of erasing class privileges, such proposals merely turn members of the professional class (and anyone aspiring to the professional class) into involuntary servants of the state.

Ultimately, Lasch's critique isn't aimed at individual rootlessness. It is directed at a footloose class.

This does not mean that Lasch is wrong to bemoan class segregation. Members of the cocooned class, he argues with understandable indignation, are "more concerned with the smooth functioning of the system as a whole than with any of its parts. Their loyalties — if the term is not itself anachronistic in this context — are international rather than regional, national, or local. They have more in common with their counterparts in Brussels or Hong Kong than with the masses of Americans not yet plugged into the network of global communications" (35). When this separation is combined with social, political, and economic domination, it leads to an astonishing arrogance:

> Although they are full of "compassion" for the poor, they cannot be said to subscribe to a theory of noblesse oblige, which would imply a willingness to make a direct and personal contribution to the public good. Obligation, like everything else, has been depersonalized; exercised through the agency of the state, the burden of supporting it falls not on the professional and managerial class but, disproportionately, on the lower-middle and working classes. The policies advanced by new-class liberals on behalf of the downtrodden and oppressed — racial integration of the public schools, for example — require sacrifices from the ethnic minorities who share the inner cities with the poor, seldom from the suburban liberals who design and support the policies. (45)

Lasch also argues that this arrogance shows in the professionals' lifestyle. Here his comments border on the puritanical. "Female careerism," he writes, "provides the indispensable basis of their prosperous, glamorous, gaudy, sometimes indecently lavish way of life" (33). "Indecently lavish"? This is as if, halfway through a highbrow survey of Andy Warhol's art, the critic called the artist a "simpering faggot." If Lasch wants to be a prude, that's fine, but he shouldn't mix his prejudices with his reasoned commentary.

Still, there are good reasons to attack certain attitudes of the rootless rich. I don't — I can't — fault anyone for moving around a lot, eating squid, or listening to exotic music. I do all these things myself. It's the self-satisfied provincialism of these self-styled cosmopolitans that sets my teeth on edge: the kind of *faux*-global consciousness that leads people to use a phrase like "world music," a mindless marketing category that shoves together any folk or pop music produced outside the U.S.A. This is internationalism without the nations, cosmopolitanism without the polities. It is the pretentious posturing of the *Utne Reader*.

An Independent Mind

The Revolt of the Elites is the final testament of one of late-twentieth-century America's most interesting writers. Lasch is always stimulating, because he is always fiercely independent. He refuses to let anyone else do his thinking for him, making him exciting to read even when he's saying something that's completely nuts.

Of how many living writers can that be said? ❑

***Market-Based Education: A New Model for Schools*, by Kathleen Harward. Center for Market Processes, 1995, 77 pp., $7.50.**

Market-Based Miseducation

Nathan Crow

Kathleen Harward's *Market-Based Education: A New Model for Schools* has all the characteristics of a term paper by a not-quite-bright education major: the same earnest tone, the same vague argumentation, the same half-witted references. Purporting to challenge the status quo of American schools, it manages only to reiterate the half-baked "innovations" of several generations of educationist reformers, in the process serving up a digest of quasi-libertarian rhetoric about schools and learning. John Holt, John Taylor Gatto, A.S. Neill — all the luminaries of libertarian school-chat are here, directly or indirectly, stirred in with partially digested lumps of "cognitive science" and Charles Koch's amateurish theorizing about "market-based" this and that.

What is "market-based education"? The reader might presume it means education that is delivered in a free market, with all the diversity that implies. But Harward and, presumably, the Center for Market Processes have their own definition. "Market-based" schools, Harward tells us, recognize the importance of "treating each student as an individual" — a "reform" that Ms. Harward's elaboration merely renders more vague — and the centrality of "projects" to the educational process.

This second notion is by far the more important. Indeed, "projects" are urged upon us on almost every page of the book, if not every paragraph. Defined with Harward's characteristic cloudiness and elucidated by few examples, the nature and necessity of "projects" never quite comes into focus. What *is* clear is that "market-based" schools will do away with classes in "subjects," which are badly outmoded. Math is condemned, as is English. History? It's history. Exeunt biology, chemistry, physics. Exit the whole shebang. "Students," Harward tells us, channeling her imagined consensus of "cognitive scientists," learn "best" when teachers involve them in large-scale "interdisciplinary" tasks instead of organizing classrooms around study of a single discipline broken down in manageable chunks. Classes in English, math, and physics are "fragmented" and therefore boring.

I haven't seen anything like Harward's fevered faith in technology since the elementary-school film strip that promised me atomic power so cheap it wouldn't be worth metering.

This is the sort of junky cliché-mongering that has made "education reform" a synonym for nonsense. Maybe Harward really believes students need "projects" to learn algebra, or Newton's laws, or genetics, or paragraph structure, or how to write a half-baked pamphlet on education reform and sell it at $7.50 a pop. That is her option. But to persuade us, she should cite some concrete examples of how the thing works.

As it is, the closest we get to a real-life portrayal of "projects" is in John Taylor Gatto's gushing introduction, in which he recalls a couple of his former junior high school students, whom he managed to shuffle out of school on Fridays to wait tables and do menial chores at a local soup kitchen. This, Gatto insists, was "real work," which is unquestionable, although what he describes sounds suspiciously similar to the "real work" performed at the local McDonald's. Less believable is his assertion that the boys' "real work" was "mathematical, linguistical, choreographical, artistic [why not "artistical"?], sociological," and that it "directed" them, not to jobs as minimum-wage fry cooks, but to "rich webs of ideation." This is more than generic ed-school optimism about "experiential learning" — it's sheer stupidity. "Mathematical"? They made change. "Linguistical"? They talked to bums. "Choreographical"? They tried not to drop the dishes. Etc.

The notion that school ought to come as close as possible to "real life" is one of those Deweyite fantasies that just won't die. Like most romantic fancies, it contains more than one kernel of truth. Schools ought to do more to link academic skills to applications in the world outside. The skills taught are often arbitrarily selected, and the mandated regimen of courses shamefully neglects non-"academic" studies. Students ought to be encouraged to pursue learning on their own, and room should be made for apprenticeships. Textbooks are often wretchedly written and deliberately devoid of controversial matter. All true.

Yet the system survives — not because it is in thrall to what Harward refers to as the "factory model," but because however dismal its results, it demands a bare minimum of rigor that vanishes utterly when experimentalists are given a free hand to offer "open classrooms," "experiential learning," "whole language," or whatever is the flavor of the month in ed colleges. Harward is advocating the latest pop trend in education, "constructivism," though she does not use the term. Constructivists believe knowledge ought to be acquired through engagement with "complex problems without simple solutions," and that teachers who break skills down into components and test for mastery each step of the way are actually getting in the way of students' learning. Harward's claims

notwithstanding, such beliefs are contradicted by research comparing the effectiveness of various teaching methods.*

"Whole language" is probably the most influential movement within the constructivist camp. Its theoretical presumptions are based on a view of all human learning as analogous to the development of oral language. Enthusiastic believers in projects, "individualized" learning, and selection by students of their own goals and texts, whole language advocates would have teachers junk phonics "in isolation," instead mentioning the letter sounds as non-readers proceed through whole books. (In many first-grade whole language classes, entire books are sometimes read repetitively for weeks on end. The children, of course, memorize the text, which makes their teachers and parents feel good but does nothing to teach them how to read.) Students are continually presented with the "complex problem" of learning to read, and the teacher gives very little direct instruction in facts, concepts, or principles.

The most curious thing about "market-based education" is that it has nothing to do with markets.

This works fine for the kids who would learn how to read regardless; the rest either struggle along or simply give up. Thus, in whole language, "individualizing" becomes a code word for dumbing down expectations to meet the level of the teacher's incompetence. If Johnny cannot read, it isn't Ms. Goodman's fault; his time has not yet come. When middle school rolls around and the class is asked to do a "project" for "language arts," teacher graciously individualizes the work, allowing him to construct a papier-mache model of Middle Earth rather than write something, which would be tedious and difficult, maybe impossible. (After all, to write about a book, one must read it.) And so on through the grades.

Harward, to be sure, is dimly aware that this sort of thing might cause problems, so she strenuously supports "accountability." But she rejects "standardized tests," which she thinks are bad because they "fragment" skills and "dictate what is taught in schools." Well, so what? The most popular standardized achievement tests, such as the Metropolitan Achievement Test (MAT), evaluate how well students can understand what they read, perform math computations, etc. It's true that there is more to life and to school than this, but students ought to know at least how to multiply seven by eight and interpret a set of directions. If standardized tests "dictate" that faculty have a go at teaching such skills until they are either learned or put aside come June, so much the better.

But the problem, in Harward's view, is that the bad old standardized tests keep our schools from taking off into the heady realms of "analyzing problems, proposing solutions, . . . communicating with others," etc. This is nonsense. Standardized tests merely ensure that citizens get some feedback about how well their children are mastering basic skills. A few years after California rushed headlong into "whole language," the standardized test results came in from the National Assessment of Educational Progress (NAEP), showing that California's fourth-graders scored dead last. How long would it have taken Californians to get the message had Harward's "alternative" assessments via "projects" and "narrative evaluations" been instituted in place of the NAEP?

Indeed, one wonders whether Harward has ever seen a "standardized test." She states that the tests measure "low-level skills" (such as knowing how to read) and "facts" (whose acquisition is, of course, trivial). But no popular standardized test measures factual knowledge to any appreciable extent. The most important scores are reading comprehension and mathematics, which the MAT breaks down into concepts, computation, and "problem-solving" (story problems). The so-called subject tests demand only a basic familiarity with the area along with the ability to read charts and graphs and draw simple conclusions from the text — in short, they measure "reading comprehension" in a slightly different way. Any student capable of taking on a "project" should do just fine on such tests.

If standardized tests are out, how would Harward hold teachers accountable? With characteristic vagueness, she suggests that everyone — administrators, parents, students, teachers — write "narrative and descriptive" evaluations. This works in commercial enterprises where decisions are based on *market incentives*, but absent those incentives, the evaluations are just so much paper to be filed and forgotten. In public schools such evaluations measure nothing.

"Performance assessments," including portfolios of work completed, are another popular alternative to standardized tests. Something like this was implemented in Vermont, where, teachers reported, it led to increases in "discussion of math," "explanation of math solutions," and "writing about math." That's nice. Most of us, however, are more interested in the following question: can the students solve math problems? Draw your own conclusions as to which is more likely to give us the answer, a standardized test or a portfolio containing essays about fractions or matrices.

"Mathematical"? They made change. "Linguistical"? They talked to bums. "Choreographical"? They tried not to drop the dishes.

Harward's ostensibly radical reforms are as stale as they are vague. But when she suggests something original, it is inane almost beyond belief. Noting that teachers don't communicate their knowledge to each other, she proposes a solution: install *phones* in the rooms. This, she assures us, will have "a tremendous impact on teachers' ability to learn and communicate." Well. As a teacher, I've had a phone in my class-

* Indeed, a key piece of constructivist propaganda, the "standards" of the National Council of Teachers of Mathematics, recently set forth constructivist methods as models for professional practice — incidentally acknowledging that there is no research validating the methods described.

room and I've gone without. The major difference was that the phone allowed the office to interrupt lessons with trivial messages about Kimberly's visit to the dentist, pep rally notes, and so on. Harward's fevered faith in technology is really touching; I haven't seen anything like it since the elementary-school film strip that promised me atomic power so cheap it wouldn't be worth metering.

The most curious thing about Harward's "market-based education" is that it has nothing to do with markets. If "market-based education" means anything, it means schools that exist within and successfully respond to market incentives. But when *Harward* says "market-based," she means schools that have tinkered with essentially socialistic structures in a feeble attempt to imitate commercial enterprises — what used to be called "market socialism."

For example, she notes that "a shortage of talented and experienced teachers exists in high-risk geographic locations [sic] such as inner city schools"; paying higher salaries to tempt "experienced" teachers to these areas "would solve this problem." Well, it might help. But let's be realistic. Chicago pays less than, say, Evanston largely because it has less money, and it has less money largely because many Chicagoans have low earnings or receive welfare.† Would anything short of a federal or state takeover of the system allow Chicago to pay more? How would the citizens of Evanston, who pay more taxes, feel about that? And does Harward really believe a 10% bonus is going to tempt top-notch teachers into Chicago's inner-city war zones?

Furthermore, Harward fails to grasp that public schools, rich or poor, have little incentive to search out, hire, and promote talented teachers — even if they could identify talent or figure out what to do with it once hired. I recently worked in four rural school districts in Illinois, one of which spent more than twice as much per student as the other three. Their average salary per teacher exceeded $56,000 a year, and expenditures per student topped $10,000. From what I saw in the classroom (and from standardized test results), student performance in the rich district was markedly inferior to performance in two of the other districts and no better than the third. The rich district had made sincere efforts to hire away (or "steal," as the other districts said) the "best" teachers from their neighbors. But since they also had plunged headlong into constructivism, their students were missing out on outmoded trivia like dividing six by two or reading accurately or defining the term "democracy." They were busy doing "projects."

"Individualizing" becomes a code word for dumbing down expectations to meet the level of the teacher's incompetence.

If Harward's suggested changes in how schools pay teachers are merely naive, she has other proposals that are sheer folly. She suggests, for example, that in "market-based" schools, "instead of striving to be the best English teacher possible, a person would strive to be an enthusiastic member of an interdisciplinary team." Yuck. I wonder if Harward has any idea just how difficult and rare it is to find someone who gives a tinker's damn about being "the best English teacher possible." Or if she understands what would happen to such a man were his specific excellence deemed inadequate by yuppie consultants demanding he drop all that nasty boring English stuff, grammar and paragraphing and Hawthorne, and become an Enthusiastic Member of an Interdisciplinary Team.

Harward is wrong when she asserts that *all* students learn best by engaging in complex "projects" that demand determination, solid basic skills, and a fertile and inquiring mind. Some students thrive under such demands; some don't. Many, in fact, crash and burn.

But the fundamental problem with Harward's vision is that it fails to address what education would look like in a society freed from the death-grip of government schools, a society in which students and their parents seek out or invent methods and institutions that meet their particular needs. Since those needs are as diverse as the children, we would expect a wide array of offerings. Some youngsters benefit from a highly structured classroom with explicit instruction and goals established by a teacher. Others jump ahead with, well, "projects" that allow them to follow a will-o'-the-wisp or an intellectual passion — tarot reading or physics, as the case may be. That range of services is what markets would provide. Calling anything less than that "market-based education" is misleading and, ultimately, destructive. ❑

† Another reason is that most of the money is absorbed by the bureaucracy downtown.

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***America First! Its History, Culture, and Politics*, by Bill Kauffman. Prometheus Books, 1995, 296 pp., $25.95.**

Inward Ho!

Michael Levine

Bill Kauffman is a populist with libertarian sympathies. He despises the federal government and thinks private property is dandy, but he attacks big businesses — especially those in the culture industry — more than the average libertarian does. Rather than rail against the government's destruction of individual sovereignty, he decries the destruction of the sovereignty of Batavia, New York; or Fairfield, Iowa; or the Maxwell Street neighborhood of Chicago. He argues that individualism flowers in strong localities — and he's right — but I imagine that, if pushed, he'd favor community cohesion over market forces more often than not.

Thus, although he is a frequent contributor to *Liberty* and a former assistant editor of *Reason*, his new collection of essays, *America First!*, might be hard for some libertarians to appreciate.

The book might also confuse those interested in American history. The name is obviously a reference to the America First Committee, which opposed American entry into World War II. But while this group certainly gets high marks from Kauffman, it isn't what the book is about. (A humorous aside to this is Arthur Schlesinger, Jr.'s idiotic *Washington Monthly* review, which faulted the book for failing to focus on the AFC. That's like criticizing *The Name of the Rose* for not being about botany.)

Yet the title is not inappropriate, for two reasons. For one, it emphasizes the book's major thrust, that there is something distinctive about America and that it lives and breathes in the different regions of the country. Putting America first means cultivating the distinctiveness of these various places, through art that celebrates locality, commerce that is Ma- and Pa-ish and not Wal-Mart-ish, and politics that is decentralized and federalist. The politicos in D.C. and plutocrats in N.Y.C. and pinheads in L.A. are waging a war against Americans' sense of place — our sense of America — by putting England first in 1940 and Bosnia first in 1996, and the dollar first in (pick your year).

Second of all, the reference to the isolationist AFC indicates Kauffman's preoccupation with "populist antiwar sentiment." Localism breeds contempt for interventionist excursions: "As our bloody century winds down, the loudest arguments throughout the world are between the apostles of local autonomy and the panjandrums of the New World Order. . . . [T]he promise of America First [is] an America of distinct regions, flavorful localities, self-governing neighborhoods, and the foreign policy of the coiled rattlesnake, defending its nest but letting the outside world go its own way, unmolested" (pp. 254–255).

Forces of Evil in a Bozo Nightmare

Kauffman expresses these views mostly through sketches of various America Firsters and their opponents, the friends of empire. Taken collectively, a fun tale of good versus evil can be teased out from the essays. To wit:

During the Civil War, the evil Abraham Lincoln set out to destroy the regional character of Jeffersonian America. Over the next 80 years or so, good men and women — exemplified by Hamlin Garland, Amos Pinchot, Alice Roosevelt Longworth, and Sinclair Lewis — arose to challenge this turn away from tradition, but they were beaten back by the evil Woodrow Wilson, Teddy Roosevelt, Franklin Roosevelt, and their lapdogs in the press and Hollywood. This led to the dark age known as the Cold War, but even then the good did not fall, and they have kept hope alive by celebrating what was — and often still is — great about America. The roll call of heroes continues: Gore Vidal, bridge to the Old Republic; Edward Abbey and Jack Kerouac, partisans of wilderness and the road; Murray Rothbard, the "Happy Warrior of the Old Right"; Vermont politician John McClaughry, prophet of a decentralized future.

"So let us think about the people who lost." Kauffman quotes William Appleman Williams to set the tone for the book, and one look at the above figures confirms that evil has routed the good — or the almost good, at least. Some of Kauffman's heroes hold precariously to that honor. The inclusion of Abbey, for example, seems slightly peculiar. A wonderful essayist — witty, nasty, iconoclastic — Abbey nonetheless was devoted to nature before America (and before humans, for that matter). He certainly was a localist in the sense that he became a part of his adopted American Southwest in a way few people cleave to a place. But I cannot imagine Abbey's ideal Arizona being made up of "flavorful localities." More likely, it would be empty of people, as socially flavorless as the tofu eaten by the yuppies Abbey so despised.

Kauffman is always wearing stomping boots. No toe is safe around him.

But anarchist Abbey did rail against empire, war, and centralized government. He had no interest in controlling other people's lives, and he thought that the urbanization of America, so contrary to his radical environmentalism, made it easier for the government to be oppressive. In this sense, he is solidly on the side of the good, and Kauffman is not without reason in praising him. This cannot be said for his praise of Ross Perot.

According to Kauffman, "If the

Americanist cause is to capture the presidential flag before the millennium it will be with Ross Perot astride the white horse" (223). Whether Kauffman persists in this view I do not know, but no matter: even when the words were written, the idea of Perot as a populist standard-bearer was dubious. First, he's a plutocrat, fattened on government contracts. He's as embedded in the status quo as any of the politicians and pundits he scared the hell out of, despite the very fact that he did so. Second, he has an authoritarian streak as wide as his native state, with little tolerance for dissent. How many times did we hear him blather about government needing to be run "like a business"? The populist point should be that it *isn't* a business, that decentralized federalism is good because it herks and jerks about inefficiently. The populist leader need only be a figurehead who marshals dissent and disgust, not a hands-on mechanic.

But most importantly, from a practical standpoint, Perot is a moron. See the populist hero marching into Washington, nostrils a-flamin', to be met and defeated by . . . Al Gore? If there was any remaining hope that Ross Perot could lead disaffected Middle Americans against Leviathan, then it was certainly laid to rest by his singularly inept performance against Gore — poster boy for the intellectually challenged — over NAFTA.

Left and Right: The Prospects for Stomping

But allow me to stop griping for a moment. Despite these problems — and one bigger one, discussed below — this is a great book. Kauffman is an excellent writer. His essays are brimming with fascinating anecdotes and silly but hilarious gossip — e.g., "the grant-grazing conservative herd is rife with closeted gay men who sing the praises of Republican 'family values' by day and cruise for boy prostitutes by night" (131). Best of all, he is always wearing stomping boots. No toe is safe around him.

One phalanx that gets crushed is the increasingly irrelevant Left-Right spectrum. The people gathered here on the side of good confound easy categorization. Writing about Jack Kerouac, Kauffman drives home this point:

> When . . . William F. Buckley, Jr., had him as a guest on his TV show, "Firing Line," the host was nasty and condescending and unable to understand how Kerouac could be, at once, against the Vietnam War, deeply respectful of American servicemen, contemptuous of literary communists, and of the opinion that "The hippies are good kids." These views are in perfect harmony, as any American understands . . . (172)

Left and Right are relics of the French Revolution; with the Cold War over, they've lost whatever usefulness they might once have had. Some fringe-types from opposite ends of the spectrum have always espoused a few dovetailing positions — localism comes to mind — but with the final demise of the Bolshevik International, average Americans seem to be avoiding pigeonholes, too. The quick and dirty evidence of this is the increasing number of people unwilling to identify themselves with the two major parties.

The politicos in D.C. and plutocrats in N.Y.C. and pinheads in L.A. are waging a war against Americans' sense of place.

The growing irrelevance of Left and Right can be linked to Kauffman's claim that we are in the early stages of a Middle American rebellion. "Left" and "Right" typically describe attitudes held toward international matters — specifically, toward Communism and how to deal with it. Now that there is nothing to confront, Kauffman's assertion that average Americans want to focus on their backyards — even to the extent of asking "Who cares about Castro?" — gains plausibility. This turning inward makes it harder to weigh today's attitudes on yesterday's scales.

Confederacy of MARtians

But *are* Americans more concerned with local than international issues? In one sense, of course, we are: we will always prefer to work in our neighborhoods, doing what we can in our limited spheres of influence. But this doesn't necessarily entail an ideological rejection of internationalism.

Yet Kauffman thinks Americans have done just this. Commenting on Gore Vidal's call for American withdrawal from the Middle East, he asks:

> Is it any wonder that Vidal is the most popular "serious" novelist in America? His sentiments perfectly echo those of the silent American majority. Call it isolationist, nativist, whatever, but our humble countrymen simply do not want the United States entangled in the affairs of far-off countries, whether Israel, Angola, or Vietnam. On this issue, Vidal speaks with the *vox populi*.
>
> In *Empire* he has his antecedent Henry Adams saying: "I want us to build a sort of Great Wall of China, and hide behind it as long as possible." So too, did — and do — the people of these United States. (137–138)

In 1991, I would have said that Kauffman had gone utterly mad, as Americans, silent or otherwise, seemed wholeheartedly for the New World Order, pushing up the price of yellow ribbons and proclaiming George Bush the Greatest Man Ever. Today, after Somalia, Haiti, and Bosnia, he seems to be on more solid ground. But how much is this due to reemerging populism, and how much to Americans being confused about what they want

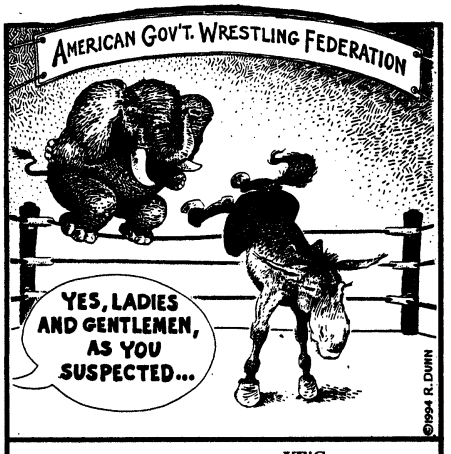

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their government to do? (Or, even more cynically, how much does it have to do with the government's ability to manipulate public opinion?)

Furthermore, populism isn't simply opposition to military hegemony. There is also the economic factor. Kauffman, of course, realizes this:

> The Perot campaign was the most stentorian roar yet from MARs, the "Middle-American Radicals." . . . A Middle-American Radical, according to [Donald] Warren, is anyone "who views his own well-being as threatened by a combination of economic elites on the one hand and governmental favoritism directed toward ethnic minorities on the other." To MARs, the Republicans represent the former interest and the Democrats the latter. (228)

This analysis certainly has some appeal, but even if Americans are turning against a globalist foreign policy, they seem agog over the global economic order. Some people may vote for Ross Perot or Pat Buchanan because of economic insecurity or disdain for the Fortune 500 — or perhaps because they're economically stupid — but this is a minuscule subset of Republican voters, which is in turn a slight percentage of American voters, which is but a tiny slice of the American people as a whole. Most Americans flock to see *Pocahontas*, not to support local arts; they buy two Big Macs for two dollars, not the burger from their local greasy spoon; they line up in droves to purchase Windows '95 — they don't even have a locally produced alternative. The merits or demerits of multinationals are debatable, but one thing is certain: they profit greatly from Middle Americans gobbling up their products. The transition to economic localism is a long way off. As Wendell Berry has argued, it requires a radical restructuring of our economic activities.

I appreciate — even envy — Kauffman's optimism about the American people. And something *is* brewing across the country. Catron County–type revolts pop up around the West, term limits continue to be popular, the militia movement is still around despite a nasty smear campaign, and, for heaven's sake, Pat Buchanan mounted a serious challenge for the Republican presidential nomination. (I don't necessarily see this last item as a reason for joy. But it is important to separate Buchanan's supporters from Buchanan himself. He is clearly the current choice of the fed-up, regardless of the merits of his proposed policies.)

Nonetheless, I am not an optimist. My main problem here is my personal demon: an ever-lingering elitism. Kauffman practices the populism he preaches. I cannot, as much as I'd like to. My opinion is closer to that expressed by Robert Nisbet in *The Present Age*:

> Repeatedly in history the combination of war and political centralization leads to a fraying effect upon the social fabric. Threads are loosened by the tightening of power at the center. Dr. Johnson once told Boswell of a man in London he knew who "hung loose upon society." Loose in the sense of the loose cannon, the ship that slips its hawser, the dog its leash, the individual his accustomed moral constraints. (p. 84)

Such "loose individuals," narcissistic consumers alienated from the social order, could destroy any incipient populist revolt. I hope that my fears are wrong, and that Kauffman's hopes are right. But whether America devolves or destructs remains to be seen. ❑

***The Godless Constitution: The Case Against Religious Correctness*, by Isaac Kramnick and R. Laurence Moore. W.W. Norton, 1996, 191 pp., $22.00.**

Not Right from the Beginning

David Boaz

At a recent talk, I discussed the Judeo-Christian roots of libertarian thought so sympathetically as to impress even a nun in the audience. So to reassure myself of my Enlightenment credentials, let me wax enthusiastic about a new book, *The Godless Constitution: The Case Against Religious Correctness*, by Isaac Kramnick and R. Laurence Moore. We hear from the religious Right increasing claims that America is a Christian nation, such as the statement by James Dobson of Focus on the Family that "the Constitution was designed to perpetuate a Christian order." Kramnick and Moore set out to discover just what the founders thought on the subject. The first thing they found, of course, is that there is no mention of God in the Constitution, and that its only reference to religion is a ban on religious tests for public office. Of course religion played an important role in the struggle for American independence, as it did in such later American crusades as abolitionism and the civil rights movement. But "one of the most powerful criticisms of the Constitution when ratified and for succeeding decades was that it was indifferent to Christianity and God. It was denounced by many as a godless document."

Kramnick and Moore trace the founders' creation of a secular state to seventeenth-century English thinkers who favored both economic *laissez faire* and "religious *laissez faire*" and who argued that "the state was best kept out of people's houses, out of the marketplace, and out of spiritual life." They devote a great deal of attention to Thomas Jefferson's ideas on the separation of church and state, and to the Americans who bitterly opposed his political career because they saw him as an infidel and an atheist. Of all the founders, Jefferson may have been the most critical of the clergy. But Washington, Adams, and Madison all defended the secular nature of the U.S.

government and resisted pressure to involve it in religious matters.

There's a fascinating story in the book about Sunday mail. In the early nineteenth century, post offices were commonly open seven days a week; many farmers came to town only on Sunday, so they wanted to pick up their mail then. When a fight over Sunday mail erupted in 1810, Congress passed a law specifying that the mail be moved every day of the week and that all post offices be open every day. In 1828, opposition to Sunday mail again arose, and Sen. Richard M. Johnson of Kentucky, a Baptist, produced a committee report that defended the secular Constitution, reminded Americans that the rest of the human race "of eight hundred millions of rational human beings, is in religious bondage," declared that "the line cannot be too strongly drawn between church and state," and — finally, the point of it all — concluded that commerce and ideas needed to move every day. The report was widely hailed and reprinted, and Johnson was elected vice president in 1836.

After the Civil War, the railroad and the telegraph made seven-day mail delivery less essential, but not until 1912 did Congress formally close the post offices on Sunday.

Meanwhile, from 1863 to 1945, a group of activists organized as the National Reform Association tried to amend the Constitution to recognize God and Jesus as supreme authorities. The National Association of Evangelicals made the same appeal in 1947 and 1954. (Kramnick and Moore fail to point out that Rep. John Anderson, the liberal Republican from Illinois, three times introduced such an amendment in Congress; no doubt Anderson's story would confuse their modern criticism of Christian Right theocrats.)

The authors trace the founders' creation of a secular state to seventeenth-century English thinkers who favored both economic laissez faire and "religious laissez faire."

Only in the past couple of decades have Christian activists reversed their strategy. Now, instead of deploring the secular nature of the Constitution, they deny it. ❑

Booknotes

Op-Ed Agonistes — Why do publishers take throwaway items like opinion columns and collect them in books? This form of writing rarely has the staying power to last through the ages. There are exceptions, of course — I can still laugh myself silly reading old Michael Kinsley columns. But Walter Williams falls into the category of read once and then forget.

His writing is pleasant enough, and I agree with a lot of his opinions. His newest book, ***Do the Right Thing: The People's Economist Speaks*** (Hoover Institution Press, 1995, 183 pp., $15.95), collects columns from 1990 to 1994. Most of them spout textbook libertarian-conservative thought: Second Amendment good, taxes bad, property rights good, regulation bad. When he discusses foreign policy, though, his views become idiotic, as when he refers to the "treasonous stupidity" of members of Congress who wanted to try sanctions for a while before making war on Iraq. Williams is one of the type that believes the government can do no good at home but no evil abroad.

In comparison to other conservative pundits, Williams is in the middle. He shines in comparison to semi-literate boobs like R. Emmett Tyrrell, but if I'm going to shell out 16 bucks for a thin volume of newspaper columns, it'll be for someone like Joseph Sobran.

—Clark Stooksbury

Distrust Antitrust — Mainstream economists are generally skeptical of government regulation. Yet antitrust policy remains a curious exception. Opinion samples reveal that a majority of economists still believe that antitrust laws are intended to promote consumer welfare and that the history of their application, while spotty, has been generally satisfactory. Even economists with strong Chicago School sympathies accept this "public interest" (or Harvard) theory of antitrust and would retain (at a minimum) the current prohibition on horizontal price collusion and on large mergers between competitors.

The Causes and Consequences of Antitrust: The Public Choice Perspective (University of Chicago Press, 1995, 377 pp., $66.00 hc, $32.95 sc), edited by Fred S. McChesney and William F. Shughart II, is an important collection of classic reprints and original articles that challenges the conventional antitrust wisdom at both Harvard and Chicago. Several of the articles argue that historical antitrust enforcement produced no measurable economic benefit; that antitrust regulation may in fact have increased unemployment; and that several merger waves can be associated with vigorous antitrust enforcement. These articles hold that the burden of proof is now on those who believe that antitrust in practice promotes the public interest.

The more revisionist pieces in the volume (generally, the newer ones) offer a deeper understanding of the meaning of antitrust enforcement. Articles such as "Antitrust Pork Barrel" and "Antitrust Before the Sherman Act" present important evidence identifying some of the special interests behind antitrust. These articles aim to place antitrust well within the standard regulatory framework, i.e., that regulation is explained generally by the benefits it provides well-organized interest groups. Clearly, antitrust is no exception to this general rule, despite the blinders worn by many academic and legal antitrust practitioners (themselves both important interest groups).

Will Harvard or even Chicago be persuaded and take up the cause to abolish antitrust? Not likely. Even McChesney, in his perceptive dissection of the contradictions in the Chicago School position on antitrust ("Be True to Your School"), is forced to

conclude grudgingly that the conversion from public interest to public choice in an understanding of antitrust regulation is just not imminent. With antitrust critics such as Robert Bork and Richard Posner relatively content with the progress made in recent antitrust enforcement, the move to abolish the entire antitrust apparatus is still premature. Public choice and Austrian criticism of antitrust is still a minority view all but ignored by establishment insiders. Intelligent books like this may help jumpstart the cause.

—Dominick T. Armentano

Israelites — F.A. Hayek's insights into the role of religion in cultural evolution go a long way toward rehabilitating the battered reputation of the Hebrew Bible, known to Christians as ***The Old Testament*** (c. 950–100 B.C., numerous translations and editions).

In recent years, the Old Testament has not fared well among the cultural elites. Feminists decry the patriarchal society of the Israelites, environmentalists resent Adam's dominion over the Earth, and a few years ago I even heard an Episcopalian sermon that used Abraham's near-sacrifice of his son Isaac to illustrate child abuse.

The late Joseph Campbell, student of mythology and star of public television, was an important protagonist in this attack. Campbell, a prodigious scholar, appeared to tolerate just about any primitive rite or practice, but the Israelites got his back up, for two reasons.

First, the priests who put together the early books of the Bible tried to keep out what Campbell views to be a universal myth, that of Gaia, the Earth Goddess. They replaced the myth of Gaia with belief in a male God, Yahweh, who commanded a male-dominant society. In *The Masks of God: Occidental Mythology*, Campbell wrote that around 1250 B.C., "the old cosmology and mythologies of the goddess mother were radically transformed, reinterpreted, and in large measure even suppressed, by those suddenly intrusive patriarchal warrior tribesmen whose traditions have come down to us chiefly in the Old and New Testaments and in the myths of Greece" (the Greeks were guilty of suppressing Gaia, too).

Second, the priests and their descendants treated their myths as historically true; the Jewish God, says Campbell, is supposed to be a "'living God,' not a mere mythic god, like the others of the world." (The Greeks, however, accepted their legends as mere myths.)

In *The Fatal Conceit*, Hayek offers a way of looking at the Old Testament that explains why these changes were not so bad after all. Hayek's thesis is that modern civilization, the civilization based on capitalism, came about through a crucial process of evolution, and the Old Testament chronicles much of that evolution.

What Hayek calls the "extended order" developed slowly through the erosion of traditional habits suited to a small tribe and their replacement by abstract rules of behavior that allowed people to act independently of the

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Literature

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Directory of Libertarian Periodicals, updated latest edition, lists about 150 titles, with addresses, other information. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

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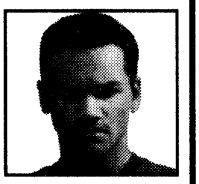
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tribe, at least in some situations. This freedom, within limits, allowed trade to occur and, eventually, populations to proliferate.

The essential rules, says Hayek, were "those dealing with [private] property, honesty, contract, exchange, trade, competition, gain, and privacy" (p. 12). Hayek implies that the Ten Commandments were critical for this emancipation.

Thus, the story of the Old Testament, as many of us learned it in Sunday School, may have captured the historical process rather well. As we were taught it, the Old Testament is the story of a special people (God's chosen people) who kept rebelling against God and His laws. God kept calling them back to Him and His commandments and, in spite of much backsliding, they did return.

Had the Jews gone back to the idol-worship that continually attracted them, they may not have maintained the essential behaviors on which the extended order was ultimately built. The loss of their faith (or the loss of the faith of Christians and Moslems, which perpetuated at least some of these behaviors), says Hayek, "would have deprived mankind of a powerful support in the long development of the extended order that we now enjoy."

—Jane S. Shaw

The Revisionist at the Breakfast Table — Despite his massive published works on criminology, the history of sociology, and the history of western civilization — to name a few areas — Harry Elmer Barnes is probably best remembered for his work in (and the publicity he brought to) the species of historical study known as Revisionism. After World War I, historians subjected the claim that Germany was solely responsible for the war to withering criticism. Because the unjust Versailles treaty was founded on the principle that Germany alone was at fault for the war, these historians argued that the terms of the treaty had to be revised. Subsequently, "Revisionism" came to refer to an approach to history that was skeptical of the government line on war.

Barnes championed this approach, writing and promoting work he considered fundamental to "getting the truth out" about World War I, World War II, and the Cold War, all of which he opposed. Revisionism — putting "history in accord with the facts" — was, he contended, "the key to peace." Barnes defied the stereotype of the isolationist with his head in the sand: he was for peace, and as a historian, he was more than capable of showing why. He knew that war benefited the state at the expense of the citizens. He also knew that the Official History of war was inevitably the government version, which is to say, a tissue of lies and distortions.

In ***Harry Elmer Barnes as I Knew Him*** (High Plains, 1994, 129 pp., $19.95), the historian's son Robert Barnes has written a splendid memoir of his father's personal life. Here we see Barnes the bargain-hunter, bringing home hoards of defective china, a massive throwaway toilet bowl, and two-day-old bread. We see Barnes the Great White Hunter, searching out rabbits with illegal ferrets. (In this particular instance, Barnes neglected to locate the

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rabbits' escape hole and held the ferret to blame. "Dad caught him by the neck and thrust him back into the darkness with an angry denunciation: 'You're too goddamned fast, you hungry son of a bitch.'") And then we see Barnes the Prohibition-era still-master, serving homemade libations to dinner-guests not long for the world of the sober.

Whether fishing or hunting or swearing or writing, Barnes the man was many things, but most of all an independent spirit and a patriarch on the old American model.

—Gregory P. Pavlik

History Retold — As one who has taken a few undergraduate American economic history courses, I can testify to how dearly Gene Smiley's ***The American Economy in the Twentieth Century*** (South-Western, 1994, 442 pp., $48.95) is needed. Smiley, a self-described Austrian economist who teaches at Marquette University, presents an outstanding alternative to the statist pseudoscience offered by most contemporary economic historians. His textbook is consistently libertarian, yet free of the inflamed rhetoric or hyperbole of the ideologue.

The book's most illuminating chapters are "What Caused the Great Depression?" and "Government and the Post-War American Economy." In the former, Smiley gives a thorough and insightful exposition of the Austrian explanation for the Depression, which he contrasts with Keynesian and monetarist positions. In the latter, Smiley ably details the growth of government over the last 50 years. He discloses the harmful effects of regulation, explains the folly of statist attempts to end poverty, and exposes the Social Security system for the Ponzi scheme it is.

Smiley also has excellent discussions of immigration (he points out the tremendous beneficial effects it brings the American economy) and war, which he cites as one of the most significant reasons for in the growth of government. He also deftly attacks the argument that war is somehow "good" for an ailing economy. He devotes considerable space to discussing the economic effects of World War II, including the myth that the war ended the Great Depression by spurring domestic economic activity and employment. He writes, "Between 1940 and 1943 the number of unemployed workers fell by 7.05 million, while the number in the armed forces rose by 8.4 million. No macroeconomic model is required to understand why unemployment — one of the measures of the contraction — disappeared."

The American Economy in the Twentieth Century is an excellent book. It merits an audience outside of the classroom. —Aaron Steelman

Why Government Doesn't Work

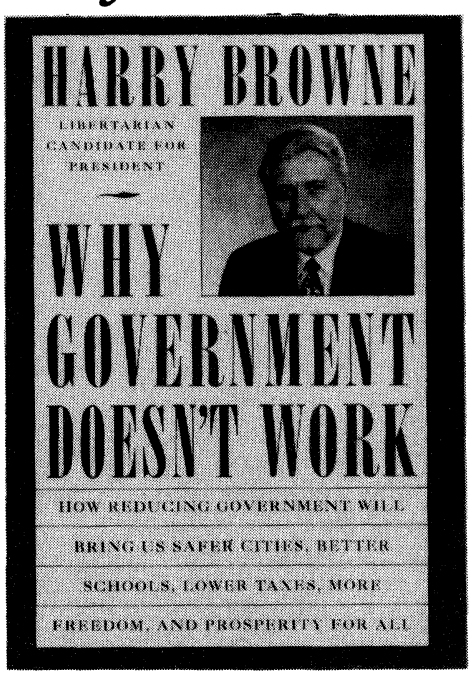

by Harry Browne

The presidential race is heating up, and the success of Pat Buchanan demonstrates that more and more Americans are grasping, as best they can, for an alternative to the Republicrat monster. What they don't know — and what libertarians do — is that a genuine alternative is right under their noses: Harry Browne.

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Letters, *continued from page 8*

My "ballpark" model (in which everyone uses the roads at their own risk) was offered ("Why Insurers Should License Drivers," January 1996) as an option that is superior to the current system of muddled responsibility and ineffectual enforcement. It is, by far, much less desirable than drivers being fully responsible for any damage they may cause. Liability insurance is one obvious way to take responsibility.

If there are any other suggestions, I'd like to see them.

John Semmens
Tempe, Ariz.

The editors reply: O'Toole is a contributing editor to *Liberty*, but, like many readers, he does not recall every article published here eight years ago. Nor did he claim that privatizing highways is an original idea — he only expressed surprise that in a libertarian investigation of traffic problems, Semmens failed to make this point.

Doherty, *continued from page 38*

our party conversation, he had said, "I get mad when liberals insult advertising," and called the great cathedrals of Europe grand advertisements for the Catholic Church. He declared advertising the nexus of the greatest aesthetic activity in our culture. Many modern liberals, I now suggested, might agree with him about certain aspects of his pro-liberty philosophy and not others. He was aggressively dismissive of such people. "That's basically socialist, communist, totalitarian. The so-called liberal is totalitarian. Even more so now. [Even] back in the '60s, so-called liberal left-wing magazines were very opposed to psychedelics."

We talked a little bit about his old friends and associates in the world of political commentary. On his old sparring partner Gordon Liddy and his current notoriety as a talk show host: "I listen to him. We've never been in close touch, but I keep him posted on what I'm doing. Liddy is a basic prankster. He's the smartest of the Nixon administration. That's not saying much, but he's highly educated."

On William F. Buckley, for whose magazine *National Review* Leary wrote a scathing anti-'60s counterculture piece in the '70s, and which at that moment was on the stands with a cover story calling for an end to the war on drugs: "Buckley has always been involved in legalization, even back in the '70s. Bill Buckley printed [Leary's '70s article] largely on friendship, on libertarian friendship. He ironically enough wrote a letter to my parole board, intervened somehow in support of my getting parole. Not that I joined his group, but there was a certain libertarianism in common. Buckley comes from the same Irish Catholic Massachusetts [background], so his aunts went to school with my aunts, same background of upper-middle-class Irish Catholics . . . we all knew each other."

I had spent more than my allotted hour of time, but the hesitancy of the conversation and the many interruptions had forced me to leave many topics undiscussed. But Leary was late for a doctor's appointment. I said my quick farewell, and left.

Just Deserts

It was Ezra Pound who impressed in me the idea that one should try to meet and learn from the great men one admires in one's times. Using my status as journalist, I've haphazardly attempted to follow his advice. Considering its source, perhaps I shouldn't be too surprised that it hasn't worked out as gloriously in fact as it might in a fantasy. It's said that it's a bad idea to meet people whose work you admire; the man rarely lives up to his work.

As I left Leary's house, easing my old station wagon down through the slopes of Beverly Hills where its decrepit, unwashed, battered self garnered weird stares from neighbors and police, I felt uneasy and disappointed.

Of course, Leary owed me — owes me — nothing. He was a large source of the optimism, hope, and dedication to human freedom that got me through the depressing hormonal miasma of adolescence, and that should be enough. He has lectures to plan, comic-book adventures to write, his website to fix, movies to work on, a lifetime of friends and supporters to see and enjoy. My overly earnest, pedantic approach to the interview probably did as much as anything else to keep it vaguely uncomfortable. A lesson I could have learned from Leary's pre-LSD work in transactional psychology.

A recent TV mini-profile of Leary on CBS News' *48 Hours* asked the doctor how he hoped to be remembered by posterity — something the dying are supposed to obsess over. Leary replied, "Everybody gets the Timothy Leary they deserve."

As I write this, it's a gorgeous day, as it almost always is, in Beverly Hills, overlooking the most beautiful and dynamic metropolis in the world. I hope Timothy Leary, one of the twentieth century's greatest adventurers, is enjoying it thoroughly. That's the Timothy Leary he deserves. ❑

Notes on Contributors

Dominick T. Armentano is author of *Antitrust and Monopoly.*

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

"Baloo" is none other than cartoonist *Rex F. May.*

John Bergstrom is the winner of the 1995 Mencken Award for editorial cartooning.

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Nathan Crow is an editorial intern at *Liberty.*

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James Gill is *Liberty*'s staff artist.

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

Leon T. Hadar is a Washington-based journalist whose work appears in U.S. and foreign publications.

Jim Huffman is a writer in North Carolina.

Bill Kauffman is an associate editor of *The American Enterprise.*

Greg Kaza is a member of the Michigan House of Representatives.

Kevin Knight is a member of the Minnesota House of Representatives.

Richard Kostelanetz has published over 50 books about contemporary literature and the arts.

Pierre Lemieux is an anarchist pamphleteer in Quebec.

Michael Levine is circulation manager of *Liberty.*

Wendy McElroy is author of *XXX: A Woman's Right to Pornography* and the forthcoming *Sexual Correctness.*

Robert Nelson is author of *Reaching for Heaven on Earth* and *Public Lands and Private Rights.*

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

Gregory P. Pavlik is editor of *Forgotten Lessons: Selected Essays of John T. Flynn.*

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James S. Robbins is a foreign policy analyst in Massachusetts.

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Aaron Steelman is a publisher emeritus of *The Michigan Review.*

Clark Stooksbury is assistant publisher of *Liberty.*

Timothy Virkkala is managing editor of *Liberty.*

Jesse Walker is assistant editor of *Liberty.*

Terra Incognita

Washington, D.C.

New directions in opposition research, as reported in *The New Republic*:

A mailing from Phil Gramm's presidential campaign detailed the "ethical problems" of Lamar Alexander, including "pelting out-of-state cars with snowballs," which "earned Alexander at least two paddlings in school."

Disney World

"You've just survived the government shutdown. What are you going to do now?" The answer, from the *Atlanta Journal and Constitution*:

The week after the government's first budget-crisis shutdown, more than 200 federal workers whirled off to Disney World at taxpayer expense for a week of training to be better tour guides.

London

Crime control in fair Albion, as described in the *Arizona Republic*:

Following a school headmaster's recent stabbing death, the government said it will propose legislation imposing sentences of up to two years for carrying a knife without good reason.

Burien, Wash.

Mutual fund investing in the American hinterland, as reported in the *Highline Times*:

A federal grand jury has indicted James and Shirley McAleer for inviting people to invest in the "Master Transaction," a $157 trillion fund allegedly owned by La Cosa Nostra, the Illuminati, the CIA, and the Vatican. James McAleer "has continually represented to investors that funding is imminent," states the indictment. "To date, no such funding has occurred."

Russia

Reinventing government in the former U.S.S.R., as described in *World Press Review*:

Russia's Pacific fleet is delinquent on its utility bills, so officers are toying with the idea of using their nuclear submarines to generate electricity.

Portland, Ore.

Politicians of the great Pacific Northwest, as described by the *Oregonian*:

When asked by a reporter, Congressman Ron Wyden failed to locate Bosnia on a map, and refused to guess the price of a loaf of bread or a gallon of gasoline. A few days later, Oregon voters then elevated him to the U.S. Senate.

United Kingdom

New directions in British jurisprudence, as reported by *The Economist*:

Stephen Young had his conviction for murder overturned after it was discovered that four members of the jury that convicted him used a Ouija board to consult the victim of the alleged murder.

U.S.A.

The wisdom of Pat Buchanan, from an interview on *Later with Tom Snyder*:

Q: Do we blame the Japanese for the fact that millions of Americans have bought Japanese cars?

A: The Japanese make outstanding, high-quality cars. But in 1953, we had 60% of their car market, and by 1960, we had 1%. That wasn't just because their cars got good. It was because they practiced protectionism, like every Great Power that ever has risen to be an economic power has been protectionist — Britain, the United States, Germany.

North Korea

The accomplishments of North Korea's leader, as reported in that progressive nation's newspapers, according to *The Economist*:

Kim Jong Il — or "Dear Leader," as he is known — is "an outstanding great master of witty remarks as well as the greatest man ever known in history." Among his "priceless witty remarks":

"Trust produces loyal subjects, but doubt produces traitors."

"To expect victory in the revolution without the leader is as good as to expect a flower to bloom without the sun."

He is also the composer of six operas, each better "than all the operas mankind has ever created," and is a marvelous athlete. The first time he ever played golf, he scored five holes in one and broke the world record for a single round by 25 strokes.

U.S.A.

Curious word association, reported in *The Wall Street Journal*:

A survey found that the word or phrase voters most associate with Dole is "old." Second is "too old." Third is "pineapple."

Austin, Tex.

George W. Bush, governor of the Lone Star State, tells Bob Dole why Texas Republicans should cast their ballot for the senator from the Sunflower State, according to the Associated Press:

"You are a man of steel. America needs your strength."

Taiwan

Protectionism takes root in the Orient, as described in the *Far Eastern Economic Review*:

Government restrictions on garlic imports have caused the bulb's price to climb about 300% in the past few years. Gangsters have taken over the trade, which is now more profitable than the drug market.

U.S.A.

The path not taken by Rep. Bob Dornan (R-Calif.), as described in *The New Republic*:

When an Associated Press reporter asked presidential candidates what other career they might have chosen, Bob Dornan responded "archaeologist-missionary-exorcist."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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Inside Liberty

July 1996
Volume 9, Number 6

4 **Letters** Your missives, should we choose to accept them.

7 **Reflections** *Liberty*'s editors deflate overblown rhetoric, puncture inflated reputations, and pop populist pretensions. Plus: *Ben Bolch* and *Harold Lyons* on the halon ban. (It's a gas.)

15 **Medianotes** Critiquing the monochrome cadenza.

Features

17 **Reign of Terror** The new "anti-terrorism" bill won't stop terrorism, say *David Kopel* and *Joseph Olson*. But it will take a bite out of the Bill of Rights.

25 **Sexual Abuse in Wenatchee** Something evil lurks in a small town in central Washington. *Kathryn Lyon* investigates.

36 **Work Will Make You Free?** Crime doesn't pay, and, says *Jesse Walker*, neither does prison labor.

39 **Calamity Ira** *David Boaz* profiles the policy wonk from hell.

41 **Ron Brown, R.I.P.** *Nathan Crow* desanctifies our latest secular saint.

43 **Half a Century at the Battlements** *R.W. Bradford* celebrates the Foundation for Economic Education. *Michael Peters* has reservations.

47 **White Man's Ghost Dance** *Bob Black* offers some common sense about common law.

49 **Millenarianism Redux** Comets, earthquakes, rumors of war, and old-fashioned foolin' around. *Frank Fox* tells all.

Reviews

51 **The Fourth Estate and the Secret State** The national security state has turned media watchdogs into CIA lapdogs. *Ted Galen Carpenter* explains.

53 **The Novel Takes on the World** First Hollywood, then Coca-Cola, now the novel. *Stephen Cox* explores the benign imperialism of Western literature.

54 **We the Revising** *R.W. Bradford* presents an introduction to Objectivist revisionism.

55 **Poisonous Environmentalism** *John A. Baden* and *Douglas Noonan* dispose of the latest in recycled eco-hysteria.

57 **A Youthful Work by a Promising Author** *Herbert Spencer* reviews himself.

60 **A Very Brady Irony** *Matt Asher* discovers a groovy new irony.

62 **The Novel Lives?** *Timothy Virkkala* finds that the death of the novel has been greatly exaggerated.

63 **Booknotes** on cults, quotes, quacks, and quiddities.

66 **Filmnotes** on criminal stupidity, an American primitive, and a nosy British director's seven-year itch.

59 **Classified Advertisements** Commercial speech, constitutionally protected.

69 **Notes on Contributors** Brief encounters.

70 **Terra Incognita** Immediate action must be taken.

Letters

The State vs. the State

Regarding R.W. Bradford's "A mispacked court" (May 1996), I'm not so sure the Supreme Court's decision was bad. Federalism is an important structural limit on government. I oppose the federal government — including the judicial branch — superseding state laws, even ones that violate the constitutional rights of citizens. So even if the Michigan law violates natural rights, we ought not empower the Supreme Court to overturn it.

N. Stephan Kinsella
Philadelphia, Penn.

Exhuming the Pony's Corpse

Okay, I realize that someone is liable to say, "Put away your whip, the pony is dead!" But I can't resist making a couple more comments on R.W. Bradford's comments ("The Truth and Ayn Rand," May 1996) on my comments ("In Search of Rand's Roots," March 1996) on Chris Sciabarra's book.

(1) Bradford says I mischaracterized his position when I said he claims that Rand was "simply lying" about her encounter with Lossky. His actual position, he says, is that she was inventing myths about herself to make a philosophical or personal point. Actually, this is what I *thought* Bradford was saying, but such inventions are examples of what *I* call lies. They are a sort of lie that poets and other artists are prone to indulge in. I don't want to get into the philosophical issue of whether this really is the right thing to call them, but I would like to point out that the burden of proof that rests on someone who says that this is what Rand was doing is the same as the burden shouldered by someone who says Rand is a liar.

(2) Bradford points out that, contrary to what he takes me to be saying, Rand had plenty of reasons to invent the story: the anecdote, after all, presents her in a very favorable light, as brilliant, fearless, etc. But I wasn't saying that she had no motives that could have been served by the exam story; I was saying that she had none that could be served by inventing a connection with Lossky. Lying about him would not have advanced the point of the myth — if such it were — at all, and it requires an explanation. If the story is false, why would she plug in the name of a completely obscure figure from whom she never took a course, given that there were presumably other philosophy professors whose names would be much easier to remember because she really did take courses from them?

Lester H. Hunt
Madison, Wisc.

Bradford responds: I appreciate Prof. Hunt's response, which raises several interesting issues. At this point, I would simply observe that there remains a vast difference between how I characterized what Rand did and "simply lying." Though I granted the possibility that she "took a course" from Lossky, I considered it unlikely. But I did stipulate she may have heard a guest lecture by him. As to why she would plug Lossky into her story, I think the answer is obvious: he was convenient, added a touch of verisimilitude, and (Rand surely thought) was sufficiently obscure that the myth she promulgated would never be found out — as indeed it wasn't for more than three decades.

The Wit and Wisdom of Arnold Schwarzenegger

While I admire Wendy McElroy's clear writing and consistent adherence to her anarchist principles, when she concludes that WWII is preferable to putting an X on a piece of paper ("Why I Would Not Vote Against Hitler," May 1996), there must be an error somewhere. Ignoring the state won't make it disappear — it will only reveal its true nature as an overt criminal enterprise maintained by violence. A kind of natural selection dictates that those who are most ruthless and cunning will rise to the top of the state, and such people are unwilling to say, "Oh, sorry," and go home when faced with McElroy's insubordination.

To retain their power, however, they often must give us the option of voting them and their state into oblivion. The X doesn't necessarily say, "I support the state." It can also say, "*Hasta la vista*, baby!"

Richard D. Fuerle
Grand Island, N.Y.

One Vote for Voting

If voting for Bill Clinton means you must share responsibility for his official acts (and I believe it does), then surely financing his acts by paying taxes must also mean you share responsibility. This is why I'm voting for Harry Browne.

If I do not want to participate in the state's abuse of individual liberty, then I must not pay the taxes that are used to enslave the citizenry. If I do not pay the taxes, I will surely go to jail or worse. Since I do not want to go to jail, I will pay my taxes. If I would still like to end the tyranny of the state, what choices do I have left? Mostly unpleasant ones. The state allows me one course of action that usually goes unpunished: voting. So I find a man whom I believe to be a man of honor and vote for him.

By doing so, I have not legitimized the election. I have added to the percentage of people who voted against the continuing tyranny of the state. Every four years, the government is reminded that 1% of the population does not condone its power. I wish Ms. McElroy would answer two questions: *What choices do we have other than voting?* and *How does one oppose voting on moral grounds yet continue to finance the state by paying the taxes that fund the BATF, IRS, and DEA?*

Allyn Uptain
Chipley, Fl.

Survivor on the Road

I feel a reply to John Semmens' accusation (Letters, May 1996) that my approach to driving is cavalier and that I have disavowed responsibility for my driving mistakes is absolutely necessary.

I drive a motorcycle to work almost every day, and take my vacations on a motorcycle. I feel the full brunt of responsibility for every mistake made,

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

"Voilà logic!"

—P. J. O' ROURKE

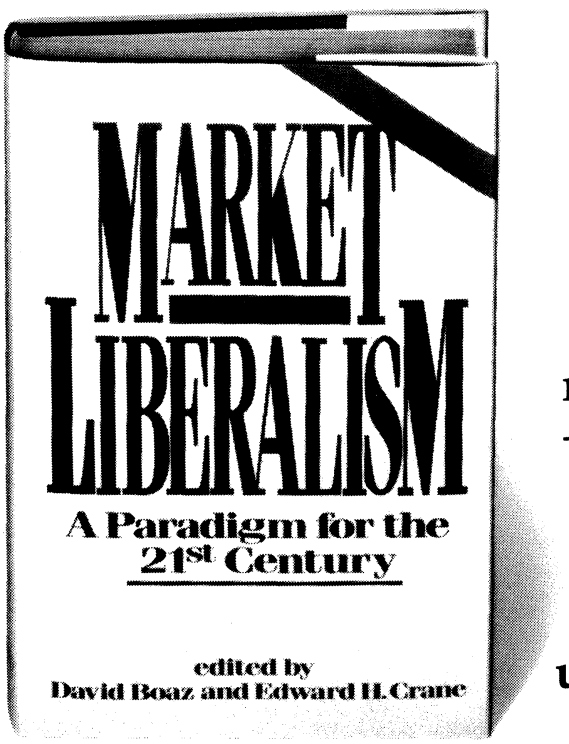

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and there have been a few.

As far as John's subtle thought that only the poor would repudiate their personal responsibility, the one person who ran me down and left the scene dropped a trail of Mercedes parts. Why did he (she) do it? The same reason the insurance company wouldn't pay — because they can get away with it. What did the cops do? "Hell, kid, with 2,500 hit and runs already this year, what do you expect us to do?"

So, John, where you may see restitution after an altercation, I see only mandatory driving fees — insurance, registration, licensing, and emission fees — which, when all is said and done, leave me alone responsible for my own survival on the road.

Harold E. Shull
Phoenix, Ariz.

Jew/Not a Jew

Franklin Sanders (Letters, May 1996) hoped to demonstrate his lack of anti-Semitism by citing his co-author, Larry Abraham: "I've written a lot of controversial things about the Establishment, even a book . . . with Larry Abraham, who happens to be half Jewish and a Roman Catholic."

To enlighten Mr. Sanders and, perhaps, other readers, there is no such thing as being "half Jewish" and Roman Catholic. A person who accepts any other faith than Judaism is *not* Jewish, regardless of his parentage. A person who identifies himself (or herself) as "half Jewish" is also in error. One is either a Jew, i.e., born of a Jewish mother or converted according to Halacha, or one is not a Jew. If one's father is Jewish, but one's mother is not, one is not a Jew.

Therefore, Mr. Sanders, your Catholic friend is not a Jew in any sense of the word. He may correctly claim descent from Jews, but he himself, having accepted Jesus, has lost his Jewishness, which, if the "half" was his father, he did not have in the first place.

Charlotte Levin
Espanola, N.M.

It's My Party and I'll Spoil If I Want To

After Ron Wyden beat Gordon Smith in Oregon's U.S. Senate race, Randal O'Toole may not have *read* any account that mentioned the influence of third parties on the close election results, but I sure *heard* Rush Limbaugh raving about that factor the next day ("Spoiler alert," May 1996). I wrote to tell him the same thing I'll tell you.

If Republicans would give libertarians someone worth voting for, rather than trying to scare them into voting against the Democrat, they'd vote Republican. I was in Oregon over Christmas, and saw Smith's commercials. Lousy! All they did was call Wyden a tax-and-spend liberal, and one even did so while attacking him for voting to *cut Medicare*! Wyden's commercials were also attack ads, but at least they were internally consistent. But neither were worth voting for, so third parties cast their protest votes.

I submit that it is the function of minor parties to act as "spoilers" when the major party candidates are both lousy. This forces the major parties to take minor parties into account when choosing their candidates, especially after they lose a few close elections.

continued on page 46

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Reflections

I vote for a beehive — Given her belief in collective decision-making, it was charming to read that when an Internet website was created to display Hillary Clinton's various hairstyles and ask visitors to vote for their preference, Clinton told a journalist, "Certainly, I'm very keen on the democratic process." A fair trade: the Department of Health and Human Services will tell us all how to rear our children, but we get to vote on the first lady's hairstyle. —DB

Innocence restored — A recent newspaper report carried the headline, "Oregon congressman's ex-wife says he chronically told lies." Fortunately, the story explained that Rep. Wes Cooley, Republican of Oregon, and his ex-wife had been embroiled in a bitter divorce proceeding, and the former Mrs. Cooley is now involved in defending herself against allegations that she illegally collected veteran's benefits. I was immensely relieved to learn the messy details casting doubt on the ex-wife's claims. After all, the very idea of a congressman who chronically lies — well, it shatters one's faith. —RH

The cruelest month — Upon signing the "anti-terrorism" bill, President Clinton proclaimed that "America will never surrender to terrorism." Please note that the president, ever the politician, waited until nine days after April 15 before so describing the taxpaying public. —TWV

Faintheart — When a new class of Republicans won Congress in 1994, it looked like some sort of sanity was at last returning to American government. The new Republicans ran on hard promises of no more "politics as usual," calling for real spending cuts, real tax reductions, and a real balanced budget.

The chairman of the House Budget Committee, John Kasich, touted a huge list of government bureaucracies to be gutted, including four entire cabinet departments. The final deal, he said, was "the most significant amount of savings since World War II." But when pressed by reporters to name some programs that were actually cut, he managed to come up with only one: a tick eradication program in Puerto Rico.

Worse still, the GOP surrendered completely on the issue of entitlements, failing even to cut back *increases* in Medicare spending. The much touted "Freedom to Farm" bill, widely portrayed as an end to farm subsidies, actually *increases* them for the next seven years. Then the bill expires and we return to the old system. The much ballyhooed line-item veto enacted by Congress gave the president the option to veto parts of appropriations bills — provided they are not entitlements and provided Congress doesn't exempt an appropriation from the line-item veto. In other words, the line-item veto does nothing to help get spending under control.

I'm not going to spell out all the gruesome details here. It was surrender, pure and simple. Bill Clinton outmaneuvered Congress and manipulated the media, and the Republicans backed down.

Last year I was on a panel that was asked to make long-term predictions about the 1996 presidential election. "The Republicans will win," I said, "unless they nominate Bob Dole. He's the only Republican who Clinton can beat. Unfortunately, I think they'll nominate him."

I am sorry to say that it now looks like my prediction was a good one. (It's times like this that I'm glad Harry Browne is running for president.) Still, I don't see this as an unmitigated disaster. Dole is a compromiser from way back. Newt Gingrich wasn't off by much when he characterized Dole as "the tax collector for the welfare state." In the unlikely event that Dole is elected president, the GOP congress will grow even more spineless, following the lead of Compromiser-in-Chief Dole. My hope is that the GOP will retain control of Congress so it can finish the job of proving Bill Clinton a crook.

A couple of months ago, I wrote an article on Bill and Hillary for this magazine, entitled "The Road to the Big House." But I don't really think either will end up in jail. If Dole captures the presidency, I think he'll feel obliged to pardon Clinton once the evidence reaches the point where criminal conviction is likely. If he doesn't, the GOP will seem hypocritical: after all, Gerald Ford pardoned Nixon. If Clinton is re-elected, I think Gore will pardon him once he's forced to resign. Either way, we'll be rid of Clinton.

Of course, the fate of the Clintons isn't terribly important. They're just a couple of crooked politicians, not much different from any others. What's really important is whether government is going to continue to get bigger and bigger, to have more and more power over our lives, to take a bigger and bigger chunk of our earnings.

Well, no one ever lost any money betting that a politician would actually cut spending. Why? Because no one is dumb enough to make the bet. —CAA

Panic at 40,000 feet — It has been widely reported that a faulty O-ring caused the incineration of seven astronauts in the January 28, 1986 Challenger disaster. What is not well-known is the conclusion reached by the U.S. Geological Survey's Malcolm Ross: the explosion would not have occurred if NASA hadn't replaced another ring out of an unwarranted fear of asbestos-based putty. Since the asbestos in the putty had virtually no chance of harming anyone, the episode illustrates how the quest for safety, when it ignores trade-offs, can have terrible consequences.

We may now be on the verge of more fiery disasters, thanks to unwarranted fears of one of the most effective of fire extinguishers, halon chemicals.

Because of the speed at which they work, and because they are non-toxic, halons are commonly used in closed areas where fire could kill very rapidly — airplanes, ships, armored military vehicles, and the like. If you are ever involved in an

airplane crash, you had better hope that the Halon 1211 and 1301 fire extinguisher systems are in good operating order. For fire control, halons have many advantages over water and carbon dioxide. They are electrically nonconductive, light in weight, harmless to human beings, tasteless, odorless, and colorless, and they leave no residue. In airplanes, where high levels of carbon dioxide would have disastrous health effects and water is impractical because of weight, halons are indispensable.

The Montreal Protocol, an international environmental agreement that took effect January 1, 1994, banned halons, on the grounds that their continued manufacture could deplete the stratospheric ozone layer. The United Nations Halon Technical Options Committee has refused to exempt halon manufacture for aircraft use, arguing that existing stores are sufficient for the time being and that unnamed viable replacements will be available in the future. But it has proved very difficult to find a replacement. The 3M Company has suggested using a class of chemicals called perfluorocarbons, but these chemicals are opposed by environmental groups such as the World Resources Institute, which believes they may cause global warming. Olin Aerospace is also experimenting with a replacement, but it has yet to be proven practical in human-occupied space.

Nor, apparently, did it occur to the U.N. Committee that the price of halon would skyrocket as stocks become depleted, and that at least part of this inflation would be passed on to the airline passenger. Halon gas that cost $7–$10 per pound in 1985 is expected to cost $80–$100 per pound by 2000.

One would think that chemicals of obvious value would be banned only if they posed a clear and present danger to the environment. The complaint against halons is that they are bromine compounds, and bromine is reputed to be more efficient than chlorine in destroying stratospheric ozone. But the concentration of bromine in the stratosphere is at the nearly undetectable level of about 0.02 parts per billion, and halon in aircraft extinguisher systems is rarely released anyway. In short, the ban appears to be an expensive exercise in hysterical overkill.

This assessment is strengthened when one realizes that a far more ubiquitous source of bromine is methyl bromide. The scientific consensus is that only about a third of the world's methyl bromide is man-made; the rest is natural in origin. The ocean, in fact, is supersaturated with it.

The American people are paying a high price for failing to realize that there are costs to regulation and that sometimes these costs are higher than the benefits we are supposed to receive in exchange. Let us hope that it does not take a disastrous aircraft fire to correct the dangerous course we are following.
—Guest reflection by Ben Bolch and Harold Lyons

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
NC	Nathan Crow
BD	Brian Doherty
RH	Robert Higgs
BK	Bill Kauffman
LEL	Loren E. Lomasky
RO'T	Randal O'Toole
RR	Ralph Raico
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

Polls invade Germany — And you thought political correctness was bad over here? The *Financial Times* reports that the leading polling organization in Germany, the Allensbach Institute, has admitted that it deliberately understated the pre-election popularity figures for a right-wing party in order to hurt that party's chances for success. The anti-immigration Republicans won over 9% of the vote in the southern state of Baden-Württemberg, the same figure the Allensbach Institute found in its pre-election polls. But it had chosen to publish instead the figure of less than 5% Republican support, which would have been under the minimum for winning seats in the state parliament. Renate Koecher, co-head of the Institute, has defended the decision to falsify the polling results, stating that the real figures might have created a bandwagon effect for the Republicans. —RR

Pitchfork Pat and Hardscrabble Bob — Patrick J. Buchanan has failed to gain the Republican nomination, but he has succeeded in setting an ugly political tone. The economy is growing, unemployment is less than 6%, and real personal consumption is up more than 14% since the recession. Yet Buchanan has fanned the resentment of economically anxious groups, goading them to class warfare. He speaks of layoffs as caused by "corporate executioners" and declares, "The peasants are coming with pitchforks." Bill Clinton and Bob Dole dignify Buchanan's rhetoric by taking it seriously and pandering to the same prejudices.

A hundred years ago, populist economics was at the center of another presidential contest, when Republican William McKinley opposed Democrat William Jennings Bryan. In those days, when lavish farm subsidies were only a gleam in the farmers' eyes, they really did wield pitchforks. A populist rabble-rouser, the one-eyed South Carolina senator Benjamin R. Tillman, became known as "Pitchfork Ben" after he called President Grover Cleveland "an old bag of beef" and said he was "going to Washington with a pitchfork and prod him in his old fat ribs."

The populists had formed a new party — as Buchanan hints he might — the People's (Populist) Party. James B. Weaver, their presidential candidate in 1892, got more than a million votes — about 8% of the total. In 1896, the Populists endorsed Bryan, the "Boy Orator of the Platte," whose Cross of Gold speech at the Democratic convention became a classic. The nineteenth-century populists, like their present-day counterparts, raged against big corporations, especially banks and railroads. They favored many new government interventions in economic life, including an inflationary "subtreasury" scheme to subsidize farmers.

After Bryan lost in 1896, populism declined. But it never died, and it flamed up episodically in hard times. People with economic worries remained vulnerable to politicians casting blame on big corporations and the rich. Populism tends toward xenophobia and nativism. In the 1890s many populists thought the machinations of Jewish international bankers explained the plight of frontier farmers. Today Buchanan evokes similar suspicions and makes jokes about shooting José.

Dole, a preeminent Washington insider,

feels obligated to play along. He began a recent speech, "My father was a grain-elevator operator. He wore his overalls to work every day for 42 years, and he was proud of it." The politician who rakes in millions from corporate and interest-group PACs reminded the voters, "I grew up hardscrabble, know what it means to be at the bottom of the ladder economically."

Clinton, of course, is no stranger to flogging the rich, who, according to his 1992 attempt at humor, "get the gold mine" while "the middle class gets the shaft." On the president's left flank, House minority leader Richard Gephardt aims to make the elections a referendum on income security, touting new government mandates for job training, portable pensions and health insurance, higher minimum wages, and other extensions of the welfare state. How does this strategy square with the president's recognition that "the era of big government is over"? It doesn't, but Clinton will not be deterred by mere inconsistency.

In a dynamic economy, some people always have to make difficult adjustments. The only way to prevent such adjustments is to lock the economy into a fixed configuration that would soon condemn everyone to economic retrogression. The flux of hiring and firing, hardly a new phenomenon, is not the true source of the economic difficulties many people have experienced, or feared, in recent years.

Instead of lecturing business on "corporate responsibility," the president should set the government's own house in order, because the true source of the economic malaise is the government, specifically the relentless growth of taxation and regulation. In 1990 the federal government grabbed $1,031 billion in revenues. Last year it took $1,351 billion, an increase of 31% (15% after adjustment for inflation). If that $320 billion of extra federal revenue had not been taken last year, it would have left every man, woman, and child in America with more than $1,200 extra, or almost $5,000 for a family of four.

Simultaneously, additional costly federal regulation, such as the Americans with Disabilities Act, new environmental requirements, and new FDA labelling rules, sapped resources that might otherwise have been devoted to increasing productivity and raising incomes.

Populists misperceive the real problem. It's not corporate layoffs, not Japanese imports, not NAFTA and José. It's a government that won't keep its hands off the economy and won't allow us to keep the income we earn. —RH

The scandal of our libraries — Whenever municipalities' allegedly "tight" budgets are threatened by some petty 2% reduction in the next scheduled tax increase, the few services that most people agree have real value — police, fire, library, recreation — are immediately trotted out and threatened with bloody amputation. Behind-the-scenes bureaus and local pork are left unmentioned simply because their imminent reduction would provoke no response from an unappreciative public. Although it is probably not worth trying to explain this pattern to the gullible donkeys who elected Bill Clinton, libertarians might at least try pointing out that the majority of such institutions could be staffed largely, if not entirely, by volunteers — not in a misty anarchist utopia, but right now. That they are not is often due to restrictions demanded by bureaucrats jealous of competition.

The Seattle Public Library is a case in point. Despite the fact that the entire place could be staffed almost entirely by volunteers (I know — I used to work in its Volunteer Services Department), it pays some of the highest salaries in the nation to a staff that is often grumpy or unavailable. Salaries, indeed, are so high that a few years ago there was no money left to buy books.

The primary reason the library's branches are not filled to the rafters with eager volunteer workers is that the union will not allow them to perform any task currently performed by a credentialed master/mistress of Library Science. Having mastered the profession through costly and arduous months of graduate training, the library's illuminati are understandably reluctant to admit that amateurs of the art could do what they do.

The great, secret scandal here is that many would-be volunteers actually have the required M.L.S. degree. Well-meaning housewives who simply want to keep a hand in, they are kept out by mean-spirited union leaders, with the help of politicians who consider the library a useful strawman to drag out during budget debates.

Maybe it's time someone called their bluff. —NC

Born-again libertarian? — Ralph Reed, executive director of the Christian Coalition, said in a speech distributed by Hillsdale College that America is held together by "a vision of a society based on two fundamental beliefs. The first belief is that all men, created equal in the eyes of God with certain inalienable rights, are free to pursue the longings of their heart. The second belief is that the sole purpose of government is to protect those rights." It would be hard to express the libertarian credo better. Dr. Reed isn't dumb, so he knows the longings of men's hearts vary widely. Some men's hearts long for wide-open spaces, others for densely crowded cities. Some long for Jesus, some for Mohammed, others for Reason. Some long for a pot of tea, others for a pot of coffee, others just for the pot. Some men's hearts, indeed, long for the hearts of other men. It's good to know that, whatever moral objections Dr. Reed may have to some longings,

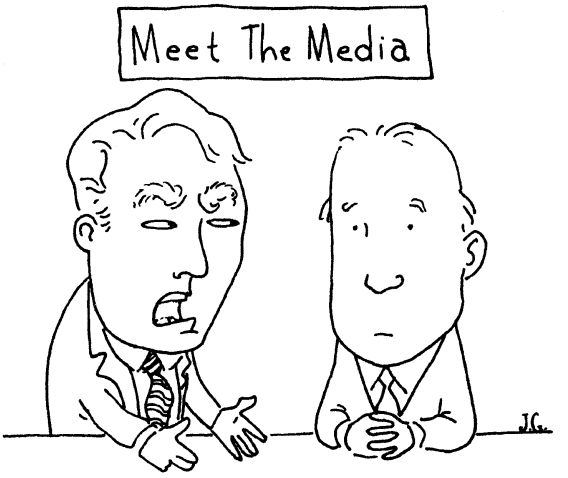

"Senator, how do you answer critics who charge that you've lost your once vaunted ability to respond with artful equivocation?"

as a good Jeffersonian he is committed to defending all men's rights to pursue happiness in their own way. —DB

Falsified memory syndrome — Apologists for the Clintons have a new line: investigation of wrongdoing by the First Couple is a waste of money. Its most colorful promoter is James Carville, whose applause line is that the Whitewater investigation has now "cost more than the investigation of the bombing of the World Trade Center."

Of course, he doesn't mention that the bombers were amateurs who left a trail of evidence that even a cretin could follow, while the Clintons are two Yale-trained attorneys perpetrating complex white-collar crimes, covering their tracks using all the sophisticated tricks that they and their coterie of even more high-powered shysters can muster.

On March 21, Hillary Clinton responded in writing to a series of Congressional questions about the "Travelgate" mess. Here is a box score of her answers (*Wall Street Journal*, April 9):

"I do not recall"/"I cannot recall"	21
"I do not believe"	9
"I have no knowledge"/"I have no first-hand knowledge"/"I have no personal knowledge"	7
"I simply don't know"/"I don't know"/"I do not know how"/"I do not know what"	5
"It is possible"/"It is quite possible that I had"/"It is possible that I may have"	4
"I believe"	3
"I may have spoken"	3
"I have no specific recollection"	2
"I may have expressed the view"	2
"I cannot identify"	2
"I do not know for certain"	1
"It is hard to remember"	1
"I have tried to state . . . such recollection as I have"	1
"It is . . . difficult now to distinguish"	1
"I believe I became aware"	1
"I do not remember precisely"	1
"I have a vague recollection"	1
"I am not aware"	1
"He may have mentioned"	1

In all, some 67 lapses of memory about a series of events that occurred less than three years earlier.

Plainly, we are dealing with people a lot slipperier than the Arabs who rented a truck under their own names to house the World Trade Center bomb. Faced with the complexities of the various felonies and misdemeanors in which the Clintons are implicated and with stonewalling by the First Couple at every turn, the cost of investigation is bound to mount up — though nowhere near the $60 million that was looted from the federal treasury by the Madison Guaranty fraud alone. —CAA

A kinder, gentler pink slip — The progressive folks at *The Nation* have been plugging a St. Paul, Minnesota initiative that would require businesses receiving "more than $25,000 in city assistance . . . to pay workers with a family of four above the poverty level, i.e., $7.21 an hour [sic]." I can't think of a better way to make sure such businesses don't hire people with a family of four. In *The Nation*'s "progressive" worldview, providing incentives to keep parents unemployed is the next best thing to socialism.

The initiative was defeated, but a bill based on a similar idea was recently passed by the Minnesota legislature. Now the idea seems to be to make such firms pay *all* of their employees this customized minimum wage (or more), as part of a nationwide effort by economically illiterate lefties to raise the minimum wage on the local rather than the federal level.

Fortunately, Governor Arne Carlson has vetoed the bill. I guess it was either that or repeal the laws of economics. —NC

Occam's hammer — Pretty much all economists have long agreed that one effect of raising the minimum wage is to reduce employment. Their logic is ridiculously simple. If you raise the price of something, less of it will be sold.

Some economists, mostly libertarian ones, have sometimes been alarmist on the issue, claiming that an increase in minimum wage will dramatically increase unemployment. When the law goes into effect and unemployment figures don't rise dramatically, minimum wage advocates are quick to point out that the economists were wrong. After the last increase, a hack economist did a "study" that concluded that the increase had no effect on employment levels, even at jobs where the minimum wage is the prevailing wage. He arrived at this conclusion, I recall, by telephoning a bunch of fast food businesses and asking whoever answered the phone whether anyone had been laid off lately. Needless to say, this study was flawed.

One reason that increases in the statutory minimum wage don't always notably increase unemployment much is that sometimes the minimum wage is substantially below the prevailing wage. In many places, even fast food joints pay more than the $5.25 hourly rate the Democrats propose, let alone the current minimum wage of $4.25. Not surprisingly, the new minimum won't affect employment much in those markets. Indeed, I doubt the higher minimum wage will have much effect on national employment numbers. The most dramatic effect will be found in places where market wages are lowest, i.e., in areas beset by poverty. Happily for politicians, few such areas have high voter turnouts and fewer still are hotbeds of the sort of clear thinking that would enable the law's victims to understand the source of their problems.

I wonder what I would think if some economist did a good empirical study that discovered an increase in minimum wage diminished unemployment. Would this invalidate the thinking of economists?

The empiricist in me says yes. But upon reflection, I'm not so sure. We all agree that smashing one's thumb while hammering nails is an injury. Suppose that someone did a good empirical study, examining the health records of 100,000 victims of smashed thumb syndrome, and that, say, five years later the 100,000 thumb-smashees were on average healthier than a control group of 100,000 not-smashees. Would I therefore conclude that maybe my smashed thumb was not really an injury at all? Would I go out and smash my thumb? —RWB

Where Freemen will stand — So what *is* going on out there in Montana?

The FBI's standoff with the Freemen is fascinating, as all such standoffs are; frightening, since we know how similar

showdowns have ended; annoying, because it doesn't fit into the standard script for which past events have prepared us. The feds have surrounded a small group of anti-government activists who just want to be left alone — right? Well, no. Ralph Clark, owner of the Freemen's secessionist farm, may rail against the tax-sucking powers that be, but he and his partners have slurped down $676,082 in other people's taxes over the last decade. They may want to be left alone, but they aren't willing to pay others that courtesy: they've harassed and defrauded individuals and companies across the country. And the G-men seem more restrained than usual this time around, though it may just look that way by comparison to their last couple of fiascos.

I've been in danger recently of getting pigeonholed as a "pro-militia" writer, simply because I've felt it my duty to criticize, in as many venues as possible, the ongoing demonization of the new populists. Groups like the Freemen are a helpful reminder that there's more to this movement than semi-libertarian dissidents enjoying their First and Second Amendment rights. Militia members range from anti-corporate leftists in Maine to anti-Semitic rightists in Idaho to Jewish libertarians in California. Any social phenomenon as decentralized as this is going to attract its share of crooks and creeps, and the nutty legal mumbo-jumbo popular among the militiamen has drawn the cons in like flies. The New Left of the '60s collapsed under the weight of Maoist cults, Castroite terrorists, occultist snake-oil salesmen, and budding Democratic Party pols. Thanks to folks like the Freemen, the militias may similarly dissipate with only a little help from the government.

Or the feds might do something really stupid, like charge into a certain Montana farm with their guns a-blazin'. Then all bets will be off. —JW

Progress — It's easy, in the midst of an electoral conflict between Bob Dole and Bill Clinton, to wonder if any political progress is being made in America.

But don't despair! When the price of gas shot up in April, the politicians began competing with one another to offer proposals for reducing gas taxes. Some even began to squabble about whether or not they personally bore any guilt for raising taxes in the past.

Compare this good conduct with politicians' behavior during past "crises," and you'll notice the wonderful absence of proposals for price controls and rationing. Even the consistently entertaining Eleanor Clift opined on a recent *McLaughlin Group* that higher prices might make people use less gas, thereby aiding her favorite goal of "conservation." I think that's what she meant; it's sometimes hard to tell with her. If so, it demonstrates that a glimmer of economic knowledge is beginning to penetrate the post–New Deal fog. —SC

Oil? Where's the beef? — The international price of oil has risen for a variety of reasons, and so has the price of gasoline at the pump. Politicians have responded in their predictable, idiotic ways. Republicans call for cutting the tax on gas; Bill Clinton orders the sale of twelve billion barrels of stockpiled oil to drive prices down.

Meanwhile, the price of another key consumer good is falling sharply. Wholesale prices of beef are at their lowest level in years — so low that supermarkets advertise ground beef for 79¢ per pound and sirloin steak for $2.49 per pound. You might think that a reduction in the price of such a widely consumed commodity would please the president. But no. His reaction to the lower price of beef was the same as his reaction to the higher price of gasoline: intervene in the marketplace, this time by ordering the immediate purchase of $50 million of beef for the federal school lunch program. He also eased restrictions on grazing on environmentally sensitive federal grasslands, a move that presumably will cut costs for beef producers and counteract the increased federal beef purchases' effect on prices.

The common denominator of all these seemingly inconsistent actions, of course, is that they are designed to buy votes. Gasoline consumers will be pleased that Clinton is acting to ease the price of the gas they buy, and beef producers will be pleased that he is acting to raise the price of the beef they sell while cutting their production costs.

Thank goodness all this hasn't been left to the free market! —RWB

Warm over the Cold War — The 1996 April Fools' issue of *The Weekly Standard* devoted a special section to that favorite subject of conservatives: anti-Communism. Its centerpiece was Paul Johnson's review of *Not Without Honor*, a history of the American anti-Communist movement. Johnson affects a world-weary tone and states that "there is an almost irresistible urge to close this depressing chapter in human history and turn to better things." But we shan't, of course — "we need to understand why so many were taken in for so long." Or so Johnson would have us think.

The real reason for reliving this history is that conservatives have long treated Communism as the stepchild that laid the golden egg. The "twilight struggle" to put Communism on the "ash heap of history" unified the Right for a generation, and it is difficult to let go of such a powerful symbol. And so conservatives have adopted a strategy of denial. *National Review* still furrows its editorial brow over the future of "the West," Jesse Helms tries to make war on Cuba, congressional Republicans increase the already bloated war budget, and the newborn *Weekly Standard* has a special issue on anti-Communism.

Johnson devotes much space to anti-anti-Communists

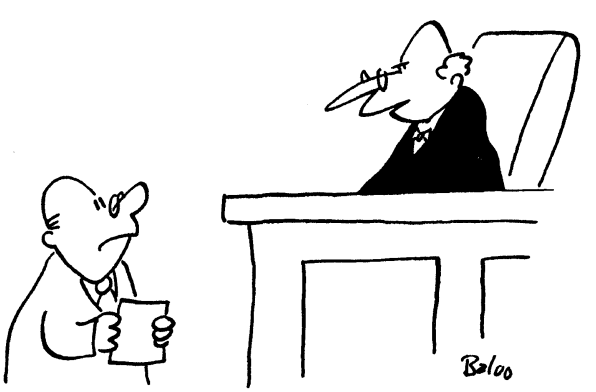

"Your client is on trial for overtime parking — referring to her as a 'freedom fighter" is a bit much."

who were constantly getting in the way of the intellectual Cold War: "They judged the occasional excesses of anti-communism as a greater menace to the freedom of the world than communism." I suppose Johnson is right that the sins of Joe McCarthy have been overblown: efforts to silence opponents with smears and innuendo occur far too often to single him out as the worst of the worst. And I agree that it is incredible that anyone could be taken in by such an evil system as Communism. But Johnson, in turn, minimizes the evils of anti-Communism.

According to Johnson, the CIA was run by "old-fashioned WASPs who simply wanted to preserve American institutions and frustrate the schemes of America's totalitarian enemies." He scoffs at the suggestion that it was the "moral equivalent" of the KGB. He may be correct in that regard, but he weakens his case by neglecting to mention Guatemala, Chile, Iran, or anyplace else where the locals might feel differently about the CIA's values. Johnson ignores any facet of recent history that might call the glory of the anti-Communist crusade into question. That means no mention of the more than 100,000 American soldiers who died "containing" Communism in Korea and Vietnam, or of the foreign leaders assassinated and governments toppled. (He does spare us the embarrassing spectacle of reliving America's victory over socialism in Grenada.)

Communism is a malignant philosophy whose adherents have murdered millions. But anti-Communism has also led to a great many deaths, and the victims of Pinochet, Somoza, and Nixon would probably not be comforted to know that they perished for a cause that *The Weekly Standard* finds noble. —CS

Our Lady of the Bad Example — In a recent column, *Newsweek*'s Jonathan Alter prevails upon the songstress "Madonna" to marry. Madonna is with child. Yet she has rejected marriage. A year with Sean Penn, it seems, was enough to curdle not just the boy but the institution.

Alter is broad-minded. If she can't stick it with her personal trainer/semen donor Carlos Leon, or any male, then, he advises, marry a woman. *Just get married.* Why?

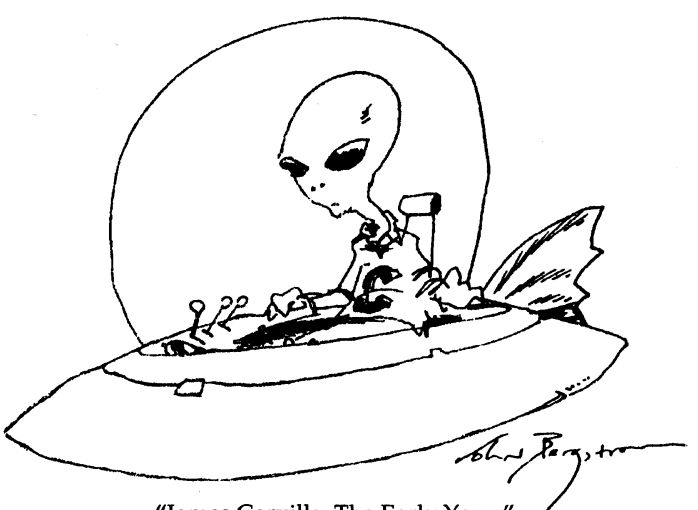

"James Carville: The Early Years"

Well, not because God would have it so. Not because it would make mom and dad feel better. (Does "Madonna" have a mom and dad?) Not because it would make a better video.

No, it's because "the research . . . is unambiguous." Marriage, researchers tell us, does wondrous things for men, "taming" them and forcing them to hold a job. (Marriage to a woman is, of course, irrelevant to this argument, but never mind.) Society is depending on Madonna to do her part!

Here is the new American creed in all its cheapness. Morality means subservience to the social patterns that, statisticians say, are correlated with good things (good things being the things that middle-aged people want). *The research is unambiguous* equals *the Bible tells me so.*

All of this, of course, is both wrong (social science research is never "unambiguous") and vacuous. If "the research" informed us that, say, the marriage of two women was bad for the kids (which, by the way, isn't true), Alter would not accept a hetero obligation. He even admits that Madonna's own divagation from the commands of "the research" may be acceptable, for Madonna is rich. Such liberty is impermissible, however, to "the disadvantaged," for whom departure from this particular regression analysis may be the "killer correlation." And so, if she will not marry, Madonna ought at least to preach marriage to her *lumpen* admirers. Hypocrisy is the least she can do for the New Morality.

Thus does the '60s generation — undoubtedly the most annoying group of people in the history of the planet — reinvent in its weak-kneed, intellectually stunted way the moral imperatives of bygone days. They've had their fun; but now that baldness, impotence, and teenage offspring afflict them, fun must cease. Because they are tired and read *The Atlantic Monthly*, there will be no more cakes and ale. God is not Christ or Buddha, Marx or Maslow. God is a correlation. To which fantasies one can only reply, with Madonna, "Papa, don't preach." —NC

Endangered candidates — Recently, two candidates were running for national office in environmentally conscious Oregon. In a debate, they were asked how they felt about the conflict between endangered species and jobs. The more-libertarian candidate answered, "Saving endangered species is important. But people are important too. We have to protect jobs and local communities."

Wrong answer, especially in a state like Oregon, whose mostly urban workers don't feel threatened by endangered species. The candidate lost by a hair.

Here is what he should have said:

"I want to save endangered species as much as anyone. But the Endangered Species Act is failing to save species. Complying with the law costs rural landowners huge amounts of money and costs rural workers many jobs. But more species are still going extinct than are recovering. What we need is a new Endangered Species Act that gives landowners incentives to protect habitat and creates jobs rather than destroys them. Such a law will save far more species and cost taxpayers far less money than the existing failure."

This might not have made the difference in the election. But if libertarian candidates can take a consistently positive

stand on environmental issues — "We want to save the environment, and carrots will save it better than sticks" — they won't be perceived as being anti-environment. That could make the difference for many. —RO'T

It takes a voucher — The Cato Institute's Stephen Moore, opining in the *Washington Times*, pegs President Clinton as "another 'education president'" and comments that "our children simply can't afford many more of them." Clinton is a tool of the education establishment, Moore argues, because he just wants to "throw money at the problem." Better to abolish the Department of Education — or, barring that, to . . . throw money at the problem. Moore suggests three different voucher plans he thinks might move us in the right direction. One: "$2,000 grants to the parents of five million school-aged children . . . with the lowest incomes first." Two: "Establish pilot grant programs in the 100 worst-performing public school districts in America and give $3,000 education grants to the parents of kids trapped in those schools." Three: "Allow families to opt out of schools that are beset with guns and violence. Why not start immediately by offering parents who are forced to send their kids where a child has been injured with a gun, or where there is a well-founded fear of violence, a grant to pull their kids out from under the cloud of terror?"

All of these proposals would undermine the independence of any private school that accepts vouchers. All would create millions more constituents for the Department of Education, making it that much harder to kill. All would, like any other government program, tend to grow inexorably. The third proposal would have the unintentional effect of shipping violent students into better schools, which then might not stay "better" for long.

Moore is right about one thing: killing the Department of Education is a good idea that is unlikely to happen soon. So, in the interest of being constructive, I have come up with my own ideas as to how to better spend this money.

One: Give grants to the five million or so politicians, pundits, and pointy-heads who keep going on about "our children," to be redeemed at the nearest federal prison or mental home so that we can be free from their incessant prattling.

Two: Establish pilot grant programs at the 100 best universities in the country. In the tradition of agricultural subsidies, these schools' education departments would be paid *not* to award degrees. This would encourage school districts to hire history majors to teach history, physics majors to teach physics, etc. Or, even more shockingly, they might search for intelligent and motivated teachers irrespective of their academic credentials.

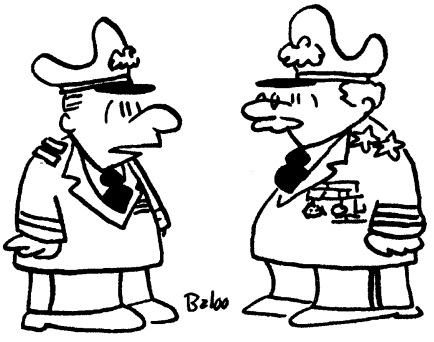

"You know those 'smart' bombs we deployed, General? They went AWOL."

Three: Allow families to opt out of schools that are beset by textbooks and boredom. Why not start immediately by offering parents who are forced to send their kids to a public school where a child has been bored with an execrable "Social Studies" text, or been forced to read *Catcher in the Rye*, a grant to pull their kids out from under the cloud of tedium?

I know what you're thinking: my ideas may have unintended bad side effects. (Bad side effects I don't intend. However, any good side effects I do intend.) You may be right, but my proposals have about as much chance of passing as Moore's, and they'd do at least as much good. —CS

Mr. Paul goes to Washington — Former Libertarian Party presidential nominee (and occasional contributor to *Liberty*) Ron Paul moved one step closer to a return to Congress when he easily defeated GOP incumbent Greg Laughlin in an April 9 primary runoff.

In capturing a whopping 54% of the vote against Democrat-turned-Republican Laughlin, Paul has almost certainly ended the practice of party-switching by incumbent congresspeople attracted to the GOP by the prospect of easy electoral victories. Whether this is good or bad for the GOP remains to be seen. The converts had increased the size of the GOP majority in both the House and Senate, but at the expense of diluting the GOP's ideological vigor by adding middle-of-the-road pragmatists like Laughlin.

One thing is certain: the Republican establishment wants to keep the flow of turncoats to their party. Party leadership closed ranks behind Laughlin, who enjoyed support from Texas Governor Jeb Bush (son of George), both Texas senators (Gramm and Hutchinson), and Speaker of the House Newt Gingrich.

When Paul's primary campaign began, it looked like its winner would be a shoo-in for election in November. Not only was the district comfortably Republican, but 1996 seemed like a good year for Republicans. As Bill Clinton's popularity has soared, however, the outlook has changed. A relatively attractive Democrat has grabbed the chance to oppose Paul, and most observers now rate the race a tossup. (At least one, PBS' Mark Shields, predicts Paul will lose.)

But I wouldn't bet any money against Paul, who has proved himself an effective candidate with the ability (thanks to direct-mail maven Lew Rockwell) to raise substantial sums of campaign funds. —CAA

The fascist Enlightenment? — John Gray is a name that will be familiar to libertarian academics, and to others in the movement as well. He is an Oxford don who, at the start of his career, wrote studies of F.A. Hayek, Herbert Spencer, and others from a classical liberal, virtually libertarian, point of view. Over the years Gray has mutated a number of times, to the point where he is now, as *The Economist* puts it, Britain's "most prolific and certainly most agitated anti-Enlightenment thinker." Agitated is the right word (hysterical might be better), since it is hard to find anything like a sustained argument in the articles and reviews Gray

keeps grinding out for the London press, and, increasingly, for American magazines as well. One thing is clear: he thinks that the chief product of the Enlightenment, "atomistic" liberalism — a.k.a. libertarianism — is an unmitigated disaster.

A typical example of Gray's effusions was a piece in the *New York Times Book Review* (February 25), discussing a new work on the history of European fascism from 1914 to 1945. This is one of those hack reviews where you can tell the writer knows nothing about the subject that he didn't gather from the book itself. Amazingly, there is no mention of Lenin, the Comintern, or the Leninist Italian Socialist Party of post-World War I, although these provided the perceived threat without which Mussolini and his gang would have remained curiosities of the Italian political scene. But, while silent on the origins of fascism, our ignorant Oxford don jumps at the chance to denounce the major present-day threat to "stable democratic institutions" — the assault on the welfare state by the spiritual descendants "of libertarian doctrinaires like the philosopher Herbert Spencer and the conservative journalist Albert Jay Nock."

"There is a cruel paradox," Gray finds, "in the truth that the chief danger to liberal democracy now should come not from fascism but from the rebirth of a primitive form of liberalism." Sadly, we can expect to see more rubbish of this sort, since it is so much to the taste of papers like the *Times* — especially when it comes with an Oxford imprimatur. —RR

Insuring banality — Forgive me, Mr. Denlea; I'm about to make fun of you. And please don't cancel my insurance.

Leo E. Denlea, Jr., is chairman and chief executive officer of the Farmers Group, Inc. Because I have Farmers insurance, I receive, free of any charge, their public relations magazine, *Friendly Exchange*. As such things go, it isn't too bad.

In the latest issue, Mr. Denlea's column, bravely entitled "One Point of View," takes up the question of why we are "Lucky to Be Americans." Mr. Denlea's thesis, if there is one, is that his readers should show their appreciation for America by "actively participat[ing] in our nation's future." A grand phrase — but as Mr. Denlea uses it, "our nation's future" seems to be synonymous with nothing more than, well, voting. There is also some talk of "worthwhile civic volunteer projects." Pretty controversial stuff.

No more precise idea emerges when Mr. Denlea thinks about just why it is that we are fortunate to be Americans in the first place. Mr. Denlea says that America has "initiative, community, partnership, sharing and trust." I suppose that no other country has such bold and lovely things. But America also has "people [!], millions of citizens who care deeply about their freedom and its preservation." This freedom can be preserved by "participat[ion] in our democratic system." It's as simple as that.

But wait! Maybe some further exploration of these deep political ideas would be helpful. In case it would be, Mr. Denlea quotes at some length from the winning entry in his company's essay contest on "The Meaning of Democracy." The winning employee wrote, "In my lifetime, democracy has been threatened by the Cold War [note, not by communism, but by the Cold War], internal conflicts, political corruption and, most of all, indifference. . . . [I]n order for democracy to survive, it is essential that we exercise our privilege and our responsibility to participate in the government."

So there. That'll give you some concepts to chew on for a while. I don't want to blame the contest winner. I haven't seen the whole of her essay. Maybe the rest of it would make John Locke blush with envy. Instead of blaming her, I'll blame Mr. Denlea. I'll blame him and all the other corporate executives whose idea of defending America's freedom, the freedom that allows them to enrich themselves, consists of making their political communications as inane as they possibly can make them.

But who cares, you say, about what comes out in some miserable public-relations copy? We get junk like this in our mailbox every day!

Well, that's just my point. —SC

Gas attack — Supplies are tight, demand is up, and prices at the pump ratchet upward, ever upward. In the bad old days, some vote-seeking congressmen would find themselves a stump from which to declare their deep concern for constituents (though the locution "feel your pain" is, I believe, of recent coinage) and demand an investigation of the culprits responsible for raising prices.

But now we have a new Congress, a Republican Congress. They have sworn to forgo the blunt tools of political control in areas of our personal and economic life in which government simply has no legitimate role. So here we have a splendidly clear test case of the impact the Republican Revolution has made on our body politic. Will the sons and daughters of Gingrich hold true to their proclaimed ideals, or will they instead succumb to the temptation to pander during an election year?

Well, in the immortal words of Emily Litella, "Never mind." —LEL

Unkindest cuts — American borders are most open to refugees from countries designated "politically repressive." But it takes a *lot* of repression for a nation to be so labeled. And the officials who cook up policy and judge special cases are often amazingly ignorant.

Consider Donald Ferlise, an American immigration judge. A year ago, Ferlise judged the case of Fauziya Kasinga, a 19-year-old woman from Togo. Kasinga explained that she was fleeing her homeland to avoid "female circumcision." Her father, who had protected her and her sisters from this African and Arab practice, had recently died. Her aunt had taken over the household and arranged for Kasinga to be married into a polygamous family, which entailed subjecting her to the gruesome operation. In 1994, Ms. Kasinga fled Togo for America and (she thought) freedom. Indeed, when she stepped off the plane, she asked for political asylum. This, alas, was a mistake. *Canada* recognizes female genital mutilation as grounds for granting asylum, not the U.S. The INS grabbed her and she has spent over two years in prison, under somewhat brutal conditions.

Kasinga's plea did not impress Judge Ferlise. He found her story, the *Washington Post* reports, "inconceivable, nonsensical and irrational." Deeming her more likely paranoid than persecuted, the judge ruled for her to be deported back

to the dark continent of stone knives and patriarchal tyranny.

You might have expected Judge Ferlise to be a little better informed, or at least to do a little research before making his ruling. I first learned of "female circumcision" as a teenager, when I read Lawrence Durrell's *Alexandria Quartet*. Accepting the term at face value, I wondered, first, what it possibly could mean, and then what the big deal was — after all, *male* circumcision was a common practice in ancient Egypt, became a self-defining custom of the Israelites, and is common in America today. It took me a while to find out what was going on, but I persisted. (My trusty *Encyclopedia Britannica* was not as trusty on this subject as I'd hoped.) "Circumcision," I discovered, is something of a misnomer: we are not talking foreskins here. Or at least not usually — "female circumcision" is a *range* of genital mutilations, from complete excision of the clitoris and external genitalia to partial operations. It seems likely that the practice originated in Ancient Egypt, then spread through the Levant and much of the ancient "civilized" world a long time ago, with a variety of bizarre excuses being given for the practice. Mohammed, progressive humanitarian that he was, advised that only a *part* of the clitoris be removed.

Of course, when Ferlise was growing up, Americans did not speak of such things. Today, there is considerably more talk about the subject. Novelist Alice Walker, for one, has been crusading against the practice for some time. Feminists have been protesting female (not male) genital mutilation for years. Yet none of this talk seems to have reached a certain judge's ears.

continued on page 68

Medianotes

Snow job — A recent notice in *USA Today* announced a new political talking-heads show, *Fox News Sunday*. The host is former Bush speechwriter and current *USA Today* and *Detroit News* columnist Tony Snow. Can you imagine anything more useless than yet another "news and information" program crammed full of conventional wisdom? Don't worry: I didn't and won't be watching it (I felt dirty enough just reading about it in the "nation's newspaper"), so I can't give you any gory details.

The first episode's panelists, it was announced, included two representatives of the respectable right: host Snow and Linda Chavez, a couple of ghosts from previous Republican administrations. On the "left" were Paul Begala, who is paid to concoct flattering lies about Bill Clinton, and Al Hunt of *The Wall Street Journal*, who does it for free. What chance is there that this crowd will ever come up with anything intelligent or original to say about U.S. politics?

The most annoying part of the article is the statement that the show is not going to be "geared to the Bart Simpson crowd." Said Snow: "We're not interested in that crowd because they're not interested in politics." Nonsense! *The Simpsons*, for the uninitiated, is often very political; with wit and style, it regularly exposes America's political culture for the fraud that it is. It has far more intelligent things to say than any chat show. Maybe that is because Bart Simpson — a cartoon character, a ten-year-old boy who hasn't aged a minute in the last six years — is more real than Tony Snow will ever be. —CS

Mr. Mike goes to cyberspace — When Microsoft hired super-journalist Michael Kinsley to edit an "online" magazine, pretty much everybody was surprised. Though a lot of magazines have what are called "Web pages" — that is, hypertext articles and pictures stored on computers and accessible from the subset of the Internet called the "World Wide Web" — and though there are even some Web-only magazines, none of these are real profit-makers. So Microsoft's decision to hire Kinsley for a small fortune seemed a little rash.

I have no idea if this new magazine — dubbed *Slate*, and slated to debut in June — can make a go of it. Personally, I rarely return to a Web site frequently enough to make it worthwhile to *pay* for the service (I have paid for nothing on the Web, yet). But then, I am still new to the Internet.

Bill Gates' gargantuan Microsoft, however, is all for settling things. Like most near-monopolies, it frowns upon fluidity, and is trying to figure out ways to bring stability to cyberspace. I wish them the best, if only to encourage more computer-phobic people into the ranks of the cybernauts. Michael Kinsley, a self-described "eclectic liberal with a libertarian streak," might help entice such a mass entry into the Internet Interzone. And he may even attract the largest political phalanx on the Net, the libertarians. Perhaps to ensure this, he has hired libertarian journalist Jack Shafer (late of Washington's *City Paper* and San Francisco's *Weekly*) as deputy editor.

If *Slate* fails, and breaks into pieces, Kinsley will have no trouble returning to the Gutenberg dimension. But what would be left on the Net? Only the shards of thought, fact, mistatement, and opinion that browsers of the Web have come to love and hate and read and ignore: in a word, *diversity*. But a little more upscale — I hope. The Web still reeks of e-mail debates and Usenet banter; more traditional editorial approaches couldn't hurt cyberspace culture one bit. —TWV

Tune in, turn on, and wait — Timothy Leary, whom I profiled in the last *Liberty*, is an Internet enthusiast. I am a Net skeptic. At his suggestion, I recently checked out his home page, which is set up as a virtual tour of Leary's home. Having been in the real thing, I remain resolutely unimpressed.

Doing the full graphics display took a stunningly long time, and even without graphics, shifting from one area to another took nearly two minutes. Despite this, the total text

and information available seemed less than one would find in . . . well, in my article. Some great ideas turned out to be more interesting in their promise than their execution. There was a daily diary of Leary's psychoactive chemical intake — with only two entries. His library was supposedly available for browsing — but I couldn't connect to it.

Sure, if all the information in Leary's library really were accessible at a reasonable speed, that would be a fine thing. And his henchmen seem to be working on it; it's even supposed to be set up so that visitors can add their own writings. But even that wouldn't be anything more than a high-speed emulation of a bunch of books. Certain aspects would indeed be different and special; one can't word-search a physical text. But even at its best, the Web is basically just a means to read a lot of words and watch bad-looking animation. We can already do both, and have been able to for years. *This* is supposed to be an evolutionary leap over printing?

The average computer-owner already has access to more information and entertainment than he could ever hope to cope with. Speed and breadth of choice are grand things — but Earth-shattering? I don't think so. —BD

The extreme center — In a farfetched attempt to rewrite the spectrum of Italian politics, Christopher Hitchens recently claimed that "Italy is the only country in Europe to have been governed exclusively by the right since the end of the Second World War" (*The Nation,* April 15, 1996). "Exclusively"? In 1983, Italy inaugurated a Socialist-dominated governing coalition, headed by the Socialist Party's leader, Bettino Craxi.

Hitchens' claim can be rendered plausible only by a radical reinterpretation of the Italian political landscape, whereby the Communists occupy the center, the Socialists the "right," and the Christian Democrats the "far right," leaving the Red Brigades on the left. I'm not sure even Hitchens wants to take things that far. —NC

Frown, you're on Candid Camera — Rush Limbaugh and many other conservatives have made a great deal about Bill Clinton's "hypocrisy" during the funeral march of Ron Brown. Clinton was caught on camera laughing — and then, when he noticed that he was being photographed, immediately bowed his head and teared up. Rush repeatedly showed this clip on his late-night TV program, and went on and on about how this showed Clinton as the posturing phony he is, etc., etc.

The problem with Rush's tack is that Clinton did what any decent person would do: sober up when caught unceremoniously forgetting his social role as mourner. There are a lot of reasons to believe that Clinton is basically insincere, even a congenital liar. This is not one of them. Indeed, this is one of those incidents that convince me that there is something indecent about a lot of media coverage. Not to mention punditry. —TWV

Shadow on the land — Kathleen Hall Jamieson, dean of the Annenberg School for Communication, performs the well-compensated job of expressing the conventional wisdom while having a vagina. She outdid herself in a recent *Newsweek* forum on Americans and the media. After opining that "the country would be poorer were it not for," among other snoozefests, "*The Newshour with Jim Lehrer* and the probing of the Sunday interviews shows" — the former sponsored by the U.S. government, the others by Archer Daniels Midland and General Electric, subsidiaries thereof — Jamieson shared the really good news: "Those seeking substance in such faraway places as Austin, Texas, can now subscribe to the *New York Times, The Wall Street Journal,* and the National Weekly Edition of the *Washington Post.*"

Shrewd analysis, Kathleen. People hate the media giants and their tyranny of the bland so what we should do is . . . shove the tyranny even farther down their throats! Yes, that's an inspiring vision of America's future: Al Hunt and Abe Rosenthal boring the good people of Austin and Anniston and every burg from sea to shining sea. No matter where you roam or ramble — whether you're lost in the redwood forests or submerged in the Gulf Stream waters — David Broder will shadow you all your days.

Information Age, please end. —BK

Front page woman — A report from an organization funded by the Freedom Forum, itself a beneficiary of the Gannett Newspapers fortune, complains that women make up 52% of the population but are the subject of only 15% of front-page newspaper articles." A free press in a democracy should reflect all its voices," says Nancy Woodhull of Freedom Forum. "The press needs to focus on this trend toward the invisibility of women and their concerns."

The day the study was reported, I checked four front pages, and I have this advice for the ladies: commit more murders, overthrow a government, get accused of sexual harassment, and run for president. —DB

Sauce for geese, but not ganders — The Clintonista perspective on Al D'Amato's Whitewater investigations — that witch-hunting Republicans are just angling for political advantage in an election year — is reminiscent of the Reaganite line on the Iran-*contra* affair. If you got all your news from *The American Spectator* and *National Review,* you'd think the only 1980s scandal involving the National Security Council was the amount of money Lawrence Walsh spent investigating it.

Naturally, now that a Democrat is president, the *Spectator* crowd is happy to investigate any ancillary Iran-*contra* naughtiness that might damage the Democrats. So R. Emmett Tyrrell and company are willing to suggest that Clinton was privy to drug- and gun-smuggling through the tiny Arkansas town of Mena — and simultaneously ignore allegations that this smuggling was part of the *contra* resupply network.

If, a few years down the road, Democratic congressmen start raking Vice President Lamar Alexander over the coals for a Whitewater-style scam, don't be surprised to see the same folks who stuck up for Hillary suddenly call for an independent counsel to take on Lamar. —JW

Sullivan's travels — The recent "resignation" of Andrew Sullivan from *The New Republic* is an occasion for sadness. I put quotation marks around "resignation" because, despite Sullivan's testimony that he resigned to pursue other

continued on page 35

Analysis

Bipartisan Reign of Terror

by David B. Kopel and Joseph Olson

"All the horrors of the reign of terror were based only on solicitude for public tranquillity."
—Leo Tolstoy, *War and Peace*

The heinous bombing last year of the Alfred P. Murrah federal building in Oklahoma City has raised public fears of terrorism. As is common after sensational crimes, some people have used it as an excuse to call for a bigger federal government and a narrower Constitution. A few days after the anniversary of the bombing, President Clinton signed new "anti-terrorism" legislation into law — legislation with profound implications for the future of Americans' constitutional rights.

The bill Clinton signed was a compromise between the broadly intrusive Senate bill and a less extreme House version. (The Senate bill was itself the product of negotiations over Clinton's original proposal and Sen. Robert Dole's slightly narrower legislation.) The House Judiciary Committee had quickly approved a bill, proposed by Rep. Henry Hyde, that was mostly the same as the Senate's. But the measure then ran into strong opposition on the floor, from a diverse coalition of Democratic civil libertarians and Republicans skeptical of an expanded federal government. In March 1996, an amendment sponsored by freshman Bob Barr saved the bill by removing most of the provisions critics had found objectionable — but even with this amendment, 177 legislators voted against it. The final version of the bill was created in April 1996, when a House-Senate conference committee restored some but not all of the provisions the Barr Amendment had removed.

The battle over the terrorism bills showed the increasing clout of a new Bill of Rights alliance — one that has been coalescing over the past several years, but worked together now as never before. The alliance cuts across the traditional political spectrum, including groups both "left" (the American Civil Liberties Union, the National Association of Criminal Defense Lawyers, the American Friends Service Committee, the Presbyterian Church) and "right" (the National Rifle Association, the Eagle Forum, Americans for Tax Reform, Gun Owners of America).

Legal Suppression of Terrorism

The word "terrorism" originated in the French Revolution, when the government instituted the Reign of Terror to execute political opponents, seize their property, and terrorize the rest of the population into submission. In the debate over the new bill, two terrorist threats were invoked. One side feared a vast militia conspiracy of armed and paranoid "angry white men." The other side worried more about terrorism in the original sense of the word — state terror — and the risks of unleashing and further militarizing the federal government.

It is sometimes suggested that persons who worry about the second type of terrorism are only a strange fringe of American society. In fact, they are the majority. According to a November 1995 CNN-*Time* poll, 55% of Americans believe that "the federal government has become so large and powerful it poses a threat to the rights and freedoms of ordinary citizens." Repressive measures, far from reassuring the American public, may intensify already widespread fears.

In the United States, there is a long and sad history of interest groups and government officials inflating a few isolated incidents into a vast threat that requires an immediate, repressive response. In 1798, President John Adams and the Federalists who controlled Congress were scandalized by the vicious campaigns against them in the press. These scurrilous charges — for example, the accusation that Adams had sent General Pinckney to England to procure a pair of young mistresses for each of them, or that Adams was

plotting to establish an American monarchy — illustrate that today's foolish conspiracy theories are nothing new. At the same time, French officials attempted to bribe American newspapers into taking the French side in their conflict with England and to criticize President Adams' pro-England policy.

In 1798, a furious Adams prevailed upon Congress to enact the Alien and Sedition Acts. These hated laws allowed the extra-judicial deportation of any legal resident alien the administration considered a security threat. Criticism of the president was termed "sedition" and was banned. President Adams' political opponents were persecuted for supposed disloyalty.

Rather than calming the political waters, the Alien and Sedition Acts provoked an angry backlash. The Kentucky and Virginia Resolutions were enacted, with both states asserting the authority to nullify within their territory laws that violated the Constitution. Had Adams decided to force the issue, civil war might have resulted. Happily, the Acts were never uniformly enforced, and after Thomas Jefferson was elected president in 1800, they were allowed to expire.

Similarly, John Brown's unsuccessful raid on Harper's Ferry provoked fears in the South of larger revolutionary conspiracy, leading to attempts to suppress anti-slavery speech. In the decades following the Civil War, worried authorities reacted to labor militancy with "criminal syndicalism" laws. In the twentieth century, too, radical critiques of the government have too often been met with repression. During World War I, for example, Eugene V. Debs' peaceful criticism of the draft landed him in federal prison.

After the war, when Communists took over in Russia, fears of violent foreign radicals intensified. In August 1919, Attorney General A. Mitchell Palmer established the FBI's predecessor, the "General Intelligence Division" of the Department of Justice. The Division was headed by J. Edgar Hoover and charged with gathering information on radicals. Over the next year, 6,000 people were seized in the "Palmer Raids," many of them innocent of any crime and many of them unconnected to radical politics. Suspects were often held in filthy jails and beaten into false confessions. Even people who came to visit these prisoners were arrested, on the theory of guilt by association. Palmer hoped to use the hysteria he had helped create as a stepping-stone to the Democratic presidential nomination, but he overplayed his hand. The major terrorist attack he predicted for May Day, 1920 failed to materialize, and the national panic subsided.

Terrorist Incidents in the United States

	Actual	Prevented	Suspected
1994	0	0	1
1993	11	7	2
1992	4	0	0
1991	5	4	1
1990	7	5	1
1989	4	7	16

FBI data, reported in *Misleading "Findings" in Clinton Terrorism Bill* (Washington, Feb. 22, 1995)

Later, many southern state governments — as well as the FBI — accused "Communist agitators" of leading the civil rights movement. But the presence of a few Communists within the civil rights leadership did not mean the movement was fundamentally Communist, nor that it should be suppressed. Nonetheless, that is precisely what many state governments attempted to do.

If it is easy for many Americans to understand, in hindsight, the viewpoints of Jeffersonians, abolitionists, labor organizers, or the civil rights movement, it is not so easy for some Americans to respect the current concerns of their fellow citizens. Today, tens of millions of people are terrified of the government, and tens of thousands, perhaps more, participate in militias. According to many in the government and the media, they pose a terrorist threat that must be suppressed.

There Is No Terrorism Crisis

But is there a terrorist threat? According to the State Department, international terrorist attacks are at their lowest level in 23 years. In the United States in the last eleven years, there have been only two international terrorist incidents. One was the World Trade Center bombing. The other was a trespassing incident at the Iranian mission to the United Nations, in which five critics of the Iranian regime took over the mission's offices and refused to leave.

As for domestic terrorism, there was none in the United States in 1994; nor was any prevented by police. In 1993, the FBI classified eleven incidents as "terrorist." Nine took place in a single night in Chicago when animal rights activists set off small incendiary devices in four department stores that sell fur.

The Oklahoma City bombing was one of the most terrible single crimes in American history, but it was just that: a single crime. Isolated incidents of mental aberration and evil — the mass murder by arson of several dozen people in a New York City nightclub in 1989, the Oklahoma City bombing, the awful Dunblane murders in Scotland — are crimes, not organized terrorism. The same goes for repeated crimes committed by small groups, such as the fraud and intimidation perpetrated by Montana's misnamed "Freemen." To the extent that these acts involve more than a pair of criminals, prosecution of the handful of individuals involved will suffice to destroy whatever pathetic "organization" they call themselves. According to the prosecution's theory of the Oklahoma City bombing, that crime was perpetrated by the two defendants, alone. Although the trial has not yet taken place, there simply isn't sufficient evidence at this time to base public policy on the theory that there is some vast conspiracy the federal government has

failed to discover yet.

Nonetheless, the bill has been passed and signed into law. What does this mean?

What's in the Law

Before the terrorism bills were even introduced, federal law appropriately forbade the provision of material support to foreign terrorist acts. The law forbade investigations of people solely for lawful First Amendment activities.

The bill signed by the president eliminates this statutory protection of First Amendment rights. It also expands the "support" prohibited to include support for the lawful, nonviolent activities of any group the secretary of state designates a "foreign terrorist" organization. As the bill moved through Congress, the Clinton administration retreated from its original insistence that such a designation be exempt from review by the courts. This will certainly reduce the risk of domestic dissident groups being designated "terrorists," since they would be able to show in court that they were not foreign. But it should be remembered that historically, American courts have been extremely deferential to presidential foreign policy decisions. If there were even a scintilla of evidence in favor of the secretary's designation of a foreign group as "terrorist," then it is virtually certain that courts would not overturn the designation. Furthermore, in such cases the government would be able to use secret evidence, shown *ex parte* and *in camera*.

Moreover, the bill requires banks to freeze the domestic assets of any account-holder deemed an agent of a foreign terrorist organization. This doesn't even require designation by the secretary of state — it's an independent legal duty of the bank. The bill offers no provision for an individual or organization to appeal the freezing of their assets.

Skeptical readers should try imagining this legislation in the hands of their worst political nightmare. An organization that provides support to the government of Israel or to the Israeli Defense Forces (both of which are considered "terrorist" in some political circles) could be outlawed, as could (by a different president) a group that provides support to Palestinian refugees.

One important distinction between the Clinton and Dole bills was that the Dole bill created an explicit exception to the "material support" statute: "'Material support' . . . does not include humanitarian assistance to persons not directly involved in such violations." Thus, sending a Christmas food package to an Irish Republican Army prisoner would constitute material support, but giving money to a fund that assists the orphaned children of IRA members would not. The final legislation did not include even this exception.

The Oklahoma City tragedy has become a vehicle for "wish list" legislation that has nothing to do with Oklahoma City.

So under the new terrorism law, a donor to an IRA orphanage would be a federal felon, subject to ten years in prison. If the "material support" language had been law in the early 1980s, people who gave money to church relief groups in El Salvador and Nicaragua that opposed American policy could have been prosecuted as "terrorists." So could anyone who spent five dollars to attend a speech by a visiting lecturer from the African National Congress.

The Constitution mandates that if a person is to be punished for associating with a group with unlawful objectives, the government must prove that the individual specifically intended to further those goals. The Clinton/Dole bill returns us to practices the Supreme Court outlawed over half a century ago, when the Immigration and Naturalization Service attempted to deport labor organizer Harry Bridges because of his affiliation with the Communist Party. Bridges had supported only lawful Communist activities, but the INS argued that, since the organization had unlawful purposes, Bridges' intent was irrelevant. The Supreme Court disagreed, and dismissed the case.

Has the White House shown any sensitivity to any of these problems? Pressed at congressional hearings, an administration spokesperson acknowledged that minor support for the African National Congress' peaceful activities could have been felonized had the bill been law a decade ago, but insisted that the American people should simply trust the president not to abuse the immense power Clinton was requesting.

But as another president, Lyndon Johnson, put it: "You do not examine legislation in light of the benefits it will convey if properly administered, but in light of the wrongs it would do and the harms it would cause if improperly administered."

Federalizing Violent Crime

It was already a federal felony to make a real terrorist threat — threatening, say, to set off a bomb or to assassinate the president. The new bill widens the definition of "terrorism" to include almost all violent crime except for sex offenses: any assault with a dangerous weapon, assault causing serious bodily injury, killing, kidnapping, maiming, or creating a risk of serious bodily injury through destruction of property. (This provision is actually narrower than the original Dole and Clinton bills, which also labeled any property damage, no matter how trivial, as "terrorism," even if there were no risk to any individual's life or limb.) The effect is to federalize crimes that are ordinarily dealt with on a state or local level.

Another effect is to upgrade the severity of certain offenses. Mugging a Department of Agriculture employee is now "terrorism." So is breaking someone's arm while on a private boat in American territorial waters. Other provisions go even further, classifying any offender who "uses the mail or any facility of interstate or foreign commerce in furtherance of the offense" as a terrorist. And a crime is now considered "terrorist" if it "obstructs, delays, or affects interstate or foreign commerce," or would have done so had it been consummated.

To limit the federalization of virtually all violent crime, the final version of the law requires a terrorist offense to involve "conduct transcending national boundaries," defined as "conduct occurring outside the United States in addition to conduct occurring inside

the United States." This last provision is considerably narrower than earlier proposals. If courts enforce this language seriously, then the terrorism bill will not turn into a *de facto* federalization of all violent crimes other than sexual assaults. On the other hand, given the great lengths to which "interstate commerce" has been stretched, it is entirely possible that the requirement for "conduct occurring outside the United States" could be met simply through the use of a weapon manufactured outside the country, or the perpetration of the crime by a visiting tourist.

Once the government accuses someone of any of the above ordinary violent crimes, with some conduct occurring outside the United States, a heavy set of hammers begins to fall on the accused. Although the law allows state definitions of a crime to be used in order to create federal jurisdiction, it forbids defendants from invoking constitutional protections of the state where the alleged offense took place. Sentences for "terrorism" are severe, and must run consecutively to any other sentence imposed. Those accused of "terrorism" will be denied bail.

Wiretapping

Having defined almost all violent and property crime as "terrorism," the proposed Dole and Clinton bills would have allowed wiretaps for "terrorism" investigations. Other proposals would allow wiretaps for all federal felonies, rather than just the subset of felonies for which they have been determined to be especially necessary. It is worth noting that wiretaps are already available for the fundamental terrorist offenses, arson and homicide. Authorizing wiretaps for evasion of federal vitamin, gun, or wetlands regulations is hardly a serious contribution to anti-terrorism, but amounts to a bait-and-switch on the American people.

Currently, the FBI may legally wiretap, bug, and break into the property of Americans in the name of "national security" after approval from a judge on a seven-member federal court that meets in secret. Applications for national security surveillance orders are made, in secret, before specially selected judges of the Foreign Intelligence Surveillance Court. Of the 8,130 applications that have been made, only one has ever been rejected. The standard for a FISA search order is lower than for a normal Fourth Amendment search warrant. The potential for abuse is substantial, since all applications remain sealed and unavailable to the public and since targets are never notified that they have been spied on.

Of the 976 federal electronic eavesdropping applications in 1993 and the 1,154 in 1994, not one was for investigations of arson, explosives, or firearms, let alone terrorism.

These existing powers contradict the government's argument that it needs expanded wiretapping power to combat terrorism. Interestingly, as federal wiretaps reach new highs each year, they are used almost exclusively to combat gambling, racketeering, and drugs — not terrorism. The last known wiretap for a bombing investigation was in 1988. Of the 976 federal electronic eavesdropping applications in 1993 and the 1,154 applications in 1994, not a single one was for investigations of arson, explosives, or firearms, let alone terrorism. From 1983 to 1993, of the 8,800 applications for eavesdropping, only 16 were for arson, explosives, or firearms.

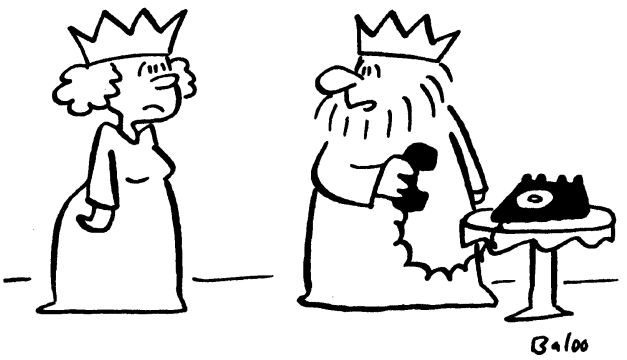

"I don't like the looks of this — *all* my Secret Servicemen have called in sick!"

Even more disturbing than proposals to expand the jurisdictional base for wiretaps are efforts to remove legal controls on their use. For example, wiretaps are authorized for the interception of particular speakers on particular phone lines. If the interception target keeps switching telephones (as by using a variety of pay phones), the government may ask the court for a "roving wiretap," authorizing interception of any phone line the target is using. Yet while roving wiretaps are currently available when the government shows the court a need, the original Clinton and Dole bills would have allowed roving wiretaps for "terrorism" without court order. (Again, remember that both bills defined "terrorism" as almost all violent or property crime.)

The final terrorism bill, while deleting provisions for warrantless roving wiretaps, did significantly expand wiretapping authority. Earlier, the Electronic Communications Privacy Act had banned wiretapping by the government or private parties, with certain exceptions (e.g., when a warrant is obtained). Now the terrorism bill has narrowed what types of communication interceptions are considered to be wiretapping, and thereby greatly expanded the scope of communications that can legally be intercepted — without probable cause or a search warrant — by private individuals as well as government officials. Wireless transmission of computer data is now subject to search at will.

Habeas Corpus and Political Surveillance

For some government agencies, the Oklahoma City tragedy has become a vehicle for "wish list" legislation that has nothing to do with Oklahoma City.

One prominent example is language in the final terrorism bill that drastically curtails the right of habeas corpus — the first major statutory constriction of it since the creation of Great Writ many hundreds of years ago in England. (Habeas corpus is a writ requiring a person in custody to be brought before court; its prime importance is in determining whether he is being lawfully held.) Although Supreme Court decisions in recent years have already significantly lim-

ited habeas corpus, prosecutors' lobbies have pushed much further. Two obvious points should be made. First, habeas corpus has nothing to do with apprehending criminals; by definition, anyone who files a habeas corpus petition is already in prison. Second, habeas corpus has nothing to do with terrorism in general or Oklahoma City in particular.

Then there are the proposals to loosen restrictions on political spying. Within days of the Oklahoma City bombing, conservative talk show host Rush Limbaugh began casting blame on civil libertarians, such as former Ohio senator Howard Metzenbaum, who had promoted strict guidelines on FBI surveillance of dissident groups in the U.S. Others have also called for abolishing the remaining limitations on FBI investigations.

Yet there is no evidence that the FBI wanted to spy on anyone suspected in the Oklahoma City bombing but was prevented from doing so by the current guidelines. Thus, Limbaugh and the others are demanding a "solution" for which there is no demonstrated problem.

Furthermore, the guidelines in question exist for a very good reason. Before they were implemented, the FBI spied on literally hundreds of thousands of Americans who were doing nothing more than exercising their constitutional right to question government policies. Victims of these abuses included Dr. Martin Luther King, Jr., the Ku Klux Klan, the Congress on Racial Equality, Barry Goldwater, Cesar Chavez, and anti-war activists, among others. Far from being confined to a single type of dissident, or to a few years of excess, FBI abuses dated back to the 1940s and were pervasive until brought to light by 15 months of hearings before Sen. Frank Church's special committee in 1975–76. Altogether, there were 675 FBI operations against civil rights, white supremacist, and anti-war groups, which led to only four convictions. Even after all the public hearings, and the implementation of guidelines, the FBI continued to abuse the rights of dissidents through massive surveillance in the mid-1980s of members of CISPES (Committee in Solidarity with the People of El Salvador). The CISPES investigation, justifiably regarded today as shameful, would have been lawful if the new terrorism bill had been law.

Isolated incidents of mental aberration and evil are crimes, but they are not organized terrorism.

Right up to the present, FBI infiltrators have frequently served as *agents provocateurs,* inciting and directing murders and other violent crimes. In one of the most notorious recent cases, an FBI informant solicited the murder of Louis Farrakhan by a dissident family of Muslims. The *New York Times* wrote that the case "reeked of entrapment" by an FBI informant "clearly motivated by money and the need to please the government."

The first set of FBI guidelines was implemented by President Ford's attorney general, Edward Levi, in 1976. In 1983, these guidelines were loosened by President Reagan's attorney general, William French Smith. Then–FBI Director William Webster stated that the Smith guidelines "should eliminate any perception that actual or imminent commission of a violent crime is a prerequisite to investigation." Thus, a former FBI official's highly-publicized claim that "you have to wait until you have blood in the streets before the bureau can act" is patent nonsense.

While the Smith guidelines would prevent infiltration of groups simply because they sharply criticize government policy, they allow infiltration of groups that actually threaten violence. For example, in Virginia, a group of 15 men who allegedly wanted to resist the federal government held only three meetings before a government infiltrator's secret tape recordings led to their arrest for weapons violations. Moreover, militia and patriot groups generally hold public meetings, sometimes advertising in local newspapers. There is hardly a need for greater "surveillance" of such public political discussions.

Rather than being obliterated, guidelines on FBI domestic surveillance should be brought up to full strength. A statute combining the Levi and Smith guidelines should be enacted.

Once again, those eager to "unleash" the FBI ought first to go through the mental exercise of imagining their worst nightmare as president. Liberals might imagine Pat Buchanan or Pat Robertson. Conservatives could imagine Richard Gephardt or Jesse Jackson. In such a scenario, would you want the FBI to be free to spy on whomever the president does not like? Under Nixon, Johnson, and Kennedy — all of whom were moderates within their own parties — the FBI did so, with baleful results.

The Clinton/Dole bill returns us to practices the Supreme Court outlawed over half a century ago.

Aliens and the New Star Chamber

Although the United States has suffered only one alien terrorist attack in the last eleven years, special harsh rules for aliens were at the top of the "anti-terrorism" agenda. The new law allows prosecutors to use secret evidence in deportation cases in which the government asserts that secrecy is necessary for national security. Georgetown University Law Professor David Cole calls the secret court the new "Star Chamber," since its powers resemble those of the inquisitorial court that the British monarchy, in violation of the common law, used to terrorize dissident subjects.

The modern Star Chamber proceedings are to take place before a special court (one of five select federal district judges), after an *ex parte, in camera* showing that normal procedures would "pose a risk to the national security of the United States." Based upon further *ex parte, in camera* motions, evidence that the government does not wish to disclose may be withheld from the defendant, who will instead be provided a general summary of what the evidence purports to prove. In other words, secret evidence

may be used. Of course, any of the "showings" that the government makes behind closed doors may be based on the unreviewable allegations of a secret informant.

No evidence may be excluded because it was illegally obtained, no matter how flagrantly the law was broken.

Legal aliens do not, of course, have the full scope of constitutional rights guaranteed to American citizens. For example, they cannot exercise rights associated with citizenship, such as voting or serving on a jury. But a recent Ninth Circuit case affirmed that First Amendment rights of association are fully applicable in alien deportation cases — i.e., you can't throw people out of the country for the company they keep. Likewise, legal aliens have always been accorded the same protections in criminal cases as citizens. After all, the Fifth Amendment's guarantee of due process protects "all persons," not just "all citizens."

Wireless transmission of computer data is now subject to search at will.

Procedures like those adopted in the new terrorism bill have already been found unconstitutional. As the District of Columbia Court of Appeals put it:

> Rafeedie — like Joseph K. in *The Trial* — can prevail before the [INS] Regional Commissioner only if he can rebut the undisclosed evidence against him, i.e., prove that he is not a terrorist regardless of what might be implied by the government's confidential information. It is difficult to imagine how even someone innocent of all wrongdoing could meet such a burden.

The argument for allowing secret evidence in deportation proceedings is that otherwise the identity or operational mode of a confidential informant might be jeopardized. But the very same argument would apply in every other case, especially cases in which use of informants is routine, such as tax evasion, drug sales or possession, and gun laws. Obeying the Confrontation Clause in those cases may likewise impede the short-term interests of law enforcement. But the Constitution has conclusively determined that a criminal justice system without a right of confrontation poses a far greater long-term risk to public safety than does requiring the government to disclose why it wants to imprison, execute, or deport someone.

Simply put, confidential informants sometimes lie. Informants are rarely good citizens who come forward to help prevent a crime. They generally are criminals who have turned informant in order to protect themselves from prosecution; they have every reason to lie and falsely accuse people.

Confidential informants who are not professional criminals may have other reasons for lying. Consider the 1950 case in which the Supreme Court held that secret evidence could be used to prevent a female alien from entering the United States. (She was married to an American.) Because the case generated so much publicity, the alien was granted a hearing anyway, and it was discovered that the confidential informant was her husband's angry ex-girlfriend.

Some people may accept the Star Chamber for legal resident aliens under the presumption that such procedures would never be used against American citizens. They should remember that cancers always start small. If one international terrorist incident in eleven years is considered sufficient reason to justify a Star Chamber for certain terrorism suspects, it will be hard to resist the logic that crimes that are actually widespread (such as homicide, rape, and drug trafficking) should be entitled to their own Star Chamber.

Censoring the Internet

The final terrorism legislation requires the attorney general to study the availability, in all media, of bomb-making instructional manuals, and the constitutionality of restrictions on such manuals.

Some congresspersons have announced their dismay that a recipe for explosives and other instructions for making products that are illegal without a special license can be found on the Internet. But it is legal in the United States, and always has been, to publish information about how to make firearms, or explosives, or any other type of weapon. The only attempt to create an exception involved instructions for making *nuclear* weapons.

Thus, the sixties relic *The Anarchist Cookbook* remains lawfully available today, and can be bought by mail-order and in many bookstores. Likewise, it is legal to purchase and read any number of books that detail how to break various laws, steal things, or resist the government, such as Abbie Hoffman's *Steal This Book*.

The fact that some such books are distributed electronically, by phone lines, rather than by printing and mail-order, hardly changes their protected status under the First Amendment — any more than the fact that *The Anarchist Cookbook* was printed with a high-speed modern printing press rather than a Franklin press deprives that book of constitutional protection. It is well-established that the government may punish persons for breaking the law, or for imminent incitement to break the law. But it may not punish people for knowing how to break the law, or for reading about it.

Other Objections

Most civil libertarians, concerned about the constitutional issues discussed above, raised little objection to the terrorism bills' proposed increases in federal spending. Not surprisingly, the final bill became a Christmas tree of new federal money, with the FBI taking an additional $462 million, the Drug Enforcement Agency (which has no anti-terrorist responsibilities) getting $172 million extra, and various other federal and state agencies many millions more. But instead of adding still more federal debt, Congress could have found whatever additional anti-terrorism resources are needed by reassigning federal agents currently assigned to matters that are not legitimate federal concerns, such as child support enforcement, obscenity, and non-interstate drug enforcement.

Wiretaps no longer require even judicial approval.

As we consider anti-terrorism policy, we should remember not only the Constitution, but also the Declaration of Independence. Solicitude for foreign governments should not blind us to the fact that most of the nations of the world are dictatorships, and that many of them promote state terrorism. Under the principles on which America is based, governments without the consent of the governed have no legitimacy, and it is the right of the people to overthrow them.

A culture of lawlessness has permeated much of American law enforcement.

Yet the new terrorism law applies prison terms of up to 25 years to any person who plans the destruction of state property in a foreign nation with which the United States is "at peace." Thus, if Chinese refugees living in the United States planned a jailbreak to liberate political prisoners in China, they would be guilty of "terrorism." If Americans in 1940 had plotted the destruction of railways leading to Nazi concentration camps, they too would have been guilty of "terrorism." So would the countless American Jews who smuggled firearms to the Jewish resistance movement in Palestine in the 1940s. Had such a "terrorism" law been universal in 1776, the Dutch, French, and other private citizens who provided material assistance to the American Revolution while their governments were at peace with the British Empire would have been "terrorists" as well. It ill becomes a nation born in violent revolution with foreign assistance to felonize the very charity that allowed it to become free.

The British Tragedy

More government secrecy, more police powers to detain people at will, less governmental accountability, less freedom — these are not novel responses to terrorism. They are precisely the approach that has been taken in Great Britain since the early 1970s. The British experience offers sobering lessons to those who believe we can set down this road without endangering ordinary citizens' basic rights.

In 1974, IRA terrorists bombed pubs in Birmingham, killing 21 people. Home Secretary Roy Jenkins introduced the Prevention of Terrorism (Temporary Provisions) Bill. Approved without objection in Parliament, the Bill was supposed to expire in one year, but has been renewed every year since. Under the Bill, the police may stop and search without warrant any person suspected of terrorism. They may arrest any person they "reasonably suspect" supports an illegal organization, or any person who has participated in terrorist activity. An arrested person may be detained up to 48 hours, and then for five more days upon the authority of the secretary of state.

Of the 6,246 people detained between 1974 and 1986, 87% were never charged with any offense. Many detainees reported that they were intimidated during detention and prevented from contacting their families.

The Prevention of Terrorism Bill also makes it illegal even to organize a private or public meeting addressed by a member of a proscribed organization, or to wear clothes indicating support of such an organization.

The Act allows the government to issue an "exclusion order" barring a person from ever entering a particular part of the United Kingdom, such as Northern Ireland or Wales. Persons subject to this form of internal exile have no right to know the evidence against them, to cross-examine or confront their accusers, or even to have a formal public hearing.

The European Court of Human Rights has ruled the Prevention of Terrorism Act to be in violation of Article Five, Section Three of the European Convention on Human Rights, which requires suspects to be "promptly" brought before a judge. Nevertheless, the British government refuses to abandon its preventive detention policy, and evades the European Court's ruling by invoking Article 15's provision for countries to ignore the Convention on Human Rights "in time of war or other emergency threatening the life of the nation."

One of the most important lessons from Britain is that even huge restrictions on civil liberties do not long remain "sufficient" in the eyes of the government. At least in regard to civil liberties, the Domino Theory has proven correct, as one traditional Anglo-American freedom after another has fallen under the government's assertion of the need for still more anti-terrorist powers.

In Northern Ireland, the right to trial by jury has been "suspended" for political violence cases; judges in the Diplock courts hear the cases instead. Confessions extracted through "the five techniques" — wall-standing, hooding, continuous noise, deprivation of food, and deprivation of sleep — are admitted as evidence without corroboration. Convictions may be based solely on the testimony of "supergrasses" (police informers). Wiretaps no longer require even judicial approval.

In 1988, the Thatcher government enacted additional laws restricting civil liberties. Television stations were forbidden to broadcast in-person statements by supporters of a legal political party, Sinn Fein. The ban even applied to rebroadcasts of archive films taped many decades ago, such as footage of Eamon de Valera, the first president of Ireland. A confidential British Broadcasting Corporation memo announced the government's intention to keep journalists from broadcasting any statement by U.S. Senator Edward Kennedy supporting Sinn Fein. BBC radio even banned songs protesting the U.K.'s Ireland policies.

The most important thing the government can do to prevent terrorism is to not practice it.

As in America, gun prohibitionists hitched their wagon to "anti-terrorism" with little regard for an actual terrorist nexus. Although British laws regarding possession of actual firearms were already severe, the Firearms Act of 1982 introduced restrictive licensing for imitation firearms that could be converted to fire live ammunition. The sponsor of the new law promised that it would help stem "the rising tide of crime and terrorism," although there had never

been a crime or terrorist act committed with a converted imitation weapon.

A suspect's decision to remain silent under interrogation may now be used against him in court. Although terrorism in Northern Ireland was the stated basis for the change, the change also applies in England and Wales. No one who has seen Great Britain's slide down the slippery slope can feel confident that repressive measures introduced solely for terrorism will not eventually seep into the ordinary criminal justice system.

The first time the Prevention of Terrorism Act was used was after another pub bombing, in the English town of Guildford. Four people were arrested, held incommunicado in prison for a week, and coerced into false confessions through administration of drugs and threats against their families. While the "Guildford Four" were being held, the police fabricated evidence against them. Although already imprisoned members of the Irish Republican Army confessed to the Guildford bombings, the Four were tried, convicted, and sentenced to life in prison. Several leading English statesmen, including Roy Jenkins, felt that the defendants had been framed. A campaign to free them continued for 15 years, until, upon discovery of police notes of fabrication of evidence, the Guildford Four were released.

The Birmingham bombings that had led to the Prevention of Terrorism Act resulted in the conviction of a group of defendants called the "Birmingham Six." Amnesty International charged that their confessions were extracted under torture. The forensic scientist whose testimony convicted the Birmingham Six later admitted that he lied in court. The Birmingham Six confessed while being held incommunicado by the police; the various confessions were so factually inconsistent that they could not have been true. Civil libertarians fear that the Birmingham case is only one of many instances of police obtaining coerced confessions.

The Birmingham Six were also eventually freed. Britain, fortunately, has no death penalty. In America — where, before anyone had even been indicted, President Clinton announced that the perpetrators of the Oklahoma City bombing should be executed — the federal death penalty means that any vindication of persons wrongfully convicted of terrorism might be postmortem.

The battle over the terrorism bills showed the increasing clout of a new Bill of Rights alliance.

To state the obvious, all of Britain's "anti-terrorist" legislation has hardly immunized that country against terrorism. But Britain has, in two decades, eviscerated the magnificent structure of liberty and limited government that took over a millennium to construct. Britain was once the freest nation in the world; today, it is one of the least free in Western Europe. No matter how great a country's tradition of liberty, its freedoms can be lost in less than a generation.

Practice What You Preach

Contrary to some militia rhetoric, the United States government is not a terrorist conspiracy. But it too often behaves in a terrifying manner, leading a majority of the American people to fear their own government. The police excesses documented in recent years demonstrate that a culture of lawlessness, militarization, and violence has permeated far too much of American law enforcement.

Ultimately, the most important antidote for almost every civil liberties problem discussed above is the same. The federal government should get out of criminal issues that it has no authority over in the first place. The Constitution specifically authorizes federal enforcement of only two types of laws, both of which involve uniquely federal concerns. The first is based on the congressional power to "provide for the punishment of counterfeiting the securities and current coin of the United States." The second involves the power to "define and punish piracies and felonies committed on the high seas, and offenses against the law of nations." Although currency and the high seas clearly involve areas of federal, not state concern, the authors of the Constitution felt a need specifically to authorize congressional law enforcement regarding these matters. Given that need for specific authorization, it is hard to justify Congress arrogating to itself vast criminal powers from the "necessary and proper" clause, the interstate commerce power, and the taxing power.

Most of the federal government's criminal law jurisdiction is built on an intellectual foundation of sand. Perhaps one day it will be swept away by jurists committed to the text of the Constitution rather than the political trends of the hour.

In the meantime, the most important thing the government can do to prevent terrorism is to not practice it. Without the unjustifiable, illegal, militaristic, deadly federal violence at Ruby Ridge and Waco, there would be no militia movement. If Ruby Ridge had led to a real investigation and genuine corrective measures instead of years of coverup by both the Bush and Clinton administrations, followed by grudging, ersatz reforms, America would be both safer and freer.

When the federal government, especially the executive branch, stops demanding new powers and starts exercising its existing powers in a responsible and lawful manner, we will see a massive reduction in the tension between it and the American people. Our government should be a trusted servant, not a terrifying master. ❑

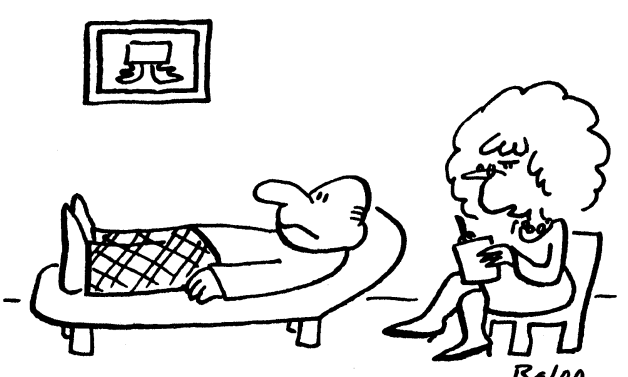

"Sex, sex, *sex* — you men are all alike!"

Investigation

Witch Hunt in Wenatchee?

by Kathryn Lyon

Something is terrorizing Wenatchee, Washington. Is it a dangerous sex ring — or a new Inquisition?

Wenatchee and its neighbor, East Wenatchee, coil around the confluence of the Columbia and Wenatchee Rivers at the eastern foothills of the Cascade mountain range. The two Washington cities bask in abundant sunshine, muzak on main street, and apparent community well-being. Yet beneath this idyllic mask, Wenatchee has been the site of a wave of child sex abuse prosecutions over the last two years. Dozens of people have been imprisoned for bizarre sex crimes. But, on closer examination, it is possible that the real criminals may be the prosecutors.

If you believe former Wenatchee Child Protective Services (CPS) caseworker Juan Garcia, or former Wenatchee Child Welfare Services (CWS) caseworker Paul Glassen, or Glassen's former supervisor Juana Vasquez, the prosecutors' search for the truth took a hike because of a long-standing prejudice — the government's paternalistic notion that Wenatchee's less fortunate kids would be better off in middle-class homes. Wenatchee and East Wenatchee are towns of great economic and social disparity. There are wealthy orchardists, and there are migrant workers; there are middle-class professionals, and there are people caught in a generational cycle of welfare. And a small but significant proportion of the locals is poor, disabled, or illiterate.

The Heart of the Scandal

Central to the controversy are Wenatchee Police Detective Robert Perez and his foster daughter, referred to in court documents as "D.E." Long before D.E. came to live with Perez, she had learned some hard lessons about the expectations of those in authority. In 1992, the then-seven-year-old girl told police and CPS officials that two six-year-old boys had struck her in the crotch with a stick or their hands. D.E.'s brother backed up her story, but the state didn't buy it.

Although no one had accused her parents of abusing her, D.E. was removed from her home, placed in the charge of a foster parent, and reminded that she would have to name an adult molester if she ever expected to go home. For a time, although it was officially acknowledged that D.E. "didn't do well in foster care," she stuck to her story. But eventually, D.E. accepted that no one wanted to hear about the first graders. After two weeks of separation from her family, D.E. was questioned at length and caved in, whispering to a teddy bear the name of a family friend: Abel.

Abel Lopez, an illiterate Hispanic, was brought in for questioning. Maybe D.E. touched him first, he was told. Maybe she forced him to touch her. The court will go easier on you if you confess. After a few hours, a bewildered Abel at last said, "I guess if you say it happened then I'll take the blame for it." He told Officer Dresker that D.E. had taken his hand and put it to her vagina. Having satisfied the officers, Lopez asked in confusion whether he would have to go to court.

Although D.E. was returned home as promised, the local authorities continued relentlessly to intervene in the family. Ultimately, all five children were placed in foster homes. All five suffered from the separation, some acting out their anger and outrage to the point of self-mutilation.

First D.E. was placed with an unmarried foster parent, Robert Devereaux, who ran a group home for girls. She was unruly and disruptive, and Devereaux was forced to let her go.

D.E. was then placed with Detective Perez. No more than a month before, in January of 1994, Perez had been put in charge of the Crimes Against Persons unit, whose duties included investigating child abuse offenses. So, at the same time

that investigators' speculation about her family began to include allegations of incest, D.E. was turned over to the city's chief child sex crimes investigator. This apparently troubled no one within law enforcement.

Perez, a cop with twelve years of experience on the Wenatchee police force, was, critics claim, singularly ill-suited for the responsibilities of his job. In a 1989 performance evaluation,

Perez dominated the conversation with ribald humor and stories that, according to Glassen, were "extremely preoccupied with sexual content."

Wenatchee Police Chief Kenneth Badgley and five other evaluators described Perez as "pompous" and "arrogant," a cop who appeared to "pick out people and target them." According to the evaluation, Perez "[p]resents an image of looking down on people, badgering them. . . . Gives the impression of wanting to trip triggers, likes confrontation and likes having power over people. . . . Is like a wound up wire ready to spring. . . . Is developing the reputation of being a hothead in the community." Strong stuff. But in the years that followed, Perez's evaluations improved.

And he had his allies. According to Garcia, Vasquez, and Glassen, Perez went to daily Division of Child and Family Services (DCFS) staff meetings, scanned confidential files and daily intake referrals, and aggressively marched into marginal cases that didn't meet CPS standards for family intervention. He worked closely with a small group of CPS caseworkers, including CPS Supervisor Tim Abbey, Dean Reiman, Pat Boggess, Laurie Alexander, and Katie Carrow. Carrow often joined Perez while he interviewed children. She later reflected to the *Seattle Times*, "I know without our intervention these children would be leading lives of abuse and mental illness. I've had some time to think about it, and I'm real comfortable with what we did — all of it."

Perez agreed, saying with pride and modesty, "I'm no better than any other investigator. I just asked the next question."

Actually, it was a series of questions. Perez soon learned the value of pitting one person against another, be they child or adult. According to many sources, Perez would confront his subjects (most of them vulnerable because of youth, poverty, minority status, or mental or emotional problems) with what he "knew," intuitively or from the statements of others. Then he would persistently urge them to name witnesses and multiple victims and perpetrators to support his "knowledge." Sources describe Perez's interrogations as a brutal combination of threats (life in prison, never seeing a loved one again) and promises of extreme leniency. Not surprisingly, the list of victims and suspects grew and grew, confirming the expectations of Perez and the caseworkers.

"When I was a child, it was a stranger in the park, maybe an uncle, but never this," Perez told a reporter from the *Seattle Times*. Now husbands and wives were in it together, using their own children as sex toys, swapping them around. "Most of them had nothing to do but collect monthly welfare checks and try to figure out ways to entertain themselves. Unfortunately they decided to entertain themselves by having sex with their children and other people's children."

But Perez was willing to tread where more faint-minded investigators had not. "Nobody ever asked the question about mothers; it was too horrible. Mothers are supposed to protect their children." The crusading detective had no such reservations, and soon asked the big question about Cherie Town.

Following a domestic dispute, Cherie had turned in her husband, Eugene, as a child molester. Perez questioned the Towns' two sons, who described an ongoing pattern of molestation by their father. Then Perez got to wondering what Cherie had been doing all that time. Perez asked Eugene about Cherie, reminding him that she had got him into this mess in the first place. After a time, Eugene acknowledged that Cherie regularly had oral sex and sexual intercourse with the boys.

On April 5, 1994, at 9:00 a.m., Perez and two CPS caseworkers confronted a confused and alarmed Cherie Town at her home. One of the caseworkers, Juan Garcia, observed part of the interrogation that took place when Perez told Cherie to step out into her yard. According to Garcia, Town was crying and obviously nervous and afraid. Perez paced back and forth, waving his finger at Cherie, swearing and calling her a liar. Garcia had known Town for years and felt that she was extremely vulnerable, because of her poverty, severe mental impairment, and history of losing encounters with authority. She was the type of person, Garcia told me, who would cooperate with authority in any way, particularly if someone raised his voice.

According to Town, Perez told her, "I've heard the stories that you've molested your children. I know they're true. If you don't confess to it, I'll make sure you spend the rest of your life in prison." Perez told her she had had sex of every description with her children. He told her there had been witnesses. When she denied it, Perez snapped at her, "Well, you're lying to me. I have

As with all of the cases that followed, Perez's interview wasn't recorded; any notes that might have been made were destroyed.

the information and it's from more than one person, so I know you're a liar."

And then, so abruptly that it stunned her, Perez's voice became kind. "I'll tell you what," Town alleges he said. "I know you have a drug or alcohol problem. I'll talk to the judge and we'll get you in a rehab program and shorten your sentence."

After close to an hour of questioning at her home, Perez took Town to the Wenatchee police station, where, according to his report, he questioned her from 11:15 a.m. until 5:00 p.m., then booked her into the Chelan County Regional Jail. As with all of the cases that followed, the interview wasn't recorded; any notes that might have been made were destroyed.

The way Town tells it, Perez barraged her with what he "knew" to be true and what would happen to her if she didn't confess. At last she began nodding her head and acceding to his accusations. Perez was typing at his keyboard, according to Town, long before she'd reached the point of "confession."

"You're gonna feel a lot better now," Perez allegedly reassured her.

The statement was unusually graphic — far more graphic, in fact, than anything I ever saw in my long experience as a public defender specializing in sex abuse cases. According to the statement, Cherie made a running commentary on positions, acts, and experiences in language that was, to put it mildly, shocking. As Town's attorney pointed out in an unsuccessful bid to suppress the confession, the words far exceeded Town's level of intellectual functioning. (Indeed, the confessions Perez later extracted from other mentally limited defendants bore astonishing similarities in language and graphic detail.)

Judge T.W. "Chip" Small disregarded evidence that Town's IQ had been tested as 77 and that she had completed only the tenth grade in special education classes. He found that "Cherie Town is a person of at least average intelligence and . . . she was capable and able to understand her constitutional rights . . . and in fact did knowingly and voluntarily waive these rights." At this point, Town's conviction was inevitable.

Many similar confessions were to follow.

The Season of the Witch Hunt

It was a time ripe for "disclosures." Many of these had their origin in statements from Perez's foster child, D.E. Although Perez would later testify that it took as long as five or six months for D.E. to "bond" with him, even then the course wasn't easy. D.E. would sometimes fly into rages, throwing things and generally disrupting the Perez household. Several times, Perez and his wife Luci threatened to have D.E. removed from the home. Sometimes the threats were carried out and, as Perez would testify, D.E. "was taken away for a short time to help her deal with her anger." The threats and removals would be followed by more "disclosures."

First to be accused were her parents, Harold and Idella. Idella's IQ has been variously tested to be somewhere between 58 and 68. Harold is totally illiterate. In an interview, Idella said that Perez interrogated her for over four hours, telling her things he "knew" to be true, swearing at her, calling her a liar. On several occasions, she expressly asked for her attorney by name. Perez told her that she didn't need an attorney. Idella eventually caved in and signed a statement. In light of her intellectual problems, a Wenatchee judge ordered that Idella undergo a competency evaluation. She did, but before the results became known to the court, she had pled guilty to reduced charges on the advice of her attorney. Harold also pled guilty on his attorney's advice and was sentenced to 23 years, four months.

The confessions Perez extracted from mentally limited defendants bore astonishing similarities in language and graphic detail.

And then, according to Perez's report, on January 20, 1995, at 7:30 p.m. — nearly D.E.'s bedtime — D.E. approached her foster parents and said she wanted to talk. "We sat there, we sat and listened and I didn't take notes because I was a parent, not a policeman then," Perez said to the *Seattle Times*. "Luci and I comforted her, believed her.

"It was hard for her," he went on. "She was curled up in a ball under the coffee table."

In his report, Perez claims D.E. said that she and several other children had been raped by several adults. The kids would be made to undress and to have sex in groups with the adults, until it was the next group of kids' turn. It happened at her home and the Town home, and at the home of her prior foster parent, Bob Devereaux.

The Devereaux foster home was a particular sore point with Perez. Devereaux had maintained his group home for girls after he and his wife Maxine divorced. Prior to that point, Devereaux had been considered a paragon of foster parenting. But once he became single, he was suspect in the eyes of Wenatchee government officials. In an interview, Devereaux said that CPS Supervisor Tim Abbey warned him, "It doesn't look right, you, a single guy, around all those girls." Men in that position can give in to their impulses, Abbey stated flatly. Devereaux protested that he had strict rules about modesty and that he had neither the inclination nor the lack of self-control to be a molester, but Abbey was concerned.

So, apparently, was Perez. "My suspicion started with a gut feeling," Perez told the *Seattle Times*. "Devereaux brought a girl into the police station. He wanted me to tell this child she shouldn't have sex with her boyfriend. But the way this came across, it wasn't so much that he was doing it as a concerned foster parent, but that he was jealous." And Perez's suspicions grew. "Then I would see him out driving in his car and it would appear more as a social relationship than a parent-child relationship. . . . Then a child said he'd allow them to sit on his lap and drive the car. And that didn't sound right either."

Whether Perez had in fact heard the last statement or merely surmised it, it grew in his mind. One day at lunch, surrounded by potted plants and plates of half-eaten food and cops and caseworkers, Perez became expansive. Among the caseworkers were Juan Garcia and Paul Glassen. Glassen was surprised that Perez dominated the conversation with ribald humor and stories that, according to Glassen, were "extremely preoccupied with sexual content." Many of the jokes and stories targeted Devereaux.

As Glassen tells it, Perez said, "Some of these children are old enough to drive. I'll *bet* he teaches them to drive." Perez then allegedly raised his hand toward his crotch in a mocking imitation of Devereaux. "Come on honey, sit here on my lap and grab this stick shift."

Months later, D.E. related that sometimes she had to "sit on his lap and steer the car" while Devereaux fondled her. Her words spoke volumes

about either Perez's perceptiveness or his ability to influence D.E.

In the early months of 1995, the Perez household went through more cycles of tantrums, removals, and "disclosures." D.E. told Perez and his wife about molestations by an ever-growing group of adults and children. The conversations would take place "about every night," Perez later testified, or at least "up to 48 times. . . . She talked and I listened." He added that it was "great" therapy. "We thought it was great she was getting it out."

But it soon became hard for a cop who kept no notes, even one with a prodigious memory, to keep the facts straight. "It got to the point because there were so many that she wanted to talk about as time went on, this was after ten months or eleven months in our home, that I would tell her, 'Look, if you want to tell me about something you tell me about one or two tonight, and then that's it for now,'" Perez told *Dateline NBC*. "'There were just too many,' [D.E.] would say."

On March 13, 1995, Perez found a solution to sort out the confusing facts. It was a Monday, but he kept D.E. home from school. Along with two caseworkers, he took her on a drive. The expedition wound around her old neighborhood to the southern part of town, then across the bridge over the roaring confluence of the Columbia and Wenatchee rivers, to the diminutive but sprawling community of East Wenatchee.

Now and then, D.E. would press her stubby finger to the glass, pointing out locations where she had been raped in orgies between January 1988 and March 23, 1994. D.E. would point to a house, and the adults in the car would jot down the address because, *now and then*, it pays to take notes. All in all, D.E. pointed out 22 locations. Of these, the authorities were most interested in the Devereaux home; the home of Pastor Robert Roberson and his wife, Connie; and Roberson's East Wenatchee Pentecostal Church.

Roberson was another man who had been raising the government's hackles. For months now, he had been conducting his own investigation, resourcefully gathering documents, speaking out in public against Perez's activities, even attending Idella's sentencing and speaking up on her behalf. According to Roberson, when he left the sentencing, Perez said to him, "We warned you, Roberson. We warned you."

On March 24, the day after D.E.'s drive through town, she got to miss school again. In a six-hour marathon session, she sat with Perez, Kate Carrow, and another CPS caseworker and described a history of molestation

Now and then, D.E. would press her stubby finger to the glass, pointing out locations where she had been raped in orgies.

that would fill 16 pages of Perez's typed Incident Report. The events started when she was but two years old, she said. At first, they involved just her grandparents; then her parents and brothers and sisters joined in. D.E. went on to describe groups of about 15 adults who would meet at various homes and swap kids. Men would do "the wild thing" to the girls and the women would penetrate the girls with their fingers. "Then they would change kids and start over."

It would happen several times a week. "Bob Devereaux would come over in the mornings and a man named Paul Glassen who worked at CPS," D.E. purportedly said. Both would do "the wild thing" to all the children. Roberson would visit often. "He did 'the wild thing' to me. He came lots of times to my house; maybe six times a week."

At the Devereaux home, D.E. related, there were many adults and at least twelve kids. Kids would go upstairs in groups of six, while the rest had to remain downstairs watching pornographic movies. Upstairs, D.E. said, they would go to a bedroom with six beds constructed from bunk-beds that had been taken apart. The adults undressed, got in line, and took turns having intercourse with each child. After every adult had had a turn with every child, the next group of kids would be brought upstairs for the same treatment. "We would keep on going upstairs and back downstairs. This happened during the day and at night."

The Robersons, according to D.E., would touch children at their home, often after swimming parties. Robert did the "wild thing" with the girls and fondled the boys. Connie did the "wild thing" with the boys and fondled the girls. A lot more kids were molested at the church. "That's all I can remember right now," said D.E., ending the interview.

But not for long. As Perez drove her home, D.E. pointed to a man walking along the sidewalk. "That's Frank," she said, according to Perez's report. "He abused us too."

Perez was outraged. "Child molesters are the lowest form of life," he would later tell *Dateline NBC*. "They prey on little children who cannot defend themselves. I'm not the best investigator in the world but I will take up the cause of these kids and I will believe them and I will defend them. I'll never be able to arrest every child molester. I'll never find out who every child molester in Wenatchee is; I don't have any illusions about that. But what I will do for the time I'm at this desk, I will do my best to see they're all rounded up, the ones that I'm made aware of."

By the time of D.E.'s massive drive-by disclosures, a drive that came to be known among critics of the investigation as the "Parade of Homes," Perez was well on his way. By then, Devereaux had long since been arrested.

On July 30, 1994, Devereaux had allowed his girls to camp out in the back yard. He set his alarm to go off every couple of hours, to check on them. The last time, he found one of the girls in the tent with her boyfriend. It was A.R., a girl with mental disabilities secondary to fetal alcohol syndrome. The party was over.

Also over, Devereaux announced, was A.R.'s relationship with her boyfriend. A.R. was furious and, when she got the opportunity, laced Devereaux's soft drink with iodine. Devereaux noticed it after a tiny sip and A.R. confessed. In accordance with the legal requirements of foster care, Devereaux notified CPS, who, in turn, called the police. A.R. was questioned, made a

statement, was taken to the juvenile detention facility, and was charged with assault. The iodine bottle and some other items were placed into evidence. A.R. was arraigned and appointed an attorney. The case appeared to be closed.

And then Perez heard about it, and decided to test his theories. Although he was assigned to a different police unit, Perez interrogated A.R. at juvenile hall. According to Perez's report, A.R. disclosed that Devereaux had molested her and others. But she later said that Perez "was putting words in my mouth, mixing things up." He questioned her repeatedly, trying to get her to acknowledge these things. According to A.R., the questions "made me feel low about myself." She said that she felt scared and "intimidated," and that Perez was "in my face."

At last, A.R. said, she broke down and started to say the things she knew Perez wanted to hear, hoping that her words would put an end to it, that he would leave her alone. "It didn't feel right in my heart," she said.

Devereaux was arrested that afternoon; Perez hauled him down to the station, leaving the foster children unattended. Paul Glassen, a CWS caseworker with 28 years of experience in dealing with children, came to the home after one of the children called him. In an interview, Glassen said he was aghast that the children were alone. The next day, at the request of a juvenile probation officer, he went to see A.R., who was on his caseload, at the Chelan County juvenile detention facility. After a moment, A.R. blurted out to him, "I told a whole bunch of lies about Dad." She went on to describe how Perez had pressured her. Glassen took notes and, as soon as their meeting was over, reported her words to the authorities.

A.R. later said that Perez "was putting words in my mouth, mixing things up."

Within a day, Glassen was arrested for witness-tampering. But A.R. steadfastly denied that Glassen had coerced her into recanting. Glassen was then charged with obstructing a public servant. When a pro-tem judge dismissed that charge for lack of evidence, Glassen's name started appearing in statements given by children and adults who "confessed" after interrogation by Perez.

Glassen was placed on paid administrative leave as soon as he was accused of witness-tampering. So was his supervisor, Juana Vasquez, who had defended his actions. So was CPS caseworker Juan Garcia, who had frequently and loudly argued that Devereaux had been set up. After around twelve months of leave, they were all fired. Glassen took his young son and his wife, Suzanne, and moved to her homeland, Canada. He believed — with good reason — that his child might otherwise be placed in foster care and forced to undergo the familiar "disclosure"-seeking procedures.

A.R. was later brought down to the CPS offices so that Perez could question her further. Her then–foster parents, the Rutherfords, had researched the law and learned that A.R. had the right to ask that an adult be present while she was interviewed. According to Janet Rutherford, when she asked CPS caseworker Carrow if Janet and her husband or their lawyer could be present, Carrow was silent for a long moment. "It sounds like you have something to hide," she said at last. "Should we be investigating *you*?"

Perez questioned A.R. alone for over two hours, then threatened her with arrest on charges of false reporting. "I then asked her [if] what she had told me in August was the truth or not," Perez recalled. "She looked down and after a few seconds, said, 'I was lying.'" According to A.R., Perez threatened to put her in juvenile hall immediately unless she went back to her original statement. She refused, and was awarded with a stretch in a facility for children with severe behavioral problems.

To the authorities, such recantations mattered little, now that the circle of accusers had grown. The police routinely urged kids to list multiple victims, perpetrators, and locations. Although dozens of children had been named as victims, Chelan and Douglas County police and prosecutors didn't bother talking to most of them. Instead, they decided that a small core group of six or seven child witnesses was sufficient to prove their cases. Two, D.E. and her sister M.E., were now living with Detective Perez; another, A.S., had made false allegations of abuse in the past, naming a therapist, a teacher, and her foster parent of that time, among others. (In fact, A.S. admitted in trial testimony that she had made up lies about being molested in the past to "get my own way.") Still other child witnesses were undeniably mentally unstable. All of the "reliable" child witnesses were closely contained — isolated, separated from their extended families, and kept with "helpful" foster parents.

The stories became increasingly bizarre, including acts suggestive of Satanic rituals and acts defying the limits of human sexual stamina.

Cops and Robersons

With the passage of time, the stories became increasingly bizarre, including acts suggestive of Satanic rituals and acts defying the limits of human sexual stamina. In the Devereaux home, C.M. reportedly said, groups of men (some of whom "could have been females dressed up as males") dressed entirely in black and wearing sunglasses took turns having sex with each of the girls. Nobody said anything, and when they were finished, they just left.

D.E. and others interrogated by Perez said that in the Devereaux home, 15 or 20 adults had gone upstairs and stood in line to have sexual intercourse with as many children. Each man would have sex with each child. One proponent of this story was Larry Steinborn, a convicted child molester. Steinborn had been offered a "deal" — or, as a Wenatchee police report delicately put it, an "arrangement" — for his testimony. They would dismiss their charges against him if he agreed to identify and testify against others.

Not surprisingly, Steinborn agreed and, though never called upon to testify, received the benefit of the bargain.

Many of the more bizarre stories centered around the Robersons and the East Wenatchee Pentecostal Church of God. A.S. told an interviewer for the Douglas County Prosecutor's Office that she had been raped by Roberson and other males, usually in the church office. Women had penetrated her with crayons and pencils and other writing objects in the tiny ladies' bathroom.

When Sam kept denying the charges, she was removed permanently from school, strapped onto a gurney, and sent for five weeks to Pine Crest Hospital, a mental institution in Idaho.

A.S. produced a list of 19 adult perpetrators and nine child victims, prepared at the urging of — and with the assistance of — her foster parent, who also made certain editorial changes (adding names and details).

The list received a further workout when A.S. was interviewed by the police three weeks later, again at the instigation of her foster mother. This time, A.S. said, most of the names on the list were people who molested her at Devereaux's foster home. Most of the people on the list had "hurt" her and other kids, she explained. "Hurt," Officer Mike Magnotti clarified in his police report, meant that "objects had been inserted into the girls' vaginas, usually writing instruments and/or men's penises."

Among the listed suspects who had "hurt" A.S. were a "black lady"; Jon, who worked at a convenience store; and Bobbie, a former foster parent. After some investigation, Magnotti confronted A.S. at her foster home and "told her that I suspected she had not been truthful to me about some of her disclosures." A.S. quickly admitted that she had "made up" the black lady and lied about Jon, "due to the pressure of the case." A.S. said that the rest of what she had said was true but the person she thought was Bobbie could have been "her twin sister."

The Roberson case took on a new dimension when Wenatchee police interviewed Gary Filbeck. Like Larry Steinborn, Filbeck had a prior conviction for child molestation. Like Steinborn, Filbeck accepted a "deal" in exchange for his testimony. Ironically, Steinborn and Filbeck appear to be the only people previously convicted of molestation (or any felony) to be charged in the course of these events.

Perez interviewed Filbeck for several hours; at the end of that time, Filbeck, who is totally illiterate, signed a statement. According to this statement, Filbeck and his wife had quit the Pentecostal church the previous year, partly because "I wasn't getting nothing out of the Bible" and partly "because of all the stuff that was happening." And amazing stuff it was.

"We used to go in there, in the pews on the main floor and Robbie'd get the Bible out and tell everybody to start praying and Robbie'd call some little girl up and do it to her." ("Do it," Filbeck explained, meant sexual intercourse.) Pastor Roberson, Filbeck continued, would "be kneeling with his hands up like the Pentecostals do and he'd take the girl's clothes off and lay them down and do it to them right on the stage. He said that was the way to get the devil out of them. Everybody got excited and they'd start doing it, taking kids up and doing it." Filbeck said that he personally exercised more restraint than the rest. "I just fondled them, the ones he just got done doing it to."

"Robbie would say, 'Hallelujah, there goes the devil!'" Filbeck claimed. Roberson would then "pull it out," ejaculate on the child, and exclaim, "That's to wash the devil away!"

In a grand display, eleven vehicles from the Douglas County Sheriff's Office, the East Wenatchee Police Department, the Washington State Patrol, and the Washington State Patrol Crime Lab screeched to a halt in front of the Pentecostal church on March 28, 1995. Roberson was handcuffed and arrested in front of several volunteers and hundreds of clients for the food bank he operated out of the church basement. Connie was arrested at a community college she was attending.

Meanwhile, police and lab technicians searched the Roberson house and the Pentecostal church, made a computer map of the church building, confiscated records and phone lists, took swabs of stains, and removed sections of carpeting, drapery, even walls. Police removed over 55 items from the church and conducted an inventory, which exhausted nine pages of the police report. None of the items was overtly sexual, but the police had high hopes for the stains, which "appeared to be body fluids." The eight-hour search was a spectacular, efficient, and thorough team effort — something that, according to all expectations, would do them proud.

Yet a little over a month later, Washington State Patrol serologist Kevin Jones revealed that he had tested all of the submitted evidence for the presence of semen and that all of the tests had come up negative. No incriminating tapes, documents, computer programs, or sex objects were ever recovered.

The police did not reveal Jones' lab results to the defense for several months.

As the Robersons' trial approached, Douglas County prosecutors found a way to deal with the absence of semen. "The pastor," they explained, "at no time ejaculated." This, of course, contradicted the statement given by one of their key witnesses, but that wasn't a problem, because by then Filbeck's story had changed.

Some clue to Judge Small's opinions might be gleaned from his comment that he wouldn't agree to be interviewed about the trial in progress until "after the sentencing."

Shifting strategies in light of witness recantations was nothing new to these police and prosecutors. It was with confidence that Chelan County Deputy Prosecutor Roy Fore announced in April of 1995 that "[i]t looks like the circle is growing larger." Douglas County Sheriff Dan LaRoche confirmed that many more arrests were pending, and Wenatchee Police

Sergeant Sherie Smith added that her department was looking at a possible 50 suspects. "We've only reached the tip of the iceberg," Smith told a reporter from the *Seattle Post-Intelligencer*. "Stay tuned."

Dissent and Retaliation

Critics were urging the media to "stay tuned" as well. Dissenters, some associated with a national organization called VOCAL (Victims Of Child Abuse Laws), had become outspoken in their complaints about police activities in the Wenatchee area. A member of the group spoke with K.A. about a four-hour coercive interrogation by Perez, and captured the interview on videotape. At one point, K.A. recounted, Perez picked up the phone and instructed police to arrest and jail her mother. He then told K.A., "Well, you got ten minutes to speak now. Get it out and I'll stop that phone call."

VOCAL, through its local spokesman, Bob Kinkade, staged protests and rallies, filed a class action suit in U.S. District Court in Spokane, and called for the dismissal — and possible arrest — of Perez and the CPS employees who had assisted in the investigation. Kinkade said that Roberson had been arrested only because he had been critical of the police. And indeed, Roberson had been arrested within days of attending a VOCAL rally and showing the files of his independent investigation to Spokane television reporter Tom Grant.

As if to lend credence to Kinkade's allegations about retaliation, his own name started appearing with regular frequency in statements given by witnesses Perez questioned. When another VOCAL member, Bob Stewart, was named in the *Wenatchee World* newspaper, his name cropped up in police reports as well. Defendants such as Donna Hidalgo, Steinborn, and Filbeck were offered incentives to testify against Kinkade, Stewart, and former Wenatchee caseworker Paul Glassen, who had by then gone to the media with his concerns.

Even children who spoke out against the Wenatchee government risked retaliation. Consider what happened to 16-year-old Sam Doggett. First Perez arrested her parents, Mark and Carol. Then Perez came to California, where Sam and her younger sister were staying with a family friend. The two girls were then transported back to Wenatchee — apparently without benefit of the legally required Interstate Compact Agreement — and separated from each other, after a terrible struggle at the airport.

When Sam kept denying the charges, she was removed permanently from school, strapped onto a gurney, and sent for five weeks to Pine Crest Hospital, a mental institution in Idaho. In an interview, Sam said that although she was purportedly hospitalized for being suicidal (a diagnosis she vigorously rejects), the subject of her therapy was victimization and denial. She was denied all the legal rights to counsel and hearing that would have been hers had she been civilly committed to a mental hospital under Washington state law.

When asked to point out his molester, J.T. pointed not to the defendant but to his attorney, Robert Van Siclen.

After her release, Sam went to the media to tell what happened. Her life then became a hellish game of musical chairs. She was shifted from foster home to foster home, permanently kept out of school, denied contact with all members of her family, and threatened with juvenile hall. A day or two after her interview with me, she ran away.

Ironically, the Doggetts had come to police attention after Mark and Carol reported to CPS and to law enforcement that their son had fondled their daughter. Mark and Carol had wanted some help, believing that Child Protective Services meant what its name implied. Their concern in itself became suspect to the authorities. After their arrest, Mark and Carol Doggett consistently maintained their innocence. Sam's siblings were placed in therapy to help them "overcome" their "denial" and "recover" memories of abuse. Over the weeks, they made several "admissions" — and recantations. The latter would be followed by isolation: they would be separated, moved to different foster homes, and frequently taken out of school.

At trial, the children testified to Perez's coercive techniques. J.D. said that Perez had pressured him, called him a liar, and asked him the same things over and over. A.D. told a similar story about Perez forcing her to lie: "At first when I was meeting with Bob Perez, I told him no, that nothing happened; and he — he kept on asking me the same question over and over and over again but in different words, and . . . he wouldn't like really believe me that nothing happened, so I had to tell him something."

E.D. acknowledged that she had written a letter saying her parents had molested her. But, she continued, she had done this only because Perez had pressured her into it. Her therapist, Cindy Andrews, reported that E.D. had subsequently written her a letter recanting her statement and saying that Perez had told her "he had all today and all tonight and most of tomorrow to wait" until she told him what he wanted to hear.

M.D. said that she had denied that her parents had molested her for a long time, until Deputy Prosecutor Roy Fore told her "about the treatment thing." But she also testified that she had become convinced her parents had indeed molested her, and that she had lied when she said otherwise "because I was afraid that . . . we wouldn't be a family again."

Both Mark and Carol Doggett were convicted of molesting and raping M.D. and received a sentence at the top of Washington's standard sentencing range for the crimes: eleven years. They had opportunities to plea-bargain, most recently at the very conclusion of the trial testimony, when Chelan County prosecutors offered to reduce the charges to a single count each of child molestation, carrying a six-month sentence with credit for the substantial time they had already served, plus community treatment, if they would plead guilty. Mark and Carol refused, preferring, as they put it, to opt for integrity. Said Mark at his sentencing, "My feeling toward this is at no time has the prosecutor been interested in the truth. They had ample

opportunity but they were interested in conviction. I don't believe there can be justice without the truth."

Chelan County officials would put it otherwise, pointing to statistical mileposts of success as proof of justice done. By the end of 1995, 18 defendants had pled guilty on the advice of their public defender; most of these had confessed upon being interviewed by Perez. Ten more were convicted after trial. Some of them received sentences upwards of 40 years. On the other hand, eleven felony cases had been dismissed, including Devereaux's. Devereaux had been arrested on 670 counts and faced a potential eight life sentences. In the end, he pled to enormously reduced misdemeanor charges carrying no jail sentence: misdemeanor assault for once spanking a foster child, and obstructing justice for warning a man that he might be arrested.

Still, the conviction rate was impressive. "These statistics, I think, speak for themselves," Chelan County Prosecutor Gary Riesen told the *Washington Post*. "As a prosecutor, I'm comfortable with my belief that we had sufficient evidence of probable cause to file these cases and get these kinds of results."

Meanwhile, in Douglas County. . .

Neighboring Douglas County couldn't make the same claim. Pentecostal Sunday School teacher Honnah Sims was acquitted in half an hour by a jury outraged that she had even been brought to trial. The Robersons' approaching trial looked increasingly shaky. D.E. was now so emotionally disturbed that she was hospitalized, and could no longer be expected to testify. And the other child witnesses and Gary Filbeck had altered their stories, and nearly all church members denied knowing of any abuse. Finally, the county police and prosecutors were becoming uncomfortably aware of the massive national criticism that had by now been directed at Perez.

But the prosecution persisted. Douglas County officials claimed that there were vast differences between their investigations and those pursued by Chelan County. They did this by disavowing reliance on the huge body of investigative materials and witness statements turned over to them by Perez — and, above all else, by simplifying the cases.

Separating themselves from the confusing mass of improbabilities, inconsistencies, changed stories, and recantations that had become the very fabric of the "sex ring" investigations was no easy task. But try they did. In an interview, Douglas County Prosecutor Steve Clem said that he didn't "view the [Roberson] cases as a sex ring." Instead, he said, they were "individual acts." He told me that he was "not aware of any group sex," although some of the acts might have been performed "in the presence of each other."

In the course of his coverage, reporter Tom Grant was himself accused of molestation.

"Let's say you're a prosecutor," Clem put to me. "You have a choice: close your eyes or seek a determination of whether there has been touching." Ultimately, in Clem's view, it was the jury's responsibility to sort this mess out. But Clem tried to narrow the odds of success by amending the charges on the very eve of trial, adding victims and new facts to support the current witnesses and trial theories.

The Robersons' trial took several weeks. A few kids testified against the couple, including C.M., who admitted on cross-examination that she had earlier falsely accused a stepfather of molesting her. In the Robersons' case, she insisted, the molestations *had* occurred, although she had previously denied it because "I pushed it so far down inside of me I didn't remember it at that time." C.M. added that therapy had improved her memories. "I used to be closing doors. Now I'm opening them."

Another prosecution witness was J.T., who said he had been molested at the Pentecostal church. When asked to point out his molester, J.T. pointed not to Robert Roberson but to his attorney, Robert Van Siclen. R.R., the Robersons' young daughter, soundly denied that either of her parents had molested her. Although D.E. did not testify, her statements were introduced through hearsay testimony. Some of the witnesses' statements were "supported" by disputed or ambiguous medical evidence. Prosecutors displayed a computer chart detailing the police's thorough search of the church — the search that had availed the prosecution of nothing. Filbeck testified in a halting, childlike way; his testimony contradicted his original statement. When asked to define a "lie," he was stymied.

Then it was the defense's turn. Judge Small refused to let defense experts refute the medical evidence or discuss such concepts as "memory" or "suggestibility," because such things were "within the province of the jury." Many other rulings were also unfavorable to the defense. (Some clue to Small's opinions might be gleaned from his comment to *Newsweek* reporter Mark Miller that he wouldn't agree to be interviewed about the trial in progress until "after the sentencing.") Nonetheless, it was soon clear that the state had a problem. The Robersons' attorneys, Van Siclen and William Parker, paraded in members of the Pentecostal church, one after the other, each of whom denied observing any nefarious goings-on. The Robersons staunchly testified that they were innocent.

And then the defense sprung their trump card, calling Robert Perez to the stand over the strenuous objections of the prosecutor and Perez's attorney, Patrick McMahon, who is also Wenatchee's city attorney. Perez testified to a hushed courtroom that on the morning M.E. had testified against the Robersons, he had grabbed her arm, causing a bruise. A few weeks previously, he admitted, he had grabbed M.E.'s arm, twisted it behind her back, forced her to the ground, and straddled her.

Stung, prosecutor Clem got in one last dig in his closing remarks. Although, he acknowledged, semen hadn't been found by the Washington State Patrol forensics team, some of the stains on the church floor were suggestive of organic matter, even bodily fluids. Maybe the church members urinated on the stage, Clem speculated.

Who could say what these people would do?

The jury quickly acquitted the Robersons of all 14 counts of child rape and molestation. Some of the jury later commented that the trial had degenerated into ugly and offensive name-calling. Worse, it was an evidentiary vacuum. Jury foreman David Fruit, an Orondo orchardist, told the *Wenatchee World*, "There were some of us on the jury that were very concerned and disturbed that neither the Douglas County sheriff nor the Douglas County prosecutors had invested any time or effort on determining the truth or falsity of the charges." Fruit added that the jury was offended by the prosecutor's "insulting" closing remarks and by his failure to investigate responsibly. "He said in court it's his responsibility to find the truth that would exonerate the innocent as well as convict the guilty. It seems he didn't do that."

The jury may have achieved some insight into what it is to be wrongly accused. Said juror Wes Olinger, "when they were standing up and reading the charges, being not guilty, I really felt sorry for those people, for what they had to go through." Roberson, Olinger said, "looked broken. I almost felt like reaching in my pocket to give him money."

So, in early December of 1995, justice was approximated in one small courtroom, in one large and carefully scrutinized trial. The media folded up their notebooks and tripods and headed back to the distant cities whence they had come. But the story is far from over.

More than two dozen people, many of them with severe mental or emotional limitations, may be in jail today as a result of coerced confessions. More than 50 children remain in the limbo of foster care. One original "sex ring" case is still pending trial. An outspoken drug/alcohol counselor who is also an unmarried male foster parent — shades of Devereaux — has recently been charged on multiple victim counts of communicating with a minor for immoral purposes. Countless defendants who were fortunate enough to escape conviction now face financial, social, and professional ruin. And the spirit of government repression remains intact.

Against the Grain

In late September of 1995, I completed an approximately 200-page account of my investigation, titled *The Wenatchee Report*, describing alleged civil rights violations by officials involved in the investigation and prosecution of the sex cases. I sent copies to various national civil rights organizations; to a handful of politicians, including Washington Governor Mike Lowry; and to the U.S. Attorney's Office for the Eastern District of Washington State, which forwarded it to the U.S. Department of Justice in Washington, D.C.

On October 3, 1995, Governor Lowry wrote U.S. Attorney General Janet Reno requesting a federal review

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of the Wenatchee-area sex ring prosecutions. Nearly two months after the Roberson trial had ended, Reno announced her decision: that there was insufficient evidence of "prosecutable civil right violations" to merit federal investigation. Although such is not a requirement of the law, Reno explained that, "typically," Justice investigates only allegations involving "physical force," as opposed to "psychological coercion."

The decision disturbed me, but not because I had held out much hope that Reno would decide otherwise, given her history of zealously prosecuting similar cases. I was concerned because I had learned from reliable sources that the most extensive document Reno reviewed — and the sole source of critical concerns — was *The Wenatchee Report*. Although my report was clearly intended to be preliminary, neither Reno nor the Justice Department interviewed any Wenatchee officials, defendants, witnesses, children, or critics.

The Wenatchee government quickly announced that it had been completely and thoroughly vindicated. To be on the safe side, a consultant, Don Van Blaricom, was called in at a cost of $1,850. Van Blaricom is a retired police chief from Bellevue, Washington who for years has made a substantial living from expert witness consultation on the propriety of police activities. He spent one day interviewing four police officers (Perez, Chief Badgley, and two others) and reading *The Wenatchee Report*. Van Blaricom did not talk to any witnesses, children, or defendants; nor did he review any police reports, transcripts, or other documentation.

Instead, he assessed the relative credibility of the police and the critics, whose concerns, he claimed, were all neatly set out in *The Wenatchee Report*. At a news conference, Van Blaricom said the report had "no credibility in it" because it relied on "disgruntled employees" and "people who pled guilty or were found guilty in court after all the protections of the criminal justice system." (In fact, many of the witness statements on which *The Wenatchee Report* relied were not from people who had been convicted or even accused, and the report was based in large part on Wenatchee police reports, court transcripts, and other official documentation. Unlike Van Blaricom's investigation, my report took four months to complete.)

Perez and his colleagues, on the other hand, were entirely credible, said Van Blaricom. Van Blaricom acknowledged that police are frequently called upon to lie in order to extract confessions — indeed, that cops have "a duty to lie" because such is a badge of good police work. Yet, he said, cops cannot lie convincingly about themselves and indeed can only lie when it is "for good of God and country." Leading questions, psychological coercion of adults, and destruction of notes are similarly appropriate, even desirable police techniques if they get results, the expert continued. Nor was it a problem that Perez, in his dual role as chief investigative officer and foster parent, lived with key complaining witnesses.

Van Blaricom said that the only problems with the investigation were the result of a media "feeding frenzy," which led public criticism to get "out of hand." The media, he continued, were naive or misguided about the dynamics of group sex abuse. "It's probably happened in their own community as well but it's not been discovered by them."

Van Blaricom's "investigation" found its way to the governor's office in the form of a letter from Wenatchee's mayor and three city commissioners. The letter expressed their satisfaction with Reno's decision (which they wrongly construed as a finding that no civil rights violations had occurred) and Van Blaricom's conclusions. The writers urged the governor to discourage all requests for a state investigation.

This was communicated to me by one of the governor's lawyers. The governor wouldn't talk to me, he said, because "that would be taking sides." Yet Lowry *had* met with a delegation of prosecutors purporting to represent all prosecutors' offices throughout the state. Their position was simple: *Stay out!* Or, more accurately: *If there's a problem in Wenatchee, let us handle it.*

It was almost *deja vu*. A few weeks before, a delegation of prosecutors purporting to represent their colleagues appeared before state House and Senate committees to oppose legislation designed to safeguard the integrity of the child interview process. Let us police our own, was the message.

If Governor Lowry decides to support a state investigation, his lawyer added, "the battle lines will be drawn." I submitted a proposal for a multi-system investigative task force under the auspices of the governor's office, but I didn't walk away with a realistic hope that it would happen. In any event, I wasn't going to be part of the equation. "I'm gonna take a whole lot of flak for just talking to you," I was told.

And, of course, I knew where the flak was coming from — not only state prosecutors who resented my meddling with their brethren, but Perez and his legal representative, Wenatchee city attorney Pat McMahon, who had already expressed his contempt for me.

On February 2, a few hours after the Reno decision, I was served with a faxed copy of a subpoena to appear at a deposition and produce documents I had gained in the course of my investigations. The subpoena was from Perez, through McMahon, and purported to be in response to civil actions by three of the plaintiffs in lawsuits against Perez, the State of Washington Department of Social and Health Services, and certain named caseworkers and other government officials. (Similar lawsuits totaling around $90,000,000 have been filed by various criminal defendants.) Also subpoenaed

"Frankly, the colleges are overstocked right now. How about leaving your brain to a high school?"

on that day were Tom Grant, a reporter from Spokane's KREM-TV who had relentlessly covered the investigations, and Bob Kinkade, VOCAL's outspoken spokesman. Working individually, the three of us have probably been most responsible for national awareness of the Wenatchee cases.

Grant's subpoena was quashed as overly broad. And Thurston County Judge Thomas McPhee ruled that my efforts were privileged, as the work of a journalist would be. (Though, interestingly, such privileges have not been applied in Washington to authors of journalistic nonfiction books, such as the one I am now writing for Avon.)

Kinkade was less fortunate. He underwent a deposition and was forced to name the members of Concerned Citizens for Legal Accountability, a grassroots organization that had sprung up in response to the prosecutions. He was also asked about ownership of computers and use of the Internet. Perez, it seemed, wanted to find out just who were exercising their First Amendment rights to assemble freely and disseminate information.

In April of 1996, Grant was awarded the prestigious Polk Award for courageous journalism, based on his coverage of the Wenatchee sex cases. He most certainly deserved it if the government's response to him is any gauge: in the course of his coverage, he was himself accused of molestation. So, of course, was Kinkade. No doubt there is a police report out there with my name on it right now.

But maybe not because of allegations of child abuse *per se*. Perez claims I am part of a "conspiracy" involving child molesters, former DCFS caseworkers, defense lawyers, and the national media. McMahon told Judge McPhee that I should be placed under oath so that these associations could be explored, and that I didn't deserve to make a claim of privilege because I had been so low as to speak out against a government with its checks and balances in place.

Officials in Wenatchee have continued to retaliate against their critics. The Wenatchee Police Department closed down an Internet website operated by a grassroots group critical of the prosecutions, because it contained *The Wenatchee Report* and court documents critical of Perez; reopening the site was conditioned on excising certain documents. A woman who assisted the defense during the Roberson trial reports that Perez has "stalked" her for months.

And in March, Perez received Wenatchee's first City Employee of the Month award. He was selected based on several accomplishments, including his work with children. Indeed, according to the award paperwork, he likes to "romp with kids."

Interviewed by the *London Independent*, Perez said, "I'm very satisfied. I've made a major impact on the lives of these children."

There is no doubt about that. ❑

Medianotes *continued from page 16*

options, rumors persist that he was tossed out. It seems quite plain that his left-liberal colleagues didn't much care for his conservative, quasi-libertarian perspective, or for his willingness to expand the boundaries of discussion within *TNR*.

Sullivan is adamant that he left voluntarily. "I quit entirely of my own accord," he wrote in London's *Sunday Times*. "I'd been editor longer than either of my two predecessors, and with 250 issues under my belt wanted to leave before I burnt out, not after."

But reports that he was fired persist, spread primarily by those who criticized his tenure at *TNR*, and I suspect there is probably something to this. *TNR* has long been, as Magnus Linklater put it in the Sunday *Times*, the "magazine which is the flagship of intellectual liberalism," so the choice of the young, gay, Roman Catholic, and rather conservative Sullivan was a controversial one.

Prior to his tenure, *TNR* was as dull as you'd expect "the flagship of intellectual liberalism" to be, consisting mostly of predictable pontificating. Sullivan changed that, bringing to *TNR* a variety of thoughtful viewpoints while maintaining consistently high literary standards. Sullivan's *TNR* continued to serve up the tedious blather of Sidney Blumenthal, Hendrick Hertzberg, Martin Peretz, and Micky Kaus — sometimes it seemed like Michael Kinsley was its only liberal writer who wasn't brain-dead — but it also included occasional features from important and thought-provoking writers like Charles Murray and Elizabeth McCaughey, plus the fresh reporting and analysis of Ruth Shalit.

Shalit rose quickly from intern to featured writer, while reporting the ins and outs of politics in Washington, afflicting establishment liberals along the way. McCaughey wrote a *tour de force* critique of the Clintons' health care plan that may have done as much to defeat it as any single event. So it's not surprising that the writing of these women afflicted the leftist and center-left readers and staff of *TNR*.

But the reaction to Sullivan's choice to publish McCaughey and Shalit was nothing compared to what happened when he proposed to publish an essay by Charles Murray and Richard Herrnstein, adapted from their book *The Bell Curve*. Others at *TNR* were apparently furious at the notion that it would publish a piece suggesting that there is such a thing as intelligence, that intelligence matters, and that there seem to be differences in the average intelligence levels of different racial groups. Sullivan ultimately prevailed, but Murray's essay appeared only *after* a collection of attacks on it was published.

It would be nice if Andrew Sullivan had emulated Sam Francis, who wrote for *Chronicles* a frank and enlightening account of his departure from the *Washington Times*. Instead he wrote a 2,000-word piece for the *Sunday Times*, consisting of a couple of brief paragraphs asserting that his departure was voluntary, followed by a lengthy defense of his editorial decisions. Its effect was to lend credibility to the reports that he had been fired, or at least had resigned under pressure.

Whatever the case, his resignation was a sad day for American political journalism. Sullivan transformed *TNR* from the "flagship of American liberalism" into America's most intelligent and best-written political magazine. My guess is that it won't take long for *TNR* to get back to its old ways. —RWB

Report

Behind These Bars

by Jesse Walker

You don't have to go to China to find prison labor.

On March 22, 1996, politicians, businessmen, and prison bureaucrats descended upon Tallahassee to learn about pork and PIE. The PIE is an acronym for Prison Industry Enhancement. The pork is the prisoners whose industry is to be "enhanced."

The occasion was a PIE Program Conference co-sponsored by Florida's Corrections Commission and Department of Corrections. There, attendees learned that over 122,000 inmates in 30 California prisons were now working for private contractors, doing everything from entering data to recycling waste. They listened to reports on similar convict-labor experiments in several other states. They heard Stan Czerniak, assistant secretary for operations at the Florida Department of Corrections, explain some of the advantages to hiring inmates: they arrive on time, aren't distracted by outside social stresses, and don't have any family commitments to keep them away from the job.

The prison-industrial complex has taken off in the last few years, driven on one side by desperate governments trying to cover the costs of an exploding inmate population, on the other by businesses looking for cheaper labor. In Arizona, 10% of the state's convicts now work for private corporations. In Oregon, felons make "Prison Blues," a special line of blue jeans, for the state-owned UniGroup company. In California, prisoners manufacture "Gangsta Blue" jeans bound for Japan, where, the California Corrections authorities hope, hip-hopping teens will shell out big yen for pants made by honest-to-goodness gangsters. In Washington state, inmates labor for Microsoft, Starbucks, and other big-name companies; in the 1994 election, some found themselves telemarketing for Republican congressional candidate (and now congressman) Jack Metcalf.

Is all this good or bad? The case for "good" can sound compelling. It's absurd, the argument goes, for able-bodied convicts to do nothing but busywork for the state — or, worse yet, to be idle at taxpayers' expense. They should have to pay at least part of their living costs, and to compensate their victims. And work can rehabilitate. It can even teach valuable vocational skills. If American business benefits as well, how can anyone object?

Unfortunately, not much of this stands up to close analysis.

• Sure, it would be nice if prisoners were paying for their own roofs — but they aren't. Most states' convict-labor programs aren't even turning a profit, and those that do make money aren't taking in near enough cash to cover the costs of imprisonment. Sometimes it's hard to tell whether even these "profit-making" prison enterprises are anything of the sort. They are often kept in the black only by sales at above-market prices to government agencies — a "profit" for the prison, but a net loss for the taxpayer.

• Restitution is a fine idea, but the current system doesn't deliver it. Instead of directly garnishing inmates' wages to aid their victims, most states put a percentage of *every* worker's pay — even those in jail for victimless crimes — into a general compensation fund that makes no effort to link one prisoner's labor to his particular victim's redress.

Of course, it's good that *some* restitution is taking place. But as we'll see, it's possible to make convicts pay for what they've done without getting tangled up in the extra problems the current model of prison labor creates.

• Work can rehabilitate, but a job's profitability doesn't necessarily correlate to its practical value beyond prison walls. The salient comparison here is to "workfare," the brand of

welfare reform in which the government requires people on the dole to work — and, if necessary, pays all or part of their wages. The employers get subsidized labor, the welfare bureaucracies stay in business, and the bureaucrats' "clients" rarely receive training of any use in the real marketplace.

Writing in *The American Spectator*, David Frum — a prison-labor supporter — acknowledges some more problems with the rehabilitation argument. "[I]t's possible," he writes, "that the cause-and-effect runs the other way round: that the prisoners most eager to mend their ways are the ones who sign up for work. And it's also possible, as one high-ranking California corrections official fears, that the work most conducive to individual rehabilitation (he cites gardening) is the least remunerative for the state."[1]

Thomas' frankness is refreshing. Rare is the politician willing to admit he dreams of a day in which the best way to find work is to kill somebody.

• Convict labor is essentially a gigantic corporate welfare scheme: costs are socialized and only companies tied into the prison-industrial complex profit. Competing enterprises and workers lose.

Imprisoned workers have virtually no bargaining power with their employers, ensuring below-market wages.[2] In some cases, employers simply replace their entire workforce with forced labor; in 1994, for example, Lockhart Technologies closed its circuit board assembly plant near Austin, Texas, laying off 150 employees, and moved the entire operation into a nearby prison. Other times, entire firms become victims. The Utah Asbestos Abatement Contractors Association has sued Utah Correctional Industries for muscling private enterprise out of the state's asbestos-removal industry. "We find it ironic that they are putting an industry out of business that they are purportedly training people to work in," Association attorney Steven Crawley told *Isthmus*, a weekly newspaper in Wisconsin.[3]

Not surprisingly, neither small business nor organized labor has much affection for convict-employment programs. But some politicians have decided that, if framed properly, prison labor could be a winning issue. Senator Phil Gramm endorsed it during his aborted presidential campaign. "I'd like to turn our prisons into industrial parks," he told the Heritage Foundation in May of 1995. "Every year since I've been in Congress, Jesse Helms, my dear friend, has offered an amendment to ban Chinese goods produced by prison labor. And every year I wonder why we can't make our own prisoners work." Americans were thus treated to the unsightly spectacle of a prominent Republican politician holding up Communist internment camps as a model for the U.S. economy. More recently, former Delaware governor Pete du Pont called for removing restrictions on prison labor in a brief essay published last November by the National Center for Policy Analysis.

The Road to Industrial Policy

Once upon a time, it was practically unheard-of for prisoners *not* to work. In the nineteenth century, most American penitentiaries, state and federal, were virtually self-sufficient. Three-quarters of the inmate population was employed, largely by private contractors. Free workers objected to having to compete with "slave labor," and the government eventually responded. From 1895 to 1923, state legislatures steadily restricted the private use of prison labor. In 1929, the federal government chimed in with the Hawes-Cooper Act, which allowed states to ban intrastate commerce in prison-made goods. In 1936, the Walsh-Healy Act put limits on which government contracts could use convict labor. And in 1940, the Sumners-Ashurt Act banned the transport of prison-made products within a state for private use. After that, American prisoners manufactured goods for government buyers only, making license plates and the like. Only in the last two decades have these restraints been loosened at all.

Some analysts, such as Arizona Assistant Attorney General Adam Peyton Thomas, argue that these laws were no more than protectionism. In *Crime and the Sacking of America*, Thomas describes historic opposition to prison labor as "grumbling from those in the lesser-skilled classes wishing to keep their wages artificially high."[4] That's an odd way to put it — when your competitors can't quit, can't organize, and are subsidized by the government, *they're* keeping *your* wages artificially *low*. Nonetheless, these laws did generally take a protectionist form, and may, as we'll see, restrict some more justifiable varieties of convict labor as well.

The political climate has changed dramatically since those laws were passed. The prison population has drastically expanded, increasing by well over 200% since 1980; today, with 565 out of every 100,000 citizens locked away, the U.S. has the highest incarceration rate in the world. One reason for this is new tough-on-crime measures, such as mandatory minimum sentencing and "three strikes, you're out"; another is the war on drugs. By the

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most recent counts, about 61% of federal prisoners and 21% of state prisoners are in jail on drug charges, figures that do not include those incarcerated for murders, thefts, and other crimes that would not have occurred in the absence of drug prohibition.[5] While it is popularly believed that the Clinton administration has cut back on drug enforcement, drug arrests have in fact reached record heights under the Arkansas Democrat's watch. Bob Dole, Newt Gingrich, and other leading Republicans are calling for an even more severe crackdown; while they opposed much of the pork in the president's crime bill, their version of the law included many of the same features: expanded prison construction, mandatory minimum sentencing for nonviolent offenders, further federalization of law enforcement.

Prison authorities hope hip-hopping Japanese teens will shell out big yen for pants made by honest-to-goodness gangsters.

Not surprisingly, the burgeoning prison population has strained prison budgets, leading a growing number of states — 30 since 1990 — to legalize contracting out prison labor. While this hasn't made much of a dent in the cost of corrections, it has turned crime control into a perverse sort of industrial policy. Now, when politicians decide to mete out harsher punishments to nonviolent criminals, they aren't just wasting resources better spent stopping murders or rapes; they're recruiting workers for the prison-industrial complex.

There are those who both understand and welcome what is happening. Thomas, for one, offers a familiar-sounding, if grotesque, industrial-policy argument: "Prison labor today represents America's brightest, and perhaps final, opportunity to rebuild its industrial base. Prison labor would make available a pool of low-wage workers to the American capital that today is being sent to foreign markets. Entire industries could return to the United States. . . . Prison labor thus stands to do much more than engage prisoners in activities that are more ennobling than weight lifting and sodomy. Prisoners can be the workforce for revitalized industries, bringing jobs back to America."[6]

Thomas' frankness is refreshing. Rare is the politician willing to admit he dreams of a day in which the best way to find work is to kill somebody.

Labor That Works

None of this has any bearing, of course, on whether prisoners should work at all. A strong case can be made for allowing them to participate in the general economy — just not as they do now.

If one accepts that a criminal justice system should be based, to whatever extent is possible, on restitution, it makes sense to ask convicts unable to compensate their victims to work for the money they should owe. How can one do this without running into the problems just outlined? By letting inmates act, as much as possible, like any other participants in the labor market. Instead of companies leasing hordes of toilers from the penitentiaries, competing businesses would be able to hire individual convicts. A portion of their wages could help pay for the roofs over their heads, and a portion would go to their particular victims or their victims' families.

Obviously, this would be limited by practical considerations: no inmate is going to be allowed a position with the merchant marine. But there's no reason why security-conscious companies could not construct facilities specifically for prison employees, or why well-guarded convicts who do not pose a threat to other people (nonviolent property offenders, for example) could not work in the outside world. (Indeed, it can be argued that most property criminals needn't be locked up at all, at least as long as they meet their restitution payments. After all, we don't lock up divorced fathers to make sure they pay their child support. Imprisonment is both inefficient and cruel; its only really compelling justification is to keep dangerously violent characters segregated from the rest of society. The average vandal or petty thief is not dangerously violent, and would be more usefully employed *literally* "paying for his crime" than living in a tax-financed cell.)[7]

Most importantly, prisoners should be able to work for themselves or for each other. The most extensive experiment along these lines took place at Maine State Prison in the late 1970s. For decades, Maine State Prison had had a crafts and novelties program. Originally, the inmates who worked in the state-run industries (license-plate-making, etc.) were allowed to use prison machinery for their own construction projects: lamps, novelty items, and the like. These were then sold to tourists at a popular prison store. Inmates were allowed to hire one another and pay wages in prison canteen coupons.

In 1976, Richard Oliver became warden, and the program was transformed. Oliver lifted limits on inmate entrepreneurship, sparking a boom in the prison's miniature economy. Businesses blossomed; small fortunes were made. One convict, Aaron Harrelson, took over the prison's canteen and started operating it at a profit. When administrators announced that they planned to fund the unprofitable state-run prison industries with a tax on inmates' novelty sales, Harrelson "offered to buy out the state operations and state-owned equipment, to employ inmates to produce prison-industry goods on a profit-sharing basis . . . and even to pay the salaries of the shop's supervisory staff!" The authorities "didn't doubt Harrelson's ability to keep his promise," but rejected the offer.[8] The experiment ended on April 16, 1980, when higher-ups in the state prison system, frightened by the radical new approach to corrections unfolding before them, imposed a lockdown and brought the burgeoning micro-economy to a halt. (The full

Convict labor is essentially a corporate welfare scheme: costs are socialized and only companies tied into the prison-industrial complex profit.

continued on page 42

Profile

The Man With the Plan

by David Boaz

It didn't start with Hillary's health care project, and it didn't end there, either.

Better sell your export stocks. Ira Magaziner's got a new project.

The architect of Hillary Clinton's health-care debacle is now busily working on increasing American exports. If this project is as successful as his previous endeavors, we'll be importing grain from Russia by Election Day.

Magaziner is one of those baby-boomer idealists, inspired by President Kennedy's soaring rhetoric, who decided that smart young Ivy Leaguers could solve all the world's problems if only people had to obey them. His generational hubris has led him into a string of disastrous attempts to remake the world.

His best-known effort was the 1993 task force to reconstruct the American health care system. It was a heady time for a policy wonk suddenly given a taste of power. He organized 500 bureaucrats into 15 committees and 34 working groups to redesign in 100 days an industry as big as the economy of France. What they came up with was a Rube Goldberg scheme of agencies, alliances, boards, commissions, and gatekeepers that would effectively nationalize one-seventh of the American economy.

Fortunately, Americans retain some of the good sense our Founders had, and the plan was ignominiously rejected after much national debate.

Magaziner must have been disappointed, but it wasn't his first experience with people who don't have his appreciation for complex, government-run plans. In 1984, he produced a 1,000-page report for a Rhode Island industrial policy to be called the Greenhouse Compact. It proposed a $250 million, seven-year plan, including a state venture-capital fund, grants for job training, day care, and modernization, and four technology research centers. Brown University economist George Borts pointed out that a $250 million plan in Rhode Island was the equivalent of $60 billion on a national level.

The Rhode Island establishment loved it. And why wouldn't they? It promised lots of jobs for the boys. It had to be approved by the voters before it could be put in place, but the politicos were too greedy to restrain themselves before the referendum. Both the two leading Democrats and the two leading Republicans in the legislature appointed themselves to the supposedly nonpolitical oversight commission for the plan.

The national media converged on Rhode Island, celebrating this concerted revival of activist government. They made Magaziner a minor national hero. Then the voters got their turn, and the Greenhouse Compact got a resounding vote of confidence from 20% of them.

Never one to be discouraged, Magaziner moved on. In March 1989, two Utah scientists announced that they had achieved nuclear fusion at room temperature. Within a month Magaziner was testifying before a congressional committee that it should invest $25 million of taxpayers' money in cold fusion, because the Japanese were working through the night on it. The committee should gamble with other people's money, Magaziner said, "for the sake of my children and all of America's next generation." The taxpayers were saved four days later, when major newspapers reported that leading scientists called cold fusion "scientific schlock" and "maybe fraud."

The next year he worked with Hillary Rodham Clinton on a report on workforce skills for the National Center for Education and the Economy. The report called for

national performance standards, "a comprehensive system of technical and professional certificates," and federally assisted state centers to guide students. Work permits, contingent on meeting federal standards of workforce preparation, would be required for those up to age 18. All companies would be required to spend at least 1% of their payrolls on certified, accredited, union-approved skills training. On-the-job training would not count. Overseeing the program would be — you guessed it — "a system of employment and training boards."

That plan turned up again in 1992, in Bill Clinton's campaign platform, except he raised the mandated cost to 1.5% of payroll. Economist Larry L. Orr told Jonathan Rauch of *The National Journal* that "it would be a fairly monstrous thing" to monitor business compliance with the mandate. And small businessman David Flowers said that his auto-parts company trained all of its new hires, but in ways that wouldn't qualify for Clinton's mandate. Because of Labor Secretary Robert Reich's opposition, the plan was shelved early in the Clinton administration.

The biggest of Clinton's Magaziner Mandates, though, was one that got little attention. In a little-noted comment during the 1992 campaign, Clinton offered a breathtaking view of government's ability and obligation to plan the economy:

> We ought to say right now, we ought to have a national inventory of the capacity of every . . . manufacturing plant in the United States: every airplane plant, every small business subcontractor, everybody working in defense.
>
> We ought to know what the inventory is, what the skills of the work force are and match it against the kind of things we have to produce in the next 20 years and then we have to decide how to get from here to there. From what we have to what we need to do.

Since five-year plans didn't work, Clinton and Magaziner decided to plan more long-term. After the election Magaziner fleshed out this sweeping vision: defense conversion would require a 20-year "detailed organizational plan . . . to lay out how, in specific, a proposal like this could be implemented."

In all of these schemes, Magaziner displays a failure to appreciate the natural working of the market process; he can't see the order that emerges out of its undirected and apparently chaotic workings. He has the mind of an engineer. A GE executive recalls Magaziner, as a business consultant, taking "apart a television set, component by component," to understand GE's problems. Magaziner named his consulting firm Telesis, allegedly from the Greek for "well-planned progress."

Magaziner organized 500 bureaucrats into 15 committees and 34 working groups to redesign in 100 days an industry as big as the economy of France.

That sort of planning and attention to detail makes sense for an individual or a firm. What Magaziner and his kind don't understand is that a society is not an enterprise. We're not all working for the same goal; indeed, our plans conflict all the time. They get sorted out in the marketplace. Competing for the hard-earned money of consumers and investors is a better way to find the best firms and the best ways of producing goods and services than having a board of experts spend other people's money.

Just imagine if an older Ira Magaziner had been asked by President McGovern to draw up a 20-year plan for, say, the computer and telephone industries. Could he possibly have envisioned — much less brought about — today's world of personal computers 100 times more powerful than the mainframes of 1975 and telephones that do things we never dreamed of then?

Adam Smith identified Magaziner's problem 200 years ago:

> The man of system . . . seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board; he does not consider that the pieces upon the chess-board have no other principle of motion besides that which the hand impresses upon them; but that, in the great chess-board of human society, every single piece has a principle of motion of its own, altogether different from that which the legislature might choose to impress upon it.

Ivy League intellectuals like Magaziner and the Clintons are so smart, they think they can solve society's problems as they would arrange chess pieces. They're just not smart enough to see the spontaneous order all around them that gives us everything from milk and bread in the morning to the highest-quality health care in the world to computers that bring the world's supply of knowledge to our desktops.

So, following the Washington principle of failing upward, Magaziner's record of disaster qualifies him to take on trade policy. Here he runs into a factual difficulty and a conceptual problem. The annoying fact is that American exports are booming, so why do we need a special export task force headed by a White House planner? Well, the *Washington Post* says it's because "imports are still a great deal higher."

That's a misconception, as a real understanding of economics would tell you. In the first place, exports are a cost; they're what we have to give other people to get imports. Sadly, firms in other countries will not ship us oil, cars, or fresh fruit in the winter without getting something in return. And not for long will they settle for those green pieces of paper that we can churn out on demand. "Balance-of-trade" figures often leave out services, where the United States has a surplus, and suffer from other conceptual difficulties. The fact that both exports and imports are booming means that more of our economy is devoted to foreign trade, which is generally a good thing, because it means more specialization in the world marketplace.

No doubt Rhode Island's economy could have benefited from better public policies, but not what Magaziner proposed. Health care could use some reforms, such as Medical Savings Accounts, but not Magaziner's nationalization. And we could certainly use better trade policies, but somehow it's hard to imagine Magaziner's latest task force proposing to repeal U.S. trade barriers and let international commerce develop. ❑

The Apotheosis of a Crook

by Nathan Crow

The good that men do lives after them. The evil is oft interred with their bones.

Upon the death of Commerce Secretary Ron Brown, Dorothy Gilliam of the *Washington Post* compared the departed to Frederick Douglass and predicted "hundreds of books and articles" examining his "legacy." John Harris declared Brown "a national symbol of personal achievement and racial bridge-building." Pages of photographs showed Brown's funeral cortege passing through Arlington National, drawn by black horses through a forest of chaste white marble tombstones; Brown's family, heads bowed as they walk away for the last time, his bereaved wife clutching the flag that had draped his coffin; a corpsman standing at attention while a woman in white reads from the Bible; white construction workers and prim black ladies from Washington offices, standing by solemnly or saluting the procession with tears in their eyes; President Clinton at a prayer service, embracing a former Commerce Department official while a stricken Hillary looks on. The mood of hysterical grief reminded me of the funeral of Martin Luther King, or perhaps Charles de Gaulle. One would think that America had lost a kind of secular saint, a symbol of American manhood, a preacher and a dreamer of rare gifts and altruistic passions.

The New Republic was a bit more restrained, focusing its congratulations on Brown's mastery of what Tammany Hall used to call *honest graft*. An unsigned editorial celebrates Brown's combination of "loyalty and cunning," which enabled him to "become interchangeable with his white peers." (Has civil rights come to this?) Such interchangeability, the magazine tells us, was an "achievement with weight," one Brown "wore lightly." Heaving a regretful sigh, they are constrained to note that Brown "evidenced a sad recklessness in his own financial dealings." Perhaps they exaggerate. After all, Brown was not so reckless as to answer investigators' questions about whether his son had passed him any of the $660,000 in cash and stock the young man received from an Oklahoma gas company seeking favors from Commerce. Such shenanigans are passed off easily by *The New Republic*, which resentfully denies his "detractors"' view of him as a "street hustler." This they call a "caricature." And they are right: never in history has a street hustler hustled as much money as Ron Brown.

For Brown was deeply corrupt. Had he died a year from now, he would have been remembered only as a disgraced bureaucrat with sticky fingers. Special investigator Daniel Pearson had already established that Brown took more than $300,000 in exchange for his sale of a non-investment in a money-losing company. He had the ear of President Clinton, whom he enlisted to bully the Saudis into buying American airplanes, so his influence was worth billions, though apparently it sold for less. Brown was a tool of Washington wheelers and dealers, the corrupt corporations whose profits depend on favors from government. They loved Brown, and he repaid their love with — influence. Martin Crutsinger of the Associated Press claimed that with his death, "American capitalism lost its staunchest ally in the Clinton administration."

Maybe, in some sense, that is true — if by "capitalism" we mean what Noam Chomsky calls "state capitalism": large corporations whoring for their paymasters in Washington, with the whole charade of regulation, subsidy, and multilateral "development" proffered to the masses as the work of the "free market."

Consider Brown's 13 corporate companions on his ill-fated mission of mercy to the Balkans. All were major executives: the CEOs of ABB Inc. (which sells power-generating equipment), of Harza Engineering Co. (a builder of dams), of Bridge Housing

Corp. (a developer of "low-income housing"), etc. Some, no doubt, honestly intended to help the people of Bosnia, to do well by doing good. (David Ford of InterGuard Corp. intended to donate 50,000 pounds of glass to a Sarajevo hospital.) But others represented companies looking to get a share of the estimated five billion dollars in development pork that will shortly be funneled into Bosnia, courtesy of the World Bank, the European Bank for Reconstruction and Development, and you. These subsidized agencies pour billions of dollars in patronage ("loans") into poor countries, funding huge "development" projects that entrench the state, despoil the environment, erect vast bureaucracies, and destroy lives and traditions.

Hydroelectric dams like the ones Harza builds are a case in point. Harza is helping build China's Three Gorges dam, a boondoggle of epic proportions. If completed, the dam will destroy 13 cities and hundreds of towns and villages, flood an area the length of Lake Superior, and destroy the homes and livelihoods of an estimated 1.4 *million* people. Fortunately for Harza, the Chinese government is committed to this outpost of progress, and has already arrested 179 members of the Democratic Youth Party for organizing opposition to the dam. No doubt Bosnia's government will be able to deal just as neatly with any of their own obstacles to the end of history. They will, after all, have the help of the World Bank, which has assisted dozens of poor countries in the expropriation and destruction of the homes of millions of people, men and women whose lives, histories, and hopes stood in the way of planners' Stalinist industrialization schemes.

Secretary Brown's influence was worth billions, though apparently it sold for less.

Men like Ron Brown lived and worked at the heart of this system. It was his role as a global bully for favored U.S. multinationals that accounts for his reputation as a "friend of capitalism." Brown was ultimately an exalted ward-heeler, one who served his masters well. He worked tirelessly to preserve the Chinese slave-masters' favored trade status, even if this entailed official lies about China's disgraceful human rights record. In Bosnia, he no doubt would have oiled the machinery of "trade" for his state-capitalist pals, who in turn would prop up Balkan national socialism and bear witness to the Clinton administration's pro-business rhetoric.

No man's death is a cause for celebration. But neither is every life. The good that Ron Brown did, if there was any, has been celebrated *ad nauseam*. Since the evil that he did will be quickly shuttered from the public eye with the convenient and entirely unjustified closing of Pearson's investigation, it should be remembered now, even if it hurts, even in the wake of men's tears. Lest we forget. ❑

Walker, "Prisons," *continued from page 38*

story is told in Jeffrey Shedd's excellent article "Making Good(s) Behind Bars," published in the March 1982 *Reason*.)

In short, it's not bad in itself for convicts to sweat at something other than writing books or dealing drugs. But anyone who thinks the new prison-industrial complex is the road to inmate entrepreneurship and restitution-based justice is sadly misled.

The Dystopia Ahead

Many union-inspired laws restraining convict labor remain on the books. Most are far from ideal. Big Labor doesn't care what kind of competition it's pushing out of the way, the semi-slavery Gramm advocates or the big-house entrepreneurship that briefly flowered in Maine.

But if the old protectionist order could use some reform, the new day of corporate slavery is far worse. The future offered us by Gramm, du Pont, and Thomas — the future on display in Tallahassee last March — is a frightening and authoritarian vision. ❑

Notes:

1. David Frum, "Working for the Man," *The American Spectator*, August 1995.
2. Federal law requires prisoners to be paid prevailing wages if their products cross state lines. Such regulations do not exist, however, for goods sold in-state or abroad.
3. Steven Elbow, "Privatization of Prison Labor," *Isthmus*, November 20, 1995.
4. Adam Peyton Thomas, *Crime and the Sacking of America*, Brassey's, 1994, p. 120.
5. The federal data is from 1994, the state data from 1991. While no complete statistics are available for more recent years, the trend has been upward. As far as drug-related crime is concerned, 10% of federal inmates and 17% of state inmates said in 1991 that they committed their offense to obtain money for drugs.

   In California, according to the *Legislative Analyst*, 58% of the inmate population is incarcerated for nonviolent crimes, usually drug offenses.
6. Ibid., p. 121–122. One thinks of the "quicksilver capital" theory recently popular with some libertarians — the idea that global markets inexorably lead to liberalization, since investment-hungry countries will have to compete with one another for capital by cutting taxes, tariffs, and regulations. It is by now obvious that nations are also trying to attract businesses with *anti*-market enticements. The evidence for this stretches from Indonesia to San Quentin.
7. This opens up a Pandora's box of ethical and practical questions about how a society should deal with crime, questions that are outside the scope of this article. For the record, it seems to me that property criminals should be responsible for more than the cost of the damage they inflict on their victims, and that some form of corporal punishment may also be appropriate in some cases. It also seems to me that prisons are both inefficient and unjust, and that a polycentric, restitution-oriented system of justice would evolve away from using them. I'd like to defend these assertions, but that will have to wait for another day.
8. Jeffrey Shedd, "Making Good(s) Behind Bars," *Reason*, March 1982.

Appreciation

Half a Century at the Battlements

by R.W. Bradford

They have fought a good fight, they have kept the faith, but they have not finished the course.

The Foundation for Economic Education played an enormous role in the revival of libertarian ideas over the past half century, particularly in the early years of that renaissance. It stood as a beacon, always advocating a radical libertarian view. Like Leonard Read, its founder, FEE was always well-mannered, always intelligent, while never raising its voice in anger and never, never compromising.

I discovered FEE as a teenager as I was coming to grips with my own thinking in the early 1960s. I had figured out that individual liberty was both inherently desirable (for me, anyway) and in general a good thing for humanity, and that the growth of government power over the previous century or so was a bad thing. At the time, I identified myself pretty much with political conservatives, because they seemed to share some of these notions.

The world that surrounded me was awash in what was then generally called "liberalism" or "middle-of-the-road" thought. The boundaries of respectable debate were rather narrow. Yes, people would say, socialism may be a bad thing, but we need to recognize that the welfare state is the best security against Communism. Sure, small government made sense a century ago, but today big business and big labor require big government. If free enterprise is such a good system, why the Great Depression? And on and on.

I countered some of these arguments as best I was able, but some I even accepted myself. Often I was painted into a rather moderate corner by my lack of intellectual resources and the loneliness of my peculiar beliefs. Then, around 1963 or so, someone gave me few single-sheet leaflets called *Clichés of Socialism*, published by FEE. Each took a single common belief that supported the status quo or the further growth of state power and presented a short, intelligent criticism of it.

FEE described these flyers modestly: "These are not the only answers or even the best possible answers; but they may help you and others develop better explanations of the ideas of liberty." But *Clichés* did far more than that, at least for me. They helped me remove from my eyes the scales of my middle-of-the-road education, to think critically and for myself, to know that I was not alone in my understanding of how the world worked.

Before long, I subscribed to *The Freeman*, FEE's monthly publication of reflective essays on libertarian themes. It totally eschewed politics and policy, sticking instead to theory and history, providing support, intellectual ammunition, and refuge. It wrote of morality without moralizing, of economics without pedantry. It didn't tell you what to think — it stimulated you to think for yourself.

The Freeman in those days was mailed without charge to all who requested it; once each year I'd receive a polite letter suggesting that if I wanted to contribute an amount sufficient to defray the cost of publication, I should send them $5.00, and that I might even want to send more to help them in their work. As an indigent student, I usually sent them nothing, but *The Freeman* continued to brighten my life once each month.

The Forces of History and the History of Force

It is difficult for us to appreciate today the low esteem in which the idea of liberty was held when Leonard Read founded FEE in 1946. The intellectual foundations of the liberal social order had been undermined during the previous three decades, both by the material forces of history and by the decline in the intellectual vigor of liberty's advocates.

As the nineteenth century ended, western countries were raising taxes, instituting economic regulation, and

organizing central banks. In 1914, the West opted for the moral tonic of the Great War, with its attendant opportunities for heroism, self-sacrifice, and nation-building. Large-scale organizations became the order of the day. Even in America, where political traditions had kept the power of government under the strictest controls, the economy was organized into huge cartels, and economic competition was eliminated, along with free speech. In Europe, the war arrested the nascent liberalization of Russia, and a concatenation of historic accidents placed that emerging economic giant under history's greatest dictatorship.

The idea that huge organizations were inherently more viable than small ones had taken root, and it seemed natural to believe that a huge and powerful government was more efficient than the old small, limited government.

Elsewhere, the 1920s brought a reaction against the destruction, horror, and futility of war, and the size and power of government was rolled back somewhat, though not to pre-war levels. But the increasing popularity of socialism, economic nationalism, and other forms of statism continued to weaken the West. The old institutions of liberal democracy — limited government, private property, free trade, individual rights, free elections, and an independent judiciary with codified and objective law — seemed impotent against the forces of totalitarianism. Britain and France saw their economies weaken, as pusillanimous governments attempted futilely to maintain overseas empires while increasing control over economic activity. The spectre of revolutionary communism, which proposed to abolish of the very foundations of the old liberal order, seemed especially threatening in Germany, Italy, and eastern Europe; against this threat, people were willing to accept and support governments nearly as totalitarian.

Everywhere, banking remained cartelized, and government, not the marketplace, controlled money and credit. Everywhere, economic nationalism supplanted free trade. Everywhere, the cartelization of labor triumphed. And everywhere, the state's power to control private enterprises was still increasing.

The "Great Depression" was the predictable result of governmental intervention in the credit market and restrictions on trade, but in the popular mind, it was nothing less than the failure of capitalism and the liberal social order. Prior to this time, the major defense of the liberal social order and free economic institutions had been that they delivered prosperity. The Depression destroyed that defense, and as western economies continued to decline, the idea of a free society was left with hardly any intellectual underpinning at all. Dictators took control in central and eastern Europe, while somewhat less fascist regimes took over in Britain and the U.S.

The idea that huge organizations are inherently more viable than small ones had taken root with the large private corporations of the late nineteenth century, and it seemed natural to believe that a huge and powerful government was more efficient than the old small, limited government of the libertarian (or classical liberal) vision. Just as huge industrial organizations in which individuals were small and rather stupid cogs had become the dominant economic organization, now huge government organizations and labor unions took control of political and social life.

The Communists had taken a semi-feudal agricultural society and in a single generation made it into a steel-producing industrial giant. The Nazis had taken a conquered and prostrate nation and made it again into a great power. In the United States, chain stores were replacing individually owned shops, and the hundreds of automobile manufacturers in business in 1905 were reduced to three giant firms and a couple of specialized companies. Even the business of entertainment was now controlled by a handful of huge movie production companies and radio networks. How could an individual, on his own, expect to compete successfully in this new modern world?

Individual responsibility and individual action seemed old-fashioned, reactionary, part of an earlier era. People coming of age during the 1930s began to see their future happiness and security as dependent on their ability to become a cog in one of these giant machines. The educated classes sought employment with great corporations or in the civil service, while the laboring classes sought jobs in industries controlled by powerful unions. Find yourself a position with one of these socioeconomic behemoths, subject yourself to its rules and expectations, stifle your individuality and personality, conform . . . this was the price of economic comfort and security.

The Age of the Concentration Camp

There were problems with this view, of course. Prosperity had not returned to the United States or to Europe, despite the increased cartelizaton of the economy and the burgeoning power of government. But to those who held positions in the gigantic bureaucracies, corporate or state, and to those who were on the receiving end of government handouts, this didn't seem to matter much. As for others, well, they were reassured that progress was being made and recovery was just around the corner. Everyone knew this was the case; they heard it over the radio and saw it on the newsreels, courtesy of the huge propaganda machines of the government and the corporations.

A much bigger problem, it seemed, was the rise of other dictatorships. Unlike the "progressive" Communist dictatorship in Russia, Germany's Nazi government was quickly identified as "reactionary" and "evil." At first, some intellectuals expressed admiration for Italian fascism, but soon the alleged merit of its vaunted efficiency was overwhelmed by the problem of its alliance with Germany. Meanwhile, when conflicts developed between the nascent imperialism of nationalistic Japan and the established imperialism of the West, Japan too was portrayed as a reactionary, evil dictatorship.

These countries suppressed minorities, both ideological and racial.

Somehow it seemed irrelevant that the United States had burned books and arrested individuals for the crime of having a German surname during the Great War, or that the American government engaged in the systematic legal suppression of African-American and Asiatic minorities, or that Hitler's concentration camps were modeled on the reservations into which the U.S. government had herded Native Americans.

Control of the world's great powers was in the hands of aspiring dictators and power-hungry demagogues, all intent upon increasing their power and all willing to go to war toward that end. And all had popular opinion behind them. Not surprisingly, another Great War broke out, and with it the power of government grew stronger, as taxes were raised, conscription institutionalized, economies re-cartelized, private property seized, civil rights eliminated, racial minorities imprisoned, and political critics persecuted.

In Germany, Hitler was rounding up Jews and forcing them into concentration camps. In Russia, Stalin was rounding up Poles and sending them into concentration camps. In the U.S., Roosevelt was rounding up Japanese immigrants and Americans of Japanese ancestry and forcing them into concentration camps. In the British Empire, Churchill rounded up Germans and imprisoned them.

In 1943, in a single province in China, more than three million people died of starvation; against the worldwide backdrop of death and destruction of the previous quarter century, these three million deaths were hardly noticed. By 1945, a great war with totalitarians and statists on both sides had killed over 40 million human beings and consumed more than $1.5 trillion for war material alone, whose use had caused incalculable additional damage.

Into This Cauldron. . .

This was the world in which Leonard E. Read founded FEE. The seeds of the rebirth of libertarian thinking had been planted in the midst of the war, when three American women — Ayn Rand, Isabel Paterson, and Rose Wilder Lane — published pathbreaking books proclaiming a new, more radical libertarianism. And an eminent Austrian economist living in Britain, Friedrich August von Hayek, offered to a state-saturated world a well-mannered but provocative book, *The Road to Serfdom*, which challenged the notion that socialism could somehow avoid degenerating into dictatorship. It became a bestseller in America.

FEE held high the banner of liberty, advancing the notions of private property and limited government in thousands of ways, some great and some small. It rediscovered and published writing by classical liberals (such as Frederic Bastiat) that would otherwise have been forgotten. It published the work of such great contemporary libertarians and liberals as Milton Friedman, Ludwig von Mises, Murray Rothbard, and Henry Hazlitt in books, pamphlets, and (from 1956 onward) *The Freeman*. It conducted seminars for students, academics, and opinion leaders.

FEE was a generous source of encouragement and enlightenment to all who approached it, a bulwark of libertarian thought and idealism, a place of refuge for those tired of what often seemed like a fruitless battle. FEE always remained true to its original principles, quietly advancing liberty, working among intellectuals, teachers, students, clergymen, and ordinary citizens at a time when hardly anyone else was doing so.

As FEE succeeded in its mission, its relative importance naturally began to wane. But it continued to serve a critical function, quietly fulfilling its mission of patiently and politely advancing the cause of liberty.

By 1983, when Leonard Read died, the influence of libertarian ideas was ascendent. Two scholars who had been associated with FEE had won Nobel Prizes, and two others received that same honor in the next decade. Other, more visible institutions — the Cato Institute, the Libertarian Party, the Institute for Humane Studies, *Reason* magazine — were now in the forefront.

Read left a leadership vacuum at FEE that was not filled until Hans Sennholz assumed its presidency in 1992. By this time, the continuing advance of libertarian ideas had made Leonard Read's approach less distinctive and effective, and without his charismatic leadership, FEE had begun to decline. Sennholz immediately took radical action, stemming the flow of red ink and redefining FEE's mission, a process that continues today. It will, I fervently hope, allow FEE once more to play the critical role in the battle of ideas that it had played under Read. ❑

Is FEE Turning Conservative?

by Michael Peters

It is unfortunately common for organizations to stray from their founding principles. The Intercollegiate Society of Individualists, founded by the semi-anarchist Frank Chodorov, has turned into the conservative Intercollegiate Studies Institute. Henry Ford would sputter in his grave if he knew what the Ford Foundation is up to these days.

Why does this happen? Basically, because it's tough to get good help. The founder can't find anyone committed to his vision who's also competent and available to head the organization. So for a successor, he names his son — who, if he isn't quite as devoted to the founding principles, at least has blood ties. Or perhaps he hands over the reigns to his attorney, who then ends up handling the assignment more as an administrative responsibility than as an ideological commitment. The son or attorney has trouble finding good help, too, and turns to a capable employee with many years of service — but who's not particularly devoted to the founding principles. Eventually,

the organization starts to support people and causes that would have horrified the departed founders.

The process can take a generation or two, but some groups have changed their colors within a few years. It might be underway at the most venerable libertarian organization, the Foundation for Economic Education (FEE), which recently celebrated its fiftieth anniversary.

The late Leonard Read — FEE's founder — was proud to call himself a libertarian. He always kept his distance from the conservative movement, centered around William Buckley and *National Review*, with its emphasis on anti-Communism above all else. But this April, FEE celebrated its fiftieth anniversary by having Margaret Thatcher, a politician and a conservative, speak at Manhattan's Waldorf-Astoria Hotel. Thatcher endorsed government schools, defended socialized medicine, and insisted that drug prohibition must never end — all positions that drastically contradict FEE's libertarian creed.

The master of ceremonies was William F. Buckley, Jr. Buckley may be more libertarian now than he was in the 1950s — he's turned against the War on Drugs, for example. But he is not a libertarian. He is a mainline conservative.

One can't blame FEE's current president, Dr. Hans F. Sennholz, for wanting to draw a big crowd — and he did, some 800 people. But his decision to book Thatcher and Buckley led him to promote FEE as a "conservative" organization.

Breaking even, in view of Thatcher's travel expenses and her $30,000 speaking fee, required selling the event to the large conservative market. FEE did a lot better than breaking even, perhaps netting over $150,000. But at what cost?

Sure, billing FEE as a conservative organization will attract conservative contributors. But these people are bound to oppose many libertarian positions. FEE might not *intend* to abandon, say, free trade or free immigration, but the pressure will surely build to do so. The idea may be to lure in conservative money and feed it libertarian literature. If so, FEE's fundraisers are sadly deluded. Conservative money wants conservative satisfaction and becomes impatient with anything else. And once you've hired people whose jobs depend on right-wing money, the organization begins to spontaneously self-censor, purely out of self-interest.

FEE might not intend to abandon, say, free trade or free immigration, but the pressure will surely build to do so.

Libertarian organizations *can* grow without billing themselves as conservative or taking right-wing positions. Look at the Cato Institute, which displayed rare courage and integrity by opposing the Gulf War, even though its stand meant losing some well-heeled conservative donors. When Cato president Ed Crane received a promotional letter describing FEE as America's oldest conservative organization, he wrote back that Leonard Read would roll over in his grave at the idea of being called a conservative.

Or look at Laissez Faire Books. Its sales volume has expanded substantially over the past several years. Many of its customers come from advertising in conservative media, but one wouldn't know this from looking at its monthly catalog. It doesn't list any books by such popular right-wingers as Thatcher, Buckley, Russell Kirk, William Bennett, or Rush Limbaugh. The word "conservative" rarely appears, and never as a self-description.

So yes, a libertarian organization *can* grow by forthrightly appealing to people who love liberty — just as FEE originally grew under Leonard Read.

Reportedly, Dr. Sennholz is contemplating retiring next year. That could be make-or-break time for FEE. FEE is no longer the only game in town; there are many other places libertarians can give money to promote freedom. Cato, the Institute for Humane Studies, the Future of Freedom Foundation, the Competitive Enterprise Institute, the Institute for Justice, Citizens for a Sound Economy, the Reason Foundation, the Heartland Institute, the Liberty Foundation — the list goes on and on. Not to mention everything else competing for people's time and money.

To endure, FEE must find a successor with an inspiring vision of liberty — one who can touch people's hearts as well as run the place. ❑

Letters, *continued from page 6*

Otherwise, what's the use in having minor parties at all?

Rycke Brown
Kingman, Ariz.

Dragging Dole Down Under

While I disagree as vehemently as Bill Bradford does with the rest of the Australian voting laws ("Plebiscital maniacs," May 1996), their practice of having voters list candidates in order of preference is, I believe, a good one, and helpful to the cause of liberty. If used in this country, it would break the chicken-and-egg problem faced by Libertarian candidates: they don't get votes because they are viewed as not having a credible chance of winning, which in turn keeps them from becoming credible.

Specifying a list of preferences (I like "A" best, then "B," then "C") allows one to cast one's vote independently of other people's votes — or rather, the *perception* of how other people will vote, based on polls, political ads, and pundits. (This is why so much attention is paid to polls.)

This idea (by no means original to Australia) is equivalent to having the candidates spread themselves out in a room, and having people vote by physically standing by their choice. After a few minutes the least popular candidate's supporters will shift to their second choice, and so on.

Imagine how many people would vote (first) for Browne rather than Dole if they did not worry about "wasting" their vote (my parents are among them). Even if he does not win, Browne might get 20%, thus commanding much more attention and respect — and possible victory — next time around.

Larry Ruane
Parker, Col.

White Man's Ghost Dance

by Bob Black

Constitutionalists may loathe lawyers, but they outdo them in their reverence for Law.

Once upon a time, there was a fair land called England.

All the English were free men and most of them were serfs. All the English were self-governing in counties run by sheriffs appointed by kings, the descendants of a foreign conqueror. England alone enjoyed the Common Law, handed down by Moses, and dating from 1215 A.D. Secured by the Common Law, all men's property was inviolable, and it all belonged to the king. The Common Law, also known as Natural Law and God's Law, only restricted conduct that harmed the person or property of another, such as swearing, fornicating, possessing weapons in the royal forests, converting to Judaism, and dreaming that the king had died. There was complete religious freedom, i.e., Roman Catholicism was the state church, attendance at services was compulsory, and heretics were executed. As perfect, as unchangeable as the Common Law always was, it got even better when free and prosperous Englishmen fleeing persecution and poverty brought it to America. They repaired there, as Garrison Keillor quipped, to enjoy less freedom than they had in England.

As fantasy, this Common Law England would never find a publisher: it's not nearly as believable as Narnia or Never-Never Land. You don't even have to know any real law or history to notice that it's nonsense. But as myth, it appeals to increasingly frustrated conservatives, libertarians, fundamentalists, and conspiracy theorists — "Constitutionalists" — with an urgent transrational need to believe that the world was once the way they want it to be. The deeper allure of Constitutionalism is that it purports to be not only history which explains, but technique which controls. Resentful and suspicious, Constitutionalists are sure that conniving judges, legislators, and lawyers switched their own false law for the *real* law when the people weren't looking. But the real law, the Common Law, lives still, for it is deathless; it is God, Nature, and Reason all rolled up in one. Although Constitutionalists loathe lawyers, they outdo them in their reverence for Law, their solemn obeisance to what Oliver Wendell Holmes mocked as a "brooding omnipresence in the sky."

Constitutionalists look upon law as the word-magic of lawyer-necromancers who draw their wizardly powers from grimoires, from books of magic spells they have selfishly withheld from the people. Constitutionalists have extracted from these books — from judicial opinions, from the Constitution, from legal dictionaries, from the Bible, from what-have-you — white magic with which to confound the dark powers of legislation, equity, and common sense. Never mind what words like "Sovereign Citizen" or "Lawful Money" mean — what does "abracadabra" mean? — it's what they *do* that counts. Unfortunately, Constitutionalist words don't do anything but lose court cases and invite sanctions. Constitutionalism is the white man's version of the Ghost Dance. Believing you are invulnerable to bullets puts you in more, not less, danger of being shot.

Jutting out of the wreckage called Constitutionalism are a few more elevated piles, such as "Common Law" and "Magna Carta." These are, if in no better repair than the rest of the ruins, at least of respectable antiquity. Back when little was known of English legal history — when history as a discipline scarcely existed — ingenious jurists like Selden, Coke, and Hale manipulated these hoary myths to win some limited victories over royal absolutism and arbitrariness. Even if Constitutionalists were juridical Jack Kennedys and not, as they are, Dan Quayles, the conditions for getting away with pious lying about these parts of the past no longer

obtain. Good history does not necessarily overthrow legal orthodoxy, but by now bad history never does. So unprincipled are judges and lawyers that they will even tell the truth if it serves their interests. Consider, for instance, the unscrupulous way in which they might point out what the Magna Carta actually says and what the Common Law actually is.

Constitutionalists revere the Magna Carta, but if they were to read it, they'd be baffled. Expecting to find, as libertarian Constitutionalist Ken Krawchuck says, "many of the rights we still enjoy today,"[1] they'd find themselves adrift in an alien, feudal world of "aids," "wardship," "scutage," "knight service," "reliefs," "wainage," "castle guard," "socage," "burgage," and other arcana even medievalists toil to comprehend.

Constitutionalism is the white man's version of the Ghost Dance. Believing you are invulnerable to bullets puts you in more, not less, danger of being shot.

The Magna Carta — extorted from King John by a few dozen rebellious barons in 1215, a dead letter within three months, voided by England's feudal overlord, the pope — did almost nothing for almost all of England's two million people. It confirmed or created privileges for churchmen and barons, occasionally for knights, and in only two instances for "free men." Most Englishmen were villeins, not freemen. And as historian Sidney Painter has written, "Whenever provisions of the Charter seem to benefit the ordinary man, a close examination will show that it is his lord's pocketbook that is the real cause of concern." It was only a question of who would do the fleecing.

The Great Charter has nothing to say about free speech, unreasonable searches and seizures, self-incrimination, the right to bear arms, free exercise of religion, obligation of contracts, *ex post facto* laws, bills of attainder, petition and assembly, the obligation of contracts, excessive bail, right to counsel, cruel and unusual punishment, indictment by grand jury, etc., etc. Far from forbidding even involuntary servitude, it presupposes it (chs. 17, 20, 23). Far from forbidding the establishment of religion, it confirms it in its very first provision (ch. 1).

The real Magna Carta was not even remotely libertarian in content. Modern libertarian notions such as self-ownership, *laissez faire*, greatest equal liberty, the nightwatchman (minimal) state, even private property itself would have bewildered the signatories of the Magna Carta. They understood liberties, not liberty; privileges, not property. The free market was a concept of the far future: "markets" were times and places where the government authorized buying and selling. Property rights were derivative and relative — except for the king, nobody owned anything "allodially" (absolutely). Rather, title (ownership) was relative to other claims, and in theory always subordinate to the king. Constitutionalists disparage legislation, but that's all the Magna Carta ever was, amendable and repealable like any other statute. By 1992, only three of its 63 provisions were still on the books.

In the guise of declaring custom, Magna Carta changed the law, violating what Constitutionalists consider the Common Law. They cherish the county, for instance, to which the sheriff was answerable (they suppose), but the Charter forbade sheriffs and other local officials from hearing the pleas of the Crown (ch. 24). It is as if the U.S. president issued an executive order that felonies should be tried only in federal courts!

As for this Common Law (cue the angelic chorus here), just what *is* it anyway? The term has at least a half dozen meanings. It might refer to English law as distinguished from the civil-law systems of Europe. It might be "law" as distinguished from "equity," i.e., the law of the royal courts at Westminster distinguished from certain distinct doctrines and remedies administered by another royal appointee, the Chancellor. It might refer to judge-made rather than statutory law. Perhaps most often it referred to the law "common" to all Englishmen, the national law as opposed to the varied local law enforced by manor and hundred courts, borough courts, and courts leet. Ironically, if there was ever a trace of truth to the Constitutionalist dogma that the people in juries "judged the facts and the law," it was in the local courts outside the Common Law. And it was the law of these courts with which ordinary Englishmen were most familiar and which, as Julius Goebel has shown, most heavily influenced colonial American law.

As if "Common Law" were not a phrase already overburdened with meanings, Constitutionalists load on even more. They equate Common Law with Natural Law, with Natural Reason, with Christianity, and even with (as Krawchuck says) "common sense." His example is common-law marriage: "If a guy and girl live together for seven years, they're married; it's the common law. It's plain common sense."[2] It's neither. Mere cohabitation never married a couple in England or America. There was apparently no such thing as nonceremonial "common law" marriage in England at all. In America, a "common law" marriage required, not just shacking up, but an agreement to marry and a public reputation as being married. As for "common sense," why seven years?

Constitutionalists revere the Magna Carta, but if they were to read it, they'd be baffled.

Why not six years and eleven months? Why not five years? A lot of legally solemnized marriages don't last that long these days. Since when was common sense so dogmatic?

Constitutionalists say that the Common Law is based on litigation over property (more precisely, real property — land — although as their generalities go this one is not too far wrong). Under Common Law, real property descended to the oldest male — except in Kent, where partible inheritence among male issue obtained, with the proviso that the *youngest* son inherited the household. Nowhere did it descend to a female if there lived a male heir, however remote the relationship.

continued on page 68

Millennium, Then and Now

by Frank Fox

History is awash with amorous millennial faiths.

The year 2000 beckons many with its "signs," but past millennial expectations suggest that human beings have an infinite capacity to deceive themselves. In 1843, for example, thousands of followers of William Miller donned white "ascension" clothes and climbed trees and rooftops, ready to fly to Jerusalem. They quickly discovered that while Millennium was a wish, gravity was a fact. As Norman Cohn noted in *The Pursuit of Millennium,* rapes and massacres, bad rulers, civil wars, droughts, famines, plagues, comets, sudden deaths of important people, and a general increase in sinning have always been taken as millennial "signs" — so "there was never any difficulty about finding them."

In the long history of millennial anticipations, few parallels are as close as those between the Reverend Sun Myung Moon, the still active Korean leader of the Unification Church, and John Maria Kowalski, a Polish priest who died at Dachau. Both men proclaimed themselves the "Third Adam," the progenitor of a new race. Their religious arithmetic was simple enough. The union of Adam and Eve failed because of the corrupting influence of Satan. Jesus, the Second Adam, had no opportunity to find a mate. Now the Third Adam was ready, willing, and able. Both Kowalski and Moon shared their messianic duties with a female partner and arranged marriages for their followers.

Both men staged large meetings at which confessions (sometimes preceded by public accusations) were accompanied by a show of loving support from fellow congregants. Both were excommunicated from their churches. Both built personal fortunes. Both spent time in jail, and time in palatial retreats. Kowalski, an outspoken critic of Communism, was imprisoned on morals charges on the eve of World War II; Moon, jailed in Korea for what he has claimed were anti-Communist activities, subsequently served time in the U.S. for tax evasion.

The Rise and Fall of John Maria Kowalski

Father John Maria Kowalski was born on Christmas Eve, 1871. The son of a farmer, he graduated from the Catholic Academy of St. Petersburg and was ordained in 1897. Three years later, a fellow priest introduced him to the Mariavites, an order that venerated the Virgin Mary and was led by Feliksa Kozlowska, the "Little Mother." Kozlowska, following the example of earlier Franciscans, had dedicated herself to helping the poorest parishioners. Kowalski was smitten. He joined her group and quickly emerged as her heir apparent. He was 29. She, 38.

Polish Church officials at first took little notice of Kozlowska and her little band of enthusiasts. Indeed, the Mariavites' ardent embrace of social work seemed a useful antidote to the lassitude of so many clergy. But the Mariavites became embarrassingly visible when they took to wearing a fashioned habit that featured an embroidered monstrance (the chalice of the Eucharist) in the middle of their chests.

In 1903, Father Kowalski was elected to a position of leadership in the Mariavite community. Coinciding as it did with an increase in visions and revelations from the Little Mother, his election finally brought censure from a Church ever suspicious of self-appointed visionaries. Still, the Polish hierarchy was reluctant to act, since the Russian authorities, undoubtedly trying to sow dissension in the ranks of Polish believers, had recognized the Mariavite sect. In Rome, the Church was under no such constraint. In 1904, the Vatican forbade Polish priests to join the Mariavites and directed the Order to disband. Its priests, including Kowalski, were dispersed to distant parishes.

If the strategy was to isolate the Little Mother from her followers, it

failed. The persecuted, as the Church should have expected from its own history, only grew bolder and acquired more believers. In 1906, Pope Pius X, determined to assert his primacy, excommunicated Kowalski, Kozlowska, and 40 priests. The sect responded by forging an alliance with the Old Catholics, a splinter group of Catholic clergy who opposed Pius IX's 1869 proclamation of papal infallibility. They defied the ban on the Mariavites, and in 1909 elevated Kowalski to the rank of bishop.

The Mariavite order now grew quickly. A magnificent house of worship was completed in 1911. World War I drew in still more followers. After the Bolshevik Revolution, Kowalski became an archbishop, a position he used to rail against the dangers of Communism. In a Poland threatened by an emerging USSR, he gained a large audience.

Feliksa Kozlowska did not live to witness these successes. The woman Kowalski described as "The Bride of the Lamb and the Espoused Wife of Christ" succumbed to cancer in 1921. (The cancer had distended her stomach into a grotesque simulation of pregnancy, a condition depicted in a deathbed photograph revered by many of her followers.) Kowalski inherited the Little Mother's mantle, and with it a smoothly run organization that had tripled its membership since the 1906 excommunication. The Mariavites now counted not only 200,000 members, but hundreds of priests and nuns in 70 parishes, a comprehensive school system, summer camps, orphanages, soup kitchens, sanatoria, workshops, banks, businesses, and even fire brigades.

Then came the most bizarre phase of Mariavite history. The death of the Little Mother seemed to release her protegé from all restraints. Before long, Archbishop Kowalski had created a faith that had been only dimly realized during his relationship with Kozlowska — a religion designed to satisfy both his spiritual and sexual needs. He proceeded to arrange supposedly chaste "mystical marriages" for his followers, pairing off priests and nuns in a spirit of whimsy that resulted in the most unlikely partnerships.

Taking a young bride himself, Kowalski acted as matchmaker and medieval lord, enjoying *jus primae noctis* — the right of first sexual relations — with the younger brides-to-be. The atmosphere soon resembled a hothouse more than a convent, with some of the young sisters named in the manner of garden hybrids: Love, Cherubina, Desideria, Dilecta. Older nuns had to be content with Christian names, such as Honorata and Gertrude. The young followers formed an orchestra of mandolin players. Other innovations followed, with Kowalski opening the priesthood to all comers and instituting a People's Mass, celebrated at times by women. Contacts were established with sympathizers in other countries.

The "mystical marriages" produced real babies. Kowalski insisted that the infants had been born to virgins.

The inevitable happened. The "mystical marriages" produced real babies. Kowalski rose to the challenge, insisting the infants had been born to virgins; they were without sin, he proclaimed — the progeny of a new faith. But to non-Mariavites, they were proof of the sect's depravity. Some young Mariavite girls left the compound and told reporters their stories. There were confessions and attempts at what we would now call "deprogramming." By 1928, charges of polygamy could not be avoided. A series of lurid trials ended in Kowalski's conviction; he was imprisoned from 1936 to 1938. Released on the eve of the German invasion, he tried to reassert authority over his movement. After a disgruntled colleague denounced him to the Gestapo, Kowalski wrote Hitler, urging the Nazi leader to accept the Mariavite creed. There is no record of any response. Kowalski was sent to the Dachau concentration camp, where he was put to death as prisoner number 24542 on May 18, 1942.

Three Adams

More than a century earlier, the Jewish mystic Jacob Frank (1726–1791) had scandalized the Jewish and Polish communities of his time, and anticipated the ideas of both Kowalski and Moon.

Like the Moonies and Mariavites, the Frankists skillfully acquired both membership and economic power; like the later cults, they emphasized the female as the central figure of their worship. Their secret initiations of "sisters" shocked their contemporaries, much as Kowalski's sexual exploits shocked his. And Frank, like Moon and Kowalski, was eventually imprisoned. He and his followers were forced to convert to Catholicism, with the Polish king and nobility acting as their sponsors. Frankists were found among the leading Polish families, and it is believed that both the mother and the wife of the Polish bard Adam Mickiewicz came of a Frankist background. It is likely that Kowalski knew something of Frankist history, since that "heresy" deeply affected generations of Jews and Poles.

What is especially interesting about the three "Adams" is their use of the female godhead as the central part of their faith — the woman as wife, mother, and symbol of sexual freedom. Ironically, in their efforts to revive the powerful and primal figure of Adam, Jacob Frank, John Maria Kowalski, and Sun Myung Moon — chauvinists all — brought the female down from her traditional pedestal and allowed her to become a near-equal partner.

Our modern age has allowed the Reverend Moon to procreate in a manner undreamt-of by earlier "Adams." Moon and his wife, Hakja Han Moon, have arranged multiple marriages for their followers, on one occasion presiding over simultaneous weddings for 364,000 couples in 160 countries. The couples were matched by a database meant to assure each follower a suitable partner — a technology that probably would not have impressed Father Kowalski.

The Road to the Millennium

The central puzzles remain. At what point does the pretender come to believe his own pretensions? And why do so many follow blindly? The road to Millennium may be paved with good intentions, but so is another well-traveled highway. ❑

Reviews

***Challenging the Secret Government: The Post-Watergate Investigations of the CIA and FBI*, by Kathryn S. Olmsted. University of North Carolina Press, 1996, 272 pp., $34.95 hc, $15.95 sc.**

The Fourth Estate and the Secret State

Ted Galen Carpenter

America's powerful and pervasive national security state is an especially damaging legacy of the Cold War. Early in the fight against the Soviet Union, the U.S. political elite embraced policies and institutions that would have been anathema to most Americans even a few decades earlier. In particular, the United States developed an extensive intelligence apparatus that did far more than gather information about possible foreign adversaries. The Central Intelligence Agency manipulated elections in Japan and Western Europe, orchestrated coups against democratically elected governments in Iran and Guatemala, funneled slush money to repellent (albeit anti-Soviet) dictators, and plotted the assassination of foreign leaders.

Throughout the first two decades or so of the Cold War, the American people learned little of the CIA's misdeeds. As Kathryn Olmsted points out in her well-researched and eminently readable book, *Challenging the Secret Government*, journalists frequently suppressed, or at least sanitized, stories about the agency's covert operations. A disturbingly incestuous relationship between government and the press developed: "the news media of the 1950s and 1960s had close links with the CIA as an institution and with the Ivy League alumni who ran it. They went to the same colleges, attended the same dinner parties, joined the same country clubs, and shared the same assumptions about the CIA's role in the world" (p. 22).

But the foreign policy consensus that sustained that relationship began to unravel as the Vietnam War turned into a debacle. Even friendly journalists found it increasingly difficult to ignore U.S. policymakers' misjudgments, flawed logic, and outright lies. Perhaps more importantly, the widespread public discontent spawned by the war led to a rebirth of adversarial journalism on international as well as domestic issues. That confrontational trend was reinforced by the discovery of the Nixon administration's egregious abuses of power.

Consequently, when iconoclastic journalist Seymour Hersh uncovered and published evidence in December 1974 that the CIA had not only engaged in odious conduct overseas but had spied on (and perhaps even disrupted) domestic antiwar groups, the end seemed near. Congress, the media, and the public seemed ready to leash the increasingly aggressive "secret government." Congress promptly established special committees to investigate the intelligence community and recommend reforms. The Senate version was chaired by Frank Church (D-Idaho), the House counterpart by Otis Pike (D-N.Y.).

Despite months of hearings, however, the committees achieved few results. The Pike Committee became the victim of a public backlash, engineered by a sophisticated propaganda campaign directed by President Gerald Ford's administration, a network of CIA alumni, and their political allies. The committee ultimately suffered the indignity of a House vote barring the public release of its report. Although the less confrontational Church Committee fared a little better, its principal accomplishment was to pave the way for greater congressional oversight of the intelligence community's covert operations. As the Iran-contra scandal underscored a decade later, that new oversight system was less than effective.

It is difficult to come away from Olmsted's book without the depressing conclusion that in the mid-1970s, we missed a rare, perhaps irreplaceable opportunity to reign in the national security state. Several parties were to blame for that failure, including a Congress that feared the responsibilities that would accompany a restoration of its constitutional foreign policy prerogatives and a public reluctant to confront some ugly truths about America's intelligence agencies. But the principal culprit was a supine journalistic community that once again chose to play lapdog rather than watchdog on national security issues.

We missed a rare, perhaps irreplaceable opportunity to reign in the national security state.

Indeed, there were early warning

signals when Hersh published his initial revelations in the *New York Times*. Hersh recalled that he was "reviled" by many of his colleagues, and *Times* correspondent Harrison Salisbury noted that most Washington journalists "did not rush to verify" the charges. Why was the supposedly adversarial post-Watergate press so passive? Olmsted speculates, "Journalists often find it hard to decide whether to publish national security stories. On the one hand, reporters believe that it is their duty to inform the public of official misconduct and policy mistakes; but on the other, the media's pursuit of genuine national security secrets could alienate the public and bring about government censorship" (68).

Such fears had some validity. Even short of outright censorship, the government has a variety of means to retaliate against overly inquisitive newshounds. Instead of curbing CIA abuses at home and abroad, the Ford administration looked for ways to punish Hersh for revealing those abuses. In two secret meetings at the White House, Ford's key aides considered several options, including privately asking the editors of the *New York Times* to spike future stories, launching FBI investigations of both Hersh and the *Times*, and convening a grand jury to indict Hersh for espionage.

Ford's efforts to stop Hersh were no aberration. A long series of administrations — liberal and conservative, Republican and Democrat — have hungered for an American version of Britain's infamous Official Secrets Act, which allows the government to declare any information a state secret and criminally prosecute anyone, including a member of the press, who discloses it. Although Congress has repeatedly refused to enact such a statute, Ronald Reagan's administration may have achieved the functional equivalent through the courts. In the late 1980s, the Justice Department successfully prosecuted a Pentagon employee, Samuel Loring Morison, for espionage, even though Morison had leaked the information (about a Soviet aircraft carrier with which Moscow was undoubtedly familiar) not to a foreign government but to a defense publication. Since the Morison case, there has been a marked increase in threats to prosecute not only federal employees who make unauthorized disclosures but also journalists who print stories based on those leaks.

But fear of government harassment does not fully explain the media's reluctance to pursue evidence of CIA misconduct. Even less does it explain why so many journalists turned on Hersh, Daniel Schorr, and the handful of their colleagues who sought to shed some badly needed light on the secret government. (Schorr had his career nearly destroyed for daring to arrange the publication of the Pike Committee report that the House had voted to seal.)

The deeper cause of the media's timidity is the national security state's successful efforts to co-opt the journalistic community — to make journalists view themselves as members of the government's foreign policy team rather than as independent monitors, much less critics. Such co-option long predated the intelligence investigations

Ideas run the world

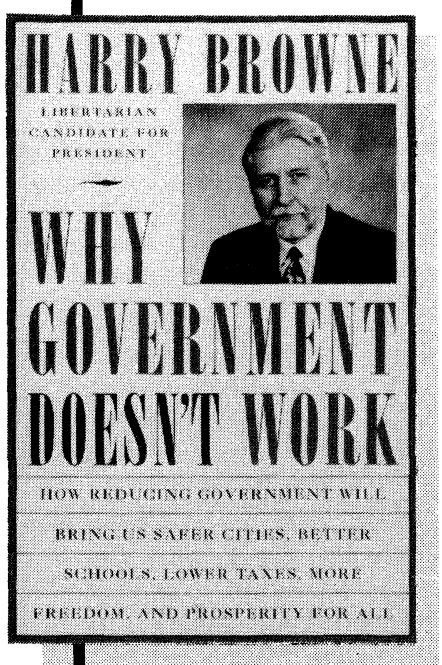

And the ideas behind American government today are corrupt and contradictory. Maybe that's why Bill Clinton and Bob Dole want the American people to blindly assume that government is the solution rather than the problem.

But Americans are — finally — beginning to grasp that something is rotten. Sure, they've been told a thousand times by the party pols that it's just a matter of a different party, a new program, one more tax increase. But year after year crime gets worse, schools fall apart, and the net of regulations is drawn more tightly around your life and property.

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of the mid-1970s; it had been a prominent feature of press-government relations since the beginning of World War II. The Vietnam-Watergate era saw only a brief and partial disruption of that relationship, and the pendulum was already swinging back by the time Hersh published his first investigative pieces on the CIA.

Moreover, there is no evidence that the end of the Cold War has prompted reporters to become more adversarial. Indeed, press coverage of the Persian Gulf War and the Balkan conflict suggests that too many journalists are willing cheerleaders for Washington's global crusades and passive conduits for government propaganda. Many dispatches from the Gulf and the Balkans might just as well have been produced by the Pentagon or State Department press offices.

Challenging the Secret Government is a modest but significant addition to the literature on media-state relations in the Cold War era. It also provides a sobering account of how powerful the national security state had become in barely three decades. The aborted attempt to leash the intelligence agencies in the mid-1970s underscores the inherent difficulty of restraining entrenched institutions. Nevertheless, that malignant system must be curtailed before it destroys what remains of American liberty. ❑

***The Novel and the Globalization of Culture*, by Michael Valdez Moses. Oxford University Press, 1995, 262 pp., $35.00 hc, $17.95 sc.**

The Novel Takes on the World

Stephen Cox

Current debates about literature are usually driven by political considerations — most notably, by demands that literary judgments become less "Eurocentric," "phallocentric," or just plain centric. The response to such demands is often as overgeneralized as the demands themselves. The value of the canon of Western literature is often asserted, for example, without much awareness of the fact that "Western" literary forms are now in practice all over the world.

Michael Valdez Moses, a young classical liberal critic, has provided a useful corrective to both sides of the argument. In *The Novel and the Globalization of Culture*, his subject is the important literature that has emerged, during the last two centuries, from confrontations between the ways of the modern West and the ways of traditional societies.

His idea is that modernization, which is inseparably associated with the capitalist system, is a global and probably irreversible process. No other system has successfully competed against capitalism and the political structures that accomodate it. No other system can be expected to do so. Modern culture is global; it cannot easily be "subdivided" on a regional basis.

The form of culture with which Moses is especially concerned is the novel. This is, of course, a distinctively Western genre, in origin, at least. It is also, as Moses argues, crucially important for our understanding both of the global process of modernization and of its various effects on various societies and individuals. The novel, as he says, "provides a condensation or crystallization of social life that registers both the objective conditions of society and the particular subjective reactions of individuals to those conditions during decisive moments of historical change" (xv). Only the novel (or, I would add, the very greatest kind of historical narrative, a narrative enforced with a novelist's imaginative power) can do all this.

What is brought to life in the modern novel is a story of astonishing progress and of startling loss. The novelists whom Moses studies are all, as he puts it, "citizens and beneficiaries of the modern world, but they nonetheless feel compelled to record for posterity the great costs, paid in blood and pain, that peoples around the world have rendered to settle accounts with history" (xvii). You cannot be modern and traditional at the same time; you have to give something up. As a classical liberal, Moses knows that progress is real, but that it has to be paid for, and that different people will find themselves paying for it in different ways.

Moses develops this theme by close analysis of a series of novels, each of which reveals the impact of the tide of modernization as it reaches a particular culture. Every book is a distinguished literary achievement, as interesting in artistic as in political and social terms: Stendhal's *The Red and the Black*, Hardy's *The Mayor of Casterbridge*, Conrad's *Lord Jim*, Achebe's *Things Fall Apart* and *No Longer at Ease*, and Vargas Llosa's *The War of the End of the World*.

Moses' account of each book is judicious, meticulously documented, and finely sensitive to the individual author's literary craft. Moses is no fool about politics, either. He misses neither the complexities of political conflict nor their connection with fundamental issues and large historical movements. He sees much that other people miss. In discussing Achebe's Nigeria, for instance, he emphasizes the fact that the political difficulties of new African states result, in large part, not from the onslaught of a highly competitive market economy but from the competition for governmental favors among collective groups, the shadows of traditional

You cannot be modern and traditional at the same time; you have to give something up.

collectivities. It's neither capitalism nor traditionalism but an unfortunate attempt to combine the two.

Moses' ability to explain works of literature without reducing or falsifying them shows to particular advantage in his analysis of Achebe and Vargas Llosa, who are concerned with political conflicts that might otherwise appear inaccessibly remote to late-twentieth-century American readers. But one returns with heightened awareness and appreciation to every text that Moses treats. This is a compliment, I am sorry to say, that current literary criticism very seldom merits.

Classical liberal analysis has made signal contributions to the study of economics, history, and a variety of other disciplines. But although some of the most influential exponents of classical liberalism have been literary people, classical liberal ideas and methods have, at present, a quite limited influence on literary studies. Moses' important contribution to literary criticism will certainly help to resolve that paradox. ❑

***We the Living*, by Ayn Rand. Dutton, 1995, 433 pp., $25.95.**

We the Revising

R.W. Bradford

When Leonard Peikoff prepared a new edition of Ayn Rand's novelette *Anthem*, he performed a great service to those who study and admire Rand: in addition to the text of the revised edition of 1946, he included the text of the original 1938 edition, which had long been out of print. This was of tremendous value to those interested in Rand's literary development, for it enabled them to compare the two texts and identify the changes the more mature Rand had made in the novel.

It's too bad he didn't do the same for the new edition of Rand's first book, *We the Living*. Like *Anthem*, *We the Living* was a commercial failure when first published. Like *Anthem*, its second edition included many revisions. And like *Anthem*, copies of its first edition are extraordinarily difficult to locate.

Indeed, a reprint of the first edition of *We the Living* would be far more valuable than the reprint of the first edition of *Anthem*, if only because Rand's changes were much more substantial. Rand matured as a novelist far more in the years between 1936, when the first edition of *We the Living* was published, and 1958, when its revised edition came out, than in the eight years between the first and second editions of *Anthem*. In addition, *We the Living* is a substantial novel, while *Anthem* is hardly more than a lengthy short story.

According to Stephen Cox, whose essay "Ayn Rand: Theory Versus Creative Life" (*Journal of Libertarian Studies* 8:1, Winter 1986) remains the best analysis of Rand's literary method and contains the first detailed discussion of the differences between the two editions of *We the Living*, Rand's editorial changes are very instructive:

> . . . the majority of Rand's hundreds of revisions are fastidious tinkerings with sentence rhythms and images — changes that usually have little to do with her ideology. . . . About her imagery she is minutely conscientious: "dusk" becomes "semi-darkness," an official's "stamp" becomes a "rubber stamp," and "little bridges" become "delicate bridges." If this degree of concern is any indication, it seems clear that Rand devoted a huge proportion of her life as a working novelist to problems of imagery.

Rand's revisions of *We the Living* sometimes changed the book's meaning substantially. In particular, she removed two passages that expressed strong Nietzschean sentiments. In one, the heroine tells a Communist:

> I loathe your ideals. I admire your methods. If one believes one's right, one shouldn't wait to convince millions of fools, one might just as well force them. Except that I don't know, however, whether I'd use blood in my methods.

In another, the Communist tells the heroine that "we can't sacrifice millions for the sake of the few." She responds, "You can! You must. When those few are the best. Deny the best its right to the top — and you have no best left." Rand also eliminated a passage describing the hero as "not a lover, but a slave owner" and the heroine as longing to be under his whip.

Peikoff's introduction to the new edition fails to mention these changes. In this, he followed Rand's lead. In the foreword to the 1958 edition, she denied having made any significant editorial alterations:

> I want to account for the editorial changes which I have made in the text of this novel for its present reissue: the chief inadequacy of my literary means was grammatical — a particular kind of uncertainty in the use of the English language, which reflected the transitional state of a mind thinking no longer in Russian, but not yet fully in English. I have changed only the most awkward or confusing lapses of this kind. I have reworded the sentences and clarified their meaning, without changing their content. I have not added or eliminated anything to or from the novel. I have cut some sentences and a few paragraphs that were repetitious or so confusing in their implications that to clarify them would have necessitated lengthy additions. In brief, all the changes are merely line-changes. The novel remains what and as it was.

With that, Rand rewrote her own intellectual history. Rumors that she had once been quite Nietzschean would remain only rumors, promulgated by those who located a first edition of *We the Living* and noticed Nietzsche's influence.

Peikoff's introduction also repeats a highly dubious claim about the film version of *We the Living* produced in

Italy during World War II:

> The fascist government had approved the movie on the grounds that it was anti-communist. But the public (like the director) understood at once that the movie was just as anti-fascist as it was anti-communist. . . . Five months after its release, the government figured out what everyone else knew, and banned the movie. (The Nazis, too, were demanding that Italy ban it.)

This story first surfaced in 1961, when Rand told her biographer Barbara Branden that she had been so informed by the film's stars, Alida Valli and Rossano Brazzi, and is supported by a 1986 claim by a lawyer for the company that produced the movie. It is contradicted by virtually all other sources, including the Italian film archive, Cinematec. One of Rand's alleged sources, Brazzi, emphatically denied the tale in a 1986 interview. Standard histories and reference books about Italian cinema of the period make no mention of it being banned; some flatly assert that no Italian films were ever banned by the Fascists. (See R.W. Bradford, "The Search for *We the Living*," *Liberty*, November 1988.)

Of course, it's good to see that *We the Living* is still in print. I am among the minority of Rand's admirers who believe it to be her best novel. It's too bad that the new edition contains nothing new except Leonard Peikoff's introduction, which only regurgitates old myths. ❑

***Our Stolen Future*, by Theo Colborn, John Peterson Myers, and Dianne Dumanoski. Viking Books, 1996, 306 pp., $24.95.**

Flying Blind or Running Scared?

John A. Baden and
Douglas S. Noonan

In its foreword, Vice President Al Gore announces that *Our Stolen Future* "raises compelling and urgent questions that must be answered." The book has been promoted as the next *Silent Spring*, Rachel Carson's 1962 book that spawned much of the environmental movement. More likely, it marks the end of an era of gullibility, hysteria, and crisis entrepreneurship. Unlike Al Gore, intellectually honest environmentalists demand factual and logically consistent foundations for reform. Hype and rhetoric are becoming passé.

The book was written by Theo Colborn, John Peterson Myers, and Dianne Dumanoski, two zoologists and a journalist. Their "scientific detective story" — provocatively subtitled "Are We Threatening Our Fertility, Intelligence, And Survival?" — alleges that synthetic chemicals (found in PVC pipes, Tupperware, Tide, etc.) disrupt hormones. These hormonal disruptors are responsible for all manner of ecological, psychological, and social ills, they claim, ranging from domestic violence to "lesbian seagulls." The cure? Ban them.

The book's timing was perfect. The National Academy of Sciences had just convened to discuss hormone disruptors. It arrived on bookshelves just in time for April 22, Earth Day — and just as Congress was being taken to task over environmental issues. It had a sexy title, a fetus on the cover, and a dramatic detective story inside. It was, and is, a PR masterpiece.

Yet it's flopping. It has been thoroughly trashed by the *New York Times*, *Wall Street Journal*, *Los Angeles Times*, and *Washington Post* for all manner of flaws, including panic-mongering, junk science, and poor writing.

Our Stolen Future falls into a trap common to conventional environmentalism: it neglects trade-offs. Abandoning the 100,000-plus chemicals that play a role in 45% of the world's economic activity would be extraordinarily costly. The authors demand "eliminating the use and release of hazardous compounds," setting standards to protect those most vulnerable, reducing the numbers of chemicals on the market and in given products, using only easily detectable and well-understood chemicals, and phasing out synthetic chemical manufacture. Such "broad government action" doesn't come cheap. Mandatory monitoring and disclosure laws for chemical manufacturers, water companies, grocers, and distributors would ultimately impose sizable costs on consumers.

Implementing *Our Stolen Future*'s recommendations would close off many valuable opportunities. Immense benefits to food production and delivery systems would be lost. The benefits of plastics, medical drugs, and synthetics would no longer be available. According to Dr. Lorenz Rhomberg of the Harvard Center for Risk Analysis, "a crash program of [hormone disruptor] control and cleanup will divert precious resources from other pressing environmental problems. This could divert regulatory and research attention away from other, true causes of breast cancer, birth defects, and wildlife toxicity." These lost opportunities would be costly indeed.

It has a sexy title, a fetus on the cover, and a dramatic detective story inside. It is a PR masterpiece.

Costs alone do not invalidate a policy option, of course. The costs and benefits of any policy must be acknowledged and reconciled. We know that reckless proliferation of synthetic chemicals may bring reproductive ruin to affected wildlife.

Conversely, a ban may bring unbearable costs to economies and ecosystems worldwide. Competing interests must be reconciled. But *Our Stolen Future* fails to do this.

Except once. The authors do make an exception to their absolutist position when they acknowledge that breast-feeding is a primary source of contamination. Breast-feeding "exposes infants to disturbing levels of chemical contaminants . . . levels ten to forty times greater than the daily exposure of an adult."

So the prime culprit in "stealing our future" may be the sacred practice of breast-feeding. It is easy, trendy, and politically correct to recommend organically growing one's own foods, avoiding animal fats, and giving babies unpainted toys. It is not acceptable to bash breast-feeding. In a rare instance of prudence, the authors write, "We know too little to judge how the undeniable benefits of breast-feeding balance against the risks of transferring hormonally active contaminants. While we have great concern, it is premature to advise women against breast-feeding." The authors would do well to consider trade-offs in all their recommendations.

Pseudoscience and Pseudo-Rights

Sifting through the morass of conjecture, innuendo, and propaganda in *Our Stolen Future* is nearly impossible. The book's backwards methodologies and hysterical biases subvert what might be valuable evidence.

Our Stolen Future rejects classic ideals of scientific proof for failing to address the alleged hormonal threat. Out with hypothesizing explanations for observations; in with "eco-epidemiology." The weight of the evidence now depends on "value judgments," such as "how much risk we are willing to entertain." Of course, value judgments can't be disproven. They are sovereign decrees, not testable hypotheses.

Colborn, a leader in "eco-epidemiology," tells us that chemicals, unlike people, must be judged guilty until proven innocent. But basic logic dictates that one cannot prove a negative. Unicorns may well frolic in the forest. We cannot disprove that possibility, because someone can always claim we haven't looked hard enough. Conversely, we could readily prove it if we see them.

Similarly, a presumption of chemical guilt places the burden of proof on chemical manufacturers, even though proving that their chemicals don't disrupt hormones is logically and technically impossible. One could always claim that the manufacturer hasn't looked hard enough. No harm to the first generation doesn't prove harmlessness to the second, or third, or tenth. The infinite combination of varying chemicals, circumstances, and levels of susceptibility render the task absurd.

The book rejects classic ideals of scientific proof for failing to address the alleged hormonal threat.

Colborn, Dumanoski, and Myers also offer a declaration of inviolable rights, starting with "children have a right to be born chemical-free." This epitomizes the book's irresponsible and naive rhetoric. The authors do not identify who has the responsibility for guaranteeing those rights. The judicial system is responsible for ensuring a right to due process. Who can have responsibility for "chemical-free births"?

To be born free from synthetic chemicals, the authors tell us, requires that mothers themselves be free from chemicals. This requires "that women minimize the consumption of animal fat *from birth until the end of their child-bearing years*." They must also avoid exposure to plastics, pesticides, and detergents. Little girls playing with painted or plastic toys as infants, the authors note, may be violating their future children's right to chemical-free nativity.

Obviously, this "right" is for bumper stickers, not serious analysis.

Another unequivocal right advocated in *Our Stolen Future* is the "right to know" what chemicals are in one's food, water, and other consumer goods. This is echoed by Al Gore, who writes, "All of us have the right to know and the obligation to learn."

In practical terms, this "right to know" is an exceptionally expensive entitlement. Its costs would first be borne by chemical manufacturers and distributors. The costs would then be passed on to consumers in the form of higher prices and burdensome instruction manuals detailing the biochemistry of everything from lettuce to business-wear.

The authors want to pay for this right by imposing a duty on manufacturers and distributors, because they have deeper pockets. In this, they neglect the power of market forces. With proper incentives, *competition* — not mandated disclosure laws and high transaction costs — will drive the market to satisfy customer preferences. If the public is curious about the composition of its plastics, then firms will provide this information voluntarily. If the consumers really want to know, they can purchase that knowledge like they purchase organic lettuce. And lettuce producers will find ways to communicate that knowledge flexibly, effectively, and inexpensively via certification. The market rewards those who please customers.

To be fair, there is one useful prescription in *Our Stolen Future*: the admonition that we move beyond "the cancer paradigm." Too much research has been driven by the cancer scare of the 1970s, the "War on Cancer," and hype over inflated cancer rates. In a way, our past experience with cancer helps explain why this book takes such a hysterical tone. The politics of funding research pushes research money toward trendy scares. The mysterious role of natural and synthetic estrogens in the development of animals and humans does need explaining, and a prudent, cautious, and scientific response to the important questions raised in *Our Stolen Future* is definitely in order. A "War on Synthetic Chemicals" is most definitely not — but the success of the War on Cancer, in attracting funding if not in curing cancer, speaks volumes about why Colborn and company might call for one.

Flying Blinded

Modern chemistry has brought benefits to society too numerous to list. But

this better living has had its costs.

DDT and CFCs prove that not all good things go together. When DDT first arrived, Paul Müller won the Nobel Prize for his seemingly miraculous chemical compound. But as *Silent Spring* and recent history have shown, DDT is not unambiguously wondrous. It carries severe consequences for much wildlife and some humans. Chlorofluorocarbons, similarly, were heralded as "one of the safest substances ever invented." Half a century passed before CFCs were blamed for imperiling life on this planet.

So technological progress, while beneficial, is neither free nor without risks. Colborn, Dumanoski, and Myers take this observation much further. They find civilization plunging arrogantly into the future with "dangerous ignorance" and risky "hubris." The risks and realities of progress have always existed, they admit, but the scale of human impact now encompasses the entire Earth. The stakes have become too high. The risks and tradeoffs of advancement are now intolerable.

Our Stolen Future claims that we are, in essence, "flying blind." What do we do when we see a dark, nebulous shape ahead? Will we race through it, hoping it is a cloud and not a mountainside? Will we slow down? Or will we "land the plane as quickly as possible"? The technophobic authors embrace the last option. Phase-outs, bans on new chemicals, and safer ways to "meet basic human needs" are "the only way to opt out of the experiment."

We are flying blind to the future, and the authors want off the plane as soon as possible. They long for an idyllic past, when synthetic chemicals didn't exist and people satisfied only their basic needs. But renouncing modernity and stifling progress will mean taking away most of the twentieth century's benefits. It takes a much more convincing argument than *Our Stolen Future* to cajole a full plane to land, just because someone with a window seat sees a cloud and feels some turbulence. Responsible analysts will advocate policies based on sound science and the broad interests of the citizenry, not the machinations of crisis entrepreneurs. ❑

In 1896, when Herbert Spencer edited his libertarian classic Social Statics, *he deleted its most radical chapter, "The Right to the Ignore the State," and toned down several other positions. In this review, written for his two-volume autobiography, the more mature Spencer explains his changes by sketching a critique "as might have been written by a competent critic who had read* Social Statics *through, and given due thought to its arguments."*

***Social Statics*, by Herbert Spencer. Robert Schalkenbach Foundation, 1995 (1851), 430 pp., $15.00.**

A Youthful Work by a Promising Author

Herbert Spencer

Nothing in this volume implies that its author accepts the current creed; and though a chapter entitled "The Divine Idea" implies that he is a theist, yet, for anything that appears to the contrary, his theism is nominal only. Immediate divine interposition nowhere enters as a factor into his conception of things; but, contrariwise, things, human as well as other, are conceived as conforming everywhere and always to immutable law. Such being the case, it seems to us that merely putting at the back of immutable law a divine idea, practically amounts to nothing: the immutable law might stand just as well by itself.

Social Statics, or, to quote its subtitle, *The Conditions essential to Human Happiness specified, and the first of them developed*, might fitly be characterized as a kind of Natural-History ethics. Its sub-title shows that, assuming happiness as the end to be achieved, it regards achievement of it as dependent on fulfilment of conditions; conformity to which constitutes morality. It considers Man as an organized being subject to the laws of life at large, and considers him as forced by increase of numbers into a social state which necessitates certain limitations to the actions by which he carries on his life; and a cardinal doctrine, much emphasized by Mr. Spencer, is that Man has been, and is, undergoing modifications of nature which fit him for the social state, by making conformity to these conditions spontaneous. In a chapter entitled "The Evanescence of Evil," he exemplifies the truth that increased use of any power, bodily or mental, is followed by increased strength of it; and conversely. He argues that the implied adaptation of constitution to requirements goes on without limit; and that therefore, in course of time, the adaptation of human nature to the social state will become complete — man will become perfect. Here is one illustration among many of Mr. Spencer's too-little-qualified conclusions. We will not enlarge on the fact which he should have recognized, that as fast as adaptation approaches completeness, it becomes slower and slower — that the forces which produce change become less as the need for change diminishes; so that adaptation must ever remain incomplete. Merely noting this, we go on to point out that, for adaptation to become complete, the conditions must remain constant; which they do not. Astronomic and geologic changes must cause in the future, as they have caused in the past, unceasing alterations in the climatic and other characters of men's habitats; entailing slow migrations of races from regions which have become unfit to fitter regions. Along with such migrations must go modified habits of life, and of industrial arrangements. So that before adaptation to any one set of conditions has been approached, some other set of conditions will have to be met.

Passing now to the ethical part of

his theory, we find Mr. Spencer's first proposition to be that every man is free to do whatsoever he wills provided he does not infringe the equal freedom of any other man — free to do it, that is, in the sense that within this limit, other men have no right to restrain him. This is said to be the primary condition to which men's actions must conform before social life can be harmonious. But Mr. Spencer does not say what he means by men — How about children? If the law is not applicable to them, are they to be regarded in old Roman fashion, as property over which the parent has life-and-death power? If, contrariwise, the law is applicable to them, must they be considered as having the same claims to freedom as their fathers, including political freedom? Clearly Mr. Spencer should at least have limited his doctrine to adults.

After making this needful qualification, we may accept the conclusion that men's claims to life, to personal liberty, to property, to free speech, &c., &c., are corollaries from this first principle: all forms of equity, or equalness, being implied in it. Passing over some chapters in which these corollaries are drawn, we come upon one which again shows our author's way of pushing his doctrines to extremes, without regarding the limitations necessitated by social conditions. We refer to the chapter on "The Rights of Women." Setting out with the assertion that "equity knows no difference of sex," he argues that the rights previously deduced must be as fully recognized in women as in men; and presently coming face to face with the question of political rights, he boldly claims these as much for the one as for the other. Now as a matter of equity simply, this claim might be valid were the social positions of men and women alike in every other respect. But they are not. Just noting that certain privileges which men accord to women constitute a kind of social priority, it will suffice to emphasize the fact that along with their citizenship, men have the obligation of defending the country, while women have no such obligation. To give women the same political power as men without joining to it his onerous political duty, would be to give them not equality but supremacy. Only if, while receiving votes, they undertook to furnish to the Army and Navy contingents equal to those which men furnish, could they be said to be politically equal.

How about children? If the law is not applicable to them, are they to be regarded in old Roman fashion, as property over which the parent has life-and-death power?

In Part III. of his work, Mr. Spencer treats at length of those political applications of his first principle incidentally touched upon in the last paragraph; and here we shortly come upon the strangest and most indefensible doctrine in the book. Unquestionably Mr. Spencer has "the courage of his opinions;" for, in a chapter entitled "The Right to Ignore the State," he actually contends that the citizen may properly refuse to pay taxes, if at the same time he surrenders the advantages which State-aid and State-protection yield him! But how can he surrender them? In whatever way he maintains himself, he must make use of sundry appliances which are indirectly due to governmental organization; and he cannot avoid benefiting by the social order which government maintains. Even if he lives on a moor and makes shoes, he cannot sell his goods or buy the things he wants, without using the road to the neighbouring town, and profiting by the paving and perhaps the lighting when he gets there. And though he may say he does not want police-guardianship, yet, in keeping down footpads and burglars, the police necessarily protect him whether he asks them or not. Surely it is manifest — as indeed Mr. Spencer himself elsewhere implies — that the citizen is so entangled in the organization of his society, that he can neither escape the evils nor relinquish the benefits which come to him from it.

Concerning the succeeding chapter on "The Constitution of the State," little needs be said. In these days of extended franchise and agitations for wider extension of it, Mr. Spencer will find general agreement in his argument deducing the constitution of the State from the law of equal freedom. Nor need the chapter on "The Duty of the State" detain us, further than to remark that we wish we could see some sign that the State will presently give to each citizen that complete protection against civil, as well as criminal, injuries, which payment of taxes entitles him to. But the next chapter — "The Limit of State Duty" — introduces another of Mr. Spencer's peculiar views, which most readers will promptly reject. In it he contends that beyond its function of protector against external and internal enemies, the State has no function; and that when it assumes any other function it becomes an aggressor instead of a protector — partly by unduly restricting men's spheres of action, and partly by taking away their money to support its additional staffs of officials. The remainder of Part III. is devoted to discussing the various forms of legislative aggression, in chapters on "The Regulation of Commerce," "Religious Establishments," "Poor Laws," "National Education," "Government Colonization," "Sanitary Supervision," &c., &c. Each of these chapters begins by deducing from the law of equal freedom, the inequity of the particular kind of State-action treated of; and then proceeds to show the impolicy of such kind of State-action. The conclusion set forth in the first two of these chapters, are conclusions already drawn by many people. Those set forth in the others will be variously regarded — mostly with repugnance. For ourselves we may confess to feeling some sympathy with Mr. Spencer in his protests against the multitudinous mischiefs done by legislation; and think that politicians would do well to inquire more carefully and sceptically than they do, before proposing new regulations. In

The citizen is so entangled in the organization of his society, that he can neither escape the evils nor relinquish the benefits which come to him from it.

defending some of his theses, however, Mr. Spencer enunciates doctrines which will horrify many soft-hearted people. Describing (on p. 322) the ways in which among animals the destroying agencies at work, continually "weed out the sickly, the malformed, and the least fleet or powerful," and saying that by this and kindred processes "all vitiation of the race through the multiplication of its inferior samples is prevented," Mr. Spencer goes on to argue that mankind are, and should be, subjected to this "same beneficent, though severe discipline"; and he holds that when a Government tries to prevent the misery necessitated by the stress of competition and the consequent "struggle for life or death," it eventually creates far more misery by fostering the incapables: saying of the "spurious philanthropists" that "these sigh-wise and groan-foolish people bequeath to posterity a continually increasing curse." So, again, on pp. 378–81, he asserts that "inconvenience, suffering, and death, are the penalties attached by nature to ignorance, as well as to incompetence;" and contends that the State does mischief when it wards off such penalties. Verily this teaching is not meat for babes but for men; and men of strong digestions, too.

We wish we could see some sign that the State will presently give to each citizen that protection which payment of taxes entitles him to.

However, it is needful to add that Mr. Spencer protests only against interference by the State with the normal connexion between suffering and inferiority: saying, of the natural expurgation of society ever going on, that, "in so far as the severity of this process is mitigated by the spontaneous sympathy of men for each other, it is proper that it should be mitigated."

Part IV. we must pass over; though the chapter entitled "General Considerations" contains matter for comment — mostly approving but partly dissentient. Already points of dissent have been sufficiently emphasized — perhaps obscuring too much sundry points of agreement of greater importance. We do not deny that, for harmonious social co-operation, there must be recognized the liberty of each limited only by the like liberty of all: the further limitations which morality dictates, not being properly imposed by public agency. That those various claims which we distinguish as "rights" are corollaries from this fundamental requirement, seems also to be a well-grounded proposition. Moreover, the arrangements implied by political justice are deduced by Mr. Spencer from the first principle he lays down, by arguments which seem to us mostly valid. Nor are we concerned to dispute the inference, that when the State undertakes to regulate and aid men in the carrying on of their lives, it inevitably diminishes their liberties, by controlling either their actions or their purses; while, unquestionably in many cases, it does evil rather than good by its officious meddlings. Though, as pointed out, the absolutely optimistic belief in the perfect adaptation of men to the social state, is untenable, yet there is reason for thinking that an approximate adaptation is being slowly effected. And there may be warrant for the doctrine set forth in a curious section of the "General Considerations," where, saying that we often "speak of the body politic" and "compare a nation to a living organism" (being led, by this collocation of ideas, to use the strange phrase "the social organism"), Mr. Spencer argues

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that there is going on a conciliation between the structure of society and the structures of its units — an action and reaction by which the two are being ever moulded and re-moulded into congruity; so that eventually man will acquire a nature such that he will tend to do spontaneously that which the welfare of society demands.

It is a pity that Mr. Spencer did not devote some years more of thought to his work before publishing it. He might then have set forth the truths it contains freed from the crude ideas with which they are now mingled, and undisfigured by illegitimate corollaries. ❑

Spamming the Spamways: a guide for the perplexed.

A Very Brady Irony

Matt Asher

In straightforward irony, someone achieves the opposite of his intent. If an actor in a play, sensing an impending flood, completely sandbags his house to save it, but the weight of the sandbags collapse the house, that is ironic. The *post*-ironic actor would save his house by simply torching it to begin with.

Irony is usually serendipitous. Post-irony requires self-consciousness. The post-ironist acts in full awareness that he is being ironic. If, as Nietzsche argued, we become that which we fight against, the post-ironic solution is to embrace that which we do not wish to become. If you believe our cultural nadir was Scooby Doo, what better way to deal with this atrocity than by parading it around on a T-shirt?

Perhaps another example is in order. A friend of mine drifted through school as part of the anti-establishment establishment. He blew up toilets, pierced body parts, and cursed out several administrators. He sneered at all those who would stand up and cheer their school to VIC-TOR-Y! When graduation came, he shaved the number '89 in his head, fully aware of the symbolism involved. But he meant it in a post-ironic way: *Rah, rah, rah, you fucking assholes.* Only those who knew him got the joke.

Such is the nature of post-ironic humor — it is contextual and often requires inside information to be understood, or even noticed. Often it exists solely for the sake of the teller, who is not upset if no one else catches on. If romantic art strives to express universal human themes, post-irony looks to express particular artistic quirks. The less accessible it is to the general populace, the greater its chances of being deemed worthy. Post-irony is the humor of inside jokes.

Post-ironic action often involves co-opting the symbols of another movement to make the opposite point. The context creates the irony. For example, my friend Cal has a Volkswagen minibus. He plays drum music in woodland circles and shops for food at the local co-op. Cal was looking to make his little statement for peace, love, and harmony with his bus, but he didn't want to go the conventional Dancing Bears or No Nukes! route. So he found a large deer head, complete with twelve-point antlers, and bolted it to the front of his bus. The different context was meant to point out the silliness of stuffed animal heads as trophies of virtue.

Imitation may be the sincerest form of flattery, but it can also be the most conniving form of blasphemy. Post-irony often involves the conscious choice to display bad taste in order to sneer at it. When people wore bell-bottoms and tacky platform shoes in the '70s, they were following bad fashion. When a post-ironic GenXer dons the same duds, he does so with full knowledge of how bad he looks. He puts these *objets d'(non)art* on to sneer at them. Baby boomers may not fully understand why so many of their children are dressing as they once did, but by and large they know enough not to take it as a compliment. Post-irony becomes a clever, almost insidious way to strike back at your elders. *How could you have been so stupid?* is the implied message. And the boomers are forced to rewitness their less-than-glamorous past.

By digging up or making reference to past examples of bad art or pop culture, post-ironists require the viewer to understand the reference. The more obscure the reference, the more kudos you get: wearing a Brady Bunch T-shirt scores fewer points than reciting lyrics from an old T. Rex song.

It's Everywhere

Marcel Duchamp may have been the first artist to recognize the power of post-irony. His cans of *"merde"* are a good example. By packaging and selling a can of his own feces, Duchamp pointed out that people will buy any shit that had been neatly packaged. He distilled what he saw as the worst of commercial art and threw it back into people's faces.

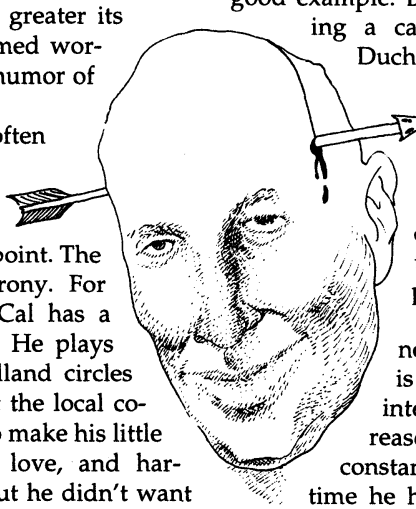

The most prominent post-ironist today is David Letterman. He interrupts guests for no reason, makes silly faces, constantly asks how much time he has left, and does bad impressions. The underlying theme of his show is, "Hey, isn't it a good joke that I ended up on national TV?" Letterman goes on to confirm how much he doesn't belong on network TV by pulling stunts like "stupid pet tricks" and giving airtime to The Artist Formerly Known As Larry "Bud"

Melman. He proves TV is indeed a "vast cultural wasteland" by making his show into a vast cultural wasteland. Letterman pulls off a tremendous post-ironic feat: we are laughing neither at him nor with him, but at what put him on TV, and at the very institution.

In perfect post-ironic fashion, Letterman creates good TV by setting out to do bad TV. As one critic put it, watching the Letterman show on a good night is like watching an orchestrated train wreck.

In politics, post-irony is rare but on the ascendency. Some mock the political process by voting for Mickey Mouse or Bozo. The message is upfront and satirical. The voter is saying, in essence, "*This* is how much respect I have for the state of democracy." Or, "As long as the candidates are clowns, I might as well vote for a real clown." Post-irony is a more subtle and sophisticated way to be condescending.

The most prominent post-ironic political movement I know of is Canada's Alligator Party. Its candidates all wear suits and carry skateboards. Its platform has only one plank: Canada should build an underwater tunnel connecting it with Japan. A vote for the Alligator Party sends this post-ironic message: "This is the kind of stupidity we have come to expect of politicians."

Imitation may be the sincerest form of flattery, but it can also be the most conniving form of blasphemy.

Post-Irony and Other Genres

Post-irony should not be confused with the other ways people denigrate things. It is not deconstruction, which takes a work apart piece by piece until it becomes absurd. (This is anti-contextual, and can be viewed as the inverse of post-irony.) Nor is it satire, which works by exaggerating or caricaturing its target's weaknesses.

Post-irony should also be distinguished from an equally insidious method of trashing things: the Warhol way. Andy Warhol sneered at the extraordinary by exalting the ordinary. What he did was the spiritual equivalent of entering a gallery that contains Michelangelo's David — and spending 20 minutes singing the praises of some pop artist. This is a more sophisticated, more underhanded way of drawing a mustache on the Mona Lisa. But the end effect is the same: to laugh at what others see as great art.

Post-irony is closely related to, but should not be confused with, camp. In camp, the goal is not to mock bad art *per se*; it is to make art so lousy that it once again regains its appeal. Camp is not satirical of anything but itself. The artist who makes camp cannot take himself seriously, whereas the artist who uses post-irony takes only himself seriously.

It is hard to take a post-ironic look at camp art: it set out to be bad, so there is no enlightenment to be had in showing how bad it is. Watching a lousy B-movie is so tortuous that it becomes uplifting. Viewers take open pleasure in witnessing such unnatural disasters.

Few artists have undertaken the task of mocking camp. Most notable is the band the Cramps, who took it on with their song "Bikini Girls With Machine Guns." But even this is hard to classify as post-irony, despite the fact that it thrusts the essence of camp back at us. After all, we already know how stupid movies like *Bikini Girls With Machine Guns* are. So the Cramps could be seen as enshrining the inane for its purity, a decidedly campy thing to do.

Post-Ironic Pop

Post-irony puts a new twist on the old "bad is good and good is bad" paradigm. Bad returns to being bad, while good consists of showing how very bad bad is. The post-ironist uses his talents of discrimination to pick out the tackiest examples of pop culture, then parades them around with a sneer. In this way, post-irony could be seen as a lazy man's way of showing he has good taste. After all, it is easier to pick out examples of really poor taste than to exhibit exceptionally good taste yourself.

Post-irony can be a shortcut to demonstrating your own artistic value. For example, the use of post-irony can spare "alternative" bands the daunting task of proving their "authenticity" and "realness." Instead of creating their own style, they need merely appropriate a past style they find particularly loathsome, and that identity becomes their antithesis. This is definition by negation — I am not my clothes, my image, etc.

The desire to transcend one's image with post-irony leads to the creation of an anti-image. "This is not for you," Pearl Jam wails. Each listener can imagine that Eddie Vedder is speaking to them about everyone else.

In perfect post-ironic fashion, Letterman creates good TV by setting out to do bad TV.

Simply listening to music can be a post-ironic act. The Monkees semi-revival of a few years ago was no doubt inspired, at least in part, by a desire to laugh at what some once thought of as good music. Some buy the albums to sneer at their former selves. However, post-ironic art must be enjoyed in a certain way. The listener must fully understand the lameness of what he is hearing and the context in which it first emerged.

Because post-irony can easily dissolve into the sea of an otherwise mediocre work, it has caused much angst for the grunge set. The presumed goal of post-irony is to get people to understand the folly of their ways by shoving it back in their face. But it doesn't always work that way. The band R.E.M. mocks mindless Top 40 music with the song "Pop Song '89." They sing with moronic smiles the generic lyrics, "Should we talk about the weather? Should we talk about the government? I, I, I . . ." The song is a jab at those who bounce to the beat of bland Top 40, and at those who profit from making such music. But what if some people don't get it? What if they buy the album because they like those upbeat pop songs and they think R.E.M. has provided a good example? Well, the joke's on them, I suppose.

Or imagine Kurt Cobain singing, "He's the one, who likes all our pretty

songs, and he likes to sing along, but he don't know what it means," while looking out over a crowd of stoned fans somnambulistically mouthing his words. Why, it's enough to drive a man to suicide.

The Perils of P.I.

Bands like Dee-Lite and the B-52s tread the thin line between post-ironic sneering and earnest emulation of past styles. The lyrical stylings and exaggerated dress of Lady Miss Kier could be an honest glorification of psychedelia and spandex, or the joke could be on those who take her seriously. Post-irony often treads this thin line between indulgence and castigation. Because the only real difference between post-irony and simple bad taste is the artist's sneer, the two can easily become confused.

Take John Updike's short story, "Tomorrow and Tomorrow and Tomorrow." Taken on its face, this is an abominable science-fiction story. It embodies all that is bad in the genre, presenting the full litany of sci-fi clichés: In The Future we are all eating tasteless food out of tubes and trying to get imprisoned so we can have more space to ourselves. The story comes off as an example of what happens when good authors go bad: they go *really* bad.

Because the only real difference between post-irony and simple bad taste is the artist's sneer, the two can become easily confused.

But could a good author have gone bad intentionally? I am told that Updike is an excellent writer, but "Tomorrow" seems so lame that I wonder if I'll ever read anything else of his to see if this is true. If "Tomorrow" was a post-ironic jab at bad SF, it was an exceptionally good example. Unfortunately, I suspect it was just trash.

Besides the risk of being mistaken for ordinary banality, post-irony has another pitfall. Recently, a hopelessly left-wing colleague of mine hosted an awards ceremony in which the trophy was a can of Spam. This was a post-ironic ceremony, done with full knowledge that the prize was less than worthless; it was an inside joke for those who shared the same cultural sensibilities. However, problems arose when it was pointed out that Hormel (Spam's parent company) was being boycotted for committing some left-liberal *faux pas*. So was it right to put on the ceremony if it meant supporting Hormel by buying their product to belittle what it stood for?

These post-ironists came face-to-face with the inherent contradictions in practicing post-irony: they were supporting the very icons they were sneering at. I call this the Preacher's Dilemma, after those self-righteous sermonizers who wish to destroy cultural manifestations of what they see as evil, but have to buy the books they burn.

This whole essay can be regarded as a post-ironic look at post-irony. It mocks post-irony by picking out its silliest elements and thrusting them at you. And it provides no aesthetic alternative. So the next time you witness a blunt act of post-irony, feel free to give the perpetrator a little high-and-mighty smirk that says, "I am mocking your mockery." ❑

Resurrecting the Novel

Timothy Virkkala

"Even if Silicon Valley manages to plant a virtual-reality helmet in every American household, even if serious reading dwindles to near nothingness, there remains a hungry world beyond our borders, a national debt that government-by-television can do little more than wring its hands over, and the good old apocalyptic horsemen of war, disease, and environmental degradation." This is the upside of modern life, as judged by novelist Jonathan Franzen, and as revealed in a long, very long — perhaps too long — essay, "Perchance To Dream: In the Age of Images, a Reason To Write Novels." Printed in a special "folio" midsection on different paper stock in the April *Harper's*, this, the editors of *Harper's* materially suggest, is an important work.

Franzen spends most of the essay regaling us with his loss of faith in the pertinence of his favorite type of novel, the "tragic realist" one. Such books are novels of social concern, if not criticism, and, apparently, are suffused by the tragic sense of life. Comedy and wit seem to play almost no role in this art; or, at least, Franzen does not deign to discuss either comedy or satire. In any case, by the end of his essay Our Noble Author finds a bright spot in his vision of the hopelessness of modern life. "Tragic realism has the perverse effect of making its adherents into qualified optimists."

Though I enjoyed every self-indulgent phrase of his essay — even its neo-Marxist sections — enjoying Franzen's *Harper's* essay is unlikely to engender long nights curled up with his novels *The Twenty-Seventh City* or *Strong Motion*. Perhaps to echo his subject — the sprawling novel of social relevance — Franzen's essay meanders about the point, mixing opinion with story, whining self-confession with statistical analysis, somber understatement with the occasional gauchery. (The tragic realist, Franzen tells us, cannot help but "reflect" the society he lives in. Maybe this is why he, too, misuses the word "too": "Novelists don't like to poke too deeply into the question of

who their audiences are." I commend to all talkers and readers and writers that most excellent word "very.") But even now I am affected by Franzen: I have yet to come to the point.

The novel has been "in crisis" for a very long time; the death of the novel has been proclaimed over and over since the beginning of the century. Yet, more novels today get published than ever before. I suppose this fact cannot help but make the "crisis" loom especially large today: when supply exceeds demand, the value of a good tends to drop. And on the supply side, strange forces are at play: the romance of *being* a novelist is so alluring to so many intelligent people that this in and of itself pressures part of the industry into vanity publishing. But the persistence of readers (as Franzen points out, mostly *women* readers) will probably continue to offset the supply-driven devaluation of the novel — despite the Web, Virtual Reality, and films.

One effect of Franzen's essay may be to tarnish, somewhat, the allure of novel-writing. Novel-reading, thankfully, is immune to this kind of influence. Like music and dance, reading is a performing art. Readers perform a book — a collection of signs and sign-sets, in semiotic jargon — just as musicians read a score or dancers read the choreographer's chart. The difference is, *the performance is private.* Bad performances can offend only the performer herself. For this reason alone it seems unlikely that the novel could die: it too easily offers average people the thrill of performance without the agony of critique.

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The novel has been pronounced dead so many times that its persistence no longer shocks. It has, I hazard, been reduxed to absurdity. Which is pretty much the condition of Franzen the Tragic Realist: living on the edge of fantasy, condemned to be funny. ❑

Booknotes

Liberty for What Century? — Many thinkers, both eminent and obscure, have claimed that ideas are the critical moving force in history. If this is true, libertarians will want to look closely at ***Liberty for the 21st Century*** (Rowman & Littlefield, 1995, 386 pp., $67.50 hc, $26.95 sc), the latest in a line of not-gone-but-forgotten compilations of libertarian thought edited by Tibor Machan (joined here by Douglas Rasmussen).

But are ideas alone enough? It's easy to be distracted from the ideas in this book by the authors' professorial peculiarities, from their boring and laborious prose to their incessant citing of one another's work. (Some of these thinkers have been patting each others' backs for years.) Eric Mack's "Moral Individualism and Libertarian Theory" exemplifies the dreadful writing in this book. If there is a simple way to say something, Mack wants nothing to do with it. This is how he argues that the right to property is as important as and extends from the right to self-ownership:

> People must have moral immunity against the destruction, disruption, or seizure of extrapersonal objects incorporated into their ongoing projects that is comparable to the immunity they have against the destruction, disruption, or seizure of their persons. This means that people must be able to acquire, by appropriately defined procedures, entitlements over particular extrapersonal items — entitlements that provide individuals with the same sort of exclusive, discretionary, and stable control over extrapersonal items as they rightfully have over themselves.

Happily, a few essays, such as Aeon Skoble's "The Anarchism Controversy," express their interesting arguments with enjoyable prose. And as part two ventures a bit away from the theoretical, it becomes more readable. But no lightning bolts hit the reader. The promised "novel" and "up to date" arguments never materialize. Much of this is old hat — or irrelevant. Rasmussen's examination of Jurgen Habermas' work is insightful and straightforward enough. But Rasmussen isn't a joy to read and who really cares about Habermas anyway? —Mina Greb

Analysis Terminated — In 1993 and 1994, Frederick Crews raised a storm of controversy with three *New York Review of Books* articles exposing the pretensions of both psychoanalysis and its bizarre stepchild, "Recovered Memory Therapy" (RMT). The "fear and rage" that the articles roused in the Freudian and RMT communities spawned a host of angry letters to the editor, as well as Crews-hating eruptions in publications sympathetic to Freud and his legacy. Crews, wrote the bedeviled analysts, did not understand psychoanalysis today; he was mentally ill, "trapped in a transference"; he was driven, the amused Crews recalls, like "a jilted lover" to "an irrational vendetta against [his] erstwhile soulmate, Freud."

Now Crews' essays, along with the letters to the editor and Crews' crushingly eloquent responses, have been gathered into a splendid book, ***The Memory Wars*** (New York Review of Books, 1995, 299 pp., $22.95). A witty and forceful writer who knows Freud, his followers, and his critics backwards and forwards, Crews takes no prisoners in his assault on "repressed memory," the basis of Freud's theory and therapy. Freud, he writes, generalized "from an inadequate or even imaginary base of observation and [ruled] his international movement more like a petty generalissimo than a discoverer of replicable knowledge." His followers uphold clinical experience as the *sine qua non* of psychological judgment, but invoke that experience to support mutually contradictory theories, failing to realize that "clinical experience, standing alone, is not a probative tool but an inducement to complacency and tunnel vision."

Perhaps such inconsistencies are best viewed as a private matter, embarrassingly peculiar to the dying cult of psychoanalysis and irrelevant to the larger society — rather like the golden tablets on which were engraved the original Book of Mormon. But now the

cult has birthed a flourishing new sect: RMT, whose more than 50,000 licensed believers are enriched "by countless untrained operators who use the yellow pages and flea market ads to solicit 'incest work.'" The strained but supportive relations between the two movements, as documented by numerous letters to *NYRB*, are both amusing and frightening.

The weird comedy of Freud's life and inventions has of course been covered by previous authors, but *The Memory Wars* does a superb job of summarizing and integrating their systematic debunking of Freudian pseudoscience. Equally satisfying is Crews' drumming of RMT, an intellectual mess that has wrecked thousands of lives. The RMT adherents' letters amply support Crews' view of the movement as a mystical belief system — one that, like its Freudian parent, is numb to scientific method, actively hostile to demands for empirical support, and addicted to *ad hominem* attacks and misrepresentations of research.

One study, for example, cited in a letter co-signed by 29 supporters of RMT, allegedly showed that 38% of a group of girls hospitalized for sexual abuse later lost their memory of that abuse. Crews notes — but the authors of the letter do not — that "nearly all of [the] women who failed to remember one target incident did recall others." Furthermore, the study failed to distinguish between "*second-hand knowledge about* abuse and *purported memory of* abuse," leaving no doubt about the status of its pretensions to science. One wonders about the motives of those who would so deliberately mislead the public.

Psychoanalysis continues to be treated with respect in our more backward intellectual provinces (notably those ruled by Martin Peretz, Norman Podhoretz, or the Modern Language Association). So it's time to ring psychoanalysis' knell. Crews has done it, and even his enemies know it. Hence the "yes, but" tone of so many of their letters — showing, as Crews writes, that psychoanalysis "appears destined to end not with a bang but with a querulous whine." —Nathan Crow

Thoughts on Being Canonized

— What a surprise to find an entry on myself in ***A Reader's Guide to Twentieth-Century Writers*** (Oxford, 1996, 825 pp., $35.00) — to be one of the thousand or so authors, living and dead, honored with several hundred words. There have been entries on me in more specialized encyclopedias devoted to Contemporary Poets or Contemporary Novelists, but never before has my name been featured in a general compendium devoted to the entire century. This is big league ball, thank you, not minor league. What a surprise it is for a writer whose work has been published mostly by small presses, not established houses, and in literary magazines rather than slicks or weeklies.

A bigger surprise is that I don't know anyone connected with the production of the book. The editor is identified as Peter Parker; the general editor is Frank Kermode, who probably just oversaw and prefaced. On page vi are the names of 41 "contributors," none of whom are known to me in any way. (Customarily, in my experience, if your name appears in a book of this kind, you can tell from looking at the list of advisors who got you there.) Credit whomever with courage, yes, because there are risks, as I know from experience, in drafting entries on people who aren't already in similar books.

The *Guide* identifies me as "probably the world's most experimental writer, or at least he represents the farthest extreme of the formalist approach within the broader field of 'experimental writing.'" Though the superlative might be questionable, the characterization of my aims is not. To be fair, I should also quote the only snotty comment: "His uncompromising extremeness has left him as perhaps the foremost critic of his own work, and certainly one of the most appreciative." (Neither claim is true. Just check the book *Ecce Kosti*, a collection of encomia for my work, though it was necessarily self-published.)

As far as I can tell, the only other American small-press writers here are Allen Ginsburg and the late Charles Bukowski. Most of the other Americans are commercial writers, which is to say that their publishers think their work must be heavily advertised and promoted if it is to be sold at all.

Having a taste for cultural encyclopedias, I read this one from cover to cover — and began to feel uncomfortable. There was clearly a double standard, with far more British Empire writers included than Americans, and thus far more unfamiliar Brits. Consider, from the book's initial letter, Rodney Ackland (1908–1991), Peter Ackroyd (1949–), Gilbert Adair (1944–), Robert Aickman (1914–1981), Kenneth Allott (1912–1973), A. Alvarez (1929–), Mulk Raj Anand (1905–), Simon Armitage (1963–), Elizabeth von Arnim (1866–1941), Daisy Ashford (1881–1972), and Alan Ayckborn (1939–). This is not a major league club I'd gladly join.

What distinguishes this *Reader's Guide* from most other contemporary encyclopedias is that the entries are not credited to individuals. I suppose they were composed by a committee drawn from the 41 unfamiliar names acknowledged at the beginning of the book. Group authorship probably accounts for why too many entries are pedestrian, avoiding both the superlatives and the personal snideness of the entry on me; it is hard to make mediocre writers seem distinctive.

Among the prominent Americans not included here are Galway Kinnell, W.D. Snodgrass, Richard Foreman, Samuel R. Delany, Donald Hall, Mark Strand, Rita Dove, Robert Hass, and Joseph Brodsky (perhaps deservedly, since his English-language poetry is awful; or maybe the Brits are justifiably dubious of those named Poet Laureate). *A Reader's Guide* includes George Steiner, Lionel Trilling, Harriet Munroe (!), William Empson, and Edmund Wilson but omits other prominent North American critics whose fiction and poetry are slight — R.P. Blackmur, Kenneth Burke, Eric Bentley, Susan Sontag, Northrop Frye, Harold Bloom, Jerome Klinkowitz, and Albert L. Murray, all of whom were slighted in favor of those unfamiliar Brits.

The individual entries are mostly biography, which is easier to do than criticism. Jewish writers are frequently identified as such, even if they don't customarily parade that affiliation. One virtue that marks the book as up-to-date is acknowledging same-sex relationships, even to the point of identifying long-term lovers by name. A second virtue is an apparent obliviousness to American political correctness.

Pleased to be included, I wish — for my sake and for that of my unidentified admirers — that *A Reader's Guide to Twentieth-Century Writers* were a stronger book. —Richard Kostelanetz

Learning to Gawk — Adam Parfrey is the kind of journalist who wouldn't just cover a serial killer — he'd hire the murderer as his crime correspondent. As an author and as a publisher, Parfrey takes the voyeurism beneath the surface of mainstream journalism, magnifies it, and thrusts it into the reader's face. So you're interested in cultists, criminals, and crazies, he says. So you're curious about the fringe. Well, *here it is*. Take a *good* look at it. *Don't turn away!* Are you *satisfied*?

His most recent book, ***Cult Rapture*** (Feral House, 1995, 371 pp., $14.95), covers everything from the mail-order bride business (which "confirmed feminist tracts pillorying the male's dehumanizing regard of the female as commodity") to James Shelby Downard, the undisputed king of the conspiracy theorists. There are also several chapters on the militia movement, with which Parfrey betrays some sympathies. Then there's I CAN ("a cult of sex-obsessed cripples"), a rather cruel attack on Andrea Dworkin (whose theories he initially equates with the feminist mainstream, "a lazy, misogynist assumption for which I apologize"), and a report on a fan club devoted to one of Elvis Presley's girlfriends. This last item is prefaced by another apology: "The following article, which originally appeared in the *San Diego Reader*, ostensibly contains insights on the sociological bizarrarie of fandom. A little hindsight has filled me with shame over the article's laconic sadism. Little did I realize that the vicarious pleasures of fandom exist so that its practitioners can face impossibly bleak lives. . . . Although I fully admit my culpability in the following article's sneering condescension, I offer it here uncut as an object lesson to unfeeling sadists. Those who laugh *with* the article, who share in my joy at clubbing easy targets, should consider themselves implicated in the crime . . . joy at other people's expense is the necessary first step in dehumanizing the 'other,' the psychological precondition for genocide."

So why read about this kind of thing at all? Parfrey's answer comes at the conclusion to my favorite chapter, "The Endangered Freak": "We must relearn to gawk without shame, to admit our fascination with deformity, the biologic expression of the *fin-de-siècle*. If we aren't allowed to know the 'other,' we sure as hell will never understand ourselves." —Jesse Walker

Libertarian Chrestomathy — "Libertarianism" originally meant a belief in free will, with no political implications at all. The construction "civil libertarian" seems to date from the latter half of the nineteenth century; the word "libertarian," alone and naked, was taken over by the anarchists as a euphemism a little later. (The anarchists needed a new label, as the bomb-throwers and assassins in their midst had sullied the name even beyond its original meaning, "a supporter of social or political chaos" — which was pejorative enough.)

If Charles Sprading's ***Liberty and the Great Libertarians***, published in 1913, is any indication, the word was also used as an attempt to cast the net outside the small world of die-hard anarchists. Sprading's book includes aphorisms ("Laconics of Liberty") and essays from a great diversity of individuals. The anti-slavery, anti-Constitution constitutional lawyer Lysander Spooner is preceded in these pages by the American president Abraham Lincoln; the single-tax theoretician Henry George is followed by the Christian anarchist Leo Tolstoy, the individualist-anarchist Benjamin Tucker, and the communist-anarchist Prince Peter Kropotkin. Oscar Wilde and George Bernard Shaw snuggle between the covers with Robert Ingersoll, John Stuart Mill, Emma Goldman, and Edmund Burke. Max Stirner is excerpted, as are Herbert Spencer, Thomas Paine, Auberon Herbert, and . . . Mr. Dooley!

The charm of this volume is the juxtaposition of the American individualist anarchists (Josiah Warren, Stephen Pearl Andrews, Tucker, Spooner, et al.) with those outside the tradition. Sprading's idea was an interesting one, but he doesn't really convince. Everybody knows just how different these people were.

The biggest problem, for me at least, is all the nutball economics (the selections from William B. Greene are especially embarrassing). Most of these writers fell prey to money-crankism, odd land-reform schemes, and idiotic anti-capitalist blather. In the few pages of his introduction to the new edition (Fox & Wilkes, 1995, xiv + 362 pp., $24.95 hc, $14.95 sc), Carl Watner tries to set this into some perspective. But he needs more space, and a lot more willingness to criticize the American individualists.

But for all their errors, these thinkers also have their charms. Theodore Hertzka, an Austrian economist (though not of the "Austrian school"), makes sense occasionally, even as he advocates ideas I find dubious (he opposes land ownership). Any radical who demolishes the labor theory of value can't be all bad.

It is apparent that the term "libertarian" has evolved since Sprading's time. Mencken used it on occasion, and Mencken was more a Sumnerian Social Darwinist than anything else. About mid-century, the Georgist radicals Albert Jay Nock and Frank Chodorov, along with thinkers and promoters such as Leonard Read and Robert LeFevre, began using the term to defend their pro-capitalist, anti-socialist philosophies. This usage was solidified as admirers of Ayn Rand's thought (and refugees from it) also adopted the term to describe their thinking.

Anarchists of the old-fashioned,

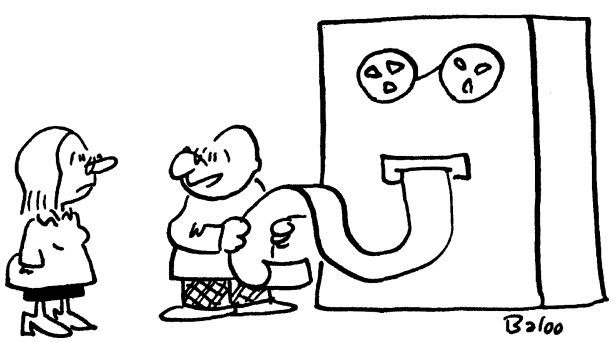

"We shouldn't have left it running over the weekend — it came up with a doctrine of free will."

anti-capitalist variety find this appropriation maddening. Perhaps when the word "liberal" once more denotes support for individual freedom, we can give "libertarian" back to the "real" anarchists. But right now a book like Sprading's, geared to contemporary individualists and titled *Liberty and the Great Liberals*, would simply not fly. Or, it would fly in the face of everyday usage.

Too bad. —Timothy Virkkala

Warning: O.J.-Related Paragraph — After a year's intrusion of O.J. into my life, I didn't think it possible for anyone to write a book about his case that would be remotely interesting. M.L. Rantala has proven me wrong with ***O.J. Unmasked*** (Catfeet Press, 1996, 272 pp, $16.95). Rantala reviews the crime and the evidence, focusing most of her attention on the most arcane, namely the DNA evidence, which *mirabile dictu* she renders intelligible. She concludes with a postcript consisting of 28 propositions ranging from unlikely to preposterous that one would have to accept as true if O.J. were actually innocent. She adds several appendices, ranging from the informative (a directory of all witnesses) to the merely funny (a directory of O.J. websites on Internet). Somehow, she manages to be both informative and amusing on a weary subject. —R.W. Bradford

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Filmnotes

Stupidity Kills — The films of writers Joel and Ethan Coen show just how "in sync" two artists can be. Their latest, ***Fargo*** (Joel Coen, dir.; 1996), is one of their best. The last five minutes transform the film's dark comedy by adding a profound moral argument for bourgeois virtue. And the argument is made cinematically, not verbally: to get the message, you have to read between the actors' spoken lines.

Earlier movies, such as *Raising Arizona* and *Miller's Crossing*, proved that the Coen brothers are masters of film style. *Blood Simple*, their first picture, showed their talent for shock. *Fargo* shows that their talents have blossomed. It also carries on their tradition of telling tales about *stupid criminals*. While Hollywood regales audiences with fantasies of Moriartyesque super-criminals and evil geniuses — the Bond films, *The Silence of the Lambs*, just about any technothriller — the brothers Coen offer viewers a more realistic picture of the world. Research does not offer much evidence that criminals tend to be smarter than their victims. Hollywood's army of unrealistically intelligent villains thus displays a rather twisted romanticism.

Joel and Ethan Coen may be a little twisted, but they are not romantics. They are capable of irony and understatement and a hundred other subtleties that romantics rarely master. But they are not quite satirists.

So, while you scurry to the local video rental library to find the collected works of the Coens, you might want to expand your search for stylish films about stupid criminals to include satire. I will recommend one: last year's brilliant send-up of the television age, ***To Die For*** (Gus Vant Sant, dir.). Starring Nicole Kidman in her best role (and performance) ever, this film takes the premise of a vapid, stupid, ambitious woman and carries it to its logical conclusion. As with *Fargo*, it is based on a real event — though Van Sant's film takes, I think, greater liberties with the basic story.

Written by Buck Henry (who also has a small acting role in the film), *To Die For* takes an arch view of media consciousness. It is very funny, flawlessly acted, artfully directed, and tightly edited. Is there an argument in the film? Sort of. The viewer is made to see how media-obsession scuttles the play of actual thought and cultivated virtue. And I confess: if the criminals in the story had any claim to intelligence, I might turn away in disgust and see modern media as a corrupting influence. I might even turn away and read a book or something. But the criminals are so stupid that the proper reaction is to laugh, and to gloat in their undoing. And to scour the video racks for more intelligent movies like this.

—Timothy Virkkala

Don't Look Back — Neglected in his day, rediscovered in the late '70s as "the worst director of all time," Ed

Wood has been reassessed again. The new Wood is a misunderstood *auteur*, a filmmaking primitive whose best movies were dada masterpieces — all the more so because he had no idea what he was doing. Though best known for *Plan 9 From Outer Space*, Wood's greatest picture was his first, *Glen or Glenda*, a gender-bending subversion of American sex roles that deserves comparison to the best work of the Spanish surrealist Luis Buñuel.

I'm serious. Well, half-serious. Wood was comically incompetent, an alcoholic transvestite who started out making Grade-Z exploitation flicks and ended up directing extremely-low-budget porn. His pictures featured bizarrely inappropriate dialogue, laughably cheap special effects, and no sense of continuity whatsoever. But the result could be greater than the sum of its parts. You've all heard of movies that are "so bad, they're good"; *Glen or Glenda* is so bad, it's a work of genius. Like schizophrenic writing, Wood's films exude a giddy originality that few "real" artists can beat. So if you don't think Wood and Buñuel are lost soulmates, a primitive and a genius who wound up at strikingly similar destinations, try putting them on a video double-bill — *Glen or Glenda* and *The Exterminating Angel*, or *Plan 9* and *Un Chien Andaleu*.

But don't rent ***Ed Wood: Look Back in Angora*** (Ted Newsom, dir.; 1994), a Rhino Home Video documentary released right after Tim Burton's excellent film *Ed Wood*. Wood connoisseurs may enjoy seeing clips from the director's late, hard-to-find skin flicks, but other than that, this video is next to useless. You hardly ever know which Wood picture it is you're seeing clips from, and when you do, you're still likely to be puzzled. (Why, for example, are some *Glen* clips colorized and others black-and-white?) Worst of all are narrator Gary Owens' smarmy voice-overs. Owens seems capable only of making unfunny jokes about how inept Wood's movies are. He's right, of course, but he's also superfluous. We can *see* how bad these movies are; the clips are right in front of us. Owens' sarcastic tone and dumb wisecracks only insult our intelligence. And when he makes fun of Wood's human failings — his poverty and alcoholism — he becomes a living paradigm of bad taste.

Far better to watch Burton's movie, or to pick up one of Wood's own gems.

—Jesse Walker

Heads Down, Thumbs Up — It was inevitable that a documentary like ***28 Up*** (Michael Apted, dir.; 1985) would be made. In 1963, a group of seven-year-old English boys and girls were interviewed for the BBC. Give me a child through seven, goes the cliché, and I'll show you the man. The director decided to put this to a test, returning every seven years to discover how each person evolved. (Since this film came out, *35 Up* has been made, and I am told *42 Up* will be released in the near future.)

Unfortunately, the film is disappointing. It's certainly interesting to watch the subjects' lives develop, but the director relies far too much on sit-down interviews, stunting our insight into how these people interact with their friends, families, communities, and careers. (But then, would *you* let a filmmaker follow you on your daily rounds? The director was already making quite an imposition by returning every seven years, so perhaps he didn't want to push too much.) The director's agenda against the British class system, however laudatory, also prevents a thorough exploration of the subjects' personal lives. The best moment of the film comes when an exasperated woman exclaims, in reaction to the interviewer pressing for her opinion of her working-class station, "I don't think about it — except every seven years when you ask me!"

There are other problems. My post-feminist sensibilities were disgusted with the emphasis on the men and children in the women subjects' lives. I must also confess to some chauvinism: I found myself wishing the interviewees were American, because we are infinitely more interesting than at least *these* Brits: more outgoing, more optimistic, more idiosyncratic. I hope that this putative "cross-section" of British society isn't anything of the sort.

Nonetheless, these people aren't boring, and I saw enough of their lives to want to see more. Perhaps the filmmaker's ambitious reach thwarted his work's success. Life is just too damn complicated to capture satisfactorily in this format.

—Michael Levine

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Reflections, *continued from page 15*

Treating women as chattel, as *de facto* slaves to either their fathers or their husbands, can have gruesome results. "Surgical" removal of the clitoris is one. Sewn-up vaginas are another. (The latter is inflicted most commonly on virgins; on wedding day, the vagina is opened with a razor to permit coition. In many African countries, the husband has a right to demand that his wife or wives be sewn up for long stretches of time — usually while he is away traveling, but in theory for any reason whatsoever.) Unfortunately, this short list of genital mutilations is not exhaustive; Africa is full of surprises and culture shocks.

Thankfully, public pressure has led to a review of Kasinga's case. After two years in prison awaiting appeal, Ms. Kasinga was released by the INS (though this took some doing: one INS district director, Scott Blackman, refused an earlier, non-binding ruling to free her). Her case began in earnest on May 2, before the Board of Immigration Appeals. As I write, no decision has been reached.

It is instructive to note just who in this case the oppressors are: "traditional family values." No, not *our* traditional family values; the traditional family values of some Africans and some Muslims. (It would be easy to expand the list of oppressors, of course: until public pressure was applied, the INS played its role with all the humanity of an East German border guard.)

It is also instructive to note who the heroes are: feminists who have rallied around Ms. Kasinga and pressured the INS into reviewing her case.

Many Americans are, of course, legitimately leery of government interference in family life. Some conservatives and libertarians argue that the family should be kept sacrosanct *no matter what,* simply to allow it to thrive as a "countervailing power" to the welfare state. But the Kasinga/Ferlise story reminds us of such an extreme position's limits. *Laissez faire* does not mean "let them govern"; it means "let them act," with the strong suggestion of "let them act *peacefully*" or "live and let live." Any group can engage in "governance"; families are themselves powers worthy of limits.

Surely we should be able to agree that familial authority should be limited by individual liberty, *at the very least* of the adults within the families. And surely we can agree that clans can be as oppressive as states, and that systematic oppression by clans might constitute a legitimate reason to emigrate. And immigrate to America. You know, the "Land of the Free"? —TWV

Bob Black, "White Man's Ghost Dance," *continued from page 48*

Why is primogeniture common sense everywhere in England except Kent? Or consider the Common Law doctrine that in marriage, husband and wife become legally one person — and that person is the husband. If this is common sense, so is the Holy Trinity, a kindred doctrine. It implies that wives have no property rights, which was very close to their legal situation in England and colonial America. But libertarian it is not.

Krawchuck has an illustrious predecessor: England's first Stuart king, James I. In 1607, the king announced that he would join his judges on the bench. Common Law, he had heard, was "Natural Reason" — as Krawchuck would say, common sense — and he had as much Natural Reason as anybody! Gently but firmly, Sir Edward Coke corrected His Majesty. It was true that the Common Law was based on Natural Reason, but it was not identical with it. To expound "the Artificial Reason of the Law" required experts: judges.

There was never any such Manichean (or Tolkienesque) war of good with evil — of the Common Law against the equity and the conciliar courts — as the Constitutionalists believe. Over the centuries there was jurisdictional jostling, ideological antagonism between jurists trained in different legal traditions, and political conflict over the scope of the royal prerogative and thus of the power of the prerogative courts, but these were not battles in a holy war. Some of it was little more than competition for business. Some settled down into a rough division of functions. Litigants did not take sides; they exploited the confusion. Thus a plaintiff might bring an action in equity to take advantage of its "English bill" procedure providing for pre-trial discovery of evidence — and then introduce that evidence in a common-law action where the court could not have secured that evidence itself. The vast majority of Englishmen had nothing to do with these elite machinations.

It's absurd to say, as Constitutionalists do, that equity was a summary proceeding in which defendants had no rights. On the contrary, from at least the Elizabethan period, equity was condemned for being too cumbersome and slow. Instead of oral testimony, for instance, depositions were taken, reduced to writing, and submitted to the court. Enormous quantities of paperwork piled up. Anybody who thinks equity proceeded summarily should reread *Bleak House*. If Constitutionalists are correct that courts of equity are tyrannical, colonial Americans would never have set them up, and the Constitution would never have countenanced them. In fact, by the eighteenth century, there were homegrown chancery courts in New York, South Carolina, and other colonies; elsewhere, "Common Law" courts exercised equity jurisdiction. And the Constitution the Constitutionalists would rather revere than read expressly assigned equity jurisdiction to the federal judiciary (Art. III, 02(1); Am. XI).

Which brings us up to the Constitutionalist contention that the Constitution is part of the inherited and immemorial Common Law. This poses obvious logical difficulties. If Equity is not Common Law, but the Constitution includes Equity, how can the Constitution be Common Law? If Americans (once rid of British tyranny) enjoyed the Common Law in its plenitude, why did they take the trouble to adopt the Constitution? And then the Bill of Rights? How is it possible to

improve upon perfection — over and over again? In the fairy tale, the king had twelve beautiful daughters, each more lovely than all the rest. Constitutionalism has the Common Law, the Magna Carta, and the Constitution, each replete with every excellence of the others, and then some. The Constitution of 1787 does not even mention the Common Law (although it mentions Equity) — perhaps out of modesty, a virtue the Common Law necessarily possesses, since it possesses them all. And then some.

In Egyptian mythology, the god Osiris was slain by his brother Set, and his dismembered pieces were scattered far and wide. But these parts could no more die than could immortal Osiris, although, dispersed and hidden, they were separately impotent. Once his limbs were retrieved and reassembled, mighty Osiris rose from the dead and vanquished the forces of evil. That's how Constitutionalists regard the Common Law. Now that their treasure-hunt has turned up the missing pieces, all Americans have to do, according to the Oklahoma Freedom Council, is get it all together and "the country would be free overnight." And they all lived happily ever after.

The tragedy of Constitutionalism is that it hopes to evoke by its magic an idealized imagined earlier version of the very form of society — our own — that was the first to banish magic from the world. With growing commerce came calculation, quantification, and the distinction of "is" from "ought." Myth is timeless, but when it comes to the performance of contracts, "time is of the essence." Money is merely a generally accepted medium of exchange, not some sacred "substance"; whether it's gold, silver, tobacco, or paper is a matter of convenience. Law is any application for the official use of coercion that succeeds. The proprietor or trader is indifferent to whether his invocation of the law against a thief, a trespasser, a business rival, or a communist revolutionary owed its effectiveness to immemorial custom, legislation, the Ten Commandments, or a well-placed bribe. Myth and magic are merely tactics to try on those who believe in them. Judges don't believe in Constitutionalism and neither do very many other people.

Nor ever will. Constitutionalism combines the worst features of superstition and reality without the attractions of either. Like real law, it's dull as dirt; unlike real law, it doesn't work. Like superstition, it's inconsistent, irrational, obscurantist, and ineffectual, but it entirely lacks the poetry and pageantry that often enliven myth and religion. Very few people espouse belief-systems this complicated and crackbrained unless, as with Catholicism or Mormonism, they grow up in them. We seem to be in prime time, sad to say, for cults both old and new, but not this one. It isn't even tax-deductible. ❑

Notes:

1. Ken V. Krawchuck, "Common Law Court Convened in Pennsylvania," 34 *R.S.V.P.* (1995–1996), p. 22.
2. Ken V. Krawchuck, "Ken-Nection IIIIII: Playing with the System and Winning," 32 *R.S.V.P.* (1995), p. 9.

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Terra Incognita

Norway

Identity politics in Scandinavia, as reported in *Dagbladet*:

The leader of Norway's 9,115-member organization Justice for Losers — whose particularly strong representation in Lapland leads it to refer to that region as "Loserland" — recently met with King Harald. The group now receives about $40,000 annually in government support.

Roanoke, Ind.

Advanced Judaic taxonomy, from *Dispatches from The Last Ditch*:

"I stipulate that by 'the Jews' I do not refer, for purposes of ruling-class analysis, to Sam the deli owner or Isaac the violinist or David the urologist. However, justice demands a qualification: once Sam or Isaac or David sends money to the State of Israel, AIPAC, or the ADL, he does become an Official Jew, albeit of minor standing as a 'domestic servant.'"

San Francisco

A victory for the Differently Abled, reported in the *San Francisco Chronicle*:

The cost of rebuilding a small footbridge over less than ten feet of water has skyrocketed to $413,000. The Americans with Disabilities Act requires the new bridge to be wheelchair-accessible — which, in turn, requires a total regrading of the surrounding hills.

North Carolina

How government regulators protect the public, according to the *Norfolk Virginian Pilot*:

The North Carolina building code requires funeral homes to get permits every time they set up a tent for a service.

Planet Earth

Culture in the global village, as described in *World Press Review*:

Baywatch is seen each week by approximately one billion people — a fifth of the world population.

Simi Valley, Calif.

New techniques of evaluating student performance, as described in the *Los Angeles Times*:

Simi Valley elementary schools have replaced letter grades with evaluations of 160 academic and social skills, including "holds book upright."

Denver

Advanced technique in nature documentaries, as reported in the *Denver Post*:

According to former employees of the *Wild America* TV series, some of the show's scenes — including some sequences in which animals were killed — were actually filmed in cages. The cages were edited out so the scenes would appear to be filmed in the wild.

Germany

The sociology of German laughter, as reported in *The Wall Street Journal*:

A recent cover of *Der Spiegel* featured pictures of TV personality Harald Schmidt, Hitler, and other famous Germans wearing clown noses and asked "How funny are the Germans?" The article invoked Kant and Hegel to explain why so many Germans seem to have trouble laughing.

Sembach Air Base, Ga.

Postmodern military training, described in *Airman* magazine:

American peacekeeping troops bound for Bosnia are trained in land-mine recognition, winter survival, first aid, and talking to the press.

United Kingdom

Evidence that government health care doesn't mean rationing, from the *London Times*:

At least 500 people with kidney failure are being allowed to die each year because there are too few facilities to treat them, according to a report commissioned by the British government. And the shortage of facilities will worsen over the next decade.

The National Review of Renal Services was ordered by the Health Department almost two years ago, but publication was delayed by the Treasury because of alarm at its financial implications. The Department eventually slipped it out unannounced.

Texas

The most pressing problem with government health care, according to a letter to constituents from Rep. Steve Stockman (R.-Tex.):

"Medicaid money is being used to pay for sex change operations! Thousands of taxpayer dollars wasted because some man thinks he's trapped in a woman's body!"

Oklahoma City

Justice in the Sooner State, as described in the *Chicago Tribune*:

A jury recommended a 30,000-year prison sentence for a convicted child rapist because they didn't want him on the streets again. "By God we can send a message," jury forewoman Laura Bixler said.

He could be up for parole, though, in as little as 15 years.

Washington, D.C.

The wit and wisdom of Rep. Sonny Bono (R.-Calif.), from an interview in *The American Enterprise*:

Q: Who, so far, is your favorite House Democrat?

A: Barney Frank. He's a tough guy and he's very smart. He's got good humor and he enjoys a good beef. He can become a straight man and know he's a straight man.

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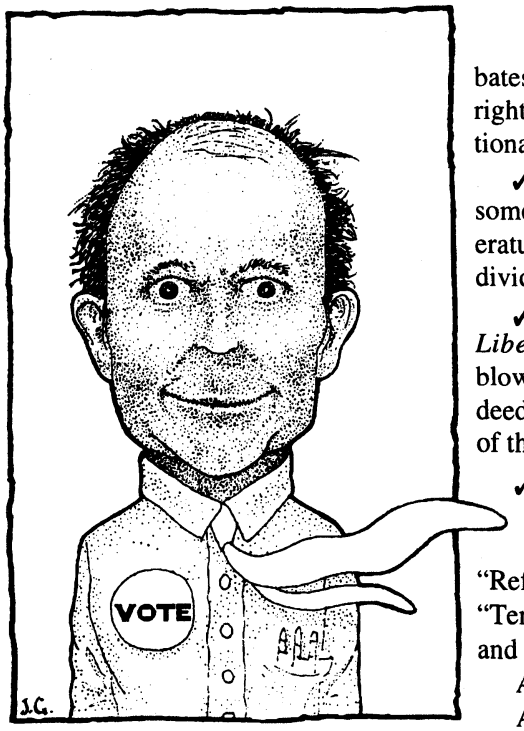

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The 1996 *Liberty* Editors' Conference will bring together the world's leading libertarian writers, theorists, journalists, economists, and historians, plus scientists, entrepreneurs, and futurists. In addition to the speakers listed below and on the opposite page, our guests will include Bruce Ramsey, Jack Shafer, Scott Reid, Timothy Virkkala, Jesse Walker, Clark Stooksbury . . . and those are just our *confirmed* speakers. Additional editors, contributors, and special guests will be announced as they confirm.

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- "I have been very impressed, energized, enlightened, and motivated by this conference."
- "No speakers I heard were not interesting."
- "I could have stayed for a week!"
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John Hospers, author of *Introduction to Philosophical Analysis, Human Conduct, Libertarianism,* and other books. Prof. Hospers is the only major philosopher to have had extended philosophical dialogues with Rand.

Barbara Branden, one-time confidant of Rand's and leading light of the Objectivist movement, now the celebrated author of *The Passion of Ayn Rand.* A brilliant speaker and defender of the best in Rand's philosophy, she is also a witness to its worst.

Lester H. Hunt, author of *Nietzsche and the Origin of Virtue.* Prof. Hunt is a leading individualist philosopher, a sophisticated interpreter of Randian thought, and a provocative explorer of the outer limits of the ethics of selfishness.

Bill Bradford, editor and publisher of *Liberty.* Mr. Bradford writes frequently about Rand and her movement. He will moderate the panel.

Editors' Conference

of liberty. The result will be intellectually stimulating and tremendously fun. And you're invited!

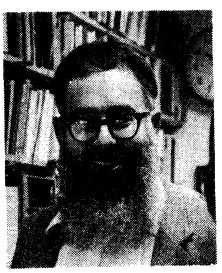

Loren Lomasky — philosopher; wit; author of *Persons, Rights, and the Moral Community*; theorist of voting and other rituals of American public life.

Jane S. Shaw — journalist, expert on protecting environmental integrity through private property, senior associate at the Political Economy Research Center.

Randal O'Toole — independent auditor of the U.S. Forest Service; pork-buster; editor of *Different Drummer*, a maverick journal of ecological thought.

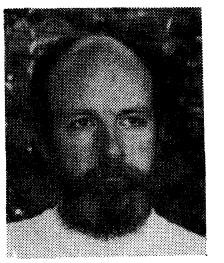

Robert Higgs — author of *Crisis and Leviathan*, developer of the ratchet theory of government growth, now engaged in study of (and against) the FDA.

Victor Niederhoffer — innovative financial speculator who knows more about how markets actually function than any other scholar Harvard ever produced.

David Friedman — economist; legal philosopher; poet; author of *The Machinery of Freedom*, *Price Theory*, and *Hidden Order*.

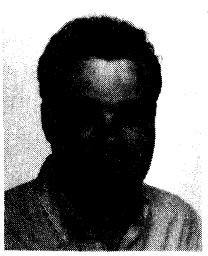

Bill Kauffman — acid-penned essayist, critic of the New World Order, author of *America First!* and *Every Man a King*, advocate of local culture.

Wendy McElroy — leading individualist feminist and voluntaryist, author of *Sexual Correctness* and *XXX: A Woman's Right to Pornography*.

Douglas Casey — author of the all-time bestselling investment book, *Crisis Investing*; world traveler; interviewer of tinpot dictators.

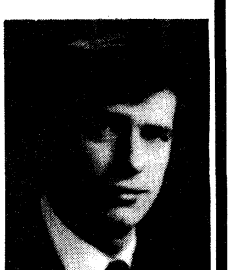

Rick Stroup — innovative economist, textbook-writer, free-market environmentalist.

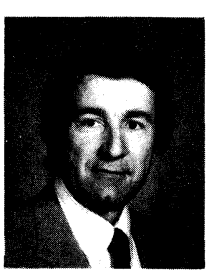

Durk Pearson & Sandy Shaw — research scientists, sagebrush rebels, self-medication advocates, authors of *Life Extension* and *Freedom of Informed Choice: FDA vs. Health Care Supplements*.

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Letters

Big Mack Attack

It would have been nice to have had a review of *Liberty for the 21st Century* by someone willing and able to read and comment upon its contents. Unfortunately, *Liberty* chose to publish a "booknote" by Mina Greb ("Liberty for *What* Century?," July 1996) which does little more than disclose her hostility to ideas and arguments that cannot be fully conveyed in the most simple of slogans.

As the special object of Greb's animus, let me add that Greb doubly mischaracterizes the two sentences from my essay that she quotes. I argue that the natural right of property complements the natural right of self-ownership, not that the former "extends" from the latter. And the sentences quoted represent, not my argument for that right of property, but a statement of the argument's conclusion. Of course, for Greb, all of this will be boorish obfuscation.

Eric Mack
New Orleans, La.

Maximum Rage

In "Occam's hammer" (July 1996), R.W. Bradford states that a "hack economist" did a study of the effect of an increase in the minimum wage on employment. The study showed that increasing the minimum wage had no adverse effect on employment. We all know, because our prejudices tell us so, that can't be the case, don't we?

In fact, the study I believe Bradford is referring to was done in 1994 by two Princeton economists, David Card and Alan Krueger. The study compared businesses in New Jersey, which raised the minimum wage in 1992, with comparable businesses in Pennsylvania, which did not.

Card and Krueger studied 331 fast food restaurants in New Jersey and 79 restaurants in Pennsylvania by doing phone interviews just before the April 1992 increase took effect. They re-interviewed the same restaurants about eight months later. They found that employment actually grew more in New Jersey than in Pennsylvania, although the difference was not statistically significant. Several other studies, cited in Card and Krueger's paper, have shown similar results. The study represented a methodological improvement over earlier studies relying on aggregate government data. The Card and Krueger paper was published in *The American Economic Review*, a peer-reviewed professional economics journal.

If anything, it was the counter-attack that was conducted by "hack" economists. The Employment Policies Institute, an employers' group opposed to the minimum wage, gave data to economists David Neumark and William Wascher drawn from payroll records of 71 fast food restaurants in New Jersey and Pennsylvania. Neumark and Wascher's analysis of this data showed that employment fell in New Jersey after the minimum wage increase. However, in one statistical test the EPI employment data did not show a significant loss in employment, and a second test was only marginally significant.

Neumark and Wascher then set out to verify the data on 80 restaurants given them by the Employment Policies Institute. In addition, they did their own survey of payroll records of 150 restaurants in the same areas surveyed by Card and Krueger. When they analyzed this data, the EPI study indicated a drop in employment in one statistical test. But their own data from 150 restaurants showed no drop in employment in New Jersey. Far from contradicting the Card and Krueger study, Neumark and Wascher's followup supported and confirmed it.

Statistical analysis of the two samples suggested that the Neumark and Wascher followup data and the EPI data were unlikely to be random samples drawn from the same population. It seems likely the EPI data was selectively provided to support a foregone conclusion. EPI and Neumark and Wascher have refused to make their data available to others; Card and Krueger's data is available on the Internet.

In other words, you've got it backwards. If any study was "flawed," it was the Neumark and Wascher study based on the EPI data. Card and Krueger did not simply phone "a bunch of fast food businesses and [ask] whoever answered the phone whether anyone had been laid off lately." The study was based on a before-and-after design and was much more carefully conducted than previous studies.

Now every time I read an article in your magazine I will have to wonder whether there are similar distortions and inaccuracies.

Michael Wogan
West Collingswood, N.J.

Bradford replies: The Card-Krueger study contains several crippling flaws, starting with the fact that it dealt only with fast-food chains, which may well benefit from the law's effect on other businesses. It also posed overly vague questions to the restaurants, failing, for example, to define the term "part-time employee." Similar problems plague Card's other studies on this topic. To my mind, this justifies a little invective; I apologize to Mr. Wogan if my choice of the word "hack" offended him.

Literary Note

Contrary to Matt Asher's statement ("A Very Brady Irony," July 1996), "Tomorrow and Tomorrow and Tomorrow" was written by Kurt Vonnegut, not John Updike.

Thomas Sipos
Santa Monica, Calif.

Asher replies: Oh. That explains it.

Mr. Black and Mr. Flash

Imagine my surprise when I read Bob Black's slam of the Common Law ("White Man's Ghost Dance," July 1996) and found that I was not only footnoted twice, but mentioned several times in the main text. Unfortunately, the ego

Letters Policy

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

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Inside Liberty

September 1996
Volume 10, Number 1

4 **Letters** Let's roll out the barrel, and find out what's inside today.

7 **Reflections** *Liberty*'s editors take on the tactless and attack the taxers.

13 **Medianotes** My editor's editor is my editor.

Features

15 **The Viper Militia: Menace or Victim?** Federal authorities have arrested some Arizonans and charged them with plotting violent revolution. *Vin Suprynowicz* digs up the facts.

17 **Orwell's Wartime Romance** *Martin Tyrrell* tells the tale of Orwell's wartime affair with nationalism — and why he later spurned it for a more libertarian love.

23 **Organizing the Anarchists** Libertarians converge on Washington, D.C., determined to roll back its power. *C.A. Arthur* reports.

27 **Cutting the Gordian Knot** *R.W. Bradford* referees the struggle between radicals and gradualists.

29 **The Libertarian Challenge** *Harry Browne* tells what he'll do on his first day as president.

34 **The Battle Over Schools** *Kathleen Harward* demands that education be more than an assembly line. *Nathan Crow* demands that education theory be more than a series of slogans.

39 **Anointing . . .** A poem by *Tom Baer.*

40 **Guns and the Power Elite** From the robber barons to the New Class, those in charge have preferred their subjects disarmed. *William Tonso* explains why.

45 **You Say You Want a Revolution?** *Pierre Lemieux* tries to figure out when it's time to dump the tea into the harbor.

49 **Peace and its Malcontents** Israel's new president is snatching war from the jaws of peace. *Leon T. Hadar* reports.

Reviews

51 **Clowns to the Left of Me, Jokers to the Right** Pundits are not without respect in their own country, *Clark Stooksbury* laments.

54 **Why the AIDS Heretics Are Wrong** *Nathan Crow* lists a few good reasons not to throw away those condoms just yet.

61 **The Evolution of Everything** Evolution is the unified field theory of biology. Could it explain, well, everything else too? *Leland B. Yeager* offers some random mutations for you to select.

64 **The Culture of Divorce** *Bruce Ramsey* suspects that there is more to marriage than a temporary contract.

63 **Classified Ads** Stuff. And you can buy it.

66 **Index to Volume Nine** What we've been up to.

68 **Index to Books Reviewed** What we've been reading.

69 **Notes on Contributors** We the living.

70 **Terra Incognita** Why the days dwindle down.

trip of seeing one's name in a prominent national publication quickly faded when I noticed that Mr. Black had stood me up as a strawman in someone else's field. I am indeed an avid student of Pennsylvania's Common Law and have publicly written and spoken much on the subject, both in court and out, but what Mr. Black ascribes to me simply misses the mark.

For example, while Mr. Black accurately quotes my observation that there are certain rights in the Magna Carta that we still enjoy today, he then proceeds to elaborate on portions of the Magna Carta which I never referenced. In the article he footnotes, I wrote: "Common Law is based on a number of time-honored maxims, some which are as old as the Magna Carta, going back to 1215. For example, in paragraph 39 of the Magna Carta, it says that no one is harmed except by lawful judgement of their peers. This is still a basic tenet of the law today." Although this was the only time I ever referenced any portion of the Magna Carta, Mr. Black uses it as a basis to say: "Constitutionalists revere the Magna Carta, but if they were to read it, they'd be baffled. Expecting to find, as libertarian constitutionalist Ken Krawchuk says, 'many of the rights we enjoy today,' they'd find themselves adrift in an alien feudal world of 'aids,' 'wardships,' 'scutage,' 'knight service,' 'reliefs,' 'wainage,' 'castle guard,' 'socage,' 'burgage,' and other arcana."

I can't imagine how Mr. Black could possibly read all that arcana into what I wrote. At best, his comment is an interesting piece of historical trivia; at worst, it's an off-the-point obfuscation of the Common Law. But to what end? Of course much of the Magna Carta is not relevant today. Who said it was? He also accurately notes that my illustrious predecessor, Sir Edward Coke, explained to King James that the Common Law is based on "Natural Reason — as Krawchuck would say, common sense — . . . but was not identical with it." But two paragraphs earlier, he rejects my generalization that the Common Law is based on common sense. Saying I'm wrong, then quoting the master of the Common Law to show that I'm right adds nothing to the clarity of his presentation. Which interpretation would he have us believe?

He also makes no mention that one of my articles (which he footnotes) chronicles a successful Common Law argument to defeat an oppressive local ordinance. If the Common Law is merely a ghost dance, why has it produced victories?

Even those portions of his article which do not refer to me are replete with errors, baseless innuendos, and word games. For example, although he accurately notes that "the Constitution of 1787 does not even mention the Common Law," he then chooses not to tell the reader that the Seventh Amendment in the Bill of Rights (ratified in 1791, a mere four years and two months later) mentions it explicitly. Why the hair-splitting? Who is he trying to confuse? To what end? If Mr. Black took the effort to employ his statutory law degree in the service of liberty, he might consider teaching the facts of the Common Law rather than attempting to discredit the subject.

continued on page 50

The Last Democrat

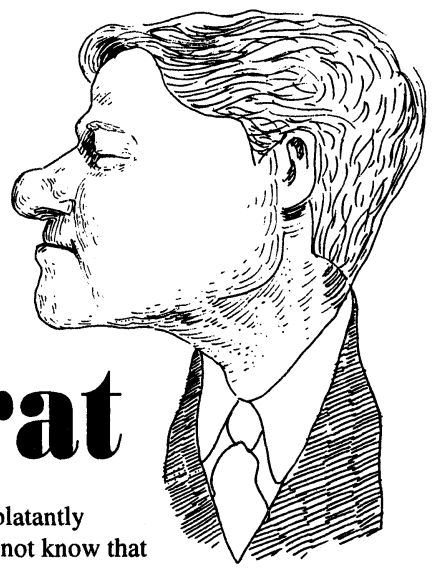

You know that Bill Clinton is the most blatantly corrupt president in years. But you may not know that he will probably be the last Democrat to be elected president for a long, long time — maybe the last one ever.

Dismissing the conventional wisdom, R.W. Bradford predicts that Clinton is

Why Bill Clinton Will Be the Last Democrat Americans Elect President

but the last, futile hope of the fraudulent dogma misnamed "liberalism": the insane idea that government can rob everybody, pay off anybody, and leave us all richer in the process.

It's all here: the criminally fraudulent commodity trades — the endless lying about Whitewater — the ill-fated health care plan — the terrible holocaust at Waco — the embarrassing bimbo eruptions — the endless taxes, regulations, and pork — and much, much more.

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Reflections

Brunch with greatness — While my foot was encased in a temporary cast, I had the opportunity to go to opening night at the Washington Opera. Whenever I go to the opera, especially in black tie, I can't help fantasizing that it will turn out something like the Marx Brothers movie. *Mephistopheles*, however, was uneventful.

I figured a better opportunity for amusement might present itself the following day, with brunch at the White House hosted by Hillary Clinton. What could I say to her? "Hey, nice digs you got here." No, too generic. "I'm really enjoying *Primary Colors*." No, not enough time for a literary discussion — besides, it really isn't very good, however accurate. "Say, I was wondering where Vince Foster's office was." No, too personal.

After we arrived at the White House, the rumor started circulating that Hillary wasn't going to be there. I discounted it, since the place was aflutter with the pert young female velociraptors that accompany her as predictably as do F-14s a carrier, tickbirds a rhino, or bats a vampire. But, as it turned out, Hillary had begged off and sent in the B Team: some bubba who claimed to be secretary of education, and Donna Shalala, secretary of Health and Human Services. When Shalala asked after my foot, I said, "Donna, this wouldn't have happened if you all had nationalized health care."

She laughed nervously, uncertain whether or not I was kidding. I should have asked her to sign my cast. —DC

Leave them kids alone — Schools in my county are considering adopting a year-round schedule. This would go against my belief that every child has a God-given right not to be pestered by a teacher during June, July, and August. But having seen that this, like so many natural rights arguments, fails to persuade the tinkerers, I have surveyed research in the area. So far, it seems to indicate that the extra three months don't help students improve.

This brings up the interesting question of whether we should not lengthen, but *shorten* the school year. After all, if adding months doesn't help, can taking them away do harm? American schools might begin by taking off all of September. If scores don't fall, we can continue from there, gradually chopping months from each end. Considering that the average student does perhaps three months worth of work anyway, we may be able to get by just on winter. Or nothing.

Of course, parents would have to do *something* to fill up those long hours. And more of them would choose to stay home with the kids, possibly starting up homeschools. There you have it: a practical, incremental program for separating school and state. —NC

Arkansas burning — In response to the recent alleged wave of church-burnings in the South, President Clinton commented, "I have vivid memories of black churches being burned in my own state when I was a child." Mr. Clinton has evidently been drinking from the same waters as those colorful folk who recall being ritually abused by extraterrestrial Satanists: the *Arkansas Democrat-Gazette* reports that, if anyone has ever burned down a black church in Arkansas, no record of the crime remains.

Somewhere out there, there must be a psychologist with a compelling explanation for why the president can remember ancient arsons that all others have forgotten, yet cannot recall relatively recent developments regarding Whitewater. —JW

Bob Dole, logician — Bob Dole's weekly radio broadcast of July 13 followed Bill Clinton's talk, as usual. And, as usual, Clinton was a tough act to follow. The president struck all the heartfelt notes without choking, talking about Americans uniting for the good of all, how great it felt to raise the minimum wage, and so on. But follow it Dole did, and in grand style.

The Republican candidate's topic was taxation, and his primary message was that taxes are too high. He stressed that the Republicans in Congress had provided tax relief in the form of numerous tax credit proposals, but that they had all been vetoed by the taxlover Mr. Clinton.

Then he went on to state that he was very proud of his own efforts to help pass Ronald Reagan's 1987 tax reform bill, and argued that its simplifying measures were a boon to the citizenry and the economy. He asserted that there is still room for improvement, that tax forms should be much simpler than our current 1040 nightmare, and that people should be able to send their forms in over the Internet.

He failed to observe that his simplifying agenda was completely at odds with the tax-break proposals he had mentioned moments before.

American politicians are unmatched in their desire to have their cake and give it to the taxpayers, too. Bob Dole is the most capable of the lot, able to resolve the most glaring contradictions without a moment's wince. —TWV

Final solution? — *The New Republic*'s editors recently noted their concern about the "social ills" of what they call the "Arab world." Chief among these is "overpopulation." I wonder if they have any particular, uh, solution in mind? —NC

Dr. Keynes, I presume — I get the International Monetary Fund's *Survey* twice each month, and rarely find anything of interest in it. The publication consists largely of the mindless blather of bureaucrats playing bigshot with other people's money. They run around the Third World wreaking havoc with the most cockamamie schemes imaginable, funded by taxpayers in developed countries.

An article in the March 19 issue notes that "tax collection

in Africa is a frustrating business" — a surprisingly astute observation from authors who, I suspect, have rarely ventured far from their five-star accommodations while on the benighted continent. Even more surprising, they are aware that all the other problems of tax collection "are compounded by a general refusal to accept the right of government to collect revenue from its citizens, and a corresponding tendency to engage in extensive tax evasion."

One reason for this is that not one African country south of the Sahara is a "nation" in the Western sense. All these countries were arbitrarily cobbled together by colonial powers, most with dozens of antagonistic ethnic groups with different languages and cultures. Throughout Africa, society revolves around the extended family, the clan, the tribe, and the village. The concept of national government is alien and meaningless to most Africans.

Residents of advanced countries at least get *something* of value, however minimal, back from their governments. In Africa, however, the national government is always — without exception, as far as I can tell — a pure predator. This fact is most in evidence with the army. In Africa, the army isn't something that defends society from foreign aggression; it's an instrument of political control used mostly against its own people. Rwanda and Burundi are recently noteworthy examples — but this is true to an equal degree in Zaire, Nigeria, Liberia, Sierra Leone, Uganda, the Central African Republic, Angola, Mozambique, Zimbabwe, and on, and on. African armies traditionally provide a direct route to the top for thugs who don't have the charisma needed in conventional politics.

But the army isn't the most destructive manifestation of government in Africa. The continent has spawned as corrupt and obtrusive a collection of bureaucracies as can be imagined — as bad even as those in the old Soviet states and China. The system of government prevalent on the continent can most accurately be described as *kleptocracy*. Everyone in every government seems to hold as a model Zaire's Mobutu, a man reputed to have personally stolen as much as $20 billion since taking over the country in the mid-'60s.

Foreign aid to Africa (or anywhere, really) amounts to nothing more than a transfer program from poor people in rich countries to rich people in poor countries. It would be much more efficient for the U.S. and the other OECD states to cut out the middleman and deposit the money directly in the dictators' Swiss bank accounts.

But back to our story. The nincompoops at the IMF seem aware that the average African pays no taxes (even if he has a cash income, which most don't) because he understands the nature of his government. Despite this, the IMF wants to increase tax collections through "presumptive taxation," which means — and I'm not exaggerating — shaking down citizens precisely the way the Mafia does. They advocate "lump sum levies," "estimated assessments," and "minimum taxes," techniques in which the official, whether from the mob or the government, guesstimates what he thinks should be paid — an arbitrary "fair" amount.

Of course, "presumptive taxation" has long been the practice in Africa, as an excuse to elicit a bigger bribe from a given citizen. But the IMF recommends enshrining this *de facto* practice into law. It's completely perverse, utterly insane. Any diversion of capital from enterprise will only impoverish Africa more. The same is true of any infusion of capital into their governments: whatever remains after most is siphoned off to Swiss banks is used only to further entrench their Kafkaesque bureaucracies.

The IMF bureaucrats belong in an even lower rung of hell than the dictators they help prop up. Africans all know their rulers are criminals. The IMF endeavors to legitimize them. —DC

Let Freedom wing — To commemorate July Fourth, President Clinton released into the wild a three-year-old bald eagle named "Freedom." Almost immediately, two ospreys (fish hawks) attacked the eagle, driving it into the water, where it was rescued by the Coast Guard. One hopes that this will be the only occasion in which the military is required to rescue Freedom after its encounter with Clinton. —DB

The voting booth is a harsh mistress — Recently, a frustrated friend suggested that only those people who studied up on an issue should be allowed to vote. I could see his point. Most of the people who argue about politics do nothing more than let fly with a prejudice picked up like herpes sometime between junior high school P.E. class and college Poli Sci 101. Only the sophisticated few manage even to regurgitate some bigoted pundit's half-baked notion.

But why not apply the same logic to those representatives who vote in Congress? Perhaps each representative should be given a little quiz right before voting. If he (or she) fails . . . no vote. And then there's Robert Heinlein's suggestion that no one should be allowed to vote who cannot work a quadratic equation.

As a matter of honor, and private morals, I cannot help but suggest some guidelines of my own:

(1) No one should vote for or against any wage-related law who cannot intelligently discuss the difference between the "marginal productivity" and "bargaining" theories of wages.

(2) No one should vote for or against any tax measure who cannot distinguish between the rate and the revenue yield of a tax.

(3) No one should vote for or against any measure dealing with our legal system who cannot distinguish civil from criminal law, or define "tort."

(4) No one should vote for capital punishment who cannot imagine themselves or their loved ones serving on a firing squad.

(5) No one should vote against capital punishment who cannot write a convincing 100-word essay on "why life imprisonment is less cruel than a death penalty."

(6) No one should vote for any subsidy

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
JB	John Bergstrom
DB	David Boaz
RWB	R.W. Bradford
DC	Douglas Casey
SC	Stephen Cox
NC	Nathan Crow
MG	Mina Greb
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

who cannot discuss the theory of "positive externalities" as it relates to unsubsidized activities.

(7) No one should vote on any environmental issue who cannot define "hormesis," distinguish between "symbiotic," "commensal," and "parasitic" relations among organisms of different species, and . . . well, you get the idea.

Alas, I'm still eligible. Maybe we should throw in Heinlein's proposal, and I won't brush up on my algebra. —TWV

Clinton – Dole = 10¢ — According to some commentators, the 1996 elections are a watershed. Gloria Steinem, writing in *The Nation* about Ralph Nader's Green Party candidacy, worries that if the "progressive" vote is split, both the White House and Congress will be controlled by "right-wing extremists."

"Extremists"? Steinem might be on solid ground if the nominee were Bob Dornan or Helen Chenoworth. But it's Bob Dole, a political chameleon who adapts to whatever opinions are in fashion. Further, she wrongly assumes that if the Republicans control both Congress and the presidency, they can do whatever they want. From 1992 to 1994, the Democrats held all the marbles and had an ambitious program — and we all know what happened in 1994. The Democrats might not be able to replicate the Republicans' 1994 coup, but they would strongly resist proposals from President Dole that they would swallow if presented by President Clinton.

Steinem has not been paying close attention to conservatives. If she had, she would realize what a paper tiger "the right" is. Conservatives, convinced the war was won on November 8, 1994, spent all their time congratulating themselves until Clinton started whipping their asses on the budget. Rush Limbaugh declared that America was now the "way things ought to be" before one welfare mother (or, God forbid, one defense contractor) had been expelled from the dole.

Of course, we all know that Steinem was adjusting the tail on her bunny costume when they were passing out brains. But the same can't be said of Thomas Sowell, who more or less endorsed Dole on the grounds that the country can't afford another four years of Clinton's appointments to the judiciary (at all levels) and the bureaucracy. It's true that Clinton will put a few lefty crusaders in these positions and that they will do some damage, but they'll hardly be enough to make a real difference. Remember that the ATF bureaucrats who framed Randy Weaver and began plotting the assault on Mount Carmel did so during the administration of NRA life member George Bush. And three of the five Supreme Court justices appointed during the terms of two "pro-life" presidents voted to uphold a slightly toned-down version of the right to abortion discovered in *Roe v. Wade*.

In spite of what you might otherwise hear, the 1996 presidential contest is almost devoid of importance. Any difference between Clinton and Dole will disappear next year, when the two heads of our one-party system come together to run the country. Clinton has continued the Bush program, and Bush enacted the Dukakis program. Whoever wins in November will continue the tradition.

George Wallace was exaggerating when he made his famous claim about the two major parties. There *is* a dime's worth of difference between them — but a dime won't buy you much these days. —CS

The crime of Ms. Lynne Cheney — Lynne Cheney, the Republican kulturkampfer who in the '80s strove to advance federal control of grammar-school education, is having second thoughts. The revised federal history standards have been issued with politically judicious cuts, but they still espouse notions of which Cheney disapproves. For example, students are supposed to understand that America no longer dominates the world the way it used to, a fact that causes Cheney pain and must, therefore, be suppressed.

Of course, Cheney herself was one of the instigators of national standards, back when she was working for cultural luminary Lamar Alexander at the Department of Education. Standards, she dreamed, would ensure that states straying from the path of righteousness would be cracked firmly across their knuckles with a federal ruler. Out beyond the Beltway, intellectual inertia had reached new lows, but the boondockers' failure to lift themselves by the bootstraps could be cured by *federales* willing to lift them by the ears. So experts were commissioned, reports produced, textbooks reworked. The sun sets and rises, and lo: Cheney is dazzled to find that relativists, revisionists, and multiculturalists have jumped on the bandwagon and yanked the reins sharply to the left.

Well, let us be charitable; it is never too late to arrive at wisdom. But Cheney's partial *mea culpa* is not just overdue; it's uninformed. The history curriculum that roused her to recant is merely the latest in a string of whimsical federal commandments blending ed-school fads with leftist cultural passions.

The English standards, for example, finally released two years after exasperated federal bureaucrats had cut funding, are simply vague nonsense, classic committee work designed to please everyone and offend no one. "Students need to understand different cultures, the workplace, themselves, and the many dimensions of human experience," the document declares. "Reading materials should include a wide range of print and nonprint texts [yep, that's what it says, "nonprint texts"] and literature from many periods in many genres." These miracles of homespun prose are the work of the International

Reading Association (the folks who gave us look-say) and the National Council of Teachers of English (whose leaders' mastery of English is aptly demonstrated by the above quotation).

But even the widely hailed mathematics standards, which passed unnoticed by Cheney, repeatedly recommend procedures that either have already been proven not to work or lack any support at all from research. They are the spawn of ed professors enthralled by mathematics education as warm bath. Already the new math curricula are wreaking havoc on student achievement, and hordes of youngsters need a calculator to perform even the simplest arithmetic. As these standards become entrenched and produce ever more innumerate nitwits with coddled self-esteem (American students believe they are wonderful at math), the U.S. will find itself deeper than ever in a post-industrial funk. Oh, jobs will be found, and no one will ever say there is a shortage of engineers, any more than there is a shortage of computer programmers in, say, Cameroon.

Cheney, of course, is a social engineer, not a real one, and must have considered the math "standards" a triumph of New Right paternalism.

A perhaps more important consideration than particular history standards is the appalling inability of public schools to get students to learn history of any kind. What most high school seniors "know" about history could probably be listed in one or two paragraphs, a rather small payback for the twelve years invested. And what students and graduates know that is true is outweighed by a distressingly larger fund of things they know that aren't so — like the belief that our Constitution authorizes federal bureaucrats like Cheney to monkey with the contents of public school curricula. —NC

The mailman cometh — The letter was addressed to me. It had my full name, my license plate number, a date, and a compass direction on it. Was I busted? Caught on video with a big red 75 mph flashing? Being served notice of my transgression?

Nope. It was just the state of Washington's never-ending quest to serve me better. "The Washington State Department of Transportation," the letter explained, "is studying ways to improve traffic conditions in the S.R. 16/Tacoma Narrows corridor. We need information on one of your trips to effectively plan for transportation improvements in this area." My panic over, I went on to read that, "Rather than stop vehicles on major highways, we have scanned randomly selected license plates . . . and are sending out survey forms."

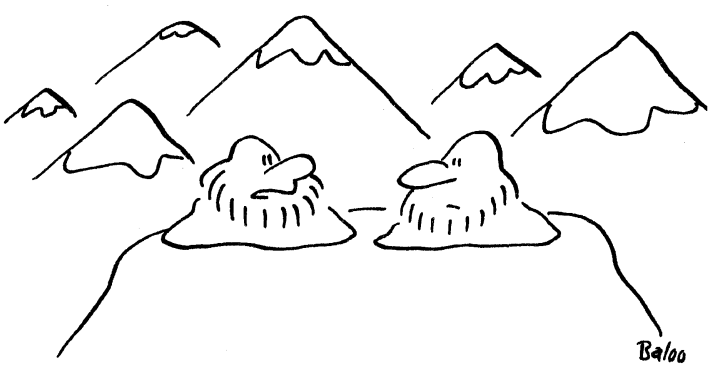

"I've done some really heavy meditating today — would it be okay if I sleep in tomorrow?"

Inside, the survey asked for the start of my trip (Street Address or Nearest Intersection), the end of my trip (Street Address or Nearest Intersection), and urged that I be "as specific as possible." Additionally, it asked whether I started from "Home, Work, Shopping . . . or Other," and whether I ended the trip at any of these same locations. Lest respondees fear such information might be, well, a tad too personal, WashDOT reassured: "When you detach the survey form there will be no way to associate your answers with your name and address."

Comforted by this, I volunteered a personal admonition, in three big red words, then dropped it in the mail slot, postage paid. —*guest reflection by* Matt Asher

Take the money and run — The Libertarian convention seemed a success. It was well-orchestrated, with intelligible speeches, and they got rid of that creepy children's rights plank. Then, on the last day, I saw something so stupid I wanted to bang my head against the wall. Harry Browne has qualified for federal matching funds, or, as I call it: free money from fools. He swore not to take a dime, much to the approval of the crowd.

It is all very nice for a politican to have principles. But libertarians will never become politicians without cash. —JB

Spinning in their graves — For the Clinton administration, a political "spin" is not a mere swerve but a spiralling transition from *my* mistake to *your* mistake.

The classic form of the Clinton spin appears in Mrs. Clinton's response to rumors that she has been spending her time communing with the spirit of Eleanor Roosevelt, as that spirit has manifested itself in sessions with an advisor of advanced psychic powers. Mrs. C reportedly expressed surprise that anyone else could possibly be surprised. Yes, she did have "imaginary conversations" with Mrs. R, querying what the latter might think about modern social problems. But after all, Mrs. Clinton had been carrying on the same conversations "in front of large audiences" for a long time. Look at her speeches — there it is!

In other words, when Mrs. Clinton, or her speechwriter, uses the ancient rhetorical ploy of speculating about what old so-and-so would think about the difficulties of modern times, she's really clueing us into the fact that she is addicted to a kind of spiritual therapy that would be regarded as quaint and silly if practiced by the nice lady next door. (Notice that Mrs. Clinton picked Mrs. Roosevelt to talk to, not my great-grandmother or yours, or some provincial lawyer like herself. It's that little trace of social ambition that gets the neighborhood psychic's cake to rise.) But of course, since Mrs. Clinton is doing it, it must be all right. In fact, it must be laudable. If you have a problem with this, it's because *you* haven't been listening to what *she* says.

The classic spiral transformation has been particularly in evidence in the Clintonians' treatment of the Filegate matter. After the first, entirely predictable, performances of Just Tell Them Nothing, the act changed to therapeutic "apologies" and takings of "responsibility." This was also an imaginary conversation, in the sense that the audience was not expected to do much talking back. For one thing, what do you say to

people who take responsibility for what happened in their offices but become intensely irritated when people suggest that they may actually, ah, have some serious responsibility?

Then the pack of Democratic Party attack dogs goes into action, ravaging the Bush administration and the Secret Service for leaving poor confused Democratic boys like Craig (Nobody Is Sure Who Hired Him) Livingstone in a situation where he would have to try to figure out all sorts of hard issues on his own — like the difference between the Democrats who now inhabit the White House and the Republicans who have long departed. Whose FBI files should we have for security checks? Gee . . . I don't know. But obviously, to subject Mr. Livingstone and his associates to intense scrutiny is either "McCarthyism" or just not "nice," depending on which expression is most likely to impress American voters of the current period.

The gist of these recent imaginary conversations is, "We're not to blame — you are." But, come to think of it, what happens in the voting booths in November will also be an imaginary conversation, though the silent party will be the Clintonians themselves. For once, they won't be spinning in our ears. It would be interesting if the content of the conversation were identical: "We're not to blame — you are." —SC

Health note — As a fellow horseman, I feel a deep sadness and profound sympathy for Christopher Reeve for the paralysis he's suffering due to a fall some months ago. He was recently interviewed by Larry King, who described him as having a "super attitude." This seems accurate in many ways. But one of Reeve's comments was, "Look at your catastrophic insurance policy, if you have one. I'll bet there's a cap on the total amount of money that can be spent on your treatment. . . . Do you know how much these companies make? Do you know what their CEOs are paid? It's ridiculous."

As a factual matter, many — if not most — major medical insurance companies offer unlimited maximums. So if Reeve had wanted one, they were easily available. And while I do think that the empty suits that fill most executive suites are overpaid, let's remember that top movie stars are getting $15–20 million per picture. —DC

Small-town boys — At this dead point of a sluggish summer, the political question is, How can President Clinton seem so likely to win the election, when he's so widely regarded as a charlatan and a fool?

This is a question that one overhears even in wine bars, Starbucks cafés, and other preserves of the liberal left. And no wonder. Polls indicate that most people plan to vote for Clinton, unfazed by their increasing suspicions about Whitewater, Filegate, and all the rest of it. Most people have clearly become convinced that the president has neither the sense to avoid improprieties nor the skill to cover them decently up. So why go ahead and vote for him?

The secret lies, I believe, in America's small-town mentality.

I consider myself fairly well qualified to talk about this. I come from a small-town family. When Sinclair Lewis launched his assault on the small town with his novel *Main Street*, one of my uncles sent a copy to my grandmother; it was inscribed, "To my mother, who lives there." She literally did live on Main Street. My parents continued the pattern. I was brought up two miles from a small (actually, tiny) town that was 15 miles from a small midwestern city.

Later, I lived in the heart of the nation's second-largest metropolis, but it was a small town, too. Ease of personal transportation allowed me to find the small communities of people who were most like me, and to do my real living among them. I noticed that everybody else did pretty much the same.

Later still, I moved to what is accurately, though very misleadingly, known as the sixth-largest city of the United States, a city that is nothing more than a collection of small towns united under a mayor whom everyone calls by her first name. Here, the most powerful political group is the executive board of the condominium. No one seems to regret the absence of a Champs-Elysées or a sense of Municipal Purpose.

What I have said about my city probably applies as well to your own, nth-largest, town. *Main Street* continues to be popular because Americans continue to live Main Street lives. We acknowledge the limitations of the small town, while enjoying its familiarity and its freedom from alleged higher purposes. Even in New York City, you can spend your life in a small town, climbing the social ladder in Queer Nation, the Russian Orthodox Church, or the Titanic Historical Society, or all of them at once, without bothering much about what's going on in anybody else's small town.

The founders of the republic believed that a diversity of local interests would produce a self-limitation of political powers. Their vision endures, in a way. Americans have a healthy habit of putting the visible interests of their own small town, however they care to define it, above an abstract allegiance to national ideals and goals. Of course, Americans are often naive and dull, in ways in which peoples subjected to centralizing political influences — Berliners, Muscovites, and Parisians — appear not to be. Well, that's a fair bargain with history. There's no such thing as a free sophistication. But while small-town politics is ordinarily free from terror, it's never free from absurdity and amiable contempt.

We all know who Bob Dole is: he's a typical denizen of an American small town. He's the wizened little guy who runs the garage down the street. You take your car in there, and he's very clever about knowing what's the matter with that widget next to the carburetor. He peers under the hood for a

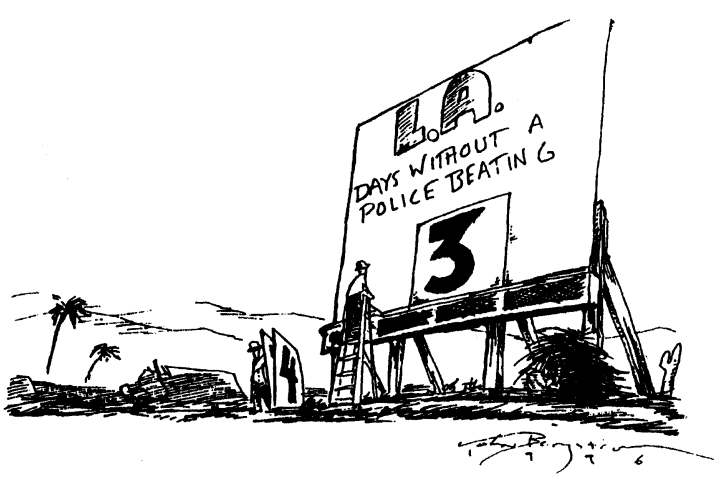

minute or so, and then he says more or less what he thinks went wrong, and that it'll cost you only about 60 bucks; you can pick it up this afternoon if you like. Newt, over there, will *probably* be able to take care of it. That's one of Mr. Dole's little witticisms. He gives you a wink when he says it. He knows, and you're supposed to know, that Newt, who's one of the mechanics, and who's just a bit younger than Mr. Dole, is apt to get a trifle ahead of himself sometimes. It's funny.

Heirs of the most sophisticated political and economic theories ever constructed, progeny not of John Doe and Mary Roe but of Madison and Hayek, Jefferson and Friedman, we have to insist on the problems that confront all the communities of America.

Ha, ha. The whole town shares this little joke, sort of behind Newt's back, but sort of in front of him, too. Well, on your way out you see Mr. Dole go back into his office and slip on his blue blazer and start walking over to the Rotary Club. He has lunch there every weekday.

And we all know who Bill Clinton is. He was the president of his class, down at the high school, but we were all wondering if he would amount to anything, once he got back from college. Then he married that Hillary (you know, with the glasses), the one whose father made his money in the tool-and-die. Not that Bill ever wanted to run a business. He was one of those guys who hang around the courthouse until they get elected to something. So he did. Every once in a while, when he's running for reelection, he comes around to the gas station and shakes everybody's hand, and they go out and vote for him, meanwhile making a few sarcastic remarks about ol' Billy Boy and the things that go on in his back room. Not to mention his wife. Nobody else's wife can stand her. But I reckon that that's all right. You've gotta vote for somebody, and it's either him or Mr. Dole. After all, my parents were Democrats. And he hasn't burned down the courthouse — yet.

The premise of small-town life is, What difference does it make?

Well, that's the premise of the 1996 election. It's the American form of cynicism, and it might work out all right if the ambitions of one particular small American town were as limited as those of the others. The town I have in mind is the incredibly small and narrow but incredibly powerful Main Street burg inhabited by the American ruling class. In that little, ignorant, self-complacent town, old Mr. Dole doesn't contract to fix your carburetor; he contracts to fix up Social Security. And Cousin Billy, the class president, sways the destiny of nations.

What's to be done? As libertarians, we cannot simply stay in our own small town and ridicule other people's well-known idiocy. Heirs of the most sophisticated political and economic theories ever constructed, progeny not of John Doe and Mary Roe but of Madison and Hayek, Jefferson and Friedman, we have to insist on the problems that confront all the communities of America. We have to explain why the coming presidential election will be lost, whoever wins it. We have to convince our fellow-citizens that if they continue to think that none of this makes a difference, and amicably continue to let such local wizards as Mr. Dole and Mr. Clinton squander their neighbors' money and power, they are condemning all the small towns of America to the death that some of them have suffered in the past. When I return to Jackson, Michigan, I can stand on the main street of town and see nothing moving from one horizon to the other. —SC

FICA off — Reforming Washington is, as public choice economists have long pointed out, a prisoner's dilemma: it doesn't seem rational to give up your own pet subsidy as long as you have to keep paying for everyone else's. So public support for cutting back the state, always strong when the problem is stated vaguely, tends to melt away when the specifics are put on the table. Libertarian presidential nominee Harry Browne has a creative approach to this problem, summed up in the question that has become a staple of his speeches: "Would you be willing to give up your favorite government program if you didn't have to pay any income tax for the rest of your life?" The idea is to bundle together all those little programs that cost us "just pennies a day," and kill the resulting billions-a-day monster in one fell swoop.

But not everyone is going to be impressed by Browne's bargain, at least as he phrases it right now. The typical young worker doesn't pay much income tax, after all, and often receives a substantial benefit from the government — a student loan, for example. Since Browne already plans to abolish the payroll tax and the heavily regressive FICA tax, why not work these reforms into his line? It would increase his appeal to the poor and the young. And it would make his intentions even clearer. —JW

The disutility of mendacity — The low point of C-Span's coverage of the recent Libertarian Party convention occurred even before the event formally began. A C-Span interviewer asked David Nolan, the party's founder and unofficial spokesman, how many votes the Libertarian presidential nominee had received in 1992. "About half a million," Nolan responded, without batting an eye. In actual fact, Andre Marrou received fewer than 300,000 votes.

Lying like this (or any other way) is not only wrong; it is counterproductive. It may seem to save some embarrassment, but in the long run, it doesn't serve the LP's cause. As long as the Libertarian Party is a fringe player, reporters won't bother to check up on such claims. But if and when the LP becomes a real force, such statements will be checked and such spokesmen will be characterized accurately as liars, costing them and the LP credibility with the media as well as with voters. —CAA

Visiting the relatives — A photocopied newspaper article is thrust at me as I enter the house. It has been tucked away for months, in anxious anticipation of my arrival. My heart sinks as I see the word "libertarian" in the title along with a photograph of an intense-looking, wild-haired man. Suddenly I feel a heavy sign hanging around my neck,

emblazoned with the words "Official Libertarian Ambassador" (and something in small print about my disease not being incurable). The article is about a Libertarian selectman in New Hampshire who hasn't paid taxes on his small business earnings since 1987. The IRS threatens to take his land, but he says, "There ain't no way that I can think of, outside of putting up a twelve-foot fence around these six acres, that they can keep me off this land. What's mine is mine and stays mine."

I quietly tuck away the article and begin to talk about the weather. —MG

A founding mother — If you're old enough to remember the 1950s, you may remember Vivien Kellems, a single-minded, strong-willed Connecticut spinster gadfly who tried to rid the country of the withholding tax that had been imposed as a "temporary" war measure in 1942. Kellems, a successful industrialist, was the only employer in the country with the temerity to take on the federal government on this issue. In 1948, she announced that, since the war was over, she would cease to collect wartime withholding taxes from her 75 employees.

Her position was that the money belonged to the employees of the Cable Grip Company, and that forcing her to collect from them violated her constitutional rights. She proceeded to pay workers the full amount of their earnings, helping them keep proper records so that they could pay income taxes when due. She actively encouraged them to pay, and all of them did. Kellems also wrote to the IRS, the secretary of the Treasury, and President Truman, telling them exactly what she was doing and challenging them to indict her so that she could test the law before the U.S. Supreme Court.

So what did the feds do? They couldn't let this dizzy dame in Connecticut get away with thumbing her nose at the entire government. But they refused to bring criminal charges — in Kellems' view, because they feared the courts would overturn the law, which had proved enormously profitable: the amount of income tax collected from wage earners had increased enormously. Instead of arresting Kellems, they demanded that her bank hand over her money, without even acquiring a court order. The bank resisted at first, but caved in when the IRS threatened to seize the bank's own cash.

After two years of harassment, it became clear that the IRS was never going to arrest Vivien Kellems. But if they were afraid to go to court, Kellems was not. She sued the government to get her money back. Surprisingly, she won. A federal jury in New Haven ordered the IRS to return the money it had illegally confiscated. The IRS did not appeal the verdict, but it continued forcing employers to collect taxes, avoiding the issue by altering the tax code to allow employers to not withhold taxes but requiring them to make up whatever employees failed to pay.

Kellems, however, had had enough. Although she continued for the next two decades to battle the tax cops over various constitutional issues, withholding was here to stay.

Vivien Kellems died in 1975. She would have been 100 years old on June 7, 1996. —*guest reflection by* Tom Tarrant, Jr.

Medianotes

Browne and Reason — Harry Browne "is quite possibly the strongest candidate the L.P. has yet to consider. He is a thoughtful fellow and a persuasive polemicist for libertarian ideas. His campaign book, *Why Government Doesn't Work*, hit bookstores in January and has sold about 40,000 copies — a respectable if not spectacular showing. Having appeared on any number of radio and TV programs over the years, Browne is a seasoned, articulate pundit. He looks and sounds, in demeanor if not content, like a senior senator."

So begins an essay about Harry Browne's candidacy in the July issue of *Reason*. It is hard to believe that David Nolan is describing the same article in his "A Critique of Impure Reason" published in the July *Libertarian Party News*: He writes:

> The June [sic] 1996 issue of *Reason* contains a six-page article by Senior Editor Nick Gillespie, belittling the Libertarian Party and the Browne campaign. It is filled with disparaging words like "quadrennial train wreck" and "yet another dispiriting performance." Harry Browne is labeled a "sad-sack third-party presidential hopeful," and a "clown"; other choice phrases include "like a drunk," "ridiculous," "ludicrous," and "a one man wrecking crew."

Of the eight epithets Nolan found in the article, Nolan claims that only two apply to Browne or the LP. The others either "fill" the article or are "included" in it. The two that, he claims, "label" Browne are "sad-sack third-party presidential hopeful" and "clown." Here are the passages from Gillespie's essay in which those words appear:

> Far from influencing the national political debate, Browne has received next to no media attention, aside from *de rigeur* stories about sad-sack third-party presidential hopefuls. Last fall, for instance, *The New York Times Magazine* ran a piece about fringe candidates. Titled "What Makes Billy Joe Run?," it featured squibs on presidential hopefuls good for a laugh or two. And there Browne was, cheek to jowl with such yuk-getters as the Rev. Billy Joe Clegg, whose campaign slogans include "What the world needs today is Jesus" and "Clegg won't pull your leg"; Millie Howard, an Ohio switchboard operator and mother of four who proposes a $10,000 "yearly birthright stipend" for all Americans . . .

> Browne's serious demeanor and the *Times*'s ostensibly respectful treatement, however, didn't help much. Just appearing in such a piece is the equivalent of putting on a clown suit . . .

You get the picture. It's obvious from the context that when he used the phrase "sad-sack third-party presidential hopefuls" Gillespie was describing the *Times*'s portrayal of third-party candidates. And his claim that appearing with these ludicrous candidates is "the equivalent of putting on a clown suit" is certainly not intended to "label" Browne a clown.

Browne added his own response to Gillespie's article, broadening the criticism: "No libertarian magazine has reviewed my book *Why Government Doesn't Work*, and none of them bothers to seek out news about the LP to report." Since *Liberty* is probably the only magazine other than *Reason* that is usually described as libertarian, I imagine we are the target here. If so, the aim is plainly bad. Chester Alan Arthur's 1,000-word review of *Why Government Doesn't Work* appeared in the January 1996 issue of *Liberty* as part of a longer article on the presidential race, which featured extensive commentary on Browne's campaign.

Nor have we ignored the LP. Since *Liberty*'s inception, we have always published extensive analysis and commentary on the Libertarian Party and its activities — the same sort of analysis and commentary that, say, *The New Republic* and *National Review* publish about the mainline parties. The very first issue of *Liberty*, in 1987, had three lengthy articles about the race for the LP nomination, and *Liberty* has published detailed analyses of the LP's showing in every election as well as detailed coverage of every LP convention since we began publishing. I believe we are the only publication in America that has done so, outside of the internal publications of the LP itself.

Of course, we get a fair amount of criticism from readers who object to the sort of coverage we give the LP. Some readers would prefer that we act as a public relations medium for the party, and that we avoid independent criticism. To these readers, I respectfully point out that the *Libertarian Party News* is the LP's public relations medium, and that *Liberty* is an independent journal of politics and culture, one that celebrates the diversity of libertarian thinking. Our editorial independence is not negotiable.

I can see why so many in the Libertarian Party who upset with Gillespie's article, which criticized the basic strategy of the LP and suggested it was unlikely to have much success.

For more than a decade, *Reason* has pretty much limited its coverage of the LP to a single uncritical article in each presidential election year, an article that could very well have been written by the candidate's public relations agent. Suddenly and without warning, *Reason* has decided to publish an independent view of the LP, and that view is generally unfavorable.

Personally, I am less pessimistic than Gillespie. I also believe he certainly was guilty of a bizarre non sequitur when he concluded that "Candidate Brown seems ill at ease with the party" from the fact that Browne said in an interview that he was "not at all involved [with the LP] other than being sympathetic to what they were trying to do. I don't think the Libertarian Party is the best vehicle. I think it is the *only* vehicle." So while I wasn't particularly impressed with Gillespie's article, I applaud *Reason*'s decision to stop its practice of limiting coverage of the LP to softball, public relations fluff.

I'm told that the LP has organized a campaign to encourage *Reason* to return to its old policy. I hope that campaign fails. —RWB

The medium is the moonshine — A friend of mine subscribes to *Newsweek*. He gets it for free, he explains to me apologetically — apparently there was some screwup in the magazine's circulation department — and reads it for insight into what our Masters want us to think about the world. I envy his stomach: I see *Newsweek* on newsstands, in the laundromat, in the library, at friends' houses, and can rarely bring myself to read past the cover.

Last year's October 30 issue, for example, displayed a photo of Louis Farrakhan, fresh from his Million Man March. Beside him, in big words: "The Two Faces of Farrakhan." And in slightly smaller lettering: "Self-Help or Separatism: What's Next for Black America?"

After a cover like that, does anybody really need to read the story inside? I'm no separatist, but it doesn't seem obvious to me that black separatism and black self-help are mutually exclusive. This "two faces" business is clearly a red herring. An honest cover would read: "Farrakhan: Sometimes He Sounds All Right, But He Still Scares the Pants Off of Us."

Or what about this cover story, from July 17, 1995? "Bisexuality: Not Gay. Not Straight. A New Sexual Identity Emerges." Talk about your Columbus complexes! I imagine *Newsweek*'s editor jumping out of his chair in story conference — "Wait a minute! You say they sleep with men *and* women? *Stop the presses!*"

Who can stand to read this stuff? Not I. Nor can I make it through a whole issue of *Time* without breaking out into an uncomfortable, itchy sweat. No: for my insight into Our Masters' Voice, I skip the "news"weeklies and read *TV Guide*. I started buying it just to see what movies were coming on television, but before long was sucked into its surreal world of breathless celebrity journalism, dumbed-down social commentary, idiotic letters, moronic ad copy, and "Cheers and Jeers." Reading *TV Guide* is like driving by a road accident: you don't want to look, but some primal, animal fascination within forces you to stare. And stare. And stare.

A few months ago, Thomas Fleming suggested in *Chronicles* that the only intellectuals with any business

continued on page 22

Investigation

The Real Viper Conspiracy

by Vin Suprynowicz

Don't believe the hype.

On July 1, a dozen citizens of Phoenix were arrested and charged with being members of the "Viper Militia." The next day, President Clinton stood on the White House lawn, saying, "I'd like to begin today by saluting the enforcement officers who made arrests in Arizona yesterday to avert a terrible terrorist attack." But as the indictments are made available to the public and more evidence about the Vipers' activities emerges, it is becoming increasingly clear that the Viper case is merely the government's latest assault on citizens exercising their Second Amendment rights. No "terrorist attack," terrible or otherwise, was planned or even mentioned in the charges. In fact, as the indictments show, the Vipers' supposedly criminal acts consist merely of (a) the day's work of a "well-regulated militia," (b) petty tax violations, and (c) ownership of books, magazines, and insignia (shoulder patches) — which are, of course, constitutionally protected under the First Amendment. Furthermore, whenever the indictment refers to a plan for a genuinely criminal act, it appears to have been instigated by ATF (Bureau of Alcohol, Tobacco, and Firearms) infiltrators — and rejected by the membership.

Conspiracy?

To obtain an indictment on charges of conspiracy, prosecutors must prove to the grand jury that at least one member of the alleged conspiracy committed an "overt act" — usually interpreted to mean either an outright felony or an act unmistakably preparatory to committing a felony, such as planting explosives in a bank.

But the "conspiracy," in this case, was not planning to blow up any particular building. It was a "Conspiracy to Furnish *Instruction* in the Use of Explosive Devices and Other Techniques in Furtherance of Civil Disorder," and "Furnishing *Instruction* In the Use of Explosive Devices and Other Techniques in Furtherance of Civil Disorder" (my emphases). "Instruction" in the use of weaponry is, of course, essential to a "well-regulated militia." But did the Vipers really intend to "further civil disorder"? Not as far as anyone can tell. A week after the arrests, U.S. District Judge Earl Carroll sent six of the suspects home, ruling they constituted no threat to their communities.

You couldn't say the same about the government agents who had infiltrated the organization. During the July 8 hearings that led to those releases, ATF supervisor Steven Ott admitted under oath that an ATF mole in the "Viper Team" had urged the other members to rob banks to further their cause. According to Louis Sahagun of the *Los Angeles Times*, they all refused.

Much of the government's case appears to hinge on creating the impression that the Vipers owned weaponry of a destructiveness that is *ipso facto* excessive for a militia — an obviously implausible claim, at least in the case of the group's military rifles. The Phoenix indictment contends that the defendants "did knowingly and intentionally combine, conspire, confederate and agree together to teach and demonstrate to each other and other persons the use, application, and making of firearms, explosive and incendiary devices, and techniques capable of causing injury and death." But to charge militiamen — or anyone — with merely owning "firearms" seems odd. Every time your local NRA-affiliated shooting club holds a match, and the range supervisor walks down the line to recommend that one of the younger fellows wrap his sling around his arm to steady his rifle, he is "teaching and demonstrating a technique capable of causing injury and death." In fact, under the government's Director of Civilian Marksmanship program, any law-abiding American can sign up to shoot in a "DCM" match, with those

who shoot adequately qualifying to buy a surplus military rifle, at cost, from the United States government. The main function of such a rifle is to "cause injury to persons."

So when the Viper case goes to trial, the prosecution will probably focus on the "explosive and incendiary devices."

Some could argue that the Viper arrests constitute exactly the kind of encroachment that James Madison once declared should "provoke plans of resistance."

The indictment charges that four of the "conspirators" met and viewed "a video tape" "for the purpose of training persons in the making and use of explosive devices for use in obstructing the federal government." The tape shows members detonating "multiple destructive devices which ultimately created a crater in open land approximately 6 feet in diameter and 3 feet deep. The exercise also included Dean Carl Pleasant discharging an unarmed M-16 type rifle grenade which travelled approximately 100 feet." The indictment additionally states that one member spoke of his attempts to develop a two-foot-long, PVC-pipe "rocket," fueled with black powder and capable of soaring up to 200 yards, apparently without any internal guidance system.

Such charges sound great on the evening news, of course. But the Vipers' activities are clearly protected by the Second Amendment. The government agents themselves say that this rather ragtag bunch were just doing contingency planning for any future assault on our rights — hardly a far-fetched concern after what Americans have seen at Waco, Ruby Ridge, and Donald Scott's ranch.

As a matter of fact, some could argue that the Viper arrests constitute exactly the kind of encroachment on our liberties that James Madison once declared *should* "provoke plans of resistance," that should be opposed by "a militia amounting to near half a million citizens with arms in their hands." In any event, the Vipers would seem to fall considerably short of that number — news reports indicate that the group's leader talked so much about blowing things up that no other Arizona militia or Second Amendment group would have anything to do with him. His dwindling "Viper Team" had shrunk from 43 members a year ago to the twelve who were peacefully arrested this month.

Did ATF decide it had better act before they were *all* gone?

Further Charges

In what may be the indictment's only valid charge, Viper Team member Gary Curtis Bauer was accused of "knowingly and unlawfully possessing one (1) SKS type, 7.62 x 39mm caliber, full-automatic rifle, a machine gun as defined in Title 18, United States Code, section 921(a)(23)," etc. This small, fixed-magazine carbine became commonly available as military surplus during the 1960s, when Eastern Bloc countries replaced most of their stock with AK-47s. It is not illegal to possess one in the United States, even if it includes an extra little piece of metal that allows it to fire its ten rounds with one pull of the trigger, instead of ten pulls. (The same effect can be accomplished if you purposely break a few internal parts — something the FBI is infamous for doing if it wants to "prove" a seized weapon was "capable of firing full-auto.") All the law says is that you're supposed to pay a $200 tax to possess such a rifle, which sells for $100 to $150 in its semi-automatic (untaxed) configuration — cheaper than any handgun on the market, except for a few recycled Russian clunkers of equally antique vintage. Thus, the "Viper Militia" is accused of owning (and failing to pay a $200 tax on) one, 30-years-out-of-date burp gun — a petty tax violation that scarcely amounts to a "terrorist" act. Indeed, since the seizure reports list several other "machine guns" and "silencers" that do not appear to have brought indictments as separate crimes, one can't help wondering whether most of the firearms possessed by this tiny "militia" weren't completely legal, with even the $200 tax paid. The charge against Bauer may amount to a mere bookkeeping error.

Also seized in the federal raids were "one bag of Viper Militia patches" (sic — the patches did not include the word "militia"), "three magazines," "two books" (including *Homemade C-4 for Survival*), and "books on silencers, bomb recipes," and the like. So now we're down to seizing books, readily available through the mail from publishers who advertise openly in national magazines. In the pre–Civil War South, it was against the law to teach a slave to read. Who are the slaves now?

Some more paranoid members of the Libertarian Party have speculated the bust came just in time to throw a cloud over the party's national convention.

The Security of a Free State

Four of the Viper defendants are registered Libertarians, and some of the perhaps more paranoid members of the Libertarian Party have speculated that they were busted just in time to throw a cloud over the party's July 4–7 national convention. Maybe. But it seems more likely that the much-touted Libertarian connection is the work of reporters eager to marginalize the party and portray it as a menace. After all,

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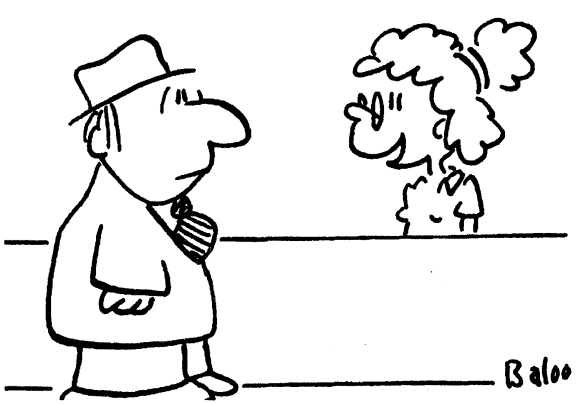

"I'm sorry, sir, but the teller who handled your account retired. Would you like to open a new one?"

Reconsideration

Orwell's Wartime Romance

by Martin Tyrrell

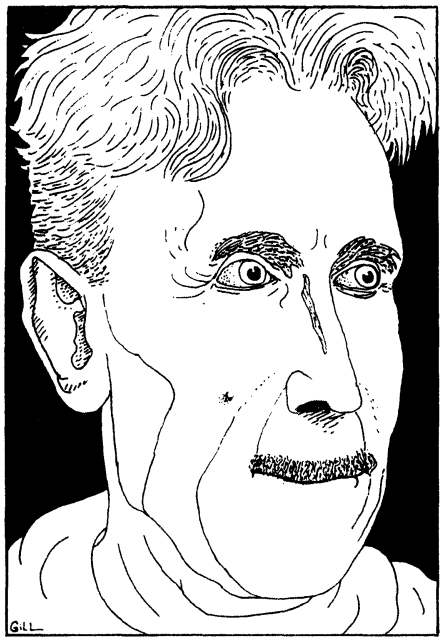

Tribal drums beat loudest during wartime.

Ideologues of all kinds have claimed George Orwell as their own. Libertarians, socialists, and conservatives alike believe *Animal Farm* and *Nineteen Eighty-four* support their political views. Recently, Bernard Crick called Orwell a "writer of historical stature on national character"[1] and suggested that, with both European integration and the breakup of the United Kingdom in prospect, it is this nationalist side of his writing that is potentially the most influential.

This kind of talk is always a pity. Factionalizing an author and his work reduces him to a caricature, and ultimately, that is all that Orwell the nationalist will ever be. There is more to this writer than John Bull with a red flag. The books Crick has in mind — *The Lion and the Unicorn* and *The English People* — were propaganda produced early in the Second World War, a phase in Orwell's career that he later shamefacedly rejected. By 1945, he was already writing:

> [T]he disease loosely called nationalism is now almost universal. . . . I defy any modern intellectual to look closely and honestly into his own mind without coming upon nationalistic loyalties and hatreds of one kind or another. It is the fact that he can feel the emotional tug of such things, and yet see them dispassionately for what they are, that gives him his status as an intellectual.[2]

Like "any modern intellectual," Orwell sometimes lapsed into nationalism, even nationalism of a particularly simplistic kind. Yet he was also able to approach the issue of national identity objectively. If nationalism is a disease, then Orwell certainly had it — and, for a while, had it bad. But he also had its measure. This ambivalence is what I will examine: his sudden, underexplained swing from anti-nationalist to nationalist propagandist in 1939 and his abandonment of that position around 1943. Much of Orwell's best-known writing was produced after the war, and can be read as a comprehensive repudiation of his wartime patriotism. The essay "Notes on Nationalism" (1945), for example, is a considered and dismissive work. But it is not Orwell's most significant breach with his wartime stance. That honor belongs to *Nineteen Eighty-four*, a novel that explores thoroughly what it is like to live in a collectivized, nationalist, and socialist society at war. Part of what makes it so authentic is that Orwell himself had been a propagandist for such a society.

Anti-Nationalism in Orwell's Early Writing

Orwell's early books and essays say little about nationalism, but the little they say is hostile. In *The Road to Wigan Pier* (1937), Orwell summarily dismisses all claims of inherent national distinctiveness and judges the criteria allegedly underlying them — race, culture — to be bogus.[3] Two years later, this gut reaction became more systematized after he joined the revolutionary socialists of the Independent Labour Party (ILP) and began to fellow-travel the Peace Pledge Union (PPU). Both of these organizations agreed that war was imminent, and that it would be no different from any previous war. It would be a fight between nation-states over issues of national prestige and international standing. Like most wars, it would be declared in the name of peace but, at base, there would be nothing special to dignify it, certainly not issues like "fascism versus democracy" or "human rights versus repression." To the ILP especially, fascism and democracy were just rival forms of capitalism; only officialdom could imagine a difference between them. (Remember that this was the 1930s, when Britain was governed by a national coalition with minimal opposition, the closest the United

Kingdom has ever come to being a one-party state.)

Coming Up for Air, the novel Orwell completed the year the war began, is heavy with this ILP/PPU outlook. In it, he belabors the point that "fascist" is simply a term of abuse, a rhetorical trick to stigmatize one particular set of foreigners so as to exaggerate any actual differences between "them" and "us." Here Orwell equates the anti-fascism stories of 1939 with the tall tales used to justify World War I, fables of "gallant little Belgium" and of German factories where corpses were turned into margarine. For all the talk of fascism abroad, *Coming Up for Air* suggests that there is more than enough of it at home. Thus, when the central character, George Bowling, revisits his childhood home, he sees a quasi-military procession of schoolchildren carrying banners that read "BRITONS PREPARE" and "WE ARE READY, ARE YOU?"[4] These children, marching in line like the Hitler Youth or Young Pioneers (or the Spies in *Nineteen Eighty-four*), are intended to prick the consciences of others — adult men — to do likewise. However their parents might feel, however much they might object, the British nation-state, like Hitler's, already had the children. *Coming Up for Air* depicts a state preparing its citizens for war, with a mendacious justification (anti-fascism) and a mass mobilization that starts with the young.

In 1939, Orwell felt the "emotional tug" of nationalism and could not reason it away. His dissent, like Winston Smith's, had come to an end.

Wartime Nationalism

Less than a year after *Coming Up for Air* was published, Orwell's position shifted abruptly. Suddenly the pacifist and international socialist was a pro-war nationalist, an enthusiastic propagandist who blackguarded his former comrades. Soon he was working for the BBC. This change had little to do with any rational sizing up of the situation. Shortly after war was declared, Orwell wrote, "I know very well . . . the emotion of the middle class man brought up in the military tradition, who finds in the moment of crisis that he is a patriot after all . . . a time comes when the sand of the desert is sodden red and what have I done for thee, England my England?"[5] In 1939, in the swell of wartime propaganda, Orwell felt the "emotional tug" of nationalism and could not reason it away. His dissent, like Winston Smith's at the close of *Nineteen Eighty-four*, had come to an end.

Orwell had been schooled during the First World War, when children's comics had depicted Germans with the faces of pigs. He had drilled and trained with Eton's military cadet corps; his first published work had been schoolboy odes to his country and its army. Now, when the call to arms came from *his* nation, he could no longer continue his pacifist revolutionary socialism. He could not even be the indifferent "Tory anarchist" he had been in his twenties. He did not *become* a nationalist; deep down, he had been one all along.

His new ideological vision was expressed in *The Lion and the Unicorn* and *The English People*. Both books are nationalist propaganda of a particular kind, a kind socialists might read and by which socialists might be influenced. The wartime Orwell argued for a nationalism that will make socialism possible, a socialism that will strengthen the nation and help it win the war, and a war that will provide the impetus for both socialism and nationalism. Good old war!

Orwell initially despaired that consumerism was undermining England's war effort and bemoaned England's lack of a centrally planned economy like that of Nazi Germany. For that reason, the early German successes perversely pleased him; they seemed to support his faith in the potential of a national socialist economy.

Did that make Orwell a fascist?

The question is no longer meaningful, because "fascist" no longer carries any precise meaning. Even when Orwell was writing, it had begun to lose all sense; the closest he could get to a synonym was "bully." But equating fascism with bullying is emotive rather than precise. Worse than that, it is on par with the atrocity stories sneered at in *Coming Up for Air*. All large states have something of the bully about them — not just Nazi Germany and militarist Japan, but 1930s Britain, with its oppositionless government and its sprawling, mismanaged empire. Today we think of racism as an inherent fascist trait, but the prototypic fascist states — Italy, Spain, and Portugal — were hardly more racist than many democratic states, while the *full* extent of German anti-Semitism did not become known until 1945. Thinking of fascism as simply bullying or racism ignores its social and economic traits. During the war, Orwell was certainly something of a bully, albeit a rather half-hearted one — many of those whom he scurrilously attacked in public (John Middleton Murry and George Woodcock, for example) were later soothed in private correspondence — and he was the mildest of anti-Semites; but it is his social and economic outlook that he most clearly shared with the fascists.

Yet this too can be exaggerated. He wanted the best of England, as he saw it, to be preserved — including democracy and free speech. Believing that a consumerist, individualistic society was ill-placed in a war against a planned, nationalistic one, he argued that England should become more like Germany in that respect. Whether England, in becoming like Nazi Germany in that one way, might become like it in others — that is a question Orwell neither asked nor answered in his public writings. However, I think he did so privately — that he recognized the direction the national socialist state he had advocated might travel, and decided he wanted no part in it. *Nineteen Eighty-four* was his response and our reminder. (That the regime in *Nineteen*

If nationalism is a disease, then Orwell certainly had it — and, for a while, had it bad. But he also had its measure.

Eighty-four is nationalist as well as socialist is frequently overlooked. The book makes it clear that it is crude patriotism that maintains order among the Proles, that it is national loyalty that binds the Party to the State, and that war is the cement that holds it all together. Moreover, politically, Airstrip One is a personal dictatorship, to Orwell the style of government best suited to nationalism.)

From English Socialism to Ingsoc

In both *The Lion and the Unicorn* and *The English People*, Orwell presents "Englishness" as the core ideal on which society should be based. But what is Englishness? Orwell cannot say, yet he is for it all the same. In place of a definition, there is sentimentality and propaganda.

Both books are maudlin confessions of faith, sermons of schmaltz. By the time of his death, they were out of print. Orwell's will requested they stay that way, and it is not hard to see why:

> Yes, there *is* something distinctive and recognisable in English civilization. . . . It is somehow bound up with solid breakfasts and gloomy Sundays, smoky towns and winding roads, green fields and red pillar-boxes. It has a flavour of its own. Moreover it is continuous, it stretches into the future and the past, there is something in it that persists, as in a living creature. What can the England of 1940 have in common with the England of 1840? But then, what have you in common with the child of five whose photograph your mother keeps on the mantelpiece? Nothing, except that you happen to be the same person.
>
> And above all, it is *your* civilization, it is *you*. However much you hate it or laugh at it, you will never be happy away from it for any length of time. The suet puddings and the red pillar-boxes have entered into your soul. Good or evil, it is yours, you belong to it, and this side the grave you will never get away from the marks that it has given you.[6]

Only in Orwell's private writing can we see the darker side of England at war. His diary entry for 12 June 1940, for example, records the aftermath of a series of spontaneous public attacks on foreign-owned businesses in London. In response to this politically motivated vandalism, the Spaghetti House quickly became the British Food Shop, and an Italian grocery store "entirely British." Even a French restaurant became English.[7] At times, then, Orwell's gentle and law-abiding English were neither gentle nor law-abiding after all. In wartime England,

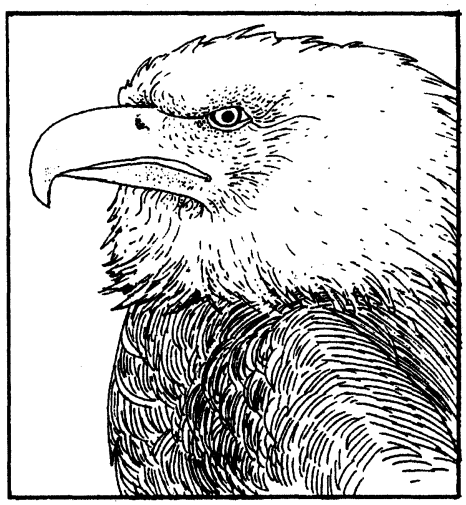

the jingoist climate was so strong that some foreigners found it politic to lie low, or to disguise the fact that they were foreign. This hostility was so undifferentiated that it extended even to foreigners whose native lands were allies of the U.K.

This was to be expected. As Orwell more or less recognized, it is not abstract issues ("fascism versus democracy") that make a war possible, but the fact that it is being waged against an outgroup. In any national war, the call to arms could be based on old (or not-so-old) rivalries and on the abiding notion that foreigners are not only different from us, but less than us as well. This was the essence of Imperial Britain's war nationalism as much as the Third Reich's. And this was what Orwell supported. At times, indeed, he almost seems to have *wanted* this xenophobia. It is significant that he left this Delphic sentence hanging:

> The energy that actually shapes the world springs from emotions — racial pride, leader-worship, religious belief, love of war — which liberal intellectuals mechanically write off as anachronisms, and which they have usually destroyed so completely in themselves as to have lost all power of action.[8]

How will life be lived under the English socialism of *The Lion and the Unicorn* and Orwell's other wartime writing? Unlike many on the Left, Orwell was frank about the kind of society he envisioned: a conformist, regimented, glamorless world regulated by the "done thing" mentality he had dismissed in earlier books — a world of duty and literal uniformity. (At one point, Orwell expressed hope that clothes rationing would continue after the war, leaving the people nothing but dyed battle dress to wear.[9]) The young Orwell, by contrast, was no egalitarian. For him, writers were a breed apart; their selfishness, as Ayn Rand would say, was a virtue. His essay "Why I Write" eulogizes writers, scientists, and other creative people for resisting the self-effacement that most people adopt as they enter middle age. Predictably, in his wartime work, Orwell retreated from this position, notably in his essay "The Art of Donald McGill."

Bawdy humor rich in innuendo and double entendre along the lines of *The Benny Hill Show* have always been popular in Britain. When Orwell was writing, George Formby was still singing about his little stick of Blackpool rock and Mrs. Slocum's Pussy was only a generation away. Donald McGill was a part of this, producing a series of cartoon postcards of a kind still popular in British holiday resorts. The typical McGill card features henpecked middle-aged men; their frumpish, sexless wives; and a succession of impossibly voluptuous girls. The humor centers on the rather sad premise that the men, as they age and decline, can only dream about having the girls; the predatory frump-wife will be theirs for the rest of their lives. There is more than a little of the McGill couple in Orwell's characters George and Hilda Bowling in *Coming Up for Air*, and it is against the McGill vision that Gordon Comstock rails in *Keep the Aspidistra Flying*. But by the time he wrote "The Art of Donald McGill," Orwell's youthful Tory anarchism had been on ice for years, and he could find much to commend in McGill's world. It was, for example, free of "good-looking people beyond their first youth" and thereby free of the narcissism Orwell had come to detest:

> [T]he working class outlook . . . takes it as a matter of course that youth and adventure — almost, indeed, individual life — end with marriage. One of the few authentic class-differences, as opposed to class-distinctions, still existing in England is that the working class age very much earlier. . . . [T]he truth is that the working classes reach middle age earlier because they accept it earlier. For to look young after, say, thirty is largely a matter of wanting to do so. . . . The impulse to cling to youth at all costs, to attempt to preserve your sexual attraction, to see even in middle age a future for yourself and not merely for your children, is a thing of recent growth and has only precariously established itself. It will probably disappear again when our standard of living drops and our birth-rate rises.[10]

The need to arrest the decline of the English birth rate was a common Orwell theme during this period. In *The English People*, for instance, he calls for the government to create economic disincentives against childlessness, raise family allowances, establish free schooling, build bigger council houses, and clear more areas in which children can play. A lifelong misogynist, Orwell blamed the more emancipated women of the middle class for the alleged decline in the British population — liberated women who preferred owning pets to having babies and chose glamor over keeping house and raising children. Lingerie was a regular Orwell obsession, but not in any voyeuristic way: he roundly and regularly condemned girdles, silk stockings, and "scanty panties" as the consumerist fripperies of women who refuse to breed. Under English Socialism, all this will change: living standards will fall, the birth rate will rise, we will age before our time, and, in place of the foppish, individualistic middles, the dutiful and selfless working class will rule. The national socialist utopia will be built on the proletariat's bovine resignation:

The early German successes perversely pleased Orwell; they seemed to support his faith in the potential of a national socialist economy.

> Society has always to demand a little more from human beings than it will get in practice. It has to demand faultless discipline and self-sacrifice, it must expect its subjects to work hard, pay their taxes, and be faithful to their wives, it must assume that men think it glorious to die on the battlefield and women want to wear themselves out childbearing. The whole of what one may call official literature is founded on such assumptions. . . . [T]he high sentiments always win in the end. . . . When it comes to the pinch, human beings are heroic. Women face childbed and the scrubbing brush, revolutionaries keep their mouths shut in the torture chamber, battleships go down with their guns still firing and their decks awash.[11]

This is a chilling vision, one in which human beings are no more than raw material for "society" (that is, the state). *Nineteen Eighty-four* offers a very different vision of how a country built on these collectivist principles might look. At lunch at the ironically named Ministry of Truth, Winston Smith takes a close look at his colleagues:

> Nearly everyone was ugly, and would still have been ugly even if dressed otherwise than in the uniform blue overalls. . . . [T]he majority of people in Airstrip One were small, dark and ill-favored. It was curious how that beetle-like type proliferated in the Ministries: little dumpy men growing stout very early in life, with short legs, swift scuttling movements, and fat inscrutable faces with very small eyes. It was the type that seemed to flourish best under the dominion of the Party.[12]

Winston, like the wartime Orwell, idealizes the workers as the potentially revolutionary class. But Winston's hopes — and, by implication, Orwell's — are baseless. In *Nineteen Eighty-four*, the working class is described thus:

> So long as they continued to work and breed, their other activities were without importance. Left to themselves, like cattle turned loose upon the plains of Argentina, they had reverted to a style of life that appeared to be natural to them, a sort of ancestral pattern. They were born, they grew up in the gutters, they went to work at twelve, they passed through a brief blossoming period of beauty and sexual desire, they married at twenty, they were middle-aged at thirty, they died, for the most part, at sixty. Heavy physical work, the care of home and children, petty quarrels with neighbors, films, football, beer, and, above all, gambling filled up the horizon of their minds. To keep them in control was not difficult.[13]

There are further parallels between the "Ingsoc" of *Nineteen Eighty-four* and Orwell's wartime socialist vision. For example, collectivism is the official ideal. Party members are forbidden to be alone. Away from their work, they are expected to participate in communal activities. Individualism — in Newspeak, "Ownlife" — is discouraged. Even taking a walk is suspect.

Similarly, femininity and fashion are prohibited. Women dress as men. Puritanism and abstinence, inculcated via the Junior Anti-Sex League, are expected of all unmarried female Party members. Joyless, dutiful, procreative sex is the marital norm; Winston and his deceased wife Katharine are a new twist on the McGill couple. Julia, in contrast, subverts the Party's sexual mores with her promiscuity and hedonism. Part of her rebellion is her attempt to reclaim her femininity by wearing a dress and putting on makeup.

In wartime England, the jingoist climate was so strong that some foreigners found it politic to lie low — even foreigners whose countries were allies.

The Nation Spurned

So by 1948, with the satire of *Nineteen Eighty-four*, Orwell was tacitly rejecting his own wartime nationalism. In 1944, as the war was drawing to a close, he started to reject the rosy socialist forecasts he had been making. And as the war came to an end, he began to revert to his earlier hostility — if not to the war itself, then at least

to the nationalism that had inspired and sustained it.

An early signal of this reversal was Orwell's belief that the net effect of scientific advancement has been to facilitate nationalism, not to impede it.[14] The implication is that nationalism is characteristic of technologically sophisticated societies — and thus that national identity is not as innate and "natural" as Orwell once supposed. He was also saddened that foreign travel had become completely bureaucratized, noting that until 1914 only Russia required passports, and that people who had wanted to emigrate needed only to gather the necessary fare and set sail, no questions asked. Even during wartime, travel in "enemy" countries was relatively straightforward. Orwell contrasted this with the situation in the 1940s, when travel restrictions made some countries — China, Russia, Japan, even India — largely inaccessible. The power of national borders was further strengthened by immigration restrictions that restrained even Jews fleeing persecution, by many countries' policy of jamming foreign radio signals, and by most citizens' disinclination to listen to anything but domestic radio anyway. The former BBC radio producer wrote that any state-controlled radio service is "a sort of totalitarian world of its own, braying propaganda night and day to people who can listen to nothing else."[15] In *Nineteen Eighty-four*, technology enables and empowers the panopticon state. It allows the regime to monopolize the flow of information and dictate how things were, how things are, and how things will be. Under Ingsoc, even facial expressions are monitored for signs of inner subversion.

By 1945, then, Orwell had abandoned his wartime view that the nation-state is natural and spontaneous. Nations, he now knew, are statist inventions, and national consciousness is manufactured and imposed, not innate or enduring. From this it was but a short step to his "Notes on Nationalism," which portrays nationalists as the ultimate totalitarians, out to politicize every aspect of life and seize every opportunity, however ridiculous, to compare "us" favorably to "them." The nationalist selflessness Orwell so recently praised was no longer a good thing. Nationalists, Orwell wrote, submerge their identity into the fatherland and devote themselves to advancing that larger whole. Out of this, he reckoned, grows a dangerous obsession. At best, nationalists want their side to be unsurpassed at everything — war, sport ("mimic warfare"), even trivial things like cooking. At worst, they persuade themselves

that actions deemed bad when carried out by the other side — aerial bombing, forced labor, assassination — are perfectly reasonable from their own.

When Orwell wrote "Notes on Nationalism," the Allies, even as they condemned German and Japanese atrocities, were carrying out massacres themselves, from the carpet-bombing of German cities to the atomic attacks on Hiroshima and Nagasaki. Meanwhile, the original issue over which the war was fought — Polish territorial integrity — was gradually being forgotten in the pragmatics of the British national interest. By 1945, Poland had lost not *some* of its territory to Britain's enemy, but *all* of its territory (and many of its citizens) to Britain's ally. All of these awkward facts were lost in the spin of official propaganda, the quintessential nationalist art. As Orwell wrote:

> Every nationalist is haunted by the belief that the past can be altered. He spends part of his time in a fantasy world in which things happen as they should — in which, for example, the Spanish Armada was a success or the Russian Revolution was crushed in 1918 — and he will transfer fragments of this world to the history books whenever possible. Much of the propagandist writing of our time amounts to plain forgery. Material facts are suppressed, dates altered, quotations removed from their context and doctored so as to change their meaning. Events which, it is felt, ought not to have happened are left unmentioned and ultimately denied.[16]

This has a parallel in *Nineteen Eighty-four*. Like Orwell, Winston Smith is a minor propagandist. His job with the Ministry of Truth involves small-scale rewriting of the past. The *Times* remains the paper of record. Past issues are full of "errors" — statements that conflict with current Party policy or current events. It is Winston's duty to correct these, then dispose of the originals by throwing them down a "memory hole."

> This process of continuous alteration was applied not only to newspapers, but to books, periodicals, pamphlets, posters, leaflets, films, sound tracks, cartoons, photographs — to every kind of literature or documentation which might conceivably hold any political or ideological significance. Day by day and almost minute by minute the past was brought up to date. In this way every prediction made by the Party could be shown by documentary evidence to have been correct; nor was any item of news, or any expression of opinion, which conflicted with the needs of the moment, ever allowed to remain on the record. All history was a palimpsest, scraped clean and reinscribed exactly as often as was necessary.[17]

Orwell was frequently haunted by the potential unreliability of history, since records could easily be amended for political purposes. During the Spanish Civil War, he had seen events that had not happened reported as though they had and events that *had* happened written out of existence. Later, he watched the original English-language edition of *Mein Kampf*, with its sympathetic introduction, withdrawn and re-prefaced as soon as war was declared. Later still, he was skeptical that the Battle of Britain had actually been as heroic as was subsequently reported, the more so

Continued on page 44

Suprynowicz, "The Real Viper Conspiracy," *continued from page 16*

seven of those arrested in Phoenix were registered Republicans, yet no reporter that I know of called the Arizona GOP to ask if they were ashamed to be attracting such dangerous radicals. Virtually every LP official in Arizona seems to have been asked that question.

If the authorities' goal really was to protect the Vipers' neighbors, as opposed to staging some media-event arrests, why didn't they approach the group openly, offering them a safer place to test and store their munitions, rather than sit by and watch them do dangerous things for two years while ATF tried to "build a case"? Or, if the offer failed, why not simply issue a more sensible state or county citation for "reckless endangerment"? But the Vipers have done nothing wrong.

The best hope of peace and liberty now lies with the fully-informed juries of Arizona, who I trust will laugh out of court the notion that citizens who have done no harm, no matter how incautious their talk, should be jailed for "watching videotapes" of their friends blowing up sand dunes in the desert. ❑

Medianotes, *continued from page 14*

reading the *Guide* are the satirists. Well, try as I may, I can't satirize *TV Guide*. The magazine satirizes itself. Much as the average infomercial is funnier than the average sitcom, the typical *TV Guide* feature is funnier than most deliberately "humorous" writing.

Recently, I discovered an old issue — October 31, 1992 — in a friend's attic. On page five, I found a brief interview with Tipper Gore, lifemate of Prince Albert and would-be censor of popular music. Asked whether she had seen the film *Wayne's World*, she replied, "As a matter of fact, I just saw it on tape the other night with the kids. I thought it was cute. My favorite scene was the one with all the metalheads in the car listening to the opera."

For those who haven't seen the movie: the "opera" in question is "Bohemian Rhapsody," Queen's 1975 pomp-rock hit. In how many magazines will an alleged music expert confuse Freddie Mercury and Verdi? *Newsweek, Time, TV Guide* — suddenly, illiteracy seems like an act of resistance. —JW

Microsoft World — Microsoft is suddenly looking a lot like a media firm. In a month's time, it has launched a magazine of opinion and, in partnership with NBC, a cable news network. And according to *The Wall Street Journal*, it's threatening to replace your daily newspaper with a sophisticated online information service.

Hiring Michael Kinsley to edit its opinion magazine was a shrewd move. Kinsley is a good editor and a good writer — why he wasted his time as a television pundit, I'll never know. Kinsley gave *Slate* instant credibility, and the ability to attract good writers.

The first few issues of *Slate* have been hurled into the ether, available free to inhabitants of cyberspace: just set your web-browser to its URL, and up will pop its table of contents. A quick flick of your mouse, and you're ready to browse any article you want.

Except for a couple of problems. Even with the fastest modem, going from article to article is slow and plunky, especially if you want to see something other than raw text. The delay is usually no more than half a minute. But half a minute seems like an eternity when you are simply, in effect, turning a page.

So instead of reading *Slate* on my regular computer, I usually read it on my laptop while I watch television, giving me something to occupy myself with as my modem does whatever it is that modems do.

From what I've seen so far, the quality of the writing is excellent — no surprise in a publication put together by Kinsley. It's a good-looking product that (thank God!) lacks the glitz of many websites. But I don't believe Kinsley's former employers at *The New Republic* should be shaking in their boots until interfaces get faster and computers get smaller.

There are two major advantages to cyberspace publishing: a webzine can be updated easily and can archive (in searchable form) a great deal of information. Neither of these are critical qualities of a magazine of opinion. But if the technology continues to accelerate and Microsoft remains committed, *Slate* should have its print competitors worried.

Two days before we went to press, Microsoft launched its cable channel MSNBC. Drawing on NBC's news resources and Microsoft's Internet assets, MSNBC already offers a product competitive with CNN. Its prime-time interview programs feature such NBC stalwarts as Tom Brokaw, Bob Costas, and Katie Couric, as well as smarmy PBS refugee Bill Moyers. Of these, only Costas can really be considered a first-rate interviewer, but they certainly stack up well against the moronic Larry King on CNN.

MSNBC hopes to get a younger audience, with its emphasis on computer culture, web reviews, and techno-news. It also airs documentaries about historic events compiled from NBC's archives. I enjoyed watching a retrospective of Ted Kennedy's lies about Chappaquidick and seeing his speech at the 1980 Democratic Convention. (The halfwitted delgates' ecstatic response was especially amusing.)

It's too early to tell, but my guess is that MSNBC may give CNN a run for its money. Bill Gates may not be the new Rupert Murdoch quite yet, but in a couple of years . . . —RWB

Back of the book — Four years ago in these pages, I criticized John Jackley, author of the anti-Congress exposé *Hill Rat*, for being a bit of a weasel: "Jackley . . . can be read by liberals, conservatives, moderates, libertarians, and communists without offending a soul."

Now Jackley has a new book out. And there, on the back cover, under the heading "Praise for John Jackley's *Washington Post* Bestseller *Hill Rat*," were my words.

Praise? Only in Washington would being inoffensive to everyone be considered a good thing. —JW

Report

Liberty Comes to the Beltway

by Chester Alan Arthur

Mr. Browne goes to Washington.

Out in America's hinterland, where I live, Independence Day is special, a time when we celebrate our ancestors' refusal to obey British law by refusing to obey American law. For about 36 hours, people are blowing up stuff everywhere, mostly using fireworks acquired on Indian reservations, where federal and state regulations on the sale of fireworks explosives don't apply. Just taking a walk around my little town is a pleasure on July 4. Wherever I go, firecrackers explode, bottle rockets whistle by, and M-100s kaboom. At night, fireworks light up the sky. They are the same sort of fireworks that in most places are handled by licensed pyrotechnic authorities — only these are set off by anyone who happened to wander through an Indian reservation with a few bucks in his jeans and a desire to celebrate his nation's independence.

I myself always stop by the reservation and buy a variety of brightly colored items, most of which I don't recognize. All have the same instructions: "Use only under adult supervision. Light fuse and get away." So I light the fuse and get away, and wait to see whether I have lit something that explodes or flies into the air or spins on the ground or shoots off a fountain of fire. So far, I haven't lit my house on fire, though once I came close, and once I got my lawn going pretty good. (I've matured since those scary episodes; now I go to the beach and aim my stuff over the water.)

An hour or two from town, there's an airbase with a billboard that reads, "Pardon our noise. It's the sound of freedom." This always annoys me a little: what does the sound of jets roaring above, keeping their pilots ready to fly off to Panama or Bosnia or Saudi Arabia or Haiti at a moment's notice, have to do with freedom? But when I walk around my town on July 4 and smell the gunpowder in the air and hear the whistling, banging, booming, and screaming of rockets, the words of the billboard come back to me: *that's* the sound of freedom!

Traditionally, the Libertarian Party has held its presidential nominating convention the year before the election, over Labor Day weekend. This year, it was held in Washington, D.C. over Independence Day weekend, four months before the election. The move made a lot of sense. It meant extensive coverage from C-Span, and during an election year, when people's interest would be higher (or, at any rate, less low). It would generate a lot of interest, a lot of calls to the LP's 800 number, and a lot of money. It would mean proximity to the punditocracy, and maybe some plugs in the press. And it would also make it easier for its presidential nominee to raise funds, since individuals are allowed to donate $1,000 before the nomination and $1,000 after.

The LP convention might be fun, but could it compare with Independence Day at home? Sure, Washington, D.C. may be a good place to get press attention and C-Span coverage. But who wants to celebrate the American Revolution with a bunch of politicians, bureaucrats, and other welfare chiselers? Or in a place where the temperature and humidity were both likely to be in the '90s? Where you'd be liable to be arrested for blowing up a simple M-80, not to mention one of those things that look like cannons and shoot those great big colorful starbursts into the air?

Not only that, but for once, it looked like the convention might lack its customary drama. Two years ago, author Harry Browne decided to seek the Libertarian presidential nomination. Browne stood head and shoulders above his competition in terms of intelligence, charm, and wit. In a fit of good sense, enough party members chose to support Browne that it looked like he'd take the nomination in a walk. Only one vice-presidential candidate had tossed her hat in the ring. The race for national chair — the titular head of the party — was going

to be contested, but popular incumbent Steve Dasbach seemed likely to win a second term easily. The biggest story would likely be the platform-wrangling.

So when I agreed to turn over the honor of covering the convention to a volunteer, I was not entirely reluctant. I'd stay home; celebrate Independence Day with incendiaries, the way it deserves to be celebrated; and catch the LP convention on C-Span.

Compared to Harry Browne, Ed Clark seems almost Republican.

* * *

Two days after the convention ended, I got word that *Liberty*'s new correspondent had failed to file a story. So I was thrown into the breach. Unlike in past years, the best I could come up with was a commentary on what I saw on television, augmented by *ex post facto* telephone interviews with participants.

There is a big difference between watching an LP convention on television and attending one in person. C-Span coverage pretty much focuses on the podium, hour after hour. So you can get a pretty good idea of how the official business went, but very little idea of what happens behind the scenes, what deals were cut, who got stiffed, and who got rewarded — and little feel for the atmosphere of the meeting.

* * *

The 1996 convention was far less acrimonious than previous conventions. In 1983, nearly half the delegates walked out after their candidate lost a bitter fight for the nomination; most haven't been heard from since. In 1987, the presidential nominee so disliked the vice-presidential candidate that their campaign staffs didn't even speak to one another during the campaign. In the off-year convention of 1989, after a bitter but lopsided fight over the national chair, supporters of the losing candidate walked out — and once again, most haven't been heard from since. In 1991, the presidential nominee endorsed a candidate for vice president, only to have her ignominiously rejected by the delegates.

But this year, most delegates came to the convention determined to nominate Harry Browne. It is easy to understand why. Browne is certainly the most articulate candidate ever to seek the nomination. He had already mounted a well-organized campaign that took him to 38 states, got significant media coverage, and appeared on over 200 radio talk shows. He also wrote a book outlining his agenda, and sold it to a major publisher. *Why Government Doesn't Work* didn't make the bestseller lists, but it has sold very well.

There were two other serious contenders: Rick Tompkins and Irwin Schiff. Tompkins, an Arizona activist and former party candidate for public office, promised both to articulate the libertarian principle of the immorality of initiating force and to refuse to compromise, a position that entailed his advocating positions that most voters might find a little goofy (e.g., immediate abolition of all taxes, and hence, presumably, the entire government). Irwin Schiff, a tax rebel, promised to explain to the American people that federal law did not require one to pay taxes, his own felony conviction for failing to pay taxes notwithstanding.

Browne called for radically reducing the size and power of government. He supported the immediate abolition of the income tax, pardons for persons convicted under federal law of victimless crimes (including tax protesters, tax evaders, and drug offenders), the sale of government assets to fund annuities to replace Social Security, and strict limitation of the federal government to those functions authorized by the Constitution.

Tompkins criticized Browne for having such a specific program: "The message that Browne is taking to people is not an accurate message of what I believe the Libertarian Party stands for. He doesn't talk about anything other than utilitarian arguments. I believe that that just begs the question of why. And I believe that if people don't understand why, then all you're doing is you have dueling salesmen, so to speak, and whoever can [tell] the best-sounding story is going to win the argument temporarily. We have to explain to people the philosophy of inalienable rights."

In an important sense, Tompkins' argument was reminiscent of the early days of the Libertarian Party. The LP's first candidate, back in 1972, was John Hospers, a professional philosopher whose campaign focused on the philosophy of individual rights. In 1976, LP nominee Roger MacBride eschewed specific policy programs in favor of general statements of libertarian thinking.

MacBride got 174,199 votes in the first truly national Libertarian campaign, a total that disappointed many within the LP. Ed Crane in particular campaigned for the LP to commit itself to nominating a candidate who had specific stands on specific issues. In 1979, the party nominated Ed Clark, an LP activist who had received 5.5% of the vote as an independent in the 1978 California governor's race. Crane ran the presidential campaign, which featured a coherent program for decreasing the size and power of government, complete with detailed "white papers" explaining just what programs would be eliminated and what taxes would be cut.

Charles Collins spoke like your slightly drunk right-wing uncle who manages to get people's attention by standing on a table at a church picnic.

It was a heady time for Libertarians. Charles and David Koch, wealthy Kansas oilmen, were willing to donate a substantial amount of money to the campaign, but were prohibited from doing so by federal law. It occurred to someone that if a Koch were on the ticket, he could donate as much as he wanted. So David Koch accepted the vice-presidential nomination and pumped several million dollars into the campaign. Koch's millions put organizers in the field, got ballot status, and bought television advertising and visibility. Clark got 921,199 votes, still the high point in LP presidential campaigns.

The Koch millions were probably

more responsible for the large vote total than Clark's well-defined program and white papers, which played a relatively minor role in the campaign. Rather than focusing on policy or ideology, the campaign emphasized Clark's similarity to John F. Kennedy, discretely showing a photograph of Kennedy in Clark's campaign literature, describing Clark as a "low-tax liberal," and even reportedly restyling Clark's hair to resemble JFK's. In an interview on *Nightline* five days before the election, Clark described his program in these words:

> We want to get back immediately to the kind of government that President Kennedy had back in the early 1960s, which I think was much more benevolent . . . had much lower inflation, much higher growth rates, much lower levels of taxes.

Clark's vote total disappointed many Libertarians at the time, partly because the campaign had raised expectations so high. There followed a period of internal strife, driven partly by personal differences and partly by concerns that Clark's campaign had blurred the libertarian message too much. The conflict came to a climax at the 1983 presidential nominating convention. When Crane's choice, Earl C. Ravenal, lost the nomination, the Crane faction walked out, never to be heard from again within the LP. Without the Koch money (the Kochs had left with Crane) and with so much energy dissipated by the internal battle, David Bergland's 1984 presidential campaign hardly got off the ground.

Since then, the question of "purity" versus "program" hasn't really been fought out within the LP. The 1988 nomination was hotly contested, but the two candidates were both newcomers to the party professing an ability to appeal to voters outside the usual Libertarian target audience. Former GOP congressman Ron Paul argued that he could appeal to political conservatives betrayed by the Reagan revolution. Indian activist Russell Means argued that he could appeal to oppressed minorities. Paul won the nomination, waged a modest campaign, and got 431,000 votes. Again in 1991, the competition for the nomination was fought mostly on the question of personality, and the impecunious campaign received only 291,627 votes.

Before this year, Clark had been the only Libertarian nominee to offer the voters a specific detailed program. His was also the most successful LP campaign, at least in terms of votes garnered. Whether the program contributed substantially to that vote total is impossible to know for certain; substantial spending on television advertising was certainly a more important factor.

How many people would vote for someone like Rick Tompkins, who thinks it's a "waste of time" to talk about the issues?

Though Browne, like Clark, presents an extensive program, his is far more radical. Clark proposed cutting federal spending by 32.7% his first year in office; Browne calls for a cut of 51.0%. Clark called for a 50% cut in income tax rates; Browne calls for eliminating the income tax altogether. Clark called for tax cuts of 30.1%; Browne calls for tax cuts of 90.0%.* Compared to Browne, Clark seems almost Republican. Indeed, a case could be made that Clark's program is closer to that of a low-tax Republican like, say, Steve Forbes than to Browne's.

* * *

The day before the nominations, the candidates held a debate, or at least what passes for a debate in American politics. It was the first time I'd seen Tompkins in action, and he seemed earnest and reasonably articulate. "We have to have agreement that it's wrong to hurt people — it's wrong to initiate force against peaceful people," he solemnly intoned. "Until we get a consensus from people, an agreement on that simple basic principle that it's wrong to initiate the use of force against people for any reason, we are wasting a lot of time talking about other issues." I wondered how many votes a candidate who thinks it's a "waste of time" to talk about specific issues might get.

Harry Browne was his usual self: well-prepared and confident, articulating his proposals very well. (A transcript of his acceptance speech, which covers much of the same ground, can be found on pp. 29–33 of this magazine.)

Schiff explained that he would run on a program of explaining to the American people that the law does not require them to pay income taxes. Here is how he responded when asked for a "three-minute response to what other candidates have said":

> A former chief justice, John Marshall, said, "The power to tax is the power to destroy." And no greater example of this is what's happened to this country. Before the Second World War, before the income tax, which was really imposed in 1943 by way of withholding taxes, America had the highest standard of living in the world, America exported all manner of goods all over the world, the dollar was regarded as the world's strongest currency, America was the biggest creditor nation. Now we're the biggest debtor nation, there are at least nine countries with standards of living higher than our own, there are at least nine countries with wage scales higher than our own. It's clear the federal government is destroying this country by extorting income taxes from the American public, [yet] no American is required to pay income taxes — you can pay it voluntarily, if you want to volunteer to do so — but I and millions of other Americans are no longer volunteering.
>
> And the reason why is, if the income tax were compulsory it violates the First Amendment, the Fourth Amendment, the Fifth Amendment, and all three taxing clauses of the Constitution, as well as the Sixteenth Amendment. Now, we have a country that's going crazy.
>
> The power to tax is the power to destroy, I believe. If you cut the roots off, the tree dies. I'm not interested in attacking twigs, attacking leaves; I want to prevent the government from extorting money

* Both expected small budget surpluses, Browne's achieved mostly by substantial asset sales.

from the American public, and this is the chief issue I think the Libertarian Party should bring to the American public, so that the IRS and the courts will no longer be able to intimidate the American public into paying a tax that no law requires anybody to pay. And I think once the American public knows that, you see, the federal bureaucracy, the bureaucrats will simply wither. The federal government is like a huge hemorrhoid. And we have to excise that hemorrhoid!

You know, it's amazing. The press, the press sees all of these little issues, like unemployment, like youth, pregnancies of youth, homelessness, and thinks all of these problems are separate. Now, all of the problems stem from the government taking 50% of what the average American makes. When I was growing up in New England, Connecticut, women didn't work, they were home taking care of their kids. Now there is no American worker who can support his family just on his own paycheck. Because you know what? The average American worker in 1920 got twice as much money [as] the average American today.

But I only have three minutes so my time is supposed to comment on the other candidates. All I'm saying, I want to focus, excuse me, I really want to focus on the criminal and destructive nature of the federal government, and I want to tell all Americans how they can immediately stop paying income taxes by claiming "exempt" on a W-4, and I can even show you how to get all the money back you were duped into paying this year by filing a zero income tax return, refusing to assess yourself, and ask for it all back. I want to thank you very much.

You get the idea. He was obviously spouting patent nonsense, but he was utterly charming, at least to me.

Two last-minute candidates also participated. Charles Collins spoke like your slightly drunk right-wing uncle who manages to get people's attention by standing on a table at a church picnic. Here's part of his three-minute response:

When I get there I will pardon all the prisoners who are in jail because of the violation of some rule or regulation. We will go back to law and the Constitution and turn half of our prisoners out, and I will pardon them, because they've done nothing but violate a rule. This is not right, and if you agree with that, let me hear it. Shall we turn 'em loose? I don't agree that we need to, I don't subscribe to selling off any of the assets of the United States of America.

You do away with the Federal Reserve, you buy it back by the provisions, you end income taxes, that's 400 billion a year, you end the interest we're paying on our money in circulation. That's 400 billion. Those counteract each other. But we're spending close to 800 billion in the preparation of those taxes. And then the federal government is confiscating another 400 billion — the same cost of organized crime. $1,600,000,000,000 dollars that the government is taking. If we end that, and we put this money in circulation, it will roll ten times either in savings or in spending. And we'll accrue a $16 trillion additional gross national product in one year. We will triple your salary in one year.

Of course, Charles Collins is not your drunk right-wing uncle. He is an independent presidential candidate who will be on the ballot in many states, competing with, among others, the Libertarian nominee. He was at the convention, not because he had any chance of getting the nomination, but because he wanted the television exposure for his race against the Libertarian nominee.

The convention management had tried to prevent such exploitation by competitors and glory hogs by requiring candidates to get signatures of 20 delegates before they could participate in the debates. Amazingly, Collins managed to find 20 delegates to sign his petition, thereby enabling him to obtain thousands of dollars worth of television exposure that otherwise might have gone to advance the LP's efforts.

Doug Ohmen, the other last-minute candidate, seemed stiff and dull, much less colorful than Collins or Schiff. In fact, he was less colorful than that computer nerd that sat in the corner at your wife's sister's wedding reception. A sample of his pitch for votes: "Until it can be eliminated, I'll make the IRS be polite to people."

The following day, the candidates were duly nominated, except for Collins, who failed to have the required support of 35 delegates. The nominating speeches rambled to their inevitable conclusions, the "spontaneous" demonstrations wound down, and the convention paused interminably before the roll call made Browne's nomination official. The final tally was Browne 416, Tompkins 74, None of the Above 60, Schiff 32, and Ohmen 20, with three scattered votes. Not a single ballot was cast for Collins, and both Schiff and Ohmen failed to get as many votes as the number of delegates who signed petitions pledging them support.

Irwin Schiff was spouting patent nonsense, but he was utterly charming, at least to me.

Browne's acceptance speech the following Saturday was the candidate at his very best. He managed to make his case to the American people while gently explaining to the more radical libertarians why he would not be calling for the immediate abolition of taxes.

A great deal of the convention's energy was expended on debating and revising the party platform, a document unique in American politics. Other parties prepare platforms to explain their positions on the issues of the day, but the LP has traditionally used its platform as a summary of the theoretically proper libertarian position on practically every issue under the sun. The result has been a gangling document that is the subject of extensive and often hair-splitting debate at each convention and then is promptly forgotten.

At its 1993 convention, the LP had adopted a new rule, calling for a separate "National Campaign Platform," which would be provided by a candidate and ratified by the convention. This document, like traditional party platforms, would address only the issues of the day, and try to do so in a palatable fashion.

The plan worked perfectly. The platform committee met prior to the

convention, argued extensively, then prepared lengthy proposals for changes, along with a passel of minority reports recommending different changes or otherwise disagreeing with the committee report. The delegates fought out the issues at length, finally making a few relatively minor changes as well as two changes of some significance. The campaign platform, in contrast, was read aloud to the delegates and adopted by acclamation, without debate.

The funniest moment of the convention happened during the debate on children's rights. One delegate pointed out that the current platform language might be interpreted by some opponent of the LP to mean that three-year-olds should be able to own and wield guns. David Nolan, chair of the platform committee, took the floor to comment. When the original language was adopted some years ago, Nolan explained, its author declared that one reason to adopt it was that the platform *should* recognize the right of three-year-olds to own and wield weapons. Not surprisingly, this language was dumped, saving future Libertarian candidates a lot of embarrassment.

The other significant change was to the provision on abortion rights, which was amended to recognize that some libertarians disagree with the LP's support for the right to abortion.

The party seems to have matured a bit, with less squabbling for the simple joy of squabbling.

The final day of the convention, not televised by C-Span, saw the election of party officers. The only contested race was for chair, where Gene Cisewski challenged incumbent Steve Dasbach. Dasbach was re-elected easily, but to judge from the delegates I interviewed, his re-election was more a reflection of delegates' desire not to change administration of the party in the middle of a campaign, and to recognize the even-handed and competent way Dasbach had chaired the convention, than it was a rejection of Cisewski, a man of obvious talent.

Was the convention "boooooring," as our erstwhile correspondent claimed? Not to me. There was genuine excitement about the candidacy of Harry Browne. The party seems to have matured a bit, with less squabbling for the simple joy of squabbling. The party appeared far better prepared for a presidential campaign than ever before.

There remains one serious problem that must be solved: shortage of money. It takes a lot of dough to run a credible national campaign, and neither the party nor the Browne campaign has it. Nor does either seem to have a plausible method of getting the $5 to $10 million minimum needed. The problem was addressed during the banquet the final night, when $150,000 was raised. This is a huge sum by the standards of past Libertarian campaigns, but very little in the context of the cost of running for president.

For the Browne campaign to have a major impact on American politics, one of two things must happen: it must find a way to raise a substantial sum of money, or it must find an inexpensive way to reach the critical level of public awareness. The Browne campaign has been aware of this problem for almost two years. If Browne has a way to address it, he hasn't made it public. ❑

Cutting the Gordian Knot

by R. W. Bradford

One reason why government grows is that its programs often impose small costs on a wide population while granting substantial benefits to relatively small interest groups. This gives the beneficiaries a powerful motive to support the program, and the cost-bearers little motive to oppose it. Suppose, for example, that a congressman proposes a tax of 10¢ per year per person to raise funds for support of spinach growers. Such a program would raise about $26 million, allowing a subsidy of $2,600 to each of the nation's 10,000 spinach farmers.

These people and their families will be strongly motivated to lobby their representative to enact the measure. They will be inclined to make contributions to the re-election of representatives who support the measure and to candidates challenging representatives who vote against it. They will be inclined to form an American Association of Spinach Growers to lobby for further subsidy.

But what about the 256 million Americans who neither grow spinach nor are closely related to anyone who does? Well, the measure is going to cost them only a dime, less than a third of the postage on a letter of protest. So few will bother to oppose the bill. And members of Congress, receiving contributions and hearing a clamor of support from spinach growers in their districts and total indifference from everyone else, quietly support the measure. Everyone's taxes will go up by a dime. Now multiply this process by the number of potential interest groups and the capacity of members of Congress to propose laws, and you'll start to understand why we have such a large government today.

What to do? Republican incrementalists have proposed very modest tax cuts, leaving most voters with virtually no perceived benefits. Meanwhile any cut they propose in just about any government program is condemned by the Democrats as the end of the world. When, for example, Republicans proposed a slight decrease in the rate of growth in the medical subsidy for America's wealthiest demographic group (the elderly), the Democrats inundated the voters with television advertising explaining that if the heartless GOP cuts went through, we all would be burdened with the cost of taking care of granny. The Republicans

threw in the towel, and the subsidies will increase at the faster rate.

Harry Browne proposes to cut this Gordian knot with the sword of radical reform. He doesn't pussyfoot when he talks about ending federal handouts: he calls for ending them all immediately. He doesn't promise some minor tax cut: he wants to abolish the income tax altogether — now.

Harry Browne doesn't pussyfoot: he calls for ending all federal handouts immediately, and he wants to abolish the income tax altogether — now.

Instead of offering voters a modest tax cut in exchange for a few selective decreases in government benefits, he offers them an immediate and substantial benefit — *all* the money they would otherwise surrender in income taxes — at the cost of all benefits from the federal government. This has two advantages over the incrementalist approach: its benefits are large and obvious, and it's simple enough for people to understand quickly. Not even an army of politicians and their publicists in the media and academy can muddy the waters.

In theory at least, this should make it very difficult for advocates of growing government to bury Browne in questions about which benefits he'd cut and how much the tax cuts would really amount to. The sheer novelty of the proposal, coming as it does from an articulate and credible candidate, gives it genuine news value, leaving reporters and pundits strong reason to quote it more or less as it is proposed.

So far this strategy seems to be working. In post-convention interviews on PBS and C-Span, Browne stated his proposal plainly, getting no flack from his interviewer. A week after the nomination, David Broder, perhaps the nation's most influential political columnist, called for Browne's participation in the nationally televised debates: "Browne is articulate and quick-witted, and . . . there'd be some value in having 100 million Americans hear [him] ask what he says is the key question: 'Would you be willing to give up your favorite government program if you didn't have to pay any income tax for the rest of your life?'" A few days later, the *Seattle Times'* "Political Notebook," devoted mostly to state and local politics and not given to reporting the comings and goings of third parties, ran an item that began: "Tax cuts, with a price: Would you be willing to give up your favorite government programs if it meant you would never again have to pay income tax? That's the question Libertarian presidential candidate Harry Browne is asking . . ."

I think this approach has a chance. It is certainly worth trying.

Radicalism vs. Incrementalism

The debate between radicals and incrementalists is an old one among advocates of political change. Incrementalists usually base their case on practicality, arguing that people simply laugh off proposals for radical change. Radicals generally reply that an incremental agenda isn't worth achieving. Why cut taxes 10%, they say, when we really want to cut them much further or eliminate them altogether? They also make a case on practical grounds: incrementalism, they note, hasn't worked very well either.

History, I believe, is inconclusive on this issue. The only election in American history that I can recall in which liberty was unequivocally advanced was Sam Houston's second election to the presidency of Texas. He advanced a radical agenda if ever there was one. During his three-year term, he cut spending by almost 90%. He ordered Texas' navy sold for scrap, replaced the forts along the Indian frontier with trading posts, and practically disbanded the army, all this despite the fact that Mexico still considered Texas a province in rebellion and threatened military action at any time. Mexico had a formidable army.

Incrementalism hasn't been particularly successful, at least in recent times. Certainly the incrementalist program of the Republican Party has not reversed the trend toward a growing state. Meanwhile, on the other side of the Earth, the New Zealand Labour Party's much more radical program had at least some modest success.

This debate is part of a broader issue: what should a person who wants to increase human liberty do with regard to the political process in America? More broadly still: what can we do to increase liberty?

I don't know the answer to this question, though I have some opinions about it that I think are pretty intelligent. And I don't think anyone else knows the answer either. I favor supporting the campaign of an articulate, intelligent advocate of radical libertarian ideas, such as Harry Browne, on the theory that he will stimulate more people to think in a more libertarian way. I did, however, sympathize with Steve Forbes when it looked as if he had a chance of winning the GOP nomination with his wimpy quasi-libertarian agenda. If he'd won the nomination, I suppose I might have faced a real quandary.

Incidentally, I don't mean to suggest that pure incrementalism and pure radicalism are the only alternatives, nor that they are necessarily mutually exclusive. There are obviously many gradients between them, and what approach works best is likely to change with circumstances.

More importantly, there is a case to be made for eschewing the political process altogether, for "boycotting the state." I do not find the argument persuasive, but who knows? Such a strategy may prove to be more effective than "working within the process." There is also a good argument that electoral politics make sense only when the level of public support is at relatively high level — that our resources ought be spent on educational or intellectual activism right now, but as we succeed in these activities the time for political activism will come.

Sam Houston cut spending by almost 90%, ordered Texas' navy sold for scrap, replaced the forts along the Indian frontier with trading posts, and disbanded the army.

The libertarian movement is too decentralized, and libertarians themselves too ornery, for all of us to choose one path. But if we let a hundred flowers bloom, some of those blossoms may well to bring us closer to liberty. ❑

Speech

The Libertarian Challenge

by Harry Browne

Harry Browne's remarks to the Libertarian Party National Convention, upon receiving its presidential nomination.

All I can say is, I think it's a great day to be a libertarian. I am proud, I am humbled, I am honored at what you have given me. And it is with a great sense of excitement and energy and anticipation that I accept your nomination to be your presidential candidate.

I would like to pose the American people three important questions.

First of all: "Do you want more government than we have now, less government than we have now, or about what we have now?" I have been all over this great country of ours. We have asked this question of cab drivers, door clerks, bellmen, people everywhere, and over and over again, people come right back with the answer, "Oh! I want a lot less government. The government's too big, too intrusive." Probably 19 out of 20 people have said they want a lot less government. Not just less, but a lot less.

There are exceptions here and there. There was one that I remember very vividly. In Indianapolis, in a drug store, I asked a young woman, "Do you want more government than we have now, less government than we have now, or about what we have now?" She took a minute to answer the question. She finally said, "I guess I want more government."

I said, "Oh really? That's interesting" — never having heard this answer before. And wondering what she could possibly mean, I said, "What is it you want government to do that it isn't doing now?" And she said, "Get all those people off of welfare."

The fact is that people everywhere are fed up with government, fed up with politicians, fed up with the two old parties. They, like us, are ready for a credible program that will actually do something for a change — not to slow the rate of growth of government, not to freeze the government, but to turn it around and send it in the other direction as fast as possible, to a government a fraction of the size of what we have today. We are not alone. The American people are on our side. We are the mainstream now.

The second question I have for the American people: "Are your taxes too high, are they too low, or are they just about right?" Well, I've asked this question of a lot of people too, and you'd probably be amazed to find out that I haven't yet run across anybody who thinks that he is undertaxed. I read it occasionally among columnists, journalists, and so forth, but I haven't found it anywhere in reality. People everywhere are sick to death of a wasteful, extravagant, oppressive government that drains their substance at the expense of our own families. They are sick of it and they are ready for a change. But let's move on to the third question — the most important question, perhaps.

Government doesn't deliver the mail on time, it doesn't keep the cities safe, it doesn't educate our children properly, but government is good at one thing: it knows how to cripple you, then hand you a crutch and say, "See, if it weren't for the government, you wouldn't be able to walk." And that's exactly what government has done to people all over America — put them on the dole and then said, "See, you couldn't survive if it weren't for the government. If you didn't get that check every month, if you didn't get that farm subsidy or that student loan, you'd never be able to do the things that you're able to do today. It would be impossible to get along without this big, extravagant government."

Oh yes: "People say they want smaller government, but they don't want to give up the services that government provides." We've heard that over and over again. And that's why the third question I want to ask the American people is just simply this: "Would you give up your favorite federal programs if it meant you never again had to pay income tax?" We are not asking you to give up your check from the federal government in exchange for nothing. We are not

going to make little cuts and nicks and so on in the budget here and there, the way the Republicans tried to do without offering you anything in return. We are going to give you something. We know how to spread goodies too. But our goodies are, we are going to give you your own money back, we are going to give you your freedom back, we are going to give you your life back. . . .

Republicans love to talk about getting back to smaller government, but they never give you any specifics. They never lay out a program. And I'd like to make a challenge right here and now to journalists in this country. When Bob Dole says he's going to dust off the Tenth Amendment, when he says we need to get back to the Constitution, I want journalists to ask him, "Well, does that mean you're going to get the federal government out of everything that isn't specified in the Constitution, as the Tenth Amendment says? Does this mean that you're going to get the federal government completely out of welfare, completely out of education, completely out of housing, transportation, crime control, regulation, agriculture, health care? That's what the Constitution says. There's no authority for any of those things in the Constitution. Is that what you mean, Bob Dole, when you make these statements?" Well, just in case there's any doubt, that's what we mean when we say we want to get back to the Constitution.

The question I want to ask the American people is just simply this: "Would you give up your favorite federal programs if it meant you never again had to pay income tax?"

What we mean is very simple. We want the federal government out of your life — out of it entirely. We want you to have your life back, we want you to have your earnings back, we want every dollar you make to be yours: to spend, to save, to give away as you see fit, not as some bureaucrat decides, not as the politicians decide to drain it away from you, dump half of it in the Atlantic Ocean, and then dole the rest of it back to you as though you were some child on an allowance. That's your money, you earned it.

You know the politicians love to talk about family values. Oh boy, that's a winner. "Oh boy, we've got to get back to real moral values in this country. We've got to get back to the family; we've got to let families take care of themselves" Well, Mr. Dole and Mr. Clinton, if you're listening — and I hope you are — let me issue a little challenge to you. If you really do care about family values, then repeal the federal income tax and let families have the resources to take care of their own values, not yours.

Yes, Americans want smaller government; yes, Americans want lower taxes; yes, Americans want what we want. And what we want is huge spending cuts now. Huge tax cuts now. A balanced budget now.

I don't want there to be any misunderstanding. I'm not telling you that everyone in America thinks about things exactly the same way we do. Obviously they don't. But then again, *we* don't all agree on everything. In fact, I'm not sure we agree on *any*thing — except for individual liberty, personal responsibility, and freedom from government on all issues at all times. These are the things that Americans want. But it doesn't mean that they all imagine the finish line the same way we do, that they see the goal in exactly the same way, that they imagine the same kind of government that you do. But then neither do we. You may not even agree on the final goal of all this with the person sitting right next to you.

As a matter of fact, I would guess that if I asked you what size should the federal budget be, there are people in this room who would answer "zero." There are also people who think that the federal budget ought to be seven, eight, nine hundred dollars. So even we don't agree on everything. I mean, if we could be $900 apart, then we ought to tolerate a little difference with the American people too. And I think they'll tolerate a little difference with us. The important thing is that we all want to move in the same direction, and it isn't the direction we're going today. It is the direction to a government much smaller than where we are now. And we could quit arguing about the destination until we get a lot closer to it.

Let me make you a promise right here and now. When we get the federal government down to, say, a hundred billion dollars or so, when we get the federal government to live by the Constitution, then we're going to start worrying about what we're going to do from there. I pledge to you, I will personally head up a fundraising effort to rent the Superbowl and we can all argue endlessly there about where we're going.

The first step is we have to make the government abide by the Constitution, as it exists and is written today. Then we can amend the Constitution to make the government smaller or larger or whatever the American people see fit. Government doesn't work. Government's programs don't work, government welfare doesn't work, government reforms don't work.

Another aspect of government that doesn't work is Social Security, the famous third rail of politics. "Can't talk about Social Security." Do you know that in every poll that's been taken in the last few years, two out of every three Americans say that they do not expect to ever get a dollar back from Social Security? In the 20-to-30-year-old range, there are 70% who say they will not get money back from Social Security. There are more people in that age group that believe in flying saucers than believe that they'll get money back from Social Security.

Of course, those are young people with a long way to retirement. In the 30-to-50-year-old group, it's a little different. There 80% do not believe that they're ever going to get it.

But even in the over-50 group, 40% do not believe that they'll ever get any money back. Can you imagine? Within 15 years of retirement, and 40% of them do not think they'll ever see a dollar from this nonexistent trust fund.

Well, Bill Clinton says it's not on the table. We can't discuss it. We're going to save Social Security, we're not going to touch it. Bob Dole says, "Oh, I'm not worried about Social Security. I saved Social Security in 1983, and I can do it again." He doesn't mention that the way he saved it was with

one of the most massive tax increases ever in the history of this country. And it is not going to happen again. We are not going to let the politicians do that to us.

I want to sell off the trillions of dollars of federal assets that the government has no business owning in the first place, and then use the proceeds to liquidate the Social Security system. Because the only way we will ever head off the obvious coming, looming Social Security crisis is to get Social Security completely out of the hands of the federal government.

To sell off those assets, use the proceeds to make everybody whole, and then everybody's out, nobody has 15% of his pay taken out of his paycheck and thrown down a rathole ever again. And once we get the government out, and people can see what it's like to put 5% of their paycheck maybe in a mutual fund or something else and become millionaires by the time they're 65, instead of the Social Security system, I don't think it'll ever come back. I don't think they will ever fall for that Ponzi scheme again.

One very important issue that distresses Americans everywhere is the question of crime. Their streets aren't safe, their schools aren't safe, they're scared to death even to let their children walk to school. The Democratic and Republican politicians respond to this very understandable fear by all kinds of ridiculous macho games in which one of them says, "Ah, we're too easy on the criminals, we're going to have to have more prisons, tougher sentences, higher taxes, and three strikes and you're out." And some other politician will reply, "Ah, you wimp, you're coddling the criminals, I say two strikes and you're out." Then the other one will say, "Oh, no no no no, you molly-coddling little comsymp liberal wimp, I say one strike and you're out." And the other one will scratch his head for a minute and say, "All right, no strikes and you're out, nobody gets up to the plate, we're going to put everybody in prison and make America safe again."

Looked at another way, the Democratic politicians take our guns away from us, then go to the American people and say they are fighting crime by making the innocent people defenseless. This is their idea of fighting crime. The Republicans' idea is to take away the Bill of Rights, to take away our privacy, to let the federal government invade our bank accounts, to invade our houses without warrants or any probable cause, and through it all, after one tough-on-crime bill after another, year after year after year, shredding the Bill of Rights into ever finer little pieces of confetti, the crime rate continues to rise, crime continues to get worse, and the fear in America continues to get worse. But where in the Constitution does it even give the federal government the authority, the right, or the ability to be involved in crime control in the first place?

All crime is local. It takes place in the jurisdiction of a police department or a sheriff's department — there's no reason for the federal government to be involved in it, and in fact, Thomas Jefferson would be shocked to see things like the FBI, DEA, BATF, and all these federal agencies toting guns, walking around, intimidating American citizens, searching people in airports, and so forth. This is not the America they created. This is not the America they envisioned when they cast the Constitution and wrote the Bill of Rights. The federal government should get completely out of crime control, it should get completely out of gun control, it should get completely out of asset forfeiture, it should get completely out of all of these areas.

But there is one thing above all that we have to do to dramatically and immediately reduce crime in this country to a magnitude, a fraction of what it is now. And that is to end the insane War on Drugs.

To the people at home I say, I hope that doesn't frighten you. It shouldn't. For heaven's sake, it is the only logical, rational thing we can do about this problem. Before there were drug laws in America, there was no drug problem. Before there were drug laws, there were no muggers on the street trying to support a hundred-dollar-a-day habit; there were no pushers on high school campuses trying to hook kids on drugs; there were no gangs fighting over monopoly territories; there were no drive-by shootings with innocent children getting killed in the crossfire; there were no crack babies; there were no people dying of overdoses — none of these things existed before there were drug laws.

We want every dollar you make to be yours: to spend, to save, to give away as you see fit, not as the politicians decide to drain it away from you, and then dole the rest of it back to you as though you were some child on an allowance.

You know, most people don't realize that there was a time in this country when a ten-year-old child could walk into a drugstore and buy heroin. Can you imagine? Just walk up to the shelf, take the heroin, go up to the counter, pay for it, and walk out with it. Didn't need a doctor's prescription, didn't need a note from his parents, didn't need anything. It was sold in measured doses as a pain reliever and sedative just the way aspirin is sold by Bayer today. And yet despite this unrestricted availability of drugs in America, there was no drug problem. None of the things that we associate with the drug problem today existed then. They didn't exist until the War on Drugs started in the 1960s. Until there was such a criminal profit component in the price of drugs that it then became worthwhile to push them on children to try to get them hooked and develop a new cash cow. Until it became the means of financing gang warfare. Until it became the means of corrupting law-enforcement agencies all over the country. Until it became the means of a new power struggle in Washington. Until it became the means to turn America from a safe, placid set of cities throughout the country into jungles.

When I was ten years old, back in the 1940s, I used to walk to the movies every Friday night. By myself, I'd walk about a mile home through the town I lived in, a suburb of Los Angeles. Ten o'clock at night, I had nothing to be afraid of. There were no muggers on the street, there were no dope peddlers, no pushers, nobody, no gangs, nothing. I've been back there recently. I wouldn't walk through that town at 10:00 in the morning. If we care about our country, if we care

about our cities, if we care about our children, we have to, we must, we *shall* end this insane War on Drugs.

We've seen some spectacular examples of government tyranny in recent years. People losing their property that they've saved a lifetime to buy, through asset forfeiture. The BATF and the FBI storming compounds and destroying men, women, and children. Government snipers shooting at women holding babies in their hands, and then being rewarded afterwards for their good shooting. It's easy for Americans to look at these things, feel sorry for the people that were hurt by it, but not feel touched personally. After all, these people are different from us. And so, people find it very easy to rationalize these things as happening to somebody who in some way or other may have had it coming to them, and would never happen to oneself because of the way one lives his life.

In the 20-to-30-year-old age group, there are more people that believe in flying saucers than believe that they'll get money back from Social Security.

But the fact of the matter is that the woman who stood with the baby in her arms in the doorway of her cabin in Ruby Ridge and was gunned down by an agent of your government, could have been you or your wife or your mother or your daughter. Despite the government's attempts to make her appear to be an evil genius, she was an innocent woman, just like you, and someone who loved her baby just as much as you love your children. She was no different from you.

The black man who was subject to a shakedown in an airport, by a DEA agent who thinks that the black man's a little too well-dressed and perhaps may have a little bit too much cash on his person to be anything but a drug runner. That man may seem to be far away from you. But I can assure you, as soon as they run out of black men to shake down, you will be next.

The people who lived in the Branch Davidian complex were accused of all sorts of things in an attempt to make them seem different from us. But they were just like us — until the government wiped them out. These were real people, just like us. When you prick them, they bleed. When you gas them, they cough. And when you burn them, they die.

In a Harry Browne administration, this will end, I assure you. Never again will government agencies feel that they are petty satraps who can have their way with the American people.

And there is one way that you can make sure that it will be never again. And that is: this time, don't waste your vote. Vote Libertarian, and it will never happen again if enough other people vote like you.

When we are elected to the presidency, every government employee will respect the Bill of Rights or they will pay the consequences. There will be no vendettas, there will be no search and seizure without a warrant, there will be no shakedowns, no petty bureaucrats climbing the ladder on the backs of innocent taxpayers, and businessmen, and blacks, and property owners, and other people who are too weak to fight back. Any government employee found guilty of violating the Bill of Rights in any way whatsoever will be censured, dismissed, or prosecuted. This is supposed to be America, after all. This is America, where the government bows down to the people, and not vice versa. In the words of Thomas Jefferson, we will bind the politicians down from mischief by the chains of the Constitution.

Now among all the people I've talked to, a lot of people have said, "Oh, I love your ideas; I think this is wonderful. But even if you were elected president, you would never be able to get this program through Congress. You would never get Congress to repeal the income tax and get rid of all these programs that it's in." But I don't think they realize how powerful the president is, and how much he can do without even consulting Congress. If elected president, I would set to work immediately on the first day to make this a freer, safer, more prosperous America, and there are a multitude of things I could do without even calling Congress on the phone.

So on my first day in office, by executive order, I will personally pardon everyone who has been convicted of a federal, nonviolent drug offense. I will pardon everyone who has been found guilty of a federal, nonviolent gun control offense. I will pardon everyone who has been found guilty on a federal tax-evasion charge. I will pardon anyone else who has been convicted of any kind of victimless crime by the federal government.

I will end federal affirmative action immediately. I will end all federal quotas, set-asides, preferential treatments, and any other form of discrimination that the federal government is engaged in.

I will bring to an end immediately all asset forfeiture cases, and I will take immediate steps to try to apply restitution to anyone who has been victimized by the federal government in the past.

As commander-in-chief of the armed forces, I will immediately bring all American troops back home to America where they belong. If we are responsible for the defense of Europe, then what are the Europeans responsible for? Asia? As commander-in-chief, I will remove all American troops from under the command of the United Nations.

Everything put into the federal register by any previous president — George Bush, Ronald Reagan, Jimmy Carter, Bill Clinton, Richard Nixon, whomever — can be ripped out of the federal register by the next president of the United States. I will personally go through and get rid of all the regulations that run up the price of things we buy and hold down the wages we earn.

And then, I will break for lunch.

When I get back from lunch, I will submit a budget to Congress. Congress will laugh. Congress will say, "Yes, Mr. President. Oh, you can come over here and give a speech if you want to, and we'll get back to the real world" — the real world meaning the budget that they're going to pass that's going to be 5–10% bigger.

It's possible that this will happen. But remember: if, against all the odds, I have been elected president, no one will be able to mistake the mandate that I have. People will know that I was elected not to do business with Boris Yeltsin or lead

the troops in Bosnia, but to bring about a smaller government. And Congress would have to defy me at its very own political peril. . . .

One way or another, I will be able to confront them. Now, of course, they'll still keep passing these budgets and I'll keep vetoing them, but I'll only need one third of one house to sustain my veto, and I don't think that that's very unlikely. So they'll keep passing budgets and I'll keep vetoing them. And finally it'll get to September. And Newt Gingrich will come over to the White House and he'll say, "Mr. President, we're about at the end of the fiscal year, we have to start a new budget on October 1, and I don't want this to sound like a threat, Mr. President, but if you don't sign the current budget, we're gonna have to *shut the government down*."

And I'll say, "Oh no, don't throw me into the briar patch!"

When Bill Clinton and the Republican Congress reached an impasse on the budget, they finally had to shut it down. Bill Clinton . . . separated the government into essential and non-essential functions. . . . When I get through shutting all of the non-essential departments of government, I'm not really sure there's going to be very much left. Even if Congress eventually passed the budget over my veto, at least the battle would finally be joined. At least in Washington you would have two sides for a change. Finally, there would be someone standing up for smaller government. Instead of a big-government president and a big-government Congress arguing over the details — haggling over the price, as they say — you would finally have a small-government president standing fast and not giving in on anything, and going to the American people over and over and over and saying, "Do you know what they want to do? They want to keep spending money on the honey subsidy. They want to keep spending money on the Supercollider, they want to keep spending on this, they haven't figured out that government doesn't work, and so please give me some support." And I find it hard to believe that the American people would elect me to get their income tax money back and then go back to sleep until I had delivered on that promise.

There is an important question, though. How do you know that I will do what I say I'm going to do? I've had this question often. "Gee, I like what you say, but I think I've heard it before. How do I know that once you get into office, you aren't going to turn out just like all the rest of them?"

Well, for one thing, I'm 63 years old. I have felt the way I do about these things for 35 years at least. I am not going to change my mind now. All I want to do is to go to Washington for one term, clean up the stables, and go home and enjoy the peace and freedom and prosperity that's going to bring. I am not likely to change. I am not interested in a new career. After all, I only have 20 or 30 years left. I don't want to spend those years watching government get bigger and bigger, year after year after year.

But there's a more persuasive reason that you can trust me. Like Bob Dole, Bill Clinton, Phil Gramm, and Pat Buchanan I qualified for matching funds. But unlike Bob Dole, Bill Clinton, Pat Buchanan, and Phil Gramm, I do not believe in welfare. Not for politicians, not for individuals, not for corporations. And so I am the first presidential candidate in American history to qualify for matching federal campaign funds and refuse to take them.

And if I won't take the 30 pieces of silver now, you know I'm not going to bother taking it and selling out once I'm safely in office.

There's one other thing we need to discuss here: the wasted vote. People have been wasting their votes for years in this country, believing in smaller government and voting for big-government candidates. This year, for heaven's sakes, vote for what you want. Don't vote *against* something; don't vote to keep somebody out of the White House; don't vote because you're afraid of what the other side might do. Vote for what you want. If we don't start asking for what we want, if we don't start demanding what we want, if we don't start voting only for what we want, then we are never going to get what we want. All my life I have known that unless I ask for something, I never have a chance to get it. And until we start voting for smaller government, until we ask for smaller government, until we demand smaller government, we are never going to get it. And the only way you're going to get it is by voting Libertarian this year.

If you elect me president, I swear to you that I will not rest until I repeal the income tax, and your life, your resources, and your freedom are yours once again.

And the payoff for that will be safer cities, huge spending cuts now, huge tax cuts now, and a balanced budget now. It will be the opportunity for your children to live their entire lives without an income tax. It will be the opportunity to put a trillion dollars back in the economy that's currently being drained away every year by income and Social Security taxes. It is a possibility of a free and prosperous America.

The blessings of liberty touch everyone. But in this final minute, let's not talk about everyone. Let's talk about you and your family. How would all of this affect you? If we repeal the income tax, what will it mean to you? On your next payday, look at the stub that comes with your paycheck. Or look at your 1040, and see how much you paid in income tax last year. Find out what it would mean in your life if we repealed the income tax, and then ask yourself what you would do with that money.

Would you put your child in a private school, where he could get any kind of education you want for him? Prayer in the school, no prayer; traditional values, progressive values — whatever you wanted, it would be yours to decide.

Would you put it aside to save up for that business you've always wanted? Would you plan for a better retirement, move into a better neighborhood, give it to your church, or perhaps support your favorite cause or charity in a way you've never been able to do before?

What would you do with that money, if it weren't being confiscated from you by the federal government? Well, I want you to know that if you elect me president, I swear to you that I will not rest until I repeal the income tax, and your life, your resources, and your freedom are yours once again. ❑

Debate

Disassembling Factory Schools

What does the market have to do with learning?

Beyond the Factory

Kathleen Harward

Nathan Crow's review of *Market-Based Education: A New Model for Schools* ("Market-Based Miseducation," May 1996) missed the point of my book. What interests me is how schools might look if they were free from *all* aspects of their current command-and-control structure. Schools today face more problems than just state control. Most private schools don't look all that different from public schools. They, too, are trapped in a structure, the "factory model," that exists even where government involvement is minimal.

The term "factory model," not original to me, is a shorthand way of describing the way schools treat students as lumps of clay to be molded by experts, wise men who have carved knowledge into separate disciplines and directed teachers to dish out certain amounts of knowledge at prescribed intervals. Most of us have been there, whether in public or private schools: grouped with others our own age, run through the same prescribed programs, spending most of our time listening to teachers tell us what we should know, and reading carefully crafted versions of the same material. We put in our twelve-plus years, sitting in rows, raising our hands to speak, and responding automatically to bells. "Cells and bells." We never dreamed we might be developing and pursuing our own interests, designing our own curriculum, interacting with adults outside the school to learn and accomplish things with more purpose and value.

In my book, I attempt to show why schools should give up the command-and-control model and adapt the market as their model. I rely on Hayek's explanation of how the market effectively uses dispersed and local knowledge to envision how the members of a school organization may do the same. As Hayek explained, it is critical for those on the spot, for those with particular knowledge of time and circumstances, to have the authority to make decisions. The factory model works in just the opposite way — it is based on the view that experts must make all the important decisions and that those on the spot should carry them out. Such a system breeds a poisonous culture, one marked by suspicion, isolation, and fierce turf-protection. Teachers are subject to reams of rules about what and how to teach. Their only haven is behind closed classroom doors, where they finally have some semblance of control. This enforced isolation makes teachers very reluctant to evaluate each other and stubbornly resistant to collaborating with one another; as a result, kids are denied interdisciplinary learning opportunities that resemble challenges in the real world.

Crow defends the conventional approach of schools and derides any other way of teaching as just another "pop trend" by "experimentalists." That is because he has seen innovations fail in factory schools. What he fails to grasp is that factory schools are *only* suited for cells and bells, drill and kill, and standardized testing. Any other way of teaching and learning will fail in that structure.

Take project-based learning, which Crow spends the bulk of his review lambasting. Projects aren't some newfangled thing dreamed up by pop educationists. They're how most people learned before the advent of government schooling. They mean all forms of learning by doing, from apprenticeships to all the wonderfully creative activities children come up with when allowed to follow their own curiosities. In *Separating School and State*, Sheldon Richman uses John Holt's term "unschooling" to describe home-based education that doesn't fall into the trap of bringing the cells and bells approach of the public schools into the home. He recognizes that learning is embedded in everyday living; you don't have to make it mandatory, regimented, and boring.

Crow assumes that projects must be dumbed down. And most of us probably remember only time-wasting projects from our time in school. But

instead of rejecting project-based learning, we should reject those aspects of factory model schools that make any attempt at this kind of learning a joke. You can't do meaningful projects in a system that has rigid curriculum requirements, that arbitrarily interrupts learning every 50 minutes to send a new hoard of kids in front of a teacher, that doesn't give students the freedom to pursue things they care about, that doesn't foster collaboration among teachers and students, that doesn't get kids off campus to interact with community people in a meaningful way, that doesn't have teachers willing and able to cross disciplines in order to mentor rich projects.

The same is true for "Whole Language" instruction. Though my book doesn't even mention Whole Language, Crow spends a good part of his review criticizing it. He describes Whole Language done poorly and, by attacking that strawman, condemns the entire approach. But Whole Language simply means teaching skills such as phonics, spelling, punctuation, and grammar *in the context of* authentic reading and writing activities, instead of in isolation and by rote, where they become overly abstract and boring.

Critics worry that this approach is too haphazard and that systematic, direct instruction of phonics is necessary. The problem is that just as typical classrooms in factory-model schools are not suited for good project-based learning, they are not suited for good Whole Language instruction. Instead of blaming California's low NAEP reading scores on Whole Language, Crow should dig a bit deeper and discover that

You can't expect project-based learning to work when it is mandated on a system of factory-model schools.

the average class size in California in the first grade is very high and that schools have cut back teacher training so much in the last ten years, teachers have attempted Whole Language instruction without knowing how to do it.

Crow says the research shows that "constructivism" (in which students construct knowledge from engaging in complex projects) is not effective. He's wrong. He ignores the research of cognitive scientists, such as the highly respected Howard Gardner, whose work shows that humans are sense-making beings with minds designed to learn by engaging in complex problems that employ numerous systems in the brain.

Instead, Crow cites the National Council of Teachers of Mathematics, which (he says) has found that this type of learning is not supported by research. What he doesn't tell you is that the research the NCTM is referring to contains very little measurement of constructivist teaching methods. It measures the method that has been most prevalent this century: "direct instruction" (lectures, class discussion, seatwork, boardwork). If you're going to claim that this is relatively superior to another form of instruction, you need to have adequate measurement of both of the methods you are comparing.

The closest comparison we have is from 20 years ago, when "open education" was popular. Open education was similar to constructivism and project-based learning in that it had students collaborate with teachers to choose what to learn, to design projects, and to evaluate their progress. An analysis of about 400 studies done from that era shows that under this type of instruction, students liked their teachers more and had a higher level of enthusiasm for school and learning. However, there aren't enough studies to determine whether this type of learning results in superior cognitive gains.

The problem — admitted by even those skeptical of constructivism and project-based learning, such as Herbert Walberg — is that higher cognitive processes are very difficult to measure. Multiple choice measures only what is easy to measure. Higher-order processes require what have been called "authentic assessments" or "performance-based assessments." And there are a lot of political pressures against these that have nothing to do with their worth.

California's experience with this type of test is a good example. In 1993, California first administered the California Learning Assessment System, which combined traditional multiple choice and short answer questions with more innovative "performance tasks" that asked students to solve problems, write essays, and engage in laboratory experiments. Because the exams were new, officials believed they were not yet reliable enough to yield individual scores fairly. Parents were upset that they couldn't get individual scores until 1999 and felt the exams didn't test enough basics. It was on these two grounds (not because the tests showed failure) that Governor Wilson discontinued the CLAS in 1994

The factory model breeds a poisonous culture, one marked by suspicion, isolation, and fierce turf-protection.

and signed a new bill in 1995 returning schools to more traditional tests.

In Kentucky, the story went differently. A few years ago, Kentucky implemented highly contentious reforms that encourage more performance-based learning, along with a new assessment system that includes writing and math portfolios, performance tasks, and both multiple-choice and open-ended questions. Test scores are reportedly on the rise, indicating that the reforms are working, though some critics dispute this.

It's not a simple matter of pointing to California or Kentucky to prove project-based learning works or doesn't work. Furthermore, you can't *expect* it to work when it is mandated on a system of factory-model schools that don't change anything else about themselves. The very fact that California reformers believed they could move to performance-based learning and still devise a uniform test to be given to all students shows that they are still thinking in factory terms.

That's not to say there can't be some form of standardized testing that allows for inter-school comparisons on a *basic* level. But the truly meaningful information parents should want about their children won't come from such tests. It will come from descriptive evaluations written by teachers who have

been mentors to the student through intense, self-designed projects. In addition, the students' real accomplishments (actually *doing* things!) will speak for themselves. And as the projects will invariably involve people in the larger community, meaningful information will come from outside the school as well. Standardized test results are not a superior form of information. They are a product of factory-model thinking that wants only to mold and rank students.

By the time students reach junior high, much of their natural ability to design and carry out projects has been suppressed by the regimentation of the system.

Crow is right that most students who can do complex projects will do fine on standardized tests. The problem is that standardized tests are driving what is taught in schools today, so students who do fine on tests cannot begin to do complex projects. They don't even want to try, because they've been numbed by the system. By the time students have reached middle school or junior high, much of their natural ability to design and carry out projects has been suppressed by the regimentation of the system. Now when you find that rare example of students doing "senior projects" their last year of high school, you find students who at first do not even want to try. Even the top-ranked students have to be coaxed.

Crow concedes that some kids will thrive doing projects, but he's worried about the many he thinks will "crash and burn." His concerns are backwards. The very kids he's worried about are the ones that desperately need activities they have a say in creating, that have purposes beyond an assignment, that resemble the real world, that, heaven forbid, are interesting! The so-called smart kids or ones with supportive home lives will survive any system — they'll survive the factory model schools and catch up in the workplace, even though they were ill-prepared by schools. It's the other kids that aren't even surviving. The better factory-model schools recognize this and have created "alternative" schools for their so-called "at-risk" students that give them greater freedom to design their own learning and means of testing. And these are not "dumbed down" schools.

I recently met a man in Winter Park, Colorado who has homeschooled his children, the oldest until age 17. I asked him how he taught them the "basics." By way of example, he told me what they learned when one of their bicycle tires went flat. They needed to know what size tube to buy. He explained radius, diameter, and pi. They learned more geometry than they needed to replace the tube, but it came naturally at a time when it was relevant and their curiosities were sparked. His 17-year-old chose to attend the local public high school for the first time this year — her senior year of high school. She is a straight-A student but is disappointed that school is so dull and boring. She learned for 17 years by *doing*. She welds better than her high school teacher, so she helps him teach other students. She rebuilds carburetors for customers in the community. She knows farming and how to build houses. She knows how to read, write, and think. And she has a level of self-awareness, initiative, and determination that is amazing for one her age. She did not have to wait until she was filled up with "basics" to start doing things — she learned the basics *as* she did things. Granted, her father sounds like an exceptional mentor. Not all of us would be this good, and there can be advantages to having more than one mentor, like a school can provide.

I don't know how to weld, farm, or build houses. The family above, including the children, felt these were core things to know. E.D. Hirsch and Diane Ravitch, the two figures most famous for pushing the notion that schools must cover a core knowledge curriculum, have devised a cultural literacy test to determine who has their brand of core knowledge. Every adult I know who has taken the test has flunked it. And I feel pretty certain that both Hirsch and Ravitch would flunk a test on classical liberal literacy, something I and most readers of *Liberty* would rank high on our list of what people should know. Their test, your test, my test — all suffer from the arrogance of command-based, factory-model thinking.

If a school is going to do as well as, or even better than, the parent I described, it cannot look, smell, or taste like today's schools. The homeschoolers' successes turn on the ability to create solid foundations "spontaneously" as interests and opportunities arise. The failure of conventional schools is directly related to regimentation and the boredom and alienation it causes. The former resembles the spontaneous order of the market; the latter resembles the command-based order of a centrally planned system. And if you think about how freely knowledge flows in an optimal homeschooling situation (with parents who know their children's interests, reactions, strengths, and weaknesses) and compare this to a school where teachers are discouraged from knowing their students in this way, you see that to become like markets, schools must learn how to tap and use knowledge much more effectively.

Somehow, Crow thinks I believe technology will solve all of this. Actually, I barely mention technology in my book. Technology can certainly be a useful tool, but all the technology in the world will not help schools still trapped in the factory model.

My book outlines the essential characteristics of a market and how a school can adapt them. Many things would change: the school's understanding of its mission and how to accomplish it; the roles and responsibilities of teachers, students, and staff; the generation and use of important knowledge; arrangements for accountability and compensation. Furthermore, the entire culture of the school would be altered. When a school openly celebrates the use of local knowledge by those on the spot, you will get rid of the defensive fears that lead teachers to isolate themselves. And you will get rid of the notion that students are there for the molding.

Tests all suffer from the arrogance of command-based, factory-model thinking.

The fairest criticism Crow makes is that my book lacks concrete, real-life examples. Actually, I do cite several

schools that are embracing parts of a "market-based" framework. I also discuss the actual reform efforts that are currently popular and show which are simply more command-based measures and which are not. But the book is missing more complete examples — because I'm not aware of any that exist. A description of how to go from a command-based model to one based more on spontaneous order must necessarily be abstract, at least at this stage. As readers who grasp the new vision provide feedback, the ideas should become more and more practical. I'm gratified that, Crow's review notwithstanding, this is beginning to happen. ❑

Back to the Drawing Board

Nathan Crow

Kathleen Harward sees the generic American school's "command and control" system as analogous to a socialist bureaucracy. Students are supposed to be similar to frustrated entrepreneurs, waiting for free markets to break their chains and release a flood of creative capitalist energy. In "market-based education," student "projects" are analogous to businesses, and "evaluations" (rather than letter grades) play the role of prices.

But whatever the virtues of projects and evaluations, the analogy is false. Entrepreneurs in market economies are driven not by a desire for positive evaluations, but by a desire for profit. Those whose "projects" (firms) fail don't get kindly evaluations; they go out of business and end up working for a successful entrepreneur. Although it is true that markets free people to use personal knowledge and to initiate ventures if they want to, their autonomous decision-making is subject to the fine-grained contingencies of prices, which play a critical (and often harshly punitive) coordinating role that cannot credibly be compared to that played, in Harward's dream school, by reams of evaluations.

I'm willing to examine Harward's model on its merits. But I must reject her claim that it has something to do with "markets" simply because it demands use of "local knowledge." Picking one part of an institution (the degree of autonomy it accords teachers and students) and insisting that it reflect an arbitrarily isolated aspect of markets is like taking one aspect of family life — say, paternal care — and insisting that it be integrated into government or business.

In fact, one virtue of effective schools is that students *don't* have to meet the standards of a market; they start out with very limited abilities and are nurtured in acquiring skills that will enable them to be productive individuals. In a free society, kids — particularly teenagers — might well seek less school and more apprenticeships and on-the-job training. Note, though, that modern apprenticeships demand formal study as well as OJT. Harward is wrong when she implies they don't.

I do not object, "violently" or otherwise, to criticism of the typical American school, an institution that in other contexts arouses me to furious condemnation. I do however take exception to Harward's Jesse Jacksonish rhetoric ("cells and bells"), used to describe something as innocuous as instruction that takes place in a room and has an allotted time, or that provides students the opportunity to practice what they've learned until they've mastered it. "Drill and kill" is a term that she seems to apply equally to the scales practiced by an aspiring master of the violin, to times tables drilled to a useful automaticity, and to mindless busywork handed out by teachers too lazy or stupid to figure out anything better.

Harward is sure that a biology class is terrible by definition, and that no one should ever be exposed to the tedious horror of a carefully organized sequence of instruction in poetics or mathematics. All learning must be "interdisciplinary." But if there is really no value to focusing on a distinct discipline, why do so many people seek instruction when they want to learn a skill? There are colleges (e.g. Hampshire) that offer the kind of curriculum, or lack of one, that Harward advocates, but they occupy only a tiny niche in comparison with institutions offering classes taught by experts (or people advertised as such). Outside the academy, there are any number of institutions that offer unidisciplinary, teacher-directed classes in everything from the export-import trade to Spanish to scuba diving. Where are their equivalents offering a genial evaluator to prod you into a project? They don't exist. Insofar as they are participating in a *school*, people seem to *like* classes in subjects, and not everyone thinks the discipline of focused study is necessarily the drag of Harward's description. Those who do are generally either very good at learning on their own, hence impatient with group instruction or with less-than-perfect teachers; or they are layabouts who won't endure the discipline of organized study and deliberate practice.

As I stated in my original review, schools ought to do more to link skills to the real world. What works best for most people is efficient instruction terminating in (rather than beginning with) practical applications. And there is nothing wrong with self-study or "projects." But it isn't reasonable to insist that they be made the basis of *all* education that takes place in schools. And does it make sense to lump 18-year-olds with tykes who don't know how to read? Even an 18-year-old is not necessarily ready to go at a project all day long or in a subject she does not readily grasp. It depends on her prerequisite skills and on her strength of character. Harward insists that a twelfth-grader had to be "coaxed" into a project only because she had acquired bad habits from her "factory model" school. Maybe so. But it might also be that she, like most young people, had a short time horizon and would have responded better to the relatively rapid reinforcement of a well-taught lesson. What most students find boring is not learning skills in clearly taught, manageably small chunks with the help of a competent teacher, but arduous and complex tasks involving protracted

The average Whole Language student did about as well as the bottom sixth of those getting traditional instruction.

frustration and relatively ambiguous goals.

Now, we'd all agree that getting students to the point where they can successfully undertake a long-term "project" is a laudable goal — but that doesn't mean that the best way to *get* to that point is to demand that they do nothing but projects all day long. Most math teachers would love to have students who, like mathematicians, are willing to spend days on a problem, puzzling out its intricate and varied solutions. But most people will never be willing to do that, and even those who might eventually develop such a strong interest probably won't do it by being forced to struggle, when five, eleven, or 14 years old, with "constructing" their own mathematical insights.

Harward attributes California's failure to large class size and Whole Language teachers' lack of training. But California had large classes and untrained teachers long before WL was implemented. Test scores declined sharply *after* the imposition of Whole Language curriculum and other constructivist programs. And if lack of training in WL's wonderful methods was indeed the critical factor, it ought to be possible to identify sites where WL was implemented successfully. The technique's promoters have not done this; their tactic is to claim that it never was WL anyway, something they surely should have announced before-hand.

Harward claims that WL teachers generally teach skills "in context," but Whole Language theorists such as Ken Goodman and Frank Smith have explicitly rejected the idea that students need any *instruction* in phonics, spelling, grammar, etc. They claim that such skills develop "naturally" along the lines of basic facility in oral language, which develops with or without instruction.

Harward asserts that instruction in phonics "out of context" is excessively "abstract" (by which I suppose she means conceptual) and will bore students. But the fact is that first-grade students in a well-taught, phonics-based class read a new story every day, while their WL peers hear the same book for weeks on end until they have memorized it and can pretend to read it on their own. (This procedure, by the way, is supposed to adduce a near-magical flowering of insight into English phonetics.) Harward might claim that I'm describing "bad" WL instruction, but this very procedure — including the repetition for weeks, if not the pretend reading — is acceded to by Goodman and other WL luminaries. WL teachers generally reject teaching skills such as blending (i.e., showing students how to "sound out" a word and make the sounds run smoothly together); instead, they tell kids that they should look at the first and last letters of a word, ponder the "context," then guess and see if their guess "makes sense." "Making sense" is construed generously, so that for Goodman, a student is not to be corrected if he reads "lady" for "girl" or "mule" for "stallion." In fact, a popular story among WL teachers concerns two boys who visit a stand by the side of the road. Looking up at the sign above the counter, the first boy "reads" "Coca-Cola." The second boy looks at the sign, then says slowly, "bev-er-ages." Now, according to the WL gospel, the first boy is the "better" reader. Never mind that the sign actually said "beverages."

To Harward, a second-hand anecdotal account of geometry-teaching with a bicycle tire is proof positive of the project method.

When researcher Steven Stahl comprehensively surveyed the research on reading methods, he found several studies showing "that the average child in the whole language . . . treatment performed as well as a child in the 16th percentile [the bottom sixth] of the basal reader [ordinary] treatment."[1] This is an enormous difference, and would be even greater if WL had been compared with top-notch reading programs. And though Stahl looked at virtually every study then in existence, he "could not find a single comparison favoring WL [or its precursor, "language experience"] with populations specifically labeled as 'disadvantaged' or 'minority.'" So much for the blessings that constructivism allegedly showers upon students with special needs.

Well, how do WL gurus deal with such problems? Faced with the demand that their method submit itself to controlled studies of effectiveness, they on principle reject controlled research (which Goodman characterizes as "comparative studies *a la* Crest toothpaste"); they prefer what they misleadingly call "ethnographic" research, i.e., anecdotal accounts written by teachers.

Although I have enjoyed Howard Gardner's musings on "multiple intelligences" and cognitive psychology, his proposals for education reform (including the project method) have been subjected to little, if any, rigorous quantitative examination. And Gardner himself acknowledges the difficulties involved in projects, commenting that "it would be a mistake to consider projects as a panacea. . . . Some materials need to be taught in more disciplined, rote, or algorithmic ways. . . . Projects can . . . [hide] fundamental deficiencies in the understanding of vital disciplinary content."[2]

Harward/Gardner's trite proclamation that students will "learn" if faced with complex problems is not at issue; of course they will. But how fast? How well? Formal education exists to expedite the process. Readers who doubt this should consider how long it might have taken them, unaided, to crack the code of English, phonics or devise an algorithm for long division.

When pressed to support her favored method, Harward — like the National Council of Teachers of Mathematics (NCTM), which endorses constructivist methods lacking empirical support — tells us that "there aren't enough studies" to tell whether it will work. Why, then, does she push so fervently for constructivism? Shouldn't she, and we, wait until the thing has proved itself?

In fact, there are quite a few studies demonstrating constructivism's weaknesses. First, I should explain that Harward misuses the term "direct instruction." Actually, the term was coined in the 1960s by Siegfried Engelmann to describe his highly interactive, carefully organized method of teaching (which, by the way, doesn't use lectures).

Fortunately for us, Engelmann's Direct Instruction (a.k.a. DISTAR or DI) and more than a dozen other new methods, including "open education" and "language experience," were compre-

hensively compared in the billion-dollar Follow Through project of the 1960s, possibly the most thorough examination of elementary teaching methods ever undertaken. In Follow Through, Engelmann's DI outscored the constructivist methods on *every single measure* — "affective" (emotional), simple cognitive, and complex cognitive — and did so by extremely large margins. Indeed, the Direct Instruction model showed that disadvantaged students are capable of scoring at par with their middle-class peers, if properly taught; it also demonstrated the rank ineffectiveness of open education, etc., which scored even worse than the normal methods.[3] Harward should visit Wesley Elementary, an all-black public school in a Houston ghetto where students taught by Direct Instruction are performing at par with or better than their affluent suburban peers.

I am able but unwilling to swap anecdotes with Ms. Harward. Suffice it to say that I could tell stories of kids who were initially unable to complete the "research papers" and other "projects" teachers insisted on, but who thrived on a diet of carefully programmed, interactive instruction that taught them the basic skills they both wanted and needed to learn. I find it interesting that to buttress her argument, Harward relies on vague references to alternative schools (which, she is generically sure, are not dumbed down) and on second-hand accounts of home-schooling. A classroom with 15 to 40 students cannot be run like a homeschool, for obvious reasons, among them the fact that the teacher cannot customize her instruction in geometry (or whatever) to each student when the natural learning opportunity arises. That's too bad, but there it is.

In her emotional and prejudiced approach to standardized tests, Harward is right in tune with constructivists' rejection of accepted canons of scientific proof. To her, a carefully designed sample of student responses to essay questions, editing tasks, math problems, and tests of fundamental scientific and historical knowledge is almost worthless (or even harmful), but a second-hand anecdotal account of geometry-teaching with a bicycle tire is proof positive of the project method.

Although Harward claims standardized tests are "driving" curricula, much of the country is in fact proceeding full bore toward Whole Language and constructivism. How does California's (or Ohio's, or Minnesota's) massive WL project (to coin a phrase) jibe with her claims? Harward seems to think "standardized tests" must always be multiple-choice/short-answer tests. But it is entirely possible to design a standardized test that uses essays; Advanced Placement examinations in English and history, for example, require lengthy written responses. Certainly, tests like the popular Metropolitan Achievement Test (MAT) have serious flaws, and ought to be improved. But testing ought not be dispensed with altogether simply because what we have now is imperfect. To assess the results of varying methods and institutions, we need an objective standard. There are far too many teachers who insist that their students are indeed skilled (translation: "I have done a terrific job") but whose charges cannot write, read, figure, or think.

Finally, Harward neglects one major reason why most standardized tests neglect higher-order thinking: the vast majority of students (especially young students) would simply score a zero on the more difficult items. Existing tests are designed to top out with items that most students can't answer. And with only *one out of twelve* constructivist-taught California eighth-graders capable of solving problems like 1/2 + 2/3, do we really need to look at their math "portfolios"?

Harward has changed her mind about technology. In her book, she insists that installing phones in classrooms will cause epochal changes, asserting that they will have "a tremendous impact on teachers' ability to learn and communicate." Apparently, this now strikes her as silly. Welcome aboard.

Testing ought not be dispensed with altogether simply because what we have now is imperfect.

Harward's response to my review has the same defects as her original pamphlet. Stumped for examples of how her reforms would work in the real world, she cobbles together anecdotal accounts and emotive denunciations and tries to reinvent schools, armed only with a passionate hatred of things as they are, meaningless "market-based" rhetoric, and an education degree. Instead of trying to justify current educationist dogma with half-baked talk of "markets" (is this an example of an "interdisciplinary project"?), she should wade in, take charge of a class, and try to implement some of her notions in a practical way before urging the nation onto the yellow brick road to a constructivist Oz. As it is, thoughtless imposition of similar schemes is causing failure for many students, the victims of theories spawned by intellectually muddled romantics who have forgotten Delmore Schwartz's warning: "In dreams begin responsibilities." ❑

Notes:

1. Stahl, Steven, *Review of Educational Research* 60:1, pp. 141–51.
2. Gardner, Howard, *Multiple Intelligences: The Theory in Practice*, p. 118.
3. Stebbins, L.B., *et al.*, *Education as Experimentation: A Planned Variation Model, Volume IV-A*, and Bock, G., *et al.*, *Education as Experimentation: A Planned Variation Model, Volume IV-B, Effects of Follow Through Models*, Abt Associates, 1977. Follow Through involved 79,000 children in 180 different communities around the U.S.

Anointing . . .

by Tom Baer

Marcelled hair,
blue and white
seersucker (her
mother) at her
right; RED HOT
CHILI PEPPERS black
t-shirt (black
headbanded, 16,
her son) at her
left; in too tight
WAL-MART pink, her
shoulders the least
stooped (as once my
grandmother stood),
her hands lightly
clasped, she sang,
"Anointing, fall on
me, Anointing. . . ."

Class Analysis

Guns and the Ruling Elite

by William R. Tonso

From the robber barons to the New Class, the political elite has always tried to keep its subjects docile and defenseless.

"The right of citizens to bear arms is just one more guarantee against arbitrary government, one more safe-guard against a tyranny which now appears remote in America, but which historically has proved to be always possible."[1]

Politicians like Rep. Charles Schumer (D-N.Y.), along with most establishment journalists, dismiss statements like this as dangerous right-wing rhetoric. But these are the words, not of a reactionary extremist, but of a liberal's liberal: Hubert H. Humphrey, who apparently had a far better grasp of the concerns of the Founding Fathers than does the Yale Law School graduate currently occupying the White House.

Since the dawn of history, when agriculture and its food surpluses made elites possible, ruling classes have tried to reserve arms-bearing privileges for themselves in order to better control the rest of us. Though our Founding Fathers were hardly devoid of vested interests of their own, those interests fostered in them a distrust of government, standing armies, and even militia of the selective rather than the all-encompassing kind. That is why they wrote the Second Amendment: "A well regulated Militia being necessary to the security of a Free State, the right of the people to keep and bear Arms shall not be infringed."

It is beyond reasonable dispute that the militia to which this amendment refers was not a National Guard–style "select militia," but the entire male citizenry of military age, exercising what was believed to be its "natural right" to arms. This reading of the amendment is supported not only by the works of such prominent, liberal, non-gun-owning Second Amendment scholars as Akhil R. Amar of Yale, William Van Alstyne of Duke, and Sanford Levinson of the University of Texas, but by the Founders themselves.[2] According to Richard Henry Lee, "A militia, when properly formed, are in fact the People themselves . . . and include . . . all men capable of bearing arms."[3] George Mason agreed: "Who are the militia? They consist now of the whole people, except a few public officers."[4] Those who would argue that such a people's militia is outdated receive no support from current federal regulations pertaining to the composition of the militia — practically all able-bodied males and some females between the ages of 17 and 45 who are citizens of the United States or have declared that they intend to become citizens.[5] The National Guard is only the organized and federalizable part of the militia.

The Founders wanted citizens to possess arms, not only to protect themselves against criminals and their nation against invaders, but to rebel against their own government if it became too oppressive. Tench Coxe, a friend of James Madison, wrote,

> As civil rulers, not having their duty to the people before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow-citizens, the people are confirmed by the next article in their right to keep and bear their private arms.[6]

Throughout American history, such prominent statesmen as Thomas Jefferson, Patrick Henry, and Richard Henry Lee have expressed similar sentiments.[7] It is this aspect of gun rights — protection against tyranny — that elite prohibitionists once conveniently overlooked, and since the Oklahoma City bombing have vehemently rejected.

The rest of us should remember Levinson's words, referring to the Tiananmen Square massacre and mod-

ern guerrilla warfare:

> The fact that these may not be pleasant examples does not affect the principal point, that a state facing a totally disarmed population is in a far better position, for good or ill, to suppress popular demonstrations and uprisings than one that must calculate the possibilities of its officials being injured or killed.[8]

Corporate Elites

The Industrial Revolution introduced a new socioeconomic elite. The ascendant captains of industry preferred a compliant workforce to an independent, armed yeomanry capable of standing up to its own government. The urbanization and immigration that accompanied industrialization failed to produce the stability big business desired. As social historian Altina Waller has noted, elites believed the culture that had produced the Hatfield-McCoy feud stood in the way of economic and social "progress." Once feuding, whiskey, and guns had been eliminated, they argued, an impartial judicial system would bring order. Instead, coal companies enforced their wishes with guns, reinforced by a county government and judicial system they had bought and paid for.[9]

In the late nineteenth century and the decade and a half before World War I, the traditional military establishments of Europe and the United States ignored machine guns. But European colonizers — civilian and military — were using them to subjugate poorly-armed natives (particularly in Africa), while American National Guardsmen and company guards were using them, in John Ellis' words, "as an alternative to collective bargaining."[10] In 1896, for example, in response to labor militancy, Chicago Commercial Club members contributed $2,000 (over $32,000 in today's money) within 48 hours to buy a machine gun for the Illinois National Guard.[11] The notorious Baldwin-Felts Detective Agency transferred at least eight machine guns from West Virginia to Colorado to keep striking miners under control during the troubles of 1912–1913.[12] During this period, companies regularly used machine-gun-equipped trains to patrol and strafe the Cabin Creek and Paint Creek areas; at Ludlow in 1914, National Guardsmen machine-gunned the miners' tent colony.[13] Their bullets and the resulting fires killed 36 people and injured over 100 others.

Needless to say, *these* uses of the machine gun provoked no laws against the weapons. Weapons were acceptable in the right hands — those of the elite and their hired enforcers. The National Firearms Act of 1934 subverted the Founders' intentions by giving the power to decide who may own small arms of obvious military value, such as full-automatics and sawed-off rifles and shotguns, to the very government the citizenry might need to resist. This was supposedly necessary because these arms were what would now be called the "weapons of choice" of the gangsters and bank robbers of the 1920s and 1930s. Yet John Dillinger and Bonnie and Clyde, among other notorious characters of the day, stole their automatic weapons from the police and National Guard, or had underworld gunsmiths convert one-shot-per-trigger-pull semi-automatics to full-automatics that keep firing as long as the trigger is held back. The new law would have no effect on either method.

Captains of industry preferred a compliant workforce to an independent, armed yeomanry capable of standing up to its own government.

And the only thing accomplished by the $200 transfer tax (over $2,000 in today's money) on sales of such weapons was to put them out of the reach of most people who could pass the background check. Inflation has lowered this barrier considerably. But in 1934, only the wealthy could afford the tax — and, hence, any regulated arms — at a time when such mass demonstrations as the march on the Ford plant in Dearborn, Michigan, and the World War I veterans' march on Washington had the establishment worried about rebellion or even a Communist insurrection.

In other words, when lawmakers passed the 1934 act, they may have been thinking of disgruntled citizens as well as submachine-gun-armed bank robbers.[14]

To be sure, efforts to keep workers unarmed and docile have not always received local, state, or federal government support. In 1921, for example, the North Carolina Supreme Court acknowledged that the poor and the unpopular might need guns:

> This is not an idle or an obsolete guarantee, for there are still localities, not necessary to mention, where great corporations, under the guise of detective agents or police forces, terrorize their employees by armed force. If the people are forbidden to carry the only arms within their means, among them pistols, they will be completely at the mercy of these plutocratic organizations.[15]

And at times, military needs have led authorities to encourage ordinary citizens to familiarize themselves with small arms. The government has even supplied the weapons at bargain prices. The National Board for the Promotion of Rifle Practice was established in 1903, after the Spanish-American War demonstrated that many recruits had brought no marksmanship skills with them into the military.[16] The Army's Office of the Director of Civilian Marksmanship (DCM) was established in 1916, as part of the National Defense Act — the same law that, among other things, paved the way for World War I–era conscription.[17] After World War II and the beginning of the Cold War, the DCM put millions of military small arms, including semi-automatic rifles, carbines, and pistols — and ammunition for them — into civilian circulation.

Thus, ironically, the business elite's desire to restrict civilian access to firearms was partly offset by the overall establishment's need for military recruits who could handle a gun. Granted, the government's efforts to teach civilians to shoot have surely not been motivated by concerns about the possibility of domestic tyranny (apart from the possible need to overthrow a domestic Communist regime). But the government helped arm the citizenry nonetheless.

Then things changed dramatically, with the rise of a new elite.

The New Class

The knowledge elite, or so-called "New Class," is composed of professional thinkers and other word-workers who create and transmit what passes for knowledge in our modern world. As the gods once spoke to us through priests, nature now speaks to us through secular intellectuals, who are no less willing to run our lives for us if given the chance.

Such secular priests have been with us for quite some time. During the early nineteenth century, the Frenchman Auguste Comte, generally considered the founder of sociology, envisioned a sociological priesthood that would prescribe a "scientific" social policy. Sociologist Lewis Coser summarized Comte's views on governance: "Only those willing to submit themselves to the rigorous constraints of scientific methodology and to the canons of scientific evidence can presume to have a say in the guidance of human affairs."[19] Much of today's sociology is devoted to producing "knowledge" useful to social engineers.

Karl Marx turned social criticism into a "science," Sigmund Freud gave us a "scientific" secular confessional, and B.F. Skinner offered himself as a guide to utopia through a "scientific" secular religion — behaviorism. As psychiatrist (and psychiatric critic) Jonas Robitscher has noted, "The ultimate claim for psychiatry was that psychiatrists should screen and select world leaders, because social policy was too important to be left to unstable individuals who could not earn a psychiatric stamp of approval."[20] In his 1971 presidential address to the American Psychological Association, Kenneth Clark advocated going beyond screening to developing aggression-reducing pills and force-feeding them to the world's leaders. This drug would subordinate man's "animalistic, barbaric and primitive propensities . . . to the uniquely human moral and ethical characteristics of love, kindness, empathy."[21] Similarly, Frederick W. Taylor, the turn-of-the-century founder of "scientific management," was an engineer interested in extending his technocratic approach to organization far beyond industry to society as a whole. And as Donald Stabile has convincingly argued, American socialism has long been permeated by a labor-alienating technocratic Taylorism that undermines participatory democracy.[22]

The New Class symbol-manipulators are only too glad to let others specialize in coercion.

A diverse collection of specialists subscribing to perspectives often very much at odds with each other, these "experts" are influential only to the extent that they can use the appearance of scientific objectivity and detached rationality to cover their own vested interests and convince the rest of us that they know what they are talking about. But the people-manipulating interests of big business and big government, assisted by big education and big media, have left non-experts in these areas easy to convince. Social and behavioral scientists, educators, managers, professionals, and the like have entrenched themselves in powerful institutions, where they encourage the "educated" classes to accept what Thomas Sowell calls the "unconstrained vision" of man: "Given that explicitly articulated knowledge is special and concentrated in the unconstrained vision, the best conduct of social activities depends upon the special knowledge of the few being used to guide the actions of the many. . . . It is consistent for the unconstrained vision to promote equalitarian ends by unequalitarian means, given the great differences between those whom [John Stuart] Mill called 'the wisest and best' and those who have not yet reached that intellectual and moral level."[23] Sociologist Peter Berger, another scholarly critic of the knowledge elite's pretensions, has called attention to its heavy reliance on public sector employment and its consequent vested interest in statism: "Because government interventions have to be legitimated in terms of social ills, the New Class has a vested interest in portraying American society as a whole, and specific aspects of that society, in negative terms."[24]

In textbooks; in countless magazine and journal articles; in newspaper stories, columns, and editorials; in TV commentaries, documentaries, talk shows, situation comedies, and crime shows, America's New Class expresses a sentiment best summarized by sociologist Morris Janowitz: "I see no reason . . . why anyone in a democracy should own a weapon."[25] Democracy, in this view, is something that "experts" know how to run better than ordinary citizens do. If an armed populace fails to

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understand the wisdom of the reforms the secular priesthood deems necessary, they can make trouble. The pen may be mightier than the sword in the long run of history, but the swordsman can make quick work of the penman in the short run of individual existence. Therefore, the knowledge elite's efforts at people-control-through-gun-control not only converge with those of corporate elites, but transcend them. Business needs only docile workers; the New Class needs docile citizens.

World War II and the Korean War temporarily halted the drive for gun controls. But by the late 1950s, efforts to regulate civilian gun ownership were reviving. And the political assassinations, ghetto riots, and radical militancy of the 1960s gave the gun control movement new impetus. The first fruit of this resurgence was the Gun Control Act of 1968, which even anti-gun journalist Robert Sherrill acknowledges was an attempt to keep cheap military-surplus weapons out of the hands of militant blacks.[26] According to social analyst B. Bruce-Briggs, efforts to ban cheap handguns, "Saturday night specials," may have been similarly motivated. After all, their very label was derived from the racist expression "niggertown Saturday night."[27] And though the ghettos were relatively quiet for some time before the 1992 Los Angeles riots, it is hardly far-fetched to suggest that both business- and knowledge-elite pressures to regulate semi-automatic paramilitary weapons have been motivated more by the possibility that radicals would use them than by their actual use by drug gangs. After all, while such weapons have been used in a small number of mass shootings perpetrated by emotionally disturbed criminals, *no* systematic study of guns used in crimes has yet supported the gun controllers' claims that semi-automatic paramilitary weapons are gangsters' "weapons of choice."[28]

Even more suggestively, the sale of new full-automatics was federally banned in 1986, even though not a single documented case existed of anyone, in the 52 years since federal controls had been imposed, using a legally-owned machine gun to commit a homicide. And elite concerns about the potential use of semi- and/or full-automatic firearms by radicals, particularly right-wing militants, were not always disguised by drug-war rhetoric, even before the Oklahoma City bombing. Consider this telling comment from the 1985 *Newsweek* cover story, "Machine Gun USA": "In fact, the exotic-weapons craze is nowhere more frightening than among fanatics of the far right — a loosely knit underground of racist, anti-Semitic, pseudo-Christian xenophobes with links to both the Ku Klux Klan and the American Nazis movement."[29] This same theme appeared in "Assault Weapons and Accessories in America" (a 1988 "report" written by gun control guru Josh Sugarmann for the Education Fund to End Handgun Violence and, significantly, New Right Watch) and in Handgun Control Inc.'s advertisements.[30] It now permeates the Oklahoma City–induced anti-militia tirades spouted by mainstream media and politicians.

Business needs only docile workers; the New Class needs docile citizens.

In this age of specialists, violence has again become a job for experts, the professionals of the military and police forces. The New Class symbol-manipulators, who are not very good at violence and disapprove of it on a private level, are only too glad to let others specialize in coercion. Thus, the standing military forces (including select militia, and now joined by various police forces up to the federal level) that the Founders considered the foremost threats to representative government and liberty, are accepted in enlightened circles as logical extensions of the division of professional labor.

Are the Founders' concerns outdated? When a Navy officer working on a master's thesis asked 300 Marines via questionnaire if they "would fire upon U.S. citizens who refuse or resist confiscation of firearms banned by the U.S. government," 61.66% indicated that they would not. That left 26.34% indicating that they would, and 12% expressing no opinion. Hardly reassuring![31]

Where once the people were trusted with arms to keep the government in line, now the government is trusted with arms to keep the people in line. Elites point to Europe, where state-sponsored violence has slaughtered tens of millions in this century alone, as a model for us to emulate. Somehow, though, they manage to ignore peaceful Switzerland, where the government issues practically every male between 20 and 50 a machine gun and ammunition to keep in his home.

There is a risk, of course, that individuals outside the thug community may occasionally harm innocents with their weapons. But we should also remember the risk associated with an unarmed populace: it can be enslaved or annihilated by a rogue government. As the Framers recognized, throughout history the unarmed have been safe only as long as the armed (criminals or government agents) have allowed them to be safe. We should beware of any politician, bureaucrat, or intellectual who claims the Second Amendment is outdated, or that it does no more than guarantee the National Guard's right to bear arms. Many of these same people did their best to obstruct investigations of government wrongdoing at Ruby Ridge and Waco. ❑

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3. Richard Henry Lee, "Additional Letters From the Federal Farmer" 53 (1788), cited in Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right*, University of New Mexico Press, 1984, p. 71.
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continued on next page

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9. Altina L. Waller, *Feud: Hatfields, McCoys and Social Change in Appalachia, 1860–1900*, The University of North Carolina Press, 1988, p. 247.
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31. Commander Guy Cunningham, "Peacekeeping and U.N. Operational Control: A Study of Their Effect on Unit Cohesion." See James L. Pate, "Truth Behind 'New World Order' Combat Arms Survey," *Soldier of Fortune* (September 1995), p. 63.

Tyrrell, "Orwell's Wartime Romance," *continued from page 21*

since he could not remember it happening that way, while the official account was the work of a thriller writer.[18] Perhaps he also knew that many of Churchill's famous wartime broadcasts were actually the work of a mimic, Norbert Shelley, a fact that even today remains unacknowledged among Britain's court historians.

Anarchy, Conservatism, and Nationhood

In his twenties, as I have mentioned, Orwell styled himself a Tory anarchist. This label is not as paradoxical as it might at first seem. An anarchist society might well be deeply conservative: if social order is to be spontaneous rather than imposed, what is spontaneous if not tradition? Radical change is more likely to be imposed by government than to occur in its absence. Nationalism is frequently equated with conservatism, even by conservatives, but I think this is just confusion. Under a nationalist regime, government manufactures and maintains homogeneity and consensus where previously there had been none and where potentially there might be none again. It is national government that erodes traditional communities and cultures, rivals to its authority. And it is government that nationalizes and regulates as much of everyday life as it can.

Nations, then, are not the enduring organisms of nationalist myth. Without politics, they are nothing. Taken to extremes, they become totalitarian: the personal becomes the political, and every aspect of everyday life, even memory, is politicized. Nationalism is the prototypic political correctness, prescribing what lifestyle choices may or may not be made.

Orwell's nationalist phase finds him at his most statist, but the books for which he is best remembered — *Animal Farm* and *Nineteen Eighty-four* — are written from an unambiguously anti-totalitarian standpoint. And *Nineteen Eighty-four* is a clear rejection of the nationalism for which its author had, of late, made propaganda. ❑

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Analysis

The Right to Smash the State

by Pierre Lemieux

When in the course of human events does it become necessary for one people to dissolve the political bands which have connected them to another?

Why are libertarians, especially natural-rights libertarians, so kind to tyrants? After all, if you're living under a government that continuously violates your inherent and unalienable rights, why should you go along with it? Why not make a revolution? Why not shoot the bastards?

Let's not talk specifically about the U.S., Canada, France, or England. Let's do like economists and assume a country. Imagine, for a moment, that you live in a land . . .

- where a fine net of detailed regulations controls virtually everything you do in the course of everyday life, from driving a car to hiring employees to building a house;
- where for a host of purposes you have to fill in forms and answer personal questions from bureaucrats;
- where, say, a third of what the people produce and earn is seized in taxes, and you have to file and sign periodic income reports;
- where people are conceived of as "human resources" the state can draw upon;
- where there is a very powerful permanent army;
- where the people have been disarmed;
- where you need permits to engage in many economic activities;
- where the authorities decide what you may consume and even, in some cases, read;
- where your identity is basically defined by official identification papers, and the government even issues you a number that defines you as a citizen;
- where the state circumvents the rule of law with complicated and abstruse legislation that most citizens do not know and cannot understand;
- where the majority apparently assents to all this in formal elections, but a large bureaucracy and an entrenched political class actually rule.

Obviously, you would call for, or even start, a libertarian revolution. Or would you?

Authoritarian Arguments Against Revolution

By *revolution*, I mean a radical, non-legal change in the relations between the governors and the governed. By *libertarian*, I mean that the governors would lose much of their power over the governed. In other words, I am not talking about a change achieved by a slow shift of public opinion at the polls. I am discussing a change that bypasses the existing legal order. Whether or not it involves violence, it would not be congruent with legal continuity.

Authoritarians have lots of arguments against this kind of revolution. One brand is the divine right of kings. As Robert Filmer puts it, "if this supreme power was settled and founded by God himself in the fatherhood, how is it possible for the people to have any right or title to alter and dispose of it otherwise? . . . The obedience which all subjects yield to kings is but the paying of that duty which is due to the supreme fatherhood."

Another authoritarian argument is the Burkean idea that loyalty is part of one's moral duties, and that "no occasion can justify [a revolution] which would not equally authorize a dispensation with any other moral duty, perhaps with all of them together." And then, of course, there are the Rousseauvian and Hobbesian brands of contractarianism. The state is based on consent, but this consent has to be unconditional for the state efficiently to carry on its mission of protecting individuals. Since only the sovereign can judge the means he uses to protect his subjects, a revolution is never justifiable.

The whole Western liberal tradition dismisses such reasoning. John

Locke explains that "whenever the *Legislators endeavour to take away, and destroy the Property of the People*, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience." Power then "devolves to the People, who have a Right to resume their original Liberty, and, by the Establishment of a new Legislative (such as they shall think fit) provide for their own Safety and Security, which is the end for which they are in Society." Section 2 of the 1789 French *Déclaration des droits de l'homme et du citoyen* includes the "right to resist oppression" among the natural rights of man.

The right of revolution is like the right of self-defense: it always exists, but should be exercised only under certain conditions.

Even some conservative legal theorists, such as William Blackstone, admit the right of resistance and agree that, at some point, it is legitimate to exercise it:

> The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defense, suitable to their condition and degree and such as allowed by law. Which is also declared by the same statute [the Bill of Rights] and it is indeed a public allowance under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and the laws are found insufficient to restrain the violence of oppression.

When do we cross the line? I suspect most classical liberal thinkers would agree it has been crossed in our imaginary country.

Dangers of Revolution

There is another, more libertarian, strand of argument against revolution — or, at least, against the exercise of this right in most cases. The argument is that revolutions, by their very nature, lead to increased political power. Writes Bertrand de Jouvenel, "there was never a revolution yet which did not result in an accretion of Power's weight."

The reason, according to de Jouvenel, is that revolutions destroy existing "social authorities," i.e., those social institutions that are capable of resisting the state. After the dust has settled and the blood has dried up, the only operational social institution remaining is the state, facing a crowd of isolated and powerless individuals. This would explain why the French Revolution, the Bolshevik Revolution, and Cromwell's Republic produced "the liquidation of a weak Power, the erection of a strong one."

"In the final analysis," de Jouvenel concludes, "revolutions are made not for man, but for Power."

For the revolutionaries, every means is justified if it serves the revolution. The French Revolution, which had strong classical liberal elements, is often cited in this context. At the very time he was a leader of the Terror, Saint-Just wrote: "A people has only one dangerous enemy, which is its government." Saint-Just was not a libertarian, and the context of this often-quoted sentence identifies "government" more with the executive than with the state as such, but many of his contemporaries did believe that the French Revolution's libertarian ends justified saving it at any cost. In early 1793, just before the Terror began, Jefferson wrote in support of the Jacobins:

> In the struggle which was necessary, many guilty persons fell without the forms of trial, and with them some innocent. . . . The liberty of the whole earth depended on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed I would have seen half the earth desolated; were there but one Adam and Eve left in every country, and left free, it would be better than it now is.

Doesn't the American Revolution contradict de Jouvenel? To a certain extent, yes, which is probably why he does not mention it. On the other hand, the American Revolution did not need to be devastating and totalitarian, if only because the tyrant fought by the American revolutionaries was a very weak one. "In fact," writes Gordon Wood, "the colonists knew they were freer, more equal, more prosperous, and less burdened with cumbersome feudal and monarchical restraints than any other part of mankind in the eighteenth century." Moreover, evaluating a revolution's consequences depends on one's timeframe. If one compares today's America with the Founding Fathers' intents, the revolution appears to be a failure. Even compared to the subjects of their former tyrant, the present-day British, contemporary Americans are not radically freer: they may be in some respects (freedom of speech and the right to keep and bear arms, for instance), but not in others (think about the IRS and the DEA).

Could we say that the more powerless the tyrant, the less likely it is that the revolution will devolve into the destruction of all social authorities? If so, it would mean that a libertarian revolution now would be much less dangerous than a revolution when tyranny has become unbearable. Better to make the revolution when it does not have to be devastating; better to do it sooner than later. Perhaps this is how we can interpret Jefferson's dictum, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

If 0% of the people want liberty, the question of a libertarian revolution is irrelevant. If 100% want liberty, a revolution is unnecessary.

Revolution Against Democracy?

The standing right of revolution must be exercised with prudence and responsibility, depending on political and social conditions. Suppose our imaginary society is a democracy limited by a formal rule of law. Is a revolution still justifiable under these conditions? Can't we hope to bring the

required change within the system?

Certainly, democracy by itself does not abolish the right of revolution. The democratic system may not give real power to the majority; sovereignty may be expropriated by the bureaucracy, the political class, or well-organized interest groups. Hopes of peaceful change through persuading the majority may therefore be unrealistic. And even if the democratic system *is* responsive to the majority's views, we can still get what de Tocqueville called "the tyranny of the majority," what de Jouvenel labeled "totalitarian democracy."

In any event, persuading a sufficient majority to establish liberty may be difficult, owing to restrictions on freedom of expression, to government propaganda, or simply to the fact that the people have become, in de Tocqueville's premonitory words, "a flock of timid and industrious animals of which the government is the shepherd." And what about individual rights that continue to be violated during the long persuasion process? Would we have condoned slavery because it was bound to disappear in the future?

A somewhat more serious case against revolution emerges when power is still constrained by the rule of law. Whether or not there is a written constitution, laws and state action must follow some formal rules. Yet in our imaginary society, the rule of law has become a fraud. Government thugs may not, say, bang into a dissenters' conference without a warrant, but there are so many laws governing so many aspects of life that they could probably find a legal pretext if they wanted to. The state has acquired so many means to control citizens that it is always likely to find some convoluted way to get its man. If it cannot proceed with criminal charges, it will sue in civil court — using civil forfeiture, for instance. It has found ways to short-circuit local powers by creating powerful central agencies.

So the formal rule of law has become as much a tool of oppression as it is a protection for citizens. Moreover, the pervasiveness of formal rules has accustomed citizens to abiding by anything that is formally enacted. The rule of law does not by itself abolish the right of revolution — it all depends on what kind of laws rule.

The strongest argument against a revolution in our imaginary society is what may be called the continuity argument. If we break the democratic-legal continuity, the argument goes, we will open a Pandora's box, and we may well end up with a regime much worse than the present one. Better to be a slave under a known and predictable master, than under an unknown, whimsical, and more powerful one.

Libertarians should abandon their rhetoric of self-interest and become republicans without a republic.

The problem with the continuity argument is that it is contingent on where continuity leads us. If present trends are leading us to the worst possible system, a revolution may be warranted. Even in our imaginary democracy under the rule of law, whether the right of revolution should be exercised remains a question of expected costs and benefits — in short, a question of prudence.

When and How to Revolt

So if we grant that the oppressed in our imaginary society have a *right* to revolt, what are the possible prudential objections to exercising this right? The first objection might be that they are unlikely to succeed.

What if a significant proportion of the people has been conditioned to accept slavery, or simply prefers equal slavery over liberty for all? Whatever the reason, there may be no people to make a revolution (as opposed to an unstable *coup d'état*). If 0% of the people want liberty, the question of a libertarian revolution is irrelevant; if 100% want liberty, a revolution is unnecessary. The problem lies between 0% and 100%.

If we don't have enough people on our side, an education effort is required before we can realistically hope to make a revolution. Education is as much a prerequisite for revolution as for peaceful, legal change. And to the extent that the political system does respond to individual preferences, it may make a revolution unnecessary.

But even when enough people think rebellion is in their interest, several practical issues remain. Who is to spend resources on education? Who will start the revolution? Here, what economists call the *logic of collective action* comes into play. A necessary revolution is a public good; an individual will profit from it even if he does not contribute to it. Furthering the revolution carries costs, not only because one has to spend resources on education, but also because anyone on the front line may be shot or arrested. A utility-maximizing individual will be inclined to free-ride, to wait for his neighbor to revolt. Consequently, no one will.

This is another way to say that personal interest — "individualism," in de Tocqueville's pejorative sense — may hinder a necessary revolution. There is a conflict between personal interest and the future of freedom. This is more than a theoretical curiosity: just look at the businessmen who, even when they would profit from liberty, cave in and turn the other cheek in order to placate the tyrant and save a few dollars.

Revolutions do occur from time to time, so collective action problems are not insurmountable. Entrepreneurs may find ways to tie private benefits to collective action, or to impose private costs on non-participants — by a boycott, for example. These "selective incentives" bypass the free rider problem. And, of course, there are individuals — revolutionary leaders — for whom the cost of starting a revolution may be lower because they have less to lose, or who attach a higher value to their private benefits from revolutionary action.

These ways around collective action problems may be less accessible to libertarians than to collectivists. Libertarians take personal interest and political apathy very seriously — perhaps too seriously. As a matter of philosophical principle, they don't want to be sacrificial lambs. In economic terms, the costs of revolutionary action are higher for them than for altruists. We would thus expect libertarians to be bad at organizing revolutions, even at educating the people.

One might hope that libertarians would abandon their rhetoric of self-interest and become republicans (in the eighteenth-century sense of public virtue) without a republic.

Expectations and Rights

There is another prudential objection to revolting before a significant proportion of the people has been persuaded to rebel. Revolutionary methods — especially violence — can violate *systemic expectations*, i.e., the expectations that the system has led most people to have and to believe legitimate.

Consider again our imaginary society. It is difficult to put a finger on the tyrant — he's everywhere. A large number of the people *are* "the bastards," though they don't know it. They accept and follow the rules, which is somewhat different from the Nuremberg criminals following orders. The little bureaucrat or the subsidized businessman is an accomplice to tyranny, but only to a degree. Although it is morally legitimate, in our imaginary society, to shoot a tax inspector who comes after you with his gun drawn, that does not mean that you may blow up all the little bureaucrats in the tax office. And certainly, blind terrorism that will also hit the tyrant's unwilling or unconscious subjects is immoral.

The great Lysander Spooner himself gives an example of what, I think, may not be done:

> The business of lending blood-money is one of the most thoroughly sordid, cold-blooded, and criminal that was ever carried on, to any considerable extent, amongst human beings. It is like lending money to slave traders, or to common robbers and pirates, to be repaid out of their plunder. And the men who loan money to governments, so called, for the purpose of enabling the latter to rob, enslave, and murder their people, are among the greatest villains that the world has ever seen. And they as much deserve to be hunted and killed (if they cannot otherwise be got rid of) as any slave traders, robbers, or pirates that ever lived.

Everybody with a corporate pension plan or even a savings account is an indirect purchaser of government securities. If our revolutionaries have to shoot all government bond-holders, they could avoid the costs of fighting by simply shooting themselves. It may well be legitimate to not reimburse government bond-holders, but shooting them is another matter entirely. Spooner's parenthetical remark suggests that he himself entertained some doubts on this matter.

How much weight should we place on people's systemic expectations? It depends on the degree of tyranny. At one extreme, Nazi Germany, the rights of Jews clearly have precedence over any expectation that you participate in rounding them up. Towards the other extreme — a more open society — the balancing gets more messy. One can't avoid some utilitarian fuzziness here.

We want neither the chains nor the candies of the welfare state.

Responsible Revolutionaries

The right of libertarian revolution is like the right of self-defense: it always exists, but should be exercised only under certain conditions. These conditions include the actual degree of tyranny, what proportion of citizens favor revolution, and the probability of achieving the necessary change without revolutionary means. Two dangers loom: to wait until it is too difficult to revolt, and to revolt too soon.

What should we do in our imaginary society? Is it too early for a revolution? Too late?

Perhaps it is time for a sort of revolution, but not for the bloody spectacle one usually associates with that word. For now, speech is the weapon of choice — so much so that the tyrant has found countless indirect ways to limit it. Tyrants fear both reason and poetic revolt. And there are other legitimate means of revolting that contribute both to education and to the ultimate revolution, if one becomes necessary. I have in mind the kind of principled civil disobedience Thoreau advocated. For example, if only 5% more of the people were to stop paying income taxes — perhaps 1% more — the state would soon be at bay.

Like any revolution, this is not without danger. It would probably be better to do this now than when the imaginary state has become more able to resolve its problems by force. Actually, it should have been done decades ago.

Who will initiate the civil disobedience? This once more raises the problem of collective action. But to start the wheel of change rolling, one does not necessarily have to stop paying taxes and advertise it to the whole world. One may also engage in nonviolent guerrilla tactics. Engage the tyrant whenever you can — right up to the point where he would have a good enough reason to arrest or shoot you — and then retreat. Delay compliance to all kinds of petty laws and regulations. Refuse to answer questions. And, of course, pursue the educational task through subversive talk and writing.

Discussing revolution the way we have may have trapped us in the enemy's way of thinking. We want neither the chains nor the candies of the welfare state. I am a sovereign individual; the government's laws are not of my own choosing, and do not apply to me. Instead of overthrowing their state, we would rather secede from it, individually or collectively. You want your government — your chains and your goodies? Well, keep them. For me, no thanks.

Revolution, in the sense of overthrowing their government, is only a second best, something to resort to when they will not allow us to secede from them.

To the question, *Why not make a revolution?*, the first-level answer is, "Because there is no one to make it." *Why not shoot the bastards?* "Because there are too many bastards, or everybody is a half-bastard."

At a second level, *secession* is the name of our revolution. If we could only have one free society in the world, why would we care, except out of compassion, about the people of France, Canada, or the U.S.? We must be prudent, responsible revolutionaries. Keep the tyrant on its toes; increase the pressure as tyranny advances.

And keep our options open. The revolution, if necessary, but not necessarily the revolution. ❑

Warning

Peace and Its Malcontents

by Leon T. Hadar

If war is the health of the state, peace is its Kevorkian.

Peace is hazardous to the health of the political class. For evidence, one need only look at the election of Benjamin "Bibi" Netanyahu, militant Zionist and annoying newsbiter, as Israel's new prime minister.

There is no doubt that the Arab-Israeli peace process, imperfect though it is, has become a threat to the Arab dictators and their bureaucratic slaves, as well as to the Israel lobby and its servants on Capitol Hill and in the media. If the Arab-Israeli conflict ends, its beneficiaries will find it much more difficult to justify the resources they extract from their own people and from Washington.

Washington's rentier class, to which the Arab-Israeli conflict added so many more members, also faces a crisis. After all, how can one pander to Jewish voters by bashing PLO terrorists if Israel itself is negotiating with the alleged monsters? Or produce all those neocon op-eds accusing "anti-Semites" in the media of forcing Israel to negotiate with Arafat or Syria's Assad?

But not to worry. The Likud Party is back in power, and, to paraphrase Sir Edward Grey's view of Europe on the eve of the Great War, "The lamps are going out all over the Middle East; we shall not see them lit again in our lifetime." That's bad news for Middle Easterners, but good news for the political class everywhere.

In Cairo, reports the June 12 *Financial Times*, politicians and bureaucrats are rejoicing. Peace had meant less demand for a regional broker between the Arabs and Israelis. As a result, "the skilled mandarins of the foreign office in Cairo had begun to carve themselves a role in domestic economic policy, seeking something useful to do." Well, now our Egyptian friends won't have to stoop so low after all. Say goodbye to that dinky power plant in Upper Egypt; welcome back to foreign policy and prestige. Comments the *Times*: "Now, as they scurry to make arrangements for the summit, some of the same officials are working on the assumption that Egypt can benefit from Benjamin Netanyahu's rise to power in Israel." All it need do is re-establish itself as the center of Arab nationalism and diplomacy (read: first-class flights to New York and Paris, summits in five-star hotels, six-figure government jobs) — in short, as an important player Washington will have to bribe with even more money and weapons to compensate it for being nice to Bibi.

And in Washington, as they said in *Gone with the Wind*, tomorrow is another day. "Ironically, the recent election victory of Israel's hard-line Likud party, which is likely to stall peace talks, could create tensions between the U.S. and Israel — and re-energize" the Israel lobby's "basic mission," reports the June 18 *Wall Street Journal*. I don't know about you, but whenever I read or hear the word "ironically," I start looking for hidden motives. And indeed, the *Journal* article describes a sense of desperation befalling the Israel lobby after the Israel-PLO accord. Now, it reports, the possibility of renewed bloodshed is giving the lobby and its congressional stooges a new lease on life. Just think of what might lay in store. More Camp David summits. More aid packages. More pacts with this or that "strategic asset" in the Middle East. Plus a good way to get Jewish votes in New York and financial support from the pro-Israel PACs.

That Bibi's election is hazardous to my *own* health, and that of all the other suckers in the Middle East and North America, has been confirmed by the orgasmic neoconservative vibrations emanating from the columns of Abe Rosenthal, Charles Krauthammer, and Bill Safire. Krauthammer, in one of those long and tedious pieces (I, II, III, etc.) in the conservative *Weekly Standard*, goes so far as to suggest that any Jew who

opposed Bibi is nothing more than a self-loathing *Judenrat* scum. And any "goy" who supports Israel's Labor Party . . . well, he just likes Jews. Dead Jews, that is.

This and similar garbage is being disseminated in conservative circles, where Bibi is now marketed as a "free marketeer" with a grand plan to deregulate Israel's statist economy. If this is so, why did most of Israel's entrepreneurs oppose his candidacy? Perhaps because, unlike our neocons, they recognize that rattling sabres, isolating the country, expanding the war budget, raising taxes, and giving more power to the state is not good for business. It's not good for the country, period.

Portraying Netanyahu as a libertarian messiah is an intellectual con job, one perpetrated by, among others, the editorial page of *The Wall Street Journal*. Likud's vision of Israel has more in common with Eastern European or Russian religious nationalism than with American or British classical liberalism. It is a vision of a xenophobic Jewish ghetto, discriminating against Arabs and Jews — where a Jew not only cannot marry a non-Jew, but cannot marry someone who converted to Judaism in a Reform or Conservative ceremony. It is a vision of a nation at constant war with the rest of the world — and of America's heaviest global welfare queen.

So why the neoconservative cheers? Because, with the Cold War over, these warfare-state propagandists are looking for a new cause to celebrate, something sexy to arouse America's lust for diplomatic and military activism. Bibi is their man: someone to help the merchants of global threats in their search for a great job in the coming Dole administration.

Washington will have to bribe Egypt with even more money and weapons to compensate it for being nice to Bibi.

Keep an eye on your favorite op-ed page or Sunday television talk show. A new spin will gain momentum, especially after the Likud policies of annexation and settlement provoke new violence in the West Bank and more terrorism around the world. America and Israel (our "strategic asset," like in the old days) will be presented as close allies in a new struggle against the greatest threat to Western Civilization since the Soviet Menace: Islamic Fundamentalist Terror, sponsored by Iran, Syria, and Iraq (ignore the fact that the last two are actually ardently secular regimes) and backed indirectly by evil Russian "nationalists" and greedy weaklings in Paris and Berlin.

The terrorism experts will spin tales of secret meetings in Tehran, of diabolical Muslims plotting anti-American terrorism. The military experts will add their own unique perspective, direct from Pentagon "sources," explaining that, yes, the U.S. *can* bomb Tehran, and it'll cause only limited "collateral damage." And, of course, the neocons will put it all in the Big Global Picture from the security of their think tanks in D.C.: *America is walking tall again. The U.S. is once more the Leader of the West. We are the only remaining superpower. When push comes to shove, count on Uncle Sam to come to the rescue. Ain't we great?*

So start the countdown to the next war in the Middle East. It's coming sooner than you think. And you're going to see it live on CNN, with Wolf Blitzer reporting, Rosenthal/Krauthammer/Safire apologizing, Bibi commenting, and you paying. Enjoy the show — and don't say we didn't warn you. ❑

Letters, *continued from page 6*

Common Law is real, not some metaphorical ghost dance. Granted, some of today's Common Law courts are being convened without regard to the law they purport to serve, but that's not to imply that all do. For example, within the past year, I have personally convened two different Common Law courts, not in some hotel room or church basement, but in the Bucks and Montgomery County courthouses in Pennsylvania, in front of real judges, with real attorneys scratching their heads wondering how they're going to get out of this one. And I'm not alone. As more and more modern-day patriots learn the true Common Law that Mr. Black ineptly ridicules, true Common Law courts are becoming more and more commonplace, especially here in Pennsylvania. And it's not a difficult feat to convene one; anyone can do it. Even I can do it.

Contrary to Mr. Black's article, the law is not inscrutable, Common Law included. All one needs is the honest intent to learn the law and then the willingness to wield it. But judging from the tenor of his tirade, it would appear that Mr. Black has neither.

So c'mon, Bob. Either lead, follow, or get the hell out of the way.

Ken V. Krawchuk
Abington, Penn.

Black replies: Krawchuk boasts that he has "personally convened two Common Law courts." I myself have "personally convened" a number of games of Monopoly. Sometimes I won. But I was never so delusional as to repair to Atlantic City to lay claim to Boardwalk, Park Place, and my other winnings.

These Common Law proceedings, Krawchuk continues, he convened *in courthouses*! Maybe he did, but although it's true that kings sit on thrones, sitting on a throne doesn't make you a king. Playing Monopoly on the floor of the New York Stock Exchange or inside Fort Knox doesn't make Monopoly money legal tender. Krawchuk's fantasy hobby is a lot like Civil War battle re-enactment, with two differences: the re-enactors know they're not really fighting the Battle of Gettysburg, and their re-enactment resembles something that really happened once.

Krawchuk wrote in *RSVP* that Magna Carta includes "many of the rights we enjoy today." Now he hedges a bit, saying the Great Charter guaranteed "certain rights." I don't know how many rights are "many" or how many are "certain," but as "rights" is plural, presumably the

continued on page 68

Reviews

***The Politics of Meaning: Restoring Hope and Possibility in an Age of Cynicism*, by Michael Lerner. Addison-Wesley, 1996, 355 pp., $24.00. ■ *They Only Look Dead: Why Progressives Will Dominate The Next Political Era*, by E.J. Dionne, Jr. Simon & Schuster, 1996, 352 pp., $24.00. ■ *Values Matter Most: How Republicans or Democrats or a Third Party Can Win and Renew the American Way of Life*, by Ben J. Wattenberg. The Free Press, 1995, 426 pp., $25.00.**

Clowns to the Left of Me, Jokers to the Right

Clark Stooksbury

It is only natural for journalists, especially those close to centers of power, to be tempted to offer their help at election time. They live and work in close proximity to presidents, senators, and cabinet officers, and watch them perform ham-fisted feats of political incompetence on a daily basis. Surely these people need help, they figure — and who better than a pundit to dole it out?

There is a certain very broad category of political book that is part cheerleading, part *Zeitgeist*-defining, and part crystal ball–gazing. Perhaps the best example from recent history is George Gilder's *Wealth and Poverty*, the supply-side bible *circa* 1981. Among recent tomes, Michael Lerner's *The Politics of Meaning*, E.J. Dionne's *They Only Look Dead*, and Ben Wattenberg's *Values Matter Most* all more or less fit this category. The authors' target audience isn't the ordinary reader, but the politically powerful; their hope is for their messages to be adopted and become the basis for a new golden age. Dionne and Lerner aim their books at Democrats. Wattenberg aims first at Republicans, and then to whomever will listen.

Values as Preached by the Valueless

A better title for Wattenberg's book would be *Appearing To Have Values Matters Most*. What he wants is for one of the parties to adopt some sort of values-oriented rhetoric as a pretext for their platform. For a concrete example, he points to George Bush's 1988 presidential campaign, in which Bush boldly defended the American flag, attacked the ACLU, praised the Pledge of Allegiance, and opposed furloughing dangerous criminals. To the moderately discerning voter, his campaign telegraphed exactly the kind of presidency he would produce: four years of pandering, jingoism, and directionlessness. None of this bothers Wattenberg, because it had the right sound.

An especially repellent feature of Bush's campaign was his attempt to elevate the Pledge of Allegiance into a loyalty oath. Dukakis had vetoed a law that would have required every Massachusetts schoolchild to recite the pledge; Bush attacked this as suspiciously liberal. So, beams Wattenberg, the pledge "has become the ultimate symbol of American patriotism" (37). I don't know what planet Wattenberg inhabits or from where he derived this unsupported claim, but I have never been to a classroom where reciting the pledge has been anything but *pro forma*.

Wattenberg's core assumption — that social and cultural issues have important political ramifications — is correct. George Wallace's career testifies to that. But Wattenberg does not understand that the kind of change he wants requires more than empty words from a hollow man. George Bush and Bill Clinton (and Bob Dole, for that matter) are, for all practical purposes, the same person: part ambition, part mendacity, devoid of character. None has the courage of his convictions — witness Bush's reverses on taxes and civil rights, or Clinton's hourly updates of his position on his own federal judges. Indeed, none has any convictions at all. Yet Wattenberg turns to them for values. His excitement over Bush's 1988 campaign is matched by his thrill with Clinton's in 1992. He repeats several times the Clinton line about "no more something for nothing" and laments the president's failure to follow through.

The falseness of Wattenberg's "val-

ues" becomes evident when he confronts a politician who really believes all that stuff. Consider his reaction to Pat Buchanan's 1992 presidential campaign. Wattenberg attacks the candidate and decries the prominent timeslot given his speech at the Republican convention. Say what you will about Pat Buchanan's politics, but what was his speech if not a lengthy discussion of the political ramifications of his values? Wattenberg prefers stage-managed pseudo-crusades, like Bob Dole's holy war on Hollywood. You may believe

Bush and Clinton are, for all practical purposes, the same person: part ambition, part mendacity, devoid of character.

Dole's attack was a formulaic attempt to curry favor with the religious right without any tangible promise attached, a sermon inspired more by focus-group research than by holy writ. But Wattenberg was impressed: "Dole did right . . . symbols count in politics, as in life" (338). Never mind whether the politician actually believes in the symbols he's deploying.

Inner Child Abuse

Those with long memories and strong stomachs may recall the first lady's brief infatuation with a horrid catchphrase, "the politics of meaning." Most of us sensibly sneered at this nonsense, then forgot about it. But Michael Lerner, who coined the phrase, did not forget, and has now produced a book with the same title. Lerner's "meaning" is the rough left-liberal equivalent to Wattenberg's "values." To his credit, Lerner takes his values seriously: he wants politicians to adopt them, not just talk about them. But that's about the only good thing there is to say about his tome.

The Politics of Meaning is not without charm, if you enjoy unintended humor. Witness the speech Lerner says Clinton should have used to defend abolishing the ban on homosexuals in the military:

> I know it's going to take special courage for those in the military to deal with their fears about their manhood. Underlying their panic at having homosexuals in the same room is their own doubts about whether they can keep under control their own desire to be more caring, more nurturing, more like a woman. . . . The courage that it will take for them is *not* the courage to retain their current conception of manhood, but rather the courage to imagine a different kind of manhood: a manhood in which one can be strong and still soft, one can be masculine and still nurturing to others. (164, emphasis in original)

Even the index provides occasional laughs, with such entries as "Caring, circles of . . . economy of . . . feminism and," "Compassion, for oppressors . . . for wounded healers," and, last but not least, "Dukakis, Michael." Lerner's message is similar to Wattenberg's: both dispute the idea that economic questions are central to politics. But Lerner's baby-talk makes Wattenberg's tired centrist neoconservatism seem brilliant by comparison. His book brims with unsupported assertions, e.g., "many middle income people feel ashamed to admit that they have not taken every possible opportunity to advance their own interests" (140) and "the usual reason why relationships fail is because there is too little love and mutual recognition" (186). Thank you, Guru Mike. What's worse, this pontification is often accompanied by pious name-calling. Epithets — "fascist," "xenophobic nationalism," "hate radio" — leap from seemingly every page.

"Well, son, it all began with the tax reform bill of 1991 . . ."

Lerner is nothing if not ambitious. He is out to change the world, not to win a measly presidential election:

> When I envision how a globalist perspective might work, I imagine the election of a worldwide economic legislature whose sole task is to present a series of alternative economic plans to the World's population. It is not hard to imagine that within a generation or two we would have interactive technologies that will make it possible for every person on the planet [!] to participate in the discussion of these alternative plans, and then vote directly on which plan ought to be adopted. (221)

He adds that there would "have to be appropriate safeguards to prevent undue influence of corporate or national blocks using their resources to influence the voters" (221). So he's not a total nitwit; here and there, he acknowledges difficulties with his ambitious program. But the occasional caveat is not enough to redeem this awful book.

A Cock-Eyed Optimist

Fortunately for the left, Lerner's frothings do not represent the sum and substance of modern-liberal thought. E.J. Dionne, a *Washington Post* columnist, is also trying to inspire the flock, and as his provocative subtitle ("Why

The Republicans wouldn't recognize a free market if it slugged them with an invisible hand.

Progressives Will Dominate the Next Political Era") indicates, he sees a rosy future for his progressive pals. But his thesis is weakened by a severe case of tunnel-vision. Dionne seems capable of perceiving only a tiny portion of the political spectrum. Which is odd, since his earlier book, *Why Americans Hate Politics*, was often perceptive.

That book includes a fine chapter on libertarianism, exploring, among other topics, the differences between it and conservatism. In the new book, Dionne spends 16 pages on the revival of "libertarianism" — most of it discussing the theories of William Kristol. I suppose it's possible that Kristol's vision is marginally more libertarian

than those of other conservative Republican gurus, but neither Dionne nor Kristol has managed to convince me so. Here's a sample of Kristol's putatively libertarian thinking, from *American Enterprise* magazine: "When conservatives oppose government efforts to regulate day care, [and] try instead to provide vouchers to use in any private setting they want, we see a politics of liberty seeking to restrict the scope of the federal government and to keep the the state out of the private sphere of civil society" (185). Red-hot radicalism like that no doubt singed the gray pages of *The American Enterprise*, but is scarcely anything to get excited about. Any genuinely radical pro-liberty proposal, such as abolishing the CIA or legalizing drugs, is as foreign to Kristol as it no doubt is to Dionne.

Dionne is also hampered by a need to draw implausible parallels. If the turn-of-the-century Progressive Era is to flourish again, it must (he figures) overcome a revival of turn-of-the-century conservatism. And that is what Dionne sees in the new Republican majority. "After years of circumlocution and evasion, the Republicans have set out to overturn not only the Great Society but also the New Deal and the Progressive tradition. One has only to listen carefully, especially to Newt Gingrich, to realize that the Republicans are entirely serious and candid in describing this ultimate purpose" (11). But this claim does not hold up to scrutiny. Where are the Republican attempts to abolish the Federal Reserve? Child labor laws? The Sixteenth Amendment? Nowhere I've seen. Gingrich's turgid *To Renew America* has occasional praise for nineteenth-century volunteerism and criticizes one application of antitrust law, but it doesn't challenge the New Deal, let alone Progressivism. Indeed, Progressive stalwart Teddy Roosevelt is one of Gingrich's idols — a fact that goes unmentioned in *They Only Look Dead*.

Dionne sometimes undermines his own argument, as when he refers to a Republican campaign commercial suggesting Congress pass a law forcing insurers to maintain policies for those who have changed jobs. "When you think about it, that's a breathtaking promise from the party of free markets and a small federal government: *Congress will solve your health insurance problems with a law passed in Washington*. So spoke the anti-government Republicans!" (152, emphasis in original). Of course, any sensible person knows that the Republicans — the party of Nixon's price controls, Reagan's protectionism, and Bush's quota bill — wouldn't recognize a free market if it slugged them with an invisible hand. The Republicans are the party of slightly lower taxes and slightly more modest domestic programs. It is difficult to restore late-nineteenth-century laissez-faire-ism while engaging in late-twentieth-century me-tooism.

No There There

So how does Dionne's central thesis hold up? I can't say. After 352 pages, I still don't know why "progressives" are going to dominate the next political

Ideas run the world

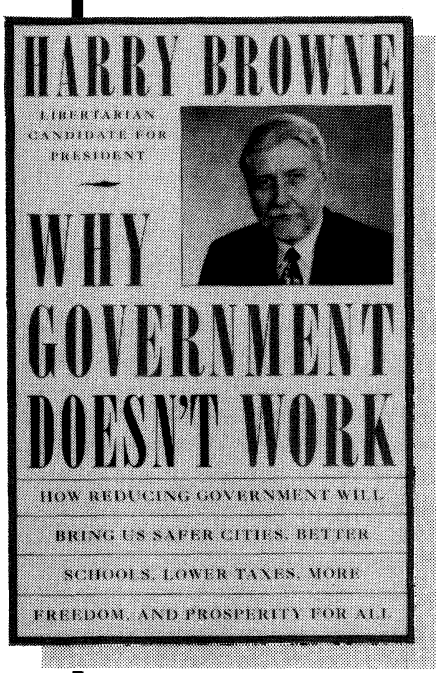

And the ideas behind American government today are corrupt and contradictory. Maybe that's why Bill Clinton and Bob Dole want the American people to blindly assume that government is the solution rather than the problem.

But Americans are — finally — beginning to grasp that something is rotten. Sure, they've been told a thousand times by the party pols that it's just a matter of a different party, a new program, one more tax increase. But year after year crime gets worse, schools fall apart, and the net of regulations is drawn more tightly around your life and property.

Harry Browne, the Libertarian Party alternative to Clinton and Dole, says *enough*! Here at last, presented so that any intelligent person can understand, are the critical libertarian solutions to the problems that beset us. Always eloquent, always convincing, Browne explains how to clean up the mess the state has left — the War on Drugs, Social Security, public "schools," welfare, you name it. Only voluntary action, Browne argues, can make this country great again.

Perhaps the most compelling part of the book is Browne's explanation of the *psychology* that created and sustains big government — how the average American's dream of a better life so often hinges on fantasies about government *that can never come true*. This is the kind of book that produces the "ah-hah!" response — the sudden realization of how things really work.
Publisher's price $19.95 — Liberty Book Club price $14.95. 234 pp., hardcover.

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era. Dionne never gets around to making his case. One is left with a suspicion that he thinks progressives will return to preeminence because he really, really wants them to. "The industrial age needed to be rescued from those who thought that technology on its own could save the human race. Now the information age *must* also be saved from the cybertopians" (313, emphasis added). He does not explain why the information age *must* be saved or how progressives plan to do it, and he never accounts for the impressive electoral triumph of what he sees as the party of limited government.

After 352 pages, I still don't know why "progressives" are going to dominate the next political era. Dionne never gets around to making his case.

This is a shame, since there may be some truth to his thesis. There won't be a millennial New Deal, but there probably will be a successful holding action, aided by cave-ins from Republicans who want to "be positive" and vote for "sensible" programs. If Bob Dole wins the election, the Republican "revolution," already comatose, will surely die under that tired Nixon clone's leadership. Congressional Republicans, effective in derailing much of Clinton's program, will be less enthusiastic in opposing a Republican White House.

The problem with Dionne's book, or with any effort to predict or explain U.S. politics, is that he assumes that sense can be made of it. But that is not the case. People are regularly whipped into frenzies over pseudo-scandals like the House Bank and trivial issues like congressional pay raises. Five years ago, millions of Americans suddenly embraced a bloody war, ostensibly to liberate a Middle Eastern sheikdom that few had heard of before and hardly anyone cares about now. President Bush's approval rating peaked at 91% a year and a half before he received less than 40% in the 1992 election.

In short, Americans are willing to swallow almost anything — except, perhaps, the "politics of meaning." Canny politicians know enough to ignore the counsel of Wattenberg, Lerner, Dionne, and their ilk, and instead reflect on the wisdom of P.T. Barnum. ❑

***Inventing the AIDS Virus*, by Peter H. Duesberg. Regnery, 1996, 722 pp., $29.95.**

The AIDS Heretic Who Won't Die

Nathan Crow

What causes AIDS? Almost all scientists and laymen would answer "HIV," the virus that has for the last ten years been the focus of billions of dollars of government and private research. But the HIV hypothesis has its dissenters. Chief among them is Berkeley's Peter Duesberg, an eminent virologist who believes the virus is completely harmless. AIDS, he argues, is caused largely by drug abuse and by AZT (azidothymidine), a drug that for years was the main pharmacological weapon against the disease and that Duesberg views as a lethal poison.

There is no questioning Duesberg's scientific credentials. In the 1970s, he was among the first to discover cancer genes. Before he became the most prominent AIDS heretic, he was awarded the NIH's prized Outstanding Investigator Grant, which gives a scientist the freedom to pursue his interests for seven years without having to apply for renewed funding. But since he adopted his stance on HIV, all of Duesberg's 17 grant applications have been rejected, he has been publicly scorned by such leading AIDS researchers as Robert Gallo and Anthony Fauci, and he has been reassigned to lowly undergrad biology courses. Deprived of influence in his department, he is now placed in charge of such tasks as organizing the annual picnic. Most of his colleagues seem to regard him as, at best, a sadly misguided crank — and at worst, a dangerous lunatic.

Bloody but unbowed, Duesberg has now unleashed *Inventing the AIDS Virus*, a massive tome that comprehensively argues his views on the disease and lashes into a government-financed AIDS establishment that, in his view, systematically crushes dissent and — through its octopus-like hold on research dollars — makes it impossible for alternative hypotheses to be tested, or even heard. With an introduction by Nobel laureate Kary Mullis, the book has attracted enormous attention for a scientific work, attention that is probably partly due to a general sense of frustration and despair about AIDS. The disease consumes billions of government medical research dollars. It has decimated a generation of gay men, and, with infections rising rapidly among gay teens and college-age kids, seems set to do in another. Years of headline-making "medical breakthroughs" have (until recently) yielded no effective treatments — in Duesberg's words, "no vaccine, no effective drug, no prevention, no cure, not a single life saved." Finally, millions of people of all sexual orientations are tired of using condoms and practicing "safe sex," and would love to believe it unnecessary.

It is precisely this kind of wishful thinking that has aroused the most passionate Duesberg-bashing. It is hard enough, say AIDS activists, to convince horny young people with a gut-level

delusion of immortality to use a condom. Telling them HIV isn't a problem is a prescription for a renewed epidemic. And to tell HIV-infected people that they can in good conscience infect others is to abet murder.

Of course, if Duesberg is right, none of that matters. And *Inventing the AIDS Virus* is probably persuasive enough to convince a lot of people that the HIV hypothesis is at least doubtful. On closer examination, though, Duesberg's faults become clear. This is, in fact, a very bad book. It excludes inconvenient facts, employs fallacious and misleading arguments, and ignores social and medical realities that account for much if not all of what Duesberg seems to view as a self-serving conspiracy of government scientists, pharmaceutical companies, and AIDS activists.

Since it is impossible for me, in the space of a review, to recapitulate all of Duesberg's tangled argument, I will instead focus on the positive evidence that HIV is the cause of AIDS, showing the critical points where Duesberg goes fatally astray.

The Epidemiological Evidence

Why should we believe HIV causes AIDS? First, because the virus is present in all, or nearly all, cases of the disease. Duesberg disagrees. He defines AIDS very broadly, as the presence of one of 30 "opportunistic" diseases in combination with an at least slightly suppressed immune system. (An opportunistic disease takes advantage of the characteristic immune deficiency caused by HIV. An example would be *Pneumocystis carinii*, a pneumonia often seen in AIDS patients, but sometimes in other people too. Some so-called opportunistic diseases — especially Kaposi's sarcoma, or KS, a cancer seen almost exclusively in male homosexual AIDS patients — do not seem to be immune deficiency diseases, and their relation to the virus is not understood.) Using his broad definition, Duesberg points to literally thousands of cases of "AIDS" in which the HIV virus is not present. Where HIV is present, he argues that it is merely a "marker" of other factors — e.g., multiple sex partners — that are themselves associated with the real causes, namely, drug abuse or "foreign proteins."

There is no questioning Duesberg's scientific credentials.

The Centers for Disease Control (CDC) disagrees, of course. People who fit Duesberg's broad description don't have AIDS, they say. Why? For various reasons, but above all because they don't have HIV, and HIV is necessary for AIDS. This might sound at first like a statement that is true merely by definition, and that is exactly what Duesberg argues. After all, if there are all these people who would be said to have "AIDS" if they weren't infected with HIV, then the CDC is assuming what it should have to prove. "So how," Duesberg writes, "can doctors tell the difference between AIDS and other conditions? Only by testing for antibodies against HIV! Thus, HIV has no connection with disease" (p. 295).

One problem with this argument, as Steven Harris of UCLA[1] has pointed out, is that clinical definitions are not chosen merely to satisfy the criteria established by logicians; they are selected for their predictive value. Patients who are HIV-positive and have an opportunistic ("AIDS-defining") disease have a very poor prognosis. Those who come down with, say, *Pneumocystis* but are HIV-negative may very well turn out fine.

Be that as it may, Duesberg has a point. All cases of genuine AIDS should show HIV infection. And, in fact, it is possible to identify a group of people with a characteristic immune deficiency and show that that they all have HIV (with a handful of exceptions — according to Harris, about one in 1,000). This is the group with an opportunistic disease combined with a long-term, low (under 200) count of CD4+ T-lymphocytes, and a CD8+ count that remains normal until the final stages of AIDS, when it declines rapidly. (A normal healthy person has a CD4 count of around 600 to 1,200 and a CD8 count of about half that.) This pattern of immune deficiency is characteristic only of AIDS. Why doesn't the CDC use this definition for AIDS? Because regardless of their particular immune status at the moment, HIV-positive patients who have an opportunistic infection will predictably deteriorate to this level.

It is true that there exists a group of people with a condition that looks like AIDS, but isn't (because there's no HIV infection, among other reasons). Less than a hundred such people have been identified. Their disease is called "ICL," for idiopathic CD4+ lymphocytopenia. Unlike AIDS patients, they generally don't come from identifiable risk groups (homosexual men, hemophiliacs, and intravenous drug users); and they have somewhat stronger and more volatile T-cell counts than AIDS patients. Duesberg erroneously lumps together ICL patients with the several thousand HIV-negative people who suffer from AIDS-defining diseases.

Duesberg's documentation of the shoddy research that led to AZT's hysterically optimistic reception is a strong point of the book.

Finally, the development of AIDS shows other patterns characteristic of infectious diseases, including a pattern of multiple cases among people having common contact with the same carrier. As Harris writes, "of the first 19 cases of AIDS reported in Los Angeles, nine had direct or indirect (one intermediate partner) sexual contact with a single French-Canadian airline steward."

Satisfying Koch's Postulates

Robert Koch was the nineteenth-century physician who set forth the criteria by which, he argued, we should judge whether a particular microbe was really the cause of a disease. Duesberg lays great emphasis on HIV's alleged failure to satisfy "Koch's postulates." They are:

(1) The microbe must be present in all cases of the disease.

(2) It must be possible to grow the microbe outside the animal, in a pure culture.

(3) It must be possible to reproduce the disease by introducing it into a healthy host (human or non-human).

We have already seen that the first postulate is very close to satisfied if

AIDS is defined according to the modern understanding of its development. However, even if we admit ICL cases as "AIDS," thereby invalidating HIV according to postulate one, the epidemiological correlation remains overwhelming. Koch's first postulate is too strict. As Harris comments, "There are many people with sore throats who are not infected with the micro-organism popularly known as 'strep'. . . [T]he issue is what fraction, if any, of sore throats are caused by strep."

As stated above, Harris admits that "perhaps one out of 1,000" AIDS patients (according to the strict definition) are not HIV-positive, but notes that they "typically do not have any of the alternative suggested causal factors for AIDS either."[2]

Since HIV can be and is grown (albeit with difficulty) outside hosts, Duesberg himself admits that the "rule has . . . technically been fulfilled" (178). That leaves postulate three.

Monkeys, Lab Workers, and AIDS

There are obvious ethical problems involved in infecting healthy people with HIV to see whether it will cause AIDS. To get around this, scientists infected monkeys with both varieties of the virus: HIV-1 and HIV-2. HIV-1, the variety most American and European AIDS patients are infected with, did not cause AIDS in the monkeys; years after infection, not one monkey has come down with the disease. Duesberg makes much of this surprising development. However, he completely ignores the fact that the variety of the virus prevalent in Africa, HIV-2, does cause monkey AIDS. And it does so in a way very similar to the progress of HIV to AIDS in humans: an initial period of rapid viral multiplication, followed by the emergence of antibodies to the virus, then immune collapse, infection with opportunistic diseases, and eventual death. The HIV-2 virus injected into the monkeys was isolated from West Africans suffering from AIDS. Finally, HIV-2 is sexually transmitted between primates.

Although Duesberg continues to argue that the amount of virus seen in humans should not, in principle, be capable of wreaking so much harm, the fact is that the amount seen in monkeys with AIDS is about the same as is found in humans. This contradicts Duesberg's beliefs about the limitations of viruses, but it is nonetheless true. Duesberg's ideas about what viruses can and cannot do must not be allowed to overturn established facts.

Why does HIV-1 harm only human beings? No one knows; the means by which the virus does its dirty work is still poorly understood. But Koch's second postulate is confirmed in humans by the development of the immune deficiency characteristic of AIDS in three health workers who were accidentally infected with "a pure, molecularly cloned strain of HIV." As described by Jon Cohen in *Science,*

> [O]ne of the three lab workers developed *Pneumocystis* pneumonia, an AIDS-defining disease, 68 months after showing evidence of infection. This lab worker had not received . . . any anti-HIV drug, until 83 months after infection, when the patient had fewer than 50 CD4 cells, the key immune system cells destroyed by HIV. . . . [A] second lab worker, who also received no anti-viral drugs, had 250 to 400 CD4s at 83 months. The third lab worker had CD4 counts of 200 to 500 at 25 months and had been given anti-virals. "These people have no other risk factors" for AIDS [according to the researcher who reported the cases].[3]

Most of Duesberg's colleagues seem to regard him as, at best, a sadly misguided crank — and at worst, a dangerous lunatic.

In 1987, Duesberg stated that the major obstacle to his accepting the HIV hypothesis was not the lack of epidemiological evidence, but the dearth of information as to how the virus could possibly cause AIDS, given its lack of "biochemical activity" and the low amount of the virus present in the blood.[4] We still don't know much about the mechanics of HIV's assault on the immune system (the virus apparently "hides" in the lymphatic tissues, gradually destroying the immune system). But we do have inarguable proof that HIV is capable of destroying primate immune systems, so Duesberg's objection is no longer tenable. Suppressing such information (his 722-page book simply pretends that none of the HIV-2 primate data exists) is both scientifically slipshod and morally reprehensible. And "suppressing" is not too strong a word: rather than just ignore the primate data, Duesberg flatly asserts that "a dormant, biochemically inactive virus, like HIV, could not cause *any* disease" (230, my emphasis) and that "no animal becomes sick from HIV" (182).

HIV's Original Sin

Duesberg's unwillingness to examine the primate data is seen even more sharply when he insists that no virus exhibits the "slow," "latent" action attributed to HIV — the process by which the virus is suppressed shortly after infection, then appears to enter a "dormant" period of several months or years, re-emerging at the end to destroy the immune system. This concept he characterizes as "the original sin against the laws of virology" (75), because he believes that the immune system's initial response should be sufficient to secure the organism's immunity against the disease: "an antibody," he asserts, "is a certain antidote" (189). Unfortunately for Duesberg and the human race, slow viruses are actually well-documented in other species. Visna, a sheep disease that is caused by the maedi-visna retrovirus, may be latent for as long as a decade. It is also related to HIV. And according to British researcher Robin Weiss, though "infected susceptible sheep do not show the severe immunodeficiency characteristic of AIDS, . . . they [do] suffer similar wasting and neural syndromes . . . [A]nd disease progress is as inexorable as that of HIV in humans."[5]

Furthermore, we have animal models of retroviruses that act like HIV. One example is simian immunodeficiency virus (SIV), a retrovirus almost identical to HIV-2 that causes AIDS in Asian monkeys (although not in the African monkeys that are its natural host). Like HIV, the simian virus may destroy the animal's immune system despite the presence of antibodies to SIV, and even with low counts of virus in the blood — counts that Duesberg considers to be

proof positive of the inefficacy of a virus. Also like HIV, SIV destroys the lymphatic tissues (although how it does this remains obscure). The animal then contracts a number of diseases, several of which are also human AIDS-defining diseases.

Duesberg's description of the means of transmission and effects of SIV in monkeys is further contradicted by other, more recent research. For example, he writes that monkeys that die of SIV "must be *injected* with large quantities of the virus *while very young*" (104, my emphases) — but researchers at the Dana-Farber Cancer Institute and Tulane University have now found that adult macaques can be infected by placing SIV in their mouths.[6] And although Duesberg writes that signs of SIV infection "usually resemble the flu," two of the six (out of seven that were exposed) SIV-positive Farber/Tulane monkeys had died of AIDS within 214 days after exposure (or rather, were euthanized in the final stages of the disease). Some flu.

Duesberg's talk of a "dormant" virus is also dated. HIV-infected people suffer steady immune-system decline, which appears to be the result of something HIV is doing in the lymphatic tissue. Thus, although it is not clear how the virus works, it is no longer considered "dormant" during the period between infection with HIV and the development of AIDS. In fact, it now appears that the virus makes millions of copies of itself each day of what was formerly considered the "dormant" period.

To prop up his attack on the HIV hypothesis, Duesberg discharges *ad hoc* assertions and predictions, then makes hay of HIV's failure to satisfy his arbitrary demands. For example, he argues that the virus should spread randomly (hence, equally) among the sexes. But this claim is unsupportable. HIV-1 has been spread primarily by anal intercourse, which provides a pathway for the virus by tearing the rectum's relatively delicate mucous membrane. HIV-2 is spread more readily by vaginal intercourse than is HIV-1. It is no more reasonable to claim that vaginal intercourse must spread HIV-1 just as well as anal intercourse than it is to claim that oral sex or kissing should spread HIV just as well as anal intercourse.

One aspect of AIDS that does seem puzzling is its tendency to cause different opportunistic infections in different risk groups. Hemophiliac AIDS patients, for example, rarely suffer from cytomegalovirus (CMV), an infection that is often present in homosexual AIDS patients. But this is not as unusual as it seems. People suffer from the opportunistic infections that are present in their environments, and CMV probably travels through the same pathways that spread HIV among sexually promiscuous gay men.

A Drug Connection?

A more troubling case is Kaposi's sarcoma (KS), a cancer that in the early days of AIDS was considered *the* AIDS-defining disease, but is currently thought by many researchers to be caused by a herpes virus. Duesberg

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himself, like many other AIDS heretics, believes KS may well be caused by use of nitrite inhalants ("poppers"). Amyl or butyl nitrite, as these supposedly orgasm-enhancing drugs are properly called, were wildly popular among gays during the '70s and '80s. Here the epidemiological correlations are quite strong, with the overwhelming majority of KS patients having used poppers. The neglect of the health risks of poppers by the AIDS establishment (and by AIDS activists) is a scandal in itself, and Duesberg's proposal to test the nitrite-KS connection deserves support.

Duesberg attacks the government AIDS establishment, with its octopus-like hold on research dollars, for making it impossible for alternative hypotheses to be tested, or even heard.

However, although Duesberg is sharply critical of the kind of statistical evidence that is used to corroborate the HIV hypothesis, he applies rather less stringent standards to his own hypothesis that AIDS is caused by long-term, chronic drug abuse. He is right that in most studies, the vast majority of AIDS patients are found to have used nitrite inhalants, with many also using cocaine, amphetamines, marijuana, etc. And during the early days of the AIDS epidemic, before HIV was discovered, the drug hypothesis attracted a great deal of interest from epidemiologists struck by the correlation. As it became clear, however, that the epidemiological correlations were much stronger for HIV than for drug use, the drug hypothesis was abandoned. Duesberg hangs on to it virtually alone, content with far weaker correlations than we have for HIV; thus, in support of his drug hypothesis, Duesberg cites a British study that found only 78% of the AIDS patients studied had used nitrite inhalants in any quantity. In Duesberg's view, virtually any drug is a possible cause of AIDS, and he is careful to note that most of the patients also used cigarettes and alcohol.

Duesberg never really deals with some obvious objections to his drug hypothesis. For example, if AIDS is caused by heavy use of drugs, why is AIDS confined to established risk groups? Lots of heterosexuals use the drugs Duesberg cites as likely causes of AIDS: cocaine, valium (!), amphetamines, marijuana, LSD, MDMA, Quaaludes, etc. But few heterosexuals get AIDS, and those who do usually belong to the established risk groups; that is, are IV-drug users, hemophiliacs, or transfusion recipients.

Duesberg also seems strangely unaware of the history of drugs. In the 1950s and '60s, many thousands of middle-class Americans used amphetamines daily for weight loss; prior to the Pure Food and Drug Act of 1906, many popular "soft" drinks (not just Coca-Cola) and dozens of patent medicines contained cocaine, with total American consumption exceeding ten tons per annum; for centuries, opium has been used by millions of Asians; public health authorities have concluded that in 1900 there were some 250,000 opiate (mainly morphine) addicts in America alone.[7] Drugs, to be sure, can cause a host of mental problems and often impair the immune system. Heroin and nitrite inhalants in particular appear to be co-factors (but not *necessary* co-factors) in the development of AIDS, and the medical establishment has been sadly negligent in educating the population about the role these drugs may play in facilitating immune collapse. (On the other hand, how many people who shoot up heroin listen to doctors' advice about health?) But the idea that drugs alone can cause the irreversible immune destruction characteristic of AIDS is implausible. Again, Duesberg is willing to attribute AIDS to any number of different causes — drugs, foreign proteins, AZT, inadequate nutrition, etc. — on the basis of epidemiological evidence that is much weaker than that adduced for HIV, and absolutely without benefit of the kind of animal experiments that provide such striking evidence for the HIV hypothesis.

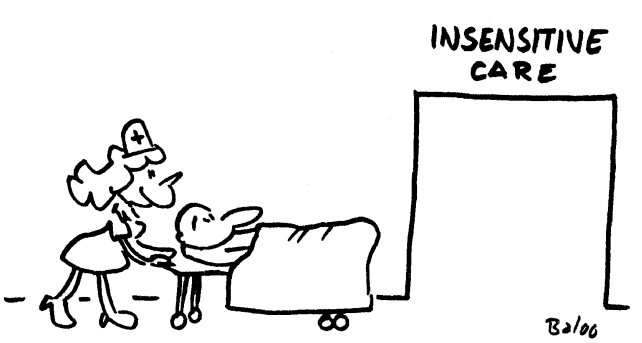

Duesberg's thesis has not been completely ignored. But when researchers examined the immune systems of different groups of men, they found that even heavy drug users who are HIV-negative experienced no decline in their CD4 counts. HIV-positive men, by contrast, show a steady decline in CD4 counts regardless of their amount of drug use. This difference was established well before AZT became available in 1987.[8] Duesberg, incidentally, has accused these researchers of fabricating data on non-drug-using HIV-positive men, a group he claims does not exist. These charges were rejected by an independent review panel. But even if they are true, Duesberg's drug hypothesis is disproved by the steady CD4 counts found in heavy drug users who are HIV-negative.

Unfortunately for Duesberg, and the human race, slow viruses are actually well-documented in other species.

Profitable Nostrums

Since he believes HIV is harmless, Duesberg is hard-pressed to explain the high death rates among non-drug-using, non-hemophiliac AIDS patients (e.g., Arthur Ashe, who appears to have contracted HIV from a blood transfusion). He believes that such deaths are due to medical use of AZT, a popular but ineffective AIDS therapy that "works" by inhibiting the replication of DNA. Since viruses reproduce by insinuating themselves in cells and using the cells to make copies of their genetic material, scientists hoped that AZT could stop viruses from reproduc-

ing. But because they inhibit the fundamental processes of life, large doses of AZT and related "DNA chain terminators" cause very harmful side effects — some of which, such as muscle wasting, are similar to symptoms of AIDS.

Could AZT, then, be the real cause of AIDS? Duesberg believes this so strongly that he calls AZT "AIDS by prescription." The epithet is a silly exaggeration, but AZT has indeed been absurdly oversold from the beginning. As is now clear, the drug, at least by itself, does not help patients live significantly longer. Given the extremely negative effects it has on some patients and the chance that it may produce stronger, drug-resistant varieties of HIV, AZT's long-standing popularity among doctors is a disgrace. Furthermore, there appears to be a strong correlation between long-term survival with HIV and *non*-use of AZT, and it now seems clear that AZT alone should probably not be prescribed until the late stages of the disease, if at all. Duesberg's documentation of the shoddy research that led to AZT's hysterically optimistic reception is a strong point of the book.

But even here, problems emerge. Duesberg blames AIDS on AZT, but the largest controlled test of the drug, the Concorde trial, showed conclusively that AZT (now given in much smaller doses) has little effect on subjects' survival rates, for better or worse. Duesberg, to be sure, claims that "the death rate in the AZT group was 25 percent higher than in the control group" (330–1), but he misinterprets the numbers to reach this conclusion. Concorde compared two groups of HIV-positive people without AIDS. The "Imm" group (877 people) received AZT immediately, while treatment of the "Def" group (872 people) was deferred. A total of 10.9% of the Imm group died, compared to 8.7% of the Def group — a difference that is not statistically significant (i.e., could have been due to chance). And even this small difference is exaggerated by Duesberg's insistence on counting suicides and accidental deaths.

AZT does have one important medical use: to prevent HIV transmission by pregnant mothers. There is now solid evidence that AZT administered during pregnancy can save the lives of numerous infants who would otherwise grow up HIV-positive and probably die of AIDS. Considering AZT's benefits for these children, Duesberg's hysterical inflation of the drug's dangers is reprehensible.

Hemophilia: A Definitive Test

Both homosexual and IV-drug-using AIDS patients present the confounding variable of drug use, but AIDS in hemophiliacs has no such problems. The standard account of hemophiliac AIDS assumes that it stems from HIV contracted by transfusion. Duesberg, as usual, has an *ad hoc* hypothesis at hand: hemophiliac AIDS, he believes, is caused by exposure to foreign proteins in Factor VIII (a natural clotting agent that was made available to hemophiliacs starting in the 1960s) and by treatment with AZT. In support of this hypothesis, he cites various studies demonstrating that HIV-negative hemophiliacs are immune-deficient. The evidence, as we shall see, does not support his hypothesis.

When pharmaceutical Factor VIII became available, the average lifespan of hemophiliacs began to rise steadily — a hopeful trend that was rudely cut off by the entry of HIV into the blood supply. Around 1983 — not, as Duesberg states, "[a]fter 1987" (465) — their average age at death began to decrease, and continues to decrease today, as more and more HIV-positive hemophiliacs come down with AIDS. Duesberg appears to have chosen 1987 because that is the year AZT treatment was introduced, but such tricks are easily exposed. Citing research in the *American Journal of Hematology*, he claims that the death rate of American hemophiliacs "remained almost constant in the period from 1968 to 1986" (475). What the data actually show is a sharply increasing death rate starting in 1983.[9] So much for the AZT argument.

More problematic is the role of Factor VIII. To test the Factor VIII hypothesis, the National Cancer Institute (NCI) sponsored a study looking at the death rates of HIV-positive hemophiliacs with varying doses of Factor VIII (low, medium, and high). If Duesberg was right, death rates should rise with increasing amounts of Factor VIII. Here is what researcher James Goedert found:

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34% of high-dose Factor VIII HIV+ patients died (10 out of 29).

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39% of low-dose Factor VIII HIV+ patients died (40 out of 103).

Goedert also examined a smaller number of HIV-negative hemophiliacs with equivalent Factor VIII doses. Although no HIV-negative high-dose patients were found, of the 17 moderate-dose patients, not a single one died; of the 49 low-dose patients, only one died. Conclusion: HIV infection enormously increased the chances of a hemophiliac dying, and, as Goedert commented, Factor VIII "had absolutely nothing whatsoever" to do with it.[10]

Although Duesberg has insisted that Goedert's data is confused by using averages, another study by Hassett, *et al.*, compared 79 people with little or no Factor VIII treatment to 53 people with extremely high doses. Although the high-dose group had CD4 counts somewhat lower than the low- or no-dose group, both had counts within the normal range. Factor VIII treatment again made no practical difference.[11]

The Future of AIDS

HIV causes AIDS. But what cures it? It is a strange irony that *Inventing the AIDS Virus* has been published almost simultaneously with the advent of what appears to be the first effective treatment for the disease. Investigators have now found that a "protease inhibitor cocktail" that includes various drugs (AZT among them) may virtually clear HIV from the body, at least for some patients. The treatment appears to be most effective if begun very soon after infection with the virus. But although double-blind controlled trials have yet to be performed, anecdotal accounts of patients recovering from even full-blown AIDS are coming in from all over the country. The very scientists whom Peter Duesberg damns as greedy charlatans and dogmatic fools may have found a cure for AIDS, or at any rate an effective treatment for some people. (On the other hand, this may be just the latest hype in a long series of non-existent "breakthroughs.")

A distressing parallel to these hopeful new developments is the discovery of a new subvariety of HIV (type E) that appears to be much more easily transmitted through vaginal intercourse (and has already infected up to a million Thais).[12] Although we should remain skeptical of claims that this will lead to the long-predicted "heterosexual AIDS epidemic" that never materialized (at least not in the United States), it may be that type E and other, more easily transmitted varieties of the virus will soon begin to take their toll in America and Europe, as is already happening in Thailand and several African nations. So even for heterosexuals, condoms and "safe sex" remain in order.

Whatever happens, I suspect that Peter Duesberg and his theories will still be with us, keeping investigators on their toes, forcing them to subject their hypotheses to the most stringent tests possible — and proving that heretics have their uses, even when they are wrong. ❑

Notes:

1. Harris, Steven B., "The AIDS Heresies: A Case Study in Skepticism Taken Too Far," *Skeptic* 3:2, 1995. Throughout this review, I have relied heavily upon Harris' mono graph, which anyone with a further inter est in the debate is urged to read. Duesberg, incidentally, has never replied to Harris' criticism of his arguments.
2. Harris, Steven B., "Steven Harris Responds," *Skeptic* 3:3, 1995.
3. Cohen, Jon, "The Duesberg Phenomenon," *Science*, v. 266, 9 December 1994, p. 1647. This is an excellent set of articles, with additional details on hemophilia studies.
4. Interview with Peter Duesberg in Lauritsen, John, *The AIDS War: Propaganda, Profiteering and Genocide from the Medical-Industrial Complex*, Asklepios, New York, 1993, pp. 47–48.
5. Weiss, Robin A., "HIV Receptors and the Pathogenesis of AIDS," *Science*, v. 272, 28 June 1996, p. 1885.
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Ayn Rand and Her Movement

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This account, expanded from its original printing in the January 1990 ***Liberty***, includes information that cannot be found in any other source. And it is available only from **Liberty Book Club. $4.00.**

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***Without Miracles: Universal Selection Theory and the Second Darwinian Revolution*, by Gary Cziko. MIT Press, 1995, 373 + xiv pp., $30.00.**

Darwin Unbound

Leland B. Yeager

Darwinian biology emphasizes random mutations and the natural selection and reproduction of traits that better fit organisms to their environments. Now, reports Gary Cziko in *Without Miracles*, a "second Darwinian revolution" is carrying this idea into fields far beyond evolutionary biology. It's not only living organisms and their genes that are winnowed by cumulative blind variation and hindsighted selection; so are molecules, antibodies, neural synapses, instincts, behaviors, scientific theories, technologies, language, computer programs, and other aspects of nature and culture.

Universal selection theory provides a naturalistic account — "without miracles" — of complex adaptations. And beyond nature's purposeless processes, a technological revolution is beginning, one that will allow human beings to guide evolution itself. Processes first discovered among carbon-based life forms are now being used within silicon-based machines. Computers can now model the evolutionary process and demonstrate its cumulative power, permitting rapid, cheap, and safe testing of possible solutions to scientific and engineering problems. Computers are even being designed to become programmers themselves, using cumulative selection from quasi-random variations.

Cziko sees two main alternatives to neo-Darwinian theory: providence and instruction. According to the first, God in his foresight provides his creatures with the bodily and behavioral features they need to flourish. According to the second, exemplified by the theories of Lamarck, the environment acts on creatures to make them fitter for it. One example of an instructionist process is Pavlovian conditioning. A mechanical example is grinding a key according to marks left on a blank after inserting it into a lock.

Applied to knowledge and learning, providentialist theory emphasizes information and capacities built into organisms before they are born. John Locke's idea of the *tabula rasa* is instructionist: the human mind starts as a blank slate onto which the empirical world writes information and capacities. Knowledge could conceivably — though not with today's technology — be transmitted from one brain to another by an instructionist process analogous to copying a computer file from one disk to another. Such processes are brittle, unable to adapt to large, unpredictable changes in their contexts.

From Antibodies to Grammar

Cziko lists three major ways in which biological structures, processes, and behaviors adapt themselves to complex and changing environments. The first is phylogenetic selection — the familiar Darwinian process. The second is variation and selection during the individual animal's lifetime. One example of this is mammalian immune systems' ability to produce antibodies that effectively suppress artificially synthesized antigens, foreign substances that neither the individual animal nor its ancestors could have encountered before. Antibody genes are inherited, not as complete units, but as fragments shuffled together, along with DNA sequences added at random, to form a complete gene specifying the antibodies it produces. Once an antigen binds with an antibody, it stimulates the latter to make copies of itself. Antibodies that fail to bind with antigens leave no offspring, become extinct, and are replaced by successful antibodies. Some of the selected clones continue circulating as the immune system's "memory." This clonal-selection theory explains both the great diversity of antibodies and the immune system's ability to bind with completely novel antigens. And the process it describes is a microcosm of Darwinian evolution.

The mammalian brain likewise undergoes adaptive evolution even during the individual animal's lifetime. The brain achieves a fit to the animal's needs not only by selecting from preexisting neural circuits but also by engineering new circuits — adding new synaptic connections between neurons, selecting some, and eliminating others.

When a person uses a foreign language, what he hears — not just what he understands — depends on how well he knows the language.

Although the mechanisms for such within-organism variation and selection are innate, its products cannot be. If natural selection among organisms gives human beings a built-in potential for language and other conceptual abilities, it is at least possible for the brain to acquire similar knowledge by within-organism variation and selection of synapses.

I know too little about immunology and neurophysiology to judge whether Cziko's account of research in these fields is correct. His detailed explanations and abundant citations do persuade me, however, that he is a responsible reporter; he is not dealing in pop pseudoscience. Furthermore, the April 5 *Science* carries articles about research on the immune system that are at least compatible with what Cziko says.

The third method of complex adaptation identified by Cziko is the exploitation of fellow creatures' experiences

by mammals, birds, and honeybees. Examples in human culture include technology and scientific theories. Cziko argues that all technological development arises from cumulative blind variation and selection. His view accords well with Karl Popper's conception of science as progressing through "conjectures and refutations." Tradition can consolidate the results of earlier experimentation, even unplanned or accidental experimentation; Cziko offers rice-growing techniques in Bali as an example. (A similar example, not cited by Cziko, involves pre-Columbian Indians' treatment of corn with lye — the effect, though not the conscious intent, was to improve the protein's nutritional accessibility.)

It's not only living organisms that are shaped by random mutation and natural selection; so are molecules, behaviors, scientific theories, technologies, language, and computer programs.

Both the evolution of language and children's acquisition of language combine biological and cultural processes. Cziko mentions Noam Chomsky's theory that language ability, even grammar, is innate. Oddly, as Cziko remarks, Chomsky rejects natural selection as an explanation for this.

Cziko's sensible remarks about cultural evolution through variation and selection remind me of the ideas of the Nobel laureate economist and polymath F.A. Hayek (whom, however, he mentions not at all). Yet, unlike Hayek, Cziko is unwilling to call any aspect of this process "Lamarckian" (involving the inheritance of acquired characteristics). His reason is not entirely clear, but he may mean that to call a nonbiological process "Lamarckian" is to strain for a metaphor.

The Evolution of Knowledge

For the most part, Cziko is generously alert to predecessors. The philosophers and psychologists Alexander Bain and William James, the economist and logician W. Stanley Jevons, the mathematician Henri Poincaré, and the physicist Ernst Mach, among others, anticipated his selectionist perspective on human thought. They conjectured that useful ideas can be found only by producing a large number of varied and blind guesses, retaining the useful ones, and discarding the rest. James remarked that the outer environment confirms or refutes, preserves or destroys thoughts just as it selects morphological and social variations. In our own century, Cziko gives much credit to Donald T. Campbell, an American psychologist born in 1916, for his comprehensive selectionism emphasizing the psychological, scientific, and cultural growth of knowledge. Campbell believes that all knowledge, problem-solving skills, adaptive physiological and neural changes, useful cultural beliefs and practices, and scientific and cultural progress derive from variation and selection of the same general type Darwin proposed to account for the evolution of species. The process operates both among and within organisms.

Strangely, Cziko seems least plausible in applying selection theory to his own field of specialization (he is an associate professor of educational psychology at the University of Illinois). He disparages instruction, the straightforward transmission of known facts and techniques from teacher and textbook to student. Neither by language nor by any other means yet known, he argues, can knowledge simply be poured into students like water into buckets. Understanding another person's ideas requires selecting the best candidate ideas generated by the "receiver." Cziko conceives of "education as Darwinian selection" (to quote a chapter subheading), preserving in the student's mind ideas that best fit reality and discarding others. In his view, teaching works only by facilitating this generation and sifting of ideas. A good teacher arranges the learning environment so that the student continually encounters challenges just a bit beyond his current abilities. The student makes errors, but ones small enough for him to overcome by reorganizing his conceptions of reality.

There is something to this. Education should rise above rote memorization and regurgitation and cultivate the student's capacity for independent discovery, creation, and critical judgment. But surely there is a role for instruction in the narrow sense; it would be inefficient for the student to learn everything by sheer trial and error. Cziko practically concedes this point in reference to science: "selection theory is necessary only to explain the emergence of *new* fit, *new* adapted complexity, *new* knowledge, and not the routine application of old knowledge" (295). We do not need a selectionist explanation of how a scientist routinely applies accepted knowledge in his field.

Again, Cziko's thinking is similar to that of Hayek — particularly Hayek's *The Sensory Order*, published in 1952 and based on a paper drafted over 30 years before. Perception, Hayek argued, always involves interpretation: an animal *classifies* impulses received by its sense organs. Neither a sound I hear nor a red patch I see simply exists as a distinct part of objective reality. Rather, my nervous system selects certain aspects of reality accessible to my senses, classifies them, and organizes them into my perception of the sound or the red patch. How aspects of reality shape themselves into perceptions depends on the state of my sense organs, nervous system, and entire body. Unlike a dog, I cannot perceive certain odors or high-pitched sounds. Unlike me, the dog cannot perceive words in a conversation or on a printed page.

In Hayek's theory, knowledge derives not only from the individual creature's own experience, but also from ancestral experience embodied,

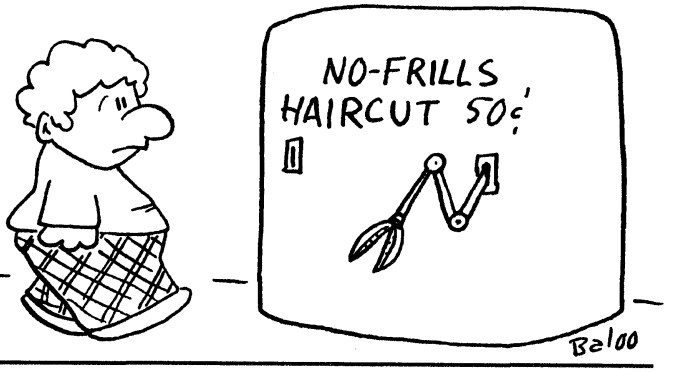

through natural selection, in its genetic and physiological makeup. If an organism frequently confuses hot and cold, near and far, hunger and safety, or food and predator, it will perish. In higher animals, logical perceptions and actions have greater survival value than illogical ones. The individual human being inherits the experience of his ancestors through both biological and cultural processes, notably including language.

The individual's perceptions are also shaped by his own experience, which has altered the physical and chemical conditions of his nervous system. People do not first have sensations that memory then preserves; rather, physiological memory enables the physiological impulses one receives to become sensations. How a listener responds to a work of music depends on his past listening. When a person uses a foreign language, particularly over the telephone, what he hears — not just understands, but *hears* — depends on how well he knows the language, on his earlier experience. The message that a reader draws from a book follows partly from the experiences he brings to it, including his past reading. That is why a book reread after a long interval may make a much different impression than before.

Many authors have been criticized for views they have not expressed. Some of their readers simply could not perceive, unfiltered, what the text says. Instead, they classified it in their preexisting pigeonholes, then reacted to what these accommodated and not to the bare substance of what the author said.

Jean Piaget believed that people interact with their world partly by incorporating sensory experience into a preexisting thought-structure or schema. Our understanding of spoken and printed words may depend as much on our expectations and prior knowledge as on the actual words themselves. Beyond this, Konrad Lorenz argued in 1941 that *a priori* knowledge of space, time, and causation results not from the limited experience of the individual but from the long biological evolution of the human nervous system: "Our categories and forms of perception, fixed prior to individual experience, are adapted to the external world for exactly the same reasons as the hoof of the horse is already adapted to the ground of the steppe before the horse is born and the fin of the fish is adapted to the water before the fish hatches." (Nicholas Rescher has edited a good collection of articles on this broad topic: *Evolution, Cognition, and Realism: Studies in Evolutionary Epistemology*, University Press of America, 1990.)

A Meeting of Minds

Cziko avows no political philosophy and reveals no political agenda. Still, libertarians and Randians should welcome his book. More so than adherents of other political ideologies, they are oriented toward reason and reality (or so I like to think). They welcome the gain in knowledge (and so in power to serve their values) achieved by linking theories even in diverse realms of physical nature and human life. Libertarians should appreciate his unconsciously Hayekian insights into spontaneous evolution and organization. Institutions and practices that have stood the test of time may deserve a certain presumption in their favor — which does not mean

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rigidly sheltering them from critical examination and possible reform. Not all order in society has to be deliberately contrived and imposed.

Cziko's book nicely complements *Complexity* (Simon & Schuster, 1992), in which M. Mitchell Waldrop reviews the work of natural scientists, computer scientists, and economists associated with the Santa Fe Institute. These researchers have been investigating how apparent order and pattern can emerge without central direction, as in immune systems, neural networks, bird flocks, ecological systems, and cultures. This book, like Cziko's, has an affinity (albeit unrecognized) with Austrian economics.

Work like this helps strengthen the case for maintaining decentralization and diversity in economics, government, scientific research, and other human affairs. Who knows how much better our systems of retirement, health, safety, education, energy, and communications might function today had government not largely preempted responsibility for those fields? ❑

***The Abolition of Marriage: How We Destroy Lasting Love*, by Maggie Gallagher. Regnery, 1996, 300 pp., $24.95.**

The Culture of Divorce

Bruce Ramsey

In 1973, I wrote a college term paper called "The Case Against Marriage." The institution of marriage, I wrote, was officialdom, bureaucracy, a piece of paper. It was the State. "If it be admitted that a love relationship is its own justification and reward," I wrote, "then what concern is it of the church or the state to interfere?" Not in my life. I was a libertarian; and even though most of the libertarian gods and goddesses were officially hitched, one wondered why they had bothered.

I was firmly of the mind never to have children, as were most of my campus comrades. But even for people who had kids, I wrote, what really matters is what the parents do, not the piece of paper.

Two years later I embarked upon a cohabitation, which was still, in the mid-'70s, a bit daring. My partner had an abortion. Then we drew up a prenuptial agreement, which specified that any other trespassing zygotes would be taken care of, too. That secured, we got married — an "open" marriage, in the jargon of the time. It meant we were ceremonially tied, but could screw around. She did; I didn't. It was an indescribably awful experience. We briefly went into counseling. But the whole atmosphere of the time was: Be free! Get divorced! We did.

At least we had no children. She had never taken my name. We never even had a joint checking account.

Well, I got all that radical chic out of my system. The second time around, I was ready to be married, as was my bride. We did it without any fudging on the side. We had a son. We even spent two-and-a-half years with her as a stay-home mom. I love to tell my feminist colleagues how much I enjoyed it — and how much she and our son did, too.

In short, I'm in the right frame of mind and position in life to read Maggie Gallagher's *The Abolition of Marriage*.

Gallagher is a writer who went through some of the same sorts of things I did — and who is now married, with husband and children. Her book is an attack on the no-fault divorce revolution that occurred just about the time I was writing my college paper. The gist of that revolution, writes Gallagher, is "a shift in power — from the married to the unmarried in general, from the spouse who wants to stay married to the spouse who wants to leave, from the person who wants to commit to the person who wants the right to revoke his or her commitments."

The result, she argues, has been a huge upsurge in divorce. A lot of people who would have stayed together, didn't. Some were stuck in the proverbial bad marriage, but many were in what she calls "good-enough" marriages that could have been saved if the couple had felt compelled to work at it. In today's "culture of divorce," they no longer do.

The upshot is that a huge percentage of kids today are being raised by single moms and moms with stepdads.

When the no-fault revolution started, most of us believed that it would work out pretty well. The marriage law, it was said, kept together frustrating, sick marriages. Let them break up. Let each partner seek self-fulfillment. The kids will adjust, and since the adults around them will be happier and healthier, so will they.

The whole atmosphere of the time was: Be free! Get divorced! We did.

It sounded good; it wasn't. Now we know that divorce screws up kids. Not every kid, but lots of them. It poisons their attitudes and hurts their performance in school. Children of divorce are less likely to marry, more likely to get divorced. They have more children out of wedlock. They earn less money and commit more crimes.

These patterns hold whether children see their fathers regularly or not. The operative fact is that once the father is out of the house for long, he's not functionally part of the family.

Further, argues Gallagher, the "culture of divorce," by accepting single parenthood as normal, paves the way

for a culture of illegitimacy. Indeed, nearly a third of newborn Americans are what used to be called bastards. Statistically speaking, they have even worse chances in life than the children of divorce.

The culture of divorce makes marriage riskier even for those who still believe in it. Today's twentysomethings, says Gallagher, know that if they commit to a marriage, their spouse has an absolute right to leave at any time — kids or no kids. Women who would rather stay home and raise kids go to work instead. Divorce undermines everyone's commitments.

Marriage is, after all, a contract. "Try this thought experiment," writes Gallagher. "What would happen if courts treated property and business contracts as we now treat the marriage contract? What if American law refused to enforce business contracts and indeed systematically favored the party who wished to withdraw, on the grounds that 'fault' was messy and irrelevant and exposed judges and attorneys to unpleasant acrimony? What if property were viewed, as marriage increasingly is, as a strictly private matter, so that when disputes arose, thieves and owners would be left to work things out among themselves, because after all, one cannot legislate morality?"

Gallagher's principal solution is to allow divorce with fault, but end the quick, unilateral variety. Impose a five- to seven-year waiting period for a contested no-fault divorce — "ensuring that those who want a quick and easy divorce will have to negotiate with their marriage partner in order to get it."

She has another idea, this one more consistent with libertarian thought: encourage prospective spouses to write explicit, detailed marriage contracts, including pre-set conditions of divorce. We already allow the marriage contract to be altered by prenuptial agreement; why not allow it to be strengthened? "A prenuptial covenant permitting divorce only for serious cause, or even, if the couple wished, prohibiting it altogether, should be a legally enforceable option."

I blanch at the last thought — "prohibiting it altogether." But another Gallagher proposal is even more radical: "Instead of routinely giving custody of babies to girls too young to drive a car or sign a contract, the law should require that every baby born in America be under the guardianship of a competent adult."

I don't know if I buy that, but I'm willing to consider it. A child is not property. But it isn't clear here what Gallagher is proposing — requiring that no one under 18 (or 16? maybe 14?) be allowed to have kids? Requiring that minors give up their kids for adoption? Requiring that they live with their parents? Requiring that they have a state-approved co-parent or supervisor? What does "competent" mean, and what powers would a "guardianship" entail?

The Abolition of Marriage is a conservative book. Gallagher believes that marriage ought to subordinate the desires of parents to the needs of their children. That contradicts some widely held libertarian beliefs. But libertarian theory ought to apply only to adults. Back in my salad days, a libertarian couple I knew — unmarried and childless — wrote an essay claiming that there should be no legal distinction between children and adults in a free society. And no compulsory responsibilities. A child could leave its parents any time it liked — and they could abandon their child any time they liked. I found few libertarians who actually believed this, but it wasn't a question they thought about much. It was like the kids in *Atlas Shrugged*: there weren't any.

But most people do have children. Children are dependent, and any theory that draws no distinction between them and adults is a theory with a very large hole.

Children will be dependent on either the family or the state. If we don't want them dependent on the state, then we'd better not undermine the family. The alternative — to embrace the culture of divorce, the modern equivalent of free love — is to churn out endless "clients" for Aid to Families with Dependent Children, Child Protective Services, and other arms of the therapeutic state. Randolph Bourne observed that war is the health of the state, and his dictum applies to "wars" on social pathologies as well. As more families are wrecked by thoughtless recourse to no-fault divorce, more tax-funded jobs become available for social workers, child psychologists, mental testers, prosecutors, court-appointed defense attorneys, guardians *ad litem*, drug testers, and cops.

When I was 21, I looked at divorce from the viewpoint of a bachelor: I wanted it to be quick, easy, and available. I wanted to be able to write my own marriage contract, without the one-size-fits-all version offered by the state.

Now I think: okay, maybe, for the part about the adults. But the essence of the contract concerns children, who are not there to defend their interests. They are represented by the state — which is why you cannot write any old marriage contract you want. You cannot orphan your own children.

Too many of us have done something close enough to that through the divorce laws. Of all the people I've known of my generation, it's amazing how many have been divorced. Individually, it is hard to judge them; I don't know what went on behind closed doors. But I'm pretty harsh on my generation as a whole. It has left marital wreckage on an immense scale, often for slight reasons: the wife was bored, or the husband became enchanted with another woman. Many of these marriages could have been saved if those in them had felt morally obligated, socially pressured, or even (my 21-year-old soul winces) compelled by contract to provide an unbroken home for their children. ❑

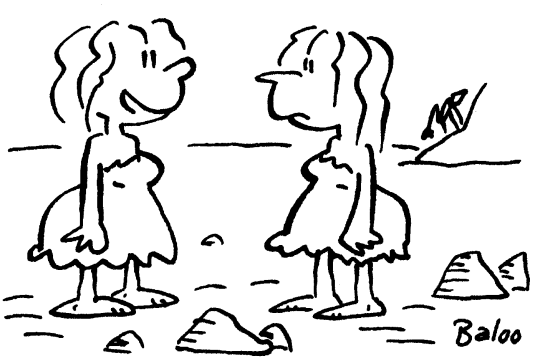

"I think he's getting serious about me — he shaved his forehead!"

Index

to Volume Nine

Jonathan H. Adler
The Paradigm Thing rv 9:4, 59
Bryan Alexander
Travels in Bosnia and Points West ar 9:2, 30
The Wars of Yugoslav Succession ar 9:4, 31
Dominick T. Armentano
Distrust Antitrust b 9:5, 65
Chester Alan Arthur
Forbes in, Browne down rf 9:2, 8
Presidential Follies ar 9:3, 29
Lawyer vs. salesman rf 9:4, 9
Forbes' media critics rf 9:4, 13
The Road to the Big House ar 9:4, 19
Indifferent to the truth m 9:5, 16
Paul runs off rf 9:5, 22
The Life and Death of the Forbes Campaign ar 9:5, 23
Faintheart rf 9:6, 7
Falsified memory syndrome rf 9:6, 10
Mr. Paul goes to Washington rf 9:6, 13
Matt Asher
Undercover Economist ar 9:2, 50
Roe v. Herself rf 9:3, 12
Witness to the Revelation ar 9:3, 25
White Girl's Burden b 9:4, 67
A Very Brady Irony rv 9:6, 60
John A. Baden (with Douglas S. Noonan)
Flying Blind or Running Scared? rv 9:6, 55
Chris Baker
Pogs for peace! rf 9:4, 12
Randy E. Barnett
Making O.J. Pay ar 9:3, 19
Bruce L. Benson
Crime and Punishment rv 9:3, 60
Carolina Beroza
These guys were the Vikings? rf 9:5, 13
Bob Black
White Man's Ghost Dance ar 9:6, 47
David Boaz
Abandon all hope rf 9:3, 7
Slumming it rf 9:3, 9
Return of the Giant Muffins b 9:3, 65
Calcutta-on-the-Potomac rf 9:4, 9
Lust lessons m 9:5, 18
Not Right from the Beginning rv 9:5, 64
I vote for a beehive rf 9:6, 7
Born-again libertarian? rf 9:6, 9
Front page woman m 9:6, 16
The Man With the Plan ar 9:6, 39
Ben Bolch (with Harold Lyons)
Panic at 40,000 feet rf 9:6, 7
Ben Bolch (with Deborah Pittman)
The Cost of an Additional Year of Life ar 9:3, 42
Kathleen Bradford
Why it happened rf 9:1, 15
R.W. Bradford
I'm not a real president, I just play one on TV rf 9:1, 7
For Chrysler's sake rf 9:1, 12
Tick, tick, tick rf 9:1, 13
Verdict on Waco rf 9:1, 14
Minister of disinformation rf 9:1, 15
Judgment call rf 9:1, 16
Slick Philly? m 9:1, 18
Shameless in Seattle ar 9:1, 25
Rand: Behind the Self-Mythology rv 9:1, 51
A Place in the Sun b 9:1, 64
It's a Horrible Life v 9:1, 65
GOP flip-flop rf 9:2, 7
Who weeps for Waco? rf 9:2, 8
Report from Ruby Ridge rf 9:2, 11
The Prime-Time Police State ar 9:2, 15
Short Cuts b 9:2, 64
Rashomon Ridge b 9:2, 67
The Curse of the Thick Black Ink b 9:2, 68
Witness at the inquest rf 9:3, 10
In Dubious Battle ar 9:3, 15
O.J.'s Free and I Don't Care ar 9:3, 22
Back to Ruby Ridge b 9:3, 66
Back on the job rf 9:4, 9
It takes a bureaucrat rf 9:4, 11
Constitutionally ignorant rf 9:4, 12
American Genius rv 9:4, 56
Plebiscital maniacs rf 9:5, 13
Dole's flat tax rf 9:5, 20
A mispacked court rf 9:5, 21
The Truth and Ayn Rand ar 9:5, 39
Occam's hammer rf 9:6, 10
Oil? Where's the beef? rf 9:6, 11
Sullivan's travels m 9:6, 16
Half a Century at the Battlements ar 9:6, 43
We the Revising rv 9:6, 54
Warning: O.J.-Related Paragraph b 9:6, 66
David M. Brown
You and Your Batman v 9:2, 68
Ted Galen Carpenter
The Fourth Estate and the Secret State rv 9:6, 51
Douglas Casey
Instant hero, just add hype rf 9:1, 7
The New Praetorians ar 9:4, 49
Stephen Cox
Every spud a king rf 9:2, 14
I Left My Heart in Tenochtitlan rv 9:2, 55
If all men were brothers, would you let one marry your sister? rf 9:3, 8
A brief time of history rf 9:3, 11
All in the Tribe ar 9:4, 15
The Woman Who Knew Clinton rv 9:5, 51
Progress rf 9:6, 11
Insuring banality rf 9:6, 14
The Novel Takes on the World rv 9:6, 53
Nathan Crow
Market-Based Miseducation rv 9:5, 59
The scandal of our libraries rf 9:6, 9
A kinder, gentler pink slip rf 9:6, 10
Our Lady of the Bad Example rf 9:6, 12
The extreme center m 9:6, 16
The Apotheosis of a Crook ar 9:6, 41
Analysis Terminated b 9:6, 63
John Dentinger
Drug Laws as Cultural Lobotomy ar 9:1, 27
Brian Doherty
The Transmigration of Timothy Leary ar 9:5, 35
Tune in, turn on, and wait m 9:6, 15
Eric Duhaime
Revolution Postponed ar 9:3, 35
Peter Flynn
Virgin territory rf 9:1, 7
Frank Fox
Millennium, Then and Now ar 9:6, 49
Douglas French
That Which Is Called the Tao Is Not the Tao b 9:1, 62
Lester S. Garrett
The Executioner's Errors ar 9:4, 22
John Taylor Gatto
The Nine Myths of Schooling ar 9:1, 31
James Gill
Mr. Natural v 9:2, 68
J. Orlin Grabbe
The Money Laundromat ar 9:2, 33
Bettina Bien Greaves
The marrying kind rf 9:5, 10
Mina Greb
Liberty for *What* Century? b 9:6, 63
Michael Grossberg
Virtually Libertarian? rv 9:3, 57
Leon T. Hadar
Think locally, scam globally rf 9:1, 8
The end of the end of history rf 9:5, 9
Robert Higgs
Who's to blame? rf 9:2, 7
Balancing act rf 9:4, 11
A cheery note rf 9:4, 14
Innocence restored rf 9:6, 7
Pitchfork Pat and Hardscrabble Bob rf 9:6, 8
John Hospers
Out of His Depth b 9:1, 62
Jim Huffman
Wings Over Mongolia ar 9:5, 33
Lester H. Hunt
Three Cheers for Virtue rv 9:1, 56
In Search of Rand's Roots rv 9:4, 51
Allen Hyder
How Old Is Bob Dole? p 9:4, 13
Bill Kauffman
States of the union rf 9:1, 7
Pap faction rf 9:2, 7
Murder, Mayhem, and Meathead ar 9:4, 42
My enemy's enemy rf 9:5, 20
Shadow on the land m 9:6, 16
Greg Kaza
It took a village rf 9:5, 12
Bo Keeley
Dollar an Inch of Skin ar 9:3, 43
Matt Kibbe
Jerry Garcia, 1942–1995 o 9:2, 13
Daniel B. Klein
Economical Cogitations ar 9:2, 49
Kevin Knight
What Became of the Revolution? ar 9:5, 42
David B. Kopel (with Joseph Olson)
Bipartisan Reign of Terror ar 9:6, 17
Richard Kostelanetz
Mediocrity Bites ar 9:2, 45
Triumph of the Image rv 9:2, 63
Secret Agent Man b 9:2, 66
Spank me, Ms. Cheney! m 9:3, 13
The Mediated Anarchist rv 9:3, 64
O'Hara, Si; Apollinaire, No b 9:3, 68

Hired gun control rf 9:5, 14
The best magazine that ever was? m 9:5, 19
Thoughts on Being Canonized b 9:6, 64

Eric Larson
Heal me, Mary Jane rf 9:3, 7

Pierre Lemieux
Auditing the Income Tax ar 9:1, 41
Referendum this! rf 9:3, 7
Peace, Love, and Violence ar 9:5, 50

Michael Levine
Ad vice rf 9:1, 12
Leftists get it right m 9:1, 19
Blankout b 9:1, 64
Yitzak Rabin, R.I.P. o 9:3, 12
Surely You're Joking, Mr. Feyerabend b 9:3, 65
Inward Ho! rv 9:5, 62
Heads Down, Thumbs Up v 9:6, 67

Loren E. Lomasky
I'd fall a mile for a camel rf 9:1, 9
Rich, mean, and old rf 9:5, 19
Bad cop, worse cop rf 9:5, 21
Gas attack rf 9:6, 14

Kathryn Lyon
Witch Hunt in Wenatchee? ar 9:6, 25

Harold Lyons (with Ben Bolch)
Panic at 40,000 feet rf 9:6, 7

John McCormack
The Conspiracy Bugaboo ar 9:4, 43

Wendy McElroy
Microsnitch rf 9:1, 12
Husband Abuse ar 9:1, 48
No secrets in cypherspace rf 9:2, 8
Why I Would Not Vote Against Hitler ar 9:5, 46
Randolph Bourne, call your office rf 9:5, 9
They'll read it when it's out in Tagalog rf 9:5, 10
www.censorship.stupid rf 9:5, 10
It takes a village, a sociology dept., and the 82nd Airborne rf 9:5, 13

Carl McEvoy
The current market value of Mao's thoughts rf 9:3, 9

Karen Michalson
Of No Importance f 9:3, 49

Robert H. Nelson
The Chemical Inquisition ar 9:5, 27

Victor Niederhoffer
The Education of a Speculator ar 9:4, 25

Douglas S. Noonan (with John A. Baden)
Flying Blind or Running Scared? rv 9:6, 55

George L. O'Brien
Just Because You're Paranoid. . . b 9:2, 66

Randal O'Toole
The Battle of Oak Grove ar 9:1, 22
Oregon rules rf 9:2, 9
Old Rough-and-Unready rf 9:3, 11
Whose pork is gored rf 9:4, 10
Street smarts rf 9:4, 13
Learning from Environmentalists ar 9:4, 39
The blame falls mainly on the rain rf 9:5, 9
Spoiler alert rf 9:5, 10
Endangered candidates rf 9:6, 12

Michael Oakes
Hiroshima ar 9:2, 23

Joseph Olson (with David B. Kopel)
Bipartisan Reign of Terror ar 9:6, 17

David J. Owsiany
High Noon for the Feds? ar 9:2, 47

Gregory P. Pavlik
The Revisionist at the Breakfast Table b 9:5, 67

James L. Payne
Memoir of an unsuccessful lobbyist rf 9:4, 14

Michael Peters
Is FEE Turning Conservative? ar 9:6, 45

Deborah Pittman (with Ben Bolch)
The Cost of an Additional Year of Life ar 9:3, 42

Jim Powell
Lessons from Success ar 9:3, 45

Ralph Raico
Still life with Clintonism rf 9:1, 7
Major league, Bush league rf 9:1, 8
Polls invade Germany rf 9:6, 8
The fascist Enlightenment? rf 9:6, 13

Bruce Ramsey
In the Flesh rv 9:3, 55

Thomas Reardon
Doctors without borders rf 9:3, 11
Political Market Failure b 9:4, 68

Scott J. Reid
Tools for Taxpayers ar 9:1, 35

Mark Rembert
Cosmetic Surgery rv 9:2, 59

Sheldon L. Richman
PoliSci for beginners rf 9:5, 16

James S. Robbins
Those ominous parallels rf 9:4, 9
Searching for skinheads rf 9:4, 9
The need for speed rf 9:4, 12
Belfast on the Potomac rf 9:5, 11
Another Rhodes scholar we never needed rf 9:5, 16
Talking heads, empty skulls m 9:5, 18
Kiss up and don't tell m 9:5, 19
Is integrity a family value? rf 9:5, 19

Max Schulz
The Libertarian Iconoclast rv 9:2, 57

Jeff Scott
The Milken Myths rv 9:4, 61

John Semmens
Why Insurers Should License Drivers ar 9:3, 31

Jane S. Shaw
Faith and Freedom ar 9:3, 37
Virtue and virtuosity rf 9:4, 10
Friction in Eden b 9:4, 66
The parent trap rf 9:5, 9
Nature boy, spare that tree rf 9:5, 11
Israelites b 9:5, 66

Sandy Shaw
Better living through litigation rf 9:5, 14

Mark Skousen
Iron and Blood b 9:3, 67

Herbert Spencer
A Youthful Work by a Promising Author rv 9:6, 57

David Ramsay Steele
When Will It All End? ar 9:2, 53

Aaron Steelman
Conscription Fever ar 9:5, 43
History Retold b 9:5, 68

Robert J. Stewart
The Great Society, the Morning After b 9:3, 69

Clark Stooksbury
Justice at Ruby Ridge rf 9:1, 15
Rating the bottom of the barrel m 9:1, 19
Reconstructing History rv 9:1, 59
Colinoscopy rf 9:2, 7
Minor detail rf 9:2, 13
Bill o' wrongs rf 9:4, 12
Columny m 9:5, 18
Das Buchanan rf 9:5, 20
Op-Ed Agonistes b 9:5, 65
Warm over the Cold War rf 9:6, 11
It takes a voucher rf 9:6, 13
Snow job m 9:6, 15

Allyn Uptain
No strikes, you're out rf 9:1, 13

Timothy Virkkala
Bored on the Fourth of July rf 9:1, 10
The state of things to come m 9:1, 18
My Gun Is Quirk v 9:1, 64
A Short Note v 9:1, 65
Stand by your man rf 9:2, 9
Christendom and Christendumber rf 9:2, 10
How much wood would Packwood pack if Packwood could pack wood? rf 9:2, 12
Feel-Good Thriller of the Year v 9:2, 69
Taking the Fifth rf 9:3, 7
Premature Autopsy b 9:3, 67
Labels and libels rf 9:4, 13
Hayek and Keynes at Cambridge b 9:4, 66
Aiming for the top rf 9:5, 20
The cruelest month rf 9:6, 7
Unkindest Cuts rf 9:6, 14
Mr. Mike goes to cyberspace m 9:6, 15
Frown, you're on Candid Camera m 9:6, 16
Resurrecting the Novel rv 9:6, 62
Libertarian Chrestomathy b 9:6, 65
Stupidity Kills v 9:6, 66

Jesse Walker
United we stand rf 9:1, 7
Grammonomics in one lesson rf 9:1, 9
Boundaries of discussion rf 9:1, 13
Crackpot in the Ivory Tower b 9:1, 63
America, I want to talk to you! rf 9:2, 7
Back to the present rf 9:2, 11
The thin line blues rf 9:2, 12
How the Ether Was Won rv 9:2, 61
Feds go bust rf 9:3, 7
Senataz with attitudes rf 9:3, 10
A man of peace o 9:3, 12
The Devil's plaything m 9:3, 13
Broadcast noose m 9:3, 14
In the Mold of Yancy b 9:3, 66
I'll take Norman Schwarzopf to block rf 9:4, 9
Thatcher in the wry rf 9:4, 11
P.C., Left and Right rv 9:4, 63
The Military-Informational Complex b 9:4, 66
Secret agenda? rf 9:5, 10
Sofa, so good rf 9:5, 11
The Hamas golem rf 9:5, 12
Unpersuaded rf 9:5, 15
Our man in Guyana m 9:5, 18
Stardust memories rf 9:5, 20
How Johnny Cash Restored My Faith in the Healing Powers of Hip ar 9:5, 44
Kill the Mockingbird! ar 9:5, 48
The Expropriation of Everyday Life rv 9:5, 55
Where Freemen will stand rf 9:6, 10
Sauce for geese, but not ganders m 9:6, 16
Behind These Bars ar 9:6, 36
Learning to Gawk b 9:6, 65
Don't Look Back v 9:6, 66

Stanley Wolf
A Short and Absurd History of School Reform ar 9:4, 33

Key

Category:	Code:
ar	article
b	booknote
f	fiction
m	medianote
o	obituary
p	poem
rf	reflection
rv	review
sb	sidebar
v	videonote

Following the category, location of cited writing is given by volume, issue, and page numbers. A key matching volume and issue numbers with cover dates is on next page.

Index

to Volume Nine of books reviewed (by book author)

Key

9:1 September 1995
9:2 November 1995
9:3 January 1996
9:4 March 1996
9:5 May 1996
9:6 July 1996

Barnes, Robert, *Harry Elmer Barnes as I Knew Him* 9:5, 67
Beitz, Charles R., *et al.* (eds.), *Punishment: A Philosophy and Public Affairs Reader* 9:3, 60
Berliner, Michael (ed.), *Letters of Ayn Rand* 9:1, 51
Bidinotto, Robert James, ed., *Criminal Justice?* 9:3, 60
Bock, Alan, *Ambush at Ruby Ridge* 9:2, 67
Buchholz, Todd G., *From Here to Economy* 9:2, 64
Caldwell, Bruce (ed.), *Contra Keynes and Cambridge* 9:4, 66
Califano, Joseph A., *Radical Surgery* 9:2, 59
Carpenter, Ted Galen, *The Captive Press* 9:4, 66
Clinton, Hillary Rodham, *It Takes a Village* 9:5, 51
Cohen, Joshua, *et al.* (eds.), *Punishment: A Philosophy and Public Affairs Reader* 9:3, 60
Cohen, Marshall, *et al.* (eds.), *Punishment: A Philosophy and Public Affairs Reader* 9:3, 60
Colborn, Theo (with John Peterson Myers and Dianne Dumanoski), *Our Stolen Future* 9:6, 55
Crews, Frederick, *The Memory Wars* 9:6, 63
Dept. of Justice, *Report on Internal Review Regarding the Ruby Ridge Hostage Situation* 9:2, 67
Dumanoski, Diane (with John Peterson Myers and Theo Colborn), *Our Stolen Future* 9:6, 55
Edgerton, Robert B., *Sick Societies* 9:4, 66
Feyerabend, Paul, *Killing Time* 9:3, 65
Fischel, Daniel, *Payback* 9:4, 61
Gooch, Brad, *City Poet: The Life and Times of Frank O'Hara* 9:3, 68
Goodman, Paul, *Format and Anxiety* 9:3, 64
Harward, Kathleen, *Market-Based Education: A New Model for Schools* 9:5, 59
Hayek, F.A., *Contra Keynes and Cambridge* 9:4, 66
Himmelfarb, Gertrude, *The De-Moralization of Society* 9:1, 56
Hitchens, Christopher, *The Missionary Position* 9:4, 67
Hoffman, Ivan, *The Tao of Money* 9:1, 62
Howard, Philip K., *The Death of Common Sense* 9:3, 69
Kauffman, Bill, *America First!* 9:5, 62
Kennedy, James and Walter, *The South Was Right!* 9:1, 59
Kinsley, Michael, *Big Babies* 9:3, 65
Koontz, Dean, *Dark Rivers of the Heart* 9:2, 66
Kramnick, Isaac (with R. Laurence Moore), *The Godless Constitution* 9:5, 64
Kristof, Nicholas (with Sheryl WuDunn), *China Wakes* 9:3, 67
Lapin, Lee, *The Whole Spy Catalog* 9:2, 66
Lasch, Christopher, *The Revolt of the Elites and the Betrayal of Democracy* 9:5, 55
Loewen, James W., *Lies My Teacher Told Me* 9:1, 59
Machan, Tibor (ed., with Douglas Rasmussen), *Liberty for the 21st Century* 9:6, 63
McChesney, Fred S. (with William F. Shughart II), *The Causes and Consequences of Antitrust* 9:5, 65
McChesney, Robert W., *Telecommunications, Mass Media, and Democracy* 9:2, 61
McElroy, Wendy, *XXX: A Woman's Right to Pornography* 9:3, 55
Mencken, H.L., *A Second Mencken Chrestomathy* 9:2, 57
Meyers, Jeffrey, *Edmund Wilson: A Biography* 9:2, 63
Mitchell, William C. (with Randy T. Simmons), *Beyond Politics* 9:4, 68
Moore, R. Laurence (with Isaac Kramnick), *The Godless Constitution* 9:5, 64
Moses, Michael Valdez, *The Novel and the Globalization of Culture* 9:6, 53
Myers, John Peterson (with Theo Colborn and Diane Dumanoski), *Our Stolen Future* 9:6, 55
Olmsted, Kathryn S., *Challenging the Secret Government: The Post-Watergate Investigations of the CIA* 9:6, 51
Ormerod, Paul, *The Death of Economics* 9:3, 67
Parfrey, Adam, *Cult Rapture* 9:6, 65
Parker, Peter (ed.), *A Reader's Guide to Twentieth-Century Writers* 9:6, 64
Pinkerton, James, *What Comes Next* 9:4, 59
Putnam, Hilary, *Realism with a Human Face* 9:1, 62
Quick, Donna, *A Place Called Antelope* 9:1, 64
Rand, Ayn, *Anthem* 9:2, 68
Rand, Ayn, *Letters of Ayn Rand* 9:1, 51
Rand, Ayn, *We the Living* 9:6, 54
Rantala, M.L., *O.J. Unmasked* 9:6, 66
Rasmussen, Douglas (ed., with Tibor Machan), *Liberty for the 21st Century* 9:6, 63
Roche, George C., III, *The Fall of the Ivory Tower* 9:1, 63
Rushkoff, Douglas, *Media Virus!* 9:3, 66
Sciabarra, Chris Matthew, *Ayn Rand: The Russian Radical* 9:4, 51
Shughart, William F., II (with Fred S. McChesney), *The Causes and Consequences of Antitrust* 9:5, 65
Simmons, John A., *et al.* (eds.), *Punishment: A Philosophy and Public Affairs Reader* 9:3, 60
Simmons, Randy T. (with William C. Mitchell), *Beyond Politics* 9:4, 68
Smiley, Gene, *The American Economy in the Twentieth Century* 9:5, 68
Spencer, Herbert, *Social Statics* 9:6, 57
Sprading, Charles, *Liberty and the Great Libertarians* 9:6, 65
Stoehr, Taylor (ed.), *Format and Anxiety* 9:3, 64
Stump, Al, *Cobb: A Biography* 9:4, 56
Sullivan, Andrew, *Virtually Normal* 9:3, 57
Teachout, Terry, ed., *A Second Mencken Chrestomathy* 9:2, 57
Thomas, Hugh, *Conquest: Montezuma, Cortés, and the Fall of Old Mexico* 9:2, 55
Underwager, Ralph (with Hollinda Wakefield), *Return of the Furies* 9:1, 64
Vaid, Urvashi, *Virtual Equality* 9:3, 57
[Various], *The Old Testament* 9:5, 66
Wakefield, Hollinda (with Ralph Underwager), *Return of the Furies* 9:1, 64
Walter, Jess, *Every Knee Shall Bow* 9:3, 66
Williams, Walter, *Do the Right Thing: The People's Economist Speaks* 9:5, 65
Wilson, John K., *The Myth of Political Correctness* 9:4, 63
WuDunn, Sheryl (with Nicholas Kristof), *China Wakes* 9:3, 67

Letters, *continued from page 50*

claim is that Magna Carta guarantees more than one right we still enjoy. In fact, there is one and *only* one right in the Great Charter that is ancestral to any right in the U.S. Constitution. Chapter 39 is indeed a remote antecedent to our due process clause — a very important right, but, after all, only one, not "many." There are at least 23 distinct guarantees in the Bill of Rights. Only one is even approximated in Magna Carta.

Krawchuk has misunderstood, not only what I quoted Sir Edward Coke as saying about Common Law, but why. Coke is the greatest Common Law confabulator of all time. I quoted him, not because I respect his authority, but because I suspected, correctly, that Krawchuk did. Krawchuk is not telling the truth when he now says that he, like Coke, claims only that Common Law is "based on" Natural Reason/common sense. This is what he really wrote: "Simply put, the common law is common sense." Simply put, and simply wrong. I agree with Coke that Krawchuk is wrong, that Common Law is not the same thing as common sense. I happen to disagree , or at least consider meaningless, with Coke's positive claim that Common Law is somehow "based on" Natural Reason.

Since my topic was constitutionalism, not the adventures of Ken Krawchuk, I had no occasion to refer to his claim to "a successful Common Law argument to defeat an oppressive local ordinance." What really happened (as Krawchuk

Letters, *continued from previous page*

related in *RSVP*) is that a proposed ordinance was voted down by a township commission after "several citizens spoke at length against the ordinance, none in its favor." Of these several citizens, only Krawchuk subjected these part-time politicos to a rambling constitutionalist diatribe. It pleases him to believe that he confounded the commissioners just as Jesus the twelve-year-old confounded the rabbis in the temple. There might be another explanation.

Voodoo has been known to work on people who believe in it, and I'd never rule out the possibility that squirting constitutionalist eyewash at politicians might work. What I do say is that it'll never work in court.

Logic and Ms. McElroy

Wendy McElroy ("Why I Would Not Vote Against Hitler," May 1996) does not morally object to the use of a bullet to assassinate Hitler because it could be aimed at a deserving target. On the other hand she objects to the use of a ballot because it attacks innocent third parties — the electorate. I know of few assassination attempts that did not also affect innocent third parties — bystanders and the electorate. A ballot, she insists, is objectionable because it simply puts someone else into power. Well, so does a bullet.

Then the waffling. She says, "I'll grant the possibility that I could morally cast a ballot. Yet even then, I would still refuse to vote against him. Why? Because the essential problem is not Hitler, but the institutional framework that allows a a Hitler to grasp a monopoly on power." Come now! It's not the individual's fault? It's the system's fault?

She ridicules those who postulate a world for the point of debate, then she does a bit of fantasizing herself, i.e., the day when social power has completely supplanted political power. If she really believed that it was more moral to assassinate a tyrant than to vote against him, I would say that was just empty rhetoric. There is certainly no shortage of opportunities for her to demonstrate that belief to us — but she does not act.

Ken Schooland
Honolulu, Hawaii

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Coming in *Liberty* . . .

"New Zealand's New Zeal?" — *Scott Sutton* tells how economic freedom revitalized a tiny nation in the South Pacific — and why the reforms might not last much longer.

"Post-Communism — and Post-Americanism" — The fall of Communism was just the beginning. *Paul Piccone* explains why nationalism and the welfare state may be the next institutions to die.

"Science on Parade" — *Dominick T. Armentano* makes sense of pseudoscience, pseudodebunking, Carl Sagan, and Unidentified Flying Objects.

"A Killer's Right to Live" — *George H. Smith* weighs in against the death penalty.

"I Led *x* Lives" — Fiction by *Richard Kostelanetz.*

Terra Incognita

Rock Hill, S.C.

A breach of public morality, reported by the *Sarasota Herald*:

A woman pulled over by a state trooper was surprised to learn that her crime was public urination — by a comic strip character on her car's back window. The decal features a counterfeit version of Calvin, the little boy from *Calvin and Hobbes*, urinating on the letters "IRS."

Madison, Wisc.

Sensitivity at *The Progressive*, according to a letter to its editor:

"Ken Silverstein, in the process of lambasting those heralds of feudalism recently elected to Congress — perhaps taking a stab at humor — chooses to tag some of them with the epithet 'dim-witted.' As the parent of a retarded person and as a pediatrician trying to look after retarded children, I have assumed that intellectually impaired people have rights and needs no less pressing than those of the intelligentsia.

"The throwing of demeaning labels at people we look down upon diminishes their humanity and individuality, adding to their vulnerability."

South Carolina

The state of civil rights, as reported in *USA Today*:

The National Association for Equal Opportunity in Higher Education gave Sen. Strom Thurmond a special award for his support for African-American institutions of higher education.

San Fernando Valley, Calif.

The advantages of cosmetic surgery, expounded in *The Wall Street Journal*:

"I never felt comfortable or confident about myself before," says Frank Whitehead, a Los Angeles entrepreneur who had an operation to both lengthen and widen his penis last year. Sitting in the office of his printing shop in the San Fernando Valley, Mr. Whitehead, a tall, affable man with a black mustache and tufts of black hair peeking through a plaid shirt unbuttoned to his navel, says that the procedure "has changed my whole outlook on life."

"I go out on a limb more than I did before with business," he says. "Now [when] I go into business meetings, I'm thinking, 'If you guys have just half of what I have.'"

New Milford, Conn.

Dr. Leonard Peikoff's explanation for the O.J. Simpson verdict, as reported in *Second Renaissance Books*:

"What made this incomprehensible verdict possible? . . . The answer, says Dr. Peikoff, lies in what the jurors had learned about the meaning of evidence, proof — and reason. It is philosophy that taught it to them, and it is a *particular* philosophy that gave them the tools necessary to arrive at the not-guilty verdict. Looking at every crucial premise conveyed by the defense team, Dr. Peikoff traces them directly to their philosophic progenitor: Immanuel Kant."

Sacramento, Calif.

Assemblywoman Marilyn Brewer's explanation for missing so many votes before the state legislature, as quoted in the *Orange County Register*:

"I didn't know that [voting] was such a big issue, that you have to be a yes or you've got to be a no."

Washington, D.C.

Ironic new award, as reported in the *Milwaukee Journal Sentinel*:

Janet Reno is the first recipient of an award named after her, given to those who expand opportunities for women and minorities in the legal profession: the Janet Reno Torchbearer Award.

France

Epistolary manners in France, as reported by the Associated Press:

Electricite de France, the state-run electric utility, signed off a recent mailing to customers as follows: "Resting at your disposition, we pray you to believe, Madame, Monsieur, in the assurance of our most devout sentiments." The letter informed customers that their rates were going up.

Tatarstan, Russia

The price of political incivility, as reported by ITAR-Tass:

President Mintimer Shaimiyev has made it illegal to insult him, setting fines of up to $1,400 for violations. Newspapers and magazines can be fined up to $6,000 for reporting an insult.

Togo

Linguistic niceties, according to *The New Grolier Multimedia Encyclopedia*:

"French is the official language of Togo, and Ewe is the *lingua franca* of half the population."

California

Interesting management policy, from the employee handbook of Pacifica Radio:

"With the exception of seeing eye dogs, animals of all kinds are prohibited in the workplace. This policy applies equally to all employees and visitors."

Logos

An uncommonly accurate definition, from *Webster's New World Dictionary*:

"monogamy . . . 1 the practice or state of being married to only one person at a time. 2 [Rare] the practice or state of marrying only once during life."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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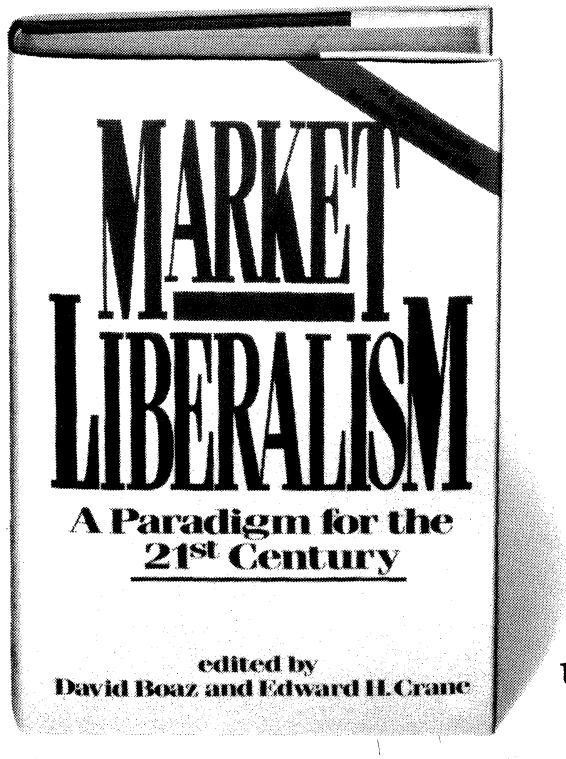

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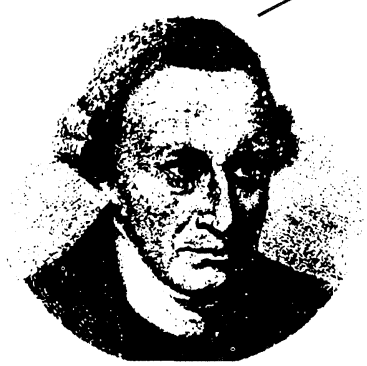

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Inside Liberty

November 1996
Volume 10, Number 2

4 **Letters** Postcards from the edge — the cutting edge.

7 **Reflections** *Liberty*'s editors discuss oral sex, Generation X, political crimes, paradigms, Peronistas, and Perotistas.

Features

15 **The *Liberty* Presidential Poll** What are the prospects for Harry Browne's presidential campaign? And what are the prospects for libertarian ideas? *Liberty* polled Americans, and *C.A. Arthur* examines the data.

18 **San Diego Diary** Amidst elephants and clowns, Dole tosses his hat into the ring. *Stephen Cox* reports from the circus.

26 **Health Markets or Health Maintenance?** Be wary of HMOs and their defenders, counsel *Ross Levatter* and *Jeffrey Singer*.

29 **A Splendid Little War** The sun sets and rises, and we're bombing Iraq again. *Jesse Walker* tries to make sense of the senseless.

31 **I Go to Kazakhstan** *Douglas Casey* reports from the wild, wild east.

34 **The Strawman State** The end of Communism is just the beginning, argues *Paul Piccone* — next to go will be nationalism and the welfare state.

37 **New Zealand's Free-Market Revolution** In a decade and a half, New Zealand has radically freed its economy. *Scott Sutton* reports.

43 **In Defense of Voting** *R.W. Bradford* defends the ballot box.

46 **A Killer's Right to Life** *George H. Smith* draws and quarters the death penalty.

55 **Other Lives** The autobiographies of *Richard Kostelanetz*.

Reviews

57 **Insider Without a Clue** Gary Aldrich must know some interesting things about the Clintons, but, *Stephen Cox* laments, he'd rather talk about himself.

59 **Power, Lust, and Powerlust** *R.W. Bradford* solves the mystery of Bill Clinton.

61 **Highbrow People** *Richard Kostelanetz* demolishes an effete corps of neoconservative snobs.

62 **NOTA Chance** *Loren Lomasky* makes the case against None of the Above.

64 **The Truth Is Out There** Sometimes, it's *way* out there. But Carl Sagan, notes *Dominick T. Armentano*, doesn't seem interested in it.

66 **Booknotes** on corporate bandits and Mexicans without badges.

67 **Classified Ads** Who will buy this wonderful morning?

69 **Notes on Contributors** We take a bow.

70 **Terra Incognita** The most important page you'll read this year!

Letters

The Fallacy of Epidemiology

Had Nathan Crow ("The AIDS Heretic Who Won't Die," September 1996) actually researched the literature on AIDS, he would know how thoroughly Peter Duesberg's position has been vindicated by all available evidence, and especially by the remaining absence of any evidence proving — by causation, not the fallacy of correlation — that the harmless retrovirus HIV causes the syndrome of 30 or so old, very different, and mostly noninfectious illnesses, any combination of which the CDC defines as AIDS only if in the presence of a positive HIV antibody test.

Yes, it's possible, but not easy, to transmit HIV from one person to another. One's immune system creates antibodies to it and within weeks, HIV is permanently out of business in the body, having done virtually nothing. That's the science of immunology and vaccination, apparently unknown to Crow, and there is no evidence to prove the existence of any so-called "slow" virus. But there is no way anyone dying with AIDS can transmit that syndrome to another person.

Anyone who has examined the evidence presented in *Inventing the AIDS Virus* and Duesberg's other book, *Infectious AIDS, Have We Been Misled?*, will not be confused by Crow. They will also know that all those who have "died of AIDS" were either very promiscuous male homosexuals who used multiple toxic drugs over years and died of immune suppression caused by drugs and malnutrition, or people who tested HIV-positive, would never have gotten ill, and died from the lethal approved treatments: AZT and its clones.

William H. McIlhany
Beverly Hills, Calif.

The Ashe Case

Nathan Crow ridicules Duesberg's assertion that recreational drugs and medical drugs such as AZT are the greatest causes of AIDS. If Crow would just refer to the December 1995 issue of the CDC's *Trends in Reported AIDS Cases*, he would find that during the 18-month period (January 1993–June 1994), 47% of the AIDS cases were attributed to homosexual men, 28% were attributed to people who inject drugs, and 5% were reported with homosexual men who inject drugs. There are at least six studies that show that between 93% to 100% of homosexual AIDS patients admit to using recreational drugs. Based on that, the CDC percentages above show that 80% of the reported AIDS cases were drug users, taken either orally or injected. And that 80% figure does not include the AIDS cases that result from the prophylactic use of the highly toxic drug AZT. Crow also ridicules Duesberg's assertion that the pharmaceutical clotting Factor VIII taken by hemophiliacs damages the immune system and often results in the AIDS diseases. Apparently, Crow didn't read page 287 in Duesberg's book carefully enough. If he had he would have seen the sentence that says, "However, when the clotting factor [VIII] is highly purified, the immune system remains healthy." It goes on to say, "Cost, unfortunately, bars many hemophiliacs from using the purified Factor VIII. Hemophiliacs treated with commercial Factor VIII consequently develop some opportunistic infectious diseases in the long run, particularly pneumonia and yeast infections." And HIV has nothing to do with it.

Crow brings up the case of Arthur Ashe, who was a non–drug using, non-hemophiliac, HIV-positive AIDS patient. The case of Arthur Ashe was covered in detail in Duesberg's book on pp. 356–58. He details how his medical problems started with a heart attack and how he later picked up HIV from a blood transfusion. As his ailments progressed he began taking more and more medications, including AZT. Even though he eventually found out about the toxicity of AZT and the desirability of not taking it, he couldn't bring himself to go against the wishes of his doctors. So he slowly withered away, and died in 1993.

Richard M. Trostler
Claremont, Calif.

Stalinist Science

One issue that should concern every libertarian, and which Nathan Crow touches upon, is free speech. We "AIDS dissidents" have received death threats; we have lost grants; we have been ostracized, physically assaulted, fired from jobs, and driven into bankruptcy. Our ideas have been systematically excluded from the mainstream media. The censorship surrounding AIDS is what one would normally expect to find in a totalitarian country in the midst of war — akin to the Stalinist thought control that for decades supported the crackpot ideas of Lysenko.

To understand the case against AZT therapy, it is necessary to know that AZT was developed as cancer chemotherapy, designed to kill all growing cells through the termination of DNA synthesis. It is necessary to know that AZT has very serious toxicities and is a known carcinogen. It is necessary to know the flaws in AZT research, including the fact that the drug was approved for marketing on the basis of manifestly fraudulent research.

John Lauritsen
Provincetown, Mass.

29% Right

Nathan Crow claims that HIV-infected people suffer a steady immune-system decline. However, he fails to explain why 10–17% of HIV-infected individuals will be AIDS-free 20 years after infection. Certainly, they are not suffering a steady immune system decline due to HIV. In other words, in 10–17% of HIV-infected people, HIV does not cause AIDS. At the very least, Peter Duesberg is 10–17% correct.

Crow mentions that researchers at the Dana-Farber Cancer Institute have infected adult macques by placing SIV in their mouths. He fails to mention that the researchers reported that 830 times more virus was required for oral infection as compared to IV infection, 5,000

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to 10,000 more was required for intravaginal infection as compared to IV infection, and 5 x 10^6 more was required for intrarectal infection as compared to IV infection. What if such large amounts of any virus were given to Crow? Does he think he would avoid any ill effects? Neither SIV or HIV is as powerful as he portrays it.

Further, Crow mentions that two of seven macques died of AIDS within 214 days, but fails to mention that two other macques that had exhibited a pattern of viremia were asymptomatic after 214 days. In other words, they were no longer ill. Why did they not develop AIDS from SIV? Because SIV did not cause AIDS. Two out of seven is 29%. So Duesberg is at least 29% correct that HIV does not cause AIDS.

Gerald Lindley
Manchester, Conn.

Crow replies: William McIlhany insists that I have wrongly equated causation with correlation, then tries to back up *his* hypothesis by asserting that the disease is universally correlated with either toxic drug use or AZT treatment. Like Duesberg, he uses epidemiological arguments when they suit him, but attacks them when they are used to support the HIV hypothesis. McIlhany has also forgotten Peter Duesberg's assertion that Factor VIII treatment (for hemophilia) causes AIDS, and appears to have some sort of mystic belief that being a "promiscuous male homosexual" will cause AIDS all by itself. With friends like McIlhany, Duesberg can't afford enemies. And as far as the existence of slow viruses and the potency of antibodies are concerned, McIlhany will have to explain how a slow virus that doesn't exist (the maedi-visna virus) makes sheep so sick, and how Duesberg's "harmless" SIV virus managed to kill all those monkeys with SIV antibodies.

Richard Trostler seems willing to attribute AIDS to just "using recreational drugs," but does he really want to argue that smoking pot, taking amphetamines, or snorting cocaine will cause AIDS? Like William McIlhany (who jettisons Duesberg's own arguments and confines his fantasies to users of "multiple toxic drugs"), he cannot explain why the millions of heterosexuals who use "multiple toxic drugs over years" come down with AIDS only when they have used needle drugs or had blood treatments that have infected them with HIV, or have had sexual contact with an HIV-positive woman.

If Trostler had read something on AIDS besides the works of Peter Duesberg, he would know that Arthur Ashe was diagnosed with cytomegalovirus (an AIDS-defining disease) and had extremely low T-cell counts before he ever used AZT. I will leave it to Duesberg's believers to explain why he neglects to mention this in his lengthy account of Ashe's fatal illness.

As for the "AIDS diseases" supposedly suffered by Factor VIII patients, they are confined to a small and relatively innocuous group, and the data from *Science* cited in my article show clearly that Factor VIII is relatively harmless. Duesberg's "assertions" about Factor VIII are just that.

John Lauritsen believes that AZT causes AIDS. But then why are there no significant differences in death rates between AIDS patients treated with AZT and those treated with a placebo? The fact that AZT is virtually useless (by itself) as a treatment for AIDS says nothing about whether it causes the disease.

Gerald Lindley needs a course in logic. Just because HIV doesn't *always* cause AIDS doesn't mean it isn't the cause of AIDS when the disease does strike. Not everyone infected with a microbe comes down with the disease that it usually causes; there is almost always a proportion of any population that is immune. And the reason I "fail to explain" why some people don't get AIDS despite HIV infection is that I don't know why. But neither does anyone else.

Lindley also misunderstands the nature of viruses, most of which are harmless. If HIV were harmless, it wouldn't matter how much of it you were given.

An Essential Problem

I can agree with some of what was said by both Kathleen Harward and Nathan Crow ("Disassembling Factory Schools," September 1996). Certainly, one of the major problems with public education is the assembly-line approach associated with the "factory model," and Harward's criticism of the command-and-control style of management that goes with the factory model is certainly on target. This overmanagement of the education process is conducted by a monopolistic bureaucracy that is unable to adapt to the needs of students. I have been frustrated by this bureaucracy as a student, as a teacher, and as a parent. On the other hand, I fully agree with Crow that teaching methods need to be empirically validated before widespread adoption. He also shows a much greater understanding of what "direct instruction" is than does Harward, and is correct in his description of direct instruction as a well-validated instructional approach.

However, I think both have missed an essential problem. Twenty-five percent of students in public school programs drop out before graduating. Of the remaining 75%, approximately half go on to college. Only about half of those actually graduate. Thus, out of a random selection of 100 students entering public school, only about 19 will graduate from college.

The traditional public school curriculum is a college preparatory curriculum. Thus, one has a situation in the public schools where the curriculum is oriented toward the needs of about 20% of the students and the needs of the other 80% are ignored or inadequately addressed.

Yes, the factory model needs to be replaced and teaching strategies need to be validated. However, public schools also need a diversity of curricula to meet the varied needs of a very heterogeneous student population. An assembly-line, one-size-fits-all approach to education simply can't get the job done, especially at the secondary level.

Assuming that we want to maintain public schools as the primary source of education, which may nor may not be the wisest course, several changes are needed. First, we need to get rid of compulsory attendance laws. No one should be in school who doesn't want to be there. Second, we need a variety of curricula options, particularly at the secondary level. A student should be free to switch between these options as long as he or she is willing to do whatever is needed to meet each option's prerequisites. Third, we need to put enough power in the hands of consumers to make the monopolistic education bureaucracy a relic of the past.

David B. Center
Conyers, Ga.

The Taxes We Deserve

I was disappointed to read C.A. Arthur's summation of Irwin Schiff's

income tax posture as "patent nonsense" ("Liberty Comes to the Beltway," September 1996). Mr. Arthur's blatant omission of supporting evidence to such defamation leads me to infer that he is relying on that old authority, Everybody.

If you ask Anybody in America why he pays 47% of his wages to the IRS, he'll tell you that Everybody knows that you have to pay. Nobody, on the other hand, is able to cite the statute or code of law that establishes a legal liability for most folks. That's why, according to Everybody, Nobody gets away with avoiding the tax.

Mr. Arthur, perhaps you could enlighten the rest of us by telling us something that Nobody knows rather than what Everybody knows. What section of USC Title 26 or what section of the CFR establishes an income tax liability for the American citizen laboring in an unregulated occupation?

The oppressive government that we have in this country is a manifestation rather than the cause of America's plight. The cause? Nobody values freedom enough to stand up for it. Rather than telling the IRS, "You can have my property if you want it, but you're going to have to wrestle it from me," we prefer to tuck our spineless tails between our legs and give them what Everybody knows we must. We waive 47% of our property rights based on hearsay because we're too cowardly to even know the truth, let alone stand in its defense. Shame on us. We have the government (and taxes) we deserve!

Greg Nalder
Nampa, Idaho

Arthur responds: Schiff has argued that if one follows his advice regarding taxes, one can avoid paying the government its "due" and avoid a stay at the Graybar Hotel. Schiff himself, however, has been unable to avoid incarceration. The sad but simple fact is that *if you publicly flaunt U.S. tax laws, you will go to jail.* Schiff's belief to the contrary is nonsense. Whether I can identify what section of USC Title 26 or the CFR establishes a tax liability is not really relevant.

Nalder is right, of course, to observe that too few Americans are willing to stand up for their freedom. The question that each of us faces is when to do so, knowing that the price of standing up for our freedom (at least in the way Mr. Schiff advises us to do so) is the almost certain loss of the considerable freedom that we already possess.

Clark, Browne, and JFK

I enjoyed Chester Alan Arthur's report of the Libertarian Party national nominating convention, but felt the need to come out of hiding to correct a misstatement of fact in his brief summary of the Ed Clark for President campaign in 1980. (For the young or forgetful, I was national coordinator for the Clark campaign.)

Arthur perpetuates the "Kennedy myth" — that the campaign consciously tried to compare Clark and his program, for public consumption, to Jack Kennedy. The only conscious comparison I recall was that Clark's proposed first-year tax and spending cuts would have reduced the size of the federal budget to that of Kennedy's first year. As for campaign literature showing a photo of JFK: forget it, it never happened. (There was a campaign photo in which Clark coincidentally bore a very superficial resemblance to Kennedy, which was so noted by party activists at the time.) As for suggesting that Clark restyled his hair to look like JFK: Since it was 1980, we encouraged him to abandon his '50s-style pompadour.

Comparisons of Ed Clark's

continued on page 30

The Last Democrat

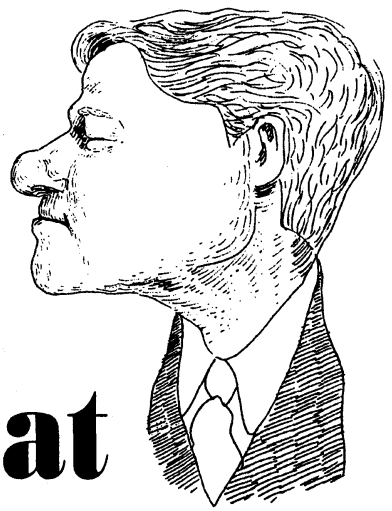

You know that Bill Clinton is the most blatantly corrupt president in years. But you may not know that he will probably be the last Democrat to be elected president for a long, long time — maybe the last one ever.

Dismissing the conventional wisdom, R.W. Bradford predicts that Clinton is but the last, futile hope of the fraudulent dogma misnamed "liberalism": the insane idea that

Why Bill Clinton Will Be the Last Democrat Americans Elect President

government can rob everybody, pay off anybody, and leave us all richer in the process.

It's all here: the criminally fraudulent commodity trades — the endless lying about Whitewater — the ill-fated health care plan — the terrible holocaust at Waco — the embarrassing bimbo eruptions — the endless taxes, regulations, and pork — and much, much more.

The Last Democrat is simply the last word on Bill, Hillary, and their corrupt cronies and media sycophants. And it's available only from *Liberty*! To order call **1-800-854-6991** or send $14.95 (plus $2.00 s&h for the first book, $1.00 for each additional book) to Liberty Book Club, Dept. BC9, P.O. Box 1181, Port Townsend, WA 98368.

Reflections

The Stepford Rodham — I never thought I'd hear myself saying this, but I miss Hillary Clinton. Not the automaton who took the stage at the Democratic convention — didn't Philip K. Dick write a novel in which the country was governed by a mechanical first lady? — but the arrogant little shyster who stole from the Arkansas treasury and teed off cookie-bakers everywhere. She was a statist crook, but she was a vivid character — arrogant, opinionated, a real human being.

Think back to 1992, to her rapid-fire voice proclaiming she wasn't "some little woman standing by my man like Tammy Wynette." Stupid and offensive, yes, but you knew that was Hillary speaking. Now think of her performance at the Chicago convention, from the impossibly bland music that played as she took the stage to the measured monotone in which she spoke, to the dull clichés she imparted. Watching her speech was like watching Malcolm McDowell in *A Clockwork Orange*: yes, she's evil, but for heaven's sake, *give her back her soul!* —JW

A very Brady party — It used to be said that a "conservative is a liberal who's been mugged." Now, after James Brady's speech at the Democratic convention, I guess we can add a corollary: a Democrat is a Republican who's suffered brain damage. —TWV

Call me irresponsible — When Congress jammed through laws mandating seatbelt use by automobile passengers and helmet use by motorcycle riders, a few reactionaries bemoaned the further erosion of the notion of self-responsibility. If a motorcyclist wants to risk splattering his brains on the pavement or a motorist wants to risk being projected through his windshield at 65 miles per hour, they said, what right have we to stop them from doing so?

No, no, no! the Safety Nazis responded. *That brain-splattered biker and that projectile motorist are both taken to a public hospital, where the cost of putting them back together is borne by the general public, through taxation. The obligation of the taxpayer to pay for the medical treatment of the risk-taker engenders a right to require him to minimize the risk that he faces.* And so, nearly anywhere you drive a car or ride a motorcycle, you must be tied in or must enshroud your head in a five-pound lump of plastic.

I thought of this when I watched Christopher Reeve deliver his pathetic speech at the Democratic convention. Reeve, who gained fame and earned millions of dollars portraying Superman in a series of big-budget motion pictures, was, you are no doubt aware, paralyzed from the neck down after a horseback-riding accident. Horseback-riding is, of course, far more dangerous than either motorcycling or riding in an automobile, and Reeve had neglected to wear a helmet or to tie himself to his horse, let alone append to his horse the various safety equipment required on motor vehicles.

Was he there to implore Congess to repair the oversight that allowed individuals like himself to engage in such extremely risky behaviour, by mandating safety equipment, helmets and seat belts? No, he exhorted the American people to demand that Congress provide assistance for the relief of individuals like himself — that is, he refused responsibility for his own actions, acting just the way advocates of seat-belt and helmet laws believe a person injured through his own fault ought to.

What's curious is that, though most people apparently think horse-riders, like motorists, should not have to bear the cost of their risky behavior, no one seems to think that by the same logic, the equestrian should be required to uphold the same safety practices. One thing seems certain, though. The wealthy Mr. Reeves has no reluctance to ask those of us strapped into our cars to pay for his expensive hobby. And I didn't notice any victims of motorcycle accidents asking the Democrats to insure that more taxes be provided for their relief. —RWB

Bill and me — Bill Clinton and I are remarkably alike in some ways. We're the same age; we both come from small-ish states considered cultural backwaters; we were both produced by dysfunctional families. Ethnically, he and I are indisputably rednecks, despite superficial mainstream behaviors we've learned. We're both the self-indulgent personality type — we eat too much, etc. We were both bright kids in school, apparently getting our sanction there.

There it ends. At some point, most likely during childhood, Clinton decided the world revolved around him, that there was nothing more important than his well-being — not honor, not morality, not ethics, not decency. And he decided that he would kiss-ass his way to greatness. And he did. I was more conventional. I knew (somehow) that there were things you just didn't do. I knew it wasn't right to suck up, lie, cheat, and advance myself by whatever means came handy.

Maybe the clearest incident to demonstrate the difference is that I joined the army in 1968, when he was doing everything possible to stay out of it. I remember how I felt about it. I wasn't enthusiastic. I'm not the military type, not a joiner of any kind. I thought the war was wrongheaded. But I didn't want to classify myself with the kind of people who were avoiding military service at the time. I thought they were scumbags. I knew several of them. I wanted the brightest possible contrast between me and people like that. And now that I know Slick Willy, I treasure that contrast more than ever. —RFM

How censorship works — On June 1, 1996, *ABC News* ran a feature arguing that the Russian media have a pro-Yeltsin bias, and are doing things that are "anything but democratic." The evidence:

(1) the press follows the president wherever he goes and

reports whatever he does, however trivial;

(2) demonstrators opposing the president are rarely if ever shown, no matter how many there are;

(3) the presidents' political opponents are grilled when they are interviewed.

This was described as "Soviet-style censorship," a rather silly thing to say when one considers that in the Soviet Union, dissidents were grilled *literally*. But more interesting is this: of the three points in evidence, how many do not describe conditions in the United States? —JSR

Hard time — When hardtimers compare notes about why they're in Georgia state prison, David Moseley must win the gold: five years for the felony of committing oral sex with his wife. The State Parole and Pardons Board has ruled that Moseley must serve at least two years of his sentence. His attorney — Clive Stafford-Smith of the Southern Prisoners Defense Committee — provides insight on the almost unprecedentedly stiff ruling: "I suppose the recidivism rate is rather high." —WM

Justice, Latin-style — Many plagues have swept Latin America in recent times, but the most pernicious one has been the growing politicization of its judicial systems. That, in turn, has led to widespread corruption. If there is no respect for the law, neither is there compliance, and soon chaos follows.

Across Latin America, as our dictators and *caudillos* were displaced by democratically elected governments, the appointment of judges gradually became a function of party allegiance and the judge's political tendencies. Over time, as the law was increasingly exposed to political manipulation, its prestige receded. In countries such as Venezuela, rulings and decisions are sold to the highest bidder almost every day. The winners either have deeper pockets or the right political connections.

Another extraordinarily negative influence is that the wealthiest and most powerful multinationals now operating in the region are no longer the old United Fruit or Standard Oil, but rather the Colombian drug cartels. Thanks to Washington's decision to make war on the foreign production and transportation of drugs, the major battlefields of the Drug War are in our countries, where the monthly salary of a police officer or a judge is about what a street drug seller earns on a bad night in New York or Los Angeles.

Without the rule of law, investments and job creation cannot flourish. Mexico, Venezuela, and Argentina have partially opened their economies, but this has not brought general prosperity and high levels of employment; instead, "privatization" has mainly benefited those close to the corridors of power. That explains the lukewarm electoral support earned by the political parties identified with economic reforms. Indeed, often violent opposition has erupted against a mislabeled "neo-liberalism" — policies that tend to benefit mainly the political and business elites, while the common people have to pay more for the goods and services they buy from the formerly state-owned companies now turned into state-protected private monopolies. Meanwhile, the income generated from privatization is more often than not applied to maintaining an excessive bureaucracy, paying for electoral campaigns, and filling the foreign bank accounts of the rulers, their families, and their friends.

In the past year, the Venezuelan government has unleashed a cynical political persecution against 400 "fugitive" bankers, accused of causing the largest financial crisis in the history of my country. There are some well-known gangsters among those that fled, but many of those facing arrest warrants are not guilty of gross misconduct. Some may have committed minor irregularities or simply made managerial mistakes, but obviously they have no reason to trust the highly politicized and dishonest Venezuelan judiciary. They are the victims of President Rafael Caldera's desperate search for scapegoats for Venezuela's economic debacle, following his all-out campaign against "capitalism" and the economic reforms started by former president Carlos Andrés Pérez.

An old acquaintance — a high-ranking executive of a multinational corporation in Buenos Aires who previously held a similar position in Caracas — recently told me that private-sector corruption is much more widely spread in Argentina than in Venezuela, since in order to close important sales to other private companies large payments must be made under the table to purchasing managers. In other words, the private sector has been contaminated by government practices.

The fundamental importance of the rule of law was described by F.W. Maitland more than a century ago: "The exercise of power in ways which cannot be anticipated causes some of the greatest restraints, for restraint is most felt and therefore is greatest when it is least anticipated. We feel ourselves least free when we know that restraints may at any moment be placed on any of our actions, and yet we cannot anticipate these restraints. . . . Known general laws, however bad, interfere less with freedom than decisions based on not previously known rules."

When the law is interpreted according to political partisanship and expediency, political freedom becomes a sham, and people begin to feel nostalgic for better times under some past autocrat. Then, at least, everyone had a clear understanding of what was allowed, and the circle of privilege was smaller than under the current "democratic" regime. And so one sort of tyranny breeds another.

—*guest reflection by* Carlos A. Ball

Liberty's Editors *Reflect*

DB	David Boaz
RWB	R.W. Bradford
DC	Douglas Casey
NC	Nathan Crow
MG	Mina Greb
BBG	Bettina Bien Greaves
RFM	Rex F. May
WM	Wendy McElroy
JSR	James S. Robbins
TWV	Timothy Virkkala
JW	Jesse Walker

Independunce Day — The most overblown, overrated, disappointing, popular, and stupid movie of the year? The prize goes to *Independence Day*. The movie is full of dumb dialogue and even dumber technical errors. The first job of a work of cinematic fiction is to make the viewer suspend disbelief, to make you say to yourself, "Yes, I know it's just a story, but everything is the way it would be in real life." I have no problem with an alien invasion; it's a far out, but not unbelievable, prospect. The problem is things like fighter pilot Wayans shucking and jiving over to a

downed alien craft, lighting a cigar, and then simply punching the alien in the head (through its space suit) to knock it out after it opens the hatch. Or the Earthlings attacking the alien orbiters (each described as larger than Manhattan Island) with conventional munitions. And a dozen more things like that.

The movie reminded me of the brain-dead '70s TV series *Battlestar Galactica.* The film's only credible characterization is the scumsucking secretary of defense, who reminded me of a cross between Robert MacNamara and Dick Cheney.

I can live with wasting seven bucks and a couple of hours. What really got me was how much — and why — Americans liked the movie. Especially the "why," which would seem to be a celebration of everyone joining together to defeat a threat from outside, resulting in the total destruction of an innately evil and uncompromisingly aggressive enemy. The problem is that when people are looking for an enemy like that, they usually find him.

The film fits the mood set by the recent TWA explosion and the Atlanta pipebombing. And that's an ugly mood. One tipoff to the movie's abysmal quality is that America's second most dangerous politician, Bob Dole — a man who's previously reviewed movies he hasn't even seen — said *Independence Day* is the type of movie Hollywood ought to be making. God help us. The man would be even worse as a movie reviewer than as president. —DC

Plot twist — In the movie *Independence Day,* aliens destroy the White House — and then, lamentably, turn out to be hostile to earthlings. —WM

Al Gore is sooooo bitchin'! — The federal government has launched a campaign to convince kids that smoking "isn't cool," and the PTA is running ads with the slogan, "Be Cool. Follow the Rules." Newsflash! If your parents say not to do it, if your teachers say not to do it, if the president says not to do it, it is extremely cool to do it. You can either be cool *or* follow the rules, not both. Got it? —JSR

Texarkansan Cassandra — Unlike other non–Republican/Democratic politicians, H. Ross Perot has gathered a rather large following. The reason isn't too hard to figure: he is charmingly forthright, hypercritical of both establishment politicians and establishment media, and *he is not a radical.* He comes across as a "can-do" centrist — America's kind of messiah.

Aside from Harry Browne, Perot appears to be the presidential candidate with the best understanding of why America's a mess. Of course, he descends into banal reformism rather easily — demanding regulations on the political elites to require the "highest ethical standards" — but that doesn't invalidate much of his other talk, or his general critique of "special interests."

And so I have a hard time dismissing him. The average American's suspicion that it shouldn't take a radical to "solve" our nation's biggest problems seems, on the face of it, sensible. Balancing the budget would be a remarkably easy task, if people would only own up to their own complicity in the current mess. Ross Perot is *almost* honest and courageous enough to cajole Americans into allowing such reforms.

It's not as though current levels of government are necessary even by modern liberal standards. We do not live in a welfare state, in which wealth is redistributed from the rich to the poor, or even from the upper-middle class to the lower-middle class. We live in what Anthony de Jasay calls a "churning state," where wealth is redistributed from the politically powerless to the politically powerful. Representative democracy has become little more than an elaborate con game to shuffle favors, with wealth and welfare usually diminishing with each iteration of state intervention.

This makes the welfare state at least as idealized and difficult-to-realize as the nightwatchman state (or anarchist no-state) of libertarian dreams. Radicals like me want to excise the welfare-state ideal along with the churning-state reality. Reasonable centrists should want to pare down the churning state to a welfare-state minimum. But it looks like neither surgery will happen, at least not until some major catastrophe. Ross Perot sensibly suggests that Americans should make the necessary reforms *before* a catastrophe, but even as he says it he seems cast in the role of Cassandra. Americans may now have a feel for what is (minimally) needed, but they are fearful of extending that suspicion into any realm as lofty as ideas, principles, or conviction.

Which is why Ross Perot's infomercials will gather more viewers than voters. —TWV

The case for Browne — I have an almost perfect record of never voting for a winning candidate. Even way back in college, before I knew the political right from the political left, before I understood anything about free markets and the threat posed to them by government, I disagreed with the ideas of the majorities. And I'm not about to run the chance of spoiling my record this year by voting for the Democratic Tweedledum or the Republican Tweedledee.

But I'm not opposed to voting. I look on it as a way to send a message to politicians. If large numbers of disgruntled citizens would go to the polls on Election Day and pull the levers without registering a vote for anyone — in effect, voting for "none of the above" — or if they would write in the name of a friend or a defunct economist, politicians would begin to take

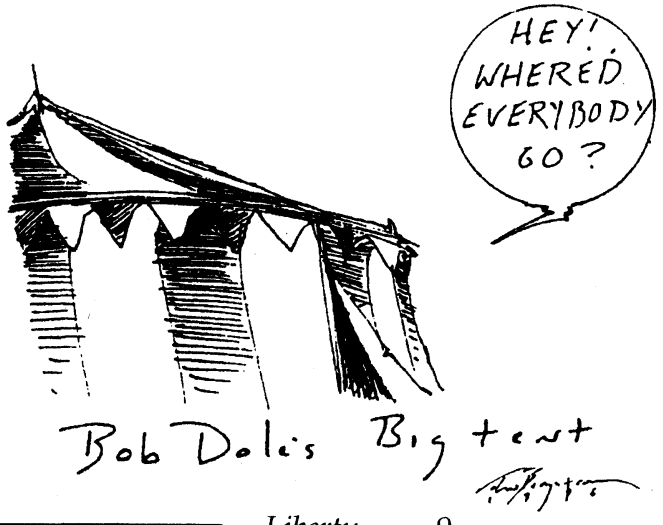

notice. Votes in the current campaign for Libertarian Harry Browne would not only send a message to politicians that there was dissatisfaction with both major parties, but would show the direction in which the dissatisfied voters wanted government to move.

In an election year, people are more willing to listen than they are at other times to discussions about the economy and the role of government. So libertarians should not lose the opportunity elections offer them to promote their views. We could "win" without even placing Browne in the White House. Remember that Socialist Norman Thomas ran for president in every election from 1928 to 1948. Although he never won political office, he "won" a more important victory. The politicians of the New Deal years and later adopted most of Thomas' ideas. In the process, the United States government was transformed into an interventionist state with steep taxes, public housing, and government regulation of employer-employee relations, health care, etc. A strong vote for Harry Browne this year would help libertarians win a real victory, by showing that many people want today's big-government programs repealed. —BBG

The great debate — Three third-party candidates — the Libertarian Party's Harry Browne, the Green Party's Ralph Nader, and the Reform Party's Ross Perot — can reasonably claim the right to be included in the presidential debates. Yet not one was invited. In a sane world, the question facing debate organizers would not have been whether to let them in, but which establishment candidate should join them, Clinton or Dole. *One* of them ought to be there, to defend global military crusades, managed-trade agreements, and the other bipartisan policies all three populist contenders reject. But *both* of them? Whatever for? —JW

Just vote "no" — Each election year, political scientists talk about "negative voting," by which they mean that some people will vote *for* a candidate for the sole purpose of casting a vote *against* that candidate's opponent.

Why not replace negative voting with a negative vote? This would mean that voters could go straight to that hated politician and cast an "I don't want this

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Should We Abolish Criminal Law? What if all law were civil law, and all prosecutions were privatized? **David Friedman** considers ways to introduce free markets into the justice system. (**Audio: A202; Video: V202**)

The Human Genome Project: What's Happening Now? **Ross Overbeek** offers words from the genetic front. (**Audio: A203; Video: V203**)

Libertarianism As If (the Other 99% of) People Mattered. We know we're right and they're wrong — or do we? **Loren Lomasky** offers some advice about living in an unfree world. (**Audio: A204; Video: V204**)

New Advances in Free Speech. **Durk Pearson** and **Sandy Shaw** describe their ongoing battles with the FDA. Lively! (**Audio: A205; Video: V205**)

The Unappreciated Politics of Ludwig von Mises. **R.W. Bradford** makes the Misesian case for democracy. (**Audio: A206; Video: V206**)

Recollections of Mises' NYU Seminars. **Bettina Bien Greaves** takes you back to Ludwig von Mises' seminars at New York University, which she attended with several other libertarian notables-to-be. (**Audio: A207; Video: V207**)

How I Found Slavery in a Free World. **Douglas Casey** is his usual witty self in this wide-ranging discussion of the state of the world today. (**Audio: A208; Video: V208**)

America (Fifty) First. **Bill Kauffman** offers some thoughts on the new nationalism — how it might advance liberty, and how it might hinder it. (**Audio: A209; Video: V209**)

The Prostitutes' Rights Movement in America. **Wendy McElroy** vindicates the rights of whores. (**Audio: A210; Video: V210**)

The Fruit of Infamy. **Bettina Bien Greaves** investigates the incompetence and snafus that led to the Pearl Harbor debacle. (**Audio: A211; Video: V211**)

The Rhetoric of Reform. **Fred Smith** tells how to sell freedom in an unfree world. (**Audio: A212; Video: V212**)

Why the Great Depression Lasted So Long. **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II *didn't* bring the Depression to an end. (**Audio: A213; Video: V213**)

Radicalism vs. Pragmatism. **Bruce Ramsey, R.W. Bradford, David Friedman,** and **Fred Smith** debate which approach is better, the incrementalist or the abolitionist. (**Audio: A214; Video: V214**)

Share the Excitement!

Education Rhetoric: Anatomy of a Pseudoscience. **Nathan Crow** exposes the unsound teaching methods sweeping the country — and how more sensible alternatives are being suppressed. (**Audio: A215; Video: V215**)

Liberty and the Press. Working reporters **Bruce Ramsey** and **Jack Shafer** join editor **R.W. Bradford** and former journalist **Jane S. Shaw** to figure out how and why the media does — and doesn't — go wrong. (**Audio: A216; Video: V216**)

Inside the Browne Campaign. **Jon Kalb** gives an insider's account of Harry Browne's presidential campaign. (**Audio: A217; Video: V217**)

Civil Society Chic. **Jesse Walker** tries to figure out the recent popularity of "civil society" rhetoric — and why most of the people deploying it seem so uncomfortable with actual existing civil society. (**Audio: A218; Video: V218**)

Is Greener Really Better for Business? Some say environmental regulations improve the business atmosphere; others say they eat away at profitability. Who's right? **Richard Stroup, Jane S. Shaw, David Friedman, Ralph Smead,** and **R.W. Bradford** give their answers. (**Audio: A219; Video: V219**)

Coming Soon to a City Near You. **Randal O'Toole** explores the brave new world of "urban growth management" and the "new urbanism," new planning doctrines that could be threatening your town next. (**Audio: A220; Video: V220**)

Religion and Liberty. What relationship — if any — is there between religion and liberty? Is one good, bad, or irrelevant to the other? **Jane S. Shaw, Timothy Virkkala, David Friedman, Richard Stroup,** and **R.W. Bradford** debate all these issues in this lively exchange. (**Audio: A221; Video: V221**)

Technology of Tax Limitation. **Scott Reid** examines the means we have at our disposal to limit taxes and spending, and how governments have gotten around them over the years. (**Audio: A222; Video: V222**)

Market Incentives in Public Policy. **Richard Stroup** looks at the recent trend towards "incentives" in environmental regulation and other public issues. Where are markets appropriate, and what do they entail? (**Audio: A223; Video: V223**)

Law as a Private Good. **David Friedman** gives an economic defense of anarchism. (**Audio: A224; Video: V224**)

Ayn Rand in 1996

The conference also included a special series of talks and panels about the late novelist-philosopher Ayn Rand. For only $105, you can have all six videotapes in this series — or, for just $35, all the same talks on audiotape!

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That Fountainhead Rape. Featuring **Barbara Branden. (Audio: A228; Video: V228)**

Ayn Rand and Libertarianism. Featuring **R.W. Bradford. (Audio: A229; Video: V229)**

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idiot/bastard/kook in office" ballot. Sure, some people would just automatically cast negative votes for every candidate but the one(s) they choose. But wouldn't it be wonderful to see a candidate win only because he or she got the least negative votes? —MG

Crack newshounds — Who says the media ignore high crimes in high places? In August, the *San Jose Mercury News* published an illuminating series by Gary Webb about the U.S. government's involvement in cocaine-trafficking — in the 1980s. Better late than never, I suppose: I'm glad that some major newspapers (several have reprinted Webb's articles) have put the hypocrisy of the Reagan years on the table for future citizens to see. But this story was not unknown at the time; those of us who were opposed to the *contra* war were aware even then of reports that this was going on, and tried to publicize the relevant evidence. Webb has done an excellent job of bringing a new facet of the story to light — apparently, crack first came to Los Angeles as part of a *contra* financing operation — but he's extending a story many other journalists have been working on for years.

One footnote: not long ago, Webb reveals, the feds decided not to prosecute Danilo Blandon, one of the gentlemen who raised funds for the *contras* by dealing dope, because he could be more useful as a DEA informer. Moneymen for Third World thugs are apparently exempt from the Drug War — at least while there are still teenagers at rock concerts and poor black kids who have yet to be locked away. —JW

The straight and narrow — As I write, the question of same-sex marriage is going before Hawaii's Supreme Court. Technically, the outcome is in doubt, but according to what I heard when I lived in O'ahu, a decision mandating equal treatment is a foregone conclusion. After all, the state of Hawaii is basing its case on the argument that gay marriage would be "bad for the children" of such marriages.

This, of course, is obviously absurd. Can anyone really say with, as it were, a straight face, that children (adoptive or biological) of gay parents are better off in the relatively fragile unmarried state? Or does the state believe that homosexuals not accorded marriage rights will have no children — an idea that goes beyond implausibility into fantasy?

The typical libertarian position on this issue is that the state has no business regulating marriage, and should simply butt out. It's an appealing but superficial view. For only the most radical libertarians — anarchists, properly — think that the state has *no* role in enforcing contracts. And the marriage contract is just that, a contract — one whose enforcement, even (or especially) in dissolution, is indisputably more important than most others.

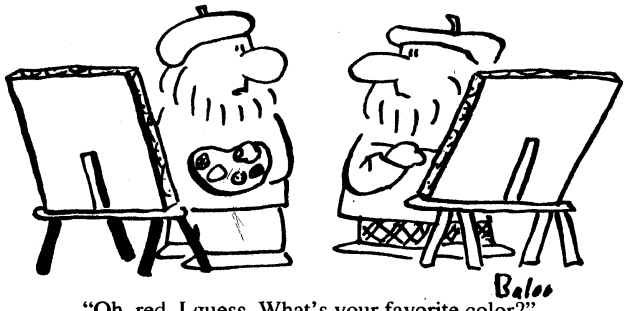

"Oh, red, I guess. What's your favorite color?"

Many heterosexuals seem oblivious to the practical importance of marriage; they see it primarily as a symbol that homosexuals wish to invade merely to despoil. Not so. If one member of a same-sex couple ends up in the hospital, his partner has no legal standing to advocate for him. He may even be denied visiting rights. He generally cannot adopt his partner's children, inherit Social Security, or perform any of the myriad of legal functions to which a spouse is entitled.

For decades the American right has jeered at gays not merely for performing forbidden sexual acts, but for performing them with too many people, for leading unstable and lonely lives, for showing, in short, too many of the faults (if that is what they are) of single men. Now it's time for heterosexuals to put up or shut up. You cannot in good conscience lambaste a group of people for deviating from social norms and yet do everything possible to split them off from the social support that would bring them into society. Libertarians who offer mere hand-waving assertions that the state has no role in marriage are tacitly supporting the Defense of Marriage [sic] Act, and giving aid and comfort to ancient prejudices that have poisoned our lives. —NC

1984 AM — I heard Big Brother on the radio the other day. Just as Orwell predicted, he was bland, calm, reassuring, and utterly authoritarian. His name is Reed Hundt, and he is chairman of the Federal Communications Commission. How does one get to be chairman of the FCC, with statutory power to make the nation's most powerful cultural influences do as you say? Well, it doesn't hurt to know the right people. Hundt attended the exclusive St. Alban's School in Washington, D.C., with Al Gore, then met Bill Clinton and Hillary Rodham at Yale Law School. He's a quintessential product of that baby-boomer/Harvard/Yale/Rhodes Scholar/Renaissance Weekend network, a group so intertwined that *The New Republic* was moved to call it "Clincest." Friends of Bill and Friends of Hillary, who share the First Couple's heartwarming faith in their own ability to plan everyone else's lives, are busily reconstructing America.

Hundt's job is to make broadcasters serve the public interest — which, he pointed out on "public" radio's *Diane Rehm Show*, cannot be defined as "what the public wants to see." Small children, for instance, are not a very big market, so government must ensure that they get some programs that will be good for them. Of course, since he had just a few moments earlier talked about hundreds of channels, couldn't profit-seeking businesses serve even a very small market segment? And don't Nickelodeon and the Family Channel and the Cartoon Network do just that? I guess the problem is that those stations broadcast "what children want to see," not what Reed Hundt and Tipper Gore want them to.

Hundt told every caller that *he* wanted what *they* wanted — broadcasters required to do this, prohibited from doing that. Of course, the difference between him and them is that he has the guns to make the broadcasters do it. Through it all, he was genial and very progressive — he's going to use modern technology and market forces to get what he wants, unless, of course, he has simply to order people, as with requiring that every network broadcast three hours of gov-

ernment-approved children's programming every week. When one concerned listener asked what she could do when she heard something broadcast that she didn't like, Hundt replied, "We're setting up a nationwide phone number" — and here, even on radio, you could actually see host Diane Rehm visibly brightening: "A *toll-free* number?" she rapturously asked. "Yes," Hundt said, "1-800-CALL-FCC." I wonder what would happen if I called to say that I don't want to hear Big Brother on the radio any more. —DB

Left, right, and post-babyboom — Memo to the movement: could we please have a moratorium on articles declaring that "Generation X" — millions of people with diverse interests and views — "is" "libertarian"? The latest offender is Auren Hoffman, a senior at Berkeley, who writes in the Summer 1996 *Liberator* that baby boomers "tended to be, in the 1960's and early 70's, ideologues that crusaded for their causes and made love, not war. Then the boomers sold out their ideology for BMW's, stock portfolios, and cable TV. The liberal boomers soon became Reagan Democrats or fiscal Republicans." (Thank you, Auren, for that Hollywood Minute.) GenX, on the other hand, is "more libertarian": "We tend to distrust government control of anything — we don't want the government meddling in our bedroom, our computer, or our income." We don't? You and I might not, Mr. Hoffman, but I grew up with plenty of people who do.

A decade ago, it was the boomers who were supposed to be unusually libertarian, the first generation in recent history to be fiscally conservative but socially liberal. Now there's a new constituency to be won, and this old rhetoric has been forgotten. How many articles, speeches, press releases, and Internet rants have been devoted to this hobbyhorse, citing such unimpeachable sources as *USA Today* to convince young folks that they *must* be individualists — after all, all their peers are?

It's entirely possible, of course, that we of Generation X *tend* to be *more libertarian than* our parents, and that the baby boomers *tend* to be *more libertarian than* the generation before them. If so, what we're seeing isn't an antinomian generation, but a citizenry increasingly suspicious of state action. Why not pursue that story, instead of spouting wild generational generalizations? —JW

The endearments of term limits — American politics is shifting to a post–term limits paradigm.

The pre–term limits worldview is still held by many state and federal legislators. Unwilling to accept popular support for the reform, these lawmakers are trying to revise or overturn the limits voters have enacted. One of their favorite tactics is to equate term limits with special interests. Another is to maintain that the people did not understand what they were doing (e.g., "They meant to impose term limits on Congress, not the state legislature").

The post–term limits paradigm is held by a handful of legislators and a large group of citizen-activists. This grassroots coalition intends to build on term limits by bringing further reforms to Washington and state capitals. One of the movement's central themes is that politicians should live under the same laws as the people. For example, if politicians' pensions

Minds Are Receptive *Now* to the Libertarian Philosophy

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are tax-exempt, private pensions should be, too. Another theme is to extend competition into the political arena by revising election laws.

Evidence of this paradigm shift is especially acute in areas where a large and growing bloc of independent voters has emerged to challenge the two-party system. In thousands of precincts, independent and third-party candidates received double-digit vote totals in 1992 and 1994 — often enough to hold the balance of power.

For the most part, these independents are neither the conservative Reagan Democrats of the 1980s nor the populist Middle American Radicals identified by political scientist Donald Warren a generation ago. They are explicitly *anti-political*, and, as such, can be understood only within the context of the post–term limits worldview. Establishment politicians who try to appeal to these voters with traditional issues are bound to fail, as they have many times already, because their pre–term limits perspective cannot explain, let alone interpret, this voting bloc.

Typically, they try to explain the independents away by characterizing them as "confused." The old politicians dismiss the new independents' concerns as "illegitimate" and, as such, outside the permissible parameters of debate. (The establishment generally prefers to debate itself.)

The new worldview, by contrast, interprets term limits as a fundamental, anti-political response to the government class and its obscene system of perks and privileges. The reformers accuse political institutions of enriching the government class at the expense of the American people. The post–term limits paradigm responds to independents by acknowledging their concerns as legitimate and attempting to expand the parameters of debate.

The contrast between the competing paradigms is illustrated by their contrasting positions:

Pre–Term Limits:	**Post–Term Limits:**
Oppose Term Limits	Support Term Limits
Tax-Free Pensions for Politicians	Tax-Free Pensions for the People
Politicians Vote on Politicians' Pay Raises	The People Vote on Politicians' Pay Raises
Full-Time Legislature	Part-Time Legislature
Negative Campaigning	None of the Above Ballot Option
Restrictive Ballot Access Laws for Independents	Low Ballot Access Signature Requirements
Restrictive Signature Requirements for Citizen Initiatives	Lower Signature Requirements for Citizen Initiatives
Exempt Politicians from Freedom of Information Act	Apply Freedom of Information Act to Politicians
Exempt Party Caucuses from Open Meeting Act	Apply Open Meetings Act to Party Caucuses
Exempt Lobbyists from Full Disclosure of Activities	Stricter Reporting Requirements for Lobbyists
Oppose Financial Disclosure for Politicians	Support Financial Disclosure For Politicians
Multiple Pensions for Government Officials	Ban Double-Dipping

Indifference to independents' concerns has already led to term limits, the most important legislation to date in the 1990s. Further indifference will only lead to more sweeping grassroots initiatives. —*guest reflection by* Greg Kaza

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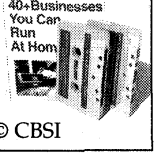

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The *Liberty* Presidential Poll

by Chester Alan Arthur

What are the prospects for Harry Browne's presidential campaign?

On September 17, a national polling organization conducted a poll for *Liberty*, asking 1,000 likely voters to choose among five presidential candidates: Democrat Bill Clinton, Republican Bob Dole, the Reform Party's Ross Perot, Libertarian Harry Browne, and the Green Party's Ralph Nader. The results are not very encouraging to Libertarians:

Bill Clinton	47.4%
Bob Dole	40.6%
Ross Perot	8.1%
Ralph Nader	1.2%
Harry Browne	.3%
Undecided	2.4%

The survey suggests that Harry Browne would garner only about 330,000 votes if the election had been held on that day — a figure substantially lower than the 1988 vote total of Libertarian candidate Ron Paul, and only slightly above the disastrous 1992 campaign of Andre Marrou.

Further, it showed a much smaller difference between Clinton and Dole than many would expect. This also has important implications for the Browne campaign. Because so many voters fall prey to the "don't-waste-your-vote" argument when considering casting their ballot for a third-party candidate, such campaigns usually do best in races that are perceived to be routs. In tight races, people resist voting for "fringe" candidates.

Earlier this year, the Browne campaign commissioned two professional polls. Although the campaign has not yet released the results to the press, copies have been leaked to me:

July 15, 1996:

Bill Clinton	47.7%
Bob Dole	41.6%
Richard Lamm	4.9%
Harry Browne	2.1%
Undecided	3.8%

September 3, 1996:

Bill Clinton	50.1%
Bob Dole	39.1%
Ross Perot	6.3%
Harry Browne	1.5%
Undecided	3.1%

In addition, a CNN/*USA Today* Poll conducted by the Gallup organization did a poll similar to the *Liberty* poll on September 13–15, only a few days earlier. It asked voters to choose among seven candidates: the five candidates listed in the *Liberty* poll, plus Taxpayers Party nominee Howard Phillips and Natural Law Party candidate John Hagelin.

Here are the results:

Bill Clinton	49.0%
Bob Dole	33.0%
Ross Perot	6.0%
Ralph Nader	2.0%
Harry Browne	1.0%
Howard Phillips	1.0%
John Hagelin	.5%

All these polls show much better results for Browne — three to seven times as much support as the *Liberty* poll showed. They suggest that Browne would receive between 1.1 million and 2.3 million votes, if the election had been held at the time of the polls. Even the lower of these figures — 1.1 million votes — is substantially higher than the best LP vote total ever.

This raises important questions: Why are the differences so dramatic? Which, if any, poll is most reliable?

Several factors may account for the difference.

Time: While the *Liberty* poll and the CNN/*USA Today* poll were conducted almost simultaneously, the two surveys conducted for the Browne campaign were done much earlier. Historically, support for third-party candidates tends to decline as Election Day nears. It is plausible that support for Browne is slipping badly.

Options offered voters: Both Browne organization surveys were limited to the major-party nominees, the Reform Party nominee, and Browne himself. This probably inflated the Browne total, since it made him the recipient of support from most voters who were hostile to *all* the major candidates. Further, the first Browne campaign poll included Richard Lamm, rather than Ross

Perot, as the Reform Party candidate. Lamm is not nearly as popular or well-known as Perot, so this choice presumably increased the totals of the other candidates.

The CNN/*USA Today* poll, on the other hand, included two candidates whose vote totals are likely to be swamped by Browne's. Presumably, this would further dilute Browne's support from voters disgusted with the major candidates, so it doesn't explain its difference from the *Liberty* poll.

Poll subjects: The CNN/*USA Today* survey didn't report the number of respondents, though Gallup's surveys typically report results of about 250 voters from each day and CNN/*USA Today* reported a sampling error of ±4%, which is consistent with a survey of about 750 subjects. The *Liberty* and Browne campaign surveys had 1,000 subjects, resulting in a sampling error of ±3.2%.

Statistical noise: The smaller the segment of any survey population, the less reliable the data. Opinion surveys routinely contain a warning that conclusions from a subpopulation of fewer than 100 should be viewed with extreme caution. The number of Browne responses in these surveys ranged from three to 21. This is certainly the biggest factor in explaining the variation among the polls.

In sum, thanks to the statistical noise, none of the polls is very reliable, except insofar as it indicates that the Browne campaign is achieving significant numbers.

The biggest discrepancy among the polls, of course, is the huge difference in support for Bob Dole between the CNN/*USA Today* survey (33%) and *Liberty*'s (40.6%). Obviously, this difference cannot be accounted for by the small size of the sub-population. I personally don't have a clue why it's there; the explanation I am offered by professionals — and I'm not making this up — is that the Gallup poll generally skews towards Democrats. (Other polls, incidentally, tend to have Dole numbers similar to the Liberty Poll's.)

Who Supports Harry Browne?

Combining data from the two polls conducted on behalf of the Browne campaign and the *Liberty* poll — all of which were conducted by Grassroots Research — provides somewhat more reliable data. Of the 3,000 likely voters surveyed, 39 stated a preference for Harry Browne. In comparison to voters in general, they were more likely to be white, male, and young and less likely to live in the South or the Midwest.

Here is Browne's support among various subpopulations:

Men	1.9%
Women	.8%
Age 18–24	1.6%
Age 35–54	1.4%
Age 55+	1.1%
White	1.3%
Black	.3%
Northeasterners	3.1%
Southerners	.4%
Midwesterners	.8%
Westerners	3.7%

Taxes *vs.* Benefits?

The news from the *Liberty* poll isn't all bad, however. The survey also asked likely voters another question: "Thinking about the federal budget for a moment, would you give up all your favorite federal programs if that meant you would never again have to pay any income tax for the rest of your life?"

Here are the results:

Yes, I'd give up the programs.	42.5%
No, I'd continue to pay income taxes.	46.3%
Not sure.	11.1%

The fact that 42.5% of likely voters agree with this radical notion — and central theme of the Browne campaign — suggests that the electorate may be a more fertile ground for libertarian ideas than is generally believed. Furthermore, all the data listed below represent large subpopulations, so this data should be quite reliable. (I grouped supporters of Perot, Browne, and Nader together with undecided voters in the category of "Other supporters" so that the category would be statistically significant.)

While Bob Dole has promised to reduce income taxes, neither he nor any other major-party nominee in recent years has called for eliminating the income tax. Only Harry Browne calls for such a program. If Browne can convince even a tenth of those who agreed with this radical notion to vote for him, he would receive almost five million votes — enough to move the LP from the fringe of American politics toward center stage and to change the American political agenda.

Of course, that's a very big "if." The fact is that to date, relatively few voters are familiar with Browne, and few of those who have heard of him are likely to cast their ballots for him. Few voters know of Browne simply because the LP is a small organization and the Browne campaign has very limited financial resources.

Most Americans get their political information from television. There are two ways to get television coverage: by purchasing advertisements, and by gaining sufficient popularity that television news organizations provide free publicity. Television advertising costs money — a lot of money. Early this year, Republican Steve Forbes invested over

"Would you give up all your favorite federal programs if that meant you would never again have to pay any income tax for the rest of your life?"

Group	No programs/taxes	Continue programs/taxes	Not sure
Men	51.3%	39.5%	9.2%
Women	34.8%	52.2%	12.7%
Age 18–34	45.2%	45.2%	9.7%
Age 35–54	47.0%	41.9%	10.8%
Age 55+	35.0%	52.3%	12.7%
Whites	43.0%	46.1%	10.9%
Blacks	41.7%	44.8%	13.5%
Democrats	33.2%	55.4%	11.4%
Republicans	50.0%	36.8%	13.2%
Independents	46.2%	46.6%	7.3%
Clinton supporters	31.0%	59.9%	9.1%
Dole supporters	52.0%	36.0%	12.1%
Other supporters	55.8%	27.5%	16.7%
Government employees	31.0%	55.0%	14.0%
Non-government employees	50.0%	40.0%	10.0%
Retired	57.0%	30.0%	13.0%
Not in workforce	52.0%	36.0%	12.0%

$37 million in television advertising, almost managing to capture the GOP nomination. Even Morry Taylor (remember him?) spent almost $7 million of his own money in a campaign that netted him practically no votes. A campaign like Browne's, a campaign that can raise only around $1,000,000 or so, simply cannot break into the big time by purchasing television advertising.

Television news organizations only cover candidates doing well in the polls, and it is difficult for a small party's candidate to spur enough public interest to show in the polls. In the past, candidates outside the major parties have gained public support either by vying for a major party nomination (George Wallace, John Anderson) or by being a genuine celebrity (Ross Perot).

So the Browne campaign has had to find ways to get publicity and votes that don't cost millions of dollars. Harry Browne has made literally hundreds of appearances on talk radio, often more than a half-dozen in a single day. Browne wrote *Why Government Doesn't Work*, a summary of his political program, which has sold reasonably well. His staff has mounted a highly visible campaign in cyberspace, and thousands of LP activists have worked on his campaign at the grassroots level.

If the Browne campaign had the $37 million that Forbes poured into his own campaign, or even the $7 million that Taylor spent on his, it might have already had real impact. But the Browne campaign does not have a multi-million-dollar war chest. It seems to be spending its limited resources wisely, but the fact remains that it will probably not make a major breakthrough.

Even so, the Browne campaign has already had considerable success. It has introduced libertarian ideas to a large audience and energized the Libertarian Party (whose membership now stands above the 20,000 level, nearly twice its size four years ago). Further, it has introduced an unprecedented level of competence to the LP, which is now more likely to succeed in converting election publicity into real organizational growth.

Expectations

The presidential campaign of Harry Browne has captured the imagination of many libertarian activists, and for good reason. Browne is the most articulate presidential candidate the Libertarian Party has ever nominated, and his campaign is the best-managed to date. Browne has managed to get tremendous mileage from his guest appearances on talk radio. Given the paucity of its financial resources, the Browne campaign seems to have maximized its impact on the 1996 presidential election.

Libertarians are more optimistic about their candidate's prospects than in any election since 1980, when the party's nominee was able to purchase extensive television exposure, thanks to the generosity of David Koch, its vice-presidential candidate. Browne's campaign co-chair, Douglas Casey, has predicted that Browne will receive 4,000,000 to 5,000,000 votes this fall — four to five times as big a vote-share as the party's previous high-water mark in 1980.

Of course, predictions of high vote totals are much easier to get than high vote totals. Indeed, ever since the LP's first major national campaign in 1976, its candidates' totals have been well below its members' pre-election estimates. Such disappointments have engendered criticism and outright animosity toward candidates. The widespread perception of failure has also lead to "burnout" of party activists, resulting in a massive turnover of party volunteers, leadership, and campaign staff.

So libertarians ought to try to get a realistic feel for how well their candidate is being received, if only to avoid the emotional shock of their candidate's low vote.

The Prospects for November 7

Realistically, what are the prospects for the Libertarian presidential campaign in 1996? Previous attempts to predict LP vote totals have been guesstimates at best. The most accurate projections for the past two elections were mine, and they were pretty much based on extrapolation of recent vote totals, my perception of the effectiveness of each campaign, and the size of the differences in voter support among major-party candidates. My predictions have proved to be accurate within 10% — not a very enviable record, but far better than those of other party observers, who have generally predicted totals many times higher than the actual results.

When I learned that *Liberty* was commissioning its poll, I hoped that it would provide an important tool for predicting the LP vote total in the November election. For reasons already discussed, however, the poll has limited predictive value. The number of votes that Harry Browne will get depends on several factors: how well he conducts his campaign, how the other candidates conduct their campaigns, how the news unfolds, and how the public perceives the horse race as Election Day approaches.

The *Liberty* poll demonstrates that a very large minority of voters agree with Browne's radical proposal to dump all programs providing government benefits in exchange for eliminating the income tax. The problems Browne faces are that few voters know of his proposal and few consider him to be a credible candidate. Both these problems could be solved by a large influx of cash — an unlikely development.

As it is, Browne plans to continue his efforts on talk radio and to purchase a modest amount of television advertising on CNN. Browne was not invited to participate in the presidential debates, but he will appear with other minor-party candidates on CNN's *Larry King Live* following the debates and Ross Perot's half-hour appearance. He may appear on a few other television interview programs, and will continue to get some coverage from the daily press.

Unless at least one of the major candidates commits some terrible blunders or some major world development radically changes the nature of the presidential race, Browne's vote total will likely depend on how close the race appears as Election Day approaches.

If it looks like a very close race, Brown might get as little as 400,000 votes. If it's a blowout and things break right for Brown, he could get a million or so votes. If I had to pick a number, I'd say he'll get about 650,000 votes.

But as I write, there are 40 days to go before the election, and a lot can still happen. ❑

Journal

San Diego De-Scripted

by Stephen Cox

August 1. A clear day, 75 degrees Fahrenheit. San Diego is the only place in the country where weather forecasts are regarded as a joke — not because they're never right, but because they're never wrong. Bob Dole will be nominated for president on the Republican ticket, and the temperature will remain at 75 degrees for the duration of our lives. Those are the two certainties we have in San Diego.

Right now, Republican functionaries are as scarce as clouds, except on welcome signs attached to buses. The signs illustrate a jolly elephant in shades and baggies. The model was obviously not Bob Dole.

August 2. Natives are beginning to sense the impending competition for prime urban territory. A local Republican activist, whom I interviewed today about his party's electoral prospects ("Nil!"), complains that people have been temporarily forbidden to sail their yachts past the Convention Center. "All this nonsense about 'terrorism'! It's enough to make you move to El Cajon!" El Cajon is a suburb of San Diego. San Diegans believe that Dante operated in three venues: Paradise, Purgatory, and El Cajon. But El Cajon is not a bad place, really. If it were located in New Jersey, it would be called the New Jersey Riviera.

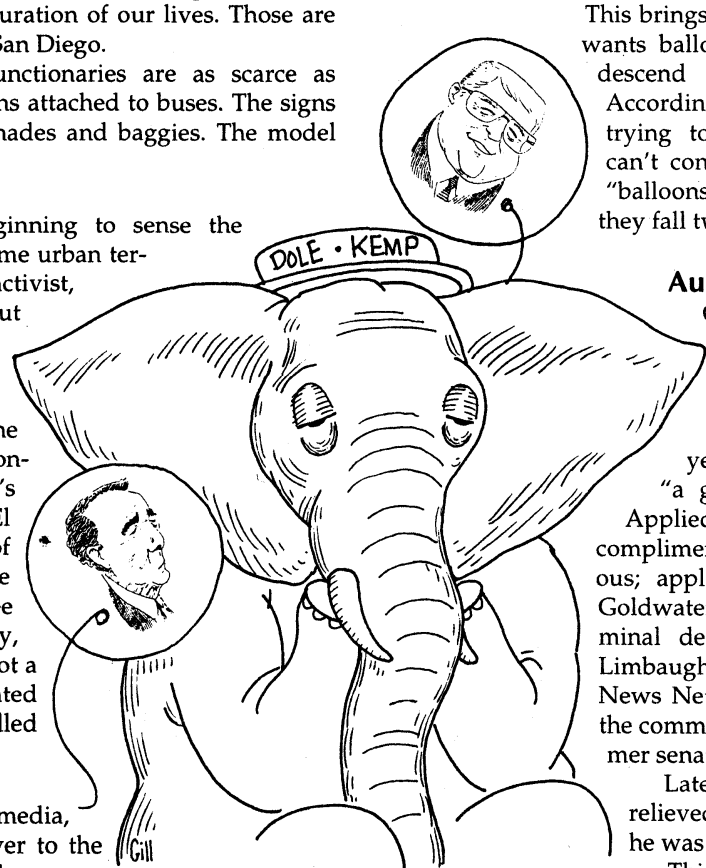

August 3. San Diego news media, which are always skipping over to the sunny side of the street, have been saying that all the, uh, problems with the convention hall have now been solved. No, that's not exactly what they've been saying; that might sound depressing. Let's put it this way: the convention hall, which was originally just right, has now been successfully "refigured." This declaration is San Diego's stab at postmodernism.

A friend who is big in the local entertainment business assures me that "the so-called convention hall *was* a disaster, *is* a disaster, and always *will be* a disaster. It's just an exhibition space. It's made for 10,000 people, and they need to cram 20,000 people into it. The place has a low ceiling. It has pillars! I can't imagine why these people decided to come *here*, of all places. I guess they never looked at the room."

This brings up the matter of balloons. Dole wants balloons, thousands of balloons, to descend on him when he's anointed. According to my friend, the guys who are trying to put the convention together can't convince the candidate's staff that "balloons don't look very festive when they fall two feet."

August 4. Early this afternoon, CNN reports that Barry Goldwater plans to vote against Bob Dole "unless he's the only person running." According to "Goldwater, 87 years of age," President Clinton is "a good man with a good wife." Applied to anyone but Clinton, the compliment would seem utterly innocuous; applied to him, it's evidence that Goldwater's faculties are in a state of terminal decay. Even CNN, which Rush Limbaugh accurately terms the Clinton News Network, feels the need to explain the comment by associating it with the former senator's age.

Later in the day, the network seems relieved to report that Goldwater says he was "only kidding."

This episode leads me to wonder — yet again — why Dole thought it was politically smart to advertise the celebration of his last birthday. Maybe he's actually a lot older than 73.

August 5. Today, Former Senator Dole unleashed the big tax reform plan that he failed to unleash when he was merely Senator Dole: an incentive ($500 tax credit) for poor people to produce children, and a general tax cut of 15%. Promising

these things, Dole says he believes that "America stands on the threshold of a breathtaking future." His voice trembles: why? He makes no flat tax proposal.

The 30% of the population that retains its sense of smell may be convinced to vote for Dole simply because he is not, after all, either Bill or Hillary Clinton, but even these people would like to see Dole come out with some specific reason why he should be president and not anyone else who doesn't happen to be named Clinton. The flat tax would have worked; the 15% tax cut may work, but it has to struggle against the impression that this is the kind of thing that politicians always promise.

I discussed the issue with my August 5 focus group, which consisted of a Republican businessman and an independent businesswoman. The discussion indicated a heavy discount rate on the tax-cut promise. Female prospective voter: "Well, that's what we heard from Clinton." Male prospective voter: "Yes, that's what we heard from Clinton."

August 6. There is now a 22-foot rubber elephant on top of a downtown hotel. She is smiling, and her name is Miss Betty. The local press demurely observes that Miss Betty is "just one of oh-so-many elephants in town."

The following sentence has nothing to do with the preceding. I talked today with a young journalist who is covering the convention. He announced that reporters and editors "actually are all liberals. I believe it now, although I didn't use to." What's news to me is that even one person in the country was ever in doubt.

Meanwhile, fresh reports arrive from the architectural front. The speakers' platform will not stand at the end of the convention hall but in the middle of one of the room's side walls. This bold move toward the literal as well as the metaphorical center will put Dole and Co. almost eyeball-to-eyeball with most of the television cameras, to be stationed directly opposite. My sources say that "the networks are still upset, claiming that they can't get the right angles." (Get it? No *right angles.*) "But the people who ought to be upset are the people in the audience, who are going to be huddled in a corner, over there behind a pillar someplace. And quite a few of the party's dignitaries are going to be ushered into a 'special room,' which means a room where they can watch the proceedings on TV."

Here's a weird rumor. In order to demonstrate their party's technological hipness, which exceeds even the hipness of Vice President Gore, the Republicans intend to give every delegate an Internet (or Intranet) account, which he or she can use to . . . vote! The party thinks that this scheme is practicable because — get this — 15 minutes have been allotted to the ballotting for the presidential nomination. Let's see: E = M *what*? Either everyone will vote at once, and it will be instantaneous, or people will line up at terminals, and it will take forever. But (so the rumor goes) nobody has figured out just how this miracle of efficiency is going to be engineered, much less how to give Miss Betty from Biloxi a crash course in hacking.

Dole's advisors, who live someplace where there aren't any people, may not realize that if you have a nominating convention in which the nomination is uncontested, the only thing that TV viewers look forward to is the ritual in which each sovereign state is called to make its long self-advertisement, followed by its pompous announcement of "one vote for Mr. Ross Perot [groans], one vote for Governor Cathcart C. Cathcart [dutiful applause], one vote for Mr. Charles Barkley [frenzied cheers], and 14 and one-half votes for Sen. Bob Dole, the next president of the United States! [More dutiful applause.]"

With almost as much pomposity, subsidy-seeking scientists announce today that they have discovered life on Mars. Well, maybe not on Mars; maybe just on a rock that came from Mars, maybe. And not quite life. Sort of something like life. Sort of something like the stuff that hangs around places where there might have been life, once. Hearing this, I am irresistibly reminded of the Dole campaign.

I don't care if this makes me a social conservative, but "I'm a Soul Man" isn't my idea of a campaign anthem, even with an idiotic change to "I'm a Dole Man."

August 7. Nothing happened today, unless you want to count the Republicans' agreeing not to fight about the abortion part of the platform. This is good news for the party, although I have yet to meet anyone who has ever read a political party platform. Anyone, that is, except members of the Libertarian Party. Libertarians always read every line of everything.

August 8. Today's big buzz is that Dole has selected Jack Kemp as vice-presidential candidate. I pass this intelligence along to someone working for the convention. "No! Really! Maybe we have a chance!" So much for confidence in the head of the ticket.

Interviewed, Kemp quotes M.L. King: "I don't know what the future holds, but I know who holds the future." The "who" is God, not Bob Dole, with whom Kemp has had certain well-publicized differences. I guess he hasn't had any major differences with God. I hope that the future holds a radically revised Dole campaign, making more credible promises of reductions in taxes and government in general.

Clinton is now prowling around California, stopping rush-hour traffic and trying to grab as much media as he can. Democratic Party operatives whom I encounter believe that this is just the cleverest thing that their guy ever came up with. They may be right.

August 9. My friend Paul picks me up in his truck and we drive down to Anthony's Fish Grotto, where Bob Tyrrell, editor of the *Spectator*, is plugging his new book, charmingly entitled *Boy Clinton*. The affair is arranged by the county Republicans, evidently with assistance from the *Spectator*'s mailing list. I put the average age of this crowd at 45 and the average income at $100,000. Casual dress predominates despite a general sense, conveyed by the nice lady on the telephone, that you might want to dress up, if only a little bit. "Just please don't wear a tanktop." Well, in San Diego you never know.

While waiting for Tyrrell to come on, Paul and I have a chance to stare at the speaker's platform. Paul observes the absence of bulletproof plastic, which is strange, given Tyrrell's reputation for controversy. Paul jokes that "if he wants protection, all he needs to do is get Bob Dole up there in front of him. No Democrat would want to hurt him then." Prayer, pledge of allegiance, announcement of a party at Planet Hollywood. Sort of an odd assortment of symbols, but no one seems to notice. "It's a great day to be a Republican, isn't it!"

When Tyrrell gets up to speak, he says that he hopes his book will help "send Clinton back home — and then to a federal penitentiary." Wild applause. The rest of the speech wanders through the dark and twisted landscape of the Clintons' power. What they imported from Arkansas was not a pretty way of doing business.

As the crowd of nice *Spectator* subscribers filters out of Anthony's Fish Grotto, I am struck by the eeriness of American politics. On the one hand, you have the Republicans of San Diego County going about their daily business, trying to get their friends to sign onto the party at Planet Hollywood and figuring out how they're going to get the old people down to the polls. On the other hand, you have the power of the Oval Office, a power that is none too sanely exercised at any time but that is quite capable of turning to sheer madness, madness with a worldwide reach. The various parts of the system seem impossibly out of proportion, yet they condition each other and can even, possibly, destroy each other. You can spend the rest of your life trying to understand how this works.

August 10. The Kemp thing is now official. Universal rejoicing among the Republican throngs now gathered. No one, of any description, has a bad word to say about Kemp. I suppose that this is 50% because of Kemp's sincere and fervent advocacy of major tax reductions, and 50% because people think he's a real vote-getter.

Conference of the Claremont Institute, conservative intellectual outfit, held at a classy hotel near the convention center. Charles Kesler, one of the Institute's gurus, maintains that the Republican Party is still trying to scrape off the mud once slung at it by FDR, according to whom it was virtually "un-American." Bill Kristol of the *Standard* regrets that Republican leaders are still so chagrined about what happened at the national convention in Houston in 1992, where Pat Buchanan held forth and reputedly alienated prospective voters, that they have programmed this convention to avoid an "exposition of Republican principles." Unfortunately, "not being like Houston is not an agenda for a party." The good news, according to Kristol, is that "big government isn't over, but faith in big government is over." Bill Rusher of *National Review* regards Kemp as good news, too. Kemp "gives a *tremendous* boost to the ticket." Rusher insists that victory requires economic conservatives (by which he probably means libertarians) and social conservatives to work together: "If I get hit by a truck walking out of here, remember: you must keep those two wings of the conservative movement together."

There's a lot of truth in all of this, and there's a swell reception afterwards.

I walk over to the Santa Fe depot to see Newt Gingrich's train come in at seven o'clock. The eleven-car special from Northern California is rumored to have cost the party $75,000. Nevertheless, it's evident that the Republicans don't know how to make the trains run on time. Seven o'clock turns to eight o'clock, and the local orators are still taking up the slack. *They* enjoy it. Other enjoyers include a little mob of counter-demonstrators. Some of them are pretending to be cigarettes — an apparent, though unexplained, allusion to Dole's reported failure to denounce smoking as inherently addictive.

I cannot understand how anyone could possibly get a kick out of dressing up like a cigarette and going down to the train station (with his little kids!) to scream his head off at people who couldn't give a good goddamn about anything he has to scream. There's one fat lady with frizzy hair who keeps screeching, "Tell it to Jaaaaack! Tell it to Jaaaaack!" I guess she means Jack Kemp. I don't know what she means by "it."

I ask Forbes if he plans to run for president again. "That depends," he says, "on whether Dole runs for a second term." And he keeps on smiling.

There is also a little group of artist types who show up dressed like pigs, carrying cute little signs that supposedly mirror Republican positions, like "Women as Breeders, Not as Leaders!" This I understand. It's just the typical stinking ignorance of people who think they know it all.

The Republicans, many of whom are ostentatiously smoking cigarettes that they just rushed out to get, seem mildly to enjoy the demonstrators. But I wonder what would happen if a bunch of Republicans showed up at a Democratic rally dressed like some kind of animal that is stereotypically associated with Democrats. I'll bet those people wouldn't last very long. I'll also bet that this is one of the obscurely felt reasons why people vote Republican.

Finally (8:40 p.m.) Gingrich's train pulls in, and it really is a thrill, no matter what, to see a fine locomotive come down the tracks, flying a giant flag of the California Republic and a giant flag of the United States. But the Republicans couldn't have made much money on this run. They wanted to attract paying guests, but fewer than 100 people get off the train, and a lot of them look like press.

Newt steps off with Jeanne Kirkpatrick, George Shultz, and some other bigwigs, and first he has to talk to the press. He does that for about 15 minutes, then he comes up to the platform and makes what is actually a very good speech. He has the fat man's advantage of getting authority into his gestures, and he smiles a lot and looks healthy, which is hard for a lot of fat people to do. He gives the audience to understand that they'll win the election if they'll just remember to tell everybody they meet that the good news is "one thousand, two hundred, and seventy-two!" That's the number of dollars that Dole's tax cut will save you if you're average in some respect.

At the end of Newt's speech, a fireworks display goes off down at the Bay. It's not connected with the speech. In fact, Newt would have trouble holding even this devoted audience of supporters and antagonists if he went on longer. But it's

the most wonderful fireworks display that I've ever seen.

August 11. Dole wanted to enter the city by train, but his advisors thought the event would look better "if there was water involved." I guess they were right; there's plenty of seawater around here, and it ought to be used. But the Republicans can't make the boats run on time, either. Dole is scheduled to cross the Bay and land at the convention center at eleven a.m. He gets there at 12:10.

That's not so bad. What's bad is the intervening "entertainment." It's not patriotic songs, which presumably would be liked very well indeed by any crowd that is willing to get up on Sunday morning, drive downtown, find a parking space a mile and a half away, line up and go through metal detectors, and wait in the sun, just *to see Bob Dole.* Instead, it's live soul music, then recorded music by Van Halen, and all incredibly *loud.* I don't care if this makes me a social conservative or not, but "I'm a Soul Man" isn't my idea of a campaign anthem, even with an idiotic change to "I'm a Dole Man." Obviously, however, somebody thinks that this sort of noise will impress the admittedly impressionable 40-year-olds.

But here they come, Bob Dole and Jack Kemp, standing in the bow of an excursion boat, festooned by flags, accompanied by other excursion boats, mobbed by chanting followers, and followed by police boats, yachts, a spouting fireboat, and the tall ship *Star of India.* Dole's big chartered aircraft makes a low pass over the Bay, Secret Service men secure the beachhead, and the candidate steps ashore and up to the microphone.

This is good campaigning, and the speech is surprisingly good, for Dole. "Tax cuts" are succeeded by "limited government" and a declaration that "we're going to end the IRS as we know it." This works the crowd up pretty well. When he makes that comment about the IRS, someone yells out, "That's worth 20 points in the polls, right there!" The second half of the speech is not so cool. There's a laundry list of gripes, including gripes about the Clinton administration's alleged failure at pursuing the drug war. Has Dole actually convinced himself that drug use is "up" because of anything that Clinton did or did not do? Luckily, this nonsense gets only mild applause. If Dole wants to get elected, he should stick to his most libertarian themes.

Kemp, who introduces his new boss with a short, strong speech, stirs up the crowd by advocating a "flatter tax" and declaring that the Dole administration will reanalyze the functions of the IRS, starting from square one. The Republicans suddenly don't look so ancient, and "I'm a Dole Man" is not the reason. If these people push the flat — all right, "flatter" — tax, they'll have a chance. At this time in the 1988 and 1992 campaign seasons, polls showed Bush about as far behind the Democrat as Dole is now, and Bush won in 1988 and could have won in 1992. But the Republicans have to go for the tax code's jugular.

As for the famous "character" issue, it's well enough handled by Dole's new campaign slogan, which is plastered on every available surface: "A Better *Man* for a Better *America.*" Not so good is the 10' x 20' replica of the White House behind the speakers' platform. It's like the model of Stonehenge that you saw in *Spinal Tap.* I wonder what happened to the dancing dwarves.

I think I've located a few of them over in the Official Protest Area, a fenced-in venue that is just outside the fenced-in beachhead of the Dole campaign. In the OPA a minuscule throng is listening to a Democrat reciting (hold onto your hat) the Tenth Amendment of the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This man has certainly wandered into the wrong party.

Speaking of parties, the best party in the world is thrown by Steve Forbes at the San Diego Museum of Art, which is displaying Forbes' collection of political memorabilia. All good stuff, too; not a bit of junk. Here's Washington's draft of his first inaugural address, in which he expresses surprise that some people could be so bored with life as to *seek* public office. And here's a letter from FDR, dismissing the allegation that his wife (like You-Know-Who) tunes in to the spirit world.

"It's fun to collect these things," Forbes tells me. He is the same smiling little nerdy guy you saw on television, and he's obviously having fun being a host as well as a collector. There's elaborate food and drink, good music (a lady with a violin), and an ice sculpture of Mount Rushmore, with Forbes' head perched on top.

Forbes deserves the elevation, if anybody does. If it weren't for him, Jack Kemp certainly wouldn't be on the ticket promising his "flatter tax." Forbes has hired about a million twentysomethings to turn up everywhere and pass out flat tax campaign paraphernalia, which everybody seems to love. I ask Forbes if he plans to run for president again. "That depends," he says, "on whether Dole runs for a second term." And he keeps on smiling.

August 12. First day of the convention. The ceiling is low, all right, and the pillars are mammoth. But it's not as bad as it might be. It's sort of quaint, in fact. The place looks like one of those convention halls that you see in nineteenth-century illustrations. It looks like it's ready to entertain debate on the Kansas-Nebraska plank.

The tube is now the tyrant. Nothing whatever is permitted to occur in this building that cannot serve as prime-time advertising.

The convention floor maintains the traditional arrangement: archipelagos of rocklike delegates who appear to have died in their seats, surrounded by ceaselessly frothing aisles. What's new is the program. After 50 years of television, it has finally happened — the tube is now the tyrant. Nothing whatever is permitted to occur in this building that cannot serve as prime-time advertising.

Nobody will be allowed to announce that it is a distinct honor and privilege for him to serve as the introducer of the introducer of the temporary chairman, who will have the distinct honor and privilege of introducing the next set of introducers. What you hear is only a disembodied voice that booms out, "Ladies and Gentlemen, Mrs. Nancy Reagan!," after which Mrs. Nancy Reagan strides to the microphone, speaks her piece, and is followed immediately by "Ladies and

Gentlemen, General Colin Powell." Nobody has occasion to pound a mighty gavel and futilely command the sergeant-at-arms to clear the aisles. Who cares if the aisles are cleared? Who cares about anything except getting Bob Dole elected?

After all that controversy about the platform's abortion plank, I cannot for the life of me discover when, if ever, the platform will be submitted for adoption. Like the delegates, anchored or ambient, whose eyes keep wandering from the speakers themselves to the Citizen Kane–like projections that loom up behind the speakers, the party's statement of principles apparently just *exists*. Nobody needs to make a decision about the platform, or anything else.

Tonight's special TV presentation is the Liberal's Home Companion, featuring the governor of New Jersey (female, pro-choice) and endless little segments about "Main Street Americans" who Fight Drugs or Have AIDS or Are Black or Help Kids or otherwise Represent Something connected with "diversity" or "inclusiveness." One pretty little girl steps forward to read a poem that says, "I am the future and I have AIDS." This is shockingly exploitative, not to mention stupid. I don't know how many people take offence at it. Maybe nobody. Maybe everybody. In any event, the rule is that when a speaker stops for applause, everyone applauds, on the assumption that this will help win the election. I realize how right Bill Kristol was about the party's desire for an intellectually bland convention when a Republican operative tells me that "this sure beats the hell out of Houston!"

All the speeches take the same length of time and have exactly the same syntax. They seem about as original as Mrs. Clinton's book. Even the speeches by former presidents appear to have been written by the same committee. If you were looking forward to some wonderful Bushisms, as I was, you're in for a terrible disappointment. The last Republican president is given absolutely no chance to denounce "drug ping-pins" or make any of those sublinguistic utterances that used to be so eloquent.

Falwell's face alone is the size of a St. Bernard, and it's the color and consistency of a badly whitewashed wall.

There are a few original touches in Nancy Reagan's speech about "Ronnie," which as you would expect is the sentimental favorite of the evening. And there is certainly one original touch in General Powell's address. After claiming that he became a Republican because he favors "freedom, opportunity, and limited government," he reiterates his support for affirmative action as well as abortion. I can see how a pro-choice position could be consistent with "limited government," but affirmative action has somewhat different associations. Of course, General Powell is oblivious to any of his own complications, and he is a surprisingly dynamic speaker. He has one genuinely good line, a line which carries that slight stiffness, that slight whiff of archaism, that suggests sincerity. "Bob Dole," he says, "is a plain-spoken man."

Powell's coming through for the party, all right. The delegates applaud everything he says, even the affirmative action stuff, even his well-phrased attack on "corporate welfare," in which he calls for "reform of the entitlement state, not just the welfare state." When I get home, ABC informs me that his remarks on that subject were greeted by "a deafening silence." But they weren't.

The networks seem to have missed the most dramatic event of the evening, the arrival of Pat Buchanan. He's been holed up with supporters in San Diego's conservative North County hinterland, but tonight he entered the convention hall. Aiming, perhaps ostentatiously, for one of the seats reserved for second-class guests and reporters like me, he never quite arrives. People jump from their seats and surround him. Security people are knocked to the floor. One that was left standing leaps onto a chair and yells, "Go back to your places! Go back to your places!" Your *places*? Who does she think these people are, movie extras?

After enough maneuvering by security guards, Pat and the throng that encircles him ("swarming like ants!," in the words of an anti-Buchanan lady) slowly subside onto the flat land next to the convention floor, but 20 feet *outside* it. And there he stands, while President Ford hands out libertarian propaganda from the speaker's platform: "A government big enough to give you everything you want is a government big enough to take from you everything you have." Better late than never, Jerry. Buchanan stands with his back to the platform, taking questions from the mob that continues to fill his conquered quadrant of the hall.

Eventually, during President Bush's speech, Buchanan sits down, walled off on three sides by beefy guards who are trying to protect either him or the convention. No announcement is ever made of the presence of the man who was once frontrunner in the primaries of 1996. But for a brief, startling moment, there was the sense that the convention might have been halted by a great, hysterical stampede toward the party's prodigal son.

It's not that everybody loves Pat Buchanan. Most people who saw him enter sat stolidly, perhaps feigning indifference, perhaps simply feeling it. Not much more effort would have been needed, however, to disrupt even this absurdly controlled convention. We may not have seen the end of old-fashioned anarchy, and I hope we haven't. The tendency of the San Diego convention is to assimilate the bottom of the political pyramid completely to the top, annulling the mystery of the great republic by assembling Mr. and Mrs. Main Street so that they can very politely usher one of themselves into that nice Oval Office. It's sort of a lie, but it's also sort of the way things actually are at this convention.

But Pat Buchanan, despite his ghastly follies — protectionism, industrial policy, and all the rest of it — is a real person, and real people are mysterious and disruptive. When the session is over, Pat stands laughing and joking in the midst of his disciples. Someone holds up a baby, and he stretches out his arms for it. A man yells, "Pat'll make it smile!," and he does. Behind him, the crowd ebbs away. Above, in one of the vast illuminated command posts of the television networks, an anchorman reclines in Neronian splendor while new makeup is applied. The speaker's platform is empty. We can all go home.

August 13. Walking down to the convention hall, I pass a guy carrying a sign that reads, "Republicans Are Enemies of

All Living Things Except Rich White Males." He seems pleased with himself, though perhaps somewhat lonely. The Official Protest Area is equipped with loud loud loudspeakers, but there are never more than a hundred people in it. Last night when I passed by, about 20 gay people were hanging on the inside of the fence, taunting passing delegates by screaming, "Queer Rights Now!" This is also mysterious. Obviously they're not trying to convince anybody, and you can only guess what additional *rights* (as distinguished from entitlements) they would like to have. They seem pretty free right now. Across the street, a mariachi band puts on a much better act.

I've been wondering why the seats in the convention hall are never filled, and why nobody really needs to huddle behind a pillar. Now I've found the answer. All the delegates and their guests and the press and everybody else are busy buying things. If you take the escalator upstairs you come to The Emporium, which is the place where trinkets are sold. The room is packed, and it deserves to be, because it's so wonderful. There are buttons and bumper stickers and stuff to stick on your refrigerator and screwy spectacles that show you "The World as Clinton Sees It." There are oh-so-many elephants. There are American-flag golf balls. There are huge atrocious insta-oil portraits of Reagan, Buchanan, Dole, and people who are a little harder to identify. There's a presidential limousine from the Nixon Library and a sign that says that its windows could stop a .30 caliber rifle bullet and its wheels could make 50 m.p.h. even if all four tires were flat. There's a guy dressed like Colonel Sanders. There are fanatical Republicans who sit at tables, drinking beers and denouncing the press: "They have destroyed Newt Gingrich like they destroyed Dan Quayle." There's a store that sells buttons from the Willkie campaign. "No More Fireside Chats." "We Don't Want Eleanor, Either." In a place like this, you have to hold on to your heart as well as your wallet.

Walking regretfully back to the auditorium, I encounter someone who could only be described as Jerry Falwell. He's scheduled to deliver a benediction at eight p.m. tomorrow, but he seems to have arrived a little early. J.F. is the biggest man I've ever seen, and one of the strangest. His face alone is the size of a St. Bernard, and it's the color and consistency of a badly whitewashed wall. He is so strange-looking that I feel ashamed to notice it. I stare at him in open-mouthed amazement (which, come to think of it, probably doesn't make me look very attractive, either), and J.F. smiles faintly back, as if his attention were wholly engrossed by the complicated process of making all the parts of his vast body move in one direction. He executes a series of rolling motions and deposits himself behind the broadcast table of a radio station. You just can't keep a preacher away from a microphone.

When I regain the convention floor, it occurs to me that another reason why people stay away from the auditorium is that it's *freezing* down here. Maybe 50 degrees Fahrenheit is good for crowd control; it certainly makes me want to keep my mouth shut, if that will conserve some heat. The speakers, however, are the kind of people who wouldn't mind selling refrigerators to any bunch of Eskimos they found.

Sen. Kay Bailey Hutchinson of Texas now occupies the platform. She is a tough political cookie, and she has been given the job of saying mean things about Clinton's "friends." The trouble is that she says them in such a sing-song, smiley little voice that you think she's auditioning for *Ding Dong School.* The best speech is delivered by J.C. Watts, the black representative from Oklahoma. He is handsome, articulate, thoroughly charismatic. If he doesn't want to be president, I don't know what's wrong with him.

During a momentary lull in the program, the audience is entertained by horrible rap music about "families," broadcast at the decibel level of four jet engines. In front of me, a 90-year-old lady performs an impromptu disco dance, all by herself and beaming with pleasure. This is probably the first music she's been able to hear in about 25 years.

The advertised high point of the evening is the keynote address, delivered by Rep. Susan Molinari of New York, another pro-choice woman. According to the media, many pro-life delegates have decided to walk out rather than endure Molinari's remarks, but I see no signs of depopulation.

I would like to vote Libertarian. I would also like to see Clinton get the electoral crap knocked out of him. I am aware that my two desires are not entirely consistent.

I stand next to the South Carolina delegation, where there are a lot of people wearing white hats, regarded as protest hats, that boldly advocate "The *Life* of the Party." These folks applaud Molinari as much as you could expect anybody else to. The aisles are crammed with youth-for-Dole, who scream whenever they are urged to do so by a guy with a communication device stuck in his ear. These kids are the management's insurance policy.

Curious to find out how all the inclusiveness is going down with the pro-life crowd, I attend an after-session party for Roman Catholic delegates. The Catholics in attendance are decorous, soft-spoken people, and they don't seem upset about Molinari or anything else. Questioned, they mildly regret that the convention is as thoroughly managed as it is. Sen. Santorum of Pennsylvania, who is almost as boyishly charismatic as J.C. Watts, shows up to talk about a bill that he's sponsoring on partial-birth abortions, a wedge issue. Santorum expects enough votes in the House to override a veto, but he needs to round up twelve more votes to veto-proof the Senate. The policy of the church, he says, is to give moral support but insist that laypeople do the real work by themselves. On the welfare issue, however, "we've crossed swords with the bishops."

Nobody that I talk to in this group can enlighten me on when, if ever, the all-important G.O.P. platform was officially adopted. And everybody seems to take it for granted that Dole may very well lose the election. That won't matter; they're in the party for the long haul. A man from the Republican National Committee tells me in an off-hand way that Pat Buchanan visited the convention again tonight but didn't seem to have much impact. If Buchanan did come, he was invisible to me.

August 14, the Day of Nomination. I am fighting for my life against the arctic cold of the convention hall. I don't care

who's speaking, I have to grab some coffee.

I beat it up to The Emporium, and who should be sitting there for an interview by black radio personality Armstrong Williams but Strom Thurmond, former delegate to FDR's first nominating convention, former governor of South Carolina, former presidential candidate (in case you don't remember, he carried the South on the States Rights ticket in 1948), winner in 1954 of the only write-in campaign that ever elected a United States senator, and senator from South Carolina ever since then. At 94 years of age, he is campaigning for his eighth term of office. I feel as if I had blundered into Queen Victoria.

I must add, however, that Sen. Thurmond looks no older than 81. While Williams talks, Thurmond gazes placidly off into the middle distance, but when asked a question, he focuses sharply, speaks forcefully and coherently, and always remembers to turn his comments into a plug for Dole. When there's a commercial break, Williams thanks the senator kindly for allowing himself to be interviewed, but Thurmond's assistant says, "The senator [who is again gazing placidly into the middle distance] would like to do another segment." Williams readily assents. During the wait, a 40-year-old woman and her 20-year-old daughter bustle forward and ask to take pictures with the senator. The daughter wraps her arm around Thurmond, and he suddenly flashes an enormous, 50-year-old grin. Then placidity returns. "Sen.," Williams asks, "what role has God played in your life?" "Ah wuz raised in a Christian fam'ly, and ah wuz taught that lahf in this world is *temp*'ry."

While consuming my emergency coffee, I meet the seller of atrocious portraits, an intelligent, smiling young man with a long ponytail.

"How's business?"

"Terrible! I've only sold two pictures."

"Well, these people have better taste than I thought."

"No, they don't. They come by and say how nice the pictures look, but they think my prices are too high."

I am so startled by this comment that I forget to write the prices down — but believe me, they *are* too high. In The Emporium, at least, economic conservatism seems to have triumphed decisively over cultural conservatism.

Downstairs, three things happen.

First, Mrs. Dole gives her astonishing talk about her husband's life. I'm not astonished by what she says, or by the tackiness of allowing the candidate's wife to pull this kind of stunt before he's even been decently nominated. What astonishes me is Mrs. Dole's delivery. She is one of the great actresses of our time. During her performance, she abandons the TelePrompTer, goes down to the floor, walks around, greets old friends, endures technical difficulties, and never, ever blows a line. There hasn't been anything like this since Edward G. Robinson's long, long take in the suicide-statistics scene of *Double Indemnity*. Bob ought to run a front-porch campaign, refuse to say anything but "gladda meecha," and let his wife go out and crisscross the country.

Second, Bob is nominated. I'm relieved to discover that the idea of voting by computer has bitten the dust. In every delegation, there's a little terminal perched on a little stilt, and it looks mighty lonely. Nobody wants to use it for anything except to rest things on. Instead of electronic data transmission we have the good old-fashioned roll call. The Gentleman from Idaho praises "world-famous potatoes — and mouth-watering onions, I might add." The Gentleman from Maine advertises "fine lobsters, and finer Republicans." The Gentleman from Puerto Rico suggests that Puerto Rico be admitted to the union. (Thank God, there is practically no applause, even from Puerto Rico.) I wouldn't change any of this for the world, but I do notice that when the process is viewed up close and without any immediate prospect of an alcoholic drink, it is exquisitely boring.

The television networks are making nasty comments about how hard it is to "cover" a convention where nothing unpredictable is allowed to happen. (Query: When do they "cover" anything?) Ted Koppel has even decided to leave town early. I have to sympathize — but couldn't they find *something* to report? *I* have. And I wonder if we'll hear the same thing about the Democratic convention, which will probably make the Republican convention look like the primeval Chaos, dark and rude.

August 15, the Day of the Speech. Here's something bitterly unforeseen. The temperature (outside the hall) has soared! It is 80 degrees, and the only explanation possible is that all the hot, humid air is leaving the convention and flowing into the streets. This turn of events disorders the brains and destroys the faith of all true San Diegans. Where are we?, they wonder. What kind of world is this? Was Bob Dole really nominated yesterday? If so, could he actually have a chance to win?

These thoughts bubble inside my overheated brain as I stagger down to the convention through streets filled with happy visitors and miserable San Diegans. By the time I get there, I think it's about time for a drink, so I ask Andrea, *Liberty*'s cub reporter, to enter the hall and locate some famous people. She spies Pat Buchanan walking into the gallery where Mrs. Dole and other V.I.P.s are wont to roost. Pat slaps J.C. on the back a few times and stands around grinning and chatting. Does this imply that he supports the ticket?

I watch Kemp's acceptance speech amid the cheering mob in the Marriott bar. The speech is full of the new, entrepreneurial Republicanism, the Republicanism of the computer age, the Republicanism that could never have been born without the libertarian ideas that infused and transformed the party over the past 30 years, making it livelier, more open, and vastly more acceptable to intelligent people than it had been for generations.

Earlier this afternoon, I saw an even plainer example of Republican quasi-libertarianism. It was a second great flat tax party given by Steve Forbes, this time at Planet Hollywood, the Rome to which all roads at this convention lead. Rep. Dick Armey started things off by observing that the Clintonians will happily take credit for the current modest rate of economic recovery, despite the fact that Washington's chief role has been to block recovery by taxing productivity. The flat tax is opposed by the government, the universities, and every special-interest group or corporation that benefits from political handouts. Only the continued, determined efforts of normal people can put it across. Please help! It's either us or them.

When Forbes spoke, he gave the lie to everyone who portrayed him as an inept spokesman. He was witty, engaging, forceful, and as clear as crystal. He justified the flat tax eco-

nomically, morally, and socially. He showed that it would radically reduce the power of government, rationalize the economic system, give struggling families their chance in life. He destroyed all objections. He called the cheering audience to a great crusade, and he promised that we would meet again, in victory.

While Kemp's speech is going on, I recur, for the millionth time, to the sad realization that the Republican Party is the only political agency that, as of today, can successfully champion decent causes like the flat tax. I would like to vote Libertarian. I would also like to see Clinton get the electoral crap knocked out of him — because it is either Us or Them, and Clinton is Them. I am aware that my two desires are not entirely consistent.

Returning one last time to the convention hall, I reflect that if it were up to people like me, people like Clinton would probably have a pretty easy ride. While we were worrying about whether we could stand to sanction all the bad things that are associated with any major-party candidate who happens to stand for any good things, too, the people who are totally bad would fill up both houses of Congress, the presidency, the Supreme Court, and county drain commissions across the land. *Bambi* would be outlawed as racist literature, smoking a cigarette would land you in prison, and Christmas trees would be replaced by festive images of Elizabeth Cady Stanton.

Well then, here's the bad half of Dole's acceptance speech. Get tough on drugs. Spend more money on the military. Save Medicare. Save Social Security (save it again; Dole claims he already saved it once). Think of America as a "family." Dole even appears to have succumbed to an idea that has been floating around the corridors of this convention throughout the week, the notion that we should intervene militarily whenever any of the "family" falls victim to terrorists. The looniness of the Oval Office meets the looniness of Main Street, and it's sincere, as looniness always is.

And here's the good half. A defense of free enterprise. A strong contrast between "individual accountability" and "collective excuse." An attack on ideological materialism (the premise behind the Democrats' every thought): "All things do not flow from wealth or poverty." An attack on "the party of government" and an argument for the inseparability of political and economic freedom: "The freedom of the marketplace is . . . the guarantor of our rights."

Dole's speech, with its eighteenth-century turns of phrase ("the sometimes delicate unity of the people . . . we will speak to every heart . . . I will betray nothing") was obviously written by someone not responsible for the other stuff that has been escaping into the convention hall. Curiously enough, given Dole's unideological history, this is the convention's most ideological speech. True, it foxes the immigration issue: legal immigration is declared to be wholly good; illegal immigration is declared to be wholly bad. And about the abortion issue the speech is as silent as a hole in the ground. But when Dole's text expresses an idea, as opposed to a feeling left over from World War II, it's usually an idea that emerged from somewhere in the tradition of American liberty.

So what can I tell you? There it is. When the speech is over, the balloons come down — as predicted, not very far down, but there are an awful lot of them. The depressing thing is the reflection that Bob Dole has probably waited all his life to see those balloons descend for him. And if you want to feel depressed, you can trust the convention management, which is faithful, to the end, to its demented ideas of music. A country singer is introduced, and he drawls out a ballad about how America has lost her way. Then a senator tries to lead the crowd in singing "God Bless America." It has the simplest melody in the world, and he manages, for some unaccountable reason, to murder every note.

We'll know by November if anything that happened in San Diego turns out to be an apt symbol of the Republicans' way with American themes. I leave the auditorium while the signs of the delegations are being removed from their standards and carried off through the streets. There, floating above the mass of delegates, protesters, reporters, policemen, and people who have absolutely no idea of what they're doing, are the emblems of the sovereign states — tall, bright, mysteriously compelling icons leading . . . where? ❑

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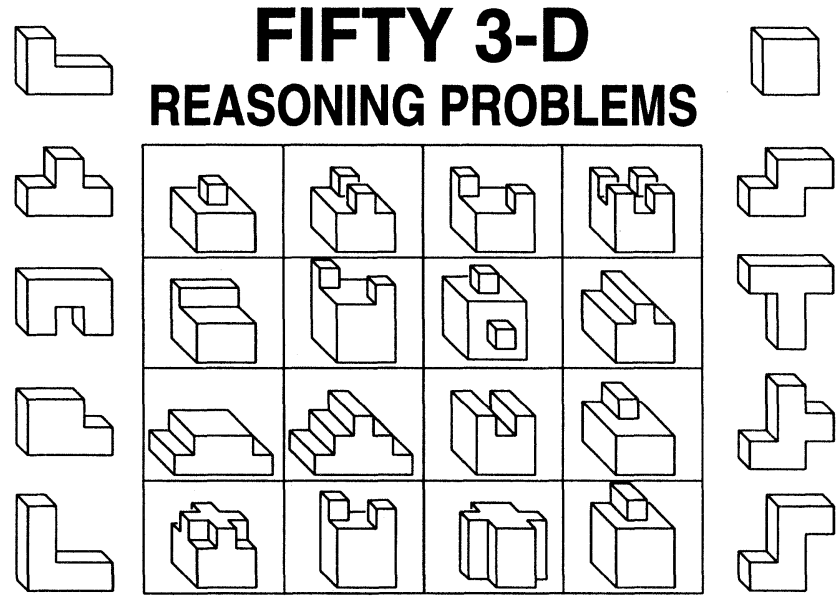

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The HMO Illusion

by Ross Levatter & Jeffrey A. Singer

Do we really want a privatized version of socialized medicine?

Dr. Jeffrey Singer was among the first surgeons in the Southwest to perform laparoscopic cholecystectomy, an innovative procedure that uses a tiny video camera to guide the surgeon's removal of the gall bladder. Because the operation doesn't require cutting the abdominal muscles, it is less invasive and yields better cosmetic results. Although Dr. Singer found that the operation lowered costs for and improved the health of his fee-for-service (FFS) patients, health-maintenance organizations (HMOs) rejected the procedure as "experimental." When Singer argued that the HMOs would save money by decreasing hospital stays for their patients, they responded that length of stay was not a relevant variable, since they paid a flat global rate per patient. Even more disturbing, in calculating the cost-effectiveness of their policies, the HMOs did not include the patient's cost in time or suffering.

Maybe that's understandable from a bottom-line perspective. But before the country rushes headlong into endorsing HMOs as the solution to spiraling medical costs, we ought to take a closer look — not just at the quality of the service they offer, but at their cost. In the process, we should be skeptical of HMO advocates' optimistic claims. Many of the cost-saving examples they cite actually originated in the FFS market, and were eventually endorsed by HMOs only at the insistence of doctors and patients, and after lengthy delays.

Consider an innovation in hernia repair using a mesh implant. This operation, which saves the patient time and money, decreases pain, and lessens the recurrence rate, was invented in the late 1970s by Irwin Lichtenstein, M.D., who worked in an FFS, private-practice setting. The operation gained increasing popularity throughout the 1980s. As patients from around the United States flocked to Lichtenstein's southern California office, competitive pressures drove surgeons throughout the country to adopt the technique for their FFS patients.

Meanwhile, HMOs' "managed care" patients were stuck with obsolete — and expensive — procedures. Despite obvious savings due to shortened hospital stays, the HMOs refused to reimburse surgeons for performing such surgery. It was years before they caught up to the FFS community.

Of course, doctors are constantly developing new procedures and methods, which take time to prove themselves. Most turn out not to be helpful, and if we were HMO stockholders, we wouldn't want HMOs to leap on every new procedure. In large HMO bureaucracies, new procedures mean new billing codes, new preauthorization instructions, more paperwork. Just as many innovations in the industrial marketplace come from small operations rather than Fortune 500 companies, we should expect HMOs to lag behind private-practice entrepreneurial physicians.

And in fact, most recent medical innovations have developed outside the HMO/managed care sphere. Driven by the desire for market share, private-practice physicians constantly seek innovations in efficiency and procedures, something managed care physicians — whose salaries are only loosely connected with the number of patients they treat — have less interest in. HMOs generally lack research and development arms, and have little interest in funding exploration of medical frontiers. Instead, they parasitize such innovations from the private-practice marketplace.

But these practical problems are only the tip of the managed care iceberg. Lurking dangerously below the surface are fundamental economic obstacles that permeate managed care — obstacles that, in a free market,

would make it impossible for HMOs to replace fee-for-service medicine.

Built-in Problems

Fee-for-service health care is not chaotic, and all health care is in some sense "managed care." The question we have to ask is, "Managed by whom?" Is it managed by the patient, who has the most to gain and lose, with the guidance of the physician or physicians of his choice? Or is it managed by a bureaucratic "expert" who has determined the "best" way to handle specific symptom complexes but has no knowledge of particular patients' interests, prohibitions, risk aversions, and other personal concerns?

HMO advocates tout the cost-effectiveness of their "decision plans." But the major theoretical problem with managed care is that the more you streamline the central plan (if condition A exists, then perform surgery B), the more incorrect it is in specific applications — and the more nuances you add to the central plan, the more unwieldy it is to apply (if condition A exists, and the patient is under 50 years old, has no known cardiovascular and pulmonary contraindications, has a family committed to potential long-term follow-up care, does not practice a religion that prohibits administering blood products, accepts a 5% failure risk, etc., then perform surgery B).

The more you streamline the central plan, the more incorrect it is in specific applications — the more nuances you add, the more unwieldy it is to apply.

Although HMO advocates deny that this adds up to a significant problem, several studies indicate that HMOs reap only a one-time, initial savings. Their annual price inflation parallels FFS providers'. This should surprise no one. Patients in HMOs and in FFS face the same incentive not to control costs: in both cases, they're spending other people's money.

Traditional, insurance-covered FFS said to patients, "Whatever your concerns or complaints, we'll work it up and someone else will pay for it." Current managed care says, "If you can come up with the right complaints, we'll work it up and someone else will pay for it." As patients grow more sophisticated about using the system, the two paradigms merge.

Patients, of course, are spending other people's money largely because their employer-provided, tax-free, low-deductible health insurance creates a perverse economic incentive. As Jesse Hixson, the economist who originated the Medical Savings Account (MSA) concept, recently pointed out, "managed care is a response to a fluke in the tax code, a Band-Aid on a flawed economic structure." If those flaws are corrected, managed care will lose its purpose.

Writing in the June 1996 issue of *Reason*, Dave Jacobsen argued that HMOs control costs through a variety of mechanisms that improve rather than detract from patient health. For example, he mentions "frequent advisory audits" that help him and his patients "sort out health care they need from health care they want." What would he think of a restaurant chef pointing out to him that the steak he wants is not really the meal he needs? The idea that such decisions can be made by outside observers for the consumer is an example of what F.A. Hayek called "the fatal conceit."

Many critics say the problem with these "advisory audits" is that they are coercive — if physicians don't follow the "advice," their contract won't be renewed or their yearly bonus will decrease. But as long as such incentives are disclosed to patients, they seem reasonable enough. The problem with "advisory audits" is more basic: they ignore cost subjectivity and look only at prices.

But costs are not prices. Costs are the most valued thing a person gives up to get what he wants. Since that next-most-valued thing varies from person to person, so does the cost.

Managed care bureaucrats confuse the objective signs of an illness with the value people place on treatment and cure. But different people with, for example, a similar headache value medical services differently. Even if both headaches have the same cause and cure, the hypochondriac values seeing a doctor more than the stoic, and someone who functions well with a headache values treatment less than someone whose headache prevents him from working at all.

Head CAT scans, for example, are expensive, and in the large majority of headache patients show nothing; but occasionally they pick up something important. Should an HMO perform a CAT scan to determine or exclude possible causes of the patient's headache?

Managed care bureaucrats confuse the objective signs of an illness with the value people place on treatment and cure.

Should they follow the same rule for everyone with the same headache history? The "decision plan" is bound to say yes. But an airline pilot is, reasonably, more concerned about his headache than a professional wrestler is — even though the wrestler has what health statisticians call a higher pre-test probability of significant head injury.

One cannot properly calculate the value of medical services without accounting for such differences among patients' subjective evaluations as well as the objective indicators they present. Yet no managed care system even recognizes this as a problem, let alone offers a solution.

The Mirage of Satisfaction

You'd think patients prevented from obtaining the services they want (whether or not they are the services they need) would complain. Yet the 1994 Federal Employee Health Benefits Program showed that 86% of HMO members were satisfied with managed care — a satisfaction rate higher than FFS has.

To account for this, you have to realize that most HMO members in any given year are not patients. Studies that survey all HMO members rather than only those who become patients are biased toward satisfaction.

By way of analogy, imagine a comparison between two health clubs. The first — the Health Club Maintenance Organization — costs nothing up front, and claims everything is provided. The second — a Fee-for-Service Health Club — requires you to pay a small

amount every time you attend, and makes no grandiose claims. Now poll the people in the two clubs, keeping in mind that 95% of the members never attend either club. Even if the 5% who actually use the clubs prefer the Fee-for-Service club (because of the shorter wait to use its equipment, the larger supply of new equipment, and the greater ease in scheduling a visit with a trainer), their opinions will be drowned out by a poll of all members.

Fortunately, a better-designed study was released in July 1995, performed by Harvard's School of Public Health and Louis Harris Associates, and funded by the Robert Wood Johnson Foundation (RWJF). Pollsters interviewed patients who had actually experienced either FFS or HMO settings, and found that:

- more than twice as many managed care patients felt that responses to their complaints had been "not appropriate or correct."
- more than twice as many under managed care were "not able to get [an] appointment without a long waiting time."
- for managed care, the delay in setting up a doctor's appointment was 33% greater.
- managed care patients had to wait more than 33% longer to see a doctor.
- twice as many patients under managed care felt their physician did not explain what he was doing.
- 250% more managed care patients felt that their doctor did not explain when and how to take medicines at home.
- such disparities existed for specialists as well as general practitioners.
- although managed care is supposed to encourage preventive medicine, more managed care patients than FFS patients said that their physicians did not encourage screening tests, exercise, weight control, prenatal care, immunization, and other forms of preventive care.

This, in itself, is no reason to condemn HMOs. Remember what U.S. airlines were like under federal regulation? Because the government prohibited price competition, all airlines charged the same to fly from, say, Phoenix to Boston. Airlines competed instead on a non-price basis: who had the best food, the best service, the prettiest stewardesses. After airlines were deregulated in the late 1970s, competition drove prices sharply downwards. Service declined as well. But even though people now complain more about poor airline service, they also fly about three times as much as they did before deregulation, demonstrating with their dollars that they prefer lower prices and less service to better service at a higher price.

Sutton's law ("Go where the money is") applies in medicine as well as bank robbery.

Health care today is in a similar position. Because most medical costs are not paid for out-of-pocket, patients are more attuned to non-price aspects of competition: appointment time delays; waiting times to see the doctor; time the doctor spends with them; personal interest in their situation; frequency of consultations and requests for specialists. If they paid for all this additional coverage on their own, they might find less is more.

The RWJF poll did find that FFS patients spent, on average, $1,735 in the last year, while managed care patients spent $1,502. Unfortunately, the managed care patients were not asked how much more they would be willing to pay to improve the service deficiencies they complained about. If the answer was more than $233 (less than $20 a month), that would constitute evidence that FFS provides greater value to the consumer than managed care.

"You've got Gruenbaum's Syndrome, so I'm referring you to Dr. Gruenbaum."

So the jury is still out on whether managed care is cheaper than fee-for-service medicine. But even if it is, we should keep in mind that the economic goal is not to save money, but to maximize patient (consumer) satisfaction. That might be achieved with more money and better services. There's no way to predict it in advance — that's what markets are for.

The Power of Responsibility

In *Patient Power,* economists John Goodman and Robert Musgrave noted that most debates about containing medical costs can be viewed as competing answers to the following question: "Who is allowed to decide how much money should be spent on someone's health care?" The current system cedes this decision to government bureaucrats, HMO administrators, or insurance companies.

Goodman and Musgrave argue that to remove the market distortions, the decision must be restored to the patient. This cannot occur unless the patient spends his own money. More than any other program under discussion today, MSAs — tax-free accounts that are specifically allocated for present or future medical expenses — allow patients to take control of their own health care wants and needs. MSAs work well with HMOs as well as fee-for-service arrangements. For example, a person could purchase a catastrophic health insurance policy through an HMO, then use an MSA to pay for minor health care needs.

In short, "HMO vs. FFS" is a false dichotomy. The real issue is: Who controls health care decisions, patients or third parties?

Sutton's law ("Go where the money is") applies in medicine as well as bank robbery. If the federal government reforms the tax code along the lines suggested by Hixson, Goodman, Musgrave, and others, patients will be empowered to spend their own money on the level and quality of health care they choose. Some will prefer the efficiency of HMOs; others will prefer the extra attention and personalized care of FFS. The crucial point is that each health care consumer will pay for what he prefers, without involuntarily subsidizing others. This, not the efficacy of HMOs, should be the issue in the health care debate. ❑

A Splendid Little War

by Jesse Walker

Clinton bombs, Iraqis bleed, Americans vote.

It is unlikely that the historians of the next century, or even the pundits of next week, will devote much discussion to the latest Little War with Iraq. No one seems entirely sure why it happened: Iraqi forces intervened on behalf of one group of Kurds (the Democratic Party of Kurdistan) against another (the Iran-backed Patriotic Union of Kurdistan), provoking the U.S. to bomb *southern* Iraq, hundreds of miles away. It was the sort of non-sequitur that used to pop up on *Saturday Night Live*'s "Weekend Update": "Iraqi troops descended upon the Kurdish town of Irbil today, prompting George Steinbrenner to fire manager Billy Martin." Except in 1996, Billy Martin is dead — and so is some number of Iraqis.

What number of Iraqis? I don't know. I scour my local paper for a casualty count, and the closest I can find is this: "Two rounds of strikes against Iraq have destroyed or badly damaged 15 of Saddam Hussein's air-defense missiles." The Middle East, I guess, is inhabited by no one but weapons — weapons and noble Kurds. But not all Kurds are noble: besides the bad ones who are siding with Hussein's central government, there are those with the misfortune to be oppressed by ally Turkey rather than enemy Iraq or enemy Iran. Or something like that. Keeping up with the demonology *du jour* is too tricky a game for me.

And what was achieved? According to President Clinton, Saddam Hussein's forces are now "strategically worse off," making the intervention a success. According to more independent analysts, it was a disaster: Saddam's position has been strengthened, Arab anti-Americanism has been reignited, and, not least, the attacks did not prevent the Iraqi army from laying waste to Kurdistan. Hundreds of thousands of Kurds killed or left homeless — isn't this what the attacks were supposed to prevent? Apparently not. A couple hundred American CIA operatives were rescued from the northern killing fields; their Kurdish pawns were left to die.

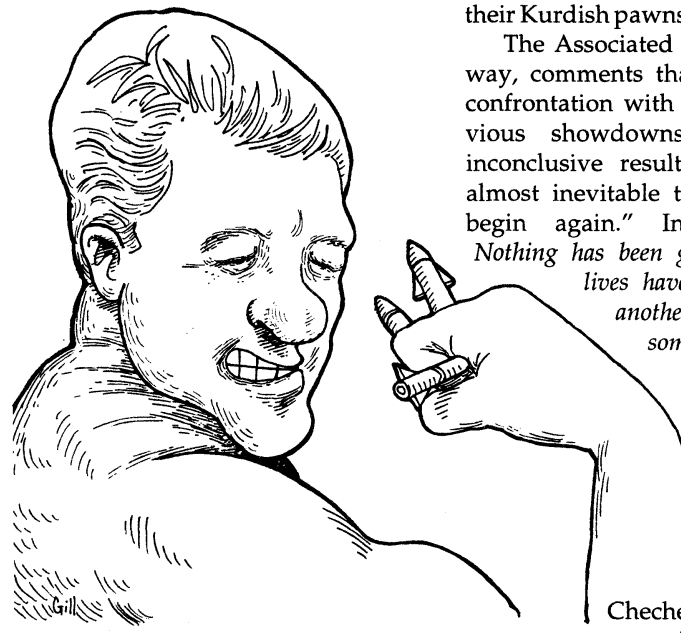

The Associated Press, in its bland way, comments that "the latest U.S. confrontation with Saddam, like previous showdowns, has produced inconclusive results. . . . It seems almost inevitable that the cycle will begin again." In plain English: *Nothing has been gained, a few more lives have been lost, and in another year or so we'll kill some more ragheads.*

Speaking for myself, I think Iraqi policy towards the Kurds is a moral abomination. So is Russian policy towards the Chechens, Israeli policy towards the Palestinians, and Hutu policy towards the Tutsis. I do not see why the first abomination merits a military response from the U.S. government, while the others do not. Put another way, I do not see why

any of these atrocities deserves any attention from the American state at all, especially when its response is so palpably unrelated to the original injustice. I do not understand why Bill Clinton ordered some random number of Iraqis killed; I do not understand why he picked these particular Iraqis in this particular corner of the country to die; I do not understand why his spokespeople are calling the air strikes a success. I do understand that we are in the middle of a "presidential campaign," a quadrennial ritual that often requires an incumbent executive to "demonstrate" "strength abroad." I hope Mr. Clinton will now appear strong enough to risk refraining from dropping bombs on people he doesn't know.

I began this essay intending to write a detailed analysis of the Iraqi crisis. At this point, I don't see any reason to bother. France and Russia are perturbed; blah blah blah. Warren Christopher is off to Western Europe to drum up support from our allies; gubble gubble. The U.S. first intruded into Iraqi internal affairs in . . . in . . . does it matter when or how or why? Sooner or later, these trees have to add up to a forest, a thick and evil wilderness of imperial ambition. The U.S. would have no business in Kurdistan even if France and Russia embraced every falling bomb; indeed, France and Russia have no business in Kurdistan either, and Mr. Christopher has no business in Europe. The fact that so many people believe that what happens in northern Iraq is somehow the U.S. military's concern says a lot about how banal empire has become, how inured Americans have grown to the ugly details of global governance.

I scour my local paper for a casualty count, and the closest I can find is this: "Two rounds of strikes against Iraq have destroyed or badly damaged 15 of Saddam Hussein's air-defense missiles."

Bob Dole has endorsed the president's bloody little adventure, commenting only that a Dole administration would be even tougher on Saddam. Clinton's lead in the polls, already substantial, has climbed in battle's wake. So the great victims of this election season are the people of Iraq, murdered from the air by a president anxious to demonstrate that he's every bit as manly as war hero Dole. We are all Paula Jones, forced to watch as the Arkansas traveler drops his pants and demands we inspect his Ferocious Member. Well, come November, this Paula isn't going to touch it. ❑

Letters, *continued from page 6*

proposed tax cuts to Harry Browne's don't take into account that the center of debate was far more statist in 1980 than it is in 1996. Witness the fact that most of the Republican candidates this year talked seriously about proposals, like flat taxes and privatizing Social Security, that were unthinkable in even remotely mainstream political discourse 16 years ago. Clark's campaign staff believed that an LP candidate should have a specific program, and we consciously tried to define the program so that it came as close to the edge of acceptable policy as possible, without falling off into loony-land. Does this mean we were trying to cater to the mainstream media pundits? Damn right we were. Hence the weighty white papers, designed to demonstrate that the LP's candidate had actually thought about the positions he advocated. The white papers were not responsible for Clark's vote total, but they were responsible for gaining respectful attention from serious political commentators. Combined with TV ad exposure, this made a vote for Clark seem like something more than a frivolous exercise.

The LP fell apart in 1983, partly because some members didn't like Ed Crane, or me, or various other people, but primarily because many members couldn't become comfortable with the idea that a nominal political party should engage in politics or that its candidate should take discernible positions on real issues. If their attitude is no longer prevalent, and if Harry Browne can pick up where Clark's campaign left off by supporting his impressive rhetoric with substance on the issues, then the LP may still have a shot one day at the "third major political party" target we tried so hard to reach in 1980.

Christopher Hocker
Redding, Conn.

Arthur replies: My comment that the Clark campaign "emphasized Clark's similarity to John F. Kennedy rather than focusing on policy or ideology" was based on my memory of what I heard as an volunteer in that campaign and shortly thereafter. I am delighted to be corrected by Hocker, as well as other managers of Clark's campaign who wrote to *Liberty* on the subject.

On one point, however, Hocker is mistaken. The photo above right is reproduced at actual size from the front page of a campaign brochure issued by the Clark for President Committee, and very widely distributed. (I personally distributed over a thousand of them.)

I hope this reproduces well enough here so you can see that the photo between candidate Clark and the microphones is of JFK. Clark's campaign manager Ed Crane told me that the photo was taken at a news conference in Washington, and that the juxtaposition of the JFK photo with Clark was purely a coincidence.

I Go to Kazakhstan

by Douglas Casey

Where all the gods have failed.

Kazakhstan is over a million square miles — the size of Western Europe — but contains only 17 million people. On its 2,000-mile eastern border with China, the Himalayas rise up out of the plains, but most of the country is a vast grassland. Two thirds of the people are Central Asians; one third are Russians.

That's information you can get out of any world atlas, and it's not worth much, since nothing that everyone knows is worth much. So last May, when I had a chance to visit Kazakhstan to evaluate the outlook for mining there, I jumped at the chance to see the country for myself.

Kazakhstan's Central Asians belong to dozens of tribes and ethnic groups, most of them ex-nomads speaking different languages. The main things tying them together are a veneer of Soviet culture, the Russian language, and an ingrained dislike of Russians. These folks have just never learned to appreciate the Russians conquering them, purging them, taxing them, destroying their indigenous cultures, and drafting them for their armies. They rather resent having been used as pawns in what used to be known as "The Great Game," which was largely played between the Russians and the British in the nineteenth century. It's a part of the world where old antagonisms die hard, where grandmothers inculcate their hard luck stories into younger generations at dinner each night. One good thing about this country's vast size and small population is that people who don't like each other don't have to live next door to each other.

The bad thing is that people in neighboring countries might see all those wide open spaces and decide they'd like some. That's been the case in this part of the world since at least the times of Genghis Khan and Tamerlane, and I can't see any reason that's likely to change soon. With some of the world's largest oil reserves in the west, some of the world's largest copper and gold deposits in the east, and huge fertile plains for farming, there's every reason to believe it will one day become an area coveted by its populous neighbors.

For the moment, this is the most Russified of the Central Asian republics, thanks to its proximity to the Motherland. The Russians endeavored to populate all their conquered lands, something else the original inhabitants rather resent. I found Kyrghyzstan more appealing (see "In Kyrghyzstan," March 1995) because more of its native culture was intact; you see fewer Russians, and the country is much more rural.

Most of Kazakhstan's Russians are leaving the country. Those who remain are concentrated in the cities, and are being frozen out politically. I suspect there will always be a significant Russian presence here, however, for numerous reasons, ranging from the fact that the Russians have a 20-year lease on the Bainokur cosmodrome (where most of their space shots take place) to the simple fact that people tend to get along fine as individuals, as long as politics doesn't stratify them along racial, national, or religious lines.

Unfortunately, politics is paramount throughout the old Soviet Empire. And although religion isn't much of a factor here at the moment, that appears to be changing. The Russians generally pay lip service to the Eastern Orthodox variant of the Hebrew god Yahweh, while the Asiatics acknowledge the Arabian god Allah. These gods don't play much role in people's lives these days; over the last several generations, Marxism has acted as a secular religion, giving meaning, however perverted, to people's hardscrabble lives. Local priests and mullahs are viewed, justifiably, as corrupt, and their gods as ineffectual in the face of the Almighty Marxist-Leninist State and its commissars.

But now that God the State has

been cast down as well, a vacuum has formed. People have nothing to believe in. And with no television or sports to distract them, they have time to think about it.

Hard-line mullahs from Iran and Afghanistan, eager to show lapsed Muslims the error of their ways, have been aggressively filling confused Asiatic heads with thoughts of the Prophet. And many flavors of Western fundamentalists, followers of the man known as Saul (later Paul) of Tarsus, are making huge inroads among the Russian ethnics, counseling them to rise up against unrighteousness. I met several, and, like all new converts, they're True Believers in the Eric Hoffer idiom.

One good thing about this country's vast size and small population is that people who don't like each other don't have to live next door to each other.

My guess is that religion will become a major cause of bloodshed here in the future. It will probably be at least ten or 20 years before a critical mass is reached, but there's a certain inexorability to what seems to be going on.

Economic Growth, Ritual Stupidity

Privatization is proceeding in Kazakhstan. The capital, Almaty, now sports fledgling commodity and stock exchanges, banking is opening to foreigners, and the privatization of over 2,000 small-to-medium businesses is being completed. That's the good news. The bad news is that all the *apparatchiki* who ran the old government are running the new one, and they still think the government ought to run things — just not to the absolute degree that was the case a few years ago.

One clue to what's going on in this part of the world can be found in the flights coming in. Business and first class are always overbooked. Economy, on the other hand, is less than half full, and then mainly with people who couldn't get space up front. In other words, with the exception of a few tourists with specialized "adventure travel" outfits, people come here on business only. Any ordinary Kazak you see back in coach is probably running an informal import-export business specializing in luxury goods. Distribution channels are still very inefficient, and the big corporations moving in here have no interest in trying to supply the consumer market; it's still too small and undeveloped. So entrepreneurs buy goods cheaply in Germany and Turkey, and sell them on the street at home.

In short, the trend is favorable, but they have a long way to go.

One reason there's no tourism — and a lot less business travel than would otherwise be the case — is Customs and Immigration formalities. It took two hours for our group to get through, a pointless waste of time. I've long questioned what useful purpose these procedures serve anywhere, especially in places that want to encourage foreigners to come with their money. "Formalities" are immensely expensive, time-consuming, and aggravating — and they're totally useless for preventing real criminal activity. Assuming they're needed at all (which I don't), Switzerland should be the model, taking all of 30 seconds, with no forms to fill out at all.

In today's world, most formalities exist only out of inertia. As a German (who else?) once said when I discussed the subject with him: "We must make control, yes?" Well, actually, no. I suspect the actual purpose of these rituals is to get people used to asking for official approval, being herded like cattle, and being arbitrarily told what they may or may not do. Most people are so thoughtless, they consider the whole procedure part of the cosmic landscape. And even those who do object quickly roll over like the whipped dogs they are.

I wasn't about to create an international incident at four a.m., but I couldn't resist a bit of guerrilla warfare. Where the form asked "reason for visit," I wrote, "confirmation of Kafkaesque suspicions"; for "occupation," I wrote, "sybaritic, capitalistic, and creative contrarian." You can write anything you want, as long as you're able to defend it with a straight face if questioned, because (1) forms like this go into the trash can the moment they're collected, and (2) while you should honor the truth above all, you should also recognize that you have no obligation to give it (or money, or time, or anything else) to someone just because they ask. Especially if they have no right to it and don't deserve it.

Meet the Press

On the last day of our visit, we held a press conference with representatives from every newspaper and radio and TV station in the country. Tony Williams, chairman of KazMinCo (a mining company) gave a very focused presentation on the prospects for business in the future, as did several others representing major European and Canadian investment banks. Everyone was acting in an official capacity, and therefore had to sound "official." It was all well and good, but pretty dry stuff. Some candor was needed. Since it's long been my feeling that much of reality is only a construct of commonly held opinions, the first step in changing reality is to give voice to a different opinion. That is, of course, something I delight in.

My message to the workers and peasants was that they lived in a very poor country, but that it was poor solely due to the nonsensical political and economic shackles they'd been in for the last three generations. Sure, KazMinCo and companies like it were going to help. But their country was going nowhere fast until they did a hundred things ranging from the trivial (such as getting rid of their annoying entrance formalities) to the fundamental (such as privatizing the country's land — the most basic and essential of reforms, and exactly the one they weren't making). I told them that within the lifetimes of everyone in the room, they could be as rich as any

Hard-line mullahs from Iran and Afghanistan have been aggressively filling confused Asiatic heads with thoughts of the Prophet.

American, but they needed to take radical action: to abolish laws, taxes, regulations, and bureaucracies, and not create new ones. I told them that life is short, and that they'd better get the show on the road or the rest of the world would see them as a quaint petting zoo. It was, if I do say so myself, a stirring presentation, though I had to tone it down a bit. About a quarter of the audience cheered and clapped enthusiastically, a quarter seemed dour and disapproving, and the rest seemed confused, but vaguely favorable.

A Sickness of the Russian Soul

Kazakhstan's macroeconomic problems, and their solution, are evident to anyone with a lick of sense and a basic understanding of economics. But there are ingrained sociological problems that will plague this place, and all the old Soviet Bloc countries, for decades to come. The problem is best illustrated with a couple of anecdotes.

The new hotel we stayed at in Almaty had a simple but useful health club in the basement. It was hot, and I opened some windows. A minute later, some stupid, frowning brute slammed them shut while scolding me in Russian. If an employee felt the windows had to be closed in any Western gym (and there was absolutely no logical reason for it), the action would be accompanied by profuse apologies. I let the incident pass, but then, that night, I wandered into the casino attached to the hotel. I was better-dressed than 90% of the establishment's patrons, but the bouncer at the door (muscular, cheap suit, dark glasses, room temperature IQ — he looked like an FBI agent, except for his crew cut, a style favored by Russian thugs) turned me away because I was wearing a pair of soft-soled black walking shoes.

In both cases, people were intent on mindlessly enforcing some real or imagined rule. This was especially disturbing because their jobs undoubtedly paid a multiple of the prevailing wage, and the management had no doubt tried to pick the cream of the crop. Not only did they have no clue that their menial jobs depended on keeping the customer happy, but they (like most people in Kazakhstan) seemed chronically depressed, totally beaten down and defeated by life. And angry, and impolite, and stupid. This attitude pervaded the country. Consider the large department store downtown. Despite the fact it was now given over to private boutiques, run exclusively by women, everyone still seemed to think she was working for the state. Nobody knew how to smile, nobody tried to be helpful. It was better than it used to be, but still abysmal.

To me, this raised the politically incorrect question of whether the Russians have been genetically altered over the last four generations. Or, for that matter, the last 40. These people have basically been serfs forever. Perhaps there's been a culling of mavericks, entrepreneurs, libertarians, individualists, and people who just don't like authority. Dogs can be bred for certain characteristics — why not human beings? I know you're not supposed to think like that, but when you're consistently exposed to enough of it, you're forced to ask yourself, "What in hell is the matter with these people?"

We went to what may have been the most happening bar in Karaganda, and I can assure you I won't go back unless I'm really anxious to brawl with a drunk Russian.

A Solitary, Poor, Nasty, Brutish, and Short Slice of Life

Almaty is a potentially delightful city, reminiscent of Denver. In most ways it resembles Moscow, though, with few storefronts but lots of babushkas sweeping streets at six a.m. Even Maputo, after 20 years of civil war, has vastly more commerce. Everything looks great from a distance, what with the broad, tree-lined boulevards and elegant old buildings. A closer examination reveals 40-year-old buses, filled to overflowing with people, and horrible Stalinist apartment blocks in about the same condition as East St. Louis' Pruitt-Igoe or Chicago's Cabrini-Green. There's not a door in this city that hasn't scraped a groove into its floor. And unlike most other cities in the Third World, there's zero construction. Unmistakable Russian influence.

It's one thing for buildings to be poorly maintained, but aircraft are something else again. We flew from Almaty to Karaganda to Kustenai and back in a Tu 134 (which resembles a DC9) kitted out as a private business jet. Like everything here, it begged for a thorough cleaning. But the cosmetics didn't bother me as much as the bald tires, or the exterior screws and rivets randomly unflush with the plane's aluminum skin. My guess is that Soviet designers tended to design everything for massive strength and simplicity, knowing that construction quality and maintenance were non-existent.

The plane itself was a nice complement to airport security, which can only be described as totally bizarre. People walked through security randomly, sometimes putting their bags through the X-ray machine, sometimes not. The guard just sat there and read her newspaper, but it didn't make any difference anyway, since there was another open door from the "secure" area back into the general lobby. Both the airport and the economy are organized as if people were inadequately programmed robots, or perhaps children bored with playing a game they didn't really understand in the first place.

However bleak Almaty might be, compared to the boondocks, it's Beverly Hills. I visited Karaganda and Kustenai, plunked in the middle of the endless plains and composed mainly of miles and miles of Cabrini-Green-style apartments. These unpleasant warrens have few and tiny rooms, exposed lighting and plumbing fixtures, and lots of broken windows mended with tape. Even if the residents had the money to fix them properly, there are no stores to buy supplies.

Everybody must work in the gigantic steel mills and chemical factories that also rise out of totally open plains. The plants all looked like they were built in the '30s, and appeared to be projects in industrial archaeology. I have no doubt they're completely uneconomic, despite the cheap labor and government subsidies. The lucky workers have *dachas* that they can use in the summer. Don't get the idea that a *dacha* is a delightful

continued on page 42

The Strawman State

by Paul Piccone

Post-Communism as post-Americanism.

Overthrown and disgraced only a short while ago, "Communists" today are regaining influence all over Eastern Europe and Russia. Yet to judge from the attention this has received from American politicians and press, it seems no more significant than another flood in Bangladesh or a measles epidemic in Central Africa.

Such neglect is not just another instance of irresponsibility or incompetence. There are very good reasons for not taking these "new and improved Communists" seriously. This is an altogether different breed, having little in common with the original Bolsheviks who made the October Revolution, the manipulative *Realpolitiker* functionaries who followed them, or the cynical *apparatchiki* who managed the system's slow disintegration. Furthermore, they seem confused, uninformed, and mired in insurmountable contradictions. In short, they are not qualitatively different from any other Russian politicians today.

Consider the views of Gennady Zyuganov, the new Russian Communist leader. In a *New York Times* op-ed piece (February 1, 1996), he presented himself as the leader of a "party of reform" or, more specifically, as a nationalist seeking to restore Russian traditions and abide by "universal moral principles." With Communists like this, who needs "bourgeois reactionaries"?

Zyuganov claims that he wants only to pull Russia out of its present "humiliating position" by restoring the Cold War *status quo ante*, as if the country he has inherited had a modern technological infrastructure, had not been in Chapter 11 for the past couple of decades, was not burdened by a large state-dependent citizenry unable to function on its own, and already enjoyed a viable political or legal framework to facilitate local initiative and economic development. Like other Third World demagogues, Zyuganov thinks he can pull this off with the help of that old snake oil, "American investments." Leaving aside such minor details as his adamant opposition to "neo-liberalism" (the *sine qua non* for that kind of development strategy), he is blissfully unaware of what the rest of Europe has long since realized: that "American investments" for the past half century have been the Trojan horses of American imperialism and, therefore, of *de facto* capitulation to the "New World Order" Zyuganov otherwise claims to despise. Clearly, coherence and foresight are not Zyuganov's strong suits. After all, this is the same person who, after supporting the Chechnya fiasco, wrote with a straight face that the "restoration of the union of the former Soviet people" he seeks will be "based on voluntary association."

When all is said and done, what makes it difficult to take Zyuganov seriously is not so much his incoherence, his reactionary views, or even his clumsy self-presentation as another garden-variety unscrupulous politician, but the fact that he is confronting a late-twentieth-century predicament typical of all Western societies, one that Russia is least prepared to handle. While most American neoconservatives originally bought Reagan's self-serving line that the "perestroikization" and later collapse of the Soviet Union were the results of his 1980s remilitarization, it is increasingly clear that the real causes were what libertarians had claimed all along would undo Communism: fundamentally irrational central planning, counterproductive social engineering, and an intrusive managerial/therapeutic state pretending to control and regulate every feature of life. No society can thrive for very long under these conditions.

Far from legitimating "liberal democracies" as the end of history, as Panglossian U.S. State Department ideologues immediately claimed, the Soviet collapse reflects the terminally

contradictory character of all welfare states — Western ones first and foremost, which so far have managed to avoid the Soviet fate only because they have not disintegrated as fast and as thoroughly as the old USSR. This is why every American politician, from Clinton to Buchanan, is now running for office promising to rein in "big government" *and* continue providing all the services the welfare state, no matter how inadequately, has been attempting to furnish.

So Zyuganov and the other Russian demagogues are not the only ones wanting their cake and eating it too. But Western societies still have a considerable reservoir of social institutions and community organizations that are relatively independent of the central state. Such is not the case in Russia, where "totalitarianism," if it ever meant anything, had to do with the eradication of precisely this essential non-statist dimension of social life. Consequently, in the U.S., where historical memory is very short and most people have already forgotten what "really existing Communism" was about, all the ravings of the various Zyuganovs, Zhirinovskys, and Yeltsin-come-latelies cannot avoid looking like mere "brand X" expressions of the same problems being confronted and discussed in the West. The recent wave of strikes in France and the debate over middle-class entitlements in the U.S. are but the French and American versions of the same predicament.

The Soviet collapse reflects the terminally contradictory character of all welfare states — Western ones first and foremost.

Everywhere — Russia, France, the U.S., Italy — the most substantive obstacle to escaping this dilemma is the electorate itself, which insists on having it both ways: less government and lower taxes, but no reduction in services and entitlements. Only politicians with enough savvy and charisma to convince voters they can pull off such a miraculous feat, with gimmicks such as the flat tax, are considered viable candidates. Chirac did it, Clinton is promising it, and all the Italian pols are frantically trying to market packages of the same fraudulent bill of goods.

Ultimately, the problem is the nature of the modern state. Increasingly remote and anonymous, it now seems to enter directly into people's lives primarily as an alien entity demanding an ever larger amount of diminishing resources, or as a nest of irrationality that deserves to be looted whenever possible. Corruption, in fact, has become its *modus operandi*. Success has long ceased to be associated, as in the old Horatio Alger mythology, with hard work and personal integrity; it is now primarily a function of how little one manages to contribute to the public sector and how much one is able to take back from it, by whatever legal and paralegal means. Thus, today every Western country is confronted with a fate equivalent to the Soviet Union's, if less speedy and spectacular.

Within such a context, Communism — understood as a doctrine having something to do with the collective ownership of the means of production, social equality (read: homogenization and robotization), and formal rationality — can no longer be associated with any kind of utopian future or social emancipation, but rather seems to capture all the evils of modernity. In the U.S., where Communism never had much of an impact even during its heyday, no one even entertains it as a potentially meaningful alternative any more. When discussed at all, it is only in the negative sense of representing what the present system may be degenerating into.

Despite its still considerable nuclear arsenal, Russia has become what Italians call a *stato straccione* ("strawman state") and has long ceased to be a threat to anyone. Afghanistan and Chechnya destroyed whatever military credibility it may have had, while as a society it is finally seen as what it always was: a quasi–Third World country desperately trying to catch up with and imitate what it mistakenly thinks the U.S. is — all Communist and nationalist rhetoric to the contrary notwithstanding. No wonder no one in America seems to care. The question of "post-Communism" does not seem to have anything to do with recycling the old Cold War threat or with presenting a radically different, if not better, social system. On the whole, today's Russia is perceived as simply a potential nuisance: yet another candidate for foreign aid, another government being bribed to stop harming its people or its neighbors. Who needs a king-size Haiti?

The threat of socialism in the U.S. has long ceased to have anything to do with either Russia or an alternative social system. It is the problem of what American society has become since the New Deal — or, to go further back, the Civil War. It is identified with big government, loss of personal freedom, crime, irresponsibility, and general social disintegration. Even the left (or whatever remains of it), despite its growing obsession with globalization, transnational centralization, and universal capitalist manipulation, no longer calls for any kind of "socialization" or "nationalization" of anything but, at most, for additional state regulations and controls, fully aware of their usual counterproductive consequences. (After all, regulators have historically been people from the very industries and enterprises to be regulated, so regulations have usually ended up making life easier for the industrial and economic culprits, passing the consequent costs onto consumers in the form of higher prices.)

Even the left no longer calls for any kind of "socialization" or "nationalization" but, at most, for additional state regulations and controls.

The U.S. didn't come out of the Great Depression through the hydraulic finagling the New Dealers deployed, but by means of the high federal spending required by World War II and then the Cold War. The pretense of confronting the Soviet threat made it relatively easy to justify all sorts of emergency "military" programs that were only remotely related to military imperatives (e.g., education, research, industrial subsidies) but constituted the functional equivalent of a central plan. In

short, the Cold War legitimated the same kind of socialist steering mechanisms that were regulating and fine-tuning the Soviet economy into bankruptcy.

Thus, "post-Communism" in the U.S. has meant two crucial developments: the end of the *de facto* state of emergency that legitimated unlimited and unquestioned state intervention and, as in the old USSR, the exhaustion of the social and economic resources that financed those interventions. In the first case, it is becoming difficult to legitimate the old porkbarrel politics, with practically every legislative allocation now coming under intense congressional scrutiny; in the second, the questions of budget deficits and the national debt — two of the most hotly debated political issues in the 1996 presidential race — rule out any policy of "business as usual."

Post-Communism, therefore, entails the arrival of "post-Americanism": the end of the American-style state intervention carried out since the New Deal. The recent budget deadlock between a president wanting to retain a version of the old New Deal model and a Congress apparently seeking to impose fiscal limits reflects, rhetorically at least, a clash of two fundamentally different models of government: the older nightwatchman model meant only to guarantee safety and contracts, and the newer managerial/therapeutic state out to remake society in its ideal self-image.

This is not simply a matter of left and right, since the U.S. right traditionally favored a strong government, while the left remained deeply suspicious of it. Today whatever passes for the American left wants to retain a strong central government, while the right (with the notable exception of the neo-conservatives) is dead set on dismantling most of it. As in the Russian case, where the "Communists" are now the real conservatives, or, better, reactionaries desperately and quixotically attempting to restore a mythologized *status quo ante*, American "liberals" have also broken sharply with any kind of traditional liberalism: they now vigorously resist any changes and long for the good old days of the Great Society, when no social program seemed unworthy of federal financing. Russian "Communists" and American "liberals" have the same constituency: the old, the pensioners, and in general those sectors of society least able to adapt to new social conditions. The young, the educated, and the enterprising sectors instead opt for freedom and side with those parties imposing the least limitations. Since both of these constituencies are already fairly well committed to their respective positions, the real political contest today has to do with winning the undecided middle classes, overburdened by the interventionist state but also afraid to give up whatever minimal protection it still provides.

Russian "Communists" and American "liberals" have the same constituency: the old, the pensioners, those least able to adapt to new social conditions.

What is really at issue is what is to become of the strong redistributive central state when the nation has been rendered obsolete by both global economic trends and local cultural needs. As has been repeatedly pointed out, today the traditional nation-state is too large to deal effectively with micro-problems and too small to confront international ones. It remains a wasteful and expensive fifth wheel increasingly unable to provide the kind of social stability for which it originally came into being or to rationalize the society it rules. When the gap between social needs and state policies becomes too wide, informal corrective mechanisms are required to restore a viable balance. This often takes the form of corruption. National policies have never been able to deal effectively with local needs, without the prior homogenization of the population. Very few nations today are able to meet such a criteria — even France is increasingly threatened by cultural particularism and an unmanageable fiscal crisis.

Consequently, structural reforms are urgently needed in every country. The state must be made accountable to its citizens, who can thereby function as control mechanisms guaranteeing its rationality and efficiency. This can be done only by making the state more decentralized, limited, accessible, and transparent. In the age of the Internet and cyberspace, the nation, the legitimating myth for central state rule, is an anachronism. It must give way to the *federation*, a loose political entity dealing with minimal tasks — money, defense, etc. — while leaving all other functions to local communities.

The present crisis of the nation-state has yet to be fully felt, and most reforms today focus on simply redesigning it — especially since this alternative is the least disruptive to existing relations of domination. Clearly, the old political classes are not going to leave the scene without a major struggle. Paradoxically, post-Communism and post-Americanism mean the end of ahistorical, utopian models of social organization; present challenges would best be confronted by recourse to custom. Those countries, such as Russia, that have attempted the systematic destruction of their traditional patrimony, are therefore least able to deal with the twenty-first century, while countries like Italy and the U.S., where regional particularism and local communities were never successfully obliterated, are best-poised to reinvent themselves.

Collectivism, New Deal liberalism, and welfare states in general will cease to obstruct the necessary changes only to the extent that the old political classes and ideologies give way to fresh approaches. As for Zyuganov's "national socialism," it will be able to succeed only to the extent that it manages to forget both "nationalism" and "socialism," and instead focus on whatever local Russian traditions remain uncontaminated by the bureaucratic centralism of the past seven decades. ❑

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Case Study

New Zealand's Free-Market Revolution

by Scott Sutton

New Zealand flirts with free markets. But will it be a lasting love?

Almost two years into the "Republican Revolution," the GOP's promises to cut back the federal government remain unfulfilled. Despite the media-generated hype and hysteria, the federal leviathan continues to grow, piling $4 billion per week onto its already staggering debt.

A decade earlier and half a globe away, a small island nation in the South Pacific confronted a similar problem. New Zealand in 1984, like the United States in 1996, teetered on the edge of bankruptcy. Heavy protectionism and regulation had paralyzed productivity and stifled economic growth. The budget deficit stood at an all-time high, while inflation and interest rates averaged 16% and were rising. Net public debt for the 1984–85 fiscal year totaled $49 billion in real terms, or 70.55% of Gross Domestic Product. Preparations were underway to turn supervision of the nation's economy over to the International Monetary Fund.

Today, New Zealand's economic outlook is bright. The projections for 1996 estimate economic growth of 5–6% for the third consecutive year, workforce growth of 4%, a government surplus of 3% of GDP, inflation of 2%, and a 1% growth in real wages. By 1994–95, net public debt had been reduced to 50.8% of GDP; current estimates project the debt will dip below 30% of GDP this fiscal year. Once the most regulated and protected economy in the Organization for Economic Cooperation and Development (OECD), New Zealand now ranks third freest in the Fraser Institute's survey of the world's economies.

While voices left, right, and center call for increased protectionism as the remedy for America's fiscal woes, New Zealand's story provides a valuable lesson in the consequences of such a policy.

Fortress New Zealand

Following World War II, Kiwis (as New Zealanders are nicknamed, after the indigenous nocturnal, flightless bird) were eager to wrap themselves in a cocoon of comfort and security. Having lost more young men per capita in that conflict than any other country, most New Zealanders wanted to create a safe and stable environment free from any disturbances. So the government embraced the Keynesian economics and welfarism that were sweeping the western world.

From 1944 to 1984, the government steadily tightened its grip on New Zealanders' economic and social lives. Thanks to laws prohibiting weekend trading, New Zealand became known as "the country that closes on weekends." Pubs closed at six p.m., and restaurants could not serve alcohol. Shops offered only a narrow selection of overpriced, low-quality goods. Consumers had to wait up to six months for a telephone and up to two years for a car.

New Zealand's politicians believed the key to development lay in protecting domestic industry from international competition. "Fortress New Zealand" relied heavily on agriculture and on its guaranteed markets within the British Commonwealth. The government habitually propped up farmers and domestic industries with import protection and subsidies. Such interventions carved out monopoly positions for many businesses, gradually eroding the need to strive toward efficiency in order to compete.

The government subsidized businesses so that they could provide goods at artificially low prices. Such measures, supposedly enacted to control inflation and help low-income consumers, inevitably backfired. Underpriced goods led to increased demand, which could be met only by increasing subsidies. Despite their greater efficiency, unprotected businesses would fail, unable to compete against their competitors' subsidized low prices. To finance the increasing subsidies, the government borrowed

more, leading to increased interest payments, which were in turn financed by printing more money. Of course, as the money supply expanded, inflation escalated, hurting the low-income people whom the whole exercise had been intended to assist.

Trade barriers — tariffs, import licenses, exchange controls — held most foreign goods at bay. The government routinely rejected applications to import items that could be made in New Zealand. Even if a company were lucky enough to obtain a license, it might be easily dissuaded by tariffs that often exceeded 100% of the cost of the goods.

Muldoon was acting like a hapless passenger called to the cockpit to land the plane after the crew has expired.

The range of goods covered by import licensing was nearly exhaustive. At one meeting in the late '70s, Prime Minister Robert Muldoon was surprised to learn that the government issued import licenses for jumbo jets. He turned to the secretary of trade and industry, Harry Clark, and said, "But Mr. Clark, we don't have an industry that makes jumbo jets. People don't bring jumbo jets into the country unless they have a need for them. They're like elephants; elephants don't compete with cows, and you don't see surplus elephants in parking lots waiting for buyers. We don't have import licenses for elephants, do we?" To which Mr. Clark replied that he was sorry to have to tell him, but they did.

The absurdity didn't stop there. Once, for instance, a few businessmen were granted the exclusive right to manufacture televisions. These "entrepreneurs" arranged with bewildered Japanese manufacturers to have complete sets disassembled in Japan and shipped to New Zealand for reassembly. This charade went on for years, just so the TVs could be "New Zealand made."

On top of this protectionism, New Zealand's economy was encumbered by one of the most regulated labor markets in the world. Each year, employer groups and unions would negotiate "national awards" dictating the wages and conditions of every job in the economy, a feat in which Stalin would have taken pride. Not surprisingly, Kiwi industry was not known for its flexibility and innovation.

All this had predictable effects on the private sector. Whenever businessmen found themselves having difficulty competing, their first impulse was not to improve efficiency, but to run to Wellington to clamor for more protection, a new subsidy, or a new tax break.

Eventually, three events rocked New Zealand's economy. First, in 1966, world wool prices began to plummet, dropping almost by half over the next five years. Then, in 1971, Great Britain joined the European Economic Community. In opening her markets to European goods, Britain greatly reduced New Zealand's guaranteed share of those markets. Finally, in 1973, OPEC hiked its oil prices, sparking the worldwide oil crisis. New Zealand's export sector found itself awash in unwanted sheep and wool, and holding a substantially increased bill for getting its products to the few markets that remained. The government desperately borrowed more to prop up its failing export industries and expand its safety net.

The Muldoon Decade

Muldoon came to power in the midst of the anxiety-ridden 1970s. During the 1975 campaign, he painted his National Party as the party of responsible economic management, promising to deregulate the economy and get state spending under control. With a straight face, he also promised New Zealanders "cradle-to-grave" security and introduced a massive state pension scheme.

Muldoon was generally considered a "conservative." But when it came to economic issues, he was an incurable interventionist. Once in office, he completely disregarded his campaign promise to unleash New Zealand's markets, and instead tried to expand or contract the economy from year to year, depending on whether the government was more concerned about growth and unemployment or about the balance-of-payments deficit and inflation. He habitually suppressed or simply ignored market signals. Sir Robert pursued policies he thought would buy votes, such as job-creation programs and income assistance to farmers, and accelerated borrowing in order to finance these schemes.

One of Muldoon's first objectives was to stimulate and diversify New Zealand's sagging export sector. If New Zealand could just produce more lamb, mutton, and wool for the international market, he declared, profits would abound. So in 1976, the National government introduced the Livestock Incentive Scheme, in which the government paid farmers to double the existing number of sheep. Two years later, the Rural Bank, a lending agency owned and funded by the government, gave farmers easier loan concessions and land-development schemes. Despite these measures, farmers continued to call for additional aid. The government responded by setting "supplementary minimum prices" for sheep. Thereafter, if farmers failed to get the minimum price in the marketplace, tax dollars would make up the difference. From 1979 to 1984, the cost of the assistance given pastoral farming came to $1,350 from every Kiwi.

It was a party traditionally driven by socialist ideology that undertook a radical program of privatization and market liberalization.

In an attempt to diversify the export sector, the government adopted a policy of "picking winners" — that is, pumping resources into industries it thought would be most viable on the world stage. The most notorious of these "winners" was "Think Big," an extraordinarily wasteful attempt to use the energy sector to industrialize the economy rapidly, thus alleviating New Zealand's balance-of-payments bind. Masterminded by Muldoon and his

minister of energy, Bill Birch, Think Big erected several state-operated industries, such as steel and synthetic fuels, in order to capitalize on the surplus energy to be generated by yet-to-be-built power plants and gas fields. Not surprisingly, rather than relieving the country's budgetary hemorrhaging, Think Big only hastened New Zealand's charge down the path to bankruptcy. (By 1986, when the succeeding Labour government addressed the Think Big projects, the total debt came to $7.2 billion, or $2,400 per person.)

By 1978, unemployment had reached levels unseen since the Great Depression, and inflation had climbed to nearly 20%. As the strain on the economy intensified, a few members of the National government began to push for the economic liberalization that Muldoon had promised. Over the next few years, the country took a few small steps in that direction, including the legalization of Saturday shopping, the deregulation of road and air transport, and a free trade agreement with Australia.

Despite these concessions, Muldoon continued to increase his meddling in other areas of the economy. As the economy spiralled downwards, he imposed a capital gains tax, entangled the financial community in a web of unworkable controls, and, in a last desperate attempt to put the brakes on the crashing economy, instituted a draconian wage, price, and rent freeze. Muldoon was acting like a hapless passenger called to the cockpit to land the plane after the crew has expired. Once in the captain's seat, Muldoon flailed wildly at the controls, trying to bring the economy out of its tailspin, with no idea as to what had caused its nosedive and no clue as to how to bring her right.

Muldoon was a fierce megalomaniac who ruled through intimidation, cowing everyone around him into a doting obedience and thrashing critics unmercifully. In the late '70s, visiting *Australian Review* editor Paddy McGuinness referred to the prevailing conditions in New Zealand as "an economy of fear" — business leaders were afraid to criticize for fear of retribution, economists were afraid to criticize for fear of public vilification. Rather than speaking their minds, economists and business leaders told the public that Muldoon's economic policies would work while confiding just the opposite in private.

Muldoon had come to power vowing to leave the country no worse than he had found it. Yet during his 1975–1984 reign, net public debt multiplied six times over and the cost of servicing the debt grew from 6.5% to 19.5% of total government spending. The country's economic growth averaged only 0.9% per annum, less than half the OECD average, and unemployment exploded from 5,000 to 132,000. The country had the ignominious distinction of running the largest current account deficit in the OECD, as well as having the fastest rate of debt accumulation. In fact, in all the years since the Second World War, New Zealand had had the poorest performance among OECD countries in terms of productivity growth, growth in exports, and output per head. By the time Muldoon called for a "snap election" in July 1984, New Zealand had reached its credit limit. If the country's economic profligacy continued, it faced the prospect of the International Monetary Fund assuming stewardship of its finances.

Recognizing that his reforms were bound to provoke much opposition, Roger Douglas vowed to "give them so many moving targets they won't know which one to shoot at."

The Labour Revolution

In 1984, the voters elected a Labour government led by Prime Minister David Lange. Ironically, it was a party traditionally driven by socialist ideology that undertook a radical program of privatization and market liberalization. While some old party hacks advocated the same tired Keynesian remedies, a handful of young, influential officials recognized that the grim economic outlook did not allow for any further utopian dreaming.

Foremost among this group was Roger Douglas, the newly appointed minister of finance. Three years earlier, Douglas had written a book outlining his plan to reform the Kiwi economy. Few voters had bothered to read it, though, so his ambitious program took the public largely by surprise. Douglas was no *laissez-faire* capitalist, but he realized that the state botched most of what it undertook, and he intended to remove it from those activities in which it had abjectly failed. He also wanted to revise the tax system to give people more of an incentive to work. His ultimate aim was not to scrap the welfare state, but to give it a more efficient, streamlined packaging. His analysis drew on public choice, managerialism, and agency theory.

Public choice theory assumes that people are largely motivated by self-interest. Consequently, politicians act to maximize their popular support while government employees try to maximize their department budgets. The result — heavy spending and bureaucratic expansion — undermines economic prosperity. Public choice theorists therefore advocate curbing the discretionary power of politicians and bureaucrats, limiting their ability to manipulate the economy, and separating government agencies' advisory, regulatory, and delivery functions, if not privatizing them outright.

"Managerialism," in this context, refers to a closely related set of ideas borrowed from the private sector and aimed at optimizing the performance of agency and department heads. For the Labour reformers, the most important idea was that the government, rather than binding department heads with rolls of red tape, should simply set goals and allow them flexibility in the means by which they pursue them. Managerialism also encourages departments to adopt long-term plans, performance agreements, and mission statements.

Like public choice theory, agency theory starts with the premise that people are driven primarily by self-interest. Agency theory views the public sector as a complex of contracts between taxpayers and government. Since individuals are opportunistic, the

interests of the contractees inevitably conflict. A great deal of agency theory, therefore, focuses on finding the most satisfactory way of negotiating, writing, and monitoring contracts in order to minimize the possibility that opportunistic officials will violate them. The public, therefore, should be able to monitor the government's behavior, demand performance guarantees from government agencies, and infuse public contracts with incentives and sanctions.

Critics of "Rogernomics" charged that these reforms were done to benefit big business. In fact, they cost major companies tens of millions of dollars.

Imbued with these theories, Douglas and his compatriots moved to restructure the public sector, provide incentives for improved performance, make government agencies accountable, give greater attention to taxpayer preferences, and clarify department objectives. Recognizing that his reforms were bound to provoke much opposition, Douglas vowed to "give them so many moving targets they won't know which one to shoot at."

Almost immediately, Douglas removed the freeze on prices, wages, and interest rates, and addressed New Zealand's immediate foreign exchange crisis by floating the dollar and removing exchange controls. In a single stroke, Douglas abolished most direct assistance to exporters, including all farming subsidies. He also eliminated price controls and import licensing, and drastically reduced tariffs. (Many critics of "Rogernomics" charged that these reforms were done to benefit big business. In fact, by eliminating subsidies and trade barriers, Douglas cost major companies tens of millions of dollars as they were forced to restructure their operations.)

Douglas then turned his attention to the public sector. At that time, public-sector spending accounted for almost 22% of GDP; government expenditure, around 39%. Douglas dismissed tinkering with the system as "shifting the chairs on the Titanic." Instead, he introduced market forces to the public sector by breaking many services away from the state and simultaneously deregulating them. After determining which services could be run as revenue earners, the government either sold them or set them up as State Owned Enterprises (SOEs).

The SOE Act of 1986 initially established nine industries as State Owned Enterprises. The reformed industries included telecommunications, postal service, coal, electricity, forestry, and aviation. Although SOEs remained government-owned (obviously), they were now competing with the private sector and had to be profitable. Like any private company, SOEs were to raise loans in the market, and were not allowed to borrow money from the government. In addition, SOEs would pay a dividend to their owner, the Crown, and would pay taxes. The reformers hoped that these changes would lead to more efficient and consumer-oriented operations.

And they were right. In fiscal year 1984–85, New Zealand Railways lost $20 million despite a $40 million subsidy from taxpayers. Eight years later, as an SOE, it turned a profit of $36.3 million. Over that time, it cut its staff by 66% while dropping freight charges by 50% in real terms. Similarly, in its first year as an SOE, New Zealand Post registered a before-tax profit of $141 million. In the same year, it carried nine million more letters than the year before, with 20% fewer staff.

Although the SOEs have performed admirably, the enterprises that have been privatized have been even more successful. For instance, the national telecommunications industry, which became an SOE in 1987 and was privatized in 1990, increased net earnings by 56% in the first two years after privatization, and raised the return on shareholders' funds from 10.6% to 15.2%.

While the law requires SOEs to behave like private businesses, the fact remains that they are not. Unlike private companies, SOEs do not face the threat of bankruptcy that spurs private companies to strive continuously for increased efficiency and innovation. According to the SOE Act, the state will not bail out a struggling SOE, but it seems unlikely that the government would endure the embarrassment of allowing one of its enterprises to go broke. Additionally, taxpayers tend to demand less from their "investments" than do shareholders.

Douglas also took on the country's punitive tax rates, albeit with a less libertarian approach. The old system included marginal tax rates as high as 66% at just over twice the average income, and a sales tax code that included 17 different rates. Douglas drastically reduced income tax rates, slashing the top rate in half to 33%. At the same time, he introduced a flat-rate, value-added Goods and Services Tax set at 10%. By reducing the incentive to evade taxes and by closing loopholes, Douglas considerably broadened the tax base. These changes subtly enhanced the government's ability to fund its activities. From 1983–84 to 1995–96, these moves have enabled the government to increase its tax take from 30.4% to 37.7% of GDP, or over $3 billion in real terms.

Finally, the State Sector Act put department heads on five-year contracts and stipulated that they must run their departments efficiently, or their jobs would be the first on the line. In the words of broadcast journalist Lindsay Perigo, the act contributed to "the gutting of the public service to a delightful degree and made it more efficient."

In 1987, the Labour government was re-elected and, shortly thereafter, Douglas and Lange announced their intention to continue the reform program. A flat tax and a streamlined welfare system were on tap, they told the press. But it was not to be. Unknown to the public, Lange was having an affair with a leftist former university professor who vehemently opposed Douglas' policies. One month later, while Douglas was overseas, Lange cancelled the new package. The two feuded bitterly behind the scenes for a while. Finally, Lange called for a "tea break" from the reforms and sacked Douglas.

A period of confusion and near-paralysis followed. Almost a year later,

Douglas was back in the cabinet, and a few days after that, the prime minister himself resigned. These episodes crippled the government's resolve to confront the problems that remained. Spending continued to skyrocket, as did the number of people dependent on the state. Also, because the Labour Party relied on financial and electoral support from unions, serious labor market reform remained off-limits.

Nevertheless, the fractured Labour government managed to finish a few of the initiatives Douglas had begun. It sold a few more Crown assets and further cut import protection. Most significantly, it passed the Reserve Bank Act and the Public Finance Act.

The Reserve Bank Act aimed to stabilize prices by requiring the central bank to keep inflation between 0% and 2%. Thus, the government could no longer print more money before elections to engineer a short-lived burst in economic growth.

The Public Finance Act spelled out the criteria for monitoring departmental performance. It requires that every government department and office submit annual financial statements, including projections for the following year, to its ministerial cabinet. From these statements, the Treasury produces a consolidated balance sheet and operating statement, which are made publicly available and are easily understood. The Act enables taxpayers to compare how a department has performed over the previous year with how it was expected to perform. The department head must fully explain any deviations from these projections.

The Opposition Goes To Bat

In the election of 1990, the National Party resoundingly bounced the lethargic and turmoil-plagued Labour government from power. Assuming the influential post of minister of finance was Ruth Richardson, a diminutive spitfire who had earned a reputation for opposing, often alone, some of Muldoon's more feather-brained measures. A market liberal, Richardson was determined to continue what Douglas had begun.

In its post-election briefing to the incoming government, Treasury revealed that the deficit was expected to grow from $3.7 billion in 1991–92 to $5.2 billion (6.3% of GDP) in 1993–94. Richardson resolved to initiate a long-overdue assault on spending by further tightening fiscal discipline and initiating welfare reform. In addition, she intended to deregulate the labor market.

Buoyed by the support of the minister of social welfare, Jenny Shipley, Richardson set out to restructure the welfare system. First, the government reduced the weekly rate for the dole so that welfare recipients were no longer receiving more than the minimum wage. Second, Richardson broadened the conditions whereby people were considered "voluntarily unemployed" and, therefore, ineligible for the dole. Under the new system, if welfare recipients failed to appear at a job interview or turned down two job offers, their benefits were cut.

Although the Labour government had begun the practice of annually issuing three-year economic and fiscal forecasts, this procedure had not been passed into law. Richardson's crowning achievement, the Fiscal Responsibility Bill, requires the government to issue these forecasts twice a year, publish an additional update four to six weeks before any election, and produce an annual report on its objectives for expenses, revenue, and debt. The annual report must also explain how the government intends to achieve its objectives, give an update on its progress to date, and offer projections for the next ten years. Finally, the bill squarely places responsibility for the accuracy of the forecasts with the Treasury Department. In combination with the Public Finance Act, the Fiscal Responsibility Bill has given New Zealand the most comprehensive and accountable financial disclosure system in the world.

On the labor front, Richardson made a valiant attempt to abolish the minimum wage. Off the record, many government officials admitted that the minimum wage costs jobs and denies workers the opportunity to acquire marketable skills. But many members of Parliament felt repeal would be politically risky, and Richardson's measure failed. Despite this setback, she did manage to abolish compulsory unionism and set the labor market on a basis of free contracting.

By the election of 1993, popular opinion had once again turned against the reform program. The National government was re-elected by the narrowest of margins. To recapture public support, the prime minister sacked Richardson and replaced her with Bill Birch of the "Think Big" disaster. Reform ground to a virtual halt. As one observer pointed out, "the appalling irony here is that Bill Birch is now presiding over an economy that is at last enjoying the fruits of the Douglas/Richardson reforms."

Land of the Free?

While the success of the privatization and deregulation program has brought international accolades, New Zealand still confronts a number of problems.

Since 1973–74, government spending has grown from 28% to 34.5% of GDP, thanks to escalating spending on education, health, welfare, and superannuation. To pay for these increases, taxation has gone up over the same period, from 26% to 38% of GDP. Until

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three years ago, the tax take did not cover spending. Although the sale of state assets relieved part of the debt, much of the proceeds went to finance debt accumulated over the previous twelve years. As a result, the net public debt now stands at 50% of GDP. New Zealand's debt-to-GDP ratio is the fourth highest in the OECD.

New Zealand's reforms were enacted in the name of those enduring bromides, "the public welfare" and "the common good." And as critics shrieked at the "inhumanity" of the reforms, Parliament passed a great deal of legislation openly inimical to individual liberty and property rights. For instance, the Resource Management Act forbids property owners from altering their property or changing its use in any way without bureaucratic permission. Also, it is now illegal for employers or landlords to discriminate on the basis of race, creed, gender, sexual orientation, or HIV status. And if a person deposits a large amount of cash into his bank account, the bank teller is required to report the "suspicious" transaction.

So while American libertarians might envy the Kiwis' relative economic freedom, the reforms rest upon a precarious foundation. Any fundamental shift in New Zealand toward a general pro-freedom attitude remains a long way off. (In the words of Prime Minister Jim Bolger, "I don't want to hear any of that Amy Rand stuff.") In some recent polls, the newly formed Alliance Party is supported by over 30% of the electorate. The Alliance calls for more protectionism, spending, and taxation — the very policies that brought New Zealand to its knees in 1984. And the 1996 elections may well produce a Labour/Alliance coalition government.

Until Kiwis actually embrace the values of self-responsibility and individual liberty, the reform program will continue to stall, and the gains that have been made will be jeopardized. Aware of this need, New Zealand's handful of libertarians have begun campaigning for such individualist ideas. Over the last two years, they have established a nationwide libertarian radio network (the late, lamented Radio Liberty), started the country's only libertarian journal (*The Free Radical*), and formed a political party (the LibertariaNZ). As a result, Kiwis are for the first time being introduced to the ideas of freedom, and terms such as "individual rights" and "liberty" have begun to creep into parliamentary debates. With the continued success of the economic reforms and the comparative ease with which ideas may be disseminated in a small country, that fundamental revolution in thinking may yet take place. ❑

Casey, "I Go To Kazakhstan," *continued from page 33*

summer place. They're homemade shanties with no plumbing, electricity, or water, jammed together about six to an acre. If you're lucky enough to have a *dacha*, you don't go there to relax; you take a bus there on the weekend for the dry, hot, hard work of growing veggies, so there's something to eat other than the canned food from State Factory #17.

That's in the summer. Winter is something else again, when the place turns into *Dr. Zhivago* country. Then you just sit in your cold, cramped, dimly lit closet and . . . do what? We went to what may have been the most happening bar in Karaganda, and I can assure you I won't go back unless I'm really anxious to brawl with a drunk Russian.

Don't get me wrong. If you have money and connections, life can be reasonably good here. Suburbs are starting to rise, with houses as nice as any in the U.S. But their inhabitants are mostly the *nomenklatura* and mafia figures.

Of course we were treated pretty much like *nomenklatura* during our stay. For instance, wherever we drove, we had a police escort, so all the traffic in both directions pulled over. Unfortunately, that wasn't enough to ward off a tragedy. The lead car in our caravan had a head-on crash with another vehicle and a motorcycle. I didn't see the impact, but I saw the aftermath: utterly gruesome, the type of accident seen only in the Third World, with six dead and several maimed. One of the dead was a young Kazak, the president of KazMinCo's local partner. I had been toasting and getting to know him only an hour before. He was the son of Kazakstan's last KGB chief.

"Russian Women Want To Meet You!"

One last thought. If you ever peruse men's magazines, you've undoubtedly seen the ads for Russian women who want to meet Western men. You might have thought that the stunning photos were specially selected, or that the agencies' claims to have files of thousands of women were bogus. I think not. One thing that impressed everybody was the incredible number of good-looking women we saw everywhere.

It seemed statistically improbable that they would all be that pretty. Was it something in the water? Had the gene pool also been selected for female beauty? I pondered the question awhile, and came up with a possible answer.

Women in poor countries often suffer from malnutrition, which adversely affects their beauty. On the other hand, they don't get a chance to overeat the way American women (in particular) do. And they get a lot of exercise, having to walk almost everywhere.

Russian women *do* get adequate nutrition and dental and medical care — but they don't get a surfeit of food, partially because most of the food that is available verges on the inedible. And they do get plenty of exercise.

My guess is that as soon as they arrive stateside they'll eat and exercise like Americans. Which means that in a few years, they'll look like their grandmothers, sans *babushkas*, flowered dresses, and stick brooms. But the smart ones want to go West. If they stay in Kazakhstan, they know that after marriage their husbands will get drunk and brutal, and they'll live in grinding poverty and crushing boredom. And, for a bonus, they'll turn into their grandmothers.

Life can be a cruel joke. ❑

Critique

Voting Is No Sin

by R.W. Bradford

Voting no more legitimizes the state than scratching legitimizes an itch.

Over the past two years, a lot of *Liberty*'s ink has been devoted to arguing that participation in the political process is immoral. First, in the March 1995 *Liberty*, John Pugsley offered an eight-page argument against voting in general and Harry Browne's presidential campaign in particular. In the very next issue, Wendy McElroy presented a more concise argument against voting, which she emphatically restated in "Why I Would Not Vote Against Hitler" (May 1996). "At the last *Liberty* Conference," she writes, "a question was posed: 'If you could have . . . cast the deciding vote against Hitler, would you have done so?' I replied, 'No, but I would have no moral objection to putting a bullet through his skull.'"

To date, these arguments have gone virtually unanswered in our pages. As the person who posed the question to McElroy at the *Liberty* Conference, I reluctantly have decided to take up the issue here. My reluctance grows out of my admiration for McElroy and for Pugsley, both of whom have demonstrated a courageous willingness to advance a rather lonely and unpopular opinion, and both of whom honestly carry their logic to its conclusions. But as much as I admire them, I am not convinced by their argument.

McElroy's willingness to put "a bullet through [Hitler's] skull" demonstrates her revolutionary zeal. But her elaboration makes it clear that she considers voting the kind of serious sin that mere assassination, apparently, is not: A ballot can never be "an act of self-defense . . . [It] attacks innocent third parties who must endure the consequences of the politician [who has been] assisted into a position of power over their lives. Whoever puts a man into a position of unjust power — that is, a position of political power — must share responsibility for every right he violates thereafter."

For McElroy, if a candidate is elected, all who have voted for him become guilty of any crimes he might commit. This logic, it seems to me, would lead in very strange directions if it were applied to a voluntary association or corporation. By McElroy's argument, if she voted for someone to be chair of, say, her local Association of Voluntaryists, she would share guilt for any evil that individual might do in office, up to and including encouraging people to vote in political elections. Of course, such thinking, if adhered to by members of voluntary organizations, would simply eliminate any such association not run by administrative fiat.

For Pugsley, the voter shares guilt for elected officials' crimes even if he voted against them: "Those who vote in the next presidential election will share responsibility for the theft, coercion, and destruction the next administration will wreak on all Americans as well as on innocent people around the world who fall victim to American intervention. Every person in the lynch mob is as guilty as the person who pulls the rope. Since a voter appoints an agent and empowers that agent to aggress against others, the act of voting is immoral. It is wrong."

The notion that by taking a certain action, one accepts responsibility for all sorts of diffuse antecedent events, is fairly widespread. Hence the 1960s boycott of inoffensive table grapes because they were harvested by non-union labor, the 1950s boycott of Polish hams by anti-Communists, and certain yuppies' preference for hamburgers made from cows raised by farmers who give them names and treat them humanely (at least until they are slaughtered) — not to mention U.S. government–ordered embargoes of trade with Mongolia, Vietnam, Cuba, South Africa, the Soviet Union, China, North Korea, etc.

Such actions may or may not have the intended moral effect. They certainly provide comfort both for the

well-meaning and the self-righteous. But they are no substitute for the real business of the world. If one must investigate the antecedents of everything one buys and verify that it was produced in accordance with one's ethical values, trade will halt and society will cease to exist.

McElroy even opposes going to the polls only to vote no on tax increases: "It seems like I should be saying that you should vote against things," McElroy said in response to a question at the conference. "But one of the big problems that you have in terms of dealing with the state, and dealing with people who believe in the state, is the state has legitimacy. And perhaps the biggest thing that gives the state legitimacy is that it is considered a democratic process in which we can all vote. . . . If in fact you deal with the political system and vote, even against something, you're saying they have the authority, or you're participating in a system that says the state has the authority."

When Chilean dictator Augusto Pinochet allowed himself to be voted from office in 1988, did "another of his ilk" take power in two seconds?

Her view is that *all voting is wrong* — which is what prompted my question about casting a deciding vote against Hitler. "Thou shalt not vote" is a universal moral commandment that must be obeyed under any and all circumstances.

But why is voting wrong? "Voting is an act of implicit violence, because it is an essential aspect of a system that binds others to the will of the state. Moreover, voting provides the legitimacy upon which the state lives and breathes. . . . Just as totalitarian states go through the charade of 'free elections' to justify their rule, Western democratic states base their claim to legitimacy upon consent via the ballot box [because] most people . . . accept the notion that by 'participating in the electoral process,' they have given consent in one important matter."

The crux of McElroy's argument, I believe, is that the power of the state rests on its claim to legitimacy, and its claim to legitimacy rests on its subjects' participation in democratic elections; so by refusing to participate in elections, we can deny the state's legitimacy and reduce (or destroy) its power. Q.E.D. A nifty argument. But not, I believe, a valid one.

The problem with this argument is that it accepts as true a key proposition of the modern statist: that voting confers legitimacy on the state. I can see no more reason to accept this claim at face value than to accept many modern statists' claims that a social "contract" binds us to obey the law and that government ownership of the means of production renders them more productive, more just, and more humane than means of production that are privately owned.

There is a glimmer of truth to the legitimacy argument. The power of any state does depend on the opinions of its subjects; if enough of them view it as good or inevitable or too powerful to resist, the state achieves a certain viability. Ultimately, power is in the hands of individual human beings, and the most powerful states are those with the widest support.

Like all governments, the modern democratic state rests on the support of its subjects. It seeks this (and asserts its legitimacy) by holding elections. The democratic state that gains widespread support by this method can become extremely powerful, able to command huge resources.

But elections are not the only means states have used to assert legitimacy. In medieval Europe, states asserted a legitimacy that came from the Christian religion, and demonstrated that legitimacy by sharing power with the organized church. Democratic elections played no part in the process. In much of the Muslim world today, states derive their legitimacy from Islam. In countries controlled by Communists, states claimed legitimacy from scientific, Marxist thought.

I am no more willing to accept the notion that voting confers legitimacy on the democratic state than I am willing to accept these other supposed sources of legitimacy. And just as I need not condemn rational, scientific inquiry to deny legitimacy to the Marxist state, or condemn religious belief to deny legitimacy to the medieval state, so I see no need to condemn voting to deny legitimacy to the modern, democratic state.

Casting about for a way to interpret McElroy's argument in a more plausible way, it occured to me that perhaps she fears that exercising my moral freedom to vote may lead other people to believe that the state is a morally legitimate authority.

But allowing neighbors' interpretations to determine your behavior is absurd. Suppose, for example, that McElroy's neighbor believes that walking upright is evidence that she agrees that all her property should be forfeited to the state. Would McElroy agree that it ought to be?

Or — to take a less absurd notion — suppose that your use of public streets leads your neighbors to believe the state is morally legitimate. Must you then stop using the roads?

As a matter of fact, many people do believe that if you use the streets, or sidewalks, or government schools, or postal service, or any other state-owned or state-controlled entity, you confer legitimacy on our massively coercive government. Yet few of those who oppose the omnipotent state try even to reduce our use of such things. They don't walk on the grass, or buy bottled water, or stop driving. They're not really worried about the bad example they give their neighbors. I suspect McElroy isn't either. Nor should she be.

McElroy removes voting from its social context — not realizing that in the process she is robbing it of its actual meaning.

What McElroy misses is that when our neighbors interpret our behavior as granting legitimacy to the state, *they are wrong.*

The simple fact is that people's motives for voting *do* matter. Just as we treat the little girl who trespasses on our property while chasing a butterfly

differently from the vandal who enters our property with intent to damage, so we must treat those who vote as a way of gaining personal power or wealth differently from those who vote in order to reduce the power of the state.

But for McElroy, the proposition that voting confers legitimacy on the state is an established fact that cannot be denied; neither a voter's motive nor the consequences of his act are relevant against the perfidy of his legitimizing the state. She removes voting from its social context — not realizing that in the process she is robbing it of its actual meaning. And so, off in this fantasy world where refusing to cast a ballot that would prevent Hitler from taking power is an act of virtue and voting against Hitler is evil, McElroy is secure in her own heroism.

And ironically, she accuses *voters* of removing their arguments from the real world. She asserts that my question about Hitler "postulated a fantasy world which canceled out one of the basic realities of existence: the constant presence of alternatives. In essence, the question became, 'If the fabric of reality were rewoven into a different pattern, would you still take the same moral stand?' Since my morals are derived from my views about reality, it was not possible for me to answer this question . . . I can address only the reality in which I live and, in a world replete with alternatives, I would not vote for or against Hitler . . . Voting for or against Hitler would only strengthen the institutional framework that produced him — a framework that would produce another of his ilk in two seconds."

For McElroy, "thou shalt not vote" is a universal moral commandment that must be obeyed under any and all circumstances.

What reality is McElroy living in? When Chilean dictator Augusto Pinochet allowed himself to be voted from office in 1988, did "another of his ilk" take power in two seconds? How about when Jaruzelski was voted from office in Poland? Or the Sandinistas in Nicaragua?

I suppose someone might argue that all the succeeding governments continued to collect taxes, regulate the economy, enact unjust laws, etc., and are therefore of the same "ilk" as their predecessors. To this I respond: Franklin Roosevelt and Joseph Stalin were both statists, but Stalin was far more destructive of human life, liberty, and property, and the difference is very important.

My guess is that by characterizing my question as fantastic, McElroy wanted to free herself from dealing with this sort of objection. Of course, I don't believe that the situation I specified is likely to occur. All I suggested is that it is plausible that at some point a person might have an opportunity to cast a ballot that would keep a very bad person from political power. But McElroy is arguing for a universal moral imperative. The whole purpose of such commandments is to tell you what to do in *extreme cases*. So she must deal with every plausible case, not simply those likely to occur.

Well, I don't live in Wendy McElroy's world. In my world, I don't claim to understand the inherent moral significance of voting, let alone accept the notion that it confers legitimacy on aggressive force. And in my world, if I had an opportunity to cast the deciding vote against Hitler, I would do so. I would do so because Hitler was a very bad man who advocated policies that would do a terrible amount of harm to millions of people, including, presumably, me. Even if I were somehow immune to the future harm done by Hitler, I'd have jumped at the chance to cast a deciding ballot against him because I feel benevolent toward my fellow human beings and because the cost of voting against him is slight.

So what action can one take to reduce the power of government and increase human liberty? To answer that question, we must remember that government power rests on the opinions of our fellow human beings. It will be reduced or eliminated only when there is widespread conviction that it *ought* to be reduced or eliminated. The means by which such a change takes place may be democratic (as in New Zealand over the past decade) or revolutionary (as in the United States in late eighteenth century), or somewhere in-between (as in Poland in the 1980s). But the one undeniable precondition for such a radical transformation is a change of opinion.

Suppose that your use of public streets leads your neighbors to believe the state is morally legitimate. Must you then stop using the roads?

In our society, there are many means of convincing our fellows to change their opinions. We can try to educate them. We can try to stimulate others to educate them. We can set good examples by trying to live exemplary lives. We can organize debating societies. We can write books about feminism, or publish magazines. We can do research, or explore the frontiers of social thinking. And, if we choose, we can run for office, using our campaign to spread the proposition that liberty is good.

There are many roads that lead to a freer world. Some of us prefer one over another. Some of us progress further along some roads than we would by following others. But it behooves us to remember that the road we choose is not the only road. ❑

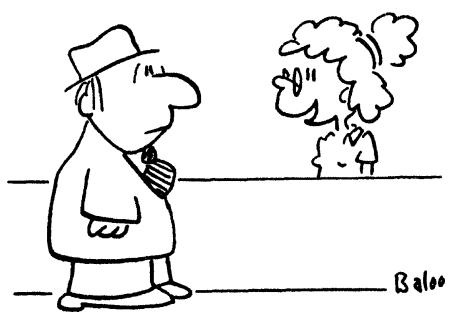

"I'm afraid the doctor's in Hawaii right now, but he'll speak to you on the phone for $40."

Inquiry

A Killer's Right to Life

by George H. Smith

The death penalty has a renewed life. On its merits, it deserves to die a quiet death.

Doing political philosophy consists largely of deciding where we don't want to go and then figuring out a way to end up somewhere else. There is nothing wrong with this method, as long as we do not confuse motives with arguments. How and why we pursue a particular inquiry — what questions we ask, what we try to justify, and so forth — depend largely on subjective considerations. But having embarked on the subjective quest for understanding, we must thereafter be guided by objective considerations. My motive for writing this article was to see whether I could build a convincing theoretical case against capital punishment from a libertarian perspective. But an argument cares not at all for motives; it is concerned only with reasons.

For many years, when asked about my position on the death penalty, I gave a reply that I have heard from many other libertarians: "I am against giving the power of life and death to our present government, but I am uncertain about its moral legitimacy in theory." My major concern revolved around the issue of certainty. It is inevitable, especially given our current judicial system, that innocent people will be (and doubtless have been) executed; so it seems better to oppose all capital punishment rather than run the risk of killing one innocent person.

Of course, this position, however justified, evades the broader moral issue. Suppose we can have no doubt whatever about an accused serial killer's guilt. Given our theory of justice, what position should we take when reasonable doubt is impossible and where the crimes have been especially heinous?

Emotionally, I favored capital punishment hands down, despite my pacifist inclinations. I felt no sorrow whatever at the thought of executing a brutal and sadistic killer — and, to be honest, I still don't. But there remained the nagging issues of inalienable rights and whether capital punishment is consistent with the libertarian theory of restitution. We can justify the death penalty only with a broader theory of punishment that is consistent with our theory of justice. I could justify restitution, but nothing more. So if I were to embrace the death penalty, I would necessarily have to revise or reject my views on punishment and, by implication, the libertarian theory of inalienable rights.

Therefore, rather than assume that capital punishment must somehow be legitimate and work backwards from there — which is, I believe, the procedure of some libertarians — I resolved to begin with inalienable rights and see if I could eliminate capital punishment from the libertarian agenda. I believe that I have succeeded. Indeed, in retrospect the argument seems remarkably straightforward.

Inalienable Rights

Calling a right "inalienable" means that it cannot be transferred, surrendered, or forfeited. Inalienable rights are inextricably linked to our reason and volition, which together constitute our moral agency. Since we literally cannot alienate our moral agency — no one else can think for us, or will for us, even if we want them to — this means that we cannot alienate the right to exercise moral agency. We have no choice in the matter.

The concept of inalienable rights, as used by individualist thinkers, arose during the social contract debates of the seventeenth and eighteenth centuries. Social contract theory has many variations. In its early forms, it was often used to justify absolute sovereignty. Philosophers claimed that the people had irrevocably transferred all of their rights to government, so their rights could not be restored without the government's consent. Since the social contract was an imaginary construction, not a historical reality (virtually all philosophers agreed on this point), there was no way to decide empirically which rights had been surrendered and under what conditions.

In their assault on absolutism, individualist philosophers maintained that some rights can never be delegated to government, because they are inalienable. Such rights are inherently linked to innate human characteristics that even consent cannot transfer, abandon, or forfeit. If a human faculty,

such as conscience, cannot be alienated, then neither can the right to exercise that faculty. As Spinoza put it, "no man's mind can possibly lie wholly at the disposition of another, for no one can willingly transfer his natural right of free reason and judgment, or be compelled so to do."

The upshot of this is that no government can properly violate inalienable rights with the excuse that they were transferred in the social contract. Any government that does so is necessarily tyrannical. Inalienable rights thus played a crucial role in the political controversies over resistance and revolution. They functioned as a bright line which, when crossed by government, constituted a public declaration of tyranny, thereby activating the people's right of revolution. (This theory is clearly expressed in the Declaration of Independence.)

Rights theory developed in the context of debates over political sovereignty. In 1576, the French philosopher Jean Bodin, a champion of absolute monarchy, argued that the political ruler has an "inalienable right" to his sovereignty, which precluded all rights of resistance and revolution by the people. This and similar claims by absolutists led to the counter-claim by individualists (such as the Levellers) that moral sovereignty properly belongs to all people in virtue of their common humanity. (This doctrine owed much to the ancient Stoics.)

Libertarian writers have used various names for the primary inalienable right, including self-proprietorship, property in one's person, self-ownership, moral autonomy, the right to life, and self-sovereignty. This latter term, popularized by the American anarchist Josiah Warren, is the label I prefer. "Sovereignty" refers to the ultimate and absolute right of decision-making. "Self-sovereignty" denotes the individual's right to use and dispose of his or her body, mind, and labor, and the fruits thereof.

This historical context is important for several reasons. First, it helps us understand the problems, both theoretical and practical, that generated modern theories of rights and the questions they were designed to answer. It is virtually impossible to appreciate a theory fully unless we know something about its historical origins.

Second, the doctrine of inalienable rights arose during the debates over resistance, revolution, and tyrannicide. The doctrine was not intended to address the question of punishment and was rarely applied to the death penalty. Indeed, tyrannicide was commonly seen as a form of capital punishment, whereby the king, by abusing his trust of power, had "unkinged" himself, placed himself in a "state of war" against the people, and was thereby liable to be killed for his crimes. Had early libertarian thinkers employed a theory of inalienable rights to oppose capital punishment, they would have cut the ground from under their own defense of tyrannicide.

Ideas, like actions, have unintended consequences. And though the philosophy of inalienable rights was not intended to address the issue of punishment, it has definite implications in that field. One of these consequences, I believe, is the total repudiation of capital punishment as inconsistent with the inalienable right of self-sovereignty. As libertarians, we should oppose capital punishment, not because we wish to defend heinous and brutal killers, but because we wish to defend our moral principles.

An inalienable right must be universal and reciprocal if the concept is to have meaning. A right entails a corresponding obligation, or duty, for others not to interfere with the free exercise of that right. This presupposes the existence of other persons who, as moral agents, are capable of understanding the concept of "ought" (which requires reason) and of acting accordingly (which requires volition).

If I have an inalienable right in virtue of my moral agency, then others must have the same right in virtue of their moral agency. My right logically implies a corresponding duty in other persons. Those persons, therefore, must be moral agents — or the concept of duty could not apply to them — and so, like myself, they too must possess that inalienable right. (As philosophers like to say, "ought" implies "can.") This is the formal principle of universality.

Since a right has no meaning apart from the moral duty it imposes on others, and since moral duty presupposes moral agency (reason and volition), this implies that others have a right to act according to the precepts of duty, which requires choice. In other words, others must have the right to exercise their moral agency, which I, in turn, have a duty to respect. This is the formal principle of reciprocity.

I am not merely claiming, as a matter of practical necessity, that I must concede the rights of others if I am to claim them for myself. There is merit in this claim, but my point is logical, not practical. It does not concern itself with who does or does not claim to possess rights. It has to do with the internal coherence of the concept itself. If I claim an exclusive monopoly on inalienable rights, then I am not merely inconsistent — I am incoherent. It is akin to the claim that my quarter has only one side. A right and a duty are two sides of the same coin.

In brief, either every person has inalienable rights or the concept is sheer gibberish. Which brings us to the issue of capital punishment.

I believe that every person — including a wanton, brutal killer — has certain inalienable rights in common with the rest of humankind, rights that cannot be transferred, abandoned, or forfeited. I further maintain that the death penalty is a clear violation of that inalienable right known as self-sovereignty.

Since I cannot here defend a theory of natural rights (much less inalienable rights) with any degree of thoroughness, I offer the following dilemma as a focal point for some brief observations. I suggest that libertarians must adopt one of these two positions.

(1) If everyone has inalienable rights, then the wanton, brutal killer (let us call him Murphy) also has inalienable rights, and it would be unjust to execute him, whatever the magnitude of his crimes.

(2) If capital punishment is just and we decide to execute Murphy, then we can do so only on the assumption that he does not possess inalienable rights. But if Murphy does not have these rights, then no one does, and we must abandon the theory altogether.

Thus, we must either oppose capital punishment as unjust, owing to our theory of inalienable rights, or we must jettison that theory. This latter option, in my judgment, would be catastrophic, for we cannot construct a libertarian theory of justice except on a foundation of inalienable rights. And without a theory of justice, we cannot have a valid theory of punishment. And without a theory of punishment, we cannot reasonably take any moral position on capital punishment, pro or con, because we lack a systematic method of analysis and justification.

As for my earlier contention that inalienable rights and capital punishment cannot be reconciled, several objections immediately suggest themselves:

(1) Perhaps Murphy initially possessed inalienable rights (like everyone else), but somehow forfeited these rights after committing his foul deed.

Reply: This argument evidently proceeds from a peculiar definition of inalienable rights. Forfeiture, after all, is a mode of alienation. Let me be clear about this: by "inalienable," I mean "inalienable."

(2) Perhaps the execution of Murphy is not a violation of his inalienable rights, owing to the need for reciprocity. If Murphy has willfully and maliciously violated the inalienable rights of others, then we need not reciprocate by respecting his rights, nor can he reasonably claim that we should.

Reply: It is true, as I explained previously, that rights are reciprocal. The concept of a right necessarily entails the universal duty of reciprocity. Every moral agent has the duty to respect the equal rights of other moral agents. But this means that we must respect the inalienable rights of Murphy precisely because he is a moral agent and remains so, despite his foul deed.

We cannot as libertarians choose when we will and will not respect inalienable rights. They are the foundation for our theory of justice; as such, they determine our choices and actions in the realm of jurisprudence. If we say that inalienable rights should be respected, but only under certain conditions, then this requires a standard by which to determine when those conditions are present and when they are not. And this, in turn, requires that we demote inalienable rights to a subordinate position, where they can be judged by a standard of evaluation that is more fundamental. I should like to know what this standard is and who, or what, determines its applicability. To argue for the conditional nature of inalienable rights is, in effect, to destroy the epistemological function of those rights in the libertarian theory of justice.

We cannot develop a theory of punishment without taking into account the desire for revenge, any more than we can understand economics without taking into account the desire for profit.

Slavery, Torture, and Capital Punishment

Historically, the right to inflict capital punishment was central to the defense of slavery. According to Locke, when a man takes an action that deserves death and thereby forfeits his own life, then whoever has a right to inflict that punishment may "delay to take it, and make use of him for his own Service, and he does him no injury by it." After all, if the condemned person finds that the hardship of slavery outweighs the value of living, then he can always resist the will of his master and cause himself to be killed, which is what he deserved in the first place. (We might think that outright suicide would be a better option, but Locke denies the right to kill oneself, since it violates God's absolute property in man, his creation.)

I don't see how we can avoid Locke's conclusion, if we accept the justice of capital punishment. If I have the right to kill Murphy for his crime, then surely I have the right to inflict lesser punishments on him as well, including a life of slavery.

Consider the juridical implications of capital punishment from a libertarian perspective. (By "juridical," I mean "pertaining to the administration of justice.") Rights, as we have seen, always entail corresponding duties. Therefore, to say that I have a right to kill Murphy for his crimes must mean one of two things:

(1) Perhaps Murphy has the corresponding duty not to forcibly resist my killing him, i.e., he has the moral obligation to die. This makes nonsense out of a libertarian theory of rights, which is based on the fundamental right of self-preservation. (Even an absolutist like Thomas Hobbes believed that this right could never be surrendered.) How can the inalienable right of self-preservation transform itself into the obligation to die? Maybe libertarian casuists can answer this question, but I cannot.

(2) Perhaps Murphy, owing to his heinous crimes, has forfeited his fundamental right to life. In this case, I, his executioner, can dispose of Murphy as I would my own property. Here the corresponding duty not to intervene would pertain, not to Murphy (who is no longer regarded as a moral agent) but to other persons generally. For example, when I claim a property right in my car, I obviously do not mean that the car has a duty to comply with my wishes. Rather, I mean that other people have a duty not to interfere with my rightful jurisdiction over my own property. I can do whatever I wish with my own car: drive it, disfigure it, damage it, destroy it, etc. If this is what is entailed by my right to inflict capital punishment on Murphy — and, in my opinion, this is the only interpretation that is conceptually coherent — then Murphy is literally my property. I can kill him (i.e., dispose of him), but I can also enslave him, torture him, disfigure him, and the like.

I have a right to dispose of something absolutely only if it is my property. When analyzed juridically, capital punishment requires someone (usually the government) to have an absolute property right in the criminal who is to be executed. This, however, is the foundation of slavery. It was frequently

argued that first-generation slaves had waged unjust wars against their African neighbors, who then captured their aggressors and, rather than inflict the just penalty of death, sold them to European slavetraders instead.

Nineteenth-century abolitionists, such as William Lloyd Garrison, argued that slavery (or "manstealing") is always unjust, because it violates the inalienable right of self-ownership. We cannot have property in other persons, because every person has an absolute property in himself. We cannot own others, because every person is a self-owner. This has long been the premise of radical libertarianism. Capital punishment demolishes that premise, because it concedes that, in this case at least, ownership of one person by another is possible and proper.

There is another problem with slavery, one that was often raised by abolitionist writers. Suppose Murphy, whom I have enslaved in lieu of killing him for his crimes, kills someone else. Who is legally responsible, Murphy or me? As a slave, Murphy is my property, like my car or my dog. If Murphy is not a moral agent with self-sovereignty, i.e., if Murphy does not have rights, then he does not have moral duties either. Both presuppose moral agency, and both stand or fall together. If my dog kills my neighbor, then I am legally responsible. Likewise, if my slave Murphy kills my neighbor, then it is I, and not my property, who should be legally responsible.

Slaveowners, of course, refused to accept personal liability for any crimes committed by their slaves, holding them responsible instead. Abolitionists were quick to note the inconsistency in this stance. Either the slave is property, or he is a person with full and equal rights. In the former case, the master should be responsible for any injurious activities by his slave, just as he would for his horses, cattle, and the like. If, however, the slave is a responsible moral agent, then he has duties and can be held liable for his actions, but also has rights and cannot, therefore, be enslaved. Slaveowners could not have their slaves and eat them, too.

I have argued that a criminal must first be enslaved before he can be killed, for only then can we dispose of him as property. This is the only conceptual scheme that makes sense from a libertarian standpoint. But if we divest the condemned of all rights, we can do so only by stripping him of his moral agency, in which case we must also divest him of moral obligations. The condemned, juridically speaking, is a nonmoral being, without rights and without duties. This means that, after being condemned, a murderer is no longer capable of committing unjust acts. If he kills someone else, then he cannot be held responsible.

This is a ludicrous position. But this is the kind of dilemma that follows from any theoretical attempt to divest a person of inalienable rights. This dilemma also underscores the meaning and implications of "inalienable." Certain rights simply cannot be alienated because certain faculties, such as

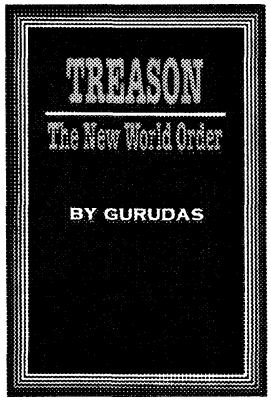

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moral agency, cannot be transferred, surrendered, or forfeited.

Revenge and Retaliation

To retaliate is to return evil for evil, to pay back an injury in kind, to inflict upon a wrongdoer the same injury he has caused another. We find this expressed in the Old Testament (and Greek) law of retaliation (*lex talionis*): "thou shalt give life for life, eye for eye, tooth for tooth, burning for burning, wound for wound, stripe for stripe."

Adam Smith, who regarded retaliation as "a barbarous and inhuman custom," gave an illustration from contemporary Dutch law. An offender who had disfigured the face of another was required to measure his victim's wound and then cut himself, inflicting a wound of the same length, breadth, and depth.

According to Smith, "The revenge of the injured which prompts him to retaliate the injury on the offender is the real source of the punishment of crimes." Smith did not believe that punishment is grounded in considerations of public utility. Rather, the resentment of the injured party incites him to take vengeance upon the offender. This, however, leads to bloodshed, confusion, and disorder ("anarchy"), so there evolved social customs and political institutions to replace or regulate private retaliation. (Essentially the same opinion was expressed by Oliver Wendell Holmes: "the early forms of legal procedure were grounded in vengeance." This is especially true of liability, which has "its root in the passion of revenge," from which it has evolved into its present, more civilized form.)

Ultimately, in the case of murder, there is no satisfactory way to "balance" the scales of justice.

The desire for revenge and its external manifestation, retaliation, are the foundation of Smith's theory of natural jurisprudence — "of all sciences by far the most important, but hitherto, perhaps, the least cultivated." Retaliation serves the same kind of explanatory function in jurisprudence that self-interest serves in economics. An important implication of Smith's approach is that we cannot develop a theory of punishment without taking into account the desire for revenge, any more than we can understand economics without taking into account the desire for profit. Both are fundamental motives, common to all peoples and all ages. We smile condescendingly at utopian socialists who envision a world where the profit motive has been eradicated or tamed by our higher sentiments. Likewise, Smith would have smiled at utopian moralists who dream of a humanity without resentment and revenge. A theory of justice can never be implemented if it ignores human passions. If people cannot satisfy their thirst for vengeance through the legal system, they will look elsewhere, thereby unleashing the destructive forces of "anarchy."

Smith, David Hume, and others saw the development of legal systems as the institutional sublimation of unruly and potentially dangerous passions. These passions cannot be eliminated or effectively suppressed, but they can be reoriented in their course so as to produce socially beneficial outcomes, even if no particular individual intends, foresees, or desires that result. This perspective, when adapted by Edmund Burke, generated a powerful defense of established institutions as the supposed repositories of accumulated wisdom and experience from past generations. This traditionalism rules out all radical changes in political institutions, whether by violent or nonviolent means, and leaves room only for piecemeal, gradual reforms. In the words of Alexander Pope, "Whatever is, is right."

As might be expected, this conservative version of spontaneous order tends to cultivate a rather silly veneration for the status quo. (The radical version, in contrast, focuses on the autonomous nature of social institutions that are able to sustain social order without the intervention of government. Social order, as Thomas Paine said, would continue to flourish even if "the formality of government were abolished.")

This approach can also justify contemporary institutions as better (more just, more efficient) than earlier, more "primitive" institutions, since our civilization is based on greater knowledge and experience. We see this illustrated in Smith's belief that "all civilized nations" have punished murder with death, whereas in "barbarous nations the punishment has generally been much slighter, as a pecuniary fine." Early governments were too weak to meddle in the affairs of individuals, so they served as mediators to arbitrate disputes, urging the offended parties (e.g., relatives of the murder victim) to settle for presents or monetary damages from the offender or his kin. As civilization advanced — i.e., as government grew stronger — the "barbarous" custom of restitution was replaced by the "civilized" practice of capital punishment. In the case of murder, Smith insists, only the death penalty can adequately satiate the natural desire for vengeance.

There is more to be learned about the psychology of punishment from classical writers than from all the tedious tomes of modern pseudo-empiricism.

This argument, which may appear bizarre to the modern reader, was consistent with the Enlightenment theory of social progress. Virtually anything associated with medieval society ("the Dark Ages") was regarded as superstition and barbarism; in particular, the pluralistic legal system of medieval Europe was condemned as "feudal anarchy" by Smith, Edward Gibbon, and other enlightened minds, because it lacked the centralized sovereign of the modern nation-state.

The medieval systems of restitutive justice, which owed much to Germanic law, were remarkably detailed and specific. The Anglo-Saxon "Laws of Æthelbert," promulgated around 600 A.D., present a typical schedule, which is summarized by Harold J. Berman in *Law and Revolution*:

> The four front teeth were worth six shillings each, the teeth next to them four, the other teeth, one; thumbs, thumbnails, forefingers, middle fingers, ring fingers, little fingers, and their respective fingernails were all distinguished, and a separate price,

> called a bot, was set for each. Similar distinctions were made among ears whose hearing was destroyed, ears cut off, ears pierced, and ears lacerated; among bones laid bare, bones damaged, bones broken, skulls broken, shoulders disabled, chins broken, collar bones broken, arms broken, thighs broken, and ribs broken; and among bruises outside the clothing, bruises under the clothing, and bruises which did not show black.

Unlike Smith, Berman has kind things to say about this approach:

> It is, in many respects, a very sensible system. The threat of heavy financial burdens upon the wrongdoer and his kin is probably a more effective deterrent of crime than the threat of capital punishment or corporeal mutilation (which succeeded pecuniary sanctions in Europe in the twelfth and thirteenth centuries), and at least equally as effective as the modern sanction of imprisonment; and it is surely less expensive for society. Moreover, in terms of retributive justice, not only is the wrongdoer made to suffer, but in addition — in contrast to today's more "civilized" penology — the victim is thereby made whole.

If the advent of capital punishment signaled an advance in civilization, then England was a highly civilized country indeed. The death penalty was probably more common in England than anywhere else in Europe. In 1765, England could boast of 160 capital felonies, and even more by 1786. (Between February 1800 and April 1801, there were around 100 executions for forgery alone.)

Adam Smith was by no means unique in maintaining that revenge is the psychological and historical foundation of legal punishment. This theory was widely discussed and debated throughout the eighteenth and nineteenth centuries. According to Arthur Schopenhauer, when we are coerced we naturally experience a feeling of moral injury — a feeling that is distinct from physical injury — which incites us to seek vengeance. The purpose of revenge is to console our suffering by causing others to suffer, thereby deriving pleasure from witnessing their pain. But it is a fundamental purpose of morality to overcome this self-centered and destructive passion: "Such a thing is wickedness and cruelty, and cannot be ethically justified." We should not inflict pain on others merely because they have inflicted pain on us: "Retaliation of evil for evil without any further purpose cannot be justified."

Jeremy Bentham, a classical liberal and grandfather of modern utilitarianism, distinguished two fundamental passions in human nature, a desire for pleasure and an aversion to pain. Bentham refused to discriminate morally among various pleasures; all pleasures are equally good, including the pleasure we get from revenge. But there is no natural or necessary relationship between a particular mode of revenge (say, capital punishment) and the desired pleasure. This is a learned response, which is caused by the repeated association of some ideas with others. Men punish because they hate, and they hate certain crimes because they have been taught that they ought to hate them. Similarly, judicial authorities who are accustomed to imposing penal sentences often assume that their punishment has a natural connection to the offense — for example, that capital punishment somehow equalizes the crime of murder, or that the murderer "deserves" to be executed. But all this is mere fiction, a product of mental habits and psychological associations that have been externalized and objectified. In short, human beings can learn to satisfy their desire for vengeance in ways other than capital punishment — which, in Bentham's judgment, does not further social utility (the greatest happiness for the greatest number).

Many of these issues also concern a theory known as retribution.

Retribution

Retribution, generally speaking, is the idea that every crime deserves payment in the form of punishment. Retribution may be viewed as a more sophisticated theory of retaliation. Both demand some kind of equality, or proportion, in punishment, as reflected in the saying, "The punishment should fit the crime." But retaliation is often framed in literal terms (an eye for an eye), whereas retribution seeks an equality in terms of rights (a right for a right).

According to Immanuel Kant, the pure theory of retribution is based "on the principle of equality, by which the pointer of the scale of justice is made to incline no more to the one side than the other. It may be rendered by saying that the undeserved evil which anyone commits on another is to be regarded as perpetrated on himself." Thus, if I strike another person, I strike myself; if

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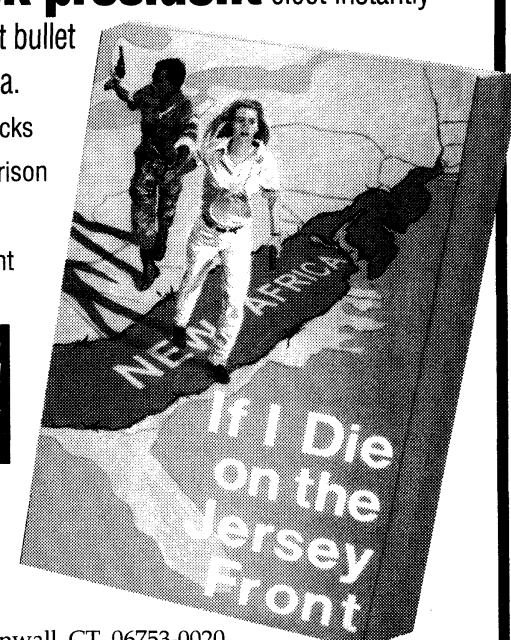

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I rob from another person, I rob from myself; if I kill another person, I kill myself. It is only this conception of equality that "can definitely assign both the quality and the quantity of a just penalty." All other standards are "wavering and uncertain" and are inconsistent with "the sentence of pure and strict justice." (Kant upholds an individualistic theory of rights that is fundamentally consistent with libertarianism — his discussions of property and coercion, for example, are brilliant and suggestive — but he often fails to apply his own principles consistently, owing to a flawed notion of social contract.)

According to Kant, retribution entails not merely the right to punish, but the duty to punish. The criminal should be punished because he deserves it, and he deserves it because he has violated the rules of justice.

It is impossible, within the space of this article, to give a fair and full treatment of retribution as defended by Kant, Hegel, and other philosophers. I shall simply focus on what it means to "deserve" punishment.

To say that a criminal deserves to be punished pertains to his moral culpability. (It must be remembered that I use the term "punishment" in a general sense that includes even the libertarian theory of restitution.) This is a moral judgment, not a juridical one. The purpose of this moral judgment is to ascertain whether a person is responsible for a crime; if so, he is judged "guilty" and we say that he "deserves" punishment. This is a moral assessment of responsibility.

If we say, "Murphy deserves to be punished," we are making a compound judgment. We are saying, first, that Murphy is responsible for committing an unjust act, and second, that he ought to be punished according to the rules of justice.

If Murphy is adjudged to be mentally incompetent, we might say that he does not deserve to be punished, even if he committed the crime. "Deserves" pertains to Murphy's responsibility, or lack of it, for his actions. If he is mentally competent and responsible for a crime, he "deserves" to be transferred from the class of "innocent" persons to the class of "guilty" persons. As a member of the latter class, he is now subject to just punishment; he will get his "just deserts."

Clearly, Kant and other retributivists mean more than this when they say that justice demands payment in the form of punishment. If they are merely calling attention to the role of moral responsibility, then retribution differs not at all from other theories of punishment, except possibly utilitarianism. ("Woe to him," says Kant, "who creeps through the serpent windings of utilitarianism.") I agree that a criminal "deserves" to be punished, according to the ethical precept that a person is responsible for his actions. Every approach to punishment, including the libertarian theory of restitution, is based on this principle. But this moral judgment does not tell us what kind or degree of punishment is appropriate; for this we need a juridical theory of rights based on a general theory of justice.

According to Kant, the "equalization of punishment with crime" demands the penalty of death for murder, "according to the right of retaliation." Hegel agrees, and calls such punishment the "negation of a negation." This means that the murderer has negated his victim's right to life and should have his right to life negated in turn. This double-negation cancels out the original crime and results in an equalization of rights; it balances the scales of justice.

It is difficult to argue against a metaphor. I should note, however, that justice cannot "demand" anything, nor can society "demand" something in the name of justice. Only the singular human being can do this. We use the principles of justice to determine when an individual's demands should be enforced and when they should not. The victim has a right to demand justice, but not a duty. If I have been robbed, then it is my right — which I may exercise or not — to demand restitution from the thief, who has a moral duty to comply. But to say that I have a juridical "duty" to seek restitution would mean that the thief has a corresponding "right" to repay me, and I fail to grasp the meaning of this.

Ultimately, in the case of murder, there is no satisfactory way to "balance" the scales of justice, whether we employ retribution, restitution, or some other model of punishment; but I believe that the restitutive theory best approximates this ideal. From a libertarian viewpoint, capital punishment does not restore or balance anything. (At most it provides a sense of emotional balance, if we feel vindicated by revenge.) To kill Murphy because he has killed someone else does not negate or cancel out a negation; it simply adds another killing to the list, which now adds up to two. It does not restore or equalize rights; it simply wipes out another set of rights.

It may be objected that this just doesn't "feel" right, that it conflicts with our basic sense of fairness. This may be true, but we should remember that our theory of justice will influence our feelings about crime. If we sincerely believe that capital punishment is unjust, then our respect for principles will gradually moderate our moral feelings and perceptions of fairness. For centuries highly civilized people felt that capital punishment was appropriate for many crimes other than murder, from blasphemy to treason to rape. Even today, many Christians do not feel discomfited by the thought that God will punish the unsaved with eternal torment; they believe that God is just, and their emotions follow suit. Moral sentiments adapt themselves to our perceptions of justice.

We may seek personal revenge against a person who has treated us unfairly and derive satisfaction from our response. Yet if we later decide that our action was too severe — that our original complaint, however legitimate, did not justify our extreme response — then our pleasure will turn to remorse. If our primary emotional connection is with the principles of justice, then as those principles go, so go our emotions.

Deterrence

In legal theory, a "deterrent" is anything that impedes or tends to prevent a crime. A deterrence theory maintains that the primary function of punishment should be to deter crime; in its pure form, this theory contends that deterrence should be the only function of punishment. This latter is the position of Thomas Hobbes, for whom punishment should insure that "the will of men may thereby the better to be disposed to obedience." Never one to mince words, Hobbes insists that "the aim of punishment is not revenge, but terror." Punishment, unlike revenge, looks to the future, not to the past.

Arthur Schopenhauer agrees that the sole object of law should be "to deter from encroachment on the rights of others."

Perhaps the most influential proponent of a pure deterrence theory was Bentham, who repudiated a theory of natural justice and opted instead for his version of political utilitarianism, whereby the wise legislator somehow calculates "the greatest happiness for the greatest number." Bentham's ideas were transmitted through the influential work of John Austin, the father of legal positivism.

Bentham's opposition to the death penalty was unusual in his day. Ironically, he opposed it not because it was too severe, but because it was not severe enough. According to Bentham's hedonic calculus, in which pleasures and pains are added and subtracted with mathematical precision, "punishments frighten mankind less by their momentary severity than by their duration." Capital punishment, therefore, is less of a deterrent than perpetual imprisonment.

Today, deterrence is the most widely discussed aspect of capital punishment. Social "scientists" fall over one another churning out empirical studies that purport to show that capital punishment does, or does not, reduce the murder rate in America. Such studies, of course, prove nothing and convince no one, except those who cannot grasp the fundamental difference between the methods of natural science, where it is possible to establish experimental conditions by controlling variables, and social science, where no such experimental control is possible.

Most of what we know (or think we know) about the deterrent effects of capital punishment comes entirely from introspection and from our everyday experience with other people. We tend to assume that others will respond to punishment as we are likely to respond. In this, as in many other areas, there is more to be learned about the psychology of punishment from classical writers than from all the pretentious and tedious tomes of modern pseudo-empiricism. As an illustration, I offer the brief discussion of capital punishment contained in *The Peloponnesian War*, written in the fifth century B.C. by the Greek historian Thucydides.

Thucydides relates Diodotus' speech to the Athenian assembly, in which he opposes executing the entire adult male population of Mytilene, which had recently revolted against Athens. According to Diodotus, the problem at hand was political rather than legal, so he will discuss not whether the death penalty is just, but whether it is expedient, i.e., whether it will deter other Greek cities from undertaking similar revolts. Diodotus maintains that the death penalty is not an effective deterrent; his major points are as follows.

People will take risks when they feel sufficiently confident of success, regardless of the potential penalty. The "invisible factors" of desire and hope are "more powerful than the terrors that are obvious to our eyes." Desire conceives the criminal enterprise, while hope convinces us that it will be successful. "No one has ever yet risked committing a crime which he thought he could not carry out successfully." In addition, we tend to believe that fortune will be on our side (everyone has good luck from time to time), and this creates a mood of overconfidence, causing us to underestimate the risk of getting caught. This tendency increases when we act in concert with others — say, as part of a criminal gang — and it becomes even stronger when high stakes are involved. These subjective considerations, rather than the objective probability of capital punishment, will determine how a criminal will act; they instill in him "the irrational opinion that his own powers are greater than in fact they are." Diodotus concludes:

> In a word it is impossible (and only the most simple-minded will deny this) for human nature, when once seriously set upon a certain course, to be prevented from following that course by the force of law or by any other means of intimidation whatever.

Obviously, the threat of punishment may deter some people more than others, and others not at all. We can no more study these psychological factors in isolation than we can study (say) the influence of particular religious beliefs on moral behavior. However, if threat of punishment is as effective as some people seem to believe, then we must wonder why those Christians who sincerely believe in hell ever commit

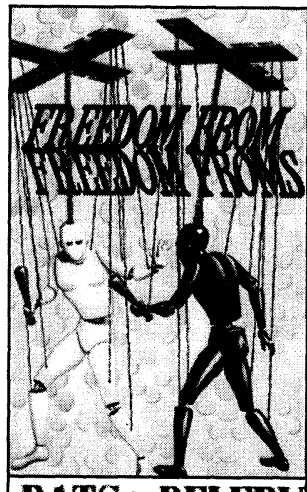

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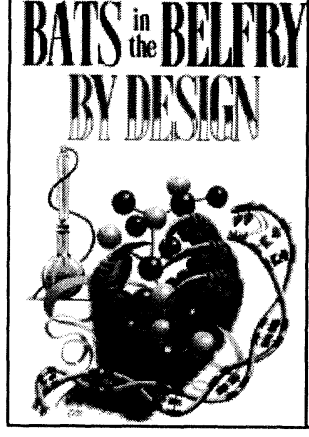

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crimes. Here we have a test case if ever there was one: the punishment, as Bentham might say, is infinite in intensity and duration — far beyond what human punishment can accomplish — and there is zero possibility of escaping detection by God. Yet many true-believing Christians throughout history have committed murder, apparently undeterred by God's version of capital punishment.

In addition, if the likelihood of death is an effective deterrent, how can we explain the prevalence and popularity of wars throughout history? Surely the soldier in wartime has a higher probability of being killed than the civilian in peacetime, yet there is rarely a shortage of soldiers who are willing to risk their lives for some cause or other. If the fear of death is supposed to deter most people from committing acts of violence, why have so many millions been so eager to rush headlong into battle, willing to kill and be killed?

Even if we assume that capital punishment does have a deterrent effect, this influence may not always work as expected. Consider, for example, the following points:

(1) Many criminals commit more than one crime. If we impose reparations on a criminal, we can increase the penalty for each new crime. Therefore, if we wish to deter crime with the threat of punishment, reparations are more rational than the death penalty, which can be imposed only once. Suppose I murder someone, knowing that I face the death penalty if apprehended. What then will deter me from committing other crimes as well, such as rape or robbery, since I already face the ultimate penalty?

(2) Since the death penalty can be imposed only once, it loses its power to deter after the first murder and thereafter becomes an incentive to commit additional murders as a means to avoid punishment. Suppose I commit one murder but have no desire or intention to kill anyone else, unless in self-defense. If my crime is punishable with death, then I have an incentive to kill repeatedly if by so doing I can avoid capture. If my conscience is flexible enough to allow me to kill once in spite of the death penalty, then it is flexible enough to allow me to kill again to avoid the death penalty. Deterrence, therefore, is a knife that cuts two ways.

(3) Suppose that, having committed murder, I repent of my foul deed and wish to make amends. If the fear of capital punishment is powerful enough to lessen the probability of violent crime, then it will also diminish the likelihood of voluntary surrender after the commission of a capital crime.

(4) Similarly, suppose I commit murder, but someone else is convicted of the crime. If I am tempted to clear the innocent party by confessing, I am far less likely to do so when confronted with the death penalty.

In the final analysis, deterrence is a theory of policy and social engineering, not a theory of punishment in the juridical sense. Laws against murder and other violent crimes may deter some

continued on page 68

Ideas run the world

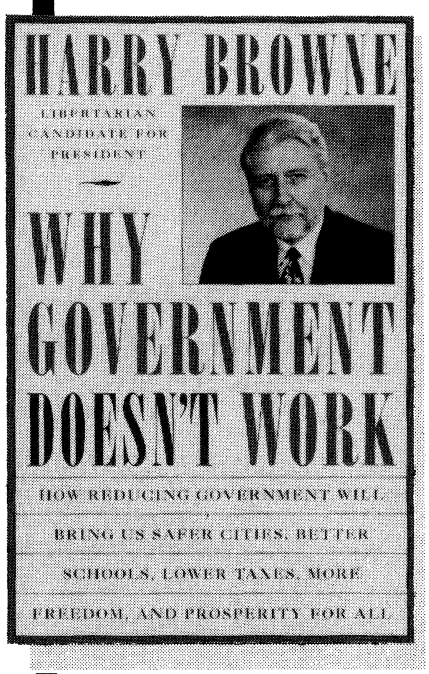

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Memoirs

Other Lives

by Richard Kostelanetz

Born in New York in 1940, I went to Brown University, where a recruiter from the CIA approached me about working for "the organization," as he called it. He reminded me that an earlier Brown man, E. Howard Hunt, who had graduated the year I was born, was able to pursue his literary career, albeit under a pseudonym, while working full-time at the CIA. (Indeed, my name first came to their attention through poetry published in an adult literary magazine that was read by a recruiting boss who also went to Brown. The CIA, remember, is staffed with Ivy Leaguers.) Although my writing differs considerably from Hunt's slick fiction, the CIA has supported me while I've published countless essays and reviews, experimental poems and audacious fictions, in literary magazines, both small and large, around the world. About my work at the CIA I am pledged to say nothing other than that I need not show up at the office until five p.m., the fact alone indicating to some that the CIA is not a private business but a publicly funded scam. The biographical note accompanying the publication of my writing customarily mentions "night-time word-processing, thankfully not teaching."

My maternal grandfather founded a food-importing business which, as I grew up, I always knew would have a place for me. Although I attended a prestigious university, even taking my degree with honors, I was unable to find any suitable employment elsewhere when I graduated from college and so started as a sales assistant, visiting the grocery stores selling our produce to ensure that it was "appropriately positioned on the shelves," as my uncle told me. My next jobs included selling to these stores and serving as my uncle's secretary. Once it became clear that I would not take over the firm, my cousins, who had by then assumed command, recognized that I would function best with minimal responsibilities. This suited me fine, as most of my days were now spent producing poems and fictions that appear in the most prominent literary magazines here and abroad. Before long my relatives recognized that I pleased them most when I accompanied them on their trips abroad, letting them introduce me to businessmen who are more appreciative of culture than comparable figures here, thus giving their business trips "a bit more class," as they said, than they would otherwise have. I've always felt, perhaps out of vanity, that my relatives would dismiss me if my connection to the family firm was not worth their while.

Once I began publishing in literary magazines that did not pay, I had to figure out another way of earning enough money to keep me independent. Since I was sexually competent and not unattractive, I made myself available to rich women predisposed to think most men "beneath" whatever it was they deserved. Befriending one, I found myself recommended to another, quickly learning that nothing makes you as attractive to a new woman, nothing gives you as much cachet, as favorable responses from other well-to-do women similarly situated. Before long, I settled on the woman most predisposed to be my wife, who loved me more than I loved her, thankfully, because once her last name became mine she supported my literary activities as she would any other prestigious art, albeit at a lower rate of annual pay than her contribution to the local symphony orchestra. Although she required my presence most evenings of the week, for one or another silly function, showing me off as she would a prize horse (which she also owned), my kind wife left me free every day, hiring full-time *au pair* girls to care for our children — in sum accounting for how I was able to write all those poems and stories, essays and reviews, that have appeared in literary magazines both large and small. All went well until she ran off with the first second violinist of the orchestra. Fortunately, her friends could see from her responses (and testimony) that I must have been a good husband. Before long, someone similar, embarrassingly similar, became my second wife, pleased to learn that I knew how to live domestically with someone in her position, with her obligations and ambitions.

You wouldn't know from looking at me, from knowing about my career as a downtown avant-garde artist, that I really run an uptown gambling operation — what is customarily called a "numbers pool." I inherited it from my maternal uncle, who recognized when I went to the best Jesuit high school that I was a helluva lot smarter than not only my brothers but his own sons as well. As my uncle got ill with cancer, he knew that our family of semi-competents needed this business as an employer of last resort. Three years after he showed me how to run it as he did, he died, designating me "the next boss" in his will, thereby eliminating any fights among his heirs. Besides, by the time he died, no one else knew how the business was really run. Since most of the guys who collect the bets from the local retailers are close relatives of mine, I can trust them until I see them at the end of the day. That accounts for why I have my mornings free to paint large canvases with geometric shapes that my relatives never see, and should never see, because such art is beyond their understanding. Under another name I exhibit my abstract paintings at a SoHo gallery that is beginning to sell them for fairly healthy prices. Much as I'd like to get out of the numbers trade — which is, after all, officially illegal — I know as well as my relatives that the business could not survive without me, until I find a son or nephew smarter than the others, who can do for me what I did for my uncle.

Given my talent for both words and music, the guys who were forming a rock group in high school asked me to write songs for them, which I did only on the condition that I could sing them. Since they wanted songs that no other group had, they took me on. Once they fired the guy who they thought would be their solo singer, I became the group's star, in spite of my lack of experience at performing and the fact that I could get away from my so-called serious composition studies only on weekends. As the group began to command large fees, I had no trouble paying the tuition at Juilliard, all the way to a doctorate, while the other students scrambled for grubby part-time jobs. Though I could have spent my life in popular music, I really wanted to be a composer in the tradition of Stravinsky and Copland. Just as I was finishing my graduate degree, the rock group disintegrated, the bassist running off with the second guitarist's longtime girlfriend, suggesting that they had been sleeping together for many years before. (She had also secretly slept with me.) Although other groups likewise in decline approached me about invigorating their acts, I decided I had enough money in the bank to support my career as an independent avant-garde composer, working apart from orchestras and universities and all the other pseudo-supports that my Juilliard composition classmates find necessary; and although I have not yet created the masterpiece that knocks everyone's socks off, I proceed with the security of knowing that the only obstacle between me and realizing the greatest art is myself.

You wouldn't believe what good fortune I had, being picked at the beginning of my literary career by an older writer, female and established, who somehow got it into her head that she would teach me "everything I know," as she put it. It was an offer I could not refuse, having no other connections in the "writing biz," as I called it, and only a community college education. In exchange for sexual favors (but no promises of fidelity), she kept her end of the bargain, sending my manuscripts initially to magazine editors who actually published them, and then to book publishers who, though they resisted at the beginning, published me as well. Though I have since married another, I secretly keep in touch with my patron, even taking her to the hospital when she gets seriously ill. She tells me that I am not only her literary executor but the principal beneficiary of her estate, which means that, since my own writing is nowhere near as successful as hers, she will have financed my experimental fiction from its beginnings to its very end. ❑

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Reviews

***Unlimited Access: An FBI Agent Inside the Clinton White House*, by Gary Aldrich. Regnery, 1996, 230 pp., $24.95.**

Insider Without a Clue

Stephen Cox

Why books fail is often as interesting as why they succeed. Interesting — and perhaps mysterious.

Gary Aldrich's *Unlimited Access* seemed almost certain to succeed. Aldrich was an FBI agent assigned to do security checks on people working in the White House. He had a front-row seat for the Clinton administration's seemingly endless matinee of ineptitude and hypocrisy. He was well positioned to absorb all the gossip about the administration's more scandalous characteristics. You might suppose that the only thing he needed to do was put some of what he learned on paper. A few hours of spontaneous reminiscence would inevitably produce a richly entertaining book, and perhaps a book of real political importance.

Unfortunately, the inevitable did not occur. Somehow, incredibly, Aldrich mistook his subject. Instead of writing the story of the Clinton administration, he wrote the story of — guess who? — himself. What resulted is a catalogue of Gary Aldrich's frustrations, not an accounting of the Clintons' sins.

Every day, so Aldrich's undoubtedly true story goes, he shows up at his office with pencils sharpened, prepared to investigate Clinton's staff. But, strange to say, the staff does not wish to be investigated. People neglect to return Aldrich's phone calls. They miss appointments for interviews. Once caught in an interview, they spend time playing with paper clips and otherwise emphasizing boredom and disrespect. This goes on and on. Aldrich worries about it. He mulls it over, page after page, chapter after chapter. At some point, he just gets tired of it! But at some previous point, the reader has gotten tired of him.

Aldrich's professional assumption is that he, as an FBI agent, has keen intuitions into human nature. Yet he is constantly shocked that anyone could look forward to an FBI interview with anything other than earnest anticipation and a desire to help. He suspects that people who don't look resolutely forward in that way must have something to hide. Perhaps they do, but if so, Aldrich never finds it. At least he never finds anything interesting.

No, let me qualify that statement. Aldrich does retail some not-very-juicy gossip about Mrs. Clinton's rudeness. He pungently evokes the "perpetual smirk" on the faces of the Clintons' friends. He works up a "composite" picture of a typical Clintonite who objects to FBI questions because they are "so, so, so kafkaesque!" (117). He tells a story about a woman who was commissioned to report to Mrs. Clinton on the functions of the White House Visitor's Office and who discovered, to her surprise, that the Office sponsored an annual Easter Egg Roll. (That's how much *she* knew!) The woman responded:

> Well, I don't think Hillary or Bill will care very much about this. Maybe we can cancel it. I just don't think they will want to do this "egg" thing. (97)

Funny stuff, but not exactly damning. In fact, none of the book's more or less original revelations is as politically damaging as a brief summary of the Clintons' lives that Aldrich includes as an epilogue. This dryly humorous imitation of an FBI report is almost the only really effective writing in the book, but it is all based on printed sources. Aldrich gives us to understand that investigative files contain plenty of information that reflects badly on the administration, but these files are, of course, secret.

Fair enough. But if that's all you have, what will you fill your book with?

Aldrich is not puzzled by this question, partly because he sees no objection to filling his book with the daily life and opinions of Gary Aldrich, and partly because he has his own idea of what should be considered a damning revelation. He makes a big issue of the fact that some of the Clintons' staffers are homosexual. Then there's drug use. He's surprised that some of the people he interviewed "were actually 'in your face' about it, using the FBI interview to try to debate me on the merits of making drugs legal" (112). It's a good thing he didn't encounter William F. Buckley or any other conservative advocates of drug legalization. Aldrich might not have survived the shock.

Aldrich is constantly shocked that anyone could look forward to an FBI interview with anything other than earnest anticipation.

Almost as serious, from his perspective, is evidence that some habitués of the Executive Mansion are known to "yell and swear." When someone kindly

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suggests to Aldrich that it's not the business of the FBI to go after bad language, incidentally mentioning the fact that many presidents have used "uh, locker room jargon," Aldrich replies:

> It *may* be true that President Bush swore, I don't know. I never heard him swear, and I never heard anyone claim that he did. In fact, President Bush was known for trying to *avoid* using coarse language, reverting [sic] to "gosh" and "darn" and "heck" and the like. So I can't confirm that President Bush ever used objectionable words, here, in the White House. (30–31)

I just hope that President Bush never has to read these objectionably smarmy words. They might prompt a comment that went beyond "heck."

But what really, really irritates Mr. Aldrich is the idea that anybody could show up for work in the White House, the *White House*, dressed in anything less than a suit and tie. If you are one of those strange creatures who *could* do that, Mr. Aldrich will grant you as little rhetorical mercy as he grants poor Rahm Emanuel:

> He was . . . one of the president's senior advisors but could never be accused of knocking himself out in the appearance department. Today, a normal work day in the White House, he was wearing casual slacks, a polo shirt, no jacket, no tie. President Clinton was in Denver meeting the Pope. (150)

All one can say is: Send me the Pope, and I'll dress up, too.

Aldrich is a true believer in the idea that the FBI is the fount of all manners and mores. He also figures that the FBI's disapproval should echo definitively in the highest reaches of government. He sighs for the days when the president's counsel, acting on the basis of such investigations as those of Aldrich, would simply

> tell the president that "Joe Blow" wouldn't be joining the White House staff. If the president asked why, he would be told that there was a problem in the FBI investigation. President Bush would never have asked, "Can we ignore it, or get around it?" That would have been ridiculous. (93)

Power and arrogance are near of kin. Early on, Aldrich is informed that Clinton's people "don't like telling strangers about their personal business. They think it's too intrusive." So Aldrich blows up:

> I couldn't care less how anybody *feels* about this process. It's just too bad if they don't like it. This is the only way we know to protect the president, the White House, and national security. We've been in the White House since Johnson, and this process has been accepted by presidents and staffs since Eisenhower. It's also the law. It's the FBI's job to see to it that these people are investigated, and I'm less concerned about hurting feelings. The White House has standards of suitability. If these folks have that much to hide, they shouldn't be here. (59)

If the job of investigating people is so important, it would be better exercised, one might think, by someone who showed a minimal understanding of people's emotions. One might also think that so fine a publishing house as Regnery would be reluctant to let such naive self-revelations pass into print.

For me, one of the most unpleasant passages of this book was the one in which Aldrich tells us that Mrs. Clinton ordered her Secret Service protectors to stay at least ten yards away from her, reminding them that, after all, they're supposed to obey her orders. Having reported this, Aldrich proceeds to compare the Clinton administration's way of "regard[ing] the Secret Service as the 'enemy'" to the "way that drug dealers are always on the lookout for 'narcs'" (139).

This passage is unpleasant because I greatly dislike Mrs. Clinton, and Aldrich's attitude actually makes me feel sympathy for her. After I read Aldrich's book, I found that my warmth of affection for the Clintons had gone up about 200 degrees. It now stands at absolute zero. ❑

"Oh no — this guy is the homeless one — the other guy has a mortgage, taxes, utilities, insurance. . ."

***Partners in Power: The Clintons and Their America*, by Roger Morris. Henry Holt, 1996, 526 pp., $27.50.**

Power, Lust, and Powerlust

R.W. Bradford

The real mystery about Bill Clinton is not how a man so vile became president, but how a man whose vileness is so manifest manages to remain president.

Consider: Gary Hart has an affair with a young woman, is found out, and leaves the 1988 presidential race in disgrace, his public career over. Bill Clinton has affairs with hundreds of women, ranging from staff members and lobbyists trying to advance their careers to the spouses of friends and colleagues, to fans of his political career, to pathetic women who lust after men who wield political power. His wife stands by him, he denies all, and despite the overwhelming pile of evidence that he is lying, no one cares.

George Bush's son is peripherally involved in a Colorado savings-and-loan that goes bankrupt, and Bush's reputation is besmirched. At the very same time that Clinton denounces Bush for the sins of his son, Clinton himself is looting $70 million from the public treasury on behalf of his buddies who control an Arkansas savings-and-loan, in order to get a few thousand dollars for himself. When the news comes out, no one but a handful of his political opponents care.

Bush goes back on his "no new taxes" promise and is kicked from office. Clinton promises a middle-class tax cut, then raises taxes on the middle class — and is about to be re-elected by a much larger margin than any Democrat has enjoyed since the Goldwater debacle of 1964.

Roger Morris understands the depth of the squalor of Clinton's leadership, the extent to which Clinton has stolen from the public, the amplitude of his sexual predation, his utter lack of morality — and he chronicles the whole sordid story in *Partners in Power.*

To paint such an intimate portrait, Morris had to rely on personal interviews with the Clintons' friends and colleagues (and ex-friends and ex-colleagues). For reasons both of sentiment and practicality, they often insisted on confidentiality. That's understandable, but nevertheless the large number of source notes that include the words "confidential interview" leaves room to wonder about the book's reliability. Nor does it inspire confidence to see Morris identify Victor Niederhoffer (whose analyses of Hillary Clinton's famous record as a commodities speculatrix appeared in *Liberty* and *National Review*) as "Victor Niederhof." Nevertheless, as a journalist who has covered Whitewater extensively, I found Morris' account of that aspect of the Clintons' career to be coherent and credible, aside from this minor glitch. Indeed, *Partners in Power* is the best comprehensive portrait of the Clintons that I have read, replete with illuminating detail and sensible explanation. If you're looking for a detailed account of the lives and careers of Bill and Hillary Clinton, *Partners in Power* is for you.

But if you want some understanding of Clinton's extraordinary success, look elsewhere. Morris' politics obstruct his vision. He is a doctrinaire left-liberal of the humorless Ralph Nader variety. What's wrong with the world, he believes, is that the wealthy run the government, using their vast resources to prevent the fundamental changes (i.e., political control by guys like Morris) that would turn the earth into paradise. So time and time again, he explains Clinton's success in terms of the ability of the plutocracy to fool the people. Indeed, whenever Morris stops chronicling Clinton's perfidy, he turns to whining about how rich corporations are bamboozling the American people into selling their birthright, how they hijacked the federal government so that they could destroy the environment and reduce Americans to wage-slavery. Happily, most of this sniveling is in self-contained chapters or sub-chapters, and thus is easy to skip.

As a conscientious reviewer, I read every dreary word of chapters 13, 15, and 17, in which Morris gives his account of the Reagan years. In Chapter 17, Morris tackles the question of why the press failed to inform the citizenry of the secret world of the oligarchy, known only to a "few hundred insiders . . . officials, politicians, government agents":

> Why was so much missed, at such cost, by so many seemingly talented, ambitious journalists? For one thing, the media themselves had, by the 1980s, became [sic] the chattel of concentrated power. Most reporters worked out of some cubicle of a monopoly and took their subsistence and pensions by its favor. Twenty-three corporations controlled most of the nation's twenty-five thousand sizable outlets. Twenty-nine media conglomerates were among the Fortune 500. Thus General Electric owned NBC; a billionaire, CBS; another conglomerate, ABC; and behind them was a web of shareholding and interlocking ownership in which shadowy giants like Wells Fargo International Trust, Fidelity Management and Research, Bankers Trust, and Capital Research and Management were among the controlling interests in all the network parent corporations. Like the pollsters and political consultants, they would be wed to the tyranny not only by shared values, but by millions from political advertising . . . journalism was now far less a profession or an art than a subsidiary of an immense profit-worshipping clerkdom, carrying its innate curse of ladder-climbing bureaucrats, company

conformity, implicit and explicit gags on integrity.

To sum up, back when the press was pursuing Morris' left-liberal agenda, it was "a profession or an art," but now that the media have begun to tolerate a less leftist agenda, they've abandoned their integrity under pressure from the wealthy owners of their presses and transmitters. He makes no attempt to explain why, for example, so much of the media in the 1930s supported the New Deal, despite the oligarchic ownership patterns of that time.

Of course, this sort of idiocy is hardly unique to leftists like Morris. Change a few words here and there in the foregoing passage, and it could come straight from a conservative screed about the press. Ideologues of all stripes are inclined to see venal explanations behind every snub from the media or every vote cast for an opponent. Such explanations provide comfort, I suppose. After all, it's more comforting to attribute your fellow citizens' "erroneous" beliefs to conspiracies or venality than it is to accept your own inability to communicate or the inherent difficulty of the task you have chosen.

So why is Bill Clinton about to be re-elected, despite the public's rejection of his plan to socialize medicine (the big promise of his 1992 campaign), despite his raising taxes after promising to cut them, despite his patently obvious theft of public funds, despite his apparent amorality?

It is this last factor, I think, which holds the key to his success. Bill Clinton is the perfect moral chameleon. At the same time that he was stealing the public blind, selling out the needs of his constituents, and having sex with every woman he can seduce or coerce into the back seat of his car, he was perfectly able to sing with the choir of his Baptist church on Little Rock television every week.

There is not even an iota of falseness in Clinton's behavior. Falseness requires the existence of truth. For Bill Clinton, there is no truth. So we detect none of the fatal signs of insincerity, none of the facial ticks, the looks of vague discomfort, the hints of embarrassment. He is absolutely sincere in all his beliefs — when he utters them, he believes in them as passionately as a used car salesman believes that a jalopy was owned by a sweet old lady who used it only to drive to the bank to cash her Social Security check and to the market to stock up on Ensure. Those with the will to believe find his performance utterly convincing — and ignore the mountain of evidence of his perfidy.

And what of those bereft of faith in Clinton's faded left-liberal agenda? Many are incensed by the sheer squalor of the Clintons, of course. But others have grown so cynical that they find the utter transparency of his prevarication refreshing, even charming. Not that they are fooled for even a minute by his performance — the evidence of its mendacity is so overwhelming. When Clinton maintained with a straight face that he had never committed adultery, despite all the testimony, tape recordings, and documentary evidence, it only increased their suspicion that other political leaders had better covered their pecker tracks. His absolute deviousness leaves him naked. His lust for easy money, easy sex, and power over his fellow human beings is so obvious that the danger of his taking advantage of you is nil. The difference between Bill Clinton and other politicians, for those cynics, is that his motives are transparent and understandable, while other politicians' motives are lurking in the mists of their surviving sense of morality and decency.

It's more comforting to attribute your fellow citizens' "erroneous" beliefs to conspiracies or venality than it is to accept your own inability to communicate.

It is a mistake to think of Bill Clinton as corrupt, for corruption is a process by which the morality or virtue of an individual is subverted, and there's no evidence that Clinton was ever a person of morality or virtue. From his childhood, Bill Clinton has been a person bereft of honesty, integrity, courage, benevolence, and honor. Scanning his life, the closest thing to an act of human decency not transparently motivated by a lust for power, food, or sex was his decision to spend time with his equally sociopathic stepfather, who was dying of cancer. Even here, we suspect that his motivation is a little sleazy

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— a forlorn hope that one day he too will find someone who will be nice to him, in his last few days on earth, as the eternal damnation of a Baptist Hell creeps up on him.

At every other point in his pathetic life, from the first index card on which Bill wrote the name of a contact who could help his political career to the hundreds of women to whom he provided "constituent services," to the money he looted from the public treasury, to his miserable willingness to murder innocent civilians in Baghdad in order to add a few percentage points to his huge lead in the polls — at every other point it is impossible to find even a trace of ordinary human decency. Morally and intellectually, Clinton is *tabula rasa*, a complete blank, able to believe anything that is expedient. This is the key to his success. ❑

***Against The Grain*, edited by Hilton Kramer and Roger Kimball. Ivan R. Dee, 1995, 463 pp., $16.95.**

Highbrow People

Richard Kostelanetz

Few magazines in America are as pretentiously uppercrust as Hilton Kramer's *The New Criterion*. Taking its title from T.S. Eliot's magazine *Criterion* (1922–1939), *The New Criterion* (b. 1982) claims to take the highest road in publishing criticism and poetry (but not fiction). It declares itself opposed to fad, opposed to vulgarity, opposed to the "left-wing assault on culture and standards." Its latest anthology from itself — *Against the Grain*, coedited by Kramer and his sidekick, Roger Kimball — gives us an occasion, better than a single issue, to see what *The New Criterion* is really about.

The first thing to notice is that most of the essays in this book are not about political developments, nor about cultural history; few offer sociological or economic analysis, issues in arts criticism, or muckraking. No, most *New Criterion* essays are about individuals: T.E. Lawrence (of Arabia), the economist John Maynard Keynes, the painters Anselm Kiefer and William de Kooning, the political scientist Harold Laski, the writers Mary McCarthy, Jean Genet, Vladimir Nabokov, Robert Graves, *et al.* Indeed, most of the individuals featured in its pages were already famous before their names appeared there, for *The New Criterion* differs from most highbrow magazines in its neglect of unknowns, "left" or "right," traditional or avant-garde. Even the few essays that lack individual names in their titles are finally about individuals as well. Kimball's "When Reason Sleeps: The Academy *vs.* Science" is less a discussion of the issues announced in the title than a rogues' gallery of academics whom Kimball judges deviant (but apparently not famous enough to warrant individual demolition).

By emphasizing individuals, this book creates three pantheons — good guys, bad guys, and those in limbo. Among the bad guys are Genet, Lawrence of Arabia, Laski, the British culture critic Raymond Williams, the literary scholar Gerald Graff, the French philosophers Michel Foucault and Jean Baudrillard; among the good guys, the pianist Walter Gieseking and a familiar gallery of cultural conservatives; among those in limbo, the poets A.E. Housman and C.P. Cavafy. The collective sensibility represented here reflects not subtle highbrow criticism but comic books, making me think that one theme of the *The New Criterion* might be blurring the difference between high art and low, notwithstanding its claim to support such traditional distinctions.

One way that *The New Criterion* differs from similar journals is in its acknowledgment of music alongside literature and visual arts. The problem is that its principal music critic, the late Samuel Lipman, doubled as the magazine's publisher. I've read enough Lipman to think him the worst music critic ever in America — even worse than Paul Rosenfeld and B.H. Haggin, who were both among the few writing about music for an earlier generation of American cultural magazines (e.g., *The Nation, Hudson Review, The Dial, Vanity Fair*). It was not bad enough that Lipman's essays were generally wrong and often ignorant; his opinions, both large and small, were unpersuasive. Consider the following canon of "miracle" (i.e. classic) recordings:

> One thinks immediately of . . . the tenor John McCormack singing Mozart and Hugo Wolf, the soprano Kirsten Flagstad and the baritone Friedrich Schorr singing Wagner, the violinist Fritz Kreisler playing Mendelssohn, the teenage violinist Yehudi Menuhin playing Bruch, the scarcely older violinist Josef Hassid playing numerous encore pieces, the violinist Adolf Busch conducting Bach, the pianist Artur Rubinstein playing Chopin, the pianist Vladimir Horowitz playing Rachmaninoff, the pianist Alfred Cortot playing Liszt, the conductor Arturo Toscanini performing Beethoven, the conductor Pierre Monteux performing all manner of French and Russian music.

In my judgment, as the author of more books on music than Lipman ever published, no one performs miracles with "encore pieces," which are familiar precisely because they are performer-proof; Lazar Berman plays Liszt (especially the more difficult Liszt) better than Cortot; Dinu Lipatti is more "miraculous" than Rubinstein on

Chopin; Rachmaninoff playing himself transcends Horowitz; Nikolaus Harnoncourt's luminous performances of Monteverdi's longer masterpieces make Toscanini's Beethoven sound leaden. What to make of a list of performers that excludes the pianist Glenn Gould, the contralto Marian Anderson, or the violinist Paul Zukofsky (whose out-of-print recording of Paganini's *Caprices* will always be the standard in my head)? What to make of a purported list of classic recordings that includes nothing more contemporary than Rachmaninoff? Most of us would decide from this passage alone that this "critic" was so insufficient that his essays would never have appeared in a "highbrow" journal's pages, let alone its anthology from itself, did he not also have another job at the magazine. (My hunch is that now that Lipman is gone, coverage of music will disappear from *The New Criterion*'s pages. It will be hard to find anyone else so deficient.)

In this emphasis upon personalities, rather than developments or general issues, *The New Criterion* very much reflects the critical "intelligence" of its senior editor, the veteran "art critic" Hilton Kramer, who has spent four decades elevating and (mostly) denigrating individuals. Indeed, his "criticism" has been so person-centered that one senses his praise goes to people he knows personally, his damnation to individuals he doesn't know and often those associated with them. For instance, I can't remember him ever liking any artist showing at the Leo Castelli Gallery, which has for nearly 40 years been the principal showcase of many artists elsewhere acknowledged as major. One reason for his apparent reluctance to collect his essays into books may be that his opinions, when gathered together, would reveal a lack of esthetic sense.

Indeed, Kramer's example has been so pernicious that I blame him for younger art critics who similarly care more about people than principle, among them Lucy R. Lippard and Donald Kuspit, even though the latter two advocate different individuals and have ostensibly different politics. Such a failure has Kramer been as an art critic, not to mention a bad influence, that he could never have survived without power-laden positions — first as the editor of *Arts*, then as a *New York Times* staffer, now at *The New Criterion*. His professional survival, not to mention his prominence, blatantly illustrates the decline of values and standards in American cultural discourse, especially at sponsoring institutions. Like Karl Kraus' psychoanalyst, Kramer is the disease for which he purports to be the cure.

Why this concentration on celebrities? The first possibility is that *The New Criterion* is really mocking T.S. Eliot's example, ridiculing a man who deplored any emphasis on personality in both the creation of art and the criticism of it. A second possibility is that the editors have succumbed to the common mass-magazine assumption that "people" sell more copies than intellectual history or critical issues. Why a journal whose title opportunistically echoes T.S. Eliot, one that theoretically cares not a whit about gross circulation, should want to appear so vulgar raises another question — who is kidding or conning whom? My hunch, having contributed to critical magazines for some three decades now, is that *The New Criterion* is edited to please inastute benefactors whose literacy barely transcends that of *People*, in a classic example of "intellectuals" giving the money boys what they want. Editorially, this pandering is the uniformity to which *New Criterion*'s contributors are required to conform, much as writers for Stalinist magazines some decades ago were required to flatter other intrinsically unacceptable limitations. ❑

***None of the Above*, by Sy Leon, second edition, Fox & Wilkes, 1996, 188 +xiii pp., $12.95.**

NOTA Chance

Loren E. Lomasky

Five presidential elections have come and gone since Sy Leon's *None of the Above* first appeared in 1976. Although the publisher describes the current release as revised, there is virtually nothing in the text that would not have been equally timely 20 years ago — or will not be 20 years from now. The author has little concern with either contemporary political history or philosophy. Psychology is more his domain, and he treats the reader to a grab-bag of reflections about the motives of the stock characters who occupy various roles within the social drama. Taking repeated bows in these pages are the Politician, the Lawyer, the Bureaucrat, and, of course, the Poor Schlemiel Citizen who is the unlucky recipient of their ministrations. Leon's ubiquitous moral is that the state and its functionaries do nothing but sap the health of the body politic. These predators confiscate our property, trample on our liberties, and generate no benefits that are not better available through purely voluntary activity, all the while professing a public-spiritedness that utterly fails to conceal their venality and vainglory.

The book's tone is folksy; its genre, cracker-barrel wisdom. Other practitioners include Will Roger and Ross Perot. Rope-twirling or multicolored charts are useful accoutrements, but even more crucial to success are wit and shrewdness. Leon meets this standard tolerably well, better than most after-dinner speakers I have endured while trying to digest rubbery chicken, perhaps well enough to secure employment as a motivational speaker for companies aiming to crack the Fortune 500. Compensating for narrowness of message is a commendable inclination toward brevity. This is, I judge, a book worth giving to a teenage civics-class

refugee who enthusiastically anticipates "making a difference" by becoming a voter and perhaps someday running for office. To save someone from a life of politics is not a negligible benefaction, so this book is not without value. Do not look here, though, for discussions of feasible mechanisms for providing public goods without government coercion, upholding rights within anarchic society, or defending against external aggressors, or for the debate between no-state and minimal-state libertarians. (These and other issues are intelligently engaged in a fine new Rowman & Littlefield collection, *For and Against the State*, edited by Jack Sanders and Jan Narveson.)

While this book is better served by a quick read than an analysis in depth, one of Leon's proposals enjoys considerable support among libertarians and for that reason deserves scrutiny here. It is the reform indicated by the title: adding to ballots a "None of the Above" option. Most citizens, Leon maintains, are disaffected from politics. Over the previous half-century, nonvoters have gained a plurality in every presidential election and in off-year elections have amounted to an absolute majority. But because only votes and not non-votes are officially counted, ballot-boycotters' antipathy to rule by elected officials goes unregistered and is thus rendered ineffectual. If, however, those who reject all the listed candidates were able to throw their weight behind "None of the Above," this would wonderfully chasten the winners' propensity to claim a "mandate" as the "people's choice." It having been unambiguously demonstrated that most of the citizenry wants neither them nor any of their opponents, they would while in office devote less effort to implementing their own idea of what's good for the public and more effort to finding out what that public genuinely wants. The nonvoting majority would finally be enfranchised and thereby empowered.

There may be good reasons for adding a "None of the Above" line to ballots, but if so, they are not the ones given here. Leon assumes that nonvoters represent a homogeneous bloc of disenchantment with big government, but that is silly. There are a great many reasons why people decide not to vote. They may be more or less equally satisfied by both of the major-party candidates. They may judge (correctly) that the probability of their vote making a difference is too minuscule to take seriously. They may not know who's running and care less. Or they may understand that a half-hour spent voting is a half-hour not available for beer-drinking or hang-gliding, activities they value more. None of these nonvoters would be propelled to the polls by an opportunity to cast a "None of the Above" ballot.

Moreover, if there were a disgruntled majority, its crystallization would not require such electoral innovation. Individuals can, for example, rouse themselves from their armchairs to vote for a declared Libertarian Party candidate. But only a fraction of 1% of eligible voters have ever chosen to do so in any presidential election. In fact, Leon's nonvoting majority is a fantasy more preposterous by at least an order of magnitude than Nixon's "silent majority" or Falwell's "moral majority." Each

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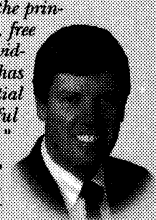

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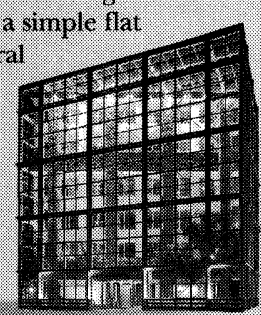

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pastes on itself a quantitative label for which it is demonstrably unqualified. Rejection of the state may be virtuous, but, for better or for worse, it certainly isn't popular.

There is, then, no reason to suppose that enhancing the ballot as Leon suggests would transform more than a handful of nonvoters into voters. Nor would it often diminish the perceived legitimacy of those who win office. If, as I believe would usually happen, "None of the Above" attracted only a small total, the winning candidate could cite that as further confirmation that he enjoys great public confidence. And on those rare occasions when "None of the Above" *did* attract large numbers, I fear the hurrahs of libertarians would be thoroughly drowned out by the contrary voices of self-proclaimed tribunes of the people whose post-election punditry would proclaim the vote a mandate for *really big* government *à la* Ralph Nader/Jesse Jackson/Rosa Luxemburg. Dare one suggest that the appropriate clientele for the "None of the Above" reform turns out to be not the readers of *Liberty* but those of *The Nation*? ❑

***The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan. Random House, 1996, 457 pp., $29.95.**

The Truth Is Out There

Dominick T. Armentano

I'm at a loss to explain why *The Demon-Haunted World* was published. Yes, Carl Sagan can be brilliant at explaining the wonders of science — on television — but that's no reason to publish in hardcover whatever he wants to pontificate at any moment. And make no mistake about it, Sagan is a pontificator extraordinaire.

Sagan's overall purpose seems legitimate enough. He is concerned about the popular fascination with pseudoscience and the irrational and the growing number of people ready to accept claims about astrology, Bigfoot, dowsing, Nostradamus, Atlantis, Ouija Boards, UFOs, telepathy, and other "paranormal" phenomena. (Interestingly, Sagan never establishes that many people really believe such outlandish ideas, only that they are interested in them — a major difference.)

Sagan is convinced that "scientific illiteracy" is ultimately dangerous to a free and prosperous society. How can people make intelligent decisions about their own lives — let alone about issues that affect national policy, such as ozone depletion — if they are scientifically illiterate? Presumably, if they appreciated "science," they would agree with Sagan on ozone public policy. Sagan's solution: a greater public appreciation of the scientific method, free speech, and the Bill of Rights, and (without missing a beat) continued tax subsidies for public television, Head Start, and the federal Office of Technology Assessment.

Sagan has bitten off far more than any man can sensibly chew. He wants to rejuvenate the scientific method in the public mind, slay a thousand and one New Age dragons, defend the value of open discourse, attack *The Bell Curve*, renew his moralistic assault on fellow scientist Edward Teller, and ramble on about poverty, illiteracy, and public subsidy. Much of this latter material is written at the *Parade* magazine level (not surprising, since several of Sagan's old *Parade* columns are recycled here) and much of it is embarrassingly naive:

> We face an abundance of subtle and complex problems. We need therefore subtle and complex solutions. Since there is no deductive theory of social organization, our only recourse is scientific experiment — trying out sometimes on small scales (community, city, state level, say) a wide range of alternatives. (424)

But the real problem with this book is not its lack of focus or its grammar-school economics; it is the integrity of Sagan's arguments. Instead of carefully reviewing and then challenging the best evidence for the alleged phenomena under discussion, as an honest debunker would, Sagan is often content to shoot down such easy targets as silly stories in the *Daily Mirror* or *Weekly World News*. Far too often, significant controversies are simply dismissed by reference to some skeptical book (often written by a non-scientist). Sagan cites the book and we are all to rest assured that the mystery has been solved. This is the scientific method?

Sagan's very brief discussion of the "face on Mars" controversy does little justice to the laborious imaging work done by Vincent DiPietro and Greg Molenaar, two legitimate computer scientists. His "crop circles" discussion (buried curiously in one of the UFO chapters) shows no familiarity with the particulars of the phenomena. All we get are Sagan's knowing assurances that two self-professed hoaxers in England (and unknown copycats, presumably) *must* be responsible for the entire phenomenon.

Worst of all is Sagan's discussion of the UFO controversy. Although he once co-edited a reasonably serious inquiry on the subject (*UFOs: A Scientific Debate*, Cornell University Press, 1972), what we have here is a quick and dirty toss-off. He implies that there is nothing in this area that a true scientist can sink his teeth into: "Essentially all the UFO cases [are] anecdotes, something asserted" (69). And indeed, much UFO "evidence" is simply reports of UFOs, and reports are not themselves hard evidence. Yet when the scientific community leaves unexamined hundreds of low-level multiple sightings of structured objects with very unusual flight characteristics, something appears seri-

ously amiss.*

Sagan assures us repeatedly that a real scientist must be skeptical of extraordinary claims and that he should seek conventional explanations first. Correct. And most sightings of things in the sky do have prosaic explanations. But even the skeptical Condon Report includes UFO cases that cannot be easily explained — cases left unacknowledged by Sagan. Moreover, in many instances, conventional explanations have been stretched to the breaking point. (Compare the super-strained explanations of some classic UFO cases in Philip J. Klass, *UFOs Explained*, Vintage Books, 1974, to, say, the case analysis in J. Allen Hynek, *The UFO Experience: A Scientific Inquiry*, Regnery, 1972.) How is it that skepticism, for Sagan the trademark of the true scientist, never extends to the outlandish rationales "debunkers" offer to "explain" complex UFO sightings?

There are dozens of radar/visual sightings (recently in Belgium) without any apparent conventional explanation. There are many dozens of reports of automobiles that have failed to function normally in the vicinity of UFOs, although diesel-engine autos are rarely affected. (For a review of several so-called "electromagnetic" cases see Richard Hall, *Uninvited Guests: A Documented History of UFO Sightings, Alien Encounters & Coverups*, Aurora Press, 1988.) There are dozens of video clips (with multiple witnesses) of UFOs, evidence that cries out to be addressed. If Sagan's discussion were at all "scientific," he would have explored some of these issues in depth. But none are even mentioned.

Sagan's claim that all UFOs are "something asserted" is also disingenuous. There are strictly physical aspects of the phenomena, the most puzzling of which are physical trace effects left on the ground and on vegetation. One of the most impressive ground trace cases was investigated in 1981 by GEPAN, an investigatory arm of the French space agency CNES. It found signs of unexplained ground heating (to 600° C) at the alleged landing site and abnormally reduced chlorophyll pigment in vegetation. Investigator Ted Phillips has categorized many thousands of ground trace cases. Sagan has plenty of energy to ridicule alien abduction stories, but none to mention important ground trace cases — some dating back to 1954.

Notice that none of this has anything to do with disproving that UFOs are alien spaceships from the Pleiades. We do not have to be told again that science cannot prove a negative. The issue, instead, is facing up to the overwhelming circumstantial evidence that *something* strange is going on, and investigating it rigorously. Sagan claims that one of the hallmarks of the good scientist is "curiosity," yet most scientists remain profoundly uninterested in UFOs. As Richard Hall, a long-time UFOlogist, put it: "Exactly why 40 years of impressive human testimony and related instrumental and physical evi-

* For impressive witness descriptions of low-level, structured UFOs, see J. Allen Hynek, Philip J. Imbrogno, and Bob Pratt, *Night Siege: The Hudson Valley UFO Sightings*, Ballantine Books, 1987. The conventional explanation that the sightings were ultra-light planes flying in formation blatantly ignores the content of hundreds of independent witness reports.

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dence has essentially escaped the attention of science constitutes a human mystery of major proportions." This book continues the mystery. ❑

Booknotes

Responsibility, Ltd. — We live in a world dominated by big corporations. The broadcast media are controlled by megacorps like GE and Disney, farming has been replaced by "agribusiness," and commercialism pervades almost every facet of American life. Libertarians often feel constrained from attacking business out of reverence for capitalism. But the very existence of corporations undermines the marketplace. A corporation is a fictional "person" chartered by the state so that disparate people can own a share of a business without any meaningful responsibility for it. A corporation can be held accountable up to the value of its assets, but, except for rare instances, not beyond that. The real-world effect is that stockholders do not need to consider the consequences of their company's actions the way a partner or sole proprietor does.

The status quo is ripe for criticism, and David Korten has risen to the task in ***When Corporations Rule the World*** (Berrett-Koehler Publishers/Kumarian Press, 1995, 374 + x pp., $29.95). But problems with Korten's approach are apparent from the beginning, when he tries to show the "depth" of his "conservative roots" by pointing to his advanced business degrees from Stanford, former faculty position at Harvard Business School, and past jobs at the Ford Foundation and the Agency for International Development. I am aware of the limitations of the left-right spectrum, but this definition of "conservative" would strip the word of whatever meaning it possesses. (A more convincing case for Korten's conservatism — in the better sense of the word — has come from the political left. Writing in *The Nation*, social democrat Gina Neff has accused Korten of being "provincial" and "conservative" because he thinks "big governments are worse than big businesses" and doesn't embrace "a strong central government.")

One of Korten's chief demons is a group he calls the "corporate libertarians." His chapter devoted to this sinister force briefly mentions just one libertarian organization (the Cato Institute) and fails to mention that libertarians were split over NAFTA and GATT, two issues his book focuses on. When he assumes "corporate libertarians" would defend the World Bank and the International Monetary Fund, it becomes evident that the term does not refer to libertarians as the word is usually employed, but simply to those who would extend corporate privileges.

Korten's goals — greater local autonomy, less environmental destruction — are worthwhile, and many of his recommendations (private local currencies, reforming patent laws, slashing corporate welfare) are solid. Eschewing both communism and corporate capitalism, Korten calls for "a market economy composed primarily, though not exclusively, of family enterprises, small-scale co-ops, worker-owned firms, and neighborhood and municipal corporations." Unfortunately, his decentralist agenda is often obscured by his other suggestions. Korten is inordinately fond of the United Nations, an organization innately opposed to the local sovereignty and real community he wishes to bolster. And his desire to see traditional religion, which he dismisses as "fundamentalist religious sects preaching fear and intolerance," replaced by some vague "ecumenical movement" based on the "unity of life and consciousness" also undermines his broader goals. He should ask himself who has shown greater resistance to the siren song of corporate commercialism: Orthodox Jews, traditional Catholics, and the Amish — or yuppie consumers shopping at the New Age spiritual supermarket? —Clark Stooksbury

South of the Border — To insular white Christians like Pat Buchanan, Mexico is a warning, a neo-feudal basket case, the Brown Peril. To bohemian misfits like William Burroughs, it's a 24-hour whorehouse, a licentious refuge, the ragged edge of paradise. These self-indulgent fantasies are fed by Americans' sensational miseducation, so strangely filtered and com-

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pressed: Cortez and Montezuma are followed quickly by Santa Ana, then Zapata and Pancho Villa, then a long silence punctuated only by a few impudent threats to our national self-esteem, such as the Mexican Baseball League's WWII-era "raid" on the North, and by those periodic monetary panics in which U.S. taxpayers are prevailed upon to bail out Goldman, Sachs, *et al.* Andres Oppenheimer's ***Bordering on Chaos: Guerrillas, Stockbrokers, Politicians, and Mexico's Road to Prosperity*** (Little, Brown and Company, 1996, 367 pp., $25.95) is a welcome antidote: a lucid and engaging account of Mexico's fitful struggles with the end of history, providing just enough detail to let you grasp his intricate tale of that nation's free fall into depression and Marxist revolt. An old-style investigative reporter, Oppenheimer spent months in Mexico talking to, and digging up dirt on, the major players in the PRI (Mexico's ruling party) and the Zapatistas — university-trained insurgents from Mexico City whose romantic image in El Norte as noble Indian rebels stands as one of the great publicity fakes of the last two decades.

Not that Oppenheimer is any friend of the regime. He amply documents the PRI's insanely wasteful porkbarrel spending (building an $11 million opera house in the impoverished state of Chiapas), its bought rulers (a claque of wealthy businessmen pledged $750 million to the PRI in a single evening), its feckless mismanagement of the peso, and its comic-opera elections ("In La Trinitaria . . . the PRI scored 18,114 votes,

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the opposition, 0"). And if he excoriates feeble-minded gringo journalists for naively accepting Zapatista posturing, Oppenheimer is equally hard on Anglo coverage of the government's generally phony reforms. The widely hailed "privatization" of Mexico's primitive telephone network, for instance, merely transferred the state monopoly to PRI pet Carlos Slim, who raised rates 170% and did nothing to improve service.

If Oppenheimer is as good at predicting the future as he is at uncovering the recent past, Americans are being gravely misled by reports of spreading "rebellion" south of the border. Mexicans, he finds, take little interest in the Zapatistas' socialist agenda; mostly, they want to get ahead and see the U.S. as the best model for doing so. As in the U.S., many intellectuals have preserved the leftist dogmas they sucked up at college in the '60s; but much to the chagrin of the left-wing opposition party, the PRD, the emerging alternative is the relatively pro-market PAN. And Mexican colleges — e.g., the National Autonomous University of Mexico (UNAM) — that train their students to become "coffee-table ideologues," long on Marx and short on accounting, are fast losing out to a burgeoning network of private colleges whose graduates are hired by companies that advertise, "UNAM graduates, please abstain."

—Nathan Crow

Smith, *continued from page 54*

people from committing those crimes, but this is a by-product of punishment, not its purpose. If deterrence is severed from a theory of justice, there is no reason why we cannot punish innocent parties, or even torture them, if by so doing we might instill terror in potential criminals.

If punishment is a matter of social utility rather than justice, then we will be at the mercy of social calculators who determine and dictate social efficiency. As Bakunin warned, this "reign of scientific intelligence" will be "the most aristocratic, despotic, arrogant and scornful of all regimes. There will be a new class, a new hierarchy of real and pretended scholars, and the world will be divided into a minority that rules in the name of science and a vast ignorant majority."

Restraint

Some years ago during a summer conference, Randy Barnett and I sat down to see whether we could manufacture a defense of capital punishment. The best we could come up with was the notion of a "standing threat." This is based on John Locke's treatment of reparation and restraint, which "are the only reasons, why one Man may lawfully do harm to another, which is that we call punishment." Reparation corresponds to what libertarians call "restitution." For years Randy has brilliantly elaborated on the pure theory of restitution as the only acceptable model of libertarian punishment, and he recognizes that the death penalty cannot be incorporated within this model. Locke's notion of restraint, however, has interesting possibilities for those in search of a rationale for the death penalty — though this approach treats capital punishment as a form of defensive violence and so, strictly speaking, removes it from the realm of punishment.

Briefly, Locke's theory goes like this: I have a right to use violence in self-defense, even if this results in the death of the aggressor. The right of self-defense is operative even when there has not been an overt action or an express threat to kill me. I may kill an armed robber, for example, because I may reasonably assume that "he, who would take away my Liberty, would not when he had me in his Power, take away every thing else." I need not wait until violence has been literally inflicted upon me before I can defend myself. I may respond with violence to what I reasonably perceive to be a threat against my life.

The key to Locke's theory of defensive violence is what he calls the "state of war." This does not consist of particular acts of aggression per se, but in "a sedate [and] settled Design upon another man's life." A person, through his words and deeds, can declare an intention to kill other men, in which case I "have a Right to destroy that which threatens me with destruction."

Randy and I adapted Locke's argument as follows: suppose Murphy (our paradigmatic villain) places a full-page ad in my local paper, where he announces, in no uncertain terms, that he will initiate a killing spree the following day. He will shoot anyone he feels like without warning and will continue to do so until someone stops him. (Of course, examples like this are always vulnerable to the slings and arrows of the nitpicky. Even if the ad has Murphy's picture, how do I know that he actually placed it? Perhaps it is the work of someone else who wants to cause problems for poor Murphy. Okay, so I saw Murphy interviewed on television. But what if this was a computer generated hoax? — the demonic work, say, of some warped techno-nerds. Okay, so I actually talked to Murphy in person. But what if this was his twin brother or someone else in disguise? Okay . . . give me a break!)

Anyway, I am as certain as any mortal can be that Murphy made the threat and that he intends to carry it out. Then, sure enough, while walking down the street on that fateful day, I run smack into Murphy. He stops, looks at me menacingly, and then — well, then I pull out my trusty revolver and shoot Murphy dead.

Was my action a legitimate act of self-defense? Yes, I think it was. In Locke's terms, Murphy had declared a "state of war" against me and others, so all of us had the right to use defensive violence against him.

Now, suppose that Murphy does not explicitly advertise or announce his intent to kill, but has openly confessed to murdering 30 people in cold blood. A strong case might be made that, as a result of his previous actions, Murphy has displayed a "sedate and settled design" against the lives of innocent people everywhere. He has a strong disposition to murder; it is part of his character, as revealed by his past crimes. He is, in other words, a "standing threat" to society in general.

If it is legitimate to use defensive violence against Murphy in the first case, would it not be equally justified to use defensive violence against him in the second case? Can anyone who encounters Murphy shoot him dead and then plead self-defense? It seems to me that a reasonable argument might be made for this, but — to repeat — such an argument would have nothing to do with punishment as such, which deals with past actions; rather, it would be a form of self-defense.

The anarchist William Godwin discusses this issue in *An Enquiry Concerning Political Justice* (1793), where he rejects "restraint" as a rationale for punishment. To punish people, even criminals, from fear of some future action "is the very argument which has been employed to justify the most execrable tyrannies." According to Godwin, "There is not more reason, in many cases at least, to apprehend that the man who has once committed robbery, will commit it again." To deliberately harm someone for the sake of restraint is "abhorrent to reason, and arbitrary in its application."

Godwin may be right. To kill someone as a "standing threat" in the name of self-defense may amount to little more than a surreptitious effort to smuggle capital punishment in through the back door of libertarian theory, having denied it entrance through the front. Moreover, it is difficult to conceive how the "standing threat" justification could be implemented in a libertarian legal system, unless we suppose that a lone individual can take it upon himself to execute the "standing threat" and then plead self-defense in a court of law — which, peopled with a libertarian jury, will refuse to convict him. Objective standards and procedures seem problematic in this case, to say the least. (Perhaps I am lacking in imagination; if so, I have little doubt that more imaginative libertarians will come to my aid with ingenious solutions.)

In conclusion, I agree with Locke that reparation (restitution) and restraint (self-defense) are the only justified uses of violence in a free society. How we can apply restitutive principles to willful murder is, I concede, a troublesome issue, but this model certainly cannot justify capital punishment. And I remain doubtful whether the restraint model can do the job either.

Given our theory of justice, therefore, we cannot execute Murphy. Granted, Murphy is a revolting slimebucket, a sorry excuse for a human being, a degenerate sadist, a violent moron — yes, Murphy is all of this, and more. But he is still a moral agent and, as such, is possessed with inalienable rights. We should have no respect whatever for Murphy, but we must have respect for his rights. We should vigorously defend not the person but the principle, for this is the foundation of everything we libertarians hold dear. ❑

Notes on Contributors

Dominick T. Armentano is author of *Antitrust and Monopoly* (Independent Institute).

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

Carlos A. Ball is editor and publisher of AIPE, a Spanish-language news organization serving 15 countries.

"Baloo" is the alter ego of cartoonist *Rex F. May*.

John Bergstrom is a Californian cartoonist and animator.

David Boaz's primer and reader on libertarianism will both be published by the Free Press in January.

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

Douglas Casey is editor of *Crisis Investing*.

Stephen Cox is Professor of Literature at UC-San Diego and author of the biographical introduction to Isabel Paterson's *The God of the Machine* (Transaction).

Nathan Crow is an associate editor of *Liberty*.

James Gill is *Liberty*'s staff artist.

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Richard Kostelanetz has written many books, most recently *Crimes of Culture* (Autonomedia) and *Radio Writings* (Leggiere).

Ross Levatter is a radiologist in private practice in Phoenix.

Loren E. Lomasky is author of *Persons, Rights, and the Moral Community* (Oxford).

Wendy McElroy is author of *Sexual Correctness* (McFarland).

Paul Piccone is editor of *Telos*.

James S. Robbins is a foreign policy analyst in Massachusetts.

Jeffrey A. Singer, a Phoenix surgeon, played a major role in the fight to make MSAs tax-deductible on Arizona's state income tax.

George H. Smith is author of *Atheism, Ayn Rand, and Other Heresies* (Prometheus).

Clark Stooksbury is assistant publisher of *Liberty*.

Scott Sutton, a journalist, recently returned from New Zealand to the United States.

Timothy Virkkala is managing editor of *Liberty*.

Jesse Walker is an associate editor of *Liberty*.

Coming in *Liberty* . . .

"Japan's Corporate Gangsters" — *Michael J. Oakes* demolishes the façade of Japanese corporate democracy.

"The New Nationalism" — *Bill Kauffman* examines nationalism's double-edged sword.

"Mostly Harmless" — *Jan Narveson* reviews the latest — and perhaps best — introduction to libertarianism.

"The Man *vs.* the Stereo" — *Robert Griffin* confronts his personal, very noisy demons.

"Artists at the Trough" — *Jamie McEwan* notes the unintended consequences of art subsidies. *Todd Seavey* tries to tell his elected representatives how he feels about PBS. And *Jesse Walker* reviews an exposé of cultural crimes.

Terra Incognita

California

Economics in one lesson, as reported in *Insight*:

The Association of Community Organizations for Reform Now (ACORN) has campaigned for increases in the minimum wage in California, Missouri, Montana, and Colorado. Now it's filed a request that it be exempted from having to pay its own employees California's minimum wage, on the grounds that "the more ACORN must pay each individual outreach worker . . . the fewer outreach workers it will be able to hire."

Las Vegas

Update on alien abductions, reported in *Skeptic*:

Barry A. Briskman, age 59, was sentenced to 20 years in state prison for molesting two 13-year-old girls. Briskman had claimed to be an alien from the planet Cabell, here to recruit beautiful and intelligent girls for a female-dominated utopian society led by Queen Hibernia, currently residing at the Tropicana Hotel in Las Vegas.

Cambridge, Mass.

An Ivy League dilemma, reported in *The New Yorker*:

Sinedu Tadesse, a junior at Harvard, stabbed her roommate of two years, Trang Ho, 45 times while Trang lay sleeping in her bed. After the murder, a fierce debate erupted over whether Harvard should establish a scholarship in the name of both girls or only in Trang's.

Long Island

Propaganda tactics in the war against drugs, reported in *The New Yorker*:

Visiting Phoenix House, a drug rehabilitation center, Drug Czar Gen. Barry McCaffrey complimented a group of recovering addicts, but added that he wasn't surprised by their poise: "The kind of people who get into drugs are sort of with it and daring."

Florida

Larry Fuchs, Florida's head tax collector, explains his job to the *Tampa Tribune-Times*:

"We're not in the business of collecting taxes. We're in the business of establishing and modifying behavior."

Denver, Col.

The environmentalism of Albert Gore, as reported in the *Washington Post*:

When Al Gore delivered a speech about river conservation beside the South Platte River, local officials released an additional 96 million gallons to increase the river's flow. "When you have the river being showcased, you want it to look good," explained one official.

Stuart, Fla.

Separation of church and state, as described in *Quill*:

The Palm Beach County Anti-Defamation League wants to remove from a city park a six-foot-tall mahogany pole inscribed with "May peace on Earth prevail" in English, Gaelic, Arabic, American Sign Language, and Braille, contending that it is a religious display. Seventy-nine residents have signed a petition saying that it is an offensive, pagan symbol.

San Francisco

Serving and protecting, as recounted in the *San Francisco Examiner*:

In an attempt to apprehend a driver who had run a red light, police officer William Henry Wohler, Jr. engaged in a high-speed car chase that ended in a crash at a busy intersection, totaling his car and injuring six people. Wohler testified he could not recall any department policy or regulation against risky pursuits for minor violations.

Rockford, Illinois

Alarming development, discovered by Thomas Fleming and reported in *Chronicles: A Magazine of American Culture*:

"Militant homosexuals, particularly those who have received the anti-grace of AIDS, have become the heroes and martyrs of our culture, celebrated even by heterosexual intellectuals."

Massapequa, N.Y.

The crucial impact of the philosophy of Ayn Rand, as described in a letter from Richard J. Savadel to *The Libertarian Party News*:

"Ayn Rand taught us to remember that words have an exact meaning."

The World of Ideas

Contribution to political philosophy, offered by Eric Dennis and published by the *Objectivism Home Page* on the World Wide Web:

"To determine the right form of political organization is a conceptual task. Anarchism defaults on this task, denying the existence of a proper method for it. Epistemology is the branch of philosophy dealing with the nature of man's conceptual consciousness. It identifies the general method of which political philosophy is a particular application. Thus anarchism is the negation of the mere attempt to apply epistemology to the problem of political organization."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Ayn Rand

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Chris Whitten's elegant line drawing of Ayn Rand as she appeared at the height of her powers, in the 1940s, after she had finished *The Fountainhead* and had begun work on *Atlas Shrugged.* Professionally matted, framed behind glass, this print is a bold statement, with these words of Rand's printed below her picture:

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by R.W. Bradford & Stephen Cox

I Was Bill Clinton's Running Mate!

by Mark Skousen

My War with the FDA

by Sandy Shaw

Child Porn and Free Speech

by Joan Kennedy Taylor

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"Liberty is rendered even more precious by the recollection of servitude." —*Cicero*

Letters

Quaint Sophistry

George H. Smith's "A Killer's Right to Life" (November 1996) struck me as an exercise in sophistry. The notion of the killer as "moral agent" was especially quaint. Why the hell should anyone care whether the killer has any rights?

Dave Fafarman
El Sobrante, Calif.

Logic and Mr. Smith

Suppose George H. Smith were persuaded, "as certain as any mortal can be," whether by the empirical evidence he scorns or his own infallible intuition, that capital punishment has a strong deterrent effect; for example, that, on the average, each additional execution of a convicted murderer led to seven fewer homicides.

Would he then change his position? How would he balance the inalienable right of the murderer against the inalienable rights of the seven innocent victims of a failure to execute the murderer?

I hasten to add: I am not making an empirical point, only testing the logic of Mr. Smith's argument.

Milton Friedman
San Francisco, Calif.

A Reader's Precis

George Smith's position boils down to this: I may not agree with your killing that kid, but I'll defend to the death your right to pop open a Bud afterwards and reflect on life's ironies while his weeping parents are read lectures on natural rights.

Eldridge DeFede
Lone Pine, Wyo.

Editor's note: Further responses to George Smith's article will appear in a special symposium in a forthcoming issue.

Cardinal Sagan

A few kudos are due Dominick T. Armentano for putting Carl Sagan in his place ("The Truth Is Out There," November 1996). I hope I am not the only libertarian who has grown skeptical of the brand of "skepticism" fostered by Sagan and his fellow CSICOPpers. I cannot help but wonder whether this group would have joined Cardinal Bellarmine in refusing to look through Galileo's telescope. Let us face it: intellectual and political communities contain many people more interested in perpetuating positions than in finding out what the truth really is.

Case in point: Does one consign oneself to the cognitive oblivion of kookhood by wondering whether something very unusual really did happen near Roswell, New Mexico, in 1947 — something the government either cannot explain at all or is covering up? Federal authorities routinely lie about far more mundane matters. One thing is for sure: the official explanation of this incident is ludicrous. Government agents are not sworn to lifelong secrecy and people's lives threatened because of a downed weather balloon.

"Pseudoscience" can be characterized as investigations, usually by self-taught amateurs claiming to be doing science but working in near-isolation, applying bad methodology to defend theories held for other than scientific reasons. There are plenty of such people. Von Daniken and Velikovsky are probably the two best examples. And surely John Mack's recounting of case after case of people under hypnosis recalling being abducted by UFOs is suspect, because these "experiences" have not been duplicated under laboratory conditions. No space aliens were involved.

But two points should be noted. First, anyone who has studied the philosophy of science knows that "scientific method" is very hard to clarify, and not as simple as "debunkers" would have us believe. (Institutional structures, funding mechanisms, etc. being what they are, it is also notoriously difficult to apply consistently without various compromises.) Second, there are people investigating so-called "paranormal phenomena" who observe the highest standards of rigor in their empirical research. This research differs from the "conventional" science favored by the Carl Sagans of the planet in not being locked into a materialist theory of reality. Perhaps this is what we should be discussing. At any rate, surely the matter is more complicated than the black-and-white contrast between sober, tough-minded, just-the-facts-ma'am scientists and kooky, wild-eyed true believers Sagan presents. Our best policy might be to take the advice of the great American philosopher Charles Saunders Peirce: "Do not block the path of inquiry."

Steven Yates
Columbia, S.C.

You Opened the Door, Dom

Dominick Armentano quotes Richard Hall as saying, "Exactly why 40 years of impressive human testimony and related instrumental and physical evidence has essentially escaped the attention of science constitutes a human mystery of major proportions."

If a mere 40 years of human testimony begins to give UFOs credibility, how does that compare to 2,000 years of human testimony giving Christianity credibility? It seems absolutely incredible that a person in one culture with no Christian background could give testimony that agrees with testimony from someone in an entirely different culture. It's even more awe-inspiring when this is repeated thousands of times over. How can this be?

I would say that Christianity, or at least the essence of it, is very credible indeed.

Stuart Toepke
Bismarck, N.D.

The Secret History of MSAs

I am puzzled by Ross Levatter and Jeffrey Singer's observation ("The HMO Illusion," November 1996) that economist Jesse Hixson originated the Medical Savings Account concept.

John Goodman has indeed credited Hixson with inventing the MSA, but I am beginning to suspect that Hixson cribbed it from me. I published the idea, then called the Health Security Account, in 1981. I sent it to Dr. George Ross Fisher, then a member of the board of the American Medical Association. Dr.

continued on page 4

Letters Policy

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Inside Liberty

January 1997
Volume 10, Number 3

2 **Letters** The silent majority speaks up.

5 **Reflections** *Liberty*'s editors speak out about language, get out the vote, turn up the volume on dissent, and whip out the truth in front of total strangers.

Features

Election '96: What It Means

11 **The Revolution Rethought** Even Bill Clinton's huge victory couldn't unrail the Revolution of '94. *R.W. Bradford* explains.

12 **I Was Bill Clinton's Running Mate!** *Mark Skousen* ain't Al Gore, but Skousen had better advice when he and the president ran together.

15 **Grand Old Dinosaur** Clinton's back and there's gonna be trouble. But not from Barney the Dinosaur. *Stephen Cox* reports.

19 **The Browne Campaign: Triumph or Disaster?** *Chester Alan Arthur* explains why Libertarians' hopes were dashed again.

23 **Nationalist, Go Home** Nationalism may be making a comeback, but, argues *Bill Kauffman*, it has a few drawbacks.

25 **Railroading the 'Burbs** *Randal O'Toole* watches the friendly fascism of "new urban" planning take over Portland, Oregon. Be warned: the planners won't stop there.

29 **A Warmed-Over Myth** The best-laid lies of panic-mongers are no match for *Ben Bolch* and *Harold Lyons*.

31 **Whores of the Art World** *Jamie McEwan* notes the unintended consequences of art subsidies. *Todd Seavey* tries to tell elected officials how he feels about PBS.

35 **The New Reefer Madness** *Paul Armentano* debunks the myth of the teenage cannabis fiend.

38 **Child Porn and Free Speech** There is no freedom some people will not abridge in the cause of fighting "child pornography." *Joan Kennedy Taylor* redefines the assault.

40 **Secret Twins** Poster boys *Richard Kostelanetz* (contributing editor) and Vladimir Lenin (defunct dictator), laid out by *Igor Satanovsky*.

41 **Japan's Corporate Gangsters** *Michael J. Oakes* studies the 40-Minute Stockholders' Meeting and other corrupt rituals of the Japanese oligarchy.

45 **Letter from Poland** *Stephen Browne* discovers that even Solidarity is having labor troubles.

47 **Free Speech Fast Forward** *Sandy Shaw* tells how she and Durk Pearson are winning their battle against a murderous and censorious FDA.

49 **The Man *vs.* the Stereo** *Robert Griffin* confronts his personal, very noisy demons.

51 **Richard and Poorer** A short story by *Greg Jenkins*.

52 **Range Finders #6** A poem by *Don Mager*.

Reviews

55 **Up from Narcissism** *Clark Stooksbury* unwinds Michael Lind's bizarre twist on modern conservatism.

57 **No Cheers for Democracy** *Leland B. Yeager* dissects a pop attack on Public Choice theory.

61 **Mostly Harmless** Has a religious philosopher penned the best introduction yet to libertarianism? *Jan Narveson* thinks the answer is "yes."

64 **The Big Book of Economics** *Mark Skousen* judges a tome for our time.

66 **Beyond the Culture Wars** *Jesse Walker* maps the commanding heights of the culture bureaucracy.

67 **Booknotes** on Emerson's dreams, Ehrlich's schemes, the dirty book, palindromes that cook, and more.

22 **Terra Incognita** Where mapmakers fear to tread.

69 **Classified Ads** Supply-side economics that actually makes sense.

71 **Notes on Contributors** Pinned down, wriggling on the wall.

Fisher called my office to say that, bingo, this was the solution the world was looking for.

Dr. Fisher took the idea to the AMA in Chicago, where Hixson was then employed as an economist. Only after that did Hixson begin to appear as the reputed originator of the idea.

I have since found a similar idea implemented by the Mendocino County, California school board in about 1980, and have been told that a Thibodeaux, Louisiana physician named Smith had advocated approximately the same thing for many years before that. My friend Richard Rahn hit upon it independently in 1984.

Unfortunately, Hixson has refused to respond to two polite inquiries from me, asking how he came to originate the MSA. I have now concluded that Hixson is milking the credit from my good idea. I guess I'll just have to come up with something else to finally get some respect. Sigh.

John McClaughry
Kirby, Vt.

The Trouble With Harry

I am dismayed at Harry Browne's rhetorical question, "Would you give up your favorite federal program if it meant you never again had to pay income tax?" ("The Libertarian Challenge," September 1996). Is Mr. Browne totally out of touch with his fellow citizens' lives? Or is it his purpose to make the Libertarian Party an elitist refuge for a tiny segment of the population, with no possibility of ever winning an election?

Millions of Americans are dependent on Social Security. That is their favorite federal program. Take it away and there would be no question of income tax, for there would be no income. Is Mr. Browne asking them to make that trade? Or is he saying that there is no room for them in the Libertarian Party?

Many more millions of Americans depend for their medical care on Medicare and Medicaid; they have no private insurance and insufficient money to pay for the huge costs of modern medicine. Take away the federal medical programs and there would be no question of income tax, for these people would die. Is that what Mr. Browne is asking them to do? Or is he saying that there is no room for them in the Libertarian Party?

Still more millions of Americans depend upon veterans' benefits and hospitals to ameliorate the disabilities they suffered in the nation's armed forces. Take away his favorite federal program from a man rendered quadriplegic by an enemy mine and he will not need to worry about income tax, for he will not live through another tax season. Is Mr. Browne asking such men to make yet another sacrifice for their country? Or is he saying that there is no room for them in the Libertarian Party?

Still more millions of Americans have no other source of income than their federal pensions, civilian and military. Take their pensions away, and they will not need to worry about income tax. Is Mr. Browne asking these people to commit financial suicide? Or is he saying that there is no room for them in the Libertarian Party?

And still more Americans receive government assistance for their businesses or farms or benefit from such unique institutions as the Library of Congress, the National Library of Medicine, and the Centers for Disease Control. To the extent that their economic well-being or even their lives depend on these programs, they may be loath to give them up, even in return for tax relief. They might be willing to discuss changes in their organization and

continued on page 10

The Last Democrat

You know that Bill Clinton is the most blatantly corrupt president in years. But you may not know that he will probably be the last Democrat to be elected president for a long, long time — maybe the last one ever.

Dismissing the conventional wisdom, R.W. Bradford predicts that Clinton is but the last, futile hope of the fraudulent dogma misnamed "liberalism": the insane idea that

Why Bill Clinton Will Be the Last Democrat Americans Elect President

government can rob everybody, pay off anybody, and leave us all richer in the process.

It's all here: the criminally fraudulent commodity trades — the endless lying about Whitewater — the ill-fated health care plan — the terrible holocaust at Waco — the embarrassing bimbo eruptions — the endless taxes, regulations, and pork — and much, much more.

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Reflections

Truth™, justice, and the American way — In October, AT&T ("your true choice," whatever that means) sued MCI over the latter company's "True Rate" program. The problem was the word "true." As AT&T spokesman Mark Segal told the *London Times*, "True is our intellectual property and we have spent millions on establishing it." (Heaven knows it's important to establish property rights in words — otherwise, who'd have any incentive to come up with new ones?)

It will be interesting to see how Ma Bell decides to profit from her new possession, if she wins her suit. Perhaps she will monitor our phone conversations for the word, and add royalty charges to our monthly phone bill. Perhaps she will sell the word to another interested party — Merriam-Webster, the Roman Catholic Church, the Democratic Party, Spandau Ballet — and reap the short-term windfall. Or perhaps she will simply sue anyone who uses the word, forcing those of us who cannot afford representation to adopt less popular labels for truth, such as "veritas."

In the meantime, I'll be watching what I say — and not just when "true" threatens to cross my lips. Can you imagine the free-for-all that would erupt if I said "savings"? —JW

Whiz kids — Libertarian proposals are gaining acceptance as never before! State: prepare to wither! The latest good news comes straight from the White House, where President Bill Clinton — exactly the kind of bold policy entrepreneur we're always seeking to cultivate — has swiped a plan hatched in the Incubator of Liberty known as the "Pete" du Pont presidential campaign of 1988. Du Pont, you'll recall, was touted as a closet libertarian, and among his most louring brainstorms was his call to require every teenager who applies for a driver's license to urinate into a plastic cup. Yes, this is a wee invasion of privacy and a degrading act to any human being this side of a politician — and a violation of federalist principles withal — but hey, this is the real world, and the oxymoronic (emphasis on the last three syllables) "libertarian Republicans" can be forgiven for endorsing the total state when it comes to the drug war, the empire, corporate control of politics, etc., provided that they spit nails at tenement-dwelling unwed black mothers and pensioners in trailer parks. No free ride for you, loafers!

Anyway, our president, who lacks the funny hangup that most of us have about whipping out our dicks in front of total strangers, has taken up the cause of federally mandated pissing. So score one for Pete du Pont: a seminal figure, it seems. But as long as we're going to crack down on 17-year-old potheads, can we also do something about degenerate old money families whose members murder Olympic wrestlers? —BK

Reach out and irritate someone — Smug, smarmy, sanctimonious. I'm talking about the latest ad campaign for "Working Assets," appearing in recent issues of *The Nation*, *Harper's*, and other magazines. The ads implore the reader to sign up for Working Assets' long distance service and then "call your right-wing, gun-toting, NRA-supporting uncle in Tulsa and tell him how he's helping to support the ban on assault weapons" by talking with you on the phone. Similar ads suggest that you call various other right-wing friends and relatives and pontificate about abortion, gay rights, and animal rights. They all appeal to the moral vanity that has infected many leftists for a generation or so, making worthy causes like peace, tolerance, and conservation seem revolting.

So why not call your Volvo-driving, *Ms.*-reading, gun-controlling Women's Studies professor in Berkeley and explain to her why her politics have no appeal outside the confines of a college campus? —CS

Loneliness of the long-distance drinker — I have finally learned what has made Ted Kennedy behave the way he has for the past decade or so. In a television commercial from the 1980 election campaign (rebroadcast recently on C-Span), he told Americans, "I'm convinced that President Carter represents the only real chance to prevent a Reagan victory, and to preserve our hope for an America of progress and fairness." Apparently, once the Reagan victory destroyed any "hope for an America of progress and fairness," he turned in despair to gluttony, lechery, and dipsomania. —RWB

Michael J. Fox, call your office — On October 1, 1996, a new U.S. law made it illegal to *appear* to depict children in sexual situations, whether or not any minors are actually involved. The new definition of "child pornography" includes photographic and video images of adults portraying minors, as well as computer-generated images. Produce such a picture, and you'll go to jail for 15 years; possess one, and you'll head to the slammer for five.

The law is a response to computer-altered photos that make it impossible to identify the people pictured, let alone to ascertain their ages. The Internet is now expected to be above even the appearance of wrongdoing. —WM

Johnny got his blacklist — The genius of libertarian analysis is to ask who benefits economically from activities of the state. Who benefits from a country's going to war? Munitions makers. Who benefits from draconian drugs laws? Purveyors of illicit drugs, and the incarceration industry. Who benefits from the law requiring cigarette packages to contain cancer warnings? Cigarette companies, who can reply to wrongful death suits with the defense that smokers were warned in advance. Who benefits from compulsory schooling? The teachers' union. And so on. What is missing from most complaints about professional blacklisting, including the new edition of Robert Vaughan's *Only Victims*, about

Hollywood in the 1950s, is such economic analysis.

What makes this omission surprising is, first of all, the author's background. Though this book began as a doctoral dissertation, Vaughn is not a tenured academic (and thus oblivious to economic instability) but a prominent actor, which is to say a success in a highly competitive business where most fail. Secondly, he notes early on that the avowed purpose of the first House Un-American Activities Committee, in the early 1930s, was to get "rid of the Communists [so that] one could give jobs to honest, loyal American citizens who are unemployed." One fault of this book, along with other protests of professional blacklisting, comes from forgetting this last insight.

Communism was a mistake; Communist writers may have been dupes. Nonetheless, Dalton Trumbo wrote some brilliant Hollywood films in addition to an unforgettable anti-war book, *Johnny Got His Gun* (1939). One of the Hollywood Ten, he was blacklisted in the early 1950s. Since some Hollywood producers still wanted Trumbo's scripts, they bought them anyway but paid less; in one memorable incident, Trumbo's pseudonym failed to show to collect an Academy Award. Less desirable blacklisted writers were forced to seek other kinds of work, while work that might have gone to them went to others. The result was not just unnecessary personal misfortune but less competition within the business of Hollywood scripting — a business no less competitive then than it is today, an activity at which most fail. The blacklisting of Communist scenarists was no different from rules excluding from employment women, blacks, Jews, or any other people who can perform a job.

What lefty critics of blacklisting fail to see — given their other biases perhaps — is that state-initiated blacklisting resembles state-supported craft unionism, both preventing "legally" the employment of certain otherwise competent professionals. Reasons for excluding such people from the craft unions have included race, ethnicity, and the lack of a relative already among the membership. In an open society, political blacklisting is no less acceptable than blacklisting for gender or anything else.

This blindness to the larger issue leads me to believe that most writers protesting Hollywood blacklisting are really complaining about the removal of Communists, whom they want us readers to admire as unfortunate victims, rather than objecting to the evil intrinsic in blacklisting per se. Such obtuseness likewise informs Victor Navasky's *Naming Names* (1980), which Vaughn praises in his new afterword as "the most thorough and intelligent examination of this time of scoundrels." If it fails to identify who benefited, it cannot be considered "thorough."

Don't forget that the "right to work" is a two-edged sword, no doubt theatening any cabal restricting employment but also granting opportunities to those otherwise excluded. Failure to recognize that the right to work is a principle applicable to everyone reflects economic insensitivity that is finally as objectionable as social insensitivity. There is reason to fear that certain lefties might really support state-enforced professional blacklisting — not of their colleagues, of course, but of other writers, all toward the end of eliminating competition. In that case they would be no less objectionable than the House Un-American Activities Committee. —RK

Pardon my precedents — Of all the crimes perpetrated by the First Criminals, the only one that bothers Chris Matthews of the *San Francisco Chronicle* is the administration's examination of highly confidential FBI files on its political opponents. Matthews says that Clinton should have called the appropriate staff member into his office, told him to come clean about who in his department was responsible, and fired the guilty parties immediately.

Why didn't Clinton react this way? Matthews suggested that he had a natural reaction to defend himself and his administration. I can think of two better reasons.

First, it is not manifest that finding and firing the guilty parties will win public favor. The best precedent for doing so was Warren G. Harding's response to the scandals that rocked his administration in 1923. When Harding learned that Charles Forbes, director of the Veterans Affairs Bureau, had sold government property to associates in sweetheart deals, he called him to his office, shook him "as a dog would a rat," denounced him as a "double-crossing bastard," and demanded his resignation. A few weeks later, he demanded the resignation of Interior Secretary Albert Fall in connection with the sale of government oil lands — the "Teapot Dome" scandal. Two other members of his administration committed suicide after Harding confronted them. Harding died before completing his first term, but it was widely believed that the scandals had mortally wounded his re-election chances. And Harding is remembered today, not as the great president he in fact was, but as a man who presided over a corrupt administration. Virtually everyone has forgotten that he himself was not corrupt.

Even more importantly, the best evidence to date is that the person who ordered the FBI files was not a member of Clinton's staff. It was Clinton's wife, Hillary. The erstwhile co-president retains her office as first lady. The only means of firing her would involve a divorce court.

So Bill Clinton didn't take Matthew's advice. Instead, by weaseling around, lying, conveniently forgetting various facts, spin-doctoring, etc., he has maintained a position of barely plausible deniability, sufficient for his followers and the mostly indifferent American electorate.

Meanwhile, people close to special prosecutor Kenneth Starr say that the only reason he hasn't asked for an indictment of Hillary Clinton is that he fears it would be perceived as a political move, and that he plans to ask for an indictment sometime shortly after the election. If so, how will the president react to his wife's indictment? He has consistently refused to promise that he won't pardon Susan MacDougal (who has steadfastly refused to answer questions about Bill Clinton's involvement in criminal activity on the preposterous grounds that the questions are politically motivated).

Which raises another interesting question: How will the public react when, as now seems likely, the president pardons Hillary? Lately, Americans have been inclined to be

Liberty's Editors *Reflect*

CB	Chris Baker
RWB	R.W. Bradford
MG	Mina Greb
BK	Bill Kauffman
RK	Richard Kostelanetz
WM	Wendy McElroy
SR	Sheldon Richman
CS	Clark Stooksbury
JW	Jesse Walker

indifferent about the rising tide of evidence of criminal activity by the president and his allies. Will Americans remain indifferent if he pardons his own wife for such varied crimes as looting the public treasury on his behalf? Or using the FBI to dig up hearsay evidence for use against his political opponents?

Stay tuned. —RWB

Gesundheit! — My parents have a beautiful magnolia tree. Lots of people compliment it. Some even ask for cones, so they can grow magnolias of their own. I'm not so crazy about it; I got allergies when it bloomed each spring. But I would have never considered killing that poor tree just because I got the sniffles now and then.

I'm glad I don't live in Alberquerque. There, the city council voted to outlaw cypress, elm, male juniper, and mulberry trees. As of next August, the nasally correct city will fine anyone who grows, sells, imports, or plants these trees up to $500.

Just reading about it set off my allergies. —CB

Anarchist squares — My husband and I recently found ourselves sipping cappucino in a small, triangular park in Athens known as "Anarchist Square." A fellow named Nikos, with whom we had struck up a lucky chance acquaintance, had directed us there after learning that we were "North American anarchists." He declared himself to be a European one.

In the wee-hour conversations that ensued, I was fascinated by the differences in our approach. The ideological ones were predictable. He was an anti-capitalist, anti-American, pro-Green Kropotkinist subscriber to *The Guardian*, with whom I shared an admiration for the works of Murray Bookchin and Noam Chomsky. He considered technology to be anti-freedom, the one view against which Brad and I dug in our collective heels and argued vehemently.

Nikos seemed starved for news of North American radical movements, and yet he was tremendously cautious about receiving the information. As we chatted at an isolated table, he constantly watched the people who drew near and silenced me as they passed within earshot. Sensing my confusion, he explained that there were "government people" who wore ordinary clothes and that he could lose his job over his political views. I immediately altered my behavior to respect his wish for discretion, but the word "paranoid" flashed in my mind. After all, just days before, the socialists had prevailed in the national election, and their views seemed remarkably similar to his own.

The word began blinking when he asked me about an American company with whom I've worked. "How do you know they are not connected to the CIA?" he inquired softly. Not having a clue how to answer, I commented on the question itself. "That is not something that anyone from Canada or the States would ever think to ask about a small private company," I replied. I could see the word "naive" blinking in his eyes.

When we finally and reluctantly parted, my street map of Athens was decorated with small circles indicating bookstores, a publisher, Anarchist Square, and other places of political interest. My first stop: a reputedly Kropotkinist bookstore which also held political meetings at night. It was a good-sized basement-level room jammed by baseboard-to-ceiling bookcases with a center table of stacked magazines. As we walked in, a thin middle-aged woman behind a desk glanced up, took in our obvious North American looks (Reeboks, fanny-packs, a camera), then studiously frowned downward into an open book. Although we were the only customers in the one-room store, both of us had difficulty getting her attention thereafter. Indeed, the only way to do so was to stand directly and patiently in front of the desk, saying "excuse me." Then she would look up reluctantly, returning her focus to the book after each sentence as though the conversation had been concluded.

I was fascinated by the store's stock, if only because I'd never seen Timothy Leary, Murray Bookchin, and Jerry Rubin expounding in Greek before. A handful of books were in English, with an interesting range of titles in French, which I read with some fluency. I spent about 20 minutes sifting through the latter, before selecting one about the Spanish Civil War.

"Excuse me," I began with careful politeness. "How much is this?" The woman — like most Athenians I met — spoke English well, and replied that the book was from her private library and not for sale, just for display. I reshelved it and returned with two other volumes from the French section, both of which had multiple copies apparent. They were not for sale either. In fact, nothing from that side of the bookstore could be purchased. "What *is* for sale?" I asked. The magazines, she replied in an English that seemed to deteriorate markedly as we spoke. When I began to sift through the periodicals and to set several aside, they ceased to be for sale as well. Indeed, the woman ceased to be able to understand what I was saying or to reply to me in English. She kept shaking her head and repeating with a palms-spread gesture, "I cannot understand you."

Sitting at an outside table in Anarchist Square, Brad and I discussed the scenario and realized that we must have set off the woman's internal "danger" signals. Indeed, mine were starting to prickle my skin. Anarchist Square was the only place in Athens where Brad and I received pointed hostility, mostly in the form of bearded men and student-sorts staring and gesturing. As we waited for cappucino, two obvious drug deals took place across the street. A young fellow staggered toward us — obviously either to buy or sell — and ricocheted away when we waved him off. A woman aggressively panhandled us (again, the only place in Athens this happened) and the stares became increasingly intrusive. Or was I becoming paranoid? We drank quickly and paid up inside the shop. As we did, I noticed a man examining our empty

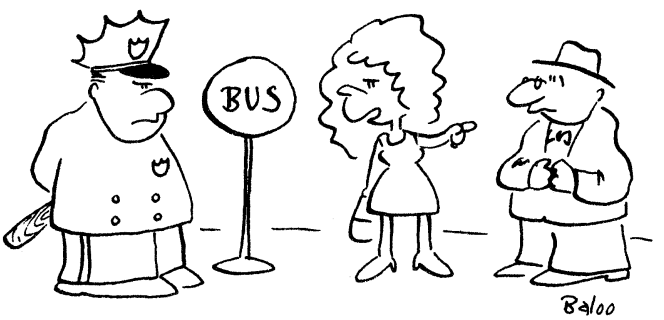

"Officer, this man is boring me!"

table, hoping to steal whatever tip the Americans might have left.

Next time I travel abroad, a red maple leaf will be prominently displayed on some item of clothing. Maybe that way, people will relax around me as Nikos did when I explained, "Actually, I'm Canadian." He nodded with a broad smile of satisfaction and replied, "And not a stupid American woman." Under the circumstances, I let my husband's nationality go unstated. —WM

Passing the torch — When someone offers their life for a cause, the words *heroic* and *martyr* come to mind. But the story of Kathy Change, the Pennsylvania pacifist who immolated herself, just left me puzzled, and slightly uncomfortable. What exactly brings one to commit suicide for "world peace"? Why would one burn oneself to death in front of a large peace symbol? To make things worse, her statement came across as less a political manifesto than a warped comedy routine — "I offer myself as a . . . *torch* for liberty"; "My real intention is to *spark* a discussion of how we can peacefully transform our world."

What was accomplished that day in October? Did she stimulate people to think about world peace? Or did they talk about Kathy Change, that strange woman who used to try to bring attention to her cause by wearing a tight t-shirt and thong? —MG

Surrealism in everyday life — In Chapter 14 of Murray Rothbard's *The Ethics of Liberty* (1982), the chapter on "Children and Rights," the inestimable Murray favorably quotes a crusading young attorney by the name of Hillary Rodham. Check out page 110 with your own unbelieving eyes. —WM

Elmer Berger, R.I.P. — It is only appropriate that the passing of Rabbi Elmer Berger at age 88 be acknowledged in the pages of *Liberty*. He is undoubtedly unknown to most readers. That would not be unusual for a prophet who, guided by sound ethical and political principles, correctly foretold the future, yet was so out of favor with the establishment that he was systematically ignored.

Rabbi Berger was the last of the classical Reform Jewish leaders who opposed the creation of the State of

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Israel. He was an eloquent spokesman for the early Reform view that the nationalist movement known as Zionism was doubly ill-conceived. It was so, first, because it ignored the rights of Arabs who had lived and tilled the soil of Palestine for many generations; second, because transforming Judaism into a nationalist movement would undermine the religion. Berger warned that the creation of an exclusivist Jewish state in Palestine would bring war and untold suffering. For him, Zionism was out of spirit with the liberal Enlightenment, which put individual rights ahead of group considerations. As he wrote in one of his best-known essays, "Zionist Ideology: Obstacle to Peace": "Nationalist territorial Zionism's dehumanizing of Arabs has *not* been in response to or defense against Arab inhumanity to Jews. The accurate statement of the equation is quite the other way around. It has been the sometimes gradualist, sometimes cataclysmic translation into practice of Zionism's ideology which has generated Arab hostility. . . . *The source of the conflict was always Zionism*" (italics in original).

Rabbi Berger was a founder (in 1942) and the first executive director of the American Council for Judaism, established by Reform rabbis to prevent the creation of Israel and oppose "all philosophies that stress the racialism, the nationalism and the homelessness of the Jews." Later, when ACJ wavered in its anti-Zionism, Berger formed American Jewish Alternatives to Zionism. Rabbi Berger wrote several books, including *Memoirs of an Anti-Zionist Jew* and, his last, *Peace for Palestine: First Lost Opportunity*, an important historical work. I had the honor of meeting Rabbi Berger several times. He was a passionate and intrepid champion of justice and liberty. He will be missed. —SR

J. Bracken Lee, R.I.P. — J. Bracken Lee, the sort of political crank who keeps this country running, died October 20 at the age of 97. He was a Utah Republican, but no one ever mistook him for Orrin Hatch or Enid Greene "Say it Ain't So, Joe" Waldhotz.

Lee was a congenital politician: he served 12 years as the mayor of Price, Utah; then eight years (1949–1957) as Utah's governor; and finally another dozen years as mayor of Salt Lake City. He took special delight in squeezing the untouchable parts of budgets. Confronted with an "education crisis" as governor, he snapped, "If it's necessary to close every school in the U.S. for a year to save the government, close them." Besides, "I would rather have a son with only an elementary school education than a son with a college degree and no freedom."

To Lee, foreign aid and the income tax were Washington's most brackish concoctions. He refused to declare United Nations Day in Utah; he wrote the foreword to Frank Chodorov's charmingly titled book, *The Income Tax: Root of All Evil.*

Perhaps his noblest act came in 1965, when as mayor of Salt Lake City Lee led the "No" forces in a citywide referendum on whether to participate in the federal urban renewal program. To the disgust of enlightened people everywhere, Salt Lake City residents voted 29,119 to 4,900 against letting Uncle Sam raze their hometown. (The *New York Times*, ever ready to stick its nose into things that are none of Manhattan's business, whined that Lee's triumph was "painful proof that a scare campaign centering around fear of 'the Federal Bulldozer backed by eminent domain' can easily defeat city planners and civic organizations.")

Lee was frequently criticized for his laxity in stamping out vice, particularly drinking and prostitution. Salt Lake City Public Safety Commissioner James L. Barker told Lee biographer Dennis L. Lythgoe that Lee's attitude was, "if you wanted to do those things, you did them. He didn't enjoy that himself. I never knew a guy who was quite as dedicated to his wife as Brack Lee." Barker added that Lee could have been "one of the great men of this country if you could have added a couple of attributes to him. He was always 'AGIN.'" Which is not a bad place to be in a government filled with Fors. —BK

Chuck Estes, R.I.P. — Chuck Estes was an active libertarian for more than 30 years. It was my pleasure to know him for more than ten of those years. Despite the fact that we disagreed on all sorts of issues fundamental to libertarian thinking, I always treasured his friendship. Chuck was as fine a human being as I have ever known. He always practiced the quiet virtues: he was honest, he took responsibility for himself and his family, he kept his word, he treated people squarely. He showed that sometimes being a good man is more important than being a great man. Liberty — and the world — are poorer for his passing. —RWB

Letters, *continued from page 4.*

funding, but they will be unlikely to join a party which puts their abolition at the front of its agenda.

I am aware that Mr. Browne has made suggestions about selling off government assets to fund Social Security and perhaps other "entitlement" programs for those already receiving benefits. But if his rhetorical question is addressed only to people who do not receive substantial benefits from the federal government, or whose benefits would not be curtailed by the programs he proposes, then it is a mere debaters' gimmick with no substance at all — of course people who receive only minor benefits from federal programs would be willing to give them up for the major benefit of tax annulment.

No, I assume Mr. Browne is a serious man. If he is, and if he really means the Libertarian program would end federal benefits to millions of Americans who depend on them in return for tax relief that would benefit only some of them, mostly the best off, it is no wonder support for the party is in the low single digits. A more inclusive party, one that offered all Americans a real small-government alternative to the mainline big-government megaparties, without cutting off those who were trusting enough to believe their government's promises and unlucky enough to depend upon those promises being kept, might attract real support.

George Goldberg
Tucson, Ariz.

The Revolution Continues

by R.W. Bradford

Okay. Bill Clinton was easily re-elected president. The Republicans gained ground in the Senate, lost ground in the House. And the Libertarians were, as usual, nearly invisible, with Harry Browne getting about 470,000 votes — well over the total garnered in 1992 by the hopeless Andre Marrou, but barely more than were cast for Ron Paul in 1988.

So what? Just what does all this mean for human liberty?

Like most American elections, it doesn't mean a great deal. Americans have a long tradition of eschewing political theory, ignoring principles, and voting instead on the basis of how they perceive their own economic situation, the sex appeal of the candidates, and whim. And the election just past is no exception.

The Republicans, like the Libertarians in 1992, were determined to give their presidential nomination to a man whom party hacks and regulars viewed as a warhorse who deserved the nomination, rather than to a candidate who could best articulate their program or have the greater prospect of victory. Some 14 months prior to this election, I predicted that Clinton would be defeated unless the GOP nominated Bob Dole, and I heard few voices (at least among my libertarian friends and colleagues) that disagreed. Clinton led in the polls from the beginning to the end of the campaign, and Dole played into his hands by running the least ept campaign in history, flitting from theme to theme without the slightest indication that he had any convictions on any subject, except that Bill Clinton was a crook (big news there) and that he, Dole, ought to be president. One week the theme was to cut taxes, but when polls showed people were having trouble accepting Dole (whom Newt Gingrich once presciently dubbed "the tax collector for the welfare state") as a tax cutter, he dropped the issue like a hot potato. Then it was that Clinton was somehow responsible for an increase in drug use, and that Dole would be "tougher." But when Clinton proposed even more idiotic, more draconian anti-drug measures, Dole moved on to yet another theme.

This time Clinton's crookedness seemed to capture Dole's attention, if not the voters'. The problem with this was that Americans have long realized that their political leaders have their hand in the till, and most of us don't seem to mind much. The one unquestionably morally upright president in recent years (by political standards, anyway) was Carter, and look how things worked out with him: inflation exploded to more than 10%, unemployment soared, Americans were humiliated by nutball Muslims in Iran, interest rates skyrocketed to 20%, gasoline got so expensive it took a day's pay to fill your gas tank, but shortages were so bad you couldn't get any even if you could afford it, and in a dramatic moment that seemed to capture the essence of Jimmy Carter, the president got in a fight with an angry rabbit — and lost.

The typical American voter realizes that Clinton is a crook, but doesn't care much. And besides, he figures, Clinton seems to have gotten over all that silly left-wing stuff like letting homosexuals into the army and socializing medicine. And he apologized for the gigantic tax increase he imposed. He's learned his lesson, maybe. And why rock the boat, when the economy is going so well?

Even Clinton seems to realize that his victory doesn't really mean much. He's not even claiming a mandate for change, like he did in 1992, despite the fact that he got 49% of the vote this year versus only 43% in 1992. The best he could come up with was that the voters were sending a message that he and the Congress should "work together." Perhaps he was hoping that Congress would stop looking

into his (and his wife's) past criminal activities.

Left-liberals who had hoped or believed that the 1994 Republican landslide was a temporary aberration had their hopes dashed. Despite the huge plurality that Clinton piled up, the huge amount of special-interest money thrown into television commercials, the unpopularity of the Republicans' attempt (however halfhearted) to balance the budget, the even greater unpopularity of Newt Gingrich, and the blame that most voters heaped upon the GOP for the so-called "government shutdown," the Republicans at press time had lost only nine seats in the House (leaving them a comfortable majority) and had managed to gain two seats in the Senate. Worse still for the leftist advocates of big government, three centrist Republicans were replaced by conservatives and one of the GOP losses was retiring Senator Mark Hatfield, who had a generally liberal voting record. The new Senate will be substantially more conservative than the old.

Probably no state held better prospects for the Democrats and their allies to roll back the GOP revolution than Washington. Washington was the only state west of the Mississippi (aside from hopeless Hawaii) that Humphrey carried in 1968, and has been solidly Democratic in every presidential election after Reagan. GOP primary voters, in a moment of temporary insanity, decided to help the Democrats by nominating a Christian right-winger for governor — a candidate who opposed abortion in a state where over 70% of voters went for legalization way back in 1972. Smelling a big victory, labor unions, environmentalists, and anti-gun nuts shelled out something like $1.5 million to swamp the airwaves with messages attacking freshman Republican House members. The result: the Democrats knocked off only two of the five GOP freshmen, leaving the state with more Republican congressmen than at any time in memory except the past two years. Elsewhere, the pickings were slimmer, and partially offset by conservative GOP gains in southern and border states, where Democrats retired in record numbers. The net result was a Democrat gain of between seven and 13 seats (six races, at press time, are still undecided), leaving the Republicans a clear working majority. This was hardly a great triumph for GOP conservatism. But given how well the cards were stacked against the Republicans, the election certainly showed no evidence that voters have any intention of overturning the "revolution of '94."

Unfortunately, the pragmatic conservative ideology that now seems to dominate the Republican Party leaves a great deal to be desired. The GOP has proved remarkably weak-kneed when it comes to cutting the size of government, reducing spending, and balancing the budget. They have replaced a rapidly growing government with a slowly growing government. And they seek to replace social engineering via redistribution of wealth with social engineering via prohibition of drugs and abortion, a government-mandated family structure, limits on free speech, and the destruction of civil liberties and property rights through a "war on drugs." An improvement, perhaps. But perhaps not.

As usual, voters showed a greater preference for liberty with their votes on ballot measures than with their votes on politicians. For the first time voters have been asked directly whether they favor distribution of government benefits according to race, and

I Was Bill Clinton's Running Mate

As I began walking onto the beach of San Diego's Hotel del Coronado on the morning of October 17, a Secret Service agent stepped in front me and told me to wait. Suddenly the president of the United States appeared. "Hi! How are you?" he asked with a smile.

"I could be better!" I responded. He ignored my comment and went out onto the beach to jog. I couldn't resist the opportunity. I ran up, shook his hand and asked, "Mind if I run with you?"

The Secret Service agents were closing in, but the president waved his hand. "It's okay. Let him go."

So for the next half hour, I had the president's ear. Clinton set a fairly rapid pace, but I was able to keep up and have a conversation at the same time. I introduced myself as an economics professor at Rollins College and the editor of *Forecasts & Strategies*, an investment newsletter. I remarked that the stock market has performed extremely well during the past four years.

"I hope the market does as well in the next four years under my administration," he ventured.

"Well, it won't if you try to introduce socialized medicine again," I replied.

And so began a rather warm debate on economic policy. He could tell that I favored free markets; so, being the consummate politician, he frequently mentioned his favorite "market solutions" for Medicare and other national issues.

I told him that if he really wanted to ensure that the current bull market would continue, he should sharply cut the capital gains tax. "Germany and most of the Asian Tigers have a zero capital gains tax and use capital efficiently. Meanwhile, our nation is at a disadvantage with one of the highest capital gains tax rates in the industrial world."

His response surprised me: "I support a capital gains tax cut." Then he added a caveat: "But it must include a small alternative minimum tax to insure fairness." In other words, a capital gains tax in name only.

We continued to talk about the tax burden in the United States, which I said was too high. I gave him a personal example. Every year, I give up to $10,000 to Rollins College for scholarships for needy students, but last year, I could not. Because of his tax increase, last year I sent all my surplus wealth to Washington, paying over $100,000 in taxes — money that could have been spent on hiring people,

mative action. Golden State voters also passed a "medical marijuana" measure that legalizes marijuana with a doctor's "recommendation" and will likely have the practical effect of legalizing the devil weed. Voters in Arizona passed a measure decriminalizing marijuana with a doctor's prescription, by an even bigger margin.

Voters tended to favor restrictions on the power to tax. California voters enacted a requirement that any tax increases be approved by a majority of voters; they also required a majority of property owners to approve any increase in property taxes. Florida voted to require a two-thirds majority of voters for any tax or fee increase, while South Dakota now requires a two-thirds majority of the legislature or a majority of voters, and Nevada now requires support from two-thirds of the legislature. A similar measure failed in Oregon, and Nebraskans turned down a measure to cap local property tax. Oregon voted down an increase in its cigarette tax and Floridas turned down a tax on sugar production. Voters in the Show-me State turned down a measure to create a "Department of Aging," praise Yahweh, but Arkansans voted to increase sales tax and Hawaiians voted to subsidize hurricane insurance.

In other measures of interest to libertarians, Californians passed a limit on campaign spending. A higher minimum wage was passed in California, but similar proposals were rejected in Missouri and Montana. Missouri's was an especially loopy proposal: it would have increased the minimum wage to $6.75 in 1999 and increased it another 15¢ each year for all eternity.

My first temptation is to compare Clinton's 1996 victory to Nixon's re-election in 1972. Both were victories achieved by presidents under the shadow of substantial evidence of criminal wrongdoing. Both campaigns were financed in part by illegal campaign contributions. And both were easy victories over candidates who were personally unattractive. But I think the better parallel is the 1956 re-election of Dwight D. Eisenhower. Like Clinton, his party lost control of both houses of Congress in its mid-term election. Like Clinton, he benefited from a prosperous economy and voters' don't-rock-the-boat mentality. And like Clinton, he proved to have remarkably short coattails, despite his large margin of victory.

The underlying parallel is even more striking: Eisenhower was a conservative Republican who tempered his views to please an electorate that had gradually come to believe in the miracle-dispensing welfare state that Franklin Roosevelt had introduced to Americans two decades earlier; Clinton is a left-liberal Democrat who tempers his beliefs to please an electorate that has gradually come to reject that same faith.

But the parallel applies only to Eisenhower and Clinton as politicians. It is their contrast as human beings that will likely be remembered. Eisenhower was a war hero widely respected for his leadership and wisdom, a man of indisputed personal honor and integrity. Clinton is a draft dodger, held in contempt by all but his most partisan supporters, whose career has been characterized by dishonor and dishonesty.

In the summer of 1994, I predicted a Republican victory in the congressional elections that fall and Clinton's defeat in 1996, and argued that Bill Clinton would be the last Democrat elected president during the foreseeable future, and quite possibly ever. My first prediction proved to be correct,

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investing, and giving to charities and other good causes like scholarships to needy students.

He nodded his head and added, "But I had to do something about the deficit." He complained about the high deficits created by the Reagan "supply-side" tax cuts during the eighties.

"That's another misconception," I told the president. "Tax revenues went up every year during the Reagan administration. You can't blame the deficit on the tax cuts, but rather on excessive spending — by both Democrats and Republicans."

He agreed. Both Republicans and Democrats were to blame, he said.

"Do you believe at all in supply-side economics?"

"Yes," he replied, "tax cuts increase revenues as they did under the Kennedy tax cuts. But we must not go overboard."

He picked up the pace as we headed back to the hotel, now filled with reporters. A woman started heckling the president, but we tried to ignore her. (The media, with its characteristic interest in substantial discussion, played up her verbal attacks, while a real debate was going on with me.)

We talked about the problems of Medicare. Clinton said he was glad to see the cost of medical care coming down to reasonable levels. He said he supported Medical Savings Accounts. From time to time, he mentioned what he planned to do in the next four years. (He was extremely confident of winning re-election and thought Bob Dole was a poor debater and challenger.)

Throughout the discussion, he referred to himself as a rich man. Pointing to me, he said, "You and I are both wealthy people who can afford to stay at expensive hotels like this one. If we stay healthy, we won't need to worry about Medicare. But I'm concerned about the less fortunate."

A Secret Service agent looked at Clinton and pointed to his watch, but Clinton kept on talking about Medicare. He was plainly enjoying himself.

Finally, I reached into my pocket and pulled out a dollar bill and asked him to sign it.

"It's illegal, but I'll do it anyway," he said, surely a reflection of the times.

He signed the dollar bill and gave it back to me. Our discussion was over, and I said good-bye. Returning to the hotel, I was approached by a horde of reporters and TV cameras, wanting to know about my one-on-one with the commander-in-chief.

A reporter asked, "Did he change your vote?"

"No," I said. "I want real change in America. I'm voting for Harry Browne, the Libertarian Party candidate."

—Mark Skousen

and for a while, I looked like a very smart fellow. Of course, Clinton's re-election proved my second prediction wrong.

But what about my third prediction, that Clinton will prove to be the last Democrat elected president in the foreseeable future? Certainly, the Democratic Party does not look very much today like a party that is about to roll over and die. Does Clinton's re-election undermine my brazen prediction? Am I ready to abandon it? The answer to both questions is "No."

The basis of my prediction was two developments:

(1) During the previous decade, American voters had gradually abandoned their old faith in the magic of government. They were no longer willing to accept the proposition that government can take a certain amount of property from its citizens with one hand (its tax collection system) and somehow manage to dispense even more property to its citizens with another (its welfare systems), thereby making everyone better off in the process. That view of government as miracle-dispenser — the dominant ideology of the past half-century — is not about to rise from its well-deserved grave. The 1996 election is another nail in its coffin.

(2) A combination of special interests and ideologues unable to recognize this change controls the Democratic Party, and will continue to do so in the foreseeable future.

Of course, I recognize that Bill Clinton was (and remains) a remarkably talented politician, one adaptable and skillful enough to cobble together the old Democratic coalition of interest groups and tired old ideologues one last time. On November 5, Clinton managed to be re-elected, thanks to a prosperous economy and the Republicans' idiotic decision to nominate Bob Dole. I realized at the time that Clinton's re-election was the least certain of my predictions, as well as the least important. After all, predicting an incumbent president will be tossed from office is generally a sucker bet. Only three times in this century has an elected president failed in a re-election bid: Hoover in 1932, Carter in 1980, and Bush in 1992. Hoover's loss came in the wake of the Great Depression, Carter's in the wake of the horrible inflation and recession of 1980, and Bush's in the face of a weak economy and an independent candidacy that diverted mil-

Goring Lincoln

During the embarrassingly boring vice-presidential debate, Jack Kemp explained why he opposed a government policy of discriminating in favor of people of certain ethnic backgrounds:

> My life has been dedicated to equality of opportunity and our democracy should provide that. Quotas have always been against the American ideal. We should promote diversity, and we should do it with a new civil rights agenda, based upon expanding access to credit and capital, job opportunities, educational choice in the inner cities for a young urban mother who can't get . . . an education . . . for her child, and ultimately the type of ownership and entrepreneurship from public housing residents in Washington, D.C., to Nickerson Gardens in Watts, Los Angeles. People need to own, and that's what Abraham Lincoln believed, when people own something, they have a stake in the American dream.

Vice President Al Gore responded with a nifty putdown:

> With all due respect, I do not believe that Abraham Lincoln would have adopted Bob Dole's position to end all affirmative action.

What Lincoln thought about how the law ought to treat African-Americans is not a matter for speculation. Lincoln had definite opinions, and he stated them very colorfully. In the Lincoln-Douglas debates, for example, Stephen Douglas asked him whether he favored allowing "the Negro" (as African-Americans were then known) to be American citizens. Lincoln responded:

> He shall have no occasion to ever ask it again, for I tell him very frankly that I am not in favor of Negro citizenship. . . . If the State of Illinois had that power, I should be opposed to the exercise of it. That's all I have to say about it.

In response to Douglas' suggestion that Lincoln believed in the equality of the races, Lincoln said:

> I will say then, that I am not nor ever have been in favor of bringing about in any way, the social and political equality of the white and black races — that I am not, nor have ever been in favor of making voters of the Negroes, or jurors, or qualifying them to hold office, or having them marry with white people. I will say in addition, that there is a physical difference between the white and black races, which I suppose will forever forbid the two races living together on terms of social and political equality and inasmuch as they cannot so live, that while they do remain together, there must be the position of superior and inferior that I as much as any other man am in favor of having the superior position assigned to the white man. . . .
>
> I have said that separation of the races is the only perfect preventative of amalgamation. . . . Such separation . . . must be effected by colonization.

Lincoln's "solution" was simple: ship the blacks "back" to Africa, or perhaps to someplace in Latin America. For Lincoln, the United States should be for white people only.

Americans have elevated Lincoln to the status of political saint, so most have forgotten or suppressed the memory of old Abe's less pleasant opinions. The fact that Lincoln's approach to race relations is closer to that of the American Nazi Party than to that of contemporary Republicans — let alone contemporary Democrats — is replaced by Al Gore's fantasy that Lincoln would have supported advancing the status of African-Americans by force, leaving the hapless Jack Kemp unable to respond.

—*R.W. Bradford*

lions of votes from his total. Indeed, I backed away from this prediction early in 1995, when it became evident that the Republicans would almost certainly nominate Bob Dole.

What I did expect is that the American public's loss of faith in the old welfare state ideology would continue to be evident in 1996. And it did. For the first time since 1928, the Republicans managed to keep control of both the House and the Senate. The new Senate will be far more hostile to left-liberal thinking than the old, and the new House will be more hostile than any House in the past half-century except possibly the body elected in 1994, despite the huge amount of resources pitted against them and the weakness at the top of their party's ticket.

So I see nothing in the 1996 election returns that undermines my prediction. Of course, I still recognize that American politics is an incredibly chaotic mix of interest groups, opinions, personalities, and influences, ebbing and flowing and eddying in a way that is ultimately unpredictable, at least in any scientific sense. Of course, I still recognize the possibility that the Democratic Party may somehow free itself from the control of special-interest groups and tired old ideologues. And, of course, I am aware that some external shock (another depression or war) might ignite the desperation that leads to a rebirth of statolatry.

But I don't see any evidence that any of these developments is occurring, or is likely to occur any time soon. Everything that happened in the 1996 election was entirely consistent with the thinking that led me in July 1994 to predict a GOP victory that November and to predict that Bill Clinton would be the last Democrat elected president in the foreseeable future.

And just what does the foreseeable future hold? An amusing time for all of us who enjoy American politics.

Hillary Clinton is likely to be indicted within the next few months. When this happens, what will the president do? Leave her to face the humiliation of trial and possible conviction and imprisonment? Or give her a presidential pardon, and put himself in the uncomfortable position of pardoning his own wife for actions she took with his cooperation and for his benefit as well as hers?

If the president himself is indicted — and there remains an excellent chance that he will be — the situation is even more intriguing. Will he pardon himself? Or resign, with the understanding or hope that Al Gore will pardon him? And what will Gore do if faced with such a situation? Surely, he will recall what happened to the last president who inherited his office and pardoned the man who had resigned from that office under pressure. Gore may not wish to face the fate of Gerald Ford. ❑

Election '96

Grand Old Dinosaur

by Stephen Cox

November 5 was Guy Fawkes Day, the ironic commemoration of a Roman Catholic conspiracy that once tried and failed to bring down the English government.

November 5 was also Election Day in the United States. It too merits commemoration by the friends of government. It demonstrated, yet again, just how hard it is to carry out a revolution — especially if you're a Republican.

"Revolution," of course, is putting the Republican Party's aims a little too high. Most Republican leaders are about as revolutionary as Barney the Dinosaur. In fact, they *are* Barney the Dinosaur. The G.O.P. owed its landslide in the election of 1994 not to Barney but to more fully evolved party cadres, people who were capable of reading. These people discovered, in a book somewhere, the libertarian idea of limited government. They thought it made sense, and they used it to frustrate the Clinton administration's ambitions for vast increases in state power.

In 1996, however, the advanced elements lost control of the Republican presidential campaign. After long and exhausting pillow fights, Barney recaptured party leadership, and his soft, walnut-sized brain began assiduously plotting schemes of victory in the general election. It was obviously going to require quite a lot of singing and dancing to pry aging child star Billy Clinton away from center stage.

Barney stood there in the footlights, holding tight to his best friend, Bob Dole. When the television cameras swivelled toward them, both were smiling broadly. But Barney hadn't decided what song they ought to sing! Truth to tell, he was ready to sing just about any song. What he needed to know was which one the people came to hear.

Barney peered out into the audience, and — my oh my! — the very first thing he saw was a lot of grumpy people who would never, never, never even consider singing along with *him*. These were Billy Clinton's friends, all right. In 1992, Billy had gotten 43% of the vote (which was pretty good for a boy like him), and almost all of his voters were still around.

Barney beckoned to some of his own pals, who happened to be pollsters and political scientists and such, and he asked them who these Clinton people were. So they told him. A lot of Billy's friends turned out to be something called Identity Democrats. (That's a long name, I know, but I think you can say it if you try.) Ages and ages ago, it seemed, the Identity people had been kidnapped by the Democratic Party and hypnotized into believing that it was their only friend and that without it, they would lose

their Identity and just be no one — or maybe they would even be Republicans, which was worse. The hypnosis had never worn off. Barney noticed a lot of people sitting there on the left side of the auditorium who must have been kidnapped as far back as 1933. Some of the others looked as if they had actually worked all their lives for the government! Not much of a life, thought Barney; I'd rather be an entrepreneurial capitalist. (Occasionally it occurred to Barney that he, too, worked for the government, but for some reason he had a hard time remembering that.)

Barney could also see some people out there who kept switching back and forth. They had voted for Billy in 1992, but from time to time they had voted for Barney, too. Some of them were ladies and gentlemen that I will call Domesticated Voters (for that is what they were): nice people who had nice Values but had been given mean books to read about how Newt Gingrich is the bogeyman and if you don't watch out, Jesse Helms will get you and eat you up.

The Domesticated Voters, as I say, were always very nice, very nice indeed; but right beside them were some other people who (and I am very sorry to have to tell you this) really cared about absolutely nothing except how much money they had in the bank. These were the Economically Inclined Voters, which is a long, hard name to say; but they were actually very simple folk. We might just call them the Paycheck People. If the economy was "good," they voted for the president. If the economy was "bad," they voted against the president; and they didn't even care if he was a nice man or not. In 1996, somebody told them that Billy Clinton was busy out in a field somewhere "growing the econ-

Civic Goulash

How should a person decide how to vote? According to what was called "political science" when I went to college a quarter-century ago, a voter makes his decisions on the basis of what is best for society at large. "Public Choice" analysis, on the other hand, holds that voters almost always make their decisions on the basis of self-interest.

The modern politician prefers ascribing a façade of altruism to his supporters while making appeals to their crude self-interest. Consider this excerpt from a stump speech by Hillary Rodham Clinton, on the steps of New Haven city hall. First, she appeals to voters' higher nature:

> If you do not care about your obligations to the larger community, if you do not see that there is a role for all of us to play in improving life for our neighbors, then the work that must be done to enhance America's future will not occur. We have seen around the world what happens when people with education, with economic prosperity, have no belief in the common good, have no sense that they are responsible at all for anyone else.

Then she spells out what will happen if voters ignore the noble call to act for the benefit of their neighbors:

> All we have to do is look at the nightly news. I saw that first hand when I was in Bosnia last spring. (It was spring vacation so I took my daughter. We went at my husband's request to thank our American forces for the work that they did there.) We went to Tusla, which is the American headquarters, and I met for a few hours with civilians, Muslims, Croats, and Serbs. I listened as doctors and nurses told me what it was like to care for patients under bombardment. I listened as teachers explained how they tried to keep track of their students only to find that they were injured or missing or dead. I listened as women told me about the day that the knock came on the door and they opened it to see neighbors surrounded by strangers who had come to take away their husbands or their fathers or their sons and they have not seen him since.
>
> One man said, "I want to thank the president and American people for what you are doing to give us a chance to have a peaceful and normal life again. But more than that I want you to thank Americans for the example that they set. We look at you and we see that despite your flaws and imperfections that you keep trying to get along with each other for people of different backgrounds, races, ethnicity, religion to work together with respect. That is something that we need from you."
>
> I understood what he meant when I got into one of those big army helicopters and went out to two base camps, Camp Alicia and Camp Bedrock. As I got out of the helicopter I saw the soldiers who were massed to greet me. And what did I see? I saw men and women in uniform. I saw black and brown and white faces. I began to shake hands and I heard the accents of every region of America. And as I began talking with our soldiers, I recall clearly their reactions to the experiences they were having.
>
> One young man said, "You know before I got here I didn't understand what was happening and now I see how important it is to give these people this chance for peace." He said, "Sometimes the progress is very small. . . . [P]erhaps we see a house that has been abandoned once again inhabited because there's a line of wash hanging outside or we hear the sounds of children playing." He said, "You know, these people hate each other, and they all look alike to me." He went on to say, "In the neighborhood I come from you know who is different, and you have to get along with them, but here there is so much hatred, so much history, and I think that when when they see us working together maybe it makes an impression. And it does, and it's something that each of us should value."
>
> When I returned and I talked to my husband about what I had seen and learned, I told him that more visibly than I could see it anywhere

omy," so these people were going to vote for him. That was why the 43% that he got in 1992 looked like it might turn into 50% in 1996.

Then Barney remembered that he had some friends of his own to depend on, and he started counting them on his eight big fingers. There were the Southern Conservatives over here, and the Western Conservatives over there; and the Church Committee, always sort of edging up toward the stage; and the Angry Moralists, just behind them, with the Good Government Cranks; and a lot further back, casting shifty glances toward the door, the Buchananites and the Rightwing Intellectuals. Those last two groups, Barney had learned, didn't really like each other; but they were both staying around for the Barney Show because neither of them had any other place to be. Hmmm, Barney thought.

Finally, Barney saw a lot of Technocrats scrunched down in their seats, reading science fiction in the dim, uncertain light; and near them was little Rush Limbaugh, who had taken to sitting in his chair and scowling all the time.

Well, Barney thought, these people sure need to perk up a little! And he thought he knew exactly how to perk them up. Barney bent over (and he was looking a lot like Mr. Haley Barbour when he did that), and he whispered something to Ol' Bob Dole. Then they both started singing:

> Look at me! Look at me!
> I'm not Clinton, can't you see?

That'll get 'em to the polls, Barney thought.

Having energized his base, Barney decided that he was ready to try to steal some of Billy Clinton's friends. If only, he thought, Bobby Dole (who could play a little rough at times) would keep from saying anything "personal" about anyone, including Billy Clinton, or anything good about Bob's own friends, especially Newt Gingrich. Maybe Bob could just pretend that *nothing* happened back in '94! No health care plan, no scandals, no contract with America, no nothing! That would reassure the Domesticated Voters, who were, Barney sensed, very easily ruffled. As for the Paycheck People, Barney would get them all talking about his brand new pal Jack Kemp, who could entice them with his 15% tax cut and his promise to burn the entire tax code (yes, all of it) at Barney's very next birthday party.

But then something curious happened. Jack decided to spend virtually all his time trying to make himself popular with — you will never guess, so I will have to tell you — the Identity Democrats, people who wouldn't vote for him in a million million years! Jack went so far with his appeals to the multiculturalists and the Roosevelt crowd and the people who hated Nixon that Jack's opponent, Al Gore, said that even if nobody else in the world liked Jack (and he seemed very sure that nobody did), still *he*, Al Gore, liked Jack very, very much. Yes, he did, because he thought that Jack was the only voice for "moderation" in the whole Republican Party.

Jack enjoyed the compliment, but his enjoyment, strangely enough, did very little to make the Republican base want to get up out of its seat and cheer for him. Meanwhile, the softer part of the Democratic base, the Economic people that Jack invited to his tax-code bonfire, were wondering exactly where and when and *how* that party was supposed to happen. Somehow, he

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> else, I understood what was at stake in the great American Experiment as we move toward this new century. That individual success — individual education and economic success — is certainly important, but it is not enough, that we have to feel and believe that we are bound together in this American experiment and that as members of this community we are committed to building a bridge into the twenty-first century, a bridge that is big enough and strong enough and wide enough for all Americans to walk across together. *(applause)*

This is a genuinely bizarre digression. Strip away the gratuitious references to her "husband" and the explanation that "it was spring vacation so I took my daughter," both transparently aimed at portraying the Clintons as a traditional family. Strip away the patriotic appeal to America's military might as a force for good in the world, and the obviously made-up story about the Bosnian thanking "the American people" for sending in troops to occupy their country, thereby inspiring the Bosnians toward peace and brotherhood. Strip these away and what is left?

Only a preposterous claim that the war in Bosnia resulted from people failing to act out of "obligations to the larger community." Wars are *always* acts of selfless concern for one's obligations to the larger community, at least on the part of those actually on the front lines. Soldiers, whether Nazi invaders of Russia or American invaders of the Confederacy, whether Soviet defenders of Stalinist Russia or southern defenders of the Old South, whether Cuban guerillas fighting against Batista or against Castro, whether Bosnian Muslims killing Bosnian Christians or Bosnian Christians killing Bosnian Muslims, are acting in hopes of enhancing their enthno-cutural-religious community's supremacy or survival.

But it sounded good and appealed to patriotism and family values. Mrs. Clinton quickly wrapped up by getting to the bottom line:

> In 18 days we will make a decision that is in many ways far more about you and me than it is about Bill Clinton or Al Gore or their opponents. Yes, we'll be voting as to who we want to be in the White House. But we will be voting about what kind of future we expect to have and about how willing we are to contribute to making it.
>
> If each of you will not only do your most elementary task as a citizen by voting but spend your time talking with others about what is at stake then I have no doubt that when this election comes, people will *vote their own interests*, they will vote with confidence and optimism about the future, they will *vote for themselves* and they will vote to reelect Bill Clinton and Al Gore. Thank you all very much!

There you have it. Just 637 words after exhorting voters to "care about your obligations to the larger community," Mrs. Clinton exhorted them to remember to "vote their own interests" and "vote for themselves."

—*R.W. Bradford*

couldn't tell them!

It is possible that Mr. Dole, an older, wiser figure, had persuaded Jack to cancel the bonfire, because he knew that some government official might get hurt. Anyway, Old Uncle Dole had a better idea about how to get people to vote for Jack and him. His idea was: he would tell them fairy tales! To wit:

> The Clinton administration made little children turn to drugs.
>
> The American economy is the worst it has been in a hundred years.
>
> The Republicans love Social Security and know precisely how to fix it.

These silly stories, sad to say, put everyone to sleep, even the Domesticated Voters, who had been troubled by the scary idea that Barney and his friends were a bunch of he-man jerks. Now the Domesticateds could take a rest, because they could see that the Republicans were just play-acting after all. "Well, do *something*!" Barney said when he saw the people looking groggy. So Ol' Mr. Dole started telling about how he fought in World War II, and Jack Kemp, who was always red-faced and sweating because, I think, he tried to fit into clothes that were three sizes too small for him, shouted a bunch of reminiscences about his days playing football.

"No, no!" Barney shouted, and he ran around the stage and waved his hands. "That's not what I *wanted*! That's not what I wanted at *all*!" But the matinee was already over. The workmen were already taking down the sets for the kiddy shows and moving in heavy furniture for the Whitewater Trials.

Everything considered, it was a fun afternoon (though the evening performance is bound to be better). But what did we learn from our experience?

First, we learned that the Clinton Democrats are almost as bad at campaigning as the Barney Republicans. In August, Clinton was polling about 49%, and that's what he got in the election. Against Dole and Kemp, he didn't have to accomplish much of anything as a campaigner, and he didn't. The labor unions and the ideological Democrats tried their best to unseat the most conservative Republicans, chiefly the freshmen in Congress, and they failed disastrously. Four out of five of the freshmen held their seats.

Second, we learned that the pollsters' method of targeting campaigns to various socially defined groups — the aforementioned Identity Democrats, Paycheck People, and so forth — has definite limitations. The Republicans tried to make themselves look like multiculturalists, so they could muscle in on traditionally Democratic social groups. They failed. The Democrats tried to make themselves look like conservatives, so they could muscle in on traditionally Republican social groups. They also failed. A remarkably low voter turnout, supposedly the lowest since the 1920s, afflicted both the Republicans and the Democrats. Trying to add one group to another, largely by means of image appeals, both parties failed to attract and motivate individuals, even in their core constituencies.

The sorry truth is that if you want to attract support, you should offer people some plausible reason for supporting you. You should try to engage their minds. If you don't have a "vision," you could at least use a coherent argument.

Believe it or not, the Democratic leaders have a coherent argument. They hold that government exists to take care of people in every possible way; they therefore plan a continual expansion of government. The Democrats, however, do not want to state their premise openly; even in modern America, it still sounds bad to the vast majority of people in all social groups. This is a long-standing handicap for the Democrats.

The thinking minority of the Republican Party leadership — formerly represented by the hapless Kemp — has a much better argument, the argument for limited government. That argument, which the Republicans stole from the classical liberal tradition, gave the modern "conservative" party its only real chance to compete successfully with the long-entrenched Democrats. That argument won the 1994 election, in the teeth of the Clintons' scheme to bankrupt the country with gigantically benevolent programs. That argument offered the Republicans a distinctive, forward-cutting edge for the 1996 campaign.

At the San Diego convention in August, Dole and Kemp spoke eloquently for the idea of limited government, and offered obvious and attractive inferences from that premise: lower taxes, an end to the IRS "as we know it," and so on. In the campaign that followed, however, they failed to state their proposals sensibly and coherently. They allowed themselves to be dragged into quibbling discussions about Clinton's proposals to help this group of people and that group of people. They never thought it might be a good idea to refuse this sort of engagement and demand a serious debate about the big-government philosophy from which the individual proposals continually emanated.

They seemed incapable of insisting on the obvious linkage between the arrogance of the Clintons' ideology and the stupidity of their political schemes — the health care proposal, the attempt to frustrate welfare reform, the promised tax cut that was replaced by a giant tax increase, not to mention the purge of the Travel Office and other such revealing clues to the real nature of big-government arrogance.

Afraid that the Barney costumes in which they stumbled about so ludicrously might be soiled by any contact with "dirt" (the media's name for truth), Dole and Kemp addressed the Clintons' scandals by inventing surrogate political issues. Dole apparently wanted to use the alleged drug-enforcement problem as a way of suggesting Clinton's moral depravity without giving himself the image of (oh, horrors!) someone who regarded individuals in a moral light. Far be it from Dole, the master politician, to think of making, early in the campaign, a dignified, grandfatherly statement, to this effect:

> Serious moral charges have been raised against many people in and around the current administration. Serious charges against the president himself are under investigation. It's not my place to judge the private morality of other people. But government officials wield enormous power, and their reputation for good conduct ought to be commensurate with their power. I am sorry to say that the current administration appears to fail this test. I invite the

president to discuss this matter fully, specifically, and soon.

By hollering about the surrogate issue of drugs, Dole merely gave Clinton an opportunity to show that *he* could holler about drugs, too. Being the incumbent, Clinton could also "take action" against them — by expanding the government's powers. Never was Clinton put in the position of having to respond, or to run away from, serious moral allegations. More important, never was the country put in the position of thinking carefully about the arrogance and corruption that are inseparable from unlimited government. If there was a limited-government argument in most of Dole's campaign utterances, it was encoded by a master cryptographer.

Admittedly, the limited-government argument takes a certain amount of brains to make — and guts, too. Spokesmen for endlessly expanding government programs can usually point to *some* blessings bestowed on the subject population. They can always point, as Clinton is always pointing, to Mrs. Someone from Somewhere, who will surely be very grieved to learn that a Republican congressman could actually oppose the Beekeepers' Education Act that sent her son to college. Spokesmen for limited government must constantly challenge people to use their heads and imagine (1) how terrible it would be if the government kept expanding forever, or (2) how many good things might have happened if the resources devoted to government had remained available for private use.

But such arguments are not impossible to make. They have, indeed, been made: by libertarian and conservative research foundations, by the Libertarian candidate for the presidency, by most of the freshmen Republicans, by Jack Kemp himself in his earlier days. Yet I have grave doubts that even the campaign of 1996 will give the Republican leadership the brains and guts to stick with these arguments, and make them stick.

On the day after the election, muffled calls for retreat could already be heard in the ranks of the G.O.P. leadership: reflections about the smaller Republican majority in the House and the consequent necessity of "working together with the president"; sweet agreements with media commentators who have discovered (surprise, surprise!) that "cooperation with the president" is the will of the people; eager desires for "bipartisan action" to avert or disguise the collapse of Medicare; above all, wistful yearnings for salvation by miraculous aid of the Special Prosecutor. Maybe if we just stand here and look *cooperative*, like the demure dinosaurs we are, somebody else will take care of our problems, and we can win *really big* in the year 2000.

But I don't know. I think that even Al Gore may be a match for Barney. ❑

Election '96

The Browne Campaign: Triumph or Disaster?

by Chester Alan Arthur

The Libertarian Party's Harry Browne managed to get a total of around 470,000 votes. That's an increase of some 59% from Andre Marrou's total in 1992. This increased showing was not unexpected, considering that the 1996 campaign enjoyed several very substantial advantages over the 1992 effort:

(1) *A much less hotly contested race among the major parties, with the incumbent Bill Clinton enjoying a huge lead in the polls ever since the political season began in mid-summer.* Voters have long shown an inclination to shy away from third parties when races are perceived as close.

(2) *Much less competition from Ross Perot than in 1992.* In 1992, Perot was widely perceived as a serious contender who could effect real changes in the political process.

(3) *A much more articulate candidate in Harry Browne.* Browne is a seasoned public speaker, with very extensive experience in the give-and-take of interviews; Marrou was sometimes embarrassingly inarticulate.

(4) *More money.* Browne's campaign raised a total of about $1 million during the campaign, and the national LP another $2 million during the election year, compared to $800,000 raised by the Marrou effort and another $1 million by the national LP in 1992.

(5) *A much better-managed campaign.* By major party standards, of course, Browne-LP financial resources were pitifully small, but Browne and his staff managed to get a lot of bang for their buck by concentrating their efforts on getting Browne exposure on talk radio and by concentrating their advertising spending late in the campaign. It was difficult to perceive any plan at all in the Marrou election campaign, and such television advertising as it used was bereft of ideological content.

The Browne campaign was much more media-savvy than previous Libertarian campaigns, sending an endless stream of intelligently written press releases to hundreds of newspapers and arranging more than 500 media appearances. In addition, it ran the best Internet campaign of any of the candidates.

As I write these words less than 24 hours after the polls closed, Browne

and his spin doctors are already busy trying to convince donors and supporters that the effort was worthwhile, and furthermore, that the effort and investment ought to be redoubled.

The case they make is not very convincing. Consider the following, from a post-election statement by Browne:

> As I write this, we don't have final vote totals. But, even so, there's no question we have a great deal to be pleased about.
>
> Our total vote will far surpass the 1992 total — close to doubling it.
>
> Based on the media coverage received, we far outpaced the other candidates. We apparently received about 1/18 of Ross Perot's vote total, while getting less than 1/100 of his media coverage. We got roughly the same vote as Ralph Nader, while receiving less than a fifth of his media attention. Evaluating our performance this way, it was even better when measured against the coverage given Clinton and Dole. And we far outpolled all the other small parties.
>
> For a $3 million campaign and a party with 20,000 members, we achieved a great deal.
>
> But it's obvious that we will never break into the big leagues with a $3 million campaign.

That's about as positive as you can spin a fifth-place finish. In actual fact, Browne got about 61% more votes than Marrou, not "close to double." Nader garnered 23% more votes than Browne, which I suppose may be considered to be "practically the same," as Browne maintains, though this is a pretty charitable characterization. It was the second-best LP vote total in history, as the party observed in its press release, but only about 9% better than Ron Paul's total in 1988. And if you eliminate the votes that Browne won in the four states in which Paul's name was not on the ballot, Browne's vote total is virtually identical to Paul's.

In terms of cost per vote, Browne spent about $6.38 versus Perot's $3.81 or Ron Paul's $4.50. Nader, the fourth-place finisher, spent much less, apparently less than a penny per vote. (Nader's campaign was basically a book tour, during which he reportedly slept on the couches of his supporters.)

"I think we ran the best $3 million presidential campaign you can run, with the best presidential candidate," said Sharon Ayres, Browne's campaign manager. "But we've run up against the limits of what's possible with a $3 million campaign. If we're going to compete more successfully in the year 2000, we're going to need a lot more members, more resources, and more money."

But Ayres was paid a substantial salary by the campaign, and Browne earned royalties from his campaign book. Their opinions are important, perhaps, but not nearly so important as the opinions of those who paid their salaries, and financed and worked on

Spin Cycle

The Harry Browne campaign seems worried that party members will be disappointed that Ralph Nader got more votes than Browne, despite Nader's having run a shoestring campaign. From a press release sent out the day following the election:

> However, a last-minute vote surge in California pushed the highly publicized Ralph Nader, the candidate for the Green Party, past Browne in popular votes. Nader ended with about 577,000 votes. . . . Browne noted that the presidential race had been called by the time California voters went to the polls, so many Clinton supporters cast meaningless protest votes for Nader.

Browne didn't cite any evidence for this claim, and there is little evidence of any "last-minute vote surge" for anyone as a result of the voters changing their votes from Clinton or Dole because they figured the outcome of the election was already determined. This should be painfully obvious to Browne. Consider the following press release, sent out just before the election:

> "Bill Clinton is going to win this presidential election by a comfortable margin. So he doesn't need your vote," Browne tells voters in full-page ads in three Western newspapers. "Bob Dole is going to lose this election by an uncomfortable margin. So he can't use your vote. But you can invest your vote for president, and use it to make a powerful statement about what you want."
>
> The ads are appearing in the *Rocky Mountain News* in Denver (Colorado), the *Anchorage Daily News* (Alaska), and the *Honolulu Advertiser* (Hawaii) on Monday and Tuesday.
>
> Browne argues that the results of the presidential contest will be known before Western voters cast a ballot, so they won't be able to influence the election — unless they vote Libertarian.
>
> "The choice is yours: Cast a meaningless vote for Clinton or Dole. Or cast a vote that [is] loud enough to send a clear, forceful message to Washington, DC," say the ads. "Don't waste your vote on Bob Dole. It will just be seen as another vote for big government. Don't waste your vote on Bill Clinton. It's just a vote for bigger government. Invest your vote. Vote for Harry Browne, Libertarian for President."
>
> Browne's campaign manager, Sharon Ayres, explained the rationale behind the ads: "Obviously, all the polls say this election is going to be a blow-out for Clinton. So, we want to make sure Democrats, Republicans, and independents have a reason to show up at the polls to vote.
>
> "Democrats, confident that Clinton will win, can cast a protest vote for Harry Browne — and send a message of dissatisfaction to Clinton about his poor record on civil liberties," she said.
>
> "Republicans, resigned to Dole's defeat, can send a message to the Republican Party that they want genuinely smaller government — not a government that's 14% larger, like Dole was promising."

What was the effect of this tactic? In the states in which the Browne campaign made this pitch, Browne ran an average of 50% ahead of the Marrou totals of 1992. In the states in which Browne did not make this pitch, he ran an average of 61% better than Marrou. Evidently it did not work at all. If anything, it backfired. Attributing Nader's California vote total to "a last-minute vote surge" after the election was called just doesn't make sense.

—*Chester Alan Arthur*

their campaigns. The question of whether the money and efforts expended on the campaign were money and effort well-spent has to be answered by every individual who invested money and effort. As one of those individuals, I'm not really sure what the answer is.

For one thing, I am not entirely sure how the money was spent. Reports of high staff salaries and relatively little investment in advertising surfaced early in the campaign and persisted. The Browne campaign has promised me full details on its finances within the month, and I expect to have a full report on the subject in the next issue of *Liberty*. But campaign donors and volunteers ought to be concerned at a more fundamental level. If we take Sharon Ayres's evaluation at face value — if we accept her claim that this was "the best $3 million presidential campaign you can run" — and we recognize that conditions for a third-party challenge this year were very good, then we have to conclude that the only way a Libertarian Party campaign can significantly improve on the 470,000 votes Browne got is to have substantially more resources at its command. (Or else be a household name, like Ralph Nader — but how many household names would also be willing and able troubadours for the libertarian message?) Browne himself recognizes this. In his post-election commentary, he wrote:

> The task ahead of us is clear: we have to create a party so big, so strong, so well-financed that in the year 2000 no one can ignore us. We have to make an enormous splash before and throughout the next election year, so that the media will have to give us the same attention and respect they give to the two old parties. We have to be so well known to the public that the Republicans and Democrats can't hold a debate without us. And if they decide not to hold the debates at all, then we must have an army of people so large that we can carry our message door-to-door to every voter, and we must have the money to tell our story through advertising.

This, I submit, is even more grandiose than Browne's original goal of raising $50 million and winning the 1996 election. The simple fact is that LP growth tends to occur mostly during election campaigns, and that membership totals tend to decline between campaigns. This doesn't make substantial growth impossible in the immediate future, but it suggests that such growth is unlikely. Looking at the 470,000 votes after the expenditure of $3 million and goodness knows how many hours of volunteer effort, many donors and volunteers will inevitably doubt that their money and effort were well-spent. Some will leave the LP for greener pastures in the Republican Party and others will abandon political activism altogether.

Of course, the impact of the campaign goes beyond its ability to obtain votes. There is no doubt that the Browne campaign helped to spread libertarian ideas and that it helped build party infrastructure (i.e., a professional bureaucracy). These are certainly benefits. They are quite conducive to party growth. But gradual growth is not Browne's vision. He sees the transformation of a minor party — one that can claim only one American in 13,000 among its members — into "a party so big, so strong, so well-financed that . . . no one can ignore us." And he believes that this can be accomplished in just

Lost Opportunity

One obvious mistake the Browne campaign made was failing to offer an inexpensive paperback edition of Browne's campaign book, *Why Government Doesn't Work*, which remained available in a hardback edition priced at $19.95 during the entire 11 months since it was published. A less expensive paperback edition published at the height of the campaign would likely have sold very well and provided a much more useful tool for taking Browne's political program to prospective voters.

I asked Browne campaign officials several times when the book would come out in a less expensive edition. The first several times, they answered that they didn't know when it would be published or who would make the decision. Eventually, I was told that the decision was solely that of the publisher and that neither Browne nor the campaign had any say in it.

Given that the campaign spent a significant amount of money promoting the sale of the book and gave the book a central role in the campaign, it seems odd that Browne would agree to a contract that gave neither him nor his campaign any control over the paperback rights.

Also, it seems peculiar that St. Martin's would not want to come out with a paperback edition during the campaign, when demand for the book would be at its highest. With the campaign in full swing, a paperback edition would have sold quite well. With the campaign over, it's difficult to see how a paperback edition would sell more than a few copies. I doubt that any paperback edition will ever be published.

A real opportunity was missed.

—*R.W. Bradford*

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three years, without the aid of a presidential campaign.

As much as I wish Browne was right, as much as I would like to see such explosive growth in the popularity of libertarian ideas, I simply cannot. In the past, Libertarian Party activists have sustained their activism during presidential campaigns by suspending their own good judgment, by believing against all reason that this time, somehow, the LP would break through into the big time. Browne encouraged this sort of thinking when he spoke of raising $50 million for his campaign and of winning the election outright.

Now, I fear, Browne is encouraging Libertarians to sustain their activism with an equally unrealistic expectation that if they work hard enough and contribute enough money to their party during the next three years, they will somehow manage to make 2000 the breakthrough year. Propagation of this belief, in my judgment, will only lead to a resurgence of burnout, that well-known phenomenon by which libertarian activists suddenly lose all interest in advancing libertarian ideas. It also runs the risk of undermining the very real achievements of the Browne campaign. Party membership doubled during the campaign, reaching its all-time high. Harry Browne articulated the libertarian message to millions of Americans, many of whom reacted positively, including about 450,000 people who were not members of the LP but who cast their vote for him. Right now, I'm inclined to believe these benefits are reasonable return on my own investment of money and effort in Browne's campaign. And I hope that others will feel the same.

But Browne and his staff need not raise false hopes among their volunteers and donors to justify their efforts. The cause of liberty will not be advanced by selling false expectations to its proponents. The struggle for freedom requires a long-term effort. Liberty gains its adherents one at a time, and it will triumph when enough people come to understand its value. A sudden surge in people's affection for libertarian ideas would be wonderful. But one is not likely to occur by simply redoubling our efforts. ❑

Terra Incognita

New Haven, Conn.

The progressive ideas of economist Irving Fisher, as described by Philip J. Davis in *The Society for Industrial and Applied Mathematics News*:

> "For a while, he thought that a diet of bananas and peanuts contained all the ingredients necessary for life, and he estimated that a person could live on this diet for $35 a year. Whether he considered this a practical suggestion is doubtful; in any case, it was surely an anticipation of the kind of problem that would become standard in courses in linear programming: Find the minimum-cost diet that includes all the necessary dietary elements and excludes those that are counterindicated. In many different ways, Fisher's ideas were in advance of their time."

Washington State

Update on modern therapeutic techniques, from the *San Jose Mercury News*:

> According to a study by the Washington Department of Labor and Industries, 10% of a sample of patients had considered suicide before undergoing "recovered memory" therapy. After three years of therapy, 67% were suicidal.

Villenova, N.Y.

Judicial review in the Empire State, reported by the *Dunkirk-Fredonia Evening Observer*:

> Villenova Town Justice James R. Bradigan has been censured by the state Commission on Judicial Conduct for hearing DWI cases while drunk.

America

Curious poll datum:

> A *Washington Post*/ABC News poll found that 59% of people who claimed to have experienced close encounters with flying saucers preferred Ross Perot to Clinton or Dole.

Washington, D.C.

Retiring Senator David Prior describes one possible disadvantage he'll have to overcome when he returns to the workforce, as reported by the *New York Times*:

> "I don't know how to turn on a computer."

Judea

A prescient observation by former Libertarian presidential candidate David Bergland, from the *Harry Browne for President* site on the World Wide Web:

> "I am reminded of those great scenes from the Monty Python film, *Life of Brian*, in which the Judean People's Front (all six of them) and the People's Front of Judea (another half dozen) plot the overthrow of the Roman Empire. Such silly boys, to take up that quixotic, doomed quest. But, wait a minute — the Roman Empire is gone and Christianity is followed by billions of people. New social/political movements always start with a small group of committed radicals. Jesus and the twelve disciples were not exactly a mass movement in 25 A.D."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Essay

America (Fifty) First

by Bill Kauffman

"America, turn in and find yourself."
—*Paul Engle*

For one or two weeks last winter, a monster crawled into the sunlight from its hermitage in the American inland — the region known as the fever swamps to the rent-a-scholar trollops who give good opinion in exchange for a few thousand dollars from the scrofulous johns of Foundationville.

The monster is protean, it has many faces, but its visage in February 1996 was that of Pat Buchanan, whose nationalist message — encapsulated in the noble old motto "America First" — contained a hodgepodge of high tariffs and an end to foreign aid, no NAFTA and not many more Josés. For daring to commit the ultimate breach of post–World War II political etiquette — offering real dissent — Buchanan was hammered by the most hostile press of any candidate in memory, with the possible exception of George Wallace in 1968. In an eerie echo of the old Soviet Union, the Freuds and frauds of the corporate media adjudged him mentally ill. Indeed, you can always tell when an insurgent threatens the regime because he's called "nuts" and "paranoid" (as with Ross Perot) or denounced as the hate-seething product of authoritarian parents (as with Buchanan, because his mom and dad had the temerity to be believing Catholics). Buchanan stumbled — or was tripped — but not until being subjected to a Two-Minute Hate that was right out of Orwell's *Nineteen Eighty-Four* (with Pat, ironically, playing the role of Goldstein).

Like many *Liberty* readers — well, four or five anyway — I enjoyed seeing Buchanan rattle the cages, though after a few swats on the nose with a rolled-up *New York Times* he's become house-trained. Now he just sits there in the shabby corner the Republicans have allowed him, offering an anemic "woof" every few minutes. Good doggie. Let us hope that he'll soon return to his mangy cur form, roaming the neighborhood after the sun goes down, growling at the neuters on Haley Barbour's porch.

One of the oldest practices in the political burlesque game is exaggerating one's closeness to Powerful Men. The classic example is Sinclair Lewis' *The Man Who Knew Coolidge* — a blowhard on a train boring his seatmates with tales of a president he bumped into on a college green decades ago. In that tradition of fools I'll note that Buchanan stole a line or two from my recent book, *America First!*, and even said nice things about the book in New Hampshire, so please, for a few paragraphs, vest me with the same authority accorded the Plato and Aristotle of our day, Bill Kristol and Cokie Roberts.

"America First" is a superb slogan, almost as good as George McGovern's "Come Home, America." But it ought to apply only in a very narrow sense, that is, in placing the interests of our own people and republic — erstwhile republic — foremost in the conduct of foreign affairs. This means, in practice, staying out of foreign wars, abjuring imperialism, and not ceding an inch of sovereignty to supranational bodies.

But Pat Buchanan, alas, gave the phrase the loosest possible construction, and the bulk of the once-vaunted House GOP freshman class has gone down the same road, a path that turns out to be circular and dumps its traveler off at the front door of the leviathan he set out from at journey's beginning.

The nationalism of the Buchananites — who are, I believe, the most significant new force on the right in my lifetime — is praiseworthy when applied to the U.N. occupation of Somalia, but on the domestic front it carries the seeds of tyranny. It leads to a demand for a national law on abortion, which is properly a matter for local government, if any government at all. It leads to this silly effort by the Beltway Right — Ralph Reed and his

Caesar-sucking brethren — to define marriage in Washington, as though a union between man and woman in the eyes of God or one's family or neighbors or friends now needs the imprimatur of Uncle Sam. Federal marriage and divorce laws — which were proposed very seriously in the 1920s and are coming back today — are among the worst ideas on the right. A national marriage policy administered by Donna Shalala would so demean the institution of marriage that it would come to stand for little more than a way to get your favorite unemployed bedmate onto your health insurance.

Let us hope that Buchanan will soon return to his mangy cur form, growling at the neuters on Haley Barbour's porch.

An assertive national government may claim to put America first, but in practice America, by which I mean the thousands of little places and special cultures and age-tempered customs, is the first victim of nationalism. Not to in any way slight true patriotism and love of the whole country — the real country, the contiguous country, to hell with Guam and Hawaii and Alaska and Puerto Rico. For as Josiah Royce wrote in his 1902 essay "Provincialism": "The two tendencies, the tendency toward national unity and that toward independence of spirit, must henceforth grow together. . . . The loyalty to the Republic must not lessen the love and the local pride of the individual community."

But under the spur of deracinated elites — most from the old-money WASP classes that supplied the Wise Men who drowned our country in blood and tears and acronyms — "loyalty to the Republic" has come to mean participation in the emptiest of rituals: chanting "USA! USA!" as bombs and bullets paid for by our tax dollars murder obstreperous Africans and Serbs and whichever tribe is unlucky enough to be chosen Ragheads of the Week. Or reclining in the Barcalounger as TV correspondents with irritating foreign accents instruct us on the duties of empire and the sublimity of mass murder on behalf of our friend, the state. As a *Saturday Evening Post* editorialist put it in 1941, "Very few of those who maintain that it is sweet to die for one's country have ever done it."

A deep and rich loyalty to the Republic must be preceded by loyalty to some smaller constituent part thereof, whether Seattle or Oak Street or Indiana: to place America First and, say, Buffalo Second, is to put remoteness above closeness, and strangers above people you know. Politically, you wind up with a national war on drugs, a national war on poverty, a national war on tobacco, and a Buchananite protectionism that places the interests of Nashua over those of Yakima. You end up with an artificial national culture and a central state that will brook no obstructions from the yokels. You end up with Madonna and Waco. With *USA Today* and the corpse of Vicki Weaver.

The great American painter Grant Wood, a citizen in every good sense of the word of Cedar Rapids, Iowa, spoke of his efforts to create a Midwestern school of painting as "a revolt *against* cultural nationalism." His prescriptions for a regionalist art speak directly to the political implications of nationalism. Wood understood that "when the different regions develop characteristics of their own, they will come into competition with each other; and out of this competition a rich American culture will grow." Another time he asserted, "national expression . . . must take group form from the more genuine and less spectacular regions. . . . An American art will arrive through the fusion of various regional expressions."

I think there is a fairly direct link between political decentralization and cultural prosperity. Is it a mere coincidence that the two great flowerings of American letters — in the 1850s and the 1920s — occurred in eras oft-derided for their weak presidents and lackluster governments? I'll give you the novels and poems written while the presidents were Abe Lincoln and Woodrow Wilson and you give me work done during the golden ages of Franklin Pierce and Warren Harding, and your side won't be fit to sharpen my side's pencils.

I suppose President Pat Buchanan, like James Buchanan, would have fallen somewhere between Pierce and Lincoln. Buchanan and the Buchananites understand that empire is a burden that must be shed — and in this they stand in sharpest contrast to the Steve Forbes/William Weld "libertarian" wing of the party, which raises not a peep of protest against war or militarism or the crimes of the FBI or any action the central state takes, with the exception of the capital gains tax. Yet Buchanan could not resist the lure of the bully pulpit, a truly bizarre conception of the president as preacher-in-chief, so he wound up poking his nose into matters that are none of his business, as for instance the school curriculum of Des Moines, Iowa.

But then, this is perfectly consistent with the specious decentralism of the House Republicans. The House freshmen — those alleged radicals, copies of the Tenth Amendment sticking from their back pockets while their front pockets bulge with PAC money — gave us new national standards on drunk driving and child abuse, among other revolutionary innovations.

It is by now a hackneyed observation that the right of Gingrich, Bennett, Kemp & Co. — the Sunday Morning TV Talk Show Wing of the Republican Party — is perfectly satisfied with the size and scope of Leviathan, given a slight reallocation of money. The scalpel they said they'd take to the federal budget is more like a toenail clipper. Does anyone, for example, really believe that the Republicans want to defund PBS? They simply want to run it themselves, perhaps with the assistance of such government subsidiaries as Archer Daniels Midland, which seems to sponsor every single political

The Forbes/Weld "libertarian" wing of the GOP raises not a peep of protest against war or the FBI or any action the central state takes, with the exception of the capital gains tax.

continued on page 44

Urbanology

Coming Soon to a City Near You

by Randal O'Toole

Congestion quadruples, pollution goes up, and new railroads cost $100 million a mile. All thanks to local government by a waste disposal agency on federal steroids.

Oak Grove, the Oregon suburb where I live, is one of many neighborhoods that Portland-area planners want to "densify" through prescriptive zoning. These planners work for an agency known as Metro, which proudly bills itself as one of the strongest regional governments in America. Metro and related agencies think nothing of passing rules that, among other things:

- forbid some farmers to build houses on their land even as they force other farmers to subdivide for residential development;
- force employers to monitor and reduce the amount of driving done by their employees;
- require retailers to build tiny stores even as consumers indicate a preference for larger stores;
- demand that stores and other developments be designed in ways that developers have discovered, through hard experience, to be unmarketable;
- impose high-density developments on unwary neighborhoods of single-family homes; and
- drive up the price of single-family housing.

Metro and other regional governments, sometimes called "metropolitan planning organizations," are a product of decades of struggle between central cities and the suburbs that surround them. As soon as streetcars and automobiles made it possible to live several miles from work, people began moving to outlying areas where land was cheaper, life was less regulated, and taxes were lower.

To urban officials, suburbanites were parasites, enjoying the advantages of the big city without paying their share of its costs. So they proposed annexations and city-county consolidations to put the suburbs in the big cities' tax base and make their residents pay their fair share. Not surprisingly, people who had moved to the suburbs resisted. They formed towns of their own, making them immune to hostile takeovers — or so they thought.

In 1966, the U.S. Department of Housing and Urban Development required all urban areas seeking federal grants to form "metropolitan planning organizations." For HUD, this was simply a way to make sure the agency would not have to consider competing grant proposals from within a single urban area. But for city officials, it was a new tool for extending their reach over the suburbs.

Today there are more than 300 MPOs, or "metros," scattered across the country. Some are little more than intergovernment committees with post office boxes. Others are much more.

At first glance, the regional government idea seems to make sense. There are some issues, such as pollution, transportation, and protection of scenery and open space, that the individual cities, counties, school districts, and other governments in an urban area can't handle individually. But all bureaucracies want to grow, and once Metros were established, they started taking on more and more responsibilities, intruding further and further into peoples' lives.

Portland's Metro

Portland's regional government, the aforementioned Metro, started out as a solid waste disposal agency. That sounds innocent enough. Then it took over the Portland zoo. Then it became the chief planner for Portland-area transportation. With each new responsibility, it got more federal grants.

As Metro was growing, so was the New Urbanism, a movement in urban planning that believes that cities' chief problem is cars, which (they argue)

people rely on simply because cities are poorly designed for mass transit, pedestrians, and cyclists. New Urbanists also worry about loss of farms, forests, and open space. Everybody says that they don't want their city to look like Los Angeles, sprawling across thousands of acres of once-prime farmland. So New Urbanists call for urban redesign for transit and pedestrians

A key New Urban prescription for both cars and sprawl is higher-density development. Instead of building homes on half-acre lots, New Urbanists argue, people should live in apartments above retail stores and offices. Then they can walk to markets and work, and their communities will require less land. One subset of New Urbanists, the "Neotraditionalists," believe that building design is as important as urban layout. Neotraditionalists endorse large front porches, tiny garages, peaked roofs, and other design elements.

All bureaucracies want to grow. Once Metros were established, they started intruding further and further into peoples' lives.

Personally, I have nothing against the sort of cities that the New Urbanists favor, so long as people want them. There's nothing wrong with someone building or living in a walk-up apartment with shops on the ground floor. In some cities, New Urbanists are building demonstration communities to show how nice high-density living can be. But in the Portland area, they're going much further. Confronted with a population that doesn't want to live according to New Urbanist prescriptions, these ideologues intend to use Metro to ram their ideas down recalcitrant suburbanites' throats.

In 1992, Portland-area voters were confronted with a ballot measure titled "limits regional government." In fact, the measure gave almost unlimited powers to Metro, including the power to do all planning in the urban area and to force three counties and 24 cities to conform to its plan. Voters, most of whom did not understand this, approved the measure by a modest margin.

Metro quickly moved to enact a five-part program for urban and suburban renewal:

- densification of the residential areas within the growth boundary, to double or quadruple their current populations;
- construction of light rail lines throughout the area;
- prescriptive zoning codes that call for pedestrian-friendly and transit-oriented developments, especially near light rail lines;
- a 50-year plan for the region, complete with population and employment targets; and
- an urban growth boundary, outside of which little or no new development may take place.

Metro expects to finish its 50-year plan in 1997. Cities and towns will then have three years to revise their zoning codes and other ordinances to conform to the new order. Metro has already assigned all towns in the area population targets for both residents and jobs, and many are moving to revise their zoning codes.

The Urban Growth Boundary

Oregon's 1973 land-use law requires cities to have urban growth boundaries. Metro set Portland's boundary in 1979. Supposedly, it would be expanded when most of the land within it was developed.

During the 1980s, a lot of people moved to Portland, and by 1990, more than half its vacant land was developed. Population growth accelerated in the early 1990s, and housing prices skyrocketed. Homebuilders argued that rising home prices were due to the shortage of vacant land within the boundary and convinced the 1995 legislature to pass a "truth-in-planning" law requiring expansion of urban growth boundaries to insure a 20-year supply of vacant land.

By this time, however, an insidious problem had developed: now that the boundary had been set, it had become sacred. Many local environmentalists and city officials were, and are, lobbying relentlessly against expanding it. Since Portland is growing rapidly, the only alternative is to pack in more people. Metro seems to have adopted this goal.

Instead of expanding the boundary, Metro responded to the truth-in-planning law by giving all cities and towns in the area targets for increased residential densities. Planners have designated 35 "centers" connected by "main streets" and transit "corridors." These areas occupy about a quarter of the urban area, but planners want them to house nearly half of all new residents over the next half-century. Even though the 50-year plan is incomplete, several cities have already begun rezoning to meet these targets. The targets also include jobs, and zoning must provide for these as well.

Region-wide, Metro wants new housing developments to average more than 15 units per acre — less than 2,900 square feet per unit. That includes both multi- and single-family homes; developments of just single-family houses are to average 4,100 square feet per lot (e.g., 41 feet by 100 feet or 64 feet square). That's less than half the average of about 8,500 square feet per new home.

Densities in areas designated "centers" must more than double; corridors must nearly double. Existing neighborhoods of single-family homes will be left alone only if they are outside of a designated center or corridor and if cities can meet their population targets elsewhere.

These ideologues intend to use Metro to ram their ideas down recalcitrant suburbanites' throats.

In the centers, Metro wants to triple or quadruple existing population densities and to require retail developments on the same sites, thus meeting the New Urban goal of mixed-use neighborhoods where people can walk to market or work. Metro plans to have nearly half of all newcomers to the Portland area live in such high-density, mixed-use areas.

In many places, these targets are

ludicrous. For example, a typical urban office complex today might employ 60 or 80 people per acre. A typical apartment building might house 12–24 families per acre. Only in downtown cores do employment or residential densities reach these levels. Yet Metro is proposing several developments that would employ 90 people *and* house 25 or more families, all on the same acre. Effectively, Metro wants to build new downtown Portlands all over the urban area.

Frank Lloyd Wright understood 75 years ago that electricity, the automobile, and the telephone made downtowns effectively obsolete. Joel Garreau, author of *Edge City*, says that Wright was right: Americans haven't built any new "downtowns" in more than 80 years. Yet Metro planners are betting that nearly half of all new Portland-area residents will want to live in a downtown-like setting.

How do the New Urbanists answer those critical of their downtown orientation? With two words: light rail.

Light Rail

Light rail, say Metro planners, will attract people to live in centers, corridors, and other high-density areas. So Metro wants to build a huge system of light rail lines throughout the Portland area.

Portland already has one light rail line, completed in 1986. Planners projected that ridership would reach 41,500 people per day within five years of completion. In fact, ten years later, ridership is only about 27,000 people per day.

The reason is simple: light rail is an inflexible system that doesn't take people where they want to go. Developed over a century ago (when people called them "streetcars" or "trolleys"), light rail vehicles made sense in cities with no cars and little pavement, but can't compete against the almost infinitely flexible and convenient automobile.

In New York City, population densities are high enough for a rail system to make sense. But even if light rail can attract people in Portland to live in higher densities — which is unlikely — the light rail Metro proposes suffers from another problem: pork.

The federal government pays from 50% to more than 80% of the construction costs of light rail lines. Not surprisingly, for many city officials, light rail has become a way to transfer money from the feds to local contractors. Transit has nothing to do with it.

At a cost of about $14 million per mile, the first light rail line went 50% overbudget, but it was cheap compared to the lines now proposed. One line now under construction is costing $55 million per mile, while two others are projected to cost $100 million per mile. The total cost of one planned eleven-mile route is $1.5 billion. All eleven miles closely parallel one line of the Southern Pacific Railroad, which the Union Pacific just acquired for $3.9 billion. For less than three times the price, Portland could have bought not just eleven miles of railroad, but 15,000!

Frank Lloyd Wright understood 75 years ago that electricity, the automobile, and the telephone made downtowns effectively obsolete.

To Metro, the high cost of light rail has another benefit: it reduces the funds available for activities that might actually reduce congestion, such as highway expansion or improved bus lines. Metro regards congestion as a sign of "positive urban development." Americans live, on average, 22 minutes from their work. Increasing congestion will force people to accept longer commutes — or live in higher-density areas, Metro's real goal.

Portland already spends two-thirds of every public transportation dollar on mass transit. Boosting the cost of light rail construction will increase this to at least 75%. This means that highways will slow to a crawl. People will continue to drive, because even in bumper-to-bumper traffic, autos remain more convenient — and usually faster — than light rail (whose average speed is only 19 miles per hour). But they will tend to settle closer to work to keep their commute times down.

Metro plans to supplement light rail with "pedestrian-friendly" and "transit-oriented" design codes aimed at reducing people's dependency on the automobile. Pedestrian-friendly means that people can easily walk or take mass transit from home to work or market without being confronted with seas of parking lots, difficult-to-cross streets, and whizzing cars.

New Urban design codes call for all stores to front on the streets, with parking (if any) hidden in back; residential areas with homes on small lots fronting narrow streets; and more pedestrian ways and bike paths. In other words, "pedestrian-friendly" means "auto-hostile," with parking limited and traffic "slowed." The theory is that more congestion means more local business.

In effect, Metro is designing a city for the 6–10% of people who walk, bicycle, or ride mass transit, to the exclusion of the 90–94% of people who use automobiles.

The Results

Will light rail, urban growth boundaries, and high-density, pedestrian-oriented development make Portland a better place to live? Many Portlanders seem to think so, as they have supported Metro in several elections. Portland's mayor, Oregon's governor, and other elected officials strongly support Metro's efforts. Suburbanites, including several suburban city officials, are less enthusiastic, but Metro is still too remote for most people to understand the real consequences of its proposals.

Metro claims that its 50-year plan will increase Portland's livability by reducing congestion, reducing pollution, and protecting open space. But at least one major organization suspects that Metro's plan will, in these respects, make Portland far worse to live in. According to this organization,

- despite major efforts to discourage driving, Portland-area congestion will quadruple;
- despite the billions spent on light rail, the number of people using mass transit will remain below 5%;
- despite mandates to reduce air pollution, some forms of pollution will increase and violate both federal and state standards;

- despite efforts to protect open space, tens of thousands of acres of farms and forests will be developed; and
- despite planners' efforts to make high-density, pedestrian-friendly developments as attractive as possible, developers won't build them and people won't live in them unless they are subsidized.

Who is making these predictions? Why, Metro itself. All the relevant numbers are published and readily obtainable in Metro documents. But Metro's advocates choose to ignore them.

Currently, says Metro, about 94% of all trips in the Portland area are by auto. Less than 3% are by transit, and the rest are by bike or on foot. Metro predicts that spending some three-fourths of Portland's transportation budget on light rail will have almost no effect on how much people use cars. Higher-density developments may reduce auto use a couple of percentage points, and pedestrian-friendly design and higher parking costs may reduce it a couple more points.

The result is that, if Metro's 50-year plan works as it hopes, 90% of area trips will still be by auto. This is according to Metro's transportation computer model, which is probably optimistic. With projected population growth, this means that overall auto-miles driven will increase by 68% — yet Metro plans to increase the highway system's capacity by only 13%. Metro expects the number of miles of congested roads to increase from 160 today to 620 in 50 years. Since most pollution is generated in congestion, this means far more pollution under Metro's plan than under a less congested alternative.

Okay, so Metro's 50-year plan won't reduce congestion or pollution. But what about its protection of open space?

To save "open space" *outside* the urban growth boundary, Metro must force the development of farms and other lands *inside* the boundary. At least 13,000 acres of lands inside the boundary are currently farmed by people who sell their produce to urban residents. These farms are protected by Oregon tax exemptions designed to preserve farms and open space. But Metro regards them as "vacant land" that is wasted if not developed. So Metro wants to take away the farmers' tax exemptions, which it says are "counterproductive to good planning." Meanwhile, many farmers outside the boundary want to develop their land — in some cases because it isn't really suitable for farming anyway. Metro and other planning agencies are trying to prevent this by forbidding development of land in small parcels.

But some people simply want to live on large lots and won't be satisfied with a new home on a 41-foot-by-100-foot lot. If just 5% of the people who would have been happy on quarter-acre lots inside the growth boundary build instead on 20-acre lots outside the boundary, then Metro's plan will accelerate, not slow, urbanization.

Open space is a red herring in any case. Only about a third of the Portland area is residential, and allowing people to build on bigger lots won't add that much to the urbanized area. Even if it did, Portland's urban area takes up only three-eighths of 1% of Oregon, so doubling its size would bring it to just three-fourths of 1%. That hardly represents a major loss of farms, forests, or open space.

Even though its own numbers show that high densities and pedestrian-friendly designs won't reduce congestion or protect much open space, Metro persists in promoting such developments. Metro and Portland-area cities such as Gresham, Hillsboro, and Beaverton have given millions of dollars in tax breaks and direct subsidies to developers who will build to high densities. The developers readily admit that, but for the subsidies, their developments would lose money.

There won't be enough subsidies to go around, but Metro expects to have all local zoning codes revised within a few years to mandate such developments. Gresham has already passed such a code requiring high-density apartments in an area of single-family houses. City officials assured residents that their homes would be "grandfathered" in so long as they wanted to keep them. But if a single-family home were destroyed by fire, the owners would have to get special permission from the city to rebuild them.

Mandates from Above

Many federal and state agencies are supporting Metro's New Urban goals with similarly draconian rules. Ironically, federal funds aimed at reducing congestion are a major source of Metro grants to developers of high-density housing.

The state Environmental Quality Commission has passed a rule requiring employers to attempt to reduce by 10% their employees' use of autos for commuting. Employers who fail to make a good-faith effort to do so can be fined. Another state agency passed a rule requiring all major Oregon cities to reduce per capita auto use by 20% in the next 30 years. Since per capita auto use has increased steadily by 2% or more per year for at least 75 years, this seems impossible. The same agency also requires a 10% reduction in per capita parking in all cities. (This may merely lead people to drive more looking for parking spaces,

continued on page 46

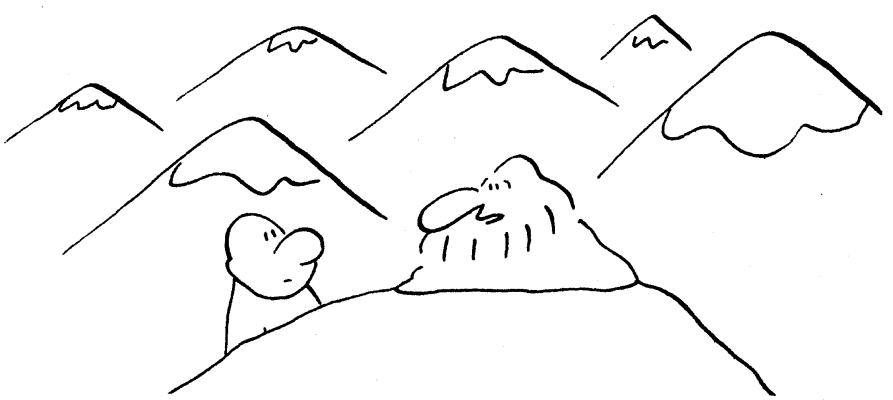

"Wait, let me think . . . I'm sure I knew the meaning of life when I came *up* here . . ."

Science

The Non-Problem of Global Warming

by Ben Bolch and Harold Lyons

Warnings of warming are only so much hot air.

The seemingly unending quarrel over global warming heated up in June, when the United Nations' Intergovernmental Panel on Climate Change (IPCC) released its first report in over five years.

Titled "The Science of Climate Change 1995," it suggests that, on balance, the scientific consensus is that there is a discernible and negative human influence on global climate. Almost immediately, Frederick Seitz — president emeritus of Rockefeller University, former president of both the National Academy of Sciences and the American Physical Society, and current chairman of the George C. Marshall Institute — attacked the report on the editorial page of *The Wall Street Journal* (June 12, 1996). Seitz pointed out that several key items had been omitted or changed between the time the report was peer-reviewed and the time of its public release, including "more than 15 sections" of a key chapter that detailed the evidence against human influence on the climate. Among the statements eliminated were "None of the studies cited above has shown clear evidence that we can attribute the observed [climate] changes to the specific cause of increases in greenhouse gases" and "No study to date has positively attributed all or part [of the climate change observed to date] to anthropogenic [man-made] causes." The IPCC report was criticized again in the *Journal*, this time by S. Fred Singer, a long-standing scientific opponent of environmental hysteria, and by Hugh W. Ellsaesser, a retired Air Force weather officer with many years of atmospheric and climate research experience.

It wasn't long before the IPCC shot back, with Benjamin D. Santer, lead author of the report; Bert Bolin, chairman of the IPCC; and others replying in letters printed in the *Journal* on July 23, 1996. Santer, Bolin, and the rest insisted that the altered report accurately represented the views of the scientists and delegates (presumably different from the scientists) present.

The redoubtable British journal *Nature* entered the fray in a June 13 editorial, commenting that Seitz's complaints were "not entirely groundless" and that the revisions and deletions had shifted the emphasis toward human impact. Nevertheless, the editorial argued that such internecine quarrels should not be allowed to undermine efforts to win political support for the fight against global warming. The editorial could be boiled down to three propositions: the climate may be warming, but we're not sure; the warming may be caused by man, but we're not sure; governments must do something soon, of this we're sure.

The idea that increasing concentrations of CO_2 (and other greenhouse gases) might warm the planet goes back 100 years, to Svante August Arrhenius (1859–1927). It blossomed into a global warming scare in the 1930s, faded when cooling rather than warming occurred, and was revitalized in the 1980s, leading to a wave of congressional hearings, international conferences, and agreements to limit the emission of greenhouse gases. Indeed, since the First World Climate Conference was held in 1979, there has been an almost continuous series of workshops, negotiations, meetings of experts, and reports by international bureaucrats, all to "do something" about global warming. In June 1992, 163 countries signed the Rio Framework Convention on Climate Change, pledging to roll back greenhouse emissions, and in March 1993, U.S. Ambassador to the United Nations Madelaine Albright assured the world that America would go even farther than it had pledged at Rio. The Alliance of Small Island States was formed to lobby for a kind of affirma-

tive action program for greenhouse gases: developed countries would be required to reduce emissions while less developed countries would not, so that the latter could catch up economically.

To understand the global warming debate, one must bear two often-overlooked facts in mind — one scientific, the other political. First, global warming trends are difficult to calculate because the various influences on climate — greenhouse gases, solar activity, etc. — are difficult to isolate. For example, burning fossil fuels release greenhouse gases, which tend to warm the planet. But combustion of fossil fuels has other effects. For example, it also releases sulfur dioxide. This substance is converted in the atmosphere into aerosol droplets of sulfuric acid, which have a cooling effect. So the entire question of whether the net result will be warming, and what thresholds are needed to produce warming, is devilishly complicated.

For most of the last 10,000 years, temperatures varied more than during the last 150.

Second, much of the flap over global warming relates more to economic and political control than to environmental protection. Responding to global warming — with new regulations, new subsidies, new taxes — has been many a bureaucrat's ticket to greater power and influence. Put bluntly, many special interests have a stake in promoting alarmist scenarios. (Of course, some special interests have a stake in promoting skepticism, but they aren't as influential in the government, the media, or the U.N.) "Watermelon environmentalists" (green on the outside and red on the inside) abound. Having failed to exercise benevolent control under the banner of socialism, many of the same crowd now attempt control under the banner of environmentalism. And the basic technique is the same — the creation of the illusion of crisis by use of misinformation.

The steps toward control are are virtually identical to those used in the 1930s to push the United States into the New Deal. First, proponents of increased government power claim that all experts agree that there is a crisis, evident in empirical data. Second, they point out that something must be done (and soon) to prevent the crisis from getting worse. Third, they claim that all thinking people agree that only government can solve the crisis and that a certain loss of freedom and/or wealth must be expected. In the '30s, statolatrists claimed that revolution threatened, as evidenced by strikes and riots, and that if action wasn't taken immediately, prices would fall and unemployment rise, which would intensify the crisis and bring on a disastrous revolution. Happily, they concluded, disaster could be avoided by fixing prices and increasing economic regulation. Today, statolatrists argue that environmental calamity threatens, as evidenced by increasing levels of greenhouse gases, and if action isn't taken immediately, disaster will occur. Happily, disaster can be avoided by limiting the burning of fossil fuels and increasing economic regulation.

Consider first the empirical data cited to support concern about the greenhouse effect. Such global warming advocates as the British Meteorological Institute tell us, for example, that 1995 was the warmest year on record. Yet Harvard astrophysicist Sallie Baliunas rates 1995 as the eighth warmest year of the last 17. She also points out that around 440 million years ago, carbon dioxide concentration was as much as ten times current levels. The IPCC predicts that if current CO_2 levels double, global temperatures would increase about 2.5° Celsius. So the temperature then should have been about 8° Celsius warmer than it is now. Unfortunately for the IPCC, during this period the Earth was in a major ice age.

The coldest period in the last 1,000 years was the "Little Ice Age," which lasted from the thirteenth to the beginning of nineteenth century. And at the 1995 meeting of the International Union of Geodesy and Geophysics, Karen Labitzke of the Free University of Berlin and Harry Van Loon of the National Center for Atmospheric Research demonstrated a strong correlation between solar activity and temperature from 1960 to the present. It has been observed that during parts of the Little Ice Age, solar activity was at a minimum. Solar activity — still a largely uncharted field — may be a key to understanding global climate.

Jonathan T. Overpeck, head of the Paleoclimatology Program of the U.S. National Oceanic and Atmospheric Administration, reports in *Science* (March 29, 1996) that for most of the last 10,000 years, temperatures varied more than during the last 150. There is little doubt, for example, that there were droughts in the Great Plains that were more severe than any recorded since Europeans came to North America, even the dust bowl droughts of the 1930s. The weather has been very good to us during precisely the same time that use of fossil fuels hit all-time highs.

One datum that initially seemed to support the global warming hypothesis came from a NASA instrument aboard a U.S.-French satellite. It indicated that ocean levels had risen by nearly an inch since 1992. But NASA could not even get this measurement right: as the *Washington Post* reported on July 27, 1996, a computer error had significantly inflated the rise. The corrected rise, which agrees with tidal gauge measurements, is now believed to be between 0.04 and 0.12 inches per year.

The weather has been good to us during precisely the same time that use of fossil fuels hit all-time highs.

In July 1996, amid press reports of spring arriving earlier in the northern hemisphere (*Nature*, July 11), representatives from 150 countries met in Geneva to discuss global warming. Three U.N. agencies (the World Health Organization, the World Meteorology Organization, and the U.N. Environment Program) predicted significant warming and a consequent increase in suffering and death. The 300-page report, "Climate Change and Human Health," concedes that its

continued on page 37

Arts

The Art of Living, and Living on Art

by Jamie McEwan

Art is too important for government to support.

It was a delicate subject. My friend had spent several years working for the Rockefeller Foundation; now she held an important post in a large corporation's arts and cultures foundation. Support of the arts was her life's work. Never mind that she had always worked for private organizations — it went without saying that she strongly favored federal support, too.

"It's not just the arts," I explained. "I'm really radical. I would cut everything — seven-eighths of the government, at least — military presence abroad, public schools, roads, almost everything."

"You're not singling out the arts?"

"Not at all. I mean, the NEA is small potatoes."

"So all those Republican congressmen who make a *cause célèbre* of some minuscule grant while they're all in favor of porkbarrel projects in their backyards . . ."

"Ridiculous. I absolutely agree. Bunch of self-serving hypocrites; they pick on some easy target and let the big ones go by. That's one reason I'm not a Republican. No sense zeroing in on the arts; they're the last thing I'd bother to cut."

We had found common ground, and went on talking about hypocrisy, our friendship intact.

Whew.

And yet, after the weekend visit was over, after my friend's children had been packed in the car to drive back to the city and my own had started their homework, I found myself bothered by a lingering feeling of bad faith. I couldn't quite pin down why. Everything I had said was true, wasn't it? The numbers involved *were* trivial: 60¢ per citizen, less than a dollar-fifty per taxpayer, mere pennies out of the thousands we each pay every year. Why worry about subsidies of the arts? And yet somehow I didn't feel entirely comfortable in my own skin.

Insignificant as it is, it's a topic that any devotee of the arts runs into a lot. How many theater or museum programs include a note from an administrator, asking for your political support in the struggle against those wayward budget-cutters? How many cultivated friends insist that their own avant-garde tastes are essential to the cultural health of the world? How many actors, dancers, and writers assume that funding for their particular art is as basic a right as freedom of speech?

Ah — there it was, the tip of the splinter that had gotten under my skin. The belief that it is an artist's *right* to be supported: that was what bothered me.

Yes, from the point of view of the taxpayer, federal support of the arts is of negligible importance, the added threat of a mosquito to a stag beset by wolves. But from the recipient's point of view, it costs so little, yet makes so much difference . . .

It's nothing new for artists to be supported by patrons, to try to please a king, duke, or plutocrat instead of the general public. Some have pleased both. But is there anything different in trying to win the favor of the Medici, or of some governmental desk jockey? Is there any difference between wooing the Rockefeller Foundation or the NEA?

Yes, as a matter of fact, there is.

Entitling and Enabling

Listen to those artists, those performers, those craftsmen. Beyond their rhetoric of "cultural enrichment" and "resisting commercialism" is a bedrock conviction of — this is the key word — their *entitlement*. Entitlement. Their claim is based not on commercial success, nor on pleasing some particular wealthy patron, but on some godlike measure of the inner worth of their endeavor, bestowed by self-selected guardians

of culture. That is why it is actually more prestigious for a theater to have received state or federal grants than to have had popular, well-attended, money-making productions; why it is more important for a dance troupe to win awards than to please its audience. Yes: how much more satisfying it is to feel that you receive support — i.e., *cash* — because of your soul, your divine artistic gifts, your contribution to the spiritual health of the nation, than because you have entertained or enlightened any particular coughing, feet-shuffling, notoriously fickle audience. "Somehow," says composer David Del Tredici, "it was a wonderful feeling that this one [grant] came from the government, something I had never made an artistic connection with before."[1]

An "artistic connection." Yes, government money feels different; it bestows on its recipient precious feelings of inner worth, of having been touched by some divine finger, of community with the creative geniuses of the centuries, of superiority to the common activities of getting and spending. *No, I am not a bricklayer, or a plumber, or a grasping businessman — or Madonna or Sylvester Stallone or Danielle Steele — but someone of a higher, more spiritual level; the proof is that I am worthy of the special attention and support of the state.*

The conviction of mystical superiority of the artist is not new, and was not created by the advent of federal arts programs. But government support of the arts provides a tangible, spendable proof of their special status. Evidence shared, it is true, with farmers, researchers, college professors, and professional politicians. But that is all right: food, curing cancer, and culture are singled out, leaving the makers of cars, flippers of hamburgers, and singers of platinum songs to fend for themselves. The true artist can live with that.

All of these — prestige, mystical superiority, the precious entitlement of the artist — were what made me so uncomfortable. For these are false convictions. And from these false premises, artists construct an attitude toward themselves, their art, and their relation to society that is fundamentally misconceived. The self-esteem so manufactured is fragile, and ultimately baseless.

Listen to the conversations of artists, read what they write about themselves and their relation to society. The strains of elitism, of self-congratulation, the affectation of embattled self-righteousness will convince you that the atmosphere government support engenders is harmful to the artists themselves. The "unique ability" of theater — or of sculpture, or of painting, or of poetry, or of (fill in the blank) — to make us see, transform our culture, civilize us, ameliorate our otherwise blighted and benighted lives is endlessly extolled. The appellation "nonprofit" takes on an almost religious connotation, something akin to "full of grace." Those who cut the NEA budget are not simply "Philistines" — though this overt religious reference is probably the most common word used to describe them — but perpetrators of "vicious assaults,"[2] "mean" and "smug."[3] "Are we destined to become a nation of boobs, rubes, and Philistines?" asks painter Chuck Close,[4] as if the NEA's $100 million or so is all that is holding Western Civilization together. (Note that there are single universities with endowments of 25 times that, and more.) There are accusations of censorship: "The issue is not money," claims actor and playwright Eric Bogosian, "the issue is freedom of speech."[5] By this he does not mean that if the government becomes a major source of arts funding, it will inevitably become an arbiter of its contents — no, he means that cutting the NEA budget is itself a form of censorship. By this reasoning, you are exercising censorship if you fail to give money to a charity you supported last year.

"Somehow," says composer David Del Tredici, "it was a wonderful feeling that this grant came from the government."

The artists' and writers' complaints have a different tone from those of the disgruntled physicists thrown out of work when the particle accelerator was cancelled, or Olympic athletes envious of the state support their European counterparts receive. There is a personal, almost hysterical note, like that of a suddenly disinherited child or a jilted lover. Desubsidized artists feel "heartsick and angry," in the words of "theatre artist" and critic Michael Feingold. He goes on: "The perception has crashed upon us with stunning force: Our country does not want us. . . . We are the despised and rejected of our nation."[6]

The insulation that federal support provides from any outside reality can be remarkably complete. In some cases, dance troupes are given grants to create new pieces, theaters are given money to produce these pieces, and further grants pay people to watch the results. Really.

It is hardly surprising that the atmosphere thus engendered is not a healthy one. How could it be? For as any parent should know, creating and maintaining an artificially supportive environment — "enabling," in the current jargon — does no one any good in the long run. Private patrons and private foundations are less injurious, for the artist is more likely to recognize money received from them as gifts, arbitrarily bestowed gifts, not entitlements.

So it is the recipients, not the coerced taxpaying donors, who are most damaged by government support.

The Artist *vs.* the Non-Artist

All of these vague, cloudy claims to some sort of unique mystical quality possessed by the artist are based — *have* to be based, in order to have any meaning at all — on the implied superiority of artistic pursuit to other employments. Just what is the difference between an artist and a non-artist?

Just as all arts have their mundane, prosaic side, all occupations have, or can have, their artistic, or spiritual, or aesthetic dimension. In this sense, everyone is an artist. To play a new tune on an old saw: There is nothing worth doing that is worth doing without art. There can be an art to directing traffic. There can be an art to investing in stocks. Motorcycle maintenance has its Zen; so does scalloping, driving an

eighteen-wheeler, taking care of a baby, and managing an enterprise.

So what's different about the arts? Simply this: that art is made to be appreciated specifically for its aesthetic merit. An automobile's design may have aesthetic value, but since it also has a utilitarian purpose, we don't call it "art." I know a short-order cook who's a true performer, very aware of his audience, his every movement beautifully choreographed to flow into his next. But since he's being paid to put food on plates, and entertains his clients only incidentally, we don't bother to call him an artist.

And what of those who practice "art" privately? One of today's best writers may confine herself to penning brilliant personal letters; one of the best actors may be an exhausted father simulating interest in his six-year-old's drawings; one of the best singers may be heard only in his church. We generally do not call these people artists, because we generally think of an artist only as someone who produces work for public appreciation.

What is it about public display that confers superiority on the artist, or his art? Those in the performing arts are in the business of being publicly admired in their very person; it's not surprising that the best of them succeed. This does not mean that those in other occupations, whose admirable traits are subsumed in an activity with utilitarian aspects, are any less admirable, or that those whose productions are not meant for public display are any less worthy.

It is true that the public exhibition of art may give it a greater impact on that impossible-to-define gestalt we call "culture" than other activities do. But insofar as it has this impact — to the extent that it is public and widely disseminated — art is well-supported; in many cases, fabulously well. Who can deny the cultural influence of

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Viewers Like You, Leeches Like PBS

The PBS station here in the New York/New Jersey area keeps showing a phone number to call for the addresses of all your state representatives, senators, governors, viceroys, etc. You're supposed to write these politicians to tell them "your concerns" about government funding for PBS and the arts. So I decided to take the opportunity to ask my elected representatives for an end to such funding.

Don't get me wrong. I realize that trying to influence government is a waste of time. I certainly didn't think I'd swing any of the politicians through argumentation. But I could at least hope that some overpaid lackey would enter a check mark in the "opposed" column. And there was the satisfaction of using PBS's own policy-influencing efforts against it.

So I wrote Sen. Alfonse D'Amato, Gov. George Pataki, Rep. Carolyn Maloney, State Sen. Catherine Abate, and State Rep. Steven Sanders. I tried to keep my letter short and clear, opening with the line, "I think I speak for many voters when I ask that you eliminate funding for PBS and other arts projects."

I continued: "Few voters are vocal in expressing this opinion, because no one wants to sound like a Philistine . . . But that's precisely why paying for art via government will always be a mess: everyone is forced to pay for everyone else's pet projects. Conflict, such as the debates over 'obscene' National Endowment for the Arts projects, is inevitable. . . . Culture won't go away [if funding is removed]. On the contrary, it will more closely reflect the real desires of the public — both as individuals and as corporations — the public who already foot the bill anyway. Every time an average American citizen spends a dollar on a local crafts fair, she is showing her real arts preferences. Every time that dollar is taxed away from her to pay for, say, a post-modernist dance troupe, the government is saying that its preferences will prevail — by force — over the preferences of the citizens."

To date, Gov. Pataki has not found the time to respond, which has had the side-effect of increasing my sympathy for Mayor Rudy Giuliani, who received similar treatment after the gubernatorial election. The other four politicians — or rather, the interns they have charged with distributing form letters — have all written me back. Of these four, only Rep. Carolyn Maloney acknowledged any disagreement: "Unfortunately, we have divergent views on this issue. I believe PBS provides an invaluable educational tool for Americans of all ages, and an alternative to the often violent shows on network television." It's a response, anyway.

The other three reassured me that they would fight to *maintain* funding for PBS. Said State Sen. Abate: "Thank you for your letter regarding public broadcasting . . . I will fight to restore funding to these vital public broadcasting programs. I urge you to contact Governor Pataki and Senator Bruno as well as our federal representatives, to voice your concern on this important issue."

Sen. D'Amato's letter reads like the intern copied it from an encyclopedia entry on public broadcasting: "The Senate voted to authorize the Corporation for Public Broadcasting (CPB), a nonprofit corporation set up by Congress in 1967, at $312 million in the fiscal year (FY) 1994 appropriations bill and $315 million in the FY 1995 appropriations bill . . . During the upcoming debate on PBS funding, I will fight to insure that New York programming remains intact . . . I welcome the opportunity to address your concerns."

The final blow to citizen participation came from State Rep. Steven Sanders, who said: "Thank you very much for taking the time to write in support of public television and radio . . . The involvement of individuals who are concerned about the impact of these cuts can make all the difference in whether funds are restored. Please let me know if I can help in any other way."

No thanks, Steve. I think together we've done enough. —*Todd Seavey*

Disney, Michael Jackson, Stephen King, and your daily newspaper? No one favors sending monthly grant checks to NBC or Arnold Schwarzenegger. It is the marginal theater, the struggling artist, for whom the pleas are pitched. The arts deserve special support because of their public impact — but very particular enterprises or artists that need this support are not particularly popular or successful. We cannot have it both ways: if a particular artist is important to the national culture, she is already supported by her grateful public. And this support does not go only to the likes of 2 Live Crew and Jim Carrey: one estimate puts nonprofit arts spending at more than $36 billion annually.[7]

When an artist is not supported, she joins the ranks of the amateurs — a perfectly honorable place to be. Amateurs may produce for the public, but they do so purely out of love for their art, with no hope of gain. Amateur activity is absolutely crucial to the cultural health of any polity. In my opinion it is inadequately honored in this country. Everyone is — or should be — an artist, just as everyone is, or should be, an athlete; we all engage in creative endeavors, just as we all have bodies with which we move about. We should appreciate active participation, not just passive appreciation. But doling out grants to a few outstanding amateurs does nothing to encourage amateur art; in fact, it is likely to achieve the reverse, by implying that only by receiving money can one prove one's worth. Do America's many well-financed professional sports teams encourage us to engage in amateur sports? No — they encourage us to watch television.

You cannot encourage amateurism by throwing money around. In no place is this more strikingly evidenced than in France, often held up as a paragon of arts support. One percent of its budget is spent on culture. In per capita spending, that's 25 times what the American government spends.[8] Ten percent of every movie ticket sold goes directly to subsidize the film industry.

But what no one seems to ask is: What does this buy? Having lived for a year in the foothills of the French Pyrenees, with three of my children attending French schools, I can only guess that it helps support some lovely museums, and pays the rent on a goodly number of artists' (and administrators') Parisian apartments. There was next to no theater, art, or music in the schools, and very little in the community. Centralization of power had led to a centralization of activity.

Moreover, as the state absorbs more and more of the nation's intellectual and artistic life, it vitiates the independent creative efforts of those who cannot catch a ride on the government bandwagon. It may even discourage attendance: "Despite the heavy state subsidies (or, as some would argue, because of them) the number of French moviegoers has plummeted, from 175 million in 1984 to 110 million in 1995."[9] This is "promoting the arts"?

The Balance Sheet

It is wrong for artists to be led to believe that their occupation is morally, or spiritually, or aesthetically superior to any other. Moral, spiritual, and aesthetic worth lie embedded in individual people, not in occupations. The conviction of inherent superiority is not just false; it is pernicious. For there is no more powerful precursor to destructive behavior than a baseless conviction of moral superiority. Though many artists are strong enough to avoid the false lure of unearned superiority, and succeed in working solidly and unpretentiously at their chosen craft, it is a disservice to their weaker brethren to tempt them with a false mantle of superiority. Artists most emphatically do not have special needs that the rest of us are born to cater to. Everyone "needs" what artists "need": food, clothing, shelter, leisure time, a room of one's own, admiration, love, diversion. We don't all get them. We must all seek them, freely, as best we can.

Quality in the arts is such a chancy, intermittent, unpredictable thing that it is difficult to be sure that federal funding's influence is uniformly negative. Is there any offsetting good? It is tempting to think back to the great artists who were not recognized in their time. Surely they would have benefited from a helpful NEA — right? I doubt it. The very qualities that made them unappreciated in their time would have worked against them once more. I find it very hard to imagine Mozart, or Melville, or Dickinson, or Hopkins making a better living or finding a wider audience through adroit "grantsmanship." And how likely is a bureaucracy to recognize genius if a varied society, replete with cultural subgroups, does not?

I had finally figured out what was wrong with my conciliatory arguments. (I'm all for conciliation; I just need a new method.) The art-subsidy issue is not as insignificant as the buck-and-a-half-per-taxpayer may make it seem. It should not be dismissed as "the last thing we should bother to cut." Not if you care about art.

The seductive doctrine of artistic prerogative existed long before the state subsidized culture, and it will not disappear if this support is withdrawn. There will always be actors who swear undying love to a different partner each month, dancers who take drugs more often than they eat, and musicians who look down on the rest of humanity, with or without federal encouragement of their delusions of innate superiority. But we can restore some sanity to the art world — can all do our part in helping to guard artists' sanity, remove the spirit of entitlement, encourage amateur art, and preserve the best of our cultural heritage — by working together to end government subsidy for the arts. And give our free, individual support where we each perceive artistic merit. Isn't it time we did? ❑

Notes:

1. Quoted in C. Carr, "Hanging by a Thread," *Village Voice*, January 24, 1995.
2. John Sullivan, "Opening Windows," *American Theatre*, October 1995.
3. Robert Hughes, "Why America Shouldn't Kill Cultural Funding," *Time*, August 6, 1995.
4. Quoted in Elizabeth Hess, "How the NEA Lost its Soul," *Village Voice*, January 24, 1995.
5. Eric Bogosian, "The Money Mask," *American Theatre*, September, 1995.
6. Michael Feingold, "An Immodest Proposal," *Village Voice*, January 24, 1995.
7. The estimate comes from Henry Cisneros. See Edith Kurzweil, "Jane Alexander Invites Her Troops," *Partisan Review*, Summer 1994.
8. "Arts of the State: France Tries to Subsidize a Culture," *Washington Post*, October 23, 1994.
9. *Ibid.*

Refutation

The New Reefer Madness

by Paul Armentano

Lies, damn lies, and marijuana statistics.

According to federal politicians, drug prohibitionists, and the majority of the national news media, adolescent marijuana use is soaring toward "epidemic" proportions. This claim has been made so frequently during the past year that many people are unaware that there exists any serious debate on the issue. But there is little tangible evidence behind the current headlines. This latest round of reefer madness appears to be nothing more than a ploy to encourage legislators to stiffen penalties against adult users.

Claim #1: *Marijuana use among teens has doubled since 1992.*

This statement is both misleading and inaccurate. The standard yardstick of adolescent marijuana use has for more than 20 years been the Monitoring the Future study conducted at the University of Michigan's Institute for Social Research. Each year, this study tracks lifetime marijuana use among high school seniors. In 1995, the report showed, nearly 42% of all high school seniors had used marijuana at least once. This figure is an increase from the 32.6% who reported having tried marijuana in 1992 — the lowest rate in the study's history — but it is hardly a doubling. In fact, curent use rates are less than 2% higher than they were as recently as 1990, when the figure stood at 40.7%.[1]

Some prohibitionists attempt to confuse this issue by pointing to other, more specific data (e.g., daily use among eighth graders, monthly use among tenth graders, etc.) that may illustrate a sharper increase in marijuana use for that category alone. However, as the Monitoring the Future statistics illustrate, *lifetime* use of marijuana among high school seniors has remained predominantly the same for years, even as other age groups' patterns of use have varied. In all, the percentage of graduating high school seniors who have tried marijuana has remained between one-third and one-half for nearly three decades.[2]

Claim #2: *Today, our children are smoking more dope than at any time in recent memory.*

Apparently, the prohibitionists don't possess very long memories. Data from both the Monitoring the Future study and the National Household Survey indicate that current rates of adolescent marijuana use, both regular and lifetime, are well below the levels of a few years ago. According to the Monitoring the Future study, lifetime prevalence of marijuana use among high school seniors peaked in 1979 at 60%, a figure almost 50% higher than today's rates.[3] During this same year, according to the National Household Survey on Drug Abuse, the percentage of youths aged 12–17 who reported regularly using marijuana (defined as once within the past month) also peaked, measuring 16.7%.[4] Put in historical perspective, the 1979 figure is more than twice as high as today's "epidemic" of 8.2%.[5] Moreover, today's rate is only marginally higher than the percentage of adolescents who regularly consumed marijuana in 1988 (6.4%), at the height of the drug war and the "Just Say No" campaign.[6] Lastly, it must be noted that changes in the methodology of the Household Survey in 1994 make accurate comparisons difficult.

Claim #3: *Users are starting younger than ever before.*

Reports from the Monitoring the Future study have indicated that marijuana use among eighth and tenth graders has risen since 1992. This is not particularly surprising, as the study began surveying eighth and tenth graders only one year earlier. Not coincidentally, 1991 and 1992 were the lowest years ever recorded for adolescent marijuana use.[7] Since then, use of marijuana has risen for adolescents of all ages. The truth is, we really don't know whether today's

teens are using marijuana at a younger age than ever before, because Monitoring the Future has no data from the 1970s or 1980s to compare it to. Moreover, weighing today's figures against percentages of eighth and tenth graders taken in 1992 — the year reported adolescent marijuana use rates stood at their lowest in history — serves little scientific purpose and is highly misleading.

Recently, the National Household Survey has attempted to use data from 1991–1993 to extrapolate the average age at which adolescents began using marijuana. The Survey notes that these estimates should be "interpreted with caution" and may not portray an accurate answer to this question.[8] Nevertheless, the Survey's estimates indicate that today's figures regarding age-specific rates of first marijuana use are not unique, but rather imitate patterns exhibited in the mid-1970s and early 1980s.[9]

"Today, our children are smoking more dope than at any time in recent memory." Apparently, the prohibitionists don't possess very long memories.

Claim #4: *Today's youthful marijuana users are tomorrow's cocaine addicts.*

According to recent literature from the National Institute on Drug Abuse (NIDA), the majority of marijuana users do not become dependent on cannabis or move on to other illegal drugs.[10] This stands to reason when one realizes that an estimated 71 million Americans have experimented with marijuana at some point in their lives, and that the majority of them never went on to use cocaine.[11] Therefore, while it may be true that some cocaine users did first use marijuana as adolescents, the far more important fact is that the overwhelming number of teen marijuana users never go on to use cocaine or any other illegal narcotic.

In addition, federal literature suggests that the minority of marijuana users who do graduate to harder drugs such as cocaine do so not because of marijuana use, but because of marijuana prohibition. "Using marijuana puts children and teens in contact with people who are users and sellers of other drugs," states *Marijuana: What Parents Need to Know*, a 1995 pamphlet distributed by the U.S. Department of Health and Human Services. "So there is more of a chance for a marijuana user to be exposed and urged to try more drugs."[12]

Support for this theory comes from the Netherlands, where marijuana can be purchased openly in government-regulated "coffee shops" designed specifically to keep young marijuana users from the illegal markets where harder drugs are sold. In contrast to the U.S., where 16% of youthful marijuana users admit to having tried cocaine, only 1.8% of young Dutch marijuana users have tried cocaine.[13] It appears that when the cannabis markets are effectively separated from those for harder illegal drugs, marijuana is not a gateway drug, but a "terminus" one.

Claim #5: *The marijuana adolescents are smoking today is much more potent than the marijuana their parents consumed.*

Not so, according to the data provided by the Potency Monitoring Project at the University of Mississippi, the government-funded program that has been analyzing samples of marijuana for THC content since the mid-1970s. (There are no known measures of THC content prior to 1968, and only a few plants were assayed before 1972. THC is the main psychoactive ingredient in marijuana.) This data, based on analysis of over 23,200 samples, indicates that current average marijuana potency remains under 3% THC, essentially within the same range as the samples assayed by the government during the middle and late 1970s.[14] In addition, there are many examples of marijuana samples from the same period, measured independently by companies such as PharmChem Laboratories, that frequently range from 2–5% THC, with some as high as 14%.[15]

"We try to tell [those who claim that marijuana potency has greatly increased] that there's no study to support the belief that potency is greatly different," a spokesman from NIDA, speaking on a condition of anonymity, told the *Arkansas Democrat-Gazette* in 1995. "I thought [marijuana opponents] had stopped saying that."[16]

Claim #6: *Adolescent marijuana use poses great harm to society.*

America survived the 1970s and will survive the 1990s. While it would be silly to suggest that marijuana is totally harmless, or to advocate that adolescents *should* consume it, the fact remains that moderate marijuana use is relatively harmless and poses far less cost to society than do either cigarettes or alcohol. Today — as in 1977, when President Jimmy Carter recommended federal decriminalization — marijuana prohibition causes far more harm than marijuana itself does.[17]

We may never know why adolescent marijuana use rates fluctuate over time or to what extent social stigmas and social norms regarding cannabis influence the accuracy of self-reporting, the sole source of these data. We do know that adolescence is a period filled with experimentation and that recreational marijuana use, for good or bad, is sometimes a part of this experience. Young people, as well as all Americans, should be informed of the scientific evidence about marijuana so that they can make knowledgeable decisions about both their own drug use and the future of American drug policy.

Moderate marijuana use is relatively harmless and poses far less cost to society than do either cigarettes or alcohol.

The recent claims of rapidly rising and near-epidemic rates of adolescent marijuana use simply do not stand up to close examination. When put in historical perspective, today's figures warrant only mild concern. They certainly do not justify intensifying the war against adult marijuana consumers, a battle that resulted in more than 482,000 arrests in 1994 alone.[18] We do not arrest responsible adult alcohol drinkers because we want adolescents to avoid alcohol; neither should we arrest responsible adult marijuana smokers to protect children from smoking marijuana. ❑

Notes to "The New Reefer Madness":

1. L.D. Johnston, *et al.*, *Monitoring the Future*, University of Michigan Institute for Social Research, 1993–1995.
2. *Ibid.*
3. *Ibid.*
4. United States Department of Health and Human Services, *National Household Survey on Drug Abuse: Main Findings 1992*, Substance Abuse and Mental Health Services Administration Office of Applied Studies, 1995, p. 34.
5. United States Department of Health and Human Services, *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, Substance Abuse and Mental Health Services Administration Office of Applied Studies, 1996, p. 62.
6. *National Household Survey on Drug Abuse: Main Findings 1992*, p. 34.
7. Johnston, *op. cit.*
8. United States Department of Health and Human Services, *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, p. 25.
9. *Ibid.*, p. 92.
10. United States Department of Health and Human Services, *Marijuana: Facts for Teens*, National Institute on Drug Abuse, 1995, pp. 10–15.
11. *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, p. 56.
12. United States Department of Health and Human Services, *Marijuana: What Parents Need to Know*, National Institute on Drug Abuse, 1995, p. 8.
13. John Morgan and Lynn Zimmer, *Exposing Marijuana Myths: A Review of the Scientific Evidence*, The Open Society Institute, 1995, p. 14.
14. M. ElSohly, *et al.*, *Potency Monitoring Project Report #50*, Research Institute of Pharmaceutical Sciences, University of Mississippi, 1994.
15. John Morgan, *American Marijuana Potency: Data Versus Conventional Wisdom*, City University of New York Medical School, 1994.
16. Gaynell Terrell, "Higher Times? Debate on today's 'pot' potency rages on as crop rolls in," *Arkansas Democrat-Gazette*, August 7, 1995.
17. President James Earl Carter, address to Congress, August 2, 1977.
18. Federal Bureau of Investigation, *Crime in the United States: 1994*, FBI Uniform Crime Reports, 1995, pp. 216–217.

Bolch and Lyons, "The Non-Problem of Global Warming," *continued from page 30*

forecasts are uncertain but nonetheless recommends "precautionary policies that balance current social needs against serious, perhaps unacceptable risks."

Given less press coverage was a joint report by more than 100 European and American scientists at the same meeting. Their report condemned any attempt to reduce CO_2 emissions, arguing that there is no scientific consensus on climate change. Indeed, they continued, since there seems to have been significant cooling between 1940 and 1970, the current slight increase in global temperatures might simply represent a natural recovery.

What's more, as University of Virginia environmental scientist Patrick J. Michaels points out in the Winter 1995 *Economic Affairs*, CO_2 is such a minor greenhouse gas compared to water vapor that even if all atmospheric CO_2 were removed, the net effect would be to reduce the "Greenhouse Effect" by only 5%.

In brief, there is no scientific consensus that temperature data over the past few years indicate a warming signal that is distinguishable from the noise inherent in that data. To paraphrase Michael Wallace of the University of Washington, we need to be skeptical of the idea that every time we see something novel in the weather record, it must be a sign of global warming.

But suppose — for the sake of argument — that there *is* a problem, and that something *does* need to be done. Even then, the IPCC's recommendations hardly reflect a scientific consensus. Consider the work of T.M.L. Wigley, one of the principle scientists advocating action to halt global warming. In the January 18, 1996 *Nature*, he and two colleagues examined several ways to reduce human impact on climate. Their conclusion shocked much of the scientific community: if we wish to stabilize CO_2 at a level of 500 parts per million (today it is about 350 p.p.m.), both the economy and the environment would benefit more from modest reductions now followed by greater reductions later than from substantial reductions now and modest reductions in the future. There are three reasons for this: (1) the further into the future that costs can be pushed, the smaller the relative amount of capital that must be employed to do the job; (2) long-lived capital such as power plants need not be scrapped now; and (3) technical progress will almost certainly bring cleaner substitutes for fossil fuels.

The bottom line: while others recommend sanctions (taxes) and incentives (subsidies) to reduce CO_2 emissions *immediately*, Wigley's group suggests that we should continue on a business-as-usual basis with no radical changes for 20 to 30 years. Not only does this make good economic sense, but it also has the great merit that in 20 to 30 years, we may actually know whether the climate has warmed as a result of fossil-fuel combustion.

And suppose we grant — again, for the sake of argument— that government *should* immediately intervene. It would still by no means be clear that such intervention need be intrusive, expensive, or even aimed at reducing use of fossil fuel. A 1992 National Academy of Science study recommended instead a reform that would cost only a few million dollars a year — de-tuning the engines on commercial jets so that about 1% of their fuel is exhausted into the atmosphere as waste. This minor change, claims the study, would create a cooling haze sufficient to offset all CO_2 emitted by the U.S. every year.

Those who find it difficult to believe that such an inconsequential adjustment could affect the climate of the world should also have trouble believing that global warming is much of a problem to begin with. ❑

Child Pornography and Free Speech

by Joan Kennedy Taylor

The child-savers ride to the rescue of computer-generated kids.

About a year and a half ago, I was asked to be on a New York television program to discuss whether or not Calvin Klein's current jeans ads were "child pornography." At the time, I thought this was obviously a very farfetched charge: there was no explicit sex, no nudity, not even couples embracing. These were certainly pictures of people in their middle teens in sexually provocative poses, underwear and belly buttons on display, but the ads were clearly a reflection of how the market sees itself, not an attempt to sexualize the models in some abnormal way. The ads were aimed at young people, many of whom do dress like that and most of whom do in fact have sexual experiences by the time they are 17, not at older people who might wish to sexually exploit teenagers. Even if they had been aimed at an older market — selling limousines, say, or brandy, instead of adolescent clothing — they might be tasteless, but could hardly be called "pornographic." Case closed?

Apparently not. Last fall, S. 1237, a new bill that radically changed the definition of child pornography, was introduced in Congress. Few people knew about it, and fewer still opposed it. The ACLU did, and so did the Media Coalition, which describes itself as "a trade association that defends the First Amendment rights of publishers, booksellers, librarians, periodical wholesalers and distributors, recording and video games producers, and recording and video retailers in the United States." In June, Judith Krug of the American Library Association testified against the bill in a Senate Judiciary Committee hearing. In July, 16 law professors signed a letter opposing the legislation, and the anti-censorship organization Feminists for Free Expression sent a statement opposing the bill to each member of the committee.

At the end of July, the committee approved a modified version of the bill. Several senators had technical reservations about it — notably Paul Simon, who objected to the mandatory sentencing provisions — but only Sen. Russ Feingold publicly opposed it on free speech grounds. Who wants to be for child pornography?

Then, in a surprise move, the Child Pornography Prevention Act of 1996, mandatory sentencing and all, was attached as an amendment to the omnibus budget bill and signed into law on September 30, 1996.

So what? Why are free speech advocates so upset about this bill?

The Supreme Court never discussed sexual material until 1957. The justices struggled with a definition for obscenity for 16 years, and finally settled on one in a case called *Miller v. California* in 1973. Since then, a line of cases has been solidly in place for over 20 years, establishing that there are no national standards, only local (or, at most, state) "community standards," and that in order to be obscene (and therefore censorable), sexual material must be considered as a whole, must have no redeeming "literary, artistic, political, or scientific value," must be "patently offensive," and must be judged by its effect on "the average person," not on members of a special audience.

Engaging children in sexual activity is a crime. The word pornography has no legal definition; it seems to mean "whatever turns you on." However, in 1982 the Supreme Court decided, in *New York v. Ferber*, that in order to prevent "sexual exploitation and abuse of children," certain kinds of "child pornography" may be prohibited even if they are not legally obscene: those that photograph actual children in sexual situations. The justification for this special treatment was that not only are the rights of the children who are models for this material violated in its creation, but additional psychological harm is done to the children by preserving and circulating the record of that activity. The legal definition of child pornogra-

phy is broader than that of obscenity: it includes "simulated" sexual acts and "lascivious exhibition of the genitals or pubic area" of minors. One case in the Third Circuit even said that "lascivious exhibition" need not be nude. But the Supreme Court has said that proof that the supposed child was actually an adult was a complete defense.

No more. The new law jumps from protecting the rights of exploited minors to finding that the images must be banned because they can be used to seduce children and to "whet the sexual appetites" of "pedophiles." (Pedophilia actually refers to a predominant or exclusive interest in prepubescent children, but lawmakers use it to describe people attracted to anyone under 18.)

But if that's the justification for the law, does it matter whether actual children were used at all, as long as the material *appears* to use children? No, it doesn't. Any "visual depiction" that "appears to be of a minor engaging in sexually explicit conduct" is defined as child pornography. Suppose no actual people were photographed — suppose the pictures were morphed or computer-generated? That's still no defense. There is a three-part defense against an allegation of child pornography, all three parts of which must be true: (1) the material used real people; (2) they were all adults; and (3) "the defendant did not advertise, promote, present, describe, or distribute the material in such a manner as to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct." So if you produce an image of this sort without using a real model, you are up the creek.

Any "visual depiction" that "appears to be of a minor engaging in sexually explicit conduct" is defined as child pornography.

The main target of this bill is computer-generated imagery. No longer do we care about children; we're out to get people who respond to sexual images of children. What if the technological fix actually protected children from assault, by helping channel impulses away from real children to a fantasied release? After all, sexual attacks on women have decreased in some countries that liberalized their pornography laws. But it doesn't matter. The original bill even targeted drawings, but that word was deleted after Judith Krug listed a number of famous works of art that would thus be made illegal.

The law still vaguely refers to "visual depictions produced" by "other means," which civil libertarians fear may open the door to attacks on works of art. Bruce A. Taylor, president of the National Law Center for Children and Families and an advisor to Sen. Orrin Hatch on the bill, pooh-poohs this fear, telling a *Washington Post* staffwriter, "We're not in the business of writing laws and enforcing laws just to put people in jail. . . . We don't need to capture artists, or whatever. We need to capture pedophiles." That is, people who want to look at this stuff, whether or not they have ever harmed a child.

This avowed objective is a frightening step away from previous judicial guidelines on the First Amendment, which define deviance by action, not thought. In the new law, there is no "taken as a whole" test, no exception for literary or artistic value, so Zefferelli's film of *Romeo and Juliet* would be covered. Does the new definition's phrase "appears to be" mean "appears to be a minor" or "appears to be engaging in sexually explicit sex"? Lawyers are guessing that it will be applied to both, so a photograph of a child-like adult doing something under a sheet that might be intercourse may very well be child pornography.

Up to now, the courts have resisted any arguments that said that expressive material could be targeted because of its viewpoint or orientation. But if child pornography can be banned for its unsavory content on the basis of an unproven assertion that it causes crime rather than because it is the commercial exploitation of a crime that has already been committed, how can adult pornography resist the similar charge that it "degrades" women and causes violence against them? And if "visual depictions" of "simulated acts" make this material illegal no matter how it is produced, what principle will protect "visual depictions" of war, rape, dismemberment, cruelty to animals, and murder in mainstream movies?

Consider for a moment the third part of the three-part defense against an allegation of child pornography, dealing with advertising, promoting, presenting, describing, or distributing the material "to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct." What does this mean? If a movie deals with the sexual conduct of a minor, is that part of its "presentation"? At the moment a new film version of *Lolita* is being edited for release. Even if the actress playing Lolita is in fact an adult, we all know what the story is. And, as far as advertising goes, there is a very troubling Supreme Court case on the record — *Ginzburg v. United States*, in 1966. In a 5–4 decision, the Court affirmed a lower court's decision that Ralph Ginzburg (the publisher of *Eros*, a slick expensive magazine; *Liaison*, a newsletter; and a book, *The Housewife's Handbook on Selective Promiscuity*) was guilty of publishing obscenity even though the materials were not obscene by the Court's own definition. Why? Because he advertised them as though they were. Ginzburg served a five-year sentence. We can only hope that case doesn't come back to haunt us today.

Child porn has become the contemporary substitute for "national security": the issue that justifies limiting the rights of all of us.

So far, there is still not much outcry against this new law. The *New York Times* didn't run a story about it until October 3, four days after the budget was signed, and then only on page 19. Like the Communications Decency Act (which was billed as an update of the law against obscene phone calls), this is being described by its supporters as just a simple updating of current statutes "to keep pace with technology."

On the contrary, media experts are saying that this law is an attempt to

continued on page 48

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SECRET TWINS

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Japan's Corporate Gangsters

by Michael J. Oakes

American business, we are often told, could learn a lot from Japanese business. Well, there's nothing like a bad example . . .

Japan's business leaders heaved a collective sigh of relief in late June, when the country's corporate shareholder meetings concluded without anyone asking difficult questions like, "Excuse me, Mr. Chairman, exactly how did one person in our company lose ¥200 billion [$1.8 billion] while trading copper?"

This year, a record 2,235 shareholder meetings were held on Thursday, June 27, at virtually the same time. According to *The Japan Times*, that's 88.3% of all companies planning to hold such meetings. It was, in fact, 96% of the companies publicly traded on the Tokyo exchange. The average meeting lasted 40 minutes. Executives read their scripts, asked for questions or comments, expected neither, and quickly dismissed the few commoners who attended.

The manner in which these meetings are scheduled and run is one more reason why it is so appealing to stereotype Japan as a country that pays little more than lip service to liberal democracy. That is indeed an oversimplification. But like most generalizations, it has a substantial element of truth.

Even in the United States, of course, shareholder meetings sometimes resemble ritual more than debate. But often, real issues *are* discussed, individual shareholders air their gripes, and executives and directors listen and respond. The meetings are frequently covered by the media, and are also used to announce changes in policy and strategy.

Not so in Japan, where shareholders take a back seat to bankers and bureaucrats.

Structural Differences

A lot of this has to do with the rules of the game. First, Japan's ratio of institutional to individual holders of stock is just about the opposite of America's. In Japan, banks, insurance companies, and other businesses own about 75% of corporate stock. One reason for this is that the Japanese government allows banks to hold equity positions in firms they lend to — a practice that is prohibited in the U.S. It's also partly a result of "cross shareholding," the practice of companies buying stock in related enterprises and in companies they sell to or buy from.

Second, Japanese shareholders generally have less authority than shareholders in other industrialized countries. Debt is a much higher percentage of total firm capital in Japan. That debt is almost all bank-related — a holdover from Japan's economic development days, when government policy heavily favored bank lending over equity markets. As a result, lines of power simply do not extend widely or deeply into the equity side. Debt financing helps cement the firms' critical economic and political relationships: with the banks, which distribute the funds; with the Bank of Japan, which feeds the banks; and with the Ministry of Finance, which controls the entire process.

Finally, owning stock simply isn't as appealing in Japan as it is elsewhere. Markets are less sophisticated and less friendly to individual investors than in the U.S. Dividends are typically less than 30% of net profits, lower than in the West. And until last year, the government required individual investors to purchase a minimum of 1,000 shares. (There were some exceptions: a selected list of stocks could be purchased in lots of 100 or more shares, and people could buy shares of NTT, the state telephone monopoly, in any quantity.) Deregulation has since reduced the minimum purchase by as much as 90%.

The stock market itself, rocked every other year or so by scandal, lacks the credibility of the New York and London markets. Brokers have yet to recover from the "make good" scandals of the early 1990s, when Nomura

and other security firms, acting on conveniently undocumented orders from the Finance Ministry, covered losses suffered by their best customers.

In Japan, corporate executives and board directors want shareholder money and legitimacy, but generally have little interest in shareholder input. That may be true in other countries as well. But only in Japan are they allowed to ignore the company's nominal owners so blatantly.

Inventive Gangsters

One widely reported excuse for Corporate Democracy In Under One Hour is the *sokaiya*, gangsters who buy a few shares in a company, then threaten to disrupt shareholder meetings unless they are bribed away. *Sokaiya*, in their present form, have been around for more than two decades. They emerged in the 1970s, sometimes originating as corporate tools. Executives found it convenient to pay *yakuza* (gangsters) annual fees to break the legs of the few citizens who threatened lawsuits over pollution or complained about industrial injuries. As Karel van Wolferen has reported, many of the gangsters and executives eventually developed sophisticated operations, with the gangsters forming research institutes, publishing economics journals, and receiving large contributions from corporate clients.

Sokaiya have become more troublesome in recent years because of the financial hit many *yakuza* organizations took during the fall in real estate prices and the ensuing long recession. With their other businesses suffering, they shifted their attention to blackmailing corporations. They also faced stiff competition from other gangsters. Today, firms often feel compelled to build a steady relationship with one *yakuza* organization in order to fend off extortion from others.

That helps explain why executives at Takashimaya, one of Japan's largest and oldest retail chains, reportedly have paid a *yakuza* boss ¥80 million yearly since 1991, and possibly earlier, plus extended a ¥700 million loan to a *yakuza*-linked real estate firm. The reason for the payments is obvious, according to Shoichi Kobayashi, a former editorial writer and professor at Aomori University. Takashimaya "badly needed [the gangster's] help to sort out sensitive problems involving the company. It is easy to think that the gangster, himself a *sokaiya*, did a good job as a trouble-shooter and succeeded in keeping hostile *sokaiya* away from the company's annual meetings."

Payoffs to *sokaiya* were officially prohibited in 1982, though they probably continue at full throttle. Scandals similar to the one engulfing Takashimaya now break out routinely at other major firms. Fuji Photo was hit in 1994, Kirin Brewery and Ito-Yokado in 1992; other big retail businesses — Sogo, Parco, Isetan — faced scandals in the late 1980s. The "make good" securities scandals revealed that some of Nomura's best customers were, in fact, criminal syndicates, and that these customers were near the front of the line to get reimbursed for ordinary market trading losses.

In the 14 years since such payoffs were banned, only 22 cases have been prosecuted. In all cases, the defendants were found guilty and sentenced to "jail terms of between three and eight months," according to *The Japan Times*. Even those short terms were all suspended. Faced with the threat of physical force — and with only slap-on-the-wrist penalties — executives clearly find it in their interest to come to an agreement with the gangs.

Executives paid gangsters to break the legs of the few citizens who threatened lawsuits over pollution or complained about industrial injuries.

The quick and simultaneous shareholder meetings make it difficult for any single group of *sokaiya* to cause harm at more than a few. It also makes it difficult for investors holding shares in several companies to attend more than, well, one firm's meeting.

Scripts and Scandals

The threat from *sokaiya* is real, but it's still only a convenient, surface-level excuse. The truth is that executives and directors fear unexpected events of any kind, including difficult questions from shareholders.

"Every item on the agenda" of the shareholder meetings, says Prof. Kobayashi, "including financial statements and management plans, is approved automatically with a handful of shareholders — some or all of them 'friendly' *sokaiya* — shouting, 'No objection.'"

This year in particular, disruption of meetings was a great concern. Each week, company executives throughout Tokyo and Osaka have been taken sans tie, a mark of public disgrace, from their homes or office buildings and driven away in the backs of Justice Ministry cars. Bad loans, bribery, falsified records, extortion — there have been few recent positive images of Japanese businessmen. (They are, of course, all men.) Indeed, the *yakuza* maintain their power in part by threatening to expose more such problems.

Meanwhile, more internationally visible scandals erupted at the Daiwa and Sumitomo banks. And at TBS television, managers allowed members of the religious cult Aum Shinrikyo to view a pre-broadcast video of an interview with an attorney critical of the Aum organization. The attorney, his wife, and his small son were later murdered. Aum members confessed to the crime, revealing their video session at TBS. TBS executives first denied this, then admitted it, then dramatically apologized for it. There has also been general public anger over massive losses incurred by five housing loan banks, the *jusen*. Earlier in the year, in fact, police had to surround the Ministry of Finance's Tokyo offices to keep angry protesters away.

As if the situation weren't already embarrassing enough, one of Japan's premier firms, Mitsubishi, found itself facing a protest from Rosemary Dempsey, vice president of America's National Organization of Women. In late June, she brought to the islands the U.S.-related "allegations" (frankly, no one in Japan wastes time doubting them) of sexual harassment. Ms. Dempsey, a large woman, made the usual apologies and dismissals very difficult. She didn't just arrive, she descended. With media cameras rolling and clicking, she towered over the Mitsubishi executives she met with; it wouldn't have helped had they been

stacked by twos. She bowed an awful, awkward, foreigner's bow and nearly knocked over a gaggle of men.

Later, together with an unlikely combination of Japanese women's rights activists and members of Jesse Jackson's Rainbow Coalition, she protested in front of the Tokyo hall where Mitsubishi shareholders met. But that meeting lasted only 23 minutes. There were no questions, comments, or statements from any of the over 300 shareholders who attended. *The Japan Times* noted that most "refused to accept badges and leaflets [from the protesters], nor did they make comments to the media after the meeting."

The threat of the *sokaiya*, the anger of ordinary citizens, the who-knows-what of the large American woman — all led 10,000 police officers to mobilize throughout the country. TV viewers watched shareholders enter meetings after passing through security checkpoints. Outside company buildings, police and security guards stood at attention, by the dozens, clubs ready.

Good grief! The Russians are *already* more comfortable with democracy than this.

Excused Abuses

It's not a cynical observation to note the parallels between these shareholder meetings and the way ministry bureaucrats script and direct the proceedings in Japan's parliament, the Diet. This type of behavior (and the controlling attitude that accompanies it) is endemic in Japan. Teachers follow goals and lesson plans established by bureaucrats in Tokyo. Students study the answers to the questions they are almost certain will be on the tests, without opportunity to discuss or question or debate. Construction firms go through the motions of bidding on projects, but the *dango* system of sharing information predetermines which firm will get what contracts. Cabinet meetings are puppet shows. (Cabinet members are lost without the scripts provided by the ministers they are supposed to oversee. Some are unable to utter a word until the papers are delivered to them.)

In *Democracy in Japan*, Ellis Krauss and Takeshi Ishida ask us to take a historical perspective on all this. Fifty years ago, this was an imperial land, with "millions of Japanese ready to sacrifice themselves for their belief in an emperor-system that legitimized an authoritarian military regime." From that starting point, they continue, the fact that "an overwhelming majority of Japanese people believe in democracy and take it for granted as the ideal system for Japan is a major accomplishment." Yes, there are plenty of weaknesses, but they're still learning.

That's true but misleading. It suggests that for any formerly authoritarian regime, any semblance of freedom is acceptable — that moving in the right direction, however slowly, excuses current abuses. This kind of thinking discourages setting definite goals, allowing analysts to shrug off the need for critical judgments.

Japan is a grown-up country, even

Ideas run the world

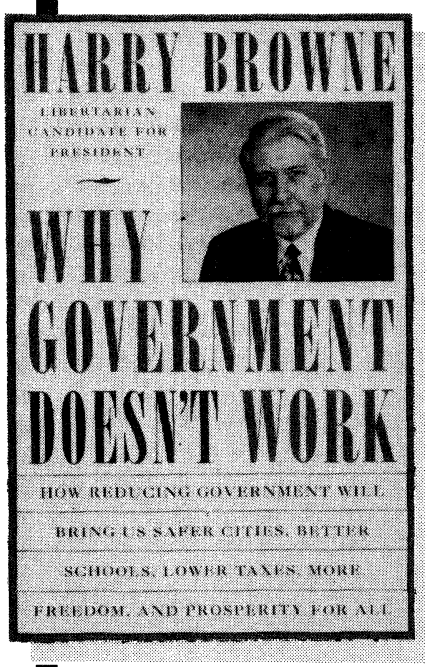

And the ideas behind American government today are coercive and corrupt.

But now Americans are — finally — beginning to grasp that something is rotten. Sure, they've been told a thousand times by the establishment pols that it's just a matter of a different party, a new program, one more tax increase. But year after year crime gets worse, schools fall apart, and the net of regulations is drawn more tightly around your life and property.

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if it grew up awfully quickly. People here understand democracy, and understand what's critical to its success, better than many analysts realize. (This understanding is precisely why the Ministry of Education designs its systems to snuff out individuality, in what former bureaucrat and social critic Masao Miyamoto calls "psychological castration.") Certainly the executives at Sumitomo understand. The banking and trading firm has acknowledged massive losses in copper. Earlier claims that Yasuo Hamanaka was a rogue trader acting alone had all but been dismissed by the time of the summer shareholder meeting. Making their grasp of democracy quite clear, executives held their meeting in two rooms. One contained directors, executives, and mostly company employees; the other, individual shareholders and TV monitors. Presumably, the shareholders stoically recognized the difficulty of getting the TV monitors to answer questions.

Total meeting time: 38 minutes. ❑

Kauffman, "America (Fifty) First," *continued from page 24*

talk show on TV, which is perhaps why never is heard a discouraging word about ADM. (My wife and I enjoy playing a game when the PBS children's shows are on: we call it "find the white boy." When you do locate one, you can be sure he's a dope, and that a Pakistani girl is teaching him to tie his shoe.)

Newt Gingrich once told a fellow grad student, "I'm from nowhere," and so are most of the architects and PR men of empire. By contrast, Paul Engle, the Iowa poet whose line serves as my epigraph, said this of a fellow Iowa patriot and poet: "He wanted not an ivory tower but simply the water tower of his own village."

Patriotism can flower only through this love of your own village's water tower — and it needn't be in your hometown; it simply need be in a specific place that you love and can understand, to the extent that any of us can ever really understand a place. I love America, and place her first among nations, because I first love my family and my town and my street and my county. I can feel a sweet cousinly affection for Texans and Tennesseans and respect for the distinctive cultures they have crafted over the generations, but I would not dream of using the long arm of the central state to interfere in their lives. This fellow-feeling and mutual respect is the basis of the most solid American patriotism. America First — a healthy and narrow nationalism, the best face of the Buchananites — is the sum of Abilene First plus Knoxville First plus Batavia First, and so on down what ought to be an almost endless line of vivid and vigorous places.

With Newt Gingrich, on the other hand — a carpetbagger who has nothing of Georgia in him except a large campaign kitty and a little Atlanta pussy — I feel no kinship. He and the national Republican Party are trying to tap the rolling keg of America First sentiment, in ways that are both repulsive and wholly artificial. They flog an occasional wetback, in a pharisaical display of un-Christian charity. They snicker at Boutros Boutros-Ghali's unfortunate name, all the while supporting the U.N. as it suffocates the globe with bureaucratic homogeneity. They offer tepid criticism of multinational corporations but will not cut one shank of the corporate welfare cow. They loudly denounce the few pennies of foreign aid that find their way to Central Africa, but the billions for Israel go untouched, not to mention unmentioned.

Eventually, the Buchananites — if not Buchanan himself — will realize that the Republican Party no longer has room for critics of empire and defenders of specific American places. As Jack Kemp never tires of boasting, the party is thoroughly internationalist in orientation — or at least the people and corporations that own and operate the GOP are thoroughly internationalist. Buchanan would be better off as a Democrat in a populist Catholic tradition — a point that Norman Mailer made in a recent issue of *Esquire*. But then, what does it really matter? Mencken's old jibe that "going into politics is as fatal to a gentleman as going into a bordello is fatal to a virgin" is truer than ever, and besides, Buchanan looks to be a pyrotechnician — 15 minutes of enjoyable fireworks and then we all go home — when what we need is an arsonist. Figuratively speaking, of course.

There was a gem of a pop song in the late 1960s that defined the difference between Us and Them with stark clarity. Jimmy Webb wrote it; Glen Campbell sang it; the title was "Galveston," and unlike most antiwar songs, which are full of high-minded claptrap about peace and universal brotherhood — empty platitudes by and for cocaine zombies — "Galveston" imagined a boy whose government had sent him far from home, God knows why, to kill or be killed by strangers; and this boy's only desire was to walk once more on the beach of his hometown, with his girl.

As American nationalism grows in potency at century's end — and as we wonder, "is this force benign or is it malevolent?" — we can find the answer by asking a simple question: will this allow that 18-year-old boy in Galveston to walk the beach, freely, with his girl? We already know that the tendencies represented by Bill Clinton and George Bush and Bob Dole and Ted Kennedy would strip this boy of his liberty — take my money, my cigarettes, as the song goes — and in some cases take him far from home, steal him from Galveston and steal Galveston from him — indeed, efface Galveston, so that all that remains is a name on a map, and all that made Galveston Galveston is gone gone gone.

As for Pat Buchanan, who cares? The important people are the Buchanan brigades, and my hope is that they come to understand, if they don't already, that in order to affirm the dignity and defend the liberty of each person, and to preserve the cultural integrity of each place, America First means Washington Last. And for those in Manhattan who would butt into the affairs of Mississippi, or those in Utah who would tell San Franciscans how to live, it means Mind Your Own Damn Business. ❑

Dispatch

An American in Warsaw

by Stephen Browne

In post-Communist Poland, even Solidarity is having labor troubles.

My first year in Poland, I spent one day a week teaching conversational English to the staff of a Warsaw bank. Their offices had been undergoing remodeling for a year — a job that was supposed to have taken three months. The bank's director was slowly going mad, but there was no way she could make the workers move faster, and she couldn't fire them: as both she and they knew, she couldn't find anyone to replace them.

I asked her if she could have gotten a completion bond from the contractor. "What's that?" she asked. I explained the concept. "My God, what a marvelous idea!"

Similarly, after talking to people whose families' property had been confiscated by the Communists, I realized that entrepreneurs and foreign investors had to be wary of buying anything with a potential claimant — no simple matter, since any one piece of property may have been through several confiscations. I asked about title insurance. No one had heard of it, but they thought it sounded like a good idea too.

Solidarity itself has had some problems with remodeling. A few years ago, the union was having all the window casements in its offices replaced, and faced the same difficulties as the bank, only worse. The crew worked when they felt like it, drank on the job, and sometimes just sat down in front of an office TV and spent the day watching old movies. In one corner of the building, they knocked out an entire window casement, along with a good-sized chunk of the wall. This was a real crisis of conscience for Solidarity, which by that time was largely devoted to protecting redundant jobs in state-owned enterprises and now had to tell a bunch of lazy, drunken slobs to shape up or get fired — knowing that no matter which they did, the offices were not going to be finished anytime soon.

The shortage of qualified construction workers is evident in another Communist legacy: "inside-out slums." Right up to their front doors, apartment buildings look like disasters, with crumbling façades and neglected public areas. Some are almost as bad as American "projects." But step over the threshold and they are beautiful — carefully remodeled and decorated. Now, over half a decade after Communism, even the public areas look a great deal better. The city that was drab, gray, and depressing is filling with light and color.

Yet despite their new freedoms and relative prosperity, Poles sometimes find themselves reinventing the old system. The reconstruction of the school system, for example, is running into unanticipated problems, although here at least the government has made it possible to work things out on a local level. Poland has adopted a voucher system — a change Polish teachers, unlike their American colleagues, have welcomed. It is now fairly easy to start a "social school," rent a building, hire some teachers, and enroll some students. Fees are charged in addition to what the government kicks in.

Teachers have been tremendously excited about their new freedom to experiment, but have often ended up doing what they had done all along, only more so. They piled on more work and more subjects, cramming so much into the curriculum that the poor kids couldn't possibly absorb it all. Students reacted by doing what kids in Communist countries have always done: cheating.

They are astonishingly inept at this. I remember once asking a girl for her homework. Right under my nose, a friend passed her a paper, which she signed and attempted to hand in as her own. In another class, I saw a girl folding a long strip of paper and fitting it into her belt.

"What are you doing, Agata?" I gently inquired.

"I'm preparing for my biology exam."

After a few weeks of such brazen dishonesty, I told my students, "I can't believe you kids grew up under Communism and are no better at conspiracy than this. Your average American pot-smoker is a better conspirator." Subsequently, a very bright young girl explained the system to me: "It's not really against the rules. If we want to get to university, we have to concentrate on what we need to know to get in and cheat on what's not important to our goals."

Just as Polish schools are pervaded by institutionalized cheating, Polish society is pervaded by petty theft. Things simply cannot be left unattended — they'll just walk away. A friend who owned a used clothing store told me about catching grandmothers stuffing goods under baby's shirts. This is the not-so-surprising legacy of a society that taught that private property is evil.

One paradox of police states is that they tend to have lousy police. Perhaps because so much of the old dictatorship's energy was given to ferreting out thoughtcrime, post-Communist Poland lacks good foot cops who know how to do a field investigation, secure a crime scene, or handle drunks and domestic disturbances. The result has been a *de facto* privatization of police services. Many merchants have hired private security, and sections of downtown Warsaw that were once some of the most dangerous parts of town are now among the safer areas in the center of the city. Some of the protection agencies are essentially extortion gangs. But most are not; businesses here seem to be dealing with security problems much better than their Russian counterparts are.

State-sanctioned theft is another matter. Two years ago, I moved into an apartment on Plac Zawisy, a street whose farmers' market had the cheapest produce in Warsaw. This market had sprung up on the grounds of what had been a small park. At first it was just a ramshackle collection of wooden tables displaying fresh vegetables, barrels of pickles, sauerkraut, etc. Surrounding the tables were rows of *scienki* ("jaws"), big steel cases with folding fronts that open into sales stands. These clever machines (originally shipping containers from Polish Ocean Lines) can be locked up at night, and are used all over town to house small shops offering preserved foods, fish, cheese, bread — even clothing and shoes.

Here at these tables and steel boxes, men and women worked twelve-hour days in all weathers, struggling to overcome all the problems facing Polish entrepreneurs. Starting a business is easy enough, depending on where you locate. Those who can't afford *scienki* may begin with a tablecloth on the sidewalk. But getting beyond the family business stage is very difficult, with brutal "social insurance" taxes taking about 40% of earnings.

For two years I watched the market develop under my seventh-floor window. It was always busy, and on wet days the dirt grounds were churned into a muddy mess. But as trade grew, the ground was neatly paved with bricks, and work was begun on two rows of prefab buildings that would eventually become meat and poultry stores, dry goods shops, and even a Chinese restaurant.

Now the place looks worlds different. The farmers' tables are still there, but the *scienki* are gone — forced out after the permanent structures had been completed. The unhappy merchants set up banners protesting their eviction, to no avail. A few remain around the corner and at the Palace of Culture downtown, but the same fate probably awaits them.

It's said that one of the great department store chains in America was founded by an immigrant who started with a pushcart. After he grew rich and was able to buy political influence, he moved quickly to outlaw pushcarts. That's where his competition was coming from. The Poland of the last five years seems a microcosm of politics and the market, one where the ship of state is steered by *nouveaux riches* entrepreneurs whose slogan is not *laissez faire* but, as my father used to say, "Pull up the ladder. I'm on board." ❑

O'Toole, "Coming Soon to a City Near You," *continued from page 28*

but never mind.)

Unfortunately, Metro's plans, rules, and regulations will all be in place before many Portland-area residents wake up to the problems. To date, Metro's only opponents are developers, who are widely dismissed as a "special interest." Local newspapers print Metro fables as if they were fact and ignore other viewpoints. And most people are happy to vote for light rail boondoggles in the hope that they will reduce congestion, even though most voters will never ride light rail themselves.

Oak Grove, where I live, seems to have escaped Metro's grasp. Metro had tentatively designated our suburb as one of the centers whose population density would be quadrupled. After neighbors loudly protested, the county asked Metro not to designate Oak Grove as a center. Perhaps fearing that our protest would spread, Metro complied. (See "The Battle of Oak Grove," *Liberty*, September 1995.)

Oak Grove was lucky that the county tried to rezone it before Metro's plans were finished. Other neighborhoods will not be so fortunate. Their residents will wake up one day to find the bulldozers at their doors, driven by local officials with a mild apology that "Metro is making us do it."

For cities elsewhere in the nation, Portland is widely regarded as a testing ground for New Urban ideas. Planners tout Portland's light rail and urban growth boundaries as a great success, and few know enough to answer them. So it is not surprising that cities all over the country are building, planning, or considering light rail lines, transit-oriented developments, and other New Urban ideas. If you live in one of those cities, get ready either to protest loudly or to make a quick getaway. ❑

Report

Take Half an Aspirin and Call Me in Four Years

by Sandy Shaw

When FDA bureaucrats take on the First Amendment, who will win?

Durk Pearson's and my court battle with the Food and Drug Administration continues. For those who came in late: Durk and I filed suit against the FDA in the U.S. Court of Appeals for the Ninth Circuit in June of 1994, challenging on First Amendment grounds the FDA's ban on non-preapproved communication of truthful, non-misleading health information on labels and in advertisements for dietary supplements. There is considerable legal precedent for our position.

After we filed the case, the Ninth Circuit, surprisingly, decided that it didn't have jurisdiction and transferred the case to the U.S. District Court for the District of Columbia. In its transfer order the Ninth Circuit noted that our case "is far from frivolous." That was very encouraging, since the Ninth Circuit very rarely comments.

While the District Court judge was deciding how to handle our case, he made some bizarre decisions, such as forbidding attorneys from either side to contact the judge's office to find out if he had made a ruling. He also abruptly decided to drastically cut down the number of pages allowed in the pleadings. We continued to wait, fascinated and appalled by the process. The judge clearly didn't know how to deal with the complex issues of our suit. Then, suddenly, he bowed out of the case completely and allowed it to be reassigned to a different judge, Gladys Kessler (no relation, we hope, to FDA chief David Kessler). The new judge has now received the pleadings and we are waiting for her ruling.

One piece of good news: Judge Kessler allowed us to file an additional pleading, as we requested — the government had opposed it — citing the recently decided Supreme Court case *44 Liquormart v. Rhode Island*, which supported First Amendment constraints on government regulation of truthful, non-misleading commercial speech. *44 Liquormart* also overturned the 1986 Supreme Court decision in a case the FDA's attorneys have relied on, *Posadas de Puerto Rico Associates v. Tourism Co. of Puerto Rico*, which had declared that the government's greater power to ban gambling included the "lesser" power to ban advertising concerning gambling. In the *44 Liquormart* decision, the Supreme Court declared that advertising is speech protected by the First Amendment, not a "lesser power" at all.

No matter how the judge rules, the case will go forward to the U.S. Court of Appeals for the First Circuit. (If we win, the government will appeal; if they win, we will appeal.) A final decision may take as long as two more years, if the Supreme Court agrees to hear whatever appeal ensues.

During the time that our suit has been moving up, down, and sideways through the courts, the FDA has not been sitting still. They are waging a vigorous defense against our suit — one that reveals how little the government's attorneys understand the First Amendment. But the most interesting part of the FDA's response has been its frantic attempts to backpedal on the speech restrictions that brought this suit about in the first place. Among other things, the FDA is trying to speed up its approvals for health claims for dietary supplements (for example, the new claim that oat bran fiber helps prevent heart disease). It has also announced that it will soon hold hearings on how to define "significant scientific agreement," which is supposed to be its standard for approving health "claims." Prior to our suit, it had insisted that they shouldn't have to define the term, but should judge each case on an *ad hoc* basis. Our suit challenged this as a violation of the First Amendment and as arbitrary and capricious under the Administrative Procedures Act. Of course, however the FDA defines "significant scientific agreement," it will continue to be arbitrary and thus vulnerable to further court challenges.

This has been so much terrific (though costly) fun that we have decided to do it again. A new, large, and vulnerable FDA target has appeared in our gunsights. Here is the story:

On April 10, 1992, a Citizen's Petition was filed with the FDA by the Aspirin Foundation of America, Inc.

The petition asked that the FDA permit a new indication for aspirin on professional labeling — that is, information about drugs that the FDA allows to be communicated on labels and in advertisements aimed at physicians. The requested indication was this: "To reduce the risk of morbidity and mortality associated with acute heart attack, a dosage of 160 to 162.5 mg. of aspirin (half a regular aspirin tablet) should be taken as soon as a heart attack is suspected and then daily for at least 30 days."

On December 14, 1992, a second Citizen's Petition was filed in support of the first petition. This one was filed by a group of leading cardiologists, including Charles H. Hennekens and Carl Pepine, editor of the *Journal of Myocardial Ischemia*. The cardiologists stated that "routine use of at least 162 mg. of aspirin therapy within 24 hours of an AMI (acute myocardial infarction, or heart attack) could save about 30,000 lives a year." They went on to note that they had reviewed the record concerning aspirin and acute MI "in order to enable the Food and Drug Administration to act *expeditiously* on this Citizen Petition" (emphasis added).

Four years and about 120,000 unnecessary heart attack deaths later, the FDA has decided to respond to the petitions. The FDA has, in the Federal Register, asked for public comments on its proposal to allow a new indication in professional labeling for aspirin. The FDA fully agrees with the cardiologists about the benefits of low-dose aspirin for AMI. Heart attack victims who take half an aspirin promptly (during the first 24 hours after the attack) die 23% less often than those who do not take aspirin. We have taken the opportunity to file public comments noting our approval of the new indication, but asking (nay, demanding) that the FDA approve it for general aspirin labeling, not just for professional labeling. We have objected on First Amendment grounds to restricting the communication of truthful information to a government-selected, privileged group — in this case, physicians. Court precedent strongly supports our position. If the FDA fails to comply with our request, we will have a strong basis for suing them.

Free speech seems to be on a roll in the courts. In addition, the availability of health information from a wide variety of sources, including the proliferation of biomedical databases, has begun to alter the public perception of the FDA as the source of the most reliable health information. We are delighted to be playing a part in this liberation. We invite those who would like to join us in this battle to send donations to Pearson and Shaw FDA Litigation Fund, c/o Emord & Assoc., P.C., 1050 Seventeenth St., N.W., Suite 600, Washington, DC 20036.

BANZAI! ❑

Taylor, "Child Pornography and Free Speech," *continued from page 39*

return First Amendment law to a standard that began to be disputed in 1933, when District Court Judge John Woolsey was persuaded that James Joyce's *Ulysses* was not obscene (*U.S. v. One Book Called "Ulysses"*). That standard was finally abandoned in 1957. It was from an 1868 British case, *Regina v. Hicklin*, which said that the test of obscenity is not the effect on the average person but "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication such as this may fall"; i.e., the effect on the most susceptible minds — in this case, those of "pedophiles."

It's hard to imagine what will happen next. Will some movie or video company deliberately invite prosecution under a law that is so full of pitfalls? The law applies all the way down the line of distribution, with hefty jail sentences involved. Will the *New York Times* refuse ads for love stories involving teenagers? Will prosecutors, on the other hand, be leery of invoking this law against borderline cases, lest it be declared unconstitutional? Might the courts be influenced by the public concern that seems to exist about child pornography and, despite our constitutional history, let the law, or parts of it, stand?

And oh, that slippery slope. The Child Pornography Prevention Act is aimed at incitement. Remember the words of Oliver Wendell Holmes: "Every idea is an incitement. It offers itself for belief and if believed it is acted upon unless some other belief outweighs it or some failure of energy stifles the movement at its birth." Once incitement is banned, under any circumstances, there goes not just pornography, but literature, art, and political speech.

Child porn has become the contemporary substitute for "national security": the issue that justifies limiting the rights of all of us. This small, sleazy industry is a strange package in which to wrap such a major threat to constitutional freedom. But that's the way threats come, invoked against racists and revolutionaries and religious sects we may not like. Crossroads for constitutional freedoms often — perhaps usually — involve defendants we wouldn't want to meet at a dinner party.

Why didn't any senator other than Feingold speak out? Did they just not know what was in the bill? Or were they, even those who were retiring, afraid of the soundbites that would result? Catherine MacKinnon is already denouncing free-speech feminists such as myself as "pimps for the pornographers" because we say that the adult hardcore porn industry is protected by the First Amendment. What do you suppose we'll be called now?

But like it or not, we are in the idea business — that is, the incitement business. We cannot afford to stay silent for fear of being tarred with an unpleasant brush ❑

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Essay

The Man *vs.* the Stereo

by Robert Griffin

One man's fight for peace and quiet.

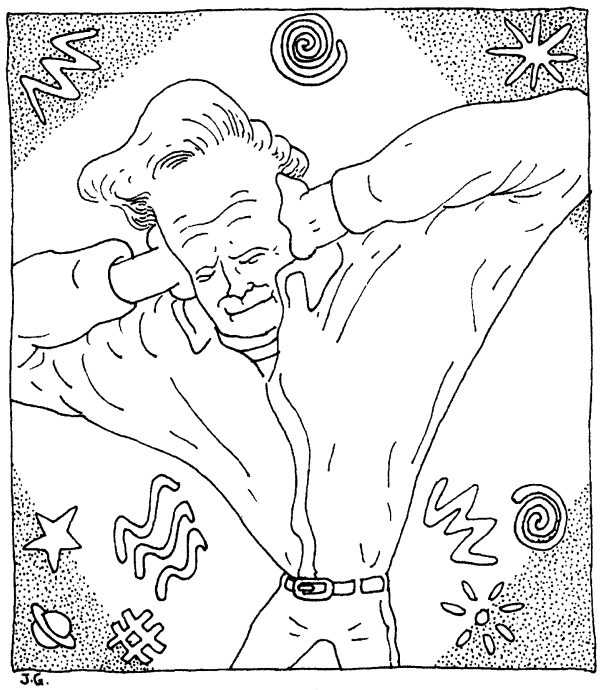

Last year, I clipped a *Newsweek* essay entitled "Sleepless in El Paso" (July 17, 1995). The article, by Leo Miletich, recounts the author's ongoing effort to endure the noise coming from neighboring apartments — slamming doors, music that vibrated walls and rattled windows, televisions so loud that he could keep his own set's sound off when it was tuned to the same channel — along with his inability to do anything about it.

I recently had my own bout with noise pollution. Two people in their early twenties (and I must admit I think their age matters) moved into the apartment beneath mine. Almost immediately, my life was transformed; I found myself battered for hours on end by their music.

Seeking consolation, I pulled out Miletich's essay. Suddenly, it hit me that there was something wrong with his approach to the problem, something that guaranteed he would never find peace. Miletich is a nice, decent guy at a time when, in the words of his landlord's son, "People don't give a s---." He simply isn't playing the game that's on the table. He tries "explaining things in a friendly manner" to his tormentors; he moralizes ("courtesy and consideration . . . What ever happened to that?"); he analyzes ("I've tried seeing things in a wider perspective"); when all else fails, he starts wearing earplugs to cope with the din. He tries everything that guarantees futility. It apparently never occurs to him to try an approach that might bring him peace and quiet: *fighting back with all he's got* or *getting the hell out of there!* Miletich has shared a bedroom wall with people who have been disrupting his sleep for almost *three years*. GET OUT OF THERE, LEO! I'll bet anything that there's an apartment just as good as yours out there, only quieter. Why don't you *move*?

And if you stay, stop *trying* to get something done. Get results.

Take a tip from me. A month ago, the stereo downstairs was blasting, I was vibrating, and down the stairs I went to knock on my inconsiderate neighbors' door. They answered — friendly enough, with benign smiles and detached looks on their faces. With as much calm as I could muster, I briefly, politely, and matter-of-factly asked them to turn their stereo down. I avoided accusing them of ill intent or any lack of rectitude. I made no threats.

They said they'd "try" to keep it down. I suppressed the impulse to ask what they meant by "try." I wasn't there to get hooked into any conversation or debate; like Miletich, I'd done that before and it hadn't worked. So I left, with the music still on, as loud as it was when I arrived.

And, not surprisingly, it *stayed* on. So I started stomping on the floor. Miletich tried something like that, too — in his case, pounding on the wall when "the decibels reach[ed] impossible limits." I wouldn't characterize my neighbors' decibels as impossible. "Unacceptable" is more like it. I'm not letting "impossible" be my threshold of response these days.

Miletich got the same response I did: they turned *up* the volume.

It was at this point that I broke from the Miletich method. Miletich backed down in response to the escalation; he quit banging when his neighbor turned the volume up. I, on the other hand, kept right on stomping, harder and faster than before. The result: a duel that lasted ten or 15 minutes.

I quit first. They won the battle. But the war had just begun.

The next day I came home from work to find a note pinned to my door — a page of tightly-packed handwriting telling me what an awful

person I was, banging on the floor like that. I was oppressing them. Their music wasn't loud at all. They were going to tell the landlord on me. I ought to move into a house because I obviously couldn't live around other people. The note was totally sincere; its self-righteous indignation was absolutely genuine. My noisy neighbors really believed that this dispute was about their right to play their music the way they wanted to.

I quickly began trying to "understand" them — and just as quickly stopped. I've spent my life trying to empathize with other people. I've been trained to do it. I think I'm good at it. And I've come to realize that there are times when I simply need to turn that skill off. Oscar Wilde had a point when he said that the secret to life is dealing with surface realities. Put in enough time and effort analyzing the inner workings of somebody else and you'll lose your focus. When somebody's beating you over the head, understanding is the last thing you need.

Nor would I write them back, to point out the holes in their argument or justify myself. For too long, I had assumed that there was something I could say that would make a tormentor change his perspective, or like me better, or something. Seldom has anything I said worked well enough to be worth the effort. I am particularly pessimistic about reasoning with young people, who have years of practice ignoring, discounting, and laying blame on people like me.

I've spent my life trying to empathize with other people. I've come to realize that there are times when I simply need to turn that skill off.

I stayed away from moral pitches too. You know: "*I* should move? What about *your* responsibility to be considerate of those who share this apartment complex with you?" "Think about what it's like to work all day and come home to three or four hours of music I don't like when I just want some peace and quiet." "I make sure not to bother you; why can't you do the same for me?" People like my neighbors are expert at finding ways to use anything — *anything* — coming at them as material with which to demonize the other person and put themselves on the moral high ground.

Nor did I make a moral issue out of my own plight. I didn't waste time thinking that these were selfish, mean people out to make my life miserable. I knew where that led: I'd put all my energy into whining, seeing myself as a helpless victim, and waiting for these bad people to stop doing these terrible things to me or for somebody to save me — which could take forever. In the full scheme of things, my neighbors were probably good people, or at least as good as I am. There probably aren't any villains in this drama. But that didn't really matter. I would not dwell on whether I was right or wrong. I would go forward, not waffle or stew.

Nor would I go to the landlord. This hadn't done any good in the past, and I wouldn't count on him now. He doesn't live here; he doesn't have to put up with the noise. If the pair downstairs complained to him and he sided with them, I'd take him on as well.

No, I wouldn't bank on any support from the outside at all. Miletich had facetiously but revealingly suggested that presidential candidates should promise to "[g]uarantee everyone in America a good night's sleep on a regular basis." My response is that people like Leo and me shouldn't count on being on anybody's caseload. If it's going to get done, whatever it is, we're going to have to do it ourselves.

There would be no discussion, no analysis, no moralizing, no self-pity. They wanted to play their music loudly. I wanted them to stop. One of us would prevail, and I intended it to be me.

I would pair an aversive consequence — stomping — with each and every blast from below. Period. The next time they played the stereo loud, I stomped. They increased the volume. I kept stomping. The music stayed, even louder than before.

But after a few days, the music got softer, my stomping less frequent. And for the last ten days — nothing.

Silence. ❑

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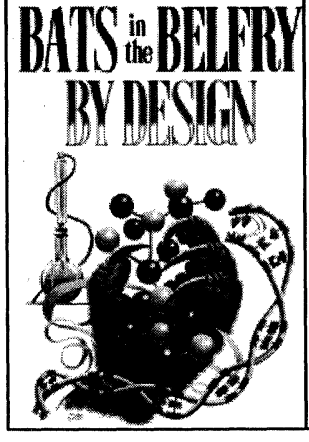

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Short Story

Richard and Poorer

by Greg Jenkins

The artist was a cat, and this was the one aspect of the story that struck me as crucial. I don't mean to suggest he was addicted to cutting-edge jazz or to malicious gossip (although he may well have relished both, for all I know) — I mean to say he was an actual cat. A house cat, a pussy cat, a kitty cat: whiskers, claws, a permanent fur coat, and a decided air of mystery. His name was Richard, he was a painter, he was the latest rage in the art world, and so help me God he was a brown tabby.

The very concept was unsettling to me.

I'd been camped for what seemed like three hours, but was probably only ten minutes, in the posh, chilly, slightly spooky office of Richard's personal attorney and business manager, Ms. Monique Le Monde. I'm a journalist, a newspaper guy — have been for a quarter century. I was trying my best to get the lowdown on this Richard craze, but Ms. Le Monde, who'd okayed my request for an interview weeks before, was evidently having second thoughts now. Some third and fourth thoughts, too. So far, for every question I'd hit her with, she'd belted me back with a couple of her own. Answers were proving tough to come by on either side. I'll tell you what I think happened. I think she took one disappointed look at my pale, cleanly shaven face, my J.C. Penney sport coat and my buffed if battered brown loafers and figured: Uh oh, here he is, Mr. Bourgeois himself; I better clam up and protect my star from what could be a hatchet job.

True, I probably didn't help my cause much with my line of inquiry.

"Ms. Le Monde," I said, "Richard is a *cat*. Doesn't that fact reduce this to a cockamamie farce?"

Monique Le Monde, seated behind her glass desk, was a very poised young lady. Calm. Businesslike. Intelligent. She radiated a coolness that I could feel physically — or maybe it was just the air conditioner working overtime. She was about 30 years old, with coarse, wavy black hair, sculpted cheekbones, and big brown eyes: probably the coldest brown eyes that'd ever taken my measure. She was wearing a purplish, chiffon tunic over a pink and purple printed skirt, and a swollen mass of multicolored beads that hung heavily, between and over her breasts, down to where I reckoned her navel would be. Her left sleeve extended frothily to her wrist; her right sleeve, oddly, was nonexistent. She was dark-complexioned, and it occurred to me that perhaps she was black, or African-American, or both — which is the preferred usage?

"Mr. Cross," she said casually, "are you prejudiced?"

I yanked my eyes up away from her beads and located her cold brown gaze. "Me? Certainly not. Why would—"

"Not even against cats?"

"Certainly not. I have a cat myself. What kind of question is that?"

"You 'have' a cat yourself." She savored the words, as if she — or I — had just said something delicious. "You *own* one?"

"Yes . . ."

"Mr. Cross, in case you haven't noticed, we live in an age of multiculturalism. Values and viewpoints that were once suppressed by the dominant ideology are enjoying a newfound freedom and respect. And some of the old ideas — for example, the notion that one can legitimately 'own' another living creature — are being called into question."

"I suppose." Scribbling something on my yellow legal pad, I wondered how the police would react if someone tipped them off that I was a longtime pet owner. "I guess I'm just having a problem reconciling myself to a cat that paints."

"*Many* cats paint!" she erupted. "*Many* cats! It's just that Richard does it so much better than the others. He's a *genius* — as the critics in London, Rome, Milan, Paris, Berlin, Munich, and Dusseldorf have openly attested."

A genius, huh? Well, I'm no art critic, but I've been to a few museums in my day, and I've formed a few opinions. Let me give you my candidate for genius: Vincent Van Gogh. You look at any of his paintings, you can't help but yield to the scalding passion, the penetrating vision, the brutal honesty. Take his final self-portrait. Forget the bulldog stare — check out that vibrating, ice-blue background, with all the little energy-lines writhing like baby rattlesnakes. Whether you accept it or not, that's how backgrounds really are. Always. Or take that other painting, *Starry Night*. Some people thought Van Gogh was Van Gone when he made the sky so full of smeary, whirling, humming activity. But you go outside some cloudless night, especially these days, and have a long, careful gander at the sky, and you'll see that he got it exactly right. Brimming with portents.

But I let these sentiments pass.

"Many cats?" I said. "Until I heard about Richard, I didn't know *any* cats painted."

Grimacing distastefully, Ms. Le Monde opened her desk drawer and began searching for something. As I mentioned, her desk was constructed of glass, transparent glass, so I was able to follow her slender, probing hands as they ranged

impatiently among papers, pens, rubber bands, two staplers, some loose change, a pair of Porsche sunglasses, a Snickers bar, a box of Kleenex, a pack of Juicy Fruit gum, one plastic ruler, and untold bottles of pharmaceuticals — all of which appeared to be floating in thin air. At last she found a glossy magazine, withdrew it, and tossed it in my direction. *Cat Art Review*, the thing was entitled, and when I thumbed through it, I came across several photos, sure enough, of various cats captured in the act of painting. Up on their hind legs, faces concentrating, gooey paws in purposeful motion.

"Richard is not only an artist," she informed me, "but the leader of a movement. Felinism. Take that magazine with you when you leave."

Hey, I can recognize a hint as well as the next guy, but I wasn't quite ready to hit the door yet. There was a real monstrosity of a painting on the wall behind her — squiggles, blobs, chaotic splurges of color — and I saw that the artist had indicated his identity by placing a single paw-print in the lower right corner of the canvas.

"Could that be one of his?" I asked, angling my head. It *looked* like something a cat would paint.

She nodded and, with a great rustle of beads, stood up and admired the work, her features warming and softening as she did.

"This is an early Richard," she beamed. "His protest against the Gulf War. It's called *Guernicat*."

"Pretty abstract," I said, squinting.

"Yes, well, he owes some debt to the New York School — Pollock, de Kooning, Kline, Motherwell — but then doesn't everyone? Lately, he's been drifting away from painting altogether, toward paper cutouts, *à la* the older Matisse."

"Paper cutouts? He can handle scissors?"

"He uses his claws, of course," she replied, ushering me to the door. "They're as sharp as stilettos."

"I'd like to see him. I don't suppose you could arrange a meeting?"

Ms. Le Monde smiled at me wanly, remotely. "I'm afraid Richard doesn't see many people. There's a *chance* he may put in an appearance tomorrow, at the opening of his new show. If you'd like to attend. . ."

She handed me an elegant little flyer, lettered in gold, and pushed me out into the hallway.

For two decades I'd had a regular column in the paper: "Up Your Alley," by Chris Cross. It was all human interest stuff. I wrote about everything and nothing. I remember once I did a piece on an inventor who'd patented an electric fork. Another time I profiled a great-grandmother who liked to bring in extra cash by working as a striptease dancer at local nursing homes. (Mrs. Cavendish billed herself as the Gray Fox, and was celebrated for the remarkable slowness of her undulations, a style that some attributed to sensuality and others to arthritis.) I described the heartbreak of a garage mechanic named Buster who, for no particular reason, taught himself to speak and read Persian, Kurdish, Arabic, and Yakut, then unaccountably forgot how to communicate in English. (I had a hell of a time with the interview.) It was pretty harmless fare, by and large, light and easy on my readers, light and easy on me. Like so many word soufflés.

Then one day, in a button-down shirt, affirmative action arrived at the paper, and my column and I got bumped aside to make room for some up-and-comer whose claim on the system, they said, was more pressing than mine. The Chief told me I'd be switched to the crime beat if it suited me, and, if it didn't, I'd be switched to the unemployment office. (I always did find his uncanny powers of persuasion difficult to resist.) White collar crime intrigued me with its craft and deception, and I hoped I'd get to cover some, but the only crime that ever stomped my way was the rough variety: blue collar. Or no collar at all. Murder, rape, robbery, bludgeoning. Time and again I noted the kind of splatter on the sidewalk that would make me think, later on, of Richard's paintings. After a while, the virus-like stresses that come with being a secondhand, voyeuristic party to violence began to infect me, and I started to act, oh, I don't know — weird.

What do I mean by weird? I'd rather not get into it, if it's all the same to you. Well, all right, if you insist. One morning I came in wearing Rambo-style combat fatigues, explaining that since I considered myself to be caught up in a shapeless, nameless, endless war, I might as well look the part. The Chief cited our dress code, and ordered me to change. Another time, during lunch, I stripped off every stitch of my clothing — right there in our stunned office — while ranting that we all needed to get back to a state of naked innocence, the "innocence of newborn babes." Once again, the Chief cited the dress code. On a third occasion, I stepped outside a beckoning window, 22 floors up, and onto the narrow ledge that encircled the building. I had no desire to jump, and made no threat to. I simply wanted to partake of the city: to breathe its effluvia, absorb its vibrations, measure its tumult. Van Gogh should've been out there with me; Vincent would've understood.

Afterward, having decided that I was a "victim," the Chief called me in for a conciliatory chat. He gave me a raise and also gave me my column back, which I now dubbed "Up Your Alley Again."

Could be, I suppose, that Ms. Le Monde had lately gotten wind of my erratic career, of my controversial ups and downs. Maybe that was why she took such visible satisfaction now in launching me out her oaken doorway. I don't know.

With as much insincerity as I could muster, I bid her good day, went home to my cracker-box apartment, popped open a can of Red Dog beer and ate a giant handful of barbecued pork rinds. I'd dealt with my share of offbeat subjects in the past, and the spectacle of an artistic cat would seem, on the surface, to fit right with everything else. But for some reason it didn't. For some reason it confounded me, flustered me, annoyed me. Was a house cat, however gifted, truly capable of creating art? Or might I be researching a story on white

Range Finders #6

by Don Mager

Yesterday all of us woke up depressed
in no mood to go to an 8 o'clock class
going through Dickinson or Stevens or
whatever she had on her menu that day

so we sat in a cafeteria
talking politics while our rubbery
eggs got harder and colder by the minute,
at least, later that's what we told her.

What we failed to say was that politics
is all about power and since poetry
offers so little anymore to anyone,
we were doing it by not doing it — her way.

collar crime, here, after all? I kicked my own lazy cat, Ivan, off the couch, stretched out there myself (my head on the warm spot), and poked my nose into *Cat Art Review*.

Right away I came across an article that traced the short but triumphant history of cat art. Turns out that in the early days, back around 1980, the field drew plenty of doubters. Someone with a sinful amount of idle time on hand had discovered that certain felines, given encouragement and the right materials, would apply paint to canvas. Ah, but could the process fairly be termed "painting"? Some observers argued that the cats were merely releasing nervous energy, the same weird energy that periodically causes the most lethargic of them to scurry frantically about, banging sideways into walls. Others suspected that the animals were engaging in an "instinctive vertical marking behavior," roused by the similarity in odor between acrylic paints and cats' urine: no cat will paint with oils. Eventually, however, the consensus emerged — and here I could feel my hackles beginning to lift — that what the cats were doing was *aesthetically motivated*. They *were* painting, in other words, and they were painting in the same spirit that humans do.

I killed off the can of Red Dog. Who were the authors of this consensus? I wondered. Had they ever seen the work of Van Gogh?

Now and then, a cat would be declared talented. Indeed, reputations budded, bloomed, aged, and withered — and quickly, too, because of the compressed life span of the artists. There was Tiger, a Spontaneous Reductionist who took giddy, kittenish delight in destroying his own work; Misty, a Formal Expressionist whose oeuvre included a macabre study called *Interring the Terrier*; and Ginger, a Neo-Synthesist, renowned for her delicate wallpaper scratchings. Foremost among this elite circle, of course, was King Richard, who currently held the pundits of the art world in the padded palm of his sticky right paw.

Speaking of Richard, I flipped ahead a few pages, and there he was, caught in a splash of candid, color photos taken during his recent conquest of Europe. Always in his trademark claret beret, he could be seen relaxing at a ski resort in the Alps, scampering just ahead of the charging bulls in Pamplona, cavorting on the beach along the French Riviera. Man, I thought, this was one fat cat. But now who was this other cat, a smug and fluffy Himalayan, always at Richard's side in every scene? Skimming the accompanying text, I learned that the companion cat was Richard's, yes, "companion cat." A love interest named . . . David. Well, why not? I asked myself. Artists have their ways. The gossipy *Review* went on to disclose just how volatile Richard's love life was.

About this time, Ivan landed square on my unprotected belly. It took me a minute or so to recover from the shock, during which time I reflected on how much I liked the little fella. He was a Russian Blue, and who would've guessed that a Barry Goldwater conservative like me would one day consort with a Russkie? Ivan was the only substantial item my wife left behind when she divorced me, and on that basis alone I rather treasured him.

Suddenly I had an impulse. I spread some newspapers on the floor, got some housepaint, and tacked a white pillowcase to the wall. Next, I grabbed Ivan, who seemed displeased and balky from the outset, and plopped him down in the midst of this makeshift studio. To give him the idea, I dipped my hand into the full, dark brown bucket and daubed messily at the pillowcase, all the while grinning like an idiot and urging: "See? See?" Ivan saw, but he was not impressed, or not favorably. He sniffed the bucket, recoiled three or four steps and peered up at me with unqualified disdain. I had never been so grateful that he couldn't speak. He then turned and strode away from me, his slate-blue tail straight up in the air, flipping me the bird, as brown droplets fell from my fingertips onto the newspaper.

Now this, I mused, *this* is a cat.

Next morning, with only a trace of brown paint still lingering beneath my nails, I made my way to the Farthing Museum. A massive, well-heeled throng was already percolating through the staid building: through the vestibule and the reception area, the loggia and the café, the lounge and even the library. It was also — men and women, boys and girls — shuffling, buzzing, and gesturing steadily through the main gallery, where presently I labored ahead, now accepting a sharp elbow, now returning a blunt shoulder. "'Scuse me," I said. "Pardon me. If you'd . . . If I could . . . Thank you." This is incredible, I thought, and tried to imagine what sort of act I'd have to commit to attract a gathering half as large, especially a respectful gathering. Dying certainly wouldn't do it.

The gallery was a good-sized affair, bathed from above in an incandescent light, with Richard's artworks grouped into paintings, etchings, and his new cutouts. As was the case in Ms. Le Monde's office, I could get no sense from any of these productions. Early Richard, late Richard — it was all too abstract for my taste, even the cutouts, which looked like the dendrites of some dysfunctional brain cell. When someone jostled me into a wall, I found that it was covered by a cotton pile carpet. The floor was bare.

Seeing no sign of Richard himself, I settled in front of a smallish painting, done all in shades of rose. It was entitled *Untitled*. Inches to my left, a tweedy knot of bespectacled visitors had focused its attention on the same work.

"Structure, space, emotion, light — all in one bold, superheated statement," one of them offered with reverence. "It's the definition of lyricism."

"Obviously a political allegory as well," another put in. "And yet disarmingly personal."

"Marriage of cosmic opposites," someone else ventured. "Formally satisfying, yet teeming with a profound psychospiritual resonance."

"An interplay of archetypal dualities," the first one agreed. "Order and dynamism, centering and dispersion, fragmentation and unification."

"I see implications here," the second one said gravely. "Heavy implications."

"Nothing less than time, sex, God, and death," the third one insisted, his voice quavering.

I was about to submit my own critique, which wouldn't've been quite as generous, when I heard a familiar woman's voice call out behind me. "Excuse me, everyone," it sang. "If I could have your attention, please. . ."

Turning, I saw Monique Le Monde, still frosty around the edges, and even more sartorially jolting than before in chandelier drop earrings, draped shoulder sweater, and gold miniskirt. I wanted to ask her where she acquired her wardrobe — and did she dress this way for court?

"I know that many of you came here today hoping to meet Richard personally," she said. "I'm sorry to announce he won't

be here—" At the general groan of frustration she held up a glittery hand. "I'm told he's indisposed. You may be assured that he sends his sincere apologies, and his fondest wishes that you'll enjoy the show."

"Indisposed," one of the tweedy experts beside me grumbled. "We all know what *that* means. Another tiff with his boyfriend."

"With *David*," I blurted. "Those two need to sort some things out." This remark, which was made much more loudly than I'd intended, brought looks of firm agreement from all around.

Smarting with the others at Ms. Le Monde's bulletin, I stood where I was and mulled this whole curious and damnable business over. Richard's nonappearance had left a crater at the heart of my story. Yes, I'd seen his works, marveled at the crowds, peeked into his background — but the artist himself remained a phantom to me, a mystery. Then again, I supposed, maybe his very shadowiness could provide me with my writer's angle. I could play it up, have some fun with it. Such legendary recluses as Greta Garbo, Howard Hughes, and Bobby Fischer had been described and dissected from a distance; why couldn't I do the same with Richard? I almost regretted that I could say nothing, in my piece, that would add to his towering reputation, which I took as the result more of aggressive marketing and public gullibility than of steamroller talent.

He was a cat, for God's sake.

Just then a strange tremor passed through the assembly, a sudden murmuring followed by total silence, and I craned my neck to see what had caused it. A white-haired man in a black chauffeur's outfit had taken up a position on the far side of the room. Everyone but me seemed to know who he was. His hands at his sides, he was solemn and dignified, and, with no noticeable effort, had seized our complete attention.

"I should make clear," he said in a tired but forceful voice, "that he has done this to himself. With his own claws. Purposely."

And with this peculiar introduction, in came Richard — by himself. No companion. His strut was deliberate, self-satisfied, and regal. His signature beret was missing, and so too was most of his right ear. At the sight of this mutilation, people gasped and shuddered, holding onto each other in horrified disbelief. The mangled stump was still bleeding freely, but Richard seemed blissfully unconcerned, now pausing for a moment, tail aloft, now continuing on, gazing up bright-eyed at the staggering hundreds around him and purring maniacally.

"Dear heaven!" Ms. Le Monde shrieked, and snatched her client up, clutching him against her cashmere bosom. The two of them left in a blur.

Well, you can bet your bank account that the gallery at this point was nearly boiling over with commotion, but I scarcely noticed. My heart pounding, I turned to face the rosy painting again, stepping right up to it. I studied it earnestly, trying with all my will to see into it. To see if anything worthwhile was hidden in its pattern. ❑

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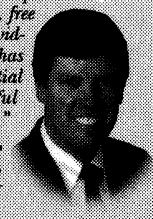

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Reviews

***Up From Conservatism: Why the Right is Wrong for America*, by Michael Lind. The Free Press, 1996, 295 pp., $23.00.**

Up from Narcissism

Clark Stooksbury

Michael Lind and I have several things in common. We are about the same age, we both overcame a youthful infatuation with the Republican-oriented right, and we are both involved in the opinion journalism business. But the similarities end there. For example, Lind was also able to free himself from a close friendship with William F. Buckley, a task I never faced. More importantly, we both drifted away from the right, but I did not drift to his adopted world view of "national liberalism" and claim that it was what I wanted all along.

In the right, Michael Lind has found a target of generous proportions. From the banal bleatings of Rush Limbaugh to the pious prattling of Bill Bennett, mainstream conservatism is wedded to the Republican Party, which in turn is wedded to Corporate America. These gasbags even lined up behind Bob Dole, repeatedly praising him as a "man of character" for denouncing entertainment companies that helped fund his previous campaigns.

Unfortunately, Lind is too self-absorbed to criticize the opposition effectively. An example is his exposé of Pat Robertson's book, *The New World Order*. Try as I might, I can't get excited or outraged over the fact that Robertson used anti-Semitic sources for one of his forays into dementia. For Lind, the most important fact in this episode is that he, Michael Lind, discovered and brought attention to it:

> I had never paid much attention to either Robertson or the religious right when I picked up a copy of *The New World Order* in 1991. I expected to be amused by the promised explanation of world events like the Gulf War (during which I held a minor position in the State Department). Instead, I was shocked to discover that Robertson, whom I had assumed was a conventional evangelical like Jerry Falwell, had accused President Bush (for whom I had voted, and for whose administration I had briefly worked) and the Council on Foreign Relations (which I had joined after being nominated by William F. Buckley, Jr.) of being part of a Judeo-Masonic-Satanic conspiracy. When Robertson, instead of fading away like the other TV evangelists, became a power broker in the 1992 election, I remembered his crazy book and immediately tried to sound the alarm. (99)

Lind continues in this vein for a couple of paragraphs before revealing that "after seeing Buckley on TV with Robertson, I severed my ties with him and the conservative movement once and for all" (100). Only a pillar of moral courage could make a sacrifice like that.

The author is not shy about sharing the details of his political odyssey. He informs the reader that "in the first election I can remember, that of 1968, I rooted for Hubert Humphrey and jeered Richard Nixon" (63). He was six at the time. Later we learn that he "continued to visit Bill Buckley once or twice a year, discussing music and literature more than politics" (66).

The Confederate Theory of History

Central to Lind's mythology is his belief that the modern Republican right grows from the postbellum South. He treats this theory in two chapters, "Whistling Dixie" and "The Confederate Theory of the Constitution." The first makes some obvious points about the Southern preference for lower taxes and fewer government services, as well as the Republicans' "Southern Strategy" of appealing to white Southern voters, pioneered by Barry Goldwater and used successfully by Richard Nixon in 1972. But his theory founders at other points. Unburdened by evidence, he asserts that the tax-cutting frenzy of the late 1970s can be explained by a "centuries-old regional political culture that has encouraged Southerners to take a slapdash approach to government finances" (132). He also repeatedly refers to the "South and West" when the South alone is his supposed topic.

One need not cite so distinguished an expert witness as James Madison to undermine Michael Lind's argument — he does that on his own.

"The Confederate Theory of the Constitution" offers slightly more substance. Lind believes that modern Republicans are attempting to revive a long-discredited states' rights constitutional theory. His only real evidence for this is Clarence Thomas' dissent in the recent *U.S. Term Limits v. Thornton* case.

I have not read either the Court's opinion or Thomas' dissent, but would probably agree with Lind and the Court that the states cannot add new qualifications for federal offices. But Lind says far more than this. He claims that *The Federalist Papers* argued for an "undifferentiated American 'people,' which in matters like ratifying the federal Constitution, is divided on state lines *merely as a matter of convenience*" (213, my emphasis). This bizarre theory can make sense only if you ignore *Federalist* #39, which is nothing if not a meditation on the dual (national and federal) nature of the Constitution. Some of it seems specifically written to refute Lind's fantasy:

> It appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing distinct and independent states to which they respectively belong. It is to be the assent and ratification of the several states, derived from the supreme authority in each state — the authority of the people themselves. The act, therefore, establishing the Constitution will not be a *national* but a *federal* act. (emphasis in original)

Of course, one need not cite so distinguished an expert witness as James Madison to undermine Lind's case — he does that on his own, as with his eccentric claim that conservatives are supporters of the "malapportionment" of the U.S. Senate. Lind is probably correct in asserting that the founders did not foresee the great disparity in population from the largest to the smallest state, but the Senate was designed to represent the interests of states *as states*, not an undifferentiated mass of individuals.

In any event, Lind never confronts the tepidness of the Republican commitment to states' rights. Can anyone imagine Pickett and his men charging at Gettysburg over block grants or the Contract with America?

Although Lind generally holds states' rights in contempt, he does recognize them in one area: he firmly believes that the Second Amendment simply gives states the right to maintain National Guard units and keep weapons in state-controlled arsenals. If you are fool enough to suppose that this amendment might recognize an individual right to possess weapons, Lind informs you that "evidence as to the intent of the Founders is so abundant that there is little room for disagreement about its meaning" (221). He is sufficiently confident of this that he cites no authority on the Second Amendment other than Gary Wills in *The New York Review of Books*, who more or less concludes that the Second Amendment was a ruse by James Madison to mollify the anti-Federalists, a law with no meaning or effect.

With his complete disdain for arguments supporting a right to own guns, it is not surprising that Lind is an enthusiastic supporter of recent FBI/ATF terrorism against fringe gun owners. He is horrified by the congressional investigations of the Waco and Ruby Ridge atrocities — horrified that they would even take place — and freely draws conclusions (e.g., that the shooting of Vicki Weaver was accidental) that contradict the Justice Department's internal investigation of the case.

Lind is horrified by the congressional investigations of the Waco and Ruby Ridge atrocities — horrified that they would even take place.

Lind is particularly appalled that even the conservative journal *First Things* would print an article criticizing the attack on the Branch Davidians. He points out that only a few years ago, *First Things* editor Richard John Neuhaus broke with the Rockford Institute for, among other reasons, allowing its publication *Chronicles* to engage in "thinly veiled anti-Semitism." Lind is apparently unaware that the article that sparked the anti-Semitism charge was a piece by Bill Kauffman praising the "spectacularly anti-Semitic" (as David Frum has described him) Gore Vidal. Vidal, you see, provided a cover blurb for Lind's book. Of course, it is doubtful that Vidal, who is strongly critical of such Lind deities as Lincoln and Truman, read this book closely.

Lind's view of Waco and Ruby Ridge is as tiresome as it is offensive. In the last year or so, the mainstream media have been embarrassed into being at least mildly critical of the government's behavior in those and similar episodes, but Lind will have none of it. As far as he's concerned, those "cultists" got what was coming to them when they built their "compounds" and stockpiled their guns.

Lind is a clever polemicist who is at his best when emitting venom, as with his observation that one way to bolster "family values" is to ostracize "men who have divorced their first wives — such as Ronald Reagan, Bob Dole, Newt Gingrich and Rush Limbaugh" (172). On a more substantive level, he presents a compelling case that conservative mania over welfare and illegitimacy is vastly overblown because of falling fertility rates. He also provides an able critique of the Beltway right's tendency toward groupthink. If he had chosen to develop these criticisms of the right, Lind might have produced a serious work. Unfortunately, his book's few virtues are obscured by its flaws.

Up From Conservatism also would have benefited from better editing and fact-checking. I have two theories about why it did not. The first relates to Lind's rising status in the political journalism world. This is his second nonfiction book in as many years, he has recently published a novel, and he will soon publish an epic poem. He has graduated from *The New Republic*, where he was briefly a senior editor, to *The New Yorker*. His "overclass" theory, from his previous book, inspired a *Newsweek* cover story. It is possible that he was simply able to throw his weight around and get a major house to publish his unsubstantiated rantings.

The second is a conspiracy theory worthy of the paranoid right that Lind is so eager to have the feds destroy. The book's publisher, the Free Press, has gained a reputation as the conservative publisher of choice, featuring the work of Charles Murray, Dinesh D'Souza, and Ralph Reed. Perhaps a cabal from the foundation-subsidized right decided to publish this book to discredit their political enemies. ❑

***The Myth of Democratic Failure: Why Political Institutions Are Efficient*, by Donald A. Wittman. University of Chicago Press, 1995, x + 229 pp., $29.95 hc, $16.95 sc.**

We Many, We Happy Many

Leland B. Yeager

In recent decades, Public Choice economists have been applying economic analysis to political institutions, arguing that people in government are not fundamentally different from people in private life. Both respond to opportunities and incentives. But different incentives apply, and different opportunities are available. The ordinary voter will seldom find it worthwhile to become well-informed on a wide range of political issues, since his efforts have little chance of affecting an election or influencing a policy. He has better uses for his time and energy in the private market, which gives him a better chance to satisfy his own preferences, even quirky ones. Similarly, he has only slight opportunities and incentives to monitor the performance of his supposed servants in government. Special-interest groups have better opportunities to steer government policies in their own favorite directions.

For these and other reasons — only some of them noticed in Donald Wittman's *The Myth of Democratic Failure* — democratic governments do not respond to what citizens would desire if they were well-informed. Modern democratic governments have a bias toward counterproductive hyperactivity.

Wittman, a professor of economics at the University of California at Santa Cruz, sweepingly rejects an extensive literature making such points. In an earlier article ("Why Democracies Produce Efficient Results," *Journal of Political Economy* 97, December 1989), Wittman claimed that "democratic markets work as well as economic markets." On the first page of *Myth*, he weakens this claim to "both political and economic markets work well." In article and book alike, Wittman claims that the democratic process is "efficient" but scarcely bothers to describe what his standard of comparison might be. (He does invoke, but only ritualistically, the criteria of Pareto optimality* and total wealth maximization.) But relative to *what* is democracy "efficient"? To other forms of government? To a society where most aspects of life are outside the political arena? Wittman does not say.

Wittman argues his case feebly. He scarcely goes beyond asserting that the positions he attacks are incorrect or have been "exaggerated." ("I have already argued that the degree of opportunism by politicians has been greatly exaggerated," p. 33.) Since some exaggerations occur on almost any side of any issue, such limp claims are useless.

Furthermore, Wittman relies heavily on a weak analogy between economic markets and democratic politics: "this book develops an invisible-hand theory of efficient democratic markets" (3). Gordon Tullock, Richard Posner, and others have argued that spending to curry government favors will tend to dissipate the rents sought. Wittman replies that rules will develop to minimize the social cost. Campaign contributions are not dead losses; they help provide valuable information. Besides, he continues, something like "rent-seeking" — Anne Krueger's term for attempts to reap unearned profit through government favors — goes on in the business sector also. Pet stores push sales of bird feeders, redistributing income from humans to birds. If rent-seeking isn't a serious problem in business, it probably isn't a problem in politics either. Wittman provides many more examples of trying merely to talk away points made by Public Choice analysts.

Political entrepreneurs, like business entrepreneurs, can gain from discovering and exploiting unknown demands, providing related information, and clearing up confusion, he argues. So doing, they help narrow the gap between the "rational ignorance" of most voters and the greater knowledge of special interests.

As for principal-agent problems (voters' difficulties monitoring their supposed political servants), they are mitigated by such institutions as government structure, political parties, and candidate reputation. Besides, if the principal neither can the academic researcher. Competition for office reduces politicians' potential for opportunism and for shirking. The party is the analogue in politics to the franchise in the business: party labels — like accumulated reputations, interest-group endorsements, and political advertising — provide good substitutes for specific knowledge about particular candidates. Voters discount information from sources known to be biased.

Political entrepreneurs, like business entrepreneurs, can gain from discovering and exploiting unknown demands.

As for the allegation that "diffuse taxpayers" are insensitive to spending that benefits concentrated interests, well, uninformed people may exaggerate the extent and harm of porkbarrel projects. Even if some voters do make incorrect choices, the "law of large numbers" is likely to yield the correct

* According to Vilfredo Pareto, resources are "optimally" allocated when it is impossible to make anyone better off without making someone else worse off.

majority choice anyway. Furthermore, political institutions — notably, legislatures much smaller than the constituencies represented — reduce transaction costs and facilitate efficient policy deals.

Wittman briefly acknowledges problems, but disposes of them all by claiming that efforts to gain a majority push a government toward achieving efficient outcomes. Local zoning, for example, is likely to be efficient.

Academics feel pressure to publish and be noticed. Latching onto a fad is one way. Delivering shock value is another.

Here are three more examples of Wittman's style of argument.

(1) Do voters shift some of the burden of current government spending onto future generations through debt-financed deficits? Not to worry. After three short sentences arbitrarily assuming that taxes fall on land, Wittman draws a sweeping conclusion: "The burden of the debt falls on the present generation, and they will therefore choose the optimal discount rate, just as they choose the optimal policy in other areas" (159).

(2) Do short-term incentives faced by politicians lead to destructive economic policies? Set your mind at ease. "[E]fficient economic markets constrain the behavior of democratic markets. If vote-maximizing politicians try to monkey with the economy, it backfires — the economy becomes less efficient, and workers and capitalists vote them out of office. So politicians are restrained from such maneuvers in the first place" (176).

(3) Could socialist planners strike the right balance between consumer goods and investment? Sure. "Vote-maximizing politicians would again be constrained in their choices by requirements of an efficient economy. Making different choices would ultimately yield fewer votes" (176). ("Ultimately," Wittman may be right, at least if freedom and democracy survive under socialism; but why should the individual politician care what happens "ultimately"?)

Argument Failure

To support his positions, Wittman provides little more than airy references to the existence of elections, parties, ideologies, rivalries, campaigning, congressional hearings, and so forth. He does cite many books and articles that supposedly support his position, but he cites them sweepingly, without detailed discussion. He spends more space on the supposed methodological and other flaws of studies that reach contrary conclusions. One whole chapter criticizes psychological studies casting doubt on how dependably people behave "rationally" as economists understand the term.

Wittman pays little or no attention to major strands of Public Choice literature. Although he does paw away at the concept of voter ignorance, he seems unable fully to grasp why individual voters (and nonvoters) are rationally content with a superficial understanding of political issues. Similarly, he fails to understand the fuzzing of issues in a two-party system (the Hotelling effect), and the associated drift over time in what positions are considered respectably mainstream; the jumbling together of diverse issues in often incoherent packages; the chasm between the personal qualities of an effective campaigner and those of a sound statesman; various rather mechanical inaccuracies of the political process (including several paradoxes of voting and what Robert Dahl labeled "minorities rule"); the fragmentation of decision-making power and responsibility among levels and branches of government and among individual politicians, bureaucrats, and judges; the analogous fragmentation of responsibility over time; the associated reasons why politicians and bureaucrats have short time horizons; the forestalling of market solutions to problems by governmental preemption; the way that government activism, far from just remedying externalities in the private sector, creates major externalities in government decision-making itself; the lesser scope for prices to function in government than in markets; and the contrast between government's tendency to rely on coercing people and the private sector's enlisting people's voluntary cooperation. Wittman doesn't draw the implications of politicians and bureaucrats constituting special interests in themselves.

One wonders what world Wittman has been living in. Hasn't he noticed examples of government irresponsibility and failure in policy on crime, education, welfare, regulation, litigation, money, and budgeting? Can voters tell who is responsible for a stumbling economy, especially given the time lag between a policy's enactment and its long-term effects? Hasn't Wittman noticed voters' tendency to blame or credit whatever administration is in power for the current stage of the business cycle? Hasn't he noticed the wretched quality of popular debates on economic policy? Doesn't he recognize that the quality of political discussion is so low because politicians must appeal to voters as they actually are, with their limited attention spans in their actual circumstances?

Although Wittman neglects most such counterevidence, his treatment of what he does notice suggests how he would deal with the rest of it. It is all too easy, he says, to point to such standard examples of supposed government inefficiency as rent control, tariffs, and farm subsidies. But some observers complain about too much foreign aid or too much support for right-wing dictators; others complain about too little. "So, while just about everyone has her [sic] theory of government failure, at least half must be wrong" (182). "[M]any examples of political-market failure are mutually contradictory and methodologically unsound" (181).

Modern democratic governments have a bias toward counterproductive hyperactivity.

Wittman's arguments are not just feeble; they are sometimes inconsistent. "[O]pportunism by politicians is mitigated when they are paid above-market salaries and then threatened with losing office if they shirk. The fact that candidates engage in very costly elec-

tion campaigns is consistent with the hypothesis that holding office pays above-market salaries" (27). What, then, has become of politicians' much-trumpeted competition for office? Don't the costly campaigns dissipate wealth? And how does Wittman's judgment about politicians' inflated salaries square with his equally blithe judgment (on page 106) that bureaucrats' wages are kept at the competitive level?

Ironically, Wittman's book, like the precursor article, was published at the University of Chicago, a citadel of positivism in economic theory and of insistence that theories be falsifiable. (I interpret this, perhaps charitably, as insistence that theories have actual content, as opposed to being formulated with built-in immunity to any adverse evidence.) Wittman makes self-congratulatory remarks about sound and unsound methodologies, but devotes himself mainly to the latter. His two concluding chapters, totaling only 13 pages, bear the titles "The Testing of Theory" and "Epilogue: The Burden of Proof." (Page two had already placed "the burden of proof . . . on those who argue that democratic political markets are inefficient.") The reader expects Wittman at least to say what he would recognize as weighty evidence or argument against his thesis and say how it stands up to the test.

He never does. Yet he ends his book claiming to have "carried over to models of political-market failure" the suspicion that economists direct against the dubious assumptions typically underpinning market failure. "I have argued that voters make informed judgments and that democratic markets are competitive" (192). "Economists do not dwell on business error or pathological consumer behavior"; instead they "analyze the normal and look for efficiency explanations for abnormal market behavior. Similarly, political scientists should not dwell on the mistakes made by political markets" (193n). But Wittman does not claim that he has actually shown that democracy is efficient. He merely insinuates that the burden of proof rests with those who refuse to accord the presumption of efficiency to economic markets and political markets alike. The fuzziness of his thesis renders it even less testable than it might have been if more sharply formulated.

A Puzzle

Why would something as inadequate and perverse as this book be written and published under prestigious academic auspices? This is a phenomenon crying out for explanation. Tackling the puzzle is important, for the book's mere existence and academic trappings will carry some weight. Along with like-minded academics, politicians and bureaucrats relish support from what "studies have shown."

In engaging in such speculation, I must confess to some embarrassment. It is a commonplace remark that one should not ask about people's motives. Yet sometimes such inquiry is necessary. A detective in a murder case must conjecture about motives while formulating rival hypotheses and trying to rule out all but one of them. The intellectual puzzle of a curious book requires a roughly similar procedure.

My first hypothesis must be that Wittman is driven by passion for truth. Conceivably, he is right: the now famil-

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iar Public Choice theories of bureaucracy and democratic politics are radically deficient, and in the ways he diagnoses. Democratic processes do indeed closely resemble competitive processes in markets for goods and services. It is I who am wrong, blinded to the merits of Wittman's brilliant revisionism.

But other hypotheses suggest themselves. The thought crossed my mind that Wittman's book might be a sustained spoof, like physicist Alan Sokal's article on "postmodern gravity" in *Social Text*, or if not a spoof, at least a move in an academic game. Wittman does acknowledge (on page ix) that he has been playing a "game," that latecomers to an intellectual controversy enjoy an advantage, and that he has "had a lot of fun."

Or perhaps Wittman is trying, as an exercise, to make the best case for democratic government he can devise. "Democratic decisions should be treated as innocent until proven guilty," he says, "and they deserve a lawyer arguing their side of the case" (193). With ample talent already making the prosecution's case, perhaps Wittman chose to write the legal brief for the defense. Letting someone else recognize how weak even that best case is — provoking the reader toward a judgment of his own — might be an effective way to reinforce Public Choice–type skepticism about activist democratic government.

One variant of the hypothesis about an intellectual exercise is that Wittman saw an opportunity to fill a vacant niche in the academic landscape. From that hitherto unoccupied "intellectual foxhole" (as Charles Peirce said), he might sally forth to battle those who hold other positions. Evidently the marketplace of ideas had left room for an academically credentialed rehabilitation of what R.W. Bradford has called "the new civic religion" — pop wisdom about the virtue and efficacy of voting and about the mandates conferred by elections. I do not know about Wittman, but as a general proposition, holding a distinctive intellectual position can draw invitations to attend scholarly conferences and contribute chapters to collective works. Serving as a foil for other positions is not necessarily disreputable: as John Stuart Mill said in *On Liberty*, truth may sometimes strengthen its appeal by struggle against error, even contrived error.

The hypothesis about niche-filling meshes with one about the state of academic economics (at least as diagnosed by several eminent participants). Academics feel pressure to publish and be noticed. Latching onto a fad is one way. Delivering shock value — being an iconoclast, challenging established beliefs — is another way, which can even add to the "fun" of the "game." Occasionally the two approaches can even blend into a kind of routine originality: extend a fad so as to challenge yet another widely accepted belief. I have observed plenty of faddism, iconoclasm, and their combination in my own field of macroeconomics. Certain strands of Chicago and UCLA economics cultivate the fad of arguing that whatever institution or practice has long endured thereby demonstrates a certain efficiency, whether or not its rationale has hitherto been spelled out. Such iconoclastic faddism (or chic iconoclasm) purports to rationalize forms of protection and rent-shifting long condemned by mainstream economists. Wittman's work could be another example, whether intentionally or not I do not know.

The thought crossed my mind that Wittman's book might be a sustained spoof.

Following academic practice in one or several of these ways need not indicate insincerity or other personal immorality. Leon Festinger's principle of cognitive dissonance may be at work. If one feels uncomfortable as a gamesman saying things one does not really believe, one can remove or forestall the dissonance by coming sincerely to believe those things.

I do not know which, if any, of these hypotheses is correct. Pending further evidence, we should perhaps opt for a charitable one. Meanwhile, Wittman's judgments remain puzzlingly perverse. If they should succeed in making a great splash, that would reflect adversely on academic social science and on popular discourse infected by it. ❑

***No Harm*, by T. Patrick Burke. Paragon House, 1994, 249 + x pp., $39.95.**

Mostly Harmless

Jan Narveson

Patrick Burke is a professor of religion, not of philosophy or economics — not the sort of person one would expect to write a secular defense of libertarianism. But he has. In *No Harm*, Burke tells us, mostly, what readers of this journal will already know — but says it very well. "The fact is, unpalatable though it may be to many, that economic freedom is of one piece with freedom of thought and expression, freedom of association, academic freedom, freedom of conscience and freedom of religion. It is deeply inconsistent to cherish some of these and repudiate the others" (34). He follows this up with an instructive example: the right of freedom of association has been interpreted by a California court in such a way that private clubs hitherto reserved to males must be opened to females (and vice versa) — an inversion of free association. Had the Lions' Club's property rights been respected, there could have been no such ruling; what went on inside the club would have been a matter for the owners, not the government, to decide. One could go further, and argue that freedom of expression is an aspect of our ownership of our speech-making organs. Burke doesn't take things to that level, though. This is an outstanding piece of exposition, but it is not a philosophical defense of libertarian fundamentals.

Burke explains the basic ideas of mutual benefit, the market, and economic value, nicely illustrating his points with relevant cases from the courts and elsewhere. Happily, his prose is largely free of academic jargon. The principle of "no harm" has been anticipated by the great founders of liberalism — Hobbes, Locke, Kant, and John Stuart Mill — as well as more modern writers, such as David Gauthier and, I modestly add, myself. But most readers, especially those untrained in philosophy, will find Burke's exposition more accessible than ours, and that is all to the good.

The basic idea of freedom is that people may be forcibly prevented only from actually harming others, i.e., making them worse off as a result of one's own actions. The notion of causation in action gets a whole chapter, and needs it. And, on the whole, Burke does a good job with it. For example, in one important set of passages (125–6), Burke examines and rejects Joel Feinberg's views about aiding and benefiting. Feinberg's idea is that if someone has been harmed, others must do more than avoid making him still worse off; they must actively attempt to restore him to his "normal" condition. Here Burke is in the right and Feinberg is in the wrong. It is a pleasure that he is able to resist being taken in by even the more acute philosophers of what currently passes for liberalism.

There's a good discussion of why monopoly is bound to be evanescent in a free market, while the inherent monopoly that is government has proven anything but evanescent. Burke shares the common view that there are things only governments can do: "there should be an authority which has an exclusive monopoly on the use of physical force in society in order to protect the individual against harm caused by others in the society, and in order to protect the society against harm caused by other societies" (163). Actually, it can be argued plausibly that the former monopoly is a mistake. (See, for example, Bruce Benson's remarkable book, *The Enterprise of Law*.) The second purpose, on the other hand, is hard to get around. As Burke says, "the only competitor for a government is another government, which means war" (163). Of course, if all places accepted liberty, this argument would evaporate: in order to make sense, it must presuppose that other governments already exist. So it cannot fundamentally justify the state, though it can provide a practical argument for one in the desperate and familiar circumstance in which other governments are about to attack.

In any case, Burke is no sleepy-eyed conservative ready to accept state power. A monopoly on the use of force is, he notes, "extraordinarily dangerous. There is no power which can be so easily abused." It is "a Frankenstein monster, which human beings create, but which threatens at all times to devour its creators" (163). He also suggests that democracy is "the most effective means of ensuring the protection of human rights against government" (163). Later he suggests that the no harm principle doesn't entail any particular form of government, which is true in one sense — it arguably entails that there should be no government at all. Burke does not embrace this conclusion: "I have no doubt that representative democracy is the best and wisest form of government where it is capable of existing" (234). But he should have every doubt about that. Representative government is probably inevitable in modern circumstances, and it is probably the "best" form of government, though that is not much of an honor. But otherwise intelligent people should just stop saying that it is "wise." Democracy actually increases the chances that power will be abused. Power in the hands of a mob, after all, can't be expected to be better than power in the hands of a few people, and putting the mob in separate polling booths doesn't really make much difference. The best systemic protector of our rights is a clear bill of them (including especially the right of property) — *and* a real commitment to maintain them, by both ordinary people and courts. But how to achieve that

happy state of affairs? That is the great, continuing, and probably insoluble problem. Does democracy help in the meantime? Not much, if at all: the abuses of liberty committed in the "advanced" democracies are instructive in this regard.

The Unbearable Lightness of Being Right

Libertarian philosophers have a problem: our ideas are so simple and so elegant that there isn't much to do with them. It's boring. Our enemies, on the other hand, get to dredge up elaborate parades of flummery and hocus-pocus. What's more, there would be little, perhaps nothing, for governments to do if our principles were adopted — probably the single main reason why our ideas are so fiercely resisted by academics and by establishment writers in general. If libertarianism wins, we academics may be out of a job.

The best systemic protector of our rights is a clear bill of them.

Reading contemporary mainstream philosophers is, in its way, fun — if depressing — because there is no limit to the number of arbitrary principles the upcoming academic philosopher can generate, hairs he can split, and footnotes he can write as he looks for a new trench to defend against all comers. By contrast, the idea of liberty is obvious and familiar, and there is no particular reason to think it will ever change. There is, to be sure, dispute among libertarians about the *foundations* of our ideology, and some of these disputes make a real difference to practice, a notorious case in point being abortion (which, by the way, is conspicuously not addressed in this book). But once we confine ourselves to relations among adults, it's pretty clear sailing, and books like Burke's inevitably have an air of belaboring the obvious or saying the same old things all over again. Still, the way things are said does matter, and Burke's book is admirably readable and clear, with the added virtue of being on track most of the time. In short, you won't go wrong reading this. Indeed, it may be the best introduction to libertarianism available.

No book is perfect, of course (including my own). Discussing how "we" can be "competitive" against the Japanese, Burke conjectures that "it may take a cartel to compete against a cartel." This is a mistake, and stems from underanalysis. Competing against a cartel is actually easier than competing against ordinary businesses — provided, of course, that competition is actually permitted. (And the Japanese economic "miracle" has been vastly inflated. The Japanese people are financially far worse off than Americans, a fact masked by the smoke of the exchange rates.)

One topic Burke discusses very commendably is discrimination. He points out that discrimination, as such, does not in any straightforward sense *harm* its "victims." Many actual cases of harm have been motivated by discrimination, to be sure; but since those are wrong anyway, the fact that they are discriminatory is beside the point.

Burke does believe that there is something "inhumane" about, say, paying twice as much to a pretty secretary as a plain one of equal competence. But Burke is weaker than he need be when he goes on to say, "From the viewpoint of a supporter of free markets, the proper remedy for such discrimination is not the violent hand of the law, but the voice of persuasion and education" (219). He should have added that it is the velvet-gloved mail fist of the market that is the real "educator" here. He who indulges in discriminatory practices of this kind is behaving irrationally, and if there are any rational competitors around, the discriminatory one will pay. The plain secretary will be snapped up by the people down the street, who will pay her only a bit more than you did for twice as much work; multiply that by a few hundred and you have a disparity of costs that is going to put the nondiscriminating competitor at a significant advantage. And so on. These are lessons that the market teaches very effectively, and not even all that slowly — once the legal props that have always been the real source of irrational discrimination are struck down.

On the important matter of punishment theory, Burke subscribes to a reasonably familiar version of retribution. "If those who have caused no harm ought not to be harmed, then those who harm them ought themselves to suffer harm" (207). This idea, though plausible, needs elaboration. No new ground is broken here, and the old ground is not very adequately covered.

Beyond Equality, Back to the Basics

Discussing the popular idea of "social harm," Burke repeats a familiar platitude about equality: "There is what may be called moral equality, the equality of human beings as human beings, also known as equality before God. It is this which provides the moral basis for the Principle of No Harm, which applies equally to all human beings" (221). Well . . . we should distinguish between a "basis," which this is not, and a caption, which it is. The no harm principle identifies a sense of "moral equality." But the idea that it is "based on" this runs into a problem: no clear interpretation of "moral equality" exists that provides a more fundamental and yet reasonably precise general principle from which the no harm principle may be deduced. Burke may disagree. If so, let him prove his case!

Meanwhile, though, he resists any temptation to suggest that government should try to "promote" equality of more substantive kinds. Any such efforts violate the no harm principle, Burke observes, which is far more important and fundamental.

We do no harm to others by taking what they don't yet have.

At the end of the book, Burke returns to the subject of government, and taxation in particular. He sketches the Lockean argument: those who benefit from government must contribute to it, and the consent of the majority is necessary. But "necessary" does not entail "sufficient." How, then, is majority consent made out to be all that is needed to justify a government or a tax? "Why is it not necessary that *all* who suffer from the laws and taxes

must give their consent?" (238).

Burke's answer is, first, that we voluntarily consent to be citizens, a view he concedes is somewhat problematic. (I myself think it is absurd.) Still, if the majority idea can be defended, we really wouldn't need to establish that citizenship is voluntary. Can it? Well, Burke says that "the purpose of it [government, or a tax] is to protect everyone equally from harm. It is true that everyone will be harmed by having to pay the tax. But the only purpose of the tax, in the Lockean view, is to ward off from everybody a greater harm by supporting the justice and defense system, which is the sole justifiable reason for having a government" (239). As I argued in my own treatment of these matters (*The Libertarian Idea*, Temple University Press, 1988, pp. 217–21), this is a public goods argument: everybody gets more than his money's worth from the tax for defense, and the tax can be collected only by involuntary means; therefore, it is rational for all to support it, even if some claim they don't. But this argument has an extremely vulnerable premise. The law does not protect us all equally. It attacks many citizens (all of them, in some respects, and a great many of them quite robustly); its defense of those it does defend is inefficient, crude, shoddy, and unreliable; and in any case it doesn't confine itself to these goals. To suggest that we are getting our money's worth from government today is to succumb to brainwashing.

If we say, with Burke, that *only* those taxes are justified that do in fact "support the system of defense and justice," then we must also address the question of just what is meant by "the system" of those things. For the most part, the "system of defense and justice" neither achieves nor even tries to achieve these ends, and it is very unclear that any monopoly system ever could. This makes the argument extremely hypothetical and thin. A majority would indeed establish the legitimacy of any government that actually *would* defend all who are wrongly attacked, and punish the attackers to just the right extent. But for that matter, no majority, or any vote at all, is needed to establish the legitimacy of such a system. If we build enough into "the system," its defensibility becomes self-evident. It could be established and maintained by an absolute dictator and would be fully as legitimate as a democratic system. Therefore, as a bolster for actual existing government, this argument is completely useless.

On another fundamental matter, though, Burke is essentially correct: "The right to private property is an application of the Principle of No Harm." His argument is threefold. First, of course, we are assuming the general right of liberty, the no harm principle, which is equivalent to ownership of one's self. Second, when someone either starts to use some hitherto unused natural object or creates something altogether new, the general right to do what he wants covers his right to do *that*, and thus grounds any further actions he engages in regarding that thing, short, of course, of activities that harm others. Third, things are initially unowned.

The first two theses are pretty uncontroversial, at least among us sophisticated folk. Regarding the third point, it is admirable that Burke, a professor of religion, should see so clearly through Locke's oft-quoted notion that "God gave the world to mankind" (an idea that, Burke notes, seems to be based on a "literal reading of Genesis"). This, he charmingly says, "seems somewhat far-fetched, that the squirrels on my front lawns and the flounder in the Atlantic belong to mankind in general" (242). But he doesn't quite get to the bottom of the matter. Mightn't God nevertheless have done these things? It isn't that he mightn't — though the tendency to assume that God is a socialist is curiously widespread. The answer has to be that there is no room in social philosophy for appeals to gods, since those to whom we propose to apply our results include persons with a vast variety of religious beliefs and disbeliefs, none of which have any standing in the public court of reason. Thus, if we are to have a publicly acceptable political philosophy, we must leave God out of it. And once we do that, it becomes obvious that the rest of mankind, collectively, has no special claim on natural resources. Those who assert otherwise are uttering pious left-wing prattle. What is solid is that here are people,

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there are the things, and people can use them. Period. So, what next? Liberty's answer is: we may do as we like, among any nonharmful uses.

Many theorists, still enamored by Locke's weaker ideas, argue that in using things, we *deprive* others of something, invoking the "enough and as good remaining" condition, which they attribute (with some, but not total, plausibility) to Locke. This, Burke admirably observes, "also is a mistake. Suppose that there is only one fish left in the ocean: is there then an obligation to leave it there for others to catch?" (242). His answer is no. This courageous answer will bring down howls of protest from every contemporary political thinker. They are wrong, and Burke is right. We do no harm to others by taking what they don't yet have.

What Burke doesn't add is that these cases are only zero-sum games if we disregard history. Either I get that last fish or you do or someone else does — period. But once we take into account the fact of time, of historical placement, the picture changes. If you got there *first*, the situation was not at that time zero-sum, for the rest of us didn't even know the fish was there. If the first person to come along gets it, the outcome yields a utility for someone that is not matched by any disutility for anyone else at that point. So, looked at over time, the first-come principle is efficient: it secures gains for some without equivalent losses for others; no zero-sum situation arises. Moreover, as David Schmidtz has pointed out, we second-comers are far better off for those who preceded us. They didn't have to wait a few thousand millennia to make sure that a majority of all humanity — past, present, and future — would approve of what they chose to do with their acquisitions, and that's a terrific thing for us.

Burke's book concludes on an ironic note. "The temptation to use the ferocious penalties of the law against those who have done no harm, in order to achieve ends deemed noble, seems to be endemic to even the most high-minded idealists." A few centuries ago, this took the form of drawing and quartering, or perhaps severe torture, but now we have progressed: now we "only" send people to jail for 20 years or so for possessing a couple of ounces of cocaine, "threaten to put employers out of business who create jobs at 'only' $4 an hour . . . fine those who offer rides in their car for a fee without special governmental permission," and so on (248–9). The things the government might do to us aren't, usually, as awful as they were in the Middle Ages, but the probability that it will do them is enormously higher.

I hope that this book will find its way into the right hands: readers able to shake off the current panoply of political inhibitions and statist rhetoric, and spend a couple hundred pages dealing with plain common sense, very lucidly expressed — and pointing to conclusions much more radical than any of those promoted by middlebrow contemporary philosophers. Even if Burke does not get entirely to the bottom of things, he gets close enough to satisfy. And rarely, if ever, has all this been said so straightforwardly and so clearly. ❑

***Capitalism: A Treatise of Economics*, George G. Reisman. Jameson Books, 1996, 1,051 pp.**

The Big Book of Economics

Mark Skousen

Gary North has a "fat book" theory of economics: producing a revolution requires a fat book. According to North, all great economists have written massive tomes of biblical proportions. He cites Adam Smith's *Wealth of Nations* (two volumes, 1,097 pages), Karl Marx's *Capital* (three volumes, 2,846 pages), and Joseph A. Schumpeter's *History of Economic Analysis* (1,260 pages) as evidence.*

Now comes the latest test of North's labor theory of value: George G. Reisman's monstrous tome, *Capitalism: A Treatise of Economics*, a work exceeding a thousand pages, not including its 54-page index. Considering that each page of Reisman's oversized work is approximately equivalent to two pages of a normal-sized book, *Capitalism* is really a 2,000-page treatise!

North would be pleased.

Not too many of us academics are up to wading through several thousand pages of economic posturing, given our disposition to spend all our free time on the Internet. But knowing that the author has spent the past 15 years of his life putting the finishing touches on this voluminous book, I thought I'd give it a shot. Many of us have wondered what happened to Reisman since 1979, when his last book, *The Government Against the Economy*, was published. Now we know.

A Tour de Force

Reisman has written a profound work, full of insight, wisdom, and vision. It is a rare book that prompts me to underline or make marginal notes on nearly every page. But there I was, engrossed in Reisman's reasoning.

At times he is preaching to the choir, as when he attacks environmental regulation, wage-price controls, deficit spending, Keynesianism, and other

* Not surprisingly, North himself has written several weighty works of wisdom. His *Tools of Dominion* (1,287 pages) is actually the third volume in a serial commentary on the book of Exodus. It is self-published. ("I have no illusions about it becoming a bestseller," North admits.)

forms of government intervention; but most of the time, he is elucidating and enlightening on a grand scale. He shows, for example, how the service industries, far from being separate from manufacturing, are integrally related to the goods markets. He demonstrates how estate taxes are not death taxes, but taxes on capital, capital that is consumed by government and never replaced. He offers a new approach to the central economic problem — not simply to allocate goods among scarce resources, but to raise the productivity of labor. Reisman insists that the economic problem is not the scarcity of natural resources, but of labor.

Reisman's book is full of new insights. He is the first free-market economist to thoroughly critique Keynesian income analysis. His defense of insider trading and the stock market is decidedly fresh and clear. And he offers the most detailed critique of GDP I have yet seen. The list of Reisman's contributions is awe-inspiring, and there is much to be gained by digesting his judgments.

Points of Controversy

Still, there are many places I put question marks instead of exclamation points. In particular, Reisman's determined and sometimes tedious defense of classical economics does not sit well with me. He states that his objective is to integrate the sound ideas of classical and Austrian economics. He rightly criticizes Adam Smith and David Ricardo for errors such as their exploitation theory and labor theory of value, but spends an inordinate amount of time justifying the classical economists' cost-of-production theories. Reisman reminds me of Christians who attempt to justify or explain away St. Paul's attacks on women and wealth or his defense of the divine right of kings. They go to great lengths, but in the end, their arguments remain unconvincing, even desperate.

Reisman prints on empty pages, "This page intentionally left blank." Come now, George, your prospectus does not have to be approved by the SEC.

The middle chapters are confusing and heavy reading. Here Reisman tries to defend classical price theory by insisting that prices of manufactured goods are "fundamentally" determined by the cost of production. As he structures his tortuous argument — indulging in what economists have come to call the Ricardian vice — Reisman becomes in many ways the consummate classical economist. Like Smith and Ricardo, his arguments are often obtuse and winding, but in the end he comes out in favor of sound, *laissez-faire* policies! I prefer the Austrian approach, which seems both more sensible and a lot simpler. Has Reisman never shaved with Occam's razor?

Reisman's exposition of and clarity on these thorny price theory questions would have been enhanced if he had had his manuscript reviewed by a wide variety of economists, or perhaps even if he had just lectured at a few campuses before publishing his work, and gotten some feedback from students. It appears that Reisman relishes his Objectivist heritage of thinking in isolation. One has to wonder why he includes a copyright notice on every page of the book, or why he prints on empty pages, "This page intentionally left blank." Come now, George, your prospectus does not have to be approved by the SEC.

Reisman's idiosyncratic behavior also comes through in his choice of mentors. He mostly cites his old teacher, Ludwig von Mises, and the novelist-philosopher Ayn Rand, both of whom wrote fat books (*Human Action* and *Atlas Shrugged*, respectively). He dislikes Friedrich Hayek, Milton Friedman, and Murray Rothbard. This last enemy seems peculiar, since Reisman's policy recommendations are virtually identical to Rothbard's (e.g., a 100% gold standard, abolition of the welfare state and public education, an isolationist foreign policy) and his writing is reminiscent of Rothbard's dogmatic and polemical style ("utterly confused and mistaken," "absurd," "the grossest compounding of confusions," etc.).

Despite these problems, I learned much from Reisman's magnum opus and recommend it highly to all who seek to expand their grasp of economics. Indeed, this treatise could serve

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well as supplemental reading in a variety of economics courses.

Those who don't have the time or inclination to read Reisman's vast tome can fall back on William F. Buckley's "two word" technique of summarizing the meaning of a book: just read the first and last words. For example, the first and last words of Karl Marx's *Capital* are "The . . . worker," and of John Maynard Keynes's *General Theory*, "This . . . evil." In Reisman's *Capitalism*, the first and last words are "Economics . . . live." Works, doesn't it? ❑

***Crimes of Culture: Three Decades of Citizen's Arrests*, by Richard Kostelanetz. Autonomedia, 1995, 256 pp., $12.95.**

Beyond the Culture Wars

Jesse Walker

Writers, and other artists, play politics like anyone else, conspiring, forming interest groups, competing for spots at the public trough. The so-called culture wars are a contest for the commanding heights of America's cultural bureaucracy, the pyramid of academic and grantmaking institutions whose apex contains the National Endowment for the Arts and the National Endowment for the Humanities.

Even before such agencies were born, literary politics existed. But it was a different kind of politics. In "Locating America's 'Literary Establishments,'" one of the most interesting essays in *Crimes of Culture*, Richard Kostelanetz argues that American literary politics "differs from European in lacking a single self-perpetuating establishment, customarily located in the capital city and closely linked to the major publishing houses and reviewing media. . . . The realities of pluralism and mobility hardly prevent, however, various kinds of exclusive organization and collusion. Even assertedly independent Americans invariably look for reasons, or excuses, to band together. As a result, this country has witnessed the rise of not one cultural establishment but a proliferation of them, one hardly in touch with most of the others, each with its own set of chiefs, assistant chiefs, molls, henchmen, and lackeys." These "literary lobbies" are formed to promote the fortunes of the initial pool of talent; with time, "such qualities as artistic biases and critical standards are, to varying degrees, compromised by aspirations for continuing personal and collective success." The remainder of the essay is given over to developing this model of how these affinity groups form, function, and dissipate, with special focus on the Southern Agrarians and the "Jewish-American writers" (a group defined, Kostelanetz points out, by more than mere Jewishness).

Another essay, "The Leverages of Collaboration," describes the interlocking interests (as of 1974) between *The New York Review of Books* and Random House, and how this played itself out in *NYRB*'s selection of books to (a) review, and (b) review favorably. A third, "Critical Writing for American Magazines," deals with the political structure of America's literary magazines and the travails of an independent critic trying to make a living publishing therein. What these three essays have in common is that they describe politics that goes on, for the most part, outside the state. Add government money and influence to the stew, and the problems multiply. Whichever would-be establishment manages to get its hands on government funds or favors acquires a significant advantage over its rivals. And a bureaucracy offers opportunities aplenty to people more adept at administration than art.

Thus, not surprisingly, most of this book is concerned with "public" institutions: the NEA, the NEH, the New York State Council of the Arts, the university system. An important theme is that such bureaucracies are, in Kostelanetz's word, scams (defined here as "something that costs more than it is worth"). Another is that meritocracy and credentialism are innately opposed — and that institutions dedicated to promoting merit tend to degenerate into institutions dedicated to cultivating and reproducing mediocrity. Put these ideas together, and you get a perspective that is simultaneously populist (in that it believes culture is healthiest when creative action is widely diffused among the people) and elitist (in that it is sharply critical of anything derivative or otherwise mediocre).

You may occasionally disagree with the author's judgments of particular artists or works of art — I did — but it's hard to fault his opinions of the political environment within which they work. Only one essay in *Crimes of Culture* rings false: "The NEA: What Is Going On/Down There?," which accuses the endowment of anti-Semitism on the slim grounds that it approved "only one grant to a subject with Jewish content" in one year. That not only proves too little, but proves too much: by such reasoning, a genuinely anti-Semitic NEA could avoid the charge by funding a certain quota of Jewish-themed pieces per year, a position I find unpalatable. A more likely explanation for the pattern Kostelanetz found is that the grantmakers were prejudiced, not against Jews, but in favor of other topics. (I doubt

Institutions dedicated to promoting merit tend to degenerate into institutions dedicated to cultivating and reproducing mediocrity.

many pieces with Hindu themes receive NEA money either, but I don't think that's any evidence of anti-Indian bigotry.) Otherwise, this book is a model of both investigative journalism and critical analysis.

The great Irish novelist-essayist-playwright-civil servant-drunk Flann O'Brien once complained of his nation's painters, "Earnestness, honesty, good purpose — these are not enough. *You must learn to draw.* If, after many a summer, you find you cannot draw, then . . . then . . . be a writer. And there is not a terrible lot wrong with earning one's living behind the counter of a drapery shop." One gets the disturbing feeling, reading Kostelanetz, that many of our failed painters and writers (and dancers and filmmakers and musicians and sculptors) have found work, not in drapery shops, but in the American cultural establishment. They do not sell curtains, but meet behind them, carefully steering taxpayers' hard-earned money to themselves and their friends, regardless of the merit of the grantees' work. ❑

Booknotes

The Sex-Book Reviewer — Michael Perkins' ***The Good Parts*** (Masquerade, 1994, 430 pp., $12.95) establishes, in my mind at least, that Perkins (b. 1942) ranks among the great book reviewers of our time. This judgment won't appear anywhere else for two reasons. First, Perkins has since the late 1960s written about sex books, mostly for Al Goldstein's audacious weekly tabloid *Screw*. This is his first collection of *Screw* reviews; his only previous book of criticism is *The Secret Record: Modern Erotic Literature* (1976). Second, Perkins is a libertarian — if not in name, certainly in his sympathies. In the second respect, consider that he refuses to distinguishes between "'good' erotica and 'bad' pornography." That self-consciously P.C. distinction comes from the California magazine *Yellow Silk*, whose opportunism is deflated in this book's concluding essay. Perkins refuses to find some sorts of sex more acceptable than others, in life or in print.

Perkins reads widely and well, both closely and wholly, often quoting at length, with a good sense of persuasive literary evidence. His prose is clean and jargon-free. Temperamentally independent, he doesn't pander to his publisher or his audience. Like any real reviewer (and unlike those beholden to the commercial flacks), he covers books from small presses as well as large; he even respects books that are self-published and books appearing in limited editions (such as John Updike's otherwise underacknowledged paean to *Cunts*).

Some of the best pieces here deal with Gay Talese's *Thy Neighbor's Wife*, Thomas Szasz's *Sex by Prescription*, a feminist biography of Henry Miller, and a Brooklyn used-book dealer specializing in pornography. The most important review unveils the confusions and deceits of the anti-porn crusader Andrea Dworkin. For stylistic excellence alone, it belongs in the anthology of literary demolition that I've been proposing for 30 years.

—Richard Kostelanetz

Who is Nestor Makhno? — Nestor Makhno, the anarchist general, is a forgotten figure of the Russian Revolution. A Ukrainian anarcho-communist, Makhno spent years fighting both Red and White armies before finally fleeing the victorious Bolsheviks. His story is a fascinating chapter of Soviet history, leading one to expect ***The Struggle Against the State and Other Essays*** (AK Press, 1996, $9.95, 114 pp.), a collection of Makhno's writing, to be a fascinating book. But it isn't.

A volume about a relatively obscure figure ought to contain a lot of biographical and historical background — something to put the body of the book into context. But *The Struggle Against the State* has no introduction, only a "bibliographical afterword"; readers unfamiliar with Makhno will find more useful information on the back cover than inside. This is all the more surprising since the editor/translator, Alexandre Skirda, is Makhno's biographer. Makhno's essays themselves recount some key events, of course, but the reader has no easy way to tell honest reflection from mere apologetics. (You will not, for example, find any discussions of Makhno's bursts of personal authoritarianism. What kind of libertarian would shoot — *shoot* — a soldier for expressing anti-Semitism? Just how anarchist were Makhno's liberated territories in practice? You'll find no answers here, though Nestor does find room to reminisce that he was "devoid of revolutionary vanity.")

Nor are Makhno's essays particularly interesting in their own right, apart from their historical significance. Typically, he writes with all the wit and style of a Maoist sloganeer:

> May the calamity of Bolshevik communism never take root in the soil of Spain!
>
> Long live the union of the workers, peasants and working intellectuals of the whole of Spain!
>
> Long live the Spanish revolution as it strides towards a new world of increasingly liberating gains, under the banner of anarchism!

Yes; and Forward!

Those already familiar with Makhno's career may find this collection useful, but the casual reader is advised to look elsewhere: to any of Paul Avrich's books about Russian anarchism, or Voline's *The Unknown Revolution*, or Peter Arshinov's first-hand *History of the Makhnovist Movement*.

—Jesse Walker

Reds — In ***The American Communist Movement: Storming Heaven Itself*** (Twayne, 1992, 210 pp., $9.95), Harvey Kehr and John Earl Haynes trace the turbulent history of American Communism, following the party from its origin in the aftermath of the Russian Revolution to its heyday in the Depression years, to its gradual decline after World War II, to its worst ideological crisis in the 1990s. This small book is a thoughtful and non-polemical treatment of a controversial subject, providing a critical history of an important, misguided movement. Combining careful scholarship with easy readability, it will be of great value to students and general readers.

The number of books on American Communism is vast, and one can easily

get lost. This book is a good place to start. Its comprehensive bibliographic essay will guide the reader to the next stop. —Joseph C. Kunz, Jr.

Ten Animals I Slam in a Net — More than 30 years ago, before I had published any poetry, I heard a liberating line attributed to the French poet Pierre Albert-Birot (1876–1967): "If anything can be said in prose, then poetry should be saved for saying nothing." To put it differently, if the purpose of prose is communication from writer to reader (e.g., this review), then poetry at its truest should be about the creation of structures indigenous to language — no more, no less. What made this adage particularly liberating to me was the fact that I was already publishing prose — standard sentences that were meant to communicate. Thus, poetry would necessarily be something else, in my case visual language closer to graphic design. What also made the adage beneficial was requiring me to eschew the vulgar sentiments nowadays endemic to poetry-writing and, especially, poetry-declamation.

Accepting this bias, you can understand why, among books of poetry I've read recently, I found "S. Wordrow's" ***I Love Me, Vol. 1*** (Algonquin, 1996, 424 pp., $15.95), subtitled a "Palindrome Encyclopedia," to be the richest. Its theme is the surprises possible with English words rigorously arrayed. So devoted is its author to the principle of palindrome that he concocts not only a palindromic title but a palindromic pseudonym (his actual name is Michael Donner), in addition to inserting passing examples wherever possible. At the bottom of the page, for instance, are these credits:

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Some of the alphabetically organized entries are familiar ("Able was I . . . Elba"); others are three-letter baggage codes for airports (e.g., CHC for Christchurch, New Zealand; CDC for Cedar City, Utah). Liking numerals as much as letters, Donner includes the zip codes whose five numbers read identically in both directions. He knows the shortest syntactically credible palindrome — we sew. Many examples are credited to previous compilers, including the legendary Dmitri Borgman (whose mid-1960s books were a poetic inspiration to me). Others appear to be wholly new. Among my favorites:

A goy did yoga.

Kay, a red nude, peeped under a yak.

Ed, I saw Harpo Marx ram Oprah W. aside.

What makes these poetry to me is, first, the creation of pleasures unique to language and, then, the level of invention and surprise within a strict constraint. They are also *perfect* poems in that every word — no, every letter — resides where it and only it can be. Another measure of palindromes' status as poetry is that they, unlike prose, cannot be translated into other languages. Perhaps I should repeat the word *constraint*, because what I detest most in art, verbal or visual, is formlessness.

Here, as in other encyclopedias, good examples invariably inspire strong commentary. Appreciating "Eye-peep: peepeye," Donner writes that this "REVERSAL PAIR BY BORGMAN . . . still commands our attention for being a unique case of a reversal of COMPOUND PALINDROMES. Thus, though a PALINDROME by nature cannot be a reversal (of anything but itself), we do encounter in this pair alone a sort of 'PALINDROMIC reversal twins.'" Of such commentary, like many of the palindromes themselves, I feel a fellow craftsman's awe — I couldn't have thought of that if I tried. (This feeling, which is esthetic, is different from the sense engendered by much kitsch: "Why didn't I think of that first?")

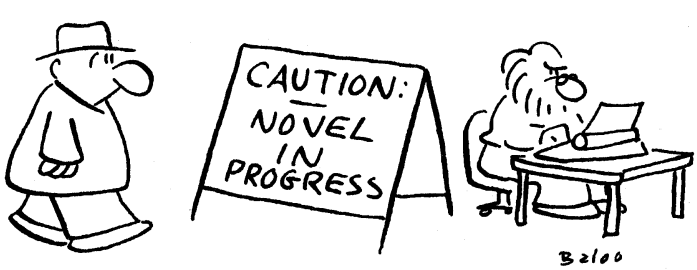

I read *I Love Me, Vol. 1* on and off for a month, because entries so rich were exhausting. Before long I began to appreciate such precious details as the inventive running heads and the internal gags. I also became more attentive to palindromes inadvertently encountered in my daily life. So intimidating was my experience of this book that I wrote no new poetry for the duration. If I had been hoping for inspiration to further work, I was wrong; it was a dampener, precisely because it is as complete as an encyclopedia should be.

—Richard Kostelanetz

The Population-Control Bomb — Stanford biologist Paul Ehrlich has spent three decades trying to convince the world's governments to curb population growth. His latest tome, ***The Stork and the Plow: The Equity Answer to the Human Dilemma*** (Grosset/G.P. Putnam's Sons, 1995, 364 pp., $30.00) is a gaseous, wretched, and thoroughly misanthropic book. Here, once more, Ehrlich urges humanity to "keep the plow ahead of the stork," to encourage the reduction of fertility rates to a level that matches agricultural output.

Ehrlich and his co-authors, Anne Ehrlich and Gretchen Daily, call for a massive reduction in the world's population; the U.S., they hypothesize, may need to shed 36 million people. "Step one" of this program is a massive educational program around the slogan "Patriotic Americans Stop at Two" — meaning, of course, two children. If this proves insufficient, Ehrlich *et al.* recommend enormous tax penalties for "overproducers," to be levied regardless of ability to pay. Although the authors do not say what they would do with those unable to pay the "child tax" who have more children than allowed, their fawning chapter about China's "advances" in population control suggests some reasonable guesses.

The authors acknowledge that some intransigents will resist the program. In the chapter "Government in the Bedroom," they explain that "Libertarians, who ardently espouse maximizing personal freedom and minimum government mostly do not seem to have figured out that a level of government regulation appropriate for a nation of three or four million farmers and merchants simply won't work for a nation

of more than 260 million mostly urbanized, industrialized and ethnically diverse citizens. . . . One cannot say honestly that governments have no place in the bedroom or that citizens have completely free choices — or perhaps even that they should."

Makes you want to join a militia, just in case. —Nicholas A. Damask II

An Economist's Surprise — Joseph Stiglitz is a prominent economist who chairs Bill Clinton's Council of Economic Advisers and who recently defended an increase in the minimum wage. So when I picked up his new book, ***Whither Socialism?*** (MIT Press, 1994, 338 pp., $15.00), I expected a fairly strong defense of government ownership and planning, along with a resounding criticism of modern capitalism. But I was pleasantly surprised. Stiglitz presents a sophisticated argument that modern neoclassical economics — the dominant economic theory of recent years — was too optimistic about the possibilities of a workable socialist system and thus contributed to the adoption of socialism and ultimately to its failure.

Whither Socialism? is an expansion of the Wicksell Lectures presented in Stockholm in 1990. In these lectures, Stiglitz attempted to shed some light on the influence of economics in the long-standing debate about the choice of alternative economic systems. My guess is that most of the readers of *Liberty* would sympathize with his general conclusions. For instance:

- "I see the critical failing in the standard neoclassical model to be its assumptions concerning information" (x).
- "Perhaps the most important failure of market socialism was its underestimate of the significance of incentives" (66).
- "[T]he market socialism model . . . failed to address the central questions of how production and decision-making should be organized" (159).
- "The economic advantages of privatization are derived from the inability of the government to make certain commitments, in particular, the commitment to competition and the commitment not to subsidize" (179).

Stiglitz faults the model of perfect competition for assuming perfect information and ignoring incentives, institutions, and transaction costs. Because they accepted this model, market socialists, such as Oskar Lange, thought that they could easily replicate the market model through central planning. Stiglitz is correct in that the market socialism project was a dismal failure and, indeed, the neoclassical paradigm promoted this misunderstanding. It is a pleasant surprise to read a book by a prominent theoretician who provides insights into and devastating criticisms of socialism and of the contribution that economics made to that misguided project.

Nevertheless, there are some unpleasant surprises, too. Stiglitz apparently has only recently discovered how inadequate the standard neoclassical model is. However, Austrian economists have for years been critiquing the neoclassical paradigm for precisely the same reasons. Austrians have long argued that the assumption of perfect information is misleading and that markets are a dynamic discovery process that provide an effective way of generating valuable information.

Stiglitz gives little attention to the Austrians, citing Hayek in only a few places, and even then not mentioning his famous essay, "The Use of Knowledge in Society." He generally ignores other economists who have contributed substantially to our understanding of the role of information and the importance of institutions and property rights, such as George Stigler, Harold Demsetz, Armen Alchian, and Steven Cheung. The institutional/transaction cost approach of Douglass North is not acknowledged, and there is no reference to any of the valuable insights of the Public Choice school.

Furthermore, Stiglitz does not seem to fully integrate with his policy prescriptions his belief in the importance of information, competition, and decentralization. For instance, he suggests that "the incentive problems that arise in large enterprises and the solutions would seem to differ little between those that are privately or publicly owned" (68). And "the nature of those

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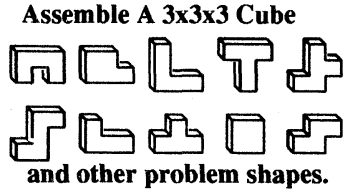

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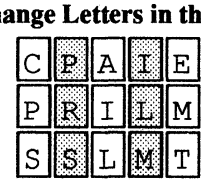

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principal-agent problems may differ little depending on whether ownership is public or private" (174). Thus, despite his criticism of the neoclassical model for ignoring incentives and competition, Stiglitz still fails to understand the important connection between private property rights and incentives.

Is *Whither Socialism?* worth reading? Economists and others who appreciate markets and private property rights as powerful mechanisms for social coordination will gain little from reading Stiglitz. However, if one wants an interesting survey of neoclassical economics, how it has gone astray, and how some neoclassical theoreticians (in Stiglitz's mind, primarily himself) have revised the model for a more accurate description of the world, the book can be valuable. It traces the intellectual history of an important paradigm and allows us to follow the ruminations of a prominent theorist. —P.J. Hill

Fantasia on a Theme by Emerson — I was recently asked to review Christopher Newfield's ***The Emerson Effect: Individualism and Submission in America*** (University of Chicago Press, 1996, $45.00 hc, $16.95 sc, 287 pp.). Unfortunately, the book is written in the insufferable academic jargon of the modern lit-crit crowd. As Huck might have said, the statements was tough, but not interesting.

Like many of his compatriots in the MLA's fast lane, Newfield is uncritically inspired by Freudian mumbo-jumbo, which enables him to interpret things as he wishes. Thus, relating a dream of Emerson's in which a public debate on marriage is drenched by an unspecified fluid shooting from a "spout," Newfield interprets: "Emerson awakens with the fear that he too has been pissed on."

"Pissed on." Innocents will wonder why a spout's emission is necessarily "piss." After all, even if it isn't water (the most obvious choice), there are any number of alternative fluids, pleasant or unpleasant: apple juice, rosewater, tea, etc. But it must be piss, of course, because a spout, like a cigar or a skyscraper, is a penis, and penises emit urine, among other things. Reading Newfield's *echt*-Freudian fantasies, I was reminded of Jim's elaborate interpretations in *Huckleberry Finn*. Newfield would be so much more amusing if he would drop out, sit down, and squeeze out something in Twain's style . . .

> Tom Sawyer came home from his college up north and told us about a book he was reading, that told Ralph Waldo Emerson's dreams. We was out on the porch when he read us one dream. By us I mean me and Tom and Roy Harper, and also Chris, cousin to Jim.
>
> Now, after he heard about the dream, Chris couldn't sit content with things. He set about 'terpreting, and after shushing us good and solid, he declared he had the secret of Professor Emerson's dream. "De spout," he said, "is a man's thing what he uses to go inside a woman." Me and Tom and Roy Harper turned red and set to prancing around, but Chris declared we was boys with filthy minds and shet us up by saying he warn't going to finish the 'terpretation if we kept up our foolishness. "But de stuff dat comes out, it ain't for a woman. Iss jest yellow pee" — but this set us all to whooping and hollering over the ground again. When we settled down still laughing inside fit to bust, Jack plowed ahead and declared he would finish his 'terpretation no matter what. "And dis yellow pee, it's sprayed all over de congregation to show dat de devil ain't no respecter of de Lawd. Now, what set Mr. Emerson all in a sweat was de idea dat de devil's pee had drenched him and mebbe gave his mind up to bad works. But in de end he clutched

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himself in places and found he was dry, and set down de dream as nothin'. Dis a mistake. De devil, he a sly one, and he hain't goin' to creep inside a man's dreams 'less he find a chink in de armor. Mars Emerson, he musta been thinkin' on marriage and thinkin' bad thoughts."

Here Tom interrupted. "But Chris, haven't you forgotten something? Mr. Emerson said that the meeting that got hosed down was speaking against marriage. So whoever shut them down was doing good, don't you see?"

This upset Chris a good deal, but he didn't show it. Instead he set out to "adjust the 'terpretation," and bye and bye he declared that he had found a way out. "I was wrong, and de man wit de hose ain't no devil. He Mr. Emerson's pap, who done washed away de people's evil wit his yellow pee. De pee is what dey deserve dat speaks for de devil and 'gin husbin and wife." And you never in your life seen such a satisfied nigger as that Chris when he had finished. I do believe he thought he had outsmarted Tom Sawyer.

—Nathan Crow

Filmnote

Sayles Fails — A disappointing movie sometimes seems worse than an actually bad one. ***Lone Star*** is such a film — a small-town epic set on the Texas/Coahuila border, a murder mystery and a love story, tying rather too neatly together the strands of lives white and brown, rich and poor. Writer-director-editor John Sayles wants to tell a story about history, about how the world we live in today was shaped by choices people made long ago; about the hidden stories of particular places, stories you have to know to decipher why people behave as they do, but which no one — not even the people you're trying to understand — knows in full. He wants to tell a story about complexity, and conflict, and power. It is a wonderful idea for a motion picture. But that motion picture is not *Lone Star*.

Too many movies include scenes in which one character tells another something both actually already know, simply to let the audience in on the information; the result is dialogue that sounds stagy and inauthentic. *Lone Star* has this problem in spades, a flaw exacerbated by Sayles' decision to people his picture with stock characters ready to expound on anything at any moment. A reporter, without being asked, suddenly describes a decades-old corrupt real estate deal. Parents stiltedly debate how Texas history should be taught in the public schools. A bartender gives a sudden soliloquy on the Mexification of his town. There is *some* subtle exposition in the film, most of it involving romantic and familial ties. But even here, Sayles seems incapable of letting things be. Time and again, scenes seemed to go on ten seconds too long; having established 2+2 to great effect, Sayles feels compelled to add a superfluous (and often jarring) line to drive home the =4.

The result is a clumsy mess, a giant could-have-been. —Jesse Walker

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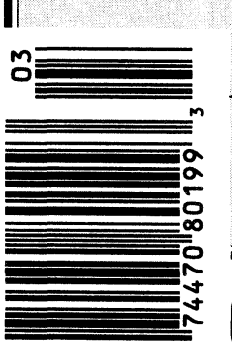

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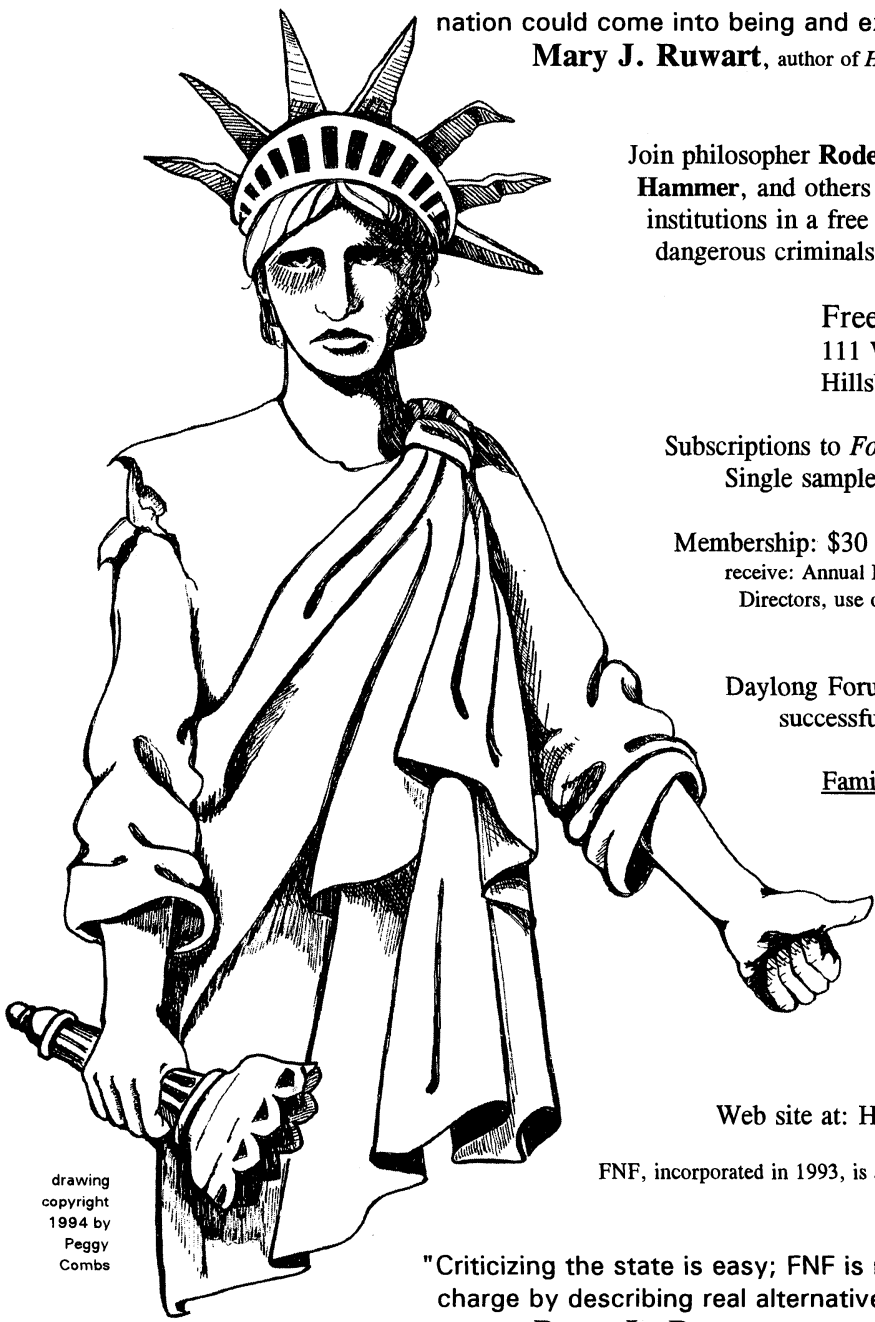

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March 1997
Volume 10, Number 4

4 **Letters** Your missives, should we choose to accept them.

5 **Reflections** *Liberty's* editors discuss friendly skies and brutal cops, cowardly Clarence and fatherly Bill Clinton, imperialist right-wingers and privatizing terrorists.

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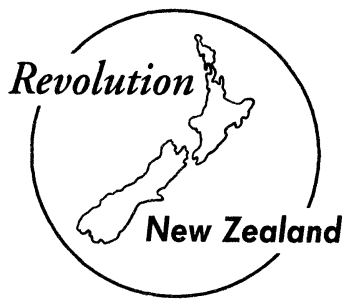

13 **Visit to a Small Country** Not long ago, in a land far, far away, liberty struck some blows against the empire. *R.W. Bradford* reports on New Zealand's recent past — and its future.

23 **The Art of the Possible** The key player in New Zealand's Revolution, *Sir Roger Douglas*, tells how he slew the statist dragon.

32 **Foucault and Feminism** *Wendy McElroy* explains how a left-libertarian, anti-Marxist French pederast became a god of American feminism.

37 **One Man to Tell Them All** Libertarian congressman Ron Paul talks to *Chester Alan Arthur* about drug laws, the Defense of Marriage Act, and friends and enemies in the Libertarian and Republican parties.

39 **How America's Third Largest Party Could Succeed** *Harry Browne* thinks the Libertarian Party has to do better next time. Here's how.

45 **Republicans, Drug Money, and You** Republicans hooked on pharmaceutical cash bottle up a bill allowing Americans to use non-FDA-approved drugs. *Kenneth Lee* reports.

47 **Marijuana Sell-Out** Medical marijuana initiatives, say *Thomas S. Szasz*, are just another brick in the wall of the universal prison.

Reviews

49 **Murray, Adam, and God** According to Murray Rothbard, economics' Immaculate Conception was in Catholic Spain, and its Fall in Protestant Scotland at the hands of Adam Smith. *Robert H. Nelson* sorts out the deities of the dismal science.

57 **Two Cheers for Liberty** Charles Murray and David Boaz offer contrasting visions of libertarianism. *R.W. Bradford* finds blind spots in both.

63 **The Problems with "Sexual Correctness"** Wendy McElroy argues that gender feminism undermines women's rights. *Ginny NiCarthy* undermines her case.

67 **Brush** Poetry by *Joanne Lowery*.

66 **Classified Ads** For sale, by category.

69 **Notes on Contributors** Who we are, but not *why* we are.

70 **Terra Incognita** Life at the margin.

Letters

Government Slut Babes Bare All

With titles like "Whores Of The Art World" and "Child Porn and Free Speech" emblazoned across the front cover of last month's issue, who needs tact? Certainly not a small but innovative publication seeking to expand its readership.

Tell you what: if you really want to go for some raised eyebrows, why don't you get Larry Flynt to send in some sleazy photographs. You know — real pornography. And run them in your next issue with something like "Government Slut Babes Bare All!" on the cover.

Believe me, it would give new meaning to the word "liberty."

Tom Menendez, D.C.
Sellersburg, Ind.

Artists Are Special People

I have felt the same discomfort Jamie McEwan ("The Art of Living, and Living on Art," January 1997) has regarding the apparently small numbers involved in government arts funding, and I am also disgusted by the childish, arrogant sense of "entitlement" that radiates from our welfare artists of late.

But McEwan advances nobody's cause by trotting out the shibboleth that "everyone is an artist," an idea so tired and so obviously untrue in any meaningful sense that it does more harm than good to his argument. True, today's artists are too fond of inflating their own importance to the level of self-anointed shamans responsible for giving our communal life profound meaning, imparting that "unique, mystical quality" we all crave. The remedy for such arrogance is not, however, to assert the supposed egalitarianism of the aesthetic dimension in daily experience. Such art-egalitarianism is partly to blame for the shallowness of modern American culture, a tacky culture that does not see an intrinsic difference between a Rembrandt portrait and Elvis on black velvet.

Not everyone is an artist. Art is a distinct cultural activity, qualitatively and functionally different from directing traffic or flipping burgers (however "beautiful" those activities may occasionally be). Art is "elitist" by nature, but as Robert Hughes has observed, it is "an open elite" capable of being entered by anyone who takes the time to appreciate what it's about. Claiming that "everyone is an artist" simply because many activities have an aesthetic component is specious; it is like saying that everyone is a molecular biologist because he lives in a world made up of molecules.

Clifford Davis
Wilmore, Ky.

Artists Are Special People II

Contrary to your writer's opinion on the subject, artists *are* special and deserving of society's support; otherwise our culture is doomed to failure. Artists are not like most people and do have special needs, and this has been and always will be the case, regardless of prevailing social attitudes. Artists shed light on the human condition, a task which is vital to any sane, vibrant culture.

Unfortunately, libertinism or selfishness is what is professed here, something that should have been outgrown in the nursery. Furthermore, I urge all of you who once had genuine ideals for humankind to give up this me-first, cynical philosophy and return to earth, which is inhabited by human beings, a system of cause and effect and hope.

Mary Bronstein Cantoral
Warrenville, Ill.

A Tautology Is What It Is

In the September 1996 *Liberty* Nathan Crow wrote of the practice of making the presence of HIV a necessary condition for a diagnosis of AIDS: "This might sound at first like a statement that is true merely by definition." Unfortunately, however, this doesn't just *sound* like a statement that is true merely by definition; it *is* a statement that is true merely by definition. Defining AIDS in terms of the presence of HIV and then saying that HIV causes AIDS confuses a logical truth with an empirical hypothesis.

It won't do to respond that clinical definitions are chosen for their predictive value. A definition, by itself, has *no* predictive value. It is a set of empirical hypotheses, taken together, that is valuable for making predictions. Of course, if the vast majority of people who are HIV-positive develop AIDS and the vast majority of people who are HIV-negative do not, then the presence of HIV is important for a given patient's prognosis. It isn't necessary to define AIDS in terms of the presence of HIV. You can define it in terms of an opportunistic disease combined with a long-term low T-cell count. That would leave open the question of why a tiny fraction of HIV-negative people develop AIDS and why a tiny fraction of HIV-positive people do not. Further research, however, may answer these questions without refuting the hypothesis that HIV is, by far, the most, common cause of AIDS.

It seems better to admit that we can explain most, but not all, cases of AIDS than to confuse a definitional truth with an empirical hypothesis and deceive ourselves into thinking that we know more about this disease than we actually do.

Tom Avery
Brooklyn, N.Y.

The Truth Isn't Out There

Why does Dominick Armentano ("The Truth Is Out There," November 1996) want to believe that highly evolved beings, capable of traveling light years, did so just to make funky patterns in some farmer's field on our cosmically insignificant planet?

Tim Stadler
Boise, Ida.

Crimes of Definition

Much as I appreciate Jesse Walker's review ("Beyond the Culture Wars," January 1997) of my book *Crimes of Culture*, I'd like to quibble about one crucial word. He classifies me with "a

continued on page 36

Letters Policy

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

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Reflections

Off target — The law restricting free speech on the Internet wasn't the only law Congress enacted last year against exercise of the rights guaranteed by the Bill of Rights. On September 28, that august body passed an appropriations measure that included a law prohibiting ownership of so much as a squirrel rifle or a single .22 caliber cartridge by any individual who has ever been convicted of a misdemeanor involving the use or attempted use of physical force. The measure's sponsor, Frank Lautenberg, explained its rationale to his fellow Senators: "My amendment stands for the simple proposition that if you beat your wife . . . you should not have a gun."

Of course, the measure does far more than that. It takes away a right guaranteed by the Constitution from a whole lot of people who never beat their wives at all, people who maybe got in a fight while a teenager or were in the wrong place at the wrong time and pled guilty to a misdemeanor rather than go to the trouble of hiring an attorney and contesting a wrongful charge.

It turns out that one high-pressure occupation includes an awful lot of men who have had a problem with domestic violence. You guessed it: cops. And, thanks to a unique amendment, the measure will cover them as well. In an unprecedented move, sympathizers with the Bill of Rights managed to add an amendment to the measure specifying that, unlike other gun control laws, it would apply to law enforcement officers as well as other citizens.

How many will be affected? Well, in a *Wall Street Journal* article, James Bovard quotes Victor Kappeler of the Criminal Justice Graduate Program at Eastern Kentucky University to the effect that as many as 10% of the nation's law enforcement officials might have their guns — and their livelihoods — taken away from them. Oops!

So what effect will the law have? For one thing, when a cop decks his wife, she'll be reluctant to report the incident to the authorities, since it will also cost him his job. —RWB

You may now unfasten your seat belts — Living as we do in the Great American Police State, it often seems that every conceivable act is either forbidden or required. Imagine my exhilaration, then, when I stumbled upon a press report identifying one remaining act the authorities permit us to take or refrain from taking as we please.

According to a *Chicago Tribune* story, "No FAA regulations prohibit people from engaging in sexual intercourse in the sky." Of course, there is a proviso, "as long as the activity does not interfere with the safe operation of the aircraft." Leave it to the bureaucrats to cover every angle.

The revelation of this heretofore unsuspected freedom appears in a story about a charter aircraft service in the San Fernando Valley that takes couples aloft for an hour in a suitably equipped flying boudoir, giving them the opportunity to join the Mile High Club.

Of course, in America no good time goes unresented. It seems that, down on the ground, the spirit of Puritanism is alive and well. Contemplating the business known as Mile High Adventures, one Encino householder complained that "people are fornicating over our city," adding incongruously that the innovative charter service "is not the kind of thing that they should be flying out of our bedroom community."

Spoilsports be damned; this news is cause for celebration. The Federal Aviation Administration, one of the most paternalistic of all government bureaucracies, has on this occasion somehow managed to take a position that recognizes people's right to decide for themselves even though they may fuck up. —RH

No low-tech lynching — Clarence Thomas had initially agreed to speak at the closing banquet for the Festival for Youth in Delmar, Maryland, on January 18. He changed his mind when he learned that the NAACP planned to protest his appearance because they don't like his right-wing views. The left has been living on these kind of victories for years now. It just shows that if you simply put a conservative in a situation which even appears difficult, he will surrender unconditionally.

"I do not think that it is prudent or wise to put these children in that position," Justice Thomas explained. He did not explain how it is "prudent or wise" to leave these children a country in which any leftist group knows that it can silence a public figure simply by threatening to protest his appearance. —CB

Roll out the bail-out — The chirpy Brits at *The Economist* are having a good laugh at the "doomsters" who, following Mexico's financial crash, predicted the end of the "emerging-market phenomenon." After an interregnum of caution, "bond issues, in particular, are booming."

Well, of course. The lesson financial markets learned from the debacle is that the American government will go to any length to bail out rich American bondholders. Thus, in the long run the Mexican collapse has proved a blessing in disguise. Under the previous, faux-democratic dispensation, a public curiously reluctant to have its pockets picked of $50 billion might require some debate. Unpleasant questions could be asked. But now this glitch has been mended: the IMF will double its $25 billion emergency credit line for impecunious regimes. O happy day! A guarantee of profits to wealthy First Worlders, and a guarantee of reckless financial practices by Third World governments.

This, to be sure, is nothing new: as Roberto Salinas León noted in *Perpetuating Poverty*, Mexico spent $34 billion to service foreign debt from 1989 to 1992 — "equivalent to 97 percent of total foreign investment in the same period." Much of that debt-service went to pay for World Bank-sponsored

boondoggles that enriched the coffers of the Institutional Revolution Party and its favorites.

Their gain is our loss, and a loss for ordinary people south of the border. Our government has saved the investments of the rich, but it has not saved Mexico's economy: outside of corporate utopias like Tijuana and Ciudad Juarez, unemployment continues to ravage the country, crime rates are reaching near-American levels, and the formerly feckless Zapatista movement is suddenly a plausible threat.

The American press has here (as everywhere) neglected to supply an historical context for the Clinton bailout. The pirate powers used to send troops to deal with these problems. When Napoleon III installed his hapless cousin Maximilian as emperor, the imperialist coalition declared, as H.B. Parkes relates, that the soldiers were "to offer 'a friendly hand'"; they told the Mexicans that they had arrived "to preside at the grand spectacle of your regeneration." What "regeneration" meant in 1862 was forced payment of the Mexican government's debt to French bondholders — with the expenses of the occupation borne by French taxpayers and conquered Mexicans, and its benefits accorded to a privileged class.

Since then, of course, less crude methods have been found. But the U.S. still has no business insulating the government of Mexico from the justifiable wrath of the Mexican people. If bonds are "booming," it is largely because our rulers are willing to secure Mexican politicians' fortunes along with those of their corporate allies north and south. So the return of "emerging markets" in pyramided debt subsidized by U.S. and Mexican taxpayers may not be the good news for us or the Mexican people that it self-evidently is, as *The Economist* notes, to the "hundreds of bankers and financiers descending on Washington" for the IMF's annual meeting, where further plans will be laid to secure a world with socialism for bureaucrats and the rich, and "markets" for everyone else. —NC

Tyrant on a stick — Inexpensive tastes are one of life's greatest blessings. I have several. One of them is a taste for truly absurd political leaders.

This, indeed, is a taste that is easy to satisfy. What a meal Brezhnev was! And he could be enjoyed for nothing. At least I could enjoy him for nothing; I'm not talking about the Great Soviet People, who had to pay for him at artificially high, monopoly prices. Then there was Erich Honecker, and those guys in Nicaragua, and Idi Amin — how different, yet how delightful! And the quaint family groups: the Perons, the Maos, the Castros, the Gandhis, the Ceausescus, the Duvaliers — inexhaustibly delicious!

I am willing to enjoy even such a trite little dish as Mobutu Sese Seko, President of Zaire. While his country more or less fell apart, Mobutu was holed up in Switzerland, where he endured an operation for prostate cancer. (I'll bet they didn't call it "prostate cancer" in the Kinshasa papers.) Funny, isn't it, how the benefactors of their nations can never find proper medical care back home?

In any event, home Mobutu came — and home I come to the point of my reflection, which is an article that went out over the Knight-Ridder News Service, reporting on Mobutu's glad arrival in the chief city of his realm. The article was written by Andrew Maykuth, a person for whom the All Powerful Warrior appears to have no charms at all.

Maykuth's reporting is cruelly factual. He depicts Mobutu returning "to the disintegrating nation he has looted during his 31 years of autocratic rule." How crude! This correspondent takes absolutely no time to savor the Third World hero. Maykuth just comes right out and says that Zaire is "a nation impoverished by a bankrupt government." He adds, dismissively, that Mobutu announced "he would work toward a democratic transformation, which he has been promising for the last six years." Even the local scenery is mobilized to make a case against the president's Inflexible Will to Win (as it is known in Zaire). Describing the path of "Mobutu's manic motorcade," Maykuth says that

> workers had cut the knee-high grass along the route and patched potholes, a major accomplishment. Most streets in this sprawling city of 5 million have been neglected so long that they have become undulating lanes of dust and trash connecting small islands of asphalt.

Maykuth has his suspicions about the very sincerity of Mobutu's reception:

> Members of his ruling party resorted to extraordinary measures to give their president a hero's welcome. Hundreds of thousands of people lined the motorcade route — many among them attracted by beer or small cash handouts.
>
> Others were simply curious to view the head of state and national father figure . . .

Of course, no political figure is too absurd for those who want to believe in him. Maykuth reports that some Zairean citizens regard Mobutu with "disdain," but others think that his return will cause "Zaire's currency to strengthen, corruption to end and the economy to be restored."

Come on, Andrew; isn't that just the least bit entertaining?

All right, all right. Mobutu is a horrible man, and he's undoubtedly done horrible things to his poor country. On the other hand, do news stories really have to turn into sermons, even when they're directed at so obvious a target as Mobutu?

And think of this: What would happen if a Zairean reporter decided to give the same treatment to the smug First-Worlders?

Would the Zairean correspondent in Washington report with sour and absolute accuracy that "President 'Bill' Clinton, the scandal-ridden head of the world's largest debtor state, returned to his decaying capital from one of his obsessive rounds of glad-handing in a distant continent"?

Would the correspondent mention Clinton passing through the dust and trash of the District of Columbia?

Would he tell his readers that thousands of slack-jawed curiosity-seekers lined the route of the president's manic motorcade, or observe that the audience was attracted by the aroma of sleaze and the prospect of welfare handouts?

Would he mention the fact that there are actually Americans simple enough to believe that a second dose of Clinton will cause the U.S. currency to strengthen, corruption to end, and the economy to be restored?

Would he allude to Clinton's promises of

Liberty's Editors *Reflect*

CB	Chris Baker
RWB	R.W. Bradford
SC	Stephen Cox
NC	Nathan Crow
RH	Robert Higgs
RHN	Robert H. Nelson
JW	Jesse Walker

a balanced budget and an era of prosperity for all Americans, then make sure to notice that these are promises made many times before?

Would the Zaireans be invited to sneer at our head of state and national father figure?

On second thought, maybe the Zaireans are already sneering. And maybe we could use some of that factual Zairean reporting in our own local papers. —SC

You have entered the Canal Zone — *The Weekly Standard*'s recent brief for the U.S. empire's presence in Panama offers an extraordinary glimpse into the right-wing mind. It isn't just historically inaccurate, as any plea for imperialism must be. It isn't just supremely arrogant. It's funny. The Canal Zone "'was a paradise,' sighs a third-generation Zonian" quoted in Thomas DeFrank's article. "The entire zone . . . resembled one enormous golf course." DeFrank, believe it or not, is trying to be serious. It escapes his notice that the "paradise" he is describing is a socialist state vaguely resembling the imaginary English village invented by Edward Bellamy in *Looking Backward*. DeFrank does note, approvingly, that the Zone was run by "the Panama Canal Company, a U.S. government agency."

As it progresses, DeFrank's paean to military socialism grows more bizarre. "The Canal Zone was a Little America . . . Main Street, U.S.A., circa 1930," he gurgles. In the manicured vistas of DeFrank's wet dream, America before Franklin D. was one big company town; and in the Zone, "the company handled everything." The joyful enclave came to wrack and ruin with the Carter era, when services were privatized, the greasers bought up U.S. government properties, and the high school students' hangout was "taken over by the Panamanians, who jacked up the prices so high the kids stopped going." Sob.

But that is the least of the natives' crimes. Their presumption now has no limits, and the government has recently begun renaming the streets, replacing the names of heroic American engineers with those of Omar Torrijos and other gringo-haters. Even more offensive, the Panamanian who owns the local McDonald's franchise (can you believe we let them *own* things?) had the temerity to post a sign for his restaurant at an empty railway station.

The real purpose of DeFrank's piece finally emerges: to support Clinton's plan to keep 4,000 U.S. soldiers on Panamanian soil. The Panamanians, he notes, "abolished their army after" American troops had rescued the population from Manuel Noriega's dictatorship. (He fails to note that Noriega was a CIA employee backed by U.S. military power — one who, until he began suffering from delusions of sovereignty, bore approximately the same relation to Reagan/Bush that Jaruzelski did to Brezhnev/Gorbachev.) So U.S. troops are needed. They will prop up Panamanian "democracy," which, DeFrank notes, is "tender" and might be threatened by "Colombian drug cartels." (Colombia itself has benefited from American semi-occupation these many years; the benefits to democracy and freedom thereof are too well known to elaborate here.) He does not mention that the present Panamanian regime, like that of his American-installed predecessor Endara, is already implicated in the drug trade. The General Accounting Office reports that the drug trade "may have doubled" after the invasion.

Fortunately, there is hope. The country is now run by, rather than merely for, an "American-educated banker." Perez Balladares hopes to fend off domestic "nationalists," who are demagogues inciting Panamanian proles to believe they can govern themselves. Hence, negotiations for continued U.S. occupation have been stalled by the banker and his clique, who have not yet adequately "prepared their electorate" for the notion that, having abolished their own military, they should keep a foreign power's troops on their soil. (A few paragraphs later, DeFrank claims that Panamanian pollsters recently found that three-fourths of the population wants the U.S. to stay. *The Weekly Standard* trucks with consistency as little as it does with reality.)

DeFrank's piece manages to ignore the history of how the U.S. government stole the Canal Zone by ripping off the single most valuable chunk of Colombian real estate and inventing the country of Panama, how it ordered its puppets to sign a "treaty" depriving the new country of any significant profit from the Canal, and how the treaty was finally revised to allow Panama to pay off billions of dollars squandered by the government with the help of loans from American banks. He swallows whole the bizarre fantasy of the U.S. heroically rescuing Panama from Noriega. To him, a Panamanian's desire to say good-bye to Uncle Sam is just the weird macho posturing of a spic. No wonder. If there's anything that emerges clearly from DeFrank's piece, it is his kind's unwillingness to consider dark-skinned foreigners — their feelings, thoughts, history — as worthy of respect, or even notice.

Any gringo voice, by contrast, is gospel. For an authoritative view of the history of and conditions in Panama, the author consults an American "high-school junior pumping iron at the Balboa fitness center," who remarks that "we [sic] ran this country for them, and now they've run it into the ground." The irony here is that the lad is half right: "We" indeed ran the country for them, and no doubt outside the colonial village it is the violent, despairing, semi-feudal basket case of our nightmares. After almost a century of Uncle Sam's hegemony — including 14 occupations/interventions since 1903 — Panama is a mess. That this might give its people good reason to suspect "our" intentions never occurs to DeFrank, who seems not to have interviewed a single Panamanian who is not a politician, the one exception being a security guard who tells the reporter that "stripping [i.e. looting] is our national sport."

Perhaps the most grotesque irony of all is that this candid

"Sorry — I'm not that sort of person."

Gurkha is standing watch over the remnants of the "School of the Americas, where the U.S. Army once trained thousands of Latin American soldiers." And sent them off, DeFrank does not note, to Guatemala, Chile, El Salvador, Paraguay, etc., to murder and torture ordinary people.

Continued "prosperity depends on [the U.S. military's] staying," DeFrank concludes. But so long as Panama is dominated by a foreign power that finances its dictators and kills its citizens at will, "prosperity" will remain as anemic as DeFrank's apology for colonialism. The U.S. has done what it could to wreck Panama's profitable banking system by forcing the country to allow the DEA to snoop into customers' records. And years of American rule have erected an economy based on serving the needs of relatively affluent American soldiers. If Panama goes it alone, it's true, her people will at long last have to develop a real life, free of servitude to a corrupt and hypocritical empire.

Maybe that's a task beyond Panamanians' abilities. But whether it is beyond the abilities of Thomas DeFrank and the editors of *The Weekly Standard* is no longer in doubt. —NC

Anti-Semitism at FEE?!? —

On November 21, economist Israel Kirzner resigned as a trustee of the Foundation for Economic Education, the semi-libertarian institution that publishes *The Freeman*. He was protesting two articles that he deemed anti-Semitic: a December essay on Arab terrorism by Robert McGee and a November book review by Hans-Hermann Hoppe.

Six days later, FEE president Hans Sennholz fired reviews editor Robert Batemarco and removed Robert Higgs and Lawrence White, the guest editors responsible for the two offending issues, from his magazine's masthead.

I do not usually read *The Freeman*, having exhausted my appetite for dull restatements of basic libertarian positions sometime in my late teens. But my curiosity was piqued. I got hold of the two controversial essays and scoured both for anti-Semitism. I found nothing: no generalizations about Jews, no anti-Jewish stereotypes, no excuses for the bigotry of others. Certainly, the two pieces had problems: neither was very well-written, and McGee's smacked of special pleading. But there was nothing

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The Prostitutes' Rights Movement in America. **Wendy McElroy**, author of *XXX* and *Sexual Correctness*, vindicates the rights of whores. (**Audio: A210; Video: V210**)

The New Nationalism. **Bill Kauffman** takes a hard-hitting look at the Buchanan movement. (**Audio: A209; Video: V209**)

Education Rhetoric: Anatomy of a Pseudoscience. **Nathan Crow** exposes the unsound teaching methods sweeping the country — and how more sensible alternatives are being suppressed. (**Audio: A215; Video: V215**)

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Libertarianism As If (the Other 99% of) People Mattered. If we're so right, why ain't we free? **Loren Lomasky** offers some advice about communicating to the obstinate people of an unfree world. (**Audio: A204; Video: V204**)

The Unappreciated Politics of Ludwig von Mises. **R.W. Bradford** makes the Misesian case for democracy. (**Audio: A206; Video: V206**)

Recollections of Mises' NYU Seminars. **Bettina Bien Greaves** takes you back to the famous Mises seminar at New York University, which she attended with several other libertarian notables-to-be. (**Audio: A207; Video: V207**)

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bigoted in either — certainly nothing offensive to me as a Jew.

So what had offended Kirzner? In McGee's case, that he criticized Israel's anti-Arab policies. In Hoppe's, that he stated, in the course of an article about something else, that Stalinist Russia in peacetime was more totalitarian than Nazi Germany in peacetime. That's all.

If Kirzner's reaction is odd, Sennholz's is downright bizarre. It seems difficult to believe that a man who would publish a positive review of J. Philippe Rushton's racist IQ theories would find McGee and Hoppe's mild opinions insensitive. (Rushton is the man who believes that there is an inverse relationship between intelligence and penis size, and that blacks tend to excel at the latter.) Perhaps Sennholz was simply upset at losing his association with Kirzner, an eminent economist. But Higgs and White are eminent names as well. If Sennholz is worried about losing respectability, why compound the problem by breaking with another two respectable figures?

It is also possible that Sennholz, who lived in Germany during WW II, feels a special guilt over anti-Semitism. But it's more likely that his actions were simply a craven response to the threat of *controversy*, something FEE has long struggled to keep out of *The Freeman*'s pages. Why risk dissension and debate when your job is to publish devotionals? —JW

Lima bean-counters — A few days after leftist rebels seized hostages at the Japanese ambassador's house in Lima, a giddy little story surfaced about how much fun the elite captives had debating politics with the Tupac Amaru boys. Apparently, the rebels agreed — or wanted to be seen as agreeing — that some Peruvian businesses might actually be privatized. The debates seem to have been about the *kinds* of businesses, the *speed* with which they should be privatized, and so forth.

Now, there's always a hefty possibility, in cases like this, that one side or the other may have fallen victim to some slight misunderstanding. Nevertheless, the reported Embassy Debates are an encouraging sign for friends of free enterprise. I wonder whether opinion leaders in this country, who are simply stupefied by any suggestion of privatizing an established government function, will ever catch up ideologically with the Peruvian rebels. —SC

Bill Clinton, welfare dad — Without the approval of the 19th amendment to the Constitution — giving women the right to vote — in 1919, Bob Dole would have become the new president of the United States, having won by 1 percent. Among white males alone, Dole received 49 percent of the vote, compared with 38 percent for Bill Clinton. Women, not men, re-elected Clinton, favoring him by 54 percent to 38 percent.

This gender gap was one of the big stories of the 1996 election campaign. It spawned innumerable articles about how a new generation of "soccer moms" was turning to the Democratic party and Clinton. It turns out, however, that the soccer mom was mostly just another media tall tale.

According to exit polls, the much-touted soccer moms (25 to 50-year-old married women with children) favored Clinton over Dole, but by the slim margin of 45 to 43 percent, nowhere near enough to overcome Dole's advantage among men. The gender gap was actually composed mostly of unmarried women, of whom an extraordinary 73 percent voted for Clinton.

The gender gap is a product of the shifting composition of the American family since the 1960s. Today, more than 30 percent of children are born outside of marriage. Among new marriages, about 50 percent are likely to end in divorce. Women in such circumstances — or others who may fear that one day they will end up in them — have been turning in increasing numbers to the government for support, and are voting accordingly. The state is becoming the new surrogate husband.

The recipients of direct cash assistance from welfare are largely women. Sixty percent of those receiving Medicaid are women. To single women from the middle classes, alimony and child support are almost as important as government subsidies. The amounts of support received are politically determined — usually set by judicial decree, following broad legislative and executive guidance. Women look to politicians to maintain high payment levels and to select judges with appropriate views. They also look to government for help in ensuring that they actually receive the mandate.

Elderly women are another group that has come to depend more on government. Because women generally outlive men, they make up 60 percent of Medicare and 57 percent of Social Security recipients. In the work force, even among women with college degrees, about half enter teaching, nursing, social work, and social service positions, most of which are jobs within government or directly supported by public funds. Women have successfully pressured government to open up new job opportunities for them in a variety of fields.

In the old days, men functioned in the family as an essential source of economic support, a protector of physical security, and as insurance against ill health or other disability. Today, for many women, the government has come to fill these roles.

At the same time that Bill Clinton was talking about the importance of family values, he was undermining the family by increasing government benefits for women, thereby further substituting the state for the man in the family. The talk

"If Adam and Eve work out, we'll *franchise* them."

about soccer moms provided him cover, and diverted attention from his continued role in subverting the family.

The new degree of personal autonomy and freedom has improved the lives of women, giving them rights that they had long been unfairly denied. But it would be ironic if a further outcome of this greater individual freedom turned out to be a greater dependence on the government. Even with considerable government help for single women, numerous studies have found that children raised in two-parent households have much better prospects. More than 30 percent of children in one-parent households live below the poverty line.

It is the poorest women who have the greatest incentive to substitute the state for a husband. A rich or middle class man will typically be a good catch. But if women have the freedom to decide whether a man is worth it or not, many poor men will not measure up. Better to get help from the government than to bear with bad breath, foul moods, and other irritants of daily life.

In the inner city, women thus now often disdain marriage to men who offer little or no improvement over food stamps, subsidized housing, AFDC, and other government assistance. And such trends are spreading to the middle class.

For example, government guarantees of child support payments have proved to have some counterproductive effects. If divorce settlements had to be negotiated voluntarily by husband and wife, instead of being imposed coercively by government, it would significantly alter the dynamics of existing marriage and divorce. Among other things, current state guarantees of child support create incentives similar to welfare — encouraging women to enter into riskier relationships, to have children with less assurance of the commitment of marriage, and to abandon existing marriages with less severe cause.

The political gender gap in 1996 spawned a virtual cottage industry of interpretation. Some commentators suggested that it was Clinton's "seductive" personality, or as one put it, his "feigned female sensitivity — feeling their pain and all that," which also alienated male voters who felt a subconscious sexual jealousy. There may have been something to this. But the major explanation is simpler: the welfare state plays a larger role with many women than it does with men, and these women last year voted their interest.

If women see matters this way, the politicians will do what is asked of them. A group that currently represents 52 percent of the electorate goes well beyond a "special interest." The real question for women then is what really serves their purposes. Instead of building a life with men, the welfare state has given women the option to tax men. That has been bad for men. In the long run it will also likely prove bad for women. —RHN

The first casualty of the war on inflation — Every month, about 200 federal employees in 90 cities go shopping, checking the price of everything from soup to nuts to pretzels to underwear to cemetery plots. From these data, computers at the Bureau of Labor Statistics calculate the change in the Consumer Price Index.

Because it is believed to measure inflation, the CPI is used to adjust a wide variety of prices in private business. Employment contracts often specify regular pay raises in proportion to changes in the CPI to compensate workers for loss of purchasing power because of inflation. Real estate leases also sometimes provide for the escalation of rent in proportion to changes in the CPI. Various government expenditures, including payment of pensions and Social Security benefits, are indexed to CPI.

A few years back, it occurred to someone that if we could figure out a new way of calculating the CPI so that the changes were lower, the government could save a lot of money on Social Security, pensions, and other expenditures indexed to the CPI — over a trillion dollars during the next twelve years, by one estimate.

So last year the Senate Banking Committee hired a "blue ribbon" commission of economists to examine the whole matter, and the commission reported back that, oh, yes, the CPI overstates inflation. It exaggerates inflation by 1.3%, mostly because it fails to take into account the quality

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improvements in the stuff we buy. The television set we buy today, for example, is likely to have stereo sound and maybe even a digital picture, while the television we bought ten years ago has monaural sound.

So instead of concluding that inflation was 2.9% last year, let's just subtract 1.3% and say it was only 1.6%. That way, we can give smaller increases in Social Security benefits, pensions, and federal salaries.

The public reaction has been swift. Those who want to cut spending see changing the CPI as a good way to do so without actually enacting spending cuts. Those who want more welfare spending see it as some sort of evil plot to cut spending without actually enacting spending cuts.

While both sides focus on the politics, the real significance of the issue is being missed.

Inflation is the general rise in prices, caused by the increase in the supply of money in relation to the demand for money. People don't like inflation because it erodes the value of their savings. Inflation is really a sneaky form of taxation: instead of taking money directly from people, the government creates more money (mostly by the printing press, in times past, but in these days of electronic money, mostly by credit expansion) out of nothing and then spends it. Not surprisingly, this drives up the price of the stuff we buy, since the newly created money is the same as the money we have in our bank accounts or stuffed in our mattresses. It's different from taxes only in that it leaves us with the idea that we still have as much money, but it just doesn't buy as much as it used to.

So how good a job does the CPI do of measuring inflation? Not a very good job at all. For one thing, it doesn't measure the general change in prices at all. It just measures the change in consumer prices. And money is spent on a lot of stuff besides consumer goods: it's spent on capital goods (tools, factories), non-residential real estate, stocks, and lots of other stuff that's not included in the CPI.

More importantly, using the CPI to measure inflation assumes that prices ought to be stable, or at least that when prices are stable, there's no inflation. But there is no reason to believe that this ought to be the case.

Technological progress is constantly lowering the cost of just about everything we buy. Two centuries ago, the shirt a man wore would have likely been made from fiber that he sheared off a sheep himself, laboriously washed and gave to his wife, who spun it into thread, wove it into cloth on a handloom, and sewed the shirt by hand. No wonder most people couldn't afford to have more than one or two shirts! Today, thanks to two centuries of progress, the process of spinning the fiber into thread, weaving it into cloth, and cutting and sewing it is done largely by machines at a fraction of the former cost.

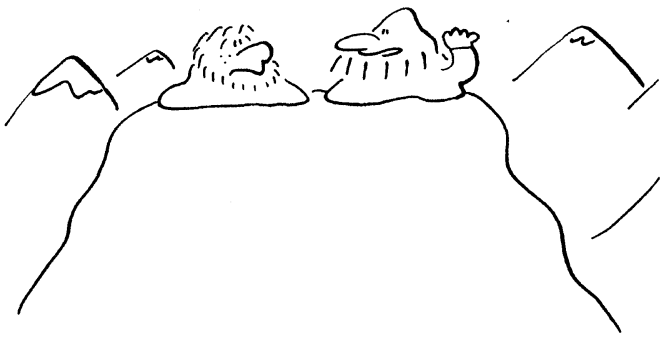

"There isn't any — just go behind that mountain over there."

The photo-ready masters for this magazine were typeset on a computer and printed on a printer that cost about $2,000. In 1980, the computer and printer that I used to produce the master cost me over $8,000 and did a much lower quality job. The reason that we can now produce a superior product at a lower cost is not that the value of the dollar has gone up. It is that the cost of producing computers has gone down.

There is a temptation to say that we should always expect prices to decline, thanks to progress, and that if they don't decline, we're having inflation. Put another way, we should conclude not that the CPI overstates inflation, but that it *under*states it, by failing to take into account humanity's progress in improving the quality of the goods we need and making them more efficiently.

But even this misses the point. This assumes that the supply of money is relatively fixed, and that the problem with government-issued money is that the government abuses its privilege and prints (or otherwise creates) too much of it.

Of course, ever since the U.S. government took over the creation of money about a century ago, it has in fact abused its privilege by running the printing press overtime. But prior to the government's monopolizing the money supply, money was whatever people used as a medium of exchange. In the free market people tend to choose as their medium of exchange commodities that are widely dispersed, easily transportable, highly prized, chemically stable, easily recognized, etc. Throughout most of human history, people tended to prefer gold and silver because they had these properties; and governments that failed to recognize that fact did so at their own peril. (Remember the disastrous experiments with paper money during the American Revolution or Civil War or the French Revolution?) Government coinage was a convenience, not the creation of money. The dollar was a unit of weight, not an artifice.

Plainly, free market money is the best money, and not simply because it prevents government from stealing our wealth by the subterfuge of creating new money. It is best because it works better than any alternative to satisfy our wants, to enable us to prosper.

What does this have to do with whether the CPI should be modified? As much as I would like to restrain government spending, I don't think tampering with the CPI is a good way to do it. Once you enable tampering with the CPI on the theory that the stuff we buy today is better than the stuff we could buy in the past, you introduce a subjectivity that makes the measurement worthless, and enables government to manipulate it as it pleases.

But don't for a minute mistake the CPI for a measurement of inflation. And remember: the only way to eliminate inflation is to get the government out of the business of creating money out of nothing. In the meantime, we'll all have to try to protect ourselves against the inflation from which we suffer, and which the CPI underreports. —RWB

Report

Revolution in a Small Country

by R. W. Bradford

Only once in the past century has the Leviathan State been successfully challenged in a Western democracy: in New Zealand in the 1980s. But in recent years, New Zealand's Revolution has shown signs of winding down and even reversing.

Why did the Revolution in New Zealand happen? How has it changed people's lives? Will its Revolution endure, as the Industrial Revolution has lasted? Or will it die and be forgotten, suffering the fate of the Russian Revolution? Can the lessons of New Zealand be applied in other Western democracies?

R. W. Bradford went to New Zealand to seek answers to these questions.

When you kayak through the Doubtful Sound, a deeply indented fjord on the southern west coast of New Zealand's South Island, you are impressed by the beauty of the forests covering the steep slopes that surround you. The beeches, podocarps, and tree ferns tower toward the sky, their lush green interrupted only by torrents of water plunging to the sea. But here and there you will see a gray patch on the steep slopes, a patch that seems out of place in the midst of such overwhelming verdure.

Starting two million years ago, gigantic glaciers intermittently scoured out deep fjords in the solid granite here. When the glaciers melted, the Tasman Sea filled these deep indentations in the land, and for 15,000 years since, storms off the Tasman have dumped 300 inches of rain per year onto the granite walls of the fjords. When it rains, as it almost always does, waterfalls are everywhere.

Even in this strange landscape, nature's entropy is relentless, and slowly the cold granite is digested by soaking wet lichens, the primitive symbiosis of algae and fungus. The lichens produce tiny particles of waste matter that elsewhere would gradually accumulate as topsoil. But here the land is so steep that except for a few particles trapped in the spongy morass of the lichens themselves, this soil is washed away by the relentless rain, down the precipitous walls of the fjords and into the sea.

A few species of trees have evolved that can find nourishment in the lichens by digesting the particles of entrapped soil and the abundant water held in the spongy lichens. This is a fragile ecosystem. When it fails to rain for even a few hours, hundreds of the small waterfalls tumbling to the sea disappear. When it fails to rain for a few days, the larger waterfalls vanish and the water that soaks the lichens begins to evaporate. And on those occasions where the rain fails for a week or two, and the sky is clear and the sun beats down, the lichens are liable to dry out. The podocarps and beeches, which only a few days earlier appeared so healthy that they might live forever, weaken from lack of water. Sometimes, when the wind blows in off the Tasman, a tree that is weakened by thirst topples to the ground, pulling out its shallow roots and the dry lichens in which only days before it had found ample nourishment.

When this happens in a steep enough place, the fallen tree is liable to uproot another tree and more lichens, and that tree still more trees. The result is an avalanche of trees, sliding down the steep granite walls — now once again bare and gray, ready for the spores of fungus and algae to be blown against them and begin the process anew.

An Example for the World

New Zealand is almost irrelevant to the rest of the world. Only 3.5 million people live there. It is further away from other populated areas than any place else in the world (and thus has no military importance). It sits on no trade

routes. It doesn't have any important natural resources. The only places less important are flyspeck islands in the Atlantic rift and the South Pacific, places like Tristan da Cunha or Vanuatu.

But everyone should care about New Zealand because it is the only country in the past century that has democratically turned back the relentlessly increasing power of the state. Everyone else in the western world lives under a government whose taxes are rising, whose regulations become more burdensome, whose power is growing every day.

Except in New Zealand, government power has been rolled back only by revolution or the loss of a major war. The Reagan "revolution" in the U.S. slowed down the growth of government, but failed to reverse it. The same is true of Thatcherism in Britain. The only genuine reductions of government power in this century — aside from New Zealand's — occurred in the wake of revolutions and war.

Everyone should care about New Zealand because it is the only country in the past century that has democratically turned back the relentlessly increasing power of the state.

New Zealand's Revolution — and that's what people there call it — turned the country around. The income tax rate was cut from 66% to 33%, inheritance taxes were abolished, and import duties (very important in a country that has to import almost all manufactured goods) slashed. Subsidies were eliminated. Huge government enterprises that lost millions of dollars every year were sold off to private owners. Regulations were eliminated, and competition was allowed in areas where competition had never been known.

A few years later, New Zealand was more prosperous than ever before: unemployment was down, real wages were rising, and inflation was cut from double digits to less than 2%, the lowest in the world. A recent study by ten market-oriented research institutes ranked New Zealand's economy the freest in the world except for those of Hong Kong (which will be surrendered to communists later this year) and Singapore (which enjoys economic freedom and prosperity, but few civil liberties or democratic rights).

The experience of New Zealand during the past decade answers the question of whether an industrialized country whose prosperity has been undermined by socialism can recover quickly, and offers some practical lessons in how to implement a program of radical reform. But important questions remain.

Will New Zealand's Revolution take firm root and bring permanent change? Or is it as shallowly rooted as the podocarps and beeches of the Doubtful Sound, which tumble down to the sea in a huge avalanche during the first drought or windstorm, leaving a gray patch where a vibrant micro-ecosystem had stood the day before?

How the Revolution was implemented and how it worked can be learned from newspaper reports, history books, and economic reports. But the answers to some more important questions cannot. Will the Revolution last, as the Industrial Revolution has lasted? Or will it die and be forgotten, suffering the fate of the Russian Revolution? What are the prospects of such a revolution happening in other countries? How much affect did the revolution have on people's everyday lives? How have people reacted to the changes? Are the changes going to be undone, and is government going to start to grow again?

The ultimate fate of the Revolution depends on the people of New Zealand, on what they believe, on their understanding of what has happened, and on their values. These are not the sort of things that can be learned from news accounts or histories or economic statistics, nor from polls or surveys. To explore these issues, you have to talk to New Zealanders in depth, discuss what has happened, and plumb their psyches.

So I went to New Zealand, to observe the situation firsthand and to speak with the people who lived through the Revolution.

How It Happened

Until the 1960s or so, New Zealand considered itself a sort of distant province of England. Indeed, in many ways it was more English than England. New Zealanders — "Kiwis" — thought of Great Britain as the "home country." The queen was on New Zealand's coins, paper money, and stamps. New Zealanders rushed to defend the British Empire in the Boer War and World War I.

Every little crossroads in New Zealand has a monument to the soldiers who died in the world wars. In Queenstown, which is now a fairly large center (its population is around 9,000, which makes it big by New Zealand standards), but which had only 731 souls when the Great War started, the memorial lists 81 local boys who fought in the war and survived and another 37 who died. In all, about 17,000 New Zealand men lost their lives in the war — a remarkable act of loyalty to England, considering that the war was fought almost entirely on a continent as far from New Zealand as you can get without leaving the planet. New Zealand reaffirmed her fealty to England again in World War II, when, at Britain's request, it declared war on Germany even before Britain. Even after Japan entered the war, opening a second front in the Pacific, New Zealand's troops stayed in Europe. The military draft was extended to all men up to age 50, and men up to age 66 were conscripted for war work.

When Britain enacted the Statute of Westminster in 1931, granting New Zealand full independence, New Zealanders objected, and their government requested that the statute not take effect until New Zealand's parliament formally accepted it, an event that didn't occur for another 16 years.

England repaid this amazing loyalty by purchasing New Zealand's farm products. The years following World War II were prosperous ones, especially when the price of wool skyrocketed during the Korean War. New Zealand's long-standing welfare state — it had state-owned railways as early as 1870 and had pioneered universal government pensions in 1898 — had relentlessly increased taxation, regulation and government ownership. By the 1950s, both of New Zealand's political parties — Labour, explicitly socialist, and National, supposedly conservative — embraced central planning. New Zealanders produced farm goods, England bought them, and the government ran the whole show: guaranteeing jobs, health care, education, and entertainment for everyone, own-

ing most of the major business enterprises, and tightly controlling everything else. With huge windfall profits from the wool boom of the early 1950s and its unique access to the British market for its agricultural products, New Zealand financed what was undoubtedly the most socialistic system in the Western world.

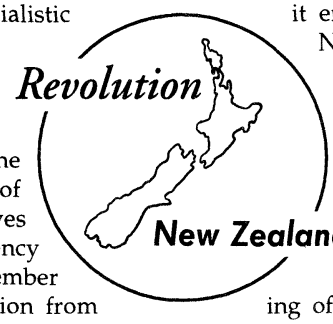

But by the 1960s, the economy was beginning to unravel under the weight of heavy regulation, declining prices for its agricultural exports, and high taxation. The national debt was exploding, as was the cost of debt service. By 1965, foreign exchange reserves were dwindling and the New Zealand currency was on the brink of devaluation. In November 1965, the government borrowed US$62 million from the International Monetary Fund to shore up the currency.

Nineteen sixty-six was an election year, and the National government had lost popularity because it had sent troops to Vietnam. The government's foreign exchange holdings continued to shrink. Prime Minister Keith Holyoke feared a currency crisis, but he feared going back to the IMF for another loan even more: doing so would make very plain the failure of his government's economic policies and would likely result in the IMF imposing fiscal restraints. So the National leader called on the Prime Minister of Australia and arranged a loan of A$50 million. National won the election — and the loan was kept secret until January 1, 1997, when the Australian National Archives' 30-year embargo on Cabinet working papers expired.

In the 1960s, the government authorized a huge dam to raise the level of Lake Manapouri and divert its outflow into the Pacific Ocean. But the private firm that had been given the rights to build the dam bailed out on the project after concluding that construction would cost more than the sale of electricity would generate. This was the sort of project that the National government loved. It took over the project and signed a contract to sell power to an aluminum refinery that would process ore from Australia for export, producing a few hundred jobs in the process.

Manapouri is a lake of transcendent beauty, much loved by Kiwis. Nearly a quarter million of them signed petitions protesting the dam on esthetic and environmental grounds. The National government refused to budge, and in 1972, it was turned from office on the issue. The new Labour government decided to finish the power plant after modifying its plans so the lake level didn't have to be raised. Virtually no one in New Zealand objected to the notion of such a huge subsidy to produce such a tiny handful of jobs. The power plant was completed. A quarter of a century later, the government still has not revealed its cost.

"The bars used to close here at 6:00 p.m.," one man told me. "For an hour before they closed it was just everyone downing one round after another."

Things took a turn for the worse in 1973, when England joined the European Community, which is extremely protectionist about farm products and would never consider letting New Zealand's exports into the Common Market. England rather callously agreed to treat New Zealand the way industrialized countries treat all Third World countries — that is, it enacted high tariffs and other restrictions against New Zealand's agricultural products.

And so at the very time the impoverishing consequences of Kiwi socialism were becoming evident, England adopted its new, extremely harsh policies. The government had a choice. It could free its economy and cut massive spending programs, becoming economically viable and competitive in the world market. Or it could forestall the day of reckoning by living off the consumption of its national savings and its good credit.

In 1975, Kiwis returned the National Party to power under a new leader, Robert Muldoon, a man dedicated to making life better for the "ordinary bloke." He centralized his control of the party (and thus of the government) to a point where his power was virtually absolute. His reaction to New Zealand's worsening economic crisis was to do what New Zealand had always done: add another government program, take over another industry, increase subsidies, and raise taxes.

One night, drunk as a skunk and miffed at criticism of his racial and nuclear policies by members of his own party, Muldoon called a snap election (remembered today as the "schnapps" election).

Typical of his leadership was his reaction to declining prices for wool, mutton, and lamb. Seeing a threat to the livelihood of Kiwi sheep farmers, he quickly enacted two programs: the Livestock Incentive Scheme, which provided incentives for farmers to increase their flocks by loan subsidy; and Supplementary Minimum Prices, which guaranteed a minimum price for every sheep. Not surprisingly, with a guaranteed profit on every sheep they produced and subsidies to increase production, farmers added to their herds. New Zealand's sheep population increased from 55 million in 1975 to 70 million in the early 1980s, despite the declining demand. The government purchased the surplus sheep, killed them and froze them, and ultimately processed the carcasses into fertilizer, which it sold back to the farmers at subsidized rates. The economics of the whole process were appalling: in one instance, sheep that cost the taxpayer $330 million in subsidies were converted into fertilizer and sold for $6.5 million.

To foster domestic manufacturing of electronic goods, the government decreed that television sets could not be imported. And so television sets were disassembled in Japan and their components shipped to New Zealand, where Kiwi workers reassembled them. To protect the government-owned railway system, it was made illegal to transport goods by other means for any distance greater than 150 kilometers. But the railways lost billions of dollars anyway, as well as

entire carloads of freight and freight cars themselves. High tariffs intended to foster domestic automobile manufacturing resulted in the highest car prices in the Western world, highway traffic that looked like it was coming from an antique car meet, and a population forced into mass transit. Passenger railways were, naturally, a government monopoly; and the passenger railway system also owned the inter-island ferry system and a national bus system. Not surprisingly, mass transit was expensive and awful. The ferry that crossed the Cook Strait between North Island and South Island offered hard benches, nauseating food, and lavatories reeking of vomit that a huge staff of ferry workers refused to mop up.

But the system did have its advantages, and not only for the workers who got well-paid jobs with little work to do. It also fostered education. "Under the old system," one middle-aged man explained to me, "my daughter got a job every summer with the Forestry Department. Every year she got a new set of overalls, a new construction helmet, and a new pair of gum boots. She got paid $10 per hour, which was enough to pay for her university. She didn't really have any work to do, and sometimes she didn't even bother to go to work."

In an attempt to keep inflation under control, the National government imposed wage and price controls in 1982, further stifling the economy. When the money began to run out, it borrowed more from foreign governments and banks to keep the benefits flowing to its supporters. It kept the borrowing secret and glossed over the failure of central planning. New Zealand was a fool's paradise, at least for the National politicians and those who had government jobs or government subsidies.

When I asked a small town doctor what he thought of the Revolution, he started to tell me how it made it socially acceptable to dine out, how contraception and abortion rights were recognized, how gay rights began to be accepted.

But by the mid-1980s, the National Party was losing support anyway — partly because of economic problems, partly because it had supported U.S. nuclear policy and South African racial discrimination (both unpopular among Kiwis). Under the parliamentary system of government, it could stay in power for three years unless its members broke ranks and voted no-confidence or its leader called a snap election. By 1984, with its popularity declining, National's members had every incentive to hold ranks — else they might feel the wrath of the voters — and no sensible leader would think of calling for a snap election.

But the National Party didn't have a sensible leader. It had Robert Muldoon, a power-mad good-old-boy with a drinking problem. And one night, drunk as a skunk and miffed at criticism of his racial and nuclear policies by members of his own party, Muldoon called a snap election (remembered today as the "schnapps" election). When he sobered up, he regretted the decision. But it was too late: a snap election, once called, cannot be uncalled.

Pitted against the National Party were the Labour Party and the New Zealand Party. Labour was the traditional party of the socialist left, but it had a new face. For the first time, it was led by young men, men who had grown up after World War II. The New Zealand Party, which called for free enterprise and military isolationism, was well financed by its founder, Bob Jones, a wealthy real estate developer.

From the start, things didn't go well for Muldoon and the National Party. Jones and his New Zealand Party cut into their traditional support, and the Labour Party suddenly looked young and energetic. The situation was desperate, and many voters knew it. Long-time National supporters abandoned it for Labour, a move previously anathema.

In 1984, Jim Sherlock was chairman of a National Party campaign committee. After the campaign was over, he admitted to the other members that he had voted for Bob Jones' New Zealand Party, and apologized for just going through the motions of campaigning for National. Confession is good for the soul: all the other members of the committee admitted that they had done the same. Today, Sherlock is a supporter of ACT.

Voting against National was traumatic for some people. When a retired farmer told me that he always voted National, I asked him how he had voted in 1984. He said that he had had a difficult time deciding. At the time, his best friend was the member of Parliament from his district, but he knew the country was heading for disaster. "I finally decided to vote Labour," he told me; his friend was turned out of office. "I've never told my friend about it," he added, his voice breaking and tears welling up in his eyes. "I still see him all the time, and I've never told him. I think I should. But I'm not sure he'd understand." Several other lifetime National voters whom I spoke to also sheepishly confessed to having voted Labour when I asked them about the 1984 election.

Just after Labour had won the election, word trickled into the currency markets that the government was nearly broke. The New Zealand dollar collapsed. The government was so broke that officials at foreign embassies were asked to meet current expenses by using their personal credit cards. The secret was out: the National government, under the stewardship of Robert Muldoon, had virtually bankrupted the country. And no one seemed to know what to do.

The Labour Party's finance man was Roger Douglas. His background was impeccably Labour: his grandfather had been a founding member of the British Labour Party, a Labour MP in New Zealand, and eventually Minister of Agriculture in a Labour Cabinet. His father was also a Labour MP, and he was raised in an environment suffused with politics. He combined Labour's traditional sensibilities — a deep compassion for working people, a belief in the equality of human beings, a profound distrust of rank and privilege — with a pretty good understanding of economics, a remarkable talent for working with his party's politicians, and more raw courage than just about any other political leader of this century. In this desperate situation, he had a program: free the currency, sell off government-owned industries, cut taxes, reduce regulations. In desperation, his agenda was adopted by the new Labour government.

At first, most people were appalled by these extensive free-market reforms, which came to be called "Rogernomics." Several people told me they had thought about leaving the country. The reforms brought quick prosperity to a few but

caused financial hardship to many. Douglas believed that the only way to implement a radical program was to do so rapidly, in quantum leaps, "otherwise interest groups will have time to mobilize and drag you down. . . . It is almost impossible to go too fast . . . the fire of opponents is much less accurate if they have to shoot at a moving target."

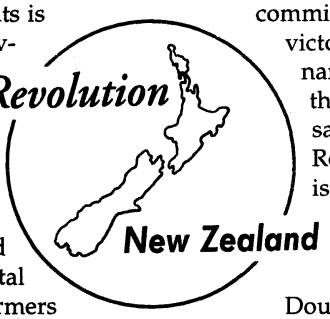

Farmers, traditionally the backbone of National Party support, were the first special-interest group to find itself in Douglas's crosshairs. Supplementary minimum prices were abolished and loans brought up to market rate. (To help farmers who had borrowed against subsidy-inflated land values, capital amounts of loans were reduced, so very few farmers were forced off their land.) Farmers marched on Wellington, but the Labour government was firm. Within a few years, farmers had adjusted to the new rules, become entrepreneurial, and were strong supporters of the Revolution.

This pattern repeated itself in other sectors of the economy. "Before you remove the privileges of a protected sector," Douglas wrote in 1989, "it will tend to see change as a threat which has to be opposed at all costs. After you remove its privileges and make plain that the clock cannot be turned back, the group starts to focus on removing the privileges of other groups that still hold up its own costs."

The reforms succeeded in stopping inflation and reducing the growth of the national debt, but unemployment continued, and economic growth remained anemic. Even so, people recognized that the Revolution was necessary. The Labour government retained its popularity as the demographics of its support changed: it gained support from entrepreneurs, investors, and the upwardly-mobile middle class. In 1987, it was re-elected with an increased majority.

Prior to the election, Douglas had presented Cabinet with three budget scenarios. In an interview with me in December 1996, Douglas explained it this way: "We can do nothing, and continue our past policy. If we do nothing, really, I'm not the person for you, you'd be better off with someone else. And here's a radical approach: we cut the income tax to 16 2/3% flat rate, personal and company, and raise the General Sales Tax to 16 2/3% and have wholesale asset sales,* including hospitals and schools. Just get rid of them completely — that was the radical approach. And in the middle was basically what we decided on: more asset sales, and a flat-rate income tax of 23%. Presenting the radical scenario was tactics, you know. Of course I would have gone with the radical one because that's the way I am. But I didn't ever expect it to be adopted." Labour was re-elected on Douglas's "middle" plan.

While there is little sentiment to extend the Revolution, neither is there much sentiment to undo it.

But the prime minister, David Lange (pronounced "long-ee") was far less committed to the reforms. An immense and immensely charming man, Lange had never been particularly committed to the Revolution. Shortly after Labour's victory, he became involved with a young leftist named Margaret Pope. ("The trouble with David is that he's just discovered sex," one of his colleagues said at the time.) Pope urged him to abandon the Revolution and return to Labour's traditional leftist agenda. In January 1989, while Douglas was overseas, Lange told the press that the Labour government would not pursue the flat tax.†

Douglas persevered, continuing to cut spending and to privatize government enterprises. Finally, in 1989, Lange fired Douglas. Enough Labour MP's opposed Lange's move to force Lange to resign. Labour lost the next election. Fortunately, by this time the National Party had adopted free-market policies as well, and the Revolution continued into the early 1990s.

One of the paradoxes of New Zealand's experience is that the Revolution enjoyed substantial political support during the period that the GDP was stagnant and unemployment high; once economic growth recovered, its political support declined.

Unemployment peaked in 1991, and by 1993 the dividends of the Revolution were visible to everyone in the form of extremely rapid economic growth.

The Revolution Today

Support for the National government softened in the mid-1990s, as did the National Party's resolve to continue the Revolution. National won a narrow majority in the 1993 election, and the Revolution stalled. One of the paradoxes of New Zealand's experience is that the Revolution enjoyed substantial political support during the period that the GDP was stagnant and unemployment high; once economic growth recovered — indeed, skyrocketed — and unemployment dropped to record lows, its political support declined.

For all its progress, New Zealand today enjoys a level of freedom roughly comparable to the United States. It's come a long way — but it still has a long way to go.

* Richard Prebble, the Minister of State-Owned Enterprises, pointed out when he was asked by a New Zealand newspaper whether he favored additional sales of government assets. "I have never sold a Government-owned asset, only Government-owned liabilities. The Government has consistently proven itself incapable of running successful businesses in the long-term interests of the New Zealand taxpayer."

† "Lange has a very selective memory," Douglas told me. Not surprisingly, Lange doesn't remember Labour losing control of the Revolution in quite these terms. His version is that, by advocating selling the universities, hospitals and highways, Douglas had proven himself a dangerous radical, and shocked Lange into realizing that Labour should get back to its basic agenda. But his affair with Margaret Pope was widely known. More than a dozen of the ordinary citizens I spoke to brought it up in conversation, mostly just to say they were glad that Lange had divorced his wife and married her, since he seemed happier having done so. When I mentioned Muldoon's drinking problem to an elderly farmer, a friend of whom had worked as a security officer for the PM's office, his voice sunk to an embarrassed whisper as he related some lurid details of Lange's affair. New Zealand is a small country.

The 1996 election was to be run under new rules. New Zealand replaced its first-past-the-post parliamentary system (similar to Britain's) with a proportional representation system, making it difficult for any party to obtain a majority. Elections are conducted in each constituency, as before, with the top vote-getter winning a seat in Parliament. But voters also vote for a party. The total party votes are added up, and each party that gets at least 5% of the votes is given as many additional seats as is necessary to make their total delegation proportional to their share of the vote.*

The new system encouraged formation of new political parties, since any that got 5% of the vote would win seats in Parliament. In addition to the traditional choice between Labour and National, voters had 32 other parties to choose from. Many of these were not serious (13 didn't receive a single vote), but four other parties gained considerable public support:

The move to free markets gained considerable popular support in a country where socialist thought had been ingrained. Not only can free markets be implemented quickly, but they can gain popular support quickly as well.

The Alliance: a traditional socialist party that broke away from the Labour Party.

New Zealand First: a strange populist party led by New Zealand's most controversial politician, Winston Peters, a charismatic former National politician. NZF calls for (1) restricting immigration; (2) bigger pensions for old people; and (3) more money for the Maori (the native Polynesian people of New Zealand.)

ACT (Association of Consumers and Taxpayers): a strongly pro-free-enterprise party, founded by Roger Douglas and other ex-Labour Party politicians, along with some former National members;

The Christian Coalition: a "pro-family," anti-abortion group.

The Labour Party, shed of both its free-enterprise and its socialist factions, is now more-or-less analogous to the Democratic Party in the U.S. The National Party, anxious to retain power and willing to compromise on any issue, pretty much abandoned its commitment to the Revolution and is more-or-less analogous to the Republican Party in the U.S.

It was no surprise when no party won a majority:

Party	Vote	Seats
National	700,687	44
Labour	584,113	37
New Zealand First	276,842	17
Alliance	209,319	13
ACT	126,421	8
Christian Coalition	89,704	0
others	84,970	1†

The natural allies on the left (Alliance and Labour) won only 50 members in the 120-seat Parliament; while the natural allies on the right (National and ACT) had only 52. Early on, Alliance offered to support a Labour-led coalition in votes of confidence, so if Labour could come to terms with New Zealand First, it would have 67 votes, a substantial majority in the 120-seat parliament. ACT offered similar support to a National-led coalition, though this meant little, since the only possible coalition led by National would have to include New Zealand First and would therefore have 61 members, a majority, without ACT's participation.

After weeks of negotiation, New Zealand First formed a coalition with National. To win NZF's support, National agreed to let Peters serve as Deputy Prime Minister and write the next budget, to abandon its promises to stick with the tax cuts automatically scheduled for this year and its promise to keep inflation down, to increase spending on the Maori, and to hold a national referendum on "superannuation" (old-age pensions). In sum, to retain power, National abandoned all that remained of its support for the Revolution.

The Future of the Revolution

Lindsay Perigo describes New Zealand as "a country reformed by Hayekians, run by pragmatists, and populated by socialists," painting a rather gloomy outlook for the future of the Revolution. The political events of the past few years seem to suggest that Kiwi support for the Revolution is very thin, and is waning. So when I interviewed New Zealanders about the Revolution, I expected to hear a range of attitudes ranging from complaint to indifference.

During the 40 days I spent there, I interviewed nearly a hundred people — politicians, expatriate Americans, attorneys, real estate people, retirees, farmers, teachers, and others — in conversations that lasted from a few minutes to several hours. I learned a great deal, and I think I have a fair understanding of how the Revolution happened, how it is liable to develop, and whether the New Zealand experience can benefit people elsewhere.

I believe I got a definitive answer to the most fundamental question: do New Zealanders think the Revolution was a good thing? Virtually everyone I spoke to about the revolution supports it. Some thought it had gone too far; only a few thought it should go further. Some had reservations about it, and some were enthusiastic. Others think it needs to be modified to care for poor people better. But all agree that it is a good thing, and no one wants to turn the clock back to 1984.

The farmers, hit hard in the Revolution's early days, quickly learned about free markets and seemed much better businessmen than the subsidized and regulated American farmers I've met. They routinely discussed the world market prices for various farm products, and about shifting production based on market conditions. Right now, many are getting out of sheep and especially beef, where prices are low, and moving into deer, because venison prices are high. I spoke to only one farmer who wasn't making a profit. He was a

* The change to proportional representation came about, I was told by a National Party member, partly as a reaction to the disastrous Muldoon years. "Muldoon was almost a dictator, and he nearly ruined the country," he said. "With proportional representation, this won't happen again." Other reforms enacted to prevent a repeat of Muldoon disaster prohibited the government from secretly borrowing huge sums of money and made the Reserve Bank independent.

† The net effect of proportional representation cost Labour 11 seats, National 11 seats, and the United Party one seat, and increased Alliance's representation by 11, NZF's by 6, and ACT's by 6.

wealthy American who two decades ago had bought land that he farms more as a hobby than as a business.

Particularly surprising was the conversation I had with a public school teacher. When the Revolution began, he was in mid-career, imbued with socialist beliefs. He hated the new reforms. "Back then," he told me, "there was more social consciousness. Teachers held positions of respect in the community." He had thought about moving out of the country but decided he couldn't afford to. But as time went on, he gradually came to see that free markets were better than socialism. Last summer, in fact, he quit his full-time teaching position to teach part time while trying his hand as an entrepreneur. His first venture was a modest success. At the end of our conversation, which lasted over two hours, he told me that if he were a young man starting out in life, he thinks he would have chosen a career as an entrepreneur. (His wife, incidentally, did not share his enthusiasm for the Revolution. While she agreed that it had enabled most people to better their lots, she was concerned that illegitimacy was rising and that the lot of those on welfare was not improving.)

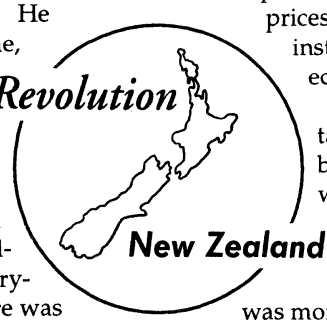

One member of the traditional working class I spoke to had become a rather enthusiastic supporter of the revolution, though when the program began, he almost decided to leave the country. He lost his job when the changes made layoffs possible, and went to sea. He saved some money, and, though he did not tell me exactly how, became an entrepreneur and purchased a nice home. Aside from politicians directly involved with Roger Douglas, he was the most enthusiastic supporter of Rogernomics I met, though at times he seemed almost embarrassed by his support.

Others didn't even want to talk about the economic consequences of the Revolution. They were more impressed by its social implications. "The bars used to close here at 6:00 p.m.," one man told me. "For an hour before they closed it was just everyone downing one round after another." He interpreted my reaction as dismay at the notion of so many drunks getting into their cars and hitting the roads. "Oh, we didn't have a problem with drunk drivers," he volunteered. "In those days, we all rode push-bikes." When I related this story to another Kiwi, adding that a swarm of inebriated bicyclists must have been something to see, he told me that driving wasn't the only ability that was impaired. "I remember when my family first arrived here," he said. "We drove through Auckland at around six o'clock, and men were clustered around the bars. Many of them were unable to control their bodily functions. My father turned to my mother and said, 'Just what sort of country have I brought you to?'"

I encountered only one person who wished that the Revolution had never happened: a left-wing American emigrant. She yearned for the days when everyone was poor and there was more "community spirit."

When I asked a small town doctor what he thought of the Revolution, he started to tell me how it opened up New Zealand society, how it fostered good restaurants and made it socially acceptable to dine out, how contraception and abortion rights were recognized, how gay rights began to be accepted, how people could get decent cars at affordable prices, how current films were shown in New Zealand instead of old movies. He never did talk about the economic changes.

The overwhelming majority of the people I talked to were hostile to the Revolution when it began. But I encountered only one person who wished that it had never happened: a left-wing American woman who had emigrated there in 1980. She yearned for the good old days, when everyone was poor and there was more "community spirit."

Changing Politics, Changing Beliefs

Many libertarians (and other intellectuals) believe that government is largely a reflection of people's beliefs and values. Corollary to this is the belief that legislation or government policy can have little impact unless it reflects those values or beliefs, and that the only way to change policy is to change beliefs and values. These views manifest themselves in the notions that education is more effective than political activism and that legislation (like civil rights laws) has little effect on our values. It's easy to see why we are susceptible to these notions: as libertarians, we favor voluntarism and persuasion over political methods, and as intellectuals we like to believe that our stock in trade — ideas — is supremely important and powerful.

From my discussions with Kiwis about their Revolution, it is manifest that it changed the values and beliefs of all but the most ideologically straitjacketed.

It seems plain to me that we are wrong in these beliefs — that in reality, the relation between law and policy, on the one hand, and value and belief, on the other, is far more complex. From my discussions with Kiwis about their Revolution, it is manifest that it changed the values and beliefs of all but the most ideologically straitjacketed. Yes, beliefs and values are reflected in political institutions, policies, and laws. But political institutions, policies, and laws also affect values and beliefs.

The move to free markets gained considerable popular support — and vitiated much opposition — in a country where socialist thought had been deeply ingrained. Not only can a change to free markets be implemented quickly, but it can gain popular support quite quickly as well.

Even so, it is evident that there is relatively little support for extending the Revolution, and many people are inclined to retreat a little from its gains. In the election of October 12, the result was inconclusive.

Critics from the left are inclined to say that only around 44% of the vote (National, ACT, the Christian Coalition, the Libertarianz) was for the Revolution, so the Revolution ought to be undone. But the only party that opposed the revolution was the Alliance, which got only about 10%, while the mid-

dle (Labour), the muddled (New Zealand First), and the fringe captured 46%. This, I believe, demonstrates a consensus, though not an overwhelming one, for the changes of the last decade.

Of course, the coalition government that came out of this — National and New Zealand First — is a pale supporter of the Revolution, retreating on several important fronts; and the major opposition party (Labour) is vaguely hostile. The immediate outlook *is* gloomy. The morning after the coalition was formed, Roger Douglas told me, "Last night, I watched that damn Bolger and Peters . . . it just made me sick to the stomach, the compromising, the rubbish that is going to happen. . . . I jumped in the car and I went down to the local petrol station and bought myself a big bar of chocolate. Because I felt sick in one way, I wanted to be sick in another way."

But the long-term outlook, I think, is much better. For one thing, while there is little sentiment to extend the Revolution, neither is there much sentiment to undo it. And the current political situation is an unstable one. Virtually everyone in New Zealand believes that Winston Peters will do everything he can to sabotage his coalition partners. National Party backbenchers are already having a tough time swallowing the notion that the tax cuts ought to be abandoned and maybe replaced by tax increases, and are hostile to virtually every element of the New Zealand First program and to Peters personally.

For all its progress, New Zealand today enjoys a level of freedom roughly comparable to the United States. It's come a long way — but it still has a long way to go.

Meanwhile, the free-enterprisers of ACT are a significant opposition party, entitled by parliamentary custom to ask whatever questions they please of the Government, and to get honest answers to them. ACT's parliamentary contingent, to judge from those whom I interviewed, are a smart and politically savvy group of people. Led by Richard Prebble, an extraordinarily skilled politician and long-time ally of Roger Douglas in the Labour Cabinet, it ought to be able to capitalize on the hypocrisy of National and the instability of the coalition.

ACT's position in opposition to the compromising National government should enable it to gain publicity and credibility with voters. It stands an excellent chance of increasing its vote total in the next election, perhaps even to a point where it might form a coalition with the vacillating Nationals and renew the Revolution. That, indeed, is ACT's plan. "I think the fact that National's gone with New Zealand First gives ACT a huge opportunity to take away whole layers of support from National," Roger Douglas told me. "The only way we'll really get [ahead] is to go on the attack. We've got to debate and confront the do-gooders, and not let them get away with the nonsense they talk. We've given them a free run for a long time."

For the time being, I think the revolution will continue. It may backslide a little, but it won't be undone. And there's a real possibility that ACT will exploit the current political situation to gain support. It wouldn't surprise me a bit if the next election brings in a coalition of ACT and National, purged of its compromisers — and a renewal of the Revolution.

A Model for the World?

The implication for other countries is clear: the economic problems engendered by socialistic policies can be undone and undone pretty quickly if a government will commit itself to free enterprise. It took New Zealand less than a decade to transform itself from the basket case of the OECD to its fastest-growing economy, from a nation teetering on the brink of bankruptcy to a nation that is reasonably healthy by fiscal standards, from a nation with high unemployment to a nation with low unemployment. Furthermore, *if* a program can be put into place, a hostile population is quite liable to come to support it.

But that is a very big *if*.

The situation in New Zealand in 1984 was extraordinary, if not unique:

1. The situation was *absolutely desperate*. Government control was so pervasive that the economy was failing, and many people knew it. Furthermore, New Zealand is isolated geographically, has no strategic importance, and has no resources that were vital to any other country's interest. Its government can not count on anyone bailing it out.

2. The government had *blundered into a position of vulnerability*. The government would have had enough support from special interests who benefited from its policies to maintain itself in power, had it not committed two critical political blunders: (a) advancing two terribly unpopular political positions that were peripheral to its political program (apartheid in South Africa and U.S. nuclear policy); (b) its leader getting drunk and calling for a snap election at a particularly inopportune time.

3. At the same time as the election, the government faced an *unforeseen financial crisis*. The secret borrowing of the Muldoon government had undermined the country's credit and made its currency vulnerable, yet Muldoon refused to allow devaluation or float.

4. The party swept into power had among its leaders a *determined and knowledgeable advocate of free markets* who was also a *skilled politician*.

5. Aside from the determined and knowledgeable free marketeer, there was an *intellectual vacuum* among the winning party's leadership.

6. New Zealand had a *centralized and open democratic system*, which meant that once a party won a national election, it could implement its program at will.

If you eliminate any of the following conditions from the New Zealand equation, the Revolution would not have occurred. If the situation hadn't been desperate, people wouldn't have accepted the desperate solution offered by Roger Douglas. If Muldoon had not blundered, Labour would not have been elected. If there had been no unanticipated financial crisis, the Labour Party leadership wouldn't have been able to get its members and the public to accept such a radical response. If Roger Douglas hadn't been among Labour's leaders, the reforms would never even have been considered. If the leadership of the Labour Party hadn't been befuddled by the crisis, it wouldn't have accepted Douglas' program. And if New Zealand didn't have a system in which

a majority party could enact and implement its program without obstruction from the opposition party or the courts, the program would have been bogged down in debate and litigation, and been enacted slowly and piecemeal, if at all — suffering the fate of the Clintons' proposal to socialize medical care in the U.S.

Could a revolution like New Zealand's happen in America? I suppose so. If, say, we faced an unanticipated economic crisis so desperate that it had no perceived solution or amelioration. And the party in power blundered so idiotically that it lost control of the presidency and both houses of Congress in a single election. And if the party swept into power had no idea how to deal with the situation, except for one man (say, Milton Friedman) who by coincidence happened to be among its key "experts" on economic issues.

There is good reason for the Revolution in New Zealand to be unique. New Zealand in 1984 was in a unique situation, and it had nearly unique characteristics that enabled it to embrace the Revolution.

The Revolution in New Zealand may be difficult to transplant. But it *has* grown roots. At the moment, a counterrevolutionary wind of complacency is blowing over the land, and it might turn out that the Revolution is self-limiting — that the prosperity it engenders breeds an apathy that undermines further progress. One or two of New Zealand's new freedoms may die back. But there's little reason to believe that the Revolution, like the podocarps and beech trees of Doubtful Sound, will be destroyed in an avalanche of tax increases and new regulations. The climate is right for new freedoms to take root and grow. ❑

New Zealand's New Zealots

If by "libertarian," we mean a person who favors radically reducing the power of government, then it is safe to say that libertarians are vastly more influential and prominent in New Zealand than in the United States. New Zealand has two different libertarian political parties: ACT (more formally, the Association of Consumers and Taxpayers) and the Libertarianz.

ACT is a new party, founded in 1993 by Sir Roger Douglas, who, as Finance Minister in the Labour Government from 1984 to 1989, was responsible almost single-handedly for New Zealand's free-market revolution. ACT is well-organized, well-financed, and very much in evidence on the national scene. In terms of membership, it is the second-largest party in New Zealand. Leaders of ACT wrote three different books that attained best-seller status in New Zealand during the past year.

Roger Douglas has proven himself the most effective libertarian politician of this century. He is unique among political leaders in that he has effected a genuine reduction in the power of government in a Western democratic country.

Since his retirement from Parliament, Douglas has been knighted by Queen Elizabeth II, an honor apparently bestowed quite widely on New Zealand's retired politicians and other prominent or wealthy folk. One of my favorite parts of the U.S. Constitution is the provision in Article I, Section 9 that prohibits titles of nobility on these shores; but I value civility over ideology and didn't know the appropriate form of addressing a knight: "Sir Roger" seemed too familiar; "Mr. Douglas" might be offensive; "Sir Douglas" seemed outright goofy. I asked several New Zealanders about this, and got more different answers than I had imagined. (My favorite: a retired dairy farmer told me one of his mates had just been knighted. "I still call him 'Jim.'")

I met Sir Roger (I think this is the proper way of referring to him in the third person) at ACT's offices in downtown Auckland, where his office was surrounded by the detritus of a professionally run campaign: dozens of telephones, computers, print-outs of voter lists, phone directories, campaign documents, etc. I finessed the issue of how to address him by never addressing him by name, the way I always avoided directly addressing my wife's father. ("Mr. Armington" seemed ridiculously formal, "Larry" seemed too familiar, and "Dad" seemed downright mendacious.)

I began by observing that although he retired from Parliament in 1990, the two books that he has written since then read like plans for continuing the revolution that he began, adding that his activities on behalf of ACT looked a good deal like the behavior of a man who had ambitions to be New Zealand's prime minister. "Do you want to be Prime Minister?" Not really, he said. He had spent 20 years in parliament and another three years launching ACT, and now he wanted to get on with his life. I wasn't sure whether to believe him entirely. I suspect his zeal to renew and extend New Zealand's Revolution is still there. "The more I think about it — I get more radical as I get older," he told me.

I found him to be extraordinarily candid for a politician, charming, and informal. He didn't mind my taping the entire interview and at its conclusion disclaimed any desire to keep even his most pungent opinions off the record. (I don't report those pungent opinions here because most concerned New Zealand events and figures that wouldn't mean much to American readers.)

I also spent an afternoon with Rodney Hide, officially ACT's president, shadow Minister of Finance, and a newly elected member of Parliament. Hide spent a year in the U.S. as a fellow at the Political Economy Research Center, a libertarian think tank concerned primarily with environmentalism.

Hide is a pit bull who speaks with a Kiwi accent so powerful that perhaps 20% of what he said was unintelligible to me. But the remaining 80% was high-powered, brilliant, and often outrageous. Practically the first words out of his mouth were profane, followed by a look of concern to my wife and a polite query: "Do you mind if I use obscene language?" She assured him that she did not mind, and his conversation was about 20% profane from that moment on.

Hide loves the game of politics and glories in victories over his opponents, who include everyone that doesn't want to dismantle the state. A feature in *Metro*, a left-liberal magazine roughly analogous to *The New Yorker* in content, though substantially more influential, captures him well:

While boasting the physique of a well-fed Lilliputian, Hide has a reputation as a fearsome debater. Winston Peters walked offstage rather than tackle him. John Banks [a National Party member of Parliament (MP) who hosts a nation-wide morning drive-time talk radio program] tried to bar him from ringing up Radio Pacific during his show. . .

Partly it's because they know Hide to be exceptionally bright (he has degrees in zoology , botany, resource management and economics, the latter two being master's degrees), and also because, as evidenced in his work on books like Sir Roger's *Unfinished Business*, ACT's finance spokesman knows his political stuff. Hide loves the thrill of the chase: when he gets excited during political discussions, a rhapsodic glint appears in his eye and he starts to wave his hands about and cackle. . . "If you want more state, vote Alliance with gusto! If you want more choice, vote ACT with gusto! If you want . . .," suddenly, he runs out of steam. "Hell, I dunno what you'd vote Labour with gusto for."

After whacking out a press statement lambasting National leader Jim Bolger (who was at that moment negotiating with New Zealand First demagogue Winston Peters), he invites us on a tour of Parliament. As we walk down a hallway he spies an MP from the leftist Alliance Party, and arranges a brief debate for the television news that evening. ("You've got to fight these lefties every chance you get!"). During a brief stop at a restroom whose toilet is broken, Hide observes, "Isn't that just like the government — after 150 years, they can't even get piss to flow down from the eleventh floor!" Then it's off on a tour of Parliament, where Hide promptly gets lost. We find our way to the main chamber, where he notes the battle monuments that line the walls, and reflects on the callousness of past Parliaments that have sent so many New Zealand boys off to die. He explains to me how votes are conducted and wonders whether as a back-bencher he'll have much impact in the 120-member body.

"The more I think about it — I get more radical as I get older," Roger Douglas told me.

We leave the building, and he points across the street to the Old Government Building. "That building is the largest wooden-framed structure in the Southern Hemisphere," he says, "and it used to house the entire government. Now it houses just the offices of the law faculty at a local university. You know, we're always saying that such-and-such is the biggest this-or-that in the Southern Hemisphere. Of course, that's not saying too much, as there's not much else here except Antarctica, Australia, Africa, and those little bits that hang off the bottom of Mexico."

But mostly Hide talks about his agenda: opposing the leftists in Parliament at every turn and making life as uncomfortable as possible for the compromising Nationals. As to his concern that he'll have trouble being heard from in Parliament . . . well, I don't think he has much to worry about.

I was thinking of Hide when I mentioned to Sir Roger Douglas that ACT had attracted some extremely talented people. "I think there is a danger that in some ways people like Rodney [Hide] and Richard [Prebble, Leader of ACT in Parliament] are so talented that they might lose sight of what they're on about. They might end up loving the game more than the end result. I've told them that. So I'm not saying anything to you that I haven't said to them. Rodney is going to be a star out there. Rodney's got a great intellect. There's going to be some bad legislation coming up, and Rodney's going to make a great speech and it's going to be funny — he's going to get up and he's going to tear it apart. But at the end of the day, what's going to be important is whether he has acted within a strategy and a framework to achieve an end goal. He already has the media's ear, but you see if he doesn't watch it they'll stereotype him as a bull terrier. I think Rodney's too smart to let them do that. He needs to decide what's his strategy, what he wants to accomplish over a period of time. He's uniquely placed to make an enormous contribution. He will make it."

The Libertarianz are an even newer party, launched only 98 days prior to the 1996 election. Its leader is Lindsay Perigo, at one time New Zealand's most prominent media personality, host of New Zealand Radio's *Morning Report* from 1979 to 1984, and of TVNZ's most visible news programs from 1984 to 1992, when he had a status more-or-less analogous to Ted Koppel's in the U.S.

Perigo was a conventional socialist until 1980 when he, in his words, "encountered some crackpot writer named Ayn Rand and became weird [himself]." Over the next several years, his libertarian views gradually left him disenchanted with New Zealand broadcasting. In 1993, he quit and denounced its news as "braindead," touching off a national controversy that raged for months.

In 1994, he launched *The Free Radical*, a delightful political magazine publishing a variety of libertarian thinking, with an emphasis on Objectivism. In 1995, he found financial backing for a national libertarian radio network, which he christened Radio Liberty. It failed a year later, and its funder went bankrupt. Today, Perigo hosts a call-in radio program each Sunday morning on Radio Pacific, a national network.

His radio broadcasts begin with ten minutes or so of commentary — generally a verbal *tour de force*, cheerful, witty, brilliant, and utterly vicious toward those invasions of liberty that he has decided to focus on that day. The remainder of the program consists of interviews with guests and call-ins, punctuated with special *"Sieg Heil!"* awards to various government bodies and "Free Radical" awards to individuals who resist the compulsion of the "nanny state." It is by a wide margin the best talk radio I've ever heard.

He's just as brilliant and funny in conversation as he is on the radio — or as was his campaign for Parliament. A key campaign prop was a life-size cardboard stand-up photograph of him, unshaven, a cigarette dangling from the corner of his mouth, clad in jeans and a "Politically Incorrect" t-shirt. Here's a sample press release from his campaign:

> Libertarianz leader Lindsay Perigo has condemned the failure of other political parties to respond to the offer of a noble sacrifice made last week by the Minister of Women's Affairs, Jenny Shipley. "Mrs. Shipley said that the Ministry of Women's Affairs would be abolished over her dead body," Perigo recalls. "For her to volunteer such a bonus in addition to ridding New Zealand of this expensive, sexist scam demonstrates a touching degree of public-spiritedness.

continued on page 31

Politics

The Art of the Possible

by Sir Roger Douglas

In 1984, Roger Douglas proposed a program of radical reforms that would make New Zealand perhaps the freest country in the world. Time and again, he and a small corps of Labour Party leaders overcame vested interests, ingrained dependency on government, and even opposition within their own party — doing it so effectively that years later, not a single key aspect of their free-market revolution has been successfully challenged.

Here Douglas explains how to make libertarianism "the art of the possible."

Politicians worldwide tend to avoid reform until it is forced upon them by some costly economic or social disaster. They close their minds to the obvious need for change because they believe that decisive action will automatically bring political calamity upon them and the government. As the country drifts closer to crisis and the problems are no longer deniable, they persuade themselves that to do anything within a relatively short time of an election would give the advantage to their political opponents. They justify this stance by pretending that their opponents are deceitful and interested only in their own gain, not the well-being of the country. When the economic situation is finally serious enough to arouse public concern, political parties often continue to evade the issue by offering electoral bribes to distract voters from the real problems or, alternatively, as has been happening in New Zealand recently, try to divert public attention by casting accusations and unsubstantiated rumors of wrongdoing on the part of other people in the community.

None of this need be the case. I would argue, in direct contradiction to these beliefs, that political survival depends on making quality decisions; that compromised policies only lead to voter dissatisfaction; and that letting things drift is the equivalent of political suicide. Politicians can be politically successful while undertaking structural reform to benefit the nation. They do not have to wait until economic or social disaster forces their hand. The lessons learned from New Zealand since 1984 are clear: where policies of real quality have been implemented — taxation, financial market reform, state-owned enterprises and labor market reform — the polls show continuing voter approval. Wherever the government stopped short of instituting policies of such rigorously high standard — in the reform of education, health and welfare — the polls show rising disapproval from the public.

Quality decisions are the key to the reforming of a country's infrastructure and to political success in government. New Zealand's story provides the evidence. The politicians who sought success through *ad hoc* solutions which evaded the real problems damaged the nation and eventually destroyed their own reputations. Voters ultimately place a higher value on improving their medium-term prospects than on action that looks good in the short term but sacrifices larger and more enduring benefits. For any politician, the most basic of choices is always there. You can accept the initial costs and temporary discomfort in exchange for the good times that will come a few years ahead, or focus on immediate satisfaction and find yourself sandbagged by the accumulated costs at some unexpected time in the future.

These concepts are not foreign to the public. People accept low incomes as students to earn more later. They save for their old age and willingly invest in a better future for their children. When all the facts and information are made eas-

ily available, the ordinary people of any community show over and over again that they have a strong grip on reality and common sense. They want politicians to have guts and vision. The problem with so many politicians today is that they look for instant popularity as the key to power. Therefore, they look for policies with instant appeal. But there is no free lunch and every decision involves trade-offs which do not vanish just because some politician chooses to ignore them.

The problem with compromise policies is simple. Ultimately, they do not produce the right results for the public. So they come back to haunt the politicians responsible for them. As costs and distortions accumulate, the governments involved resort to misrepresenting and suppressing vital information about future economic prospects in order to warp the judgment of the voting public. Too often in the past they have ended up locking themselves and the public into their own nonsense. No one escapes until a major crisis liberates the suppressed information and consigns the politicians responsible to oblivion.

Objectives set on the basis of maximum benefit to the nation in the medium term, and the means to achieve them, must be tested against the best available economic analysis and all known facts before they are implemented. Traditional preconceptions or prejudices about means should not be allowed to prevent a thorough review of all the options and the selection of the approach most likely to achieve the chosen goals. Prejudice and preconceptions are obviously at work in welfare, health and education in many countries around the world today.

If action is not taken fast enough, the consensus that supports the general reform process can collapse before the results become evident.

Political Lesson: *If a solution makes sense in the medium term, go for it without qualification or hesitation. Nothing else delivers a result that will truly satisfy the public.*

Decisions made on this basis do not treat problems separately. Instead, they take account of the way social and economic issues are linked and make use of those connections so that every action resulting from policy decisions improves the way the whole system works.

New Zealand's experience since 1984 provides an important insight into the nature of political consensus which is widely misunderstood here and around the world. The conventional view is that consensus support for reform must exist before you start; otherwise the action taken will not prove to be politically sustainable at election time. The tendency instead is to seek consensus in advance with interested parties by compromising the quality of the decisions — bringing the benefits up front and either ignoring the costs or pushing them further down the track by some means or another.

But when the government compromises its decisions for immediate advantage, at the expense of the medium term, the public becomes more and more dissatisfied as time passes. The problem is that the interests of the many different groups in society are complex and diverse. None of them welcome the idea that their traditional privileges may be removed. If you try to get them together to agree to a program, they will work instead to protect their respective interests at the expense of the taxpayer and consumer.

Political Lesson: *Consensus among interest groups on quality decisions rarely, if ever, arises before they are made and implemented. It develops after they are taken, as the decisions deliver satisfactory results to the public.*

Governments need the courage to implement sound policies, take the pain at the beginning, and be judged on the basis of the good results that follow later. Many of the tax reforms implemented by the Labour Government between 1984 and 1988, especially the introduction of GST, are good examples of that. By taking the approach we did, Labour won an increased majority in 1987 and remained in front in every opinion poll until the Prime Minister, David Lange, unilaterally reneged on government policy announcements, which included a flat tax rate of 23 cents in the dollar in personal tax and an asset sales program of $14 billion. The government then dropped well behind and never recovered, despite the resignation of David Lange as Prime Minister in 1989. Once he lost the nerve required to take a consistent medium-term approach and to make quality decisions, the result of the 1990 election became a certainty — a huge and humiliating Labour loss.

There are ten key principles for politically successful structural reform. Here we look at each of these ten principles in detail.

First Principle: For Quality Policies, You Need Quality People

Policy starts with people. It emerges from the quality of their observation, knowledge, analysis, imagination and ability to think laterally so as to develop the widest range of options. Replacing people who cannot or will not adapt to the new environment is pivotal. Getting the incentives and structure right can also transform the performance of many dynamic and capable people who were not able to achieve the right results under the old system.

Since deregulation, management quality in the private sector has improved dramatically. The success of the public-sector reforms begun in New Zealand in 1984 has depended on people as much as policy. For example, in health, education and social welfare, the old public-service appeal system has been abolished, and chief executives are appointed on merit and are accountable for performance in much the same way as CEO's in the state-owned enterprises such as Electricorp and New Zealand Post.* However, top managers are not yet convinced that politicians have learned the limits of their role in the new system. They continue to fear that political interference in the running of departments could prejudice their ability to achieve the goals set for them. The full potential for reform in this area cannot be realized until ministers learn to play their new role correctly and let managers reach the agreed outcomes efficiently.

The biggest problem in New Zealand, however, is the

* The public-appeal system was a cumbersome procedure that virtually made the management of government departments a self-perpetuating elite.

caliber of the people attracted to and selected for political candidacy of both the Labour and National Parties. In a two-party system, the public interest cannot be met unless both parties adopt a broad spectrum approach that is widely representative of the community. For example, the Labour Party tends to draw many of its active members from among trade unions, the teaching and legal professions and academe, while National draws mainly on farmers, lawyers and small-business people. This tendency towards a relatively narrow active membership base can create problems for both parties. They inevitably select people representative of their membership, not the wider community. Parties become, in a sense, closed societies. Candidate selection begins to tap into an inadequate gene pool. As a result, the quality of policy suffers. Those in the community with the capacity to break that closed-shop system find the parties too inward-looking to bother doing so. If people want to break that cycle, we will have to recognize that parties cannot and will not solve those problems for us. They are locked into their own inadequacies.

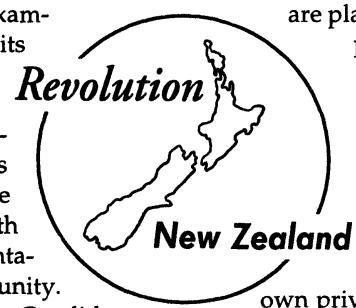

Political Lesson: *There will be a solution to the problem of poor-quality candidates only if enough people with courage, education and vision are willing to do something worthwhile for their country in the political area.*

The low status of politicians in the community results from the short-sighted, excessively partisan approach so many take to their responsibilities. At the same time, too many high-caliber people are content just to criticize from the sidelines. As long as things continue this way, we will wait in vain for good government in democratic countries. Things will improve only if enough people take the trouble to get involved. They have a responsibility to ensure that good candidates are available in all parties. It is absolute nonsense to think that existing parties have a monopoly on quality ideas. If countries place quality at the heart of everything they do, they will break the old molds which discredited politics and politicians and led too many countries into avoidable economic calamity.

Second Principle: Implement Reform in Quantum Leaps, Using Large Packages

Political Lesson: *Do not try to advance a step at a time. Define your objectives clearly and move towards them in quantum leaps. Otherwise the interest groups will have time to mobilize and drag you down.*

The political problems involved in making a conventional attack on protection are well understood. The benefits of protection are substantial in the hands of the favoured few who receive them. Such groups are usually well organized. They usually scream blue murder if anyone threatens to remove their privileges. They are capable of mobilizing quite powerful opposition against reform. The problem is that the cost of protection, however large in total, is relatively small per person per item. It is widely dispersed across the rest of the economy and often invisible to the people paying the bills. Therefore, they are weak and disorganized allies of reform at best. At worst, their ignorance may be exploited by the interest groups in campaigns to convince them that reform will damage the general interest. This is happening at present in both education and health. In New Zealand, and the rest of the world, the conventional perception is that reformers are playing against a stacked deck.

Political Lesson: *Genuine structural reform is portrayed as equivalent to willful political suicide. That rule holds good where privileges are removed one at a time in a step-by-step program. Paradoxically, it ceases to apply when the privileges of many groups are removed in one package.*

In that case, individual groups lose their own privileges, but simultaneously they no longer have to carry the cost of paying for the privileges of other groups in the economy. It is also harder to complain about damage to your own group when everyone else is suffering at least as much, and you benefit from their loss. Whatever its own losses, each group has a vested interest in the success of the reforms being imposed on all the other groups.

Packaging reforms into large bundles is not just a gimmick. The economy operates as an organic whole, not an unrelated collection of bits and pieces. Structural reform aims to improve the quality of the interactions within the whole. When reform is packaged in large bundles, the linkages in the system can be used to check that each action effectively enhances every other action. It also improves its selling potential.

Political Lesson: *Winning public acceptance depends on demonstrating that you are improving opportunities for the nation as a whole, while protecting the most vulnerable groups in the community.*

Large packages provide the flexibility needed to demonstrate that the losses suffered by any one group are offset by worthwhile gains in other areas for the same group. The public will take short-term pain if the gains are spelled out convincingly and the costs and benefits have been shared with obvious fairness across the community as a whole. Generally, fairness does not include compensation for those who are losing their past privileges, but even they make genuine gains after they come through the period of adjustment.

If insufficient consideration is given to these balances, the reactions of aggrieved people forced to take more than their share of the costs will end up tearing the reform process apart. In my view, the principle of quantum leaps and big packages provides the answer for New Zealand and other countries where opposition to reform has created problems recently.

Third Principle: Speed Is Essential. It Is Almost Impossible to Go Too Fast

Even at maximum speed, the total program will take some years to implement. The short-term trade-off costs start from Day One. When reform has been delayed for many years, those costs are considerable. Tangible benefits take time to appear because of the time lags that are part of any system of reform. If action is not taken fast enough, the consensus that supports the general reform process can collapse before the results become evident, while the government is

still only part-way through its reform program.

There are serious dangers in seeking to hold back the rate of change in order to satisfy groups who claim a slower pace would give the community more time to adjust with less pain. Policy cannot be fine-tuned with enough precision to ensure that, for example, inflation will be reduced successfully by a modest and targeted amount every year over an extended period. If an attempt is made to do so, it takes only a modest error or miscalculation of external circumstances to end up going backwards instead of forwards, and destroying your credibility in the process. Vested interests seeking to preserve past privileges will always argue strongly for a slower pace of change. It gives them more time to mobilize public opinion against the reforms. On the other hand, vested interests cannot get the payoffs from change until the government has moved far enough to reduce the costs imposed on them by the privileges of other interest groups.

Political Lesson: *Vested interests continuously underestimate their own ability to adjust successfully in an environment where the government is rapidly removing privilege across a wide front.*

On closer analysis, many apparent demands for a slower pace are actually expressing powerful resentment that the government is not moving fast enough to abolish privileges enjoyed by other groups. In New Zealand, from 1984 on, farmers demanding a reduction in the rate of change regularly said they needed it because of the costs still imposed on them by excessive protection elsewhere in the economy. They cheered up whenever the government responded by announcing further and faster changes in the sectors where protection was still prejudicing their ability to act competitively. Properly understood, complaints of that kind are reasonable. Farmers cannot be fairly asked to face up to their own adjustment costs if manufacturers of their supplies continue to enjoy the protection of high tariffs. Nor should they be asked to operate without subsidies and still be expected to afford to pay for the excessive costs of monopoly health and education systems.

Consensus among interest groups on quality decisions develops only after they are taken.

Political Lesson: *It is uncertainty, not speed, that endangers the success of structural reform programs. Speed is an essential ingredient in keeping uncertainty down to the lowest possible level.*

When state trading departments were being transformed into commercial corporations in New Zealand in 1987, it became obvious that there would be large-scale redundancies in the coal and forestry areas. Because some of these activities were located in depressed areas, the government took its time to make the final decision, leaving thousands of employees in limbo for about six months. Staff knew that some of them had no future in the industry, but did not know which of them it would be. They could not leave before the government made up its mind because they might lose their redundancy pay-out. The result was deep and intense bitterness, which the government interpreted as hostility, primarily to the policies themselves, and so further eroded its willingness to take action. Once decisions were announced, the mood in those regions improved rapidly. A lot of the people always knew change was inevitable. The public often shows more realism than the politicians. What they really wanted was an end to the uncertainty, so that they could decide how to get on with their lives.

A great deal of technical debate has gone on worldwide about the best order for reform and the alleged sequencing errors of governments, both here and elsewhere. Those armchair theorists postulate the desirability of tackling the labor market or the tradeable-goods market before embarking on the deregulation of sectors such as finance, for example. At a purely analytical level the debate is entertaining, but no clear-cut answers emerge. Moreover, as a practitioner of reform, I find the question fundamentally irrelevant. Before you can plan your perfect move in the perfect way at the perfect time, the situation has already changed. Instead of a perfect result, you wind up with a missed opportunity. Some decisions take full effect the day they are made. Others take two to five years of hard work before they can be fully implemented. Perfect sequencing, even if it existed, would not be achievable. If there is an opportunity to implement a reform that makes sense in the medium term, grab it before the moment passes. When an economy is stalled and failing, what matters is to get it moving towards a better future as soon as possible.

Fourth Principle: Once You Build the Momentum, Don't Let It Stop Rolling

Political Lesson: *Once the program begins to be implemented, don't stop until you have completed it. The fire of opponents is much less accurate if they have to shoot at a rapidly moving target.*

If you take your next decision while opponents are still struggling to mobilize against the last one, you will continually capture the high ground of national interest and force them to fight up hill. The government can develop public awareness of the key issues by structuring the content and sequence of its packages to dramatize the relevance of basic economic linkages.

By the end of 1985, for example, adjustment costs were biting quite deeply into pastoral farming, which had lost some large subsidies and was also facing low international commodity prices. Land values were tumbling back from the inflated levels stimulated by the previous government's assistance measures, and equity problems of considerable magnitude had begun to emerge. Nevertheless, resource allocation in farming and forestry was still being distorted by large concessions that let people write off livestock and development costs against other taxable income. People buying livestock were happy to pay prices up to two or three times the value justified by market returns because they knew that the taxpayer was covering two-thirds of their costs.

Tax write-offs had led the wine industry to plant twice the acreage needed to satisfy the market, and boosted the amount of some varieties of wine held in stock to three

years' supply against an international norm of half that. The government decided that, despite the adverse climate and the increased cost for those concerned, all such concessions had to be removed to promote the medium-term health of their industries.

To combat the inevitable outraged reaction, we moved the whole reform program into a higher gear. In the same package, we announced an unprecedented onslaught on public-sector waste. State-owned businesses accounting for 12.5 per cent of GDP and 20 per cent of the nation's investment became corporations with commercial objectives, and they were headed by directors of quality drawn from the private sector. They were to pay normal tax and dividends and raise their capital in the market, without the aid of government guarantees. The changes dwarfed any in our past public-sector history. Through corporatization, Electricorp has cut costs by a real 20 per cent. Telecom did even better than that. Rail-freight rates are down by about 50 per cent in real terms. Coal prices to some major customers have been halved.

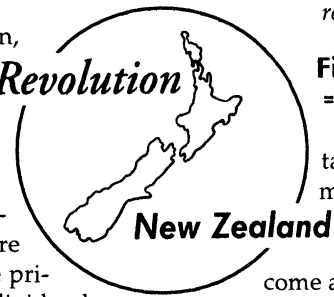

Farmers in New Zealand have traditionally loathed the Labour Party. But moves on that scale convinced them that we meant business in getting their costs down as well as removing their subsidies. Federated Farmers became one of the first major interest groups to endorse the principles behind our reforms. From then on, their aim was to ensure that the government lived up to its promises. The New Zealand Business Roundtable, representing large corporations forced to undergo massive and costly restructuring, also rapidly recognized the medium-term benefits to the nation. The underlying process is very important.

Political Lesson: *Before you remove the privileges of a protected sector, it will tend to see change as a threat which has to be opposed at all costs. After you remove its privileges and make plain that the clock cannot be turned back, the group starts to focus on removing the privileges of other groups that still hold up its own costs.*

Exactly the opposite process occurs wherever some favoured group is allowed to retain its privileges and given ongoing protection from the broad thrust of the reforms. Anxiety levels in protected groups rise steadily as reform progresses through the rest of the economy. They fear their turn may come next. Their internal organization improves dramatically. They raise their public profile and consolidate their opposition. To conceal their vested interest in exemption from reform, they will aim to dictate the rhetoric that governs all public debate — exactly what is happening in both the education and health fields today. Efforts to improve the quality and quantity of health services for ordinary New Zealanders are portrayed as replacing public care with private profit at the expense of the ill and the elderly. The strategy of this rhetoric is to obliterate public awareness of all medium-term benefits, exaggerate the short-term costs, and portray those costs as the objective and sole result of reform.

Those groups end up making strenuous efforts to gain control of the political process in the reforming party, and to stalemate any threat to themselves by terminating the total reform program.

Political Lesson: *Stop the rot before it begins. Remove privilege even-handedly across the board and give such groups, along with everyone else, a more constructive role in a better society.*

Fifth Principle: Consistency + Credibility = Confidence

Untarnished credibility is essential to maintain public confidence in structural reform and minimize the costs. The key to credibility is consistency of policy and communications. The voting public has seen governments come and go, all of them promising low inflation, more jobs and higher living standards. But for years, life has gone on, exactly as it always used to. A government serious about reform must take the first step early, and make it a big one. You have to break the pattern of the past dramatically enough to convince the community that, this time, somebody really does mean business.

Political Lesson: *When the government lacks credibility people refuse to change until the clash between their old behavior and the new policy imperatives has imposed large avoidable costs on the economy.*

As the reform program rolls forward, a lot of people start hurting. Their confidence depends on continuing to believe that the government will drive reform to a successful conclusion. Speed, momentum, the avoidance of *ad hoc* decisions, and an unwavering consistency in serving medium-term objectives are the crucial ingredients in establishing the government's credibility. Resolution is particularly important when, notwithstanding the best intentions on the government's part, the community remains skeptical about its consistency.

By 1985, New Zealand had experienced a decade of high inflation. The previous government had over-stimulated the economy. The country was just emerging from a long wage-price freeze and a large devaluation. Nothing on earth could convince people that the new government would not validate a large wage rise, as the last one had. With interest rates at 20 per cent, people were still rushing out to buy houses. In situations like that, the government wins by informing, warning, holding its policy stance totally steady . . . and then waiting for experience to drive home the necessary lesson.

You know when you start to win the credibility battle: the media begin to put every government statement under a microscope, looking for inconsistent decisions and lapses of principle. People begin to grasp the idea that wherever a group manages to hold on to privilege and protection, an avoidable cost is imposed on those who are learning to adjust. Public opinion was outraged when the government granted a quite minor subsidy to New Zealand Railways to keep the Westland-Canterbury line open. The local political advantage of the action was buried by national criticism of the government for appearing to set aside the principles that it had promoted as basic to its reforms. One day the message from the public changes. It reads, "Keep the reform process going, drive it to a successful conclusion, or you are dead at the next election."

Political Lesson: *Structural reform has its own internal logic based on the linkages within the economy. One step inevitably requires and leads to another, to extract benefit for the population as a whole.*

Abolishing export assistance is fruitless unless exporters' costs are also reduced by lowering tariffs, deregulating internal transport and reforming ports and shipping services. The fiscal gains from corporatization or privatization will vanish without a trace if expenditure in an unreformed social-services sector is left to rise without regard for value. The redundancies created as production is rationalized to improve efficiency may turn into more or less permanent unemployment if an inflexible labor market protects insiders against outsiders. Where the logic of reform is not followed closely enough, the confidence of investors will be damaged and the ultimate growth rate may be less than it would have been.

Credibility takes a long time to win, but it can be lost almost overnight. Confidence then collapses. The costs of the adjustment rise. The time required to complete the process and bring in the gains expands. The political risk increases. In the wake of the sharemarket crash of 1987, for example, many countries sought to soften the political and financial impact on the community by easing back on their monetary policies. The dragon of inflation leapt back to life. Those countries have been faced with the costs involved in slaying the dragon for a second time.

Nobody stops to think that what people may really want is politicians with the vision and courage to help them create a better country for them and their children.

Political Lesson: *The battle for consistency and credibility is always ongoing and never finally won. It is central to every decision that comes before the government for consideration. Winning back lost credibility can take longer than winning it in the first place. If confidence starts to waver, push the reform program forward the next big step, and do it quickly.*

Sixth Principle: Let the Dog See the Rabbit

People cannot co-operate with the reform process unless they know where you are heading. Go as fast as you can but, where practicable, give the community notice in advance. Where programs can or will be implemented in stages over time, publish the timetable up front. In this way you show that you know where you are going, commit the government to the process, let people know how fast they have to adjust, and reinforce the credibility of the whole program. Such an approach is particularly important in areas such as the removal of import licensing and reductions in tariffs, which impose major changes in the way firms go about their business. Decision-makers must be able to see as much as possible of the total change affecting their businesses in the period ahead in order to plan effective adjustment.

In November 1984, the government indicated that in roughly two years' time wholesale sales tax would be abolished, GST would be introduced, and income-tax rates would be cut. By early 1988, the top marginal rate of income tax, which had been 66 per cent when Labour took office in 1984, had been reduced in two stages to 33 per cent and company tax had also been cut from 45 per cent in 1983/84 to 33 per cent. The December 1987 Economic Statement extended corporatization of state trading enterprises into a large privatization program designed to help cut public debt by $14 billion by late 1992.

This approach has several very substantial advantages. First, the government was committed to perform in line with that target or lose valuable credibility. Secondly, the community's awareness of that factor was helpful to confidence. The release of such information also places professional analysts in a position to make their own independent evaluation of progress and government performance. They understand the importance of quality in decision-making and the benefits available in consistent medium-term policies. They are often trusted advisors of interest groups. As time passes, their objectivity, combined with their increasing goodwill towards the reform program, becomes one of the major factors in creating a favorable climate of public opinion.

The confidence of the community is further increased if private-sector people, respected for their experience and capability, are involved in helping to fine-tune policies and improve management. Panels of experts appointed from the private sector, for instance, received public submissions on the government's major tax initiatives to help remove any administrative bugs from the new systems. Our programmed and principled approach to policy was welcomed by decision-makers and opinion-formers in particular because it contrasted so markedly with the previous government's approach. For example, the wage and price freeze imposed in 1982 seems to have been the result of a moment of inspiration by the then Prime Minister, which was thereupon implemented instantly without giving anyone a chance for second thoughts.

Seventh Principle: Never Fall Into the Trap of Selling the Public Short

People out there in the community fight wars when they have to. They exchange short-term costs for long-term benefits every day of their lives. They take out mortgages and bring up children. Faced with the need for reform, normally responsible politicians will confide privately, "I know it's needed but the people out there don't! Politics is the art of the possible." Middle-of-the-road MP's maintain their political security by not taking too close or detailed a look at reality: "Ups and downs are normal. Things will come right; they always do." As the problems worsen, the demagogues and opportunists move in: "We have just one problem — our political opponents are nuts! I can fix the lot with common sense and some No. 8 wire." For years at a time, while the economy drifts on towards crisis or collapse, the public is offered nothing better by way of information or diagnosis. So they give the demagogue a go. Nobody stops to think that what people may really want is politicians with the vision and courage to help them create a better country for them and their children in the year 2000 and beyond. Do not mistake the fears of politicians for ignorance, lack of courage, or

lack of realism on the part of the public.

Political Lesson: *Successful structural reform does not become possible until you trust, respect and inform the electors. You have to put them in a position to make sound judgements about what is going on.*

Tell the public, and never stop telling them:

- What the problem is and how it arose.
- What damage it is doing to their own personal interests.
- What your own objectives are in tackling it.
- How you intend to achieve those objectives.
- What the costs and the benefits of that action will be.
- Why your approach will work better than the other options.

People may not understand the situation in all its technical detail, but many of them can sift the wheat from the chaff. They know when key questions are being evaded. They can sense when they are being patronized or conned, and do not like it. They respect people who honestly answer their questions.

At the height of the rural crisis in 1986, I walked onto a platform in South Otago without a speech note in my hand, talked for 40 minutes and answered questions for two hours. The chairman wound up the meeting by saying that it took courage to do that and invited me to return in twelve months' time. The headline in the local paper read: Minister Puts Head Into Lion's Den. Audiences such as that one listen with interest and attention if you tell them simple truths that they are not used to hearing from politicians:

- There is no free lunch. The privilege of a favored group is always paid for by the rest of the community. The group also has less need to perform, so the whole economy finally suffers.
- Subsidies always contain the seeds of destruction of the very industries they were meant to help. You end up investing in uneconomic production that damages your own market future.
- A lower exchange rate is not the way to safeguard exporters. Farmers were better off when the New Zealand dollar was worth US$1.35 than when it was worth 43 cents U.S. in 1985.
- Where does it stop? When the New Zealand dollar is worth 20 cents U.S., or 10¢ or 5¢? Those who argue for a lower dollar are worrying about the symptoms, not fundamentals such as getting their costs down.
- Inflation is what ruined the competitiveness of exporters in this country over the last 20 years. Unless we address that, exporters in New Zealand do not have a long-term future.
- Interest rates will always be inflation plus a margin. If inflation is 15 per cent, interest rates will be 15 per cent plus a margin; if it is 2 per cent, interest will be 2 per cent plus the margin.
- Easing monetary policy will not solve the problem of high interest rates. Six months out, instead of falling, inflation will take off again and interest rates will rise with it.
- For the last 100 years, ministers have thought they were running government departments. We now know that they had no idea what was really going on and had no real control.
- For years, politicians in New Zealand have been under the illusion that they could pick winners better than the private sector. They wasted billions for zero or negative returns.
- You can have income tax at 20 cents without incentives, or tax at 40 cents with incentives* and have government manage your investment. You choose.
- Import licensing did not create jobs. It gave State guaranteed rip-off profits to selected people, regardless of their performance, at the expense of consumers and economic growth.

It is ridiculous to think that voters cannot absorb those messages.

Eighth Principle: Don't Blink. Public Confidence Rests on Your Composure

Structural reform in New Zealand since 1984 has involved ministers in some of the most radical decisions announced to the public for 50 years or so. During major change, as the pressures from reform begin to affect the economy, the whole community starts watching every television appearance, looking for the least sign of government nervousness. Public confidence in and co-operation with the reform program can be undermined by the least twitch. Visible uncertainty among key ministers spreads like a plague through the community.

Major reform demands a change in the ideas and attitudes that most people grew up with. Such demands inevitably cause discomfort and uncertainty in many people. Government research showed that people become hypersensitive to any signs of similar uncertainty in the politicians who are responsible for the reform program. They attend meetings and watch the television news not just to find out what is happening and understand the ideas behind it, but also to probe the mood of the politicians at the helm. When they cannot understand the technical detail of the argument, they rely on their assessment of the speaker's mental and emotional condition as a basis for judgement.

It is another reason why it pays to make decisions of the highest quality. When you know you have it right, and know that the policies are on course, that comes out through people's TV screens. Knowing or believing that you have got it right provides a firm foundation for dealing with people in a relaxed, confident way when you come face to face with them, even at large meetings of quite angry people.

This is not intended to be a recommendation for arrogance. Listening to arguments from sources of every kind is enormously important to policy making, as well as to selling policies successfully. But all of that advice has to be measured against the government's medium-term goals. It is not arrogance to hold a sound course for objectives that benefit the country. I always regarded the speeches I made as Minister of Finance as a minor part of my meetings. The speech sets the framework for a question and answer session that follows it and lasts twice as long. The questions keep

* "Incentives" here refers to direct subsidies.

you fully attuned to the changing concerns of the general public. Relaxed answers are therapeutic for everyone.

Obviously people are not going to be convinced by every word. To achieve a flexible economy, the government has to implement policies over an extended period of time. Some people who are not convinced about the direction of policy will always leave the hall marvelling more at your inflexibility than the common sense of your answers. But it improves the confidence of the community as a whole to see the politicians responsible for structural adjustment face the music and deal with public fears in a gentle, reasonable, sensible way.

Ninth Principle: Incentives and Choice Versus Monopoly — Get the Fundamentals Right

A sick economy cannot be regulated back to health. Economic dynamism is the liberated energy of people at every level personally choosing and using opportunities that benefit them. Government's role is to construct a framework that increases their choice, improves the incentives for productive activity, and ensures that their gains also benefit society as a whole. In other words — remember whose side you are on. The purpose of economic activity is to satisfy the needs of consumers, to serve their interests and improve their lives. Government is not there to protect vested-interest groups, be they farmers, manufacturers, teachers or health workers, at the expense of the public. Its role is to ensure that vested interests cannot thrive except by serving the general public effectively.

Governments need the courage to implement sound policies, take the pain at the beginning, and be judged on the basis of the good results that follow later.

In command economies, governments made all the important decisions on behalf of the general public, in order to protect people from vested interests. Since the revolution of 1917, that theory has been tested to extinction. The power government used to make those decisions was power taken away from the people themselves. Government became the most oppressive vested interest of all. Here in New Zealand, the government, in its past domination of areas such as coal mining, electricity, education, health and welfare, had gone a fair way in that direction. Our attention was focused on the supposed benefits of regulation without regard for the wider costs imposed. According to that kind of false and partial accounting, regulation will seem automatically to improve the public good.

Political Lesson: *The abolition of privilege is the essence of structural reform. Wherever possible, use your program to give power back to the people.*

No one should be surprised, therefore, that major deregulation was introduced in New Zealand by a Labour Government. Labour recognized that wherever power exists, vested interests will cluster, trying to convert it into privilege for themselves. Labour recognized that inefficiency created by monopoly privileges on the waterfront has exactly the same kind of adverse impact on the lives of working people as the privileges farmers or manufacturers might enjoy.

Tenth Principle: When in Doubt, Ask Yourself, "Why Am I in Politics?"

Conventional politicians ignore structural reform because they think they are in power to please people, and pleasing people does not involve making them face the hard questions. They use the latest polls to fine-tune their image and their policies, in order to achieve better results in the next poll. In other words, their aim really is to be in perpetual power. Their adherence to policies which focus on their immediate problems, rather than the country's future opportunities, brings accumulating difficulties. It becomes increasingly clear to people that the problems have not been solved and that opportunities have been thrown away. And so, such governments are voted out.

Genuine structural reform carried out fairly and without compromise delivers larger gains in living standards and opportunity than those achievable by any other political means. Conventional wisdom says that the unwelcome short-term costs that result from major reform make structural change a form of electoral suicide. However, in 1987, after the most radical structural reforms in 50 years, Labour fought the election on a platform that the job was only half done and that we alone had the courage and know-how to finish it. The government was returned with all the seats it won in the landslide 1984 election and took two more seats from the opposition. Voters wanted the job completed and they wanted it done right.

But after the election the government lost some of the momentum that had sustained the reform program in its first three years. The vested interests were able to marshal a counter-attack. The then Prime Minister sought to re-establish a consensus by calling for a "breather." David Lange felt that some people needed time to catch up with the changes already made. He also feared that continuing reform would inevitably change some traditional social sector policies.

Protected groups within the community, looking for ways to arrest the process of change before it affected their interests, and if possible turn the clock back, seized their opportunity. The government became polarized internally between those who wanted to advance the process of reform a stage further, to bring even better results, and those who wanted to call a halt. A stalemate developed. The government lost its ability to take account of the ten principles described here. Confidence was lost in public uncertainty about the future direction of policy. And so the inevitable happened — in the 1990 election Labour lost by an even greater margin than it had won by in 1984 and 1987.

Credibility and consistency can be maintained only in the context of a disciplined Cabinet which works through the issues and stands behind every decision collectively taken. In my view, there is one force which is always capable of undermining the process of structural reform — the government itself when it loses sight of its own primary objectives. If the discipline of collective Cabinet decision making and collective Cabinet responsibility breaks down, the way is open for interest groups to regain control of the game. Regrettably, that was what started to happen in New Zealand. ❑

continued from page 22

It is most remiss of the major parties not to have taken Mrs. Shipley up on her kind offer. Apparently it is left to us Libertarianz to do so, since we are the only party proposing the abolition of the Ministry. As leader I look forward to discussing with the Minister how we might facilitate her involvement as proposed."

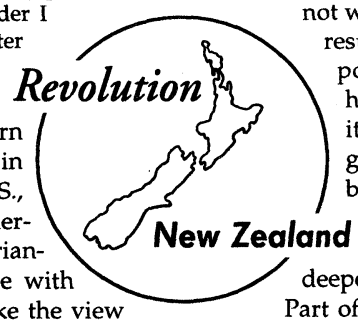

Given Perigo's wit, it surprised me to learn that his libertarianism has its roots in Objectivism. In New Zealand, unlike the U.S., involvement with Objectivism does not generally involve a humorectomy. "I view libertarianism as a political-ethical principle only, one with which I heartily concur," he says. "I also take the view that this principle is not a primary — it requires validation. I believe the Objectivist validation is the only correct one. But I don't believe that this requires me to regard people who validate it differently, or who say no validation at all is required, as enemies."

The Deputy Leader of the Libertarianz is Deborah Coddington, another Objectivist. She's the author of *Turning Pain Into Gain*, an excellent account of New Zealand's Revolution, and a columnist for *Metro*.

In sum, libertarians in New Zealand, whether of the ACT or Libertarianz variety, have attained positions of prominence and influence in the media and politics that dwarf those of American libertarians. Despite this success, they get along with one another even worse than their American equivalents.

When I spoke of Perigo and the Libertarianz to Rodney Hide, his response was: "The best thing that ever happened to us [ACT] was when the libertarians left!" Roger Douglas told me that Perigo was "a sad case." Perigo calls ACT the "Association of Compulsion Touters" and comments on Hide in terms so personal that I won't repeat them here.

On my final evening in New Zealand I attended an Auckland gathering of Libertarianz, an extremely bright and talented group of people. I spoke for a few minutes about what I'd observed in New Zealand, mentioning in passing that the libertarian movement in New Zealand was broken into two very hostile factions. The reaction from those present was immediate and emphatic. "You're going to go back to America and tell people that ACT is libertarian!" they protested. When I explained that I considered anyone who favored radical reduction of government power to be libertarian, and that on this ground, ACT's proposal to immediately reduce the income tax to 19.5% surely qualified, I was inundated with a barrage of explanations about how wrong I was. Perigo argued that ACT couldn't possibly qualify as libertarian because ACT would support statism if it resulted in prosperity. I responded by asking whether the Libertarianz would support liberty if it led to misery and the destruction of humanity. Perigo's response, one with which it appeared all there agreed, was that my question was not worth considering since liberty would necessarily result in prosperity, not misery. I decided not to point out that it was no more counterfactual than hisproposition that statism might lead to prosperity. It was obvious to me that something else was going on here: either some personal history between the Libertarianz and ACT, or a Randian obsession with rights-think. Or both. Either way, I didn't want to delve any deeper at the time.

A key campaign prop was a life-size cardboard stand-up photograph of Perigo, unshaven, a cigarette dangling from the corner of his mouth, clad in jeans and a "Politically Incorrect" t-shirt.

Part of the Libertarianz' hostility, no doubt, lies in the fact that ACT attracted far more votes on election day. While ACT finished fifth, with 126,421 votes, the Libertarianz finished 19th with just 671 votes, behind numerous parties, some of them frivolous (i.e. the "McGillicuddy Serious"), others just plain nutty ("Animals First"). Obviously, the Libertarianz would have done better if ACT hadn't been in the picture. (After the election, Perigo thanked "the 600 or so who resisted the temptation to betray their consciences and gave the Libertarianz, not ACT, their party vote.")

Hide is a pit bull who speaks with a Kiwi accent so powerful that perhaps 20% of what he said was unintelligible to me. But the remaining 80% was high-powered, brilliant, and often outrageous.

It is equally obvious that ACT would benefit from participation by the Libertarianz. Right now ACT party literature is a bit pedestrian. Its party program, "Common Sense for a Change," runs some 82 pages, of which some 40 contain tables or graphs. Twenty pages were devoted to spreadsheets detailing how various ACT proposals would affect the after-tax income or retirement benefits or some such for citizens in various situations with income increments of $2,500. There's nothing like 20 pages completely covered with columns of numbers to win the hearts and minds of voters! The Libertarianz, on the other hand, hadn't worked out the impact of their program in such detail — but they explained their program in terms both literate and witty. A synthesis of the two approaches might have worked better than either alone.

I am tempted to say that the two groups would benefit from a cease-fire. But in reality, they aren't firing at one another: it's pretty much a case of the Libertarianz firing at ACT, probably in an attempt to staunch the flow of moderate libertarians to ACT because of the "wasted-vote" argument. So I don't hold out much hope.

But whether it would be possible for the Libertarianz and ACT factions to cease their hostilities I am not sure. The Libertarianz are committed to a much more radical agenda than is ACT. For Roger Douglas, politics has always been the art of the possible, and ACT reflects this more incrementalist approach.

—*R. W. Bradford*

Foucault and Feminism

by Wendy McElroy

Gender feminists take on English and porn.

"Feminist scholars, many drawing on the insights offered by Michel Foucault, have urged us to develop new ways of thinking and speaking." So write the editors of *Analyzing Gender*.[1] In their scholarly work *Knowing Women: Feminism and Knowledge*, two more feminist editors explain why the French philosopher is quoted extensively therein: "Foucault's discourse theory and the 'post-structuralist' methods of analysis which depend on it have become very influential within feminist studies."[2] Since I have an antipathy to fully one-third of the words in the preceding sentence, I tend to screen out such scholarly discussions of Foucault for the sake of my digestion.

In truth, I've screened the man out even when he is quoted in more popular feminist works, such as those of Foucault fan Judith Butler, or Sharon Welsh's *Communities of Resistance and Solidarity*,[3] in which Welsh uses Foucauldian methodology to construct a feminist liberation theology. I've even ignored otherwise interesting works, such as Valerie Walkerdine's *Schoolgirl Fictions*, in which she declares, "How is this truth constituted? . . . Such questions, derived from the methodology of genealogy utilized by Foucault, can help us begin to take apart this truth about girls."[4]

Since his death in 1984, there has been a backlash against Foucault within the feminist movement — a backlash exemplified by the scholarly work *After Foucault*,[5] in which two chapters take opposing views on the question, "Is Foucauldian feminism a contradiction in terms?"[6] In the popular press, the backlash has been expressed by the iconoclastic Camille Paglia, whose *Sex, Art, and American Culture* devotes a large part of a large essay to Foucault-bashing.[7]

The controversy drew me in. Why and how did Foucault influence feminism? And why are some feminists now finding fault with him? I knew that his area of influence was in the interpretation and meaning of language, and had heard his intellectual style compared to that of the deconstructionist Jacques Derrida. With that base, I began to explore Foucault's work. The answer became no clearer. True, he argued vehemently against Freudian theory, which would endear him to feminists.[8] But this must be balanced against his frontal attack on Marx. The touchstone "gender feminist," Catharine MacKinnon, refers to her position as "post-Marxist feminism." And many of the defining aspects of contemporary feminism — for example, the male/female class analysis and the use of terminology such as "exploitation" — derive directly from Marxist theory. Some feminist theorists must bridle at Foucault's anti-Marxist onslaught.

Added to this blurred picture is contemporary feminists' profound bias against quoting or crediting males when charting the development of "the movement." Why, then, do so many regularly quote and credit Foucault? The answer began to fascinate me, as I came to realize that it held the key to making sense of another question that had baffled me for years: why do some feminists put so much stress on language as a source, even *the* source, of sexist oppression? Why do some women fly into rages at being called "Madam Chairman" and insist on the wholesale replacement of the generic "he" with the ungainly "he/she"?

The issue of language had led me to a dramatic encounter about a year ago. I was sitting in the lobby of a Toronto radio station that wanted to hold an on-air debate on pornography between me and the prominent Canadian gender feminist Susan Cole, an editor at Toronto's largest magazine.

To Cole, pornography is political and personal oppression, an act of violence against women that is instru-

mental in maintaining patriarchy. To me, pornography is words and images graphically depicting sex — no more, no less — and it is the anti-porn drive that is political oppression. In Canada, this debate is more than academic. Through its decision in the *Butler v. The Queen* case, the Supreme Court of Canada adopted Catharine MacKinnon's definition of obscenity nearly word-for-word into Canadian law. This 1992 court decision — which was vigorously championed by most feminists in Canada and the U.S. — allows Canadian customs to interdict and seize what it judges to be pornography. The Supreme Court acknowledged that this violates freedom of speech, but it deemed the possible harm that pornography could inflict on women to be of greater legal significance.

A year after the new law had been passed, the spring 1993 *Feminist Bookstore News* described its impact: "The *Butler* decision has been used . . . only to seize lesbian, gay and feminist material." The two primary targets had been (and continue to be) gay/lesbian or feminist bookstores — the Glad Day Bookstore in Toronto and Little Sisters in Vancouver. Customs Canada has blocked shipments to these bookstores of even innocuous material — mainstream science-fiction, for example — that any other Canadian bookstore is able to import freely.

When I drove to Toronto for the radio program, I resolved to ask Cole, whom I'd debated before, how she reacted to lesbian bookstores being persecuted by legislation that she had championed. Cole is a lesbian herself. She has fought for decades to have lesbian literature published, plays produced, voices heard. It is not possible to doubt her commitment to lesbianism, both as a sexual choice and as an aspect of feminist ideology. Indeed, she is a friend of the owner of one customs-afflicted bookstore.

I asked my question. Cole expressed regret, although her face showed no emotion. I had the impression that she had answered this questions many times, and her response was polished to a gleam. "I stand firmly behind the *Butler* decision," she said without hesitation, "and I would campaign for it again, if necessary." Lesbian bookstores were acceptable casualties in the war against pornography.

These women look at words and images depicting consenting adults having sex, and see violence so profound that they draw parallels to the Holocaust.

Cole's reaction reminded me of another I'd read about. One of the books seized temporarily by Customs Canada was by Andrea Dworkin — another feminist who applauded the *Butler* decision. Dworkin declared that having her work seized was a price she was willing to pay to stop pornography. To appreciate the depth of sacrifice represented by her declaration, it is important to understand Dworkin's egomania. This is a woman who recently demanded that a feminist petitioning her for an interview first write a lengthy letter demonstrating "familiarity with my work." Now Dworkin was willing to have that work suppressed.

Needless to say, there is what could be called "cognitive dissonance" between my position on pornography and that of Susan Cole, Catharine MacKinnon, or Andrea Dworkin.

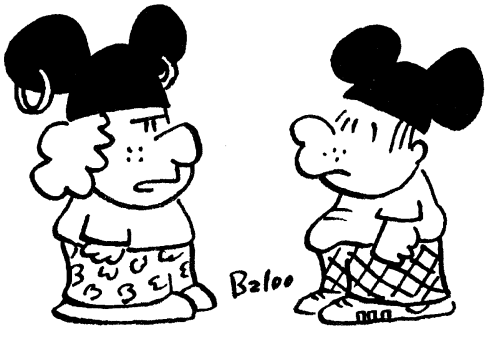

"Who *says* I can't wear earrings?"

How far apart are we? Consider a statement MacKinnon made about pornography — specifically referring to *Playboy* and *Penthouse*. The statement was made during a speech she delivered to a gay lawyers association. There MacKinnon asked what would have happened if pictures had been taken at Auschwitz "and then marketed." She went on to ask why such marketing is different from pornography. The former, she declared, is recognized as an atrocity; in the latter, the people are not considered real, "because they are women."

Declarations like these are the rhetorical equivalent of thermonuclear war, and there is a natural tendency for reasonable people to dismiss them. But it is important not to do so, because it is precisely such statements that allowed the 1992 *Butler* decision. In that same year, it almost led to the passage of the Pornography Victims Compensation Act in the U.S. The bill was blocked by the efforts of an organization called Feminists for Free Expression, a group composed mostly of liberal feminists who had banded together specifically to oppose that particular legislation.

So *why*? Why is it that when intelligent women look at words and images that depict consenting adults having sex, they see violence so profound that they draw parallels to the Holocaust? Indeed, Dworkin forthrightly calls pornography "genocide against women."

The answer lies in the idea of "gender," which is strongly linked to Marx, and in the interpretation of culture, which is strongly linked to Foucault.

Perhaps the pivotal book in the development of gender feminism was Kate Millett's *Sexual Politics* (1970), which argued that women throughout history had been "confined to the cultural level of animal life" by men who used them as sexual objects and breeding stock. According to gender feminists, only a profound political difference between the two sexes can explain why women are and have been the constant victims of men. There must be an unbreachable schism between the interests of men — as a class — and the interests of women — as a class.

The oppression lies within male

biology itself, and, according to many feminists, pornography is the main mechanism by which the power structure maintains itself. As Page Mellish of Feminists Fighting Pornography declared, "There's no feminist issue that isn't rooted in the porn problem." Pornography is seen as the crucial thread in the patriarchal tapestry — pull it loose and the tapestry will unravel.

The key idea is that sex is a social construct. And this concept is basically derived from Foucault, whose landmark book *Les mots et les choses* appeared in 1966.

In the body of this work, Foucault argues that history and culture are indispensable in understanding sexuality. This hypothesis is not a controversial one. But then Foucault introduces the idea of an *episteme* (Greek for "knowledge"). A culture's episteme is a single and self-enclosed totality that includes its language, attitudes, ideas, science: it is all the paradigms of that society. It is the way that a specific culture or era approaches the world.

As history progresses, one episteme replaces another. That of the Middle Ages is replaced by that of the Renaissance; then a new era is said to dawn. The destiny of words and things — the literal translation of his title *Les mots et les choses* — is intertwined. The episteme determines how the people within that era think. It determines who they are and what they will do.

Take, as an all-important example for feminism, the human body. Most philosophers assume that there is a pre-cultural human body. In other words, they assume that history and culture do not alter the permanence of mankind's biology. But for Foucault, the human body lives in the episteme — it lives in a culturally constituted world. By this he means that the human body is constructed by society: the body is a "social construct." Even its physiological "givens" have been produced by the medical science of our time.

Foucault devotes an entire treatise, entitled *The Birth of the Clinic: An Archaelogy of Medical Perception*, to the study of what he calls the "medical gaze," which he says determines the human body. It is through the medical gaze that the body is objectified and converted into a well-ordered thing that medicine then seeks to control through surgery, diet, drugs, and so forth. But the medical gaze of the eighteenth century was different from that of the twentieth century. The episteme was different. Therefore, the eighteenth-century human body was different from the twentieth-century one. The body itself is redefined by each society that examines it.

The most important factor in defining the human body and sexuality are the texts that are written and spoken about them. Consider the Victorian era. A common approach is to look at its plays and books, its songs and newspapers — in other words, its texts — and to conclude that they reflect a repressed, sexually horrified culture. Foucault sees exactly the opposite, that the *society* reflects the *texts*. The texts cause the society, and not vice versa. The texts cause the repression.

In short, anyone who claims women's sexuality comes from biology is blaming the victim for her own oppression.

In her essay "Foucault, feminism, and questions of identity," Jana Sawicki explores a contemporary example of this phenomenon. She argues that our beauty culture, "with its 'tyranny of slenderness,' produces pathological forms of subjectivity that might also be understood as a crystallization of the cultural production of 'normal' femininity."[9] It is important to stress: Foucault and Bordo are not saying that society is influenced by the words and images that flow through it: they are saying that the texts create the episteme of the society, which

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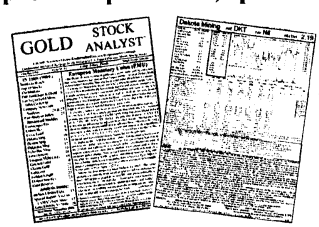

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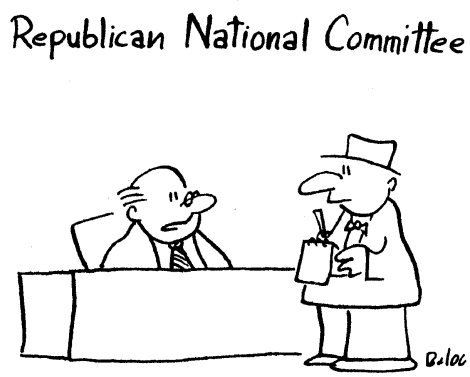

"Of course we support the two party system — without the Democrats, we'd never get anywhere."

creates the society itself.

In her essay "Feminism, Criticism and Foucault," Biddy Martin explains of the philosopher: "His *History of Sexuality* states very clearly that discourses on sexuality, not sexual acts and their histories, are the essential place [sic] to grasp the working of power in modern society." [10]

Words and texts — not acts — are the keys to how power works. Remember this the next time gender feminists puzzle you by insisting on using politically correct language ('herstory' instead of 'history,' for example) or rewriting events to include the voices of women, even when those voices were insignificant to the actual events. Gender feminists are trying to correct the texts and the language that they believe define women.

Backtrack a moment to Foucault's denial that the human body, that "man," objectively exists. Indeed, for him, "man . . . is probably no more than a kind of rift in the order of things." The concept of "man" is up for grabs in Foucault's rampant relativism.

Now gender feminists come along and add the twist, "If there is no objective man, there is no objective woman either." In doing so, they reject what they call "sexual essentialism," which is the notion that sex is a natural force that exists prior to women's exposure to society or to social/political institutions. Sexual essentialism says that there is something natural rather than cultural about deeply held urges such as motherhood or a disposition toward heterosexuality. There is something natural about the general relationship between men and women which spans centuries, cultures, and religions.

Gender feminists reject such sexual essentialism, the idea that sex is based on biology. After all, according to Foucauldian-type analysis, biology itself is shifting sand with no lasting definition. Gender feminists deny that women have natural tendencies, such as motherhood. Even deeply felt sexual preferences, such as heterosexuality or homosexuality, are not seen as matters of biology but of society's ideology — which is largely determined by the texts of society. (This explains a common phenomenon in feminism about 15 years ago, when lesbian feminists urged heterosexual women to stop sleeping with the enemy, i.e., men. Our sexual orientation was supposed to be a political choice, not a biological tendency.)

Gender feminists argue that those who consider women's sexuality to be biological are taking sides with the conservative anti-feminists who maintain that biology determines women. Biology makes women inevitably weaker than men, or less intelligent, or slated for domesticity, or . . . In short, anyone who claims women's sexuality comes from biology is blaming the victim for her own oppression.

So the idea that sex is a social construct is good news to gender feminists. After all, if sex has been constructed, then it can be deconstructed and put back together correctly. How?

In gender-feminist theory, you have two classes of people with inherently antagonistic interests: men and women. You have a definition of sexuality — of the woman's body itself — which is up for political/cultural grabs. And the single most important factor in the definition is a society's texts. First among those texts is pornography. The question now becomes: which class controls the texts through which a woman's body is defined?

This is what feminists mean when they say, "pornography defines women," or "pornography causes rape," or "pornography *is* rape," or that every problem women have can be traced back to pornography. It is why lesbian activists are willing to promote legislation that suppresses "words and images" even though they know it will be used to persecute lesbian book-stores.

With this new perspective, read a passage from Susan Brownmiller's *Against Our Will*, a passage typical of gender-feminist literature:

> Pornography, like rape, is a male invention, designed to dehumanize women, to reduce the female to an object of sexual access, not to free sensuality from moralistic or parental inhibition. The staple of porn will always be the naked body, breasts and genitals exposed, because as man devised it, her naked body is the female's "shame," her private parts the private property of man, while his are the ancient, holy, uni-

Freedom From Freedom Froms by Titus Stauffer

Genetically engineered human and nonhuman beings and Conscious Computers are coming our way. **Are we ready?** Will we allow them to vote, defend themselves, own property? Or will we simply say that since they're not human, they have no rights? *Slavery, Part II?* We'll face these and many other vexing problems, equipped with two main ideologies. **Welfare Statists on the left, coercive busybody moralists on the right.** Socialists give us *freedom from housing discrimination* by punishing us for advertising our houses as having *walk-in closets*. By doing so, they say, we convey our intent to discriminate against those in wheelchairs! Witchburners give us *freedom from sin* by protecting us from "lewd" Calvin Klein ads. Perhaps **genuine freedom and broad-mindedness** could provide some solutions. Instead of sponsoring quarrels between the NAACP, NAAWP, NAACC, and so on, we'd be better off with the NAACB (Nonexclusive Association for the Advancement of Conscious Beings). We need ***Freedom From Freedom Froms*** when the *freedoms* that our leaders foist on us are false ones. If you love **real** freedom, vicious political satire, and science fiction, ***Freedom*** was written for *you!*

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versal, patriarchal instrument of his power, his rule by force over *her*.

Pornography is the undiluted essence of anti-female propaganda.[11]

In other words, pornography is the text that expresses man's hatred of woman and constructs her oppression. (Please note: I am not saying that Brownmiller or any other particular feminist is a Foucauldian, or that Foucault would approve of his ideas being put to this use. I am merely stating that his sort of linguistic interpretation has so permeated the gender-feminist approach that Brownmiller and similar writers use his methodology, whether or not they are conscious of doing so.)

It took me a long time to understand that — in discussions with gender feminists — I was speaking gibberish to them. I talked about choice: "a woman's body, a woman's right." By their analysis, however, women have been socially determined by men: we have been sexually constructed by the enemy class. I can no more say that I choose my sexuality than a concentration-camp prisoner can claim to choose the menu of her evening meal. I take what gets served up. And sometimes a prisoner, such as me, is so brainwashed as to believe she is making a free choice.

To gender feminists, "a woman's body, a woman's right" is just another patriarchal prison sentence. It is just another line of text through which men politically define who I — as a woman — am.

Silly me. ❑

Notes:

1. Beth B. Hess and Myra Marx Ferree, eds., *Analyzing Gender: A Handbook of Social Science Research.* Sage Publications, 1989, p. 519.
2. Helen Crowley and Susan Himmelweit, eds., *Knowing Women: Feminism and Knowledge.* Polity Press, 1992, p. 65.
3. Sharon Welsh, *Communities of Resistance and Solidarity: A Feminist Theory of Liberation.* Orbis, 1985.
4. Valerie Walkerdine, *Schoolgirl Fictions.* Verso, p. 136.
5. Jonathan Arac, ed., *After Foucault: Humanistic Knowledge, Postmodern Challenges.* Rugers University Press, 1988.
6. *Ibid*, p. 161.
7. Camille Paglia, "Junk Bonds and Corporate Raiders: Academe in the Hour of the Wolf," in *Sex, Art, and American Culture: Essays.* Vintage Books, 1992, pp. 170–248.
8. There have been recent attempts to reinterpret Freud, which I applaud, although — as Freud himself said upon stepping off the boat onto American soil — "I am not a Freudian."
9. Jana Sawicki, "Foucault, feminism, and questions of identity," in *The Cambridge Companion to Foucault.* Cambridge University Press, 1994, p. 291.
10. Biddy Martin, "Feminism, Criticism and Foucault," in Crowley and Himmelweit, *op. cit.*, p. 276.
11. Susan Brownmiller, *Against Our Will.* Simon and Schuster, 1975, p. 394. Emphasis in original.

Letters, *continued from page 4*

perspective that is simultaneously populist (in that it believes culture is healthiest when creative action is widely diffused among the people) and elitist (in that it is sharply critical of anything derivative or otherwise mediocre)."

Since the characterizations in the parentheses are essentially correct, I wonder about the categorical adjectives. "Elitist" is acceptable in that I support the best and have little patience with anything or anyone that for one infirmity or another (sometimes self-induced) is less than the best. In art as in sports, excuses for inferior work are unacceptable.

On the other hand, "populist" both in *Webster's New World Dictionary of American Language* and in *The Oxford Companion to American History* refers exclusively to the Populist Party, which began in 1889 as, to quote the latter, "a grouping of southern and western agrarian organizations seeking political action to remedy the lot of debtor farmers." *The Oxford Companion* continues that the Populist Party "called for a flexible currency system under government control, a graduated income tax, postal savings banks, public ownership of railroads and communications systems, an eight-hour day for labor, direct election of senators, the secret ballot, and unlimited coinage of silver as a means of swelling the currency." Since I don't advocate most of those changes (whether western, midwestern, or agrarian), we would agree that the epithet "populist" must be inapplicable.

May I suggest instead that Walker find an adjective that acknowledges my opposition to cartels and self-conscious establishments, whether state-supported or not, in favor of genuinely free competitions in which the strongest art/culture/work succeeds not because of institutional favor, but precisely because of enthusiastic support from a disparate collection of discriminating individuals.

Would he accept the adjective "libertarian"? It is by no criterion contrary to elitism.

Richard Kostelanetz
New York, New York

Why the LP Doesn't Work

Liberty credits Harry Browne for articulating the Libertarian Party's positions. It is precisely because he articulated these positions that he did so poorly in the polls. For example, on CNN Browne said there was not a problem when ten-year-olds could buy heroin, implying he would legalize heroin for children. And maybe he would, and maybe the Libertarian Party would. The opportunity to endorse the popular medical marijuana initiatives or call for a mature, reasoned discussion of drug prohibition or simply condemn fascist drug-enforcement tactics was missed.

Why? Because as Michael Kinsley has noted, "The Libertarians take every good argument for freedom to its illogical extreme."

Libertarian Party activist burnout comes when one realizes the LP is not a vehicle for promoting freedom, but rather a fundamentalist, pacifist, rationally dysfunctional cult.

The LP resembles the government mentality it purportedly opposes: supply-side, ideological, strait-jacketed conformity that squashes creativity while crushing debate, expelling all but the unquestioning true believer.

James Alan Winter
Waterville, Ohio

The *Liberty* Interview

The Only Libertarian in Congress

Libertarian Ron Paul talks to *Chester Alan Arthur* about drug laws, the Defense of Marriage Act, and friends and enemies in the Libertarian and Republican parties.

Somehow, none of those who commented on the November elections in the January 1997 Liberty *mentioned what might very well be the most important victory for libertarians: the election of Ron Paul to Congress. Paul had previously served four terms in Congress, establishing a remarkable record of consistent opposition to the growth of government, higher taxes, military intervention abroad, and consistent support for individual rights. In 1984, he gave up his seat to seek the Republican nomination for the Senate in Texas. He lost the nomination to Phil Gramm, and returned to his medical practice.*

In 1986, Paul declared himself a Libertarian and sought the LP's 1988 nomination. He overcame unexpectedly stiff competition from Indian activist Russell Means, and won the nomination. In November 1988, he won 432,000 votes for the nation's most powerful office, up 89% from the vote total obtained by David Bergland, the party's 1984 nominee.

In 1992, he flirted with the idea of challenging George Bush in the GOP primaries, but withdrew after Pat Buchanan entered the race. Two years later, he began to plan his campaign to recapture a seat in the House of Representatives. On November 5, he won 51.4% of the vote in the general election.

Just before the new session of Congress began, Liberty*'s political correspondent, Chester Alan Arthur, interviewed Paul about the campaign and how he intended to advance a libertarian agenda in the new Congress.*

Liberty: What sort of issues were used against you in the campaign?

Paul: They mostly concentrated on the drug issue. The Republicans did it [in the primary], and the Democrats thought it was a viable criticism, so they just continued it. I didn't preach legalization or anything that sounded pro-drug. What I said was that the federal War on Drugs has been a total disaster, and we shouldn't have any part of it. If there's anything to be done, if any regulation is needed, it should be local. And that softened reactions a little bit. But in my mind I had very limited restrictions, even at the state level. But that was for somebody else to deal with. I was running for federal office. If you want to protect children from drugs, which I do believe in, I think it should be handled locally. The really big issue was the War on Drugs. And people absolutely knew what my stand was on it.

Liberty: It was reported in a political magazine that you denied having ever supported legalizing drugs . . .

Paul: I know how that came up — as a matter of fact they put that on a television ad against me. I think it happened something like this: early on I took a call from the press. They called and said, "Well, your opponent just had this press conference and they quoted you from a *Reason* magazine article saying you favored drug legalization; what do you have to say about it?" I said, "You know I don't even recall that article," which was a very honest answer. The opposition then turned around and said, *he can't even remember about this article*. I wasn't denying anything, but I had to look at it. Actually the article wasn't all that bad. [My opponent] used to reproduce the whole article, and there were one or two sentences which, taken out of context, sounded bad, but the rest was stuff like, you know, I didn't like drugs, and the family and the church and the community should deal with it. He kept circulating it, and I thought it was great as long as he circulated the whole article.

There was never any denial. For obvious reasons I didn't say, "No, I'm for legalizing all drugs." I never said it in that sense. I said, I'm against all the federal drug laws, and if there are to be any regulations you can regulate selling marijuana and drugs to twelve year-olds. I would say if there's going to be any [regulation], it's going to be local. But it was never that I changed my position.

Liberty: Maybe we're seeing the first signs of some softening of public attitudes on that. Drugs were a significant issue in your campaign and you're in a very conservative area, and California has in effect legalized marijuana.

Paul: My job was to convince the religious right that they could accept this position. Now I have campaign workers who were very leery at first and weren't even on my side call me and say, "Well, I'm going to this federal building and they keep checking me all the time. I think that's a

violation of my civil rights." *(laughs)* Boy, these people are starting to throw it back at me now. They didn't like the invasion of privacy.

Liberty: Was your stand against the Gulf War used against you?

Paul: They used that a whole lot in my primary. They said Ron Paul opposed George Bush, he ran against Phil Gramm, he opposed this and that. And they still didn't ruin me in the primary. But in a way that helps me with the independents and the Perot people, and they knew that Newt was out to get me, so the anti-Newt people loved it. But the big test is whether you can withstand that in the primary, and since we did it's not the greatest thing.

Liberty: Steve Forbes came in and campaigned for you.

Paul: Forbes came out for me and that was a big help. And Pat Buchanan helped with the religious right; we had a huge rally with them. But I think it's sort of appropriate that we can get both sides of the party to come over. And then toward the end the Republicans started to support me. They were getting worried, and rightfully so. Phil Gramm said nice things and Hutchison, who is seen as a friend of the moderate side, offered to campaign for me. Their heart wasn't exactly in it, but they knew that I was better for them than Lefty Morris [Paul's Democratic opponent].

Liberty: I'm sure Republicans were panic stricken that they might lose control of the House.

Paul: That was the big thing. And everything has been very cordial in Washington.

Liberty: It was interesting that your Libertarian opponent dropped out of the race.

Paul: I talked to the guy who had been nominated. And I told him to ignore all the pressure he was getting from my group. I've tried to make points in the Libertarian Party. I told him that I respected his position and said I'm not even going to ask you to get out. Just ignore all that pressure. And then we talked some more, and he knew I wasn't really going to hit him hard. And he said, "Is it true that you're still a member of the LP?" And I said yes, I'm a lifetime member. I think there's a precedent for a Republican to belong to two parties. And I talked about Jim Buckley, who was elected as a Conservative. I think of it that way. I think that we should be working together. I think that was what convinced him. A couple of days later he called back and said he was going to get out.

Liberty: I understand that some high-level LP officials tried to convince him to stay in the race, in hopes of taking votes away from you and possibly defeating you.

Paul: I think maybe the LP people were upset because they thought I was getting all this libertarian money. If you look at it, we raised more than $2 million, but I would say that a very small percent came from the hard-core LP members. I mean they didn't do it.

Liberty: How do you stand on declaring English the country's official language?

Paul: I like the idea. But I've not thought it through completely on who should be determining that — whether the federal government should overrule the city of L.A. if they print something in two languages or three or four. But if it comes to judges speaking in a federal court, I think it makes pretty good sense that we use English. We've been doing that for 200 years, so I could never support something that said all of a sudden the federal judges and our federal papers and forms have to be in two languages. If they have to be in two, why not three? Or four? Why not put it in 20 languages? That to me is reaching the point of absurdity.

Liberty: I know that in 1987, when you were seeking the LP nomination, you were challenged on your views on gays, and you observed that you have never discriminated against gays — that in fact gays played a prominent role on your congressional staff and that you didn't see this as an issue for government to be involved in. What is your stand on the Defense of Marriage Act, which says that same-sex marriages recognized by one state needn't be recognized by other states?

Paul: I think that there are two points to be made. One is whether we should permit voluntary marriage between whomever, and I would say certainly. Two individuals can have any contract or any kind of living arrangement that they are permitted as long as they don't hurt other people. The trouble you get into is when you start talking about compulsion — if tax-paid benefits are increased because somebody is saying that marriages now have this bizarre definition, that two people of the same sex should receive certain types of benefits, and they will be mandated to insurance companies, I think that's getting carried away.

But I also think the whole idea of changing the definition of marriage is a little bit bizarre. It shouldn't be the role of government. Marriage for thousands of years has been defined; it's like all of a sudden we're going to call oranges apples. Now,

continued on page 44

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Strategy

Does the Libertarian Party Have a Future?

by Harry Browne

The party of freedom has to do better next time.

If the 1996 presidential campaign had ended without a vote, the Libertarian Party would have considered it successful. We had unprecedented media coverage. David Broder, Hugh Downs, Michael Reagan, Oliver North, and dozens of other well-known personalities issued gushing compliments. At least 97 talk-show hosts and print journalists endorsed my candidacy, and at least 389 publicly stated that I should be in the presidential debates. I was on the Larry King show twice, C-SPAN gave us extensive coverage, people called into talk shows to promote the Libertarian ticket, others called to say they were voting Libertarian for the first time, talk-show hosts read our press releases on the air, and Tim Russert interviewed me for half an hour. In addition, we faxed a flood of press releases to over 1,000 journalists and broadcasters, had an e-mail list with over 5,000 subscribers, and raised more money from more people than any previous campaign.

But when the big day arrived, we got fewer than half a million votes. A marked improvement over 1992, but not nearly enough to make anyone sit up and take notice.

What happened to all those people who had told pollsters they were going to vote for us? Apparently, when push came to shove, they cast their ballots for Bob Dole, Ross Perot, or Bill Clinton. After all, why waste your vote?

There is no question that the great majority of the American people think government is too big. There also is no question that the great majority of the American people would like to vote for someone who would make the government smaller, less expensive, and less intrusive. But that "someone" has to have a chance of winning — or to at least be powerful enough to generate a movement toward smaller government in the near future. Otherwise, the average voter probably will retreat to choosing among the alternatives that have at least some chance of winning.

Hurdle of Irrelevancy

The Libertarian Party faces a Hurdle of Irrelevancy. Most Libertarians, libertarian-leaning people, and voters in general consider any support for the LP to be an exercise in futility — thus making the LP irrelevant to any considerations for the future of America.

- **Voting**: Voting for Libertarians is considered futile, since we can't win an important election. Voting for a Libertarian candidate doesn't even make a statement, since the vote total will be so small that no one will notice it.
- **Registration**: Changing one's registration to the Libertarian Party seems pointless, since voting in a Libertarian primary doesn't affect any political outcome.
- **Money**: Money donated to an LP election campaign can be thought to be a relative waste, since it won't lead to anything that will change the direction of the country.
- **Media**: The national media pay almost no attention to LP candidates, presidential or congressional, since there appears to be no chance for such candidates to be important factors in their races. Whatever tidbits are thrown our way may be out of a perceived sense of obligation to provide at least some coverage to minor alternatives. Although we received more attention than ever before, it was still a pittance. Local media are more receptive to us, but even there, all we receive is a single story about each event, as journalists and reporters make no attempt to follow a campaign on a continuing basis.

We won't attract sizable numbers

of votes, members, money, or media so long as we are considered irrelevant. And we will be considered irrelevant so long as we can't attract votes, registrations, money, or media. We seem to be snared in a classic Catch-22 situation.

In my view, this Hurdle of Irrelevancy dwarfs all other considerations about the just-concluded campaigns for the presidency and other offices — as well as plans for future electoral success. And until the LP overcomes this hurdle, all other concerns will be moot.

But we can't expect to reduce the government one program at a time, or reduce it over a period of years. The Republican Congress demonstrated that this doesn't work.

Fortunately, I believe there's a way over the hurdle. But before I discuss it, I would like to take a look back at the elements of the 1996 campaign.

The Messages Used in the 1996 Campaign

I have been criticized both for having a message that was "vacuous" and for having a message that was too radical.

The message was based on what I believe is necessary to restore American freedoms. To be taken seriously, especially as a third-party candidate, I had to have specific proposals available, not just broad assertions. In my book *Why Government Doesn't Work*, I laid out a program to get from where we are now to much smaller government — specifically, to a federal government removed from everything not authorized in the Constitution. Obviously, those who believe we should go further than that are welcome to continue working to reduce the government from there. But I can't imagine that any libertarian wouldn't be happy to trade today's federal government for one only one-sixteenth as large, no matter how far he may want to continue beyond that.

Some people think we must propose a more moderate program. But we can't expect to reduce the government one program at a time, or reduce it over a period of years. The Republican Congress demonstrated that this doesn't work. There are at least three reasons why such an approach is doomed:

1. No matter what programs are proposed to be cut first, most everyone will assume that the government will continue to get bigger and taxes will still be oppressive. So those directly affected by the first program to go will fight the change, because they will be net losers. And no one else has an incentive to actively support the budget-cutters, because they can't see that the cuts will change their own lives in any significant way.
2. Any attempt to cut one program first, and then another, will break down in arguments over which program should go first.
3. There is little reason to have confidence that Congress will keep its word and continue to reduce the government after the first showy reductions.

Thus any meaningful reduction in the federal government must come all at once and must provide an immediate benefit to most Americans.

For this reason, I made the voters an offer: "Would you give up your favorite federal programs if it meant you never had to pay income tax again?" This transformed the abstract, long-term benefits of freedom into an immediate reason to reduce government dramatically. It also provided a reassurance that I wasn't offering a pie-in-the-sky free lunch — that there was an apparent cost connected to the benefit.

The 1996 campaign probably contained the most radical — and most specific — proposals of any Libertarian presidential campaign. There were three reasons I felt it was necessary to have such a radical message:

- **We must have a program that adds up.** If we are to be taken seriously by the media and the more influential voters, we must have specific proposals to reduce government, and the proposals have to add up. Only a radical program does. Only if government assets are sold can Social Security be saved. Only if the government is reduced to its constitutional functions can the income tax be repealed — and only if we offer to repeal the income tax will voters enthusiastically support any reduction in government.
- **We must not be put on the defensive.** Even if we moderate our message, we still will be asked questions that, to be answered truthfully, will reveal controversial beliefs. So we should raise these positions ourselves — so that we can frame the way the issues are discussed. For example, the only sensible solution to today's crime wave is to end the insane War on Drugs — and any more moderate proposal that I might suggest would still lead to questions about the government's ability to deal with drugs and crime. Government doesn't work, the War on Drugs has created untold deaths and drug problems, and there's no way to tell the story that doesn't lead to the logical conclusion that drug prohibition must be ended entirely.
- **We must distinguish ourselves from the opposition.** It was inevitable, for example, that the Republicans would eventually propose a specific tax cut, as well as promise to reform the IRS. Proposing anything less than the outright repeal of the income tax (the only possible way "to end the IRS as we know it") would leave us differing with the Republicans only in degree, not in kind.

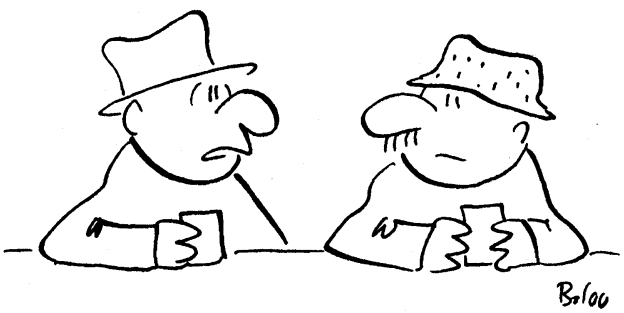

"I took a long, hard look at myself this morning, and then I was late for work."

Early on, I settled on three basic proposals as the main message of the campaign:

1. Reduce the federal government to the limits provided in the Constitution, and use the savings to repeal the federal income tax, so that every dollar you make is yours to spend, to save, to give away as you see fit — not as the politicians think best.
2. Take Social Security completely out of the hands of the government, so that your parents and grandparents will have guaranteed contracts with private companies, rather than political promises, and the rest of us will be free forever from the 15% Social Security tax that we know is wasted money.
3. Do something positive about crime by ending the insane War on Drugs, shutting down the black market run by criminals — which is the cause of muggers on the streets trying to support a $100-a-day habit, pushers on high school grounds trying to hook kids on drugs, gangs fighting over drug profits and monopoly territories, and children killed in drive-by shootings.

These proposals all offer immediate benefits to the voter. I'm satisfied that they were the right issues to emphasize. The idea of ending the War on Drugs is still a few years ahead of its time — but since this issue was likely to come up in nearly every interview, I felt I should raise it myself and be on the offensive.

The idea that there's a conflict between principle and politics has never made sense to me. I feel that if your principles are hard to sell, you need to improve your selling ability — not tinker with your principles.

However, you can't sell to someone who isn't listening. So you have to start by meeting him where he is now. There is nothing unprincipled about showing the listener how he will benefit immediately and significantly from application of our principles. And to do so, you have to talk in terms of issues that are important to him — not just to you.

I made no attempt to campaign on behalf of rights. A voter may agree that the Branch Davidians or the Weavers were tragically mistreated, but it's doubtful that anyone will change his political philosophy or his vote because of such incidents. The average voter isn't concerned with "rights" until he is affected by the loss of a right — and even then, his outrage may apply only to his own situation or, at most, to a general concern about that one right and no other.

Since I was running for president, I tried to confine discussions to federal issues. If someone asked what I thought about state laws against drugs, I said the federal government shouldn't interfere — but that any state that maintains drug laws will attract the criminal element from states that repeal all such laws. If asked about public schools, I said that this should be decided in each locality, but that repealing the income tax would give parents the resources to free their children from dependence on government schools and thereby do more to improve American education than any other single step.

There is no question that the great majority of the American people think government is too big.

Every interview inevitably delved into many issues — the environment, regulation, and so on. But I tried to keep coming back to areas where we could offer the voters clear-cut, easy-to-understand, direct, unquestioned benefits.

Education?

Many libertarian organizations exist to elevate an individual's understanding of freedom and the libertarian philosophy. A political party exists to capture votes, win elections, and implement its program. In a political campaign, any educational benefits that accrue must be a by-product of the attempt to win votes. Thus I made no attempt to provide a philosophical education.

But the very act of advocating my positions necessarily educated voters. I continually made such points as:

- Government doesn't work. It doesn't deliver the mail on time, it doesn't keep the cities safe, it doesn't educate our children. It has made a mess of everything it touches. Why should we expect any new government program to work better than all the failed programs of the past?
- We shouldn't be talking about what government *should* do or what we wish it *could* do. We should recognize what government *can* do. And government has proven that it makes a mess of virtually everything it touches. So whatever it is we may *want* government to do, we have to look for better ways to achieve it.
- Whenever you turn anything over to the government, it is no longer a scientific, medical, commercial, or ethical issue. It becomes a political issue, to be decided by Bill Clinton, Bob Dole, Newt Gingrich, Teddy Kennedy, and the rest of the boys. So don't be surprised that there will be a federal building for West Virginia in it, to satisfy Sen. Byrd — and a subsidy for Archer Daniels Midland, to satisfy Sen. Dole. Is this what you want — to transform a serious issue into a political boondoggle?
- Where in the Constitution is the federal government authorized to be involved in [fill in the blank]? If you allow the government to ignore the Constitution in this area, you shouldn't be shocked when it ignores the Constitution everywhere else as well. Nor should you be surprised that the government costs $1.6 trillion a year and that there's a $5 trillion debt.

How Was the Message Received?

I am not an unbiased observer, but I feel satisfied that the message was, in general, well received. Of course, my only means of discerning the reception were the reactions of audiences at non-partisan events and the words of the hosts and callers on radio shows.

Radio hosts, in general, responded very positively throughout the campaign. They considered me a good guest — because I had provocative ideas and could handle any objections. Many radio personalities — including popular hosts Michael Reagan, Art Bell, Oliver North, Alan Colmes, Mary Matalin, and other non-libertarians —

were enthusiastic about having me as a guest. Many of them talked about me or read our press releases on the air when I wasn't there. What we can't know yet is how much of this will stick after the election. We don't know whether they will continue to treat us with such respect, given the vote total we received.

Over and over, I heard callers say they were now going to vote Libertarian. I asked if they had ever done so before, and almost all said that they hadn't.

If your principles are hard to sell, you need to improve your selling ability — not tinker with your principles.

Perhaps the most important indicator of the strength of the message is that almost every talk-show host treated me and the message with respect. I was on over 500 shows in 1996 alone. And for the entire campaign, I can remember only three shows in which the host treated me insultingly. Only one of those considered me too radical (calling me "loony tunes"). Another one was upset because I wouldn't agree that the check-off system meant that taxpayers had voluntarily donated the federal campaign subsidies. And the third was — surprise! — a libertarian who got very upset because I maintained that it was still possible to save America.

Even though I was treated well, I'm not satisfied that I presented the message as persuasively as I should have. We don't do interviews to show that we have answers to every question; we do them to persuade people of the importance of voting Libertarian. And, too often, I allowed myself to be satisfied with just answering the questions put to me — instead of using them as springboards to the points I wanted to make. While I could handle any issue that arose in an interview, I was not always disciplined enough to continually bring the conversation back to the issues that mattered.

And there were some issues — like the national parks and the environment — where what I thought was blinding logic seemed to make very little impression on anyone.

I also was disappointed that we couldn't seem to get our libertarian friends in the print media to give us more support. Many of them seemed to think one perfunctory article was enough. The rest didn't even acknowledge our existence in print. Evidently, our message didn't inspire them to write about me instead of Bob Dole or someone else.

Fund-Raising

We were able to open some new sources of funds, mostly from the investment community. Quite a few investment advisors made maximum donations to the Browne Campaign — $1,000 before the convention and $1,000 afterward. We were also able to get larger donations as well for the LP ("soft money," unlimited by law, and usable for the presidential campaign). Several people made donations of at least $20,000. And there were others who gave $5,000 or more.

However, because of lack of time and manpower, we missed an important opportunity in not prospecting in likely venues, such as having investment writers mail fund-raising letters to their subscription lists. We don't know whether this would have worked, but I wish we had found out.

We made no appreciable dent in the business community. I believe we can do so, however. I hope to be able to speak before business groups over the next couple of years. I think it's possible to motivate many of them to join the party and become major contributors.

Toward the end of the campaign, we seemed to find the formula for fund-raising events. We had several very profitable cocktail receptions and dinners — in San Diego, Los Angeles, and Boston, among other places.

The Final Vote Total

The vote total was very disappointing — even though it was a large improvement over 1992. Given the amount of effort from so many people that went into the campaign, given the greater amount of media coverage, given the way the message seemed to resonate with people who had never considered voting Libertarian before, I was confident we would easily exceed a million votes.

Explanations have been offered for the result — that there were so many third parties in the race this time, that the race between Dole and Clinton seemed to be narrowing near the end, that voter turnout was low, and so on — but none of them provide much of an answer. For example, if we'd gotten all the votes that were cast for Howard Phillips and John Hagelin, we'd still be way under a million — and I don't think Ralph Nader's votes were ours to be had.

I believe we should assume that the Hurdle of Irrelevancy has struck again — that people who intended to vote Libertarian decided at the last minute that it really wouldn't achieve anything to do so. Until we overcome that hurdle, we cannot expect to rack up impressive vote totals.

I have not done many radio shows since the election, so I don't know what the feeling is now among talk-show hosts and their listeners. But I have been heartened by the large quantity of mail I've received since the election — all of it from people talking about 2000 and eager to get to work. If this is indicative of Libertarians in general, the vote total was no setback.

I think we should assume this to be the case. We need to capitalize on all the achievements of the campaign — the new respectability for the party, the new fund-raising sources, the new relationships with the media, the increased LP membership, the energy and enthusiasm Libertarians displayed during the campaign.

We must have specific proposals to reduce government, and the proposals have to add up. Only a radical program does.

We need to assure that these leads don't grow cold. We need to keep all these lines of communication open.

Future Presidential Campaigns

The 1996 campaign should demonstrate the importance of having sufficient money to make an impact on the press and the public.

In my own campaign, we got off to

a slow start because of the need to raise the initial seed money. It is far better if a presidential candidate has a large war chest before he announces. Thus he should have an exploratory committee raising money in advance of the announcement. He should start with at least $1 million on hand — so that his first few months aren't consumed trying to raise the money with which to raise further money.

The LP must also have a large war chest ready to spend at the beginning of 2000 on general LP ads, and then be in a position to spend in earnest after the convention. To establish the LP as a serious contender, the party will need to have at least $10 million in the bank at the start of 2000, available for the presidential campaign.

I have made a number of recommendations to the party that I won't detail here, regarding outside campaign consultants, training programs for congressional and state candidates, fund-raising possibilities, better coordination with local candidates, making the best use of volunteers, accelerating the development of campus Libertarian clubs, programs to target special-interest groups, and experts to stage fund-raisers, rallies, and other events.

I provided a 19-page report to the Libertarian National Committee at the end of the campaign, and the Browne for President campaign provided a 600-page report of the campaign's activities, finances, and organization.

Overcoming the Hurdle of Irrelevancy

Various Libertarian activists have suggested ways to get us over the Hurdle of Irrelevancy. Unfortunately, I don't think any of them are the answer.

- *"Pour all our resources into one or two congressional campaigns in 1998 because a victory will provide instant visibility."* It is unlikely that, under current circumstances, we could raise sufficient money to make the impact that the proponents of this plan envision. And even if we did, we've already seen campaigns in which the Libertarian outspent his opponents but didn't win — because there are many factors that affect the outcome of an election. Pouring all our resources into one race and then losing it might be more disheartening even than getting 0.5% of the vote in a presidential election.
- *"Find a celebrity to run for president."* It is unlikely that any celebrity would be able to articulate all our issues — social and economic. Such a person might have to give up his career to run for president — and for what? To run a $5 million campaign that has no chance to succeed? Even if we found such a person, and even if he attracted the media attention we crave, once the campaign was over he would go back to his normal life — and the media would quit paying attention to us.
- *"Run in the Democratic or Republican primaries."* Any candidate doing this would face the same problems he faces running as a Libertarian — lack of media attention and lack of money to command that attention. If the money is there, one can get the attention as a Libertarian.
- *"Recruit a rich vice-presidential candidate."* This is possible. It was done in 1980, and it might be done again. But while it can help, it isn't likely to solve our problems. Unless we find someone who will put $50 million into the campaign, we can hope only that a rich vice-presidential candidate will facilitate some advertising that wouldn't otherwise be possible. Our needs are much too large to be satisfied by someone putting $3 million or so into the campaign. If we can raise the money for a first-class campaign in other ways, then most likely we would prefer an articulate candidate to a wealthy one.

There is no magic pole that is going to vault us over the Hurdle of Irrelevancy. The party has made tremendous progress in the past two years, but that progress was built on all the work that was done over the preceding 23 years. We can achieve electoral success while remaining true to the purpose of the party only by building that success step by step. That's what has brought us this far, and that's what will take us the rest of the way. Every short-cut leaves us in a vulnerable position.

We had to crawl before we could walk. Now we are walking. Maybe soon we can be running.

The only way we will overcome the hurdle is by building a much larger party, because the hurdle itself doesn't block us from building the party. Someone can join the LP without having to see proof that we're on the verge of electoral success. He invests only $25 in joining, and he gets benefits that don't depend on winning elections — increased news of Libertarian legislative triumphs and setbacks, news of what Libertarians are doing elsewhere, training programs, social events tied to some political purpose, and other events that make it enjoyable to be in the party.

There were some issues — like the national parks and the environment — where what I thought was blinding logic seemed to make very little impression on anyone.

But in the process he makes it a little more possible that we'll win elections in the future.

Fortunately, the LP will conduct a major prospecting and recruiting campaign to build membership, starting this year.

The party now has a little over 20,000 members. If we could enter the year 2000 with 200,000 members, membership dues alone would be $5 million for 2000. In 1996 we raised roughly $250 for everyone who was a member at the start of the year ($3 million ÷ 12,000 members). The same yield with 200,000 members would be $50 million. If we obtain more than 200,000 members, so much the better.

With a large membership, we will have people in almost every precinct of the country — able to take our message door-to-door if the media continue to ignore us.

If we have the wherewithal, we should be running TV ads on the presidential campaign from the start of 2000 — even before the nominee is chosen. These ads can lay out general LP proposals, and they should establish the LP as an important competitor in the 2000 race. If we can do that, no one — not the media or the American people — will ignore us.

By sheer weight of members and money, we will have overcome the Hurdle of Irrelevancy.

Even so, we will still be such a new phenomenon to most voters that many of them may be hesitant to take the plunge. But we will be in a position to win 15%–30% of the vote, and establish ourselves as the leading contender to whichever party wins the election.

If so, we would most likely start winning congressional seats in 2002.

And then, by 2004, we would have over a million members and be the odds-on favorite to win the White House.

Is all this a fantasy? No, but it's also far from a sure thing.

However, to *whatever* extent we increase the number of active, dues-paying members, we increase our impact. And we have good reason to believe that many people would join our quest if they knew what we are doing — just as we have good reason to think that a large segment of Americans would vote for us if they knew what we were proposing and if they thought we had any chance for success.

Three-quarters of the American people think government is way too large. We are the only party offering those people what they want — significantly smaller government. There is nothing wrong with our message or the way we're presenting it. We simply need to have it heard by more people more often between now and the next election.

We are the only party offering proposals that will make a substantial difference in the average person's life. We're going to repeal the income tax so that every dollar you make is yours — to spend, to save, to give away as you see fit, not as the politicians think best. We're going to get Social Security out of the clutches of the politicians so that your parents and grandparents know their retirement is safe and the rest of us are free forever from the 15% Social Security tax. We're going to make your neighborhood safe by implementing the only proposal that would dramatically reduce crime — ending the insane War on Drugs before it destroys America. And we're going to restore harmony among all the ethnic, social, lifestyle, and generational groups in America by taking away from the politicians the power to inflict one group's values upon another.

This is what Americans want. This is what we offer. And we are the only ones offering anything of the kind.

What is missing is the ability to let all Americans know what we offer. Although we can experiment with short-cuts, the only sure way to acquire that ability is through the steady building of party membership.

- With the numbers of members will come the money.
- With the money will come the media attention.
- With the media attention will come the public awareness of what we offer.

I intend to speak out for the party wherever possible — appearing on radio and television, in public forums, and in print — letting people know there is hope for America. ❑

Interview with Ron Paul, *continued from page 38*

because of the law you're going to change that. You just can't change the definition of marriage.

That doesn't mean you have to interfere with voluntary associations, which should be permitted both at the federal level and at the state level.

Liberty: Do you expect to play any kind of role in the investigation of Clinton's various ethical problems?

Paul: No, I'm more interested in the trillions of dollars of destruction of value through the monetary system, and the evils of the IRS. That is a big problem, but others enjoy that more than I do. I don't expect to get involved in that or Newt Gingrich's deals either.

Those are important, but to me they're petty crimes compared to the viciousness of a powerful bureaucratic monolithic state that is intruding on our liberties daily.

Liberty: Do you have any advice for LP members?

Paul: I think we all — whether we are members of the Libertarian Party or libertarians working within the Republican Party — we all ought to follow the premise of so much of what liberty is, that is, tolerance. Just as we try to teach ourselves to be tolerant of other people's lifestyles, we ought to be more tolerant of other people's political action.

I've been on the receiving end of criticism when I didn't think it was just, because I didn't do exactly how somebody else thought I should. Well, I believe that for some people, their role is best met by sticking with the LP, and others can do it only as a Republican or a Democrat; and others can do it both ways, which it is what I've chosen to do. I think parties aren't very important. They're vehicles. The only thing that's important is the promotion of libertarian ideas.

Liberty: What did you think of Harry Browne's campaign?

Paul: I think Harry did the greatest job in the world. He had good presence, and he handled himself well. I just wish he had gained more exposure.

Liberty: What would you say to the libertarian who is disappointed with the success that the LP has had?

Paul: I'd tell him that they're not understanding it. I think that the LP has been fantastically successful. When I ran in 1988, we got 400,000 votes. But the average person who knows a little bit about politics and remembers it, they've no idea how many votes I had. I mean as far as they're concerned, I had a million or two million votes. The image of the Libertarian message is much more powerful than the nominal votes we get. The influence of libertarian ideas has been phenomenal, and the Libertarian Party deserves a lot of the credit. I think the LP has been very influential. This whole issue on drugs has changed, and it's the LP that led the charge for 25 years. So I don't think you measure the success or failure of the LP by how many LP members are elected. ❑

Report

Republicans, Drug Money, and You

by Kenneth Lee

Alternative medicine makes strange bedfellows.

Senator Tom Harkin seems an unlikely crusader against government regulation. The Iowa senator proudly describes himself as a "true liberal" at a time when his Democratic brethren assiduously try to distance themselves from the dreaded L-word. Yet it has been Harkin — and not the Republicans — who has zealously pushed for loosening the Food and Drug Administration's restrictions on alternative medicine.

Harkin became a believer in alternative medicine when large dosages of bee pollen apparently cured his allergies. "Something has to be done to investigate into these things because it sure worked for me," he said at a 1993 Senate hearing. Two years earlier, he had set off a controversy in the scientific community when he helped establish the Office of Alternative Medicine (OAM) at the National Institute for Health (NIH) to research non-conventional therapy, which includes anything from chiropractic care to herbs to biofeedback.

Many scientists still grouse that a special office at the NIH gives alternative medicine undue credibility. "It's scientifically unproven, and a lot of it is just pure folklore and quackery," says Dr. John Renner of the National Council Against Health Fraud. Some forms of alternative medicine, however, have gained increased credence in recent years. "Some treatments show success and promise," claims Tacey Boucher of the Minneapolis Research Center, one of the first centers to receive a grant from the OAM.

Many medical doctors have become interested as well. "People are not satisfied with regular health care for chronic illnesses, and they want to try alternative medicine, yet there's little understanding of its true effects," explains Professor Halsted Holman of Stanford Medical School. "But there's no doubt that some techniques work well for some patients."

Harkin is not alone in his fascination with non-conventional therapy: a study published in the *New England Journal of Medicine* revealed that in 1990, one out of three Americans used alternative therapies, spending a total of $13.7 billion. Yet the FDA approval process prevents many forms of alternative medicine from becoming legally available. It takes up to $400 million and 15 years for a drug to enter the market, and companies involved in alternative medicine — most of which have limited financial resources — are unable to recover these costs because botanical and herbal remedies cannot be patented. Thus, patients have no choice but to leave the United States if they want to receive some non-conventional treatments.

To counter this bias, Harkin has co-sponsored the Access to Medical Treatment Act. It would allow individuals to receive any non-FDA-approved treatment as long as there is no evidence that it causes harm and a state-licensed practitioner informs the patient that the therapy has not yet received the FDA's approval. Consumer-protection groups believe that the bill will unleash a wave of fraud — or even worse, serious harm caused by quack prescriptions. These fears, though, are exaggerated. The bill contains "consumer-safety" provisions such as prohibitions on commercial advertising, mandated reports to the Department of Health and Human Services, and licensing law requirements. More importantly, the market provides sufficient safeguards of its own: very few patients are willing to risk their own lives on possible quackery. In fact, many patients seeking alternative treatments do so as a last resort after conventional therapies have failed to ameliorate their often debilitating ailments.

Although the Access to Medical Treatment Act does not completely deregulate alternative medicine, its anti-FDA bent has been enough to garner enthusiastic support from libertarian-leaning conservatives. "It's definitely in the right direction because the FDA's [current requirements] are far too onerous," says Sam Kazman of

the Competitive Enterprise Institute, a free-market think tank. "The bill's really about the freedom to contract. People are asking for the freedom to do what they want without government interference," adds Sue Blevins, the president of the Institute for Health Freedom. "If any Congress should support this, it should be this Congress."

Indeed, one would think that Republicans would jump at a chance to pare down the FDA's teeth, especially when liberal Democrats such as Harkin are willing partners. At the least, Republicans could score some PR points against the FDA by publicizing the plight of cancer-afflicted children who, after not responding to traditional chemotherapy, seek alternative treatment as their last hope — only to be rebuffed by the FDA. Yet the GOP-controlled Congress has given the bill a tepid reception. Granted, the more free-market oriented congressmen such as Rep. Tom DeLay and Rep. Joe Barton have co-sponsored the bill. But it has generated little excitement among most Republicans, and it foundered and died in the committees of the 104th Congress.

The GOP's ambivalence may be understandable. "Some Republicans like DeLay support it from a libertarian view, but from a corporate Republican view, many don't because they're heavily influenced by large pharmaceutical companies," says Democratic Rep. Peter DeFazio, the House sponsor of the bill. Many large pharmaceutical companies are not eager to see easier access to alternative medicine because they see it as a possible competitive threat. "The FDA has acted as a competitive barrier — [the] FDA's monopoly of the approval process probably increases the value of the in-house experts of the pharmaceutical companies," says Kazman.

Furthermore, health professionals have long scoffed at alternative medicine as snake oil peddled by charlatans. "[Alternative medicine is] in direct competition with conventional medicine," wrote Dr. Edward Campion in the *New England Journal of Medicine*. "The public's expensive romance with unconventional medicine is reason for our profession to worry."

And Republicans listen to their big donors. According to the Center for Responsive Politics, in 1995 pharmaceutical companies and medical professionals donated $1,099,083 and $1,903,580 respectively to Republican congressional candidates. (Democrats aren't exactly innocent, either; they received nearly $1.5 million.) When pressed to choose between the principles of limited government and the demands of big-money politics, many Republicans have opted for the latter.

If the specter of Republicans cozying up to the FDA seems odd, then Democrats assailing government regulation is just as bizarre. "The FDA has an amazing antagonism towards alternative medicine — it's just absurd," says DeFazio, a moderate Democrat. Even some liberal Democrats support medical deregulation: California Congressman Ron Dellums, for example, who represents a district that voted 80% for Michael Dukakis in 1988, supports the Access to Medical Treatment Act because his Berkeley constituents are entranced by non-conventional therapy. Democrats such as Henry Waxman and Ted Kennedy, however, remain staunch opponents of relaxing FDA regulations.

Rep. DeFazio plans to re-introduce the bill this February, and congressional watchers think it might have a better chance of passing this time around. "Awareness of the bill has increased among constituents, and many people are understanding how arbitrary and difficult the FDA approval process is," says one congressional aide. And the federal government's high-profile criminal case against Dr. Stanley Burzynski — a doctor who has treated cancer patients with a non-FDA-approved treatment and is considered a folk hero among his patients — has brought media attention to FDA regulations. Even Newt Gingrich has expressed some interest in the bill, and some congressional insiders believe that the bill may be attached to a larger FDA regulatory reform package. But whether such a package can overcome a Republican Congress addicted to regular injections of pharmaceutical cash remains to be seen. ❑

Pharmaceutical companies are not eager to see easier access to alternative medicine because they see it as a possible competitive threat.

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Salvo

Medics in the War on Drugs

by Thomas S. Szasz

Some enemies of the drug war would trade the prison cell for the hospital bed.

Drug prohibitionists were alarmed last November, when voters in Arizona and California endorsed the initiatives permitting the use of marijuana for "medical purposes." Opponents of drug prohibition ought to be even more alarmed: The advocates of medical marijuana have embraced a tactic that retards the repeal of drug prohibition and reinforces the moral legitimacy of prevailing drug policies. Instead of steadfastly maintaining that the War on Drugs is an intrinsically evil enterprise, the reformers propose replacing legal sanctions with medical tutelage, a principle destined to further expand the medical control of everyday behavior.

Not surprisingly, the drug prohibition establishment reacted to the passage of the marijuana initiatives as the Vatican might react to an outbreak of heretical schism. Senator Orrin G. Hatch, chairman of the Senate Judiciary Committee, declared: "We can't let this go without a response." Arizona Senator Jon Kyl told the Judiciary Committee: "I am extraordinarily embarrassed," adding that he believed most Arizona voters who supported the initiative "were deceived." Naturally. Only a person who had fallen into error could approve of sin. Too many critics of the War on Drugs continue to refuse to recognize that their adversaries are priests waging a holy war on Satanic chemicals, not statesmen who respect the people and whose sole aim is to give them access to the best possible information concerning the benefits and risks of biologically active substances.

From Colonial times until 1914, Americans were the authors of their own drug policy: they decided what substances to avoid or use, controlled the drug-using behavior of their children, and assumed responsibility for their personal conduct. Since 1914, the control of, and responsibility for, drug use — by adults as well as children — has been gradually transferred from citizens to agents of the state, principally physicians.

Supporters of the marijuana initiatives portray their policies as acts of compassion "to help the chronically or terminally ill." James E. Copple, president of Community Anti-Drug Coalitions of America, counters: "They are using the AIDS victims and terminally ill as props to promote the use of marijuana." He is right. Former Surgeon General Jocelyn Elders declares: "I think that we can really legalize marijuana." If by "legalizing" she means repealing marijuana prohibition, then she does not know what she is talking about. We have sunk so low in the War on Drugs that, at present, legalizing marijuana in the United States is about as practical as is legalizing Scotch in Saudi Arabia. A 1995 Gallup Poll found that 85 percent of the respondents opposed legalizing illicit drugs.

Supporters of the marijuana initiatives are posturing as advocates of medical "responsibility" toward "sick patients." Physicians complain of being deprived of their right to free speech. It won't work. The government can out-responsible the doctors any day. Physicians have "prescription privileges," a euphemism for what is, in effect, the power to issue patients *ad hoc* licenses to buy certain drugs. This makes doctors major players in the state apparatus denying people their right to drugs, thereby denying them the option of responsible drug use and abdicating their own responsibilities to the government: "We will not turn a blind eye toward our responsibility," declared Attorney General Janet Reno at a news conference on December 30, 1996, where the Administration announced "that doctors in California and Arizona who ordered for their patients any drugs like marijuana . . . could lose their prescription privileges and even face criminal charges." I don't blame the doctors for wanting to forget the Satanic pact they have forged with the state, but they should not expect the

government not to remind them of it.

The American people as well as their elected representatives support the War on Drugs. The mainstream media addresses the subject in a language that precludes rational debate: crimes related to drug prohibition are systematically described as "drug-related." Perhaps most important, Americans in ever-increasing numbers seem to be deeply, almost religiously, committed to a medicalized view of life. Thus, Dennis Peron, the originator of the California marijuana proposition, believes that since relieving stress is beneficial to health, "any adult who uses marijuana does so for medical reasons." Similarly, Ethan Nadelmann, director of the Lindesmith Center (the George Soros think tank for drug policy), states: "The next step is toward arguing for a more rational drug policy," such as distributing hypodermic needles and increasing access to methadone for heroin addicts. These self-declared opponents of the War on Drugs are blind to the fatal compromise entailed in their use of the phrase "rational policy."

If we believe we have a right to a free press, we do not seek a rational book policy or reading policy; on the contrary, we would call such a policy "censorship" and a denial of our First Amendment rights.

If we believe we have a right to freedom of religion, we do not seek a rational belief policy or religion policy; on the contrary, we would call such a policy "religious persecution" and a denial of the constitutionally mandated separation of church and state.

The "medical marijuana" initiatives retard the repeal of drug prohibition and reinforce the moral legitimacy of prevailing drug policies.

So long as we do not believe in freedom of, and responsibility for, drug use, we cannot mount an effective opposition to medical-statist drug controls. In a free society, the duty of the government is to protect individuals from others who might harm them; it is not the government's business to protect individuals from harming themselves. Misranking these governmental functions precludes the possibility of repealing our drug laws. Presciently, C. S. Lewis warned against yielding to the temptations of medical tutelage: "Of all the tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. . . . To be 'cured' against one's will and cured of states which we may not regard as disease is to be put on a level with those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, and domestic animals."

Although at present we cannot serve the cause of liberty by repealing the drug laws, we can betray that cause by supporting the fiction that self-medication is a disease, prohibiting it is a public health measure, and punishing it is a treatment. ❑

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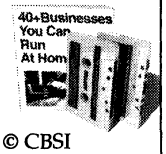

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Reviews

***An Austrian Perspective on the History of Economic Thought. Volume I: Economic Thought Before Adam Smith. Volume II: Classical Economics*, by Murray N. Rothbard. Edward Elgar, 1995. Vol. 1, 556 + xvi pp. $110.00. Vol. 2, 528 + xvi pp., $110.00.**

Rothbard's Final Testament

Robert H. Nelson

Murray Rothbard had a lifelong interest in the history of economic thought. Before his untimely death, he assembled his reading and thinking on this subject into two large volumes, more than 1,000 pages in all. The story, as he tells it, begins in ancient Greece and continues up to the mid-nineteenth century. (One more volume was planned in order to bring the history into the twentieth century, but it was never finished.)

Rothbard explicitly intends to tell the story from an "Austrian perspective." He is at pains throughout to document the many writers who anticipated key insights of Ludwig von Mises and other twentieth-century Austrians. This turns out to be a very long list, including even many people who wrote well before the modern period. Indeed, one of the central themes of the first volume is the historical neglect of the major contributions of many economic writers prior to Adam Smith. Often they were members of the scholastic school of economics, whose importance, Rothbard argues, has been terribly underrated in the standard treatments of the origins of modern economics.

The second volume covers from Jeremy Bentham through Karl Marx. There is less here that will be new to most readers, and on the whole it is less impressive than the first volume. Perhaps Rothbard felt some pressure to rush it. About a quarter of the volume is devoted to obscure figures in the long history of the debate over the gold standard. Another section is spent demolishing the details of Marx's technical analysis, more space than that confused set of economic meanderings deserves. If Marx was important, which he certainly was, it was as a moralist and political propagandist — as a theologian of sorts, which is what Rothbard himself concludes in the end.

Rothbard is not going to challenge Joseph Schumpeter for the most authoritative history of economics done in this century. Indeed, Rothbard relies heavily on Schumpeter's magisterial *History of Economic Analysis* (1954), along with a number of other secondary sources by scholars who had the time to plow through the original works of many a minor economic writer or school. What Rothbard has done — and he has few competitors in this regard — is to bring all this material together in a work of grand historical synthesis. It is the kind of thing that your standard academic would never have the nerve to write, to say nothing of the ability or the insight.

The overall result, even where Rothbard is not at the very top of his form, is a history that is consistently interesting and provocative — a pleasure to read. If you want a basic introduction to the development of economic ideas up to the mid-nineteenth century, I can't think of a more stimulating and enjoyable way to get it.

Of course, Rothbard also provides a large dose of his own views, many of them highly iconoclastic. Perhaps the most surprising aspect of the two volumes is the central importance Rothbard attributes to Christian religion. Jewish by birth, Rothbard was not known as a person of unusual piety. Yet, one of his main themes is the profound influence of various strands of Christianity on the history of economic thought. As he writes, "it is no accident that the Austrian School . . . arose in a country that was not only solidly Catholic, but whose values and attitudes were still heavily influenced by Aristotelian and Thomist thought." Catholics were less "puritanical" about the sins of consumption and the improving influence of hard labor on the soul. Thus, they produced an economics in which the values of goods and services are grounded in concepts of utility — how much pleasure their consumption yields.

Many of his nineteenth-century followers would actually find in Adam Smith the new prophet of a secular salvation, the Newton of social science.

Adam Smith, in contrast, was brought up in Calvinist Scotland, where people believed, as Rothbard relates, that "consumer enjoyment is at

best a necessary evil, a mere requisite to continuing labor and production." Whether he was conscious of it or not, these attitudes exerted a great influence on Smith's economics, especially on his labor theory of value. Smith's commitment to this muddled and analytically untenable set of ideas is hard to understand other than as an expression of the Calvinist morality of his upbringing. In general, Rothbard testifies to a "growing conviction" over the course of his life that "leaving out religious outlook, as well as social and political philosophy, would disastrously skew any picture of the history of economic thought."

Smith's Follies

Rothbard's treatment of Adam Smith is the most surprising and most controversial aspect of the two volumes. Rothbard argues that Smith is not the founding figure of modern economics, as he is usually portrayed. Rather, partly because he was led astray by his strong Calvinist proclivities, Smith proved to be a significant retrogression. Scholastic and other writers before Smith had already worked out a reasonable approximation of the microeconomic insights that have been accepted in the twentieth century by the Austrian school and most other right-thinking economists:

a) Utility is the foundation of value;
b) marginal considerations determine prices;
c) the only way to know values and prices is to look to the actual workings of a functioning market.

As Rothbard tells the story, however, Smith undermined all these good efforts of prior economists with his *Wealth of Nations*, whose labor theory of value was an "unmitigated disaster," and whose theory of distribution and other key ideas are characterized by an "inchoate confusion." Not only was Smith "a plagiarist," but he typically "originated nothing that was true, and . . . whatever he originated was wrong" — and this is only a small sample of the barbs that Rothbard throws at Smith. Because he proved to have such a powerful influence, Smith's confusions led economics on a wild goose chase for 100 years, until Austrian and other marginal utility analysts of the late nineteenth century could finally set things straight again.

It is not only that Smith got it all wrong analytically. By injecting into economics the Calvinist doctrine that all true value lies in labor, Rothbard argues, Smith paved the way not only for Marx but for a whole host of later thinkers who were to find in landlords and capitalists the true exploiters of humanity — thieves who without justification take what really belongs to the laborers. It is thus a huge mistake to consider Smith a great defender of markets and freedom. The truth is that he is the person "who may plausibly be held responsible for the emergence and the momentous consequences of Marxism."

The Original Libertarians

Instead of the impostor Smith, Rothbard identifies a large number of other people who have genuine credentials as defenders of liberty — although most of them have been neglected in history. There are far too many to mention all of them here, but a small sample of the more notable can be offered. Rothbard considers the Taoists in China as the first libertarians. Around 500 B.C., Lao Tzu declared that any intervention by government would be counterproductive; government led to "laws and regulations more numerous than the hairs of an ox," which are "more to be feared than fierce tigers." Another Taoist, Chang Tzu, wrote that "a petty thief is put in jail. A great brigand becomes a ruler of state."

It is a considerable irony that Rothbard's history of economics often ends up sounding much like the very Protestants whose influence he so laments.

The same image was introduced into Western thought a few centuries later by Cicero, who, as Rothbard tells it, related "the story of a pirate who was dragged into the court of Alexander the Great." After denouncing the pirate for his crimes, Alexander asked what could have moved him to terrorize the seas and do such bad things. The pirate replied, "'the same impulse which has led you [Alexander] to make the whole world unsafe.'" Over the next 2,000 years, Augustine and many others would repeat this message that government is really piracy writ large.

In the sixteenth century, the world's leading economists were the Spanish heirs to the scholastic tradition who founded the School of Salamanca. One of the leading Salamancans was Luis de Molina, who showed, Rothbard finds, a deep "libertarian commitment to freedom and the free will of the individual." Molina's libertarianism was grounded in the natural law thinking that dominated scholasticism during the Middle Ages and the Renaissance. He taught that holding a right to something meant that if a man's use of it "is impeded, injury and injustice will be done to him." Molina's thinking was generally characterized by a view of "man as a free and independent being, making his own decisions and being held to them, on matters to do with both his physical and spiritual welfare."

The standard version of economic history has it that a simple-minded mercantilism, favoring government intervention throughout the economy, prevailed until the arrival of Adam Smith, who set the world straight. Here again, Rothbard says, this gives a very misleading impression. The economic concept of "laissez faire" was originated in the late seventeenth century by a Frenchman, Thomas Le Gendre. One of his associates wrote that "[l]iberty is the soul and element of commerce. . . . [Liberty] kindles a perpetual movement which produces abundance everywhere." A contemporary, Seigneur de Belesbat, wrote that "when liberty is absent, nothing is of any avail" and even "good harbors, great rivers, and . . . fertile [lands] are of no use."

The destructive consequences of taxation furnished a frequent theme for writers protesting against the folly of government. In 1638 the Frenchman Isaac Loppin lamented the "subsidies and imposts" on every manner of good and service. He proposed replacing them all with a small fixed tax limited to the wealthiest few — an early example of a number of flat tax proposals

uncovered by Rothbard. Early in the eighteenth century, another Frenchman suggested that the existing network of complex and oppressive taxation be replaced by a single ten percent tax on the income of each subject.

During the seventeenth and eighteenth centuries, many other English and French writers criticized government activities; often they expressed libertarian views. While their advice was typically ignored, and many other economic writers defended all manner of state interventions, there was no lack of voices speaking out strongly against an overbearing government role. Even after Adam Smith, the tradition of libertarian thinking fared better for a time in France. The French philosopher and revolutionary, Condorcet, was in Rothbard's estimation a "great libertarian."

Rothbard delivers his message in a bombastic and prophetic manner, condemning all the huge mistakes of his predecessors and never revealing a moment of self doubt.

Jean Baptiste Say, the greatest French economist of the early nineteenth century — well known to economists today as the originator of "Say's Law"* — taught that "the producers themselves are the only competent judges of the transformation, export, and import of these various matters and commodities; and every government which interferes, every system calculated to influence production, can only do mischief." Say's economist colleague, Destutt de Tracy, regarded all governments as intrinsically parasitic in character; the best treatment for industry was to "let it alone."

Given the great frequency with which articulate expressions of a libertarian outlook can be found throughout history, two questions arise: why are they not better known, and why have they not had a greater influence? There are, of course, a number of explanations. One of the most important brings us to another of Rothbard's central themes: the baleful influence of Protestantism on many aspects of history. The example of Adam Smith's residual Calvinism leading him astray, with disastrous consequences for subsequent economics, is only one small instance.

An Enemy of Liberty

Rothbard writes that by the early seventeenth century, government "absolutism . . . [had] triumphed throughout Europe. . . . This victory was fueled . . . by the rise of Protestantism." A key factor here was Protestant theology's rejection of natural law. According to the long-standing teaching of the Catholic church, "the state was bound to limit itself to the dictates of the natural or the divine law." This teaching placed an outside constraint, above and beyond the wishes of any individual government, on the actions of the state. Since natural law was part of theology, it also meant, in practice, that governments were accountable to a separate, independent entity: the church.

Finally, because natural law must be consistent with and is discovered by the exercise of right reason, and given that each person is endowed with the same basic rational faculty, an ordinary citizen has in principle as much access to knowledge of the laws of nature as the highest officer of the state. If a government should defy natural law, as revealed by right reason, it would be defying God, and resistance could be warranted. Governments, for example, must not act in violation of the principle that "not only man's right and dominion were natural but so too [were] private property" and other liberties.

The basic thrust of Protestantism, however, "was opposed to any natural law attempts to derive ethics or political philosophy from the use of man's reason." For Luther, an excess of reason could produce a dessicated faith, empty of real religious content; salvation was "by faith alone." Moreover, reason, owing to man's post-Fall depravity, is inherently unreliable, very often deceiving those who are most sure of their correctness. These convictions not only undermined the force of existing natural law restraints on the state, but in much of Europe abolished the independent moral and political authority of the Roman church. As Rothbard concludes, in these and other ways, "Protestantism opened the way for the absolute state." When other secular defenders of absolutist forms of government followed in this path, it proved a disaster for liberty in Europe.

Then, after 150 years of religious war and social and economic chaos, the original responsibility for the disaster had to be obscured. Until recently the effort succeeded in northern Europe, largely because Protestants were writing the history. And these are the same versions of history generally accepted today in the United States. For example, in their histories of economic thought, writers in Protestant countries long ignored and distorted the powerful insights and sophisticated economic analysis of the Catholic scholastics. Since Protestant writers had not produced any comparable body of work, they spread the false impression that all real economics begins with Adam Smith.

This is not the meticulous and carefully qualified tone of a philosopher in the natural law tradition such as Aquinas; it is the voice of a Luther or a Marx.

Rothbard, however, finds that centuries earlier the writings of Thomas Aquinas already contained many insights and a very healthy respect for markets and private property. Aquinas' philosophy views property rights as a "necessary feature of man's earthly estate." They provide "maximum incentive for the care and efficient use of property." Aquinas himself wrote that without the presence of such rights, "'each one would shirk the labour and leave to another that which concerns the community, as happens when there are a great number of

* Say's Law, crudely put, states that supply and demand must balance each other in the long run, and an economy's tendency to regulate itself will naturally prevent unemployment or overproduction.

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It was mostly Protestant economists who spread the calumny that the "just price" and "just wage" doctrines were attempts by Catholic theologians to impose a simplistic morality to justify government control over the market. The truth, Rothbard explains, is almost exactly the opposite. For many centuries the mainstream scholastic tradition had taught that "the just price is the market price. . . . This price will be the outcome of individuals' calculations about their wants and values, and these in turn will be affected by the relative lack or abundance of supply, as well as by the scarcity or abundance of buyers." In other words, the just price is essentially a reflection of the forces of supply and demand on the margin, an understanding that Alfred Marshall, working in the English tradition, would eventually rescue from the mischief done by Smith. In short, it was the Catholic scholastic economists who had the technical analysis right; it was actually the anti-consumptionist Protestants who had tried to substitute a moral system for the correct economic method.

There was little hope of straightening all this out, however, until the second half of the twentieth century, when the authority of Protestant religion was waning in Britain and the United States. Then, as Rothbard comments, it became possible to overcome the influence of people like the "fanatically anti-Catholic economist Frank Knight and his followers in the now highly influential Chicago school." An emigré from a Catholic country to the U.S., the Austrian Joseph Schumpeter, was the leading contributor to this process. On matters of scholastic economics, Rothbard also gives significant credit to Raymond de Roover, a professor at a Jesuit institution, Boston College. Although they and other important revisionist historians such as Emil Kauder have received considerable scholarly attention in recent years, Rothbard is among the first to examine the long-run interaction of economic thinking and religious belief — not only in the medieval period but in the modern era as well.

The Marxist Heresy

Offering another illustration of the great impact of religion on the history of economic thought, Rothbard shows how the real roots of Marxism lie in the millenial tradition of Christianity. The vision of twelfth-century Italian mystic Joachim of Fiore "already resonates with the later Marxian dialect." Adding another mark against Protestantism, the Reformation would do much to spread ways of thinking that, taking an extreme form and developed as a secular religion, would find their way into the Marxist gospel.

Compared with the more worldly Catholic church, which saw property rights as part of building a better world, the Protestant reformers had a negative view of property. Protestantism looked more to the early Christian position that the institution of property is a product of sin, and can be justified only as a necessity to maintain a semblance of order in a fundamentally corrupt world. To be sure, as soon as the fall of man can be reversed, and heaven finally comes to earth, Christian theology promised that the twin evils of government and property alike would be abolished — very much as Marx would later promise.

But with the authority of the Catholic church undermined by the Protestant Reformation, and with Europe newly open to all manner of new religious thinking, a host of Protestant revolutionaries emerged to spread the message that there was no need to wait, that heaven was possible in the here and now. Rothbard describes how the Anabaptist Thomas Müntzer attracted hordes of followers seeking to "impose a society of theocratic communism by brutal force of arms," a rebellion eventually crushed by German princes at the loss of 100,000 peasant lives. In the town of Münster in northwestern Germany, a "compulsory communism and reign of terror" was established for a time under the leadership of another petty Protestant tyrant. All food was confiscated from individuals and handed out according to the whims of "government deacons"; a regime of compulsory free love would eventually also be instituted.

A central tenet of Protestantism, that the fall of man had plunged mankind into a state of fundamental depravity, would, as alienation, become a key concept of Marxism. As

Rothbard explains, alienation goes far beyond conventional notions such as distress, unhappiness, anxiety. It means for Marx something "far more fundamental, more cosmic" — a state of "radical evil." Indeed, it amounts to a secular way of saying that "man has been separated from, cut off, 'alienated' from God, as well as from other men, or from nature." Improved management, better policies, and other incremental measures will do no good. In order to escape the existing state of radical evil — for Christians to reverse the effects of the fall, for Marxists to end the state of deep alienation — something will have to happen to fundamentally transform the human condition.

Fortunately, as Marx would promise, that was sure to happen soon; it was predetermined by the laws of economic history — laws, as Rothbard explains, that in Marxism were now "substituting . . . for God's will." This "great transcendence" was thought to be possible because of "one of the crucial, usually implicit assumptions of the communist society — that [the coming state of modern] superabundance will have eliminated the problem of scarcity." And with "the economic problem . . . simply and quietly assumed away," Rothbard writes, there would no longer exist any remaining grounds for killing, theft, hatred, jealousy, all the ills of mankind.

Marxism thus shares with socialism, American progressivism, and other secular religions of the last 150 years the assumption that evil is purely the product of the fierce struggle for control over material possessions — that this life-and-death competition is the real source of "original sin." The elimination of scarcity means the arrival of heaven on earth. Economists are the true priesthood, the group that actually holds the keys to salvation, if now to be realized by human action in this world.

Marx's fantastic scheme for a secular salvation — hatched in the same Germany that 300 years earlier had spawned Thomas Müntzer and other Protestant revolutionaries, and grounded in a similar Protestant view of the human condition — proved to be the most powerful millenial vision of all time. Revolutionaries from Lenin to Mao would act in the name of fulfilling the economic laws of history. It is astonishing to think that such a half-baked Christian heresy could throw much of the twentieth century into a chaos exceeding the turmoil and violence of the wars of religion of the fifteenth and sixteenth centuries.

Welfare State Delusions

The former Soviet Union and other communist countries are not the only ones where a founding economic thinker is actually a "crank" who writes in "made-up jargon," who surrounds himself with "flunkies," and whose thinking introduced a "bacillus." Indeed, these are the terms that Rothbard actually applies to Jeremy Bentham. And he has little better to say about David Ricardo, John Stuart Mill, and others who followed in Bentham's path. Bentham, the founder of utilitarian philosophy, was among the first to conceive of economics in social engineering terms. He proposed a set of political reforms that anticipated a good part of the later agenda of the British Labour Party. He might well be considered the first to systematically develop the basic vision of the twentieth-century welfare state.

Bentham's claim that he had established a rigorous science of social decision-making, based on quantitative calculations of total pleasures minus pains, set the stage, for example, for the claim of modern governments that they practice "scientific management." Cost-benefit analysis is just old Bentham in a new bottle. The "public interest" that American progressivism believes government will serve is simply another way of saying that government will act to maximize the total happiness of society. All this, to be sure, as Rothbard tells us, has about as much intellectual merit as the apocalyptic visions of Karl Marx.

Thus, as Rothbard observes, Bentham's utilitarianism is a "scientistic" quackery. In the real world no one has ever been able to ground social and individual decision-making in mathematical calculations of utility. And if the goal of "maximizing utility" is taken more as metaphor, then utilitarianism is reduced to little more than a tautology, saying in essence that I do what I want to do. Rothbard argues that Bentham's policy proposals (and those of subsequent utilitarians) are

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anything but scientific, value-free analysis. Instead, they reflect a strong "value position" on their part that is "implicitly ethical" in every way. The further effort of Bentham to "substitute 'efficiency' for ethics" also never had a chance. Since a science of society can achieve almost none of the things that Bentham claimed, the Benthamite scheme adds up to a grand design for the welfare state as "social despot." It seeks to curb the freedoms of the people in the name of a new priestly class, the scientific managers of society — who are above all economists.

The flavor of Bentham's writings may seem remote from the present era, but Rothbard views the current American economics profession as still afflicted with a Benthamite set of diseases. American economics offers a false scientific front; it is preoccupied with abstruse mathematical analyses and with "long-run equilibrium," but the "fundamental reality" is that this long-run state "never exists at all." Economics pretends to be value free when in fact it is a secular religion that makes efficiency its highest value; the whole enterprise is dependent on an underlying assumption of the redeeming benefits of economic progress. Like Bentham's broader utilitarian philosophy, formal economics today is in itself capable of yielding few concrete proposals; its real role is as a source of priestly blessings for government actions that reflect the underlying goals and values of the new scientific priesthood. If all this should ever be exposed to full public view, to be sure, the scientific grounds of legitimacy of the welfare state might be undermined.

Rothbard's Religion

Rothbard's belief that religion has significantly influenced almost every area of economic thought raises an interesting question: how does this apply to Rothbard himself? Is he simply the product — or prophet — of yet another religious belief system? Rothbard never answers this question directly. But a kind of Rothbardian "theology" can be sorted out from a number of comments scattered throughout these two works.

In a nutshell, Rothbard believes that a true libertarianism must include a fundamental belief that the state "is bound to limit itself to the dictates of the natural or the divine law." Conversely, as noted above, it is no coincidence that the rise in the late Middle Ages of "the glorification of the state" was accompanied by a growing "denial that human reason could come to know any natural law." For example, Machiavelli, a "conscious preacher of evil" in Rothbard's estimation, understood that maximizing the power of the prince required that all real commitment to Christian ethics — as then grounded in natural law — "must be abandoned." Without any objective higher ground "from which to criticize the actions of the state," the actions of government will be decided by the outcome of an unprincipled struggle for political supremacy in which might alone is the determining factor.

Rothbard argues that Smith paved the way not only for Marx but for a host of later thinkers who were to find in capitalists the true exploiters of humanity.

Rothbard criticizes the defenders of liberty who have argued that

> [s]kepticism, the attitude that nothing can really be known as the truth, is the best groundwork for individual liberty. The fanatic, convinced of the certainty of his views, will trample on the rights of others; the skeptic, convinced of nothing, will not. But the truth is precisely the opposite: the skeptic has no ground on which to stand to defend his or others' liberty against assault. Since there will always be men willing to aggress against others for the sake of power or self, the triumph of skepticism means that the victims of aggression will be rendered defenseless against assault.

In other words, a libertarianism that is not fortified by religion, or at least deep belief in absolute truth, will stand defenseless in a world where many other people do have such convictions. Thus, the Nazis in Germany met with little opposition from a population taught by its intellectual elite to believe that all the old religious and other traditional truths were merely relics used to defend one or another past superstructure of authority. The Nuremberg trials, a reaction against the horrors that resulted, sought to re-establish an objective standard of moral behavior transcending any nation or government. They were in essence a rediscovery of natural law, a reassertion that there is within each human being a capacity to know and understand rules of moral conduct that are universally true and binding.

Natural law concepts were originally developed in ancient Greece and Rome and then became an integral part of the Christianity of the Roman Catholic church. Although medieval writers looked to God for help, they also believed — and Rothbard concurs — that in principle the truths of natural law can also be established on a "truly scientific" basis through reason alone. The discovery of a true ethics is achievable, he says, through a process of "rational inquiry" into "what is best for man in accordance with his nature." This classic natural law statement, asserting the power of scientific reasoning to discover the rational truths of the world, is, it would seem, Rothbard's real religion.

Some Contradictory Elements

One might agree with Rothbard about the requirements for the defense of liberty and yet still find parts of his overall argument unsatisfactory. Either natural law exists, either it is valid, or it is not. For an ethics grounded in natural law to be an effective bulwark against the absolutist state, people must have a religious certainty about its truths. And here a big problem arises. Although Rothbard surveys more than 2,000 years of economic thought, the product of all this effort is not reassuring in terms of the basic premises of natural law. Rothbard portrays an overall process of lurching from one bad idea to the next; when an economist somewhere finally gets it right, he is ignored or soon forgotten by most of the world.

Indeed, as Rothbard assesses matters in these two volumes, the economic writers with the greatest influence have often been the most muddled. In the modern period, they have often given us religion in the name of science, a

particularly dangerous brew. Right-thinking libertarians such as Rothbard, although surprisingly numerous over the years, have been consistently scorned and ignored in every age by men of affairs. All this hardly inspires confidence in the strength of each person's rational faculty, or in the ability of people to arrive at any set of universal social and moral truths firmly grounded in the laws of nature — let alone that any real-world government will have the wisdom to recognize these truths, or the moral commitment to adhere to them.

It is a considerable irony that Rothbard's history of economics often ends up sounding much like the very Protestants whose influence he so laments. Luther and Calvin would not have been surprised at the story of history as Rothbard develops it, showing one irrational economic theory or outcome succeeding another over the 2,000 years covered. What else to expect, they would say, when reason must always be fatally compromised by the fall of man. It is also ironic that Rothbard delivers his message in a bombastic and prophetic manner, condemning all the huge mistakes of his predecessors and never revealing a moment of self doubt. This is not the meticulous and carefully qualified tone of a philosopher in the natural law tradition such as Aquinas; it is the voice of a Luther or a Marx.

Perhaps the most surprising aspect of this book is the central importance Rothbard attributes to Christianity.

In many ways, Rothbard is actually another one of the great "protesters" of history. Like his Protestant forebears, he is more than willing to destroy the established order in the service of a deeply held ideal. Indeed, Rothbard's lifetime mission of abolishing the state would be a revolutionary development of the same order of magnitude as Luther's campaign to expel the Roman Catholic church.

At one point, Rothbard observes that institutions such as the Catholic Church or the Supreme Court of the United States — both formed in natural law traditions — often maintain an "unchanged formal shell," even while significant changes are gradually taking place below the surface. The Rothbards of the world, however, are notoriously intolerant of the fictions that help to grease the normal workings of real-world bureaucracies.

Being "Puritanical" About Liberty

Many historians today would agree with Rothbard's assessment that the immediate impact of Protestantism was calamitous for freedom in Europe. A few people have even said — with at least some small plausibility — that the ultimate blame for Hitler lies with Luther.

Unlike Rothbard, most historians are convinced that Protestantism also played a critical role in the rise of modern political and economic freedoms in Europe. Protestant theology prescribed a whole new relationship between the individual and the church. If saving one's soul depended on faith alone, this was clearly a matter solely in the hands of each individual in his direct relation with God — with little mediating role for the church. Luther translated the Bible so that the ordinary person could read it for himself, breaking the monopoly of the priesthood. In Calvinist churches, ministers were selected through democratic elections. But whereas authority flowed upward in Protestant denominations from the individual members of the church, all essentially equal to one another, it flowed downward in Catholicism, with God instructing the Pope, who instructed the clergy, who instructed the laity.

Indeed, if God's truth can be reached through the exercise of reason, as the Catholic natural-law theology asserted, some people will reason better than others. Philosophy and a body of authoritative writings will develop; each new generation will build on the works of the past. The best thinkers today, as identified through a competitive process of public discourse and debate, will have special claims to authority. In short, a natural law regime inherently promotes the growth of official precedent and hierarchy. By the time Protestantism came on the scene, the Roman bureaucracy had become ossified, complacent, and corrupt. By undermining the church hierarchy, Protestantism opened the way for new ways of thinking, not only in religion but in physics, medicine, economics, and all manner of other subjects.

When seventeenth-century English Puritans extended Protestant individualism to define the appropriate relationship with the state, modern ideas of political and economic freedom emerged. The secularization of Protestant theology meant, in essence, that the state, like the church, must have the consent of the people; it meant that each person has a right to hold property, as he has a right to determine his own religious convictions, without state or church interference, so long as he does not interfere with the rights of others. The English Puritans brought to this struggle the fierce commitment of a group of people who believed that their very salvation might be at stake. Few people have ever felt such religious passion in demanding that the actions of government must be rationally grounded in a correct economic (or other) analysis of the laws of nature.

Rothbard describes Jeremy Bentham as a "crank" who surrounded himself with "flunkies," and whose thinking introduced a "bacillus."

Altogether, the influence of the Puritans on the development of modern economic and political freedoms was, as the distinguished German theologian Ernst Troeltsch once wrote, "extraordinarily great." The Puritans were the ones who really laid the basis for the idea of "the inviolability of the inner personal life by the State," and brought about the demise of medieval patterns of "coercive Church-and-State civilization." It was not necessarily that the Puritans intended this result; indeed, all of Protestantism, including the Puritan version of Calvinism, represented in many ways a reaction against the looming forces of the modern

world. Yet the Puritans provided the "religious impulse [that] opened the way for modern freedom." The full consequences, as they took shape first in two nations where the Puritan influence was particularly strong, England and the United States, would be truly momentous for the world.

A Grand Synthesis

Rothbard and Troeltsch are both right, but in different ways. Protestantism — as the theology emerged in the 16th and 17th centuries, not the feel-good version of the twentieth century — is a real threat to liberty. But Catholic countries have had their share of petty tyrants and dictators. The effective defense of liberty may require a theology of the sort that motivated the Puritans to wage war in defense of their specifically religious freedoms.

By the eighteenth century, Puritan devotion and Protestantism generally were already waning in influence. The Enlightenment often had a corrosive effect on Christian faith in general. The state, increasingly, was effectively becoming the church for many people, as secular political creeds attracted mass followings. Following Rousseau, the French Revolutionaries proposed to use the state to achieve their salvation right here on earth.

If the Puritans provided the basis for modern freedoms, perhaps the modern age needs a new foundation. It might, ideally, combine the following elements. Salvation, as in Protestantism, should now be achievable on earth. And it should be a matter of the individual acting freely and autonomously, as in Protestantism, but in this case with a secular substitute for God (ruling out, for example, collectivist gospels like Marxism). Finally, all this should be founded in natural law. Such a grand combination would synthesize the elements of Protestantism and Catholicism that have proven most essential to the defense of liberty.

Could anyone find a way to put these things all together in one system of thought? Yes — and it was, I submit, none other than Adam Smith.

The philosophy set forth in *Wealth of Nations* meets one key requirement, in that every individual must be free to act as an autonomous entity — to pursue his or her economic self interest — without interference of state, church, or other outside body. It has the purity of Protestantism, in which salvation is by faith alone. But for Smith, individual actions' contributions to well-being are judged by their success or failure in the marketplace. Smith's grand design also drew heavily on the natural law approach. In Catholic theology, human knowledge of the laws of nature was regarded as possible, but very imperfect; and it was generally assumed that this would be the case for a very long time, if not forever. Yet, if God's entire design for the world could somehow be known, the keys to perfecting human existence would finally be ours. Mankind would have the knowledge to live in perfect harmony with the laws of nature, opening the way to a virtual heaven on earth.

Then, with the Enlightenment, many people came to believe for the first time that this transformation might actually be possible. It seemed to the eighteenth century that by using the methods pioneered with such astonishing success by Newton, science would soon reveal all the laws of the physical world. If Newton could discover laws explaining the motion of physical objects, why couldn't someone discover laws explaining how society worked as well? And with their discovery, mightn't the perfection of the human condition finally be attainable?

On a number of occasions, Rothbard expresses deep puzzlement at the great impact that Smith had on social thought, especially given that his economics lacked originality and abounded in error. But Rothbard is not thinking in large enough terms here. Whatever the details of his economics, Smith laid out a grand picture that suggested a Newtonian science of the social order. Self interest was the true motivating force, the equivalent in the social world to gravity in the physical world. The workings of self interest, if the state would not interfere, would yield a social harmony analogous to the perfect equilibrium of the solar system. The application of the scientific discovery of the true workings of self interest would mean nothing less than living in perfect harmony with nature, in a natural law framework — amounting to the secular salvation of mankind.

Admittedly, there was too much of a residual Calvinist element in Smith for him ever to make this glowing promise in such prophetic terms. But he had provided the requisite grand vision. Many of his nineteenth-century followers — those whose attitudes are so inexplicable to Rothbard — would actually find in Smith the new prophet of a secular salvation, the Newton of social science. Smith's greatest historical success, like so many of the leading thinkers in the modern age, was not fundamentally as an economic analyst but as a new kind of theologian — and it was not essential to this outcome that Smith should see his role in precisely these terms.

As the theologian Paul Tillich once put it, "the idea of providence is secularized in the Enlightenment," and its "first clear expression can be seen in the area of economics." The perfect harmony of a competitive market "produces indirectly what [in an earlier era] was supposed to be produced directly by a divine interference" to save the world.

But if this perfection now occurs here on earth, whereas it had previously occurred in the hereafter, the distinction has seemed to make remarkably little difference over the past two centuries. The secular faithful of the modern gospels have shown as much ardor and depth of religious commitment as the traditional Jewish and Christian believers of earlier centuries. It is only now, at the end of the twentieth century, that there is a growing skepticism — even among those who still reject traditional religion — that perfection by economic or any other human action is possible here on earth.

To understand in this way the place of Smith in history is not to say that Rothbard is mistaken in severely indicting some of Smith's technical deficiencies. It is, however, to argue that Smith was engaged in a much larger and more creditable undertaking than Rothbard understands. Moreover, Smith did what Rothbard himself says must be done to defend liberty effectively: he enlisted religious passions in a natural law framework. If the competitive market was the one way of organizing society consistent with the true laws of nature, and if economics alone thus provided the route to secular sal-

vation, it also followed that the individual had a relationship to economics that mirrored the Protestant understanding of the relationship of man to God.

To be sure, Smith's heroic effort to marry Protestant and Catholic elements in a grand synthesis may no longer work for our times. It is easy to see his vision, not as a depiction of the immutable laws of nature, but as a product of its specific time and place. As another gospel of secular salvation, it is also perhaps out of place in a twentieth century badly burned several times over by religious passions inspired by other such gospels. But if firm support for liberty cannot be discerned in the laws of nature as revealed by the free market design of Adam Smith, where can it be found? Rothbard says that we desperately need an answer — one that his thinking suggests must ultimately be grounded in religion. It in no way diminishes the many great merits of these two volumes to say that the solution is not to be found in their pages. ❑

***Libertarianism: A Primer*, by David Boaz. Free Press, 1997, 336 pp., $23.00 (hc). *What It Means to Be a Libertarian*, by Charles Murray. Broadway Books, 1997, 192 pp., $20.00 (hc).**

A Contrast of Visions

R. W. Bradford

Libertarians had good reason to celebrate the New Year: the simultaneous publication of Charles Murray's *What It Means To Be a Libertarian* and David Boaz's *Libertarianism: A Primer*. Both are intended as introductions to libertarian thinking, and serve that purpose admirably. And both were launched with greater than usual fanfare: Murray's with an impressive media campaign and $100,000 worth of advertising, Boaz's with an extensive campaign on talk radio and a marketing plan that aims at popularizing its use in university classrooms.

Boaz and Murray are extraordinarily clear writers who are well-versed in their subject — that is to say, well-versed in their own political thought. Both have spent a great deal of time trying to articulate their ideas, and both are pretty good at it. But do not make the mistake of concluding that these are books whose primary purpose is to introduce people to libertarianism, for each goes far beyond that. They can be read with great profit by any libertarian, for each provides a sparkling statement of quite different versions of libertarian theory, nicely illustrating the conflicts within libertarianism today.

Natural-Rights Libertarianism

Libertarianism: A Primer is not a primer at all; at any rate it is not what my dictionary tells me a primer is, namely, "a textbook giving the first principles of any subject." It is really a concise treatise, a comprehensive summary of the Randian-Rothbardian variety of libertarianism, leavened a bit by contemporary Aristotelian ethics, put into the context of Western history, and applied to a variety of current public policy issues. *Libertarianism: A Primer* reflects contemporary libertarianism very well. Its strengths parallel those of contemporary libertarianism — in its practicality, its respect for human diversity, its vision of a society of flourishing individuals cooperating peacefully.

But its weaknesses, I am sorry to say, also reflect those of contemporary libertarianism. I speak here of the Randian-Rothbardian theory of rights, which underlays Boaz's entire political theory, and more broadly, his social ethics.

For Boaz, "[l]ibertarianism is the view that each person has the right to live his life in any way he chooses so long as he respects the equal rights of others. . . . Libertarians defend each person's right to life, liberty, and property — rights that people possess naturally, before governments are created. . . . " (2)

These rights have to come from somewhere:

> Any theory of rights has to begin somewhere . . . Humans, unlike animals, come into the world without an instinctive knowledge of what their needs are and how to fulfill them. As Aristotle said, man is a reasoning and deliberating animal; humans use the power of reason to understand their own needs, the world around them, and how to use the world to satisfy their needs. So they need a social system that allows them to use their reason, to act in the world, and to cooperate with others to achieve purposes that no individual could accomplish.
>
> What other possibilities besides self-ownership are there?. . .
>
> • *Someone — a king or a master race — could own others. . . .*
>
> • *Everyone owns everyone, a full-fledged communist system. . . .*
>
> Thus, either communism or aristocratic rule would divide the world into factions or classes. The only possibility that is humane, logical, and suited to the nature of human beings is *self-ownership*. Obviously, this discussion has only scratched the surface of the question of self-ownership; in any event, I rather like Jefferson's simple declaration: Natural rights are self-evident (61–62).

Well, maybe they're self evident to Boaz. But after reading his explanation, they aren't evident to me at all. Boaz is so elliptical here that I am not sure what he is arguing. He seems to be saying that there are only three alternatives: (a) a small elite has total ownership of everyone else, (b) everyone has total control of everyone else (a situation that quickly reduces to the first alternative); or (c) everyone has

total ownership of themselves.

This, I submit, is balderdash. I don't believe people have ever experienced any of these three alternatives, though they have been advocated by one ideology or another. Libertarians want to maximize self-ownership, or even to make it absolute; totalitarians want to minimize it or even eliminate it totally. But almost every society in history has granted individuals certain rights but not others, and deemed some rights are absolute and others relative. A few pages later, in his discussion of property rights, Boaz observes that "[f]or each entity there is in fact a bundle of property rights, which can be disaggregated" (67). Apparently, for Boaz, the entities we call human beings are an exception to this rule.

Self-ownership implies the right to own property: "the right to self-ownership means that individuals must have the right to acquire and exchange property in order to fulfill their needs and desires" (66–67). How are property rights established? Following Rothbard's lead, he quotes John Locke: "whoever first 'mixed his labor with' a piece of land or property acquired title to it." This, Boaz writes, is "one way to acquire property" (67). Curiously, he neither offers another way to acquire property nor delves into the problems with the Lockean approach.

Lockean theory entails that undeveloped land (i.e. wilderness) cannot be property. It thus provides powerful incentives to destroy wilderness whenever one encounters it. If no man has ever "mixed" his labor into a piece of land, then it remains something other than property (or perhaps "unowned property") until someone comes along and mixes in a little labor, after which happy event the labor-mixer finds himself with full title. This is just about the perfect incentive to destroy wilderness — something that Boaz is apparently against, since he tells us "libertarianism offers the best available framework for producing the environmental protection that people want" (248). Certainly, one form of environmental protection that people want is preservation of wilderness. Yet the rights theory he proposes virtually entails the destruction of all wilderness.

There is another serious problem with establishing ownership. Proper title rests entirely on a chain of voluntary exchange. "Time does not justify crime," as Murray Rothbard liked to say. The title of a piece of property does not change when it is stolen. So if that piece of land on which your home sits was given up to the state in lieu of property taxes, its proper owner today is presumably the heir (or some combination of the heirs) of the person who had it seized by the state.

Now most real estate (in the United States, at least) has a fairly well-known chain of title, and I suppose most Americans could check out whether the land they own (or want to own) has ever been surrendered as tax.* This same logic applies to tangible property, including that most prosaic tangible property: money. In a country in which more than 30% of GDP is paid in taxes each year, the chances are that every single dollar in your wallet and in your bank account has at one time or another been paid in taxes — that is, taken from a person under threat of bodily harm or imprisonment. Indeed, in a society which has been saturated by state action for centuries, finding a single piece of property with clear title (from the point of view of the Randian-Rothbardian libertarian) is virtually impossible.

Boaz's theory entails that wilderness cannot be owned by anyone. It thus provides powerful incentives to destroy wilderness whenever one encounters it.

After discussing property rights for several pages, Boaz gets down to the real payoff: "no one has the right to initiate aggression against the person or property of anyone else." Just in case you might miss the significance of that moral imperative, he titles it "The Nonaggression Axiom," centers it on the page, puts it in italics, and describes it as a "central principle of libertarianism" (74). Boaz's emphasis is justified: for those in the Randian-Rothbardian tradition, virtually the entire corpus of libertarian political theory and their stand on every political issue emanates from this principle. Every question of public policy — even the existence of the state itself — is judged by whether it involves the initiation of force.

The importance of natural rights leads Boaz to raise an interesting question: "Do you have to believe in natural rights to be a libertarian?" He notes that "Ludwig von Mises, Milton Friedman, and Milton's son David Friedman reject natural rights and argue for libertarian policy conclusions on the basis of their beneficial consequences" (82). After dismissing Mises' utilitarian approach in three paragraphs, Boaz turns to the problem that has caused many libertarians to reject the position he has just advocated.

Of course, what we're talking about here are some of the absurd consequences of the non-aggression imperative when applied in peculiar situations:

> Suppose you're in a shipwreck, and there's only one lifeboat that will hold four people, but there are eight people trying to cling to it. How do you decide? And — directed at libertarians or other natural-rights advocates — how does your rights theory answer this question. David Friedman says, suppose only by stealing a gun or a piece of scientific equipment can you stop a madman from shooting a dozen innocent people or an asteroid from crashing into Baltimore. Would you do it, and what about property rights? (84)

Like many other natural-rights libertarians, Boaz grants that "in some emergencies, considerations of rights go out the window" because of the problem of applying the non-aggression imperative in situations like this. But unlike most, he provides a way, more or less, of determining when tossing rights out the window is the right thing to do:

> Rights cannot apply where social and political life is not possible. . . . these exceptions apply only in emergency situations. A key part of the situation must be that a person finds himself in a desperate situation *through no*

* Of course, the original title of most land in America is murky at best, since it was taken under duress from native Americans. Rothbard himself advocated returning most of America to native Americans and Chicanos.

> *fault of his own*. It cannot be enough that he simply has less than others, or even that he has too little to survive. (86, italics in original)

This is an improvement on Ayn Rand's "The Ethics of Emergencies" (*The Virtue of Selfishness*, 1961), but it still leaves problems. For one thing, Boaz never tells us whether there are other "key parts" to determining whether one is in a situation in which rights go out the window — in other words, whether there are other circumstances in which one can properly ignore consideration of rights.

Assuming for a moment that this is the sole exception, then the non-aggression imperative should be reformulated along these lines: "It is always wrong to initiate aggression against the person or property of other people unless one desperately needs to do so because he finds himself in a situation through no fault of his own."

To me, this isn't a real solution. One problem lies in Boaz's qualifier, "through no fault of his own." Think for a moment about the lifeboat situation. Are you really in the situation through *no* fault of your own? Couldn't you have taken a safer ship? Or one that didn't pass through iceberg-infested waters? Or taken in your baggage a small inflatable personal lifeboat? Or stayed home? Are you really there through *no* fault of your own? And of course, as all good leftists know, it's hard to say that "your" varied faults are "faults of your own." What about your dreadful schooling, attacks on your self esteem, genetically transmitted intellectual deficiencies, inadequate nutrition that led to mental impairments, emotional trauma due to your parents' divorce, etc. And what about the harm done you by various impairments of your "rights"? — certainly you would have been able to fly, instead of taking a boat, if only the government hadn't taxed you. Certainly you would have known better if the government hadn't cramped the flow of information. And so on, *ad nauseam*.

For Murray, the non-aggression principle is merely a rule of thumb, not the universal moral imperative that it is to those in the Randian-Rothbardian tradition.

Or consider another hypothetical situation, this one posed to libertarians in a survey conducted by this magazine:

> Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing (*Liberty*, July 1988).

This situation plainly fails to qualify as an emergency that enables one to throw rights out the window: obviously you are in the situation through your own clumsiness, which is certainly a "fault" of your own. As to whether this situation is one in which "social and political life is not possible," I have my doubts, though I'd have to know more about Boaz's thinking on the subject.

So plainly, as you clutch the flagpole, you have no right to enter the condominium. The non-aggression imperative applies: you have no right to trespass at all. In fact, by the Randian-Rothbardian theory, it was probably wrong to have grabbed the flagpole in the first place! Obviously, what you should do is apologize to the property owner and drop to certain death. (Of course, only the most dyed-in-the-wool advocates of the R-R position actually choose this option: in our survey, only two individuals out of approximately 150 respondents did so, and I doubt that either of them would choose immediate death over a minor violation of someone's property rights if faced with a similar situation in real life.)

I suppose there is some way to add another qualifier to the non-aggression imperative, maybe something like, "except when you really, really, *really* need to aggress, and the cost to the other party is not very much." The problem here is that we are getting so many qualifiers, and such fuzzy qualifiers, that the non-aggression imperative is losing its value as a moral rule.

If we have to cogitate long and hard on whether the situation we face is one which is partly our own fault, whether it is one in which social and political life is impossible, whether we really, really, really need to aggress, and whether the impact of the aggression is very high — well, the charm of the non-aggression principle is pretty much lost. Not only is its utility as a moral rule reduced — the purpose of a rule of this sort is to expedite making choices in difficult situations — but it doesn't work as a trump card that wins every trick in a political discussion.

In contrast to Boaz's view of libertarianism as a set of implications of natural rights theory, Charles Murray sees libertarianism as something broader, fuzzier, and more important.

A quick example: suppose you live in Britain in 1940, where Nazi invasion appears imminent. Is military conscription acceptable? Most libertarians would cite the non-aggression imperative and reply that it is not, perhaps adding that if the situation is as dire as it seems, most people would volunteer anyway. But in this case, is there not a genuine emergency? Certainly if Britain is unable to mount an effective defense, the Germans will conquer it and, presumably, the people of Britain will be greeting each other with "*Heil Hitler!*" while their German overlords wash with soap they made by rendering Britain's Jewish citizens. Is "social and political life" possible when such a vicious dictator threatens? Do the people of Britain "really, really, really" need its young men to mobilize for war? The answers to these questions are not obvious.

What you are left with, after these and perhaps other qualifications are appended, is a general policy prescription along the lines of, "It is generally better for government to respect the life, liberty, and property of its citizens." But this general rule is exactly the sort of rule that Mises and the Friedmans (and many other libertarians) propose, but that Boaz finds

unsatisfactory.

Once Boaz gets past the foundations of libertarian theory, he is on much firmer ground. (At least I no longer felt like the ground was crumbling beneath my feet!) His vision of how a free society functions and how liberty enables people to flourish is nothing short of brilliant. Page after page offer concise, clearly-written explanations of how our present state actually functions — and it's not what you learned in high school civics.

His discussion of current policy issues is particularly good: he identifies problems clearly, applies theory rigorously, and illustrates his points with relevant data, all in a very concise and readable fashion. On any number of issues, I cannot think of a better analysis than Boaz presents. The exposition is straight-forward and clear, the kind of writing that made Isaac Asimov a millionaire. The clarity of Boaz's discussion and the breadth of his exposition make this valuable even for those whose familiarity with libertarian thinking is considerable.

Libertarianism: A Primer is a good book to fill in the gaps in your own thinking, or to introduce your neighbor to libertarian thought, if your neighbor happens to be interested in the arcana of political theory and public policy. And it just might stimulate your own thinking about the foundations of libertarianism.

A Different Libertarianism

The biggest surprise, for me, about Charles Murray's *What It Means to Be a Libertarian* is how elegantly it is written. Consider for a moment its first paragraph:

> Public celebrations of freedom used to be at the heart of America's pride in itself. When we bragged about being American (and how we used to brag), it was freedom we talked about, endlessly. We loved our liberty — the God-given, inalienable, constitutionally guaranteed right of every American to live his life as he saw fit, beholden to no one, taking his own chances, pursuing happiness in his own way, doing as he damn well pleased (3).

I'd always thought of Murray as a public-policy guy whose prose style was competent but, well, prosaic. But time and time again, while reading *What It Means to Be a Libertarian*, I found myself marking passages not because I found them particularly profound or startling or because I agreed or disagreed with them, but simply because I thought they were eloquent.

Like Boaz's *Libertarianism*, Murray's *What It Means to Be a Libertarian* is intended as an introduction to libertarian thinking for the general reader. But the two works are very different. Boaz's book is much longer, far more comprehensive and more grand in its ambition. Murray's is more focused and more personal, less a treatise than an extended essay.

Only three pages after identifying the non-aggression principle as "the first libertarian principle of governance," Murray is ready to have government provide public goods by using its police power.

Most importantly, Boaz and Murray disagree about a great deal, even about what libertarianism is. In contrast to Boaz's view of libertarianism as a set of implications of natural rights theory, Charles Murray sees libertarianism as something broader, fuzzier, and more important:

> Libertarianism is a vision of how people should be able to live their lives — as individuals, striving to realize the best they have within them; together, cooperating for the common good without compulsion. It is a vision of how people may endow their lives with meaning — living according to their deepest beliefs and taking responsibility for the consequences of their actions.
>
> We may honor that vision in the way we act in our own lives, whatever the political system may be. Human freedom has always had to depend first on the individual's understanding that he is the custodian of his life, no matter who tries to say otherwise (170).

For Murray, the libertarian ethic springs from two beliefs: "force is bad, and cooperation is good" (5). These beliefs, which he observes are common to most people, lead Murray to social principles virtually identical to Boaz's: *"Each person owns himself"* and *"[i]n a free society individuals may not initiate the use of force against any other individual or group"* (6). But self-ownership and its consequence, the prohibition of initiated force, have a very different status for Murray. While the "first legitimate use of the police power is to restrain people from injuring one another" (7), the second is "to enable people to enter into enforceable voluntary agreements" (9), and the third is to "enforce compliance . . . with the relevant laws . . . to foster public goods" (9–10).

What's going on here? Only three pages after identifying the non-aggression principle as "the first libertarian principle of governance," Murray is ready to have government provide public goods by using its police power — if this isn't an initiation of force, then what is?

I suppose I could censure Murray for promulgating a transparent contradiction. But I don't think that's what's happening. I believe that for Murray, the non-aggression principle is a rule of thumb, subject to other considerations, not the universal moral imperative that it is to those in the Randian-Rothbardian tradition.

Murray recognizes that for many libertarians, there is no such thing as a public good, and that provision of public goods has provided a rationale for outrageous government actions. Although he has "no magic formula" for determining what is and what is not a public good, he offers some fairly detailed guidelines. A public good must be provided to all citizens equally, it must be usable "by one person without diminishing its availability to others," it must be "something that cannot be provided by individuals on their own," it must "enjoy popular support," and its cost must be borne as equally as possible by all citizens (11–15).

Murray recognizes that "reasonable people will disagree about the exact boundary of public goods, even when a rigorous definition of public good limits the range of possibilities" (16). He claims that law enforcement is "unambiguously" a public good, a point that I

fail to see. I invite Murray, or anyone else who believes that law enforcement is provided equally to all citizens, to compare the energy a police force puts into finding a person who has killed a police officer to the effort it makes finding the killer of a street prostitute. I myself once owned a business that was burgled of $1,000. The police responded several days later by sending an officer to fill out a form, at a total cost to the taxpayer of perhaps $25. A few days later, the business next door, a bank, was burgled of about $50, to which the police responded by blocking all pedestrian traffic on the block and calling in the FBI for a thorough investigation, at a cost to taxpayers of tens of thousands of dollars.

Murray also argues that education is a public good that ought to be provided by the state:

> [A] democracy cannot function without an educated electorate. The cost of providing an educated electorate should be spread over all those who benefit, which means virtually everyone who lives in a democracy. (12)

Huh? By this logic, just about everything is a public good. A democracy cannot function without food for its citizens to eat; the cost of feeding people should be spread over all who benefit, which means virtually everyone who lives in a democracy. A democracy cannot function without . . . you get the picture.

Left-brained libertarians celebrate their social isolation and see social atomism, not as a mere epistemological construct to enable us to understand how society functions, but as a metaphysical condition.

What about the criteria Murray had just posited for determining whether something is a public good? Public education fails the first test: it cannot be provided to everyone equally, though Murray tries to fudge by claiming its benefits, in the form of a more competent electorate, are distributed equally. It fails the second test: it cannot be provided "without diminishing its availability to others"; every dollar spent educating my child is a dollar not spent educating yours. Whether it provides "something that cannot be provided by individuals on their own"— Murray's third criterion — is debatable, to say the least. It is only the fourth criterion — enjoyment of "public support" — that government education unambiguously meets.

But here I am quibbling. There are a great many characteristics of *What It Means to Be a Libertarian* that make it thought-provoking and pleasurable. Unlike most libertarians, Murray appreciates the relationship between liberty and community, family, friendship and cooperation. Too often, libertarian thinking seems focused on *homo economicus* or on sterile philosophical proofs.

Over half his book is devoted to explaining how a libertarian society would function. Here he spells out a libertarian political program in considerable detail, presenting non-libertarians with a convincing case for radically decreasing the power of government. And make no mistake about it: Murray's willingness to admit the existence of public goods does not lead him very far from a radical libertarian agenda. He makes a powerful case for a constitutional amendment prohibiting the federal government from any intervention in the economy except in cases of force and fraud. He proposes to eliminate all anti-discrimination laws except those that bind government itself, end Medicaid and Medicare, deregulate health care at all levels of government, abolish all laws regarding alcohol, drugs, prostitution, gambling and pornography, get rid of all environmental laws except those enforcing "minimum standards for air and water quality" (114), and get rid of all income transfers and government social-service programs. About the only elements in his program that might offend the most radical libertarian are school vouchers, national defense, law enforcement, and regulation of natural monopolies.

His case for this radical agenda is made quietly, reasonably, and convincingly. He presents his arguments eloquently, summarizing and discussing objections that most people might make. This is a terrific book to give to a friend who doubts your goofy libertarian ideas could ever work.

The final third of the book is an exploration of whether a libertarian society can ever be achieved. Murray asks, "Why bother laying out the parameters of a limited government that is so politically unrealistic?" (143) Here Murray goes where many libertarians fear to tread, because honest forays into the subject often lead to discouragement and disengagement. Thus the Libertarian Party always finds ways to report progress, despite the fact that after a quarter century, its presidential candidate can barely muster the votes of one American in 200.

Boaz and Murray each provide a sparkling statement of quite different versions of libertarian theory, nicely illustrating the conflicts within libertarianism today.

The typical libertarian optimist very selectively reports poll data and demographic trends, while overlooking such trivialities as, for example, the fact that 57% of Americans identify "improving public education" as the top priority for Congress. Murray will have none of that. He acknowledges that "[l]ooking where we are, pessimism is realistic" (143). But there are reasons to believe that "large changes [can] become possible" (157). The first two reasons are familiar to most libertarians: "American government is no longer 'us' but 'them'" (144), and Americans are beginning "to identify areas of life in which they are willing to give up government benefits in return for being left alone" (149).

The next is novel: As "elites experience freedom in their own lives and see it denied to others, large changes become possible" (157). Murray argues that the two new elites in America — affluent baby boomers and young techno-fluent post-boomers — have isolated themselves from the failure of government. They once believed that government was making things better for the poor, but they can see that this has not worked:

The American class system is looking more and more like an aristocratic hierarchy in which the privileged enjoy one relationship with government while the peasants must endure another, and many of the privileged know it. As this recognition spreads, there is reason to hope that many of the successful baby boomers can be made to feel embarrassment — perhaps even shame — and to modify their policy views . . .

For several decades the received wisdom among America's elites has been that we live in a complicated world, the Constitution is a living document that must be adapted to the times, and America's traditional ideas about individualism and freedom are outmoded. But the people who have recently come to dominance and those who will come to dominance in the new century are increasingly aware — or can be made aware — that freedom still works in their own lives and that they effectively exempt themselves from most of the laws that take freedom away from other people. As this awareness spreads, there is an opening for a simple message: Freedom works. You know that from your own life. Give it a chance to work for everyone else as well (159–162).

His final reason for believing major changes may be in the offing is that Americans are wresting control of the "stuff of life" from government. By this he means "the responsibility for feeding the hungry, succoring the sick, comforting the sad, nurturing the children, tending the elderly, and chastising the sinners" (163). Americans turned all this over to the government during the past half century, and the results are not pretty. Not only has the government pretty well botched the job, but this transfer of responsibility has undermined our communities, our neighborhoods, and our families. Americans are realizing what a horrible mistake they made; we see evidence of this in the ascendency of family values as a political shibboleth. As Americans recapture these responsibilities, as we take the stuff of life back into our own hands, we will realize that government ought not be the behemoth that it is today.

This is interesting and thought provoking, especially for left-brained libertarians who celebrate their social isolation and see social atomism, not as a mere epistemological construct to enable us to understand how society functions, but as a metaphysical condition.

For Libertarians and Regular People

Until I read David Boaz's *Libertarianism: A Primer* and Charles Murray's *What It Means To Be a Libertarian*, I don't believe I had ever encountered two books published simultaneously on the same subject that recommended each other. I don't know quite what to make of this, except to observe that the libertarian movement is still a pretty small arena, one where, apparently, everyone reads everybody else's books while still in manuscript.

If *Libertarianism: A Primer* and *What*

Ideas run the world

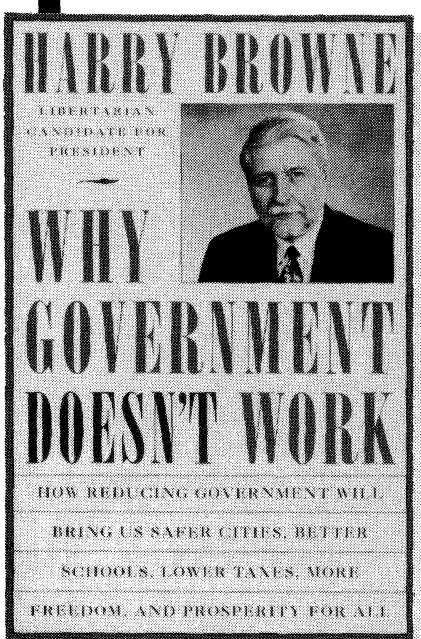

And the ideas behind American government today are coercive and corrupt.

But now Americans are beginning to grasp that something is rotten. Sure, they've been told a thousand times by the establishment pols that it's just a matter of a different party, a new program, one more tax increase. But year after year crime gets worse, schools fall apart, and the net of regulations is drawn more tightly around your life and property.

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It Means To Be a Libertarian reach the audience that they merit, the day when libertarianism is back in the mainstream of the American culture will be much closer. Boaz's book will likely appeal more to the young and the techno-elite who like their thinking neat and tidy, while Murray's will appeal more to those more experience-oriented and less philosophically rigorous.

I halfway wish there were some way their respective appeals could be reversed: the young and techno-elite might benefit more from Murray's more contemplative cast of mind, and the right-brained might benefit more from the vigorous system-building of Boaz. But one thing is certain: both books can be read with great profit by libertarians, despite the fact that they are ostensibly aimed at non-libertarian audiences. ❑

***Sexual Correctness: The Gender-Feminist Attack on Women*, by Wendy McElroy. McFarland & Company, 1996, 190 pp., $28.50.**

Truth and "Sexual Correctness"

Ginny NiCarthy

1973: Two teenage girls are raped. The police detective berates them at length: "If you hadn't cut school, this never would have happened." Only at my urging does she agree to take a statement detailing the crime.

A woman named Pam, worried about her friend Christine's safety, walks Christine to her apartment. Then, after leaving Christine at her door, Pam starts toward home. A man pushes her down and rapes her. The next day Pam says to me, "It's my own fault. I shouldn't have been in that neighborhood late at night."

At the time, I was an administrator at one of the first rape crisis centers. In those days, police typically blamed women who "got themselves raped." Victims believed they had brought the assault on themselves. They had been in the wrong place, or stayed too late, or been with the wrong man — or dared to go out unprotected by a man at all.

Then feminism happened. Thanks to the work of rape crisis centers, the emotional toll of sexual assault was made tolerable for many women. Wendy McElroy was one of them. In *Sexual Correctness: The Gender-Feminist Attack on Women*, she describes the personal impact of changes in attitudes toward rape that resulted from "the groundwork laid by feminism."

> I had a right to be angry, not only at the man who raped me, but also at the laws and cultural attitudes that sheltered him and not me. From feminism I learned an irreplaceable and healing lesson: it was not my fault. (p. 22)

1996: A woman can't recall what happened after a couple of drinks with a strange man, though she apparently realizes they had sex. She writes Ann Landers to ask whether that was rape. Landers' answer is "Yes." Yes, even though the woman cannot recall what occurred.

McElroy doesn't try to explain how we moved from one form of damaging nonsense to the other. But she does recognize the change, arguing that the women's movement has come to embrace "sexual correctness," an ideology that has had a deleterious effect on attitudes toward sexuality, work, abuse, and discrimination. Advocates of "gender feminism" have been present from the beginning of the movement. Now, McElroy believes, they threaten the very freedoms they claim to protect.

Gender feminists, McElroy says, view men and women as "separate and antagonistic classes" and claim that men oppress women "through the twin evils of the patriarchal state and the free-market system." Their goal is "gender (class) justice for women" (1), not equality. They have changed the definitions of rape, sexual harassment, and other offenses against women.

McElroy's alternative is individualist feminism, "an ideology based on the principle 'a woman's body, a woman's right.' [Individualist feminism] makes no distinction between civil and economic liberty. Both are matters of contract and consent. Government — the institutionalization of force — is seen as the greatest threat to women's freedom" (1). "Self-ownership," McElroy says, "is the defining term of individualist feminism" (16).

One could, of course, quarrel with this categorization. Like ensembles displayed on a store mannequin, McElroy's categories look a lot neater on the ideological hanger than on us when we try them on. But to assess McElroy's arguments, it isn't necessary to find an ideological fit, or to be a feminist at all.

Sexual Correctness contrasts gender feminist and individualist feminist approaches to pornography, sexual harassment, marriage and the family, prostitution, and reproductive technology. Each of those topics is related in obvious ways to sexuality. Child sexual molestation and questions about the validity of repressed memory are allotted only one page — a puzzling decision, given the volatile controversy surrounding those issues. The chapters on affirmative action and comparable worth have little to do with sexuality, but were apparently included because of their association with "correctness."

"Correctness" is not a word I generally find useful for explaining complex concepts, and I anticipated with curiosity McElroy's definition of it. But I could find no definition. The closest the

author comes is:

> Sexual correctness is an all-embracing theory dictating how husbands should treat wives, what comments strangers on the street may make to women passing by, how much employers should pay female workers, what subjects coworkers may discuss, and how women may use their own bodies (e.g., not posing for pornographic pictures).
>
> . . . sexual correctness has redefined, collectivized, and politicized the crime of rape. . . . It is a political act that men, as a class, commit against women, as a class . . . (6–7)

McElroy's substitution of polemic for definition was disappointing, but I remained optimistic that she would fully explore libertarian perspectives on feminism and enrich my understanding of the women's movement — including the extremist, wrong-headed, gender-feminist wing. I agreed with McElroy's opposition to Andrea Dworkin's notion that patriarchy turns men "into rapists by definition and women into victims by definition" (8). And I welcomed her defense of the rights of sex workers to do their jobs without government interference, and her ire at gender feminists' "righteous persecution of 'bad' sexual attitudes" (7).

It was refreshing to find a writer who recognizes how invaluable feminism is to rape victims *and* that gender feminists have gone off the rails in alleging that rape is the norm. At last, I thought: here is a voice of reason.

Unfortunately, McElroy frequently fails to support her positions adequately. To her credit, she avoids what must have been a temptation: to focus, like most critics of feminism, on gender feminists' most outrageous acts. McElroy has tried to do something more, to describe fundamental differences among feminists. But too often she fails to follow through on a promising idea.

Adversaries and Authorities

Gender feminism represents neither a movement nor an organization, and McElroy frames her counterattack largely in terms of the ideology of its most radical exponents. Their rhetoric is typically excessive enough to quicken the heart of any anti-feminist. Dworkin and Catharine MacKinnon, for instance, spew forth extravagant judgments about the men they love to hate. Their outlandish claims, easy targets for McElroy, also offer snappy print-bites for popular media, which easily confuse their opinions with those of the entire feminist movement. And McElroy has done her readers a service by (usually) making clear that individualist feminists, among others, disagree with them.

MacKinnon, for example, says, "Politically, I call it rape whenever a woman has sex and *feels* violated" (22, McElroy's emphasis). Dworkin blames males-as-a-class for violating women:

> The common erotic project of destroying women makes it possible for men to unite into a brotherhood . . . and all male bonding is based on it. (40)

It was refreshing to find a writer who recognizes how invaluable feminism is to rape victims and that gender feminists have gone off the rails in alleging that rape is the norm.

Not only individualist feminists, but liberals and others, deem that type of statement nonsense, and such quotes help McElroy's case. It is therefore ironic that McElroy appears to ally herself with Camille Paglia, whose rhetoric often resembles that of McElroy's gender-feminist adversaries:

> Nature gives males infusions of hormones for dominance in order to hurl them against the paralyzing mystery of woman . . . [1]

Paglia also refers to sperm as "miniature assault troops,"[2] a comment more graphic and amusing than the Victorian belief that "men only want one thing," but barely distinguishable from it — or from Dworkin's remarks. Admittedly, McElroy quotes only Paglia's relatively moderate homilies. But the fact remains: though polarized on questions of "correctness," Paglia, Dworkin, and MacKinnon agree about the essentially predatory nature of men.

Paglia aside, McElroy relegates other feminists to a few walk-on parts, generally portraying the feminist movement as if it were composed only of gender feminists such as MacKinnon and Dworkin on one side, and individualists such as herself on the other. I suppose this is appropriate for a book subtitled *The Gender-Feminist Attack on Women*. Nevertheless, it carries the hazard of a simplistic presentation. It is easy to write off the most extreme gender feminist ideas, whereas more defensible, moderate, and complex liberal feminist views get a hearing only when they serve McElroy's purposes. For instance, she favorably contrasts liberal feminists' defense of free speech with gender feminists' call for censorship, and liberals' campaign for reforms within the system with gender feminists' revolutionary agenda. But in other contexts, she tends to dismiss liberal feminists as merely advocating a less extreme version of the gender feminist agenda — a plausible view, but one that she does not really defend.

For example, McElroy argues that a surrogate mother's agreement to carry a fetus is no different from any other contract. But one needn't favor abrogating surrogate mothers' rights to recognize that their contracts are of a different order than others in their effect on third parties, i.e., the children born of them. Here, as elsewhere, McElroy's focus on the extreme allows her to avoid confronting liberal feminists' more complex views. But this narrow focus comes at the expense of historical and social contexts.

Rape in Context

McElroy disputes the three major claims Susan Brownmiller makes in *Against Our Will*: that rape is part of patriarchy, that men have created a mass psychology of rape, and that rape is a part of normal life. She rightly criticizes Brownmiller's exaggerated allegation that all rape "is nothing more or less than a conscious process of intimidation by which *all* men keep *all* women in a state of fear" (25, Brownmiller's emphasis). But McElroy seems to believe that because Brownmiller overstates her case, it follows that rape bears no relationship at all to gender.

It is now common knowledge that boys as well as girls are subjected to sexual assault, that some men and women rape same-sex partners, and that men are raped in various situations, notably imprisonment. Neve-

rtheless, most rapists are men; most victims, women or children. This doesn't mean that men are monsters or that all men rape. What it ought to suggest is that gender may be one important component of sexual assault, and that male and female acculturation may affect the different sexes' attitudes toward violence.

McElroy chooses Brownmiller's 1975 book as representative of the men-as-a-class-are-the-enemy-of-women-as-a-class perspective. She refers to Brownmiller's idea that "[e]ven seemingly innocent men are guilty because they benefit from the 'rape culture,'" a reasonably accurate summary. However, "rape culture" is not a phrase Brownmiller used, and it is disappointing that McElroy doesn't discuss the currently prevalent, often more moderate descendants of Brownmiller's ideas.

Consider the 1993 anthology, *Transforming a Rape Culture*.[3] This book's contributors make the case that media frequently conflate sex with violence; that in certain male institutions, such as fraternities, rape is often treated as a joke; and that rape and the fear of it negatively affect women's (and men's) lives. They provide evidence that rape is not *solely* an individual crime. That is, institutional practices affect attitudes toward rape, and those attitudes, in turn, affect institutional policies. Since some of the contributors are undoubtedly gender feminists, it would have been useful to read McElroy's specific counterarguments to both the extreme and moderate positions presented in the book. But she did not choose to address such specifics.

It is difficult now to recapture the spirit of those times. Rape was still only a whispered word. Most women who had been subjected to it held their tongues.

McElroy also mocks the notion of "institutionalized" oppression or discrimination. She is apparently unwilling to accept that ideas emanating from religious authorities, psychologists, educators, and politicians both reflect and reinforce institutional attitudes, policies, and practices.

Sexual Correctness provides little historical background for the anti-violence movement, thereby missing an opportunity to expand readers' understanding of (for example) the social context of rape. The early '70s brought a flood of new insights into the depths of sexism and the pervasiveness of violence against women, especially sexual violence. It is difficult now to recapture the spirit of those times. Rape was still only a whispered word. Most women who had been subjected to it held their tongues. At that time I directed a rape crisis center, and after nearly every talk I gave about rape, a woman would tell me she had "never told a single soul" what had been done to her twelve or 20 or even 40 years earlier. Shame had overwhelmed her. She had always felt that it was her fault; that somehow she had asked for it, had deserved it.

It is precisely that shame and self-blame that McElroy credits feminism with mitigating — a change that took place when feminists recognized that it is rapists who are at fault, not their victims. Women, we realized, had been blamed for being raped, because of the widespread belief that women must be held accountable for male sexuality. Those are ideas about the "class" of women and the "class" of men. They are political ideas. Rape is a crime committed by one individual against another, but it occurs often enough to present social problems, which can be partly addressed by a collective response. Sometimes, the most effective action is political action.

Women's Fear of Men: Not a New Phenomenon

It is hard to say which, if any, of McElroy's claims are valid, since she frequently relies on insinuation to make her point, rather than stating precisely what she means. She implies that women's fear of men is unjustified, is new, and is largely an irresponsible invention of gender feminists. But — to take up just one of her misperceptions — women's fear of men is not new, and McElroy offers no evidence that it is more prevalent now than in the past.

Women have always feared men. Why else would our mothers have admonished us not to speak to "strange men"? When they told us to be home before dark, it was not women they were cautioning us about. Growing up in the '30s, '40s, '50s, and earlier, girls and women assumed that men were dangerous. Older sisters told us "they only want one thing." Fathers and brothers warned us about them, saying they knew what boys and men were like. The nuns who taught me in high school insisted that it was girls' and women's job to prevent sexual contact, since men could not control themselves. The idea of men as predators was so thoroughly embedded in all our institutions that many people were not — and are not now — consciously aware of it. A woman's seemingly unwarranted anxiety or caution often stands for fear of rape.

McElroy devotes an entire chapter to reporting the results of her own study, which errs in precisely the ways she attributes to gender feminist research.

Toward the end of her chapter on rape, McElroy momentarily sounds like a gender feminist herself: "[t]here is no safety for women on the streets, on the campus, or in their own homes. Violence has become so epidemic that the world seems to be going slowly crazy, and no one can rely on other people for protection" (35). Her solution: encourage women to use guns for individual self-protection. McElroy doesn't tell us who she thinks are the major perpetrators of the "epidemic." For many years, criminologists' statistics have indicated that the vast majority of crimes are committed by males (against other males). Perhaps it is time for us to take a serious look at how society "institutionalizes" all of our social attitudes toward maleness and femaleness, and their relationships to violence, power, and weakness.

The Pot and the Kettle

McElroy disdains gender feminists' rejection of scientific method and their preference for emphasizing "the impor-

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tance of women's personal experiences." That approach, she says, has "a myriad of problems," beginning with a lack of objectivity. Gender feminists "interview and credit only those women who have been victimized and who consider themselves to be oppressed by men" (10). I expected that allegation to be followed by examples of the research McElroy objects to, but not a single one appears in the section of the book entitled "Methodology."

McElroy criticizes gender feminist research for being biased, inaccurate, and inept. But her method of discussing that research, and of presenting her own study results, demonstrates her own bias, inaccuracy, and ineptness. This is particularly evident in her criticism of research on sexual harassment. "[C]onducted by those with an ideological bent," these studies are biased in themselves, McElroy says; and "the media's natural tendency toward sensationalism" (56) further biases public impressions of their significance. In a presumed effort to support that statement, McElroy offers three examples. The first is mentioned only briefly, as a study too small to matter. The second example is an article in *Seventeen* magazine, which included a reader survey and what McElroy dismisses as an "emotion-laden story of a woman's ordeal in the face of harassment."

The story is about Katy, a high school sophomore whose name was splattered across the walls of a toilet stall in the boys' bathroom: "Katy ___ sucked my dog's d. . .," "Katy ___ is a slut," and other such literary gems. (Ellipses in *Seventeen* were presumably not part of the graffiti. The omission of her last name is mine.) For two years, other forms of harassment followed Katy home and onto the school bus. [4]

One of the magazine's survey questions, she says, "was whether anyone had *forced* any of the following behaviors upon the student in the last school year: any sexual contact, such as a touch, pinch, or grab; any leaning over or 'cornering' . . ." Readers are left to guess whether the quotation marks around "cornering" imply that it is a meaningless concept or a trivial event. Anyone who has been cornered, especially by one or more hostile people, taller and more muscled, knows the experience is not trivial. McElroy's

emphasis on the word "forced" calls our attention to it, but she offers no explanation for it. Nor does she tell readers that neither the quotation marks nor italics are part of the original questionnaire. In fact, the word "forced" is McElroy's addition, and does not appear in the survey questions at all. Rather, the magazine asks whether anyone did these things "when you didn't want them to."

McElroy criticizes the *Seventeen* survey on the basis that the responses comprised only 1.2% of the magazine's estimated number of subscribers. But that indictment comes to us second-hand, from Christina Hoff Sommers' *Who Stole Feminism.* McElroy herself does not cite that issue of *Seventeen*. The issue she does mention includes the questionnaire, not a report on responses — and without the omitted reference, an ordinary reader cannot even *check* what the *Seventeen* sample really represents.

In any case, the *Seventeen* article ought to be evaluated on its own terms: as popular journalism encouraging teenage girls to recognize harassment, confront it directly, report it if that doesn't work, and support those who are victimized.[5] Ironically, those goals seem thoroughly compatible with individualist feminism.

Although McElroy disposes of the *Seventeen* study on the basis that its sample is too small and select to generalize, she also dismisses a 1981 survey of 20,000 federal employees, in which a whopping 84% of questionnaires were returned (a fact she fails to mention). The study and its 1988 update total well over 100 pages of detailed tables, text, statistical breakdowns, and appendices. In a five-sentence critical summary, McElroy tries to jettison its significance, but only distorts the facts.

McElroy: the subjects are "20,000 women"; "42 percent of the women had experienced sexual harassment" (56). Reality: the study surveyed *men and* women. It reported that some men had been sexually harassed by women, and that some women and men had been harassed by people of the same gender. Total: 42% *of respondents* say they have been harassed.[6]

McElroy: "the definition of sexual harassment was 'unwanted sexual attention'" (56). Reality: the reports

Brush

by Joanne Lowery

On the beach behind a cheap motel in Florida
a lanky fifteen-year-old decided to test the waters.
This was years ago, on the Atlantic side,

and no one else enjoyed the sand, no lifeguard
kept watch over nothing. The boy
took a stroll straight out to see how far
he could keep going, feet bobbing to the bottom.
Most of us have done the same,

though most of us would not have walked
so far from shore, arms cresting the waves,
our soft hair thrown back and floating.

When the reef dropped off
when his long legs dangled
and the cross-tide took him a foot or two
on its way to England, the young swimmer
was not really surprised.

It was as logical for him to be swept away
as anyone else. If only he had stayed
back home in the middle of the USA
where blue meant delphiniums
and water was only rain.

He had not yet touched a girl
and already he was in over his head,
most of life's books unread, places unseen,
the terrible negative undone all around
perversely carrying him out

into the current of possibility
that finally let him stroke, lungs brimming,
back where once he came from —
the sand felt just the same to all ten toes,
the vacancy sign rose above the tile roof
of the room his family was renting,
the room where he returned
and dried off without word of his escape.

The next day they left and drove part of the way
to the rest of his life. Everything all around
was edged with a sharp black line.
When years later he told the story
to answer a question about fear

he talked about the expanse of ripples,
salt burning his throat,
how impossible that he could have ended there.

break down responses into seven specific categories of "unwanted attention," in ascending order of severity. (One of those categories consists of rape and attempted rape, reported by 1% of respondents in 1981, 2% in 1988.) As with the *Seventeen* article, McElroy misrepresents the federal study as lumping together merely unpleasant acts and truly threatening ones.

Two of McElroy's five sentences on the federal study are introductory. The next three offer a mix of minor errors (which I shall not detail here, in the interests of space) plus a fundamental misrepresentation of the entire work. Thus, McElroy insinuates that the federal study, like the *Seventeen* survey, is typical of gender feminist "SLOPs" (self-selected listener opinion polls), as she calls them. But the commentary in the federal report clearly states that harassment is not peculiar to men, and that women are not the only ones victimized — contradicting McElroy's claim that the study was performed by "sexually correct" gender feminists, who assert that men, and only men, commit sexual harassment and rape.

Prostitutes need allies who see the totality of their lives, sans rose-colored glasses.

In sum, contrary to McElroy, the *Seventeen* article is appropriate to its venue, the federal surveys and reporting are scientifically sound, and neither report is a "gender feminist" study.

This need not have been. If McElroy had seriously wanted to dispute the incidence of sexual harassment in the private sector, she might have discussed the many readily available surveys of women in trades, hospital workers, etc., or the many incidents women private-sector workers have brought to court.

Surveying "Sex Workers"

McElroy alleges that gender feminists have published "the statements of organizations such as WHISPER — Women Hurt in Systems of Prostitution Engaged in Revolt . . . while ignoring the voice of proprostitute [sic] groups like COYOTE [Call Off Your Old Tired Ethics]" (126). But she does not provide evidence for this claim, and I am reluctant to accept it because her other assertions are so loaded with errors. But even if one accepts this assertion as fact, the remainder of her discussion of sex workers is problematic: McElroy devotes an entire chapter to reporting the results of her own study, which errs in precisely the ways she attributes to gender feminist research.

Her own survey pulls from a sample on the opposite side of the political continuum from WHISPER. To her credit, McElroy admits the limitations of her biased self-selecting sample. But simply acknowledging that drawback hardly seems sufficient. Her study, like the WHISPER survey, was informal and did not use a random sample — the second caveat she offers. For all we know, the WHISPER surveyors may have made similar admissions.

McElroy distributed "about two hundred" (135) surveys through COYOTE. The results might have anecdotal value, just as have some results of similar surveys by gender feminists. At least they might if we knew whether they came from prostitutes working for madams, or from strippers, or from call girls, or . . . But McElroy refers to them only as "sex workers." She quotes, appropriately enough, some women's answers to particular questions. But soon she moves beyond the anecdotal to the sort of analysis appropriate for a quantitative survey. Without even giving the precise number of responses — "several dozen surveys were returned" (136) — she tells us 95% said this, 88% that. It is not clear what McElroy means when she says that "not a single woman [in her survey] came from the streets" (139). But if her subjects included only call girls or others working independently of pimps, more or less safely off the streets, they are hardly representative of prostitutes in general.

I had already begun to lose confidence in McElroy's reliability when I reached her reference to "Jennifer James's acclaimed study (1976) of New York prostitutes" (127). Actually, the survey was of prostitutes in Seattle, Washington, and in other western states — a minor discrepancy, but more evidence that McElroy is sloppy with her facts. McElroy says James listed prostitutes' motives for their work as "a desire for independence, a sense of adventure, and the lure of the madonna-whore myth" (127), and cites the James study as further evidence for her general belief that a "prostitute trades her sexual services like a secretary trades her typing services" (128).

In fact, Jennifer James conducted four studies, which varyingly included male and female adolescent prostitutes, adult female prostitutes, drug-addicted prostitutes and non-drug-addicted prostitutes. The average age of the adult prostitutes was 19 and a half. Ten years later, James revisited a hundred of her female subjects and found a very high incidence of drug addiction, children's lives in disarray, and a significantly high death rate compared to what might be expected of other 29-year-old women. She describes their lives as "devastated." [7] So much for adventure, independence, and all that. McElroy chooses not to mention those findings, which would certainly erode her claim that prostitution is a job like any other. Nor does she include data from any recent studies of prostitutes (other than her own).

A woman has a right to be a prostitute. Of course. But that shouldn't prevent us from recognizing the life as frequently hard, humiliating, and dangerous.

A woman has a right to be a prostitute. Of course. But that shouldn't prevent us from recognizing the life as frequently hard, humiliating, and dangerous, as requiring involvement with violent or sleazy people. Among other hazards McElroy chooses not to mention, AIDS looms large. Prostitutes need allies who see the totality of their lives, sans rose-colored glasses.

Justice: Ends-Oriented?

McElroy objects to gender feminists' view that justice is ends-oriented. She says their ideology is designed to protect women as a class, but that in reality it furthers paternalism and discourages self-ownership and choice, which flourish in a free market. McElroy's own

brand of libertarianism eschews the "ends-oriented" perspective of gender feminists. Yet she compromises this position by discoursing on the alleged social consequences of the ideological policies she discusses. And she strenuously downplays the social consequences — the elsewhere disdained "ends" — of what her adversaries deplore: rape, sexual harassment, discrimination at work, pornography, prostitution.

Her information about the impact of those activities is frequently inaccurate, and her interpretations arguable at best. They certainly contradict my experience interviewing prostitutes, women who have been battered, rape victims, and women subjected to harassment at work. But suppose that she's right and I'm wrong — suppose that pornography and prostitution don't harm women. That leaves open the question: What if they *did* harm women? Would McElroy then favor government intervention? If there are circumstances that would cause her to compromise her individualist position, we need to know how she would recognize those conditions and evaluate them. And if nothing would warrant a modification of her principles, why devote so much space to discrediting gender feminists' claims of harm?

Throughout *Sexual Correctness*, McElroy exhibits a tendency to dichotomize: if *this* individual act is present, it precludes *that* social or political response. If gender feminists exaggerate a problem, then there must not be one at all. If individual confrontation is called for, then collective social action must be wrong. But one needn't be a liberal to perceive that "either-or" is not the only choice, and that a "both-and" approach to problems often makes sense. One attempt at a solution may follow another, or two approaches to a problem may be tried concurrently. Both the *Seventeen* article and the federal study, for instance, recommend direct, immediate confrontation as the first choice in dealing with sexual harassment — to be followed, if necessary, by attempts to gain institutional responses.

Gender feminist ideas are flawed enough that McElroy needn't rely on false representations of research to vilify them. She charges others with simplistic thinking, but the reader must contend with McElroy's own narrow, dichotomized thought, and her denial of the influence of social institutions.

McElroy plans a series of books on the topics briefly dealt with in this volume. I hope that her future efforts will present her case for individualist feminism more fairly and fully than she has done here. She would do well to flesh out her analyses with more historical and social context and with explanations of other feminists' varied views.

Despite its considerable shortcomings, *Sexual Correctness* does provide some mental and political fodder to chew on. Unfortunately, too much of it takes the form of a low-cal snack, leaving us hungry for something more substantial. Furthermore, it does not provide what the package advertises: sound evidence to back up McElroy's claims. ❑

Notes:

1. Camille Paglia, *Sexual Personae* (Random House, 1991), p. 24.
2. *Ibid.*
3. *Transforming a Rape Culture*. Edited by Emilie Buchwald, Pamela R. Fletcher, and Martha Roth. Milkweed Editions, 1993.
4. Adrian Nicole LeBlanc, "Harassment in the Halls," *Seventeen*, September 1992, p. 163.
5. Adrian Nicole LeBlanc, "Harassment at School: The Truth Is Out,"*Seventeen*, May 1993, p. 134. The author notes that "[more] than 4,000 [girls] responded . . ." 4,000 is not nothing. Of those, 83% said they had experienced unwelcome touching, pinching, grabbing. Also not nothing. The responses: 74% told the harasser to stop, 46% walked away, 40% resisted with physical force. Only 13% did nothing. The author of the article makes no claim that her findings can be generalized.
6. U.S. Merit Systems Protection Board, *Sexual Harassment in the Federal Workplace: Is It a Problem?* (U.S. Government Printing Office, 1981); U.S. Merit Systems Protection Board, *Sexual Harassment in the Federal Workplace: An Update* (U.S. Government Printing Office, 1988).
7. Interview with Jennifer James, December 29, 1990.

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Nathan Crow is the associate editor of *Liberty*.

Sir Roger Douglas was Minister of Finance in New Zealand from 1984 until 1988. His article was originally presented to a meeting of the Mont Pelerin Society in Christchurch, New Zealand, 1989, and was published previously in his book, *Unfinished Business*. Reprinted with permission.

Robert Higgs is the author of *Crisis and Leviathan* and the editor of the *Independent Review*.

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Wendy McElroy is the author of *XXX: A Woman's Right to Pornography* and *Sexual Correctness*.

Robert H. Nelson is the author of *Reaching for Heaven on Earth: The Theological Meaning of Economics*, and several other books.

Ginny NiCarthy is the author/co-author of several books, including *Getting Free* and *The Ones Who Got Away*.

Thomas S. Szasz is the author of *Our Right to Drugs*, *The Meaning of Mind* and many other books.

Jesse Walker is a journalist living in Seattle. He is writing a book on micro-radio and pirate radio.

Terra Incognita

New York

Advance in world peace, reported in *The Wall Street Journal*:

The United Nations has called upon nations to report all contact with extraterrestrials to the Secretary-General.

Janesville, Wisc.

Further evidence on the link between professional football and domestic violence, from the *Milwaukee Journal Sentinel*:

A man has been charged with beating up his girlfriend for claiming the Green Bay Packers "sucked."

Seattle

New trends in the fight against public-school violence, as reported by the *Seattle Post-Intelligencer*:

John Rogers Elementary has expelled ten-year-old Jeffrey Parks for bringing his toy G.I. Joe pistol to school and showing it to his classmates. The gun is one inch long.

School officials said Jeffrey had violated a school policy banning "guns of all kinds."

Czech Republic

Financial progress in neo-capitalist Central Europe, as described by *The Free Press*:

After a branch of the large, financially troubled Czech bank Agrobanka was held up for about $8,000, "Agrobanka head Jiri Klumpar praised the robbery as a sign of public confidence, signifying that people now believe the bank actually has money in it."

Amerikkka

Note on human rights, from a "collective statement" by members of the Lesbian Committee to Support Women Political Prisoners and Prairie Fire Organizing Committee on "White North American Political Prisoners":

"Bill Dunne and Larry Giddings have been in prison since 1979 for participating in expropriations and the liberation of a comrade from jail."

Cleveland

Cracking down on school choice, as reported in the *News-Herald*:

A Cleveland woman was sentenced to a week in jail for lying about where she lives so that her son might attend school in a better district.

Auckland, New Zealand

Culinary note, from *The New Zealand Herald*:

Trendy Aucklanders are jumping on a new food fad: deep-fried Mars bars.

U.S.A.

Anne L. Bryant, executive director of the National School Boards Association, defends a school's decision to suspend a student for possession of Midol, in *USA Today*:

"If we want drug-free schools, we cannot start arguing over which drugs 'count' and which do not. Do we really want to devote the next school board meeting to arguing over which drugs are dangerous? One person's Midol is another person's deadly allergic reaction."

New Zealand

Television listing from *The New Zealand Herald*:

"**Human Nature** (*G*) Olivia Newton-John presents a wildlife documentary, featuring troubled children in New York, British hedgehogs, Scottish seals and New Zealand kiwis."

Australia

Journalist James Whitaker proposes a chief executive for Down Under, in the *Daily Mirror*:

"When the country becomes a republic and has to choose a president, as it surely will, it need look no further than the Princess of Wales."

Chico, Calif.

The ongoing battle between the dynamic and static visions of society, as described in *The Progressive Review*:

The director of affirmative action at Chico State University has banned the use of the word "dynamic" in college advertising because it is "eurocentric [sic], restrictive and phallocentric."

Singapore

The Heritage Institute's second-freest country in the world advises its subjects of new procedures for the Internet, as relayed by *Insight*:

Singaporean Internet service and content providers "will be licensed, and required to adhere to a rigid set of content guidelines which apply to political speech, ethnic and religious remarks including satire, and public morals including contents which propagate permissiveness or promiscuity."

Washington, D.C.

Non-market pricing reveals interesting facts about government's self-evaluation, as noted in the *Milwaukee Journal Sentinel:*

While the Secretary of the Treasury receives $148,400 a year, and the Federal Reserve chairman only $133,600, the Federal Reserve's "support services director" pulls down $163,000 to supervise maintenance, mail room, and other important tasks.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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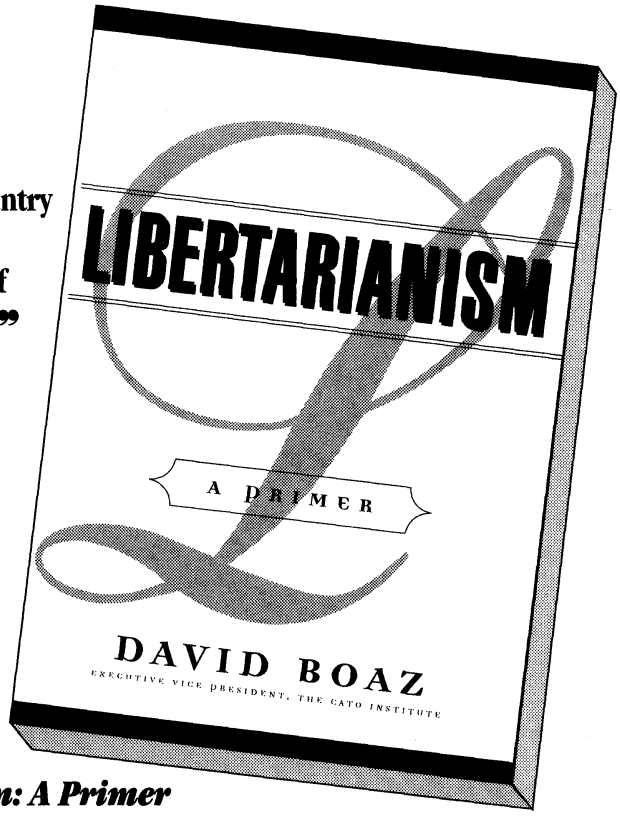

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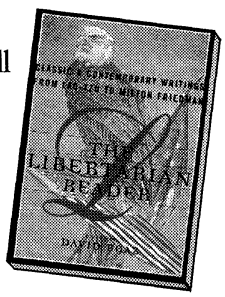

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Inside Liberty

May 1997
Volume 10, Number 5

4 **Letters** Our readers become our writers.

5 **Reflections** *Liberty's* editors celebrate Al Gore's confession to a felony, analyze billionaire capitalist George Soros's attack on capitalism, deconstruct Social Security, and take a second look at cloning.

Features

13 **Mysteries the Titanic** The night the *Titanic* sank, a lot of things went with it — such as, *Stephen Cox* reports, fairness, truth, and duty.

29 **The Misunderstood Mr. Jefferson** Fashionable attacks on Thomas Jefferson, *David N. Mayer* finds, obscure his one ruling passion, the "holy cause of freedom."

40 **License to Steal** Many modern journalists believe they should be above the law. *R.W. Bradford* doesn't.

43 **The Lost Papers of Ludwig von Mises** *Richard Ebeling* finds treasure buried in an obscure warehouse in Moscow.

47 **Do Inalienable Rights Outlaw Punishment?** *John C. Goodman* takes a close look at George Smith's argument against capital punishment.

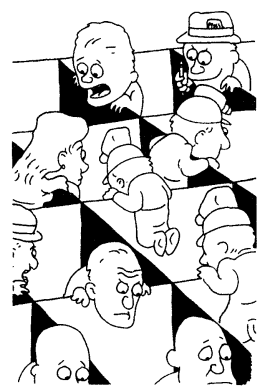

49 **The Hollow Ring of Inalienability** *Timothy Virkkala* argues that inalienable rights are fictions.

Reviews

51 **The Bloody Hinge of American History** The Civil War wasn't anything like what they teach you in school. *Robert Higgs* considers a new history that uncovers the truth about the war.

57 **Blackboard Bungle** Two mainstream educators claim that schools are as good as they ever were; *Nathan Crow* finds this no cause for celebration.

64 **Elitism Unbound** How to be in the elite: anoint yourself with self-importance, then rub your eyes until your vision is blurred. *Jane Shaw* rolls out the eye chart.

65 **Rebels vs. the Federation** *Star Trek*'s bureaucratic ethos is at odds with the rebel spirit of *Star Wars*; *Todd Seavey* knows which side he's on.

69 **Booknote** *Richard Kostelanetz* on the marketing of "Latinas."

68 **Classified Ads** The market, by category.

70 **Terra Incognita** We couldn't make this stuff up.

71 **Notes on Contributors** Reduced to a formulated phrase.

cover illustration: painting by *William G. Muller*, 1981

Letters

Our Right to Medicine

Thomas Szasz's bleak assessment of the California medical marijuana initiative vastly underestimates its libertarian implications ("Marijuana Sellout," March 1997). As one of the organizers of Proposition 215 who shares Dr. Szasz's aversion to the therapeutic state, I can attest that it was specifically designed to undercut government controls on the drug market. Were Dr. Szasz to examine the ballot argument for Proposition 215, he would find it blissfully innocent of blatherings about "medicalization" and a "more rational drug policy." Rather, Proposition 215 was focused on guaranteeing people's *right to medicine.*

One of the glories of Proposition 215 is that it does not place medical marijuana under the control of any state drug bureaucracy. Rather, it *liberates* marijuana from state control by giving patients the right to use and obtain it on the "written or oral recommendation or approval" of a physician. The allowance for oral recommendations is especially radical, since it effectively circumvents the existing system of prescription drug regulations, whereby physicians must fill out triplicate prescription forms so that narcotics authorities can monitor their practice. Unlike previous reformist efforts, which aimed merely to "reschedule" marijuana as a Schedule 2 controlled substance, Proposition 215 effectively removes it from the scheduling system entirely! Another, equally libertarian provision of Proposition 215 is to allow patients to cultivate marijuana for themselves. The purpose of this is to ensure that patients' access to marijuana is not blocked by the FDA, DEA and other drug bureaucracies. In upholding individuals' right to produce their own medicine, Proposition 215 liberates marijuana from the hands of the pharmaceutical-regulatory complex, which holds that consumers must be "protected" from their own decisions by government regulation.

Of course, Dr. Szasz may still complain that Proposition 215 is only a medical marijuana measure and requires a physician's approval — but any broader measure would surely have failed at the polls. The significance of Proposition 215 (and Arizona's Proposition 200) lies less in its narrow provisions than in the fact that it constituted a popular no-confidence vote in current drug policy. By calling into question the credibility of federal drug authorities, the stage has been set for a wider debate. If they were wrong about this, what else might they be wrong about? Already, Czar McCaffrey has been forced to call for a review of marijuana by the Institute of Medicine — the same institution which, in a similar review back in 1982, recommended complete decriminalization. Take heart, Dr. Szasz — Proposition 215 is hardly the last word, but just the first step toward a historic turn-around in drug policy.

Dale H. Gieringer
Berkeley, Calif.

Libertarian Central Planning

Harry Browne's article "Does the Libertarian Party Have a Future?" (March 1997) reflects what Friedrich Hayek called "the pretense of knowledge." Harry presumes to possess the requisite knowledge to plan the future success of the Libertarian Party. But as Hayek so often pointed out, such "fatal conceit" is doomed to fail.

Thousands of Libertarians all over the country collectively possess infinitely more knowledge about liberty and electoral strategy than any single Libertarian planner. Rather than attempting to centrally plan the future of the party in a top-down fashion, the national party hierarchy should instead be seeking out and utilizing the knowledge and expertise of Libertarians all across the country.

At a recent state LP convention, I asked a panel of LP members whether the national party hierarchy had ever asked them what the national LP could do to strengthen the party. They looked at me like I was from Mars. So I asked them what they would say if they were asked. I received three brilliant ideas: (1) a brochure on zoning (and possibly brochures on other local issues) created by the national LP for local candidates (with a blank space to stamp their name and address); (2) an Internet clearinghouse in which LP members in one state could learn what members in other states were doing; and (3) a professionally produced videotape on the LP that could be played on local cable-access stations.

The post-election situation in the national LP reflects the mess that comes with Libertarian central planning. The national LP recently sent out a fundraising letter entitled "A Personal Message from Harry Browne." The letter requested money to promote the central plan established by the national party hierarchy. Shortly thereafter, Browne announced the formation of a committee to explore his renewed candidacy for president.

A top-down, central plan for liberty — especially one that advances the personal goals of the party hierarchy — will bring only damage and defeat to the LP. The party must instead seek out and capitalize on the ideas, insights, knowledge, and expertise of thousands of individual Libertarians. Electoral success at the top depends on a solid foundation at the bottom.

Jacob G. Hornberger
Ashburn, Va.

Devil's Pact

Would I give up my "favorite" government program, if it meant that I would never have to pay income tax again? You're damned right I would! But I am not on welfare, Social Security, Medicare, Medicaid, a federal retiree, or struggling to finance a college education. The Harry Browne Libertarian election 'bargain' was a flawed proposition, because its premise was that the majority of the electorate did not already have a hand deep in some federal pocket. That is patently untrue. The bulk of federal entitlement expenditures goes straight to middle-class Americans, who gain far more from the

continued on page 12

Letters Policy

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

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Reflections

The campaign justifies the means — In their lust for re-election, President Clinton and his henchmen appear to have violated the laws of the United States as well as common morality. But they had good reason. "I would remind you that we were fighting a battle not simply for our re-election," Clinton explained, "but over the entire direction of the country for years to come, and the most historic philosophical battle we've had in America in quite some time — over the direction of the budget, over our commitment to education, over whether we would dismantle large chunks of our environmental regulations and our public health regulations."

Philosophy battles, generally fought in the pages of scholarly journals, used to be quite inexpensive. But now that our Philosopher-King is running things, philosophical battles cost millions of dollars!

His immoral and illegal fundraising methods were not his fault, Clinton explained. It was the fault of those Americans who disagreed with him. "I don't regret the fact that we worked like crazy to raise enough money to keep from being rolled over by the biggest juggernaut this country had seen in a very long time." He was doing it for the good of the country. —RWB

I'd like to thank the cats who made this award possible — In the American century, it has often been said that the U.S. is the new Rome, the new Empire dedicated to the defense of civilization against the forces of barbarism. And now we have new evidence for this idea: Hillary Clinton has received a Grammy for the reading of her book *It Takes A Village*. Students of classical history might be reminded of the emperor Nero, who received awards from all parts of the empire for the public recital of his poems. Nero, of course, had to resort to the threat of the arena's lions to help convince people to grant him awards, while government handouts to equally trailblazing artists do the job for Hillary. Does this mean that humanity is making progress? Well, at least Nero always knew that he was a better artist than leader of his country. I wonder if the Clintons have the same wisdom. —OB

The law and Mr. Gore — On March 3, Al Gore told a press conference that during the past two years, "I made calls to ask people to host events and to ask people to make lawful contributions to the campaign. On a few occasions I made some telephone calls from my office in the White House. I never did anything that I felt was wrong, much less illegal. I was advised that there was nothing wrong with that practice." With those words, Vice President Gore confessed to approximately fifty felonies, punishable by a total of 150 years in prison and a fine of $250,000.

Unhappily for the vice president, 18 U.S.C. 607 (a) states: "It shall be unlawful for any person to solicit or receive any contributions . . . in any room or building occupied in the discharge of official duties . . . any person who violates this section shall be fined not more than $5,000, or imprisoned not more than three years, or both."

This law has been on the books since 1883, and is sufficiently well-known to members of Congress that almost any day you can see them walk out of the Capitol to make calls to donors on cellular telephones. It was also well-known to the administration. In early 1995, White House Counsel Abner Mikva sent a memo to all in the White House. noting that "[c]ampaign activities of any kind are prohibited in or from Government buildings. This means fundraising events may not be held in the White House; also, no fundraising phone calls or mail may emanate from the White House."

But Gore was apparently too busy re-inventing government and raising some $40 million for the campaign to read the memo.

He wasn't the only high-level administration figure who didn't realize fundraising in the White House is illegal. The day before, the subject had come up on ABC's "This Week" television program. One of the pundits on the program was former White House staffer George Stephanopoulos, who said that the Democrats needed money in 1994 and 1995, and "of course the vice president was raising money." When asked by Sam Donaldson for more information, Stephanopoulos said, "You put in special phones, special faxes, special computers that are for political work, for the fund-raiser work."

Donaldson asked, "But still inside of a government building?" Stephanopoulos replied, "Sure. Absolutely." Another panelist said, "You cannot raise money in or from a government building." Stephanopoulos responded, "Well, I mean, that's nuts."

Gore told the press conference he wasn't going to do it anymore. But . . . "Everything I did, I understood to be lawful. I never did anything I thought was wrong, much less illegal," he added. "My counsel advises me that there is no controlling legal authority or case that says that there was any violation of the law whatsoever in the manner in which I asked people to contribute to our re-election campaign." (During the press conference, Gore used the phrase "no controlling legal authority" seven times, as if it were a magic talisman to ward off danger. Translated from legalese into English, it mean that no vice-president has ever been charged with violating this law in the past.)

Four days later, President Clinton told a press conference that perhaps he too had made telephone solicitations from the White House on behalf of his campaign: "I told him to leave that possibility open because I'm not sure, frankly. I don't like to raise funds in that way. I never have liked it very much. I prefer to meet with people face to face, talk to them, deal with them in that way. But I can't say, over all the hun-

dreds and hundreds and maybe thousands of phone calls I've made in the last four years, that I never said to anybody while I was talking to them, 'Well, we need your help,' or 'I hope you'll help us.'"

The president also offered a novel theory on the meaning of the law: "It's clear that what the law is on this going back a long time is that it's as if he'd written a letter [to] somebody from the White House. Does solicitation occur when he wrote the letter or when the letter is received? And the law is clearly that the solicitation is consummated, if you will, when the person is solicited and where the person is solicited."

Meanwhile, a growing number of Congressmen have asked that Attorney General Janet Reno appoint a special prosecutor to investigate the charges of illegal fundraising. Reno has refused so far, arguing that if there's any evidence of wrongdoing by either of her bosses, she will bring the charges herself. She hasn't commented on Gore's confession, nor on Clinton's admission that he cannot remember whether he committed this particular crime. —CAA

Six of one — Bill Clinton says that the era of big government is over. Judging by his state of the union address, I guess we've entered the era of lots of little government. —SR

Philosophic goulash — Friends of the interventionist state are always delighted when a famous capitalist denounces the "excesses" of the system. The February issue of the *Atlantic Monthly* gave them reason to cheer. George Soros, author of its cover story, "The Capitalist Threat," is not merely a famous capitalist, he is a billionaire speculator on international finance markets, and his article is a frontal attack on laissez faire.

In the article, Soros extols — but does not explain — Karl Popper's ideal of an "open society," and contrasts it with the worldwide laissez faire economy he alleges we live in. The only characteristic of the "open society" that he mentions is that it recognizes man's fallibility, thus rejecting the very notion of an ultimate truth. Because free-marketeers boast of the market's efficiency, Soros charges them with the hubris of believing they have the truth. For this sin, he argues, they pose a threat to the open society of the same sort that the Soviet empire posed during the cold war.

Markets are inefficient, he says, illustrating his point with a discussion of a subject he knows very well: financial markets. Because market participants shape the future by their present expectations and actions, supply and demand independent of expectations is a chimera. And without independently determined supply and demand, he says, the market cannot achieve the balance that economists call "equilibrium." This makes a free market inherently unstable. Therefore, we need government regulation and institutions like central banks, to protect us from the outcomes of that incalculable market.

Soros is wrong from the start. Today's worldwide economy is hardly laissez faire. In virtually every nation in the western world, the government consumes more than 40% of the GNP, a condition that hardly suggests a large degree of economic freedom. And existing political barriers to international trade are by no means insignificant.

Mr. Capitalism also seems unaware that there have been several revolutions since he took Economics 101. The requirement that market participants must have perfect knowledge for an efficient equilibrium has long since hit the classroom dustbin. And as for the myth of independently given supply and demand, well, the Austrian school debunked that years ago. Instead, these free-market economists emphasize the role of the entrepreneur, whose alertness to previously unthought of (unexpected) wants and opportunities helps move markets towards previously unimagined equilibria — a condition we can expect no well-meaning bureaucrat to anticipate, much less plan for.

The spectacle of a person with so little understanding about the system in which he has made his fortune may be worth a smile. But parts of his article are less than funny. Soros proposes that citizens of the western world pour billions of dollars into other countries in the name of a "global open society," ignoring overwhelming evidence from Africa and South America that development aid does not help poor nations at all, but rather tends to inhibit necessary pro-market reforms. On the whole, Soros strongly resembles other billionaire families, such as the Rockefellers — who, having made their fortune, went around spreading their anti-capitalist philosophy. Of course, it took the Rockefellers two generations to decline that far. George Soros appears to have made it in a single lifetime. —OB

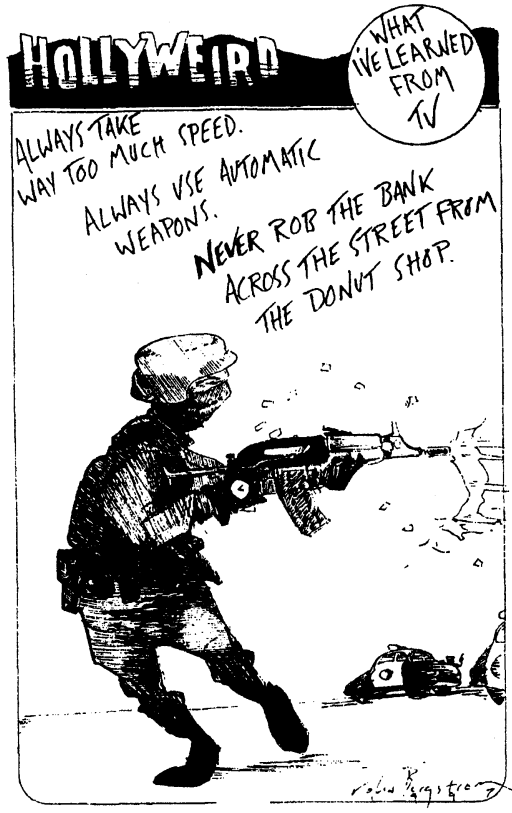

If you're so rich, why aren't you smart? — Boiled down to its essentials, zillionaire capitalist George Soros's criticism of free-market capitalism amounts to the observation that its advocates are quite certain that it is very good at fulfilling human needs. Since an open society is a good thing and necessarily admits to fallibilism, capitalism is bad. Apparently, Soros read some Karl Popper before he went off to earn his billions as a mega-capitalist. The obvious question for Soros is, are you certain that an open society is a good thing?

Soros's sophomoric rehashing of Popper's theory illustrates an all-too-common phenomenon: the tendency to believe that a person is smart simply because he is successful at making money. When I read it, I was reminded of a story I read about Niels Bohr, the pioneering nuclear physicist. After a reporter for *Life* magazine finished interviewing the scientist, he

noticed a horseshoe nailed above the door to his office. "Dr. Bohr," he said, "you are one of the greatest scientists in the world today. Surely, a man of science like you does not believe in the old superstition that nailing a horseshoe over your door will bring you good fortune." Bohr replied, "Of course not. But I am told that it brings good luck whether one believes it or not."

Nor must one understand how free markets work in order to benefit from them. For this, Soros can be thankful. —RWB

George Bush, meet Ralph Klein — If George Bush ever lies awake nights wondering whether breaking his emphatic and repeated pledge of "No new taxes" cost him the presidency, he should look to the experience of Ralph Klein, in Alberta, Canada. In 1993, Klein faced a situation remarkably like the one Bush faced in 1988. His predecessor had financed increased spending with huge budget deficits, and the provincial government's debt was skyrocketing. Like Bush, he ran for office on a platform of no new taxes. Like Bush, the only way he could avoid a tax increase was to cut spending.

Indeed, since Alberta is a province, not an independent nation, it could not finance its deficit by inflating its currency. So Klein had even less room to manuever than did Bush. He therefore promised to cut spending, sell off government enterprises, and balance the budget. He went even further: he promised to begin to pay off the government debt.

As with Bush, Klein's promise to get government under control and to refuse ever to raise taxes proved to be a popular one with voters. He won his election.

But once elected, Klein was no Bush. He cut spending, privatized government services, and balanced the budget. And Albertans under the government of Klein, unlike Americans under George Bush, suffered nary a tax increase during his tenure. Klein was attacked for his spending cuts and ridiculed for his privatizations. But he stayed the course.

This year, he faced re-election, as Bush did in 1992. His slogan was "Vote for Ralph Klein because we did what we said we were going to do. We kept our promises." His campaign was lackluster; he didn't even bother to campaign the final two days, on the theory that voters knew his record.

Unlike Bush, he was re-elected in a landslide.

Meanwhile, 1,000 miles south of Alberta, George Bush's son George W. Bush was elected Governor of Texas, and was already being touted as a possible Republican candidate for president in 2000, running second in the polls behind Colin Powell.

He hadn't made the "no new taxes" promise when he ran for office — in the Lone Star state everyone just assumes any candidate for governor will oppose any tax increase. But apparently George W. Bush is his father's son.

In January, George W. Bush sent his first budget to the legislature for consideration. It contained a whopping increase in the sales tax, already the third highest in the nation.

His daddy would be proud. I wonder what Ralph Klein's son is doing. —CAA

Tongass morass — In 1954, Congress prodded the Forest Service to promote some industry in the then-territory of Alaska. The agency agreed to let a single company cut about 160 million board feet of wood per year — enough to build 2,000 or more houses — for fifty years at noncompetitive prices. Louisiana-Pacific got the contract, which also allowed it to cut most of the timber from the gigantic Tongass National Forest during the next fifty years.

Since then, the company has cut more than six billion board feet and paid the U.S. Treasury less than $5 million. Administering the timber cutting has cost taxpayers well over $100 million. Virtually all of the wood went to Japan.

Environmentalists began agitating to stop the cutting and save taxpayers money more than two decades ago. Congress passed a reform law in 1990 which directed the Forest Service to increase cutting fees to competitive rates. But Louisiana-Pacific sued, saying that the new fees violated its contract. The contract was probably illegal in the first place, but no one had legal standing to challenge it.

Then the mill got into trouble because of pollution violations. Louisiana-Pacific figured that it wasn't worth it to add pollution equipment to the mill unless it could extend the contract another fifteen years. But environmentalists, backed by the Clinton administration, opposed such an extension.

The administration also saw that the Supreme Court would probably rule against it if the contract case ever made it that far. So the administration cut a deal with the Alaska congressional delegation: pay $140 million to Louisiana-Pacific, another $110 million to Ketchikan to develop new industry, and shut down the mill.

All those involved got what they wanted. Environmentalists got the mill closed, the pollution stopped, and the harvest of the forest stopped. People in Ketchikan got $110 million to fool around with (that's over $13,000 per person). And Louisiana-Pacific got $140 million to walk away from the mill. Everyone is happy.

Oh yes, the taxpayers. They'll be paying a quarter of a billion dollars on top of the $100 million or so that they've already paid to have their forests cut. But they probably didn't pay much attention to something like this. —RO'T

Doppelgängers 'R' us — The supposed moral quandaries posed by the prospect of human cloning have inspired much public excitement and quasi-theological punditry. But how likely is it that people will actually want to make "copies" of themselves? Well, according to the *Economist*, six out of a hundred people admit they are interested in cloning themselves — a figure that is surely lower than the real one. So parenting a clone may be more than a

fantasy; it could be the title of a future *New York Times* bestseller.

Having a clone instead of a child will interest several kinds of people. First, there are those so convinced of their own uniqueness, brilliance, charm or beauty that they cannot bear to see such a precious gene configuration snuffed out. Of course, in some cases — such as that of shockingly smart British biologist Richard Dawkins — such a self-evaluation may be justified (and Dawkins says he's interested).

In others, however, the desire to clone would generally be a manifestation of delusional narcissism, most likely of the wounded kind. Thus, clone-parents will surely include a large proportion of people who believe that but for the ill-will, incompetence, or neglect of parents, school, society, etc. they would have achieved great things, or at least not spent their entire lives as sniveling neurotics. For these folks, the opportunity to do their lives over again (so it will be imagined) by parenting a clone would be very attractive — offering not only the opportunity to see themselves grow up right, but the opportunity to prove that mom and dad, Miss Smith, and Father Flaherty were wrong, wrong, wrong. Could you have been another Rubinstein if pleas for lessons had not fallen on stingy ears? See that your clone is lessoned daily, starting at age three. Have recently recovered memories convinced you that your serenity was ruined by molestation? Padlock your clone's underwear. Feel sure that public-school bullying and look-say reading wrecked your character and your English? Homeschool your clone.

I hope I don't sound too facetious; all such terrors, abuses, and deprivations are serious matters and have blighted lives, and the opportunity to do right by your kids where you were done wrong by your brutal peers and ostensible protectors deserves no scorn. The reason I question the motivation has more to do with its practicality than its nature; for as most of us learn, our parents' endeavors to protect us from the kind of damage they themselves experienced (even when successful) often spawn hurts they did not anticipate. Besides, a sense of bitter regret over one's own history is not the foundation of choice for successful child-rearing.

Such concerns are not, however, the primary source of objections to human cloning (already illegal in some coun-

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tries). To the extent that clone-dreaders are not simply responding to the subconscious legacy of bad science fiction movies, what they probably resent is the overt narcissism of parenting a clone. This resentment is particularly fierce because such narcissism merely reflects what is found in "normal" parents, but which people would prefer not to look at. Millions of parents live through their kids, and it isn't just tennis moms who are guilty. Sons may be rejected because they are unpopular, or gay, or awkward at sports; daughters because they are too plain, too nervous, or too beloved of the other parent. What are these but reactions to the wounded narcissism of a parent whose best-laid plans have gone awry?

And setting such psychological issues aside for a moment, consider the scientific interest of cloned parent-child pairs. Cloning is as close as we are going to get to finding out how many of our virtues and failings really are due to nature, how many to nurture. (How many are due to our own choices, of course, will always remain in doubt.)

Even the suggestion of a scientific interest here will, to be sure, strike many people as monstrous — and not simply because they would rather not know the answer to the nature-nurture controversy. Their objections will take the form of sympathy for the plight of the clone-child, who, they suppose, would be fated to grow up without his "own" identity. But this seems specious, on several grounds. First of all, it is hard to see what justification a clone could make to having been brought into the world, considering the alternative — i.e., not ever existing. It is not, after all, as if a clone could be "born as someone else." You, you lucky devil of a clone, are you; and if you hadn't been cloned, you wouldn't be here to complain. (Try telling that to your fourteen-year-old clone-child.)

There is, of course, one situation in which a clone might legitimately complain about having been brought into the world: that is, if his clone status makes him so miserable that he wishes, literally, never to have been born (the fate which, a Greek poet famously thought, was the most devoutly to be wished — just before dying young). Such a miserable state is all the more likely to be brought about by the panicked condemnation of clone-children by religious fanatics, whose concerns I have not yet addressed. (Let it suffice to say that no major religion's texts forbid it: conclude, therefore, that either the gods are indifferent to the problem, or overlooked it, or employed scientist-gods who insisted, like their human counterparts, that mere mortals could never do the trick.)

I can't help wondering, finally, whether being a cloned child might actually augment one's happiness, by increasing closeness between parent and child. Many identical twins report feeling a unique and precious bond with each other; and parent-child relations are in all lands lauded for their loveliness. It will be interesting to see whether something still more precious may yet emerge in the relation between clone-parents and their children. —NC

Where pork grows on trees — I rarely make political predictions, but I am now predicting that the Forest Service, founded in 1905 and leader of the Progressive movement, won't survive until its 100th birthday. The agency is so demoralized and its long-time supporters so alienated from it that it will probably be merged into the Department of the Interior and lose its identity.

The Forest Service's historic placement in the Department of Agriculture helped insulate it against political meddling by administrations because the Secretary of Agriculture traditionally doesn't spend much time worrying about forests or western resources. By comparison, agencies in the Department of the Interior, such as the Park Service and Bureau of Land Management, have traditionally been much more political and have been kicked around by presidents and secretaries of the interior for decades.

Several secretaries of the Interior, including Harold Ickes (under FDR) and Cecil Andrus (under Carter), have resented the Forest Service's independence and have proposed hostile takeovers of the agency. But the Forest Service's friends, including both industry and environmental interests, strongly defended it.

But in 1993 the Clinton administration took the almost unprecedented step of firing a chief of the Forest Service. The only other president to have done so was Taft, who fired the agency's founder, Gifford Pinchot, a decision that cost him his re-election. (It inspired Teddy Roosevelt's third party challenge, and the former president actually outpolled the incumbent Taft.) The fact that Clinton's new chief was a career Forest Service employee made the firing palatable and few people protested.

Late in 1996, however, that replacement retired and Clinton hired someone who is little more than a political hack. If Reagan had proposed this, the protests would have been heard in the deepest wilderness areas in the country. But no one even bothered to question Clinton.

So when the next Secretary of the Interior proposes transferring the Forest Service to that department, it is likely to happen. This will mean that the national forests, already the victims of Congressional pork barrelling, will also be a proud source of presidential pork. —RO'T

The rules of the game — The phrase "government ethics" is an oxymoron, so it's rather difficult to take seriously any of the brouhaha over Newt Gingrich's ethical problems.

You'd need dozens of hours to read through transcripts and other documents to discover whether Gingrich or the Democrats are more right — or less wrong — in their argument about whether he acted unethically. And even if you were sure which side was speaking for the angels, what difference would it make?

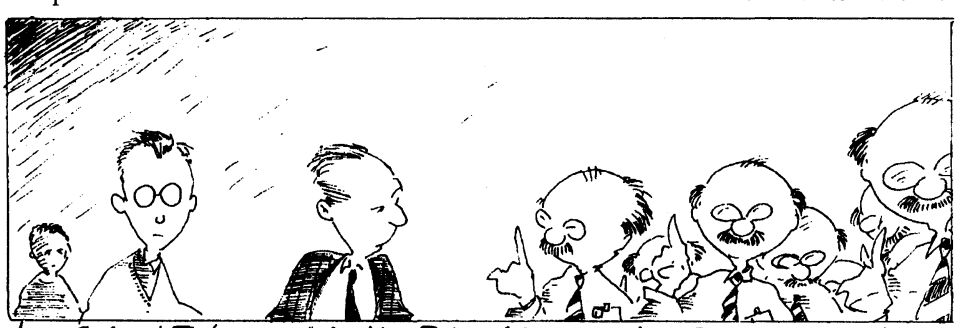

ALL THOSE IN FAVOR OF CONTINUED FUNDING FOR CLONING RESEARCH SAY "AYE"

Politicians treat government and politics as a game — a very serious game, but a game nonetheless. The purpose of the game isn't to discover the truth or to change America for the better. The object is to put more points on the scoreboard than one's opponents do. And one scores points by catching one's opponents in contradictions or embarrassing situations — or by taking their words out of context — or by making them seem less concerned for what's right than the scorer is.

You may enjoy the game, and you may find yourself rooting for one side or the other. But you should never forget that it is a game — and never let yourself believe that the future of America depends on which side wins. It doesn't — anymore than America's future depends on the outcome of a Lakers-Bulls basketball game or the Super Bowl.

Should you care whether Newt Gingrich comes through the attacks in one piece? You might want to see him survive — if you're eager to see him raise the minimum wage again, continue to trash American health care with more "reforms" like the Kassenbaum-Kennedy bill, pass budgets that make the government bigger and bigger far into the future, and keep on threatening to execute drug dealers.

But, then, if he doesn't survive, his successor probably will do the same things. So what difference does it make?

By the way, has anyone heard who won the Bulls-Lakers game? —HB

Separating cash and state — Everyone's crying about the influence of money in politics and proposing limits on liberty as a solution. How easy it is to overlook the obvious. You want money out of politics? Get politics out of the business of giving away other people's money. —SR

Felony, mystery, and authority — Okay, let's review things. There is credible evidence that Bill Clinton has done the following:

1. Stolen somewhere around $100,000,000 from the taxpayers to fund his own personal investments and the investments of his business partners;

2. Used the state police as procurers for his sexual escapades;

3. Sexually assaulted a young state employee after she failed to respond to his invitation that she have sex with him in exchange for career advancement;

4. Offered another sexual partner a state job for which she was unqualified in exchange for her keeping their sexual relationship secret;

5. Accepted campaign contributions from the government of mainland China, in exchange for providing it with secret intelligence information that was the property of the U.S. government;

6. Accepted a campaign donation from an American businessman doing business in Paraguay, in exchange for our government intervening on behalf of Paraguay's beleaguered president.

Each of these is an outrage. Each involves plundering from the citizenry for the aggrandizement of Clinton's own political power, wealth or sexual pleasure. One throws in sexual assault, and another, arguably, treason. If even one of the charges is true, Bill Clinton is unfit for public office.

Nevertheless, it appears that for the most part the American public doesn't much care about any of these charges. The evidence is extraordinarily strong for several of these, but most Americans are indifferent. Sure, he probably stole some, they say, but don't most all politicians do that? So what if he has a roving eye, they say — he's an attractive man, and, besides, he's married to Hillary. Sure he solicited and accepted campaign contributions from illegal sources, but that's just politics.

There is, however, one offense that Americans seem unwilling to forgive Bill Clinton: he allowed people who gave his campaign substantial donations to sleep over in the Lincoln bedroom of the White House. Unlike the others, this involved no cost to the public, involved no sexual predation, and didn't sell out American interests to foreign powers. Indeed, it is probably not even illegal. In the court of public opinion, Bill Clinton thus finds himself in a strange position — not unlike that of Al Capone, who was never convicted of his various beatings, extortions, and murders, but was finally convicted of tax charges.

How can this be? Why do Americans care far more about the renting out of the Lincoln bedroom than they care about theft, assault, and treason?

This strange behavior, I submit, is understandable only to those who grasp that politics is a new, but not revolutionary, religion. Traditional religions hold that there is an otherworldly, non-corporeal being (a god or gods) not bound by the laws of nature, but able to intervene in human life and perform magic. The new political religion has secularized this worldview: it holds that there are special corporeal entities in this world that are exempt from the laws of nature and able to perform magic. These secularized gods are called governments, and they perform miracles every day. They can create wealth out of nothing (by inflation), bestow moral value to acts of wanton destruction (by declaring war), and take money from all of us, somehow redistributing it so that we are all better off.

Bill Clinton is the Elmer Gantry of this new religion. He is the evangelist who came to town and brought the flock back into the churches, renewed their wavering faith, mesmerized them with sermons far better than the regular preacher (boring old George Bush, or Jimmy Carter, or Ronald Reagan or Bob Dole). Everyone pretty much knows that not all the money collected when they pass the plate is turned over to the church, and it's a little embarrassing when the preacher gets caught with his hand up the choir director's skirt. But you gotta take the good with the bad. After all, when he's in the pulpit, the pews are filled, the sale of liquor temporarily declines, and everyone feels a little more virtuous.

But like Elmer Gantry, Clinton seems to have gone too far. Not content to skim the collection plate and have his way with impressionable young devout women, Clinton has decided to rent out the sacred relics for cold hard cash.

This is sacrilege! —RWB

Actuarial actualities — Social Security has brought a new dimension to such concepts as annuities, insurance, and retirement. No long, complicated contracts. No actuarial tables to pore over. Social Security operates on a very simple principle: the politicians take your money from you and squander it.

It really is ludicrous that you should be asked to buy an annuity on terms that require your premiums to rise when-

ever the insurance company runs out of money, and without your having any idea what pension you'll receive — if any — when you retire.

Some might say that it is Orwellian to call this an insurance program. I believe it's more appropriate to think of it as Monty-Pythonian.

The system is back in the news because a government committee has proposed ways to reform it. But if you understand that the purpose of the scheme is simply to provide another way for the politicians to get their hands on your money, you won't be tempted to think that any reform will succeed.

Various "privatization" proposals have been suggested. And some people point to the Chilean scheme of partial privatization as a model for the U.S. But all these schemes involve very long transition periods — in which taxes would be gradually reduced and we would gradually be given more and more control over our own money.

But a transition program lasting years is a recipe for political meddling. Can you imagine how much mischief the politicians could get into during those, say, 30 years or more? How many times they would change the rules? How they would react to the first stock market crash that caused some people to lose their savings?

One suggestion from the government committee is to let the Social Security Administration invest some of its meager reserves in the stock market — instead of having them all in government bonds, as they are now. This would increase the yield and supposedly reduce the constant pressure to increase the Social Security tax.

Of course, this would give the government dangerous leverage over companies in which it holds stock. But something more important is overlooked when it's suggested that the Social Security system generate additional revenue by investing in stocks. What if it does? However much the added revenue, the politicians will just squander it — as they've squandered the money already available to them. So they'd still come back every few years — pushing another tax increase to bail out a bankrupt system.

Every proposal from the government committee allows the politicians to continue to run your retirement for you. We're told the government has to do this because, otherwise, some people won't take care of themselves properly.

Of course, some people wouldn't provide for their own retirement — just as some of them won't brush their teeth. But it is wrong to hold the rest of us hostage — to force us into a fraudulent Social Security scheme (or force us to display our teeth for government hygiene inspectors) simply because some people won't take responsibility for their own lives.

If it weren't for government-induced inflation and the taxing of interest income, those who don't understand investments could do quite well just by leaving their money in bank savings accounts.

Consider two young men, each 25 years of age, beginning their careers today. Mr. Faith-in-Government has the usual Social Security taxes taken from his paycheck as his salary grows over the years, and he finally retires on a Social Security pension at age 65. Meanwhile, Mr. Go-It-Alone — by some miracle — is exempt from Social Security. So he puts exactly the same amount aside as Mr. Faith-in-Government — except that he puts it into a savings account paying 4% a year. At age 65, here's how they stand, using the current Social Security rules:

- Mr. Faith-In-Government will receive $1,100 a month for the rest of his life. When he dies, he will leave no capital for his heirs.
- Mr. Go-It-Alone will receive $2,328 per month — twice as much. And he won't even have to touch his capital, which means he'll leave $698,359 for his heirs. Or, if he doesn't care about his heirs, he can at age 65 use his savings to buy a lifetime annuity from an insurance company, which will pay him $4,015 per month for as long as he lives.

(In both cases, it is assumed the individual puts aside 15.30% [the combined employee and employer contributions] of the first $60,600 he earns each year, that he starts at age 25 making $25,000 a year, and that he receives a 5% raise every year until he retires at 65.)

The biggest reason that any private pension plan outshines Social Security is that very little money is invested through Social Security. Most of it is spent as soon as it is taken from the individual. Thus the capital has no opportunity to grow, as it would in a private plan.

So long as Social Security remains in government's hands, it will be in trouble. We can't leave our retirement money lying around on the, because the politicians will grab it and spend it to please those with the most political importance.

The only way to make Social Security safe is by getting the government completely out of it, by selling off government assets to acquire the capital to purchase lifetime annuities for those who are dependent on Social Security today — and let everyone else out of bondage. —HB

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
HB	Harry Browne
OB	Oliver Becker
RWB	R.W. Bradford
NC	Nathan Crow
SR	Sheldon Richman
RO'T	Randal O'Toole

Letters, *continued from page 4*

present system than they ever pay out in annual federal income taxes — $5.3 trillion dollars worth, to date — and they know it. Browne might as well have attempted to garner votes from American soldiers and sailors by asking, "Would you agree to abolish the military establishment, if you never had to pay any income tax again?" The question is absurd. Nobody willingly breaks their own rice bowl.

Browne proposes greater collective action as an answer to present political defeat: expansion of Libertarian Party membership, accumulation of an enormous political war chest, more extensive advertising, and widespread media exposure, leading step by step towards another major party influencing American politics. In other words, beat them at their own game. The devil's pact — where success means you lose your soul. An LP of 200,000 members will not be the same entity it is today. There will be compromise after compromise, and desertion of one principle after another, until in the end one can no longer distinguish Democrats from Republicans from Libertarians. Then, and only then, will we start to place candidates into political office. For that is the collective price of collective success.

Carl D. Alexander, Jr.
Port Angeles, Wash.

Inquiry

Mysteries of the Titanic

by Stephen Cox

Guilt and innocence 85 years after the tragedy.

Time: 1:40 a.m., Monday, April 15, 1912.
Place: The deck of a steamship lying motionless in the North Atlantic. The sky above is gaudy with stars, like the arch of an enormous stage.
Action: A man is looking at a lifeboat. He is making a decision.

What this man decides will strike many people as a very unpleasant surprise. It will make him as hated and reviled as any private figure of his generation. His act will be studied by the investigative commissions of two great nations. It will be reproduced, and distorted, by every medium of popular information and entertainment. And it will remain — like thousands of other decisions that were made that night — a subject of endless controversy, an emblem of the mysteries that surround moral judgments.

The ship was the White Star liner *Titanic*. The man was J. Bruce Ismay, Managing Director of the White Star line. If you want to try making sense of the *Titanic* disaster, and of the countless other attempts to make sense of it, you might start with the comparatively simple story of J. Bruce Ismay.

"There Is No Time to Waste"

Ismay's life was inseparable from that of the White Star line. In 1867, when he was five years old, his father Thomas, a self-made capitalist, bought White Star in a liquidation sale. It was a mere name; there were no ships attached; but he built it into the symbol and the reality of modern progress — a fleet of great steamships providing fast, dependable, and comfortable service between England and America.

Thomas Ismay was a hard man. When he left his house (a work of pigheaded ostentation that was staffed by 32 servants but possessed neither decent heating nor modern bathtubs), he would place a stone on any fallen leaf that defaced his grounds. If the leaf remained in place when he returned, he would assemble his ten gardeners and "demand to know what they had been doing all day."[1]

Bullied and occasionally humiliated by his father, Bruce Ismay developed into a cranky, psychologically isolated adult. He was tall, well-built, well-dressed; but he was shy and self-defensively arrogant, full of inhibitions and inabilities. He would not speak in public (his father had enjoyed public speaking). He would not ride a horse (he had once accidentally ruined his father's horse). He would not drive a car, and he would not give advice to his chauffeur, because, he believed, the chauffeur "is in charge, and if he thinks we should go so fast it is not for me to interfere."[2]

Thomas Ismay died in 1899. Three years later, Bruce Ismay arranged the sale of White Star to J.P. Morgan and his associates, retaining a managerial role but surrendering ultimate financial responsibility. Morgan was trying to monopolize North Atlantic shipping. His effort failed; the French line and the mighty Cunard line remained outside his grasp. But Ismay had a plan for improved competition. White Star would not try to rival the speed of Cunard's liners; it would build somewhat slower ships, but they would be larger and more attractive.

The *Titanic* was Ismay's triumph. 883 feet long and 93 feet broad, she was the largest movable object ever constructed. In keeping with Ismay's purpose, the *Titanic* offered luxurious first-class accommodations and unusually comfortable arrangements for second-class and third-class passengers. Another great selling point was the *Titanic*'s promise of dependability. The vessel's enormous power could drive her through any Atlantic storm. Her hull, which was divided into 16 watertight compartments, was designed to stay afloat if any two contiguous compartments were flooded. Since this was the worst accident her builders thought they needed to provide against, they regarded *Titanic* as virtually unsinkable. She seemed immune even from the effects of political problems. When transatlantic shipping was disrupted by a coal strike in Britain, White Star procured coal from other ships and gave it to *Titanic*. The great ship began her maiden voyage as scheduled, at noon on Wednesday, April 10, 1912 — bound from Southampton to New York. Ismay went along for the ride.[3]

What he did during the voyage was not remarkable enough for anyone to remember in detail. He slept in his beautiful suite on B deck. He came to dinner with the other first-class passengers. He walked the decks, enjoying the unusually calm weather. When the ship stopped at Queenstown, Ireland, on April 11, he conferred with the Chief Engineer about the possibility of trying her out at top speed on April 15 or 16 — a trial that was never to take place. Just before lunch on Sunday, April 14, Captain E.J. Smith found Ismay on A deck, talking with some other passengers. Smith silently handed him one of several wireless messages received that day, warning of ice near *Titanic*'s course. Ismay "glanced at" the message and put it in his pocket. About 7 p.m. that evening, when the captain was walking out of the smoking room, he saw Ismay sitting there and asked him to return the message. Ismay did so. The *Titanic* continued moving at 25 miles an hour — not her top speed, but a very respectable one — in the direction of the ice.

The Titanic was 883 feet long and 93 feet broad, the largest movable object ever constructed.

At 11:40 p.m., while Ismay was sleeping, an iceberg emerged from the moonless darkness directly in *Titanic*'s path. As the ship swerved to port, the little dark-blue mountain passed quietly along her starboard side, leaving at least 250 feet of gashes below the waterline and opening at least five watertight compartments to the sea. Two hours and forty minutes later, the *Titanic* sank.

Ismay's actions now become visible in brief, dramatic flashes. About 11:50, he appeared on the bridge, two decks above his cabin, wearing an overcoat hastily thrown over his pajamas. He asked Captain Smith if the ship was seriously damaged. Smith replied, "I am afraid she is." Ismay started to walk down into the vessel, but he encountered the Chief Engineer, who said that he thought the pumps would keep her afloat. Ismay returned to the bridge. There he overheard the captain saying something about lifeboats. The White Star line and its shipbuilders had considered the *Titanic* so safe as to be "a lifeboat in herself." They had therefore not provided enough lifeboats for all the people on board. Ismay knew this.

The Managing Director next materialized on the port side of the boat deck. Crewmen had begun to uncover the boats, but no passengers were waiting to use them. Ismay stood alone and silent. At perhaps 12:35 a.m., Third Officer Herbert Pitman was uncovering a lifeboat on the starboard side when he found himself standing next to a man "that was dressed in a dressing gown, with slippers on." The man said to him "very quietly, 'There is no time to waste.'" The man was J. Bruce Ismay.

Not recognizing him, and convinced that the ship was in no danger, Pitman proceeded with his work "in the usual [presumably slow] way." But the mysterious stranger insisted that the lifeboat should immediately be loaded with women and children. Pitman told him sharply that he was awaiting the captain's orders. "Very well," said Ismay. Pitman was now unsettled enough to walk to the bridge and ask the captain. Smith told him to "go ahead." With Ismay's assistance, Pitman loaded passengers into lifeboat No. 5. Ismay called out twice, "Are there any more women before this boat goes?", and a last woman shyly approached. "I am only a stewardess," she said. "Never mind," Ismay responded. "You are a woman, take your place."

But the crisis was beginning to tell on him. As No. 5 began its descent to the water, he hung from the davit, shouting excitedly, "Lower away! Lower away! Lower away! Lower away!" It was too much for Fifth Officer Harold Lowe, who was down on the deck, trying to work the ropes. Lowe shouted at Ismay, "If you will get to hell out of that I shall be able to do something." Ismay did not reply. "Do you want me to lower away quickly?" Lowe demanded. "You will have me drown the whole lot of them."

Ismay walked silently away, and Lowe went on lowering No. 5. Once it was safely in the water, he turned to the next boat in line, No. 3. At that moment, there was an explosion and a brilliant flash of light. The *Titanic* was firing distress rockets. In the sudden brightness, Lowe saw Ismay standing quietly beside him, prepared to help with another boat.

By 1:40, a last lifeboat remained in the davits on the starboard side; Ismay thought it was the last one left on the ship. It was a boat with a wooden bottom and canvas sides — "collapsible" lifeboat C. It could carry 47 people. Ismay helped load the boat with twenty-seven women and children. All, or almost all, were third-class passengers. Hiding somewhere in the shadows at the bottom of the boat were four men later described as Chinese or Filipino "stowaways." Six crewmen also entered.[4]

An officer called out for more women. No one responded. Ismay looked around. His view to port was blocked by deck houses, but he could see the forward part of the starboard deck. No other passengers were visible. The sea was climbing up *Titanic*'s bow. The lifeboat was starting to move. This was the moment. Ismay climbed in. A certain Mr. W.E. ("Billy") Carter, a man from Bryn Mawr, Pennsylvania, appeared and climbed in too.

If First Officer Murdoch had decided to hit the berg head-on, Titanic would not have received any fatal wounds. The 200 people who were sleeping closest to the bow would have died; but that would have been many people fewer than the 1500 who did die.

During the next five minutes, Collapsible C traveled with difficulty down the side of *Titanic*, now listing sadly to port. Thirty-five minutes after the boat reached the water and rowed away, Ismay could have seen *Titanic* plunge beneath the ocean. But Ismay did not see it. He did not want to see it. He was rowing with his back to the ship. Afterwards, he was glad that he had done so.

Just before dawn, the Cunard liner *Carpathia* arrived at the scene. She had picked up *Titanic*'s wireless distress call and had raced toward her position through a sea filled with icebergs. The *Carpathia's* decks were lined with lookouts, her

lifeboats were swung out, her sides were hung with electric lights, her gangways were open, and she was firing rockets. Ismay climbed aboard the *Carpathia* at 6:15 a.m. He was safe.

"He Ought to Have Gone Down with the Ship"

But Ismay's troubles had barely begun. He soon learned that two-thirds of the *Titanic*'s passengers and crew (more than 1500 people) had perished. They included the *Titanic*'s captain, one of her designers, most of her crew, most of her third-class passengers, and most of the male passengers in first and second classes — among them, such prominent people as John Jacob Astor and Benjamin Guggenheim. The lost also included Bruce Ismay's butler and his secretary, Mr. Harrison, whose presence on the ship had apparently slipped his mind. Ismay was especially horrified to learn that many women had died. In a state of nervous collapse, he repaired to the cabin of the ship's doctor and refused to leave. The doctor provided opiates. Ismay "kept repeating that he ought to have gone down with the ship."[5]

Many people agreed. In New York, where the *Carpathia* was heading, the newspapers were intensely interested in the question of why, as the *Wall Street Journal* put it, "the greatest or least official of the line" should have been saved while passengers were lost. Soon the papers would be calling Ismay "The Most-Talked-of Man in the World" — a dubious honor, especially when the title appeared in conjunction with such ominous terms as "public opinion," "on trial," and "pariah."[6]

The intellectuals were also starting to work themselves up. Admiral A.T. Mahan, the distinguished historian and theorist of naval power, wrote to a newspaper criticizing Ismay for failing to accept the duty of evacuating everybody else before saving himself. According to Mahan, Ismay had undermined the essential principle of "individual responsibility." Brooks Adams — historian, descendant of presidents, and distinguished meddler with many theories — pronounced Ismay morally "responsible" for everything that had gone wrong with the *Titanic*. Adams said he could recall "nothing at once so cowardly and so brutal in recent history" as Ismay's escape in Collapsible C. Ismay should at least have "prove[d] his honesty and his sincerity by giving his life." Adams hoped Congress would "make it plain that such men cannot be kept in control of passenger ships if we can help it."[7]

The politicians were already in motion. An investigating committee of the United States Senate, hastily organized by William Alden Smith (Rep., Michigan), was determined to grab Ismay before he could get back to England. When the *Carpathia* reached New York on April 18, Senator Smith marched onto the ship, ignoring the "Please Do Not Knock" sign on Ismay's quarters, and summoned him to attend a hearing scheduled to open the very next morning.[8]

If Bruce Ismay typified the business elite of the early twentieth century, William Alden Smith typified the populist political power. Starting out in life as a popcorn seller on the streets of Grand Rapids, he had become a wealthy lawyer, a newspaper owner, and a crusader against the House of Morgan and other big-business interests. He was an ingenuous busybody, cherishing the typically twentieth-century American assumption that if anything goes wrong, the United States government ought to do something about it.

Smith reacted to the sinking of the *Titanic* by calling the White House, only to discover that President Taft's conception of duty was not entirely up to date. The president was mourning the loss of his confidant, Major Archie Butt, a victim of the disaster. Nevertheless, Taft planned no immediate government action; the *Titanic*, after all, had been a vessel of British registry and had never managed to enter American waters. So Smith decided that Congress should become involved, in the person of himself. His intention, as it matured, was to enable passengers or their survivors to sue White Star under the provisions of the Harter Act, which was helpful to plaintiffs who could show that officials of a steamship company had been aware of negligence, even though they had not caused it.[9]

When Captain Smith maintained Titanic's speed, despite ice warnings, he was not being mindlessly irresponsible; he was following the custom of his profession.

Ismay began his testimony before Smith, his natural enemy, in the worst possible way. His description of his own conduct went as follows:

> I was in bed myself, asleep, when the accident happened.
> The ship sank, I am told, at 2.20.
> That, sir, I think is all I can tell you.[10]

This could not have satisfied anyone's curiosity, let alone Senator Smith's. To the delight of future historians but the severe discomfiture of Ismay, Smith demanded information on every conceivable point of contact between the disaster and the Managing Director, including his possible influence on, and therefore responsibility for, the ship's navigation; his conduct on the boat deck; his conduct on the rescue ship; and his frustrated attempt to return to England. Smith called a long series of crewmen and passengers to testify about their experiences, with particular attention, whenever possible, to the conduct of Mr. Ismay.

What emerged from this testimony was proof that Ismay had exerted very little influence on anything. For better or worse, he had not told the captain what to do about icebergs. He had not incited him to try for a speed record; he had specifically not wanted that to happen. He had not attempted to direct the launching of lifeboats, though he had tried to help where he could. He had not deprived any other passenger of a means of escape. He had not directed actions aboard the rescue ship. He had not tried to direct any coverup of anything. As to the number of lifeboat accommodations, his ship had met, and even exceeded, the regulations of the British Board of Trade.

But should Ismay have gotten into a lifeboat?

Out in the provinces, where towns named "Ismay" were considering a change,[11] the moral issue may have seemed that starkly personal. But to Senator Smith, the real issue remained that of corporate guilt — in many possible forms. He demanded evidence that White Star officials had not tried to fool the public into believing that *Titanic* had survived, so that they could try to reinsure her. He demanded stockholders' records from the Morgan holding company. He

demanded that Dow, Jones furnish complete information on the (minor) fluctuations of the company's stock subsequent to the disaster. He demanded to know how Dow, Jones handled the news.

Smith even pursued the Marconi Company, whose wireless operators had saved the surviving passengers by summoning *Carpathia's* aid. He subjected company officials, among them the great Guglielmo Marconi himself, to tireless and almost incredibly hostile questioning. He wanted to know whether they had connived with Ismay or White Star to block the news of *Titanic*'s fate. He also attempted to arouse public indignation about the help that Marconi officials had given *Carpathia's* operator, and the surviving *Titanic* operator, to sell their personal reminiscences to the *New York Times*.

Many of the crew worked hard to get passengers up to the boat deck; a few decided to do the opposite and tried to keep third-class passengers from crossing first-class and second-class territory. Others had no idea of what to do.

Smith's moral concerns seem to have been exacerbated by envy of Marconi's reputation: "As [Smith] later confided to friends, he could never resist swinging at 'handmade halos.'"[12] It did no good for Marconi and his fellow executives to show, over and over again, that they had not profited from the transaction with the *Times*, that they had facilitated it because they believed that their heroic employees deserved a chance to make some extra money, and that the arrangement, which was suggested to the operators when they were entering New York harbor and had resulted in the immediate publication of their stories, had not exactly delayed the nation's news. Marconi reminded Smith that people had the right to sell their stories. But Smith cudgeled him into agreeing that the practice should be discouraged, and he made him repeat, like a schoolchild, a declaration that he was testifying before Smith "voluntarily." Then Smith bullied Marconi's subordinates about their "vicious" practice.[13]

Bullying tactics were also applied to Ismay. Rejecting his vigorous requests that he be allowed to return to England, Smith angrily insisted on reserving him for future testimony. Smith then tried to get him to confess that he had been accorded complete fairness and courtesy. During smoking breaks in the halls, Ismay had entertained reporters with angry remarks about Senator Smith's procedures and with outbreaks of revived confidence in his own innocence. But he publicly acquiesced, testifying that he had met with no "discourtesy" and had "no fault to find."[14]

Smith had used political power to humble Ismay and (in the vernacular expression) make Ismay like it. Smith had also done something more important. In the words of a friendly commentator, he had "bent an instrument, constitutionally intended for the sole purpose of obtaining data useful to legislation," into a means of "mobilizing the power of public opinion" about social and moral issues.[15] One should not exaggerate Smith's inventiveness; he was part of a trend. But he had provided one precedent for all those far-reaching inquisitions to which subsequent generations have become accustomed, inquisitions inspired by elected officials' expansive idea of their moral as well as legislative authority.

In Ismay's case, however, the moral inquisition came to naught. Smith could find no evidence that Ismay (or any other corporate official) was directly responsible for what happened to the *Titanic* or was privy to any negligence. Neither could he find a way to grapple with the problem of Collapsible C — the problem of determining whether Ismay, the managerial and familial embodiment of the White Star line, had a responsibility to stay with *Titanic* until all the other passengers had gone.

In fact, Smith gave up looking for ways to grapple with such problems. The most he could say, in his concluding speech to the Senate (May 28, 1912), was that Ismay's presence had "unconsciously" "stimulated the ship to greater speed than it would have made under ordinary conditions." Smith regarded this kind of stimulation as something that "the restraint of organized society" should contrive to prevent. He was not able to demonstrate that Ismay had done anything wrong, but he could not bring himself to forgive Ismay's existence as a corporate leader emanating "unconscious" influences.

Smith's treatment of Ismay was in striking contrast to his treatment of the *Titanic*'s captain, who had incomparably more to do with the disaster but whom Smith was very reluctant to criticize. He had known the captain; he had liked him. Besides, the captain had not been a corporate official but a mere employee. Smith held that the captain's failure to reduce *Titanic*'s speed had helped to cause the deaths of 1500 people; nevertheless, he eulogized him as "strong of limb, intent of purpose, pure in character, dauntless as a sailor should be." The captain's excessive speed was just the defect of his dauntlessness.

In fact, Smith argued, "laxity of regulation" on the part of the British Board of Trade was "largely" responsible for the loss of life. Following a course that has become well-traveled by American politicians, the Senator steered straight from the land of moral responsibility to the land of technical fixes. Once safety was assured by regulation, there would be no need to wonder who was responsible for disasters. There would be no disasters.

W.T. Stead, who had published stories about liners running into icebergs and running out of lifeboats, settled down by himself to read a book. He would die doing what he thought was important.

After praising the virtues of regulation, Smith proposed far-reaching new regulations on shipping. He also warned against "concentration of control" in the maritime industry, a matter which, of course, had precisely nothing to do with *Titanic*'s misfortune. With equal irrelevance, he demanded a higher proportion of American citizens in the U.S. merchant marine. In his Senate speech of May 28 and in his written

report of the same date, Smith also demanded vigorous regulation of wireless communication. Given his treatment of Marconi, that was predictable.

Smith's investigation was not much help to plaintiffs seeking redress for White Star's negligence. The inevitable lawsuits were settled out of court, years later, for a small fraction of the money sought.[16] Smith's legislative proposals did lead to a general tightening of regulation over navigation and communication. It is interesting, however, that the reforms most closely connected with the *Titanic* disaster were already being implemented by the shipping companies themselves. Immediately after the disaster, Ismay and virtually every other manager of a shipping line ordered enough lifeboats and liferafts to accommodate everyone on board their vessels. By mutual agreement, the lines also moved their shipping track farther south in iceberg season. White Star spent 250,000 pounds refitting *Titanic*'s sister ship, *Olympic*, so that she could float with six watertight compartments flooded. Harold Sanderson, Ismay's corporate assistant, stated that even if such reforms were neither "wise" nor necessary, they had to be carried out in order "to satisfy the public, on whom we are dependent for our living."[17]

In any event, Senator Smith escaped from his hearings with the legislative proposals that he desired, and Ismay escaped for the second time from the *Titanic*. He took ship for England, leaving the great liner sinking behind him in a sea of regulatory proposals.

"Exercise Your Own Common Sense"

But Ismay was not free yet. On reaching home, he was summoned to appear before another body of investigators, a court convened by the British Board of Trade.

Lord Mersey, a canny old judge who looked exactly like the little man in the Monopoly game, presided over the court as Wreck Commissioner. He was assisted by Attorney-General Sir Rufus Isaacs and attorneys representing White Star, the third-class passengers, labor unions, and various other interests. The record of the 36-day British inquiry is a monument of intelligence and fairness. Mersey and the lawyers practicing before him showed distinguished analytical ability, whether they maintained, with Attorney-General Isaacs, that the *Titanic* was lost through "negligent navigation," or they insisted, with Sir Robert Finlay, counsel for White Star, that she was lost to "circumstances which are quite unprecedented, and could not have been anticipated."[18]

Lord Mersey took nearly an opposite approach from that of Senator Smith. Smith began with moral outrage and ended with proposals for government regulation; Mersey emphasized problems of regulation while trying — without success — to avoid issues of moral culpability, which he considered beyond the competence of his court. Morality kept slipping away from Smith's inquiry; it kept slipping into Mersey's.

Mersey was skeptical, as Smith was not, about the usefulness of regulation. He even entertained a thought that the twentieth century would come to regard as virtually heretical, the thought that consumers might bear some responsibility for their own protection. Reflecting on evidence that ships customarily proceeded at full speed despite the danger of ice, Mersey asked, "Have you ever considered who the people are who are really responsible for it, if it is a wrong custom or practice? Is it not the passengers?"[19] Passengers desired high speed; captains and corporations obliged.

And there was only so much that could be done with consumers, even consumers like Mersey himself. When one of the attending lawyers, W.D. Harbinson, suggested that regulations require the posting of certain instructional notices to passengers, Mersey responded:

> Exercise your own common sense. Do you think, Mr. Harbinson, that if such notices were stuck up, any body would ever read them[?] Judging for myself I do not believe anyone would ever read them; I never should. Perhaps I ought to. The question is, What would happen, not what ought to happen. Have you ever been on board a ship?
>
> *Harbinson:* I have never been to America, but, if I may relate my personal experience, every time I go across the Channel one of the first things I do is to read the notices.
>
> *Mersey:* You are one of the most extraordinary men I have ever come across. The first thing I do, if it is about the middle of the day, when I get on a cross-Channel steamer is to get some lunch, and the notion that I should go about the decks or about the ship reading all the notices that are stuck up never occurred to me.[20]

Mersey was quite prepared to advocate new regulations, if he thought them useful. But his mind focused on risks.

Benjamin Guggenheim and Victor Giglio helped at the boats. Then they took off their lifebelts and sweaters and appeared in evening clothes. "We've dressed up in our best," Guggenheim said, "and are prepared to go down like gentlemen."

There was a risk to every form of travel — even walking.[21] Safety could not be guaranteed. Regulation also had its risks. It might be unwise or even harmful. To Senator Smith, the "laxity" of current lifeboat regulations was an obvious reason for stricter regulations. To Lord Mersey, apparent "laxity" might represent an adjustment to risks that he didn't understand. He was approaching a hazardous area, and he would proceed with caution.

Along the way, he amassed twice as much evidence as Senator Smith, although he was constantly trying to exclude irrelevant or unhelpful information. He was reluctant, for example, to summon passengers to testify, thinking that they would provide a less educated view of issues that crew members and technical experts had already developed. For Mersey and the Attorney-General, Ismay was not a high priority. They wanted to know how the *Titanic* was built, what happened in her engine room, how hard it was to reach her boat deck, what risks were involved in launching the boats, what risks were run in the whole affair. Mersey did not know if rules could reduce such risks; he meant to find out.

Nevertheless, he believed that neither the presence of risks nor the presence of regulations could relieve responsible individuals of their duty to use good judgment — whoever the individuals were. When Ismay was finally examined, on days 16 and 17 of the British investigation, this was the issue. Was Ismay responsible, in some sense, for the decisions made

on board the *Titanic*, and if so, did he use good judgment?

Mersey's inquiry turned up some evidence of a degree of involvement, which, though slight, might imply responsibility. Hadn't Ismay suggested that a speed trial be held at some time before the ship reached New York? That was consultation, perhaps supervision. And hadn't the captain shown him the wireless warning that ice might be encountered at such and such a place? In response, Ismay claimed that he "had nothing to do with the navigation," that he intentionally kept away from it, and that he didn't even understand "latitude and longitude."[22] He demonstrated his innocence of navigation by a number of absurdly uninformed comments. If Ismay had been in charge of the *Titanic*, she would never have gotten as far as she did.

Officer Lowe gathered volunteers from other boats and steered toward the people in the water, although he waited to do so until "the drowning people had thinned out."

But what about the lifeboats? Do you remember discussing the number that *Titanic* should carry? "No, I do not." When you got into Collapsible C, you saw no other passengers waiting to enter — but do you know whether there was an attempt to call more of them up to the boat deck? "That I do not know." Did you inquire? "No, I did not." Why didn't you yourself go to see whether there were more passengers for the boats? "I presumed that there were people down below who were sending the people up." So you thought that everyone had already come up? "I knew that everybody could not be up."[23]

It was a bad moment. A worse one followed. Where do you think all those other people were? "I can only suppose the passengers had gone to the after end of the ship." You could not see them? "I presume they went there. I was really not thinking about it."[24]

Suddenly, the issue had transformed itself from a problem of action to a problem of thought. It was hard enough to say whether Ismay had a responsibility to save everyone before trying to save himself. Many people said that he had such a responsibility; no one had succeeded in demonstrating it. But it would be much harder to say whether he had a responsibility to think through this issue of responsibility, to try the case within himself, weighing all the available evidence, while he was standing next to Collapsible C.

The question embarrassed Ismay. It embarrassed everyone. The problem was basic; the tools for handling it were hopelessly inadequate. Mersey put an end to Ismay's reminiscences and proceeded, with obvious relief, to aspects of the investigation more closely linked to possible regulatory reforms.

Much later, during final arguments, A. Clement Edwards, one of the labor lawyers, went after Ismay. He, Edwards claimed, had been no ordinary passenger on the *Titanic*, and he had had "special moral obligations" to the other passengers. Mersey replied, "I do not think I can deal with moral duties." This did not stop White Star's counsel from defending Ismay's decision about the extent of his moral duty. He invited Mersey to analyze the risks that Ismay confronted on the boat deck. Ismay could have gone searching for other passengers to put into Collapsible C — but was there any chance that he could have brought them to the boat in time? No; and there was every chance that he would have sacrificed his own life. That wouldn't have been duty; that would have been "suicide."[25]

Mersey devoted one paragraph of his report to Ismay and the affair of Collapsible C. He rejected the argument that Ismay had a "moral duty . . . to wait on board until the vessel foundered. . . . Had he not jumped in he would merely have added one more life, namely, his own, to the number of those lost."[26] The report recommended that vessels slow down at night in the presence of ice. It recommended that vessels be required to carry lifeboats for all, whenever practicable. It recommended various other regulatory reforms, and further study of still others.

Ismay had escaped again.

"Well, Boys, Do Your Best"

After the conclusion of the British inquiry, the Managing Director of the White Star line began to fade from the popular consciousness. But an impression remained, and it was not very flattering. It was associated with a certain general impression of *Titanic* herself. Scholars of the disaster have routinely recorded this impression, and perpetuated it. "The *Titanic*," one says,

> was the incarnation of man's arrogance in equating size with security; his pride in intellectual (apart from spiritual) mastery; his blindness to the consequences of wasteful extravagance; and his superstitious faith in materialism and technology.[27]

This view gained authority from the technocratic proposals that resulted from the two great inquiries. If the sin of Ismay and his associates was blind faith in technology, the occasion for sin might be removed by new regulations on the use of technology. The post-*Titanic* age could congratulate itself on the provision of lifeboats for all, while marveling at the arrogance of people who had once believed in "unsinkable" ships. The mystery here is why advocates of technological solutions should regard other people's faith in technology as a moral problem.

When all the women and children in the vicinity had entered a lifeboat, it was lowered away, whether it was full or not. Men who could have been saved were left to perish.

And this is far from the only mystery. Almost all the presumably unsinkable judgments about who or what was to blame for the *Titanic* disaster, and why, are as fragile and vulnerable as *Titanic* herself proved to be. This fact was demonstrated again and again by the British investigators. They were obsessed with the technical analysis of risks in navigation and ship construction. But their research into the risk factors persistently discovered evidence that complicated the issue of moral responsibility. Their investigation showed that

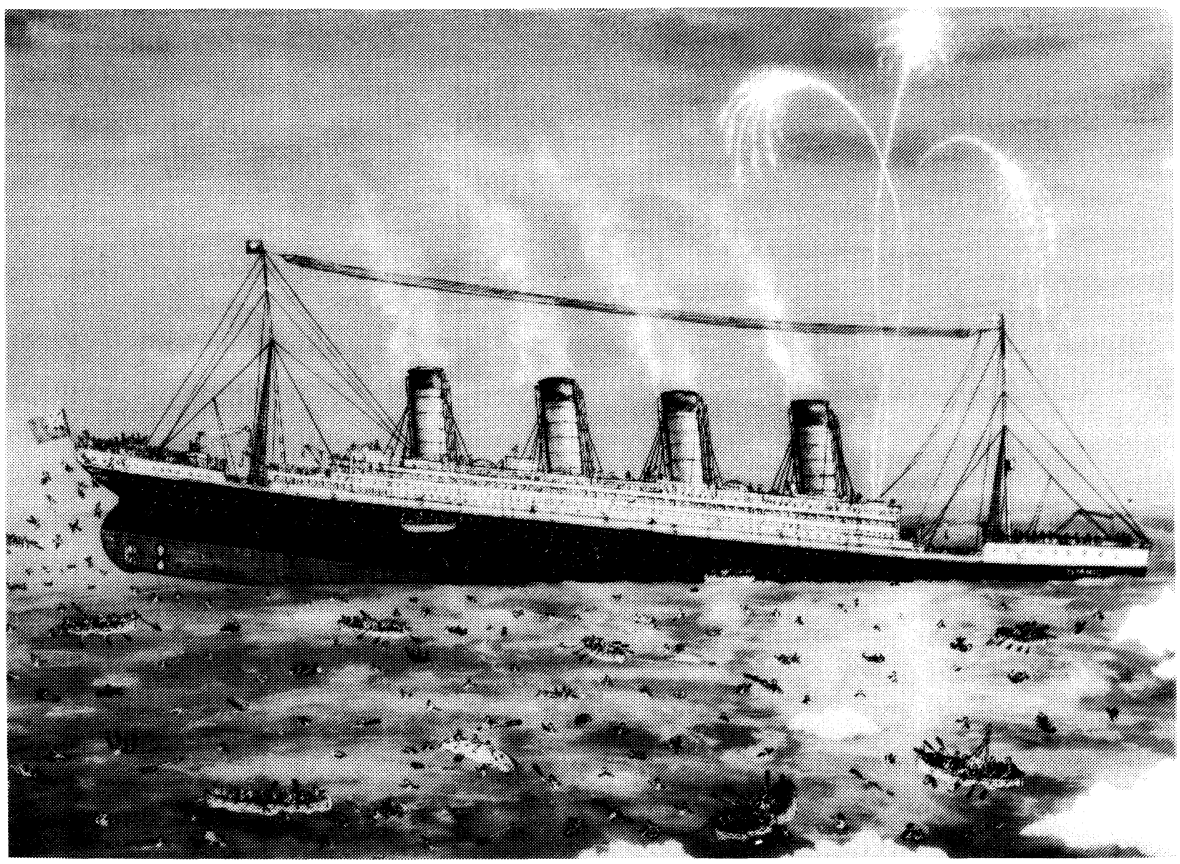

Painting by Milton Bond, 1989

The sea was climbing up Titanic*'s bow. The lifeboat was starting to move. This was the moment.*

statements about this issue ran a considerable risk of encountering what may be called the black iceberg.

Icebergs are popularly regarded as white. But when a melting iceberg becomes top-heavy and capsizes, it turns dark blue until the water runs out of it. At night, icebergs undergoing this metamorphosis are exceptionally hard to see. The iceberg that struck the *Titanic* was probably one of these "black" icebergs. It was invisible until it was only a third of a mile away, and it looked dark as it passed the ship.[28]

Facts in the *Titanic* case are like that iceberg. At first, they seem phosphorescently clear. Then, suddenly, they invert themselves and re-emerge with a very different color, directly in the path of whatever theory you have afloat.

Consider the theory that the *Titanic* exemplified an arrogant overconfidence in the works of human hands, an arrogance that was demonstrated by the shocking events of April 14-15, 1912. It is a fact that the events were shocking; but it is not clear that the shock wave, which devastated Ismay and his company, the officials of the British Board of Trade, and many other people associated with *Titanic*, was produced by any revelation of prevailing arrogance and blindness. Better evidence of these things would have been a lack of shock, a recognition that the disaster was nothing more than the latest symptom of the prevailing vice. But what the shock wave actually registered was the unusual nature of the event. People were shocked because they had assumed that modern technology had made travel in the North Atlantic remarkably safe.

Their assumption was correct. In the 20 years preceding *Titanic*'s maiden voyage, over nine million passengers crossed between Britain and the United States or British North America. The great majority crossed in British vessels. But only 82 of those vessels' passengers were lost.[29] Furthermore, the "unsinkable" *Titanic* was unsinkable, within the intended meaning of that word. Investigation indicated that she would have floated if three of her forward compartments had been flooded, and her builders did not imagine a crisis that could involve more than two.

But surely one could have imagined an iceberg slicing 250 feet of gashes in a modern ship? Yes, indeed. But imagination would have been greatly aided by some examples of this having happened, and there seem not to have been any. Several modern ships had crashed head-on into icebergs — *Arizona* in 1879, *Concordia* in 1899, *Columbia* in 1911 — but they had not sunk. This was no miracle; it was modern technology.

And yet (here the iceberg of fact inverts itself again) all this is known because the ships survived. Before the advent of wireless communication, ships might be lost to icebergs and the world never know.

> On board the *Pacific* from Liverpool to N.Y. — Ship going down. Confusion on board — Icebergs around us on every side. I know I cannot escape . . .

So runs a message found in a bottle on the shore of the Hebrides, after the liner *Pacific* disappeared in 1856. On February 11, 1893, the White Star cargo ship *Naronic* sailed

from Liverpool, bound for New York. On March 4, two lifeboats were sighted, 300 miles apart. They were empty. No one knows what happened; it could have been an iceberg.[30]

A fatal encounter with ice was a small risk, to be sure, but one not easy to calculate. What does one do in the face of such risks? One consults experience — one's own experience and the experience preserved in custom. A long parade of North Atlantic captains testified before Lord Mersey that when they sailed under *Titanic* conditions (iceberg warnings, darkness, but good weather, with clear visibility) they never slowed down, and neither did anybody else. They could still see no reason to slow down. So when Captain Smith maintained *Titanic*'s speed, despite ice warnings, he was not being mindlessly irresponsible; he was following the custom of his profession.

Most people in the lifeboats showed little desire to go back and save anyone, even if they might be close enough, and even if they might have friends or relatives dying in the water.

But the talk of weather introduces more hazards to deduction. The weather on April 14 was exceptionally good; there were no waves. Such conditions, Mersey was repeatedly told, might be seen only once in a lifetime. This good weather meant good sailing. It also meant that no surf would break at an iceberg's foot. Icebergs would therefore be doubly hard to see.

Captain Smith knew that.[31] But he believed that an iceberg could still be seen if the night remained clear. This sounds very foolish, until one reads the testimony of the British inquiry's old sea dogs. They maintained that the glow of a white iceberg would be visible even on the darkest night.

But what about a black iceberg? Ah, that might be a problem. But how often does one see such a thing? A very experienced captain told Lord Mersey that he had never even heard of black icebergs until he read about them "in the papers." Perhaps, suggested the Attorney-General, people don't know how many black icebergs they encounter without being able to see them.[32] Unless, of course, they run into them.

Assume, however, that black icebergs are rare. A flat calm on the North Atlantic is also rare. The conjunction of a black iceberg, a flat calm, and a large, fast ship is an exceptionally rare, perhaps an unprecedented, circumstance. Now, what deduction do you make from that? Do you agree with counsel for the White Star line, who argued that unprecedented circumstances cannot be guarded against? Or do you agree with the Attorney-General, who argued that "unusual conditions necessitate unusual precautions"? Well, said Lord Mersey, unusual conditions don't excuse you unless they are so unusual that you are not even aware of them.[33]

Captain Smith's moral responsibility must bear some relationship to his awareness of risk, but no one has ever been able to compute either the risk or the awareness. After 85 years of Titanic books, and one full-length biography, Smith remains an enigmatic figure. There was something about him that inspired his passengers' trust. Probably it was his self-contained, professional manner. From this fact, passengers might have inferred one of two things: either that he was thinking intently, or that he was not thinking at all. They took the risk of inferring the former.

Nobody knows exactly what Smith thought about his own risks on that strangely calm Atlantic night. Nobody knows what he had in mind, earlier in the voyage, when he failed to exercise such humdrum duties as holding lifeboat drill and developing plans for managing emergencies. The cause of his neglect may have been hubris, an arrogant faith in his vessel's safety. In light of what I said above, it may have been a well-founded faith that simply happened to be wrong. Some people believe it was an old man's forgetfulness — yet Smith was only 62 years of age and was not necessarily, as is usually reported, on the verge of retirement.[34]

Whatever one believes about that issue, neither hubris nor forgetfulness can explain the mistakes he made after he realized that his ship was sinking. He was intent on getting people into the lifeboats, but he failed to give any clear organization to the effort or to mobilize his officers to act in concert. Many of the crew worked hard to get passengers up to the boat deck; a few decided to do the opposite and tried to keep third-class passengers from crossing first- and second-class territory. Others had no idea of what to do. On deck, volunteers wandered from one boat station to another, helping out as best they could.

Meanwhile, Smith appeared and disappeared in various locations, giving brief orders to various individuals and involving himself personally in a variety of tasks. He provided an example of stoic calm. But none of this amounted to effective leadership, which would have required distinct and comprehensive delegation of authority.

Did Smith's final mistakes result from a failure to assume personal responsibility, or from an attempt to assume too much? No one can say. None of the testimony that emerged from the disaster sheds any light on this; testimony could not even establish how he came to die. According to one witness,

Captain Lord took account of every risk except the risk of being the kind of person who cares only about the risks.

> He said, "Well, boys, do your best for the women and children, and look out for yourselves." He walked on[to] the bridge.[35]

Soon after, the ship went down.

It seems certain, however, that considerable loss of life resulted directly from an excess of moral responsibility on the part of people who were working to save lives. The captain, and everybody else, believed that the policy in regard to lifeboats should be "women and children first." They thought that was the right principle. But what exactly did it mean? On the starboard side of the boat deck, where Bruce Ismay happened to be, it meant "women and children first, then men." People on the port side were more puritanical. Their interpretation was "women and children only"; when all the women and children in the vicinity had entered a lifeboat, it was lowered away, whether it was full or not. Men who could have

been saved were left to perish; some of the men who enforced the rule proceeded to die by it.[36] As one of Lord Mersey's assistants suggested, "women and children first" may also have produced the kind of delays that allowed boats to be launched with unused spaces. Time had to be taken to separate women and children from associated males[37] Then, since time was short, there was pressure to launch the boats, even if they were not full.

An excess of moral responsibility also led officers to worry about lowering boats that were filled to capacity, for fear they would buckle and dump their passengers into the sea. The boats were perfectly sound, but the *Titanic*'s officers did not know that, or trust their knowledge. They wanted to save people, not to kill them; as a result, they killed many people who would have fitted safely into the boats but who were not invited to enter. Moral principles helped to create a situation in which boat accommodations meant for 1178 people were used by only about 700. Like most other things connected with the *Titanic*, morality showed both a bright surface and a dark and dangerous one.

We have now moved very far from the conception of the *Titanic* that lingers in the popular imagination, that of a ship whose passengers were doomed by technological arrogance and corporate greed. That *Titanic* belongs to the world of myth. The *Titanic* of fact, the *Titanic* on which we are now sailing (or sinking), was imperilled by obstacles much more difficult to chart — the incalculability of certain risks, the opaqueness of certain intentions, the unpredictability of results from even the best intentions, and the reversibility of "obvious" deductions from "known" facts.

"Make Your Ship as Unsinkable as You Can"

While we are considering reversibilities, let us look at the most notorious example of the *Titanic*'s supposed moral failure — her neglect to carry enough lifeboats for all on board.

If there is blame here, there is blame enough to gratify all tastes. Enemies of corporate greed can say that accommodations for 1178 out of a possible 3547 people (of whom, luckily, *Titanic* was carrying only about 2200) look like a bad joke. Enemies of government regulation can reply that the Board of Trade required an even less handsome provision of 962 spaces. But people on each side will be left to wonder what White Star and the Board of Trade could possibly have had in mind.

One thing they had in mind was keeping costs as low as possible. As churlish as it may be to mention this, even lifesaving equipment can, at some point, have a prohibitive cost. Mersey asked, rhetorically, "If vessels are made by different devices so secure that they cease to be commercially valuable, they cease to go to sea at all?" The answer, of course, is "yes."[38] But lifeboats did not represent a major cost; nor was the space required for lifeboats an indispensable financial asset. The *Titanic*'s builders provided all classes of passengers with advantages that were much costlier than lifeboats, and not all of these advantages were strictly necessary to attract business.

The basic question was, How many lifeboats can be used effectively? In the *Titanic*'s case, the answer was, Enough lifeboats to carry everyone. The *Titanic* took a fairly long time to sink, and the weather was perfectly calm. Given adequate training of crew members, twice as many boats might have been launched, if they had been provided. But this fact, like so many other facts about the night of April 14-15, can be delusive. Weather on the North Atlantic is seldom calm, and if a ship is going to sink, it can sink quite rapidly. It will also, quite probably, develop a list so severe that lifeboats on one side cannot be lowered, because they will hit the hull, and lifeboats on the other side cannot be loaded, because they are swinging too far from the deck. If there is any sea running, boats can probably be launched only on the lee side, so "boats for all" will mean boats for all on both sides of the ship.

The ideal complement of lifeboats for *Titanic* would therefore have been about 60 on each side. This would mean a line of boats over 2000 feet long, over four times longer than *Titanic*'s boat deck. Arrangements could be made to swing more than one boat from each pair of davits, or to stack boats and rafts on deck. But as the number of boats increases, so do the difficulties of working with them; and any lifeboat is a dangerous thing to work with. If there are serious time constraints, or a heavy list, the results are predictable. The Cunard liner *Lusitania*, which was torpedoed in 1915, sank in only 18 minutes. The scene of horror was rendered yet more horrible by lifeboats crashing into the ship, the sea, and crowds of passengers.[39]

The Titanic sank in two hours and 40 minutes, the length of a classic play.

Even in the "normal" circumstances of a North Atlantic sinking, it is virtually inconceivable that lifeboats could help everybody escape from a very large ocean liner. The *Andrea Doria*, like every other post-*Titanic* liner, carried lifeboats for all, but after she was injured in a collision in 1956, she listed so badly that few of those boats could be used effectively. Ninety-seven percent of the people on board were saved — chiefly because other ships soon arrived and transferred passengers with their own boats.[40] In 1912, lifeboats were valued primarily for their ability to ferry a few people at a time from a distressed liner to a rescue ship. The point was to build liners that would stay afloat until help arrived.

The idea that every great liner should function as "its own lifeboat" was sensible and widely shared. It was the basis for the apparently bizarre regulatory system commonly in use, in which the required number of lifeboat accommodations was based on the tonnage of ships, not on the number of people they carried. The largest liners had the best chance of staying afloat, so they could do with a smaller proportion of lifeboat spaces than other vessels. Considering the dangers of decks overcrowded with "lifesaving" equipment, it was thought that liners that could carry several thousand people probably should not have boats for all.

That was the reasoning. Even after the *Titanic* disaster, the editor of *Scientific American* published a book called *An Unsinkable Titanic*, in which he emphasized the hazards of relying on lifeboats and argued that unsinkability should continue to be the goal. During the British inquiry into the *Titanic* disaster, Attorney-General Isaacs took it for granted that "it is much more important to make your ship as near as

unsinkable as you can than to provide boats," and Lord Mersey answered, "Of course it is."[41] That exchange reflected the wisdom of shipowners and regulators almost everywhere.

When Mersey finally recommended the requirement of lifeboats for all, he was bowing to public opinion, the authority to which shipowners had already bowed. So far as public opinion was concerned, the provision of those boats was a risk-free moral necessity. The decision to provide them may have been right (on balance, I think it was), but it wasn't as simple as the public thought. Like some of the other morally fraught decisions I have mentioned, it represented a juggling with risks, risks that were no more calculable after the *Titanic* than before it.

Even in the "normal" circumstances of a North Atlantic sinking, it is virtually inconceivable that lifeboats could help everybody escape from a very large ocean liner.

"It Would Have Been Outrageously Bad Seamanship"

Juggling with risks can have some very odd effects on moral judgment. Risks can be juggled away as if they had no weight at all; or they can become the focus of attention, until all that people can see is the heavy objects that keep landing in both their hands.

The first of those two effects appeared in the American public's response to Bruce Ismay's moral problem. Before the *Titanic* disaster, it was universally agreed that the managers of a steamship company had no business interfering with the management of the ships themselves. The risk was too high. (Given Ismay's ignorance of navigation, it was stupendously high.) There would also, quite obviously, be heavy risks involved if a corporate official tried to assume responsibility for the evacuation of a ship. Such a person could easily do more harm than good.

As it happened, Ismay assumed none of these risks. When he was handed the iceberg warning on April 14, he did not advise Captain Smith to slow down. When the *Titanic* was sinking, Ismay helped other people enter the lifeboats, but he felt no duty to manage the operation or to go down with the ship as a consequence of his management responsibility. He acted like an ordinary passenger and entered a lifeboat when he saw no other passengers competing for the space. But popular opinion noticed only the fact that Ismay failed to make the *Titanic* slow down and failed to make sure that his fellow-passengers escaped. It took no account of the risks that he (and everyone else) would have run if he had tried to take charge.

Lord Mersey and his investigators experienced the second effect of a juggling with risks. They never lost sight of the risks inherent in any decision, including the risk of pronouncing moral judgment. Sometimes, they were simply mesmerized by the risks appearing on either hand. They were particularly impressed by the strange case of the *Titanic*'s swerve.

When the lookouts told First Officer William Murdoch that there was an iceberg dead ahead, Murdoch turned the ship to port. *Titanic* nearly missed the iceberg. She did miss the violence of a head-on collision. Testimony showed, however, that if Murdoch had decided to hit the berg head-on, *Titanic* would have repeated the famous experience of the *Arizona*: her bow would have crumpled, but she would not have received any fatal wounds to her starboard side. She would have remained afloat. Even Ismay knew that. The 200 people who were sleeping closest to the bow would have died; but that would have been many people fewer than the 1500 who did die.[42]

One could easily conclude that the ideal officer would calculate the risk of swerving and the risk of not swerving, and decide to hold his course. Unfortunately, however, no one would have hailed such a person as the savior of 1500 innocent people. Instead, everyone would have damned him as the murderer of 200 innocent people.

This problem tormented Mersey and his assistants. They did not know what to do with it. Attorney-General Isaacs tried going at it head-on. He said that if a liner were purposely driven into the ice, "I hope I am not on it, that is all." Sir Robert Finlay, counsel for White Star, was determined to have things both ways, and in the strongest terms. He argued that "it would have been outrageously bad seamanship" for Murdoch not to have swerved, even though, "as things turned out," what he did "was unfortunate — most unfortunate." Mersey conceded that Murdoch exercised "good seamanship." Still, he reflected, if Murdoch had held his course he "would have saved the ship." Like White Star's lawyer, Mersey was juggling madly; but he was by no means happy with his act. Finally even he surrendered:

> It is not worth while discussing it. Have we got anything to do with it? We are all agreed that Murdoch was quite right in doing what he did.[43]

That was that. Yet Mersey was not just trying to escape. He was being very careful. He had been thinking about the relationship between risk and moral responsibility. He was aware that his own inquiry could change that relationship. A running of risks that was quite innocent before the disaster might now, with improved awareness of one set of possible consequences, transform itself into "negligence of a very gross kind." That is what Mersey thought about Captain Smith's way of dealing with the risk of ice. But Mersey was clearly not prepared to tell seamen that they should take the risk of running their vessels into icebergs. He let that alone; he was too careful to run such risks. And yet, as he said, "a man may make, as we all know, a mistake which is due sometimes to too great care."[44] The risks remained heavy on both his hands.

Senator William Alden Smith was an ingenuous busybody, cherishing the typically twentieth-century American assumption that if anything goes wrong, the government ought to do something about it.

But what should one conclude about the too great care exercised by Captain Stanley Lord, master of the steamship *Californian*, and provider of yet another strange episode in the *Titanic* story? Here was risk management, of a very conscientious kind — but neither Mersey nor any of the other investigators was of two minds about it.

The *Californian* was a vessel of the Leyland line. It was owned, ironically, by the same Morgan holding company that owned White Star. On April 14, the *Californian* encountered field ice and stopped for the night. Another ship appeared in the vicinity and started firing rockets. But Lord neglected to awaken his wireless operator to find out what was wrong. The *Californian* sat still until morning. Then one of Lord's officers woke up the operator, who immediately discovered that the *Titanic* had foundered. Lord got the *Californian* going and maneuvered around the ice until he arrived, several hours too late, at the site of *Titanic*'s wreck. He kept all mention of rockets out of his log, and he hoped that no one would be the wiser.

Unfortunately for Captain Lord, two of his crewmen informed the American press, and he was left to explain himself, somehow. He claimed that the *Titanic* was not visible from the *Californian*; it must have been some other ship that was firing rockets. This made people wonder why Captain Lord had not tried to assist that other ship.[45]

The real explanation, as Attorney-General Isaacs surmised,[46] was that Captain Lord, meeting field ice for the first time in his career, had decided that he did not want to test his own ship against the unaccustomed risk. It is possible that Lord was hesitant to rouse his wireless operator because he did not want to confirm the fact that another vessel was in distress and find himself obligated to do something about it. He weighed the risks, both from ice and from moral responsibility, and he tried to reduce them to the lowest possible level.

For this he was censured by both Lord Mersey and Senator Smith, and he was fired by the Leyland line, which discovered that his inordinate skill at risk management made him a distinct liability to public relations.

But lurking near this episode is yet another glittering fact that can reverse itself and become a hazardous black berg. Why is it, one may ask, that Captain Lord of the *Californian* was blamed for moral irresponsibility, while Captain Rostron of the *Carpathia* was applauded as a moral hero? Lord had a duty not to risk his ship and the lives of his crew. So he didn't. But Rostron took that risk, and more: Lord carried no passengers; Rostron carried almost 800. Would Rostron have become the hero of April 15, 1912, if he had driven *Carpathia* at full speed onto one of the icebergs that littered her path? Should Rostron have been praised for assuming such a serious risk, while Lord was denounced for refusing it? Perhaps public opinion was wrong again.

Once you reach this longitude, the sky darkens and the ocean fills with ice. There is danger here, the danger of losing all memory of what morality is. To avert disaster, we will have to make a hard turn to starboard and then try to find a safer course.

"I Knew It Was My Duty"

At 12:00 a.m. on April 15, lookout Reginald Lee climbed down from the *Titanic*'s crow's nest. His ill-fated watch was over, and he went to his assigned lifeboat, No. 11. But instead of staying there, he started forward to work on the other boats. By the time he returned to No. 11, there was no room for him. Attorney-General Isaacs asked him if he had had "orders" to help with those boats — if he "had to do it." Lee replied, "I knew it was my duty, and that is why I went there. I did not have any orders myself." Lee went to assist with No. 13, was ordered into it, and was saved.[47]

Chief baker Charles Joughin was listed as the crewman who was supposed to enter boat No. 10 and take charge of it. But he busied himself by going downstairs to find more women and children, bringing them to the boat deck, and assisting or "throwing" them into the lifeboat. At 1:10, the boat left without him. "Why," he was asked by one of Mersey's assistants, "did you not go, seeing that you were in charge?" "I would have set a bad example," he replied. After the departure of No. 10, Joughin went to his room and took a drink, apparently a nice long drink. When the ship sank, he was sufficiently fortified to step off the stern, swim out to a boat, and wait until the people on it were inclined to help him aboard.[48]

Senator Smith warned against "concentration of control" in the maritime industry, a matter which, of course, had precisely nothing to do with Titanic's misfortune.

At 2:05 a.m., while Captain Lord was sitting tight in the chartroom of the *Californian* and *Titanic*'s last boat was being lowered, Captain Smith walked to the wireless cabin where the young operators, Jack Phillips and Harold Bride, were still sending distress calls. Smith told them, "You can do no more . . . You look out for yourselves." But, as Bride testified, "Mr. Phillips took the 'phones when the Captain had gone away and he started in to work again." The two boys kept working, and they kept writing their wireless log. Water was coming into their cabin on the top deck. Bride went into their bedroom for a moment, and when he came back he found a crewman trying to steal Phillips's lifebelt. He and Phillips fought with the intruder and knocked him out. "I did my duty," Bride said. "I hope I finished him." The wireless boys sent their last message three minutes before *Titanic* sank. Then they swam to an overturned lifeboat. Bride lived; Phillips died.[49]

None of the people in these stories was heedless of risks, but none of them equated moral responsibility with risk management. They were not self-sacrificing altruists. There were limits to what they would do for others. They would save themselves if they could. They might even kill to preserve their lives. But they measured risk to their lives against what was most valuable to them within their lives — a sense of duty. This, it appears, was their difference from Captain Lord, who took account of every risk except the risk of being the kind of person who cares only about the risks.

"What Was It You Were Afraid Of?"

But Lord is a sympathetic character compared to some of the people aboard the *Titanic* — or, more properly, some of

the people who had been aboard the *Titanic* but had been lucky enough to find places in her lifeboats. The moral conduct of people in the boats was not something that either Senator Smith or Lord Mersey set out to analyze. Smith was more interested in discovering lapses in corporate morality; Mersey was more interested in keeping to the technical details of the disaster itself. But neither of them could restrain his curiosity, and the testimony of the boats is on record. The record is very mixed.

When the *Titanic* sank, hundreds of people were swept off her decks into the freezing water. Upheld by their lifebelts, they were slowly dying of exposure. They were screaming for help; the noise was terrible. In some lifeboats, passengers or crewmen, or both, immediately decided to help. Lifeboat No. 4, loaded with wealthy women, was one of the last to escape from the *Titanic*. But when the ship sank, No. 4 turned and began to rescue people: "Some of the women protested, but others persisted, and we dragged in six or seven men." They picked up people crying in the water until no more cries were heard.[50]

Smith's treatment of Ismay was in striking contrast to his treatment of the Titanic's captain, who had incomparably more to do with the disaster. The captain, after all, had not been a corporate official but a mere employee.

In boat No. 14, Officer Lowe gathered volunteers from other boats and steered toward the people in the water, although he waited to do so until (in his brutal way of putting it) "the drowning people had thinned out."[51] By the time that happened, he was able to pick up only four people, one of whom did not survive.

But most people in the lifeboats showed little desire to go back and save anyone, even if they might be close enough, and even if they might have friends or relatives dying in the water. Boat No. 5, commanded by Officer Pitman, could offer 24 vacant spaces. But when Pitman proposed going back, his passengers (especially the ladies) objected that "it was a mad idea"; they would be "swamped." Pitman did not go back. He halted, listening to the cries until they gradually "died away." Senator Smith wanted to know what the cries were like.

> *Pitman:* Well, I can not very well describe it. I would rather you would not speak of it.
>
> *Smith:* I realize that it is not a pleasant theme, and yet I would like to know whether these cries were general and in chorus, or desultory and occasional?
>
> *Pitman:* There was a continual moan for about an hour.[52]

In some boats, almost any evasion was enough to prevent an attempt at rescue. Quartermaster Robert Hitchins, commanding boat No. 6, explained to Lord Mersey that he could not rescue any of the people crying in the water because he didn't know "what direction to take. . . . I had no compass." To which Mersey replied, "You had your ears. Could not you hear where these cries came from?" Hitchins' passengers had wanted to go back, but Hitchins had refused. He said "there was only a lot of stiffs there." The passengers rebelled; one of them, the famous Molly Brown, eventually threatened to throw Hitchins overboard. But by then it was too late.[53]

The most arresting non-rescue story is the little epic of lifeboat No. 1. Among the boat's occupants were two persons aptly named for the ludicrous parts they were about to play — Sir Cosmo Duff Gordon and his wife, Lady Duff Gordon, best known as "Lucile," a fashionable dress designer. With them was her secretary, Miss Francatelli. The lifeboat was not exactly filled. It could accommodate 40 people, but through the haste of the supervising officer it had been lowered with only twelve. Seven of the twelve were crewmen.

On entering No. 1, Sir Cosmo somehow found his accommodations cramped. He did not realize, he told Lord Mersey, that "there was plenty of room in the boat for more people." He admitted that it did occur to him "that people in the water could be saved by a boat," but it was evidently not his boat he was thinking of. The idea of personally trying to save anybody never crossed his mind. He was too busy worrying about his wife, who became violently seasick as soon as No. 1 touched the (absolutely calm) waters of the ocean: "We had had rather a serious evening, you know." Sir Cosmo noticed that someone was rowing the lifeboat, but he didn't know where, and he didn't know why, and he didn't care. He speculated that the rowers wanted to make enough noise to "stop the sound" of the dying.[54]

Crewman Charles Hendrickson testified that he suggested going back, but his suggestion was quashed by the Duff Gordons, or by Lady Duff Gordon and Miss Francatelli: "they were scared to go back for fear of being swamped." So Hendrickson stopped suggesting.

> *Mersey:* Then am I to understand that because two of the passengers said it would be dangerous you all kept your mouths shut and made no attempt to rescue anybody?
>
> *Hendrickson:* That is right, Sir.[55]

The only rescue that the crewmen of No. 1 attempted was the rescue of the Duff Gordons from the British inquiry. The crew's attachment to the Duff Gordon family had been improved by charitable contributions of five pounds each, delivered by Sir Cosmo on the decks of the *Carpathia*. Most of the crew showed up to testify that *nobody* in No. 1 had wanted to go back. But why not?

> *Mersey:* I want to know why? What was it that you were afraid of? — *George Symons (crewman in charge of No. 1):* I was not afraid of anything; I was only afraid of endangering the lives of the people I had in the boat.
>
> How? What was the danger? The ship had gone to the bottom. She was no longer a danger. What were you afraid of? — At that time the ship had only just disappeared.
>
> Never mind, it had disappeared, and had gone down to the bottom, two miles down, or something like that. What were you afraid of? — I was afraid of the swarming.
>
> Of what? — Of the swarming of the people — swamping the boat.
>
> That is it, that is what you were afraid of. You were afraid there were too many people in the water? — Yes.
>
> And that your boat would be swamped? — Yes.
>
> I am not satisfied at all.[56]

And no wonder. It would have been quite a job for anybody to crawl out of the freezing darkness into a lightly loaded boat standing high in the water, unless he had had

help from the people inside. Boat No. 1 could hardly have been swamped by the human "swarm"; it would have had plenty of time to turn back before being engulfed.

But we have the testimony of the lifeboat's company, page after page in the British inquiry.

> *Thomas Scanlan (counsel for the National Sailors' and Firemen's Union):* It would have been quite a safe thing to have gone back? — *Albert Horswill (able seaman):* Yes.
>
> . . . Did it not occur to you that the proper thing to do under those circumstances was to row back? — It would have been the proper thing to do, but I had to obey the orders of the coxswain of the boat, so it was no good my suggesting anything at all.
>
> Had the coxswain on your boat said "Oh, we must not go back"? — There was no conversation. I never heard any orders from the coxswain at all.
>
> You must have been greatly touched when you heard those poor creatures screaming for help? — Yes.
>
> Did you suppress your feelings and say not a word to anybody? — Yes, that is right. I hardly knew what I was doing at the time, and I did not suggest anything at all.
>
> You had two ladies and three gentlemen in the boat? — That is right, Sir.
>
> Is this you[r] evidence, that they also suppressed their feelings, and said nothing? — That is right. I did not hear them say anything.
>
> Did it not occur to you that it was really an inhuman thing to leave those people to perish when you could have gone to their assistance and rescued some of them? — It was inhuman.
>
> It was an inhuman thing? — Yes.
>
> Did you feel it to be so at the time? — I did feel it, Sir.
>
> Why did not you say something to those passengers? — I had to obey the orders of the coxswain of the boat. I was in the boat just the same as they were.
>
> *Mersey:* You will not get him away from that, you know.[57]

"I was only following orders" would become one of the great moral excuses of the twentieth century. But in Able Seaman Horswill's story, there were no orders. And neither was there an effective concept of moral duty.

Ministers of the gospel denounced Ismay and his corporate associates as exponents of pagan excess.

> *Mersey:* I do not understand your frame of mind. You were surprised that no one made the suggestion that your boat should go back? — *Robert Pusey (fireman):* Yes.
>
> Then were you surprised that you did not make the suggestion? — No.
>
> Then you were surprised that no one else made the suggestion, but you were not surprised that you did not make it? — No.
>
> It is a curious state of mind . . . [58]

Even more curious was the continuing state of mind of Sir Cosmo Duff Gordon, whose testimony made him look so pathetic that Mersey begged his examiners not to press him too hard: "The witness's position is bad enough." Sir Cosmo was asked, since he had thought it "natural" to contribute 35 pounds to the crew of his lifeboat, whether he might not have thought it "equally natural" to consider saving some other people from a horrible death. Again he said that the possibility hadn't occurred to him.[59]

There were certain things that Ismay had failed, somewhat mysteriously, to reflect upon. The mystery of Duff Gordon lay in his apparent refusal to reflect on anything. Mersey could not chart the weird interior of Duff Gordon's mind; it seemed to have no features. He gave it up.

"Spectators of a Drama"

But whatever one thinks of Sir Cosmo Duff Gordon (and I don't think very much of him), one may still ask questions about the standard of duty that he failed to honor. The questions arise from the use of that word "natural."

It may appear perfectly natural to set some value on the lives of others and try to save them if you can. "Natural," however, is a word that can be used far too freely. It can be used to provide an eternal rationale for customs that are merely local and temporary. Asked by Senator Smith for the reason behind the policy of "women and children first," Second Officer Charles Lightoller replied haughtily that it was "the rule of human nature." Ismay also pronounced it "natural." But that was 1912. In 1997, enforcing the "natural" rule of "women and children first" would probably get you sued for discrimination. Even in 1912, what was considered "natural" could vary with political ideology. Harried by Senator Smith about the sins of the Marconi Company, one of Ismay's business associates remarked that it was "only human nature" for wireless operators to sell their stories to the newspapers. Smith snapped, "What kind of human nature is that?"[60]

Forty-four years after the Titanic, when the Andrea Doria lay sinking off the New England coast, many crewmen took to the boats and left their terrified passengers behind.

In this connection, it is interesting to notice one of the most recent books published about the *Titanic*.[61] Its author, Steven Biel, is not especially concerned with the rights and wrongs of the disaster itself. He is concerned with what people made of it afterwards. He has therefore compiled the reactions of a multitude of Americans — politicians, preachers, editorialists, feminists, antifeminists, conservatives, socialists, spokesmen for ethnic causes, spokesmen for Americanism — most of whom believed that they had found some deep moral meaning in the events of April 14–15.

These profound, permanent meanings — the kind that one finds in newspapers — often resulted from nothing more than a willingness to ignore fact, abandon logic, and give free rein to the partisan spirit. Thus, ministers of the gospel denounced Ismay and his corporate associates as exponents of pagan excess, "inhuman monsters who seek to cover their moral deformity with the dazzling splendor of mammon's throne." Drinking from the same pure spring of self-righteousness, socialists described Ismay as "the epitome of

capitalism," so perfect a product of capitalism that "even capitalism finds it hard to stomach him." To Biel, it seems obvious that the meaning of the disaster grew out of "present circumstances and ideological purposes." It "seared itself into American memory not because it was timeless but because it was timely."[62]

But this is wrong. The *Titanic* disaster had meaning, and continues to have meaning, because it was a magnificent elaboration, within time, of timeless moral problems.

The problems themselves — involving, as they do, the relationship of duty to danger and of risk to moral responsibility — were not invented in 1912 and are not out of date in 1997. And some of the moral principles that responded to such problems have proven very durable, much more durable, in fact, than the follies, cruelties, and infatuations of popular moralists.

Those moral principles — or, perhaps more properly, moral expectations — involved an idea of duties that could not be reduced to risk management. The popular opinion of 1912 doubtless carried this idea to an absurd extreme. Captain Smith was regarded as a hero simply because he was willing to go down with the ship. He was celebrated to such a nauseating degree that George Bernard Shaw felt impelled to object; Smith's idolators, he said, had mistaken "sensational misfortune for inspiring achievement." Yes, but there is at least some dignity in deciding that other things may matter besides not being drowned.[63]

Like most other things connected with the Titanic, morality showed both a bright surface and a dark and dangerous one.

Forty-four years after the *Titanic*, when the *Andrea Doria* lay sinking off the New England coast, many crewmen took to the boats and left their terrified passengers behind. This was not a refreshing comment on mid-twentieth-century morality (though it is far from the worst comment that might be cited). Some people tried to cover it up — but no one said it was right.[64] Probably no one would say so today, despite the fact that the action was entirely "natural," in one sense of that word.

But the assumption of moral responsibility is always more artificial than natural. It is the product of choice, not of some purely spontaneous urge. This is the message of the great works of literary art that focus on the problems of moral responsibility, whatever the specific solutions they suggest. These works endure because they reveal, with intensity and rigor, all the possibilities of moral choice. And this thought draws us closer to the permanent significance of the *Titanic* disaster, much closer than we could come by trying to discover whether the particular moral principles invoked on the boat deck of the White Star liner are still alive (or ought to be alive) today.

The *Titanic* has endured because it presented the great problems of morality — which is itself artificial — in the exacting form that one expects from a great work of artifice, a great literary drama. Only in this way could one of 1912's numerous "floating (or sinking) hotels" (in Shaw's words) have transformed itself into an "august event" (in Thomas Hardy's).[65] It was the kind of transformation that one expects from a consummate work of art.

Even while it was happening, the event seemed artificial. An historian of the disaster, summarizing this constant theme of the *Titanic* literature, describes some features of "the final act of the tragedy":

> the great ship lying motionless on a sea as still as a millpond under the glittering canopy of stars; the rockets soaring aloft into the darkness from the bridge; the lively ragtime airs played by the ship's orchestra assembled near the head of the grand staircase; the passengers standing about in groups, or pacing slowly up and down in the bitter cold . . . the strange feeling that not a few of them had of being spectators of a drama rather than actors in it; and all the time the black water rising higher and higher towards the slanting decks.[66]

As in a theatre where a production is so brilliantly staged that the audience cannot suspend its sense of disbelief but continues conscious of the artistry of sets and action, so on the decks of the *Titanic*. "We had our eyes wide open and noticed everything that was going on," said third-class passenger August Wennerstrom, "but could not feel any sorrow — or even fear. It was more like we were part of an audience in a wonderful, dramatic play."[67]

The sets were perfect — magnificent in size yet intricately scaled to the dimensions appropriate for each scene of individual choice. The cast was enormous, yet not so enormous as to prevent its members from being known as individuals. The choices that each character faced were complex, demanding. The characters were faced, moreover, with the absolute necessity of choice. They *had* to choose. But this was an intellectual drama, not a mere thriller. The characters had time to reflect on their choices (or not to reflect, if that was their way of choosing). The *Titanic* sank in two hours and 40 minutes, the length of a classic play.[68]

The obvious contrast is with the sinking of the *Lusitania*, where action was compressed into a mere 18 minutes. Like the *Titanic*, the *Lusitania* provided plenty of grist for "ideological" mills. She would be remembered chiefly as a political incident. But the *Titanic* would be remembered, more richly, as a drama of her passengers' moral decisions — even when the nature of those decisions would be hotly debated or abjectly misunderstood. And the dramatic intensity of the *Titanic* was great enough to infuse all the events that surrounded it: the deliberations in the lifeboats, the contrasting choices of the *Carpathia* and the *Californian*, and the enormous re-creations of the whole cycle of events, as staged by the American and British investigators — spectators with their own decisions to make.

Like any great, enduring play, the *Titanic* has spawned a host of critics. To criticize the performance properly, however, one must understand that the performers were not just actors; they were quite capable of being critics, too, and inspectors of their own actions. Often, as we have seen, they thought of themselves primarily as spectators. But these spectators were not idle; they had critical decisions to make, decisions about right and wrong. It has been argued, indeed, that a sense of morality depends on an essentially theatrical sense of self- observation, a sense that allows one to become, as Adam Smith supposed, a critical "spectator" of one's own

performance. Many of the acts performed in the drama of the *Titanic* failed the test of criticism; many resulted from evasion or absurd rationalization. (These acts also have their dramatic interest.) But others fulfilled the most rigorous demands of the internal critic.

While the *Titanic*'s passengers climbed to the boat deck, her engineers kept working deep inside her, trying to keep her electricity on and her pumps in operation. They did so, until the very end. All of these men perished. Thomas Andrews, who helped to build the ship, calculated how long she would last, then tried to make sure that the passengers and the women in the crew got into lifebelts and into boats. Finally, he went to the smoking room and waited by himself, without his lifebelt. Writer and editor W.T. Stead, who had published stories about liners running into icebergs and running out of lifeboats, settled down by himself to read a book. He would die doing what he thought was important.[69]

These were all superb performances, whether they were meant to assist other people or only, at last, to assert the actors' sense of dignity. Were they only performances? Perhaps. But if so, the roles selected were appropriate to a moral drama, a drama about what it is right to choose, and they were performed for the moral satisfaction of the actors themselves. This is something other than a "social drama" or drama of social forces.[70] It is a drama of people who made individual decisions, often strange and mysterious ones, the dynamics of which can never be truly known.

So important is evidence of a sense of moral drama that we are willing to honor it even when we are baffled by the particular code of values that seems to be involved. When the *Titanic* got into trouble, Benjamin Guggenheim and his secretary Victor Giglio went on deck in sweaters and lifebelts. They helped at the boats. Then they took off the belts and sweaters and appeared in evening clothes. "We've dressed up in our best," Guggenheim said, "and are prepared to go down like gentlemen."[71] We may not honor, or even understand, the code of moral dignity, of responsibility to oneself, that Guggenheim thought was embodied in his evening clothes. But we can respect his decision to live up to it.

In 1997, enforcing the "natural" rule of "women and children first" would probably get you sued for discrimination.

"He Was Never the Same Again"

The moral drama enacted on April 14-15, 1912, has always had a curious ability to transform and intensify people's impression of themselves as "actors" or "spectators."

In 1953, during the production of the film *Titanic*, Barbara Stanwyck was lowered in a lifeboat down the side of a giant *Titanic* model into a water tank. She knew it was a model, and she knew it was a water tank. But when "she caught a glance up at those left behind to 'die' with the ship, she burst into a flood of uncontrollable tears. She said everything had suddenly seemed so real."[72]

A few years later, another *Titanic* film was made: *A Night to Remember* (1958). Lawrence Beesley, who had survived the *Titanic*, was hired as a consultant. Watching the production, Beesley decided that he wanted his chance to be among the passengers who did not survive. Unfortunately, he was not a member of the actors' union. So he forged a pass, boarded the "*Titanic*," and stood with the extras who were preparing to "die." But "right at the last minute, as the cameras were due to roll, the director spotted [him] . . . Picking up his megaphone, he instructed the amateur impostor kindly to disembark." Beesley had missed his chance to explore "an alternative version of history."[73]

But what shall we say of Bruce Ismay's alternatives — the various parts he might have played in the drama of April 14–15?

He could have performed a starring role, at least in the popular imagination, if he had been the captain of industry that Senator Smith expected to see, the kind of man who seized control of events and could easily be held responsible for their consequences. But he did not see himself as that kind of man. He was a corporate bureaucrat with a justifiably limited idea of his own power.

The Titanic disaster had meaning, and continues to have meaning, because it was a magnificent elaboration, within time, of timeless moral problems.

Ismay could also have had a starring role if he had given his life in an attempt to find other passengers for Collapsible C. The attempt might have been futile. In any event, he did not make it. He did not hold, with A. Clement Edwards, that he "owed [his] life to every other person on that ship."[74] It is hard to find any definite reason why he should have.

Ismay could have played a still more interesting role if he had chosen to demonstrate, purely for his own satisfaction, an heroic fortitude in the face of death. He could have performed this part only if he had taken a certain highly personal view of the dramatic possibilities of his life; it was not something for public opinion, or a congressional committee, to decide. Ismay did not take that view. He did the work that was immediately at hand; he did it bravely; then he left in Collapsible C.

The dramatic possibilities of the role that he did assume are real enough, but some subtlety is required to appreciate them. Subtlety is completely lost whenever the mysteries of human choices are transformed into myths designed for unreflective minds. In the Nazi propaganda film *Titanic* (1943), the ship hits an iceberg because Ismay, the villainous capitalist, demands that she set a speed record.[75] The class-conscious British film *A Night to Remember* presents a series of scenes in which determined efforts are made to keep steerage passengers from reaching the boat deck; then it shows Mr. Ismay shamefacedly entering Collapsible C, beneath the contemptuous stare of the attending officer. In *Titanic*, a CBS television melodrama (1996), a crowd surges around Collapsible C; a father from third class, denied entrance, is torn, screaming, from his family; then Ismay sneaks out of the shadows and claims his illicit place in the boat, while fellow passengers loudly protest. An advertisement for the musical *Titanic*, set

to open on Broadway on April 23 of this year, describes a character named "J. Bruce Ismay" who "pushed Captain Smith relentlessly to set speed records," then "quietly boarded one of the lifeboats while the crew remained behind."[76] These are dramas that not even Senator Smith could applaud.

The real J. Bruce Ismay lived out his life at his home in London and his fishing retreat in Ireland, never venturing again on the North Atlantic. The House of Morgan considered him an embarrassment and forced him to retire from his father's steamship line. He continued to serve on the boards of other companies; his favorite company was a railroad. He did not discuss the *Titanic*; his wife thought such discussion was bad for him. But the historian of the White Star line, who knew Ismay's wife, assures us that

> he was never the same again. He had always been very shy, so much so that few people on board the *Titanic* knew who he was. For once he had come out of his shell, and working with the crew, had done all he could to assist in getting the passengers into the boats. So he was heartbroken to come home to face all the calumny of the Press and public.[77]

His wife gave parties, but he did not attend. He liked to read his business papers on a park bench, where he enjoyed talking to people who were down on their luck; he gave them advice and money, but he never told them who he was. He liked to stand in the crowd to watch parades. He sometimes went to afternoon concerts, where he "always took two seats, the second one for his hat and coat."[78]

When Bruce Ismay entered Collapsible C, he thought that he was acting rightly. When he reached the *Carpathia*, he was shattered by doubts. Subjected to the pressures of public criticism, his resolve strengthened; he decided again that he was right. But we will never know what shape the drama took in his own mind as he performed it, silently and mysteriously, until he died, the victim of a stroke, in 1937. ❑

Notes

1. Wilton J. Oldham, *The Ismay Line: The White Star Line, and the Ismay Family Story* (Liverpool: The Journal of Commerce, 1961) 68, 109–110. 2. Oldham 64–65, 136–37, 163.

3. One principal source for my account of Ismay's actions on April 10–15 is "the British inquiry" (abbreviated BI): *Proceedings . . . on a Formal Investigation Ordered by the Board of Trade into the Loss of the S.S. "Titanic,"* May 2–July 3, 1912 (London: H.M. Stationery Office, 1912): testimony of J. Bruce Ismay, 437–43, 450, 456, 463–64; Edward Brown, 233, 235; and George Rowe, 420. The other principal source is "the American inquiry" (AI): *"Titanic" Disaster: Hearing before a Subcommittee of the Committee on Commerce, United States Senate, 62nd Congress, 2nd Session,* April 19–May 25, 1912 (Washington: U.S. Government Printing Office, 1912): testimony of Ismay, 3–5, 7, 11, 13, 17, 915–19, 928, 931–35; Joseph Boxhall, 246–47; Henry Etches, 784–85; Charles Lightoller, 57–58, 430–31; Harold Lowe, 389–90, 401; Herbert Pitman, 276–77; George Rowe, 519–24; and A.H. Weikman, 1095. I use the "preliminary" or first daily printings of the American testimony; page numbers in the second half of later printings can vary — fortunately, in regular ways. Times for the lowering of lifeboats are fairly well approximated in *Shipping Casualties (Loss of the Steamship "Titanic")* (London: H.M. Stationery Office, 1912): 38. This is the Report of the British investigation, hereafter abbreviated "BR."

4. Archibald Gracie, *The Truth about the "Titanic"* (New York: Mitchell Kennerley, 1913) 300, summarizes what is known about the population. I discount the strange testimony of Hugh Woolner, who suddenly remembered that, by the way, he had helped to quell a mob at Collapsible C (AI 854), about 20 minutes after it was actually launched; and Jack Thayer's recollection, which is filled with discrepancies, of Ismay "push[ing] his way into" a boat (both cited in Walter Lord, *The Night Lives On* [New York: William Morrow, 1986] 128–29. As to the "stowaways," who were discovered, by Rowe's account (AI 520), only "when daylight broke," they obviously benefited from other passengers' tacit permission. Lifeboats are large, but not that large. 5. Ismay AI 17, AI 929; Lightoller, AI 426; Arthur Rostron, marconigram, cited at AI 1123; Oldham 195–96. Feeling responsible for the butler and secretary, Ismay provided their widows, as Oldham says, with a generous lifetime annuity. 6. Wyn Craig Wade, *The Titanic: End of a Dream* (Middlesex, Eng.: Penguin, 1979) 74; *New York Times* (April 21, 1912) 2. 7. A. T. Mahan, in Gracie 321–23; Brooks Adams, in Wade 375.

8. Wade 156–57. 9. My discussion of Senator Smith relies on the long and very sympathetic account in Wade. On the Taft connection, see esp. Wade 146. On the Harter Act, see esp. 196–97, 221, 362. Wade's admiration for Smith is shared by many other *Titanic* people. John P. Eaton and Charles A. Haas even praise Smith's "objectivity" — *Titanic: Destination Disaster: The Legends and the Reality* (New York: Norton, 1996) 107. 10. Ismay, AI 3.

11. Ismay, Texas, did change. Ismay, Montana, which was named in honor of May and Isabel Earling, daughters of a railroad president, heroically resisted — until 1993, when it renamed itself Joe, Montana, in honor of Joe Montana. See Walter Lord, *Night Lives On* 212–13; and Jonathan Raban, "The Unlamented West," *New Yorker* (May 20, 1996) 61, 66. 12. Wade 368–69. Wade doesn't call this envy. He treats it as righteous political indignation. 13. Guglielmo Marconi, AI 484–85, 817, 493–94; William Alden Smith, AI 841. 14. Wade 165–66, 183, 195–96; Ismay, AI 930.

15. Wade 429. 16. Lord, *Night Lives On* 206–10. 17. Ismay, AI 927; Wade, 449; Harold Sanderson, BI 471. 18. Sir Rufus Isaacs, BI 900; Sir Robert Finlay, BI 850. 19. John Charles Bigham, Baron Mersey, BI 759. 20. Mersey, W.D. Harbinson, BI 624. 21. Mersey, BI 490. 22. Ismay, BI 440.

23. Ismay, BI 452, 443, 453. Why *had* people lingered below decks? The usual answers, and true enough, involve lack of awareness that the ship was actually going down, a desire not to leave baggage behind, the complexity of some routes to the boat deck, isolated attempts by crewmen to keep third-class passengers in third-class areas, and the general failure of officers to organize evacuation of the lower regions. 24. Ismay, BI 464. 25. A. Clement Edwards, BI 785; Mersey, BI 799; Finlay, BI 809. 26. Mersey, BR 40.

27. Wade 442. 28. Alfred Crawford, AI 810; Alfred Olliver, AI 528. 29. Isaacs, BI 580. 30. On *Pacific* and other victims of ice, see Wade 56–57; on *Naronic*, see Oldham 122–24. 31. Lightoller, BI 306–307. 32. Frederick Passow, BI 572; Isaacs, BI 669. 33. Finlay, BI 850; Isaacs, BI 903; Mersey, BI 907. 34. Gary Cooper, *The Man Who Sank the Titanic?: The Life and Times of Captain Edward J. Smith* (Stoke-on-Kent: Witan, 1992) 59; Eaton and Haas 77. 35. Edward Brown, BI 234.

36. Gracie, 114–323, establishes the port-starboard disparity in exhaustive detail. Even on the port side, however, some males had to be invited into boats because they were needed to manage them. 37. Roche, BI 772. 38. Mersey, BI 543. 39. Des Hickey and Gus Smith, *Seven Days to Disaster: The Sinking of the Lusitania* (New York: Putnam's, 1982) 204–34. 40. William Hoffer, *Saved! The Story of the "Andrea Doria" — the Greatest Sea Rescue in History* (New York: Summit, 1979).

41. J. Bernard Walker, *An Unsinkable Titanic: Every Ship Its Own Lifeboat* (New York: Dodd, Mead, 1912); Isaacs, Mersey, BI 596. 42. Ismay, AI 16; Edward Wilding, BI 514; Mersey, BI 855. 43. Isaacs, BI 658; Finlay, Mersey, BI 855. 44. Mersey, 835. 45. Edwards, BI 796. The same question is asked by Lord, *Night Lives On* (165–91), and Wade (338–61), who provide very useful introductions to the *Californian* episode.

46. Isaacs, BI 957–58. 47. Reginald Lee, BI 75. 48. Charles Joughin, BI 145; Walter Lord, *A Night to Remember*, rev. ed. (New York: Holt, 1976) 151–52, 170. 49. Harold Bride, *New York Times* (April 19, 1912) 1–2; AI 1050, BI 388; BR 67. 50. Emily Ryerson, AI 1104; Walter Perkis, AI 582. 51. Lowe, AI 409–10. It is fair to mention that Lowe was always quite prepared to save people who might appear at the edge of the crowd. 52. Henry Etches, AI 786; Olliver, AI 529–30; Alfred Shiers, BI 114; Pitman, Smith AI 283–84.

notes continued on page 42

Vindication

The Misunderstood Mr. Jefferson

by David N. Mayer

Fashionable attacks on Thomas Jefferson obscure his one ruling passion: the "holy cause of freedom."

Sadly, modern Americans seem to have done a better job preserving what Thomas Jefferson has left us in bricks and mortar than we have preserving his ideas. Tourists visiting Charlottesville, Virginia, can witness firsthand the ongoing efforts to preserve Jefferson's home at Monticello as well as his splendid little "Academical Village," the Lawn, which is still a vital center of student life at the University of Virginia. Further down the road, near Lynchburg, Virginia, preservationists have begun restoring Poplar Forest, Jefferson's retreat home.

Scholars have been less successful in keeping alive his philosophy, particularly his ideas about government — despite the copious record he left in his writings. Ken Burns's recent PBS documentary, *Thomas Jefferson,* is a case in point. It features a parade of scholars who simultaneously declare their own inability to understand Jefferson, and mislead others with interpretations of his life and thought that are as questionable as they are contradictory.

Burns informs the viewer, for example, that Jefferson's life was full of contradictions: the "man of the people" with the tastes of an aristocrat, the natural rights philosopher who owned slaves, the "lifelong champion of small government who more than doubled the size of the United States," and so on. Most of these alleged contradictions really aren't as antithetical as they appear, for they are based on faulty assumptions or misunderstandings of principles. Joseph Ellis, for example, reasserts the bromide — common among modern "liberal" academics — that the ideals of equality and the pursuit of happiness, as expressed in Jefferson's Declaration of Independence, are unattainable or contradictory. But there's nothing contradictory about equality of rights and each individual's pursuit of happiness, if the concept of rights is properly understood. Herbert Spencer's law of equal freedom, the radical Whigs' concept of "natural liberty," and Jefferson's concept of "natural society" all accounted for how the two can work together. The fact that many of today's intellectuals simply don't get it reveals much more about them than it does about Jefferson.

Misinterpretations of Jefferson's political thinking seem pandemic these days. The 1993 celebrations of the 250th anniversary of Jefferson's birth, for example, typically championed his reputation as "father of American democracy." Chief Justice William Rehnquist, speaking at the University of Virginia, echoed the views of many Jefferson scholars that "the permanence of Jefferson resided not in his specific theories or acts of government, but in his democratic faith." While it is certainly true that Jefferson was a leading proponent of representative democracy — in *Democracy in America,* Alexis de Tocqueville called Jefferson "the most powerful advocate democracy has ever sent forth" — his devotion to democracy was neither absolute nor unqualified. Indeed, Tocqueville thought it significant that Jefferson once warned James Madison that "the tyranny of the legislature" was "the danger most to be feared" in American government. To Jefferson, democracy and its associated principles — majority rule, equal rights, direct representation of the people in government — were valuable, not as ends in themselves, but as essential means to a greater end, the maximization of individual freedom in civil society. Liberty was Jefferson's highest value; he dedicated his life to what he once called "the holy cause of freedom."[1]

A Radical Whig

What repeatedly drew Jefferson away from his tranquil domestic life at Monticello and back into the political fray was precisely that "holy cause of freedom," to which he felt duty-bound whenever he saw liberty threatened

by a powerful central government — whether it was the British government under King George III or the United States government under Federalist administrations. His passion for this cause was reflected in the language that he used in his political writings. Jefferson, the zealous defender of religious freedom, tended to use words such as *holy, orthodox,* or *catholic* when discussing political, not religious, principles; he reserved words such as *heretic* or *apostate* to denounce politicians whom he regarded as the enemies of liberty. He summed up his life's work in a letter written relatively early in his public career, in 1790, soon after his return to the United States following his ambassadorship to France. "[T]he ground of liberty is to be gained by inches . . . [W]e must be contented to secure what we can get from time to time, and eternally press forward for what is yet to get. It takes time to persuade men to do even what is for their own good."[2]

Burns' documentary distracts us from the real tragedy of Jefferson's position on slavery by focusing on the myth that Jefferson fathered children by his slave, Sally Hemings.

Jefferson's philosophy of government, accordingly, stressed the perpetual need to limit government's powers. As he once wrote, "The natural progress of things is for liberty to yield and government to gain ground."[3] The notion that government inevitably threatened liberty was part of the radical Whig tradition in which Jefferson's early intellectual life had been steeped. Like John Locke, Algernon Sidney, and other English radical Whig political philosophers, Jefferson understood, paradoxically, that it was government, which was created to "secure" individual rights, that posed the greatest danger to those rights through the abuse of its legitimate powers. Hence Jefferson, like other "Whigs" of his time — and like the classical liberals of the nineteenth century — was profoundly distrustful of concentrated political power and intensely devoted to the ideals of limited government and the rule of law.

To Jefferson, the significance of the American Revolution was the opportunity it gave Americans to create a republican form of government — that is, a government not only founded in theory upon the consent of the governed, but one that was continually responsible to the will of the people — "the only form of government which is not eternally at open or secret war with the rights of mankind," he maintained. He understood the American constitutions, state and federal, to implement in practice the theory of government he so eloquently presented in his original draft of the Declaration of Independence, where he stated the "self-evident" truths that all men are created "equal & independent," that from that equal creation they derive "rights inherent & inalienable, among which are the preservation of life, & liberty & the pursuit of happiness," and that "to secure these ends, governments are instituted among men, deriving their just powers from the consent of the governed." The creation of republican governments alone, however, was not sufficient to guard against abuses of power. Jefferson also understood the value of devices such as written constitutions, the division and separation of powers, and the people's power to amend constitutions. The fundamental principle of his constitutionalism was most cogently expressed in his draft of the Kentucky Resolutions (1798), where he wrote:

> [C]onfidence is everywhere the parent of despotism — free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Zealously guarding liberty, Jefferson was suspicious of the use of governmental power. He feared that without the rule of a higher law, the achievement of the American Revolution would be lost. The governments in Europe "have divided their nations into two classes, wolves and sheep." If the people of America once become "inattentive to the public affairs," he warned, "you and I, and Congress, and Assemblies, judges and governors shall become wolves. It seems to be the law of our general nature, in spite of individual exceptions."[4]

Like Thomas Paine, who in *Common Sense* had distinguished government and society, Jefferson understood that the realm of politics was quite limited; outside it, individuals should be free to fashion their lives as they saw fit, through voluntary social relationships. The "essence of a republic," he wrote, was a system in which individuals "reserve to themselves personally the exercise of all rightful powers to which they are competent," delegating others to their "representatives, chosen immediately, and removable by themselves." He believed this "proximate choice and power of removal" was "the best security which experience has sanctioned for ensuring an honest conduct in the functionaries of society" — in other words, for preventing those in power from becoming "wolves."

Jefferson & Natural Rights

The Declaration of Independence listed three natural, or "inalienable," rights: life, liberty, and the pursuit of happiness. Elsewhere in his writings Jefferson referred to others: expatriation, religious freedom, freedom of trade, and the right to hold property. All these rights might be understood as particular manifestations of one basic natural right, liberty, which Jefferson regarded as sacrosanct as life itself: as he wrote in his 1774 essay, *A Summary View of the Rights of British America,* "The god who gave us life, gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them."

When Jefferson realized that America needed also to be a manufacturing nation, his political economy matured into a full acceptance of market capitalism.

Jefferson regarded as a basic principle of good government the guarantee to all of the enjoyment of these rights. In 1816, discussing the "rightful limits"

of legislators' power, he maintained that "their true office is to declare and enforce only our natural rights and duties, and to take none of them from us": "No man has a natural right to commit aggression on the equal rights of another; and this is all from which the laws ought to restrain him; every man is under the natural duty of contributing to the necessities of society; and this is all the laws should enforce on him; and, no man having a natural right to be the judge between himself and another, it is his natural duty to submit to the umpirage of an impartial third." He added that "when the laws have declared and enforced all this, they have fulfilled their functions, and the idea is quite unfounded, that on entering into society we give up any natural right."[5] Two years later, in a report which he prepared as chairman of the Commissioners for the University of Virginia, Jefferson included in his syllabus of the basic principles of government "a sound spirit of legislation, which, banishing all arbitrary and unnecessary restraint on individual action, shall leave us free to do whatever does not violate the equal rights of others."

Fundamental to Jefferson's political philosophy, then, was the idea that no government could legitimately transgress natural rights. In order for law to be binding, it must not only proceed from the will of properly authorized legislators, but it must also be "reasonable, that is, not violative of first principles, natural rights, and the dictates of the sense of justice." In the final paragraph of his Virginia Statute of Religious Freedom, for example, Jefferson added a declaration that the rights therein asserted were "the natural rights of mankind," and that although the legislature which enacted the Bill had no constitutional power to restrain subsequent legislatures, any future act repealing it or narrowing its operation would be "an infringement of natural right."

Slavery: The Central Paradox

The institution of slavery was so troubling to Jefferson, throughout his life, because he realized that it violated the natural rights of an entire race of people. That Jefferson owned slaves himself, knowing all too well the evils of the institution that he so frankly described in his *Notes on the State of Virginia*, was the greatest flaw of his private life; the philosopher of the American Revolution, the greatest liberating event in the history of the world, personally participated in what John Hope Franklin calls in Burns's film "a transgression against mankind." And that Jefferson abandoned his early zeal for emancipation (his praiseworthy efforts to abolish slavery in Virginia, which culminated in his writing the Northwest Ordinance prohibition on slavery), and instead acquiesced in the continued existence of slavery — as well as its spread to other territories in the West — unmistakably was the greatest flaw of his public life.

Jefferson abandoned his early zeal for emancipation and instead acquiesced in the continued existence of slavery.

Like so many others, Burns distracts us from the real tragedy of Jefferson's position on slavery by focusing on the myth that Jefferson fathered children by his slave, Sally Hemings. The claim is based on an oral tradition kept alive among Hemings' descendents — dubious evidence, not only because it is self-serving and unreliable, but also because of its use as political propaganda, first by Jefferson's Federalist enemies and later in the nineteenth century by antislavery Whig and Republican politicians who sought to discredit Jefferson and the antebellum Democratic party. (Today the story is still kept alive to push others' political agendas.) Virtually all reputable Jefferson scholars agree that there is no contemporary evidence of any sexual relationship whatsoever between Jefferson and Hemings, but few are willing to dismiss the allegation as a myth, for fear of being called racist. So, like the historians interviewed in Burns's film, "politically correct" white scholars hedge a bit, saying "we don't know" the truth.

If we set aside the Hemings family's tradition as the myth that it is, it appears most likely that Sally Hemings' children were fathered by either Peter or Samuel Carr, Jefferson's nephews and wards, raised by him at Monticello as if they were the natural sons that he never had. His nephew's abuse of a young slave girl on Jefferson's mountain was no less scandalous to Jefferson and his family than if he himself had perpetrated the abuse — which explains, in part, why Jefferson's only response to the allegations was silence. But it speaks volumes about the extent to which slavery not only debased the slave but also corrupted the morals of the master, as Jefferson himself had observed in *Notes on the State of Virginia*: "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the [one] part, and degrading submission on the other." That this "rottenness" had set in within his own family, and that Jefferson had been powerless to prevent it and even unwilling to acknowledge it, is the real story that remains untold.

The Agrarian Myth

Another myth about Jefferson that Burns perpetuates is his supposed agrarianism. Jefferson's vision of America's future, on this view, was of an "agrarian paradise" — implying that Jefferson's small-government philosophy was appropriate only for the pre-industrial America of the early nineteenth century, a convenient rationalization that apologists for the modern regulatory-welfare state have been asserting since Woodrow

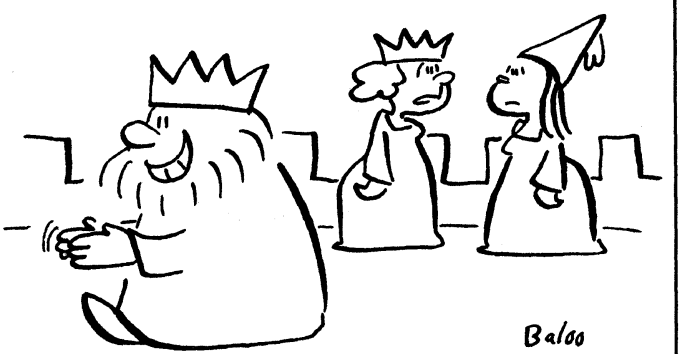

"He just found out about the doctrine of implied powers!"

Wilson's "New Freedom" speech in 1913. In the 1780s, when Jefferson wrote his much-quoted statements about farmers being the most "virtuous" citizens, he was essentially agrarian in outlook. But after the War of 1812, Jefferson realized that America needed also to be a manufacturing nation, and his political economy matured into a full acceptance of market capitalism. In the 1810s Jefferson experienced an awakening when he read the *Treatise on Political Economy* by the French anti-mercantilist philosopher Antoine Louis Claude Destutt de Tracy, who, among other things, regarded the productive value of the trader or manufacturer as equal to that of the farmer; defended the rights of industrious persons to seek profits as "rewards for their talents"; and viewed commerce generally as the "fabric" of society. Jefferson was so enthusiastic about Tracy's treatise that he personally undertook the task of translating it into English, so that it could be used as the basic economics text in American universities. But this profound evolution in Jefferson's ideas about political economy is utterly ignored in Burns's documentary, as it generally is in high-school and college textbooks.

Jefferson bemoaned the fact that "nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."

Separating Church & State

To Jefferson, religion was a matter of conscience, a private matter that ought not concern government. For that reason, he joined his friend and collaborator, James Madison, in calling both for the free exercise of religious beliefs and for a strict avoidance of government "establishment" of religion. "The opinions of men are not the object of civil government, nor under its jurisdiction," his original text declared. As he explained the purpose of the Virginia Statute in *Notes on the State of Virginia*, "Our rulers can have authority over such natural rights only as we have submitted to them," noting that "the rights of conscience we never submitted, we could not submit" because men are answerable for them to God only. "The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg."

When Jefferson wrote to Madison late in 1787, expressing his great disappointment that the new federal Constitution included no explicit guarantee of rights, the first such right that he listed was freedom of religion. He surely had in mind the kind of broad statement of "natural right" expressed in his Virginia Statute, which provided that "no man shall be compelled to frequent or support" any religion, nor any "suffer, on account of his religious opinions or belief," and that "all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capabilities." Although the language finally adopted by Congress in proposing what would become part of the First Amendment — stating that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" — was far less explicit than the language of the Virginia statute, Jefferson interpreted it to be just as comprehensive a guarantee. In other words, he understood the First Amendment freedom of religion clause, like the Virginia statute, to leave the formation of religious opinions solely to "the reason of man."

As president, Jefferson faithfully adhered to this principle and to his broad view of the rights guaranteed by the First Amendment. He departed from the precedent set by his predecessors, Washington and Adams, by refusing to recommend or designate any day for national prayer, fasting, or thanksgiving. As he explained his policy, in a letter made public early in his presidency, he noted that since Congress was prohibited by the First Amendment from acts respecting religion, and the president was authorized only to execute its acts, he had refrained from prescribing "even occasional performances of devotion." In famous words, he declared that the First Amendment mandated a "wall of separation between Church and State."[6]

First Amendment Absolutist?

Collaborating again with James Madison in 1798, Jefferson opposed as unconstitutional the Sedition Act, which had made it a criminal offense to make any "false, scandalous, and malicious" statement against either President John Adams or the Federalist-controlled Congress. If Jefferson was — as some critics have charged, both in his time and today — less than fully libertarian in his defense of freedom of the press in the years that followed his election in 1800, it was because he was deeply troubled by what he perceived as the "licentiousness" of the press of his time. During his presidency he expressed concern that his Federalist opponents were "pushing its [the press's] licentiousness and its lying to such a degree of prostitution as to deprive it of all credit." This was, he had noted, "a dangerous state of things" because "even the least informed of the people have learnt that nothing in a newspaper is to be believed." To another correspondent he bemoaned the fact that "nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle."[7]

When pressed to draw a line between "the inestimable liberty" and the "demoralizing licentiousness" of the press, Jefferson came down on the libertarian side.

Despite his belief in the efficacy of state laws against false and defamatory publications, it is important to note that, as president, Jefferson consistently followed a "hands-off" policy, as required by the First Amendment. In his Second Inaugural Address, he explained his administration's policy as an "experiment" that had been "fairly and fully made" to determine "whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth." The press,

"confined to truth, needs no other legal restraint," he maintained. "The public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press, and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion." The Second Inaugural, then, did more than reiterate Jefferson's steadfast denial of federal authority over freedom of the press: it revealed that, when pressed to draw a line between "the inestimable liberty" and the "demoralizing licentiousness" of the press, Jefferson came down on the libertarian side. He would leave to the marketplace of ideas, and ultimately to "the censorship of public opinion," the restraint of falsehoods.

Federalism: "A Few Plain Duties"

Jefferson took very seriously the "chains of the Constitution." These included not only the enumeration of powers in the main text of the Constitution and the specific limitations on powers found in the Bill of Rights, but also two other devices to keep powers restrained by dividing them: federalism, which divided powers between the states and federal government; and the separation of powers, which divided federal powers among the three branches, legislative, executive, and judicial.

Federalism was, to Jefferson, the "true theory of our constitution"; and in a classic statement, made shortly before he was elected president, he described it thus:

> The true theory of our Constitution is surely the wisest and best, that the States are independent as to everything within themselves, and united as to everything respecting foreign nations. Let the general government be reduced to foreign concerns only, and let our affairs be disentangled from those of all other nations, except as to commerce, which the merchants will manage the better the more they are left free to manage for themselves, and our general government may be reduced to a very simple organization and a very unexpensive one — a few plain duties to be performed by a few servants.[8]

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In Jefferson's view, the whole field of government in the United States was divided into two departments, "domestic" and "foreign," each department having "distinct directories, coordinate and equally independent and supreme, in its own sphere of action." To the state governments were reserved "all legislation and administration, in affairs which concern their citizens only"; to the federal government was given "whatever concerns foreigns, or the citizens of the other states." The "foreign," or federal, sphere, moreover, was strictly limited to the few functions enumerated in the Constitution.

Jefferson once warned James Madison that "the tyranny of the legislature" was "the danger most to be feared" in American government.

Nothing better illustrates Jefferson's strict interpretation of federal powers under the Constitution than his 1791 opinion on the constitutionality of a bill to establish the Bank of the United States. Jefferson considered the Tenth Amendment, which provided that "all powers not delegated to the U.S. by the Constitution, not prohibited by it to the states, are reserved to the states or to the people," to be "the foundation of the Constitution." It reiterated the general principle of federal powers expressed by the language of Article I: that the legislative powers of the federal government, vested in the Congress of the United States, were limited to those "herein granted" in the Constitution. "To take a single step beyond the boundaries thus specifically drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."

The rest of Jefferson's opinion shows what he regarded those "boundaries drawn about the powers of Congress" to be: they were expressed in Article I, the enumerations of Congressional power, construed (as Jefferson would later put it) "according to the plain and ordinary meaning of its language, to the common intendment of the time and those who framed it."[9] "The incorporation of a bank, and other powers assumed by this bill, have not . . . been delegated to the U.S. by the Constitution," Jefferson concluded, arguing that they were neither "among the powers specially enumerated" nor "within either of the general phrases" of Article I, the "general welfare" and "necessary and proper" clauses. He understood the "general welfare" clause to be a statement of the purpose for which the specific power of laying taxes was to be exercised, not a grant to Congress of "a distinct and independent power to do any act they please, which might be for the good of the Union." To interpret it as the latter, Jefferson observed, "would render all the preceding and subsequent enumerations of power completely useless" as it would, in effect, "reduce the whole instrument to a single phrase," of empowering Congress to do whatever it pleased. Similarly, he took quite literally the word "necessary" in the "necessary and proper" clause. The Constitution, he argued, restrained Congress "to the necessary means, that is to say, to those means without which the grant of the power would be nugatory"; otherwise, the "necessary and proper" clause also "would swallow up all the delegated powers, and reduce the whole to one phrase."

Jefferson's opinion on the constitutionality of the bank bill thus presented a theory of strict interpretation of the Constitution. To say that Jefferson was a literalist or a strict constructionist, however, is insufficient. Although he was a "strict constructionist" with regard to most of the powers granted Congress in Article I, section 8, especially where federal powers could pre-empt state law, he could interpret federal powers under the Constitution quite liberally in matters involving foreign affairs, which he regarded as an exclusive responsibility of the national government since the time of the Articles of Confederation. (Hence, in his second term as president, he enforced one of the most draconian laws ever passed by Congress — at least prior to the Civil War — the Embargo, which curtailed virtually all foreign trade in a futile attempt to keep the United States out of the war between Britain and France.) He also could be quite liberal in interpreting power-restraining or rights-guaranteeing provisions of the Constitution, as his interpretation of the First Amendment religion clause demonstrates.

Constitutional Scruples

Upon becoming president in 1801, Jefferson reiterated his ideal of a federal government limited to its legitimate powers assigned by the Constitution: a government reduced to "a few plain duties performed by a few servants." His Inaugural Address declared his general support for the idea of "a wise and frugal government, which shall restrain men from injuring one another, [but] which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." More specifically, in his first annual message, in December 1801, he declared that it was his administration's policy "to reduce expenses to what is necessary for the useful purposes of government," and he described those concerns that he considered appropriate for the federal government. "When we consider that this government is charged with the external and mutual relations only of these states; that the states themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote."

Jefferson considered the Tenth Amendment "the foundation of the Constitution."

Jefferson's administration pursued a policy of economy in government, drastically reducing the size of the federal payroll while simultaneously repealing all internal taxes, including Alexander Hamilton's hated excise on whiskey. Abolition of internal taxes made possible the elimination of the internal revenue service employed to collect them; this resulted in a significant decrease in the Department of Treasury, by far the largest of the executive departments. Jefferson also recommended reductions

in the army, the navy, and the diplomatic corps.

In addition to the repeal of internal taxes and drastic reductions in federal expenditures, Jefferson also enthusiastically endorsed the plan prepared by his Secretary of the Treasury, Albert Gallatin, to pay off the entire national debt — some $83 million — within sixteen years by annual appropriations of $7,300,000. Believing it wrong for the present generation to saddle future generations with a huge national debt, Jefferson sought to establish the principle of "pay-as-you-go" in the federal budget. During the eight years of Jefferson's administration the debt actually was reduced by almost a third; extraordinary expenses not foreseen at the beginning of his presidency — chiefly, the Louisiana Purchase and increased naval costs associated with the Barbary Wars — forced the modification of Gallatin's plan. Nevertheless, the plan to extinguish the debt was largely successful because of the large increase in revenue from import duties that accompanied the growth in American commerce during this period. Indeed, the increased revenues actually created a surplus later in the administration, prompting Jefferson to recommend a constitutional amendment permitting expenditures for roads and other improvement projects, as noted below. After his retirement from the presidency, Jefferson urged continued effort to pay off the debt by reducing federal expenditures, noting that increased public debt would bring increased taxation "and in its train wretchedness and oppression."[10]

As president, Jefferson thus sought to accomplish the objective he had stated in his First Inaugural Address and reiterated elsewhere in his writings at the start of his presidency: to restore the constitutional equilibrium between the states and federal government by keeping the latter "a wise and frugal government" limited to its sphere. Later in his presidency, when he recommended that Congress appropriate money for such projects as establishing a national university, construction of roads and canals, and improvements to rivers and harbors, Jefferson called for a constitutional amendment to authorize such expenditure because these projects were not among the enumerated powers of the federal government.

Critics of Jefferson, both past and present, have cited the Louisiana Purchase as an example of Jefferson's failure, as president, to adhere consistently to his doctrine of strict interpretation of federal powers. Rather than showing his hypocrisy, however, the entire episode of the Louisiana Purchase illustrates the seriousness of Jefferson's constitutional scruples. Jefferson understood the importance of the Purchase: it secured New Orleans and control of the Mississippi and was therefore vital to the interests of the United States. Although Albert Gallatin presented Jefferson with arguments supporting the constitutionality of the Purchase, Jefferson remained sufficiently troubled to draft a constitutional amendment explicitly making the Louisiana territory part of the United States. No important adviser or supporter of Jefferson apparently urged either the necessity or the practicality of such a constitutional procedure, however. Indeed, Jefferson's close friend Senator Wilson Cary Nicholas argued strongly against it, saying that a declaration from Jefferson that the treaty exceeded constitutional authority would lead to its rejection by the Senate or at least to the charge of his willful breach of the Constitution.

Jefferson's reply to Nicholas's letter, stating in particularly striking terms his lingering constitutional scruples, has been one of the most often quoted of Jefferson's writings on constitutional matters:

> When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe & precise. I had rather ask an enlargement of power from the nation where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction.

Conceding the likelihood that the framers' enumeration of powers was "defective" — for "this is the ordinary case of all human works" — he urged, "Let us go on then perfecting it, by adding by way of amendment to the constitution, those powers which time & trial show are still wanting." In the present case, he concluded, it was "important . . . to set an example against broad construction by appealing for new power to the people."[11]

When Jefferson finally dropped the matter and acquiesced in the Louisiana Purchase despite the lack of a constitutional amendment, he did so not because he had given up strict construction but because he was following his advisers' recommendation not to press the constitutional problem, realizing that it could jeopardize a treaty so vital to the nation's security. "What is

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practicable must often control what is pure theory; and the habits of the governed deter mine in a great degree what is practicable," he noted. Jefferson took solace in what he regarded as the "good sense" of the people, not to permit this one precedent to destroy the whole edifice of enumerated powers upon which constitutional limitations on the federal government rested. Indeed, a common-sense resolution of his constitutional qualms was suggested by Thomas Paine, who reassured Jefferson that "the cession makes no alteration in the Constitution; it only extends the principles over a larger territory, and this certainly is within the morality of the Constitution, and not contrary to, nor beyond, the expression of intention of any of its articles." If a new power had been added by construction to those powers assigned by the Constitution to the federal sphere, it was only the power to add to the domain of what Jefferson aptly called the "empire for liberty."[12]

Jefferson enforced one of the most draconian laws ever passed by Congress — at least prior to the Civil War — the Embargo, which curtailed virtually all foreign trade.

The fact that, despite these assurances, Jefferson remained troubled about his constitutional scruples — for years after his presidency — only underscores the degree of his scrupulous regard for the "chains of the Constitution." Unable to square the acquisition of Louisiana and its incorporation into the Union with his theory of federal powers, Jefferson came to regard it as an extraordinary action of executive prerogative — he, as president, going beyond the strict limits of the law, for the good of the country. Even then, he still hoped for an "act of indemnity" by the nation, one that "will confirm & not weaken the Constitution, by more strongly marking out its lines."

The Jeffersonian Presidency

With regard to the proper allocation of federal powers, Jefferson took equally seriously the principle of separation of powers. It is a mistake to try to label Jefferson's presidency as either "strong" or "weak." Where the Constitution assigned powers exclusively to the president, Jefferson vigorously exercised them; where powers were assigned to or shared with other branches, however, Jefferson both preached and exercised strict restraint.

Unlike modern presidents, who assert the power as commander-in-chief to send U.S. armed forces anywhere in the world without the consent of Congress, Jefferson was respectful of Congress's war power. When U.S. ships fought against pirates in the Mediterranean, Jefferson — recognizing that the Constitution gave Congress alone the power to declare war — publicly took the position that until Congress authorized offensive measures, the Navy could engage only in defensive actions.[13] His position — which modern commentators consider one of the most restrictive interpretations of executive war powers ever uttered by an American president — showed that he wished the decision committing American naval forces to hostilities in the Mediterranean to be not a unilateral one, but one in which Congress shared.

Jefferson also held a quite narrow view of the executive power. On one occasion he wrote, "I am but a machine erected by the constitution for the performance of certain acts according to the laws of action laid down for me."[14] In his view, executive power was limited both by constitutional restraints and by law.

As president, Jefferson sought to keep his constitutional distance from the Congress. He could hardly have done otherwise without opening himself to charges of hypocrisy (by his enemies) or charges of backsliding (from his friends), for the Republicans in the 1790s had been sharply critical of what they perceived as Federalist attempts to institute an English monarchical and ministerial system. Consequently, early in his administration, Jefferson declared that he would abandon "all those public forms and ceremonies which tended to familiarize the public idea to the harbingers of another form of government." These included the annual speech to Congress, which to Jefferson was too reminiscent of the king's opening of Parliament. In sending a written message rather than delivering it in person, he broke with the precedent that George Washington had set and started a tradition that lasted more than a century. Not until Woodrow Wilson did presidents deliver their state of the union addresses in person. The modern spectacle — with both houses of Congress assembled in the House chamber in wait on the president, whose presence is loudly announced and greeted with two separate standing ovations — would have appalled Jefferson.

In at least one area, however, Jefferson was a "strong" president: in his assertion of his equal power — equal with the other two branches of the federal government, particularly the Supreme Court (dominated at the time by Federalists) — to interpret the Constitution. The constitutional theory that scholars have called Jefferson's "tripartite" doctrine was fully developed in Jefferson's mind by the time of his presidency. He explained his doctrine in a letter written to Abigail Adams in 1804, defending his actions in discontinuing prosecutions and pardoning offenders under the Sedition Act:

Perhaps Jefferson's greatest political legacy is the extent to which he devalued politics.

> You seem to think it devolved on the judges to decide on the validity of the sedition law. But nothing in the constitution has given them a right to decide for the executive, more than to the Executive to decide for them. Both magistracies are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment, because that power was placed in their hands by the constitution. But the Executive, believing the law to be unconstitutional, was bound to remit the execution of it; because that power has been confided to him by the constitution.

The Constitution, he concluded, "meant that its co-ordinate branches should be checks on each other." Accordingly, to give the judiciary the

right to decide questions of constitutionality "not only for themselves in their own sphere of action, but for the legislative and executive also in their spheres, would make the judiciary a despotic branch."[15]

Jefferson had seemed not at all troubled by the fear of conflicts arising from the departments' divergent interpretations of the Constitution. In part, this may have been due to the fact that, in Jefferson's day, for all practical purposes, the legislature and the executive continued to determine for themselves whether or not they were acting within the bounds of the Constitution. If a truly difficult conflict arose between two or more branches, it could be resolved by the ultimate arbiter of constitutional questions — the people, acting in their elective capacity. By periodically choosing officers for two of the three departments of national government, the people, Jefferson believed, have an opportunity to "reintegrate" the Constitution, by demonstrating their approval or disapproval of those branches' interpretation of it.[16]

Power to the People

Though not an advocate of "frequent and untried changes in laws and constitutions," Jefferson nevertheless refused to look at constitutions with "sanctimonious reverence . . . like the ark of the covenant, too sacred to be touched."[17] Accordingly, he favored revisions of laws and constitutions, as the needs arose. His view was clearly distinct from that of Chief Justice John Marshall, who in his famous opinion in *McCulloch v. Maryland* argued that the Constitution was "intended to endure for ages to come" as a rationalization for the expansion of federal powers by judicial interpretation. Jefferson, with his Whig heritage of distrust of law and government, looked to the people rather than to the courts when he thought of adapting the Constitution, or of determining the application of its provisions, to new circumstances. Always suspicious of men in power, Jefferson was particularly reluctant to entrust so important a role as the interpretation of the federal Constitution to any one body of men — especially to a Supreme Court dominated, as it then was, by John Marshall. Hence he preferred that constitutional difficulties remain unresolved, or that the mode of resolving them remain awkward and uncertain, than that mutual jealousies give way to confidence in the government at Washington.

In the early 1820s, during the Virginia campaign against the claim that the United States Supreme Court was the ultimate arbiter of constitutional questions, Jefferson again emphasized the role of the people themselves. As he wrote one correspondent in 1820, "I know no safe depository of the ultimate powers of the society but the people them selves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power."[18]

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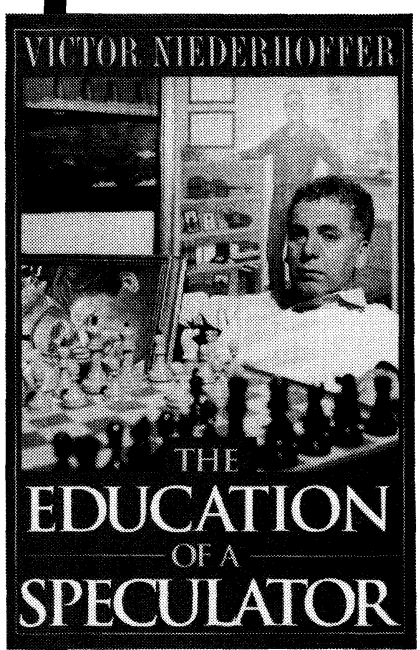

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their own "wholesome discretion," informed by education, constituted the "true corrective" of abuses of power is distinctively Jeffersonian. Indeed, the emphasis that Jefferson placed on popular participation and control — making the people themselves a vital element in constitutionalism — was the pre-eminent hallmark of Jefferson's constitutional thought. None of his contemporaries, with the possible exception of John Taylor of Caroline, quite so emphasized this element. It in fact underlay many of the other aspects of his constitutional thought. Both the pure theory of separation of powers as well as the theory of federalism that Jefferson espoused were ultimately derived from his thoroughgoing republicanism: with each branch of the federal government, and with each state in the Union, determining constitutional questions, potentially in conflict with one another, some common ground was necessary; and that common ground — in effect, the glue that held Jefferson's constitutional system in place — was in fact the active participation of the people.[19]

This explains Jefferson's lifelong emphasis on the importance of education as well as his support for a system of public schools. The purpose for his "Bill for the More General Diffusion of Knowledge," as he explained it in *Notes on the State of Virginia*, was that of "rendering the people . . . the ultimate guardians of their own liberty." "Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree." Jefferson's bill sought to do so by giving all citizens a basic schooling in reading, writing, and history. The emphasis on historical education was quite deliberate, Jefferson explained:

> History by apprising them of the past will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views.

Beyond this basic schooling, the best students — the "natural aristocracy," determined by merit, or "genius" — would receive advanced training at the institution to which he devoted the final years of his life, the University of Virginia, where he hoped the "vestal flame" of republicanism would be kept alive.

Little Republics

In later years Jefferson coupled his support of public education with one other proposal, which he considered equally necessary to the preservation of republicanism: his proposed system of local government by "little republics," or wards. His proposal was to divide the counties into wards of such size that every citizen can attend, when called on, and act in person. "What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing & concentrating all cares and powers into one body." The "secret" of maintaining freedom, he suggested, was to make the individual alone "the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher & higher orders of functionaries, so as to trust fewer and fewer powers, in proportion as the trustees become more and more oligarchical." This system of republics would become a vital element of constitutionalism.

"Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrestled from him by a Caesar or a Bonaparte," he also observed.[20]

Jefferson thus envisioned that the active involvement of citizens in the government itself would be the most effective check on the abuse of governmental power. An educated, actively involved citizenry would be both self-reliant — managing directly those affairs to which individuals were alone competent — and vigilant, keeping a close watch over their elected officials to whom they had entrusted all other affairs, and making certain that they did not turn into "wolves."

Liberty was Jefferson's highest value; he dedicated his life to what he once called "the holy cause of freedom."

Jefferson's proposed ward system also gives added meaning to his support for the principle of "rotation in office," one of whose goals is to increase the level of popular participation in government by mandating turnover. Term limits, as proponents argue today, can break the virtual monopoly that incumbent, professional politicians hold on some offices, and create a way to return to the "citizen-politician" model of the 19th century. The appeal of term limits to modern-day Jeffersonians is exactly the same as its appeal to Jefferson himself: it enhances the possibility that each citizen may become, in his words, "a participator in the government of affairs, not merely at an election one day in the year, but every day."

A full understanding of Jefferson's ideas regarding constitutional change — and indeed, of his constitutional thought generally — must take into account Jefferson's dual emphasis on education and participation. The essentially negative view of politics that

"What a fuss! — You'd think nobody ever ran over a mayor before!"

Jefferson held thus ultimately influenced his constitutional thought in a profound way.

Jefferson regarded as truly modest the achievements of his generation, believing that subsequent generations, learning from additional experience, would improve on the founders' handiwork, with the problem of maintaining a free government becoming far simpler as subsequent generations hit upon better and better solutions. Hence he recommended that every generation create anew their constitutions — a recommendation that reveals both his assumptions that constitution-making was a relatively simple matter and that the people, as a whole, were fully competent to the task.

Jefferson's Legacy

Although he was an eminent member of what Dumas Malone has called the "great generation," Jefferson disclaimed its greatness. Throughout his life Jefferson deliberately downplayed his public service. For example, in 1800 he drafted a list of his services that emphasized his role in introducing olive trees and upland rice into South Carolina, noting that "the greatest service which can be rendered any country is, to add a useful plant to its culture."

Perhaps Jefferson's greatest political legacy is the extent to which he devalued politics. During nearly half a century of public service, Jefferson held many high political offices: President of the United States, Vice-President of the United States, Secretary of State, U. S. Ambassador to France, Member of Congress, Governor of Virginia. Nevertheless, he asked to be remembered in his epitaph for only three accomplishments: author of the Declaration of Independence, author of the Virginia Statute of Religious Freedom, and father of the University of Virginia. Liberty and knowledge, not political power, were his highest values.

The author of the Declaration of Independence died on July 4, 1826, the fiftieth anniversary of the adoption of the Declaration, the date Americans have chosen for the celebration of the nation's birthday. Like his fellow Patriot of '76, John Adams, who also died that day, Jefferson was fully aware of the symbolism; his final words, reportedly, were, "Is it the Fourth?" Significantly, he wrote in his last letter of the libertarian meaning of American independence: "May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government."[21] ❑

Notes:

1. Jefferson's Response to Address of Welcome by the Citizens of Albemarle, February 12, 1790.
2. Jefferson to the Rev. Charles Clay, January 27, 1790.
3. Jefferson to Edward Carrington, May 27, 1788.
4. Jefferson to Edward Carrington, January 16, 1787.
5. Jefferson to Francis W. Gilmer, June 7, 1816.
6. Jefferson to Nehemiah Dodge and others, A Committee of the Danbury Baptist Association, in the State of Connecticut, January 1, 1802 (Draft).
7. See Jefferson to John Norvell, June 11, 1807 (suggesting that editors divide their newspapers into "four chapters" — "Truths," "Probabilities," "Possibilities," and "Lies").
8. Jefferson to Gideon Granger, August 13, 1800.
9. Jefferson to James Madison, December 24, 1825.
10. Jefferson to Samuel Kercheval, July 12, 1816.
11. Jefferson to Wilson Cary Nicholas, September 7, 1803.
12. Paine to Jefferson, September 23, 1803.
13. Jefferson, First Annual Message, to Congress December 8, 1801.
14. Jefferson to Dr. Benjamin Rush, June 13, 1805.
15. Jefferson to Abigail Adams, September 11, 1804.
16. See Jefferson, First Annual Message to Congress (Draft), December 8, 1801.
17. Jefferson to Samuel Kercheval, July 12, 1816.
18. Jefferson to William Charles Jarvis, September 28, 1820.
19. Cf. Mayer, David, *The Constitutional Thought of Thomas Jefferson*, Charlottesville: University Press of Virginia, 1994.
20. Jefferson to Joseph Cabell, February 2, 1816.
21. Jefferson to Roger C. Weightman, June 24, 1826.

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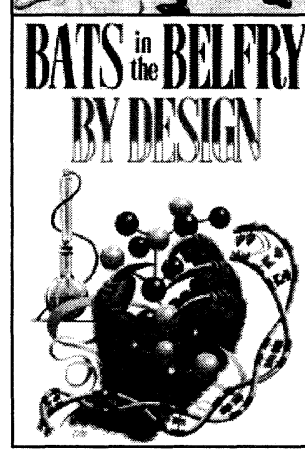

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Reprimand

License to Steal

by R.W. Bradford

Exactly what does the First Amendment establish?

Does the Constitution's prohibition of laws "abridging the freedom of speech, or of the press" grant special rights to journalists, rights not enjoyed by other citizens?

Many journalists are convinced that it does. The public's right to know, they argue, is so important that journalists and publishers should be exempt from requirements others face to produce evidence and to testify in court. If, for example, a newspaper publishes information that would prove your innocence in a criminal case, and the reporter who wrote the story promised the source of that information that he would not identify him, the reporter will very likely refuse to testify or provide information. This "right to keep sources confidential" is widely cherished by reporters, but not by the courts, which routinely threaten contempt of court charges against journalists who cite it when refusing to testify.

Journalists sometimes see this right as similar to attorney-client privilege, doctor-patient privilege, or clergyman-penitent privilege. But plainly it is not. Those rights to confidentiality grow out of the right to be secure against self-incrimination, and a belief that an individual ought to be able to seek competent professional advice without the risk that his advisor will use what the information reveals about him in a court of law. If a person cannot communicate openly with his attorney, he is effectively denied the right to defend himself. If a person cannot communicate openly with his pastor, he is effectively denied the right to seek spiritual help. If he cannot communicate openly with his physician, he is effectively denied the right to seek medical help.

All these rights to confidentiality emanate from the same source as the right to communicate confidentially with one's husband or wife: the other person involved is seen as an extension of oneself, so that being forced to reveal such a communication is tantamount to being forced to testify against oneself.

But the individual who seeks to tell a reporter something in confidence is neither seeking counsel of a highly personal nature nor engaging in the most intimate of communication. He is revealing information to the public. And the journalist who receives the information is not involved in an intimate relationship or counseling. He is gathering information to pass on to the public. There is no sense in which his relationship is analogous to these other forms of privileged communications.

Expropriating Privacy

Not content with this special privilege, journalists have recently begun to claim more new rights not granted to others. In March 1992, two young women applied for jobs at a supermarket in North Carolina. Their applications for employment contained false information about their backgrounds. And their applications were fraudulent in a more fundamental sense: they were not looking for work. They already had jobs, as producers for ABC News, which had given them a $50,000 budget to go to North Carolina and get jobs with the supermarket so that they could conceal electronic equipment on their persons and record information about its operations.

Six months later, ABC News ran a report on the supermarket. It was an extremely negative report, resulting eventually in the supermarket losing millions of dollars and many of its employees losing their jobs. The supermarket's owners sued ABC for fraud. A jury found ABC at fault and required it to repay the salaries ABC's employees had received from

the supermarket, plus court costs and damages.

After the court decision, ABC staged a "town meeting" discussion for live broadcast. Among the members of the expert panel were perhaps the two most influential men in broadcast journalism: Roone Arledge, president of ABC News; and Don Hewitt, long-time producer of *60 Minutes*, the television news program that virtually invented "investigative" broadcast journalism.

The very first question from the audience consisted of a short speech about the importance of freedom of the press, concluding with these words: "My question is that if you take away the camera or if you take away the journalists' right to go anywhere, don't you subvert the democratic process?"

Don Hewitt thanked the questioner for giving him a "softball question," and then gave the following answer:

> We started doing this [using hidden cameras] many many years ago and I don't see anything wrong with it. The only thing I see wrong with it now is that it's being used, I do see it being used as a stunt in many, many instances. But I don't see anything wrong with going in if you can. I don't think people have a right of privacy when they're committing a crime. I don't think people have a right of privacy when they're committing malfeasances [sic]. If it were illegal to show somebody on hidden camera committing a crime, then every crook who robbed a bank has got a lawsuit because he gets caught on a camera doing it. I don't think you have a right to prohibit anyone from coming into a premise where something illegal may be happening. Now they claim nothing illegal was happening and they claim that they have the documentation that it was.

This is a fascinating response. Hewitt offered two defenses for the behavior in question:

1. People who are committing crimes have no right to privacy.
2. If we denied people the right to misrepresent themselves in order to gain admittance to private property so that they can record the activities of people they believe have done something wrong, then we would also have to stop using cameras in banks to record criminal activities.

Each of these defenses is, of course, absurd. The U.S. Constitution protects all Americans from unreasonable search and seizure, whether they have committed crimes or not. To obtain a search warrant or to do surveillance of an individual in a private situation, law enforcement agents must convince a judge that there is reasonable cause to believe that evidence for a crime will be discovered. By Hewitt's theory, journalists should not be so constrained. Their belief that a person has committed a crime justifies any invasion of privacy.

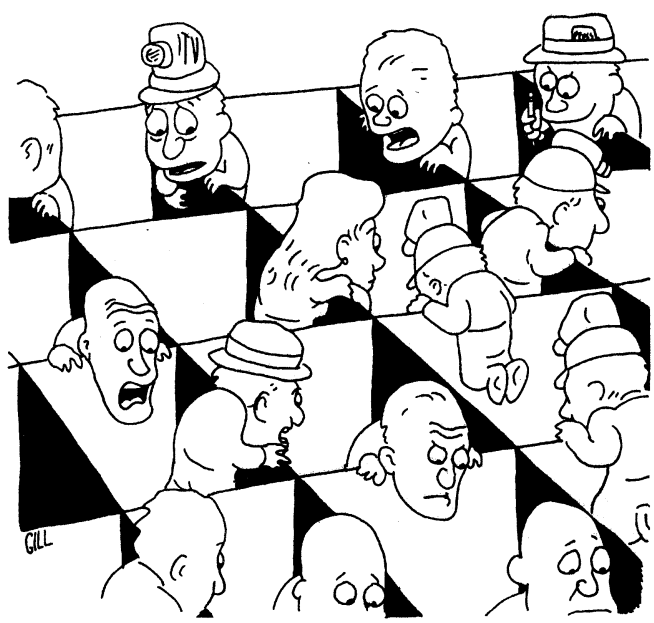

Consider the fact that in Georgia, sodomy is a felony. By Hewitt's theory, television journalists could secrete cameras in the bedrooms of anyone they believe to be committing that particular crime and show the resulting pictures on television. Consider another example, this one closer to Hewitt's home. It is plainly illegal for corporate executives to induce their employees to apply fraudulently for employment with other firms. Would Hewitt accept the legitimacy of secreting cameras in the offices of the executives of ABC?

Hewitt's second defense is just plain silly. No one has suggested that all photography ought to be illegal and grounds for a lawsuit. Is Hewitt really unable to see any significant difference between a bank openly photographing the activities in its lobby and a journalist fraudulently and secretly photographing individuals in a situation where they have every reason to believe that their right to privacy is being respected?

The discussion wandered and the subject of the right of journalists to invade people's privacy wasn't touched upon again until the hour was nearly over, when a member of the audience asked the following question:

> Let's assume that a story is very important. It's a story of abuse of patients, serious public health. What sorts of things would be improper to get that story? Would you break into the premises at night? Would you think it was appropriate to jimmy the locks on the documents? Would you think it [would] be appropriate to place a bug in the office of the president to get that story? Assuming that the story was true, would that be justified?

Moderator Ted Koppel summarized the question "Are there any limits?" and directed the question to Hewitt. Hewitt responded with a single word: "No." Koppel was incredulous. "No?!?" he asked.

Hewitt repeated, "No!"

This was too much for Roone Arledge, whose network had just been ordered by a jury to pay for its fraud and invasion of privacy in the supermarket case. "Of course there are limits," he said.

Perhaps sensing the shock of those around him, Hewitt seemed to change his mind. "There are limits," he said,

but it was difficult to tell what he meant, since his conversation then began to meander:

> I find what's been going on here, these sweeping generalities, and nobody got down to specifics. The senator has these generalities. "You're entertainment" and "You censor people." Listen to all this stuff over there. They're all generalities. I mean if you had one specific it would be interesting, but you're making these wild statements. You're too good for that. You're one of the few guys who ever sat in the United States Senate who should still be there. You shouldna left. Warren Rudman shouldn't have left. Bill Bradley shouldn't have left. Paul Simon shouldn't have left, and it would have been a better country.

The Dallas Morning News apparently believes that freedom of the press includes the freedom to receive stolen property and profit from its publication.

I'm sure you're thinking, okay, Don Hewitt surely doesn't believe that journalists may invade the privacy of anyone they believe is committing a crime, breaking into their premises at night, jimmying their locks if necessary, placing bugs in their offices. He must have been drunk or disoriented or confused by the pressure of being interviewed in front of a television camera. I don't know, maybe he was.

A License to Steal

A few weeks later, the *Dallas Morning News* got hold of thousands of pages of documents that were the property of the attorneys defending Timothy McVeigh, the man accused of planning and executing the Oklahoma City bombing. Among these documents was a page that seemed to be a confession by McVeigh. (McVeigh's attorney later said that it was a false statement they had prepared to show to a witness to see if it would shake his story).

It was obvious that these documents were the property of the defense attorneys. It was also obvious that they had been stolen, since their publication could only harm McVeigh's case. Nevertheless, the *Dallas Morning News* published them, raising the question of whether freedom of the press includes the freedom to receive stolen property and profit from its publication, as well as the question of whether publishing this particular document might constitute obstruction of justice.

On March 3, *ABC News Nightline* reported on the story. Anchorman Chris Wallace interviewed several journalists and attorneys on the issues involved. He posed the following question to Jeffrey Toobin, ABC Legal Analyst:

> Jeffrey Toobin, you're a working reporter. Someone hands you a stolen document. Any qualms about using it, if you believe it to be true, any qualms about reporting it?

Without a moment's hesitation, Tobin answered:

> Not really. I'd go with it if it were true. On an issue of this importance. There are 168 people dead here. People want to know about who did this. This is highly significant information in terms of learning who did this.

I don't know what to make of this. It seems many journalists see their occupation as a license to commit wrongdoing. I am one journalist who does not. The principle of equality before the law is one of the most important principles of a free society. Our ancestors fought and died for it. The notion that some occupations endow those who pursue them with the right to exempt themselves from normal morality and law is pernicious and wrong, whether that occupation is policeman or journalist. ❑

60 Minutes' producer said, "I don't think you have a right to prohibit anyone from coming into a premise where something illegal may be happening."

notes to "Mysteries of the *Titanic*," *continued from page 28*

53. Robert Hitchins, Mersey, BI 48; Frederick Fleet, AI 366; Arthur Peuchen, AI 338; Mrs. J.J. Brown, in Gracie 134–39. 54. Sir Cosmo Duff Gordon, BI 284, 288, 278. 55. Charles Hendrickson, Mersey, BI 119, 121. 56. Mersey, George Symons, BI 258. 57. Thomas Scanlan, Albert Horswill, Mersey, BI 275. 58. Mersey, Robert Pusey, BI 295. 59. Mersey, BI 285; Duff Gordon, BI 286. 60. Lightoller, AI 88; Ismay, AI 9; P.A.S. Franklin, Smith, AI 672. 61. Steven Biel, *Down with the Old Canoe: A Cultural History of the "Titanic" Disaster* (New York: Norton, 1996). 62. Biel 72, 128, 132. 63. George Bernard Shaw, *London Daily News*, May 22, 1912; in Shaw, *Agitations: Letters to the Press 1875–1950*, ed. Dan H. Lawrence and James Rambeau (New York: Ungar, 1985) 149. 64. Hoffer, esp. 135–39, 208–209. 65. Shaw 148; Thomas Hardy, "The Convergence of the Twain." 66. Geoffrey Marcus, *The Maiden Voyage* (New York: Viking, 1969) 150. 67. August Wennerstrom, in Wade 299. 68. Like many other writers, Biel (156–60) recognizes the appeal of this dramatic situation, but he prefers to attribute it to Cold War nostalgia for an age that offered "time to die," instead of instant death in atomic warfare. One wonders whether this theory also applies to *King Lear*.

69. Isaacs, BI 930; Lord, *Night to Remember* 77–78, 86–87, 103–104, 111; Cooper 43. 70. As Biel (8) considers the disaster. 71. Etches, *New York Times* (April 20, 1912) 9. 72. Cooper 156. 73. Julian Barnes, *A History of the World in 10 1/2 Chapters* (London: Cape, 1989) 173–74. In 1912, Beesley had published a book arguing (A) that *Titanic* was the world's "safest ship"; (B) that she had succumbed to a "one-in-a-million accident"; (C) that everybody is morally responsible for such accidents, because everybody shares "the immorality of indifference"; and (D) that "the remedy" for this universal sin is legislation, by which "the possibility of such a disaster occurring again [will be] utterly removed" — *The Loss of the SS Titanic: Its Story and Its Lessons* (Boston: Houghton Mifflin, 1912) 4, 233, 240, 248–49. The conclusion is similar to Senator Smith's, but the logic is much more mysterious. 74. Edwards, BI 453. 75. Paul Heyer, *"Titanic" Legacy: Disaster as Media Event and Myth* (Westport CT: Praeger, 1995) 126. 76. *New York Times* (February 9, 1997) H14. 77. Oldham 216, 220–24, 232; quotation 217. 78. Oldham 229–30.

Discovery

Mission to Moscow: The Lost Papers of Ludwig von Mises

by Richard Ebeling

In an obscure, nondescript building in Moscow lay thousands of pages of intellectual treasure.

During the first days of May 1945, the war in Europe was approaching its end. The Soviet Army, having conquered eastern Germany, began its conquest of Bohemia. Reaching the small town of Halberstadt, the Soviet soldiers began to fan out and occupied the railway station. On a track siding were 24 box cars that the Nazi authorities had been preparing to evacuate to territory still in their control.

When Soviet officials opened the box cars, they found them stuffed with documents, files, dossiers, and personal and official papers that the Gestapo had looted from France, Belgium, Austria, Holland, Poland and many other countries, including Germany itself.

Among these literally millions of pages of stolen documents were the "lost papers" of Ludwig von Mises.

A Lion of Capitalism

In the period between the two world wars, Ludwig von Mises was one of the most famous and controversial economists on the European continent. Born in Lemberg, Austria-Hungary on September 29, 1881, Mises entered the University of Vienna in 1900 and was awarded a doctoral degree in 1906. In 1909, Mises was hired by the Austrian Chamber of Commerce in Vienna as an economic advisor. And in 1913, he was given the title of privatdozent, giving him the right to teach at the University of Vienna as an unsalaried lecturer.

For the next twenty-five years, while he was living in Europe, Ludwig von Mises caused firestorms of controversy. In 1912, Mises published *The Theory of Money and Credit*, in which, besides its many original theoretical insights, he demonstrated that inflations and depressions were not inherent to a capitalist economy, but were the result of government control and mismanagement of the monetary system.

But the whirlwind of debate that surrounded him for the rest of his life was caused by an article he wrote in 1920, and two years later expanded into a profoundly important book, *Socialism*. In this book, Mises demonstrates that the central planners of a socialist state would have no way of knowing how to use the resources at their disposal for least-cost and efficient production. Without market-created prices, the planners would lack the necessary tools for "economic calculation." The reality of the promised socialist utopia would be poverty, economic imbalance, and social decay. Furthermore, Mises demonstrated that any type of collectivism that was applied comprehensively would result in a terrible tyranny, since the state would monopolize everything needed for human existence.

In 1927, Mises published *Liberalism*, in which he presented the classical liberal vision of the free and prosperous society, one in which individual freedom would be respected, the market economy would be free, open and unregulated, and government would be limited to the functions of protecting life, liberty, and property. He followed with *Critique of Interventionism* (1929), in which he argued that the interventionist-welfare state was not a "third way" between capitalism and socialism, but a set of contradictory policies that, if fully applied, would eventually lead to socialism — and that Germany was heading down a dangerous political road that would lead to the triumph of national socialism.

The Theft and Its Aftermath

Not surprisingly, both Marxists and Nazis viewed Ludwig von Mises as a serious intellectual enemy. In fact, in 1926, the Soviet journal *Bolshevik* published an article calling him a "theoretician of fascism." What was his "crime"? In a 1925 article on "Anti-Marxism," Mises had written that a Marxist Russia and a "national social-

ist" Germany would be natural allies in eastern Europe — thereby anticipating the infamous Nazi-Soviet pact of 1939. By 1932, Mises knew that the coming Nazi victory in Germany would threaten Austria. As a classical liberal and a Jew, he could be sure that after the Nazis took over Austria, the Gestapo would come looking for him.

In March 1934, he was offered a way out by William E. Rappard, director of the Graduate Institute of International Studies in Geneva, Switzerland, who invited him to accept a position as Professor of International Economic Relations. He accepted and moved to Geneva in October 1934.

The employees of the archive where Mises' papers were kept were forbidden to tell even family members where they worked; they couldn't even eat at restaurants patronized by foreigners.

But Mises kept his apartment in Vienna, where he and his mother had been living since 1911. After she died in late 1937, he returned the apartment to the owner of the building, but continued to sublet a room from the new tenant. In this room he stored his papers, manuscripts, family and personal documents, correspondence, and files of his own and other writers' articles, as well as most of his personal library, which included thousands of volumes.

In March 1938, Germany annexed Austria. Within a few days the Gestapo came to Mises' apartment. He was safe in Switzerland, but the Nazis boxed up everything in his room and carried it off. In March 1939, Mises sent out a letter of "information" to friends in Europe, explaining what had happened to his possessions. Friends still in Vienna had attempted to intercede on his behalf to get back his papers and belongings. The Gestapo claimed that they did not know where they were. Until his death in 1973 in New York, Mises believed that everything had been destroyed — either by the Nazis or in the chaos of the war.

But Mises' papers had not been destroyed. Instead, they had been kept by the Nazis and had ended up in Halberstadt, Czechoslovakia, along with most other documents, papers and archival collections the Nazis had seized in various German-occupied countries. The 24 railway box cars in which this massive cache was stored were turned over by the Soviet Army to the KGB, and transported to Moscow.

In the 1950s a special building was constructed in Moscow to store and preserve these papers, including 20 million captured documents from 20 different countries. From the outside, the building looked like an ordinary residential complex. It had no nameplate on the door, and only the bars on the windows suggested that it was something other than what it appeared. For the next 45 years the only people allowed access to the documents stored in the building were members of the KGB and the Ministries of Police and Foreign Affairs. The employees of this special archive were forbidden to tell even family members where they worked, and restricted from meeting with foreigners — or even eating at restaurants patronized by foreigners.

Each of the archival collections had been carefully studied and organized by the KGB. Mises' papers were divided into 196 files containing more than 10,000 items. In 1951, the KGB prepared an index to his papers, with a one-paragraph description of each of the files. The entire collection was labeled "Fund #623—Ludwig von Mises."

"My wife treats me like royalty — she sends articles about my shortcomings to tabloid newspoapers."

With the collapse of the Soviet Union in 1991, the documents were declassified, and the archive was opened and renamed the Center for Historical and Documental Collections. Even foreigners could now request to see parts of the collection.

Tracking Down the Papers

I first heard a rumor that Mises' papers might be in Moscow in summer 1993. My wife Anna and I were visiting Vienna to look for archival material about his life for the intellectual biography that I am now writing, a Viennese friend told me that some German diplomats had been in Moscow looking for material about anti-fascist Germans and had come across a reference to Mises' name among the indexes of captured documents they were permitted to examine.

In 1994, I had found Mises' "information" letter from 1939 among Friedrich Hayek's papers at the Hoover Institution at Stanford University, so I now had a clearer idea of exactly what the Nazis had stolen. But it was only in July 1996 that I found out the exact location of Mises' "lost papers." I went to the Holocaust Museum in Washington, D.C., hoping that the researchers there could tell me whether a Gestapo file on Mises had survived the war. No one knew of one. I asked a research staffer whether they could find out if any of Mises' papers were now in Russian hands. She introduced me to a senior researcher, Karl Modek, who specializes in Holocaust material relating to the Soviet Union. Opening a spiral binder containing the names of the Russian archives, he turned to the pages listing the fund numbers and the names of collections in the archive. There it was: "Fund #623—Ludwig von Mises."

Why didn't the existence of Mises' papers come to light before now, and why hadn't anyone taken the time to examine them and obtain copies?

Since the archive has been open to everyone since 1991, a question arises: why didn't the existence of Mises' papers come to light before now, and why hadn't anyone taken the time to examine them and obtain copies? I

found out the reason only this month, from Dr. Kurt Leube, former personal assistant to Friedrich A. Hayek, a permanent research scholar at the Hoover Institution, and professor of economics at California State University at Hayward.

In 1994, Dr. Leube also had heard that Mises' papers appeared to have survived in Russia. He found out that some Austrian researchers, including Gerhard Jagschitz of the University of Vienna and Stefen Karner of the University of Graz, had traveled to Moscow and seen the indexes to Austrian documents captured by the Soviet Army. They confirmed that they had seen an index to Mises' papers. Dr. Leube asked them several times to examine the files and describe their contents. They wrote back that they had neither the time nor the interest.

In a speech delivered last month at Hillsdale College, Dr. Mansur Mukhamedjanov, the Director of the Moscow Center for Historical and Documental Collections, summarizes the situation concisely:

> The Ludwig von Mises fund was accessible to researchers. But from the time when the archive has been opened nobody, not one researcher, looked into or worked with the materials of this fund. Russian economists who are involved in working out the concept of market reform never showed any interest in Mises' fund. I don't think they even know about its existence. Foreign researchers were interested in anything but Mises. Some of them probably saw the index and knew that such a fund existed, but nobody, I repeat, nobody ever showed any interest or desire to look into the documents. Our careful records show that no researchers ever requested Fund #623, "Ludwig von Mises."

And so the Mises papers remained unexamined until my wife and I arrived in Moscow last October. She is Russian-born and had spent almost all of her life in Moscow. She contacted friends in Russia who arranged invitations and visas for our trip to Moscow. On our behalf, they contacted the archive director to arrange access to Mises' papers. As Dr. Mukhamedjanov recalled, "You should have seen their faces when the first portion of the files was delivered to them from our storage! "Are you interested in making any photocopies?" I asked. Anna and Richard looked at me and said: "Yes, we need to copy absolutely everything!"

From October 17 to 27, we spent every working day examining each of the files. We arranged the photocopying or microfilming of virtually the entire collection of papers, manuscripts, articles, correspondence, personal documents and related material.

Newly discovered papers show Mises debating economic policy with the intellectual leaders of his time, including such notables as Friedrich Hayek, Oskar Morgenstern, and Eric Voegelin.

(These photocopies and the microfilm are now at Hillsdale College.)

Lifting the Veil

What exactly did the Gestapo seize in 1938? An enormous amount of material. Ludwig von Mises had taught at the University of Vienna from 1913 until 1934 (except for the war years). He had organized a private seminar for Viennese scholars, which met twice a month in his offices at the Chamber of Commerce. He maintained a voluminous correspondence. And he was a prolific writer and a much sought-after policy analyst. All of these facets of his life are reflected in the "lost papers."

Mises kept copies of the course outlines and bibliographies for his university seminars. They trace many of his interests and areas of work. He devoted many semesters to the problems of money, credit, and the business cycle. He gave special attention to the problems of the methodology of the social sciences and the critics of the "subjectivist" or marginal utility approach to economic theory. Students were assigned the task of writing "protocols" or summaries of class lectures; Mises saved some of these and they give insights into his teaching style and method of argumentation. For example, in 1927 he delivered a lecture on Böhm-Bawerk's essay, "Power or Economic Law" (*Macht oder öconomisches Gesetz?*). According to a summary prepared by Fritz Machlup, who later became a leading expert on competition and monopoly theory, Mises emphasized that it would be better to use the word "power" exclusively in the political sense, since in the long run only government intervention can give agents in the private sector the ability to defy the forces of the market. He further argued that interventionist defenses of regulation are often at the most "primitive level" of theoretical understanding, and ignore the tendency of intervention in one corner of the market to create negative consequences for surrounding markets.

Mises also kept records of his private seminar, including lists of participants and topics. They show what a wide group of scholars, including foreign visitors and students of many disciplines, participated in the circle. In 1933, for example, Hugh Gaitskill, who later became the head of the British Labour Party, spent a semester in Vienna and attended the private seminar. He delivered a talk on "Economic Calculation," criticizing Mises' views on planning under socialism. Also in 1933, Eric Voegelin, later a leading conservative in the United States, delivered a talk on "The Politics of Fascism." Papers were also delivered by the famous sociologist Alfred Schutz (who had studied with Mises at the university), by Friedrich Hayek, and by Oskar Morgenstern, who later developed "Game Theory." Among the more important artifacts is a series of papers on the methodology of the social sciences — some by Mises and Morgenstern — that was delivered in 1934; these were preserved intact.

As senior economic analyst for the Austrian Chamber of Commerce, Mises was responsible for analyzing the economic situation in Austria and the effects of various policies proposed or implemented by the Austrian government. Among the papers are several critically evaluating the tax and spending policies of the government during the Depression. They show Mises as a careful "applied economist," weighing up the economic situation in Austria and arguing for cuts in spending and taxation, lowering of tariffs, elimination of exchange controls, and proposing that state-run enterprises be cut back. Among the new documents are many he wrote after 1918, when he was trans-

ferred back to Vienna to work as an economic specialist for the Austrian War Ministry. In this capacity, he often wrote detailed memoranda on topics such as war inflation, the currency relationship between Austria-Hungary and Ukraine, the problems of government borrowing in wartime, and the relation between private industry and the military. (The archive also includes many of the documents relating to Mises' service in World War I, when he served as an artillery officer on the Russian front.) In 1919, he evaluated for the Austrian Finance Ministry the costs and benefits of a trade treaty with newly independent Hungary, which had a newly established socialist government. And he served as the financial director for the Austrian Reparations Commission in the early 1920s, for which he arranged the financing of Austria's payments to the Allied powers.

Among millions of pages of documents stolen by the Nazis were the "lost papers" of Ludwig von Mises.

Mises wrote a large number of articles on a wide variety of economic policy topics for Viennese newspapers and journals — articles that up till now, had been considered lost during the war, like virtually all his work from this period. The newly discovered articles include a speech (given in 1926 after a lecture tour in the United States) that describes the growing danger to the American economy of interventionism.

Mises kept almost everything. The fund reveals that he was an active participant in an organization devoted to lowering tariffs throughout Europe, and it includes the records of invitations from research institutes, professional associations, universities — even the League of Nations. It even includes train ticket stubs from a journey to a conference and the receipts from meals eaten at hotels during various lecture tours.

More importantly, the fund also includes a number of unpublished articles on topics such as "Business Management and Bureaucratic Administration" and "The Logical Problems of Economics." Here, in greater detail than in some of his other works, Mises analyzes the harmful effects of state-managed industries, and describes how growing government intervention and control affects public psychology and decisions in the private-sector.

Mises maintained a large correspondence with many economists and businessmen, as well as with organizations such as the Rockefeller Foundation, through which he helped his students and colleagues obtain grants for extended research trips to America. The fund includes these along with thick files of other correspondence — including not only letters he received, but carbon copies of his own letters. They show Mises debating economic policy with the intellectual leaders of his time, including such notables as Friedrich Hayek and Lionel Robbins, then a leading expositor of Austrian economics at the London School of Economics. Subjects include the monetary causes of the great Austrian inflation of the early 1920s and the unworkability of socialism. After Hayek moved to London in 1931, he and Mises shared letters comparing and criticizing increasingly interventionist policies in England and Austria. And in December 1931, Robbins wrote that while others in England were being won over to collectivism, the consequences of government intervention during the Great Depression were making an even "stronger" case that only a free economy could solve the problems of the world.

Mises argued that the interventionist-welfare state was not a "third way" between capitalism and socialism, but a set of contradictory policies that, if fully applied, would eventually lead to socialism.

Through these thousands of pages of material, Ludwig von Mises is shown to be more influential and important than even his strongest admirers had imagined. They add to our knowledge of Mises as economic theorist and policy analyst, someone thoroughly conversant with the historical facts and statistical data of his time. They demonstrate the great impact he had on a large number of students and scholars and his enormous influence on Austrian economics between the wars — an influence whose scope and meaning can now really be understood for the first time.

In sum, the papers discovered in Moscow provide a rich source of new information about the most important free market economist of the 20th century, and lift a veil from the life and work of one of the leading figures of our time. ❑

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Salvo

Do Inalienable Rights Outlaw Punishment?

by John C. Goodman

A closer look at George Smith's case against capital punishment.

George Smith's provocative article ("A Killer's Right to Life," *Liberty*, November 1996) intended to make the case against capital punishment. It did much more. Unintentionally perhaps, Smith actually made a case against punishment as such. Indeed, if one follows Smith's argument to its logical conclusion, one has a case against any kind of legal procedure, criminal or civil.

Here is the essence of Smith's position:

(1) Everyone has inalienable rights, even people who commit heinous crimes.

(2) Since the meaning of "inalienable" is "cannot be transferred, surrendered, or forfeited," people who commit heinous crimes do not thereby forfeit their rights.

(3) Capital punishment by definition deprives people of their inalienable right to life.

(4) Right implies duty: if Y has the right to take action X, everyone else has an obligation not to interfere with Y's taking action X.

(5) Therefore, we (the non-criminals) have an obligation not to violate a criminal's right to life by executing him.

Although Smith focuses on capital punishment, the structure of the argument applies with equal force to imprisonment, which is a form of enslavement and surely deprives the prisoner of the right to pursue his own happiness. By implication, other sanctions — such as fines and restraining orders — could be called into question as well.

If Smith is correct, we could not have a system of enforceable laws. But enforceable laws are essential to a free society. Are individual rights incompatible with social order? I don't think so.

I think Smith's argument goes wrong the same way that the arguments of many other libertarians go wrong: it assumes that all actions belong to one of two sets, those people have a right to take and those they have no right to take. From this it follows that either we have a "right to punish" those who violate the rights of others, or we have no such right. The latter conclusion would lead to chaos. But to say we have a "right to punish" — indeed, to say we have a "right to use force" — can easily lead to contradictions, as the following examples illustrate.

Example. Consider two people in the middle of the ocean on a lifeboat built for one. Most of us would have no problem concluding that each is justified in trying to survive. But to say each has a "right to try to survive," because, say, of a general "right to life," implies that each is obligated not to try to survive because of the obligation of each not to interfere with the other's exercise of his rights.

Another example. Murphy, beyond all reasonable doubt, is judged (by a jury and everyone else in his community) guilty of committing murder. Acting on this judgment, Murphy's neighbors imprison him. However, people are not infallible. And in this case, Murphy is actually innocent — despite the fact that all evidence points to his guilt.

As in the case of the lifeboat example, most people would feel comfortable with the following statement: Murphy's neighbors are justified in trying to imprison him, *and* Murphy is justified in trying to escape. But to say that Murphy's neighbors have a right to imprison him implies that he has a moral obligation to go to prison. On the other hand, to say that Murphy has the right not to be imprisoned (because he hasn't done anything wrong) implies that his neighbors are obligated not to imprison someone judged to be guilty beyond a reasonable doubt.

In both these examples, people are justified in taking conflicting actions. Can we also say there is a conflict of rights? If every right implies a duty not to interfere with the exercise of that right, then a conflict of rights implies a contradiction. (More formally, if rights conflict, they are not "compossible.")

These examples suggest a sort of

moral Gödel's Theorem. Rights theory must always be either incomplete or contradictory. If we want to avoid contradictions, there must be a set of actions to which the terms "right" and "no right" simply do not apply.

I propose that any time justifiable force is being used, the language of rights does not apply. There is nothing wrong with the statement that "an act of force violates a right." There is something wrong with the statement that "there is a right to use force."

If Smith is correct, we could not have a system of enforceable laws. But enforceable laws are essential to a free society. Are individual rights incompatible with social order? I don't think so.

To justify the use of force requires a theory that is more fundamental than the theory of rights. Call it meta-rights theory. The language of such a theory would be the language of justice. Among the conclusions of meta-rights theory: (1) we are justified in punishing those who violate the rights of others, and (2) through their evil deeds, those so punished forfeit not their inalienable rights, but the moral authority to invoke the concept of right in order to avoid punishment.

An Incompleteness Theorem

Many philosophers would object to the notion that every right entails a correlative duty on the part of others not to interfere with the exercise of that right. Wesley Hohfeld, for example, argues that some justifiable actions are "mere liberties," which impose no duties on others. On this view, "mere liberties" are subordinate to, or at least have lower status than, "claim rights." What seems to be needed, however, is a justification for actions that has higher status than claim rights, not lower status. In order to answer Smith, we must be able to distinguish circumstances when we must respect rights from circumstances when we have no such obligation.

Fortunately, my task here is more narrow. I want to persuade the reader that a certain view of rights is untenable. Accordingly, consider the following five characteristics of rights:

(1) All rights are individual rights.

(2) All rights entail obligations on the part of others not to interfere with the exercise of those rights.

(3) All rights are known, or at least easily discovered and verified.

(4) Rights theory describes all actions (completeness).

(5) All rights are compossible (noncontradiction).

These characteristics, broadly considered, constitute the classical view of rights. They are imbedded in the general theory of the common law. And they are consistent with Lockean theory — *à la* Robert Nozick. But even to one who is not a libertarian, a rights system with these characteristics should have considerable appeal.

To acknowledge and respect rights is a hallmark of a civil society. If, in addition, the system of rights satisfied the five characteristics, moral people would be assured that through voluntary action and free exchange they could act freely — secure in the knowledge that whenever they acted (a) their actions would be sanctioned by right, (b) all others would have an obligation not to interfere with their actions, and (c) their actions would not infringe on the rights of others.

The desirability of such a system of rights is almost self-evident, regardless of where one believes that rights come from (God, A is A, legislative fiat, etc.). It would seem, therefore, that a task of moral philosophy should be to discover and specify such a system of rights.

Now put aside all your preconceived notions of what rights people have and consider all the possible allocations of rights. Is there any conceivable way to assign rights that satisfies the five characteristics? Yes, there is. There might be only one rights holder (a king who has the right to do whatever he wishes) or only one permissible action (no one has the right to take any action other than bow to Mecca). Simplistic notions like these meet all five characteristics, but they do so at the expense of an absurd oversimplification of society.

THEOREM: *As long as the number of rights holders and the range of permissible actions are robust, no system of rights can satisfy all five characteristics.*

I will not attempt a formal proof, leaving that for professional philosophers more adept than I. Intuitively, however, we have already given two examples in support of the theorem. Let's consider one more.

Suppose McCoy steals a pig from Hatfield. Hatfield apprehends McCoy, retrieves his pig, and asserts his right to punish McCoy. Specifically, Hatfield asserts the right to administer X lashes, which implies that McCoy has an obligation not to interfere. Hatfield moreover, agrees that were he to administer X + 1 lashes, this would be too much punishment — constituting a violation of McCoy's right not to be punished beyond just desert and giving McCoy a right to retaliate against Hatfield.

The questions for moral philosophy are: (1) Is there a right to X which imposes a correlative duty on McCoy? and (2) Is X knowable? By the second question, I mean: Is there an objective method for deriving X, independent of the subjective claims of the two parties? If the answer is no, the right to punish in this case cannot satisfy characteristic number five.

Note that the right to take specific actions must derive from more general rights. With respect to punishment, if there is no such thing as a right to a specific retaliatory act, then there is little point in asserting a general right to retaliate.

As a practical matter, the Hatfields and the McCoys *may* negotiate a punishment "price" for the theft of the pig; indeed, this is how such disputes used to be resolved. Or, they can submit the question to trial by combat. Or to trial by jury.

Rights theory must always be either incomplete or contradictory.

These methods of deciding outcomes jettison the language of "rights" and rely instead on procedure. If a procedure is justified, we may assert that the actions that flow from it are justified. But, in doing so, we are outside the confines of the five characteristics we assigned rights.

Just procedures may encompass subjectivity and even error. We may

conclude, years after the fact, that we punished an innocent person and violated his rights — but that we were right in believing that we were justified in doing so at the time because we followed correct procedures. By contrast, we can never conclude we had a right to violate a right.

The conclusions reached here have application to the long-running dispute between anarcho-capitalists and limited-government libertarians.

A final example. Hatfield, AK-47 in hand, is marching McCoy down the street toward a hangman's noose. McCoy has committed a thoroughly reprehensible act and deserves to be hanged. Even so, McCoy lies and declares his innocence. Fellow townspeople have no knowledge of the facts surrounding the original crime.

Are the passersby obligated to stand aside and let Hatfield hang McCoy? Or, since hanging is a violent and irreversible act that potentially threatens everyone, are passersby justified in stopping the execution and demanding evidence of a crime? Failing to be convinced of McCoy's guilt, are they justified in prohibiting the execution indefinitely? If you answer "yes" to the second and third questions, then by implication you accept the argument for a minimal state that may legitimately act despite lack of unanimous consent by the governed.

We may conclude, years after the fact, that we punished an innocent person and violated his rights — but that we were right in believing that we were justified in doing so at the time.

We have now come full circle on Smith's question about capital punishment. Hatfield cannot claim he has a right to hang McCoy, because that would obligate everyone else not to interfere. Other people cannot be so obligated independent of their knowledge of the facts. However, Hatfield can claim he is justified in hanging McCoy (despite McCoy's inalienable rights), and a judge and jury may legitimately agree with him. ❑

Critique

The Hollow Ring of Inalienability

by Timothy Virkkala

Is capital punishment just? The answer to that question falls under the domain of moral and political philosophy. Appropriately, George Smith began his disquisition on the subject with a frank and humble statement of how such questions are answered: "Doing political philosophy consists largely of deciding where we don't want to go and then figuring out a way to end up somewhere else."

Where didn't he want to go? "I felt no sorrow whatever at the thought of executing a brutal and sadistic killer — and, to be honest, I still don't. But there remained the nagging issues of inalienable rights and whether capital punishment is consistent with the libertarian theory of restitution." So above all else, Mr. Smith demanded that any justification of capital punishment be consistent with "the libertarian theory of restitution" and the idea of "inalienable rights."

This being the case, we should not be in the least bit surprised to find strong negative reactions to his fascinating article. Why? Because few libertarians put much stock in the idea of "inalienable rights" (which even its adherents find confusing), and because there is not *one* libertarian theory of restitution, but *many*. A case against capital punishment that is twisted around these two notions can only seem weak to most of us. It would have been more effective to concentrate, say, on the outrageous moral horror of making a mistake in judging the accused in capital cases.

Smith writes:

> The concept of inalienable right, as used by individualist thinkers, arose during the social contract debates of the seventeenth and eighteenth centuries. Social contract theory has many variations. In its early forms, it was often used to justify absolute sovereignty. Philosophers claimed that the people had irrevocably transferred all of their rights to government, so their rights could not be restored without the government's consent. Since the social contract was an imaginary construction, not a historical reality (virtually all philosophers agreed on this point), there was no way to decide empirically which rights had been surrendered to government and under what conditions.
>
> All well and good.
>
> In their assault on absolutism, individualist philosophers maintained that some rights can never be delegated to government, because they are inalienable. Such rights are inherently linked to innate human characteristics which even consent cannot transfer, abandon, or forfeit. If a human faculty, such as conscience, cannot be alienated, then neither can the right to exercise that faculty.

Many things can be written about this passage. That it makes precious little sense seems obvious enough: if a faculty cannot be alienated, then there is no point in having a right to it. After all, we use rights to defend against actions that harm us. If we can be harmed, the relevant faculty can be alienated, no?

Consider: I have the faculty of reason. But then Joe Blow whacks me on the head, and I'm left in a booming, buzzing confusion, repeating words I'd known in the past, but without sense or sensibility, rhyme or reason. Do I

then have the faculty of reason? No. Injured by the blunt, unreasoning fists of Joe Blow, my most precious trait has been taken from me.

We talk of rights to threaten the likes of Joe Blow, so that such blokes think twice (at least) before swinging their fists at heads as precious as mine. Rights are articulations of threats. We can reify them all we want, pretend they have some sort of deep metaphysical meaning, pretend they are built into the warp and woof of things, but they remain signals of actions. They remain threats — enhaloed, no doubt, with the rewards of peace (no one would accept them if they did not entice as well as threaten); but hallowed or not, they are first and foremost game plans for retaliation. *If you cross this line,* a right subtly says, *then we will take action.*

If a faculty cannot be alienated, then there is no point in having a right to it.

With force.

Not merely defensive force, but retaliatory force, too. (This understanding of rights may rub against the grain of much rights talk. But consider: a right is a claim to obligatory treatment; "obligatory treatment" means treatment that we can "legitimately compel" from others. When we say that the flip side of a right is an obligation, we mean that we may react with force if that right is violated.)

After the fact of any conflict — any tussle in a bar, any forcible groping in a dark passage, any skirmish in a subway — the peaceful people will pick up their law books and sort out the mess. And they will not hesitate (I hope) to exercise police power to bend the will of the recalcitrant malefactor. Joe Blow may have won the fight, rendering me senseless, but my rights direct my neighbors or agents to arrest, try, and (I also hope) convict Mr. Blow.

The punishment? Capital? Well, here the whole question gets difficult.

One of the difficulties is right here before us. As with so many moral concepts, we are dealing as much with fiction as with fact.

This can't be helped, of course. The realm of values and ideals and norms and the like — indeed, of the idea of "good, better, best" — is in our heads, and turns on our imaginings nearly as much (if not more) than on the objects of our intentions. And we can't really get around this: while the *objects* of our intentions often seem to have that definite, unflighty feel of "fact" about them, around many of our imaginings, utopias, plans, and stratagems the flight of "fancy" seems a more justly placed category.

Though I'm sure Smith will balk at this assertion of mine, even he suggests as much. Remember the story he told? First, there was social contract theory, "an imaginary construction" that was meant to solve problems of conflict. Against this fiction the individualist wielded a new kind of right, an "inalienable" one. Where did he find this right? In the deep ontological structures of the Life World? The bowels of Christ? Faërie? Oh, all sorts of origins were claimed for these rights, but a phrase of our vulgar age will do as well as any: "he pulled it out of his ass." Social contract theory was a fiction, and the best weapon against its abuse was also a fiction. These days we have anti-missile missiles; in days of yore they made do with *anti-fiction fictions.*

For of course inalienable rights were *posited,* "made up." Before social contract theory blossomed, such rights had little play in human discourse. (Their prehistory can be constructed, of course, but so can the "social contract" — Aristotle used the theory, after all, when he needed a rabbit but had only a hat.) But with the rise of contractarian thinking, of a sudden inalienable rights appeared in the world, doing marvelous things. Political philosophy thus mirrored the world of literature: Cervantes and Hobbes, Fielding and Locke, Sterne and Rousseau . . . who says there is no progress in the arts? Even unto the present age we are awash in all types of fictions and in all types of rights.

Inalienable rights may be fictional, but this does not make them *meaningless.* (After all, fiction is not meaningless.) And because they were invented to fight a peculiar twist in contractarian moralizing, they had their own distinctive essence, and differed from other rights often talked about. "Inalienability" did the trick. It unsettled the set notions of authority, allowed for the freeing up of the avenues of political obligation, and helped make a great deal of room for individuals to find their own ways through the maze of this world.

But despite these political and social revolutions the payoff for inalienable rights was always a little hard to figure exactly, because the fiction it opposed was itself more than a bit slippery. It had something to do with rebellion, with justifying (some) revolts. But beyond that its meaning and applicability were always more than a little confused.

After all these years, for Smith to dust it off and turn this hoary tool into a weapon against killing convicted murderers — well, doesn't this seem a bit odd?

Of course, odd fictions can be fun and challenging, even useful. Hey, I *like* fiction. Indeed, even now I'm rereading *The Lord of the Rings,* and a more-fictive-than-thine fiction can hardly be imagined. And there's no doubt that untrue tales and arresting images have often been used in philosophy to make a point. Remember Gyges' Ring of Invisibility in Plato's *Republic*? If you had a ring of power, would you use it? (Let's all think about this for a minute. Okay . . . enough!)

Where did the individualist find this "inalienable" right? In the deep ontological structures of the Life World? The bowels of Christ? Faërie?

I think Smith succumbed to a dangerous temptation, to use a tool forged for one purpose for a completely different purpose. Ideas have consequences, and some ideas force one's hand in peculiar ways. He would better have snuck to the Crack of Doom and thrown his Ring of Inalienability into the fire.

And taken another, very different, crack at capital punishment.

Perhaps in another try he might arm himself with better fictions, and maybe even a few facts. After all, facts have their uses, too. ❑

George Smith's reply to these criticisms will be featured in the next issue of *Liberty.*

Reviews

***Emancipating Slaves, Enslaving Free Men: A History of the American Civil War*, by Jeffrey Rogers Hummel. Open Court, 1996, xiii+421 pp., $35.96 (hc), $17.96 (sc).**

The Bloody Hinge of American History

Robert Higgs

The Civil War was the Great Event of American history. Much of what happened in the preceding centuries can be seen as part of a process that culminated in the war, and much of what has happened since can be seen, directly or indirectly, as a consequence of the war. Before the war, millions toiled in legally sanctioned lifetime slavery; afterward, the laws permitted slavery only as punishment for crime. Before the war, the country was constitutionally a federation of sovereign constituent states (these United States); afterward, it was de facto a unitary state with a dominant central government (the United States). Before the war, individual freedom had tended to expand; afterward, it tended to shrink.

No subject in American history has given rise to as much writing — thousands of books and countless articles — as the Civil War. Why do writers continue to grind out still more? Haven't previous authors viewed the great conflict from every conceivable perspective, supported judgments for and against every significant politician and general, and traced the paths of thousands of others involved in the fray? Surely, one might have thought, at this stage no one can do much more than sweep up the crumbs.

Yet, notwithstanding the enormous literature, the publication of Jeffrey Rogers Hummel's *Emancipating Slaves, Enslaving Free Men* is a major event in Civil War scholarship. I know of no other book like it in perspective, structure, or conclusions. It will have an invigorating and altogether healthy effect on lay and scholarly understanding of America's pivotal cataclysm.

Hummel's book is simultaneously elementary and advanced, thanks to its unique architecture. Each of its chapters presents a succinct, clearly written narrative of the relevant historical developments falling under its rubric. The first five chapters cover ante-bellum developments; the next five, the war itself; and the last two, post-bellum developments. Well-chosen contemporary quotations add luster to the narrative. The sources of the quotations appear in twenty-two pages of notes at the back of the book, leaving the text itself uncluttered by scholarly apparatus or intramural quibbling.

Immediately following each chapter, as well as the prologue and the epilogue, is a bibliographical essay. Here Hummel displays not only a mastery of the vast literature but also an extraordinary analytical ability. Experts will relish these essays for their discriminating descriptions of hundreds of books and articles and even more for the light they shed on prevalent misconceptions, errors, and oversights. Together, the bibliographical essays occupy 110 pages and the narrative chapters 255 pages, but the essays, owing to their smaller print and more closely spaced lines, actually account for more of the book than the page counts suggest. Readers with limited interest can skip the scholarly essays. Those who want to look up a particular point will find the 33-page index is excellent.

Conventional Wisdom

Winners tend to write the histories, and Civil War history is no exception. But southern sympathizers have hardly been mute. During the first half of the twentieth century, historians sympathetic to the Confederate cause gained a substantial hearing; but later, especially as racial attitudes changed in the twenty years after World War II, these renditions of the story lost ground, eventually becoming so rare as to seem cranky. Among academic historians, even in the South, such views are now extremely rare.

"Emancipating Slaves, Enslaving Free Men" is a major event in Civil War scholarship, and will have an invigorating and altogether healthy effect on our understanding of America's pivotal cataclysm.

Historical understanding varies greatly among people who know anything at all about the war. At the level of "what every schoolboy knows," the prevailing myth is pretty simple: The southerners (the bad guys), in order to preserve slavery, attempted to secede from the United States; the northerners (the good guys, led by the saintly Abraham Lincoln), provoked by the bombardment of Fort Sumter, rose up in righteous indignation to free the slaves and, after much bloodshed, did free them; the victors then reconstructed the nation, amending the

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Constitution to ensure a level playing field for the blacks. (The wily southerners soon reestablished white supremacy, but that's supposed to be another story.)

Even as we transcend this vulgar understanding, we find that the question of secession continues to be viewed as locked tightly to the question of slavery. Because nobody now wishes to defend the perpetuation of slavery, a defense of southern secession labors under a heavy burden. Hummel, however, willingly takes up this burden.

Against Slavery, For Secession

At the outset, Hummel proposes that we can advance our understanding of why the war occurred by posing two questions: First, why did the southerners want to secede? Second, why didn't the northerners allow them to secede? Refusing to be tied in the usual knot, Hummel insists that "slavery and secession are separate issues" (8). Like the abolitionist Lysander Spooner, whom he cites, Hummel will draw "no moral analogy between slaves violently rising up to secure their liberty and the central government violently crushing aspirations for self-determination on the part of white southerners" (205). By simultaneously condemning slavery (along with all the social and political evils it fostered) and the northern resort to violence to prevent southern secession, Hummel stakes out a seldom-occupied territory among historians.

All serious historians appreciate that, whatever his personal attitudes toward slavery and blacks, President Lincoln did not resort to armed force to suppress the secession in order to destroy slavery. Indeed, during the interim between his election in 1860 and his inauguration in 1861, Lincoln supported a proposed unamendable constitutional amendment that would have prohibited interference with slavery in the states where it already existed.

Lincoln made his reasons for waging war against the Confederacy utterly clear in a letter to newspaperman Horace Greeley on August 22, 1862:

> My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help save the Union. (207-8)

When prosecution of the war bogged down in 1862, Lincoln formulated the Emancipation Proclamation, largely to dissuade Britain and other powers from recognizing the Confederacy and partly to encourage blacks to join the Union army. When formally promulgated on January 1, 1863, the proclamation freed not a single slave, as it applied exclusively to territory then under rebel control. Noting that the proclamation left slavery intact in all areas under U.S. control, the London *Spectator* observed: "The principle is not that a human being cannot justly own another, but that he cannot own him unless he is loyal to the United States" (210).

Later, as Union troops advanced, hundreds of thousands of slaves fled to the safety of army camps, finding freedom and a rather wretched existence, as supplies were often insufficient to feed the refugees as well as the soldiers, and commanders resorted to putting the runaways to work as laborers. Even where the rebels retained control, slavery began to break down, as the presence of nearby Union troops encouraged the slaves to resist the impositions of their owners. Union victory, of course, finally did result in the complete destruction of slavery. In 1865 the victors forced the vanquished to ratify the Thirteenth Amendment. (How many Americans have ever considered that vital portions of the Constitution were ratified at gunpoint?)

Slavery's Achilles Heel

The decay of slavery within the Confederacy during the war illustrates a fact of supreme importance for Hummel's interpretation of ante-bellum political maneuvering and his assessment of whether the war was necessary to destroy slavery. Put simply, slaves preferred freedom to slavery and, given a fair chance to escape, they would run away from their owners.

The fugitive slave issue, which Hummel characterizes as slavery's Achilles heel, was so important to the southerners that it played a crucial part in the compromise that gave rise to the

U.S. Constitution of 1787. Article IV, Section 2, stated in part: "No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due." This provision, to the extent that it received effective enforcement, prevented the free states from serving as havens for runaway slaves and thereby placed a mighty prop under the slave system in the South.

Congress passed legislation to enforce the Constitution's fugitive slave clause in 1793; under the law, national and state courts shared jurisdiction over the recovery of runaways. The number of slaves successfully escaping to the free states, almost all from the border states, probably never exceeded a thousand per year, but Hummel argues that "without a fugitive slave law, the number would have soared" (55).

Besides enjoying the cooperation of the federal government and the free states in the apprehension and return of runaways, the slave states socialized the enforcement costs of the slave system by requiring virtually all able-bodied white men to serve in the local slave patrols. "Exemption usually required paying a fine or hiring a substitute. The slave patrols thereby affixed a tax that shifted enforcement costs to small slaveholders and poor whites who owned no slaves" (48).

Even prior to the war, all slave states suppressed free speech, censored the mail, tightly restricted manumissions, and closely regulated the movement and activities of free blacks.

In the three decades before the war, the emergence and growth of the abolitionist movement heightened the southerners' worries about runaway slaves. All slave states moved to suppress whatever fostered slave escape: they suppressed free speech, censored the mail, tightly restricted manumissions, and closely regulated the movement and activities of free blacks. As Hummel writes, "The South's siege mentality turned it into a closed society" (25). This slavery-related repression contrasted starkly with the flowering of individual freedom in many other spheres of American life in the 1840s and 1850s.

Appreciating the vulnerability of the slave system to runaways, William Lloyd Garrison and some other abolitionists supported secession by the North. In their view, a separate free nation adjacent to the slave South would serve as an asylum for runaways far more effectively than the free states of the United States, which remained subject to the federal fugitive slave law.

In the 1830s and 1840s radical abolitionists increased their efforts to evade the fugitive slave law and to challenge it in court. The "underground railroad" spirited a number of slaves to freedom in Canada. Seven northern states passed personal liberty laws, prohibiting state officials from assisting in capturing runaways or forbidding the use of state or local jails to confine fugitive slaves. These developments spurred southerners to demand new protection of their property rights in slaves.

One upshot was the passage of a new federal fugitive slave act as part of the Compromise of 1850. This law, which Hummel calls "one of the harshest congressional measures ever" (94), created federal commissioners to assist in capturing runaways, empowered these officers to conscript the aid of any private citizen, and paid them fees that created a financial incentive for them to identify blacks as escaped slaves.

As Hummel observes, free blacks in the North now "had no legal recourse if a Southerner claimed they were escaped slaves. Consequently the law fostered an unsavory class of professional slave catchers, who could make huge profits by legally kidnapping free blacks in the North and selling them into slavery in the South" (94). Some previously hostile or indifferent northerners came to support abolitionism after witnessing such horrifying abductions.

Was Slavery Efficient?

For more than thirty years, economic historians trained in neoclassical economics have tortured their data and pounded their word processors in a debate over the efficiency of slavery. Robert W. Fogel and Stanley L. Engerman, most notably in their 1973 book *Time on the Cross*, argued that large slave plantations were much more efficient than northern farms. Critics disputed the claim, arguing that the apparent efficiency advantage reflected among other things such factors as the abnormally high price of cotton circa 1860 or the greater labor input coerced from the slaves. Though valuable facts have been unearthed along the way, several rounds of this debate have done little to close the gap between the disputants.

The revenue act of 1862 included a stamp tax not unlike the one that had inflamed the American colonists in 1765.

Hummel, unlike the neoclassical economists, never forgets that efficiency is a welfare concept that presupposes the existing property rights regime. In this light, finding that slavery was efficient amounts to little more than finding that theft benefits thieves when legal conditions allow them to get away with it. Hummel does not lose sight of the crux, which is that the slaveowners were kidnappers and thieves — that slavery "involved a compulsory transfer from black slaves to white masters" (40); hence, "the ability to coerce the slave is [the slave system's] only possible advantage over free labor" (65).

Hummel faults Fogel for continuing to view "coercion and wages as merely two alternative ways to motivate workers" and for failing to "comprehend the fundamental economic distinction between a voluntary transaction, which with its mutual gains moves the transactors toward greater efficiency and welfare (given initial endowments), and a coercive transfer, which with its nearly inevitable deadweight loss must reduce efficiency and welfare" (70).

Hummel's penetrating discussion of the efficiency debate, on pages 61–70, is by itself worth the price of the book.

Tyranny on Both Sides

Both sides fought under a flag of freedom: the North (eventually) to release the slaves from bondage, the

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South to gain political self-determination. But waging war has its own logic, independent of the belligerent's motive for fighting. In wartime, political authority dilates and individual liberty shrinks. The Civil War was no exception.

When Lincoln took office as president, eight slave states remained in the Union. Lincoln's call for 75,000 troops to suppress the "rebellion" prompted four of them — Virginia, North Carolina, Tennessee, and Arkansas — to join the Confederacy. Virginia governor John Letcher wrote to Lincoln: "You have chosen to inaugurate civil war, and having done so, we will meet it in a spirit as determined as the Administration has exhibited toward the South" (141).

Lincoln undertook to hold the remaining slave states in the Union at any cost. In Maryland he suspended the writ of habeas corpus, imposed military occupation, and imprisoned leading secessionists without trial. Chief Justice Roger Taney wrote an outraged opinion declaring that the president had no constitutional authority to take these actions, whose effect would be that "the people of the United States are no longer living under a Government of laws, but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found" (142). Lincoln ignored Taney's opinion and prepared standing orders (never served) for Taney's arrest. When Maryland held elections in the fall of 1861, federal provost marshals watched the polls and arrested secessionists attempting to vote.

In Missouri the administration took even more drastic actions. In an early confrontation with an angry crowd, army troops killed twenty-eight people, mostly innocent onlookers, thereby turning many Unionists into secessionists. Ostensibly loyal but clamped under martial law, Missouri became the scene of its own bitter civil war, featuring brutal guerrilla forays and scorched-earth tactics by the Union army, for the duration of the war and beyond. These events left a "legacy of hatred" that would "continue to plague Kansas and Missouri long after the rest of the country attained peace" (144). The outlaw Jesse James was just one of the many involved in the Missouri conflict who continued to hold a grudge.

In Kentucky, where sympathies were similarly divided,

> Federal authorities declared martial law; required loyalty oaths before people could trade or engage in many other daily activities; censored books, journals, sermons, and sheet music; and crowded the jails with Rebel sympathizers. By 1862 the military was interfering with elections, preventing candidates from running, and dispersing the Democratic convention at bayonet point. The net result was that the people of Kentucky felt greater solidarity with the rest of the South at the war's end than at its beginning. (146)

Unable to hold Virginia, the Lincoln administration finagled the creation of a new state, West Virginia, in 1863. By further political chicanery, the Republicans admitted Kansas and Nevada to the Union as states in 1861 and 1864, respectively. "And let us not ignore," writes Hummel, the "tampering with the soldiers' vote" when ballots were not secret and "most of the army's junior officers and paymasters were members of the Republican Party" (258). By such shenanigans, Lincoln managed to get himself re-elected in 1864, though General George B. McClelland, the candidate of a Democratic Party whose platform called for an immediate cessation of hostilities, received 45 percent of the popular vote even on this sharply tilted political playing field.

Lincoln did not hesitate to act as a dictator when doing so served his purposes. A favorite tactic was to toss political dissidents or other troublesome persons into jail; at least 14,000 civilians met that fate at the hands of the Lincoln administration, not to speak of the many others similarly treated by state and local authorities. Union authorities monitored and censored the mails and telegraphs, and at one time or another closed more than 300 newspapers. In promulgating his Emancipation Proclamation and in taking many other actions, Lincoln chose to ignore Congress.

Confederate authorities behaved similarly. President Jefferson Davis suspended the writ of habeas corpus in various areas. Confederate commanders sometimes instituted martial law, required loyalty oaths, and made mass

arrests. "The courts viewed anyone not supporting the Confederacy as an enemy alien, outside any legal protections accorded to citizens." Private vigilance committees "imposed, to the point of lynching, their own versions of loyalty," and "the military's provost marshals required passports of travelers in nearly all Confederate-held territory" (261). In the later stages of the war, Confederate army officers earned the hearty hostility of the southern people by seizing property, especially foodstuffs and workstock, as the opportunity arose to resupply their units in this convenient way.

War Brought Big Government

When, to the surprise of most war hawks on both sides, the war turned out to be big, gory, and protracted rather than short and glorious, the warring governments faced the basic problem of going to war in a market economy: how to channel resources away from their current owners and into the war machine. Aside from receiving gifts, only two methods can serve. The government either buys the resources or just takes them. The former method can be facilitated by imposing new kinds of taxes, raising the rates of existing taxes, borrowing funds, or printing new money. Both sides employed each of these means to get control of resources, though the mix of methods differed.

Lincoln did not hesitate to act as a dictator when doing so served his purposes. A favorite tactic was to toss political dissidents into jail.

To make a complicated story as simple as possible, one could say that for the most part the North borrowed funds and bought resources, and for the most part the South printed paper money and bought resources. As a result, while the paper dollar lost about half of its value in the North during the war, the purchasing power of paper money in the Confederacy fell by more than 95%, and many southerners abandoned the use of money and resorted to barter in 1864 and 1865. To stimulate purchases of its bonds, the Union government created the national banking system, in which federally chartered member banks had to buy U.S. bonds as backing for the national bank notes they might issue in making loans to customers. Like many other innovations of the Civil War, the national banking system remains a part of our economy today.

The war was tremendously expensive in dollars as well as blood. In four years the federal government spent $3.4 billion, far more than it had spent in the entire preceding history of the United States ($1.8 billion). Although borrowing accounted for 77 percent of Union revenues, other receipts rose enormously: from $56 million in fiscal 1860, nearly all from customs, to $334 million in fiscal 1865, including $209 million of internal revenue.

Republican politico James G. Blaine called the revenue act of 1862 "one of the most searching, thorough, comprehensive systems of taxation every devised by any Government" (222). It included excises on a vast collection of goods, everything from liquor and tobacco to meat, carriages, and professional services, plus a stamp tax not unlike the one that had inflamed the American colonists in 1765! The wartime Congress also imposed taxes on nearly everything that would stand still: incomes, inheritances, and real estate. Not surprisingly, many people attempted to evade these taxes; hence the creation of the Internal Revenue bureaucracy, another of the war's diabolical legacies to succeeding generations.

Still scrambling for funds, Congress authorized the issue of fiat paper money, the famous "greenbacks," and declared them legal tender. Ultimately, $431 million was put into circulation by this means. When counterfeiters began to issue greenbacks of their own, the government established the Secret Service, another agency that refused to die after the war. While it was monkeying with the money, Congress banned private minting; thereafter the federal government would have, as it never had before, a monopoly of the mintage. To eliminate competition with the new paper money — greenbacks and national bank notes — Congress placed a 10% tax on the issuance of notes by the state banks, thereby ensuring that they would no longer be issued.

In the financially less developed South, the Confederates had limited success in collecting taxes, which covered only 7% of their war expenses, or in borrowing money, which financed about a fourth of their spending. Not that they didn't try. They imposed taxes on imports, exports, and excess profits; a graduated income tax; license fees, excises, and taxes in kind. "A sequestration law, passed in response to the Union confiscation acts, expropriated all northern private property within Confederate jurisdiction" (228).

Mostly, however, the Confederacy just printed money — ultimately more than $1 billion. Southern states added another $45 million, and local governments and private companies spewed out assorted "shinplasters," a kind of small-denomination homemade money substitute. After injuring southerners with hyperinflation, the outpouring of new fiat money insulted them at the conclusion of the war by becoming totally worthless. Hyperinflation, and the economic collapse of the southern economy it hastened, may have done as much to ensure the rebels' defeat as their reversals on the battlefield.

Chief Justice Roger Taney wrote an outraged opinion declaring that the president had no constitutional authority to take these dictatorial actions. Lincoln responded by preparing standing orders for Taney's arrest.

The Republican-dominated Congress took advantage of its control to raise tariffs dramatically, to authorize subsidies to railroad companies and to states establishing agricultural, mechanical, and military colleges, to create a Department of Agriculture, and to serve its favored constituents in a variety of other ways, all of which Hummel lumps under the heading of northern "neo-mercantilism."

The Confederate government, in contrast, did much more to involve itself directly in the ownership, control, and operation of productive enterprises, including arsenals, powder mills, smelt-

ers, mines, foundries, shipyards, textile mills, flour mills, salt works, and assorted other enterprises. Late in the war the government "took possession of all un-captured southern railroads, steamboats, and telegraph lines outright, incorporating their employees and officers into the military" (236). Hummel calls these activities "State socialism." He concludes that despite the South's avowed loyalty to states' rights, "Confederate war socialism was more economically centralized than the Union's neo-mercantilism, which at least relied heavily on private initiative" (238).

Ironically, their socialism, like so many other policies the rebels adopted to wage war, also contributed to their defeat. "Rebel central planning, while adequately serving the single-minded goal of supplying conventional armies, otherwise misallocated resources and fostered inefficiencies" (238). Moreover, "the despotic centralization of Jefferson Davis and his West Point cabal alienated the southern people from the cause of independence" (289).

What they could not get in any other way, both governments just took. Hummel estimates that the South got "somewhere between one-fifth and one-third" of its soldiers by conscription and used draft exemptions as "the mechanism for manipulating the labor market" (250). The North had better luck attracting volunteers, partly by paying large bonuses for enlistments, but in the latter half of the war the Union also resorted to conscription, and about 6% of those who served in its ranks were draftees.

In the land of the free the people did not take kindly to conscription, and disturbances broke out in hundreds of places. Mayhem and murder ensued in draft riots, most notably in New York, where rampaging Irish immigrants and others vented their fury on local blacks. Draft evasion reached extreme levels in both the North and the South.

Aftermath

When the guns finally fell silent in the spring of 1865, the devil must have been smiling. Some 360,000 northern and 260,000 southern soldiers had died; some 400,000 combatants had been seriously wounded, many maimed for life. Even those who survived intact would have to live with the nightmares of the horror they had experienced. For countless relatives and friends of those who did not return home, the heartache would never end. Across the South, where more than 50,000 civilian casualties augmented the military losses, many towns and cities, railroads, farms, and mills lay in ruins, and frightening specters loomed over the region's economic, social, and political future. For sowing with slaves, Americans had reaped a whirlwind.

Twelve years later, Reconstruction had run its course, the damaged southern economy had been repaired and reorganized with free labor, and the rebels had regained political control of their states. Tired of trying to secure justice for southern blacks, northerners abandoned them to the tender mercies of their erstwhile masters. Although the freed people managed to continue improving their economic conditions, around the turn of the century the southern whites created piecemeal the Jim Crow system of racial segregation and political disfranchisement that would inhibit and insult black people in the South until it was finally dismantled in the 1960s. So much blood, so little to show for it.

Hummel argues that the war destroyed the best government the country ever had, but he may overstate the degree to which the growth of government sprang from war-related causes.

Nor was that disappointment all. Hummel argues that the war destroyed the best government the country ever had: "The national government that emerged victorious from the conflict dwarfed in power and size the minimal Jacksonian State that had commenced the war" (328). With the old federation of sovereign states shattered forever, the national government began the long march that eventually transformed it into the monstrous police state we know today. Intellectuals, who had taken seriously the ideals of state sovereignty and secession, became for the most part worshippers of central government power. Federal taxing and spending ratcheted up; federal involvement in economic life increased in important sectors, including banking and transportation. The national debt, almost negligible before the war, had reached $2.8 billion by the war's end. Tariffs, jacked up to finance the war, remained high for decades afterward.

No one can deny that the Civil War was a turning point in the long-run growth of government in the United States, but Hummel may overstate the extent of government power in the late nineteenth century and the degree to which the growth of government that did occur sprang from war-related causes. A huge retrenchment did take place immediately after the war, and some war-spawned measures, such as the subsidization of railroad building, the income tax, and almost all of the federal excise taxes, were terminated within a few years.

Much of the growth of government in the late nineteenth century occurred at the municipal level, as cities undertook to impose public-health regulations and to build schools, paved streets, transport and water-supply systems, sewers, and other urban infrastructure, all of which probably would have occurred even if the war had never happened.

At the federal level, such developments as passage of the Act to Regulate Commerce (1887), the Sherman Antitrust Act (1890), and the Food and Drugs Act (1906), as well as many other interventions, might have occurred in any event. Despite the political entrenchment of mildly statist Republicans, recurrently waving the bloody shirt, something approximating classical liberalism retained a strong hold on most Americans, even many opinion leaders, prior to the Progressive Era. Still, though one may quarrel about magnitudes, Hummel is surely correct to argue that the war permanently augmented the size and scope of government.

War Weighed in the Balance

Nowadays few Americans hesitate to conclude that, on balance, the war was a good thing. Yes, it was horrible in many ways, but it was the price that had to be paid to destroy slavery. Hummel does not dispute the war's great benefit: "the last, great coercive blight on the American landscape, black

chattel slavery, was finally extirpated — a triumph that cannot be overrated" (350). Moreover, "the fact that abolition was an unintended consequence in no way gainsays the accomplishment" (352).

But a justification of the war on the grounds that it destroyed slavery holds only if the war alone could destroy slavery. Hummel denies that this horrible price — one dead soldier for every six freed slaves — had to be paid. Thus, for him as for the abolitionist Moncure Conway, the war that has such grandeur in American mythology reduces to "mere manslaughter" (355).

Although Hummel accepts the research of economic historians who have shown that slavery was flourishing and not at all on the brink of withering away, he argues that even without the war it would have petered out:

> Slavery was doomed politically even if Lincoln had permitted the small Gulf Coast Confederacy to depart in peace. The Republican-controlled Congress would have been able to work toward emancipation within the border states, where slavery was already declining. In due course the Radicals could have repealed the Fugitive Slave Law of 1850. With chattels fleeing across the border and raising slavery's enforcement costs, the peculiar institution's final destruction within an independent cotton South was inevitable. (353)

Maybe. But one wonders whether slavery could have been ended easily or quickly in the border states; whether the Gulf Confederacy might have been able to stem the flow of runaways; and whether, ultimately facing a serious threat to its slave system because of escapees fleeing to the North, it might have gone to war later. In the last scenario, we have the worst of worlds — a prolongation of slavery and the horrors of war.

Of course, no one can know. Counterfactuals defy direct testing; we cannot rerun history to find out what would have occurred had some critical event not happened. Yet all causal thinking necessarily involves counterfactuals. Too often in historical analysis the counterfactuals lie quietly between the lines, frequently in the form of unquestioned assumptions. A great merit of Hummel's book is that it brings new counterfactuals to the surface, compelling a reconsideration of assumptions too long taken for granted, such as the assumption that the secession required that Lincoln wage a war to preserve the Union and the assumption that only a terrible civil war could end slavery.

It is worth recalling that the people of every slave society in the New World save two — Haiti and the United States — managed to terminate this vile institution without immersing themselves in blood. In Haiti the slaves quite justifiably took matters into their own hands; the masters got no more than they deserved. But in the United States the termination of slavery occurred only in conjunction with a disastrous war and bitter reconstruction that left many issues unsettled and harmed a great many innocents. How tragic that the means by which men overthrew a wicked institution should also have been the means by which they arrested the progress of their own freedom, that emancipating slaves entailed enslaving free men. ❑

***The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools*, by David C. Berliner and Bruce J. Biddle, Addison-Wesley, 414 pp., 1995, $25.00 (hc), $15.00 (sc).**

Blackboard Bungle

Nathan Crow

How bad are American public schools? For the last ten years at least, we have been exposed to a flood of scandal stories describing the scholastic deficiencies of the young: their ignorance of history, inability to add or subtract, nonexistent writing skills, and outright illiteracy. According to one panel of eminent critics, the public schools have had an impact comparable to an invasion of the U.S. by a mighty army. Many programs for reform have been proposed, seemingly to no avail, and a recent study shows that American students rank just above — shudder — Jordan in mathematics, and not even within shouting distance of supposed academic superpowers like Japan. Moreover, most Americans believe that this situation is something new — that the public schools have grown rapidly worse in the last 20 or 30 years. Today's kids, so many believe, are not just dumb. They are way dumber than you or your dad's generations. They are the dumbest kids ever.

Well, that's all bunk. Or so say David C. Berliner and Bruce J. Biddle, authors of *The Manufactured Crisis*, who maintain that this familiar litany is a lie, planted in the gullible American mind by devious ideologues with a hidden agenda. Things are just fine, the authors claim. American students are as skilled as ever, compare well to young people in other industrialized countries, and attain such excellence even though the U.S. spends less per student than other industrialized nations. Furthermore, students in the vaunted private schools actually perform no better than those in public schools, which hold their own despite mandated watering-down of curricula and expensive insistence upon their teaching even the crippled (formerly warehoused), dim-witted (formerly ignored), or feral (formerly expelled) children of the republic. In short, our public schools are terrific. Beliefs to the contrary are misimpressions created by right-wing propagandists and other "enemies of the public schools" to advance the cause of vouchers, a neoliberal panacea the authors consider not just unhelpful, but a demonstrated failure — a menace.

The most plausible of these claims is that the Great Decline never happened. Concurring with the authors of *The Bell Curve* (to whose offensiveness they otherwise testify with the predictable litany), Berliner and Biddle claim that the

death of America's SAT scores has been greatly exaggerated. The worst they allow is that the average ("aggregate") score hasn't budged for decades. And to the credit of the public schools, the authors note, the average scores of minority groups, especially blacks and American Indians, have steadily improved since 1976. (Caucasian students have declined a little since then; but among whites fewer top students and more weak students are taking the test, so that is not significant.) True, average scores declined substantially from 1963 to 1976; but the test has been taken by a steadily higher percentage of students, many of whom had relatively poor, uneducated parents. Furthermore, the authors say, there has been no decline at all in average PSAT* scores since 1959 — and that test is given to representative samples.

More important than these, however, is the undeniable fact — deliberately suppressed by the authors — that the total number of very high verbal scores has declined drastically, with the number of students scoring 700 or better (the best is 800, the worst 200) declining about 60% from 1967 to 1993. Berliner and Biddle go out of their way to conceal this artifact of national stupidification, claiming that "top-ranked students . . . have tended to hold their ground" (39) and "the top fifth of high school seniors have continued to score at a healthy level in both subtests of the SAT" (20). And although the authors claim that the SAT is the only standardized test that shows any decline, the average score on the SAT's "English Composition" test (a "subject" test given to a minority of relatively capable students) also declined sharply in the 1970s and never recovered.

The Glory of the Unofficial Algorithm

Not content with such statistical legerdemain, the authors boldly dismiss the whole notion that book-learned math skills are important. Second-graders "who sell chewing gum on the streets" in poor countries, they tell us, have practical math skills that enable them effectively to retail their products; but they still can't "solve the in-school problems with approved in-school algorithms" (30). Message: relax. Our students are street-smart; so what if they are school-stupid? There is always a future in chewing gum. Berliner and Biddle's frivolously uncritical attitude is an impressive display of current educationist views. It does not even occur to them to consider such questions as: Could the gum retailers represent the cream of Third World youth? Is there a value to "in-school problems" and algorithms (useful for engineering, exploring data with spreadsheets, or ferreting out bullshit education statistics, for example)? And, if the real world does such a good job of teaching real-world skills, why should we pay for kids to attend school at all? If schools don't teach the skills they aim to teach, and those skills are worthless or arbitrary anyway, maybe we should just skip it.

American students' average score on some items is only 1% better than we'd expect from a chimpanzee.

But never mind. Rather than draw out such implications, the authors prefer to psychologize. Why are Americans upset about schools? "[S]ome adults," they conclude, are just "eager to find young people dysfunctional" (31). Thus, they task the National Center for Education Statistics for its "appalling . . . education bashing [note: "education"=public school status quo] on the basis of tests that do not measure real-world skills" (31). (Like marketing gum on the sidewalks of Managua?) The test they themselves "bash" for its special remoteness from these vaunted skills is the National Assessment of Educational Progress (NAEP), a test of skills and knowledge that the federal government has administered to representative groups of private and public school students for a little more than 20 years, usually at four-year intervals. As with the PSAT, student's NAEP scores have mostly been flat, except for "Hispanics" and blacks, who, happily, have improved.

The Way We Learn Now

So set aside the Great Decline to ask a more important question: how well are the public schools doing in absolute terms? The answer is, Very badly. In math, for example, the NAEP reviewers noted that only half of American 17-year-old Americans could solve "even moderately challenging" math problems, e.g., "decimals, fractions, [and] percents. And only "6 percent [of 17-year-olds] reached the highest level," which involves (according to the NAEP) "multi-step problem solving and algebra" (29). (Apparently, geometry, trigonometry, calculus, statistics, etc. do not blight the NAEP's horizons.)

Not to worry, say Berliner and Biddle. Such superficially dismal results indicate only that average students cannot do the most advanced work — not surprising, given that the test was designed to yield such a distribution. The belief that a 17-year-old in his twelfth year of government tutelage should be able to solve problems in fractions and algebra is, they say, a "flaw in reasoning."

How do they demonstrate this "flaw"? By pointing out that kids in other nations are not reaching the "advanced" level either — in fact, as the General Accounting Office noted, for the 13-year-olds, "10 percent of the students in Taiwan . . . meet this standard," and Taiwanese students are the best in the world at math (the bookish kind, anyway) (29). Berliner and Biddle believe such factoids conclusively refute the myth of the Great Decline — after all, even powerhouse Taiwan gets only one out of ten of its students to the advanced level!

The authors must think that their readers are as inept at math as the average American 17-year-old, and too stupid by far to notice that to make U.S. public school students look half as good as Taiwan's, our 17-year-olds have to be compared (unfavorably yet) with their 13-year-olds.

Berliner and Biddle are somewhat persuasive in arguing that other international differences are either nonexistent or exaggerated. They cite, for example, a study showing that American nine-year-olds are near the top of the heap in reading comprehension. Unfortunately for their argument, data in their own book (and elsewhere) show that however able U.S. fourth-graders may be, things tend to get worse from year to year — so that by the end of their eighteenth year,

* The PSAT, or pre-scholastic assessment (*née* "aptitude") test, is taken a year before the SAT.

American students (especially the American elite) have drifted far behind their European counterparts*.

A major cause of this pattern, it seems to me, is egalitarian America's neglect of, or even outright hostility to, the "gifted." In much of Europe, intellectual skills are admired and rewarded, and perhaps ten times more Europeans than Americans take the equivalent of what is here known as an "advanced placement" (AP) course. Over the years various attempts have been made to change this — by creating special programs for the bright, by adding more AP courses, by creating high schools for the gifted on the model of New York City's special high schools (Bronx Science, etc.). But such reforms have consistently been foiled by educationists playing on the average citizen's resentment of smart kids, a persecuted minority if there ever was one.

Berliner and Biddle share such *ressentiment*. They offer specious criticisms of gifted programs, beginning with the observations that identification of the gifted is not "foolproof" (what is?) and that more middle-class and upper-class white students get in than poor and "minority" students (a category which presumably doesn't include Asian-Americans — perhaps Berliner and Biddle view such students as "honorary white people"). But their most important objection, by far, is that "enrichment programs . . . impose the burden of *failure* on the majority of students . . . Thus, they tend to lower morale [and] destroy a sense of community . . ." (208–209).

The belief that a 17-year-old in his twelfth year of government tutelage should be able to solve problems in fractions and algebra is, they say, a "flaw in reasoning."

This, of course, is disgusting. But the authors do have at least one interesting, and perhaps valid, observation about gifted programs: referencing a study by Robert Seigler and Kenneth Kotovsky, they argue that

> [s]tudents who are identified as "gifted" in school tend to be very good at convergent thought, at learning what is already known, and at short-term accomplishments. In contrast, those whom we honor for their accomplishments as adults are more likely to exhibit divergent thought, discovery, and long-term, profound achievements. . . . [T]hese two groups of people may not overlap much in the real world (210).

There is some truth here. But I suspect that much of the problem could be solved by casting the net wider — loosening the criteria for admission, allowing for some selection by interest, and thus including about one quarter of students in a truly academic regimen, *à la* the French and the Germans.

They Really Are Smarter Over There

As we have seen, Berliner and Biddle's account of international differences is selective and uncritical, and at times so slippery that it can fairly be called dishonest. American eighth graders don't perform as well in math as Japanese eighth graders, they tell us; but again we should relax. Those eighth-graders who have taken algebra do better than their Japanese counterparts, and those who have taken pre-algebra do almost as well. But that is irrelevant. The reason most American eighth-graders aren't in algebra class is because they aren't *ready* for algebra class; as we saw earlier, the poor things are still trying to master fractions, decimals, and percents, subjects that they have been "taught" in some form since third or fourth grade, and which many will still be struggling with five years later when they enter a job market with diminishing room for people who think that 1/2+3/4=4/6. Such realities are too painful for the authors to contemplate, and so they conclude that the students' weaknesses are the product merely of how "instruction is scheduled." This, though they are so ignorant of math curricula that they don't even know what pre-algebra is, remarking only that it "sounds odd to us" (56).

It is true, as the authors note, that students in our best states (North Dakota, Iowa) compare well in math even with the geniuses of the Orient, but the authors make far too much of this. No doubt there are provinces of Taiwan and Korea that soar as high above their domestic dummies as the brilliant farmers of North Dakota, population 638,800, do above the innumerate numbskulls of scholastically avant-garde California, population 29,760,021 (and dead last in the most recent NAEP). The authors' intellectual dishonesty is nowhere better shown than in this bizarre attempt to compare a handful of our best to other nations' averages.

Berliner and Biddle's hostility to private schools is obvious, which may account for their failure to examine seriously the role that private tutoring centers, or *jukus*, play in advancing Japan's educational excellence, such as it is. That aside, I would have to agree with them that there is little if any reason for Americans to look to Japan's regimented, authoritarian, and stupidly uniform public schools as a model. Do we want a system where every 11-year-old in the country gets the same math lesson on the same day? Where students obsessed with passing tests grind away their youth with eight hours of memorization a night, preparatory to a life of drudging for a corporation? American schools may not be the wonder of the world that Berliner and Biddle would have us believe, but the authors are mostly right in inveighing against the gross exaggeration of foreign schools' virtues.

The average American student exists in a vacuum that leaves him utterly incapable of comprehending political and economic events.

The Talented One-Hundredth

One way of dealing with the public schools' failure to produce many graduates who are more than degreed yahoos is to write off the life of the mind as a peculiar obsession of chronically dissatisfied pedants. This is the authors' tactic. After discussing some interesting new research showing that public school students in bygone days were just as ignorant as today's crop, they

* On the other hand, a higher proportion of Americans than Europeans go to college, where they presumably catch up on what they've missed. (The inefficiency involved in this process is a separate problem.)

observe that "students seem never to have known as much social studies material as the test developers wanted them to know." People like Chester Finn, who think students given twelve years of instruction ought to know at least when the Civil War was fought (within 50 years, that is — call it the self-esteem standard) and who Jefferson was and what the First Amendment says, the authors dismiss as part of a "sour tradition" captiously inclined to find "the next generation wanting" (34).

Such glib dismissals no doubt go down well with youthful ignoramuses and mentally vacant educationists; but to those who value the humanities and what Berliner and Biddle call "social studies," and are taxed to the gills to pay for their furtherance, American students' ignorance of history is indeed frightening. The NAEP history test actually shows that students know next to nothing about the American past. Only 1% of public school twelfth-graders scored at the "advanced" level, and 57% scored below "basic," which is the lowest level and ought really to be designated "feeble." But things are even worse than that. Most of the test items are multiple-choice with four options, so a student has a 25% chance of "knowing" an item even if he fills in the blank at random. Thus, the NAEP reports that 26% of public school eighth-graders "know" at least "one consequence of Nat Turner's rebellion" — but this score is only 1% better than we'd expect from a chimpanzee. And some other scores are actually worse than random.

More bad news. On the few items that require written responses, the NAEP's scoring method is so bizarrely forgiving as to discredit even that talented hundredth (W.E.B. DuBois was, it seems, an optimist). Look at figure 1, for example, which is drawn from the most recent NAEP history exam, and briefly answer the question: "What attitudes displayed toward American Indians by other Americans are suggested by this magazine cover?" (Spelling, grammar, and handwriting do not count, as will soon become clear.)

Now look at figure 2, and consider what the NAEP classifies as a "proficient" response (this is a cut above "basic," and is supposed to designate "solid academic performance"): "that some people felt sorry for the Native Americ" [sic]. That such an attitude is not at all suggested by the illustration seems obvious to me, but perhaps you disagree. If so, consider the sample "advanced" response — supposedly indicative of truly "superior performance": "that they were less than human and far behind rest of the world and they were a nuisance to frontier-farmers and settlers and had to be put away on reservations" [sic, of course].

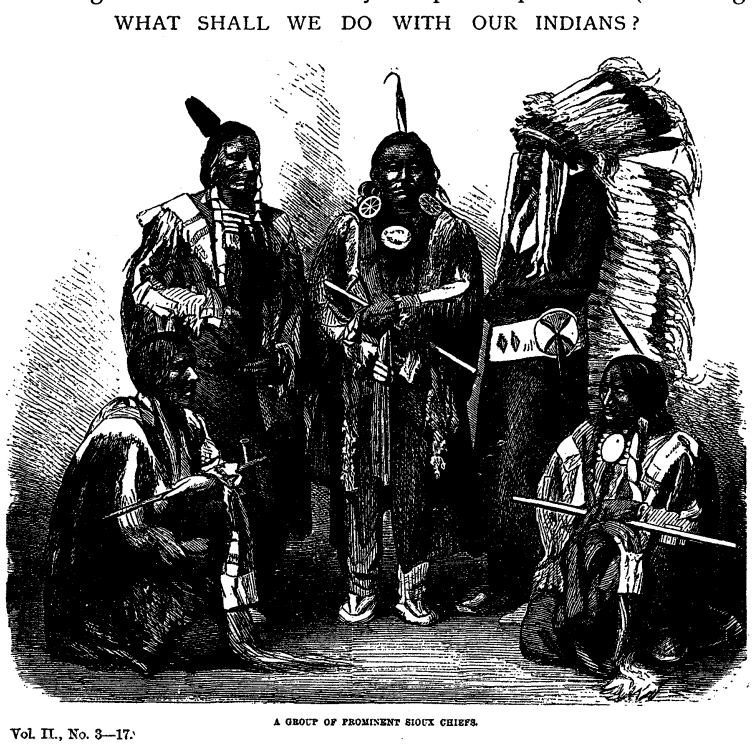

Figure 1: The original NAEP test illustration shows the entire cover of *Frank Leslie's Popular Monthly*, September 1876.

As you can see, this student is simply "telling what he knows" about nineteenth-century white Americans' attitudes towards Indians; his answer relates only remotely to the magazine cover. Yet this qualifies as "advanced" work, a level reached by only one out of a hundred public school students. What the NAEP really appears to show is that the average American student knows nothing about history or the assessment of historical evidence. He exists in a vacuum that leaves him utterly incapable of comprehending political and economic events, and can no more "think" about history than I can "think" about Navajo grammar.

The Current Alternatives

It's worth noting that private school students, though unimpressive by absolute standards, at least do better than their peers in government schools. For twelfth-graders, about twice as many non-Catholic private schoolers as public schoolers reach the "proficient" and "advanced" levels in history, and about 50% more private school students (including Catho-lic school students) score "basic" or above*.

Although it is not clear how much, if any, of this private school advantage reflects differences in students' family life and socioeconomic status, certainly the finding itself is familiar enough. Various efforts to measure the differences in academic performance between private schools and public ones have found consistently that the differences are generally significant, but not terribly impressive.

I suspect that part of the reason lies in the fact that such a high proportion of private schools in the U.S. are Roman Catholic. Without wishing to offend, I will note what no one else has, *viz.*, that Catholic schools (with some superb Jesuit exceptions) are in the main profoundly anti-intellectual, especially in interpretation of texts ('twere well not to look too curiously upon it) and in science, where vanish even the paltry private school advantages ferreted out in a famous study by the indefatigable James

*The exact figures for "at or above basic" are 41% of public school students, 59% of "non-public" school students; for "at or above proficient," it's 10% public school students and 18% of nonpublic students; for "at or above advanced," it's 1% public, 1% Roman Catholic, and 2% "other nonpublic." The first two categories are basically the same for the Catholics and non-Catholics. *NAEP 1994 U.S. History: A First Look*, by Paul L. Williams, et al. Office of Educational Research and Improvement, U.S. Depart-ment of Education, 1995. If you call (800) 424-1616, they may well send you a free copy of this and other documents in the series.

Coleman. But their failing stems not just from the Roman Catholic schools' ingrained hostility to the scientific method, and in the case of their fundamentalist cousins, to scientific findings themselves; it has institutional causes as well.

I'm not referring just to the religious schools' characteristic adoption of public school rituals such as football worship and lock-step advancement through single-age classrooms. There is also their general habit of following curricula that resemble those of the public schools. Finally, there is some parochial schools' inclination to hire only state-certified teachers. The latter policy has obvious economic advantages, since it filters out anyone without a demonstrated long-term ambition to work as a teacher; but the costs cannot be denied. Education majors have the lowest IQ's, lowest GPA's, and lowest SAT/ACT scores of any college major, and 'twas ever thus. This may not pose much of a problem in the early primary grades, where the material itself (if not its presentation) has been mastered by even the dimmest teacher, and curriculum and training count for more. The cost, however, rises steadily with the rarity of the academic skills required, peaking with math, science, and perhaps writing, although this is a skill that is seldom taken very seriously in the United States.

Nevertheless, economic theory would seemingly indicate that private schools should offer enormously superior services. Why aren't private schools better than they are?

One reason, surprisingly, is money. Americans are raised on the image of the private school as New England prep school, complete with moss-covered granite walls, smart blue uniforms, and half-demented but brilliant English teachers who communicate the love of Poetry and Life on long walks through alleys of birches. But probably less than ten percent of American private schools are anything like this Hollywood image. In fact, contrary to American myth, the typical private school spends an average of about $2,500 a year per student — about half of what the public schools spend. (The data here is complex and difficult to get a handle on, and perhaps the difference is not so great as this. But there is no doubt that a substantial difference exists.) Most private schools are church schools of one kind or another — the majority Roman Catholic, and many of the rest evangelical Protestant (Seventh Day Adventist, Baptist, and the like). They charge low tuition, often give generous scholarships to the children of the deserving poor, and pay the poor wretches who teach for them very little. Such schools are in a poor position to compete financially for the more competent teachers. Non-religious private schools are mostly struggling academic-emphasis high schools — wannabe preps — that strive to be mainstream but have to take what they can get, plus a handful of special-ed academies that do their best to heal the wreckage of their peers public and private. Finally, there is a melange of military academies, New Age nursery schools (for all ages), art schools, etc.

NAEP "proficient" response (8th grade)

What attitudes displayed toward American Indians by other Americans are suggested by this magazine cover?

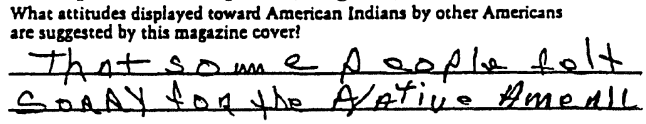

NAEP "advanced" response (8th grade)

What attitudes displayed toward American Indians by other Americans are suggested by this magazine cover?

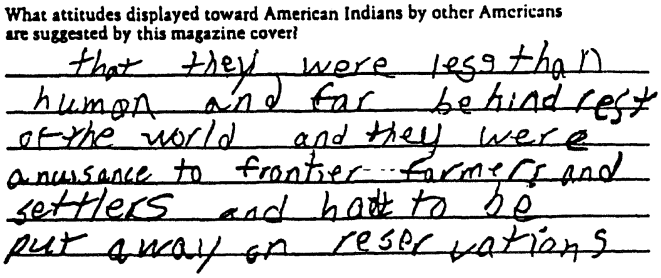

Figure 2

Unfortunately, we don't know how well the handful of relatively well-financed private schools are doing academically; "nonpublic" is far too broad a category to give any sense of what is going on out there. Pressure should be put on the NAEP to collect better data on per-student expenditures and private school characteristics; it is quite possible that secular private schools which spend as much as the publics are doing considerably better by comparison. Until such a study is performed, we are stuck with what we have, and that isn't much.

Next, we have the little-noted fact that private schools are in an unusual economic situation: their fees are paid by parents, who do not themselves receive the services of the school, and therefore have a difficult time assessing them. I do not suggest that children should evaluate the schools themselves, although this does not seem unreasonable (to me, anyway) for adolescents. But the situation here is different than with most consumer decisions — "family socialism," though presumably benevolent, impedes the kind of rapid feedback found with services directly obtained.

But at least as important as all this is that private schools do not necessarily compete primarily on the basis of academic services. Despite all the policy wonk school-chat and media hair-pulling to the contrary, most parents are fairly well satisfied with prevailing academic results. (This is a fairly consistent finding in polls.) Besides, most parents tend to blame their child for his academic failings and credit him, not his teachers, for his successes; and they find intellectual performance difficult to assess anyway. Why spend a lot of money on something you don't understand, can't measure, and perhaps find vaguely threatening? Then again, academic problems are often cured only with doses of hard work, which detract from family life. Many American fathers want their sons not inside doing a sissy three hours of homework a night, but sharing with dad manly pursuits like tossing a football or watching television. I know that this is not a popular view of parents, who are supposed to be uniformly devoted to junior's mental development. But any teacher can tell you how many parents come in asking for more homework; they are generally balanced, at least, by those who think there is already too much by half.

Where private schools do compete very successfully is in providing safety and order. The violent and chaotic American public school is a national disgrace. Even where beatings and robberies, if not shootings, are not a daily occurrence, bullying, sexual harassment, and bad manners are often institutionalized. Of late these bad habits have been aggravated by "mainstreaming" laws and the identification of tendencies to violence as "oppositional defiant disorder," whose combined

results keep some public school classrooms in a continual uproar. The great virtue of private schools is that they generally have no truck with such nonsense — although a voucher-fed stream of former public school students could probably destroy this last remaining island of decency easily enough.

Private schools also offer other distinctions, of course. The rich want their children to go to school with others like them (and of course a few properly appreciative scholarship youngsters), and in private schools, they can and do. Equally important, to many parents, are racial distinctions — especially in the South, where increasing numbers of parents send their offspring to Christian academies that are virtually all white.

Private school students, though unimpressive by absolute standards, at least do better than their peers in government schools.

In sum, private schools, a small minority excepted, offer not so much academic excellence, but rather characteristics easily assessed by parents: civil order, class and ethnic homogeneity, a common religion*. Nevertheless, they commend themselves academically in doing at least somewhat better than the public schools — at considerably lower cost. This is a pattern that has been seen in voucher-financed Milwaukee private schools, where debate about whether the academic results are the same as or better than those of public schools has obscured the fact that the kids are doing *at least* as well for much less money.

Ye Olde Money Solution

The authors attribute a great many of the problems with the low end of the public school system — and here they do acknowledge serious deficiencies — to America's relatively greater gap (compared to Europe) between middle-class or wealthy people and the poor. The gap exists, of course; and it's also true that poverty is correlated with school failure, as it is with all sorts of problems. But Berliner and Biddle, it seems to me, have at least partially reversed the problem. They announce that we have too many poor kids whose failure is inevitable, and conclude that redistributionist economic measures are called for; but it's at least as likely that people stay poor because they are badly served by the public schools. In other words, the authors conclude that Johnny got an "F" because he is poor. From the same data, I conclude that because the public schools don't know how to teach poor kids like Johnny and encouraged his *lumpen* bad manners, he failed math and English, grew up rude, and is therefore unlikely to escape poverty. The one thing we probably agree on is that Johnny is a boor and got an F, and that he got his manners and his F in a public school that failed to teach him a damn thing. How much further down the road do we have to go before we conclude that continuing to finance public schools is not going to help Johnny, his future cellmates, or his five children by four different mothers?

Berliner and Biddle might reply that we ought to attempt to equalize funding for schools serving poor kids. Although it is true that many poor districts spend less than the suburbs, it is also true that among the worst schools in the world are American inner city schools, whose per-student costs are typically comparable to those of expensive preps. In Chicago, for example, a city whose schools have been identified by the federal government as the worst in the nation, per-student spending exceeds $7,000 a year. (With most classrooms exceeding 30 students, that's over $200,000 per classroom.) And if the money solution could do the trick, it would surely have worked in Kansas City, where they've gone about as far as they can go. A federal judge there ordered that $200 million a year be spent on inner city schools, so as to equalize suburb and city (surely there's something in the Constitution about that). Almost ten years later, the schools were beautiful and equipped with every imaginable device whose lack supposedly obstructs the flowering of disadvantaged, inner city youth. The teachers were well paid. The administrators were trained. The consultants were in clover.

The test scores, however, didn't budge.

Born with an Instructional Toy in His Mouth

Berliner and Biddle's treatment of the relation of intelligence to scholastic success sadly confirms the intellectual corruption of the left. Beginning with a self-contradictory and simply false treatment of *The Bell Curve*, they launch into an attack on "the rich," whom they fault for sending their kids to "well-funded public schools in the affluent suburbs." The "rich," they write, buy their kids "instructional toys, encyclopedias, computers, and first-rate health care," things "only wealthy parents can buy for their children" (49-50). Surely the authors are too smart to really believe this invidious claptrap. But perhaps they think that their audience is too dumb to consider that the average middle-class home has all of what they assert are prerogatives of the "rich," and that most working-class families have at least some and could easily get the rest if they wanted to. Here we see left-liberalism at wit's end, trying desperately to invent class divisions where none exist and relying on prejudice to supply what analysis cannot. All of this has to do with leftists' traditional compulsion to assert that intelligence has almost nothing to do with heredity (an absurdly radical stance that no psychologist of any stature would endorse); it must be rather a

"Oh, yeah? — let's see how tough you are without those tattoos!"

* It may be, as the authors seem to suggest, that some degree of ethnic homogeneity by itself helps improve academic results. "No other country [besides America]," they write, "has ever tried to cope with so *many* partially-assimilated groups, and this fact poses significant problems for public schools" — which, at least as presently conceived, must offer roughly the same package to every student. (227)

"trait" that "parents can buy," if they have enough money.

An Un-American Conclusion

To be fair to the authors, they make a persuasive case that American schools are not really much worse academically than they were 20 years ago. As noted earlier, there was a decline during the 1960s and early '70s, but math scores have actually bounced back since then (1990 NAEP math scores were the highest ever); and if the "elite" verbal group never recovered, it has not declined further. Besides, the earlier decline, especially in verbal scores, may well have other causes than what schools do, notably the epidemic addiction to television. Moreover, the authors may well be right that much of what they call the "hysteria" about decline stems from the vain unwillingness of older Americans to accept that their own generations were about as feeble as today's kids. And a final factor in the perceived inferiority of today's youth is that the majority of opinion-leaders probably grew up with relatively smart kids, and are relatively smart themselves; when they find out how bad things are in general, they are shocked.

Despite all the media hair-pulling to the contrary, most parents are fairly well satisfied with prevailing academic results.

The Manufactured Crisis is an interesting book, and it is a pity that it is marred both by the authors' ignorance of economics (a failing I haven't the space to discuss) and by their preconceived commitment to government schools. They have interesting observations to make on a host of matters, and if they are a bit absurd in attributing criticism of state schools exclusively to right-wing ideologues — well, I can probably get along with anyone who also detests William Bennett. And we need not be concerned with their surprising conclusion that American public schools compare reasonably well with those of foreign countries. Why, after all, should we expect otherwise? There is little reason to believe that most European or other governments are better than ours in other respects. And even where the authors seem most chained to their prejudices — as in their hatred of anything that smacks of "privatizing" (vouchers, etc. — read state subsidy in sheep's clothing) — I sometimes can't help feeling slightly sympathetic. Their conclusions, though wrongly premised, buttress my own view that vouchers are insidiously destructive of true freedom*.

At the end of their book, the authors suggest various tired "innovations" such as "cooperative learning," computerized education, etc., which, though predictably in line with their liberal-egalitarian world view, are hardly credible as effective teaching methods, let alone as ways out of the trap for inner city youth and others caught in the brutal machine of state schooling. But whatever the authors' intentions, the real message of *The Manufactured Crisis* may be that there is no easy solution, and maybe no "solution" at all, to the problems of education — and by extension, to the problems of ignorance, ugliness, and incompetence. Such a message goes against the contemporary American grain, which bids us to always be ready with a quick remedy: whole language, E.D. Hirsch's shopping list of names and definitions, vouchers, or "national standards." (The poverty of criticism in this area is revealed, for example, by the bizarre mixture of panic and credulity that greeted the announcement by Chris Whittle — a kind of exalted ad man — that he, with the help of a former president of Yale, would open a chain of nationwide, for-profit schools, with a foolishly presupposed emphasis upon "computers.")

This has partly to do with the dream of equality: when school is done right, all of us will be so smart we can hardly stand it. But in reality, maximally effective instruction should have two results: (a) during the early stages of instruction, a narrowing of the gap between high-IQ and low-IQ subjects (substitute "native ability" for IQ if you wish), and (b) during later stages, a widening of the gap. For the materials covered during the first eight years or so are within the potential grasp of a very high proportion of students; thus, it is probable that differences in achievement can be reduced by improving the quality of instruction so that every student reaches his basic potential. For example, probably 98-99% of students can learn to read well enough to understand basic directions; so there is no absolute constraint upon their achievement, only the practical constraints of teaching quality and degree of perseverance. The situation over the long term is quite different. There is an absolute constraint upon anyone's ability in a given area, be it math, music, physics, or literature. Probably the most familiar of these is math; there seems little reason to believe that a majority of the population is capable of attaining excellence in, say, advanced calculus, just as there is little reason to believe that a majority could master the violin, grasp quantum physics, run a four-minute mile, or produce an intelligent critique of "The Wasteland." And even if someone figures out both how to teach much better than we do, *and* how to institutionalize better teaching, such constraints will continue to fly in the face of America's hysterical optimism.

Where private schools do compete very successfully is in providing safety and order.

So David Berliner and Bruce Biddle are probably right: the Great Decline is a myth, and there is no "crisis." A crisis requires a critical moment. But a few brilliant teachers and institutions excepted, American public schools have always been bad, and are bad now: anti-intellectual, crime- and bully-ridden warrens of mediocrity, they generally subsist on the ignorance of a people sentimental about their own school days, resentful of those who experienced something better, and determined to perpetuate the regime that made them what they are. Most of the proposed reforms have the potential to destroy what little exists of a free and dignified private sector, in exchange for benefits that seem dubious at best. Amelioration is offered by homeschooling, by private schools that shore up islands of wisdom one by one, and even by the solitary dedicated public school

* Even charter schools may present similar problems. Already a struggling private school in Arizona has "gone charter," and a once-free institution has been colonized by the state. This is not progress.

teacher. But given the institutional incentives and fantastic beliefs of state education, there is no remedy short of abolition. That is difficult for many people to swallow. But I suspect it is the truth. ❑

***The Vision of the Anointed: Self-Congratulation as a Basis for Social Policy*, by Thomas Sowell. Basic Books, 1995, 305 pp., $25.00 (hc), $14.00 (pb).**

Who Watches the Botchers?

Jane S. Shaw

Thomas Sowell writes so many books that it is hard to keep up with them, much less evaluate them. However, they group themselves thematically. So, to appreciate *The Vision of the Anointed*, it is helpful to consider two earlier books.

In 1980, Sowell's densely packed *Knowledge and Decisions* explored the trend toward political control of decision making. *Knowledge and Decisions* is a broad and powerful argument that central authorities cannot have the knowledge necessary for reasonable decision-making, so political control has disastrous consequences. (It is an amplification of F. A. Hayek's essay on "The Use of Knowledge in Society," in which Hayek argued that the dispersion of knowledge is the main reason why socialism cannot work.)

In 1987, in *A Conflict of Visions*, Sowell again addressed the decision-making process, but in a more abstract way, offering a dispassionate explanation for the gradual erosion of freedom over the past century or so. Sowell said that there are two major ways of viewing human nature. Those who hold the "constrained" vision (Adam Smith, for example, or the American Founding Fathers) see human beings as inherently flawed, not likely to change fundamentally. They don't want the government to try to overturn or revamp the decisions that people make individually, since these decisions are made within the constraints inevitable in life.

In contrast, the "unconstrained" vision (held by Rousseau, for example, and reflected in the French Revolution) sees people as capable of being made more idealistic and better-behaved. In *Conflict*, Sowell reveals a preference for the constrained vision; but he focuses on the intellectual distinction, not the political point.

By 1995, the trend toward political control showed little sign of abating, his polite discussion of the two kinds of visions had drawn no blood, and Sowell's patience must have been running out. In *The Vision of the Anointed*, Sowell brings together the messages of the two books. He argues that the dominance of elites who hold the unconstrained vision has caused the loss of freedom and the social deterioration described in *Knowledge and Decisions*. And he spells out how the elites keep that vision in spite of all evidence to the contrary.

Vision is smaller than *Knowledge and Decisions* but larger than *Conflict*, and is more journalistic and policy-oriented than either. Much of the book illustrates how the "anointed" (the newspaper columnists, politicians, and others who influence public opinion — the second-hand dealers in ideas) operate to avoid facing reality. Since the 1960s, he says, the elites have repeatedly asserted the existence of a crisis, demanding and obtaining government action. Most, if not all, of these policies have failed dismally, a fact that has not led the anointed to reconsider their arguments. If things don't work out the way they were supposed to, it is the fault of someone else — usually Republicans. ("Few histories have been rewritten so completely and so soon as the history of the Reagan administration" [82], he comments.)

Vision gives three examples of failures that the anointed refuse to acknowledge: the failure of the war on poverty to reduce dependency on welfare, the failure of sex education to reduce out-of-wedlock pregnancies, and the failure of sociological theories of criminal justice to reduce crime. In each case, the new policy chosen actually appears to have increased the problem.

No matter. As Sowell explains, when poverty rose rather than fell, opinion leaders redefined the intent of their program. It hadn't been to reduce dependency after all, but to reduce poverty — if necessary, through redistribution. And when illegitimate births rose, opinion leaders rewrote history. There hadn't been enough sex education (even though, according to Sowell, nearly half of all schools had sex education as early as 1968). When crime rates rose, the elite hid the problems by making it socially unacceptable to talk about them. Promoting law and order became the equivalent of racism.

Since the 1960s, the elites have repeatedly asserted the existence of a crisis, demanding and obtaining government action.

Much of *Visions* is devoted to illustrating just how the elites distort facts to uphold their view of the matter at hand. For example, in recent years, family and household income figures have been used to support the idea of the "disappearance of the middle class" or "economic stagnation" (50). But the declining size of the family, which is even more dramatic among blacks than whites, explains much of the "decline" in income. Per-capita income figures show a quite different picture.

This deception was conscious; Sowell points out that "*New York Times* columnist Tom Wicker knew how to use per-capita income statistics when he wished to depict success for the Johnson administration and family income statistics when he wished to

depict failure for the Reagan and Bush administrations" (51).

Another technique is to lump together mild and extreme activities, and treat them all as manifestations of the worst end of the spectrum — or, as Sowell says, "to list a whole string of adverse things, with the strong stuff up front to grab attention and the weak stuff at the end to supply the numbers" (47). A Louis Harris poll reported that "37% of married women are 'emotionally abused' and 4 million 'physically abused.'" But "abuse" as measured by this poll included such things as a husband's 'stomping out of the room" and "grabbing his wife," as well as actual violence. Victims are also lumped together to create a misleading impression. It is widely believed that "wife-beating" is common, but, says Sowell, violence against women is far more likely to be against separated, divorced, and never-married women rather than wives. "The least likely of all victims is a wife" (173).

Sowell explores other techniques for maintaining the vision, such as the selection of "mascots" — groups that are always treated sympathetically — and of "targets" — groups that are attacked because they don't conform to the preferences of the anointed. Mascots include the handicapped, the homeless, and criminals. Targets include business executives, religious groups, and families. (By the way, Sowell contends that the "traditional" family isn't as dead as the elites claim it to be. Although he does not provide extensive evidence for his claim, he points out that in 1992, 71 percent of all Americans under 18 were living with both their parents [61].)

As much as I admired the power of Sowell's logic, I found myself unconvinced by some of his arguments. For example, Sowell dismisses the substitution of phrases such as "he or she" for the male pronoun as merely another attempt by the elites to affirm their commitment to sexual equality, noting that, historically, "he" was used to mean both men and women. This is true enough, but his claim that "no one intended to exclude women" (147) is far too sweeping.

Also, Sowell weakens his credibility by relying on secondary sources for some data. His figures on actual violence against women, for example, come from the book Christina Hoff Sommers' *Who Stole Feminism?* And his statistics on the current family come from a media conference at Columbia University on the American family.

These quibbles aside, *The Vision of the Anointed* is a valuable and stimulating book. Thomas Sowell is a man with a mission. Now 66 years old, he knows his days of writing are limited. He long ago proved himself a scholar and is now trying to get his message understood by those who can bring about change. *The Vision of the Anointed* should be viewed as a book that builds on his past writing. In that light, especially, his arguments ring true.

Sowell's anger, too, rings true. His final comment on the elites is: "Seldom have so few cost so much to so many" (260). ❑

Star Wars; The Empire Strikes Back; Return of the Jedi — Special editions, 1997, written and directed by George Lucas.

Rebels vs. the Federation

Todd Seavey

This year's re-release of the three Star Wars movies reminded moviegoers of two important truths: you can't trust the Empire, and Star Trek looks incredibly lame (and socialist) compared to Star Wars.

To illustrate the difference, consider one of the nice added touches in the re-releases of the Star Wars films: the addition of footage at the end of *Return of the Jedi*, showing celebrations of the evil Emperor's death on various planets, including the Imperial throneworld, Coruscant. It's a celebration for the characters and viewers alike, a final resolution of all the moral and physical conflicts that preceded it — a climax that Trek, which has no central narrative drive or moral purpose, could never give us. The Emperor, incidentally, is named Palpatine, a variation on the Palatine hill in Rome, a city synonymous with the decline of republic into empire (Palpatine's name appears in the Star Wars novel but is not spoken in the films). The corrupt politics of Coruscant will reportedly figure more prominently in the three prequel films that Lucas wants to begin releasing in 1999. (The prequels will depict the final days of the galactic Republic and the growth of the Emperor's power, which means they'll probably have even more libertarian-conservative resonance for movie-goers than the existing films.)

The Star Wars Revolution

For future historians, the whole Thatcher-Reagan-Gorbachev-Gingrich era will blur together into a single crisis of faith in big government (as surely as the eighteenth century blurs together for us). Those historians may conclude that it was no coincidence that the crisis period began promptly after the release of *Star Wars* in 1977.

Well, all right, the Star Wars series may not have changed history, but it is one of the few products of late twentieth-century pop culture that qualifies as mythic. Darth Vader, for instance, may be the creepiest personification of evil to haunt the Western imagination since Satan. A Darth Vader action figure was even part of a fully-restored Haitian voodoo altar on display recently at Chicago's Field Museum, right next to centuries-old symbols of magic and power. It's easy to forget how magical these films are and lump them in with the countless imitators that came along later. Big-budget science fiction movies of the Arnold Schwarzenegger variety, with all their macho excess, make *Star Wars* look almost feminine by compari-

son, like a fairy tale or an Arthurian legend. Maybe that's because the Star Wars movies take old-time virtue and morality (and the threat of authoritarian bureaucrats) as seriously as monsters and pyrotechnics.

That's probably the only part of my analysis that George Lucas would agree with. As a Hollywood liberal in the Steven Spielberg vein (witness Lucas's liberal message-of-the-week series *Young Indiana Jones*), Lucas probably wouldn't want Star Wars to be labeled conservative; he'd likely prefer timeless. And one *can* argue that Star Wars has its liberal side, insofar as a tolerant, multi-ethnic, low-tech group (sometimes prone to New Age-like mysticism) is fighting a vast military-industrial complex. The explosion of the Death Star space station then becomes the ultimate expression of "sticking it to the Man." Fair enough. There are plenty of reasons to fight tyrannical empires.

Meanwhile, Back on Earth

Star Trek — despite all its fanatic followers, its frequent conventions, its three spin-off series, and the huge role it played in the childhoods of countless science fiction fans — can't hold a candle to Star Wars, and every last Trekkie knows it. Trek can throw as many

Star Trek looks incredibly lame (and socialist) compared to Star Wars.

Vulcans, transporters and shuttlecraft at the American psyche as it wants — they won't strike the kind of primal chords that Star Wars' stormtroopers, light sabers, and Death Star space stations do. Star Trek lacks Star Wars' romantic sweep and moral impact. George Lucas created more magic in six hours of Star Wars films than Gene Roddenberry and his successors have managed to eke out of more than 800 hours of Trek on television and film. The success of last year's *Star Trek: First Contact* doesn't change that. While the Trek characters take orders from quasi-military bureaucrats back at Federation HQ and cruise through space with the haughty detachment of anthropologists, Star Wars' Luke Skywalker and friends learn the secrets of ancient Jedi knights and lead a band of outnumbered but brave rebels against a tyrannical galactic empire. *Which matters more*, I ask you?

The Trouble with Trek

Something's not quite right about the Trek universe.

Drama requires tension and conflict, whether it's Macbeth struggling against his conscience or King Kong against biplanes. Trek is set in a near-utopian future, and utopias don't allow much conflict. No matter how much they use the phasers in a given episode, we know in our hearts that all is well in the Federation. The original *Star Trek* television series had the seeds of utopianism in it, but retained a sense of adventure, mainly because it owed so much to the *Captain Video* generation of space cadet shows that preceded it. The modern Trek spin-offs, however, have fallen prey to Roddenberry's optimism. No matter what happens to Trek characters like the Klingon warrior Worf and the Bajoran ex-terrorist Kira — even if they're tortured by evil Romulans and made to confess childhood sexual molestation — we never feel there's a real danger of them coming out of the situation much changed. The characters are as resilient as those on any sitcom, and sitcoms are not drama.

Nor is Star Trek's careful maintenance of the status quo a good formula for science fiction, which draws its strength from constant extrapolation and fresh twists. That's why the genre is generally better suited to films than to episodic television. Too many science fiction shows seem to use up their creative juices in the opening title sequence. We learn, say, that scientists have created a super-intelligent orangutan who is on the run from the law, but after that tantalizing initial premise, each individual episode is as disposable — and does as little to expand on the premise — as any installment of *Charlie's Angels*. The orangutan becomes a coal miner, saves people from a burning building, goes surfing, etc.; but there is rarely any permanent change in his mental or legal status that alters our perspective on the series or advances the basic conflict.

One of the worst offenders of this kind was the series *Galactica 1980*, the terrible sequel to the 70s series *Battlestar Galactica*. The premise of *Galactica 1980* was that a massive fleet of humanoid aliens was hovering above the Earth hoping to quietly colonize it before they could be attacked by their enemies, the evil cyborgs called the Cylons (whom you may remember from their glowing red eyes and their voices, which inspired the robot chorus in the song "Funkytown"). So what did we get in almost every episode? Two guys from the alien fleet driving around America on motorcycles, getting a feel for their new world by fighting the occasional corrupt sheriff, wife-beater, or street

The Star Wars series may not have changed history, but it is one of the few products of late twentieth-century pop culture that qualifies as mythic.

gang.

Trek's episodic nature makes it vulnerable to the same sort of stagnation. Star Wars, in keeping with classic narrative rules, has focus and direction — a clearly-defined, epic struggle with a visible end.

Experimental Evidence

Luckily for concerned media analysts, the fates have provided us with a glimpse of what Trek might look like if injected with a dose of Star Wars' romanticism: the syndicated, budget-challenged but spirited show *Babylon 5*. Its creator, J. Michael Straczynski, pitched Paramount on the idea of a space station where competing races meet to engage in trade and diplomacy. Paramount said no and then made *Star Trek: Deep Space Nine* anyway — a series with the same premise — while Straczynski went off to make *Babylon 5*. So we have a "control" and an "experimental" Trek-type show, as it were, broadcast every Saturday evening.

The result? Despite *Babylon 5*'s spending only half as much money per episode as *Deep Space Nine*, despite Straczynski's being stretched thin by writing *all* the episodes himself, and despite the awfulness of many of its actors, *Babylon 5* seems to have all the meaning and drama and life that the sterile Trek world lacks. Characters die unexpected but meaningful deaths (in

last season's finale, we even got to see nuclear weapons dropped on a shrieking Melissa Gilbert by her real-life husband Bruce Boxleitner, who plays the captain of the Babylon 5 space station). Competing empires engage in selfish tactical maneuvers instead of just being *misunderstood* (as every minor race seems to be on Trek). Allegiances form and collapse. Earth's government goes fascist in wartime instead of adhering politely to a Prime Directive, as Trek's Federation supposedly does. An ancient war between two alien races representing Order and Chaos (the major plotline of the series' first three and half seasons) ended recently, not with a big explosion, but with humanity and other races refusing to take sides in the conflict and opting for freedom instead, demanding that the two ancient foes leave and let the younger races control their own destinies.

Straczynski has vowed that *Babylon 5* will never become stale and that it will never feature cute kids or cute robots. He takes the vow seriously, comparing it to Spiderman's realization that "with great power comes great responsibility." Straczynski and his fellow *Babylon 5* creators (including the ubiquitous Harlan Ellison) cite influences such as *Hill Street Blues, The Prisoner, Thunderbirds*, the historic struggles of the Jews, the comic book *Nexus*, and the film *Casablanca* (which also obviously inspired the bustling but seedy spaceport Mos Eisley in *Star Wars*, described by Ben Kenobi as a "wretched hive of scum and villainy"). What all of these sources have in common — and what Trek lacks — is the sense that a truly rich, complex world is *not* one that is easily controlled but one that is constantly falling apart and being remade, constantly fighting against disasters and setbacks.

Babylon 5's second season ended with one human character's grim menorah-lighting monologue about how the space station's crew had failed as the galaxy's "last, best hope for peace" and could only hope they'd be victorious in a costly war against the chaos-loving Shadows. The monologue became the next season's title sequence narration, which is comparable to unveiling new Star Trek narration that says "We once went boldly where no one had gone before — but that was before the Federation was destroyed."

Of course, Star Trek's twenty-fourth century is much too stable — and its inhabitants too emotionally well-adjusted — for that sort of thing. Maybe that's why the characters in *Star Trek: First Contact* (the first Trek film to generate real tension since 1982's *Star Trek II: Wrath of Khan*) traveled back to the twenty-first century, a time when space explorers still experienced all those obsolete but interesting emotions such as fear, anger, and courage.

The Power of the Force

I meet people from time to time who say that the first Star Wars movie was impressive in its day, but that it looks primitive by today's standards. I don't know whether these people are very poor observers or just say such things to sound hip and modern. Despite Lucas's fiddling and improvements for the re-releases, the truth is that none of the megabudget special effects films to come out since Star Wars have shown anything close to its cinematic skill or attention to detail. Sure, film stock ages. Hair cuts go out of style. But dedication and artistry stand the test of time, with or without '90s computer-animated enhancement.

For the Star Wars series, alien languages were created by combining real Earth languages because, Lucas realized, ad-libbed gibberish just doesn't have a convincing-yet-alien sound to it. Elaborate backgrounds were created for even the minor characters, so that their costumes and weapons would seem parts of organic, albeit unseen, cultures. Every inch of every set is convincingly designed, with few hints of the hokiness that creeps into lesser sci-fi. The aerial battles, particularly the famous Death Star trench finale from the first film, were modeled on footage of actual dogfights and have a realism that money alone can't create.

And while we may think of grittiness in science fiction films as starting with the dirt, sweat, and saliva of *Alien* (1979), there's a detailed, real-world slovenliness to things in *Star Wars* — such as Han Solo's spaceship, the rebel headquarters, and the dwarfish Jawas' robot holding pens — that makes *Star Wars* far more believable, whether viewed in 1977 or 1997, than anything in, say, *Total Recall*.

Trek, on the other hand, has an oddly sanitized feel to it, emotionally and physically. The Trek characters can be lost in a swamp on some primitive planet and it still feels like we're watching a group of jumpsuited, TV-commercial-ready Meineke repairmen or a bunch of aquarium tour guides. Trek isn't a failure by any means, but it's just a TV show, even when it's on the big screen.

The Voice of a Generation

Star Wars is a classic, and I rushed to see it again when it opened. All right, I admit I waited a few days, to let the crowds die down. I'm getting too old to fight long lines. I suppose I'm

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getting too old for this sort of thing in general. Over the past few months, I've been indulging in some pop culture nostalgia — bought a new *Micronauts* comic book (based on the '70s action figures), saw the Godzilla movie *Destroy All Monsters!* at Lincoln Center (it was my favorite when I was four), went to a Fixx concert (remember "One Thing Leads to Another"?). I swear I'm going to stop all this now — no more rock, no more comic books, no more TV (except to see how *Babylon 5* ends). All high-brow grown-up stuff from here on. And yet . . .

Sometimes the kids are right. Grown-ups (or Hollywood people, at least) picked *Annie Hall* over *Star Wars* for the Oscar in 1977. I'm sure the Academy felt it was the grown-up thing to do, what with all those neuroses and relationship issues in *Annie Hall.* But how many of us believe that Woody Allen bickering with Diane Keaton will have the legendary cinematic resonance, 50 years later, of Darth Vader crossing swords with Ben Kenobi? It's already been 20 years, and I think the answer is becoming apparent.

Icons and Archetypes

In the end, Star Trek is iconic at best — like Mr. Ed or lava lamps. Star Wars, on the other hand, is archetypal. If you see it for the first time as a child, it seems to encapsulate the struggle between good and evil with such clarity, you can hardly believe the story was put together in a specific time and place, rather than being knowledge we were all born with. Reason, conscience, humor, love of Star Wars — they all seem instinctual to me now. I shudder with horror when people tell me they "aren't sure" if they've seen all the Star Wars movies. Aren't sure? As if this were nothing more than episodes of *Barney Miller* we're talking about? You can miss some, even most, Star Trek episodes and still get the idea. Miss one of the Star Wars movies and you're only two-thirds alive.

Or to put it in terms the Trekkies can appreciate: if a super-intelligent alien race landed on Earth tomorrow to judge our worthiness for continued existence, and they demanded that we show them what we've accomplished so far in film or TV, wouldn't *Star Wars* be our best hope for survival? It's how I'd want to be judged. ❑

Booknote

False Tag — We all know how hard it is to sell anything literary in this essentially philistine culture. It often helps a writer to have a tag that, by itself, is meant to create interest among publicists and, better, book-buyers. Such terms as "feminist," "black," "Jewish," "gay," "New York," and "California" have functioned in this way. ***Daughters of the Fifth Sun*** (Riverhead, 1996, 284 pp., $13.00), edited by Bryce Milligan, Mary Guerrero Milligan, and Angela de Hoyos, claims to be the first "Collection of Latina Fiction and Poetry" from a commercial publisher. According to the back cover, "Although there have been other Latino anthologies, never before has one been as focused and strong in content and as universally endorsed by the leading figures in the Latina literary community." See what I mean? A book whose contents are in general no better or worse than many other collections of contemporary writing needs something else to succeed in the marketplace.

Especially troublesome is the merchandising epithet "Latina." It is finally no better than "black," which was scarcely appropriate for writers (and people) with a variety of skin hues ranging from dark brown to off-white. (I recall Albert Murray once telling me that there's no "black and white" in America, but "white and part-white, and, Richard, you look kinda dark.") *Daughters of the Fifth Sun* includes a Puerto Rican aristocrat who took her doctorate on the mainland and writes in Spanish before co-translating herself into English, a Los Angeles native with "a Cuban mother and an American father," native Mexicans now living in the U.S., several Americans with no more "credential" than Hispanic surnames, a Brazilian who has lived in the U.S. since 1960 teaching Spanish at American universities, a San Antonio–born undergraduate whose French surname masks her "Mexican and German descent," a Cuban who took her degrees in the U.S. before finding a university teaching position in South Africa, the impoverished descendant of two-century-old South Texas landowners, "a fifth-generation Californian of Mexican and Native American (Chumasch) heritage," a Dominican who writes only in English, a Nuyorican educated partly in Europe and now living in Kansas, and a Chilean Jew who writes in Spanish although she has taught at Wellesley for 16 years.

To account for non-Hispanic surnames, the editors use the elaborate "Notes on the Contributors" to identify Greek, Polish, and other alien ancestors. (This is really unnecessary for Latin Americans, who know that surnames in their countries are no more exclusively Hispanic than U.S. surnames are typically Anglo-Saxon, and for the same reason.) Another peculiarity of these notes is their habit of identifying a great variety of often unfamiliar literary awards ("the Empresario Award de San Antonio," "a gold medal from the Commonwealth Club of California," "the 1993 Latino Literature Prize in Poetry," "the Jeanetta [sic] Rankin Award in Human Rights," etc.). It brings to mind Northrop Frye's comment that awards probably shouldn't be given to anyone over the age of twelve.

Looking at this "Latina" mix, I wonder what Americans would think of a Spanish-language anthology of "Angloistas" that contained writers with Anglo surnames writing in their native Spanish; an Israeli who writes in Hebrew even though she has lived awhile in Bogotá; an American who took her degrees in Buenos Aires before going to teach in Spanish Morocco; Americans, Englishwomen, Australians, Africans, and even Hong Kong–born Chinese (accounting for the Brazilian) emigrating to Spanish-speaking countries and then writing in the local tongue; and so on. Looking at such a book in a Spanish-language store, most Americans would think "Angloista" a merchandising tag no less false to the variety of English-language writing.

—Richard Kostelanetz

Notes on Contributors

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

"Baloo" is the alter ego of cartoonist *Rex F. May.*

John Bergstrom is a California cartoonist and animator.

Oliver Becker is an editorial assistant at *Liberty.*

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

Harry Browne is the author of *Why Government Doesn't Work* and *How I Found Freedom in an Unfree World.* Not long ago he ran for the presidency of the United States.

Stephen Cox is Professor of Literature at UC-San Diego and author of the biographical introduction to Isabel Paterson's *The God of the Machine* (Transaction).

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

Sheldon Richman is the author of *Separating School and State.*

Todd Seavey has written articles for *New York Press, National Review, Spy,* and other publications.

John Goodman is president of the National Center for Policy Analysis.

Jane Shaw is senior associate at the Political Economy Research Center in Bozeman, Montana.

Timothy Virkkala is managing editor of *Liberty.*

Terra Incognita

New York, New York

Notes on the benevolent origins of totalitarianism from director Milos Forman, as reported by Frank Rich in the *New York Times*:

"The Nazis and Communists began by attacking pornography, homosexuals — it always starts very innocently."

Gresham, Oregon

Unusual views on diversity in qualifications for public office, uncovered by the *Portland Oregonian*:

Democratic House candidate George Kelley has been through various troubles with the law, including both a 1991 charge of failing to pay child support and a 1993 arrest for menacing his wife with a handgun. He now says he has overcome his problems, and notes that "we need people in the Legislature who have a broad range of experiences."

Auckland, New Zealand

Progress in pedagogy, explained by a Waikato University professor, quoted in the *NZ Herald*.

Professor of education Dr. Jody Hanson spends up to 20 hours a week doing research on "mentoring" by women in brothels and massage parlours; she explains that "you can't go down to the local polytech and do a course in B and D."

Cincinnati

Ohio's war on crime, as reported in the *Cleveland Plain Dealer*:

A woman was recently arrested for violating a 1958 ordinance against feeding other people's parking meters.

The Netherlands

Innovations in safe sex, as reported by *Restaurant Hospitality*:

The Dutch government has issued new guidelines for sadomasochistic rituals that are performed in a brothel. The *Sunday Times* of London reported that according to the new rules, "Clients involved in sadomasochistic acts would have to be bound and gagged in such a way that they could work themselves free in an emergency in a maximum of 30 seconds."

Besides restricting methods of bondage, the government also has urged that night tables be stocked with wire cutters, proposed heavy taxes on prostitution and full pensions for prostitutes, and recommended that leather-wear and safety expenses be made tax deductible.

Australia

Progress in public finance, as described in *The Dominion* of Wellington, New Zealand:

Australia's government has introduced legislation that would allow it to tax telephone numbers as much as $100,000 per year.

U.S.A.

Unusual perspective on the Holocaust, reported by *USA Today*:

After the first television showing of *Schindler's List* drew more than 55 million viewers, director Steven Spielberg commented that the show's huge audience "could not possibly be more gratifying to the survivors and the millions who did not survive."

Wellington, New Zealand

Frontiers of promotion, reported by the *Christchurch Press*.

During the Auckland-Wellington cricket match, Scott McKenzie ran across the field, naked except for his cricket pads and a protective box, before being arrested by a buxom female policewoman. It was later learned that both McKenzie, a male stripper, and the police officer, an actress, were hired by promoters of the cricket match.

U.S.A.

The march of economic science, according to *The Wall Street Journal*:

After spending five hours dining with Louis Farrakhan, Jude Wanniski claimed that the Nation of Islam leader heard his "supply side perspective" on modern history and "drank it in as if he had just come upon an oasis in a desert."

New Zealand

Interesting intellectual challenge, from an advertisement in the *New Zealand Herald*:

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Janesville, Wisc.

A difference of opinion in America's Dairyland, reported by the *Milwaukee Journal-Sentinel*:

A Janesville woman accused her boyfriend of beating her after she told him the Greenbay Packers "sucked."

The boyfriend explained that he had been angry because he believed she had taken $300 that he needed to pay a previous domestic abuse fines.

Racine, Wisconsin

Advanced development of the "safety net," in the home of American Progressivism, as reported by the *Milwaukee Journal Sentinel:*

A six-year-old from a low-income family in Milwaukee qualifies for 36 programs, including 18 providing services to prevent drug and alcohol abuse and six to prevent crime and juvenile delinquency.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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—P. J. O'Rourke

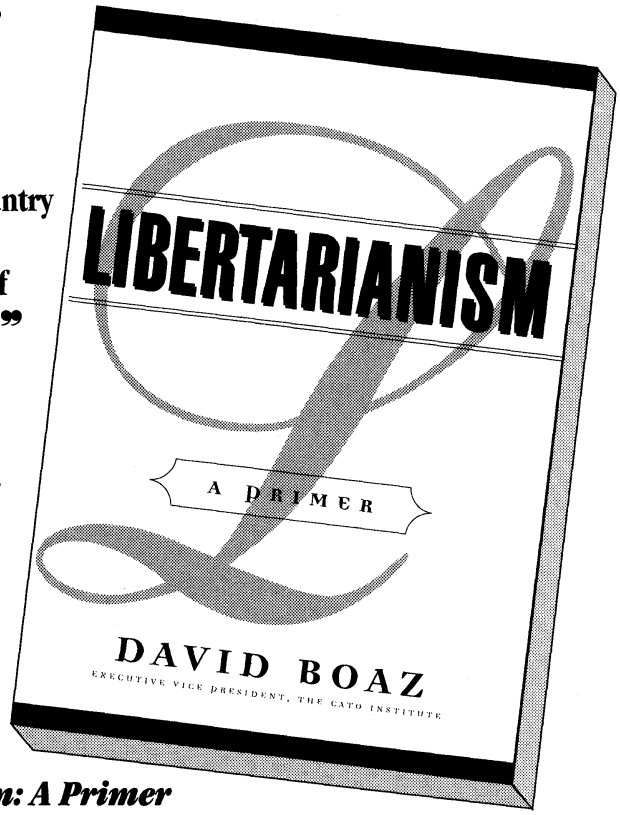

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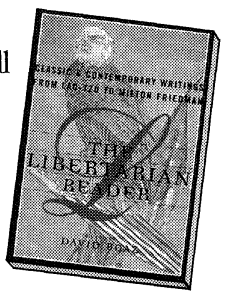

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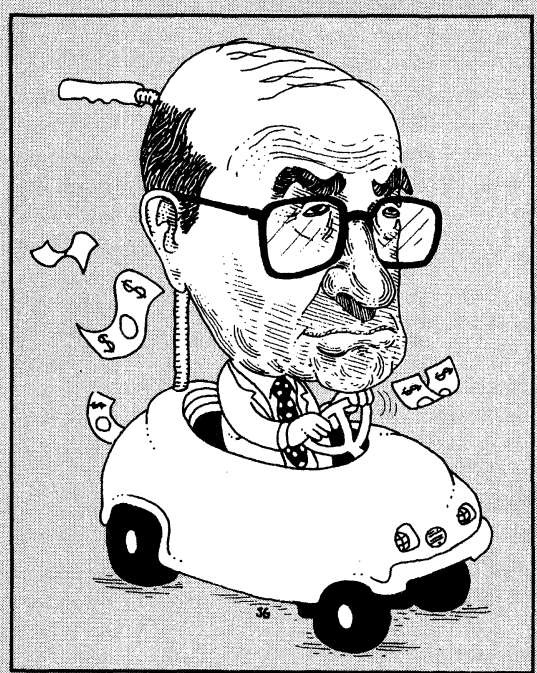

Alan Greenspan's control over the economy can be compared to that of a four-year-old driving her Cozy Coupe. She joyfully spins the steering wheel, exulting in her control; but the steering wheel is not connected to the drive train.

Also: *Joy Taylor* on how women's shelters abuse women, *Carlos Ball* on the new revolution in Latin America, *David Friedman* on private law enforcement, *Stephen Cox* on the new class distinctions. . . plus other articles, reviews, and humor

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"Liberty is the best of all things." — William Wallace

Letters

Star v. Star

Todd Seavey ("Rebels vs. the Federation," May 1997) loves the flash and the adventure of *Star Wars*, the absolutely unambiguous conflict of good and evil — the sort of stories we give our children to teach them values in a way that they can understand. And we all wish to retain our child-like pleasure in a bold tale of the fight between good and evil. We take a primordial delight in the solution to conflicts via violent means. There is no shame in this , and our adult sense of wonder and drama can be wonderfully complimented by these old-brain attributes.

Star Trek, on the other hand, begins centuries after the earth's crucial battles are over, and shows how society might deal with problems while trying never to use violence as its first solution. The Trek stories attest that "human nature" is not necessarily a contemptible beast that we must constantly struggle to subdue at the behest of a punishing god or a human tyrant. *Star Trek* gives us hope that we can improve — not only as individuals, but as a society. Nothing else in our current culture tells us that. Mostly we are told that our technology will ruin us, our ideals will fail us, and our civilization is doomed to destruction.

Mr. Seavey complains that "the modern Trek spin-offs have fallen prey to Mr. Roddenberry's optimism." I find it a huge plus that this is true. For many of us, optimism is as exciting as pyrotechnics.

C.D. Laubscher
Poulsbo, Wash.

Trek's Libertarian Ethos

It is a mistake to categorize *Star Trek* as "socialist." For the most part, *Star Trek* has a pervasive libertarian streak. It's irrelevant that the show centers around a government vessel. The prevailing ethos is "we shouldn't interfere with what people do and how they live unless their lifestyle violates the rights that any sentient being is by nature entitled to." The show is generally sympathetic to the adventurous individual and to freedom's advocates. Sure, the ship is under the authority of the Federation, but bureaucrats and administrators are always portrayed as foolish or myopic or self-serving. The heroes are explorers and scientists who stand up for freedom and truth.

Aeon Skoble
Cape Girardeau, Mo.

Stars in Your Eyes

Just because the heroes in *Star Wars* are part of a "rebellion" does not mean that they are fighting for freedom. We are still talking about saving a "princess" and the old royalty establishment. The idea that such a system of government could ever lead to the technological advancements needed to go faster than light seems pretty silly — just as it is silly that every race in *Star Trek*, no matter how tyrannical its government, seems to be at about the same level of scientific development as the Federation, as though science will proceed no matter what sort of state you live under.

There is a reason why only Harrison Ford is still doing big movies — the acting in *Star Wars* is campy, at best. The first Star Wars movie looks primitive — yes, it does, Todd; get over it.

Todd, you can insult me — and other people who see reality for what it is — all you want, but that isn't going to change the facts. If *Star Wars* is the best you think we've got, then it is you who are a "very poor observer."

Jamie Poferl
Minneapolis, Minn.

Male Call

Since, as Wendy McElroy explains in "Foucault and Feminism" (March 1997), gender feminists regard language as a weapon that men have used to oppress women, it's not surprising that they use it against men. In one regard, they have been spectacularly successful: the use of the word "male" for "man"— and in particular, "males" instead of "men" — which has spread through the language like a cancer. Even many anti-feminist male writers occasionally call men "males." Observe that writers who use "males" rarely refer to "females" rather than women. This may be unconscious, but it is no accident. "Males" and "females" are dehumanizing terms, in that they can refer to any animal. "Men" and "women" can refer only to human beings.

If you are a man, or like me, a woman who likes men, watch your language. Even when talking about groups of people you don't like, call them men, women, boys, girls, ladies, gentlemen. Give them the dignity of their humanity.

Rycke Brown
Phoenix, Ariz.

Open Season on Killers

With regard to George Smith's article on capital punishment ("A Killer's Right to Life," November 1996), I would like to point out that mistakes are inevitable. The problem of possibly executing the innocent can be handled as follows. The judge invites the defendant to attend his trial. If he finds the defendant guilty, the judge makes three statements:

a) The defendant murdered X;

b) The defendant has not sincerely repudiated the principle that it is OK to kill another person; and

c) Unless it can be shown that "a" or "b" is in error, if anyone kills or attempts to kill the defendant, actions against that person will not be heard.

Thus, the risk of killing an alleged killer who is in fact innocent would not fall on the judge, but on volunteers, on the plaintiff, or on the plaintiff's hired agent.

Richard D. Fuerle
Grand Island, N.Y.

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Inside Liberty

July 1997
Volume 10, Number 6

2 **Letters** Questioning our authorities.

4 **From the Editor** What's in *Liberty*, and why.

7 **Reflections** *Liberty's* editors take a peek at porn, erect a wall of FDR's lies, derail a streetcar robbery, open their veins to the Red Cross, dine on flash-fried scorpions, and pay their (dis)respects to the cloned heads of Europe.

Features

19 **De-inventing Government — and Central Banks** The current revolution in economic theory isn't just "theory"— it provides practical tools to help people around the world deal with the idiocies of the state. *J. W. Henry Watson* and *Ida Walters* explain.

29 **No Shelter from the Storm** *Joy S. Taylor* tells how her experience at a center for battered women revealed that some feminists care more about ideology than they do about abused women.

31 **Latin America at the Crossroads** After seventy years of stagnation, a free market revolution is sweeping through Latin America. *Carlos Ball* reports.

35 **Medical Marijuana: Beyond the War on Drugs** By meddling in state marijuana initiatives, the Feds have opened the door to a lawsuit challenging the very basis of their authority. *Sandy Shaw* files the brief.

37 **Polarities of the Political Class** *Stephen Cox* shows that positive and negative aren't just two ends of a magnet.

39 **I'll Settle for Paper** *Bruce Ramsey* defends paper money against its gold-bug detractors.

42 **I'll Go for the Gold** *Robert Higgs* responds by explaining the connection between the gold standard and freedom.

45 **Ebonics: Bridge to Illiteracy** *Nicholas Stix* finds that the Ebonics debacle is just the most obvious manifestation of a state-subsidized racist machine that is destroying linguistics, the teaching of English, and the future of black children.

51 **Inalienable Rights?** *George Smith* argues that inalienable rights are the only proper foundation for a free society. *Timothy Virkkala* prefers foundations that he can understand.

Reviews

57 **The Politics of Hysteria** Truth is the first casualty of war. *R.W. Bradford* finds that the War on Drugs is no exception.

60 **Coming Out on the Radio** Radio-TV commentator David Brudnoy's memoir, concludes *Michael Grossberg*, offers frank confessions, but frustratingly little intellectual history.

63 **Nationalism: Good, Bad, and Invented** Michael Ignatieff's attempt to redefine nationalism rests on misunderstandings both of history and of the state. *Martin Tyrrell* debunks a pompous collection of soundbites.

65 **The Resurrection of Richard Nixon** *Oliver Becker* reviews the clichés and misunderstandings of pop economist Lester Thurow.

67 **Darwin Defied** *Jane Shaw* examines a novel scientific assault on Darwin's theory of evolution by natural selection.

69 **Classified Ads** Let the buyer be aware.

70 **Notes on Contributors** They make us what we are.

Ultimate Penalty

I have no wish to be generous to capital criminals. As a person in his late seventies, I would like these bastards also to live out their lives in the discomfort of aging — both in their surroundings and physically. Execution is simply too easy an out.

George Amberg
El Cerrito, Calif.

A Christian Nation

In David Mayer's description of Thomas Jefferson's views on religion ("The Misunderstood Mr. Jefferson," May 1997), he misuses Jefferson's "wall of separation" to show that Jefferson was "neutral" with regard to religion. But the quotation is from a letter in which Mr. Jefferson was merely calming the fears of the Baptists of Danbury, Connecticut that the federal government was preparing to name another Christian denomination as the "state religion."

To use that statement to prove that the Founding Fathers did not want religion in government is dishonest. Anyone who has done the research necessary to write such an article must also have uncovered a multitude of evidence that the Founding Fathers wanted just the opposite. They considered this a "Christian nation" with the principles of Christianity as the basis of government.

Elder James D. Bradley
Romeo, Mich.

Christian-Libertarian Coalition

Harry Browne says that the Libertarian Party needs to overcome the "Hurdle of Irrelevancy" ("Does the Libertarian Party Have a Future?" March 1997). Mr. Browne, I suggest that your party ally with a pressure group that is willing to live with your irrelevancy for a decade or two. This will increase your numbers, which will make you look better to the media and the pollsters, which will then publish stuff to make you more relevant.

I have in mind the Christian Coalition. They have been patient with the Republicans for thirteen years now and are still being ignored. I suggest that you get together with one or two conservative Christians and work out a model for a society that both you and we would strongly prefer to the present one. Then approach the Christian Coalition with this model as your negotiating position.

You *cannot* cling to the right to torture pre-born citizens to death if you try this solution. We regard the pre-born citizen as having as much right to protection from violence as anyone else. If the mother objects to motherhood, or to the child, adoption is legal in all states of the Union. We would allow her to charge the child rent by selling him as an heir, not as a slave.

Rachel Whittlesey
Newburg, Ore.

The Mismeasure of Liberty

Robert Higgs, summarizing Jeffrey Rogers Hummel's *Emancipating Slaves, Enslaving Free Men* ("The Bloody Hinge of American History, May 1997), states: "Before the [Civil War], individual freedom had tended to expand; afterward, it tended to shrink."

But the only instrument for measuring aggregate human action is the market, and the only measure is money. I'm not smart enough to say if measuring liberty is conceptually impossible. But I think I'm knowledgeable enough to say that it's practically impossible.

Higgs appears to believe that antebellum America enjoyed a largely

continued on page 30

From the Editor . . .

The issue that you hold in your hands marks the end of *Liberty*'s tenth year of publication — an accomplishment we have yet to find time to celebrate, but of which we are nonetheless proud.

Why would we take this occasion to lead with an essay on the "dismal science"? Economic theory, after all, has a reputation as a soporific, and many of *Liberty*'s readers seem content that Hayek or Mises or Friedman or (much earlier) Adam Smith has provided an answer to most any economic problem that might possibly confront them.

Don't be dismayed: we have good reason. This is a challenging piece with breathtaking implications. Harry Watson and Ida Walters don't find economics dismal and don't believe the last word on the subject has been written. They believe, instead, that recent advances in economics not only supplant the theories of the aforementioned thinkers, but also provide powerful new support for a free economy. They argue that the work of these new theorists — who would toil in relative obscurity had they not been awarded Nobel Prizes — calls into question whether government attempts to manipulate the business cycle, prevent recessions, or enhance prosperity have any effect at all. And they go further: the work of these economists has given people around the world new tools to circumvent idiotic government policies.

Watson and Walters aren't the only writers who challenge some widely held assumptions. In our opening "Reflections," David Friedman suggests that perhaps it might be a good idea to get rid of government prosecution of crime altogether, and John Hospers challenges the orthodox libertarian approach to foreign policy. Elsewhere in Reflections, Gary Alexander reports on the new documentary about the life of Ayn Rand. (Speaking of which, two versions of Barbara Branden's *The Passion of Ayn Rand* will be produced next year: a television film on Showtime and a stage version at the Old Vic in London.)

As you might expect, those of us at *Liberty* have given a little thought to a celebration of the milestone just past. We believe the best way to celebrate is to make *Liberty* a better magazine — and you can expect to see some major improvements during the next few months.

The Cato Institute just celebrated its 20th anniversary with a celebrity-studded, black tie, $250-a-plate dinner in Washington, D.C. I'm so well-connected in the libertarian movement that I learned of it only when I read an account of the evening in *The Washington Post*. Suffice it to say, our celebration will be quite different, and no one will learn of it by reading about it in the *Post*.

We shall host a modest celebration in Port Townsend, where our editors, readers, and friends can see our new quarters. But we'll do more than celebrate. From our beginning, *Liberty* has been the place where libertarian intellectuals have chosen to challenge and expand libertarian thinking, and at our 10th anniversary conference, several of our editors will present papers that explore the boundaries of libertarian thinking and the directions libertarianism will take during the coming century.

R. W. Bradford

Celebrate the Tenth Anniversary of Liberty

Join Liberty's editors, staff and friends this August to celebrate our Tenth Anniversary, at our new offices in Port Townsend, Washington! Liberty's Tenth Anniversary Celebration and Conference includes:

- A party each evening
- Talks and panel discussions each day
- A gala banquet Saturday evening
- Perfect weather (okay: we're crossing our fingers!) in a magnificent setting between the sea and the snow-capped Olympic Mountains

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If you've attended a previous Liberty Editors' Conference, you have an idea of the pleasures and intellectual stimulation in store — and if this will be your first, be forewarned: the fun never stops for three long, glorious days and nights.

Please Note:

Facilities in Port Townsend are limited, and we will give priorities to our editors, staff members, and those who have attended past Editors' Conferences. As a consequence, we will be able to accommodate only a limited number of other guests.

Therefore, if you would like to join our celebration, we encourage you to fill out and send in the coupon to the right as soon as possible.

We'll send you information on travel arrangements, scheduling, accommodations (ranging from modest motels to luxurious bed & breakfasts and hotels), etc. This will be one vacation you won't forget!

Total cost of the celebration, including the gala banquet, the seminars, talks, parties, and all the fun is $225. A deposit of $75 is required with your application, and the balance is due August 1.

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—P. J. O'Rourke

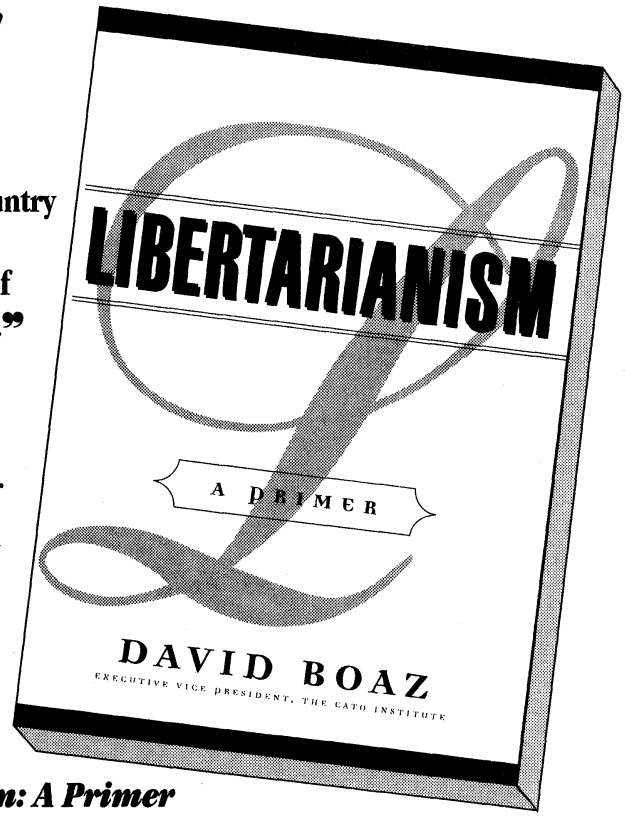

The case for liberty is far stronger than is generally realized. *Libertarianism: A Primer* brings together history, philosophy, economics, and public policy in a comprehensive argument for freedom. It is an important work for libertarians or anyone interested in politics and justice.

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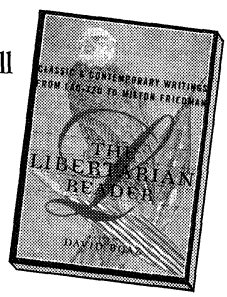

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Reflections

That's the bottom number — Washington's newly elected governor, Gary Locke, offers fresh hope to the disconsolate Sandinistas who compose the bulk of western Washington's adult population. Locke distinguished himself early by making it known that he would not do anything as governor without first clearing it with the state's labor union bosses.

In his inaugural speech, he vaguely threatened to support an increase of the state's minimum wage, recently overtaken by the new federal minimum, declaring, "Let us make work the solution to poverty. So let's make sure work pays more than public assistance." Somehow it never occurs to these people that the ratio of earned income to welfare income can also be increased by reducing the denominator. —RH

Compounding error — The word "compound" has gotten a lot of use in the media lately. It entered English from the Malay *kampong,* meaning an enclosure around a residence. "Compound" could refer to any such enclosed structure, but its meaning in the press is somewhat different. Mt. Carmel, David Koresh's rambling house at Waco, was called a compound. So was Randy Weaver's unenclosed shack on Ruby Ridge. The trailer housing the Republic of Texas was a compound, as was the house the Heaven's Gate cult had rented. The only recent reference to a compound that actually *was* a compound was the Japanese Embassy compound in Lima, Peru. But current media usage has nothing to do with walled enclosures. These days "compound" means any besieged building containing desperate lawbreakers or other social misfits.

This being the case, when will the press begin using the phrase "White House Compound?" —JSR

Rights theory — The man who said "two wrongs don't make a right" undoubtedly committed the first wrong. —SLR

Miracle on the Potomac — A month ago, it looked as if there was little chance of a balanced budget. The Republicans insisted on tax cuts, and the President insisted on maintaining government spending more or less at current levels.

Then, on May 2, the President and the Republicans announced that they had arrived at a deal that would balance the budget in the year 2002. The GOP would get some tax cuts, and the President would get to keep most spending programs intact. In the words of a *Wall Street Journal* headline, the "Agreement Seems to Cause Surprisingly Little Pain."

How did this miracle happen?

The source of the miracle was not God in Heaven, but a bureaucrat in Washington, D.C. In March, June O'Neill, director of the Congressional Budget Office, presented Congress with a report projecting deficits over the next five years, growing from about $105 billion this year to about $185 billion in 2002. On May 2, she sent a new report, projecting much higher tax revenues than those in the earlier report. Now, she predicted, the deficit for this year would run only $60 billion, and rise yearly to around $145 billion in the year 2002.

In short, she predicted that thanks to our booming economy, tax revenues would be some $225 billion higher than she had predicted only two months earlier.

The Republicans and the President were overjoyed. If the new report was correct, instead of having to raise taxes or trim spending by some $380 billion over the next five years to balance the budget, only some $155 billion (or about $30 billion per year) would have to be raised in new taxes or cut from spending.

In less than 24 hours, Clinton and the Republican leadership made a deal. The GOP would get some relatively minor tax cuts (about $17 billion per year), and the president would get some spending increases of about $25 billion (socialized medicine for children, more welfare for adults, etc.) — and about $315 billion would be cut from spending (biggest target: the military).

In sum, based on some rosy projections about the economy, Bill Clinton and the Republicans have come up with a plan that will balance the budget in five years . . . if they can get medical providers to cut the cost of their services for Medicare patients by $110 billion, if they can get hospitals to go along with being shorted $17 billion in Medicaid payments, if no military crisis comes along that panics Congress into restoring defense cuts, if, if, if . . . As usual, the big savings are in the future, when of course Congress can change its mind. And it all depends on the economic boom continuing for five more years, which would require it to last longer than any previous economic expansion. And it also depends on the CBO forecasting accurately, though as Roger Lowenstein observed in *The Wall Street Journal,* "the CBO, like most forecasters, has lately been unable to project six months ahead of time."

The bottom line: the budget deal is a phony plan that has as little chance of balancing the budget as any other budget balancing deal we've seen over the years. President Clinton got his way: discretionary spending will remain at record levels. The Republicans have abandoned their promise of cutting government: no departments will be abolished, no programs cut back, and tax cuts will be relatively minor. —RWB

Budget deal, big deal — You may not have heard the details of the new federal budget deal. But here's all you need to know about *any* budget deal: (1) the politicians will take credit for numerous "budget cuts," but the government will be bigger next year than this year; (2) the budget won't be balanced, but the politicians promise that some future Congress will balance the budget; (3) no Congressman will know the specific terms of the deal until after he has voted for it; and (4) whatever tax cuts are included are insignificant compared to what you'll continue to pay. The more things change . . . —HB

All politics is lucre — Newt Gingrich must reimburse the Congress $300,000 for costs connected with the

investigation of his alleged ethical sins. After we waited in suspense for weeks — wondering how he was going to pay the fine — it was announced that Bob Dole had ridden to the rescue with a $300,000 loan. All's well that ends well.

But wait a minute! Where does Bob Dole get that kind of money? According to *Who's Who*, in his entire life he has spent only eight years working in the private sector — and even then he was moonlighting as County Attorney. Whatever wealth he has, he amassed working for the government. His wife, Elizabeth Dole, is apparently wealthy in her own right. But her biography includes only two years of law practice in the 1960s, a long career in government, and then a stint as the head of the American Red Cross — a job she could never have obtained without her political connections.

Could the Doles be rich because they invested wisely their tiny government checks? No, that doesn't seem likely either. Any man who defines small government as a $1.6 trillion budget that grows by only another 14% certainly doesn't have a way with money.

Bob Dole isn't the first politician to "sacrifice" opportunities in the private sector to devote his life to his country — and somehow come out a wealthy man. Michael Dukakis was a millionaire by the time he ran for President, despite spending all but his earliest working years in government. And Hubert Humphrey — whose entire private-sector experience consisted of a few weeks' work in his father's pharmacy — died a multi-millionaire.

The only true "public servants" are the poor taxpayers — who serve the public in their work but have to pay for government's follies as well. The folks in Washington and the state capital are today's aristocracy. They have people fawning at their feet, paying their bills for them, providing luxurious services for them — in hopes of gaining a special privilege or an exemption from some onerous tax or regulation. —HB

Tuition bills of the rich and murderous — If justice ruled this world, Albert Gore wouldn't be traipsing around the world in Airforce Two. Instead, like the rest of the gang of mafiosi-cum-Keystone Cops who compose the present "administration," he'd be sweating out answers to a grand jury, meanwhile figuring out how to plea-bargain his friends to the jailhouse. But, that, when all is said and done, is the least of it. Some basic facts about the Gore dynasty were revealed last fall, when Edward Jay Epstein published his exposé, *Dossier: The Secret History of Armand Hammer*. Epstein's work was put out by Random House, as befitted a respected investigative reporter who is regularly published in the *New York Times Magazine* and other *haut*-establishment outlets.

It transpires that Armand Hammer, head of Occidental Petroleum and other corporations, was all his life an agent of influence of the Soviet Union. This was a job he'd inherited from his dad, Julius, a close buddy of Lenin. Julius laundered millions for the Reds, funneled funds to Comintern agents, and in general acted as errand boy for the century's greatest mass-murderer, Joseph Stalin. In the course of this, the Hammer family became very rich.

In 1950, son Armand began befriending a Tennessee politician named Albert Gore, Sr., whose Washington contacts he found useful. Armand set up Gore, Sr., in a suite at the Fairfax Hotel in D.C., and his funding permitted Gore, among other things, to send his scion to the elite St. Albans School. On Gore, Sr.'s retirement from office, Armand Hammer made him president of his coal subsidiary, at a salary of over half a million a year. At Reagan's 1981 inauguration, Hammer was the honored guest of Gore, Jr., now a U.S. congressman. (Reagan, evidently informed of what was going on, gave Hammer the cold shoulder.) It was the least Gore could do for Uncle Armand, the Soviet agent who'd paid the prep school bills of the future senator from Tennessee and Vice-President of the United States. —RR

The cloned heads of Europe — Few observers of European politics saw much importance in the Labour Party's overwhelming victory in the British elections. After all, Tony Blair, Labour's candidate, had announced time and again that there would be no radical change under him, and that he cherished many of the accomplishments of the previous Conservative government. About the only difference he had with the Conservatives, he said, was that he favored slightly higher "investments" in the government-run education and health care system.

But words are cheap. The last Labour Prime Minister was Harold Wilson in the '60s and '70s, and he talked moderate while acting socialist. But whether Blair will turn out to be far left or moderately left is unimportant compared to the undeniable fact that the European Union has now lost its only government which at least half-heartedly backed free markets and resisted the idea of a European super-state. John Major, for all his waffling on issues, was still a healthy contrast to other European heads of government, who uniformly agree that only their combined wisdom can lead to a new renaissance for the tormented continent. At the head of every Eurogovernment there now stands a clone of Helmut Kohl. Together, they suffocate Europe under a blanket of German-style subsidy and taxation.

With his call for tax increases and government "investments" to "help" a country's companies as a nanny helps an unruly child, Tony Blair fits well into this clique. It won't be long before Britain announces that it will join the common European currency after 2000; and the last island of prosperity in Europe will be gone.

For Americans, this may have advantages. With a crumbling economy and a weak currency, the home of most Americans' ancestors will become a cheap vacation destination again, one big Euro-Disney with real castles. But will a continent ruled by authoritarian quasi-socialists still be worth visiting? —OB

Acting ambassador — A week after rumors spread that the Clinton administration was planning to appoint former Speaker of the House Tom Foley as Ambassador to Japan, the Bahamas upstaged

Liberty's Editors *Reflect*

HB	Harry Browne
OB	Oliver Becker
RWB	R.W. Bradford
DC	Douglas Casey
SC	Stephen Cox
DF	David Friedman
JH	John Hospers
RH	Robert Higgs
LEL	Loren Lomasky
JSR	James S. Robbins
RR	Ralph Raico
SLR	Sheldon Richman
CS	Clark Stooksbury
SS	Sandy Shaw
RO'T	Randal O'Toole
TWV	Timothy Virkkala
LBY	Leland B. Yeager

the American government by appointing actor Sidney Poitier as its ambassador to the land of the rising sun.

The two diplomats don't seem to have much in common. Poitier will continue acting, and sees his new job as a glorified advertising scheme to get more Japanese tourists to visit the Caribbean isles. Unlike Poitier, Foley would live in Japan, managing trade and greasing the wheels of international logrolling, espionage, and graft.

But there is one similarity: both men hold dual citizenship. Poitier is a citizen of the U.S. as well as of his native island nation; Foley is also a distinguished citizen of that most un-American of nations, the District of Columbia. And it is out of respect for his years of service to that blight upon the continent that Foley is considered for the job of "liaising" with the Pacific Rim.

I wish Poitier the best of luck. But for Foley, well . . . as a native of the state that he ostensibly represented in Congress, I've always dreamed that he would end up whiling away his hours in some distant outpost. Japan is *almost* far enough from the Evergreen State. If I were Clinton, however, I'd send him to Tuva. —TWV

Hook, line, and tinker — Republican politicians try to keep us on the string by promising various reforms that they know (and we *should* know) will never come about. They pledge to get rid of the National Endowment for the Arts, and then they vote to increase its funding. They've been vowing to get rid of the Education and Energy Departments since 1980 — although no Republican (to the best of my knowledge) has ever so much as introduced a bill to close either of those departments. Still, they come back to us year after year dangling the bait in front of us.

A big favorite in this vein has been the scrapping of the income tax code. The current tax code is so corrupt (they tell us) that it can't be fixed; it must be pulled up by the roots and discarded completely. According to them, it must be replaced by a retail sales tax or by a flat tax that contains one low rate for all taxpayers.

Each of these proposals is flawed in two ways: (1) it won't be an improvement; and (2) it will never happen anyway.

So long as you have a $1.6 trillion government, it will take $1.6 trillion in taxes to finance it. Personal and corporate income taxes produce over $800 billion a year. Any replacement tax will have to produce that much (even more, if a $1.6 trillion budget is to be balanced).

Any politician can talk about the virtues of a simple 15% flat tax or sales tax. But he's talking about the mythical land of Cockaigne — where the roasted pigeons fly into your mouth — not the real world of Washington politics. When the politicians get to work on the "simple" flat tax or sales tax, it will become as complicated as the present tax code — with exemptions for every politically powerful group, requiring a tax rate of 25%, 30%, or maybe even 35% to cover the cost of big government.

And that's why it will never happen. The current government is so big that no kind of tax system could pay for it in a way acceptable to the American people. The income tax remains simply because it already exists. But no replacement tax could gain widespread public acceptance once its necessary rate were revealed.

It is a mistake to think that the flat tax is in any way a libertarian proposal. It would not eliminate the IRS. And there is nothing inherent in the flat tax that encourages smaller government. In fact, Steve Forbes made that plain in a recent speech I heard him give. He spoke eloquently about the dangers of big government. But when he got to the policy proposals at the end, after extolling vouchers and Medical Savings Accounts (neither of which is mentioned in my copy of the Constitution), he launched into his pitch for the flat tax. Buried among all its virtues was the phrase, "it will lead to higher incomes, higher revenues, and more prosperity."

The current government is so big that no kind of tax system could pay for it in a way acceptable to Americans.

"Higher revenues"? Is *that* what we want? More money for the politicians to play with? When three quarters of the American people say government is way too big, I don't think they mean they want it to have more revenue.

Yes, it's imperative that we get rid of the income tax. But the only way we'll do so is by reducing government to the level where the current revenues from the income tax are no longer needed. That means getting rid of all the current federal programs that aren't authorized in the Constitution. And despite all the rhetoric about the Constitution, no Republican or Democratic politician will suggest getting the federal government completely out of education, welfare, health care, crime control, regulation, and the thousands of other extra-Constitutional federal programs.

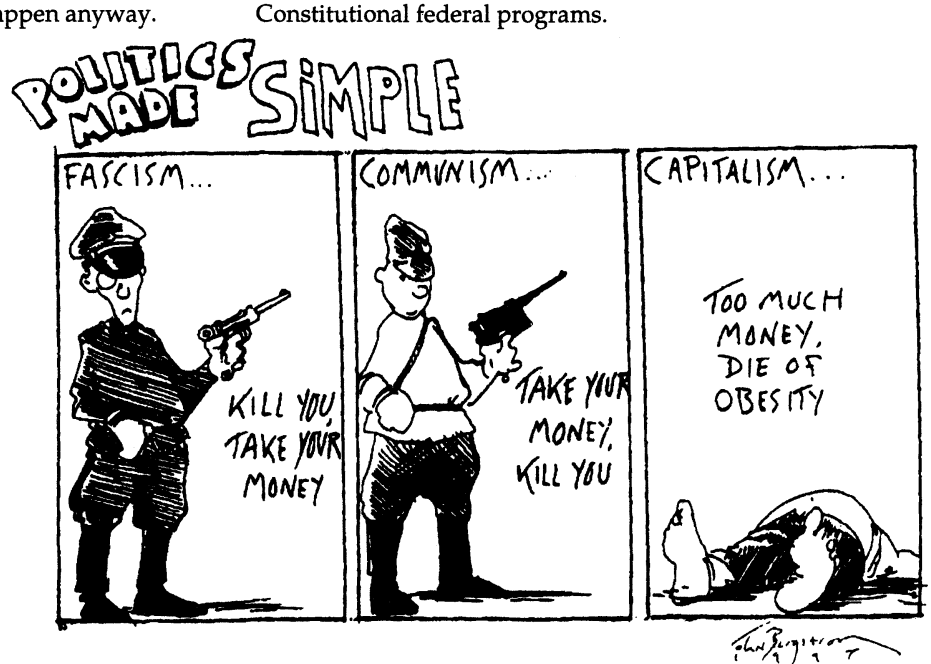

And so the politicians will continue to dangle one kind of bait or another before us — confident that they can keep us jumping indefinitely, without having to actually deliver anything to us. —HB

Broken English — The first question of a poll sent out by U.S. English, Inc. has an urgent tone: "Should English be the official language of the United States? It is absolutely critical," USE's board chairman writes, "that you answer the 10 brief questions on this POLL and return your answers to me immediately."

The words "absolutely critical" suggest something about the organization's standards of accuracy. So does the sham of a poll, with its leading questions. USE says it needs the results to prove to the politicians that the American people support U.S. English's objectives. "If you agree, PLEASE complete your POLL and rush it back today . . ." (Tacit qualification: "If you don't agree, don't bother.") And, of course, send money.

It is ironic that self-appointed defenders of the English language should abuse it by writing with too many capital letters and underlinings, in the style of Queen Victoria. More important, what does it mean to adopt an "official language"? It is no answer to trumpet resistance to "the other side," which is "fighting to make America officially multi-lingual." Just what is U.S. English's purpose? The actual text of the law it proposes might be revealing; but no copy was enclosed.

Is it too cynical to suggest that some employees of cause-oriented organizations exploit niches in the not-for-profit market to enjoy comfortable jobs? Conceivably some donors to U.S. English are venting resentment or fear of immigrants and ethnic minorities.

Sure, people living in the United States should know English for their own good. That's why virtually all immigrants to the U.S. learn English within a generation. But why should the law try to force English on them? What provision of the Constitution authorizes the federal government to try to make people use English? Sure, a well-functioning society presupposes that its members share certain basic values, like honesty and respect for one another's persons and property. Let us not, though, confuse such values with speaking a common language, desirable as that may also be.

Like so many organizations and interest groups, U.S. English is calling for federalizing matters better left alone. It calls for still more paternalistic intervention into the lives of individuals. It calls for still more noble-sounding but vague legislation that provides pretexts for lawsuits and work for lawyers. It illustrates a familiar mind-set: all sorts of actual or imagined problems can be set right by legislation; Washington is omnicompetent. It forgets the sound maxim, "If something ain't broke, don't fix it." —LBY

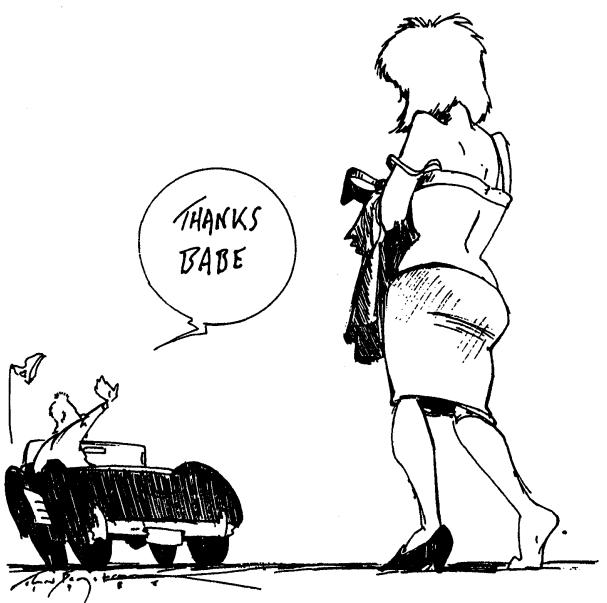

BILL CLINTON AND THE WOMAN VOTER

Moscow on the Willamette — Oregon passed statewide land-use planning laws in 1973. Though they have clearly failed to prevent sprawl, they have generated a public-relations effort that has led to recent passage of similar laws in Washington and British Columbia, and their consideration in other states.

The legislators who are passing these laws have clearly failed to learn the major historic lesson of the second half of the twentieth century: that government planning does not work. Planners in Oregon, Washington, and other states and provinces are trying to do to private land what the Soviet Union tried and failed to do with its entire economy: achieve efficiency through central control.

When I compare American planners with Soviet communists, I am not in any sense red-baiting or claiming that land-use planners are communists. I am saying something much worse: that the reason the Soviet Union collapsed is that the Soviet communists were planners. —RO'T

A place in history — I really appreciate Bill Clinton. Not just because of the entertainment value of watching the net close over the circus act he calls an administration, but because of his solid record of accomplishments in office. President Clinton has cut more social services than Ronald Reagan ever dreamed of, he has reduced the number of federal government employees, he has destroyed any chance of medicine being socialized in the United States, and he ended 40 years of Democratic dominance in the United States Congress. So far as I'm concerned, his place in history is secure. Adding accomplishments like "the first First Lady convicted of a felony" and "the first President to be impeached and convicted" would just be showing off. —JSR

Volunteerism, Inc. — Colin Powell has bypassed the presidency and gone straight into the role of ex-president — that pompous breed that refuses to go off into the sunset, but continues to inflict its presence on a helpless and annoyed populace. In late April, Powell met with most of the other ex-presidents in Philadelphia to wax flatulent about "volunteerism."

What's volunteerism, Powell-style? Well, don't get all worked up and go read to a neighborhood child or help a single mother fix her car. And don't look for Powell and George Bush to be feeding and changing crack babies in the near future. That's not how it works. I gagged through enough articles in *Time* and *Newsweek* to learn that "volunteering" requires a coordinated top-down effort from large corporations and charitable foundations. It consists mainly of press

release/photo opportunity events such as KMart providing money for "drug education" and Pillsbury launching a "mentoring program" in conjunction with Big Brothers/Big Sisters — programs that can be launched with a plethora of good PR today, accompanied with a guarantee that no one will care about the results five or ten years down the road.

The spirit of this sham was captured by an ad in *Newsweek*, placed by the Nickelodeon cable channel. The ad extolled something called "The Big Help," which serves to "connect kids to their communities through volunteering" by having them call in and pledge their volunteer time during a "Big Help-a-Thon."

If that's what volunteerism amounts to in 1997 — a cable TV network connecting "kids to their communities" — then I think I'll take Big Government. —CS

The new L-word — Speaking before an audience of journalists and TV newscasters some time back, Bill Clinton japed that his staff had made a list of suggestions on how he could break through the media "din." At the top of the list: "We'll take a cue from *Ellen*. I'll announce at the last press conference of the year that my character will become a libertarian . . ."

The "coming out" espisode of *Ellen* was its funniest in a long time. A Clinton administration "coming out of the closet" as libertarian may not be more amusing, but it would bear watching.

The humor of the situation was not lost on the people in the Libertarian Party. LP Director of Communications Bill Winter gave Clinton "credit for one thing: He managed to work into one sentence two words not normally associated with Bill Clinton — Libertarian and character."

Of course, as Mr. Wolf observed in *Pulp Fiction*, "because you *are* a character doesn't that mean you *have* character." The inadvertent slip in Clinton's quip was a near admission that his character is mere persona, and an inconstant one at that, easily rewritten for how it might play on TV screens across America.

Back in the Gutenberg Dimension, Molly Ivins wrote that "Teen-agers are particular targets of oppression [during] this session [of the Texas legislature]. If I were a teen-ager, I'd become a Libertarian immediately." Molly then went on to list the draconian ways in which the Texas solons are working to curb the freedoms of Texas youths. Unlike Clinton, Ivins didn't bring up libertarianism as a joke; she seems to be serious, sincerely concerned about the freedoms of young people. Alas, this is not something one can say about Clinton, who every other month comes up with idiotic plans like a national curfew for minors.

Maybe she's mending her ways. Her usual method is to fight Republican tyranny by ignoring Democratic tyranny. Perhaps she "outed" herself as a lib-symp in exasperation with the loathsome civil liberties record of Texas Democrats, who are at least as bad as their Republican tweedledee. Indeed, the author of one of the bills Ivins pillories is a Democrat, though she doesn't mention it.

Of course, Ivins has never been a libertarian, closeted or otherwise. And her faith in government persists, unabridged by a deeper committment to individual liberty. "I don't know, kids," she confesses, "I'm not sure that running away to Louisiana is the solution. If I were you, I'd just wait until I was 18 and vote against these guys." Of course, if they vote Libertarian, as she nearly suggested a few paragraphs earlier, they'll still wind up with a Republican or Democrat as their "representative." It is sad that Ms. Ivins can't come up with anything better than a lame "rock the vote" plug.

My advice to teens is to take the liberties that they deserve, accept responsibility for the deeds they do, and not put much stock in the writings of pundits or the yammerings of politicians. In short, do what Ivins and Clinton have yet to manage: grow up. —TWV

No inconsistency here — Back in 1973 a public opinion poll found that 28% of respondents thought the Senate committee investigating Watergate was just trying to discredit Nixon, and 57% thought the committee was trying to uncover the facts. Recently a poll found that 28% of respondents think the Senate committee investigating political fund raising is trying to uncover the facts, and about 60% think the committee is just trying to discredit the Clinton administration. I don't see that the alternatives are mutually exclusive, as it seems quite likely that making known the facts will itself discredit the Clintonistas. Unfortunately for the Republicans leading the investigation, the facts will discredit them, too. —RH

Fool's gold — In 1916, when Congress considered legislation to authorize a commemorative silver half dollar to honor William McKinley, someone pointed out that McKinley had been elected president on the sole issue of the gold standard, and his opponent, William Jennings Bryan, had run on a platform of inflating the currency by unlimited issuance of silver. Wouldn't it be a little inappropriate to issue a silver commemorative to the great advocate of gold? Congress quickly amended the measure, and a gold dollar was issued to commemorate McKinley.

The present Congress is not so smart. On May 16, the Mint started taking orders for a $5 gold coin commemorating Franklin Delano Roosevelt, the man who took the U.S. off the gold standard, forced Americans to "surrender" their gold to the government, and made ownership of gold a criminal offense. He did all this so that he could have a free hand to inflate the currency of the United States, whose money had remained quite sound until he became president. Issuing a gold coin to honor FDR is about as appropriate as Israel's dedicating a public shower to honor Hitler.

What would be an appropriate way to honor FDR? I am tempted to suggest a commemorative made of paper. But

"I'm sorry about the fly in your soup, sir, but our policy is 'No Substitutions.'"

that's not quite right. What's really needed is a commemorative made of something that constantly shrinks, like the value of the dollar that Roosevelt forced into our nation's commerce. —RWB

In an ironic vein — Appearing in my university mail box was a notice from the local chapter of the Red Cross announcing that blood supplies have run dangerously low, and that during the following week bloodmobiles will pay a three-day visit to the campus in hopes of rectifying that unfortunate situation. Fair enough; I have more than enough blood for my own use and can think of an interesting way in which I might replenish the odd pint or two. But further perusal of the notice revealed that it was not primarily my own fluids that the Red Cross craved but rather those of my students. The notice urged me to announce the details of the drive to my classes and suggested that I offer extra credit to students who donate.

Extra credit? The pedagogical rationale for deeming a visit to the Red Cross commensurable with demonstrated competence concerning the metaphysics of Maimonides struck me as obscure, not to mention bordering on the academically disreputable. Over the years, the Red Cross has passionately championed its model of free donations against the scourge of commercial operations that buy blood for dollars. It's truly breathtaking to see it begging third parties to bribe potential donors.

On second thought, perhaps this project is educationally relevant to the syllabus of a course on Jewish philosophy. How better to give clear meaning to that recondite concept, *chutzpah*? —LEL

Monumental liar — In a cheery letter to two of his friends, Albert Jay Nock wrote that the demise of Franklin Roosevelt "is the biggest public improvement that America has experienced since the passage of the Bill of Rights," and suggested a celebration-luncheon at Lüchow's. Sadly, there are few such stalwart Roosevelt-haters as Nock left. The political class has reached a diametrically opposed consensus. FDR's praises are sung by both the *Wall Street Journal* and the *New York Times*, and thinkers of the caliber of Arthur Schlesinger and Newt Gingrich are agreed that Roosevelt was one of our truly great presidents. To top it all, on May 2nd, to universal hosannas, the Franklin Delano Roosevelt Memorial was dedicated in Washington, D.C.

Situated on a 7.5 acre site by the Tidal Basin, the project includes an 800-foot wall, six waterfalls, outdoor galleries, and nine sculptures, among them one of the Great Man himself, and another of Eleanor (*la boca grande* — Big Mouth — to use Westbrook Pegler's name for her, perhaps for the last time in print). It is, as the *Times* happily reported, "a memorial laced with a zest for the power of government." The current administrators of that power, which Roosevelt did more than any other twentieth century president to create, lent their plundered support: $42.5 million was voted by Congress, with bipartisan enthusiasm. Coming generations of school children will learn history from this monument.

In our current open society, where all points of view fight it out freely in the public forum, the only dispute has been over whether Roosevelt should also be depicted in his wheelchair. I believe he should not be. While in office, with the connivance of the press, he prohibited any photographs exposing his polio-crippled condition. Thus, from the start, the statue of a chairless Roosevelt sets exactly the right tone of calculated deceit. Of course, avoiding drawing attention to his affliction was a very minor deception in a career that contained so many. In fact, what is missing in this vast taxpayer-funded junkyard is what would be most characteristic of the man it honors: a wall of Roosevelt's Greatest Lies.

I propose a contest to make good this grotesque omission. Obvious entries would be his 1932 statement that he would cut government spending and reduce the bureaucracy; his many avowals, in 1940 and 1941, that he was working night and day to keep us out of war; and his assertion, on returning from Yalta, that he had conceded nothing to Stalin.

My own favorite is a statement at his press conference of September 30, 1941, when he was trying to sell the public on Lend-Lease to Soviet Russia. According to FDR, Article 124 of the Soviet Constitution of 1936 guaranteed "freedom of conscience, freedom of religion. Freedom equally to use propaganda against religion, which is essentially the rule in this country, only we don't put it quite the same way."

So, in 1941, Roosevelt informed the American people that the Stalin Constitution secured religious freedom in the USSR, just as the Bill of Rights did in the United States. And the old fraud gets away with it, because history has certified him as one of the truly Great Presidents. He has a memorial in Washington to prove it. —RR

Looking bad all the way to the bank — You may never win the Publishers Clearing House lottery, but if you're a member of an officially recognized minority, you might one day get a windfall without even trying. For example, 1,348 lucky individuals will soon get a check for about $63,000 apiece. For doing what? Because they happened to be salaried black employees at Texaco sometime between 1991 and 1996. This is the result of a $176 million judgment against Texaco in a "discrimination" suit that never proved that any discrimination occurred. And none of the beneficiaries even has to allege that he was discriminated against.

The press reported that secret tapes quoted Texaco executives referring to blacks in insulting ways. Comedians had a field day ridiculing the company. It turned out that the actual statements on the tapes weren't demeaning to blacks, but the damage was already done. The longer the affair dragged on, the more damaging to Texaco. So it paid the extortion and will try to bury the scandal from view as quickly as possible.

The attorneys who instituted the class-action lawsuit will get $29 million for their efforts. But it would be a mistake to blame them — or lawyers in general — for all this. So long as government is there to bestow such rewards, there will be people using the system to get them. Don't blame farmers for the farm program or lawyers for large settlements. Blame the politicians that pass the laws that provide for the subsidies or facilitate the lawsuits.

Government is adept at one thing: it creates disasters and deflects the blame to others. Thus, corporations and unions are criticized for inflation caused by the Federal Reserve, health-insurance companies are blamed for practices inflicted on them by government, and multi-national companies are

denounced for moving offshore to escape oppressive government regulations. And politicians are cheered for riding to the rescue with reforms that will just make the problems worse.

In a free market, companies are kept in line by competition. But government has perverted the natural checks and balances, and any group that takes advantage of this perversion looks bad — whether that group be lawyers, insurance companies, or someone else. Instead of a free market we have subsidies, litigation, and a $176 million lottery. —HB

Vargas girls — Psyche was condemned by the gods for unmasking her lover, Eros. Mario Vargas Llosa, a Latin American writer with a fine sense of the erotic, recently attempted to unmask Eros in a very different way. In an interview with the Colombian news agency Colprensa, Vargas boldly asserted that "Eroticism is perfectly defined. It's the enrichment of physical love with the help of the imagination."

It is hard not to dispute this statement. Can something as complicated and mysterious as the erotic be subject to a "perfect" definition in one simple sentence? Vargas, it seems, has wandered onto holy ground without first removing his pundit's sandals; he would have done better to avoid pronouncement, and stick to fiction.

The interview was picked up by the international press in part because the writer not too long ago *did not* stick to fiction: he ran for public office (he lost to Fujimori in Peru, in 1990). But the real interest of that interview was Vargas's attack on America's middle-brow giants, *Playboy* and *Penthouse*. Such pornography is "the total trivialization of eroticism because it doesn't allow individuals to enjoy their own creativity . . . That's what I see as symbolized by magazines like *Playboy* or *Penthouse*. They reflect a programmed, banal, superficial and, quite often, very tasteless form of eroticism."

Well, I don't really want to defend the "taste" of such glossies, but the notions that most people, without exposure to pornography, experience the erotic in truly imaginative ways, and that these magazines somehow prevent people from imaginatively experiencing romantic and sexual love, strike me as unsupportable. One of the reasons pornography is popular is that most people lack much imagination. Because they lack imagination, they greedily devour what Vargas calls "an industrial product imposed on society through publicity."

Vargas suffers from the usual failings of modern elitists: outrageous optimism and paranoid pessimism. He seems to expect far too much from the mass of humanity, and, at the same time, sees simpler habits and arts as somehow a threat to sophisticated practices. No elitist should expect the average man to follow in his or her footsteps, in art or in sex. And the fact that some kid is jerking off to a *Penthouse* pictorial while listening to the music of AC/DC in no way interferes with, say, an aesthete's pleasure in reading Vargas Llosa's *In Praise of the Stepmother* while listening to the music of Olivier Messiaen.

As for defining the erotic in literature, I'll stick with what seems to me the obvious truth: erotic literature is pornography that we, the cognoscenti, like. High-brow Vargas may despise the genius of low-minded Hefner or Guccione, but if he thinks readers in a world *without* Hefner and Guccione would be enriched by his own perceptive imagination, he is sorely mistaken. The mass of such marginal readers would skim his novels for the naughty bits and ignore the refinements of sense and sensibility, as they did in days of yore, when readers flocked to books such as James Branch Cabell's *Jurgen* simply because the New York State Society for the Suppression of Vice had declared it "offensive, lewd, lascivious and indecent."

Warning to Vargas: the enemies of the erotic often have the greatest imaginations of all, for their judgments rarely have much to do with reality — as any frustrated porn-seeker must have felt while thumbing through the corpus of Cabell's droll comedies. —TWV

Coffee, tea, or safety? — The FAA announces that it is considering making public its airline safety evaluations, and the companies fly into a tizzy. That, they protest, might lead to competition over who is most likely to get passengers to their destinations in one piece! Far better, presumably, that they continue to hawk their services on the time-honored basis of who has the catchiest jingle or the most perky stew — oops, make that "flight attendants." At last word, the FAA is reconsidering.

Isn't it good we don't have to rely on capitalists for the defense of capitalism, but can instead consign that task to the intrepid editors of *Liberty*? —LEL

Disentangling alliances — Thanks to Bill Clinton and Helmut Kohl's show of persuasive skills in their meetings with Czar Boris of Russia, and maybe also thanks to a few billion dollars in what would in other cases be called development aid, there seems to be no obstacle left on the way to NATO's expansion into eastern Europe. Probably within the next two years, Poland, Hungary, and the Czech Republic will join the Atlantic alliance, and soon the gates will be opened for Bulgaria, Rumania, and the Baltic Republics.

American isolationists see this as a new "entangling

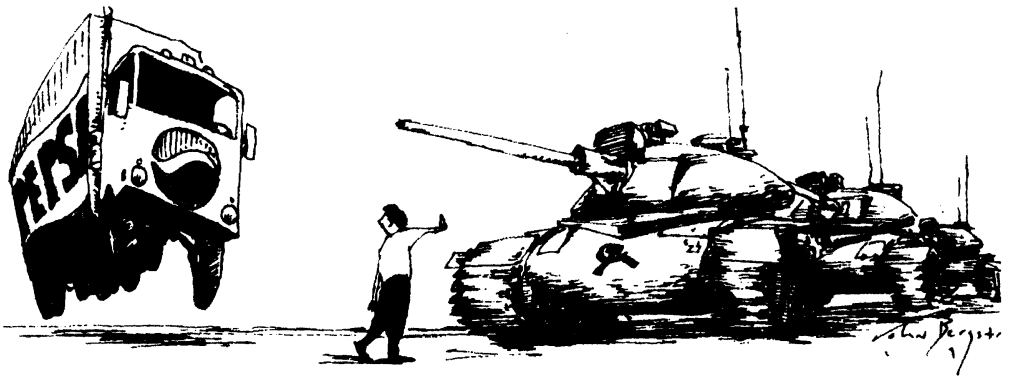

TIANANMEN '97

alliance," with military and financial obligations which are not in the interest of the US. They should re-think this view. During the Cold War, many Americans were convinced that an attack on, for instance, West Germany would violate the vital interests of the US. But almost nobody will think the same of an attack on Estonia or Hungary. The acceptance of new members will thus attenuate the obligation felt by NATO members to support each other in case of attack. NATO expansion would drive a wedge between American and European security interests, and distance the US from its current allies. American involvement in potential European wars will become much more unlikely. —OB

I found it at the movies — A few minutes into *A Sense of Life*, Michael Paxton's new documentary on the life of Ayn Rand, I realized that his film must have had the blessing of the Rand estate. The film's most prominent talking heads are Leonard Peikoff (who holds the property rights to her estate and is her anointed "intellectual heir") and Peikoff's associate, Harry Binswanger. Paxton offers no interviews with people critical of Rand, and he has strongly downplayed the influence of psychologist Nathaniel Branden on Rand's character and thinking.

Nevertheless, Paxton's film is an excellent documentary, both technically and philosophically, and its title aptly reflects Rand's main contribution to philosophy and literature. Paxton provides a great deal of material about Rand (much of it new, at least to me); and even some of the more familiar material took on greater depth due to an impressive array of pictorial evidence. As Paxton said in a presentation after the screening I attended, Rand was a "pack rat" — and whatever the limitations of "authorized access" to the Rand estate, it did allow for some interesting shots of Rand and her numerous associates, hangers-on, followers, and friends.

The first part of the 140-minute film delves deeply into her early life, with most of the film set before her first novel (*We the Living*) was published in 1935. Rand's years as a Hollywood screenwriter are covered in great detail. In *The Fountainhead*, Rand's hero, Howard Roark, destroys a housing project that was erected from a despoiled version of one of his designs — an act that takes on a special meaning after seeing *A Sense of Life*'s depiction of how Rand's screenplays were watered-down, betrayed, or compromised.

Paxton's portrait of Rand is surprisingly warm and passionate. She is allowed full space to express the basic tenets of her philosophy of Objectivism, as well as her famous hatred for altruism and "mysticism" (a term she equates with religion); but it was her expression of her faith in man that I found profoundly moving. Even her advocacy of "selfishness" seemed somewhat communitarian; clearly Rand believed that it was only in a community — a voluntary one, of course — that one's highest desires could be fulfilled. Also touching was the film's depiction of Rand's affection for Frank O'Connor, her deep sense of loss at his passing, and her courage in facing her own death.

By the end of *A Sense of Life*, I realized I had let my previous deep respect for Rand lapse in the last ten years. But Ayn Rand has changed my life for the better, and *A Sense of Life* provides an appropriate reminder of the enormous difference she made for me and for thousands of others.

—*guest reflection by* Gary Alexander

You are how you eat — Even though I ate at the Beijing's Great Hall of the People at least twice back in 1987, and generally enjoyed a VIP-level experience, the food was nothing to write home about. But during a recent trip to China I discovered that things have changed, and not just in Beijing and other big cities. Out in the farthest boondocks there are restaurants in villages that are barely big enough to have a name; all along the two-lane truck routes we drove there were hundreds of new buildings, many housing new restaurants. We stopped at a few, including the poetically named "Drink Too Much, Have Excellent Happiness Inn," and the food was uniformly excellent. If you stay away from delicacies, which drive up the price, an excellent meal with beer can generally be had for around two dollars a head.

The Chinese make a big deal out of banqueting together when business is being conducted, so I had perhaps a half-dozen official meals, which were heavy on local delicacies for the benefit of the visiting *gwei lo* [foreign devils]. Scorpion was a favorite; about 50 of the creatures (flash fried, but life-like) swarmed a mound of rice crisps. Although intimidating, they were very tasty. The chicken feet and duck's foot webbing were not to my taste. The shark skin and fish's air bladder were chewy. Donkey tasted, predictably, like horse. Dog was a dark meat, very rich and soft; nobody much cared for it.

I find people's eating habits offer an insight into other aspects of their personalities. In this respect China is disturbing. China is famous for things like the "water torture," one variation of which is to tie the victim down, and for days drip water, one drop at a time, on his forehead; it becomes excruciating. Another is the "Death of a Thousand Cuts," wherein the subject is wrapped tightly in chicken wire, and a razor used to slice the protruding skin off, one section at a time. Another is to cut off one of the victim's joints each day, starting with the fingertips; a confederate of the torturer weaves a convincing tale, making the victim believe that if he just holds on, help is on the way. Of course, many cultures, from pre-Columbian America to medieval Spain, have gained notoriety for this kind of thing. But many others — including our own — not only don't have a reputation for it, but have an outspoken aversion to it.

These unfortunate proclivities to cruelty evidence themselves in Chinese cuisine. One delicacy that's no longer avail-

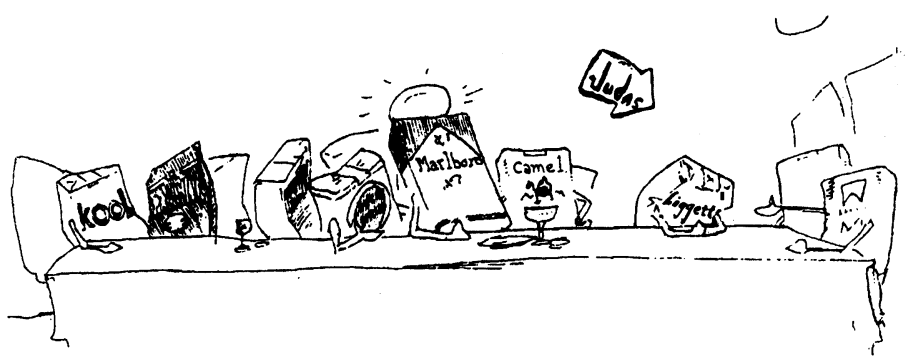

able, but only because of a lack of supply, is monkey brain. The troubling part is the way it's traditionally served: securing the monkey under a special table, and removing the top of its skull while the creature is still alive. I haven't seen this done, so perhaps the story has been romanced. But there's a ring of truth to it that becomes apparent when you're served "drunken" shrimp, a dish with shrimp that still alive — or a fish dish we had, where a good-sized live fish is dipped into boiling oil — but only up to its gills. The fish is kept breathing, gasping on the dish while diners tear at its body with chop sticks.

I'm actually something of an animal lover, and don't approve of this aspect of Chinese culture. On the bright side, though, it's evidence that it's going to be a long time before the animal rights people gain any foothold here. The Chinese like nature as much in theory as anybody, but the pressures of 1.2 billion people make the practice of maintaining it somewhat problematic. In the hundreds of miles we drove through the countryside, we saw a grand total of two birds, zero mammals, zero reptiles, and zero amphibians in the wild. If it moves, it' s eaten, end of story. —DC

Royal reception — A decade ago, for some unfathomable reason, I visited the World's Fair in Vancouver. The day I arrived, the entire fair was shut down for two hours so that Prince Charles and Princess Di could visit the exhibits without suffering the indignity of waiting in line with the *hoi polloi.* The result was that a few tens of thousands of people had to wait around with nothing to do. As far as I could tell, this annoyed none of Prince Charles' and Her Bulimia's subjects.

In February, at the Auto Show in Chicago, Vice President Al Gore and some politician from Russia (its Prime Minister, I think) arrived late for a private visit, causing a 40-minute delay in opening the show to the public. When the Veep and the Russkie finally arrived, they attempted to address the crowd as per their schedule. The crowd turned ugly and hooted down the politicians.

Some days I'm proud to be an American. —RWB

A prophet in her own country — April 24 was the fiftieth anniversary of the death of Willa Cather, America's most distinguished woman of letters.

One would think, given Cather's character and interests, that she would be the hero of today's multiculturalists and leftwing litterateurs. She was a woman who had to struggle hard for success: she was 38 years old before she published her first novel, partly because she had been too busy working to support herself; and the heroes of her own stories are often poor, struggling young women. She was, in the awful 1990s phrase, "culturally marginalized" in a number of respects; she was probably a lesbian and certainly not eager to conform to contemporary ideas of woman's role. She respected other forms of "marginality," too. She championed the rights of immigrants to their own culture and was among the first important writers to draw inspiration from the distinctive Spanish-Indian culture of the Southwest. She had, besides, a considerable amount of feeling for the community in which she was reared, and performed many acts of private charity.

This is a record that should qualify Cather for sainthood, either in a radical-feminist heaven or in a broader but duller communitarian one. Well, it hasn't. A few feminists are attracted by the lesbian factor, and a few multiculturalists by the immigration factor, but the rest of them regard her with what the eighteenth century used to call "the utmost indifference." Why? One reason is that Cather was the kind of person who would say the kind of thing that she said, as follows.

Cather's politically "progressive" friend Elizabeth Sergeant once reported to her that, thanks to the government, a new day had dawned in a certain New Mexican village, and "all the men were laboring on needed highways at WPA wages." Somehow, this good news failed to put Cather in a celebratory mood. She informed Sergeant that "nobody, young people especially, should be helped," and, in case you're wondering about artists and writers, "no artist or writer either. Endowments, frescoes for public buildings, travelling fellowships be damned." Cather believed, instead, "in the early American virtues, courage, sturdiness, tough endeavor."

This sort of thing just could be the reason why Cather is not likely to win any Robert Mapplethorpe Humanitarian awards from the National Endowment for the Arts. It's also reason for thinking that Cather actually possessed the virtues that she esteemed. —SC

Little girl lost — The idea of filming Vladimir Nabokov's great novel, *Lolita,* seems a fool's notion. How does one impart a sense of the Russian-American writer's simultaneously ironic and ecstatic prose? Or transfer to the screen his masterly evaporation of the reader's empathy for the narrator halfway through the book? Or translate the parodies of Poe and Eliot into cinematically interesting subtleties? And these problems are, of course, only the proverbial tip of a very imposing iceberg.

Stanley Kubrick's 1962 attempt was interesting, but a failure. The performances by James Mason (as "Humbert Humbert"), Shelley Winters (as "Mrs. Haze"), and Peter Sellers (as the improbable lover "Clare Quilty") were all marvelous; and the title nymphet played by teenager Sue Lyon was as good as 1962 film morality allowed. But truth is, *Lolita* is a tale about pedophilia, and Lolita ("Dolores on the dotted line") is, in the book, a "nymphet," a girl on the cusp, *a twelve year old.* This story could not be filmed in 1962.

It *can* be filmed today, this time with the title role played by a much younger looking actress named Dominique Swain. But, apparently, it can't be *distributed,* at least not in America. The land of the free is obsessed, you see, with an imagined childhood innocence, and does not hesitate to persecute all who would break the taboo drawn around "children" (variously defined). I can imagine *Lolita* having as much trouble getting published today as it did back in the 1950s. And a film? It is not for nothing that the current French-made flick, starring Jeremy Irons as the pedophile-turned-murderer Humbert Humbert, has not been picked up by any American distributor.

Amusingly, the hidden message of *Lolita* would shock our Comstocks far more than the well-known surface story. The tale is that of aged, corrupt Europe out to molest young, innocent America, only to find the much fantasied virgin nation far more corrupt than the old aesthete could possibly have imagined. On a less symbolic level (a level that

Nabokov didn't approve of, anyway), the nymphet turns out to be far more knowing, much less romantic, and far more vulgar than the reprobate Humbert Humbert. His tragedy — which Nabokov treats as a dark comedy — is that of a person whose ideal is shown to be brummagem.

Caught between Nabokov's aestheticism and today's moralizing culture, the lessons I can draw from this current controversy are somewhat limited. So I'll conclude with a definition and a hesitant moral.

Pedophilia: n. That which one is expected to give up, upon ceasing to be a child.

Advice: readers of literature, instead of seeking to translate their loves from the realm of perfection into the realm of the vernacular, should put away childish temptations — such as cinema — and let fantasies remain glorious where they *can* be glorious: in books, and in their heads. —TWV

The Murderer in Chief — Living in central Nevada, some 100 miles from the nearest movie theatre, I am generally months behind everyone else in keeping up with the latest movies. But even out here, I've noticed that ads for a certain kind of movie are coming so fast and heavy that one can barely keep up. I mean, of course, films about violence, murder, and mayhem at the White House. Consider just the most recent examples:

Independence Day — Who could forget this movie? Well, nearly everyone. But at least everybody cheered the scene in which the White House is blown up.

Absolute Power — Clint Eastwood discovers the shocking fact that the Prez is a murderer. Of course, Clint isn't going to let him get away with it. The scene where the Prez gets what is coming to him is even better, I hear, than aliens blowing up the White House.

Murder at 1600— I saw an ad for this one on TV just yesterday. Surprise, surprise — it's a tale of murder at the White House.

Apparently inspired by the Clinton presidency, Hollywood producers are trying to jump on any book or film treatment that deals with corruption in the White House. Reagan-Bush speechwriter Douglas Mackinnon's new book *First Victim*, for example, which deals with wife abuse, was requested prior to publication by 14 Hollywood studios or producers.

We all know that the feds live in terror of cyberspace, encryption, hackers, and their own incompetence in dealing with technology (as evidenced by the multi-billion dollar IRS computer debacle). But considering how these films are likely to affect public perception of the Prez and his cronies, perhaps they should be more concerned with the relatively antique technology of the silver screen. —SS

A streetcar named pork — The largest committee in the House of Representatives this year is Transportation. And the largest subcommittee in Transportation is Surface Transportation, which — unusually — includes practically every member of the full committee. This smells of pork.

In 1997, Congress will re-authorize ISTEA, the Intermodal Surface Transportation Efficiency Act, first passed in 1991. This little-known law ties the distribution of federal gas taxes to urban air quality. Cities with dirty air must spend more on mass transit than highways.

Many cities are spending their federal funds building streetcar lines (fashionably renamed "light rail"). This is exactly the wrong strategy. A single light-rail line costs hundreds of millions of dollars yet carries hardly any passengers because it doesn't go where most people want to go. Since money is spent on light rail instead of highways, highways get more congested. And since slower cars pollute more, this leads to dirtier air. But that's O.K. because ISTEA rewards cities with dirty air by giving them more money.

Buses can carry more people at far lower cost than light rail. But light rail generates thousands of local construction jobs and millions in local profits. So members of Congress are lining up to get light-rail boondoggles for their cities written into the ISTEA re-authorization.

Representative John Kasich and Senator Connie Mack have proposed to end this by eliminating most federal gas taxes and letting states fund their own programs. But that won't happen because surface transportation is now the biggest porker in Congress. —RO'T

Arms and the boys — From a moral point of view, I find anarchy immensely appealing. After all, as a venerable adage instructs us, I was not born with a saddle on my back to be ridden, nor you with spurs on your feet to goad me. My difficulties with anarchy are entirely practical ones.

These difficulties came home to me with special force during the recent turmoil in Albania. (Never mind that the events in question were not a spontaneous uprising of Oppressed People but, according to Mark Almond, a caper instigated by a "coalition of unreformed Communists and the Albanian Mafia"; that's another story.) With the authorities in disarray, the army in retreat, and the citizens breaking into armories and barracks, I could scarcely keep my phlegmatic spirits from soaring.

But reports of boys as young as nine years old making off with automatic rifles and hand grenades gave me pause. Those who have had close personal dealings with young human males will understand my misgivings as I contemplated what one might reasonably expect from 13- or 14-year-old boys who are armed to the teeth.

As the outbreaks subsided, local councils in the cities urged those under 18 to return the weapons they had recently taken. Evidently, hardly anyone did. Said one local, "It makes sense. If you have no job, no money and everything looks bleak, then — bang — you have this gun and power and authority. Who would give it up?" The question answers itself. —RH

Justice socialized, justice denied? — Imagine a legal system with no police and no public prosecutors. If you see your stolen horse in the next village, it is up to you to arrange for the local (unpaid) constable to come with you and make the arrest. When the case goes to trial, it is up to you — or anyone else who wants the job — to prosecute.

It is hard to imagine how such a peculiar system could work — why, for example, would someone accept the cost and trouble of prosecuting a criminal case? In our civil system, the victim prosecutes — and if he wins collects. In the

criminal system I have just described, the victim prosecutes and, if he wins, gets nothing.

Yet it did work. We do not know exactly how well — criminal statistics are scarce until recent times — nor whether it worked better than some alternative would have, but it clearly worked better than most of us would expect. England in the eighteenth century was a prosperous and successful society, busy with the early stages of the Industrial Revolution at home and the British Empire abroad.

While the British made do with such bizarre arrangements, their neighbors across the channel had a system of law enforcement more to modern tastes: paid professional police and public prosecutors. While the English system went blithely on, it was the comparatively modern legal system of the *ancien regime* that collapsed into the chaos of the French Revolution.

One puzzle is why these institutions worked as well as they did; another is why they happened. Why didn't the British adopt something more like the French (and our) system for enforcing criminal law?

The seventeenth century was, for England, a time of political chaos and turmoil — a civil war, the overthrow of the monarchy, military dictatorship under Cromwell, a successful coup against Cromwell's son, restoring the monarchy, and finally a successful coup against the restored monarchy — the "Glorious Revolution" of 1688. In the course of that century, the English had lots of opportunity to observe the ways in which government power could be abused for political purposes. One lesson was clear. If prosecution was controlled by the Crown, the King's friends could get away with murder. The solution was equally clear. A system of police and public prosecutors might do for Frenchmen, but in England, any Englishman could prosecute any crime.

I was reminded of these historical curiosities by some recent news stories. As we all know, there are two people in Florida who have publicly confessed to committing a felony — and are still walking around free. I expect that situation to continue. Intercepting and recording a cellular phone call is a Federal offense — and the federal government, including the department of Justice, is controlled by the political party for whose benefit that particular felony was committed.

The Martin case is a fairly minor, although highly visible, example of the risks of having criminal prosecution controlled by the state. I can think of at least three cases, over the past thirty years, where the King's servants committed rather more serious offenses. In two, both arguably involving murder by law enforcement agents — the Black Panther killings of the late sixties and the more recent Ruby Ridge incident — the survivors filed civil suits which were settled out of court for large sums of money. In the third case, Steve Jackson sued the Secret Service for a particularly egregious violation of federal law — and won. Criminal prosecution is controlled by the state; civil prosecution is controlled by the victim.

It is easy, looking backwards from our rich and technologically sophisticated world, to assume that the reason people did things differently in the past was that they were too stupid to think of our superior institutions. But there is little evidence that intelligence, or for that matter wisdom, has been trending up in recent centuries. The eighteenth century English saw, by direct observation, the modern approach to enforcing criminal law. They also saw what was wrong with it.

(Readers interested in a more academic discussion of the history of English law enforcement will find it in "Making Sense of English Law Enforcement in the Eighteenth Century," in *The University of Chicago Law School Roundtable* (Spring/Summer 1995) and webbed at http://www.best.com/~ddfr/Academic/England_18thc./England_18thc.html.) —DF

Blue genes — The more scientists study sex, the more they appreciate that the give and take between males and females isn't exactly a battle of the sexes, because neither sex can pass on genes without the other's help. But males attempt to maximize their genes' chances for survival, and females attempt to do the same for theirs. Male insects, for example, put copulatory plugs in females after inserting their semen, and female insects respond by removing them.

The basic evolutionary deal, simply put, is: the female needs resources to support herself and her offspring, while the male supplies those resources in order to spread his own genes. When females get those resources from a third party — e.g., the government — the equation changes dramatically. In providing those resources, the state has no interest in propagating a third party's genes — it is looking for votes, a rather different matter. The mother votes; her propagated genes do not (at least not for a long time, hence not for extant politicians).

Now that government largesse (e.g., welfare of various sorts) has replaced men in the reproductive lives of many women, however, such evolutionary constraints have largely been removed. As Robert Nelson pointed out in the March 1997 *Liberty* ("Bill Clinton, welfare dad"), women no longer need to rely on men for economic support and physical security.

At first glance, the welfare state may seem to offer a real evolutionary advantage for the genes of females who are able to propagate their genes endlessly without more than the most token help of a male. But a child raised without a man's assistance often fails to be socialized properly, and this diminishes his prospects for long-term survival. And as we've all seen, fatherless boys often become criminals (Bill Clinton, for example).

I am certainly not one to say that evading Mother Nature's "plans" is a bad thing. After all, I would l ike to live a lot longer than Mother Nature provided. However, it does appear that replacing fathers with government is likely to harm both kids and the society in which they grow up. —SS

Send in the Clausewitzes — The other day, while perusing the *Letters of Ayn Rand*, it occurred to me that although many were written during World War II, there is no reference in them to the ongoing war, hardly even to national policy. Letters written shortly after Pearl Harbor, D-Day, and war's end contain no reference to these events, which dominated the minds of most Americans.

Why the silence on these matters? Rand surely believed then, as she said to many persons later, that America had lost the moral high ground when the Soviet Union joined the Allies.

Did she oppose America's entrance into the war? It seems unlikely, since after Pearl Harbor, America's entry into the war was a retaliation against the initiation of aggression by

Japan (though the U.S. did push Japan into a pretty intolerable situation).

Once the attack occurred, however, how far should the U.S. have pursued the war? Almost nobody raises this question: "Whatever it takes," "To the bitter end" — such responses seem too obvious to state explicitly. But what might such a painful and costly struggle involve? A greatly expanded role for the federal government, as always in war. And another: the war could not have been conducted on such a vast scale (ten million under arms) without a military draft. And on that subject Rand was firm and unwavering to all who knew her: a military draft is always immoral.

Libertarians one and all are opposed to a military draft: volunteer armies yes, drafted armies no. No, not even if they volunteer only under the imminent threat of being drafted. No, even if so few volunteer as to guarantee military defeat for those who do. Libertarians I've talked with seem to sense some discomfort about this stance, but not enough to count it as a real problem.

Should the U.S. have entered the war without a Pearl Harbor? Libertarians in general, along with the America Firsters Rand was a part of, say no. Not even if taking on the Nazis was the only way to bring about their defeat and prevent future holocausts in conquered nations? Libertarians tend to skirt this question. They sometimes respond that if the U.S. hadn't entered World War I in 1917, the Germans would have won the war and there would have been no Hitler, no Nazi Party, no World War II. And perhaps this is true (Churchill apparently thought it was). But the question persists: under the conditions that *did* exist in 1941, should we have gone to war to avoid the consequences of a Nazi victory? It's easier to fall back on the World War I case than to confront this question. Perhaps the answer is, "At the time, we didn't have enough knowledge to give a satisfactory answer" — an answer that is often given to the question, "How far should conditions within a nation deteriorate before resorting to armed revolution against the government, in which innocent persons are bound to be casualties?" But if this is the answer, we don't hear much about it.

There are other issues as well which tend to elicit some degree of discomfort. Libertarians want "open borders" — those who want to get into the U.S. should be permitted to come in; but of course they shouldn't receive welfare benefits. This stance, however, is hardly realistic: most Americans wouldn't let people, domestic or foreign, actually starve in the streets, and would continue welfare laws in order to avoid such a spectacle. Neither would they remove aliens' medical benefits, even if for no other reason than to protect Americans against imported diseases.

Well then, should we continue to provide welfare, thus attracting more indigent immigrants, and let Americans continue to foot the bill? No, we are told, that won't do: libertarians don't like freeloaders. Well, what then? Let's not *assume* that enough people would voluntarily provide all the disabled and unemployed with care and three meals a day — it may be true, but we shouldn't take it for granted. Those libertarians who say bluntly, "If they can't pay for the service, let them die " are at least consistent.

It doesn't help much to tell us how things would be in a world in which libertarian principles were already observed, or what ill consequences would be avoided if more people were libertarians. These are all intriguing hypotheticals, but they tell us nothing about what should be done *now,* when the assumed conditions do not exist. —JH

"You didn't *either* get that merit badge for Desert Storm!"

Monday morning quarterback — "The Fed is afraid of growth and refuses to allow the economy to grow faster," Jack Kemp recently argued in the *Wall Street Journal* ("The Fed's Retreat on Principles," April 2, 1997). With these words Kemp joined journalists, pundits, and politicians such as Mortimer Zuckerman, Fred Barnes, Felix Rohatyn, and Newt Gingrich in misconceived Fed-bashing — and in spreading a misconception about price inflation and real economic growth.

Kemp's anti-Fed litany is familiar enough: in raising its target interest rate on federal funds, the Federal Reserve not only "buckled under to big banks and major industrialists," it also reacted to "an inflation specter of its own conjuring." It "was taking a shot in the dark" at its inflation quarry, though "unsure even that the quarry exists."

Confusing microeconomics and monetary theory, Kemp claims that "the price mechanism acts like a self-adjusting flywheel to prevent the economy from overheating." According to Kemp, "far from being inflationary, real expansion of the economy 'soaks up' inflation, creating more goods for the same amount of money to pursue." His remark is correct in one context — but not in his own.

Growth based on such "real" factors as a larger labor force, new goods and services, and increased productivity (due in turn to capital investment, technical advances, healthier and better-educated workers, and improved coordination of diverse activities) strengthens the demand for money and so tends to raise rather than lower the dollar's value. Such real factors do indeed help provide both high economic activity providing "full employment" and freedom from price inflation. But this fundamentally sound, sustainable growth is radically different from activity temporarily stimulated by easy money.

Consider how businesses react to "new money": provided that it can get more labor and other inputs at unchanged cost, a firm will be glad to meet higher demand for its output — even at a substantially unchanged price. But this is dependent on other people's willingness to reduce inventories, run plants closer to full capacity, enter the labor force, work overtime, take less leisure between jobs, and postpone retirement.

continued on page 44

Report

The New Economics and the Death of Central Banking

by J. W. Henry Watson & Ida Walters

The current revolution in economic theory isn't just "theory" — it provides practical tools to help people around the world deal with the idiocies of the state.

In reporting that Robert E. Lucas, Jr. of the University of Chicago had won the 1995 Nobel prize in economics, CNN announced that the winner was "someone nobody ever heard of." The popular media's response was similar in 1991, when economists Merton L. Miller, Harry Markowitz, and William Sharpe shared that year's Nobel.

The ideas of these little-known thinkers now dominate the economics profession. Moreover, they represent a quantum advance in the intellectual and scientific case for free markets, advance our understanding of how economies work, improve the functioning of markets, and create new market-based constraints on government power. These ideas have trashed all other theories about securities markets and business cycles.

The seemingly disparate areas researched by Lucas, Miller, and their colleagues are tied together by a common thread: the idea that in making their economic decisions, people use all the information they have. In the jargon of economics, they use information "rationally"; to ignore available information in making decisions would be "irrational."

At one level, all economists since Adam Smith, especially market-oriented economists, have built their research on the rationality premise. The big difference is that the work of Lucas, Miller and their colleagues extends such rational behavior to include the way in which people form forecasts about the future. Strangely, most previous economic theories assumed that people made forecasts that were not in their best interests. For example, no previous theory recognized that people form rational forecasts or expectations of what government is likely to do, and then adjust their own behavior to improve their situation — often foiling government plans in the process.

Consider the routine calls during recessions to cut taxes to encourage a recovery. This might work if such tax cuts took people by surprise. But if tax cuts are *expected* during recessions, they will fail to stimulate economic activity because people will already have factored them into their economic decisions. In fact, a policy of never cutting taxes or always cutting taxes in a recession will leave business cycles largely unaffected one way or the other.

From business cycles and securities prices to financial risk management and corporate finance, theories based on the assumption that people form rational forecasts have yielded remarkable insights into just how well markets work. They have also enabled the private sector to impose strong new controls on government power. In this regard, the new theorists have, in effect, provided the private sector with the equivalent of aircraft carriers and cruise missiles to replace horses and rifles. These new weapons, as will be shown, have left central bankers who attempt to impose their will on the market in the same position as Iraqi generals in the Gulf War.

The Random Walk

The best way to understand the revolution in economics is to start at the beginning. In the early 1950s, British statistician Maurice Kendall found, to his surprise, that changes in stock prices are what statisticians call a "random walk." This means that the likelihood that the price of a given stock will rise or fall, or that the market will rise or fall, is unrelated to its history. Every day is a new day, and the way prices change on any given day is as unpredictable as a coin toss.

A good way to understand a random walk is to do a simple experiment. Begin with the number 100 and then start tossing a coin. Every time you get a head add 10%, and every time you get a tail subtract 5%. If you plot the resulting series of numbers the plot will look very similar to the

charts of stock price histories or of indexes such as the Dow Jones. This lack of "memory" in securities prices means, for example, that the dramatic rise in the Dow Jones Index over the past several years tells us nothing about the likelihood of it rising or falling in the future. While highly counter-intuitive, this factual finding has been confirmed repeatedly in study after study and is one of the most well-established facts in economic science. No more what goes up must come down!

The business cycle theories of Mises, Hayek, and Friedman do not meet reasonable standards for useful models based on what economists now know.

The finding that changes in stock prices are a random walk caused a great deal of consternation because at the time it was thought to mean that investing in the stock market was tantamount to pure gambling. Economists who thought it undermined the case for free markets and economic science reacted with outrage.

Efficient Markets

At about the time Kendall made the discovery that changes in stock prices are a random walk, Harry Markowitz put forth the concept of an "efficient" investment portfolio — that is, one that achieves a given expected return in the stock market with the least possible risk. Markowitz was the first to analyze the relation between risk and return in investment decisions and to show the importance of diversification in understanding that relationship.* Failure to diversify is "irrational" because it requires taking more risk than necessary to achieve a given expected return.

In this sense Keynes was irrational in that he was convinced that concentration was the optimal way to invest, and that diversification was a flawed strategy. Many investment advisers since, and even today, would agree with Keynes.

Markowitz's work did more than simply stress the value of diversification in limiting risk. He showed exactly how to measure the influence of diversification on the relationship between risk and return. Prior to Markowitz, the understanding of the trade-off between risk and return was limited to exhortations that widows and orphans shouldn't buy stock.

Nevertheless, while easy to understand in principle, his methods were very difficult to apply in practice. And, of course, as Friedman had noted, they did not address overall securities markets economics.

Markowitz's work did raise questions. If investors hold only "efficient" portfolios (that is, they don't take unnecessary risk in pursuing a given expected return), then what does that imply about the overall market? And was there an easier way to identify an efficient portfolio? In 1959, William Sharpe answered the latter question with his "Capital Asset Pricing Model" of securities prices. Sharpe was able to show how Markowitz's insights could be applied in a very simple way. Sharpe's work revolutionized investment advice and set the foundation for the modern diversified mutual fund.

The implications for the overall market involved linking the Capital Asset Pricing Model with the fact that changes in stock prices exhibit a random walk. Eugene Fama, another Chicago economist, was the first to fully articulate the idea that "efficient markets" (markets where prices reflect all available information) imply that changes in security prices are a random walk. As we show more fully below, not only was Kendall correct in his empirical observation that changes in stock prices are a random walk, but he also proved that securities markets are efficient!

Fama's article bristled with mathematical modeling and advanced statistics, but the fundamental idea is readily understood. Suppose for example, as stock market chartists and technical analysts claim, that future changes in securities prices can be forecast using historical data. After a full analysis, the securities analyst knows that a stock's price will rise in the long term. The response? Buy like crazy now. This drives the price of the stock up. The "new" information about the stock is reflected instantly. The forecasted rise will not occur — because it already has.

Harry Roberts, another Chicago faculty member, summed it up in the following definition of "strong efficiency" in securities markets: securities prices reflect not just public information, but *all* information that can be acquired by painstaking fundamental analysis of a company or market and the economy. Securities prices are always fair, and no one can make consistently superior forecasts.

In short, markets are efficient when all the information available to people is reflected in prices. By "fair" Roberts means that the price of a security at any given time is an unbiased forecast of the future cash that the security will generate; "unbiased" means that the forecast is never consistently high or low. This means that securities prices are as likely to rise as they are to fall. The past cannot be used to predict the future.

The ultimate frustration for the aging Keynesian is that rational expectations scholars have shown that contriving ways for the government to manage short-term economic activity is a waste of time.

This research didn't just overturn the theories of chartists and other stock forecasters, who depended on historical data for forecasting changes in securities prices; it also led to a quantum increase in the respect economists had for the rationality of market participants. Gone were any thoughts of the "animal spirits" theories of changes in stock market prices that Keynes, for example, had suggested. Also, this marked the first time that economic science had been able to propose a simple

* Milton Friedman, a member of Markowitz's dissertation committee at the University of Chicago, criticized his work, claiming it wasn't economics because it was directed at providing practical investment advice. But the Nobel that Markowitz later shared with Miller and Sharpe was based on this work.

empirical test for market efficiency: that is, if markets are efficient, securities prices had to be a random walk. And this is exactly what study after study has shown.

When the efficient markets findings first hit the economics and securities markets in the early 1960s, it didn't take long for their importance to be recognized. "You could just see the fin of the shark cutting through the water," said a Wells Fargo executive who was among the first to use efficient markets ideas to manage money. The shark soon chopped its way through traditional money managers, swallowed up corporate finance as it was then practiced at large companies and on Wall Street, and bloodied even the most powerful central bankers.

Merton Miller's major contribution during this period was his work on the famous Modigliani-Miller (M&M) Theorem. The M&M Theorem extended the realm of rationality to include the capital structure of firms. He and Modigliani proved both in theory and with considerable empirical evidence that the mix of debt and equity (that is, corporate borrowings and stock) chosen by a company had no effect on its total market value (the sum of the market value of its debt and equity). What mattered for total value was the *cash* a company could generate from its operations. As with his colleagues' work, rationality was the key. If market value could be affected by varying the mix of debt and equity claims on a fixed stream of operating profits, then investors were being fooled and were irrational. (During a television interview after his Nobel had been announced, Miller explained the M&M Theorem by saying that cutting a pizza into eight pieces rather than four gives you more pieces but not more pizza.) His work marked the beginning of the end for investment bankers like former Treasury Secretary Brady and his ilk, whose only asset is their school tie. They have been supplanted by those with real ability.

Research on asset pricing continued to advance rapidly. In 1972, Fischer Black and Myron Scholes published an article on valuing options.* The effect was electric. Heretofore, the understanding of options had been so poor that their widespread use was impractical, but Black and Scholes' highly mathematical, sophisticated analysis enabled market participants to use the price history of the underlying security and other readily available market data to determine the value of the option. Their model was at once esoteric and practical. As Robert Merton, who worked closely with Black and Scholes on the model, noted with surprise: "Options traders now routinely talk about hedge ratios, deltas, partial differential equations and stochastic differential equations." Their discovery coincided with the end of the gold standard and other changes in the economy that significantly increased uncertainty. Options became a key tool for managing that uncertainty and ultimately reducing that uncertainty.

Many statists view business fluctuations as a sign that markets are inherently dysfunctional; many free market advocates view them as disturbances introduced by government.

Within a few years, the advent of option-pricing models had led to vast new financial trading activities, including the explosive growth of new exchanges, such as the Chicago Board Options Exchange. This marked the first time economic models had become an explicit, integral part of a major market; traders roamed the floor with calculators that had the Black-Scholes model programmed into them.

And this was only the beginning. In a 1989 article on the most important financial innovations during the previous 20 years, Miller ran through a daunting list that included options, Eurodollar accounts, money-market funds, financial futures, floor-ceiling swaps, financial futures, index futures, etc.

In fact, these new financial instruments, which can be sliced and diced and combined in a variety of ways, enable individuals and firms to do something that was simply not cost-effective to do before — achieve a portfolio of securities and financial instruments reflecting the "risk profile" that best fits their situation and goals.

In the same article, Miller went on to show how a great many of these innovations were generated, at least initially, by markets seeking ways to avoid government regulations or taxes, including the infamous but now forgotten Reg Q, which limited the interest banks could pay on deposits. As for taxes, Miller and Scholes were able to show that creative use of finance insights enabled the market to eviscerate the government's ability to tax returns on capital. Basically, their research showed that people can usually avoid taxes on income that isn't consumed. A key point emphasized by Miller is that "transaction costs" — roughly, the cost of buying and selling — were cut by more than 90% as a result of innovative investment practices. Such low transaction costs made it cheaper to avoid government rules and regulations.

The Anomaly Hunters

The findings of efficient markets researchers outraged most investment advisers, as well as an army of statist economists. The battle to discredit the efficient markets researchers swung into action. Achieving little success, the critics turned in desperation to the search for "anomalies" — that is, instances where the historical record could be used to guide an investment strategy that could beat the market. The typical academic anomaly "sighting" involved a great flurry of initial excitement reminiscent of a *National Inquirer* story on visiting space aliens; it would usually be followed by a careful refutation that received limited publicity.

Interestingly, the ranks of anomaly hunters include more than the ragtag remnants of socialism. Fischer Black, for example, was among the first of a long line of finance scholars to leave academia for Wall Street to become an anomaly hunter. During the decade prior to his death two years ago, Black's job at Goldman Sachs was to find anomalies and profit from them. Black commanded an army of finance

* An "option" is a contract that gives someone the right to buy or sell a stock share or other security at a certain price in the future.

Ph.D.'s and M.B.A.'s, as well as converted physicists. This formidable group focused on constantly refining sophisticated state-of-the-art mathematical models of securities markets and testing them against vast data sets of securities prices. Whenever they discovered a deviation from market efficiency they pounced, using everything from Cray supercomputers to international communications networks that would be the envy of the Pentagon, and employing vast amounts of capital to execute trades designed to profit from the anomaly. If everything went well, the team generated short-term profits for Goldman Sachs.

Rational expectations researchers see business cycles as the market's efficient way of coping with changed circumstances.

Goldman Sachs and many others are engaged in a modern version of the ancient art of arbitrage. Arbitrage trades are designed to profit from discrepancies between prices for the same commodity in different markets. At one time this meant buying gold in London and shipping it to New York when the shipping costs were less than the price difference. This drove up the price of gold in London and drove the price down in New York, forcing the prices together.

Just as in the above gold example, trading activity designed to profit from an anomaly promptly "arbitrages it away." This puts the role of the statist academic anomaly hunters in a whole new light. If they succeed in finding an anomaly, it hardly makes their day to see it arbitraged away — in the process delivering short-term profits to sophisticated trading firms or individuals. Thus, while these academics argue over whether a particular anomaly really exists in the historical record of securities prices, the Fischer Blacks of the world are making damn sure it doesn't exist in the future.

Investors 24, Government 0

It's not only the state's ability to regulate and tax that is being frustrated by the new economics. So is its power to distort exchange rates and interest rates while trying to manage employment, international trade and investment, and the pace of economic activity. The gold standard succumbed to government mismanagement, but options and related instruments are thriving. These instruments achieve what the gold standard is supposed to — they restrict central banks' discretion to print money, and do so more reliably and cheaply, and with greater certainty, than the gold standard ever did. If this seems implausible, consider the worldwide fall in inflation rates over the last ten years. Any country resorting to inflation is quickly besieged by speculators (and hedgers) seeking to sell the currency. The result is immediate and powerful downward pressure on the country's exchange rate.

To understand the discipline imposed on central banks, consider Britain's attempt in 1992 to peg the British pound to the European Currency Unit (ECU). As usual, the Bank of England bought pounds (by selling its reserves of foreign currency, primarily U.S. dollars) to support the price of Sterling against the ECU. It was simply replaying an approach seen over and over again, perhaps most memorably during the fall of the gold standard in the early 1970s. As you may recall, around the mid-1960s it became clear that the price of gold, pegged then at $35 an ounce, could not be sustained. The US government propped up the price by steadily selling gold from its hoard at $35 an ounce, and it took the relentless efforts of speculators many years to drive the price of gold to its true market level. The process entailed enormous economic dislocations, culminating in wage and price controls, as U.S. Treasury officials vainly fought inexorable economic forces.

This was not how things played out in 1992. International traders took on the Bank of England. Armed with an arsenal of futures, options, swaps, and other so-called "derivative" products — and working in an environment where transaction costs were a tiny fraction of what they formerly were — these investors proceeded to outmaneuver the former giant.

The match was uneven. Before it was forced to accept the market's verdict that the pound was overvalued, the Bank of England blew billions of dollars in a few weeks. One trader, George Soros, pocketed a cool $1 billion in a single day.

So where is Soros's book on how to profit from the coming fall in the British pound? Actually, Soros has written several books, but none of that genre. Adherents of efficient markets know that "how to profit" books just don't make it in markets where suspected future profit opportunities are reflected instantly in prices.

While used extensively by speculators, the dominant use of these "derivatives" (that is, financial instruments such as options, futures, and the like) is by individuals and firms seeking to offload a variety of financial risks to those who have the knowledge, capital, and desire to properly manage them. The word for such offloading is "hedging," as in "hedging your bet." And, though the idea of hedging was understood by many, actually doing it was much harder than it is now. Investors who hedge with derivatives can mitigate or eliminate the adverse effects of government policies, such as an unanticipated rise or fall in interest rates. They can even cushion shocks generated in the private sector, such as an unanticipated rise or fall in oil prices. Even governments use them. Many municipalities buy futures contracts that lock in the price they will have to pay for fuel to run city buses. In this way they can be sure that their tax revenues will support their transportation services.

No previous theory recognized that people form rational forecasts or expectations of what government is likely to do, and then adjust their own behavior to improve their situation — often foiling government plans in the process.

If you are skeptical of any of this, spend some time reading the financial press of the 1970s, focusing on the earnings reports of large companies.

You'll read scores of stories detailing how the unexpected losses at one company or another in a given quarter or year were due to changes in exchange rates, raw materials prices, interest rates, or even the price of equities going against them. Or municipal bus systems shutting down because they ran out of money to keep buying fuel when fuel prices rose.

Today, that kind of story has largely disappeared because virtually every company in the Fortune 1000 and many smaller organizations systematically hedge these price risks. This frees management to devote its attention to running the enterprise's core affairs. When the chief financial officer uses derivatives, the average chief executive no longer needs the skills of a central banker.

Because people and companies can now more easily limit their risks, it's become much harder for governments to destabilize the economy and cause waves of boom and bust — the "business cycle." Theorists used to believe that the business cycle was caused largely by governments altering interest rates, inflation rates, taxes, etc. These changes supposedly distorted the behavior of firms and individuals.

The distortions supposedly worked in two ways. One way was by altering the wealth of firms and individuals — for example, by changing interest rates. Derivatives have limited these effects. Rising interest rates in the Jimmy Carter era, for example, left many firms without enough cash to service their debt. But if interest rates rose now, many firms would be largely unaffected because they would have hedged with derivatives.

The second way that price changes supposedly distorted behavior was by causing short-term changes in interest rates, exchange rates, and tax policy. Even though these changes were clearly unsustainable, it was supposed that people regarded them as permanent, just as they supposedly confused inflationary price changes with real price changes. For example, one theory advanced by the monetarists was that a new round of inflation always leads people to believe that real wages have gone up. According to the monetarists, such inflation would temporarily stimulate the economy; but it would be followed by a recession when people

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discovered that their real (inflation-adjusted) wages hadn't risen.

Rational Expectations

But how plausible is it that people are systematically fooled by government policy? Do their brains shut down when the time comes to think about the personal implications of taxes, government spending, and monetary policy? After all, market participants had been shown to coolly and rationally evaluate securities markets — so effectively that a vast number of careful empirical studies have been able to identify only trivial departures from rationality. The efficient markets research of Miller, Fama, and their colleagues made it inevitable that economists would realize that there was something wrong with theories of the business cycle that fail to recognize that people are rational.

The common foundation between finance and "new classical economics" (a.k.a. "rational expectations") is captured in the words of Thomas Sargent, a key new classical scholar and Lucas collaborator. He notes that the ideas associated with rational expectations are motivated by a simple intuition: namely, that people do not systematically ignore readily available information that they could use to improve their decisions. This implies that people understand the economic "laws" of the environment in which they operate and, given the constraints they face, make the best decisions they can. In other words, rational behavior is defined as people behaving in the way that economics and common sense would indicate is to their advantage.

What kinds of results do business cycle theories that assume rationality yield? Consider two of the better known rational expectations conclusions developed by Lucas:

1. *Any predictable change in the money supply should have no effect on output, employment, or any other real variable in the economy. Only unpredictable changes in the money supply can have output effects.*

This is known as the "invariance proposition," and sounds dry, technical, and academic. In fact, ideas just don't get more revolutionary. This conclusion guts every previous business cycle theory — including those of Keynes, the monetarists, and the Austrians. It implies that no conceivable government stabilization policy could work, since such policies must be predictable. (Think about it: if it isn't predictable, it isn't a policy.) This basically means that the Fed's control over the economy can be compared to that of a four-year-old driving her Cozy Coupe (the largest selling "vehicle" in America for small children). She joyfully spins the steering wheel, exulting in her control of the vehicle; but the steering wheel is not connected to the drive train. Put bluntly, the central bank can affect the economy only by acting like an unpredictable lunatic. This happens, but not even statists condone it.

Options achieve what the gold standard is supposed to — they restrict central banks' discretion to print money, and do so better than the gold standard ever did.

In his 1993 book, *Rational Expectations and Inflation*, Sargent analyzes how a number of the hyperinflations in history ended. Unsurprisingly, he finds that the economic problems associated with the end of a hyperinflation were highly dependent on government credibility. When people had good reason to believe that the hyperinflation had ended, the adjustment to stable prices occurred rapidly and with relatively little economic dislocation. When people had little reason to believe that the hyperinflation would end, severe problems ensued. In other words, when government action was predictable, its effects were limited because things rapidly returned to normal. An important implication of all this is that there is no predictable, stable relationship between monetary policy and economic activity. The same monetary policy change may well have different effects every time it is undertaken because people react differently from time to time. Indeed, that was the case with these various hyperinflations.

2. *Existing econometric models* of the economy can, in principle, provide no useful information as to the actual consequences of future economic policies.*

Sound like an Austrian? Actually, this conclusion is implied in Lucas's first principle. It derives from the fact that policies affect people's behavior differently according to the information they have. If they were fooled by a policy once, they are going to do everything in their power to avoid being fooled again. Thus, even the same policy adopted a second time in nearly identical circumstances will have very different effects.

The sheer power and audacity of Lucas's conclusions help explain the hostile fury that greeted his initial work in the 1970s. Statists in the economics profession immediately recognized that rational expectations represented a quantum advance in the compelling case economic science makes for free markets. Within a few years, however, they were forced to adopt the analytical approach of Lucas, Thomas Sargent, Robert Barro, and their cohorts. By 1980, among serious economic researchers, the traditional Keynesian model that had tortured so many undergraduates was finished. The statist critics were again reduced to carping about various hypothetical anomalies that might sometimes erupt

* What, you may ask, is an econometric model? Think of it as a black box whose input is historical numbers on GNP, employment, interest rates, government spending, etc., and whose output shows how these variables have historically moved in relation to each other. A typical output might be that over the last 20 years whenever government spending rose 5%, unemployment rose 2%.

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despite generally rational expectations. But the entire discussion was on the terms set by Lucas and his colleagues.

This is not to say there wasn't a battle royal. Leading the charge were the Keynesians who felt, correctly, that they had lost everything. In fact, it was their last battle in a losing war. In the early 1970s, Milton Friedman and Edmund Phelps had put them on the ropes by shredding the Keynesian conceit (there's no other word for it) that governments could buy lower unemployment with more inflation. Reality, in the form of stagflation, was giving them a good and proper mugging too. And then Lucas ("someone nobody ever heard of") came along with the novel idea that economic actors are pretty smart, and tossed the Keynesians right out of the ring.

As Sargent put it, rational expectations reasoned with a new set of concepts and a new language that was perceived as destroying the old language and tools of applied macroeconomics while providing no workable substitute. The perceived destruction even extended to a rejection of the questions that Keynesians viewed as relevant and interesting. The monetarist response to the Keynesians was: good question, wrong answer. The rational expectations response was to dismiss all other business cycle theories as completely irrelevant.

It's not only the state's ability to regulate and tax that is being frustrated by the new economics. So is its power to distort exchange rates and interest rates while trying to manage employment, international trade and investment, and the pace of economic activity.

The ultimate frustration for the aging Keynesian is that rational expectations scholars have shown that contriving ways for the government to manage short-term economic activity is a waste of time. In fact, even trying to explain the causes of individual booms or recessions is without value. On reflection, this is not surprising. Does anyone really believe that there exists an economist who can plausibly and unambiguously explain every twist and turn in the economy during the last 50 years? How about one twist or turn? There is a different story behind every recession and every boom, and each story is usually complex and ambiguous and highly dependent on people's expectations — which, of course, cannot be directly observed. Indeed, when economists are featured in reports of the latest change in stock prices or the unemployment rate, their explanations remind one of the famous line from *Casablanca*: "Round up the usual suspects." (One of us, Ida Walters, began her career reporting on bond markets for *The Wall Street Journal*. Interviews with Wall Street economists regarding the cause of the latest move in interest rates often yielded, over the course of a few weeks, the same explanation for movements in either direction.)

Indeed, one salutary effect of the spread of rational expectations ideas is the decline of economic forecasting. Companies such as Wharton, DRI, Chase, and other suppliers of econometric models on which government policymakers and the press focused during the 1960s and 1970s are in decline. These companies have responded by shifting their efforts from soothsaying interest rates and the like to focusing on "real" forces in the economy, such as shifting technologies and changing patterns of international trade.

The Expected and the Unexpected

So what questions are left for economists to answer? Rational expectations researchers are trying to figure out how long-term, systematic differences in government policy regimes affect long-term changes in employment, total output, and other measures of the business cycle. They're also trying to find out how different government policies affect long-term growth in average employment and in the economy as a whole. Robert Barro and others have found that, measured over several decades, countries with stable monetary and tax policies have more stable economies and grow faster. This yields a prescription for a

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"do-nothing" government.

Rational expectations researchers have also sought to understand what has been dubbed "real business cycle theory." Monetarists had reached a point where they seemed to attribute virtually all economic fluctuations to monetary policy, but obviously changes in the private sector can also require adjustments. Some recent examples are the oil shocks experienced over the past 20 years, the radical fall in the cost of computers and communications over the last decade, the rapid shrinking of large industries (the defense industry, for example), the unleashing of many economies caused by the collapse of communism and socialism, and rapidly rising levels of education in many formerly poor Asian countries. Unsurprisingly, such factors were found to be a major cause of economic fluctuations.

Again, this finding has fundamentally altered economic thinking. Historically, many statists viewed business fluctuations as a sign that markets are inherently dysfunctional and therefore something that government needs to correct. Alternatively, many free market advocates viewed business fluctuations as disturbances introduced by government into what otherwise would be a regime of steady growth. In contrast to both, rational expectations researchers see business cycles as the market's efficient way of coping with changed circumstances. Periods of slow growth and higher unemployment are an efficient response to dealing with changed circumstances. Thus, any attempt to suppress the business cycle, even if it were successful in the short-term, would result in the postponement of necessary adjustments and raise adjustment costs for the economy.

This raises an interesting question: if the government avoids extreme, unexpected policy changes, does it have any effect on business cycles? That's a tough question to answer because we've never operated without significant government intervention. But one way the new scholars have tried to answer it is by estimating how significant short-term business fluctuations would be without government meddling, then comparing that measure of business-cycle activity to the level we've actually experienced. Early work in real business cycle theory indicates that the degree of variability experienced in the U.S. economy since World War II is about what one would expect to see in an efficiently functioning economy over which government had absolutely no control or influence over the business cycle. This finding is surprising only because even the most ardent libertarians have not believed that rational responses by the private sector have the ability to checkmate government efforts, deliberate or otherwise, to influence ups and downs in the economy. The consensus of economists from Austrians to Keynesians, however, is that the business cycle can be effected by government actions only if the private sector is fooled. It should not be surprising that the private sector has made every effort to avoid the role of the fool — and may have succeeded.

Of course, none of this implies that government actions don't affect the economy. They certainly do. Permanent changes in taxes, regulation, trade barriers, and the like, as well as the level of government spending, will have important effects. Our remarks here, and the arguments in the rational expectations literature, concern the effects of government actions on short-term business fluctuations. The Employment Act of 1946 directed the federal government to maintain steady economic growth and full employment, and presupposed that a theory would arise that would enable it to do so. It now appears that none ever did.

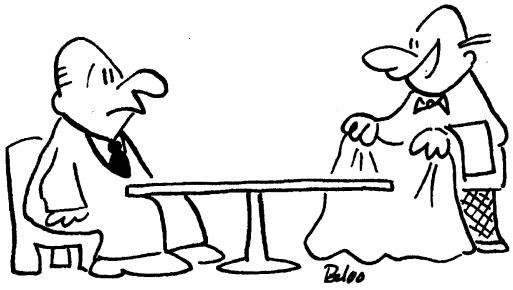

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However obvious all this may now seem, it was certainly not obvious 30 years ago. Keynesians weren't the only theorists to fail what has come to be known as the "Lucas critique." (A theory fails the Lucas critique if it assumes that people form *ir*rational expectations about the future.) In the Austrian theory of the business cycle, for example, the government deliberately depresses interest rates. Businesses, unable to perceive this, make investment decisions based on the lower interest rates (which are not sustainable). The economy booms. Businesses then discover that the "real" demand for their products has not increased. They retrench, sending the economy into recession. Would people who run businesses do this time and again? No, because they would tend to be replaced by people less easily fooled by the same trick over and over again.

Are the monetarists any better than the Keynesians? Yes, in that they admitted that people adapt to central banks' actions. No, in that they failed to take this idea of "adaptive expectations" to its logical conclusion — and insisted that government could repeatedly fool people with the same kind of manipulations.

In the monetarist model, it's not interest rates that distort behavior, but central bank activities that cause changes in the price level. The resulting inflation (or deflation, as in the 1930s) leads to confusion between real prices (how many hours of work required to purchase a given market basket of goods) and nominal (inflated/deflated) prices, with the result that people are fooled, for example, into thinking their buying power has increased when all that's really happened is their income has kept pace with inflation.

But, again, once the notion of rational expectations is introduced, the monetarist model is quickly revealed as one that simply doesn't describe the behavior of any sensible person, let alone sophisticated international traders such as George Soros. In retrospect, Friedman's famous empirical result of "long and variable lags" for the effects of monetary policy is hardly surprising. Is this really any different from saying there's no stable relationship between monetary policy and economic activity? And how could there be if businesses act rationally — that is, keep busy making every effort to avoid both repeating past mistakes and making a new generation of mistakes?

Does this mean that the business

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cycle theories of Mises, Hayek, Friedman, and a host of other brilliant economists who've made tremendous contributions should be consigned to the ash can? Yes and no. *Yes*, in the sense that their business cycle theories do not meet reasonable standards for useful models based on what economists now know. *No*, in the sense that aspects of their theories are enormously useful and many elements of them are built into modern models that meet the test of rationality. Monetarism's adaptive expectations helped move the ball down the court by making it clear that expectations were the decisive factor in understanding the business cycle. And, of course, Friedman became one of capitalism's most articulate and persuasive spokesmen. The Austrians relentlessly focused on the process by which markets get to equilibrium and on how businesses and consumers search to establish prices. Rational expectations and efficient markets research have again put these questions at the center of our understanding of markets.

When all is said and done, however, comparing rational expectations to previous business cycle theories is like comparing a Dodge Viper with a Model-T. Henry Ford was a genius, and the Model-T was a technological and production marvel that changed the world. For all that, only collectors of antique cars drive them today.

At the end of the day, rational expectations has left its critics without a theory, without the questions they thought were important, and largely without even the tools required to participate in the discussion. In this regard, a recent example of the hegemony rational expectations has achieved is quite telling.

In a 1994 article, Lucas refers to a two-volume collection published in 1991, entitled *New Keynesian Economics*. The index to the collection contains 17 references to Friedman and many more to Lucas and other rational expectations theorists, but not a single one to John Maynard Keynes. Given that the self-styled new Keynesians are the principal critics of rational expectations, the absence of a single reference to Keynes is significant. In fact, the new Keynesians have grudgingly accepted the rational expectations paradigm. In the hope of finding something to support a constructive role for government, they now occupy themselves, like their brethren the anomaly hunters, in trying to identify some element of irrationality within a generally rational order.

The Political Bottom Line

A question lingers: why haven't these new free market ideas in economics had more influence on modern-day adherents to the Austrian school? One important reason is that most Austrians steadfastly oppose the use of mathematical modeling and statistical methods. This opposition dates from the early years of this century, and at that time there were some good arguments for it. Back then there were no computers and not much data, so statistical research was unreliable and potentially misleading. And at that time the most well-known use of mathematical models in economics was to defend the feasibility of "socialist calculation" (that is, a command economy). Indeed, one of Mises' greatest achievements was decisively to refute the proponents of socialist calculation, which included the mathematical economist Oskar Lange.

Today, however, the most technically advanced researchers are using models that employ statistics and other mathematics to enhance our understanding of the economy and thereby advance the case for free markets. Also, many participants in the economy are using these same tools to aid them in making decisions. We simply can't conceive how anyone who understands how financial markets function in New York, Chicago, Tokyo, Hong Kong, London, and elsewhere could believe that there's no place in modern economics for mathematical-statistical analysis. Ironically, the central role of such methods in advancing the case for free markets has turned statist economists into vocal critics of analytical methods in modern economics. These critics of free markets have been driven into casual theorizing and purely illustrative empirical testing.

So outside of their admiring colleagues, and not counting CNN, who is aware of all this new work in finance and business cycle theory? While rarely covered in the popular media, these ideas have been a part of the core curriculum at top graduate economics and business schools since the late 1970s. The graduates of these programs have been pouring into the marketplace, applying — and teaching — the lessons derived from these ideas. And not only in the United States.

Our company, for example, has a number of Russian clients, and we have found young Russian business people to be dedicated free-market advocates who hold as their heroes the key developers of these theories — especially Miller and Lucas, but also a number of other scholars working in these fields. Miller, for example, speaks frequently at economics conferences outside the United States, especially in Asia. Many of the top students of these pioneering scholars have become sought-after advisers to governments and businesses around the world.

Robert Lucas, Merton Miller, Myron Scholes, Fischer Black, Robert Barro, Thomas Sargent, Gene Fama and many of their colleagues should be as familiar as Mises, Hayek, and Friedman. These economists believe passionately in free markets and are today's leaders in free market ideas.

They support free markets based in part on a large and rapidly growing body of research that proves people form rational forecasts when making economic decisions. Prior to this research, no one had been able to prove that any market operated efficiently, only that in theory all should. Now finance scholars have proved beyond doubt that the securities markets, which are the largest and most visible markets in modern capitalistic societies, are efficient. Rational expectations scholars have utterly demolished business cycle theories used to promote government "fine tuning" of the economy. Their work has provided powerful new tools for curtailing the power of government, and possibly even its size. These new constraints on what government can get away with may well be responsible for some good news: the share of the national economy accounted for by the federal government has recently dropped below 21% — from 22% in 1992 when Bill Clinton took office. Clinton's frequent railings against "the bond markets" are an indication that his administration is unhappily aware of the market's power to limit government. ❑

Memoir

No Shelter from the Storm

by Joy S. Taylor

Abuse of battered women doesn't end at the shelter door.

In 1992, I decided to volunteer at a shelter for battered women in a small town in Washington state. I was there to fight a war, to hold high the ideals that had made me a feminist. I would help suffering women stand up for themselves, to see their womanhood as a strength and not a weakness. I would help them become self-reliant and self-aware, just as feminism was helping me become self-reliant and self-aware. I would help women escape damaging relationships. I would do good.

My volunteering began, like any job, with an application and an interview. The first hint of trouble came with this question: "You have answered the crisis line. On the other end is a young woman who tells you that she has been raped while hitchhiking. She has no intention of getting a rape exam at the hospital and of filing charges with the police. She is asking you what she should do. What do you say to her?"

I would tell her that it wasn't her fault, I responded, and that she had every right not to report it if she didn't want to. I said I would encourage her to seek counseling, and to call the line whenever she needed to talk. I also said that I would suggest taking some kind of self-defense training if she hitchhiked regularly, since that is a dangerous way for a woman to travel.

My interviewer's face soured. No, she told me, I shouldn't tell a woman to learn self-defense. She should be able to walk down the street naked and not fear sexual assault. If I told her to be ready to defend herself in a risky situation, that meant I was blaming her for failing to do just that.

I was accepted nonetheless and began taking training classes, which didn't involve much training in anything but the politics of the women in charge. I was being exposed, I soon realized, to a different sort of feminism than the kind I had embraced. Men were always presented as potential abusers; any goodness one might see in them was only temporary. (At the agency, they weren't allowed to do anything except babysit kids and mow the lawn.) We learned that name-calling and battery deserved equal attention, and that it didn't matter whether the woman was engaging in the same behavior. (At the time I knew a couple, now divorced, who argued ferociously — and sometimes, after drinking, physically attacked each other. When a fellow volunteer asked me if I thought the woman was battered, I had to laugh: I had witnessed her return the violence in spades. She was in a bad relationship, but she was no victim.) We learned never to relate personal experiences to "clients," no matter how helpful it might have been to do so. No one's opinions or personal beliefs were ever considered valuable unless they had been filtered through the other women's ideological agendas.

When my training period ended, my evaluators found me fit to provide direct service to the clients. I decided to split my time between work at the shelter and work on the phones.

The shelter, I discovered, got most of its funding from the state. And the state required us to get as many statistics as we could from our clients. The shelter staff encouraged us to embellish these so as to increase our funding potential. I would not do this. At the time, I simply thought it dishonest to make up statistics. I soon decided that it wasn't always constructive to ask for accurate stats either. If a woman on the phone was telling me how embarrassed she was because she couldn't hide her bruises from her co-workers, it didn't seem appropriate to reply, "I see . . . and just what color is this skin that was bruised?"

Our intake forms required the women to report their families' finances, among other private information. All the staffers I did intakes with agreed that this information was

irrelevant. But no one stopped asking the questions — even when it meant yet more pain for our clients.

The first intake I did was for a woman who was being beaten and raped regularly by her husband, a sergeant in the Army. Being a military wife requires traveling a lot, and as a result, she didn't really have any friends. But because her intake form revealed that she had a bachelor's degree in economics, our supervisors told us that we needed to ask her again if she didn't have somewhere else she could go. I've never been able to forget the shame and guilt on her face when we posed the question. At that moment, her pain was caused by government abuse, not spousal abuse. She had given us all the personal information she could, and we had used it against her. We eventually let her stay at the shelter. But the pain we inflicted upon her never entirely left her face. I know. I kept watching her, hoping it would.

I soon began advising women to downplay any education they had received and not to tell me about any money they had. I told them that this was personal information and that it was not anybody's business.

More: We required battered women to sign three forms before receiving so much as a band-aid or a cough drop. A woman had to ask *twice* before we could get any supplies she needed — shampoo, diapers, etc. — from storage.

No one's opinions or personal beliefs were ever considered valuable unless they had been filtered through the other women's ideological agendas.

This was the actual policy. The supplies had all been donated by private businesses, to be freely given to anyone staying at the shelter. But the state regulated these private gifts to the point where it was difficult and demoralizing for the women to obtain them. Women staying at the shelter told me that they looked forward to my overnight shifts because they knew that I would get them such items without interrogating them.

Something was wrong here, and I was beginning to figure out what it was. Government, I realized, should have the same control over a women's shelter as it should over a uterus: *none at all.* I don't understand why feminists aren't screaming to restore control of these places to the women who founded them, or why so many think that state control provides these shelters with security. All it really provides is a leash — funding that can be revoked with a penstroke if the government doesn't like how a shelter is complying with its regulations.

Eventually, I burned out, as so many shelter volunteers do. But it wasn't the horrific stories that the women had to tell me that did me in. It was the horrific treatment I was supposed to dole out to these vulnerable women and their children, and the fact that I was to do it in the guise of care. ❑

Letters, *continued from page 4*

laissez faire economy, whereas postwar America increasingly fell under government regulation after the Civil War. Government intervention did change during the 19th century — but in method, not obviously in degree. Antebellum government economic activity was typically promotional, not regulatory. Sometimes by outright state socialism, more often by subsidies, loans and special-privilege legislation, government — especially at the state level — fostered turnpikes, canals, railroads, mills, even factories. At the same time, legislatures and courts fiddled with property rights to benefit entrepreneurs to the disadvantage of other property owners. There was a reaction against this policy — improvident loans to railroads forced Michigan and several other states into bankruptcy — but promotional activity never entirely ceased, and after the war was supplemented by regulatory action.

These developments in state and local government policy have no obvious relation to the Civil War, which strengthened the federal government at the expense of the states and their local subdivisions. The federal government did no effective economic regulation until the 20th century.

If it is difficult to judge whether the Civil War led to more or less economic freedom, it is very easy to judge whether it led to more or less freedom in other respects. It led to more. The emancipation of four million slaves all but clinches the point, but there is much more. The married women's property rights statutes — enacted by few states before the Civil War, and often emasculated (if you will pardon the expression) by hostile judges — were increasingly enacted and properly construed. Blacks, of course, gained freedom and equal rights. In 1865, Maine became the first state to allow criminal defendants to testify at their trials. In several western states, women gained the vote. I could continue this list for several pages. Somebody else could adduce contrary trends. That's my point: we would both be right. Declension, like progress, is a myth.

Bob Black
Albany, N.Y.

Looking Backward

Contrary to Nathan Crow's article about Panama ("You have entered the Canal Zone," March 1997), Edward Bellamy's *Looking Backward* is not set in an English village; it's set in Boston.

Robert J. O'Donnell
San Rafael, Calif.

Looking Forward

I still remember walking into my local Borders as a seventeen-year-old Randite, and being shocked by a satire in *Liberty* about a film festival in Galt's Gulch. I was amazed and uncomfortable to see libertarians displaying irreverance toward Rand, and did not buy the magazine. A few months later, my curiosity having outweighed my discomfiture, I bought an issue and subscribed.

I have grown and changed a lot since then, but my excitement at the arrival of each *Liberty* has remained constant. I look forward to more.

Jesse Ross
Annondale-on-Hudson, N.Y.

Latin America at a Crossroads

by Carlos A. Ball

Latin America emerges from seventy years of nationalism, socialism, and other afflictions.

From the Rio Grande to Patagonia, the ideologies of socialism, nationalism and interventionism have played a dominant role in political life from the Russian Revolution of 1917 until very recently. Demarcations between the government and the private sector were slowly dissolved. Political and economic power became concentrated into fewer and fewer hands, and decision-making was transformed into a centralized, personalized, and politicized process. The military dictators of the 1950s and 1960s, as well as the democratic governments that succeeded them, nationalized mining, oil, fishing, telecommunications, transport, and energy companies, along with other industries that politicians and central planners had decided were "basic and strategic." In many countries commercial activities were politicized by "marketing boards" established to market important exports — coffee (in Colombia, Central America, and Venezuela), cocoa, sugar, etc. Mexico even nationalized baseball teams and nightclubs. "Agrarian reform" usually meant collectivizing farms, with the state holding the title — a set-up that made it impossible to bequeath land to one's children or mortgage it to buy equipment.

Developments in Venezuela were typical. State takeovers began under General Marcos Pérez Jiménez in the 1950s, when iron mines, railroads, and the telephone company were nationalized, and the petrochemical and steel industries were reserved as state-owned enterprises. This was the beginning of half a century of squandered opportunities. In 1976, President Carlos Andrés Pérez, a social democrat, gave the Venezuelan economy a mortal blow by nationalizing the oil industry. Today the Venezuelan per capita income is much lower than before the oil nationalization, the middle class has been reduced to less than 10%, and the poor comprise 84% of the population. Perhaps more important, the nationalizations destroyed any rational equilibrium between government and the private sector, the latter becoming under Pérez a mere appendix, allowed to be involved only in those areas despised by government. Any area in which Venezuela enjoyed extraordinary comparative advantages was placed beyond the reach of entrepreneurs.

Socialization and central planning were enthusiastically supported by bureaucrats in the U.N.'s Economic Commission for Latin America, the Inter-American Development Bank, the World Bank, and other multilateral organizations. And since these are the organizations that provide jobs for the bureaucrats who find themselves unemployed when their party loses an election or their regime is ousted by a military coup, the admiration was mutual.

The Third World Model

Historian Paul Johnson has traced the origin of Third World ideology to a conference held in Indonesia in 1955:

> The concept was made flesh at the Afro-Asian Conference held 18–24 April 1955 in Bandung, at the instigation of Indonesia's President Sukarno. Some twenty-three independent states from Asia and four from Africa were present, plus the Gold Coast and the Sudan, both soon to be free. The occasion was the apogee of Nehru's world celebrity and he chose it as a brilliant opportunity to introduce Chou En-lai to the world. But the many other stars included U Nu of Burma, Norodom Sihanouk of Cambodia, Mohammed Ali of Pakistan, Kwame Nkrumah, Africa's first black president-to-be, Archbishop Makarios of Cyprus, the black Congressman Adam Clayton Powell, and the Grand Mufti of Jerusalem.

But 1955 was also the very year that the first Argentine presidency of General Juan Domingo Perón ended —

and it was Perón who had already firmly planted the Third World vine in Latin American soil. Before Perón, Argentina was one of the richest countries in the world. Respect for the classical liberal principles of the Constitution of 1853 had given Argentina a higher standard of living than Italy or France. But in 1946 Perón embarked on a campaign of nationalization. The state took over the central bank, the railroads, communications, gas, electricity, and the airlines. Perón, who had served as military attaché in Mussolini's Italy in the 1930s, installed a form of fascist autarchy — autocratic rule with the utopian aim of self-sufficiency — in order to keep domestic prices at levels that benefited the industrialists who supported him. Protectionism and the alliance of government with the unions led to inflation and the deterioration of all economic indicators.

Before Perón, respect for the classical liberal principles of the Constitution of 1853 had given Argentina a higher standard of living than Italy or France.

Under Perón, Big Government joined Big Business and Big Unions to fix prices and salaries — benefiting Perón's supporters, but playing havoc with Argentina's ability to compete in world markets. The farmers and cattlemen who had produced Argentina's wealth were Perón's enemies, and so were systematically ruined. Perón's successors had no idea how to restore prosperity or control the forces he had unleashed, and by 1983 minimum-wage Argentine workers were taking home only 1,000,000 pesos a week — about 19 dollars.

And Perón wasn't the only Third World visionary in Latin America. There was Mexico's Lázaro Cárdenas, who nationalized the oil industry on March 18, 1938, a date celebrated ever since as a national holiday, the "anniversary of Mexican economic independence." In Venezuela, Rómulo Betancourt was to become the father of democratic socialism. And there was Victor Paz Estenssoro of Bolivia, who during years of exile in Buenos Aires had studied Perón's methods. In 1952, Paz nationalized Bolivia's tin mines, offering as "full compensation" a payment of $22,000 for properties that the owners valued at $60 million.

But most influential of all was Peruvian Raúl Haya de la Torre, the founder of the political party Alianza Popular Revolucionaria Americana (APRA), and the intellectual father of a whole generation of Latin American socialist politicians. From APRA's founding in Mexico City in 1927, he exercised immense influence on the emerging social-democratic parties of Latin America (especially Mexico's Institutional Revolutionary Party [PRI] and Venezuela's Acción Democrática), heaping all blame for Latin America's problems on the Yanquis and capitalism.

Under the slogans of "agrarian reform" (based on the concept of communal land ownership) and state control of industry, Haya de la Torre sought to replace the land-owning oligarchies with an idealistic socialist elite. He never exercised direct power in Peru itself, but the military government of General Juan Velasco Alvarado later implemented his policies with disastrous results. By 1972, Alvarado had even managed to destroy Peru's anchovy fishing industry, which had once supplied a quarter of the world's fish flour. Some years later, APRA leader Alan García wrecked what little was left standing, with cumulative inflation from July 1985 to July 1990 reaching 2,200,000%, and the per capita annual income of Peruvians descending to $720, below the level of 1960. During Garcia's five-year reign, Peru's GDP dropped 20%.

The Yanqui Scapegoat

In the early 1970s, no one better exemplified the followers of the scapegoat philosophy than Uruguayan writer Eduardo Galeano, who insisted that Latin America's shortcomings were not the result of its own mistakes and counterproductive economic policies, but rather of Yankee imperialism. "The division of labor means that some countries specialize in winning and others in losing," wrote Galeano. "The region's work as a servant continues. It serves outside needs as a source and reserve of oil and iron, copper and meat, fruit and coffee, raw materials and food for the rich countries, which gain from consuming them much more than Latin America gains from producing them." It was left to the economists Raúl Prebish of Argentina and Fernando Henrique Cardoso (now president of Brazil) to transform Galeano's lyrical language into a full-bodied interventionist system.

Problems were not slow to appear. After Latin America had expelled United Fruit, Standard Oil, and other multinationals, replacing both their foreign and native-born professional executives with bureaucrats and apparachiks and appointing political cronies to the boards of nationalized companies, impoverishment was swift and dramatic. Cuba, Venezuela, and Uruguay, three of the formerly most prosperous Latin nations, have been virtually destroyed by socialism.

Turning the Tide

No regime in the 20th century, not even Stalinist Russia or Castro's Cuba, suffered from a worse press than General Augusto Pinochet's Chile between 1973 and December 1989, when Christian Democrat Patricio Aylwin defeated Pinochet in the free election that he had finally called. But Chile's status as an international pariah had its positive side: Chile was saved from International Monetary Fund and U.S. government meddling. Without access to international credit, the Chilean government went ahead and made free market reforms, and Chile prospered as had no other Latin American country in the last half century.

Mexico even nationalized baseball teams and nightclubs.

At about the same time, the traditional Latin American way of silencing members of the opposition — inviting them to step up and join the politically powerful on their high platform — had put so much weight on those structures that they started collapsing. Foreign debt had piled up to the point that new "development" loans were being used largely just to service debt on the old

ones. And several generations of expropriation had left little to steal. With public money to buy support in short supply and the success of Chile's reforms increasingly obvious, pressure for free market reforms emerged in other Latin American countries.

In some countries, such as Mexico and Argentina, a start was made on dismantling the unwieldy state apparatus; unfortunately, most of the benefits of privatization went into the hands of economic cliques close to the corridors of power. If a privatization system following the Czech voucher model had been implemented, the common citizen would have benefited, and privatization would have enjoyed greater support and success. Even so, substituting private monopolies for public ones led to some improvements. Assets are handled more responsibly when they belong to someone.

In some cases, where government monopolies had previously provided goods and services at heavily subsidized prices, privatization resulted in price increases, tarnishing the republication of so-called "neo-liberal" policies. Also, virtually everywhere, the IMF's requirement that government deficits be reduced was pursued by increasing taxes or imposing wage freezes rather than by reducing state spending.

What most Latin American politicians have yet to understand about privatization is that its real contribution to economic development has nothing to do with the money obtained by selling state-owned assets, but depends entirely on the radical opening of new sectors to competition. Competition is the only way to ensure that scarce resources are used efficiently to improve the standard of living and create new wealth.

Chile was the first country in Latin America to start along the road of market reforms, and it is further along than the others. The Chilean process has suffered relatively little from corruption, and its main success — the privatization of state pension funds — is being copied all over the continent. And now the entrepreneurial energy of Chile is spreading to its neighbors. Chileans have made direct investments of nearly $10 billion in other countries, mostly in Argentina, Peru, and Brazil. Enersis S.A., which less than ten years ago was a comatose, state-owned utility, now owns electric companies in Argentina and Peru, and in November — in a joint venture with Spanish and Portuguese utilities — bought 70% of the Electricity Company of Rio de Janeiro, a state-owned company that lost $122.3 million in the first nine months of 1996. At about the same time, J.P. Morgan successfully placed $800 million of Enersis notes.

Unfortunately, the center-left governments of presidents Aylwin and Frei recently stopped privatization cold. Frei is now threatening the independence of the Central Bank, supporting union-sponsored legislation, and increasing taxes to finance inefficient state programs in education, health and housing.

It is politically convenient to blame ignorant Mexican peasants for taking advantage of the benefits offered by stupid laws, enacted by smart American college graduates.

In Peru, the success of President Alberto Fujimori's liberal economic policies assured his re-election in 1995 with 64% of the votes, and a 52% majority in the congress. He has already sold state companies valued at over $5 billion and has promised to double this by 1999. But now it seems that Fujimori has been infected by the old zeal of Latin caudillos to cling indefinitely to power, as if the country would grind to a halt without him. In Peru, there is a growing climate of intimidation and authoritarianism, with the judicial system one of the weakest institutions.

The situation in Colombia is unstable. President Samper came to power after an election campaign that was partially financed by drug money. He is now buying time in office by handing out privileges to whoever supports him, and partially reversing the timid economic reforms begun by his predecessor. Meanwhile, the Colombian drug cartels have joined hands with the leftist guerrillas and have transformed themselves into the hemisphere's most powerful multinational corporations, with rapidly growing operations and investments in all the countries of the region.

Venezuela is the only country that is in a clear decline, caused by the interventionist measures of its current ruler, demagogic President Rafael Caldera. In his previous administration (1969–1974), Caldera sparked nationalist fever in Venezuela by barring foreign banks from owning more than 20% of the stock of local banks. During the early 1990s, President Pérez tried to open up the Venezuelan economy. He continued to ban foreign participation in banking, however, at the behest of Central Bank president Pedro Tinoco, who wanted his own Banco Latino to dominate the financial sector. But then Tinoco died and Pérez was impeached, and the ensuing banking crisis cost his government over $10 billion. The Caldera government responded to public demands for relief by guaranteeing bank deposits — even those in offshore Venezuelan banks, whose influential depositors (unlike ordinary citizens) were thereby insulated from the terrible inflation touched off by this huge expenditure.

Last August, the Federation of Chambers of Industry and Commerce of Venezuela published a report showing that inflation in Venezuela during the 28 years from January 1946 to December 1973 was less than during the first half of 1996. As a result of this pattern of corruption, intervention, and mismanagement, the vast majority of Venezuelans now live in poverty; they walk on top of immense mineral wealth owned by the state and mismanaged by corrupt politicians.

The Washington Problem

During the Cold War, Washington was not much interested in violations

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of private property or the rule of law south of the border, so long as the presidential palace made the appropriate noises against Fidel Castro and denounced Soviet-backed guerrilla movements. Washington made no distinction between old-style caudillos, modern dictators, and the more recent democratic rulers. As long as they identified with the West, even men such as the Dominican Republic's General Trujillo and the CIA's man in Panama, General Noriega, were rewarded generously with economic aid that was shared out among the local nomenklatura — seldom reaching the poor, but always helping the "development" plutocrats to remain in power.

Foreign debt had piled up, and several generations of expropriation had left little to steal.

Unfortunately, on the eve of the new millennium, the United States political establishment sees Latin America as merely a troubled source of drugs and illegal immigration. In neither case is the United States the innocent victim that its politicians like to claim. U.S. drug policy has long encouraged the drug trafficking business, just as Prohibition created and enriched criminal mafias. Teddy Roosevelt's "Big Stick" has been revived in the drug warriors' attempt to shift the battle and its casualties from the streets of New York, Washington, and Los Angeles to Mexico, the Caribbean, and South America. This attempt to militarize a problem that has historically been a police matter (or just a person's private business) is especially menacing for Latin America, which has taken almost 200 years since the wars of independence to get the soldiers back into their barracks.

Indeed, no U.S. policy is more damaging than the hypocritical "certification" of countries that "cooperate" in the eradication of drug production and trafficking. Who "certifies" the U.S. is the question in the mind of most Latin Americans today. Doesn't Washington know that demand creates its own supply? If Washington is not willing to send in the Marines to re-conquer the inner cities from the drug kingpins in D.C., Los Angeles, and Harlem, why should Latin Americans suffer obvious restrictions to their civil liberties by having the army in every neighborhood? Latin Americans see U.S. drug policy as just another case of Washington arrogance, and the certification process practically begs for a new wave of "Yankee go home" sentiment.

The drug war is hardly the first case in which American arrogance has exacerbated Latin American problems. Consider, for example, the Mexican nationalization of the oil industry. General Cárdenas, obviously, is no hero of mine, and in hindsight it's clear that nationalization was a terrible mistake. But Americans forget the circumstances. Mexican oil workers were poorly paid by the multinationals, and President Cárdenas sided with their union, which was and is one of the PRI's chief supporters. Cárdenas called in the oil executives and promised them that if they went along with the salary raise, he would not impose any other additional costs on the industry during his presidency. Then one of the obtuse American executives asked for that in writing. Cárdenas did not reply, and the following day he nationalized the oil industry.

Nowadays Washington also displays much hypocrisy in defending the free flow of capital, goods, and services, but not of labor — as if tomatoes, oil, and cars were more important than people. It is politically convenient to blame ignorant Mexican peasants for taking advantage of the benefits offered by stupid laws, enacted by smart American college graduates. But immigration is not really the problem. The problem is the American welfare state. Rather than deal with the perverse incentives of the welfare system, however, Buchanan, Perot, the unions, blue collar workers, black leaders, and many Republicans find it expedient to blame immigrants from Latin America.

North Americans have a stake in the success of democratic capitalism in the rest of the hemisphere, but President Clinton is the first U.S. president since Truman not to visit Latin America in his first term. As of this writing, Clinton has never been south of the border, even as a tourist. Four more years in which Washington remains with its back turned to Latin America will lead Mercosur (South America's common market) to draw closer to the statist European Union, and to deepening conflicts on immigration and drug trafficking, not to mention a highly dangerous militarization of inter-American relations.

The fall of the Berlin Wall brought down the political and economic structure of Latin America as well, leaving the Latin left surprised, angry, and befuddled. The welfare state the leftists had erected, the university jobs they had dominated, and the positions of bureaucratic privilege they had monopolized are on their way out or already gone. In desperation, leftists try to blame every evil under the sun on "neoliberalism" — their name for the rather timid economic reforms that have been enacted in the wake of socialism's collapse. It won't work. Today, on the eve of a new millennium, Latin Americans are better off and more optimistic than during "the lost decade" of the 1980s. Those years saw the culminating failure of socialism and nationalism. Now, economic globalization and the cyberspace revolution are liberating us from asphyxiating governments. As brains and skills become Latin America's main resources, politicians will find it increasingly difficult to nationalize and expropriate wealth. Instead, they will be forced to create a competitive and attractive environment, with low taxes, few regulations, personal security, respect for property rights, and the rule of law. For most of the 20th century, the absence of these same institutions choked off individual liberty and free market economics, and set Latin America apart from the industrialized world. With the likely rebirth of our civil society, Latin Americans can at last reach for the united continent of freedom envisioned by Simón Bolívar. ❑

Chile's status as an international pariah had its positive side: Chile was saved from International Monetary Fund and U.S. government meddling.

Medical Marijuana: Beyond the War on Drugs

by Sandy Shaw

By meddling in state marijuana initiatives, the Feds have opened the door to a lawsuit challenging the very basis of their authority.

In his article "Medics in the War on Drugs" (March 1997), Thomas Szasz correctly characterizes the Arizona and California medical marijuana initiatives as "replacing legal sanctions with medical tutelage." And he rightly observes that too many critics of the War on Drugs "refuse to recognize that their adversaries are priests waging a holy war on Satanic chemicals." But the medical marijuana initiatives are nevertheless a step forward — for if a substance is recognized as helpful to certain desperately ill people, it is likely that many will no longer see it as satanic, thereby increasing the potential for outright legalization. Even more important, by attempting to regulate intrastate use of marijuana, the federal government has opened the door to a wide-ranging lawsuit challenging the very basis of its authority.

Free Speech, Federalism, and the DEA

Dr. Szasz writes that "[p]hysicians complain of being deprived of their right to free speech. It won't work" — because, he argues, physicians could still be punished by revoking their "prescription privileges" for substances controlled by the DEA. Certainly this is the government's plan; the Department of Justice's current position is that "a practitioner's action of recommending or prescribing Schedule I controlled substances [i.e., drugs that are supposedly addictive and have no medical use] is not consistent with the 'public interest' . . . and will lead to administrative action by the DEA to revoke the practitioner's registration [the right to prescribe controlled substances]." But for the federal government to punish doctors (or anybody else) for the content of their speech is plainly unconstitutional, as numerous Supreme Court decisions have made clear (the few exceptions include "fighting words" and "obscenity").

Moreover, the First Amendment, as I have previously noted in these pages ("My War with the FDA," January 1997), is on a roll before the U.S. Supreme Court. In the December 1996 *ABA Journal*, Professor Burt Neuborne of the New York University School of Law warned liberals worried by increasing judicial protection of so-called "commercial speech" that the current Supreme Court is "the fiercest defender of the First Amendment in the Court's history." Medical marijuana initiatives thus offer a tremendous opportunity to strike a blow for freedom — freedom that goes far beyond the issue of marijuana as a medicine and far beyond the issue of freedom of speech.

Taking It to the Courts

In February, Durk Pearson and I read that a complaint had been filed on January 14, 1997 in the United States District Court for the Northern District of California: *Dr. Marcus Conant, et al. v. Barry E. McCaffrey, Thomas A. Constantine (Administrator, DEA), Janet Reno, Donna Shalala*. The complaint, filed by lawyers for several doctors and by a lawyer for the ACLU, argues that the federal government violated the free speech rights of California and Arizona doctors by threatening them with criminal charges if they recommended medical marijuana to their patients.

Unfortunately, it turned out that Dr. Conant's complaint raises only one constitutional issue: freedom of speech. The complaint quotes the First Amendment ("Congress shall make no law . . . abridging the freedom of speech or of the press") and clearly explains how the federal government violated the free speech rights of doctors. And it shows how patients would be harmed by loss of access to their doctors' knowledge. Even if the

suit leads the courts to reaffirm the freedom of speech of doctors, however, patients using medical marijuana would still be at risk of federal prosecution. Furthermore, the suit didn't even mention important issues such as federalism (the constitutional limits on federal control over *intra*state activities), the jurisdictional limits of federal authority under the Interstate Commerce Clause, and the Ninth and Tenth Amendments.

For the federal government to punish doctors (or anybody else) for the content of their speech is plainly unconstitutional.

Federalism is important here because state sovereignty is the basis for many limitations on the power of the federal government. Since the 1930s, when a series of U.S. Supreme Court decisions vastly expanded federal power over the states, the courts have consistently favored very loose constructions of the articles of the Constitution that describe federal powers. But in *U.S. v. Lopez* (1995), the U.S. Supreme Court ruled that the Interstate Commerce Clause did not authorize a federal law banning the possession of guns within 900 feet of a school — since such activity was not interstate commerce — and struck down the law.

This was the first time since FDR that the Supreme Court had set any real limit to the feds' authority under the rationale of "regulating interstate commerce"; previously, even activities such as a farmer's growing grain to feed to his own livestock had been defined as "interstate commerce" (*Wickard v. Filburn*, 1942). Moreover, Justice Clarence Thomas's concurring opinion virtually invites new challenges to federal authority under the Commerce Clause. Even Justice Stephen Breyer, who was in the dissenting minority in *Lopez*, agreed that the federal government does not have a general police power and cannot regulate everything — that there are limits to the reach of the Commerce Clause. (When asked to give an example, however, Breyer couldn't think of one.) Medical marijuana is a perfect issue for challenging federal authority.

Hoping to broaden the scope of the original complaint, Durk Pearson and I had our attorney, Jonathan Emord, ask the plaintiffs' attorneys if we could file a friend-of-the-court brief in support of it. Although they agreed to allow us to do so, they refused to amend the complaint itself to bring up the all-important issue of federalism. Shortly thereafter, the federal government suddenly agreed that doctors would be allowed to discuss (but not recommend) medical marijuana without fear of federal prosecution. Then, on April 11, Northern California District Court Judge Fern M. Smith issued a temporary restraining order enjoining McCaffrey, Reno, and Shalala "from prosecuting doctors or revoking their prescription licenses" for discussing marijuana with their "bona fide" patients or recommending it to them.

These, to be sure, are all positive developments — but they do nothing to challenge federal authority at its root. So we decided not to file a brief in the *Conant* case. Instead, along with Julian Whitaker, M.D., and the Life Extension Foundation (co-plaintiffs who are helping fund the suit with us and a friend who wishes to remain anonymous), we filed suit on March 6 in the U.S. District Court for the District of Columbia, which has jurisdiction over the federal government everywhere in the U.S. (The full text of the complaint is available at *www.netcom.com/~zeno7/durksand.html*.) Unlike the California suit, ours argues on behalf of doctors and patients in four states in which medical marijuana is legal: Virginia, Connecticut, California, and Arizona. And in contrast to *Conant*, our suit does *not* depend upon establishing the medical efficacy of marijuana. We are challenging the very basis of federal authority to regulate intrastate use of a medicine — which in this case is marijuana, but could be any medicine. Previous decisions provide solid grounds for hope here: for example, in the early 1980s, the U.S. District Court in Texas ruled that the feds could not prevent Dr. Stanislaw Burzynski from using "neoplastons" to treat cancer, so long as he did not ship neoplastons outside of Texas.

However, it is worth noting that doctors generally do not question the efficacy of marijuana as a treatment for certain conditions — most notably for intractable pain and nausea caused by chemotherapy for cancer or AIDS. The widespread acceptance of marijuana for this purpose is reflected, for example, in an article by Jerome P. Kassirer, M.D., that appeared in the *New England Journal of Medicine* (January 30, 1997). Dr. Kassirer, the journal's editor, writes that "what really counts for a therapy with this kind of [high] safety margin is whether a seriously ill patient feels relief as a result of the intervention, not whether a controlled trial 'proves' its efficacy. . . . Thousands of patients . . . report they have obtained . . . relief . . . so striking that some patients and their families have been willing to risk a jail term to obtain or grow marijuana." He further argues that the government should change marijuana's status from Schedule 1 to Schedule 2, which designates a drug "with some accepted medical use." And he notes that "it is hypocritical to forbid physicians to prescribe marijuana while permitting them to use morphine . . . to relieve extreme . . . pain."

Medical marijuana is a perfect issue for challenging federal authority.

A final point. Most patients suffering from chronic nausea cannot afford the $600 to $1,200 per day charged for Ondansetron® or the

continued on page 38

Polarities of the Political Class

by Stephen Cox

Positive and negative aren't just two ends of a magnet.

For the past seven decades, ever since Isabel Paterson started attacking the New Deal, which was before the New Deal started, libertarians have been worried about the solidification of a two-class system in America: at the bottom, a productive class, consisting of everyone from the harvest laborer to the computer magnate; at the top, a governing class, existing to dominate and exploit everyone else.

The American constitution, and the individualist and competitive nature of American society, have kept this country free from some of the worst manifestations of the two-class system. We have nothing like the governing classes that have permanently battened on other lands: the public-school and mitered Marxist class of Britain, the administrative-college class of France, the Institutional-Revolutionary class of Mexico, the nomenklaturas that still function in those funny places to the east of Adriatic. But America is not immune. It could certainly develop the kind of governing class that cannot be dislodged, no matter what.

There are two means of detecting the development of such a class.

The first means is a test for *positive* characteristics: Are there people who have power, and cannot be pried away from it, *because of who they are*? The second is a test for *negative* characteristics: Are there people who have power, and cannot be pried away from it, *in spite of who they are*?

The first test turns up countless people who exert power as if by unchallengeable right and because of who they are: any middle manager of a government bureau; any "consultant" on education, safety, drug addiction, mental health, or the perils of nicotine; anyone who reads the news on television; anyone officially connected with "the ecology"; any recipient of Social Security; anyone who has had something really bad happen to him, or imagines that he has; any descendant of Old Joe Kennedy. I'll call these people the Positives.

The second test is more rigorous. It seeks to identify the hard core of the governing class — the Negatives, those who are given obeisance, like Roman emperors, despite their known and dreadful defects. People aspiring to membership in this power group have usually had a sort of rough time in America. The progress of the Positives has been regular, predictable, and in direct relation to the progress of the welfare state; but until recently, the Negatives were comparatively few, and they seldom appeared at the pinnacles of power.

Their first real breakthrough came with the Kennedy administration. This was actually a crossover movement, from the Positive side to the Negative. Jack Kennedy led a privileged political life because he was rich, "handsome," and Democratic — all Positive characteristics. But he kept his privileged position even after his death, *in spite of* the fact that he was one of the least moral men ever to preside over this puritan country. Of course, his unwholesome features were not widely known until after he was sainted. The media, 99% Democratic and 100% modern-liberal, understood and very probably approved of these features, but proceeded to cover them up. After they became known, however, he continued to be revered — in spite of what was known.

Lyndon Johnson was the next great Negative, and the greatest of them all, if greatness be simply a matter of intrinsic worth. Johnson's worth was entirely Negative. He was a morally worthless human being. In fact, he was worse than worthless. He was an evil man. But again, the effects of Negativity were muted. In the early days of Johnson's reign, most of his sickeningly repellent features were hidden by the media, just as Kennedy's had been. Johnson, after

all, was busy prosecuting his War on Poverty, so more power to him. But the media finally turned on Johnson for prosecuting his War on Communists. His badness was then announced and insisted upon, and he was forced into political exile.

This was a setback for Negativity, and it formed a pattern for two succeeding presidencies. Nixon was hurled from office because he was a sanctimonious liar (and had the media against him, too); Carter was cashiered for being a snivelling little weasel. Under those administrations, the American political class suffered grievous psychic wounds. It grew, of course — it always grows — but it no longer had the hope inspired in it by good (or was it bad?) St. Jack, the hope that one day it would be clothed with power, like the ancient aristocracies of Europe, *because* of its moral nakedness.

And now we come to Clinton. (No, Ford, Reagan, and Bush will not be part of this story. To paraphrase Addison Dewitt, I leave them and their sins to Louisa May Alcott.) William Jefferson ("Bill") Clinton is a blow-hard and hypocrite whose word on any subject would not be credited, without independent confirmation, and plenty of it, by any person of normal intelligence.

Clinton's confederates seem to have stepped directly from Chapter 4 of a Victorian novel about some orphanage out in the fen country.

His administration is the most immoral in American history. It's not only immoral, it's immoral in small, mean, cruel, stupid ways, the ways of the Waco massacre and the firing of the Travel Office employees and the phony Health Care Plan. Clinton's confederates — Big Web Hubbell, Jagged Janet Reno, the Missus, Ghostly Vince, Old Parson Gore, Little Georgie S., that fat kid with the list of names — seem to have stepped directly from Chapter 4 of a Victorian novel about low intrigue in the administrative offices of some orphanage out in the fen country. Clinton himself is best analyzed as an escapee from a satirical novel.

But now has come the kingdom of the Negatives, and their power. The American people know what Clinton is, and he and his administration remain securely in power *despite it*. Why? Perhaps they regard Clinton as a fictional character after all; there's no point in impeaching somebody who's just a bunch of words. Perhaps, after centuries of puritanism, Mr. and Mrs. America are learning how to coast the shady shores of cynicism. Perhaps, God help us, they've come to think that the governing class is just too well-entrenched to challenge. Whatever the explanation, this is a new thing, and it can't be good. ❑

Shaw, "Medical Marijuana," *continued from page 36*

hundreds of dollars per day cost of Marinol®, two synthetic treatments for nausea. Marijuana, by contrast, brings relief for only a few dollars per day. And as Dr. Kassirer notes, it is difficult to correctly adjust the dose of Marinol, which includes synthetic THC (the main active ingredient in marijuana); if you use too much, you are zonked out of your mind, but if you use too little you don't get adequate relief. The federal government is thus in the odd position of advocating use of a drug that is less effective and often far more intoxicating than marijuana.

The Empire Strikes Back

Besides challenging the feds on free speech grounds, our suit questions the rest of their plan as well — of which pulling "prescription privileges" is just the beginning:

1) The feds also claim the authority to "exclude specified individuals or entities from participation in the Medicare and Medicaid programs";

2) They plan to have the Department of the Treasury "recommend that the IRS issue a revenue ruling, to the extent permissible under existing law, that would deny a medical expense deduction for amounts expended for illegal operations or treatments";

3) The new initiatives will not be allowed to affect the Department of Housing and Urban Development's aggressive eviction policy for users of proscribed drugs, even if used as medicine under protection of state law;

4) The federal government plans to have the Department of Education "develop a model policy to confront 'medical marijuana' use in schools";

5) This is all supposedly justified on the grounds that "marijuana, as a Schedule I drug, has 'high potential for abuse' and has 'no currently accepted medical use in treatment in the United States.'"

Fortunately, the federal government does not have constitutional authority to do any of these things — and the present Supreme Court is, we think, ready to agree. ❑

Terra Incognita

Afghanistan

Political science meets ecology for a round of unintended consequences, as reported by London's *Independent* and relayed in *World Press Review*:

> The ruling Taliban Islamists have forbidden citizens from carrying paper bags. The bags, Taliban is concerned, may have had previous lives as pages of the Koran. An unintended side effect of the ban "was an immediate run on toilet paper by customers worried that it, too, might be affected by the edict."

Sydney, Australia

Advances in standards of artistic evaluation, as reported by the *Milwaukee Journal Sentinel*:

> Art historian Robert Smith's disclosure that "aboriginal painter Eddie Burrack" is really an 82-year-old woman of Irish descent has provoked outrage in Australia's arts community. Doreen Mellor, a curator who had exhibited "Burrack's" paintings, commented that "nothing justifies inventing an aboriginal person."

I'll Settle for Paper

by Bruce Ramsey

The argument for the gold standard is paper thin.

The gold standard is a matter of faith for many libertarians. It ought to be a question of practical history.

Gold, its proponents say, provides an anchor of value. Let's admit that much. But a system of currency must do more than anchor value. It must grease the gears of commerce. It must be tough, able to withstand external shocks. It must work well in changing circumstances.

The gold standard was the norm in the industrial world for 35 years, 1879–1914, and briefly in the late 1920s. Yet few libertarian writers focus on this experience and ask whether there is anything to be learned from it.

Milton Friedman — the one libertarian who knows more about it than any other — is clearly no believer. His magnum opus, *A Monetary History of the United States, 1867–1960* (1963, written with Anna Schwartz), criticizes the gold standard, and his recent collection, *Money Mischief: Episodes in Monetary History* (1994), compares it unfavorably to bimetallism (gold *and* silver backing, with a fixed exchange rate). So does a recent scholarly work, Barry Eichengreen's *Golden Fetters: The Gold Standard and the Great Depression, 1919–1939* (1995). Eichengreen is a professor of economics and political science at the University of California at Berkeley. I don't know what his politics are, but his book makes a strong case against the gold standard in practice, especially in the 1920s.

The central problem of the gold standard, according to these scholars, is its rigidity. And the closer the system is to 100% backing, the greater the problem.

Historically, this rigidity has made it difficult for gold-backed currencies to respond to changes in the economy; the supply of gold usually grew slower than the demand. The result was deflation. After the Civil War, for example, U.S. prices fell for 30 years. The first 13 of those years, government policy had focused on squeezing out the Civil War greenbacks so that gold backing at $20.67 an ounce could be restored. But prices continued to fall even after the gold standard was resumed in 1879. Between 1876 and 1896, the U.S. price level fell at an average of 1.7% a year.

Gold was being supplied to the economy. The money supply, Friedman calculates, increased during those years at an average of 6%. But this was the great period of railroad-building and industrialization, and the demand was for more than that. Prices fell.

A 1.7% deflation may not seem like much; certainly an inflation of 1.7% isn't much. But deflation is harder to live with than inflation. It squeezes borrowers, and by increasing the risk of defaults, threatens lenders. It can result in a severe tightening of loan standards. Major banking panics erupted in 1884, 1890, and 1893, the last followed by a depression.

Gold was an uncomfortable discipline, and a major political movement arose to throw it off. In the mid-1870s, the Greenbackers fought against resumption of gold payments. In the 1890s, the Populists demanded "free silver" — that the U.S. Treasury buy all the silver offered at $1.29 per ounce and coin it into money. This would have effectively put the United States on a silver standard, devaluing the dollar relative to the gold-backed pound, franc, and mark.[1] Populist pressure led to the coinage of millions of silver dollars — you can see them in any coin shop today — but the coinage was never unlimited. Gold continued as the standard.

The high tide of free silver was 1896, when anti-gold forces captured the Democratic Party. Their nominee, William Jennings Bryan, gave his famous speech demanding that the government not "crucify mankind upon this cross of gold."

Bryan lost. The issue then went away. The reason, Friedman writes, was an upsurge in gold production. In 1887, three Scottish chemists had invented the cyanide process, which by 1896 had led to massive output from new mines in South Africa. Two

years later, gold was discovered in the Yukon. From 1896 to 1914, U.S. prices inflated by 2% per year, rising about 40% in the period as a whole. The result was increased stability: only one major panic, in 1907, and no depression to rival that of 1893.

In Britain and many other European countries, gold coins were taken out of circulation to boost central bank reserves, leading to a sharp drop in the number of gold coins in worldwide circulation — a trend that continued from the beginning of World War I through the 1920s. Central banks had good reason for this: in circulation, a gold sovereign was simply one pound sterling; in the central bank it supported several pounds sterling in bank deposits or paper.

U.S. law was stricter about backing the currency with gold. This, coupled with the strong economy, vacuumed up gold from around the world.

The result was not inflation; the U.S. price level fell at an average of 1% a year from 1923 to 1929. Monetary expansion merely kept the price level from falling further than it would have otherwise. But by ameliorating deflation, and reducing the risk of a liquidity crisis in the short run, it raised the risk in the future. The foundation of the system was still gold.

Gold linked all the currencies together. If currency holders in one country panicked and demanded specie (precious-metal coins), it would flow out of the other countries.

The only way for the system to work was for the countries with strong central banks to support those with weak ones — and for the market to believe they would do so. Such cooperation, Eichengreen writes, was critical in the classic gold period of 1879 to 1914. In the Baring Brothers crisis of 1890, England would have gone off gold except for a loan from the Bank of France. In the Panic of 1907, the rush to gold in the United States — which had no central bank to back up the system — was satisfied by the central banks of France and Germany.

In a world with no major wars requiring huge government expenditures, the system worked for 35 years. But it could not finance World War I. All the belligerent countries suspended gold payments in 1914, all of them suffered from inflation, and most of them had a hard time restoring gold when the war was over.

Gold required discipline, a consensus that a gold-backed currency is worth occasional bouts of depression. But early in this century, that belief began to change. After the war, Britain suffered seven years of deflation as it struggled to repeg the pound to gold at the prewar rate. The political backlash was even greater than in America after the Civil War: in Britain, the unions called a general strike in 1926, and helped elect the first Labour government.

Germany emerged from World War I with an impossible bill for reparations. Its political parties could not agree on how to pay. The result of political deadlock was printing-press money and the destruction of the mark. The German currency was restarted with stabilization loans, completing a circle: Germany pays reparations to France and Britain; France and Britain repay war debts to the United States; the United States makes loans to Germany.

Why gold should be a key to liberty I can't fathom.

Germany and France restored gold convertibility in 1924 and 1928, respectively, at rates much devalued from 1914. The United States had no problem repegging to gold at $20.67 an ounce. It ran huge trade surpluses in the 1920s, recycling the funds as loans to Europe and Latin America.

In 1928, worried about stock-market speculation, the Federal Reserve began tightening credit. Foreign loans slowed sharply, and the circle of payments was broken. Borrower countries began frantically tightening credit to meet their gold obligations. Gold flowed to the United States, and the borrower countries slid into recession. In October 1929, Wall Street crashed, and the whole of the gold-standard world was in recession.

Here, say Friedman and Schwartz, was the time for the United States, which had 40% of the world's monetary gold, to loosen up. It refused.

The number two gold power, France, had gone through a paper-money inflation in the early 1920s, and wanted no more of it. It also refused to reflate. The result was a deflationary crisis, which began in the gold-short countries in 1931. The Kreditanstalt, Austria's largest bank, collapsed, and the country's central bank was unable to bail it out. Austria appealed for help.

Here, says Eichengreen, was the time for the strong central banks to help the weak ones. Yet the response of the Bank of France was to attach political conditions: no loans to Austria until Austria abandoned its plan for a customs union with Germany. Austria imposed exchange controls, defaulting on its gold obligation.

The crisis spread to Germany, another weak-gold country, and the Germans insisted on a moratorium on their war reparations. President Hoover agreed. The French refused even to discuss it. The governor of the Bank of France added the additional demand that Germany stop building pocket battleships.

The Reichsbank went off gold.

Central banks with "paper gold" scrambled for the real thing. The worldwide money supply, which had ballooned with "paper gold," now imploded.

Redemptions of sterling spread the crisis to Britain. A decade before, its leaders had accepted unemployment as the price of a gold pound; in 1931, that price was further cuts in government spending. Labour Prime Minister James Ramsay MacDonald was unwilling to make the cuts. His government fell on August 24, 1931, and was replaced by a Labour-Liberal-Conservative coalition. The Liberals and Conservatives wanted to reduce spending; Labour wanted to raise taxes. They deadlocked.

The Bank of England suspended payments of gold on September 19, 1931. Sweden, Denmark, Norway, and Canada followed.

The United States held firm. To stimulate recovery, its interest rates should have been at rock bottom. But to retain gold — which France was demanding for its paper dollars — the New York Fed raised its discount rate from 1.5% to 3.5% in October 1931. The U.S. money supply plunged from August 1931 to January 1932 at an annual rate of 25%.

In the United States, economic recovery did not begin until newly inaugurated Franklin Roosevelt broke the link to gold on April 19, 1933. The stock market rallied. Though it fell back several times, partly because of Roosevelt's other experiments, the economy never again fell so low.

The gold economies continued to shrink. In 1935, a group of economists calculated that Belgium required another 30-35% drop in wages and prices to become internationally competitive. Belgium devalued by 28% and went off gold.

France, still on gold, hammered prices and wages down so long that in April 1936 voters elected a leftist coalition led by Leon Blum. His policies were incompatible with gold, and France suspended payments in September 1936. Switzerland and the Netherlands immediately followed, and the gold standard was finished.

Writes Eichengreen: "Almost everywhere it was tried, currency depreciation stimulated economic recovery. Prices were stabilized in countries that went off gold. Output, employment, investment and exports rose more quickly than in countries that clung to their gold parities."

Today, with our paper money, we are worlds more comfortable and secure than our great-grandfathers were with their gold money.

The gold standard has been dead ever since.

The Market for Money

Gold bugs may dismiss this history as the failure of too much paper pyramided on a metallic base. But in arguing that the central bankers of the 1920s were not orthodox enough, the gold bug digs himself back into the hole the bankers were trying to escape: deflation.

Friedman and Schwartz calculate that the U.S. money supply increased 157 times from 1867 to 1960. How much could it have increased had it been bound rigidly to gold? How severe would the resulting deflation have been?[2] Deflation raises all kinds of hell. It means that if you're paid the same in dollars as last year, you've gotten a raise — and that if you want your employee to stay the same as last year, you've got to cut his pay. As a renter, it means you've got to negotiate periodical rent decreases.

People can live with deflation if they think they have to. In the first 17 years of the classic gold era, they lived with it because they believed that the alternative was chaos. In the 1930s, they hung onto gold until the army of unemployed swelled to 25% — because they thought the alternative was chaos. Now they know better. Today, with our paper money, we are worlds more comfortable and secure than our great-grandfathers were with their gold money. When Steve Forbes suggested in his 1996 primary campaign that the dollar be backed by gold, the line fell flat — because, I believe, people are quite happy with Federal Reserve Notes.

Politically, the gold standard is unmarketable merchandise. Not that the world doesn't hanker for an international medium of exchange. It has one — the U.S. dollar, which ties together such far-flung currencies as the Argentine peso and the Thai baht, and provides an entire parallel monetary system in formerly Communist frontiers such as Cambodia and Ukraine.

Doomsayers warn periodically that the dollar will be dethroned. Its dominant position since World War II has been abused by thriftless Americans; had there been a better alternative, the world would have used it.

Gold is certainly available. Gold contracts have been legal in the United States for 20 years and are legal in most other places. Gold producers have pumped out as many Eagles, Maple Leafs, and Krugerrands as the market would bear. These nonmonetary coins have been accepted widely as a store of value — but not as a medium of exchange.

Why not? Those who advocate the use of gold as money should answer that question. Why aren't people using it now? Why aren't you using it now?

Some libertarians promote the idea of privately issued currencies, backed by gold. There is no market for such a currency. Why not?

Gold is also promoted as a key to achieving liberty. Why gold should be a key to liberty I can't fathom. Right now, I am at liberty to move my dollars anywhere and exchange them for any other currency; I can put my wealth into in any number of currencies right here in the United States. There is a bank in St. Louis, the Mark Twain Bank, that does a specialty business in Swiss francs, marks, yen, and such exotic fare as the Malaysian ringgit. Several banks in my home town will set up a deposit in Canadian dollars, marks or yen if I give them $100,000 or so, though they don't advertise it. Legally, they could promote such accounts to everyone — and would do so, if they thought there was a market. But there isn't.

Deflation is harder to live with than inflation. It squeezes borrowers, and by increasing the risk of defaults, threatens lenders.

If I don't like deposits, I can buy bonds — yen bonds, mark bonds, Swiss franc bonds. I can buy futures. I can set up a transaction pegged to foreign currencies, gold, silver, platinum, palladium, pork bellies, or old newspapers. I can bet against my reference currency, the U.S. dollar; against many foreign currencies; or against paper currencies in general. I can use such transactions to eliminate risk or to get paid for accepting risk.

Fifteen years ago, I could have been excused for believing that America needed to return to the gold standard. Inflation was at 14%; gold and silver were surging to improbable highs. The average person had learned never to bet against inflation. The world of stable currency seemed gone, probably forever. Libertarians were piling up Krugerrands, bags of silver quarters, Sam Andy freeze-dried peanut butter, and books predicting — ironically — exactly the sort of crash that had happened under the gold standard.

And all those predictions were wrong. They made money for those who peddled them, but they were dead, flat-out, idiotically wrong. To believe them today is to pronounce

one's lack of common sense. And if one does not believe them, then why believe in gold?

I'll Take My Bills

I'll take paper. I suppose it's "government fiat money," but when you've got dozens of currencies to choose from, a few of them ought to pass muster. These days, there are several hard paper currencies: yen, marks, Swiss francs, French francs, guilders, Kiwi dollars, Singapore dollars, and yes, even greenbacks.

A hard paper currency doesn't hold its value as well as gold, but it does well enough for mortal concerns, and I get compensated with interest. Like gold, a paper currency requires of central bankers a certain discipline, and of the political elite a certain consensus. But the discipline of paper is an easier one, and in the past 15 years the rich countries of Europe, North America, and East Asia have accepted its necessity.

Best of all, in a paper-money world, I'm much less likely to be thrown out of work by some economic meltdown. I appreciate that. Paper money is flexible. If Alan Greenspan needs to print up $50 billion to lend to the Mexicans, he can do it. I hope he doesn't do it very often, but at the moment of monetary crisis, it's better to have a currency that stretches out of shape than one that shatters. ❑

Notes:

1. Friedman and Schwartz conclude that a silver standard would have been preferable to gold, because so many other countries were on gold that there wasn't enough to go around. It also would have delinked U.S. monetary policy from the gold states. "A striking, more recent example of how much of an advantage it can be is furnished by China's experience from 1929 to 1931," they write. "Because it was on a silver standard, it avoided almost entirely the adverse consequences of the first two years of the worldwide depression . . ."
2. Suppose the United States had not gone off gold in 1933, and that the $20.67 per ounce conversion still held. Assuming a 2% deflation since 1933, the pound of hamburger that was 5¢ then (in old newspaper ads) would be a cent and a half now; the first-run Hollywood movie that was 35¢ then would be just a dime today. The government would have had to mint halfpennies and farthings, and probably even mills.

Counterpoint

I'll Go for the Gold

by Robert Higgs

The case for gold is the case for civilization. But do we live in a civilized society?

I am not now, nor have I ever been, a gold bug. The card-carrying bugs I have known seem to view the gold standard as a panacea, or something close to one, whereas I doubt that even the purest of gold standards would solve all economic problems. Still, it seems to me that Bruce Ramsey flogs the classical gold standard too hard and vindicates present-day monetary arrangements too readily.

Ramsey rests his case on history. Some gold bugs will object immediately on the grounds that the historical gold standard, even in its "classical" manifestation, was not the same as the arrangement they support. For example, Murray N. Rothbard, a well-known proponent of the gold standard, insisted that above all the monetary standard must emerge in the free market. "The important thing," he wrote, "is that the standard not be imposed by government decree. If left to itself, the market may establish gold as a single money ('gold standard'), silver as a single money ('silver standard'), or, perhaps most likely, both as moneys with freely-fluctuating exchange rates ('parallel standards')." If the free market had adopted a magnesium standard, Rothbard would have said "amen," but he interpreted history as having shown that gold makes a better money than other commodities, except perhaps for minor transactions.

The gold standard that served the industrial world from 1879 to 1914 was not the product of the free market. It was a government-ordained, government-managed arrangement. Therein lay the seeds of its destruction. Under the system, each participating government committed itself to redeem its national paper currency for gold at a fixed rate — for instance, one ounce of gold for $20.67 in the United States.

So long as people had confidence that the governments would keep their commitment to redeem paper currency at the set rate, the system worked fine, tying much of the trading world into a network of predictable (because fixed) exchange rates among national currencies — for example, £1=$4.86.

When public confidence in a government's commitment waned, however, the system tottered. During the silverite agitation in the United States in the mid-1890s, traders speculating in anticipation of the gold standard's abandonment nearly exhausted the U.S. Treasury's gold reserves before J.P. Morgan and other bankers rode in to save the government's day.

When governments themselves had a strong desire to levy the inflation tax, as the major belligerents did in financing their involvement in World War I, they readily broke their promise and abandoned the gold standard. From these events we learn that governments

are not to be trusted — not exactly a news flash.

Notwithstanding its built-in vulnerability and the short-run economic fluctuations that marred its record, the classical gold standard served the world well while it lasted. Examining this historical experience to extract its lessons, we must be careful not to mistake correlation for causation. Ramsey avers that "Today, with our paper money, we are worlds more comfortable and secure than our great-grandfathers were with their gold money." No doubt we are better off in many (not all) respects, but I doubt that we are better off because we live in a world of fiat currencies whose values rest on nothing more substantial than our willingness to believe our rulers when they promise to behave themselves.

Nor, against the backdrop of the entire post-1914 period, would I put much weight on the relatively successful monetary management of the last 15 years or so. Because inflation is one of the most easily imposed taxes, governments — via their creatures, the central banks — are inherently inflationary.

Accepting Barry Eichengreen's interpretation, Ramsey holds the gold standard responsible for the Great Contraction of the early 1930s and credits the abandonment of gold for the recovery after 1933. But we are not entitled to indict Zorro just because a witness to the crime saw a guy with a thin mustache, wearing a black cape and wielding a rapier, running from the scene. A lot of bad policies of various sorts, both here and abroad, converged to create the Great Depression. Besides, Zorro died before the crime was committed.

The best money is one with a predictable purchasing power, and the easiest magnitude to predict is a constant.

In the words of Howard S. Ellis, the gold standard had been "dead as a dodo . . . since the guns of August 1914, since which it has only twitched." In a word, the post–World War I gold standard was a fake. Britain and other European countries would no longer redeem their currencies in gold coins for ordinary citizens, only in large bars suitable only for settling large international transactions (hence the "gold-bullion standard").

The British made everything worse when, despite having hugely inflated their money stock during the war, they stupidly insisted on returning to gold at the old exchange rate of $4.86 per pound. This greatly overvalued the pound and therefore decreased the demand for British exports, keeping unemployment high and energizing class warfare.

In the 1920s, many countries did not resume redemption of their currencies in gold at all, pegging them instead to the pound or the dollar (hence the "gold-exchange standard"). Leland B. Yeager has aptly described this setup as "like the gold-bullion standard, . . . an attempt — whether conscious or not — to have the trappings or symbols of the gold standard without its full restraint on money issues." Yeager observes that "it contributed to the precariousness of the whole system of the 1920s" by pyramiding more and more paper money atop the world's monetary gold reserves.

With gold or without, the absurd tangle of reparations, war debt payments, and international lending set in motion by the Versailles Treaty virtually guaranteed an international monetary crisis sooner or later. During the 1930s, as one country after another went off gold, the world plunged into an orgy of beggar-thy-neighbor policies that pushed international trade and investment near the vanishing point, further sapping the world's already shrunken standard of living and exacerbating already heightened hostilities among nations.

Eichengreen argues that going off gold put a stop to the contraction and set in motion rapid recovery. I have much doubt. Correlation is not causation, and besides, in the United States many other changes occurred concurrently with the abandonment of the gold standard. But even if Eichengreen is correct in concluding that the abandonment of gold triggered an economic turnaround, it was obviously a weak engine of recovery: on the eve of World War II, the U.S. economy remained mired in depression.

Moving forward into the post–World War II world of little or (since 1971) no monetary link to gold, Ramsey wonders what the gold bugs are fussing about. Although he recognizes that fiat money depreciates relative to gold, he judges that it holds its value "well enough." Sure, the dollar has held up well relative to the Mexican peso, the Brazilian cruzeiro, and a lot of other currencies, which explains its widespread acceptance outside the United States. But compared to gold-standard money, the purely fiat dollar has lost value rapidly. Relative to the dollar of 1933, today's dollar is worth about 8¢.

The gold standard restrained the government from inflating the money stock, and thereby restrained the growth of government far more successfully than public opinion and political competition do in our day.

I do not share Ramsey's judgment that deflation creates more severe problems than inflation. Both give rise to problems and losses, the incidence of the losses depending on whether one is a net monetary creditor or a net monetary debtor and on whether one has correctly anticipated the change in the purchasing power of money or not. More generally, the problem is that both deflation and inflation make planning more uncertain and economic calculation more problematic; hence both impair economic efficiency.

The best money is one with a predictable purchasing power, and the easiest magnitude to predict is a constant. Nowadays, of course, the speculation is all one-sided: we must guess only how rapid the inflation will be, as our devoted monetary caretakers have sworn to shield us from deflation at all costs. There's method in their madness, but this is not the place to explore it.

I cannot agree with Ramsey that "had there been a better alternative, the world would have used it." The world is plagued by all sorts of sub-optimal institutions, not to speak of the downright destructive ones. Except by

embracing a tautology, we cannot justify the view that whatever exists or persists is necessarily the best.

Why haven't people who regard the gold standard as superior just adopted it, at least since the government ceased prohibiting gold ownership in the 1970s? Probably because introducing a new standard, whether it be a monetary standard, a measurement standard (e.g. metric), or a design standard (e.g., electrical power outlets and plugs), is extremely difficult when a different standard has already become established and people have adapted their affairs to it. Standards, by their very nature, must be widely shared to be viable.

The fiat dollar was forced on us by the government and, in countless ways, we have all adapted to using it as a medium of exchange. It is hard to imagine how another standard could peacefully displace the present one, but I hope the fault is only with my powers of imagination.

The gold standard is not the only thing that's dead as a dodo. Gone, too, is virtually the entire edifice of bourgeois civilization that once sustained a system of "honest" money.

The gold standard was part of a culture much friendlier to freedom than our own. That standard restrained the government from inflating the money stock, and thereby restrained the growth of government far more successfully than public opinion and political competition do in our day. But the gold standard is not the only thing that's dead as a dodo. Gone, too, is virtually the entire edifice of bourgeois civilization that once sustained a system of "honest" money. Americans and others who once enjoyed the decencies of bourgeois liberalism have traded them for the delights of the warfare-welfare state. Sad to say, a society that genuinely values private property rights, limited government, and individual responsibility does not lie just around the bend; and because it doesn't, neither does a return to the gold standard. ❑

Reflections, "Monday morning quarterback," *continued from page 18*

And people often willingly comply. After all, one reason for holding inventories in the first place is to be able to satisfy a spurt of demand over output, and workers think they might as well seize overtime or job opportunities while they are available, postponing leisure.

The resulting expansion of output — of "economic growth" — might count as irrational if all businesses and workers decided on it collectively. Actually, they decide individually. Each one responds rationally to improved business or job opportunities. These opportunities are genuine even though they hinge on similar responses by other firms and workers.

This expansion, however, cannot last. Inventories are not inexhaustible, nor are workers willing to postpone leisure forever. As resource and inventory limitations show themselves and as costs rise, sales and job opportunities lose their earlier attractiveness. When we come to the end of this stretch, prices must rise.

The Federal Reserve responds as best it can to advance clues about inflation. When it adjusts rates in reaction to labor-market tightness, high rates of industrial capacity utilization, inventory reductions, lengthened delays in filling orders, shortages of office space and boxcars, and other possible signs of demands running ahead of supplies, it presumably does so for a reason. *These are the clues of incipient inflation.* Too much money causes inflation only after a lag; and reversing or even only stopping inflation, once it has become unmistakable, is exceedingly painful. Made wiser by experience, the Federal Reserve tries to forestall the need for painful countermeasures.

Greenspan understands what Kemp, Rohatyn, and others do not: not every spurt of growth is sustainable. His critics seem not to distinguish between inflation-induced growth and growth based on improved productivity and other real factors. In a proper context, Kemp is right in stating that real growth prevents inflation rather than creating it. But such truths provide no basis for month-by-month and week-by-week kvetching about Federal Reserve policy.

Our existing monetary institutions, centered on the Federal Reserve, do indeed invite criticism. Different institutions would work for a stable price level "automatically" and would not require a monetary authority to read tea leaves and take discretionary preemptive action against possible inflation. Apart from his criticisms, Kemp was wise in recommending, if only in vague terms, arrangements aimed solely at a stable price level.

Given our current unsatisfactory institutions, however, and in view of the historical record, the Greenspan Fed has been doing a good job. —LBY

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Exposé

Ebonics: Bridge to Illiteracy

by Nicholas Stix

Ebonics is a masterpiece of bad politics and worse linguistics.

"Ebonics" became a *cause célèbre* last December, when Americans were informed that the Oakland Unified School District had resolved to recognize Ebonics as a separate, "African" language (a.k.a. "Pan-African Communication Behaviors"), asserted that Ebonics was "genetically based" and not a dialect of English, and declared its intention to pay teachers bonuses to teach in Ebonics.

The board responded to the ensuing firestorm of protest by calling its critics liars. It now claimed that the resolution had *not* called for children to be taught in Ebonics, but rather for teachers to be taught to understand, recognize, and respect their students' language; that the school district had not been seeking federal money for "bilingual education" in Ebonics; and that the modifier "genetically" had been inexplicably misrepresented as having to do with — genetics. White racist politicians and journalists were simply seeking to discredit a reasonable and scientifically supported new curriculum.

As it turns out, however, mainstream media accounts had, if anything, gone out of their way to conceal the radical nature of the Oakland scheme. In the *New York Times'* first report on the Oakland resolution, for example, Peter Applebome reported that "[u]nlike standard bilingual programs, courses would not be taught in black English" — and this erroneous assertion by our newspaper of record was, inevitably, to have a tremendous influence on the subsequent debate.

A craftier switch was pulled by *Time* magazine columnist Jack E. White, who claimed that the whole controversy stemmed from poor communication; board members had "the right idea after all"; they were merely trying "to help teachers understand that youngsters from underclass neighborhoods speak differently from other Americans." Too bad their "Afrocentric jargon and education-speak" had led people to conclude, mistakenly, that "the board was trying to dumb down the curriculum by teaching bad grammar and syntax." It was all a big misunderstanding.

If there is a misunderstanding here, however, it is one fostered by both Applebome and White. The first resolution clearly states that black American kids speak an "African language," rather than English, and that they should be taught in both. In the resolution, the board "officially recognizes the existence . . . of West and Niger-Congo African Language Systems . . . as the predominantly primary language of African-American students"; Oakland schools are to provide "instruction to African-American students in their primary language." And a spokeswoman for the board, Sherri Willis, recently confirmed that Oakland schools will be teaching in Ebonics. Willis added that she has received calls from educators across the country who are interested in developing programs similar to Oakland's.

Some observers see the Oakland resolution as just another way to snatch a little more federal pork. After all, the movement for Ebonics — formerly known as "Black English" — was born and raised on the federal dole, which routinely finances nationalistic counter-institutions. But whether you call it "Black English" or "Ebonics," here bureaucracy and government money are clearly in the service of racism — and the movement for Ebonics is just one division of the movement for "bilingual education," in which we see the partnership of the welfare state and racism in making the world safe for illiteracy.

Gotta Be This Or That

The claim that black Americans speak a different language than white Americans requires denial of easily corroborated facts as well as waffling on linguistic theory. One must deny that black Americans speak many dif-

ferent dialects and often have trouble understanding each another. One must deny the standard definition of a dialect as a "relatively consistent variation or deviation in speech from the norm or standard of a particular country, region, class, or profession." Finally, one must deny that Ebonics activists invariably speak and write in the language they identify as white English — and not just when they are dealing with whites — and that they often cannot understand, let alone speak, "Black English." Linguists who support Ebonics must throw their usual standards out the window.

The assertion that whites and blacks speak different languages is not so much an empirical claim as an exhortation to refuse to cooperate with white teachers.

Most linguists seem to be willing to do just this. The January 5, 1997 *Newsday* carried a *Los Angeles Times* wire service dispatch on the Linguistic Society of America's (LSA) Chicago meeting, which began, "The largest U.S. society of linguistics scholars strongly supported Friday the Oakland, Calif., School Board's recognition of Ebonics, as the black speech pattern is becoming known. Geoffrey Ward, a Northwestern University linguist, insisted the 'school board's reasoning is not PC [politically correct]; it's scientific fact.'"

The LSA resolution argued four points:

> a. "Ebonics" . . . is systematic and rule-governed like all natural speech varieties. In fact, all human linguistic systems — spoken, signed and written — are fundamentally regular. . . . Characterizations of Ebonics as 'slang,' 'mutant,' 'lazy,' 'defective,' 'ungrammatical,' or 'broken English' are incorrect and demeaning.
>
> b. The distinction between 'languages' and 'dialects' is usually made more on social and political grounds than on purely linguistic ones. For example, different varieties of Chinese are popularly regarded as 'dialects,' though their speakers cannot understand each other, but speakers of Swedish and Norwegian, which are regarded as separate 'languages,' generally understand each other.
>
> c. [T]here are individual and group benefits to maintaining vernacular speech varieties and there are scientific and human advantages to linguistic diversity. For those living in the United States there are also benefits in acquiring Standard English and resources should be made available to all who aspire to mastery of Standard English.
>
> d. There is evidence from Sweden, the U.S., and other countries that speakers of other varieties can be aided in their learning of the standard variety by pedagogical approaches which recognize the legitimacy of the other varieties of a language. From this perspective, the Oakland School Board's decision to recognize the vernacular of African American students in teaching them Standard English is linguistically and pedagogically sound.

The LSA officially supports the resolution (though a few individual linguists are critical). One professor who backs it unquestioningly is Wayne O'Neill, chairman of MIT's Linguistics Department. In late February, O'Neill told me he also backed both of the Oakland School Board's resolutions: "I compared both resolutions, and they were almost identical." By "genetic," O'Neill added, the board "meant in the sense of languages being genetically [developed], in the sense of being historical." O'Neill explained that "genetic" was a perfectly legitimate term in linguistics.

Linguists may well use the jargon term "genetic" in a non-biological, historical sense. The Oakland Unified School Board, however, is composed not of linguists, but of Afrocentrists who use "genetic" in a biological sense. And O'Neill's inventions notwithstanding, the board never stated it had used the term in a linguistic sense; its spin was confined to the following disclaimer (make of it what you will): "The term *genetically based* is used according to the standard dictionary definition of *has its origins in.* It is not used to refer to human biology."

Professor O'Neill is sure that the Oakland board's intentions are aimed simply at producing more capable youngsters. "Seventy-one percent of African American kids in the Oakland School district are in special ed," he told me. "It can't be that 71% of African American kids need special ed. They're trying to lay a basis for providing them with a better education." O'Neill mentioned a Black English reading curriculum called the "Bridge" program, which, he said, had shown some promise ten or 15 years earlier.

But O'Neill's grasp of black students' problems may be as deficient as his remedy. The actual statistic is that 71 percent of the children in Oakland special ed are black, a completely different matter. And though the Bridge curriculum has been repeatedly cited by linguists as offering support for teaching in Black English, recent research attempting to replicate pro-Bridge findings actually indicates that Ebonics is a miserable failure in the classroom.

Bridges to Nowhere

John and Angela Rickford presented the results of their research on the Bridge program in "Dialect Readers Revisited," published in 1995 in the obscure journal *Linguistics and Education*. (John Rickford, a Stanford professor of linguistics and education, is the author of the LSA resolution cited above.) Although the Rickfords' article argues that using Ebonics helps kids learn English, their own research actually shows that students using stories written in Ebonics ("dialect readers") scored only 46.3% correct on a reading comprehension test, whereas students tested with standard English equivalents scored 90% correct. Even the best result for the Bridge materials showed only 70% comprehension in Ebonics compared to 76% for standard English.

Ebonics activists invariably speak and write in the language they identify as white English; they often cannot understand, let alone speak, "Black English."

The developers of the Bridge program, Simpkins and Simpkins, had performed one study showing that it

worked well with students in a remedial reading program. The Rickfords were trying to replicate a follow-up "mini-study" performed by some of John Rickford's students at Stanford. This was important, because the only other study supposedly supporting the Bridge curriculum — the Leverton study — appears to have been experimentally flawed.* The main thing that emerges from all this is that research on Ebonics in the classroom is sketchy at best, and that even the pro-Ebonics Rickfords' recent effort to examine its effectiveness showed negative results.

But whatever the actual results of the Rickfords' study, it is cited repeatedly as evidence for the superiority of Ebonics as a teaching tool — most recently by the director of the Syracuse University writing program, Keith Gilyard, writing in *Insight* magazine. Gilyard, of course, may simply be assuming that John Rickford and the linguists who supported the LSA's resolution are intellectually honest and know what they are talking about. In Rickford's case, however, intellectual honesty seems lacking. In various statements supporting Ebonics in the classroom, for example, he has consistently mixed up experiments that used Ebonics as the language of instruction, *à la* the Bridge curriculum, with other, genuinely effective techniques that use "contrastive analysis" and pattern practice drills. But in contrastive analysis, Black English dialect patterns are explicitly compared to their standard English equivalents, with the goal of teaching the students to use the standard English pattern. This can scarcely be compared with a teacher's using Ebonics to instruct her students in the basics of reading and writing — a procedure that seems likely both to weaken their grasp of standard English and to aggravate some students' already intense hostility to what they think of as "Oreo" talk.

Rickford's endorsement of the Oakland program also contradicts his own, far more cautious conclusion in the study cited above: "[One] lesson is that we should start small . . . and experiment with dialect readers on a larger scale only if and when we can demonstrate their success on a more modest scale." Apparently, Rickford now considers a school district with tens of thousands of disadvantaged children an appropriately "modest scale" for experiments.

The bilingual education movement operates a political patronage machine that churns out illiterates at a cost from ten to forty percent higher than conventional methods.

Walt Wolfram, a professor of linguistics at the University of North Carolina who has devoted over thirty years to the study of black American dialects, commented that "we don't have very good longitudinal data on the effect of dialect readers because it's so controversial that it's always getting shut down." Wolfram is right at least about the controversy — and dialect reader programs are controversial precisely because of the opposition of black parents; as one youth quoted in the Rickfords' study commented, "I don't talk [Black English] 'round my mom, 'cause I get in big trouble, 'cause she thinks that's gang language."

Bilingual Education: Estados Unidos or Hispanic Nation?

The ineffectiveness of Ebonics in the classroom, as exemplified by the Rickfords' study, is part of a larger pattern well-documented in an anthology edited by Jorge Amselle, communications director at the Center for Equal Opportunity. In *The Failure of Bilingual Education* (1996), Amselle reprinted the results of a study conducted from 1990 to 1994 by the pro-bilingual New York City Board of Education. The study compared the effectiveness of the English as a Second Language (ESL) method to "bilingual education." (ESL immerses students in English, whereas bilingual education tries to build a bridge from the old language to the new one.) The study showed that after three years, "limited English proficiency" children taught via ESL were far more likely to graduate to mainstream classes than those taught by the "bilingual" method — 54% more likely for those who entered in kindergarten, 312.6% for those who entered in grade two, and 473.9% more likely for those who entered in grade six.

But despite this and other evidence for the overwhelming superiority of English as a Second Language, American public schools get enormous amounts of government funds for bilingual instruction: $160 million (in 1996–1997) from the federal government, and $12 billion (in 1994–1995) from state and local governments.

The Bilingual Machine

The bilingual education movement operates a political patronage machine that churns out illiterates at a cost from ten to forty percent higher than conventional methods. (And that doesn't count the cost of college ESL and remedial skills classes for bilingual education graduates.) In New York City, all but a few bilingually educated high school graduates exhaust their financial-aid eligibility without earning a college degree.

Bilingual education programs are usually fiefdoms of "Hispanic Nation" separatists who use them to "redistribute income" from "monolinguals" (white non-Hispanics) to "bilinguals" (Hispanics), in the words of an anonymous essay that one professor distributed to City University of New York (CUNY) colleagues. CUNY advocates of bilingual education have tenaciously fought programs aimed at accelerating students' mastery of English. Thus, Professor Sue Dicker, the director of ESL placement at Hostos Community College, writes of the need to defend "language-minority" cultural islands against the encroachment of "language-majority" groups. Despite her job title, Dicker sees ESL programs as an insidious attempt to wipe out students' knowledge of their native tongue.

Not all advocates of bilingual edu-

* According to the Rickfords' paper, Leverton gave one group of students both the Black English version and the "school talk" — standard English — version of a story, and another group of students only the school talk version. The students who used both did somewhat better, a finding that Leverton seems to view, apparently without justification, as stemming from the advantages of Black English rather than twice as much teaching time. The results of Leverton's promised follow-up study were mysteriously never published.

cation are as radical as Dicker, of course, but all try to conceal its failures — and expensive failures at that. In a memo to New York Schools Chancellor Nathan Cortines, for example, Leonard Hellenbrand reported that in fiscal year 1994, 41.5% more per capita was spent on limited English proficiency high school students than on high school students considered fluent in English. And considering the vastly greater English skills of ESL students, bilingualism is even more expensive than it appears.

Bilingual education is presented to the public as a transitional method, to be used until students can be "mainstreamed" into normal classes. But for most of them, that never happens. As retired Brooklyn assistant principal Edwin Selzer writes in *The Failure of Bilingual Education*:

> I attempted many times to withdraw students from the bilingual education program when I thought that they no longer needed to be in all-Spanish classes. . . . I was never once successful at withdrawing a student from a bilingual education program. In my experience, once a child was in a bilingual education program, he remained in such a program and was never mainstreamed into regular English-speaking classes.

School officials consistently ignored requests that students be removed from bilingual education classes, whether those requests were made by Selzer, by parents, or by students themselves. Selzer also attests that "even the Spanish skills of students in bilingual programs were poor — and many students graduating from Eastern District High School were illiterate in both English and Spanish."

It's Not a Language, It's a Language System

But is Ebonics a language or not? In keeping with the LSA resolution, Wolfram insisted that "we're not talking about a dialect of English but a 'linguistic system.'"

I commented that Afrocentrists have claimed all along that Ebonics is a separate language. Wolfram countered, "Actually, the dialect-language issue is somewhat of a false issue. As it turns out, linguists don't have a clear definition of when a language is a language, and when a dialect is a dialect. The issue is often political."

In speaking of Ebonics as a "language system," as opposed to a "language," did the LSA really say so much? Wolfram thinks so. "Actually, they said a whole lot, because a lot of people base their pedagogical ideas on false linguistic information. I debate people all the time who say Ebonics is just corrupted English — that it's not a language system. That's equivalent to a physicist saying the Earth is flat."

I pointed out that Afrocentric Ebonics proponents — including the Oakland School Board — have argued all along that Ebonics is a separate language, and not a dialect. The media did not make up this claim, they merely reported it. And whatever justification there is for calling Ebonics a language could be applied equally to American English dialects influenced by European languages. Wolfram conceded the point. "I grew up speaking a Philadelphia dialect influenced by German. It's not a separate language, and I don't think Ebonics is a separate language."

"The problem for African American students," Hale claims, "is that there is no place on school tests for rap skills."

Everyone Talks Real Good

Recall the first section of the LSA resolution — that "all human linguistic systems — spoken, signed and written — are fundamentally regular." Since it connotes complexity, elegance, and precision, "regularity" is a standard of value. And since all languages — and dialects — are "regular," they are all equal. In this world, there is no work for teachers of English, or for teachers of any other language, or for editors.

So why bother teaching standard English at all? The resolution's third section says there are "certain benefits" to learning standard English. I suppose. But if LSA members can justify, on educational grounds, using "Ebonics" as a teaching tool, then they must accept using any and all other dialects — "linguistic systems" — as teaching tools: e.g., Appalachian, Cajun, Brooklynese, and the various geographical varieties of Spanglish. And indeed, Wolfram told me that he "would support using those as well."

Ebonics Nation

In his essay, "If Black English Isn't a Language, Then Tell Me, What Is?" James Baldwin insisted that American blacks were entitled to see their speech patterns as a separate "language" as a reparation for centuries of oppression. He didn't waste the reader's time with tortured logic or inconsistent linguistics. For whatever we may say of Ebonics and Afrocentrism, they most certainly are not "out of Africa."

Nevertheless, linguistic separatism is integral to Afrocentrism. A leading theorist of Afrocentrism, psychiatrist Frances Cress Welsing, maintains that "colored peoples" are pitted in a war of annihilation against biologically, culturally, and morally inferior "white-skinned peoples" ("an albinism or variant"). Welsing, the favorite "scientific" authority of Afrocentric educators, has been quoted approvingly by the president of the National Association of Black Social Workers.

The assertion that whites and blacks speak different languages is not so much an empirical claim as an exhortation to refuse to cooperate with whites. A subculture of black authority figures encourages young blacks to disrespect white teachers and professors, and to refuse to obey white police officers. This subculture is at the root of the increasing frequency of racial hoaxes in which "witnesses" claim that white teachers, police officers, or waiters called black victims "niggers." A white public school teacher in Queens was the target of such a campaign during the 1995–96 school year. (One of the teacher's tormentors, the Reverend Charles Norris, told *Newsday* reporter Merle English that he didn't actually care whether the charge that the teacher had called a student "a fat nigger" was true or not.)

Wayne State University education professor Janice Hale realizes the importance of teaching hate early and often. In the 1986 edition of her book, *Black Children: Their Roots, Culture, and Learning Styles*, Hale (then Hale-Benson) maintains that the number one component "for a curriculum for

Black children" is "political/cultural (ideology)."

> Education for struggle has a consciousness-raising function for Black people, instructing them concerning the following realities:
>
> • who they are
> • who the enemy is
> • what the enemy is doing to them
> • what to struggle for
> • what form the struggle must take.

Hale's proposals were for educating pre-schoolers.

Lest the reader conclude that I am deliberately using examples from the lunatic fringe, I should add that Hale's books have been published by Johns Hopkins University Press, and she is a tenured professor at one of Michigan's largest public universities. From 1985 to 1992, the Cleveland Foundation funded a demonstration school implementing her ideas.

Hale insists that black American children are "African," and are being miseducated by schools that refuse to recognize their African roots and uniquely African-American culture. Laying much of the blame for black educational failure at the feet of white teachers, she argues both for separatism and for a radical egalitarianism. In her book *Unbank the Fire*, she argues that "[w]hen we study ways of closing the achievement gap between African American and white children, we must focus on devising curriculum and instructional strategies that will produce equal educational outcomes for all children." Apparently this is to be achieved not so much by improving, say, math education, as by adding curriculum in *lumpen* black culture. Thus, some of Hale's expressions of support for black children sound like something a white racist might say, with a snicker: "The problem for African American students is that there is no place on school tests for rap skills."

Echoing another oft-repeated but unsupported myth — that educational testing is culturally biased against black children — Hale insists that education be changed to reflect the culture that black children bring to school. Focusing on the contrast between middle class white children and poor black kids, she ignores formal education's fundamental opposition to the culture most poor children bring to school — whatever their color. Poor students typically start school with substandard English skills; a competent teacher will correct them, correct them, and then correct them some more. With any luck, they will eventually be able to correct themselves. Ebonics activists seem to see such corrections as shows of disrespect. But a conscientious teacher must explicitly criticize students' language. In the classroom, either Ebonics is right, or standard English is right. And even if a teacher who lavishly praises her students regardless of performance does temporarily build up their self-esteem, it will be at the expense of their cognitive development.

The Real Deal

Reading great black scholars of the past, one finds no arguments for African cultural continuity; these were asserted only after Africa had faded into the distant past. Indeed, in his 1933 work, *The Miseducation of the Negro*, black nationalist scholar Carter G. Woodson (1875–1950) attributed the shortcomings of black religion and morality to their basis in white southern culture; the native culture of black slaves had been destroyed by their overlords, and there was no getting it back.

"Dialect Readers": Judge for Yourself

The two passages that follow are drawn from the readers used in the Rickfords' experiment referred to above. For extra credit, guess the grade level of the students. (Answer appears below.)

This here little Sister name Mae was most definitely untogether. I mean, like she didn't act together. She didn't look together. She was just an untogether Sister.

Her teacher was always sounding on her 'bout day dreaming in class. I mean, like, just 'bout every day the teacher would be getting on her case. But it didn't seem to bother her none. She just kept on keeping on. Like, I guess daydreaming was her groove. And you know what they say: "don't knock your Sister's groove." But a whole lotta people did knock it. But like I say, she just kept on keeping on.

One day Mae was taking [sic] to herself in the lunch room. She was having this righteous old conversation with herself. She say, "I wanna be a princess with long golden hair." Now can you get ready for that? Long golden hair!

Well, anyway, Mae say, "If I can't be a princess I'll settle for some long golden hair. If I could just have me some long golden hair, everything would be all right with me. Lord, if I could just have me some long golden hair."

"What is the capital of California, Mae?" asked Miss Carter.

Mae shook her head, trying to wake up. She was off in another world. She shook her head again and said, "I don't know."

"Dreaming again, Mae?" asked Miss Carter.

"Yes, I . . . " But before she could finish what she was saying, she was dreaming again. She dreamed that she was a beautiful princess with golden hair. Men came from miles around to admire her beauty.

Ring! It was time for recess. The boys and girls ran outside to eat their snacks and talk and play ball. Mae began unwrapping her peanut butter sandwich. It was the fourth time she'd had peanut butter this week. She took one bite and dropped the rest into the garbage can. "I don't need it anyway. I've got my dreams."

Two girls ran by chanting, "Dreamy Mae! Dreamy Mae!" Mae didn't hear them. She was dreaming that she was a princess with beautiful golden hair.

Answer to grade level question above: The students were in the sixth grade, although the "Bridge" materials were "designed for the seventh grade."

In seeking to give Ebonics a scientific patina, however, some of its supporters have claimed that black American speech patterns have roots in West African languages. But advocates of Ebonics have never managed to go beyond vague generalities here — they have merely offered a pseudo-linguistics that invokes vague resemblances between arbitrarily chosen aspects of black English and certain African languages. This reflects the general thrust of Afrocentrism, whereby a vague, "African" culture and religion is conjured up to bind black Americans to the homeland.

Afrocentric psychiatrist Frances Cress Welsing maintains that "colored peoples" are pitted in a war of annihilation against biologically, culturally, and morally inferior "white-skinned peoples"

In the 1991 edition of his distinctly unmusical *The Spirituals and the Blues*, for example, James H. Cone attempts to place "rap" in an unbroken succession of black music. He fails. But he does succeed in underscoring the decline of black culture. Thirty years ago, black adults where I grew up spoke an English that ranged from the utilitarian to the beautiful. Though some of them couldn't read or write, theirs was a grand oral tradition fusing the poetry of the King James Bible, southern dialects they had shared with whites, black slang, the music of gospel, the blues and jazz, and the results of the cultural collision that occurred when southern blacks undertaking "the Great Migration" struggled to communicate with black and white Northerners. Now black folk culture is dying with its bearers, swept away by urbanism, TV and videotape, government welfare programs, integration, affirmative action, self-esteem pedagogy, and the telephone. Since the 1970s, parallel cottage industries have celebrated obsolete black idioms and Yiddish. Just as Jewish arrivistes wistfully recall, from the comfort of padded Broadway seats, the hardscrabble *shtetl* (or increasingly, the Lower East Side or Brooklyn) that their forebears left without looking back, black arrivistes down the street at an August Wilson show celebrate an oppressive culture that their grandparents had prayed to escape.

The difference is that Afrocentrists militantly resist the passing of the world they celebrate, but neither share nor understand. In *Talkin and Testifyin*, for example, classically trained Michigan State University English professor Geneva Smitherman revels in quaint archaisms like "It bees dat way sometime," but gives incorrect interpretations of phrases such as "gittin ovuh" (translated by her as "surviving"), whose meaning in New York at the time of the 1986 edition of her book was — as it is now — "conning people."

The Conspiracy to Destroy Black Children

Since 1967, the New York City school system has been in the stranglehold of "community control" activists, who oppose allowing whites to teach black children (though they show more tolerance for black teachers of white children). And without school choice, poor black children have become virtual prisoners in failing schools. Some of New York's most vicious racists — e.g., convicted kidnapper Robert "Sonny" Carson and former Ocean Hill-Brownsville school administrator Rhody McCoy — have used community control as a pretext to run white educators out of schools. Ignoring due process, McCoy in 1968 fired 18 experienced white teachers and administrators and one black teacher. (McCoy later rescinded the black teacher's dismissal.) This mass dismissal eventually ignited the longest teachers' strike in New York City history. Prior to the strike, Sonny Carson and his street soldiers helped McCoy by harassing white teachers, most of whom eventually left.

In the classrooms of the "culturally sensitive" illiterates who replaced them, bullies have been known to get away with harassing well-spoken black (and increasingly, Hispanic) children for "talkin' white." (A mixed-race high school senior I spoke to denied that students get beaten, as opposed to "criticized," for speaking proper English — "except when they try to be somethin' they're not.") Brooklyn teacher (now principal) Michael Johnson saw such abuse first hand. He had developed an innovative science program that met before school began in the morning. In *The Closest of Strangers*, Johnson told Jim Sleeper of having to defend his students from assault by those who resented their getting an education.

In the 1980s I was a case worker for abused and neglected children. Once, in 1989, while accompanying eight-year-old Latoya back to her foster home in East New York, she spied her third-grade teacher in the same subway car. The charming, clever child tried to introduce us, but the woman would only glare at me with hate-filled eyes. A few weeks later I found an old spelling bee, in which the teacher had given Latoya an "A" for spelling nineteen out of twenty words correctly. Unfortunately, the child had spelled only thirteen words correctly, which should have earned her a "D."

Great black scholars of the past made no arguments for African cultural continuity; these were asserted only after Africa had faded into the distant past.

In telling Latoya everything was copacetic, the teacher had robbed the child of the chance to learn from her mistakes, and fulfill her potential.

In 1995, I recounted Latoya's story to a CUNY professor who had spent twenty years in the New York City Board of Education's testing and evaluation branch. Had the teacher let students grade each other's papers without double-checking their spelling, or ignored students' errors in the misguided belief that she was building up their self-esteem — or was she herself illiterate? "Anything's possible," she replied.

If Latoya fails college or employment tests, Ebonics proponents will tell her that she is a victim of white racism. How can I explain to her that she was a subject in a trillion-dollar experiment in "self-definition" and nation-building? ❑

Response

Inalienable Rights?

by George H. Smith

In our previous issue, John Goodman and Timothy Virkkala criticized George Smith's argument against capital punishment. Smith replies.

Over the years, in various debates on natural rights, I have encountered libertarians who love to quote Jeremy Bentham's caustic remark that the theory of inalienable rights is "nonsense upon stilts." One of my respondents, Timothy Virkkala, apparently agrees with Bentham: he dismisses inalienable rights (and presumably all rights) as "fictions" (another Benthamite term).

Before embarking on my defense of fictions, I would like to say a few things about Bentham's comment, because it raises issues that are directly relevant to my critique of Virkkala. (John Goodman's article is in a different category altogether; it is a serious effort to analyze rights theory, rather than a facile dismissal of it.)

"Nonsense upon stilts" — significantly, this phrase appears in an early article by Bentham, "*Anarchical Fallacies*," in which he attacks the principles of the French Revolution. (Bentham also opposed the American Revolution.) Like many critics of natural rights, Bentham opposed them because they justified resistance and revolution against established governments. This argument — that natural and inalienable rights will lead to the "anarchy" of disobedience and rebellion — has a long and distinguished pedigree, reaching back to the early seventeenth century. According to the critics of natural rights and social contract, an orderly society cannot exist if each person decides for himself which laws are just and should be obeyed. As one critic (Josiah Tucker) put it, natural rights and social contract "are the universal demolisher of all governments, but not the builder of any." Bentham agreed that no government could be based on consent, so he dismissed the theory of inalienable rights as an "anarchical fallacy," and as "nonsense upon stilts."

I assume that Virkkala considers himself a libertarian and that, while endorsing Bentham's "nonsense upon stilts" position, he would not follow Bentham into his anti-libertarian conclusions. In other words, if Virkkala rejects all rights as fictions, then what, in his view, is the foundation of libertarianism? It is not as if I, as a defender of inalienable rights, must assume the full burden of proof in this controversy. Since my article was obviously addressed to fellow libertarians, and since Virkkala appears to be a libertarian, then we share equally the burden of proof to justify the nonaggression axiom of libertarian theory.

Of course, given the limited space for this debate, it would be unreasonable to demand a detailed defense of libertarian theory from Virkkala — just as it would be unreasonable to demand it from me. (To respond to some of his sweeping generalizations, however, would require precisely this kind of extended treatment.) Nonetheless, I would like to have seen more awareness of this problem from Virkkala, who seems to think that libertarianism rests on nothing but fictions. If this is so, then why does Virkkala embrace libertarianism? Perhaps he will say that some fictions are more useful than others. But useful to whom and for what? And how can something be "useful" unless it has some connection to facts and to the nature of things?

The doctrine of inalienable rights has long been the centerpiece of libertarian philosophy. For centuries it played a crucial role in the struggle for religious freedom, and it eventually evolved into the notion of "property in one's person," or "self-proprietorship." It was the foundation for the anti-slavery movement and became the basis for the modern movement through the writings of Ayn Rand, Murray

Rothbard, and others.

I am not using an argument from authority. I am not suggesting that we should accept inalienable rights merely because our predecessors did. But I am suggesting that we should pay more attention to the origins and evolution of our ideology and to the historical conditions that made that ideology possible.

I am also suggesting that our founding fathers (and mothers) were not complete dunderheads; indeed, libertarians from previous centuries explored the subject of rights in far more detail than have the vast majority of modern libertarians. If we wish to dismiss this considerable body of theory and arguments with a few contemptuous remarks, then so be it, but we do so at our own peril. If we reject the theory that established religious liberty in the West, abolished slavery, and brought about the pro-freedom revolutions of the seventeenth and eighteenth centuries, then we had better come up with a better theory — and fast. We should not treat inalienable rights like a cab, dismissing it after we have reached our destination.

I assume that Virkkala considers himself a libertarian and that, while endorsing Bentham's "nonsense upon stilts" position, he would not follow Bentham into his anti-libertarian conclusions.

Before discussing Virkkala's objections, a few general remarks may help to clarify my approach to inalienable rights. It is based on what libertarians call the "title-transfer" theory of property rights. (This has been discussed extensively by Murray Rothbard, Randy Barnett, Bill Evers and other contemporary theorists.) A distinctive characteristic of this approach is its translation of rights into property titles. A title is a specification of ownership, an enforceable moral claim that accompanies an object of property. To own something is to have title to it.

To say that I own my car is to say that I have a legitimate title to it. This means that others have a juridical duty not to interfere with how I use my car, so long as I do not violate their rights. My title is legally enforceable; I can use coercion to protect it, either through the legal system or personally through defensive violence.

Given its physical nature, my car can be transferred to another person, so I can alienate my right (i.e., my title) to it. I can sell it, give it away, or abandon it. This is not true, however, of my self-sovereignty, or "right to life." Why? Because the property to which this right is attached is metaphysically incapable of being transferred, abandoned or forfeited. For reasons explained in my earlier article, one person's moral agency cannot be transferred to another person. And if that faculty cannot be so transferred, then neither can the title (i.e., the claim of ownership) to that faculty. This is why "self-ownership" was defended by Auberon Herbert, Murray Rothbard and others as the primary inalienable right. Even Ayn Rand, who normally refers to the "right to life," at one point uses the phrase, "a sovereign individual who owns his person."

Virkkala rejects all such statements as referring to "fictions." Rights, he says, are merely "articulations of threats," or "signals" of one's intention to use retaliatory violence. Now, it is true that rights, as enforceable moral claims, may imply the intention to use force against violators, but this is not always or necessarily true. This intention may be absent in some people, depending on their values and the circumstances of the crime. A child who steals an apple from a cart thereby violates the property right of the merchant, but the merchant may have no intention of using violence to stop the thief or of seeking restitution through the force of law. A right creates a legitimate moral option to use force in self-defense or to restore one's property, but that option need not be exercised, nor need it be seriously contemplated by the victim.

The essential meaning of "a right" (in a libertarian context) is, first, that every person has a moral status equal to that of every other person; and, second, that we have the duty to respect the moral autonomy of others. This, at least, is the kind of thing that philosophers have meant by "a right" for several hundred years. Virkkala, of course, may possess a superior wisdom that enables him to see through the fictional veneer of such claims. Like Freud, he may have plumbed the subconscious depths of those philosophers who talk about rights, telling us what they are truly saying, quite apart from what they intend to say. Or, like Marx, he may have detected the false consciousness of rights-philosophers, exposing their verbal rationalizations as the ideological superstructure of covert interests.

I'm afraid that my interpretative method is far more pedestrian than that evidently employed by Virkkala. I normally assume, unless there is clear evidence to the contrary, that philosophers mean what they say they mean. When they claim, for example, that rights are a type of moral obligation, I try to figure out what they mean by "obligation," rather than dismissing their claims as fictional. When I read Locke or Kant or Spencer or Rand on the subject of rights, I assume, as a working principle, that they may be making sense, that their life's work was not vitiated by elementary errors of logic, that they were aware of the distinction between values and facts, between descriptive and prescriptive "laws," and other such obvious points.

Rights, Virkkala says, are merely "articulations of threats," or "signals" of one's intention to use retaliatory violence.

Of course, my working assumptions may be mistaken. Perhaps Virkkala is on target. Perhaps rights originated as "anti-fiction fictions" because they proved useful to combat state power. Perhaps rights philosophers were so incredibly dense that this never occurred to them until Bentham, and later Virkkala, exposed their theories as fictional.

All this is logically possible, of course, but not likely. Virkkala has

taken the short and easy way to dispose of rights theory, dismissing it as fictional (while admitting that it may have meaning nonetheless). Values and norms, he says, exist "in our heads." True, but so do all ideas and theories, including those pertaining to physics, mathematics, economics, and the like. So this cannot be what distinguishes fictional values from Virkkala's beloved "facts," which ultimately can be identified as such only with the aid of theories "in our heads."

Indeed, operating with Virkkala's method, why shouldn't we label all theories as mere "fictions," since, in addition to existing merely in our heads, theories originate as a response to perceived problems.

Early libertarians confronted the problem of state power, so, according to Virkkala, they concocted the fiction of inalienable rights. But we can also say that Kepler, working from a mystical and mistaken view of the solar system, concocted his three laws of planetary motion in response to perceived problems. Or that Newton, while he was not pondering biblical prophecies, arrived at his law of gravitation — a mysterious invisible force that operates at a distance — because he, too, was trying to solve problems.

So what? What has motive to do with the truth value of a theory? We should always keep in mind the crucial difference between the process of discovery (how knowledge is originally acquired) and the logic of justification (the reasons for accepting that knowledge). The former is a causal process that occurs in time and space, whereas the latter refers to the abstract relationship between ideas.

I concede that a theory of rights deals with abstract relationships, not with concrete things, but the same is true of all theories. And if this is the flaw that demotes rights to the level of fiction, then all theories, including those in the "hard sciences," are likewise mere fictions.

But surely there are differences between descriptive and normative enterprises, between describing what is and prescribing what ought to be? Yes, of course there are, but this simply means that a cognitive discipline, such as ethics, must adapt its method to fit its subject matter, *viz.*, human beings who are capable of making reasoned choices.

We should also remember that there are many normative sciences other than ethics and political theory, such as medicine (which prescribes what one ought to do if one desires health) and architecture (which prescribes what one ought to do if one desires a good building). Similarly, political theory prescribes what one ought to do if one desires a good society. Why this kind of prescriptive endeavor, which is based on observations about human nature and social interaction, should be more "fictional" than any other normative science, is something I do not understand. Human beings, after all, are not indefinitely malleable. We may reasonably speak of "human nature" and formulate principles based on our common attributes, just as we may reasonably speak of the nature of molecules, rocks, plants and animals.

Goodman argues that my case against capital punishment militates against all forms of punishment. I freely concede that this is a major problem for the libertarian theory of restitution.

With these points in mind, let's briefly consider some objections raised by Virkkala.

(1) According to Virkkala, "if a faculty cannot be alienated, then there is no point in having a right to it." Rights are used to defend us against "harm," and if we can be harmed in regard to a given faculty, then that faculty must be alienable.

I don't see the logic of this argument. If I am the victim of an assault, have I somehow given up or forfeited my right not to be assaulted? If I am burned at the stake for my religious beliefs (or lack of them), have I also alienated my right to liberty of conscience?

The doctrine of inalienable rights clearly does not require invulnerability to injury in the sphere of action that is protected by those rights. A right can be violated without being alienated. The point of inalienable rights is that such violations can never be justified.

For example, suppose I accuse Murphy of stealing my car. In response, Murphy claims that he bought my car, or that I gave it to him. Here we are dealing with an alienable right in the form of a property title to a car. Since my right to the car is alienable — i.e., a title transfer is possible in principle — Murphy's defense cannot be dismissed out of hand. We need to examine the evidence for both claims.

Now, suppose that I am severely thrashing Murphy, and I justify my actions by producing a contract in which he expressly agrees to become my property, obey my every wish, and submit to severe punishment when disobedient. This supposed contract, according to the theory of inalienable rights, is no contract at all, because nothing has been transferred. The slavery contract makes no more sense than if Murphy had agreed to give me an absolute property right in his subjective beliefs and values. Regardless of whether he "consented" or not, a right cannot be alienated

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unless the object of that right is capable, in principle, of being transferred from one person to another. And, as I argued in my essay, moral agency cannot be transferred, abandoned, or forfeited. Moral agency is inalienable, and so must be the right to exercise that agency.

This does not mean, however, that moral agency cannot be extinguished, which brings us to another kind of slavery contract. Suppose that Murphy agrees to have a computer chip implanted in his brain, which will enable me to control him with a joystick, moving him around like a robot. (Perhaps in exchange for this dubious privilege, I have agreed to pay one million dollars to his destitute family.) Here, Murphy has voluntarily extinguished his moral agency, not transferred it to me. What he has transferred is physical control over his body, which becomes my property after he has taken leave of it. Therefore, since the body, like all physical objects, is transferable, I regard this kind of slavery contract as possible and valid.

These two examples highlight important features of moral agency and inalienable rights. In the first case, words have been written on a piece of paper, but no exchange has occurred. This slavery contract is invalid not because it is morally reprehensible, but because it is physically impossible. The "terms" of the contract correspond to nothing in the real world. In the second case, Murphy agrees to give me ownership of his body after he has voluntarily extinguished his moral agency. In principle, this is no different than if Murphy had agreed to donate his body for medical research after committing suicide.

My previous discussion of slave liability is relevant here. In the first case, Murphy, *qua* slave, remains a moral agent with the moral duty to respect the rights of other people. Suppose Murphy kills someone and the police come to arrest him. "Don't blame me," he tells the cops, "blame my owner, George Smith. I am his property, a mere instrument of his will, so he is responsible for the murder, not me."

Few people are likely to accept this reasoning, but why not? Is Murphy my property or isn't he? Since when does property have moral obligations? A philosophically astute cop (this is a hypothetical, remember) might reply to Murphy as follows: "Regardless of what you call yourself — property, a slave, or whatever — and regardless of what piece of paper you signed, you cannot abdicate your moral responsibilities. You still have the powers of reason and choice, so you still have the obligation to respect the rights of others."

This is the correct response to Murphy. And I would argue further, as I did in my original article, that Murphy's moral agency, which endows him with moral duties, must also endow him with moral rights. A person cannot have one without the other. And if those duties cannot be transferred, abandoned or forfeited, owing to the inalienability of moral agency, then neither can the corresponding rights. I find it curious that most critics of inalienable rights have no trouble accepting the idea of inalienable duties. Yet these are merely two sides of the same coin. To argue that all rights can be voluntarily alienated is to maintain that a human being can, by nothing more than an act of will, cease to think and choose — and therefore cease to act in any sense that is recognizably human.

If a theory of rights leaves room for a middle ground between coercive and voluntary interaction, then the theory is flawed and needs to be revised.

(2) I described the classical social contract as an "imaginary construction." Virkkala takes this to mean that the social contract was a "fiction," since it never actually occurred in the real world.

I don't particularly object to this, provided that we apply the term "fiction" consistently. I took the term "imaginary construction" from Mises's *Human Action*, where it denotes a theoretical model that is used in economics to conduct hypothetical (or mental) experiments. (Max Weber and other sociologists often refer to this as an "ideal type," but Mises restricts ideal types to historical investigation, while offering the imaginary construction as the distinctive method of economics and other praxeological disciplines.)

We can indeed call the imaginary construction a fiction, since it is an abstract model in which certain aspects of reality have been deliberately omitted. But the social contract of political theory is no more or less fictional than the "perfect equilibrium" and "Pareto optimality" of economics, or the profit-maximizer in rational choice theory, or the institutional "roles" and "functions" in sociology, or the perfect forms of geometry, or the frictionless surfaces of physics. All theorizing involves selective abstraction, and political theory is no different in this respect from other cognitive enterprises.

Virkkala correctly maintains that we should not reify abstractions — a caution that applies to many disciplines other than ethics. But this common warning usually means that we should not treat abstract concepts as if they were concrete things. I presume it is this fear of reification that leads Virkkala to christen rights as fictions. Does this mean that every abstract principle is a mere fiction, even when it is not mistaken for a concrete object? I don't see what this arbitrary relabeling is supposed to accomplish, if it does nothing more than substitute "fictional" for "abstract." Do libertarian philosophers mistakenly regard rights as concrete objects? Not any that I have encountered, either in person or in print.

(3) Where did the individualist find his notion of inalienable rights? According to Virkkala, he "made it up" or, more colorfully, "he pulled it out of his ass." Inalienable rights "had little play in human discourse" before the modern emergence of social contract theory, though we can construct their "prehistory" if we wish. The idea of inalienable rights didn't emerge until the unsavory implications of (some) social contract theories made it necessary to manufacture a fictional response.

Virkkala apparently found his ideas about intellectual history in the same spot that individualists found their inalienable rights. His theory is

nothing if not simple, and his reasoning is nothing if not simplistic. (I am reminded of a line from Monty Python: "You're making this up as you go along!")

How and why did the doctrine of inalienable rights emerge in modern political thought? According to Virkkala, individualists "made it up" in response to an equally fictitious theory of absolutism. The problem is that this theory explains nothing because it explains everything. Every theory, as I indicated previously, is "made up" in response to a perceived problem. This is as true in the natural sciences as it is in philosophy.

This brings me, finally, to John Goodman's stimulating article. I won't say much about it here, even though it stands head and shoulders above Virkkala's. I won't say much because I haven't had sufficient time to consider it carefully, and at this stage I honestly don't know what I think about some of its more technical points. I will, however, mention two things.

Goodman argues that my case against capital punishment, if consistently applied, would militate against all forms of punishment, such as fines and imprisonment. I freely concede that this is a major problem for the libertarian theory of restitution. Restitution is easy enough to justify with a title-transfer theory of rights — theft, for example, involves the forcible transfer of property without a corresponding transfer of title, so the victim, in seeking restitution, is merely attempting to regain control over that which rightfully belongs to him. Given this, what limits, if any, can be placed on the quest for restitution? Can we imprison someone and compel him to work off his debt? Can we torture a thief until he tells us where he hid the loot? If an assailant stabs his victim in the liver, can we force the criminal to become an organ donor for his victim?

These and similar questions have not been adequately examined, much less answered, by libertarians, and I remain uncertain about how to deal with them. Whatever solutions we may ultimately adopt, however, it is crucial to base them on a general theory of justice and punishment that is as systematic and consistent as we can possibly make it. It is precisely in troublesome areas like this that we need a well-developed theory to guide us. Otherwise, we will be morally impotent when confronted with legal perversions, such as recent efforts to keep "sexual offenders" locked up indefinitely in psychiatric prisons after their sentences have expired.

Lastly, I do not agree with Goodman that a theory of rights cannot be rendered internally consistent and "compossible." A rights theory is a formalistic construction by which we organize and classify particular actions. If such a theory leaves room for a middle ground between coercive and voluntary interaction, then the theory is flawed and needs to be revised.

This is not to say that every action will neatly fit into one category or the other. Some actions will appear gray, regardless of how black and white our categories may be. It is precisely these "gray" actions that generate the need for a judicial system that does more than render simple judgments of guilt or innocence. (Historically, in the common law tradition, Courts of Equity evolved to handle this kind of problem.)

Goodman presents some interesting examples, but, for the most part, I don't think they support his basic argument. For instance, he raises the classic life-boat situation, while claiming that this creates a conflict between the right of self- preservation and the duty to respect the rights of others. (Incidentally, I think Ayn Rand deals with this fairly well in "The Ethics of Emergencies" and "The Conflict of Men's Interests.")

Such emergency cases posit a situation where the life of one person necessitates the death of another. If this inescapable conflict were a general condition of human existence, then rights theory as we know it could not be justified, since it would morally require the near-extinction of the human species. (Yes, natural rights theory has a "utilitarian" aspect to it. Every major rights-theorist, with the possible exception of Immanuel Kant, agreed that the long-term consequences of rights play a role in their justification. Consequences were regarded as a necessary — but not sufficient — consideration.)

Though the life-boat case and other emergencies are an exception to the

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normal conditions of social life, I don't think they pose an especially difficult problem for rights theory per se. Rights are still operative in these circumstances. It would be unjust, for example, for me to kill my fellow passenger in order to save myself, and I would be legally answerable for my actions — though the special circumstances might be taken into account when deciding on what punishment is appropriate.

Most importantly, the problems posed by the life-boat case are not peculiar to a theory of rights. Suppose that the raft is inhabited, not by two libertarians, but by two altruists. What will these altruists do when one of them must die? Will each of them try to jump overboard himself, while restraining the other from doing likewise? Suppose we have two rational utilitarians who believe in maximizing social utility. Both of them will die before they complete their complex calculations.

The life-boat creates a dilemma for any ethical system, because it radically changes the context and premises from which those theories are derived. In the final analysis, the libertarian is, so to speak, in the same boat as everyone else with moral convictions. The individual must ultimately decide for himself whether to hold fast to his principles — even if it costs him his life — or whether to abandon those principles. This is an extreme case, but the same dilemma confronts all of us, if to a lesser degree, at various times in our lives. Here we must listen to the voice of conscience — that "little man within," as Adam Smith called it.

In conclusion, if my article on capital punishment caused some libertarians to think more carefully about what rights are and what they imply, then it achieved its purpose. ❑

Comment

The Stilted Logic of Natural Rights

by Timothy Virkkala

The only thing wrong with Smith's argument is everything. That is to say, he is wrong on virtually every point, relevant or irrelevant. Let's start with the latter.

Smith begins his response by observing that I "apparently agree" with Jeremy Bentham on various aspects of the issue of rights. To support this claim, he cites only one piece of evidence: that I dismiss inalienable rights as "fictions," a term that Bentham also used to characterize such rights. Having asserted that I am a Benthamite, Smith proceeds to attack Bentham, and concludes by suggesting that I am not a libertarian. Here he breaks new grounds in the art of fallacy — *ad hominem* directed at a straw man. (Though I am not much offended by being tarred with the brush of Bentham — even when Bentham is grossly wrong, I find him charming.)

Now to Smith's relevant points.

• Smith accuses me of dismissing "inalienable rights (and presumably all rights) as 'fictions.'" What I wrote was that *inalienable* rights are fictions. Of other rights and moral arguments, I merely suggested that they possessed a "fictional" element: "around many of our imaginings, utopias, plans, and stratagems the flight of 'fancy' seems a more justly placed category." I did not make the bolder claim that *all* ethical ideas — including libertarianism — rested "on nothing but fictions."

• I do not dismiss "rights theory"; I *engage* in right theory. I just don't find "natural rights" to be very good theory — though I will admit that the language of natural rights has its place as "idiomatic speech."

• Though I consider inalienable rights and natural rights to be extremely peculiar notions, I don't think Bentham's phrase "nonsense on stilts" (which I did not use) is a reasonable characterization of natural rights theory. Call it rather "sense on stilts." When rights are taken out of their social context and raised into the metaphysical realm, they become nonsensical. If we knock them off their metaphysical stilts by demystifying morality and law, then the concepts that remain gain meaning and power simply because they gain a great deal of clarity.

Having asserted that I am a Benthamite, Smith proceeds to attack Bentham, and concludes by suggesting that I am not a libertarian.

• Rights are not "merely" articulations of threats. I do not consider their status as an instrument in a threat system "mere"; I consider it basic and defining (though rewards have their place in the system as well). The insertion of the word "merely" reveals more about Smith's expectations than it does about my theory.

• I am a libertarian, whether Smith likes it or not. I want to maximize individual liberty to the fullest extent possible. I believe that nonaggression is the defining characteristic of individual liberty, but, unlike Smith, I do not believe nonaggression is an "axiom." Indeed, treating non-aggression as an axiom is nonsense; it provides bad reasons for believing what one believes already. It is a sophisticated way of evading the question of whether (and why) people should be free.

All this in no way helps us to come to grips with the death penalty. Instead of addressing the issue, Smith plays three-card monte, distracting us from substantive matters with phantasmagoria about natural rights, and, sillier still, with hallucinations about my own thinking. ❑

Reviews

***Smoke and Mirrors: The War on Drugs and the Politics of Failure,* by Dan Baum. Little, Brown & Co., 1997, 416 pp., $24.95 (hc), $13.95 (sc).**

The Politics of Hysteria

R.W. Bradford

Whoever wants to understand American public life had better understand mass hysteria, for the history of American politics is the history of mass hysteria. At various times in the present century, Americans have hysterically discovered threats to our way of life from gambling, rich capitalists, the kidnapping of young women for immoral purposes ("White Slavery"), child labor, tobacco smoking, satanic ritual abuse of children, Nazi sabotage of American industry, tobacco chewing, the German Empire, consumption of alcoholic beverages, socialism, Chinese laborers, the ignorance of poor people, impure food . . . the list goes on and on.

Today, public life is dominated by hysteria about the environment, child abusers, and drugs. Especially drugs. But not all drugs. Opiates, cocaine, marijuana and various artificial "mind-altering" drugs are all so evil that those accused merely of possessing them are subject to immediate confiscation of virtually all their worldly goods, and those actually found guilty of possession are subject to lengthy prison terms. But some mind-altering drugs — alcohol, nicotine, caffeine, and various prescription drugs — are perfectly legal, and are major sources of government revenue.

Anti-drug hysteria is relatively new. Twenty years ago, there was a consensus that the use of at least some of these drugs would soon be decriminalized, and ordinary Americans indulged in occasional (and sometimes regular) use of them more or less with impunity. President Jimmy Carter had been elected after telling voters that jailing marijuana smokers was "counterproductive." Richard Nixon's former drug czar came out for legalization, as did the editors of the *Washington Post*. In most places in the U.S., possession of small amounts of marijuana was hardly more likely to invoke prosecution than jaywalking.

Today, police confiscate the homes of people because a visiting grandchild possesses a small amount of marijuana, judges release violent criminals from prison to make room for users of illegal drugs, and customs officials search the insides of the bodies of people entering the United States. Meanwhile, drugs have become more available than ever — a tribute, of sorts, to the violent efficiency of the underworld.

What has happened since the late 1970s to change things so radically? That's the question that Dan Baum attempts to answer in *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. Baum, a former *Wall Street Journal* reporter, provides an almost blow-by-blow account of the War on Drugs, from its inception in a campaign promise by Richard Nixon through its decline in the late 1970s and its massive escalation in the 1980s, all the way to the present day. *Smoke and Mirrors* is compelling reading, in a macabre sort of way. If one could ignore the human tragedies — the people killed, the property stolen and destroyed, the lives ruined, the American liberties trashed — the story of the idiocies of the drug warriors would be comic. But how can one overlook those tragedies? Reading *Smoke and Mirrors*, one doesn't know whether to laugh or cry.

A generation ago, comedian Lenny Bruce predicted drugs would be legalized because all the law students he knew smoked dope. Well, Bill Clinton, Al Gore, and Newt Gingrich have all acknowledged that they smoked dope (though one of them denied inhaling), and all have been responsible for escalating the Drug War to a point where today there are more people in jail for simple possession of marijuana than ever before. Obviously, Clinton, Gore, and Gingrich *know* that the tales of marijuana destroying the lives of all who smoke it are false. But Clinton, Gore, Gingrich, and other politicians — whether liberal or conservative, whether Democrat or Republican — face incentives to enact ever more draconian anti-drug measures.

By the end of the Reagan years, one in four young black men and one in sixteen young white men in America were in prison, on parole, or on probation — most for violating drug laws.

Conservative Republicans long ago learned that there is no reputable and politically consequential constituency for drugs, unlike the other targets of their agenda, and that centrists and liberals can be portrayed to voters as "soft on crime" or "soft on drugs" if they resist anti-drug measures of any sort.

Liberals and centrists at first responded to such charges by quietly acquiescing in virtually every measure proposed — even the most draconian. Eventually, they did the right one better: in an attempt to inoculate themselves against the charge of being "soft on drugs," they routinely proposed and supported even the craziest anti-drug measures of the conservatives. Thus Bill Clinton's administration prosecutes drug offenders even more zealously than Reagan's or Bush's administration ever did. Even so, in the 1996 presidential campaign, Bob Dole charged that Clinton was soft on drugs, citing evidence that marijuana is as widely available as ever, and statistics that show that more teenagers are smoking dope than ever before.

Baum illustrates how the ascendancy of the right wing, perverse political incentives, and anti-serendipity resulted in massive escalation of the anti-drug crusade.

The Archduke Ferdinand of the War on Drugs

Offhand, Len Bias seemed to have little similarity to Archduke Ferdinand, the Austrian prince whose assassination triggered the Great War. Bias was a giant black basketball player who had a spectacular career at the University of Maryland, and, in 1986, was drafted by the NBA champion Boston Celtics. After signing with the Celtics, he returned home and partied with his friends. On June 18, late at night, he told his friends he didn't feel well and lay down. He never got up. The medical examiner ruled that he had died from the effects of cocaine.

Baum's chronological approach is very readable, but at times it seems almost anecdotal. More comprehensive data put into a broader context would have made Smoke and Mirrors more convincing.

People were shocked by his death. Bias had always been portrayed as a morally exemplary young man — certainly not one who used drugs. A gifted young athlete in superb physical condition, he was the antithesis of America's stereotype of drug addicts: skinny, dirty, friendless desperados who have turned to drugs out of personal weakness or moral depravity.

What could have killed such a healthy and clean-living young man? As it happened, a new way of ingesting cocaine was just becoming popular. A crystalline form that is smoked rather than inhaled as powder, "crack" cocaine is similar to "freebase" cocaine, which had been around for years; but it is easier, safer, and cheaper to manufacture. Speculation that Bias had been killed by a single encounter with crack became common knowledge, and evidence that he had had considerable experience with cocaine prior to his death was ignored — thanks in part to the public relations efforts of the University of Maryland's basketball program and the Celtics (who had always prided themselves on thoroughly investigating prospective players and avoiding players with personal problems).

That common knowledge quickly metastasized into hysteria, centered in two cities: Washington and Boston. The University of Maryland was the hometown team of the nation's capital, and in Boston, basketball fans had believed that signing Bias would ensure a long string of championships for their Celtics.

Speaker of the House Tip O'Neill lived in Washington and represented Boston. People in both cities were obsessed with Bias's death. Couldn't something be done? Well, something could be done, and Tip O'Neill was just the man to do it. Bias's untimely demise gave O'Neill an opportunity to please his constituents in both cities and forever squelch the notion that his party was soft on drugs:

> Immediately upon returning from the July 4 recess, Tip O'Neill called an emergency meeting of the crime-related committee chairmen. Write me some goddamn legislation, he thundered. All anybody up in Boston is talking about is Len Bias. The papers are screaming for blood. We need to get out in front on this now. This week. Today. The Republicans beat us in 1984 and I don't want that to happen again. I want dramatic new initiatives for dealing crack and other drugs. If we can do this fast

Freedom From Freedom Froms by Titus Stauffer

Genetically engineered human and nonhuman beings and Conscious Computers are coming our way. **Are we ready?** Will we allow them to vote, defend themselves, own property? Or will we simply say that since they're not human, they have no rights? *Slavery, Part II?* We'll face these and many other vexing problems, equipped with two main ideologies. **Welfare Statists on the left, coercive busybody moralists on the right.** Socialists give us *freedom from housing discrimination* by punishing us for advertising our houses as having *walk-in closets.* By doing so, they say, we convey our intent to discriminate against those in wheelchairs! Witchburners give us *freedom from sin* by protecting us from "lewd" Calvin Klein ads. Perhaps **genuine freedom and broad-mindedness** could provide some solutions. Instead of sponsoring quarrels between the NAACP, NAAWP, NAACC, and so on, we'd be better off with the NAACB (Nonexclusive Association for the Advancement of Conscious Beings). We need ***Freedom From Freedom Froms*** when the *freedoms* that our leaders foist on us are false ones. If you love **real** freedom, vicious political satire, and science fiction, ***Freedom*** was written for *you!*

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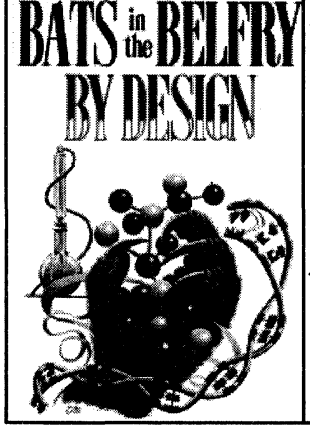

Bats in the Belfry, By Design by Titus Stauffer

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enough, he said to the Democratic leadership arrayed around him, we can take the issue away from the White House (225).

It turned out that O'Neill was wrong. Before the year ended, President Reagan had again triumphed as the nation's leading drug warrior, and Congress had enacted the toughest anti-drug legislation yet — without even holding hearings — and appropriated an incredible $4 billion to fight the War on Drugs. If Bias had been a basketball player at the University of Montana and a draft pick of the Portland Trailblazers, none of this would have happened.

Cost of War: Up; Cost of Drugs: Unchanged

Of course, perverse political incentives are not the only factor escalating the war. Baum returns again and again to another: the ability of police to confiscate the property of individuals who are suspected of possessing drugs. This not only rewards police for escalating anti-drug activity, thereby providing them an incentive to inundate the public with anti-drug propaganda; it also finances their activities, insulating them from criticism for wasting taxpayer money. These incentives have broadened the drug war to attack people who never would have been brought to court under the old regime, including many innocent people. Fully 80% of the people whose property is forfeited in drug cases are never charged with any violation of the law.

Conservative Republicans long ago learned that there is no reputable and politically consequential constituency for drugs, unlike the other targets of their agenda.

Of course, the actual costs of the drug war go far beyond dollars spent by law enforcement agencies. By the end of the Reagan years, one in four young black men and one in sixteen young white men in America were in prison, on parole, or on probation — most for violating drug laws, all at a huge cost to the taxpayer.

Other costs are hidden in the military budget. In a recent letter to *The Wall Street Journal*, Janet Crist, Chief of Staff of the President's Office of National Drug Control Policy, describes the military action of the Southern Command:

> Southern Command coordinated multiple counterdrug operations involving all 19 Latin American countries in its area of operations. Two in particular — Operation Green Clover and Laser Strike — merit mention. Designed to intercept narco-trafficker aircraft carrying cocaine between Peru and Colombia, they reduced drug flights over the Andes from 35 a month in 1994 to five a month now.
>
> Other important results include the arrest of virtually the entire Cali drug cartel leadership, the disruption of the Andean air bridge, and the hemispheric drug interdiction effort that has captured about a third of the cocaine produced in South America each year.

The Chief of Staff did not say what all these efforts cost or the number of military personnel involved. She did, however, add that these splendid little wars have had "no direct effect on either the price or availability of cocaine on our streets."

Baum concludes most chapters with a few carefully selected statistics, rather in the style of the *Harper's Index*.

- Number of Americans arrested in 1990: 1.1 million.
- Number arrested for marijuana possession: 264,000.
- Percentage of high school seniors who said cocaine is "easy or very easy" to get in 1980: 48.
- Percentage who said the same thing in 1990: 59.
- Percentage change, from 1989 to 1990, in states' spending on primary and secondary education: +7.3.
- On corrections: +29.
- Percentage change, from 1989 to 1990, in states' capital expenditures for colleges and universities: +46.
- For prisons: +150.6.

Such statistics are interesting, but I wish Baum had included an appendix listing more comprehensive data on the direct cost to taxpayers of the anti-drug crusade, the number of its victims (including both people whose property is confiscated and those imprisoned for possession of drugs), the amount of property confiscated, the number of arrests, and other hard figures. Baum's chronological approach is very readable, but at times it seems almost anecdotal. More comprehensive data put into a broader context would have made his book more convincing. But here I quibble. *Smoke and Mirrors* is a brilliant account of the tragedy of the War on Drugs.

In a guardedly optimistic afterword appended to the new paperback edition, Baum reports the legalization of medical marijuana by the voters of California and Arizona. And these are not the only straws in the wind. In a conservative congressional district in Texas, Dr. Ron Paul, a long-time advocate of legalization, was elected to Congress despite vicious attempts to portray him as a drug advocate by both the Republican incumbent he upset in his primary and the Democrat he faced in the general election. And in Trego County, Kansas, the local prosecuting attorney, Bernie Giefer, had prosecuted drug cases so enthusiastically that police from other areas contrived to make arrests in Giefer's jurisdiction. With 1.5% of Kansas's population, Trego County brought in 30% of the marijuana seized in the state. Trego County is GOP territory, and Giefer's opponent was Thomas Drees, a Democrat from a neighboring county who proposed to serve as prosecutor for both counties. Drees criticized Giefer for "disrupting the unity of the community" with his anti-drug activities. As usual, Trego County voted Republican, with Dole swamping Clinton by a margin of more than 2 to 1. But Bernie Giefer was turned out of office, carrying only three of the county's eleven precincts.

Eighty percent of the people whose property is forfeited in drug cases are never charged with any violation of the law.

So who knows? Maybe the War on Drugs will one day be only a rather comic memory, as Prohibition is today. ❑

***Life is Not a Rehearsal: A Memoir*, by David Brudnoy. Doubleday, 1997, 298 pp., $22.95 (hc).**

Coming Out on the Air

Michael Grossberg

David Brudnoy is a seemingly contradictory hybrid: a Jewish liberal who became a libertarian-leaning conservative, a precocious student of East Asian and American civilization who forsook a serious academic career to host a popular Boston radio talk-show, a self-styled rational skeptic whose life was full of evasion, and an outspoken journalist who revealed his homosexuality only late in life, and partly to avoid being outed. Besides writing for the *American Spectator* and *Reason* during the '70s and '80s, Brudnoy flourished as a TV-radio commentator — including a brief stint on the CBS Morning News.

Brudnoy's AIDS-inspired memoir also is an unusual hybrid. His is a cautionary coming-of-age story, dismaying in its depiction of so much early insecurity and self-deception, but brave and unflinching in its retrospective honesty. It is also an older man's belated coming-out story, suffused with bittersweet regret but palpable relief.

Like many homosexuals who grew up in the 1940s and '50s, Brudnoy led a double life — at first hiding his sexuality even from himself; and until very recently hiding it from family, co-workers, and all but a few friends. Ironically, it was the irresistible fact of AIDS and its devastating impact on his life that forced Brudnoy to embrace honesty and a more integrated public and private life. Conscious of writing in the ritualistic genre of autobiography, Brudnoy bows to his predecessors by invoking the spirit of Paul Monette, whose AIDS memoirs and other autobiographical books are the best-written in the field, and by naming an early chapter after *The Best Little Boy in the World*, John Reid's hilarious coming-out classic. Brudnoy's account of his early-adult years brim with the naked ambition of a good little Jewish boy out to become the best, *à la Making It*, Norman Podhoretz's brash 1967 memoir of his life as an ambitious New York intellectual.

Brudnoy prefers to view his own life as a comedy rather than a tragedy; he's often funny, although his humor is dry, ironic, allusive, and studded with film references. For instance, Brudnoy names a later chapter about the temporary loss of his legs after Ronald Reagan's *Where's the Rest of Me?* — although Reagan "lost" his legs only while playing a screen role.

Perhaps an innately conservative temperament — in tune with Brudnoy's family tradition, his own strong desire for privacy, and what he calls the "customary reticence" of the pre-gay-rights era — explains why Brudnoy, an active homosexual since the 1960s, kept his sexuality secret for so many years. Yet self-evasion may have played at least as important a role, and is probably the key to other aspects of his story. Even after serious symptoms had appeared, for example, Brudnoy refused to undergo medical exams. By October 1994 he was on the verge of collapse, and was saved only through the intervention of friends who saw what Brudnoy refused to see or even to acknowledge to himself, and who saved him when he fell into a coma. If not for this devoted "Gang of Five," whom he praises repeatedly for seeing through his denials, Brudnoy wouldn't be here today. His Hollywood fantasy of macho self-reliance fell apart when he had to go off the air to check into the hospital, where for ten weeks they helped him survive pneumonia, neuropathy, shingles, and other agonies and indignities. Ultimately, Brudnoy felt the truth of John Donne's line: no man — not even an individualist — is an island.

His absence from the air provoked an outpouring of sympathy throughout New England, but also a gathering storm of media speculation. To try to maintain control over his public image when news leaks threatened to expose the real cause of his collapse, but also, on a deeper level, to "zip up the two strands of [his] life into one: united, forthright, unprettified," Brudnoy decided to tell all — first in a *Boston Globe* exclusive, then at a packed hospital press conference. When he finally returned to the air, he began with an excruciatingly personal hour-long monologue, unprecedented on talk radio. Among his opening words: "I am a 54-year-old homosexual . . . I was suffering the first attack of HIV — the AIDS virus." That solemn self-disclosure led to national media appearances and major magazine profiles. Brudnoy wrote *National Review*'s first autobiographical feature about AIDS. William Buckley and some other *National Review* editors, not famous for their gay sympathies, responded with an outpouring of support for one of their own veteran writers. Brudnoy reports the inevitable hate mail from a very small minority of his radio audience, but makes no mention of negative reactions from any leading conservatives. A question arises: if they didn't react negatively, then why haven't Brudnoy's conservative friends extended their personal sympathy for a friend into a more humane support of individual rights for all — including gays?

Brudnoy's memoir is saddest when he confronts a lifelong pattern of self-destructive behavior.

Brudnoy doesn't raise that important question himself. Rather than confront his long-time political bedfellows for their inconsistencies, he prefers to point out the unkindness of some left-wing gay activists, who, after his highly

publicized collapse, attacked Brudnoy for failing to toe the left-liberal line.

Brudnoy writes with breezy intelligence and witty self-deprecation, but also in the rambling, conversational style of a radio/TV ham, about a mostly unremarkable life. "In my youth I dreamed of an academic career, quiet, untroubled by controversy, unsullied by media notoriety. We don't often get what we want, as philosopher Mick Jagger put it in his classic song, and sure enough, precisely what I didn't think I wanted is what I most certainly got."

While working on the book, Brudnoy grew more willing to share personal memories, "less diffident about what only a couple of years ago I would never have expected to reveal in the public sphere." Hence, his book title:

> None of us is guaranteed anything on earth except to inhabit it for some span of time . . . we are better off living each day as if it might be our last. After all, life is *NOT* a rehearsal; it's the real thing. . . . Once circumstances stripped me on my anonymity. . . I realized that wedding my public and personal life, the politics with the person, could only enlarge an understanding of both.

Only occasionally does Brudnoy pause for chiding social commentary— and then only when it relates to his story.

> It is a common assumption that conservatives are rarely homosexual and even more rarely contract AIDS. Of course that is ridiculous, but I say "ridiculous" because I am all three and I know many other conservatives and libertarians who, sad to say, have died from AIDS and many who struggle with it. But the story, as pitched to some Hollywood producer, amounted to this: "conservative celebrity is gay and has AIDS." This image reduced me to a bizarre cliché, and in part I have written this book to liberate myself, and those readers who come to it with that stereotype, from a reductionism that clouds our minds to understanding and perpetuates myths about sexual orientation, about the perceived connections between sexuality and politics, and, not insignificantly, about how one lives with a fatal disease syndrome and makes the best of it.

Brudnoy grew up as the only child of a Minneapolis Jewish family in the 1940s. He dated girls and acted macho in high school, only slowly waking up to his gay identity in the conformist '50s with a furtive touch as a foreign exchange student in Japan.

> I returned with another new and fleeting experience under my belt as well, one that I couldn't tell anyone. For the first time in my life, I had actually reached out to touch another boy, not in the split-second way a hand brushes over a pal's thigh while wrestling . . . or just a prolonged gaze that holds someone a moment longer than expected, longer than a justifiable, inadvertent brush. This was different; this was intentional, and I knew it.

The moment happened in a packed municipal pool, when the teen-aged Brudnoy maneuvered his way into the path of "a stunningly handsome boy of [his] own age" and touched his hand to

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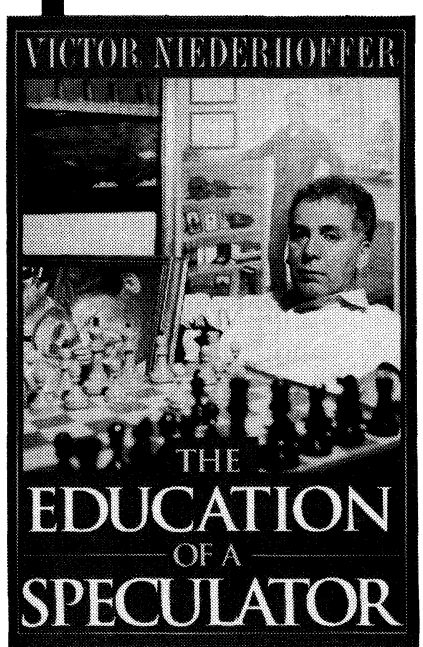

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the waistband of the boy's trunks as he passed by. "The touch made me tremble. I was so excited by the one or two seconds of this new experience, I had to get out of the pool to calm down. I was literally shaking, and my friends asked me if I was sick. Yes, I was sick — with desire." Out of such vivid, fleeting, innocent beginnings, Brudnoy developed into a man who enjoyed three gay romances and countless one-night stands during the 1960s and 1970s, when he studied at Yale, Harvard, and Brandeis.

Brudnoy's memoir is saddest when he confronts a lifelong pattern of self-destructive behavior. He "tripped on acid" while writing articles and speaking to classes at Northeastern University — seemingly reckless acts for a man who champions reason and objectivity, and presumably values a clear mind — and later struggled with alcoholism. "I've often shuddered thinking back to the 1970s, wondering how I actually survived," Brudnoy writes. "I had no recognition of the effect my alcohol intake was having on me until one night on radio we did a program specifically designed to find out." As part of a highway safety program, Brudnoy agreed to drink ounce after ounce of gin. "By the time I was taken off the air and left to whimper in the corner while the police officer took over the show, I had tested at .29 on the Breathalyzer; .30 is comatose. A close miss, but not sufficient to get me to put my drinking excesses in check."

Brudnoy faults libertarians for lacking compassion and for their "bloodless, icy" rationalism.

Give Brudnoy credit for sexual frankness. He lets it all hang out in his R-rated confessional, which devotes almost as much space to his risky one-night stands — including an experiment with sadomasochism — as to his intellectual and political development.

To many of his radio listeners in 38 states, Brudnoy remains an entertaining paradox — a conservative on some issues, liberal or libertarian on others. In his memoir, Brudnoy describes his approach as an unusual fusion. "I felt comfortable nesting with conservatives on economic matters and in their opposition to communism; I felt more comfortable with liberals on social matters — at least then I did, before much of liberalism simply flung itself into the oncoming path of the New Left."

Brudnoy's early enthusiasm for Ayn Rand was quenched when he heard her speak at a Boston forum. Rand was

> viciously unsparing of anybody who criticized her, as she saw it from ignorance. We encountered for the first time her disciple Nathaniel Branden, then as blisteringly unsympathetic as Rand was herself . . . I felt embarrassed watching this brilliant woman and her young acolyte sneering at those who hadn't yet received the full Randian gospel, and I felt that embarrassment particularly because I recalled how evangelical I had been at Yale, trying to shame my classmates into joining the NAACP, trying to inflict my superior wisdom on the deficient, puny intellects of those who had dwelled in darkness and hadn't yet seen the great light that I did.

More influential on his thinking was Theodore Schroeder, the subject of his doctoral dissertation. Brudnoy describes Schroeder as a "quirky libertarian" whose early 20th century work helped inspire the creation of the American Civil Liberties Union, but again he fails to explain what he means or explore in depth his intellectual coming-of-age. Without going into detail, Brudnoy also faults some libertarians for lacking compassion and for their "bloodless, icy" rationalism.

It's Brudnoy's life, and he certainly has a right to live and tell it as he chooses. Still, one wishes for more detail on his crusading journalism, which began with a splashy 1968 *National Review* cover story critiquing black-power politics. Ironically, considering Brudnoy's early liberalism and life-long commitment to equal liberty for blacks, his greatest regret is his insensitivity to blacks, evidenced in recent years by two slips of the talk-show tongue that raised a ruckus in Boston. Ironic indeed, since, flush with the idealism of the civil-rights movement, he had abandoned Harvard's graduate program in East Asian studies to teach at all-black Texas Southern University in Houston in the early '60s. There, however, Brudnoy committed what he considers his greatest sin: as head of the honors program, his first act was to dump arbitrarily many students for insufficient grades — without even interviewing them to find out their family, job, or academic circumstances. Only years later did he think about the young lives and future careers he may have harmed. Obviously Brudnoy is no racist — whatever the opportunistic charges of his political enemies in New England — but an individualist with a disconcerting and contradictory blend of compassion and insensitivity.

It is ironic that Brudnoy seems more concerned with unkindness or insensitivity to blacks or former students than he is with his own swipes at other gays. During his heyday as a commentator with several national media outlets, Brudnoy once described homosexuality as "the love that once dared not speak its name and now won't shut up." He repeats that admittedly humorous (albeit mildly homophobic) update of Oscar Wilde's famous phrase in his preface, an awkward attempt to convey his continued discomfort with telling all — and especially with gay leftists who insist upon making everyone's sexuality a matter for public discussion.

Why haven't Brudnoy's conservative friends extended their personal sympathy for a friend into a more humane support of individual rights for all — including gays?

For libertarians, this memoir may seem like a missed opportunity. Despite its increasing influence worldwide, libertarianism remains a political philosophy in desperate need of deeper explanation for a popular audience. Brudnoy's book might have doubled as a persuasive autobiography of ideas, in the mold of Albert Jay Nock's *Memoirs of a Superfluous Man*. (Of course, if it had chronicled a more substantially libertarian coming of age, *Rehearsal* likely wouldn't have received the book-

jacket endorsements of both libertarian fellow-traveler P.J. O'Rourke *and* ultra-liberal Sen. Edward Kennedy.)

Brudnoy also neglects to outline a libertarian view of gay rights, although he can't resist a jibe at the contradictions of today's predominant attitude:

> No wonder a society that disdains nonheterosexual behavior, that stigmatizes promiscuity in theory (though not necessarily in practice as long as it's heterosexual), has erected a Catch-22 for gay people: you're despicable because you're promiscuous, but we certainly won't let you marry and have some social reinforcement for abandoning promiscuity.

Sadly, that is the book's only serious comment about gay rights. Talk about a missed opportunity!

An avowed agnostic, Brudnoy nevertheless found himself listening to a psychic healer who intuited a connection between his failing health and split persona. One need not believe in supernaturalism to see the validity in Brudnoy's dawning realization:

> Perhaps part of what helped me survive a medical condition that had doctors about to give up on me entirely involved that uniting of my public and private lives . . . as soon as my entire life was public knowledge and I had nothing to hide and no desire to do so, I began to recover.

CBS, ABC, NBC, *People*, *Time* and *USA Today* were attracted to the "bizarre cliche" of a conservative celebrity who is gay and has AIDS. But Brudnoy's bracing tale shatters stereotypes that prevent too many people from thinking clearly and seeing others freshly. As a gay libertarian journalist, I couldn't help identifying with him. Others who don't share his occupation, sexuality, or politics may find *Life Is Not a Rehearsal* alternately frustrating and enlightening in the subtle and sometimes evasive ways it touches upon the links between personal freedom, personal liberation, psychological well-being, and physical health. Individually and collectively, we pay a more painful price than many of us suspect for political or psychological repression. Conversely, when we find the courage to live freely and honestly, we release powerfully integrative energies. Freedom heals. So does the truth — however belated. ❑

***Blood and Belonging: Journeys into the New Nationalism*, by Michael Ignatieff. Noonday Press, 1995, 201 pp., $11.00 (sc).**

Nationalism: Good, Bad, and Invented

Martin Tyrrell

Forget Francis Fukuyama. Since the Cold War thawed, history is back in business. So, at any rate, claims Michael Ignatieff, who here surveys its first five years by travelogue. Germany, the Ukraine, Northern Ireland and the former Yugoslavia are among his stopovers in a book which readily gives itself away as the series of soundbites that accompanied the author's eponymous BBC television series. Here are words first spun over photogenic images of, *inter alia*, tank battles, riots, and neo-Nazi skinheads on the march. Frequently, therefore, that fine line between eloquence and blarney gets crossed, while the liberal sprinkling of names and theories — Ernest Gellner, Theodor Adorno, Benedict Anderson — is ultimately more swank than scholarship.

Insight is sparse. Ignatieff, snooty enough when it comes to the glibly satisfying fable histories of nationalist ideology, has a fable of his own. It goes like this: the twenty-first century has already begun. It has been underway since 1989's brief and farcical "Autumn of Love." But lately things have gone wrong. The script said "liberal democracy." Instead, we got a New World Order that is increasingly proving neither orderly nor new. Nationalism is its mode. With the Soviet Bloc gone the way of those other great multinationals, the Habsburg and Ottoman empires, scores deferred for generations can now be settled.

Worse still, another kind of internationalism itself, one closer to home, is also threatened. Ignatieff confesses that until recently, he and his peers could imagine themselves uninvolved, cosmopolitan, and upwardly mobile — certainly above nationality. Now he is not so sure. *Blood and Belonging* is, in part, his coming to terms with changed circumstances. Look forward, this cheerless author recommends, to "paramilitaries drunk on plum brandy and ethnic paranoia, trading shots with each other across a wasteland."

Yet there is hope, in what Ignatieff calls "civic" nationalism: "the only guarantee that ethnic groups will live side by side in peace is shared loyalty to a state, strong enough, fair enough, equitable enough to command their obedience" (185). In sharp contrast to this "civic nationalism" — the nationalism of Britain, France and the United States — is the "ethnic" nationalism of Germany and of states (e.g. Serbia) which have fallen under the wicked German spell. Ethnic nations are defined "racially" and are all about exclusion. Civic nations are different; more inclusive. Ignatieff has them color and culture blind, not to mention language and dialect deaf. And whereas ethnic nations like Germany are fragile, reliant upon some "defining Other," civic nations are healthier, more confident. In *Blood and Belonging*, the civic nation is almost a kind of club, membership of which can be had by voluntary subscription. And for a lapsed cosmopolitan like Ignatieff, it is the new ideal.

It is also wishful thinking. There are no nation-states like the civic nation-states Ignatieff has in mind. Certainly none of his principal contenders meet the criteria. The nationalisms of Great Britain, the United States, or France are

ultimately no more inclusive, no less ethnic, and no less dependent upon the "defining Other" than that of Germany. Where, for example, was civic nationalism in the United Kingdom during the eighteenth, nineteenth, or even early twentieth century? Britain excluded Roman Catholics in particular from political and public life until well into the 1800s. No surprise there. As Linda Colley reminds us in *Britons: Forging the Nation, 1707–1837* (1992), evangelical Protestantism was perhaps the most important strand of national ideology during the formative years of the British state. Britain was the new Israel, righteous among blasphemers and infidels; defining Others — Catholics, France, Jacobites — all were grist for its ethno-sectarian mill. And in the hundred years or so it took the British state to become recognizably national (roughly the period from 1690 to 1800), Britain fought at least half a dozen major wars with the French and suppressed three Jacobite rebellions.

Similar things can be said of any other "civic" nation. The original French Republic, for example, was the first to try and impose linguistic homogeneity, and in its expansionist phase mobilized citizens on the basis of this and other ethnic criteria. (It was principally in defensive imitation of the virulently expansive, revolutionary French state that German nationalism developed in the early 1800s.) As for the United States, white Protestants (mainly of British descent) dominated the nation's politics until the 1900s, with Native Americans, Catholics, blacks, Hispanics, and Asians relegated to lower grades of citizenship or to no citizenship at all.

In erroneously attributing racial nationalism primarily to the Germans, Ignatieff follows Elie Kedourie, whose *Nationalism* (1960) tendentiously equates the linguistic nationalism of Johann Gottfried Herder with twentieth century German fascism. "The Nazis," Kedourie writes, "only simplified and debased the ideas implicit in the writings of Herder" (66). But Kedourie himself then goes on to name Charles Maurras and the Comte de Gobineau (both Frenchmen) as the pioneers of racial nationalism. In fact, until very recent times, race and nationality were almost synonymous. Contrary to what Ignatieff alleges, there is no non-racial, civic nationalist tradition. And when, from the late nineteenth century through to the 1940s, a wave of nationalistic Social Darwinism swept most of the great powers and science supplanted religion as the new rationale for excluding others, Ignatieff's "civic" nation-states were not immune. The writings of William McDougall, most notably *The Group Mind* (1920), offer a sample of this kind of thinking. To McDougall, Irishmen constituted an inferior, under-assimilated sub-race of the British, and black Americans represented "a menace to the national life" of the United States. Britain, France, and America were "nations of the higher type" at risk of being overwhelmed by both racial minorities and by their own lower classes, who were breeding much faster than their more prosperous "superiors." McDougall's unambiguously racist nationalism remained respectable in the English-speaking "civic" nations until after the Second World War — when in the flush of Allied military success and shame over racism's genocidal consequences, such views came to be attributed to Germany alone.

Nationalism is by definition a form of exclusion. If there is no "them," there is no "us."

When Ignatieff talks up or down the chauvinism in any particular nationalism, then, he is simply cherry picking. And that is itself reflective of a kind of chauvinism. The truth is that nationalism is almost by definition a form of exclusion. If there is no "them," there is no "us." The largesse of civic welfare states, for example, is strictly limited to the territorial in-group, and many policies enacted for the supposed good of "our" nation (import controls, immigration quotas, war) are positively disadvantageous to most others. In theory if not practice, German nationalism is, on balance, morally indistinguishable from the nationalism of most allegedly "civic" nations, as will become clearer when victor propaganda from the First and Second World Wars ceases to be a living memory.

Nationalism, then, is always and everywhere ethnic; "civic" order more properly describes a state that is ceasing to be nationalist — less reliant on real or imagined homogeneity. Japan aside, such states are now the norm among industrialized nations. Immigration, multinational business organizations, supranational, regional and "identity" politics, and the rise of information technology: all these characterize modernity — and all, as Mathew Horsman and Andrew Marshall note in *After the Nation-State* (1994), operate against nationalism. Nationalism is in long-term decline, and *Blood and Belonging* overstates its modest and wholly relative revival.

Ignatieff is overly fond of the psychoanalysts' "narcissism of minor differences" (broadly, the notion that there is often little of substance to intergroup rivalries, just trivialities made large by ideology). He is particularly keen to use it when faced with people who are not to his taste: the Serbs, for example, or the Protestants in Northern Ireland. These, he suggests, are communities fighting over nothing, against neighbors with whom they have almost everything in common.

But in this respect at least, Serbia and Northern Ireland are nothing special. Some of the world's oldest borders divide peoples who display minimal ethnic differences. Think of the rivalries between England and Scotland; Canada and the United States; Poland and Russia. It is these cases, where the underlying ethnic differences are too small to bother with, that are most worth investigating in detail.

Detail, however, merely irritates Ignatieff, who grows impatient every time the Serbs retell the history of their conflict: "the invective sweeps up the anti-Serbian crimes of Churchill, Roosevelt, Stalin and Tito into a rhetorical flow as muddy as a spring torrent" (35). Yet how are civic nation-states to distinguish themselves from one another, if not by some sort of ethnic or quasi-ethnic differentiation? Ignatieff is surely not proposing a world of interchangeable states called "A," "B," "C," and so on. And he is set against any kind of ethnic or cultural exclusivity. But whether Ignatieff likes it or not, civic nation-states will continue to distinguish themselves through precisely the kind of narcissistic small differences he especially disdains.

In the end, then, Ignatieff's civic nationalism is quite simply too good to be true. Too inclusivist and open a civic nation-state will be scarcely national at all. But if it attempts to work up any kind of national identity within its territory, it will quickly move in the direction of exclusivity, of us and them, of a fragile ethnicity based on the smallest of politicized distinctions. Finally, therefore, I think that what Ignatieff calls "civic nationalism" is just the nation-state without the nation, the nation-state in gradual eclipse, an eclipse for which we liberals (whether classical or Clintonite) have our liberalism to thank — or blame. On the one hand, international free(ish) trade has undermined national autarchy; on the other, individualism has greatly reduced the power of the state to exclude and to foster the sort of homogeneity that produces a national interest and a sense of national duty. Nationalism has costs — war, economic inefficiency — and as people become politically and economically empowered, they grow less willing to pay them. None of which is to say that ethnic (or similar) distinctions — in-groups or out-groups — are about to disappear. On the contrary, in the absence of nationalism — of nation-statism — we might even find that collectivism continues in the form of smaller and, occasionally, more fanatical collectives. The present politics of big and bigger government gives them spoils over which to fight. The question for our time is whether the group identity so many people seem to need can be enjoyed — and paid for — without the state. ❑

***The Future of Capitalism*, by Lester Thurow. Morrow, 1996, 327 pp., $25.00 (hc); Penguin, 1997, $13.95 (sc).**

The Resurrection of Richard Nixon

Oliver Becker

One thousand years ago, Europeans from the lowest serf to the mightiest king were feeling a deep angst. The new millennium, many believed, would mean the end of the world, or at least a profound change in their everyday lives. Not surprisingly, fortune-tellers did good business reading crystal balls and the intestines of farm animals.

As the current millennium draws to a close, fortune-tellers are again doing land-office business. Their methods this time are different, but not necessarily more sophisticated. Today's prophets do not gaze into entrails and glass orbs, but rather at economic data, technological developments, and political trends. And in a flood of books they tell us, in highly simplified ways, the future of war, international politics, and, most important, the international economy — and thereby of our personal fortunes in the next century.

One of the most successful of the recent crop of economic fortune-tellers is Lester Thurow, whose *The Future of Capitalism* has been a runaway commercial success (for a book on economics) thanks to its pleasing style and appeal to Americans' economic anxieties.

The Five Bromides

After an interesting but overly general introduction, Thurow leaves economic science and hard facts behind, delving into a mixture of platitudes and unsupported assertions. Five forces, he divines, will shape the future economy: the end of communism, the increasing importance of knowledge and skills for so-called "brainpower industries," the aging of the population in industrialized countries, the globalization of the economy (with a related decline in American wages), and the emergence of a "multipolar" world in which no single country can dominate the others. All these, of course, are tendencies that the average newspaper reader is well acquainted with. But the last one seems odd, considering America's absolute dominance in world diplomacy, as well as the fact that it has by far the most vibrant economy of all industrialized nations.

Globalization of the economy is the trend Thurow perceives as most important. This is a cliché which everyone seems to use for any imaginable purpose. But it is not a recent development. In fact, the percentage of GDP which goes into foreign trade in many developed countries is now about where it was at the turn of the century.

According to Thurow, however, globalization is causing U.S. trade deficits which will soon prove unsustainable. The declining value of the dollar, he predicts, will cause huge losses for holders of the American currency, who will respond by dumping their dollar holdings as quickly as they can. Foreign suppliers will no longer accept payment in dollars, and the U.S. will be forced to balance its trade deficit by reducing imports, which will in turn cause an economic disaster in the export-oriented Asian economies.

Scary stuff. But the steady appreciation of the greenback over the last 18 months alone seems to refute Thurow's predictions — and it should be added that the exchange rate theory underlying these predictions is far from universally accepted among economists. Hard evidence for these gloomy predictions is thus conspicuous by its absence.

If Thurow's diagnosis seems to be merely a collection of bromides, the therapy he proposes is not an inch better. He advocates an easy-money policy to spur economic growth and create jobs. Obviously he still believes in a trade-off between inflation and unemployment, an idea that fell into disrepute in the mid-1970s when both rose simultaneously, and which is nowa-

days held only by paleo-Keynesians.

When arguing that interest rates ought to be lowered by the Fed, Thurow asserts that the Consumer Price Index overstates inflation — a fact he conveniently fails to mention when arguing that real wages have fallen.

Thurow laments the supposedly inadequate education that many American workers receive in comparison to their counterparts in Europe, Japan, and the Asian Tigers, and argues for more government spending to remedy the gap. But he ignores the fact that the U.S. is already spending more money per student than those countries.

Failed Solutions

When the author does have an original idea, he rarely thinks it through. Thurow proposes, for instance, to redesign the tax system around a consumption tax instead of an income tax. This means that each citizen would have to pay taxes in proportion to his consumption, independent of income. The purpose is to relieve the burden on productive people, increase savings, and increase taxes on recipients of transfer payments such as Social Security and welfare. Economists have discussed different versions of the consumption tax, and Thurow remains vague about his own version. But he does want it to be progressive — so that everyone who consumes more would not only have to pay more taxes in absolute terms, but also a higher percentage of taxes on consumption exceeding a certain amount. The main evil of the current tax system — the redistribution of wealth from its creators to selected loyal voter groups — would thus remain unchanged. And unlike a national sales tax (another alternative to the income tax), a consumption tax would lead to a much more sophisticated system of taxpayer surveillance.

Thurow's favorite proposal to prepare America for the changes ahead is "social investments" — government expenditures on infrastructure, education, and research and development. To Thurow, private enterprise is too focused on short-term gains to make sufficient investments of this kind, and so government has to do it. This is his most preposterous notion. Time and again, the behavior of American politicians has revealed a time horizon of a single election cycle.

Unlike a national sales tax (another alternative to the income tax), Thurow's consumption tax would lead to a much more sophisticated system of taxpayer surveillance.

In a time when center-left politicians and economists have no idea where the world is heading, and no vision of their own, Thurow had the opportunity to lead them out of their intellectual wilderness. He could have focused on the increasingly obvious failure of government to manage the economy and on the success of markets. Instead, he presents the same tired analysis of the economy that conventional thinkers offered a generation ago. Worse still, the therapy he recommends is a leftover

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from the 1970s, when Keynesian policies resulted in high inflation, high unemployment, and high taxes, combined with low economic growth and a weak stock market.

Is *The Future of Capitalism* worth reading? Yes and no. Lester Thurow may have little to offer besides the stale, discredited nostrums of Nixonomics — but he has at least provided final proof of the intellectual bankruptcy of liberal economists. ❑

***Darwin's Black Box: The Biochemical Challenge to Evolution*, by Michael J. Behe. Free Press, 1996, 307 pp., $25.00 (hc).**

Darwin Defied

Jane S. Shaw

Two pillars of modern thought — the legacies of Marx and Freud — have recently fallen. Michael Behe is out to topple a third, the neo-Darwinian synthesis.

Recently, while exploring the impact of Darwinian evolution on Christianity, I discovered that Darwinian evolution does not have the broad and deep public support that I thought it did. Though biologists generally accept it, 47% of the American people do not, according to a poll quoted by Daniel Dennett in his recent book *Darwin's Dangerous Idea*. Furthermore, disputes and disagreements riddle evolutionary biology, although it isn't fully clear how profound these disputes are.

Until now, however, defenders of the neo-Darwinian synthesis haven't had to face many scientific assaults. I know of just one — Michael Denton's 1986 book, *Evolution: A Theory in Crisis*. Denton argued that the differences in the molecular sequence of proteins supports the traditional classification of species and give no support to the idea of evolutionary links. Whether this is a major challenge, I'm not sure, but in any case the book seems to have been largely ignored. Michael Behe's argument is more fundamental.

The Lives of a Cell

A biochemist at Lehigh University, Behe argues in *Darwin's Black Box* that the understanding of molecular biology that has emerged during the second half of the 20th century makes it impossible to accept that the theory of speciation by random mutation and natural selection explains much about the history of life. (Behe doesn't deny that Darwinian evolution explains some speciation, such as that occurimg in isolated environments.) Forget the gaps in the fossil record, says Behe. (Critics of Darwinian theory make much of the fact that it is hard to find "missing links" between reptiles and birds, for example, or between fish and amphibians.) Forget the long-running conflict (beginning in Darwin's day) over whether complex organs such as the eye can be explained as a series of small steps. Modern biochemistry has opened the cell — the "black box" that Darwin knew almost nothing about — to reveal a factory full of complicated molecular machines that control the fundamental processes of life.

Until now, defenders of the neo-Darwinian synthesis haven't had to face many scientific assaults.

The cell's machinery, Behe argues, defies Darwinian explanation. As most scientists understand it, evolution occurs through a series of slight modifications, each of which gives the creature who has it an advantage in reproduction in its particular niche. That advantage, through natural selection, leads to an increase in the numbers of that creature's offspring. Richard Dawkins, in his 1986 book *The Blind Watchmaker*, stated flatly that "not a single case is known to me of a complex organ that could not have been formed by numerous successive slight modifications. I do not believe that such a case will ever be found. If it is . . . I shall cease to believe in Darwinism (91)." But Behe contends that many of the activities in cells are "irreducibly complex" and cannot have evolved by this process. By "irreducibly complex," Behe means "a single system composed of several well-matched, interacting parts that contribute to the basic function, wherein the removal of any one of the parts causes the system to effectively cease functioning" (39). Stating the issue another way, he says: "If a biological system cannot be produced gradually it would have to arise as an integrated unit, in one fell swoop, for natural selection to have anything to act on" (39).

To illustrate this complexity, Behe leads the reader through the blood-clotting process (for non-biologists this gets tedious pretty quickly). When an injury causes bleeding, fibrinogen (a composite of proteins found in the blood plasma) forms a clot. But getting to that point involves a series — a "cascade" — of activities involving 20 or so proteins. A protein called thrombin must change the fibrinogen (by cutting off some of its protein chains) into fibrin; the sticky patches that result from this trimming enable it to stick to other fibrin molecules, forming long threads and ultimately a mesh that entraps blood cells. But the thrombin has to be activated as well (if it weren't inactive most of the time, it would be continually activating fibrin, creating clots where they weren't needed and stiffening the circulatory system). A protein called Stuart factor and another protein called accelerin activate thrombin (starting with prothrombin, the inactive form), but only after ten of prothrombin's amino acid residues are changed so that they can bind calcium and attach to cell membranes. Otherwise, thrombin can't be activated. Activating the Stuart factor involves six or seven additional proteins acting upon one another. And then there is the complicated process that stops the

clotting, which Behe also describes.

Behe gives us similar detailed accounts of the intra-cellular transport system, the immune system, and the manufacture of AMP, a cellular building block. He goes to some pains to illustrate these with somewhat overdone analogies to such things as a space probe, a Rube Goldberg machine, and a cargo delivery system. Behe persuades us that biochemical processes are extremely complex — and these are just a few of the processes life depends on!

But are they *irreducibly* complex? Behe's point is that each component is essential to the process, so a partial system (which must have existed before the complete system, if the complete system evolved) could not have provided the advantage necessary for natural selection to occur. For example, if either Vitamin K or the antihemophilic factor is missing, hemophilia results. How could the blood-clotting process have evolved without including them? Behe argues that the neo-Darwinian synthesis cannot explain such "irreducible" complexity.

Behe's point is that each component is essential to the process, so a partial system could not have provided the advantage necessary for natural selection to occur.

Behe has some other evidence to support his skepticism. He has reviewed the *Journal of Molecular Evolution*, established in 1971 to publish research explaining the development of life at the molecular level. Looking over the journal's history, Behe concludes that none of the papers "has ever proposed a detailed model by which a complex biochemical system might have been produced in a gradual, step-by-step Darwinian fashion" (176). Most of the papers are comparisons of the amino-acid sequences in proteins or of the nucleotide sequences of DNA. In Behe's view, the journal hasn't published articles about the evolution of biochemical processes because the information doesn't exist.

One of the few serious attempts to suggest how the blood-clotting process might have evolved (published in a different journal, *Thrombosis and Haemostasis*) supports Behe's point that no one has the knowledge even to hypothesize such evolution in any detail. Written by Russell Doolittle, an expert in blood-clotting biochemistry, this outline of possible evolution attempts to show that random mutations of genes for proteins might have created the components. But Behe contends that the odds against mutations actually creating useful parts are astronomical. Furthermore, in Doolittle's outline, vital proteins are created before their activators take shape. Such inactivated proteins, while highly unlikely in the first place, would have "nothing to do" and would probably be eliminated by natural selection (95–96). Doolittle appears to recognize the difficulty. He introduces his outline by saying, "Various metaphors can be applied to [blood clotting's] step-by-step evolution: action-reaction, point and counterpoint, or good news and bad news. My favorite, however, is yin and yang" (91).

But metaphors aren't good enough for Behe. He examined thirty major biochemistry textbooks to see how they treat the subject of evolution and found that many simply do not. Eleven of the thirty have no entries in the index referring to evolution. The theory of evolution is rarely analyzed or explained, he says. It is just assumed. "Many students learn from their textbooks how to view the world through an evolutionary lens," he says. "However, they do not learn how Darwinian evolution might have produced any of the remarkably intricate biochemical systems that those texts describe" (183). The reason? Again, he thinks that no one knows how biochemical systems could have evolved.

Behe's White Box

Behe concludes that the complexity of cellular processes is a sign of "intelligent design." He doesn't say that the designer has to be supernatural — he makes a distinction between accepting design and identifying the designer. But he thinks it is time to recognize intelligent design as a fact, even though it may be impossible to explain how it got there. Behe points out that "the history of science is replete with examples of basic-but-difficult questions being put on the back burner" (251). Newton didn't know what caused gravity, and today cosmologists accept the Big Bang theory of the universe's origins without knowing what caused it.

Behe thinks it is time to recognize intelligent design as a fact, even though it may be impossible to explain how it got there.

Now, is this a genuine challenge to the neo-Darwinian synthesis?

A few talented writers, including Daniel Dennett and Richard Dawkins, have taken on the role of advocates for Darwinian evolution. Serenely confident that Darwinian synthesis is the only explanation for the origin and history of life on earth, each has written several books about evolution to help friends and critics understand it better.

Some of the arguments that Dawkins has made could probably be applied to Behe's critique as well. In *The Blind Watchmaker*, for example,

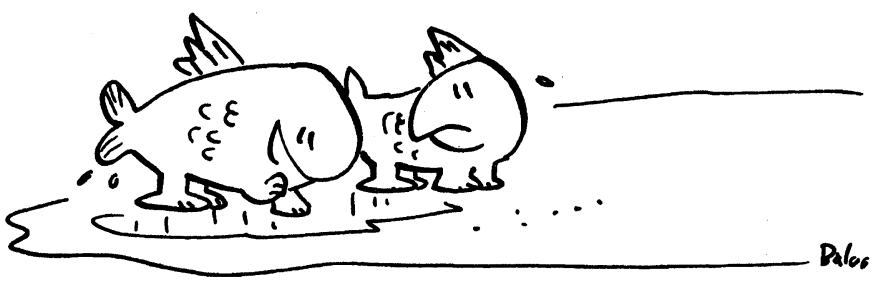

"Hey, neat — my toes aren't wrinkled any more!"

Dawkins dismissed most criticism of the evolutionary hypothesis by calling it the "argument from personal incredulity." People are awestruck at marvels of nature such as the eye, he explained, and they believe that "anything so wonderful as this could not possibly have evolved by natural selection." But such amazement "is not an argument, it is simply an affirmation of incredulity" (Dawkins, 91). Dawkins also dismissed intelligent design, arguing that those who invoke it "*assume* the existence of the main thing we want to *explain*, namely organized complexity" (Dawkins, 316). In other words, God is no explanation, because you still have to explain God.

Daniel Dennett's arguments could likewise be invoked to counter Behe's design hypothesis. Dennett acknowledges that intra-cellular processes reflect design — a lot of design. But that doesn't imply "intelligent" design. Darwinian evolution proceeds by mindless algorithms, automatic processes that "design in" features over time through chance and interaction with the environment, not through any plan.

The Evolution of the Science

But Behe is right about at least one thing: detailed knowledge of evolutionary processes is sparse. Dawkins' and Dennett's books are full of witty talk about computer simulations ("biomorphs" and "forced moves in the Game of Design"), stories of evolutionary "arms races" between predator and prey, and, in general, discussions of things that could have happened or

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

George H. Smith is author of *Atheism, Ayn Rand, and Other Heresies*.

Nicholas Stix is a journalist in New York City. He is writing a book on Afrocentrism.

Clark Stooksbury is assistant publisher of *Liberty*.

Joy S. Taylor is an executive in the Pacific Northwest.

Martin Tyrrell is a journalist in Belfast, United Kingdom of Great Britain and Northern Ireland.

Timothy Virkkala is managing editor of *Liberty*.

J.W. Henry Watson, an economist formerly with the University of Chicago, is a principal of Caledonia Group Inc.

Ida Walters is a freelance journalist and a principal of Caledonia Group Inc.

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

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"The Weak Case for Government Schools" — Government schools fail for reasons that go far deeper than their fads and bad intentions. *David Friedman* flays a key mythology of statism.

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"Smoke and Liar" — *Loren Lomasky* discovers that where there's an anti-smoking campaign, there's a firestorm of deceit and tyranny.

"France vs. America" — *Pierre Lemieux* contrasts French *joie de vivre* and American rugged individualism, looking for a meeting of cultures, and hoping for a free society.

"Does Libertarian Politics Have a Future?" — *Harry Browne* sees a great future for the Libertarian Party. *Bill Bradford* has his doubts. A no-holds-barred debate.

might have happened. But they don't say much about what really did happen! Over time, of course, scientists may well find evidence explaining how evolution could account for the complex processes that Behe describes. Such evidence might indicate, for example, that those blood-clotting "factors" were not merely sitting around doing nothing, but served some function that was later made obsolete by evolutionary change. But it appears that these explanations do not exist now. Unless scientists know more about intracellular processes than Behe thinks they do, Behe's challenge seems to be a legitimate one.

Creationists (who generally rely on the Bible to explain the origin of species) often like to say that Darwinian natural selection is "just a theory." They are ridiculed for that, but in essence they are correct. As Dawkins says in the closing chapter of *The Blind Watchmaker*, Darwinian evolution "is the only theory we know of that is in principle *capable* of explaining the existence of organized complexity. Even if the evidence did not favor it, it would *still* be the best theory available!" (317). Dawkins believes that the bulk of the evidence supports Darwinian evolution. But Behe (though he is not a creationist) has now brought forward evidence that challenges the theory's explanatory capability.

Nor is he completely alone. Nobel laureate Sir Francis Crick, whose co-discovery with James Watson of the structure of DNA was a critical step forward for microbiology, has speculated that life on earth may have begun through spores sent from another planet. Apparently, says Behe, Crick, too, finds "the undirected origin of life to be a virtually insurmountable obstacle" (248). (At this point we are going beyond Darwin, who did not write about the origin of life itself. However, Darwinians today generally assume that life both originated and developed through the same undirected evolutionary process.)

Yes, Behe's claim of "intelligent design" may turn out to be wrong. But he has re-opened a door that was slammed shut a century ago. He has put some new ideas on the table. And when scientists start tossing around dangerous ideas, who knows where it all might end? ❑

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Foundation for Economic Education, New York

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American Historian, Alabama

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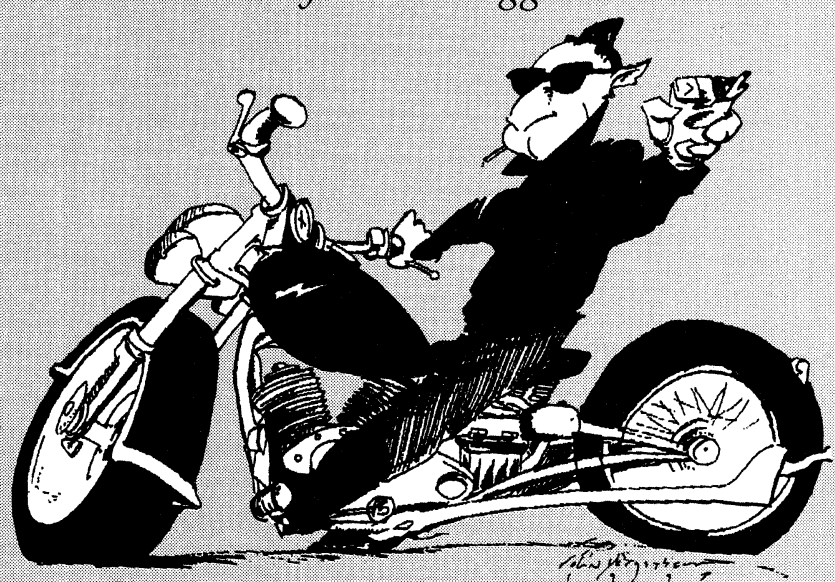

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The Nazification of the Money Supply • **J. Orlin Grabbe** is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

The Economy of the Twenty-First Century • Sparks fly when world-famous commodity speculators **Victor Niederhoffer** and **Jim Rogers** join investment advisors **Douglas Casey** and **Harry Browne**, economists **David Friedman** and **Leland Yeager**, and *Liberty* publisher **R.W. Bradford** on a voyage into the fascinating future! (audio: A105; video: V105)

Investment Advice: Bonanza or BS? • Do investment advisors have anything to offer their customers, or are their newsletters just expensive hot air? Newsletter authors **Harry Browne, Douglas Casey**, and **R.W. Bradford** debate **David Friedman** and multi-millionaire speculator **Victor Niederhoffer**. Provocative and valuable! (audio: A143; video: V143)

The Best — and Worst — Places to Invest and Live • World traveler and wit **Douglas Casey** has scrambled through Third World backwaters and chatted with dictators from Cuba to Central Asia. Here he recounts his most recent adventures — and reveals valuable secrets for protecting your wealth. (audio: A142; video: V142)

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **R.W. Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

Anarchy via Encryption • Tired of having government flunkies being able to snoop through your personal affairs? **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

How to Write Op-Eds • If you're puzzled as to why your libertarian opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

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Inside Liberty

September 1997
Volume 11, Number 1

4 **Letters** Your two cents.

6 **From the Editor** What's in *Liberty*, and why.

7 **Reflections** *Liberty*'s editors look at the world with unflinching eyes.

Liberty's First Ten Years

19 **The Standard Raised** What *Stephen Cox* learned in a decade as *Liberty*'s senior Senior Editor.

20 **Why Liberty** *Liberty*'s founding editors tell what they were up to in *Liberty*'s first and only editorial, reprinted from its first issue.

21 **At Liberty** It took ten years for *Liberty* to become what it is. Its editor remembers a few things that happened along the way.

Features

27 **Yes, Gambling is Productive and Rational** The New Puritans, writes *David Ramsay Steele*, have launched a War on Gambling — but nothing about their latest jihad can withstand the truth.

35 **Circus Taximus** *Michelle Malkin* exposes public-private partners in crime.

37 **A Rebel and a Drummer** *Scott Bullock* talks with Rush lyricist Neil Peart about Ayn Rand, his left-wing critics, and the pleasures of not selling out.

40 **The Pest of the Alternative Press** The *Utne Reader* cooks up a smorgasbord of reflexive radicalism, goofy spiritualism, and an earnestness that leaves no room for wit or lively writing. *Brian Doherty* enjoys sampling their fare.

43 **Tobacco's Show Trial** The tobacco settlement, writes *Robert Higgs*, isn't just a looting unprecedented in scale — it's a scientifically bankrupt folly that reveals Americans' eagerness for the yoke.

45 **Where There's Smoke There's Liars** *Loren Lomasky* reflects on the similarities between smoking a pipe and making love.

47 **The Weak Case for Government Schooling** *David Friedman* tries to make sense of the case for goverment schools.

55 **Gun-Point Democracy in Africa** *George Ayittey* finds solutions to Africa's problems in the continent's indigenous heritage of village markets, free enterprise, and free trade.

59 **Pandering to a Dead Dynasty** Who is Lew Rockwell, asks *Tom G. Palmer*, and why is he linking one of history's great libertarians to a reactionary empire?

Reviews

61 **Documenting Disaster** Has the government made even one true statement about what happened at Waco? *Gary Alexander* reviews a new documentary about the massacre, and wonders.

64 **The Economics of Real Life** *Richard Kostelanetz* reads David Friedman's latest book, and finds luminous sentences — but thinks the best things in life are still free.

65 **The China Demon** Pundits are lining up to inflate the Chinese threat; *Leon Hadar* pops their bubble.

67 **Margin for Error** Ayn Rand's notes on the books she read, writes *John Hospers*, offer a mixture of scathing criticism and tendentious misinterpretation.

68 **Booknotes** *John Bergstrom, Bruce Ramsey*, and *Harry Browne* on the worst nightmares of liberals, communists, and San Francisco Democrats.

69 **Classified Advertising** 70 **Notes on Contributors**

Letters

No Shelter from Criticism

Most women's shelter directors are far too busy seeking funding and stretching scarce resources to spend energy on the kind of strident political statements Joy S. Taylor claims to have heard ("No Shelter from the Storm," July 1997).

Certainly any agency providing money requires accurate accounting of their funds, but the examples she cites appear to this longtime volunteer and board member to be due to misunderstandings during her training. Our shelter receives much of its funding (slightly over half) from various state and federal agencies. The remainder, from various non-government agencies, requires the same careful accounting as the former.

Because there are always more clients than shelter beds, we must reserve space in our safe house for those without friends or family or motel money; this does not imply any bias against educated women — it's just reality, and help through counseling and referrals for restraining orders and job training is never income- or race-based.

Incidentally, our shelter, like many others, will shelter battered men also.

Elsa Pendleton
Ridgecrest, Cal.

Facts of Life

Jane Shaw's credulous and uninformed review of Michael Behe's *Darwin's Black Box: The Biochemical Challenge to Evolution* ("Darwin Defied," July 1997) omits the information that has led every scientist I know to reject intelligent design.

Blood clotting is a case in point. Evolution selects for a long enzyme cascade so that the clot forms all at once and is not washed away by bleeding, and we have excellent molecular family trees that show how and when these enzymes evolved. Behe knows all this, but he never explains why a designed system would leave such a clear evolutionary record, and he airily dismisses well-understood genetic mechanisms with absurd probability arguments that contradict elementary statistics.

It's hard to explain how unconvincing this is to biologists, and it's hard to say what evidence might persuade Behe that blood clotting could have evolved, short of synthesizing all the reconstructed stages and showing that every step is functional, and every change an improvement.

Unfortunately, Behe feels no need to provide any evidence for his own views, such as his speculation that blood clotting genes may have existed in the first cell, four billion years ago. If that were true, then we would expect to find blood clotting genes in organisms that don't have blood — but Behe gives no evidence for this, because there isn't any.

Knowing none of this, Jane Shaw fell into the creationist trap. Behe has never published a technical paper on these ideas in any peer-reviewed scientific journal. Instead, he tries to persuade the public that the major unifying theory of 20th-century biology has been overthrown.

It isn't true. The evidence for evolution is much stronger now that biochemistry has traced life's common descent with a precision that Darwin could hardly have imagined. Behe's book is persuasive only if you don't know the facts.

Douglas E. McNeil
Baltimore, Maryland

Blatantly Theological

It is ironic that a leading advocate of atheism (George Smith) should be so hung up on a blatantly theological "fixed idea" like inalienable rights ("Inalienable Rights?" July 1997). The notion was clearly born in the context of religious rhetoric, as exemplified by the Declaration's phrase "endowed by their Creator." And as Virkkala says ("The Stilted Logic of Natural Rights," July 1997), it was a convenient fiction in its day. Clearly, the rights to life, liberty, and property are entirely alienable, and in fact are alienated from us by the state and other criminals. Obviously, if we already *had* such rights, we would not have to advocate and fight for them.

Byron Fraser
Coquitlam, British Columbia

Finance and Freedom

To judge from Robert H. Nelson's review of Murray Rothbard's *An Austrian Perspective on the History of Economic Thought* ("Rothbard's Final Testament," March 1997), Rothbard seems to lump Luther, Calvin, and other Protestants together. This explains Rothbard's contradiction of most scholars who see the history of Protestantism as democratic and individualistic. Rothbard is looking at the Lutheran princes of Germany and the Anglican monarchs of England, who were elitist, statist, and distrustful of entrepreneurial capitalism. They freed themselves from Rome, but no one freed their people from them. He is also looking at the Calvinists' tendency to establish governments — albeit more democratic ones — which forced arbitrary values on their citizenry.

In *The Protestant Ethic and the Spirit of Capitalism*, Max Weber is careful to distinguish which Protestants he is talking about. Weber attributed the Protestant ethic largely to the more popular, non-liturgical sects which included Calvinists as well as dissenters who rejected state-sanctioned Protestantism and attracted voluntary members.

The Protestant ethic opposed what would later be called conspicuous consumption. To Weber, this gave the new ethic its modern, capitalist character because it mandated that wealth be accumulated and reinvested

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rather than consumed self-indulgently. In contrast, Weber said, the wealthy financiers of Italy spent their money on mansions and left the rest to the Catholic church when they died, since they were too guilt-ridden to leave it to their offspring. On the other hand, many Protestant theologians wrung their hands as Protestant entrepreneurs began to buy bigger homes, nice furnishings, and clothes. Enforced judgments were made by both religions about how a good Christian ought to use wealth. Rothbard is looking at the side of Protestantism that did not acknowledge each individual's full autonomy in such matters. Most historians would rather see the freedom granted by Protestantism, but most historians are not as libertarian as Murray Rothbard.

Miles Fowler
Oakland, Cal.

Send in the Hypotheticals

I found John Hospers' article ("Send in the Clausewitzes," July 1997) to be remarkably unconvincing.

The first part of the article asks two different questions and ties them together: first, "Should the U.S. have entered the war without a Pearl Harbor?" and second, "under the conditions that did exist in 1941, should we have gone to war to avoid the consequences of a Nazi victory?" Primarily, these are questions of tactics, not ethics.

What was the situation after Pearl Harbor? Germany had just been handed a strategic loss in the Battle of Britain, she had abandoned Operation Sealion to invade England, and was now faced with massive losses in Operation Barbarossa as her troops froze to death before the walls of Moscow. So, *no*, I don't think it was necessary for us to go to war to prevent a Nazi victory! A Nazi victory was not in the cards. A German war machine which could not cross the 25 miles of the English Channel had *no* chance of crossing the Atlantic Ocean to invade the U.S.

Hospers' article then pivots to immigration, and welfare payments to immigrants, as issues "which tend to elicit some degree of discomfort" from libertarians. His article seems to allow real discussion about open borders, but is precluded from doing so by *his* assumed conditions, which are: Americans *will* "continue welfare laws," and will continue to pay the way of the poor who immigrate to this country. He further assumes that Americans cannot be counted on to support the poor voluntarily.

Based upon these assumptions, it is no coincidence that he does not specifically state what the problem is. Hospers' conditions resemble those asserted by a person who goes to a financial advisor because he is in debt and says, "I am not going to make any more money than I do right now. And, I'm not going to spend any less. Now, with these givens, what advice can you provide me for getting out of debt?"

Damon Falconi
Roseville, Cal.

Voluntary Solutions

John Hospers poses dilemmas which, he appears to believe, must vex libertarian theory. But his reasoning parallels the usual pattern for justifying almost any act of state. He says: " Well, what then? Let's not assume that

continued on page 36

From the Editor . . .

This issue marks *Liberty*'s tenth anniversary. We managed to resist the natural impulse to extort congratulatory advertisements from other libertarian institutions, so the anniversary issue is much less tedious than it might have been. But we could not resist the impulse to self-congratulation — or (to put this in a more self-congratulatory way) the impulse to reflect on our experience. Steve Cox takes a page to explain why he's glad that he's been involved in this enterprise from the beginning. I take six pages to relate what my wife calls "all that creepy stuff" about launching and editing *Liberty*. And, for the record, we reprint the only editorial that *Liberty* has ever run: the statement of our editorial ambition that appeared in our first issue. I hope you'll indulge us.

As for the rest of the issue . . .

Bob Higgs and Loren Lomasky take on the War on Tobacco. Bob reports from the smoke-unfilled rooms of politicians and regulators in Washington, D.C. Loren reflects on the travails of smoking a pipe in Australia, where the war on cigarettes has been so successful that the battlefront has moved on.

The current issue of *Mother Jones* is devoted to a puritanical attack on the evils of gambling. Not surprisingly, *Liberty* offers a different view. David Ramsay Steele argues that gambling is a productive economic activity, beneficial both to those who gamble and to society at large.

Scott Bullock offers a portrait of Rush — the quasi-Randian rock group, not the obese windbag. Brian Doherty samples the goo that is served as intellectual fare by the *Utne* (rhymes with "chutney") *Reader*. Harry Browne and I exchange views in the first installment in a discussion of the prospects for libertarian political change.

Three voices appear in our pages for the first time: Michelle Malkin offers insight into the strange phenomenon of voters' raising their taxes in order to give gifts to billionaires, George Ayittey laments Africa's rejection of its indigenous institutions in favor of Western-style guns and statism, and Tom G. Palmer pokes fun at the spectacle of a self-described libertarian currying favor with a royal pretender.

Gary Alexander's review of *Waco: The Rules of Engagement* marks the first time ever, I think, that *Liberty* has published an opinion similar to the opinions published in the *New York Times*, the *Washington Post*, and *The New Republic*. Gary brings unique insight into the documentary and the events it records, based on his own experience with a religious minority similar in some respects to the Waco group.

Things around here remain as busy as ever. We finally got government approval to occupy our new offices (the pleasure of living under the nanny state!) and are beginning our physical relocation. We expect to have all the heavy lifting done and be ensconced in our new offices in time for our 10th anniversary celebration and conference, which will be held here in Port Townsend, Aug 22–24, the preparation for which also occupies us. Meanwhile, we're at work on our next issue . . .

R. W. Bradford

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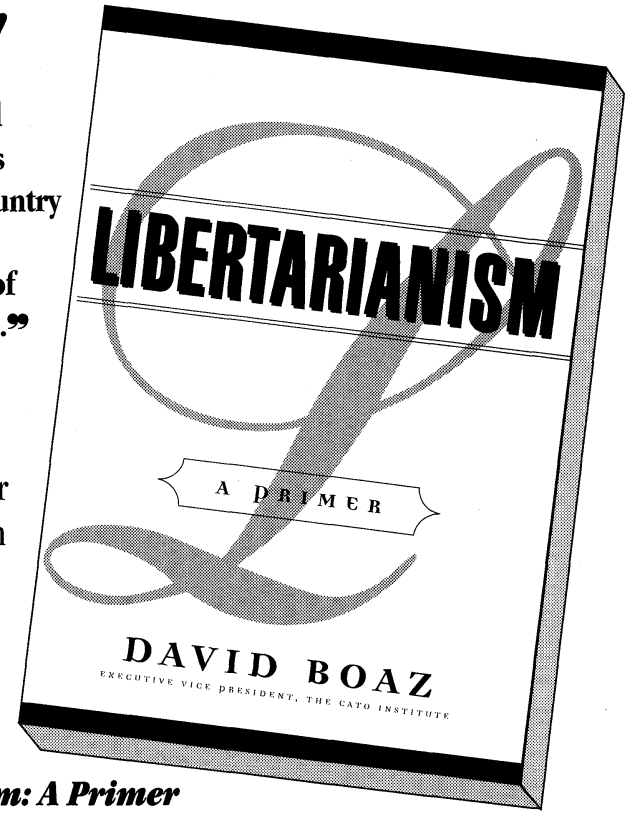

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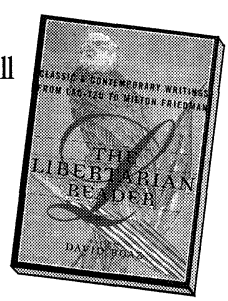

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Reflections

Have you hugged your Army today? — When I was in Marine training in the mid-1980s, a great deal of emphasis was placed on America's Official Enemies, such as the Soviet Union and its allies such as Cuba and Libya. It was the mission of the U.S. military to respond to real and imagined threats from these countries. Of course, the USSR no longer exists, and its clients hardly seem menacing without a sponsor — so how does the defense establishment justify consuming a quarter of a trillion dollars a year?

A new Pentagon study entitled *Army Vision 2010* attempts to address this problem. It proclaims that "[i]n this unstable and turbulent world, the Army will continually be called upon to meet the Nation's needs: from responding to hurricanes, forest fires and other disasters; to internal security matters at Olympic and inaugural events; to humanitarian assistance; to shaping the future world environment through continuous contacts around the world; to peacekeeping; to nation building; and to conflict resolution."

In other words, the Army plans to become an armed version of the Democratic party. —CS

What's in a name? — In late June, the aggrieved families of Nicole Brown Simpson and Ron Goldman at last appeared to be making some headway in collecting a $33.5 million judgment against that chronic goiter on the American consciousness, O.J. Simpson.

It seems Mr. Simpson's truant Heisman Trophy, minus its nameplate, mysteriously surfaced at the office of Ira Friedman, the Brown family's attorney. As weary rubberneckers of this never-ending pileup will recall, the statue had taken a hike a couple of months ago, supposedly while the financially drained Juice was off roughing it in the Bahamas. And at about the time that the Heisman wandered into Friedman's office, Simpson's attorney failed to convince the court that his client should be allowed to retain his six sets of golf clubs on the grounds that divot digging was an "essential" part of his client's life. Fully as essential as the occasional daiquiri on a tropical beach in the Caribbean, I'm sure.

While these developments might appear to provide some modicum of salve for the families' wounds, they also lend a taste of irony. Indeed, for the Browns and Goldmans to get full value for Simpson's Heisman, they must recover the missing plate, engraved at a time when the initials O.J. symbolized achievement and sportsmanship, rather than deceit and murder. And so, while Simpson grudgingly putts around with a single set of borrowed clubs, the Browns and Goldmans are left the unpalatable task of recovering O.J.'s good name. A tough lie. They might want to take a stroke on this one. —SGS

One of our apologists is missing — On his television program in July, Tom Snyder asked Mark Shields about his theory that Bill Clinton was not the party who instigated the Whitewater shenanigans. Shields, who to my knowledge had previously pretty much explained away all charges of wrongdoing by the Clintons, sagely opined that he thought that maybe Hillary was at fault. Bill had never had much interest in money, he explained. And Hillary was a young mother with a child when it all started and perhaps her husband (known for his roving eye) might not be around too long. She might have to raise the child herself. His implication was pretty plain: if Bill ran off, she might need a lot of money to support her child as a single parent.

There are at least two problems with this explanation. First, Hillary is an honors graduate of Yale Law, one of the most prestigious law schools in the U.S. Last I checked, very few top grads of Yale Law were going hungry, even if they had a daughter to feed and educate — not to mention that Hillary is the daughter of wealthy parents who are unlikely to allow their only daughter to become a welfare mom if abandoned by her husband.

Secondly, of course, it doesn't in any way justify what she (or she and her husband) is accused of doing: namely, assisting in the theft of millions of dollars from the public treasury.

The notion that Hillary was the instigator in the pattern of larceny that has characterized the Clintons' public career is old hat to readers of *Liberty*. I offered this same hypothesis more than three years ago. But it is interesting that a hitherto partisan defender of the First Family is now advancing it. I wonder: What sort of opinions will Shields offer three years from now? —CAA

Where never is heard a veridical word — I recently read *The Closing of the Public Domain* by E. Louise Peffer. The first thing I noticed is that this book, published in 1951, does not question, but merely cites as fact, the federal government's stated justification for nationalizing huge portions of the West (as national parks and national forests) under Teddy Roosevelt. Peffer just accepts the feds' word that the unappropriated federal lands were in terrible condition as a result of overuse, overgrazing, overmining, and the like.

I started to question this idea when talking with my friend Wayne Hage, who is involved in a huge takings case ($28,000,000) against the feds, for seizing his vested water rights (granted by an Act of Congress in 1872). The feds have claimed that the areas his cattle graze that are leased from the feds are in terrible condition due to overuse, overgrazing, etc. I went with Durk Pearson to inspect these lands and discovered that it was all a lie. The grass was waist high and lush. A local U.S. Forest Service employee himself said the lands were in great condition, better than any other rangelands he'd seen.

We did have one criticism. When we returned from the inspection, Durk told Wayne that there were too few cattle on the range and that some of the grass was collapsing into thatch, which kept the sun from reaching undergrowth.

Wayne replied that he had a pretty good excuse: the feds had seized his cattle at gunpoint.

I wonder: why should anyone believe what the feds said about the "terrible" range conditions in the 19th century, when we know they are lying now? —SS

Friends in high places — Does it seem to anyone else that the Libertarian Party is just a wee bit too excited to have celebrities as sympathizers? Alongside the usual drum-beating in the party's dispatches from Washington, D.C., there are the celebrity confessions of faith or endorsements: actor-director Clint Eastwood. Newsface Hugh Downs. And TV actor John Larroquette.

A mailer from the LP quotes this pronouncement from Larroquette: "I am a libertarian. . . . Harry Browne was the Libertarian Party candidate in 1996." My guess is that he won't be making the jump from sitcoms to *The McLaughlin Group* any time soon. —BB

A vital function — Apparently underwhelmed by the intellectual prowess of Alec Baldwin, the Republican Congress has just declined to renew funding for the National Endowment for the Arts. Horreurs! Did they forget that the NEA served a vital function: keeping the senators' wives busy while the senators were out shagging waitresses?

The panels that doled out grants were repositories of art faculty pinheads, aged New York party trash, and redundant Washington spouses. This is why I had hoped eventually someone would have thought to appoint a conservative to the board. Maybe I would have been appointed. That would have meant $10,000 to the guy who paints flames on the hoods of old Chevies, $50,000 to whomever designed the giant foam finger so popular at sporting events, and $100,000 to the most talented carver of ivory pistol grips.

I wonder how long it would have taken the Democrats to abolish *that* agency. —JB

Money talks, bullshit gets elected — Recent polls show that Americans both (a) approve of Bill Clinton's performance as president; and (b) believe that he is a bad person, one likely guilty of some if not most of the charges of illegal fundraising, sexual harassment, theft from the public treasury, and perjury that have been leveled against him.

Republicans are bedeviled by these polls. They had figured that once Americans came to understand just what a low-life inhabited the White House, they'd turn on him — only to learn that the president widely recognized as the vilest swine to occupy the White House in a long time also enjoys the highest approval ratings of any recent occupant. How can this be?

The answer can be found in the slogan that the Clinton campaign had on the wall of its war room: "It's the economy, stupid!" So long as people are well off, and getting more well off every day, they are happy with their situation. And since Americans have come to believe that the state of the economy depends almost solely on the occupant of the White House, they credit Clinton with their prosperity. The only thing wrong with the Clinton war room slogan was that it didn't go far enough. It should have read: "It's the economy, stupid! And only the economy." Nothing else matters.

It's tempting to say that only voters have the nutty idea that the state of the economy depends entirely on the president. Yes, government can do a great deal to mess up the economy. But prosperity depends on a great many factors, many of which have little to do with government. The fact is that no one understands the necessary and sufficient conditions for human prosperity, though some smarties think they do. Conservatives and libertarians frequently make idiotic predictions about the consequences of this or that government measure, forgetting the complexity of the system and the indeterminacy of the future. For example, those who predicted that the Clinton tax increase of 1994 would lead to recession are now eating their words.

Since 1976, Americans have elected incumbents when they perceived the economy was going well, and challengers when they believed it was not. Presidential politics is becoming a very different game than it was in the past. Timing is everything. To be elected, a candidate must gain his party's nomination either when the economy is booming (if his party is already in power) or when it is declining (if his party is out of power). But it takes a year or more of careful planning and hard work to get the nomination — and even the best economists cannot predict with much accuracy the state of the economy a year in advance. So politicians are pretty much playing a lottery.

When Bill Clinton decided to pursue the 1992 Democratic nomination, the economy was booming and President Bush was extremely popular. Clinton got the nomination in part because his most formidable potential competitors decided Bush was unbeatable; they planned to keep their powder dry for 1996. But people's perceptions of the economy changed, and Clinton was elected. And despite Clinton's tax increase, prosperity continued. So Clinton was easily re-elected, despite his obvious immorality.

I personally doubt that many voters actually believe that the state of the economy depends solely on who's in the White House. Sure, some Americans believe that government is overwhelmingly the most important influence on every element of their lives, an institution so powerful that it controls their prosperity and even their personal happiness. This nutty idea is as common among conservatives as it is among liberals. It got its greatest boost from Ronald Reagan, who in 1980 invited voters to vote for Carter or himself on the basis of their answer to the question, "Are you better off now than you were in 1976?"

But most voters who routinely vote for the incumbent when times are good, and for the challenger when times are bad, probably don't actually believe that their prosperity depends entirely on the president. I suspect that they vote based on prosperity more out of default than anything else. Most voters cannot decide between candidates on the basis of policy differences — for the simple

Liberty's Editors *Reflect*

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BB	Brien Bartels
OB	Oliver Becker
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RWB	R.W. Bradford
HB	Harry Browne
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SS	Sandy Shaw
CS	Clark Stooksbury
SGS	Scott G. Sutton

reason that policy differences are so few and so insignificant. So how can they decide? "Well, I just got a raise, interest rates aren't too bad, and the money I have tucked away in my 401-K plan is growing. So why rock the boat?" —RWB

Profiles in pretentiousness — At the start of his reign, every American president is lauded as a great reader. Key staff members accidentally leak the news of his biggest flaw: he cannot tear himself away from books. He reads them at all hours — upstairs, downstairs, and in his ladies' chambers — to the sad detriment of all other business.

If the president be a Democrat, the press retails the news of his bibliophilism with awe and reverence; after all, newspaper people do not read books, and they find it amazing that anybody else should do so. Of course, if the president be something other than a Democrat, the astonishing news is received as it generally ought to be received: with silence, or with sneers.

So far as I can tell, the only presidents since World War I who have actually been noticeable readers were Truman and Nixon. Most of the other big chiefs claimed to *write* books, but that doesn't count.

Since Clinton was a Rhodes Scholar, I've always assumed that he was one of the non-reading majority. But now I've found out otherwise. In his June 14 speech at the University of California, Clinton lapsed into one of those multi-ethnic moments that have become habitual with him and avowed that his "life has been immeasurably enriched by the power of the Torah, the beauty of the Koran, the piercing wisdom of the religions of East and South Asia."

You're free to object, as I know you will, that religions aren't books, and neither, really, is the Torah; it's one part of a book, the Bible. (I'm not sure that the president made that clear.) Still, there's plenty of reading involved! And the Koran, you must admit, is a real, whole book, and Clinton has obviously been reading it avidly. How else could his life have been immeasurably enriched by its beauty?

So now we know what this great intellectual does with his time. It's not every American statesman who has to be dragged off screaming to staff meetings, fund-raisers, and tours of European capitals because he'd rather keep soaking up the beauties of Islamic literature. Not to mention hiding out in a comfy nook where he can be pierced by religious wisdom. —SC

Champagne campaigns on a beer budget — The latest Congressional farce is the Senate investigation into campaign financing. No one explains why the proper reaction to the politicians' violations of existing laws is to pass even more laws.

Needless to say, any new laws will make it easier for incumbents to be re-elected. Every member of Congress has an enormous head start over his challengers before a single dollar is spent on a campaign. Congressmen get continuous free publicity in their districts, they get to sponsor bills that would bring pork to their constituents, and they get to mail taxpayer-subsidized advertisements to the voters.

Thus any law that limits campaign financing in any way is more of a handicap to the challenger than to the incumbent, and it provides a boost to the re-election rate. If *all* campaign contributions were prohibited, hardly any congressman would ever lose an election.

Less obvious is the benefit to special interests that comes from campaign spending limits. When candidates are limited in what they can raise and spend, they must turn to special interests to do their campaigning for them. For example, a labor union will send out "informational" mailings to the public that, while not endorsing any candidate, will list the competing candidates' stands on various issues. Not surprisingly, labor's buddy will be on the side of the angels on every issue — while his opponent will appear to be proposing the return of sweatshops and 60-hour weeks.

The same tactics are employed by the NEA, religious groups, gun-rights organizations, and other issue-oriented pressure groups. As the campaign spending limits get tighter, the politicians become more dependent upon these groups for re-election.

We should expect that the Senate investigation will lead to new campaign restrictions. And the politicians will point with pride to these restrictions as "leveling the playing field" and reducing the impact of special interests. Politicians love to speak with irony — which is a euphemism for hypocrisy. —HB

Forum v. forum — One of the advantages of living in New York City is that one can participate in two very different anti-statist discussion groups. The "Junto," generated by Victor Neiderhoffer, a sometime contributor to this magazine, descends from Ayn Rand and is patronized predominantly by traders, with a smattering of intellectuals. The Libertarian Book Forum descends from Emma Goldman, mostly under-kempt bohemians. As an anarchist who has voted Libertarian as long as the party has appeared on the ballot here, I attend both groups. But as far as I can tell, only one and one-half other people attend both groups — I say "one-half" because the second guy doesn't show up at either group very often.

The Junto has a conservative element that strikes me as lamentably un-libertarian. The epitome of this to me was a guest speaker who identified himself as a *Reader's Digest* regular. He argued that American jails weren't as full as they should be. Were not so many criminals "let off," he said, there would be and should be twice as many prisoners. Since remarkably few Junto regulars found this guy offensive, I refrained from asking the obvious question: "When the

"The government doesn't need a budget cut — it needs a Heimlich maneuver."

levels of incarceration reach those of Joe Stalin's Russia, do you think America will finally be a success?" Given such an atmosphere, you can understand why one of my Junto colleagues walks out early now and then, muttering under his breath, "This place is full of freaking conservatives."

A recent meeting of the Libertarian Book Forum remembered the 70th anniversary of the deaths of Sacco and Vanzetti. From the audience I remarked that it was an example of the American sort of show trial which, with enthusiastic cooperation from the mainstream press, was designed to scare into quiescence a particular radical element in the population. In this respect, the state execution of Italian anarchists such as Sacco and Vanzetti resembled the prosecution of Julius and Ethel Rosenberg — Jewish Communists who were wannabe spies lacking any real secrets — and the recent conviction of Timothy McVeigh, who had no apparent connection to the "right-wing militias" that the press find so fearsome. If only to be nonpartisan (or consistently anti-state), I purposely took one historic example from the "Left" and another commonly classified as "Right."

Finishing my point, I asked how many in this self-avowed "anarchist" audience thought McVeigh was not guilty? The sole hand to go up was mine. I thought to myself, "This place reeks of freaking liberals." —RK

Bastiat rules! — Effective May 1, 1997, Mongolia abolished all import duties, making it the only country in the world with genuinely free trade. What a delightful way to celebrate the international day of worker solidarity, now that it is no longer under the thumb of Soviet Russia! —RWB

Cigarette papers — American rights are being lost almost every day. The minimum age for purchasing tobacco has long been set at eighteen. But on February 28, a new regulation went into effect requiring that anyone selling cigarettes or chewing tobacco to a person 26 years of age or younger must verify the buyer's age by inspecting photo identification papers that include date of birth. Thus any young adult who wants to engage in a perfectly legal action (the purchase of tobacco) must now acquire photo ID and be sure to take it with him when he goes to the corner store for a pack of cigarettes. And everyone waiting in line at the market must wait a little bit longer while a clerk checks over the papers of a prospective tobacco purchaser. All this on the basis of the preposterous theory that doing so will somehow reduce smoking among those 17 or younger. —RWB

New scapegoats for old — We have grown accustomed, in economically hard times, to the spectacle of governments blaming an outsider for what's wrong. Thus the German government blames an unpopular religious group for its economic problems. This time, however, it's the Scientologists, not the Jews. Members of the sect are barred from the civil service and the nation's major political parties. The "Verfassungsschutz," the German equivalent to the FBI, sees the Church of Scientology as a potential threat to the country's constitution. And in an eerie parallel to the "Germans don't buy from Jews" campaigns of the 1930s, the youth organization of the country's ruling party has tried to initiate a boycott of the movie *Mission Impossible*, starring Scientologist Tom Cruise.

Why is the government whipping up this hysteria? It claims to be concerned by harassment of ex-members by the church. And it worries that the church has invested in some important corporations that it is allegedly seeking to control. Both charges, however, are obvious rationalizations, since harassment of ex-members can prosecuted under the criminal code, and the church's investment strategy is identical to that of every large and prudent investor.

The real reasons for Germany's policy stem at least in part from the country's religious make-up. Germany has two state religions, Roman Catholicism and Lutheranism. The government supports them with tax money and allows church teachers to work in the public schools. Both churches have been losing members rapidly during the last years, some of them to fringe sects. The German government is led by the Christian Democrat party, which has close connections to the Catholic church. Harassing and arresting members of a rapidly growing sect, they hope, might stop more members from fleeing from the state churches — and help ensure further church support for the Christian Democrats.

Underlying the whole sorry situation is the country's disastrous economic situation. With an unemployment rate of 11.2% in April, and anemic growth for years, there is nothing left of Germany's once admired "economic miracle." It therefore comes as no surprise that the leading anti-Scientology demagogue is Norbert Blüm, the Secretary for Labor and Welfare. Lacking courage to attack the causes of Germany's economic depression — regulations, high social security taxes, and strong unions — he leads a crusade against a scapegoat. In a desperate attempt to maintain support, he uses the rhetoric of 60 years ago, speaking of the tiny Scientology sect as if it were a secret power able to undermine German life.

Maybe Marx was right. History *does* repeat itself — the first time as tragedy, the second time as a farce. —OB

Simpler than you think — Reading Jane Shaw's review of Michael Behe's *Darwin's Black Box* ("Darwin Defied," July 1997) got me to thinking about evolution.

Critics of evolution sometimes argue that an organ as complex as an eye could not have evolved — because, so they say, an eye is worthless until it reaches a state of complex organization. But you don't need very much to have a primitive "eye." All that's required to get things going is a single molecule that is sensitive to light, and many such molecules exist — chlorophyll, for example. Simple "eyes" of this kind are found in some one-celled organisms.

Behe offers the cascade of biochemical events involved in blood clotting as an example of something so complex that it couldn't have evolved a bit at a time. But the cascade itself is no evidence for intelligent design. In fact, it is what a computer programmer would call a "kluge," a mess of fixes piled on fixes because no clear design was conceived at the beginning. Far from providing evidence for "intelligent design," such a tortuous and jury-rigged process is a classic outcome of step-by-step adaptation over a long period.

Furthermore, the survival advantages offered by clotting molecules needn't involve something as complex as a human blood clotting cascade. Like light-responding cells, "sticky" molecules are involved in many simple processes that could

plausibly build, through millions of years of evolution, to the intricate cascade of Behe's description. Cell surface adhesion molecules, for example, allow bacteria to anchor themselves to cells and tissues.

The actual paths of evolution and the ways that changes led to different kinds of organisms are incredibly complex; studies of the fossil record and of molecular differences between species' DNA and proteins have revealed as yet only a small portion of the details. But the organisms that exist today are here at the end of a long chain of predecessor organisms stretching back over three billion years. The environment "chooses" between the large storehouse of life's genetic variations by eliminating the less well adapted. What is left (selected) keeps on going. Given a long enough period of time an awful lot can change. It's a simple formula, but irresistible. —SS

The reign of error — Ignorance of the law may not be a valid excuse for you or me, but ignorance of a subject has never stopped congressmen from passing laws. They will legislate on any topic in the universe.

They usually don't read the bills they vote for or know what's in them. They even use that as an excuse when the new laws produce bad consequences. Today congressmen tell us "I didn't know this would happen" when the Americans for Disabilities Act makes it impossible for employers to fire drug addicts, or the 1994 crime bill turns out to be more pork barrel than crime prevention.

They won't speak the truth about what they're doing. They talk of "budget cuts" that aren't really cuts at all, but merely slowdowns in the speed at which they wish government programs would grow. The recent budget deal they're so proud of — you know, the one with the "tough budget cuts" — actually produces a government that's four percent larger than last year's budget.

Most of the laws they pass are so poorly drafted they have to be amended, repealed, or replaced with newer laws when it becomes apparent how much damage they do. The Catastrophic Medical Insurance Act of 1988 was so misconceived that it had to be repealed six months after its passage. And it was senior citizens, the supposed beneficiaries of the act, who complained the loudest — because of all the new burdens the law placed upon them.

Given these reasons — and many others — it's no wonder that polls now show politicians to be less respected than hookers. So why in the world should we make them guardians of our safety and well-being? —HB

More powerful than a locomotive? — Pity the beleaguered Safety Crusader! Since his earliest days toiling thanklessly as a chap-lipped crossing guard, he's accrued plenty of evidence of our bungling incompetence. Undeterred by our failure to heed his advice, he persists in his crusade, doomed to a lifetime of frustration.

While some cynics don't appreciate the Crusader's heroic efforts, I think he deserves our full support. After all, when matching wits with my temperamental toaster oven, I've occasionally been in need of my own personal safety chaperone. And besides, rather than ridiculing my clumsy ways, the considerate Safety Crusader often shifts the blame for my bumblings to some other scapegoat, thereby sparing my fragile ego.

I was reminded of this graciousness the other day when I read about the launch of the "Highways or Dieways" campaign, a national advertising blitzkrieg intended, in the words of Transportation Secretary Rodney Slater, to "scare people" and serve "as a wake-up call for all Americans to the dangers at these [highway/rail] intersections and on railroad rights-of-way." To the chagrin of the secretary, we've apparently had the phone off the hook for some time: it turns out that Operation Lifesaver (OL), Highways or Dieways sponsor, has been publicizing this critical message through talks, brochures, and videos since 1972. But rather than suggest that our careless ways might be to blame for continued accidents at crossings, the good people at OL have furnished us with an excuse: we just don't know any better. As OL President Gerri Hall said, "the public does not see trains as especially dangerous or life threatening."

I shudder at the thought of my fellow citizens wandering mindlessly into the paths of onrushing locomotives, blithely ignorant of the threat to life and limb. If we fail to educate those ignorant of the basic laws of physics, will we soon see shuffleboard courts cropping up on our interstates, and macramé classes congregating on our airstrips? Clearly, OL barely scratches the surface of the programs needed to avert such messy scenarios.

Fortunately, OL has been on the job since 1972, and proudly claims to have saved over 10,000 lives in that time. Between 1972 and 1982, fatalities at crossings were slashed in half to 607, and have stabilized since that time. Sure, some cranks will moan that the modest 2.8 billion tax dollars invested over that time in physical safety improvements had something to do with the reduction. Or they'll complain about railroads improving their public relations and safety records at taxpayer expense. And they'll undoubtedly whine that OL hasn't kept trespassing-related fatalities from climbing to all-time highs in the 1990s. But, thanks to OL, a lot more people know how dangerous trains can be than they did in 1972, and the number of lives saved just keeps adding up.

Thankfully, OL isn't content to rest on the laurels of the success they've enjoyed, and they continue to refine their approach by researching the causes of accidents. For instance, one breakthrough project in 1995 revealed that the most common factors contributing to collisions at crossings are "driver inattention" (they didn't look both ways) and "flawed risk perception" (they thought they could make it).

Perhaps now the Safety Crusaders at OL can peel off their kid gloves and take us to task for our careless ways. In fact, a

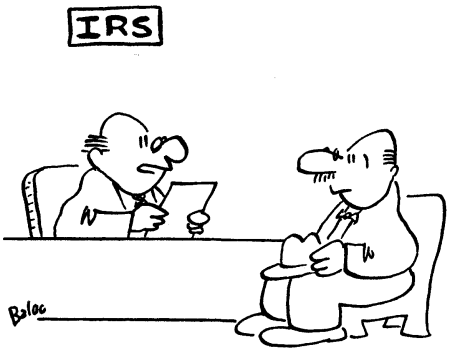

"Sorry, but we're only allowing thirty billion dollars worth of medical deductions this year, and the guy ahead of you just used the last of them up."

declaration of War on Carelessness is long overdue — and I, for one, am eager to do my part. We could whip that pesky accident-scourge once and for all with truckloads of "Daydream and Die!" bumper stickers, and Fran Drescher-screeched PSA's to "scare" zoned-out drivers and admonish them to *pay attention*!

On second thought, maybe I'll just have some toast.

—SGS

The fallacy of the excluded middle — The other day I heard two television news commentators discussing Chelsea Clinton's desire to go to Stanford, rather than a school closer to her parents. "I think it was a very wise choice," one said, explaining that he thought it was a good idea for students from the east coast to attend universities on the west coast and vice versa. The other sagely agreed, adding that the broadening effect of living in such a disparate culture was bound to be beneficial.

How nuts can you get? By "west coast," of course, they mean metropolitan Los Angeles and San Francisco, and by "east coast" they mean the Boston-New York-Philadelphia-Washington megalopolis; i.e., the two centers of the American elite. The broadening effect of an easterner going west for college, or vice versa, is about the same as a Yale student taking a year at Harvard.

America is a huge country with almost innumerable cultural and social variations. If a New York kid really wants to broaden himself, he should go to college in Wyoming. If an L.A. kid wants to broaden himself, he should go to Mississippi or Kentucky. In the first half of this century, the nation's elite traveled by train from New York to Los Angeles, and the three days spent between those two cities might just as well have been spent in suspended animation so far as most were concerned. The invention of jet travel only made it cheaper and more convenient to skip from one center of the American elite to another while treating most of America as if it did not even exist.

C'mon, guys. If you want to keep your kids inside the confines of the elite of wealth and power, that's fine. But don't claim you're broadening them. —RWB

A full measure of whitewash — When Dorothy Rabinowitz reviewed movies for the *Wall Street Journal*, her neo-con Hollywood-bashing was welcome if not particularly original. Now she has, for some reason, been added to the editorial staff. In that capacity, she contributed a column ("A Full Measure of FDR and His Enemies," May 5) that had no place in a paper that takes pride in its constitutional and free market principles, as well as in a certain degree of editorial sophistication.

Rabinowitz's simplistic thesis amounts to this: Roosevelt gave hope to the American people during the Depression, and he fought against Hitler. Criticism of FDR and his policies, she claims, is possible only from enemies "maddened by hatred of him" — chutzpah on a grand scale in a writer whose childish ruminations would have disgraced the pages of *Parade* magazine. One wonders: Can the *Journal*'s editors really believe that New Deal policies are invulnerable to rational criticism? What is the opinion of free market economists like Milton Friedman and Robert Higgs on this issue? Why publish Dorothy Rabinowitz's views and not theirs?

On Roosevelt's other great alleged achievement, his leadership on the world scene before and during the Second World War, don't the editors of the *Journal* think that the well-founded thesis of the late Robert Nisbet should be considered — that FDR's infatuation with Josef Stalin as a fellow progressive and future partner in shaping the new world order produced disastrous consequences? If Roosevelt's leadership was as brilliantly successful as Rabinowitz claims, what prompted Winston Churchill to write, in 1945: "we still have not found Peace or Security, and . . . we lie in the grip of even worse perils than those we have surmounted"? How much would you bet that Rabinowitz isn't even aware that Churchill wrote that?

Finally, is there any doubt that FDR, more than any other president, created the modern Leviathan state in America? But then why isn't that a problem, if not for a neo-con like Rabinowitz, then at least for the editors of the *Wall Street Journal*? To anyone concerned with American liberties, the judgement of the head of the Cato Institute, that Roosevelt was "a lousy president," which Rabinowitz ignorantly mocks, is more than justified. —RR

Father forgive them, for they know not what they say — Every collectivist movement conducts a war against language. It has to do so. Language capable of making distinctions, transmitting facts, embodying beauty, expressing taste — performing, in short, the traditional functions of language — works directly against the collectivist spirit. It gives individuals something challenging to think about.

If you want to turn individuals into one great collective whole, you must first turn their language into mush. Right now, the greatest musher of language in America is the movement known as "identity politics." Identity politics attempts to assert the (alleged) collective identities of oppressed people — women, blacks, homosexuals, disabled Gulf War veterans, cigarette smokers (no, just kidding about that) — and to assert them at all times and in all places, claiming for them the attention formerly lavished on such unimportant things as moderation, common sense, and respect for other people's rights and customs.

Since the purpose of such movements is to have their way with everything, they begin at the beginning, which, according to the Bible, was the Word. And the Bible itself has not been spared.

Reports from this front of the language war are received by my office daily. A woman withdraws her children from Sunday school because she accidentally discovers that they are being instructed to pray to "our Mother who art in heaven." A gay man decides to leave his church because he cannot stand to listen while every "sexist" word in scripture ("mankind," "father," "son," "Lord," "kingdom") is squished into something "inoffensive" — inoffensive, that is, to people whose career is making *themselves* offensive:

> Thy dominion come, thy will be done. [Which dominion — Canada?]
>
> The Creator judgeth no one, but hath committed all judgment unto the Child. [Wasn't that sort of a risky thing for Her to do?]
>
> And her name shall be called Wonderful, Counsellor, the

Mighty God, the Everlasting Mother . . . [What happens next: "the Princess of Peace"?]

But why should people object to changes like these? Why should their hearts be troubled? *They* don't picture God as a male, any more than they picture the *king*dom of God as something even faintly like Sweden. Their own language is neither "sexist" nor "exclusionary." "He or she" is always on their lips. So why should they be irritated by people who want to make the Bible seem as "inclusionary" as they already believe it is? Well, what they resent is the imposition of language whose only purpose is to advertise a political cause — language imposed by people who have as little sense of the metaphorical functions of words as those nineteenth-century puritans who insisted on talking about piano *limbs* instead of piano *legs*. Then, of course, there's the little matter of what the Bible actually *says*. The Bible does not call Jesus "the Child of Humanity." Maybe Shirley MacLaine does.

But relief is on the way. According to a recent story from the Associated Press, a major scripture-making factory has just gone bust. The International Bible society has cancelled its planned revision of the New International Version (NIV) of the Bible, a seven-year effort that was supposed to end in 1999. The reason: a flood of protests against plans to substitute such expressions as "people" and "human beings" for the biblical words conventionally translated as "men."

Again, what could be so bad about a little change like that? After all, *"anthropoi"* does mean "people." Yes, but it also means "men" — "men" as the word is understood everywhere in the English-speaking world except the executive suites of gender-pressure groups, "men" as the word is understood by every English speaker who encounters Jesus' invitation to the humble fisherfolk: "Follow me, and I will make you fishers of men."

No one, not even the most moronic disciple of a political cause, has ever read those words as an invitation to become fishers of *males*. That's the sort of non-misunderstanding that the Bible Society's translators apparently set themselves to correct.

According to a spokesman for the Bible society, they were "trying to bring about greater clarity." What they would have achieved is the "clarity" one finds in the New Revised Standard Version, a translation that, regrettably, did get finished: "Follow me, and I will make you fish for people."

If Jesus had used language like that, very few *people* would have left their nets and followed him.

No? You can't see that? Then you shouldn't be translating the Bible.

Somebody once told Isabel Paterson that a really "useful" Bible translation would be a version "in our own language." She replied that he was 'quite mistaken." Referring to the venerable (and still, by the way, very *useful*) King James version, she observed that

> the Bible was not translated into the language of King James or the average man; it was translated into the language of poets, scholars and thinkers. It cannot be truly "translated" in any other terms.

That's the literary lesson. Now to the economic and political lesson. The NIV episode is a parable of how things happen in America — and can happen.

It begins with a commercial success. The NIV is America's favorite modern translation of the Bible. It is especially favored by conservative and evangelical Christians, who like it for its historical accuracy, its simplicity, and (very likely) its blandness. The NIV is, the best and worst senses of the term, a *reliable* translation. It must make an awful lot of money.

And so, it seems, the NIV's sponsors got the idea of using some of the money that rolls in from conservative readers to engineer the kind of reforms most favored by people on the anti-conservative side of the aisle. They probably thought this would put them right with the cultural in-group. (This is the way people tend to think, if you can call it thinking, in America's conservative institutions.) They launched an elaborate new translation, although they must have known that the results would be grossly offensive to their most faithful customers. If they knew this, they presumably expected the customers to stay with them anyway. Those customers are conservatives, after all. They're used to getting used to things.

But that turned out to be wrong. The International Bible Society found out that there are some goods that consumers will not consume. And when that happened, the cultural picture began to change. It changed a lot. It changed because individuals made it known that they would no longer buy a product they did not like.

That's the end of the parable. Go thou and do likewise.

—SC

PRI, RIP? — All the time that America was battling anti-democratic nations across the globe, our second-largest trading partner was a one-party state just across the Rio Grande. That changed July 8, when what could be Mexico's first honest election in living memory broke the Institutional Revolutionary Party's (PRI) 68-year monopoly on governorships and control of the congress.

The conservative National Action Party (PAN) was the primary beneficiary of the shakeup, winning about a quarter of the seats in the lower house of Congress and one governorship. The leftist Democratic Revolutionary Party seized the mayorship of Mexico City (paging Mayor Marion Barry, please come to the sister city ceremony!) and one impoverished southern state's governorship. The voting blocs in the lower house are now more or less equal, when the minor leftist parties are counted.

This should be an epochal event, the gracious ceding of

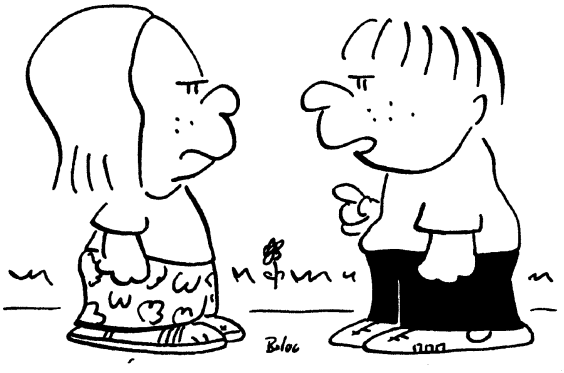

"Okay, two falls out of three, and no fair using perfume."

power by a party which was, simply, the government itself for three generations. But the impact seems to have been slight outside Mexico's borders; the American media gave much more play to the less momentous British election, for example.

When I think about this optimistically, I believe that maybe the election is a people's demand for a government subordinated to them, instead of a government that subordinates them, for the first time in their lives. Or maybe this is more evidence that free trade democratizes unfree nations. But maybe the Mexicans have simply traded the staid and stolid one-party state for the spectacle of acrimonious gridlock. —BB

Asia Minor's major coup — On June 19, the fundamentalist Muslim Prime Minister of Turkey, Necmettin Erbakan, resigned after 11 months in power, under pressure of the country's generals. For some in the western press, this was a defeat for democracy. "Turkey bends to the generals," lamented the *Economist*; the *Wall Street Journal* whined about "The Army's Fundamentalism." As these and other journalists see things, the army had bullied a democratically elected government for months, and at the end acted against the will of the people.

The reaction of these journalists demonstrates three things:

1) They understand nothing about Turkey;

2) They are ignorant about democracy;

3) They do not care whether freedom is destroyed, so long as it is destroyed by a democratic government.

Although Erbakan has been moving slowly in order to minimize opposition, no Turkish person with whom I've spoken has any doubts that in the long run he intends to erect a fundamentalist Muslim state. His first move was to promote Islamic schools and to open the military academies to fundamentalist Muslims. These two changes were intended to undermine his strongest opponents: the Turkish military and the educated strata of society.

No Islamist party has ever received the majority of votes. In the last election in 1995, Erbakan's fundamentalist Welfare party, which received 21% of the vote, was merely one of several ineffective minority parties. Two conservative parties formed the coalition government, in which former prime minister Tansu Ciller's True Path Party was the junior partner.

Ciller had promised that she would never form a coalition with the fundamentalists. But when her coalition partner revealed evidence of Ciller's corruption and made noises about prosecuting her, she responded by joining forces with Welfare in exchange for its promise not to indict her. The government that they subsequently formed, and that the military has now deposed, was the product of an agreement between people who steal money for private purposes and people who steal it for religious purposes, with absolutely no popular mandate to do either.

Its demise can scarcely be considered a tragedy. Erbakan's party was trying to destroy freedom and eradicate the separation of church and state in Turkey. It had pushed relentlessly for the authority to compel women to wear veils, to use public funds to erect giant mosques, and to suppress "sinful" businesses (e.g., those that sell

Slouching towards secession — Canada's federal election on June 2 may have been its last. Another referendum on Quebec secession is expected before the term of the new Parliament ends, and this time it looks like the secessionists will win. This fact might seem make the 1997 election important. But the truth is, this has probably been one of the least important elections in Canadian history.

The 1988 federal election gave Brian Mulroney's Progressive Conservative (PC) Party a mandate to pursue the Free Trade Agreement with the United States, and subsequently to negotiate NAFTA. The 1993 election saw the Conservatives reduced to two seats in the 295-seat House of Commons and the emergence of the Reform Party and the Bloc Québécois (BQ).

By contrast, this election saw no significant issues resolved and no significant shift in the party standings.

The largest issue facing the new Parliament is the complete overhaul of Canada's pension system, which will be financed by the largest tax increase in Canadian history. Also, plans had been announced prior to the election to effectively destroy Canada's popular and highly successful system of tax-sheltered, independently invested Registered Retirement Savings Plans (RRSP's) by taxing back government pensions at punishingly high marginal rates for every dollar of RRSP income. Remarkably, neither of these issues was discussed much during the campaign.

Former Quebec premier Jacques Parizeau forced the issue of national unity to center stage by stating in mid-campaign that if his government had won the 1995 referendum on secession, he would have (illegally) declared Quebec independent within a few weeks. Prior to Parizeau's dramatic declaration, Canada's three traditional parties (Liberal, PC, and the New Democratic Party, or NDP) had avoided this issue at all costs, apparently in the belief that once it had been raised, Quebecois would choose to vote for the party most likely to be loyal to Quebec's interests (the BQ), while non-Quebecois would switch their votes to the party least likely to pander to Quebec (Reform).

In fact, something like this did happen. Early in the campaign, experts had predicted that Reform would lose as many as half of its 50 seats. Instead, it won ten additional seats. During the first two weeks of the campaign, when unity was not an issue, the Bloc Quebecois had fallen to third place in Quebec; by the end of the election, it had moved into first place, and captured more than half the seats in the Province.

Even after it was clear that a debate on unity could not be, the Liberals and Conservatives took no positions of substance on the unity issue, apparently because they feared that doing so would alienate voters in Quebec (if their position sympathized with secession) or everywhere else (if they didn't). Prime Minister Jean Chrétien merely repeated his long-standing contention that a super-majority is needed in order for secession to occur, while refusing to specify how large a super-majority would have to be. Conservative leader Jean Charest was no better, referring to secession as a "black hole" and declaring that once in this black hole, Canadians would find themselves without laws, rules, or precedents to guide them. The refusal of these leaders to engage in a serious debate of the critical issue of how to

deal with a secession attempt ensured that the election of 1997 would cast no light into this particular policy black hole, or any other.

Under the best of circumstances, it would be a trial to draw out very much wisdom on future political trends from the entrails left by election '97. But these are not the best of circumstances for this sort of prognostication. The breakup of the country would cause the party system to be dragged through the partisan equivalent of an old-fashioned clothes wringer, rendering the current seat totals and vote distributions irrelevant in the next election. Canadian politics may soon become very interesting, but not because of anything that took place during the 1997 election campaign. —SJR

Canada agonistes — On June 2, Canadians and Quebecois participated in what may be the last federal election of Canada as we know it.

All five major parties claimed they won: the Liberals, by getting reelected with a very thin majority of four seats; the Reformers, by becoming her Majesty's Official Opposition; the Quebecois secessionists (Bloc Quebecois) by winning 60% of the seats in Quebec; the socialists (the New Democratic Party or NDP), by winning 21 seats, up from only nine in 1993; and the Progressive Conservatives, by coming back from their disastrously low two seats in 1993 to 20 in 1997.

The only losers were the taxpayers and those citizens who value individual responsibility. The latter certainly constitute a small minority, and with the Canadian deficit perennially out of control, few seem to care that all parties continue promising to spend more and/or to cut taxes.

But Canada's fiscal crisis was not an issue in the election. No, the election turned on "National Unity" — even though at the beginning, not a single party planned to campaign on that issue. After saying for years that they were fed up with "family feuds," the Reform Party brought up the constitutional issue as a means of distinguishing itself from the older parties. Even more unbelievable, the three traditional parties (Liberals, Conservatives, and NDP) had nothing more to put on the table than the bromide that they would recognize Quebec as a "distinct society." No matter that the failure of the Meech Lake Accord demonstrates that Canadians reject the distinct society compromise; and no matter that Canadians as well as Quebecois voted against it by rejecting the Charlottetown Agreement in 1992. Originality, new ideas, and learning of the past don't seem to be part of Canadian politicians' reality.

The only thing new in the Canadian constitutional debate is the tough line openly adopted by the federal government to fight secession. "The soft approach doesn't work anymore. Let's try to scare them now," they seem to say. The feds now say a simple majority in favor of secession is not enough, but they refuse to specify how big a super-majority would be "reasonable." They want another referendum — this time with all Canadians, not just Quebecois, having their say. They want their Supreme Court judges both to define the rules of secession and to decide whether Quebecois secession is constitutional. The four federalist parties agree to this incoherent Plan B, as we call it. If the carrot is no good anymore, let's try the stick.

The new fashion in Canadian politics is that you vote according to where you live. Each region has its own party devoted to defending its regional interests; and it is regionalism, not ideology, that divides Canadians. The western provinces, particularly British Columbia and Alberta, voted massively, for the second time, for the Reform Party. Ontario stayed faithful to the Liberals (98 members of parliament out of 99 in 1993, and 101 out of 103 in 1997). The Francophones in Quebec again voted strongly for the Bloc Quebecois. Only the Maritime provinces were divided among the NDP, the Liberals, and the Tories. The governing party got 65% of its victories from a single province. The Loyal Opposition has no elected members in the six provinces east of Manitoba, and the third party is of course only in Quebec.

What can we expect from such a Parliament? Nothing good for liberty. The Tories will continue having a wishy-washy position on every issue — except on those where it has two wishy-washy positions, depending on whether it's presented in French or in English, in the Maritimes, or in the West. The NDP is going to keep pushing its socialist agenda, and could be very successful. The Bloc Quebecois will keep asking for more money from the feds to give back to the provinces. The Reformers will try to show that they are not as radical and extremist as opponents pretend — and that they too can manage a socialist country. And, of course, the Liberals will continue to be generous with our money, trying to outspend the provinces in areas where provinces have constitutional responsibilities — education, health care, and welfare — after reducing the federal deficit by cutting their transfer payments to the provinces.

The only good news from the election is that the end of this federal circus is near. The up-coming referendum on Quebecois secession may bring down the current system once and for all. —*guest reflection by* Eric Duhaime

Election Results

Party	1993	1997
Liberal	177	155
Reform	52	60
Bloc Québécois	54	44
NDP	9	21
PC	2	20
Independent	1	1

alcohol). The Turkish people have resisted this nascent religious tyranny: in Istanbul, for example, citizens have staged many protests against erection of an oversized tax-funded mosque.

The majority of Turks have demonstrated that they do not want a fundamentalist government; they prefer that the military preserve the secular state rather than allow a corrupt parliamentary government to flush freedom of speech and religion down the toilet. Who are we to say that they should have an illiberal government imposed on them for legalistic reasons? We should remind ourselves that democracy can never be more than a means to achieving greater freedom. Where it fails to achieve this end, it is right to do away with it.

Given the amply demonstrated ignorance of western journalists and politicians, perhaps they should stop lecturing other people on how to govern themselves. Turkey, after all, has been a relatively free nation for 75 years now. This is more than most western countries can say. —OB

Crabgrass rebellion — Around Portland, Oregon, neighborhood after neighborhood is turning against regional land-use planning and the "New Urbanism" (the planning fad that calls for increasing urban population densities and building rail transit instead of roads).

- In Laurelhurst, an historic southeast Portland neighborhood, people were outraged when they were told that, since the neighborhood is within half a mile of a light rail station, many of its fine old homes will be rezoned so that they can be torn down and replaced with row houses.
- Residents of Top 'o Scott, a young neighborhood in Clackamas County, were appalled to find that a popular golf course that had supposedly been zoned open space "in perpetuity" is now slated by planners for development into 1,100 homes and 250,000 square feet of office space.
- In Multnomah, in southwest Portland, people have put up hundreds of lawn signs protesting plans to rezone much of their area for high-density housing.

Local city officials have been squabbling so much over the population targets that are driving these new zoning schemes that they hired a facilitator to settle disputes —only to see the "facilitated" meetings break up with more acrimony than ever before. And when a state agency recently took testimony on its mandate that Oregon cities force residents to reduce their per capita driving by 20 percent, they found that people have continued to increase their driving, as they have almost every year for more than 80 years. The

Strategy *Debate*

The 22% solution — In 1994 the Gallup Poll surveyed Americans regarding their political views. The pollster asked questions on a series of issues — each designed to find out whether the individual wanted more government or less government on each issue. Gallup then sorted the respondents into four groups — based on their attitudes toward government control over the economy and government control over our social lives.

Gallup labeled the largest group (30%) "conservative" — people who want the government to have less control over the economy but more control over our social lives. The smallest group (16%) was "liberal" — those who want more government control of the economy but less of our social lives. The third largest group (20%) was considered "populist" — those who want more government control in both areas. But what was the second largest group? Gallup labeled it "libertarian" (22%) — people who want less government control in any area.

To me, these results are monumental. They indicate an enormous number of people who are receptive to libertarian ideas. But the results aren't unique. Also in 1994, Luntz Research found that 73% believe "the federal government is much too large and has too much power"; Roper found that 67% believe "big government is the biggest threat to the country in the future"; the Times Mirror Center found that 63% think "government regulation of business usually does more harm than good"; and the New York Times found that only 22% "trust the government in Washington to do what is right most of the time."

If this is what the American people think, why does government continue to get bigger and bigger? Why was Bill Clinton reelected? Because there is no clear-cut political outlet through which American voters can channel their anti-government feelings. The Republican Party is merely a "moderate" clone of the Democrats, and few people have even heard of the Libertarian Party — let alone know what it stands for.

Libertarians have endless numbers of ideas for ways to change this and make a breakthrough — find a celebrity to run for President, channel all resources into a single Congressional race, create some publicity stunt, alter the message, and so on. But in the final analysis there is only one thing that will put the LP on the political map — a much bigger membership. The party today has 22,000 members. When it reaches 200,000, it will have the fund-raising base that can support a $50 million presidential campaign; it will have the troops who can carry the message door-to-door if necessary; and it will have the resources to run advertising that will let everyone know there's a candidate, a party, and a program that will get rid of the income tax, free them from the Social Security hoax, and restore safety to their neighborhood by ending the insane War on Drugs.

With a large membership, neither the media nor the public will be able to ignore the LP. Fortunately, the LP is now focused on membership growth, budgeting $500,000 for recruitment in 1997. LP activists are increasingly coming to understand that none of their golden dreams will be realized until increased membership makes the party politically competitive.

But where can the new members come from? Obviously, from the 22% of the American people who want to see less government in both our economic lives and our social lives. —HB

agency responded, naturally enough, by making the mandate even more stringent.

Even as Portland's New Urban scheme falls apart, cities in other parts of the country are starting to emulate it. The Maryland legislature recently adopted a law enforcing "smart growth" — a euphemism for the New Urbanism. Minnesota passed a similar law that initially applies only to the Twin Cities region, but eventually will cover the entire state.

Even where cities aren't using draconian zoning laws to increase population densities, they are often imposing so-called "traffic calming" measures on major streets and highways. Such measures include curbs, "bump outs," and other concrete obstacles designed to slow and limit the flow of traffic. The ultimate goal is to increase congestion. Greater congestion, planners reason, will make people want to live in higher densities so that they can get to where they are going in a reasonable amount of time.

Where are these crazy ideas coming from? Originally thought up by architects (who think that because they can draw a house, we should let them design our cities), they are promoted by the planning profession (and what city does not have a planning staff?). Support comes from several sources: anti-auto environmentalists; central city officials who think of the suburbs as parasites and "trash"; downtown interests who think that all roads and light-rail lines should lead to their areas; and the construction industry, as happy to build multi-billion dollar rail projects as multi-billion dollar highway projects.

The architects draw pretty pictures, the planners provide purple prose, the environmentalists add fear of pollution and famine (when all farms are supposedly paved over), and the construction industry (along with numerous progressive foundations) throws in money. All of which plays into the hands of the central city officials who want to extend their power over and tax the citizens of the suburbs — who in most urban areas outnumber the central city residents. —RO'T

Democratic follies — The chorus of self-congratulatory rhetoric that greeted the recent Mexican elections aptly expresses one of the more fatuous beliefs of our age: that "democracy" is inherently a promoter of prosperity, freedom, and indeed all human virtues.

Yet consider what a little democracy has now brought our neighbors: a Mexico City ruled by Cuauhtemoc Cardenas, who a few years ago split from the country's ruling thugs (in the hilariously named Institutional Revolutionary Party, or PRI) — because they weren't quite left-wing enough for him. True, Mexican "privatization" may well be best characterized in Chomskyan terms, as "socialism for the rich, 'free markets' for everyone else"; and

Adding up the numbers — When Gallup released a poll characterizing 22% of Americans as "libertarian," the Libertarian Party followed with an enthusiastic press release trumpeting this news, along with its usual prediction of a rosy future for the Libertarian Party. Now, after three more years of disappointing election returns, Harry Browne sees in this datum evidence that if a new strategy — massive recruitment of new members — is pursued, the LP will at last succeed: "neither the public nor the media will be able to ignore the LP."

Leaving aside the whole question of whether the sort of growth Harry envisions is possible, I have to wonder why the LP or Harry would try to make hay of such news in the first place.

If 22% of Americans are in some meaningful sense "libertarian," why hasn't the LP's quarter-century campaign to become a viable political party already shown some signs of success? If almost a quarter of Americans are libertarian, why is it that an extraordinarily articulate LP presidential candidate backed by the "fastest growing party in America" cannot get more than one half of one percent of the vote? Especially in an election in which it was evident that the incumbent would be re-elected by a landslide? Doesn't this suggest that the LP is doing an absolutely terrible job of marketing its program?

If a survey showed that 22% of Americans preferred Pepsi Cola to other soft drinks, but only one half of one percent of Americans actually drank Pepsi, one would rightly conclude that Pepsi was doing a terrible job of marketing.

Of course, the explanation is that the word "libertarian" as used by Gallup and by those in the Libertarian Party means two very different things. To Gallup, "libertarian" means a general inclination to favor less government interference in the economy and in social life, or at least to oppose greater government interference in those activities. The Libertarian Party is the "Party of Principle," and its principle is that it is always wrong to use "the initiation of force as a means of achieving political or social gains." This principle leads pretty quickly to something very different from a tendency to oppose increasing government's power and support some reductions in its power. It leads to a program of eliminating just about *everything* that government does. (If you doubt this, see the LP Platform.)

This is a view that is abhorrent to the overwhelming majority of Americans — including, I believe, the overwhelming majority of those whom Gallup identifies as "libertarians."

Sure, 22% of Americans probably want lower taxes and less regulation in the economy and wish the government would lighten up on the War on Drugs or allow more freedom of speech. But that doesn't make them libertarians. And I don't think very many in this 22% are fodder for the LP's radical political program, let alone its political theory.

I said earlier that I'd leave aside the question of whether Harry's theory that, having increased its membership from around 10,000 in 1995 to around 22,000 at the time of the last election, the LP can increase its membership to 200,000 in time for the beginning of the next presidential campaign. But I can't let this go without at least a brief comment. Historically, LP membership has tended to rise during presidential election campaigns and to fall between them. The notion that the rate of growth would accelerate from its election-driven level of 48% per year during the campaign to the 108% annual rate required to meet Harry's goal simply defies rationality. —RWB

to be continued . . .

Cardenas' objections to Salinas' selling off the people's assets to his cronies were perhaps not entirely ill founded. But Cardenas and his Democratic Revolutionary Party (PRD) ultimately represent the worst kind of stupid Latin American leftism — simultaneously embracing crackpot protectionism, a monetary policy based on the notion that declines in the exchange rate constitute a challenge to one's macho, and smarmy adoration of puritanical demagogues like Fidel Castro.

Is the right wing National Action Party (PAN) any better than PRD? Not likely. PAN's honesty may be judged by the fact that earlier this year its members walked out of a multiparty conclave discussing proposed reforms (initiated by PRI) that would have limited the ability of the ruling party to control Mexico's fantastically elaborate spoils system, over whose faint scent PAN members were already beginning to drool.

"Democracy" has been in place in quite a few Latin American countries for decades, off and on. Although it's true that it has sometimes lessened the brutality of the state, democracy has also been known to rain down total economic destruction, with heroes of the common man like Juan Peron and Alan Garcia inflating the currency, making life unbearable for entrepreneurs, and generally putting the squeeze on capital — which responded by squirting out of their fingers like wet watermelon seeds, further impoverishing the peons. Moreover, though it's true that the PRI has badly governed Mexico for generations, it's far from obvious that the vaunted "free elections" we've heard so much about will bring any improvements, in the short or long run. Contrary to the ejaculations of our historically challenged press, free elections are scarcely unprecedented; and it's hard to say whether the dictator Diaz was better or worse than his more-or-less democratically elected predecessors.

Finally, it's not altogether obvious that Mexico is a less free country than its arrogant neighbor to the north. Mexico, after all, has never been known to send its sons to die on the beaches of Italy, Korea, or Vietnam; Mexicans are free to purchase whatever medical treatment they wish, and whatever pharmaceuticals they wish without a permission slip from a doctor; prosecutions of private sexual behavior are unheard of. And though Mexico has lately instigated a desultory war on drugs (largely at the goading of Uncle Sam), it is almost certainly better to be busted for drugs south of the border than in the fanatical United States (at least if you have money). There, you can usually buy your way out. Here, you are likely to end up spending years in prison — where, cruelly, you are not even allowed to vote. —NC

Out like Flinn — A young woman falls in love with a married man. Her employer disapproves of adulterous relationships among his employees, and questions her about it. She denies all, at the urging of her lover, who has promised to do the same. But he confesses. Confronted with this information, she admits that she has lied. Her employer forces her to resign. It sounds a little bit 19th century, but it's really a humdrum story, unless you happen to think that employers ought not be able to discriminate against adulterers. Or the employer happens to be the U.S. military.

Of course, what I'm writing about is the discharge from the Air Force of Kelly Flinn, the first woman in American history to qualify to fly B-52s. Oh, there was some hairsplitting about the reason for firing her: her real offense was "making a false statement." But why was she asked whether she was having an affair with a married civilian? Whatever happened to "don't ask, don't tell"? Couldn't the military authorities understand how an inexperienced young woman might fall in love with a married man? Couldn't they sympathize with a young woman who was aware that confessing to adultery might jeopardize her career and, urged by her lover who has promised her that he'll deny it, might give in to the temptation to lie? Is punishing this mistake worth the $1,000,000 it cost to train this young woman? Worth writing off the career of so promising a flyer, whose career, the Air Force publicly predicted, "may one day include becoming squadron commander and a shuttle astronaut"? The Air Force's answer to these questions is "yes."

Of course, that $1,000,000 won't go totally to waste. Flinn will likely take a high-paying job with a commercial airline that takes advantage of her taxpayer-paid training. She's also signed a book deal for big money, so she won't suffer too much from the disgrace of her less than honorable discharge from the Air Force.

The case raises more interesting questions than the military's rather old-fashioned stand on adultery and its willingness to piss away taxpayer money. What about all the married men in the military who have had affairs while away from home? Why are only a tiny fraction of these men investigated and punished? Isn't there a double standard here?

The issue of sex in the military is an extremely problematic one. The military has a chain of command. Each individual, except the Commander in Chief, is required to obey the orders of his superior, and failing to do so is a grave offense. Furthermore, those higher in the chain of command have the power to promote or punish those lower than themselves. It is difficult to see how someone threatened with horrible punishments for refusal and substantial rewards for obedience can be meaningfully said to consent to sex. In this context, there is good reason to regulate if not entirely prohibit sexual relationships within the chain of command. This was the logic behind the recent prosecution of a drill sergeant for having sex with his female trainees.

Of course, none of this applies to the Flinn case. She didn't have sex with her commanding officer or a subordinate, but with a civilian married to a military person. She wouldn't even have been subject to punishment if her lover had not been married.

But the military hasn't been particularly consistent about enforcing rules against sex within the chain of command. By all accounts, it is far more widespread than the few prosecutions would indicate.

What's more, is sex within the chain of command *always* wrong? What about the fictional relationship between Henry Blake and the unnamed nurse in the film *M*A*S*H*? Or the relationship between Dwight David Eisenhower and Kay Somersby during World War II? Should Ike have been charged with rape and sentenced to 25 years hard time as the drill sergeant was?

And what about Bill Clinton? He has been accused of sexual assault, a charge which he has denied under oath. If a court finds that Paula Jones told the truth, or he admits as much by settling out of court, should he be threatened with jail and discharged from his position as Commander in Chief? —RWB

Raising the Standard

by Stephen Cox

Never underestimate the value of preaching to the converted.

I wonder if your life has been the same as mine, in one respect at least: I've almost never done anything that I expected to do. I could certainly never have predicted that I would spend ten years of my life writing for the great intellectual journal of the libertarian movement. For one thing, I could never have predicted that I would become a libertarian. And when I did become a libertarian, whatever that is, I could never have imagined that a journal like *Liberty* would be created and sustained. Not in my lifetime, anyway.

The reason for this failure of imagination was my inability, as an individualist, to give due credit to other individualists. Once *Liberty* raised a standard to which good writers could repair, everyone was able to see how many thoughtful, learned, funny, cranky, amusing people there are in the libertarian movement. Don't get me wrong — I haven't *agreed* with any of those people. Not for a minute. But the intellectual quality of *Liberty*'s list of contributors makes its success seem almost inevitable.

It wasn't, of course, and it isn't. *Liberty* could not live for a minute without the energy of its creator and constant guide, Bill Bradford. Some day, the individualist movement will total up its intellectual debt to him, and find itself completely unable to pay. I know that I would be embarrassed if I had to pay my debt to him for all the fun that *Liberty* has given me. I couldn't pay what I owe for even one of those late-night phone calls that begin with some remarks about whether that new article looks too long, proceed to a discussion of the natural rights controversy, move on to a review of the foreign policy of nineteenth-century Paraguay, and conclude with Bill's formula, created on the spot, for calculating the distance at which mountains of a given height can be sighted from the ocean.

There used to be an idea, and it had some truth in it, that libertarians have one-track minds. Somebody said that when good Americans die, they go to Paris; and it used to be thought that when good libertarians die, they return to their regular table at Denny's and continue arguing against wage and price controls. The only improvement, it might be said, is that the table is now at Starbuck's.

But the founders of libertarianism, people who are always very much on *Liberty*'s mind, were men and women of exceptionally varied origins and interests. The individualist movement grew out of a broad culture and broad human experience; it continues to be nourished by that soil. *Liberty* has tried to reflect the many sides of individualism, to discuss politics and public policy without letting those concerns displace all others.

In this respect, I think — no, I *know* — that *Liberty* has been helped by its intention not to become an "outreach" journal. *Liberty* does not exist to convert people to the individualist cause. If that happens, fine; but *Liberty*'s function is to allow individualists to write about whatever subjects they find interesting and can get other people to find interesting also.

Liberty has certainly given me an opportunity to write about a lot of the things that interest me. It's a surprising and appalling fact, but there it is: I have published something in every one of *Liberty*'s sixty issues, and I am profoundly grateful to have had the opportunity. What surprises me most, however, is that so few readers have written in to denounce me. I hope this does not mean that libertarians have grown polite. You will have to do better in the years to come. ❑

Editorial

Why Liberty?

Does the world really need another libertarian magazine?

There already exists a variety of libertarian periodicals, ranging from local newsletters to national magazines, from personal "zines" to scholarly journals. Given the limited resources of the libertarian movement, the number of libertarian publications is impressive, and the quality of most is remarkably good.

Yet it seems to us that nearly all libertarian periodicals fit into one of three categories: outreach periodicals, house organs or scholarly journals.

In efforts to gain influence or convince others of the correctness of their positions, a considerable amount of libertarian intellectual energy is aimed outside the movement via outreach periodicals. While converting others may be an important and worthwhile activity, outreach periodicals are sometimes rather boring to the intelligent libertarian. Who needs another article on free market garbage collection?

Other libertarian periodicals attempt to expound a certain vision of liberty to the exclusion of other libertarian visions. These house organs usually do a good job as standard bearers of their particular faction, but they often suffer from their narrow scope and perspective. They generally discuss only issues of particular interest to their faction; to the extent they discuss other issues, they do so from a very narrow perspective.

Libertarian scholarly journals offer a wider scope and broader perspectives; they often explore the frontiers of libertarian thinking. But the strictures of scholarly writing limit their content both in scope and style.

Neither outreach periodicals nor house organs nor scholarly journals can offer the kind of lively, provocative analysis that the intelligent libertarian craves.

The Nature of *Liberty*

We propose to publish **Liberty** as a journal produced by libertarians for libertarians, a journal with the space and inclination to discuss issues that interest libertarians, written from an unapologetically libertarian perspective.

We propose to publish lively discussions of these sorts of issues:

- the intellectual and psychological roots of libertarianism and of the hostility to liberty.
- the sort of society that libertarianism entails.
- cultural, social and historical matters from a libertarian perspective.
- the tactics and strategies of those libertarians seeking to libertarianize the world, as well as the strategy and tactics of those who believe in allowing the world to go its own way.
- the origin and history of the libertarian movement.

We seek to publish uninhibited discussions of these issues, without feeling any need to soft pedal libertarianism or to outline or defend the precepts of libertarianism (except for challenges from within).

We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate non-libertarians.

We seek a periodical that does not soft-pedal libertarianism one whit.

Who We Are

The editors of **Liberty** are a diverse lot.

Two of us (Rothbard and Cox) are professional academics; two of us (Bradford and Casey) are entrepreneurs and financial advisory writers; one of us (Overbeek) is an academic-researcher, scientist-entrepreneur.

One of us (Rothbard) has long been intimately involved in the Libertarian Party; two of us (Cox and Bradford) have supported the LP since its inception but only recently joined the party; another (Overbeek) has refused to join the Party because of his disagreement over its loyalty oath requirement; one of us (Casey) eschews political activity altogether, refusing even to register to vote.

The bases of our libertarianisms vary as well: One of us (Rothbard) is a leading advocate of Natural Rights philosophy, three of us (Cox, Overbeek and Bradford) are Classical Liberals more or less in the utilitarian tradition, and one of us (Casey) is an anarchist in the neo-Objectivist tradition of the Tannehills.

We acknowledge our differences of experience, of orientation, of approach. In the pages of **Liberty** we expect we will often disagree, and sometimes disagree with vigor.

But all of us agree on two points:

1) We believe that the role of government in people's lives should be radically reduced or eliminated altogether (thus we are libertarians);

2) We believe that libertarians need an "inreach" journal—a periodical in which to sort out their differences, share their thinking, etc.

That is why we publish **Liberty**.

R. W. Bradford
Douglas Casey
Stephen Cox
Ross Overbeek
Murray Rothbard

(Reprinted from Liberty, August 1987, page 4)

At Liberty

by R. W. Bradford

On June 5, 1987, Timothy Virkkala took a fat envelope to the post office in Port Townsend, Washington. It was addressed to a printer in Seattle, and it contained photo-ready masters for the first issue of *Liberty*. During the previous six months, my wife Kathy, Tim, Steve Cox, and I had worked feverishly to reach that moment. We had developed a business plan, conducted a direct mail campaign, recruited several excellent writers to contribute to our effort (including three — Doug Casey, Murray Rothbard, and Ross Overbeek — who had agreed to grace our masthead as editors), sold about 1,200 subscriptions, written and edited 40,000 words for publication in that issue, designed a format, and laid out a magazine.

Ten years is a long time. It's long enough for a teenager to become an adult, and if he's Bill Gates, to earn a sum equal to three years' gross domestic product of Africa.[1] It's also long enough for communism to transform itself from a grave threat to humanity to a dim memory of interest only to historians, and long enough for a Democratic Congress to be replaced by a Republican one and for a Republican president to be replaced by a Democratic one. And ten years is also long enough for *Liberty* to be launched, to develop a personality, and to find its place in the world.

Liberty's first issue is easily recognized by anyone reading its September 1997 issue. Its masthead lists seven editors, six of whom — Kathy Bradford, Stephen Cox, Douglas Casey, Ross Overbeek, Timothy Virkkala, and yours truly — are still editors today. It featured cartoons by Rex F. May ("Baloo") and a collection of absurd news ("Terra Incognita"), both of which still brighten our pages. The 1987 issue has fewer pages, a larger logo on its less colorful cover, and no "Reflections" at its front. But aside from these, few differences are readily observable.

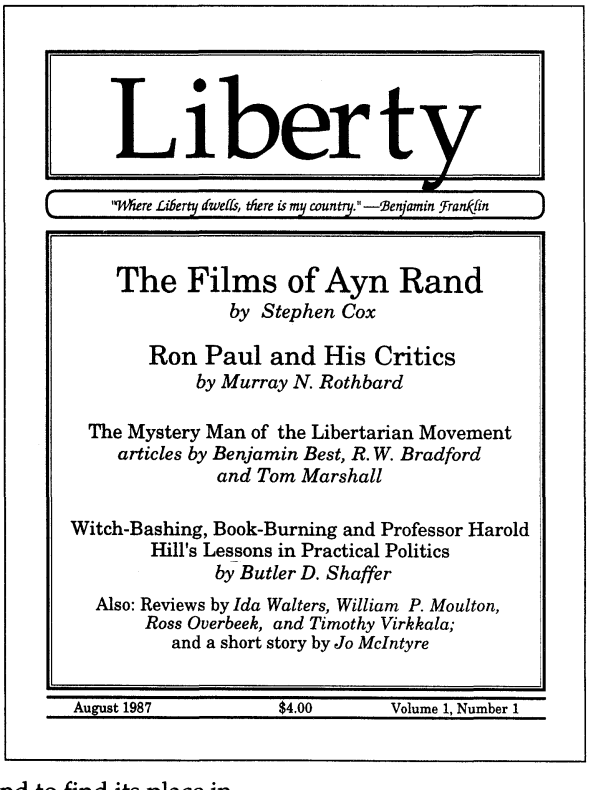
Liberty

"Where Liberty dwells, there is my country." —Benjamin Franklin

The Films of Ayn Rand
by Stephen Cox

Ron Paul and His Critics
by Murray N. Rothbard

The Mystery Man of the Libertarian Movement
articles by Benjamin Best, R. W. Bradford and Tom Marshall

Witch-Bashing, Book-Burning and Professor Harold Hill's Lessons in Practical Politics
by Butler D. Shaffer

Also: Reviews by *Ida Walters, William P. Moulton, Ross Overbeek, and Timothy Virkkala;* and a short story by *Jo McIntyre*

August 1987 $4.00 Volume 1, Number 1

Like any healthy newborn, *Liberty* had its fastest growth during its first year. By year's end, what we had planned as a 24- to 48-page magazine with a circulation of 1,500 to 2,000 was a 72- to 80-page magazine with a circulation of about 2,700. Sometime in the following year, I entertained the notion of extending one issue to 96 pages, only to be faced by a revolt of staff editors, proofreaders, and layout people — and the fact that the most frequent reason people had told us they didn't renew was that the magazine was "too long." This complaint always strikes me as peculiar: after all, reading *Liberty* is a voluntary activity; no one is punished for not reading every word. It seemed to me that the more you get for your money, the happier you should be, even if the press of time makes you skip an item or two. Nonetheless, I was overwhelmed by the combination of staff and reader resistance, and with one or two exceptions, we have limited issues to 72 pages since.

Our circulation is another matter. Despite the fact that *Liberty* lacks the huge subsidies that finance most political

magazines, our circulation (both on the newsstand and by subscription) has grown at a fairly steady clip — at an average rate of 22% per year. It is especially gratifying that circulation increased even during periods when our limited financial resources precluded our doing direct mail marketing.

The Best-Laid Plans . . .

Liberty was conceived as a magazine of good writing of particular interest to intelligent libertarians. Our original plan called for a purely "in-reach" journal for libertarians and classical liberals; we didn't contemplate publishing analyses of public policy or comments on current events. (See "Why *Liberty*?", August 1987, p. 4 — and in this issue, p. 28). After our third issue had been published, we surveyed subscribers, asking them to evaluate our efforts. The most popular category was "analysis of current events." Since we hadn't at this point published any analyses of current events, this was disturbing. We figured it was evidence of powerful demand from our readers, so we broke down and invited our contributors to provide commentary on current events. Our next issue featured an analysis of the ACLU and the war in Nicaragua.[2]

We've never lost focus on the point that Liberty is more than anything else a place where we libertarians discuss among ourselves the world and our approach to it.

And in the following issue, we began to gather our editors' shorter comments into "Reflections" at the start of each issue.[3] This eclectic collection of commentary, spleen-venting, short essays, obnoxious comments, and diverse libertarian opinion quickly became *Liberty*'s most popular feature.

Breaking Stories

We've broken our share of major stories. In 1989, we were one of the first publications to report the rising threat to free speech on the campuses of universities,[4] and we published a detailed analysis of "political correctness" before most people had ever heard the term.[5]

In our September 1990 issue, Dr. Ron Paul reported in our pages that the "morning after" birth control pill had critical non-abortion uses and argued persuasively that, even from an anti-abortion perspective, it ought not be banned.[6] Three months later, the *New Republic* made this their cover story.

We scooped the *New Republic* again, this time by a wider margin, in our July 1991 issue. I wrote a short piece reporting that, contrary to press reports, the northern spotted owl, whose listing as an endangered species had halted logging in the Pacific Northwest, was not a species at all, but a separate population of a species that inhabits North America from Mexico to Canada and is not in any way endangered.[7] It was three years before the *New Republic* published a much-ballyhooed cover story making exactly the same point.

Perhaps our proudest moment was our analysis of the BATF-FBI siege near Waco, Texas.[8] As it happened, we were scheduled to go to press with our June 1993 issue on April 22, just three days after the FBI assault on the Branch Davidians resulted in the death of more than 80 people, including 23 children. While virtually all other American periodicals were expressing sympathy for the trauma suffered by the FBI and outrage that the Davidians had brought this upon themselves, we published articles by Steve Cox and myself, calling the press to account for its supine cowardice and denouncing Attorney General Janet Reno as a self-confessed mass murderer, based on her statements and interviews the day of the conflagration. We headlined our coverage "Holocaust in Waco," a deliberately provocative title and arguably an outrageous one. It was our best-selling issue ever on newsstands.

I am quite proud of the discussion and analysis we have presented of current issues and events like the preposterous U.S. invasion of Panama to arrest its president,[9] the Rodney King beating and subsequent trial and riots[10] and the Gulf War.[11] Thanks to our very talented editors, we were able on short notice to devote a special section of the magazine to a variety of intelligent libertarian insights into these and other major stories.

But we've never lost focus on the point that *Liberty* is more than anything else a place where we libertarians discuss among ourselves the world and our approach to it. Controversy has been the lifeblood of *Liberty* since its very beginning. The first major battle to be fought in our pages was the most fundamental question: *Why should a person be a libertarian?*

The First Major Controversy

The dispute began with a commentary on an interesting news event. Harvard philosopher Robert Nozick, who had brought a new respectability to libertarianism with the publication of his *Anarchy, State, and Utopia,* took advantage of rent control laws in Cambridge, Massachusetts, to force his landlord to lower his rent and refund a substantial portion of the rent he had earlier paid. The reaction from most libertarians was swift and indignant: the libertarian philosopher who had defended the morality of "capitalistic acts between consenting adults" had "embarrass(ed) libertarians and endanger(ed) the hard won progress libertarianism has made . . ."

In *Liberty*'s second issue,[12] I used Nozick's act as a springboard for a novel argument:

> Consider a society identical in every way to current American society, except that 200 years ago, every inhabitant of the continent agreed to vest all ownership of real estate in a corporate body, which would be governed according to the same rules that are encoded in U.S. law today. Nominal private ownership was allowed, subject to periodic payment of fees (called "real estate taxes") and various other controls (called "laws and regulations") on the behavior of those who might live on the corporately owned land. The original corporate agreement specified that the taxes, laws and regulations might be changed according to certain specific procedures.

I further supposed that this society subsequently devel-

oped in exactly the same way the United States developed, and that it was identical to contemporary America in every way except for that fateful day when every inhabitant had agreed to vest ownership in the corporate body.*

If the historic origin of the laws was universal consent, Nozick was acting in a completely moral fashion according to libertarian theory. But if the historic origin was less than universal consent, then Nozick's action was criminal. If one condemns Nozick for using an institution whose origin was coercive, then what about the fellow who uses roads or message delivery systems that have their origin in coercion, or who accepts employment from a coercive institution? The same logic that forces condemnation of Nozick seems to force condemnation of anyone who uses any government services whatever — in other words, every person in America today.

If, as most libertarians believe, "no man has the right to initiate the use of physical force against others and coercion is universally opprobrious," I argued, then "the actual customs, laws and actions of a social arrangement are of relatively little import in evaluating its morality: what really counts is whether the social arrangement had its origin in voluntary contract of all landowners."

I concluded by observing that there is a "second libertarianism," one that advocates liberty "as the most expeditious and utilitarian arrangement for human interaction," and that this sort of libertarianism has no problem with the argument I had posed.

Heating Things Up

At the time, *Liberty* had the slowest printer in the world, one who took five weeks to print and mail an issue. So there wasn't time for readers to respond in the next issue. But I sent a copy of my piece to *Liberty*'s editors, hoping for a response, and Murray Rothbard quickly penned a defense

* I wrote the piece under the pseudonym of "Ethan O. Waters," concocted as an anagram of "Owen Hatteras," H. L. Mencken's favorite pseudonym. I used a pseudonym because I wanted to make sure that people didn't think that this heretical argument, coming from the editor and publisher of a young magazine, was supposed to set ideological policy for the magazine.

This episode developed for Waters a reputation for bombasticism if not downright obnoxiousness, and from time to time, I used the Waters pseudonym for controversial writing, including one piece co-written with Timothy Virkkala. As time went on, *Liberty*'s reputation as an arena for intellectual controversy became well established, and it became clear that *Liberty*'s agenda did not include promoting any sort of ideological doctrine, mine or anyone else's. So there was less and less reason to use the pseudonym, and I have written nothing under that name in six years.

I kept the pseudonym secret from all but a few of *Liberty*'s editors, and was greatly embarrassed to feel the need to deceive inquirers, including some friends. On one occasion, I flat-out denied being Waters, but otherwise I tried to mislead without actually lying. I quickly took to refusing to reveal anything at all about Waters, including, when asked, whether I was he. This of course increased the suspicion that I was Waters. O what tangled webs we weave!

Liberty's First Year

August 1987, *48 pp.*, $4.00
•"The Films of Ayn Rand," by Stephen Cox •"Life or Death in Seattle," by Murray N. Rothbard •"The Mystery Man of the Libertarian Movement," by Ben Best •Plus reviews and articles by Ross Overbeek, Butler Shaffer, Ida Walters, and others.

October 1987, *48 pp.*, $8.00
•"The Sociology of Libertarians," by J.C. Green and J.L. Guth •"The Apostasy of Robert Nozick," by Ethan O. Waters •"The Rise of the State," by Murray N. Rothbard •Plus reviews and articles by Stephen Cox, William P. Moulton, Mike Holmes, Jonathan Saville, and others.

December 1987, 56 pp., $3.00
•"Libertarians in a State-Run World," by Murray N. Rothbard •"The Most Unforgettable Libertarian I Ever Knew," by Karl Hess •"Easy Living in the Bahamas," by Mark Skousen •Plus writing by Walter Block, Erika Holzer, Stephen Cox and others.

March 1988, 64 pp., $4.00
•"Libertarians and Conservatives: Allies or Enemies?" by John Dentinger & Murray N. Rothbard •"Free Speech and the Future of Medicine," by Durk Pearson and SandyShaw •"The Majority *vs* the Majoritarian: Robert Bork on Trial," by Sheldon Richman • Plus reviews and articles by R.W. Bradford, William Cate, Stephen Cox, and others.

May 1988, 64 pp., $6.00
•"Ayn Rand: Still Controversial After All These Years," by David Ramsay Steele & David Brown •"The ACLU: Suspicious Principles, Salutary Effects," by William P. Moulton •"The Two Libertarianisms," by Ethan O. Waters •Plus reviews and articles by Gary Alexander, Nathaniel Branden, Erika and Henry Mark Holzer, Jeffrey Rogers Hummel, Sheldon Richman, Franklin Sanders, and others.

July 1988, 80 pp., $4.00
•"Confessions of an Intractable Individualist," by Jerome Tuccille •An interview with L. Nieeil Smith • David Ramsey Steele on Robert Anton Wilson's critique of natural rights •"Rand-Bashing: Enough is Enough," by Ross Overbeek •Plus reviews and articles by Stephen Cox, Tibor Machan, Bill Kelsey, and others.

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of the mainline libertarian position.[13] The issue that followed contained ten critical letters from readers, along with my responses.[14] I followed up with an essay exploring the differences between "The Two Libertarianisms" ("moralistic libertarianism" and "consequentialist libertarianism") in the following issue, criticizing and defending each.[15] The discussion caught David Friedman's eye, and he forwarded three chapters from the new edition of *The Machinery of Freedom* that addressed the same issues, which graced *Liberty*'s pages during the coming year.[16]

And so began a controversy that has percolated into our pages from time to time ever since. Our September 1988 issue trumpeted Hans-Hermann Hoppe's "The Ultimate Justification of the Private Property Ethic," which proposed a radical alternative to the natural-rights-moralistic approach and the consequentialist-utilitarian approach.[17] Hoppe argued that "by being alive and formulating any proposition . . . one demonstrates that any ethic except the libertarian ethic is invalid." Murray Rothbard was a great enthusiast for Hoppe's argument and asked me to solicit responses from prominent Randian philosophers, whom he thought might share his enthusiasm. I decided to try to balance the responses by inviting some from individuals who would likely be more critical. We needn't have bothered. We were again inundated by responses and letters-to-the-editor. In the end, the only support Hoppe received, aside from Murray's enthusiastic encomium ("dazzling breakthrough") was from Sheldon Richman.[18]

High-powered debate over the fundamental principles of libertarian thought has continued to percolate in *Liberty*'s pages, most recently in the discussion of the death penalty by George Smith, Tim Virkkala, and John Goodman.[19] But there have been many other, less-philosophical controversies in our pages as well. We have published challenges to other aspects of libertarian doctrine — most notably, the notion that libertarianism requires an isolationist foreign policy. This time, the challengers were Steve Cox and Jim Robbins, who argued that the Soviet Union posed a great threat to liberty and ought to be opposed by the U.S. government. Sheldon Richman vigorously defended the orthodox non-interventionist position. I meekly suggested a third position: that isolationism was not entailed by libertarian thinking, but was virtually always prudent.[20]

From Murray Rothbard's delightfully vicious "Ronald Reagan: An Autopsy" to our continuing exposure of Bill Clinton's moral turpitude, we've spared no American political leader.

LP Agonistes

Perhaps the single topic of most controversy in *Liberty*'s pages has been the Libertarian Party. In our very first issue, we published a lengthy article endorsing Ron Paul's campaign for the LP presidential nomination, and a shorter essay delphically supporting Russell Means's quest for the same honor.[21] I myself have supported every LP presidential nominee, but among *Liberty*'s other editors have been supporters for every other major candidate in each election, and in every election year they've made their case in *Liberty*'s pages.

Unlike any other periodical, *Liberty* takes the LP seriously, without patronizing it, providing the same sort of analysis and coverage that mainline periodicals provide for the Republicans and Democrats. We've covered every Libertarian national convention, rooting out stories unreported by other media, and offering the kind of critical coverage not found elsewhere. We take seriously the debates within the party, and our editors and contributors usually have had a lot to say about LP politics.

That is not to say that we've ignored the major parties. When Patrick Buchanan made a bid for libertarian support for his right-wing crusade for the presidency, contributing editor Jim Robbins trekked to New Hampshire for a very revealing interview.[22] We had reporters at the 1992 and 1996 GOP conventions,[23] and were among the very first magazines to identify the defining characteristic of Bill Clinton: his naked, all-encompassing lust for power.[24]

From Murray Rothbard's delightfully vicious "Ronald Reagan: An Autopsy"[25] to our continuing exposure of Bill Clinton's moral turpitude, we've spared no American political leader. At our Editors' Conference in 1995, when Harry Browne announced his campaign for the LP presidential nomination, I publicly endorsed his effort, but warned him that in the virtually impossible event that he were elected president, I'd withdraw my support and he could expect the same treatment that Reagan, Bush, and Clinton have received in our pages. And I meant it. (Of course, Harry didn't win, though he did bring new credibility to the LP. Since this February, he has been a Senior Editor of *Liberty* — so instead of being a target of our barbs, he's slinging barbs of his own.)

A Giant of Liberty

In 1987, we surveyed subscribers to *Liberty* and delegates to the Libertarian Party's national convention about a wide range of subjects.[26] We asked them to evaluate the influence of 27 libertarian thinkers and philosophers, living and dead, on their intellectual development. It came as no surprise that the two most influential figures by a wide margin were Ayn Rand and Murray Rothbard. And it comes as no surprise that *Liberty* has published a good deal about these two figures.

Rand occupies a unique place in American intellectual history. Though she was undoubtedly an intellectual, her advocacy of radical libertarianism has led most conventional scholars to dismiss her from serious consideration. The stridency of her personality and her insistence that her followers agree with every jot and tittle of her philosophy reduced much of her following to a hagiographic cult, unwilling to subject her to critical analysis. As a result, there has been precious little serious scholarship regarding her life and work.

So it was relatively easy for *Liberty* to become the pri-

mary journal publishing studies of Ayn Rand. Our first issue included Steve Cox's discussion and review of the three films whose screenplays Rand had written.[27] Seven issues later, I wrote an article about the 1943 Italian film version of *We The Living*, which revealed that much of what Rand had said about it was false.[28] We have since published John Hospers' detailed account of philosophical discussions he had with Rand,[29] Murray Rothbard's account of his split with Rand,[30] Tibor Machan's memoir of his encounters with Rand,[31] and lengthy interviews with Rand's friend and biographer, Barbara Branden,[32] and with libertarian raconteur Roy Childs,[33] not to mention vigorous reviews of virtually all books about Rand published since 1986, as well as detailed analyses of (and disputes about) her political philosophy.

While virtually all other American periodicals were expressing sympathy for the trauma suffered by the FBI and outrage that the Davidians had brought this upon themselves, we denounced Attorney General Janet Reno as a self-confessed mass murderer.

Curiously, our interest in Rand has angered both Rand's hardcore fans and her harshest critics. The former find us too critical, and the latter find us too appreciative. Personally, I think they're both nuts: Rand was not a goddess worthy only of veneration, but she was an important intellectual whose life and thought merits serious and extensive exploration.

Murray Rothbard got involved with *Liberty* in 1985, back in the planning stage. My relationship with him was always cordial and friendly, and he never failed to support us in our enterprise. When we wanted a premium to offer to charter subscribers, he generously donated his "The Sociology of the Ayn Rand Cult," and he contributed to virtually every issue until he resigned in early 1990. During that time, I spoke to him very frequently, often two or three times a week. He was delightful to work with, even when we differed on one thing or another.

From the start, Murray understood that *Liberty* would be open to all libertarian opinions, and would make no attempt to follow the well-hewn "Rothbardian" line. At my first meeting with him, I warned him of my disagreement with much of his political theory and suggested that I might publicly disagree with him from time to time. This he accepted joyously. He always shared his pungent and powerful opinions, and cheerfully accepted the fact that sometimes his advice was not followed.

I remember sending him a copy of a manuscript by John Dentinger that criticized the LP for becoming too right-wing.[34] When I spoke to him about it, he told me that he thought it was loathsome. I sheepishly told him that in the interim — he had put off reading it for a few days— I had circulated it to other editors and had decided to publish it. "Would you be interested in writing a response to it?" I asked. "Sure," he said. "But you'll have to send me another copy." He went on to explain that he had hated it so much that he had destroyed the copy I had sent him.

Exit, Stage Right

As early as 1987, Murray had told me that he was thinking of abandoning libertarianism in favor of the political right. In the summer of 1989, after his candidate for Libertarian Party chairman was defeated, he was ready to abandon his long-time ideological home. Along with his colleague at the Mises Institute, Lew Rockwell, Murray decided to join his erstwhile enemies, the conservatives, after first going through a transition phase as a "paleo-libertarian."

Murray kept me apprised of his repositioning and his campaign to recruit other libertarians to join him on his ideological odyssey. I resisted, of course, but our relationship remained cordial and he continued to contribute to each issue. In October 1989, Rockwell* sent us a manuscript titled "A Paleo-Libertarian Manifesto," which bellicosely outlined his and Rothbard's halfway house on their rightward voyage.[35] I gladly published it in our January 1990 issue, and during the next month or two Murray made a more concerted effort to recruit me. I continued to resist, and the March 1990 *Liberty* included a number of responses to Rockwell's manifesto, some of them openly hostile. By this time, the fax machine was regularly printing out what our student intern took to calling "Rockwell's daily hate fax." Plainly, my relationship with Rockwell had deteriorated.

Our interest in Rand has angered both Rand's hardcore fans and her harshest critics. The former finds us too critical, and the latter too appreciative.

My relationship with Murray, however, remained cordial even after I received a fax from Rockwell telling me that Murray had decided that he wouldn't be writing for *Liberty* in the future, and would like to resign his position as Senior Editor. Between that day and his passing in January 1995, we spoke occasionally and affably. I heard from time to time that he had denounced me in the pages of his newsletter, but I never saw the denunciations, and I wouldn't have been particularly upset if I had. Even before I first approached Murray, I knew that he had a long and well-known history of breaking with his political associates, usually with denunciation and recrimination, and that it was almost inevitable that my relationship would end this same way.

I prefer to remember him as the charming, brilliant, and joyous friend he had been in *Liberty*'s formative years. He was the wittiest man I have ever met, the best man with

* Rockwell had earlier applied for a position as *Liberty*'s "Washington Editor." I gently turned down his offer, on grounds that he lived hundreds of miles from Washington.

whom to spend an evening in a bar that I ever knew. I miss him enormously.

A Very Different Giant

I was thrilled when, after publication of our third issue, Karl Hess agreed to become an editor. Karl was the opposite of Murray in many ways: while Murray was rationalistic, Karl was intuitive; Murray was ideological, Karl loathed ideology; Murray liked typewriters, classic jazz, and economic theory; Karl liked computers, rock-and-roll, and science. They had been allies in the early 1970s, but Murray's insistence that movement "cadre" accept the "correct, Rothbardian line" on every issue soon led to their split. By the time I knew them, *Liberty* was just about the only interest they had in common.

Karl had started as a political conservative, but became a radical libertarian during the 1960s. He put his enormous talent as a writer to work on behalf of libertarianism, and is as responsible for the birth of the modern libertarian movement as anyone. His contributions to *Liberty* went far beyond his writing: he was a constant source of encouragement to me, always there with a wise and temperate word when one was needed. He was the most lovable — and most loved — man I've ever known. His passing in 1994 was a dreadful loss for all of us. The celebration of Karl Hess's life that I wrote for the July 1994 issue was the most emotionally wrenching piece of writing I've ever undertaken.[36]

Despite the fact that Liberty lacks the huge subsidies that finance most political magazines, our circulation has grown at a fairly steady clip — an average rate of 22% per year.

Of course, *Liberty* is more than philosophy, politics, and libertarian personalities. We've published some rather exotic travel writing. I remember once at a Mont Pelerin Society meeting, a federal judge took me aside and said, "You've got a misprint on your cover," as he pointed to a title emblazoned on our September 1991 issue: "Stalking the Giant Testes of Ethiopia."[37] "Actually," I explained, "that's not a typo. . ." We've published some very fine short stories and even an occasional poem, to the apparent annoyance of some of our readers.

In 1988, Murray Rothbard talked to an interviewer about *Liberty*:

> The libertarian movement was beginning to crumble before *Liberty* was founded. Everybody was so concerned with talking to the outside, to Democrats or Republicans or whoever, that we forgot to develop our own thinking, our own ideology, our own point of view.
>
> Part of what the libertarian movement is about is developing an attitude, finding out about the world and commenting on it from a libertarian perspective, and reacting to it and trying to change it, so that libertarianism is not just an abstract ideology somewhere in a vacuum.

Surely, in his enthusiasm, Murray exaggerated *Liberty*'s impact. But he was right about one thing: *Liberty* has fulfilled its basic goal of producing a magazine where libertarians can discuss the world and our thinking without inhibition or apology. The fact that we sell thousands of copies on newsstands to non-libertarians is entirely serendipitous.

Into the Future

Liberty's first ten years have not come without disappointments. We've published precious little of two kinds of writing that I'd hoped to see a lot of in our pages. Aside from conventional politics of the LP or major parties, we've had little discussion of strategies for achieving liberty. While we've published a fair amount of excellent writing on early modern libertarians, including H. L. Mencken, Rose Wilder Lane, Albert Jay Nock, and Isabel Paterson, we've done little on the origin and history of the libertarian movement itself. I constantly worry that we're not improving or that our editorial vigor is declining. I wish we were publishing an issue every month, instead of every two months, something we've been planning for some time but still lack the resources to tackle.

Even so, I'm immensely proud of what we've done. Launching *Liberty* and seeing it through its first decade has involved a tremendous amount of work. For me, at least, it has been an enormously satisfying adventure. In the magazine trade, magazines are generally classified as "circulation-driven" or "advertising-driven" — that is, financed by those who purchase them or by those who advertise in them. Most political magazines, especially those with circulation of less than 100,000, fit into a different category: "donor-driven." Most are financed primarily by their donors, who are generally large wealthy foundations or corporations.

Liberty is a unique publication, a political magazine driven by its readers and its editors. Virtually all of *Liberty*'s writers have worked without compensation beyond the pleasure of seeing their writing in print. But our expenses are virtually all met from our subscription and newsstand revenue, and we've put together ten years of a pretty good magazine and maintained our independence.

And who knows? Maybe we'll be publishing monthly in a year or so . . . then bi-weekly . . . then weekly . . .

Who knows where it all will all end? ❑

Notes

1. This is an exaggeration.
2. May 1988
3. July 1988
4. July 1989
5. July 1990
6. September 1990
7. July 1991
8. June 1993
9. March 1990
10. July 1992
11. May 1991
12. October 1987
13. December 1987
14. March 1988
15. May 1988
16. July , September 1989
17. September 1988
18. November 1988
19. May 1997 and July 1997
20. March, May, July 1990
21. August 1987
22. March 1992
23. November 1992, November 1996
24. February 1993
25. March 1989
26. July 1988
27. August 1987
28. November 1988
29. July 1990; September 1990
30. September 1989
31. November 1989
32. January 1990
33. April 1993
34. March 1988
35. January 1990
36. July 1994
37. September 1991

Yes, Gambling is Productive and Rational

by David Ramsay Steele

"You do not play then at whist, sir! Alas, what a sad old age you are preparing for yourself!" —*Talleyrand*

The War on Gambling is about to take its place alongside the War on Drugs as a crusade for decency which no ambitious politician may question. The present movement to legalize gambling, which got under way in the 1960s, is still making some gains, but has become increasingly unpopular. The momentum of legalization has been slowed, and will soon be reversed. Although some gambling is now legal in all but two states (Hawaii and Utah), gambling prohibitionists are confidently predicting absolute nationwide prohibition by early next century, and it's by no means self-evident that they are wrong.

Government policy on gambling has gone through successive cycles of liberalization, backlash, and renewed prohibition. In the U.S., we are currently experiencing the third nationwide backlash — the first was in the middle of the nineteenth century, the second during the 1940s.

The ease with which public opinion can be mobilized against gambling reflects a deep-rooted suspicion. Most people enjoy gambling in moderation, and will gamble occasionally if they can. Yet these same people often oppose further liberalization of the gambling laws. Gambling is one of those things which are obviously harmless when you or I do them, but fraught with menace if millions of other people can do them too.

Why is gambling, enjoyed by the vast majority of people, denounced day in and day out, with hardly any voices to be heard in its defense? The reigning ideology tells us all that gambling is evil, for several reasons. Gambling is selfish; it is addictive; it provides "false hope"; it is a dangerous competitor to some forms of religion because it too offers the prospect of a greatly improved future life at rather long odds.

Yet possibly the single most influential reason for holding gambling to be evil is the belief that it is unproductive and therefore wasteful. Today's hostility to gambling has much in common with the old opposition to "usury" (charging interest on loans) and the current fear of "deindustrialization" (replacement of manufacturing by service jobs). Money-lending, hamburger-flipping, and playing the lottery have all been maligned as essentially sterile pursuits whose expansion bodes ill for the health of the nation.

Simply Sterile Transfers?

Is gambling unproductive? We need to distinguish between the more or less remote *effects* of gambling and its *intrinsic nature*. It is sometimes claimed that gambling encourages people to dream impossible dreams about the future instead of working hard, or that gambling encourages crime at the expense of honest industry. Aside from these alleged effects of gambling, however, it is commonly believed that gambling is intrinsically unproductive — that in gambling, unlike farming or auto manufacture, nothing is produced.

Claims about the injurious *effects* of gambling don't seem to be factually correct. Freedom to gamble encourages hard work on the part of gamblers, especially those with low incomes, just as, broadly speaking, any enhanced opportunity to spend one's earnings as one pleases increases the incentive effect of a given wage. And gambling by itself does not attract crime: it is the illegality of some or all gambling which forces gambling to become a criminal activity.[1]

Is gambling, then, *intrinsically* unproductive? One very popular view was promulgated by Paul Samuelson in his once-canonical textbook: gambling "involves *simply sterile transfers of money or goods* between individuals, creating no new money or goods."[2] A footnote informs the reader that "in all professional

gambling arrangements, the participants lose out on balance. The leakage comes from the fact that the odds are always rigged in favor of the 'house,' so that even an 'honest' house will win in the long run." Notice the nasty quotes around "honest," and the use of the word "rigged" to represent the fact that these sneaky casino operators do not provide their services as a charity, but require to be recompensed for their efforts, just like college professors or writers of textbooks.

Freedom to gamble encourages hard work on the part of gamblers in the same way that any enhanced opportunity to spend one's earnings as one pleases does.

The Cannibals Are Coming

Before we look at the claim that gambling involves nothing but sterile transfers of money or goods, let's first consider a related charge levelled by anti-gambling propagandists. One of their leaders, Robert Goodman, contends that gambling, when it is permitted after a period of prohibition, displaces or, as he picturesquely terms it, "cannibalizes" other activities.[3]

Goodman continually reiterates this charge, and doesn't seem to notice that it applies equally to any activity which consumes scarce resources — any activity whatsoever. If pizza restaurants were first prohibited and then legalized, the newly legal restaurants would attract some dollars away from other businesses. Buildings, kitchen equipment, tables, delivery vehicles, and employees would be bid away from other kinds of restaurants, and perhaps some resources would be bid away from non-restaurant activities, to cater to the consumers' newly-liberated demand for pizzas. One might then observe that pizza provision grows only by hurting other occupations — that pizzerias "cannibalize" other trades.

If, after being prohibited, a casino is permitted to open, this may well cause people to spend in the casino some money they would formerly have spent in a restaurant. Perhaps that restaurant has to close because of reduced business. Precisely the same would apply in reverse: if casinos were legal, but restaurants prohibited, and then restaurants were legalized, the newly legal restaurants would attract consumers' dollars away from casinos, and some casinos might have to close. Anti-restaurant fanatics could then proclaim that restaurateurs were nothing more than dastardly cannibals, gobbling up legitimate businesses such as casinos.

When a heretofore prohibited but widely desired activity is legalized, the expansion of this activity will necessarily curtail other activities, unless total output increases. This does not mean that the change is unimportant. The fact that people pursue the newly legal activity demonstrates that there is an unsatisfied appetite for that activity. The people who desire to take part in the prohibited activity, and are now free to do so, experience an improvement in their situation, in their own judgment. Their real incomes automatically rise, even though this increase is not captured in national income statistics.

There are two important qualifications to what I have just stated. First, the legalization of a formerly prohibited industry reduces the demand for other industries below what it would otherwise have been, not necessarily below what it has actually been. If total output rises — if there is economic growth — casinos may attract business from restaurants, and yet restaurants may keep the same business as before, or even expand. Second, prohibition of gambling does not succeed in stopping gambling. While prohibition reduces the total amount of gambling, some gambling goes on illicitly. A major part of the expansion of legal gambling following legalization takes away business from formerly illegal gambling rather than from non-gambling activities.

The assertion that gambling subtracts consumer dollars from other industries is precisely as true of gambling as of manufacturing refrigerators, providing health care, or running a church. Why then do anti-gambling zealots make such a fuss about cannibalization? There are two reasons.

First, in recent years politicians who favor legalization of gambling have scored points by appealing to local advantage. They have claimed that the local economy (city, county, state, or Indian reservation) would get a shot in the arm from an increased inflow of visitors. In this case, the money spent on local gambling is not withdrawn from some other local industry; it is withdrawn from industries outside the locality. There is a net gain to business in the locality, at the expense of reduced business elsewhere.

But this only works if gambling continues to be considerably more restricted outside the locality than it is within it. Las Vegas is now established as an exciting vacation center which would easily survive the complete legalization of all gambling in the U.S., but in its formative years Las Vegas would never have taken off if gambling had not been virtually illegal across nearly all of the country. The more gambling is legalized generally, the less any locality can attract visitors by legalization.

There has recently been so much legalization in various parts of the U.S. that any locality which newly legalizes gambling cannot thereby attract many visitors.[4] The bulk of the new gambling business unleashed by a local legalization now comes from people who live nearby.[5] This has led to disappointment at the results of recent legalizations, disappointment which rabid anti-gambling demagogues like Goodman can cynically exploit.

A lottery is simply a way in which a lot of people each put in a small sum, and then a few of those people picked at random get large sums. Nothing in the world could possibly be more harmless or more innocent than this.

The fundamental argument for legalizing gambling is not that it will bring in business from elsewhere, but rather that people are entitled to do whatever they please with their own lives as long as they don't invade other people's rights. More generally, it is

good for people to be free to do what they want to do, so long as this does not impose on anyone else.

The other reason why the "cannibalization" argument is so often made is that many people start with the prejudice that gambling is a waste. If gambling is unproductive, and if the growth of gambling subtracts from some productive activity, then this must, it seems, be bad. But if it is bad for gambling to cannibalize restaurants, yet okay for bookstores to cannibalize drycleaners or for churches to cannibalize bowling alleys, then cannibalization is not what is really being objected to. We come back to the inherent legitimacy of gambling, and the dominant view of that is mightily influenced by the popular theory that gambling is necessarily unproductive.

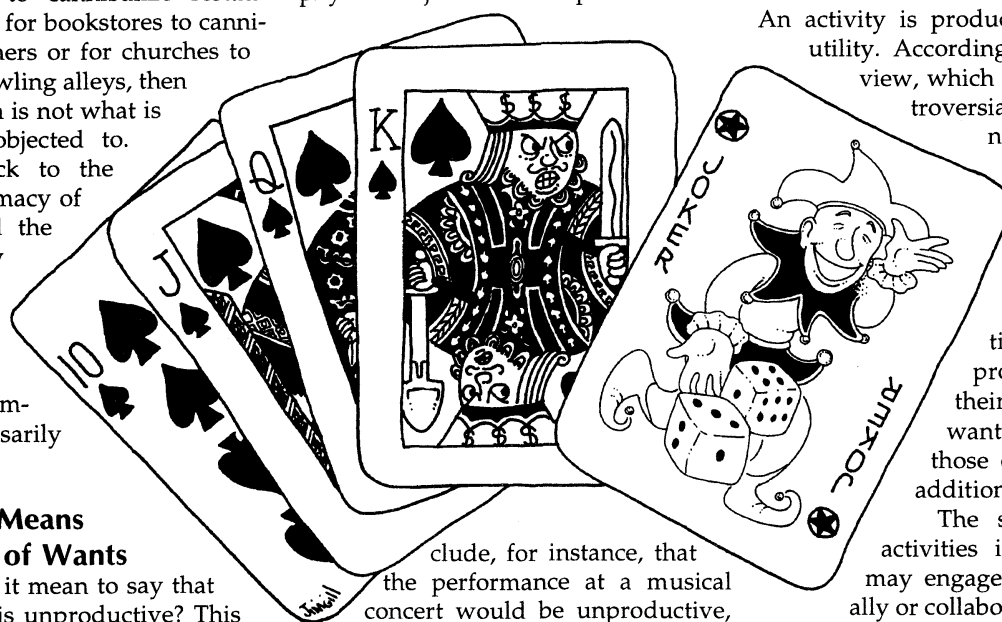

Production Means Satisfaction of Wants

What does it mean to say that some activity is unproductive? This question was picked over quite thoroughly by economists in the eighteenth and nineteenth centuries. One early view was that only agriculture was productive. Manufacturing (then a small part of total employment) was looked upon as unproductive, since it was obviously supported by agriculture — the manufacturers had to eat. Another idea was that only products which could be turned into gold and silver were truly productive. Later these two theories lost any serious following,[6] but two others remained popular for a while: that anything which did not result in a new physical object was unproductive, and that what we would now call "service" jobs were unproductive. (These two views are not the same, and do not necessarily mesh together well, for a provider of services, such as an architect, may assist in the creation of a new physical object, such as a house.)

Adam Smith contended in 1776 that the labor of domestic servants, government officials, the military, "churchmen, lawyers, physicians, men of letters of all kinds; players, buffoons, musicians, opera-singers, opera-dancers, &c." were unproductive.[7] This contention, and the sloppy argument of which it forms a part, provoked much debate over the next century.

The attempt, by Smith and others, to designate some occupations as unproductive did not lead to convincing conclusions. Those who based productiveness on the making of a physical object were compelled to conclude, for instance, that the performance at a musical concert would be unproductive, whereas printing the tickets and programs for that same concert would be productive.

After the end of the nineteenth century, leading economists no longer paid much attention to the classification of activities as productive or unproductive. The new theory of value based on marginal utility shone a flood of light on the question, and clearly exposed many of the old arguments as fallacious.

The conclusion of the new approach was that "production" means satisfaction of wants. It is productive to make a physical object only insofar as that object enables someone to satisfy a desire. In satisfying desires, the physical object (such as a shirt) yields services. All production is ultimately production of *services* desired by consumers. The musician giving a live performance is being directly productive in the only way in which it is intelligible to be productive: he is satisfying the wants of consumers, in this case of listeners. The producer of a shirt is being productive more indirectly, by making an object which will yield a stream of future want-satisfactions to its wearer. If for some reason the shirt cannot yield these want-satisfactions, whether because everyone undergoes a conversion to an anti-shirt religion or because the shirt falls apart before it can be worn, then the labor of producing it has turned out to be unproductive, despite the fact that a physical object was made.

One way of describing want-satisfaction is to talk about "utility." An activity is productive if it yields utility. According to the modern view, which is no longer controversial among economic theorists, domestic servants, entertainers, priests, and physicians are indeed productive, because they produce services their customers want; they enable those customers to get additional utility.

The same applies to activities in which people may engage either individually or collaboratively. It is productive for a musician to give a recital, assuming that the audience likes it, but it is also productive for a group of friends to get together and perform music for their own enjoyment, or for an individual to perform alone for his own satisfaction.

"Productive" is not a value-judgment. If gambling turned out to be productive, that would not show that we would have to approve of it, but it would show that if we disapproved of it, we would have to do so on grounds other than its unproductiveness.

Does gambling satisfy the wants of its participants? Do gamblers enjoy gambling? If they do, then gambling is productive, in much the same way that sports, religious services, or psychotherapy are productive.

Gambling as Recreation

The outstanding theorist of gambling, Reuven Brenner, points out that it comes in two types.[8] There is gambling — call it "recreational" — which takes up a lot of the gambler's time, and gambling which does not. Many

people derive considerable enjoyment from recreational gambling. Recreational gamblers do not gamble primarily to gain financially, but to enjoy themselves by playing a game. The possibility of monetary gain or loss adds spice to the game.

Many forms of recreational gambling involve some skill, and these games are therefore not sharply different from games like golf or chess, where there is *some* luck and people pay to play competitively, the winners receiving substantial prizes. In poker, the amount of luck per hand may be high, but this evens out with many hands, so that the element of skill will tend to predominate in the course of a few hours' play.[9] A serious chess game may easily take five or six hours; it is doubtful whether the outcome of five hours' poker is any less governed by skill. Recreational gambling is no less productive than tenpin bowling, ballroom dancing, or barbershop singing — all group pastimes which people pursue because they enjoy them. Samuelson's mistake — a surprising blunder coming from an economist — lies in counting only the monetary transactions. Of course gambling does not create new physical goods; it directly yields utility to the players.

Are Lotteries Productive?

Many people will readily agree that if a concert, a baseball match, or an evening's conversation are considered productive, a poker game might also be judged productive.[10] But there is another kind of gambling: playing the lottery. Surely this can't be primarily an enjoyable way to pass the time. It seems to be done in hope of financial gain, but what if that hope is a product of delusion?

This willingness to pay for insurance more (sometimes vastly more) than its "expected value" is lauded to the skies as the epitome of responsible behavior.

An activity may be anticipated to be productive, but found not to be productive after the fact. Drilling for oil may be unproductive if no oil is found. Technical terms sometimes used for such a distinction are *ex ante* (looking forward before the outcome) and *ex post* (looking backward after the outcome). The anti-gambling ideologue may say: Granted that gambling is productive *ex ante*, it is most often unproductive *ex post*.

Normally we would expect a person to learn from his mistakes, to give up futile endeavors and turn his attention to more successful avenues. Therefore, the mere fact that someone persists with some activity strongly suggests that this activity is productive for that person. It is claimed, however, that the gambler is unable to learn from experience. He is like a driller for oil who keeps coming up dry, but repeatedly pours money into an endless series of unsuccessful drills. Because of a flaw in his thinking, he is unable to learn from experience, despite the fact that he doesn't get what he pays for. Is playing the lottery inescapably irrational? If it is, then lottery playing may perhaps be considered unproductive *ex post*.[11]

Anti-gambling dogmatists usually hold a distinctive interpretation of the motivation for gambling. They maintain that gambling occurs because individuals seek monetary gain, that this desire for monetary gain must be disappointed in most cases, and that therefore the persistence of gambling is irrational — either stupid or involuntary. It is often contended (or just assumed) that a rational person would never gamble. Gambling, on this interpretation, occurs only because gamblers fail to understand elementary probability theory, or, understanding it, cannot bring themselves to act upon it. The cliché that lotteries are "a voluntary tax on the stupid" echoes Sir William Petty (1623–1687), who argued for state management of lotteries on the grounds that the state already had the care of lunatics and idiots.

Gambling prohibitionists are always falling over themselves to "explain" (in the Lardnerian sense) that "gamblers must lose in the long run," that "the odds are stacked against the gambler," that "gamblers as a whole can only lose," and so forth. They pronounce these marvelous insights as though they were gems of wisdom which gamblers must have overlooked. And perhaps a tiny minority of gamblers have indeed missed these earth-shaking commonplaces — after all, people have been known to make silly mistakes in all departments of life, from music to marriage, so there's no reason why gambling should be immune. But I can't see any evidence that the general run of gamblers behave irrationally, or that they would stop gambling if they took a course in probability theory.[12]

Is Gambling Unproductive *Ex Post*?

On the most straightforward level the lottery player gets precisely what he pays for: an equal chance with other players of netting a very large sum of money, of becoming rich. The anti-gambling ideologue, however, will press the point: objectively, the lottery player gets exactly what he pays for, but he is unable to evaluate it correctly,

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so he never gets what he believes he pays for. He does not appreciate how slim are his chances of becoming rich. His intuitive notion of his chance of winning is unrealistically high because of a peculiar mental defect.[13]

How does the anti-gambling preacher know that the lottery player over-rates his chances? Why don't we suppose that, on average, the player rates his chances exactly correctly?[14] Anti-gambling zealots reply that he then would never play the lottery! This argument is fatally circular and therefore worthless. Although anti-gambling zealots often insinuate that rational people would not gamble, there exists no serious argument for any such assumption.

The claim that the gambler overestimates his chances is usually asserted as a blind dogma, with no evidence offered. However, some anti-gambling propagandists mention, as though it were significant, the fact that the whole class of lottery players must lose on balance. In technical terms, playing the lottery is not a "fair" bet; the "expected value" of a lottery ticket is below the price of the ticket.[15]

The expenses of organizing a lottery have to be covered out of sales of tickets. Therefore, the amount returned in prizes is lower than the amount paid for tickets.[16] A technically "fair" lottery would be one in which the total prize money were equal to the total money paid for tickets. In such a lottery, what is called the "expected value" of a ticket would be the same as the ticket price. It is an error to suppose that this offers a criterion of rationality: that it must be irrational to play the lottery when the expected value is below the ticket price. That any such supposition is faulty can be seen upon a moment's reflection.[17]

Lottery tickets are the janitor's cattle futures. To blame him for playing the lottery is like reproaching him for not having the good taste to drive a Ferrari.

The proportion of total ticket revenues returned in prizes from lotteries is commonly around 60 percent, though it is sometimes more than 70 percent, and with some of the new state lotteries is little more than 50 percent.[18] If lotteries were purely private and open to competition, this figure would immediately rise to well over 90 percent[19] (except where particular lotteries were openly allied with charitable donation), but it could never reach 100 percent without the lottery's making a loss. Just suppose, however, that a lottery were subsidized, so that 105 percent of the prize money were returned in prizes. Would it then become rational always to buy lottery tickets, and irrational to fail to do so? If so, how many tickets? How much of one's income would it be obligatory, if one were rational, to allocate to lottery tickets? Suppose now that the lottery were hugely subsidized, so that, say, five times the ticket revenues were returned in prizes (but most entrants would still win nothing), what then? At what point, as we increased the subsidy to the lottery, would it become incumbent upon any rational person to buy a ticket?

There is no such point — though there would empirically be a point where the majority of people, or the majority of people with math degrees, would judge that one would have to be a lunatic not to buy at least one ticket. This kind of thing is a matter of personal preference, a matter of one's personality and worldview. It is "subjective" in the sense that there is no single demonstrably correct answer for any rational agent. Such judgments can be influenced by miscalculations or other mistakes, but if all mistakes were eliminated, there would remain a diversity of preferences. Given these preferences, one's behavior is also affected by objective circumstances like one's income.

A lottery player will usually prefer a lottery which returns 90 percent of the ticket revenues to one which returns only 80 percent. Therefore, some will be induced to play at 90 percent who would not play at 80 percent. But someone who plays the lottery buys a chance of being in for a big win, and there is no justification for the assumption that the individual's valuation of this chance, the amount of utility he derives from being aware of it, has to coincide with the "expected value" of a lottery ticket (the prize money multiplied by the chance of winning). There are many cases where it clearly ought not to do so (for example, if the price of a ticket is one's entire income for the next few weeks, so that one will die of starvation unless one wins the prize, it would not be sensible to enter with a one-in-a-million chance of winning, even if the prize were so heavily subsidized that the expected value of a ticket were a thousand times the ticket price).

A rational person doesn't have to value a one-in-a-million chance of getting a million dollars at precisely one dollar. You may value such a chance at one cent or at five dollars — either way (though this may tell us something about your personality) there's nothing wrong with you.[20] However, assume for a moment that the "expected value" theory of rational gambling were correct. Suppose that you paid a dollar for a ticket giving you one chance in a million of winning $700,000, with $300,000 of ticket sales going to run the lottery and pay off the state. The expected value of your one-dollar ticket would be 70 cents. Only 30 cents would have to be explained by non-pecuniary elements (a sense of participation, giving something to a good cause, and so forth, or, if we want to indulge in flights of fancy, by "irrational compulsion" or "enhanced daydreaming"). It would follow that at least 70 cents out of each and every dollar spent on lottery tickets would indisputably be rationally allocated. Is this better or worse than the dollars spent on furniture or books? Casual discussion of the rationality of buying a ticket often tacitly assumes that "expected value" is the rule, but then proceeds as though the entire sum spent on tickets would be shown to be irrationally spent, when in fact (on the erroneous assumption that expected value should fix the

Lottery players seem to understand the odds quite well — unlike the anti-gambling lobbyists, who demonstrate their innumeracy every time they open their mouths.

buyer's valuation of a ticket) only something less than half of the ticket price would then, arguably, be spent irrationally.

The fact that a lottery is not technically "fair" follows automatically from the fact that the costs of running the lottery have to be covered out of ticket sales, and is otherwise a complete red herring from which no conclusions about the rationality of the players may legitimately be drawn. It's a feature of any system for re-allocating existing endowments, such as a subscription to the March of Dimes: organizing a subscription costs something, so the total paid to beneficiaries must be less than the total contributed. This is ineluctable, and in no way sinister.[21] A lottery is simply a way in which a lot of people each put in a small sum, and then a few of those people picked at random get large sums. Nothing in the world could possibly be more harmless or more innocent than this.

Is Insurance Irrational?

Insurance is a negative lottery. In buying insurance, we pay a small sum now to guard against the low probability of losing a large sum in the future, just as, with a lottery, we pay a small sum now to engineer a low probability of winning a large sum in the future. Insurance is always an unfair bet — much less fair than a competitively run lottery, because the costs of running an insurance company greatly exceed the costs of administering a lottery.

Do the ideologues who berate gamblers for their irrational shortsightedness also berate those who, for example, insure the contents of their houses against fire? Quite the contrary! This willingness to pay for insurance more (sometimes vastly more) than its "expected value" is lauded to the skies as the epitome of responsible behavior. *Failure* to take *this* unfair bet is commonly considered thoroughly foolish and even irrational. In the debate over Hillary Clinton's health care plan, it was generally considered a self-evident scandal that an appreciable number of young, fit, comparatively high-income people chose not to buy health insurance, such a scandal that it warranted their being *compelled* to buy it — forced to make this extremely "unfair" bet.[22]

What goes for insurance goes also for precautionary outlays of a non-pecuniary kind, like wearing a car seat belt or getting a polio shot. In a typical recent diatribe against gambling, totally bereft of any serious thought and seething with the malignant compulsion to control other people's lives, one Robyn Gearey blasts the New York state lottery because, *inter alia*, the odds of winning a big prize are less than the odds of being struck by lightning.[23] Aside from the question of whether this is factually correct,[24] Gearey evidently believes that being struck by lightning is a negligibly unlikely event which shouldn't influence a rational person's plans, yet my guess is that Gearey does not inveigh with comparable enthusiasm against the installation of lightning rods.[25]

Lottery Players Are Rational

Some months ago, a thousand-pound man was in the news. He had lain on his bed for years; his main physical exercise was calling the local deli to send round a few dozen sandwiches at a time. The medics had to knock down a wall to get him out of his house and carry him to the hospital.

It would not be sensible, in a discussion of whether to let individuals decide for themselves what to eat, to keep bringing up the case of this thousand-pound monster. Similarly, it would not be appropriate, in a discussion of whether to permit people to attend a church of their own choosing, to endlessly pontificate about the Heaven's Gate suicides.

Yet just such irrelevance is the normal practice with anti-gambling bigots, who compulsively prattle on and on about problem gamblers, people who gamble away their life savings and desert their families for the gaming tables. Such cases are a tiny proportion of gamblers, and most of the people who behave like this would behave just as badly if gambling did not exist. Typically, and overwhelmingly, gamblers practice strict self-discipline and moderation.[26] If they are on low incomes and play the lottery regularly, they often spend less than the price of a six-pack per week. Any freedom of any sort affords the opportunity for foolish behavior by a foolish minority, and that exceptional behavior can never justify clamping iron shackles on the overwhelming majority of people who are sensible and self-disciplined.

The allegation that gamblers are irrational can be tested.[27] We can look at their behavior for signs of irrationality. In all respects which I have seen reported, the vast majority of lottery players behave as if they were rational. They prefer games where the odds are better. (Everyone understands that, to maintain a viable state lottery, private lotteries have to be outlawed.) They bet only a small amount per week. When they win a big prize and become rich, they husband their winnings prudently.[28]

People play the lottery more if they have few other options with lottery-like qualities: the stock market, venture capitalism, an exciting career, a song-writing avocation.[29] Young, talented people with few commitments have many such options, and will respond rationally by playing the lottery rarely. A 55-year-old janitor with ten kids and no equity has hardly any options, and will respond rationally by playing the lottery more frequently. This is just what we observe; it fully corroborates the rationality of playing the lottery. Lottery tickets are the janitor's cattle futures. To blame him for playing the lottery is like reproaching him for not having the good taste to drive a Ferrari.

Lottery players seem to understand the odds quite well (unlike the anti-gambling lobbyists, who demonstrate their innumeracy every time they open their mouths); the players certainly do understand with perfect clarity that it is far more likely than not that if they play every week of their lives they will

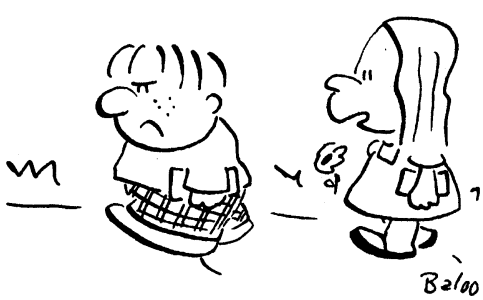

"I *told* you algebra wasn't something to eat."

never win a big prize. They still think it is worth playing, and it is just ignorance to imagine that this judgment of theirs must rest upon a miscalculation. Lottery players hold that it is better to have played and lost than never to have played at all. Who is to say that they are wrong? ❑

Notes:

1. For some of the evidence for these statements, see the summary in Reuven Brenner, with Gabrielle A. Brenner, *Gambling and Speculation: A Theory, A History, and a Future of Some Human Decisions* (Cambridge: Cambridge University Press, 1990), pp. 37–42. The current anti-gambling campaign has begotten a spate of bogus scholarly "studies" purporting to show that gambling has deleterious consequences for the culture and economy. This literature consists largely of the same writers quoting each other's guesses about the evil effects of gambling, and passing these off as data. When one tracks down the ultimate sources in these works, one finds that they are often anecdotal impressions, for example: the opinions of people like Gamblers Anonymous activists. The methodology of this literature precludes the turning up of any findings other than those assumed at the outset. No studies with any semblance of rigor have yet confirmed the horrific fantasies of the anti-gambling ideologues.
2. Paul A. Samuelson, *Economics: An Introductory Analysis.* Seventh edition (New York: McGraw-Hill, 1967), p. 409. Samuelson's italics.
3. *The Luck Business: The Devastating Consequences and Broken Promises of America's Gambling Explosion* (New York: The Free Press, 1995), passim. The term "cannibalization" seems to have arisen in business corporations, to denote new products which might take business away from a company's existing lines. Its application to gambling is unhappy; the word seems to have been picked up as a vacuous but ominous-sounding instrument of abuse.
4. Gambling is still severely regulated everywhere, so a state or city which simultaneously repealed all restrictions on private gambling would at once become a shining beacon of affluence. But the restrictive climate of opinion makes such a bold move politically unfeasible.
5. As the anti-gambling enthusiasts succeed in repealing local legalizations, the process will go into reverse. Those localities which are slow to re-impose prohibition will begin to see big gains from visitors. The anti-gambling crusaders are keenly aware of this, hence their strategy of going for a "national gambling policy," in which the federal government takes over the states' and cities' traditional role of regulating gambling.
6. The first is now almost precisely reversed in the minds of many followers of Ross Perot and Patrick Buchanan: only the building of gadgets, preferably of metal, is considered truly productive. "Hamburger flipping" — providing meals for people — has become the very paradigm of unproductiveness.
7. *An Inquiry into the Nature and Causes of the Wealth of Nations,* ed. Edwin Cannan (Chicago: University of Chicago Press, 1976), p. 352.
8. Brenner, pp. 20–21. Brenner's is the best book ever written on gambling. Although I agree with nearly all of Brenner's criticisms of orthodox opinion on gambling, I reject the lynchpin of his own theory: that non-recreational gambling occurs only because people crave an increase specifically in their *relative* income, independent of their desire for an absolute increase in income.
9. Where there is recreational gambling with some skill involved, a resourceful player may win in the long run. There is no reason why the "house" or the "bookie" would necessarily object to some players making consistent gains. The majority of recreational gamblers, whose interest in winning is less predominant, or whose skill is unremarkable, ultimately pay for the winnings of the prize-winners and the gains of the "house." This majority may still be "ahead" in non-pecuniary terms, in the enjoyment they derive from playing. In utility terms, which is all that matters, everybody may be a net winner. An interesting case is that of blackjack, where there is a sure-fire method of winning consistently. Although the existence of this method is very widely known, most blackjack players don't bother to learn it (which takes a few weeks of intensive study), so casinos go on offering a game which they are bound to lose in the long run to any customers who apply the method. See the discussion of this in Willem Albert Wagenaar, *Paradoxes of Gambling Behavior* (Hove, England: Erlbaum, 1988), an interesting book which, however, like so many, never for a moment questions the reigning dogma that gamblers' motivations must involve irrationality.
10. Some writers castigate gambling because there is no "value added." This displays a misunderstanding. Gambling itself occupies the final stage of production: it's a consumer activity, like watching TV or jogging. Manufacturing TV sets, jogging shoes, casinos, lottery tickets, or roulette wheels "adds value." Incidentally, gamblers watch less TV than non-gamblers, though they read more, go to the opera and museums more often, and are more sociable (Brenner, p. 38).
11. Alternatively, the proponent of the irrationality of the lottery might agree that playing is productive both *ex ante* and *ex post,* but insist that the *ex post* judgment is necessarily based on error. The refutation of this position is along similar lines.
12. "Rationality" is a term with a range of senses. I do not use the term here in a sense so weak that any deliberate action, however foolish, would count as rational, nor in a sense so strong that any intellectual mistake would suffice for irrationality. My use of the term here covers any demonstrable mistake which, once understood, would necessarily cause the individual to stop gambling. Gambling is like piloting airplanes: the individuals involved may not always compute everything to perfection, but the very pursuit of the activity in question is not, I am claiming, typically dependent on error.
13. The case of a lottery is unusual, because we cannot simply ask the individual what he thinks of the outcome after it has appeared. The fact that the player has not won does not prove that he was wrong to play (any more than the fact that a person wins proves that he was right to play): the player knew all along, of course, that he very probably would not win.
14. In view of recent evidence that smokers generally *over*estimate the health risks of smoking, we may suspect that lottery players underestimate their chances of winning. The smug, mindless propaganda of anti-smoking bigotry and anti-gambling bigotry, spraying over us day after day from all the major media, with no thought of "equal time" for dissidents, may well be reducing aggregate social utility by causing some people at the margins to misguidedly give up smoking or gambling. The clout of the tobacco industry or the gambling industry, which these bigots routinely revile, is as gossamer compared with the clout of the belligerent prohibitionist lobby.
15. "Fair bet" and "expected value" are technical terms. They have nothing to do with the vernacular sense of these words. An "unfair" bet may be entirely fair, or vice versa, while an "expected value" is not what anybody expects.
16. Under free competition, the return to investors in all industries, including gambling, will be roughly the same, on average, as the rate of interest.

17. Consider whether you would rather have a dollar or a one-in-50,000 chance of $50,000. The one thing you will not say is that you can see no difference between these options, that you are indifferent between them. But once a difference in the valuation of these two outcomes is acknowledged, it automatically follows that it may be rational to give up one in exchange for the other.
18. Anti-gambling preachers frequently include in the "costs" of gambling all of the money spent by gamblers, without subtracting the distributed winnings, which at a stroke multiplies the supposed costs several-fold. This is not willful deceit, just the normal intellectual laziness of these anti-gambling tub-thumpers.
19. About 95 percent of the money wagered in Las Vegas casinos is returned as winnings. An appreciable chunk of the remaining five percent goes in taxes.
20. If someone you loved desperately could be saved from a painful and potentially fatal disease only by getting a million dollars, and the only possible way to get a million dollars were to play the lottery, wouldn't you play? Of course you would: it would be contemptible not to do so. The principle is not altered if the person you love so much is yourself, and the disease is not being rich.
21. A lottery is very much like a charitable subscription, and may partake of some of its motivation. Begin with the benevolent idea that you would like someone on a low income to become rich, add the random selection of that person, and you have a lottery which might take place even under pure altruism. (The player would have to make himself eligible for a prize in order not to deny the other participants their share of altruistic utility; restricting the prizes to those who have entered would be justified by the consideration that some minimal level of goodwill, some spark of human decency, would be necessary to qualify. The fact that winners stop playing would be explained by the fact that they can now afford superior ways of being helpful to others.) The altruistic theory of the lottery would explain why players who never win rarely show any resentment against winners, but rather evince sympathetic delight.
22. Some theorists have considered it puzzling that many people both insure themselves against risks and play the lottery. Various solutions have been offered to this supposed paradox. But there is no paradox. It is consistent for a person to pay a small amount to greatly reduce the already small likelihood of a big drop in income and simultaneously to pay a small amount to greatly increase the very small likelihood of a big rise in income. (It is sometimes claimed that the position I take here implies that the rich would not "gamble," and that it is therefore refuted by the fact that the rich do "gamble." But the rich do not play the lottery, a fact of which socialist opponents of the lottery as a devilish capitalist exploitation device remind us *ad nauseam*. The rich gamble recreationally; that's a different matter.)
23. "The Numbers Game," *The New Republic*, May 19th, 1997.
24. The only way to defend this claim would be to suppose that Gearey was comparing, say, one's chance of being struck by lightning in a whole year with one's chances of making a big win by the purchase of one ticket. This would be deceptive in light of Gearey's evident reliance on the stereotype of someone who plays the lottery habitually and heavily. A quick exercise with a pocket calculator will give us some rough idea of the comparison. One estimate of a U.S. resident's chance of being struck by lightning in one year is 606,944 to 1 against (Heron House, *The Odds on Virtually Everything* [New York: Putnam's, 1980], p. 181). This means a probability of 1 in 606,945, or .000001648. Suppose a lottery in which a ticket costs $1, each ticket is entered for 1 draw, exactly half the ticket money is distributed in prizes, and each prize is $250,000. The probability of one ticket's winning is then 1 in 500,000, decidedly better than being struck by lightning. Suppose instead that every prize is $500,000; it follows that the chance of winning must be 1 in a million. Now you have to buy two tickets to make the probability of your winning a prize better than the probability of being struck by lightning. If every prize is $5 million, you need to buy 17 tickets, and if every prize is $10 million, you need to buy 33 tickets to improve upon your chance of being struck by lightning. Of course, the picture is complicated by a range of different prizes, and by other factors, but it's clear that anyone who buys several tickets a month for a year has much better prospects than someone who hopes to collect the insurance on being struck by lightning.
25. The main thrust of Gearey's piece is that the New York State Lottery is described misleadingly by its promoters, which is doubtless true — it is, after all, an arm of the government. Yet her very article is filled with misrepresentations, beginning with the line at the top of the first page: "The Lottery: Ticket to Poverty." One only has to substitute some other item of working-class expenditure ("Video Rentals: Ticket to Poverty") to see the utter mendacity of this phrase. Gearey says people play because they believe the state's lies that playing the lottery might really lift them from poverty or drudgery" (p. 19). It's a fact well known to Gearey that the lottery not only *might* really lift players from poverty or drudgery but regularly does so. Gearey is so emotionally disturbed by her irrational hatred of ordinary people spending their money as they choose to spend it that she does not balk even at the most ridiculous falsehoods.
26. Brenner, pp. 37–42
27. Abt and her colleagues summarize the research findings as follows: "Observations in a wide variety of times and places have shown that gamblers are realistically aware of their chances of winning and conduct their wagering with deliberation and disciplined concentration" (Vicki Abt, et al., *The Business of Risk: Commercial Gambling in Mainstream America* [Lawrence: University of Kansas Press, 1985], p. 11).
28. Brenner, pp. 42–44
29. The government has effectively eliminated high-risk, high-return opportunities for low-income people, such as the old "bucket shops," which enabled people to speculate on price fluctuations with only a few dollars' outlay.

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Circus Taximus

by Michelle Malkin

In Rome, the rich subsidized sports to keep the poor quiet.
In Seattle, they've turned it around.

Shah Jahan, the Mughal emperor who ordered construction of the Taj Mahal, shamelessly exploited his subjects in pursuit of private indulgence. At least he had an excuse. He was, as we moderns now describe it, "working through his grief" over the death of his favorite wife. With public financing firmly in hand, the widower Jahan squandered 22 years, 20,000 workers, and 40 million rupees to build his marble monument of eternal love.

Three centuries later, Microsoft mogul Paul Allen — with permission from 51 percent of Washington state's voters and backing from both the Democratic and the Republican political establishments — will ransack taxpayers' pockets to fund his high-tech, open-air $425 million football monument. Allen draped his unprecedented special ballot campaign with an egalitarian cloak. (It's "our" stadium. A palace for "future generations." An investment for the Public Good.) But the billionaire Allen's naked tax grab is as exploitative and immoral as the emperor Jahan's. Don't expect it to last as long, however: the stadium that will be torn down for the new football-palace was erected less than three decades ago. Taxpayers still haven't finished paying for it.

What exactly will participants in this "public-private partnership" get for their investment? Some partners, it turns out, are more equal than others. Allen bought the Seattle Seahawks and will chip in one-quarter of the stadium costs; taxpayers will foot the rest of the bill. Actual users and fans will pay a mere 16 percent of the public's portion of construction costs through stadium parking and admissions taxes. The rest will come from diverting existing taxes, lottery profits, and an increase in hotel-motel taxes.

Taxpayers pay the lion's share of the cost, but Allen will receive 80 percent of the profits from the stadium, plus *all* revenues from personal seat licenses, luxury suite sales, television rights, and advertising. Taxpayers won't get a check in the mail — but they will reap those intangible, immeasurable dividends of Civic Pride, Team Spirit, and World-Class Bragging Rights.

Ah, the benefits of government-coerced ownership.

This subsidized stadium madness has been sweeping the country. Since 1990, more than two dozen sports stadiums and arenas have been built in the United States and Canada. Five communities (Baltimore, Cincinnati, Cleveland, St. Louis, and Nashville) have ponied up at least $250 million each for luxurious athletic venues. Earlier this spring, Seattle broke ground on a publicly-subsidized, $414 million retractable-roofed ballpark.

Like all sports boosters, Allen's cheerleading squad, a shadowy outfit called Football Northwest, claimed there would be "real adverse impacts on the local economy" if the Seahawks left the state. But the pompom wavers neglected to mention the "substitution effect." It's simple: people have only so much income that they will spend on recreational activities. If they go to a ballgame, it generally means that they are not spending the same dollars locally to go to the theater, movies, skating rink, etc. Each dollar spent at the sports event usually replaces the dollar spent elsewhere in the local economy. The net spending impact is nil.

Baltimore's Oriole Park in Camden Yards is the most oft-cited example of a successful public investment. The stadium has generated new jobs — but at a cost to taxpayers of some $127,000 per job. Economist Bruce Hamilton of Johns Hopkins University estimates the state will lose $11 million a year on the deal.

When the economic arguments fall apart, the boosters start crowing

about civic spirit: save the [fill-in-the-blanks]! They're losing money; they've brought us immeasurable joy; a decent stadium is the least we could give back. Alarmist cries of financial hemorrhaging led legislators in Olympia to save the Mariners with a half-billion-dollar park. When a business gets a new subsidy, its value skyrockets: between 1976 and 1992, the value of the Seattle baseball team increased some 1,300 percent.

Capitalism is grand, but this frenzy of sports corporate welfare giveaways should put any honest businessman to shame. The entrepreneurial spirit felt by players and team owners would be praiseworthy if it weren't for the fact that less-well-off taxpayers are being continually asked to provide them millions in subsidies through the financing of luxurious new stadiums. As ABC's John Stossel summed it up in a televised confrontation earlier this year with Jerry Reinsdorf, owner of the Chicago Bulls and White Sox: "You're a freeloader. You're taking money from poor taxpayers to make you, a rich guy, richer."

Here in Washington, Allen's obsequious poobahs accused critics of engaging in class warfare and wealth-bashing. Nonsense. I am all for the kind of free-market competition that made Paul Allen a rich man in the first place. What stinks is Allen's support for a civic charade whose primary objective was to distort market forces and manipulate government policy so that the many pay for the preferences of the few.

Once upon a time, in less democratic civilizations, an emperor's wish was an unquestioned entitlement. Nothing was more important than what the ruler decreed was important to him. Ignore thy hunger. Abandon thy children. The Taj Mahal must be built!

Times change. Today, when an individual billionaire businessman calls on taxpayers to subsidize his private wishes, it is more than a romantic indulgence. It is a campaign for corporate welfare. And when such campaigns across the country insist on making absolutely false claims about who pays and who loses, impudent voters must treat it for what it really is: a royal fraud. ❑

Letters, *continued from page 5*

enough people would voluntarily provide all the disabled and unemployed with care and three meals a day — it may be true, but we shouldn't take it for granted."

But following the same reasoning, should we assume that people will choose the right religions? Drugs? Prices? Spouses? Bedtimes? I can imagine people erring in all these responsibilities. But I will not join in suggesting that "we" have a problem here.

Unfortunately, the strongest bond which joins libertarians seems to be negative. We share a common complaint: too much state. But I like to think that we must share a positive bond as well: a belief in voluntary order. We can bet that people will invent voluntary ways and organizations to solve almost every problem imaginable. Those voluntary ways are normally more complex and more difficult to imagine. But they perform, in the long run, better than ways that rely upon coercion.

Richard O. Hammer
Hillsborough, N.C.

Alas, Poor Ronnie

Ralph Raico's July item on Al Gore ("Tuition Bills of the Rich and Murderous," July 1997) notes that crypto-Bolshevik businessman Armand Hammer was Gore's honored guest at Reagan's 1981 inauguration, but that "Reagan, evidently informed of what was going on, gave Hammer the cold shoulder."

Good for Reagan. But on December 8, 1987, Armand Hammer was an honored guest at Reagan's White House dinner for Gorbachev. Reagan, by then evidently not informed about what was going on by the unprincipled accommodationists managing his life, gave Hammer a warm welcome.

Sic transit gloria mundi.

John McClaughry
Kirby, Vt.

Paper Tiger

It is interesting to examine Bruce Ramsey's argument against the gold standard ("I'll Settle for Paper," July 1997) in light of another article in the same issue of *Liberty*, Watson and Walters' report ("The Death of Central Banking") on the new economics.

Under a system of fiat currency and its inevitable inflation, lenders demand higher interest rates because they expect their future dollars to be worth less, and borrowers are willing to pay those rates for the same reason. Under a true gold standard, a prospective borrower faces the reality that loan payments fixed in nominal value actually rise in real value. He knows that a nominally fixed payment actually costs him dearer over time, and will adjust his plans accordingly. The market will fix interest rates according to that expectation, and innovators as always will devise new ways to structure loans to help it along.

Ramsey's proposition that deflation increases the risk of loan defaults fails the Lucas critique by assuming that borrowers form an irrational expectation about the future: that loan payments of fixed nominal value will remain fixed in real value.

Similarly, it assumes that the lenders don't understand this either, for what lender would originate a loan that he expects to default? Presumably a lender with a given risk tolerance in an inflationary economy would have the same risk tolerance in a deflationary economy and would act in such a way as to achieve that level of risk.

Ramsey's suggestion that it would "raise all kinds of hell" for employers to cut pay, or for tenants to demand lower rents from time to time, suffers the same way. Under our current system, it is almost a given that one's landlord will raise the rent every year, but the landlord knows that if he raises it too far above the equilibrium price his tenant will find a cheaper or better place and move out. Under a gold standard with continual deflation, the landlord expects rents to fall and knows, therefore, that his tenant will take a hike if he does not remain competitive. In either case, both landlord and tenant behave according to their rational expectations, and the same holds for employers and employees.

Samuel McKee
Yellow Springs, Ohio

Profile

A Rebel and a Drummer

by Scott Bullock

Rush's outspoken individualist drummer talks to *Liberty*'s interviewer about Ayn Rand, his left-wing critics, and the pleasures of not selling out.

Mention that you like Rush to a libertarian or conservative between the ages of 25 and 40, and you might be surprised at the response. Rather than immediately assume you are talking about a tubby right-wing radio commentator, the person will likely think you mean a hard rock power trio from Canada whose songs have vigorously defended individualism and technology for over 20 years.

With no Top-40 or MTV exposure, Rush — guitarist Alex Lifeson, bass player and vocalist Geddy Lee, and drummer Neil Peart — has nevertheless built up an enormous fan base. Its last 16 albums have gone gold or platinum, and the group is one of the most successful and enduring live acts. Rush has a strong allegiance among young people tired of the nearly monolithic leftward slant of rock groups. Even a cursory listen to Rush will explain its attraction. As Bill Banasiewicz said in *Visions*, his biography of Rush, the main interest of the group throughout its career, in addition to making great music, has been in promoting human freedom.

The band released its first album in 1974, chock-full of Led Zeppelin-like guitar riffing, vocal wailing, and pedestrian lyrics. Things got much better by the second album with the addition of drummer Neil Peart. Not only did Peart bring an exciting rhythmic influence to the band, he also became the group's lyricist.

Peart's lyrics were a surprising change of pace, and unique in the annals of rock. At that time most rock lyrics fit into one of three categories: collectivist, left-wing political songs, maudlin singer-songwriter fare, or macabre heavy-metal posing. While some of Peart's musings resembled the science fiction-fueled sagas popularized by Yes, Genesis, and other progressive rock groups, Peart's main inspiration was novelist and philosopher Ayn Rand. Indeed, Rush's epic 1976 album, *2112*, was inspired by Rand's novel *Anthem*, a dystopian tale of one man's struggle to revive individualism in a world so collectivist that even the word "I" is prohibited. In the liner notes to the album, Peart sets forth his appreciation for "the genius of Ayn Rand." Peart had actually signalled his interest in Rand in 1975's *Fly by Night*. In that album's "Anthem," Peart writes:

> I know they always told you
> Selfishness was wrong
> But it was for me, not you
> I came to write this song.

Rand's influence and philosophy is evident in numerous other Rush songs, including many that have become FM rock staples. Peart's lyric for "Free Will" neatly sums up the victim mentality of many alternative rock bands (and fans):

> There are those who think that
> They've been dealt a losing hand . . .
> All pre-ordained
> A prisoner in chains
> A victim of venomous fate.

Here Peart could have been writing about Billy Corgan of Smashing Pumpkins, who screams "Despite all my rage/ I am still just a rat in a cage." But the Rush song rejects this sense of helplessness, insisting that

> You can choose a ready guide
> In some celestial voice
> If you choose not to decide
> You still have made a choice
> You can choose from phantom fears
> And kindness that can kill
> I will choose a path that's clear
> I will choose free will.
> (from *Permanent Waves* [1980])

In the early 1980s (and even today on album-oriented rock stations), it was hard to escape Rush's best known song, "Tom Sawyer," from 1981's *Moving Pictures* album. Transforming Twain's young individualist into a "modern-day warrior," the song celebrates maintaining one's independence and inquisitive spirit in an increasingly collectivist world. The song contains perhaps the most Randian nugget in all Rush songs: "His mind is not for rent/To any god or government."

Rush's response to their increasing fame was the majestic "Limelight," also from *Moving Pictures*. Rather than whine about how rough it is being a rock star, the song takes a clear-headed approach to dealing with the pressures and temptations of stardom. While admitting that "living on a lighted stage approaches the unreal," one must nevertheless put aside alienation and all of the other bogus complaints of rock stars, and "get on with the fascination" of making music. (If only Kurt Cobain had listened.) Driving home the point, the song features a blazing guitar riff and an electrifying solo by Alex Lifeson.

All these songs represent the band's most successful period, 1980 to 1984, when they transformed their style from sometimes meandering progressive rock suites to catchier, more tightly crafted songs. Nowhere is this new approach more evident than in the first song from *Permanent Waves*, "The Spirit of Radio," which was also literally the first song released in the 1980s, on January 1, 1980. Hearing it in the car, amidst late '70s disco dreck, was a welcome shock, and instantly made fans of many who had overlooked the less radio-friendly Rush songs of the '70s. The song has an insistent, muscular sound that fairly leaps from a car stereo, and is itself a paean to radio, and to the sheer exhilaration of driving a car with a great song coming over the airwaves.

Peart describes himself as a "left-wing libertarian," noting that he could never be a conservative due to the right's support of censorship and intolerance.

The song represents another consistent theme of Rush — an appreciation and defense of science and technology. While many rock songs bemoan progress and technological advancement, Rush uniquely embraces science, space exploration (most notably in "Countdown," from *Signals)*, and, on the band's latest album (albeit with some reservations), the Internet and global communication.

"The Spirit of Radio" also represents, however, a certain ambivalence in Peart's philosophy. Although his lyrics almost always affirm individualism, several reveal a degree of suspicion about a fundamental tenet of Rand's philosophy of "Objectivism" — its belief in the morality of commerce. "The Spirit of Radio" glorifies the technology of radio, but it also rails against the corruption of this bright medium by, of all people, "salesmen!" (sung in one of Geddy Lee's patented shrieks). In "Natural Science," from the same album, Peart states his belief that ultimately "art as expression/not as market campaigns/will still capture our imaginations."

Peart, a thoughtful, self-educated man, was introduced to Objectivism by reading *The Fountainhead* while a teenager. When he was 18, Peart moved from Canada to England to pursue a music career; but unlike most of his peers, he never viewed music as a "mercenary endeavor." Music, to Peart, is pure expression, and to play only for a paycheck is "prostitution" and "pretty evil." He worked a day job to support himself, and played only music he loved. It's little wonder that he was so entranced by *The Fountainhead.* As Peart commented in an interview with me, speaking from his home in Toronto, Howard Roark, the book's hero, affirms the principles of integrity, individualism, and self-reliance by which Peart was already seeking to fashion his own life.

> Howard Roark stood as a role model for me — as exactly the way I already was living. Even at that tender age [18] I already felt that. And it was intuitive or instinctive or inbred stubbornness or whatever; but I had already made those choices and suffered for them.

Shortly after Peart joined Rush, the group faced a crisis. Rush's first three records had sold fairly well, but the record company wanted more and pressured the group to change its style. Consultants were brought in, and Rush was on the verge of "selling out" to make its music more marketable. After much debate and tension within the band, and between the record company and Rush's management, the group members decided to stick to their artistic visions and reject the advice of their would-be handlers. The result was *2112*, a very successful album that both increased Rush's reputation and record sales, and vindicated Peart's artistic vision. So it isn't surprising that Peart expresses some hostility toward salesmen, marketers, or anyone else who would undermine artistic integrity.

The dilemma faced by Rush in the mid-1970s reflects a certain tension in Rand's philosophy — between her insistence on integrity and individualism on the one hand, and the demands of the marketplace on the other. After all, businesses are in a certain sense slaves to the preferences and desires of others (a fact often overlooked by those on the left). If the consumer does not like its products, a business fails, no matter how principled the capitalist or excellent his offerings.

Of course, Rand never claimed that making money (or selling records) should be the ultimate aim of an entrepreneur (although certainly he is entitled to the money he makes). Rather, a businessperson, artist, scientist, or musician should realize his own dreams and ambitions by adhering to the highest standard possible. Hopefully, others will appreciate quality and be willing to pay for it. If not, then the individual still keeps his integrity. And Peart doesn't attack capitalism so much as he criticizes anyone, inside or outside the business world, who would try to stop an individual from achieving his vision.

"Subdivisions" (1982) also seems to attack one of the crowning achievements of modern capitalism, the suburbs. Long a target of leftist culture critics, suburbs are generally defended by free marketeers as a place where the working class can gain a modicum of comfort and independence unknown in pre-capitalist or socialist societies. Peart, however, sees the 'burbs quite differently:

> Sprawling on the fringes of the city
> In geometric order
> An insulated border
> In between the bright lights
> And the far unlit unknown.
>
> Growing up it all seems so one-sided
> Opinions all provided
> The future pre-decided
> Detached and subdivided

In the mass production zone.

Nowhere is the dreamer
Or the misfit so alone.

Subdivisions —
In the high school halls
In the shopping malls
Conform or be cast out . . .

Any escape might help to smooth
The unattractive truth
But the suburbs have no charms to soothe
The restless dreams of youth.
(from *Signals*)

To Peart, the suburbs can crush individuality. But is this a repudiation of Objectivism? Most Objectivists and libertarians, and even some conservatives, share Peart's thoughtful skepticism toward mass culture. We may defend suburbs, strip malls, and a Boston Market on every block, but we truly glorify the upstart entrepreneur, the non-conforming artist, and others who challenge conventional wisdom and powerful institutions (many of which are dominated today by the left).

Furthermore, though he loathes the suburbs, Peart writes tributes to cities:

The buildings are lost
In their limitless rise
My feet catch the pulse and the purposeful stride
I feel the sense of possibilities
I feel the wrench of hard realities
The focus is sharp in the city.
("The Camera Eye" from *Moving Pictures* [1981])

Rand would probably not have objected to Peart's contrast between subdivisions and cities. She lived in and glorified Manhattan, not Westchester County.

For long-time observers of Rush, it is clear that Peart has drifted from his more obvious attachments to Objectivism. The more overtly Randian references in Peart's lyrics have dwindled. *Power Windows* (1985) even contains a song called "Mystic Rhythms," in which Peart takes an almost worshipful, animistic view of nature. On Rush's latest album, he seems to attack the West for supposedly causing Third World poverty:

Half the world cares
While half the world is wasting the day
Half the world shares
While half the world is stealing away.
("Half the World," from *Test for Echo* [1996])

But Peart says that he has few problems with Rand's philosophy, citing only two specific areas of disagreement. Contrary to Rand's rejection of any form of government welfare, Peart supports a safety net for those in need. Although he would prefer that welfare be funded voluntarily, he is not convinced that private charity alone could support the truly needy. Also, Peart was turned off by Rand's attacks on hippies and Woodstock:

> I always loved machines, and I always loved the workings of mankind in making things. I stayed up all night to watch the Apollo moon landing, and at the same time I was just as excited by Woodstock. There is in fact no division there. In both cases you're talking about the things that people make and do. So I didn't see any division, but of course Rand did, in seeing us all as the unwashed Bohemian hordes.

Although Peart is now inclined to write off Rand's hostility toward the Woodstock kids as a "generational thing," it was her essay on Woodstock and rock music which forced him to realize that he did not agree with Rand on every issue.

> That was when I started to not become a Randroid, and started to part from being a true believer. I realized that there were certain elements of her thinking and work that were affirming for me, and others that weren't. That's an important thing for any young idealist to discover — that you are still your own person.

Over the years, Peart has made fewer direct references to Rand, and he admits that one cause of the decline has been the intense hostility such sentiments have evoked among rock critics, especially in Britain:

"So I didn't see any division between the Apollo moonshot and Woodstock, but of course Rand did, in seeing us all as the unwashed Bohemian hordes."

> There was a remarkable backlash, especially from the English press — this being the late seventies, when collectivism was still in style, especially among journalists. They were calling us "junior fascists" and "Hitler lovers." It was a total shock to me.

Flip through any Rush review from the '70s and early '80s, and you're likely to find a reference to the supposedly fascist overtones in Rush lyrics — invariably in reaction to Peart's admiration for Rand. Peart says he was "shocked, stunned, and wounded" that people could equate adherence to individualism, self-reliance, and liberty with fascism or dictatorship. This savage reaction awakened Peart to a "polarity" between Rand's philosophy and that of critics.

> For me, religion is life, and nothing else is worth living or dying for — or killing other people for. But a large part of the world is convinced otherwise, so you tend to just allude to it in writing, but shut up about it when you're in an intolerant group. You know, the Salman Rushdie lesson.

Convinced that he should stop sending up "flares" by directly referencing Rand, Peart worked to incorporate her ideas in a more subtle manner. The Randian elements in such songs as "Tom Sawyer," "Free Will," and the more recent "Mission" (from 1987's *Hold Your Fire*) are far more effective than the heavy-handed style of "Anthem" and *2112*. This movement away from hard-core Randianism paralleled Peart's rejection of involvement in the organized movement:

> In the late seventies I subscribed to the *Objectivist Forum* for awhile. And it could be such a beautiful thing, it could be like a breath of fresh air coming in the mailbox. But it became petty and divisive and also factionalized. . . . I tend to stay away from it [now]. It's in the nature of the individualist ethos that you don't want to be co-opted.
>
> [Also], the ones most devoted to the cause are the ones

continued on page 46

The Pest of the Alternative Press

by Brian Doherty

The *Reader's Digest* of the left is hard to digest.

In times when thoughtful and informative left-wing magazines find it hard to top the 100,000-circulation mark, one unabashedly leftist magazine thrives. The *Utne Reader* claims a circulation of 300,000, three times that of the *Nation*. *Utne* is largely a reprint magazine, and proudly calls itself the "best of the alternative press." It offers the implicit promise of being the one lens through which its readership need view the world, a *Reader's Digest* for self-styled progressives.

Utne is named for its founder, Eric Utne, who avoids directly stating the magazine's ideology, claiming only that his magazine endorses activism and eschews dogmatism. But like most who loudly declare their resistance to dogmatism, *Utne*'s stance on most matters is both obvious and predictable.

From its first issue in 1983, the magazine has focused largely on the green movement and on personal growth issues appealing to an aging progressive bourgeoisie. Thus, though the magazine rarely writes about food per se, it has a special circulation emphasis on health food stores. This should tell you much of what you need to know about its intended readership.

The Utne Visionaries

In 1995, *Utne* inaugurated a new design with a feature it was especially proud of: a list of "100 Visionaries Who Could Change Your Life." (The feature was so popular that it has since become an annual rite, complete with reader suggestions.) What could change your life, *Utne*-style? Uninformed, mushy, credulous new ageism, pick your brand.

Utne asked its 1995 visionaries what they were "thinking and obsessing about these days," and invited readers to respond in kind. (My job similarly requires me to read a political/cultural magazine's mail, and I know it's not fair to judge a magazine by a random cross section of the mail people throw its way. But *Utne* chose to print these responses.) The readers' responses are alternately disturbing, depressing, and pathetic:

> "Is there any evidence that my meditations on world peace are having any effect?"
>
> "Is an affair worth it? Resolved: No! or, maybe yes. Probably. Wait . . ."
>
> "The one thing I can't get away from is feeling lonely all the time."
>
> "I would say the biggest problem in my mind . . . [is] how I'm going to destroy patriarchy."
>
> "If men bled, would tampons be free?"
>
> "Is it possible to participate in the American economy (driven by consumption, expansion, and a myth of corporate progress) and still live up to the ideals we teach our children and claim as our own (honesty, fairness, responsibility, accountability)?"
>
> "Should I give in and have just a little bit of plastic surgery on my next vacation?"
>
> "I'm 44 years old. No mate; no kids; I sleep with my dog. What happened?"

Those quotes, horrifyingly, are a fair representation of *Utne*'s tone and concerns: reflexive radicalism, goofy spiritualism, a yuppie's worried conscience, and an earnestness that leaves little room for wit or lively writing.

I don't mean to mock the obviously deep pain these people are suffering, pain too deep for them to make sense of. I do mean to question the intellectual value of turning a magazine that sells itself as the best of the alternative press into a place for helpless mewling, merely for the dubious therapeutic value of letting people mewl. And mewling is, unfortunately, a dominant tone in much of *Utne*, from tales of people so sensitive

to their environment that they can't touch ink, to dozens of pages of painfully self-absorbed chin-scratching about whether we, in the world of *Utne*, are really grown-up yet.

Consider in this regard a selection of cover story topics from the past year: in September 1996, the magazine's cover advised readers to "Just Quit!"; by March 1997, that must have appeared too drastic, and readers were advised merely to "Slow Down" with the help of a guide to "Finding Your Natural Rhythm in a Speed-Crazed World." In between, in February 1997, *Utne* had a cover story on "Therapy: Healing our Culture, Healing Ourselves" — a curiously explicit focus on the magazine's constant underlying reality, as if *National Review* were to run a cover story headlined "Why the Republicans Are Better Than the Democrats."

When the magazine broke tone from sensitivity to make room for a zesty and hilarious piece from the indie rock-zine *Motorbooty*, mocking the literary efforts of rock stars, a reader huffed into the letter page, reestablishing the *Utne* order. The letter's author, from Bowling Green State University, accused the writers of this obviously humorous piece of "not having sought the facts about how and why these works were written."

Among Utne visionaries, there's hardly anyone who does anything other than writing or talking, and almost no one who thinks or writes about a discipline that requires much beyond nebulous blather.

Utne's visionaries often make their living exhorting about ecology, psychology, sociology, or "gender issues." But most frequently they market superstitions of the Eastern, or quasi-Eastern, varieties. They are spiritualists, theologians, Buddhist visionaries. In a different time and place, they would be mulcting rich widows with bogus messages from their dead husbands. Nowadays, their speculations are written up in books that sell tens of thousands of copies. An egregious example is Andrew Harvey, a "spiritual" writer whose claim to visionaryhood is having worshipped a string of different gurus over the years. And *Utne*'s non-superstitious contributors are, if anything, even more removed from American reality than their nouveaux-spiritual comrades-in-ink: they are hip-hop journalists, cultural liberationists, performance artists, Spike Lee — undifferentiated gasbags of all sorts. Among *Utne* visionaries, there's hardly anyone who does anything other than writing or talking, and almost no one who thinks or writes about a discipline that requires much beyond nebulous blather.

God and Man at Utne

Curiously, *Utne* turns a blind eye to mainline American religion. Christianity offers almost everything a nonprejudiced reader might assume is involved in the ideal *Utne* social vision. It can provide its adherents a thriving and caring community, based in ancient spiritual values, and it rejects materialism as the primary aim of life. But rather than respecting, or even acknowledging, Christianity's power or influence as a force for Utneish change in American life (last time I checked there were still more self-identified Christians than pagans in the United States), *Utne* reprinted in May/June 1995 an article by Marc Cooper from the *Nation*, mongering fear of a fundamentalist takeover in Colorado Springs. Perhaps Christianity demands too rigorous a discipline for the *Utne* mind, or maybe it's just too old-fashioned, too much the religion of last generation's bourgeoisie. Thus, though the magazine often expresses love for old things (urban designs, technologies, economic structures), it rejects the entire social milieu in which they were created.

It's hard to be polite about the *Utne Reader*'s biggest problem. Its terribly earnest features are very often, well, bone-dumb. In his July/August 1995 "Editor's Note," Eric Utne himself discusses the ideas of one of their Top 100 visionaries, psychologist Robert Jay Lifton, whose brilliance lies in his concept of the "protean self": a self, whatever that means, that is "fluid and flexible" yet "struggles for authenticity" (this is a typical example of *Utne*'s level of conceptual rigor). *Utne* explains that "Proteans can laugh with David Letterman's cynical humor one moment, and invoke divine guidance from elves and fairies the next." You'd best go out for a doughnut at that point.

When *Utne* gets its bevy of brilliant visionary minds together to ask them probing, important questions, what it comes up with is: "Where is the darkness? Where is the light?" (July/August 1995).This sort of fustian isn't designed to provoke pithy or useful responses, and indeed it doesn't. Answering the question, activist Terry Tempest Williams urges us to "dare to extend our notion of community to include all life forms: plants, animals, rocks, rivers, and human beings."

It's hard to be polite about the Utne Reader's biggest problem. Its terribly earnest features are very often, well, bone-dumb.

The 1996 visionaries (March/April 1996) offer little better. We need to develop a science of ecstasy, they say, as well as a science of sacred invitation, and to listen; we need both reference and anxiety; we need a transformed capitalism, during an age of implementation. We need a lot of abstract nouns that could mean everything or nothing. Most of all, according to visionary Bo Lozoff, who teaches prisoners to meditate, "We are suffering terribly from . . . not leaving time in our day for being deep, reflective people who appreciate the sun coming up and going down." Amen, brother.

Humpmunch and Holdmeal

Perhaps my favorite *Utne* moment was its brief foray into another successful modern charlatanism, "Futurism." The magazine reprinted a section from the *Futurist*'s "10 most thought-provoking forecasts of 1994 by leading scientists, researchers, business experts, and scholars" (March/April 1995). The chosen revelations included such gems as: "Few people in the future will eat the traditional three square meals a day. Instead, they will have five

snacks: 'daystart,' 'pulsebreak,' 'humpmunch,' 'holdmeal,' and 'evesnack.'" Is this a joke? If so, the context ruins it; it's surrounded by Sunday op-ed banalities such as smart cards for money transactions, terrorists using biological weapons, smarter computers, and an end to lifetime jobs. If this is the best our culture's futurist visionaries can come up with, give me molding issues of *Amazing Stories*.

The intellectual limits of the magazine's approach can be detected in some subtle context clues: instead of ads for new books from university presses, as might be seen in the *Nation*, the ads are overwhelmingly for boring music appealing to middle-aged sensitivos (Shawn Colvin, Acoustic Alchemy, J.J. Cale), organic food treats like frozen yogurt, and handcrafted gewgaws like prayer rugs and Amish apple snitzers.

Utne Reader's dedication to "socially responsible" businesses, their biggest advertisers, was put to the test a couple of years back in a controversy over whether the Body Shop, a chain of soap stores run by entrepreneurs who place the entire weight of their market differentiation on being socially and ecologically conscious, indeed lived up to its P.R. Without precisely explaining the bill of particulars against the Body Shop, *Utne* convened a roundtable of breast beating in which most participants (excepting Jon Entine, the journalist who first broke the story of the Body Shop's alleged failures) granted that, to quote one of them, "Whatever the Body Shop's flaws, it has championed goals that are vitally important." Mr. Utne himself opined that regardless of the reality of the chain's behavior, all that mattered was that it had "raised the goals and expectations for the conduct of business." Utne became all goo-goo eyed over the fact that the editor of *Business Ethics* (which published Entine's report) and Body Shop founders Anita and Gordon Roddick got together with Top 100 Visionary Ram Dass, and "a tearful healing process began."

Utne is a soothing wetnurse offering bland advice to people who feel guilty about living in a post-communist world where their vaguely socialist, environmentalist aspirations demand sacrifices they aren't willing to make.

That's classic *Utne*: caring, journalistically unrigorous, and determined to make wealthy "progressive" people feel better about their lives when confronted with the political and socially progressive attitudes they profess but find too difficult to act on. Why should someone interested in Buddhism or neo-Luddism, two favorite *Utne* causes, even need products like fruity soaps and Ben & Jerry's ice cream? Well, these things may not feed the poor, house the homeless, destroy patriarchy, or achieve world peace, but they are perfect analogues to the *Utne Reader*: self-pampering and self-indulgent, slick and gooey, they appeal to yuppie elites who are deeply concerned with such things as "cyber-neighborhoods" and obsession with coffee (both subjects of *Utne* cover stories).

The Secret Life of Popcorn

Perhaps *Utne* presages the eventual fate of the left in America: to be a soothing wetnurse offering bland advice to people who feel guilty about living in a post-communist world where their vaguely socialist, environmentalist aspirations demand sacrifices they aren't willing to make. Witness *Utne*'s article on "27 Ways to Live a Spiritual Life Everyday" (July/August 1994), which includes information about how to make eating pie and popcorn deeply spiritual acts. Hell, it might not smash the patriarchy in your lifetime. But ah, like those soaps and that ice cream, and unlike grappling seriously with politics or ideas, it'll sure make you feel good.

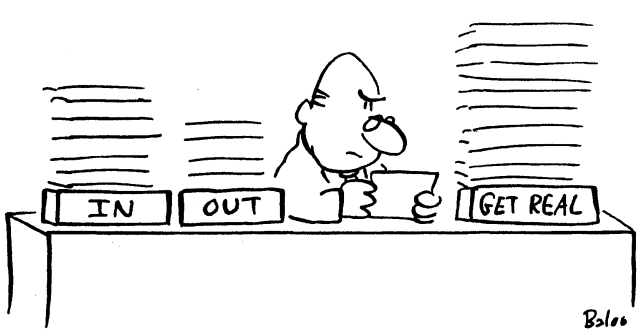

Maybe there's nothing wrong with that. As one libertarian told me when we discussed this article's topic, we have no reason to discourage leftists to abandon detailed plans for social control in favor of navel-gazing for personal growth. So maybe *Utne* really is a force for positive social change. If not, it's probably nothing to worry about. And isn't it cause for celebration that most hardcore environmentalists are forced into hypocrisy rather than take their ideology to its logical conclusion? Sure — but it would be even better if they openly and honestly acknowledged that their ideologies can't fit with life as they actually want and need to live it.

Why should someone interested in Buddhism or neo-Luddism even need products like fruity soaps and Ben & Jerry's ice cream?

Surely *Utne* is not the "best of the alternative press." *Utne* offends anyone who loves thoughtful political and cultural magazines. But as the elite of a political movement, *Utne* and its readers are enemies anyone would love to have. They aren't exactly well-armed for intellectual battle.

In the end, it is precisely *Utne*'s lack of substance that makes it so difficult to grapple with — its contentless, introspective whining is too slippery, proffering nothing to grab on to and wrestle with. *Utne* reader Barbara Alward put it best, asking in a letter to *Utne* (March-April 1995), "How much trouble can you get into when you claim that humans are not using their full potential?"

No trouble at all, but lots of ad revenue from progressive dessert treats. ❑

Excoriation

Victimology Unbound

by Robert Higgs

The tobacco settlement isn't just a looting unprecedented in scale — it's a scientifically bankrupt folly that reveals the bovine willingness of Americans to be enslaved.

This nation was founded by tobacco farmers, tobacco merchants, and habitual tobacco users — conceived, so it was said, in liberty. Two centuries later, tobacco foes are howling to suppress liberty on a wide front, as demonstrated by the so-called tobacco settlement reached in June.

In the annals of piracy, nothing can compare with it in pecuniary magnitude or sheer audacity. In exchange for immunity from future class-action suits and punitive damages for past conduct, Big Tobacco would pony up $368.5 billion over the next 25 years, then $15 billion a year indefinitely. Shamelessly claiming full credit for this gargantuan predation, politicians would divvy up the loot for such worthy causes as health care for uninsured children, stop-smoking treatments for smokers, reimbursement to states for Medicaid costs, and anti-smoking propaganda. Of course the lawyers representing the looters in the settlement would get rewards beyond the wildest dreams of avarice.

The Food and Drug Administration would receive authority to regulate nicotine as a drug but could not ban it from cigarettes before 2009. Smokers are thereby put on notice to drag deeply and often for the next twelve years. Before requiring reductions in the nicotine yield, however, the FDA would have to prove that doing so would cause "a significant overall reduction of health risks," would be technically feasible, and would not give rise to a significant black market for more potent cigarettes.

This last proviso, along with many others in the agreement, probably will not survive the subsequent politicking. Which reminds us that the settlement was not really a settlement at all. In reality, it was nothing more than an opening bid for Congress, the Clinton administration, and various interested parties to use as a point of departure for more horse-trading. Obviously, this process represents a bonanza for members of Congress, who stand to collect fabulous sums as the bidding war proceeds on a variety of fronts.

Having followed the unfolding story of tobacco regulation over the past several years, I have an eerie feeling akin to what I imagine the defendants at Stalin's show trials must have felt. Certain outcomes seem quite concrete. The Code of Federal Regulations shows that the FDA has made rules to restrict the marketing of cigarettes. Federal court reports show that a district court in Greensboro, North Carolina, has upheld the FDA's authority to regulate nicotine as a drug and cigarettes as a drug-delivery device by imposing "access restrictions and labeling requirements on tobacco products." Yet I cannot shake the sense of inhabiting a parallel universe. In nearly every detail, the reasons advanced by the anti-tobacco parties strike me as divorced from reality. Still, everyone involved in the proceedings appears to have accepted the appropriateness of playing along with the pretense because, though the allegations may be airy, the punishments are quite solid.

The make-believe began several years ago when the FDA began maneuvering to gain jurisdiction over tobacco products by asserting that nicotine is a drug. Everyone knew that Congress never intended the Food, Drug, and Cosmetic Act to give the FDA such jurisdiction. Prior to David Kessler's tenure as Commissioner of Food and Drugs, the agency itself had repeatedly affirmed its lack of jurisdiction. Yet under Kessler the agency proceeded along the most preposterously legalistic lines, citing the law's definition of a drug as a substance "intended to affect the structure or any function of the body of man." In 1980, the U.S. Court of Appeals (D.C. Circuit) declared, "Surely, the legislators did not mean to be as all-inclusive as a literal interpretation of this clause would compel us to be." But sure enough, not only did the

public swallow this power-grabbing jesuitism, but Judge William L. Osteen in Greensboro did, too.

The next item of make-believe pertained to the claims that cigarettes are "addictive" (gasp!) and that the tobacco companies had deceived consumers by concealing evidence of the harm caused by smoking. Commentators discussed these matters in dead earnest, displaying utter shock at disclosures that the companies had known all along that their reassurances were false. On this issue, I can speak with personal authority. I grew up in the 1940s and 1950s as a member of one of the most densely ignorant strata of American society, yet even there cigarettes were commonly called cancer sticks, and no one ever doubted their harmful effects on the health of smokers. If we knew, everyone knew. Indeed, no one could have missed the wink that accompanied the companies' denials all those years. What else could they say?

In view of their strong desire for enslavement, Americans do not deserve our sympathy.

Then came the FDA's make-believe definition of cigarettes as a "drug-delivery device," again to bring them under its existing statutory authority — more casuistry, more legalistic mumbo jumbo, all gulped down without gagging by regulators, politicians, and the public.

For the politicians, obviously, the winds had shifted. After decades of collecting millions in payoffs from Big Tobacco, they now perceived that public opinion had turned decisively against the merchants of smoky death. New payoffs blipped on the politicians' rip-off radar screens. As the saying has it, you can't buy politicians, but you can rent them.

"Saving the children" camouflaged the entire undertaking. The FDA claimed that its new regulations were aimed exclusively at curbing underage smoking; hence the silly rules such as no cigarette billboards within 1,000 feet of schools and no cartoon characters in the ads. In playing the kiddie card, the authorities all agreed to release their grip on reality. Do they really believe that these blatantly unconstitutional violations of the First Amendment will affect whether kids take up smoking? In Norway, where all tobacco advertising has been banned since 1975, the smoking rate exceeds that of the United States by about a third and has remained stable for two decades. Canada's 1989 ban on tobacco ads has had no significant effect on its smoking rate, which also exceeds the U.S. rate. Clearly, the authors of the ad restrictions have never been kids, nor do they know any now; otherwise, they would understand why their regulations undoubtedly will fail to attain the ostensible objective.

The forty state attorneys general — governor wannabes — claimed to be seeking reimbursement of their states for Medicaid costs of treating patients with "smoking-related" diseases. Two kinds of sham infused this claim. First, despite the specious precision of the numbers that journalists toss around, nobody knows how many deaths have been caused by smoking. Cause of death is not such a simple concept, but even if it were, no one has taken a census of autopsies or other evidence to arrive at the 1,145 Americans alleged to die daily from "smoking-related" causes.

Second, even if somebody did know how many deaths smoking causes, the fact is that these deaths diminish rather than increase pecuniary health-care costs. Smoking hastens the onset of major cardiovascular diseases, the leading cause of death in this country. On average, people with major cardiovascular diseases die several years earlier than those without. Often they just drop dead, and the only pecuniary cost is that of dragging their bodies off to the morgue. Despite what the anti-tobacco crusaders seem to believe, even in a world devoid of tobacco, people would — I know this is hard to grasp — still die sooner or later. As a rule, the lingering deaths from causes such as Alzheimer's, Parkinson's, or liver disease occasion more pecuniary costs than the deaths of smokers typically do, as research by Harvard's Kip Viscusi and other scholars has established. The attorneys general are seeking reimbursement for extra costs that were never actually borne. They ought to send the survivors of smokers a thank-you note.

The foregoing comments identify only a few of the many elements of make-believe that compose the foundation of the June settlement and no doubt will continue to undergird the politicking that proceeds from that provisional agreement. So long as the foundations are so lacking in substance, we can be sure that the ultimate structure erected on them will consist of little more than capricious plunder.

After decades of collecting millions in payoffs from Big Tobacco, politicians perceived that public opinion had turned decisively against the merchants of smoky death. New payoffs blipped on their rip-off radar screens.

But clearly the country has committed itself to an ideology of victimology without bounds. With the tobacco deal we slide much farther down the slippery slope into complete surrender to Big Nanny and the nitwit Left. Manifestly, the powers that be in this country have abandoned all belief in individual responsibility. In view of their strong desire for enslavement, Americans do not deserve our sympathy. They deserve exactly what they are clamoring for, and they are well on the way to getting it good and hard. ❑

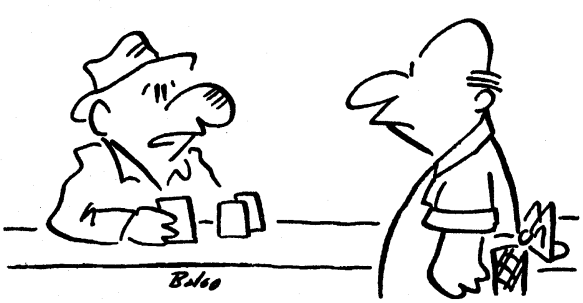

"I have to work up the courage to go home, Joe — bring me a hero sandwich."

Essay

Where There's Smoke There's Liars

by Loren E. Lomasky

The anti-smoking crusade goes south.

Propelled by a vigorous jet stream and *Liberty* magazine's open-ended expense account, your Faithful Correspondent has once again launched himself in an antipodean direction to take the measure of the prospects for human freedom. My investigations began in the Sydney airport's duty-free shop, where, with a bottle of Frangelico under one arm (I am, despite appearances, possessed of religious sentiments), I traipsed over to the tobacco shelves. I love cigarettes but haven't indulged for several years. And I'm partial to a good cigar, but now that they have been taken up by the likes of Congressional staffers and Unitarian ministers I have shied away from too public an association. So it was to the pipe tobacco I gravitated. It took up no more than one corner of the bottom shelf, the variety was negligible, the prices inflated, and none of it was as smokable as the stash I had stuck in a shoe in my suitcase. So I bought none. The non-purchase didn't come easy. All my political instincts were shouting, "Buy! Buy!" For slapped onto every pouch and can was a series of health warnings in 24 point type, each more lurid than the preceding. There were, by my count, seven different ones, including "Smoking Is Addictive," "Smoking Harms Others," "Smoking Causes Heart Disease," "Smoking When Pregnant Harms Your Baby." (Readers are invited to enter a contest to guess which others the nicophobes saw fit to include. Send all entries to *Liberty* magazine, c/o The Honorable John Howard, Prime Minister, Australia.)

My first reaction was simmering contempt. I take smoking tobacco seriously — liberty and truth even more so. In one fell swoop, the government of Australia had impugned all three. But upon reflection, the egregiousness of this added piece of paternalism afforded a curious sort of reverse comfort — a boomerang response, you might say. Aussies are among the easiest-going of people. So too, of course, are pipe smokers; that's 90% of the practice's point. Each will suffer the slings and arrows of ordinary, garden-variety indignities with barely a murmur. Put them together and you have a creature with the placidity of a wombat on Valium. If it's potential revolutionaries that are wanted to storm the parapets of the oppressive state, you had best look elsewhere. But here was a slap in the face so abrupt and uncalled for that it could wake even the habitually somnolent. It's not merely that the government is intruding into the properly self-regarding conduct of individuals; that has been a staple of Australian life since the first convict ship pulled into pestilential Botany Bay. No Aussie gives ordinary nagging a second look; this is, after all, a people who, without a hint of irony, still refer to state bureaucrats as "public servants." If they don't actually love their wardens, then at least they credit them with sincere regard for legitimate public goods. But with these warnings, the facade has entirely fallen away, and the allegedly dutiful nanny is revealed as a brazen, lying harridan.

Smoking harms others? Maybe if one is rolling skunk weed in pages ripped from the Congressional Record. But my briars usually contain an English blend of Virginia, Turkish, and Latikian tobaccos, a genteel knock-off of Balkan Sobranie. It is soothing to the senses and a delight to the soul. Over the years, numerous men and women who have never themselves put match to leaf have told me how much they enjoy the aroma. Only those poltroons who make the exorcism of demon tobacco an article of ideological purity have suggested otherwise, and even they have a certain guilty ambivalence. Does it harm others to bathe them in gentle positive externalities? Pipe smokers know better. Even in Australia.

What of the charge that smoking is addictive? That may possibly be true of cigarette consumption, although I am uncomfortable with the imperial expansion of the concept of "addiction" to cover almost every activity to which human beings might accustom themselves. But the idea that pipe smoking could be addictive is palpa-

bly preposterous. Consider what is required to enjoy a single smoke. First a pipe must be selected, then tobacco added pinch by pinch — gently at first, and then tamped down with increasing firmness as one nears the top of the bowl. It is then lit, a couple of puffs taken, the tobacco then tamped back down. This requires a relighting, and with luck and a smooth-burning blend, one is then good for ten or more minutes of uninterrupted delight. But before reaching the bottom of the bowl, several repeated episodes of further tamping and relighting will be required. As moisture accumulates and gurgling sounds are heard, a pipe cleaner will be inserted in the stem and deftly run down to the bowl. Eventually there's no more smoke to be had, and with a brisk but gentle tapping one dislodges the ashen detritus, gives the pipe a thorough cleaning, and sets it back in the rack to cool and await its next occasion for service. Then, with a new pipe and restocking of tobacco, the process is begun again.

To a non-smoker this will sound like more bother than any basic pleasure can be worth, but that is what young children think when they first hear about the mechanics of sexual intercourse. Lovers of the leaf know better, and we judge the result good value for the time, money, energy, and concentration expended. There is, however, no way in which so intricate and involved a process — one that incorporates foresight, long-term time horizons, and dedication — can possibly be thought of as addictive. Might as well call star-charting, Hale-Bopp-plotting astronomers addicts! If this is what the health crusaders believe, then they are ignoramuses. Pipe smokers know better. Even in Australia.

It would be over-kill to augment the preceding harangue with sarcastic comments about the multitudes of pregnant pipe smokers swarming Sydney's streets, so I'll say no more. Except to inform the readers of *Liberty* of one cheering development. Even when inflamed, pipe smokers only smolder gently; that is their wont. But Aussie cigarette smokers, who have for years been the primary targets of this obloquy, are beginning to stir. Along with the familiar brands, there is now another seeking counter space, "Freedom Cigarettes." It comes in a striking black pack with a red stylized letter "F" in the shape of a dagger on the front. The back contains all the warnings listed *seriatim*. Directly below is a quotation from Thomas Jefferson: "A little rebellion now and then is a good thing." Aussie bureaucrats and pols, put *that* in your pipe and smoke it! ❑

Bullock, "A Rebel and a Drummer," *continued from page 39*

> with least of a life. A friend of mine who was involved in the Ayn Rand estate and the initial institutes and so on noticed that all of the coteries surrounding her didn't do anything. . . . The whole philosophy is about doing things . . . with an eye towards excellence and beauty. And that was the one thing that was lacking in any of the coteries surrounding her. So that's another reason people stay away from [the official Objectivist movement], saying, "Well, I have a life and I'm living the philosophy — so why do I want to stop and talk about it with other people who aren't doing it?"

Peart acknowledges that other thinkers besides Rand have influenced his philosophy. Jungian psychology, for instance, provides themes for a number of songs, and Peart also cites John Dos Passos as an influence on his thinking. Still, the Objectivist influences persist. Encapsulating the Objectivist cultural critique, Peart remarks that in too much of popular culture today, only the "poor and dumb" are glorified, never the "rich and smart." And his "Heresy" (1991) is perhaps the only "fall of communism" song that recognizes the essential link between personal and economic freedom:

> All around that dull gray world
> From Moscow to Berlin
> People storm the barricades
> Walls go tumbling in
> The counter revolution
> At the counter of a store
> People smiling through their tears.
> (from *Roll the Bones*)

Politically, Peart describes himself as a "left-wing libertarian," noting that he could never be a conservative due to the right's intolerance and support of censorship. Moreover, the rise of religious fundamentalism in America and throughout the globe "terrifies" him. But he also sees rising intolerance coming from the left, exemplified by a Toronto law "forbidding smoking in any bar, restaurant, coffee shop, doughnut shop, anywhere." Thus, though he believes that economic freedom is generally increasing, Peart also observes that "socially it seems to be the opposite — there is actually more oppression."

Apart from the unique lyrics and world view, another aspect of Rush that makes the group so appealing, especially to hard-core music aficionados, is that all three members are virtuoso musicians. Each one of their albums demonstrates a refinement of their musical skills. The members take music seriously and constantly explore new musical ideas. Neil Peart is one of the most admired percussionists in any genre of music, a sort of drumming *übermensch* whose extraordinary technique dazzles and delights musicians and non-musicians alike.

Last year, Rush released its 20th album, *Test for Echo*, and will tour again this summer to sold-out venues. Whether the band will break up after this tour is discussed passionately among fans over the Internet. Whatever the future of Rush, libertarians and Objectivists can delight in a band whose music they can enjoy without having to ignore or cringe at the lyrics. Some of Peart's lyrics can be strident or contradictory, but most are eloquent and desperately needed defenses of individualism in a collectivist age:

> I'm not giving in
> To security under pressure
> I'm not missing out
> On the promise of adventure
> I'm not giving up
> On implausible dreams —
> Experience to extremes
> Experience to extremes.
> ("The Enemy Within," from *Grace Under Pressure*) ❑

The Weak Case for Government Schools

by David Friedman

Make sense of the case for government schools. Go ahead, we dare you.

It is often said that Adam Smith, despite his general belief in laissez-faire, made an exception for education. That is not entirely true. In the course of a lengthy and interesting discussion, Smith argues both that education is a legitimate government function, at least in some societies, and that it is a function which governments perform very badly. His conclusion is that while it is *legitimate* for government to subsidize education, it may be more *prudent* to leave education entirely private.[1] Smith's conjecture was correct. While government schooling,[2] free and compulsory, is at present nearly universal in developed societies, the case for it is unconvincing. There are arguments for government provision of schooling, just as there are arguments for government provision of any good or service. But the arguments in favor are weaker, and the arguments against stronger, than the corresponding arguments for other goods and services that we routinely leave to the private market.

The Arguments In Favor of Government Schooling

The arguments in favor of government involvement in schooling can be roughly divided into four groups: externality arguments, information arguments, capital market failure arguments, and egalitarian arguments.

Externality Arguments

The most common arguments for government schooling involve the claim that it produces large positive externalities, that by schooling my children I greatly benefit society as a whole, and that it is therefore inappropriate to leave either the decision of how to school them or the cost of doing so entirely to me. On further analysis, this claim divides into three variants, one wrong and two dubious.

The simplest version is the one that is wrong. It is said that, since education increases human productivity, by educating my child I increase the wealth of the whole society, making all of us better off. One obvious problem with this argument is that, if correct, it applies to a lot of things other than education. Physical capital also increases productivity; does it follow that all investments ought to be subsidized? Better transportation allows workers to spend more time working and less time commuting; should we subsidize the production of cars? The argument suggests that everything worth doing ought to be subsidized — leaving us with the puzzle of what we are to tax in order to raise the money for the subsidies.

What is wrong with this argument is that it misses the way in which the price system already allocates "social benefits" to those who produce them. Building a factory may increase the wealth of my society, but most (in the limit of perfect competition, all) of the increase goes to the investors whose capital paid for the factory. If I use a car instead of a bus to commute, the savings in time is added either to my leisure or my income. If education makes me a more productive worker, my income will be higher as a result. That is why top law schools are able to sell schooling to willing customers at a price of about $20,000 dollars a year.

Schooling — like a new car — produces non-market benefits as well. But these too go mostly to the student, enabled by education to appreciate more of the riches of his culture. There may be effects on other people as well, but they are typically small compared to the benefits to the student, and whether those effects are positive is not always clear. When my child becomes an expert in Shakespeare and quantum mechanics, one result may be to enlighten and entertain her friends, but another may be to make them feel stupid. In just the same way, the beauty of my new car may produce the pleasures of aesthetic appreciation or the pains of envy in those who watch me drive it down the street. To base the design of

our institutions for schooling on their uncertain effect on such third parties rather than their direct effect on the schooled makes no more sense than to base the design of cars on their value to everyone except the owner.

There is, however, at least one important respect in which my investment in education — or a factory — does benefit others. Even if my income fully reflects my productivity, as it will tend to do in a market economy, not all of my income goes to me. Some of it goes to the tax collector. It follows that some investments, in factories or in people, may not get made even though they are worth making, because the share of the benefit that goes to the investor is not enough to pay the cost of the investment. This inefficient failure to make some worthwhile investments is one form of what economists call "excess burden" — the cost of taxation above and beyond the amount collected.

In a private system, children will be taught what their parents want them to know. In a government system, children will be taught what the state wants them to know.

There is a problem in trying to solve this particular inefficiency by subsidizing investments. In order to pay a subsidy one must collect a tax — and the additional tax increases excess burden at the same time that the subsidy reduces it. Excess burden is an argument against taxation, not for subsidy.

Another version of the externality argument locates the external benefit not in the increased productivity of educated people, but in their increased virtue. Both religious and utilitarian variants of this justification for government schooling were popular in the nineteenth century. Conservatives wanted to use publicly controlled education to teach the masses religious virtue. Many utilitarians, including Bentham himself, believed that while freedom was a good thing in most contexts, it was necessary first to teach people how to use their freedom — which is to say, to teach them utilitarianism. A form of this argument which still remains popular holds that uneducated people are particularly likely to become criminals, justifying government schooling as a form of crime control. While I have not yet heard anyone argue that government schooling is needed to make the public ecologically responsible, to properly train the crew of spaceship earth, it seems the obvious next step in the evolution of the argument — considering what is actually being taught to elementary school students in the more up-to-date government schools.

The thesis has two versions — education and indoctrination. The first assumes that crime and sin are the result of ignorance rather than rational choice. The evidence for this claim is far from clear. As a general rule, criminals seem to exhibit rational behavior in their crimes — little old ladies, for example, get mugged a lot more often than football players. Criminals who have been caught and imprisoned frequently return to a life of crime — although that experience surely teaches them more about the consequences of their actions than they are likely to learn in any school. And, of course, even if ignorance is one source of crime, the argument depends on the assumption that government schools are better at dissipating ignorance than private ones. As we will see, both theory and history provide reasons to doubt that.

The indoctrination version of the argument may make somewhat more sense. In a private system, children will be taught what their parents want them to know. In a government system, children will be taught what the state wants them to know. So the government system provides an opportunity for the state to indoctrinate children in beliefs that it is not in their interest, or their parents' interest, to hold. Insofar as some virtues require one to act against one's own interest — for instance, by not stealing something even when nobody is watching — state schooling offers an opportunity to indoctrinate children in virtue.[3]

One good reply to this argument was made by William Godwin, who, in 1796, expressed his hope "that mankind will never have to learn so important a lesson through so corrupt a channel." To put the argument in more modern language, government schooling does indeed provide the state with an opportunity to indoctrinate children — but there is no good reason to believe that it will be in the interest of the state to indoctrinate them in beliefs that it is in the interest of the rest of us for them to hold. Many modern societies have strong legal rules designed to keep the state from controlling what people believe — the First Amendment to the U.S. Constitution being a notable example. It seems odd to combine them with a set of institutions justified as doing the precise opposite.

In an interesting article,[4] John Lott explores the question of why schooling is controlled by the state in modern societies. His conclusion is that government schooling is a mechanism by which the state lowers the cost of controlling the population. Part of his evidence is the organization of modern government school systems — in particular the almost complete absence of systems where parents choose the school and funding is proportional to the number of students, an arrangement which would put pressure on the school to teach what the parents, rather than the state, wanted. Part is a statistical analysis of data for a large number of nations, designed to explore the relation between government schooling and other characteristics of government.

Ignorance may perhaps produce crime — but education produces more competent criminals.

One final version of the externality argument is the claim that my education provides benefits to others because it makes me a more rational voter.[5] While the argument is logically correct, its implications are limited. It is perhaps best understood as an argument for subsidy, not control. It is in my private interest to have a correct understanding of the world around me, and such an understanding will make me more able to evaluate government policy as well as more able to make private decisions. The only argument for government control is that it can force

me to learn more about issues relevant to voting, instead of issues relevant to private choice. The problem with this is that the agency that does the controlling has its own interest with regard to how I vote — which brings us back to the indoctrination argument.

A second problem with the argument is that it implicitly assumes that different voters have the same interest, so that my rational vote benefits you as well as me. For some issues this is no doubt true. But other issues — many of them in a modern state — involve attempts by one group to benefit itself at the expense of others. In such situations, your rational vote may well make me worse off. Subsidizing education in how to use the political system in one's own interest becomes the political equivalent of subsidizing an arms race, and equally unproductive.

A final problem is that the argument works only if government-run or government-subsidized schools actually educate better than private schools. If the costs of government control more than cancel the benefits of government subsidy, the advantages of educating students well provide no argument for having the state educate them badly.

Externality arguments, not only for government schooling but for many other issues as well, often make the mistake of adding up only externalities with one sign — positive in the case of schooling, negative in discussions of population or global warming — while ignoring externalities with the opposite sign. The result may be misleading, since it is the net externality — that is, the net benefit to others — that provides an argument for government involvement. If my action benefits one person by a dollar and injures someone else by two dollars, that is an argument against subsidy, not for it.

What negative externalities might result from schooling? One I have just mentioned — you may use your improved education to more effectively pressure the government to benefit you at my expense. A similar possibility exists for private transfers. Ignorance may perhaps produce crime — but education produces more competent criminals.

Another possibility is that schooling may produce negative externalities because it is used in the competitive pursuit of status.[6] Physical goods and services are not the only thing that individuals care about. If one reason I wish more schooling for myself or my children is so that I or they will have more income or more degrees than my neighbor or his children, and if my neighbor has similar tastes, then the gains of each come at the other's expense.

I conclude that externality arguments provide little independent support for government schooling. At most they suggest that private schooling ought to receive some subsidy — and even that conclusion is an uncertain one, given both the weaknesses of the arguments for the existence of net positive externalities and the difficulty of separating subsidy from control.

Government schools teach what the state wants children to learn instead of what their parents want them to learn, but advocates view that as an advantage of the government system.

Information Arguments

Another argument is that government schooling is necessary because parents, being themselves inadequately educated, are incompetent to choose schooling for their children. As John Stuart Mill put it, "The uncultivated cannot be competent judges of cultivation." This argument concedes that government schools will teach what the state wants children to learn instead of what their parents want them to learn, but views that as an advantage of the government system.

This argument seems to justify at most one generation of government schooling. Once we educate the first generation, they should then be competent to choose an education for their children. The U.S. and Britain have now had universal government schooling for at least five or six generations. If it has done a good job of educating students it should now be unnecessary, and if it has done a bad job perhaps we should try something else.

A further problem with the argument is that most of what the government schools actually teach — or, too often, fail to teach — is well within the comprehension of virtually all parents. Insofar as the main business of the schools is to teach children the basic skills needed to function in our society, the children's parents are usually competent to judge how good a job is being done. Even a parent who cannot read can still tell whether his child can. And, while a few educational issues may go beyond the parents' competence to judge, parents *qua* parents, like parents *qua* taxpayers, have the option of making use of other people's expert opinion. The crucial difference between the two roles is that a parent deciding what school his child shall go to has a far stronger incentive to form an accurate opinion than does a parent deciding how to vote.

Parents have one other advantage over educational administrators — a flood of detailed free information. By observing their children, and by listening to them, parents can learn a great deal about how well they are being schooled. As E.G. West put it, describing the situation in England in the 19th century, "Parents were their own inspectors and, compared with official ones, they were not only much more numerous but exercised continuous rather than periodic check."[7]

Parents' preferences have often clashed with "expert educational opinion," but it has not always been the parents who turned out to be in the wrong. Thus in Scotland, around 1800, parents "Increasingly resisted traditional parochial school emphasis on classical languages and Religion . . . . Parents complained that their children did not get their due in the school 'By not having been teached writing.'"[8] Modern examples might include the controversies associated with the shift away from phonics and towards the look-say approach to teaching reading, and the introduction of the "new math" somewhat later — both arguably among the causes of the massive decline in the output of the American school system from 1960 to 1980. Parents have to live with the results of educational experiments; the educators can always go on to a new generation of experimental subjects. As Adam Smith put it:

> Were there no public institutions for education, no system, no science would be taught for which there was not some demand; or which the circumstances of the times did not render it either necessary, or convenient, or at least fashionable, to learn. A private teacher could never find his account in teaching, either an exploded and antiquated system of a science acknowledged to be useful, or a science universally believed to be a mere useless and pedantic heap of sophistry and nonsense. Such systems, such sciences, can subsist no where, but in those incorporated societies for education whose prosperity and revenue are in a great measure independent of their reputation, and altogether independent of their industry.[9]

In a striking passage, E.G. West hints that much of the support for teaching children what they ought to know instead of what their parents want them to know, in the past and presumably today, depends on each expert assuming that it is his version of what children ought to know that will win out:

> The French Physiocrats wanted a national system of education because they could use it to propagate their new found knowledge of the "secrets" of the workings of the economy . . . . For the nineteenth century cleric, the "ignorance" which led to crime was primarily the ignorance of the teaching of his particular church. For the utilitarian the crucial issue was ignorance of the laws of the state or in other words the want of knowledge and effective warning of the pain that would inevitably follow from certain actions. For Malthus it was the ignorance of his population principle which mattered most. Public education for him was needed to suppress the 'sophistries' of persons such as Condorcet. The latter happened to be the successful instigator of French state education, and undoubtedly intended it to instruct according to his conception of truth.[10]

Capital Market Failure

The special problems of investing in human capital are sometimes offered as an argument for government intervention in schooling. If I wish to borrow money to pay for a profitable investment in building a factory, I can offer the factory as collateral. If I wish to make a profitable investment in my own education, I have no similar option. Under the present legal rules of the U.S. and most advanced countries, I can acquire the education and then wipe out the debt by declaring bankruptcy. So profitable investments in human capital may fail to be made if the human in question cannot finance them himself.

How important this argument is depends on whether the unit of analysis is the individual or the family. If it is the family, then the argument applies to only a small fraction of the population. Most families can pay the cost of schooling their children out of current income. Indeed, most families do pay the cost of schooling their children out of current income — in the form of taxes to support government schools. In a private system, such expenditures might be harder for those with large families and low incomes than they are now, and easier for those with small families and high incomes. On the other hand, there is evidence that private schools provide a given level of education at a considerably lower cost than government schools. If so, most parents would face a lower burden under a completely private system. The market failure argument would then apply only to a small fraction of families at the bottom of the income distribution.

The U.S. and Britain have now had universal government schooling for at least five or six generations. If it has done a good job of educating students it should now be unnecessary, and if it has done a bad job perhaps we should try something else.

So far as that part of the population is concerned, several points are worth noting. The first is that it makes very little sense to construct a government school system for everyone in order to subsidize investments in human capital for a tiny part of the population. The second is that the present system does a very bad job of educating just those people who would have the hardest time educating themselves, which casts some doubt on the idea that it is, for them, an improvement on a purely private system. The third is that the evidence of the nineteenth century suggests that even quite poor people are able to provide their children at least a minimal education. British workers of the early nineteenth century were very much poorer than the inhabitants of America's inner cities at present. Yet the evidence suggests that most were able, without government help, to buy enough education for their children to provide at least minimal literacy — more than many inner-city children get now.

Additional issues arise if we consider the problem from the standpoint of the child rather than the family. Most families can afford to pay for schooling their children, but very few children can afford to pay for schooling themselves. A private system depends, for almost all children, on parents caring enough about the welfare of their children to be willing to pay the cost of their education.

Most parents, in most societies, do care for the welfare of their children. In part this may be explained by altruism, itself explainable on evolutionary grounds, and in part by the desire of parents to have children capable of supporting them in their old age. These incentives are not perfect — there are parents who sacrifice the welfare of their children to their own welfare. But the alternative to allowing parents to make decisions for their children is not, as a general rule, having the decisions made by the children — five-year-olds lack not only income, but information and political power as well. The alternative to having a child's parents make decisions for him is having other adults — school administrators, politicians, voters — make those decisions. Parents may not always be altruistic towards their children, but a child's parents are, of all adults, the ones most likely to be. The argument against letting the parents make the decision is an even stronger argument against letting anyone else make it instead.

Here again, the empirical evidence is striking. Under circumstances of poverty difficult for most of us to ima-

gine, British parents of the early 19th century managed to send almost all of their children to school — not for as long as our children go to school, but for long enough to acquire at least minimal skills. In this country a century later, immigrant parents routinely sacrificed themselves to promote the education of their children. We have yet to see any similar level of altruism on the part of those who control the government schools — say a teacher strike aimed at lowering teacher wages in order to leave more money to pay for books.

The Egalitarian Argument

A final, and powerful, argument against an entirely private system of schooling is that it promotes and perpetuates inequality. Wealthier parents will spend more on their children, making those children in turn better educated, more successful, and wealthier. This effect is increased by the fact that family background is itself a strong predictor of school performance, even with equal levels of expenditure. In order to give a child from a poor and badly educated family as good an education as a child from a rich and well educated family, it would, on average, be necessary to spend substantially more on the former.[11]

A parent deciding what school his child shall go to has a far stronger incentive to form an accurate opinion than does a parent deciding how to vote.

There are at least two possible replies to that argument. One is that our objective ought to be education, not equality. If shifting to an entirely private system improves the education of the bottom half of the income distribution a little and the education of the top half a lot, both groups are better off. A second reply is that, while a completely private system would indeed result in unequal educational accomplishment, so does our present government system — and it is far from obvious which leads to more inequality. At present, the quality of government schools varies enormously and non-randomly from place to place. One reason is that high-income suburbs, on average, can and do spend more on their schools than low-income inner cities, although in the U.S. this difference has probably decreased in recent years as a result of legal pressures. A second reason is that the children of affluent and well-educated parents are, on the whole, easier to educate and to be educated with than the children of the inner city poor. A third may well be that affluent suburbanites are better than the inner-city poor at getting political institutions to act in their interest.

The first two effects would still exist in an entirely private system, but several factors might reduce the inequality they now produce. A private system would be less rigidly geographical than the present government system. Poor parents with bright children who were willing to sacrifice for them, as many have been in the past, would have the option of sending them to better schools instead of being limited to the school district where they happened to live. Such arrangements are technically possible in a government system as well, and occasionally permitted, but not often — perhaps because they transfer power from the schooling bureaucracy to parents.

Another advantage of the private system, from the standpoint of poor parents, is that parents could control what they got without having to acquire political power — which poor people, as a rule, have very little of. Subject to the limits of their income, poor people have the same economic power as anyone else — the ability to choose whom they buy from.

A final advantage is that a private system might actually provide poor children with some education. Under our present system, the largest determinant of educational output is family background. One explanation of that is that parents are a major part of their children's environment and thus a major source of their education. But a second explanation may be that our schools do not do a very good job of teaching, making children more dependent than they need be on the education they get from those around them. If so, poor children, who are in more need than rich children of things they cannot get from their parents, might well benefit more from a general improvement in the schools.

History

In many areas of human activity there are two histories — the popular history, mostly mythological, and the real history. In education, quite a lot of the real history has been provided by E. G. West.[12] In examining the history of the rise of government schooling in Britain and the U.S., he has established several important points which go far to refute the popular idea that mass education can exist only through the intervention of the state. They are:

Parents have to live with the results of educational experiments; the educators can always go on to a new generation of experimental subjects.

1. Schooling expenditure in Britain represented about the same fraction of national income prior to government intervention and compulsory schooling laws as it did after both were introduced.
2. Prior to government involvement, almost all British children were going to school. The opposite claim, widely made in Britain by the supporters of government involvement, was based on fairly simple statistical errors. The most common was to calculate how many children should be in school by picking an arbitrary and unrealistic number of years of schooling and using it to calculate how many children would be in school if all children went to school for that number of years. The ratio of the number of children actually in school to the calculated number was then treated as if it were the fraction of children who went to school. In practice, as West shows, more direct evidence suggests that almost all children in the period just before the beginning of government involvement (c. 1830) went to school for at least a few years. The discrepancy between actual and calculated

attendance mainly reflected actual school attendance for fewer years than assumed in the calculation.

A particularly striking example of this fallacy was an unfavorable comparison of the British private system to the Prussian state system, made by the Manchester Statistical Society in 1834. The authors assumed that British students attended school for ten years, used that assumption to calculate that just under two thirds of the children in Manchester attended school, and contrasted that to the (claimed) hundred percent attendance rate of the Prussian system. The Prussian system, however, provided for only seven years of schooling — so even if the claim that every child got the full seven years was true, the average years of schooling per child were about the same in the two systems (seven in Prussia, about six-and-a-half in Manchester). The Statistical Society offered no evidence that the British number represented two thirds of the students attending school for ten years each, and later evidence made it clear that it did not. The actual number who never attended school seems, from slightly later studies, to have been between one and three percent.

3. Attempts to measure educational output in the form of literacy, using both a variety of studies made at particular times and a crude measure (percentage of grooms who signed their names when they got married) that is available over a long time period, show no significant effect of government intervention. So far as one can tell by the (very imperfect) evidence, literacy was already rising rapidly prior to the beginning of government subsidy. Most of the measured increase in literacy had already occurred by the time a nationwide system of government schools and compulsory attendance was established.
4. The eventual expansion of the government school system was in large part the result of efforts by the people running it, and is plausibly explained by their own self-interest. Its main effect was to replace, not to supplement, the pre-existing private system.

The Voucher Alternative

I have been considering two alternatives — government and private schooling. Another alternative, in some ways intermediate between the two, is for the state to provide a fixed amount of money per pupil per year, which may be used to buy schooling from any of a variety of private providers.[13] How well does such a system deal with the problems we have discussed?

A voucher system solves some of the problems associated with market failure on the human capital market. Families that are too poor to pay to send their children to school will be able to use the voucher to pay for schooling. Parents who do not care enough for their children to be willing to pay for their schooling will be able to use vouchers to provide schooling for their children at no cost to themselves. A voucher system might also reduce educational inequality, relative to both government and private systems. It would not, however, eliminate inequality, both because parents would be free to supplement the voucher[14] and because the parents themselves are a major input to the child's education.

British workers of the early nineteenth century were able, without government help, to buy enough education for their children to provide at least minimal literacy — more than many inner city children get now.

It is not clear whether a voucher system solves any of the other problems raised by a purely private system. It is, for example, a poor tool for solving inefficiencies associated with positive externalities — supposing that one believes such externalities exist and are substantial. With a voucher, the cost to the parents of each additional dollar of schooling is zero up to the amount of the voucher and one dollar above it. That means that parents who would in any case spend more than the voucher will buy the same amount of schooling with a voucher as with private schooling.[15] If there are substantial net positive externalities, that amount will be inefficiently low. Parents who would have spent less than the amount of the voucher will now spend the full amount — which might buy more or less than the efficient amount of schooling. A better way of dealing with such externalities would be for the state to pay a percentage of school expenses corresponding to the percentage of net benefits that went to people other than the student and his family. A voucher makes sense, from this standpoint, only if the optimal educational expenditure is known and is about the same for all families — which seems implausible.

While vouchers give the wrong pattern of incentives for solving the externality problem, government schools do still worse. A parent who wishes to give his child a thousand-dollar education when the government schools are spending only nine hundred dollars per pupil must pay the full cost of sending his child to a private school: a thousand-dollar cost for a hundred dollars of additional schooling.[16] If the additional schooling is worth less than the additional cost, the parent leaves his child in the public school, where he gets less schooling than his parent would have bought for him in an entirely private system. So a government system might result in less expenditure on schooling than a completely private system — making the inefficiency associated with the failure to allow for positive externalities worse rather than better.

Whether a voucher answers the arguments of those who believe that parents are incompetent to control their children's schooling, either because they have the wrong objectives or because they have the right objectives but not enough knowledge to achieve them, depends on how much control the state exercises over schools that accept vouchers. This suggests an important disadvantage of vouchers. If the government is paying the piper, it may well choose to call the tune. If it is giving vouchers to pay for education, it will probably want to determine what counts as education. Thus a voucher system, like a government school system, has the potential

to be used either to encourage indoctrination or to redirect "educational expenditure" to benefit politically well-organized groups such as teachers and administrators. While one could design a voucher system to minimize such problems, perhaps by permitting private schools to qualify if the mean performance of their students on objective exams matched the mean performance of students at government schools, it is far from clear that such a system could be either passed or maintained.

A second argument against vouchers is that they may encourage wasteful expenditure on schooling. During the two decades when the performance of U.S. schools, measured by objective exams, plummeted, real expenditure per pupil roughly doubled. Under a voucher system, interest groups selling inputs to schooling — textbook publishers, teacher's unions, and the like — have an incentive to lobby to raise the amount of the voucher above the optimal level of school expenditure. While their ability to divert such expenditures to themselves will be limited by quality competition among the schools, an increase in demand for their product will still tend to raise its price.

Conclusion

There are arguments in favor of having government pay for and produce schooling, as there are arguments in favor of having government pay for and produce practically any good or service. I have tried to show that the arguments in the case of schooling are not very strong. There are also arguments against having government produce and pay for any good — the arguments for political failure combined with the general economic argument that private markets tend, at least in some approximation, to produce the optimal output at the minimal cost. In the case of schooling, there are additional and very powerful arguments against government control. One of the most important is its potential use to indoctrinate the population in views that the government, or the schooling bureaucracy, or powerful lobbying groups, wish people to hold.

In this regard, one of the great disadvantages of government schooling is its uniformity. Any education can be viewed as indoctrination from the standpoint of those who do not believe what is being taught. Under a private system, however, there is no single orthodoxy. Different children are taught different things, reflecting the differing preferences of their parents and, to a lesser degree, the beliefs of teachers, textbook authors, and other contributors to the educational process. As adults, the graduates of such schools have the opportunity to correct the deficiencies in their education by interacting with the graduates of other schools who have been taught very different things. Under a government system, there is a serious risk that one official orthodoxy will be taught to all.

A further disadvantage to state education, especially in a diverse society, is that it inevitably involves a state religion. One cannot educate children without talking about issues on which religions differ. The pretense of a religiously neutral education, at least in the U.S., is maintained mainly by the tendency of teachers, like other people, to regard what they believe in as fact and only what other people believe in as religion. A government school system in a diverse society is thus deeply divisive, since it means that some people's children are being indoctrinated with other people's religion.

Many of the disadvantages of government schooling could be eliminated, or at least reduced, by a voucher system. While such a system would be a great improvement over government schooling, there seems little reason to believe that it would be superior to an entirely private system. The great argument against it is that a voucher system must include some definition of what is or is not schooling, in order to determine what can be paid for with the voucher. Imposing such a definition on private schools implies the same sorts of problems of government

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control that would arise with a government school system, although possibly to a much reduced degree.

I conclude that Adam Smith was correct in his suggestion. Whether or not it is proper to have a government system of schooling, it is prudent not to. ❑

This article is dedicated to E. G. West, to whom, allowing for the usual time lag between ideas and policy, our grandchildren will owe a large debt. Most of my historical discussion is based on E. G. West, Education and the Industrial Revolution, *P.T. Batesford & Co., London 1975.*

Notes

1. "The expence of the institutions for education and religious instruction, is likewise, no doubt, beneficial to the whole society, and may, therefore, without injustice, be defrayed by the general contribution of the whole society. This expence, however, might perhaps with equal propriety, and even with some advantage, be defrayed altogether by those who receive the immediate benefit of such education and instruction, or by the voluntary contribution of those who think they have occasion for either the one or the other." (Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, 1789 edition, E. Cannan ed., 1904 U of Chicago Press, Chicago: 1976, Book V, Chapter 1, Conclusion, p. ii 340).
2. I have chosen to refer to "government" rather than "public" schools and schooling, because I find the latter terminology misleading. A privately run school may be "public" in the sense that differentiates a public hotel or restaurant from a private club — it may choose to accept all customers willing to pay its price. In this sense, most government-run schools are private, since they accept only students who meet certain criteria, most commonly geographical. To describe government schools as "public" on the grounds that they are run by the public is to identify the public with the state, which I think a mistake. Avoiding the term "public school" also avoids confusion between the British and American usages; a British "public school" is what Americans call a "private school." I use "government" rather than "state" in the context of schooling in order to avoid confusion with "state" in the sense of a political subdivision of a federal system, such as the state of Illinois.
3. One can, however, argue that such virtues are in the long run interest of the individual who possesses them, since they make him a more valued partner in freely chosen associations. See Frank, Robert H., *Passions Within Reason: The Strategic Role of the Emotions*, Norton: NY 1988. If this is right, then private schools may do a better job of inculcating virtue than government schools, precisely because it is in their interest to teach what parents want their children to learn.
4. Lott, John R. Jr., "An Explanation for Public Provision of Schooling: The Importance of Indoctrination," *Journal of Law and Economics* 33: 199 (1990).
5. William Buckley's response to this argument was that he would rather be ruled by the first thousand names picked out of the New York phone book than by the faculty of Harvard.
6. For an interesting and original discussion of such issues from an economic perspective, see Frank, Robert H., *Choosing the Right Pond: Human Behavior and the Quest for Status*, N.Y: Oxford, Oxford University Press 1985.
7. E. G. West, *Education and the Industrial Revolution*, P.T. Batesford & Co., London 1975, p. 36.
8. Quoted by West from C.R. Fay, *Adam Smith and the Scotland of his Day*, 1956, p. 51.
9. Smith (1976) Book V, Chapter 1, part III, article II, ii 301.
10. For citations to the relevant literature, see Sam Peltzman, "The Political Economy of the Decline of American Public Education," *Journal of Law and Economics*, Vol. 36, (1993).
11. West (1975) p. 123
12. West (1975); *Education and the State: A Study in Political Economy*, Institute of Economic Affairs, London 1965; "The Political Economy of American Public School Legislation," 10 *Journal of Law and Economics*, 101 (1967); "Private Versus Public Education: A Classical Economic Dispute," 72 *Journal of Political Economy* 465 (1964).
13. Some variants include the option of voucher-supported public schools. In others, the amount is different for different sorts of pupils, or is payed out on the basis of performance measures rather than years in school. For the purposes of this essay I shall ignore such fine points, and consider a simple version of the voucher proposal.
14. Even if schools were not permitted to charge more than the voucher, parents still could and would supplement their children's education in other ways.
15. This conclusion ignores income effects due to redistribution. Families with many children and low income will be net gainers by a voucher; families with few children and high income will be net losers. The former will tend to buy more schooling for their children than without a voucher, the latter less.
16. If the only relevant dimension of schooling is number of hours, this is not true; a parent can provide the extra hundred dollars as privately provided after school tutoring. But if the relevant dimension is quality rather than quantity of schooling, simply supplementing what the government provides is not a satisfactory option.

Survey

Gun-Point Democracy in Africa

by George Ayittey

The road of progress is impassable when overrun with highwaymen dressed in police uniforms.

Each year, the international community responds to Africa's self-inflicted catastrophes with the same monotonous routine. First, grisly photos of Africans' emaciated bodies are paraded in the Western media, as aid bureaucrats make urgent appeals for humanitarian assistance. Unable to bear the horror, the international community is stirred to mount eleventh-hour humanitarian rescue missions. Food, tents, and other relief supplies are airlifted to the refugees. Factional leaders initially welcome the humanitarian mission to feed refugees, then turn against the mission and refuse to cooperate. They tax relief supplies and make extortionate demands; aid workers are taken hostage or killed. In the end, the rescue mission pulls out, CNN goes on to fresh kills, and starving refugees are left to fend for themselves. Soon another African country implodes, and the same macabre ritual is repeated.

Why do durable solutions prove so elusive? Partly, of course, it is simply because the same failed policies are tried again and again. As the collapse of Zaire shows, nothing — absolutely nothing — has been learned from the melt-downs in Somalia, Liberia, or Rwanda. Western media analysts, employing Cold War paradigms, tend to engage in a debilitating and unproductive "Blame the West First" game. The West, they point out, supported Mobutu, and ignore the fact that other foreign powers have also propped up flagitious regimes in Africa. Just recently, for example, China supplied five MiG-21 fighter jets to Mobutu's forces, while North Korea provided an estimated 600 tons of machine guns, grenade launchers, and ammunition.

But the fact is that foreign support, or lack thereof, has little to do with the recent implosions of African countries. The disasters continue primarily because African despots and ruling vampire elites refuse to relinquish or share political power, and because they are supported internally by soldiers, intellectuals, civil servants — even by ostensible leaders of the opposition.

One such political chameleon is Zaire's former prime minister, opposition leader Kengo wa Dondo, who fled Zaire this March after looting $160 million from the fund intended for elections. (In a bravura display of hypocrisy, the kleptocratic Mobutu regime responded by putting out an international warrant for his arrest.)

The most scurrilous internal support, however, has often been furnished by Africa's own intellectuals: professors, lawyers, teachers — the very groups that are supposed to understand such terms as "freedom" and "democracy." In exchange for a diplomatic or ministerial post, many African intellectuals are willing to betray their principles in service to the dictates of military goons with half their intelligence. It is pointless to rail against Western aid to corrupt and incompetent African regimes so long as they have the support of such intellectual prostitutes at home.

Africa's woes stem largely from the imposition of two defective systems on its people by its postcolonial leaders. The first was statism — an economic system in which enormous powers are concentrated in the hands of the government, in contravention to Africa's indigenous heritage of free village markets, free enterprise, and free trade. The village markets that existed in Africa for centuries were dominated by market women (especially in West Africa), not controlled by African chiefs.

The second imposed defect was sultanism — a system characterized by the concentration of vast political powers in the hands of one person. This power is used to manipulate the economic system to enrich the head of state (kleptocracy), his cronies (cronyism), and fellow tribesmen (tribalism).

What exists in many African countries is a mafia state — a state hijacked by gangsters who use political power to advance their own economic interests and exclude everyone else. In Africa, political power is what guarantees access to fabulous wealth, and the richest persons are often heads of state and ministers.

Electoral Road to Hell

The destruction of an African country, regardless of the professed ideology of its government or foreign patron, generally begins with some dispute over the electoral process. The blockage of the democratic process or the refusal to hold elections plunged Angola, Chad, Ethiopia, Mozambique, Somalia, and Sudan into civil war. The manipulation of the electoral process by hardliners destroyed Rwanda (1993) and Sierra Leone (1992). The subversion of the electoral process instigated civil strife in Cameroon (1991), Congo (1992), Togo (1992) and Kenya (1992), and in Liberia (1985) laid the ground work for civil war. Finally, the annulment of electoral results by the military started Algeria's civil war (1992) and plunged Nigeria into political turmoil (1993).

Foreign support has little to do with the recent implosions of African countries. The disasters continue because African despots and ruling vampire elites refuse to relinquish or share political power.

Even more maddening, there is a simple, indigenously African approach to all such problems. Traditionally, when a crisis erupted in a typical African village, the chief and the elders would summon a village meeting — similar to New England's town hall meetings. There, the issue would be debated by the people until a consensus had been reached. And once a decision had been made, all — including the chief — were required to abide by it.

In recent years, this indigenous African tradition has been revived and reconstituted as "sovereign national conferences," and used to ordain democratic dispensations for Benin, Cape Verde Islands, Congo, Malawi, Mali, Zambia, and South Africa. In Benin, for example, a nine-day "national conference" was held in 1990, with 488 delegates representing various political, religious, trade union, and other groups encompassing the broad spectrum of Beninois society. The conference held "sovereign power," with its decisions binding on all, including the government. It stripped President Matthieu Kerekou of power, scheduled multi-party elections, and ended 17 years of autocratic Marxist rule.

South Africa used a similar vehicle to make the arduous but peaceful transition to a multi-racial democratic society. The Convention For A Democratic South Africa (CODESA) began deliberations in July 1991, with 228 delegates drawn from about 25 political parties and various anti-apartheid groups. CODESA was "sovereign" and strove to reach a "working consensus" on an interim constitution. It set a date for the March 1994 elections and established the composition of a transitional government to rule until then.

By contrast, Burkina Faso, Cameroon, Gabon, The Gambia, Ghana, Kenya, Niger, Zimbabwe, and several other African countries have refused to hold national conferences. The electoral process was blatantly manipulated and rigged to return despots to power.

Niger is a good example. There, a military thug, General Ibrahim Bare Mainassara, seized power in a January 1996 coup. Under intense pressure from both the domestic and the international community, Mainassara eventually scheduled presidential elections for July. Though opposition parties were given less than two months to campaign, early results showed that he was losing. So Mainassara sacked the Independent National Electoral Commission and replaced its members with his own appointees, while putting his opponents under house arrest and cutting off their phone lines. A ban on public gatherings in Niamey was imposed, and Mainassara deployed security forces at candidates' homes and at opposition party offices. The floodlit Palais des Sports, where the results were tallied, was guarded by an armored car and heavy machine guns mounted on pickup trucks. The regime stopped two radio stations from broadcasting and shut down all of the country's international phone lines. After the Supreme Court, bazookas pointed at its building, had declared Mainassara the "winner," the opposition candidates were released.

Other African countries, such as Nigeria, Togo, and Zaire, have held national conferences, but so devilishly manipulated them that they were rendered utterly useless. For example, in Nigeria military thugs have kept the country in a state of perpetual transition to democratic rule. The previous five-year transition program, started in 1985 by the country's former dictator, General Ibrahim Babangida, was stretched out with frequent interruptions, devious maneuvers, and broken promises. For eight years, Babangida went through political contortions — dribbling for position like the Brazilian soccer star who supplied his nickname, "Maradona"; constantly shifting the goalposts; on four occasions reneging upon his commitment to return the country to civilian rule; and finally annulling the June 1993 elections — the most free and fair in Nigeria's history — and throwing the winner, Chief Moshood Abiola, into jail.

Babangida's charade was immediately followed by General Sani Abacha's own scam transition, which followed the same steps as the "Babangida boogie": one step forward, three steps back, a sidekick, and a flip to land on a fat Swiss bank account.

Most African rebel leaders are themselves closet dictators.

Accordingly, the opening of Nigeria's June 1995 Constitutional Conference was greeted with a massive dose of public skepticism. Slated to convene in January 1995, it was postponed to March and then to June, causing great confusion and anxiety. A day after the conference finally began, it was adjourned for two weeks. The official reason? Accommodations for the delegates were not ready. Nonetheless, the frequent postponements were widely interpreted as a stalling tactic

and served only to reinforce public skepticism.

Moreover, the 396 delegates, who were to deliberate on the future of democracy, congregated at Abuja as "guests of the military." Ninety-six were nominated by General Abacha, and the rest were "elected" under suspiciously complex rules. Delegates were chosen by "people's representatives" who were themselves elected by popular vote (scheduled for May 21 but postponed to May 23). Candidates under 35 years of age were ineligible to run. And besides excluding ex-convicts and bankrupts, the law demanded that each candidate "must be sane" and "a fit and proper person" — requirements which most of the ruling military thugs themselves would surely fail to meet.

As desirable as the ouster of Mobutu might be, the international community should be extremely wary of enthusiastically embracing people who shoot their way to power.

Logistical problems, inadequate publicity, and apathy bedeviled the electoral exercise. Campaigning was forbidden, and there was no voters' register or voting cards. Confusion reigned. Voters did not even know whom they were voting for or to what purpose. Stunned by the annulment of the June 12 elections, many chose to stay home. In Ondo State, there was almost no voting at all. In Ogun State, polling booths were empty. In the southern states — Akwa-Ibom, Cross River — most voters stayed home. Across the country, general voter turnout was scandalously low.

More suspiciously, the Constitutional Conference was not sovereign. That is, the Abacha regime reserved the right to reject or accept its recommendations. If the regime rejected them, the entire exercise would be a colossal waste and would have to be started anew. If the recommendations were accepted, the military regime would then draw up a timetable — probably specifying another eight-year transition period for "civic education," voter registration, and local, state, and regional elections — always with the possibility of interruption in midstream.

If South Africa had held such a constitutional conference, General Abacha and other African leaders who endorsed this farcical proceeding would have leapt 80 feet into the air and denounced it as palpable effrontery to black people. But the Nigerian people are not so restrained in their reaction to domestic corruption — and with Nigeria trudging tortuously through this "voodoo democracy," the military government that has ruled Nigeria for 26 of 36 years since independence from Britain has been the target of six bomb attacks already this year.

Ironically, when soldiers overthrew the civilian government of Ahmed Tejan Kabbah of Sierra Leone on May 25, 1997, it was Nigeria that sent in troops to oust the coup leaders (described by Sierra Leone's ambassador to the U.S. as "wild savages") and to restore the civilian president. One would think a leader who is such a strenuous advocate of democracy — to the extent of restoring a democratically-elected civilian president at gunpoint — would restore his own country's civilian president to power. But in many parts of Africa, common sense is the scarcest commodity in officialdom.

Similar antics were employed by the former dictator of Zaire, President Mobutu Sese Seko. Under international and domestic pressure, he too embarked upon a process of democratization in 1990. A sovereign national conference was convened in 1991 to draft a new constitution, elect a transitional parliament, and form an interim government until elections could be held. But the wily autocrat deviously manipulated his rivals, playing one political opponent against another and repeatedly sabotaging the transition process to retain his grip on power. At one point, there were more than 400 political parties in Zaire — over half of them created by Mobutu — leading Zaireans to scorn multi-partyism as "multi-Mobutuism."

As desirable as the ouster of Mobutu might be, the international community should be extremely wary of enthusiastically embracing people who shoot their way to power in Africa. Such active and open support for a rebel insurgency poses a serious

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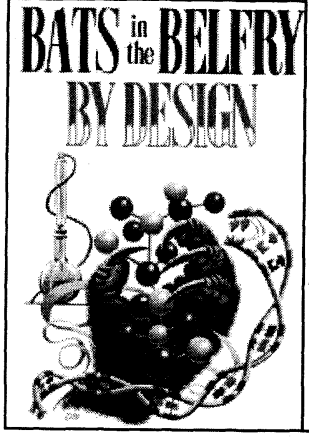

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setback to the democratization process in Africa. By encouraging similar insurgencies, it sends a dangerous signal and delivers a destabilizing jolt to a continent already reeling from wanton brutality.

In this vein, a joint communiqué issued in May by political parties represented in Zaire's parliament is noteworthy. It observes that peaceful demands for democratic change have failed to produce results, and "given that the only language understood by those in power is the language of arms," it expresses support for armed struggle to establish democracy.

But the record of insurgencies and liberation movements in postcolonial Africa inspires little confidence. Most African rebel leaders are themselves closet dictators, exhibiting the same tyrannical tendencies they so loudly denounce in the despots they hope to replace. Africa's liberation struggle is a story of betrayal, choreographed by an assortment of self-styled liberators, quack revolutionaries, Swiss bank socialists, and grasping kleptocrats.

One cause of African nations' internal divisions is natural tribal rivalries — and even before they accomplish their liberation mission, rebel movements often splinter into tribal factions and turn their guns on each other. Examples are not hard to find: the ANC/Inkatha split in South Africa; the Mugabe/Nkomo rift in Zimbabwe; Nkrumah vs. Danquah in Ghana; Taylor vs. Johnson in Liberia; Aideed vs. Mahdi in Somalia; Savimbi vs. Neto in Angola; Machan vs. Garang in Sudan, among others. If the campaign to overthrow the hated regime is unsuccessful, the war may drag on for years — even decades, as in Angola, Mozambique, Sudan. If the head of state is ousted or killed, as happened in Somalia and Liberia, factional leaders battle ferociously to fill the power vacuum.

Another example is provided by Kabila's fractious movement, the Alliance of Democratic Forces for the Liberation of Congo-Zaire, which is composed of three parties. Differences between them, buried for the moment, could soon erupt into open warfare, and in the post-Mobutu era, remnants of Mobutu's army may well stake a claim for the spoils of power. Etienne Tshisekedi, the most popular opposition leader, will loathe being marginalized. Granted, Zaire's opposition leaders have yet to liberate themselves, as Kabila has scornfully remarked. But any attempt to cut them out of the food chain could provoke riots, especially in Kisangani. Further, the Baluba, the Babembe, and the Bahunde — strong and fiercely independent tribes of eastern Zaire — resent the prominent role played in the insurgency by Zaire's minority ethnic Tutsis — the Banyamulenge or "Easterners," as they are called by locals, who comprise less than one million of Zaire's 43 million people.

Africa's liberation struggle is a story of betrayal, choreographed by an assortment of self-styled liberators, quack revolutionaries, Swiss bank socialists, and grasping kleptocrats.

In Goma this April, tensions between Tutsi soldiers and the Katangan gendarmes of the rebel movement erupted into a gunfight. The Katangans are Zaireans who in the 1960s and 1970s fought unsuccessfully for autonomy for the mineral-rich Katanga province, fleeing to Angola after their defeat. Since the rebel insurgency, they have returned — together with the children of the original separatists — to join the rebel insurgency against Mobutu. They deeply resent the role played by Ugandan and Rwandan Tutsis in the movement.

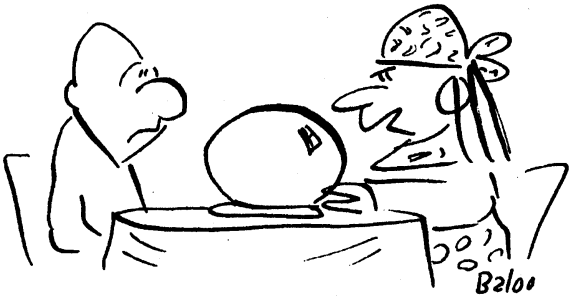

"Oh you would, would you!"

The Role of the West

Western investment and "aid" often turns out to be a key source of income for local despots. In Somalia, for example, the warlords imposed levies on relief supplies to starving victims. When relief aid as a source of revenue evaporated, a Somali warlord, the late Mohamed Farah Aidid, turned his attention to the lucrative banana export trade to Europe. A "banana war" erupted between him and Somalia's other warlord, Ali Hassan Osman "Atto." The ancient port of Merca, the scene of the fierce fighting in 1996, is a small town south of Mogadishu.

The port had been renovated by two foreign firms: Somali Fruit of Italy and Sombana of the U.S. The two companies paid Aidid 20 cents for every carton they exported — about $800,000 a month. Additional levies brought in $200,000 to Aidid's coffers each month. Fighting flared up in March 1996, when Atto demanded that the warlord either share the revenues from Merca or see that port closed.

In Liberia, "liberator" Charles Taylor turned out to be another political entrepreneur. According to the U.S. State Department's Deputy Assistant Secretary of State for African Affairs, William Twaddell, Taylor has been paid at least $75 million in each of the six years since he started the Liberian civil war. Taylor's booty came from the sale of Liberian diamonds, gold, iron ore, and timber, mostly to companies in Belgium, France, and Malaysia. According to Twaddell, this was in addition to Taylor's share of the "$16 million to $20 million" in ship registry revenues which he and the five other members of his Council of State shared among themselves in 1995.

In Zaire, it is déja vu all over again. American and European mining companies have been relentlessly pursuing Zaire's new leader, Laurent-Desire Kabila, pressing him to negotiate multimillion-dollar concession deals. South Africa's diamond-mining giant, De Beers, said it held talks with Mr. Kabila this April. American businessmen — miners, bankers, lawyers, and communications executives — are also

continued on page 60

Lew Rockwell's Vienna Waltz

by Tom G. Palmer

Who is this Rockwell fellow, and why is he linking one of history's great libertarians to an imperialistic police state?

The Habsburg Dynasty was:

A) One of the more reactionary and anti-constitutional forces in 19th century and early 20th century Europe.
B) A popular American television evening soap opera from the mid-1980s.
C) A famed guardian of Western civilization and a noted patron of the Austrian School of Economics and of classical liberalism.

According to Llewellyn H. Rockwell, Jr., president of the Ludwig von Mises Institute, the answer is "C." In a letter asking donors to "do us the honor of serving on the Dinner Committee" for the Institute's upcoming fifteenth anniversary, Rockwell gushes, "The honorary chairman of the Dinner Committee, also our guest of honor that evening, is Karl von Habsburg-Lothringen, Archduke of Austria. We are honored by his support of the Institute. His presence makes this the event of a lifetime."

As if this bowing-and-scraping were not enough, Rockwell continues with a remarkable rewriting of modern European history, asserting that "in European history, the Habsburg monarchy was a famed guardian of Western civilization. But even those of us devoted to the old American republic are aware of the warm and long relationship between the Austrian school and the House of Habsburg." In defense of this startling claim, Rockwell claims that "The Emperor Franz Joseph ennobled Mises' father, hired Carl Menger to teach classical liberalism to Crown Prince Rudolf, made Menger a member of the House of Lords, and appointed Eugen von Böhm-Bawerk twice as Finance Minister, to institute and strengthen the gold standard. Mises himself was decorated three times for bravery under fire as an artillery officer in the emperor's army."

How many silly things can Rockwell pack into one paragraph? Let's count. First, ennobling an obscure bureaucrat who was incidentally the father of a future classical liberal economist hardly counts as patronage of classical liberal thought. Second, the Emperor certainly did not hire Menger to teach classical liberalism to his son, since the Emperor despised liberal thinking; in any case, Menger was not known at the time as an outspoken classical liberal. Third, Menger was a full professor at the University of Vienna, and such notable persons were quite commonly given appointments to the upper house of the parliament, so this is not evidence of any attachment to liberalism or to Austrian economics. Fourth, Böhm-Bawerk was indeed Finance Minister from 1900 to 1904, and his visage today appears on the 100 schilling note of the Republic of Austria, and he did try to get the Empire's accounts in order — but what this says about the Emperor's attachment to subjective value theory or praxeology is not clear. Fifth and finally, giving some medals to a soldier in an idiotic war — occasioned by the Emperor's imperialistic grab for Bosnia and his sabre-rattling toward Serbia — is pretty thin evidence of fondness for Austrian economics or classical liberalism, even if the young soldier would later become famous as a classical liberal and an Austrian economist. (Indeed, serving as a soldier in a conscripted imperial army at war with the United States, France, and Britain is hardly the proudest moment in a great liberal's life, and certainly an odd one to celebrate.)

Perhaps Rockwell has forgotten that Mises was a republican; that Mises strenuously opposed absolutism; that the Emperor Franz Joseph presided over the slaughter of the Hungarian classical liberal revolutionaries when he came to power in 1848 and pursued a policy of revenge murders against them; and that the Habsburg policy stressed protectionism, an established state church,

neo-absolutism, powerful bureaucracies, and military expansion toward the Balkans, resulting in the very war that shattered European civilization. Or perhaps this kind of nonsense should come as no surprise from the man who defended in the *Los Angeles Times* the brutal beating of Rodney King by the Los Angeles police force, who suggested government controls on video cameras as the solution to such problems, and who had the gall to sully the good name of Ludwig von Mises by mentioning his presidency of the Mises Institute as his identification.

As to whether the reign of Franz Joseph was especially liberal or supportive of Austrian economics, the scholar Oscar Jászi noted in his book, *The Dissolution of the Habsburg Monarchy*, "If we look over the seven-decade reign of Francis Joseph, we are unable to find in his governmental system — in spite of his proverbial energy and feeling of duty — anything which could be called a standpoint based upon principle, a systematic endeavor, or even a modest program looking toward the future. The only real motives of his system were military power and diplomatic prestige."

Serving as a soldier in a conscripted imperial army at war with the U.S., France, and Britain is hardly the proudest moment in a great liberal's life, and certainly an odd one to celebrate.

Ludwig von Mises, far from being reverential toward the Habsburg dynasty, noted in his book *Liberalism* that "the impossibility of solving the problems of the Hapsburg monarchy against the will of the ruling dynasty ultimately led to the incident that became the immediate cause of the World War."

Lew Rockwell may have set a new standard for obsequiousness, even surpassing Edmund Burke, who wrote so rapturously of Marie Antoinette ("surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision"). It may be a shame that the Queen isn't alive to dance at Rockwell's *ancien régime* ball. But the greater shame is that his ball bears the name of a great defender of constitutional republicanism and classical liberalism. ❑

Ayittey, "Gun-Point Democracy in Africa," *continued from page 58*

flocking to sign deals with Kabila. America Mineral Fields, Inc., of Hope, Arkansas, signed a $1 billion contract with the rebel alliance to search for copper, cobalt, and zinc deposits. Other foreign companies include America Diamond Buyers, New Millennium Investment (banking), Comsat (telecommunications), and Citibank.

To be sure, Mobutu Sese Seko is a despicable disgrace to Africa, but the method of his ouster is hardly to be recommended. And with him gone, the prognosis for Zaire remains bleak. Though Kabila easily triumphed in the final showdown in Kinshasa, Africa's experience with rebel leaders hailed as "heroes" and installed as heads of state has been ghastly. In most cases, the honeymoon lasts less than six months. Widespread misery and poverty ratchets up impatience with any new regime, making the populace less willing to forgive bureaucratic delays and missteps. And the rebels have already committed some mistakes. After taking Lubumbashi in April, for example, they responded to vehement protests from residents by rescinding their decision to ban the use of high-denomination Zaire bank notes. The rebels also fixed the local exchange rate for the dollar at a ridiculously low level, backtracking only after a dollar shortage had emerged. Then they seized and nationalized Sizarail, a Zairean railroad company owned by South African and Belgian interests.

Africans have seen all this before: nationalization of private enterprises, price fixing, banning of miniskirts, etc., all under various guises of statism — or more appropriately, Swiss bank socialism, a peculiar form of socialism which allows African heads of state and a phalanx of kleptocrats to rape and plunder Africa's treasury for deposit in Switzerland.

Africans have a saying: The enemy of my enemy may not necessarily be my friend. ❑

Terra Incognita

Myanmar

Advances in the fight against terrorism, as explained in a press release from Myanmar's ruling party, SLORC, reprinted in *World Press Review*:

> "While the people in the country were praying and rejoicing at the government's meritorious missionary tasks, those power-crazy, irrational beings, the destructionists . . . attempted to destroy the Lord Buddha's Tooth Relic. . . . no damage was caused . . . [but] there will be no place to go but hell for those evil destructionists who dare to tear the hearts of the people paying homage to the Lord Buddha's Tooth relic."

Chicago

New insight into the dynamics of sexual orientation, offered by Professor Richard Posner in his book *Overcoming Law:*

> Formally, a homosexual act will be chosen over a heterosexual one if
>
> $(B_1 - C_1 > 0, (B_1 - C_1) > (B_1 - C_2)$,
>
> Where B_1 and B_2 are the benefits of the homosexual and the heterosexual act, respectively, to a particular person and C_1 and C_2 are the respective costs to him.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Reviews

***Waco: The Rules of Engagement*, a 165-minute documentary, produced, directed, co-written and edited by William Gazecki; with Dan Gifford and Amy Sommer Gifford, executive producers; limited national release, 1997.**

Documenting Disaster

Gary Alexander

Waco: The Rules of Engagement, William Gazecki's compelling new film documentary, is not for the faint of heart. The images are disturbing and unforgettable: images of the charred, contorted, bullet-ridden bodies of children and women, bent into jagged angles after lethal CS gas was poured into their living quarters, forcing them to flee, only to be immolated in a bonfire ignited by government tanks; images of government agents firing on civilians running for cover; images of politicians lying again and again about the government assault on the Branch Davidian home near Waco, Texas, on February 28, 1993, and the FBI massacre of the survivors on April 19.

Rules of Engagement does a heroic job of uncovering the truth about what happened and why. Sketchy federal records show only that the Davidian women and children burned to death or suffocated, and 19 others — probably men who stayed in the home until fire drove them out — died of gunshot wounds. Unfortunately, we'll never know the whole story — both because journalists were kept more than a mile from the site of the action, and because most of the evidence was destroyed or conveniently "lost." Among the most critical evidence that disappeared is:

- the building's front door, which would have proved whether the Davidians or government agents fired the first shots — and which survived the fire, but somehow disappeared while in FBI custody;
- the crime scene video made by the coroner's office, which was commandeered by the FBI and then lost;
- the entire crime scene itself, which was burned down and then bulldozed the same day.

Using Forward-Looking Infrared (FLIR) technology, *Waco: The Rules of Engagement* offers dramatic new evidence about what happened that day. Edward Allard — a former supervisor at the U.S. Army Night Vision Laboratory and an acknowledged expert on this technology — presents FLIR footage showing flashes that appear to be muzzle blasts fired from automatic weapons, directed into the concrete bunker where the women and children had sought refuge during the final assault. Other FLIR footage shows ground troops directing automatic weapons at the single exit door at the back of the compound, and bullets fired at people trying to escape from the burning building.

The film includes footage of a tank deliberately driving over the body of a Davidian, just to make a point to those inside. We see FBI agents using hand-held grenade-launchers to hurl fire-bombs and grenades, and tanks blowing gaping holes in the side walls of the Davidians' wooden structure, stockpiled with kerosene for heating; the whole place was a tinderbox. (Some of the kerosene had been improvised into Molotov cocktails, apparently intended for defense against tanks. Perhaps the Davidians remembered Hungary in 1956.) We hear the Davidians' frantic calls to 911, begging for a cease-fire.

Rules of Engagement also shows FBI negotiators lying repeatedly to the Davidians and the public. This should be no surprise, of course, since many of them came from the same gang that was in charge at Ruby Ridge, where killers shot "at first opportunity" under the revised "rules of engagement" drafted in Idaho that summer, then lied about what they had done to the Weaver family — and got away with it. Public tolerance of Ruby Ridge paved the way for Waco in the same way that tolerance of earlier holocausts in Armenia and the Ukraine paved the way for Hitler's Final Solution.

The Seeds of February 28

The film offers ballistic evidence that the BATF fired first. But we may never know the truth about the initial engagement on February 28, because the FBI subsequently "lost" the most conclusive evidence (the front door). And the duplicity of the FBI's actions following the assault is equally disturbing. One of the most dramatic scenes records FBI agent Jim Cavanaugh's negotiations with the Davidians. Cavanaugh repeatedly and adamantly claims that there were "no guns on those helicopters" that day. Koresh screams, "That's a lie! That is a damn lie. . . . Now Jim, you're a damn liar. . . . You're sittin' there and tellin' me that there were no guns on that helicopter?" Cavanaugh replies, "I said they didn't shoot," and Koresh again calls him a liar. The agent answers, "Well, you're wrong, David," but later modifies his story again: "What I'm sayin' is that those helicopters didn't have *mounted* guns, O.K.?"

For nearly two hours that day, Davidian Wayne Martin — one of the

first blacks to graduate from Harvard Law School — was yelling at the various 911 operators on duty, "Stop the shooting, and we'll stop shooting." The firing finally stopped when the BATF raiders ran out of bullets and grenades. The film shows them backing up, with their hands up. They were sitting ducks. Why didn't the "evil cultists" just pick them off, one by one? Maybe the Davidians were not "turn-the-other-cheek" Christians. But they certainly weren't the aggressive monsters that the BATF and FBI claimed they were.

The True Villains in the Drama

The day before the final attack, Koresh had finished tape-recording his essay on the Seven Seals — the same day he told the FBI that he was ready to come out with his tape and surrender. This was a first for Koresh. He had promised once before to come out on a certain day if the government would agree to an uncensored radio broadcast of his tape. Later, he changed his mind on that offer and said God had told him to wait. On the basis of this single vacillation, the FBI maligned Koresh as a chronic liar — though FBI lies were far more frequent. Indeed, even the politicians don't come off as badly as the bureau — men and women just "doing their job," coldly and brutally killing innocent people, posing for "trophy" photographs over the smoldering ruins, then going about their business as if nothing had happened.

The hypocrisy of politicians, to be sure, was shameless: Janet Reno smilingly referred to huge tanks as "big rental cars," playing bumper pool on the side of a building; Rep. Charles Schumer railed bitterly against any witness at the Congressional hearings who defended individual rights or religious freedom, and baldly claimed that the Davidians most likely killed themselves.

But it is the working press that comes off worst of all. The mythically fearless folks who risk their lives to get a good picture, in Bosnia or Vietnam, felt compelled to obey FBI orders at Mt. Carmel. After the February 28 shoot-out, the FBI kept the press so far away that the back of the complex was completely out of view. Journalists had no way of knowing what happened on April 19, when, the FLIR film shows, the FBI used automatic weapons to cut off the women and children's only escape route. We never heard a peep of protest about that quarantine.

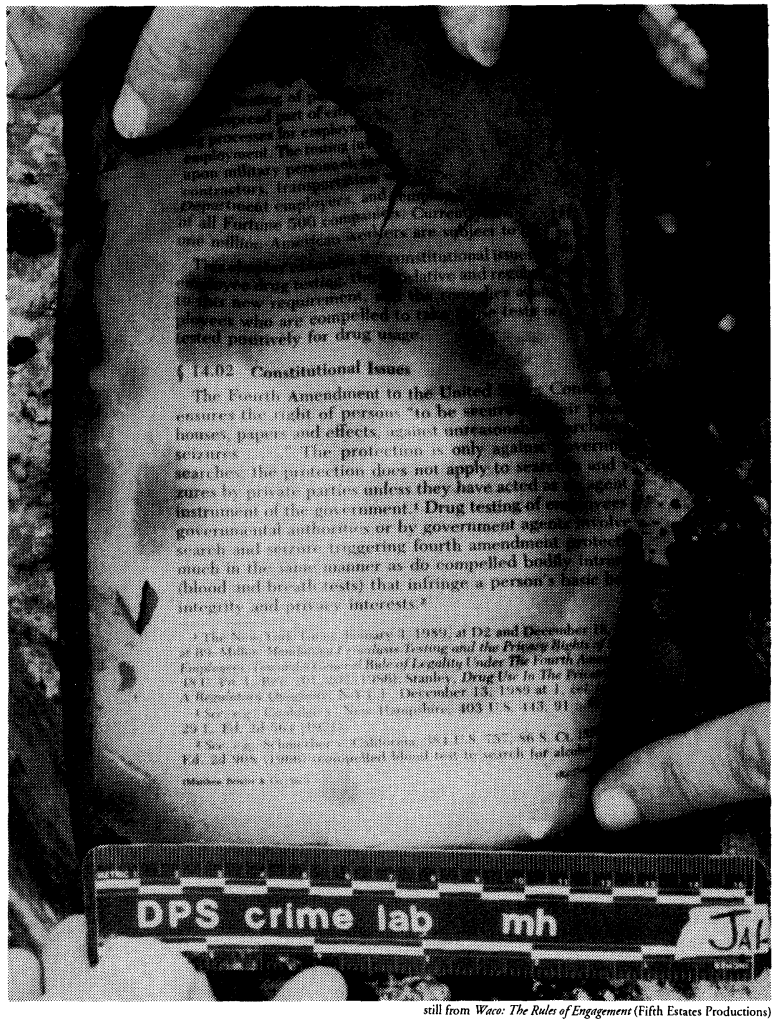

still from *Waco: The Rules of Engagement* (Fifth Estates Productions)

The Davidians tried to communicate with the press and the world by hanging signs on the front of the building. "Rodney King, we understand," said one; "FBI broke negotiations. We want press," said another. I'll bet you never saw these signs on television or in the newspaper.

The press didn't just back off. The journalists in *Rules of Engagement* come off as flippant, cynical wimps, pawns in the hands of government spin-doctors like Bob Ricks. Safe and comfortable in their press room, reporters didn't press for the truth. Instead, they were content to accept BATF and FBI accounts of what was happening.

And the blackout continues. All major news organizations have been sent the FLIR film. CBS and *60 Minutes* have had the film for more than two years, but will not show it. Neither will any other news organization. (The FLIR film was also available at congressional hearings, but the committee was not interested.)

Rules of Engagement was first shown at the Sundance Festival in January, then in a pair of trendy Berkeley and San Francisco film houses in March. Otherwise, it has had only limited distribution. I saw it in a nearly empty theatre in Washington, D.C., on the last day of its engagement. The lack of a crowd was no surprise: it was no longer being advertised or even listed in the newspapers.

The film originated with Michael McNulty, an insurance salesman in Corona, California, who kept tracking down Waco evidence in his spare time. Trying to figure out what was really happening on some FBI film footage, he consulted Hollywood producer Dan Gifford, who in turn sought the help of William Gazecki, a professional sound mixer whose credits included films such as *The Rose* and *Who Framed Roger Rabbit*. After viewing the tape over and over, they agreed that it should be made into a one-hour TV documentary, accompanied by some expert testimony. Dan Gifford and co-producer Amy Sommer Gifford agreed to finance the film.

The Giffords are "mainstream Hollywood," transplants from New York's trendy Upper West Side ("Woody Allen Country"). Dan Gifford had previously worked for *MacNeil-Lehrer* and CNN in New York; Amy

Gifford had worked on lighter material for *A Current Affair* and *The Maury Povich Show*.

Gazecki was a Buddhist and a Deadhead who'd always voted Democrat. "When I started this thing, I hated guns to the degree that I was terrified of 'em. I still don't like 'em. But I will say that in learning more about how this country was founded, the reason we were given the right to have guns is in case we're gonna have to overthrow our government again."

All the principals had their original intentions reversed by the facts. Gazecki said: "When my friends heard about it, their reaction was 'Those nuts deserved what was coming; anybody who molests children should be lined up and shot.' I'm talking about the touchy-feely, liberal crowd in Santa Monica; they said that."

Dan Gifford added: "Doing a piece like this was the farthest thing we had from our minds." Amy Gifford is perhaps most uncomfortable with the public view of what happened: "It infuriates me that Waco has become an issue of far-right gun nuts. It's a human rights violation. No one seems to remember, because they're too busy arguing over pieces of metal, that 90 human lives were lost. There are 90 grieving families out there. Eighty-six of those people were pretty bloody weird. But we have something called the First Amendment. It gives you the right to be weird."

A Separate People

What is a Branch Davidian, anyway? Does anyone know, or care? One major reason why up to 90 people died near Waco, Texas comes down to the fact that the Davidians and the U.S. government spoke different languages. They may as well have conversed in Mandarin and Portuguese for all they understood each other. The Davidians were "religious nuts"; as such, they spoke in biblical terms. BATF and FBI agents were secular, "law-and-order nuts." But the FBI's Hostage Rescue Team wouldn't use a translator (and there were many around) who could speak the Davidian language; apparently, the Hostage Rescue Team was not all that interested in talking them off the cliff.

In brief, the Davidians are a branch (offshoot, sect) of the Seventh Day Adventist church. The Davidians first broke away in the mid-1930s, and they eventually formed a religious commune in east Texas. As often happens, there eventually was a power struggle. In the end, the loser of that struggle went to the press, and to the government, with all the dirt he had on the sins of the winner — including allegations of child abuse, stockpiling of guns, and polygamy.

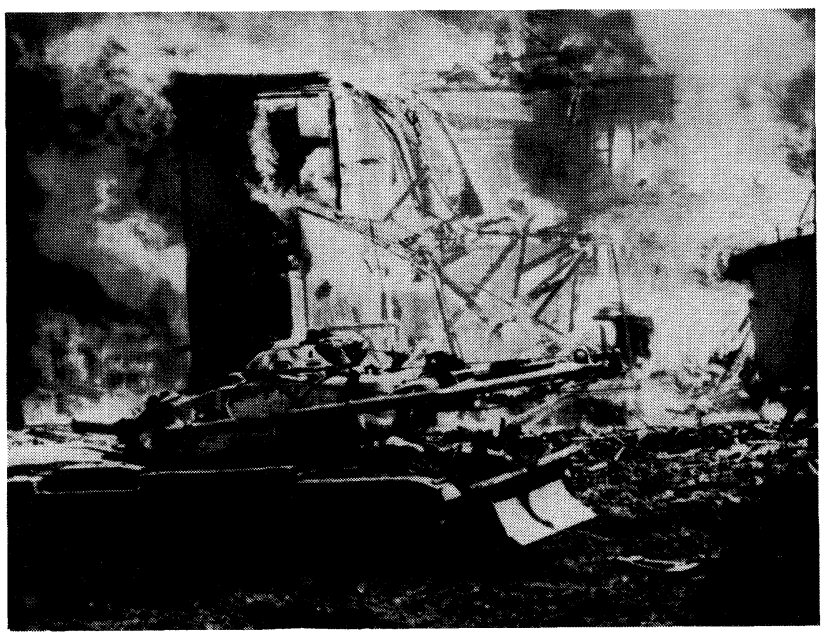

still from *Waco: The Rules of Engagement* (Fifth Estates Productions)

Not Unprecedented

Waco: The Rules of Engagement is a difficult film for me to review. From 1963 to 1975, I was a member of another sect, which also grew out of Seventh Day (Saturday/Sabbath-keeping) churches. Like the Branch Davidians, the Worldwide Church of God was founded in the mid-1930s. And like the Davidians, it later added a Texas campus (compound?) and published unique theories on the book of Revelation and its Seven Seals. Also like the Davidians, my church was raided by the government — albeit with a more peaceful outcome.

The Worldwide Church of God and its affiliate, Ambassador College, were raided by dozens of officers of the state of California early one Wednesday morning in 1979. Thankfully, it was not an armed church, so nobody was killed. But the agents did take over all administrative offices and commandeered church finances for nine months because of allegations from dissident groups that these funds were being misused. (Are church finances now subject to state control? If so, heaven help us all.)

On April 19, 1993, I happened to be in a barber shop when a television news bulletin showed the blaze. I said, "This is a sad day for America." The barber shot back, "They're a bunch of religious nuts with guns. They asked for it. Good riddance, if you ask me." And most of the rest of the customers in the shop agreed with the barber. Rather than say to a man with a razor at my throat that this nation was founded by religious nuts with guns, I shut up.

In the Tiananmen Square Massacre (siege?) in 1989, Americans across the nation rooted for the lone man standing up to a tank. (The tank backed off, if you remember.) But in America, when a lone Davidian is trodden under by our tanks, the majority seem to root for the man in the tank, rolling over the nut on the ground in the name of "law and order." In this age of *pro forma* apologies for sins of 150 years past — when neither perpetrator nor victim is alive — why are there no apologies by the assassins in the agencies — the men who pulled the trigger?

If Janet Reno ever has the pride to fall on her sword, or Ruby Ridge assassin Lon Horiuchi is prosecuted for murder, or Bill Clinton apologizes to the families of the 80 or 90 fallen "nuts" in Waco — with the same flourish offered in the tributes to the 168 victims in Oklahoma City — I'll begin to believe that Americans truly care about the outcasts Christ referred to as "these, the least of my brothers." ❑

***Hidden Order:** The Economics of Everyday Life*, **by David Friedman. HarperCollins, 340 pp., $25.00, 1996.**

The Economics of Real Life

Richard Kostelanetz

Hearing someone identify a libertarian as a "Republican who has done drugs," I replied, for myself, that a libertarian could also be an anarchist who has learned something about economics. If only to see how much I've learned, as well as how much I could learn, I eagerly read my colleague David Friedman's latest book, *Hidden Order: The Economics of Everyday Life*. Attempting to relate sophisticated economic ideas to one's daily life, this book is meant to be high popularization, which is a respectable tradition, especially in economics literature. Friedman knows that the measure of his and his reader's success should be this: "Until you have fitted the logical pattern together yourself, inside your own head, what you have read is only words."

What I came to understand better than before is what I call the principle of contrary effects — truths that are the bane of a do-gooder's understanding of the world. Consider these examples: raise the minimum wage, because we all agree poor workers should be paid more, and one result is an increase in unemployment among the poor; allow polygamy, which is distasteful to feminists, and one result is increasing the number of married women and thus reducing the purported "lack of available men"; price controls induce not lower prices, but shortages — and thus black markets with higher prices; plea bargaining, rather than releasing prisoners, partially accounts for the increase in the number of people incarcerated; New York City rent control of sub-luxury apartments accounts for why prospective landlords don't build or even renovate anything with low rentals (and thus for the continuing housing shortage); and so forth. Perhaps the job of perspicacious economic criticism should be identifying this "hidden order" of contrary effects.

Otherwise, this book is filled with great sentences, luminous sentences really, often worth remembering, if not transcribing in Every Libertarian's Commonplace Book:

> When you buy insurance, you accept an unfair gamble — a gamble that loses money on the average — in order to reduce uncertainty.
>
> The essential objective in any conflict is neither to defeat your enemy nor to make it impossible for him to defeat you but merely to make it no longer in his interest to do whatever it is that you object to.
>
> Organized crime [is] not a giant corporation but something more like a chamber of commerce or better business bureau for the criminal market.
>
> [Illicit] drug sellers have lots of portable wealth in the form of money and drugs, and do not have the option of calling the police if someone steals it. The result is violence by drug dealers defending their property and by other people trying to steal it.

Friedman warns that when you are one of millions mailing back a sweepstakes invitation from, say, Publisher's Clearinghouse, "the value of the prize multiplied by the chance of getting it comes to less than the cost of the stamp. The expected return is negative."

An anarchist since college, I believe in the virtues of social chaos — the absence of hierarchies and policing, professional insecurity, free associations without regard to credentials or licensing, and the general elimination of state prohibitions — all on the assumption that chaos eventually produces an equilibrium beneficial to most people. What my anarchist colleagues fail to understand is that economic control is generally as deleterious as social control and that the "spontaneous order" of a truly free market is a laudable chaos. Especially since Friedman's first book, *The Machinery of Freedom*, envisioned a society with minimal government, I wanted to find here a persuasive explanation of why economic chaos works.

I hoped this feat of epistemology might have come in the wake of a Friedman anecdote early in the new book, telling of a high official in the Chinese "ministry of materials supply [who] was planning to visit the United States in order to see how things were done there. He wanted, naturally enough, to meet and speak with his opposite number — whomever was in charge of seeing that U.S. producers got the materials they needed in order to produce. He had difficulty understanding the answer — that no such person exists [in the U.S.]." What Friedman doesn't explain is why such a czar is unnecessary in a chaotic economy, perhaps because he thinks readers already know. (It isn't obvious to those who think the government should "do something" about any chaotic problem.)

Friedman repeats in passing one fundamental truth of anarchist economics as I got it from the great writer Paul Goodman — that the best things in life are free. I wish Friedman had expanded on this thought, because it seems to me that a true "anarcho-capitalism" should be about expanding one's practice of what is usually free or nearly free — not only love and sex but friendship, the appreciation of nature, reading a book (or *Liberty*), listening to music, looking at art, walking, jogging, swimming, playing with one's kids. In that case, the ultimate economic aim of a libertarian society should be not 100% employment, which communist economies once claimed to realize, but 100% unemployment, or at least self-employment. However, the subsequent paragraph in *Hidden Order* is devoted

to diamonds (no joke), precisely one of those "best things" that most of us can easily do without.

Two technical caveats: Friedman often ends chapters of this pseudo-textbook with challenging questions based upon previous explanation. Since the answers weren't as obvious as Friedman assumed, even to me, more than once I went to the back of the book looking for answers that were not there. (My hunch is that some publishing genius removed them at the last minute.) Second, as someone who likewise has a family name that reminds many readers of another guy, I wondered why Friedman, only a few years younger than middle-aged me, is still acknowledging his illustrious father in biographical notes. David is old enough to know that, filial respect notwithstanding, that is an unfortunate move in this country, which isn't England.

The principal disappointment, for me at least, is that too much of *Hidden Order* resembles French literary-political theory — for all of its aspirations and pretensions to be relevant to my everyday life, it isn't. I wish it were, if only to acknowledge Friedman's intellectual ambition. I sensed that toward the end of the book Friedman became bored with his introductory purposes and dropped sentences that warranted further explanation. Consider this from page 299: "Also on average, every hundred muggings produce one dead mugger. At those odds, mugging is an unprofitable business — not many little old ladies carry enough money to justify one chance in a hundred of being killed getting it. The number of muggers declines drastically, not because they have been killed but because they have, rationally, sought safer professions." The troubles here are not only that other factors contribute to declines in mugging, but that violent robbery of strangers doesn't disappear — perhaps because potential muggers don't know the poor odds or don't share intelligence with one another. Trying to follow such smug logic (and looking in vain for answers to those concluding questions), I remain less influenced than impressed by intellectual gymnastics that, alas, I cannot "fit into a logical pattern" for daily use. ❑

***The Coming Conflict With China*, by Richard Bernstein and Ross H. Munro, Knopf, 1997, 245 pp., $23.00 (hc).**
***A Firing Offense*, by David Ignatius, Random House, 1997, 333 pp., $23.00 (hc).**

The New Sinophobia

Leon Hadar

In the early 1990s, as the Cold War was coming to an end, American intellectuals were increasingly suggesting that the geostrategic rivalry between Moscow and Washington would soon be replaced by a geoeconomic conflict between Japan and the United States — one that could eventually take the form of a military confrontation. Many "experts" warned that America had already lost that war, with newspapers carrying headlines lamenting the Japanese "invasion" of Rockefeller Center and Hollywood.

"Revisionist" scholars were arguing that Japan, Inc. constituted a challenge to America's model of capitalism. They suggested that the U.S. should adopt the mercantilist features of the Japanese economy to help defend itself against Japan's aggressive strategy for conquering global markets. An obscure political scientist, George Friedman, became an instant celebrity in intellectual circles by writing *The Coming War With Japan*, which called on the United States to prepare for a confrontation with Japan over the world's oil resources. Michael Crichton's *Rising Sun* and Tom Clancy's *Debt of Honor*, which portrayed the Japanese as the ultimate villains, intent on stealing America's scientific and military secrets, occupied the top best-seller lists, and Crichton's book was turned into a successful movie. The American zeitgeist was that the "Japanese Are Coming."

These days, the writers and film makers who five years ago were warning that Japan had already won the war have ceased to talk about Japan as the "Rising Sun," and they no longer cast the Japanese as villains. In the new zeitgeist, Japan is a "has-been," incapable of adapting to the pressures of the global economy, and is doomed to join the former Soviet Union in the dustbin of history. America is now the uncontested winner, and its capitalist model is the envy of the world.

But not to worry! America may have lost Japan as the post-Cold War foe, but it has gained another, even more powerful enemy. Those of you who missed *The Coming War With Japan* may want to skim through *The Coming Conflict With China*, in which Richard Bernstein and Ross Munro predict Cold War II, with the United States facing its new rival, China, in competition for diplomatic, military, and economic supremacy in Asia and the world. And if you enjoyed *Rising Sun* and *Debt of Honor*, and are now searching for a new xenophobic thriller in which conniving and bloodthirsty Chinese are accumulating wealth and producing weapons of mass destruction as part of a strategy to defeat the naive and complacent Americans, well, David Ignatius' *A Firing Offense* (soon to be made into a motion picture) is just the book for you. Bye-bye Japanphobia, and welcome to the new world of Sinophobia.

The Coming Conflict With China would have probably aroused only limited interest if not for the current tension between the United States and China, caused by an aggressive coalition of liberal and conservative China-bashers, who have launched a successful campaign against "constructive engagement" policies with Beijing. After all, while Bernstein and Munro

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may have been correspondents in China and bureau chiefs in Asia (Bernstein represented the *New York Times* and Munro worked for the *Toronto Globe and Mail*), neither is considered a leading expert on China. Their book is based mostly on American newspapers clips, lacks any original research, and reads more like a long and tedious op-ed piece than a serious scholarly work or coherent policy analysis.

The Coming Conflict With China is nothing more than a political manifesto that mushes together all the major arguments in support of "containing" China. The authors have no doubt that China is an "unsatisfied and ambitious power whose goal is to dominate Asia." Since Washington must remain the "preeminent power in Asia," that goal is "directly contrary to American interests." The authors think it quite likely that the two powers will eventually go to war over Taiwan. But even if that doesn't happen, "the rivalry between China and the United States will be the major global rivalry of the first decades of the twenty-first century, the rivalry that will force other countries to take sides" and will involve the usual shopping list of prizes: military strength, economic well-being, influence over other nations and "over the values and practices that are accepted as international norms."

Challenging the conventional wisdom, the authors argue that the economic reforms in China will not lead to political liberalization. Instead, they foresee the emergence of a quasi-fascist regime in Beijing, and call on Washington and Tokyo to join other nations in the region to form an alliance to contain China. Finally, they accuse the "New China Lobby," an axis of U.S. corporations operating in China, of manipulating American foreign policy towards "constructive engagement" so as to suit their business interests.

Those are all provocative ideas. They just happen to be wrong. China is being transformed politically as well as economically, a trend that in the long run will produce a giant Hong Kong. Japan and other East Asian governments have rejected any notion of forming an anti-Beijing alliance. And if there is any problem in America's China policy, it is the emergence of the "New Anti-China Lobby," which includes human rights buffs, labor unions, and environmentalist groups on the left, and pro-Taiwan lobbyists, social conservatives, and textile producers on the right, all of them trying to shift American policy in an anti-China direction — which in the short term means revoking China's most-favored-nation trading status, sabotaging China's entry into the World Trade Organization, and forcing the United States to recognize Taiwan's independence.

If Bernstein and Munro are not the George Kennan and Henry Kissinger of U.S. foreign policy discourse, Ignatius, business editor of the *Washington Post* and author of three espionage novels set in the Middle East, is certainly not the new John Le Carré of the spy thriller genre. His novels center around cardboard characters and farfetched plots. *A Firing Offense* features an American journalist who falls victim to a geo-economic conspiracy involving Chinese officials and French businessmen. In exchange for bribes and for help in developing its biological warfare capabilities, the Chinese government awards a huge communication contract to a French company. Working together with the French, the Chinese kidnap a renowned French scientist, murder a leading American columnist, and attempt to silence the American reporter who uncovers the story.

Neither *The Coming War With China* nor *A Firing Offense* is expected to win a Pulitzer Prize this year. But in the current anti-China atmosphere, the two books are receiving a lot of attention, and both serve as powerful public-relations tools for the China-bashers.

Indeed, if the day comes when historians are analyzing the roots of the Sino-American War of 2005, they may point to *The Coming War With China* and *A Firing Offense* as the first two entries in a long list of non-fiction and fiction books that helped to ignite American hostility and create an intellectual atmosphere in which U.S. policymakers considered conflict with China "inevitable." Alternatively, if the day comes when historians are recalling the Sino-American Economic Cooperation Council of 2005, they may treat the two books as nothing more than amusing historical trivia or forgotten intellectual anecdotes in the mostly peaceful history of Sino-American relations. ❑

***Ayn Rand's Marginalia*, by Ayn Rand, edited by Robert Mayhew. Second Renaissance Books, 1995, 231 pp., $19.95 (sc).**

Leaving a Margin for Error

John Hospers

Over a span of years Ayn Rand penciled many comments in the margins of books she read. Those comments that were substantive — that were more than a few exclamation marks or assorted oaths — have been gathered into *Ayn Rand's Marginalia*. Her comments will be fascinating to anyone who is interested in her ideas. For the most part her remarks come under the heading of "negative criticism": if you agree with a writer there isn't that much to say, and in this volume everyone is treated to his share of negative criticism. Even Ludwig von Mises comes in for extensive castigation.

I would never have suspected, from being at Rand's apartment when Mises and Hazlitt were guests, that her remarks about them in the *Marginalia* would be so savage. I remember her saying to me, "I will not try to convert to my philosophy someone who is 85 years old." But she was not at a loss for critical comments on his writing, particularly on *Human Action* and *Bureaucracy*, the two books she most recommended to me when I first came to know her. Out of dozens of examples in the margins, here are a few:

"Reason and experience," writes Mises, "show us two separate realms: the external world of physical, chemical, and physiological phenomena and the internal world of thought, feeling, valuation, and purposeful action. No bridge connects — as far as we can see — these two spheres." Such a statement would raise few eyebrows in the philosophic community. But Rand writes concerning this passage, "What a mess! What equivocation and 'concept salad'!"

"Human action," writes Mises, "cannot be traced back to its causes, it must be considered as an ultimate given . . ." Rand responds, "He thinks that since the actions of consciousness cannot be reduced to physical causes, they must be accepted as an irreducible primary!" (p. 110). When he says, "The teachings of praxeology and economics are valid for every human action without regard to its underlying motives, causes, and goals," she remarks, "Let's see how many times he'll contradict this." I have not gone through all these pages of text and marginal comments, but my impression is that although she doesn't always take Mises to mean what I think he means, she makes some important philosophical points against her favorite economist.

She is merciless in her criticism of F.A. Hayek's *Road to Serfdom*. Time after time she faults him for being tinged with socialism, though the book is an attack on socialism. "[W]e cannot within the scope of this book," writes Hayek, "enter into a discussion of the very necessary planning which is required to make competition as effective and beneficial as possible." Rand comments, "Oh yeah? And that's what I'd like to see him define!" Was she assuming, I wonder, that the planning referred to must be government planning? "[I]ndividuals," continues Hayek (151), "should be allowed, within very defined limits, to follow their own values and preferences . . ." To which I might have responded, "Allowed by whom? Or perhaps he means only that there should be no laws prohibiting some actions." Rand's response is much more primal: "Oh God damn the total, complete, vicious bastard! This means that man does exist for others, but since he doesn't know how to do it, the masters will give him some 'defined limits' for himself."

Henry Hazlitt's futuristic, free-enterprise novel, *Time Will Run Back*, describes the un-Sovietizing of the Soviet Union through the efforts of Stalin's heir, whose assistant says to him, "You have invented, chief — or made possible — a wonderful economic system. . . . It rewards people in proportion to their foresight and their production — their ability to provide others with what those others want." ("Moral communism," Rand responds.) "How will we be able to protect this system, for instance against the incessant criticism of the unproductive and the unsuccessful?" She responds, "You won't be able to — because you yourself have conceded that the moral and social purpose of the productive and the successful is to serve the unproductive and unsuccessful." I assumed that Hazlitt's passage meant only that the system won't work if it doesn't produce things people are willing to buy. Rand took it as an apologia for altruism. Her remarks are insightful, but sometimes (I think) they are not entirely fair: they attack something a bit different from what the author was saying.

Rand's criticisms usually track down an author's assertion to its "ultimate presuppositions," especially when the author was unaware of them. Her final remark on Hazlitt's novel is: "Fundamental mistake of story: the great industrial progress would not happen so long as freedom was given from above, from a benevolent dictator. Men would neither invest nor invent. The intelligent men would not function by permission — only by right" (170). I suspect that a loud cheer should come up from the bleachers on that one.

There are numerous other authors treated in these pages — John Herman Randall's *Aristotle*, Wilhelm Windelband's nineteenth-century *History of Philosophy*, Helmut Schoeck's *Envy*, and assorted popular books of the period by Harold Fleming, Lowell Mason, Fulton Sheen, and others (as well as assorted newspaper and magazine clippings). She was somewhat less philosophically demanding of these authors. She was

benevolence itself toward Barry Goldwater's *The Conscience of a Conservative*, in spite of her objections to his grounding of morality in religion. But her strongest dose of venom is reserved (with good reason) for C. S. Lewis's *The Abolition of Man*. Here the margins are filled with oaths and insults (she once showed me her copy of the book). One example will have to suffice here (it would take a longer quotation to generate a context): Lewis writes, "The later a generation comes — the nearer it lives to that date at which the species becomes extinct — the less power it will have in the forward direction, because its subjects will be so few" (90). "It is unbelievable," she responds, "but this monster literally thinks that to give men new knowledge is to gain *power*(!) over them. The cheap, awful, miserable, touchy, social-metaphysical mediocrity!"

Marginalia's editor, Robert Mayhew, notes the immense clarifying light that Rand throws on the issues she writes about — how she translates obscure or semi-intelligible gibberish into clear and precise prose, and points out the unstated assumptions that lie behind an author's claims. In personal discussions with Ayn Rand, I was often in a position to confirm this: when she and I agreed on something, whether a philosophical problem or a work of literature, there was sheer euphoria, an experience that occurs only when two minds are operating on the same wavelength, each feeding into the suggestions or speculations of the other.

Sometimes, however, I didn't think she was clarifying: sometimes she seemed to miss the point of what an author was saying, in spite of strenuous efforts on my part to communicate it. Sometimes I thought she was a prisoner of certain ways of doing philosophy (as I was a prisoner of mine). I often thought this was true of her criticisms of my remarks. In most cases — since we didn't discuss very much the issues raised in *Marginalia* — I didn't know about these criticisms until years later, when *Marginalia* was published. For example, in the first edition of my *Introduction to Philosophical Analysis* (the only edition she ever saw), I described the distinction, familiar to most contemporary philosophers, between empirical possibility and logical possibility: to say that something is empirically possible is to say that it does not violate laws of nature, but to say that it is logically possible is to say only that, however false it may be, there is no contradiction in asserting it. Thus, I said, whether or not life exists anywhere in the universe without certain chemical elements being present, such as carbon and oxygen, it is logically possible for life-processes to go on (coming into existence, growing, reproducing, dying) without the presence of these elements. Don't astronomers speculate to this day that somewhere in the galaxies there may be life which doesn't depend on these conditions?

But Rand attacked this: "Translated," she writes in *Marginalia*, "this means, since no attribute of an entity is essential, how do we know whether that entity will still preserve its identity without any or all of them?"

This in turn leads to more questions. Is she saying that all the properties of a thing are defining — including being visible by firelight, or being witnessed by six observers? Surely a table would still be a table without these characteristics. Perhaps then it is only those characteristics which constitute "its nature." But it is far from clear what the phrase "its nature" means. Is it part of "the nature of" Jones to be easily angered, or is this only a "passing feature" of Jones? Is it "the nature of" a car to have four wheels, and if so would a three-wheeled car be a contradiction in terms? (I was certainly not saying that *all* the attributes of a thing are defining, only that some are. That a table is a solid object (not liquid or gas) is defining; that it is painted brown is not.)

I had written that we do not *know* whether the law of gravitation applies throughout all time and space. She writes, "If we do not know whether the law of gravitation applies to other universes (which, in itself, is nonsense), this gives us license to claim *anything* as possible.This is the epistemology of a savage (and of a mystic). If we do not know the cause of the sun's movement, then we are *logically entitled* to claim that the cause is a sun-god (or green cheese)" (77).

I would lay odds on the law of gravitation, though some astrophysicists speculate that it did not operate in the first few milliseconds after the Big Bang. In any case, there are plenty of things we don't know with absolute certainty, which we yet have every reason to believe and none to disbelieve. Why do we have to choose between certainty and superstition? What a strange conclusion — that if we don't know it for certain it's "deuces wild." There is after all such a thing as evidence, as reason to believe, as very strong reason to believe.

I am, she claims, "separating logic from reality." But what does this metaphorical expression "separate" mean in this context? Are logic and reality like two things which somehow split off from each other? I say there are principles of logic, such as "Not both A and not-A," which apply to everything there is, i.e., to all of reality. How is this a "separation" of logic from reality?

It would be a tedious and thankless job to go through example after example to illustrate what I was trying to say as opposed to what she took me to be saying. On reading *Marginalia* I was surprised at how extensive her disagreements were. How I would like to have discussed these points with her personally (we discussed ethics, aesthetics, and economics much more). At the very least we could have conveyed our meanings to one another in person. Now, many years later, I am profoundly sad that so many all-night discussions came and went without any such mutual clarification having occurred. ❑

Booknotes

Goading the Elite — I once dreamed about the cosmopolitan life. Sitting sitting outside a cafe, sipping coffee, reading *The New Yorker* while the sound of beat poetry drifted through beaded curtains. At least that was the dream when I was fifteen living in Armpit, Iowa.

After a few years in the big city I came to hate all bohemians. Mostly I hang out with a couple third-generation Okies. We sit in Red's Garage, drink beer, talk about dirtbikes

and how much the government sucks. It is a place of sanctuary where no one has a script, where no one is ashamed of liking NASCAR. Mostly we wonder, "When did we become the bad guys?"

This is one of the most important questions of our age. But those most directly involved seem to have no voice. There is no chair of Redneck Studies at Vassar. No hillbilly *New Republic.* And white trash do not engage in long, drawn-out philosophical discussions for the simple reason that it has always been easier simply to beat the crap out of people who disagree with you.

Jim Goad wants to change that. He is a modern, wimpy liberal's worst nightmare — a redneck with a shotgun *and* a typewriter. Goad gained relative fame with his zine *Answer Me!*, the literary equivalent of an obscenity shouted from a passing car, with articles such as "The one hundred greatest serial killers of all time" and "Chicks make me nervous," and the legendary "Rape" issue. He got the attention of a major publisher, and has now turned out ***The Redneck Manifesto*** (Simon and Schuster, 1997, 274 pp. $22.00).

The book is alternately brilliant and infuriating. Goad demolishes most of the common slurs thrown at rural white Americans, but most of the economic arguments seem warmed-over Michael Harrington. He has difficulty maintaining the intensity that characterizes his zine work, though the talent for phrases remains. —*John Bergstrom*

How I Found Freedom on a Free Shopping Bag — North of San Francisco, a company called Cheaper! operates a string of 500 discount-grocery and tobacco stores. The company was founded in 1957 by John Roscoe, and is operated by him, his wife, his daughter, and his son Ned.

While the company is a case history in running a successful business, it has become more famous for its "bagatorials" — editorials printed on its shopping bags.

The editorials cover many subjects — self-improvement, responsibility, civility, and such — but most of them focus on politics, the virtues of the free market, and the evils of government. If there has ever been an editorial praising any facet of government, I certainly missed it.

Although the bagatorials sometimes have guest writers, most of them are written by John Roscoe and Ned Roscoe. It is amazing thing that two such good businessmen are also such good writers. Their writing is interesting, provocative, witty, and open-minded.

Now a selection of their bagatorials has been assembled in a book — called, not surprisingly, ***Bagatorials*** (Fireside Books, 1996, 175 pp., $11.00). There are articles explaining that California (where water rationing is a recurring inconvenience) has no water shortage,

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that clean air is of no interest to the bureaucrats who set air standards, and that smoking isn't as bad for you as you keep hearing.

The authors list 20 reasons not to vote. And then, to provide almost equal time, they offer 18 reasons that maybe you *should* vote, including such ironic advantages as:

- Get off work early.
- Get out of doing tasks for spouse.
- One can announce to friends smugly, "I've already voted."

You may not agree with everything in the book, but I can almost guarantee you'll enjoy reading it — and your mind will be stretched. Whether it's a new way of looking at an old subject or facts and figures no one has mentioned before, almost every page has something new. —*Harry Browne*

Witness to History — With communism in ruins, its true believers confined to North Korea, Cuba, and Peruvian prisons, it's difficult even to recall who Whittaker Chambers was. Almost fifty years ago Chambers cut a national figure as a *Time* magazine editor who accused Yale-educated state department official Alger Hiss of being a Soviet spy. It was a case that divided conservatives and liberals for years. Now we have a biography of Chambers written by a man who calls himself a "secular liberal," a book that has been endorsed by Stephen Ambrose, Alistair Cooke, and John Kenneth Galbraith — and which frankly admits that Hiss was, as Chambers insisted, a Soviet spy.

At 520 pages of text, and another 118 of index, bibliography, and notes, Sam Tanenhaus's ***Whittaker Chambers*** (Random House, 1997, $35.00) is another grand biography too heavy to hold up while reading in bed. It is heavier even than Chambers's 808-page autobiography, *Witness*, but a good deal easier to get through. In *Witness*, Chambers subjects the reader to tales of every Soviet agent he can recall, so that on page 300 he is still stuck in the early 1930s, skulking around New York. Tanenhaus gets through all this, plus Chamber's strange and bohemian childhood, by page 100, never losing the reader's interest.

Tanenhaus gives us all the drama of the Hiss-Chambers trials and testimony before the House Committee on Un-American Activities, including testimony not declassified until the 1970s. Unlike *Witness*, which was published in 1952, Tanenhaus's book describes Chambers's reaction to Joseph McCarthy, a man he quietly campaigned against but refused to denounce publicly.

Best of all, Tanenhaus gives us Chambers — as his friends saw him, as his enemies saw him, as he saw himself. Chambers emerges a fearful and tortured figure, a fat man with rumpled, baggy suit, bad teeth, and an immense capacity for belief. He absorbs his beliefs into his bones. As a Communist, he's out to change the world; as an anti-Communist, he's out to save it. Asked what was the point of his and Hiss's ruining each other's good names, Chambers replies, "A religious age would have no trouble at all in understanding this story."

Compared with today, it *was* a religious age — an age of the religion of politics. It was a time when communism appeared vital and capitalism doomed. It's a measure of the times — and of Chambers — that when he quit Communism, he thought he was leaving the tide of history and enlisting in the ranks of a lost cause.

He was wrong about that. But in testimony before the House Committee on Un-American Activities, and in the two Hiss trials, it was Chambers, not Hiss, who told the truth. —*Bruce Ramsey*

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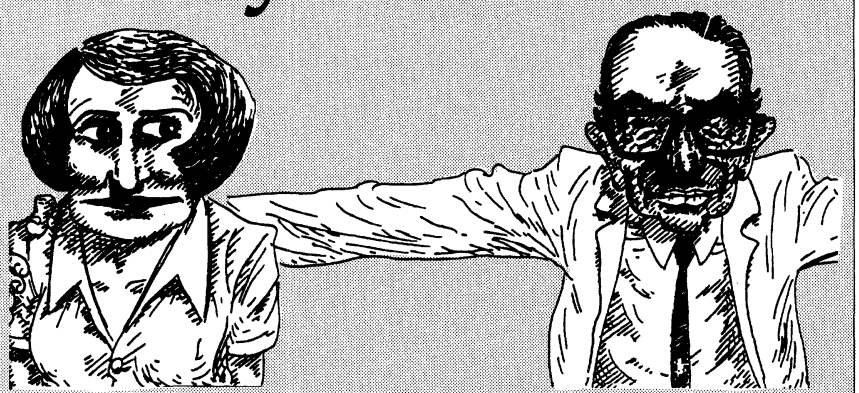

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Inside Liberty

November 1997
Volume 11, Number 2

4 **Letters** Feedback fed back to you.

7 **Reflections** *Liberty*'s editors Gore the press, sleep and bear arms, refer to reefer madness, keep *just enough* ironies in the fire, reprogram the computer culture, resort to reason, and sort through the recent dead (yes, Princess Di and Mother Teresa).

16 **Strategy Debate** What can be done, today, to make the world a freer place? *Harry Browne* and *R.W. Bradford* joust.

Features

21 **Paragon Lost** The freedom of the world's freest city ended with both a bang and a whimper, and *Michael Oakes* was there.

27 **America's China, China's America** As America prepares for Cold War with China, *Gary Alexander* tours this curiously hospitable "evil empire."

35 **Busted in the House of the People** *Pierre Lemieux* is invited to testify before the National Assembly against mandatory national identity cards. But first, there is a problem with his I.D.

37 **Greenspan: Deep-Cover Radical for Capitalism?** Thirty years ago, Alan Greenspan was a member of a tiny circle of acolytes gathered around radical libertarian philosopher Ayn Rand. Today, as Chairman of the Federal Reserve System, he is one of the most powerful men in the world. Does anything he learned from Rand mean anything to him now? *R.W. Bradford* investigates.

43 **Czech Reality** The Czech Republic pays lip service to liberty and subsidies to State industries. *Aviezer Tucker* reports from Olomouc.

49 **The EPA and Asthma** The EPA is at it again, and *Ben Bolch* and *Harold Lyons* try to review the EPA's "research."

51 **Jury Duty, a Juror's Right** *Laura Kriho* defends herself against judicial tyranny.

53 **Freedom's Unknown Guru** *Harry Browne* remembers the man who sold liberty as a trade secret.

59 **Mises and Monarchy** The Austrian School and the Austrian Empire had more in common than you might have thought, says *Ralph Raico*.

Reviews

61 **Viruses of the Mind** *Scott Reid* comes down with a case of the memes.

63 **Community Rules** The communitarians are up to their old tricks. *Aeon Skoble* conducts a class in self-defense.

66 **To the Dialecticians of All Parties** *Bettina Bien Greaves* compares the two utopians, Karl Marx and F.A. Hayek.

68 **Classified Advertising** Take a walk on the wild side of the supply side.

70 **Notes on Contributors** What those in *Liberty* are at liberty to say about themselves.

cover illustration by James Gill

Letters

Clinton-Bashing: Enough Is Enough

I enjoy your magazine, but the continuing, sometimes mindless attacks on the Clintons seem irrelevant, since most of what is complained about happened before the first election.

I wonder if you showed the same zeal for John Connally, who (with friends) took taxpayers for five times the Arkansas S&L sum with no punishment?

Clinton may be a dangerous power-seeking Big Brother who wants you to love him, but he is no money-grubbing thief.

D.G. Winfrey
Kernersville, N.C.

Avoid the Rush

I marvel at the paucity of respect and recognition afforded the band Rush by the mainstream media in general and the music press in particular ("A Rebel and a Drummer," September 1997). Can you imagine any rock act with worldwide sales or 35 million not once appearing on the cover of *Rolling Stone*, or, back when MTV aired music video, enjoying a regular rotation of its often innovative video explorations?

John M. Keeley
Wheaton, Md.

Opposing Rights, Imposing Smoke

Alas, smokers and tobacco companies have found champions in *Liberty* writers Robert Higgs ("Victimology Unbound," September 1997) and Loren Lomasky ("Where There's Smoke There's Liars," September 1997). I grant that the current outrage against the tobacco industry has become very politicized, but that hardly tells the entire story.

When I decided that smoking was detrimental to my health and well being in the '60s, I found I could not escape its unpleasant effects simply by abstaining. Back then, smoking was allowed in airplanes, offices and public places. Smokers were very often discourteous when asked to abstain. Unfortunately, unlike alcohol and other substances, tobacco and its after products cannot be completely isolated to their users and, of course, it's the after-products that are most noxious.

Is tobacco synonymous with liberty? I don't think so. Liberty is having the right to choose to smoke or to be in a smoke-free environment. For many years, the rights of non-smokers were denied by a nation that was "hooked" on tobacco. Now, the pendulum seems to have swung to the other side. This is unfortunate, but one should expect nothing less when there is conflict between diametrically opposed rights.

David J. Bastyr
Carrollton, Tex.

My Right to Exhale Smoke Ends Where . . .

Smoking in a public place, Mr. Lomasky, is anything but responsible libertarian behavior. No honest libertarian can believe that their liberty to smoke gives them license to trash someone else's air . . . just like one's right to own a dog doesn't include the right to let it shit in the neighbor's yard.

Grant W. Kuhns
Carlsbad, Cal.

The Barber of Incivility

For people like Gary Alexander's barber ("Documenting Disaster," September 1997), already conditioned by spin doctors, it is too frightening to believe that federal law enforcement (the "good guys") could be wrong; therefore, they rationalize the extreme use of force against the Davidians. With this rationalization in place, it becomes easier to blame the Davidians for their fate by accepting the official verdict of mass suicide. The resulting dehumanization even makes sick jokes possible — witness the DJ who made on-air cracks about "Koresh-kabobs."

Today, one who criticizes the government's actions in Waco runs the risk of being labeled an anti-government extremist, especially in the wake of the Oklahoma City bombing. By marginalizing the critics, the government creates a new enemy class. The public goes on deluding itself that critics of the government are fringe crazies. But when there are no more politically incorrect targets, who becomes the new fringe?

Felecia Barbaro
Brooklyn, N.Y.

Linguistic Failure

It was a pleasure reading David Friedman's wonderfully well-reasoned article on government schools ("The Weak Case for Government Schooling," September 1997). My only quibble is his use of the term "market failure." Does it have any meaning other than that someone doesn't like the outcome that results when a market is free?

Richard Fuerle
Grand Island, N.Y.

Re: Distribution in Education

David Friedman asks us to swallow a whale when he states: "Indeed, most families do pay the cost of schooling their children out of current income — in the form of taxes to support government schools." Since when? His failure to acknowledge the huge educational subsidies enjoyed by breeding parents is a slap in the face to citizens who have not peed into the gene pool. It is also the dirty secret that ensures that parents will never be weaned from public schools, an unadmitted welfare program.

David, do the math. Between 40% and 60% of citizens never have kids. It is their tax dollars that keep public schools afloat. In California, public schooling costs approximately $5,400 per child. Assuming only one child in a family, real estate taxes on an average home cover about $1,000 of the total. Further, even if both parents work at

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jobs with average pay, generous tax deductions ensure they contribute — at best — another $2,000 from income taxes (half of state revenues go to public schools).

Considering the cost of money, these parents will probably never repay the bill — but that's just the point. Politics is about taking money from those who earn it and giving it to those who don't. But Friedman apparently has little sympathy for the tax victims of such parents — having succumbed to the pro-parent claptrap emanating from nearly every media orifice.

Do I think parents deserve to control public schools? Hell, no! When you don't pay the piper, you can't expect to call the tune. And as far as I can tell, vouchers are precisely the wrong solution because they might conceivably improve educational quality for these undeserving parents. Why should I worry that a thief gets a good bargain when he goes shopping with the money he stole from my wallet?

David, get your values straightened out. My wife and I will fork over more than $200,000 in present-day tax dollars for public schools before we are freed at last from the sight of our upper-middle-class neighbors wheeling their wide-load carriages full of hideous progeny around the neighborhood. Why are my spending plans for that money worth less than my neighbors'? As long as we live in a statist society, I think it only fair that breeding parents file an environmental impact statement for each child they dump on the taxpayer — or at least pay a user fee for the privilege of being allowed to inflict their genetic heritage on posterity.

Contrary to Friedman's assumption, today's parents are the best excuse for misanthropy I can imagine.

Lawrence M. Ludlow
San Diego, Cal.

The author responds:

The relevant passage is: "Indeed, most families do pay the cost of schooling their children out of current income — in the form of taxes to support government schools. In a private system, such expenditures might be harder for those with large families and low incomes than they are now, and easier for those with small families and high incomes."

While I didn't specifically discuss the case of families with no children, I think the second sentence covers it. Zero children is the limiting case of a small family.

Incidentally, I don't think your "Between 40% and 60% of citizens never have kids" can be even close to correct —what is your source for it? I don't have a stat abstract ready to hand, but my guess would be more like 10–20%.

A further point, which I didn't raise in this article but have discussed elsewhere (my old "Laissez-Faire in Population: The Least Bad Solution"), is that the "injustice" you describe vanishes if we match up school expenditures on a child with the child's taxes instead of his parents. The more children I have, the more taxes my children (in total) will pay, ceteris paribus. So the real redistribution is by income (some children receive lots of schooling expenditures but have low incomes and thus pay little schooling taxes over their lifetimes) not by family size. That point was irrelevant to my discussion of the capital market problem, since children cannot borrow against their future income, but relevant to your point. —*David Friedman*

Morale, not Morals

R.W. Bradford's reflections ("Out like Flinn," September 1997) about Kelly Flinn, like most other commentaries on the subject, danced all around the real issue: morale (not morals) and discipline — something even non-military people should understand — are more than somewhat important in a military organization.

As a retired Naval aviator, I don't have a great love for the Air Force, but I have to defend it in this case. Flinn, an officer, had lawn sex with an enlisted man, which she must have known was against the rules. Then she knowingly carried on an affair with the husband of an Air Force enlisted woman and repeatedly lied about it, at which point she was not in serious trouble. However, she had several chances to save her career, but she cast them aside.

I find it difficult to imagine a more stupid "role model" than a woman who apparently has the morals of an alley cat, and who would lie, cheat, and steal another woman's husband, then disobey a direct lawful order from her commander — all for a wimp who not only cheated on his wife but turned against Flinn, too.

Sorry, no sympathy. She got off easy. A man would have been court martialed. The Air Force gave this woman a chance for a great career and she "blew it."

Richard L. Partridge
Brigham City, Utah

Lt. Strangelove

It wasn't "hairsplitting," to refer to the real cause of her dismissal as "making a false statement" (not to mention violating a direct order). Those were the real reasons. The fact of the matter is, literally hundreds of military personnel are brought up on charges of adultery every year. Most, unlike Lt. Flinn, don't choose to lie about it and subsequently disobey a direct order to cease the unlawful conduct. They simply admit their legal (and moral) transgression and take their just punishment, which virtually always comes in a non-judicial, i.e., administrative form. I don't know the Air Force term, but in the Navy, this is known as "going to the Captain's mast." It usually involves something on the order of suspension of one month's pay, plus extra duty for the next 60 days, in addition to a formal reprimand. Lt. Flinn's adultery was the military equivalent of a misdemeanor and her superiors tried to give her administrative punishment for it. When she lied to them and disobeyed their orders, she was spurning their efforts to deal with this situation in a non-Draconian fashion.

Additionally, Mr. Bradford fails to point out that Lt. Flinn wasn't merely having an affair with any old husband of a female Airman. She was having an affair with one of the technicians who serviced her nuclear-armed B-52. Mr. Bradford apparently regards objections to adultery as "old-fashioned," but many Americans, particularly the sort who join the military, are not so "enlightened" as he. It is entirely possible that Mrs. Zigo might have decided to extract retribution against Lt. Flinn by sabotaging her aircraft, killing everyone on board and causing nuclear warheads to be strewn across the North Dakota prairie. Admittedly, it's not likely, but it's because of just such potential security breaches that the military law against adultery must be taken seriously.

continued on page 69

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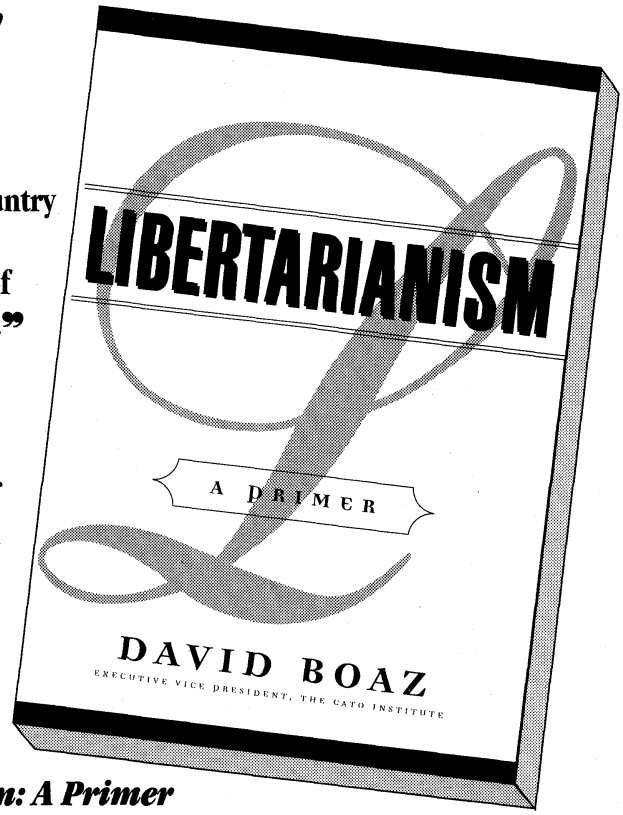

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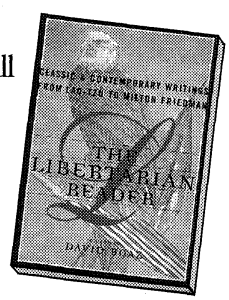

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Reflections

Whose ox is gored? — If Vice President Dan Quayle or Speaker Newt Gingrich had attended a fundraising event in a temple, where monks and nuns made $5000 contributions to the Republican party, and had said he didn't realize that the event was a fundraiser, and if he had denied making fundraising phone calls from his government office, and then said he made them but with a campaign credit card, and then said it wasn't a campaign credit card but a National Committee credit card, and then said okay it wasn't a credit card at all but he'd reimburse the taxpayers, but in any case it wasn't illegal because they were calls for soft money, and then it turned out that actually the checks were deposited in hard money accounts, would he still be in office several months later? It is to laugh. A clearer example of media bias is harder to imagine. Sure, Gore's indiscretions have been covered, but where are the banner headlines and swarms of network reporters that would be hounding Quayle or Gingrich? Meanwhile, one of the few sources of tough coverage of the Clinton-Gore scandals — Mike Kelly, editor of *The New Republic* for the past nine months — was fired by owner Martin Peretz on September 5 and replaced with the more reliable Chuck Lane. *The New Republic*, an otherwise interesting and iconoclastic magazine, will be solidly in the veep's camp for the next three-and-a-half years. —DB

Art lesson — It is said that politics is the art of the possible. And Congress has demonstrated that, with Republicans, not much is possible. —HB

A legal matter — Recent revelations that the DNC raised money from convicted drug dealers raises the question: could the entire Democratic Party be seized under the zero-tolerance drug policy? —JSR

The fix is in — It is somewhat astonishing, but the feds seem to consider the possibility that marijuana might be medically useful to seriously ill patients an enormous threat to their "war on drugs." Both cocaine and morphine are used medically, yet nobody claims that this medical use sends the "wrong message" to teenagers. The latest government response to the call for more medical marijuana research (from an NIH panel, among others) shows just how threatened our professional drug warriors feel.

Researchers have long had a problem of getting "legal" marijuana from the National Institute on Drug Abuse (NIDA) for approved research protocols. One researcher, Donald Abrams, M.D., has been waiting to get legal marijuana for his study of the safety and efficacy of inhaled marijuana compared with dronabinol (synthetic THC). NIDA has refused to supply the drug for this study, however, almost certainly because that study was too risky: it might show benefits for marijuana, such as those previously observed in published papers. Instead, Dr. Abrams has been told to focus on toxicity in the AIDS patient population. As Dr. Abrams puts it: "All bets are off on trying to predict something using logic in this field." I disagree. The logic is clear: prevent, at all costs, any research that might show medical benefits for marijuana. —SS

Over the hill, over dale — As the Gulf War Syndrome story ballooned like a bag full of Brian Martin's phosphorescent vomit, local papers began giving the spotlight to local gulf vets and their histories of sleeplessness, painful joints, memory loss, and lethargy.

In most of the stories that I saw, the reporter failed to draw any attention to the fact that the reportees were in, or were entering, their 40s. —BB

Armageddon and the Millennium — During the past several months controversy has erupted in some circles over the possibility that the dawn of the new Millennium will cause the nation's computers to drop dead. There are many old mainframe computer programs still in use that keep track of dates using only two digits for the year ("97" for "1997," for example); these programs will treat "00" when it arrives as "1900" and throw the economy into chaos.

Scary reports have been written that tell us how complicated these old programs are, and how difficult it will be to alter them and then test the alterations. Anyone who's ever programmed a computer knows that changing one line of computer code might cause unintended consequences in other parts of the program. Thus thorough testing is necessary before any altered program can be used by a bank, an airline, or anyone else. Estimates are being thrown around that the cost of fixing all the nation's computer programs will run a half-trillion dollars or more.

But the scariest reports say the job can't even be done before the end of the century. There aren't enough programmers, there isn't enough time, there isn't enough money, and — worse yet — corporate executives and other responsible people aren't taking the problem seriously enough to see that it gets solved. The result: the banks won't be able to open for business on January 2, 2000; government will shut down (oh my!); and it's even been implied that airplanes will fall out of the sky at Midnight on New Year's Eve, 1999. According to the scary reports, any prudent person should act now to convert his wealth to hard assets, move to a remote location, and prepare for the chaos that will hit society when the banks are closed, the military's computers don't work, and police equipment is immobilized.

Before I tell you what I think will happen, I must issue a disclaimer. I have a chemical imbalance in the brain that causes me to be overly optimistic, happy about 99.9 percent of the time, and thoroughly skeptical of any bad forecasts. I've been diagnosed as borderline euphoric with Pollyanna syndrome. I've considered taking downers to remedy this condition, but I don't like to mess with Mother Nature.

Consequently, during my 30 years in the investment business, I wasn't able to bring myself to take seriously the idea

that a sudden currency recall would flush out all our hidden cash in the 1970s — or that 120 percent of Americans would contract AIDS by 1995, or that the Arabs were going to own all of America by 1979, or that the Japanese were going to own all of America by 1989, or that the Chinese are going to own all of America by 1999.

So my first reaction to the Computer 2000 scare was to dismiss it as one more silly scenario from people who have been issuing such scenarios for decades.

However, after further investigation I realized that I should upgrade my reaction from skepticism to total disbelief.

In case you've been alarmed by the reports of impending computer doom, consider two points that never seem to be addressed in the doomsday scenarios:

1. If it's so difficult and expensive to make any change in an old, complicated computer program, *every bank and airline would still be operating with exactly the same program it had 25 years ago.* (Is that why my bank still gives me green stamps when I make a deposit?) But, in reality, even the most old-fashioned, complicated computer program is continuously updated. Companies have staffs of programmers who make changes every day — as the company's operations and requirements change. Arranging for 21st century dates to be recognized is simply one more alteration the programmers will have to make.

2. The computer industry — hardware and software — is the freest business in America. There are no special barriers to entering the market. Anyone who has something in demand can sell it — without getting a special license, passing a test, or submitting his product to the FDA for approval. That's a major reason for the spectacular decreases in prices and the spectacular increases in performance. The lack of barriers means that every computer problem that arises is met very quickly with a barrage of new products designed to solve it. That's already happening with the Computer 2000 problem. Almost every week sees the debut of another new product that's been created to solve any complicated date problems in existing programs.

I don't believe anyone can predict the future, but this is what I expect to happen: By the end of 1998, virtually every large company will have already fixed its computer problems or will be in the process of finishing up its corrections. Early in 1999, government agencies that still haven't corrected their programs will be ordered by Congress to contract with private companies to make the repairs — and 90 percent of all government agencies will have their programs working properly by the end of 1999. (Let's hope the IRS is among the other 10 percent.)

By New Year's Day, 2000, people will have long since stopped talking about the Computer 2000 scare. Instead, they'll be talking about some new catastrophe that is due to strike in 2005. —HB

That's why they're all blond

— It has now been acknowledged by the major press that Sweden, that most enlightened of welfare states, had an official sterilization program based on the "science" of eugenics. The program had the blessing of Gunnar Myrdal, architect of welfarism and lover of the downtrodden. Some things just speak for themselves. —SR

The right to sleep and bear arms —

I had such a pedagogically subversive experience this summer that I hope *Liberty* readers will forgive my relating another personal adventure. I happened to be camping in the woods ("where the state is nowhere to be seen," as Thoreau said) with a young woman who had never been initiated to arms. Since she did not have a slave's soul and since (of course) I had brought guns with me, I naturally taught her how to use them.

I started with the usual theoretical course on how guns work and how to handle them safely — check whether the gun is loaded, don't point it towards something you do not intend to shoot, don't put your finger on the trigger until you are ready to pull it and, well, safety time ends when the marching boots get close. Then, I lent her one of my guns for some practice shooting. Walking armed in the woods, she said, "I feel very empowered."

In Japan, it is apparently a great proof of trust to let somebody sleep near you, "for he could easily kill you during your sleep." The more so, of course, if your sleeping companion is armed. So, after the night had extinguished the last horizon fires, I suggested to my lady companion that, like me, she put a loaded gun alongside her sleeping bag, which she gladly did. And we slept the sleep of the just.

Pity the poor opponents of the right to keep and bear arms! They must distrust everybody except criminals and the tyrant to whom they concede the armed monopoly of their protection. —PL

If a bureaucrat falls in the woods . . .

Most Americans probably agree with Shakespeare's statement that we ought to "kill all the lawyers." But, in my view, the pseudo-profession that comes closest to true evil is not the law but planning. I say "pseudo-profession" because planners claim to be scientific when in fact they have no idea what they are doing.

If you don't believe me, take a look at Alaska's Tongass National Forest plan. The plan cost $15 million and took ten years to write. Yet it is supposed to last for only ten years, after which the planners have to write another one. If the experience on other national forests is any guide, the plan will be totally obsolete in just four or five years.

Fifteen million dollars might be money well spent if the plan were any good. But of course, it is not. The data going into the plan were so worthless that an entire appendix was devoted to explaining them. For example, timber stands that were classed as "high volume" turned out to have lower volumes of wood than timber stands classed as "medium volume." As Forest Service computer specialists say, "garbage in, gospel out."

Known as the forest that sells trees for the price of a Big Mac, the Tongass has

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SS	Sandy Shaw
TWV	Timothy Virkkala

recently been doing a little better, selling timber for around $100 to $150 per thousand board feet. But it still loses nearly $30 million a year building roads and administering timber sales.

Planners were able to claim that the forest will make money in the future by the simple expedient of assuming that timber is worth $250 per thousand board feet instead of what they are really getting for it. The Forest Service also decided to sell 267 million board feet of timber a year even though its own research economists said that the demand for Tongass timber was limited to about 110 million board feet.

The Tongass is just a typical example of the National Forest System as a whole. Your tax dollars at work: the Forest Service manages 193 million acres of land worth an estimated $100 billion dollars and manages to lose $2 billion a year. —RO'T

Growth industry — I always thought that someday I'd buy a little land and go into the business of not raising corn, for which the grateful taxpayers would reward me handsomely. But now I've got a better idea: I'm going to not train doctors. After all, what can you get for not raising corn — a few dollars an acre? But the federal government has agreed to pay hospitals about $100,000 for each doctor they don't train. I figure I'll start out not training ten each year, then gradually increase the number I don't train each year as my tastes get more expensive.

But seriously, folks: weren't we told just a couple of years ago that medical care was too expensive, and isn't decreasing supply a strange way to reduce prices? People in Washington have gotten so wrapped up in micromanaging a $7 trillion economy that they've always got to be either subsidizing training or paying people not to train. Letting the market work out the optimal number of doctors doesn't seem to be on the table.

And would it surprise anyone to hear that it was Republicans who put this provision into the infamous budget deal? They were annoyed that hospitals in New York but not elsewhere were getting the non-training subsidies, so with good Republican instincts they insisted that the boondoggle be expanded nationwide. A spokesman for the often sensible Rep. Bill Archer, chairman of the House Ways and Means Committee, defended the plan with terms like "market-oriented" and "voluntary." A Heritage Foundation economist pointed out that it was hardly voluntary for the taxpayers.

The era of big government is over, but the government doesn't seem to know it yet. —DB

Rubber baby buggy bumpers — Two individuals well introduced in the royal courts of this world recently departed from the Pont de l'Alma tunnel for another kingdom. One of the ideas thrown into an Internet discussion group was that the fault partly lay with the absence of crash barriers in the tunnel. I thought the idea worth pursuing.

What a properly designed crash barrier apparently does is to make a crashing car bounce back on the road — sometimes, presumably, into innocent drivers passing by. But even if personal responsibility does not bounce so much, I am willing to accept that there are good arguments for crash barriers.

Now, let's not kid ourselves: we will not stop short of anything but immortality. Rubber highways and mandated rubber cars would certainly go part of the way. (They would be manufactured out of domestic synthetic rubber, by rubber barons.) Sun visors would feature yet another warning: "Caution! This car bounces. Uncontrolled bouncing may cause injuries or death. Don't drive and bounce. It's not only a good idea, it's the law." —PL

Merchants of death — Detroit, Sept. 2: Anti-driving activists cheered today when the head of one of the Big Three auto-makers admitted publicly that driving automobiles may have caused the traffic deaths of thousands of Americans.

For the past decade the auto-makers have steadfastly denied any link between driving and auto accidents. Leaked documents show that they have suppressed any internal studies tending to support such a link.

Other leaked documents indicate that auto makers secretly tampered with the engines in their cars — regulating horsepower and fuel content to make the cars more powerful.

The documents also support the claim that auto makers intentionally target young people in their advertising — by showing racy automobiles, pretty girls, and happy drivers. Anti-driving activists maintain that the auto-makers have to recruit 40,000 new drivers annually to replace those who die from car accidents.

Today's admission by the Big Three auto maker may make it easier for state governments to win the many suits now in the court system — suits demanding that auto makers reimburse the states' Medicaid systems for money spent treating victims of auto accidents. However, supporters of the auto makers have long contended that auto accidents save the states money — by reducing the number of people who live long enough to receive state-supported health care.

The admission that driving may have caused traffic deaths still leaves unresolved the question of whether driving is addictive. When accused of trying to hook people on driving, auto makers traditionally produce witnesses who claim to have quit driving on their own and who insist they lead drive-free lives by using public transportation. But anti-driving activists say that, at the very least, cars should have strong warning labels — including a Skull & Crossbones, as with poisons.

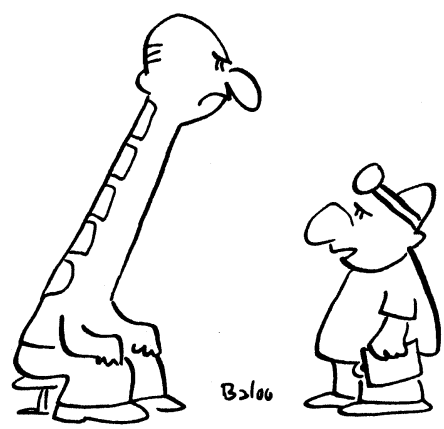

"Stop griping — we were lucky to find any kind of donor at *all*!"

Also unresolved are a number of questions relating to the "second-hand driving" issue. Does driving cause pedestrians to die in car accidents? And, if so, should driving be outlawed completely? Or should it be regulated by the BATF as a weapon? Should driving be prohibited within 50 feet of federal buildings, as President Clinton wants?

Supporters of driving say the root issue is one of personal responsibility. They say people make their own decisions regarding whether or not to drive — and they have the right to make those decisions for themselves. They claim the current anti-driving crusade is a "wedge issue" for moralists who really want to control all aspects of life. What, they ask, will be the next activity to be attacked? Eating fatty foods? Using step ladders? Taking showers? Pretty soon, individuals will be prohibited from every activity that leads to any deaths at all.

In short, once you accept the principle that driving is addictive and dangerous, and that drivers can be manipulated by the auto makers, it is only a matter of time until the same reasoning is applied — for example — against smokers and tobacco companies. —HB

I ♥ FDR — If you want to know why the conservative rank and file is having a hard time keeping its spirits up, take a look at the July issue of *The American Spectator*, which is supposedly the house organ of uncompromising, in-your-face conservatism.

Most people read the *Spectator*, as I do, for Ben Stein's Diary. But that's really beside the point, so I won't pursue it. The point is that the July issue contains an article by Philip Terzian about the new FDR memorial in Washington.

Terzian's purpose is to show that the memorial misleads credulous visitors into believing that Roosevelt (reigned 1933–1945) conformed to the politically correct style of the 1990s. Terzian ably accomplishes his purpose. He could easily have gone on from there to demonstrate the genetic relationship between today's modern-liberal malarkey and the malarkey once emitted by FDR. This would be a very natural connection to make; as Terzian notices, "even today, the debates in Congress and the states about the size, scope, and character of government are based on principles and precepts [that Roosevelt] laid down." (If you don't believe it, ask Bob Dole.)

But perhaps the historical connection is just a bit too easy to develop, because Terzian decides to work on something different. He decides to build his own shiny verbal monument "to one who really deserves commemoration." And who should this "one" turn out to be but . . . Franklin Delano Roosevelt!

Oblivious to the fact that FDR found it easier to get along with Stalin than he did with the conservative members of his own party (e.g., Al Smith), and to the fact that American conservatism during the past 60 years has been impelled by a massive reaction against FDR and all his works, Terzian somehow finds it in his heart to call this man "the greatest president of the twentieth century." He is struck by the fact that Roosevelt "was elected to office four times." He is positively bowled over by Roosevelt's "style and mastery," his "gallantry and self-possession," the "sheer enthusiasm and joy, which he brought to the presidency — and which [allegedly] sustained the nation through the Depression years." Cheerfully admitting that Roosevelt "delighted in appearing to be something he was not, or saying one thing while meaning another," Terzian asserts that it was "to Roosevelt's great credit" that he "misled the American people" during the lead-up to our involvement in World War II.

But I wonder, if all this misleading is so magnificent, why should Terzian be bothered by a misleading? —SC

The market for mayhem — When I walked up to the magazine rack, my heart skipped a beat. "Privatizing War," the headline read. Oh boy! I thought. National defense as a private good. America defended by a militia that looks like Switzerland with Boeing as the major industry instead of banking. *The Wild Geese* and *Tom Paine Maru*. Where do I sign up?

But the headline was on *The Nation*, and since privatizing anything gets *The Nation*'s writers in a fury, I expected the worst. I was not disappointed. The article detailed how the military establishment is lengthening its reach by licensing various private "consulting" and "security" firms, supposedly composed of retired generals and spooks, to do dirty work abroad. Such firms would be beyond the groping of public disclosure; their methods, budgets and contracts would be "proprietary information."

Every anarchist longs to know: are private sector warriors more efficient? Perhaps. At the start of the war in Bosnia, according to Silverstein, the Croatian army was a bumbling mob, completely ineffective before the more warlike Serbs. An American firm, Military Professional Resources, Inc., bank-rolled by the gulf states, contracted to develop Croat officers leadership and, incidentally, democratize the brutish Croat military. Then, in 1995, the Croats went on a tear in northern Bosnia, seizing towns and driving civilians ahead of them in the pogroms that the Balkans have become justly infamous for.

So, the American retirees of MPRI score high on combat efficiency, but not quite as high at instilling magnanimity in victory.

And so, assuming that this story is true in its details — and one has to wonder about an article that quotes almost exclusively anonymous sources — private warfare, at least as the U.S. government conceives it, seems like a setback for civil society. Watch this space for the government's next venture: Rent-a-nuke. —BB

The market for hysteria — In response to public fears being whipped up over the dangers of *E. coli* and other contaminations of the beef supply, the Department of Agriculture has announced plans for increased oversight of the meat packing industry. It follows a tried and true formula for expanding bureaucratic power: find something that has the potential to create hysteria among the public, embark on a massive publicity campaign to fan up the flames, and offer to save the day at the very small price of expanding its power.

One of the early practitioners of this formula was Gifford Pinchot, who successfully lobbied for creation of the Forest Service in 1905. He spread the message that a "timber famine" was unavoidable. The nation was going to run out of wood soon, he said, and the cost of housing would go out

of sight. The Forest Service would rescue of the nation. It would conserve timber on public land and, Pinchot hoped, regulate its production on private land as well. (Pinchot did not succeed here). Not surprisingly, the whole idea of a timber famine turned out to be sheer myth.

This formula was repeated in the 1970s with only a little change in vocabulary. Now we had the "energy crisis" that was, Jimmy Carter said, the "moral equivalent of war." In the hysteria, Congress created the Department of Energy to address a problem that, it soon turned out, did not really exist. The price of energy today is about as low as it ever has been. Of course, the Department of Energy is still with us.

The Environmental Protection Agency was not going to be outdone by DOE. Soon we had the Great Cancer Scare, whipped up by EPA. The Superfund law passed in the hysteria over Love Canal, where no real damages have yet been found, despite the media hype at the time. Cancer fears fed by EPA helped to bring about the current tight federal control over the entire waste disposal system of the United States, and the all encompassing regulatory regime imposed by the 1984 Amendments to the Resources Conservation and Recovery Act. The costs to the nation of complying with RCRA are now estimated to exceed $30 billion per year.

While the Democrats use hysteria over contaminants in air and water to increase government power, the Republicans use hysteria over contaminants in bottles or needles. The War on Drugs is the GOP equivalent of the environmental movement. Both the Republican war and the Democrat war are moral crusades to purge the evil corrupters of American society.

The press plays a critical role in this process. It feeds on stories of good and evil. That is what sells newspapers, or gets TV viewers. If real evil cannot be found, imaginary evils are invented. Morality plays about foreign chemical contamination of American innocence stir up a large audience.

Political scientists used to talk about an "iron triangle" of mutual sustenance, consisting of interest groups, government agencies, and Congressional supporters. This paradigm needs revision. Government agencies look to expand their domain, the media look for good stories, and Congressmen look for media attention, all acting out little morality plays for the American public.

I do not mean to suggest that the beef supply of the United States is perfectly safe, though probably at least as safe as in the past. There is a simple solution to the problem: irradiate beef to kill microorganisms, just as chicken is irradiated. Why isn't this solution used? Because environmentalist opposition to anything associated with radiation has blocked it.

Irradiation of beef would largely eliminate the current risks. The costs are acceptable. Why has this obvious answer not been adopted? Maybe because it would not do anything to expand the powers of the government. —RHN

Scheer stupidity — Though I am not an avid reader of our nation's magazines and newspapers, I am always looking for helpful writing tips from these masters of opinion and prose.

In the September 22 edition of *The Nation*, Robert Scheer performed an important service: he called to our attention an important story that has received little press, and he demonstrated the usefulness of a literary technique.

Scheer tells that the "stealth covering of the B-2 bomber melts in the rain, blisters in the sun and chips in the cold" — an amazing development in America's "peace-dividend" folly to churn out irrelevant war planes. And amazingly, according to Mr. Scheer, this "fatal flaw" cannot be fixed.

Scheer quoted the General Accounting Office as reporting that "Air Force officials said it is unlikely that the aircraft's sensitivity to moisture and climates or the need for controlled environments to fix low observability problems will ever be fully resolved even with improved materials and repair processes." Scheer rightly points out that "a plane that costs three times its weight in gold but deteriorates every time it leaves its climate-controlled hangar ranks as one of the most egregious examples of government waste of all time." But, he notes, there has been virtually no media coverage of this development, much less cries among the punditry for an investigation, or for heads to roll.

But I confess I am jaded. I *expect* government to be wasteful and foolish. Even — perhaps *especially* — in the Defense Department, no small part of which is protected from scrutiny by law, and what's left public is protected by the taboo against "weakening the nation."

What Scheer's article reminded me is that faux-naivete still works; that pretending not to understand something is still an acceptable and salable literary technique.

For example: "It is breathtaking that such an immense

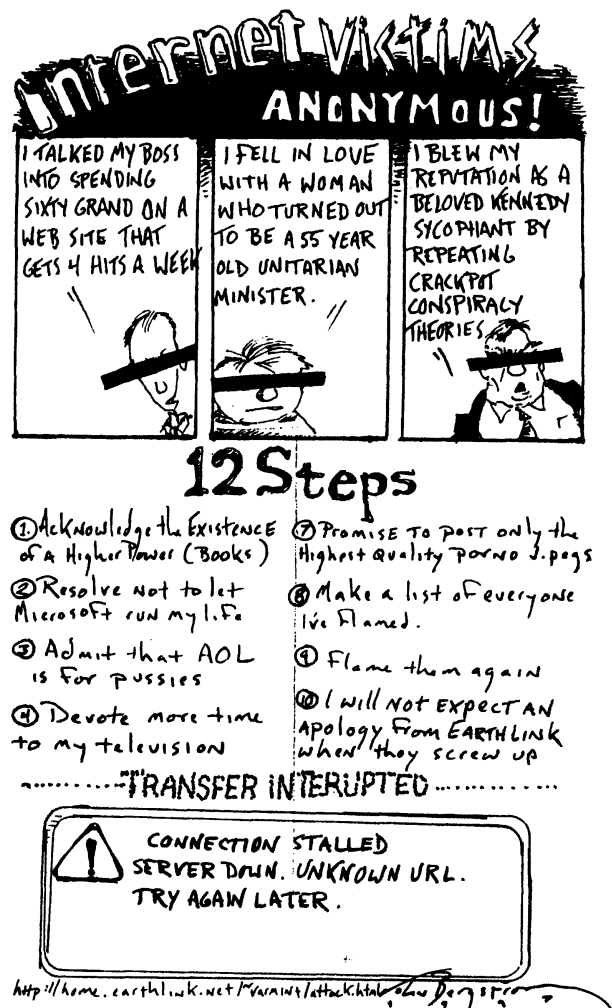

ripoff of the taxpayers is not bigger news . . ." and "You would think it would register as one of the great scandals of our time that the plane's unique feature — the top-secret composite coating that was said to make it invisible to radar — degrades sharply under normal atmospheric conditions."

Well, you would think this if you thought "the media" didn't consist of a bunch of poseurs in bed with its "sources" left and right. But when you realize that the press *loves* power, and that the military-industrial complex is one of the most efficient "users" of the press in our time — knowing precisely how to string along the stringers, get them to slant the stories just the right way — then you will not be surprised at all.

And Scheer certainly knows this. He's an editor at *The Nation*, a well-known critic both of the military and of the mainstream press's "capitalist" craveness.

But, considering the tired cliches Scheer also feasts us with — "As this is written, 150,000 disabled children are having their Supplemental Security Income cut because their disabilities are not considered sufficiently severe. The $800 million a year saved by cutting those kids off from S.S.I. amounts to less than one-third the cost of building and maintaining a single B-2." — considering this tired "guns vs. butter" comparison, and his complete lack of appeal to once-normal standards of honor that would make his case against the B-2 so much stronger, perhaps Scheer isn't merely playing naive. Perhaps he *is* naive. "It's time to expose the subversives who sold us a bomber that can't go out in the rain," he concludes. But the logical conclusion to draw from Scheer's tale is that nearly *everybody* in Washington — from Bill Clinton down to the interns serving Nina Totenberg — is a "subversive."

But so far, the stealth surface of our corrupt culture remains as unscandalous as the B-2 bomber's bubbling, flaking patina. And though Scheer proves that naivete still flies, it won't shoot down the boondoggle of American statism. —TWV

What do libertarians want — As with any other group of people, libertarians don't agree on all political issues. But compared with the prevailing political order, they are very much in unison on the main issue that brings them together: they want a lot less government.

Libertarians recognize that force is the least efficient means of handling social and political questions. Any successful businessman can tell you that you achieve very little by trying to intimidate your employees; you accomplish much more by providing the proper incentives to motivate them to do voluntarily what you want them to do. In the same way, political force breeds resistance, injustice, and inefficiency; it is vastly inferior to arrangements that allow each individual to make his own decisions.

Libertarians may argue in their spare time about the details of a free society we haven't seen yet, but probably most of them have the same objective — to reduce the use of force to the absolute minimum possible, whether that means a society with no government or very little government. The objective of reducing force is neither radical nor unpopular; undoubtedly a vast majority of the population, if asked, would agree with the objective and, if any thought is given to the matter, wouldn't fault us for being more consistent in striving toward that objective than they are.

Of course, there are many politicians — Democratic and Republican — who say they stand for smaller government, which implies that they want to reduce the use of force to solve problems, but never do anything to make government smaller. Even more telling, what separates them from libertarians is their response to newly discovered social problems. No matter what a libertarian's ideology tells him about the final goal for society, he thinks initiating force is the *last resort*. But the standard Democratic and Republican politician thinks of force as the *first alternative*.

Do some people have a problem getting health insurance? Don't question whether government may be responsible for the problem; instead, immediately propose a law to force insurance companies to do your bidding. Is there a problem in Bosnia? Send troops to enforce "our" solution. These are the standard political responses of both old parties. Libertarians may disagree about how much force might be required to maintain an orderly society, but none that I've ever encountered considered force to be the first choice.

It doesn't really matter whether a society can survive without any government at all. Today, that's an academic question with no practical application. What matters is that we, most other people, and society in general would be far better off with much less government than we have now. If we can reduce government to a fraction of its present size, it will become profitable for the best minds in the world to discover and offer methods of replacing the remaining governmental programs with non-coercive market institutions. We don't have to devise those solutions now, and we don't even have to wonder whether it's *possible* to devise such solutions. It simply isn't relevant — and it won't be until we've reduced government to a much smaller size. —HB

Hubrisimus Maximus — Frank Moore Colby, who lived about three generations back, was irritated by the self-assurance of his fellow journalists. "What if the people you met," Colby asked, "talked like a newspaper — never made an admission or saw but one side, never retracted except on compulsion or paused in the praise of themselves?"

Of course, there is one person, and a person very frequently to be met with, who talks exactly like that: our president, William Jefferson Clinton. It's hard to find anyone who can equal Clinton in the never-admit, never-relent department (except, of course, his wife). He makes Lyndon Johnson and Huey Long look like conscience-stricken culprits casting themselves on the mercy of the court. He praises himself unctuously, he praises himself belligerently, he praises himself continuously. He never surrenders.

Even his assumptions of "responsibility" for the various things that might not have turned out *just right* around his office are really expressions of self-praise. To him, having been wrong yesterday simply proves that he is right today — which means, in effect, that he is always right, and you're wrong if you don't believe it. Some people imagine that Clinton has actually, on some occasion, made an overt confession of failure. But any such confession must have been one of those sleek, nimble things that jump up in front of the bulldozer just before it reaches the last of the weeds and garbage. They go by in a flash, never to be seen again.

The self-righteousness of this man is hard, grievously hard, to match. Yet there are people who try to match it. The Republicans try. Like President Clinton, the leaders of the Republican Party are always right in their own eyes, no matter what they do. One moment, they're praising themselves for planning to wipe the continent clean of the last microbe of Clintonism. The next moment, they're praising themselves for their ability to establish a nice working relationship with the parasite.

At the conclusion of this summer's Great Budget Deal, they guaranteed to Clinton what every friend of centralized government wants, the (continued) ability to use taxation as the world's least chewable carrot and most vexatious stick. The government will give you a piddling tax cut, or even a tax subsidy — but you gotta have a child! So the tax code adds another gripping chapter.

The Republicans agreed to this, and then they *celebrated* their achievement on the steps of the Capitol. It was peace in our time, and they were there to give themselves the Nobel Prize. —SC

I confess — A month ago, my landlord was exulting to me over NATO's snatching of a two-bit war criminal in Serbian Bosnia. This was, I took him to mean, some kind of turning point in civilization.

I had the temerity to tell my landlord that such an action would turn into "Somalia, Part Two," with no meaningful result other than a lot of dead Americans. To which my landlord replied, with a certain delicacy of phrase, that I did not know "shit" about history, that America was a "ball-less" country, as indicated by our refusal to get our people killed in the world wars, and that I needed him to educate me further in geopolitics.

Well, my pride was hurt by this, but now I am ready to admit that I was wrong. Wrong to compare NATO's current strategy of arresting war criminals in Bosnia with the U.N.'s policy of arresting war lords in Somalia.

Now that Serb youth are rioting against our troops, and now that we have divided the Serbian Republic between two authoritarian rivals, Karadzic and Plavsic, and now that the Dayton Accords of 1995 are looking more like the Geneva Accords of 1956, I confess that I was completely wrong with my facetious crack about Somalia, Part Two.

Stay tuned for Vietnam, The Sequel. —BB

Cunamania — Most people discovered the existence of Andrew Cunanan when they heard that he had shot Gianni Versace, the famous fashion designer. I, however, am not *most people*. I am one of those strange, nerdlike objects for whom Versace was simply the latest victim of Cunanan. I had been following Cunanan's adventures for weeks, but I had never even heard of Gianni Versace.

I won't try to account for my almost savage insensibility to the world of fashion. But I will try to account for my interest in the world of Andrew Cunanan.

Cunanan lived in my neighborhood, the Hillcrest district of San Diego. It's a place where — in the immortal words of *42nd Street* — "the underworld can meet the elite." I don't believe, however, that I (obviously one of the elite) ever ran into Cunanan. My interest in him was the presence of the absence, or maybe the other way around.

People who did collide with him reacted in various and contrasting ways. Some were impressed by his intelligence, breadth of learning, and mastery of world affairs. A local journalist suggested that Cunanan must actually have read a weekly news magazine, or he would never have been able to talk on terms of equality with wealthy and sophisticated friends.

Other, less intellectually minded people responded favorably to Cunanan's warmth, high spirits, and emotional generosity. To use their own words, "Andrew liked to have a good time." Many of Cunanan's acquaintances were unable to understand how a man who was thus the epitome of virtue could possibly have become a serial killer.

Some of my neighbors, to be sure, formed a less favorable opinion of Cunanan. To them, he was an obnoxious creep who dominated bars and restaurants with his relentless, aggressive, "bellowing" laugh. They thought that his high spirits should be regarded more as a vice than a virtue — and I'm inclined to agree. As far as I'm concerned, anyone who could bellow at people while they were eating would have no compunction about killing them, either. The mystery to me is why Cunanan suddenly decided to shoot and stab his victims instead of just ravaging their nerves and ruining their digestions.

And yet. . . there was a mystique about Cunanan as well as a mystery. It was the mystique of an unfulfilled potential. Consider the facts. Cunanan went to a high-priced prep school. He was passably good-looking. He knew how to dress. He liked being the center of attention. He knew how to target money. He read, or pretended to read, magazines. He smiled constantly. He was a pathological liar. He liked to dominate and manipulate. He was a pagan and a boor. These qualities led many people to admire him. They are the kind of qualities that make for social and political success.

Had Cunanan been born in one of the old royal houses, he would probably have massacred half the population of his country, reduced the other half to poverty, and been revered ever after as a national hero. Had he been born in twentieth-century America but had not suffered the crucial disability of being gay, he would probably be a congressman right now, and "in line for bigger things."

Cunanan's tragically frustrated career was one reason to be interested in what happened to him. Another, even

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stronger, draw was the amusing nonsense that always accompanies a big crime story. To cite some instances:

Crime experts declared their belief that Cunanan, who wore glasses and liked to get his hair cut, had a remarkable ability to "change into other people." Cunanan sightings were thereupon reported in every state except Alaska and Hawaii.

The national media concluded that because Cunanan was gay, he must be murdering people to avenge himself on a community that had given him AIDS. They next announced that this only might be true, since no evidence supported it.

Residents of Hillcrest were reported to be living in deadly fear that Cunanan might, for reasons best known to Cunanan, emerge from hiding in order to participate in San Diego's annual Gay Pride parade. (*Liberty*'s reporter detected no signs of panic.)

Televised authorities argued about how bad — or, if you looked at it another way, how very good — the televised coverage of Cunanan would be for gays, for crime, for women, and for inner-city blacks.

A Filipino-American columnist worried at length about the fact that Cunanan, whose father is a Filipino, was labelled "white" by the FBI.

A former FOA (Friend of Andrew) issued what was called "a plea to Cunanan to stop the violence: 'Turn yourself in, Andrew, and get some help.'"

Prominent policemen demonstrated, with many hilarious touches of pomposity, that they were incapable of finding the nation's most wanted man no matter how little effort he spent on hiding. Not only couldn't they find him, but they couldn't even find out how to pronounce his name (which is perfectly phonetic). Most of them kept calling him Andrew CUE-nuh-nin. Janet Reno, the Dick-in-Chief, went even further. She kept talking about some guy named CUE-nun. I suppose she's still trying to find that guy.

Well, I could go on and on like this. It's hard not to be entertained by such developments, so long as you forget about the poor, mangled victims that Cunanan left behind.

I'm sorry to say that I forgot. I surrendered almost immediately to the thrill of the chase, or whatever you want to call it. Every morning, I visited the internet for the latest reports; every night, I fell asleep beside the all-news channel.

When, at last, all regularly scheduled programs were interrupted for the announcement that Cunanan had managed to slay someone "important," Gianni Versace, I knew that Andrew — and, vicariously, I myself — had hit the big time. Now I could share my vast resources of Cunanania with all my friends, and they would, for a change, be interested. They wouldn't peer back at me curiously, almost clinically, and try to change the subject. I was suddenly a recognized expert, and I could keep babbling to my heart's content.

Then, I am sorry to say, Cunanan killed himself, and the circus went away.

Here ends the frank and open confession of my career in crime, or at least in the news of crime. All you O.J. addicts and Whitewater web-rats will please step forward, wipe that sneer off your faces, and make your own confessions. —SC

First mourner — There was little doubt that the Clinton administration would choose First Lady Hillary Rodham Clinton to represent the United States at services honoring the late Mother Teresa. Hillary Clinton has made a minor fetish of associating herself with the not-yet-sainted nun of Calcutta. The first words of her first newspaper column were, "The first time I met Mother Teresa." When Mother Teresa appeared at the National Prayer Breakfast in February 1994, Mrs. Clinton literally shoved people out of the way in order to be standing next to the diminutive holy woman for the photo op. Hillary then put on a very brave face when Mother Teresa denounced abortion as "murder of a small child by the mother." In a March 1995 tour of Asia, Hillary Clinton made it a point to stop by the Calcutta orphanage run by Mother Teresa. She cuddled some babies for the cameras, and pledged that the United States would send beds and other supplies. Mother Teresa then explained why the orphanage would not in turn send any children to the U.S. for adoption — because the United States allows legal abortions.

A December 1996 Roper poll showed Mother Teresa as the most admired woman in America (19 percent of respondents named her) — Hillary was a distant second with 9 percent. Perhaps she feels associating herself with Mother Teresa will increase her standing, now that Teresa's 19 percent is up for grabs. Or maybe she feels justified in linking the two of them — she perhaps fancies herself as Mother Teresa's legitimate successor, at least when the cameras are rolling. But one thing is clear: it took the nun's death to give Hillary a chance to talk about her without being embarrassed by Mother Teresa herself pointing out the obvious — that the two have nothing in common, never had, and never will. —JSR

The vision of Diana — The death of Diana, Princess of Wales, followed by the widespread display of grief and anguish in Britain and even in other countries, was not an ordinary celebrity death. You do not get virtually an entire country of mourning people and a million people at the funeral of a mere celebrity. You don't get people willing to stand in a line for twelve hours to sign a Book of Condolences for a mere celebrity. So what was the meaning of all this?

The death of Diana, or rather, the public's yearning for the values that Diana represented, may prove to be a major turning point in the current political chaos taking place in the Western world. Diana chose for herself a life of service, a life of charitable work to help unfortunate people, such as lepers in third world countries. Not to help endangered animals. Not to lobby for an increase in welfare payments to the poor. Not for charity at an impersonal distance, but actual personal concern and caring for unfortunate people.

I think it is this vision of public service that has suddenly broken through the cynicism and apathy that people feel toward the current version of "public service" being offered by politicians and even by the British Royal family. People became suddenly aware of a Royal (an ejected one!) with a sense of social purpose that has so long been lacking in both the body politic and the Royals. A large number of people will now have a different vision of what it is they are looking for in a "public servant."

To be an individualist does not necessarily mean that one doesn't care about or want a sense of communtiy and a sense of social purpose (e.g., the feeling that one's life work is good for others, as well as for oneself). But government social engineering has smothered the sense of community and of

social purpose by supplanting voluntary institutions that promote community service and by dividing people into warring factions.

In order to change human society, there has to first be a change in the vision of what society can be and ought to be. The death of Diana and the deep grief over the loss, not so much of an individual but of an individual who represented lost and nearly forgotten but deeply loved values, may prove to be an important turning point in the recovery of those values. —SS

Princess envy — Spend your time with libertarians, and you'll hear them talk as if all people want to be free. This idea also pops up repeatedly in American mythology — "land of the free," "our brave soldiers who fought for our freedom," blah, blah, blah. But you have to wonder. If people really want to be free, why do they tolerate so meekly the prevailing tyranny? I believe that most people could scarcely care less about freedom so long as they enjoy a modicum of creature comforts, amusements, and the illusion of security.

I gained a new perspective on this conviction as I watched the outpouring of what appeared to be genuine grief, especially in Great Britain, after the death of Princess Diana. Again and again, in explaining why they felt the loss of Diana so deeply, people on the street responded that they loved her because she treated everyone, even ordinary people, "as if they were real human beings." I suppose she did.

My point, however, comes from the contrast implicit in the public's special appreciation of Diana's conduct. Evidently, they expected that normally a member of the aristocracy would treat ordinary people was if they were . . . well . . . ordinary — mere sod for the feet of their betters to tread upon. Obviously, most British people ("the commoners") tolerate the presence in society of a whole class of hereditary privileged claimants ("the nobility") living off the ill-gotten gains of their ancestors' prowess in proving that a plain peasant was no match for an armed and armored man on horseback. The British even reserve the Upper House of Parliament for the descendants of those brutal and piratical knights of old. And they expect these fortunate few, as a rule, to treat others with disdain.

Well, you say, there's no accounting for the Brits. But they are not the only ones behaving strangely toward an aristocracy.

In this country, the cult of celebrity manifests many similar features. People clamor to know about the comings and goings of politicians, actors, athletes, and the visible superwealthy — virtually anybody frequently seen on television, not excluding rapists and murderers. How else to account for the huge popularity of checkout-counter tabloids, *People* magazine and its clones, gossipy TV programs focused on the blatantly rich and famous, and the immense crowds that gather to pay homage wherever celebrities appear?

These clowns compose the American aristocracy. They are no more and no less silly than the Europeans deemed aristocratic by accident of birth. It's no surprise when a Grace Kelly marries a Prince of Monaco, or a Jackie Kennedy hooks up with an Aristotle Onassis; it's all in the royal family. Nor is it mere happenstance that the likes of Senator Bill Bradley and Congressman Sonny Bono take up residence in the upper reaches of the Predatory State.

In ancient Rome, rulers employed "bread and circuses" to placate the masses. Contemporary American society, notwithstanding its democratic trappings, attests that the Roman rulers had seized upon a formula applicable in all epochs. The objects of the public's adulation revel in it; the masses recite their lines as if they were born to play the role of dolts; and hardly anybody has time to fret about the lack of real freedom.

Rest in peace, Diana. The circus just won't be the same. —RH

One life to live — These people aren't sorry Di's dead. They're just enjoying being in a soap opera. —SC

Diana's dead and I don't care — *Liberty* managed to survive its first decade without a single mention of Diana Windsor neé Spencer, the moronic young petit nobleperson that the heir to the throne of the United Kingdom plucked from obscurity to be his bride. Her virtues were essentially those of the sort of livestock that win prizes at county fairs: she was good "breeding stock," attractive in a bovine sort of way, with "good" bloodlines, as amenable to bedding the homely Prince as a prize heifer is to being mounted by an especially treasured bull, and likely to bear healthy offspring that could carry the British monarchy into the next century. Her only attribute not especially prized at the county fair was her apparent chastity, this the product not of her virtue, but of the genteel poverty of her parents, which prevented her participation in the superaffluent lifestyle of her more affluent peers. Apparent chastity pleased the House of Windsor, whose reputation had been sullied by a generation whose behavior was the sort ordinarily thought of as more appropriate to the barnyard than the palace.

Diana served her function splendidly. She bore two healthy heirs as quickly as anyone could hope and maintained a virtuous image by careful selection of clothing, cosmetics and public activities. In this latter, her manifest lack of intelligence was actually a virtue. It enabled her to appear, without the transparent boredom of other royals, at the hospitals, charity balls and mall openings endlessly required of royalty.

But her marriage soon fell apart, apparently because Charles had the temerity to continue his affair with the woman — not Diana — whom he had loved all his adult life, but lacked the compliant press corps willing to look the other way, as his forbears had. While the matings and antics of the royal family have some slight value as amusement, I've always been slightly embarrassed by the interest that so many Americans have in the subject. It's not the trashy values embodied by the House of Windsor. It's the simple fact that this country had its origin in a war to rid itself of the British monarchy.

In the three weeks following Diana's death, the cable channel MSNBC transformed itself from a pretty good news source to the "All Diana, All the Time" network. A writer for *Newsday* told her readers that Diana's death was the "defining moment" for her generation, an observation echoed by NBC News' perky middle-aged airhead Jane Pauley. *USA Today* took the longer view: it concluded only that Diana's death "maybe" was the defining moment of this generation. One shudders to think what this generation is, if it must be

defined by the death of Diana Spencer.

Of course, Diana was no ordinary celebrity. Ordinary celebrities become famous by doing something. After this something eclipses their lives, they become, in Daniel Boorstin's phrase, "famous for being famous." Diana, in contrast, was famous purely for being famous. She was the Platonic form of celebrity. It was this rarified metacelebrityhood that enabled her to be more loved the more and more she revelled in banality. Even her death while cavorting with a dissipated playboy, in the back seat of a car driven by his drunken chauffeur, is blamed almost entirely on . . . people trying to take her picture! —RWB

Strategy Debate

The story so far: *In the last issue, Harry Browne cited the Gallup poll that estimated 22 percent of Americans to be "libertarian" — that is, people who wanted less government in both their economic and their social lives. Harry argued that this was fertile ground for the Libertarian Party to conduct a recruiting campaign that could bring its membership to 200,000 by the year 2000 — and give it a "fund-raising base that can support a $50 million presidential campaign," "troops who can carry the message door-to-door if necessary" and "the resources to run advertising that will let everyone know" about the party's program.*

Bill Bradford was not convinced. He wondered, if 22 percent of the American people really were libertarian in any meaningful sense, then "why is it that an extraordinarily articulate LP presidential candidate backed by the fastest growing party in America cannot get more than one half of one percent of the vote?" He suggested that the 22 percent identified by Gallup as libertarian merely had "a general inclination to favor less government in the economy and in social life, or at least to oppose greater interference in those activities." And he expressed doubts that the exponential growth that Harry envisioned was plausible.

And now, the debate continues.

Dear Bill,

You say that "a general inclination to favor less government interference" is a far cry from supporting the LP's principle "that it is always wrong to use 'the initiation of force as means of achieving political or social gains.'"

But the LP doesn't have to ask people to support every jot and tittle of the LP platform. It need ask them only to join the sole party in America that is seriously pushing for smaller government. Good Libertarians don't have to be clones of Bill Bradford — or Harry Browne — or of anyone reading this. After all, we're not clones of each other. To grow rapidly, the LP needs only to recruit people who would rather support a party pushing to repeal the income tax than one pushing to censor the Internet or raise the minimum wage.

You say the annual growth rate required to get to 200,000 members by the year 2000 is a notion that "defies rationality."

But the LP has never conducted an all-out recruitment campaign. Membership has ebbed and flowed with the tides of election campaigns and member proselytizing. Now the LP has raised $200,000 specifically to conduct massive tests of mailing lists — to find the demographic profiles that best respond to our message. When those tests are completed, if they show any prospect of success, the LP will have a solid business plan with which to raise the further money necessary to mail again and again to the best lists.

No one knows what the outcome will be, and experience is no guide because no one has tried this before. But we do know that with every passing year, more millions of people become aware of the futility of government solutions and become more responsive to libertarian ones. And the best libertarian minds have been discovering ways to make our message more self-evident and attractive to people.

You ask: "If almost a quarter of Americans are libertarian, why is it that an extraordinarily articulate LP presidential candidate backed by the 'fastest growing party in America' cannot get more than 0.5 percent of the vote?"

After the last election, the LP commissioned a poll. Only 4 percent of the respondents could identify the LP presidential candidate from a list of choices. This is the result of having a small party that can afford only a $3 million campaign. Even those who knew of the candidate and agreed with him had little reason to vote for him — since they never saw him on the evening news or in the daily newspaper, and they had no reason to believe anyone else was voting for him.

You ask, "Doesn't this suggest that the LP is doing an absolutely terrible job of marketing its program?"

No, the vote total is hardly a rejection of the LP message. Rather, it suggests that the LP has a marketing budget far too small to reach a significant number of Americans. With 200,000 members it would have at least $50 million to spend on the 2000 presidential campaign. That would make the LP candidate at least as visible as Ross Perot was in 1992. And it would be able to mount a permanent advertising campaign to keep the LP and free-market alternatives continually in front of the public.

During the last presidential campaign I personally encountered — on the radio, at speeches, and in other venues — hundreds of individuals who weren't LP members, and who would not perhaps even call themselves "libertarians," but who desperately wished they could vote for a candidate who called for sharply reduced government and who had a chance to win. I believe these people were representative of millions more. The LP will get their votes when it can run large-scale TV advertising, when it shows up continually on the evening news and in the daily newspaper, and when people can vote with the confidence that others are voting with them, too. In other words, when the LP has a much larger party and fund-raising base.

If the LP has no chance to grow substantially, if it has no chance to raise the money necessary to run a first-class campaign, then why does it even exist? The same question applies to all libertarian activism. If it's true that people really *don't* want to live without an income tax, take control of their own retirement savings, have safe neighborhoods that aren't destroyed by the insane War on Drugs, then why are we wasting our time trying to reach them with the liber-

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tarian message? If we have no hope of making America substantially freer, what are we playing at? Why are we writing all these articles, giving speeches, attending meetings, and talking so much about a liberty we'll never see?

To me, this isn't a game. I became involved in political action only because I saw a ray of hope that in the 1990s it is possible to turn America around — something that seemed impossible in the 1970s and 1980s.

If I'm wrong, if Americans truly prefer the "security" of government to the liberty of controlling their lives and earnings (a choice not defined in any recent presidential election, possibly excepting 1980), then why don't we forget all this "liberty" stuff and make the best of a bad deal?

But if we do have a chance, why don't we start taking advantage of the anti-government mood that pervades America? Why don't we build a party that can capitalize on that mood? Why don't we bear down on the message — appealing to the self-interest of the tens of millions of Americans whose lives would be vastly improved by the changes libertarians want to bring about?

Those people aren't much different from us: they want to control their own earnings, their own lives, their own children, their own neighborhoods. They are almost all libertarians at heart. So why don't we speak to them in a language they can understand, rather than complaining that they don't understand us?

Harry Browne
Franklin, Tenn.

Dear Harry,

I wish you were right. I wish that 22 percent of Americans actually wanted "less government control in any area" of American life, but were prevented from voting Libertarian only by the sad fact that the party's "marketing budget [is] too small to reach a significant number" of them. I wish that these 22 percent constituted "an enormous number of people who are receptive to libertarian ideas," who would respond to the LP's membership growth campaign, with its $500,000 budget, by joining the LP in sufficient numbers to insure that LP membership will rise to 200,000 and its presidential campaign warchest to $50 million in the next three years.

Unfortunately, I don't see any evidence that a single one of these propositions is true.

(1) I don't believe for a minute that 22 percent of Americans "want less government control in any area" of American life. If they did, they'd elect politicians who would lessen the power of government. Instead they vote for politicians who favor less control in some areas and more in others. Or for politicians who call for less control but support legislation that increases control. If people wanted less government, a lot more of them would have voted for you. During the course of the campaign, your radio and television appearances were heard by millions — yet you got fewer than a half million votes.

In 1994, 22 percent of Americans answered questions in a Gallup Poll that suggested they wanted less government control of the economy and less government control of social life. But there's no evidence that they wanted radically less than at present. Most of them probably just wished that taxes were a little lower and that the government would censor the Internet in a less ham-fisted way.

In June of this year, 79 percent of Americans told a *NBC News/Wall Street Journal* poll that they wanted more "histories, documentaries, and the arts" on television, and fewer "talk shows and soap operas." The same *Wall Street Journal* reported that Oprah just signed a two year deal to continue her talk show for $130 million, a share of the profits, and an option to purchase a huge block of stock in the distributor. Meanwhile the History Channel and Arts Channel limp along with negligible ratings.

(2) I see no evidence that Americans who want less government are particularly fertile ground for Libertarian Party recruiting efforts. Wanting less government (their sentiment) and wanting virtually no government (the LP's program) are very different things.

Of course, the LP need not ask people to support every jot and tittle of its platform. But if it merely asks them, in a general way, to join them in an effort to reduce the size of government, will it still be the Libertarian Party? If it abandons its radical vision, is it still the "Party of Principle"?

(3) I see no evidence that the LP can recruit enough of the target 22 percent into the LP to increase its membership to 200,000 in the next three years. About 100 million people voted in the last election. If 22 percent of them are good prospects, that means you've got a prospect list of 22,000,000. To recruit 180,000 of them into the LP would mean that 0.8 percent of them would join the party. That's even a higher response rate than your $3 million presidential campaign got in the voting booth — where people could cast their votes without paying a $25 membership fee, let alone donate the $250 that you expect your average recruit to pony up for the presidential campaign.

You respond to my view that the plan to recruit 180,000 new members by direct mail "defies rationality" by pointing out that "no one has ever tried this before." Are you certain that this is the case? Are you sure that *not one* of the many nascent leftist or rightist political parties has tried to sell memberships by direct mail? And what about the Democrats and Republicans? Surely at least a few of these groups have tried.

You are certainly right to observe that political groups ordinarily don't use direct mail to recruit members. Why don't they? I think the answer is obvious: it doesn't work. Selling political party memberships by direct mail violates a fundamental principle of direct mail marketing: make your offer simple and easy to understand. Political direct mail can arouse emotion (anger, hatred, fear, greed) or play on feelings of guilt to get people to donate to a specific cause. And it can arouse curiosity, or lust for knowledge, or a sense of fun sufficient to get them to subscribe to a publication. Libertarian have used direct mail in these activities for decades. Much of this effort (like the LP's) is directly primarily at people already on libertarian-oriented mailing lists, people already warm to the cause.

But getting people to join a social organization is usually a far more complicated selling task. That's part of the reason why the LP has 50 times as many voters as it has members. The motives for joining a political party are complex and variegated: a desire to do good, a desire to have a positive impact on the world, a desire to advance one's career or otherwise improve one's situation, a desire to meet other people, a desire to promote an ideological agenda. If you want to get people to buy a party membership by direct mail, you have to arouse these emotions and offer a credible way to satisfy them. To say this is extremely difficult is a huge understatement.

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The latest annual report of the libertarian magazine *Reason* that I saw says that it spent about $1,000,000 on direct mail during the previous year, during which time its subscriber base increased by, as I recall, a few hundred. The libertarian Cato Institute spends a significant amount of money prospecting new lists for people who may be willing to make donations of $50 or more. Laissez Faire Books also spends a fair amount of money sending its catalog to non-libertarians.

What have these efforts achieved? In the past decade, during which somewhere perhaps $15 million has been spent on direct mail outreach, the total libertarian universe (total number of different names of subscribers to *Reason* and/or *Liberty*, members or donors to the LP or the LP presidential campaign, have made at least one purchase from Laissez Faire Books or Cato, and/or donated to Cato) has increased by perhaps 20,000. That increase resulted from methods of outreach other than direct mail, too.

Think of it. The combined efforts of all forms of libertarian activism plus all the efforts of professional direct mail marketers spending $15 million during the past decade have increased the libertarian universe by about 20,000 names.

So what are the chances that the LP's direct mail campaign will recruit 180,000 new members during the next 27 months? Virtually nil, I think. To believe otherwise is requires that one believe the LP's direct marketing professionals — whose experience is almost entirely in raising funds from libertarians — will manage in the next 27 months to bring into the libertarian universe nine times as many people as professional direct mail marketers at *Reason, Cato,* etc., managed to do in the previous decade. And they will accomplish this despite the fact that they have a far more difficult product to sell and far less money to spend.

(4) I seriously doubt that a 200,000 member party could pony up $50 million for a campaign.Yes, I am aware that the 1996 campaign raised $3 million from a membership base at the start of the campaign of 12,000, for an average of $250 per member. But the today's LP today contains most of the really hard-core libertarians, people strongly motivated and inclined to make large donations. The 180,000 new members recruited by direct mail — if that could be done — would almost certainly be less enthusiastic and generous.

You wonder why I and others who agree with me that political success is not just around the corner are involved in promoting libertarian ideas at all, why we write, give speeches, attend meeting and talk about liberty. What's the point if we don't have a realistic chance at almost immediate electoral success?

There are lots of reasons. We give speeches because we want to share with others the vision of liberty that enriches our lives; because we want to enhance such liberty as we enjoy, even if the possibility of seizing control of the government is slim; because we feel benevolent toward other human beings; because would like to "secure the blessings of liberty" for children. We attend meetings because we enjoy the company of others who share our thinking, because we believe that by co-operating with others we may advance our agenda more rapidly, even if we are not about to be a major factor in American politics. We promote libertarian ideas because they are true, and because we want to share the truth with our neighbors, and because we believe that truth is a good thing in and of itself.

You say: "To me, this isn't a game." I hope you don't think that it is only a game to me, or to the other libertarians who doubt that a quick victory through direct mail is in the offing. Advancing the cause of human liberty is a worthy, noble and enriching endeavor, even if we cannot win the next election.

You conclude with a barrage of questions. I'm not sure whether you want me to answer them, or intend them merely as rhetorical devices, but I'll do my best to answer them as if they were serious.

You ask: "But if we do have a chance, why don't we start taking advantage of the anti-government mood that pervades America?"

I answer: We already are taking advantage of that mood. though perhaps some of us are using different approaches than you are. In the past year alone, *Reason* and *Liberty* have sent out nearly 3 million pieces of direct mail soliciting new subscriptions; people from *Reason, Liberty* and the Cato Institute appeared on hundreds of radio and television programs and wrote hundreds of op-ed pieces; the LP spent about $3 million on your campaign and a considerable amount on other campaigns; thousands of libertarians campaigned on behalf of libertarian candidates of the LP or the Republican Party (one of whom (Ron Paul) was elected to Congress); thousands of others advocated libertarian ideas in public forums and among their friends and acquaintances. All these are attempts to take advantage of the anti-government mood in America, such as it exists.

You ask: "Why don't we build a party that can capitalize on that mood?"

I answer: We already are doing so, and we've been doing so for more than 25 years — though, once again, some of us are using approaches that differ from what you advocate.

The reason that I'm not using your approach — a major direct mail recruiting campaign — is because I think it will fail and cost a great deal. Others disagree with me; according to a recent LP press release, enough supporters have been found to finance the direct mail plan, and it is about to be implemented. So the question of whether the plan is a good one will soon be answered. There's nothing I'd like more than to be proven wrong. But only time will tell.

You ask: "Why don't we bear down on the message — appealing to the self-interest of the tens of millions of Americans whose lives would be vastly improved by the changes libertarians want to bring about?"

I respond: Many libertarians are already trying to sell liberty on the basis of the self-interest. I recall your campaign last year was based almost exclusively on this appeal, and that many LP candidates followed your lead.

But surely you are aware that some libertarians believe that other approaches should be tried as well, that we should appeal to people's sense of morality, to their sense of fairness, to their religious beliefs, to their perception of the common good . . . so I wonder: are you proposing that libertarians should focus *only* on self-interest?

If this is what you are asking, then count me out. I think liberty is a wonderful thing, and I don't want to discourage anyone from celebrating it and advancing it among their friends and neighbors in any way that they want. I support *all* libertarians of *all* persuasions and *all* approaches.

R.W. Bradford
Port Townsend, Wash.

Lament

Paragon Lost

by Michael Oakes

The world's freest city ended with both a bang and a whimper.

As midnight approached on Hong Kong Island June 30, my frustration grew. In front of me, leaders of Hong Kong's Democratic Party paraded on stage and preached their gospel to an alert but relatively small street crowd of a few thousand. They said all the right things, the watch words repeated frequently enough to communicate an unmistakable message to an audience persistently chatting in various Asian and European languages: Human rights. Democracy. Free speech. Hong Kong ruled by Hong Kong people.

That their speeches took place here at all symbolized a small but important protest. The stage fronted the Legislative Council building, which at midnight would no longer be a working home for Martin Lee, the party's president, or for other recently elected party council members. Yet, Lee et al. would come here after the midnight handover, trespass, and speak to us from the second floor balcony. There were some casual wonderings of a possible physical clash with government police over these Democratic Party plans, but nothing happened. The police focused on very reasonable crowd control, nudging photographers out of the way of oncoming cars and, even more usefully, directing cars out of the way of oncoming photographers.

With under half an hour remaining, a Chinese man gave a stirring summary of the events eight years ago at Tiananmen Square. The name itself — Tiananmen — ought to have bumped up the emotional stakes a notch, and yet it really didn't. Not for the larger portion of the people watching and listening and waiting.

While no one looked bored, few looked anxious. This was a movie crowd, the kind snaking outside Santa Monica theaters on a summer film's first and second weekends — patient, mildly curious, casually checking watches. We drank Volvic and Coke and trendy fruit juices. We carried L.L. Bean backpacks and reasonably priced Japanese cameras. While throughout the island there were plenty of Chinese five star flags, even more of the bauhinia flags used by official Hong Kong as a Special Administrative Region of China, it was still the Nike swish which easily dominated the logo competition.

Even with 4,000 People's Liberation Army employees poised to take up positions in the city in just hours, the horrors of tanks and guns and mass murder by young soldiers in Beijing seemed not just distant but wholly alien. This crowd flashed establishment with every turn of its well-groomed heads. That doesn't mean Hong Kong's Statue Square wasn't filled with people willing to fight for their freedoms. Or that given orders to clear it, the PLA wouldn't have been willing to use force if necessary. It was just impossible to imagine either side now bothering with such conflict. The media symbols of rebellion — those students in Beijing, the turbaned kids in Chynchen, the gun people in Waco — rarely are broadcast in Polo shirts and Eddie Bauer shorts.

When the clock finally ticked into Tuesday morning, July 1, 1997, the crowd cheered. *Cheered.* A dozen staged politicians, holding impressive torches symbolizing the flame of democracy, led the countdown. They cheered, too — at the moment they became former legislators, kicked from their posts by a communist regime, they cheered. The democratic leadership claimed all along, in fact, that they welcomed a reunification with mainland China. "At our meeting . . . with the chief executive [Tung Chee-hwa]," Martin Lee wrote in the *China Daily News* in January, "my Democratic Party colleagues and I made every effort to explain to Tung that we are not 'anti-China.'"

Indeed, "Support sovereignty, defend democracy," was the banner

phrase of the evening. Which is why, less than a mile away, Queen Elizabeth's first son found it a rather simple matter to step forward and hand the colony, lock, stock and 6.4 million people, over to communists.

I wanted that moment, the pause at the end of the countdown, to be exceptionally solemn. I wanted time stopped and the physical world moved in response to this passing of sovereignty. I wanted goose bumps — an explicit, chilling reaction to what we'd all just witnessed.

Instead, I got cheers, which blew my way a great, deep disappointment.

Early on as 1997 drew near, the dominant perspectives on the Hong Kong handover split into various barely competing camps, none of which offered a plausible position for anyone who values individual freedom and liberty. From the British and their supporters came an unjustified ambivalence and acquiescence. From the Chinese and the communist government supporters came an equally unjustified sense of pride and accomplishment. And from Hong Kong people themselves came a mix of everything — resignation and anxiety whipped up alongside anticipation, determination, and joy at reunification with a cultural motherland, what the new chief, Tung, called a "natural reconciliation ending a period of unnatural separation."

Each camp easily ignored the most important issue: two large governments just swapped land and people, a future king delivering quite appealing new subjects into the hands of tyrants. As the world only now begins to correct the dysfunctions created by the first Yalta, here in Asia we allowed a second one to take place without objection.

Not only did neither government bother to get the input of the subjects it traded, but this oversight failed to excite hardly anyone. The conventional media never touched this part of the story in any significant way. It was no better from other sources. On Internet news groups for months prior to the handover, many people argued for continued democracy and free speech. Others strung out tedious interpretations of the Basic Law, China's attempt at a constitution for Hong Kong. But almost no one debated the legitimacy of the event itself. Most weeks on alt.hongkong.culture and alt.hongkong.politics, in fact, the most popular target of net wrath was Japan, which claims a small group of rocks near Taiwan called the Senkaku (Japanese) or Diaoyu (Chinese) Islands. Hong Kongers, Taiwanese and Chinese alike joined to renounce the Japanese claim.

Grant the Hong Kong democrats and their supporters credit for seeking a continuation of democratic reforms and civil liberties. Grant them credit for what looks and feels like genuine resistance to Beijing's desire for unquestioned control. But so what? In a transaction in which everyone acknowledges the power of states to do as they wish with the sovereignty of people within their domains, where is the logic of protesting the details? Why *wouldn't* China be expected to rule as it wants? Why *wouldn't* a large central government, an openly totalitarian one at that, be expected to change the conditions of any agreement when it suits?

When the clock finally ticked into Tuesday morning, July 1, 1997, the crowd cheered. Cheered.

For libertarians, moreover, the Hong Kong handover represented an important mark in the struggle for world-wide freedoms I fear we may have missed. It may well have been the most dramatic reality check in decades. Not because the Chinese communists might limit civil liberties or slowly modify the economic game rules to favor the communist and PLA elite. And not because free speech might fade or the potential for political repression might increase.

But, rather, simply because it happened. Because moments before the arrival of the 21st century, big governments are still trading land and people without their consent. Charles may as well have ridden through Central and Wan Chai on horseback, sporting chain mail shirting and armor-covered legs. Jolly good show, Jiang. We've left the moat bridge down, as you can see, and the peasants have already baked the morning bread.

Have we come no further than this?

Simple Traders

The easy answer is, yes. We've come a long way from the time when British and Scottish kings decided the fate of their people and then killed Mel Gibson.

Though tyranny still asserts itself, the world today is more open than ever. More people are in more control of their own destinies; more citizens have at least some direct participation in choosing their leaders. In general, as dozens of best selling authors will be happy to tell you, world systems and societies are decentralizing. The trend is clearly toward devolution of power.

That trend is sweeping through China, too. Vince Miller, president of the International Society of Individual Liberty, notes "considerable hatred and disdain for the corrupt Beijing regime throughout China, particularly in the south where massive western capital investment has occurred. These mainland Chinese look upon Beijing in much the same way American libertarians look on Washington, D.C."

International trade is expanding, not contracting. The bureaucratic nonsense of NAFTA, APEC and the World Trade Organization aside, barriers to trade are falling.

If democratic governments seem to some of us to be intruding into individuals' affairs at increasing rates, changes in technology and communications are at the same time making those governments less relevant. Government may well be expanding its reach, but it is also hollowing out.

Hong Kong itself may be the best evidence of our progress. By any measure, it is economically the freest parcel on the planet. It tops the indexes of economic freedom from Cato, The Wall Street Journal-Heritage Foundation, The Fraser Institute in Canada, and Freedom House in New York. It tops them, in fact, by considerable margins.

Hong Kong has virtually no tariffs; a flat 16.5 percent corporate income tax and personal income taxes amounting to two percent on the average income level; no taxes on savings, capital gains and other investments; easy, flexible

currency exchange systems (currency, indeed, printed under the auspices, and carrying the brand names, of three different banks); interference in business affairs and markets that is trivial when compared to other developed countries; a government budget that is both small (6.4 percent of GDP) and in constant surplus.

"We are just simple traders," said Sir Alexander Grantham, who governed the colony in the 1940s and 1950s, "who want to get on with our daily round and common task. This may not be very noble, but at any rate it does not disturb others." In significant ways, Sir Alexander and earlier leaders of the colony actually meant this. Free trade — in particular a free, untaxed port — was maintained throughout the 156-year history under British rule.

Hong Kong quickly became a haven for Chinese entrepreneurs, too. The segregation and discrimination policies of the British government and business establishment led mostly to restrictions on location and formal authority. Those policies did little to discourage private initiative by native Hong Kongers or by the growing numbers of immigrants. Chinese could not live on the Peak, as everyone by now knows, and were restricted from important activities within the British communities and business areas. But while those and other racist policies seem repugnant to us now, they still left open a key ingredient for progress: property rights. Little prevented the Chinese from establishing their own businesses in their own communities, and, generally, their industriousness was just as protected by British law as that of any royal subject.

Queen Elizabeth's first son found it a rather simple matter to step forward and hand the colony, lock, stock and 6.4 million people, over to communists.

By as early as the 1880s, according to writer Jan Morris, 90 percent of the colony's tax revenue came from Chinese businesses and individuals. Despite the "incorrigible" prejudice by Europeans, "in 1885 eighty-three British property-owners were rich enough to pay property tax, compared to 647 Chinese, and seventeen Chinese were among the eighteen richest of all (the eighteenth was Jardine, Matheson)."

Today Hong Kong hosts the largest container facility in the world. GDP per capita is greater than the United Kingdom's. It's the world's fifth largest financial center.

Importantly, those numbers were achieved during few periods of political calm. Mainlanders poured into Hong Kong during the Sun Yat-sen's revolution leading to the end of the Ching Dynasty. Japan's China invasion accelerated the numbers and pace until, during the war, Hong Kong's population shrank by nearly two-thirds. Hardly had anyone regained their footing after World War II before the communists challenged Chiang Kai-shek. That civil war drove hundreds of thousands out of the country, many of them back into Hong Kong. One more generation later, Mao's Cultural Revolution initiated yet another wave of immigration.

A large portion of these refugees realized that neither Japanese nor communist leaders were especially good for personal freedoms, including the freedom to conduct business. From Shanghai, for example, where China's communist elite still trace their beginnings, business owners packed up their stocks and machinery and moved it all into Hong Kong. Tung, the new leader, and his own family were refugees from the increasing communist victories against Chiang.

Arriving immigrants not only were often those deliberately looking to preserve their own freedoms, but they also landed in an environment ripe for them. Still without political rights, still ruled by the hand of throne sitters half a world away, Hong Kong people nevertheless were left alone. Residents never flew Gadsden flags; they had fewer reasons than most to do so.

Beyond the history and statistics is a broader message. Hong Kong illustrates the ability of individuals alone and in large groups to adapt to changing environments and still surge ahead. Quite quickly, Hong Kong's economy passed through familiar development stages — from small, low-cost manufactured goods to high-valued electronics goods to a broad range of services — without the costly, delaying, and politically divisive turf battles common in North America and Europe. (Manufacturing went from about 24 percent of GDP in 1980 to about 9 percent today.) In European countries those battles still rage on. So does double digit unemployment and, incredibly, few seem to recognize the correlation.

As the world only now begins to correct the dysfunctions created by the first Yalta, here in Asia we allowed a second one to take place without objection.

The differences couldn't be sharper, nor the real life, general empirical contrast any more crystal clear: given the freedom to adjust, Hong Kong individuals and firms not only succeeded well as market conditions changed, they succeeded much better than those individuals and firms in advanced countries who petitioned government for help.

Britain, Colonialism, and Apple Computer

If the economic freedoms and resulting success enjoyed by people in Hong Kong represent progress for liberty, then it is at best progress clouded by ambivalence. The lessons we libertarians might think obvious from Hong Kong's experience often have been only vaguely referenced and, more often, either ignored or misinterpreted.

A much heralded 1993 study by The World Bank, for example, acknowledged the importance of general economic and political freedoms in seeding economic growth and rising standards of living. It then concluded that an important key to successful growth in Asia rested squarely with government macroeconomic management and intervention. "In most of the economies, in one form or another," the study explained, "the government intervened — systematically and

through multiple channels — to foster development, and in some cases the development of specific industries." ("The East Asian Miracles," 1993, The World Bank.)

Surprisingly little public promotion of the record came from the United Kingdom itself. British leaders, in fact, appeared awkward and even shy about trumpeting the results of genuine economic liberalism. There are at least two important reasons behind this.

First, the British experience at the end seemed inescapably burdened by its inauspicious beginning — by an expansive, empire-building colonialism which claimed at one point a fifth of the world's population. Britain was the colonial champion, the gold medalist of imperial powers which trekked technological and organizational superiority around the world and staked claims just about anywhere and everywhere possible.

"One country, two systems" is as close as we will likely ever come to witnessing socialists admit defeat.

In Asia, colonialism began with the first Portugese claim in India in 1498, soon after overland routes to Asia were closed by political problems in Turkey. Colonialism spread gradually for several hundred years until the military skills and technology of the West sufficiently exceeded that of native Asians to guarantee greater control over both larger land areas and greater numbers of people. By the early 20th century, even Japan joined the game, taking control of Korea and Taiwan. By 1925, nearly all of Asia save the greater part of China and Thailand was colonized.

Too bad for Japan that by then the game was almost over. A depression and a second world war later, none of the democratic Western governments had enough credibility, or political skill, to maintain the Asian colonies. They tried, of course — the French in Vietnam and Cambodia, the Dutch in Indonesia, the British in Malaya — but it was a ridiculous effort. One by one after World War II, the colonies morphed into independent states. They often morphed again into some of the greatest hells in history, as regimes in Korea, Vietnam, Laos, and Cambodia made a mockery of the idea of self-rule. For many Asians, however (at least for those in power), what was often more important than their own personal security and individual freedom was that the Westerners were gone.

That view persists today. A colleague of mine, herself part Chinese, delivered a passionate commentary on the British exploitation of, and discrimination against, Hong Kong Chinese. Yet she had little to say about the atrocities committed after the Asian colonialists left. She had even less to say about commitment to individual rights in China today. When pressed for an explanation, she responded in part, that what happens inside a country is not as important as what happens between countries. Murder is never okay, she said, but it's much more of a problem if it's done by outsiders, where "outside" means beyond national boundaries.

The silly borders reasoning aside, her sense of bitterness toward Britain is indicative of the strong feelings colonialism still elicits. How bitter people feel toward 19th century colonialism in general, and in China in particular, predicts fairly well how delighted they feel about July 1, 1997. Plenty useful to affirmative action supporters in the States, this punishment-in-perpetuity argument holds the present British government and people forever on probation for the globally intrusive marauders of Queen Victoria's day.

Few people today support grabbing land and people by force, which is exactly what Britain did in Hong Kong. Yet there is something out of proportion here. Whatever the evils Victorian admirals and Jardine traders wrought, their actions against the individual rights of Chinese in Hong Kong are duly noted and mostly corrected. "Mostly" may not be enough. But it is much more than the current, late 20th century government of mainland China has done.

Obviously Britain ought to have turned control of Hong Kong over to Hong Kong people — or to at least have given residents direct choice in how they wished to be governed. But no government carries an especially noble record regarding respect for individual sovereignty, rights and liberties. Instead, governments do all they can to retain power and control. That is, of course, exactly the point for many of us.

It is unconscionable, though, that the errors of British colonialism should weigh more heavily in evaluating Hong Kong issues than current totalitarianism on the mainland. Colonial Hong Kong grew into a flourishing, liberal society, with freedom of commerce unknown elsewhere in the modern world and freedom of speech unprecedented in Asia. The People's Republic of China is a police state.

Even Chris Patten, the governor who helped push through highly praised but generally weak democratic reforms, seemed bound by the past. In a *Newsweek* interview, he explained: "It would be ignorant and a demonstration of a lack of sensitivity not to recognize why there won't be great displays of gratitude. Anyone who is Chinese, even if they're ferociously anti-communist, will feel a totally legitimate pride at the end of what many Chinese would regard as a humiliating episode left over from the 19th century."

Amazingly, Britain lost a PR campaign to old men in Beijing who wear really bad suits.

The second reason for British skittishness over the remarkable achievements in Hong Kong is that the government of the United Kingdom is burdened by its own lack of commitment to fundamental freedom and the resulting contradictions of its policies.

On the one hand, for example, Margaret Thatcher stepped forward in her 1982 meeting with Deng Xiaoping to end the antiquated colonial relationship. On the other hand, her government arranged to do this without giving the people it ruled any direct voice in the matter. Nor did it really make much sense that, in the name of international justice, Thatcher's government would drop Hong Kong people

off at the doorstep of communists.

On the one hand again, the degree of freedom in Hong Kong, and the restraint Hong Kong government administrators showed during sometimes strong pressures to intervene, represent a record with which any public servant who values freedom and limited government ought to be proud. On the other hand, policies in colonial Hong Kong stood in dramatic contrast to policies elsewhere in the Commonwealth and, indeed, on the isle of Britain itself. Even under Thatcher, people in the UK had to endure restrictions on their economic lives which, in many ways, look more like policies in Shanghai than in Hong Kong. Low corporate and personal income taxes, a restrained government, free and open ports of entry — in London these colonial policies would appear as though they'd been suggested by Martians.

The economic freedoms Hong Kong residents enjoyed created a truly remarkable environment, with equally remarkable results. Yet during the finale Britain failed to capitalize on this in any significant way — failed to turn it into a cause célèbre for liberalism. "As Hong Kong draws closer to its reunion with China," noted a front page article in *The Asian Wall Street Journal* the weekend before the handover, "thanking Britain is an unpopular activity; praising China scores more points."

If China scores points, it is because the scorekeepers abandoned all reason.

"One country, two systems," for example, is as close as we will likely ever come to witnessing socialists admit defeat. China received back into its fold territory it lost in 1841; that territory advanced so much under a foreign organizational system that the Communist Party can't possibly integrate the two worlds now. This ought to be embarrassing. Instead, the policy is praised by diplomats and journalists for its pragmatism.

Take the pride in reunification for another example. On July 1, many Hong Kong residents reunited with the same communist system from which they fled throughout the past fifty years. Mainland Chinese, on the other hand, welcomed back refugees who liked what they ran to so much they never returned.

What kind of genuine pride can take root under these conditions?

Where is the logic of celebrating reunification when Hong Kong's freedoms, denied to citizens of the People's Republic, enabled the colony to record GDP per capita more than 30 times that of the mainland?

And why wasn't it possible for the UK to turn this into the reflection on totalitarianism it should have been? It's as though the Thatcher and Major governments had decided the superiority of liberalism was something best spoken of subtly — the Apple Computer approach to marketing.

The general lesson materializing from 1990s reflections is that government can squeeze too tightly — not that it has no right to squeeze in the first place.

Amazingly, Britain lost a PR campaign to old men in Beijing who wear really bad suits.

What Government Giveth, Government Taketh Away

Though it represents in many ways the best the planet has to offer, Hong Kong — or at least the nature of the handover to China — also suggests the struggle for world-wide liberty moves forward much more slowly than most prefer to acknowledge.

Though liberty seems to be a global trend, current decentralization has taken place largely out of short-term practical considerations, not because of any fundamental understanding of the relationship between liberty and prosperity or morality. Of course, any devolution of power is still better than no devolution of power at all. I don't question that. I'm just not so sure freedom arriving on the back of other motivations has much staying power.

Japan is a good example. Current political and market reforms are motivated by increasing government costs the tax base can no longer support and by a tightly bound, and stifled, economic environment few can any longer ignore. The Japanese understand centralized control went too far. They are anxious to implement enough reform to reduce currently high levels of unemployment and increase low levels of real business growth. Enough reform, but no more. Despite the seriously humbling last several years, there is little evidence of any greater understanding among Japanese citizens, politicians, bureaucrats, or executives that both economic and political freedom are good things in a far deeper context, even beyond the current support for reforms.

Instead, the general lesson materializing from 1990s reflections is that government can squeeze too tightly — not that it has no right to squeeze in the first place. The result will be some small form of genuine reform. But government will always have the authority, and once growth picks up the incentives, to ratchet up the controls again.

The seeds of freedom in Hong Kong itself were planted by mercantilists who were quite happy to factor into their production and distribution strategies the ample cannon power of British warships. And despite the reasons to celebrate Hong Kong's modern achievements, the environment that fostered them has been under attack for many years.

"But though Hong Kong may well be pure [market-oriented] relative to others," wrote Yeung Wai Hong in 1993 in the *Far Eastern Economic Review*, "the growing flirtation with welfarism has long since knocked Hong Kong off the straight and narrow."

Hong, publisher of *Next*, a popular, freedom-oriented magazine in Hong Kong, noted that about one half of residents now live in public housing. Throw in education and medical care, both of which are almost 100 percent sponsored by government, and "social welfare, health and education are taking up more than 42 percent of the government's budget, and expenditure is set to expand at rates faster than economic growth," wrote Hong.

With manufacturing continuing to decline relative to services in the Hong Kong economy, debate now concentrates on what kind of — and how much — government protection the sector ought to receive. New leader Tung, supported by many business leaders and MIT economists, wants to

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build industrial parks and fool with zoning and tax incentives to try to revitalize the industry.

However much we applaud the arrival of recent global liberalization, if increased freedom is dragged in by governments wishing merely to retrench under difficult circumstances, what chance is there for long-term success?

The discussions of Hong Kong's future centered on one key question: Will the Chinese government allow Hong Kongers the same degree of freedom allowed by their British colonial masters? The question implies what almost no one, inside or outside Asia, disputed: freedoms are things governments bestow.

Whether discussing a lack of political freedom under British control or possible erosion of economic freedom under Chinese control, the central message focused on how much freedom government would allow. Britain was the "good" government granting its subjects a great deal of economic rope; China may or may not become the "bad" (supervising) government, limiting civil liberties and destroying generally free markets.

This mass-communicated comparison misses the point — that our individual liberties are not the properties of governments to distribute, either for good or for bad. Until this sinks in, deeply, government will always be a useful tool for those who believe they, or their group, can manage our affairs better than someone else or some other group.

Rather than illustrate the possibilities unleashed when government steps back and lets individuals pursue their own interests, the mainstream attention on Hong Kong in 1997 actually helped legitimize government control of our lives. For all the protest about China scaling back civil liberties in the Basic Law, no one bothered to point out it ought to be the other way around — citizens ought to be presenting their governments with Basic Laws, scaling back official powers to intrude in individuals' lives.

The 1984 Joint Agreement signed in Beijing involves many difficult issues — the history of colonialism, the rise of modern states in Asia, a resurgent nationalism in mainland China, merging cultures and often differing political and social cultures. Yet fundamentally, how different is it from Yalta? Have 50 years made so little difference?

No difference at all between Yalta and Hong Kong, answered Hong, the *Next* publisher, "though neither side is willing to admit that." Hong is in the thick of it. He is refreshingly direct and uncompromising as well. In an earlier brief in *The Wall Street Journal*, he described the continuing pressures for a shift to more freedom in Asia. "Meanwhile," he reminded, "by reverting to Chinese sovereignty, Hong Kong is thrown into the great abyss of the unknown." But his was one of only a few voices speaking of the enormity of the stakes in the handover.

Worth No Cheers — Certainly Not Three

I am still stung by the disappointment of Hong Kongers cheering the arrival of communist landlords.

One defense of the general passivity in the West surrounding the handover is that Hong Kong will fuel a final unraveling of the communist apparatus and socialist economic policies. I like this idea. I object to the lack of attention to the awful logic supporting the handover in the first place, but I will be happy to see the freedoms of colonial Hong Kong deeply penetrate the mainland.

Despite Thatcher, people in the UK have endured restrictions on their economic lives which, in many ways, look more like policies in Shanghai than in Hong Kong.

More likely, however, the two will dramatically alter each other. Gordon Y. S. Wu, a Hong Kong tycoon and perhaps the largest single investor in China, put it this way to *Business Week*: "In 2047, China will not be the same as Hong Kong, but it will be close enough. So that you'll probably have a situation like in the U.S. and Canada — not much of an integration problem."

That's exactly what I fear. ❑

America's China, China's America

by Gary Alexander

As press and pundits play up the newest "evil empire," the real China blooms.

It's hard to get away with saying anything remotely positive about China these days. The press is replete with negative stories about the newest Evil Empire. We don't have to think very far back to come up with a long list of predecessors. We can certainly remember the twin Axis devils of Nazi Germany and Imperial Japan in the early 1940s, and then the Soviet Union for at least 40 years after that. North Korea and North Vietnam had a brief spin atop the charts, before "the Arabs" became our *bête noire* of the 1970s. More recently, the 1980s was a great time to hate Japan, for "trade war" crimes like "product dumping." Leftists made a good living out of South Africa-bashing until Mandela's election. Saddam Hussein was good for about eight months of concentrated hate and outrage. And, at press time, it looks like Switzerland has become the American press's new favorite whipping boy, for allegedly collaborating with Nazi Germany in the 1940s.

Every religion needs a devil, and every ideologue seems to need a nation to hate — an international scapegoat. China, the latest super-devil, looks like it has some staying power. It is the biggest country in the world, with 1.2 billion people. They speak an unfathomable language; they have slanted eyes and a terribly bloody history, so that we can all fear "history repeating itself." China has something for everyone to hate: the rightists can hate the "Red" Chinese for their economic crimes and religious persecution, while leftists can hate them for human rights abuses, or the suppression of Tibet.

Left and right, in fact, have recently aligned against China, in the debate about trade relations. This year, Christian conservatives linked up with human rights activists on the left, and trade protectionists of all stripes, to oppose normal (i.e., Most Favored Nation [MFN]) trade status for China. (Even at the recent Cato banquet, last May, a left-wing speaker's call for banning trade with "the butchers of Beijing" earned a rousing round of applause from the right-wingers in the room!).

The conservative *Human Events* prints diatribes against China almost every week — giving it the role of reigning devil that they assigned to the Soviet Union in times past. The neo-conservative *Weekly Standard* devoted an entire issue to China ("China: The Issue") on March 23; not one of the *Standard*'s articles had even a glimmer of hope in it! George Will expressed the dominant conservative view in an April column, titled, "The U.S. Goal Must Be to Subvert China's Regime" (syndicated column, April 17, 1997). And from the left come grisly fund-raising mailing claims of "millions in forced labor camps," including "thousands of political prisoners," as well as Hollywood's focus on the persecution of the Dalai Lama and his followers, and the very real subjugation of Tibet.

I Saw the Real China

I might have joined this cynical chorus about China, had I not seen the rural, non-touristy "real" China for myself. But last spring I spent three weeks there, with my newsletter editor and partner John Dessauer, 30 newsletter subscribers, and an independent Chinese guide named Keren Su. Day after day, we met good, honest, hard-working people, who seem to love us Americans — particularly for saving them from the Japanese. Their openness and friendliness stood in stark contrast to the fear-frozen Soviets I saw in a visit to Moscow in 1986. Not one in 100 Soviets would even look us in the eye — but nearly all the hundreds of Chinese we met were delighted to see us, and were willing to speak openly, about anything.

What I saw in China was just a small sampling of the 720 million

Chinese under the age of 30, who will have a lot to say about the prosperity of the 21st century, no matter what you or I think about them. They are energetic capitalists. The gerontocracy in Beijing is dying out, and — from what I could tell — the vast majority of Chinese don't give a whit what Beijing thinks or says anymore. The next round of political leaders — the "Children of the Revolution," mostly born around 1950–55 — are my main source of hope.

I haven't seen this demographic angle discussed anywhere in the media, and I think it is very important. The majority of Chinese in our baby boomer range (age 35–50) went through a killer famine in their youth. Thirty million died; most others went chronically hungry for three years between 1959 and 1962. Then came the ten-year Cultural Revolution, which they lived through as teenagers and young adults. They were deeply scarred and humbled by this mass hysteria of their youth. They are the *opposite* of our pampered baby boomers (whom Doug Casey has characterized as Beaver Cleaver first mutating into campus radicals, then into greedheads, and most recently into neo-Puritans). I met dozens of Chinese baby boomers. They are lean, intense, hard workers. When any return to the past is suggested, you can see the terror in their eyes. They think in terms of possibilities and opportunities. They are *not* drones of the state.

Keren Su is a typical example. Born in 1951 in Hangzhou, to professional parents, he was 15 when the Cultural Revolution exploded. His parents were sent to jail, and he spent eight of the next ten years in hard-labor camps in the cold north of China. Many of his classmates died of frostbite or disease, and Keren Su was 25 when he was finally free to re-create his life. He was not bitter. He made a name for himself bicycling all over China, then leading adventure tours. Today, he is a American citizen living in Seattle, and he loves his native country of China equally with the U.S. He leads several tours to China each year and is fond of saying that China has opened the door so wide, it will never be shut.

That's the *real* story of China, to me: a hardy group of Confucians who have suffered far more in any given year of their lives (up to 20 years ago) than any of us will suffer in his entire life. Yet where is their bitterness, their search for historical justice, or revenge? Because of their Confucian heritage, still taught in their schools, they accept responsibility for their own lives and reject the "entitlement" mentality. They learn and save something each day.

Yet these generally happy people are damned by the Western press, based on what a few leaders in Beijing say and do. Consider the latest doomsday books on China, such as *The Coming Conflict With China*, by Richard Bernstein and Ross Munro, and *Who Will Feed China?* by that perennial Malthusian stopped clock, Lester Brown. Both books paint a dismal picture, forecasting a collision between China and the rest of the world. In this article, I can't refute all the half-truths (there are too many) — but let me at least ask Americans to look in the mirror first, before criticizing China.

China has something for everyone to hate: rightists can hate the "Red" Chinese for their economic crimes and religious persecution, while leftists can hate them for human rights abuses, or the suppression of Tibet.

Looking at China Through the Looking Glass

American China-bashers need a new perspective. To gain a new angle, I suggest using two "mirrors" — two thought experiments — that might expand the field of vision and allow a new look at "the problem of China":

(1) The reverse angle: instead of looking at China from American eyes, take a look at America through the eyes of the Chinese. How do we compare?

(2) Time travel: instead of looking at today's China, look at the America of 100 years ago — in the 1890s — and compare that America to the current China.

The first mirror is based on fairness; the second mirror is based on the idea that 100 years ago America was in a state similar to today's China: We were 30 years out of a painful civil war, as China is today; we had child labor; crackdowns on unions; a majority of adults were not allowed to vote; we lynched blacks in the South and the Chinese in California; we polluted the air and water. On the positive side of the ledger, there were fewer business regulations, a weak and remote central government, an energetic entrepreneurial spirit and rapid economic growth. (That also describes the essence of the new China, today.)

Before launching into a look at China's deadliest sins — as covered by current press reports — let me make a few points clear, from the outset.

• China has some very real problems, as most countries do. There are human rights abuses there (as there are here), and some geo-political threats could emerge out of China. But I would ask you to agree with me on one point, at the outset: that the situation in China is far better than at any time in the last 150 years or more, and particularly during the terrible 50 years ranging from the Warlords of the 1920s to the death of Mao in 1976.

• This article is not about Chinese politicians. It is about more tolerance and respect for 1.2 billion real Chinese people, not their political leaders. President Jiang Zemin is the Bill Clinton of China; Zhu Rhongji is their Alan Greenspan and Li Peng is like the Newt Gingrich (or Pat Buchanan) of China. More importantly, they are like the Gorbachev and Yeltsin of China, the last of the strong central leaders. Still, they're garden-variety political hacks. I have no more interest in validating the current political leaders in China than I would argue for the Clinton crew, or our U.S. government in general.

• Free trade is the solution: even if the worst that they say about China is true, our best national strategy still would be to maintain open trade links with China. Trade sanctions don't work, and they often backfire. (This should not come as a surprise to *Liberty* readers, but if you want verification, see the June 25, 1997 Heritage Foundation report, "A User's Guide to Economic Sanctions" by Robert P. O'Quinn.) Closing down Chinese trade

could worsen any abuses we seek to cure. We could drive China back to its former, truculent, insular condition of 20 to 50 years ago. (I believe China will never turn back to that condition. A likelier outcome is that China will treat Americans the same way we treat them — by revoking our Most Favored Customer status, for instance; they would associate with friendlier nations.)

We already know that free trade helps cure human rights problems, in time, and that opening up a dialogue between leaders can help lessen the grip of any terrible dictatorship. Nixon's controversial opening to China in 1972 almost immediately helped to loosen Mao's total control over his people. Students were suddenly free to study English and Western texts, to travel more broadly, and to speak more freely. (The same principle applies to Cuba today. To promote freedom there, don't boycott trade. Let's buy their pricey cigars, so that they'll have the money to buy our McDonald's hamburgers later on.)

With that prologue in mind, consider the doomsday crowd's familiar litany. Let's run through the most egregious, most widely quoted excesses of the Chinese government,

I might have joined this cynical chorus about China, had I not seen the rural, non-touristy "real" China for myself.

and take a fresh look at those problems, using Mirror #1 (the reverse angle) and Mirror #2 (America in the 19th century).

Censorship and Press Control

In America, we revere free speech, and our press will constantly remind us about any places where a totally free press does not exist, or their reporters can't easily get at the dirt. Our myth is that the Chinese can't speak openly about their leaders. But in China, you can *say* just about anything you want to say, about just about any subject; but you can't *print* serious political challenges to Beijing. Through our translators, I heard normal Chinese grouse about their government all the time — on trains, in villages, everywhere — just as we do. But they are smart about it; they don't put their worst complaints in print, or call a demonstration to air them in a public square. Does that mean there is no free speech in China? It means the press is not free, and that free assembly is abridged. But speech *as speech* seems as free as in America.

Keren Su and John Dessauer, in a trip about five months before my own, describe one example of the contradiction between news reports and their first-hand experience. Dessauer writes:

> In China, I traveled from Guilin to Nanning by train. During the nine-hour trip, I shared a seat with two officials from the Communist party in Beijing . . . . Across the aisle were two more government officials, from the customs office. Eventually we got into a rousing discussion about the government in Beijing. It was no-holds-barred. The customs officials were openly critical of Beijing and made fun of certain high-level officials. Time and time again, I found the Chinese openly critical of their government and its individual leaders. Keren Su [had] bought a magazine at a Chinese rail station. Inside, he found articles accusing high-level party officials of taking bribes and gambling. He brought this up in the course of conversation. Our government traveling companions jumped on the subject and added a few more indictments of their own!

The speech codes were severe 20 or more years ago, but not today. China's totalitarianism was terrible in Mao's era (1949–1976) and during the Civil Wars, dating back 100 years to the Boxer Rebellion, or 150 years to the Taiping revolts and Opium Wars. But in the last 20 years, Chinese central power has receded into what you might call "normal Asian authoritarianism." Unlike the stifling rules of the Cultural Revolution, people can now wear what they like, share their outspoken opinions with their neighbors, choose their own careers, change jobs, voice conflicting opinions, vote locally — anything but challenge Beijing.

Persecution of Christians?

Another part of the First Amendment is freedom of religion. You have no doubt heard about religious persecution in China, but Keren Su (whose sister is a Christian living in China) tells me that Catholic and Protestant churches are currently being built in cities we visited last year, and that the Chinese freely worship in them. "But, isn't there persecution of Christians now?" I asked. "Oh, yes, during the Cultural Revolution, but now? Don't be silly, Gary. You saw that for yourself!" (Keren Su likes to speak bluntly to us American doubters; he's always asking us why we don't believe our own eyes!)

I met good, honest, hard-working people, who seem to love us Americans — particularly for saving them from the Japanese.

Brent Fulton, managing director for the Institute of Chinese Studies at the Billy Graham Center in Wheaton College, recently reported that there is an "explosion in the number of conversions in China" and that the Chinese government in recent years "has allowed the printing and distribution of over 15 million Bibles." Gary Jarmin, legislative director of Christian Voice, is urgent in telling Americans that the vast majority of evangelical ministries favor open trade and open churches in China. "Unlike their religious right colleagues, most of these pro-MFN ministries have been laboring for 20 years or more against great odds to bring the Gospel message to China." The big-money Christian right fund-raisers don't actually have churches in China.

How about the final part of the First Amendment — the right to petition for the redress of grievances? If I told you that, ten or twelve years ago, Keren Su wrote a letter to Deng Xiaoping and other Beijing leaders, recommending that they open free trade zones in the coastal regions — when none existed — would you think he was headed for prison and hard labor? No, Keren Su is a prison survivor, and very wise. He knew that thousands of other Chinese were writing similar letters to Beijing, and Deng listened: he opened up those economic zones, so

that the Chinese would have a way to grow richer, instead of trying to escape to Hong Kong. But in China, they respect the "face" (*mianzi*) of their leader. They don't insult or criticize; they respectfully suggest.

A Foreign Country

Now, let's look in the mirror: in America, we have a grand tradition of speaking out against our government — in this publication and in thousands of others. America was midwifed by a vitriolic free press, including Thomas Paine's #1 best-seller, *Common Sense*, railing against the British crown. We gave the world Thomas Nast, and all those nasty political cartoons.

"Slave labor" has become the basic left-liberal term for a dead-end, low-wage job.

China has no heritage of open, printed dissent. So they're not free, right?

Look closer: America has an incredible level of censorship and legal barriers to "commercial speech." And it's getting worse. Today, you can't advertise certain products in certain media; you must print thousands of words of gobbledygook (which nobody will ever read) in order to advertise a legal drug, or a legal mutual fund; until the Supreme Court's Lowe decision in 1985, you couldn't legally write about securities without registering with the SEC. Back then, I kidded my fellow newsletter editors that the Supreme Court sided with Larry Flynt for printing pictures of the grossest human acts, as a form of protected free speech, but we serious journalists and investment advisors couldn't print even dirtier words, like "sell IBM." In fact, it's still illegal to print some truthful information on a drug label, or in a mutual fund prospectus.

By contrast, the Chinese have few censorship rules on commercial speech. It's a wide open market. Name your product — whatever you want — and sell it however you wish. No agent of the government is going to haul you into court for unlawful advertising.

In the end, it's just a matter of culture. Americans love free political speech but we're paranoid about free commercial speech. It's just the opposite in China.

Our religious freedom wasn't always so perfect, either. It was 150 years ago last April that the Mormons had to flee to the desert for their safety. And the Branch Davidians' religious beliefs were constantly ridiculed by the government agents who eventually killed them, as the new documentary, *Waco: The Rules of Engagement*, shows (see "Documenting Disaster," September 1997).

My main point is not that America is worse, or even as bad, as China on free speech, religion or petition of grievances. My point is that America is the nation with the Bill of Rights and its First Amendment. We are not living up to our founding principles. China has no such hypocrisy. They don't pretend to believe in total free speech; they believe in granting "face" to leaders, and then they complain in private, or out of earshot. Perhaps if America were closer to its own standards our criticisms of the Chinese might be more respectable. But at present, our double standard rests on the clay feet of hypocrisy.

China's Military Ambitions

When it comes to the traditional global arms trade, China is not even in the running among the globe's top arms dealers. For the last 10 years, the U.S., Russia and France have been way out front in selling arms abroad. China is not even in the top five nations in any recent year.

Looking back 50 years, to check out the history of nuclear proliferation, America is the nation that first let the nuclear genie out of the bottle. We then shared our nuclear secrets with allies, like France and Britain. American traitors then shared these secrets with the Soviets. Who are we to say that others must not have the secrets of the bomb we invented and shared?

Even though China is arguably the least expansive major power in this century, we still worry about what they *might* do. Our political leaders say, or at least strongly imply (in mainstream journals like *Foreign Affairs*, and elsewhere) that the whole world belongs to America. How dare China — the most populous nation on earth — actually try to be the dominant force in its own territorial waters? Don't the Chinese know that America should rule the earth?

How would we feel if China scolded us for trying to control our own local lake — our Caribbean region — and berated us for kidnapping Panama's President, or for taking over Haiti or Grenada in order to shore up the leaders we choose? Worse yet, how would we feel if China had been the dominant force on our Caribbean shores for the last 150 years? Yet that's what the West has done to China for the last 200 years or so.

In the historical mirror, America has a Monroe Doctrine, in force since 1823, which basically states that our Hemisphere belongs to us. All others should stay out. If China had a Mandarin Doctrine in 1823, and the power to back it up, Britain never would have stolen Hong Kong, or traded opium for tea. Why can't China institute a kind of Mandarin Monroe Doctrine against European and American powers today?

What is it we actually fear from China? China has a better record at keeping treaties than we do. They have not invaded Hong Kong or Taiwan, though they could have easily done so. They have a comparatively non-aggressive history in their region (although the dynasties founded by the Manchus and Mongolians were more territorially acquisitive).

By passing a law in April to restrict "sweatshops" worldwide, the U.S. Congress once again plays the role of King Canute, commanding the tide to stop coming in.

The Chinese invented multi-masted ocean-going ships about 1,000 years ago, giving them the power to sail the earth and build an empire. They could have done to the Europeans what the Europeans did to them, but China lacked the will to conquer.

The Tiananmen Massacre

That shows the true, brutal nature of the Chinese leaders.

Let's compare the 1989 Tiananmen Square "massacre" (in quotes because that's the normal word used in describing it) to the Waco "siege" in 1993: Each siege (and massacre) lasted about 50 days, then the tanks rolled in. The number of people killed, adjusted for China's larger population, is about equal. (*The New York Times* reporters on the scene estimated a death toll of 500.) China jailed some of the surviving dissidents. But our government tried to jail surviving dissidents, too. In America, the handful of surviving Branch Davidians were tried, convicted and sentenced to up to 35 years, on simple gun possession charges. (In another famous case, Randy Weaver was tried — even though he lost his son to a federal marshall's bullet and his wife to an FBI sniper. But Randy Weaver was saved by a dying vestige of our Bill of Rights, trial by jury.)

China has a lot of advantages in this analogy. The idealistic young demonstrators in Beijing in 1989 literally asked to be martyred. They told the press they were willing to die for their cause. They rejected any and all compromises and camped out in a public square, expecting (and getting) a massacre. By contrast, the Texas Davidians, and the Weavers in Idaho, were sitting peacefully in their own homesteads when the government terrorists struck. They had not asked for a conflict, nor volunteered to be martyrs.

In addition, China learned a lot more from their mistakes in 1989 than our government seemingly learned from Waco in 1993. China learned it can't repeat that mistake. American storm troopers seemed to have learned nothing. In 1989, world opinion was against Beijing, but in 1993, the mass of U.S. public opinion favored Janet Reno over these "religious nuts." Americans rooted for that Chinese man standing up to the tank in Beijing, but at home they root for more "law and order" against such "nuts."

In the final analysis, should China be defined by this one act, on one night, in June of 1989? Should that event be Deng Xiaoping's only, or major, legacy in life? If so, then America must become defined solely by Waco, with Bill Clinton going down in history primarily as the Butcher of Bible Believers. In truth, Chinese leaders were reacting out of fear in 1989, in the same paranoid way Clinton and Reno acted in 1993.

Consider America, about 100 years ago, when some Southern white Americans were lynching hundreds of blacks each year. Fledgling unions were being busted and organizers beaten in public, by police. Like China, we had our own Civil War, killing 10 percent of the South's young males. We slaughtered thousands of Indian nations, as well. But is the United States of 100 years ago defined solely by these negative acts? The time from 1870 to 1910 was also a golden era of freedom — with no income tax, no Federal Reserve, fewer regulations, a time of great per capita economic growth, new businesses, new inventions, a can-do spirit, family unity, traditional values. . . . oops! I'm also describing much of today's China.

The Chinese cannot understand our victim's rights mentality, or our whining claims to fictional entitlements to a life without conflict.

Slave Labor and Prison Labor

Are there eight million prisoners in prison in China, working for state-run businesses, making tennis shoes or toys? First off, I'll bet nobody knows the number, but even if that number were right, then China would have the same percentage of their population in prison that we do. And we have U.S. slave labor in prison, too — at 11 cents an hour, making license plates, or other busy work. (You have no choice in most prisons — you must work for 11 cents an hour, about 2 percent of minimum wage.)

America has always been among the top two or three nations in the world in terms of prisoners, per capita. When I was deeply involved in this subject (from a first-hand perspective) in the mid-1980s, America was surpassed only by the Soviet Union and South Africa. Then, in the 1990s, those nations became more free, and their political prisoners were largely spared. By the mid-1990s, we had more prisoners per capita than any other nation, about 1.6 million. China is not in the top three.

We also hold political prisoners — ranging from a head of state (Manuel Noreiga), to a broader definition of political prisoners — including thousands of Cubans trying to escape Castro's poorhouse, arrested and held by our military in Guantanamo Bay and in Louisiana. We also criminalize almost everything in America. We are one of the few nations which send tax delinquents to jail; we seize assets routinely (check out the official list in *USA Today* Life section, every Wednesday). We do so without warrant, charge or trial.

It gets really trivial: most laws have a gun or a prison cell at the end of a long list of punishments. In filling out forms to run for a Virginia state office on the Libertarian Party ticket, I had to sign (under notary) a half dozen forms which each promised to send me to jail for up to ten years for knowingly putting down any false information on such trivial items as who my Treasurer was. On my way to work, I often pass a sign that says, "maximum penalty for speeding: six months in jail." I went to jail myself for "failure to keep adequate (tax) records"! So tell me about China's political prisoners?

Now let's get down to what the "slave labor" furor may be all about. I think "slave labor" has become the basic left-liberal term for a dead-end, low-wage job — beneath the dignity of the average American, i.e., requiring more than eight hours a day at work, in a less-than-safe factory.

Even one of the premier China bashers, Richard Bernstein, co-author of *The Coming Conflict With China* wrote in *The New York Times* (June 29), in an article entitled "China-Basher Bashes Bashing": "The idea that [China's] economy rests on prison labor is a nightmare invented at the radical edge of the human rights movement. Most of China's exports are made in the special economic zones, created in coastal areas; they are not made in jails."

Think about this a second: What is the economic advantage of arresting, housing, clothing and feeding millions of able-bodied workers — who have already proven themselves to be

willing to work long hours, for low wages, all while taking care of their own food, housing and clothing?

I asked Keren Su about prison labor and he said, "Criminals in prison, who have stolen property, or killed people, must work. Why should they get a soft hotel bed? But nobody sends people to prison just to get a job worker. That would be silly, Gary. Who would do something like that?"

In the historical mirror, United States in the 1890s also had jobs with low wages and long hours, in unsafe factories. In the final analysis, most such "slaves" are not really slaves, but workers with limited options. They're trapped in a one-industry town, and, like in the old saw: "I owe my soul to the company store."

Most Chinese businesses are small and entrepreneurial. The percentage of the labor force in big, state-owned businesses is declining, now under 35 percent (down from 100 percent in 1978). State workers are notoriously lazy, well-paid and inefficient — not slave-driven by any means. Even in the "sweat shops" (mostly privately run), it is usually voluntary work, albeit at a low wage — by our standards, not theirs. In China, they're not as upset about this as we are.

Workers we talked with couldn't fathom the concept of going home early and missing out on more piece work at night. Long work, at piece rates, in a factory, beats stooping over all day in the rice paddies, and they work toward a better future by working long hours, saving and funding education.

The slave labor camp story is mainly the product of Harry Wu, a man who is not widely respected in China. He is revered in America (on talk shows and book signing tours), so maybe you haven't heard the other side of his story. Harry can't forget the past. In that, he is an anomaly in modern China. His prison experience is not so rare. Harry Wu was one of about 10 million political prisoners in the 1960s and 1970s, when times were really bad in China, and Western academia was in love with Mao. But there are nowhere near such numbers in Chinese prisons today. Harry is one of the few, among those 10 million, trying to make a living out of his prison experience, walking into China and daring them to arrest him. In one case (Keren Su tells me), Harry wore a policeman's uniform and pretended to be a cop, and was joined by a reporter, whom he called his wife. On another occasion, he carried hidden cameras into factories — normal procedure in the U.S., on *60 Minutes* and the like, but not in China. The Chinese think it's reprehensible for a man to pretend to be a policeman, and then to hide behind female reporters and international friends when the jig is up. Such people usually get what they ask for, prison, even in America.

Before we hector China about Tibet, we should look at our own history, 150 years ago.

The Chinese have remarkable resilience. Despite all the evils of this century, hardly anyone is trying to seek out justice for past crimes. The typical Chinese moves on to take full advantage of new opportunities. That's the culture of Confucianism in action. I could find hardly any bitterness in the faces of the Chinese I met — and I know that anyone over 40 has suffered a whole lot. The Chinese would never understand our victim's rights mentality, or our whining claims to fictional entitlements to a life without conflict. Which is why they don't seem to appreciate Harry Wu.

"If that's my wife, I'm not here."

Children in China

Americans are certainly confused about China's "one child policy." We saw several rural families, especially among the Miao minorities, with five to ten children. One house we visited, at random, had seven daughters before they finally got their revered son! Farmers and peasants (the majority) can have more than one child. Even urban families can have a second child, if they give up some valuable government benefits (the opposite of U.S. tax policy). With greater prosperity today, more and more urban families invest in a second child.

Yes, there is widespread, state-provided abortion in China, and, tragically, some infanticide, mostly of girl babies. But we have over 5,000 partial birth abortions each year in this country. That's infanticide by all but the most technical of definitions. We have also seen 30 to 50 million legal abortions since *Roe v. Wade*. And I remember the 1960s, when leading population control activists like Paul Ehrlich advocated forced abortions to defuse the American population "bomb," no matter what the pain or loss of freedom. Ehrlich was wrong about the population bomb then (and now), but at least he was honest enough to realize that forced population control is not a very clean process.

Ehrlich argued then (and now) that the results of population control are beneficial enough to justify the cost — that the survivors will be better off. That's China's philosophy today. The Chinese think it is better to have 1.2 billion people, climbing out of poverty to a better life, than have two billion living in poverty. I don't buy that line of thinking, but I can undertand why they think that way. And isn't it curious that most Americans find these notions quite respectable when voiced by Western population-control zealots? Anyway, as family planning becomes more widespread, instances of forced sterilization are becoming less and less frequent.

Childbirth choices are usually based on economics; rural families need plenty of helping hands. In past generations, high rates of infant mor-

tality required a lot of pregnancies in order to get enough grown-up hands later on. Infanticide is also growing less frequent, as the reason for having a boy — to support his parents in their old age — becomes less significant.

Regarding child labor, it's hard to understand the American outrage at Chinese teenagers working in "sweat shops" to make sneakers or toys. A century ago, American children often worked in factories, although it wasn't as widespread as reported. What is seldom considered is the fact that child labor was not considered wrong in those days. In fact, it was often a step up, toward a better life. Child labor was a given: the child either worked on a farm, or in a factory. In fact, the factory was often the work of choice, for the family's overall economic well-being, and it was no harsher than farming.

By passing a law in April to restrict "sweatshops" worldwide, the U.S. Congress once again plays the role of King Canute, commanding the tide to stop coming in. We can't even police our own underground sweatshops, much less those in Sri Lanka or China or Haiti. Besides, like the minimum wage laws at home, such laws would insure that poor families stay out of work and out of hope. Anyone who has visited real "sweat shops" will find many workers putting in long hours for average, or relatively good, pay for that area. (The pay is good enough that Asians habitually save 35 percent of their "slave wages" for future goals, like education, a car, or a house.)

The Chinese are making a good-faith effort to stop product piracy trade, though that effort is about as successful our government fight against the illegal drug trade.

The Crushing of Tibet

The occupation of Tibet is indeed a tragedy, but let's compare the Chinese occupation of Tibet, which started in the 1950s, to our war against American Indians, 100 to 200 years ago. Like Tibetans, our Indians represented the alien species on our "Southwestern frontier." But Tibet is a very sparsely peopled part of China, while American Indians once outnumbered Whites. Tibet holds only about two million people, or 0.15 percent of the 1.3 billion in China. Even if you include two million Tibetans overseas, this is just 0.3 percent of China's population.

Before we hector China about Tibet, we should look at our own history, 150 years ago. Even before the Indian wars began with a vengeance, we took over Texas in 1845, and then we took much of the rest of the Southwest, in the Mexican War of 1846—48. We were good enough to "buy" the Gadsden Purchase, but we didn't pay any of that money to those who lived there. Instead, we drove out the remaining Mexicans, subdued the Indians and put the Indian survivors on reservations. (At least China doesn't have a Bureau of Tibetan Affairs, to keep their minorities in god-forsaken desert slums.)

Trade Violations, Product Piracy and MFN Trade Status

What if, perhaps ten years from now, China says to us, "Unless you clean up your slums, raise your SAT scores, quit sending tanks into religious compounds, quit seizing assets of private citizens, improve your urban crime rate and drug use, stop aborting babies, give the Mexicans and Indians their land back, etc., then we won't trade with you. We won't renew your 'Most Favored Customer' status." With the tables turned, how would Congress react?

Each spring, our Congress reviews the Most Favored Nation status (MFN) for China. Congress first issued China MFN status in 1979, but it has been under review by Congress every year since 1979. In this way, Congress is treating a proud nation like a bad teenager on probation. Never mind that we grant MFN to all but a half dozen countries in the world — everyone but the likes of Libya, North Korea, Cuba, Iran, Myanmar and Iraq. Never mind that we grant MFN to some murderous dictatorships in Africa. China has to be on constant probation and review every June.

Never once in this debate did Washington or the U.S. media consider the consequences to Hong Kong. But economists in Hong Kong calculated that if the U.S. denied MFN status to China, it would be a disaster for Hong Kong. The U.S. Congress is now the greatest threat to Hong Kong, because a sharp cutoff of trade with Hong Kong could precipitate what we fear most.

How about product piracy? Yes, we saw some unauthorized Disney dolls in rural Kaili. Do we Americans ever Xerox copyrighted books, or use pirated CDs or copied software? Do we copy music from a friend? We ought to be careful to look at the comparable volume of piracy in both nations.

That's the real story of China, to me: a hardy group of Confucians who have suffered far more in any given year of their lives than any of us will suffer in his entire life.

Take a reverse-angle look at product piracy. The U.S. did the same thing in the 19th century, as did Japan in the 1950s. And just how angry should we be with China, anyway? The Chinese are making a good-faith effort to stop product piracy trade, though that effort is about as successful as our government fight against the illegal drug trade.

The only workable solution to product piracy is for the Chinese to grow rich enough that they have too much to lose by breaking the law. China will reach this point sooner than most Americans think. In the meantime, most companies who deal with China have no product piracy problems, because they take the time to make the right connections with the right people. The others — the big 800-pound gorillas in the U.S. market, who never like to give up their dominant market share or licensing agreements (like Disney and Microsoft) should look at product piracy as so much free advertising for future theme parks or software products, as helping establish a brand identity. (In private, that's probably their plan.)

In many ways, China has more economic freedom than some neighboring "Tiger" nations, especially if you view them at comparable stages of economic

development. For instance, China is much more open than Taiwan or South Korea was a generation ago. China already allows more foreign investment per year than Brazil has for the last 50 years combined.

China is open to foreign ways of organizing their technology. China, for example, takes Motorola's pager system as its national standard, while Japan tailors regulations to keep Motorola out. China keeps construction costs down by letting Bechtel compete openly, while Japan still protects its own inefficient Zaibatsu oligopolies. Avon's tens of thousands of Chinese Avon ladies would never have been tolerated in Japan or Korea. For all its tradition of suspicion against Westerners, China is wide-open to innovation.

No Voting Means No Democracy — Which Means No Freedom, Right?

Americans tend to revere democracy, as not just the *best* form of government, but really the *only* form of government we will honor in other nations. But Churchill was only half right when he said democracy was the worst form of government, except for all those others. This has some validity, in that the only better system than democracy is no government at all. But Americans take as an article of religious faith that voting makes them powerful -- the bosses over the bureaucrats. If China's people could just vote, Americans think, all would be okay. But if they can't vote, all is wrong.

That analysis is misleading. Sure, China will have no open, free national elections in the near future, but the average Chinese citizen has a real chance to prosper, through economic freedom. The Asian Way is to pursue economic freedom before political freedom. And most Chinese can vote — in local elections. About 80 percent of localities have elections, and some local autonomy. Beijing strongly supports local elections, to promote responsive local leaders. Though Jiang Zemin has said that China will have to remain in the "early stages" of socialism for "a long time," he seems recently to have changed his tune. As we go to press, we see the privatization trend accelerating. At the current rate, in just a few years there will be no major state businesses.

To play the democracy card against China, especially regarding Hong Kong, strikes me as extremely peculiar. China, after all, never has been a democracy, and doesn' t purport to be one. But more to the point, for 155 years, Hong Kong was a British colony that kept ultimate power fully in the hands of the colonial Governor. Is an appointed governor from 800 miles away, in Beijing, less democratic than an appointed governor from 8,000 miles away, in London? Will Beijing's appointment be any less politically motivated than John Major's appointment of his friend, Chris Patten, in 1992? (At least the current governor of Hong Kong can speak Chinese languages.)

In that context, the Chinese have been pretty patient, waiting for the 99-year lease on Hong Kong to expire. After all, China could have taken over Hong Kong any time in the last 50 years. Mao called Hong Kong a "pimple on China's belly," which he could "pop" any time he wished. Hong Kong is connected to the mainland, and dependent on China for basic resources.

Americans rooted for that Chinese man standing up to the tank in Beijing, but at home they root for more "law and order" against such "nuts."

China never invaded Hong Kong during a three-year famine, when 30 million died. They never invaded Hong Kong during the ten-year Cultural Revolution. They stayed away during and after Tiananmen Square in 1989. Would we show the same restraint the Chinese have shown? No, our history shows that Americans go for the cheap land grab whenever it's available.

It's too late to install a full democracy in Hong Kong now. The Chinese couldn't do it even if they wanted to. They have little experience in running a democracy. Therefore when we talk about forcefully imposing our level of democracy on Hong Kong, all we do is raise the level of anxiety among Hong Kong citizens. After all, full democracy did not come to America overnight. First, the British crown ruled, then the landed white males got the vote after 1787, then came a few more white men in rural areas, then came a theoretical franchise for blacks (in 1865), then for women (1920), then practical voting rights for blacks (1965), then for college-age youth, ages 18-20 (1972). We grew our democracy in stages, so why can't the Chinese take their time? Does the world have to do it faster, and with less blood, than we did it?

The Chinese Are Buying Political Influence in America!

In Congressional hearings on campaign finance, the latest fad inside the Beltway is to bemoan Chinese influence in the Congress and in the Clinton Administration. This, of course, has never happened here before involving any other nation. Or does Pat Buchanan have a point, about the Israeli lobby's "Amen corner" in Congress, or influence-peddling from nearly all our allies? Those embassies in Washington aren't there for show. Those are real profit centers.

Why should the foreign purchase of political influence surprise us? This is the core of the kind of democracy Americans purport to love. As long as Americans vote people into power positions to take our money, and then make foreign trade laws, Americans cannot help but be co-conspirators in this game. Voters tend to want trade protection for their jobs, but those nations we trade with also want trade favors. Voters want their government to use force to give us an unfair edge. Why do we let Congress interfere with trade, requiring special favors to ensure freedom?

In conclusion, I believe that Americans should start looking at their own problems, and excesses — mostly stemming from abuse of government power — before we presume to tell the people of any other nation, including China, that they are bad boys and girls, deserving eternal punishment, or trade probation. If you really need an Evil Empire to fight, look at the shadowy side of our own national history, and current governmental intrusions — before condemning China. ❑

Busted in the House of the People

by Pierre Lemieux

You are invited to testify before the National Assembly against mandatory national identity cards. But first, there is a problem with your ID.

At least in this part of the world, there are still circumstances where one can show Leviathan who is theoretically the master and who is the servant. Granted, such opportunities are getting rare, but I just had one on August 28.

I had been invited by a Parliamentary Committee of the Québec National Assembly (the equivalent of a State House of Representatives) to come to Québec City and defend my brief against the government's attempt to impose a citizen ID card. Since, more than ten years ago, a disturbed soldier went on a killing rampage with army weapons in the National Assembly, you have to go through a metal detector, have your briefcase X-rayed, and . . . provide ID.

Now, wait a minute! Not only am I a sovereign individual, but I am coming here precisely to speak against ID papers. Since an official ID card does not yet exist, they expect you to provide a driver's license or a medicare card, even if the law explicitly forbids requiring these as ID except for their specific purposes. So, I produce my American Express card. A short discussion follows, where I explain that I never provide government ID.

I have apparently won the discussion, when the young receptionist asks me to state my birth date which he has to enter into his computer. (The Canadian police database works with names and birth dates.) When I once again refuse, the situation suddenly becomes more tense.

A big, uniformed cop comes from behind (*"his hands upon his leather belt like it was the wheel of some big ocean liner,"* as in Leonard Cohen's song).

"I am a police officer and I demand that you identify yourself."

I refuse. He orders me to pick up my things and come with him. With impatient and threatening gestures (but without touching me, although I feel it comes close), he pushes me before him along a corridor and into a vaguely Kafkaesque office. I have been busted in the House of the People.

Half a dozen desks are evenly spread around the room, with a big plain-clothes cop behind each. "I leave him with you," the cop says to his colleagues. In French, his formulation could also mean, and probably meant, "I leave this thing with you." I stand in the middle of the room, with a dozen eyes staring at me in a deadly silence. I finally say something like, "Well, Gentlemen, who's the boss, here?" Apparently nobody.

The only cop who does not have his tongue in his concealed holster finally talks.

"We are investigators from the *Sûreté du Québec*" (the provincial police), he says proudly.

A kind of conversation starts with him. Yes, I do refuse to give my birth date since this is none of their business. And, no, I don't have a medicare card. (I am probably the only Quebecker in this situation.) My driver's license? I will not show it. "Anyway," I add, "I am lucky enough to still have the old one, without a photograph, since the bureaucracy issues the new one when you renew your medicare card." I kindly agree, though, to tell them my address and phone number in Montreal. The cop writes them down in a small notebook.

"Hurry up," I say, "for I am to appear before the Parliamentary Committee in ten minutes."

A cop you would mistake for a killer if you met him in a dark street says, "Wait for me." He comes back a few minutes later.

"Follow me."

We walk (this time, side by side) through new corridors, up to another office, obviously belonging to a super-

ior officer. Nobody is there. I sit in a deep easy-chair in front of the empty desk. My cop stays on guard behind his own desk in the waiting room, just across the open door.

"Am I under arrest?" I ask.

After a few seconds of hesitation, he says, "No."

"So, I could leave immediately."

"Yes."

But he does not seem to mean that I could just walk into the Committee's meeting. Since I have driven 170 miles in the previous two hours to come here and do my resistant's social duty, I decide to stay.

Broken bits of conversation are exchanged with my uncommunicative guardian.

"It's strange, isn't it, that I am asked to provide official ID when people who work here pretend to be my servants, not my masters."

The cop frowns.

"You mean that I am your servant?"

"Not exactly, Sir. The Members of the National Assembly are my servants. You, you are one notch lower, you are an employee of my servants."

"If I am your employee, you cannot prevent me from doing my job," he replies with a fleeting flash of genius in his eyes.

"No, but I can prevent you from doing what I did not hire you for."

His closed face darkens again, and he resorts to the last line of defense he used before in our conversation: "You have the right to your opinion, Sir."

Finally, the boss arrives. By now, the first cop has obviously become nervous. Taking me to witness, he explains to his boss: "The gentleman asked me if he was under arrest, and I answered No." Approving nod from the boss.

I repeat to the newcomer that I will not provide any more information than what I already gave. "And hurry up, the Parliamentary Committee must be waiting for me." The malaise — *their* malaise — is now tangible. So, *noblesse oblige*, I decide to be nice with my servants.

"But I can show you the invitation letter from the Committee."

"May we see it?" the boss asks, in a conciliatory tone.

I pull it from my attaché-case.

"May we make a Xerox copy?"

"Sure!"

The boss rapidly returns, gives me the letter back, and orders his underling to walk me to the control booth and get me a laissez-passer. There, the young receptionist stares blankly to his computer screen, where the field "birth date" is still empty.

"I leave this as is?" he asks the cop.

"Yes."

During the presentation of my brief, I mentioned this incident to the MNAs. I even told them my birth date, to show that I had nothing to hide, but only a principle of liberty and personal dignity to defend. Somewhat unexpectedly, an Opposition member of the Committee lauded my brief quite profusely. And he added the ultimate flattery: "You actually don't look 50." Perhaps fighting the tyrant is the Fountain of Youth.

The cop frowns. "You mean that I am your servant?" "Not exactly, Sir. The Members of the National Assembly are my servants. You, you are one notch lower, you are an employee of my servants."

A representative of the ruling (government) party was not so laudatory — although he sensed danger and remained relatively soft-spoken. He pompously and naively told me, "You are at home here." He looked as if had been hit by a philosophical truck when I responded: "When I come home, nobody asks me for ID papers."

The last cop who had had me in his hands — or in his way — attended all my presentation, and left the room when I did.

One might say that this is all pretty innocuous. After all, they would have accepted my American Express and taken my birth date on my word — if only I had looked more submissive. I was not tortured in the castle dungeon. There were probably some attempts at intimidation, but they quickly stopped when it became clear that I would call their bluff. Except for the first bully who considered me as a simple subject under arrest, the cops were correct and polite. I forgot to ask for the Prime Minister's social insurance number, but I finally entered the holy temple without providing any official ID or my birth date.

But wait . . . Wait till an ID card (compulsory or "optional") has been legislated. Or just wait until unofficial-official ID papers have attained here the status they have in other countries (including the U.S.). The National Assembly's praetorian guard will then bark, "Your papers!", and anyone refusing to comply will be, at best, *persona non grata*. Official ID papers will bring many other extensions to our administrative tyranny.

Auberon Herbert, a former British Member of Parliament who became a staunch defender of liberty, wrote a remarkable 1894 article entitled "The Ethics of Dynamite." He argued that the anarchist terrorists of his time were not really opposed to government, they were "government in its most intensified and concentrated form." The terrorists' dynamite, he wrote, is "the perfection, the *ne plus ultra*, of government." Speaking of the "war between those who govern openly by majorities and those who govern secretly by dynamite," he was "content to undertake the defense neither of the one nor of the other."

Herbert's hope was that terrorist violence would provoke a reaction against the use of force in human affairs, including state coercion itself. But, he warned, "if we cannot learn, if the only effect upon us of the presence of the dynamiter in our midst is to make us multiply punishments, invent restrictions, increase the number of our official spies, forbid public meetings, interfere with the press, put up gratings — as in one country they propose to do — in our House of Commons, scrutinize visitors under official microscopes, request them, as at Vienna, and I think now at Paris also, to be good enough to leave their greatcoats in the vestibules . . . I venture to prophesy that there lies before us a bitter and an evil time . . . force users will be force begetters."

What is surprising is how much time it took for Herbert's prophecies to come of age. When their realization becomes obvious, we will regret not to have, while it was still time, peacefully resisted state harassment and firmly asserted our individual liberty and dignity. ❑

Deep-Cover Radical for Capitalism?

by R.W. Bradford

Thirty years ago, Federal Reserve Chairman Alan Greenspan was a member of Ayn Rand's "Collective." Does anything he learned from Rand mean anything to him now?

"*Atlas Shrugged* is a celebration of life and happiness. Justice is unrelenting. Creative individuals and undeviating purpose and rationality achieve joy and fulfillment." Thus began a letter to the editor to the *New York Times Book Review* in October, 1957. The letter was signed, Alan Greenspan.

It was the first time Alan Greenspan's name appeared in the *New York Times*. By this time, Greenspan had abandoned a career as a jazz saxophonist, got a degree at New York University's School of Commerce, enrolled in and abandoned the Ph.D. program at Columbia, worked as staff economist with what today would be called a think tank, and become a partner in a Wall Street economic forecasting firm.

Very alert readers noticed Greenspan's name in the *Times* again seven weeks later, this time in Lewis Nichols's column "In and Out of Books." The subject of the column was a group of admirers of Ayn Rand, who gathered on Saturday evenings in the living room of Rand's apartment "for discussions of philosophy." Greenspan is listed among members of the group and identified only as "an economic consultant."

Nichols described the group as a "class," though he noted that "uncouth outsiders" were apt to use the language of religion rather than education to describe it. That may have been the last time Rand's following was described as a class; as her following grew in number and devotion, it gradually came to be treated as a religion, and, increasingly, as a cult. At its head stood Nathaniel Branden, a psychotherapist 25 years Rand's junior. He lectured on Rand's philosophy, which she had christened "Objectivism." He also co-edited (with Rand) *The Objectivist Newsletter* (later *The Objectivist*) and controlled access to Rand. He recently described the beliefs of the cult in these words: "Ayn Rand is the greatest human being who has ever lived. *Atlas Shrugged* is the greatest human achievement in the history of the world. Ayn Rand, by virtue of her philosophical genius, is the supreme arbiter of any issue pertaining to what is rational, moral, or appropriate to man's life on earth."

From its origin as the tiny group that met in Rand's living room in the early 1950s, Rand's following grew rapidly. By the mid-1960s, over 20,000 copies of *The Objectivist* were selling each month, and people in more than 80 cities were gathering around tape recorders to listen raptly to Nathaniel Branden Institute lectures.

But all was not going well. Unbeknownst to all but their spouses, Rand and Branden had been having an affair since the mid-1950s, and by now Branden wanted out. This led to a bizarre chain of events, culminating with Rand calling Branden to her apartment, where she cursed him ("If you have an ounce of morality left in you, an ounce of psychological health — you'll be impotent for the next 20 years! And if you achieve any potency, you'll know it's a sign of still worse moral degradation.") and slapped him around. In the next issue of *The Objectivist*, she repudiated Branden "totally, permanently" because of a "disturbing change" in "his intellectual attitude," to wit, "a tendency toward non-intellectual concerns." She also charged him with poor management of their jointly owned publishing effort and detailed some of the events that had led to their split. She did not mention that he had jilted her.

Greenspan was a member of Rand's inner circle during this entire period and beyond. He lectured on economics for the Nathaniel Branden Institute. He wrote for the very first issue of *The Objectivist Newsletter*, and when Rand broke with Branden he signed a public statement condemning Branden "irrevocably." When Gerald Ford appointed him to the

Council of Economic Advisors, he invited Rand to his swearing-in ceremony, and attended her funeral in 1982.

The Organization Man

Greenspan was introduced to Rand by Joan Mitchell, a young woman he was dating. She was a friend of Barbara Weidman, Nathaniel Branden's fiancé and already a member of the group of young admirers who met in Rand's living room on Saturday evenings. "I was not really able to interest him in Objectivism," Joan Mitchell Blumenthal recalls. She and Greenspan got married, but quickly discovered they had little in common. It was only after their marriage was annulled that "he started showing up at Ayn's, a strange turn of events."

Greenspan was a member of Rand's inner circle. He lectured on economics for the Nathaniel Branden Institute. He wrote for the very first issue of The Objectivist Newsletter, and when Rand broke with Branden he signed a public statement condemning him "irrevocably."

By all accounts, Greenspan and Rand didn't hit it off. In his memoir *Judgment Day,* Nathaniel Branden claims that Greenspan was philosophically a logical positivist and economically a Keynesian — both doctrines anathema to Rand. "How can you stand talking to him?" Rand asked Branden. "A logical positivist and a Keynesian? I'm not even certain it's moral to deal with him at all." This story is colorful, considering Greenspan's subsequent career. But it is probably inaccurate. Nathaniel Branden's memory of this period is notoriously bad. Greenspan denies that he was ever a Keynesian, and Barbara Branden who knew him well during this period concurs.

In any event, Branden engaged Greenspan in some "very long and involved philosophical, metaphysical, epistemological, political, economic and moral conversations," according to Barbara, which soon "had a profound effect upon him." Soon, along with other members of the Collective (as the Rand's young acolytes ironically called themselves), he was reading chapters of *Atlas Shrugged* as it was being written.

"Alan became much warmer, more open, more available," recalls Barbara Branden. "I mean Alan will never be Mr. Warmth, that's just not his personality and nature. But the dourness, the grimness, the solemnity that he had when we first met him practically disappeared, I think, because he accepted us and knew that all of us including Ayn and Frank accepted him. It was like a family, it really was. And he was part of that family."

Not everyone shared Barbara's opinion. One member of the Collective recalls, "It's simply that he is a very cold person. It's very hard to know what's on his mind. Through those thick Coke-bottle glasses, you can't even tell that he's awake sometimes."

More than one member of the Collective marveled at his ability to attract beautiful women. "It was incredible how he always had a beautiful woman at his side," recalls Barbara Branden. "I think it was the attraction of his intellectual power and probably his reserve. You couldn't knock him over by batting your eyelashes at him. He certainly had a profound effect on women." Another member speculates: "Maybe he was a good kisser, from all those years as a saxophone player." His ex-wife Joan Mitchell Blumenthal offers a different explanation. "He is very clever, he knows a lot about a million things, and he has a wonderful sense of humor. Alan is charming and always interesting."

Greenspan was one of three older members of the Collective. This was liable to be a problem. As Edith Efron explained:

> You were better off with [Rand] if you were sort of a piece of malleable nothing. If you were not a malleable nothing . . . well, the older people got into trouble. You have to realize how very young the others were when they met Ayn. They were too young to have any achievements that were not colored by her. That was certainly something that Murray and Alan and I had in common. We had a life and work before we [met Rand]. We never got thoroughly scooped up. I did not give her the kind of special adoration which the youngsters gave her, which she could not get from an adult.

One of the other older members of the collective, Murray Rothbard* was expelled less than a year after he had joined, though there were other factors at work here.** Philosopher John Hospers, who never bought in to all of Rand's thinking on epistemology and metaphysics, but was sufficiently sympathetic with her esthetics, ethics, and politics to be a frequent guest at Collective gatherings, was expelled instantly in 1962 after he had criticized Rand's address to the American Society for Esthetics, which he had arranged. Journalist Edith Efron, who had joined the Collective after she interviewed Rand for Mike Wallace's syndicated column, was expelled without explanation in 1967.

An advocate of completely free markets chairing the Fed seems a little bit like the fundamentalist minister running a bawdy house.

Greenspan's aloofness may have

*The Collective had no formal membership, so the question of who was and who was not a member is somewhat nebulous. Some members casually refer to Murray Rothbard as a former member, while others bristle at the notion.

**Rothbard had been invited to meetings of the Collective in 1957 after he had written a gushing fan letter to Rand. By that time, Rothbard was already involved in a small ideological group, the Circle Bastiat. Like Rand, he was the oldest member and leader. He brought the entire group to Rand's living room, and for a few months, the Rothbard group was a sort of junior partner of the Collective. But the situation was not stable. Less than a year later, Rothbard was put on trial for plagiarism, convicted and expelled from the Collective. Members of Circle Bastiat were forced to choose between Rothbard and Rand. George Reisman and Robert Hessen chose Rand; the others (Ralph Raico, Ronald Hamowy, Leonard Liggio, Bruce Goldberg) stayed with Rothbard.

been part of the reason he was able to survive. Coming to meetings late, leaving early, he wasn't very involved in the battles. John Hospers recalls that "he avoided talk about philosophical issues altogether," which also helped keep him above the storm. He was certainly aloof from the biggest battle of all, the battle between Rand and Nathaniel Branden in 1968. By this time, he was off working as a policy advisor to Richard Nixon, who was campaigning for president. He'd been recruited to the campaign in 1967 by Martin Anderson, who had become a peripheral member of Rand's coterie after reading *Atlas Shrugged* in the early 1960s. It turned out that an old friend of Greenspan was also involved in the campaign: Leonard Garment, who had managed the jazz band for whom Greenspan had played the sax back in the late 1940s, had become Nixon's law partner and was working on the campaign. Greenspan quickly became domestic and economic policy analyst for Nixon. When the Rand-Branden split occurred, Rand asked Greenspan to repudiate Branden publicly. Without ever speaking to Branden, he agreed.*

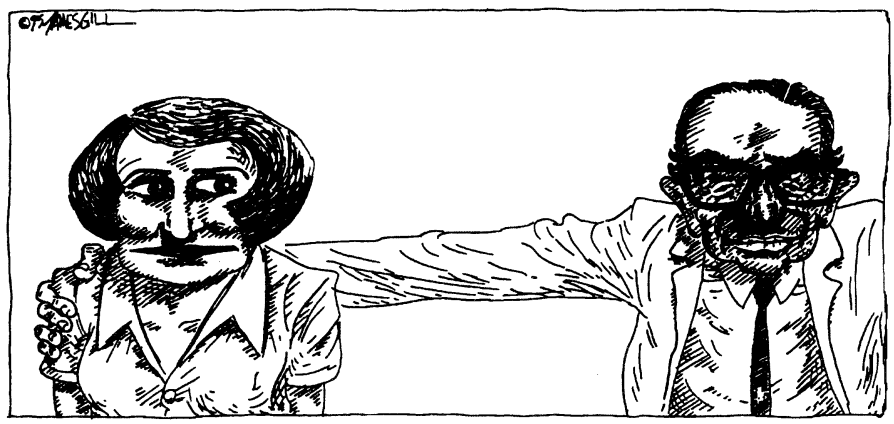

Odd Man In

But there was another reason that Greenspan's relationship with Rand endured while others did not. Edith Efron explains:

> He was her special pet, because he was older, and in the business world. Joan painted, and Allen was a musician, but there wasn't anybody known to her closely who was a businessman who was out in the world of power, and I think that in that particular sense he was very important to her. . . . She would indulge him in ways that she would not indulge others. I think she allowed him more intellectual liberty than she did other people.

One area in which Greenspan was apparently permitted ideological deviation was economics. The "official" Objectivist theory of economics was the Austrian theory of Ludwig von Mises, which, among other tenets, holds that economic forecasting is impossible. The issue never seems to have come up for discussion, but Greenspan continued his successful career as an economic forecaster after becoming involved with Rand. And he never, as one of the members of the Collective rather archly pointed out, "attended Ludwig von Mises seminars at New York University, despite ample opportunity to do so." (Today, Greenspan describes himself as an "eclectic, free-market forecaster, who generally agrees with Austrian economics.")

"He *was* different," Barbara Branden remembers. "Which was very wise of him. He kept his private life to himself, which the rest of us did not do." Another recalls: "[He] used to come late to everything and leave early. And he had his own relationship with [Rand] which was dignified. And he kept somewhat aloof from everybody — which was a smart thing to do."

And he remained a puzzle to some. "Alan Greenspan is incredibly terse," one member told me. "Like everything he sends is a telegram and they're charging by the word. He's deliberately low-keyed and ponderous. On the other hand, he is a musician, so there obviously is a side of him that has passion and emotion, but . . . I would say he's very guarded. He must be a wonderful poker player."

Barbara Branden remembers this differently. "Alan had no talent for and no interest in small talk. So if people around him were engaged in small talk they wouldn't get anything from him. I mean then he would simply stand there and have nothing to contribute. But if there was something interesting, then he was very social."

After the 1968 campaign, Greenspan returned to economic forecasting in New York, refusing job offers from the Nixon administration. Six years later, President Gerald Ford, who had replaced the disgraced Nixon, offered him a position as Chairman of the Council of Economic Advisors. Greenspan accepted. He returned to private life with Ford's defeat in 1977, but was appointed to head a special commission on Social Security by Ronald Reagan in 1981, and since 1987 has headed the Federal Reserve System.

At the Fed

From the start of his political career, questions have arisen about Greenspan's political beliefs. Shortly after his appointment to the Council of Economic Advisors, he was questioned on *Meet the Press* about whether he had changed his opinion, published years earlier in a pamphlet published by the Nathaniel Branden Institute, that antitrust laws ought to be abolished. He replied forthrightly that he continued to believe they should be, but he was well aware that such a move would be politically unpalatable for the foreseeable future.

Greenspan has taken flak from other Randians for failing to implement policies that would radically free

*Barbara Branden and Greenspan eventually reconciled: "It was very weird when we saw each other again," Barbara Branden recalls. "It was twelve or 13 years after the break, and Alan knew nothing about what had really happened. He had signed Ayn's statement about the break because he believed what she told him. And he'd never heard my side of the story and he was the most stunned man on earth when I told it to him. He had heard rumors [about Nathan's and Rand's affair] but he hadn't believed them, they were too preposterous."

the economy. "Alan Greenspan, whatever his rationalization," John Ridpath of the Ayn Rand Institute told an interviewer for the Canadian Broadcasting Company, "[has] abandoned any philosophically principled stance . . . [and] compromised himself and what he learned from Ayn Rand over and over."

Others accuse him of trying to implement those same policies in a deceitful manner. Michael Lewis recently wrote that Greenspan "has preserved a hard core of fanaticism, encasing it in a shell of pragmatism. No more waiting for everyone to realize that extreme laissez-faire capitalism is the best system: He's taking control of the process himself, ever so quietly." Only a few months earlier, Greenspan had recommended to a Senate committee that economic regulations all should be sunsetted. Senator Paul Sarbanes accused him of "playing with fire, or indeed throwing gasoline on the fire," and asked him whether he favored a sunset provision in the authorization of the Fed. Greenspan coolly answered that he did. Do you actually mean, demanded the senator, that the Fed "should cease to function unless affirmatively continued"? "That is correct, sir," Greenspan responded. "All right," the senator came back. "The Defense Department?" "Yes."

The Senator could scarcely believe his ears. "Now my next question is, is it your intention that the report of this hearing should be that Greenspan recommends a return to the gold standard?" Greenspan responded, "I've been recommending that for years, there's nothing new about that. . . . It would probably mean there is only one vote in the FOMC [Federal Open Market Committee] for that, but it is mine." This may be the first time that advocating a policy on a nationally televised Senate committee meeting has been characterized as trying to implement a policy "ever so quietly."

Greenspan refuses to talk to the press as a matter of policy. But the evidence is that he has tried to implement policy changes coherent with laissez-faire capitalism whenever it was possible to do so, and he has articulated his case for such policies when given the opportunity. As Barbara Branden observes, "Alan believes in the art of the possible." And, as his friend Joan Mitchell Blumenthal has observed, "Alan is very devoted to Ayn. He still thinks of her most kindly."

But the question raised by John Ridpath is a very interesting one. For an advocate of completely free markets, chairing the Fed does seem a little bit like the fundamentalist minister running a bawdy house. The Fed, after all, is a government central planning agency. It is curious, given the disrepute into which central planning has fallen since the collapse of socialism, that virtually no one in the West favors abolishing central banking, the oldest and most fundamental kind of central planning agency. Indeed, the nearest that any important public figure has come to calling for the end of central banking may well be Greenspan's call for sunsetting the Fed.

More than one member of Rand's group marveled at Greenspan's ability to attract beautiful women. "Maybe he was a good kisser," one speculated, "from all those years as a saxophone player."

There are two questions here. From an Objectivist or libertarian perspective, is it moral to manage a central planning agency? And is it possible to advance liberty by doing so? In other words, is the world better off having skilled free-market advocates in positions of influence over market intervention?

Where Does Right End and Wrong Begin?

Rand herself made a valiant attempt to deal with the moral question in her celebrated essay "The Question of Scholarships."* Rand formulates the question thus: "Is it morally proper for an advocate of capitalism to accept a government research grant or a government job?"

Rand offered a clear and concise answer to the question:

> The recipient of a government [scholarship, research grant, or job] is morally justified *only so long as he regards it as restitution and opposes all forms of welfare statism*. Those who advocate [the benefit], have no right to them; those who oppose them, have. If this sounds like a paradox, the fault lies in the moral contradictions of welfare statism, not in its victims. (italics hers)

More specifically on the subject of government jobs, Rand wrote:

> The growth of government institutions has destroyed an incalculable number of private jobs and opportunities for private employment. This is more apparent in some professions (as, for instance, teaching) than in others, but the octopus of the "public sector" is choking and draining the "private sector" in virtually every line of work. Since men have to work for a living, the opponents of the welfare state do not have to condemn themselves to the self-martyrdom of a self-restricted labor market — particularly when so many private employers are in the vanguard of the advocates and profiteers of welfare statism.

Rand recognizes two exceptions to her "if-you-oppose-it, you-can-benefit-from-it" principle. The first: "one must not accept any job that demands *ideological services*, i.e. any job that requires the use of one's mind to compose propaganda material in support of welfare statism."

Most people who head powerful government agencies spend a good deal of time "composing propaganda" on behalf of their agencies, generally trying to obtain more power and influence in the process. But Greenspan is not most people. I haven't examined his record in detail, but I haven't heard him advocate increasing the power of the Fed, or promulgating the rationale for its existence. Indeed, as I pointed out already, he has publicly advocated sunsetting the Fed. And if the gold standard he supports were implemented, the Fed would lose virtually all of its power. So Greenspan seems to pass Rand's muster here.

The second sort of employment that one must refuse, Rand argues, is "any job in a regulatory administrative agency enforcing improper, non-objective laws." Her rationale is straightforward:

> [I]t is proper to take the kind of work which is not wrong per se,

* *The Objectivist*, June 1966.

> except that the government should not be doing it, such as medical services; it is improper to take the kind of work that nobody should be doing, such as is done by the F.T.C., the F.C.C., etc.

If Greenspan accepts this thinking, he ought not work for the Fed, for there is no doubt that all sorts of the Fed's legislated powers are "improper" and "non-objective," as Rand uses those terms. The Fed's primary functions are to control the money supply by creating fiat currency and to regulate the banking industry. Both of these are improper activities for government, by Rand's theory, certainly at least as improper as the FCC's regulation of broadcasting. And if the Full Employment and Balanced Growth Act of 1978's requirement that the Fed "maintain long-run growth of the monetary and credit aggregates commensurate with the economy's long-run potential to increase production" does not qualify as "non-objective" law, then I don't know what would. If Rand had applied the rules she argued for in 1966, she have had to condemn Greenspan for accepting his position atop the Fed in 1987.

"You were better off with Ayn Rand if you were sort of a piece of malleable nothing. If you were not a malleable nothing . . . well, the older people got into trouble."

Rand's theory seems quite sensible from a libertarian perspective. But it has problems. For one thing, its meaning is a little bit obscure. Does she really mean that it is wrong to take "any job" in an agency that enforces improper laws, as she says in the first passage quoted above? Or does she mean any job that enforces improper laws, as the second passage suggests?

If she means the former, then where does she draw the line? Sure, it's easy to see that, say, the FBI murder of Vicki Weaver while she held her baby in her arms in the doorway of her home is an "improper" function of government. But what about the secretary who helps the FBI agent who killed Mrs. Weaver with his paperwork? Is his job also improper? What about the cook in the FBI cafeteria? Is his? And what about the person who hauls the trash from the FBI headquarters? Does it make a difference if the trash hauler or the cook work for a private firm that contracts with the FBI?

I suspect that Rand, and most libertarians, would reply that these tasks are peripheral to the murder of Mrs. Weaver, and that the person who prepared the FBI agent's lunch is not acting improperly. Presumably, this is what Rand was thinking about when she made her exception for "the kind of work which is not wrong per se, except that the government should not be doing it, such as medical services" — and, presumably, trash hauling, food preparation and secretarial services — while condemning "the kind of work that nobody should be doing, such as is done by the F.T.C., the F.C.C., etc." and, presumably, the murder of Vicki Weaver.

But this doesn't really answer the question of where exactly the boundary between proper and improper action lies. If we can drop the context (working for an agency that enforces improper laws) when evaluating the morality of the window-washer at the IRS headquarters, why not drop the context when evaluating the morality of the IRS agent?

The simple fact is that the activity of the IRS auditor is "the kind of work that nobody should be doing" only in the context of his auditing on behalf of the IRS. In a society with complete laissez-faire capitalism there might still be auditors with powers virtually identical to those of the IRS auditor. Stockholders in a corporation, for example, might insist on the right to hire auditors to examine the accounts of the corporation to verify that management is reporting income properly. So might the smaller investors in a partnership. Depending on the contract that created the corporation or the partnership, these auditors could have precisely the same rights as IRS auditors: They could arrive unannounced and examine books, require management to produce documentary support for expenses and sales, bank records, etc., and be able to assess additional liabilities or even penalties. Commercial leases of retail space frequently make the lease payment a percentage of sales, and give the landlord rights to audit.

The same kind of logic can be applied to the murderer of Vicki Weaver: The mere act of firing a gun is not improper, and we can imagine situations in a free society in which firing a gun might be part of the activities of a person who has "proper" employment.

"It's simply that he is a very cold person. It's very hard to know what's on his mind. Through those thick Coke-bottle glasses, you can't even tell that he's awake sometimes."

Now I am *not* suggesting that it is appropriate to drop the context in the case of IRS audits or FBI murders. Ethics is all about context. No action is inherently good, or inherently evil, taken by itself. What determines whether any action is right or wrong are the circumstances that surround it.

Here are a few of the factors that are important in determining the boundaries of moral action:

(1) Knowledge. If one doesn't know that an act will result or contribute to something that is wrong, one's action is generally acceptable. We'd never blame the cab driver who drove the FBI agent to the airport, to catch the plane that flew him to Idaho, when he murdered Vicki Weaver, since he didn't know anything about the agent's intentions or aspirations. For that matter, if the FBI agent did not know that the bullet he fired would kill an innocent person, we'd hold him morally blameless (or, at at any rate, less blameworthy: we might blame him for reckless behavior).

(2) Causal distance. We'd likely condemn a person who loaded the FBI agent's gun and properly adjusted its sights the morning of the murder (providing, of course, that he knew the FBI agent hoped to bag an innocent person

that day). But we'd probably hold harmless, say, the person who taught him to shoot, even though that person knew that he was an FBI agent who might one day murder an innocent person.

(3) Availability of other means. Suppose that the FBI agent had mentioned to his cabdriver on the way to the airport that he was hoping to kill an innocent person while in Idaho, and that the cabbie nevertheless drove him to the airport. Would we condemn the cabdriver? Probably not, I think, because we realize that if he had told the agent to take a hike, the agent would have flagged another cab to the airport and proceeded to do the killing. (Of course, we'd likely expect the cabbie to report the incident.)

Greenspan's aloofness may have been part of the reason he was able to survive. Coming to meetings late, leaving early, he wasn't very involved in the battles.

(4) The enormity of the crime. Suppose you are standing in line at your bank, and the person ahead of you asks to buy a money order. The teller casually asks what the money order is for, and the person says he is buying a subscription to *The Economist*, at a special rate for high school students. The person is in his fifties. Would you condemn the teller for selling him the money order? Suppose instead that the person informs the teller that he intends to use the money order to pay a hitman to kill his spouse. Would you condemn the teller this time?

(5) Circumstances. I believe that one ought not patronize government-owned enterprises unless there is no practical alternative. Consequently, I generally do not use the public library. But I realize that my circumstances are such that I have many fairly convenient and affordable alternatives, and that some other people do not. So I feel no urge to condemn others who patronize their public library.

Consider the case of a person living in Soviet Russia in the 1970s, who is trained in bookkeeping. All jobs available are state jobs, since the government owns everything. To condemn him for taking a job as a bookkeeper for a state enterprise is absurd: his alternative is extreme poverty or even starvation. But what about, say, a bookkeeper in the United States in 1870. He can get a job with a private company or one with the Internal Revenue Service. I'd be liable to condemn him for taking a job with the IRS.

The boundaries between what is moral and what is immoral in these cases are a bit fuzzy. Despite her attempt to provide simple and apparent boundaries, even Rand recognizes this fact: "[T]here are many situations so ambiguous and so complex that no one can determine what is the right course of action."

The Best of a Bad Job

My suspicion is that, had Ayn Rand lived to see Greenspan's appointment to chair the Fed, she would have applauded it, notwithstanding the rules she promulgated in 1966. Her reason may have been friendship to a loyal disciple, but her rationale could easily be constructed from the ambiguity and complexity of the situation.

Leaving aside the question of the morality of Greenspan's chairing the Fed, the question remains: just what is an advocate of absolute laissez-faire capitalism doing heading an agency for central planning? Isn't he bound to do more harm than good, if only by lending his name and reputation to the regulatory and central planning process? And just what good could he possibly hope to accomplish, anyway?

Quite a lot, actually. Like the fundamentalist preacher managing a bordello who might try to keep the girls disease-free, encourage the patrons to use the service only when their wives or sweethearts are out of town on long trips, and protect the inmates from police extortion, an advocate of laissez-faire capitalism running a central bank can try to keep government creation of fiat money to a minimum, argue against new spending proposals, and promote the general reduction in government power.

Greenspan endeavors to do all of this.

Central planning inevitably fails, and I have no reason to believe that a Fed managed by an intelligent advocate of laissez-faire will prove anything different. Nevertheless, the fact that central planning inevitably fails does not imply that all attempts at central planning are equally disastrous. Americans are undoubtedly better off with Greenspan at the helm of the Fed than they would be if, say, another William McChesny Martin were at the helm.

Our Only Health Is the Disease

What about liberty? What about the historic war between liberty and the state? Does Greenspan's tenure at the Fed help or hinder the cause of liberty? Would liberty be better advanced by allowing the Fed to be headed by an inflationist who would advocate increased planning and greater regulation? A case can be made that it would, that things have to get worse before they can get better, that people aren't going to reject government control of money until they have seen more of its ugly consequences. In T.S. Eliot's words, "to be restored, our sickness must grow worse."

Do you actually mean, demanded the senator, that the Fed "should cease to function unless affirmatively continued"? "That is correct, sir," Greenspan responded.

At a recent conference, Charles Murray noted that if no changes are made, the Social Security system will go bankrupt by 2010. "Here is a case where one kind of feels a little like a Leninist stategist," he added, "who says that things have to get worse before they get bettter. I kind of hope that they don't deal with it now. Because if they deal with it now, they could do some minor fixes that might be able to avoid major reform. I'd like this to blow up in people's faces."

Well, it certainly would validate what libertarians have been saying

continued on page 52

Czech Reality

by Aviezer Tucker

The Czech Republic pays lip service to liberty and subsidies to state industries.

Last year, the prime minister of the Czech Republic, Vaclav Klaus, addressed the Cato Institute. Describing the transition of the Czech Republic from a command economy to the free market, he claimed that the operation is over and the patient is in the recovery room. No more painful measures, he declared, were in store for the Czechs; economic growth at 5 percent per year and low unemployment at 2.8 percent would be sustained. The Czechs would have a "market economy without any disqualifying adjectives; private property; small government; the rule of law; liberty; and individual responsibility."

And these bright words were scarcely unprecedented. In February 1990, Klaus (then minister of economics) had firmly declared his libertarian intentions:

> We want a market economy without any adjectives. Any compromises with that will only fuzzy up the problems we have. . . . The market is indivisible; it cannot be an instrument in the hands of central planners. . . . I often use the line by F. A. Hayek that the world is run by human action, not by human design. To talk about planning an economic system is to talk in old terms, and I find myself sometimes having to teach Westerners about what the market really means. They often don't realize that they often might need a little market revolution in their own countries. . . . What we want is to establish the rules of market economy — not to plan its outcome.

Such rhetoric made Klaus the darling of libertarians, and it has been reinforced by his political achievements. The general elections in the Czech Republic in the summer of 1996 solidified a distinctively Western European political map. Ninety-nine of 200 seats in the Czech parliament went to the ruling center-right coalition of three parties, made up of Klaus's ODS Civic Democratic Party and its junior partners: ODA Civic Democratic Movement, a small party with an explicitly libertarian ideology; and the Christian Democrats, a centrist party with connections to the Catholic Church. Another one third went to the Social Democrats, while the communists received little more than ten percent and the neo-fascist "Republican" party a little less than ten percent. The satisfaction of Czech voters manifested itself as well in the increased share of the vote won by the coalition partners (though they lost their absolute majority, thanks to the complexities of a new proportional distribution system). These election results contrast sharply with events in most of east-central Europe, where former communists have gradually been returned to power.

These achievements aside, however, recent developments have revealed the underlying weakness of the Czech economy. Less than a year after the last elections, the deficit in the balance of trade had risen to over 10 percent and the Czech currency (the crown) had to be devalued by about 15 percent. The Klaus government responded by introducing austerity measures: a cut in government salaries, "import deposits" (requiring importers to deposit in the bank 20 percent of the value of the goods they import), cuts in expenditures for welfare and investment, reduced state support for export loans and loan guarantees, and increased excise and income taxes. Interest rates have risen to 30 percent; the sole exception to the trend of more taxes, lower expenditures is a four percent cut in corporate taxes.

Such an austerity package is, of course, likely to hamper growth — something Klaus's election promises have left the Czech public unprepared for. Not surprisingly, the Klaus government's popularity is now at an all-time low. Polls show that if elections were held today, the opposition Social Democrats would win with more than

a 10 percent lead over Klaus's party.

The patient, to be sure, is outside the operating room. But he may soon have to go back into surgery again, despite his physician's assurances that the cure is complete.

To understand what's happening in the Czech Republic today, we need to take a look at the country's origins and recent history.

Background

Czechoslovakia's independence was agreed in Pittsburgh, Pennsylvania, it was declared in Independence Hall in Philadelphia, in the wake of World War I, when President Woodrow Wilson was carving up the Austro-Hungarian Empire. By the mid-1930s, led by the philosopher-president T.G. Masaryk, it had the world's seventh highest total national industrial output and east central Europe's only liberal democracy. In 1938, however, the Western democratic powers sacrificed Czechoslovakia to Hitler, hoping to direct Nazi expansion eastward. Betrayed by their democratic allies, the leadership did not find the inner strength to resist invasion, and capitulated without a fight.

After the war, the Communist Party emerged as the most powerful organization in the country, and in 1948 conducted a *coup d'etat* with covert Soviet support. As in 1938, the democratic political forces failed to resist. More than a decade of Stalinist oppression was followed by liberalization during the 1960s, culminating in Alexander Dubcek's attempt to create "Socialism with a human face." This ended abruptly in August 1968, when Soviet forces invaded Czechoslovakia. Again the country's leadership failed to order the military to defend the nation. The Soviet invasion was followed by so-called "normalization," a return to the oppressive Soviet model.*

During the "Prague Spring" of 1968, an unprecedented non-communist journal of culture, art, and literature called Tvar ("face") was able to print a few issues before the regime closed it down. Among its young contributors were Vaclav Havel, a playwright, and Vaclav Klaus, an economist. During the next twenty years their roads parted, only to converge again in the early 1990s. Vaclav Havel became a founder of the dissident movement, Charter 77, whose signatories numbered two thousand out of a Czech population of ten million. Charter 77 was a document demanding that the Communist Czechoslovak Government honor its signature on the final provision of the Helsinki human rights declaration of 1975. It was written collectively by the leading dissidents of the time, and its signatories comprised the movement. Its first three spokespersons were the philosopher Jan Patocka (who then died after police interrogation in 1977), Vaclav Havel, and Jiri Hajek, who was Dubcek's foreign minister in the Prague Spring. After the death of Patocka, Havel became the leading dissident, spending years in and out of jail, and suffering constant harassment by the state.

Privatization in the Czech Republic was a far cry from the process that Vaclav Klaus described to the Cato Institute. In fact, it was a complete sham.

Vaclav Klaus, by contrast, chose like most Czechs to stay in the "gray zone," neither a collaborator nor a dissident. During the 1980s he had had access to contemporary Western economics as part of his work at the Prognostic Institute, whose task was to provide the communist government with reliable economic predictions. Unlike economics professors and students at universities, who were kept blissfully ignorant of the law of supply and demand, the members of the Prognostic Institute were able to study contemporary "bourgeois" economics.

When the "Velvet Revolution" finally erupted at the end of 1989, the communist rulers were replaced by the dissidents of Charter 77. Though they had the highest standards of personal integrity, twenty years in the social wilderness had left them with a much better knowledge of phenomenology and existentialism than of General Equilibrium Theory. Further, twenty years of learning to hold on to their principles against all odds had not prepared them to make necessary political compromises or develop their management skills. They were gradually replaced by people from the "gray zone," like Klaus. Today, the political elite is largely made up of former members of the Prognostic Institute — including the leader of the Social Democrats, as well as the influential minister of trade and industry (now former minister, since he resigned in the wake of the recent economic crisis), and Macek, the architect of Czech privatization, who now runs the Prague stock exchange.

When President Vaclav Havel formed his first government, he chose Vaclav Klaus as economics minister (a job Klaus held until the 1992 elections, when he became prime minister). They faced the same tasks as those of the leaders of all other former communist countries: democratize the political system, restructure the economy by privatizing government property and stabilize prices and exchange rates. It is difficult to do all three simultaneously. Restructuring with stabilization temporarily creates high unemployment, causing grave political difficulties in a society whose people had long been guaranteed a job. In most of the former communist countries, "shock therapy" attacks on all three problems led to high unemployment, with a confused and anxious electorate responding by voting the communists to power.

*For more on the peculiarities of Czechoslovak history and its philosophy, see: Aviezer Tucker, "Shipwrecked: Patocka's Philosophy of Czech History," in *History and Theory*, vol. 35 (1996), 196–216.

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To prevent this scenario, Klaus sought to restructure the Czechoslovakian economy in small steps, cushioning the shock of change with extensive government intervention. This policy seemed to work well enough in the western part of the country, in what was to become the Czech Republic. But in the economically weaker east (what's now Slovakia), even this slow pace pushed unemployment above 10 percent, strengthening separatist tendencies which ultimately led to the 1992 split known as the "Velvet Divorce." Since then the pace of reform has slowly ground to a halt.

Labor Policies

Nevertheless, Klaus's policies seemed to work extraordinarily well for a while. The sharpest contrast between the Czech Republic and post-communist economies that underwent shock therapy is the "miraculously" low rate of Czech unemployment. After peaking at 4.4 percent early in 1992, unemployment fell to 2.5 percent later that same year, giving the Czechs the lowest unemployment rate in Europe. This widely lauded statistic, however, was achieved at the cost of diminished growth — and after recovering from shock therapy, post-communist nations such as Poland and Hungary have sprinted past the Czech Republic in productivity, while their unemployment levels have gradually declined as well. Meanwhile, Klaus seems to have forgotten about his plan for a "market economy without any adjectives": seeking to stifle unemployment, he has doubled the income tax for those above retirement age and extended state-paid maternity leave to four years, while continuing to subsidize money-losing firms and fix the crown at an artificially low exchange rate, which in turn has led to a spiraling trade deficit. Most importantly, Klaus has pursued a policy of pseudo-privatization that has kept basic industries in the hands of the government.

Subsidies

When direct subsidies to producers and consumers ceased in 1991, prices increased sharply. (Subsidies were maintained for farms and railways.) Though subsidies for industry were eliminated, reimbursements of "bad debts" of banks and "bad receivables" of enterprises have been fulfilling an identical function while management practices continue as before, with soft budget constraints, monopolistic behavior, and no bankruptcies. Since banks are owners and lenders at the same time, they have no interest in foreclosing on bad loans that just go unpaid. Since the state owns the banks it gives the banks money so they do not collapse. When small private banks collapse, like the Bohemia Bank, the state moves in to integrate the bank with its own big banks. Similar acts are taken regarding small private health insurers. The big mining and heavy industry concerns operated on bad loans. For example, the heavy industry in Ostrava (the main industrial city in the north east of the country) are kept afloat with indirect subsidies called bad loans from government banks.

The government uses state funds to bail out both state and private enterprises, including banks. This almost completely prevents bankruptcies, but keeps efficiency low. (Actually, the government has just allowed the first bankruptcies to appear, among travel agencies — obviously because it considered this industry a luxury.)

The government has also continued to subsidize and regulate rents and utilities in the state-owned buildings where most Czechs live. Tenants in properties that have been restored to their pre-1948 owners enjoy regulated rent that is far below market rates. These measures do prevent homelessness and ensure "little old ladies" that they will not be "thrown into the street." But they preclude the creation of a real estate market.

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All this has led to major strains on the budget, with 1997 subsidies for housing increasing by 42 percent, for transportation by 57 percent, and for exports by 60 percent.

Privatization and Pseudo-Privatization

Everywhere in Eastern Europe, the former communist elites have attempted to preserve their status and privileges. In the former Yugoslavia they adopted nationalism, while in Hungary and Poland they manipulated the fears of the unemployed, welfare recipients, and pensioners. Only in the Czech Republic did privatization allow the *nomenklatura* to maintain its economic hegemony.

Communism created a complete separation between what is said (ideology) and what is actually practiced. That is true of Klaus's libertarianism no less than of the Communist Party's Marxism.

True, Klaus's privatization scheme has been very successful with small businesses such as shops, hotels, restaurants, etc., which have been uniformly restored to their pre-communist owners or sold to new owners. One just has to visit Prague to see the beautiful effects of free enterprise, the hustle and bustle of privatized retail activity and hospitality business.

For large enterprises, however, Klaus's privatization policies have systematically defeated their ostensible purpose. Shortly before the 1992 election, private citizens were invited to register to receive vouchers, which could be used to purchase ownership of the enterprises to be privatized or sold off. The rest of the vouchers — 72 percent of them — were sold to Privatization Investments Funds (PIFs). Each PIF may control up to 20 percent of a firm. A typical enterprise is controlled by a group of PIFs, with the government National Property Fund retaining a minority share. A few PIFs, such as Harvard Capital & Consulting, are controlled by foreign capital. The other PIFs are controlled by the four biggest Czech banks or by the biggest Czech insurance company, Ceska pojitovna, a former state monopoly.

When real privatization occurs, bloated payrolls are trimmed, inefficient operations are streamlined, and those operations that are unprofitable are sold or eliminated. But the financial institutions that control the nominally privatized companies in the Czech Republic are themselves controlled by the government — and the government seeks to prevent unemployment at all costs. So inefficient operations have continued and unproductive workers have been kept on the payroll. When companies, predictably, continue to lose money, the banks simply lend them more.

Privatization in the Czech Republic was a far cry from the process that Vaclav Klaus described to the Cato Institute. In fact, it was a complete sham. The state has retained control of management of large enterprises, with individual voucher holders owning an insignificant percentage of firms; moreover, the complex of government, government-controlled banks, and PIFs have every incentive to continue resistance to restructuring.

The purpose of Klaus's pseudo-privatization was to preserve full employment and minimize bureaucratic opposition, thereby preserving the political viability of the Klaus government. Those who sold their vouchers received in cash from PIFs the equivalent of an average monthly salary. And "privatization" pacified the communist managerial *nomenklatura*, whose positions remained more or less unchanged. According to Pavel Mertl, Czech managers correctly anticipated that they rather than the nominal owners would continue to control privatized firms. They either borrowed money to buy out the firm, or settled for voucher privatization when they could not — either way maintaining their power. And because "privatized" Czech industry has not really been restructured, there have been virtually no bankruptcies (in comparison with 30,000 per year in Hungary). This too has contributed to the stagnancy of Czech output. Czech privatization has thus strayed far from the neo-liberal rhetoric of its designers.

The Persistence of Corporatism

In 1991, Czechoslovak hourly wages were half of those in Poland, though productivity was higher (this was before Poland had gone through shock therapy with nearly 25 percent unemployment). The low salaries were not challenged by the trade union movement, which regards itself as a leftover from communist times. Trade unions restrict themselves to managing their many properties.* There are no strikes or labor disputes. A tripartite council of government, employers, and trade unions was developed to negotiate salaries. Following their communist traditions, the unions regard themselves as semi-official, and the workers distrust them. Peter Rutland suggests that in the Czech Republic there is nascent corporatism — trade unions acquiesce in government policies in return for allowing the unions to keep their properties and operate. As Rutland has noted, "This is very different from . . . Thatcherism, which shunned corporatist intermediation and relied on high unemployment to bring labor into line and limit wage inflation."

Klaus sought to restructure the Czechoslovakian economy in small steps, cushioning the shock of change with extensive government intervention.

Unfinished Transition

The lack of restructuring is even more evident in the state civil service, the security services, the judiciary, and the educational system. All these bureaucracies have changed little since 1989. The voting pattern in the military and the police is completely different

*Trade unions are among the largest property holders in the country. Their properties include resorts, hotels, restaurants, etc. Since the unions were part of the government, Klaus was able to pressure them by threatening privatization of their property, the power base of the former communist leadership of the unions.

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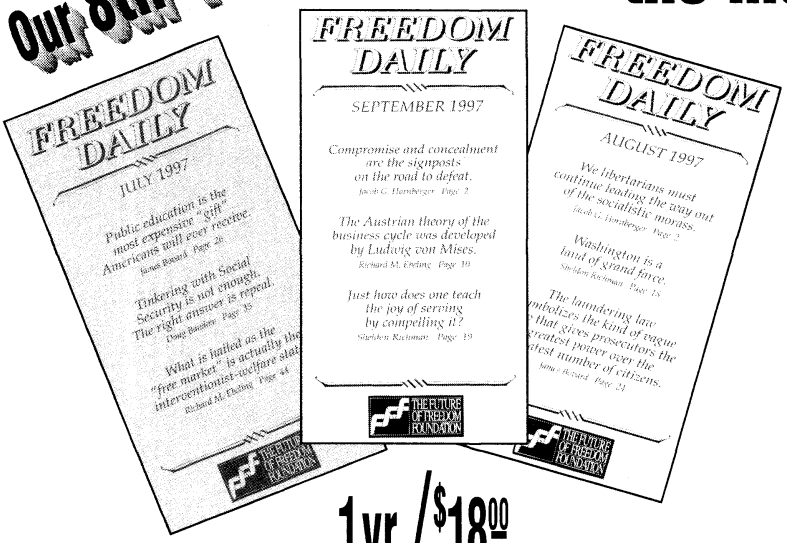

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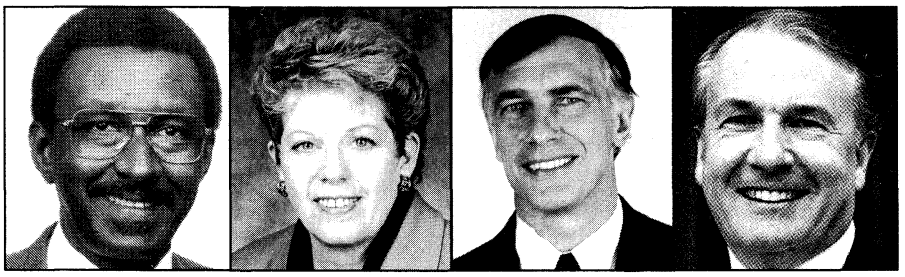

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from that in the general population; in the 1996 elections, 38 percent voted for the Social Democrats, 18 percent for the Communist Party, 14 percent voted for Klaus's Civic Democratic Party, 14 percent voted for the neo-fascist "Republican" party, and 9 percent for the junior members of Klaus's coalition. Allowing for the votes of ordinary men, who are universally conscripted for one year of military service, it appears that more than one-third of Czech security services have extremist anti-democratic views.

Klaus's libertarian rhetoric sounds beautiful, and before the reality became known in investment circles about two years ago, it helped him build confidence among investors.

Despite the encouraging emergence of some independent schools with higher quality of instruction, authoritarian education by incompetent teachers is still prevalent within state schools. This stagnant swamp has been preserved largely through the effects of the 1990 higher education reform law, which decentralized universities before they were reformed. Power in the universities now lies with a democratically elected senate that elects deans, who in turn control budgets and have the authority to hire and fire. When the reform law was passed, universities were full of incompetents who owed their positions to political allegiances rather than scholarship. When they received the right to elect their deans, they naturally voted for functionaries who would protect their positions, promote them, and prevent professionally competent and morally sound teachers from replacing them.

These developments have encouraged strongly negative public sentiments towards schoolteachers — and when teachers became the first public-sector union to strike for higher wages, the government felt it was safe to ignore them. The strike promptly collapsed, and the minister of education was rewarded with a promotion to minister of economics, with the task of similarly resisting future pay-raise demands from the public sector.

Finally, the attractiveness of the Czech Republic to foreign investors is diminished by the widespread corruption of the legal system. The rule of law demands a competent, impartial, and independent judiciary. This does not as yet exist. Foreign investors confront murky capital markets, with the government, the banks, the PIFs, and the firms themselves collaborating to divvy up the proceeds of what is known in colloquial Czech as capital "tunneling" or "juicing" (that is, bribes, racketeering, inside trading by management, banks, and government). And with the police and courts unwilling to challenge such established powers, investors are increasingly turning to other emerging markets. It should be stressed that all this corruption could be eliminated simply by real privatization, especially of the banks and by replacing the higher echelons of the former communist bureaucracy.

What Must Klaus Do?

The recent crisis may soon force the Czech government towards policies it should have implemented long ago: first, the scheduled privatization of the biggest banks and insurance companies should have a ripple effect, finally restructuring the market as a whole. Restructuring, however, is likely to lead to more unemployment, currently at 4 pecent, and it is far from clear whether Klaus's coalition will be able to master the political muscle to enforce it.

The forthcoming admission of the Czech Republic to NATO will require restructuring the military. The history of the Czechoslovak army was less than glorious; it turned its guns only on Czechs and Slovaks themselves. Currently, Czechs are debating whether or not we should phase out conscription and have only a NATO-compatible professional army. In any event, future policy makers will have to consider measures to ensure that the military will serve the elected Czech government and will be found trustworthy by its NATO allies.

Replacing personnel in the police, judiciary, and education systems is not even under discussion, but in my opinion would be a necessary condition for effective democracy. Even the European Commission has demanded that the Czech Republic cut its bureaucracy in preparation for joining the European Union.

I do not want to undermine the considerable achievements of Klaus's government: democratic politics and human rights are now firmly entrenched. Unlike in other formerly communist countries, in the Czech Republic the Communist Party has no chance to return to power. The worst that could happen in the 2000 election is that the opposition Social Democrats will form a coalition government with the centrist Christian Democrats. And even if they do, their policies are likely to be more of the same.

Klaus also managed the non-violent splitting of Czechoslovakia, and his privatization of small properties was generally successful. Perhaps some kind of gradual approach to transition is necessary to prevent a communist restoration. Klaus's mistakes may have started when gradualism gave way at a certain point to stagnation. But he should not have promised audiences at home and abroad that the transition process is over. Klaus's libertarian rhetoric sounds beautiful, and before the reality became known in investment circles about two years ago, it helped him build confidence among investors. Still, calling Klaus's actual policies "libertarian" is, how shall I put it, stretching it a bit. . . .

In general, Western analysts should understand that communism has left at least two enduring legacies. First, communism created a complete separation between what is said (ideology) and what is actually practiced. That is true of Klaus's libertarianism no less than of the Communist Party's Marxism. Second, communist states can be viewed as a huge patronage machine where people traded favors, goods, and privileges — irrespective (indeed against) the interests of the organizations in whose hierarchies they served. In the post-communist Czech Republic, loyalty to a social network where people trade job-related favors with each other is more important than any above-board organizational interests. This is true of government banks, investment companies, and other firms today no less than it was true of communist industries in the Soviet Union or Czechoslovakia before 1989. ❑

Debunking

The EPA and Asthma

by Ben Bolch & Harold Lyons

New clean air regulations run afoul of science.

Now that the EPA has imposed its newest round of clean air regulations, the first unintended consequence is in the air: there will be a showdown between the EPA, numerous state and municipal governments and even members of congress on new EPA clean-air standards.

The story begins in September, 1996, when EPA Administrator Carol Browner announced that the agency would set forth a broad national agenda to protect children from the hazards of the environment, an initiative ranging from reducing air pollution that induces asthma to regulation of toxic chemicals. The new regulations apparently stem from a suit brought against the EPA by the American Lung Association. But, as Thomas DiLorenzo writes in a Mises Institute report, the Lung Association received at least $4.1 million in EPA "outreach" funds between 1990 and 1994. The result of this transaction is that the EPA is using tax money to sue itself into inventing new regulations. In effect, taxpayers are paying for both sides of the case.

Last November, when the EPA proposed unprecedented new regulations for ground-level ozone and particulate matter (soot), it was not surprising that sufferers of asthma and other childhood respiratory diseases were listed as among the greatest beneficiaries. But the EPA's own research provides no health-related basis for the changes. Plainly, the EPA is attempting to use our natural sympathy for children to increase its power, obscuring the fact that these regulations are both extremely expensive and based on science that is woefully inadequate.

Under these regulations, a municipality or other defined geographic area will need to reduce ozone concentrations roughly by one third to remain in EPA compliance. This new position on ozone comes in spite of the advice of EPA's own Clean Air Scientific Advisory Committee (CASAC) that such additional reductions on ozone probably would not have a significant impact on public health. In fact, CASAC notes that since some biological response to ozone seems to occur at virtually any level, no matter how small, it is probably not possible to set scientific standards for a lowest-observable-effects-level that would lead to establishment of some "safe" level of ozone. So any standard that is set must be political in nature.

As for particulate matter, the new regulation states that the size of the particles requiring regulation is to be reduced by about 75 percent. Again CASAC has advised the EPA that science has not yet established any direct link between exposure to extremely small particulate matter and increased mortality.

The EPA claims that among other benefits these new standards will produce 250,000 fewer cases of aggravated asthma, 250,000 fewer cases of acute childhood respiratory problems and 20,000 fewer premature deaths. How these astounding figures are arrived at would make an interesting study in itself, since they are reminiscent of other fallacious predictions by the EPA associated with radon, Alar and dioxin. But the EPA has provided no such study on which to base its claims.

The prevalence of asthma in Westernized societies has doubled in the last twenty years. Although some of this increase may be attributable to changes in reporting, the large increase in frequency of asthma in the West seems to be real. And, as many scientists have pointed out, it has come at precisely the time that air quality in the West has undergone major improvement. In the United States small particulate matter (10 microns or less in diameter) has

decreased in concentration by 22 percent between 1986 and 1995 according to David Hanson who cites EPA's own data in the January 6, 1997, *Chemical and Engineering News*. Similarly, carbon monoxide, nitrogen dioxide, sulphur dioxide and lead levels have all shown dramatic reductions over the same period. If the air is getting cleaner why is asthma getting worse?

William Cookson and Miriam Moffatt of Oxford University report in the January 3, 1997, issue of *Science* that while air pollution might aggravate asthma, it is not responsible for the epidemic. In fact studies have been done that compare such places as Leipzig in East Germany (high pollution) with Munich in West Germany (low pollution): they find a higher asthma rate in the less polluted environment. The same high-asthma-clean-environment linkage applies to comparisons between such places as Poland (polluted) and Sweden (unpolluted). Physician David Lang and biometrician Marcia Polansky report in a 1994 issue of the *New England Journal of Medicine* similar findings for Philadelphia: the mortality rate from asthma increased while the number of days when concentrations of pollutants exceeding EPA standards decreased. It may well be that asthma is caused not so much by something in the environment as by something *not* in the environment.

What may be involved, say Cookson and Moffatt, is a lack of immune system development among children. Children today suffer fewer respiratory and other infections than did children in the past, probably because of our pristinely clean Western environments and widely available health care. By building immunity, these infections may actually protect children from asthma. Cookson and Moffatt cite a number of studies done in such diverse environments as Great Britain and Japan which tend to confirm this effect. They also note that it may be possible to develop an asthma vaccine.

Of course there are other possible causes of the asthma epidemic. For one, people tend to spend more time in poorly ventilated houses as a result (among other things) of urbanization and of the government's harping on the need for energy efficiency. Dust mites, cat dander and other antigens in such enclosed spaces are clearly associated with asthma. And it is clear that there are hereditary influences, a notable one being that blacks in the 15-24 year age group have been found by the Center for Disease Control to be as much as six times more likely to die of asthma as whites in the same age group.

How the EPA's astounding figures are arrived at would make an interesting study in itself, but the EPA has provided no study on which to base its claims.

About all that can be said with certainty is that asthma is a very complicated disease whose cause should not be blamed on pollution of the kind that the EPA wishes to control under these proposed regulations. Surely it is not too radical to ask that the science be done before the regulations are imposed.

There is uncertainty even within government about the ambitious new program. A draft letter written by the staff of the Senate Committee on Environment and Public Works to EPA chief Browner highlights many of the scientific uncertainties of the proposed standards. It points out as well that a simultaneous revision of standards for both ozone and particulate matter, despite the advice of EPA's own Clean Air Scientific Advisory Committee, would be the largest single step taken under the Clean Air Act. The letter also questions whether states will have the resources to control programs for both standards at the same time and expresses concern over the probable low cost-benefit ratio for the new regulations. The EPA's own estimates of the cost of the particulate regulations are in the neighborhood of $14 billion annually and the ozone regulations could cost as much as $2.5 billion annually. Of course any bureaucracy's own cost estimates are nearly always low, so the true costs may well come to many times these figures.

We can expect that the resistance to the new regulations will come largely from the Republican side of the aisle, but Democrats also need to be aware of potential political fallout. The environmental newsletter *EPA Watch* estimates that virtually every metropolitan area in the country (which include many a Democratic stronghold) will be judged out of compliance and will face restrictions not only on such small businesses as dry cleaners but also on the lawn mowers, boats and fireplaces.

The EPA has been guilty of grossly exaggerating predictions of the harm of chemicals such as dioxin. The science that supports the current proposed Clean Air Act standards is clearly weak, if not junk. But rather than a review of the science behind the regulations, we can expect an EPA public relations campaign that appeals to our desire for healthy children. While the EPA carefully couches its claims about the effects of the environment on asthma to aggravation, not cause, you can bet that when the debate starts the media will show us juvenile asthma sufferers who will be portrayed as victims of the environment. Patriotism may be the last bastion of a political scoundrel, but appeals for healthy children are the equivalent for environmental zealots. ❑

"I'd refer you to another doctor, but I'm not sure you could *get* there in time."

A Juror's Duty, a Juror's Right

by Laura Kriho

The primary casualty of the War on Drugs is the rule of law.

On May 14, 1996, I was the lone juror who refused to convict a defendant accused of methamphetamine possession in a trial in Gilpin County, Colorado. Sixty-six days later, I was cited for contempt based on evidence of "improper" arguments I made in the jury room about jury nullification and the harsh sentence the defendant could receive.

At the time, I didn't know much about juries. I was passingly familiar with the doctrine of jury nullification, but for the record, I wasn't trying to "nullify" the drug laws. I had reasonable doubts based on the lack of evidence, which I argued about extensively during deliberations. I only mentioned my vague understanding of jury nullification as a last resort, in frustration at the other jurors' desire to convict and get home for dinner. I know a lot more now.

On February 12, 1997 I was convicted of contempt of court, in part, for failing to *volunteer* my knowledge about the doctrine of jury nullification to the court during jury selection, even though I wasn't asked any questions about it. On March 7, I was fined $1,200, though I could have received six months in jail. My conviction is under appeal to the Colorado Court of Appeals. The Colorado American Civil Liberties Union and the Colorado Criminal Defense Bar filed briefs supporting my appeal.

Contempt proceedings against jurors are quite rare. I've been told mine is the first like it in over 300 years. On its face, my case seems like an anomaly, a rare aberration. But there is more to it than that.

It is with some trepidation that I write this. A letter to the editor of a Denver newspaper about non-psychoactive hemp fiber was used as evidence against me at my trial. But since the government seems so determined to prevent citizens from knowing about their full powers as jurors, it is important for me to share what I have learned.

Jury "nullification" describes the historic power of jurors to vote their consciences, even if it is contrary to the evidence. Juries can "nullify" laws in a particular instance, either because the jurors believe that the law is unjust or because they believe the application of the law in a particular instance is unjust. A jury can acquit for any reason.

This power is also referred to as jury "discretion." Police use discretion when deciding whether to enforce a particular law in a particular case; prosecutors use discretion in deciding whether to bring a particular violation of the law to trial; judges use discretion in deciding whether to dismiss those charges. Jurors have similar power to use discretion in applying the law.

This power of juries is widely recognized. It has been upheld by the U.S. Supreme Court and was even reaffirmed by Gilpin District Judge Henry Nieto in his ruling that convicted me. However, for the past 100 years, the courts have ruled that jurors do not have to be *informed* of their power to evaluate laws, and judges typically instruct juries that they can only judge the facts of the case, and not the merits of the law.

My conviction has taken this judicial promulgation of ignorance a step further. It implies that any potential juror who knows the power of the jury and who fails to volunteer that knowledge during jury selection, even if not asked, can and will be prosecuted.

There is a nation-wide movement among judges actively to mislead jurors about their power to use their discretion. One of the leaders of this movement is a Gilpin County Judge, Fred Rodgers, who wrote an article in *Judges' Journal*: outlining strategies for judges to use to keep jurors ignorant of their power to "nullify" unjust law and for prosecuting "obstructionist" jurors who don't volunteer their knowledge of this power to the court.

Shockingly, Judge Rodgers discussed the supposed facts of *my* case in his article, although it was written *before I was even charged.* Judge Rodgers denied any conspiracy to prosecute me as part of his crusade for juror ignorance, but he did admit to a local reporter that the article "might have been lying around in the lunchroom and someone from the district attorney's office may have gotten a hold of it."

This movement among judges to deceive and frighten jurors suggests the real reason I was prosecuted. They wanted to purge juries of anyone who knows they have the power to acquit, make jurors afraid to acquit, and prosecute jurors who do acquit.

Having read this article, you possess this same forbidden knowledge. If you tell the court that you know that as a juror you have the same power of discretion as police, prosecutors and judges, you will be excluded from the jury. If you fail to volunteer the fact that you know this, you can be prosecuted and fined, like I was, or even imprisoned.

The jury is the last line of nonviolent defense against a tyrannical and oppressive government. The systematic exclusion of knowledgeable jurors results in juries acting compliantly as tools of the state. It subverts justice and undermines the very purpose of the jury.

To serve on a jury is a great responsibility. It is the only direct voice that citizens have in a government whose laws are often imposed upon them without their consent and is a barrier against unjust persecution. ❑

Bradford, "Deep-Cover Radical for Capitalism?" *continued from page 42*

about government Ponzi schemes. But would it advance the cause of liberty?

Economic crisis is certainly a stimulus to radical change. When humans are happy with their situation, they aren't very interested in change. And they are especially uninterested in radical change. It is only when a political or economic crisis occurs that people are interested in changing the political or economic system.

Unfortunately, crises effect other political movements — especially other radical political movements — in much the same way it effects the libertarian movement. A major crisis is likely to stimulate growth of socialist, nationalist, racist and other obnoxious political movements as much or more than it would stimulate the the growth of the libertarian movement.

Of course, the climate of opinion that prevails when a crisis occurs has a powerful influence on the effect of the crisis. For example, the economic crisis of 1929–1940 occurred when the idea of human liberty was in steep decline, identified in most people's minds with the "old order," seen as "unscientific" and unmodern. Not surprisingly, this crisis stimulated the growth of various nutball social theories and had no positive impact on liberty.

The crisis of socialism in the late 1980s and the minor economic crisis of the West in the late 1970s, on the other hand, occurred in a much more favorable climate. By now libertarian opinion was growing and statism increasingly questioned. So these crises tended on balance to stimulate the growth of the libertarian movement. Of course, so far as most of us in the U.S. were concerned, these were fairly small crises: the economic crisis of 1979–80 passed rather quickly and the crisis of socialism was mostly just television entertainment so far as most people were concerned.

How would Americans react to a crisis in Social Security of the sort that Murray relishes? They might conclude government entitlement programs are con games that ought to be abolished. But they also might conclude that the rich aren't contributing their fair share and raise the income tax rate back to 90% or more. This far in advance, I don't see any way to forecast which is more likely to happen on any kind of scientific basis.

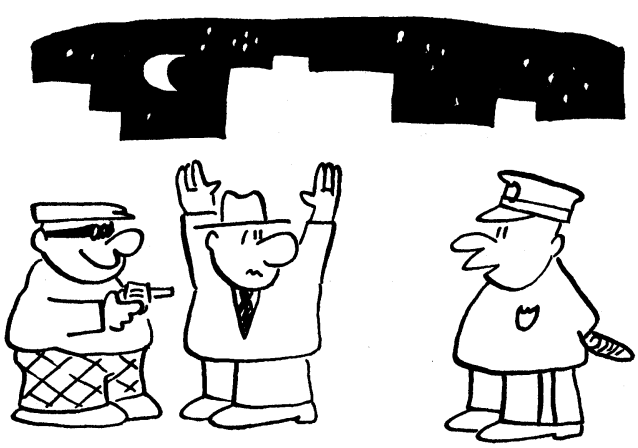

"I'd like to help, sir, but this is a government of laws, not of men."

Personally, my own inclination is to figure the state will have enough crises without any libertarian acting to foment them. In the meantime, we can work to change the climate of opinion to one that is more favorable to libertarian ideas, so that when a crisis does occur, it will tend to stimulate growth of our movement.

Of course, Murray did not advocate doing anything to foment the crisis he foresees. But then he's a political analyst, outside government, so he lacks the means of either accelerating that moment of crisis or of postponing it or softening its impact.

Greenspan is in a very different position. When he was involved in the Social Security task force in the early 1980s, he faced this question: he could have put together a patchwork measure that would postpone the crisis and perhaps even enable a "soft landing," or he could have allowed the whole system to go down in flames. He chose the former. He is in a similar position with the Fed. He can either manage the money market in an idiotic way or in a semi-intelligent way. And he has chosen to do so in a semi-intelligent way.

Which is better: the Murray-Leninist approach or the Greenspan-accommodationist approach? From a practical perspective, the main factor is whether we are in a position where our ideas will gain credibility and our agenda will be enacted. But there is also a moral question: do we really want to gain credibility at the price of human suffering? ❑

Memorial

Freedom's Unknown Guru

by Harry Browne

Thirty five years ago, an obscure rocket scientist ignited interest in liberty in thousands of Southern Californians. But first he made them agree never to tell anyone about his ideas.

Andrew J. Galambos never wrote a book or appeared on national radio or TV. But he was nonetheless an extremely influential libertarian. Although he was known only to those who had direct personal contact with him, his effect on people who heard him speak was so profound that he changed their thinking — and very often their lives. And he spoke about liberty to thousands of people who took his courses in the 1960s. Undoubtedly the ripples from the stones he dropped eventually touched many of today's leading libertarians.

I knew Andrew Galambos in the early 1960s. He was a fascinating mixture of contrasts. He combined a brilliant mind with an ungracious personality. He was an astrophysicist, but he taught social science. He preached the importance of respect for intellectual property, but freely lifted the ideas of others without giving them credit. He inspired honesty in others, but was dishonest himself. He disdained the word "libertarian" while turning thousands of people into libertarians. He was an insensitive teacher, and yet he changed the lives of most of the people he taught.

And he pushed out of his own life practically everyone who was important to him. One of those people was Alvin Lowi — a long-time friend and business associate, who had taught some of his courses. This memoir is based on my brief relationship with Galambos and on Alvin Lowi's more extensive recollections.

A Life

Andrew Galambos was born in Hungary in 1924. His parents moved to New York City soon afterward, and Andrew grew up there. After serving in the military in World War II, he attended Carlton College in Minnesota and earned a master's degree, probably in astronomy or astrophysics.

In 1952, he moved to Los Angeles to work for North American Aviation in the new field of InterContinental Ballistic Missiles (ICBMs). His purpose wasn't to make the world safe for democracy, but to make money for himself. In 1958 he was an astrophysicist at Ramo-Wooldridge Corporation, which later became TRW Space Technology Laboratories.

In 1957 the Soviets had launched Sputnik. Most of the engineers at Ramo-Wooldridge were unfamiliar with the concept of artificial earth satellites. Galambos became a respected mentor by explaining ballistics and astronautics to them in a series of noon-time lectures.

Andrew was well-versed also in astronomy, philosophy, the history of science, the scientific method, economics, investments, and insurance. And he was a master at coining precise definitions for words whose meanings we sometimes take for granted.

Although his life's work turned out to be the promotion of a free society, his interest in the social sciences was only a means to an end. His primary interest was astronautics; he wanted to create a commercial transportation service to the moon. He believed this would be possible only after the government got out of the way. For Galambos, the first step toward space travel was to create a free society.

In 1961, he went to New York to meet Ayn Rand, Ludwig von Mises, Leonard Read, Murray Rothbard, and Henry Hazlitt. Galambos had a very strong personality, and he and Rand rubbed each other the wrong way — perhaps because they were so much alike. He spoke disparagingly of her thereafter. Mises wasn't willing to discuss Andrew's economic ideas — possibly because Galambos' background

was in the physical, not the social, sciences. Rothbard treated him cordially — as he did almost everyone — and thereafter Galambos was more respectful of Rothbard's work than that of the others.

Also in 1961, he established the Free Enterprise Institute (FEI) in Los Angeles — where he offered courses to the paying public on the construction of a free society. Thousands of students passed through his courses over the next two decades. He was one of the most successful "freedom entrepreneurs" ever — making very good money preaching the gospel of liberty and capitalism. Some of his later courses cost $500 or more (the equivalent of $2,000 today) and each were attended by several hundred people. He had very little overhead, advertising was mostly word-of-mouth, and he didn't spend money to make his students comfortable in the classes.

In addition, he made money selling mutual funds — advocating his own investment strategy of cost-averaging and holding for the long term. He had no reservations about selling mutual funds to his students; he thought that earning investment profits would make them stronger advocates of capitalism.

Sometime during the 1980s Galambos became afflicted with Alzheimer's Disease, and in 1990 he was institutionalized. Because he had been financially successful and had taken good care of his money, he didn't have to rely on relief or charity. In 1996 Suzanne Galambos, his wife of over four decades, died. And, finally, on April 10 of this year, he died.

The news undoubtedly saddened thousands of people whose lives had been improved by his teaching.

Genius at Work

Alvin Lowi remembers the Galambos of their early days in Los Angeles as gracious, thoughtful, and hospitable. But after his courses made him important to people, he apparently no longer felt the need to be gracious. By the time I met him, his personality was quite different.

Sometime in 1963, someone had handed me a small pamphlet Andrew had written — one of the very few publications that came out of his work. It contained some novel thoughts that I considered worth quoting in a syndicated newspaper column I was writing at the time. As was my custom, I sent him a copy of the column. He was very pleased to be quoted and he wrote back, rather than calling, even though we were both in Los Angeles. Further communications led me to take his course, which I'd heard about from others.

In a phone conversation the day before the first lecture, he said he was looking forward to meeting me — as he was impressed by some of my articles that I'd sent him. But when I finally met him in person and said, "How do you do? I'm Harry Browne," he looked at me as though to say, "So?" I extended my hand, which he responded to only after a long pause, and he eventually replied, "How do you do?" No smile, no sign that we'd had any communication before. But then, during his lecture, he solicited my opinion a couple of times — referring to me as a fellow toiler in the fields of liberty. This was my first brush with Andrew's contradictions and strange manners.

Andrew Galambos was the stereotypical genius — impossible to deal with, but the source of great innovation.

By any normal standards, he was a very poor lecturer. His course, "Capitalism — the Key to Survival," was billed as a series of 16 two-hour lectures, but each one ran well over two hours. And as the course went on, the lectures were longer and longer — with the last few running over four hours apiece. He used no script and very few notes — and sometimes rambled so far from his main thread that you didn't know whether he'd ever find his way back (but he always did). There was a single break in the middle of each lecture — during which Andrew would get a soft drink. After the break, he'd continue sipping his drink — and he'd suck on the ice while talking.

The chairs were uncomfortable and the lecturer was insensitive, but the course was fascinating. As Andrew covered the gamut from science to society, you learned about the special contributions to technology of various scientists, about the scientific method, about Andrew's desire to apply the discipline of the physical sciences to the social sciences, and much more.

(A few years later, I realized that the inability to conduct controlled, repeatable experiments made it impossible to transfer the methods of the physical sciences to the social sciences — including economics and investments. Still later, I came across Mises' *The Ultimate Foundation of Economic Science*, in which he explains this point better than I could.)

There were so many ideas discussed in a Galambos lecture that it was hard to sleep afterward. People who took the courses began looking at the world in new ways; in many cases they changed their businesses, their marriages, and their lives.

The Galambos Philosophy

In 1960, Andrew had gone to the Republican convention in Chicago to encourage Barry Goldwater to compete for the GOP nomination against Richard Nixon. And his first courses promoted limited, constitutional government. However, his own consistency, together with input from his students, caused him eventually to advocate a society without any political government.

He had reached that point before I took my first course from him in the winter of 1963-64. His free society relied on private, competing protection and judicial agencies. National defense was to be provided by insurance companies that reimbursed you if they failed to protect your property. His method of getting from here to there involved building private alternatives to government until those alternatives dominated society — at which point most people would see no reason to continue to rely on government for anything.

He strongly opposed voting or any other form of political action. He believed the act of voting signified a willingness to abide by whatever the winners decided to do. He transformed the familiar slogan into, "If you vote, don't complain."

Morality was a key element in his philosophy. Unlike Ayn Rand, who attempted to prove that there was a single morality that must be obeyed

(what I call an absolute morality), Galambos felt that acting morally was optional, but that there was a single morality that would increase the happiness of anyone who lived by it (what I call a universal morality). In practice, the two moralities were similar — revolving around non-coercion toward others.

Although he felt his greatest contribution was in the integration of many ideas and details into a single grand theory of freedom, I was less impressed by the overall design than I was by the precise way he defined and organized many of the details.

Property

Everything in the Galambos philosophy revolved around property.

He described societal freedom as that condition in which everyone has 100% control of his own property and 0% control over anyone else's property. This was a particularly succinct way of describing freedom. And with everything privately owned, many traditional questions about freedom would be automatically resolved.

Can I shout fire in a crowded theatre? That depends on who owns the theatre and what his policy is. Should Nazis be allowed to demonstrate in Skokie? That depends on the street owner's policy.

Galambos required every student entering one of his courses to sign a contract agreeing not to divulge any of the course ideas without his permission — and not even to use the ideas, in business or elsewhere, without permission.

A weakness in Andrew's thinking, in my view, was that he assumed that questions of property borders and definitions of property itself could be easily resolved. In Andrew's mind, they already were resolved — and eventually they probably will be to the satisfaction of others. But the technology for doing so was very primitive in the Galambos courses.

A cornerstone of Andrew's philosophy was the concept of intellectual property. In the words of the late Charles Estes, Galambos

> defined "primordial property" as a person's own life and "primary property" as his ideas. All other property he derived from these two fundamental kinds."

Thus Galambos referred to physical property as "secondary property." Because primary property was antecedent to secondary property, he felt that respecting the ideas of other people was more important even than respecting their physical property.

Although academics have long honored the concept of proper intellectual credit for ideas, the Galambos view of primary property went far beyond anything previously promulgated on either the political left or right. He considered it immoral to use someone's ideas without gaining permission and providing compensation. This meant, in effect, that the inventor of the wheel was due a royalty on every automobile sold.

While this would seem to lead to chaos and the stifling of technological progress, Andrew believed it wouldn't be difficult to work out the mechanics of handling such payments — and he already had developed a number of techniques. Andrew's system recognized independent development of ideas — so that it would be unlikely that an eccentric inventor of, say, the computer could arbitrarily halt development of all computers.

His Vulnerability

Andrew was very possessive of his own primary property. He continually promised to write a book setting forth his philosophy, so that ownership of his ideas would be well-documented. But he never did. It may be that he felt intuitively that his grand plan was impressive when delivered orally, but might not hold up when examined in print; or that he wasn't by nature a writer and the task intimidated him. Or perhaps he was simply a procrastinator.

Whatever the reason, the lack of a written document to confirm his authorship apparently made him feel vulnerable — afraid that anyone could soak up his ideas, walk off with them, repackage them, and claim them as one's own inventions.

He required every student entering one of his courses to sign a contract agreeing not to divulge any of the course ideas without permission from Galambos — and not even to *use* the ideas, in business or elsewhere, without permission. In effect, the course tuition bought you the right to become aware of the ideas, but not to use them or talk about them to outsiders.

This led to the humorous situation in which a graduate would rave about the course and insist that you take it — but when you asked him for examples of what was good, he would say, "Sorry, I can't tell you."

This led to the humorous situation in which a graduate would rave about the course and insist that you take it — but when you asked him for examples of what was good, he would say, "Sorry, I can't tell you."

Needless to say, some people did talk about the ideas. And many more graduates used the ideas profitably. This bothered Andrew, but he claimed to be bothered most by individuals who seemed to be using his ideas in other courses, lectures, or writings.

He spoke frequently of one individual or another who had stolen his ideas. And if it were pointed out that the person was preaching ideas that were the opposite of Andrew's, Galambos would say the person had stolen Andrew's ideas but had gotten them all wrong. One of his favorite epithets toward an enemy was that the person had "flunked the course."

Alvin Lowi suggested to me that Andrew, despite his protestations, may not have been concerned about intellectual thievery. Instead, he may have been jealous of the success others were achieving — success in presenting and marketing the ideas of freedom, and success in applying the ideas to their business and personal lives.

Whatever his secret concerns may have been, his possessiveness, criticism, arrogance, and thoughtlessness served to alienate and eventually chase

away every important person in his life. The one exception was his wife, Suzanne, who suffered frequent verbal abuse from him in public but never deserted him.

My Experience

My own experience with him was typical in several ways.

Taking his first course inspired me to bring back to life an earlier idea I had for a course on free-market economics. I discussed the idea with Alvin Lowi, who encouraged me to go ahead with it. Andrew also supported the venture and allowed me to mail advertising to his customer list. The first presentation of the 8-session, 2-hour-per-lecture course was well-received by my customers, and Andrew suggested that his Institute sponsor the course thereafter. I agreed to the arrangement.

Galambos spoke frequently of one individual or another who had stolen his ideas. And if it were pointed out that the person was preaching ideas that were the opposite of his, he would say the person had stolen his ideas but had gotten them all wrong.

Another presentation of the course began, and the trouble started. Andrew said he had heard from some of my students that I was presenting his ideas but not giving him credit. I explained that there was very little in the course that hadn't been a part of my repertoire for some time — and that I did, in fact, give credit to him for any ideas I had gleaned from him.

He maintained that he was unconvinced. He frequently phoned me — saying he had heard further tales of my using his ideas without credit. He would berate me in conversations that lasted an hour or two or three. Looking back, it's hard to imagine what could have been said that made those conversations so lengthy — or why I put up with the situation as long as I did. But, then, I was only 31 at the time.

I sent him transcripts of my lectures, along with a box full of articles I'd written prior to meeting him, so he could see that my world didn't begin with him. I marked the appropriate passages in my articles so he could skim through them quickly. But he claimed he didn't have the time to look at them. So instead of taking an hour to go through the material, he spent many hours on the phone literally yelling at me.

Andrew was willing to acknowledge that I (or anyone else) could have been exposed to similar ideas prior to meeting him. But he maintained that his packaging of the ideas was so revolutionary that one's understanding of freedom was severely limited before taking his course. Thus, no matter what you knew before your exposure to him, you were indebted almost totally to him for your understanding of freedom. Therefore you should credit him even for ideas about freedom you developed yourself or heard earlier from someone else.

Because I believed he was an important person and we were doing important things, I tolerated all this for about six months. And then I informed him — in the spring of 1965 — that I would no longer give my course under his auspices. He told me I couldn't unilaterally terminate the relationship — although we had no agreement that prevented me from doing so. In effect, he claimed I had to continue working with him until he no longer wanted me to. But I simply refused to put up with him anymore.

After this close, very intense relationship lasting about a year, I never saw him again. We spoke only one more time — briefly on the phone in 1973.

When I became somewhat well-known through my books, people would sometimes ask Andrew what he thought of my ideas. Andrew would shout that I had stolen all my ideas from him — even though I can't imagine that he ever took the time to read any of my books or even knew what they covered.

But, as Lowi pointed out, the issue of how people were using his ideas may have been a red herring. He may have been more upset by the fact that I had published my ideas, and that I was making a great deal of money with them, while he was bogged down in weekly lectures and the trivia of running his course business. Again, the only reason he was even involved in the social sciences was to create a society in which he would be free to be an astronautical entrepreneur.

But that dream was fading because — although he was financially successful — he wasn't getting very far in creating the free society in which he could start his lunar airline.

Although I had been closer to him than most people, my experience wasn't unique. He thought of numerous former students as his enemies — and the more successful they were, the more he condemned them publicly.

Dishonesty

As possessive as he was of his own intellectual property, he was very careless with the ideas of others. He often argued against someone's suggestion, only to incorporate it as part of his own "original" thinking a few months or years later.

Although he lavished praise on some thinkers who were long since dead — Thomas Paine, Isaac Newton, and so on — he rarely gave credit to any living person. When he did, it usually was only in general terms, rather than for any identifiable contribution to his philosophy. And on some of the rare occasions when he gave specific credit to a living person, it was backhanded.

Whatever his secret concerns may have been, his possessiveness, criticism, arrogance, and thoughtlessness served to alienate and eventually chase away every important person in his life.

For example, Alvin Lowi was Andrew's closest associate and a great intellectual stimulus to him. But in all of Andrew's lectures I attended, I heard him give credit to Alvin only once. On that occasion he discussed the way a particularly thorny social problem would be handled in a free society; he identified a key factor and said, "Once you get past that point it is, as Alvin Lowi has said, as easy as falling off a log."

After the lecture I tore into Andrew. "Why in the world would you embar-

rass Alvin by implying that he was taking credit for such an expression? You know he would never claim to have coined it."

Andrew answered, "But Alvin's contribution was in applying it to this situation."

"That isn't the way the audience understood it."

"That's the way they *should* understand it," he said.

While appearing to be generous in dispensing credit, in truth Andrew — as far as I know — never acknowledged the many original ideas Alvin *did* provide.

Also, although he stood foursquare against force and fraud, he engaged in fraudulent practices himself. One example was the aforementioned contract students were required to sign before entering a course — acknowledging that Galambos was the owner of the ideas, that they were buying exposure to them only, and that the ideas were not to be repeated or used without Andrew's permission. The contract was so full of gobbledygook that no one really understood what it meant, and some people refused to sign such a vague agreement.

Thinking I was doing him a favor, I wrote a far clearer version of the contract and presented it to him. The event was much like your cat bringing a dead bird into your house and proudly laying it at your feet. Galambos said, "Don't you understand? If people know what the contract says, they won't sign it."

"But how can you ask people to sign something they don't understand?"

"Because after they take the course, they'll understand it and agree with it."

Of course, not everyone who took the course came to believe that he should get Andrew's permission before using any of the ideas.

He also had his own definitions for words, which he didn't explain until you took his course. This allowed him to state his beliefs in public without shocking anyone. For example, he defined "government" as a private company with whom you contract for protection (contrasted with "the State," which he defined as a coercive agency), and he would go before liberal groups to say he was in favor of world government. He also called himself a "liberal" — knowing that mod-

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Columnist and
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ern liberals would mistakenly consider him to be a political ally.

Influence on Me

Andrew Galambos was the stereotypical genius — impossible to deal with, but the source of great innovation. Much like the composer Richard Wagner, he aggravated, inconvenienced, and exploited many people while enriching their lives.

That certainly was true in my case. Although I paid a high price then, my life is far better for having met Andrew Galambos. Although much of what I consider valuable might not be what he'd want credit for, I did learn much from him. For one thing, my writing became more precise, better organized, and — learning negatively from him — more considerate of the reader.

People would sometimes ask Galambos what he thought of my ideas. He would shout that I had stolen all my ideas from him — even though I can't imagine that he ever took the time to read any of my books or even knew what they covered.

And probably no one influenced the course of my personal life and career as much as he did. His ideas prodded me to make several major changes.

Most of all, he inspired and encouraged me to give courses — which led to my writing ten books — which led to everything else worthwhile that has happened to me over the past 30 years.

Benefits to Others

Despite his personality and his business practices, he had a way of changing almost all his students' lives. And I never heard of a Galambos graduate regressing to his former ways.

Ironically, one thing many people seemed to glean from his courses was the value of honesty — even though I don't recall him preaching it and he certainly didn't practice it himself. Doing business with a Galambos graduate was usually straightforward, profitable, and pleasurable.

Whether Andrew somehow attracted smart people to his courses or listening to him made them smarter is a chicken-&-egg question. Either way, his clientele consisted of first-rate people who knew how to use what they learned. He appealed to people who wanted to solve problems. They wanted to know how to make a better world, but they also sought the means of improving their own lives in a realistic way — not with a magic cure-all.

Andrew provided the conceptual tools by which individuals could organize and refine their own ideas — their own observations about how the world works. In effect, they didn't adopt Andrew's philosophy so much as they made better use of their own.

They didn't accept Andrew's ideas because they were Andrew's; they accepted what made sense to them. Because many of them were emotionally stronger than Andrew, they were able to survive the criticism and pettiness Andrew inflicted; if Galambos was abusive, they knew enough to ignore what wasn't true and drink in from Galambos all that would help them. And they were secure enough in their own lives to be able to acknowledge their intellectual debts to him, even if he accused them of intellectual piracy.

Andrew Galambos made the world more intelligible to them, and they made the most of their newfound understanding. In the process, his graduates proved that a proper understanding of the free market can be used to effect a happier, more productive, much more prosperous life.

The Galambos Legacy

One of Andrew's greatest failings appeared to be his inability to recognize that there are no final answers for a free society. If a totally free society will exist in, say, the year 2020, we have no way of knowing today how property will be protected, how the nation will be defended, how drivers will be charged for using roads, or how any of the thousands of other technical issues will be handled.

Galambos provided the conceptual tools by which individuals could organize and refine their own ideas — they didn't adopt his philosophy so much as they made better use of their own.

If someday there is a profit to be made from providing neighborhood protection or national defense, hundreds of ideas will come gushing forth — as some of the best minds in the world see an opportunity to get rich and to be intellectually challenged by devising the best possible systems.

It is presumptuous of us to think we can somehow foresee all these ideas and know now how these matters will be handled. All we can do is cite *potential* ways to take care of them — to reassure people that matters can be handled without resorting to the coercion, inefficiency, and monopoly of political methods.

Andrew Galambos devised or promoted potential ways to deal with

continued on page 60

"LEGAL TENDER?

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Mises and Monarchy

by Ralph Raico

The Mises Institute deserves better treatment. And who is Tom G. Palmer, anyway?

Ludwig von Mises and F.A. Hayek are widely considered the most eminent classical liberal thinkers of this century. They are also the two best known Austrian economists. They were great scholars and great men. I was lucky to have them both as my teachers.

Yet it is clear that the world treats them very differently. Mises was denied the Nobel Prize for economics, which Hayek won the year after Mises' death. Hayek is occasionally anthologized and read in college courses, when a spokesman for free enterprise absolutely cannot be avoided; Mises is virtually unknown in American academia. Even among organizations that support the free market in a general way, it is Hayek who is honored and invoked, while Mises is ignored or pushed into the background.

To a degree, this is understandable. Leaving aside their relative scientific achievements, Hayek is simply more "respectable." He was always much more accommodating to his adversaries, for instance, dedicating his best known book, *The Road to Serfdom*, "To the socialists of all parties." (A noble gesture, perhaps, but what socialist was ever brought over by it?) In contrast, Mises is looked on as "dogmatic" and "doctrinaire." Certainly, Mises would no more have dedicated a book to socialists than Ayn Rand would have dedicated *Atlas Shrugged*, "To thugs of all descriptions." Some might even find that rather admirable.

One difference between the two thinkers is obvious and admitted on all sides: Mises was, always, an uncompromising advocate of the social order of private property, while Hayek was, always, prepared to accept significant infringements on it. Hayek spurned the term, laissez faire; Mises exulted in it. Hayek's view of the state resembled that of a British public servant; over and over again, he declared that, besides maintaining minimal order, the state should function as a wide-ranging service agency. For Mises, the state was legalized force, and its business was simply to defend life and property by beating anti-social elements into submission. Mises relied on voluntary methods for aiding the poor, while Hayek championed a minimum income for all. In fact, Anthony de Jasay has gone so far as to write that, taking all of his welfare proposals together, what Hayek essentially proposed was the Swedish model under the label of classical liberalism. Nowadays, leftists, in defending the welfare state, use the argument, "Even Hayek conceded . . . "

The "intransigent" Mises, Jacques Rueff called him. Yes, gloriously intransigent, over six decades — including the desperate 1930s, when Frank Knight, founder of the Chicago school of free-market economists, was urging people to vote for the candidate of the Communist Party for president of the United States.

There is only one free-market organization today that makes no bones of its devotion to the thought of Mises. It happens to be called the Ludwig von Mises Institute, located in Auburn, Alabama. Founded in 1982, with the full support of Mrs. Margit von Mises, who chaired the board until her death in 1993, the Institute has enjoyed the close collaboration of prominent thinkers in the Austrian tradition, most of all Murray Rothbard, who headed its academic programs until he died two years ago. Besides keeping alive the thought of the great Mises, the Institute is the center for preserving and disseminating the ideas of Murray Rothbard as well. Others seem to have forgotten who Murray was and what he meant to the libertarian movement in America. The Mises Institute is building a library to house the books and

papers of Murray Rothbard.

Associated with the Mises Institute are dozens of senior and adjunct scholars, from the United States and abroad. They are among those who have presented the hundreds of papers delivered at the three Austrian Scholars conferences held in recent years and at the special conferences on subjects such as the gold standard, the end of Keynes, the demise of Marxism, and the costs of America's wars. The Mises Summer University, a week-long seminar, has now been held for the past thirteen years and has "graduated" close to 2,000 students from America and overseas, very bright kids, filled with intellectual energy and enthusiasm for liberty.

Here are some other accomplishments of the Mises Institute: publishing or subsidizing over 100 monographs and books, like Rothbard's *Man, Economy and State* and Mises' *Theory and History*, besides many new works; conducting hundreds of seminars and conferences; producing three documentary films; placing nearly 500 op-ed pieces in newspapers and magazines; and providing financial assistance to thousands of undergraduate and graduate students. The Institute publishes five periodicals (four of them for at least the past ten years), including *The Free Market* and *The Review of Austrian Economics*.

Not bad, one might think, especially for an organization boasting a staff of six and lacking any massively rich benefactors; one which must depend on the donations of thousands of individuals of relatively modest means. In the sub-headline to an article by Tom G. Palmer, in the September *Liberty*, the editor asked rhetorically, "Who is Lew Rockwell?" In case he does not know: Llewellyn H. Rockwell is the man who created the Ludwig von Mises Institute and has served as its president from the start.

This year the Mises Institute celebrated its fifteenth anniversary. As part of that celebration, Karl von Habsburg, son of the Archduke Otto, was invited to address the gathering in Atlanta, at the end of September. For many people, myself included, the Habsburgs are the best symbol available of Old Austria and of the world of central Europe before the arrival of the Nazis and the Reds. If for nothing else, then for this: the old ruling house stands for the way the Jews of Austria and Hungary — including the Mises family — were treated, compared to what came after.

In a letter promoting the affair, Lew Rockwell said some nice things about the Habsburgs. The unpleasant episodes in the record of the 700-year-old dynasty he tactfully ignored. After all, the Archduke Otto, head of the family, has for many years now been a respected member of the Mont Pelerin Society, and Mises himself in 1942 advised Otto on how monarchy might be restored in Austria. One could argue, I suppose, that a libertarian is obliged to chide Otto and Karl for the misdeeds of their ancestors. But then Peter Bauer and Ralph Harris, on being raised to the peerage, probably should have said something about the countless crimes of the English crown — or Hayek, for that matter, when he was made a Companion of Honour.

Tom Palmer replied with outrage to Rockwell's letter, even affecting to *defend* Mises against the Mises Institute. There is little point in subjecting Palmer's critique to a detailed critique in turn — noting, for instance, his confusion of republicanism with democracy; or filling in a few gaps in his ten-word interpretation of the origins of the First World War; or correcting his dismissive description of the "obsequious" Edmund Burke; or informing him why Lew Rockwell is not alone in judging the Habsburgs to have been guardians of European civilization (hint: it has something to do with the Turks). What would be gained by trying to demolish the attempted demolition of what was, when all is said and done, basically *a promotional letter*? In all fairness, how much can this matter, one way or the other, in view of fifteen years of solid service to the thought of Ludwig von Mises and Murray Rothbard that Rockwell and his Institute have given to the world of scholarship and to the libertarian movement? ❑

Browne, "The Unknown Libertarian," *continued from page 58*

some of the thorniest issues of a free society. In this, he provided a great service. But he was wrong to think that his ways were *the* ways — and that this is *how it will be*. He set himself up as the final authority on these questions. In effect, he was playing God, and he was no better at it than anyone else who tries to fill that role.

But those who have criticized his ideas can be just as mistaken. If there was some part of his grand design that was defective, if he presumed too much — so what? No matter how Andrew perceived his role, he wasn't setting the rules for a free society; he was helping us see how responsive and effective the free market can be when confronted with any sort of human need.

That was a large part of his great genius, and it opened the minds of a multitude of individuals who were exposed to his courses.

In the same way, there are thousands of other unknown libertarians around America — and around the world — who are helping people move a step further in their understanding of the limitless benefits of liberty. Whatever we think of the details of their ideas, we are indebted to them for opening the minds of so many people.

Andrew Galambos was one of the most important of these teachers. He transformed conservatives, liberals, and moderates into libertarians at a time when liberty was the most radical idea imaginable — when the welfare state was at the very peak of its popularity in the mid-1960s. With massive confidence, he encouraged thousands of people to live better lives and to become better salesmen of liberty.

As Alvin Lowi put it:

> Galambos' legacy is a work in process embodied in a few individuals enriched with new vistas of a rational world including a humanity worthy of survival. Those individuals have proceeded to celebrate that legacy with a strengthened courage of conviction to live their lives more fully and unashamedly for themselves, at no expense to anyone else, in the unshakable belief that in doing so, the world would be the better for it. In this outcome, Galambos could have taken ample satisfaction. ❑

Reviews

***Thought Contagion: How Belief Spreads Through Society*, by Aaron Lynch. Basic Books, 1996, 192 pp., $24.00.**

Viruses of the Mind

Scott Reid

In March this year, I was briefly infected by a virus. The infection occurred when I received an e-mail from a friend (whom I will call "John"), containing the following warning:

> There is a computer virus that is being sent across the Internet. If you receive an e-mail message with the subject line "Good Times," DO NOT read the message, DELETE it immediately. . . . It has a virus that rewrites your hard drive, obliterating anything on it. . . .
>
> Luckily, there is one sure means of detecting what is now known as the "Good Times" virus. It always travels to new computers the same way, in a text e-mail message with the subject line reading "Good Times." Avoiding infection is easy once the file has been received simply by NOT READING IT!
>
> The act of loading the file into the mail server's ASCII buffer causes the "Good Times" mainline program to initialize and execute. The program is highly intelligent — it will send copies of itself to everyone whose e-mail address is contained in a received-mail file or a sent-mail file, if it can find one. It will then proceed to trash the computer it is running on. The bottom line is: If you receive a file with the subject line "Good Times," delete it immediately! Rest assured that whoever's name was on the "From" line was surely struck by the virus . . . . PASS THIS WARNING ON TO EVERYONE YOU KNOW — DO IT NOW !!!!!

Naturally, I was alarmed. Of course I was safe — the warning had reached my computer in advance of the nefarious "Good Times" virus. But what of my friends? I quickly prepared an e-mail address list of everybody with whom I correspond, so that I could send the warning to each of them. Fortunately, just before sending out the copied message, I checked my e-mail again. A single new message from a mutual friend was in my in-box, addressed to John and to everybody to whom he had sent the warning:

> Oh, John. Oh, John, John, John. (Here I shake my head sadly, as one who first saw this thing three years ago and nearly passed it on himself before saying, "Wait a minute . . . a virus that works in a text e-mail message? That opens just by *reading* it? That works independent of the platform? Hmmmm . . .")
>
> It's a hoax, amigo. The WARNING is the virus (damage: eats up time, causes needless worry, wastes bandwidth), and it's been circulating for years. . . . Friends, please don't forward the warning; delete it instead.

As this episode illustrates, it is easy for a person's consciousness to be exploited by a mind virus identical in nature to a computer virus or a biological virus.

In each case, the virus is a package of information that exploits the resources of a host to replicate itself and to transmit itself to new hosts. A biological virus encodes itself in DNA, wraps itself in a protein shell, and is transmitted when bodily fluids are exchanged between hosts. A computer virus is encoded in computer software and is transmitted when computer code is exchanged between computers. A mind virus encodes itself as a thought or a bit of consciousness, and can be transmitted visually or aurally, on paper, on a computer screen, or as speech.

This startling insight was first promulgated in 1976, in Oxford biologist Richard Dawkins's book, *The Selfish Gene*. Dawkins had argued in the first part of this book that genes (which he defines as "a portion of chromosomal [and therefore potentially self-replicating] material which potentially lasts for enough generations to serve as a unit of natural selection") are the primary units of Darwinian evolution. It is genes, not individual plants and animals, that replicate themselves by producing characteristics in their host that allow the host to live longer or reproduce more successfully. Every time that a gene programs its host to run faster, grow larger, or in some other way improve its chances of surviving and reproducing, the gene increases its own likelihood of being replicated in larger and larger numbers. This process is generally beneficial for the host, but it is the gene, not the host, that is selected for replication. From a genetic point of view, all hosts, including humans, are merely complex amalgams of overlapping physical characteristics, all of which are produced by genes.

Once successfully established in my mind, the meme makes me want to pass it on.

In the final chapter of *The Selfish*

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Gene, Dawkins introduced an even more radical thought. He suggested that just as genes rather than organisms are the fundamental units of biological evolution, it is possible that the fundamental units of consciousness and cultural evolution are not human minds, but rather the individual thoughts and sentiments that occupy our minds. In order to take the argument further, he invented a word, "meme," to describe these mind-genes.

Dawkins described memes in these terms: "When you plant a fertile meme in my mind, you literally parasitize my brain, turning it into a vehicle for the meme's propagation in just the same way that a virus may parasitize the genetic mechanism of a host cell." Once successfully established in my mind, the meme makes me *want* to pass it on, or at least to engage in actions that will cause the meme to be passed along. This was clearly the case with the mind virus that my friend had e-mailed to me. A far longer-lasting "infection" has been the desire, planted in me when I read *The Selfish Gene* more than a decade ago, to learn more about memes and to transmit the concept to others.

A similar desire has clearly infected Aaron Lynch, the author of *Thought Contagion: How Belief Spreads Through Society.* Twenty years after the publication of *The Selfish Gene*, Lynch's book represents the first attempt to produce a more popularly written and easily accessible presentation of memes and of the emerging science of memetics. Regrettably, it is not particularly successful at achieving these goals.

Part of the problem is that Dawkins and the other scientists who have written on memes have done so in the same crisp, readable, non-technical language that made Charles Darwin's great books so accessible. So in a sense, there is less need for this sort of popularization in memetics than in, say, economics.

More fundamental, however, are the flaws intrinsic to *Thought Contagion.*

Lynch has arranged the book as a sort of laundry list of examples of memes. After a *pro forma* discussion of how memes work and how they are transmitted, he launches into literally hundreds of different examples of memes at work. Some of the ways in which he has applied meme analysis to the study of sexual taboos and religion are quite interesting, but more often than not the examples seem to be arbitrarily chosen and inadequately discussed. In the space of seven pages, for example (pp. 136–142), his subheadings include "Circumcision," "Bottle-feeding," "Diets," "Freudian Analysis," "Astrology" and "Memes and AIDS." Perhaps unfairly, I was left with the impression that this muddle of sometimes-intriguing, sometimes-erroneous examples could have been assembled from the collected e-mail that Lynch and fellow memetics enthusiasts may have been bouncing back and forth.

Lynch's failure to tell where he gets his information is particularly annoying. When I did encounter a particularly interesting idea that I wanted to pursue further, Lynch left me no indication as to whether the ideas he was expressing were his own or someone else's. In some cases I recognized ideas that had originated in other sources. He suggests that the Jewish law "against eating shellfish, pork and other parasite-laden animals [is a meme that has survived because it] may reduce mortality rates, thus propagating the movement."(105) This old chestnut originated nearly a hundred years with William James, but Lynch fails to credit or acknowledge James at all. He also fails to mention the alternative, and still very viable thesis, that most of the dietary and behavioral laws in Leviticus are primitive taboos with very little positive or negative impact on the survival and propagation of the Jewish religion.

Even more frustrating is Lynch's frequent presentation of highly debatable propositions regarding the influence of a meme, without making mention of alternative reputable hypotheses, some of which are meme-based and some of which are not. Consider the theory that genes for male homosexuality tend to increase in periods when the culture is dominated by gay-intolerant memes that drive homosexuals underground. Once homosexuals have been forced into heterosexual unions, they reproduce the gene for homosexuality, and the genes spread through the population. Once gays reach a critical mass in society, gay-positive memes spread, and homosexuals are able to "come out." However, homosexual unions do not produce off-

spring, and so the gay population gradually subsides, starting the cycle of intolerance over again.

Scientists have posited other explanations for homosexuality, a fact Lynch fails to mention. For example, Edward O. Wilson, the father of sociobiology (the discipline from which memetics is derived) has suggested that homosexuality is the result of a purely genetic reproductive pattern in which some males, by demonstrating homosexual behavior, remove themselves from the struggle for mates that is the main source of conflict in primitive societies. By serving as peacemakers, homosexuals allow for their close relatives to produce more offspring. In this way, the homosexuality gene passes on as a recessive gene to the primitive homosexual's nieces and nephews. Although Lynch cites Wilson's book, *On Human Nature*, in his bibliography, he fails to even mention the peacemaker hypothesis.

For some reason, Lynch insists on treating the concepts of "meme" and "idea" as interchangeable. A far more robust definition of "meme" regards the concept as including any thought process that causes acts of volition on my part. If I regard a piece of music as beautiful and am therefore motivated to purchase a copy of it, that music is a meme. But clearly a symphony is not an *idea*. Similar observations could be made for all the arts, and presumably even to such unlikely things as the scents contained in commercial perfumes. Dawkins realized this, and said as much in *The Selfish Gene*. But Lynch sells the concept short by limiting his definition of memes to that class of memes that affects my intellect, and excluding those that affect my senses directly. At one point he begins what could have been a fascinating discussion of drug dependence as a form of meme, but he pursues the issue for exactly 38 lines of text and then drops the subject.

Memetics is the most exciting new field in psychology, and appears to be spreading. While preparing this review, I heard a radio interview in which Daniel Dennett, one of the leading advocates of memetics, described memes with a clarity that far exceeds Lynch's. When I heard Dennett refer to complicated self-replicating structures like the novel *Moby Dick* as "meme complexes," I reached for *Thought Contagion* to see if Lynch had used the term even once. He had not, despite its importance in explaining how works of art or entire philosophies spread through society. ❑

***The New Golden Rule: Community and Morality in a Democratic Society*, by Amitai Etzioni. Basic Books, 1996, 305 pp., $26.00.**

Community Rules

Aeon Skoble

It is ultimately pointless to review this book. Readers of this magazine, for the most part individualists, are already predisposed against communitarianism, which announces itself as a reaction to individualism. But a magazine with a largely communitarian readership wouldn't run this review, which will be negative, because the reviewer is one of those blinkered individualists. A "mainstream" magazine might run it, but that would be pointless too — and the reason indicates the main problem with this book, and with the communitarian movement in general: the book contains no new arguments against individualism, and this review's criticisms will be as completely ignored or caricatured as every other criticism of communitarianism. Why review it then? Because that is the way the game is played — and when the book comes up in conversation, readers of this magazine may want to know what they are facing.

Amitai Etzioni is generally regarded as a "leader" of the communitarian movement, so his book will be taken seriously. But the problem is not so much that communitarianism continues to be taken so seriously, but that communitarians do not argue honestly. Their criticisms of individualism are built around caricatures and strawmen. When taken to task for this in mainstream publications, their response is: nothing. The next manifesto contains the exact same mistakes and misrepresentations. Not even Marxists are so blatantly ignorant of their critics. Most ideological movements proceed by advancing a theory, considering criticisms, and then responding to those criticisms or modifying the theory. Communitarians do none of these things.

Nine years ago, Steven Holmes wrote a long article in *The New Republic* pointing out many flaws and misrepresentations in communitarianism. But recent work by Etzioni, Robert Bellah, and Michael Sandel make exactly the same arguments and continue the same caricatures. The charge of dishonest argumentation is not hyperbole — these authors never address their critics in a forthright way, and continue to misrepresent individualism. They begin passages with statements like "according to liberalism . . . " or "liberal individualists argue that . . ." without referring to actual liberal authors. The *Atlantic Monthly* ran a long excerpt from Michael Sandel's recent book on communitarianism, which is the sort of exposure these flawed arguments depend on to get mainstream acceptance. The excerpt was filled with nonreferences to the theorists he criticizes. The *Atlantic Monthly* is unlikely to run a similar-size piece by any contributor to this magazine. But sadly, it wouldn't matter if the *Atlantic* did, because Sandel, Bellah, and Etzioni would continue to attack strawmen, misrepresent liberalism, and ignore criticism. Indeed, every criticism that follows has been made before of earlier works by communitarians.

Etzioni's most recent book is called *The New Golden Rule*, a title that simul-

taneously evokes both a widely-held moral intuition and a sense of "progressive" thinking. Such evocative rhetoric, built around emotional appeals and caricatures of their ideological opponents, is a staple of communitarian theorists left and right. Instead of advancing a theory and responding to criticisms, communitarians prefer to evoke a sense of community, of neighbors sitting on their porches while children play in the yards, and then contrast this image with the specter of the selfish individualist, who doesn't care about anyone but himself. This contrast is rarely made explicit, partly because the sort of individualism being rejected is the invention not of liberal thinkers, but of critics of liberalism — Marxists, fascists, and others. Etzioni's descriptions of the "liberal self" are generally borrowed from such theorists as Sandel and Charles Taylor, who actually reject the liberal notion of the self.

There's a hint of old-fashioned fascism in Etzioni's conception of the community as an organic whole (try rereading any passage substituting the word "state" for "community").

According to these theorists, liberalism views people as atomistic units, unencumbered by social ties or moral sense or fellow-feeling. Individualism is said to promote excessive selfishness, alienate people, and be destructive of the common good. Hence, the individualist paradigm must be replaced by communitarianism, which gives proper weight to shared social values.

The problem is that only anti-liberal theorists describe the liberal self this way. Etzioni typically begins passages with "according to liberalism . . . " without referring to actual liberals. The reason is undoubtedly that liberal theorists — such as John Locke, Adam Smith, J.S. Mill, Herbert Spencer, F.A. Hayek, Milton Friedman, John Rawls, Robert Nozick, Tibor Machan — all recognize that there is a social component to human well-being, and that communities are good things. They object, of course, to the coercive establishment of artificial communities, but place high value on voluntary, cooperative communities.

Etzioni complains that liberal individualists don't value cooperative activity, which is simply false. The markets praised so highly by liberals, for instance, depend on elaborate networks of cooperative activities. Cooperation and self-interest need not be seen as conflicting, of course, but that makes an easy contrast. Etzioni doesn't make any sort of argument that there actually is such a conflict, or that self-interested activities are somehow not really cooperative. Instead, Etzioni says "[s]ome strong individualists argue that . . . shared values are not necessary because people . . . will come to agree on public measures that they all consider compatible with their individual formulations of the good" (p. 87). What individualist ever said anything like that? But the next paragraph details Sandel's criticism of this strawman.

Etzioni frets that we suffer from "rampant selfishness" and "excessive individualism," but he cites as evidence only his own writing, or that of other communitarians such as Bellah or Sandel. Is it really excessive individualism, though, which is responsible for religious and racial intolerance?

When he does bother to use real liberal individualists, Etzioni gets them wrong, and in suspicious ways. For example, he claims that Milton Friedman "argued that [business] had no social obligations" (65). But Friedman's view, of course, is that corporations do have an obligation: to make profits for the shareholders, an obligation whose pursuit encourages investment and creates jobs. Corporations have other obligations also, such as respecting others' property rights. Etzioni's point is that corporations do not have the charitable "obligations" that he thinks they should have. The real problem, though, isn't that Etzioni has Friedman wrong here, but that he misrepresents him. Similarly, he gets Mill very wrong, and in a transparent way, when he claims that Mill sees no difference "between the coercion of the law and the urging of the moral voice" (132).

Etzioni complains that liberals place too high a value on autonomy, which according to him leads to de-valuing the community. That just doesn't follow. There is no logical contradiction in the notion of a voluntary community, or in the notion of communities which respect individual autonomy. In any case, Etzioni also praises autonomy, and explains that his ideal society wouldn't be coercive. But a non-coercive community which respects individual autonomy sounds like liberalism, so this may be a case of wanting to have it both ways. Worse, it may suggest that the "real" way to have a good life is to live in a community (which is probably true, but uncontroversial) and that individualism won't allow this (which is false). In many cases, Etzioni's prescriptions are vague and almost contradictory: we shouldn't have too much autonomy, because that's bad for community; but we shouldn't enforce community plans in tyrannical ways, because that's bad for autonomy. Indeed, in his frequent use of the phrase "voluntary social order," he might at times be mistaken for an Hayekian. But he never addresses the tough questions about the proper relation between the individual and society. Should an individual be compelled to, say, salute the flag, in order to promote the symbolic displays that make a strong community? Should print matter with offensive messages be banned, and if so, who determines what "offensive" means? How can compulsory national service, which he endorses, be made compatible with individual autonomy, which he praises? More fundamentally, what exactly is wrong with the various theories of individual rights which inform classical liberalism, and if communitarianism allows for some rights, what are the criteria for abridging them? Why is Mill's criterion (harm to others) insufficient? None of these questions is addressed with any speci-

A theory which holds that everything belongs to everyone is actually more conducive to, say, dumping sludge in the lake, than a theory that upholds robust property rights.

ficity, let alone answered.

Etzioni is on the right track when he criticizes the trend toward "minting new rights," but he fails to distinguish between rights-as-entitlements and rights-as-liberties. He is right, for example, when he explains that it is not censorship to deny federal grant money to an artist because the government doesn't approve of the artist's themes. And he acknowledges that society needs to be careful about creating new entitlements, since the resources to meet those new claims need to come from somewhere. But liberty is not newly minted, and respecting liberties doesn't consume resources. Hence Etzioni's communitarian slogan ("Rights and Responsibilities!") is based on a fallacy.

Potentially even more disturbing is his insistence on basing the community in "shared values." This is troubling in more than one way. First, it implies that majority consensus is the correct way to determine right and wrong. One requires little imagination to see the potential in this view for "tyranny of the majority." Of course, Etzioni is right when he says that democracy is better than "values imposed by a minority elite" (222), but what does that prove? Furthermore, he claims that democracy isn't merely a means to an end, but ought to be valued as an end in itself (199). Yet he wants to distance himself from pure majoritarianism and complete relativism. He likes the Bill of Rights. This section is confusing at best.

The second troubling thing about "shared values" is the implication that communities have values or interests. Despite attempts to distance himself from thinking that communities are entities, he falls back on this notion at times, mostly when it is important to talk about the "values of the community," as if this were something other than the values of the members of the community. In this theory, the community seems really to exist as an entity; "the community" is said to be a moral agent (187). There's a hint of old-fashioned fascism in Etzioni's conception of the community as an organic whole (try rereading any passage substituting the word "state" for "community"). It is this "sense of shared values" which leads to the policy prescriptions which Etzioni actually makes explicit: national service, social consensus on media and educational policies, and "symbolic displays" of community solidarity.

In the book's final sentence, Etzioni clarifies: he wants "a commitment to a moral order that is basically voluntary, and to a social order that is well balanced with socially secured autonomy" (257). Let's look at that very closely. The moral order is supposed to be voluntary — does that mean that I don't have to participate in national service? Or is it things like promise-keeping and generosity that are supposed to be voluntary? In either case, it's sufficient for the moral order to be "basically" voluntary — but what exactly does that mean? The social order (as opposed to the moral order?) is to have socially secured autonomy — does that mean the political structures of the society secure our individual autonomy (which sounds like liberal individualism)? Or does it mean that our autonomy is "tied to" social security of some kind (which sounds like fascism)?

Etzioni has been criticized elsewhere, notably in *The Economist*, for

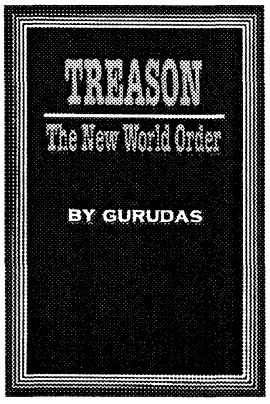

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making pronouncements which might be thought to entail fascism, but which are couched in such vague theories and mild policy suggestions as to be largely devoid of content. But the suggestion that communitarians are a harmless bunch, who want only to stop corporations from dumping sludge in the river and for families to have a greater say in school policies, overlooks a darker side. Despite the ambiguities and inconsistencies, there is a coherent theme lurking in this book, and in the works of Sandel and Bellah: that society is worse off for allowing individuals to be self-determining, because they may act in ways which undermine the common good.

That raises an important question: first, is it individualism which undermines the common good? Recent trends towards denial of personal responsibility, which Etzioni rightly bemoans, are more sensibly attributable to an anti-individualist philosophy which holds that a person's actions are the product not of individual choice, but of social circumstances. Individualist theorists are actually more likely than others to emphasize personal responsibility. Perhaps we could better understand the common good in terms of the good of the individuals who make up the community. In arguing that corporations should respect the rights of their workers and their neighbors, for example, individualism seems a theory to appeal to, rather than to blame. And a theory which holds that everything belongs to everyone is actually more conducive to, say, dumping sludge in the lake, than a theory that upholds robust property rights. Finally, a theory privileging the community over the "selfish" or "atomistic" individual is more conducive to the racial and religious intolerance Etzioni bemoans than a theory that privileges the individual.

One also wonders: which notion of "the common good" does Etzioni think is undermined by individualism? It's safe to say that individualism does undermine at least some versions of the "common good" (for instance, that of National Socialism). But that's precisely why those versions are unacceptable. Etzioni more likely has in mind the shared "core values" that emerge from a consensus. But he needs a much more persuasive argument to show what those values are, where they come from, and how an individual pursuing happiness without violating anyone else's right to do the same would undermine those values.

Will these criticisms lead communitarians to rethink some of their premises, or reformulate some of their arguments? Will communitarians read more about classical liberalism and explore its nuances? Or will they continue to advance an anti-liberal agenda, and caricature or ignore their critics? Only Etzioni can say. ❑

Marx, Hayek, and Utopia, **by Chris Matthew Sciabarra. State University of New York Press, 1995, 178 pp., $59.50 (hc); $19.95 (sc).**

To the Dialecticians of All Parties

Bettina Bien Greaves

We are not apt to speak of Marx and Hayek in the same breath. Marx stood at one end of the political spectrum, urging the use of force to overthrow the existing power structure. In the *Communist Manifesto*, he called on "Communists everywhere [to] support every revolutionary movement against the existing social and political order of things." They should "openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communistic revolution. The proletarians have nothing to lose but their chains. They have a world to win."

At the opposite end of the political spectrum was F. A. Hayek, who believed that the most powerful agent for change was not force, but ideas. "We must make the building of a free society once more an intellectual adventure. . . . Unless we can make the philosophic foundations of a free society once more a living intellectual issue, and its implementation a task which challenges the ingenuity and imagination of our liveliest minds, the prospects of freedom are indeed dark. But if we can regain that belief in the power of ideas which was the market of liberalism at its best, the battle is not lost" ("The Intellectuals and Socialism," as quoted by Sciabarra, pp. 119–120).

Marx vs. Hayek

In *Marx, Hayek, and Utopia*, Chris Sciabarra acknowledges the differences between the two men, but finds similarities as well. Both Marx and Hayek shared the view that "social reality is a dynamic process constituted by human action." Both men recognized that the actions of men had unintended social consequences. Both recognized the fragmentation of knowledge. Both were constructivists of sorts in that they had ideas about how society should be constructed. Both were utopians in that they had ideals about what society should be. Both recognized that state intervention could destroy capitalism.

According to Sciabarra, the trait it is most surprising to find shared by Marx and Hayek is their dialectical methodology. Dialectics, as Sciabarra defines it, is simply a methodology which searches for roots — that is, it is a "radical" methodology. "Hayek would agree wholeheartedly with Marx's observation: 'to be radical is to grasp things by the root.' Social theory, for both thinkers, must be based on a fundamental commitment to this truth. To be radical in this methodological sense, is to be dialectical, to search for roots." Thus, Marx and Hayek shared a common radical dialectics. But even when the two thinkers' ideas and ideals were similar,

their interpretations and recommendations differed sharply; and their similar dialectics led them to radically different conclusions.

Their most profound difference, as Sciabarra sees it, stems from their views of the human mind. Marx did not consider the limitations of the mind inherent or "natural." Rather these limitations were "historically conditioned" or "historically specific." To change the capabilities of the mind — and, thus, to change man himself, his society, and his destiny — one need only eliminate the historical factors, imposed by capitalism, that limit the mind. It was capitalism that had prevented "the development of the richness of human nature"; therefore, capitalism should be destroyed. And according to Marx, a "revolutionary proletariat" could accomplish just that; it could overcome the obstacles capitalism had placed in its path and "transcend unintended social consequences while consciously creating nonexploitative social conditions that emerge from specific historical circumstances."

Hayek, in contrast, grasped that the human mind was limited. This limitation, as he saw it, was "natural," inherent in the nature of mind; men could never know everything. According to Hayek, "the contents of human consciousness are circumscribed in, and relative to, a social and historical setting, but the methods of consciousness — the means and character of knowledge — are universal and limited; no matter how far human knowledge and methods advance, there will always be rules regulating the mind." And Hayek sees these universal methods and rules as the means enabling men to use their minds to reason and think logically.

The sharp contrast between the two thinkers emerges most clearly in their views on the fragmentation of knowledge — whose existence they both recognize, but whose implications are seen very differently. Marx argued that under capitalism, the capitalists, the bougeoisie, control both machinery and the forces of production. The capitalists thus have a monopoly on bourgeois knowledge and skills, which leads to a split between two categories of knowledge — bourgeois and proletarian. According to Marx, such a fragmentation of knowledge is inevitable and insoluble as long as capitalism exists.

For Hayek, "knowledge is *essentially* dispersed," fragmented, precisely because the human mind is limited and man is not omniscient. But it is this very fragmentation of knowledge that enables the market to function — and which prevents socialist economies from functioning efficiently. Hayek saw the capitalist market economy as "the best means of coordinating fragmented information." By intervening in the market process, the state only subverts and distorts the generation of knowledge on which the market economy is based.

Marx and Hayek would agree that increased state intervention is "a sign of the dissolution of capitalist economy." But they differ radically in their evaluation of the consequences. Marx rejoiced at the prospect of destroying capitalism through state intervention, for he saw the destruction of capitalism as a preliminary to socialism. State intervention was the necessary first step toward his long-time goal of a communist society.

Hayek was not so ambitious. Hayek simply wanted to establish a social framework within which peace, free-

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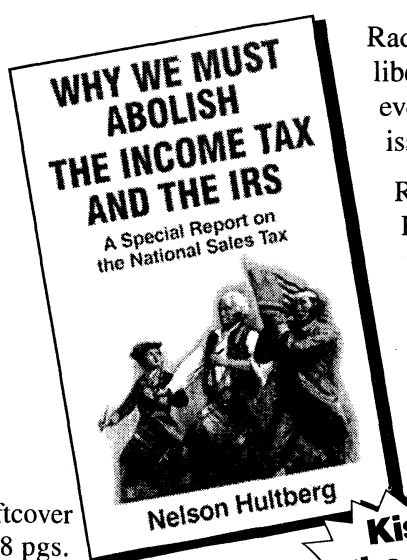

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dom, and human dignity could be achieved. Hayek considered capitalism desirable and deplored its destruction through state intervention, for he, like Marx, perceived intervention as a preliminary to the dissolution of the market process.

Both Marx and Hayek recognized that in the real world, actions often have "unintended social consequences." Marx blamed these "unintended social consequences" on capitalism and on unforeseen state interventions. However, he maintained that the proletariat would be able to transcend the "unintended social consequences," overthrow capitalism, and set the stage for the new communist society. He predicted that "the great mass of the proletariat would expropriate the property of the minority capitalist class and centralize the means of production in the hands of the state." Once the state took possession of the means of production, that would be "its last independent act as a state." Then the state would just "wither away."

Hayek attributed "unintended social consequences" to the fact that men are not omniscient, that they cannot foresee all the effects of an action. "In Hayek's view no individual or group of individuals is capable of consciously producing desired effects on a social scale, while blocking the emergence of unintended consequences" (97).

Both Marx and Hayek professed to being anti-utopian. But Sciabarra believes that "Despite their common anti-utopianism, both Hayek and Marx, to differing degrees, project a 'constructivist' ideal to complete our understanding of what it means to be 'radical.' For Hayek, that ideal is anti-statist and non-authoritarian. Hayek merges a dialectical sensibility with a substantive recognition of epistemic structures [i.e., the mental structures that let people find knowledge] and real potentials, human freedom, the rule of law, and the unfettered market. But Hayek provides little guidance as to how such a libertarian ideal could be realized. . . . Hayek is adept at tracing the spontaneous emergence of market categories. But he does not offer a similar scenario for the spontaneous evolution of power and class relationships, and state structures. He is apt to make the dualistic claim that 'Societies form [spontaneously] but states are made.'" (40)

Both Marx and Hayek recognized that state intervention could destroy capitalism.

It is ironic that Hayek, who had tremendous respect for the power of men to reason, recognized that it was not within their power to plan society. "For Hayek, *Man is not and never will be the master of his fate*" (98). On the other hand, Marx, who looked on individuals as helpless pawns, subject to the "extraneous objective forces of history," believed men could plan history and determine their own destiny. In Hayek's view, Marx "proposed a resolution that remained on the precipice of utopia'" (98).

Sciabarra's conclusion is that "[t]he prime difference between Marx and Hayek is not ethical or political, but epistemological. Though both thinkers recognize the organic link between goals and context, between potentiality and actuality, they differ in their comprehension of the nature of epistemic limitations," or limits to knowledge (119).

Sciabarra's insights into the similarities and differences between these two thinkers are surprisingly original. And

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Directory of Libertarian Periodicals updated latest edition. Listings include addresses, many other details. All believed to be presently publishing. $3.00 postpaid, $4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo NY 14223.

Personals

Gay libertarian man — 36, beard, trim, non-smoker, HIV neg. — seeks friends. POB 190906, San Francisco, CA 94119-0906.

THOREAU clone, vegetarian, 52, loves Garlic, Bach, Mahler, Twain, Rand, Gormenghast, Chess, seeks compatible Female, Stefan Gerzadowicz, Box 275, East Templeton, MA 01438-0275.

Web Sites

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he also discusses new leftists Hilary Wainwright and Jurgen Habermas, who have "fleshed out the full epistemic implications of the Marxian vision, but who "have embraced ideals of 'radical' or 'participatory' democracy that are less state-centered" than Marx.

Whatever the scholarly merits of the book, however, Sciabarra's turgid prose makes it difficult to read.

For instance: "Dualistic methodology is inspired by an atomistic worldview. Like atomists dualists emphasize separation, fragmentation, and division. Typically, dualism attempts to distinguish two irreconcilable spheres of social reality, though it often leads theorists to totalize one sphere to the detriment of another" (23).

Or, "Thus far, I have discussed three polarities in Marx's critique of capitalism. The first, a polarity between appearance and essence, is the basis of capitalist ideology. The second, a polarity between form and content, is the foundation of the bourgeois notion of freedom. The third, a polarity between human intentions and unintended social consequences, illustrates the spontaneous character of capitalism, a system that denies to people the ability to master their own fate. From these dualities, Marx claims to identify the existence of more concrete polarities generated by the capitalist mode of production" (63–64).

Judging by Sciabarra's insightful analysis in *Ayn Rand: The Russian Radical*, he is capable of writing clearly. But this book is his doctoral thesis; perhaps Sciabarra's professors confused density with profundity, and he wrote this way to satisfy them. ❑

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Letters, *continued from page 5*

Furthermore, Lt. Flinn was a pilot of the B-52, a plane which carries nuclear payloads. Do you seriously want such a craft piloted by a person who has a record of disobeying orders? Perhaps Lt. Flinn, driven into a rage by Christiane Amanpour's CNN diatribes, would decide to eschew orders one day and deliver a nuclear message to the "Butchers of Belgrade."

Kevin R. O'Keefe
Campbell, Cal.

Shaving the Issue with Occam

I think that I agree with Jane S. Shaw's review of Michael Behe's *Darwin's Black Box* ("Darwin Defied," July 1997), although her appraisal is so even-handed that it is sometimes difficult to tell whether she is criticizing or supporting the author. I firmly believe that in the matter of "Evolution vs. Creationism" the principal of Occam's Razor must be applied: "Do not devise more explanations than necessary for any given situation." The simplest explanation that accounts for all the observed phenomena is most likely the correct one.

In the matter under discussion evolution elegantly explains many observed aspects of life on Earth, while the alternative "theory," creationism, explains nothing and requires a supreme being (choose your favorite flavor) to design the system. One would expect such a designer to be more complex than the system being designed.

Clinton C. Owen
Belfair, Wash.

Justifying War

Mr. Damon Falconi ("Send in the Hypotheticals," Letters, September 1997) is right that after Operation Barbarossa there was little chance of Germany winning the war. The question I was asking was rather: Should the U.S. have become involved even without the possibility of invasion by victorious Nazis? Danger of invasion is the most obvious reason for engaging in defensive war. But surely there are others. One reason might be: to put a stop to a policy of racial genocide. Another reason might be: to honor the terms of an alliance. It's true that nations have been dragged into war because they entered into alliances (as isolationists constantly remind us); but wars have also been prevented from occurring because an aggressor would have to take on the target and its allies.

The question should not be evaded by the usual remark that "if we hadn't joined World War I, there would have been no World War II." Though it may be true, it doesn't touch on the rather intricate question of what conditions justify engaging in a defensive war.

John Hospers
Los Angeles, Cal.

A Real Turkey

Oliver Becker's comment on recent developments in Turkey ("Asia Minor's major coup," September 1997) proves only one thing: *He understands nothing of Turkey.*

He goes out of his way to tell us that Turkey has been a "relatively" free nation for 75 years now. Maybe he needs to be reminded of the Armenian holocaust in the 1920s, the outright genocide of all remaining Greek Orthodox populations of Istanbul and Northern Turkey, the 1974 invasion of Cyprus, the resulting 200,000 refugees, the utter disregard of international law and its failing to comply with *unanimous* United Nations resolutions for withdrawing from the occupied lands of Cyprus, and the current genocide of the Kurds. But most important, we must acknowledge Turkey's persecution of its own citizens: The censorship of the press, the jailing of journalists and others who "threaten" the State, and the daily violation of human rights at Turkish prisons (this is not an exhaustive list). Even though every lover of freedom should rejoice at Erbakan's fall, the means of his fall are important. A powerful military establishment in Turkey has long been a deterrent to its move towards those institutions that could guarantee its political and economic freedoms.

Becker should better do his homework before informing us on the freedom credentials of internationally acknowledged oppressive regimes.

Dr. Anthony Rodolakis
Selkirk, N.Y.

The Other Party

Mr. Harry Browne declares ("The 22% solution," September 1997) that when the Libertarian Party reaches 200,000 members it will be a political war horse. But spending $500,000 to

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---

recruit new members will not do it. The top contender for the LP presidential nomination must also seek the Republican nomination. Of course, he or she will not win but an articulate candidate such as Browne himself would do well in national televised debates.

Joseph R. Tobin
Emerson, N.J.

Is This the Real Life, or Is This Just Fantasy?

Harry Browne apparently believes:

1. That the American people will elect a Libertarian President before they elect a sizable number of Libertarians to the Congress.

2. That Congress, while still dominated by non-libertarians, will nevertheless pass a bill or bills designed by the Libertarian President to bring about massive change in American society.

3. That a sudden, radical implosion of government is necessary because otherwise the non-libertarian Congress, the same Congress that approved the change in the first place, will immediately try to reverse it.

4. That millions of American voters already agree with radical libertarian ideas, but nevertheless will refuse to vote Libertarian until they perceive that the Libertarian candidate has a reasonable chance of winning.

I believe these ideas are nonsense. Somehow, I think that many libertarians are unable to distinguish between their own pet fantasies and actual political possibilities.

David Hoscheidt
Bloomington, Ill.

Note: The debate between Harry Browne and R.W. Bradford on the progress of the Libertarian Party is continued in this issue (see p. 16).

Interpreting Liberty Authors

I call your attention to Mr. Stephen Cox's "Raising the Standard" (September 1997). In his last paragraph Mr. Cox expresses surprise at the small number of readers who have written to denounce his writings. I would like to point out that just because someone is in print is no guarantee that anyone reads his articles. No doubt, the reason for the small reader response to his articles is that other readers, like myself, usually pass over his writings because the simplistic blathering they contain is never worth reading. Cox is in print because he rides on the coattails of other writers, those worthy of a publication such as *Liberty*, certainly not because of his own literary talents.

To prove my point, I ask you to read his reflection in the same issue entitled "Father, forgive them, for they know not what they say." No doubt Cox is talking about himself, for he fails to take in the obvious, which is that the King James *Version* is itself an interpretation. It has simply been around a lot longer than modern interpretations. However, it is no less vulnerable to misinterpretation from its origins — which is the Geneva Bible.

The Geneva Bible became illegal to own or read in England after its interpretation, ordered by King James — pervert and admitted sadistic child molester, who had the Geneva Bible interpreted for his own political goals.

That a simple mind like Cox's is not aware that the King James Version is itself an interpretation, is apparent. Cox obviously lacks the knowledge from where the interpretation originates. That he would base his religious beliefs and blindly follow, like a brainless sheep, the King James "Misinterpretation" comes as no surprise.

Rev. Mark H. Miller
San Francisco, Cal.

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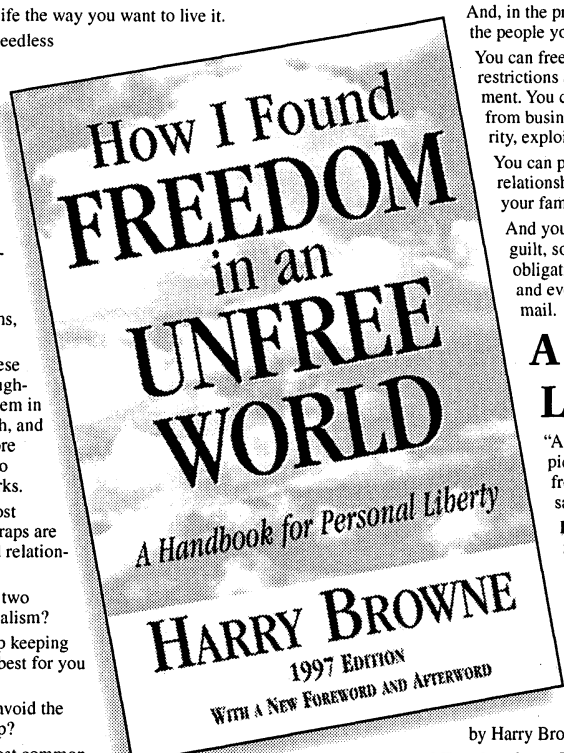

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- Harry Browne

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Inside Liberty

January 1998
Volume 11, Number 3

4 **Letters** Everybody's a critic.

7 **Reflections** *Liberty*'s editors negotiate with the Secret Service, caddy for the president, shoot BBs at dead pigs, poke around in the vein of a hell-bent American writer, and take the logic of the 9th Circuit Court and run with it.

15 **Achieving Liberty** What can be done, today, to make the world a freer place? *Timothy Virkkala* and *David F. Nolan* rethink.

Features

19 **The Crash That Wasn't** The world's equity markets weathered a "gale of creative destruction." *Richard Stroup* offers a forecast.

21 **The Man Who Would Unseat Whitman** *Mike Buoncristiano* tells what went wrong with the most promising Libertarian Party campaign in years. *George Reis, Jo Jorgenson,* and *Vin Suprynowicz* offer additional perspectives.

25 **Of Rednecks and Caryatids** *Pierre Lemieux* strikes a balance between the cultures of individualist America and individualist France.

29 **Mail from Malawi** *Richard Rieben* finds East Africa more exhausted than exotic.

31 **The Fight For Medical Marijuana** *Paul Armentano* chronicles the war.

33 **Thirty-four Curious Facts About Marijuana** *Steve Cason* provides a list that is, if not definitive, definitely curious.

38 **What Am I Doing Here?** *Rycke Brown* finds herself a martyr to the War on Drugs.

39 **Free-Market Money** *Richard Timberlake* explains why the best alternative to central banking is not the gold standard, but something freer.

45 **For Mises' Sake** *Tom Palmer* wonders: is the Ludwig von Mises Institute worthy of its namesake?

48 **Expectations and the End of Central Banking** *Roger Garrison* and *Leland Yeager* find the expectations that rule society less rational than do some other economists, including *Harry Watson* and *Ida Walters*.

55 **The Devil's Reading List** It is fashionable, among literary educators, to deny the existence of "great literature." But, as *Stephen Cox* shows, even college professors know truly bad writing when they see it.

Reviews

61 **The Unmaking of an Ideology** *Jane S. Shaw* traces the strange evolution of Robert Heilbroner, worldly philosopher.

63 **Epistles from the Edge** *Thomas Knapp* reads the early letters of the God of Gonzo.

64 **Master Spy, Mister Liar** *Richard Kostelanetz* doubts that Markus Wolf, late of the East German spy network, is all that honest an autobiographer.

66 **A Sewer Runs Through It** *Brien Bartels* finds a hologram of Ayn Rand, an Objectivist anti-hero, and a whole new meaning of "marginal utilities."

67 **Booknotes** on the Apostle Paul, Vaclav Klaus, farmer Lear, the women of the Bauhaus, fires holy and fires unfriendly, and an end to smoking.

68 **Classified Advertising**

70 **Notes on Contributors**

Letters

Educate This!

Lawrence Ludlow (Letters, November 1997) makes a very good point on the essential injustice of forcing childless people to subsidize the education of the children of "breeders" like my wife and me. I agree that education should be a private business. However, he hysterically exaggerates the real value of our "subsidy." I guarantee that the "education" a youngster in California (or here in Georgia) receives is hardly worth $5,400 a year. In reality, it might be negative dollars. Perhaps the state should be paying us parents for the tort damage they are doing to our children: locking them up and indoctrinating them with 12 years of statist lies. Mr. Ludlow, I think the damage being done to the minds of three future citizens is easily worth more than the paltry $200,000 you will pay in your life!

By the way, Lawrence, please don't collect any social security benefits when you get old, because my "hideous progeny" would then have to pay the cost of keeping your parasitic ass confortable on it's bedpan.

Steve Olivier
Sugar Hill, Ga.

Alan Greenspan, Call Your Psycho-Epistemologist

Let me see if I've got this straight. As head of the commission to preserve Social Security, Ayn Rand's disciple Alan Greenspan recommends the forced collectivization of the pensions of millions of American workers ("Deep-Cover Radical for Capitalism?" November 1997).

His reason? The American people want Social Security, and we must postpone its collapse so better ideas have time to work their way through the culture. In effect, it's "too soon" for a crisis, since the intellectual correlation of forces is against us now.

His reward? The same job they offered John Galt: economic dictator of the country.

As chairman of the Federal Reserve System, Greenspan continues Paul Volker's fight against inflation, thereby making the dollar a safe store of value again, igniting the stock market, leaving more money in the hands of the productive, and, through reduced inflation, less in the hands of the parasites.

Alan's secret ally, former Goldwater girl Hillary Clinton, thwarts the liberal plan for national health care by appointing the most incompetent person she can find to head the Health Care Task Force: Ira Magaziner, whose prior job was PR flack for cold fusion! (I'm not making this up: see pages 49–52 of "Cold Fusion" by John R. Huizenga, Oxford University Press, 1993.) Her efforts are amazingly successful: in 1994, she single-handedly elects a Republican House, Senate, and majority of Governors. Every high-level Republican incumbent is re-elected.

Meanwhile, Bill Clinton sells out his liberal allies, brings the boys home from Europe, ends federal welfare, balances the budget, and wins re-election over statist Cold Warrior and political hack Bob Dole and his federal bureaucrat wife.

So there you have it: Hillary is really Francisco d'Anconia in drag, destroying the welfare state in plain sight; Bill is Ragnar Danneskjold, sending liberal ideas to the bottom of the ocean; and Alan Greenspan is a John Galt who took Wesley Mouch's job so he could buy time for Objectivism to spread through the culture from its secret bases in Orange County, California and Poughkeepsie, New York.

It would make a terrific novel.

Excuse me, I have to go now. I have an appointment to get my epistemology checked.

Craig Franklin
Santa Barbara, Calif.

The Unimportance of Ideas

It may be that Alan Greenspan, deep within himself, believes in liberty. The question is, does he contribute to it? As chairman of the Federal Reserve Board, Greenspan symbolizes government control over the economy. He exercises and wields government power.

As an Objectivist, Greenspan is a wonderful symbol of the unimportance of ideas. You can be an Objectivist and the wielder of enormous political power over the economy at the same time. There is no such thing as a contradiction. A is not A.

Greenspan is *not* an innocent worker doing a legitimate job in a world where there is no reasonable alternative to state employment. He heads an agency which exerts enormous control over people's lives and property, an agency whose power is utterly illegitimate and immoral. For that he should be called to account, not celebrated.

Paul Grant
Parker, Colo.

The Fusionist Who Came in From the Cold

In his mean-spirited attempt to make Ludwig von Mises look good by making F. A. Hayek look bad, Ralph Raico ("Mises and Monarchy," November 1997) rhetorically inquires "what socialist was ever brought over by" *The Road to Serfdom*? The answer is Frank Meyer. See pg. 98 of *The Conservative Intellectual Movement in America* (Basic Books, 1976), where Meyer is paraphrased as saying that he was deeply influenced by Hayek when he broke with communism.

Larry Floyd
Sherman Oaks, Calif.

Hot Date

Before Mr. Harry Browne — who has yet to mention his data processing credentials — discourses again ("Armageddon and the Millennium," November 1997) on the possibilities of any problems arising just after midnight on

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Thursday, January 1, 2000, I ask that he find some people with strong business programming backgrounds and discuss the matter with them.

A single industry-wide solution is a possibility so slight as to be negligible. The reality is the uniqueness of most logic throughout business programming. Various individuals (such as Gerald Weinberg) have written fascinating books about the unlikelihood of programmers using general subroutines for any large fraction of programming. The rule is: If I didn't write it, I ain't gonna use it. In a few sites, here and there, this has been gradually changing, a bit at a time, year by year — but the finest programmers don't wind up in the more conservative institutions — such as government agencies (who have generally admitted that they have a snowball's chance in Hell of being ready in time), banks, and insurance companies.

I don't really know the full, detailed extent of the problem. No one does. As a privately employed programmer of 25 years' experience, I don't know whether to laugh hysterically or dig a hole and pull it in after me.

Eric C. Sanders
Sterling Heights, Mich.

Bank Run!

Harry Browne did your readers a great disservice with his reflection on the Millennium Bug. If the Federal Reserve System and any of the 13,000 communicating banks are not ready for the millennium, the banking system will be in trouble. When this problem is perceived by the general public, depositors may want their cash. Will the banks be closed, or will large amounts of paper money be issued to pay off depositors?

R. Bruce Hopkins
Cedar Falls, Iowa

Lawyers and Liberty

I wish to lodge a generalized complaint against what seems to be a subtle anti-lawyer bias that not only permeates your magazine but also the libertarian movement in general. Randal O'Toole illustrated this mentality in his blip "If a bureaucrat falls in the woods . . ." (November 1997). Mr. O'Toole states that "planners" came closer to "true evil" than even lawyers.

Lawyering is the most "libertarian" of professions in modern-day America. It is a profession that arose over 600 hundred years of evolution and truly represents private government in an age of statism. I theorize that one of the reasons that lawyers are especially hated today is the very fact that you have to pay for the service rather than have it provided to you by the nanny state. Libertarians should not be bashing lawyers, but should be taking up their cause. A person has a right to institute "a civil governmental action" privately and have the matter heard in court is an anachronism from a prior age, and one that has been hard fought and won by Libertarian Freedom Fighters. It is also interesting to note that most of the great libertarian thinkers and advocates for freedom were also attorneys.

Libertarians who "hate" attorneys should dig deep and go to their motives. They might find that they have some deep-seeded envy for the last remaining rugged individualist fighting for justice in modern day collectivist America.

William L. Voorhies
Platte Woods, Mo.

One Small Step for Gradualism

R.W. Bradford ("Strategy Debate," Nov. 1997) asks "if [the Libertarian Party] merely asks [people], in a general way, to join them in an effort to reduce the size of government" will it still be the "Party of Principle"? The LP could still be the party of principle as long as each legislative proposal it proposes moves in the direction of less government, no matter how small the step. Current American liberals use the nuts and bolts of day-to-day policy to advance their goals of forcing government into every aspect of our lives, conservatives mostly likewise. The LP tendency should be the opposite direction: out of every aspect of our lives, no matter how trivial a step. The approach is gradual but it has worked.

Keith Terranova
New York, N.Y.

Resisting Totalitarianism

Much as I agree with Gary Alexander's conclusion ("America's China, China's America," November 1997) that free trade will help make China freer, his discussion of genuine human rights abuses in China is at best insensitive. I am reminded of Eugene Lyons's pointed observations:

> Certain of my colleagues, having lived in Nazi Germany and learned to recognize Hitler's methods, have written books exposing the Nazi regime and its intrigues on American soil. As far as I am aware they have not been reprimanded for not saving the Southern share-croppers instead. No book reviewer or liberal commentator has sneered at them, "Why must you carry on about concentration camps and political murder in Germany? What about Sacco and Vanzetti and Negro lynchings?" It is assumed, sensibly, that they happen to know more about Germany.
>
> But this gracious leeway is denied to writers hostile to Stalinist Russia and its foreign conspiratorial empire. When they mention millions of corpses in a Ukrainian famine, they are told off neatly with a scathing reference to the Okies in California. Should they allude to the Soviet purges, they are hit over the head with Mooney and Billings. Until the Soviet-Nazi Pact made the procedure a bit awkward, their indictment of terror in Soviet Russia was instantly canceled out by reference to Nazi terror in Germany. (*The Red Decade*, 1941)

The point is twofold. First, the comparisons between U.S. abuses and those of China are frequently strained and implausible. Second, the sensible response is to "level up" and condemn — not minimize — human rights abuses everywhere.

Alexander's discussion of slave labor camps and Harry Wu is the low point of the article. True, it is difficult to make any precise estimates of the slave labor camp population. But the history of China's slave labor camps under Mao, and the use of slave labor under Communist regimes in general, is alone sufficient for a *prima facie* case. Wu's works provide a wealth of

continued on page 60

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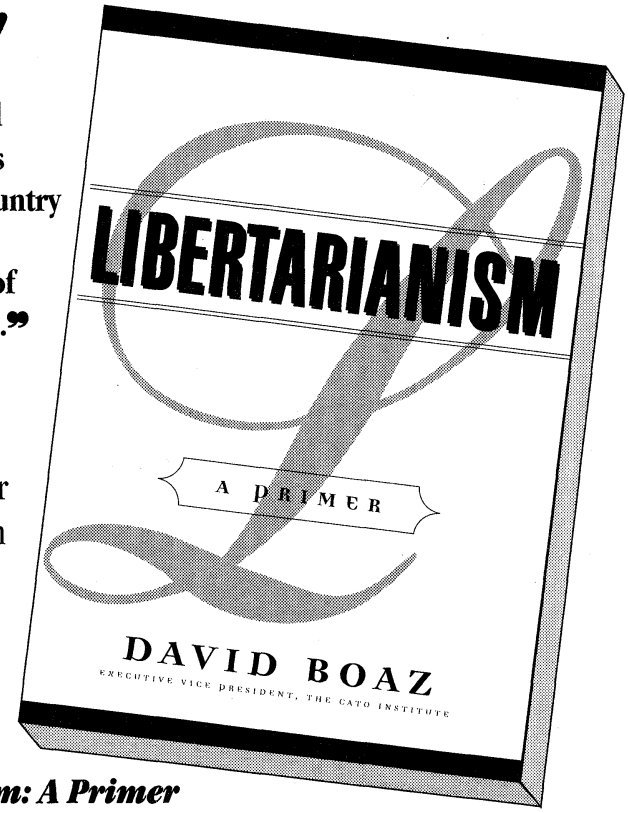

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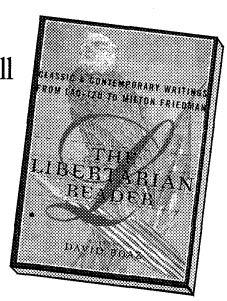

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Reflections

The process of reform — When politicians violate campaign finance laws, rarely is anyone prosecuted. Instead, Congress uses the violations as an excuse to pass new laws for politicians to violate. —HB

Tartar sauce for the goose — The following story, which emerged from the former Soviet Union, was conveyed to me by a Russian friend. I interpret it as a parable of political correctness, wherever and whenever it occurs. To understand this story, you need to know that the Tartars invaded Russia during the middle ages and oppressed the Russians mightily, so mightily that for centuries they have had the saying: "An uninvited guest is worse than a Tartar."

Now, in modern times (so goes the story) the Tartars grew tired of hearing that proverb, which they regarded, quite understandably, as a relic of chauvinism unworthy of the great Soviet people. They petitioned Moscow for a redress of grievances. The Supreme Soviet received their complaint and agreed that the issue was indeed a grave one; something had to be done to re-educate the masses. After lengthy deliberations, orders were given for the proverb to be revised. From now on, people would have to say, "An uninvited guest is *better* than a Tartar." —SC

Shootout at Micro Corral — Americans have always relished in-your-face, don't-tread-on-me confrontations. From the Boston Tea Party to the O-K corral to "Go ahead and make my day" we have understood that although being slow to anger is a virtue, there are occasions on which one head-knocking is worth a thousand words.

The current clash between Bill Gates's Microsoft and Janet Reno's Justice department is not epic, but it is iconic. It is Washington (Redmond) v. Washington (D of C), two formidable competitors for the diamond-studded belt. The one represents private enterprise at its most inventive and dynamic, the other the essence of government as the mechanism *par excellence* for coercive control. Reno has made a career of stolidly enforcing the rules as they have been handed on to her while Gates has reinvented the rules, first in capturing the high peaks of the operating system world while its former landlords were dozing, then dancing behemoth IBM silly and off the floor, and now redrawing the computer desktop to his own pattern.

The disputants also afford us a good look at changes in the contours of the gender frontiers circa the cusp of the 21st century. Gates wasn't captain of the high school football team, homecoming king, leader of the pack. His haircut is rarely seen in the style sections alongside George Clooney's, and David Duchovny leads by a comfortable margin in sales of pin-up posters. Gates is, though, tough and tenacious, a battler who brings to his campaigns verve and imagination. For nerds everywhere he is something of a patron saint, demonstrating that we too can be well-supplied with testosterone and the wherewithal to use it.

Reno also defies, nay obliterates, sexual stereotypes. She demonstrates not only that a woman can rise through pluck and luck to a high (albeit not the highest) and honored station, but moreover that she can do so without relying on so much as a scintilla of charm, playfulness or grace. Reno has achieved a status formerly occupied by countless men but few women: she has risen to a height demonstrably above her level of competence and bids fair to remain there despite repeated episodes of bungling and embarrassment.

So the packaging of this contretemps is perfection, or at least as close to perfect as a morality play reduced to CNN headlines can aspire. As for the substance of the fight, truth be told it is no more than the dreary and discrepant arcana of which contemporary antitrust procedure is fashioned. Microsoft wishes to extend the domain of its mastery from the world's desktops to the cyberstrings connecting them and so has extended first a toe and then a whole leg into the pond of web browsers. Its current product, Internet Explorer 4, is a wonderful advance on its predecessor and is, I believe, better than anything prime competitor Netscape has been able to put up against it. Thus, in this game too Microsoft is destined to become the paramount player. That preeminence is speeded up by Microsoft's willingness to include the browser at no additional charge with its Windows operating system. Can Netscape compete against such an offer? Can anyone? Apparently not, and so Ms. Reno pulls on her boots and legal briefs and marches off to battle.

Who will win? Without any doubt, Microsoft, if not on this occasion then after a temporary tactical retreat. So the issues at stake are not galvanizing. But who remembers the grounds of combat in Dodge City or the Thrilla in Manilla? Only intellectuals believe that it is ideas that matter most. For reasons hardwired into us (you can't exchange DNA with a syllogism), it is not propositions but rather personalities which we find most captivating. And duking it out here are two of the most intriguing and metaphorically evocative personalities in the public domain, veritably a talisman and taliswoman for our times. —LEL

I was a seat-warmer for Al Gore — Living in Washington isn't all strawberries and cream, you know. Sure, we get lots of free museums and a great subway system paid for by the little people, but we do have to live in close proximity to our rulers. I ran into them just the other night. My significant other and I went to the classic Uptown theater to see *L.A. Confidential.* For once we got there quite early, and selected excellent seats, front and center in the balcony. About ten minutes later two Secret Service men approached us and asked if we would mind moving. I said that we had selected our favorite seats, and yes, we would mind moving. They explained that a special guest was coming. I pointed out that there were plenty of empty seats — like 95 percent of the balcony — but we had gotten there early and picked the ones we want. Well, you see, it's the vice president, they explained, and this is where he likes to

sit. Well, you see, it's where we like to sit, and we got here first, I explained. They persisted. I asked, Are you ordering us to move? No, no, we can't do that, they said; we're just asking if you would mind moving. Well, then, I explained, we got here first, and we like these seats, and we would mind moving (I hope that if they had said it was an order I would have had the presence of mind to ask, "What's the controlling legal authority for that order?").

My companion, who abjures public confrontations, tried to compromise: Give us our money back and we'll move to other seats. A manager arrived and again tried to persuade us to move, and we reiterated that compromise. He left, and then returned with free passes to a future movie. At that point we moved to other seats and shortly the Vice President of the United States and Mrs. Gore arrived, happily taking their favorite seats. Knowing the vice president's respect for the Constitution, the rule of law, and limited government in a free sociery, I know he'd be just mortified if he knew what his agents tried to do. For myself, I felt mildly mortified that I sold my rights as a citizen of a republic for a free movie pass, until an economist friend pointed out that I didn't sell my rights: I stood on my rights and sold my seats. If only I had thought to tell the G-men, "This is a republic, not an empire."

Meanwhile, I recall that a few months ago Vice President Gore addressed the White House Conference on Character Building — and I'm not making that up — and said, "The federal government should never be the baby sitter, the parents," but should be "more like the grandparents in the sense that grandparents perform a nurturing role and are aware of what parenting was like but no longer exercise that kind of authority." Now it's bad enough that the vice president of the United States, a man who holds the job once held by John Adams and Thomas Jefferson, says the federal government should think of citizens as grandchildren. And it's worse that no Republican in Congress challenged his patronizing statement. But what really adds insult to injury is that, I don't know about you, but my granddad never asked me to give up my seat at the movies. —DB

Revolution No. 9 — On October 7, the 9th Circuit Court of Appeals ruled that California's term limits law is void, on grounds that voters who approved it were not told that the measure put a lifetime limit on legislators.

This marvelous bit of logic could undo a whole raft of legal mischief. For example, the legislation that has been used by environmentalists to keep farmers from planting crops in fields which have small pools after heavy rains in the spring would be void if the Congresspersons voting on the measure had not been informed that it would do so. The same fate would await RICO legislation and the Americans with Disabilities Act — surely no one informed Congress that the former would apply to anti-abortion demonstrators or that the latter would require a baseball team to use a wheelchair-bound third base coach.

I have only seen press reports of the decision, so I am not sure whether it is aimed only at the enactment of laws or, more generally, at decisions made by electors in the privacy of the voting booth. If the latter is its intent, then by its logic every elected official who takes any action that he failed to inform voters of prior to his election would be removed from office. This would, presumably, include all elected officials. (I do not recall, for example, that Bill Clinton informed voters prior to his 1992 election that he intended to appoint an Attorney General who would authorize a tank assault on a religious community in Texas.) The elimination of elected officials at the moment they first took any action that they hadn't informed voters of prior to their election would have a salubrious effect on the quality of legislation, and of government in general.

Of course, given the record of judicial activism by the 9th Circuit Court, I suspect the logic of the ruling will only apply to laws that offend the delicate political sensibilities of its judges. —RWB

To BB or not to BB — Is a BB gun a firearm? A new study tried to answer that question by shooting BBs into pig eyes. The pigs were ten weeks old and weighed 230 pounds before they gave their eyes to science. The pig eyes had roughly the same size and shape as human eyes. The Canadian study, published in the *Journal of the International Wound Ballistics Association*, tried to find how fast a BB has to travel to put out a pig's eye.

Section 84(1) of Canada's criminal code defines a firearm as "any barreled weapon from which any shot, bullet, or other projectile can be discharged and that is capable of causing serious bodily injury." Eye loss counts as "serious bodily injury." So the question was whether the common BB guns that many young boys like to play with cross the fuzzy legal line between firearms and non-firearms.

The researchers used a pump-action Model 760 Crossman BB gun. The pump action let them increase the gun's air pressure and so increase the speed with which the tiny copper-plated steel spheres shot from the barrel. Pump BB guns can propel a BB at well over 600 feet per second. Autopsy reports confirm that BBs moving at this speed can kill an adult by piercing the chest and then the aorta. Most handguns have muzzle velocities in the range of 1000 ft/sec. High-powered rifles can have muzzle velocities that exceed 4,000 ft/sec.

The study found that on average a BB had to go 246 ft/sec to pierce a cornea. This velocity was the nonlinear ballistic threshold. Slower BBs just bounced off the cornea. Piercing BBs cut through the iris and the lens and lodged against the retina in the back of the eye. A similar study in 1994 found that a BB had to travel about 330 ft/sec to pierce pig skin.The new Canadian study refutes an earlier claim (from the October 1996 issue of the *Journal of Trauma*) that a BB going only 130 ft/sec could pierce an eye. The new study was consistent with a 1964 study in the *American Journal of Ophthamology* that shot BBs at rabbit eyes. The 1964 study found that a BB had to travel about 249 ft/sec to pierce a rabbit eye. So the piercing thresholds for pig and

Liberty's Editors *Reflect*

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rabbit eyes differ by little more than 1%.

Researchers seem loathe to shoot human corneas despite or perhaps because of the gray market in them. A cover story in the November 2, 1997 issue of the *Los Angeles Times* revealed that the LA County coroner's office has cut out and sold thousands of corneas from fresh cadavers. The coroner's office did not ask or tell (or pay) the relatives of the deceased in most cases. California's little-known 1983 Coroner's Law makes such morgue-based cornea mills technically legal. Eye banks resell the corneas at as much as a 1,400% markup.

The result is that most BB guns count as legal firearms — at least in Canada. Daisy's Red Ryder lever action BB gun seems to be the most common BB gun in the USA. One of the study's authors measured the Red Ryder's muzzle velocity and found that it had the mean value of 265 ft/sec. That is 19 ft/sec over the mean value for putting out the eyes of pigs and "thus" for putting out the eyes of humans.

Most gun makers have tried to increase the power of their guns. Daisy might want to dampen down the air power of their BB guns. This would make BB guns safer and spare them the legal status of firearms. BB guns would survive a 10% loss in muzzle velocity. Heavier BBs would also reduce the muzzle velocity.

The fate of the air gun may depend on such reductions. BB guns may prove the end of the world for a few hapless songbirds. But they give many young people their first taste of gun freedom. —BtK

The wages of congress — All right, members of Congress haven't had a raise in several years. And maybe $133,673 wasn't all that princely a salary for congressmen; after all, the University of California at Irvine just hired a new dean of the Graduate School of Management for $175,000 a year. Congress was criticized when it tried to put the matter of its own pay level into the hands of a supposedly independent commission, and it has been criticized even more when it has voted itself pay raises, which at least showed a semblance of taking responsibility.

So a case can be made that the $3,000 stealth pay raise Congress managed to vote itself without so much as mentioning the delicate matter during floor debate was somewhat justifiable. Fine. But there are other ways of looking at the question of pay for legislators.

One way of determining whether the pay for a certain job is too high, too low, or just about right is to take note of whether there is a plentiful supply of applicants for the job when a position becomes vacant. I haven't noticed that any Congressional seats have gone unfilled. Some incumbents face little or even no opposition when re-election time comes, but that's not because the pay is too low. More often it's because gerrymandering and the tax-subsidized advantages of incumbency make a successful challenge virtually impossible.

Truth to tell, hardly anybody runs for Congress for the pay. They run for the power or the opportunity to serve, or some combination of these and other motives. Many members of Congress would stay on if the actual salary were cut to zero and other perks were left unchanged.

It should also be noted that while other people make more than $136,000 in American society, the salary is far from poverty level. In fact, when members of Congress wax indignant about the need to tax "the rich," they usually mean people with salaries far lower — in the $75,000 range — when the robber meets the road.

Was the raise outrageous? Maybe not. Was it necessary? Probably not. Was it accomplished outrageously? Yes. —AB

Fighting fantasies — In the November issue of *Liberty*, I wrote a Reflection about the FDR Memorial in Washington. But before that Reflection was printed, it developed a disastrous typo. The typo happened in the last word of the last sentence, which was the word that I planned to justify the existence of all the other words.

In case you care, the last word was *monument*, and that word was omitted.

Now, I am like everyone else who writes for *Liberty*, or any other journal. I respond to the appearance of each new issue by dropping everything I am doing so that I can read . . . the article that *I* wrote. There are few greater (or more delusive) pleasures than that of reading one's own printed prose. But my pleasure on this occasion was short-lived. I arrived soon enough at the intended climax of the Reflection, and instead of finding a *monument*, I found myself staring into a typographical abyss.

Immediately I asked myself, "What would Howard Roark do in a case like this?" And just as immediately, an answer came to me: He would blow that Reflection up. In *The Fountainhead*, Roark dynamited a building that he had designed, because it was not built to his specifications. And the jury acquitted him. Gazing at my mutilated Reflection, I was sure that if I blew it up, no jury would convict me, either.

There was only one problem. No matter how hard you try, you simply can't blow up a Reflection.

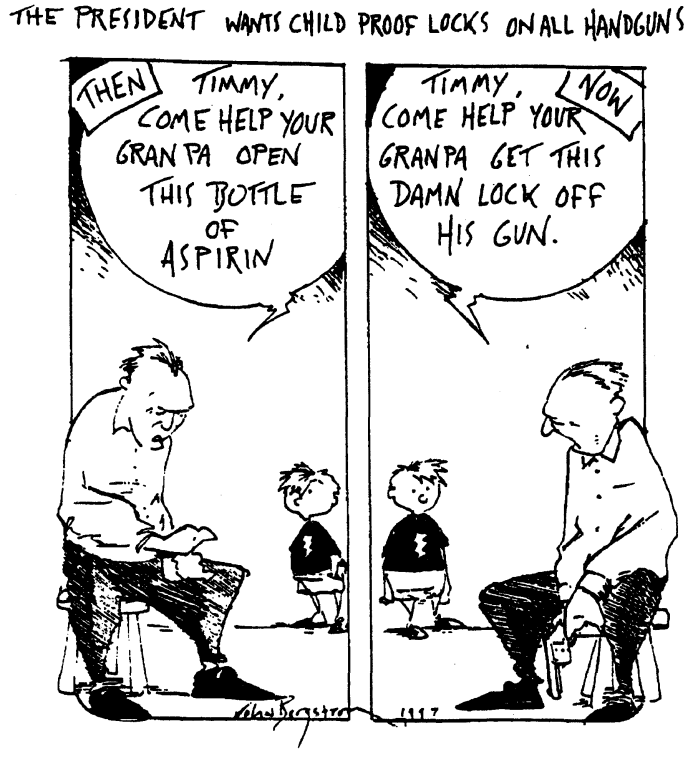

That doesn't mean, of course, that there's anything wrong with the story of Howard Roark; it just means that there are some problems that a story cannot solve, at least if one insists on interpeting it with complete and naive literalness.

This is true, even when half the fun that one gets out of a story comes from interpreting it that way. When I was in elementary school, television seemed to consist largely of westerns. There was something for every taste, from *Wyatt Earp* and *Gunsmoke* to *Davy Crockett* and (my personal favorite) *Spin and Marty*. These stories made a big impression. Informal surveys indicated that my class was almost entirely composed of future cowboys, future cowgirls, and other future monarchs of the Wild Frontier. Unfortunately, the market for cowboys, etc., was rather limited in central lower Michigan. It just wasn't the right context. If you wanted to follow the footsteps of Spin Evans and his horse Sailor, you'd have to start from someplace other than the place you were in.

Other children of my generation were devoted, with still less reason, to the romance of Camelot. Supposing that we can trust Bill Clinton's memory, which is seldom very dependable, our president grew up wanting to model his life on the story of John F. Kennedy. In a way, his dream came true — but with the loss of its vital element. Clinton became president, but what he really wanted, as it now appears, was JFK's ability to do exactly what he pleased, while remaining powerful, popular, and thin. Clinton's fantasy, which proved both acute and chronic, finally incapacitated him for any adult occupation.

Conservatives are also afflicted with story ideas that have been wrenched grotesquely out of context. One of their favorite inspirations is the book of Exodus, where God appoints Moses to lay down the law. Every conservative regards himself as a little Moses, planning to end domestic violence by outlawing pornography or cure juvenile delinquency by arresting teenagers for buying smokes. And if laying down the law doesn't accomplish the expected purpose, conservatives can console themselves with yet another story. They can revel in apocalyptic fantasies about the end of this wicked world.

Modern liberals have their own fantasies, derived at fourth or fifth hand from all those Victorian novels in which the have-nots are saved and uplifted by the social condescension of the haves. In Dickens, or Horatio Alger, or any of the rest of them, "compassion" has dependable results. The modern liberals believe, accordingly, that if you provide enough compassion (in monetary form, of course: less fuss that way) then all social problems will be solved. And again, if the story doesn't turn out quite the way you'd like, you can amuse yourself with fantasies of a hellish end — race war or global warming, take your pick.

I come now, as you probably expected, to us libertarians. Our fantasies are also based on exciting stories, interpreted with dogged naiveté. Some of these stories are folkloric versions of economic history. Many libertarians believe that when the economy totally collapses, as it is always just about to do, they can take their hoard of double eagles and buy up Manhattan Island.

A lot of libertarians, however, are fighters instead of hoarders. They see their lives as part of an epic battle against evil — the evil in other libertarians. Their chief inspiration seems to come from that wonderful film, *Invasion of the Body Snatchers* (I'm talking about the first version of the movie; the second version is just plain *silly*.) If other people can't agree with me, it's probably because . . . they aren't people after all! They're pods from outer space. Statist pods. They may seem friendly, but they're out to steal my soul.

The role of the last righteous person is a very dramatic role to play. And it's so easy. After all, you don't have to worry about an audience; you can make everything up to suit yourself. But I don't want to reveal too much. Some phony pod may be listening. . . . —SC

Halloweenies — Two decades ago, if someone were aiming to satirize, say, the World Council of Churches, he might have written something like this: "Yesterday, after meeting to provide aid to Marxist guerrillas in central Africa, the board of the WCC took time off to join an interfaith fellowship with two covens of witches. The consensus of the meeting — at which all participants gathered in a circle and held hands — was to declare Halloween a religious holiday, and thus inappropriate for observance in public schools."

These days, of course, African guerrillas are out of fashion — though African gorillas are an appropriate object for ecumenical support. But the fantasy of an interfaith meeting with witches is no longer satire: it is the kind of thing that churches belonging to the World Council of Churches are apt to organize.

Indeed, during Halloween week a local paper reported on one such meeting in Kitsap County, Washington, hand-holding and all. The witches who participated in this Interfaith Alliance seemed ebullient — they had gained some respect from the mavens of liberal Christendom. All spoke high-mindedly of the separation of church and state, and the organizer of the event (a minister of the local outlet for the United Church of Christ) appealed for a "oneness that enables us to develop a world that reflects a life that is intended."

I commend this dedication to the separation of church and state. But I wonder: once the druids and practitioners of "Wicca" gain enough respect, will they continue to uphold the wall between them and political power? I see the future, as if in a crystal ball, archly: the united churches of Jesus and Satan and Yahweh and Allah all hold hands at the public trough, taking tax funds from the citizenry and distributing these funds to the churches/covens/synagogues/mosques by percentage of registered parishioners/acolytes/what-have-yous.

And in all this the true nature of pagan events like Halloween gets lost. It's a time to dress up, wear masks, pretend to be "evil" or "dangerous" or "beautiful" for the hell of it. And the hell of it has little to do with Hell, or with a "day where the veil of consciousness separating the living and the dead is at its thinnest," and a whole lot to do with the imp of the reverse: Halloween is the other side of the coin of civilization, which constantly demands that we "behave well." And so once a year we *pretend* to behave "ill."

It is all pretense, and mostly harmless. Halloween is as American as the Fourth of July, and as religious as the Easter Bunny. It is commercial, sportive, and one of the few cultural events left for children to play it up in a big way, and where adults *must watch*.

It's a pity that some adults are holding hands aiming to take Halloween away from the kids, and give it to the devout — even while mouthing the shibboleths of freedom. —TWV

Babbling Brooks — If there is a more boring political magazine than *The Weekly Standard*, I don't want to know about it. Unfortunately, with Rupert Murdoch's millions to draw on, *The Standard* will probably be around for a while. Since it is quintessentially neo-con, the left liberal media love it. They can parade editor Bill Kristol all over the place, thus demonstrating their amazing openness to the "conservative" point of view.

Last September, Kristol, who's a fairly smart cookie, joined with his senior editor, David Brooks, who isn't, to publish a major op-ed piece in *The Wall Street Journal* on "What Ails Conservatism." They spoke out for "national greatness conservatism," the conservatism, for instance, of Teddy Roosevelt (of whom Charles Beard noted that he was the only major figure in American history who ever believed that war was a good in itself). Libertarians most especially disturb Kristol and Brooks: "How can Americans love their nation if they hate its government," they ask, more than a touch naively. These neo-con intellectuals seem to be as ignorant of history as the typical American college student. Evidently, they have never heard of William Lloyd Garrison, Henry David Thoreau, or Mark Twain — or of H.L. Mencken, who lovingly composed *The American Language*, and at the same time boasted that there was no American president in his lifetime he did not despise. Kristol's mom, the accomplished scholar Gertrude Himmelfarb, ought to supply her boy with a mandatory reading list before she lets him shoot off his mouth again.

As for David Brooks, it's difficult to think of anything that could help him in his smug and pretentious stupidity. For proof, consider his review, in *The New York Times Book Review* (October 5), of *The Journals of Ayn Rand*, edited by David Harriman. That Brooks produced a mere uninformed hatchet job is not surprising. What is laughable is this nudnik's air of easy familiarity with the whole of intellectual history. Jean-Jacques Rousseau, he informs us, "anticipated most of [Rand's] ideas and dismissed them with a flick of his wrist" (the comical pose of sophistication in this idiotic statement is priceless). Marx, too, it turns out, was a precursor of Rand. How is that possible, you ask? Well, Marx had a theory of class struggle — between productive and parasitic people — which Rand took and "stood on its head." But didn't most classical liberals before and after Marx also speak of productive and parasitic classes? Not that Brooks ever heard of. Here's the best part, though (read slowly, preferably sitting down): Brooks condemns Rand as "a woman who could write blithely about human parasites as news of the Holocaust was trickling back from Europe." A statement more breathtaking in its sheer fatuousness would be hard to imagine. With this, Brooks has virtually clinched the prize he's obviously been vying for — the coveted Schmuck of the Year Award. —RR

The President's handicap — When the President played a few rounds of golf during his vacation, reports again circulated that he had trimmed his score by a few strokes. There is no reason to be surprised at this. Clinton cheats at everything — cheated at politics, cheated on his wife — his entire life is a violation of the rules. And because of this, he pays the price. No one respects him. He can announce that he broke 79 during his vacation, but no one believes it. He has a score card to prove it, but of course he kept his own score. Short of the Justice Department assigning a Special Caddy to the President I doubt anyone would take any of his golf score claims seriously.

One wonders if the other golfing Presidents ever behaved this way. Can one imagine Calvin Coolidge subtracting strokes just to win a bet? Or Dwight Eisenhower facing accusatory questions over alleged practice swings? And one wonders why Clinton cheats in the first place — to impress people with his scores? No one believes them. To win money? Maybe, he does have all those legal fees to contend with. . . . Or perhaps it is just to "win"? After all, that is the reason why he became President, just to win, just to "be President," not actually to *do* anything.

I understand that the President plays solitaire frequently. I'll bet he wins a lot too. —JSR

Genocide is up, but so is disposable income! — Among those who design and evaluate economic policies, Herbert Stein has been a fixture for more than fifty years. In his popular books and widely read newspaper articles, he has established himself as knowledgeable, professionally competent and, above all, reasonable. Herb Stein always keeps things in perspective. His intellectual touchstone is balance.

My complaint is that Stein sometimes holds in equipoise matters that in reality are far from balanced and should not be viewed as if they were. A perfect example of Stein's tendency to balance the unbalanced appears in his October 21, 1997, article in *The Wall Street Journal*. There, under the heading "A Lifetime of Progress," he reviews some major episodes and trends of social, political, and economic life since his birth in 1916.

Naturally, Stein concludes that notwithstanding the deaths of hundreds of millions of people in wars and genocides orchestrated by governments, this bloody century has

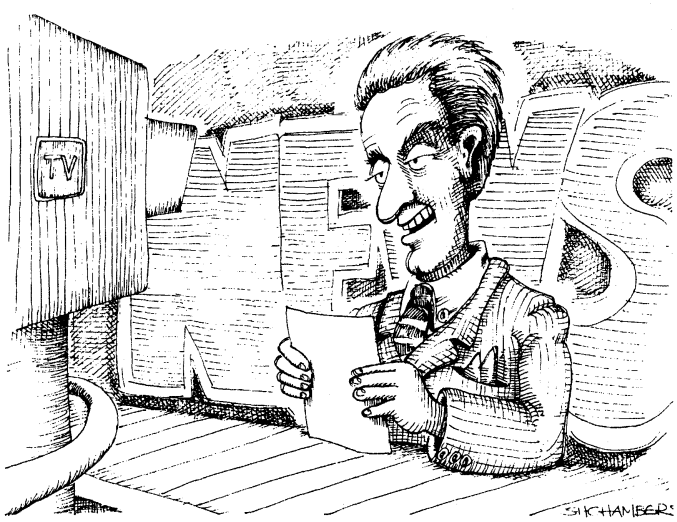

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Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **R.W. Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

How to Write Op-Eds • If you're puzzled as to why your opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

Libertarianism As If (the Other 99% of) People Mattered • **Loren Lomasky** shows how to communicate effectively with the obstinately anti-freedom population of virtually everywhere. (audio: A204; video: v204)

Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

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

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market enviromentalists getting anywhere? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford** debate. (audio: A157; video: V157)

Anarchy via Encryption • The days of the government snoop are numbered. **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

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Are We Winning the War of Ideas? • Times have changed, and liberty is no longer a notion that embarrasses the intelligentsia or is honored by voters and politicians only in the breach. **Bill Bradford, Harry Browne, Sandy Shaw, David Friedman,** and **Timothy Virkkala** explore what this change means for the future of freedom. (audio: A301; video: V301)

Liberty for Sale • How to sell the idea of freedom, in one quick, easy lesson. **Harry Browne** is at the top of his form here: clear, humorous, and insightful. (audio: A302; video: V302)

Will Technology Advance Liberty or the State? • For every glowing prediction of the liberating effects of technology, there is a clipper chip, a phone tap, or a spy satellite. **Harry Browne** presides while **Ross Overbeek, David Friedman, Bill Bradford** and **Sandy Shaw** measure the capabilities of Freedom and Leviathan. (audio: A303; video: V303)

The New Libertarianism • Something has changed in libertarian discourse over the last decade. **Bill Bradford** talks about this shift in the foundation of rights theory and exposes the nature of consequentialism and the consequences of natural rights. (audio: A304; video: V304)

A Positive Account of Property Rights • **David Friedman** takes an economist's-eye view of the question "what is a right?" and explains why certain rights keep on coming back to haunt those who would like to govern without constraint. (audio: A305; video: V305)

Paper Money, Gold, and Inflation • **Bruce Ramsey** makes a libertarian case for fiat paper money. Here we put him on the spot, with **Richard Timberlake, David Friedman, Bill Bradford,** and **Harry Browne** providing some free-market alternatives. (audio: A306; video: V306)

In-Group vs. Out-Group/New Frontiers in Biology • **Timothy Virkkala** explores the darker side of human nature: dumping on other people with self-righteous gusto. Also, **Ross Overbeek** explains what breakthrough discoveries in the life sciences will mean to us in the future — and what they should mean to us right now. (audio: A307; video: V307)

been, by and large and nearly everywhere, a time of great progress. People have acquired more schooling; incomes have risen; social and political inequalities have diminished. We have automobiles, air-conditioning, and VCRs. Count your blessings.

Stein recognizes that "there are people who see in the present size of the federal government a considerabe abridgment of the freedom Americans enjoyed 81 years ago." But not to worry. Despite the great increases in taxation, after-tax incomes have risen greatly since 1916.

Moreover, Stein asserts that "despite the increase of regulations," the average American "has much more freedom than he did." How can that be? In Stein's view "the limitations of his freedom are dwarfed by the expansions of his freedom resulting from the rise of incomes and education and from the decline of the constraints that had been imposed by racial, gender and ethnic prejudice."

At this point Stein has toppled into error. He is surely correct to note the improvements in income and education and the wider acceptance of blacks, women, and Jews in previously inaccessible institutions and occupations. But these developments did not offset the enormous reductions of freedom that all Americans have suffered since World War I.

When taxation and regulation increased, the government deprived everyone of rights previously enjoyed. Stein attempts to balance incommensurables when he argues, for example, that we are more regulated and therefore less free, but we have higher incomes and therefore are more free. He confuses freedom in the negative sense — the absence of government coercion — with people's capacity to acquire goods and services or social acceptance. It is not that the latter doesn't matter; it is just that the latter is not, properly speaking, a form of freedom at all.

It is one thing to be free, to be unmolested by threats of official violence as we go about our lives. It is something else altogether to have the capacity to achieve our ends in this unmolested environment. People may be free but poor, free but disliked by their neighbors. But they may also be rich but unfree, accepted by their neighbors but unfree. The latter has become increasingly the case for Americans in the twentieth century. This point has been discussed so often that one can only wonder how a commentator of Stein's sagacity could make such an elementary blunder.

And when Stein says "Government need not be the enemy of freedom. There are more important freedoms than freedom from

government," one can only respond: How can anyone whose family name is Stein, of all people, make such a statement? —RH

Edsel on the information superhighway — A little news blurb in the November 1997 issue of *Wired* magazine described Lionel Jospin, the French prime minister, urging the French to wean themselves off the Minitel. This veiled admission of failed central planning is the final nail in the coffin of the Minitel, the French government's information-technology version of the Moscow subway. It was delivered in a speech to French university students during which Jospin set the pompous, nationalistic tone by saying, "France and French culture must occupy their rightful place in the global information society."

Of course that was already the objective when the French government ordered, regulated, and subsidized into existence the Minitel, a now-primitive, French-only computer network. For many years France and the French touted their Minitel as an example of how Colbertisme was not only alive and well, but kicking ass. For as many years, I told anyone who would listen, including the French among whom I lived, that the Minitel was a dead end. Not long ago Vice President Gore, was citing the Minitel as the sort of infotech industrial strategy that America needed. "We (meaning the federal government) aren't doing enough," was the apparent plea.

I would like to say, "I told you so," but I was wrong. The Minitel has not proven to be a dead end; it has proven to be something even worse, a millstone around the neck of France's "information society."

With a relatively inexpensive dumb terminal, the Minitel does well a tiny portion of what the internet does wonderfully. And, because of French government policy, everyone in France has and uses it. The French have invested in and learned to rely on the Minitel. It performs a few of the functions that unimaginative newbies might first want when connecting to the internet, thus discouraging them from doing so. Also, the Minitel cannot be effectively connected to the internet. It must be thrown away. Because of its investment in Minitel, France is among the least connected of developed nations.

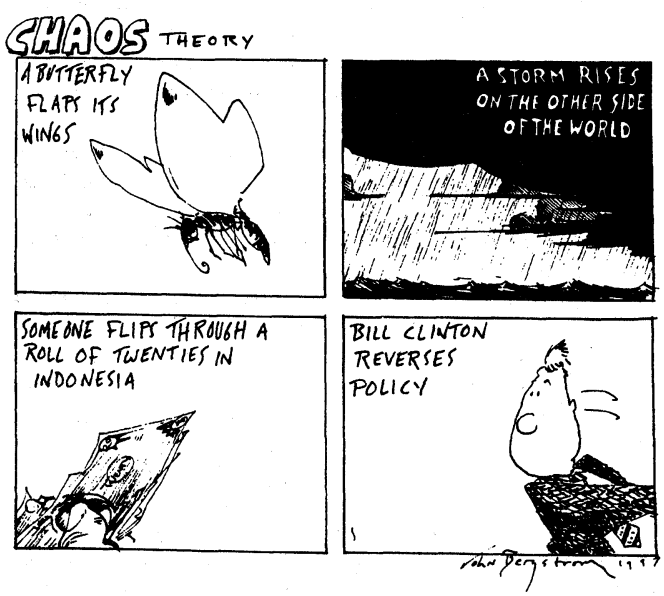

As government projects go, the Minitel was not terribly expensive to implement, but it has proven to be a terribly expensive mistake. Magnificent in defeat.

—*guest reflection by* Michael Christian

Libertarianish — Last January, having finished writing a report on the free-market revolution in New Zealand, I emailed copies of it to some New Zealand libertarians for their comments and fact corrections. They graciously responded, and helped me make the report more accurate.

One of them wanted to go further. Lindsay Perigo, leader of New Zealand's LibertarianZ party, was unhappy with part of what I had said. He didn't care for my characterizing another, more successful New Zealand political party as libertarian. And he thought that the situation in New Zealand was far worse than I had indicated. He asked me whether *Liberty* would publish a response from him. I enthusiastically agreed to. But time passed, and nothing arrived. I was disappointed, as Perigo is a perspicacious observer and a lively writer.

So I was delighted to learn that he eventually did a critique, though I was disappointed that he decided against publishing it in *Liberty*. He chose as his forum the Institute for Objectivist Studies summer meeting in Virginia, and eventually reprinted his remarks in his magazine, *The Free Radical*, a copy of which I received only today.

I was disappointed. While his lecture made lively reading, it was marred by bizarre mischaracterzations of what I had written. In one case, he actually misquoted me, while in others he dropped the explicit context of what I wrote.

First, the misquotation. Three times in his lecture, Perigo heaps ridicule on me for having written that Sir Roger Douglas, the Minister of Finance of New Zealand in the 1980s who formulated and implemented the country's free-market revolution, "slew the statist dragon." This phrase is not my style, and I looked for it in my article in vain. After failing in my search, I mentioned it to Timothy Virkkala, *Liberty*'s managing editor. "Didn't that appear on our contents page?" he said.

I checked. On the contents page of our March issue was the following entry:

"The Art of the Possible. The key player in New Zealand's Revolution, Sir Roger Douglas, tells how he slew the statist dragon."

Now it is certainly true that I sometimes have a hand in writing some of these descriptions that appear on *Liberty*'s contents page. But I didn't write this one, and there's absolutely no reason to believe that I did. It wasn't even a description of my article.

This misquotation was only the beginning. The bulk of Perigo's ire is aimed at my suggestion that Douglas and the new political party he founded are libertarian. This was no surprise to me. Perigo was involved with Douglas's political party early on, and left it to form his own party. In the last election, Douglas's ACT party (Association of Consumers and Taxpayers) received 126,421 votes, which was 125,794 more votes than Perigo's LibertarianZ party got.

I first encountered Perigo's animosity toward Douglas when I interviewed Perigo in New Zealand. As evidence of Douglas's perniciousness, Perigo cited Douglas's call for retaining New Zealand's ubiquitous General Sales Tax (GST), while abolishing its income tax. To punish him for

this sin, Perigo habitually and very publicly calls Douglas's political party the Association of Consumers and Taxpayers (or "ACT") as the "Association of Compulsion Touters."

Perigo explained to me that his own party, the LibertarianZ, calls for the immediate abolition of the GST, while retaining the income tax, in hopes that the LibertarianZ might deflect charges that it is a party of rich people, since the GST is generally reckoned to hit the poor harder than the rich.

Of course, I recognize that neither of these programs can rightly be called "libertarian" if by "libertarian" one means "advocating the total and immediate elimination of organized compulsion." So before identifying Perigo and Douglas as "libertarians" I was careful to establish the context: "If by 'libertarian,' we mean a person who favors radically reducing the power of government, then it is safe to say that New Zealand has two libertarian political parties: ACT and the LibertarianZ." But neither his own party's "compulsion touting" nor my very careful definition of how I was using the term "libertarian" has discouraged Perigo from denouncing me for characterizing ACT as libertarian, or discouraged him from railing at me for calling Douglas "the most effective libertarian politician of this century" and the world's "most libertarian politician."

Achieving Liberty

In the past two issues of Liberty, *Harry Browne and Bill Bradford have discussed the prospects for advancing the cause of freedom via the Libertarian Party. In this issue, Timothy Virkkala and David Nolan join the discussion.*

The fig leaf of public interest — Harry Browne has suggested that the way to win votes is by appealing directly to the self-interest of voters. I don't think this works very well.

People want their interests served, yes, but they want their interests served while decently cloaked in the alluring robes of "the public interest." A libertarian policy initiative, for instance, must sound "good for everybody" — for the nation, for the world — and must sound good from the first words of the phrasing to the last. But the appeal to the citizen being addressed should be easy to see, easy to discover.

People want to be better off. And they want to appear friendly and charitable to their fellow citizens, maybe even a bit noble. And that is what any politician must give them: an excuse to profit while everyone cheers.

This should not be *too* hard a task, since libertarian ideas are, by and large, best for most people. If you can't make the case for that, then you should ask yourself why you advocate freedom. Why would you *want* to advocate policies that aren't best for the most people? —TWV

Winning in 2004 — As one of the founders of the Libertarian Party, I have followed the debate between Harry Browne and Bill Bradford with some interest. And while they each make valid points, I feel that both of them are myopic in their conclusions.

First, I'd have to agree with Bill that the prospect of a growth in LP membership to 200,000 over the next two or three years is highly unlikely if it is all to come from standard direct-mail solicitations. As of this writing, the national party will be doing well to end 1997 with 25,000 dues-paying members. Over time, membership has roughly doubled every two years, with most of that growth coming in election years. A membership of 50,000 as of January 1, 2000 seems reasonable; a figure of 200,000 does not.

That's the bad news. The good news is that if Harry received 1/2% of the presidential vote when only 4% of the voters even knew of his candidacy (a plausible figure, in my estimation) then simple math suggests that he captured roughly one-eighth of the votes of those who had heard of him. This jibes well with the Gallup Poll labeling 22% of Americans as "libertarian," as we would expect that many of those 22% would choose not to "waste their vote" once they entered the voting booth . . . assuming that they bothered to vote at all.

I think the 1/8 ratio can be expected to hold up or even increase as awareness of the LP and its candidates is expanded. And, as Harry notes, all that expansion requires is money . . . lots of it. With $50-$100 million to spend on a national campaign, I think it's entirely plausible that a well-chosen, appealing Libertarian ticket could garner an eighth of the vote for president and VP . . . which would put us in Perot/Wallace/LaFollette territory, and within marching distance of victory the next time out.

The question, obviously, is: How do we get there? Where do we come up with the credible candidates, and the money?

Averages are meaningless and change is not linear. If a national Libertarian campaign is to raise $50 million, it will not be by getting 200,000 contributions of $250 apiece. There will have to be at least one "heavy hitter" to prime the pump with $10 million or more (*à la* Perot) and a thousand people contributing the legal maximum of $20,000. That's $30 million; the rest will come from the $100-a-pop folks.

Suppose, for the moment, that the LP builds its membership to 50,000 and recruits a ticket like management guru Tom Peters and a $10-million-donor running mate for the 2000 election. (That kind of money isn't highly unusual these days; it took $475 million to make the 1997 Forbes 400 List.)

Further suppose that the Republicans nominate someone from the Buchanan wing of the GOP as their standard-bearer. The mostly-liberal media suddenly "discover" the LP ticket . . . a discovery made easier by the fact that we're buying ads on the nightly network news. A few prominent Republicans endorse our ticket; membership triples to 150,000 and the campaign budget swells to $75 million.

Under those circumstances, an election-day showing of 15% to 20% becomes very plausible. A few Libertarians get elected to Congress, and several Congressional Republicans switch their allegiance in 2001. And we're well on our way to a national victory in 2004 or 2008.

Fantasy? Perhaps. But there's nothing in the scenario I've outlined above that's impossible, or even that "defies rationality." I'm not saying it *will* happen, but it certainly *could*. —David F. Nolan

Mea culpa, mea maxima culpa: after carefully defining my use of the term "libertarian," I did indeed characterize Douglas in those words — though I did not, as Perigo claims at one point, call Douglas "most libertarian politician in the history of the universe."

My personal favorite of Perigo's criticisms came early in his talk: "In a fit of ridiculous hyperbole, Mr. Bradford implicitly likened New Zealand's revolution to the Industrial Revolution itself." What had inspired this remark? I had written "Will [New Zealand's] Revolution last, as the Industrial Revolution has lasted? Or will it die and be forgotten, suffering the fate of the Russian Revolution?"

If this be a "fit of ridiculous hyperbole," I say, let us make the most of it! —R.W. Bradford

Hubris in the name of science — As we approach the conference on "global warming" in Kyoto, there have been increasingly hysterical rants in *Science* and *Nature* masquerading as "analysis." These would be laughable if the views being paraded about as "science" were not picked up and passed on by many (in the media and elsewhere) who do not know any better.

In "Mass Extinction and Evolution" (*Science*, October 24), Norman Myers writes that " . . . two reports [in this issue]. . . consider aspects of the mass extinction that is now overtaking the world's biodiversity. The new results indirectly throw light on an overlooked but significant angle of the biotic crisis: its grossly disruptive impact on the future course of evolution. . . . [this] prompts thoughts about the evolutionary future. Regrettably the latter remains a black hole of research, even though the next few decades seem set to impose a profoundly depletive hiatus on certain basic processes of evolution." Wow, what arrogance! This guy actually believes that human beings are now in a position to control the process of evolution. But no matter what people do to extant populations, the processes of evolution will continue on their way merrily. After all, life has survived disaster after disaster in the past, and is still going strong. The mix of beasties is undoubtedly different from what it would have been in the absence of any particular disaster, but so what? "Evolution" does not care. Human beings are destined to go extinct sometime, too. In a few tens of thousands of years or whatever, humanity (as we know it) will be gone and whatever we do or don't do today won't make a tad of difference to the creatures then living on Earth.

Myers misrepresents seriously the findings of one of the reports. The report — "Extinction and the Loss of Evolutionary History" by Nee and May (the same issue of *Science*) — shows that, even if 95 percent of all species were lost, approximately 80 percent of the underlying genetic tree would be likely to survive. Further, they state that the proportion surviving is relatively insensitive, on average, to whether the saved species are chosen randomly or optimally. It would appear that central planning of evolution is likely to be about as effective as central planning of economies.

These scientistic prophecies are prime specimens of the continuing corruption of science by government inducements of money and power. (I am reminded of the scene in the 1965 Beatles' movie *HELP!*, where the inept scientist sticks a gun in Ringo's face and says "In the name of Science, give me that ring!" It was funny, then.)

I think the moral is this: If you like a certain mix of beasties, then invest (your own money, please) in that mix. But don't imagine that you are thereby saving "evolution" itself and don't imagine that your preferred mix has any moral superiority to anybody else's. —SS

All or nothing at all — Those who hate the income tax (i.e. 99% of Americans) cheered when a Senate committee paraded victims of IRS abuse before the TV cameras. The heart-breaking stories even maneuvered Bill Clinton into agreeing that the IRS must be reformed.

So what will come of all this newfound disgust with the IRS?

Absolutely nothing. The politicians — especially Republicans — will use it as a campaign issue for an election or two, but nothing significant will be done to tone down the ferocity of the IRS. Nothing *can* be done.

An enormous government — one now approaching $2 trillion a year — requires an enormous, energetic, pitiless, take-no-prisoners tax-collection agency. If the IRS truly were reined in, tax collections would nose-dive, and the politicians would have to make real reductions in the size of government. No chance.

Notwithstanding the mutterings of Steve Forbes, Bill Archer, or Richard Armey, no one is going to "pull the IRS up by the roots" or "drive a stake through its heart." They might change its name to the Internal Benevolent Revenue Service, but its methods won't change. Railing at the IRS is good for fund-raising and votes, but *changing* the IRS doesn't fit in any politician's agenda.

The proposed flat tax won't do away with the IRS. You might be able to file your return on a postcard, but your friendly IRS agent will show up at your door demanding that you prove you don't have any unreported income and that you really are

My Fellow Prison Inmates' Top Ten Pet Peeves at Christmastime

10. Sarah Jane Moore celebrates Hanukkah and won't play Santa Claus.
9. Can't order any of K-Tel's special Christmas records.
8. Having the guards "Ho, Ho, Ho" as they shakedown your room on Christmas eve.
7. We' re here — and Hillary's not.
6. Unable to stay up late and watch the "Beavis & Butthead Christmas Special."
5. The cooks just can't make textured vegetable protein look like Baked Alaska.
4. Our once-a-year male stripper is really Delores.
3. The warden always wins the talent show with his Janet Reno — J. Edgar Hoover impersonation.
2. No chance of receiving a presidential pardon or immediate release in the mail on Christmas or New Year's Day.
1. Sarah Jane Moore won't be out before the State of Union Address.

—*Dyanne Petersen*

entitled to whatever exemptions you took.

Replacing the income tax with a sales tax would do away with the need for the IRS only by replacing it with some new agency to browbeat retailers. But by the time medicine, food, and other essentials are exempted from the sales tax, a rate of 25% or more will be necessary to finance big government — a rate that will never fly politically.

For the same reason, the flat tax will never be a reality. By the time the politicians provide healthy exemptions, retain their favorite deductions, and strike low-income workers from the rolls, the tax rate will have to be over 25%, and will never be approved.

The flat tax and sales tax are cons whose time will never come. Just like IRS reform, they are issues politicians can use to raise money and gather votes, but they won't be realities in our lifetime.

Every suggested tax reform is merely an attempt to redistribute the awful burden of big government. The only way you can get rid of the IRS is to reduce government to the point where no income tax is necessary — which would make the IRS unnecessary.

So long as we have an income tax, we will have an IRS. And so long as we have an IRS, we will have bureaucrats abusing taxpayers.

Only one developed country has both an income tax and a gentle tax-collecting agency. In Switzerland, tax evasion isn't a crime; it's a civil matter between the taxpayer and the government.

The taxpayer submits his return. If the government doesn't agree with the self-assessment, it has no authority to seize property or attach wages; its only recourse is to negotiate the matter with the taxpayer. If no agreement is reached, the government can take the taxpayer to civil court (not a tax court, as in the U.S.), suing him in the same way one person sues another over a dispute.

If the government wins in court, the court will direct the taxpayer to pay the government the required amount. If the taxpayer doesn't comply, he will be in contempt of court and subject to criminal sanctions, asset seizure, and other types of judicial actions. But this is possible only after he's had his day in court. And the burden of proof is always on the government.

(Although tax evasion isn't a crime, it *is* illegal in Switzerland to falsify documents — invoices or other records — in order to justify a lower tax bill.)

The toothless Swiss tax-collection agency isn't able to collect as much money as an IRS-like agency can. So the Swiss government has always had to get by with smaller revenues than American politicians are used to. And because American politicians *are* hooked on big government, there's no chance such a system will be adopted here.

And so the IRS we will have with us always — or at least until we can elect libertarians who will reduce government enough to make the income tax unnecessary.

Thus, as libertarians, we achieve nothing by working for anything less than the total repeal of the income tax and a massive reduction in the size of the federal government. Anything else is just wheel-spinning. —HB

The keyword is "incompetence" — It would be difficult to declare with authority that any one fact or development in the campaign finance scandal is the most striking or surprising. But certainly among the more striking developments is what might be called the White House's "incompetence defense."

After the White House released videotape of the early moments of some 44 White House "coffees" that might have been fundraising events, President Clinton begged for understanding. The fact that congressional investigators had an inkling that these tapes existed and had asked for them long ago shouldn't be held against the poor dears at the White House. The delay "was just an accident." White House staffers hadn't figured out the right keyword in querying the computer system.

It is refreshing when people in government admit they are not perfect. And an admission of incompetence is potentially less damaging than a deliberate cover-up or willful delay, which is what some Republicans are now charging.

Let's be fair here. The White House — sprawling through numerous good-sized office buildings — more closely resembles an empire than a cottage industry. No president has ever known *everything* that went on in his name. The executive branch is probably impossible to manage effectively. So it is not utterly incredible to imagine that plenty of things have gone on in the White House of which Bill Clinton knows little or nothing.

On the other hand, responding to subpoenas by searching for documents and other material is not all that challenging. And Mr. Clinton is known as something of a micromanager, taking a particularly intensive interest in campaign matters (his real area of expertise), right down to writing or editing the copy for radio ads.

On balance, then, the plea that you can't blame us because after almost five years in office we just don't have a handle on how to run the little piece of government over which we have direct control is rather pathetic. The fact that it can be made so casually reflects on the status of personal responsibility in the larger culture.

If this bunch can't even run their own shop competently, how are we supposed to believe that they can fix day care, reform the educational system, improve health care, get us to stop smoking while still paying tobacco taxes, fix the drug crisis, assure food quality overseas or . . . well just about anything on their agenda of lots of little government? —AB

I, needle — William S. Burroughs, Beat novelist and exterminator, will not rest in peace, not if there's a God. He was (1) an uxoricide who killed his wife in a game of

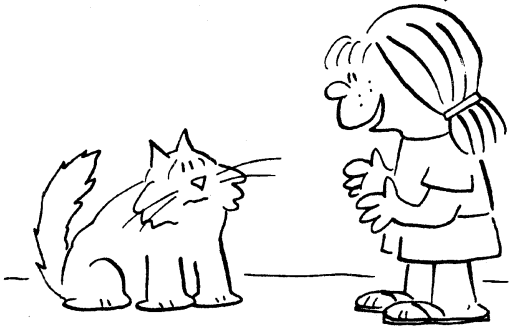

"Come on — I need a volunteer to help me practice shaving my legs."

William Tell; (2) a terrible father whose pathetic son predeceased dear old dad; and (3) a child molester. But only cads like William F. Buckley, Jr., speak ill of the dead, so let's remember Bill at his best, as a right-wing anarchist crank. *The Letters of William S. Burroughs 1945–1959* (Oliver Harris, editor) contain this 1949 gem to Allen Ginsberg:

> Dear Allen:
>
> I fear this is going to be a somewhat testy letter. I am not able to share your enthusiasm for the deplorable conditions which now obtain in the U.S. at this time. I think the U.S. is heading in the direction of Socialistic police state similar to England, and not too different from Russia. I congratulate myself on my timely withdrawal. Everything I hear from the U.S. makes me glad I am not there. At least Mexico is no obscenity "Welfare" State, and the more I see of this country the better I like it. It is really possible to relax here where nobody tries to mind your business for you, and a man can walk the streets without being molested by some insolent cop swollen with the unwarranted authority bestowed upon him by our stupid and hysterical law-making bodies. Here a cop is on the level of a street-car conductor. He knows his place and stays there.
>
> I hope you are not serious about this labor leader idea. My opinion of labor leaders and unions is very close to the views so ably and vigorously expressed by Westbrook Pegler, the only columnist, in my opinion, who possesses a grain of integrity.

Who knows . . . if Burroughs had laid off the junk, he might have been another Leonard Read. —BK

The politic philosopher — Sir Isaiah Berlin died on November 6, 1997, at age 88. He made his mark on philosophy in much the same way as Ronald Coase did in economics: with cautious, carefully wrought works — works of minor length but major significance. I am thinking of "Equality," "Does Political Theory Still Exist?" and a handful of other sensible, readable, yet brilliant essays that made political philosophy respectable again, after Berlin's colleagues had thrown it to the wind in their attempt to separate "scientific" wheat from "metaphysical" chaff.

Berlin's project rubbed against the grain of his age, without ever seeming to oppose it wholesale. During the time when his reputation was greatest, the British vision of philosophy was that of a very stripped-down discipline that could play the role of gentleman's gentleman to science. Philosophy, to him, was much more than the clarification of the methods of inquiry. In his writings there was always a sense of the paramount worth of individuals, as well as a sense of history — two things that British philosophy of that time tended to lack.

This is probably best demonstrated by his most famous essay, "The Hedgehog and the Fox," a study of the mind of Leo Tolstoy. Berlin recalled an ancient Greek fragment — "the fox knows many things, but the hedgehog knows one big thing" — and applied it to human styles of thought. "Foxes" are people who deal with particulars, have diverse goals, and see the world piece by piece; "hedgehogs" are system builders for whom no idea can remain separate for long, and for whom everything must exist together or not at all. Tolstoy was a fox who wanted, oh so much, to be a hedgehog, and who tragically twisted his life because of this internal conflict.

The parlor game "hedgehog and fox" is now a favorite of intellectuals, and has even contributed an odd moment to a Woody Allen film. Berlin's interest, however, was not in games but in conflict.

Perhaps that is why he wrote sensible things about freedom — metaphysical freedom ("free will") as well as personal and political freedom. Berlin also understood the value of the obvious. Perhaps that is why, at a time when socialism was in ascendance, he steered clear of the idiocies of collectivism. He knew the value of an ideal, but tried to have no illusions about ideals that diverged greatly from our experience of ourselves, our neighbors, and our history.

Much has been written of the seminal essay "Two Concepts of Liberty," in which Berlin distinguishes "negative liberty" — the freedom to be left alone — from "positive liberty," the power to do particular things that one wants to do. I see no reason to add to this literature here. I merely note that though he resisted the libertarian notion of organizing all of politics around the single idea of "freedom from" coercion, his influence on libertarian thought has been considerable.

His mark upon England has been stronger, however. He was a diplomat as well as a multi-disciplinary Oxford don, and tales of his formidable presence are many and amusing. His reputation in philosophical circles may be rather low, at the moment, but his writings have enduring value for anyone who is serious about developing a humane philosophy, anyone who prizes individuality and tolerance, anyone who yearns both for freedom and for truth. —Timothy Virkkala

Top Ten Cool Things About Being in Women's Prison at Christmastime

10. Buying special holiday commissary items from Desert Storm surplus.
9. Not having to worry about what you'll wear to the Kwanzaa Celebration or Christmas Day Bingo.
8. Getting to see the disappointment when Federal Prisons' Industries doesn't get Most-Favored Nation trading status under their tree.
7. Listening to caroling Boy Scouts and disabled veterans from the Milken Suite.
6. Not having to watch football or to get Uncle Frank another beer.
5. Don't have to send phony thank you notes for the gifts of lousy fruitcakes.
4. Having a damned good excuse for not responding to IRS notices and all the year-end direct mail fundraising.
3. Can just exchange uniforms for a larger size at laundry after holiday overeating.
2. Our cooks can make textured vegetable protein look like stuffed Rock Cornish Game hens and strawberry cheesecake.
1. Jim Guy Tucker and Jim MacDougal can't come here unless they get sex change operations.

—Dyanne Petersen

The Crash of '97

by Richard Stroup

For a single day, 1997 looked like 1929 all over again. Was the "meltdown" a mere blip — or a hint of things to come?

On Monday, October 27, the Dow Jones Industrial Average fell 554.24. It was its biggest one-day decline in history. Late that night, CNBC reported prices on foreign stock markets that opened as the sun came up in the eastern hemisphere: New Zealand down 11%, Australia down 10%, Hong Kong down 16%, Taiwan off 6%, Singapore down 6%, Tokyo off 4%, Korea down 7%, India down 8% . . . As the world spun through space and morning came to Europe the grim news continued: Great Britain down 8%, Germany down 5%, Belgium down 8% . . . The Latin American markets opened: Mexico down 13%, Brazil down 15%, Venezuela down 12% . . .

CNBC's normally optimistic reporters were using words like "meltdown," "collapse," "bloodbath," and "crash." Around the world, investors wondered whether they were about to see the stock market crash as it did in 1929 — and whether the world was on the brink of another Great Depression.

The world held its breath awaiting the opening of U.S. stock markets. At 9:30, the opening bell rang at the New York Stock Exchange, and stock prices fell like a rock. Within minutes, the DJI was down 180 points.

But then buy orders began to flood the exchange. By the time the NYSE closed, the DJI was up 337 points. Plainly, no 1929-style stock market crash was underway. Investors heaved a collective sigh of relief.

Even so, many investors remain worried that a 1929-style crash, lasting for years on end, might be near. After all, there has been what one key observer has labeled "irrational exuberance" in the market in recent months. Can the unprecedented high level of stock prices, such as the Dow at near 8000, be sustained? Can it be, over time, substantially increased? To this economist, the answer is "yes!" The real economy — the future fruits of which can be obtained by purchasing shares in the stock market — looks very healthy. Further, there is still room for much improvement, and there is good reason to expect a long-lived stream of such improvements.

It is no secret that computer-related technology is spreading, driving down costs, speeding information, and widening markets. Trade in both goods markets and capital markets, across borders, is becoming easier. The cost of artificial governmental barriers is becoming more obvious every day, and the reputation of the political sector is declining. That has increased economic freedom — that is, more and more, entrepreneurs have freedom yet are accountable for their results. The climate for production and exchange has improved, an improvement reflected in rising stock prices.

There is reason to expect more improvements in the future. The costs and limits of political control are becoming clear to more people, increasing demands for further expansions in economic freedom. And as James Gwartney and Robert Lawson show in *Economic Freedom of the World 1997*, greater economic freedom is very strongly connected to greater economic growth.

Are improvements along this line nearing their end? Hardly. Economic freedom in much of the world is still low, and government's role in economies everywhere is still very large — far beyond its economic optimum in even relatively free nations, such as the U.S. and Canada. That is why growth is greater where economies are even more free, as Hong Kong has been over recent decades. There is a great deal of room for more improvement, even in the U.S.

The capital market itself, including the stock market, is both an *indicator* of progress and a *cause* of it. It helps

modify politicians' natural tendency to gather ever more power to themselves in order to do favors for their key constituents, expand programs they believe in, or augment personal fortunes. In each jurisdiction, as each policy change becomes known, owners of assets and potential investors react by moving to buy or sell at prices reflecting the newly enhanced or harmed climate for production and exchange. Better communication and more efficient capital markets are constraining government power all over the world,

Can the unprecedented high level of stock prices, such as the Dow at near 8000, be sustained? Can it be, over time, substantially increased? To this economist, the answer is "yes!"

while rewarding productive changes in government — more honest law enforcement and courts, and broader access to both, for example — more quickly than ever before.

One capital market, the bond market, almost instantly punishes any government attempt to rapidly create more currency. This is an effective constraint on inflation. James Carville has said that after he dies, he would like to be reincarnated as the bond market, because it has all the power.

The world market for goods also disciplines the granting of special privilege or protection by governments. Unions and other quasi-monopolists are constrained in their demands for inefficiently high pay and absurdly restrictive work rules by growing competition here and abroad. High pay is not a problem when matched by high productivity, of course. New auto plants (mostly non-union) are being built in the United States rather than in Asia or elsewhere precisely because American "high-wage" labor is often more productive than "low-wage" labor in much of the world. Meanwhile, militant German unions see their potential new Mercedes-Benz, BMW and Volkswagen company jobs migrate to other nations.

The constructive impact of capital markets on governments is a reason to be optimistic about productivity. But their beneficial impact on government is rather crude compared to their productivity-increasing (and stock-price enhancing) impact on private businesses. Each firm in the private sector receives constant feedback from both the product and the capital markets. The CEO of any publicly traded corporation is almost instantly informed of what investors — people with their own money on the line in capital markets — think of any new strategy or policy change. Such signals can be ignored, if current stockholders are not in revolt, but both the information and the incentive to heed it are strong.

No such signal or incentive faces the "firms" that comprise the units of a government. The Army and the U.S. Forest Service, for example, receive no such constant flow of signals. Over time, capital markets provide rewards and punishments to governments, but it is not easy to discern just what caused those results. Why, exactly, are investors fleeing a country or its assets? Aggregate numbers draw a picture, but with a very broad brush. The value of a company stock, however, reacts to each specific change in a way that can usually be discerned with some precision. These highly effective capital markets are becoming better informed, and work better, increasing private productivity everywhere.

Given these encouraging factors, should stockholders assume rapid growth, say 20 or 25 percent annually, for the foreseeable future? Not quite, in my judgment. Such growth in expected profits on a sustained basis for decades would be nearly an order of magnitude greater than real economic growth has been here and in other successful market economies. Optimism about higher growth for several decades seems warranted. But to bet on sustained 20% growth seems foolish to me.

Is another stock market crash likely? Sure it is! Many investors try to outguess temporary price rises and price declines. In doing so, they can build "irrational exuberance" on the one hand, or promote precipitous declines. Both tendencies, in each short run, may be increased by "program trading" — computer-controlled trading that pays no attention whatever to underlying future value of real output that, over time, will determine the value of holding stock shares. So there will be many ups and downs, and some will be dramatic. But they should be short-lived.

Over time, the central tendency of stock prices should be determined by expectations about the future dividends paid to holders of each stock share and the sustainable trend in those dividends and in their resulting capitalized value. Those latter factors make a *long lasting* stock market crash very unlikely. A crash is just the right time to buy stocks if market forces and the underlying economy continue to be strong. And a boom in the market is a chance to lock in gains by selling. So stock values will gyrate, but each should gravitate toward the capitalized value of the underlying (and generally rising) dividend streams received by the stock's owner.

There is, however, at least one fly in this ointment: Progress always harms some parties and entails some risks. As Schumpeter told us, capitalism causes a "gale of creative destruction."

Better communication and more efficient capital markets are constraining government power all over the world, while rewarding productive changes in government.

Advances in trade and technologies always harm some producers, at least in the short run. Henry Ford's Model T, for example, ruined many auto fortunes and put thousands of workers out of jobs, even as it enabled working-class families to own cars. Technological advances frequently bring new personal or environmental risks, although for centuries they have on balance made us much richer and safer.

There are always the Pat Buchanans and the Richard Gephardts (on trade) and the Al Gores (on the environment) to argue that we must control or stop such progress to prevent the inevitable harms or risks. Such

continued on page 30

Audit

The Intoxication of Murray Sabrin

by Mike Buoncristiano

How did the best libertarian campaign in memory end up as an attempt to elect Democrat Jim McGreevey governor of New Jersey?

I couldn't believe my eyes. I read the short Associated Press article three times. Murray Sabrin's chief political guru was quoted in the Election Day morning story. "Whitman is going to lose. McGreevey is going to win."

"That ought to be worth another point or two for Whitman from Sabrin's shaky following," I thought. The day before Rick Shaftan, his political strategist, told reporters, "Murray's a Republican just like all the Republicans I know. Christie Whitman is a Democrat just like all the other Democrats I know." Those two statements probably increased a vote switch of a couple of points from Sabrin to Whitman. Libertarians know how it works in a very close race. "If I vote for the Libertarian who won't win I will be giving my vote to [fill in the blank, you've heard it before].

Enter Stage Rear

It was an off year on the national political scene with no real federal activity and only two gubernatorial races. The New Jersey race was sure to attract a lot of attention since it was generally accepted that Christine Todd Whitman was on her way to a possible Presidential or Vice Presidential nomination in 2000.

New Jersey law stipulates that if a candidate for governor raises and spends $210,000 on his campaign, he can accept matching funds from the state and be included in televised debates. No third party candidate had ever even come close to doing that in the 20 years that the law had been in effect. I thought we could get lots of support from Libertarians around the country if we could raise about half that amount before we asked for their help.

Murray Sabrin was an attractive candidate. His credentials were impressive: he headed the finance department at Ramapo College, hosted his own radio talk show, and was a popular lecturer and speaker. And he had authored a book on how to achieve a tax-free society. And he was willing to work hard on the race. I felt that he was the best candidate the New Jersey Libertarian Party had ever fielded for the nomination. Of course, I knew the odds of winning the election were slim at best. But it looked like we had a real opportunity to accomplish what no Libertarian candidate had ever before achieved, both in terms of advancing the libertarian agenda and building the LP.

So I enthusiastically embraced Sabrin's candidacy the day he was nominated by the Libertarian Party of New Jersey. I was an early donor to his campaign, and worked for months, volunteering as much as thirty hours a week on the campaign. My company produced the initial campaign material and coordinated the fundraising activity, and I handled public relations aspects of the campaign.

Our efforts paid off. Last-minute contributions poured in from around the country. Dozens of volunteers worked countless hours to record the contributions and make three Xerox copies of every check, deposit ticket, contribution form and the final report, producing over forty-five pounds of documentation which we delivered just minutes before the deadline. The ensuing battle with Election Law Enforcement Commission (ELEC) over its unsuccessful attempt to disqualify us on a technicality was won through excellent legal work and an avalanche of media support that my company orchestrated.

We had won the first battle. But the real campaign lay ahead, and we had a lot of work to do if we were to make a good showing. We had no professional staff; we had no suitable headquarters; we had no strategic plan. Exhausted from four weeks of working 16–20 hours a day, we set out to win the second battle — the actual election. The publicity we had already generated, including some very vocal support on key radio talk shows, had resulted in a 9% showing in the polls. I knew it was a long shot, but I figured that with a fairly well-run campaign, an effective message, the right strategy, and a

lot of luck we just might pull off a second win. And even if we failed in the election, we'd still have a major impact, advance our Libertarian program, and build our movement.

I had been recommending to Murray for months that we get a campaign manager who had the ability and time to devote to the campaign. A few days before we filed our papers with the (ELEC), Murray asked me to take charge of the campaign. I did so. I was confident we could get past the few remaining hurdles if we gave it a Herculean effort.

Opening Dialogue

Our initial strategy, something that worked well for us in the fundraising effort, was to position Murray, the limited government candidate, against the two proponents of big, intrusive and expensive government. We declared the Democrat and the Republican to be the same and even labeled them "McWhitman." The press loved it.

Our campaign resources were no match for the McWhitman monster. Both McGreevey and Whitman had millions of dollars, thousands of workers and solid party support. But the polls showed the two leaders very closely matched with percentages in the high thirties and low forties. Considering that Independent voters outnumbered registered Democrats and registered Republicans and that New Jersey statewide elections are frequently loaded with last-minute surprises, I felt that we could get at least 15% of the vote. After all, there was a lot of dissatisfaction with Whitman, and the Democrats had split during the primary and were not solidly behind their candidate. It was also the first time that an alternative candidate would have the opportunity to debate the major party candidates and receive unparalleled media attention if only for the uniqueness of the situation.

I insisted that our strategy focus on two very important goals. With the Democrats and Republicans outspending us by a huge margin, Murray had to perform very well in the debates. Not only would a lot of voters see the debates, but a good performance would increase news coverage and help make up for our shortage of funds. Secondly, I knew we had to focus on party building. We needed to build a strong support base, increase party membership and recruit some energetic activists. If by some chance we won, a strong base would help us implement the radical libertarian program; if we lost, it would be a foundation for future victories.

The overall objective was, of course, to get as many votes as possible without compromising these two important objectives. To do this we had to find strong support for our message. It would be a very close election and we needed to build strong support that wouldn't abandon us in the final days to vote for the lesser of two evils.

I set out to build a staff and develop a campaign plan. It was only then that I discovered that the NJLP had not been able to fine-tune its volunteer capabilities and that it also had a scarcity of full time campaign staffers. We brought in some experienced people from out of state. Jackie Bradbury joined us from Virginia on a temporary basis and later came back full time when it became obvious that we couldn't find a local replacement who could handle the job. Norman Rule of Maryland served as volunteer co-ordinator. Enna Wheeler handled scheduling.

We accomplished a lot in a short time. We organized a staff, established an effective headquarters, and implemented a good plan. We planned to fine tune our message, get it out, identify our support and rally it behind us to gather more support and then get the vote to the polls.

Learning From Failure

Two specific points:

1. *The relationship between a Libertarian Candidate, the Libertarian Party, and libertarians.*

The Sabrin campaign is typical of how Libertarians sabotage themselves in many ways with these three factions working against each other.

2. *The false hope Libertarians have with at least one campaign each season.*

We in the Party continually fail to learn from the past. We continue to push for membership growth as if it were the only item we need for certain success, yet we have made no inroads in partisan races. Until we address the issue of registration, this will continue to be the case. And the longer we delay in addressing the registration issue the more futile our eventual efforts will be.

—*George Reis*

Business

But something was wrong. I realized we were spending too much time arguing about strategy and refining our message. We were ignoring the fact that Sabrin's support had been coming from a wide array of people who favored smaller government, less regulation and lower taxes. Murray's political strategist, Rick Shaftan, wanted to focus solely on conservative Republicans. I was convinced this focus would alienate our broader constituency and cost votes — not to mention the effect it would have on getting our message out and building our party. Murray would usually agree with me, but the issue kept coming up, forcing the same debate again.

The campaign was in trouble. The deadly killer of third party campaigns had set in — political intoxication. Murray's advisors were telling him what he wanted to hear: that he could be elected. That made me reflect briefly on a conversation I'd had with Murray one day in which he told me how much he wanted to be governor. "I can serve two terms and then become president of a college."

Campaign strategy discussion began to focus on how Murray was really a conservative Republican who could unseat Whitman. Murray never really said much during these discussions, and at times, oddly enough, seemed to be a spectator. I knew it was tough on him.

I had counted on Murray to ensure that the Libertarian message would be presented to all who might embrace it and that we would do a good job of party building. I wasn't prepared to see this campaign take on the appearance of a conservative Republican campaign. But I could feel the ground shifting beneath my feet.

The stuff really hit the fan at a hastily convened staff meeting in early October. We had just celebrated the opening of our headquarters and I was busy talking to people from the media who were full of questions for future stories they were planning. I was in and out of the meeting.

Somehow the topic turned to whether we should use our toll-free telephone number in radio and TV commercials. I believed this was critical to our success. We had tested the toll-free number in a one-week ad campaign to raise money to qualify for the debates. The campaign produced some

some contributions, a few new LP members, and responses from a number of individuals who supported Murray but who didn't join the party. The campaign didn't pay for itself, primarily because the lower, political advertising rates were not in effect yet. But it had demonstrated that promoting our toll-free number would help us raise funds, build the party, and identify people whose support for Murray would need reinforcement in the days just prior to the election, when support for third-party and independent candidates usually weakens. Plus, it provided a good database for future party growth.

Well, I lost the battle. The toll-free number didn't appear in our radio and television advertising. It appeared on our signs way down at the bottom, in small type with the "paid for by" line that nobody reads.

At one point I returned to the meeting to hear Shaftan that he wanted to defeat Whitman, get as many votes as possible for Murray, and bring him back to run again as a conservative Republican in a future election, I blew my stack.

We then had a major argument about public relations. Shaftan and Murray's brother Max were expressing dissatisfaction with the public relations job my company had performed. It seemed pretty plain that my days as campaign manager were numbered. Worse still, I feared that the Sabrin campaign was about to abandon its goals of advancing a libertarian agenda and building the libertarian movement.

Getting the Hook

The next day sealed my fate and determined the campaign's new direction. I fielded a call from an AP reporter who wanted to know why the Sabrin campaign had not made public the names and addresses of its $300 and under contributors. I pointed out that the election law did not require us to do so. The reporter said that Common Cause was speculating that too many of our contributors were from out of state. I pointed out that there is no legal requirement that we report small contributions, and said that we were protecting our valuable contributor list from our opponents. I added that many of our contributors preferred that we not release the information. The article the next day only mentioned that Libertarians don't want their contributions made public. I didn't like the story and knew I had probably said more than I should have — but I also knew that in a day or so the whole issue would be old news.

I was fired that day. Actually, I was initially informed that I was not to speak to the press anymore and that Shaftan was going to head up the PR effort. Later that day I got a letter from Murray stating he wanted to terminate our agreement for PR as well my campaign management. I was unhappy, but I still wanted his campaign to do well. I told his henchman that I'd be happy to help the campaign on a volunteer basis in whatever role they needed me to play.

I was also somewhat relieved. I was tired of constant arguments, tired of coming to an agreement on something and then having the agreement reversed. I chuckled when I reminded myself that Yogi Berra was right when he said, "Some people, ya can't teach 'em nothing unless they already know it."

A few days before Election Day, in an interview with Gabe Pressman, Murray answered the same question the same way I had. I just shook my head, knowing that Yogi was right. Yogi was always right. About playing left field in Yankee Stadium, where the shadows from the stands were a big problem late in the afternoon, he once said that "It gets dark early out there." That's what happened next. It got dark early for the campaign.

Exit Stage Right

Well, Max got his agenda and Shaftan got his. The campaign portrayed Murray as a conservative Republican, and focused on defeating Whitman at all costs. Shaftan's PR efforts produced some embarrassing coverage: he blasted Whitman for having a Spanish language version on her website, of all things.

I had wanted to get Murray to prepare for the debates with some rigorous training with accomplished Libertarian debaters, but he and Shaftan resisted. He did spend some time with Don Gorman, the Libertarian former state legislator from New Hampshire, who was gracious enough to give him the better part of a weekend. Don's coaching had a very visible positive effect. But Don was the only Libertarian help Murray sought for the debates. He paid the price for his lack of preparation. He faltered on some of the issues both in the debates and in various interviews.

I watched the message become diluted. I watched as Murray tried to be more of a conservative Republican than Whitman. I watched as he endorsed Republican candidates in all but three of New Jersey's State Senate districts.

I cringed at his appeal for the right-to-life vote. The partial birth abortion issue had initially attracted some support for Murray. He should have stuck to his position against that procedure and stressed his opposition to government funding for abortion and support for parental involvement when underage young women seek abortion.

The final weeks of the campaign brought a further fragmentation of Sabrin's message. He jumped from issue to issue trying to find the key to taking enough votes from Republican Whitman to elect Democrat McGreevey. His radio and TV spots were almost all Whitman attack ads.

His support shrank as the election approached. Right-to-

Dime's Worth

I am okay with the matching funds. I was glad that Harry Browne did not accept them — sometimes the publicity you get from not taking them is worth more than the money you'd get — but my understanding is that Sabrin would not have gotten into the debates without accepting them.

I was, however, shocked and disappointed when Sabrin issued a press release endorsing Republicans. Just days before this press release, he sent out a fundraising letter *over my name* urging folks to contribute to the cause of spreading the word to New Jersey residents that there's not a dime's worth of difference between the Ds and Rs!!! Either there's a dime's worth of difference or there's not, and if there's not then there is no reason to endorse them!

How is a Libertarian candidate going to campaign in the state in future elections and tell folks that there's no difference between a D and an R?

That's what we base our campaigns on: "don't waste your vote on the other two guys who both want bigger government."

—*Jo Jorgensen*

lifers, whose support he had gained by alienating the votes of others — fed up with big government and high taxes — abandoned him. But making opposition to *all* abortions a major focus proved to be a mistake. A news report shortly after the election pointed out that Whitman received a healthy plurality from strongly pro-life Morris County, and pointed out that disenchanted right-to-life voters had come through for Whitman after a "dalliance" with Murray Sabrin. CNN reported that its exit poll asked voters which of a half dozen issues were important to them in making a decision. Only 3% said abortion.

Sabrin managed to narrow Whitman's margin and may have sealed her fate by dashing her hopes for a spot on the national ticket in 2000. But so what?

The purpose of the Libertarian Party is not to teach Republicans to be better Republicans, but to show American voters there is a better way to run our country, a way based on voluntary and cooperative interaction rather than coercion. This is a message with increasingly broad appeal.

When the votes were counted, Murray got 4.7% of the vote — less than half what he was showing before he abandoned his libertarian agenda.

Despite its disappointing vote total, the Sabrin campaign had some very positive effects. Party members were stimulated by the campaign and answered the call to arms. The Libertarian Party is alive and well in New Jersey. From late August through early November the L word was everywhere. People will continue to talk about the Libertarians. For a brief moment, we vaulted over the hurdle of political irrelevance.

But we Libertarians could have accomplished much more: we could have advanced our agenda and helped build a foundation for further growth — and for eventual victories.

The campaign was an education. We learned that the textbooks are right. They tell you to develop your message, identify your support, and get it to the polls. The tenets of grassroots politics tell you to build your organization, motivate your followers, and consolidate your support. Libertarians cannot depend on negative campaign ads to win elections or build their party. It doesn't take a genius to know that Libertarians can't win elections or build a party appealing only to conservative Republicans.

We learned that the polls are right. Libertarians tend to draw almost equally from Democratic and Republican "leaners." The exit polls showed that Sabrin pulled no more than 3% of registered Democrats and Republicans but pulled as much as 12% of Independent voters who would have otherwise voted almost equally for the two major party candidates.

Murray Sabrin is worthy of our gratitude. He made a great personal sacrifice. I wish he had done more to appeal to a broader audience and had honored his earlier commitment to party building. He received bad advice but he was the one responsible for carefully weighing his options and approving the final plan.

Will Murray Sabrin run in the future as a Republican? If he does, I won't be involved. I'm more interested in people who want to create long-lasting change than those who might just want to be governor. ❑

Just Say "No" to Matching Funds

This summer, Murray Sabrin solicited Libertarians nationwide to contribute to his campaign. His staff reported that if he could raise some $210,000 by August 31, the state would have no choice but to allow him entry into the televised debates.

What Dr. Sabrin's campaign failed to note in some of these solicitations was that raising that sum would also qualify Dr. Sabrin for state "matching funds"; that he would be required to accept those funds in order to be allowed into the debate; and that he fully intended to accept them.

The arguments against Libertarians — members of the Party of Principle — accepting such looted tax moneys have been repeated often enough to grow tedious. Briefly:

1) All taxation is theft. Accepting such subsidies is immoral.

Yes, I know, we all drive on roads paved with tax moneys looted from our neighbors against their will. But this does not excuse us in the cases where a free choice remains. We would not much sympathize with the German of 1943 who reasoned: "I ride the Nazi-run trains. I use the Nazi-run Post Office. So what the heck, I might as well take that new job as a concentration camp guard; it's all the same."

2) Libertarians offer a true alternative to the existing, corrupt, collectivist parties only so long as we maintain our principles. Demonstrate that we will compromise them the first time someone dangles a prize on a stick, and we have nothing left to offer but some minor nuances of policy shading . . . hardly the single candle of rigorous truth in the otherwise all-corrupting darkness.

3) But most important is what accepting a government benefice does to the recipient.

How many of today's Medicare or Social Security welfare recipients would vote to end those programs tomorrow? They can't afford to entertain arguments that their own "contributions" were "borrowed" and spent by the kleptocrats decades ago, that even if we do assume there was money in their "accounts" upon retirement, simple arithmetic reveals it's all paid back to them (including interest accrued) within two or three years of retirement, due to low standard "contribution" rates back in the 40s and 50s, whereupon these affluent oldsters shift over to receiving funds directly looted and transferred from the paychecks of their own struggling grandchildren.

By now, though, their budgets are built around these crutches; the old-timers can no more contemplate going cold turkey than can any heroin junkie.

A Libertarian Party with its coffers swelled with looted tax funds will require full-time, highly paid executive directors to supervise the endless, detailed accounting required — busily sending in the names and addresses of all contributors, to facilitate their later arrest when circumstances require. Those new party bureaucrats will attend expense-paid seminars, put on in posh hotels by the various election commissions, teaching them how to apply for further subsidies to publish larger party newsletters with lovely color photos. Thus are the wild pigs gradually taught to enter the gated pen in search of the easy pickings.

—*Vin Suprynowicz*

Of Rednecks and Caryatids

by Pierre Lemieux

Must epicures be servile? Must rednecks be gauche?

An American *Reader's Digest* editor posted in Paris once reflected to me that there are few distinct civilizations in the West. One, he said, is America; another is France.

Any American who knows France will understand. France is the country of civilized relations, moral tolerance, formal beauty, sensuousness — the good life.

France

Food, from the simplest to the most sophisticated, somehow tastes better in France than anywhere else, and there is nothing like a three-hour dinner in a Paris restaurant, capped with a Havana. Interpersonal relations assume a wide variety and richness of forms. Words and stances convey subtle meanings. Youngsters are polite. Living passionately is recognized as an art: as the song says, you live *"les aiguilles dans le rouge,"* i.e., as if your tachometer's needle were always in the red. Motorists drive fast but religiously yield on the right. If you comply with civilized expectations, you always know what to expect.

Women are independent and self-conscious, but seductive, tender, playful. Girls learn their power over men early, how to use it, and how to say Yes or No gracefully. Clean flirting is rampant. In summer months, millions of bare-breasted, and sometimes nude, women invade public beaches. Even caryatids on public buildings or park fountains are so sexy that you are tempted to jump them. A Canadian girl living in France once remarked that hotel rooms are designed not for sleep but for love.

Ideas, debates, and dissent are everywhere present. This is the country of Charles Baudelaire and Benjamin Constant.

America

I spent the Christmas holidays of 1995 with my youngest son, hiking and hunting in the hills of North Carolina near the Tennessee border. Our cabin had no electricity and not much to do with modern America, its wealth and modern conveniences.

But the cabin did convey some idea of the American tradition. This is rugged country, with hard-working, self-reliant, and trustworthy people. Nobody locks his car. People trust their local sheriff, up to a line in the sand that is visible to anybody. Many illegally carry handguns in their cars, and everybody knows that the sheriff knows but won't interfere. A grandmother lent me her Python .357 Magnum. I had obtained a hunting license by mail, merely by declaring that I had held one before. We drove on private roads, my son with a loaded shotgun on his knees, and visited our hosts with handguns on our belts. We bought ammunition at the grocery store.

We felt we were in the hills Thoreau had described, where "the State was nowhere to be seen." In the woods, we met a redneck who, harassed by some environmental regulation pertaining to a river on his farm, had told the feds, "Take your damned water off my land." On the way back, we visited my friend Alan Kors in a Philadelphia suburb. Alan and I were photographed together, proclaiming "Long live liberty, long live Spooner, down with tyranny!" We might even have said, "Down with the state!" After all, this is America, the country of Thomas Jefferson and Lysander Spooner.

France and America, of course, do not exist as such. These collective words are only shorthand to describe patterns of human relations and complexes of meanings. Sometimes, they are used to identify state apparatuses that rule over the territories marked

"France" or "America" on maps — an unfortunate usage that, for some reason, is at least as prevalent in English as in French. In the individualist sense in which I use these concepts, France and America extend beyond the borders that states draw on maps with their hostages' blood; they represent cultures: configurations of values, ways of life, and meanings shared by individuals. You are French if you enjoy formal beauty and celebrate *joie de vivre*; you are American if you stand up for rugged individualism and self-reliance. True, it is individuals who have cultures and not the other way around, so one can participate in many cultures. But our ideal types help formulate an important question: Can we enjoy the advantages of both France and America?

Everybody illegally carries a handgun in his car, and knows that the sheriff knows but won't interfere. A grandmother lent me her Python .357 Magnum.

Counter-Realities

Now, America is also more (or less) than the characterization given above. Starting with the Civil War, and accelerating with the onset of the 20th century, Americans have come to define themselves in terms of citizenship, to depend more and more upon the state, and to cave in before anything that bears the name of law. A few years after the end of the Civil War, George Ticknor of Harvard wrote: "It does not seem to me as if I were living in the country in which I was born, or in which I received whatever I got of political education and principles."

Poor George! Although he did fear "what is likely to happen hereafter," he could not imagine what America would be like today. For many Americans, self-reliance has been replaced by squabbles over government handouts, subsidies, and favors. Personal responsibility means obeying the cops. Although Americans may not yet fill out forms as readily as other people, their identity is now defined by the Social Security numbering system and official documents like driver's licenses. Pressure-group politics and crooked political mores have infected private relations. A growing underclass idealizes violence and lives on welfare. A myriad of regulations has eviscerated the individual rights guaranteed by the Constitution. Powerful administrative and police agencies crisscross the land. America is also gun controls, Waco and Ruby Ridge, the drug war and civil forfeitures, witch-hunts against insider traders, and parents arrested for taking nude pictures of their children.

A new Puritanism thrives. My North Carolina refuge was in a dry county, but this strange anachronism is nothing compared with BATF control of alcohol marketing, with the war waged on tobacco by government scientists, with Janet Reno's opposition to drug liberalization in California and Arizona, with politically correct sexual behavior, and with the new Comstockery against erotic representations involving young-looking people. The state is everywhere to be seen. In deference to reality, Emma Lazarus's inscription on the Statue of Liberty should now read:

> Give me your tired, your poor, your huddled masses
> Yearning for public education, public health care, and government checks.
> I lift my lamp beside the quiet tyranny.

France, on the other hand, is the land of Colbert (Louis XIV's finance minister), with a wide net of detailed regulations, prior controls, and confiscatory taxation. It is an imperial republic with well-insulated politicos and bureaucrats who wield wide police powers. The French have gotten used to relying on the state for everything. What economists call "rent-seeking" has reached high plateaus: every organized group can obtain privileges from the state if it can marshal enough street power, while the populace naively applauds. Proud of his free spirit, the individual is often nothing but a *bon-vivant* ward of the Republic, which keeps him quiet and contented with his wine, cheese, and Folies Bergères.

There are many indications that France is not what it used, or promised, to be. Manners are deteriorating. Large and decrepit public housing projects harbor youth gangs that don't make for better company than their American counterparts. An article in *Le Monde* recently reported the case of a woman cop who, returning home one night, was attacked by a youth gang on a suburb train, and forced to submit to such degrading abuses that she hid for two days after. Political scandals are on the rise, not because public mores are becoming more ethical, but because politicos and bureaucrats use suspicions of corruption as weapons to advance their careers or harm the careers of their competitors. Even political correctness, the antithesis of the French character, has made inroads in France. Laws against sexual harassment and regulations against smoking have recently appeared on the books.

Incompatible Cultures?

Québec is an interesting case. One might hope that, mixing both cultures, French Canadians would inherit the French attachment to formal beauty, tolerance and *joie de vivre*, as well as the American commitment to self-reliance, rugged individualism, and the spirit of individual liberty. And Quebeckers have shared some frontier values, exemplified by the spirit of the *coureur des bois* (runner of the forest) — the 18th century farmer who took to the woods each winter to trade furs with the Indians. Large families with hard-working fathers and strong mothers were the rule. Thirty years ago, Quebeckers were still free of public health insurance, social security numbers, significant firearm regulations, government control of schools (although the more or less official

France is characterized by moral tolerance, formal beauty, politeness, and joie de vivre; while America is blemished by self-righteousness, political correctness, vulgarity, and dullness in everyday life.

Church filled part of the void), and powerful bureaucracies (in peacetime, at least). The typical Quebecker was probably as sentimentally attached to individual liberty as the average American.

Some of the French spirit is also visible in Québec. Stupid laws are not as strictly enforced in Québec as in the U.S. or in the rest of Canada. This is especially apparent with daily pleasures and innocent vices. For example, there is some doubt as to whether a ban on smoking in restaurants could be enforced here. Some large firms flout smoking regulations as a matter of routine.

Or consider matters relating to sex. Although Québec is not exactly France, it has not yet fallen into U.S.-style, statist Puritanism as blindly as English Canada. In Québec, you can still have nude pictures developed at a chain drug store without fearing that somebody will call the cops. Actually, if the pictures are spicy enough, the technician will probably make a second set of prints for his personal enjoyment.

Quebeckers tend to laugh at political correctness. Recently, when asked how things are going, I have gotten into the habit of answering, "Except for sex, money, and my e-mail software, everything is A-1." The typical reaction is exemplified by the oldish woman who owns my favorite convenience store: she burst out laughing, and replied, "Well, Monsieur Lemieux, if that's the only thing wrong, there is no problem." Or take the woman librarian on whom I tried my line. Thinking I was flirting, she quipped back: "As far as money is concerned, I have no solution, but the sex issue could be easily dealt with." A girl student standing nearby was biting her lips (I mean, of course, her smiling lips), trying not to burst out laughing.

Yet, the statist establishment has succeeded in imposing some political correctness with new laws and regulations (against "sexual harassment," for example). Even if their enforcement is nothing compared with the U.S. or English Canada, the trend does not bode well.

Parallel to this insidious demise of French culture, the welfare state has grown so much in both Québec and English Canada that self-reliance is probably considered by most people as a contradiction in terms. The pessimistic scenario is that Quebeckers will end up as collectivist rednecks — the worst of all worlds.

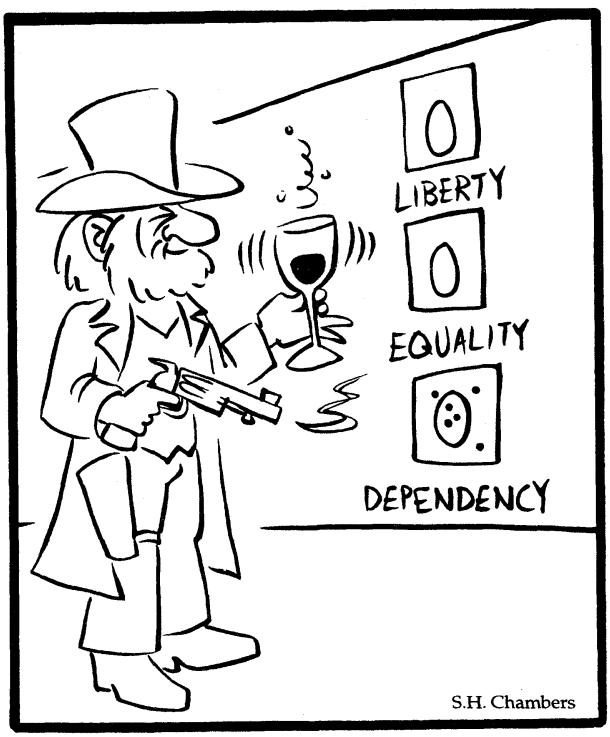

An Argument for the State

Let's go back to our two polar (and simplified) models, France and America. On one side, you have a strong administrative state that passed unchanged from the Old Regime to post-1789 society, and abated for only a few decades in the 19th and early 20th centuries. On the other side, you have the modern ideal of individual liberty that gave rise to America, the least statist society in the history of civilization.

Yet France is characterized by moral tolerance, formal beauty, politeness, and *joie de vivre*; while America is blemished by self-righteousness, political correctness, vulgarity, and dullness in everyday life. In France, you meet sophisticated individuals who have early morning drinks in bistros, watch poetic TV programs, and take four-course meals with Bordeaux wine. In America, you bump into frustrated teenagers who get dead drunk at the first opportunity, fat people who roam non-smoking shopping malls, and barbarians who drink water while gulping dinner in half an hour. *Berk!*

One wonders: did the attractive features of French civilization develop because society was tightly regulated by the state, or in spite of it? And did the ugly features of American culture develop because free and self-reliant individuals must end up as rednecks and bigots?

Indeed, contemporary French sociologist Jean-William Lapierre has attempted to justify the activist state along these lines. Liberty, he points out, requires that individuals generally obey certain spontaneous rules of conduct. Now, so the argument goes, individuals cannot voluntarily adhere to such rules without also submitting blindly to all kinds of social conventions — that is, without becoming guilt-ridden rule-followers: conservative, dull, and dumb. Thus, a modern, tolerant, innovative, artistic, fun society is inconsistent with the spontaneous order. The state is necessary to liberate individual initiative and diversity from the tyranny of social conventions. Lapierre has developed this argument by comparing primitive societies with and without states. Anarchy, he argues, is inconceivable without such strong social controls that diversity and innovation are impossible — and diffuse oppression by the tribe or the village is more intrusive than coercion by formal, well-circumscribed political processes.

Thus, the state was necessary for the development of individual autonomy. Lapierre applies this line of reasoning in comparing the minimal state with anarchy, and also in contrasting the the modern administrative state with the minimal state. By "administrative state," he means a Tocquevillian political power which, though limited, is conceived of as soci-

ety's board of directors and is capable of regulating the whole complex of social relations. The ideal administrative state, he argues, remains formal and circumscribed, and allows more liberty than either anarchy or the minimal state.

If Lapierre is right, it is precisely the absence of a strong state that explains the tyranny of public opinion and the poverty of culture that Tocqueville observed in 19th-century America — a condition in marked contrast with the diversity and brilliance of European societies. His theory would also explain why France is freer than it appears at first glance, and why America is more oppressive than it superficially seems.

Food somehow tastes better in France than anywhere else, and there is nothing like a three-hour dinner in a Paris restaurant, capped with a Havana.

Do America's voluntarily enforced mores and moral rules also allow for the development of a French level of culture? Can people who are, and must be, rednecks when it comes to defending their rights, simultaneously be intellectually curious, artistically minded, and morally tolerant? Can American rednecks simultaneously be French aesthetes? To all these questions, the theory of the autonomy-promoting state answers No.

The Moralistic State

Lapierre's argument for the state has a certain charm, but I don't find it convincing. Consider the transition from primitive stateless societies to state-administered societies. The historical fact that civilization developed in the latter, and that the former were selected out by social evolution, does not prove that the only two alternatives are barbarism and the state. The problem might just be that the state appeared before market-based societies had time to develop. We now understand how markets, decentralization, diversity, and entrepreneurship keep a spontaneous order from becoming rigidly rule-bound. Given a chance, anarchy-*cum*-markets could conceivably have fostered individual development much better than the state.

Now, suppose that even a market-based anarchic society would turn out to be hopelessly rule-bound and conservative (of course, we can't know this until we try). In a market context, a Nozickian minimal state would then be expected to emerge and combine the advantages of anarchy with the benefits of formalized rules protecting individual autonomy and social diversity. If Lapierre is right that anarchic societies are necessarily rule-bound and oppressive, the minimal state would seem sufficient to maintain a general context of market relations, individual experimentation, and autonomy. What can a more powerful state do better?

The theory that individual autonomy increases with state power could be true only up to a point. At some point, government power starts compounding, instead of alleviating, the uniformizing tendencies of social rules and norms. Could this optimal point be the administrative state?

All we know about political power suggests a negative answer. Political power cannot aim at administering the whole society and regulating individual lives without reinforcing social uniformity along some dimension. The administrative state is bound to become a Moralistic State. This conclusion is supported historically by a generally negative correlation between the extent of state power on the one hand, and economic entrepreneurship and social diversity, on the other hand. It is reinforced by the tragic experience of Leninist states.

Once a certain threshold of state power is reached, it actually strengthens social pressures furthering state control. In authoritarian states, brainwashed individuals rat on their neighbors. Even in the U.S., the administrative state has passed this threshold, with corporate whistle-blowers doing the job of the state by wearing FBI-provided tape recorders when they meet with business colleagues.

Ages ago, the Protestant work ethic and Pilgrim honor no doubt fanned the flames of American freedom. But the administrative state also sometimes appears to be a liberating force. During the 1960s, for example, moral tolerance and openness in sexual matters grew in parallel with mounting state power in other areas. But over the past ten or 15 years the correlation has reversed, and political correctness now goes hand in hand with advancing administrative tyranny. This reversal seems to show that statism is not a causal factor in individual liberation.

It seems more likely that the administrative state actually hampers the ability of French formal beauty to coexist with the American spirit of rugged individualism: according to local and historical circumstances, the Moralistic State will attack one or the other more directly, but in the long run it is the enemy of both. And one must realize that all Western democracies are now administrative states, with the French and American versions differing only by degrees. The first one crushes the American spirit, the second one concentrates its fire on what I have called French culture.

The Hedonist Redneck

Why should we care about all this anyway? Would not a libertarian be happy to live in the North Carolina hills or at Walden Pond? Isn't the absence of physical coercion a sufficient condition for individual liberty and happiness? What makes something like French culture desirable for someone who treasures liberty? I submit that there are two kinds of reasons. The first can be found in the economists' concept of subjective preferences; the second, in the realm of the philosophers' objective good.

Can people who are, and must be, rednecks when it comes to defending their rights, simultaneously be intellectually curious, artistically minded, and morally tolerant?

There are a certain number of free individuals who want to have both America and France, and would be willing to trade some America for some France. If people who want some French culture must transform North Carolina into Massachusetts, we have lost America. And if one has no place to live but dry Graham county, the good

continued on page 30

Mail from Malawi

by Richard Rieben

What's strange about the fiefdom of Hastings Banda is that there's nothing strange about it.

"Balaka is a small town," the man said.

"There's nothing to see," I replied, half-hoping to be contradicted.

"There's nothing to see," he agreed quite happily, "and there's nothing strange."

I might doubt his grasp of the English language or wonder at this choice of words, but, no, I can't contradict his observation that, like much of the U.S. Midwest, there's nothing strange — just plain folks and plain living. Not a bad thing, is it?

One evening in Balaka I saw the most beautiful sunset I've ever seen. God made the heavens tremble with color and brilliance, and no one bothered to look up. This Malawian indifference affects how the tourists see things, too. Malawi is a beautiful country, but you quickly begin to see things through the eyes of the Malawians — it is not drab, it just *looks* that way because it's unappreciated by the natives themselves. The glories of nature, unsung, sulk unattractively.

As a foreigner, from a culture that does appreciate such things as sunsets, I could stand and gawk. But why bother? With no one to share the experience, I'd just look like a foolish tourist. Because you have to supply your own cultural ambience and eclipse the native culture (or be totally alone), skywatching didn't interest me nearly as much as observing these not-unhappy people and wondering where all the color went. Colonialism and Hastings Banda's neo-colonial dictatorship took a toll of course, but it's hard to tell if there was any color here to begin with.

The natives of Malawi have been disenfranchised in their own country and their own culture by both corporate colonialism and foreign aid. Malawi's national bus system is owned and operated by a British firm, as is a national chain of modern convenience stores. "Aid" colonialism is everywhere: America seems to have funded and constructed half of Malawi's roads, Germany the other half. These are displaced people — out of control of their destiny, dispiritedly following alien paths, taken care of, directed . . . really not unlike the clients of a Western welfare state or captives on a slave plantation.

The Indians in Malawi have been pushed into the few big cities, but no one bothers to fill their abandoned countryside businesses (why do all that work when there are so many handouts?). It's a mess, one that serves the interest of the foreign power brokers — governments, "non-governmental organizations" (NGOs), corporations, and missions — and their local government functionaries, who sustain the mess. The people aren't dumb. They see what's going on. "Whoever pays the piper calls the tunes," one schoolteacher told me. The aid keeps pouring in, and to reclaim their integrity, dignity, independence, or sovereignty, they would have to reject the aid, kick out the NGO's and foreign missions and corporations. It would seem so, well, ungrateful, you know?

Most aidworkers are unaware of their counter-productive role in Africa. All the aid and other "help" does is keep the locals impoverished and backward — which seems to be in the interest of the West (as it always has been).

I've been reading Andrew Buckocke's *Fishing in Africa: A Guide to War and Corruption*. Commenting on a United Nations High Commission for Refugees (UNHCR) free-food program in Africa, he wrote:

> It was at this time that Arthur and I started thinking about putting an 'AID KILLS' sticker in the back window of the car. Here, yet again, foolish philanthropy was leading to a dangerous dependence. Many of

> these people should have been preparing their fields for the coming rain season, instead of walking for up to three days to collect free food. . . . Local party officials dominated the committees choosing the recipients, and it seemed stalwart supporters were first in line.

A sticky situation. For them. For us, however, it's just the status quo, manifest destiny, all that crap. I'm no longer so irritated by it. I quite enjoyed Malawi's everyday dullness. It's a place where people live, not one where they live it up or take vacations. I met many travelers here, all of them wondering what to do with themselves and asking other travelers what to do. Very different from most countries, where the travelers congregate to discuss all the interesting things they've been seeing and doing.

Malawi is the kind of place natives with brains can't wait to leave, where missionaries preach religion to a multitude that is too unimaginative to sin. These are a profoundly not-unhappy people, leading colorless lives, lacking any style or flair, except for a rare and golden laughter that takes one quite by surprise. I picture Dorothy and Toto wishing they were back in Malawi.

You know all that used clothing you give away to charities in Europe and America and they say they're going to send it to the poor in Africa? Well, it's here! All over Africa, Kenya, Malawi, Zimbabwe. You find it in the markets and on the streets — for sale, of course! Local clothing stores in parts of Zimbabwe have had to shut their doors because of the bundles of cheap, used clothing being sold on the sidewalks. It wouldn't help if you personally gave that clothing to people who *need* it; they would still turn around and sell it. Charity is a ridiculous, crippling, pride-destroying thing that will never work anyway.

Give them their dignity. Sell them the clothes. ❑

Stroup, "The Coming Stock Market Crashes," *continued from page 18*

arguments, to borrow from Edward Banfield, are "the moral basis of a backward society." Policies like these, widely adopted, could slow progress needlessly, or even stop it in its tracks. They could negate all the growth-enhancing factors that currently favor a rising economy by reversing the pressures for more economic freedom.

Opponents of economic growth may be able to harness the benefits of trade to the service of multi-government economic controls. They may seek to form a European Union-style compact among all industrialized nations, using economic sanctions — access to trade — to enforce the edicts of the cartel of governments. They may, for example, outlaw trade with nations who refuse to comply with limits on the use of fossil fuels. If they succeed, then the positive forces listed above could be smothered by bureaucracies and their special-interest politics. Cartel members, though, are notoriously difficult to police. The more successful a cartel is, the greater the incentives for its members to violate its rules.

Personally, I am betting on markets to triumph, and the stock market to continue broadcasting its encouraging message. ❑

Lemieux, "Of Caryatids and Rednecks," *continued from page 26*

life is lost.

Some philosophers argue that the development of an individual's full potential is a moral good that transcends individual preferences. And there seems to be something to this. Consider: a culture of self-reliance and the flourishing of vibrant, sophisticated ways of life are linked; we cannot long maintain one without the other. If rugged individualism and polished individualism cannot survive independently, then the argument for their synthesis must be something more than our fancy. This is the objective dimension that we cannot ignore. This would mean that there is more to libertarian values than merely a formal argument against physical coercion. A decent society must be committed both to the value of human development and to individual autonomy; to have a free and pleasurable society, we need people who share both commitments. In fine, for liberty, we need both France and America.

Redneck and hedonist libertarians of the world, unite! ❑

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Update

The Fight for Medical Marijuana

by Paul Armentano

The wheels of reform grind exceeding slow — and rough.

A year has passed since California and Arizona voters approved the use of marijuana as medicine, a year of continuing legal maneuvering at both the federal and state levels. Here is a brief summary of what has happened.

November 1996

11/05/96: Voters in Arizona and California overwhelmingly approve initiatives endorsing the legal use of marijuana under a doctor's supervision. Proposition 215 in California exempts patients using marijuana medicinally from state criminal charges and also authorizes the cultivation of marijuana for medicinal purposes. Proposition 200 in Arizona states that physicians may prescribe marijuana to seriously ill patients.

11/06/96: Arizona Governor Fife Symington (R) threatens to veto Proposition 200. Symington claims that he has the authority to veto successful ballot initiatives which pass with a simple majority of voters, but without a majority of all voters. John MacDonald, government affairs director for the Arizona Attorney General's office says that a veto by the governor would violate the state's constitution.

11/09/96: The Office of National Drug Control Policy (ONDCP) issues a press release reaffirming the Administration's opposition to passage of the medical marijuana initiatives. "Federal law is unchanged by the passage of these initiatives. . . . The decision to bring appropriate criminal or administrative enforcement action will be . . . decided on a case by case basis."

11/14/96: Drug Czar Barry McCaffrey holds a closed door meeting with California law enforcement officials to discuss the federal response to the passage of Proposition 215. Attendance is restricted to those who oppose the legal use of medical marijuana.

December 1996

12/02/96: Senator Orrin Hatch (R-Utah) calls a special hearing of the Senate Judiciary Committee to denounce the passage the California and Arizona initiatives. Thomas Constantine, Administrator of the Drug Enforcement Administration, testifies that the federal government could "take both administrative and criminal actions against doctors who violate the terms of their DEA drug registrations to prescribe controlled substances." Hatch lambastes the propositions as the work of "pothead doctors . . . [who] want to legalize drugs."

12/09/96: Symington grudgingly signs Proposition 200 into law, but vows not to implement many of its provisions.

12/12/96: McCaffrey and Department of Transportation Secretary Federico Pena hold a joint press conference to announce that medical marijuana users in California and Arizona will not be granted an exemption from federal drug testing laws. A press statement announces: "The law is clear. If you are a safety-sensitive . . . worker and you're caught using drugs, these propositions don't mean a thing. You're out of a job."

12/30/96: The Clinton administration announces its plan to institute criminal prosecution of physicians who prescribe or recommend marijuana in California and Arizona, and to deprive them of their right to write prescriptions of any kind. The plan further recommends that such physicians be excluded from the Medicaid and Medicare programs. The federal plan also authorizes the DEA to "adopt" (take over) prosecution of cases resulting from seizures of marijuana and other Schedule I controlled substances made by state and local law enforcement officials in cases where state and local prosecutors cannot prosecute because of state laws.

January 1997

1/08/97: Citing the passage of Proposition 215, California Superior Court Judge David A. Garcia lifts a five-month injunction on the San Francisco Cannabis Buyers' Club, a 10,000-member organization that distributes marijuana to seriously ill patients. Garcia rules that the club may engage in the not-for-profit cultivation and sale of marijuana for documented medical purposes. "The people of California have spoken," Garcia declares. "I don't think [the California Attorney General] or I are going to say that the people of California were ineffectual."

1/09/97: Responding to public opposition over the Clinton administration's proposal to arrest physicians who recommend or prescribe marijuana, the ONDCP commits nearly one million dollars to fund a comprehensive review by the National Academy of Sciences' (NAS) Institute of Medicine of the existing scientific literature regarding marijuana's medical potential. Many criticize the proposal as a "stalling tactic" and emphasizes that the move fails to authorize any research. The NAS conducted a similar review in 1982 and concluded: "Cannabis and its derivatives have shown promise in the treatment of a variety of disorders."

1/14/97: A group of California physicians and patients file a class action suit in federal court in San Francisco seeking an injunction to prevent federal officials from taking any punitive action against physicians who recommend the medical use of marijuana to their patients in compliance with state law.

1/21/97: Senator Lauch Faircloth (R-N.C.) introduces legislation in Congress (S. 40) to sanction severely physicians who prescribe or recommend the medical use of marijuana. That same day, Senator Orrin Hatch includes similar provisions in a Republican-backed anti-crime bill (S. 3).

1/22/97: The Massachusetts Department of Health issues regulations to create an affirmative medical defense for patients who use marijuana for a legitimate medical need. The Department also begins developing a blueprint for a state-run medical marijuana research project. Governor William Weld endorses the action and states that he has "no problem" with the use of marijuana as a therapeutic agent.

1/30/97: Dr. Jerome Kassirer, editor of *The New England Journal of Medicine*, opines that the federal policy that prohibits physicians from prescribing marijuana to seriously ill patients is "misguided, heavy-handed, and inhumane." He argues that the federal government should immediately reschedule marijuana to allow for its legal use by prescription.

February 1997

2/14/97: DEA agents question California family practitioner Dr. Robert Mastroianni regarding evidence that he recommended marijuana to three seriously ill patients. The agents warn Mastroianni that he is under formal investigation.

2/20/97: A panel of prominent physicians call for clinical trials to examine marijuana's therapeutic potential in the treatment of AIDS, spasticity disorders, glaucoma, and chronic pain, and the side effects of cancer chemotherapy at the close of a two-day conference organized by the National Institutes of Health (NIH). Panelists announce that a full report recommending a course of action will be released in four weeks.

2/23/97: Four California medical groups — the San Francisco Medical Society, the California Academy of Physicians, the Gay and Lesbian Medical Association, and the Marin Medical Society — join the federal medical marijuana lawsuit filed on January 14.

"If they're really for individual choice, why don't they have *beer* vouchers?"

March 1997

3/06/97: A group of physicians, health organizations, and patients file a federal lawsuit in U.S. District Court for the District of Columbia challenging the federal government's refusal to allow physicians to prescribe marijuana in states that permit them to do so. The lawsuit cites state laws in Connecticut, Virginia, and Arizona permitting physicians to prescribe marijuana for patients suffering from serious illnesses. Plaintiffs seek a declaratory judgment that the federal policy prohibiting physicians from recommending or prescribing marijuana in accordance with state law violates the First, Ninth, and Tenth Amendments and the Commerce Clause of the U.S. Constitution.

3/18/97: New guidelines issued by the American Medical Association (AMA) and its California affiliate (CMA) support a physician's right to discuss freely the use of marijuana as a therapeutic agent with his or her patient.

April 1997

4/03/97: Representative Gerald Solomon (R-N.Y.) introduces a companion bill to Senator Faircloth's S. 40 in the House of Representatives. The bill is titled the "Medical Marijuana Prevention Act of 1997."

4/15/97: The Arizona Legislature guts medical marijuana provisions included in Proposition 200 by approving a law mandating that state licensed physicians may only prescribe marijuana after it has been approved by the federal Food and Drug Administration (FDA). Backers of Proposition 200 announce that they will file a referendum to block the Legislature's action.

4/21/97: Federal agents raid Flower Therapy, a medical marijuana buyers' club in San Francisco. Officials confiscate 331 marijuana plants, but leave dried marijuana that was marked for "medicinal purposes." No federal charges are filed and the club re-opens the following day.

4/24/97: San Jose becomes the first city in the United States to pass zoning laws regulating cannabis buyers' clubs.

4/30/97: U.S. District Court Judge

Fern Smith rules that federal officials may not sanction California doctors who recommend marijuana to their patients in compliance with state law. Plaintiffs' attorney Graham Boyd hails the ruling as a "tremendous victory."

May 1997

5/01/97: Dr. Donald Abrams of the University of California at San Francisco submits a research proposal to NIH to study the short-term effects of smoked marijuana on individuals suffering from AIDS.

5/22/97: The California Medical Association (CMA) publicly endorses state legislation introduced by Sen. John Vasconcellos (D-Santa Clara) to establish a medical marijuana research program at a major California university.

5/27/97: A group of researchers from The Montana Clinic in Missoula submit a research proposal to the NIH regarding the use of marijuana in acute migraine treatment.

June 1997

6/01/97: The Florida Medical Association, one of the largest state medical associations in the nation, passes resolution #97–61 urging state and federal governments to allow legal access to marijuana for medical purposes.

6/03/97: Representative Barney Frank (D-Mass.) introduces H.R. 1782 in Congress to provide for the medicinal use of marijuana in the states. The legislation eliminates the federal restrictions which currently interfere with an individual state's decision to permit the medical use of marijuana, and mandates the federal government to provide marijuana for medical research purposes to all FDA approved scientific protocols.

6/16/97: Nevada state prosecutors drop felony marijuana possession charges against a California cancer patient after the district attorney concedes that the marijuana was purchased in San Francisco and was for medicinal purposes only. Legal analysts claim that this is the first interstate proceeding involving medical marijuana imported from California.

July 1997

7/02/97: The British Medical Association (BMA) overwhelmingly calls for the legalization of marijuana for medical use at a conference in Scotland.

7/03/97: Drug reform activists in Washington state submit more than 242,000 signatures to the Secretary of State to place the "Drug Medicalization and Prevention Act of 1997" on the November 1997 ballot. Initiative 685 would allow physicians to "recommend" the use of marijuana or any other Schedule I drug to a seriously ill patient. The initiative also calls for substantive criminal justice reforms.

7/17/97: Medical marijuana proponents in Arizona turn in twice the necessary number of signatures to resurrect a Proposition 200 provision allowing doctors to prescribe marijuana to seriously ill patients.

August 1997

8/07/97: In *The New England Journal of Medicine*, Dr. George Annas of the Boston University School of Medicine demands that seriously ill patients be given immediate legal access to medical marijuana. Annas writes: "Research should go on, and while it does, marijuana should be available to all patients who need it to help them undergo treatment for life-threatening illnesses."

8/08/97: After an almost five month delay, the NIH releases a promised report on the therapeutic potential of marijuana. The NIH report concludes that marijuana "looks promising enough [in the treatment of certain serious illnesses] to recommend that there be new controlled studies done," and urges the federal government to play an active role in facilitating clinical evaluations

34 Curious Facts About Marijuana

compiled by Steve Cason

FACT 1: People who smoke pot don't care about the facts.

FACT 2: People who don't smoke pot don't care about the facts.

FACT 3: An estimated 150 million Americans (nearly 60 percent) have tried marijuana. (Scientific American Medicine).

FACT 4: An estimated 20 million Americans smoke pot regularly. (Substance Abuse and Mental Health Administration).

FACT 5: The president of the United States, Bill Clinton, smoked pot.

FACT 6: But he did not inhale.

FACT 7: My parents would never smoke pot.

FACT 8: It's a waste of time to try and explain to someone who's never smoked pot that simply taking a few tokes now and then won't turn you into a hippie.

FACT 9: The 1960s turned people into hippies.

FACT 10: I have in the past smoked pot with a Republican mayoral candidate, a kid who grew up to be a policemen, a school teacher, a pilot, a girl who's now a doctor, a judge's son, and once, with a guy who wore tie-dyed T-shirts.

FACT 11: Contrary to popular belief, all people who smoke pot are not hardened criminals who will do anything for a joint.

FACT 12: The last thing in the world a responsible adult high on marijuana wants to do is commit a crime. It's too much hassle. Pot smokers would rather listen to good music and mellow out.

FACT 13: No one uses the term "mellow out" anymore.

FACT 14: All the War on Drugs has done is drive up the price of marijuana. Twenty five years ago, an ounce of marijuana cost $15. Today, a quarter-ounce costs $40. Crack on the other hand, you can buy for $5. I've never smoked crack so I'm not in a position to say whether it's worth it.

FACT 15: People who smoke pot don't do the stupid kinds of things people who smoke crack do. Police will verify this.

FACT 16: Smoking marijuana doesn't make you sick.

FACT 17: You don't throw up if you smoke too much pot.

FACT 18: Marijuana isn't addictive.

FACT 19: Smoking marijuana doesn't make you crazy.

continued on page 35

of medical marijuana. White House spokesman Mike McCurry tells the Associated Press that the administration continues to oppose the use of marijuana to treat sick people despite the NIH findings.

September 1997

9/12/97: The California Legislature fails to act on legislation introduced by Sen. John Vascocellos to establish a Medical Marijuana Research Center at a campus of the University of California. Backers of the research proposal included the American Cancer Society, Attorney General Dan Lungren, the California Narcotics Officers Association, the California Medical Association, and the California District Attorney's Office.

9/16/97: Federal officials provide a $170,000 grant to Washington state anti-drug coordinators to fund a full, state-wide anti-marijuana effort. Proponents of Initiative 685 immediately file a complaint with the Public Disclosure Commission and state Ethics Board alleging that the federal funds are being used illegally to campaign against the "Drug Medicalization and Prevention Act of 1997." Federal and state laws prohibit

"Open" To Medical Marijuana Research?

One Doctor's Struggle Tells a Different Story

This August, amidst fanfare generated by a National Institute of Health (NIH) report endorsing medical marijuana research, NIH Director Harold Varmus announced that the agency "is open to receiving research grant applications for studies of the medical efficacy of marijuana. . . . We want to make clear what has always been the case."

Dr. Donald Abrams, a noted AIDS researcher and a professor at the University of California San Francisco School of Medicine, would most likely disagree.

In 1992, Abrams designed a pilot study comparing the effectiveness of inhaled marijuana with that of synthetic THC as a treatment for the weight loss associated with the AIDS wasting syndrome. Abrams quickly secured private funding for the endeavor and later gained approval from the Scientific Advisory Board of the San Francisco Community Consortium, the California Research Advisory Panel, and the FDA to move ahead with the study. Five years later, Abrams is still trying to get his comparative research study off the ground.

"When we first embarked on this, all the medical marijuana advocates were weaving this government conspiracy business, and I just told them, 'God, you are so paranoid!'" Abrams told the *Los Angeles Times* in 1996. "But now, after butting my head on this thing for four years, I'm just as paranoid and just as convinced that there are politics being played."

The politics inherent to medical marijuana research involve the drug's illegality. As a Schedule I substance, marijuana research may only take place if approved by the National Institute on Drug Abuse (NIDA) (the only legal U.S. supply source for marijuana) or an importation license is secured from the Drug Enforcement Administration (DEA). Abrams soon learned that neither agency was interested in permitting research that sought to determine whether marijuana was anything other than the "Devil's Weed."

In 1994, the DEA denied Abrams' request to import Dutch-grown marijuana and advised Abrams to secure the marijuana from NIDA. In August 1994, Abrams wrote NIDA asking the agency to supply him 5.7 kilograms of government-grown marijuana. After waiting nine months for a response, NIDA flatly rejected Abrams' request and attacked his methodology. Abrams later wrote NIDA head Alan Leshner and informed him that "Dealing with your Institute has been the worst experience of my career."

Unbowed, Abrams spent the next year revising his protocol to address many of NIDA's concerns. His 1996 protocol called for an in-patient study at a local hospital, and measured details such as caloric intake, weight change, energy expenditure, immune function, viral load and hormone levels. The NIH denied this protocol as well.

"Two of the reviewers questioned why in the world we would ever consider studying [the medical potential] of such a toxic [sic] substance," Abrams told the *Washington Post*. He noted that a third reviewer worried that AIDS patients who boosted their food intake because of marijuana might raise their cholesterol levels and put themselves at risk of developing hardening of the arteries.

This past May, Dr. Abrams revised his protocol yet again. Rather than attempting to compare marijuana's medical potential with that of synthetic THC, Abrams' latest version instead focused on determining the potential short-term harmful effects of marijuana on HIV-positive patients. Specifically, the study will examine whether marijuana interferes with the effectiveness of new protease inhibitor drugs frequently prescribed in AIDS cases. Abrams requested nearly $1 million dollars to complete the 18 month study. NIH approved the study on September 18.

Allen St. Pierre, Executive Director of The NORML Foundation in Washington, D.C., said the Abrams saga is representative of federal government's attitude toward medical marijuana research. "In 1992, Dr. Abrams embarked on a simple pilot study to determine whether marijuana stimulates weight gain in HIV-positive patients. That protocol, although FDA approved, was rejected by both NIDA and the DEA on three separate occasions. Only after Abrams revised the study to limit its scope to determining if there are risk factors associated with the use of marijuana by HIV-positive humans did NIH allow the trial to go forward. This approved protocol is a far cry from what Abrams proposed five years ago and gives evidence that Washington's definition of 'open' to research is far different from anyone else's."

—*Paul Armentano*

tax dollars from being used to fund a political campaign.

9/18/97: NIDA officially announces on September 18 that Dr. Donald Abrams of UC-San Francisco will receive his full grant request of $978,000 for a study of the use of smoked marijuana, oral dronabinol, and a placebo, in HIV-positive patients. The aim of the revised protocol is to determine whether marijuana has serious short-term side effects on the health of HIV-positive patients. Only if the findings of this initial study — scheduled to take nearly 18 months to complete — are negative, would Abrams then be permitted to research safety and efficacy of the chronic use of marijuana for HIV-associated anorexia and weight loss.

October 1997

10/01/97: Witnesses on both sides of the medical marijuana issue testify before Congress at a hearing before the House Judiciary Committee, Subcommittee on Crime. Proponents liken marijuana's medical utility and safety to drugs such as penicillin and urged the federal government to support legislative efforts to allow physicians to prescribe the drug, while opponents urge federal officials to take a more vocal stance opposing pending state marijuana initiatives. Republican anti-drug zealot Bob Barr (R-Ga.) vocally attacks libertarian witness Roger Pilon of the Cato Institute and calls spectators "walking testimonials to drug use."

The federal government is not about to relent in its opposition to the use of marijuana as a medicine.

10/08/97: Federal law enforcement officials raid a Cannabis Buyers' Club in Sacramento. For the first time since the passage of Proposition 215, federal arrests are issued against a California CBC.

November 1997

11/01/97: Americans for Medical Rights (AMR), the California-based group that spearheaded the successful passage of Proposition 215 in California, announces that it will coordinate medical marijuana initiatives for 1998 in Colorado and Maine. Colorado's reform effort seeks to amend the state's constitution to allow anyone holding a state-issued identification card to legally possess up to an ounce of marijuana for medical use with a physician's recommendation. Cultivation limits are set at six plants, with no more than three plants producing usable marijuana at any one time. A similar proposal filed in Maine would limit the use of marijuana to patients suffering from AIDS, glaucoma, multiple sclerosis, or undergoing cancer chemotherapy. As in Colorado, the proposal allows patients to grow up to six marijuana plants.

11/02/97: The NIH rejects a research proposal to study the use of marijuana in acute migraine treatment.

11/04/97: Initiative 685, the "Drug Medicalization and Prevention Act of 1997" receives only 40 percent support from Washington state voters. The defeat comes as a disappointment to reformers, but medical marijuana proponents say that public support for medical marijuana remains strong. "The defeat of I-685 was not a defeat for medical marijuana," NORML Director R. Keith Stroup, Esq., says, citing exit poll results indicating 46 percent of those opposed to the initiative would support a measure dealing only with medical marijuana. "It further supports our belief that a majority of Americans favor focused legislation allowing a patient to use marijuana medicinally under a physician's supervision."

The Outlook

It is apparent that the federal government is not about to relent in its opposition to the use of marijuana as a medicine. Threats by Washington to severely sanction doctors in California who recommended marijuana to a patient ceased only after a federal court ruling. No federal agency has yet to begin clinical trials involving the effectiveness of medical marijuana. As approved by the National Institute of

34 Curious Facts About Marijuana *continued from p. 33*

FACT 20: Marijuana's most dangerous side effect is jail.

FACT 21: While I was researching this story — *cough, cough* — I discovered a fact conspiracy theorists might find intriguing.

FACT 22: In 1937, the year duPont patented Nylon — the first 100 percent man-made fiber — the federal government outlawed the cultivation of marijuana, the source of hemp. Remember hemp? The miracle fiber our grandparents used to make cloth, rope, and all kinds of other wonderful natural products.

FACT 23: It's amazing what you can do with facts.

FACT 24: I smoked pot for more than 20 years. It didn't turn me into a chicken-wing liberal, a communist, a thief, a deranged killer, or even a closed-minded conservative. I grew up to be a reasonably responsible adult. I have a job, a house. I pay taxes. I'm faithful to my wife. And I try my damnedest to believe in God.

FACT 25: I'm not advocating every one smoke pot like John Lennon once did at the end of a Beatles' song. I just don't think inhaling smoke from a plant that grows wild on five continents should be against the law.

FACT 26: Civilization as we know it would not cease to exist if marijuana were suddenly legal.

FACT 27: People probably wouldn't notice. Of course, they might suspect something if in the middle of a crowd, some fool blurts, "Wow! That cloud looks just like a dog with a top hat smoking a cigar."

FACT 28: It's impossible to explain to someone who's never smoked pot what it's like to be stoned.

FACT 29: Ever wonder what the Indians smoked in their peace pipes?

FACT 30: Marijuana is an effective treatment for glaucoma, asthma, and nausea associated with chemotherapy.

FACT 31: Fact 29 was a question.

FACT 32: Thomas Jefferson, George Washington, and Benjamin Franklin all grew marijuana.

FACT 33: There's no proof the one who flew the kite in the lightning storm was high at the time.

FACT 34: This is the last fact. ❑

Health (NIH), the much-anticipated protocol submitted by Dr. Donald Abrams will only determine the safety or toxicity profile of cannabinoids in persons with HIV. It will not evaluate marijuana's medical potential in alleviating the weight loss associated with the AIDS. NIH flatly rejected a proposal submitted by researchers from The Montana Clinic in Missoula to study the use of marijuana in acute migraine treatment, and hasn't acceded to a Massachusetts Board of Health request to provide government grown marijuana to state certified patients.

So far, threats from the federal government to arrest patients who use marijuana and physicians who recommend it as authorized by California's or Arizona's new laws have proved hollow.

Increased public scrutiny may finally encourage the NIH to approve a limited number of medical marijuana research studies, but there is no indication that the federal government will stop arresting and jailing current medical marijuana users while these studies take place. Recent statements by the White House indicate that medical marijuana users will still be punished to the fullest extent of federal law regardless of whether medical marijuana research is scheduled to take place.

For the second session in a row, Congressman Barney Frank introduced legislation to make marijuana legally available as a medicine. Frank's bill emphasizes Congressional sentiment in favor of states' rights and seizes on momentum created by the Arizona and California initiatives.

On October 1, Congress allowed testimony from medical marijuana proponents for the first time since the passage of last year's initiatives. Not surprisingly, proponents found little support among Congressional Republicans and were outnumbered two-to-one by witnesses opposed to the medical use of marijuana. Even so, National Organization for the Reform of Marijuana Laws (NORML) Executive Director R. Keith Stroup called the hearing a positive step toward reform. "The good news for the medical marijuana movement is that McCaffrey and other federal officials no longer claim that there is no currently available medical marijuana research or refer to our position as 'Cheech and Chong medicine,'" Stroup said. "Now they have fallen back to the position that physicians and scientists should decide this issue, a position NORML also favors. This change represents a step in the right direction, and we are accustomed to making progress in small increments when the final goal is changing decades-old ideologies on Capitol Hill."

Legislation in Congress punishing physicians who recommend or prescribe marijuana under the authority of state law emerged as a backlash to the successful California and Arizona initiatives, but much of the language included in these bills appears too extreme for most members of Congress. In addition, U.S. District Judge Fern Smith's ruling makes clear that the First Amendment protects physician-patient communications and that the government has no authority to determine the content of physicians' speech. Therefore, it is unlikely that Congress will support either the Faircloth or Hatch provisions. A more likely tactic Congressional opponents may pursue would be to encourage state representatives to introduce legislation repealing several active state laws endorsing marijuana's medical use. In 1997, Ohio lawmakers repealed a seldom-used medical marijuana defense law. But legislators in Virginia refused to annul an 18-year-old law allowing doctors to prescribe marijuana to patients suffering from glaucoma or undergoing cancer chemotherapy.

Today, federal officials from the Drug Czar's office seem to be taking a decidedly lower profile in their opposition to pending state marijuana initiatives than they did last year. Barry McCaffrey only voiced minor opposition to the "Drug Medicalization and Prevention Act of 1997" in Washington state and potential initiatives in Florida, the District of Columbia, Arkansas and elsewhere. Overall, federal opposition has appeared disorganized. However, there is evidence that federal funds may have been used to help fund an anti-medical marijuana campaign in Washington.

Recently, McCaffrey told reporters that his office would limit involvement campaigning against future initiatives. "I'm not in charge of America," McCaffrey told Reuters News Service on October 1 in response to Congressional criticism that he has not been vocal enough in his denunciation of state medical marijuana initiatives. "I'll provide information for the debate. . . . I'll inform [the public] of federal law. [But] I'm not America's nanny. The American people are perfectly capable . . . of making up their own minds." Statements like these suggest that federal drug policy wonks will stop interfering with state initiatives. But Congress seems determined to continue to pressure the ONDCP into the arena.

Since November 1996, physicians and medical organizations have increased their public support for medical marijuana research and, in some cases, legal access. No doubt, much of this outpouring of support from the medical community comes as a response to the heavy-handed remarks made by federal officials. Both federal lawsuits challenging the government's stance against medical marijuana were spearheaded by physicians and local medical groups. In addition, calls for research and legal protections for physicians by the California Medical Association, *The New England Journal of Medicine*, and others further legitimize the medical marijuana issue. In hindsight, it appears that the government's threats to sanction physicians was a strategic miscalculation. Not only did it inspire public furor, but more importantly it encouraged medical groups like the AMA — who may have otherwise remained silent on the medical marijuana issue — to come forward in support of its members. In the last year alone, the British Medical Association, the Florida Medical Association, the

Local and state law enforcement will most likely continue to be the primary enforcers and interpreters of state medical marijuana laws.

American Cancer Society, AIDS Action Council, the California Academy of Physicians, the San Francisco Medical Society endorsed medical marijuana use or research. In California, even unlikely organizations such as the California Narcotics Officers Association and the California District Attorney's Association pledged their support to legislation proposed to establish a "medical marijuana research center" at a campus of the University of California. Continued support from these prestigious and high-profile groups could inspire a relaxation of federal policy.

California and Arizona have taken different paths since November 1996. While some California legislators and law enforcement agencies voiced opposition to Proposition 215 before the election, most now accept the decision of the voters and cooperate with proponents in implementing and interpreting the law. Guidelines to state police officers from the Attorney General advise law enforcement to "use common sense when applying the Compassionate Use Act of 1996 and abide by the spirit of the voters' . . . intention." This discretion in enforcement led police to return marijuana plants and grow equipment to an AIDS patient after he produced a framed doctor's statement supporting use of the drug. In another case, the Sacramento County District Attorney's Office dropped charges against an AIDS patient who was cited after smoking marijuana in public.

Most judges interpret Proposition 215 broadly. In significant trial court rulings, judges have declared that Proposition 215 is a valid affirmative defense for qualified patients, the initiative may be applied retroactively, cannabis buyers' clubs may qualify as "primary caregivers" and operate legally under state law; the amount of marijuana allowable per patient under the initiative depends on the medical facts of the case; and that transportation of medical marijuana is legal in some instances. Ongoing legislative developments will keep California on the cutting edge of the medical marijuana movement and spearhead the growing national debate.

In Arizona, the legislature has refused to implement Proposition 200. Recently, a referendum submitted by

continued on page 54

Do you believe in individual liberty? Free market solutions? Limited government?

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Terry Dwyer
Columnist and
Institute for Justice Contributor

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What Am I Doing Here?

by Rycke Brown

On June 18, 1996, Rycke Brown was arrested at her home near Kingman, Arizona, and charged with felonious production and distribution of marijuana. She was convicted, and is currently serving a sentence of three years in the Arizona Center for Women, in Phoenix.

What am I doing here? I didn't hurt anyone. All I did was grow a little weed. All I did was contribute to the enjoyment of myself and my fellow man, and make a little profit thereby. I didn't hurt anyone. Why are they hurting me?

What am I doing here? That is the question asked every day by thousands upon thousands of captives across the land. Many of them, like battered wives, figure that the fault has to lie in themselves, that they couldn't be punished unless they were guilty — of something. "God must have a reason for me to be here," they say, forgetting that there are forces of evil in the world, too. "I would've died if I'd kept going the way I was," some say, or "the state saved my life by throwing me in jail" — forgetting that one reason they never sought help was that to do so would incriminate them. There is an urge to make sense of the senseless, to find some good in the evil being done to them. In doing so, they take the guilt of their oppressors on their own shoulders. Some break under the weight of it.

Some accept just a little of the guilt for their ruined lives, knowing that they broke "the law," however unjust, for profit and pleasure, accepting their captivity as the price they pay for being caught. Some are even happy to be freed of the strain of living in fear of the law, though they hate every moment behind these walls and fear what they face when they leave: the lowered employment prospects; the scorn of society for the ex-con; the continued captivity of parole and fear of returning here.

And some, like me, refuse to accept any guilt, knowing that an unjust law is a contradiction in terms, is no law at all. We know that we have been kidnapped and stolen from. If we carry any guilt at all, it is the guilt of having given in to extortion and knowing that we will give in to more when we leave. What we carry is anger for our ruined lives, anger at our captors and our fellow citizens who collaborate with them by their silence and cooperation.

Guilt accepted is anger, too — anger turned inward, at ourselves. When it is no longer accepted, the anger will still be there, but will have turned outward and redoubled, explosive in its intensity for having been held in so long. I shudder for those it will be turned on. Some will not deserve it.

What am I doing here? I, at least, have a partial answer to that question. I am here to challenge "the law," to give them the argument that could end the Holy War on Drugs and bring down the State Church. Of course, I would be here even without the argument, as bewildered as the rest. So it is good to have a mission, a sense of purpose to lend some sense to the senseless.

But my opening brief, which seemed so eloquent a week ago, now seems pitifully inadequate, naive in its sincerity, desperate in its supporting citations. Yet, I know that sincerity, logic, and justice are all I've got going for me, that those who are not naive refused to touch this argument, considering it too radical, too ambitious, doomed. I also know that the argument itself is what counts, that if the justices like it, they will find the citations to support it. If they don't, all the citations in the world won't make them accept it.

The other thing I have going for me is the unsustainability of what is, the growing debt of the State Church, as well as the growing anger against it, for injustice on this scale is ruinously expensive. But the anger works against me, too, for in accepting my argument, the justices must accept their share of the guilt for what is. But the guilt is theirs, nonetheless. In accepting it, they would simultaneously repent and cleanse themselves of it. They would be hailed as saviors by those they had previously oppressed. Of course, they would also be reviled as traitors by their fellow oppressors. But if they do not accept the guilt, it will sooner or later be thrust upon them when it will be too late to repent. When the State Church collapses through debt or popular revolt, they will fall with it, and great will be the fall of it. ❑

Proposal

Free-Market Money

by Richard Timberlake

The best alternative to the central banking by the Federal Reserve is not the "gold standard," but something much freer.

Anyone in the United States who wishes to do so can set up an enterprise to produce ballpoint pens, desk calendars, computers, gardening equipment, and myriads of other conventional and well-known products and services. Many other lines of human endeavor, such as the production of pharmaceuticals and drugs, while not prohibited to private enterprise, are strictly regulated by self-interested government agencies. Federal laws, however, completely proscribe the private production of one otherwise perfectly legal commodity: money.

The Federal Reserve central bank has the only legal authority to create money. It can generate as much or as little money as it wishes through its Federal Open-Market Committee (FOMC). It also licenses commercial banks, and some other financial institutions, to produce additional money in the form of deposit-checking accounts. For all practical purposes, the production of money is a complete governmental monopoly.

So let us begin with a thought experiment. Ask yourself what would happen if Congress suddenly announced that the Federal Reserve System would no longer manage the U.S. monetary system; that the existing stock of Federal Reserve money would be fixed at its current dollar value; and that banks and business firms would henceforth be free to produce money without constraint of any kind, *except* that no private money would be *legal tender* for any kind of payment. (In other words, no one would be legally obliged to accept private money in payment of debts.) Assume also that state and local governments would not be allowed to occupy the monetary turf that the federal government had just vacated.

$20.00 Gold
(or Double Eagle)

What would happen? Would monetary chaos result, as sophomores and statists all too readily exclaim? Would industrial disruption devastate the economy? Would interest rates soar to the heavens without the applied wisdom of the Fed? Would hyperinflation spiral prices into the next galaxy? For suggestive answers to these questions, let us briefly explore the complex of events and institutional developments that have summed up to the totally discretionary and almost opaque monetary system we have with us in the United States today.

Libertarians often declare stubbornly that "the" gold standard is the only monetary policy consistent with a free society. "The" gold standard, they hold, is both a necessary and sufficient condition for insuring that the monetary system will not be ravished by statist plunderings. Joseph Schumpeter, the well-known Austrian economist, eloquently stated this principle around 1940: "An 'automatic' gold currency," Schumpeter declared, "is part and parcel of a laissez-faire free-trade economy. . . . It is both the badge and the guarantee of bourgeois freedom."

A gold (or gold and silver) standard becomes operational when a government formally decrees by law an equality between units of money — dollars in the United States — and some precise weight of the precious metal. Between 1834 and 1934 in the United States, for example, a ten-dollar gold piece — a gold Eagle — was defined by law to contain at least 232.2 grains of pure gold, which is slightly less than half an ounce, and 10 per cent base metal to make the coins 90% pure and suitable for hand-to-hand use.

Governments, however, did not invent gold or silver coins, or money

itself, for that matter. In fact, primitive moneys came into existence as marketing expedients long before the precious metals appeared on the scene. Gold and silver were the ultimate commodity moneys — the stablest in value, the most durable, the most recognizable, and the most serviceable. Their former prominence, however, does not mean that they were necessarily the best for all time.

Primitive moneys serve as excellent examples of how economic devices may emerge spontaneously in the presence of a pronounced need. Carl Menger, another famous Austrian economist, drew three conclusions from his extensive research on the evolution of money. First, the appearance of money "was not the product of an agreement on the part of economizing men nor the product of legislative acts. No one invented it." Second, "the specific forms in which [money] has appeared were everywhere and at all times the result of specific and changing economic situations." Third, governments, whether benign or oppressive, had nothing to do with the evolution of money from barter. "Money," Menger emphasized, "is not an invention of the state. It is not the product of a legislative act. Even the sanction of political authority is not necessary for its existence."

Governments did not invent gold or silver coins, or money itself, for that matter. In virtually no case has any government ever improved an existing monetary system.

Having made himself a hero by denying the necessity of government for initiating and developing a viable monetary system, Menger then entered another argument that dulled some of the luster of his previous insights. "The sanction of the state," he wrote, "gives a particular good the attribute of being a universal [medium] in exchange; and although the state is not responsible for the money-character of the [money], it is responsible for a significant improvement of its money-character."

The "significant improvement" that the state could make in the character of money, in Menger's view, was to impress upon the money already circulating the additional quality of legal tender so that everyone would be forced to accept it. The state cannot make private money legal tender because such a privilege would give private money producers inordinate powers. So, once the state has won its case for the "necessity" of legal tender, it must become the sole producer of such money. Governments have always claimed that monetary systems "need" the legal tender feature — that legal tender gilds the gold. However, note the contradiction: Money is already circulating as far as private volition will take it. Nonetheless, the state, in order to make the money "better," forces everyone to accept it. Money in the Mengerian world was an unusual product: When forced upon society, its quality improved!

In his section on coinage, Menger found yet another monetary function for the state. "The best guarantee of full weight and assured fineness of the coins," he claimed, "can be given by the government itself, since it [the government] is known to and recognized by everyone and has the power to punish crimes against the coinage. Governments have therefore usually accepted the obligation of minting the coins necessary for trade. But," he despaired, "they have so often and so greatly misused their power that economizing individuals . . . almost forgot the fact that a coin is nothing but a piece of precious metal of fixed fineness and weight."

$10.00 Gold
(or Eagle)

At this point, Menger signed off on the subject, offering no explanation of why governments that could do so much good ended up doing so much harm. Public choice economics that would explain this seeming contradiction was not to appear until 70 years later.

I quote Menger's musings in some detail because his analysis of the evolution of money from barter is so convincing, and because his presumption about the role of the state in making a good thing better reflects so well common thinking on this subject — both by the layman and by the trained professional. However, this common notion has been disproved innumerable times in practice. In virtually no case has any government ever improved an existing monetary system. Giving government control of money is clearly a case of the fox guarding the chicken house. I dare say that many respectable foxes could do much good guarding chicken houses from possums and rats and such. The trouble is that foxes have a taste for chickens, and different incentives than to do good deeds for farmers. Likewise, the human beings who operate government monetary systems have other agenda that they wish to further.

Anything that develops spontaneously in markets must be humanly useful because spontaneity implies mutual benefits to both buyers and sellers. When a money appears as a market device, it must be *extremely* good because money by its very nature must do its work in *all* markets. Traders in markets, therefore, all have the incentive to insure that whatever passes as money is universally acceptable. Anyone who is a seller in one market is, perforce, a purchaser in many other markets. So every seller and every buyer must be assured that the money he and she use will be accepted by other buyers and sellers. No other economic article is so carefully monitored by its users.

The obvious question then follows: How can a government improve on an economic device that market processes have initiated, tempered, and accepted? In particular, of what value is the government's coercive device of legal tender? If people use a money because they find it superior to any other means for exchanging goods and services, legal tender does nothing for the quality of the money that has not already been done by the actual emergence of the money into common use.

William Brough, an astute nineteenth century commentator on monetary affairs, said it best in his scintillating work, *The Natural Law of*

Tender: "There is no more use for a special law to compel the receiving of money than there is for one to compel the receiving of wheat or of cotton. . . . Under this natural law [that allows money to develop competitively in the private sector], it is no more necessary for the government to prescribe the kind of money that shall be used, than it is to prescribe to the housekeeper the use of the lucifer match in place of the flint and tinder-box, or to the railroad man the use of steel rails in place of iron, or to the farmer the use of the plowshare in place of the forked stick."

Once within its legal tender powers, however, the state can extract the tax known as seigniorage, the practice of issuing coins whose face value exceeds the value of their metallic content. Ancient Roman emperors, and also many other despots through the ages, realized enormous revenues from this practice. They would call in all the outstanding coinage, debase it with zinc and copper, perhaps coat it with a "wash" of silver, and reissue the nominal amount they had called in. They would then spend back into circulation the excess coin they had extracted from their coinage "reform." Tyrannical Roman emperors used this inflationary taxing device for centuries.

Giving government control of money is clearly a case of the fox guarding the chicken house.

In the United States and all other countries today, central banks similarly create new paper money and bank reserves at almost no cost. Their government overseers then spend the new money into circulation on their multitudinous boondoggles. The seigniorage tax in the United States, which the Federal Reserve central bank levies without any due process or legal sanction, brings in approximately $30 billion per year to the federal government. The Fed creates this much new "base" money at almost no cost in its open-market purchases, and subsequent monetization, of federal government debt.

The founding fathers of the United States were well aware of the devastation that could result from the unconstrained issue of government paper money. Some thought that such issues had been useful in carrying on the struggle against England, but they all realized how dangerous such a power would be in the hands of any republican government in time of peace. They therefore included in the U.S. Constitution, a provision that "The Congress shall have power . . . To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures" (Section 8) and prohibited any state, including all the states together, from emitting "bills of credit," or making "any thing but gold and silver coin a tender in payment of debts" (Section 10). The Constitution thereby set forth the conditions for a gold, silver, or bimetallic monetary standard that limited the role of both the states and the United States to nothing more than coinage operations. Nor did it prohibit private coinage of gold and silver. Indeed, private coinage was well known before the Civil War. As one would expect (at least this one) private coins often had a few more grains of gold or silver in them than government coins of the same denomination.

As if to flout the provisions of the U.S. Constitution, the present-day Congress through its Federal Reserve central bank *does* make other things besides gold and silver coin a tender in payment of debt. The other things it makes legal tender are Federal Reserve "bills of credit," which clearly violate the prohibition in Section 10. Finally, gold and silver coins are nowhere to be seen. Indeed, for forty years — between 1933 and 1973 — the federal government forbade by law the use of gold for monetary purposes, and even the private ownership of gold beyond a trivial amount. The Supreme Court in the mid-30s, bowing to the political pressures it was supposed to shun, supinely sanctioned this topsy-turvy "interpretation" of the Constitution that the Roosevelt Administration imposed upon it.

Earlier Supreme Courts, in the 1870s and 1880s, had handed down decisions that were even more atrocious, when they were called upon to decide the constitutionality of the federal government's greenbacks issued during the Civil War. The Court's last greenback decision, *Juilliard v. Greenman*, 1884, stated that Congress had the power to declare the U.S. Treasury's paper money a legal tender in time of peace as well as war, and for all debts, including those entered into *before* the enactment of the laws. Justice may have been blind, but it was not deaf to the rustle of greenbacks.

This record does not speak highly for the restraining effect of a gold standard. If the world's most notable constitutional republic could not prevent the growth of a state that successfully assumed complete discretionary control over the monetary system, what hope is there that a revived gold standard could constrain the monetary rapacity of the current government?

Of what value is the government's coercive device of legal tender?

Gold standards were put in place by governments, and, in all but a very few cases, they have been managed by governments. Even today, the call for "the" gold standard by political candidates, such as Steve Forbes, by some Austrian economists, and other proponents of "sound" money, envision Congress and the U.S. Treasury setting a price for gold in dollars. The Treasury's gold stock would then serve as the supposed limit to the government's creation of money.

The best way of getting from here to there — "there" being a viable monetary system free of governmental manipulation, exploitation, and uncertainty — requires a blueprint that incorporates the useful trappings of the present-day monetary system into a new institutional framework. Based on the lessons of history, the new monetary framework must feature free private competitive enterprise in the production of money, and complete autonomy from any government influence.

A gold standard, especially "the" gold standard administered by a central bank, is not an answer at all; it is just as subject to government tampering as any other institution managed

by the state. Many interventionist central bankers embrace a "gold standard" because it serves as a respectable cover for their traditional hands-on control.

One need not despair, however. Gold can better be a money and a common standard without being officially crowned. Federal Reserve Banks *can* be privatized, and the commercial banking system can (and should) be cut loose from governmental controls so that banks compete freely in furnishing the economy with money.

A gold standard, administered by a central bank, is just as subject to government tampering as any other institution managed by the state.

What must be done is technically very little, but politically enormous.

The first order of business is to get the gold out of the U.S. Treasury and into the hands of the American people. The Gold Reserve Act of 1934 authorized President Franklin Roosevelt to nationalize all domestically owned gold. By his edict, all private citizens were required to sell their gold to the U.S. Treasury, which paid for it at the official mint price of $20.67 per ounce. Then, with the fiat power vested in him by that same Gold Reserve Act, Roosevelt devalued the gold dollar by raising the mint price of gold 59 percent — from $20.67 to $35 per ounce. Since the government now owned all the monetary gold, it realized all of the net gain from its revaluation of the gold it had expropriated. This "profit" amounted to $2.8 billion, which then was almost equal to one year's federal tax revenues. None of this "profit" went to the private sector where it was desperately needed. It simply increased the dollar value of the bloated hoard of gold already in the U.S. Treasury — from $4.033 billion in January 1934 to $7.438 billion in February 1934. By 1940 the Treasury's stockpile of gold had reached more than 20,000 tons, or 2,000 ten-ton truck loads, which, given 100 feet per truck, would form a convoy stretching 38 miles!

The Treasury's gold stock since then has dwindled to "only" 260 million ounces, or 8,125 tons (15 miles of trucks). The gold has no current monetary or fiscal function for its government owners. It provides no income or benefit of any sort. It can have no psychological value in soothing the masses because no one, not even a member of the U.S. Congress, is allowed to examine it or otherwise verify that it is there. Furthermore, it costs a significant quantity of real resources to keep it secure in the vaults at Ft. Knox and other places. Even disregarding the maintenance costs, just the capital costs on this $80-plus billion stockpile, at 6 percent, come to more than $5 billion per year. In the hands of the state, government gold has become the "barbarous relic" that John Maynard Keynes characterized it in 1923. The role that it could play as a viable money or a usable commodity is completely precluded by its government ownership.

No U.S. government under any president is going to reestablish a gold standard along traditional lines. Treasury spokesmen in the typical administration claim with some validity that estimating the gold value of the contemporary Federal Reserve dollar is impossible. They argue that the inability to determine gold's monetary value, and other uncertainties, are good excuses for doing nothing. So the gold continues to be a useless and inaccessible heap, similar in its non-use to other "surplus" commodities in government stockpiles.

Even if the Treasury went through the formality of giving the dollar a fixed gold value, Treasury managers would insist on keeping the gold in Treasury vaults in order to "back" the existing monetary aggregates that would now be "based" on gold. Central bank policies would not change, but would have an undeserved aura of respectability behind which central bank managers would conduct business as usual. Sound money advocates, therefore, should not waste their time and energy lobbying for an official state-run gold "standard." Their "success" would simply see the state become the overseer, manager and custodian of the out-of-sight gold stock, while continuing to manipulate a central-bank paper money on the basis of political expediency.

What is needed is the separation of this gold hoard from the state just as law and precedent has separated church and state. Such a program could begin as an economizing measure, but it would also privatize the gold and atone in part for the Roosevelt expropriation. Here are all those thousands of tons of gold lying there absorbing taxpayer resources and doing no one any good. Give the gold back to the people in the private sector from whom it was unconstitutionally requisitioned in 1934.

To get this gold back into private hands expediently, the Secretary of the Treasury should issue one one-ounce gold certificate for each listed dependent on every 1040 income tax form filed in the current tax year.* For one year, say 1999, everyone would file a return whether he owed any taxes or not in order to provide a means of distributing the new gold certificates. These certificates would be redeemable in gold at the Treasury when presented in the proper quantities.

Most of the Treasury's gold is in the form of ingots, each of which weighs 27-plus pounds and is worth about $140,000 at the current market price of gold. The Treasury would sell these gold bars freely to any private firm or individual tendering the certificates in the necessary quantities. It would leave the disposition of the gold entirely to private wholesalers, brokers, and bankers.

Here are all those thousands of tons of gold lying there absorbing taxpayer resources and doing no one any good.

Taxpayers who received the certificates would be elated. After all these decades of paying taxes, they were finally getting something back from the IRS that was not their own wealth to begin with — and gold at that! The

* Here I assume, of course, that the IRS is not abolished altogether. In the event of IRS abolition, a similar program could be devised.

Consumer Confidence Index would take a quantum leap upward. The gold would be only a pittance in value compared to the trillions of dollars taxpayers had paid in. The gesture, however, would reflect the good will of a grateful government that rewarded its constituents by returning to them some real wealth that it cannot use and cost it nothing in the first place.

What would the "unwashed masses" do with their new windfalls? Some people would deposit their certificates as gold checking accounts in banks, and the banks would accommodate these gold depositors by creating accounts that used only gold for clearings and transactions. The banks would duly claim the gold from the U.S. treasury. The gold would then become a true reserve backing the gold deposits of bank customers, who would write checks redeemable only in some specified quantity of gold. Gold balances would then move from bank to bank just as in the old days, even if very little gold passed from hand to hand as currency. (In practice, the banks would also economize the transport of gold by various means.)

Some certificate holders would exchange their certificates for gold coins produced by private coin smiths, who would redeem the certificates at the Treasury for some quantity of gold ingots. Many people would undoubtedly sell their certificates in the gold market for Federal Reserve dollars, which would in no way be depreciated by the presence of the new gold. Much to the contrary; the traffic in gold and conventional Federal Reserve paper money would enhance the quality of the paper.

Even if many people, businesses and institutions used gold as money, gold would not become "the" official monetary standard. It would not have a mint price set by Congress. No government bureau, agency, or office would hold gold, manage it, coin it, or regulate it. At most, the U.S. Treasury would prescribe the denominations of coins by weight. Federal Reserve notes and Federal Reserve Bank deposit accounts for commercial banks would still be conventional money. The new gold, however, would be available for monetary purposes if people so desired. Its dollar value, of course, would be its price in Federal Reserve paper money. This value would quickly become very stable.

Gold price stability would be reinforced by a complementary policy that would simultaneously freeze the existing quantity of Federal Reserve money at its present dollar level. Federal Reserve monetary policy, from now on, would be nothing more than a housekeeping function that would maintain constant the total dollar value of Federal Reserve money.

Federal Reserve paper money would not be called in and destroyed. Such a move would solve nothing and would cause a great deal of consternation, and even panic. The damage from the government's irresponsible and unconstitutional printing of money in the past has long since been done. It cannot possibly be undone by a scorched earth policy now. Federal Reserve money is a part of the whole economic system's capital, and it is used confidently throughout the world. Freezing the existing quantity, however, besides encouraging the development of private gold money, would verify the paper dollar's present value and credibility, and would preclude any further governmental tampering with the monetary system.

Proper reform would not, and could not, stop here. The full legal tender feature of Federal Reserve currency should be reduced to: "Legal tender only for government dues and payments." Since private households and business firms could now use or refuse government money, private money based on gold or other media would not be crowded out by the forced acceptability of the government's Federal Reserve money.

Throughout the period before the Civil War, issues of Treasury notes to cover minor fiscal deficits had this limited legal tender feature, and the notes circulated with no loss of public acceptability. It was only during that terrible War that Republican Congresses forced the greenbacks into circulation by making them full legal tender. Postwar Republican Supreme Courts then declared shamelessly that the Constitution provided for this outrage!

Since the Federal Reserve Banks would have no further monetary policy functions, their management could

***The Stance Of Atlas* by Peter F. Erickson Examines Ayn Rand's Philosophy of Objectivism**

Ayn Rand's major teachings are considered in detail. In addition to this, special attention is given to the relation of her philosophy of Objectivism to Einstein's theory of relativity and also to Dialectical Materialism (the intellectual basis of Marxism).

Ayn Rand's rejection of collectivism is not disputed. Her position on the efficacy of reason remains--also her acceptance of freewill.

Ayn Rand's epistemological and metaphysical teachings are subjected to extensive criticism. Her attempt to solve the problem of universals is shown to be a failure. *The Stance Of Atlas* actually provides the correct solution. She believed, incorrectly, that Objectivism has the key to answering the problem of induction. *The Stance Of Atlas* shows that this problem was basically solved by a forgotten English logician early in this century. Contrary to Rand's Objectivism, it is established that reason is open to the possibility of God's existence.

Ayn Rand's attempt to found a new morality is shown to be less than what she took it to be. The defense of fractional reserve banking made by Alan Greenspan in Rand's book on capitalism is refuted. Other important issues are discussed.

Considerably less relativistic than Objectivism, *The Stance Of Atlas* is also implicitly more individualistic. If read with care, this book is capable of providing a portion of the deep intellectual improvement promised, but not delivered, by Objectivism.

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be conveniently returned to their titular owners — the private sector banks and financial institutions. Regional banking associations would then operate them much as they did their clearinghouse associations in the nineteenth century. (The Federal Reserve Banks took over much of commercial bank clearing operations after their creation in 1913; so this change would simply transfer the payment system's clearing functions from government management back to private management.)

Finally, what should be done about the closely regulated 13,000 banks and other private financial institutions? Should they be treated any differently than other private firms? Suppose, as I suggested earlier, that any individual or any business firm or bank were allowed to create money at will, but without any power to make such money legal tender. What would happen? Chaos? Hyperinflation?

Unlike the suppliers of government legal tender money, which is forced into circulation and therefore has no check-and-balance from the demand side, private producers of money would have to redeem their money with something that had commonly recognized value. Furthermore, issuers of money would force each other to maintain the integrity of their currencies by constantly presenting each other's notes and deposits for redemption in the time-honored manner, so that no overissue could result. Private money issues, if not regulated or managed by the state, would be of as high quality as privately produced foods, clothing, and houses.

Many economists and others have vilified banks as inherently unstable fractional reserve institutions. On closer examination, however, the perceived instability has been more the result of governmental regulations that have hamstrung the banks than of any intrinsic faults. The legal restrictions have been crippling, especially in the United States. They have included a host of constraints that have kept banks small and weak, have often immobilized their reserves at critical times, and have prevented them from arranging their own defenses when pressed. Being rendered so impotent by government policies, the banks "naturally" needed a central bank to sustain them. Left to their own devices, however, banks have shown a credible ability to keep their houses in order. And why shouldn't they? No banker has an incentive to become an ex-banker. He has too much at stake.

No, chaos would not accompany free private competitive enterprise in the production of money. Frivolously printed money could not appear. You would no more take the paper money I ran off from my computer than I would take yours. We both would use the money of reputable firms who specialize in the production of money — who verified by word and deed their willingness and ability to redeem issued money in some valuable final medium. The redemption medium would not necessarily be gold, although it could be if the gold were privatized in the manner suggested above. But it might also be slices of a mutual fund, or sections of real estate, or claims to bundles of easily valued commodities. It would also very likely include some of the now-frozen stock of government paper money.

We must be careful not to allow ourselves to make the mistake of thinking that an ironclad model of a private monetary system is thwarted simply because we cannot conjure up all of its details at this moment. We can no more foresee all of the innovations that creative capitalism might employ to expedite the transactions of goods and services than we can imagine what those goods and services might be. Reflect for a moment, as my contemporaries do at fifty-year reunions, on the things in our daily experience today that are common to the point of being

continued on page 54

Poetry

Nostrums for a Nap

Fold the hands.
Breathe deeply.
Wear shoes —
pretend to wink
and you'll tunnel,
without trying,
into sleep.
Breathe deeply.
If the phone
rings, it's over.
What's allowed
is the small plane
droning a mile
high, the dog
in the distance.
Breathe deeply.
Rumple the sheets —
find faces.
Breathe deeply.
It's 1950 and Mr.
Linkletter's on T.V.:
"What will you be?"
The dog's asleep.
In the piper plane
your mother's back
for her one visit.

Any Elephant

Any elephant's the same
elephant. As any dog's
the identical, dirty dog.
Platonic robins, ones
with a weight problem,
return you to youth.
The clock is stopped
by fixed form, the narrow
leeway of genes coded
for hunting or hope,
so that whole species
follow over and over
the exact acid dance.
Moths land on a white
wall thinking it's light.
A beetle, washed down,
drowning in the swirl
of a sink, will lock
its fierce jaws on water.

—John J. Ronan

For Mises' Sake

by Tom G. Palmer

Is the Ludwig von Mises Institute worthy of its namesake? The continuing saga . . .

If anyone could defend the acts of Llewellyn Rockwell, president of the Ludwig von Mises Institute, it would have to be Ralph Raico. Ralph is an outstanding scholar and a fine writer. Indeed, in his well-written essay ("Mises and Monarchy," November 1997) I found only a few trifling points of clear disagreement. For example, while I certainly have no quarrel with Raico's praise of Ludwig von Mises, I find him a bit harsh on F.A. Hayek. (Of Hayek's dedication of *The Road to Serfdom* to "the socialists of all parties," Raico asks rhetorically "but what socialist was ever brought over by it?" To judge from the influence of the book, it must have been many thousands: I have even met a number of them. Hayek may have demonstrated the truth of the old saying, "You can catch more flies with honey than with vinegar.")

My disagreement is with what is implied in Raico's essay. For example, I certainly bear no ill will toward either Mr. Otto Habsburg or toward his son, Mr. Karl Habsburg, and would never argue that either is obliged to apologize for the misdeeds of his ancestors. Not only do I not believe in inherited guilt, but I have much respect and admiration for the elder Mr. Habsburg, whom I heard some years ago in Vienna speaking on behalf of Austrian entry into the European Union. Mr. Habsburg quite gracefully ignored the bowing and scraping from the fawning monarchists in attendance, who preceded their questions with such terms as "Eure Hoheit" or "Eure Majestat," and instead addressed only factual questions. (Though it might be noted that Mr. Habsburg described the European Union as the fulfillment of the "Great Austrian Idea" of European unity in one political system; the old "Austrian idea," of course, was for that political unity to be ruled by one family.) Despite my differences on the wisdom of the "Austrian Idea," I found the elder Mr. Habsburg quite likable. I suspect that his son may be an equally fine fellow. But that doesn't mean that I want to be ruled by them, unless, of course, the alternative were Hitler. I take it that that was what Otto Habsburg had discussed with Mises in 1942. Had I been alive then, I might well have been a strong supporter of replacing Hitler with a constitutional monarchy under Otto. Just as good republicans should be happy that Juan Carlos was King of Spain at the time of Franco's death, and therefore able to keep the country from plunging into civil war, good republicans would certainly have preferred a constitutional monarchy under anyone to National Socialist dictatorship. This hardly cuts against my claim that Mises was a republican.

I should add that Ralph's praise of the reign of Franz Joseph — on the grounds that Jews were treated better under his nearly seventy-year reign than they were under the National Socialism that was imposed in Austria a couple of decades after the end of the Habsburg regime — is only made plausible because he sets the standard so low. When compared to Hitler, virtually *anyone* could be made to look good; even Franco, Mussolini, or the post-war communist rulers seem relatively benign when the standard of comparison is Adolf Hitler. As Ralph wrote in *The Libertarian Forum* of August 1975, in a critical review of the life of Winston Churchill: "This may well turn out to be the most enduring injury Hitler inflicted on humanity; that, besides causing the slaughter of so many, he permanently lowered the standards by which political conduct is judged, so that, compared to him virtually any other mass-murderer — except maybe Stalin — is seen to be as white as the driven snow." Franz Joseph was by no means the worst ruler Europe has ever seen, but point-

ing out that he was better than Hitler is pretty faint praise.

On the issue of republicanism I would consider as a republican anyone who advocates constitutionally limited, representative government and who did not append to that any role for a monarch. I have been unable to find in any of Mises' writings evidence that he was a monarchist. Considering a constitutional monarchy to be superior to a murderous dictatorship hardly counts as evidence that Mises was not a republican.

When compared to Hitler, virtually anyone could be made to look good; even Franco, Mussolini, or the post-war communist rulers seem relatively benign.

Nor would I deny the role of certain members of the Habsburg family in staving off Turkish invasion of Central Europe after the collapse of the Hungarian monarchy at the Battle of Mohács in 1526 and the dynastic connection of the traditional Habsburg lands with the crown lands of St. Stephen. But as I recall, the last siege of Vienna was in 1683, and neither Otto nor Karl was there. Indeed the Emperor who drew Rockwell's praise — the autocratic Franz Joseph — came to power in December 1848, just in time to invite the Russian Tsar to invade Hungary, to annihilate the constitutional Hungarian republic, to undertake mass executions of the Hungarian leadership (rejecting even the Tsar's request for clemency for the brave Hungarian liberals) and to institute a period of foreign (Austrian) occupation that did not end until the Compromise of 1867 instituted the dual monarchy and restored a measure of constitutional rule to Hungary.

I was moved to ridicule Rockwell's articles, letters, and essays by his truly ridiculous claims about the Emperor Franz Joseph's being a patron of classical liberalism and of the Austrian school of economics. Ennobling the father of a future Austrian economist and decorating that economist (along with thousands of other human cannon fodder) for battlefield bravery are, well, utterly risible when offered as evidence of a commitment to either classical liberalism or Austrian economics.

And why was I moved to spend twenty minutes writing about something that is merely absurd and risible? Perhaps it has something to do with a lecture I gave some years ago at Washington State University, after which I was introduced by the chairman of the department of economics to some graduate students whom he termed "our former Austrians." One might ask why the graduate students there called themselves "former Austrians." One name suffices to answer the question: Hans-Hermann Hoppe. Dr. Hoppe, leading light of the Ludwig von Mises Institute, had presented such a loopy, absurd and utterly unhinged picture of Austrian economics at a public lecture there, under the sponsorship of the Ludwig von Mises Institute, that those graduate students felt obliged to distinguish themselves publicly from such a strange and incomprehensible set of views. And I can certainly understand why they would feel compelled to do that. If Hoppe is the leading light of Austrian economics as the Mises Institute presents him, then Austrian economics should prepare for a long dark age. At George Mason University I saw Hoppe present a lecture in which he claimed that Ludwig von Mises had set the intellectual foundation for not only economics, but for ethics, geometry, and optics, as well. This bizarre claim turned a serious scholar and profound thinker into a comical cult figure, a sort of Euro Kim Il Sung.

Hoppe's scholarship is so pitiful that one of his own colleagues — who is still involved in the Mises Institute — once remarked to me that Hoppe's book on ethics was a truly remarkable achievement; it was the only book he had ever read in which every step of the argument was a logical fallacy. And Mark Skousen, in his introduction to *Dissent on Keynes: A Critical Appraisal of Keynesian Economics* (New York; Praeger Publishers, 1992), felt obliged to single out and strongly disavow Hoppe's cranky economic views. Skousen made subtle reference to the unreadability of Hoppe's screed, which required extensive rewriting by Hoppe's friends at the Mises Institute, as well as to Hoppe's failure to understand fundamental Austrian economic principles, such as the role of time in economic adjustment. "As the editor of this volume, I have to admit that I do not agree with everything Professor Hoppe presents as Misesian economics, even in this significantly revised chapter. For example, I have serious doubts about his claim that market unemployment is 'always voluntary.' Certainly, permanent unemployment is always voluntary in the unhampered market, but a dynamic market is constantly generating temporary unemployment that requires time to correct." Skousen included the chapter by Hoppe only because he was threatened with legal action by Llewellyn Rockwell if he did not. One could go on with examples of how Hoppe and the Mises Institute have proven embarrassing to the Austrian economists by whom they claim to be inspired but what would be the point? Those who have had contact with him know that Hoppe is an intellectual bully and an academic disgrace.

Dr. Hans-Hermann Hoppe had presented such a loopy picture of Austrian economics that the "Austrian" graduate students felt obliged publicly to distance themselves from him.

I was cautioned by a friend not to criticize Hoppe, on the grounds that one should never wrestle with a pig. I have not followed that advice. That may turn out to be unwise especially considering Hoppe's record for heaping abuse on those with whom he disagrees. I recall with great distaste witnessing Hoppe quite savagely attack Professor Don Lavoie of George Mason University at a meeting of the Mont Pelerin Society; in Hoppe's sustained rant, he said "I don't know what the world looks like when you're on LSD, but it doesn't look that way to me," with the clear insinuation that Don was a drug fiend, and that his paper was the result of a drug trip. My

continued on page 54

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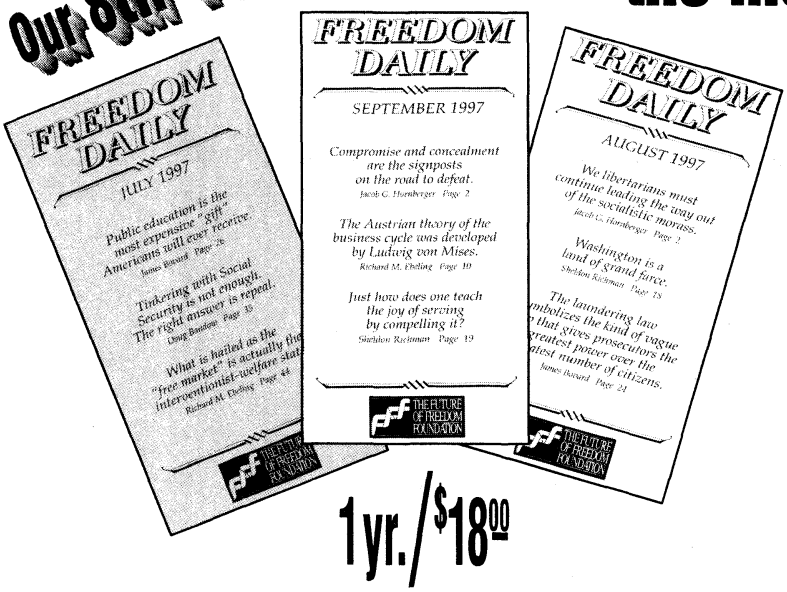

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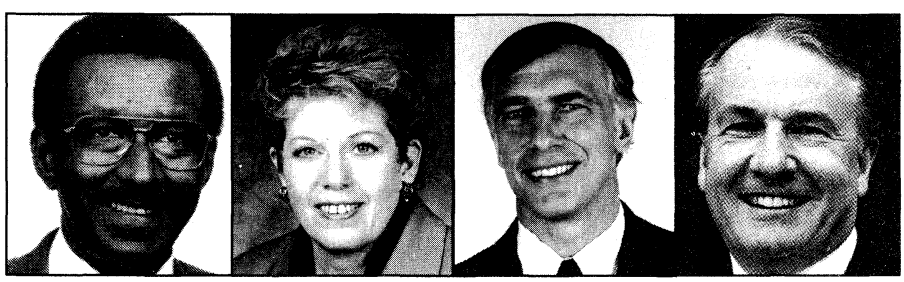

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Debate

Reasonable Expectations?

All things wise and wonderful, all creatures great and small, all expectations right and rational — did Robert Lucas remake them all?

The Flight of the Cuckoo

by Roger W. Garrison

"Business Cycles Aren't What They Used to Be — and Never Were." This article, penned by Gerald Sirkin a quarter of a century ago (*Lloyd's Bank Review*, April 1972), recognizes the uniqueness of each cyclical episode as well as the evolving ability of market participants to learn and to cope with change. Sirkin, an unsung precursor of the now-fashionable new classicism, draws conclusions similar to — though less sweeping than — those drawn by J. W. Henry Watson and Ida Walters in their "The New Economics and the Death of Central Banking" (*Liberty*, July 1997). According to Sirkin, "It is time for a major re-examination and rewriting of business-cycle analysis. . . . The eventual benefits will include redirecting our attention from the minor problem of government as a stabilizer to the major problem of government as a destabilizer, and the saving of the effort now expended on the hunt for the lost business cycle."

Ludwig von Mises was in print as early as 1953 with the kernel of truth in rational expectations (the idea that in making decisions, people use all readily available information). In the 1953 edition of *The Theory of Money and Credit*, he credited this important insight not to an economist but to America's sixteenth president.

> Here the famous dictum of Lincoln holds true: You can't fool all the people all the time. Eventually, the masses come to understand the schemes of their rulers. Then the cleverly concocted plans of inflation collapse. . . . [I]nflationism is not a monetary policy that can be considered as an alternative to a sound money policy. It is at best a temporary makeshift. The main problem of an inflationary policy is how to stop it before the masses have seen through their rulers' artifices. It is a display of considerable naiveté to recommend openly a monetary system that can work only if its essential features are ignored by the public.

Modern defenders of the Austrian theory of the business cycle have embraced Lincoln's dictum. But in light of the complexity of the market system, the Austrians have stopped short of the new classical conclusion that to anticipate monetary policy is to neutralize it.

Central to Robert Lucas's new classicism is the proposition that changes in the money supply have no systematic effect on the economy's performance — or, more broadly, that government economic policy simply has no important effect. This basic idea was an integral part of old classicism as well. One of the more rhetorically effective expressions of it takes the form of the parable of the cuckoo bird, as related in a letter from Nassau Senior to Lord Melbourne in 1852: "It is the old story of the children who made a wall across the valley to keep the cuckoo in. They raised the wall just over the level of the bird's usual flight, and when they found that it just skimmed over the top they thought that if they had laid only another row of stones it would have been kept in." Although Senior's immediate concern was poor-relief legislation, his story applies equally well to monetary policy. The message is clear: people — like cuckoos — can adapt to a changed environment.

By making much of the distinction between information that is and isn't "available" to market participants, rational-expectations theorists have smuggled in by the back door what they had ejected through the front.

The newness of Lucas's new classicism consists largely in the extremes to which he and others are willing to push this old idea. If expectations are sufficiently rational, so the argument goes, then the central bank has no power — except the power to create chaos. During periods of monetary expansions or contractions, resources will be allocated just as they always have been. From the outset, policy-induced distor-

tions in prices, wages, and interest rates are remedied on the basis of the "information" that market participants supposedly have.

Now, if new classical economists had actually shown that market participants have ready access to the information needed to neutralize government policies, their brand of economics would indeed constitute a "quantum advance." But rational expectations scholars merely *assume* that people's expectations are consistent with the models themselves. Lucas himself has characterized rational expectations as a "consistency axiom for economics."

In instances where this assumption (and the model in which it is embedded) actually reflects reality, new classicists can find some empirical support for their views. However, the claim that the assumption is *always* justified is supported by neither theory nor history. New classicism, for one example (and there are many others), has not and cannot offer a rational-expectations account of the stock market crash of 1987.

Like Lucas, Watson and Walters hedge their assumption about the information people have with the terms "available information" or even "readily available information." But hedged or unhedged, the proposition that monetary policy has no real effects is either trivially true or demonstrably false. To understand this point, remember that monetary policy influences the "price for money" — for example, by printing more money, central banks can (temporarily) lower interest rates, which in turn affect prices for all sorts of things. In the Austrian model, this is important precisely because prices are held to convey important information.

Now, new classical economists argue that the central bank is powerless because market participants have sufficient information to anticipate its moves and act accordingly. But this can be true only if the Austrians are wrong, and prices don't convey any important information. If, however, the Austrians are right, and market participants do indeed get important information from prices, then distorted prices will convey misinformation, and the misinformation will result in misallocations of resources. When it is credit expansion that is distorting prices, the period of (unperceived) misallocations is the boom; the eventual discovery of the misallocations precipitates the bust; and the subsequent reallocations constitute the recovery.

By making much of the distinction between information that is and isn't "available" to market participants, rational-expectations theorists have smuggled in by the back door what they had ejected through the front. For example, Lucas's "monetary-misperception" theory of the business cycle is similar to both monetarist and Austrian theories. All three theories hold that people initially respond to inflated prices as if market demands had actually increased, but eventually take inflation into account and adjust their behavior accordingly. But the sequence of boom and bust in Lucas's theory hinges on the distinction between "local" information (instantaneously available, consisting of actual prices that market participants face) and "global" information (available but only with a lag, consisting of information about changes in the money supply). Lucas claimed that as soon as people had access to the delayed information, the market would immediately neutralize the effects of changes in central bank policies. But this claim has failed numerous empirical tests. Although not all information about the most recent actions of the Federal Reserve is instantaneously available, the actual information lag (a few weeks at most) is not nearly long enough to account for subsequent changes in the economy. New increases in the money supply have consequences that persist well beyond the time that all the relevant information about Fed policy becomes available.

Our politically attuned Federal Reserve will continue to exploit its power to fool into the foreseeable future.

Because of its inability to account for this persistence, the monetary-misperception theory has given way to so-called real business cycle theory, a theory in which money plays little or no role — and which tries to explain cycles by explaining why they don't exist.

The New Interventionists

Remember that rational expectations is not a macroeconomic theory in its own right; it is rather an assumption about expectations that takes on a specific meaning only within the context of a particular macroeconomic theory. And though Watson and Walters insist that "rational expectations scholars have utterly demolished business cycle theories used to promote government 'fine tuning' of the economy," a resurgent "New Keynesian" school now combines faith in rational expectations with acceptance of the business cycle. According to this school, unemployment is caused by "rational" rigidity of wages and prices — and can be alleviated by government intervention in the economy. New Keynesians can take rational expectations as an axiom, yet argue, for instance, that a monetary stimulant can drive a slack economy to full employment in short order. (Rational expectations simply cause what were once considered long-run consequences — in this example, the consequences of an increase in the money supply — to be realized virtually instantaneously.) Watson and Walters claim that Lucas's version of "rational expectations" has cleared the field of all competitors, but the unhappy truth is that New Keynesianism has dominated scholarly discussion for several years now.

Although Lucas respectfully acknowledges Hayek's writings on the price system as a communications network, he overlooks Hayek's critical distinction between "two kinds of knowledge" — the kind that is communicated by prices and hence is "available to market participants" and the kind that isn't. The "particular circumstances of time and place," known first-hand by one or a few market participants, are communicated to others through price signals. This entrepreneurial knowledge stands in contrast to theoretical knowledge, or knowledge about the structure of the economy. Hayek would concede that the two kinds of knowledge are not wholly separate. For instance, the development of markets for derivatives, such as options, owes much to the blending of

entrepreneurial and theoretical knowledge. If Watson and Walters's point were merely that financial markets are better developed now than before the advent of modern portfolio theory, then there would be little objection.

From a macroeconomic perspective, however, there is a fundamental objection. In Watson and Walters's view, to neutralize central banks' power, people have to understand and implement the correct monetary theory. But Watson and Walters's self-assured assessment notwithstanding, opinion as to what theory is correct remains divided. Moreover, the price system itself does not tell market participants which theory (say, Austrianism, monetarism, or Keynesianism) is correct. It doesn't even tell economists which theory is correct (hence the continuing debates). And if different market participants are attempting to compensate for central banks' actions on the basis of mutually contradictory theories, the collective effect of their actions could hardly be expected to nullify policy-induced distortions.

It is true, of course, that the more government meddles with the money supply, the more worthwhile it is for at least some market participants to try to learn something about macroeconomics and monetary theory. The increase in theoretical knowledge possessed by entrepreneurs (with different ones learning different things) helps to make each cyclical episode different from the one before. In no case, however, will the level of knowledge be so complete as to preclude the possibility of further cyclical variation.

Even a rational market participant can be fooled.

For some time now, new classicism has sustained itself on the basis of its "rhetoric of rationality." Dissenters are seemingly put in a position of arguing that market participants are irrational or, at least, non-rational. Bolstering this rhetoric is the notion that "being fooled," say, by a distorted rate of interest, implies "being a fool." Lucas is portrayed as standing up for the common market participant and proclaiming him rational and no fool. But even a rational market participant can be fooled — as the full statement of Lincoln's dictum recognizes. Mises recognized it; Hayek recognized it; and Friedman recognizes it. "The Death of Central Banking" is not imminent. Our politically attuned Federal Reserve will continue to exploit its power to fool into the foreseeable future. It would not be rational for Alan Greenspan to abdicate on the basis of new classical musings. To believe it wouldn't matter if he did — or to believe that new classicism might otherwise euthanize the central bank — is evidence that the believer himself is the one being fooled. ❑

The Dollar Unanchored, Free-Marketry Amok

by Leland B. Yeager

In *Liberty*'s July issue, J. W. Henry Watson and Ida Walters announce "the death of central banking." They mock the Federal Reserve. Though it is fairly easy to imagine alternatives to the Fed, Alan Greenspan and his colleagues have been doing a pretty good job in recent years. In their paean to "rational expectations," W&W missed the crucial point of monetary theory and policy.

Every monetary system needs a "nominal anchor" for its unit of account to be determinate. This means that our dollar, for example, should have a constant value or purchasing power, instead of a value that drifts down (or up) unchecked, or, worse, that drifts in a self-reinforcing way. Either of two broad approaches can provide an anchor.

First, the dollar could be defined as a definite amount of some commodity or basket of commodities, with two-way convertibility giving this definition teeth. Before 1933, the government in effect stood ready to buy and sell gold at $20.67 an ounce.

The second approach fixes or manages the dollar size of some aggregate magnitude, most plausibly the total quantity of money (somehow defined). The Federal Reserve tries to keep the quantity of money nearly equal to demanded holdings of money at a stable or not-too-rapidly rising price level. Nowadays it tries to accomplish this feat indirectly, using a target level of the Federal funds rate as its immediate guide to injecting and withdrawing the "base" money that it itself creates.

W&W make much, properly, of the "discipline" that financial markets impose on governments nowadays. But free-floating discipline is not enough. Discipline requires a point of application. How can it work, then, if the Federal Reserve has become impotent and irrelevant? W&W suggest it has by likening the Federal Reserve to a little girl exulting in her control of a toy car even though its steering wheel is unconnected to the drive train. A cartoon on *Liberty*'s cover shows Alan Greenspan in just that position.

True enough, the Federal Reserve lacks the powers over production, employment, and real economic growth that ill-informed kibitzers imagine. It can, however, either guard or neglect the value of the dollar. It can either avoid or carelessly inflict severe monetary disturbances, as it has in the past, with serious consequences for the real economy. W&W's caricature denies or trivializes this power.

Suppose, though, that their caricature is valid. What, then, does give determinacy to the dollar's value? Have W&W forgotten this question? (As trained economists, they can hardly have failed to encounter it.)

What Kind of Monetary System?

By their dismissal of central banking, W&W raise the question, whether they realize it or not, of what type of monetary system we want. Separately in the same July issue of *Liberty*, Bruce Ramsey and Robert Higgs do face that question. Ramsey slides from a correct understanding of gold-standard history into actual contentment with today's managed but undefined fiat money. Higgs evidently feels nostalgia for the gold standard, but he doubts the possibility of either instituting a full-fledged gold standard or restoring the historical standard.

So what do we do? Ideas and technology are available nowadays for a private-enterprise system that would provide money of stable purchasing power and avoid the monetary disturbances of the past. Free banking is possible on the basis of a dollar defined by a broad basket of goods and services. Competition would compel issuers of

banknotes and deposits to keep their issues redeemable, indirectly, in whatever quantities of some convenient redemption medium were actually worth, at free-market prices, as many standard baskets as the number of dollars denominating the money presented for redemption. Supplies of money would accommodate themselves to demands to hold money at the stable price level corresponding to the dollar's definition. Here is not the place to explain further. My point is that W&W, in mocking the Federal Reserve, raise an issue — determinacy — that they show no sign of understanding.

Financial Innovations and Economic Theory

But there are deeper problems. W&W hail innovations in financial instruments and markets that have cut transactions costs and improved opportunities for shifting risks of price, interest-rate, and exchange-rate fluctuations onto specialists most willing and competent to bear them (and even for making opposite risks cancel each other out). Economic theory and high-powered mathematics contribute to these innovations. So far so good.

Not so good is Watson and Walters's emphasis on "rational expectations." In its most acceptable version, this is the idea that in making decisions and forming expectations, people use all information available at costs worth incurring. They learn from experience and will not persist in the same old mistakes. They learn, for example, to anticipate what the government will do in a recession, thereby keeping its measures from having the effects intended. This idea, applied to government antirecession policy in particular, is called the "invariance proposition."

All this has implications for how markets work and whether forecasts are possible. Since an asset's price already incorporates all the information people think is worth acquiring, the price moves unpredictably, in a "random walk," as unpredictable new bits of information arrive. Perhaps so. Yet the information relevant to traders in financial markets includes even information about other traders' changeable moods, moods that sometimes give rise to herd behavior. Furthermore, people keep on demanding, taking seriously, and paying for forecasts of interest rates, exchange rates, and the stock market. How does all this square with the postulate of extreme rationality?

Macroeconomics in General

The ideas praised by W&W have spread from finance into macroeconomics more broadly. "New classical" economists ("Lucasians," as critics sometimes call them) slide from rational expectations to the notion that markets are always in equilibrium, supply and demand always in balance, and the plans of transactors and would-be transactors perfectly meshed. Well, markets are balanced enough to require analysis as if they were always in equilibrium. After all, if supply and demand in some market were to go unmatched it would mean that people are irrationally throwing away gains from trade!

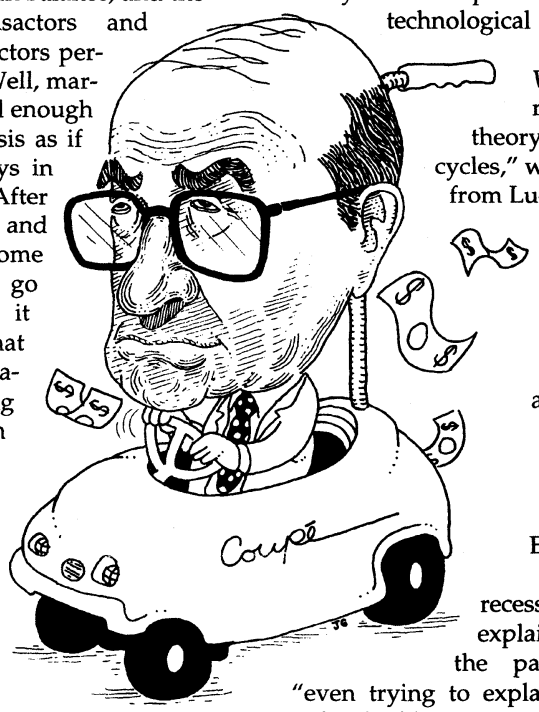

This view disregards the complex interdependence of myriad separately determined prices, including wages. It disregards this and other reasons why individually rational behavior leaves many prices "sticky," and sometimes stuck at disequilibrium levels. When necessary to defend their claims, new classical theorists shift from the standard concept of equilibrium as market-clearing to what Thomas Sargent admiringly called "fancier" and "much more complicated" notions of equilibrium. Some Lucasians profess not even to understand what involuntary unemployment means. (Unlike W&W, I thought that the vogue of this equilibrium-always macroeconomics had peaked by now, and even before Robert Lucas won his Nobel prize.)

W&W call received approaches to business-cycle theory obsolete. Lucas's invariance proposition guts theories of the cycle and of governmental remedies. (Seeing no way to remedy some condition, however, does not imply its unreality. Compare a physician counseling a patient to "learn to live with" some chronic ailment.) Referring to improved opportunities to hedge and otherwise protect oneself against macroeconomic disturbances, W&W come close to implying that the business cycle is no longer anything to worry about. With rational-expectations researchers, they "see business cycles as the market's efficient way of coping with changed circumstances." What look like cycles are optimal adjustments to technological or other real developments. W&W even speak respectfully of the theory of "real business cycles," which has evolved from Lucasian ideas. This kind of theory, as I read the literature, has also passed the peak of its vogue, degenerating into an "epicycles" stage reminiscent of Ptolemaic astronomy. Even if — implausibly — no future recessions will need explaining, episodes of the past remain. Yet "even trying to explain the causes of individual booms or recessions is without value" for W&W. Do they really see no point in trying to explain the Great Depression of the 1930s, the serious economic relapse of 1937–38, or the so-called Volker recession of 1981–82? Do they agree with Henry Ford that history is bunk? But if past episodes are to be understood and lessons perhaps drawn, shouldn't we try to get the macroeconomics straight?

Major Defects

W&W overwork the idea of rational expectations. People do tend to learn from their past mistakes, sure, but how fast and after how much repetition of error? "Eventually" is not soon enough to be meaningful. How fast do people learn and make allowance for the patterns, if there are any, in government policymaking? How definite does the

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concept of using all available information remain after provisos are tacked on about the pecuniary and nonpecuniary costs of acquiring, absorbing, and employing information? The proposition about people's behaving and forming expectations rationally threatens to dissolve into tautology.

A whiff of tautology also hovers around describing markets as "efficient" and even as "fair." These are technical terms, associated with notions of prices incorporating all available information and moving in a random walk. Yet W&W use these technical terms with overtones of evaluation and praise.

Watson and Walters do not squarely argue that their brand of macroeconomics best fits the real world. Instead, they trumpet a "revolution in economic theory," observe that a couple of its component ideas are profitable in the world of finance, and invoke the names of Nobel prize-winners.

The strands of "new classical" economics that they admire are partly the products of academic gamesmanship and frontiersmanship — self-congratulation on working at the supposed frontiers of scientific research. (I doubt, though, that W&W have themselves been so motivated.) An academic field can acquire a dynamic of its own that promotes what Peter Bauer has called "the disregard of reality." Reliable facts and well-supported theories offer an ambitious academic little scope for demonstrating his own cleverness; he must move on to what is new and fashionable and amenable to embroidery. Methodological preaching enters into pursuing and vaunting supposed prestige. In this vein, W&W say that critics of rational expectations find themselves left "largely without even the tools required to participate in the discussion."

W&W do not squarely argue that their brand of macroeconomics best fits the real world. Instead, they trumpet a "revolution in economic theory." They observe that a couple of its component ideas are profitable in the world of finance. They invoke the names of Nobel prize-winners. Their favorite ideas have become "a part of the core curriculum at top graduate economics and business schools." They engage in name-calling, likening their macroeconomics to a Dodge Viper and rivals to a Ford Model T. Their favorite ideas help cause the "ultimate frustration for the aging Keynesian."

Not only the academic game but also a desire for particular policy conclusions sometimes drives new-classical analysis. The ideologies in vogue in departments of economics have changed dramatically since I began teaching several decades ago. Nowadays, in certain circles, doubting the near-perfection of markets is thought backward and ignorant. Free-marketry runs amok. W&W repeatedly sneer at "statist critics" of their favorite macroeconomics.

But the final analysis is that W&W and the other new classicals argue the case for open markets and a free society badly. Their flawed economics impedes understanding of how the world really works and might possibly be reformed to work better. ❑

The Ends and Means of Central Banking

by J. W. Henry Watson & Ida Walters

The lengthy responses to our article by Roger W. Garrison and Leland B. Yeager are most remarkable for the issues they don't address. The first issue, of course, is the implications of the "Lucas critique" for Austrian and other traditional macroeconomic theories. (Macroeconomic theories that assume irrational or unchanging expectations "fail" the Lucas critique.) Garrison and Yeager dance around this debate, but never join it. And for good reason. The traditional theories assume that all the people are fooled all the time and in exactly the same way. Even Garrison, in his retelling of the "flight of the cuckoo" story, recognizes that this really isn't plausible. Garrison and Yeager are in the position of a homeowner who responds to his house collapsing by admiring the utility of random bricks plucked from the rubble.

New classical economist Tom

Sargent's work on hyperinflations (referred to in our article) provides powerful support for the importance of expectations. His study finds that ending hyperinflations varies greatly depending on the credibility of the monetary authority. There is simply no predictable relationship between changes in the money supply and economic activity — absent an understanding of expectations.

The second topic which Garrison and Yeager do not address is the remarkable success of efficient markets theories in both advancing our understanding of financial markets and improving their operation. Given the success of these theories, a major point of our article is the inevitability of rational expectations business cycle theory. The closest either author gets to a criticism of the efficient markets literature is Yeager's comment that traders use all kinds of information in determining prices. The same could be said of the orange market, but does that make it inefficient?

Garrison and Yeager totally misrepresent the invariance proposition. Garrison claims that Lucas maintains "that changes in the money supply have no systematic effect on the economy's performance" and "that government economic policy simply has no important effect." In fact, Lucas and his fellow new classical economists say nothing of the sort. What they say is that unanticipated changes in the money supply are likely to have significant effects on the economy's performance and that those effects will be systematically related to expectations. In fact, Lucas and many of his colleagues are greatly concerned about government power precisely because unanticipated government actions can cause serious business cycle fluctuations. And, of course, it goes without saying that taxes, regulations, and other government actions can, quite apart from business cycles, seriously damage the economy.

Garrison and Yeager also appear bent on misunderstanding the article's title. "The End of Central Banking" is not a phrase we would have used in the title (but we were sympathetic to *Liberty*'s choice as we watched the magazine fly off the shelf at the local Borders). However, the title is absolutely accurate in that the central bank is unable to steer the economy with any sort of predictable result. In other words, the central bank cannot "fine tune" monetary policy to achieve targeted rates of growth, production, unemployment, exchange rates, or interest rates. Of course, Austrian and monetarist theories would support this conclusion. The Austrian and monetarist theories differ in that they claim that the central bank does have the power to create predictable responses in the economy through various changes in monetary policy. As our article noted, however, there is a new element in the increasing impotence of central banks to reap "benefits" from unanticipated changes in the money supply. In years past, a rapid increase in the money supply might have produced some short-term benefits (revenue from printing money, a temporary increase in economic growth, a temporary reduction in unemployment) that lasted two to three years. Now, the benefits of gunning the money supply, if any, last two or three months.

We certainly agree with Yeager that the central bank "can either guard or neglect the value of the dollar" and "either avoid or carelessly inflict severe monetary disturbances." In fact, notwithstanding the cartoon of him that accompanied the article, we are great admirers of Alan Greenspan and deeply doubt that he views his job as "steering" the economy in one direction or another. He is the first Fed chairman to see his main (and virtually his sole) job as preventing the Fed from making unanticipated changes to the money supply and thereby creating economic disruptions. We also understand that the dollar is not about to disappear and that this means that it serves as the "nominal anchor" of the monetary system.

As far as their criticisms go, both Garrison and Yeager seem to be intent on committing as many logical errors as possible. For example, Garrison seems to think it's a criticism of the new classical economics that the latest breed of interventionist economists base their models on rational expectations. Of course, the so-called "New Keynesians" didn't come to this happily. It's simply that the case for rational expectations has proven so powerful that interventionists can't even get a hearing if their models fail the Lucas critique. Actually, history's repeating itself here. Mises' work in the "socialist calculation" debate forced the socialists to acknowledge that an efficiently functioning free economy is the standard by which all economies should be judged, and it should be the standard used in making socialist calculations. In both cases, the socialists had to effect a major retreat.

Yeager seeks to refute new classical economics by noting that some of its practitioners may be more interested in advancing their academic careers than in the pursuit of truth. Oh? What has the motivation of the scientist to do with the truth of his findings? Actually this criterion would consign every field of research to oblivion. Then there is the inconvenient fact that many of the new classical and finance scholars are dedicated supporters of free markets and free people.

He then goes over the top by deriding those who believe in the "near perfection of markets" as devotees of "free markets run amok." Does he believe that free markets work poorly? Didn't we hear similar attacks on Mises and Hayek by their socialist critics? Actually, Yeager's response is both distressing and familiar: adherence to the old order by those who'd rather stick with their repudiated ideas than advance the understanding of economics or the cause of liberty. ❑

Palmer, "For Mises' Sake," *continued from page 46*

own little note in *Liberty* was described as follows in the Mises Institute newsletter: "Few writers today can match the anti-Habsburg rantings of Lenin, Wilson, and Hitler, but just by renewing the ties between the Austrian School and the Habsburgs we drew a hysterical attack from a D.C. partisan." The implicit comparison with Lenin, Wilson, and Hitler was bad enough, but what is a "D.C. partisan"? Does that mean that I lunch regularly with Hillary Clinton, or that I spend my time at the World Bank, plotting the world's financial ruin? I can only guess at the vituperation and slander that Hoppe and Rockwell must be preparing for me, as well as for anyone else who might voice doubts about their bizarre cult.

Poor Ludwig von Mises. He was a great man and a profound thinker. To have the likes of Hoppe and Rockwell as disciples is a sad fate. ❑

Timberlake, "Free-Market Money," *continued from page 44*

banal, but were unheard of and unanticipated just a few decades ago. Why should we think that we must ever know where freedom in the marketplace will take us? All we need to know is that the freedom is there, that individuals can choose — can accept or reject without question the things offered in markets. If this option included money, we would have money of as good quality as computers and automobiles, and even more important we would have freedom itself.

A secure and viable monetary system must include, first, *readily available gold* for those who want it; second, *a frozen stock of limited legal tender government paper money*, for those who wish to continue to use conventional money; third, *free private competitive enterprise banking* for the production of common money, which would be redeemable in whatever was mutually acceptable to banker and client; and fourth, *privatized Federal Reserve Banks* that operate a clearinghouse system. The quality of money in use, if not perfect, would become as good as innovative man and woman could devise.

The reforms outlined here are simply a free market solution to the uncertainty and chaos that today's statist systems have engendered. They reflect the practical wisdom from experiences with gold money and free banking, and retain a frozen stock of government- issued paper currency. All of the changes I have suggested are technically simple and could be put in place by any political body without any undue stress in financial markets.

Money came into the ancient world through individual initiatives 3,000 years ago and has been abused and debased by state management ever since. Surely we can learn from this experience that the state and money are a combination toxic to stable money, private property rights, and individual freedoms. So let's do at least as well as our primitive forbears by fostering the rules and conditions for a viable monetary system that finally gets the state out of an activity that was none of its business in the first place. ❑

Armentano, "The Fight for Medical Marijuana," *continued from page 37*

drug-law reform proponents resurrected a provision allowing doctors to prescribe marijuana pending a public vote in November 1998. However, because this provision is in direct conflict with federal law, it is unlikely that Arizona patients will have legal access to the drug. Proposition 200 may allow patients to make an affirmative defense of "medical necessity" if they are facing state marijuana charges.

So far, threats from the federal government to arrest patients who use marijuana and physicians who recommend it as authorized by California's or Arizona's new laws have proved hollow. Federal officials did question at least one physician for allegedly recommending his patients use marijuana medicinally, but so far have taken no further action. Raids on at least two above-ground California Buyer's Clubs were executed by federal officials in the past year. No arrests were made in the first raid, but charges are pending after the October 8 bust of a Sacramento club. The latter raid and subsequent arrests of the proprietor and two employees may signify a shift in federal policy — from rhetoric to action — but only time will tell. At this point, it still remains unlikely that federal officials will intentionally target specific medical marijuana patients or physicians. Local and state law enforcement will most likely continue to be the primary enforcers and interpreters of state medical marijuana laws.

State voters and legislatures continue to address the issue of medical marijuana and move the topic forward. In 1997, ten states introduced laws endorsing medical marijuana. Medical marijuana proponents anticipate more endorsements in 1998. Signatures are currently being gathered to place narrowly focused medical marijuana initiatives on the 1998 ballot in at least seven states. The passage of future initiatives is crucial to keep the battle for medical marijuana an issue of national importance. Depending on the number of successful initiatives in 1998 and 1999, the government may take a serious look at rescheduling marijuana to Schedule II to legally allow for its medical use by the year 2000. Until then, states, medical marijuana activists, and medical organizations will continue to lead the charge toward additional research and limited legal access. ❑

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The Devil's Reading List

by Stephen Cox

In the opening pages of Mikhail Bulgakov's novel *The Master and Margarita,* two Soviet hack writers are discussing religion. An irritating stranger interrupts them. This man is a foreign "professor" of some kind, and he is amused by their naive atheism. After brief discussion of six old-fashioned proofs of the reality of the supernatural world, the stranger reveals a seventh proof — his own identity. The professor is, in fact, the Devil; and if the Devil exists, then God must also. This seventh proof turns out to be conclusive.

Bulgakov's story has some relevance to current disputes among critics (or, more accurately, professors) of literature. The believers are at war with the atheists. The believers affirm the existence of a world of literary miracles, of Sophocles and Shakespeare, *Beowulf* and Virginia Woolf; a world of literary genius, to use the old, semireligious term. The atheists — who are, just now, in the ascendant — do not agree. For them, there is no sacred realm of "literature." There is only "writing," and any claim that some of it should be "canonized" or even "privileged" above other products of "cultural work" and "social construction" is evidence that the claimant is unsophisticated at best, bigoted at worst.

But atheism always reckons without the Devil.

The Devil recently appeared to me, disguised as an author. It happened while I was reading a book called *The Truth about the Titanic,* by Colonel Archibald Gracie. Colonel Gracie survived the *Titanic,* but he did not succeed in rescuing his prose style. Consider his way of evoking the moment when it occurred to him that he was about to be drowned:

> When I first saw and realized that every lifeboat had left the ship, the sensation felt was not an agreeable one.

A charitable reader will want to construe that strangely understated sentence as a daring display of irony, an attempt at using black humor to emphasize the existential horror of the human condition. If you have this charitable impulse, read on.

> No thought of fear entered my head, but I experienced a feeling which others may recall when holding the breath in the face of some frightful emergency and when "vox faucibus haesit," as frequently happened to the old Trojan hero of our school days. This was the nearest approach to fear, if it can be so characterized, that is discernible in an analysis of my actions or feelings while in the midst of the many dangers which beset me during that night of terror. Though still worse and seemingly many hopeless conditions soon prevailed, and unexpected ones, too, when I felt that "any moment might be my last," I had no time to contemplate danger when there was continuous need of quick thought, action and composure withal.

By this point, there can be no doubt. Colonel Gracie is not a master ironist. He is, quite simply, a dreadful writer. He has tempted his readers with a magnificent story, the agony of a great ship and the multitudes of people who trusted their lives to her, and he has betrayed those readers basely. Colonel Gracie is an almost supernatural revelation of how bad a writer can be — a literary Devil incarnate. Let fashionable theorists argue that literary judgments are social constructions that can never attain universality; the theory is irrelevant to the experience of Colonel Gracie's work. No one, of any race, class, gender, political persuasion, or sexual orientation, can possibly regard Gracie's sentences as appropriate to their subject. The achievement of his writing transcends every social context and expectation. It is a miracle of incompetence.

Of course, Colonel Gracie's accomplishment is not unique. Many similar miracles have been seen, each one a sign and element of something larger and more menacing: a Devil's reading list of transcendent literary failures, an assemblage of verbal horrors intruded upon our world to desolate the very act of reading. The existence of such a Satanic library, once demonstrated, would suggest that the believers in a canon of transcendent literary greatness were right after all. If we can identify a countercanon, why should we doubt our ability to identify a canon?

But there are two ways of reacting to a miracle. One is to grant it the full force of evidence, to receive it as proof of a supernatural or at least a supernormal realm. Ever since the Greeks canonized Homer, this has been the more or less established view of literary genius. The second way of reacting to a miracle is to deny that it is one, to describe it as an illusion that can be sufficiently explained by investigation of all the wires, smoke, and mirrors that can be detected in its vicinity.

This is the work of demystification pursued by today's cultural theorists — neo-Marxists, New Historicists, and practitioners of "cultural studies." They have little trouble discovering the social machinery out of which literary gods are made to appear. Every author comes from some social class and has some kind of sexuality and ethnicity; every reader does, too. Demystifiers can therefore argue that judgments of high literary quality are determined by the barely hidden influences of such factors as these.

According to this plausible explanation, texts that get to enter the literary canon are those that succeed in performing, or usefully obscuring, the ideological work of some dominant group. These texts become the stuff of syllabi and are imposed upon the young as devices of discipline and internalized moral surveillance. Other texts are "marginalized." A very little research can reveal the ways in which *Uncle Vanya* ministered to the needs of one cultural group, and *Uncle Tom's Cabin* to the needs of another. Both works pleased, and both endure (if endurance is the point). Why should one be exalted as an expression of universal literary values, and the other be slighted as a mere social document?

It is fair to emphasize the fact that arguments like this originate with academics, people whose own reading habits are strongly influenced by the membership requirements of their social and professional group. When one's daily work consists of wading through nineteenth-century texts in search of genderings and hegemonies, one can easily begin to regard all writing as a form of social discipline. Enmeshed in the solemn business of making a living, one can easily lose one's sense of how very bad, how terrible, in fact, some writing can be, how far it can lie from anything that might deserve a better name — like "literature."

Like the canon of great writing, the countercanon of illustriously bad writing is immense and free; it knows no boundaries of social class or historical period.

The usefulness of this sense is too often neglected, even by academic exponents of canonical literature. In *The Western Canon*, Harold Bloom, a stalwart exponent, argues that demystifiers of literary greatness ought to be daunted by the example of Shakespeare:

> Either they must deny Shakespeare's unique eminence (a painful and difficult matter) or they must show why and how history and class struggle produced just those aspects of his plays that have generated his centrality in the Western Canon.

Bloom might have argued even more effectively that the demystifiers ought to be daunted by Colonel Gracie. Professional readers are no longer surprised by Shakespeare; they are no longer surprised by his ability to use such simple tools as "Nothing will come of nothing" to make the whole problem of existence materialize out of the mists of an imaginary domestic dispute. Such achievements are taken for granted. But Colonel Gracie does something more startling than Shakespeare: having actually witnessed one of the world's most interesting events, he tries, with a series of pompous phrases, to *make something out of it*. The difference between Shakespeare and Colonel Gracie is signally important, but it manifests itself as nothing more than a slight, purely literary distinction — a distinction that is far too fine to be stamped on them by the enormous dies of "history" and "class."

History cannot explain why the subject that wrecked Archibald Gracie should have enabled Thomas Hardy to write his greatest poem, "The Convergence of the Twain." Nor can history explain all the strange ways in which authors differ from themselves; it cannot fathom the diabolical ingenuity with which people who have once attained the Valhalla of the canon contrive to escape from it.

History cannot explain why *Babbitt* remains alive in almost every sentence, while *Gideon Planish* (another Sinclair Lewis satire of the bourgeoisie, and just as loaded with social "textuality," for those who like such things) can lie as quiet as the tomb from page one onward. History may suggest some reasons why William Wordsworth got interested in capital punishment, but it cannot come to grips with the miraculous wrongness of his decision to write a series of poems in favor of it — a series of sonnets, of all things, and bad sonnets, too:

> See the Condemned alone within his cell
> And prostrate at some moment when remorse
> Stings to the quick, and, with resistless force,
> Assaults the pride she strove in vain to quell.
> Then mark him, him who could so long rebel,
> The crime confessed, a kneeling Penitent
> Before the Altar, where the Sacrament,

and so forth. No politics will distort our judgment; these are verses that not even a friend of capital punishment could love. Nor is there any reason why even reactionary politics should be incapable of inventing a few pungent phrases. Well, Wordsworth's powers "decayed." No doubt; but that is just another way of saying that Wordsworth started making ridiculously bad literary choices, choices that fell unerringly on trite and cumbersome expressions.

Like the canon of great writing, the countercanon of illustriously bad writ-

ing is immense and free; it knows no boundaries of social class or historical period. Its existence was recognized almost as soon as the existence of the canon itself. It was studied by Aristophanes in *The Frogs*; its further progress was analyzed by Alexander Pope in *Peri Bathous*, subtitled *Of the Art of Sinking in Poetry*. Among Pope's many splendid samples of this art we find:

> Ye Gods! annihilate but *Space and Time*,
> And make two Lovers happy.

Critics were slow to realize, however, that both the canon and the countercanon are open to every kind of authorial enterprise, not just attempts at Olympian poetry. Canonical achievements can be found in every literary genre, their stature always emphasized by the deep, contrasting shadow of the countercanon.

Mary Chesnut, the diarist of the Civil War, wrote in what scholars used to call a minor genre, but she transformed everything she touched into something major — even other people's bad, bad writing. "Today," she writes,

> I saw a letter from a girl crossed in love. It was shown to me and my advice asked. Her parents object to the social position of her fiancé, in point of fact forbid the banns.
>
> She writes, "I am *missereablle*." Her sister she calls a "mean retch."
>
> For such a speller I said a man of any social status would do. They ought not to expect so much for her. If she wrote her "pah" a note, I am sure that "stern parient" would give in.
>
> I am miserable, too, today — with one *s* and one *l*.

Really bad writing usually results from perfectly innocent motives. One of the most disastrous is the desire to achieve true literary distinction.

Give Chesnut a few misspellings, and she will give you back the entire social comedy, including her own performance as ironic self-observer.

Contrast Mrs. Chesnut with a contemporary diarist, Andy Warhol, who had access to considerably more glamorous material than the lives of the Confederate upper-bourgeoisie. Warhol's diary, as originally dictated, was 20,000 pages long, but his editor has obliged posterity by cutting it to a mere 800. In reading these pages, one constantly has to remind oneself that the editor was looking for the best four percent, not the worst.

True, Warhol deserves some credit for his complete lack of pretentiousness, even in his loftiest moments of speculation:

> How do these doctors really feel about sick people? Do they care about you and really want you to get better or is it just a business? I mean, I think about doing portraits and do I really care if they look good or is it just a job? And that's just a superficial thing — it's not life and death.

But the most memorable feature of the diary is Warhol's constant ability to turn something interesting into something boring and trivial. No subject escapes:

> Leonard Bernstein was there, and he cried. He always cries. He's such a weirdo.
>
> Poor Earl Wilson must have had a stroke. He was there and he can hardly walk, he just sort of scratches his feet along the ground, so I guess that's why he's not doing his column so much anymore.
>
> Something strange happened, I thought Jon was trying to kill me. We were on a snowmobile and he pushed me over a cliff. I thought he did it on purpose. But somehow there were trees there and I fell off into a deep snow. We rode to the house, that was fun, but I didn't realize till I got back how scary going off the cliff was. Then it sunk in what had happened. So I confronted Jon, and he told me I was just being crazy and I was relieved.

So much for the mysteries and dangers of life.

Since Aristotle's time, works have been admitted to the canon because they brilliantly fulfill the potential of their genres. What is looked for in the countercanon, however, is reckless defiance of a genre's demands and expectations. Authors worthy of countercanonical recognition are the kind of carpenters who insist on making chairs that you can't sit in and tables that you can't put objects on; and they do so without conveying any zen or dadaist intimations that might register favorably in the genre of theory.

The fundamental requirement of horror literature (to cite the example of one genre) is scary words in scary places. In Dracula, or parts of *Dracula*, Bram Stoker managed to provide such words. But in *The Lair of the White Worm*, he produced a book that is as unscary as a book can be, unless you are frightened by horrible writing. The plot idea is provocative, though daft: the hero, Adam Salton, discovers that his neighbor, Lady Arabella March, is actually a very large, very ancient, and very ill-tempered snake, a snake that would just as soon kill you as look at you. Oddly, this situation inspires little more dramatic action than would the discovery that Lady Arabella was a Christian Scientist. Adam complains that the serpent's "want of principle" reminds him of "a suffragette," but he is willing to take friendly strolls with her and visit her for tea. Ah well; as he says, who would have "thought this fighting an antediluvian monster was such a complicated job"? The novel — so long, so dull, so insupportably priggish — is hard to explain except on the hypothesis that Stoker was obsessed with a Satanic desire to make nothing come of something.

The diary's most memorable feature is Warhol's constant ability to turn something interesting into something boring and trivial.

Really bad writing, however, usually results from perfectly innocent motives. One of the most disastrous is the desire to achieve true literary distinction. The canon of great writing is, indeed, a dangerous thing; it has tempted many a hapless victim to self-destruction.

A particularly sad instance is Frances Newman, a once-prominent novelist who is now ignominiously disregarded. Newman was witty and well-read, she had a wide acquaintance among other writers, she was ambitious for literary achievement, and she knew exactly what she wanted to do.

She intended, as she told her publisher, Horace Liveright, to create "the first novel in which a woman ever told the truth about how women feel." (That was 1926.) She also intended to tell the truth about the way in which women are educated, about the ignorance and vanity of provincial America (especially the "aristocratic" South), and about the defects of American culture in general. Last but not least, she would tell the truth about sex.

Her material was certainly promising, and her literary attitude — self-consciously avant-garde, yet deeply respectful of what can be learned from tradition — seemed practically to guarantee success. Her novel would tell the scandalous truth, but tell it with delicate literary art. Everything had to be precisely right. She bothered Liveright's office about "the brackets around the page numbers" and the printer's substitution of "Webster's standards" for "the spelling of the Oxford Concise Dictionary." She sent in a sketch for the dust jacket, fearing that the one Liveright had in mind would "endanger the book's dignity."

Colonel Gracie has tempted his readers with a magnificent story, and he has betrayed those readers basely. Colonel Gracie is an almost supernatural revelation of how bad a writer can be — a literary Devil incarnate.

With her fastidious craftsmanship and her racy subject, it's hard to see how Newman could have failed. But she did. Her book, *The Hard-Boiled Virgin*, is a miserable flop. The brassy title contrasts, not very ironically, with the merciless archness of the book's narration:

> When Marian Faraday was unable to consider her sister's sudden distaste for America a reason why she should keep her ten-year-old daughter in a land where she had already discovered that men are not made precisely like women and that all women do not dislike being kissed, Katharine Faraday decided that staying in a town where she had been so unhappy was less bearable than going away from it with a spinster who had rigid fingers and who liked to look at small objects, and she persuaded Catherine Robinson to feel an interest in the modern German theatre which could only be satisfied by a month in Berlin and a month in Salzburg.

And that is one of the most interesting sentences in the novel. The phrase about having "rigid fingers" and liking "to look at small objects" almost suggests a character. Unfortunately, no character succeeds in emerging from any of the book's 277 pages of hideously mannered prose. Even James Branch Cabell, Newman's literary buddy (at least supposedly: "I can think of no book ever written by any woman which I like better"), complained of the "atrocities" she committed with pronoun reference.

Newman's major contribution to the avant-garde is a Byzantine opaqueness, which she often mistakes for philosophy:

> At the age of twelve, Katharine Faraday could not be expected to know what a great many celebrated novelists and a great many celebrated dramatists have died without learning, and when she left the row of expectant heads and walked across the hard red clay yard to pick up a rusty dipper, she did not suspect that character was condescending to allow chance its usual small share in the union which becomes fate.

Among Newman's other bright ideas are her exclusion of all conversation from her novel; her replacement of chapters with "episodes," each of which is one vast, tedious paragraph; her insistence on beginning every episode with a sentence that includes her heroine's name; her refusal to call her heroine anything except "Katharine Faraday"; and her refusal to end with the words "The End." What she thought these methods accomplished remains largely unknown, although she did confide something about trying to get "a perfect sequence of the reader's attention." She also admitted that her episodes would leave readers "badly in need of . . . relief." She apparently thought that was a good thing.

The Hard-Boiled Virgin went over well in the bookstores. It was even banned in Boston. Newman soon published another novel, *Dead Lovers Are Faithful Lovers*. But despite its refreshingly aphoristic title, this one is more of the same. Soon after its publication, Newman died, and her works were remembered no more. There was nothing to remember. For all her trying, her books were not literature, by any qualitative definition of that term. They were just "writing," and not very good writing, either.

Regrettably, not every piece of bad writing is bad enough to gain full membership in the countercanon, which welcomes only the degree zero of literary accomplishment. Some very bad writing approaches that standard, but misses it, just as some very good literature narrowly misses the canon. The scale of values is very long. Like Jacob's ladder, it ends in heaven, but it begins with bare rock, the kind of rock that is difficult to use for anything except a headrest while you snooze.

Difficult, though not impossible. On his visionary ladder Jacob saw "the angels of God ascending and descending"; and he said, "this is the gate of heaven." Great authors have felt free to travel up and down the literary ladder, parodying or improving the methods of the not-so-great, thereby confirming that there *is* a scale of values and that they themselves have the heavenly title.

History cannot explain why "Babbitt" remains alive in almost every sentence, while "Gideon Planish" can lie as quiet as the tomb from page one onward.

Jane Austen found much of the fiction of her day quite inferior, but not too inferior to mine for elements of her comic art. Emily Dickinson found something useful for her own purposes in the pomposities of bad Christian writing. In nature, she says,

> God preaches, a noted Clergyman —
> And the sermon is never long.

As seen from a certain perspective, God is indeed "a noted clergyman." The phrase is valuable; it can be parodied and thus redeemed.

Perhaps there is nothing to parody

in *The Lair of the White Worm* or *The Hard-Boiled Virgin;* they are just that empty of merit. But Sinclair Lewis knew that he had found the base of Jacob's ladder when he read such syndicated poet-philosophers as Eddie Guest and Uncle Walt of Emporia ("Where the Sunflower Grows"). In *Babbitt*, he embodied them in the wonderful figure of T. Cholmondeley ("Chum") Frink, author of "poemulations" like this:

> I sat alone and groused and thunk, and scratched my head and sighed and wunk, and groaned, "There still are boobs, alack, who'd like the old-time gin-mill back; that den that makes a sage a loon, the vile and smelly old saloon!" I'll never miss their poison booze, whilst I the bubbling spring can use, that leaves my head at merry morn as clear as any babe new-born!

It is not a social but a literary construction, this double vision that allows us to see that Frink is a fool but Lewis (who is, right now, the same as Frink) is a genius.

There may be writers who are worse than Chum Frink. There are certainly writers who are a little bit better than he is, writers who stand a little higher up the ladder. Others stand a little higher still. . . . Lewis, standing near the top, makes Chum Frink see this, once he's drunk:

> Know what I could've been? I could've been a Gene Field or a James Whitcomb Riley. Maybe a Stevenson. I could've.

No, he couldn't've. But the momentary ability to realize how bad he is gives him a glimpse of the ladder's ascent and upward reaches. "Maybe a Stevenson."

Grant that there is some writing that is just plain bad; and grant, therefore, that there are principles that allow us to make that judgment. I will then suggest that by using the same principles we can distinguish a canon of writing that is great in every way in which the countercanon is terrible. If you demand to know by *which* principles that highly discriminatory judgment is to be made, I will answer in the general yet sufficient terms with which Coleridge, in his *Biographia Literaria*, answers essentially the same question: "By the principles of grammar, logic, psychology!" He goes on to mention "the truth and nature of things, confirmed by the authority of works, whose fame is not of *one* country, nor of *one* age."

No claim need be made that these principles operate uniformly in people's literary judgments. The claim is only that where they do operate, they are decisive, and they are no respecters of period, genre, gender, race, or class. One principle that Coleridge identifies — a principle, basically, of literary "logic" and "psychology" — is that a *"legitimate"* poem "propos[es] to itself such delight from the *whole*, as is compatible with a distinct gratification from each component *part*." In other words, the whole and the parts should be consonant. You shouldn't try to elevate your readers' thoughts with some general message about capital punishment while you are putting them to sleep with a series of fatuous clichés.

History may suggest some reasons why William Wordsworth got interested in capital punishment, but it cannot come to grips with the miraculous wrongness of his decision to write a series of poems in favor of it.

Such principles of "taste" and *"good sense"* (Coleridge again) are subject to every error of application that bad taste and lack of sense can possibly make. But it is by appeal to universal standards that *King Lear* lives and *Gorboduc* continues dead, that Emily Dickinson has been resurrected while Ella Wheeler Wilcox remains buried in the ruins of her literary experiments.

There are people — my professional colleagues, chiefly — who would not spend one moment defending the literary value of *The Hard-Boiled Virgin* or *The Lair of the White Worm* but who have great difficulty accepting the abstract idea that distinctions ought to be made between literature and mere "writing," or between writing that has some local and partial value and writing that represents a canon of greatness. Is it possible, they wonder, and is it right, to distinguish literary effects from all the other "cultural work" that a text may do?

Here again, we need the help of some great exemplar of the countercanon. This is a job for Albert Payson Terhune.

Terhune was a hack writer. It seems to have been an hereditary condition; his mother and his daughter were also hack writers. In his autobiography, Terhune cheerfully confesses to writing that "was a billion miles from anything approaching literature." (He believed that he could tell the difference.) But whatever the quality of his writing may have been, he kept at it until the end, and after the end. His last published book, *Across the Line*, was allegedly created after his death and communicated to this world by means of automatic writing — an art that he had practiced, in one form or another, throughout his career.

Terhune's most famous works are his many stories of dogs, beginning with *Lad: A Dog* (1919). Interest in his books about collies has been intense and long-lasting; pockets of enthusiasm still exist. When I was a child, I loved Terhune's books and pestered my parents to keep buying them, until I had 10 or 15 of the cheap, squishy, Grosset & Dunlap "hardbacks" for kids. Years later, long after my treasured copies had somehow found their way to Goodwill Industries, I came across *Lad: A Dog* on a bookstore shelf. My heart barely had time to soften with nostalgia before I opened the book and discovered that Albert Payson Terhune was a very poor writer, after all.

His books do have action; the dogs get to save some good guys and rough up some bad guys. But his principal concern is the dogs' moral character. Every one of these "gallant" dogs is a "dog with a Soul"; every one of them is, in Terhune's opinion, about a thousand times nicer, braver, and smarter than any human being you are ever likely to meet. The word "animal" just doesn't seem to fit. What the dogs are, in fact, is a pack of self-complacent New Jersey gentlemen like "the Master," Terhune himself. You've guessed that Terhune's sentences are insufferably stilted and hammy. They also have a tendency to wander off on long romps with his personal obses-

sions. He was chronically upset, for instance, by a paved road that encroached on his property at Pompton Lakes — the "pus-hued concrete highroad," as he termed it. That first adjective catches him at the height of his evocative power.

The question of why so many people, adults as well as children, have really and honestly enjoyed Terhune's books is answered in two different ways — one explicit and weak, one implicit and powerful — by Irving Litvag, Terhune's engaging biographer. Litvag recognizes his subject's sins as a writer. He asserts, nevertheless, that the explanation for Terhune's popularity lies in his "storytelling skill." This would be a good explanation, if there were some positive evidence of that skill. There being none, I proceed to Litvag's second answer, which has much more to do with Terhune's audience than with Terhune.

Litvag admits that he found himself crying, like many other visitors, when he drove out to Terhune's former home and discovered the grave of Lad, a quadruped "whose only real interest in life," Litvag concedes, "probably was his next bowl of hamburger." Yet somehow Lad "became the dog we always wanted to have and never did. Maybe even more than that — maybe he became the friend we always waited to find, or even the brother, or the father." Terhune's writing helped to produce that effect, but the effect didn't result from any aspects of the writing that we can possibly call literary, so long as there are other words in the dictionary. The real determinant was the audience's desire to have a collie dog.

That's "cultural work" for you. When I visited "The Place," as Terhune always calls his estate, my emotions also were fully engaged, although they required no immediate assistance from Terhune's writing. Such movements of the heart are well worth analyzing, from a "cultural" point of view. But the clues won't lead you anywhere close to literature. The main reason why we know that *King Lear* (or, for that matter, *The Call of the Wild*) is literature, while *Lad: A Dog* is not, is that only one of those works depends for its effect on the reader's need for a household pet.

The main reason why we know that "The Call of the Wild" is literature, while "Lad: A Dog" is not, is that only one of those works depends for its effect on the reader's need for a household pet.

This point is naturally lost on everyone who is not concerned to distinguish literature from socially interesting words, and "everyone," in this sentence, embraces both stylish theorists of writing and old-fashioned preachers of morality (two overlapping categories). My contention is supported by *A Call to Character*, a newly published anthology of moral writing for children, compiled by Colin Greer and Herbert Kohl. Kohl is the progressive educator who was responsible for *The Open Classroom* and, more recently, *Should We Burn Babar?* I am pleased to report that in the introductory essay of *A Call to Character*, my old friend *Lad* wins best of show. The climax of the essay sends readers off to this novel to learn "valuable advice" about "moral issues."

The issue of whether *Lad* is literature, or merely a very odd kind of writing, does not arise for Greer and Kohl, any more than it arises for English Department theorists of race-class-gender. Why should it? For some purposes (to paraphrase Mrs. Chesnut), any kind of words will do. There is no reason to insist, is there, on taste or good judgment when you're simply theorizing in the classroom, or sharing moral lessons with your children? I should mention that even *The Truth about the Titanic* suggests a lot of moral lessons, and it has a lot to tell us about early-twentieth-century class structures, too.

But a question keeps coming back, as persistent and as haunting as the evidence that the countercanon offers for the existence of the canon: Isn't there *something* that the kids could get out of Robert Louis Stevenson's writing that they can't get out of Albert Payson Terhune's? I think that there is, and that the *something* would be literature. ❑

Letters, *continued from page 5*

specific evidence on the persistence of slave labor camps, and further discuss the mixed blessings Deng's reforms have brought to the wretched inmates of Laogai, the Chinese Gulag. (There is far less deliberate brutality and brainwashing than under Mao, but far more opportunity for *apparatchiks* to get rich off of slave labor).

Regarding Harry Wu himself: Alexander may be right that most Chinese don't respect him. The same could be said of Russians and Solzhenitsyn. It should come as no surprise that the nations of Stalin and Mao still lack widespread appreciation for courageous dissidents. But to libertarians and all people of good will, they are heroes. In any case, to imply that former inmates of Communist slave labor camps like Harry Wu share Americans' "victim's rights mentality" is to lose all sense of the difference between phony oppression and the real thing.

Bryan Caplan
McLean, Va.

Friendly Advice

If you work for *Liberty*, for the Lady's sake, work for *liberty*. If *Liberty* pays your wage and buys your bread, write for *Liberty*, work for *liberty*, and stand by fellow libertarians. In a pinch, an ounce of loyalty is worth a pound of statistics. If you must eternally disparage, vilify and condemn fellow libertarians, resign from *Liberty* and when on the outside damn till your heart's content.

If you do not, you are loosening the tendrils that draw new libertarians to her Torch, so that at the first high wind they are up-rooted and blown away, never to become Libertarians, and you'll never know the reason why!

We all must fight the dragon, not each other.

Wishing you peace love and freedom in our lifetime!

Scott A. Wilson
Concord, Calif.

Reviews

The Making of Economic Society, **by Robert Heilbroner and William Milberg. Prentice Hall, 1998, 190 pp.**

The Unmaking of an Ideology

Jane S. Shaw

Throughout his career, economist Robert Heilbroner sympathized with socialism. Because of his appealing writing style (introduced to young people through his popular book *The Worldly Philosophers*) and because of his grudging respect for the market system, he has been regarded as a member of the economic mainstream (which is, of course, left-leaning). However, he never hid the fact that he thought that the United States should move closer to socialism.

With the fall of communism, his views changed. In a memorable *New Yorker* article in 1990 he candidly admitted his shock at the economic collapse of the Soviet Union. The shock led him to reconsider the calculation debate of the 1930s, and he concluded that, after all, "Mises was right."

When the tenth edition of his economic history text, *The Making of Economic Society*, appeared recently, I naturally wanted to know how this edition (co-written with William Milberg) treated communism. I was even more curious to learn whether Heilbroner's views about capitalism had changed. So I compared it with two earlier editions — the original 1962 book and the sixth edition, published in 1980.

Heilbroner's book has, indeed, changed over the past 35 years, but not quite the way I expected. For one thing, looking back at the earlier editions, I found that Heilbroner always respected capitalism. (Perhaps I shouldn't be surprised. Marx did, too.)

In all three editions I reviewed, Heilbroner introduces the market economy with an anecdote illustrating the "puzzling — indeed, almost paradoxical — nature of the market solution to the economic problem." He quotes a hypothetical adviser as saying "Oh, nobody runs the market . . . . It runs itself. In fact there really isn't any such thing as 'the market.' It's just a word we use to describe the way people behave." With such language, he does a good job of differentiating capitalism from "tradition" and "command" economies.

Furthermore, in all three editions, Heilbroner tempers criticism of the Industrial Revolution with statements that the hardships seemingly caused by capitalism (child labor, long working hours, dangerous factory conditions) should be placed in context. For example, he points out that the urban poverty so visible to contemporary historians did not necessarily represent a deterioration of life for the masses. For many, it was an improvement.

Even so, a lot has changed over the years. The new edition is much shorter (190 pages, compared with the original 241 pages and 300 in 1980). I suspect the book was shortened as a concession to today's poorly prepared college students. But whether this is the case or not, it is interesting to identify the topics that Heilbroner and his co-author have removed. These include details of the composition of the Gross National Product, exhaustive analysis of the early-20th century claims that American industry was too concentrated, and a debate over the social reponsibility of business (which pops up in the 1980 edition).

What has been completely transformed is the treatment of international economics. Soviet communism, which took up more than nine pages in the 1962 edition, has shrunk to less than a page. The glowing encomiums have disappeared. In 1962, Heilbroner wrote: "Can economic command significantly compress and accelerate the growth process? The remarkable performance of the Soviet Union is proof enough that it can." In 1980, he wrote: "Central planning is not impossible for certain kinds of economic tasks: For 'forcing' growth, in particular, it may be more effective than any other means of bringing about the needed allocation of resources" (p. 215). In the latest

HEILBRONER'S PUZZLE

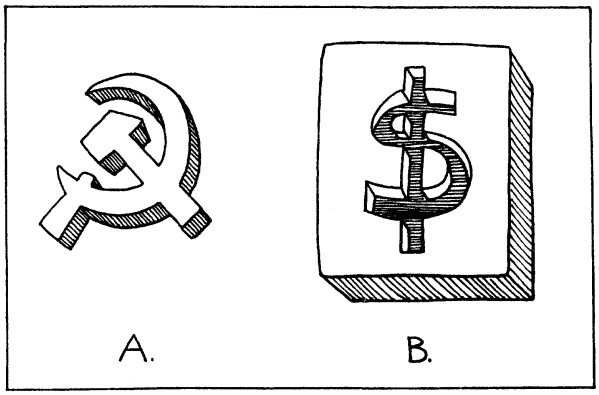

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edition, he says: "Whatever the outcome, the outlook for what we used to call Soviet socialism seems very bleak" (170).

What really blew me away, though, was the disappearance of the Third World. The "underdeveloped world" was granted 25 pages in 1962, and in 1980 it had its own 23-page chapter. (True, there were signs of retreat. The "crucial avenue of aid" in 1962 was just the "avenue of foreign aid" in 1980.) By 1998, this part of the world is given only a few paragraphs. Instead, we have a chapter on the "globalization of economic life."

Heilbroner says that some of these countries have joined the world economy, while others are "centers of disaster," areas of "ever-worsening poverty, disorder, hopelessness." Whether these will ever become part of the "globalized" world "is beyond our knowledge." So much for those struggling economies whose future was so painstakingly assessed in earlier editions.

Heilbroner's reversal on the underdeveloped nations can help us understand why he once thought that socialism would work. In the earlier parts of the book, which have changed little over the years, Heilbroner recognizes that capital investment is critical to economic growth, but he sees no fundamental difference between the way that capital investment was accumulated in the Industrial Revolution and the way it was accumulated by the Soviet state.

Both societies restricted consumption to provide investment, he says. "England *had* to hold down the level of its working class consumption in order to free its productive effort for the accumulation of capital goods," he says in the first edition (1962, p. 97), a statement repeated almost word-for-word in 1998. Back in 1962, he viewed the Soviet process as simply a more intense version of the Industrial Revolution — the same transformation, just Soviet-style: "What was new about the Soviet program was that totalitarian control over the citizenry enabled the planners to carry out this transformation at a much faster tempo than would have been possible had protests been permitted" (1962, p. 195).

The Third World, too, needed to make this transformation, he wrote back then. If it was to leapfrog to indus-

trialization without either communism or the "lengthy and arduous" process that had characterized economic development in the West, some other method of capital accumulation was needed. Capital had to come from outside, either through foreign trade, foreign investment, or foreign aid. While Heilbroner discussed many problems in the Third World, from inefficient agriculture to the legacy of imperialism, they all had one thing in common: They were obstacles to the accumulation of capital.

But, as we all know now, the Third World did get capital, plenty of it. The Third World is littered with rusting factories, wasteful dams, and outmoded power plants, many of them produced with money poured into the underdeveloped countries by foreign aid.

What Heilbroner didn't recognize, apparently, is that prosperity depends not just on capital investment but on *well-targeted* and *well-managed* investment. The experience of history suggests that the most productive capital investment decisions come from a myriad of individuals acting on their own impulses, responding to a myriad of signals conveyed through the marketplace.

"Underdeveloped" countries remain that way because their governments do not grant individuals the freedom to gain by creatively responding to demand expressed through markets. (This fact is luminously clear in the correlations between prosperity and economic freedom made by James Gwartney and Robert Lawson in their recently released study, *Economic Freedom of the World 1997*.) Without markets, capital investment often ends up as waste. Heilbroner missed this in his earlier editions. His decision to drop discussion of the Third World suggests that he may understand it now.

Whatever its omissions, the latest edition of *The Making of Economic Society* does indeed give capitalism its due. A chapter about the period from 1945 to 1973 is labeled the "Golden Age of Capitalism." As most people get older, the past looks better and better. This seems to be true even for Robert Heilbroner, who dreamed of a socialist workers' paradise, but, instead, got a capitalist one. ❑

***The Proud Highway: Saga of a Desperate Southern Gentleman*, by Hunter S. Thompson (Douglas Brinkley, editor). Villard Books, 1997.**

Epistles from the Edge

Thomas Knapp

"Facts are lies when they're added up . . . you have to add up the facts in your own fuzzy way, and to hell with the hired swine who use adding machines," wrote Hunter S. Thompson in a 1965 letter to Knopf editor Angus Cameron. Since then, Thompson kept accounts his own way in *Hell's Angels* and the eight books that followed it. He wrote two of the seminal works on the politics of the late twentieth century (*Fear and Loathing: On the Campaign Trail '72* and *Better Than Sex*), eye-opening "studies" of the drug and motorcycle cultures (in *Fear and Loathing in Las Vegas* and *Hell's Angels*), and reams of salient political and social commentary ranging from his early South American articles for the *National Observer* to his "national correspondence" in *Rolling Stone*. A film version of *Fear and Loathing in Las Vegas* is in production, featuring Johnny Depp in the role of the angst-ridden, drug-addled journalist. His new piece in *Time* ("Fear and Loathing in Hollywood: Doomed Love at the Taco Stand"), putatively about the movie, marks Thompson's triumphant return to the publication where he once worked as a copy boy.

The Proud Highway: Saga of a Desperate Southern Gentleman, covers Thompson's formative period of 1955–67, and is the first volume in a projected trilogy of the God of Gonzo's letters. The correspondence spans a period encompassing the last days of Thompson's high school career (he spends graduation day cooling his heels in a Louisville jail cell, charged with armed robbery), his first forays into journalism as an Air Force sports-writer, a short and ill-fated attempt to hold down a "real" newspaper job, and his sojourns in New York, Puerto Rico, South America, California, and Colorado, culminating in the release of *Hell's Angels*. The collection of Thompson's correspondence, edited by Douglas Brinkley, may be the ultimate validation of Thompson's real writing ability and political acumen. It is also the reading public's first real chance to examine the early development of Thompson's trademark style.

Included in the volume are some of the pieces that made Thompson the inspiration for the "Duke" character in *Doonesbury*: a self-penned "news release" that mysteriously appeared in the Eglin Air Force Base *Command Courier*, identifying Thompson as the suspect in a fictional attack on the gatehouse guard ("Thompson was . . . described by a recent arrival in the base sanatorium as 'just the type of bastard who would do a thing like that'"), the correspondence surrounding his "application" for the governorship of American Samoa ("Immediately upon receipt of [your letter] I went to Brooks Brothers and purchased several white linen suits and other equipment befitting the Governor . . ."), and his attempt to cajole the CEO of American Motors into giving him a new Rambler ("The nut of my argument is that I'm driving around in something that I — in your position — would go to great lengths to hide from the general public").

Functioning as a writer in a world of feel-good liberals, militant leftists, and crank conservatives, Thompson has always managed to project a visceral libertarianism, a frank and savage objection to the signs of the times and the people and processes that make them what they are. If he's generally

regarded as leaning to the left, it has never prevented him from recognizing — and skewering with a sharp polemic — the systemic problems of the state as such: "My position is and always has been that I distrust power and authority, together with all those who come to it by conventional means — whether it is guns, votes, or outright bribery. There are two main evils in the world today: one is Poverty, the other is Governments. And frankly I see no hope of getting rid of either. So it will have to be a matter of degrees, and that's where we quarrel," Thompson wrote to his Marxist friend Paul Semonin in early 1964. He also said that "the 'civilized' nations of this earth have created in the 'underdeveloped' lands nothing more or less than a cheap and ragged imitation of their own Big System that has gone by the name of 'government' since man invented the word." Thompson feels in his gut the wrongness of the over-protective, manic-depressive bitch that is modern society and the modern state. And it is on the "gut level" that the reader agrees (or disagrees).

The young Thompson apparently benefited from exposure to the ideas of Ayn Rand. The editor's notes preceding a 1957 missive to high school friend Joe Bell indicate that he considered her a "kindred spirit" and often loaned out copies of her books. "To discuss *The Fountainhead* would be useless — " he cautions Bell, "even more so with a person who understands it than one who doesn't . . . although I don't feel that it's at all necessary to tell you how I feel about the concept of individuality, I know that I'm going to have to spend the rest of my life expressing it in one way or another, and I think that I'll accomplish more by expressing it on the keys of a typewriter than by letting it express itself in sudden outbursts of frustrated violence."

It is down in our guts that Thompson makes us feel the wrongness of the over-protective, manic-depressive bitch that is modern society and the modern state.

And yet Thompson's entire body of work might be classified as "sudden outbursts of frustrated violence" — directed with deadly aim against the killers of the American dream, those who are "heroes first, and punks later, and then heroes again when people have forgotten what real punks they were" (on Jean-Paul Sartre and Norman Mailer, to Semonin in 1964). And he seems to refer to the same group in his own Author's Note to *The Proud Highway*: "Their work and their lives and their long-range professional Fate would be a lot easier if I went out on a slick Ducati motorcycle one night and never came back."

It won't be necessary for some future generation to exhume the corpse of the Great American Dream for autopsy purposes. The coroner's report is already in, and it's signed: Hunter S. Thompson. ❑

***Man Without a Face*, by Markus Wolf, with Anne McElvoy. Times Books, 1997, 368 pp.**

The Man From Stasi

Richard Kostelanetz

I first heard the name of Lt. General Markus Wolf (b. 1923) when I lived in West Berlin in the early 1980s. Already the veteran chief of that department of the East German (DDR) Stasi devoted to external spying, he was a legendary character at once feared and admired on both sides of the Berlin Wall. (Remember it?) The fact that no one for many years had a photograph of him contributed to his mythic status and provides a title to his recent memoir. The son of the prominent Communist writer and philandering physician Friedrich Wolf, who took his family during the Nazi times not to Hollywood but to Moscow, Markus Wolf was also the older brother of the distinguished East German filmmaker Konrad Wolf, who headed the East Germany Academy of the Arts until his early death in 1982. (Imagine if the brother of Steven Spielberg were heading our CIA.)

The first truth you learned in West Berlin was that Wolf was a supremely effective spymaster. Among those West Germans discovered to be DDR informants were Willy Brandt's right-hand man, the chief of West German counter-intelligence as well as the assistant chief, and various prominent nuclear scientists. In retrospect, you rightly wonder how many of similar prominence did not blow their covers or defect and continued living in (West) Germany undetected and unsuspected after the Wall came down. It was commonly said at the time that the East German external spy service ranked second only to the Israeli Mossad. (The fact that both were run by Jews was not lost on people who keep track of such details.) I remember an East German friend once telling me the identity of Markus Wolf's mistress, as though this information would indicate that he wanted me to believe I could trust him. It was, so to speak, his secret to top all secrets he could share with me. Since my friend is mentioned in Wolf's book, I later came to regret failing to write down the lady's name.

Living in West Berlin, often going through or under the Wall to another world that was so antagonistic to my own, made me more aware of spies than I was before. With some eighty separate intelligence agencies operating here, West Berlin was Undercover Heaven. While minding my own business as an artist-guest of the city, I was constantly running into people whose

activities could not be wholly explained, whose sources of income were mysterious; and a girlfriend who had spent her entire adult life within the walled city made me yet more watchful. We once met a female "journalist" from New York, a Jew (another!) who had lived for many years on the main street in a neighborhood favored by young radicals. Since she didn't seem to publish much, our first question to each other after we left her was, "I wonder whom she's working for?" Our educated guess was that she snooped for Israeli intelligence — or perhaps New York City's. Hell, the organization inviting me to Berlin, the DAAD Kunstlerprogramm, had been founded in the early 1960s with American money by the late Shepherd Stone, whom Wolf thinks "was involved with the CIA," to contribute to the East-West cultural competition that was thought to be serious business.

For all his celebrity in West Germany, Wolf was unknown in America at the time. His name did not appear in Thomas Powers' biography of Richard Helms and the CIA, *The Man Who Kept the Secrets* (1979), though Wolf's West German counterpart is mentioned several times. I can remember proposing to do an extended magazine article on the intellectual Jewish spymaster, gathering what was known about him from secondary sources; but no magazine here wanted a feature on someone at once unfamiliar and so incredible (and so unavailable for an sit-down interview). As a veteran magazine writer, I circulated this proposal with the expectation that the apprehension of an East German spy in America one day might remind editors of me, but I hoped in vain.

Wolf's narrative reflects genuine literary ability, beginning with the illusion of revealing confidences and the generation of provocative ideas.

We speculated at the time about whether Wolf had agents in the U.S. We remember that Soviet spies were arrested here; so were Czech spies, working out of the UN in the late 1960s. However, not until late 1997, to my recollection, was anyone allegedly reporting to East Germany ever arrested in the U.S. Given that West Germany at the time eagerly accepted "refugees" from East Germany, it would have been quite easy for Wolf's operation to send agents west and then instruct them, once they obtained West German identity, to apply for a tourist visa for America. Since our police don't track tourists here, it would have been quite easy for such spies to overstay their visas and, if they already had enough American money in their pockets, to establish a presence here and then do some mischief.

After I returned home to New York, I met at least one young woman born in East Germany whose insufficient accounting of how her family "went West" and then her description of her parents' activities in America made me feel like a suspicious West Berliner again. (Merely from the details I outlined, my West Berlin girlfriend immediately agreed with me.) My hunch is that once the DDR disintegrated, the DDR agents here simply disappeared into whatever front they were pursuing in America and, more important, that Stasi files about American agents were among the first to be destroyed. That means that information about the identity and purposes of DDR spies in America now exists only in the mind of Markus Wolf.

The lack of visible arrests of East German agents here indicates that either there were none or, more likely, that the U.S. never caught any. The fact that few people here appreciated Wolf's talents (or even knew his name) became, in the inverse logic typical of such matters, further evidence of his effectiveness. Remembering this guy as a champ spymaster, I would say this absence becomes an implicit indictment of U.S. spycatching.

Wolf was also something of a con man. I can recall on that Friday afternoon after the Berlin Wall fell that an eager CNN reporter interviewed Wolf, then identified only as a "dissident," who didn't divulge his principal previous position — a tag that was in 1989 apparently unfamiliar to both the reporter and his editors in Atlanta. In his book he writes with pride of just a few months before "joining the writers Christa Wolf, Stephan Heym [sic; it's "Stefan"], and Heiner Müller and the leaders of the New Forum opposition group Barbal Böhley and Jens Reich" as though he were just another dutiful member of Berlin PEN.

With all these thoughts in mind I approached Markus Wolf's first English-language memoir, *Man Without a Face*, "The Autobiography of Communism's Greatest Spymaster," written with Anne McElvoy (an unfamiliar name who doesn't merit a biographical note), hoping for some new intelligence about DDR operations in America. After all, when a news-hungry American publisher pays an advance and hires a ghost to help a new celebrity who hasn't written an English-language book before, it expects to get a good story, which, in this case, should have included new information of interest to us all. Forget it. We hear only about two German Jewish refugees, both now deceased, who sent information to his office, and two Americans stationed in West Berlin. To my mind, that is not and can't possibly be enough. (He also claims that the Stasi had no agents in Israel, even though other arms of the DDR were supporting Arab countries and sometimes harboring Arab terrorists.)

An East German friend once told me the identity of Markus Wolf's mistress at the time, as though this information would indicate that he wanted me to believe I could trust him.

It is true that *Man Without a Face* contains lots of details about Stasi success in East Germany, retrospective regrets about inadvertently deposing Willy Brandt (the West German prime minister most sympathetic to the East), and some amusing anecdotes about Stasi failure in the early 1970s in East Africa (which Israeli intelligence had wisely abandoned a few years before). Wolf's narrative reflects genuine literary ability, beginning with the illusion

of revealing confidences ("One of the perils of being a spy chief is that you are not believed even when you do come clean") and the generation of provocative ideas. In the last respect, consider this most remarkable historical claim, which appears near the end of the book: "The intelligence services contributed to a half century of peace — the longest Europe has ever known — by giving statesman some security that they would not be surprised by the other side." Now that is a perception worthy of another book that, given Wolf's new self-description, he will probably do.

Otherwise, the principal revelation here is a back jacket photograph where Markus Wolf looks like a humorless Mel Brooks and then a folio of black-white photographs that show a man too tall to disappear into a crowd. On further thought, consider that this egregiously incomplete book might be the latest trick of The Man Who Kept the Secrets, for Lt. General Wolf got truly hard currency out of Times Books, which is a division of Random House, which is owned by the Newhouse family. Now, that's not only first-rank *chutzpah* but a big-league con. ❑

***Sewer, Gas & Electric*, by Matt Ruff. Atlantic Monthly Press, 1997, 450 pp.**

Marginal Utilities

Brien Bartels

Sewer, Gas & Electric offers a complex plot, a menagerie of cartoony characters, and arguments with a holographic Ayn Rand, but very little philosophical heft. In Matt Ruff's fevered imagining of the year 2023, we meet Harry Gant, a billionaire industrialist and all-around nice guy, who is engaged in building the world's tallest building in Manhattan. A worthy goal for an Objectivist hero, but Harry is about as far from John Galt as you can get. Described as having "more enthusiasm than sense," he invents his way to riches by bamboozling the nation with public opinion engineers, bamboozling the banks with creative accountants, and selling a billion dollars worth of "neat" products, like "electric Negroes."

The death and rapid evaporation of the entire black race in a plague results in a great void in the world's work force. Gant's Automatic Servants not only fill a wide variety of industrial and service jobs but also a void in the consciousness of the survivors of the plague: "People didn't seem to mind — in fact seemed strangely comforted by — the sudden profusion of dark skinned Servants, all of them polite and hard-working to a fault." Hence electric Negroes, an informal appellation Gant's engineers try to keep out of everyday parlance. Gant himself is "as surprised as anyone when Configuration A204 — your Automatic Servant in basic black — began outselling all other versions combined by a margin of ten to one."

The main plot of this many-plotted novel centers on the curious fact that, despite the Automatic Servants' behavioral inhibitors, they are implicated in a very strange murder. Someone, or something, is using them for nefarious purposes outside the manufacturer's intended use.

Into the mix are thrown Joan Fine, Harry's ex-wife and former comptroller of public opinion, now a sewer exterminator and investigative journalist's assistant; Kite Edmonds, the oldest surviving Confederate cross-dressing one-armed combat veteran; and Philo Dufresne, the Amish/African-American eco-terrorist and improbable survivor of the great plague. Dufresne and his submarine crew, in their non-violent war for global cleanliness, sink one of Gant's Antarctic-bound icebreakers for the amusement of blimp-riding newsmen of CNN, thereby winning the fatal enmity of Gant's fanatical new comptroller of public opinion, Vanna Domingo . . . and so on and so on. Fortunately, Ruff provides a list of *Dramatis Personae* ("The Social Register," arranged by income level) to which readers will refer often.

Sewer, Gas & Electric made me laugh out loud in places. Some of the scenes and passages are sublime. It contains not one but two succinct summaries of *Atlas Shrugged*. (The shorter one: "The anti-Communist Manifesto . . . with chase scenes and heavy petting. . . .") On the downside, by the halfway point I was casting around my apartment for another book to read.

I pondered the reason for this, eventually comparing *Sewer, Gas & Electric* to two books which Ruff is either paying homage to or parodying. In *Atlas Shrugged* and in *The Illuminatus! Trilogy* the characters react to their overwhelming antagonists and situations with vigor, determination, and drive. Their drive compels the reader to the denouement of each book. Dagny Taggart's single-minded determination to save her railroad pulls readers through the 65-page speeches. Hagbard Celine's war on the Illuminati holds the reader despite the repellent sex scenes and cracked conspiracies. In *Sewer, Gas & Electric*, Ruff's actors are so handicapped by malignant irony that they

In "Sewer, Gas & Electric," Ruff's actors are so handicapped by malignant irony that they appear completely detached in the face of armies of mechanized terrorists, genocidal computers, and mutated sewer-dwelling sharks.

appear completely detached in the face of armies of mechanized terrorists, genocidal computers, and mutated sewer-dwelling sharks. That detachment transmigrates to the reader after about 200 pages.

It is very difficult to stay with a book whose little philosophy goes like this: "lefties are bad, maniacal computers are bad, industrialists are not so bad, eco-terrorists in a polka dot submarine are good." And it is more difficult when it is apparent the author himself has no strong attachment to those simple ideas.

If you like to laugh, love to see popular culture skewered by a skilled literary sou chef, and don't value your time too highly, *Sewer, Gas & Electric* is worth the effort. If you prefer your fiction with ideas and memorable personalities, instead of an undistinguished mob in a series of skits, wait for the paperback. And if you don't think you could stand the sight of a holographic simulation of Ayn Rand actually losing an argument with a "Whim-worshipping muscle mystic," *Sewer, Gas & Electric* will only interfere with your benevolent sense of life. ❑

Booknotes

Lear on the Farm — Jane Smiley's 1991 novel, ***A Thousand Acres*** (Knopf, 371 pp.), has recently been released as a movie, and as usual, the book is better. It's a version of *King Lear*, cunningly updated to the 1970s. The disputed bequest is now a midwestern farm, and the disputants are modern agriculturalists who wear jeans, worry about getting the latest model tractor, and play Monopoly in their spare time. The chief interest comes from the cleverness with which Shakespeare's story is transferred to this climate, and its symbols reversed: the bad guys in *Lear* turn into the good guys here (well, sort of). But Smiley's novel is also remarkable in another way. It has something that is rare in modern "art" novels — a real curiosity about the way people earn a living, and what that means to them. To my relief, the only politics in this novel is a half-satiric, half-sympathetic view of environmentalism. There is one really damaging artistic error: Smiley uses one of the farm women as her narrator, but she sounds like someone who has spent her life picking up MFAs in creative writing. Once you get used to the strangely artificial narrative style, the rest works pretty well. —Stephen Cox

Out of Afghanistan — Farooki Gauhari knew it was time to leave Afghanistan when her sons climbed out their junior high school window to escape the soldiers who had come for new "enlistees."

She had already spent over two years searching for her husband Saleem, an Air Force officer who disappeared in April, 1978, when the Communists took over Kabul. Every Saturday she had waited in line at the prison to deliver food and clothes for him and every Saturday the guards would return her items after saying they had searched, but failed to find him.

In fact, he was already dead. But all they ever said was that they couldn't find him. Sometimes in the streets someone would tell her that he had seen her husband. So she spent countless frustrating hours tracking down these stories, only to be disappointed. During this time she felt that her gun was her one protection from the looting of abandoned homes that had begun. To avoid the metal detectors of the searching soldiers she hid her gun up near her metal roof, but spent anxious nights while the gun was so far out of reach from where she tried to sleep.

Dressed as fundamentalist Moslems, she and her children and brothers and sisters made their way through the war between Islam and Socialism — which, like all holy wars, was particularly vicious. They survived surprise knocks on doors, unprovoked stops on the roads, hours hiding in houses while bombs whizzed overhead, and riots in the streets.

Somehow, she made it to Pakistan, then to India and ultimately to Omaha, where her training as a biologist served her well in starting a new life as a professor at the University of Nebraska. ***Searching for Saleem*** (University of Nebraska Press, 1996, 255 pp.) is the story of this journey. It is a frightening — and inspiring — account of what happens when an ordinary person becomes caught in a battle of religions and ideologies. —Kathleen Bradford

Klaus, In His Own Words — In the film *Wild at Heart*, a character tells of a private detective so skillful "he could find an honest man in Washington." After reading *Renaissance* by Vaclav Klaus, I am convinced he could find two, providing Klaus was in town.

Klaus is the rare elected politician who will freely admit that there are things the government should not and cannot do. Once a creature of libertarian fantasy, this sort of politician is now the Prime Minister of the Czech Republic. In ***Renaissance: The Rebirth of Liberty in the Heart of Europe*** (Cato Institute, 1997, 177 pp.), a collection of twenty-nine essays (all originally delivered in English), he writes of the Czech Republic's move from Communism to markets. Unfortunately, a collection of speeches and essays does not make for the best how-to book. The book is unavoidably choppy and repetitive. The editor alleviated this problem somewhat by allowing each essay to expand upon the previous one, but the repetition mars the book.

"Transforming Toward a Free Society" is by far the best essay. Klaus simply points out that free interactions are what remain after coerced interactions are taken away. A civil society is what remains after the state is taken away. It is impossible for a state to *create* markets or "introduce" civil society. The state need only withdraw from the scene.

Klaus also tells of the tactics that he used to achieve his reforms. The current government has largely abolished price controls, stabilized the money supply, privatized government-run industries and more. A common theme runs though all of these measures. The reforms were not designed to improve industrial efficiency. The reforms were designed to transfer control from the state to individuals and for no other reason. This method allowed valuable traditions to be created, and it also lets

those traditions evolve.

Renaissance differs from most libertarian works because it was written by an actor and not a critic. Most libertarian authors spend their energy discussing goals, and very little on the tactics needed to achieve them. Klaus spends little energy on goals, and most on tactics. Libertarians should notice this balance. Perhaps we should shift our attention from perfecting our conceptualization of Libertopia and more on the small details. At the moment we need a road map more than a globe.

While it is true that the Czech Republic has not achieved a civil society, it has moved in that direction, and *Renaissance* details the journey. While the essays overlap too much, they do provide a useful manual for people in other countries. —Stephen French

Don't You Believe It — According to James A. Haught in ***2000 Years of Disbelief*** (Prometheus Books, 1996, 334 pp.), the "last major European figure" to be "executed for heresy" was Spanish educator Francisco Ferrer. In 1909, his "godless schools" were accused of fomenting rebellion, and a military tribunal tried, convicted, and executed him by firing squad. Though the government soon changed hands because of the scandal, "Pope Pius X sent a gold-handled sword engraved with his felicitations to the military prosecutor who had obtained Ferrer's death" (p. 224).

Haught's book is full of anecdotes like these. It consists mainly of short biographies and a selection of quotations from these men and women. Unfortunately, the biographies are rarely well thought out and never elegant. They seem hastily written, with no sure auctorial voice. The entry for H.L. Mencken is especially galling, containing pointless sentences like this: "Mencken's language was delightful, prompting author Marion Rogers to state that he had 'a style of great force.'"

Many of the quotations are "drawn from existing anthologies and collections" and are not cited properly. With a few days in a good library, Haught could have tracked down the proper sources for items that he merely lets stand with a reference to anthologists such "Seldes" (*The Great Quotations*) or "Cardiff" (not the giant).

Contrary to its title, Haught chronicles only the last five hundred years of disbelief. "Part One: The Beginnings of Rationalism," runs on for a mere eight pages, and consists of nothing more than two brief chapters, one eulogizing Omar Khayyam, and the other apostrophizing "the Ancients." One suspects that this was tacked on so the secular humanist publishing house could make the book more appealing to its anti-Christian readers.

The Pre-Socratic philosophers, the Skeptics and Epicureans of the Hellenistic period certainly merit consideration (the book "exhausts" these thinkers in three paragraphs and a few scattered quotations). Indeed, an analysis of the relationship between rising Christianity and decaying "paganism" would have focused Haught's attention to the problems inherent in believing *anything* about religious matters — or political ones, for that matter.

—Timothy Virkkala

Warriors for Peace — In right-wing myth, the Vietnam anti-war protests were driven *exclusively* by venal and selfish motives. In a recent *The American Enterprise*, for example, former Navy Secretary and Vietnam veteran James Webb portrays opponents of the Vietnam war as if they were all pampered, vaguely ridiculous figures like Democratic Representative Tom Downey, who at the time of his election to Congress in 1974 was still living with his mother. Webb ignores anti-war veterans and soldiers, as he must. It is much more difficult to impute cowardice and naiveté to someone who returned from Vietnam in a wheelchair, or admit that many of those who vigorously protested U.S. policy in Vietnam wore the same Marine Corps uniform that Webb did.

Unlike Webb's caricatures, the men described by Richard Moser in ***The New Winter Soldiers: GI and Veteran***

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Dissent During the Vietnam Era, (Rutgers University Press, 1996, 219 pp.), courageously protested the Vietnam War while in uniform, or as veterans during the 1960s and 1970s.

The illustrated book also delves into the racial turmoil of the era and more extreme activities such as "fragging" (assassination of unpopular officers) which was epidemic during the Vietnam War. —Clark Stooksbury

A Singular Imagination — Bruce Sterling's latest novel, ***Holy Fire*** (Bantam, 1996, 358 pp.) is a slice of late-twenty-first-century life, filled with odd words and old words oddly used. "Mnemonic" is not a trick used as a memory aid, but a *drug* to aid memory. "Singularity" is not just a term of math and physics, but a revolutionary moment in history. "Vivid" is the word Sterling's future youths use where "hep" or "cool" or "rad" might have been *de rigeur* in earlier days. Sterling writes of "gerontocrats" who live long past man's normal lifespan, and they refer to themselves as "post-human." The title term, "holy fire," is a synonym for inspiration.

Though Sterling's book is well-written, and his future exquisitely imagined — the future polity is described as a "medical-industrial complex," a very apt term for a very likely development — it is, as a work of fiction, something short of inspired. Sterling tells the tale of an old gerontocrat who goes for the makeover-to-end-all-makeovers, and becomes young again. Instead of remaining under the supervision of her medical experimenters, she runs. Wild. But her adventures in Europe's underground are less than emotionally satisfying. It is as if Sterling achieved a stylistic mirror to his theme: a staid crone becomes a vapid youth, her fire within never burning into the reader's consciousness.

Sterling's novel ends up a laid-back tale of existential crisis, more food for thought than fuel for emotional fire. But I find it hard not to recommend, since as food for thought it is singularly, well, "vivid." —Timothy Virkkala

Fire Tamed in the Hand — I have been a cigarette smoker — an increasingly heavy one — since I was fifteen years old. I have tried to stop in every way imaginable. I went "cold turkey" some years ago, endured it for two agonizing years, then could endure it no longer. I have been to Smoke Enders three times. I have been hypnotized. I have worn the patch.

Several months ago, two friends, concerned about my health, sent me a book entitled *Allen Carr's Easy Way to Stop Smoking.* It contains a perspective on smoking and an analysis of it that was completely new to me.

Allen Carr suggests that the reader have one cigarette after finishing the book, knowing it will be the last he will ever have. I finished the book, lit a cigarette, smoked half of it — and put it out. I did not want it. I have had not a single withdrawal symptom, a single moment of longing for a cigarette in the months since then.

The book is not published in this country, but may be purchased for $15 by contacting Laura Cattell, 12823 Kingsbridge Lane, Houston, TX 77077. I can think of no better gift for yourself, if you smoke, or for friends who still smoke. —Barbara Branden

Bauhaus Divided — "Remove the class distinctions that raise an arrogant barrier between the craftsman and artist." This was the instruction from Walter Gropius, director of the Bauhaus School of Design. The Bauhaus was created to study and teach the unity of architecture, design and functionality.

In theory, the Bauhaus treated the work of all participants equally. There was to be, in Gropius's words, "no difference between the beautiful and the strong gender, absolute equality, but also absolute equal duties." But almost immediately a separate "Women's Department" was established because women were not, in the board's view, up to painting walls and metalworking.

Women were relegated to traditional women's work, which meant weaving. And what weavers they were! They focused on design rather than the structure of the fabric. Some were very taken with geometrics; others with the interplay of colors; others with the use of new materials. They pushed the boundaries of what can be done with fabric in every direction. They changed weaving and textile design forever. Or at least so far.

Women's Work by Sigrid Wortman-Weltge (Chronicle Books, 1993, 208 pp.) is the story of the women who enrolled at the Bauhaus. Their emphasis was on the individual and the goal was to combine formal, theoretical constructs with intellect and inner compulsion in creating fabrics and interiors. These women viewed weaving not as a craft, but as part of an esthetic whole. In their separate workshop they studied design, color, and other aspects associated generally with painting.

Women's Work includes biographies of the weavers — as complete as they can be, considering the disruptions of World War II. Also included are discussions and biographies of people who have been strongly influenced by the Bauhaus, such as Jack Lenor Larsen and Else Riegensteiner.

The text is accompanied by wonderful photographs of the weavers and their studios, complete with color plates of not only their work but the sketches that served as the basis for their work.

—Kathleen Bradford

The Acts of the Epistles — The Apostle Paul (aka Saint Paul, aka Saul of Tarsus) has a rather bad reputation among intellectuals, who see him as the corruptor of the essentially gentle teachings of Jesus and the one who turned Christianity into a sexist, violent religion. British writer A.N. Wilson, in his most recent book, ***Paul: The Mind of the Apostle*** (W.W. Norton & Co., 1997), argues that this popular notion of Paul is just plain wrong.

But Wilson's view of Paul will not really appeal to most Christians, either. According to Wilson, Christianity is the result of two failures: Jesus' failed rebellion (ending with the crucifixion), and Paul's failed prophecy (no Second Coming within the life of anyone living during his time). But the failures aside, Paul's own vision of what Jesus did, and what he (Paul) was up to, does not mesh well with the anti-Pauline bent of so many moderns. According to them, Paul was sexist, racist, totalitarian, etc., etc. But according to Wilson, Paul was, instead, "a prophet of liberty, whose visionary sense of the importance of the inner life anticipates the Romantic poets more than the rule-books of the Inquisition" (14).

Wilson makes a pretty good case for his position, despite a less-than-thorough grappling with Paul's ideas as expressed in his letters. Wilson's purpose is to provide not an exhaustive

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Thomas Knapp is presently working on a new web/email zine, *The Greater Ozarks Bastinado.*

Bart Kosko is a USC professor of electrical engineering and author of the Avon cyberthriller novel *Nanotime.*

Richard Koselanetz produced several books in 1997, including *Writings on Glass* and *A B.B. King Companion.*

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Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University and author of *The Fluttering Veil.*

account of Paul's theology, but a sketch of his character and a review of his background. And Wilson knows his limits: "We cannot write a biography of Paul in the same way that Tacitus or Suetonius has supplied us with colourful, not to say sensational, lives of Nero. But we can rediscover Paul's world — and Nero's world — and hope, in so doing, to understand something about the origins of Christianity and hence the origins of our own world" (p. 13). Perhaps wisely, Wilson does not spend much effort elaborating the provocative theory he floated in his earlier book, *Jesus: A Life*: that Paul not only knew Jesus but was one of the men responsible for his arrest and crucifixion. Wilson concentrates most of his effort on setting the stage for the rise of the early Christian movement in the Roman empire.

Wilson's exegetical method might best be seen as a debunking of Luke's Acts of the Apostles by deciphering the "acts of the epistles." That is, he shows the author of the book of Acts to be unreliable by contrasting his story with the stories that Paul tells. The method is not a perfect one, but it certainly has its charms.

Of Paul's sidekick Timothy's infamous ceremonial surgery, Wilson concludes a fascinating discussion:

> The story of Paul going to the trouble of having his friend circumcised must, therefore, be one of those passages in Acts which are pure fiction. Famous as Paul is for inconsistencies, and for changing his mind — he is the most famous convert in ancient history — it is not possible to believe that he could write so eloquent a denunciation of circumcising the Gentiles and then consent to the operation being performed on his most trusted lieutenant simply in order to pacify "the Jews." His own letters bristle with a desire to antagonise "the Jews." (129)

The book ends on a rather vague note, appropriately reflecting what we know about Paul's end; that is, *precisely nothing*. Yes, there are various competing traditions about what happened to him after his house arrest in Rome, but the man who gave Christianity its most important expression of ideas is, in the end, a mystery: not "all things to all men," as Paul himself said — and certainly only a few things to A.N. Wilson — but not a closed book, either.

—Timothy Virkkala

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"The ground of liberty must be gained by inches." —Thomas Jefferson

Letters

Hazing Arizona

Paul Armentano needs to get his facts straight regarding the current status of Arizona's Proposition 200 ("The Fight for Medical Marijuana," January 1998). When Arizonans overwhelmingly approved the initiative in November 1996, they enacted much more than a simple "medical marijuana" initiative. The Proposition allows doctors to prescribe, and patients to possess, *any* Schedule I drug, providing the doctor obtains a second physician's concurring opinion. It prohibits incarceration for first and second-time offenders convicted of simple possession of any drug for non-medical use, instead requiring probation and referral to treatment programs. In addition, it authorizes the release from prison, pending approval by the Board of Executive Clemency, of all those currently serving time for simple drug possession.

Arizona's constitution states that a bill passed by the legislature does not become law until 90 days after the governor's signature. During that time, any interested party can gather the requisite number of signatures on a petition to force the bill to be referred to the people for their approval or rejection at the next regularly scheduled general election. This action effectively "stays" the legislation pending the decision of the voters.

In April 1997, Arizona's legislature narrowly passed two bills that effectively gutted Proposition 200 — the "medical use" and the "criminal justice" provisions. Arizonans were outraged. The committee that sponsored Proposition 200, "Arizonans for Drug Policy Reform," renamed itself "The People Have Spoken," and announced a petition campaign to refer the bills to the people at the next general election in November 1998. They gathered twice the number of required signatures. Many who signed the petitions admitted to voting against Proposition 200 in November 1996, but were incensed by the arrogance of the political class and their utter disregard for the initiative process.

The legislature's attempt to gut Proposition 200 was thus derailed. The bills were put on hold pending the decision of the voters next November. Proposition 200 remains the law in Arizona.

Contrary to Armentano's assertions, the proponents of Proposition 200 did not "resurrect a provision allowing doctors to prescribe marijuana pending a public vote in November 1998." They saved Proposition 200!

Proposition 200 is having some impact. The probation and treatment provisions of the law are being invoked by criminal defense attorneys with some success. And currently 60 inmates are on line for release from state prison.

We never expected the drug warriors to just roll over when we passed Proposition 200. This will be a long struggle. We are just seeing the opening shots being fired by people who have finally had enough of our idiotic and futile War on Drugs.

Jeffrey A. Singer, M.D., FACS
Phoenix, Ariz.

Laughter Is the Best Emetic

Reading Mr. Voorhies's letter (January 1998) suggesting that lawyers are the last of the libertarians posed a dilemma: I didn't know whether to laugh or puke. Having predecessors who legalized, in effect, rape and pillage, doesn't qualify the present profession as freedom fighters.

Stephen DeGray, M.D.
Bluefield, Va.

Loser Pays Is a Winner

William Voorhies theorizes that we don't like lawyers because we have to pay them. A more accurate explanation for lawyer antipathy is that even when we win, we still have to pay them. The blame rests squarely on the shoulders of the American legal establishment for failing to adopt the more equitable English system of loser-pays-legal-fees.

A lawsuit is an act of aggression that forces others to defend themselves with great quantities of time and money. Defendants who are liable should suffer the cost, but even those who "win" still lose their time and money. Anyone who values liberty should appreciate the inherent injustice of a system where the only ones who can ever truly win are the lawyers.

Card-carrying members of the American Bar Association argue that the loser-pays system isn't fair to poor people. What they mean is that lawyers are not willing to accept responsibility for their actions. They are currently happy to represent poor people for a contingency fee because they might get lucky with a jury. If they had to accept the risk of compensating the other side, they would be forced to think twice before trying to extort money using bogus lawsuits that are cheaper to settle than fight.

Richard James Uberto
Atlanta, Ga.

The Reefer Market

I take exception to Mr. Cason's Fact #14, that "all the War on Drugs has done is drive up the price of marijuana" ("Thirty-Four Curious Facts about Marijuana," January 1998). He give far too much credit to the government's war on drugs. Its impact on marijuana pricing is nonexistent — an efficient market has insured that. Your 1972 $15 ounce would cost $40 in today's dollars. Of course back then your marijuana was 50 percent seeds and 10 percent stem by weight, versus the seedless product you now buy. Your ounce is now equal to $100 today. Average strength has doubled (or increased tenfold, if you believe the government). $200 per ounce. Today's consumer demands fresher, mold-free, cosmetically superior product. $260 per ounce. $40 for a $1/4$ ounce of today's (Mexican) marijuana is simply a better value. Ain't the market wonderful?

Cason's complaint is not without

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Inside Liberty

March 1998
Volume 11, Number 4

2 **Letters** What goes around comes around.

9 **Reflections** *Liberty*'s editors on the young and the benighted, the old hands and blighted lands, the quick-witted and the dead.

Features

21 **The Predatory Bureau** *John Baden & Douglas Noonan* propose that predators be introduced into the ecosystem known as the government of the United States.

25 **The Coming War on the Automobile** *Randal O'Toole* tells why you'd better be worried if you drive to work, to market, or anywhere else.

31 **The New Inquisitors** *J. Philippe Rushton* finds that science can still lead to banned books and criminal investigations.

36 **My Libertarian Adventure** Indian radical *Russell Means* recalls his 1987 run for the Libertarian Party presidential nomination.

39 **The 2000 Census: What Counts Is Legitimacy** *Durk Pearson & Sandy Shaw* explain how the U.S. Census Bureau plans to "cook the books" on the next census.

41 **The Revolution That Failed** *Aviezer Tucker* shows that power corrupts, even the libertarian reformers of post-communist Central Europe.

44 **Weakly, Standard** Conservatism collapses into narrow partisanship, in full view of *Clark Stooksbury* and *Harry Browne*.

46 **Equations of State** *Bart Kosko* imparts mathematical precision to political theory.

48 **AnOther E.E. Cummings** *Richard Kostelanetz* explains why E. E. Cummings is no lower-case author.

Reviews

53 **Speaking Truth to Clinton** Most journalists recoil from actually investigating Bill Clinton — but there are a few exceptions, as *Alan Bock* explains.

55 **The Invisible Hand and Pure Research** *Ross Overbeek* ponders the question: What would happen to scientific research if government grants disappeared?

57 **Alas Poor Marxism, I Knew It Well** Socialism was the god that failed. As *Stephen Cox* explains, it was also the god that got tenure.

61 **Libertarians In Space** Picking through the flotsam and jetsam of libertarian science fiction, *Martin Morse Wooster* finds a few treasures.

63 **Booknotes** on right-wing bad-guys, narrow vision, the pure dope, and things medieval, trivial, cacophonous, and wordy.

67 **The Iceberg Cometh** *Stephen Cox* sat through *Titanic*, and wonders: when truth is more dramatic than fiction, why abandon truth?

69 **Filmnotes** on race wars past and future, and the bright lights of the coming medical-industrial complex.

64 **Classified Advertising** A market regulated only by *Liberty*.

70 **Notes on Contributors** The ungarnished truth.

merit though: the 6,400 percent increase in the drug war budget over the last 20 years has yielded almost a 90 percent drop in the real price of cocaine and heroin. Maybe if you write your congressman he can rectify this gross inequality.

Kevin McHale, #05689-052
Seagoville, Texas

Serial Offence

I have the honor of informing you that your publication has been banned from the general-reading library of the Arizona Center for Women.

I went in there one day and found that the copy that I had left there had been removed from the magazine rack, along with my issues of the *New American*, the *Round Valley Paper*, and *Freedom Network News*. Interestingly, the Department of Corrections did not think that *Reason* was too dangerous to leave laying around.

Rycke Brown
Phoenix, Ariz.

Out to Free Lunch?

I don't know where Bill Bradford ("Strategy Debate," November 1997) got the idea that *Reason* "spent about $1,000,000 on direct mail during the previous year," but, contrary to his claim, no such figure appears in our annual report — and for good reason. In a typical year, *Reason* spends significantly less than half that much on direct-mail marketing. And if it's true that "in the past year alone, *Reason* and *Liberty* have sent out nearly three million pieces of direct mail soliciting subscriptions," *Liberty* has my sincere condolences on the poor performance of its direct mail: We've sent out less than one million pieces, which means you don't have much to show for your two million-plus.

Mr. Bradford is quite correct in his analysis of the difficulties of building a political movement via direct mail. It is an expensive business, and finding the interested individuals in a large universe of names is hard. Once you get beyond a few hard-core political lists, response drops off substantially. Certainly there are libertarians who read such large-circulation publications as *Forbes*, *Wired*, or *Scientific American*. But they are lost among the hundreds of thousands who aren't interested in politics at all, or whose political views tend in other directions. If *Reason* really did have $1 million a year to spend on direct mail, we'd grow by 20,000 or 30,000 — assuming we could find decent lists. And that's quite an assumption. In fact, *Reason*'s significant investments in direct mail have built the largest good — and rentable — list in the libertarian universe. If, as Mr. Bradford guesses, that list-universe has grown by 20,000 names in the past decade, almost all that growth is accounted for by *Reason*'s efforts. (Cato's donor list is confidential, for obvious competitive reasons.)

These reporting inaccuracies — and your willingness to make precise numerical assertions without checking them with anyone at *Reason* — raise another issue: In *Liberty*'s 10th anniversary issue, Bill Bradford implied that *Reason* gets gobs of easy money from foundations and corporations, while *Liberty* is supported by its subscribers. In fact *Reason* receives almost all its support from individuals — all of whom are, to my knowledge, *Reason* subscribers. It's true we have a paid, professional staff. But in recruiting journalists willing to be careful about what they report, as in so many other areas of life, there's no such thing as a free lunch.

Virginia I. Postrel
Editor, *Reason* magazine

Bradford responds: Ms. Postrel makes three charges against *Liberty* in general and me in particular: (1) that there were serious inaccuracies in the data I cited in my letter to Harry Browne; (2) that, in a retrospective on *Liberty*'s first ten years published in our July issue, I had implied wrongly that "*Reason* receives gobs of easy money from foundations and corporations"; and (3) that these errors are the product of a lack of professionalism on *Liberty*'s part. I shall consider these charges *seriatim*.

(1) Ms. Postrel is quite correct in claiming that "no such figure" [as "about $1,000,000"] appears in the Reason Foundation's annual report, or at least in any annual report that I recall having seen. Indeed, virtually no financial figures at all appear in *Reason*'s annual reports, which consist mostly of accounts of its influence.

The 1995 report, which I have in front of me, for example, contains 13 pages of reports on its research, seminars, publications, etc., as well as 52 photographs and a page of information on its "media impact." But it provides only one financial figure: its 1995 budget of $3.35 million. It also provides a bar graph showing the growth of its annual budget and two pie charts showing a general breakdown of its revenues and expenditures.

One pie chart reports that in 1995, *Reason* spent 24 percent of its total expenditures on "subscription/membership outreach." 24 percent of $3.35 million is $804,000. I had a pretty good idea of what "subscription" expenditures are, but I could only surmise about what "membership outreach" means. The Reason Foundation is a corporation that publishes research and a magazine, not a club with members, and its annual report breaks out "fundraising" expenses, so I couldn't figure out anything that "membership outreach" could mean except for direct mail subscription solicitations. My interest piqued by Ms. Postrel's letter, I called *Reason*'s publisher, Robert Poole, and asked him what "membership outreach" means. He replied that it was "direct mail marketing for the magazine." A day later, he called back to say that it included certain related expenses, such as billing costs.

Now it is patently true that $804,000 is not the "about $1,000,000" that I recalled when I wrote that response to Harry Browne for which Ms. Postrel excoriates me because I failed to check with anyone at *Reason*. But neither is the figure "significantly less than half [a million dollars]" that Ms. Postrel advises in her letter.

When I wrote that *Reason* and *Liberty* had sent out nearly three million pieces of direct mail during the past year I was adding *Liberty*'s efforts (which I know) to a figure extrapolated from *Reason*'s annual report. *Liberty* sends out about 200,000 pieces of direct mail per year, at a cost of about $64,000, or about 32 cents each. Since *Reason* is a much heavier mailer, I estimated that its cost per piece at about 30 cents, a bit lower than ours. At 30 cents each, the $804,000 that *Reason* reports it spent in 1995 would buy 2,680,000 pieces of direct mail. That would mean a total of 2,880,000 pieces of direct mail for *Reason* and *Liberty*.

Ms. Postrel is correct in that I didn't check these numbers with anyone at *Reason*. In my defense, I can only report that I was writing in response to a letter from Harry Browne, which arrived at our office less than 48 prior to press date. I thought the numbers were firmly planted in my memory, and I doubted that anyone at *Reason* would want to share such proprietary data with me.

(2) According to Ms. Postrel, this was not my first error of this sort. In the September *Liberty*, I wrote the following near the end of a retrospective on *Liberty*'s first ten years:

> Most political magazines, especially those with circulation of less than 100,000, fit into a different category: "donor-driven." Most are financed primarily by their donors, who are generally large wealthy foundations or corporations. *Liberty* is a unique publication, a political magazine driven by its readers and its editors. Virtually all of *Liberty*'s writers have worked without compensation beyond the pleasure of seeing their writing in print. But our expenses are virtually all met from our subscription and newsstand revenue, and we've put together ten years of a pretty good magazine. . .

Somehow, Ms. Postrel finds in this an implication "that *Reason* gets gobs of easy money from foundations and corporations, while *Liberty* is supported by its subscribers. In fact *Reason* receives almost all its support from individuals."

But it was not *Reason* that I had in mind here. I was thinking about such publications as *The American Spectator*, *Chronicles*, *American Enterprise*, and *The Nation*. For example, back when the *American Spectator*'s circulation was down there with *Reason*'s, I read press reports that it received about $500,000 per year from a single foundation.

This spirited defense raised my curiosity. I again opened *Reason*'s 1995 Annual Report. It says that during 1995, *Reason* received 26 percent of its revenue from foundation grants and 15 percent from corporate donations — a total of 41 percent from these sources — and only 23 percent from individuals. Its 1992 annual report says that it received 48 percent of its funding from these sources, and just half as much (24 percent) from donors. Surely, Ms. Postrel is mistaken when she says that "*Reason* receives almost all its support from individuals."

In both these cases, foundation and corporate funding substantially exceeded the total revenue of *Reason* magazine, which was reported at 30 percent of total foundation revenue in 1995 and 38 percent in 1992. Its 1992 report devotes as much space to listing its foundation and corporate donors as it does to reporting its finances.

(3) Ms. Postrel suggests that the origin of my "errors" lies in the fact that, unlike *Reason*, *Liberty* does not have a "paid, professional staff." While it is true that, as I had written, "virtually all *Liberty*'s writers have worked without compensation beyond the pleasure of seeing their writing in print," *Liberty*'s staff has always been "paid" and "professional." There have only been two exceptions: my wife and I. I hope that the fact that we have been able and willing to work full time at *Liberty* without compensation will not be held against us.

Having filled nearly two typewritten pages with this response, I fear that a reader might infer from my spirited self-defense that I do not hold *Reason* in high esteem. This would be a serious mistake. I have been an enthusiastic subscriber to *Reason* since 1971. In my judgment, it is a very good magazine, whose contributions to the cause of liberty have been almost incalculable. *Reason* and *Liberty* are allies, but they are not identical. I started *Liberty*, not because I was dissatisfied with *Reason*, but because I believed there was an important role to be played by a magazine whose editorial focus was different. My relationship with those at *Reason* has always been cordial, even friendly. I am truly sorry to have upset Ms. Postrel, under whose editorship *Reason* has become an even better magazine than it had been in the past.

Austrian Anti-Semitism

In Ralph Raico's November "retort" to Tom Palmer ("Mises and Monarchy," November 1998), he asserted that the Habsburgs are "the best symbol available of Old Austria . . . before the arrival of the Nazis and Reds. If for nothing else, then for . . . the way the Jews of Austria and Hungary — including the Mises family — were treated, compared to what came after."

I disagree. Just because there was no

continued on page 7

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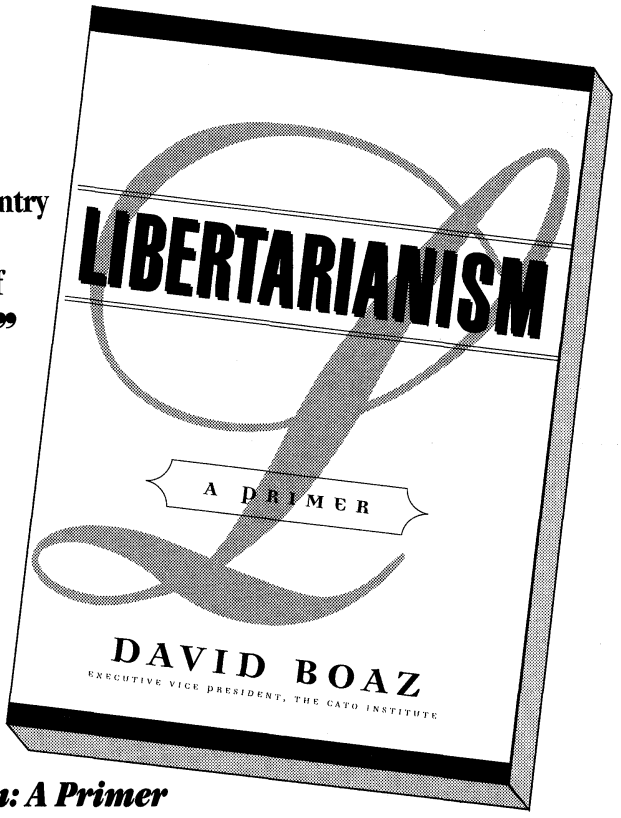

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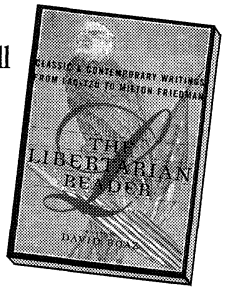

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—Richard A. Epstein

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—Jonathan Rauch

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genocide under the Habsburgs does not mean that Jews were well treated in the *ancien régime* Austria-Hungary. Professor Raico may not be aware of the villainous anti-Semitic reign of Karl Lueger, Vienna's mayor at the end of the 19th century. Lueger's anti-Semitic views were well known when he was elected mayor in 1895. Indeed, Emperor Franz Joseph delayed confirming his appointment for two years because of his virulence. However, the Emperor caved in to political pressure in 1897 and allowed Lueger to begin a low-level (compared to Hitler) reign of terror against Viennese Jews. Surely, the Habsburg family bears some responsibility for this development.

Would Professor Raico consider allowing an anti-Semitic thug to run the Austro-Hungarian capital good treatment? I hope not.

Karol Boudreaux
Irvington-on-Hudson, N.Y.

Peters Not a Radical

In "Winning in 2004" ("Achieving Liberty," January 1998), LP founder David Nolan posits a scenario in which the LP recruits "a ticket like management guru Tom Peters" and wealthy donors for the 2000 presidential campaign. I can only imagine what Mr. Peters would say to such a draft, considering his interview in *Wired*:

> I've long prided myself on being — besides Warren Buffett — the only Democrat businessperson in America, and on being a quasi-libertarian . . . Part of my problem is that whenever I read the ballot propositions, I'm always appalled by the Libertarian position. They aren't libertarian. They are anarchist. (5.12, p. 210)

I don't know what ballot propositions Mr. Peters is referring to, but Harry Browne's commentary ("All or nothing at all," January 1998) on tax reform would surely reinforce his opinion of the LP. To denounce a national retail sales tax (favored solution of the Cato Institute) and a flat income tax rate is bad enough. Either would make our tax system fairer, simpler and spur capital formation and economic growth — all positive incremental steps toward a freer America. But for him to hold out for repeal of the 16th Amendment while doubting the prospects for these reforms? That's the grandest statement of political chutzpah since Bill Clinton kept a straight face while proclaiming "the era of big government is over."

Douglas Greene
Cedarhurst, New York

Read My Lips, No Taxes, Period

Harry Browne's critique of Republican plans to replace the national income tax with a national sale tax ("All or nothing at all," January 1998) leaves me somewhat mystified. A centerpiece of Browne's campaign for president was *his* plan to replace the national income tax with a national sales tax. Libertarians objected to Browne's plan primarily on the basis that taxation violates the libertarian nonaggression principle. Browne responded in an open letter to Libertarian Party members in which he ardently defended his sales tax plan and in which he said that a political campaign "isn't the place to browbeat people into accepting every aspect of libertarian dogma" (*LP News*, November 1995).

Some time after that, Browne quietly dropped his sales tax plan. But he has never explained the circumstances that caused him to do so or why he so enthusiastically embraced his sales tax plan in the first place. Wouldn't it be helpful to understand Browne's critique of the Republican sales tax plan in the context of how his own position has evolved on this same issue?

Also mystifying is the fact that, in other forums, Browne has continued to embrace tariffs and excise taxes as a way to fund the federal government. But tariffs and excise taxes are simply other forms of sales taxation. How does Browne determine which sales taxes are acceptable and which are not? If a person refuses to pay any tax, including tariffs and excise taxes, the state will seize his property, fine him, or jail him — and in the case of continued resistance, kill him for resisting arrest. Is a person better off being violently punished for nonpayment of one tax rather than another?

What Browne fails to recognize is that ultimately the problem is a moral one, not a practical one. Where is the morality of forcing someone to pay for something for which he'd rather not pay? Where is the morality of taking someone's money against his will?

Libertarianism is not about finding the most efficient use of force to fund government activity, no matter how big or small. Libertarianism is a set of principles that precludes the initiation of force against a peaceful person. When a libertarian abandons this fundamental principle, he abandons libertarianism.

Jacob G. Hornberger
Fairfax, Va.

Browne responds: When I began my presidential campaign in 1994, I proposed to reduce the federal government by at least two thirds. While working out the details of a budget plan, I said that — at the very least — we should replace the 15–39 percent income tax with a 5 percent sales tax, which would finance what might not be covered by the current level of tariffs and excise taxes. But when I completed the budget plan, I could see that the sales tax was no longer necessary — and so the sales tax was discarded in the summer of 1995 and my book *Why Government Doesn't Work* proposed reducing the federal budget within one term to only $100 billion.

The sales tax was never a "centerpiece" of my campaign; nor did I "enthusiastically embrace" it or "ardently defend" it. In fact, in the article Mr. Hornberger cites, I said: "A 5 percent sales tax has only one virtue. It isn't as bad as what we have now. It has nothing else to recommend it." Nor was it "quietly dropped"; it was happily rejected.

As to tariffs and excise taxes, I've never "embraced" them — nor any other tax. I've said often enough that the only good tax is a dead tax. I simply pointed out that a government of $100 billion can be financed with the current level of tariffs and excise taxes — so that we can get rid of the income tax without having to replace it or increase any other tax.

Mr. Hornberger's comments about morality are certainly inspiring. However, in addition to inspiration, a credible Libertarian candidate must provide a specific plan to reduce government. Had Mr. Hornberger been the presidential candidate, what would he have proposed? To abolish all taxation and government on inauguration day?

Government is force. And so long as government exists, there will be force. I want to reduce force as far and as fast as possible. What does Mr. Hornberger want to do?

Trade Secret: Freedom

I took several of Galambos's courses in Volitional Science and signed the agreement not to disclose his ideas ("Freedom's Unknown Guru," November 1997). Like Harry Browne, I had a

discussion with the seminar leader over the document and was reluctant to sign it, for similar reasons to his.

In the fifteen years since I have a discovered a simple truth: if I share Dr. Galambos's ideas of primary property with someone (no easy feat, as anyone who's tried it will attest), and they accept them, they will voluntarily either take an introductory course on tape or simply transmit the fee for the course to Dr. Galambos's estate.

If they don't accept his concept that ideas are property, they remain exactly as they were before I began talking to them: unknowing advocates of coercion. This is literally a trade secret that you cannot give away to someone for free, because if you do so successfully, they will voluntarily accept the responsibility to pay for it.

Bobby Matherne
New Orleans, La.

Rocket Fuel for Thought

Yes, attending Andrew Galambos's lectures was a little bit like pouring rocket fuel into an old motorcycle: occasional bursts of lightning-like speed and an occasional blown gasket. However, I sure would like to hear those lectures again. But who owns them?

Jeff Place
Prescott, Ariz.

Apples & Oranges: The Ominous Non-Parallels

For the record and to state my prejudices up front, I am an Objectivist. I read with great interest R.W. Bradford's "Deep-Cover Radical for Capitalism" (November 1997), because of my continuing interest in Objectivism and Alan Greenspan.

The article, besides being interesting and informative, also reaffirms why I am not a libertarian. Due to libertarians' continued rejection of a philosophic basis for their commitment to liberty, they fail to provide the essential arguments on which liberty ultimately depends.

As example, Bradford went on for paragraphs comparing working for the FBI, IRS, and other government agencies providing menial services, to develop his analysis of the ethics involved. The problem here is not ethics but epistemology. Bradford is not comparing apples to apples. Working for a branch of the government which is essentially legitimate is one thing, apples. Working for a branch of the government which is essentially oppressive is another, oranges or some other fruit. This whole line of analysis does not help to develop Bradford's argument, whatever it may be.

For lack of philosophy, Bradford misses the most important points and essential arguments. Evading or ignoring the need for philosophy means one is left to muddle through in a self-induced fog. As a result, one can be dedicated to liberty but unable to define what promotes or undermines liberty in essential terms.

I do not have space here to analyze the choices made by Alan Greenspan to head the Federal Reserve. But I can illustrate Bradford's lack of philosophic savvy with a simple question: Ethically, how is acting as the head of the Federal Reserve any different from a libertarian that uses and relies on Federal Reserve notes every day?

John H. Zaugg
Mansfield, Ohio

Anguished Reaction

I was both taken aback and dismayed by R. W. Bradford's "I don't care" comment on the death of Diana, Princess of Wales ("Diana's dead and I don't care," November 1997). The light of consciousness going out in anybody due to accident is saddening. I find John Donne's words, "any man's death diminishes me, for I am involved in mankind" both moving and apt, despite their collectivistic connotations. Diana deserved our sorrow at least. And while I don't agree with *de mortuis nil nisi bonum*, there's a time and a place for disparagement, and an obituary notice is not it. Nor is it the place to call "bovine" a vivacious and plucky woman who was beautiful by most commonly accepted standards.

I have absolutely no interest in monarchs or "aristocrats," and no time or patience for the undeserved adulation they commonly receive. But Diana did manage to preserve her self and her character in an institution and in an atmosphere that more normally stifle or destroy both.

It has been impossible to live in Britain for fifteen years and ignore "the royals" completely — as I would have preferred. Newspaper and television

continued on page 40

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Reflections

The Unapatient manifesto — On November 21, the *New York Times* reported that "[Theodore] Kaczynski's lawyers say their client is so delusional that he denies that he is mentally ill. . . . When he met with a defense psychiatrist, according to a document filed in court, Kaczynski looked the doctor in the face and said, 'You are the enemy.'" *Plus ça change . . .*

In 1965, in "Ward No. 7," Valeriy Tarsis, a Soviet ex-mental patient, put these words in the mouth of Valentin Alamazov, a mental patient: "I don't regard you [the psychiatrist] as a doctor. You call this a hospital, I call it a prison to which, in a typically fascist way, I have been sent without a trial. So now let's get everything straight. I am your prisoner, you are my jailer, and there isn't going to be any more nonsense about my health or relations, or about examinations and treatment."

More than a hundred years ago, in 1892, in "Ward No. 6," Anton Chekhov put these words in the mouth of Dr. Andrei Yefimich, a psychiatrist: "I am serving an evil cause and receive my salary from the people whom I dupe." This recognition soon lands the doctor among the patients and to a beating by an attendant that leads to his death.

Kaczynski wants to be taken seriously and condemned for his deeds, which proves he is crazy. Those sitting in judgment of him want to dismiss him as a madman, hold him not responsible for his deeds, and lock him up for the rest of his life anyway, which proves they are compassionate.

On this score, Kaczynski is obviously right. But that may not save him from our inquisitors. The "mental patient" is the sacred symbol of Psychiatry, much as the crucified Jesus is the sacred symbol of Christianity. When such a system reaches out to "help" a person against his will, we cannot begin to understand his situation unless we ask, and honestly answer, the classic Roman legal question: *Cui bono?* Who profits, from advancing the claim that an individual is mentally ill? —TSS

Awful symmetry — In November Hillary Rodham Clinton traveled to Kazahkstan, Kyrgyzstan, Uzbekistan, Ukraine and Russia. There, according to the *Seattle Times*, she espoused, among other things, "free-market economics." Remarkable symmetry: in the formerly socialist states (USSR), she urges the adoption of capitalism; in the formerly capitalist state (USA), she urges the adoption of socialism. —RH

The Forest Disservice — For the first time in history, the Forest Service has admitted that it lost money on its national forest timber sale program. According to the agency's figures, that program lost nearly $15 million in 1996.

The foresters' previous claims that they made money were based on a specious accounting system that simply ignored numerous costs under the pretense that they were "investments." The accounting system also counted all receipts even though the agency kept only a third to two-thirds of the receipts for itself. When actual returns to the U.S. Treasury are compared with actual costs to the Treasury, the national forests have typically lost around $400 million per year on timber in the past decade.

Of course, timber isn't the only national forest resource that loses money. Recreation, wildlife, grazing, and minerals all cost taxpayers huge amounts even though private landowners manage these resources at a profit. Despite the fact that the 192 million acres of national forests are worth, roughly, $100 billion, the Forest Service loses $2 billion per year managing those forests.

Privatization may be one way to end such losses. But privatization has been politically unacceptable and is likely to remain so. An alternative is to fund federal land managers exclusively out of their net receipts. If they run a deficit, they get no budget. Such a change might actually be feasible because it would benefit everyone. Efficiency can be a painless solution to the problems of an agency losing $2 billion a year managing $100 billion of assets. —RO'T

Helmets and class — Twice in the past week, political celebrities have been harvested by trees while skiing. Cher's ex-hubby and one more Kennedy scion would be alive today if they had worn helmets. Surely, the number of injuries per thousand miles traveled on the slopes is far greater than injuries to those on motorcycles. But skiing is the pastime of the wealthy and politically powerful, so the logic that has inspired the states to require that motorcyclists wear cumbersome and heavy helmets, even if merely driving to the corner store, does not apply to skiers.

In the meantime, the growing burden of government regulation has made motorcycling more and more expensive. Perhaps the day will arrive when most bikers are prosperous yuppies, and they too will be free to enjoy their sport unencumbered by brain buckets. —RWB

The unexpected Jesse Helms — It's no news, of course, that Jesse Helms has never been a libertarian. But it's surprising to realize that the Senator from North Carolina has never been a genuine conservative either. Like the unlamented ex-Congressman Robert Dornan, Helms has gained a following among right-wingers by pressing highly-charged emotional buttons from time to time. When there was a chance of doing away altogether with the National Endowment for the Arts a few years ago, Helms chose instead to attack the NEA's patronage of pornography. Last fall he made a big fuss over the nomination of William Weld, the Massachusetts Governor who decided it would be a fun thing to be ambassador to Mexico instead. Again, Helms's opposition was over the hot-button issue of Weld's mild endorsement of legalized marijuana for "medical" purposes. Earlier, though, Helms had enthusiastically backed the nomination of the dim saber-rattler Madeleine Albright as Secretary of State.

As head of the Foreign Relations Committee, Helms regularly okays the foreign aid budget, most especially the

annual multi-billion dollar dole for Israel. When it came to championing a real conservative/libertarian cause, it was left for the great Congressman Ron Paul (my personal hero) to introduce a resolution to withdraw the United States from the United Nations and expel the Grand Coven of the world's plundering political class from our shores. Paul's resolution gained the votes of an astonishing and heartening 53 other Congressmen. Don't expect anything so radical or significant from the Tarheel time-server. That's why the liberal media love to portray Helms as the "archconservative": he accepts their premises and basic policies, and fiddles around with the trivialities that impress the yahoos back home.

And now Helms is supporting the eastward extension of NATO. Since the alleged purpose of NATO was to help a feeble western Europe defend itself from the Soviet Union, it isn't entirely clear why it should continue to exist at all, now that there is no Soviet Union and Europe is anything but feeble. The U.S. foreign policy establishment has no qualms, however, about openly threatening the wobbly Russian Republic by this move, and in the process breaking the explicit promises made when the Russians dissolved the Warsaw Pact. Every political grouping in Russia adamantly opposes the expansion, which plays directly into the hands of the ultra-nationalists, who say you can never trust the West. It makes no sense on any terms, especially Realpolitik. But since neither pornography nor drugs is involved, that doesn't worry the pompous dope from North Carolina. —RR

The creature from the Silent Spring — In the 1950s malaria seemed on the point of eradication. The insecticide DDT had spectacular success in killing the mosquitoes that carry the parasite. But something happened. According to the World Health Organization, in the '90s about 2.7 million people die of malaria each year.

To read the current literature, it's hard to figure out exactly *what* happened. The campaign of the World Health Organization "backfired," says *Technology Review*. Why? Spraying of DDT was "inadequate and erratic," so that some mosquitoes became resistant or moved to areas where there hadn't been spraying. And where the program worked, "it soon became a victim of its own success," the same article states. With malaria "negligible," international organizations and local politicians and government agencies withdrew support. *The Atlantic Monthly* has a slightly different version. "It soon became clear that spraying was most effective in areas that were only marginally malarious — areas such as Egypt and southern Europe, where the parasite had only a slippery hold." In tougher areas, the *Atlantic* says, and "for complex reasons, mosquitoes where malaria was solidly endemic started showing resistance to the insecticides." The "complex reasons" are not explained.

But, as most people know, DDT was banned in the United States in 1972, after a protracted campaign against it that started in 1962 with the publication of Rachel Carson's book *Silent Spring*. There were many claims — DDT might be carcinogenic, Carson said — but the credible evidence was that DDT collected in the tissues of fish-eating birds and ultimately led to thinning of their eggshells, to the point where reproduction was impossible. Undoubtedly, DDT was overused, but whether it should have been banned is another question.

The ban on DDT figures virtually not at all in the *Atlantic* and *Technology Review* articles. Perhaps it is too far in the past. Reading these articles quickly one might get the impression that mosquitoes' resistance to DDT is what makes it impossible to use now. But on more careful study one finds that most of the "resistance" is over the parasite's resistance to drugs. The extent of the resistance of mosquitoes to DDT is not discussed at any length.

However, the experience of Sri Lanka is well known. Sri Lanka had almost eradicated malaria in the early 1960s. (The *Technology Review* article says that reported cases were as low as 17 cases in 1963.) But Sri Lanka pulled out of the WHO eradication program and the number of malaria cases rose again to 2.5 million in the years 1968–1969. Malaria remains a killer in Sri Lanka today.

A 1989 article in the *Wall Street Journal* by Kenneth Mellanby, says that "many Third World countries" still use DDT, but "some" have banned it. I have been told that countries that receive aid from the U.S. follow the rules laid down by AID (Agency for International Development), and opposition to the use of DDT is one of these rules, whether written or unwritten.

I suspect that DDT offers a path of hope in the struggle against malaria, but it is one that few governments are likely to take. Much remains clouded, but there is clearly a correlation between the disappearance of DDT and the resurgence of malaria. The *Atlantic* article quotes one health worker in India. In 1966 he saw "almost no malaria." When he returned in 1988, "there was a raging epidemic." Correlation is not causation, but the same article quotes Robert Gwadz of the National Institutes for Health as saying: "Rachel Carson's legacy is not entirely positive. DDT is one of the more benign pesticides known." —JSS

Graphic details — In an editorial-page feature in the *Wall Street Journal* for December 23, 1997, Charles Murray called attention to the downward trend of trust in the federal government. A striking graph of responses to a poll question about how much the feds can be trusted to do what is right shows that, except for a few years in the early 1980s, the trend has been downward for some thirty-five years, dropping from nearly 80 percent who trusted the government to do the right thing "just about always" or "most of the time" to about 20 percent in recent years.

Before you organize a street dance to celebrate this finding, I suggest that you place beside Murray's graph another set of graphs, showing various measures of the size and scope of the federal government — spending, taxing, regulating, you name it. These graphs will show that notwithstanding the falling trust in government, the growth of government has proceeded relentlessly during recent decades.

Whatever they may say, politicians could scarcely care less whether the general public

Liberty's Editors *Reflect*

BB	Brien Bartels
RWB	R.W. Bradford
HB	Harry Browne
SC	Stephen Cox
BBG	Bettina Bien-Greaves
LH	Leon Hadar
RH	Robert Higgs
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RK	Richard Kostelanetz
RN	Robert H. Nelson
RO'T	Randal O'Toole
RR	Ralph Raico
JSS	Jane S. Shaw
TSS	Thomas S. Szasz

trusts them. After all, they are not in office to serve the general public. They are there to serve the interest groups and rich people who bankroll their election campaigns, and the contributors are engaged in a clear-eyed exchange of money for subsidy or other privilege. All the talk about public trust is just bubbles on the surface of the scum. —RH

Who'da thunk it? — In 1994 the Republicans took over Congress. They now have passed three federal budgets. The three budgets combined have increased federal spending by 11.5 percent. The previous three budgets, passed by a Democratic Congress, increased federal spending by only 9.7 percent. So tell me again why we should worry that voting Libertarian might help a Democrat beat a Republican. —HB

Syndicated Rambos — The anti-climactic conclusion of the most recent U.S.-Iraq confrontation has left the media pundits and the foreign policy wonks in Washington with a "post-crisis depression." For about ten days, since Saddam Hussein announced the expulsion of the American members of the United Nations weapon inspection teams, Washington's foreign policy experts seemed to be coming back to life after the relatively long period of world peace and tranquility that followed the collapse of the Berlin Wall and the end of Desert Storm. The front pages of *The New York Times* and *The Washington Post* screamed predictions that the U.S. military might soon be teaching Saddam another lesson. The Columnists Commando, led by my favorite trio of Bill Safire, Abe Rosenthal and Charles Krauthammer, echoing as usual the views of the Likud government in Jerusalem, warned the Clinton Administration that any compromise with Baghdad would be construed as an act of "appeasement," a Middle-Eastern "Munich Agreement." Veteran Middle East and military specialists were appearing once again on CNN explaining how the U.S. Air Force would bombard Iraq back to the Stone Age. In sum, the Iraqi crisis had produced a feeling in Washington that "happy days are here again," that we are going to witness another of America's "unilateral moments," when its military power in the Middle East would prove to the world who is the Boss.

Unfortunately, it looks like we won't be able to see this year another of those mesmerizing CNN animations of U.S. "smart bombs" falling on Baghdad. You see, other countries were not in a mood this time to the follow the dictates of the "world's only remaining superpower." And that kind of surprises the "experts" in Washington. Hey, it's true that we have just announced our intentions to expand the North Atlantic Treaty Organization (NATO) to the borders of Russia, and despite the end of the Cold War we transformed that bankrupted defense group into an even more powerful anti-Russian tool. Okay. But is that a reason for those guys in Moscow to get pissed off and to reject our "leadership" in the Persian Gulf? How ungrateful of them. Really. And the French? Well, you know the French. So what's the Big Deal if the junior Senator from New York, that moron from Long Island, got Congress to approve legislation that would punish any French companies that dared to disagree with our idiotic policy of "isolating" Cuba and Iran and that wanted to open an hotel in Havana or look for oil in Persia? After all, we are doing all of this in order to fight tyrants and spread democracy (not in order to win Cuban-American and Jewish-American votes, God forbid!). Is that not good enough for those double-crossing, greedy (and who did collaborate with the Nazis in WWII? Was it the . . . ?) French? Shame on them, the Russians and the French, forcing us to make a deal with Saddam, rejecting our enlightened "hegemonism," and just ruining everything. And that wimp at the White House, the "appeaser"; and see, now we have this Munich on the Euphrates. And instead we could have had again one of those Splendid Little Wars, some action here in Washington, pizzas delivered to the Pentagon after midnight, something to write about, good video for television. Now all we are left with is this financial mess in Southeast Asia. How boring.

Well, it *was* fun as long as it lasted . . . —LH

Heresy! — A congressionally chartered National Defense Panel has recently recommended that the U.S. armed forces reduce their ranks and shift their focus from fighting foreign wars to what the panels dubs "Defense of the Homeland." Imagine that!

Pentagon watchers expect the armed forces leadership to pooh-pooh the report. The military bigwigs have little interest in employing a reduced force to protect Americans from foreign terrorists or other threats on these shores. They prefer to maintain current force levels — more Indians require more chiefs — and to procure more advanced versions of the traditional weapons platforms (F-22 stealth fighter planes, upgraded heavy tanks, and another Nimitz-class aircraft carrier), which require massive budgets to manage, pass on to contractors, and generally piss away. —RH

Full disclosure — Recently I tried to check into a Marriott hotel in Dearborn, Michigan. The room clerk apologetically told me there was no room available, and that the hotel would arrange for me to stay at a nearby Hyatt. "But I have a guaranteed reservation," I said.

"I know," answered the room clerk, "but several guests decided to extend their stays and we don't have enough rooms." As this was a considerable inconvenience to me — I had already scheduled several meetings at the Marriott — I silently swore never to book a room at a Marriott again.

Although I didn't expect it to do any good, I couldn't

help saying to the room clerk, "You know, whenever I want to extend my stay at a hotel, the room clerk never approves the extension until he checks to be sure there will be rooms available. Why are you giving the existing guests precedence over guaranteed reservations?"

"Because Michigan law forbids us from evicting any guests from the hotel." I had blamed Marriott for a policy the government had forced on it. This situation raises an interesting question: In how many other cases do we blame private companies for policies over which they no longer have control?

Medicare, Medicaid, and other government programs run up the price of health care, but doctors, hospitals, and insurance companies take the blame for the high costs and the inaccessibility of health insurance. Airlines are blamed for logjams at airports, even though the airports are all run by governments. Law after law provides for lucrative lawsuits against companies and individuals that someone is going to take advantage of, but the public blames greedy lawyers for the litigation explosion.

In each case, we see only the problem and the company in front of us — not the politicians behind them creating the insane policies.

Until the day when we get rid of the idiotic laws, business people should explain to customers how the law harms them, like the clerk at the Marriott told me. There is no reason to lose customers by taking the blame for something that isn't your fault. Point out that the law forbids you from providing what both you and the customer know makes more sense, but that you'll do everything possible to accommodate the customer as best you can. —HB

I scum from Down Under — When Rupert Murdoch joined the board of directors of the Cato Institute, it shocked the hell out of me, not least because Murdoch seemed to be a practical, profit-oriented manager with no time for foundations or do-gooders. Cato is pretty practical in its approach to wising up elected officials, but it's still a voice in the wilderness. Murdoch and Cato are an odd match.

Maybe I think that way only because of Murdoch's considerable image problem. Ted Turner compared Murdoch to Hitler after a spat last year; Murdoch's planned ASkyB satellite network was quickly dubbed the "Death Star"; and when he applied for American citizenship to enable his company to own more broadcasting stations than some idiotic, nativist FCC rules allows non-citizens, he was reviled as a corporate carpetbagger. He is supposed to have inspired the latest Bond movie villain.

Cato's November/December *Policy Report* quoted an article in the online magazine *Slate* on Murdoch's benevolent side: "Everywhere Murdoch has gone, competition, efficiency, and consumer choice (and profit) have followed." Cato had the good taste to omit the fact that the *Slate* story began with the words: "It is a truth universally acknowledged that Rupert Murdoch is scum."

But no matter what the left thinks of Murdoch, he has vastly improved media competition and efficiency in Australia and Europe, busting monopoly and union with alacrity. In cooperation with *Peoples' Daily*, his News Corp. runs *Chinabyte*, a Chinese language online news service. In America, Murdoch started Fox News and went head to head with Dan Rather and Peter Arnett by positioning his channel as unbiased, objective coverage. Until Fox, unbiased television news was relegated to the Platonic realm of ideal forms.

So maybe Rupert Murdoch is a hero of free enterprise, cursed and scourged because he is just that. Maybe he is a marvelous catch for Cato. —BB

The pitter patter of little fascists — The three most dangerous words in the vocabulary of ideological discourse are "we," "us," and "our." No surprise, then, that government officials and those who pant for election to public office use these words constantly. Bill Clinton invariably opposes or vetoes a bill because it is incompatible with "our values" — as if the values of decent people could possibly have anything in common with those of our glorious commander in thief. As George Orwell warned, once the collectivists have collectivized the language, the rest will be relatively easy for them.

Nowhere does this nefarious phraseology poison communication more than it does with regard to the term "our children."

Nowadays, as no one can help noticing, nearly every proposal to expand the powers of government comes clothed in the rationale that the new power is necessary to "protect our children." Hence we have the first bill signed by President Clinton, the Family and Medical Leave Act of 1993; and the new Kiddie Care extensions of Medicaid; and the FDA's recent, wide-ranging regulations to protect our children from Joe Camel and his diabolical comrades in harms; and the V-chip and proposed strictures on the Internet to save our children from the wicked sight of naked ladies; and new food safety regulations to keep tainted hamburgers from the mouths of babes; and the War on Drugs to save adolescents from the horrors of marijuana and other seductive substances. The list goes on and on.

Lest someone forget the theme, Hillary's *It Takes a Village* may be consulted as an everlasting reminder that all issues are matters of caring for the children, and nothing less than a totalitarian government is equal to the task. "Everywhere we look," she wrote, "children are under assault."

Of course, the Clintonistas are hardly the only political faction playing the kiddie card. Conservative heavyweights fight hard on behalf of children, too, especially but by no means exclusively those yet unborn. For example, the stupid party seeks to reduce the government budget deficit solely to lighten the future generation's burden of servicing a bloated debt.

"I can't sleep, dear — would you go out and catch a mammoth and get me a glass of warm milk?"

The battle to save the children by governmental means, however, is one the collectivists are almost certain to win: children make the perfect entering wedge for an endless litany of new or expanded government programs.

Electoral politics also lends itself to this sort of paternalism. Female voters now outnumber male voters by more than seven million in presidential election years. Whatever the reasons, women fall for phony government promises to protect the children more frequently than men do.

Freedom-minded people have always supported the separation of church and state. More recently they have espoused the separation of school and state. It is now time to demand the denationalization of children. Nothing less than the separation of kid and state will truly serve the interests of young people. Hitler youth was wicked then; Clinton youth is wicked now.

And let's make one thing clear: I have kids and you have kids but "our children" are nothing but a political ruse. —RH

Privatizing the neighborhood — You could make a good argument that the most important challenge to government in America today is the spread of private residential associations. They take two main forms, the condominium and the homeowners association. Homeowners associations have been around since the 19th century but the legal form of the condominium dates in the United States only to the early 1960s.

In such "private neighborhoods," property owners vote to elect a governing board. It amounts to a private government. The responsibilities of the neighborhood board include control over land use and the provision of services like street cleaning and garbage collection. Some neighborhoods have their own private police force. In private neighborhoods, traditional government activities like zoning are superfluous.

As recently as 1970s, about 1 percent of Americans lived in private neighborhoods. Today, the figure is approaching 15 percent. In major metropolitan areas, about 50 percent of all new development is being constructed in private neighborhoods. In the Los Angeles and San Diego areas, always bellwethers for the rest of the country, 70 percent of new housing comes with collective private ownership.

It turns out that, if you give people a choice, they seem to like private neighborhoods with a well-defined character and tight rules to enforce that character. Private neighborhoods for the elderly often do not allow residents under the age of 55. Other neighborhoods do not allow children or pets. Land use rules frequently control tightly things like the color of house paint, or the placement of shrubbery. This might seem petty or oppressive but developers of private neighborhoods are clearly responding to what people want.

Before the Civil War, most businesses in the United States were individually owned. By the end of the 19th century, almost two-thirds of U.S. manufacturing output came from private corporations. The transformation from individual ownership of residential property to collective private ownership now occurring at the end of the 20th century may be just as socially important.

It amounts to the creation of a whole new private property regime under which more and more people are living their lives. It is in essence substituting a property right system for the functions formerly performed by local governments in the United States.

So far, the spread of private neighborhoods has taken place mostly in suburbs, rather than in cities. As usual, the poor seem to be the biggest losers: it is in inner cities that the need for secure control over neighborhood environments is the greatest. Many neighborhoods there would be far better places to live if muggers, drug dealers and other disruptive elements were kept out and environmental quality maintained in other ways. The way cities are run today, solving these problems has been impossible. But, if necessary, a private city neighborhood could even build a wall and tightly control physical entry through a few access points.

But how can procedure be established that enables the owners of individual pieces of property to join together to form an inner city private neighborhood? I suggest allowing a vote of property owners. If, say, 90 percent of them vote in favor of establishing a private neighborhood, the city would turn over the local streets, parkland, and other facilities to the newly constituted neighborhood. The new private neighborhood would also take over control of environmental quality and security of the neighborhood, as well as various local service delivery functions.

Of course, I think it would be ideal to have unanimous consent in forming a private neighborhood. But I am impressed with the virtual impossibility of getting unanimous agreement on anything when a few hundred people or more may be involved. The great benefits of spreading private ownership arrangements beyond brand new neighborhoods into existing areas that now have individually owned properties are worth making this significant compromise. —RN

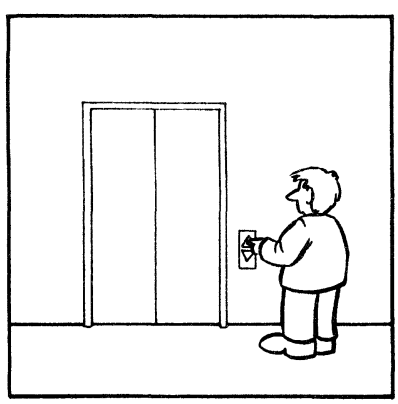

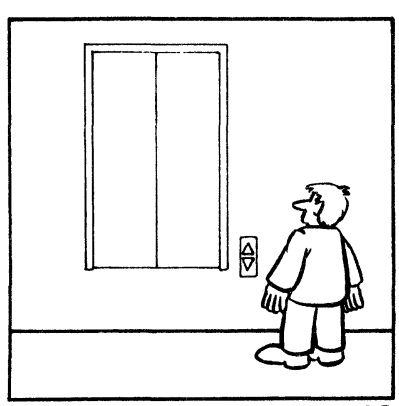

SHCHAMBERS

Bennettudes — Conservatism has no guiding principle, so today's conservative leaders are groping to find a mission in life. Unfortunately, far too many of them have taken up big government or "good government" as their central theme.

In the *Los Angeles Times* of October 28, William J. Bennett invites us to eliminate the government programs he doesn't happen to like, while joining him in a quest to restore respect for good, efficient government.

To make his case that we shouldn't dislike all government, he says, "In fact, government has done some very difficult things quite well." Here are the examples he gave:

It "defeated Fascist empires with its armies." He fails to point out that if the U.S. government had stayed out of World War I there probably never would have been an Adolf Hitler to fight — and 407,316 American lives wouldn't have been sacrificed to political arrogance.

It "defeated . . . a communist empire with its ideas." It also continually propped up the communist empire with taxpayer-funded foreign aid, helping to keep communism alive for over 70 years. And by spending trillions of dollars on offensive weapons, our government kept us in a state of continual fear of nuclear annihilation — instead of building a missile defense that would have made us free from any threat by communism.

It "reduced the number of elderly in poverty." There is no evidence of this that I'm aware of. As a group, the elderly are wealthier today, as are almost all elements of society, because of the progress made by private companies that must continually struggle to overcome the government's obstacles. But because of programs like Medicare, good health care and health insurance have become less available for all Americans.

It "landed a man on the moon." I doubt that even William Bennett knows how much that cost or in what practical way it enhanced society.

It "passed civil rights legislation." This is the same federal government that enforced slavery for 70 years, tolerated state-enforced segregation, and segregated its own employees — and then, 20 years after the desegregation of private institutions like major league baseball, passed legislation that led directly to the affirmative action and quota scandals of today.

It "builds interstate highways." Yes, and spends billions of your interstate highway dollars to force the people of Denver to use a new airport they didn't want and to build a Los Angeles subway system that every Californian thinks is a joke.

It "insures bank deposits" — and thereby causes a crisis by removing all incentive for investors to monitor the activities of bank and Savings & Loan managers.

It "ensures that air and water remain clean." Most pollution occurs on government property — on government roads, in government rivers and lakes, and on government lands. In response to public concern about pollution, government "solves" the problem by taking away property rights from people who have always kept their own property pristine.

No, Mr. Bennett, there is nothing government does well. By pretending government is adept in some areas, you motivate conservatives and liberals alike to keep trying new government programs, in search of the Holy Grail — a program that actually delivers on its promises.

Government doesn't work — even when it tries to do something we want. Whenever you turn anything over to the government, you transform what was a commercial, medical, social, safety, financial, or military matter into a political issue — to be decided by politicians like Bill Clinton, Newt Gingrich, Teddy Kennedy, and Jesse Helms. And they will never make decisions in an efficient or benevolent way.

Government is coercion — pure and simple. Every government program involves forced activity, forcible prohibition, and/or forced financing — or else it wouldn't be a government program. And there's no way to make force efficient or benevolent; it's just force. That's why libertarians are continually looking for ways to take functions — any functions — away from government, because we want to reduce government force to the absolute minimum possible. —HB

With 1000 friends like these — "Smart Growth" is the latest slogan in the urban planning field. The term stands for the high-density, anti-automobile policies being pioneered by Portland, Oregon. Smart Growth is heavily promoted by the "1000 Friends" movement, a loosely affiliated group of state organizations promoting land-use planning.

Some of the 1000 Friends groups started as genuine grassroots organizations. But others were started by the American Planning Association (APA). APA has received huge grants from a variety of foundations to promote Smart Growth and start 1000 Friends of Maryland, among others. In effect, APA is using grassroots front groups to promote laws that provide full employment for its members.

Even the genuine grassroots organizations, such as the 1000 Friends of Oregon and 1000 Friends of Florida, are now heavily supported by foundations. Charitable foundations do many good things. But they can also insulate an organization from having to deal with such things as public opinion and individual freedom. If you work for a good cause such as "rational planning," and your money comes from a rich foundation, you can advocate the most stringent limits on personal freedom without any fear of retribution. —RO'T

The witness and the monk — In his recent biography of Whittaker Chambers, Sam Tannenhaus notes that Chambers was the "best" student of the popular Columbia English professor Mark Van Doren. At the end of a footnote on page 528, Tannenhaus writes that Thomas Merton, a favorite 1930s student, "was the MVD protegé most akin temperamentally to Chambers." That affinity in disposition scarcely exhausts the ways in which the two men resembled each other.

Both were the sons of visual artists; both came to Columbia College from the suburbs east of Manhattan. Contributing often to undergraduate literary magazines, both learned early how to write with striking elegance while spending most of their time on other things — Merton as a Trappist monk, Chambers as a *Time* functionary and a dairy farmer. Merton and Chambers both lived their beliefs, forsaking not only bourgeois comforts but physical necessities, so that the depth of their personal commitments could make spiritual issues palpable. Read one, I swear, and you can hear echoes of the other.

Both had college buddies who remained loyal in spite of great changes in their own lives — the once-bohemian Merton observing the Trappist vow of silence while writing "garrulous letters to his friends," in the phrase of one of his classmates, the painter Ad Reinhardt; Chambers becoming a Communist activist and then an informer-antagonist in the trial of Alger Hiss while retaining the affection of such lefties as Meyer Schapiro and Louis Zukofsky.

As Columbia literary men, Merton and Chambers both had intimate familiarity with the classics for Western literature. My favorite among the few photographs in the Tannenhaus biography has the plump Chambers in the New York City subway carrying a copy of Dante's *Divine Comedy* on his way to the courtroom. (Forget about a newspaper or a

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Why the Great Depression Lasted So Long • Are you tired of hearing people discourse on how Roosevelt and big government "saved us" from the Depression? Now you can hear brilliant economist **Robert Higgs** debunk this key myth of American statism. Not to be missed! (audio: A213; video: V213)

The Nazification of the Money Supply • **J. Orlin Grabbe** is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **R.W. Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

How to Write Op-Eds • If you're puzzled as to why your opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

Libertarianism As If (the Other 99% of) People Mattered • **Loren Lomasky** shows how to communicate effectively with the obstinately anti-freedom population of virtually everywhere. (audio: A204; video: v204)

Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

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

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market enviromentalists getting anywhere? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford** debate. (audio: A157; video: V157)

Anarchy via Encryption • The days of the government snoop are numbered. **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

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briefcase!) Chambers's *Witness* (1952) resembles Merton's *The Seven-Storey Mountain* (1948) as a long, rhetorically inflated, and nonetheless compellingly engaging autobiography published by a remarkably young man — early thirties for Merton, early fifties for Chambers — who had significantly changed his life. Both men were favorites of *Time* magazine, where Chambers edited the "back of the book" at the time that an appreciative review of Merton appeared.

Both died young over a quarter of a century ago — Merton in his early fifties, Chambers in his early sixties — while having lived lives customarily regarded as uncommonly rich and perhaps complete. (The thick Tannenhaus biography joins Michael Mott's equally thick *The Seven Mountains of Thomas Merton* published a decade ago.) Even in their intellectual eccentricity the two men were posthumously similar. Though Merton became a favorite Catholic for secular lefties who were never entirely comfortable with his piety, Chambers's conservative admirers would never assimilate his lack of interest in capitalism. —RK

Imagine that! — Isn't that horrible, the news about the Chinese government and its agents trying to meddle in the domestic politics of a sovereign country. Such a blatant violation of international norms and diplomatic conduct, blah, blah, blah. Now, just imagine how the world would have reacted if, say, the United States, through the Central Intelligence Agency, would have attempted to oust the democratically elected leaders of Iran or Guatemala and install . . . military dictators in their place, and would have provided financial support to right-wing political parties in Japan and Italy so as to prevent the communist parties from coming to power? Banish the thought. Why always Blame America First? Or the notion that American oil companies and their executives would be the power behind the thrones in Saudi Arabia and Kuwait? Inconceivable. Really. And just for the sake of argument, would it have been possible for Washington to establish a semi-independent entity, let's call it The National Endowment for Democracy, and to use it to "funnel" money to back political parties and to "meddle" election campaign in democratic countries in Eastern Europe, in the same way that the Chinese had allegedly been meddling in our electoral process? Of course, Americans don't do things like that. This is just Chinese propaganda. —LH

Unequal protection for the Law — It might seem strange that so many policemen and police organizations favor gun control. Don't they know that gun control doesn't reduce crime? But the anti-gun stand of the police does make sense.

In a scene in the movie *A Family Thing*, James Earl Jones is an off-duty cop in civilian clothes, walking through a black neighborhood. A car with four young thugs pulls up beside him and the thugs begin harassing him.

Jones asks, "What is it you want?" Removing his watch, he asks, "Is this what you want?" Pulling out his wallet, he asks, "Is this what you want?" And then, brandishing a gun from his coat pocket, he asks once again, "Or is this what you want?" At the sight of the gun, the thugs proclaim their good intentions and drive off in a hurry.

I saw the movie on a rented video, but I can imagine that most movie theatre audiences cheered when Jones pulled out the gun. I didn't cheer, however.

Instead, I was too involved pondering this demonstration of the inequality before the law that separates the police from the rest of us. A policeman gets to carry a concealed weapon — even when off-duty. But what about the rest of us? In most states we are prohibited from carrying guns no matter how dangerous the situations in which we find ourselves. Gun control assures that the criminals will be armed and we'll be defenseless.

But a policeman isn't defenseless. And if gun control means that he'll face just one less gun in the course of his career, it's a net gain for him. So, naturally, he prefers an unarmed citizenry — no matter what that does to the crime rate. —HB

Peace, peace, but there is no peace — No one will ever penetrate all the lies, hypocrisies, and self-delusions that enshroud human motivation. But one way of testing the reports that people make about their motives is to ask whether they seem happy to get what they claimed to want. If they don't seem happy, then they probably wanted something else.

For several decades, members of the peace movement (I was one of them) sobbed, shrieked, and occasionally went to jail to protest the U.S. policies that, they believed, were leading us to nuclear war with the Soviet Union. Their ideas about what causes war, and how to prevent it, often failed to make much sense, but even their opponents usually conceded the sincerity of their motives.

Now, of course, the problem that these people said was of overriding importance, the problem that they said was making them lose sleep, night after night, the problem that they said absolutely *impelled* them to join Committees for This and Committees for That and to travel hundreds of miles to do unpleasant things in front of government buildings — that whole problem has gone away! As a result of certain events that the peace activists could neither influence nor predict, there is now zero probability of a nuclear war between the United States and the Soviet Union.

Well, what has been the effect of this state of things on the people who said that they wanted it so badly? Have they issued any invitations to celebratory love-ins? Have you noticed any services in leftwing churches to commemorate the demise of the Soviet Union? Have you seen any bumper-stickers saying things like, "Communism Is Unhealthy for Children and Other Living Things," or "One Armed Socialist State Could Spoil Your Whole Day"?

The answer, I'm afraid, is no. What one notices is an impressive silence about the formerly all-important issue, a silence punctuated, now and then, by noises like this from Dr. Benjamin Spock, world-renowned peace activist and guide to the naive: "I don't see the slightest indication that we've gotten any closer to world peace than we were before."

Everyone's entitled to his own opinion. But if someone gets what he said he wanted, and he doesn't even notice that he got it, then what should we conclude? Perhaps we should conclude that he actually wanted something else.

Now, what do you suppose that could have been? —SC

It's so easy, stealing green — Green space has value, and most of us want lots of it around us. That's easy for

those who live in Wilsall or Two Dot, Montana, but it is much more costly near the city of Bozeman, with its university, shopping centers, large employment base and its airport with jet service. Lots of people want to live here in Bozeman, and undeveloped land has become scarce and expensive. People like me who have lived here a while have enjoyed it without paying for it, and we hate to see any of it disappear.

Of course, we can move to developments near town, which incorporate green space and wildlife habitat, guaranteeing residents that this open space will always be there. But such developments are quite expensive, since they incorporate space that could be used for more houses.

The city of Bozeman does the same thing as Eagle Rock, in a smaller way, when it buys land for public parks. Citizens gain enjoyment and scenery, and pay via property taxes. Most of us think that this is a good trade-off.

But there are other ways for the city government to preserve green space without paying a money price for it. One might be to simply take what it wants by zoning land as green space, forbidding development on it. That would be just as costly, but renters and a few landowners would bear the cost, and the larger voting public would reap the benefit. Housing and other building space in and around Bozeman would rise in price. Current owners would get a double windfall: more green space and higher property values.

Or the city might instead levy a high tax on the builder of new housing or business space. These "impact fees" take cash from owners of development land, from new buyers of space, and from renters, and give it to the city. Building costs more, and as a result, proceeds more slowly. And the city can use the money it took to purchase green space, or extensive planning services, or property tax reductions, or for any purpose the politically powerful interests in the city want.

The effect on owners of existing homes and business buildings is, again, a windfall gain. Their buildings are suddenly worth much more since they don't have to pay the large new "impact fee." Owners of new buildings will pay the impact fee tribute, in addition to normal property taxes, some of which will be used to pay off any bonds needed to finance any new infrastructure they require.

These forms of taking from landowners to benefit city coffers and owners of existing buildings conceal the costs of slowing growth and of preserving green space. It does not reduce those costs; it merely loads them onto a minority of the public. That minority consists of non-residents wanting to move to Bozeman, who are unable to vote, and renters, who pay

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Liberty for Sale • How to sell the idea of freedom, in one quick, easy lesson. **Harry Browne** is at the top of his form here: clear, humorous, and insightful. (audio: A302; video: V302)

Will Technology Advance Liberty or the State? • For every glowing prediction of the liberating effects of technology, there is a clipper chip, a phone tap, or a spy satellite. **Harry Browne** presides while **Ross Overbeek, David Friedman, Bill Bradford** and **Sandy Shaw** measure the capabilities of Freedom and Leviathan. (audio: A303; video: V303)

The New Libertarianism • Something has changed in libertarian discourse over the last decade. **Bill Bradford** talks about this shift in the foundation of rights theory and exposes the nature of consequentialism and the consequences of natural rights. (audio: A304; video: V304)

A Positive Account of Property Rights • **David Friedman** takes an economist's-eye view of the question "what is a right?" and explains why certain rights keep on coming back to haunt those who would like to govern without constraint. (audio: A305; video: V305)

Paper Money, Gold, and Inflation • **Bruce Ramsey** makes a libertarian case for fiat paper money. Here we put him on the spot, with **Richard Timberlake, David Friedman, Bill Bradford,** and **Harry Browne** providing some free-market alternatives. (audio: A306; video: V306)

In-Group vs. Out-Group/New Frontiers in Biology • **Timothy Virkkala** explores the darker side of human nature: dumping on other people with self-righteous gusto. Also, **Ross Overbeek** explains what breakthrough discoveries in the life sciences will mean to us in the future — and what they should mean to us right now. (audio: A307; video: V307)

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higher rent as a result of a reduced supply of housing and business space.

As a homeowner, I personally stand to gain a windfall from these takings. But they offend my sense of justice. Who gives us (even if we are the voting majority) the right to take from the few to gain what we want without paying for it?

—*guest reflection by* Richard Stroup

Let those who can, teach — American public schools are a disaster. Far too many children can't read or do math or science, can't identify Ernest Hemingway or Aaron Copland, can't place the Civil War in the correct century, and have trouble finding the U.S. on a map of the world. Colleges, even rather selective ones, have to offer remedial courses in basic skills. What to do?

One answer is privatization. Public schools invariably perform at much lower levels than the private schools. I taught at a private school in Maryland. It was a great place, with terrific kids, all smart enough to have chosen rich white Christian parents. My own children attended a private school in North Carolina during a year I was a visiting professor at the law school there. Great school. So what if my kids had to pray to Jesus each morning? Kids today need all the help they can get, and my wife was invited in for an hour in December to talk about Chanukah.

Why are private schools better? Or, more generally, what makes a good school? The answer, of course, is: good teachers. Even in a God-forsaken slum, a good teacher can make all the difference: teach the kids to do calculus, play tournament chess, sing in a world-class chorus, care about themselves and believe they have a future.

Next question: why do private schools have better teachers than public schools? An innocent observer might think: by paying them more. Private school teachers would get a good laugh out of that one, for they are typically paid less — and parochial school teachers much less — than the public school teachers in their district. A mystery worthy of Sherlock Holmes, no?

Actually, no. Private schools can get better teachers than public schools for one simple reason: private school teachers don't have to be certified by an education establishment cloaked with the powers of government. An IBM engineer, laid off in mid-career, cannot teach science in any public high school in America unless she goes back to school to study "education." She can, however, teach in private high schools. A newly minted Ph.D. in math who'd like to come back home for a few years can't teach algebra and trig in his old public high school but a private school would grab him. The lawyer who finds the stress of private practice uncongenial can't teach civics in a public intermediate or high school but a private school might at least give him a try.

There is another vast untapped pedagogical resource in this country: people who have retired from their regular careers but have no desire to spend the next twenty or thirty years practicing their chip shots. Imagine a civics course taught by a retired judge or legislator, computer courses taught by the men and women who actually developed the software being used, biology and chemistry courses enlivened by teachers for whom such subjects are not abstract exotica but working tools in real professions. Today, none of them would be allowed to enter the guild-restricted precincts of the public school. Steve Jobs could not offer a computer course in any public school in the country.

So the answer to the problem of low standards in American public schools is simple and costless: abolish all certification requirements which do not address subject competence, and judge subject competence not solely by college credits, which for older teachers may be obsolete, but also by accomplishment. The result would be a renaissance of education in America, an explosion of interest and competence and earned self-esteem in our young people, and all without spending an extra penny of public funds.

—*guest reflection by* George Goldberg

Batman and Mises — Batman has been fighting evil for many years. There are probably few persons alive today who know that in 1938 he foiled Hitler's evil regime in its efforts to prevent free-market economist Ludwig von Mises from completing an anti-Nazi book.

Berlin Batman, extremely anti-Nazi, posed as a wealthy no-good wastrel to keep the Nazis from guessing his true thoughts. He learned that the Nazis had confiscated von Mises' papers from his apartment in Vienna and brought them by train to Berlin. Berlin Batman had met Mises, read his work, and considered him a brave man to oppose the Nazi regime. He determined to prevent the Mises papers from getting to the Nazis. He dons cloak and mask, goes to the train yard and surveys the scene. WHACK! He struck the watchman. BOUMM! He blows up the tracks.

In his biography of Batman, Robin wrote later that von Mises may have been slowed down, but the Nazis couldn't stop him. He escaped to the United States where he continued to work on his book, which was published in 1949 as *Human Action*, "now considered one of the great libertarian works of our times."

Robin continued, "Von Mises' anti-authoritarian ideas were first a threat to the Nazis, then to the Soviets, and to all increasingly regulatory governments of our own times . . . He [Mises] was against socialism in all its many forms. He was an advocate of individual liberty, free speech and free thinking — and so, I should add, was the Berlin Batman."

Anyone wanting to enjoy this dramatic tale in living color should ask for *Batman Chronicle* #11 (Winter 1998), published by DC Comics. Paul Pope, whose drawings have appeared in *Liberty* in the past, was author of this work. —BBG

Willpower — Socrates, in at least some of Plato's dialogues, held that "virtue is knowledge": if you really knew what course of action was best for you, you would do it. Who after all would want to defeat his own ends?

People act badly because they are not omniscient: they can't foresee the long-term consequences of their own actions. They marry with eagerness and high hopes, but after a few months or years the marriage ends in bitterness and mutual recrimination. They didn't want it to end that way, of course; they just didn't know the other person well enough — they miscalculated. They want that new job to promote their career and their happiness — but they didn't foresee that the company was nearing bankruptcy and that the boss was an unappeasable martinet. Since people are not omniscient, they often make mistakes in deciding what they should do. If they knew more, they would do better. *Moral*

error is cognitive error.

Not all the ancient Greeks accepted this Socratic maxim. But it was the influence of Christianity more than anything else that replaced it. Even if I know what is best for me, I may not do it. St. Paul wrote, "The good that I would I do not, and the evil that I would not, that I do." St. Augustine wrote more eloquently than any other ancient author about weakness of will. He considered it the primary cause of wrong actions.

Weakness of will is not a favorite topic among libertarians. "If there were no drug laws (or gun laws, etc.), the results would be much better than the present system of prohibitions." Probably so — but such rhetoric may not sufficiently take into account weakness of will. It may be that without prohibitions millions of people would become addicted, and end up as a drain on society. I doubt it, but I don't see how we can be sure. Every year more designer drugs are being developed that are almost instantly addicting, and almost impossible to give up unless the users possess very strong wills. True, this may not count on the negative side of the ledger as strongly as other things on the positive side: more than a million Americans are in prison, more than half of them because of the war on drugs; because high risk makes the drugs expensive, people burglarize and even kill to get them — and with no war on drugs these bad consequences would not occur. Still, if one is trying to balance utilities against disutilities, how can one be sure how the calculation is going to come out? How many ruined lives would tip the balance in the issue of decriminalization?

Libertarians ought to argue that a person has a right to take drugs, to gamble, to own guns, and so on, not that the consequences would always be better. Utilitarian arguments are a slender reed on which to rest one's case: the utility may sometimes go the other way. We should own guns because we may be able to wound that aggressor; on the other hand, if we own them a child may get hold of them, or we may fire in haste without thinking (weakness of will), and so on; the utilitarian argument could go either way. We should marry whom we choose — but some say that arranged marriages turned out better on the average than voluntary ones (half the voluntary ones end in divorce).

David Ramsay Steele ("Yes, Gambling Is Productive and Rational," July 1997) says that gambling is a productive activity, highly subject to rational control — and sometimes it is. Still, the three American cities with the highest suicide rates are Las Vegas, Reno, and Atlantic City. And there are many people who can't stop when they're winning, and never stop until they've lost everything; gambling is an overpowering compulsion for them. When gambling became legal in South Dakota, many housewives became so addicted that they spent on gambling all the money they'd saved for their son's or daughter's education. True, there may not have been much to do during those long cold nights on the prairie. Wouldn't it have been better if they had never started?

Some people, in fact, appear to be motivated in the very opposite way from Socrates's maxim: far from desiring their own well-being, they seem bent on their own destruction. Every day requires of them some form of punishment. This tendency is sometimes called "psychic masochism." Psychiatrists find it much more prevalent than a cursory examination of human actions would lead us to expect. It seems to embody a kind of death-wish (the "thanatos" half of Freud's *eros-thanatos* impulse). Dostoyevsky wrote about this in his story "The Gambler," which Freud praised for its clinical accuracy.

But one needn't go so far — there is after all no way to know how many people possess, unknown to others, these strong inner compulsions. But there is one thing that everyone has to some degree, and that is laziness. We know what great consequences doing X would have in our lives, but we don't get up the motivation to do it. Some libertarians appear to believe that if we only knew how wonderful the libertarian society would be, we would devote all our energies to working toward this goal. But they reckon without this most widespread of all forms of weakness of will — what David Hume considered the principal defect of human nature — "a strong disinclination toward industry and labor." —JH

Thickness: Left, Right, and Libertarian —

The easiest way to gauge the mental thickness of any political mind or movement is its susceptibility to positions that appeal to prejudices (aka "the heart") but are politically contrary to their core beliefs.

Among self-defined liberals in recent years a good example was their relentless advocacy of American "disinvestment" of pre-Mandela South Africa, supposedly to undermine thereby the pro-Apartheid economy. The trouble was that the immediate result of forcing American corporations out of South Africa was fire-selling their companies to local businessman, mostly pro-Apartheid, who felt less obliged than Americans to hire black South African workers. Quite simply, American economic boycotting hurt those it was meant to benefit while initially aiding those a boycott aimed to hurt, though success back home surely made the advocates of American boycotting feel better about themselves. (It helped their hearts to forget that Apartheid was initiated by white unions, otherwise leftish, to legally prohibit competition from black workers.)

My favorite example of conservative thickness is the effort to abolish the National Endowment for the Arts, a minor federal agency which spends in a year what the Defense Department spends in a few hours, sometimes along with abolishing the companion Endowment for the Humanities. Not only do anti-NEA/NEH conservatives forget that cultural patronage has always been conservative (because that is

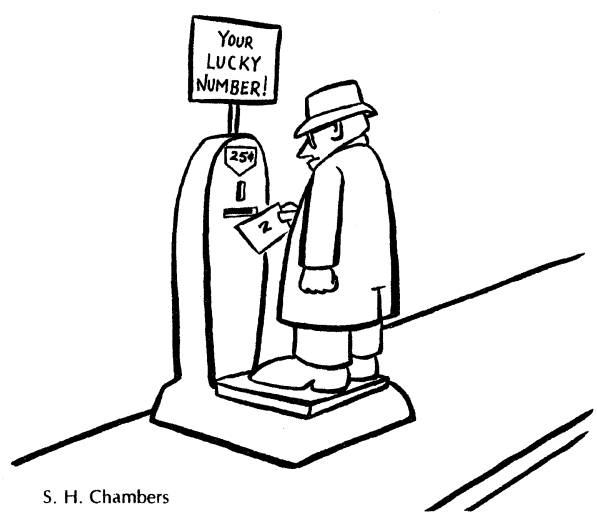

S. H. Chambers

what aristocrats do not only to make themselves aristocratic but also to buy the loyalty of a society's intelligentsia) but that such shortsighted efforts undermine American culture in the world arena, where countries compete not only with money but art and ideas. The fact that support for both the NEA and the NEH cost less than the United States Information (i.e., propaganda) Agency would be lost on budget-minded conservatives blinded by their passions.

What makes killing the culture agencies anti-patriotic is that the principal beneficiaries of its demise would be those publicists who want to dismiss America for its philistinism. This means that anti-NEA conservatives are implicitly contributing to the European and South American left, the remnants of the KGB, and the like that no self-respecting conservative would sit beside on a crowded bus. When self-styled conservatives align themselves so eagerly with America's opponents, you rightly wonder about the influence of double-agents, which is precisely what came to mind whenever I saw black South African celebrities during the 1980s advocate that Western companies withdraw from South Africa. It is hard to understand Lynn Cheney's mismanagement of the NEH, along with her subsequent advocacy of its abolition, except in terms of subversion or stupidity. The fact that self-styled conservatives fail to recognize this subversion makes me think that they are no less vulnerable to anti-American chicanery than liberals.

Likewise I never understood how self-proclaimed liberals got conned into advocating tighter handgun regulation, since the group most disadvantaged is the law-abiding poor in areas where the police are insufficient — the poor whom liberals otherwise favor. And who would have the most to gain from tighter gun regulation? Obviously those desiring to monopolize weapons — the military and the police, whom liberals otherwise disfavor. Similarly, the higher minimum wage advocated by liberals aids not those who are unemployed, about whom liberals wring their hands, but the higher working class that is currently employed.

Any reader accompanying me so far is invited to suggest which favorite libertarian piety is similarly good for our hearts but bad for our politics. I could imagine some readers identifying the libertarian opposition to military incursions around the world. Others might pick the elimination of international barriers on trade and immigration, because of short-term economic problems that they create. My colleague Doug Puchowski is always surprised that some prominent libertarians oppose abortion — not only Congressman Ron Paul but Murray Sabrin who ran visibly for governor of New Jersey.

My own choice for libertarian thickness would be the assumption that supporting an avowedly libertarian candidate for public office would have much effect in making a more desirable society. The problem is not just that the libertarian is bound to lose or that such campaigns are a distraction, at their most "successful" taking votes from one or another leading candidate. (When I read about a libertarian who celebrates taking a single-digit per cent of a vote, I'm reminded of the joy I felt when my university's football team, during a 0–8 season, scored a lone touchdown in defeat.)

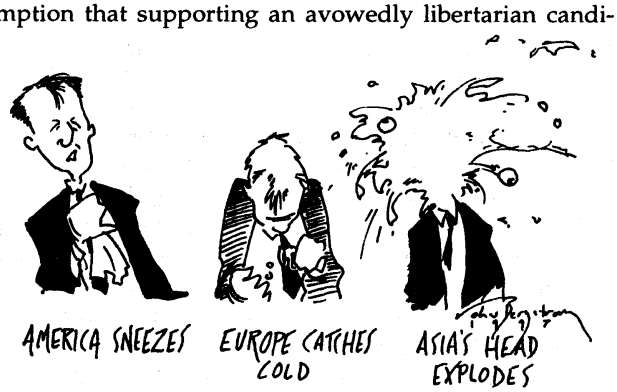

The truth is that what libertarians do in their professional lives and the power of their ideas over decisions made by others, persuading those not only in voting booths and in administrative power (say, with the imposition of term limitations or the decriminalization of marijuana) but individuals faced with crucial choices. This is how libertarians can best make their politics felt.

What politician has ever done as much for liberty as the people who invented the automobile, the birth control pill, or panty hose? or George Soros with his private philanthropy? or Adam Smith? or Ludwig von Mises? or Alex Comfort with *The Joy of Sex*? or Emma Goldman who in the early 1920s exposed the evils of Soviet Communism from a libertarian perspective? —RK

Into the wilderness — Seen in a recent issue of *Chronicles*: a call for evangelicals to abandon the Republican Party and form (get ready) A Third Political Party!

Never mind that ever since the mid-80s, evangelicals have cowed Republican politicians and alienated the GOP's few remaining small-r republicans. And it's not as though the evangelicals' influence has waned. Even now, they bend the spine of a certain presidential hopeful who once flirted with libertarianism. Yea, wickedness abides in the heart of the child (the child of Malcolm Forbes, that is) but the rod of fundamentalist ward heelers shall drive it far from him.

All right, I admit that an exodus to a third party is nowhere on the horizon. That's why the appeal for an anointed third party was written up in *Chronicles* instead of a zine that is closer to the pulse of modern conservatism. Like *The New Republic*. And that's too bad because I can see the perfect strategy for such a venture.

First, set up the headquarters of the Leviticus Party (LP) somewhere close to the nerve center of the national media. Why not Washington, D.C.? What a bargain! Property values are in the tank there, after all. Hook up a permanent feed to C-SPAN. Issue a press release a day on pressing national emergencies, such as the untoward fall in the number of illegitimate births and plummeting crime statistics that threaten the careers of professional casuists. That's how to get media exposure! And, above all, collect love offerings to get the message out and recruit, or rather, convert new members. Before you can break seven seals, we'll have the theocracy The Founding Fathers (who art in heaven . . .) intended. Maybe as soon as 2004.

Scoff if you will, but I think America is ready for the LP. After all, polls show that 90 percent of us agree that there is a God. —BB

Best of times, worst of times — The death of a dimwitted semi-attractive middle-aged woman who attained celebrity when she snared the Prince of Wales into a brief and loveless marriage was by all accounts the "biggest

continued on page 52

Proposal

The Predatory Bureau

by John Baden & Douglas Noonan

There's nothing wrong with government that couldn't be fixed by an efficient predator.

During the past century, the American West's largest and most efficient predator has been virtually eradicated as a matter of conscious government policy. Ranchers, government hunters, and trappers killed thousands upon thousands of wolves to protect livestock and to receive state and federal bounties.

But the West has suffered for this. Predators perform a necessary function in the natural world, "weeding out" populations of herbivores that, unchecked, overgraze vegetation and devastate the landscape. Not surprisingly, much of the west today is overrun with huge populations of ungulates like bison, deer and elk.

The situation is particularly acute in Yellowstone National Park, where bison herds are so overgrown that in the winter of 1996–97, nearly one-third of them were slaughtered when they left the park in search of winter forage. Absent predation, human or otherwise, the elk and bison herds are turning Yellowstone into a giant, overgrazed theme park. As Utah State University ecologist Frederic Wagner comments, "Anyone who militates against imposing artificial constraints implicitly advocates letting populations increase to the point of creating problems like the bison situation and letting animals severely impact the environment."

So today's government "wildlife stewards" are reintroducing the wolf that yesterday's bureaucrats removed, in hopes of restoring balance to the wildly imbalanced ecology.

The Changing Political Environment

During the same period in which Yellowstone changed from an equilibrating ecosystem of predators, ungulates and forage into an over-foraged environment, overrun with bison and free of predators, most Western democracies have have been transformed from sentinels of rights and defenders of liberties into guarantors of entitlements and engines of plunder. The end result of this transformation is the Welfare State. In this political economy, factions wrestle for control of the state's fundamental and unique characteristic: its power of legitimate use of coercive force. Capturing state power is their ultimate political goal, absolutely corrupting in its promise of absolute power (at least within the sovereign state).

James Madison clearly recognized this temptation of governance, and sought to inhibit the state's ability to carry out abusive actions for specialized factions. The American federal system incorporated two features to thwart the usurpation of the power for plunder: (1) the separation of powers, and (2) limited Constitutional governance. By fracturing the state into different but interdependent branches, the state's responsiveness to minority, specialized factions was indirectly curtailed. Moreover, by strictly delimiting the state's powers, especially in certain realms such as economic activity and individual liberty, the Constitution directly constrained the behavior of the federal government.

Because the Founders believed that people would not be paragons of civic virtue but would remain largely self-interested, they sought institutions that fostered wealth creation rather than redistributing wealth. Thus the stage was set for the grand experiment in the American political economy.

But the federal government in 1997 bears little resemblance to what it was 200 years ago. This is a natural result of two centuries of political, economic, and social change. Many of these changes have sprung from or been used to capture the power of the state apparatus for factional purposes. These efforts have placed the system under various pres-

sures. The safeguards built into the system have been tried and tested, and in some cases circumvented or outright changed.

In his insightful 1982 book, *The Rise and Decline of Nations*, Mancur Olson explains these powerful, underlying forces at work, which spell decay for advanced democratic nations. Consider four of his more perspicacious observations:

- Stable societies accumulate more organized factions over time.
- Small, specialized factions have disproportionate influence in politics compared to large ones.
- "On balance, special-interest organizations and collusions reduce efficiency and total income in the societies in which they operate and make political life more divisive."
- These coalitions tend to slow economic growth and technological advances, and increase regulatory complexity.

Olson describes an important pattern in the development of national political economies, one that seems particularly true of the United States. He concludes:

> Throughout the postwar period, and especially since the early 1960s, there has been a strong and systematic relationship between the length of time a state has been settled and its rate of growth of both per capita and total income. The relationship is negative — the longer a state has been settled and the longer the time it has had to accumulate special-interest groups, the slower its rate of growth.

The experience of many Asian nations, and the struggles of older regimes, reflect this. America's continued economic success has come in spite of the increasing drain of factions.

Parasitic Bureaus

One aspect of the rise of factions in America's political economy is the rise of bureaucracy. The administrative agency forms one cornerstone of the iron triangle of political plunder. (The other two are the elected official and the organized special-interest group.) The bureaucracy is an especially pernicious accomplice in the rise of factionalism, not just because it begets more factionalism, but because its existence is predicated upon neither direct political will nor voluntary exchange. This is especially true of the federal public lands management agencies. Rather than steward our resources, they systematically advocate programs that are environmentally costly, are financially wasteful, and increase the scope of the federal government at the expense of voluntary exchange and coordination. In this sense, bureaucracies are parasitic.

Absent predation, human or otherwise, the elk and bison herds are turning Yellowstone into a giant, overgrazed theme park.

The Welfare State's major function is to redistribute wealth and opportunities. Generally, government bureaucracies generate no wealth on their own. Unlike nongovernmental, independent actors who rely on voluntary agreements, federal bureaucracies depend on taxation and forced transfers. Their very lifeblood (budget, authority) is siphoned from private individuals and firms. Parasitic bureaus transfer the costs of growth to their unwilling hosts, leading the bureaus to continually expand their activities.

This biological analogy is a telling one. In *Bionomics*, Michael Rothschild introduces the notion of economic parasites, the analog to biological parasites. These economic parasites survive and prosper by means of secrecy, deception, brute force, and legal authority. Government agencies are renowned for their use of all these tactics. The U.S. Forest Service quietly loses $400 million dollars each year. Its operations rely on an oblivious public that loves Smokey the Bear but is largely ignorant of how Forest Service operations deplete our forests, divide our communities, and depreciate our economies. Federal subsidies to ethanol producers are predicated in part on the deceptive idea that they save energy and improve air quality. The Fish and Wildlife Service, one of many agencies that have legal authority as their hook, forces landowners to provide habitat for endangered species. These parasitic agencies drain their hosts (taxpayers, landowners, etc.), usually without their consent.

Parasitic bureaus transfer the costs of growth to their unwilling hosts, leading the bureaus to continually expand their activities.

Budgetary Commons

Bureaucracies act as they do because of the information and incentives faced by their managers. Thus, bureaucracies tap into the Federal Treasury, a vast resource with common-pool characteristics. Essentially, the logic underlying a common treasury is identical to that of the "tragedy of the commons." In 1833, Oxford lecturer William Forster Lloyd asked his readers to "suppose two persons to have a common purse, to which each may freely resort." If a man takes a coin from his own purse, he knows that the remainder is his to spend later. Thus, he'll be likely to economize on spending. Not so for the common purse. Spending a coin impoverishes both men equally, while the person spending the coin keeps all the benefits. If there are a multitude of partners, "the motive for economy entirely vanishes."

Like the common purse, the U.S. Treasury encourages bureaucratic profligacy. Each bureaucrat with access to the Treasury seeks to maximize his discretionary budget. By capturing another increment of the Treasury, benefit goes to the successful bureaucrat, while the costs of a depleted Treasury are shared among all agencies and Americans. Thus, every bureaucrat is faced with a compelling incentive to find ways to increase his agency's scope and magnitude.

The beneficiaries of government programs like school lunches or timber sales vociferously defend their interests. An iron triangle of bureaucrats, legislators, and special interests have strong reasons to protect the pork barrel projects. The average citizen, on the other hand, has little incentive to resist expanding bureaucratic scope. The costs of each program are diffused among the broad population, while the

benefits are concentrated on small groups. Such a fate is the Founding Fathers' nightmare, and what Mancur Olson describes in *The Rise and Decline of Nations*.

More recently, Jonathan Rauch has authored *Demosclerosis: The Silent Killer of American Government*. Rauch, a leading thinker with modern liberal inclinations, points to the current problem of American politics and government: Government cannot be all things to all people, and the more we try to make it so, the less it becomes to all people. As he terms it:

> The more responsive politics becomes, the more inert government grows. The more frantically one reacts, the less effectively the other adapts. And this counterpoint is no coincidence. Each begets the other.

Bureaucracies tend to grow and accumulate special interests at the expense of effective governance. Rauch's demosclerosis is evident in "government's gradual collapse into manic maladaption." The problem isn't gridlock or excessive government intervention, he argues, it is a government compulsively doing more of the wrong things than ever before. Public servants too often "serve the public" by producing benefits for only concentrated groups and the bureaucrats who administer those benefits.

Many bureaucracies can be thought of as ungulates grazing a commons. Bureaus feed at the public trough, so to speak, much as cattle do. While there is competition among agencies for funding and authority, there is a conspicuous absence of constraints on their growth. They have open access to a rich environment (the Treasury), but nothing limits their consumption except, ultimately, the size of the Treasury. Like cattle, bureaucracies lack predators.

In the biological world, most organisms are subject to predation by others in the ecosystem. Predators serve the essential function of limiting prey populations. They balance the ecosystem by instituting competitive forces for scarce resources such that the fit are most likely to survive and the weakest will disappear.

There are many examples of ecosystems without predators. Livestock ranches are an obvious one. Ranch animals specialize in consuming more resources from the environment at the expense of any other development. They become efficient grazing machines, slothful, bloated, and completely dependent on the free provision of its resources. We would expect livestock, loose in the natural environment, to meet a very rapid demise at the hands of predators or other natural forces. The similarity between livestock and many government agencies is uncanny.

The Predatory Bureau

It has been said that the best route to immortality is to become a government program. Federal programs are easily established but are dismantled only with great difficulty. Politicians come and go, but subsidies and bureaucracies remain. Subsidies routinely persist well after their initial justification. As many of the newly-elected Republicans in 1994 quickly realized, killing the bureaucracies that administer the wealth transfers is not politically feasible. The ethanol subsidy, for example, has withstood forceful and repeated attacks. After dropping a proposal to cut the subsidy in the 1996 budget, Newt Gingrich continues to fight off renewed bipartisan attacks on this corporate welfare project, and the ethanol subsidy survives.

Overcoming the entrenched bureau, its ardent lobby, and the legislators who depend on the pork project for political support is nigh impossible. Clearly, change from within the system seems unlikely, much like asking cattle to restrict voluntarily their diet and develop survival instincts.

Yet the question remains, how can wasteful, dysfunctional bureaucracies be weeded out? We propose a *predatory bureau*.

First, establish a bureaucracy, the Agency of Budgetary Control (ABC), endowed with funds to carry it for two years only. This constraint is critical. After the first two years, its budget would come solely from the money it saves taxpayers by successfully eliminating waste inside other agencies' budgets. By structuring the ABC this way, we harness — for social benefit rather than just bureaucratic gain — the fundamental pathology of bureaucracies, that propensity toward self-perpetuation and growth. The ABC's continued funding, and hence its survival and growth, depends upon preying upon other agencies' budgetary requests. While individuals and the public have little incentive to oppose particular programs, this strategy provides compelling opportunities for the ABC to do so.

Suppose, for example, that the Bureau of Reclamation requests $600 million for the Las Animas-La Plata dam-

How can wasteful, dysfunctional bureaucracies be weeded out? We propose a predatory bureau, whose funding would come solely from the money it saves eliminating waste in other agencies.

building project in Colorado. This project is estimated to produce just $50 million of value to farmers. This dam's damaging ecological consequences and economic costs likely far outweigh its benefits.

The Agency of Budgetary Control would marshal evidence against the project, employing ecologists, economists, and local residents who prefer the river as it is. In this case they would likely work with groups like the Environmental Defense Fund and the National Taxpayers Union to advertise to Congress the dam's high costs. Their voices would directly oppose the testimony developed by the Bureau of Reclamation and its clientele groups, those who hope to benefit from subsidized irrigation. After weighing the testimony of both sides, Congress would either grant the budgetary request or uphold the ABC's challenge. In this hypothetical case, we would expect the ABC to triumph.

With the dam defeated, the ABC would receive, say, ten percent of the project's net expenses. That ten percent would be taken from the "prey" agency's operating budget. In this case, the Bureau of Reclamation would be punished $55 million and the ABC would be $55 million richer. (The ten percent figure is strictly arbitrary and would likely benefit from adjustment based on experience.) The predatory bureaucracy would thrive only if it were successful at eliminating pro-

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grams. The offending department, in this case the Bureau of Reclamation, would be punished not only by losing project funding, but also by losing an additional portion of its operating budget.

After receiving its budgetary windfall, the predatory bureaucracy would do what all bureaucracies do: add more staff, buy expensive office equipment, and diligently pursue a still bigger budget. Perhaps all those new staffers would then challenge certain U.S. Forest Service timber sales. Stopping below-cost timber sales is no easy feat, as some analysts have been arguing against them for 25 years. But if a predator bureaucracy stands to gain some of the $195 million the Forest Service annually loses in such sales, we might expect it to invest millions in an unprecedented campaign to bring fiscal prudence to Forest Service management.

The major advantage of the ABC is that it counters the problem of political action that concentrates benefits while diffusing costs. Further, it builds into the appropriation process a spokesman for the public interest, who is, more importantly, a spokesman who does good while doing well. There are, of course, a few technical problems with this proposal, but they are likely to be minor when compared with the benefits.

Sooner than later, other bureaucracies in Washington, D.C., will wise up. After a few successful attacks, the various agencies will doubtlessly move up the learning curve. Agencies uncertain about which programs will be subject to predation will face strong incentives to avoid proposing projects of dubious value. They will, for the first time, face a systematic incentive to undertake only those programs whose costs do not clearly outweigh the benefits. Agencies will become more efficient and more productive, or else the predator will eat away at their budgets.

One predictable side effect is that the prey agency would spend more resources defending itself, where previously it never had to expend such efforts. While this does introduce a new cost to operating a bureaucracy, necessarily detracting from its ability to carry out its mission, such costs provide essential feedback mechanisms for bureaucracies. They will have a natural incentive to seek funding for those programs which require the least costly defense (presumably, those same programs will also have the most merit, or at least the most popular support). By establishing this internal calculus into agencies, budget maximizing bureaucrats will adapt their activities to their defensive requirements.

Many who favor smaller government

continued on page 35

Warning

The Coming War on the Automobile

by Randal O'Toole

If you drive to work, to shop, or anywhere at all, then watch out: The apostles of political correctness have declared that cars are evil and plan to fight them by increasing congestion and making driving as slow and uncomfortable as possible.

The first shots in the war were fired in the wake of Earth Day in the early 1970s. A spate of books with titles like *Road to Ruin, Highway to Nowhere,* and *Autokind vs. Mankind* declared that the automobile is one of the greatest horrors ever invented: Cars pollute; cars break apart communities; cars make people lazy; cars promote frivolous values and irresponsible behavior. Americans were victims of a dark conspiracy coming out of Flint, Michigan.

Though opponents of the automobile belittle and hound drivers regarding their "dangerous habit" in a thousand small ways, the war on the automobile has yet to turn into an *overt* social war on the order of the anti-tobacco crusade and the War on Drugs. The war on the auto is, so far, a *covert* one, waged by city planners and zoning commissions talking of quality of life, not by legislators and bureaucrats pledged to suppress Americans' "deadly addiction" to driving.

But this does not make the war any the less real. Early skirmishes in this war have been fought with increasing intensity since the 1960s. Major battlefronts are currently located in Oregon, Minnesota, Maryland, and Florida. Though these local efforts have only modest support from federal officials, the stage is set for the battles to spread across the country. And the stakes are enormous.

It Usually Begins with the Federal Government

The war can be traced, naturally enough, to a misbegotten and misguided federal program: the Interstate Highway System. As originally conceived by President Eisenhower, Interstates were to link cities but not pass through them. But in the 1950s, most Americans lived in the cities. City officials couldn't stand the thought of all that federal money being spent outside their borders, so they quickly transformed the program into one that mainly served commuters.

While freeways literally paved the way for urbanites' flight to the suburbs — a flight motivated less by racial issues than by people's desire to live in pleasant neighborhoods on large houselots — they imposed costs on people in existing cities, by wiping out a wide swath of existing homes, businesses, and parks. Not surprisingly, urban residents often opposed freeway construction (at least through *their* neighborhood), sometimes delaying or even preventing freeway construction.

While the freeways transformed the American cityscape, and the automobile rose to ever-greater dominance, the anti-automobilists struck back, and achieved their first significant victory: the government takeover — usually with federal assistance — of virtually all of America's urban transit systems.

Mass transit had been in steady decline since 1920, when autos went from being toys for the rich to mobility for everyone.

Transit advocates persuasively argued that, due to youth, age, or disabilities, some people were simply unable to drive. Society owed these people as much mobility as the auto offered everyone else, so society should subsidize transit. But behind this argument lurked a belief that mass transit was better than personal autos and that we would all be better off if we could go back to the late-nineteenth century when most cities had streetcars but no one had cars.

The Public Trough

The next big goal of the anti-auto crowd was to "bust the

trust fund" — to open up highway funds for mass transit. Since around 1950, highway user fees in the form of gas taxes, vehicle registrations, and truck weight taxes had paid for nearly all road and highway construction in the U.S.

The federal government and most states dedicated these fees exclusively to roads. This, transit advocates argued, created a bias in the minds of transportation planners for more roads. Opening up the funds to all forms of transportation would supposedly allow planners to find the best way to spend the money, not just automatically spend it on more roads.

Transit advocates were unable to convince many states to go along with this logic. But in 1982 it convinced Congress to dedicate two cents of the federal gas tax to mass transit. Congress also agreed to allow cities that had approved but unbuilt interstate highways to convert the funds for those highways to funding for mass transit.

More than four out of five American workers drive to their jobs, and more than 90 percent of all non-job-related trips are also by car. Yet auto drivers make no attempt to defend themselves in the political sphere and are easy prey for the anti-car coalition.

In almost every major American city, one of the best ways public transit agencies can improve transit is by acquiring more buses to add service to existing routes. Transit riders are frequency sensitive, and doubling frequencies can often lead to far more than double the ridership.

But there is a problem with this strategy: in most cities, buying more buses creates few local jobs and no profits for the construction companies that were expecting to build the cancelled interstates. The solution found by San Diego, Portland, Sacramento, and several other cities was to build a rail transit line. Rail advocates were fond of pointing out that a single rail line could carry as many people as a four-lane freeway. Planners predicted that a low-cost investment would reduce transit operating costs, boost ridership, and reduce congestion on nearby roads and streets.

It didn't work out that way, though you would never know it listening to the publicity generated by the transit agencies. Portland's light rail "was built on time and under budget and carries more riders than predicted," said G. B. Arrington, the head planner for Portland's transit agency.

In fact, Portland's light rail cost 55 percent more than was originally budgeted, took a year longer to build, and carries less than half the riders originally predicted. After funding was approved and construction began, planners revised their cost and time predictions upward and their ridership downward, enabling them to claim success despite the reality of failure.

Portland's light rail offers more frequent trains than the express bus system it replaced, but it averages less than 20 miles per hour from start to finish, less than half the speed of the previous express buses. Probably its failure to attract commuters is the result of its slow speed.

Rail transit has been a failure in every American city where it has been built in the past several decades. Even Washington, D.C.'s extensive and expensive rail-and-bus system carries less than 14 percent of D.C. commuters — a smaller market share than the bus-and-streetcar system of 1960. Nevertheless, light rail is now touted as the solution for all sorts of cities, from Missoula, Montana, to northern New Jersey opposite Manhattan.

Designing Cities for the Nineteenth Century

To understand this growing campaign, we have to look at the work of a group of architects who call themselves "New Urbanists" or "neotraditionalists." New Urbanists subscribe to the idea that cars are destroying our communities and it is up to architects and planners to save cities by redesigning them so people can live without cars.

To accomplish that redesign, architects first looked for cities that lived without cars to see how they worked. The cities they chose were major U.S. cities from around the turn of the century. In those days, more people lived in apartments. Those who lived in single-family homes usually lived on tiny lots, often in row houses. Housing freely mingled with retail shops, professional offices, and other businesses. Few people drove because few had cars, and streetcars were the most modern transportation.

So New Urban design consists of high-density neighborhoods of apartments, row houses, homes on tiny lots, and mixed uses all built around a light-rail station or transit corridor. Neotraditionalists go further and build in wide front porches, bay windows, steeply pitched roofs, and put garages behind the house if they are included at all.

One of the first neotraditional communities was Seaside, Florida, planned by Florida husband-wife architect team André Duany and Elizabeth Plater-Zyberk. Their strategy is not to design every building but to write a highly prescriptive zoning code. Seaside has narrow streets, Victorian-style homes with tiny yards, and pedestrian walkways between many yards. The resort community is pleasant to visit, but it is in no sense urban.

To planners, congestion is a worthwhile goal, not a bug in the system.

Laguna Beach, California, is more frequently celebrated in the lavish coffee table books praising New Urbanism. Designed by architect Peter Calthorpe, Laguna Beach was supposed to have a transit center surrounded by a core of high-density housing, which itself was surrounded by lower density housing. Shops and other businesses were to be scattered through the entire area. Residents, particularly in the high-density housing, were expected to walk to the transit center to get to work.

What the coffee table books don't say is that Laguna Beach didn't work out as Calthorpe planned. People didn't want to be crammed into high-density housing, and the original developer went bankrupt. A new developer put low-

density housing everywhere.

Since Calthorpe didn't design a parking area near the transit center, people parked their cars in front of other people's homes. The owners of those plush homes objected and convinced the transit agency to move the transit center outside of the development. The only commercial establishment in the entire development is a quick lube. So much for living without cars.

Leading the Charge in Oregon

The state of Oregon and city of Portland are leading the New Urban assault on the automobile. Oregon's land-use board has directed every city over 25,000 to force its residents to reduce their per-capita auto driving by 20 percent. This may seem a strange rule for a land-use board, but a major tenet of New Urbanism is that there is a strong link between land uses and automobile usage.

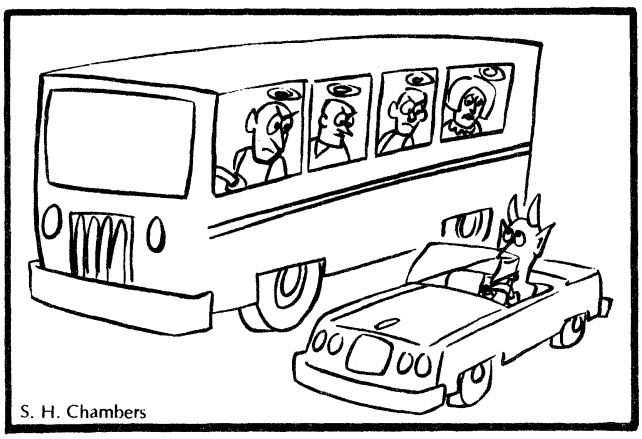
S. H. Chambers

Following suit, Oregon's air pollution agency has ordered all employers of 50 or more people to induce their employees to reduce their auto commuting by 10 percent. Employers who fail to prepare and implement plans are subject to heavy fines.

Metro, Portland's regional planning agency, has dictatorial powers over twenty-four cities and three counties. Its elaborate anti-automobile campaign uses several coordinated tactics:

- Increasing highway capacities by no more than 13 percent even as the region's population grows by 75 percent;
- Spending most of the region's federal and local transportation dollars on light-rail transit, even though planners know that light rail will never carry more than 2 percent of the region's trips;
- Drawing an urban-growth boundary beyond which little or no development may take place;
- Highly prescriptive zoning within the boundary requiring restricting development to high residential densities designed to increase congestion;
- Requiring all owners of shopping and office complexes reduce available parking by 10 percent and eventually charge for their parking;
- "Traffic calming," a euphemism for actions that reduce roadway capacities, such as concrete barriers limiting the flow of traffic and reductions in the number of lanes on major streets;
- Banning new shopping malls and "big box" stores such as Costco or WalMarts;
- Promoting and subsidizing instead small shops in mixed-used areas.

Planners lovingly paint a picture of people living in high-density or mixed-use areas, walking to the grocery store and taking the train to work. The reality, planners quietly predict, is that no more than 12 percent of all trips in the Portland area will be on foot, bicycle, or mass transit. While this is a 50 percent increase from today's 8 percent, it means that the share of trips by auto decline by less than 5 percent from 92 to 88 percent.

With the expected 75 percent increase in population trying to drive at least 67 percent more miles per day on a road system that is just 13 percent larger, planners predict that their plan will lead congestion to at least triple. Portlanders will spend more time in traffic trying to get to and from work.

To planners, congestion is a worthwhile goal, not a bug in the system. They know that Americans respond to congestion by living closer to work. This means Portlanders will be happy to live in the high-density housing that planners have assigned them to. Congestion, says Metro quietly, "signals positive urban development." As a report on National Public Radio's *All Things Considered* observed forthrightly, Portland planners "are embracing congestion; they want to create more of it."

Planners proudly point to certain Portland neighborhoods that they consider to be their ideal: Northwest 23rd, Southeast Hawthorne. These are relatively dense older neighborhoods with many apartments surrounding a busy street of small charming shops.

"People are learning to walk more in these neighborhoods," says Metro planner Mark Turpel. They have to: the areas are so crowded with cars that people often park many blocks away to get to the shops. The residential streets are lined with cars on both sides, and the busy streets are one continuous traffic jam. This, according to Portland's New Urban congressman, Earl Blumenaeur, "is the kind of congestion that is exciting."

Metro convinced Portland-area voters to give it dictatorial planning powers in 1992 by promising to save Portland from turning into L.A. Two years later, Metro planners compared fifty American cities to see which one was most like its vision for Portland. They learned that a single American city simultaneously has the highest population density, the lowest number of miles of freeway per capita, and is spending the most on building a new rail system.

What city was it? Los Angeles. Metro planners concluded that L.A. "represents the investment pattern we desire to replicate." Of course, they don't mention that in any of the four-color brochures that they pass out to the public. This goal is reported only in a dry, data-crammed document available only to those willing to pay a $10 fee.

The Case Against the Auto

What is the reasoning behind the campaign against the automobile? New Urbanists say that automobiles are evil because:

1. They impose huge hidden costs on society;

2. They lead to sprawl;
3. They create ugly strip malls and sterile suburbs;
4. They are forced upon unwilling Americans who would rather rely on mass transit.

Let's examine these arguments.

1. Hidden Costs

Enemies of the automobile tote up a huge list of costs that cars impose on society and subsidies that society pays to support drivers. Taken together these subsidies and hidden costs total billions of dollars each year, which averages out to several dollars of subsidy or social cost per mile driven.

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Yet the vast majority of the costs that they count are neither hidden nor subsidies. They begin by identifying the entire federal highway trust fund as a subsidy. Transit advocates seeking to divert funds from it to transit, for example, argue that they are reducing the subsidy to highways.

But, as I noted above, the highway trust fund is composed entirely of revenue from motor fuel taxes, which finance the construction of virtually all freeways, highways, and roads. It is only ordinary city streets that are usually financed by other means: usually developers pay for construction and property owners pay for their maintenance (by means of local property taxes). If this is a subsidy, it isn't much of one: the main function of city streets is to provide access to property, so it isn't unreasonable to expect property owners to pay for them.

Auto opponents also include the cost of automobile insurance, highway and bridge tolls, and parking — even though these are all paid for by auto drivers or (in the case of some parking) people seeking the business of auto users. One anti-auto economist counts as subsidy the income taxes that states and the federal government would collect if employees had to count the value of parking provided by employers as taxable income. He figures that the government "loses" $21 billion in taxes this way.

Rigorously applying this logic leads to some very strange conclusions. Should we, for example, count as subsidy the tax forgone on the value of drinking water that an employer provides his employee? the chair he provides? the background music? everything an employer provides for the convenience or comfort of an employee? How much does the government lose out on in taxes for these perks?

Auto opponents add in the cost of state highway patrols, highway administration, and interest on highway bonds — all of which are paid for out of vehicle fees, fuel taxes, etc. Then they add the costs of highway congestion, which again are paid for by users and which have increased in recent years mainly due to the efforts of the anti-auto lobbies.

One auto opponent counts half the cost of America's military presence in the Persian Gulf as a subsidy to autos, on the theory that military intervention was necessitated by our need for automobile fuel. Yet the U.S. gets little oil from the Gulf — most goes to Europe and Japan — and the U.S. has military forces in many places with no oil.

It is obvious that opponents of the automobile will do almost anything with statistics to trump up the "costs" of automobile usage. About the only legitimate social cost that can be tallied against the auto is air pollution and associated health costs. But even the most virulent auto opponents agree that this totals to no more than a few cents per mile driven.

In contrast, the subsidies to transit are enormous. Farebox revenues typically cover less than a quarter of the cost of urban bus service, and often cover less than 5 percent of the cost of recently built rail lines. Most capital costs are paid for out of highway user fees, while operating costs are paid out of various local taxes, mostly paid by auto drivers.

The real subsidies are from autos to transit riders, not the other way around.

2. Sprawl

Everyone knows that American cities are sprawling across the countryside and that the U.S. is rapidly running out of prime farmland and open space. It is to prevent this sprawl that New Urban planners seek higher densities. Since the auto makes sprawl possible, anything that will discourage driving, including congestion and parking fees, helps to curb sprawl.

As usual, what "everybody knows" turns out to be wrong. Nationwide, America's urbanized areas cover only about 2.6 percent of the area of the lower 48 states. More than twice this amount of prime farmland isn't even used for growing crops — it is used as pasture, forests, or is lying fallow. Total U.S. agricultural lands amount to nearly twenty times the area of our cities. Urban areas are growing, but when they start out at such a small proportion of the total land base that growth isn't having much of an impact on open space or farms.

Buses are more flexible and cost much less to operate and maintain than rail, since they share the cost of roadbed maintenance with autos.

What is happening is that urban areas are growing from a very tiny portion of total land to a tiny portion of land in the United States. It simply is not a problem. Of course, when a farm is subdivided into residential lots, there is an appearance of a loss of farmland. But at the same time, new farmland is being added elsewhere, relatively unproductive pastureland is converted to cropland, and existing farmland is becoming more productive. As a result, relative to other costs, the price of agricultural commodities are actually declining. If urban sprawl was consuming prime farmland at a dangerous rate, as the New Urbanists maintain, surely this would not be the case.

One of the things that bother New Urbanists is that suburbanites are choosing to live on larger lots. Average lot

sizes have grown from about 5,000 square feet in 1960 to 8,000 square feet in 1990. But residential land typically amounts to only about a third of urban areas. So doubling lot sizes does not automatically translate into double the total urban land area.

As eastern and midwestern cities decline, America's fastest growing cities are in the West and South. It is here where the concerns about sprawl are most frenzied. Yet if "sprawl" is defined as growth of urbanized land at a rate faster than the population growth, then few western cities are actually sprawling. Los Angeles, Salt Lake City, Seattle, Denver, Phoenix, and many other cities are growing in population faster than they are in land area.

Whatever sprawl that exists is primarily the product of population growth and the desire of people to have larger yards, bigger gardens, and more satisfying lives. The automobile plays little role in the process.

3. Ugly Strip Malls and Sterile Suburbs

As New Urbanists have noted, American cities in 1900 were characterized by high densities and mixtures of residential and commercial uses. But the leading thinkers of those days believed that crowding was unhealthy and mixed uses were dangerous and harmful to property values. So urban planners of the 1910s and 1920s developed zoning for the specific purpose of protecting low-density neighborhoods of single-family homes from the nuisances of apartments, offices, and stores.

Zoning codes typically limited commercial uses to busy streets. Single-family residential areas were set well back from such commercial areas. Apartments and other higher-density housing formed a buffer between the commercial areas and single-family neighborhoods.

One result was that the busy streets turned into strip developments. Another result was that wealthy homeowners in low-density suburbs sought increasingly low-density zones to protect their property values. In short, the planning ideals of the 1920s became the planning scourges of the 1990s.

Some cities, notably Houston, survive without zoning, relying instead on protective covenants and neighborhood associations to maintain property values. Such cities may still have strip malls, but to a considerable extent the things the New Urbanists object to are mistakes of past generations of planners, not the workings of free markets, which for the most part are not allowed to exist.

Strip malls and supposedly sterile suburbs may offend the esthetic sensibilities of New Urbanists, but they undeniably attract many people. Sociologist Herbert Gans spent two years living in a traditional, high-density urban neighborhood and another two years living in a tract suburb. He found that people in the suburbs were just as happy and had just as much of a sense of community as people in the central city.

As long ago as the 1960s, Gans noted that "hysterical mythmakers" complained "that individualism was dying, suburbanites were miserable, and the fault lay with the homogeneous suburban landscape and its population." Yet Gans found no evidence that this was true.

4. General Motors Made Us Do It

If autos are so bad, auto opponents explain their ubiquity by claiming that Americans have been forced to drive when they would rather not. The most potent support for this is the case of Los Angeles, where the streetcar system was purchased by General Motors, Firestone Tire, and Standard Oil. These companies quickly scrapped the streetcars and replaced them with rubber-tired, oil-burning buses. Since New Urbanists claim that buses are less efficient than streetcars, they see this switch not just as a way to sell buses but as a dark plot to run the transit system into bankruptcy and force everyone to drive.

The simple fact is that virtually every rail transit system in the country lost money throughout the 1930s, late 1940s and 1950s. With three or four exceptions, they scrapped their streetcars and replaced them with buses. Buses are more flexible and cost much less to operate and maintain since they share the cost of roadbed maintenance with autos.

Numerous cities, including San Francisco, Philadelphia, Washington, D.C., and Chicago, have built or maintained extensive rail transit systems. Yet the auto has more than 80 percent of the market share of commuters in these cities, and transit's market share has generally declined. Only in New York has rail maintained a significant market share, yet transit carries just 25 percent of commuters in the New York metropolitan area, while cars have 65 percent.

Americans have shown that they are willing to put up with enormous amounts of congestion in order to avoid the inconveniences and indignities of mass transit. The typical response to increasing congestion is not to shift to transit but for employers and homeowners to move closer to one

From the Front

Portland, Jan. 14 — The central planners who run Metro, the regional planning agency for Portland, Oregon, approved their highly coercive plan for the Portland area in early December. But they may not get a chance to implement it.

The plan calls for (among other things) forcing high densities on dozens of neighborhoods, tripling traffic congestion, and requiring employers and shopping malls to charge for parking. Support for the plan is rapidly evaporating as people find out just what it involves.

A few days after Metro approved its plan, residents of the Portland suburb of Milwaukie recalled their mayor and two members of their city council for supporting Metro's plans. Just a month before, the suburb of West Linn voted four-to-one to oppose Metro's plan. West Linn's city council promptly adopted a zoning ordinance that would fail to meet Metro's density objectives.

After a year, Metro can force West Linn to revise its zoning ordinance. But Metro may not be around that long. Citizens will soon start collecting signatures to put a measure on the November, 1998, ballot to abolish Metro. Passing the measure won't end all of the coercive policies of Portland planners. But it will put a pretty big dent in them. —Randal O'Toole

another — which explains why many businesses move to the suburbs.

New Urbanism's Backers

The ease with which the auto's enemies' arguments can be dismissed does little to dispel their persuasiveness. For one thing, many of their points resonate strongly with Americans, particularly with concerns about loss of farms and open space and the ugliness of strip developments. The idea that we could ride fast, convenient trains instead of sitting in traffic is also appealing — although it turns out most people hope that everyone else will take the train so they can drive without congestion.

New Urbanism's political support, however, comes not from people accepting these myths but from very real interest groups that will benefit from increasing urban congestion:

- Central city officials eager to maintain the prominence of their cities over the suburbs;
- Downtown interests desiring to reverse the "declines" of downtowns relative to suburban "edge cities";
- New Urban planners interested in trying their theories out on various cities;
- Urban environmentalists opposed to more freeways and the automobile in general; and
- Engineering and construction firms looking for federal dollars to spend on urban public works projects.

These groups have combined to increase the federal government's role in urban transportation. Even in the Interstate highway era, that role was a rather passive one, limited to doling out funds for projects designed primarily by state and local highway engineers. But with passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the federal government now strongly promotes New Urbanism throughout the country.

ISTEA requires cities to use a long-term planning process that is easily captured by New Urbanists. The law encourages cities to spend all available funds on rail projects that hardly anyone will use rather than build highways that will be used by almost everyone. In cities with air pollution problems, ISTEA actually forbids the use of federal funds for expanding road capacities, even though congestion is often the greatest cause of air pollution because slower cars pollute more.

ISTEA is up for reauthorization by the 105th Congress. Unfortunately, most of the debate inside the beltway is on which states are going to get the most highway funds, not whether those funds will be spent on highways or rail boondoggles or whether the federal government should even be in the urban transportation business.

Senator Connie Mack and Representative John Kasich have proposed to eliminate most federal gas taxes and let the states or cities fund and plan urban transport. But transportation funding has become an important form of pork, as indicated by the fact that the largest committee in Congress is the House Transportation Committee. No one on that committee wants to give up federal allocation of funds.

Fighting Back

New Urbanism might be fine if it were optional. Developers could build towns or neighborhoods for those people who want to live in high-density, mixed-use communities without cars. But that isn't enough for the New Urban planners, who want to save our cities from the automobile by mandating New Urbanism everywhere. The mentality of city and regional planners is, of course, completely at odds with options and choice, and freedom is the last thing on their minds. This is no doubt one reason why they are so oblivious to the demonstrated preferences of the majority of commuters and city dwellers.

More than four out of five American workers drive to their jobs, and more than 90 percent of all non-job-related trips are also by car. Yet auto drivers make no attempt to defend themselves in the political sphere and are easy prey for the anti-car coalition.

Auto users have been made to feel so guilty about their desire for safe, efficient, and convenient transportation that they often accept the congestion offered by New Urbanists as their just deserts. Consequently, groups such as the American Automobile Association and National Motorists Association have paid scant attention to the anti-auto campaign.

The real opposition to the New Urbanists will likely come from the suburbs. People who have escaped the crowded cities don't want congestion and density imposed upon them by planners bedazzled by Manhattan's upper east side. But most suburbanites remain as politically unorganized as auto drivers.

So, if you live in a suburb, if you drive to work or anywhere else, if you like shopping at Costco or Sam's Club, then get ready for the next big social war. You will be the target of social engineers who want to control where you live, where you work, where you shop, and how you get from one place to another. If the New Urbanists win, the cities of the future will be more congested and polluted, have higher taxes and housing costs, and less open space within them than the cities you live in today. ❑

Report

The New Enemies of Evolutionary Science

by J. Philippe Rushton

The decencies and pieties of the age are at war with the pursuit of truth.

On January 19, 1989, in the Sausalito Room of the San Francisco Hilton Hotel, my life changed forever. I stood before a lectern speaking to a symposium of scientists belonging to the American Association for the Advancement of Science (AAAS). The title of the brief paper I proceeded to present to the meeting was "Evolutionary Biology and Heritable Traits (With Reference to Oriental-White-Black Differences)."

I reviewed the international literature recently published in academic peer-reviewed journals. I summarized data about traits like brain size, temperament, speed of maturation, family structure, and reproductive variables. I tentatively concluded, roughly speaking, that East Asians, on average, were slower to mature, less fertile, less sexually active, with larger brains and higher IQ scores than Africans, who tended to the opposite in each of these areas. Whites, I found, fell between the other two groups.

I further contended that this orderly tri-level hierarchy of races in average tendency had its roots not only in economic, cultural, familial, and other environmental forces but also, to a far greater extent than mainstream social science would suggest, in ancient, gene-mediated evolutionary ones. Heredity, or nature — to use the term popularized by Francis Galton, Charles Darwin's younger cousin — was every bit as important as environment or nurture, often more so.

To account for the racial pattern in brain size and the other "life-history variables," I proposed a gene-based life-history theory familiar to evolutionary biologists as the r-K scale of reproductive strategy. At one end of this scale are r-strategies, which emphasize high reproductive rates, and, at the other, K-strategies, which emphasize high levels of parental investment. This scale is generally used to compare the life histories of widely disparate species but I used it to describe the immensely smaller variations within the human species. I hypothesized that Mongoloid people are, on average, more K-selected than Caucasoids, who in turn are more K-selected than Negroids.

I also mapped this theory onto human evolution. Molecular genetic evidence shows that modern humans evolved in Africa sometime after 200,000 years ago, with an African/non-African split occurring about 110,000 years ago, and a Mongoloid/Caucasoid split about 41,000 years ago. The farther north the populations migrated, "out of Africa," the more they encountered the cognitively demanding problems of gathering and storing food, gaining shelter, making clothes, and raising children successfully during prolonged winters. As these populations evolved into present-day Europeans and East Asians, they did so by shifting toward larger brains, slower rates of maturation, and lower levels of sex hormone with concomitant reductions in sexual potency and aggression and increases in family stability and longevity.

I did not claim to have established the truth of these hypotheses. They may never be established in their entirety. But if they, or any part of them, or even any parallel hypotheses were eventually confirmed, we would have an explanation of why the measured traits are statistically distributed among racial groups in the distinct patterns evident in the data I had examined. The theories provided testable hypotheses and consequently complied with two fundamental goals of any science: the search to provide causal explanations of phenomena, and the search to unify separate fields of thought. These powerful incentives pulled me forward.

I emphasized two caveats in my presentation before the

AAAS. First, because there is enormous variability within each population and because the population distributions overlap, it is always problematic to generalize from a group average to any particular individual. Secondly, because genetic effects are necessarily mediated by neurohormonal and psychosocial mechanisms, many opportunities exist for intervention and the alleviation of suffering.

My hypothesis so stunned AAAS organizers that they quickly called a press conference to publicly dissociate themselves from my remarks. At the press conference, the president of the AAAS, Dr. Walter Massey, vice-president for research at the University of Chicago, told reporters that my credentials as a psychologist were good and that scholars participating in the conference were free to draw any conclusions they chose. Massey affirmed that the AAAS would never consider muzzling any scholar because the free expression of views was the essence of academic discussion. He went on to say that I had made "quite a leap of faith from the data to the conclusions" and that he found the paper "personally disturbing" and its conclusions "highly suspect." The scene was eerily reminiscent of the closing sequence of the film *Rosemary's Baby* with the media setting up to take pictures of the newborn devil, cloven hoofs and slit eyes, ready to raise hell on earth. I was about to become an academic pariah.

The scene was eerily reminiscent of the closing sequence of the film Rosemary's Baby with the media setting up to take pictures of the newborn devil, cloven hoofs and slit eyes, ready to raise hell on earth.

By the time I returned from the conference to my home in London, Ontario, and my job as professor of psychology at the University of Western Ontario, the uproar was in full swing. "Canadian Professor Provokes Uproar With Racial Theories," proclaimed Canada's national newspaper, the venerable *Globe and Mail*. "Theory Racist: Prof Has Scholars Boiling," declared the influential *Toronto Star*. "UWO Professor Denies Study Was Racist," trumpeted the local *London Free Press*.

Newspapers took my views to hostile social activist groups and got their predictably hostile opinions. They said I should be fired for promoting hatred. The press then took this idea to the president of the university who upheld the principle of academic freedom. The ongoing conflict was serialized for weeks. Student activist groups soon entered the fray, demanding that I meet with them in a public forum.

TV coverage of my theories juxtaposed photos of me with footage of Nazi storm troops. Editing and voiceovers removed any mention of my qualification that the race differences I had identified were often quite small and could not be generalized to individuals and didn't mention that like any decent human being I abhor Nazi racial policies. Newspapers caricatured me as wearing a Ku Klux Klan hood or talking on the telephone to a delighted Adolf Hitler. The *Toronto Star* began a campaign to get me fired from my position, chastising my university and stating "This protection of a charlatan on grounds of academic freedom is preposterous." Later, the same paper linked me to the Holocaust saying, "[Thus] there emerged the perverted 'master race' psychology of the 20th century, and the horror of the Holocaust. Oddly, the discredited theories of eugenic racism still are heard, most recently from an academic at an Ontario university." I had no choice but to hire a prestigious law firm and issue notices under the Libel and Slander Act against the newspaper. This brought the media campaign against me to a halt.

Hate Crime Laws

In the U.S. there is a First Amendment to protect the right of every citizen to free speech and there is not much the government can do to silence unpopular ideas. In Canada and many Western European countries, however, there are laws against free speech, ostensibly enacted to inhibit "hate" and the spreading of "false news."

Two weeks after my AAAS presentation, the premier of Ontario denounced my theories. My work was "highly questionable and destructive" and "morally offensive to the way Ontario thinks," he said. It "destroys the kind of work we are trying to do, to bring together a society based on equality of opportunity." The premier told reporters he had telephoned the university president and found him in a dilemma about how to handle the case. The premier said that he understood and supported the concept of academic freedom, but in this particular case dismissal should occur "to send a signal" to society that such views are "highly offensive."

When the university failed to fire me, the premier asked the Ontario Provincial Police to investigate whether I had violated the federal Criminal Code of Canada, Chapter 46, Section 319, Paragraph 2, which specifies: "Everyone who, by communicating statements, other than private conversation, willfully promotes hatred against any identifiable group is guilty of an indictable offense and is liable to imprisonment for a term not exceeding two years."

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The police questioned my colleagues and members of the administration and professors at other universities, demanded tapes of media interviews, and sent a questionnaire to my attorney to which I was obliged to reply in detail. (There's no Fifth Amendment in Canada either.) After harassing me and dragging my name through the dirt for six months, the Attorney General of Ontario declined to prosecute me and dismissed my research as "loony, but not criminal."

This did not halt the legal action. Eighteen students, including seven black students, lodged a formal complaint

against me to the Ontario Human Rights Commission claiming that I had violated Sections 1, 8, and 10 of the 1981 Ontario Human Rights Code guaranteeing equality of treatment to all citizens of the province. In particular, I was charged with "infecting the learning environment with academic racism." As remedy, the complainants requested that my employment at the university be terminated and that an order be made requiring the university to "examine its curriculum so as to eliminate academic racism."

I was outraged. A more flagrant attack on the right to freedom of expression was difficult to imagine in a supposedly free country. "Human rights" tribunals were becoming a menace — a direct threat to the very human rights and fundamental freedoms they were supposed to protect. The Ontario Human Rights Commission could no more change the truth about human races than could the Christian Inquisition about the solar system or the KGB about the genetics of wheat. I found it difficult to accept the increasingly obvious fact that in the post-Soviet world, an academic was freer to say what he believed about some things in Russia, than in Canada.

Four long years after the complaint was lodged, the Ontario Human Rights Commission abandoned its case against me claiming it could no longer find the complainants to testify.

Events at the University

In its relations with the outside world the university administration stood firmly for academic freedom. The president gave a press conference to state categorically that there would be no investigation of me, that I would not be suspended, and that I was free to pursue any line of research I chose.

Behind the scenes, however, I became the target of a witch hunt by some of the administrators. Dismayingly, my dean, a physical anthropologist, publicly declared that I had lost my scientific credibility and spearheaded an attack on me in the newspapers. She issued a series of preemptive statements making plain her negative opinion of me and my work. "What evidence is there for this ranked ordering of the evolution of the human races?" she wrote. "None." Claiming that her views represented only her academic opinion she emphasized that she was not speaking in any administrative capacity. Her letter was nonetheless widely interpreted in the media as a refutation by my "boss." Henceforth, in order to support me, a person would now have to go up against the dean in addition to prevailing opinion. Next, the chair of my department gave me an annual performance rating of "unsatisfactory" citing my "insensitivity." This was a remarkable turnaround because it occurred for the same year in which I had been made a Fellow of the prestigious John Simon Guggenheim Foundation. My previous twelve years of annual ratings had been "good" or "excellent." Indeed, my earlier non-controversial work had made me one of the most cited scholars at my university.

Because unsatisfactory ratings can lead to dismissal, even for a tenured professor like me, I contested the rating through various levels of grievance, wasting an enormous amount of time and emotional energy. The proceedings that followed were Kafkaesque, terrifying when they weren't simply funny. For example, the grievance procedures required that I first appeal the Chairman's negative assessment to the Dean. The Dean had already spoken out against me, so I asked the Dean to recuse herself from hearing the case. She refused. So I had to appear before her.

At my hearing, the Dean's folded arms and glowers of fury made her decision obvious, and six weeks later, she upheld the Department Chair's decision. In a seven-page letter justifying her decision, she cast aspersions at my "sensitivity" and my sense of "responsibility," and questioned whether there were, in fact, "any" papers that had ever been published that had supported my perspective other than those I had written myself.

I decided on a more drastic defense. I wrote to colleagues around the world and received over 50 strong letters of support, many endorsing the evidence I had presented. When the Dean found out about this she went absolutely ballistic, on one occasion screaming and spitting at me in fury.

The Ontario Human Rights Commission could no more change the truth about human races than could the Christian Inquisition about the solar system or the KGB about the genetics of wheat.

I eventually won my appeal against the Dean and the Chair and two separate grievance committees chastised them for their actions against me. My annual performance ratings are back to receiving grades of "good" and "excellent."

Some radical and black students mobilized and held rallies, even bringing in a member of the African National Congress to denounce me. In one demonstration, a mob of 40 people stormed through the psychology department, banging on walls and doors, bellowing slogans through bull horns, drawing swastikas on the walls, and writing on my door "Racists Pig Live Here."

The administration responded by barring me from the classroom and ordering me to lecture by videotape on the pretext that they could not protect me from the lawlessness of students. Again I launched formal grievances. After a term of enforced teaching by videotape, I won the right to resume teaching in person, though then I was required to run a gauntlet of demonstrators shouting protests and threats. Only after several forced cancellations of my classes did the administration warn the demonstrators that further action would lead to suspension and legal action. That brought the protests to a halt.

De Facto Censorship and the Corruption of Scholarship

As a graduate student at the London School of Economics and Political Science in 1973, I witnessed a physical assault on Hans Eysenck, who was studying the biological basis of intelligence and had recently published his book *Race, Intelligence, and Education* (1971). The slogan of that day was "Fascists Have No Right To Speak," and Eysenck became a target for attack. No legal charges were brought for the widely witnessed assault because another popular slogan of

the 1960s, for those who approved the message but disapproved the tactic, was "There are no Enemies on the Left." Stories of harassment and intimidation could be told by many others who have had the temerity to research topics that touch on the genetic or distributional basis of race differences.

Today, many campus radicals from the 1960s are the tenured radicals of the 1990s. They have become the chairs of departments, the deans, and the chancellors of the universities; senior political administrators in Congress and Houses of Parliament, and even the presidents and prime ministers of countries. The 1960s' mentality of peace, love, and above all, equality, now constitutes the intellectual dogma of the Western academic world. There are laws to prohibit platforms for those denounced as "fascists" and others deemed to be not politically correct.

In his book, *Kindly Inquisitors,* Jonathan Rauch showed that even in the U.S. with the First Amendment in place, many colleges and universities have set up "anti-harassment" rules prohibiting — and establishing punishments for — "speech or other expression" that is intended to "insult or stigmatize an individual or a small number of individuals in the basis of their sex, race, color, handicap, religion, sexual orientation or national and ethnic origin." (This is quoted from Stanford's policy, and is more or less typical.) One case at the University of Michigan became well known because it led a federal court to strike down the rule in question. A student claimed, in a classroom discussion, that he thought homosexuality was a disease treatable with therapy. He was formally disciplined by the university for violating the school's policy and victimizing people on the basis of sexual orientation.

In Canada and Western Europe, governments can and do prohibit speech on topics they consider obnoxious. In Denmark, a woman wrote a letter to a newspaper calling national domestic partner laws "ungodly" and homosexuality "the ugliest kind of adultery." She and the editor who published her letter were targeted for prosecution. In Great Britain, the Race Relations Act forbids speech that expresses racial hatred, "not only when it is likely to lead to violence, but generally, on the grounds that members of minority races should be protected from racial insults." In some parts of the world you can be jailed, exiled, or even executed for expressing forbidden opinions.

Irrespective of religious background, or political affiliation, virtually all American intellectuals adhere to what has been called "one party science." For example, only politically correct hypotheses centering on cultural disadvantage are postulated to explain the differential representation of minorities in science. Analyses of aptitude test scores and behavioral genetics are taboo. Cheap moralizing is so fierce that most people respect the taboo. This intellectual cowardice only encourages vicious attacks by activist groups on those who are engaged in legitimate scientific research showing that there is a genetic basis underlying individual and group differences.

"I was hit by a falling moral standard."

The high-placed pervasiveness of the egalitarian orthodoxy is scary. Even more frightening than what happened to me is the experience of Christopher Brand, professor of psychology at Edinburgh University. On February 29, 1996, Brand's book on intelligence, *The g Factor,* was published in the United Kingdom by the British subsidiary of John Wiley & Sons, Ltd. On April 14, newspaper reports of interviews with him began to appear saying that he thought black people had a lower IQ than did whites and that these were probably partly genetic. On April 17, Wiley's company in New York denounced Brand's views as "repellent" and withdrew the book from publication. U.K. Wiley promptly stopped distributing the book and withdrew copies from bookstores. A blizzard of "refutations" of Brand appeared in the U.K. media under outraged headlines. Protests from members of Parliament, student boycotts of his lectures, and calls for his resignation by faculty at the University of Edinburgh all predictably ensued. Brand's refusal to be silenced and his defense of free speech led him to be fired (on August 8, 1997) for bringing his university into disrepute. There but for the grace of God, go I.

Canada Customs seized a shipment of my book and held it for nine months while they tried to decide whether to condemn the book as "hate literature" and ban it from entering Canada.

In 1995, my monograph *Race, Evolution, and Behavior* was published by Transaction Publishers. Subsequently, the book was translated into Japanese (1996) and released as a softcover edition (1997) with an Afterword updating the science since the hardback went to press.

The book garnered a lead review in the *New York Times Book Review* (October 16, 1994) where Malcolm Browne, the *Times* science writer, discussed it along with Richard Herrnstein and Charles Murray's *The Bell Curve* and Seymour Itzkoff's *The Decline of Intelligence in America.* Browne concluded his analysis with the statement that "the government or society that persists in sweeping this topic under the rug will do so at its peril." Dozens of other journals, including the *National Review, Nature,* and *The Nation,* also reviewed it.

Its publication by an important academic press touched off a new round of hysteria. A lurid article screaming "Professors of HATE" (in five-inch letters!) appeared in *Rolling Stone* magazine (October 20, 1994). Taking up the entire next page was a photograph of my face, hideously

darkened, twisted into a ghoulish image, and superimposed on a Gothic university tower. In another long propaganda piece entitled "The Mentality Bunker" which appeared in *Gentleman's Quarterly* (November 1994), I was misrepresented as an outmoded eugenicist and pseudoscientific racist. A photograph of me was published in brown tint reminiscent of vintage photos from the Hitler era.

Incredibly, Canada Customs seized and withheld copies of one shipment of the book for nine months while they tried to decide whether to condemn the book as "hate literature" and ban it from entering Canada. The fact that an academic book was even the subject of an investigation stunned my publisher: "I've never heard of such a thing," said Mary Curtis, Chairman of the Board of Transaction. "This is not supposed to happen in Canada. The last time the company had trouble shipping scholarly works was in the mid-1980s, when some books shipped to the Moscow Fair didn't make it."

Michel Cléroux, a spokesman for Canada Customs, said Customs were just following orders by investigating possible hate propaganda. A departmental policy prohibiting hate propaganda includes this definition: "Goods alleging that an identifiable group is racially inferior and/or weakens other segments of society to the detriment of society as a whole." After an "investigation" lasting nine months, Canada Customs relented.

Harassment continued at another meeting of the American Association for the Advancement of Science. The AAAS routinely allows the militantly disruptive International Committee Against Racism (INCAR) and Progressive Labor Party (PLP) to have official "Exhibitor" status, along with a booth, at its annual meeting. At the February 1996 meeting in Baltimore, INCAR and PLP festooned their booth with posters of Karl Marx and signs taking credit for interfering with the University of Maryland conference on "Genes and Crime" in September 1995.

At the AAAS meeting, INCAR targeted my poster presenting a review of the literature on brain size and cognitive ability. When INCAR encountered me the day before the poster presentation, they yelled so many death threats that the AAAS called in the Baltimore police, who dispatched an armed officer to stand by the presentation. Despite the guard, INCAR continued to utter threats. One demonstrator took photographs of me saying they were for a "Wanted: Dead or Alive" poster. "You won't be living much longer," he said. Incredibly, instead of canceling the Exhibitor Status of organizations that threaten violence, the program director of the AAAS's annual meeting said, in an interview published in *The Scientist* (March 4, 1996), that AAAS would tighten up the screening process to make it more difficult for posters like mine to get on the program!

As Charles Murray has observed in the aftermath to *The Bell Curve*, social science is corrupt on the topic of race. Yet, the genetic hypothesis for the pervasiveness of the three-way racial pattern across so many traits, and which calls into question simple explanations based only on social factors like discrimination and poverty, needs to be discussed.

In his commencement address to the graduating class of 1997 at the University of California (San Diego), U.S. President Bill Clinton called for a new dialogue on race and for "deepening our understanding of human nature and human differences." But apparently there are some aspects of human nature and human differences he'd rather leave unexplored.

I've learned a great deal since that day in 1989 when I stood before that meeting of scientists and presented a summary of my research, thereby making myself the target of harassment by the politically correct and the object of intimidation by the government of Canada. Despite the vicious campaign against investigation of the possible genetic basis of group differences, my interest has never wavered. Work on other topics seemed shallow by comparison. Spurred by attacks and aided by colleagues, I have sought out more definitive tests of the genetic hypothesis and continue to publish my research.

I've also learned how important freedom of inquiry is to science, which must always remain to pursue truth without regard for where that pursuit leads. I've learned to treasure such remnants of freedom of speech as I enjoy as a citizen of Canada, and remain more committed than ever to the search for truth. As Benjamin Franklin observed more than two centuries ago, "Without freedom of thought, there can be no such thing as wisdom, and no such thing as public liberty, without freedom of speech." ❑

Baden & Noonan, "The Predatory Bureau," *continued from page 24*

would understandably fear the creation of another bureaucracy. A bureau, however, is merely a tool of social organization and not, therefore, bad *a priori*. A bureau must be evaluated in terms of its output, rather than its mere existence. Clearly an agency such as the ABC would prey upon programs that are the most vulnerable to attack: those that do the most harm and least good, or enjoy little public support. The size of the ABC is, to put it crudely, a function of the stupidity of the prey agencies. Its size would vary just as predator numbers follow the size of prey populations. The old and bloated bureaucracies are easy prey for the ABC. The output we expect would be, at the very least, a leaner and more productive bureaucratic community.

Government would begin to police itself against waste and pork barrel projects. The predator, obviously, would be a primary threat to those wasteful enterprises. Additionally, prey agencies would begin to eliminate improvident programs in anticipation of attack by the predator agency. As the "easy pickin's" are eliminated (directly or indirectly) by the ABC, the costs of predation upon the remaining programs would rise. Eventually, we would expect a dynamic equilibrium to evolve, where ABC predation would be balanced with Treasury waste.

In the same way that wolves force competition for scarce resources, and eliminate the weakest prey, the predator bureau would discipline the herd of prey bureaus and restore the political economy. A wolf in bureaucrat's clothing, the predatory bureau is an idea whose time has come. ❑

Memoir

I Run for President

by Russell Means

What happens when a celebrated Indian activist is recruited by the nation's "third largest political party"?

After returning from South Korea in 1986, I got a phone call from Honey Lanham, a woman with a drawl who sounded somewhat like Dolly Parton. When we first met in Denver a few years earlier, she had introduced me to the founder and national officers of the Libertarian Party. What the party stood for — free-market economics and no government interference in people's lives — sounded just right to me. Libertarian thinking closely parallels that of my culture. Libertarians are limited by their linear, Eurocentric male mind set, and they are 99 percent middle-class whites, but taken as a whole, they are the best political group of people in the United States. I was thrilled to learn that it is a party of principle; the platform does not change from year to year. Libertarians do not compromise. They do not sell out. In contrast, Demopublicans insist that politics is the art of compromise. I believe politics should be the art of principles. Then it wouldn't be filled with the likes of Bill Clinton, Newt Gingrich, and Bob Dole and others in Congress. We would have few problems as a nation if our principled politicians never compromised on the principles of liberty and justice for all.

Not long after I met the Libertarians, Congressman Thomas Daschle ran for the U.S. Senate from South Dakota. I told the Libertarians I had a candidate I wanted to run against him. I knew Daschle from the time he had been an aide to Senator Jim Abourezk. I didn't want him to get George McGovern's seat because I knew him to be a less-than-honorable man who held strong racist views toward Indian people. I was getting sick and tired of people such as Daschle. I wanted to send a message to all South Dakota politicians that Indians *do* count, and that they ignore us at their peril. I also wanted to show the power of the swing vote, mostly to Indian people themselves, who still don't know how to use it. Since Indians always support Democrats, state Republican political strategy never includes them. I called Roland Ryan, a good friend and AIM supporter from Sisseton. His wife, Barbara, is a poised, articulate, intelligent Dakota who had a successful career as a paralegal. I believed that if my name were kept out of it and she ran against Daschle as a Libertarian, she would get enough of the Indian vote to ensure a Republican victory. After that, no South Dakota politician would ever neglect his Indian constituents.

A few weeks after speaking to Ryan, I drove through a blizzard to meet the Ryans for lunch in Watertown, South Dakota. When I told them about the Libertarian Party and laid out my strategy, Barbara was very receptive. I also explained in detail why we wanted to defeat Tom Daschle: He had consistently opposed bills related to every issue important to South Dakota Indians, including the Black Hills, water, and treaty rights. He had supported bills favoring the state's robber-baron mining interests and corporate agribusiness. Barbara seemed willing, even eager, to run, but at the last minute her husband, for reasons never clear to me, squelched her intention. I had no one else to take her place on such short notice, so my plans to defeat Daschle came to nothing. Today, he's a power in the Senate — and still, judging by his voting record, a racist.

I was totally surprised, however, when Honey Lanham called after I returned from Korea in 1986. At first I thought some crackpot or drunk was trying to imitate her voice.

She said, "Hi, y'all. Would you consider running for the presidency of the U.S.?"

I said, "Wait a minute. Who is this?"

She said, "I'm serious, child." I put my hand over the mouthpiece and turned to Gloria. "You aren't going to

believe this, but I've just been asked to run for president! What do you think?"

Gloria said, "That decision will rest entirely with you." I told Honey I needed a little time to consider it. When I called her back, I said I hadn't made up my mind, but was inclined to give it a shot.

Honey reached Larry Dodge, a Montana Libertarian, on a conference call. We talked about how I might make a run for the party's nomination. They explained that although actual selection would be done at a convention, the Libertarian hierarchy had anointed former Republican Congressman Ron Paul, a gynecologist and gold investor from the Houston area, as the standard-bearer. Honey and Larry were unhappy with him. They felt that Paul was a Republican masquerading as a Libertarian, and was generally intolerant of women's rights. That was why they wanted me to run against him. They suggested that I come down and speak to Texas Libertarians to see if I could attract any serious support in Paul's own backyard.

I asked myself, why me? If the idea was to broaden the party's appeal with a minority candidate, there were a few black Libertarians who would undoubtedly bring in more support from America's thirty million blacks than I could from a mere million Indians. Then I learned that one of Honey's associates in Dallas had explored my past, including my TREATY election platform at Pine Ridge. This person had examined my principles to see where I stood on individual liberty and self-determination. He could find nothing to show I had ever been anything except an unannounced Libertarian. He concluded that I came closer to the party's ideal than anyone else they knew, so they wanted me for who I was and what I stood for.

I flew to Texas. Honey, Larry, and I toured the state in Honey's car, visiting Libertarian strongholds, sometimes making two speeches a day to gatherings ranging from a few dozen to more than a hundred. At each, I discussed my principles. I said I believed in individual liberty and free-market economics. I stated that I favored the decriminalization of drugs and prostitution because I believed people should be free to do anything as long as they don't harm others. Talk-show hosts like to ridicule that point, but we believe people should have total freedom of choice. On the same ground, I opposed mandatory use of auto seat belts and motorcycle helmets. That, of course, would be tempered by laws enforcing unlimited liability. If someone injured another person, the offending party would not be able to hide behind anything or anyone. He would be held personally responsible for all damage.

What the Libertarian Party stood for — free-market economics and no government interference in people's lives — sounded just right to me. Libertarian thinking closely parallels that of my culture.

Ron Paul's supporters were in every audience, easy to spot because they were the buttoned-down, suit-and-tie crowd. They fired some hard questions, such as the economic theories of Ludwig von Mises, or Milton Friedman's latest proposal about free-market economics. I was a political novice. When I was asked about things such as how to improve productivity in America, all I could do was rely on the teachings of my ancestors. What I said always seemed to make sense to most people in my audience, who were, with few exceptions, highly educated. They responded so positively to my talks that by the time we reached San Antonio, on about our third stop, I had made up my mind to run. A militant American Indian running for president! The story made all the wires.

When I returned to Porcupine, Gloria and I got ready to kick off my campaign at the party's San Francisco convention, in February 1987. Ron Paul still had the party elite in his corner, so I knew it would be an uphill battle. I figured that once word got around that the majority of his own state was against him, it would send a message to the rank and file.

I really wanted the party's nomination. I was blown away when I realized that those backing me did so out of respect for the beliefs I had defended as a member of the American Indian Movement and as an Oglala Lakota.

Besides having a lot of money behind him, Paul had been chosen largely because of a letter of resignation he wrote after losing his seat in Congress through reapportionment. Repudiating and condemning the Republican Party, he said Reagan wasn't really a conservative and didn't represent conservative Republicans. That happens to be true. Reagan has been anything but an FDR Democrat. Just look at how he expanded the size of the federal government, tripled the national debt, and raised taxes on the middle class. By sounding like a Mussolini Fascist, he persuaded many conservatives to delude themselves. Paul's letter had convinced many important Libertarians that he was the embodiment of their politics.

After my campaign started, I spent only twelve days of the next six months in Porcupine. My campaign managers, Honey and Larry, encouraged me to use my credit cards for travel expenses and promised that the campaign would raise the money to pay me back. I traveled across America, concentrating on state conventions. The fact that I visited every one of them impressed many Libertarians. I took all but one delegate in Michigan and a majority in most of the smaller states. I visited forty-six states, including a few where groups from neighboring states joined together. In Hawaii, I introduced the Libertarian Party to the American Indian community and to the real Hawaiians. Until then, those people had known nothing about Libertarians or their political philosophy. Many found that the party offered ideas they could embrace. My only bad experience was in Massachusetts, where the Libertarians were as cold as the fish in their bay. Perhaps that was because of my striking resemblance to Chief Massasoit — or because I had demonstrated at Plymouth Rock against the Pilgrim Fathers.

Ron Paul, who hadn't planned to campaign much, got scared because the press followed me everywhere I went. He began to hit almost every spot I had visited. He was mostly ignored by the media, who seemed quite interested not just in me but in the Libertarian platform. I'm sure that the ability to generate headlines was one of the reasons I had been asked to run. Another was that I could open doors that Paul couldn't. In Atlanta, Coretta Scott King held my hand during a ceremony to commemorate her late husband's birthday. That led to an invitation to speak at a welfare-rights convention, where I explained why Libertarians are against welfare and public schools — anything that destroys the family or undermines personal responsibility. My message was different from Paul's because it was sincere, delivered in plain English and without resorting to the euphemisms and false facades of white man's politics, or the dull, dry rhetoric of economics.

I really wanted the party's nomination. I was blown away when I realized that those backing me did so out of respect for the beliefs I had defended as a member of the American Indian Movement and as an Oglala Lakota. They saw through the media hype surrounding my public persona as a violence-prone Indian desperado, and chose instead someone who lived by his principles. In selecting me as their candidate, they honored my culture as a tested value system that they felt was their country's best hope for the future.

Even if I won the Libertarian nomination, I would, of course, still have to run against the Republican and Democratic candidates. I knew the odds against winning were infinitesimally small but even in losing, I could count on the press to report what I said about Libertarian concepts. We believe that the U.S. Constitution can and should evolve to keep pace with the times, but what it says at any given time is inviolate. We believe in self-defense, but we're the most peace-loving people in America. Our country doesn't need an enormous, costly military establishment, because most of our "foes" would be friends if we stopped treating them like enemies. The National Guard should return to its original mission — militias assembled in time of need to protect states against incursions by the federal government. If we honored the Second Amendment, which guarantees us the right to bear arms, we the citizens would be better armed than our government. It could never *force* us to do anything.

In running for president, I came to realize that for Indian people to be free, all Americans must be free.

A Libertarian administration would be a minimalist one. We wouldn't have an FDA, an FCC, an IRS, an INS, or any of the other regulatory agencies. Instead, everyone and every entity who wronged another person would be personally liable, because only people free to be responsible can build a responsible society. Our present society reflects everything that is antithetical to these views and the situation is getting worse every day. Generations of children have never been taught to take responsibility for their lives. The result is a country speeding toward right-wing socialism, its corporations in collusion with government to dictate economic policy and protect their own interests by eliminating opportunity. Few Americans believe that, and they won't until they are destitute or imprisoned — but Congress is spending billions to build new prisons. Soon there will be enough cells for everyone who refuses to obey new laws that restrict individual liberties. Just one example — owning property on which a few wild marijuana plants grow can cost you the land and everything on it, and bring as much as a decade in prison.

By the time that I got to the national convention in Seattle, I thought we had waged a successful campaign. It had perked up the party; many inactive members and people who had drifted away rejoined because of my candidacy. I went to the assembly with a majority of the delegate votes and confident of winning. Unfortunately, the party has a few rules I didn't know about. Not every delegate selected by state conventions was able to come to Seattle, and those who couldn't were replaced according to each state's party rules. Since the party is committed to individual liberty, those replacements could vote for any candidate. That cost me many delegates. In Michigan, where I had won all but one, there were so many alternates that I wound up with only three votes. Despite all I had done for Libertarians in Hawaii, I didn't get a single Hawaiian vote, because all the Hawaiian delegates I had won were replaced. South Dakota was allocated three delegates, but none came to Seattle, so Paul got the national party leaders to appoint three Texans: his wife and two sons. When the first ballot was counted, he won by three votes.

Ironically, while his national campaign was under way, somebody absconded with a big chunk of Paul's campaign funds. Things went downhill from there. He failed to mount a national television advertising campaign and ignored most of his convention promises. Paul and the other national and state Libertarian candidates went down to ignoble defeat. I had spent nearly fifteen thousand dollars of my own money in pursuit of the nomination — an enormous sum to me. Larry and Honey, who had promised to raise money to pay me back, didn't mention that it would take years. Eventually, Honey kept her promise. In the meantime, I was unable to pay my credit-card bills, and ruined my credit rating forever.

I would, however, do it all over again. By becoming the first Indian ever to run for president of the United States on the principles of my culture and in trying to get justice for my people, I had enlarged the Libertarians' scope and sphere. In running for president, I came to realize that for Indian people to be free, *all* Americans must be free. Using policies perfected in the colonization of my people, the government is now trying to turn the whole country into one huge Indian reservation. Land policies mirroring those developed by the BIA have been applied to family farmers and ranchers to squeeze them out. With people no longer needed on the land, food production has been taken over by corporate agribusiness, the beneficiary of enormous government subsidies that place them among America's biggest welfare recipients. In education, colonial policies developed for Indians have proven so effective in creating a generation of docile automatons that federal funding has systematically

continued on page 43

Lies, Damn Lies, and the Census Bureau

by Durk Pearson & Sandy Shaw

History is written by the victors. If the Democrats have their way, so too will the next political map of the United States.

The problems involved in the next census are far worse than most people realize. As a result of this census and, more importantly, the methods used to produce it, the federal government faces a serious problem of legitimacy.

Even now, as a result of events such as Waco and Ruby Ridge — not to speak of questionable foreign "contributions" to political campaigns, seizure by the Bureau of Land Management and Forest Service of land in the West, and so forth — the federal government has experienced serious bouts of illegitimacy. But the problems with the census reach to the heart of the democratic process, a process that has become the touchstone for government legitimacy in the present age.

It is impossible to make a perfectly accurate count of the population because some people can't or won't be found and others don't bother to fill in their census forms. For years, Democrats have argued that "sampling" the population, rather than doing an "actual enumeration," as the Constitution requires, would be both cheaper and more accurate. Not entirely incidentally, Democrats have argued that the "actual enumeration" method underreports the population of mostly-Democratic urban areas, resulting in underrepresentation for Democrats in Congress and state legislature.

The U.S. Census Bureau has proposed to dispense with actual enumeration and opt for sampling for the next census. Not surprisingly, this has resulted in considerable criticism, much of which comes from Republicans.

Recently, the National Press Foundation in Washington, D.C., presented a panel discussion on the topic, "Sampling & the 2000 Census" (which aired on C-SPAN November 17, 1997). The panel included Martha Farnsworth Riche, Director of the U.S. Census Bureau, and David Murray, Research Director of the Statistical Assessment Service (SAS), a professional and highly respected organization that publishes software used to statistically analyze the data of scientific papers, providing advice as to which statistical techniques are most appropriate for analyzing the data to test particular hypotheses. SAS software is used for the evaluation of data in hundreds of thousands of papers. SAS is not political.

Murray expressed concern about the accuracy of sampling. Any statistical analysis must necessarily be based on a model — explicit or implicit — about the expected characteristics of the data and the sampling error. A model will give you a count for the population. But it is a number that cannot stand alone; you have to provide a confidence interval that gives the number within a range that has, say, a 95 percent likelihood of containing the actual population count. So far, the Bureau of the Census has said nothing about providing such a confidence interval.

And it's pretty easy to see why. If the Census Bureau reports its confidence level, people are likely to be highly suspicious of the legitimacy of the count. After all, it is only the population figures, not their confidence intervals, that are used to reapportion congress — and therefore to reapportion political power. If the Bureau used proper statistical methods, its conclusions would have to take the form of: There is a 95 percent probability that such-and-such a state contains 21,001,089 ± 785,000 residents. Presumably, that state would be apportioned something like 35.6 ± 1.33 members in Congress, or rounding to the nearest whole numbers 34 to 37 Congresscritters.

The Census commissioner said that the Census Bureau was testing the two techniques, comparing actual counting

against sampling. But the tests were not being conducted in the same area! This is no "test" at all, since no real comparison of results can be made. Perhaps it is simply window dressing to fool the public.

Murray noted an additional problem: the feds are constitutionally required to actually count the number of people in the United States, not the number of taxpayers or voters or citizens. Thus, we have the problem that noncitizens and illegal aliens will be counted as people for the purposes of the census and of reapportionment (just what Clinton wants). One shudders to think what effect this will have on the anti-immigrant sentiment loose in the land.

Murray brought up the issue of legitimacy several times with respect to the varying results of different methods of handling the census sampling. He even mentioned that a friend of his had developed a sampling model that would benefit the Republicans. These references to "legitimacy" resulted in grimaces on Martha Farnsworth Riche's face. She scurried out of the room a few moments before the panel discussion actually ended, perhaps to avoid further questions.

The census will be taken in 2000 and the numbers revealed around 2002. The first reapportionment based on it will apply to the election of 2004. Clinton appointees will control the mathematical models used to direct the sampling process. The winner of the 2000 presidential election will appoint the people who control the models that interpret these data samples. But if American citizens come to understand the issue here, that President may be handicapped by the schemes of his predecessors, even if he is a Republican who really tries to correct them and produce more honest numbers. ❑

Letters, *continued from page 8*

coverage was/is incessant. But at least when Diana was on she was pleasant to look at, and was usually being gracious to other people in a natural, unforced way, so unlike most of the rest of her in-laws.

Two small incidents also brought her humanity home to me. In one, she was strolling alone in the bee tent at an agricultural show when a friend of mine and his eight-year-old daughter came across her. She smiled, slightly wryly, and said to them "Buzz, buzz, buzz, all those bees!" She was as bored as most of us would be by being forced to look at millions of identical insects and, of course, the little girl was over the moon at being spoken to by this famous person. Diana, with easy generosity, knew full well she would be.

The second incident occurred when Diana was being filmed during her mine clearing efforts, I think it was in Angola. A TV reporter asked if she had heard that a British government minister had dismissed her, in her attempts to bring about a ban on anti-personnel mines, as "a loose cannon." She could not hide her shock and hurt, nor could she keep back her tears as she turned away from the camera. After all she had been through in dealing with her husband's betrayal, and having now found what she thought was a worthwhile and praiseworthy role, her anguished reaction was plain to see: *"Just what do I have to do?"*

It is true that Diana was not very intelligent, but she knew that — and acknowledged it publicly: "I have a brain the size of a pea" she once famously said. However (perhaps like Marilyn Monroe, too) at least she tried. She had limited talents, but she devoted them to what she had been raised to believe, or herself came to see, were good causes, and did a difficult job cheerfully and, insofar as I'm a judge, well.

I have no respect for any aristocratic or altruistic values she may have represented, but I shed a tear for Diana.

Nicholas Dykes
Ledbury, U.K.

Bamboo Curtain

"America's China, China's America" (September 1997), by Gary Alexander, is perhaps the most egregious example of Chinese Communist propaganda that I have ever read. It is especially disconcerting that it comes from someone who is an American citizen who should know better.

Let me begin by pointing out that I have taken several trips to China. I have traveled alone as well as having taken part in two congressional delegations. I have met with China's Premier Li Peng and other high ranking officials. I have also met with student leaders and many Christian leaders of "illegal" house churches. For more than a decade, I have been involved in researching, observing and advocating on behalf of the Chinese people who have suffered from a long list of brutal human rights abuses in China.

And from what I read in Mr. Alexander's article, I would have thought that I was once again being presented the typical Party line that I became accustomed to hearing from Chinese government officials. I would expect to hear from Chinese government officials propaganda that paints an intentionally rose-colored picture that in reality is nothing more than a facade, an overlay hiding the real picture. But to read such rubbish in a magazine that proposes to propagate "liberty" while mimicking communist propaganda, without conducting thorough research before publishing such an article, is totally unacceptable and unconscionable.

I have no argument with Mr. Alexander and what he says he saw during his travels in rural China. Nonetheless, I am amused at how naive he is in believing that his "independent" Chinese guide was qualified to provide him with a complete picture of life in China. What his guide did not show him was what the government did not want him to see, such as the countless number of victims of brutal Chinese policies. He most certainly did not meet these people who have and continue to suffer terribly because of the practices of an oppressive, totalitarian regime.

Mr. Alexander claims that China "has opened the door so wide, it will never be shut." I would ask, to whom is this door open? What "door" is he referring to? Trade opportunities? If so, it is still a small percentage of Chinese who benefit economically from trade, and most of them are the elitists of the Communist Party. The door is certainly not open to those who are free thinkers or the estimated 40 million house-church Christians.

Rev. Steven L. Snyder
Washington, D.C.

Post Mortem

Liberty Mired in Corruption

by Aviezer Tucker

The rule of law is the foundation of a free society. But try telling that to corrupt politicians.

Perhaps the most damaging lasting legacy of former Czech Prime Minister Vaclav Klaus is the association in popular Czech consciousness of liberty with corruption. Libertarianism is the political philosophy of the minimal state, of a government limited by the liberties of its citizens and held accountable for its actions. Yet Klaus used libertarianism as an ideology to legitimize his policy of transition that not merely allowed, but feasted on, the wide practice of corruption. Apparently, Klaus's well-known appreciation of Hayek has been selective. He read the parts about markets, but skipped the parts about the rule of law.

While allegations about wide-spread corruption have been exposed in the media for over a year, the final straw to break the camel's back came only this year. Klaus's party, the Civic Democratic Party (ODS in Czech acronym) sought to acquire a palace in the older part of Prague as its headquarters. But what about the cost? No problem, said party insiders: we have more than five million dollars in a Swiss numbered bank account.

How did the ODS get such a fortune in an illegal bank account? (The law requires Czechs to get permission from the central bank to hold foreign bank accounts.) The ODS account was filled with the proceeds of privatization: kickbacks paid to Klaus's party for transferring former state property to the "right" owners and the sharing of *tunnelling* (theft of firms' financial assets by their managers) with the ruling party. In many cases the funds embezzled through tunnelling originated as unofficial subsidies in the form of state bank loans that were not paid back. These tunnelled funds may be shared with the managers of the banks who approved the "loans" and their political masters. Another source of party funds is *greasing* or *juicing*, the contributions of companies to political parties to smooth the purchase of businesses. (For example, the Japanese Nomura bank is interested in buying the Czech state-owned Investment and Postal Bank. To facilitate the purchase and protect itself from future nationalization it has been greasing all the major parties, in and out of government.)

These charges were not new, but until ODS tried to buy its palace with its illegal slush fund, there had been scant proof. The Czech police and judicial system remains too incompetent, too timid, or too corrupt to investigate the government. The Czech media, on the other hand, is private, competent and aggressive. It has been exposing cases of government corruption on a weekly basis for over a year. But lacking an effective police force and prosecution service, the revelations went nowhere.

Now, however, the ODS managers themselves admitted to the corruption. Josef Zieleniec, the avuncular and popular foreign minister, and Jan Ruml, the Interior Minister and a former Charter 77 dissident, resigned. Then, on a weekend when Klaus was in Sarajevo on a conference, they leaked the existence of the bank account to the media. In addition, TV Nova, the largest private TV network, claimed that Klaus, who has relatives in Switzerland, bought himself a villa there. Klaus responded immediately, denying the allegation and suing Nova for libel.

Another story suddenly emerged: the embezzlement of funds from a charitable fund for asthmatic children that Klaus organized back in 1991. Ruml, together with Ivan Pilip, the young finance minister, demanded the resignation of Klaus. The junior parties in the coalition government declared their lack of confidence in the government, and Klaus was forced to go to President Havel and hand in his resignation.

How could the government with the most libertarian declared policy in Europe end like this?

Half of the story is the stagnation in the process of transition to democracy. Klaus's government has not reformed the law enforcement and juridical systems. Consequently there is no rule of law in the Western sense in the Czech Republic. The police force hunts down small criminals, but does not confront the government. Nor does it have specialized experts and resources for investigating financial crimes. The judiciary continues the communist tradition of deference to the government when it comes to adjudicating civic law.

The other half is the failure of Czech large privatization. While the privatization of small properties was successful, the privatization of large properties created vagueness of ownership. The managers who have not changed significantly since 1989 have no clear owners to supervise their activities. The legal owners are usually privatization investment funds, which are owned by the largest banks, which are in turn owned by the government. When firms are unprofitable, the banks that own them lend them more money and the government looks the other way.

In an economy in which theft is safer and more profitable than productivity, productivity does not grow. When people are stealing wealth from each other, no new wealth is being created.

Thus managers have incentives, not to earn honest profits, but to tunnel out the financial assets of the firms they manage and share the proceeds with the managers of the investment funds that own them, the bank that lends them the money and the political parties who control that section of the economy.

The biggest privatization investment fund was Harvard Capital. It was managed by Victor Koreny. Koreny became the richest man in the Czech Republic when he was about 30 years old, by obtaining the most profitable (and tunnellable) enterprises from the government. Among his well-remunerated employees were former members of the communist *nomenklatura* including the Communist secret police, the StB. He also apparently shared his loot with the ODS: the Czech media have reported that it was Koreny who deposited the ODS millions in Switzerland. The Czech media have claimed in the last few weeks that some senior members of ODS have actually been Koreny's employees (and presented receipts to support those claims at least in the case of one senior member of ODS). Koreny is currently a resident of the Bahamas. There is no indictment against him, reputedly because if he starts talking, too many members of the governing coalition would be implicated.

During the last two decades of Communism, terror was replaced by widespread corruption. As the popular Czech epigram went: "He who does not steal, steals from his family." In other words, virtually all Czechs were living from theft. Professors stole office materials, builders stole building materials, doctors stole medicine, etc. Eventually it all ended being exchanged in the underground economy and everybody survived somehow.

These practices do not end just because political communism ended. The only way to stop them is to clarify property relations. Then people are stealing from a clear owner who has an interest in stopping them. Klaus failed to do that.

Instead, he accused his critics of misunderstanding the free market and the genius of Czech privatization. Consequently, Czechs who have never experienced a free market associate the corruption of ODS, Koreny, and Klaus's pseudo-privatization with the free market, libertarianism, F. A. Hayek, Ludwig von Mises, et al.

Klaus apparently assumed that as long as the economy grows, unemployment is low, and citizens feel secure, a certain degree of corruption is acceptable. He also assumed that during transition he could neglect reforming and restructuring the civil services: the military, the police, the juridical system, and the education system. Eventually reality caught up with him. In an economy in which theft is safer and more profitable than productivity, productivity does not grow. When people are stealing wealth from each other, no new wealth is being created. Then, old peasant egalitarian resentment of wealth and the wealthy can be legitimized through the association of wealth with corruption. Socialist commentators claim today that the current situation is the product of "neo-liberalism" and the solution is "European"-style social democracy.

No wonder that if elections were to take place today, the Social Democrats would win the elections with a landslide. President Vaclav Havel echoed to a large extent popular sentiment in his December 9 address to members of parliament. It is worth quoting a few paragraphs from this speech:

Re-establishing the credibility of free market forces in the Czech Republic is going to be a serious and difficult task.

> Many people — the opinion polls corroborate this — are disturbed, disappointed or even disgusted by the general condition of society in our country. Many believe that — democracy or no democracy — power is again in the hands of untrustworthy figures whose primary concern is their personal advancement instead of the interests of the people. Many are convinced that honest business people fare badly while fraudulent *nouveaux riches* get the green light. The prevalent opinion is that it pays off in this country to lie and to steal; that many politicians and civil servants are corruptible; that political parties — though they all declare honest intentions in lofty words —are covertly manipulated by suspicious financial groupings. . . .
>
> Fascinated by our macro-economic data, we disregarded the fact that this data, sooner or later, reveals also that which lies beyond the macro-economic or technocratic perception of the world; . . . things like rules of the game; the rule of law; the moral order behind that system of rules, that is essential for making the rules work. . . . The declared ideal of success and profit was turned to ridicule because we allowed a situation in which the biggest success could be

achieved by the most immoral ones, and the biggest profits could go to unpunishable thieves. Paradoxically, the cloak of liberalism without adjectives, which regarded many things as leftist aberrations, concealed the Marxist conception about a fundament and a superstructure: morality, decency, humility . . . respect for law, a culture of human relations . . . were relegated to the realm of the superstructure, and slightly derided as a mere 'seasoning' of life — until we found there was nothing to season: the fundament had been tunnelled. . . . many began — in an environment that took the law so lightly — to turn a blind eye to this and that, until they were faced with scandals casting doubts on the principal reason for our pride — on our privatization. . . . the transformation process stopped half way, which is possibly the worst thing that could have happened to it. Many businesses have been formally privatized, but how many have concrete visible owners who seek increasing affectivity and who care about the long-term prospects of their companies? It is no exception to see companies whose executives are unable to say who their owners are, or how they are supposed to account to the owners for their managerial performance. But how can we expect the desired restructuring of companies, and of whole branches of our economy, when there are so few clear owners, and when so many of those who represent the owners see their role not as a task, mission or commitment but simply as an opportunity to transfer the entrusted money somewhere else and get out?

A rather strange role, to my mind, is often played by our banks: they indirectly own companies that are operating at a loss, and the more the companies lose the more money the banks lend them. A small businessman is refused half a million crowns [about $15,000] for a sound and specific investment project, while a dubious big businessman, or rather pseudo-businessman, is granted a loan of a billion Crowns [about $30,000,000] without proper investigation of what he needs it for. The legal framework of privatization, as well as of the capital market, is being perfected only now. Is it not rather late?

Yes, it is rather late. Rather late for Havel to protest (many accuse him now of being hypocritical since he was also involved in some shady businesses with Chemapol, the largest inefficient StB controlled concern), and rather late for pro-freedom Czechs to dissociate themselves from Klaus and the unsavory group of opportunists that gathered around him.

In mid-December, Klaus's party re-elected him as its chairperson. The majority of the ODS resemble now lemmings in the spring. Klaus wishes to hold on to power at all costs, to the country, to his party, to the Czech right. Opinion polls show that three quarters of Czechs think that Klaus should step out of politics. Most of his party members either still believe in him out of a kind of mental conservatism that accepts a degree of corruption from a paternalistic leadership as was the case since the old days of the Habsburgs, or are corrupt themselves and want to continue with the tunnelling away until the Social Democrats replace them in the next elections and start partying themselves at the expense of the taxpayers (as has been the case in countries like Italy or Austria for 50 years after the Second World War).

It looks now that the next elections will be declared for June or November 1998. The Social Democrats will likely win. They are likely to continue the stagnation in the process of transformation and privatization, though they may revive (with or without reform) the civil service and perhaps introduce a greater measure of the rule of law. Their policy promises to create a deficit in the government budget to be financed by international loans. This would be a case of turning from bad to worse. They are likely to rule for only a single term.

ODS will split and some former ODS members together with former dissidents and others will create a "clean" market-oriented party. It is far from clear whether they have enough time to regroup and become a viable alternative for the coming or next elections. Considering the serious problem of credibility for the Czech right, they may not even pass the 5 percent necessary to enter parliament.

In the meanwhile, President Havel will appoint a government of experts, headed by the former director of the Czech national bank, Tosovsky. This government will last until the elections and not beyond. It does not have a clear mandate to reform anything, beyond attempting as far as possible to limit corruption.

Re-establishing the credibility of free market forces in the Czech Republic is going to be a serious and difficult task. During Christmas, the new popular greeting was: "I wish you good health for the new year. Everything else, you can steal . . ." A new market-oriented movement will have to dissociate itself from the Klaus legacy and differentiate libertarianism as a political philosophy from its cynical use as an ideology by Klaus and his cronies. A good place to start would be Hayek's classic argument that a free market is impossible without the rule of law. ❑

Means, "I Run for President," *continued from page 38*

eliminated local control in most school districts. Nearly all Americans are now educated in government schools, with curricula and schedules dictated by bureaucrats in state capitals and in Washington, D.C. Just as the BIA did with reservation Indians, government policies polarize communities and races across America — a way of controlling nearly every aspect of people's lives. Indian economic policy, proven again as an agent of subjugation and exploitation in the Third World, has been returned to the United States through laws enabling state and regional direction of what used to be private enterprise.

When the government chose the military option to eliminate a dissident religious group in Waco in 1993, death squads such as those first developed on Pine Ridge Reservation were used.

Now the government wants to turn all Americans into welfare recipients by taking control of health care because, as demonstrated with my people, long-term welfare destroys families and creates a pliant, easily manipulated society. As an Indian and a Libertarian, I saw that unless something was done to awaken the people, as William Shirer wrote in the 1950s, America will be the first country to become fascist democratically — a process that has begun. ❑

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Weakly, Standard

by Clark Stooksbury

Conservatism collapses into narrow partisanship, in full view of the reading public.

In the January 1998 *Liberty*, Ralph Raico described *The Weekly Standard* as "boring." Alas, the term only begins to do the magazine justice. To analyze *The Weekly Standard*, the reader must overcome two problems. He must read enough of it to have an informed opinion and he must also carefully hoard his supply of adjectives (banal, egregious, Neo-conservative) lest they be depleted too soon. I have taken up this burden so that others do not have to suffer.

When *National Review* was first published in 1955, William F. Buckley spelled out the magazine's purpose with a statement that it was "standing athwart history, yelling stop." *Weekly Standard*, in contrast, began *in media res*. Its first editorial was the prediction a Republican victory in the 1995 budget talks (the negotiations that Clinton used to revive his presidency), proclaiming that "*The Weekly Standard* . . . is born in the aftermath of a national election the significance of which cannot be overestimated . . . led by the Republican party, there has been a conservative realignment . . . *The Weekly Standard* intends to speak for, interpret, and guide this realignment." The realignment that they refer to was remarkably shallow, based on an election which looks more insignificant everyday. It is appropriate that its intellectual guides and interpreters be so shallow as well.

God Bless America

Fearing that isolationism might rear its ugly head, *WS* is prone to the type of rhetoric that has kept Uncle Sam's nose in everyone else's business for a half a century. One particularly noxious cover posed the question, "Is this any way to run the planet?" Inside Michael Ledeen called for a "GOP Contract with the World." As the title suggests, Ledeen took a rather expansive view of America's role in the world.

> We are the embodiment of an idea: the sovereignty of a free people defined by a commitment to the rights and obligations embodied in the written law rather than by a shared ancestry. Our national interests cannot be defined in purely geopolitical terms because we seek to advance ideals. Therefore, our foreign policy must be ideological — must be designed to advance freedom. . . . In these days of multicultural relativism, it is unfashionable to state openly what the rest of the world takes for granted: the superiority of American civilization.

This pious cant is historically questionable at best. Ledeen did not bother to explain how a country that is "the embodiment" of rights and law can have a history of genocide against the native population, race-based chattel slavery and immigration quotas.

Ledeen might have problems reconciling conservative skepticism about the U.S. government's competence at performing simple tasks with his desire to see it run the world. Conservatives allegedly doubt the competence of government to successfully deliver the mail between Spartanburg, South Carolina and Gastonia, North Carolina, but those of the "neo" variety at *WS* seem not to harbor the slightest doubt about government's ability to spread "democracy" from South Africa to North Korea.

This would be much easier to swallow if editor William Kristol, *et alia*, would drop this pretense that they are "conservative." *WS*'s views amount to a sort of low-tax internationalism. They occasionally throw the rubes a bone with an article about abortion or gun control, but these issues are of value mostly as means to advance the Republican party.

The Weekly Standard's major contribution to the abortion debate was a ponderous December 1995 cover essay by Noemie Emery. Page after page of hand-wringing over the

Tutorial

Equations of State

by Bart Kosko

Government growth hasn't been reduced, but it can be reduced to an equation.

Is government destiny?

There are many ways to explore this key question of how the state evolves in time. One of the simplest ways is to model the state as a dynamical system. The model might show that the state will bounce around in chaos or will fall into a cycle that bounces between patterns of high and low government. Or it might show that the system converges to a fixed level of government in steady state.

I will now derive and discuss such a model with a minimum of mathematics. Other assumptions will lead to other dynamical models. But most models should contain this minimal model as at least a special case. The model captures David Hume's insight that government rests on opinion.

The model shows that the amount of government we tend to get depends on the balance between pro-government and anti-government sentiment. It does not show how to change these sentiments or how to measure them. It shows only how these sentiments drive the size of government through a transient stage and lands it in steady state. We can test this steady-state prediction if we can measure or estimate the pro- and anti-government sentiment in a governed society.

Let $S(t)$ measure the fuzzy degree to which the state controls society in some region. Let this continuous variable range between all ($S = 1$) and none ($S = 0$): $0 \leq S(t) \leq 1$. The extreme case $S = 0$ can define a Lockean state of nature or a political anarchy. It can also define the collapse of a government. The other extreme case $S = 1$ can define complete government control or totalitarianism.

We can compute a state's S value if we know where the state falls on a Nolan chart. David Nolan's political chart is a fuzzy cube in two dimensions — a unit square $[0,1]^2$. The horizontal axis measures the fuzzy degree $e(t)$ of economic freedom in the state at time t. The vertical axis measures the fuzzy degree $p(t)$ of political freedom. Both fuzzy degrees take values in the unit interval [0, 1]. Then we can compute $S(t)$ as the additive inverse of the average of the state's liberty scores:

$$S(t) = 1 - \frac{e(t) + p(t)}{2} .$$

A more general measure would use the weighted average:

$$S(t) = 1 - \frac{w_e\, e(t) + w_p\, p(t)}{w_e + w_p}$$

for positive weights w_e and w_p. Note that the weighted average reduces to the unweighted average if $w_e = w_p = 1$. (We can add more orthogonal axes and thus extend such a political fuzzy cube to higher dimensions. Then

$$S(t) = 1 - \frac{\sum_{i-1}^{n} w_i\, x_i(t)}{\sum_{i-1}^{n} w_i} .)$$

Each year Freedom House compiles its *Freedom in the World* survey of political and civil liberties in most of the world's 193 countries. Such data could help test any math model of state control.

A dynamical model shows how the state variable $S(t)$ changes in time. The simplest model would be first-order or linear growth:

$$\dot{S} = S$$

where the overdot stands for velocity or time differentiation:

"decaying cultural context" and "novacaine for the ethical sense of the Nation" obscure the fact the "strategy" the author called for to battle abortion amounted to tepid Republican platform language: "We urge abortion and adoption services to join forces to match parents and children. . . . We ask Democrats to join us in this voluntary, non-coercive effort to save and enrich human lives." Implausibly, on this basis the Democratic party is supposed to collapse into warring factions leaving the field open for Republicans.

Lest readers worry that Standardites are of a bunch of self-important types concerned only with determining the fate of Western Civilization, each issue includes a "Casual" column, whose writer is supposed to loosen his tie and get, well, casual. The problem is that when you have taken up the burden of saving humanity, it is difficult to relax. Robert Kagan, for example, got "casual" by writing about the proclivity of young Republicans to go work among Nicaraguan *campesinos* to help establish democracy, and how American leftists are nowhere to be found in Central America.

WS writers are stiff even when treating a casual topic such as sports. Daniel McKivergan just has to inject Cold War politics in the form of Russian immigrants playing in the National Hockey League. Fred Barnes intones that "conservative" sports are "rough, individualistic, obsessed with winning, just as Newt Gingrich is in politics." He offers no explanation of how the pear-shaped House Speaker who has spent virtually his entire adult life in the confines of a college campus or the House of Representatives qualifies as either "rough" or "individualistic."

Republican Party Reptiles

But mostly, *WS* attends to serious matters. That includes a lot of Republican party politics. As I read the commentary in its May 27, 1996, issue about Bob Dole's resignation from the Senate, one thought kept creeping into my mind: *they really believe that all of this tripe is important*. The editorial in that issue (signed as always, "David Tell, for the Editors") bears the imprint of political spin artistry, not journalism. They were not analyzing Bob Dole, they were positioning him as someone supposedly awkward, genuine, not slick: "Dole is not naturally a man of words. He is fundamentally private, diffident, suspicious of the show-bizzier aspects of public life, smooth speechmaking most prominently among them. . . . It does Dole honor that he would attempt this one final public task with such apparent determination. And with so few illusions." The editorial went so far as to mimic the tone of Dole's speech with its talk about Dole running as

continued on page 52

Saving Capitalism — Capitalism is suffering under a crushing load of confiscatory taxes, regulation that runs up the price of everything we buy and holds down the wages we earn, discrimination police who force companies to man customer phone lines with people the customers can't understand, and a thousand other intrusions by government.

So how does Irving Stelzer in *The Weekly Standard* propose to save capitalism? By having the government beat up on Microsoft ("Why Janet Reno vs. Bill Gates is Good for Capitalism," December 1, 1997). After professing his love for free markets and competition, Mr. Stelzer goes on to recite all the anti-market clichés that have flooded welfare-state-mentality economics textbooks for decades. And he praises anti-trust laws as the protectors of competition — as though they've ever been used for any purpose other than to beat down successful competitors.

Mr. Stelzer repeats the old canard that a company like Microsoft can eliminate all its competition through low prices and giveaways — and then raise its prices to the sky after the competition is gone. This is the standard argument for anti-trust law, and yet no one has ever cited a real-life example of a company that was able to do this. The day a company tries to abuse its customers, new competition suddenly springs out of the bushes — except when anti-trust laws prevent companies from entering a market to compete.

Stelzer seems afraid that Microsoft's "sheer market power" enables it "to bar entry to competitors or squeeze them out." Has he ever visited a computer store? Has he seen the row upon row of software products that compete with Microsoft — word processors, spreadsheets, databases, email programs, accounting programs, and on and on and on. Obviously Microsoft's success hasn't created a "stifling of innovation." Quite the opposite, Microsoft has opened the doors of opportunity to thousands of up-and-coming companies.

The computer business is the freest industry in America today. But Stelzer wants to bring the government in to make it better somehow — not to run it, just to be the fair, benevolent, impartial referee that he sees in his imagination. But what he wants wouldn't just nudge the computer industry down a slippery slope; it would send it over a cliff. Bring the government in, and within a few years we'll see no more of the breathtaking price cuts and performance gains that have marked the industry for the past 15 years.

Instead, every new computer product will have to jump through the government's hoops — sitting in a lab for years while it's tested for efficiency, safety, and any conceivable side effects, while companies fill out endless forms to prove they aren't upsetting the delicate balance of government-enforced competition. The computer revolution will be finished.

Like other conservative publications, *The Weekly Standard* has been trying to pump some life back into a conservative movement that has failed to improve the lives of everyday Americans in any tangible, substantial way. But lacking a consistent, straightforward philosophy, conservative writers and politicians have had to try to devise some kind of noble mission to champion. They have succeeded only in turning conservatism — which once sought to roll back the tyranny of the New Deal — into an embarrassing imitation of liberalism, professing to use the tyranny of government for "good" purposes instead of "bad" ones. Libertarians, on the other hand, know that government doesn't work. So they side with individual liberty and personal responsibility — not the force of government — on all issues at all times. They know that anything you turn over to the government will be transformed into a political issue — to be decided by the likes of Bill Clinton, Teddy Kennedy, Janet Reno, Newt Gingrich, and Arlen Specter . . . and the contributors to *The Weekly Standard*.

—Harry Browne

$\dot{S} = \frac{dS}{dt}$. But this model is too simple. The state would grow infinitely large (well beyond the upper bound of $S = 1$) exponentially fast because then $S(t) = S_0 e^t$ for a positive initial condition $S_0 = S(0)$.

The state creates its own limits to growth and diminishing returns. The simplest and classic way to model this is with nonlinear logistic growth:

$$\dot{S} = S(1 - S) \ .$$

The new square term S^2 slows the growth. It measures in effect how much the state bumps into itself. The logistic model grows exponentially fast at first and then tapers off as it heads for the totalitarian outcome $S = 1$ in steady state. Note that the state would not change if there were no government at first — if $S_0 = 0$. But it takes off for any initial amount of government $S_0 > 0$.

Now let g stand for the pro-government sentiment in a governed society: $0 \leq g \leq 1$.

The society maximally loves the state if $g = 1$ and maximally hates it if $g = 0$. Then $1 - g$ measures the degree of anti-government sentiment. The number g can depend on many things: cultural values, subsidy dependence, constitutional limits, etc. A pollster could get a crude estimate of g by asking enough people a battery of questions.

The pro-government term g makes the state grow ($\frac{\partial \dot{S}}{\partial g} > 0$) while the anti-government term $1 - g$ makes it shrink ($\frac{\partial \dot{S}}{\partial (1-g)} < 0$). This leads to a simple nonlinear model of how the state evolves in time:

$$\dot{S} = gS(1 - S) - (1 - g)S \ .$$

This differential equation is simple enough that we can solve it to get the final equation of state at any point in time:

$$S(t) = \frac{(2g - 1)S_0}{gS_0 + [2g - 1 - gS_0]e^{-(2g-1)t}} \ .$$

This is a robust solution. It shows that the state will not wander in chaos or bounce in limit cycle. The state will tend to converge exponentially quickly to one of two outcomes that depend on g no matter what the initial amount of government $S_0 > 0$.

The two outcomes depend on whether the amount of pro-government sentiment g exceeds or is less than the amount of anti-government sentiment $1 - g$.

Suppose first that $g < 1/2$. Then $g < 1 - g$ and so anti-government sentiment outweighs pro-government sentiment. This may not happen often in practice. But the result is stark when it does: The government collapses. The amount of state $S(t)$ races to zero exponentially quickly. So the equilibrium value is $S_e = 0$.

Now suppose that $g > 1/2$. (The rare case $g = 1/2$ is an unstable dividing line between the two outcomes.) Then the exponential term in the solution quickly vanishes:

$$S(t) \rightarrow \frac{(2g - 1)S_0}{gS_0} = \frac{2g - 1}{g} \ .$$

This shows that the system converges to the same equilibrium for *all* initial conditions $S_0 > 0$. This gives the final steady-state outcome in simple form:

$$S_e = 1 - \frac{1 - g}{g} \ .$$

The level of government depends on just the balance of pro- and anti-state sentiment in the society. The equilibrium value S_e approaches 1 as the pro-state sentiment g approaches 1. It approaches 0 as g approaches the amount of anti-state sentiment $1 - g$. This model predicts that government rests on the ratio of opinion.

So is government destiny? The answer is yes if pro-state opinion exceeds anti-state opinion. The answer is no if it does not. The trouble is that there is no easy way to measure these social opinions. Perhaps the most we can do is argue whether given events or changes increase or decrease them.

Consider how the rise of the Internet affects states around the world. We can add up the 193 state measures $S_1(t), \ldots, S_{193}(t)$ for all 193 countries today and divide by 193 to get a measure $S(t)$ of average world government. We can do the same to get global measures of pro-state sentiment g and anti-state sentiment $1 - g$.

The Internet favors the free exchange of ideas. So we might expect the pro-state sentiment g to fall in time as people who live under more totalitarian governments like those in Burma and China talk with people who live under less totalitarian governments. But the effect may fade or even reverse as the same people learn of the easy benefits found in many welfare states. ❑

Terra Incognita

Paris, France

How France promotes cross-cultural amity, as reported by *The Plain Dealer* of Cleveland:

> The French government has charged former film star Brigitte Bardot with "inciting racial hatred." Bardot faces up to a year in prison if she is convicted on charges stemming from a letter she wrote to a newspaper in which she denounced Islamic ritual sacrifice of sheep.

Milwaukee, Wisconsin

The frontiers of educational reform, as expressed by a Heartland school district and reported by the *Milwaukee Journal Sentinel*:

> Milwaukee Public Schools ran a newspaper ad that promised citizens that "High standards start here" with "rigourous" graduation requirements and "proficiencey" exams.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

AnOther E. E. Cummings

by Richard Kostelanetz

Nothing is quite as easy as using words like somebody else. We all of us do exactly this nearly all the time — and when we do it we are not poets. —E. E. Cummings

No one would dispute the opinion that E. E. Cummings (1894–1962) ranks among the prominent American poets. Yet no other major American poet of his generation remains so neglected and misunderstood. Even when Cummings is acknowledged, it is usually for his more conventional lyric poems. Cummings's plays are generally neglected in histories of American theater; his critical essays, though often original, remain hard to find. Only one scholar, Milton A. Cohen, has written a book about another dimension of his creativity — the paintings and drawings, on which he worked most of his daytimes and which have never been satisfactorily exhibited or completely examined. Nonetheless, now that the reputations of both Eliot and Pound are receding, it is time to reconsider Cummings's career and to concentrate upon what makes him different from his contemporaries — his more inventive writings and larger artistic interests.

Unlike his predecessors Eliot or Williams, Cummings was always a full-time writer-artist whose life should be valued only for his contributions to the arts. His social philosophy was a visceral libertarianism, more agreeable than profound — invariably relevant to political situations immediately at hand, but scarcely rich enough to establish a substantial political position. His criticisms of technology and of urban life were more successfully elaborated by others. His esthetics were largely anti-high-cult. In contrast to Eliot and Pound, Cummings, fortunately, had neither economic ideas nor a philosophy of history.

As the epigraph to this essay suggests, Cummings observed a clear distinction between ordinary speech and poetry. The former was common language; the latter, exceptional language. Thus, contrary to current fashion, he enthusiastically used such traditional devices as meter, alliteration, and even rhyme. As late as 1957, in the wake of America's inaction in the 1956 Hungarian revolution, he produced a poem, "Thanksgiving (1956)," that closed with this bitingly satirical ditty:

So rah-rah-rah democracy
let's all be thankful as hell
and bury the statue of liberty
(because it begins to smell)

However, what distinguished Cummings from the other rhyming poets was his sense that traditional devices hardly sufficed; so he created new ones that would permanently enhance poetic language. From his first book to his last, he was an incomparably inventive poet.

New Poetic Geometries

One of his fundamental motifs was formats that broke apart the traditionally geometric layout of poetry. Instead of always using rectangular blocks of type with left margins flush and right margins ragged, Cummings often placed his poems on the page in a rich variety of alternative shapes — like these, among others:

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The point of these experiments was not just to create attractive designs but to vary the reader's perception of printed language. More than any of his major contemporaries, Cummings knew what could be gained by enlarging or reducing or even eliminating the horizontal spacing between consecutive words. He saw that the vertically rectangular page of the book was itself a poetic field that could be filled variously and that a distinctive image on the page could in itself enhance a poem. It is amazing how many designs he created that are, even now, unique to his work.

A second Cummings device was the use of one part of speech to function in place of another. Thus, verbs sometimes appear as nouns:

> my father moved through dooms of love
> through sames of am through haves of give

As Malcolm Cowley carefully observed, nouns also "become verbs ('but if a look should april me') or they become adverbs by adding 'ly,' or superlative adjectives by adding '-est' (thus, instead of writing 'most like a girl,' Cummings has 'girlest'). Adjectives, adverbs, and conjunctions, too, become participles by adding '-ing' ('onlying,' 'softlying,' 'whying'); participles become adverbs by adding '-ly' ('kneelingly')" (*The New Republic*, January 27, 1932).

Phonetic spellings could be poetically used not only for wit, as in "the hoe tell days are teased" for a classy Manhattan residence known as the Hotel des Artistes or "Gay-Pay-Oo" for the Soviet secret police (G. P. U.). Phonetic spellings also represent spoken dialect:

> oil tel duh woil doi sez
> dooyuh unners tanmih eesez pullih nizmus tash, oi*

On more accessible levels, Cummings doubled words for emphasis, much as Malayans do-"slowlyslow." He used prefixes such as "*un-*," "*im-*," or "*not-*," and suffixes such as "*-ing*" and "*-ingly*" to modify their root word in various subtle ways. A favorite epithet, "unalive," is not synonymous with dead.

He recognized that individual words could be expressively taken apart:

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                    r-p-o-p-h-e-s-s-a-g-r
              who
a)s w(e loo)k
upnowgath
        PPEGORHRASS
                    eringint(o
aThe) :1
eA
   :
                                a
S
            (r
rIvInG
            .gRrEaPsPh0s0
                                to
rea(be)rran(eom)gi(e)ngly
,grasshopper;
```

rendering not only a distinct visual image (especially on a vertically rectangular page), but visually enhancing the connotations of the key word. As Harvey Gross noted in *Sound and Form in Modern Poetry* (1969), "Actually, the poem does not so much *look like* the grasshopper's action as give the feel of action. Cummings uses an elaborate technique of synaesthesia, a complex visual and aural derangement to signify emotional meaning." Here he is less a painter than a choreographer portraying movement in design, and in the process reflecting the temporal revolution implicit in Marcel Duchamp's *Nude Descending a Staircase* (1911). Incidentally, Cummings may have been the first American writer to discover a truth initially familiar to modernist architects — that less could be more.

He who had taken words apart could also combine them ingeniously, telescoping language and gaining resonance by omitting spaces — creating in English a reasonable ersatz German with such conjunctions as "bookofpoems," "curselaughgroping," "driftwhirlfully," "thankyouverymuch," and "truebeautifully." Cummings found expressive possibilities even in punctuation marks; no one before or since has used hyphens and semi-colons so resonantly. The single word "taps" is considerably different when punctuated, as Cummings did, "t,a,p,s." In the middle of a poem about acrobats, he writes:

```
                    hes shes

&meet&

          swoop
```

The ampersands add effects that would otherwise be lost. In a comparative sense, some of his discoveries are incredibly, perhaps dubiously, simple; but the point is that no poet before him dared use such elementary enhancements. The refusal to give titles to most of his poems represents evasion to some but integrity to me. Compared to his more pretentious contemporaries, Cummings had a casual sense of poetry that remains attractive.

Cummings was probably aware of Apollinaire's forays into representational visual poetry — for example, stringing handwritten letters in the shape of rain in "Il Pleut" ("The Rain"). Cummings knew he had to create something else. He discovered that properties of written language, such as capitalization, could contribute to poetic communication (and that a Greenwich Village neighbor, S.A. Jacobs, could be his loyal typesetter). "SpRiN,k,LiNG" has ideographic connotations that "sprinkling" lacks; "mOOn" is more evocative than "moon." Cummings's recorded declamations of his work demonstrate how unusual typography prompts spoken rhythms that are quite different from those engendered by conventional poetic scoring.

The placement of words in space could also introduce kinetic qualities that would be impossible to achieve in conventional poetic design. The theme of his "grasshopper" poem, quoted before, is a certain kind of insect movement. The point of the following passage from number XIII in "Portraits" is a representation of a change in pace:

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                                pho
nographisrunn
ingd o  w,    n  phonograph
                 stopS.
```

*"I'll tell the world, I says. Do you understand me, he says, pulling his moustache, I"

In the foreword to *Is 5* (1926), one of his few statements on his purposes, Cummings spoke specifically of creating "that precision which creates movement." To put it differently, typography could function like musical notation.

The opening poem in *1 x 1* (1944) presages the current interest in poetic abstraction, its words and phrases cohering in terms not of syntax or semantics but of diction, meter, and other qualities indigenous to poetry. Cummings also wrote pure *sound* poetry, in which acoustic qualities become the principal elements of both coherence and enhancement. In *W[ViVa]* (1931) is a poem prefaced "from the cognoscenti," which opens:

> bingbongwhom chewchoo
> laugh dingle nails personally
> bung loamhome picpac
> obviously scratches tomorrowlobs

and continues in a similar style. Though Cummings was nearly an exact contemporary of Vladimir Mayakovsky (1893–1930), the two never met and probably had no effect upon each other; nonetheless, Cummings illustrates Mayakovsky's dictum: "Neologisms are obligatory in writing poetry."

Despite all of his formalist ambitions, Cummings was also a personal poet whose ideas on everything from sex to politics were based upon his own experience. As his first major American critic, Norman Friedman, observed back in 1960, the "five major forms" of his poetry are:

> the description, that locates its speaker in the presence of some sensory stimulus and represents him as perceiving; praise and eulogy, that place him in relation to some person, type, or idea, and represent him as admiring; the satire, that places him in relation to society and that represents him as its critic; reflection, that places him before scenes and people and represents him as interpreting and commenting; and persuasion, that places him in the presence of someone else and represents him as speaking to him or her.

In most cases, the first-person voice represents Cummings himself.

At his Harvard commencement in 1915, Cummings delivered a prophetic lecture on "The New Art" that featured a sensitive appreciation of Gertrude Stein. Perhaps it was from her that he learned about the esthetic advantages of an intentionally limited vocabulary. In his collection *No Thanks* (1938) is an extraordinary poem beginning "brIght" that contains only eleven discrete words, all six letters or less in length. The eleven words are successfully broken apart and nonsyntactically recombined to form 15 lines of 44 words — all three-letter words appearing thrice, all four letter words four times, etc. With this rigorous design and other structures Cummings presaged several formal innovations that have since become more prominent in contemporary avant-garde poetry. The fact that Cummings discovered these present possibilities several decades ago should contribute to his current stature.

Cummings's social philosophy was a visceral libertarianism, more agreeable than profound.

While the lyrics remain familiar, Cummings's other artistic activities are less well known. He wrote plays as well as formally dramatic sketches meant to be read, rather than performed; he was among the first American literary artists to script a film scenario ("A Pair of Jacks," 1925) and a ballet (*Tom*, 1935). Among his works are innovative masterpieces of experimental prose. He wrote important criticism, not only of poetry but of theater, and was perhaps the first American drama critic to concentrate not upon the work of legitimate theaters but upon vaudeville, burlesque, animated films — even upon the informal theatricals available at the Coney Island amusement park. Some of his literary translations are still used. Even his correspondence is distinctive.

Some pundits could never excuse Cummings for failing to write the kind of pretentious long poem they had come to identify with modern masterhood.

One reason why our understanding of Cummings has been so deficient is that his work has never been fully available. His *Complete Poems 1904–1962* did not appear until 1991. His major text of innovative prose, *Eimi* (1933), has been out of print for years, as have his two shorter plays and the ballet *Tom* and George Firmage's *A Miscellany* (1958, 1965), which reprints previously uncollected prose. Only a small percentage of his visual art has ever been reproduced.

Cummings probably worked as hard at his paintings and drawings as he did at his writing, the former being done by day and the latter at night. More than 2,000 completed paintings exist; the Houghton Library at Harvard reportedly has over 10,000 sheets of drawings. His literary eminence notwithstanding, Cummings had remarkably few exhibitions and scarce dealer representation. It is hard for most of us to know the quality of this visual work, not to mention how it looks. Some early pieces were reproduced in *CIOPW* (1931), a limited 9-1/2"-by-12-1/2" clothbound whose title is an acronym for the painterly media in which Cummings worked: charcoal, ink, oil, pencil, and watercolor. However, this scarce book has never been reissued, though he produced three decades more of visual work. The absence of at least a "Selected Drawings and Paintings" raises questions about Cummings's other work. Was he like Wyndham Lewis — a literary polyartist who excelled at both visual and verbal arts? Or was he a Henry David Thoreau, whose drawings were merely curious? Or should his mix of art and writing be placed somewhere in between?

Regardless, his career showed that one could spend a lifetime earnestly practicing more than one art, in spite of gross discrepancies in recognition.

Even though Cummings insisted upon living entirely off his writings, readings, and art (and compromised only once, when he became the Charles Eliot Norton Professor of Poetry for a year at Harvard), he received remarkably few

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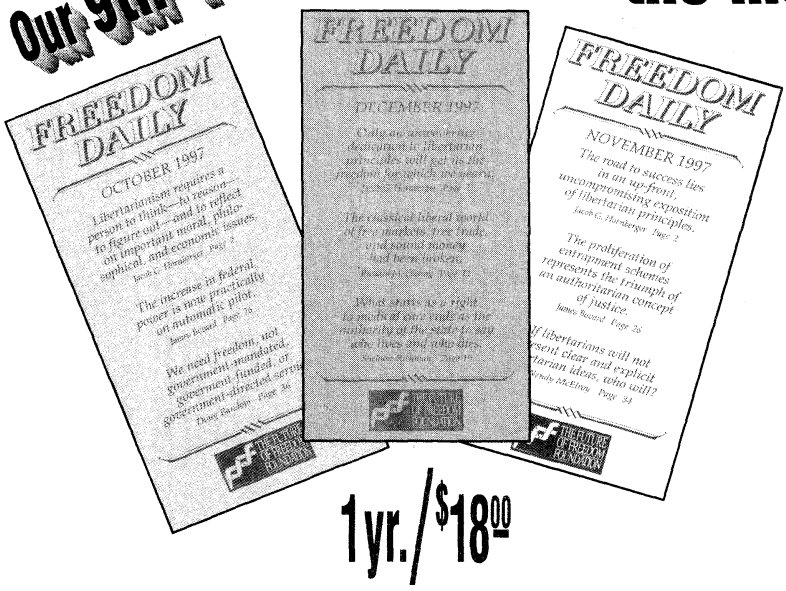

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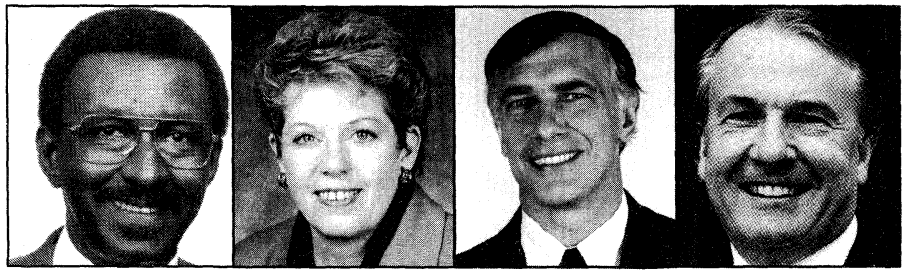

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awards and even fewer fellowships. For much of his life, Cummings lacked a regular publisher, and two of his collections were initially self-published. (One, in 1935, was pointedly entitled *No Thanks* and audaciously dedicated to the fourteen publishers who had previously refused it!) The literary powermen of his time tended to regard him as an inconsequential eccentric — an agreeable lyric poet whose disagreeably "gimmicky" experiments undermined his reputation. They inevitably preferred his aphorisms to his inventions, though aphorisms do not a major poet make. (Some of his affectations were disaffecting, such as sometimes spelling his name only in lower-case letters, even though samples of his handwritten signature show his honoring conventions of capitalization.) Like Stein (who also studied at Harvard), he had to publish conventional poems for his more radical work to be considered seriously. Some pundits could never excuse Cummings for failing to write the kind of pretentious long poem they had come to identify with modern masterhood; he was to the end a sprinter more comfortable with short poems and small paintings.

Though academics could not forgive Cummings for failing to pass through distinct stages, what is really more extraordinary is how much of his mature poetic style was fully present in his first book — including his radical renovations of traditional poetic forms (especially the sonnet) as well as his more experimental directions. In other words, the more avant-garde work of Cummings comes not from a single period of his writings but from every decade of his career.

Let me suggest the opposite of the conventional view. If you favor the lyric verse ("my father moved," etc.), while excluding the radical poetry, Cummings is indeed a minor figure. However, there is another, better Cummings — the most inventive American poet of his time, the truest successor to Whitman, and the peer of his contemporaries Charles Ives and Gertrude Stein. If you focus upon his integrities, beginning with his refusal to title most of his poems and his creation of works that were (and still are) so easily identifiable as his (and could thus be feasibly published without his name), and consider his full-time devotion to the arts (in contrast to poets who have been publishers, professors, and doctors), he becomes a persuasive professional model. And if you focus upon Cummings's more extraordinary poems — those that distinguish him from everyone else, before or since — you are more likely to consider him, as I do, the major American poet of the mid-twentieth century. ❑

Stooksbury, "Weakly, Standard," *continued from page 45*

a "citizen, a Kansan, just a man." It is embarrassing nonsense when you consider that it is describing a man who has spent the last two decades running for president (recently seen in magazine ads, sporting a milk mustache) and refers to a speech that *was calculated* to make Dole seem "fundamentally private, diffident, suspicious of the show-bizzier aspects of public life." Only when you consider that William Kristol and his cohorts may have been thinking of Dole as a future employer does this start to make sense.

WS writers focus much of their energy on political positioning and tactical matters because they want to affect the means more than the ends. Most opinion magazines are conceived with the purpose of advancing a particular set of ideas. Sometimes they might stray from their original mission and one might question whether *National Review* or *The American Spectator* has become too wedded to the fate of the Republican party but that would be an absurd question in the case of *The Weekly Standard*, since it, as Eric Alterman put it in *The Nation* "would have no earthly reason to exist without a Republican Congressional majority to boss around." This is a publication that is totally hitched to the fortunes of the Republican party. Take for example an editorial on the subject of a Republican sponsored immigration bill last year. It asked the question, high-lighted as a pull-quote, "will passing this immigration bill help the Republican Party?" The editorial featured valid arguments against aspects of the bill before getting down to brass tacks. "Asians and Hispanics have increasingly Republican partisan inclinations. Three-fourths of all current immigrants come from Asia and Latin America. An equal proportion of them arrive and stay in some of the biggest electoral college states." Probably no statement that I have seen in *The Weekly Standard* better captures the essence of this publication than the last quoted sentence: the editors' opinion on a critical issue that will affect the future of the country is based on its effect on the performance of the Republican ticket in key states. ❑

Reflections, *continued from page 20*

news story of 1997." This offers powerful evidence that the world is in a happy state.

Yes, the stock market collapsed, but it only lasted a day, and yuppies are again enjoying their risk-free 20 percent annual gains.

Yes, Clinton rattled his sabers in the Gulf. But his allies, to his relief, wouldn't go along; Clinton understands that while occasional fits of public bellicosity might help dispel his reputation as a weenie, going to war is another matter.

Yes, a serious recession has engulfed much of Asia, but who cares, anyway? What's it mean? My next computer will cost a few bucks less?

Yes, civil wars and mass carnage persist in Africa, and billions of people denied property rights are consequently mired in poverty. But what else is new?

It was a tough year for pundits, a fact evident to anyone reading the pathetic op-ed pages of the nation's papers or watching the lame repartee on *Crossfire*. But, as is always the case, what's bad for the punditry industry is good for ordinary human beings. —RWB

Reviews

***The Secret Life of Bill Clinton: The Unreported Stories*, by Ambrose Evans-Pritchard. Regnery, 1997, 460 pages.**
***The Strange Death of Vincent Foster: An Investigation*, by Chris Ruddy. The Free Press, 1997, 316 pages.**

Speaking Truth to Clinton

Alan W. Bock

The phenomenon of the courtier press, however uniquely of our time it might seem, is not new in America, nor was there a golden age when we had a plethora of "real" journalists, flinty and independent. In the 1920s — before the New Deal, before television, almost before radio — H.L. Mencken made these observations about Washington correspondents:

> The average Washington correspondent, I believe, is honest enough, as honesty goes in the United States . . . What ails him mainly is that he is a man without sufficient force of character to resist the blandishments that surround him the moment he sets foot in Washington. A few men, true enough, resist, and their papers, getting the benefit of it, become notable for their independence and intelligence, but the great majority succumb almost at once. A few months of associating with the gaudy magnificoes of the town, and they pick up its meretricious values, and are unable to distinguish men of sense and dignity from mountebanks. A few clumsy overtures from the White House, and they are rattled and undone. They come in as newspaper men, trained to get the news and eager to get it; they end as tin-horn statesmen, full of dark secrets and unable to write the truth if they tried. Here I spread no scandal and violate no confidence. The facts are familiar to every newspaper man in the United States.

Now as then, the vast bulk of journalism, especially from Washington and on national affairs, is unimaginative pack journalism, and it was quite likely ever thus. We remember the Clark Mollenhoffs, the Bob Woodwards (formerly a pretty fair journalist, now one of Mencken's tin-horn statesmen), the Nick Von Hoffmans and Bill Greiders because they are so unusual, because they stand out from the crowd of press-event stenographers who are more concerned about respectability and keeping their useless and manipulative sources pleased than getting to the truth or trying to dig out a scandal nobody else cares to cover. In each generation we can expect only a few journalists to demonstrate more than a smidgeon of independence, in part because it's hard work, but also because the payoff is so distant: though you might get some recognition eventually, while you're actually doing it you can expect mostly scorn from your colleagues and befuddlement and pressure to conform from your editors.

Two of the journalists who have bucked the trend during the last several years, mainly by going out and reporting stories for themselves rather than living on spin and handouts, have books out on various aspects of the Clinton administration. Ambrose Evans-Pritchard has done most of his work for the *London Sunday Telegraph*, for whom he has been Washington bureau chief since the end of 1992. *The Secret Life of Bill Clinton* touches on aspects of the Oklahoma City bombing, Whitewater, Mena, the Lasater drug smuggling operation and much more. Chris Ruddy, in *The Strange Death of Vincent Foster*, offers the results of years of work. He began looking into Vince Foster's death when he was with Rupert Murdoch's *New York Post*, and then with the *Pittsburgh Tribune-Review*, owned by Richard Mellon Scaife.

Mr. Evans-Pritchard is at pains to remind us that the *Telegraph* is not a tabloid, but a broadsheet paper with a circulation of 1.2 million daily and around 800,000 on Sunday, the highest circulation "quality" newspaper in western Europe, founded in 1855 and eminently respectable. The *Tribune-Review*, on the other hand, was a suburban paper that moved into Pittsburgh during a newspaper strike, and is trying to maintain a metropolitan foothold. Thanks to the Internet and fax circulation, both Evans-Pritchard and Ruddy have achieved circulation and notoriety beyond their immediate circulation areas, but they and their papers are viewed as somewhat outside the mainstream of the American press. That's not surprising. Except for Watergate, the establishment press hasn't gone in for earthshaking investi-

So far Bill Clinton has laughed at all his would-be impeachers with the insouciance of a practiced scoundrel who enjoys living on the edge.

gative reporting very much, though more good work is done on particular agencies and programs or on local scandals than is generally recognized.

The most interesting new material in *The Secret Life of Bill Clinton* concerns the bombing of the Murrah federal building in Oklahoma City. There have always been good reason to believe that the government was probably lying about important aspects of the case, but so many theories and conspiracies grew up so quickly that it was and is difficult to get a handle on something like the truth without doing your own first-hand reporting. That is what Evans-Pritchard has done.

The crime scene displayed none of the telltale signs of a suicide, but the Park Police and FBI treated Vince Foster's death as a suicide from the get-go, ignoring and sometimes even covering up contravening evidence.

He has listened to and checked out Glenn and Kathy Wilburn, grandparents of two young boys killed in the explosion who became disillusioned with the government's lack of interest in any evidence that didn't fit the easy picture of Tim McVeigh as the mastermind and Terry Nichols as the assistant. Glenn Wilburn, an accountant who had little interest in politics before the bombing, was first upset by improvised answers to the question of why nobody from the Bureau of Alcohol Tobacco and Firearms was in the office when the bomb went off, and continued to dig doggedly from there. Freelance reporter John "J.D." Cash wrote stories about the militia-like encampment at Elohim City, with which McVeigh was in contact. Pritchard talked with him and with Carol Howe, who had been an undercover informant for the ATF in Elohim City and uncovered apparently serious planning for bombing the Murrah building, led by Andreas Strassmeier (Andy the German), about which the federal government seemed to have little curiosity.

It's a colorful story with wacky characters and Evans-Pritchard tells it well. I don't know if he's gotten to the bottom of it, but he has documented planning trips and evidence that John Doe II, for whom the feds originally did a manhunt, then announced that he was a figment, does exist. What emerges is powerful evidence that quite a few more people were involved than McVeigh and Nichols, that "Andy the German" is Lt. Andreas Strassmeier of the Panzer Grenadiers. "If I had to bet," writes Evans-Pritchard, "I would hazard that Andreas Strassmeier's real purpose at Elohim City was to find out whether the U.S. neo-Nazi movement had the capability and intent to graduate to weapons of mass destruction, particularly biological and chemical devices. A high-level counterintelligence operation of this kind would explain why Elohim City was being protected, even though it was engaged in every weapons violation in the U.S. code, not to mention manifest sedition."

Evans-Pritchard also has fun with the White House spinmeisters who concocted the "Communication Stream of Conspiracy Commerce," which reported that questions about Vince Foster's death came about only through an elaborate network masterminded by Richard Scaife, who had somehow duped the respectable press into investigating his fantasies — a conspiracy theory worthy of the fever-swamps. He writes about the murder of security executive Jerry Parks, the drug smuggling of the "Dixie Mafia" and Dan Lasater, Barry Seal, Mena Airport and the Contra resupply operation, and a bit about Paula Jones.

If you ever doubted that Bill Clinton is notably sleazier even than most politicians, that he has made a career of being involved with dubious people, that his own actions may have gone beyond the line of criminality more than once, this book will alleviate most of your doubts. And it's done in elegant, intelligent prose, with duly responsible discussion of the relative reliability of the sources Evans-Pritchard uses.

Evans-Pritchard has a section on the Vince Foster death, but the reporter who has stayed with this story like a terrier is Chris Ruddy. Since his first stories for the *New York Post*, which cast legitimate doubt on the likelihood that Vince Foster killed himself in Fort Marcy Park, based on the arrangement of the body and other crime-scene and forensic evidence, backed up by long discussions and interviews with experienced homicide investigators, Ruddy has immersed himself in Foster arcana. His interest apparently became too intense for the *Post*, but fortunately he landed at Mr. Scaife's paper with a license to continue. And the Western Journalism Center, run by veteran newspaper editor (*L.A. Herald, Glendale News-Press, Sacramento Union*) Joe Farah, helped him, published his stories, and financed ventures like having three world-renowned handwriting experts examine Foster's "suicide" note and declare it an obvious forgery.

Undue White House influence was present from the beginning, and few of the official stories have much credibility. The crime scene displayed none of the telltale signs of a suicide, but the Park Police and FBI treated it as a suicide from the get-go, ignoring and sometimes even covering up contravening evidence. The autopsy was a joke, crime-scene photographs came up missing, important witnesses were not interviewed. The only federal official who seems to have made a serious effort to dig into the actual facts and evidence, prosecutor Miquel Rodriguez from Sacramento, who came to work for Kenneth Starr, left in discouragement.

The Strange Death of Vincent Foster offers the best summary of current

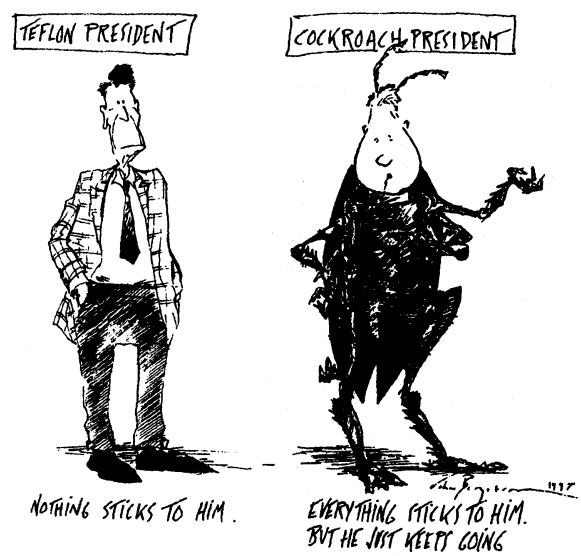

knowledge about the Confidential Witness's testimony, what the pair who might or might not have been a couple said they saw, the deficiencies of the Fiske report, who said what about the position of the body and when there was a gun in Foster's hand, who rifled through Foster's office and when, who lied about it, the inconsistencies in the various White House versions of events, who probably knew what at which hour, and a great deal more.

Ruddy refuses to speculate about what really happened, responsible almost to a fault — though he will no doubt be called a conspiracist, a sensationalist and much more. But he documents persuasively that the official story — that Vincent Foster sat on a slope in Fort Marcy Park on the Virginia side of the Potomac and shot himself with the pistol that was later found in his hand — simply cannot be true.

The lack of curiosity in most of the rest of the media, the eagerness to accept the official version rather than checking it out independently is a story all its own. The book includes useful photographs (I used to visit the park occasionally when I lived in the area in the 1970s and it's still recognizable), copies of documents and valuable appendices.

The fact that these books were published by mainline commercial publishers at least indicates an awareness of a market for documented material on the misdeeds of the Clinton White House. Whether it presages much beyond the more widespread dissemination of information through talk radio, the Internet and the like is another question. So far Bill Clinton has laughed at all his would-be impeachers with the insouciance of a practiced scoundrel who enjoys living on the edge and is much better at it than most of us are at the simple responsibilities of workaday life. ❑

The lack of curiosity in most of the media, the eagerness to accept the official version rather than checking it out independently is a story all its own.

The Economic Laws of Scientific Research, by Terence Kealey. St. Martin's Press, 1995, 396 pages.

The Invisible Hand and Pure Research

Ross Overbeek

We live in a world of scientific marvels. In biochemistry, computer science, and applied physics, huge industries have grown out of the modest expenditures represented by the National Science Foundation, National Institute of Health, Department of Energy, and Department of Defense budgets. Perhaps we should increase them a bit.

That seems to summarize the position of almost all scientists and a large majority of the general population. And this view is not entirely unreasonable — the world has been changed profoundly by science, and many of the critical advances occurred in labs funded by the government. But there is another point of view, one that is almost never heard: that government funding of science doesn't really work. Terence Kealey's *The Economic Laws of Scientific Research* is a unique and vigorous argument for this novel proposition.

In Kealey's view, there are two basic models of how science changes society.

The first model, which Sir Francis Bacon first elaborated, is that government funds pure science, which is applied to specific problems, resulting in better technology and economic growth. This view is the dominant view among scientists, intellectuals and ordinary citizens.

The second was developed by Adam Smith, and has since been pretty much forgotten:

> Smith did not believe that applied science flowed very much from pure science; indeed, he believed the opposite was as likely to be true. Moreoever, he believed that applied science or technology sprang from the marketplace spawned by individuals or companies competing for profits.

Kealey argues that the first model gives far too much credit to the role of academic research. Pure science occasionally makes significant breakthroughs which sometimes have a profound impact on products that reach the market. But these breakthroughs are few and far between. The overwhelming majority of the advances that improve our lives are the result of incremental improvements generated by people outside the academic world. Kealey believes that roughly 90% of new technology is built directly on old technology. I think that most scientists would, upon reflection, concede this point. However, that still leaves the remaining 10% and the question "Without those key breakthroughs by the academics, where would we be?"

This brings us to Kealey's three basic laws of civil research and development:

1) "The First Law of Funding for Civil R&D [research and development] states that the percentage of national GDP spent increases with national GDP per capita."

2) "The Second Law of Funding for Civil R&D states that the public and private funding displace each other."

3) "The Third Law of Funding for Civil R&D states that the public and private displacements are not equal: public funds displace more than they do themselves provide."

This is the core of Kealey's position: a society that is relatively wealthy will invest a higher percentage of its assets in basic research, and laissez faire capitalism is what produces wealthy societies:

> If this book has a message it is this:

> relax. Economic, technical and scientific growth are free lunches. Under *laissez faire* they just emerge, like grass after the rain, through the efforts of individual entrepreneurs and philanthropists. Once the State has initiated the rule of law and sensible commercial legislation, the goodies will flow — and *laissez faire* is morally superior to *dirigisme* as it maximizes the freedoms and responsibilities of the individual.

Basic research itself, Kealey argues, would be better off, and better funded, if there were no government funding. Kealey's argument turns on the incentives in free markets for commercial firms to support basic research. Kealey notes that studies have shown that investments in basic research correlate with overall profits. Actual advances in basic research occasionally bring huge profits to a company, but more often competitors reap almost as much benefit with no expenditure. So why would a profit-driven company fund basic research, rather than simply take advantage of the research of others?

Basic research itself, Kealey argues, would be better off, and better funded, if there were no government funding.

The answer, Kealy argues, lies in the fact that those scientists who are best able to assess and correlate advances produced elsewhere are precisely those individuals for whom the pursuit of basic research is important. The result is that companies fund basic research teams in order to attract and maintain internal competence levels, and profit from the ability of its scientists to comprehend significant developments within the field and to offer expert advice to those elements within the company that are more directly involved in product development.

In a career as a scientist working within both the academic and corporate world, I've never before encountered this argument — but it matches my experience with the corporate culture quite well.

But there are problems.

First, there is that "Third Law of Funding for Civil R&D." It is inadequately developed, and almost certainly glosses over some extremely serious issues. The most obvious is that "basic research" is a very vague term lumping together widely disparate activities. Turning the funding of basic research over to market forces may or may not increase either the total number of dollars spent or the rate of progress (defined however you like), but it cannot help but dramatically shift funding among communities. Does anyone think that the huge capital expenditures made in areas of high-energy physics would be sustained by market institutions? The physicists' quest for deeper insights into the fundamental laws of nature would be curtailed. It is no use saying to these people "look, the public expenditure of funds displaces larger amounts of private investment; you can expect more and better toys from a market approach." What we are really saying is that "you cannot justify your pursuit of truth with an economic basis, so you should not be pursuing those questions; they are out of reach given our current level of wealth and scientific context. Your funding is going to be reallocated to other goals."

This may appear to be a reasonable position to the average fellow who meets the demands of the market on a daily basis. To those who hold the pursuit of specific "truths" to be an end in itself, the argument appears less than compelling.

A related point arises in a very telling passage:

> The Greek scientists' disdain for any possible economic benefit from science is well illustrated by the famous story about Euclid. When one of his pupils, who correctly answered one of his questions on geometry, asked what use it might be, Euclid tossed him a drachma, saying "he wants science to be profitable." But Euclid did not disdain his own salary: like Ctesibius of Chalicis, who, on being asked what he had gained from philosophy, had replied "free dinners," Euclid and his fellow academics were happy to be paid by the state — but they were not concerned with being useful — nor were they. Neither of the useful technological innovations of the Hellenistic or later Roman periods, the harnessing of water power to grind corn and the employment of harvesting machines for corn, emerged from the State's science; each was the fruit of private enterprise.

If Kealey's goal were to convince scientists, a passage like this has no place in the work. Seriously asserting that Euclid's work was not useful simply undermines any effort to convince anyone who is not already a true believer in market forces. It is one thing to assert that society should not subsidize scientists or artists, but quite another to assert that their products are inferior to, say MS-DOS, because they command a lower price in the marketplace. Most scientists believe that Euclid's development of geometry completely eclipses "the harnessing of water power to grind corn" — that is, they regard geometry as extraordinarily "useful" — and if what it took to produce such an achievement was government subsidy, well then subsidy is a good thing. And I suspect they would read no further.

Although a few artists and scientists pursue their own objectives, more or less independently of the prevailing reward mechanism, most artists and scientists take their cues from the incentives they face.* The fact that society should not subsidize these geniuses does not diminish their achievements. The notion that one must pursue truth, irrespective of perceived practical distractions, is one that I understand; I have worked with geniuses who hold precisely that view. I also believe that, as in the case of Euclid, the payouts on their efforts (in a practical sense) have been partly a function of their holding these explicitly impractical views.

Reading this book is like seeing an unusual chess opening for the first time: there are clearly new ideas and themes to explore, even though many issues need further development.

Curiously, there is no discussion of the Internet within this work, an omis-

*See Ludwig von Mises' brief description of the situation in the section "The Creative Genius" of *Human Action*.

sion that is really fairly serious. The World Wide Web is clearly a product of highly-subsidized science, it may well impact the general public more than any other technological development of the last few decades, and it is viewed by many libertarians as a wonderfully liberating technology. As such, it warrants an extensive discussion in any argument against government funding of science. I suspect this omission occurred because Kealey wrote the book prior to the spectacular popularity of the Internet. The significance of the Web became apparent just as the book was being completed. I make this comment not so much as a criticism of the author, but more as a note to any who decide to pick up the baton and carry this effort further.

Kealey's work is really a personal statement by a scientist who has "often felt lonely ploughing my laissez faire science furrow," rather than an attempt to sway the scientific community. He allows himself the luxury of "occasional peevishness." This is neither right nor wrong — just a fact; but, it does make the book less persuasive. *The Economic Laws of Scientific Research* is a wide-ranging exposition, reflecting on both the history of science and Kealey's own experiences, rather than a tightly knit argument against government funding of science. So it is not surprising that it includes some questionable and debatable points that distract from its core argument. His defense of the Dark Ages, his argument that war created capitalism, his digressions into everything from salt smuggling to philanthropy for the poor, and the broad brush painting of the big picture make the work diffuse enough to be less than convincing to anyone not already sympathetic with most of the arguments.

For me, reading this book is like seeing an unusual chess opening for the first time: there are clearly new ideas and themes to explore, even though many issues need further development. It requires a number of iterations and analyses of specific issues before one can feel real confidence in many of its arguments. *The Economic Laws of Scientific Research* exposes new and provocative lines of thought that should provoke healthy discussion. It took courage to write it, and Kealey has my sincere applause. ❑

American Academia and the Survival of Marxist Ideas. **by Darío Fernández-Morera. Praeger, 1996, 213 pages.**

The God That Got Tenure

Stephen Cox

Long after definitive proof of its bankruptcy, both as a social theory and as a guide to political practice, Marxism continues to occupy the commanding ideological heights of American universities. How can this be? What can this mean? In *American Academia and the Survival of Marxist Ideas,* Darío Fernández-Morera sets out to answer these questions.

As a professor of Comparative Literature and Hispanic Studies at Northwestern University, Fernández-Morera knows that few academics actually call themselves Marxists or give total assent to Marx's ideology. What survives and flourishes in the American university is the vital core of Marxist assumptions, assumptions about classes and collectivities and economic exploitation and social dominance and material forces and the historical malleability of every conception of "truth" except the relativist and collectivist kind.

These assumptions were shaped and sponsored by Marx, but they have since traveled far in all directions. They have survived, in large part, because of their skill at packing their bags and moving to nicer neighborhoods. They are willing to travel almost anyplace where they can find a friendly (or just a trendy) environment, or evade an unfriendly fact.

Few ideas are better equipped for evasive maneuvers. One of Marxism's most significant intellectual legacies is the assumption that what counts as truth is always relative to one's social class and historical situation. If this idea is (somewhat paradoxically) *true,* then any seemingly objective empirical evidence that tells against Marxist theory can be dismissed as just one more "fetish" of Late-Capitalist mentality.

This suggests another useful legacy of Marxism, which is its preference for highly abstract theory. A theory that can be rendered sufficiently abstract can never really die. American Marxism once spent a good deal of its time in sociology departments, where it concerned itself principally with speculations about the proletariat's struggle to better its condition. But the goals and motives of the proletariat turned out to be embarrassingly concrete. What the workers wanted could be understood by even the most bourgeois thinker; it could be provided by even the most bourgeois social system. So collectivist theory went in search of new frontiers. Its migrations ultimately led it to the department of literature, a place where people almost never think in concrete terms or accept any limits to their demands on reality. Here is a place that was simply made for abstract theory. Stimulated by the new arrival of some old ideas, the inhabitants of Literature

Collectivist theory went in search of new frontiers. Its migrations ultimately led it to the department of literature, a place where people almost never think in concrete terms or accept any limits to their demands on reality.

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were soon spending all their time in speculation about "cultural production," "subaltern peoples," and a strange, all-purpose something for which no name could be found but "the Other."

From its beginning, Marxism had been the kind of ideology that appeals to a self-conscious intellectual elite. That appeal was now sharpened to an exquisitely fine point. Workers of the 1850s could well understand what intellectuals meant by "workers" and even "the proletariat," but it is very doubtful that anyone except an academic theorist can understand such key contemporary concepts as "the politics of gender" — or would want to try. The essentially literary Marxism of the present day has freed itself from the *mass* while retaining its sense of *class*, in both meanings of that term. As Fernández-Morera aptly comments, today's intellectual collectivists believe that because "one can no longer count on the workers, human liberation must now depend on the heroic efforts of politically correct educators" (113).

Liberation, progress, a radical reinvention of the whole of life . . . that is the promise of all collectivisms that descend from Marx. And a radical reinvention has actually happened, at least on the conceptual level, with the movement of Marxist ideas from a context where they appeared to be outmoded and false to a context where they seem, to some influential people, very new and challenging.

Fernández-Morera is particularly good at tracking that movement. He shows, for instance, that even such apparently new ideas as affirmative action — the central political program of the academic left — have been tried before, many times, whenever a collectivist emphasis on class origins has been allowed to take precedence over judgments of individual merit.

Fernández-Morera's work is a rich source of suggestive parallels between antique misconceptions and postmodern inspirations. Consider the supposedly cutting-edge idea that works of literary art ("texts") are just fabrics of "language," which is created by "communities" rather than individuals, who therefore deserve none of the respect ("privileging") that creative "genius" has traditionally received. This is a remarkable theory, to be sure; but the assumptions that support it are not new at all. The same collectivist ideas about "language" can be discovered in (of all embarrassing places) the dialectical speculations of Giovanni Gentile, the most distinguished intellectual supporter of Mussolini's "socialrepublic." According to Gentile, in his salient work *Genesis and Structure of Society* (1943),

> the language that every man uses is that of his fathers, the language of his tribe or of his clan, of his city or his nation. It is his and yet not his; and he cannot use it to say "This is my view" unless at the same time he can say "This is our view." For at the root of the "I" there is a "We." The community to which an individual belongs is the basis of his spiritual existence; it speaks through his mouth, feels with his heart, and thinks with his brain. (Fernández-Morera, 25)

This passage could be inserted into any currently fashionable account of literary "textuality," and almost no one would be the wiser. The last sentence provides the only discordant note: it's far too well written to be a product of the present day.

Fernández-Morera clearly sees the "reactionary" nature of the purportedly advanced trends he studies (18). Mimicking the geriatric style of Marxist literary critics, who smugly refer to eras of Early Capitalism, Advanced Capitalism, and Late Capitalism, as if they knew that capitalism were just about to die, Fernández-Morera discusses eras of Early Marxism, Advanced Marxism, and Late Marxism (6, 101). His own views are influenced by classical-liberal theories of human action that are aspects (if you want to put it that way) of a very Advanced Capitalism indeed. He is one of the handful of literary intellectuals who have fully assimilated the individualist

Jefferson once remarked to John Adams that few people "have occasion to revise their college opinions," and professionally successful academics have less occasion than most.

praxeology of the Austrian school of economics, the school of Friedrich Hayek and Ludwig von Mises.

He has made a good choice of theories. Austrian ideas are useful to any scholar of the humanities who is concerned with the delicate variations among individual talents and interests that give richness and scope to human culture. Fernández-Morera's classical liberal perspective enables him to show why the goals of "diversity" that are uniformly cherished by contemporary intellectuals are grossly incompatible with their quest for "an egalitarian culture of 'common' interests, sentiments, and experiences" (84).

I don't want to wait for a new generation. Generations, in any case, are hard to define; they seldom burst out all at once, and every one of them has been trained by a preceding generation — yet intellectual change somehow happens, and it sometimes happens very fast.

This perspective also enables him to discuss certain structural similarities that exist among Marxist, modern-liberal, and yes, conservative approaches to culture and society. Those similarities are one explanation for the ease with which collectivist programs have penetrated so apparently liberal (and so fundamentally conservative) an environment as the American university.

Fernández-Morera brings forward other explanations as well. Quoting Vilfredo Pareto, he argues that egalitarian sentiment is often "related to the direct interests of individuals who are bent on escaping certain inequalities not in their favor, and setting upnew inequalities that will be in their favor, this latter being their chief concern" (86). To put the idea more bluntly: A professor of literature can very light-heartedly enjoy all the privileges of his own position — tenured security, intellectual leadership, the leisure to read and speculate — without wishing that any of these advantages were shared by those unfortunate people who have to scramble for a buck. But he is free to resent the superior advantages possessed by anyone who actually catches that buck, or secures that political office, or wins that award from the National Science Foundation. And he may be very hospitable to the kind of political and economic theory that demonstrates the irrationality, the injustice, and best of all, the impermanence of such advantages as other people may happen to enjoy.

This explanation has a great deal to recommend it. It helps us understand why Marxism, which began as "scientific materialism," now attacks science as an oppressive "social practice." Scientists have captured much of the prestige formerly possessed by poets, critics, and philosophers; and the temptation of the disgruntled losers is to believe that science would be a lot less venerated if it were better understood. They know that science is respected because its findings appear to be *true* and therefore useful. But they are prepared to claim, on the basis of collectivist and social-relativist assumptions, that science has no more title to objectivity than any other discipline. Like all the rest, it is a "socially-constructed" house of "rhetoric," a system of "signs" and an expression of "ideology."

Quite a number of academic humanists have taken the advancement of this thesis as the principal business of their professional lives. It's not surprising that they find it congenial. As Fernández-Morera observes,

> the effect of "debunking" in *this* particular direction is that scientific activity is thus immediately associated with what most professors in the humanities typically do for a living (using words) rather than what professors in the sciences typically do for a living (using mathematical language and precision instruments and working in laboratories). Not too subtly, the presumably demythologizing maneuver, allegedly intended to undermine the power of a "dominant" group or institution (scientists and science) thus serves to "empower" a different group and institution (literature professors and university literature departments): It makes them hegemonic over so-called science and scientists — now reduced by the other professors

***The Stance Of Atlas* by Peter F. Erickson Examines Ayn Rand's Philosophy of Objectivism**

Ayn Rand's major teachings are considered in detail. In addition to this, special attention is given to the relation of her philosophy of Objectivism to Einstein's theory of relativity and also to Dialectical Materialism (the intellectual basis of Marxism).

Ayn Rand's rejection of collectivism is not disputed. Her position on the efficacy of reason remains--also her acceptance of freewill.

Ayn Rand's epistemological and metaphysical teachings are subjected to extensive criticism. Her attempt to solve the problem of universals is shown to be a failure. *The Stance Of Atlas* actually provides the correct solution. She believed, incorrectly, that Objectivism has the key to answering the problem of induction. *The Stance Of Atlas* shows that this problem was basically solved by a forgotten English logician early in this century. Contrary to Rand's Objectivism, it is established that reason is open to the possibility of God's existence.

Ayn Rand's attempt to found a new morality is shown to be less than what she took it to be. The defense of fractional reserve banking made by Alan Greenspan in Rand's book on capitalism is refuted. Other important issues are discussed.

Considerably less relativistic than Objectivism, *The Stance Of Atlas* is also implicitly more individualistic. If read with care, this book is capable of providing a portion of the deep intellectual improvement promised, but not delivered, by Objectivism.

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> to a mere or at best just another set of academic rhetoricians — *yet of course at a disadvantage*, since the literature professors, unlike the scientists, are masters of the rhetorical trade. (144)

To all this sort of thing, Fernández-Morera brings a precise and devastating judgment: "Truth is not socially constructed. . . . But lies can be" (165). The worst lies, of course, are the lies that people tell themselves.

What prospects exist for a healthy change? I must confess that my own predictions have been sadly fallible. I used to believe that soon, very soon, my colleagues in the humanities would begin to echo the poet who said that he could no longer bring himself to be interested in ideas that weren't true. Ten years ago, I thought that the long, long run of Marxist assumptions was about to end. Well, it didn't.

Fernández-Morera seems to be about as pessimistic as I was optimistic, and he has good reason to be. He calls attention to the fact that academics are employed to *think* about the world, and not to *manage* it. If their theories don't work, they will not be "thrown out of office or sued for malpractice," nor should they be (180). But their isolation from this kind of responsibility doesn't help them see the flaws in their theories. The peer-review system may not give them much help, either. Fernández-Morera is right in suggesting that it often "weed[s] *in* unsound, cranky, and even fraudulent research not only in the 'softer' realms of the humanities and the social sciences, but even, though less often, in the case of the 'hard' sciences" (175).

He brings up a still more unfortunate fact: there are heavy costs associated with abandoning a theory, whether or not it's right. Jefferson once remarked to John Adams that few people "have occasion to revise their college opinions," and professionally successful academics have less occasion than most. If you spend five or six years in graduate school listening to dreary lectures about the "social analysis" of English literature, and if you follow this with another five or six years writing a book and ten articles in which you demonstrate the oppressive effects of capitalist hegemony on the works of, say, Richard Harding Davis, you are not about to celebrate the attainment of tenure by writing another book and ten articles in which you demonstrate that everything you said before was wrong. Before you even think of doing that, you will probably have invested your all — your little all — in the notions you learned in college; and if that is so, you will need some very strong and shocking stimulus, such as a voice from the clouds or a fit of near-fatal boredom, to make you declare intellectual bankruptcy and start all over again.

Isabel Paterson made that observation about the collectivist thinkers of her own era, the 1930s; and Fernández-Morera makes it about the current generation:

> Having become institutionalized, materialist discourse is now the bread and butter of so many professors that it would take a revolution like those that occurred in some socialist countries for them to give it up. (170)

He concludes by saying, "One can only hope that a new generation of academicians will someday emerge, who will decide, with genuine authenticity, that the scholarly rhetoric bequeathed to them by an earlier academic establishment is inadequate for the post-Marxist Age" (187).

Intellectual change begins when a number of individuals decide to consult their interests as thinking individuals, and discover that some currently fashionable theory isn't really worth their time.

To this I reply with my own hope that for once Fernández-Morera is wrong. I don't want to wait for a new generation. Generations, in any case, are hard to define; they seldom burst out all at once, and every one of them has been trained by a preceding generation — yet intellectual change somehow happens, and it sometimes happens very fast. It begins when a number of individuals decide to consult their interests *as thinking individuals*, and discover that some currently fashionable theory isn't really worth their time. At that point, they may

decide that what *is* worth their time is the effort to create a climate for new ideas.

That certainly was the decision of Professor Fernández-Morera, the existence of whose book is one of the best arguments against any pessimism it may contain. ❑

***Free Space*, Brad Linaweaver & Edward E. Kramer, eds. Tor, 1997, 352 pages.**

Libertarians in Space

Martin Morse Wooster

Study the science fiction field in any depth and you will find that a surprising number of sf's leading writers believe in free markets. Some make no secret of their political sympathies. Poul Anderson, whose career as an sf writer has lasted over fifty years, has long referred to himself as a "small-l libertarian." Gregory Benford often writes for *Reason*, while David Brin, award-winning author of *Startide Rising* and *The Postman*, has written for *Liberty*.

Yet more sf writers are sympathetic towards free markets than you might expect. For example, in his latest nonfiction collection, *Reflections and Refractions*, Robert Silverberg writes that "my basic attitude in these essays, I suppose, can be called libertarian/conservative." While no systematic census of sf writers' political views exists, it's probable that a substantial minority (perhaps as many as a quarter) of all sf writers are either libertarians or libertarian sympathizers, including many of the most successful and respected members of the field.

But within the sf community, there is a harder core of writers who explicitly define themselves as "libertarian science fiction writers." Clustered around the Libertarian Futurist Society (LFS) and the various organizations of anarcho-capitalist entrepreneur Samuel Edward Konkin III, these writers include Brad Linaweaver, Victor Koman, J. Neil Schulman, L. Neil Smith, and James P. Hogan.

Some of these writers have produced fine work. J. Neil Schulman's *The Rainbow Cadenza* (1983), for example, is a subtle and underrated dystopia that deserves to be better known. Yet other libertarian sf writers are little more than hacks. I've tried to read the novels of L. Neil Smith, for example, but have found them to be unreadable formulaic space operas that provide little pleasure.

Moreover, there are few reliable guides to determining which libertarian sf writers are worth reading. Read the publications of the LFS or go to "frefan" parties at conventions and you'll come across readers who rate novels based on a perverse sort of political correctness. Kick a bureaucrat in the butt in your novel, and the frefans will give you a lusty cheer. Name some minor characters "Spooner," "Mises," or "Nock" and you'll get a standing ovation. Use praxeology correctly in a sentence, and you're likely to win the LFS's Prometheus Award for best sf novel.

One way to determine what the best liberty-minded sf writers are is to read *Free Space*, a showcase of 17 stories and three poems by most of the leading sf writers who are sympathetic to libertarianism. While *Free Space* is a severely flawed book, it nonetheless is an accurate reflection of the strengths and weaknesses of libertarian sf.

After a short, and forgettable, reprint by William F. Buckley, Jr. about the Apollo-Soyuz mission of 1975, *Free Space*'s first story is "Nerfworld," by Dafydd ab Hugh, a contemporary story about an entrepreneur whose innovative ideas about propulsion could lead to the first successful starship. Unfortunately, Janna Wylie's laser launcher has been developed under a Defense Department contract, which means lots of bureaucrats are eager to stop her from launching a laser into space. The Environmental Protection Agency wants her to revise the existing environmental impact statement. The Occupational Safety and Health Administration needs to know whether her workers meet safety standards. The Department of Energy is struggling to figure out if it has oversight. So Wylie has to go to Washington to defend her grant and pave the way for space.

Ab Hugh's story is ludicrous. All of the bureaucrats who confront Wylie are flawed — they're either drunks, fatties, or failures. The story is constructed as a libertarian fantasy, concluding with Wylie delivering an obscenity-laced monologue in praise of entrepreneurship before a Congressional committee. By the time ab Hugh writes how his heroine "shoved some homeless leeches out of the way with a lusty curse favoring the free market," you wonder if he's taking his assignment seriously.

Their failures will not be the work of nasty liberal editors in New York, but their inability to please the vast majority of readers.

Nor are the next few stories successful. J. Neil Schulman's "Day of Atonement" is set in a future where right-wing religious parties have seized control of Israel and turned that nation into a theocracy, complete with a king who routinely conducts animal sacrifices, a rebuilt Temple of Solomon, and a new Ark of the Covenant. But Schulman does not (and probably cannot) explain why Israelis chose this wildly implausible future. Editor Linaweaver's story, "No Market for Justice," is a gassy monologue in which

a heroic entrepreneur (who is of course named Howard Nock) warns people that freedom is Good and government is Bad. It's so cliche-ridden that Linaweaver has to keep inserting phrases ("all libertarians know this stuff," "for those of you have heard all of this before") to keep reminding his readers that he's not saying anything new.

It's only with Gregory Benford's "Early Bird" that *Free Space* becomes interesting. Benford tells the story of a renegade spaceship who manages to steal a wormhole and sell it. While the story is market-oriented, since it's about Claire Ambrase, an entrepreneur who takes a major risk for a considerable profit, Benford spends most of the story on science rather than politics. In fact, in many ways "Early Bird" is an anti-political story. Though Claire "cared about politics, she wouldn't let it override more important things." When making her sale, Claire learns that her client "had the wrong kind of politics, but to let that dictate everything was as dumb as politics itself."

Too often, libertarian writers consider their politics more important than their art, resulting in cartoonish morality plays where the bureaucrats are always wrong and the capitalist heroes always win.

Poul Anderson's "Tyranny" starts in a familiar matter. A planet decides to turn over control of its government to the Cyberon, an all-powerful computer. The Freedom League decides to smash the computer and free the planet, replacing the machine with people who understand "the common good" — namely the Freedom League and its allies.

Anderson then takes his story into a new direction. Would destroying the Cyberon be wrong? What is better — to be controlled by a machine that ensures increasing prosperity, or to be free and poor? Anderson fairly debates these questions, and his story is thought-provoking and not predictable.

Victor Koman's "Demokratus" explores the dark side of participatory democracy. Welder Volnos, on the run from his creditors, lands on a planet where everyone is polled on everything, including whether the morning will be good or bad and what the people will eat for breakfast. The ballot boxes, installed in everyone's homes, also act as alarm clocks, since the people vote on what time the nation of Demokratus will rise. And all minorities can do is hope for another vote; if the majority rules that the people will eat "blen flakes" and "sneft milk" for breakfast, well, then that's what you will eat.

Koman's story is a satire, as well as a good-humored warning that much of life should not be subject to politics. Unlike most of the tales in *Free Space*, Koman's story is very witty.

Not all of the stories in *Free Space* are by libertarians. Arthur Byron Cover's "The Performance of a Lifetime" is meant to be a critique of libertarian ideas. Harry C. Barbusse is Cover's idea of a libertarian hero, since he's a self-created, independent entrepreneur. Unfortunately, Barbusse is also a mass murderer. How can a libertarian society ensure that people like Barbusse be properly punished?

Cover is not subtle. His characters all have eccentric names that are supposed to be funny ("Zachary Greenstreet," "Smiley Verboten"). He also tries to put his implausible characters in implausible situations; at Barbusse's trial, for example, the judge is comatose, because Barbusse's crimes were "so unspeakably heinous, so monstrously inhuman, that only a jurist whose connection to humanity was tenuous at best could adjudicate the case fairly." By the time Barbusse receives his not-terribly-just punishment, you realize that Cover's story — meant to be a comic inferno — never catches on fire.

A more subtle critique is provided by the concluding story, John Barnes's "Between Shepherds and Kings." Barnes, a rising hard sf writer who has called himself a "Marxian" (whatever that means), provides a self-referential story about a drunken hack writer named Ray Terani who is long overdue with a story for *Free Space*. "Nothing could be as embarrassing as having a story in a book like this in the first place," Terani muses, "and the whole reason I want a story in it is because it's embarrassing. Because it will make all my left-wing friends go, 'Yuck, how could you be published in *this*?'"

But what sort of story will Terani write? He argues that his hero has to be the "usual muscular white American male," or "UMWAM." He'll have to conquer space, although space is "99.999. . . percent empty." Perhaps he should be a privateer, who will steal from merchant ships to force people to be free. But how can you have capitalism between worlds that are light-years apart?

Barnes's story is the best in the book, because he forces his readers to check their premises. Barnes also shows liberty-minded sf writers the right way to proceed if they want to advance.

Libertarian science fiction often fails because of its predictability. Too often, libertarian writers consider their politics more important than their art, resulting in cartoonish morality plays where the bureaucrats are always wrong and the capitalist heroes always

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win. Moreover, many libertarian sf writers stop their plots for long speeches on the virtues of the free market and the wickedness of the state.

If libertarians continue to produce such didactic and predictable works, they will become marginalized. And their failures will not be the work of nasty liberal sf editors in New York, but their inability to please the vast majority of sf readers, who choose what to buy based on an author's storytelling ability and not on his politics. Very few sf readers choose authors solely because of their ability to quote Rand, Rothbard, or Nock.

There's certainly room for sf novels with confident, heroic protagonists whom libertarians would find inspiring. But novelists who insist on preaching about the virtues of the market are doomed to failure. ❑

Booknotes

Down on the Farm — Catherine McNicol Stock's ***Rural Radicals: From Bacon's Rebellion to the Oklahoma City Bombing*** (Penguin, 1997, 219 pages) is not, the authors demurs, "an investigation as such but an extended interpretive essay." And it seems to be her interpretation of rural radicalism that is the problem.

The first two-thirds of the book is devoted to rural misbehavior from before the revolution to the turn of the century: tax protests, private wars, lynchings, pogroms against the Native Americans, blacks, Catholics, Chinese, and Jews. Stock brings into focus movements and personalities that frequently get lost in the jumble of frontier history. The passing comments on voluntary associations, such as the Odd Fellows and Knights of Pythias, the Grange movement, and the persecution of the Mormons seem to make for an adequate introductory sketch.

But her treatment of recent rural radicalism — everything from farmer activism during the foreclosures of the 1980s, to the John Birch Society and the American Nazi Party — is riven with error and leave me wondering how much she distorted the history of the previous centuries.

There is a distinct difference in the level of respect Stock accords to a particular rural faction, based on whether the faction turned to the "politics of hope," or to the "politics of hate." The politics of hate are vigilantism, racism, union busting, and other dark impulses. The politics of hope, if I read her correctly, has something to do with "grass-roots collectivism, racial harmony, and gender inclusiveness."

The Weaver family, whose confrontation with federal agents Stock blames for spawning the militia movement, gets particularly contemptuous treatment. The fact that Randy Weaver was prosecuted for the "crime" of falling prey to a federal agent's inducements to produce a nominally illegal firearm does not spare him from being labeled "violent" and "linked to rural America's culture of vigilantism," though Stock does mention that there were many rural badmen "who made Weaver seem almost benign."

Stock's stock morality is painfully obvious as she considers the Ruby Ridge incident: "But if Randy and Vicki Weaver had grown up in the traditional seedbed of rural producer [farmer] radicalism, why did they choose hatred and violence over collective protest for democratic change? Instead of attending Family Day at the Aryan Nations compound why weren't they singing at a Farm Aid concert or trying to stop a local farm foreclosure?" Why indeed? For heaven's sake, if only Vicki Weaver had turned to the politics of hope, like respectable womyn, no one from the government would ever have tried to harm her or her son.

Whether Stock's ignorance of even the simplest economics has its origin in lack of interest or political dogmatism I do not know. But I do know that no serious book gains credibility when it makes assertions like her claim that the weakness of the Articles of Confederation lay in its not authorizing the central government to "print paper currency to stop inflation."

Stock's demand for conformity, combined with an unrelenting ignor-

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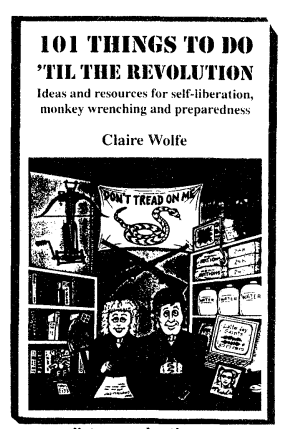

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ance of economics, ruins *Rural Radicals*. Bias and confused analysis have once again short-circuited a serious study of the rugged right wing. —Brien Bartels

Dispirit of '68 — Paul Berman's first book, ***A Tale of Two Utopias: The Political Journey of the Generation of 1968*** (W. W. Norton, & Co., 1996, 351pages), comes not in the 6" x 9" size typical of trade hardbacks, but in a smaller format of 4 3/4" x 7 5/8", an idiosyncrasy favored by the cultural commentator Edmund Wilson. How clever of the publisher to enhance an author's first book with a format peculiar to a distinguished writer — like using a Coca-Cola bottle to sell fizzy tap water. If only to reinforce this pretense of Berman as Wilson, the philosophy professor Richard Rorty, as reliable a flack as any, provides the blurb he must have known the publisher would feature: Berman offers "the same sensitivity to moral needs of the participants, and the same lucid evaluative balance, as did Edmund Wilson's accounts of earlier periods in our political history." (How many advance "comments" had to be solicited to get this one?)

A Tale of Two Utopias opens with this personal sentence: "In the years around 1968, a utopian exhilaration swept across the student universe and across several adult universes as well, and almost everyone in my own circle of friends and classmates was caught up in it." This prompted me to wonder exactly how old the author is, remembering as I do that the events of the late 1960s had a different impact upon those born in 1948 than upon those, like myself, several years older. So I looked first for a biographical note within the book's pages; no luck. For criticism that depends so much upon the pretense of personal authority, *Utopias* contains remarkably little personal information. On page 89 I found that Berman was at "Columbia University" in the late 1960s and so expected him to explain whether the revolution that began within the smaller, more selective Columbia College affected the larger student community. Again, no luck.

The lack of personal reference perhaps accounts for the absence of focus, as the book's dense commentary jumps from one subject to another. The copyright page says that some of the material previously appeared in *The New Republic* and the *Village Voice*, two magazines so over-edited that whatever writing "fits neatly" into their pages looks peculiarly diffuse when standing alone, as in a book. As in this book.

Otherwise, *A Tale of Two Utopias* is a dense and haughty commentary in the tradition not of Edmund Wilson, whose style was clearer, but of Garry Wills and Theodore Draper, authors who stand above their material, look at the recent past with Monday-morning intelligence, display confusions meant to signify complexity, and invite the reader to share this sense of superiority. Some of Berman's remarks — say, about gay activism, or the high proportion of Jewish participants in 1960s revolutions around the western world — are valuable; others are trivial. One persistent problem is that Berman is writing about radicals who had a lot more

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more courage than Berman himself.

As a conventional lefty, writing for self-consciously lefty magazines, Berman has a limited sense of the late 1960s. One thing he doesn't know is that the libertarian movement as we know it also began at that time. I wasn't there, but I've heard about the 1969 convention of the Young Americans for Freedom, at which someone ignited his draft card, only to be mugged by more conservative YAFers. This provocative act obviously took as much moral courage as many of the events described in *A Tale of Two Utopia*'s pages; but since it happened in a context customarily classified as "right-wing," though transcending that category precisely in its anti-statism, Berman and his editors probably know nothing about it. I for one am willing to measure any book purportedly about the radical 1960s solely by whether it acknowledges this crucial episode. —Richard Kostelanetz

The Straight Dope — Much of what passes for drug education material in government schools incorporates palpable junk-science reports that have been discredited among knowledgeable scientists for years, even decades. In the 1970s a small company got contracts to do drug education in a few New England schools and had better results (fewer kids trying grass) with accurate discussion of the costs and benefits of marijuana. But bad curricula often drive out the good ones in monopoly institutions with a captive customer base, and most schools prefer sensational exaggerations even if (or because?) they are not very effective, even counterproductive, at discouraging kids from experimenting with the illicit weed.

Lynn Zimmer and John Morgan have provided a valuable corrective with ***Marijuana Myths, Marijuana Facts: A Review of the Scientific Evidence*** (The Lindesmith Center, 241 pages). Zimmer teaches sociology at Queens College, CUNY, and Morgan is Professor of Pharmacology at the City University of New York Medical School. They have studied and assessed virtually every report on marijuana done in the last several decades.

They demonstrate why the British medical journal *Lancet* was not on the edge but in the mainstream when it concluded in 1995 that "the smoking of cannabis, even long term, is not harmful to health." After all, every major government study, from the 1894 Indian Hemp Commission British report to the 1972 Shafer Commission to the 1982 National Academy of Sciences report, has concluded roughly the same thing. But the prohibitionists have been nothing if not imaginative in financing and citing studies that purport to prove some new and dangerous effect — often with a surface plausibility — that those old reports missed because they didn't have science as modern as ours.

Zimmer and Morgan sift through the evidence responsibly. They acknowledge, for example, that "like tobacco smoke, marijuana smoke contains a number of irritants and carcinogens," and that precancerous cells have been found in the lungs of marijuana smokers. But they point out that to date, no reports have attributed lung cancer solely to marijuana, and note that most people who smoke marijuana smoke much less of it than do tobacco smokers indulging in their vice.

A similar concern for context and an acknowledgment of where the scientific evidence is sketchy or inconclusive informs short chapters on marijuana as medicine, addiction, the gateway theory, motivation and performance, memory, cognition, effects on the immune system, sex hormones, pregnancy, potency, and other topics. After they have guided us through the scientific evidence, their conclusion seems rather modest and obvious:

> More than seventy million Americans — 35 percent of those age twenty-six and older — have now used marijuana; one-fifth still smoke marijuana, at least occasionally. Marijuana is the most widely used illicit drug in America. Indeed, it is the only illicit drug that is used widely. Its use occurs in all regions of the country, among people of all social classes, all ethnicities, all occupations, all religions, and all political persuasions. In an important sense, marijuana use is already a 'normal' part of the culture. What most makes marijuana deviant is its continued criminalization.

Marijuana Myths, Marijuana Facts is an accessible summary of what is known and not known about marijuana on the basis of scientifically respectable studies. In some sections, it is perhaps too brief, but Zimmer and Morgan footnote thoroughly, allowing the reader to sample the primary scientific sources in

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—Alan W. Bock

Consigned to a Lowly Place in the Canon — Terry Pratchett's recent fantasy novel, ***Feet of Clay*** (HarperPrism, 1996, 320 pages), is another flawed romp through Douglas Adams territory. Literally, Pratchett's territory is his own, of course: he sets most of his novels on a flat planet ("Discworld") resting on the back of four elephants marching atop a turtle that swims the heavens — and where magic exists, and color is not limited to red, yellow, orange, green, blue, indigo, violet and the permutations thereof.

But Pratchett is gaining a moral sense and now flashes a bit of a political edge. *Feet of Clay* develops the theme of self-ownership, a theme not often broached in novels of any kind. Amidst the drolleries and excitements, clever sentences pop up: "Probably no other species in the world would demand a receipt with their freedom." But Pratchett's best lines remain in his footnotes.*

Feet of Clay is nowhere near as good as *Mort*, his best effort so far; but it is not as bad as many another book in the popular series that began with *The Color of Magic*. Pratchett's unending quest to maintain a steady stream of comedy — and money; green is surely the color he likes best — has not produced masterworks, but they are not uniformly embarrassing, either.

—Timothy Virkkala

Missing History — Found while browsing in Borders, it looked like just what I wanted for the plane ride home. It was a paperback book about the conjunction of the Middle Ages and the Renaissance, written by William Manchester. What appealed to me was the chance to see how an accomplished historian would write about this era when it was not his specialty. Presumably Manchester would look at this period with fresh eyes. The book had started out as a preface to someone else's book, but it kept growing. Manchester was fascinated by what he learned, and I expected to be, too. The cover said that the book was a "national bestseller."

It did not take me long however, to realize that ***A World Lit Only By Fire: The Medieval Mind and the Renaissance*** (Little, Brown and Company, 1992) isn't fresh at all. It is a re-telling of the old "liberal history lesson" that Stan Evans decries in *The Theme Is Freedom*. This is the history lesson that most of us were taught, the story that everything was grand under the Greeks and Romans, but after the fall of Rome, Europe entered into a thousand years of "slumber" until it was reawakened by the Renaissance rediscovery of classical knowledge.

Manchester tells us about the Romans and their "towering pinnacles of artistic and intellectual achievement," which were followed by the "Stygian murk of the Dark Ages" and "ten centuries of immobility." Europeans on the eve of the Renaissance were "shackled in ignorance, disciplined by fear, and sheathed in superstition, they trudged into the 16th century in the clumsy, hunched, pigeon-toed gait of rickets victims, their vacant faces, pocked by smallpox, turned blindly toward the future they thought they knew — gullible, pitiful innocents who were about to be swept up in the most powerful, incomprehensible, irresistible vortex since Alaric had led his Visigoths and Huns across the Alps, fallen on Rome, and extinguished the lamps of learning, a thousand years before."

Christians were so superstitious as to be "indistinguishable from pagans," we have the "shadowy disciplines" of animism and Scholasticism; and we have the "medieval ashes" from which Europe will "phoenix-like" eventually arise, all in contrast to the days when "Greece and Rome shimmered in their glory."

Vivid and fascinating. But is this history as we understand it today?

Where is the tremendous vitality that characterized much of the Middle Ages? We now know (don't we?) that freedom was fostered by competition among kings, popes and medieval cities. These alternative domains gave ordinary people a chance to migrate to other places to live and work. We now know that the crucial institution of the common law developed step-by-step as feudalism shifted to a society based on voluntary contract.

We now know that the slow accumulation over centuries of institutions, rules, customs, and technological improvements made the West unique — changes outlined by economists Douglass North, Robert Thomas, and Nathan Rosenberg, and legal scholars Arthur Hogue and L.E. Birdzell. We know, as exhaustively detailed by Fernand Braudel, the role of trade and commerce in bringing about a modern European civilization.

Oh, well. In my eagerness to read the book, I had skipped over Manchester's upfront admission that few of his sources are new. Indeed, out of some 265 bibliographic references, only eight were written after 1979 (and one of these appears to be a book for which he was writing a preface). I shouldn't have expected more.

A World Lit Only By Fire is a good read. Unfortunately, if it truly was a "national bestseller" it will be a supplemental college history text for years, and even more generations of students will miss important points about the growth of Western civilization and human freedom.

—Jane S. Shaw

Scot in a Web of Words — To anyone who loves words, the *Oxford English Dictionary* (OED) is a treasure trove. The original aim was to list every word that had appeared in English, provide definitions, and cite the date of its earliest appearance in print and offer a quotation that used the word well. It was conceived — and nearly half of it edited — by a single man, James K. Murray, a modest Scot with little formal education.

K. M. Elisabeth Murray's ***Caught in the Web of Words*** (Yale University Press, 1995, 386 pp.) tells the tale of her grandfather and the OED. James Murray grew up in a Britain with limited opportunities for the formal education of a poor boy, but with boundless opportunities for informal education and self-education. In the 19th century, Britain had thousands of voluntary associations dedicated to the study of

* For example: "It is a pervasive and beguiling myth that the people who design instruments of death end up being killed by them. There is almost no foundation in fact. Colonel Shrapnel wasn't blown up, M. Guillotine died with his head on, Colonel Gatling wasn't shot. If it hadn't been for the murder of cosh and blackjack maker Sir William Blunt-Instrument in an alleyway, the rumor would never have got started." Should those who live by the footnote die by the footnote?

various subjects in which anyone with interest was welcome. Murray joined more than one (he was, for instance, fascinated with botany as well as words). His method of learning other languages was unique: his knowledge of the Bible was so definitive that he could learn a new language by reading the Bible in translation — without the aid of a bilingual dictionary.

In these days of licensing and accreditation, a person with so little formal education would likely be flipping burgers instead of undertaking a project such as the OED. But the lack of academic credentials didn't keep Murray from pursuing his almost unbelievably ambitious goal. The expanse of the task is dizzying: The reading necessary to find quotes, keeping the volunteers motivated, finding volunteers who were competent, maintaining funding from Oxford, the number of slips with quotations that were created (eventually five million) and the physical handling of these slips was daunting. He recruited his children to alphabetize, and they volunteered for other tasks willingly when they wanted extra money.

In the end Murray completed A, B, C, D, H, I, J, K, O, P, T. Of the OED's 15,487 pages, Murray edited 7,207.

—Kathleen Bradford

Final Form — During his creative years, the great American innovator Charles Ives composed symphonies, sonatas, choral works, and program music in relative obscurity, while amassing a fortune in the insurance business. Health problems led to an early retirement from much of his art, though he still continued to revise a few of his pieces, notably the great Piano Sonata No. 2, "Concord, Mass., 1840–60" (which he never really intended to put into a "final form"). Long after he gave up serious composition, however, he used his fortune to subsidize the work of similarly inclined American composers.

In ***Charles Ives: A Life With Music*** (W. W. Norton, 1996, 525 + xvii pp.), Jan Swafford fills in important details of the fascinating story, and sorts through the thorny briarpatch of Ives studies. Swafford not only gets the scholarly issues right, but he tells the tale deftly — and at the end the reader is apt to shed a tear as the cranky composer and his wife Harmony listen to the world premiere of his Second Symphony on the radio . . . and the audience actually applauds as the final, jubilant, nose-thumbing dissonant chord brings the work to its raucous end.

—Timothy Virkkala

***Titanic*. Written and directed by James Cameron. Paramount, 1997.**

The Iceberg Cometh

Stephen Cox

The opening of this film was greeted by nearly unanimous applause. Hollywood observers had grown tired of laughing at *Titanic*'s long delays and enormous costs; they now felt relieved that the world's most expensive movie had finally staggered into port.

During the week before the debut, friends who read my history of the original *Titanic* in the May issue of *Liberty* deluged me with reassuring messages. They had seen the advance reviews, and they believed that this was a Hollywood movie that even a *Titanic* crank could force himself to like. During the film's long gestation, I had visited the set, an enormous model — 90 percent as large as *Titanic* herself — foundering in a water tank on a Mexican beach. I was impressed. This movie might not be good, but there would certainly be a lot of it.

And there is. It's three hours long, and it has something to offer everyone. Well, almost everyone. To wit:

1. Teenagers, of all ages. They are the largest audience for movies, so it is obvious, is it not, that the largest share of every movie should be devoted to things that turn them on. Accordingly, the largest share of *Titanic* is devoted to a love affair between two mythical teenagers, Rose (Kate Winslet) and Jack (Leonardo DiCaprio). As in every other teenage movie, the girl is rich and bored, the boy is poor and wild, and they wind up having sex in the back seat of an automobile. You might think it would be hard to arrange for this to happen in a movie about an ocean liner that sank in 1912. But the solution was simple. Part of *Titanic*'s freight consisted of . . . automobiles! It really did. So it was easy to have Rose and Jack stroll down to the cargo hold, find a back seat, and start going at it. I hope I'm not spoiling the plot for you.

Naturally, the girl's rich acquaintances — including and especially her pompous, stuck-up fiancé — spend all their time rubbing it in about how rich they are, and she retaliates by spending all her time being obnoxious. When Mr. J. Bruce Ismay, Managing Director of the steamship line (a real person, but not in this movie), innocently boasts about the *Titanic*'s titanic qualities, young Rose lets him know what Freud has to say about the human male's fixation with *size*. She expresses her unhappiness in a still more definite way by trying to jump off the ship. Unfortunately for all concerned, Jack turns up to save her. Thus begins a series of adventures that is sure to entertain not only teenagers but also that closely related audience,

2. Lovers of situation comedies. These folks will enjoy seeing all the wacky things that our cute young couple finds to do. The boy teaches the girl how to spit, and (imagine!) they both get caught at it! Then they run up and down the ship, and the grownups try to chase them! Hilarious fun, and exactly like TV, right down to the boy's puppydog panache and the girl's glori-

ous freedom from any appearance of depth or consistency: it can truly be said that she succeeds as a character where Lisa Simpson fails. The camera also does its best to maintain that made-for-TV feel. Its default mode is always the closeup, and it even manages to provide some MTV-style strobe effects with deck lights that keep flickering on and off. And what could be more telefriendly than a good, old-fashioned appeal to

3. Lovers of afternoon talk shows. Here is the film's great innovation.

As in every other teenage movie, the girl is rich and bored, the boy is poor and wild, and they wind up having sex in the back seat of an automobile.

Instead of making a movie about what happened to the *Titanic*, which after all is merely one of the world's greatest stories, the people responsible for this production made a movie about an old woman (Rose, now 101 years of age) who suddenly decides to share her feelings about herself and the way she lost her virginity, eight decades before. Oprah Winfrey, are you with us? What Rose has to share must surely be more important than anything not directly connected to meditations on adolescent sex. It is *so* important, indeed, that as far as possible, everything else is excluded.

Oh, there are a few exceptions, a few outbreaks of adult reality, but they're kept firmly in line. They're taught their place. One of the most famous *Titanic* anecdotes involves Benjamin Guggenheim, a wealthy passenger who appeared on deck while the lifeboats were being loaded, accompanied by his secretary, Victor Giglio. Both of them were wearing evening clothes. Mr. Guggenheim said, "We've dressed up in our best and are prepared to go down like gentlemen." Of course, such a mysteriously moving remark is not the sort of emotional sharing that television viewers understand. So the script turns Mr. Guggenheim's moment of glory into a TV giggle. He makes his remark, then he adds a properly self-deflating kicker: "But we would like a brandy." So much for him! It's the job of mythic Rose to come up with the really deep stuff, like her concluding message: "A woman's heart is a deep ocean of secrets." That'll give you something to mull over. But if you're not a particularly good muller, you may be part of yet another target audience. You may be one of those

4. Lovers of action films. These people required some special attention. They could not be expected to dote on Rose's memories of romance — while they're waiting impatiently for the iceberg to come along. And it doesn't come along for the first two hours. *After* it does, the action guys could be fobbed off with standard variations on a theme: Jack saves Rose from danger; Rose saves Jack from danger; repeat this about 900 times. But what to do with that long beginning? Once more, a simple solution was found: have the film start with an exciting episode from . . . modern life! Start off with a gang of hearty, bawdy he-males rodding around the ocean floor in big humungous machines with lights and prongs and levers and metal things all over, trying to find this big humungous diamond that's kept in a safe down there in this big humungous old-time ship. But these guys don't find it, see, at least not right away, so this old dame Rose gets into the act because she claims to know about that diamond, see? And that makes you wonder, will anybody ever find that diamond? If you want to know, just watch this movie.

And that's how you hook the action guys. Also, these guys are known to be suckers for special effects, and *Titanic* has some pretty good ones. Granted, they have their limitations: the skies aren't realistic, and some good ideas for effects (such as the distress rockets, which should look wonderful but don't) fall victim to the prevailing close-up method. But most of the effects are convincing, and a few are startling.

Success in this line helps to mollify both the action guys and a radically different group of people, a group that is less important (because less numerous) and yet could conceivably have some impact on the film's publicity and drawing power. These are the unlikely souls who actually know something about the ostensible subject of this work of art and can therefore attest (or not) to its credibility. I refer to the small but growing army of

5. *Titanic* fanatics. These folks are sticklers for accuracy; and by God! they get some. True, most of the film is about fictitious people who would be just as happy in *The Towering Inferno* or *Little Orphan Annie*, but to make up for that tiny deficit in the fact department, almost all of *Titanic*'s real passengers and crew are omitted, so that no falsehoods are told about *them*. And the nonhuman aspects of the disaster are reproduced with some fidelity. The filmic ship usually looks about as large (though not nearly as complicated) as the real ship, and the individual sets are usually very good replicas of the real ship's stairways, staterooms, decks, and so on. It's fun to see good color footage of scenes that you've only witnessed before in black and white stills. It's also fun to hear, from time to time, some bits of dialogue that were actually spoken on *Titanic*.

But the moviemakers' crowning touch is the inclusion of just enough mistakes to allow anyone who's ever read a book about *Titanic* to feel absolutely swell because he can point them out. I feel swell because I can tell you that the hymn sung by the actors contains a verse that didn't exist in *Titanic*'s time. I can also testify that steam came out of only three of *Titanic*'s smokestacks, not out of four, as it does in the movie; and that the broken stern section of the ship didn't behave quite as theatrically as the movie makes you think it did. And it's good to be able to say that the people on *Titanic* weren't quite the one-dimensional weaklings, bullies, and hypocrites whom the film's revisionist history portrays. Whatever the film

Instead of making a movie about what happened to the Titanic — merely one of the world's greatest stories — they made a movie about an old woman who suddenly decides to share her feelings about the way she lost her virginity.

may show to the contrary, it's not true that any officer accepted a bribe to let someone into a lifeboat. It's not true that any passengers ran about the decks shooting pistols. It's not true that there was any serious violence, let alone any gunfire, at the barriers that temporarily separated some third-class passengers from the boat deck. It's not true that Managing Director Ismay, in a fit of commercial competitiveness, bullied Captain Smith into speeding up while *Titanic* was heading toward danger. It's not true that after *Titanic* sank, only one lifeboat tried to rescue people who were freezing in the water: some boats couldn't, and some boats didn't, but more than one boat tried.

Well, so what? Those are just some isolated facts. Yes, a number of them are associated with human stories that might have added a certain interest to the film, but so might a lot of other things that got left out. And what's the point? Do we have to have good stories? ❑

Filmnotes

Southern Discomfort — *Rosewood* (directed by John Singleton and available at your local video outlet) is set in rural Florida in 1923. It is "based on a true story" of the destruction of a relatively prosperous black community at the hands of its white neighbors. Many of the plot elements here — hordes of small town southern white thugs, a white woman's false claim to have been raped by a black man, the long-suffering blacks' resistance to oppression and violence, the appearance on horseback of a black war veteran, Mr. Mann (played by Ving Rhames) — invite a bromidic treatment. Yet the film rises well above this.

The civil society of Rosewood is strikingly different from the neighboring white town of Sumner. Sarah (played by Esther Roll), who is the matriarch of the Carrier family of Rosewood, explains to Mann that "colored folks own all the land around here, and most of the businesses too." While the blacks of Rosewood are farmers and artisans, the envious whites of Sumner seem not to have risen above the hunter-gatherer stage.

The pivotal figure in the film is Mr. Wright (played by Jon Voigt), the white owner of the general store in Rosewood. Wright is hardly an exemplar of racial enlightenment. He's getting it on with his not-so-willing black shop assistant. He expects special deference from his black customers. And he is indignant when the newly arrived Mann outbids him for a prime piece of agricultural land. Yet he knows his customers; he recognizes their humanity and decency. What may have begun as a purely arm's-length commercial relationship has evolved into an appreciation of the worth and moral standing of his clientele.

Wright is horrified by the escalating mob savagery against the people of Rosewood — and not merely because their destruction will be a financial disaster for him. Hesitantly, Wright comes to the aid of the beleaguered blacks — as does his wife. For this, the leader of the mob hurls the ultimate insult at Wright; he is denounced as a "shopkeeper."

This contrast between benevolent commercial order and pre-commercial savagery appears again when the only people to assist Mann and Wright in their rescue of the remnant of Rosewood are the local railroad's conductor and engineer — the only other white representatives of the commercial order to appear in the film.

The blacks of Rosewood are armed — probably in violation of local statutes. Early in the film, Sarah's son Sylvester (played by Don Cheadle) brings along his shotgun when he "requests" that a number of Sumner's whites stop their harassment of his younger sister. The possession of firearms provides the inhabitants of Rosewood with their only alternative to total servility to their white neighbors. Moreover, only their possession of firearms provides them with some capacity to defend themselves once those neighbors — with more than acquiescence on the part of the local sheriff — begin their murderous assault.

Rosewood probably is not intended as a brief for the right to bear arms; yet one is reminded that attempts to disarm the freedmen played a salient role in the South's post-Civil War effort to sustain the economic, civil, and political subordination of blacks. —Eric Mack

Ken and Barbie vs. The Bugs — I just saw *Starship Troopers*, a movie I swore I would never see, and I am a convert. It is amazingly faithful to Robert Heinlein's vision.

One character even gets to speak a line that is right out of the anarchist playbook: "When you vote you are using force . . ." At the same time the filmmakers get to satirize, amusingly if heavy-handedly, the fascism that Heinlein seemed to be advocating.

The film is also technically brilliant. Not just the special effects, but the film editing as well. A miracle of concision. The murmuring of the audience (especially the many teenagers) seemed to indicate they thought the movie was stupid, with good fight scenes. Well, who expects anything of the proletariat anymore? —Brien Bartels

Breaking Into the Genetocracy — Film makers seldom make movies about intelligence. In recent years films

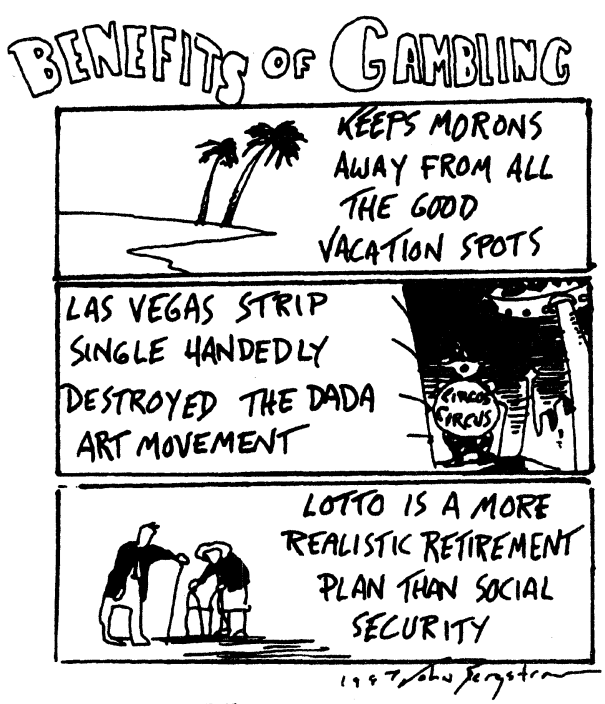

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such as *Little Man Tate* (1991), *Searching for Bobby Fischer* (1993), and *Phenomenon* (1996) have targeted genius, but this fall's *Gattaca* is the most ambitious exploration of intelligence yet in film.

It immerses its story in the philosophical problem of nature *vs.* nurture, factoring in something that may be more important than genius and good breeding: exceptional desire and exceptional ambition.

The future, according *Gattaca,* is one of precise genetic engineering. Parents go to medical technicians to conceive a child; each egg is carefully matched with each sperm, and the resulting zygote is then operated on. Bad genes taken out, good genes put in. In this world, all the things that natural selection is supposed to remove over generations, are removed artificially. Indeed, one can select I.Q., eye color, or body type; or *de*select heart disease, a propensity to alcoholism, or . . . resistance to regimentation, apparently.

Gattaca's hero, played by Ethan Hawke, is a "non-valid" member of society, someone who was conceived naturally, was diagnosed with heart disease and an average I.Q., and doomed by the technocracy to a life of menial labor.

He does not accept this fate. Despite his weak heart and his lackluster test scores, he yearns to travel in space, so he becomes a "borrowed ladder," a person who takes on the identity of a "valid" member of society, sneaking in urine samples, concealing packets of blood under false fingertips, carefully vacuuming up his dried skin from his computer keyboard, greasing down his own hair and leaving samples of his alter ego's hair in the comb in his desk. He attains his heart's desire. He is hired by Gattaca, a space exploration company, to plot trajectories for a deep space mission dear to his office supervisor (played by Gore Vidal, an unexpected, but perfect, casting choice). And he turns the eye — and eventually the mind — of a co-worker, played by Uma Thurman.

But there is a murder in the office, and although the viewer is pretty sure that our hero didn't do it, the ensuing investigation could easily uncover his secret. The mystery is bigger than a mere whodunit. The nature of humanity is at stake.

There is but one flaw in this film. Near the very end there is a suicide, but though the film conspires to make this event seem both heroic and sublime, the more one thinks about the suicide, the less heroic and sublime it seems to be.

Andrew M. Niccol, the writer and director, has previously made commercials, not feature films. His experience has not influenced the film's pace (which is elegantly slow), but it does seem to have influenced the staging and framing of each shot; one could take a still almost at random and place it on the wall.

It would be hard to ask for more in a film. *Gattaca* turns out to be an inspirational answer to *The Bell Curve,* a book whose influence surely has not yet peaked. It takes its place alongside *2001: A Space Odyssey* and *Brazil* as one of the most "valid" examples of filmed science fiction. —Timothy Virkkala

What makes a bank… a bank?

Isn't it something to do with fractional reserve? Accepting deposits and making loans?

Not exactly. Anyone may borrow money from someone and lend some of it to someone else. If A loans 100 bucks to B, and B loans 80 bucks of it to C, and C loans 60 bucks of it to D – now there are 240 bucks worth of loans outstanding, backed by a fractional reserve of 100 bucks of base money.

B and C have engaged in financial intermediation; credit allocation and amplification. They accepted deposits and made loans. But they haven't committed banking.

If money lending isn't the *sine qua non* of banking, what is?

Here's a hint. In our example, after these various loans, who can spend how much?

A can spend nothing until B repays some money. B can spend 20 bucks, C, 20 bucks, and D, 60 bucks.

But what would you call it if B leads A to believe she can still spend her 100 bucks, as readily as if B was safeguarding it for that purpose?

The defining act of banking is to circulate more demand-claims to cash than there is cash to back the claims. Bankers apply fractional reserve practices to the payments system*.

So what's the problem? After all, hasn't this been going on for hundreds of years?

Yes, and the historic result has been a ratcheting debasement of the very substance of cash money: the gold which depositors entrusted to the safekeeping of bankers was taken and coercively replaced with government debt instruments.

Who cares? Almost everyone is conditioned to think of gold as barbarous relic or speculative commodity, unfit for service as a monetary medium in a modern integrated economy. Granted, multiple generations of creditors past may have been fleeced by broken promises, devaluations, and repudiation. But the process is now complete, and legal tender backed by perpetual debt comprises a stable paradigm, right?

If you are content that the 'figment standard' provides an adequate store of value for you and your family, confident that the bank-administered payments system is sufficiently robust to weather any and all market squalls, and convinced that politicians' promises are 'as good as gold' – be merry. Remain utterly dependent on the banking system and the kind of money they traffic in.

Alternatively — just in case the music eventually stops and a frenzied scramble for seats ensues — perhaps you should look into **e-gold**™

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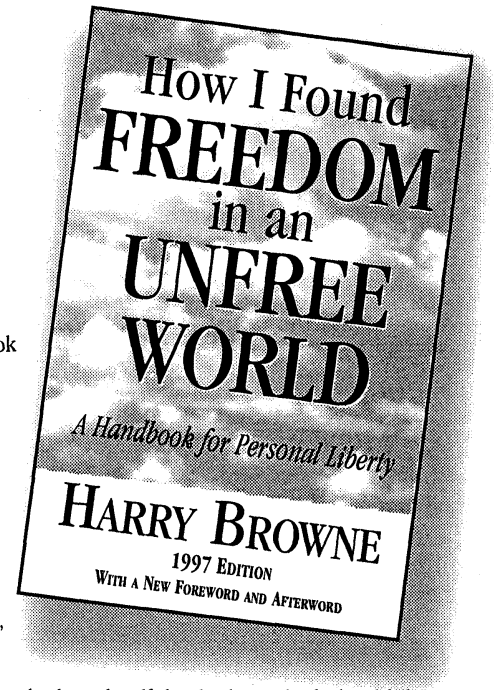

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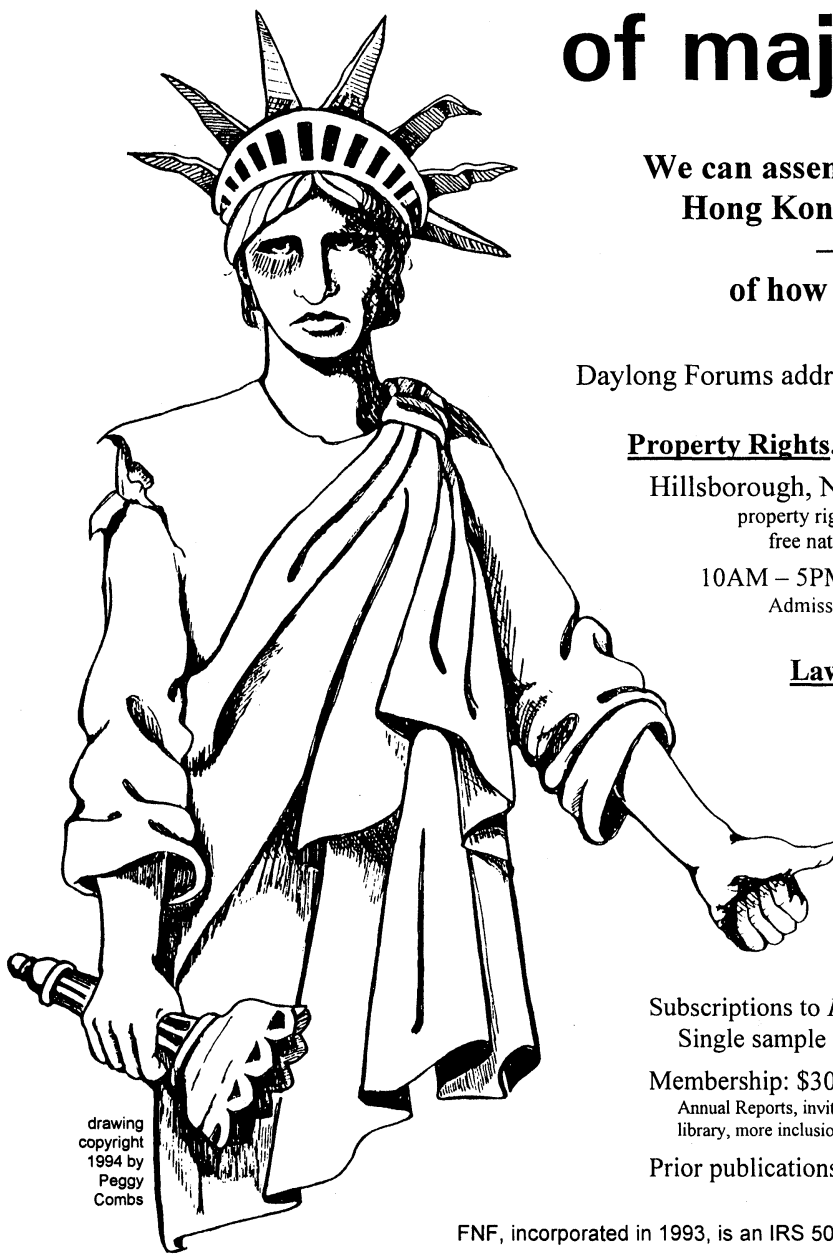

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Inside Liberty

May 1998
Volume 11, Number 5

4 **Letters** To subscribe to *Liberty* does not mean to subscribe to everything in its pages.

9 **Reflections** The ladies and gentlemen on *Liberty*'s masthead head off the onslaught of the pollsters, slough off the lightweights of the media, put off till tomorrow the asteroids of today, and turn on our own kind.

19 **Clinton's Follies** *Liberty*'s editors review this famous comedian's farewell performance.

Features

28 **The DEA Wishes Me a Nice Day** The War on Drugs continues, even against the wishes of the California voters, as *Peter McWilliams* discovered, when those nice chaps at the DEA broke down his door.

33 **Freedom and Madness** *Thomas S. Szasz* examines psychiatry's peculiar institution.

37 **The Temptation of Bill Gates** *Brien Bartels* wonders whether Microsoft will give in to the temptations of power.

38 **Free Speech for Software Writers** *Durk Pearson* and *Sandy Shaw* argue Microsoft should stand behind the First Amendment.

42 **The Empire Strikes Out** *Alan Bock* suggests the citizens of the "Adolescent Empire" should put away their childish things.

45 **How the EPA Made us Rich** Washington D.C. is not known for its cuisine, but some regulators sure know how to cook the books. *Ben Bolch* and *Bradford Pendley* sample the exotic bureaucratic fare.

47 **The Pontiff's Polemic** *James M. Vinoski* explains why the Vicar of Christ comforts Castro and condemns markets.

Reviews

49 **The Fading Myth of JFK** *R.W. Bradford* wonders how the world would have been different if Jack Kennedy had not, on that fateful day in 1963, grabbed one of his sexual playmates and injured his back . . .

53 **Fool Britannia** *Martin Quoile* examines a "pro-liberty" novel and finds a nationalist attack on freedom.

56 **A Public History of the Campaigns That Failed** Truth may be the first casualty of war, writes *Mark Brady*, but liberty is the second.

58 **Simplicity Rules** Richard Epstein makes a powerful case that complex societies need simple laws. *John Hospers* cautions against oversimplification.

61 **The Closing of the Japanese Mind** Americans complain about Japan's barriers against foreign intellectuals, but as *Michael J. Oakes* shows, those barriers hurt the Japanese far more than Americans.

64 **Making Sense of a Life** The trouble with the Oscar-nominated documentary about Ayn Rand, explains *R. W. Bradford*, is that it doesn't even try to tell the truth.

65 **The Number of The Best** *Richard Kostelanetz* finds that a catalog listing his books may be at least 50 percent accurate.

67 **Science Fiction Fandom Strikes Back** *Victor Koman, Rex F. May, Michael Grossberg*, and *Victoria Varga* explain what's wrong with what *Martin Morse Wooster* had to say about libertarian science fiction.

70 **Notes on Contributors** Who we are and what we do.

Letters

Cops Against Gun Control

Harry Browne's apparent belief that most police officers favor gun control ("Unequal protection for the Law," March) is probably the result of the press's proclivity to report surveys of *chiefs* of police — many of whom are political hack appointees — rather than rank-and-file officers.

In a 1993 poll of 10,614 police officers, the *Atlanta Journal* reported that 90 percent of respondents believe that citizens have the right to defend themselves with guns, and that 96 percent believe that gun ownership should not be against the law.

Yes, we've all seen rows and rows of uniformed police officers standing on the steps of some capital building in support of anti-gun legislation. But the press fails to report that these officers are often required to attend these media affairs regardless of their own views.

Gerald T. Lang
Newman, Ga.

Hidden Agenda

J. Philippe Rushton's article ("The New Enemies of Evolutionary Science," March) was fascinating, reminiscent of Galileo's problems with the Church. It is tempting to argue that widespread vehemence against an idea is itself evidence for the validity of the idea, else it would not be necessary to suppress it. Certainly the would-be censors must themselves suspect that the idea is true, for otherwise they would simply marshal the evidence against it.

Another interesting question is why so many white people are outraged by the suggestion that they may have a slightly higher average intelligence than blacks. Strange, isn't it, that the insult is their suggested average superiority to blacks, not their suggested average inferiority to orientals? One can see that, if they prize values such as equality and racial harmony, they may find this evidence disturbing, but the disproportionate amount of outrage suggests that there is something else about this evidence that is disturbing to the left. I suspect that it is because the evidence exonerates capitalism. After all, if, under capitalism, whites go to the top even though blacks are their equals, then capitalism condones racism, and is therefore evil. On the other hand, if whites rise due to superior inborn ability, capitalism can't be faulted for this.

Richard Fuerle
Grand Island, N.Y.

Freedom Is for Everyone

Freedom of expression should belong to everyone, even those whose views are offensive, wrong, or — in the case of J. Philippe Rushton — both. I'm pleased that he has fended off those who would restrict his academic freedom, and I certainly understand that in printing his account of his troubles, *Liberty* is not endorsing his odd views. I look forward to future discussions of this theme — perhaps an article by fringe Afrocentrist Leonard Jeffries, who many conservatives think should be dismissed from his academic post for the "crime" of espousing ideas as offensive as, and even more absurd than, Rushton's.

Unfortunately, Rushton's commitment to free speech doesn't seem to extend very far. By his own account, he used the threat of a libel suit to silence his critics at the *Toronto Star*. Evidently, it's all right for Rushton to compare his foes to the Inquisition, but not for his foes to compare him to the Nazis. I suppose it's just a matter of whose hyperbole is being gored.

Later, Rushton became unhappy when, in order to get to class, he had "to run a gauntlet of demonstrators shouting protests and threats." So, he continues, he had the university "warn the demonstrators that further action would lead to suspension and legal action." I'm dependent here on Rushton's description of events, but that sure sounds like more than an injunction against disrupting class.

It's a shame that Rushton's experience fighting censorship didn't instill in him a respect for the free speech of others.

Jesse Walker
Washington, D.C.

Rushton responds: Good grief! Since when does free speech include the right to make threats of physical violence, but not the right to threaten a libel suit? Is there no difference at all between the threat to free speech posed by criminal prosecution and that posed by libel laws?

I'll grant that my views are offensive and odd, to some people, anyway, though what's offensive and odd to me is that conducting research on race differences in exactly the same fashion as my previous work in social psychology has resulted in my becoming a pariah, my life threatened, my property destroyed, criminal charges leveled against me, and my livelihood threatened.

But I will not grant my views are wrong. If Walker had offered so much as a scintilla of a hint as to why he thinks they're wrong, I'd be happy to respond. But it is difficult to respond to pure denunciation.

As to whether he will find an article in some future *Liberty* by Leonard Jeffries, I cannot speak for *Liberty*'s editors, but I suspect that if Jeffries's peer-reviewed scientific research led to criminal charges, threats of violence, etc, *Liberty* would be hospitable to his views.

Government Works, Sometimes

Harry Browne flatly states "there is nothing government does well" ("Bennettudes," March). If doing well means doing better than the competition (which is a more rational measure than some arbitrary standard), I can offer two areas of government excellence.

First, government can field an army like no other association of people can.

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The U.S. flag is a powerful symbol to those who marched under it. Contrary to the libertarian fantasy of peaceful isolationism, the Pax Americana that the world now enjoys is directly rooted in our militarism. Earth 1998 requires an international policeman.

Second, government can undertake investments that are beyond the event horizon of the private capital markets. Historical examples include the Post Office and the interstate highway system. This is the modern justification for government, and we should encode it as the 28th Amendment, in anticipation of the day we return to a constitutional republic. It is also a sore point that divides us "science fiction" libertarians from the myopic and essentially conservative political junkie types.

In the next century, we are going to crack open the space frontier by working from the hundreds of billions of tax money already invested and hundreds of billions yet to come. Don't see any value in that? Come back in a few hundred years.

Even wilder is the age of microbiology we are entering on the strength of large government investments like the Human Genome Project. Our understanding of the details of the workings of our bodies is going to mature far beyond its present level, and, many billions of tax dollars down the road, diseases like cancer and aging will fall.

Our political philosophy should be one that carries us into the best possible future. We go just as wrong by forbidding government participation in areas where it excels as we do by glomming bureaucrats onto problems best solved privately.

Tom Jaquish
Tucson, Ariz.

Lunar Payoff

In "Bennetudes," Harry Browne responds to William Bennett's eulogistic statement the federal government "landed a man on the moon" with "I doubt that William Bennett knows how much that cost or in what practical way it enhanced society." Frankly, I'd be surprised to learn many other people did. The technological fallout from that effort benefits me every day, in the PC and peripheral equipment I use for access to the Internet — not to mention, quite possibly, the Net itself — and in the pocket computer that contains most of my life's useful data. Was Mr. Browne covertly including a government program that was an alloyed evil? Had I been consulted at its outset, I hope that I would have opposed the space program — but I must bow to honesty and admit that the miniaturization whose market it so buttressed has been very useful to me.

Eric Sanders
Sterling Heights, Mich.

Open Secret

I was pleased to find Harry Browne's "Freedom's Unknown Guru" (November 1997). Starting in 1965, I took the first of many of Galambos's more than 100 courses offered through The Free Enterprise Institute and his subsidiary companies. (I also took Harry Browne's course "Economics of Success" in February 1966.)

My patronage of Galambos's Free Enterprise Institute was strictly a fee for service proposition. There was no movement to join or a program to follow to enjoy the voyages of discovery he conducted on the whole wide world in which politics is a minuscule but pathological part. For me, it was an intellectual leap into the 25th century — the ideas were so magnificent. Further, I enjoyed a pleasant but intense personal relationship with him up to the time he was incapacitated and to the day before he died.

Admittedly, I never taught any courses under the auspices of The Free Enterprise Institute, as did Mr. Browne, so my experience with Galambos was on a different basis and it was wholly refreshing. Many others of my acquaintance shared the same experience.

I take issue with Mr. Browne on several of his representations, two in particular: "But first he made them agree never to tell anyone about his ideas" and "He required every student entering one of his courses to sign a contract agreeing not to divulge any of his course ideas without permission . . ." Sadly, Mr. Browne misinformed his readers with those statements. The truth is, all of Galambos's courses were offered with an unapologetic proprietary notice which enthusiastically encouraged use of the ideas as long as primary credit (acknowledgment) was given. And it was voluntarily accepted by the enrollees!

Further, Browne failed to mention that Galambos offered his courses with a 100 percent tuition refund guarantee. In brief, if an enrollee did not agree he received his time's worth and money's worth his tuition was refunded in full. As a result, Galambos not only took a financial risk but more importantly he risked his name and reputation on his courses that were highly intellectual in content. Certainly Galambos's policies were unusual but they were utterly consistent with the man's message.

In Galambos's words, "He stands for FREEDOM, then, who respects property absolutely and works for the establishment of a society in which all property is fully under the control of the owner." Freedom may well be one of the world's best kept secrets. However, Galambos was not one who tried to keep it so.

Edward T. Marshall
Los Alamitos, Calif.

Number One

I am baffled by this attack on Llewellyn Rockwell ("For Mises' Sake," January). When the media used portions of an incomplete film of the arrest of Rodney King to whip up hysteria which led to the tragic L.A. riots, who dared tell the truth about what really happened? Only Rockwell, and a court of law vindicated him. Llewellyn Rockwell is the number one libertarian thinker in America.

Robert Hauser
Glen Ridge, N.J.

Ill-Endowed

Richard Kostelanetz's reflection ("Thickness: left, right, and libertarian," March) is both silly and irrelevant. The convoluted discussion of the abolition of the NEA and NEH as alignment with America's opponents is silly. The comparison with the Department of Defense budget is irrelevant. The fundamental fact is that it is *wrong* for the government to take money from me to endow something that offends me.

Grant Hansen
Philadelphia, Penn.

Why Government Is Evil, a Clarification

Harry Browne's attempt in "Saving Capitalism" (March) is a prime example of the libertarian movement's lack of moral philosophy. He proclaims that libertarians "side with individual liberty and personal responsibility — not the force of government — on all issues at all times," because "libertarians . . . know that government doesn't work."

This is a sorry excuse for a defense of capitalism. The defense of capitalism

does not lie in the fact that "government doesn't work," a vague progressive-style soundbite void of meaning. Capitalism is the only proper social system because it is the only moral social system. It is moral because it is based on the recognition of the individual's right to his own life, derived from man's nature as a rational being. Humans cannot survive without the use of, or reliance on reason, for they do not possess animal instincts. The negation of man's ability to reason, and thus the negation of man's life as a rational being, is physical force. Thus, a government that initiates physical force of any kind against an individual is immoral, because this violates an individual's right to his own life. Such a government does not simply "not work." It is anti-life. *It is evil.*

For quite some time I did not understand why the Objectivists were so vigorously opposed to the libertarians, but now, older and wiser at 19, I clearly understand why.

James Markey
Santa Cruz, Calif.

Datum Erratum

Durk Pearson and Sandy Shaw ("Lies, Damn Lies, and the Census Bureau," March) erroneously report that David Murray of the Statistical Assessment Service works for SAS, the statistical software giant.

The Statistical Assessment Service is a small Washington, D.C.-based nonprofit research organization that looks at the way that science and statistics are conveyed by the media. The SAS Institute, based in Carey, North Carolina, is the world's largest privately held software company. It took in $653 million in total revenue in 1996. The two organizations have nothing to do with each other.

Pearson and Shaw contend that "SAS is not political." While that is true, Murray of the Statistical Assessment Service comments frequently on political matters.

Jesse Malkin
Seattle,Wash.

Grazing for a Fight

Please inform John Baden and Douglas Noonan, authors of "The Predatory Bureau" (March), that bison are bovines and not ungulates. Grouping bison with deer and elk is like grouping humans with deer and elk; there may be superficial similarities (each organism has a mouth, for instance) but that is all.

Also, inform Baden and Noonan that Yellowstone National Park is not an "overgrazed theme park," something they would know if they based their opinion on experience from being there, rather than on the spurious attacks of national park detractors. The grasslands of the intermountain west and the prairies of the Mississippi and Missouri River valley evolved under the grazing pressure of millions of large herbivores. Penning animals, as we do with cattle, or concentrating ever-increasing numbers of cattle around salt-licks, for example, are much more important issues than the effect of dwindling numbers of bison and elk in our national parks. Bison are "slaughtered" in Yellowstone because they are migratory animals that want to leave the Park. Ranchers on the border of the Park don't want them to leave, for reasons of their own, and Park managers have been forced to accede to their neighbors' wishes. When the bison try to "escape," they are gunned down by the very people who wish for the animals to be confined. Pretty neat, huh? No government conspiracy there.

Historically, Yellowstone didn't support a particularly large population of bison; certainly not as many as the Park must now support. But with human impact in former bison habitat so prevalent, what's the poor animal to do? Would Baden and Noonan care to have a herd of bison grazing in America's corn belt? Or in their own back yard? Hardly.

While the role of predators like wolves and mountain lions cannot be disputed, their action is highly over rated by journalists who ignore the fact that aboriginal humans also preyed upon the large herds of North American herbivores which so typify modern impressions of the "wild west." If Baden and Noonan wish to use ecological examples to advance their own agenda, it is suggested that they enroll in a few college-level introductory biology courses to enable them to understand the concepts of which they write.

Peter Stekel
Seattle, Wash.

Baden responds: An ungulate is any hoofed, herbivorous quadruped. There are four orders of ungulates. *Artiodactyla* is the one that includes bovines.

Regarding my experience in Yellowstone, I live just north of the Park and have visited it at least ten times per year for the past 30 years. My visits include several trips with ecologists and wildlife biologists and a bike trip of 160 miles at 10 mph.

Some of Mr. Stekel's other observations are correct (e.g., Yellowstone had few bison, Indians killed huge numbers of animals) but are irrelevant to anything that Noonan and I wrote in our article.

Science Without Subsidy

Ross Overbeek's review of Terence Kealey's *The Economic Laws of Scientific Research* ("The Invisible Hand and Pure Research," March) demonstrates, through the unfortunate examples Overbeek chooses, the very thought processes Kealey excoriates in his book. Government-funded big science has its own agenda, and it isn't always the discovery of new facts and ideas. Overbeek, an outstanding writer for science and liberty, may have been handicapped by his own connections to big science at Argonne National Laboratories, and has not applied his own fertile imagination and excellent scholarship to thinking creatively about the problems Kealey approaches in his book. Overbeek's review of the book is overall quite positive, and the book indeed contains flaws, but the nits he picks are not among them.

Overbeek's examples — high-energy physics, Euclid, the Internet — are results produced by and attributed to the largess of the state. Kealey's likely response would be: Who can say that the results might not have been produced in a different way, or that the same scientists might have solved different but equally important purely scientific problems if they had been working in a different environment?

High-energy physics, which Overbeek no doubt understands much better than I, is basically the focusing of a lot of energy into a very small place. The amount of energy focused is very large at the nuclear level, but laughably small at the human scale; fractions of a microjoule, the energy involved in dropping a grain of sand to the floor. We are told that gigantic accelerators the size of a Texas county are needed to focus this energy, and measurement instruments the size of a building are

needed to look at the results, to be interpreted by another building full of post-doctoral physicists. These are the solutions arrived at when a national budget is applied, but no one has proven that these are the only ways to accomplish the task. The basic physics of event production and observation hasn't changed much since the hand-sized accelerator of Lawrence; perhaps it is time to choke off that approach entirely and see what the experimentalists come up with next. Private funding would be an effective way to redirect the field.

Euclid's *Elements* are no doubt useful, but are mostly a restatement of earlier work, a theme Kealey repeats often in his book. Euclid was a teacher, not a researcher. The origins of the ideas Euclid repeats are lost in time, and are not proven results of government funding, though Euclid's teaching position was. Yes, Euclid was vexed by a student that didn't value knowledge for its own sake, but enough students did to preserve Euclid's work after the government that funded him vanished. Perhaps if Euclid had focused more effort on pleasing his students, and less on pleasing his patron, *Elements* would be even more readable and geometry would be a more popular subject.

The attribution of "the Internet" to government funding is like attributing the invention of the automobile to the builders of the interstate highway system. People paid by the government have contributed a lot to the development of the current incarnation of the Internet, but so have private companies, private academics, and hobbyists. Without ARPAnet and CERN's HTTP (hyper text transfer protocol), the Internet would be different, but would it be worse? What would have developed instead? Hard to say, but *something* would have. Some of us have been interconnected with semi-private computer networks since the 70s (uucp, usenet, fidonet) and the introduction of the government version of the Internet has made many things better and many things worse. Who knows how things would have turned out if fidonet, say, evolved naturally without the subsidized competition of the Internet? The study of Internet "might have beens" would make a whole book in itself, and I don't blame Kealey, not a computerist, for letting that subject pass by.

Kealey did write some fascinating things about the Babbage Difference Engine — Babbage spent huge sums, designed badly, and managed the project incompetently, resulting in failure. Later researchers actually built similar mechanical calculators, and showed that functional difference engines could have been constructed with the technology of Babbage's times at a fraction of the cost. They also discovered the machines to be useless. Yet Babbage is trumpeted as a founder of modern computer science, when his work was at best an expensive sideshow. If government science is good at anything, it is in mis-attributing credit for accomplishment to its own puffed-up lackeys.

Kealey nowhere says that government expenditure can't result in good science. It does. What he does say is that private funding results in *better* science and *more* science, and that includes pure theoretical science. Sometimes industry-funded theoretical science looks an awful lot like applied science, but that is only because an industrial environment exploits the theoretical ever so much faster. This is good, and nothing to be ashamed of. Let us never confuse free inquiry with dilettantism.

Perhaps, if an outstanding scientist like Overbeek developed in a more private environment, I would now be playing with my Overbeek Photoprogrammable Ribosome (manufactured by his multi-billion dollar biocomputer company, Nanosoft) instead of writing this letter. It saddens me that I have missed so many wonderful scientific developments because great minds are insufficiently exposed to the synergy of creativity with economic productivity. If only one great mind learns this from Kealey's book, my intellectual world will be richer.

Keith Lofstrom
Beaverton, Ore.

An Editorial Suggestion

Unless you take a stand on this foreign trade (NAFTA, GATT, etc.) which borderlines on treason, I'll not be a part of anything. Lose the ball-bearing or textile business and the wheels of industry don't roll and you have holes in your pants at your Chinese buddies' whims.

William B. Walthen
Fort Worth, Texas

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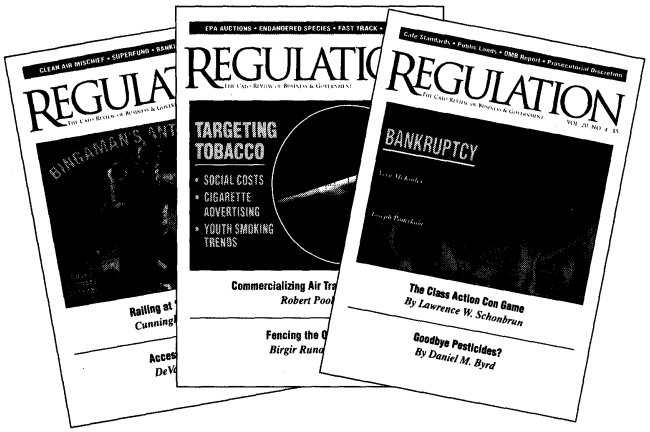

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Reflections

The people's business — The latest wisdom, courtesy of Larry King: "Since public officials are paid by us, we are entitled to answers to prevailing questions, as long as they have nothing to do with national security." In other words, you have a right to all of the details about trivial matters such as whom Bill Clinton is screwing, but if it relates to something important such as matters of war and peace, then you should just sit down and shut up. —CS

Statecraft 98 — Highlights of the March 3 Senate committee hearing on competition in the computer industry, featuring Microsoft chairman Bill Gates and other industry leaders:

Scott McNealy, President and CEO of Sun Microsystems, a competitor of Microsoft, called Gates "the most dangerous industrialist of our age."

Sen. Teddy Kennedy asked Gates if that was just "sour apples" [sic].

Sen. Strom Thurmond did not understand the answers to the questions that he read to Gates. But, then, he didn't understand the questions either. —SLR

Undefending the defendable — Conservatives tell us that Ronald Reagan won the Cold War partly by refusing to back down on the Strategic Defense Initiative. Despite the forceful demands of Premier Gorbachev, Democratic politicians, and American journalists, Reagan held fast to the idea that America should have a defense against incoming missiles.

We're fortunate that he was so resolute. Thanks to him, we are fully protected against any rogue state that wants to intimidate America by threatening us, we're fully protected against any accidental missile launched from Russia, China, or anywhere else, and we're fully protected against someone like Saddam Hussein firing rockets full of germs or toxic chemicals at the U.S.

Thank goodness we have that missile defense Ronald Reagan fought so hard to build.

What's that you say? The missile defense was never built?

Oh, never mind. —HB

A clear case — Accutane is the only drug that really works on a serious case of acne. It was first marketed in the United States in 1982, when it was an instant success. Millions of people — 8 million, according to the *Wall Street Journal* — have used Accutane.

On February 26, Accutane passed into the danger zone from which some useful products never emerge. On that date, prominent news agencies spread the word: Accutane might be . . . dangerous! Prompted by the FDA, the manufacturer of Accutane agreed to issue stronger warnings about possible side effects. The issue was depression, depression that might result in . . . suicide!

I don't know how many people who heard that news reflected on the evidence behind it: twelve takers of Accutane who committed suicide between 1989 and the present, and about the same number of people who claimed that they experienced depression when they took Accutane but not when they didn't.

I don't know how many people reflected on how depressed and confused teenagers with acne normally are.

I don't know how many people calculated the relationship between 8 million and two dozen.

But I do know that this is the pressure point. If only a few grieving parents decide to sue the manufacturers of Accutane for driving their kids to suicide, if only a few TV stations decide to air the complaints of fresh-complexioned but psychologically scarred "victims," if only a few alert congressmen decide to decry the FDA's laxity of regulation, the United States may succeed in retaining one of its miracle drugs. I certainly hope so; and I hope that if this drug is threatened, the battle to save it will be waged in earnest. —SC

The unintended consequences of ice dancing — I've never cared much for the Winter Olympics, which strike me as a dull celebration of nationalism staged to attract female viewers to television. I didn't watch a minute of the games just past. But I did hear them discussed on television networks too poor to buy rights to the games themselves.

During the final week of the games, I witnessed a roundtable discussion of what the news commentators like to call "the Iraq crisis." All participants agreed that it would have to wait until the Winter Olympics were over, apparently because its television ratings would suffer if it got in such a schedule conflict.

You know what happened next. As the Winter Olympics wound down, some UN negotiator got some sort of concession from the madman Saddam, and Clinton reluctantly had to give up on this particular attempt to draw attention away from his legal problems.

Which means, I guess, that the Winter Olympics are good for something after all. —RWB

Polling the strings — In the February 16 issue of *The New Republic*, Jonathan Chait revived the 1994 canard: "When it came to health care, for example, people distrusted 'The Clinton Plan.' Yet when pollsters described the plan without linking it to Clinton, large majorities approved." How in the world could anyone "describe" the Clinton plan.

Imagine this: a man finishes a phone conversation as his wife enters the room:

She: Who called?

He: Some poll taker. He asked me if I supported the Clinton health plan and I said "no." But then he read a 1,368-page health-care plan to me and I really like *that* one!

She: I wondered why you were on the phone for 36 hours straight.

More likely, the pollster asked, "Would you approve of a plan that provided health insurance for you and everyone else, no matter what your existing medical problems, probably costing a lower premium than you pay now, with no chance to lose the coverage no matter how stupidly you live your life, and with the absolute freedom to choose your own doctor, hospital, nurse, bed, and waiting-room magazines?"

Needless to say, there would be no mention of the fines or prison sentences contained in the bill.

The surprising thing is that as many as 40 percent of the people turned down the Clinton plan when it was "described" to them.

If you asked people whether they'd prefer a job that paid twice as much as they get now, working only half the hours and with double the fringe benefits, you could then report that "90 percent of the American people are dissatisfied with their present jobs." But you wouldn't have learned anything about life in the workplace.

Unless we can actually see the questions asked, poll results tell us very little. —HB

Query — If a woman threatens her boss with a sexual-harassment suit unless he gives her a raise, is that sexual harassment harassment? —SLR

Mandating civility — Sexual harassment law took another great leap forward on March 4, thanks to *Oncale v. Sundowner*, the Supreme Court decision allowing claims for same-sex sexual harassment. The Court's unanimous opinion was drafted, surprisingly enough, by archconservative Justice Scalia. More surprising than Scalia's authorship, though, was his dismissal of the contention that Title VII is becoming "a general civility code for the American workplace."

In the twelve years since the Supreme Court decided to allow hostile work environment claims, employment discrimination law has reshaped the American workplace. The threat of liability has led many employers to adopt mandatory sensitivity training and behavior codes. The Court's decision in *Oncale* will provide further incentives for employers to codify civility.

In *Oncale*, Scalia reassures the reader that employers will not be liable for "simple teasing or roughhousing between members of the same sex." But this is by no means clear. Consider two hypothetical cases.

In the first, we have John Doe, a timid, somewhat effeminate young man working a factory job. His co-workers are a rough bunch who have not heard the Good News about male sensitivity in the '90s. Their treatment of our hypothetical plaintiff falls far short of the criminal abuse apparently suffered by Joseph Oncale; but it includes regular use of verbal epithets impugning his manhood. Should Doe choose to sue, he'll have a plausible case, one helped immeasurably by some useful Supreme Court dicta on sex stereotyping: "In forbidding employers to discriminate against individuals because of their sex, Congress intended to strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes." Under this rationale, federal courts have already recognized that such stereotyping can be evidence of hostile environment sexual harassment.

The second hypothetical case involves an older law partner, a stern taskmaster, yet one with antiquated notions of chivalry. He's used to heaping abuse upon younger associates, but considers it improper to yell at ladies. Richard Roe, hypothetical plaintiff number two, is an associate at the firm, on the receiving end of many of the partner's tirades. His supervisor's epithet-laden outbursts make work unpleasant and interfere with Roe's ability to do his job. Thanks to an earlier Court decision, *Harris v. Forklift Systems, Inc.*, Roe need not be emotionally scarred by his experience: "so long as the environment would reasonably be perceived and is perceived as hostile or abusive, there is no need for it also to be psychologically injurious." Nor does the harassment have to be explicitly sexual in nature, so long as "members of one sex are exposed to disadvantageous terms or conditions of employment to which members of the other sex are not exposed."

Doe and Roe would stand a fair chance of prevailing. More importantly, each case would almost certainly go to trial, imposing considerable costs on the employers. By their very nature, sexual harassment claims demand an expensive, case-by-case inquiry into whether a given work environment is offensive or hostile enough to unreasonably interfere with an individual's work performance. Scalia almost admits as much in *Oncale*: "The real social impact of workplace behavior often depends on a constellation of surrounding circumstances . . . which are not fully captured by a simple recitation of the words used or the physical acts performed." Well, that should be a real comfort to employers seeking to stay out of court.

In rejecting the argument that hostile environment claims are turning Title VII into a workplace civility code, Scalia appears to assume that employers' incentives are limited to proscribing behavior that would result in a judgment against them. But employer incentives are much broader than that; in order to minimize litigation costs, they need to proscribe behavior that might create a triable claim. Thus, Scalia's statement that "Title VII does not prohibit all verbal or physical harassment in the workplace," is accurate, but incomplete. Employers who want to minimize liability will prohibit such behavior. And they'll do so through the adoption of civility codes.

Indeed, this is exactly what the experts advise. Writing in the *American Journal of Trial Advocacy*, one commentator notes that "isolated comments do not constitute actionable harassment, [but] employers should not test the definitions of isolated and pervasive." Another, writing in the *Defense Counsel Journal*, advises "mandatory education and training for all employees" aimed at proscribing, among other things, "continued or repeated sexual jokes [and] language" and "graphic verbal commentary about an individual's body." As UCLA law professor Eugene Volokh has noted, some commentators go further, invoking a "not in front of Mom" standard for proper behavior in the work-

Liberty's Editors *Reflect*

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SLR	Sheldon L. Richman
JSS	Jane S. Shaw
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CS	Clark Stooksbury
TWV	Timothy Virkkala

place. Volokh quotes New Jersey employment lawyer Nancy Smith: "the standard [for sexual harassment] is not that mysterious. Don't say anything you wouldn't say to your mother."

Of course, any civilized person should be appalled by the abuse allegedly suffered by Joseph Oncale. But Oncale has remedies available through criminal and tort law — his tormentors should be in jail and his employers should pay through the nose for ignoring his reports of assault. The very real danger is that, having opened the door for victims like Oncale, the Court will not be able to close it to plaintiffs like Doe and Roe. Sexual harassment law began by striking at sadistic abuse, but it has morphed into something very like a federal cause of action for negligent infliction of emotional distress.

In enacting Title VII, Congress never intended to mandate a desexualized, worry-free working environment for every American. But as Justice Cardozo noted years ago, a legal principle tends to expand to the limits of its logic. When men's insensitivity toward other men becomes actionable, the principle of nondiscrimination may have traduced even those boundaries. *—guest reflection by Gene Healy*

Here's too U, jenerashun X — On January 28, Al Gore told students at the University of Illinois that, thanks to the blessings of the Clinton-Gore administration, "Your generation is the best educated generation, the best prepared generation ever in the history of the United States of America." The situation seems almost perfect. I suppose the only way it could be improved would be if the students could read. —HB

Drunk with power — As of this writing, the Senate has just passed legislation to set a single national standard for drunken driving. Every state would be required to set the threshold point for being drunk at a blood alcohol content of 0.08 percent. More than ten states already follow this standard, but most define drunkenness at 0.10 percent blood alcohol content. The House of Representatives likely will follow the Senate's action.

Not content with this assault on the 10th Amendment, the Senate also voted to require each state to ban the possession of open containers of alcoholic beverages in a moving vehicle. At present 22 states have no such law. The Senate did refuse to enact a proposal to ban drive-through sales of alcoholic beverages. Amazingly enough, even this draconian imposition of federal power over a traditional state and local matter only failed by a vote of 56 to 43.

The states as a separate level of government have simply ceased to exist. They are all now part of one seamless centralized system. The federal government has no hesitation in imposing national power and nationally uniform requirements in areas that are more appropriate for a village council.

Of course, much of the blame for all this falls on the states themselves. They have been spineless in defending their constitutionally prescribed role. They've allowed themselves to become too dependent on federal money, which has become a great narcotic, eroding their willingness to stand up for any rights of their own.

The courts offer no help. The 10th Amendment to the Constitution states that "The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people." Where does it say in the Constitution that the power to regulate drunken driving is federal? So how can the federal government make the states subservient to its commands in this matter? Why do the magistrates not squelch these unconstitutional mandates?

The courts have gone along with the transparent ruse that the states are acting voluntarily. The Senate did not, formally, mandate a uniform national standard for drunkenness. Rather the legislation passed by the Senate would deprive each state of 5 percent of its federal highway money if the state failed to follow the federal dictate.

Apparently, extortion when practiced by a private individual is illegal. When the federal government holds a gun to a state treasury, the state government is complying "voluntarily." These are the depths to which legal reasoning has descended, all in the name of rationalizing a federal government take-over.

It used to be that federal trampling on state sovereignty was justified by the necessity of the "scientific management" of American society. Government plans, it was argued, could only be implemented with centeralized coordination at the federal level.

But today there are new grounds for federal imperialism. There is an extraordinary wave of Puritanism sweeping over American society today. Sometimes, as in the case of environmentalism or the war on drugs, it is mostly secular. Other times, as in the case of pornography, secular and traditional Puritans can join forces. This helps to explain why Republicans, for all their talk of devolution, are often worse than Democrats when it comes to promoting new ideas for destroying any vestiges of American federalism. —RN

2028: a space iliad — On March 12, the San Diego *Union-Tribune* ran this banner headline: "2028: EARTH'S DATE WITH DOOM?"

I performed a very quick calculation, based on genetic data, of my chances of being around in 2028, and decided to read the article.

According to Malcolm W. Browne of the *New York Times* News Service (and they certainly ought to know), scientists, or a scientist, had calculated that an asteroid first located last

"Well, if you're going to get all common-sensical, there's no point in our discussing this further!"

December (but how quickly they mature!) was "likely to approach to within barely 30,000 miles of the center of the Earth." That's pretty close, I thought. But a miss is as good as 30,000 miles.

Reading further down the page, I was relieved to discover that other scientists, or a scientist, believe, or believes, perhaps on the basis of the same calculations, that 1997 XF11 (for that is the asteroid's lovely name) may "come scarcely closer than the moon" — about 250,000 miles from the center of the earth, and quite an improvement on 30,000.

But here was the really bad thing. Scientists, or a scientist, seemed to be predicting that we wouldn't have conclusive evidence of 1997 XF11's intentions until we had the chance to reobserve it during later appearances in our neighborhood, which wouldn't come until 2000 and 2002.

And you know what that means, or you would if you remembered the standard "scientific" guff of the past few years about asteroids and meteors and the hazards they pose to our planet. As the Times News Service put it:

"The impact of an asteroid one mile in diameter [1997 XF11's reputed size] would have devastating global effects, including tidal waves, continent-size [sic] fires and an eruption of dust that could cause global cooling and long-term disruption of agriculture."

Well, that should put the vice president's mind at rest about the danger of global warming.

But of course it wouldn't. It would merely ignite who knows how many devastating years of global propaganda, emanating from all the usual sources, about the Coming Danger and how to prevent it and how can we possibly decide who should be saved and how we must try to save the citizens of the Third World rather than the citizens of the First World (which may be a good idea, for all I know) and how asteroids have hit us regularly in the past so we know that they're bound to hit us regularly in the future (which is a silly idea, because every asteroid that hit us in the past, if it did, is one less asteroid that is around to hit us in the future) and how the last really big one took out all the dinosaurs (which is such a baseless and ridiculous idea that I'm actually embarrassed to include it in this list) and how our abuse of the environment is probably what caused all these dinosaur things to happen in the first place and how everybody ought therefore to get busy and worship Nature.

Something was surely going to hit us, and if it wasn't an asteroid it was a tremendous ball of crap.

The future seemed plainly foretold by the quoted remarks of yet another scientist, who wanted to call attention to the "good side" of 1997 XF11. "During the Cold War," he said, "I used to hope that one of these hazardous asteroids would be spotted and that the discovery would unite America and the Soviet Union in a common effort to save the world. Even now, we might see this Asteroid 1997 XF11 drawing people together."

After I read that, I recalculated my genetic odds and figured that, damn!, I was likely to have to listen to stuff like that for a long, long time.

But by now you know the wonderful news, the news that arrived, from all unlikely places, NASA — just the boys I was expecting to profit most from the asteroid's allure. (My respect for government has now taken a quantum leap.) And the news came faster than a speeding asteroid. On the evening of that very March 12 on which the world awoke to find itself condemned to a fiery death, Reuters reported that "an asteroid that is headed toward Earth is not going to hit us after all . . . It will miss the planet by 600,000 miles."

Whew! That was a close one. —SC

Of "The" I Sing — What's wrong with the following sentence?

More than any other country, United States is producing the gases that cause global warming.

If you said, "Nothing," sorry. If you said that the statement is based on the false premise that global warming exists, you were probably right, but that's not what I'm after. If you said that "the" has been dropped from "the United States," you have a keen eye.

Increasingly, this truncated version of our country's name is being used by radio and television announcers, which leads to the pressing question: Why is "the" being dropped from "the United States"?

Is it that it's fashionable to leave out the word "the"? Let's try: "Direct result of burning fossil fuels in United States is warming of atmosphere." Mmmm. Sounds like Tonto with a degree in environmental studies.

Maybe the idea is to give the country a corporate image. You know, competent and efficient, like United Airlines or United Technologies. Well, I don't think it works. If "United States" were a corporation, the headquarters would have to be in Bombay. Listen: "I am telling you, United States is having the lion's share of blame for the global warming." See what I mean?

Or maybe leaving out "the" is just the start and we're edging toward the fifties-futuristic version: Unitedstates. Or perhaps in our ever-accelerating world we'll condense and blend the name the way Uniroyal, Unilever and Unisys have done: Unistates. Too Orwellian for me.

Is it being dropped because that's how the British say it? Remember when Americans pronounced "harassment" with the stress on the second syllable? Here's what happened: when gender politics heated up, those who talk into microphones for a living decided to adopt the British version, which stresses the first syllable, for an understandable, if not good, reason. Dear Microphone People: I understood the deal on "harassment," but could you please tell me why Americans should mimic Brits when referring to the United States of America? Because we're Anglophiles? Is that it? OK, then maybe we should go the full monty and call ourselves United Kingdoms of America. Has a nice ring to it, don't you think?

Or could it be part of a grand conspiracy ? I mean, in the name, "the United States," you've got your article, followed by a mere adjective, while "States" is the majestic noun. The name itself declares the primacy of the states. Maybe some powerful cabal decided to make it a compound noun to weaken the Tenth Amendment. To blur the heritage of federalism. To render the name amorphous: "We the People of United States, in order to reduce greenhouse gases . . ." I wonder.

Or could it be that dropping "the" is simply a way to shorten the name? To save valuable time? To make it a little easier to say? If so, there is a better solution: drop "United." Millions of expatriate Americans do so already: Expat A:

"Where did you go?" Expat B: "The States." So short, so quick, so easy to say. Besides, what's so "united" about Montana and Massachusetts?

During World War II, G.I.'s would flush out spies with questions about home. Imagine: "Where are you from, soldier?" "United States." *Bang.* —SHC

Final insult — Life is replete with examples of the harvest of misery some men must reap. Consider this lead sentence from the January 27, 1998, *Wall Street Journal*: "The Navy was ordered by a federal judge to keep Timothy R. McVeigh on duty while the court considers his dismissal for speaking of his homosexuality in a pseudonymous America Online profile."

Think for a moment about this man's predicament. First, to be a homosexual. Second, to be identified as a homosexual while serving in the Navy. Third, to have the same name as a condemned terrorist. And fourth, to be a subscriber to AOL. —BB

OK, make that six deadly sins — How long does it take for a simple idea to permeate society? I hazard that most viewers of John Stossel's February 3rd ABC Special on *Greed* were surprised by what they heard and saw, though surely every one of its arguments was centuries old. Over and over Stossel carefully explained the truth about exchange in a market economy: that both parties gain. These gains from trade make some people rich — "filthy rich" — and the rest of us better off. There was nothing here that Thomas Jefferson, for instance, didn't know from helping translate Destutt de Tracy's *Treatise on Political Economy* in 1817.

This is not to say anything against Stossel's show, which was, as propaganda for liberty goes, very good. Using clever juxtaposition, the talking heads of libertarians David Kelley and Walter Williams, and very selective interviews with both the rich and the not-so-rich, Stossel ably argued against the common contention that rich people are "too greedy" and that they somehow make the rest of us worse off.

Far and away the best part of the show was the eye-opening account of a for-profit lifeguard operation that bested the Red Cross. Stossel suggested — and David Kelley explicitly argued — that those most successful at seeking profits in the market do more good than even the most honored philanthropists of the age (cut to a scene of Mother Teresa walking the streets of Calcutta).

It is a sign of the times, however, that the charge of greed is seen primarily as a social issue. But this was not always so. To the ancients, and to the Christians who followed them, greed was a defect of character. The defect could be seen *even when* there were benefits to others.

Though Stossel asked "but what is greed?" nowhere in his show did anyone bother to look the word up. Philosopher David Kelley, apparently still under the spell of Ayn Rand, did not at any moment strike an Aristotelian note. Though Rand's favorite philosopher Aristotle did not discuss greed as such, my dictionary lists as its antonyms some of the virtues and vices to be found in his *Nichomachean Ethics*: liberal, munificent, prodigal, wasteful. But an Aristotelian definition is easy to come by; indeed, I needed to go no further than my trusty college dictionary: Greed is the excess of acquisitiveness.

Any drive can be faulted for being too strong or too weak in relation to both its function and to other passions. A person *not acquisitive enough* is apt to live a life of want and poverty; a person *too acquisitive* will shunt aside other activities, "impoverishing" himself of the love of his fellow man, or his appreciation of beauty, or any number of other very human activities. And a person who eschews rationality in his acquisitions is not likely to gain what he wants despite strong desire (Stossel trenchantly handled this latter problem in a quick, practical, nonphilosophical way).

The trick is to strike a balance between excess and lack, to find the appropriate point of moderation and develop a sense of proportion. That is what virtue is all about. Of course, people don't talk much about virtue and vice any more, not in this age of mental health and political obligation. When not focusing on greed as an economic or social problem to be solved somehow by legislation or litigation, people diagnose the greedy as "sick" and propose a twelve-step program. But neither social nor medical obsessions seem much help giving our imbalanced culture a sense of poise.

Though Stossel's program may have helped get rid of one too-common error, neither he nor his libertarian heavy-hitters transcended the political realm.

Perhaps Stossel can work on this in another ABC Special. —TWV

2001: a spaced odyssey — I just received in the mail another scary report about all the computers shutting down on January 1, 2000. It included the following statement, ". . . not one bank in the *entire civilized world* has officially stated that it — and its interconnected web of operations — is Y2K compliant" — meaning that no bank claims its computers can handle dates of January 2000 or later. By coincidence, I just received from my bank a new ATM card that expires in January 2001. Tomorrow, my wife and I are going to drive down to see the ruins of the bank — since the building must have blown up when the computer tried to handle a 21st century date. —HB

Y2K2 — Since I editorialized in this magazine (November 1997, page 7) that the "Computer 2000 problem"

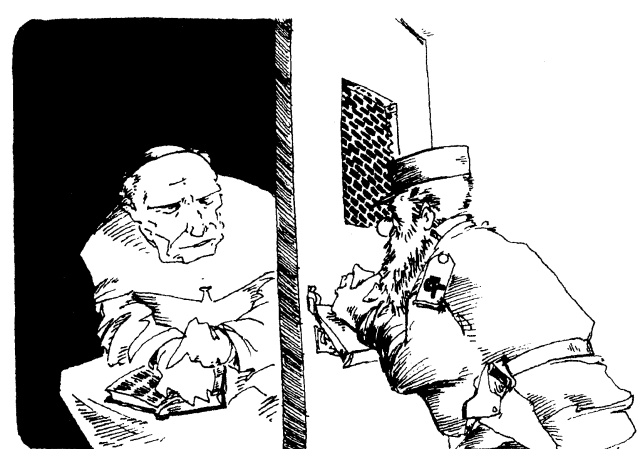

I'VE TAKEN THE LORD'S NAME IN VAIN, HAD IMPURE THOUGHTS, AND BRUTALLY OPPRESSED MY PEOPLE FOR ABOUT FORTY YEARS.

was real but greatly overblown, I have received messages from people who say I shouldn't discuss areas outside my sphere of knowledge. Often they refer me to some "expert" — who usually is a computer consultant looking for business or a newsletter writer whose scary report I've already read.

Just for the record, I bought my first computer in 1975, and for the next 14 years I wrote all the programs I used, including a word-processing program. In 1989 I began using a Personal Computer, allowing me to rely on programs written by people who are far, far better at it than I am. However, I still customize programs like *Word* or *Excel* by writing dozens of automated routines, and so I haven't forgotten the logic involved in programming.

The scary reports, on the other hand, are written by people whose assumptions demonstrate an unfamiliarity with how computer programs work. This unfamiliarity makes them easy prey for a computer consultant drumming up business by making a plausible case that the computer systems of banks, airlines, and water companies are too old, obsolete, and complicated to be updated fairly easily. The report writer readily accepts the story because he's been seeking a new crisis to replace the one he's been promoting the past few years — the crisis that was going to drive the gold price up to $2,000 by now.

If any of these people ever came across a genuine crisis, they would be in the same unfortunate position as the little boy who cried "Wolf!" too many times.

But the worst ignorance is displayed when someone tries to convince you that corporations are dragging their feet instead of updating their programs. A friend recently informed me that Securities & Exchange Commission chairman Arthur Leavitt testified before Congress that the SEC "has whipped the New York Stock Exchange and other exchanges into line on the Year 2000 problem and feels very confident there will be no service interruptions." And a recent report, written by three computer consultants, offered the following recommendation regarding telephone companies: "The State Public Utility Commission (PUC) should initiate a proceeding to assess the year 2000 readiness of all local exchange carriers and long distance providers. The proceeding should determine if each utility has conducted a year 2000 risk assessment, developed a corrective action plan, and established a date to become year-2000-ready."

According to this view of the world, companies would gladly face financial ruin rather than take care of their computer problems. Obviously, the people running the stock exchanges have no motivation to keep their enterprises from collapsing. And the utilities and other companies have no desire to solve their own problems; they would willingly let the phones stop working and go out of business — rather than make their computers operate properly. Only if regulators browbeat them will they do something in their own self-interest.

Thank goodness for the far-sighted politicians who have once again saved us — like the rooster crowing to make the sun rise. Who says government doesn't work?

Meanwhile back in the real world, companies *are* handling the conversion quickly and efficiently. If you have any doubts, just read the trade publications (such as *Information Week*) in which data processing managers provide case histories of companies cleaning up their computer systems at a fraction of the supposed cost, in a fraction of the supposed time required, and using one or more of the dozens of new computer programs the market has provided to help make the conversion.

Yes, there's a problem. But companies in the free market are handling it — just as they continually handle all sorts of problems.

But that's not good enough for the scaremongers, the politicians, or the regulators. They would prefer that government impose regulations on all companies — making them fill out endless reports to prove that they're acting in their own self-interest, and making them deal with the problem in the single way the bureaucrats will prescribe. That, of course, will make it impossible to use any better solutions that might evolve as the conversions proceed.

Government agencies are the only entities that aren't likely to be ready by 2000. And as 1999 proceeds, if it appears that private companies (such as banks) are vulnerable to the government's inability to fix its own computers, I expect the companies to find ways of insulating themselves from the government's inefficiency.

So the worst possible scenario probably is that the IRS won't be able to accept your tax payment in 2000 and since your credit card and your bank will still be fully functional, you'll be forced to spend your tax money on yourself instead. —HB

Higher standard — It appears that some *Liberty* editors do not like the *Weekly Standard*. However, I am one who does, for a couple of reasons.

First, while the *Standard*'s ideology is muddled, it is the first magazine to provide regular, enthusiastic, and reliable criticism of the politics of the Left in Washington. That makes it a refreshing alternative to *The New Republic*.

Second, the Republicans need all the help they can get.

Third, the *Standard* has some great writers, among them Joseph Epstein, David Frum, and David Brooks. Ah, yes, David Brooks. In the January issue of *Liberty* he was criticized for his "smug and pretentious stupidity." Evidently, Brooks had an early encounter with libertarian thought, became disillusioned with it, and has been searching ever since for a philosophy he is comfortable with. This does not endear him to those who kept the faith, and his attraction to Teddy Roosevelt does suggest that political philosophy is not his strong suit. But he does have a strong suit: cultural commentary.

Nearly a decade ago, while a writer for the *Wall Street Journal*, Brooks captured the press's eagerness to sensationalize environmental matters. In "Journalists and Others for Saving the Planet," he quoted *Time* science editor Charles Alexander as saying "I would freely admit that on this issue [environmentalism] we have crossed the boundary from news reporting to advocacy." The quote became famous in some circles.

More recently, he spotted another cultural trend, "latte towns." Brooks doesn't take credit for the term, by the way, but last September he described the phenomenon so accurately that I predict it will become part of our conventional vocabulary. Latte towns are small cities such as Burlington, Vt., Northampton, Mass., and Boulder, Colo., to which liberals, tired of the big cities, are flocking. They are "upscale lib-

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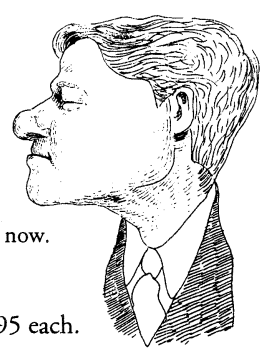

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eral communities, often in magnificent natural settings, often university-based." He explains: "You know you're in a Latte Town when you can hop right off a bike path, browse in a used bookstore . . . and drink coffee at a place with a punnish name that must have the word 'Grounds' in it . . . ."

I wouldn't knock David Brooks. He has a lot to offer, and so does the *Standard*. —JSS

Deeee-fense! — The 1998 federal budget, approved by the Republican Congress and the Democratic President, included a new practice field for the Carolina Panthers football team. Does that come under the Commerce Clause of the Constitution? Or did the founders mistakenly write "the common defense" when they meant to say "zone defense"? —HB

Peace nixed — Perhaps college professors should be expected to be sensitive to left-wing shenanigans. Academics exist in an environment that is like a hothouse for growing pinkos. But I think that Steve Cox's comments on the peace movement ("Peace, peace, but there is no peace," March) are off target. He is tortured by visions of unreconstructed peace activists bemoaning the threat of nuclear war. But where are they? Where I live, you can't toss a string of love-beads without hitting a VW Microbus, and I hang out with some peace-movement types. I have never heard any mention of nuclear war, Dr. Spock or the Soviet Union. True I never heard any cheers at the demise of the USSR either, but I only moved to Port Townsend two years after the collapse of the Soviet Union. The only commentator that I have seen lately who raised the specter of nuclear holocaust is Kathleen Bailey, who wrote an article warning that the U.S. should not "de-alert" its nuclear weapons because a threat of nuclear attack from politically unstable Russia still exists. Bailey is an ex-Reagan administration official whose warning was published on the editorial page of the *Wall Street Journal*.

I cannot agree with Cox's statement that "their [the peace activists] opponents usually conceded the sincerity of their motives." Leaf through some old *National Reviews* or *American Spectators* and you will see that the 1980s right-wingers (I was one of them) thought that the peace movement was made up of a roughly equal number of ComSymps and Useful Idiots.

Cox quotes Dr. Benjamin Spock as saying that "I don't see the slightest indication that we've gotten any closer to peace than we were before." I don't know the context of the quote, but it doesn't sound so ridiculous to me. Nuclear war is not imminent (nor is it impossible), but the U.S. still maintains a Cold War "defense" budget, the Army "School of the Americas" (training ground for thugs like Manuel Noriega and Roberto D'Aubuisson) is still in operation, thousands of American troops are deployed around the globe, U.S. saber-rattling threatens to involve us in another Middle East war, and NATO (whose *raison d'être* expired with the Soviet Union) is expanding. We still have a ways to go before we achieve World Peace: One Evil Empire is gone — hurrah! Now let's get rid of the other. —CS

The emperor and the Jews — For readers who aren't yet wearied of the Hapsburg wars raging in these pages, here is my reply to the letter by Karol Boudreaux in the last issue. (1) Yes, I was aware of Karl Lueger. Wouldn't it be odd if I'd undertaken to discuss anti-Semitism in old Austria and had never heard of him? (2) In writing that I admire the Hapsburgs for the way they treated the Jews compared with what came after, I could not have meant that the Hapsburg treatment was *just short* of genocide. That would be laughable. (3) The sole evidence Mrs. Boudreaux proffers for Hapsburg mistreatment of the Jews is that the Emperor, Francis Joseph, though initially refusing to do so, finally confirmed Lueger as mayor of Vienna. In fact, he did so after Lueger had been elected four times with increasing majorities. As Carl Schorske notes, in *Fin-de-Siècle Vienna*, "the imperial veto could not be sustained in an age of mass politics." (4) Lueger, though violent in word (but should the Emperor have censored his anti-Semitic outbursts, or those in the gutter press?), conducted no "low-level reign of terror." During his term of office, the city government discriminated against Jewish businesses in various ways, yet Jews continued to stream into Vienna from the provinces. (5) Most important: the very *reason* for the desperate anti-Semitism of Austrian gentiles was the spectacular success of the Jews, in business, the arts and sciences, and the press. This occurred under the rule of law established by Francis Joseph, who cherished "his" Jews. After all, they were the one people in the old empire who gave him no grief over nationalist strivings of their own, and, moreover, they constituted a Germanizing element wherever they lived (e. g., Kafka in Prague). How to explain the fact that we are still living off the intellectual achievements of Austro-Hungarian Jewry if the Jews had not enjoyed freedom of opportunity under the Hapsburgs? Aside from these few points, I find that Mrs. Boudreaux's objections very well taken. —RR

Julian Simon, R.I.P. — Julian Simon was the first — and for many years just about the only — academic to challenge the modern neo-Malthusian arguments that mankind and her works are failures. In his own life, Julian had many bouts with despair, but he never doubted that the human experiment is a wonderful success — life is the ultimate experience, a rapturous opportunity for the individual to interact with a challenging and beautiful world. His earliest efforts dealt with the over-population arguments of the doomsayer crowd (as he dubbed them). He argued that though babies consume more than they produce — investment costs are always incurred before investment benefits — but most people leave the world a better place than they found it. His arguments were often utili-

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tarian in detail, but profoundly aesthetic and moral in structure. Every human life, Julian insisted, was a unique creative experience. How dare we judge that some lives are not worth living?

Julian took an unusual route to the academy. He had begun his professional life as a direct marketer and advertising specialist, and entered academia after he realized that writing might be more readily pursued in that world. (Had he realized the hostility his views would encounter, the willingness to suppress non-PC opinions, he might have taken another course). He selected population studies as his area of academic focus because he felt population posed some of mankind's most significant problems.

Over-population, at that time, seemed the problem of Western civilization. Each person, it was commonly observed, consumed resources, required space, reduced the prospects of others of winning any specific social reward. If human beings' blind biological urges were left unchecked, it was argued, resources would soon be exhausted by overpopulation. How might we avoid the Malthusian dilemma of a world filled to the brim with masses of malnourished, miserable and hopeless people? For a while, Julian accepted the conventional wisdom; but unlike his more ideological brethren, he began to collect data and noted that the facts did not support the situation. He concluded that Malthus was wrong.

His books *The Ultimate Resource, The Resourceful Earth, Population Matters,* and *The Ultimate Resource* 2 all dealt strong blows to the Malthusianism of both the left and the right. As Arthur Herman observed in *The Idea of Decline in Western History*, there are two parallel schools of pessimism in the West: the Historic Pessimists (largely conservatives) and the Cultural Pessimists (largely left-liberal). The Historic Pessimists — Joseph Schumpeter, Oswald Spengler, Allan Bloom, Robert Bork — argue that Western civilization (for various reasons) contains within itself the seeds of its own destruction. The Cultural Pessimists — Al Gore and Paul Ehrlich, for example — pretty much accept that analysis but go further in believing that collapse will be a good thing.

Julian rejected both pessimisms. He placed less weight on the bountifulness of the Earth than he did on mankind, as *The Ultimate Resource* makes clear. Had God placed man on the moon after the Fall, Julian would have seen, I'm sure, nothing but successful terraforming projects ahead. The Garden of Eden, bereft of its most creative and aesthetic species, would soon fall behind the Gardens that man would soon establish in space.

My interactions with Julian were not frequent but they were always stimulating. At an Earth Day Alternative Conference some years ago — on a day when the Malthusians turned out by the thousands and we had our four score or so — Julian was our star speaker. Julian announced that, while he had always hoped that intellectual error accounted for the policies of the environmental establishment, he could no longer excuse their policy activism. Solemnly, he announced that he now felt compelled to state that he believed these people were enemies of humanity. Julian did not like conflict and was not adept at the vicious rhetorical debates typical of the political world. But his persistence and courage made him impossible to ignore, impossible to sweep aside. Julian's talk at that Earth Day occasion led to a major article outlining his work in the *New York Times Magazine*. Powerful ideas — even when presented to small audiences in obscure locations — sometimes do have consequences.

Julian was eclectic. He joined with that other renaissance man that we've recently lost, Aaron Wildavsky, to challenge the biodiversity enthusiasts on one eco-catastrophe theme after another. The diversity of Julian's interests was something his critics (always favorable toward diversity in other guises) could never forgive. What right did a former ad man have to expose the fallacies of the eco-catastrophists?

Many social conservatives condemn population "control" programs: the "Sterilize the Little Brown People of the Earth" polices of the UN, Planned Parenthood, Zero Population Growth and others. Similarly, many economic conservatives target the Lester Brown "We're running out of everything" Worldwatch crowd. Julian addressed both approaches, emphasizing the similarity of the biases and errors behind each of these wings of the Malthusian movement. It is wrong to view mankind as a plague on this Earth; it is also wrong to view poverty as a virtue. Julian's work linked the libertarian and religious arguments and moved both groups toward an effective alliance. Such an alliance promises to become a major threat to the hegemony of wacko environmental intellectuals. Julian was a critical integrating force toward the realization of such a union — something his enemies could never forgive.

As a fighter within academia, Julian understood, earlier and more painfully than most, the Left's efforts to stifle dissent. He experienced what has now become obvious to us all: the attempt by the Left to close off intellectual debate by discrediting all non-establishment views. Only his persistence and brilliance forced his views into the debate. Julian recognized that the intellectual battleground is not level, and that efforts to discredit our views will be widespread and vicious, but that the battle for truth is one that must be waged with intelligence and vigor. The world can only become a darker place if we cease to light again and again the flame of truth.

Julian had an almost eschatological faith: regardless of the evils that man (especially man operating through the coercive instruments of government) might embrace, mankind's positive spirit, he believed, would still triumph. Elitist prejudices and political power might deflect, censor, hinder, hamstring, restrict — but mankind would ultimately prevail.

This faith rested in part, it seems to me, on what he didn't pay much attention to. He spent little time discussing the institutions and social arrangements that enabled humans to thrive, to truly be the "ultimate resource." Rather, he seemed to take these institutions — all too rare both historically and geographically — for granted. He never addressed the concern that absent the institutions of freedom, mankind might remain in chains, the Malthusian tragedy might indeed occur.

As time goes by, I've come to think that perhaps Julian was right. He realized, of course, that progress more or less depends upon the existing institutional framework. He fully understood that oppressive institutions, well, oppress. But he was firmly convinced that mankind would surmount the limits of the present institutions, that the Iron Curtains that restrict mankind would be forced open by man's unconquerable spirit.

continued on page 44

Clinton's Follies

For more than five years, Bill Clinton has stood at the center of the American political stage, delighting millions with his zany improvisations. In mid-January, a new act in this long-running comedy began. *Liberty*'s editors offer mixed reviews of Clinton's latest routine.

The Scandal About Nothing

Douglas Casey

Clinton is truly the Teflon president. He stumbles from one scandal to another, and the American people seem to love him, judging by his approval ratings. I couldn't care less what he has going with the White House interns. Nor do I make a big deal out of the fact he and Vernon Jordan obviously counseled Monica to lie; lying is the very fabric of politics, for God's sake. And Clinton is the most skilled, practiced, and enthusiastic liar who's ever occupied the Oval Office, including pathological prevaricators like Franklin Roosevelt and Lyndon Johnson.

The real scandal, in my opinion, is that of the coverup of Vince Foster's strange death, distinguished by about 75 still unexplained anomalies, which has vanished from people's consciousness. As have the strange circumstances surrounding the death of Secretary of Commerce Ron Brown. And the score of suspicious deaths in Mena, Arkansas, during Clinton's governorship. Americans only seem capable of maintaining interest in the type of thing you'd expect to see on Jerry Springer.

Initiation Rights

R.W. Bradford

It's 9:30 p.m. and the phone rings. I pick it up, and a voice demands. "What's the libertarian stand on Bill Clinton's sex life?" It is one of *Liberty*'s editors. Figuring this to be a rhetorical question and having more curiosity about his thinking than lust to dazzle him with my own, I say, "I don't know. What do you think?" "It's none of your business," he says. "The libertarian position is that the president's sex life is none of your business."

"I think you are wrong," I respond. "There is no libertarian position on Bill Clinton's sex life — except that if he uses the government to force women to have sex with him or to reward those who do or punish those who refuse, we think it's wrong."

Libertarianism is a belief about the use of force in society. Some libertarians believe that physical force is justified only if used in defense. Others believe that retaliatory force is sometimes justified. Some even believe that under certain circumstances, initiatory force is justified. All agree that force in general is bad and that it ought to be minimized.

So my friend was on the right track. A person's sex life is his own business, whether he is a sovereign individual, a private citizen or the president of the United States. Up to a point — the point at which this sex life begins to involve the use of force or fraud.

Of course, there are contract aspects. If a person has contracted to limit his sexual activity to a single person, perhaps via a marriage contract, then he should not have sexual activity outside that contract. But this is a matter between him and the person with whom he has a contract. If he fails to keep up his end of the bargain, the other party is entitled to sue, of course, at which point the state (or other contract enforcement agency) becomes involved.

Quite plainly, whatever contract exists between Bill and Hillary Clinton does not prohibit adultery, or at least, if such a clause was included, Hillary has agreed to its suspension. We know this because Clinton has committed adultery in a rather indiscreet fashion during virtually his entire married life.

On the other hand, at least two of the allegations made against Bill Clinton suggest that he initiated the use of force to get sex. I refer to the complaints of Paula Jones and Kathleen Willey. (The case of Willey is a little bit dicey

because she was unwilling to testify about Clinton's sexual assault of her until compelled by a court to do so.) And several other allegations relating to Bill Clinton's sex life involve his rewarding his sexual partners with government jobs or promotions. This is illegal, as it ought to be — not because people should not be able to enter into meretricious relationships, but because the president was in effect paying people for sex with other people's money. And other allegations relating to the First Family Man's extramarital activity involve another form of fraud: lying while under oath and suborning others to lie.

This last is potentially the most serious for Clinton because it appears to be one activity that he has engaged in that (a) is plainly illegal; and (b) can be proven uncontestably.

Some of the president's defenders have argued that it is morally permissible to lie when legally compelled to testify about matters that are not the business of those asking the question. This argument, proposed by Bill Maher of ABC's *Politically Incorrect*, has a libertarian ring to it. If, for example, a criminal sticks a gun to a homeowner's head and asks him where he has stashed the family silverware, the owner is under no moral or legal obligation to tell him the truth, though he may have a practical reason to do so (i.e. not make the home invader angry).

Should courts be able to compel testimony? Some libertarians argue that this is never appropriate, since it invariably involves threatened force. I do not find the matter so cut and dried. Suppose that you and another person witness a murder. The police accuse you of the murder and you are put on trial. Suppose further that the other person refuses to testify about what he saw. Should he have to, under threat of force? Or should he be able to refuse if he wants to, even if only on a whim?

I think he ought to be compelled to testify. I'm willing to countenance this initiation of force because it seems to me that the relatively small inconvenience to the witness so greatly outweighs the huge inconvenience to the person accused falsely of murder (namely, his life).

The matter is a bit murkier in a civil case. But only, I think, a bit murkier. Suppose that you and another person witness a young man toss a rock through a store window. The store owner sues you for damages. Should the other person be able to refuse to testify unless you reward him? Or for any other reason, even on a whim?

Of course, the questions posed to the president by Paula Jones's attorneys were a bit more complicated than these examples. Jones accused him of assaulting her, which involves initiating force. But the questions in

response to which Clinton lied were not about this assault. They were about his behavior with other female government employees. The reason for this is that the law considers other behavior of an individual accused of a tort to be relevant in determining whether he committed it. Personally, I don't think this is good law. But whether the president ought to have to obey is another matter.

The Power of the Counterintuitive

Stephen Cox

When I was six years old, my father startled me by asking if I thought he could write his name with his eyes closed. I denied that he could, whereupon he chuckled softly, stuck a piece of paper into his borrowed Remington, shut his eyes, and typed his name.

I can't remember why he had that typewriter sitting on the card table next to the kitchen door. Maybe he was engaged in some desperately official correspondence with the IRS. I just remember the miracle of seeing someone type his name with his eyes closed. How could that happen? Impossible to understand.

A little later, I discovered something even more astonishingly counterintuitive. The source was again my father. A new bank was opening downtown, and I asked him how much we would have to pay to keep our money there. "Nothing," he said. "A bank pays you to let it keep your money." Then he laid out the complete theory of capital and interest, or as much of it as he thought a six-year old could comprehend. I discovered still more reason for astonishment in the idea that banks keep your money by letting other people use it.

Well, if that was the truth, I could accept it, however strange it sounded. But as years went by, I encountered many people, even grown-up people, who could not come to any kind of terms with counterintuitive ideas. Most could not imagine how economic progress can result from "blind," unregulated markets — so they denied it does. Few could accept the fact that a seller and a buyer can profit from the same transaction. Some remained permanently at the age-six threshold of astonishment. I remember listening while a young intellectual confidently advanced a complex theory of global capitalist exploitation, then concluded in sincere and hopeless puzzlement. "There's only one thing I can't understand," she said. "Why are there banks?"

I can sympathize with her. I am no longer puzzled by the mysteries of banks, but I have other counterintuitives to worry about. Mine are chiefly political. Lately, I've been attacked by a whole litter of them, bred by the kennels of Clinton and Starr.

To me, it is amazingly counterintuitive that Kenneth Starr, who is, as they say, Judge Starr, a man who has been to law school, can go around saying that "the First Amendment is interested in the truth," as opposed to "misinformation and distorted information"; i.e., "lies."

Of course, I understand Starr's purpose. He wants to put a stick in the spokes of people like Sidney Blumenthal, Clinton's house "journalist," who is believed by Starr to be spreading lies about his investigation of Clinton. Anybody who has ever listened to Sidney Blumenthal will be tempted to share Starr's intense feelings about the man.

But according to Starr's new edict in regard to lies, I will not be protected by the First Amendment if I call some newspaper and confide that:

I am a goat.

Sidney Blumenthal is a great American.

President Clinton is a moral leader.

That gal Streisand really knows how to sing.

Lies like these need a lot more protection than the truth ever did, and I thought that the First Amendment gave them that protection. Guess I was wrong.

I am also surprised and befuddled by a legal theory that's popular among Clintonians. This is the idea that certain people are constitutionally protected (whether they're liars or not) simply because they are, indeed, certain people. Journalists, for example, are said to be protected simply by being journalists. If somebody tells you or me that he's committed a crime, we can be hauled into court to repeat what he said to us. But once we become journalists, people whose job it is to divulge information, we can't be forced to divulge it; we're journalists, after all. That's the theory, and I say it's counterintuitive.

Equally counterintuitive to stupid me is another Clintonian idea, which really seems to be catching on — the idea that any person who guards, protects, or counsels the president has legal immunity, just because he is a guard, protector, or counselor of the president. This theory is supposed to rest on a sound business principle: How can the president conduct business ("the people's business") if he has to worry about some guy in his office being called as a witness to any crimes that the president may commit?

How indeed? Obviously, the manager of the local Sav-On could make a lot more money, and get himself a lot more job security, if he didn't have to worry about any accountants, check-out clerks, or security guards testifying to any thefts, frauds, or murders he might commit. The only thing that I can't understand is why Sav-On and the White House should be governed by different legal principles.

And speaking of principles, I'm still struggling to understand how the Clintonians have managed to sell the

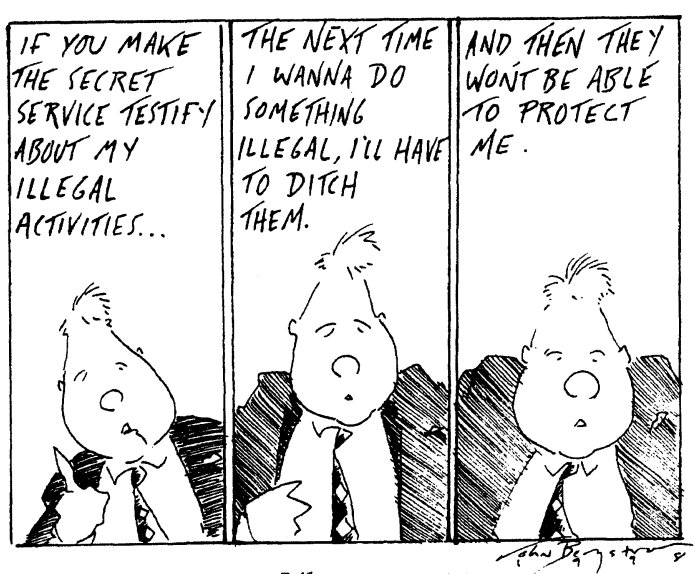

American public on two different versions of the hallowed principle of minding your own business. Version no. 1: I have no right to mind Mr. Clinton's business. Version no. 2: Mr. Clinton has every right to mind my business. Now, I'm perfectly willing to "stay out of the president's bedroom." Nothing would give me greater pleasure. I'm very happy to admit that "the president's sex life is his own concern." But why, I ask, can't the president stay out of everybody else's bedroom, office, smoking room, classroom, minivan, and cranium?

This President and his friends, who are suddenly so robustly in favor of the sanctity of the private sphere, are the same people who have spent virtually all their time lecturing the American public about the evils of smoking, drinking, unbuckled seatbelts, unplanned families, unmanaged health care, unrecycled trash, unbounced midnight basketballs, and unreconstructed moral attitudes of all kinds, meanwhile scheming to tax, regulate, eliminate, or otherwise interfere with all of the above, as much as humanly possible. And they get away with it. If you believe the opinion polls, most Americans seem to accept the premise that they are fair game for the president, but he is not fair game for them.

This is a whopping counterintuitive. In my efforts to understand it, I have come up with only one explanation, and it is still more whopping in its counterintuitiveness. The explanation is: The American people regard their president as a god. They regard Bill Clinton as a deity. It's a staggering thought, I know. Yet, according to every published indication of the people's views, they are prepared to forgive Bill Clinton anything because they have found that he possesses the miraculous power to bestow prosperity.

Incredible, but true. In America, there are millions of people who go to work every morning and create wealth, which the president, his wife, and his political allies then tax and spend; millions of people who know that the president controls neither the stock market, nor the weather, nor the price of tea in China, nor their own attempts to make a profit. Yet these same millions of people remain convinced that the president is responsible for their prosperity! And — again, if published reports are true — they believe that this divinity must be kept in office, so he can continue to reward them with a prosperity that they have not, by their own efforts, earned.

How shall we view this fantastic superstition, this shocking lie that the public tells itself?

I recur to my father's stock of counterintuitives. I recall the day when he told me something that I am only now beginning to understand. I don't remember what subject he was talking about, but he happened to say, "You cannot cheat an honest man."

The Lesson of Watergate

Chester Alan Arthur

Television is teeming with hired "consultants" to the Democratic Party or to Bill Clinton who enthusiastically defend Clinton against the mounting evidence of his perjury, subornation of perjury, etc. But what elected officials have defended the president in these days of travail? So far, the only incumbent politician I've seen defend the president is John Conyers, who represents a poverty-stricken "inner city" district in Detroit, perhaps the safest congressional district in the country. The real lesson of Watergate is: when your party's president is going down, don't defend him, or you may suffer the fate of the Republicans who stoutly defended Nixon in 1973 and then found themselves unemployed after the 1974 election.

How will Clinton reward Conyers? Watch for a new appropriation for spending in his district, or a judicial appointment for a Conyers' buddy.

America in the Balance

R. W. Bradford

As a person who loves liberty and loves America, I hope that President Clinton is neither indicted nor impeached for perjury, suborning perjury, using government funds to secure and pay for his sexual activity, or any of the various fraudulent activities that have characterized his public career. Yes, he's almost certainly guilty of a hundred felonies. If I were to judge the matter solely on his innocence or guilt of the charges involved, I'd have to say indict, impeach, convict.

But there are other considerations. Clinton has been a far better president than Al Gore is liable to be. Gore is a committed ideologue, committed to having government control every aspect of human life, to conserve "global resources" and protect against "environmental degradation." With the advantages of incumbency, he's very likely to be re-elected in 2000; and, if he took over the presidency after January 20, 1999, he would likely be re-elected in 2004. (If he takes office before that date, he'd be prohibited by the 22nd Amendment to the Constitution from seeking re-election in 2004.) Even Gerry Ford was nearly re-elected after Nixon resigned, and he had two disadvantages compared to Gore. He pardoned the man he succeeded, thereby looking very much like someone in complicity. Gore is unlikely to make the same mistake. And Ford was actually stupider than Gore, though not by much.

Incidentally, I think Clinton has also been a better president than his Republican opponents would have been. While his agenda has had some awful stuff in it — socialized medicine comes to mind — relatively little of it has been enacted into law. And he's been much less inclined to involve the United States in witless foreign wars than was his predecessor. In only four years in office, George Bush invaded two different countries, Panama and Iraq. Clinton has rattled his saber once or twice. But so far, no invasions. And he has been less rigorous in expanding governmental intrusion people's private lives than his Republican opponents would likely be. In addition, with the GOP in control of both houses of Congress, can you imagine what mischief a Republican president might have wrought?

Of course, there's another aspect to this question. Clinton is a man with absolutely no respect for the truth, a man willing to allow his wife to steal from the government for the good of their family, a man motivated almost entirely by lust

for power. Simple justice calls for him to be thrown from office and into the hoosegow.

But I don't buy that theory. At least, I find it difficult to apply that theory consistently. If we were to impeach, convict, or force the resignation of every president who lied, stole, and defrauded, just about every president since Washington would have left office involuntarily. This prospect has its charms, I'll admit. But it wouldn't be very practical.

Sorry About That, Chief

Stephen Cox

Journalist David Brock apologized to President Clinton for writing the investigative article that began Clinton's legal troubles with Paula Jones.

Reports of Brock's apology quote him as saying, "I wasn't hot for this story in the interest of good government or serious journalism. I wanted to pop you right between the eyes . . . . I've asked myself over and over: What the hell was I doing investigating your private life in the first place?"

Oh, please. Why not ask yourself what difference your *intentions* make, or why serious accusations against a *public* figure should not be investigated?

Brock reportedly goes so far as to wish he hadn't mentioned the name "Paula." He says that in his "ransacking of [Clinton's] personal life there was an open political agenda at work . . . which must have colored [his] judgment at least on the margins." At this point, Brock should ask himself whether suppression of names, even in the interest of political harmony and niceness, might also constitute a political agenda.

Finally, he might ask himself what credibility, either as a journalist or as a deep, deep thinker, he can possibly gain by this grandstanding act of contrition.

Unabanger

David Ramsay Steele

William J. "Slick Willy" Clinshaftski finally acknowledged today that he is the notorious Unabanger. Months of legal argument came to an end when Clinshaftski concluded a plea bargain in which the lonely eccentric admitted that he was responsible for the Unabanger's solitary 20-year campaign of anti-social terror.

The deal followed an agreement by lawyers that Clinshaftski is legally competent to stand trial, though suffering from several serious illnesses, including compulsive induced-fellatio disorder, ego-dysfunctional erotomania, and megalomaniac amnesia praecox, the last characterized by an increasingly strident denial of one's political impotence.

"Clinshaftski presents all the classic symptoms," says a 500-page psychiatric report made available to the court this week. "— grandiose delusions that he knows best how other people should run their family and business lives, and in particular that anyone and everyone he meets should always be ready to orally stimulate his distinguishing characteristics. Sufferers typically react to the offer of treatment by pathetic denials, and by proclaiming that a vast, hate-inspired conspiracy is responsible for all their troubles."

The report mentions that sufferers often lead double lives, a practice induced by a syndrome known as multiple rhetorical disorder. Clinshaftski concocted elaborate schemes for a Soviet-style health care system, expounded at turgid length in the hitherto anonymous *Unabanger Manifesto*, while at times he would adroitly work into the conversation disarming remarks like "The Era of Big Government is Over."

The Unabanger's outrages at first appeared senseless, but letters from the Unabanger instructed the major media that he would cease his serial acts of terror if the media would reproduce his lengthy *Unabanger Manifesto*. Apparently, then, his game was extortion for fanatical ideological ends, but although the media complied with his demands, psychopathological profilers shrewdly voiced their doubts that the succession of mysterious attacks would halt.

"The publication of his turgid ramblings will only feed his vanity and self-advertising compulsion, leading to more outrages" predicted one FBI analyst. And so it proved, with the Unabanger ultimately claiming daily air time for his statements of bitter alienation from a heartless, irresponsible society in which people are permitted to make their own foolish decisions. Despite the media's attempts to appease the unknown terrorist, there was never any knowing where the elusive Unabanger would strike next.

The report concludes that although mentally ill, Clinshaftski is fully capable of understanding the nature of the charges against him. A rudimentary ability to reason and plan ahead are exhibited in Clinshaftski's actions. He invariably selected defenseless underlings for his victims, and after each incident employed hand-picked intermediaries to bribe, intimidate, and smear them.

The plea bargain was made possible by a delicate legal instrument, known technically to scholars of jurisprudence as a squalid back-room deal, and involving the intervention of President Gore, who agreed to pardon Clinshaftski, provided the president could do so in time to recuperate from this unpopular action before his re-election bid.

President Gore commented: "Clinshaftski is the real victim here and deserves our compassion. Compulsive erotomania is literally an illness, exactly like diabetes or cancer of the colon. Five thousand leading scientists recently signed a report affirming the undisputed truth that compulsive eroto-

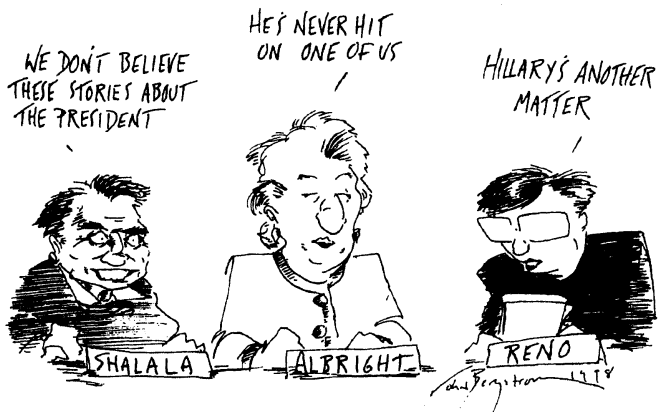

mania is caused by the terrifying climate changes resulting from industry's brutal rape of our fragile planet. I vividly recall watching my dear sister dying painfully from this debilitating disease."

A window into the Unabanger's thinking was opened this week by revelation of his interactions with the psychiatric examiner, Dr. Molly Johnstone. Dr. Johnstone related that while undergoing questioning for a diagnostic profile, Clinshaftski abruptly dropped his pants and insisted that Dr. Johnstone orally stimulate his distinguishing characteristics. When Dr. Johnstone refused and informed Clinshaftski that the incident had been videotaped and would be mentioned in her report, Clinshaftski replied that the alleged incident had never occurred, that nothing improper would be captured on the tape, that the video camera was unreliable, that Dr. Johnstone was a frustrated, lonely female with a murky past and a hyperactive imagination, that Dr. Johnstone was part of a vast right-wing conspiracy, that Dr. Johnstone hoped to make money by publishing a sensational book, that the videotaping exceeded the scope of Dr. Johnstone's investigation, that videotaping prisoners was a practice which sent shivers down one's spine, recalling the worst excesses of Stalin's Russia or Orwell's *Nineteen Eighty-Four,* that Clinshaftski was absolutely dying to talk candidly about the incident but his lawyers had insisted that he wait until the full details of all these sorry allegations were available, that Dr. Johnstone knew Clinshaftski's reputation and had forgiven him before she came to see him and therefore had virtually invited Clinshaftski's behavior, that no one cared whether the incident had happened and Clinshaftski had to get back to work on his next Manifesto, that the voluminous psychiatric report was an appalling waste of the taxpayers' money, that Mrs. Clinshaftski would categorically state that she had complete confidence in Mr. Clinshaftski, that if the alleged incident appeared in the report, Dr. Johnstone would have her legs broken, and that Dr. Johnstone could expect to be found in a public park with a bullet in her head and a gun lying half a mile away, cunningly contriving the obvious appearance of suicide.

Unimpeachable

Brien Bartels

Bill Clinton's jig is not up. His apologists have deflected fire from the real offense — obstruction of justice — and turned the media's attention on the "vast right-wing smear campaign" that lies behind the attacks on the president. No other smears (Whitewater, foreign campaign contributions, the web of deception surrounding the Vince Foster case, and all past adulteries) have stuck to the president. And Americans don't want this one to stick either. They want the press to leave President Clinton alone, so he can continue to do his job of fighting inflation, keeping unemployment low, protecting their investments in the stock market, dictating the yield curve of the bond market, controlling the weather, (he's distracted for one moment, and *Boom!* El Niño!) and all those things that Americans expect a president to be able to do.

Bob Barr of Georgia might be talking impeachment. But back out in the real world, they want to impeach the impeachers.

The Ethos of Intergenerational Sex

Timothy Virkkala

As the Monica Lewinsky story broke, and Americans once again sniggered over their president's libidinous proclivities, another story made the headlines, in that "other Washington," the state. A dishonored schoolteacher in the Seattle area was caught breaking her parole by being in the presence of her one-time student and sometime lover, a 14-year-old . . . *young man.* For several nights in a row, local newscasts would begin with one of these scandals and segue into the other. And I would listen, then hit the mute button on the TV set, trying to decipher America's moral code.

As Clinton's approval rating soared past the watershed number 69, it became apparent to me that we live in a post-Christian society. But the nation's indignation over this troubled woman, obviously obsessively in love with a rather mature "boy" — who not surprisingly reciprocated her love and lust — seemed to betoken no small amount of moral censure. Is its source Christian morality? I doubt it. Almost no one who talked about this unfortunate tale mentioned the woman's abandoned husband and children. Adultery was rarely brought up. Few tsk-tsked the evils of fornication. No, all that seemed to matter was the stark legal dividing line at the "age of consent" — and, among those more interested in contract, the breach of faith involved in seducing a student.

But every time I heard a newscaster speak of the lad in question as a "victim," I marvelled at the conceit. He was physically adult, and, given the circumstances, his emotional childishness seemed unlikely. He was undoubtedly a victim first by statute, then by public prosecution of his lover. Maybe this is inevitable in any decent society (you've got to draw a line somewhere), but it is hard not to see the taboo drawn between him and a willing older partner as a desperate invocation of sentimentality, of an imperialism expanding childhood into youth. (Somehow I missed any mention of the lad's parents in all this talk — surely a crucial element in the story; I gather that parental oversight of a child's maturation is no longer that big a deal, anymore. I am told that at least one reporter did interview his mother, who confirmed that the lad was, yup, pretty mature for his age.)

The modern age's sentimentalization of childhood is often preposterous. I guess in this case it is not wholly nuts, though it still seems problematic. The breach of faith involved in a teacher seducing a student is surely worth some legal action; her firing was no doubt justified. But I have a hard time consigning this woman to the modern-day equivalent of hell. She has her own hell. Obsessed with a lad young enough to be her son, she forsook family, career . . . *everything*, for this obsession. Her story seems right out of ancient mythology — or perhaps tragedy — another awful reminder of the blinding, maddening power of Eros and Venus, of irrational flames leaping up into our tidy world of mown lawns, coffee breaks, and the PTA.

Clinton's continuing sexual saga, on the other hand, is merely comic. This president, who will go down in history as

the first president in history to "go down," is not besot by love, but by lust. He obviously manages his emotional life quite well: he may "feel our pain," but not too much. In any case, this veneer of empathy apparently plays well with his "conquests." Clinton is an exceptional salesman, and this applies not only to the buying and selling of votes and patronage, but to the commerce of sex. And, evidently, this commerce is usually barter, thus satisfying the letter, if not the spirit, of today's ideology of romantic love.

The comedy's farcical elements are truly precious: Bill Clinton's teen-age casuistry regarding oral sex ("it's not *really* sex") adds an endearing, boyish quality to what might otherwise be easily seen as examples of coldly calculating "sexual predation." The long parade of willing sexual partners keeps growing and growing, and each little detail elicits titters from the average American, not scorn or censure. (The sheer number of people willing to defend even his most unsuave Packwood-like gropings and assaults, as testified by Kathleen Willey, is as amazing as anything else in this still-unfolding story.)

Clinton's dishonesty disturbs Americans most, but I have a hard time getting worked up about that. Clinton's dishonesty was palpable from day one of his first presidential campaign. Americans, like so many high-school virgins, looked the other way and elected the guy to the highest office in the land. If they now feel screwed, I don't really see how they can blame the guy who did it to them. In love and politics, "Yes, but . . ." still means "Yes." If Clinton is actually booted out of office for his sexual practices and attendant indiscretions, the joke would be on America itself as much as on Clinton.

I suspect that deep down, most Americans feel this. Hence Clinton's continued popularity, and the unlikelihood of his impeachment and removal from office.

That would be, well, too Christian a thing to do.

You Heard It Here First

Leon T. Hadar

It is quite common for daily newspapers and weekly magazines to publish occasionally a "You Read It Here First" column, in which the publication brags about the fact that it had predicted this or that development and that its analysis of national and world events proved to be correct. Well, if the Big Boys do it, I don't see any reason why *Liberty* and this faithful contributor shouldn't show off a little bit.

Indeed, in the midst of the Lewinsky Affair and the continuing Donorgate scandal and following President Clinton's decision not to follow the advice of Washington's Happy Warriors and show our concern to the Iraqi people by bombing them to death ("We love you, therefore we kill you"), I recalled an article, "Hail to the Wimp" (*Liberty*, November 1994), several years before the world would learn about the Riady and Lewinsky families or about the threat of Saddam's weapons of mass destruction. Isolationism, I wrote, is alive and well in our beloved post-Cold War America, adding: "And who knows it better than that infamous draft dodger, the wimp himself, Bill 'Don't Get Killed, Get a Blow Job' Clinton?" When it comes to foreign policy, this president is just my kind of guy. I also noted many pundits had predicted that Clinton would become a new Woodrow Wilson, a moralist interventionist, an idealist statesman who would try to make the world safe for democracy. What we are getting instead, I explained, is "a Warren Harding, a pragmatic neo-isolationist, a corrupt politician who wants to make the world safe for business — kind of a global Arkansas." And I concluded my article by arguing that the continuing reign of "Hilarious Hillary and Horny Bill" in the White House would help erode the credibility of the presidency and weaken the power of the political class. Now, did you read all of that in *The New York Times*, *The Washington Post*, *The New Republic* or *The Economist*? Well, did you?

I rest my case. And I thank you for your kind applause.

Little Ventured, Nothing Gained

R. W. Bradford

In some circles the runup in the polls that the president has enjoyed as the uglier aspects of his criminal behavior became more widely known is puzzling. So was his easy reelection in 1996, at a time when most Americans were well aware that the president is, well, ethically-challenged. The reason for this support, the pollsters tell us, is that the economy is doing swell.

Incumbent presidents have lost only three of the past 20 elections, and in each case the economy was a major factor. In 1932, Americans ousted Republican Herbert Hoover as the nation suffered from its greatest depression. In 1980, America was again in recession and Ronald Reagan said, "Ask yourself, are you better off today than you were four years ago?" There was recession again in 1992, and the famous sign on the wall of the Clinton campaign headquarters read "It's the economy, stupid." In 1996, Clinton boasted that as chief executive, he had lowered unemployment, boosted stock prices and profits, and nearly balanced the budget.

The obvious implications of this cause despair for some advocates of free markets. Most Americans believe that whoever is president is responsible for their personal prosperity. They seem to think of the U.S. economy as a gigantic corporation with the president at its helm. How can we ever hope to restore a free economy if most of our fellow citizens believe anything this dumb? Why can't people realize that the American economy is not a single, centrally-controlled enterprise, but the complex unplanned interplay of millions of producers and consumers?

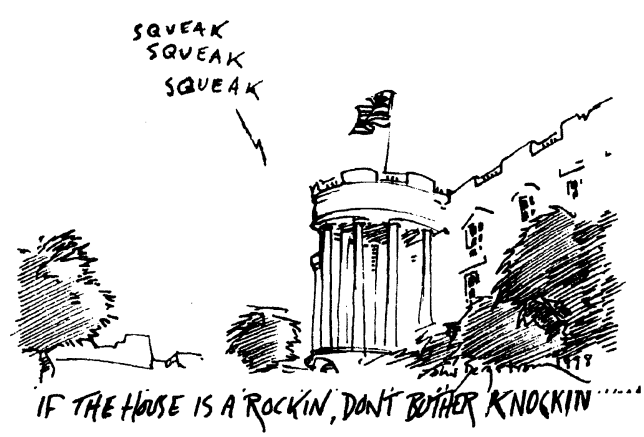

I am not among those upset. There is another way to explain these phenomena.

I suspect most Americans believe that politicians have relatively little to do with their prosperity, or much else in their lives. How they vote or view the president is a very small matter to them. After all, virtually no elections are decided by their personal vote and what they tell pollsters matters even less. And the consequences of having candidate A in office rather than candidate B are neither obvious nor, in most cases, significant. So why invest much time in deciding how to vote or what to tell pollsters? That vote is of so little actual value to most Americans that they don't bother to cast it at all if the weather is bad on election day. And about half of those who qualify to vote don't turn out even when the weather is good.

Americans' personal prosperity, on the other hand, is of great concern to them. So why not support the incumbent when times are good and oppose him when times are bad? All their lives, Americans have heard incumbents take credit when times are prosperous, and challengers blame incumbents when times are bad. Whether they believe this or not, they know their own vote is of insignificant value. So it's quite sensible to cast it on the basis of their own prosperity: if the politicians are right, their vote may help bring prosperity. If the politicians are wrong, they've wasted an asset that is worth almost nothing.

¡Viva Richard Scaife!

Chester Alan Arthur

Apologists for the president have charged that an obscure Pennsylvania zillionaire, Richard Mellon Scaife, has bankrolled an effort by *The American Spectator* to get dirt on President Clinton. According to these reports, Scaife gives the *Spectator* $600,000 a year, which the *Spectator* uses to investigate the president. This is a terrible thing, Clinton's hirelings moan. Why should anyone be subject to such scrutiny?

I refuse to join this chorus. In fact, I wish that some obscure millionaire would give $600,000 per year to sic lawyers and private investigators on every president. If a conservative Republican holds office, he could give the cash to *The Nation* instead of the *Spectator*. Of course, we cannot expect every investigation to strike such a rich vein of corruption as the *Spectator* found in Arkansas. But chances are we'd find out a lot more about the backgrounds of our presidents and quite possibly a lot of them would have to resign. Even if a president is as pure as the driven snow (fat chance!) no real harm would come of such an investigation, and if it distracted him from doing his business (i.e. invading other countries, drafting mischievous legislation, raising taxes), all the better.

As far as I'm concerned, if these charges are true, it doesn't mean that Richard Scaife is some rightwing crackpot conspiring against the president. He is a benefactor to all Americans, a true patriot. Let a million Scaifes bloom!

SO, EVENTUALLY WE GOT TIRED OF MR. STARR: HIS WITCH HUNT TACTICS.

Talking "Head"

Rex F. May

By the time this sees print, Slick Willy may be deposed, divorced, and desolated, or he may have been declared President for Life *and* Holy Roman Emperor. But be that as it may, I witnessed something unexpected during the first ten days of Schmuckgate. The talking heads were embarrassed. They were first of all forced by circumstances to discuss the possibility that their idol had feet of clay. That's bad enough, but they were also forced to talk about semen-stained dresses and fellatio *on the air while looking at each other*. They resented it. They were pissed off at Willy for making them do it. Not that all this will make them honest, but it certainly has led many of them to yearn for Al Gore. It's much easier on Eleanor Clift to talk about corrupt Japs than corrupted JAPs.

"Tailgate" and the America-Haters

Richard Kostelanetz

Nothing recently illustrates the decline of America, the sheer trashiness, more than Tailgate, as the scandal-licking American press has come to call it. In late January, it was discovered that a young woman who had worked at the White House had a crush on the president, which is scarcely surprising or objectionable, and may have had some kind of modest sexual relations with him. The "evidence" for this last charge includes copies of books he inscribed to her, such as Walt Whitman's *Leaves of Grass* (which was illiterately portrayed as hetero porn) and her chatty telephone calls to another White House employee known for devious behavior — an aspiring tape-recording book-author beholden to a New York "literary agent"previously close to Richard Nixon. The intellectual status of such second-hand girl-gossip is "hearsay" — no more, no less — especially if the source, the former White House intern, seems boastfully "boy-crazy" and "disturbed," to put it mildly. (It's hearsay to me until I can hear it.) Obviously, if the object of all this innuendo-upon-innuendo was not the President of the United States, nobody would have cared for more than two sec-

continued on page 69

Liberty *Live!*

Over four years of holding Liberty Editors' Conferences, we've accumulated a treasure trove of tapes featuring some of the most brilliant libertarian thinkers and writers. Now, in honor of our tenth anniversary just past, we've selected some of the best-selling and most provocative of our dozens of scintillating talks. See and hear **Bob Higgs** on the Great Depression, **David Friedman** on anarchy and computers, **J. Orlin Grabbe** on protecting your money, and much, much more.

Why the Great Depression Lasted So Long • Are you tired of hearing people discourse on how Roosevelt and big government "saved us" from the Depression? Now you can hear brilliant economist **Robert Higgs** debunk this key myth of American statism. Not to be missed! (audio: A213; video: V213)

The Nazification of the Money Supply • **J. Orlin Grabbe** is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **Bill Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

How to Write Op-Eds • If you're puzzled as to why your opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

Libertarianism As If (the Other 99% of) People Mattered • **Loren Lomasky** shows how to communicate effectively with the obstinately anti-freedom population of virtually everywhere. (audio: A204; video: V204)

Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

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

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market enviromentalists getting anywhere? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford** debate. (audio: A157; video: V157)

Anarchy via Encryption • The days of the government snoop are numbered. **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

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Memoir

The DEA Wishes Me a Nice Day

by Peter McWilliams

If you've got cancer you can smoke marijuana in California, but that won't stop your house from being invaded.

On December 17, 1997, I was working in my living room-office on my computer next to a fire — sort of high-tech meets Abe Lincoln. It was not yet dawn, and I had been working most of the night. Leonard Cohen's "Famous Blue Raincoat" begins, "It's four in the morning, the end of December." It's a special time of night and a special time of year. The rest of the world has gone quite mad with Christmas, and I am left alone to get some work done.

A hard pounding on the door accompanied by shouts of "Police! Open Up!" broke the silence, broke my reverie, and nearly broke down the door. I opened the door wearing standard writer's attire, a bathrobe, and was immediately handcuffed. I was taken outside while Drug Enforcement Administration (DEA) agents ran through my house, guns drawn, commando-style. They were looking, I suppose, for the notorious, well-armed, highly trained Medical Marijuana Militia. To the DEA, I am the Godfather of the Medicine Cartel. Finding nothing, they took me back into my home, informed me I was not under arrest, and ordered me — still in handcuffs — to sit down. I was merely being "restrained," I was told, so the DEA could "enforce the search warrant."

However, no search warrant was immediately produced. Over the next hour, one page after another of the warrant was placed on a table nearby. I was never told the reasons a federal judge thought it important enough to override the Fourth Amendment of the Supreme Law of the Land and issue search warrants for my Los Angeles home of eleven years, my new home (two doors away), and the offices of my publishing company, Prelude Press, about a mile away. The reasons, I was told, were in an affidavit "under seal."

In other words, I have no way of determining whether this is a "reasonable" search and seizure. The DEA agents could have written the judge, "We've never seen the inside of a writer's house before and we'd like to have a look. Also, those New York federal judges are very touchy about letting us go into New York publishing houses, so can we also have a look at Prelude Press here in L.A.?"

Whatever the reason, I was in handcuffs, and the nine DEA agents and at least one IRS Special Agent put on rubber gloves and systematically went through every piece of paper in my house. (Were the rubber gloves because I have AIDS, or are they just careful about leaving fingerprints?)

I should point out, as I promised them I would, that I was never "roughed up." The DEA agents were, at all times, polite, if not overtly friendly. During the three hours of their search, the DEA agents asked me tentative, curious questions about my books, as though we had just met at an autographing party. They admired my artwork, as though they were guests I had invited into my home. They called me by my first name, although I am old enough to be the father of any of them.

A DEA *Special* Agent (not just one of those worker-bee agents) made it a point to tell me that the DEA has a reputation for busting into people's homes, physically abusing them, and destroying property, all in the name of "reasonable search and seizure." This, he reminded me on more than one occasion, was not taking place during this search and seizure. I agreed, and promised to report that fact faithfully. I have now done so.

Patriots

I suppose the DEA considers this a step up, and I suppose I agree, but it was eerie to see bright (for the most part), friendly, young people systematically attempting to destroy my life. I do not use the word "destroy" lightly. DEA agents are trained to fight a war, the War on Drugs, and in that war I am the enemy — a fact I readily admit. The DEA, therefore,

fights me with the only tools it has — going through my home, arresting me, putting me in jail for the rest of my life, asset-forfeiting everything I own, selling it, and using the money to hire more DEA agents to fight the War on Drugs. From these young people's point of view, invading my home is an act of patriotism.

In a DEA agent's mind, because I have spoken out against the War on Drugs, I'm not just an enemy, but a traitor. In 1993, I published *Ain't Nobody's Business If You Do: The Absurdity of Consensual Crimes in Our Free Country.* In this libertarian tome — endorsed by a diverse group including Milton Friedman, Hugh Downs, Archbishop Tutu, and Sting — I explored in some detail the War on Drugs' unconstitutionality, racism, anti-free market basis, deception, wastefulness, destructiveness, and un-winnability. I see it as one of the darkest chapters in American history, and certainly the greatest evil in our country today.

My view is at odds, obviously, with the last line of DEA Administrator Thomas Constantine's 1995 essay, "The Cruel Hoax of Legalization": "Legalizing drugs is not a viable answer or a rational policy; it is surrender." According to Administrator Constantine, I and "many proponents of drug legalization," are "wealthy members of the elite who live in the suburbs and have never seen the damage that drugs and violence have wrought on poor communities, and for whom legalization is an abstract concept." An abstract concept. Like life, liberty, and the pursuit of happiness.

Given my outspoken opposition to the Drug War, I shouldn't be surprised that the DEA wanted to search my home. The Drug War is another Vietnam. Most of the drug warriors know it, and they have no intention of losing this war and becoming the homeless people so many Vietnam veterans have tragically become. Smart drug warriors. So, to the DEA, I'm part of the nation's enemy. And I must admit, by DEA standards, I have been pretty bad.

It was eerie to see bright (for the most part), friendly, young people systematically attempting to destroy my life.

But when I got sick, I got even worse.

In mid-March 1996 I was diagnosed with both AIDS and cancer. (Beware the Ides of March, indeed.) I had not smoked marijuana or used any other illicit drug for decades prior to this (a decision I now regret). But since 1996 I owe my life to modern medical science and to one ancient herb.

And so I became an outspoken advocate for medical marijuana. In 1996, before the passage of California Proposition 215 (the Medical Marijuana Act), I donated office space to a cannabis club so it could sell marijuana to the sick. I also started the *Medical Marijuana Magazine* on-line in February 1997; testified in favor of medical marijuana before the California Medical Examiners Board and the National Academy of Sciences; and appeared as a medical marijuana advocate in or on numerous media, including CNN, MSNBC, *The Los Angeles Times,* Associated Press, United Press International, CBS Radio Network, and dozens more.

For a sick guy, I've been around. (Actually, I've been around, and that's how I got to be a sick guy, but that's another story.) Most disturbing to the DEA, I would guess, was my strong criticism of it in a two-page ad I placed in the December 1, 1997, *Daily Variety.* I denounced Administrator Constantine's threat to criminally investigate the creators of *Murphy Brown* for Murphy's fictional use of medical marijuana. Having made comments such as, "The DEA gives the phrase 'ambulance chasing' a whole new meaning," I'm surprised it took the DEA 17 days to find my house — but, then, they are part of the government.

Confiscation

About two weeks before my DEA Christmas visitation, the *Medical Marijuana Magazine* on-line announced it would soon be posting portions of a book on medical marijuana that I've been working on, *A Question of Compassion: An AIDS Cancer Patient Explores Medical Marijuana.* My publishing company announced that books would ship in January. This brings us back to my computer and the DEA agents' almost immediate interest in it.

Most of the drug warriors know that the Drug War is another Vietnam. And they have no intention of losing this war and becoming the homeless people so many Vietnam veterans have tragically become.

My computer and its backup drives, which the DEA also took, contained my entire creative output — most of it unpublished — for the nearly two years since my diagnosis. My central project has been the above-mentioned book and a filmed documentary with the same title. Being a fair, balanced, objective view of medical marijuana in the United States, the book is scathingly critical of the DEA.

So they took the computer, backup copies of my computer files, and most of my research materials on medical marijuana. William F. Buckley, Jr. said, "That is the equivalent of entering *The New York Times* and walking away with the printing machinery." If I don't get my computer and files back, it will take at least six months additional work to get back to where I was, and redoing creative work is disheartening at best.

Not only am I in shock from having been invaded and seeing my "children" kidnapped (writers have an odd habit of becoming attached to their creative output), but every time I go for something — from a peanut butter cup to a magazine — it's not there. Something is there, but it's not what was there 24 hours earlier. Everything reeks of nine different fragrances — like the men's cologne department at Macy's. My address books were also taken — not copied, taken. As you can imagine, all this is most disorienting, especially for a born-again marijuana addict like me.

How the DEA Works

A few random observations:

• While rummaging through my publishing company, a DEA agent told the publishing staff, "You guys had better

start looking for new jobs. If the DEA doesn't take this place for marijuana, the IRS will. The government will own this place in six months." Such a statement does not just have a chilling effect on a publishing company; it is like putting an iceberg in front of the *Titanic*.

• The DEA took a microcassette tape from the recorder next to my bed. On the tape I had dictated a letter to President Clinton (dictating to President Clinton in bed seemed appropriate), asking him to rise above politics and show his compassion by making medical marijuana available to the sick. I may never get to mail that letter now, but I certainly hope the DEA agent who listens to it will transcribe it and send it to his or her boss's (Constantine) boss's (Reno) boss (Clinton).

• I have precisely three porn magazines in my house, hidden deep away in my sock drawer. (Who has enough socks to fill a whole drawer?) The magazines were removed from their stash and placed on top of random objects before photographing them. A jury, looking at these photographs, would think I have pornography all over the place. Frankly, I don't mind if a jury thinks this, because my view of pornography agrees completely with that of Oscar Levant: "It helps."

• When the DEA agents found a collection of *Playboys* at the offices of Prelude Press (the Playboy Forum is, in fact, one of the best anti-prohibition information sources around), I am told (as I was not there) that three of the male DEA agents spent a great deal of time testosteronistically pawing through and making typically sexist comments about portions of the magazine that have nothing to do with drugs — but that are obviously addictive nonetheless.

• An invasion of nine people into the world of someone with a suppressed immune system is risky at best. DEA agents come into contact with criminals and other DEA agents from all sorts of international places with all sorts of diseases. Some of these diseases don't infect their young federal bodies, but the agents pass them along. I think of certain strains of tuberculosis, deadly to people with AIDS and rampant in certain quarters — quarters where I make it a point not to go, but quarters in which the DEA seems to thrive. Since my diagnosis, I have lived the life of a near hermit, especially during flu season, which is now. Thundering into my sterile home surrounded by the clean air of Laurel Canyon is the equivalent of germ warfare. At least two of the agents were sniffling or coughing. Six of them handled me in some way. I kept flashing back to the U.S. Cavalry passing out smallpox-infested blankets to shivering Native Americans. Have these people no sense of the struggle AIDS sufferers have in fighting even ordinary illnesses, and the lengths some of us go to avoid unnecessary exposure to infection? (Naive American question, huh?)

Prospects

Philosophically, or at least stoically, one could say all this is part of my research into medical marijuana and those who oppose it — especially into those who oppose it. The problem is that I'm not sure what I've learned. Two scenarios surface, each more frightening than the other.

Scenario One: The DEA, angered by my criticism and fearful of more, decided to intimidate me — and to have a free peek at my book in the bargain.

Scenario Two: In July 1997, the DEA invaded the home of a man named Todd McCormick, destroyed his marijuana research plants (one of which had been alive since 1976), took his computer (which had notes for a book he is writing), and has not yet returned it. Perhaps the DEA — caught in a blind, bureaucratic feeding frenzy — is just now, five months later, getting around to investigating my connection as possible financier of Todd's "Medical Marijuana Mansion" or even — gasp! — that I grew some marijuana for myself. This means that in order to justify the arrest of Todd McCormick, a magnificent blunder, they are now coming after me, a magnificent blunder.

Whichever scenario is correct, if the DEA and IRS have their way I may spend the rest of my life in a federal prison, all expenses paid (and deaths from AIDS-related illnesses can be very expensive, indeed). Truth be told, prison doesn't

continued on page 32

Answering the Unanswerable

In his essay "The Cruel Hoax of Legalization," DEA Administrator Thomas Constantine throws down the gauntlet: "Let's ask proponents some of the hard questions that arise from their simplistic proposal." All right, let's.

Here, then, in order, are the withering questions Administrator Constantine dares us, the "legalizers," to answer. I shall venture where wise men have already tread and submit myself to the Administrator's withering scrutiny.

"Would we legalize all drugs — cocaine, heroin, and LSD, as well as marijuana?"

Yes.

"Who could obtain these drugs — only adults?"

As with cigarettes and alcohol, sale would be restricted to adults, but we can't pretend children will have any less access to drugs when they are legal than they do today when they are not. We can hope only that if we tell kids the truth about drugs — all drugs — they will listen when we advise them not to take any drugs, except medicines, until their nervous systems are fully developed. As with driving a car, voting, or not having to learn anymore, some pleasures are reserved for adults. Those young people who do not follow this sound advice will at least have access to the information necessary to distinguish between drugs that are the least harmful (marijuana) and those that are the most harmful (inhaling airplane glue, PCP and, long-term, tobacco) and experiment accordingly.

"Who would distribute these drugs — private companies, doctors or the government?"

Oh, not the government, please. Did you ever try to buy a bottle of good wine in a state where alcohol is sold only in government-run stores? "Red wine is in the cooler over there, white wine is over here, and pink wines are in the middle." So, please, not the government.

Doctors should certainly be able to prescribe whatever medication they think patients need, but most drug use is recreational and educational, not medicinal.

That leaves — hooray! — "private companies." Yes, free enterprise, capitalism, the open market will take care of manufacture and distribution, create new jobs, and remove the criminal element almost overnight. We could expect private

concluded on page 32

What's wrong with libertarianism...

...*And how to fix it*

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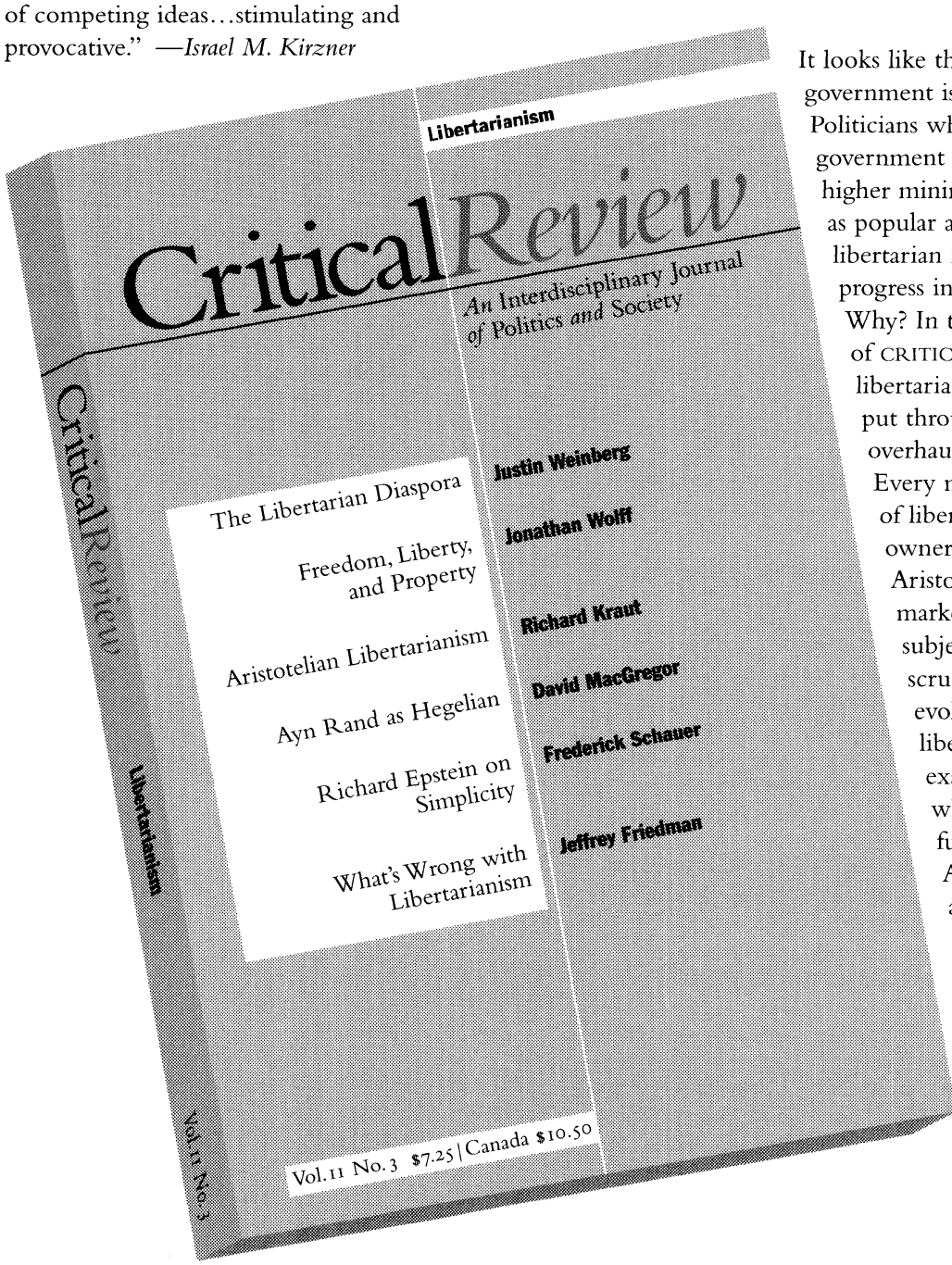

It looks like the era of big government isn't over after all. Politicians who favor new government programs and higher minimum wages are as popular as ever. Nor have libertarian ideas made real progress in the universities. Why? In this special issue of CRITICAL REVIEW, libertarian philosophy is put through a complete overhaul and tune-up. Every major version of libertarianism—self-ownership, Objectivism, Aristotelianism, and free-market economics—is subjected to rigorous scrutiny, and the evolution of modern libertarianism is examined to see why it has not fulfilled its potential. A must-read for anyone who takes libertarianism seriously. *Also available: a new special issue devoted to F.A. Hayek.*

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particularly frighten me. All I plan to do the rest of my life is create things — write, mostly. I've been everywhere I want to go. It's my time of life for didactic pontificating. It is a phase writers go through immediately preceded by channel surfing and immediately followed by channel surfing. Or hemlock.

If the DEA has seized my computer to silence me, it has failed, as I hope this article illustrates. The DEA's next oppressive move, then, would be to arrest me.

(Some have cautioned me about assassination, which I find difficult to comprehend — but then I thought my book was so safe I didn't even have a backup in a Public Storage locker somewhere. I should, I suppose, state that I am not in any way suicidal about this — or anything else, for that matter. So if I should die before the DEA wakes and they claim my death was a suicide, don't you believe it. I plan to go about as quietly into that good night as Timothy Leary did. Still, as a naive American, this concern is far from my mind.)

If the DEA intends to come after me as the financier of Todd McCormick's medical marijuana empire, the DEA knows full well I took credit for that immediately after Todd's arrest — which made a lie of the DEA's claim that Todd purchased his "mansion" with "drug money." Yes, I gave him enough money to rent the ugliest house in Bel-Air and, being Todd McCormick, he grew marijuana there. The money I gave him was an advance for a book on cultivating marijuana.

Todd cannot use medical marijuana as a condition of his bail-release. He is drug-tested twice weekly. He cannot go to Amsterdam where he could legally find relief from the pain of cancer. Todd now faces life imprisonment — a ten-year mandatory minimum — and a $4 million fine, for cultivating

concluded on page 46

Questions About Drugs...

firms to compete to provide the safest drugs — as well as the least expensive. Best of all, it won't cost the taxpayers a cent. In fact, the drug companies will even pay taxes. This may not be a comfortable thought to Administrator Constantine — who uses "libertarian" and "open society" as pejoratives, the way Senator McCarthy used "communist" — but capitalism is the economic system we fought a 40-year Cold War to maintain, so why not use it?

"Should the inner city be the central distribution point, or should we have drug supermarkets in Scarsdale, Chevy Chase, and the Main Line?"

What a fascinating plan to rejuvenate the inner cities! Since the War on Drugs turned ghettos into war zones and death traps, why not let the inner cities profit from the influx of entrepreneurial money that is sure to follow legalization? Turn every Enterprise Zone into a Legal Drug Zone. The trouble with this plan, of course, is that it would require a government program, which means things will only get worse.

Enough government meddling. Legalize drugs and let the free market determine where the drug supermarkets will be, just as it determines the location of bars, liquor stores, and pharmacies.

"How much are we willing to pay to address the costs of increased drug use?"

The Administrator just doesn't get it, does he? The costs of "increased drug use" — should there be any increased drug use, and should there be any costs involved with this increased use — would be borne by the individual users, who would no longer be paying outrageously inflated drug prices and who would get to keep the taxes normally collected and wasted on the $50-billion-a-year War on Drugs.

"How will we deal with the black market that will surely be created to satisfy the need for cheaper, purer drugs?"

No, no, Administrator Constantine, it's called a "free market" — not a "black market." A black market is *what we have now* because you and your Special Agents have driven a much-demanded commodity underground. Legalization will create a free market again, where drugs will be pure, dosages known, strengths uniform, and prices very reasonable, as determined by the laws of supply and demand. (As Director Constantine is obviously not a reading man, perhaps someone should send him a videotape of Milton Friedman's PBS series *Free to Choose*. Label it "Advanced Drug Intervention Techniques," just to make sure he watches it.)

"And when the legalizers answer all these questions, ask them this: . . . "

Oh, boy, the $50-billion, 700,000-prisoner question. Give me a moment to compose myself. All right, Administrator Constantine, shoot. No, wait, I mean *give* me the question.

" . . . Can we set up a pilot legalization program on your block?"

Oh, absolutely! I'll make a fortune just selling roadmaps to my neighborhood. In fact, I'll finance the whole endeavor. Give me a government-guaranteed monopoly on legal drug sales for, say, the next five years. Consider it your "pilot program." I'll let you know how it works out.

Alas, it is painfully evident that Administrator Constantine, having spent a lifetime in governmental bureaucracy, simply does not understand there is no need for a "pilot legalization program" — any more than we needed a "pilot let-women-vote program" in 1920 or a "pilot make-alcohol-legal-again program" in 1933. The government needs only to get out of the way and let the free market take it from there.

Thus endeth Administrator Constantine's series of questions no "legalizer" could possibly endure. As none of my answers are in any way new, one must wonder if the Administrator has ever read any of these answers before. In this country alone, they go back to Thomas Jefferson ("A wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement"), didn't miss Lincoln ("A prohibition law strikes a blow at the very principles upon which our government was founded"), and even touched George Bush when William Bennett wasn't around ("You cannot federalize morality").

(I plan to stage Othello someday with George Bush as Othello, William Bennett as Iago, and drugs as Desdemona.)

—*Peter McWilliams*

Essay

Freedom and Madness

by Thomas S. Szasz

> To commit violent and unjust acts, it is not enough for a government to have the will or even the power; the habits, ideas, and passions of the time must lend themselves to their committal.
>
> —*Alexis de Tocqueville*

Psychiatric slavery — that is, confining individuals in madhouses — began in the seventeenth century, grew in the eighteenth, and became an accepted social custom in the nineteenth century. Because the practice entails depriving individuals innocent of lawbreaking of liberty, it requires appropriate moral and legal justification. The history of psychiatry — especially in its relation to law — is largely the story of changing justifications for psychiatric incarceration. The metamorphosis of one criterion for commitment into another is typically called "psychiatric reform." It is nothing of the kind. The bottom line of the psychiatric balance sheet is fixed: Individuals deemed insane are incarcerated because they are "mentally ill and dangerous to themselves and/or others."* For more than forty years, I have maintained that psychiatric reforms are exercises in prettifying plantations. Slavery cannot be reformed, it can only be abolished. So long as the idea of mental illness imparts legitimacy to the exercise of psychiatric power, psychiatric slavery cannot be abolished.

Power is the ability to compel obedience. Its sources are force from above, and dependency from below. By force I mean the legal and/or physical ability to deprive another person of life, liberty, or property. By dependency I mean the desire or need for others as protectors or providers.† "Nature," observed Samuel Johnson, "has given women so much power that the law has very wisely given them little."[1] The sexual power (domination) women wield (over men who desire them) is here cleverly contrasted with their legal powerlessness (a subservience imposed on them by men).

To distinguish between coercive and non-coercive means of securing obedience, we must distinguish between force and persuasion, violence and authority. Alfred North Whitehead put it thus: "[T]he intercourse between individuals and between social groups takes one of these two forms, force and persuasion. Commerce is the great example of intercourse by way of persuasion. War, slavery, and governmental compulsion exemplify the reign of force."[2] When Voltaire exclaimed, "*Ecrazez l'infame!*" he was using the word *l'infame* to refer to the power of the Church to torture and kill, not to its power to misinform or mislead.

The potency of power as force, symbolized by the gun, rests on the ability to injure or kill the Other; whereas the potency of power as influence rests on the ability to gratify the Other's desires. The individual who depends on another person for the satisfaction of his needs — or whose needs/desires can be aroused by another — experiences the Other as having power over him. Such is the power of the mother over her infant, of the doctor over his patient, of Circe over Ulysses. In proportion as we master or surmount our desires, we liberate ourselves from this source of domination.

The main source of psychiatric power is coercive domination, exemplified by the imposition of an ostensibly diagnostic or therapeutic intervention on a subject against his will. Its other source is dependency, exemplified by individuals defining themselves as unable to control their own behavior and seeking psychiatric controls. Involuntary psychiatric

* In this essay, I limit myself to a critique of the civil commitment of persons not charged with crimes. I consider the insanity defense and other (ab)uses of coercive psychiatry in several of my other books especially *Law, Liberty, and Psychiatry; Psychiatric Justice*; and *Insanity: The Idea and Its Consequences*.

† The spheres of legitimacy for power and dependency, respectively, are defined by law, custom, and tradition.

interventions rest on force, voluntary psychiatric relations on dependency. Equating them is as absurd as equating rape with consensual sex.*[3]

When a person suffers — from disease, oppression, or want — he naturally seeks the assistance of persons who have the knowledge, skill, or power to help him or on whom he projects such attributes. In ancient times, priests — believed to possess the ability to intercede with gods — were the premier holders of power. For a long time, curing souls, healing bodies, and relieving social-economic difficulties were all regarded as priestly roles, utilizing both coercive and cooperative interventions. Only in the last few centuries have the roles of priest, physician, and politician become differentiated, as Religion, Medicine, and Politics — each institution allotted its "proper" sphere of influence, each struggling to enlarge its scope and power over the others. Moreover, only in the West has the power of the priest been reduced to the same level as the power of the people, that is, to the opportunity to persuade willing listeners.

The history of psychiatry the story of changing justifications for psychiatric incarceration. The metamorphosis of one criterion for commitment into another is typically called "psychiatric reform."

The separation of Church and State — that is, withdrawing from religious authorities and organizations the legal authority to use force and denying them funds extracted by force (taxes)† — represents a sharp break in the history of mankind. Although paying lip service to an Almighty, the American Constitution is, in effect, a declaration of the principle that only agents of the state can exercise power legitimately, and that the sole source of the government's legitimacy is the "happiness of the people," insured by securing "the consent of the governed." Gradually, other western states have adopted this outlook. The Argentinean poet and novelist Adolfo Bioy Casares satirized the resulting "happiness" thus:

> Well then, maybe it would be worth mentioning the three periods of history. When man believed that happiness was dependent upon God, he killed for religious reasons. When man believed that happiness was dependent upon the form of government, he killed for political reasons. After dreams that were too long, true nightmares . . . we arrived at the present period of history. Man woke up, discovered that which he always knew, that happiness is dependent upon health, and began to kill for therapeutic reasons.[4]

Among these therapeutic reasons, the treatment of mental illness occupies a unique place.

We Withhold These Truths

In the modern West, slavery qua slavery is of course as dead as the proverbial dodo. Reviewing a book about Jefferson, Brent Staples declares: "Slavery and the Declaration of Independence can in no way be reconciled. . . . The natural rights section of the Declaration — the most famous words in American history — reflected the belief that personal freedom was guaranteed by God Himself."[5]

Alas, if only it were that simple. The words "freedom-slavery," like the words "right-wrong," are by definition antithetical. Hence, asserting that they cannot be reconciled is a pleonasm. But it is a pleonasm only in principle. In practice it is a temptation — a challenge to people's ingenuity to reconcile irreconcilables — to which many yearn to yield. All that is needed to accomplish the task is hypocrisy and demagoguery: Would-be dominators can then "discover" that the persons they seek to enslave are child-like, the victims of one or another calamity from which they need to be protected. This formula explains why chattel slavery and the Declaration of Independence could coexist for nearly a century; why racial and gender slavery and the Declaration of Independence could coexist well into the twentieth century; and why psychiatric slavery and the Declaration of Independence can now coexist in perfect harmony.

While most mental patients are now housed in buildings not called "hospitals," they are still deprived of liberty, typically by court-ordered "outpatient commitment" and "drug treatment," euphemisms that disguise their true status more effectively than ever.

Although modern governments repudiate slavery as the grossest violation of "universal human rights," they continue to exert far-reaching controls over personal conduct, typically justifying coercive paternalism as *the protection of victims from themselves*. Today, the mental patient does not lose his liberty because the state deprives him of it; he loses it because the state declares him to be the beneficiary of a new "constitutional right." In *O'Connor v. Donaldson,* the justices of the Supreme Court discovered such a new right, heretofore hidden in the Constitution. They declared: "[A] State cannot constitutionally confine [in a mental hospital] *without more* a nondangerous individual . . ."[sic][6] Psychiatrists lost no time dubbing this "[something] more" the "mental patient's right to treatment." It is important to emphasize that the "treatment" the court had in mind was, by definition, involuntary: It applied *only* to *involuntary mental patients.*

continued on page 36

* Some psychiatric critics — opposing the use of psychiatric drugs, electric shock treatment, or psychotherapy — advocate the legal prohibition of one or another method or relationship, on the ground that people need the protection of the state from the "exploitation" intrinsic to the practices of psychiatrists and psychotherapists. However, coercive protection from psychiatric treatment is just as patronizing and inimical to dignity-and-liberty as coercive protection from psychiatric illness.

† Many Americans erroneously believe that this condition obtains in all modern democracies. In Britain there is no formal separation of church and state. In Germany and Switzerland, religious bodies receive monies collected by the state.

I feel your pain...

- You're discouraged with the lack of interest in LIBERTY & libertarianism
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- You can't even get your brother-in-law interested

Libertarian Eric Szuter has put aside his career in mechanical engineering to found Sunrise Communications, a publishing company dedicated to promoting a better understanding of the science and technologies of human freedom and societal liberty.
(ericszuter@aol.com)

Been there, done that —

Trying to interest others in the ideals of FREEDOM and LIBERTY can be frustrating. For a long while, I didn't have much success. Eventually, I came to the unhappy conclusion that I must be doing something fundamentally wrong. Since behavior is based on beliefs, I suspected that something must be wrong with my worldview.

After many years of soul searching and studying FREEDOM and LIBERTY with this in mind, I finally discovered what was wrong with my worldview and corrected it. My improved worldview, helped me improve my behavior. I am now getting results where before, I got none. You too can change your whole outlook on life — you can be happier, you can be more productive, have more personal power, save time and money, and be constructively adding to the measure of human freedom and societal liberty — and be bringing people into a deeper appreciation of LIBERTY, all at the same time!

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- **Special Report B**: *Good-bye Political Money, Hello Liberty* ($10.00, Sunrise Communications), and
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plus my book *The Return of Common Sense* ($14.95, Sunrise Communications). Begin to promote FREEDOM and LIBERTY as effectively and as strongly as you love it. Why not profit from an improved worldview? Why not profit from your love of FREEDOM and LIBERTY? And why not bring more people to an enlightened view of these critically important concepts all at the same time?

Many, if not most, of us libertarians, endlessly study and analyze political economy issues down to the last minutia. We watch coercion-based government programs rumble down the runway with four flat tires, huffing and puffing, engines backfiring and leaking oil — we are not surprised that they won't fly — but does this advance us one iota toward greater FREEDOM and LIBERTY? No way!

For a moment, imagine you are back in the year 1900 looking at one of the many airplanes that was not capable of flight. You wouldn't spend a lifetime studying every detail of a machine that is known not to work? You might learn a few important things, but to establish sustained and controlled flight you need to go far beyond that — like the Wright Brothers did!

In the same way, if you're tired of not having enough people with whom to share your love of FREEDOM and LIBERTY, you must adjust your worldview. I can help. You can get started quickly by studying my Special Reports A, B, & C and my book *The Return of Common Sense*. Once your worldview is adjusted, you will be able to focus your productive efforts more effectively. Plus you'll be able to better position yourself to profit from the important transition we have just now begun — a shift to a world with a much greater degree of human freedom and societal liberty.

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Who was Kenneth Donaldson and how did he become entangled with the psychiatric system? Briefly, he was an unemployed and unwanted guest in his father's house. When Donaldson refused to remove himself, his father turned to the psychiatric system to remove him. Thus did Kenneth Donaldson become a "guest" of the psychiatric hospital system, officially called a "patient." Ensconced in his new home, Donaldson refused "treatment": He insisted that he was not mentally ill and claimed he was a Christian Scientist. Notwithstanding the internally contradictory character of Donaldson's subsequent complaint — that his psychiatrists failed to treat his illness — the Supreme Court accepted the case, presumably as an opportunity to reinforce the legitimacy of psychiatric slavery. To be sure, the "complaint" was not really Donaldson's: The real protagonists were his handlers, self-anointed reformers of mental health policy, who fabricated an absurdly hypocritical strategy to advance their own misguided agenda. Donaldson was merely their foil.

Why did the Donaldson case arouse so much professional and popular interest? Partly because it reopened — in the context of the new psychopharmacological treatment of mental illness — the question of what constitutes proper ground for civil commitment; and partly because Donaldson's malpractice suit reached the Supreme Court. Today, the case is an arcanum in the history of psychiatric reform. The issues it raised are, however, of continuing interest and importance.

Although the long-term confinement of mental patients in buildings called "mental hospitals" — as Donaldson had been confined — is no longer fashionable, this does not mean that the uses of coercive psychiatry have diminished. On the contrary. While most mental patients are now housed in buildings *not* called "hospitals," they are still deprived of liberty, typically by court-ordered "outpatient commitment" and "drug treatment," euphemisms that disguise their true status more effectively than ever.[7] Since the Donaldson ruling, psychiatrists routinely invoke claims such as that patients' "rejection of treatment is itself a symptom of their illness";[8] that the "cause [of the 'revolving door syndrome'] may be the result of efforts to protect patients' civil rights — sometimes at the cost of their 'treatment rights' ";[9] and that a "180-day outpatient commitment" policy should be widely adopted because a person who "is suffering from a severe mental disorder . . . lacks the capacity to make an informed decision concerning his need for treatment."[10]

The importance of the Donaldson ruling lay in the fact that it ratified psychiatry's latest medical and therapeutic pretensions. By recognizing the administration of psychoactive drugs to mental patients as bona fide medical treatment, the Supreme Court once again lent the weight of its authority to literalizing the metaphors of mental illness and mental treatment. In addition, by defining involuntary psychiatric interventions — epitomized by involuntary drugging — as bona fide medical treatments, the court redefined involuntary psychiatric interventions from serving the needs of the public to serving the needs of the denominated patient.

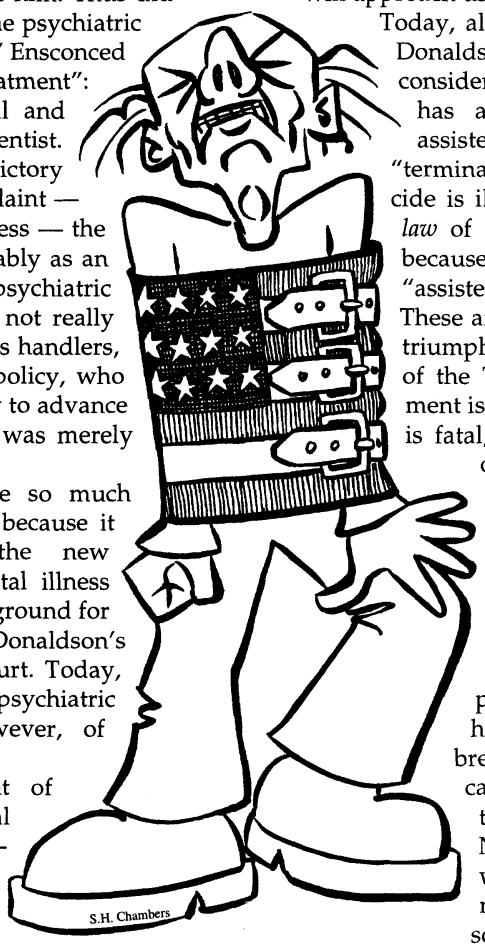

The catastrophic implications of these ideas have not yet begun to dawn on American lawmakers, much less on the American people. The "new Nero," C. S. Lewis warned, "will approach us with the silky manners of a doctor."[11] Today, almost a quarter of a century after the Donaldson decision, the Supreme Court is considering whether a terminally ill patient has a constitutional right to physician-assisted suicide. Never mind that the term "terminally ill" is dangerously elastic; that suicide is illegal, prohibited by the *mental health law* of every one of the fifty states; or that because suicide is illegal, it cannot be "assisted," it can only be "accompliced." These are but minor roadblocks retarding our triumphant march toward the full realization of the Therapeutic State. "Even if the treatment is painful, even if it is life-long, even if it is fatal, that" — mocked Lewis — "will be only a regrettable accident; the intention was purely therapeutic."[12]

Chattel Therapy

Psychiatric slavery rests on civil commitment and the insanity defense. Each intervention is a paradigm of the perversion of power. If the person called "patient" breaks no law, he has a right to liberty. And if he breaks the law, he ought to be adjudicated and punished in the criminal justice system. It is as simple as that. Nevertheless, so long as conventional wisdom decrees that the mental patient must be protected from himself, that society must be protected from the mental patient, and that both tasks rightfully belong to a psychiatry wielding powers appropriate to the performance of these dues, psychiatric power will remain unreformable.

Some people do threaten society: they commit crimes — that is, acts that deprive others of life, liberty, or property. Society needs protection from such aggressors. What does psychiatry contribute to their management? Civil commitment, inculpating the innocent, and the insanity defense, exculpating the guilty. Both interventions authenticate as "real" the socially useful fictions of mental illness and psychiatric expertise. Both create and confirm the illusion that we are coping wisely and well with vexing social problems, when in fact we are obfuscating and aggravating them. Psychiatric power thus corrupts not only the psychiatrists who wield it and the patients who are subjected to it, but the community that supports it as well. As Orwell's nightmarish vision of *Nineteen Eighty-Four* nears its climax, O'Brien explains the functional anatomy of power to Winston thus:

> [N]o one seizes power with the intention of relinquishing it. Power is not a means; it is an end. One does not establish a dictatorship in order to safeguard a revolution; one makes the revolution in order to establish the dictatorship. The object of persecution is persecution. The object of torture is

concluded on page 48

Speculation

The Temptation of Bill Gates

by Brien Bartels

The Devil who demands to be obeyed offers rewards, too.

For those with a mind for history, the current anti-trust case against Microsoft might recall the contest between Bukharin and the Stalinist prosecutors in Moscow, 1937. Those with a literary bent might imagine ominous parallels with certain scenes in *Atlas Shrugged*. The war on Microsoft appeals to the mythos of the individual versus the state, the Nietzschean idea of the strong shackled by the weak, and the simple dichotomy of Good Businessmen and Evil Regulators. Whether it is perceived as ending in triumph or tragedy, the press releases, books, list servers and conventions of the nation's individualists will be permeated with the pathos of the struggle.

What we admire in Microsoft may turn out to be its greatest weakness. It is the nature of entrepreneurs, like Bill Gates, to put their self-interest first. Government, in its benevolence, puts many temptations before the entrepreneur. The Small Business Administration administers all sorts of loans to . . . well, to small businesses, while loftier departments support commodity prices for agribusiness and provide an array of subsidies for practically everyone else. The government has the power to crush a business's competition through protectionism and regulation. And regulators can entice entrepreneurs to cooperate in the regulation of their industries; this is not always detrimental to them personally or professionally. So, if the trust-busters decide that they must ensure "fairness" and "level playing fields" in the electronic frontier, will Gates struggle on in the free-market path and continue his role in the computer revolution? Or will he lead the personal computer into a Babylonian captivity of regulation and stagnation?

The substance of the match between Microsoft and the Department of Justice is this: In 1994, the Justice's Antitrust division got Microsoft to agree to a consent decree which, among other things, "forbade Microsoft from leveraging its near-monopoly in Windows to benefit its other products," applications like its Excel spreadsheet or Explorer internet browser. It was an attempt to keep Microsoft from forcing the PC manufacturers who license Windows 95 to carry Microsoft applications and exclude other companies' products. In October 1997, the Justice Department, goaded by Microsoft's competitors Netscape and Sun Microsystems, sought to pin a contempt finding, and a mind-boggling million-dollar-a-day fine, on Microsoft for violating that consent decree. Microsoft triggered this action by bundling its internet browser, Internet Explorer, with Windows 95, and requiring PC manufacturers to display the browser's icon on their product's desktops. A federal judge blocked this practice with a preliminary injunction, but declined to fine the company. In response, Microsoft offered the manufacturers neutered versions of Windows that, quite justifiably, none of them would touch. Microsoft had followed the letter of the injunction, it was said, but not the spirit.

What the government got "was classic Microsoft," wrote Tim Steinert-Threlkeld in *Interactive Week Online*, "a pragmatic settlement that really lets it go on doing what it intended to do all along."

The PC makers preferred to continue licensing the software that had been foisted on them, with the controversial Explorer icon perched happily on the desktop. That, and the fact that Microsoft included the browser software free with the operating system, while chief competitor Netscape charged computer manufacturers for its browser, made Microsoft's "victims" unwilling to change the status quo. Again, the DOJ called for a contempt citation and fine.

So on January 22, Microsoft agreed to cooperate more

fully with the federal judge who holds its fate, agreeing to distribute Windows without an Explorer icon.

On April 21, Microsoft will again stand tall before The Man, this time seeking to reverse the injuction against bundling. The corporation's lawyers, having apologized for their former "disrespectful, belligerent and difficult" attitudes (that is, acting like good capitalist heroes), will try to pave the way for the release of Windows 98, which will include a fully integrated browser. That product is outside the consent decree's purview, but not necessarily immune to government scrutiny.

Picture Microsoft's decision tree for a moment, from the perspective of the now-besieged brain trust. The company seems to have abandoned their aggressive, almost contemptuous defense of their prerogatives. There are two possible outcomes of a deferential strategy. The judge, charmed by their new respectful attitude, could reverse the injunction. That would incite the anti-trust authorities to take more drastic action. Or the judge, still smarting from the "defamatory" and "trivial" defense gambits of the old Microsoft strategy, could issue a permanent injuction. And then the Microsoft brain trust would perceive that they are more vulnerable to their enemies. Not merely "in the Bull's eye," as Sen. Ted Kennedy said at the Senate hearing Mar. 3, but at ground zero of an anti-monopoly action.

The observers, mostly untutored pundits, who attack Microsoft's "monopoly" point out the mischief that Microsoft might do.

For a clue as to what might be feeding this paranoia, consider the man whom the government retained as a consultant, David Boies. Although he worked for IBM during the computer giant's 13-year prosecution under the Sherman Act, Boies should be remembered for his last star turn for the government. As a partner at Cravath, Swaine, & Moore, he helped the government loot $1.1 billion in civil penalties from Drexel Burnham Lambert and the other investment banks during the post-Michael Milken pogrom on Wall Street. The firm took $17 million or so in compensation. Today, Boies is letting himself go at half his $550 an hour fee. He will lead the government's legal team if litigation is called for. He is just the sort of attorney to hire to send a grim message to a defendant.

Survive!

Countless professional thinkers have commented on the Microsoft will to power, the urge to win and the paranoia that starts in the fevered brain of William Gates III and penetrates, undiminished in intensity, the whole organization. Microsoft's stock value is commensurate with the will of the organization to survive. Faced with huge civil fines, the possible break-up of the company in anti-trust proceedings, possible regulation of the industry if Congress decides to "solve" the problem courts and lawyers won't, and a market position that some advanced thinkers believe it will not occupy much longer, Microsoft faces the temptation to cop a plea. They could surrender the right to integrate software. Or, in dire straits, they could actually become a midwife for regulation of the computer industry. Microsoft would be reduced to the status of a publicly managed utility, the Windows monopoly intact but managed for the public good. *Götterdämerung* for Bill Gates, but for his competitors and critics too. That's also pragmatism.

Microsoft would not be the first market leader to be seduced by the Dark Side. Consider the railroads. By the 1880s, two decades of amazing growth and competition had given America the most extensive rail network in the world. But that competition and growth made life precarious for the railroad owners; their fates were like that of Netscape and Sun today: work and invest for years and see your lunch eaten by bigger, better-positioned competitors from above, and nibbled by smaller upstarts from below. When the efforts of Populists, Grangers, farmers and manufacturers managed to get legislation authorizing freight price regulation in the late 1880s, the railroad magnates did not appeal to natural law to defend their right to make an honest profit for the vital transportation services they were providing. They did not try to educate the howling mobs and the magistrates of the positive social consequences of the railroads' consensual activity. They didn't talk about Adam Smith or William Graham Sumner. Instead they acquiesced to the creation of the Interstate Commerce Commission, which set rates for freight where once competition and fragile cartels had pursued equilibrium. And the Interstate Commerce Commission was made up of . . . the railroad men who were to have their predatory profit-seeking instincts beaten into respectful submission. They did not require much convincing to see that their self-interest might be better served by the government's protective hand than by the fickle invisible hand. So the industry's major players insulated themselves from change, and the railroads stagnated. Rates were high, competition low, and entry restricted. And the customers were materially worse off than before the regulation.

Microsoft, with its will to survive, sure of its right not merely to compete but to dominate the market, might extend its pragmatism and cooperativeness to the full regulation and rationalization of the computer software market. Regulation is something that Sun Microsystem's CEO Scott NcNealy has said "would be a disaster for everyone." Given a few years to think it over, the Microsoft brain trust might not see why it would be so disastrous.

History, Opportunity, Motive

Surely, the heroic Mr. Gates would not, *could not* be so nefarious as to collaborate with the forces that want to stifle competition and trample the consumer's right of free choice. Let's examine that in an orderly way. Well, why not? The antitrust division's powers provide the opportunity for Microsoft to effect a mammoth reorganization of the computer industry. The motive is survival. What is the suspect's history?

Let's start with the founders of Microsoft. The devotion of Bill Gates and Paul Allen to the pristine market is far from clear. Gates provided both his money and, on one occasion, his commanding telegenic persona (a possible exaggeration) to support initiatives for gun control, and to stop initiatives

for tax limitation and school choice in Washington state.

The evidence against Paul Allen is even more solid. In 1997, Allen sought the help of the public in "saving" the Seattle Seahawks, a football team which he wanted to purchase. To save "our team," it was not only necessary to pay owner Ken Behring to go back to L.A., but to build a new stadium for the team. The new stadium would cost far more than its effect on revenue would justify, so Allen went to the state legislature asking for a gift of a few hundred million dollars to finance it. The legislature obliged, but gave the public the right to stop the huge subsidy by public referendum. The first referendum — held only in King County, whose taxpayers would foot the bill — failed to support the stadium by a substantial margin. The legislature obliged again, this time with a measure to put the tax burden on all Washington taxpayers. Allen financed a lavish advertising campaign, and the measure survived the referendum.

The personal decisions of the two founders of Microsoft seem to suggest that they find little problem with cooperating with the agents of coercion, if it serves a positive end. But that's an opinion that they share with 80 percent of the private citizens of the United States. What about Microsoft's strategy for survival in a state-run world?

Microsoft had no significant presence in Washington, D.C., until its run-in with the DOJ in 1994. Since then, it opened a virtual subsidiary on the banks of the Potomac. A move of self-defense, obviously, excusable on the ground that the government aggressed upon them and may again. And the entire industry has become more active. Congresspeople used to complain about the paucity of contributions from high-tech firms. Maybe their complaints registered. Political donations increased 52 percent between 1992 and 1996.

But Microsoft became quite proactive after that. In fact, their subsidiary became a profit center.

As always, Microsoft hired from the honor roll. Among other, lesser names, Microsoft retained Grover Norquist, chief of Americans for Tax Reform, to influence the Republican majority in Congress. There is a type of code that

The urge to win and paranoia starts in the fevered brain of William Gates III and penetrates, undiminished in intensity, the whole organization.

he was expert in writing that not even the geniuses at Microsoft could hack: tax code. Norquist was one of many lobbyists who helped install the Software Export Equity Act into Tax Bill 97 via an interface with the House Ways and Means committee — a move that will save Microsoft hundreds of millions over the next ten years. Since then, Norquist has used his influence with Republicans to prevent restrictions on immigration that might harm Microsoft's ability to hire talent from overseas, and to educate lawmakers on the software encryption front. This last might be construed as concern for the privacy of Americans, but was played in Washington as a move to preserve the competitiveness of software products Made in the U.S.A. By one accounting, Microsoft spent $1.1 million on lobbying in 1996, an investment they surely mean to recoup.

So. We know that Microsoft is capable of collaboration. They have the history. They have the opportunity. But why should Microsoft play the game with the regulators when they hold all the cards in the free market? What about the monopoly on the operating system?

Monopoly Myths

The monopoly on the operating system that Microsoft "forces" everyone to use originates in the license agreement between the company and IBM in 1981. It created a standard for the industry, an open architecture in which the corporate clients of the first PCs could add a mix of software that was suited to their unique operations. Microsoft DOS and later

Bill Gates provided both his money and his commanding telegenic persona (a possible exaggeration) to support gun control and to fight tax limitation and school choice in Washington state.

Microsoft Windows became the *lingua franca* for the commercial world's computer revolution. It was not a pure monopoly. IBM and other companies introduced competing operating systems; and Apple's Macintosh operating system continued to hold a significant market share.

Some economists pointed out that the Microsoft standard was a benign monopoly, since it increased opportunity for smaller companies to make applications for the existing operating system architecture. As Gates himself pointed out, the open architecture allowed myriad other producers to invest in and innovate on the IBM/Microsoft system, resulting in much more investment than the hardware and software giants could have devoted by themselves. And innovation flourished.

The revenue from operating system sales amounts to only small part of total software sales. The rest of the industry's cash flow comes from applications, and some of Microsoft's applications have fallen flat. Oracle was able to steal market share in the database segment. Microsoft's product line for the Macintosh was viewed by Mac users as evidence of actual malfeasance. A recent review of improved Microsoft Office for Macintosh software was headlined "Microsoft repents!" (*MacWorld*, February 1998) The reviewer's take was that the Microsoft engineers who wrote the original version did not actually study the Mac environment, an inept way to conquer a new market.

And despite the hype about Microsoft tactics in the browser war, as of the end of 1997, Netscape Navigator still held a larger market share. And the proprietary browser of internet service provider America On-Line has the largest market share of all. Meanwhile, IBM has recovered from its funk to become, in Gates's opinion, Microsoft's most powerful competitor. Although IBM is perfectly happy to install and service Windows NT networks, its Lotus Notes, a

collaborative software for communicating on local networks, is ahead of Microsoft Exchange. And IBM is investing heavily in Java, the language developed by Sun Microsystems that supposedly has Bill's boxers in a bunch.

The observers, mostly untutored pundits, who attack Microsoft's "monopoly" point out the mischief that Microsoft *might* do, such as unilaterally changing its operating system to shut out the small software producers. Or they quail about the one thing they think they know about monopolists: monopolists jack up prices and "force" people to buy. The Windows licensing aggreement has an aspect of this in its mandatory nature, but where is the monopoly pricing? *Gates was giving his browser software away.* And in general software prices have fallen constantly despite his "monopoly."

The Economics 101 answer is that monopolies fail, either due to changes in the competitive environment or due to technological breakthroughs. To say that Microsoft's "monopoly" on operating systems may fall is not to say that suddenly, consumers and PC manufacturers are going to demand more of O/S 2 Warp. The threat, as described in Microsoft's own internal communications, is Java.

Java'ed to Death

According to a Microsoft memorandum, Java could be the key to "a virtual operating system. Windows will become devalued, replaceable." Java could be the new *lingua cyberia* that destroys that necessity for the One Big Operating System. There might not be a pressing need for an industry standard. And that would dissolve Microsoft dominance.

Today, Microsoft and most other industry leaders downplay the utility of Java-flavored network computers that IBM and Sun are investing in. Possibly, it is a similar mind set that caused IBM to stick to production of mainframes while the Bill Gates's and the Andy Groves's of the 1970s saw that microprocessors and PCs would mean the end of the mainframe era.

But those external threats are limited. As the critics of Microsoft and the critics of Gates point out, all of them could be co-opted, bought out, or made irrelevant by Microsoft's anticipated countermeasures.

A First Amendment Issue, Not a Mere Antitrust Case

Microsoft is now in a legal battle with the United States Federal Trade Commission (FTC) and the U.S. Justice Department (not a very accurate name) over whether the company is engaging in anti-competitive practices and attempting to monopolize the Internet browser software market by bundling its Internet Explorer browser with its Windows operating system. Microsoft is in an administrative law court in which the Federal Trade Commission is judge, jury, and executioner.

But the Microsoft case is being tried under the wrong law. This is a First Amendment issue in which the Constitution, the law, and the facts are strongly on Microsoft's side, and the case should therefore be in the Federal District Court of Washington, D.C. on First Amendment issues and on its way to the U.S. Supreme Court, not in an FTC administrative law court. The FTC cannot alienate First Amendment rights with a consent decree!

Microsoft no doubt has exceptionally talented anti-trust lawyers who are earning their fees. Unfortunately, these lawyers are unlikely to have sufficient expertise in First Amendment jurisprudence to realize that it places very stringent restrictions on how the FTC can limit the actions of someone who is giving away cyberspace newspapers and printing presses — often called web browsers.

It is extremely important that Microsoft begin fighting with the right legal defense: their browser — the cyberspace equivalent of a newspaper — is both speech and press protected by the First Amendment. It is particularly important because the real reason the federal government is pursuing this issue is not really because of a supposed anticompetitive effect of Microsoft's Internet browser; it is because the feds want a consent decree that will allow them to block Microsoft's announced plans to integrate strong public key encryption into Windows 98, its integrated operating system/browser. The federal government will fight tooth and nail to prevent the spread of strong encryption and, therefore, real privacy and untaxable commerce in cyberspace. (The fact that an internet columnist broke the Monica Lewinsky story might be another reason why the Administration would like to gain some control over the Net.) This FTC investigation, harassment, and lawsuit may also have something to do with generous fundraising activities for Democratic National Committee by certain of Microsoft's competitors. Perhaps this suit is also intended as a message that you, too, should donate a few million dollars to Al Gore and the Democratic National Committee in 1998.

Is a Browser a Newspaper?

The editor of a newspaper decides what information he wants and tells his reporters to go out, search for it, and bring it back in written and graphic form. A person using a browser is doing the same thing. The editor then searches through the reports for the information he wants, edits it, and displays it on a glass screen or prints it on paper. Again, a browser does the same thing. The editor — the browser user — may want to publish it on the Net, which he can do with the browser by transmitting the information via electronic mail. Your free Internet Explorer and the Net allow everyone to publish information for the whole world and at vastly lower cost than any hundred-ton cast iron printing press ever built. As Judge Dalzell of the Washington, D.C. District Court concluded, in declaring the "indecent communications" section of the Communication Decency Act of 1996 unconstitutional, that the Internet — as "the most participatory form of mass speech yet developed," is entitled to "the highest protection from governmental intrusion." The U.S. Supreme Court included this quote of Judge Dalzell's in upholding the decision of the three-judge panel by 9–0. (*Reno et al. v. ACLU et al.*, U.S. Supreme Court, 96–511, decided June 26, 1997.)

Microsoft's Internet Explorer is not a spreadsheet, not a

A more oblique but more dangerous threat materialized recently at a different federal court, overshadowed by the anti-trust case. The U.S. Supreme Court refused to review a Ninth Circuit court decision against Microsoft in the case of *Microsoft v. Vizcaino*. Microsoft was attempting to uphold a contract clause under which freelance employees would give up the right to purchase stock. When the IRS ruled the freelancers weren't freelancers at all, the quasi-contractors immediately sued for the right to Microsoft employee stock benefits. At stake was not merely a measly few shares of discounted stock. The real risk was that Microsoft would ruin its reputation as a good place to work, and thus its attractiveness to the pool of genius coders. The Microsoft mystique, and the Microsoft compensation plan, is, as one observer put it, "its single biggest competitive advantage."

Microsoft Tempted by the Devil

Sooner or later, Bill Gates's empire will totter, either because of an error in judging the competition, or because of Microsoft's loss of vitality. At that point, the temptations offered by government's privileges and protections will be most keenly felt.

The disaster that Sun's McNealy speaks of, regulation, is not yet an explicit threat. But even the worst case scenario, a commission charged with setting standards and prices to ensure level playing fields, has enough potential benficiaries to make to politically attractive. For the politicians who currently hold the anti-trust division's chains, software industry regulation is a bold initiative at a time when the marginal cost of new programs is high in terms of political capital. The public might initially perceive the stabilization of the industy the way they initially perceived health care reform: a simple way to achieve fairness while lowering costs to the consumer. And besides that, the slowing of innovation under regulation might be attractive to Americans tired of buying upgraded software every six months. For the "capitalist robber barons," regulation offers the chance to leave their "dirty" commercial enterprises and enter the pristine realm of public service as advisors and experts. Innovation will become, in part, contingent on politics. Investment in new and better computing systems would likely grind to a snail's pace, perhaps even a halt, since the "official" operating system, Windows, licensed by the software commission, must continue as the standard. From this beginning point it is but a short step to midnight raids by armed enforcers searching for unlicensed software.

Microsoft had no significant presence in Washington, D.C., until its run-in with the DOJ in 1994. Since then, it opened a virtual subsidiary on the banks of the Potomac.

This is not a scenario that today's neo-liberals in the DOJ like to talk about. Instead they stick with platitudes of level playing fields and the encouragement of innovation. Anti-trust chief Joel Klein has composed whole rhapsodies on these themes; read his quotes in the papers every time his team tightens the screws on Microsoft. They are selling the "benefits" of regulation. But protection and privilege result from the most timid injunctions and the most Stalinist nightmares. And that is the temptation that blurs the line we'd like to maintain between our Good Businessmen and Evil Regulators.

When the government remains in its proper bounds, leaving the consumers and producers free to achieve their objectives by the customs of the markets, innovation is "encouraged" by the desire of entrepreneurs to succeed. That desire, sometimes called greed, sometimes feared because of its power, has constantly uplifted society. For thousands of years people have lived by that desire to improve their circumstances through success in commerce. Adam Smith observed it. Hayek and Mises dignified it. Generations of entrepreneurs, beginning with the International Business Machines and continuing with Sun and Oracle and Microsoft today, have proven its efficacy with the computer revolution.

Will Bill Gates eschew further collaboration, even if it means more harassment? Even with the knowledge that what he has worked to build may be swept away by the tempestuous market? It is a finely balanced contest. ❑

"mere item of commerce" which can be regulated in interstate commerce under the Constitution's Commerce Clause. It is speech. It is the press. It is peaceable assembly. And as the First Amendment says, "congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble . . ."

The Justice Department is likely to argue that the less stringent "commercial speech doctrine" standards of court review of the government's regulatory powers apply (See *Rubin v. Coors Brewing Co.*, U.S. Supreme Court (1995) and *Liquormart, Inc. v. Rhode Island*, U.S. Supreme Court (1996)), but since millions of browser users are not just engaging in interstate commerce, but are indeed engaging in political speech (perhaps to the displeasure of some in the federal government), you should argue that the most protective political speech standards apply. The feds have no Constitutional authority to stop you from giving away newspapers and printing presses. In fact, the First Amendment prohibits such interference.

There is a lot more at stake in the Microsoft case than you're hearing from the FTC, the Justice Department, the media, and even from Microsoft's lawyers: *everyone's* freedom of speech (not just Bill Gates's and Microsoft's) is at risk.

The first step to protect both your freedom and ours is to file for a stay in the Federal District Court for the District of Columbia to hold the antitrust issues until the First Amendment issues are decided — an argument that is likely to go all the way to the U. S. Supreme Court, but will be very well worth your time, effort, and money in the long run. Perhaps a century from now, Bill Gates will be remembered as the man who saved freedom in cyberspace with a landmark First Amendment decision in the year 2000, rather than as the systems programmer who wrote MS-DOS back in the early '80s and became a billionaire.

—*Durk Pearson & Sandy Shaw*

The Empire Strikes Out

by Alan W. Bock

Global cop? Sole remaining super-power? No, *empire.*

Now that the cold war is over and the era of the "sole superpower" struggles to be born, it is possible to talk about empire without having the discussion dominated by Leninist understandings and shibboleths. More people have less interest than in times' past in concealing the fact that America is an empire; they are now apt even to debate the pros and cons of maintaining or expanding it.

It is hardly novel, of course, for various paleos, conservative and libertarian, to bewail the growth of an American empire and to call it by its proper name. But to find frank discussion of an American empire in places closer to the belly of the beast is refreshing and, I hope, a harbinger of things to come. Last summer *The National Interest*, published by Irving Kristol and edited by the former Australian diplomat Owen Harries, printed a fascinating piece by James Kurth, who teaches political science at Swarthmore and is associated with the American Enterprise Institute, called "The Adolescent Empire." The reference was to the American empire in its current manifestation, and what Mr. Kurth viewed as its dim prospects for continuing domination.

Drawing on European perceptions, which have always viewed the United States more as an imperial power than as the idealistic republic we naive Yanks prefer to see, he compared the American version of empire to past recent empires in terms of "the empire's particular vision of politics, economics, culture, and ultimately of such fundamentals as human nature and the meaning of life itself. These together comprise its imperial idea." Thus the Hapsburg Empire was built around a Roman Catholic vision, the British Empire around a Protestant and commercial ideal, the French Empire around the ideal of the Rational Nation-State, and so forth.

Key to Kurth's imperial morphology was the "ideal human type" each empire promoted and valued. The Hapsburg's ideal honored experience and mature judgment, found in men-of-the-world in their fifties. The British valued the mature soldier and civil administrator in his forties. The French thought the rational ideals needed to rule others wisely could be acquired more through education than experience, thus treasured people of action in their thirties. The Nazis and Soviets valued courage, strength and loyalty amounting to blind obedience, typically found in twenty-somethings.

The modern American empire that grew during and after World War II, Kurth says, was founded by unusually mature and experienced Europhiles — the Marshall-Acheson-Kennan "wise men" who were "present at the creation," and flexed America's hegemonic muscles during a period when Europe was also run by mature conservatives like Adenauer, Churchill and DeGaulle. In its present manifestation, however, "while the peace component based upon military protection is becoming more ambiguous and the prosperity component based upon open economies is becoming more dubious, the 'soft power' component of popular entertainment based upon global media is becoming more pervasive." And American culture's ideal type is the popular entertainer or sports star. "In short, the ideal human type of the American imperial idea is the adolescent." And "in the end — in its erratics, its entertainments, and its emptiness — an adolescent empire will be no empire at all."

He didn't go so far as to note the appropriateness of the Adolescent Empire being presidented by the Perpetual-Adolescent-in-Chief, but I don't mind.

The neo-imperialists (they've been neo-everything-else, so why not?) at the *Weekly Standard* found all this alarming

enough to devote a recent article to the dread phenomenon of resurgent isolationism on the right, citing Kurth along with the Buchananites for insufficient zeal for the world-cleansing reformist potential of a Sole Remaining Superpower in the right guiding hands — or even in bedraggled Clintonian hands so long as the right people are viewed as real players in the imperial city.

And, in a sense the *Weekly Standard*ites' fears were not groundless: budding oppositionist heresies from quarters both predictable and surprising botched the build-up to Bill and Al's Excellent Adventure in what could have been a splendid little make-believe war against the Evil Saddam.

At first it seemed that only foreigners opposed the idea of a first strike against the Saddam, but that foreign opposition seems to have legitimized latent questions among Americans. And, sure enough, the first time lieutenants of the imperial expeditionary force, Madeline Albright, William Cohen, and Sandy Berger, placed themselves in contact with some actual American citizens — at a "Town Meeting" staged in Columbus, Ohio, for CNN — they were hooted off the stage.

Even more damaging than the delightfully noisome hecklers were the reasonably searching and informed questions asked by more outwardly polite members of the audience — much better questions, not so incidentally, than are asked by media professionals at most Washington news conferences — to which the top national security officials in the government had no coherent answers. Indeed, the meandering babble of the Curly-Moe-Larry troika in Columbus did more to undermine the usual unquestioning support by Americans for a president's foreign designs than either the hecklers or Boris Yeltsin. The erosion of what had been expected to be automatic support was more important in the decision to accept the results of U.N. Secretary General Kofi Annan's mission to the Beast of Baghdad than anything contained in the meaningless piece of paper he brought back.

Does this nascent popular opposition to lofting bombers over Baghdad indicate a widespread recognition of and opposition to the imperial ambitions of our titular leaders? Probably not. At least as many of the doubters in Columbus — and elsewhere if my unscientific soundings mean anything — were probably of the Saddam-needs-his-butt-kicked-but-Clinton-ain't-the-guy-to-do-it school as of the it's-none-of-our-business school. But even hawks of that brand will not provide a reliable constituency for future imperial adventures. The American desire for quick, decisive military encounters rather than long struggles, the almost universal demand that an "exit strategy" be in place before a commitment is made, have been noted often enough to sound clichéd, but this cliché seems to hold some truth.

The truth is that most Americans outside a relatively tight circle of foreign-policy professionals (and academics who study them and media that cover them) have no desire at all for this country to be an imperial power. We can get whipped up over thugs like Saddam or by media coverage of famine or civil war for a while, but most Americans are much less eager to try to fix all those problems than are our sole-superpower deep thinkers. Furthermore, most Americans have little confidence that those running foreign policy institutions have the knowledge, expertise or competence to fix those problems even if they had the resources they think they need. Whether this arises from legendary American insularity and self-absorption or from a sophisticated understanding of just how deep and particular are the roots of many of the world's conflicts, how unlikely they are to yield to well-meaning but bumbling outside intervention, there's a solid if not always self-conscious bias against American imperialism.

Indeed, the builders of the American empire studiously avoided that word, as aware as the next person of the country's roots in rebellion against empire and devotion to some variant of the founding myths of individualism and democratic zeal. Woodrow Wilson built the foundations of empire on a rhetoric of anti-colonialism, FDR expanded it through a crusade against fascism, and the cold warriors expanded it further on the need to cooperate to contain the historically unprecedented threat of communist imperialism. With that threat removed, today's imperial advocates have to speak in the language of spreading the blessings of democracy and free markets, crusading for universal political and spiritual values and protecting the innocent victims.

Most Americans outside a relatively tight circle of foreign-policy professionals (and academics who study them and media that cover them) have no desire at all for this country to be an imperial power.

As the emotional dust from February's drumbeat for war clears, however, more Americans may find time to grapple with a disturbing fact that marks the proposed bombing of Baghdad as a quintessentially imperial enterprise. At no time during the propaganda build-up did anybody wonder very publicly if there shouldn't be at least a pretext other than defiance of U.N. inspectors, so it could at least be billed as a response to aggression. George Bush's Iraq adventure followed an actual Iraqi invasion of a neighboring country. The anticipated Clintonite bombing would have been a clear case of unprovoked — except in the most abstract of senses — aggression by the United States of America, the land of the free.

Administration spinmeisters didn't even bother to try to make a case or construct a scenario in which the American bombing could be viewed as an essentially defensive response to aggressive behavior. Saddam displeased us by defying the U.N. (never mind that the U.N. itself wasn't particularly upset), and the sole remaining superpower has certain responsibilities and prerogatives in the world it dominates. That includes, apparently, first strikes or unprovoked aggression against countries we find unsettling or annoying.

Now those who have fancied themselves our masters have more than once eagerly desired to get the United States involved in war and have maneuvered shamelessly to make it happen. Until now, however, they have had the decency, the respect for the ideals and myths the country cherishes about itself, to arrange for the wars to be initiated or

expanded by some aggressive act by another country, even a phony one like Tonkin Gulf in Vietnam. Until now, Americans have preferred to believe they only responded to aggression, that they weren't the type of country to initiate it.

An idealistic protector of recognized national rights and sovereignty might not initiate aggression, but an imperial power that believed it had a mission to protect stability and put down disturbances might well consider the kind of punitive strike the compassionate Clintonites had in mind for Iraq.

If this way of viewing the incident gains credence, more Americans might be pushed to consider whether they really want their country to be the policeman, or even the sheriff (presumably a more limited role) of the world on the taxpayers' dime. An increasing acknowledgment that the United States has become an imperial power, despite our history and ideals, could cause more Americans to consider foreign policy issues in the context of imperial ambition or overstretch rather then viewing them as ad hoc, isolated crises. If they do, perhaps Americans will find ways to let their leaders know that they want no part of being an empire or running the world. ❑

Reflections, *continued from page 18*

Julian saw his work and (may I suggest) the work of Heritage, Cato, *Liberty, Reason*, CEI, and the other voices for economic and individual liberty, as the instruments to bring about those institutional changes, those critical reforms which would further liberate the human spirit. Mankind — Julian Simon's *ultimate resource* — would create and develop the institutions of freedom necessary to liberate more and more of man's creative powers, allowing more and more of us to contribute more to a more prosperous and fulfilling future, to enjoy even more the full rapture of life. Each of us would play a part in that liberating effort — and that would ensure Julian's "beautiful resource future."

Julian's work is a strong argument in favor of this thesis. He did not survive to the end of this war. His ideas have not yet prevailed against the Doomsday Class. Others have to continue this battle. But Julian did it first and he did it most completely. His work will continue to influence this debate and it will ultimately prevail.

Still, he will be missed profoundly. The minority of intellectuals who speak for the individual is much weaker in his absence. —FLS

Mancur Olson and Yale Brozen, R.I.P. —

Two other individuals, both academics, both challenging elements of the modern statist ideology, died in the last few days — Mancur Olson and Yale Brozen. Olson was an honest scholar whose works — *The Logic of Collective Action* and *The Rise and Decline of Nations* — contributed to a better understanding of the potential of a world of spontaneous order and the threats to that order.

The Logic of Collective Action addressed the logical paradox spun by the Chicago school economists — public goods, it was asserted, would not be produced adequately because each person would benefit whether or not they themselves had contributed to the production of that good and therefore all would be free riders. Yet, Olson observed, the world was well populated with charity groups, trade associations, environmental and old age groups that shouldn't exist, according to Chicago theory. How could this be? Olson's explanation was that such organizations combined private and public goods in packages — the American Association of Retired Persons, for example, would offer older people lower insurance or travel rates (a private good) but then use the profits from that transaction to advance the specific policy agenda believed right by the AARP leadership, a public good (or bad). This explanation undoubtedly accounts for much of the vibrancy of many public interest and trade groups. But not all. The private value of the CEI newletter or the Cato benefactor summit seem too low to justify existing levels of support for classical liberal efforts. Like most economists, Olson placed too little weight on ideology, on the theological value of public interest organizations. Still, this work did act as a nice empirical antidote to the belief that any market failure argument justified an expanding government.

The Rise and Decline of Nations focused on the tendency of the political process to be captured by special interest groups, parasitic forces that weaken society. This broad public choice criticism of western democracies made major inroads into the academic world, weakening statism, the dominant secular religion.

For my tastes, Olson was too eager for intellectual approval to ever break ranks with the intellectual establishment. He liked to think he was a real scientist and he was uncomfortable with arguments that economists might be driven by ideology (by religious beliefs in effect) just like other interest groups. Unlike Julian Simon, Olson also constantly sought recognition from mainstream economists (and often succeeded, although his greatest successes were probably with other disciplines). Like many closet libertarians, Olson viewed recognition from fellow intellectuals as important validation, as evidence that his views were respected. Julian Simon's standard was truth — a harder metric, but one that I find more agreeable. Even so, Olson was one of the few in the academy to question even tentatively the pessimistic forces dominant today.

Yale Brozen, a leading Chicago school economist, worked most deeply in the field of antitrust regulation. It was his work *Concentration, Mergers and Public Policy* that took the libertarian critiques of antitrust into the academic mainstream. Antitrust policy *almost* always (he was still in the academy, we should note) involves an effort by some business firm to suppress his more consumer-friendly competitor. Brozen's work, along with Robert Bork's *The Antitrust Paradox*, did much to temper and seemingly de-fang this most anti-competitive interventionist policy. The recent rebirth of antitrust, in the form of assaults on Microsoft, Lockheed, MCI and others, indicates just how great is the need for more such scholars. Intellectual wars are never won — the battle lines merely move forward or back. Brozen played a key role in seeing that for a while, economic freedom advanced on one front. It was a worthwhile accomplishment. —FLS

Debunking

How the EPA Says It Makes Us Rich

by Ben Bolch & Bradford Pendley

The strange alchemy of environmentalism turns losses into profits, red ink into black, and lead into gold.

In an attempt to justify the Clean Air Act and its amendments, the EPA has released what may be its most ludicrous piece of self-aggrandizement to date: "The Benefits and Costs of the Clean Air Act." Among other findings, this study asserts that "[t]he total monetized benefits of the Clean Air Act realized during the period from 1970 to 1990 range from 5.6 to 49.4 trillion dollars, with a central estimate of 22.2 trillion. By comparison, the value of the direct compliance expenditures over the same period equals approximately 0.5 trillion dollars." When we recall that the people of the United States spent less than $4 trillion on personal consumption expenditures in 1990, this estimate that the Clean Air Act alone could command a net value of more than a decade of 1990 consumption makes one wonder why we bothered to work at all — more environmental regulation could have made us all richer yet.

Who is responsible for these great benefits? The EPA begins its explanation with a self-serving whopper: there would have been no progress in pollution abatement without the Clean Air Act. Indeed, things would have gotten so bad that 60 metropolitan areas would have had total suspended particulate matter higher than Moscow's. Doomsday predictions such as these are the stock and trade of the EPA, which is happy to ignore such minor matters as the entire history of energy production, where markets moved (without the EPA) away from dirty and unsafe fuels toward clean and safe ones (wood to coal to natural gas). It gives no credit to the massive and continuing cleanup efforts of industry prior to the Act, to progress which preceded the Clean Air Act in states such as California, and to contributions by local governments and non-profit organizations. As usual we are told that our gratitude for this largess should go to the Federal Government.

And what are the benefits? Here the study notes that the two greatest benefits of the Clean Air Act are in the areas of lead removal and the reduction of particulate matter (soot). In both cases the study assumes a direct causal relationship between soot and morbidity/mortality. Yet for fine particulate matter, the study admits that 19 of 21 members of EPA's own Scientific Advisory Committee believe that no causal mechanism has ever clearly been established. Furthermore, although numerous epidemiological studies have investigated whether a link between particulate matter exposure and mortality exists, the entire particulate matter mortality analysis is based on a single 1995 study by Pope, *et al.*

In the area of lead removal, the twists, turns and statistical sophistry leave one reeling. There is a causal path alleged to have been identified that winds its way from lead emissions (mostly from automobiles) to IQ reduction, to a reduction in lifetime earnings and to increased education costs. As in the rest of this study, statistically significant and insignificant results are mixed together with great nonchalance and with *ad hoc* justifications that would make a sophomore statistics student blush. At long last, after slugging one's way through a statistical swamp where estimates of one study are plugged into another, we are told that the loss of a single point of IQ is worth $3,000. Presumably, if everyone in the United States lost one point of IQ (a reduction well below the error of measurement of that number) we would amass a large stack of IQ some 270 million units high and worth $810 billion.

And who receives these benefits? The EPA's assumptions here are laughable. Let us grant for the sake of argument that soot reduction extends life. Whose life? It turns out that the

clearest evidence is that the greatest impact is on the elderly and the sick whose life expectancy has already been shortened from causes unrelated to soot. Should we not adjust the benefits of soot reduction by use of a life-years-lost calculation in order to account for these and other age-related matters? No, says the EPA, it would be tantamount to suggesting discrimination against the old and the sick. Instead, the EPA uses what it calls the "value of a statistical life." Consider the EPA's explanation of this novel calculation:

> . . . [S]uppose that a given reduction of pollution confers on each exposed individual a decrease in mortal risk of 1/100,000. Then among 100,000 such individuals, one fewer individual can be expected to die prematurely. If each individual's WTP [willingness to pay] for that risk reduction is $50, then the implied value of a statistical premature death avoided is $50 x 100,000=$5 million.

But how is one to know whether one falls into the exposed group? Convincing the prospective customer that he is at hazard is the hardest sell of all for the casualty insurance agent. And for how long will the decrease in risk last if one pays $50 — one minute, one day, fifty years? And what does willingness to pay mean? Does it mean that one actually pays this sum, or that one only indicates a willingness to pay this sum? It turns out that the EPA means the latter. But there is a difference, you know — it's called the market test.

This study is so bad that peer review approval was withheld by other Clinton Administration agencies. According to the EPA, these agencies objected to (1) the assumed event to which air would have deteriorated in the absence of the Act, (2) the methods used to estimate premature death, (3) the methods used to value health risks, (4) the methods used to value non-health related risks. In short, like us, these other agencies object to the entire study.

If one insists on studies of this kind, at least they could be done by agencies that are independent of the EPA. For example, the widely cited study of T.O. Tengs, *et al.* (*Risk Analysis*, vol. 15, no. 3) shows that the EPA causes median expenditures (direct and indirect) of $7,600,000 per life-year extended. This sum compares with a mandated $23,000 per life-year extended by the Federal Aviation Administration. Clearly, the Tengs methodology would have left the Clean Air Act looking as cost ineffective as it really is.

"The Benefits and Costs of the Clean Air Act" represents in microcosm the depths to which science can sink because of political pressure. Under court order, and with great urgency to justify past regulations, these people produce, with taxpayer dollars, a report that is nonsense. Of some credit to them is that they say, in effect, time and again: "What we are doing is nonsense, but we are going to do it anyway. Court order, you know." In the 19th century, people used to call this sort of thing an enormity. Now, thanks to Section 812 of the Clean Air Act Amendments of 1990, we can expect such an evaluation every two years. ❑

McWilliams, "The DEA Wishes Me a Nice Day," *continued from page 32*

medical marijuana, which is specifically permitted under the California Compassionate Use Act of 1996.

The DEA, at the federal level, and California Attorney General Dan Lundgren (with Governor Pete Wilson smiling his approval from on high) should have opposed Proposition 215 in court. In court they had the right — and the responsibility, if they truly believed it a bad law — to challenge the law and ask a judge to stay its enactment. They did not. Instead, the DEA is fighting its War on Drugs in the sickrooms of Todd, me, and countless others.

Our government is not well.

What Our Patriots Are Doing Today

As I write this, I feel myself in mortal combat with a gnarly monster. Then I remember the human faces of the kind people who tried to make me comfortable with small talk as they went through my belongings as neatly as they knew how.

It reminds me, painfully, that the War on Drugs is a war fought by decent Americans against other decent Americans, and that these people rifling through my belongings really are America's best — bright young people willing to die for their country in covert action. It takes a special kind of person for that, and every Republic must have a generous number of them in order to survive.

But instead of our best and our brightest being trained to hunt down terrorist bombs or child abductors — to mention but two useful examples — our misguided government is using all that talent to harass and arrest Blacks, Hispanics, the poor, and the sick — the casualties in the War on Drugs, the ones who, to quote Leonard Cohen again, "sank beneath your wisdom like a stone." It is the heart of the evil of a prohibition law in a free country.

After all, picking on someone with AIDS and cancer is a little redundant, don't you think?

On the way out, one of the DEA agents said, "Have a nice day."

I believe the comment was sincere. ❑

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The Pontiff's Polemic

by James M. Vinoski

The Vicar of Christ comforts Castro and condemns markets.

In the Mass culminating his visit to Cuba in January, Pope John Paul II spoke out forcefully against capitalism. His remarks offered undeserved comfort to dictator Fidel Castro and undermined his previous calls for the establishment of political freedoms for the citizens of Cuba. They also showed that the pontiff, despite his long history of crusading against communism and its destruction of human dignity and liberty, suffers from a woeful lack of understanding of the differences between free-market capitalism and its collectivist opposite.

John Paul condemned "the resurgence of a certain capitalist neoliberalism, which subordinates the human person to blind market forces and conditions the development of people on those forces." Now, this neoliberalism he denounced was not the technocratic welfare-state liberalism that Michael Kinsley and James Fallows and Gary Hart preached a decade ago. It is the European term for a revived, somewhat watered-down classical liberalism, which in America we might think of as moderate libertarianism. The pope, in prefixing "market forces" with the word "blind," follows the current fashion in neoliberal bashing. But is there anything substantive here? Just how "blind" are market forces?

For over two centuries economists have shown how *responsive* markets are to human desires and abilities. As neoliberal prophet F.A. Hayek put it in his essay, "The Use of Knowledge in Society," the market order is a "marvel." Indeed, Hayek was "convinced that if it were the result of deliberate human design, and if the people guided by the price changes understood that their decisions have significance far beyond their immediate aim, this mechanism would have been acclaimed as one of the greatest triumphs of the human mind."

I would think any person of faith who was also knowledgeable of the way free markets function would credit God for the creation of this natural system, a system of solving what would otherwise be a hopelessly intractable problem for mankind. (The many experiments in central planning constitute a living proof that the problem of economic calculation is indeed intractable when man tries consciously to solve it.) That the pope instead attacks it as an evil underscores his lack of understanding of basic economic principles.

And what could John Paul possibly have meant when he opined that capitalism "conditions the development of people on those [market] forces"? If he believes that money is the only source of fulfillment in a capitalist economy, he's simply wrong. Though some citizens may "worship the dollar," many others eschew monetary gain and creature comforts. In between, of course, are millions who strike their own balance between material wealth and other pursuits: family, friends, hobbies, charity, and yes, religion.

If the pontiff is instead decrying the role of money in education and training or in the individual's overall opportunities, then it can only be agreed that market forces indeed play their part in these areas. But what's the complaint? That monetary calculation is a bother? Or perhaps John Paul is attacking the market as a source of alienation from what he sees as the "true business" of mankind — but that's the stuff of religion, not of economics. If we mix the two, and try to "fix" economics — even with the best-intended religious intervention — we wind up with totalitarianism, the very evil John Paul castigated in Castro's Cuba.

More troubling still are the words John Paul uttered in his very next breath: "Hence, at times, unsustainable economic programs are imposed on nations as a condition for further assistance. In the international community, we thus see a small number of countries growing exceedingly rich at

the cost of the increasing impoverishment of a great number of other countries; as a result, the wealthy grow ever wealthier, while the poor grow ever poorer." The first sentence is clearly a swipe at the conditions set for the bailout of the Asian economies now suffering from economic meltdown. A diversity of opinion exists on these matters; certainly anyone believing in the efficiency of free markets can find a great deal to disagree with in the substance of those bailout agreements, if not with the whole concept of such bailouts in general. Still, the pope's apparent preference for offering vast sums to ailing nations *without* substantive reform requirements tied to those funds is unsettling.

What dictator will heed John Paul's call to change his ruthless stripes when he can more easily blame his problems on exploitation by the "rich?"

But it is the pope's zero-sum picture of the wealth of nations that is the most disturbing. This notion contradicts the pope's basic ideology. If John Paul truly believes that the wealthy nations become so at the expense of the impoverished, how can he possibly recommend democracy as a model for the personal liberties he so desires? For it is certainly the democratic nations that are the richest.

Why would John Paul believe this caricature of wealth creation?

Perhaps he's fallen prey to the idea that limited natural resources are the basic source of a nation's wealth. If so, he ignores the examples of the Asian economies, which built tremendous wealth despite a dearth of natural resources. That they are faltering is not an indictment of the sources of that wealth creation, but instead a result of poor government decisions in banking and the directing of industry; in short, a lack of economic liberty. Alternately, were the presence of natural resources the sole arbiter of a nation's wealth, Russia would be the richest country on earth. Instead, Russia totters with no immediate promise for turnaround.

Or maybe the pope has bought into the idea that the rich nations "exploit" the low-paid laborers of impoverished countries. But this is fallacy. If the manual labors of a technologically backward country can compete with the industrial efficiency of a nation like the United States, Americans benefit by having more of their earnings to apply to other needs, and more capital and labor to apply to economic endeavors at which they are more efficient. And the low-paid laborers benefit by having a job, where there would otherwise likely be none. Wealth is created for both nations, and we are all the better off for it.

Regardless of the source of his ill-conceived notions of wealth, the pope's errors here are the most serious. For such a clear contradiction as this gives comfort not only to Castro, but to any despotic regime the Catholic Church ostensibly wants to see changed. Instead of clearly communicating that the poverty of a nation is the result of poor governance, the pope has signaled that it is instead caused by American and European hegemony. What dictator will heed John Paul's call to change his ruthless stripes when he can more easily blame his problems on exploitation by the "rich?"

Pope John Paul II has long been a hero in the fight against the failed socialist and communist experiments the world over. His influence in Poland helped win that subjugated people their freedom after decades under the Soviet Union's oppressive shadow. Even so, his comments in Revolution Plaza indicate that His Holiness fails to understand that capitalism provides the freedom he beseeches Castro — and so many others — to grant to the long-suffering people under totalitarian control. A mere handful of remarks have gravely damaged his case. We should all hope (and the religious among us should pray) that he will reconsider such poorly reasoned opinions. ❑

Szasz, "Freedom and Madness," *continued from page 36*

torture. The object of power is power. Now do you begin to understand me?[13]

The empire of psychiatric slavery is more than three hundred years old and grows daily more all-encompassing. But we have not yet begun to acknowledge its existence, much less to understand its role in our society. ❑

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This essay is excerpted from the preface to Syracuse University Press's new edition of *Psychiatric Slavery*, 1998. Reprinted with permission.

Reviews

The Dark Side of Camelot **by Seymour M. Hersh. Little, Brown & Co., 1997, x + 498 pages.**

The Fading Myth of JFK

R.W. Bradford

Suppose that on that fateful day in September 1963, President John F. Kennedy had not grabbed one of his sexual partners while frolicking poolside during a West Coast campaign trip. Then he wouldn't have hurt his back, and his physician wouldn't have had him wear, in addition to his regular back brace, a contraption holding him stiff from groin to shoulder. And when the first bullet fired by Lee Harvey Oswald pierced his neck while he rode in an open car in Dallas two months later, he'd have slumped forward. And the second bullet Oswald fired at him — the bullet that killed him — would have missed.

Just how would our lives have been different over the past 35 years, if Kennedy had survived that assassination attempt?

Of course, the course of human events is far too complex — not to mention chaotic — to allow us to answer counterfactual historic questions in a definitive fashion. But that doesn't mean that speculation about such questions isn't instructive and thought-provoking. And besides, let's face it: this sort of inquiry is also a lot of fun.

Would JFK have escalated the war in Vietnam? Would he have attempted another invasion of Cuba? Would he have confronted the Soviet Union with nuclear weapons? Would he have pursued a vast increase in welfare spending? Would he have pushed for further civil rights legislation?

Speculation about how the world would have been different had Oswald's bullet failed to kill him is particularly interesting because there is a huge difference between the legend and reality of John F. Kennedy.

The crafting of the legend of John F. Kennedy began nearly 20 years before he was elected president. His father, Joseph P. Kennedy, possessed both indescribable wealth and an infinite lust for power. But it was not his wealth and powerlust alone that set him aside from other political aspirants: it was his experience as a stock manipulator and Hollywood producer. For it was as a stock market operator and Hollywood mogul that he learned how to manipulate the press to create potent public images. "It's not what you are that counts," Joe Kennedy explained to his offspring, "but what people think you are."

During the 1930s, he pursued his own ambition to be America's first Catholic president. As an Irish Catholic, he was, of course, a Democrat, so he could not openly pursue his goal so long as the immensely popular Franklin Delano Roosevelt was president. Roosevelt was aware of Kennedy's powerlust, and thwarted it. Kennedy's opposition to World War II and what appeared to be his sympathy for Hitler put an end to his political career, but not to his political ambitions. If he couldn't be president, his sons could.

Joe Kennedy's legend-building of Jack began when Jack was still at Harvard. Joe got one of Jack's term papers published as a book and then, in Jack's words, "saw to" it that it "sold like hotcakes." (This feat was repeated in 1956, when Joe bought thousands of copies of *Profiles in Courage*, a book ghost-written for JFK by a team of writers and scholars, headed by Theodore Sorensen, and organized a successful campaign for the Pulitzer Prize.)

Joe intervened again in 1943, after Jack had botched a PT-boat mission, getting his boat rammed and sunk, with the loss of two men. In the aftermath of the disaster, Jack acted bravely, though not necessarily wisely. Joe got his friend, Undersecretary of the Navy James Forrestal, to intervene to assure Jack a medal instead of a reprimand. Shortly thereafter, Kennedy friend John Hersey wrote an article for the *New Yorker* portraying Jack as a hero. Joe later pressured *Reader's Digest* to publish a condensed version of the article. Still later, Joe arranged for a highly flattering feature film of the episode, with Jack himself picking Cliff Robertson as its star.

"It's not what you are that counts," Joe Kennedy explained to his offspring, "but what people think you are."

By the late 1950s, young John F. Kennedy was treated by the public more like a movie star than a politician.

"Why is it that when his picture is on the cover of *Life* or *Redbook* that they sell a record number of copies?" Joe Kennedy crowed to a writer in 1959. "You advertise the fact that he will be at a dinner and you will break all records for attendance. He will draw more people to a fund-raising dinner than Cary Grant or Jimmy Stewart and anyone else you can name." The public relations efforts continued throughout Kennedy's presidency. It continues to this day.

Joe Kennedy and his lavishly financed public relations experts micro-

JFK was capable of great personal kindness, but he also participated in the cold-blooded murder of an old friend (Ngo Dinh Diem, president of South Vietnam) and plotted the assassinations of two other heads of state.

managed Jack Kennedy's public image until the day in 1961 when Joe was felled by a stroke. Of course, all politicians seek to portray themselves in a favorable light. But the public relations campaign on JFK's behalf was much more successful than any before or since. His father's money and expertise were only part of his relative advantage. He also benefited from the fact that the press was far less sophisticated and more easily fooled in his day than subsequently. Today, the best way for a reporter to get ahead is to break major stories; in Kennedy's day, reporters prospered by currying the favor of politicians.

Compare the experiences of, say, Bob Woodward and Theodore H. White. In the 1970s, Woodward made his reputation and career by breaking important stories about Watergate. In the 1960s, Theodore White made his reputation (and won his own Pulitzer Prize) with his account of Kennedy's presidential campaign, an account White himself later admitted lacked objectivity because of his loyalty and affection for Kennedy.

To say that the imagemakers were successful is an understatement. As president, JFK was portrayed as an extremely hard worker; in fact, he was rather lazy, spending hours each day in sexual horseplay with two staffers in the White House swimming pool. An article in *Life* magazine falsely claimed he read 1200 words per minute, and a nation-wide speed-reading craze was born. He was portrayed as a devoted family man, when in fact he was what today would be called a sexual predator, an executive whose staff regularly procured prostitutes for him.

In *The Dark Side of Camelot*, Seymour Hersh explores JFK's life, focusing on those aspects that diverged most egregiously from his carefully constructed legend, and paying particular attention to the impact of his peculiar personality on his political and policy decisions. It is in no sense a systematic biography: after briefly considering the careers of Kennedy's father and grandfather and discussing a JFK wartime romance dutifully recorded by the FBI, Hersh skips ahead to Kennedy's attempt to get the 1956 vice presidential nod. There's hardly a word about his election to the House (in 1946) or the Senate (in 1952) or even his military experiences.

Hersh is a reporter, not a biographer, and he has both the strengths and weaknesses of a reporter. While *Dark Side* lacks the scope of a biography, it illuminates important and hitherto unknown details of Kennedy's career. Like any good reporter, Hersh was determined to get his story and to get it right, and toward this end, he followed up thousands of leads, talking to hundreds of people who knew Kennedy or had first-hand knowledge about his career.

But the purpose of biography is to help its reader understand its subject and his place in history, and *Dark Side* contributes mightily toward this goal. Hersh discovered lots of new information, complementing the portrait of Kennedy that emerges from biographies. And his accounts of certain episodes in JFK's career are far more detailed than those found elsewhere.

The portrait of Kennedy that emerges is decidedly unpretty. The private JFK was capable of great personal kindness, but he also participated in the cold-blooded murder of an old friend (Ngo Dinh Diem, president of South Vietnam) and plotted the assassinations of two other heads of state (Rafael Trujillo, who was killed in 1963, and Fidel Castro, who survived JFK's plots). Like Mao Tse Tung, he suffered from venereal disease, a fact he never disclosed to his hundreds of sex partners. He was willing to take great risks in his sex life. His sex partners included the wives of diplomats, an East German woman who had been a member of various Communist Party organizations, college students, actresses, and the mistress of one of the most powerful figures in organized crime, as well as common prostitutes, of course.

Some critics have dismissed *Dark Side* as mere sensationalism because it divulges details of Kennedy's sex life. But Hersh's account of Kennedy's sex life is a relatively small portion of the book. And it is very relevant to his record as president, on two counts.

First, it is quite plausible that a man who thrives on taking sexual risks may also be inclined also to take great military risks — and Kennedy was

There's never been another president like Jack Kennedy: never a president who was more like a movie star than a politician, never a president whose character and behavior were so at odds with the public's perception.

obsessed with the Cold War. Secondly, one of Kennedy's paramours was a go-between with the Mafia, transporting bags of cash from Kennedy to the mob and arranging for joint Mafia-CIA meetings to plot the assassination of Fidel Castro.

A few days before the 1962 congressional elections, JFK learned that the Russians were secretly establishing missile bases in Cuba, only 90 miles from the U.S. Kennedy responded by mobilizing the U.S. for war with the Soviets and giving the Russians an ultimatum: remove the missiles or face nuclear war. After several extremely tense days, the Russians agreed to remove the missiles. "We're eyeball to eyeball," Secretary of State Dean Rusk

said in a phrase that has come to summarize the resolution of the crisis, "and I think the other guy just blinked."

That's the official story. But, Hersh explains, it's not what actually happened.

Soviet Premier Khrushchev, who had bested Kennedy in several other personal confrontations, refused to back down, so Kennedy suggested a compromise: he'd agree that the U.S. would remove its missiles from Turkey. The U.S. concession would be kept secret because JFK had always campaigned as a saber-rattling militant anti-Communist. His biggest campaign theme was that the Republicans had allowed the Soviets to gain the upper hand militarily and would not commit the U.S. sufficiently to the defense of Quemoy and Matsu, two tiny islets in the Formosa strait that were occupied by Taiwan (or "Free China," as Kennedy preferred to call it). Backing down would have strengthened the hands of the Republicans in the upcoming presidential election — not to mention the 1968 election campaign of JFK's younger brother Bobby. This made the Kennedys vulnerable to Soviet blackmail:

> For the next fourteen years, therefore, the men running the Soviet Union . . . would have the means to publicly devastate the Kennedys by putting lie to their inspiring victory in the missile crisis. The president and his brother were true existentialists at that moment, bargaining their way out of an immediate crisis by putting their future credibility in the hands of Soviet leadership.

The Russians weren't the only ones for whom Kennedy made himself vulnerable to blackmail. Hersh makes a convincing case that J. Edgar Hoover of the FBI used his extensive files on Kennedy's mob connections and sexual antics to force Kennedy to re-appoint Hoover to his position. (Hoover's files on JFK dated back to the early 1940s, when the FBI kept him under surveillance for possible use against his father.)

Hersh also solves the mystery of why JFK chose Lyndon Johnson as his running mate. On the surface it was an extremely strange choice. During the campaign, LBJ had, in Bobby Kennedy's words, "compared my

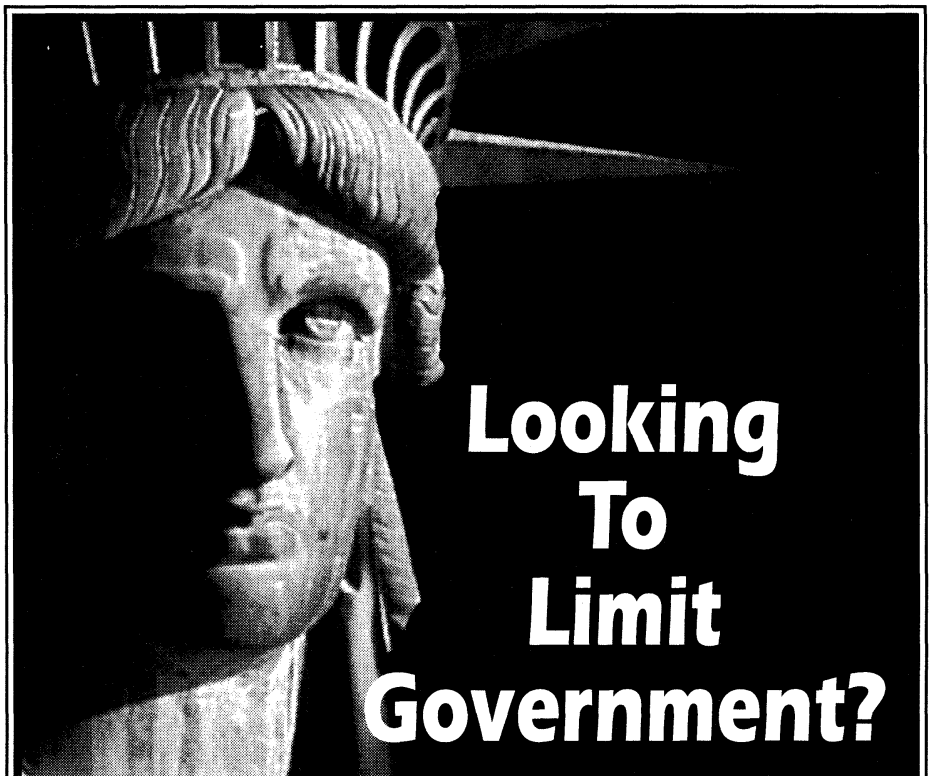

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father to the Nazis and [Johnson supporters] John Connally and India Edwards lied in saying my brother is dying of Addison's disease." Kennedy arrived at the Democratic national convention with a deal already made: Sen. Stuart Symington of Missouri would be his running mate. It made sense politically: Kennedy needed a liberal to balance his ticket and he certainly didn't need a Southerner. LBJ wasn't even on Kennedy's list of second choices.

But then, without warning, Kennedy chose LBJ. The sudden and shocking turnabout has never been explained in a coherent way, though many different and contradictory accounts have been offered.

Once again, according to Hersh, Kennedy succumbed to blackmail. In support of this rather startling hypothesis, Hersh cites the testimony of Hy Raskin, a close advisor to JFK. Raskin confirmed that Kennedy had decided on Symington when he met with LBJ and House Speaker Sam Rayburn on the morning of his nomination. The two Texans "made an offer he could not refuse." Kennedy explained his about-face: "You know we had never considered Lyndon, but I was left with no choice. He and Sam Rayburn made it damn clear to me that Lyndon would be the candidate. Those bastards were trying to frame me. They threatened me with problems and I don't need more problems." In his unpublished memoir, Raskin would only hint at the information that Johnson had on Kennedy: "The substance of the revelation was so astonishing that if it had been revealed to me by anyone other than Jack or Bob, I would have had trouble accepting it."

The Kennedys were not the sort of people who took things like this lying down. They used their resources to dig up dirt on LBJ, which they leaked to Republicans in Congress. On the very day JFK was assassinated, insurance broker Donald Reynolds, from whom Johnson had extorted "gifts," was testifying to a congressional investigator. (The testimony — and the investigation — ended abruptly when a secretary burst into the room and told everyone that the president had been shot.)

How would the world be different if JFK had not died in Dallas on that day? Many people familiar with Kennedy the man (as opposed to Kennedy the legend) believe that he might have started a nuclear war, and it's easy to see why they think so. Kennedy hated communism, believed (correctly) that Soviet Premier Khrushchev had repeatedly gotten the better of him in negotiations, felt a strong need to "stand up" to Russia, loved winning, hated losing, gloried in revenge, and took tremendous risks in his personal life. But I have my doubts: JFK did all these things, but his major personal motive was the acquisition and wielding of political power. When he went "eyeball to eyeball" with the Russians, it was he who blinked, making a key concession to the Soviets in order to increase his chances of retaining the presidency in the 1964 election.

What about Vietnam? Would he have escalated the "police action" the way LBJ did? This is a tougher call. The Vietnam War was his idea, undertaken to demonstrate to Khrushchev that he wasn't a wimp who could be intimidated by the Russian premier. But he was also very sensitive to public opinion, and a case can be made that he'd have de-escalated once the war turned unpopular. But I doubt it. By the time opinion turned against the war, the U.S. was deeply committed, and it's difficult to see JFK pulling out and facing the charge that he was "soft on communism."

What about the War on Poverty and the Great Society? I don't think Kennedy ever would have started programs like these. He was the scion of a wealthy family, protected from the risk of poverty by a trust fund. More to the point, in private, he showed little sympathy for poor people, though of course he sought their votes. He first sought office as a conservative (like his father) and evolved toward a left-liberal position as the electoral climate changed. While it's quite possible that incentives within the Democratic Party would have moved him toward such positions, it is at least as possible that he'd pretty much ignore domestic policy issues.

What about civil rights? I suspect he'd have gone down this road very slowly. One of his former lovers told Hersh that while Kennedy was capable of "acts of personal kindness," he had a "deeply ingrained . . . acceptance of inequality at every level — that women were not equal with men, that African-

Americans were not equal with white people, that Jews were not equal to gentiles." Those attitudes were fairly common among wealthy white males at that time, of course. And they're not the sorts of views that would put him in the forefront pushing civil rights legislation.

There's never been another president like Jack Kennedy: never a president who was more like a movie star than a politician, never a president whose character and behavior were so at odds with the public's perception. And there probably won't be. The United States has changed since the 1950s. Reporters ask tougher questions and are more cynical about politicians. Voters are wise to the public relations tricks that Joe Kennedy and his hirelings used to make Jack Kennedy a star. His presidency was brief and largely ineffective, but his impact on popular imagination enormous.

Seymour Hersh has helped fill in the details, helped to give us a better idea of the kind of man that John F. Kennedy was. *The Dark Side of Camelot* cannot replace Thomas Reeves's *A Question of Character* as the definitive Kennedy biography. But it is a fine companion. ❑

***The Secret of the League*, by Ernest Bramah. Specular Press, 1995 (1907), ix + 292 pages.**

Fool, Britannia

Martin Quoile

London, England. A socialist Government has recently come to power. Change is everywhere and none of it is for the better. After many years of uninterrupted rule, the Conservative Party has been reduced to an ineffectual rump so that, for all practical purposes, there is no longer any Parliamentary Opposition. Government accountability has evaporated. Cabinet ministers have come to occupy what are essentially ceremonial posts leaving the real decision-making to anonymous party strategists. Elsewhere, beyond Parliament, the state operates through scowling, unpleasant officials. Police officers, for example, now carry guns and are as disrespectful towards the public as the public is towards them.

Falling standards have accompanied these changes. The press is tackily sensationalist and full of misrepresentation whilst education has, under state control, become a business of rote learning and general "dumbing down." "Snap," a slang influenced by the inanities of advertising, has begun to supplant Standard English (and to rival profanity) as the principal mode of expression: "Feel chippy? Then champ chip-chunks," that's Snap. (Chip-chunks, incidentally, are a new snack food aimed at people too lazy to eat and therefore similar to Isabella, a soap for people too lazy to wash). Is this 1998? Surprisingly, not. It's 1918. Or, rather, it is a speculative vision of 1918 first published in 1907; it is Ernest Bramah's *The Secret of the League*.

The Secret of the League is a kind of comic political speculation written from a right-wing perspective. It describes a socialist government motivated by uncomplicated class hatred and of such bumbling incompetence that eventually it provokes its own (somewhat) violent overthrow. This latter *coup d'état* is the work of the Unity League, a Tory conspiracy nominally helmed by Sir John Hampden but actually organized and engineered by a shadowy character called George Salt.

Although *The Secret of the League* was originally published ninety years ago, this Specular Press edition is, I believe, the first since the 1920s. In the interim, both author and book have been largely forgotten. This is a pity. Bramah's primitive, dystopian vision, hostile to socialism at a time when socialism's star was rising, inspired *Nineteen Eighty-four*, George Orwell's later, more chilling (but equally anti-socialist) speculation. (Snap is a kind of comic Newspeak). And Ayn Rand may have been influenced by *The Secret of the League*. George Salt and John Galt have more in common than a similar sounding name. Both are mysterious figures who have abandoned previously conventional lives in disgust at the socialistic turn of events. Both have resolved to restore the status quo ante. And both advocate boycott and non-cooperation as a means of unseating the incumbent régime. Moreover, in *The Secret of the League* as in *Atlas Shrugged*, there is an unstated assumption that the toppling of socialist administrations is so *a priori* moral an end that it justifies almost any means, even a sinister, elitist *putsch* that brings misery and worse to people too ordinary to excite the author's sympathy.

Speculative fiction, like much historical fiction, invariably says less about the time in which it is purportedly set than it does about either the times in which it was written or the concerns of the person who wrote it. *Nineteen Eighty-four* is really a book about the totalitarian aspects of wartime and postwar Britain; *Brave New World* is really about the politics of a leisure society; and *Atlas Shrugged* is really about America post-New Deal. Likewise, *The Secret of the League* is not about 1918 at all. It is really about 1906, the year in which it was most probably written. Significantly, therefore, Bramah's Unity League aims, not sim-

George Salt and John Galt have more in common than a similar sounding name. Both are mysterious figures who have abandoned previously conventional lives in disgust at the socialistic turn of events.

ply to erase the period 1910–18 (i.e. the years during which the author imagines Britain governed by socialists), but the past as far back as 1906. This much is clear enough from the League's electoral slogan: "As in 1905." So what was special about 1906?

Nineteen hundred and six was a bad year for the British Conservative Party, much worse than 1997. It was the year when the Liberal Party (which by that time retained only vestiges of its classical liberal heritage) managed to get itself re-elected on a wave of anti-Conservative resentment. Backed by the fledgling Labour movement and the Irish Parliamentary Party, the new administration's majority was unassailable, its capacity to radicalize British society relatively limitless. This new government thus threatened all of the certainties which had arisen over the preceding ten years. Liberal anti-imperialism, for example, clashed with the Conservative aspiration of a "Greater Britain" encompassing Australasia, Canada, Southern Africa and, a few dared hope, the United States. Similarly, Norman Angell's liberal pacifist thesis "The Great Illusion" might, had it been taken up by government, have jeopardized British naval supremacy and, thereby, Britain's ability to set the terms of international relations.

One clear difference between the Conservative Bramah and, say, Ayn Rand, is that Bramah's heroes are not, in the main, achievers, people who have succeeded in life through hard work or unique talent.

But it was the presence of Labour members in the Liberal entourage which probably aroused the greatest immediate apprehension. With Labour backing, the Liberals had become a kind of social democratic party committed to a series of socialistic reforms. This was the government which laid the foundations for the British welfare state; which enabled trade unions to collect a political fund for sponsoring parliamentary candidates and to evade legal liability for commercial losses incurred during a strike; and which legislated to have members of parliament paid salaries out of public funds thereby opening the House of Commons to people other than those with private incomes. All this, coupled with an expanding franchise, made Labour a more credible political force, one that might conceivably step out from behind the Liberal shadow and win elections in its own right. And if Labour were to win elections in its own right many believed full-blown socialism could not be far behind.

The Secret of the League plays on all of these fears. Set just twelve years on from the Liberal "landslide," the Liberal Party it describes has already fizzled out of political contention whilst the Left, electorally uncatchable, has split into "Moderate Labour" and "Socialist" factions with the Socialists dominating the new Government. Central to its program is a lavish system of social welfare funded through punitive rates of taxation borne principally by the upper class. This "revolutionary finance" has "made the rich well-to-do, the well-to-do just so-so, the struggling poor, and left the poor where they were."

This is a sharp enough indictment of spendthrift welfare statism as anyone who lived in Britain in, say, the 1970s could attest. But finance is not the only thing Bramah imagines radicalized by this woolly enlightenment. Foreign policy, too, has been changed in line with the dictates of pacifism. In Bramah's 1918, disputes between nation-states are not settled violently but, following Angell, are instead put to international arbitration which, of course, never finds in Britain's favour. At the same time, the scaling down of the Royal Navy has left the country militarily enfeebled, no longer able to resort to gunboat diplomacy. In fact, its military position has become so parlous that it is now more likely to be bullied than to bully. Fittingly, therefore a new spirit of defeatism is abroad in government; the Socialist defense minister has on the wall of his office a painting depicting the British surrender at Majuba Hill, not Agincourt, Culloden or Waterloo. Small wonder that this Government is eventually toppled by a tiny fraction of its own population.

It is this military (or rather militarist) issue which is central to Bramah's argument. All else is secondary. Hence, although Specular Press is marketing *The Secret of the League* as a "capitalist fiction," this is to my mind a lazy reading of the book's actual message. Bramah, no Mises, offers little in the way of knockdown arguments for capitalism over socialism. The ideological position he upholds is essentially the Tory Imperialism of Britain in the late nineteenth and early twentieth centuries which was, in turn, an extreme form of nationalism. Capitalism was quite incidental to this worldview. (By 1900, the Conservative Party Bramah would have known had gone protectionist and was advocating the oxymoronic "Empire Free Trade"). Bramah's main concern is not the harm that he envisages a socialist government doing to the market but the harm it will do the British nation-state. That harm is not simply or even mainly economic. For Bramah, the nation and its relative standing in the world are everything; the economic system, nothing in particular. Had he seen some nationalist potential in socialism, he might have written a very different kind of book, but it would have been no more a socialist fiction than is *The Secret of the League* a capitalist fiction. Bramah, a nationalist, wrote a nationalist fiction.

It is my belief that, in writing this particular nationalist fiction, Bramah had a particular national issue on his mind. It is an issue which was on a great many minds in Britain in the early 1900s. And it is most definitely not the volun-

tary exchange of goods and services. Bramah never states explicitly what it is that is on his mind but it is visible enough between the lines. It is Germany. By the early 1900s, Germany had become Britain's most obvious rival in European power politics. It was therefore increasingly accepted by policy makers in London that an Anglo-German War was inevitable and that Britain would need to initiate it soon before the balance of power grew unfavorable. Every advantage must be maximized. One such was Germany's numerically powerful Marxist party, early on identified by London as a weakness which might undermine a German war effort. (Future Foreign Secretary Sir Edward Grey, writing pseudonymously in 1901, called it "a powder magazine such as is to be found in no other country.") *The Secret of the League* is based on an inversion of this possibility. Bramah speculates that Britain itself, not Germany, might be undermined by socialism, and warns that the United Kingdom has its own powder magazine equally ready to explode. In this respect, *The Secret of the League* belongs with books like Erskine Childers's *The Riddle of the Sands* or William Le Queaux's *The Invasion of 1910* ,both of which regale their readers with tall tales of a German takeover. It is pre-war propaganda.

It is not just its Tory Imperialist agenda which makes *The Secret of the League* a deeply Conservative text. One clear difference between the Conservative Bramah and, say, Ayn Rand, is that Bramah's heroes are not, in the main, achievers, people who have succeeded in life through hard work or unique talent. Rather, they are aristocrats and near aristocrats (Hampden, a baronet, is the former; Salt, a retired senior naval officer, the latter). But Bramah's villains are "working class." (The "middle class" scarcely appears in this simplistic, but very British, conceptualization.) Bramah's Britain is thus not so much a capitalist as a feudal society in which the serfs have managed, temporarily, to take over. At the heart of the crisis the book describes is not a government which has dabbled in unsound economics, but a government which has tried to tamper with an allegedly traditional order.

This is no small part of Bramah's critique of socialism qua socialism; he seems genuinely horrified at the prospect of some populist inversion of what he sees as the way things should rightly be (i.e. that the aristocracy should rule and the people in general should have little say in the matter). Hence, the oafishness of the book's proletarians; they are beings clearly incapable of operating or even electing a government and who are, it is at times implied, ignorant of the practicalities of managing their own lives. Even their adherence to socialism proves ultimately fickle; Salt easily subverts it with an appeal to more basic, nationalistic passions.

It is, then, a society based on inherited status — high for a few, low for most — not classical liberalism, which *The Secret of the League* advocates. The Unity League's slogan "As in 1905" implies a great deal more than might first appear. In particular, a thoroughly Conservative revision of political changes then in prospect. In Britain, in 1906, "As in 1905" would have meant retaining an electoral franchise restricted to property owners as well as a House of Commons largely composed of gentleman amateurs and a powerful second chamber — the House of Lords — made up of unelected peers and capable of striking down any piece of legislation, however popular or progressive it might be.

All of this makes *The Secret of the League* a reactionary book but I would reject George Orwell's opinion that it is a gleeful advocacy of fascism. A British political movement governing on the principle "As in 1905" would have been fascist only in the sense that almost any state can, with some imagination, be described as "fascist." It would have been elitist, certainly, but it would not have been particularly restrictive or repressive. The British state in 1905 almost certainly regulated and scrutinized a great deal less of the lives of ordinary British citizens than the current British state and in a much less sophisticated way. Moreover, although Bramah makes the Unity League nationalistic, he does not have it offer the populist blend of nationalism and socialism that characterized Italian and German fascism and which was also a characteristic of the British state during both world wars and for which Orwell was an enthusiastic supporter at the time of his comments on

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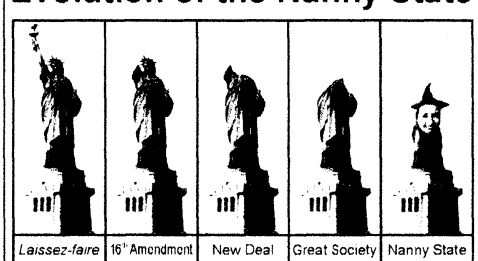

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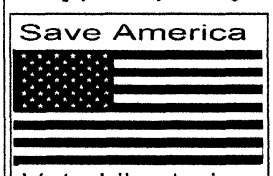

Item #T101

The Secret of the League.

Which brings me to book's central irony. As a forecast of the probable consequences of the Liberal landslide of 1906, it is difficult to imagine a book getting it more comprehensively wrong. In power, and contrary to Bramah's fears, the Liberals proved to be more nationalistic and belligerent then their Conservative predecessors. It was they, not the Tories, who moved Britain decisively away from its previous isolationism and closer to France and Russia in a developing anti-German alliance. And it was under Liberal supervision that an extensive armaments program was embarked upon during which private citizens, with tacit state encouragement, organized and lobbied both for conscription and still greater arms expenditure. The mass support for this Anglo-German arms race was such that it even became the subject of popular songs. (When music hall audiences sang "We want eight and we won't wait," they were referring to *Dreadnought*-class battleships).

It was in this context that Britain's initial social welfare legislation — pensions and compulsory health and unemployment insurance — was introduced, at least in part in imitation of similar populist measures which had been implemented in Germany. And though there was an aristocratic revolt of sorts in 1909, it was no Unity League. Peaceful and ultimately unsuccessful, it was motivated by the objection of a majority of Britain's landowners to the extra taxes the Liberals' welfare/warfare state required. Later, moreover, the Liberal government sanctioned Britain's entry to the First World War and saw to it that, on the home front, collective patriotic fervor was aroused whilst many individual liberties were, at the same time, suppressed. These things, I reckon, have more in common with fascism than anything a government of nostalgic snobs and elitists could manage.

The Secret of the League is a propagandist work from a period in history which could be doing with much closer scrutiny than it has, of late, received. But it is no "capitalist fiction." In fact, its almost accidental advocacy of capitalism, buried within a context of nationalism does capitalism and its advocacy no favors whatsoever. ❑

***The Costs of War: America's Pyrrhic Victories.* Edited with an introduction by John V. Denson. Transaction, 1997, xviii + 450 pages.**

A Public History of the Campaigns That Failed

Mark Brady

As Randolph Bourne observed, "War is the health of the state." The truth of this adage has been demonstrated repeatedly since the Civil War, from the Spanish-American War through two world wars, subsequent hot wars in Asia, and numerous other interventions. Even for the victors the outcome of war has rarely been much like what they had originally envisioned or hoped for.

Sadly, the classical liberal perspective on war and foreign policy gets short shrift these days. Far too many professed libertarians never mention the subject and are oblivious of its importance and relevance for achieving a genuinely free society. Worse still, some self-proclaimed exponents of the free market defend U.S. war-making and celebrate American global hegemony.

Although the Cato Institute to its lasting credit came out against the Gulf War, sadly *Reason* magazine equivocated on the issue. And even among those many libertarians whose gut reaction is to oppose U.S. intervention abroad and demand massive cuts in military spending, there is a striking ignorance of both the historical record and the arguments behind the classical liberal position.

The Costs of War: America's Pyrrhic Victories could go a long way toward remedying this problem. This handsomely produced volume traces the history of America's wars from the founding of the republic to the Allied "victory" in 1945 and the postwar establishment of American world dominance, providing intellectual support for a classical liberal foreign policy that avoids foreign political entanglements, military intervention, and war.

As John Denson, its editor, explains in his introduction, the "costs of war" go far beyond the horrific suffering on the battlefield. They include the subsequent suffering that veterans endure, often for the rest of their lives, and the harmful long-term consequences for the economy and civilian society, especially the loss of liberty, that continue long after every participant in a particular war has died. This point was well-illustrated in Clyde Wilson's "War, Reconstruction, and the End of the Old Republic," which shows that the Civil War engendered a massive growth of the size and, more importantly, the scope of government, which were only partially reversed in subsequent years. Another fateful consequence was a profound and seemingly irreversible shift in attitudes toward intervention, from one of great suspicion to one of ambivalence and even support.

Early chapters in the book include Justin Raimondo's exploration of the anti-interventionist tradition in American politics and Murray Rothbard's lively and provocative defense of the proposition that there have been two — and only two — just wars in American history: the American Revolution and what he not unreasonably calls the War for Southern Independence. In his essay Joseph Stromberg explains how the Spanish-American War was an important precursor of the U.S. involvement overseas that has characterized so much of American foreign policy in the twentieth century. The book also reprints an article by Murray Rothbard in which he argues convincingly in his

inimitable and trenchant style that World War I represented not the denial but rather the apotheosis of Progressivism in American life. Amen.

I must record my disappointment that the War of 1812 and the Mexican-American War receive only passing reference in this book. However, this is not surprising as the contributors focus on U.S. expansion overseas and either ignore continental expansion or, in Raimondo's case, even applaud this development as necessary for the security of the American republic. In this context I recommend Richard W. Van Alstyne's *The Rising American Empire* (1960), Frederick and Lois Bannister Merk's *Manifest Destiny and Mission in American History: A Reinterpretation* (1963), and Professors Morison, Merk, and Freidel's *Dissent in Three American Wars* (1970), a neglected but fascinating book of essays.

Ralph Raico's "Rethinking Churchill" introduces a new audience to a fully updated version of the thoroughly revisionist analysis that he wrote over twenty years ago. Having been born and raised in Britain after the war at a time when there were two institutions beyond criticism, namely Winston Churchill and the National Health Service, I enormously enjoyed reading Raico's original article at the time it was published, and I encourage you to read this corrective to the received wisdom.

The classical liberal perspective on war and foreign policy gets short shrift these days. Worse still, some self-proclaimed exponents of the free market defend U.S. war-making and celebrate American global hegemony.

Robert Higgs, author of *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (1987), explains the crucial role that mass conscription has played in the huge expansion of the American state in the twentieth century. Bill Kauffman surveys American writers' opposition to war. And Paul Fussell, the celebrated author and veteran of World War II, provides a short piece on how war impacts society. However, this is no substitute for reading his excellent books on the subject, notably *The Great War and Modern Memory* (1975) and *Wartime: Understanding and Behavior in the Second World War* (1989).

Unfortunately, *The Costs of War* makes little mention of the Korean, Vietnam, and Gulf Wars and almost no discussion of the Cold War, focusing instead on the historical record leading up to and including World War II, rather than venturing beyond to a discussion of the very real "hot" wars in East Asia, the Cold War itself (which has had enormous consequences for America), and its aftermath, including the Gulf War.

The penultimate chapter by the Austrian school economist Joseph Salerno looks at how fiat money inflation may be used to finance war in an effort to conceal from the public the full extent to which resources are being sequestrated by the state to fight the war, and the necessary consequences of such a policy. The final chapter by another Austrian school economist, Hans-Hermann Hoppe, is a characteristically provocative essay in which he seeks to demonstrate that the legitimation of democracy in the twentieth century has led to much more terrible wars since the restraints that limited the power of monarchs do not restrain the modern democratic state. Hoppe's interesting thesis is accompanied by an uncharacteristically non-Austrian diagram which I found needlessly abstruse and in any case is quite unnecessary.

Historically, except for the Vietnam conflict and arguably the War of 1812, U.S. participation in war has culminated in victory in the conventional sense that the enemy was defeated. It is therefore not surprising that there has always been a high level of public support for this bloody record and a willingness to trust the federal government as it makes preparations for future wars. It would appear that publicly articulated doubts about U.S. interventions abroad, which arose from U.S. failure to prevent the North Vietnamese takeover of South Vietnam, have been largely silenced by the conspicuous success of U.S. military prowess in the Gulf

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War. According to the prevailing consensus among commentators across the political spectrum, this conflict has enabled America to overcome the Vietnam syndrome, or some such nonsense. Recent events where the United States threatened yet again to bomb Iraq in order to "punish" Saddam Hussein for his refusal to accept American orders remind us once again of the continuing relevance of the lessons that this book seeks to impart. Too bad then that the book does not make those connections between the past and the present and so take the story up to the present day.

As with many collections of essays, the quality of the individual contributions varies considerably and certain themes and topics are not explored either at all or else as thoroughly as one might wish. That said, the book contains a number of well-written and well-argued essays that address various aspects of a crucially important but currently neglected subject for libertarians. ❑

***Simple Rules in a Complex World*, by Richard Epstein. Harvard University Press, 1995, 361 pages.**

Simplicity Rules

John Hospers

The application of general laws to particular cases is a matter of great complexity. If one reads a book such as Philip Howard's *The Death of Common Sense*, one fears for the future of not only the business community but the ordinary citizen, in the face of such conflicting interpretations of a law that one has no idea whether one will succeed in one's ventures or be totally bankrupted by some adverse legal judgment. And if one reads a book such as James Bovard's *Lost Rights*, one soon feels powerless against such an infinitely detailed set of regulations that even a specialist in the law cannot state with confidence what the law really says.

Nevertheless, says Richard Epstein in his *Simple Rules*, there is a set of principles, few in number and easy to understand, which tells us what the law ought to be. The entire corpus of the law, he contends, is subsumable under six general principles, which should be the *fons et origo* of all legal decisions. Briefly stated, the six principles are as follows:

1. *The principle of self-ownership.* Each person, as John Locke said, has property in his own body, over which no one but himself has any dominion. Each person should be the sole determinant of what is done with his own body; another person may assist in this only with the first person's voluntary consent.

This principle is, of course antithetical to any form of slavery. Indeed, the principle may seem too obvious to be questioned, but Epstein defends it in a pragmatic way. If one person can determine the course of another person's life, who is going to be that determiner, and by what principle is that determiner to be selected? Shall conquest decide the outcome? If life is a lottery in which a roll of the dice decides who is to be on top, each person has a 50% chance of being master and 50% chance of being slave. The chances of being a slave are too great to provide any comfort: the chance of being a master is not worth the risk. It is far preferable to be certain of being a self-owner, even though this involves a limitation on one's power over others. Epstein calls this the Principle of Autonomy.

Some have held that there should collective (not individual) ownership. In John Rawls's system of justice, for example, people with fewer talents should be made part-owners of people with great talents, so as to achieve an equality of opportunity among human beings. But some of these conditions cannot be changed, or cannot be changed without an enormous expenditure of money and effort and in any case we spare ourselves an enormous administrative burden if we renounce any claim to the assets of others; this enables us to get on with the business of living, without attempting to determine how much a person of inferior mental or physical endowments is owed by others.

2. *The rule of first possession.* Some theorists have said that no one should be permitted to own anything apart from oneself: no one should own land, or houses, or furniture, or clothing. These things "belong to everybody." But in that case, shouldn't the permission of everyone be required before any of these things can be used? And this, of course, is impossible. Who is to say who, and under what circumstances, may till the land, occupy the house, wear the clothes?

Even the U.S.S.R. permitted people to own clothing, books, and furniture; what was not permitted was ownership of land. Under what conditions then may land be owned? If anybody could grab as he wished, and thereby be entitled to keep it, there would be constant war by those who were trying to take it from him. Thus we arrive at a principle similar to Locke's: a person must earn land (as well as clothing and furniture) by his labor. Doesn't this restrict the behavior of other persons, who might desire to own the same piece of land? Yes, says Epstein, the actions of a second claimant are limited by the actions of the first one, who earned what he now possesses; the second one may have to settle elsewhere. This, however, is a small price to pay for an immense benefit, security of possession. Only

The trouble with the police power, says Epstein, is that it very quickly gets out of hand.

with security of possession can men be strongly motivated to labor; moreover, with this secure possession they can plan ahead and make gainful exchanges, impossible economic stability and the accumulation of wealth.

3. *The principle of contract.* "The basic mechanism of contract," says Epstein, "is something very simple, powerful, and universal. It essentially involves your surrendering something that you value in exchange for something else that you value even more" (p. 72). Thus each party to an exchange gets what he prefers, and there is a great increase in overall well-being.

In many voluntary exchanges between A and B, there are negative externalities to C, D, and so on. The exchange will affect others who did not participate in it. C may in some cases be worse off, e.g. if he did not get to trade with A because B did so first. Still, society in general is better off because individuals have an opportunity to enter into exchange with one another. Similarly, the trade between A and B may negatively impact C and D because it adds to air pollution, or the spread of a disease, or the damming of a stream which flows through B's field and prevents C from obtaining the water. In such cases, however, another principle comes into play:

4. *Protection against aggression.* The basis law of tort is, if something is not yours, keep off — no murder, rape, larceny, trespass, no interference with voluntary exchange.

It is not always clear, however, to what lengths a person may go to protect himself. May an innocent man try to escape the secret police by shooting, even if this involves the probability of killing innocent bystanders? May you protect your property with an electrified fence, giving a strong shock to whoever touches it, however innocently? And so on, for an endless array of possible situations.

The law requires that we take "reasonable care." Failure to do so is negligence, for which one can be made to pay damages. If you back your car out of the garage and hit a child, you are presumed not to have taken reasonable care — unless there was no way for the accident to be avoided by taking care. Car manufacturers are regularly sued for improper design — but the accident may had nothing to do with the allegedly defective part or design, but only with the "nut behind the wheel." Each case should be judged on its own merits. Sometimes there is negligence by both parties: the Coast Guard was negligent in failing to maintain a breakwater light, but the captain was also negligent in passing another ship during a storm when he knew the light was not functioning.

Sometimes the criterion used is not negligence, which is often extremely difficult to determine, but *strict liability*: by engaging in a certain kind of action, such as fumigating or handling poisons, one is strictly liable for any injury of damage, regardless of whether or not one was negligent. The plaintiff would usually prefer it if the defendant is held strictly liable ("liability without fault"), but such a judgment may still be unfair if the defendant was not negligent. There is a continuing battle between negligence and strict liability as criteria for settlement.

"If we stick with the six basic principles," Epstein writes, "the overall level of complexity will be reduced and resources will be freed from the multitudinous legal tangles imposed on them by thousands of boards, bureaus, regulations, and controls."

There is also an important distinction between harm and offense. To harm someone is actionable, to merely offend someone is usually not. Still, it is not clear that one has harmed someone by sunbathing nude in one's back yard in sight of neighbors, or repeatedly using foul language to them, although most neighbors would find such actions offensive and would prefer them to be prohibited by law.

Thus far, we have a legal system with strong and well-defined rights to persons and property, complete freedom of exchange, and strong protection against the aggressive actions of others. But these are still not quite enough:

5. *Limited privilege for cases of necessity.* If your wife is deathly ill and the pharmacy is closed for the night, you may break in and steal the medication you need to save her life, provided you reimburse and pay damages later. If a man almost dead of thirst staggers up to you and begs for something to drink, you must not say "OK, I'll do it for a million dollars" and hold out till person is dead. There should be provision in the law for emergency cases such as this: it is more important to save a life than to lose some income. Epstein asks, Before the event, would you rather have the absolute right to exclude under all circumstances, only to be excluded by others? Or would you rather be subject to the duty to admit such cases of necessity, which might save your life?

There is a caution, however: it is easy to keep expanding the concept of necessity. He brings out this danger with examples: San Francisco was devastated by the earthquake of 1906, but never changed its property laws because of it. New York City, by contrast, claiming a massive housing shortage after World War II, imposed a strict system of rent controls. San Francisco had a viable housing market a month after the earthquake, whereas New York still has rent controls fifty years after they were introduced in order (allegedly) to ease the housing shortage.

6. *Taking with compensation.* This is the main subject of Epstein's excellent earlier book, *Takings*. The government may take a piece of property, such as your house and yard, to make space for a freeway, but it must pay (as the Constitution specifies) "just compensation" for all such takings.

The government also exercises what is called the *police power*. If A is about to attack B, B may disarm A without compensating him for the loss of his weapon: the act of aggression triggers the right of self-defense.

The police power is now used far more broadly than this, however. It is used to prevent a farmer from using his own land, by declaring it a wetland, or alleging that there are members of endangered species there. It may even fine or imprison the land-owner for dumping gravel or refuse on his own land.

The trouble with the police power, says Epstein, is that it very quickly gets out of hand. A man may be prevented from building a house on an already-

bought beachfront property, because neighbors complain, or because it blocks their view, or because the State wants to get it free of price by confiscating it under the RICO Act, and in no such case is there compensation for the loss. The police power must be carefully defined and drastically limited, he says, in order "to stem Leviathan."

Taxation is a "taking," but it is justified, says Epstein, because "we can never achieve unanimous consent about the funding of necessary public services, e.g. national defense and maintenance of law and order." Nor can we attach a meter to people's skulls to measure the benefit that each person receives from government expenditures.

"If we stick with the six basic principles," he writes, "the overall level of complexity will be reduced and resources will be freed from the multitudinous legal tangles imposed on them by thousands of boards, bureaus, regulations, and controls." Nevertheless, his approval of eminent domain and emergency cases represent — to some "pure" libertarians — a strategic retreat from a strong libertarian position which imposes obligations on individuals only for wrongful conduct.

Questions of Application

It would be difficult to deny that these six principles — the first four, at the very least — are fundamental to a legal system designed to respect the rights of individuals. (Modern liberals would say that the six are not enough — that the State is justified in engaging in many more activities than these principles would permit.) Unfortunately, however, acquaintance with these principles does not always tell us how they are to be applied to individual cases. I shall mention here only a few of the questions that came to mind while I was perusing Epstein's pages, where it was not clear to me from what Epstein said what he would have to say about the practical application of the six principles.

1. If one owns oneself, what about children? Parents surely do not own their children in the sense of being the parents' property, i.e. having the right to use and disposal. If you own a certain book, you may mark it, scar it, burn it, sell or give it to someone else — none of which you may do with your children. Are not parents stewards, not owners, of their children, supporting them and guarding them against harm until they are of the age when they can care for themselves? Clearly not everything goes — though it is far from clear what does: corporal punishment? Incarceration in a dark closet? Threats of dire punishment for some minor infraction?

2. There is also the problem of ownership of animals, a subject on which Epstein says nothing. Do you own your dog or cat? Is it any more permissible to torture them, or leave them to starve if you tire of them, than in the case of children?

3. There are countless unmentioned problems concerning ownership of land. If settlers from Europe displace native Americans, do the settlers now own the land? If not, should it all be returned to the descendants of the displaced Indians? (Did the Plains Indians treat it as property, since they did not settle there permanently but "squatted" till they had used up the game and fish, and then moved on elsewhere? What constitutes ownership?) If Israelis moved in where Palestinians had been, do the Israelis now own it? Or are they trespassing on land which is not theirs? Or do they own it because their ancestors tilled that soil during Biblical times? If a piece of land has been taken from others, then occupied and farmed by the takers for several generations, can they now be said to own it?

An Oregon farmer discovers some Indian artifacts buried in his land. He digs them up and claims them as his, since they were found on the land he owns. But native Americans claim the relic since their ancestors made them (mixed their labor with them). And an anthropological society wants them placed in a museum, since only thus can they be displayed for all to see ("don't they belong to everyone?"). Can we say which of them is right?

4. There are countless other problems about disposition of property. If Mr. and Mrs. Smith decide to separate, should she receive half his income (including his property), including what he owned before he knew her? Should she receive not only part of his income to date, but part of his projected income in the future, since she stood by him while he worked to earn it? If there is implicit contract between them about such things, how are they to be decided and what is the basis for such a decision? Do the six principles tell us, or imply any conclusion about it?

5. How far may the State go in restricting the use of someone's property? The Health Department closes a restaurant because cockroaches have been found there. Is this a justified activity? What if they closed it because the building had become dilapidated, or was too close to the sidewalk, or was painted a color that was not in accord with the other buildings on the block?

Mr. B builds a house in the hills above Mr. A's house, though doing so is fraught with danger of mud slides when the rains come. Should he build it and then face lawsuit when the mud slides occur? Or may the city forcibly prevent him from building it in the first place? May the city prevent a roofer from putting a combustible roof on someone's house, or should the roofing material be applied and the neighbors be free to sue if a fire results? May the State stop him from engaging in forestry on his own land because there are redwood trees there, or for some other reason?

6. There are problems about the regulation of labor. Can an employer, in the absence of a contract, fire any worker he chooses to at any time? May he summarily dismiss him when the employee is injured on the job, leaving him without benefits though he has worked for the company for thirty years — as often happened in the 19th century? If a mining company owns an entire town, and there is no reasonable opportunity for workers to go elsewhere, may the owner reduce the wages to starvation level and otherwise make life impossible for employees?

When a landlord raises the rent, and the elderly and infirm tenant cannot pay, may he evict her for non-payment of rent, or must he keep her on for a specified period at reduced rent or no rent if she has no family or relatives and is now an invalid? Does this constitute "necessity" as in Rule # 5, and if so how far is the concept of necessity to be extended?

A Sensible Libertarianism?

I am not clear how Epstein would handle these questions, along with many others, based on the six princi-

ples. One thing seems clear, however: he does not attempt to limit the regulative act of the State as many "orthodox" libertarians would do. He believes in limited regulation — restaurants and aircraft companies cannot be expected to police themselves. He approves of eminent domain. (One must not be forced to move without just compensation — which is not the same as saying that his consent to move is required). He believes, unlike many libertarians, in patent and copyright. Most of all, he does not question the legitimacy of the State: like Rand and unlike anarchist libertarians, he approves of certain minimal functions of the State: police, armed forces, courts. What we have in these pages is a nicely crafted legal framework for what might be called "a sensible libertarianism" — sensible in spite of the fact that some important questions are not addressed: does South Carolina, for example, having been admitted to the Union, have a right to secede? We are not told; but what we are told is usually helpful in threading our way through the jungle, even if it is not always enough to enable us to get out of it. ❑

***Cartels of the Mind: Japan's Intellectual Closed Shop*, by Ivan P. Hall. W. W. Norton and Company, 1997, 208 pages.**

The Closing of the Japanese Mind

Michael Oakes

During my graduate school days, I took a class from Professor Michael Jensen, the resident god at the University of Rochester Business School. Jensen said of lot of good things I soon forgot (which may explain why I did not follow most of my classmates to Wall Street). His definition of fair and unfair, however, stuck.

Some students had objected that however rationally functioning the market for executive talent appeared to be, the results — huge compensation packages for CEOs of firms that are laying off factory workers — were unfair. Jensen asked us what fair and unfair really mean. After predictably sophomoric responses from us, he wrote the two words on the board. Next to fair he wrote, "I like it." Next to unfair, "I don't like it."

Jensen's dramatic display replayed in my head throughout Ivan P. Hall's *Cartels of the Mind: Japan's Intellectual Closed Shop*. Hall clearly has a grasp on some very irritating elements of Japanese society. His book describes well how the central government in Tokyo supports "severe professional restrictions placed upon foreign lawyers, journalists, and academics working for the long term in Japan — restrictions that do not apply to their Japanese counterparts active in the West." For anyone involved in the Japan-analysis industry, it offers additional ammunition in the continuing battles to make Japan become what the analysts think it should become.

Cartels of the Mind suffers, however, from Hall's over-reliance on descriptive analysis and from an understandable but uninformative attachment to "unfair." What he describes is correct: Japan's legal, journalism and academic markets are largely closed to foreign participants. But he stops there and simply frets that this is horribly unfair. It's unfair that Japan should be such an economic force without allowing foreign intellectuals and researchers equal access to its domestic idea network. It's unfair that Japan campaigns for a seat on the UN Security Council without first delivering on its stated policy to "internationalize" and become a "normal country."

The source of Hall's frustration is institutional barriers traceable to central government control. Foreign lawyers, for example, are essentially banned from practice in Japan. In 1986, legislation enabled Japan-based U.S. law firms to assist Japanese companies (and their legal representatives) with investments, arbitrations and commercial transactions in the U.S. The American lawyers are not permitted to provide reciprocal services for U.S. clients wishing to pursue business in Japan. While Japanese law firms can hire the services of U.S. lawyers, Japanese *bengoshi*, the equivalent to U.S. trial lawyers, are not allowed to practice their trade if they are employed full-time by a foreign firm.

Recent updates to that 1986 legislation removed some minor restrictions — foreign lawyers can now use the name of their U.S. firm on their business cards — and spelled out "a progressive-sounding but virtually unworkable device known as 'joint enterprise'" which is supposed to give foreign lawyers greater access to the talents and specialized skills of the bengoshi. But this set up is little more than a "space-sharing arrangement." The Japanese lawyers in the joint enterprise must have no connection with the foreign home office. "Advice on Japanese law and third-country legal matters remains the exclusive perogative of the Japanese bengoshi in the joint venture, and Japanese litigation has to be handled outside the joint venture altogether by the Japanese law firm."

As a result, there are only about 45 foreign law firms in Tokyo, the largest metropolitan area in the world and capital city of the second largest national economy. And only two tried the joint enterprise arrangement.

Foreign journalists, fortunately, are actually allowed to write in Japan, though their ability to work is severely curtailed by denying them access to "kisha clubs." It is through these clubs that official, on-the-record press conferences, as well as important off-the-record background sessions, are administered. Kisha club reporters generally share space with, and use desks, telephones and other equipment provided by, the sources. (In practice, as Hall points out, this very often means at tax-

payer expense for the government ministry and agency clubs).

The clubs are open to institutions and organizations, rather than individual reporters. Only recently have a few foreign news organization been admitted. In contrast, press conferences in the U.S. are open to anyone with press credentials, and individual sources are available to the extent any journalist chooses to pursue them.

Japanese defend the club system by arguing it helps move news more "efficiently and fairly" compared to some of the chaotic press conferences and source-chasing in other countries. It also builds great trust between sources and club reporters, allowing each to discuss sensitive matters without the concern that comments could be misconstrued. The reporters "more than make up in long-term insight whatever they might be losing in ego-building exclusives splashed across tomorrow's front page." Foreigners don't fit into this well, the argument continues. Many often have poor language skills, usually cannot devote full-time efforts at any one kisha club, and "with their free-wheeling, doggedly probing manner, Western (and other Asian) newspeople cannot be trusted to maintain club confidences."

It's not so surprising that the barriers exist, but rather that they exist so blatantly and without attracting much attention.

When Toyota announced its first Kentucky facility in 1985, U.S. reporters were barred from the press conference. The room was too small, officials said. When All Nippon Airways announced it was purchasing an entire fleet of jets from Airbus, European reporters were excluded from the press conference. (They got the news, Hall said, from the Japanese papers the next morning.) Only two foreign reporters managed to make it through restrictions to the press conference announcing Sony's purchase of Columbia Pictures.

Similar nonsense burdens higher education. Foreign instructors are divided into two classes, neither of which is legally or in practice on par with their Japanese colleagues (and that's regardless of the foreigners' residency status). Those classes are defined by central government legislation. Long-term contracts for foreign professors hardly exist. Recently, in fact, based on a directive from the Ministry of Education (Monbusho), many older foreign instructors have been forced to quit. The old ones are being replaced by younger ones who "would be more representative of contemporary American culture" as one Monbusho official told an American Embassy representative.

Higher education best exemplifies the insularity in Japan which frustrates many foreigners living here. In 1995, there were only 66 foreign tenured-type professors in Japan's approximately 120 prestigious national universities and research institutes. (The national universities enroll more than 40 percent of all college students). In contrast, Hall counts 68 foreign professors, at or above the associate rank, at a single medium-sized U.S. university, George Washington University.

The totals look no better. Combining the two categories for 1995, Japan's national universities employed not quite 850 foreign instructors, almost all of those involved in language and area studies teaching. If the less prestigious private and public universities follow suit, not a bad assumption given Monbusho control, that might place total foreign instructors at the university level in Japan at around 2,500. In 1996, Harvard University nearly matched that number by itself. There were more than 60,000 foreign instructors in the U.S. in 1996 — 5,300 from Japan alone.

As with barriers against foreign lawyers and journalists, the separate faculty system to handle foreigners seems discriminatory and xenophobic. One official at a university involved in disputes with terminated foreign professors explained their refusal to fill permanent positions with foreign scholars: "Why do we need to have foreigners teaching things that Japanese are capable of handling?"

These barriers clearly block opportunities for foreign lawyers, journalists and educators. They insulate insiders from competition, or at least make it difficult for outsiders to become competitive. It's not so surprising that the barriers exist, but rather that they exist so blatantly and, until Hall's book anyway, without attracting much attention.

But Hall's descriptive analysis gets him only so far. First, he fails to follow through on the cartel label. While foreigners certainly face institutionalized discrimination in Japan, these cartels also keep out other Japanese competitors. A national qualifying exam for the bengoshi (trial lawyer) track, for example, permits only about 700 students a year to squeeze through. That trickle alone is enough to guarantee the legal status quo a comfortable, stable system. Hall points out these numbers but then gets back to the impact this has on U.S. lawyers wanting more business in Japan.

The kisha clubs consist of the elite news organizations. That keeps out foreigners — but it also closes the door to a much larger group of Japanese journalists who do not belong to the top newspapers, TV stations or magazines.

Whatever the lost opportunities to specific groups of foreign professionals, the real costs of the cartels — the real costs of Japan's insularity — are borne by the Japanese themselves.

In fact, Japan has a thriving journalism market, outside the elite circles, which is often responsible for digging up scandals or revealing corruption that the elite media had known about but ignored. Hall mentions this, too, but only in a passing description of the overall system. At Japan's universities, tenure protects the established academics from professional competition, foreign or Japanese.

I doubt Hall would disagree with these effects the closed groups have on other Japanese. But he nevertheless gives the impression he's not opposed to cartels generally so much as he is opposed to cartels that work especially effectively against foreigners.

Second, Hall fails to make much of a

case that these intellectual closed shops have a wider impact on foreign interests. He argues that "the United States, by failing to push now for the dismantling of Japan's cartels of the mind, risks their eventual export to the rest of Asia in a rolling emulation effect." The absence of an internationally integrated higher education system in Japan "impedes a genuine two-way intellectual flow between Japan and the rest of the world because the traffic at universities is precisely in ideas," Hall says. Further, "this imbalance in academic employment opportunities has had a subtle if largely unnoticed impact on political, trade and historical issues . . . by giving Japan a stronger rhetorical footing in America than the U.S. enjoys in Japan."

The impact has been unnoticed for good reason: there's not much of one. Whatever the lost opportunities to specific groups of foreign professionals, the real costs of the cartels — the real costs of Japan's insularity — are borne by the Japanese themselves. Amazingly, for Hall is a long time participant in Japan discussions, he spends little time relating the existence of the closed shops to Japan's economic, political and social troubles throughout this decade. Yet these deeply-rooted problems clearly stem from layers upon layers of cartel-type structures, and from an unmanageable system of now fossilized central controls.

Japanese citizens are worse off because their choices in conflict resolution are limited; because in cozying up to sources and conforming the resulting news to a kisha club communal standard, the "elite" news organizations legitimize an unhealthy denial of bad things; because the absence of an open higher education system saddles the country with a pathetically unintellectual, and in places openly bigoted, training ground for future business executives, bureaucrats, politicians, and housewives. This is not a secret to the rest of Asia. Exporting Japan's cartels of the mind will be much tougher than exporting Toyotas and Walkmans.

Closed systems don't work. Once, several decades ago perhaps, it was possible to believe some might. But as everyone except North Korean leaders, Japanese bureaucrats, and Apple Computer executives now seem to have learned, insularity protects only temporarily, and then it protects only a fading snapshot of the intended goal. The rigidity and narrow-minded attitudes it nurtures have little value in a world where progress requires creativity, flexibility and adaptability. Japanese citizens are paying a heavy price for this today. Their systems have become so stale and rigid that they have begun to crack.

Worse, the insularity leaves the Japanese without the references or structural tools to affect systematic change. Like Third Republic France, as described by Stanley Hoffmann, Japan is a "stalemate" society with "plenty of brakes and not much of a motor."

In any case, the absence of opportunities in Japan for certain American (and other foreign) professionals is no reason for U.S. professions to adopt similar policies toward Japanese, as Hall suggests. Yes, Japanese lack an official sense of reciprocity for the freedoms their individuals and businesses enjoy overseas. That's a particularly nasty side of the country. (It's also an interesting counterweight to the pride Japanese take in their obsessively reciprocal gift-giving custom.) As foreign professors were being dumped from their long-held jobs at national universities, their Japanese colleagues — many of whom had ten or more years experience as fully-accepted members of U.S. institutions — stood by silently and gave their foreign friends zero support.

Banning Japanese reporters from press conferences might prompt some changes in the kisha club system. Asking Japanese professors at U.S. universities to step down from their

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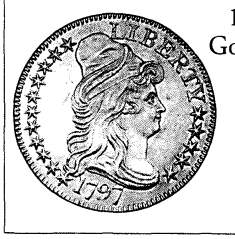

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posts would horrify them, of course, just as it would horrify — I hope — most Americans. But these are silly ways to promote good ideas. Rather than communicate important values of openness and equal opportunity, these measures signal that our principles are simply tokens for game-playing whenever we think we are being treated "unfairly." ❑

***Ayn Rand: A Sense of Life,*, written and directed by Michael Paxton. AG Media Corporation, Ltd. & Copasetic, Inc., 1997, 143 minutes.**

Making Sense of a Life

R. W. Bradford

There is an awful lot to like about *Ayn Rand: A Sense of Life*, the documentary that was recently nominated for an Academy Award. Thanks to the cooperation of the Ayn Rand Institute and the Estate of Ayn Rand, its producer-director-writer Michael Paxton had access to Ayn Rand's photo album, her manuscripts and letters, and the right to quote from her writing. A parade of photos of young Rand laughing, posing solemnly with her family in Russia, and trying to look glamorous or mysterious according to the Hollywood precepts of the day while narrator Sharon Gless reads from Rand's words — this may not be a recipe for a box office hit, but I like it a lot.

Unfortunately, thanks also to the cooperation of the Ayn Rand Institute and the Estate of Ayn Rand, there's a lot not to like as well.

The great flaw of *A Sense of Life* is that it is not committed to the truth, to showing Rand the way she really was, in all her complexity. Instead, it is committed to portraying Ayn Rand as Leonard Peikoff, Rand's heir, wants her portrayed, and to putting both of them in a glaringly, but ultimately uninterestingly, favorable light. Thus Rand is depicted as not only the greatest philosopher and greatest novelist of all time, but also as an individual entirely consistent in her thinking at every level. Consequently, she led a nearly perfectly happy life. The film does grudgingly admit that, as anyone would suspect, she was unhappy after her husband died in 1979, but it fails to mention that she suffered almost constant depression for the final 25 years of her life.

Of course, Rand herself engaged in a good deal of self-mythologizing, and much of *A Sense of Life*'s portrayal of her is consistent with her self-made myth. Thus Rand's long familiar story about her brilliant confrontation with philosophy Prof. N.O. Lossky is repeated, despite the well-known recent research of Chris Sciabarra which casts very serious doubts on its truth. So is Rand's dramatic fib about Mussolini's suppression of *Noi Vivi*, the unauthorized film version of her novel *We The Living* filmed in Italy during World War II. (On this issue, see *Liberty*, November 1988.)

It is easy to understand *A Sense of Life*'s indulgence of Rand's ability to tell a good story. But it is much harder to fathom its treatment of Rand's emergence as a philosopher. Here is how the film claims Rand got her start in the field:

> Through conversations with Leonard Peikoff, Ayn saw that many of her philosophical principles were not self-evident to those around her. She realized a more detailed elaboration of her philosophy was needed. Now that Howard Roark, Dagny Taggart, and John Galt existed, she had accomplished what she had set out to do in fiction and was ready to begin writing in the field of philosophy.

The notion that conversations Rand may have had with Peikoff had anything to do with her starting to write is simply wrong. Rand regarded herself a philosopher long before she met Peikoff, though she postponed writing formal philosophical essays until she finished her novel *Atlas Shrugged*, a few years after she had met Peikoff. Her first work of philosophy, *For the New Intellectual* (1959), is made up mostly of passages from *Atlas Shrugged*, as well as her earlier novels. During this period, Peikoff was very much a junior member of her circle of admirers, a member whose relationship with Rand was that of student to teacher. "His philosophical discussions with Ayn were usually his admissions of his failure to understand essential aspects of Objectivism," recalls Barbara Branden. Rand's more serious philosophical discussions were with Nathaniel and Barbara Branden and John Hospers, who, unlike the others, was an established academic philosopher.

Equally hard to understand is the documentary's treatment of the person who was Rand's closest associate, both socially and intellectually, Nathaniel Branden. He was the emotional center of Rand's life from the day in 1950 when she received an unusually impressive fan letter from the 19-year-old, through years of an intense sexual relationship and collaboration, until the day in 1968 when, learning of his sexual infidelity, she humiliated him in front of his friends and banished him from her life.

Rand is depicted as not only the greatest philosopher and greatest novelist of all time, but also as an individual entirely consistent in her thinking at every level, and who, consequently, led a nearly perfectly happy life.

In a documentary running approximately 143 minutes, Rand's relationship with Nathaniel Branden gets a total of 3 minutes and 30 seconds. For most of that time, Rand's final designated heir Leonard Peikoff speculates about how

Rand's husband, Frank O'Connor, coped with his knowledge of his wife's sexual relationship with the much younger Branden — though somehow Peikoff fails to mention that Frank began an affair of his own at this time, with a liquor bottle — and explains what a rotten person Branden "was." (Peikoff speaks of Branden only in the past tense, as if he were dead, which, I suspect, Peikoff wishes he were.)

Barbara Branden, Joan and Allan Blumenthal, Henry and Erika Holzer, Bob Hessen, Edith Efron, John Hospers, and Alan Greenspan also played very important parts in Rand's life, but none of whom are on speaking terms with Peikoff today. None of them is even mentioned at all in the film, though one can occasionally spot them in photographs. The camera focuses again and again on Leonard Peikoff and the others who surrounded her after Joan and Allan Blumenthal bowed out in 1978; the film gives the distinct impression that they were Rand's only close associates (aside from the pernicious Branden).

Near the end of the film, Peikoff describes Rand's ability to answer questions from students as that of a philosophical and psychological genius:

> She not only answered the questions — she told you what errors you made that led you to that question, why you weren't able to answer it yourself, what confusions would arise in your mind tomorrow when you thought over her answers and what the answers to those were and then what to read to consolidate your thinking even more clearly. So it was like an entire course — it wasn't just a yes or no answer. Every question was a springboard to a total exploration of the issue and of the proper methods of thinking.

An astute viewer might wonder why the film presents Peikoff's talking head explaining this when he could have shown footage of Rand responding to an actual questioner. Those who have witnessed Rand's responses to questions know why no such insightful and brilliant responses were shown. It is true that Rand sometimes offered genuine insights when answering questions, but all to often she responded in an extremely hostile fashion. As Nathaniel Branden observed, she "often became angry" and "sometimes she could be terrifying" to individuals who asked her questions, an observation confirmed by a great many others. "She commented on psychological problems of the questioners, and frequently discussed what she saw as their motives," Joan Blumenthal observed. "That is what terrified people."

Had Paxton wanted to show how Rand responded to what she perceived as a hostile question, he could have done so. When Rand appeared on the Phil Donahue television program, portions of which Paxton used in his film, a woman made the mistake of saying that she had formerly liked Rand's philosophy but had "matured." "Do you want to create an incident?" snapped Rand. "Why come here and take advantage of my show and of people who came here to see me?"

The young Rand portrayed early in the film was determined, ambitious, brave, vulnerable, and smart — an attractive young woman who it's easy to forget ever existed when one looks at the eviscerated portrayal that this film projects of her as the virtually faultless Greatest Philosopher of All Time.

We can forgive Rand her self-mythology. She was a woman of great accomplishment — a first rate novelist and philosopher — and of geniuses we can forgive much. But Leonard Peikoff is not a man of great accomplishment, so what is forgivable or at least understandable in Rand is simply silly in Peikoff.

Ayn Rand's story is fascinating. It's too bad that *Ayn Rand: A Sense of Life* doesn't tell that story with fidelity to the truth. It is not biography; it is hagiography. ❑

***The Reader's Catalog*, edited by Geoffrey O'Brien. RC Publications, 1997, 1,654 pages, paperback.**

The Number of the Best

Richard Kostelanetz

The second edition of mammoth *The Reader's Catalog* comes several years after the first, and from the same people who gave us *The New York Review of Books*, whose address it shares. Billed as "An Annotated Listing of the 40,000 Best Books in Print, Chosen by a Distinguished Group of Academics, Critics & Writers," it is meant to be a Bible, or at least a bible, toward book purchasing, even providing a convenient order form in the back and, for those more inclined to talk than write, an 800 number. Given its origins, it is scarcely surprising to find that the *Reader's Catalog* recommends *The First Anthology: Thirty Years of the New York Review of Books* with these words: "The pre-eminent American journal of politics and culture celebrates its 30th anniversary. . . ." Uh, huh.

Since *The Reader's Catalog* lacks not only running heads but running subheads, you the reader (in whose name the book is piously titled), opening at random, has a helluva problem discovering where he is at. On pages 502–3, for instance, you can find in the middle of the pages the categorical epithets of "Non-Marxist Thought," "Non-violent Politics," and "Conservatism," each of which introduces a list of selected book titles. What connects these seemingly fugitive categories, you ask? Well, turn back several pages to page 498 and you can find in larger type the sub-head "Political Thought" and then turn all the way back to page 419 to find the section heading of "Social Studies," both of which account for these categories on pages 502–3.

Consider then what would certainly be obvious to any professional book designer — that the space beside the folios on pages 502–3 could read

"Social Studies: Political Thought," giving a context and thus more sense to the sub-sub-heads. You wonder how people, purportedly experienced at publishing and perhaps reading Books, could make such an amateur omission. My hunch is that this book was produced but not actually read, as happens too often in committee work nowadays, until it got to reviewers and users (you and me). The fact that the first edition of this *Catalog* has running heads (and running sub-heads) makes you wonder whether this publisher and its editors read their own books. For some reason currently inexplicable (but probably illustrative when known), few listings mention a book's year of initial publication.

Larger than most telephone directories, *The Reader's Catalog* has nearly 2,000 pages, 8 inches by 11 inches on thin paper, with triple columns of type punctuated occasionally by author photos and, more often, David Levine's familiar author caricatures from the *New York Review*, which are shamelessly recycled once again. Among the writers recommended most often, to judge from the 92-page, quadruple-columned index, are Ronald Barthes, Harold Bloom, Mircea Eliade, Christopher Ricks, Thomas Merton, Peter Matthiessen, and Henry Louis Gates, Jr., with ten citations apiece. Figure them apples out, if you can. If you regard the

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various editions of *The Whole Earth Catalog* as the model for this sort of compendium, you'll notice, by contrast, *The Reader's Catalog* lacks the social vision and thus a rationale for not just its particular recommendations but for literacy itself, becoming instead a merchandizing medium no different in quality from L. L. Bean's.

Among the many important writers whose books failed to make the short list of 40,000 (!) are the music critic Eric Salzman (whose survey of 20th Century modernist music has been the best for thirty years and thus gone through three editions) and anarchist-libertarians such as Harry Browne (in spite of his past best-sellers), David Friedman, Murray Rothbard, Bob Black, Isabel Patterson, and Rose Wilder Lane; some more prominent than others, even though books by all of them are still in print.

If only to check bibliographic accuracy, I started with a body of work I know well — my own books. Since my name appears twice in the index, I began with these two references. One recommends an anthology, *Merce Cunningham: Dancing in Time and Space*, that, alas, is out of print, contrary to the opening boast to include only the "best books in print in America." The annotation includes the spelling error "composr." Someone must have been snoozing as this *Catalog* went to press. The second reference, for my *Conversing with Cage*, is wholly accurate, giving this team a fielding percentage of .500, which isn't good.

One anthology that I edited to the same degree that I edited *Merce Cunningham*, my *Moholy-Nagy*, is listed under the subject's name, rather than mine. That's another recurring elementary editorial fault. The data under this title lists not only a Da Capo paperback edition but, wonder of wonders, a hardback for $50.00, which is unknown to both me and my publisher. If this last invention is meant to suggest that my abundant bibliography has some titles that don't exist, I'm reminded of the old truth that some paranoids have real enemies.

On page 1288 of the *Catalog* is an entry for *Baker's Biographical Dictionary of Musicians*, Nicolas Slonimsky, editor, as a "Macmillan" paperback costing "$20.00." The problems here are that a book with that title, which was authored by Slonimsky (not edited), sells for well over one hundred dollars; and that a paperback book costing $20.00 and published by Schirmer Books, a division of Macmillan to be sure, is *A Portable Baker's Biographical Dictionary of Musicians*, which was edited by me, which isn't mentioned at all (tickling my paranoia once again).

We can safely assume that none of the "Distinguished Group of Academics, Critics & Writers" ever held either *Dictionary* in his or her hand while sober, which is customarily the primary requirement of "research." Actually opening the book becomes a second step. It is reasonable to assume that many other titles featured in these pages likewise escaped first-hand examination by the annotators and their editors. One unfortunate result of this *Catalog* is proving that the conservatives are right — even among the self-proclaimed literati the measure of literacy ain't what it used to be. This *Baker's* entry, like others in this *Catalog*, includes an ISBN number to facilitate ordering, in this case 0-02-871225-0. What seems superficially useful actually confuses matters some more, as this number belongs to neither the huge hardback nor the paperback *Portable* but apparently to something else, thereby raising the questions of how many other ISBN numbers in this *Catalog*'s pages are similarly inappropriate. The measure of numeracy ain't what it used to be either.

Perhaps *The Reader's Catalog* is one of those peculiar books designed to give everyone mentioned, the true cognoscenti, the special pleasure of identifying errors about himself or herself, while deceiving the *hoi polloi* with illusions of authority. Needless to say, such sloppiness undermines pretension, unless the pretension is taken as an excuse for sloppiness. Like the *New York Review of Books* itself, this monstrosity is less about canon-formation or even intellectual influence than about selective peddling. Caveat Emptor. ❑

SF Fandom Strikes Back

High Horseplay

Victor Koman

As one of the few authors to escape Martin Morse Wooster's ire ("Libertarians in Space," March 1998) I feel compelled nonetheless to man the barricade in defense of my fellow authors in the first libertarian SF anthology, *Free Space* [Tor, 1997].

Mr. Wooster first notes that libertarianism is much more prevalent among science-fiction authors than among the general population, at about 25 percent (versus what seems these days like .001 percent).

What starts out as a promising glimmer of hope that libertarians are having an impact on the genre is undercut almost immediately by a series of haughty assaults on both writers and fans in this movement of ours. After a gratuitous swipe at the most prolific libertarian SF novelist in history — L. Neil Smith — Wooster attacks the LFS and frefen in general for not caring a whit about literary standards as long as they can read about bureaucrats getting their butts kicked. If he reads enough science fiction, he will find plenty of socialist-leaning SF writers who enjoy creating straw-libertarians to kick. Is it not fitting that our abused minority indulge in some tu quoque table-turning? In the tradition of Pre-Revolutionary French Novels of Libel, drawing unflattering caricatures of those who happily enslave

us is not a failing, but a right and a duty. If Wooster cannot see the difficulty and heroism of countering a thousand paeans to statism with the handful of contrary views that the New York publishing cartels deign to allow through, he is not paying attention to our struggle.

As far as quality goes — well, we can't all be Heinlein. Wooster is way off the mark, though, if he thinks that the LFS counts up the number of impacted statist derrieres in nominated novels then awards the Prometheus to the one with the biggest bootie count. If he would stoop to reading the LFS newsletter regularly, he would notice how members continually agonize over the question of literary quality versus libertarian purity. And if he looked at the novels that have won the Prometheus award, he would notice that purity and quality can co-exist remarkably often.

Having dusted his hands of the fans, he zeroes in on the most amazing phenomenon in science-fiction publishing ever: *Free Space*, the only explicitly libertarian SF anthology in existence! Does Wooster have any idea of what it took for Brad Linaweaver and Ed Kramer to get this collection through nearly intact? Even Tor, which publishes Wooster's *bête noire* L. Neil Smith — and would not do so if he was not widely read and growingly popular — gave Mr. Linaweaver hell for two years, demanding that most of the libertarian authors be cut from this collection of libertarian stories. If Linaweaver had not persisted, my own story, which Wooster liked, would have been the first one cut entirely out!

Thank reason and liberty (the concepts, not the periodicals) that Brad persisted beyond common sense and ultimately wore the other side down; we have in our hands a miracle.

Wooster goes on to attack a number of stories in the collection. Dafydd ab Hugh's "Nerfworld" weathers the majority of his ire, but why? Because it shows bureaucrats as "either drunks, fatties, or failures." Has Wooster not taken a long, hard look at President Clinton and his cabinet? Mr. ab Hugh wrote a satire of political cowardice and wound up with an accurate reflection of our current world! Then the reviewer flat-out misleads the reader by calling the heroine's address to Congress "obscenity-laced." She used a word once that you can hear fifty times in a Quentin Tarantino film, and that single usage carries a vampire-stake's impact because it sums up the lifelong frustration of one who struggled mightily to get us into Space.

He slams J. Neil Schulman's "Day of Atonement" without understanding the wicked satire of the story: if a modern Jew met a genuine, Biblical Hebrew he would — and ought to — recoil at the barbarism inherent in the religion he claims as his heritage. As to why Israelis chose "this wildly implausible future" of Old Testament-based theocracy, one might similarly ask why modern Iranians overthrew the secular, Westernized Shah in favor of the fundamentalist Ayatollahs and their Koran-based theocracy!

And again, for someone who claims to appreciate satire, his attack on the editor's contribution, "No Market for Justice," is an assault on a very wry piece of humor. If Wooster can applaud the Marxian John Barnes for having the best piece in the book, despite the fact that it is not really a story but a meta-story, then why does he attack Linaweaver for writing something that is not a story but an essay in monologue form? Worse, the reviewer lauds Mr. Barnes because "he forces his readers to check their premises" without noticing the exact same message from Mr. Linaweaver! Is Barnes's non-story better than Linaweaver's non-story solely because Barnes is a non-libertarian? It sure seems that way from the review.

How can Wooster overlook the incredible accomplishment this book represents? I can personally attest to how hard it is to be a libertarian and a writer in today's cultural and publishing climate. The pressure to give up and write totally non-libertarian media tie-ins is overwhelming. For example, my novelization of the TV script *MILLENNIUM: Weeds* is due out from HarperPrism this Spring. I was paid as much for this paperback as I was for the hardcover of my Prometheus Award-winning *Solomon's Knife*, and I know that *Weeds* won't be spiked by having its print run cut back and its advertising budget reduced to a few hundred bucks and then misapplied by placing an ad for the courtroom drama in a sci-fi magazine.

For *Liberty* to run this savage attack on our own when good reviews are coming in from such unlikely mass-media sources as *Starlog*, *Booklist*, and *Kirkus Reviews*, is a stunning blow to say the least. At a time when the struggle might actually be turning a quantum in our favor, some in the movement seem dedicated to proving how tasteful and urbane they are by scorning this milestone even as outsiders hail it as a long-overdue breath of fresh air.

I give Wooster the same advice Claudius gave to Caligula: "Get off your high horse!" ❑

.357 Magnum Opus

Rex F. May

I read with pleasure Martin Morse Wooster's review of *Free Space* and I have only one exception to take. He finds L. Neil Smith's novels to be ". . . unreadable formulaic space operas that provide little pleasure." The pleasure part is subjective, of course. I enjoy them and have reread them several times. But "space opera"? Unless that's just a generic term for sf one doesn't like, I can't see it. Smith, in my opinion, has pushed the envelope (rather more like Dostoevski), sentimental (like Twain), preachy (like C. S. Lewis) and viciously polemic (like Swift), but I like him anyway. I still think the best way to introduce libertarian ideas to a sf fan is to give him a copy of *Probability Broach*. ❑

Fiction Unbound

Michael Grossberg
Victoria Varga

Despite a few serious disagreements with Martin Morse Wooster, I applaud his hard-hitting critique of "the strengths and weaknesses of libertarian sf." We would like to remind him, however, of Sturgeon's Law — "90 percent of everything is crap" — and to assure him that the Libertarian Futurist Society aims to discover and honor that 10 percent of science fiction or fantasy that blends exciting plots, imaginative settings and believable characters with pro-freedom themes.

Although any annual award varies

with the range of each year's eligible entries, and any judging/voting system inevitably reflects differing opinions, the Society sifts through an enormous amount of bad or mediocre "libertarian sf" every year in the hope of finding a few gems. It may not happen every year — for that matter, are each year's Oscar, Tony, Emmy, Hugo or Nebula winners equally worthy? That's why the LFS has a "None of the Above" option that we have exercised in the past.

Yet, we do continue to discover gems that deserve to join the ranks of such first-rate Prometheus or Hall of Fame winners as J. Neil Schulman's *The Rainbow Cadenza*, Ira Levin's *This Perfect Day*, Ray Bradbury's *Fahrenheit 451*, Alfred Bester's *The Stars My Destination*, George Orwell's *Nineteen Eighty-Four*, Robert Heinlein's *The Moon is a Harsh Mistress*, and Yvgeny Zamatin's *We*. The Society has made a difference by recognizing up-and-coming writers, such as Prometheus winner Vernor Vinge (*Marooned in Real Time*), who a few years later went on to win the Hugo award. Last year, LFS made history when Victor Koman's *Kings of the High Frontier* won the 1997 Prometheus Award. In a living embodiment of libertarian futurism, it was the first time an electronic/Internet novel won a major award.

LFS sponsors the annual Prometheus Award and Prometheus Hall of Fame, publishes the quarterly Prometheus, arranges a Prometheus awards ceremony at the annual Worldcon, debates libertarian futurist issues (such as private space exploration) and provides fun and fellowship for libertarian sf fans. *Liberty* readers who enjoy science fiction and fantasy are invited to join and help us make better choices of nominees, finalists and winners — with the highest standards of good fiction, and without regard to political correctness.

Now is a great time to join because the LFS has recently reorganized to provide more services (including an LFS book/stickers catalog), bolster our outreach efforts at sf and libertarian conventions, establish an Executive Committee, and offer more opportunities and committees for members to get involved (including our first two judges committees to more professionally choose the five finalists that our members read and vote on). Please don't just criticize the LFS; help us improve!

And if any *Liberty* readers discover a novel that should be considered for a Prometheus award, please let us know. ❑

Literary Standards, Not Libertarian Standards

Martin Morse Wooster

I have read many issues of *Prometheus* over the years, including most of the issues published since 1996, when someone placed me on the mailing list. Despite Victor Koman's claims, I have never read anything in any LFS publication in which any LFS member agonizes "over the question of literary quality versus libertarian purity." Most of what I have read in *Prometheus* are uncritical rah-rah pieces that champion any book by any libertarian writer.

As for Koman's arguments, readers can judge whether they agree with me or with Koman by using the following comparisons. I believe *Free Space* is a generally mediocre anthology with a few good stories. Koman feels the book is "the most amazing phenomenon in science fiction publishing ever" and "an incredible accomplishment." Koman believes the book was nearly killed because the Tor editor demanded that "most of the libertarian authors be cut from this collection of libertarian stories." I have no first-hand knowledge of the discussions over the creation of *Free Space*, but given that David Hartwell, the book's editor, has pretty good taste, it could be that Hartwell simply wanted better stories. Koman believes that any book given a favorable review in *Starlog* must be a masterpiece. I respectfully disagree.

I'm sorry that market forces compel Koman to write media tie-in novels rather than his own work. But Koman is not alone; most mid-list sf writers find doing media work more profitable — and most of them (75 percent, if we are to believe Koman) are not libertarians. ❑

Learn at
Liberty

Liberty Foundation, the publisher of *Liberty* magazine, offers full-time, paid internships at all times of the year. For more information, contact:

R.W. Bradford
Liberty
P.O. Box 1181
Port Townsend, WA 98368

you may use email:

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Richard Kostelanetz, *continued from page 26*

onds. Not even stud movie stars can get half as much publicity for purportedly groping groupies.

The first charge is that the president had some kind of sex with the intern. He vehemently denied it. Without any non-circumstantial evidence other than he-said and she-said, only those previously committed, only true-believers of one stripe or another, can pretend to decide definitively for one or the other. (It is not enough to "believe" that ambitious interns want to seduce their illustrious bosses or that bosses inevitably seduce interns. Because something hidden seems credible doesn't make it truth in fact — fiction is not reality here or anywhere else.) The only honest response is an open mind that might never be closed. The only true libertarian position is None of Your Business, especially if the inquisitor is a government agent.

The second charge for those predisposed to raising the ante is that, if the seduction happened, Clinton lied under oath during sworn depositions about not having sex with anyone other than his wife. The second charge necessarily acknowledges that the first is not a crime and thus tries opportu-

continued on next page

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Coming in Liberty

Libertarian Intellectuals as Traitors — *Fred Smith* explains why libertarians are class-traitors in the war of ideas.

The Future of Digital Cash — *J. Orlin Grabbe* predicts what's next for digital cash and what it means for privacy . . . and the State.

The Voter Gambles — *Pierre Lemieux* figures the odds that you will vote, and figures out when this kind of gambling is a sin.

At the Altar of Ego — *Timothy Virkkala* tries not to be cruel to Randian egoists' attempt to be benevolent.

Shero Worship — *Bob Black* tours the exotic world of feminist role models.

nistically to convict the president of something else. Consider, nonetheless, that while lying under oath is discreditable, perjury in a civil trial is nearly impossible to prosecute without, as here, any verifiable evidence. Though I'm still bitter about once losing a small claims case because I didn't bring along enough documents to expose an unexpected lie, I also know that, if everyone committing perjury under oath were prosecuted, the jails would explode from the incarceration of otherwise law-abiding people (and there wouldn't be enough taxpayers left to support them all). Prison overpopulation would likewise result from expanding the definition of statutory rape to include seducers scoring young people not under 18 or 16 but, instead, half the seducer's age.

The federal office of "independent counsel" has been flagrantly abused, as a desultory investigation into a quarter-century-old failed real estate deal called Whitewater has focused instead on a woman less than 25 years old. The rationale for this spectacular jump is that Clinton's comments about the second illustrate a "pattern of deception" purportedly also present in his remarks about the first. If you consider the assumption that anyone fibbing about anything should ipso facto be considered a congenital liar you can comprehend the innocence or cunning stupidity behind this "logical" leap. I can't be alone in knowing people who are scrupulous in their professional lives and dishonest in love, or vice versa. You wonder what some people expect to gain from pretending that they must have been born yesterday.

A decade ago, Supreme Court Justice Antonin Scalia, by most measures a conservative, dissented from authorizing independent counsels on the persuasive grounds that they begin not with the discovery of a crime, which is the standard prompt for legal prosecution, but the suspicion of one and thus a search, which is rightly characterized as a "fishing expedition," rather than hauling in something that is hooked. That is to say that independent counsels are empowered by the state to exceed the standard limits of government investigating agencies, which isn't the same as a license to carry a gun. ❑

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The second day (Executive Day) will feature Speakers from large and small enterprises who will discuss the influence of government action on business and the possibilities of free markets to bring about a free society. Another topic will be the dangers of business cooperation with government.

All the sessions of the day will be open for the public in order to reach wider parts of the German business community and interested individuals.

The third day will explore one of the tendencies visible in the development of Western governments, namely the centralization of political power through allegedly "free-market" reforms. Major examples are so-called "free-trade associations" like NAFTA and politico-economic "unions" like the European Union. Speakers will address the possibilities of super government – and super resistance.

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- **Hans-Hermann Hoppe**, Professor of Economics, Las Vegas, Nevada, USA
- **Stefan Blankertz**, Author, Pulheim, Germany
- **Detmar Doering** (Germany)
- **Cristian Comanescu** (Romania)
- **Ralph Raico,** Professor of History, Buffalo, New York, USA
- **Bertrand Lemennicier** (France)
- **Christian Michel** (Switzerland)
- **Attila Csanyi**, former Hungarian Freedom Fighter, will host a symposium of East-European representatives.
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Bill Clinton: Super Statesman
by Chester Alan Arthur

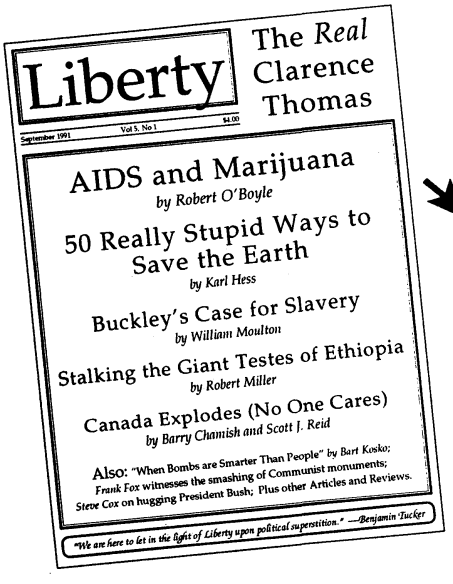

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Novelist, Naturalist, Anarchist
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Can liberty be achieved in a democratic world? Or do the institutions of modern democracy lead inexorably and perversely down the road to the welfare state? *Todd Seavey* makes the case for postmodern pessimism and avoiding war with the Amish.
The Inevitability of the Welfare State

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Inside Liberty

July 1998
Volume 11, Number 6

4 **Letters** The first word is the last word.

7 **Reflections** *Liberty*'s editors celebrate the GOP, declare a new holiday, embark on a solo boycott, clip coupons, delouse Castro, and explain why government *still* doesn't work.

Features

19 **Dear Mr. President** Biker *Paul Rako* writes to his pal in the White House.

21 **Y2K and You** *Scott Omsted* explains why you could wake up to a whole different century on January 1, 2000. And it may look a lot like the 19th.

25 **Bohemian Blues** *Ron Lipp* Czechs out the situation in Central Europe.

29 **The Making of Rand's Passion** *Barbara Branden* watches Hollywood transform her book into film.

31 **Israel at 50** *Alan Bock* explains why he has a soft spot in his heart for socialist Israel.

33 **Evil Emperors** We should censure Rupert Murdoch's self-censorship, *Fred Smith* explains, but not as much as we should condemn Ted Turner's lust for power.

35 **Asia's Collapse** Asia has plunged into Depression. Was it free markets that failed? *Leon Hadar* and *Bruce Ramsey* sift through the ashes.

38 **The End of Photography as Proof of Anything at All** Technological trickery will soon end using photograph's as evidence, *David Brin* says. But this is not a bad thing.

40 **Big Tobacco Coughs Up** While Minnesotans fight over the lucre extorted from the tobacco industry, *Jonathan Ellis* excoriates industry cowardice and worries about the next victim.

42 **Introduction to Digital Cash** From cowry shells to smart cards, money keeps on evolving. *Orlin Grabbe* explores how electronic cash might soon liberate us all. Or maybe not.

47 **The Liberty Poll** The interactive portion of this magazine.

Reviews

49 **The Evolution of Ayn Rand** *Stephen Cox* reviews the novels Rand never wrote.

57 **Revitalizing America** The Right fears them, the Left exploits them, but *Martin Morse Wooster* celebrates immigrants' contributions to American culture and prosperity.

58 **Daimon in the Rough** New Age psychobabble reaches new depths, even as "excellence" gets the royal treatment, as *Karen Michalson* shows.

62 **I Loathe My Calendar Girl** How many errors, hypocrisies, and distortions can a small group of socialist "sisters" cram into one 12-month period? *Bob Black* peruses a feminist celebrity calendar.

65 **The Art of Self-Retrospection** *Richard Kostelanetz* investigates the intricacies and niceties of collecting collections.

66 **Booknotes** on tampered brains, the ill-tempered Irish, and a well-tempered Bach.

69 **Notes on Contributors** The Libertarian Illuminati unmasked.

70 **Terra Incognita** Life in the real world.

Letters

Good Greed, Bad Greed

In his *Reflection* on John Stossel's ABC special "Greed, " where I appeared as a philosophical commentator, Timothy Virkkala ("Okay, make that six deadly sins," May) takes me to task for failing to employ the Aristotelian analysis of virtues and vices, and thus failing to see that greed is a character defect. I am certainly guilty on both counts.

Virkkala defines greed as "the excess of acquisitiveness, " i.e., the desire for too much wealth, or too strong a desire for wealth. The term evolved in a religious culture that frowned on the pursuit of material, this-worldly values, a culture that also gave us terms like "avarice," "cupidity," and "covetousness," but no terms to designate the intense but morally honorable pursuit of wealth.

In any case, wealth must be created by some form of productive achievement, and it is a means of enjoying the things money can buy. I do not see how there can be an excess of achievement or enjoyment.

This is a point I felt it was especially important to make in regard to the great industrialists, who have been portrayed as greedy for the fortunes they earned. If "greed" refers to the desire to create, to build a business, and to acquire and employ the financial assets necessary for that goal, then it is a virtue — in whatever degree. There is no vice in achievement, however "excessive," whether it is Shakespeare's profligate output as a playwright, or Edison's passion for invention, or Rockefeller's creation of the oil industry.

On the other hand, if "greed "refers to a desire for money divorced from achievement, i.e., neither as a reward nor as a means, then it is a vice — in whatever degree. There is no virtue in a desire for the unearned, however "moderate."

Needless to say, the "Greed" program did not go into these subtleties. But judging by the letters and other responses I've received, most people understood that we were using the word in the positive sense.

David Kelley
Poughkeepsie, N.Y.

Your Joke is in the Mail

I protest your publication of Tom Jaquish's letter (May) on the limits of private enterprise and his enthusiastic defense of the need for government to get involved in large-capital projects. I subscribe to *Liberty* for thoughtful arguments, not for humor.

What? It wasn't a joke? Well, why didn't *Liberty*'s editors reply? Presumably, they felt the argument was such evident nonsense that no reply was necessary.

But lest a single *Liberty* reader somewhere believe that only government is capable of delivering letters, one need point only to such services as UPS and Federal Express, preferred by millions of customers every day to the worn-out bureaucratic mess called the Postal Service.

Remember, individuals and corporations have been prohibited by law from delivering letters, not just in this country but in many others too. My friend Richard King tried to start a private letter delivery service in London in the 1960s, but was promptly put out of business by the government.

Only government can deliver the mail? On second thoughts, this was a joke, I'm sure.

Adrian Day
Annapolis, Md.

To the Moon and Back

Eric Sanders's letter (May) touches one of my pet peeves. It is no thanks to NASA that we have personal computers, Teflon or Tang. For example, Hewlett Packard had to reinvent the mini-computer without any help from NASA or Raytheon, the corporation that built the first mini-computer for NASA but failed to exploit the technology further or share it with others.

Putting the government in charge of the space program means subjecting it to brief bursts of activity interrupted by long periods of justifiable taxpayer revolt. After about two weeks logged on the moon's surface between 1969 and 1972, voters said "enough!" and no one has been back to the moon since.

In contrast, we have a continuous presence in close earth orbit precisely because there is at least some profit in it.

Miles Fowler
Oakland, Calif.

The Truth is Out There

Oswald killed Kennedy? ("The Fading Myth of JFK," May) Uh, yes, of course. And Clinton is honest, Paul was the most influential Beatle, Janet Reno is really sexy, and Elvis is alive and well and living in Harry Browne's basement.

Daniel Kirsner
Los Angeles, Calif.

No Competition

Tom Jaquish characterizes Harry Browne's familiar refrain "there is nothing government does well," to mean "doing better than the competition," and then attempts to convince us that there are indeed some things the government does better than the competition. But by definition, government has reserved for itself a monopoly on the initiation of force. It's easy for it to "do better than the competition," when the competition has been effectively kneecapped.

This is why it is especially galling when self-described "science fiction libertarians" leap to the defense of government-subsidized big science ("crack open the space frontier" & "investments like the Human Genome Project"), claiming it "carries us into the best possible future." These are the *Nerf Libertarians* who might decry drug prohibition or state censorship, yet pine lustfully for their government-subsidized super-conducting super colliders.

Jaquish whines that the "many billions of tax dollars" required to elimi-

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nate diseases like cancer and aging "are beyond the event horizon of the private capital markets." Sorry, but no science project, no matter how lofty or visionary, justifies picking your neighbor's pocket to finance it. And besides, I don't remember the successful life-altering innovations of Thomas Edison, Henry Ford, or Bill Gates (to name a few) requiring looted funds courtesy of the National Science Foundation.

K. J. Miller
Riyadh, Saudi Arabia

Jenerashun Gap

I have been a regular reader of *Liberty* for the past three years. For the most part I have enjoyed it immensely. However, I was absolutely outraged by Harry Browne's reflection "Here's too U, jenerashun X" in your May issue.

Well, Mr. Browne, I am a member of "jenerashun X," and unfortunately for you, I can read. I can also write; quite well in fact. In fact, I am a well-read and erudite fellow. However, despite all that, I find that I have to fight a constant battle against older generations who assume that everyone my age is an idiot.

Let me state this once and for all: I am an individual and not a category. If you wish to decry the deplorable state of public education, Mr. Browne, fine and dandy. But don't do it in a way that shows undeserved contempt for the students. For they are surely its worst victims, and they deserve compassion, not scorn.

Mark Sanders
Joplin, Mo.

A Muddled Model

In his "Equations of State" (March), Bart Kosko claims his model demonstrates that the amount of government is determined by the balance of pro- versus anti-government opinion, and that his equations "predict" that government rests on this ratio. Although it is true that state power ultimately depends on the tacit consent of the governed, and on the opinion which shapes that consent, the foundation of his equations of state, S(t), the degree of state control; and g, the degree of pro-government sentiment, are misconceived in the model.

S(t) ranges from S = 0, or anarchy, to S = 1, or "complete government control or totalitarianism," i.e., socialism. While anarchy is conceptually possible, and indeed is the natural state of society, socialism is impossible, as the Austrian economists proved in a famous debate more than half a century ago. Perhaps he thinks the socialists won that contest and that socialism can work. The fact that it cannot implies that S does not equal 1. This variable is also incapable of being measured.

The fundamental reason for the failure of the model, and the reason why S cannot be computed is that the concept of political freedom is an oxymoron. Freedom means economic freedom — the legally unimpeded liberty to own and exchange justly acquired property titles. Political freedom is meaningless, unless it means freedom from state intervention, i.e., the political means of property acquisition. Therefore, if David Nolan's political chart has any meaning at all, which I doubt, it collapses to a line segment, the length of which is directly proportional to the degree of liberty prevailing in society. Conceptually, the segment is shorter in proportion to the extent to which government intervention reduces economic liberty; but it cannot be measured.

More generally, the econometric method he employs is epistemologically and methodologically flawed, to put it mildly, and has been subjected to withering criticism by Ludwig von Mises, Murray N. Rothbard, and others. In case he hasn't read their works, let me offer a short proof that econometrics is a fallacy:

Econometrics is mathematical history.
Mathematics is apriori knowledge.
Ergo, econometics is apriori history.
Apriori history is false.
Ergo, econometics is false. QED.

Pace Kosko, spinning some "equations of state" in order to plumb the relationship between public opinion and state power is no substitute for reading history and social psychology, especially the writings of thinkers such as Etienne de la Boetie ("The Discourse of Voluntary Servitude") and David Hume ("Of the First Principles of Government").

William J. Stepp
New York, N.Y.

Utilitarian Simplicity

John Hospers's review of Richard Epstein's *Simple Rules for a Complex World* ("Simplicity Rules," May) misses the point. The only reason Epstein's libertarianism looks "sensible" to Hospers is that Hospers fails to identify the controversial moral premise underlying Epstein's arguments.

Epstein's arguments for his simple rules are all based on *utilitarianism*: he asserts that "the maximization of social utility [is] the objective of a sound system of legal rules" (p. 30). This premise is used throughout the book, and that explains, for example, why Epstein thinks that government takings are permissible given compensation. The fact that Epstein is a utilitarian also explains why he feels the need to argue for the principle of self-ownership, the principle that each person owns his own body. Hospers suggests that the principle seems "too obvious to be questioned", but from a utilitarian standpoint the principle is not obvious at all.

Consider the example of one healthy person, one person who will die if she doesn't get a heart transplant, and one person who will die if he doesn't get a liver transplant. Suppose that the sick people are sick through no fault of their own, there are no organs available from already dead bodies, and if the sick people get the transplants, they will have the same life expectancy as the healthy person now has. Utilitarianism requires that the requisite organs be taken from the healthy person, violating the principle of self-ownership.

While singing the praises for Epstein's questionable defense of self-ownership, Hospers compares Epstein with John Rawls, and claims that according to Rawls' *A Theory of Justice* "people with fewer talents should be made part-owners of people with great talents." That's simply false: Rawls correctly distinguishes between ownership of the self and ownership of the fruits of one's labor, and only rejects the latter. Rawls famously criticizes utilitarianism because it denies self-ownership and hence "does not take seriously the distinction between persons" (p. 27).

In sum, Epstein's simple, sensible principles of utilitarianism and self-ownership are contradictory. The world is more complex than Epstein and Hospers realize.

Bradley Monton
Princeton, N.J.

No Nice Days Here

Peter McWilliams ("The DEA Wishes Me a Nice Day," May) is a prominent member of a community

continued on page 28

REGULATION

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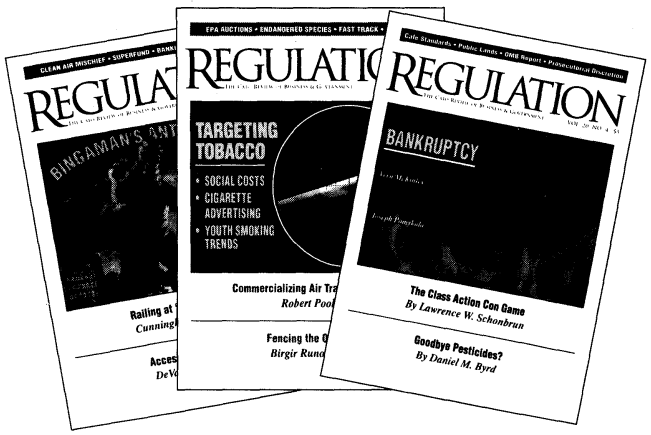

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Reflections

Respect for the office — Conservatives love to complain about how Boy Clinton, with all his antics and cover-ups and lying, is degrading the sacred office of the Presidency. I say if Clinton continues to degrade the office — particularly if he hangs around for the rest of his term under constant low-level attack, reduced to the iconic status of a constant source of one-liners for Leno and Letterman, he could perform a more signal service to the country than the last umpteen presidents combined. It's high time we stopped looking at the office of the presidency as a surrogate father, as the course of boundless compassion and solutions, as the sole person to blame or give credit to for the way the economy is going. A president can't manage the economy and we shouldn't delude ourselves that he can. And as a free people we shouldn't wish that he could. The president is simply the most successful operative of the moment at the inherently slimy business of politics, having slithered his way to the top by placing knives (both metaphorical and real) in the backs of people who got in his way. —AB

The man who knew Reagan — "Family values" huckster Gary Bauer's incipient campaign for the Republican presidential nomination is great news for those who think the White House should remain tenanted by a smarmy hypocrite.

Bauer is a Republican operative who whispered sweet nothings in Ronald Reagan's ear ("I often advised him on matters of great national importance" as he humbly puts it). His title was "domestic policy advisor," though, alas, he seems not to have convinced the Gipper to pay any attention to such domestic concerns as the Reagan children or grandchildren.

After leaving his position of Great National Importance, Bauer advised a conference of budding right-wing activist-geeks, "As for life inside the Beltway, don't come here. The values are warped. If I could find a way to make a living, I'd be back in the heartland in a minute." Nine years later, Bauer, the president of the Family Research Council — which, judging its newsletter, regards marijuana and the Chinese government as the gravest threats to the American family — has yet to find his way out of the Washington warp.

Our president's affair with that nice Jewish girl seems to have persuaded Mr. Bauer that we the living-less hordes "in the heartland" are ready to vote for a man from 501(c)(3) land. (And why not, given the 1996 vote for his fellow inmate in the reefer madness asylum, Steve "Arrest that Dope Smoking Cancer Patient" Forbes?)

Bauer's idea of getting stoned is hardly Christ-like. Unlike Jesus, he would ask the adulteress her party identification: if she was of the party of Spiro Agnew and Bill Paxon, she'd go free, but if she'd ever voted Democrat, well, don the helmet, harlot.

At a 1996 election roundtable sponsored by the American Enterprise Institute, a wisenheimer from the cheap seats asked Bauer if the messy fact that his paladin Bob Dole had dumped his frumpy first wife for glamourpuss Liddy was "a blot on Dole's character?"

Mr. Family Values squeaked, "I want to avoid critiquing individual episodes in someone's life and focus on policy. What I want Bob Dole to do is to push for divorce law reform. People can make their own judgments about how he handled his first marriage."

Yet when it comes, so to speak, to Bill Clinton's receipt of blowjobs from a 21-year-old floozy, Bauer is all atwitter. In his unctuous "Washington Watch" column, Bauer asserts that the president's erring member has "profound implications for our nation and how we teach our children about standards of right and wrong." No more pussyfooting around "episodes in someone's life" or injunctions to "focus on policy"; in this post-Dole era, "there's a terrible price to be paid when morality and truth are separated from public life."

The Party of Trophy Wives has found its tax-exempt Pharisee. Run, Gary, run. —BK

Two cheers for the GOP — Libertarians, especially those affiliated with the Libertarian Party, like to point out that the "Republican Revolution" of 1994 was far from a revolution. Government has not "got off our backs" at all; in fact, they point out, it has continued to grow. The Republican Revolution is a fraud, they say. It means absolutely nothing.

As reluctant as I am to say anything nice about the Republicans, I am convinced that the Republican victory in the 1994 election has had a significant impact on what's happening in Washington. For one thing, it is pretty obvious that if the Democrats had retained control of both houses of Congress, some form of Clinton's proposed government takeover of the health care industry would have been enacted.

But the GOP Congress has done more than slow the growth of government. It has actually reduced its power in a few minor, but still significant, ways.

In 1995, the GOP Congress repealed the federal mandate that states require the occupants of automobiles to wear seat belts and motorcycle riders to wear helmets. If you enjoy barrelling down the highway at 65 mph without having to keep an eye on your radar detector, or don't care to strap yourself onto your front seat when you make that midnight run to the market for munchies, you have the Republican Revolution to thank.

The GOP hearings on Waco and Ruby Ridge have had two beneficial results: they put on record the misdeeds of federal law enforcement agencies and the efforts to cover up those misdeeds. The result of which is that federal cops no longer figure that religious and political dissidents are fair game for target practice. In subsequent confrontations in Texas and Montana, federal officials actually negotiated with miscreants rather than simply shooting them or burning

them alive.

On May 7, the Senate voted for a sweeping overhaul of the Internal Revenue Service, going even further than the House had a month earlier. Both measures shift the burden of proof from the taxpayer to the IRS and make it easier for taxpayers to sue the IRS. The Senate version also prohibits the IRS from charging penalties and interest on taxes unless it informs the taxpayer within a year of his filing his return, and make it more difficult for the IRS to seize the property or bank accounts of citizens it accuses of owing taxes. President Clinton is critical of some aspects of the reforms, but is expected to go along. Even if he didn't, it's reasonably certain that congress would override any presidential veto: the Senate measure passed 97–0 and the House version 426–4.

These reforms are long overdue: for decades American taxpayers have had many fewer rights in dealing with the IRS than a common criminal has in dealing with the police, a fact that defies even the most rudimentary notion of fairness, not to mention common sense. This raises the question: why were the reforms so long in coming?

The answer is, quite simply, that the IRS had been able to portray the victims of its bullying tactics as bad people by carefully controlling the flow of information about them, conceding that occasionally an errant IRS agent may have gone overboard, but arguing that without its extraordinary power, many citizens would not pay their "fair share."

It was the Republican victory in the 1994 and 1996 congressional elections that changed this. Republicans in control of congressional committees did something that Democrats had refused to do: they allowed the victims of the IRS to tell horror stories of property stolen, homes raided, businesses smashed, and lives ruined by IRS bullies. The stories had emotional impact that could not be evaded.

That's why IRS reform passed both houses of Congress by such huge margins. And that's why President Clinton will sign the measure when it comes out of the joint House-Senate committee.

The Republican victory may not be the revolution that some have proclaimed it to be. But it has advanced liberty significantly. Those who advocate liberty — including partisans of the Libertarian Party — should have the honesty to acknowledge that simple fact. —RWB

Bugs in the system — Seen in the Nov./Dec. 1997 *The Bulletin of the Atomic Scientists*, this vexatious problem:

"Cuba's recent claim that the U.S. has unleashed a plague of tiny insects that have devoured Cuban potatoes and other crops — points once again to a major problem with the 1972 Biological Weapons Convention . . ."

Stop reading right there. Any guesses as to what that problem might be? Perhaps the ease of lodging bogus complaints for propaganda purposes. Especially by regimes that, having lost their geopolitical patron, are rapidly losing their fingernail grip on the twentieth century.

No. According to the *Bulletin*, the problem is as follows: "the lack of machinery for investigating charges of non-compliance." That is, the non-compliance of the United States in trying to stage a kind of arthropodic Bay of Pigs against Cuba's collective farms.

I suppose America's covert warriors could have dropped an alien, potato-devouring insect onto the beleagured island, as part of a continuing plot to destroy whatever the revolution and embargo have left intact.

Or, maybe Cuban agriculture is just reaping the harvest of decades of socialist mismanagement. —BB

Without a Pot to piss on — Pol Pot died the way all butchers should — despised by the world. Too bad we can't say the same for his ideology.

These days, real live Communists congregate in trendy locales like Berkeley, Boulder, and Ann Arbor, to suckle at the tits of a public university. At night they gather in cleverly named coffee shops to discuss the injustices of the marketplace. Staring wistfully into the swirling steamed milk of their comforting lattes, they fantasize Utopia: no homeless, no pollution, no commerce, lots of birds, alternative energies, smart people like themselves . . .

But then one of them looks outside and sees a panhandler or a styrofoam cup blowing by, and the brooding begins. They talk strategy and awe themselves with punchy slogans like "Working Collectively for the 21st Century." And when the subject turns to Communist history they pontificate on how 20th century Communists weren't Communists at all because Communism has never been applied correctly. On they drone, late into the night, fueled by a dangerous mixture of caffeine and zeal.

Perhaps Pol Pot lived a similar life as a student in Paris, where he studied radio technology on a government grant from 1949 to 1952. By his own admission, he spent more time engaged in radical Communist activities and reading poetry than going to class. Back home, he helped organize Cambodia's Communist party, the Khmer Rouge, whose leader he became in 1962. The Khmer Rouge got nowhere until Nixon's decision in 1973 to bomb the hell out of Cambodia, which left many Cambodians homeless, resentful, and susceptible to the Khmer Rouge recruiting officers. With its burgeoning army it was unstoppable. Its army marched into the capital of Phnom Penh in 1975 with Pol Pot calling the shots.

Pol Pot turned Cambodia into a bloody slaughterhouse. Fanatical soldiers herded terrified residents of Phnom Penh into the countryside to toil in collective farms. Bodies piled up in the streets as death squads slaughtered intellectuals and other "counter-revolutionaries." Pol Pot ordered hospitals closed, leaving the sick and elderly to slowly starve. Bayoneting children became sport — and those were the fortunate ones. Soldiers used others for crocodile bait and firewood. Flies and other vermin feasted on the bounty. Rats grew to the size of dogs, and maggots devoured whole bodies in hours.

The horror ended in 1979 when a Vietnamese invasion overthrew Pol Pot's regime. Pol Pot and many of his goons slithered away into the jungle, where they continued, on a smaller scale, to massacre peasants in a guerrilla war that lasts today.

Liberty's Editors *Reflect*

BB	Brien Bartels
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RH	Robert Higgs
BK	Bill Kauffman
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Pol Pot and his fanatics butchered an estimated 2,400,000 Cambodians, or about one of every four of his countrymen. Among the ranks of this bloody century's mass murderers, Pol Pot might not seem like a heavy hitter. After all, the Communists in Russia exterminated about 55 million and the Chinese Communists another 35 million. But it took the combined efforts of Lenin and Stalin 35 years to chalk up this total, and Mao 30 years — Pol Pot managed his impressive .250 average in just four. Other Communist leaders inducted into the Butchers' Hall of Fame include: Tito, 2.13 million; Kim Il-sung, 3.5 million; Ho Chi Minh, 1.1 million. Those silly commies in Berkeley had better get busy if they expect to make the big leagues.

As this murderous century ends on a relatively benign note, I fear these mass murderers may be forgotten. That would be a shame. I propose that we honor these 20th century tyrants with pilgrimages to their graves every May Day, to soak them in urine. Let's declare it a holiday, call it "Tyrants' Grave Pissing Day." Brutalizing tyrant effigies adds a nice touch — who outside the Berkeleys of the world wouldn't enjoy taking a 12-gauge to a stuffed Stalin? Let these festivities warn the next wave of butchers who are bound to come. —JE

Clip joint — Last week I visited my local pharmacy to pick up a drug which, although legal, excludes me from further Olympic competition. It would be about ten minutes to fill the prescription, the pharmacist informed me, so I decided to use the time for some light shopping.

A bit of background. I happen to be a world-class couponer. I spot coupons, clip them, nurture them until their time is ripe; then and only then, with the deft, deadly decisiveness of a matador's thrust, do I launch them toward the cash register. Some clip to save a bit of money, but to me couponing is first and foremost sport. An acquaintance has referred to me as the Michael Jordan of the coupon game. Modesty won't allow me to accept that title; I think of myself as more a Charles Barkley with the scissors.

But I digress. Back to the drug store. A short search yielded neon-blue nail polish and vampy lipstick to gladden a teenage daughter's heart. Regularly priced they would cost about $8; on sale and slimmed by coupons the tariff was $1.98. Plus tax, of course: total $2.36.

"$2.36??!" Rapid calculation informed me I was being hoisted to the tune of 20 percent. Even in John Glenn's Ohio that didn't compute. "There's got to be a mistake," I opined. No mistake, the cashier informed me: the state requires the store to compute tax on the pre-coupon price. "But I'm *not paying* that price; that's the *point* of using coupons!" The incredulity in my voice may have projected a tad, because the manager walked over to join the conversation. He confirmed the cashier's account.

"That's ridiculous! How can I be taxed on a price that I'm not actually paying? And if you're going to do that, then you've got to count the coupon as a *negative price* for which I get tax back!" But I was wasting my breath. Not because the manager demurred; just the opposite. He accepted my reasoning, said that the excess tax charge probably cost his store some business, wished his hands weren't tied.

So I paid. It wasn't really all that much money, and the couponing triumph had been only slightly impugned. In a sense it was money well spent. At a tuition cost of about a quarter I had been afforded a refresher course in state chicanery. My indignation had been stoked and ire rekindled. I was ready to go off and do great things to smite the oppressor.

Apparently I wasn't alone in this sentiment. By coincidence, the next day Ohioans went to the polls to cast primary ballots and to vote on a one-cent increase in the state sales tax to fund a court-ordered school district equalization. The governor endorsed the proposal as did the legislative leadership of both parties and the vast bulk of the illuminati. The people, though, did not join them. Instead, over 70 percent voted NO. Might many of them also have stood in checkout lines and gotten less change back than they had expected? I can't say, but I do know that this time it was the politicos who got clipped. —LEL

"What do you suppose goes on in their minds down there, anyway?"

Generation Antitrust — No aspect of American law is loonier — or confers more arbitrary power on the state — than antitrust law. In theory, antitrust laws prevent businessmen from gaining monopolies and making extortionate profits at the expense of the general population. But, as Ayn Rand observed, antitrust laws quickly "grew into a haphazard accumulation of non-objective laws, so vague, complex, contradictory and inconsistent that any business practice can now be construed as illegal, and by complying with one law a businessman opens himself up to prosecution under several others."

During the first 90 years after antitrust laws were enacted, they were employed to harass businesses and stifle competition, while government granted outright monopolies to various favored enterprises. During the past two decades, however, an astonishing idea has dawned on influential members of the populace, the idea that what competition requires is the absence of restrictions on competition. Antitrust laws have largely fallen into disuse.

But that situation is rapidly changing. About a year ago, the Justice Department began an investigation of Microsoft. The Clinton administration accused the gigantic software mill of trying to monopolize the market for Web browsers (specialized software that enables people to browse the World Wide Web, or Internet).

The charge seemed absurd on the face of it. Web browsers constituted one of the very few types of software of which Microsoft did *not* enjoy a dominant market share. Microsoft had made a late entry into the field, and was far

behind the competition. The most widely used Web browser was America Online's proprietary interface. Netscape Navigator was second, while Microsoft's entry, Internet Explorer, was a distant third. Microsoft was so far behind, in fact, that it gave free copies of Internet Explorer to anyone who wanted it, in a desperate move to gain market share.

Such is Microsoft's savvy and competitiveness, however, that its competitors trembled with fear. But rather than investing money and effort to try to stay ahead of Microsoft by improving their own product, the competitors lobbied both the Clinton administration and the Republican Congress to prosecute Microsoft as a monopoly.

The charge didn't make the slightest bit of sense. But then antitrust cases never do.

Microsoft is skilled at developing and marketing computer software, but not skilled at bribery and lobbying. Nor is it very skilled at public relations. For its failure to be competitive at these arcane and pernicious activities, Microsoft has paid a horrible price: during the past few months, it has had to focus considerable resources on defending itself against this loony charge. And so far, it's losing the battle.

Microsoft's failure has emboldened other unsuccessful competitors. On May 7, Pepsi sued Coke for violation of antitrust laws. As a result of its long-term campaign to make Coke universally available, the world's largest purveyor of sugar water has captured a 65 percent share of soft drink sales in restaurants, compared to Pepsi's 25 percent share. Having failed to compete successfully for consumers, Pepsi used the bludgeon of antitrust.

Pepsi never would have tried to use antitrust laws against Coke if those laws were in any sense rational or objective. If they were, the same logic that sees illegal monopolistic behavior in Coke's 2.6-to-1 advantage over Pepsi would see illegal monopolistic behavior in Pepsi's 2.5-to-1 advantage over third-place Cadbury. But antitrust is loony, and its logic cannot be consistently applied. In the end, antitrust cases are decided by public relations and lobbying, not by logic, and Pepsi has little fear that the antitrust law will be turned against them.

Pepsi and Netscape threaten to reverse recent progress toward freer competition. Using the fist of government to harm competitors is just plain immoral. The war is being fought in court rooms and the halls of Congress, and there's little that I can do to affect its outcome. But there's one thing that's within my power: I won't buy the products of these corporate thugs.

I have always been suspicious of organized boycotts, and I am not trying to start one now. I am simply making a personal choice. No more Pepsi for me, nor Lay's potato chips or Fritos or Tostitos, and no Netscape Navigator on my computer. My action certainly won't bring Pepsi or Netscape to their knees. But at least I won't be participating in their villainy. —RWB

The truth shall make you free — Webster Hubbell, Susan McDougall and various other scoundrels are fond of implying that Ken Starr is only interested in stuff that implicates the hero Clinton, and saying, when they refuse to cooperate or testify at all, that "I won't lie about the President just to please Ken Starr." If they really meant what they imply, however, there would be an easier (and less incarceratory) way to defeat the wily devil Starr. They could simply testify fully and openly and refuse to lie! That would fix his little red wagon, wouldn't it? Wonder why they don't take the straightforward path? Couldn't be that they have a notion the evil prosecutor knows something about the laws on perjury, could it? —AB

It wasn't broken, it's being fixed — Children, children, calm down. It's all over. You were just having a bad dream.

For a moment, you thought that the IRS had abused its power. You dreamed that witnesses had testified before a congressional committee describing how the tax collectors had terrorized them and ruined their lives. You dreamed that IRS agent Jennifer Long testified under oath that IRS agents fabricate evidence "to extract unfairly assessed taxes from taxpayers, literally ruining families, lives and businesses — all unnecessarily and sometimes illegally." You dreamed that Long swore that the IRS preys on low-income and poorly educated people who are seen as especially vulnerable to pressure.

But it was only a bad dream. You see, the Treasury's Office of Inspector General has conducted an investigation and — listen up, kids — the investigators found Long's allegations to be "unfounded" and "unsubstantiated."

Besides, after further congressional hearings in April 1998, featuring former Senate Majority Leader Howard Baker as the near-victim of a "rogue" agent, IRS Commissioner Charles Rossotti declared, "The hearings of the past week further demonstrate that fundamental change at the IRS is needed." In short, the IRS has done nothing wrong, and it damn sure won't do it again.

So shut up, you brats. The IRS will soon become more "client-friendly" (translation: not so many of those distressing armed raids on small businesses by jack-booted IRS agents). Everything is going to be okay. Now, be quiet or I'll spank you. —RH

Browsing a hidden agenda — What's behind the Justice Department's jihad against Microsoft? Surely it can't be that all those fresh graduates of law school have some kind of existential devotion to economic competition as an abstract ideal. I'm always surprised when I find a lawyer who actually has a glimmering of understanding of economic competition as anything other than an incantatory phrase. A few people have noted the obvious interest that some of Microsoft's competitors, especially those in Silicon Valley and Utah, have in the government's taking Microsoft down a few pegs. And sure enough, Senators from California (Boxer and Feinstein) and Utah (Orrin Hatch) have been among the more enthusiastic cheerleaders for forcible micromanagement of Microsoft's research and marketing tactics.

A more fundamental reason, however, could be the enduring desire of government to find some way, some justification, some tactic, to seize control over the Internet and the emerging computer/communications revolution. Politicians and bureaucrats sometimes quite openly express their frustration about innovations cascading into the marketplace so fast and so unpredictably that they don't have a prayer of keeping up with them. As soon as these noble public servants devise a set of rules and regulations, they discover that technological change has made their precious

rules irrelevant. And somewhere in some of their little pea brains lurks the unpleasant suspicion that direct communications among people via a Net — rather than a nice, straight Superhighway with off-ramps and lots of cops — will eventually put them out of business.

Thus the attacks on Microsoft, the manufactured frenzy over pornography on the Net, and the hand-wringing about glaze-eyed, slack-jawed teenage nerds wasting away their lives in front of a computer screen, feasting on information the government not only doesn't control, but doesn't even know about. —AB

Corps values — I vividly remember an episode from Marine Corps boot camp at Parris Island, South Carolina. It was the night before my platoon was to take a written test on the history and traditions of the Corps. A drill instructor came to me and said, "Stooksbury, you've been to college, help Jones here prepare for the test tomorrow." So Jones and I spent a couple of hours preparing for the test and both passed the next day. We were better off for our hard work, and in spite of our very different backgrounds, we became friends.

There's only one problem with this inspiring story. It didn't happen. In reality, when it came time to prepare for our written test in boot camp, the drill instructors passed out copies of the test and spoon fed us the correct answers to circle on the multiple choice exam, leaving nothing to chance. That episode came to mind when I read the notices for *Making the Corps*, by Thomas Ricks.

Ricks is a reporter who published a widely noted article in *The Wall Street Journal* in 1995 about his observations of platoon 3086 at Parris Island. I haven't read the book, but the article and the excerpts that appeared in *The Atlantic Monthly* and *Parade* were enough to repeatedly set off my crap detector.

Supposedly the new Marines were disgusted with their old friends in the "nasty" civilian world. He reads far too much into the temporary hangover that most Marines have after boot camp. I don't doubt that a few Marines feel estranged and distant from the broader culture. But I would not give much credence to opinions on the subject expressed by recent boot camp grads referring to their old friends as (using a boot camp buzz word) "nasty." Of course some guys are a little disturbed by what they see in the outside world after three months of brainwashing. It does not wear off overnight. But rest assured, it does wear off.

The "values" that Ricks talks about form an important part of the Corps' image. When I talked to an Army recruiter, he stressed the economic benefits of being in the reserves. The Marine recruiter talked about values. He told me in particular that there were no liars or thieves in the Marine Corps. He was lying, of course, a fact I discovered when a recruiter invited me to shade the truth on some of my paperwork about the amount of pot that I had previously smoked, after I had inconveniently told the truth about smoking it at all. And one of the first things that I noticed at Camp Lejeune, North Carolina, where I went for training after boot camp, was the pervasive petty theft. The powers that be dealt with it by punishing people who failed to keep their valuables locked away from temptation. All of the rooms were equipped with warning signs about the theft problem.

Ricks displays utter credulity when he quotes several new Marines being disgusted by civilian drinking. One complains that all his old friends want do is "get smashed." Of course, any casual observer could see that getting "smashed" is central to the culture of the Marine Corps.

The reviews that I have seen have repeated the same credulous tone. *The Washington Monthly*'s reviewer was so agog that she wants parents and schools to "demand the discipline, excellence, teamwork, and honor instilled at Parris Island." In *The American Enterprise*, an Army combat veteran, who should know better, worried that outside influences not undermine the Marine Corps' "high moral standards" and fretted over the possibility of the broader American culture dragging the military "slouching towards Gomorrah."

In its rather illustrious history — "From the halls of Montezuma, to the shores of Tripoli"— the Marine Corps has performed its mission reasonably well. And it does a good job instilling the virtues it needs to accomplish its mission. Those virtues include physical fitness, courage and discipline of the sort that allows one to tolerate discomfort and privation over extended periods of time. If I were entering the military today I would not even waste my time talking to an Army recruiter. But journalists covering the institution should approach it with more skepticism than Thomas Ricks is able to muster. —CS

Ground control to Major Al — Al Gore wants to waste $50 million of our money on the boob tube. Gore and NASA are teaming up to shoot a satellite into space where it will send an image of Earth directly to your living room. Said Gore, it "will allow people around the world to gaze at our planet as it travels in its orbit around the sun." So cozy on up to your TV — pass the buttered pop-

corn and the speed — we've got Earth TV!

You'll need the speed to stay awake. Earth TV is bound to be insipid — just what you'd expect from Gore. Who wants to sit around and watch the Earth when there's *real* TV that needs watching?

So why is Gore starry-eyed about a channel that is destined to compete with PBS for the fewest viewers? First, because he doesn't care if Earth TV's not as popular as reruns of *The Donna Reed Show*. It's not his own $50 million floating in the black abyss of space. And second, Gore thinks that Earth TV will turn the few people who do watch it into eco-weenies like himself.

Fortunately, this is another government proposal that won't work. Young people are not going to forsake their video games and beer bashes to become smelly pantheists just because they're exposed to Earth TV. Gore's belief that Earth TV will plunge the world into a fit of global awareness is related to the same bogus logic that claims nefarious advertisers turn people into boozers and smokers. —JE

Inconvenience, Part I — Now that summer is upon us, we no longer have to worry about power blackouts caused by winter storms. Instead we have to worry about power blackouts caused by air-conditioning overload.

Can you think of any competitive industry that makes us suffer through as many shortages and failures as public utilities do? Not only power blackouts, but recurring water shortages in many parts of the country. Do private food producers ever have to say, "Sorry, we're working as fast as we can to get food back into the stores"? Even pharmaceutical companies — despite the roadblocks of federal regulation — never have to say, "We're doing the best we can to end the current shortage of medicine."

Once the Post Office had to face competition from Federal Express and UPS, it was amazing how quickly the excuses stopped and service expanded. And did you notice how monopoly cable companies became more user-friendly and responsive as satellite dishes came down in price?

If there were competition among utility companies, don't you think someone would have figured out by now how to eliminate shortages and blackouts? —HB

Inconvenience, Part II — And speaking of monopolies and service, does any private industry cause you as much inconvenience as the government's roads?

Today's roads are built in substantially the same way they were 50 years ago. They are just as deadly as they were then and they need repairs just as often (and they never get them soon enough).

Yes, road traffic has increased over the past 50 years. But not as much as food consumption, computer usage, or sports attendance. Yet the latter industries have had little trouble meeting an increased demand without inconveniencing their customers. Why aren't roads improving?

In fact, why are they getting worse — bumpier and more congested? For the same reason that schools, police protection, and judicial decisions are deteriorating. Because they're government enterprises and government doesn't work.

Private companies do work. Does the busiest department store at Christmastime inconvenience you as much as traffic jams on government roads do all year round? Probably not. Roads will be more convenient and much safer when they're built by private companies whose profits depend upon serving their customers better than their competitors do.

But how would private roads work? Would you really want to pay a fee or show your Visa card every time you turn onto a different street?

Of course not. But do you have to do that every time you make a phone call, use CompuServe, ask the waiter for another glass of water, or turn on your TV to use the local cable service? Part of competing for customers is finding a convenient way for them to pay for the service. Let's hope that someday soon private road companies will be competing to make you as happy as food processors do. —HB

Stimulus and response — I don't pledge allegiance to the flag.

I know this will shock and disgust many of our patriotic readers. But there it is. After twelve years of politely reciting the memorized stanzas in school, I had had enough of the display. I decided I wasn't going to take part in any public loyalty oaths, not to any brightly colored cloth and not to any putative "republic."

Fortunately, I have managed to avoid the pledge since high school. Until recently. I made the error of being on time to a meeting of a local good-government committee; I had always been ten minutes late before. The chairman stood up and went to the podium of the Elks Club hall and said, "Let's call this meeting to order . . . but first, there's the flag."

It dawned on me that there was no escape this time. I sat next to what looked to be a Korean War veteran. Across the room was an elderly one-eyed gentleman who had shook my hand warmly when I joined the committee. He had probably lost that other eye to a Hitler Youth storm trooper's potato masher in the Ardennnes. I imagined the one remaining would look on me coldly if I held my seat.

I couldn't very well just refuse to pledge; I had too much to accomplish to risk antagonizing their patriotism. For a moment, I considered putting one over on these people by claiming to be a Jehovah's Witness. In the end, I just stood there, with my hand over my heart. It thumped like a tattoo at an execution. The fifty other people there said the pledge; I just tried to look earnest. And when the last verse echoed away, I collapsed back into my seat.

Pavlov rings his bell; the dog salivates. Someone puts a flag in front of me, and I get faint. Who'd have thought nationalism could be psychopathological? —BB

Investing in coercion — Ever since passage of the Social Security Act in 1935, the government has assured each person paying the payroll tax that "you have a Social Security account" into which the payments go, and so you accumulate funds (plus interest) that will be paid back as monthly benefits during your retirement. Although this political humbug has recently become widely recognized, the fact that the retirement benefits are tied, however loosely, to the amount of your "contributions" continues to prop up the fiction that the system partakes of insurance. Supporters of the system still characterize it as a low yielding but highly reliable retirement plan for those who pay into it.

But faced with arguments for partial or complete privati-

continued on page 15

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A Sage at 80

A century or two from now, I suspect, historians looking back at the libertarian movement will have a much greater appreciation of John Hospers than most libertarians do today. Oh yes, we all know John was the Libertarian Party's first presidential candidate, and some of us recall his book, *Libertarianism*, and are at least vaguely familiar with his writing in libertarian magazines like *Reason* and *Liberty*. But his influence on the growth and vigor of the libertarian movement goes beyond his quixotic presidential campaign and his writing, however important those activities may be.

To understand the impact of John Hospers, one has to understand the intellectual climate in the 1960s and early 70s. The notions that government might be too powerful and that the life, liberty and property of individuals ought to be respected were so seldom encountered that they had virtually no impact on public policy, political discussion or intellectual debate. The most widely circulated explicitly libertarian publication of the era was *Innovator*, a monthly newsletter whose circulation peaked at around 700.

In 1969, when I considered pursuing an advanced degree and an academic career, I could count the colleges and universities that had even a single libertarian on their faculty on my fingers and toes. For an established academic to advocate radical libertarian ideas was to marginalize himself, to be branded an eccentric, to be excluded from respectable company.

The brilliant libertarian economist Ludwig von Mises, then near the end of his extraordinarily long and productive career, could not even get a job in the academic world until a wealthy friend agreed to pay a university to hire him and allow him to teach a course as an "adjunct professor."

At about that same time, John Hospers accepted a position as Professor of Philosophy and Director of the School of Philosophy at the University of Southern California. He was already a successful academic, a philosopher specializing in esthetics. He had published several well-received books, including *Meaning and Truth in the Arts* (1946), *Human Conduct* (1961), and *Introduction to Philosophical Analysis* (1967), and had written dozens of scholarly articles.

A decade earlier, he had encountered Ayn Rand's *Atlas Shrugged*, and found its political thinking fascinating. As always when he encountered an interesting new theory, Hospers put his powerful mind to work, exploring the logical architecture of Rand's politics, examining its derivation, thinking through its implications, identifying its flaws and weaknesses. This experience — which continues to this day — changed him profoundly. John is a libertarian philosopher of the first order, one whose love of truth produced an intellectually vigorous libertarianism, free of dogma and full of quiet conviction.

During the decade that followed his arrival at USC, John acted on this conviction. He published papers by aspiring young libertarian academics in scholarly journals he edited, and arranged for their papers to be delivered at conferences. In 1971, he published his pathbreaking book *Libertarianism*, which surveyed libertarian thinking, summarized its radical approach to political and economic issues, and explored its philosophical implications. In 1972, to the consternation of his academic colleagues, he accepted the presidential nomination of the nascent Libertarian Party. His energetic shoestring campaign brought libertarianism to the attention of a large number of Americans when a Republican member of the Electoral College turned his back on his party's nominee and cast his vote for John.

None of this activity did a thing to advance John's academic career; indeed, a colleague of his at USC told me that his libertarian activism was a major factor in USC's refusal to give him emeritus status. If John ever regretted his willingness to sacrifice his career to his convictions, he never said a word. And he changed the world. The doors he opened for young libertarian academics have been a significant factor in helping libertarians gain a foothold in the academy. Today a young person seeking an academic career in the social sciences or philosophy no longer faces the extremely limited options that I faced in 1969. And John Hospers's campaign for the presidency broke through the complacency of many libertarians and is probably responsible for the emergence of the LP from obscurity to its status as America's largest and most vigorous third party.

His love of truth produced an intellectually vigorous libertarianism, free of dogma and full of quiet conviction.

John has always been a philosopher, in the best and literal meaning of the term: he has loved truth above all else, seeking it endlessly, advocating it fearlessly. He writes with grace and style, with a remarkable clarity that gives the lie to the notion that philosophers writing about recondite subjects must be abstruse. His quiet generosity of spirit has always been evident in his willingness to help all who approach him.

John Hospers is a great, quiet and modest man, a friend of truth, a friend of liberty, a friend of all mankind. On June 9, he will celebrate his 80th birthday. At least I hope he'll stop and celebrate, though I am not sure that he will have the time. He remains busier and more productive than men a third his age: he is currently teaching a course on the philosophy of law at UCLA, has a major article coming out in the *Journal of Libertarian Studies*, is preparing lectures for a summer conference of the Institute for Objectivist Studies, engages in lively email discussions with his friends, has just finished preparing a new edition of his *Introduction to Philosophical Analysis*, and is always happy to share his good counsel with me in his role as Senior Editor of this magazine.

On June 9, I know that I will stop and reflect on his contributions to the cause of liberty and drink a toast to this remarkable man. And I hope that others who love liberty will do the same.

—RWB

zation of retirement insurance, supporters of the existing government program are now admitting why they prefer it. In a March 29 editorial, the *New York Times*, in its capacity as protector of the lesser sorts, opines that "most workers will not save for their future" and praises the Social Security program's "magnificent record in redistributing money from rich to poor and thereby lifting millions of retirees out of poverty each year."

The *Times* editorialists brazenly identify the fraudulent character of the government's program as its chief merit: "Social Security has promised to pay millions of retirees benefits that far exceed the amounts they pay into the trust fund. Part of the payroll tax that workers turn over to the Social Security system covers these unfunded benefits." By this reasoning, private insurance really doesn't do much better than Social Security. "If part of the money that workers would deposit in private retirement accounts under the Moynihan [partial privatization] plan were siphoned off to pay their fair share of unfunded benefits, then the yield on these accounts would look puny too."

Sure enough. If one's investments are subject to expropriation wherever they are, then it really doesn't matter where one invests. —RH

The metamorphosis of George McGovern— Back in 1988, the T-shirt craze of the year was an exhortation to draft Richard Nixon for the upcoming presidential contest. "He's tanned, he's rested, he's ready! Nixon in '88!" Everybody laughed . . . then. Now, it seems, President Nixon's nemesis, Sen. George McGovern, is suddenly cropping back up into the political fields we thought were mown down. And he's back as a libertarian.

I was introduced to the good senator the same way a lot of people in my generation were: reading Hunter S. Thompson's account of McGovern's doomed 1972 presidential campaign. Thompson said a lot of things about McGovern, called him, quoting Bobby Kennedy, "the most decent man in the Senate" (surely a red flag if there ever was one), and repeated his statement that he would crawl to Hanoi to bring peace to Vietnam.

Since that happy time, of course, McGovern popped up again and again in the news, mostly from out of the dismal lower reaches of the Democratic Party. Making a cameo appearance in the presidential primary in 1984. Defending the Democrats' foreign policy triumphs (like Vietnam?) and absorbing personal insults from William F. Buckley on a *Firing Line* debate in 1986. Volunteering to run against George Bush back when Bush frightened careerist Democratic pols out of the 1992 primaries. (Remember when George Bush was frightening?) In presidential campaigns, a candidate's experience matters to voters. But McGovern's experience seemed to be limited to getting trounced by incumbents.

But then his life story seemed to change. The liberal statist found space at *The Wall Street Journal* to express his annoyance at government regulations which interfered with his opening a hotel in New England. After a few years, I saw his *New York Times* Op-ed defending personal freedom in 1997 ("Whose life is it?" August 14). An article in *The Freeman* refers to it approvingly ("The Tobacco Deal: Myths and Misconceptions," January 1998). Finally, I open an issue of the *Libertarian Party News* and see, in a reader response column, George McGovern listed among candidates the party should draft for the 2000 election.

Now, I'm not going to hop on that bandwagon, but I see the logic: McGovern offers the party name recognition and the capability to "reach out" to people who despise libertarians, and the LP gives him a chance to put to use his experience in running inept presidential bids. —BB

The reality check is in the mail — Working in *Liberty*'s mail room one afternoon, I picked up a stamp that I had not seen before. The stamp had the picture of a dignified elder, and on it I saw the words "John Hospers" and "$1."

But a double take revealed it didn't say that at all. The glaring visage was that of Johns Hopkins, the university founder, not John Hospers, co-founder of the Libertarian Party, presidential candidate, and challenger of "the cult of the omnipotent state."

Disappointing. But perhaps it is premature to wish to see such pathfinders embossed on postage. I hope that someday, one de-monopolized postal service will issue a commemorative to the long line of libertarians who have vexed the state and its privileged yahoos. And on that day a dollar will buy

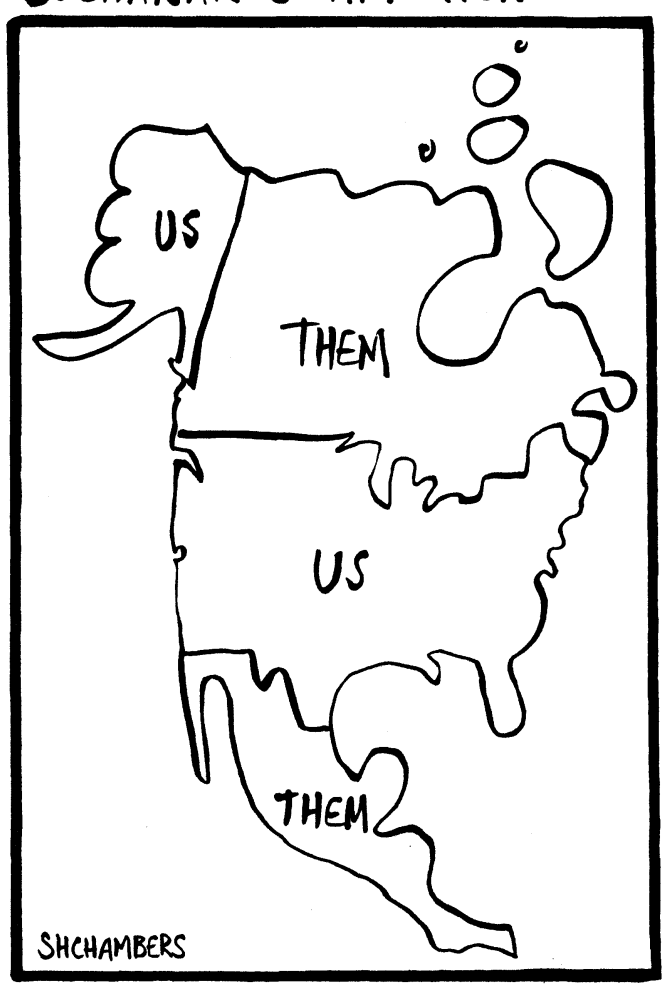

a lot more postage than it does now. —BB

A dilemma punctured — We've recently been through one of our periodic exchanges of vapid soundbites regarding needle exchange programs. While the Clinton administration praised local programs in which government agencies trade used hypodermic needles for clean ones (and some information about drug treatment and the like) without arresting addicts as a way to reduce the transmission of AIDS, it assured us that it wouldn't be using any federal money to finance such programs. Conservatives breathed a sigh of relief.

Debra Saunders of the *San Francisco Chronicle* offered one sensible response to the brouhaha. She spent some time observing San Francisco's city-run needle exchange program, pronounced it constructive and wise, and expressed relief that the feds wouldn't be meddling, with their inevitable useless paperwork and interference.

There's another way to look at the issue, and an alternative that should meet semi-valid objections to needle exchange programs. Many argue that it's offensive to use taxpayers' money to subsidize the drug habits of addicts and encourage them to rely on paternalistic government to make things easy for them. Fine. Then legalize the sale of needles and let the addicts pay for them themselves. Needles aren't all that expensive or inherently dangerous. They're on a tightly controlled prescription system solely to keep them out of the hands of addicts. The controls have not accomplished that, but they have managed to kill a number of people because of the incentive the regulation creates to use needles again and again. Simply legalizing needles would eliminate taxpayer subsidies and paternalism and make addicts responsible, financially and morally, for the hygienic aspects of their habits. —AB

Clip'n save or else — Last September, New York State Attorney General, Dennis Vacco, announced that the state "had reached a settlement with ten grocery product manufacturers and brokers and the Wegmans supermarket chain" that will result in $2.00 coupons being issued to the people of western New York until the companies involved put $4.2 million into the debit columns. Vacco's office had filed an anti-trust lawsuit against the Procter and Gamble Company, the Clorox Company, the Pillsbury Company and others for "conspiring" to do away with coupons at the expense of the "elderly, families with young children and those on limited budgets."

The same day the State of New York filed its lawsuit, it also offered a multi-million dollar settlement. In other words, fork over $4.2 million or face the essentially limitless resources of the State in court for as long as it takes. Understandably, while admitting no wrong-doing, the companies ran the numbers and, folding like Superman on laundry day, just paid up. According to Wegman's chairman, Robert Wegman, "it would have cost as much as $2 million and taken two to four years to defend our good name." By submitting to the State's demand, it "only" cost them $500,000.

Coupons are a marketing device; a temporary price cut to increase cash flow, introduce new products or some such dynamic, without a subsequent price "increase" back to the regular selling price. This strategy, marketers hope, prevents the ill will that can be generated by the perception of prices rising — after all, the shelf price remains the same.

Since when is it our government's role to force manufacturers to change their prices according to bureaucratic whim? Perhaps since the glory days of statism in the earlier part of this century, apparently. New York State's action comes close to economic fascism: the government control of privately owned industry. Still, the precise form that this fascism has taken is novel. The *Buffalo News* claimed that the settlement was the "largest cash pay-out to consumers ever in New York state" and "the first of its kind in the country."

Numerous questions come to mind:

Does this action set a legal precedent requiring businesses operating in New York state to offer coupons?

If so, what products must be offered?

What percentage off?

Who will administer the program — another new regulatory agency?

The media did not ask these questions. Instead, they trivialized the story as a "coupon conspiracy," cute alliteration and all. But the plain fact of the matter is that millions of real dollars were extorted from real, law-abiding, job-providing citizens.

No doubt when other government agencies see how easily this set-up went, we will hear of more lawsuits being filed along with simultaneous offers to settle. It sounds like an offer you can't refuse. —*guest reflection by* John D. Swanson

The Baby Commissars of AOL — For a brief period of time, like ten million others, I was a subscriber to America Online, "America's Number One Internet Provider." I chatted in its chat rooms, posted messages on its message boards, and made new friends and enemies. Then the AOL KGB sniffed me out. They charged me thrice with violating AOL's terms of service (TOS) rules, and I was permanently and with no hope of reprieve TOSed from the happy land of OJ indignation and Bubba jokes.

When you sign up for AOL, you are encouraged to review its terms of service. Having read corporate disclaimers before, I didn't bother. They all boil down to this: a company can terminate your account for (what it defines as) good reason, or for no reason; it just can't bounce you for bad reason — bad reason being, at this moment in judicial time, a refusal to serve a customer because of his race, creed, or gender. AOL had a legal right not to do business with me; however, my loathing of AOL is not based on legalities.

Of my three TOSgressions, the first was for irrelevance. I made an aside, off the topic, in a court topics bulletin board, and some woman, whom I'd previously offended by mentioning the possibility that the twelve men or women of a modern jury were statistically likely to be morons, called a block warden — *wham!*, branded. On the second occasion, I used a bad word in a chat room, a short reference to human waste to describe into what the government should be sticking its nose in its ongoing investigations of health care; a very ordinary and justifiable usage, I think — except that an AOLPU *apparatchik* appeared from nowhere, and Busted! My fatal, third crime was, helpfully, to explain to a man that the concept of "oneness" (which was obviously of considerable, if bogus, comfort to him) was technically a form of psycho-

sis, and could I recommend a therapist? — at which helpful overture, he turned me in for "harassment," the no-no of no-nos. The AOLians deleted me like a virus.

I didn't go quietly. Instead, I suffered (and suffered through) no less than five telephone conversations with AOL's customer service representatives and managers, the baby commissars of AOL. They all went by *noms du dealing with the public* (party names). Curiously, every pseudonym started with a "J." Three of them were "Jesse." The common theme of the baby J's was the tone of youthful morality. I was being "distruptive." I was harassing. Didn't I realize that the Right must be maintained? And Peace? And, like, Goodness? In one conversation (I tried to vary the direction of my counterattack from "J" to "J"), I explained to a rep (or rather to dead air; if you depart from the script they stop listening — but at least they do not, take note, hang up until you succumb to the cruel temptation to say "asshole") how hypocritical it was for anyone from AOL to discuss morality.

Case: The several recent newspaper articles about the employment of AOL by pedophiles to solicit child pornography.

Case: AOL's history as a government informer on homosexuals in the military (the other Tim McVeigh).

Case: AOL's tolerance of some anatomical words (e.g. "penis") and intolerance of others of equal pejorative weight ("vagina").

"Rules," the rep responded, "were rules."

One thing I learned was that I might have found clemency and my account restored if I hadn't pissed off the Jessica who last bounced me. It was she who had specified the merciless charge of "harassment" instead of, say, the lesser indictment of "a negativistic attitude." Once again, it was my sensitive and empathetic nature what done me in. I merely commiserated with the woman that having gone to college and majoring, as she must have done, in Power Lust, it was too sad that she should have found herself not a dread Kollentai of the republic, or at least a Bela, but instead a dung beetle.

The baby commissars were correct, of course, in thinking that the issue is morality; but since they are modern children they are incapable of doing the moral arithmetic.

Certainly, governments are the principal evil, and not a nasty, little internet access provider; but the lesser tyrannies of a private organization (or, more accurately, a semi-private organization, since no institution circa the era of collaborative extortion is purely private) amount to more than just an inconvenience.

I hate censors, private or public. I hate cops. I hate the village mentality. ("It takes a village" to exacerbate my natural misanthropy.) I hate the wretches who at that first, familiar rictus of confusion, or when they sense, like a disturbance in "the force," an opposition to the consensus that they call their ideas, summon Big Bro or Sis.

Allow me to instruct them in the obscure morality of my rage. *Mind your own damn business, you hypocritical morons!*

There now, I feel better. Much, much better.

Does anybody out there know of a good internet access provider? I'd like to have some lively conversations (a friendly guy like me). —*guest reflection by* Jeffrey S. Taitz

Russian lessons — In a recent installment of the wrangling between Boris Yeltsin and his opponents in the legislature, Yeltsin pulled Anatoly Chubais from political purgatory and appointed him to the powerful post of chief executive of RAO Unified Energy Systems, which controls most of Russia's electricity supply and occupies a strategic position in the industrial and municipal credit system. Denouncing the appointment, a Communist Party official, Valentin Kuptsov, was quoted by *The Wall Street Journal* as saying, "This is another confirmation of Boris Yeltsin's authoritarian regime."

Authoritarian! Wouldn't want any of that, would we?

Today's letter is B. B is for Brezhnev. Can you say Brezhnev, boys and girls? Tomorrow's letter is S. S is for Stalin. —RH

A Republican only a libertarian can love — Fellow readers of *Liberty* have probably been as thrilled as I have by the way those wild Republican revolutionaries in Congress keep up their slash-and-burn assault on the federal Leviathan. I mean, talk about Petrograd, 1917! Actually, of course, Lott, Gingrich, Armey, and most of their troops resemble the leader they adore, Ronald Reagan. Like Reagan, they mouth free-market and anti-government phrases to con the suckers, but they love to compromise. The end-result is to stabilize the status quo, and even expand the power of the national state. How I wish they'd take after the Old Right stalwart of my youth, the great H. R. Gross (R-Ia.). Magnificent curmudgeon that he was, Gross was famous for always voting *No*, until the time came when he started voting *Never!*

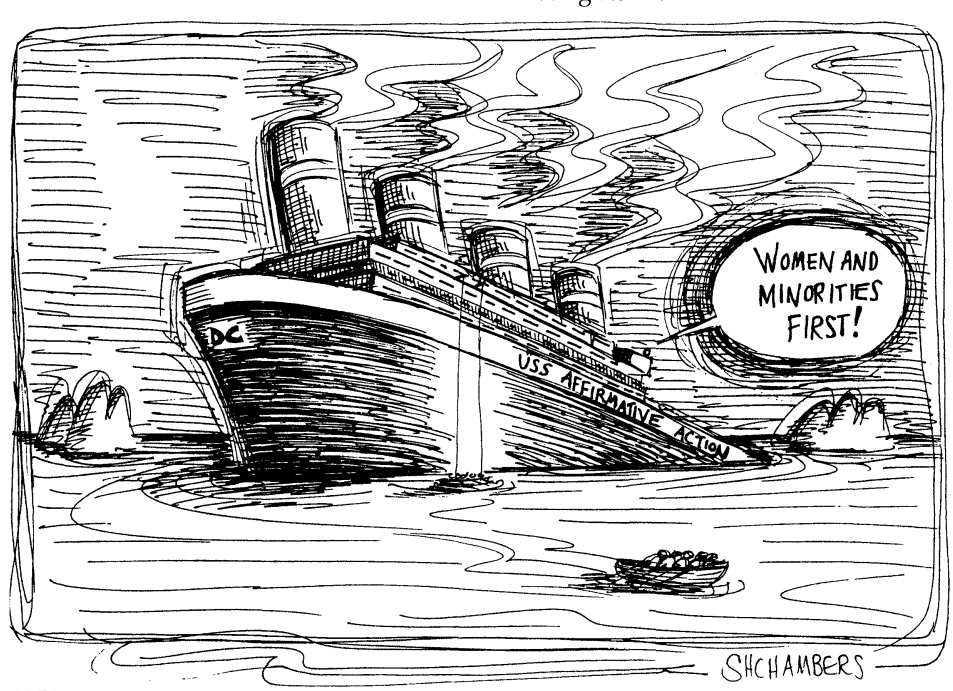

There is a member of the current Congress who also disdains compromise, and who through his quiet, luminous integrity has at least begun to make a bit of a difference — Ron Paul (R-Tex). The whole Republican "leadership" (yeah, right) tried to kill Ron off in the primary last time. Dick Armey even donated thousands of dollars of his own money to the effort. But that didn't work, and Ron went on to win the election against a Democrat whose nickname was "Lefty" (not a good idea in Texas). This time, though, the Democrats, who can abide Ron's constant, nagging invocation of the Constitution even less than the Republicans, have put up a candidate who masquerades as a conservative. Money is coming in from both coasts to get Ron out of the way once and for all. This is going to be a very close one.

On foreign as on domestic policy, Ron Paul is the best member of Congress in my lifetime. The crooks of both parties want to do him in. I believe he deserves every libertarian's support. —RR

Jerry's coattails — Since nothing else has managed to get the Libertarian Party over the recognition hump, might it finally manage to galvanize the masses with the slogan *"Free the Seinfeld Four!"*? —LEL

Long odds — From time to time someone suggests that government could be financed by lotteries, eliminating the need for taxes. It sounds like a wonderful idea. After all, buying a lottery ticket is a voluntary act, unlike paying compulsory taxes. Unfortunately, it is economically impossible for a lottery to finance government — a libertarian government, anyway.

According to the *1997 Statistical Abstract*, the average state lottery in 1995 paid out 58 percent of its proceeds in prizes. After covering administrative costs (4 percent), 38 percent of the ticket sales were available to finance government programs, such as education. So a lottery would seem to be particularly well-suited to finance government on a voluntary basis.

But what's wrong with this picture?

Las Vegas casinos operate with *gross* profits of only 1 percent to 4 percent (meaning 96 percent to 99 percent of the proceeds are paid out in winnings). Why don't the casinos have 38 percent profit margins like the government does?

Because Las Vegas casinos face competition, while government lotteries do not. State lotteries are state-mandated monopolies.

If government operated the only print shop or restaurant or car dealership, the profit margin could be as juicy as for government lotteries. In fact, some people would come to accept the government's monopoly terms as being the norm — just as they thought the post office was providing the best possible service until competition from Federal Express showed otherwise.

Competition always reveals government to be inefficient, overly expensive, or even fraudulent. If private lotteries could compete with the government, the profit margin would shrink rapidly to less than 5 percent, and it would quickly become apparent that lotteries are no more a natural cash cow than any other business.

Facing competition, no enterprise can generate enough profit to subsidize even the smallest government. If we think a libertarian government could be financed with a lottery, it's because we're unwittingly superimposing the coercion of today's lottery monopolies into a free environment. It's an understandable mistake, but a mistake nonetheless.

I don't know how the functions of protection, defense, and the judiciary would be financed in a completely free society. And frankly, I don't care right now. We're so far from such a society that there are much more important questions at hand. The immediate task is to reduce the monstrosity known as the U.S. government to a fraction of its present size and reduce the tax burden accordingly.

Once government is much, much smaller, it may become profitable for the best minds in society to innovate ways to compete with the remaining functions of government — providing neighborhood security, new methods of education, more efficient arbitration systems, maybe even guaranteed protection from foreign enemies. Those minds, probably using technology we can't imagine today, will propose solutions that would be far more practical than anything you or I might think of now. In the same way, in 1975 no one could foresee how computers would operate in 1998.

Libertarians don't need to have answers today to all questions concerning a free society. Our immediate task is merely to show voters how they personally would benefit from making government substantially smaller than it is now. It's relatively easy to show someone how much better off he'd be if he didn't have to pay income tax, or how nice it would be to be free of the Social Security con, or how pleasant and safe his neighborhood could be if we ended the nightmare of Prohibition. That's where our attention is needed now. —HB

Ron Merrill, RIP — Mr. Ronald Merrill was a "radical among radicals," whose *Ideas of Ayn Rand* contributed to our understanding of that important libertarian philosopher and novelist. Rand's Henry Rearden was a scientist and an entrepreneur and her John Galt a scientist and an intellectual. But not even Rand could have invented Ron Merrill, who was all three — and a humorist and writer of poems and stories besides, as well as the husband of a multicompetent woman, a father of two brilliant and fearless children, and "First Gup" in Tae Kwon Do.

Ron came to MIT after entering a local university in Oregon at 15, completing a four-year course in history and anthropology in two years, and then deciding that he wanted a challenge. He found it at MIT in chiral organometallic chemical synthesis, the field of his fame and the intellectual love of his life. He founded Reaction Design Inc. and ran it for several years. Although this was his only entrepreneurial experience — he once said that launching a new venture in chemistry, in today's regulatory environment, was like a venture in breeding black cats at the height of the Salem witchhunt — he did co-author two books on the art of enterprise, and co-founded the Caltech-MIT Enterprise Forum, in which he remained active even after illness severely limited his available time. For Ron, being generous with his experience and judgment as the most practical way to improve the world for his children.

Five and a half years ago, Ron was diagnosed with myeloma, and told he had less than two years to live. He died on May 7. —Adam Reed

Dear Mr. President

by Paul Rako

"You and your friends might want to get PO Boxes too. It's a biker thing, since it makes it harder for the cops to serve warrants."

Dear Mr. President:

I can't tell you how excited I was to receive your letter. It was Sunday, October 26 when I got it. I was cruising around Silicon Valley on one of my Harleys and I figured — what the heck — it's a beautiful day, let's putt over to the Post Office and check the PO Box. You and your friends might want to get PO Boxes too. It's a biker thing, since it makes it harder for the cops to serve warrants. This could be real handy to you from what I'm reading in the papers.

Anyway, I go to the PO Box and your letter was in it. I remember looking at it and seeing my hand tremble in anticipation. I think it was anticipation, but it could have been from getting hammered and dancing with my Samoan pals down at the lounge the night before. I figured right then and there: "This is too big a deal, this is too damned important to check out in the post office, I gotta go share this with my buddies." So I slip the letter into the tiny saddlebag I sport on my '62 and head over to the bar. I cruise by the bar and see there are no bikes parked outside. Hmmm, must be something happenin at somebody's house. So I jam over to Nigel and June's.

Sure enough, there are a bunch of my friends over there and hanging out in the garage, where we all kinda pitched in and put a pool table in and built a bar and put lots of neat stuff on the wall. There was Preacher, who bought his '69 Harley brand new with the hardship pay he got in Vietnam as a Marine. Wham was there too. He also was a Marine in Vietnam. They don't talk much about Vietnam. Jersey Darrin was there. Darrin was still a little down since he loaned his car to Shovelhead Bill and then Bill goes and gets it impounded by the cops. Of course, Nigel and June were there along with little Chad and Melissa. Nigel was really pissed at Jersey Darrin cause when he had Darrin babysit Wednesday night Nigel came back to find the bar a total disaster area and the kids said "Uncle Darrin told us not to bother him." This is kind of a sensitive issue since Chad burned the house to the ground two years ago playing with matches in the hall closet. Nigel sentenced Darrin to 20 minutes of exile from the garage. Darrin was laughing until I pointed out the twenty minutes would be the last twenty minutes of the deciding game of the World Series that was going to start pretty soon. Darrin stopped laughing.

So anyway, the Raiders were playing the Seahawks and we was playing pool and downing cold ones and everybody was laughing and having a good time and no disrespect, Mr. President, but I just plum forgot about the letter. Your letter. To me. So the Raiders get clobbered and Darrin is even more down cause in addition to having his car impounded and facing missing the end of the World Series, he had the Raiders down in the pool and with no spread to boot. Who woulda thought, 500 yards in the air, eh Bill?

Well, we was all sittin there gettin amped up for the World Series game and I finally remembered the letter. So I ran out to the bike and got the letter and run back into the garage. I sit down at the bar we built and yell out: "Hey everybody, look at this! I just got a letter from the President of the United States!" Well, Preacher kinda looks over his shoulder at me with that smile only Preacher can smile and says: "You might not want to open that thing." And Wham chimes in "Yeah, he's all for the draft now that he doesn't have to fight, the pussy."

Well I told Wham that he was way outta line and he should have some respect for the President of the United States and Wham says he will when the President has some respect for him. And I just didn't know what to say cause when Wham gets a few beers in him there ain't

no arguing with him, just ask FM about that. So then I say: "You wait and see, I bet the President needs my advice on some important matter of State."

So I open up the letter and sure enough, it's got my name typewritten right on top with printin the same as the rest of the letter so I knew you banged it out personally like this one I'm writing to you. You must be a good typist because I'm spending hours typing this and you musta sent out thousands of letters cause it says you sent the letter to all the registered Democrats. Now Bill, I read all that stuff about vision and the horrors of the right wing agenda that troubles me too — but did it ever occur to you that now might not be the time to be hittin people up for cash? I mean, the heat's kinda on regarding this subject and you might just want to lay low for a while. Sorta like when you proposed a value added tax on April 15th. Who the hell are your advisors anyway? I figure you got it pretty tough with so many of your pals in jail and that Morris guy on the QT after they caught him banging that hooker.

So I wanna tell you this Mr. President: If you want some good advice from someone who's been around the block a couple a times, I'm your man. I've seen how certain ethnic groups in Cleveland and Detroit organize their business and have had a little contact with certain, how you say, motorcyclist groups here in Oakland and I think your outfit could stand to learn a thing or two from some true professionals. So anyway, all I'm sayin is that maybe now ain't the time to go high profile on the send the cash program. Well, I see all this and I get kinda down cause I realize that all you want is some cash instead of my advice on an important matter of State, not to mention that you're gettin such bad advice from everybody but I want to do my part to help your vision so I look up at all my pals who got real funny looks on their faces watching me read the letter. Your letter. To me.

So I say: "Preacher, the President needs some cash. You laid it all on the line in Vietnam, how bout kickin down a few Jacksons for good ol' Bill?" And Preacher says : "Sorry man, I'm a little short right now." And you know it's true cause Preacher got a house on a GI loan but a thousand a month ain't pocket change and Preach lost his job as foreman when they cut the night shift and now can't even get 40 hours a week doing equipment installations at the place where Darrin got him a job and Preacher's brother Bill is finally paying some rent for his room after being out of work for so long but Mike ain't covering his share and Preacher is letting him slide since Mike just had this really ugly divorce and he got no job and it took all his savings to get visitation rights for his cute little girl who comes over on weekends and eats all Preacher's food but Preacher don't say a thing, cause there ain't a Marine in the world that can stand to see a four year old go hungry. So anyway, I guess you shouldn't count on any cash from Preacher for a while.

So then I look at Wham and he's just standin there by the pizza boxes swayin back and forth and muttering: "That pussy, that pussy, that pussy." Take it from me, when Wham gets like that it's best to just steer clear of him and not make any sudden moves. So I back away and look at Nigel and June and Nigel smiles and says: "Don't look at me, I'm from New Zealand and if this country gets any more screwed up I'm going back." Well the kids have split and all that's left is Darrin. I try to soften him up by saying how I was just joking about the 20 minutes during the World Series thing but I shoulda mentioned that Darrin is from Newark where the fix is *always* in and he looks at me with that smile that only Darrin can do and he says: "You gotta be kiddin man." So that was the end of that.

Well, I'm really down now cause I don't want the country taken over by a bunch a right-wingers who think that all our problems would be solved if only we all went to the same church and if they made Chad and Melissa pray in school every day. I would send some cash myself but the fact of the matter is that I just dropped $4,500 on a bunch of old Sportster parts so I'm pretty tapped out. Pretty soon the World Series started and I got pretty engrossed since I was born and raised in Cleveland and the Marlins are just a big dollar corporate expansion deal and not no kinda team anyway and you gotta love that Williams guy and since I don't have a TV of my own I get pretty into the game which was a real hum-dinger if you didn't have time to catch it what with all your important matters of State and fundraising and everything.

I guess it was about the fourth inning, maybe the top of the fifth when I finally get an idea how we can help the American Vision even though we ain't got no cash. See, like I told you, I just dropped four long on a bunch of Harley parts. So I got stuff coming out of my ears, although a lot of it is tore up pretty bad. Still, I figure that Harley parts are as good as gold, even better since there ain't no Alan Greenspan giving speeches about Harley parts and jackin the value all over the place. Nope, them Harley parts are good as gold, just ask anybody. That's why I'm taking the return envelope you sent and taping it to a set of Harley flywheels.

I'm sure the post office will handle it real careful since it's Harley parts and when they see it's addressed to the Democratic Senatorial Campaign Committee with "ATTN: President Clinton" on the envelope they'll handle it extra-special careful although I would have your motor man check the end-play cause sometimes the tapers get wore out and when you torque up the wrist-pin it seizes the con rods and the motor will go about five miles before it grenades and who woulda thought a 40 pound chunk of steel could wear out, but keepin a Harley on the road teaches you a lot of things which is why I'm ready to be your advisor and stuff. We all talked it over and we all agree a set of wheels is worth 50 bucks easy so I'm looking forward to receiving the commemorative DSCC lapel pin you promise to send if the contribution is over 50 bucks.

Remember Mr. President, we are all behind you so there's no need to look back. We got you covered. I for one will never forget what you've done for this country. And be sure to check that end-play.

Sincerely,

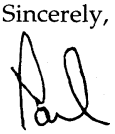

Paul Rako
U.S. Citizen

P.S: May I call you Bill? I would like to fancy that someday, I too can be a "Friend of Bill's."

The Whys of Y2K

by Scott Olmsted

If you think your computer is feisty and arrogant now, wait until January 1, 2000.

Imagine the scene: you awaken on January 1, 2000, to find the house cold because the power has gone off. You won't be watching New Year's Bowl games, but you weren't planning to anyway. They were cancelled when the Nuclear Regulatory Commission ordered all nuclear power plants to shut down on December 31, 1999. The rolling blackouts start today.

You turn on your battery-powered radio to hear that the local sewage plant has just released its entire contents untreated into the river and traffic lights are on the blink throughout the city. More ominously, troops have been called out to enforce a dusk-to-dawn curfew and the president has declared a state of emergency.

Monday, January 3 turns out no better. A former co-worker calls to tell you that some of the high-tech medical machines at the hospital have stopped working. It would have meant extra work for you, but you were laid off from your management job there in November after Medicare stopped paying out benefits when fiscal year 2000 began in October.

At your wife's importing business she discovers there is no international phone service, not that it matters much. The entire economy was knocked on its ear in the fall by the Great Meltdown of 1999, as worry about the banks caused many depositors to try to get their money in cash. You sold your stocks early in the accompanying stock market crash, but you weren't able get cash before a $50 per day withdrawal limit was imposed by the government. You call the bank to see if anything has changed, but get a busy signal. It will last for months.

This may sound like a Hollywood disaster movie. But it may well be a reality if the "Y2K" problem — the Year 2000 Problem arising from the use of two digits to represent the year in computer programs — strikes as hard as some experts are predicting. (It may also be a movie; Warner Bros. has optioned a "Y2K" script.)

As almost everyone knows by now, the problem arises because programmers have for decades used two digits to describe the year rather than four; e.g. "54" rather than "1954." Because the logic in billions of lines of software "code" uses two digits rather than four, it will fail when presented with a year designated "00," shutting down the program or giving erroneous results. Because some software looks ahead in time, for example to the end of a project or at a credit card expiration date, failures are already occurring and will accelerate in 1999. The computerized systems that handle the records of millions of depositors, investors, consumers, businesses, and beneficiaries of transfer payments, both private and government, are at risk.

Imagine that your PC is orders of magnitude larger than it is. It has hundreds of times more code, written in several languages, some of them as dead as Cretan or Anasazi. There is an error throughout your code, and you have to fix it by reading each line of code and correcting the error wherever it appears. Then you have to comb out the problems caused by the corrections you made in the first pass. If you don't find this error by your deadline, your computer will take sick. And if it takes sick it will crash all the other computers it is connected to. Worse, the operators of the other computers have the same problem, and if they fail to save their own systems, their faulty data could take out your PC as well. You have until midnight, Dec. 31, 1999. Good luck.

That, reduced to its essence, is Y2K. But at stake isn't merely the data in a few networked PCs, but records of millions of depositors, investors, consumers, businesses and beneficiaries of transfer payments, both private and government.

Former PC programmer Harry Browne has argued (Reflections, *Liberty*, November and May) that Y2K is really no problem at all. Browne believes that reporters are accepting the claims of doomsayers and computer consultants that the computer programs of banks, airlines, and water companies are too old, obsolete, and complicated to be fixed. The problem with these claims, Browne argues, is that programs are repaired all the time. Nor does Browne believe that major

corporations are dragging their feet on updating their programs: they don't want to be driven out of business by a computer bug, so they will handle their Y2K problems with the many new tools being supplied by the market.

Unfortunately, he is dead wrong.

What Browne does not realize is that programs running on mainframe computers ("big iron," as the programmers say) and mid-size systems are very different beasts from small PC programs written by a single programmer. A system written by dozens of programmers and modified by hundreds of others over a period of decades may consist of thousands of programs containing tens of millions of lines of code acting upon dozens of databases containing hundreds of millions of records. When creating and repairing such systems the main problem becomes managing the effort, not doing the actual programming. It's not that the programs are old, or obsolete, or even that they are complicated. It's that changing one thing can break other things that must be fixed by other people. Fixing Y2K means making many changes throughout the entire system that must be carefully coordinated and extensively tested. What is true of PCs is not true of mid-size systems, let alone of big iron. Harry Browne's experience writing Word macros and developing a word processor has little relevance here.

Is it just those with some vested interest in Y2K who are crying "Wolf!"? It may have been a couple years ago, but no longer. Consider a few other sources:

- Senator Daniel Moynihan wrote President Clinton on July 31, 1996 warning of Y2K and asking him to appoint an aide on the matter (Clinton took a year and a half to do so).
- Prof. Leon Kappelman, Co-Chair, Society for Information Management Year 2000 Working Group and Associate Professor, Business Computer Information Systems, University of North Texas, wrote an open letter to President Clinton in February. He asked Clinton to declare a state of emergency because of Y2K, "based on the enormous risks posed by this problem and on the miniscule probability that we will be able to effectively mitigate all the risks in the time remaining."
- Rep. Stephen Horn (R-Calif.), who as chairman of the House Subcommittee on Government Management, Information and Technology has been following how agencies are managing the Year 2000 problem, recently gave the federal government a D-minus for its effort so far on Y2K. And Sen. Bob Bennett (R-Utah) said in May that even the Central Intelligence Agency is warning that the problem could bring global "disruption of power grids, telecommunications and banking services." Bennett is chairman of the Senate Select Committee on the Year 2000 Technology Problem, which has stated that resulting crashes and malfunctions could bring "major capital markets to a complete halt," not to mention possible "breakdowns in international air traffic control, foreign oil and gas pipelines or in the global telecommunications network. There still is time, though barely so, to avert a major crisis."
- Treasury Secretary Robert Rubin recently warned a House subcommittee his department may not be able to fix its computers before the end of the millennium.
- Even Federal Reserve Chairman Alan Greenspan has admitted that "Inevitable difficulties are going to emerge," he said. "You could end up with . . . a very large problem." Ironically, Greenspan was a programmer in the 1960s and helped create the problem! "It never entered our minds that those programs would have lasted more than a few years," he said.

So how is the effort coming? A February survey by Cap Gemini, a large computer services company, found that in Britain one in six organizations, representing nearly 40 percent of Britain's gross national product, will fail to meet the year 2000 deadline. A poll last October of the Fortune 500 indicated that only 16 percent had begun implementing a full-fledged strategy to achieve Year 2000 compliance and only 24 percent had a detailed plan in place. In November the Gartner Group, another large computer services company, reported that, worldwide, only 35 percent of organizations undertaking Y2K programs have passed the stage of planning and 40 percent had not passed the awareness phase. The federal government has already admitted that a third of its "mission critical" systems will not be ready, and several federal departments are projected to complete repairs after 2010! Most states are in a similar position, as are most county governments.

And while businesses are doing somewhat better than governments, Jim Seymour, columnist for *PC Magazine* says, "I'm not a Y2K specialist, but I find that many, many firms, including some surprisingly large ones, have continued to drag their feet on fixing Y2K-related computing infrastructure problems and now won't possibly be ready to avoid disastrous problems come that cold January morning." The problem has come down to a lack of time and resources. Most organizations have waited until 1998 to begin their repair projects. Not only are we short 500,000 to 700,000 COBOL programmers, senior programmer Ed Yourdon explains in *Time Bomb 2000*, but only about 15–20 percent of software projects are finished on time and 25 percent are cancelled before completion. For large projects (those over one million lines of code) the odds are worse: 24 percent are late, and 48 percent are cancelled. According to software expert Capers Jones, projects with about one million lines of code finish an average of 13.8 months behind schedule, and projects with about ten million lines of code finish an average of 25.8 months behind schedule. Apply this to Bank of America, which has 1,000 programmers fixing 250 million lines of code. As of late January after more than two years effort, they reported they had completed a third of their work, but that they would make it! Maybe they will, but what about all the organizations that have not yet started fixing code?

It's not that the programs are old, or obsolete, or even that they are complicated. It's that changing one thing can break other things that must be fixed by other people.

So, as Browne claims, will the market come to the rescue with a barrage of new products? It is true that hundreds of

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Why the Great Depression Lasted So Long • Are you tired of hearing people discourse on how Roosevelt and big government "saved us" from the Depression? Now you can hear brilliant economist **Robert Higgs** debunk this key myth of American statism. Not to be missed! (audio: A213; video: V213)

The Nazification of the Money Supply • **J. Orlin Grabbe** is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **Bill Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

How to Write Op-Eds • If you're puzzled as to why your opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

Libertarianism As If (the Other 99% of) People Mattered • **Loren Lomasky** shows how to communicate effectively with the obstinately anti-freedom population of virtually everywhere. (audio: A204; video: V204)

Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

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

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market enviromentalists getting anywhere? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford** debate. (audio: A157; video: V157)

Anarchy via Encryption • The days of the government snoop are numbered. **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

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"Y2K Fixit" products have been launched in the past year or so. But there is no way that any of them will be a "silver bullet" slaying Y2K in one shot, not even all of them together could accomplish this.

There are three reasons for this.

First, most tools address only one or a very few computer languages, yet systems have been written in hundreds of computer languages, some of which fell out of use decades ago (particularly the military's).

Second, none of the tools, most of which search code for date references, is perfect, so every line of code must be looked at by a programmer anyway.

Third, 50–70 percent of the effort is testing. Though testing tools help, the man-hours involved in running the programs and comparing the data are staggering.

A major problem is the huge amount of data exchanged among computers. So much data is exchanged between various levels of government, between government and industry, and between firms and their suppliers, that the Domino Effect takes on a new meaning: bad data will bounce among the systems, rendering their output incorrect, or, more likely, simply shutting them down. Chase Manhattan has stated that it has interfaces with 2,950 external entities. Officials of the Federal Reserve have spoken openly of shutting out banks that are not compliant to keep bad data out of that system. Ed Yardeni, chief economist at merchant bankers Deutsche Morgan Grenfell, predicts that between 5 percent and 20 percent of the small banks in the U.S. will fail because of Y2K problems. These outcomes would wreak havoc on commerce.

But we still haven't discussed two other frightening aspects of Y2K: the (non)efforts in other countries and the embedded systems. Capers Jones has offered evidence that 80 percent of all software code is outside the U.S. Europe is preoccupied with introducing its new currency in 1999, which will take a programming effort several times that required to fix Y2K. The Far East is burdened with a financial crisis and appears to be making almost no headway on Y2K. The largest banks on earth are in Japan, where 70 percent of the computer systems use customized code, as opposed to 30 percent in the U.S, making repair more difficult. The repercussions of their failure could be felt here for a generation or more.

Embedded systems are those computers contained in almost everything: microwaves, elevators, assembly lines, oil refineries and pipelines, telephone exchanges, satellites, you name it. Only a small portion of these systems use dates susceptible to the Y2K problem. But there are so many of them — about 25 billion in all — that some experts fear major interruptions of electric power, oil, chemicals, refined fuel, and other items central to the economy.

So just how bad might the result be? Let's ask the programmers themselves. On an Internet newsgroup devoted to Year 2000 discussion among mostly mainframe programmers, an informal survey was taken in March, asking respondents to forecast Y2K on a 1 to 5 scale: 1 = "it ain't gonna happen," 3 = "a bump in the road, 80-hour weeks for all [programmers] in 1999–2001," 5 = "possible collapse of economy, start hoarding now." The average response from 82 programmers with average experience of 19.65 years was 4.18, up from 4.09 late last year, and 3.96 in mid-1997.

What they are saying is that everything about your life is at risk here: your financial assets, your job, and perhaps essentials like power and food if the disruptions are severe enough. The complex market economy, a blessing in ordinary times, has never been hit with a simultaneous strike by millions of electronic servants. Yourdon's book urges you to think through how you would prepare for disruptions of various lengths. For instance, do you have enough food, water and medicine to last one month? Do you even know how much you normally use in that time?

And if actual Y2K problems don't get us, panic about it could. We all live at the end of a long chain of ships, airplanes, trains, and 18-wheelers that bring virtually everything to us. Normally, supermarket shelves need restocking every 72 hours. Hurricane and blizzard forecasts often bring the masses into the stores where they clean the shelves of food and supplies. When they realize that every system they depend on may fail because the problem has not and cannot be fixed, those panic buying sprees could be multiplied many times over. If the welfare checks stop arriving, the cities could erupt. Riots have been caused by less. What will happen in the stock and bond markets if investors try to exit en masse due to fear and uncertainty? As the *Chicago Daily Herald* observed on Dec. 10, 1997, "People suddenly becoming aware and pulling their money from banks and selling their stocks could trigger economic chaos and possibly a depression to match 1929."

Can we turn this into a new era of non-reliance on big government? Or will Clinton use this crisis as an excuse to tighten his control?

Only a few people are thinking about what life may be like after the fallout from Y2K settles. But libertarians should not miss the tremendous opportunity here. Government may soon break many of its promises, leading to severe discontent. The welfare state may be about to crumble. Can we turn this into a new era of non-reliance on big government? Or will Clinton use this crisis as an excuse to tighten his control, declaring a long-lasting state of emergency?

Is Y2K somehow a failure of the market? Yes, I think so. The market is self-correcting, not all-seeing. Those businesses that delayed fixing the problem will suffer losses that the few who acted earlier will mostly avoid. For whatever reason — focus on short-term profits, hope that a "silver bullet" would be found, or sheer ignorance — the procrastinating companies will find themselves short of time and resources. Similarly, those individuals who act early will avoid losses likely to be suffered by most people as a consequence of Y2K.

There have always been forecasts of impending doom, and those who deliver them again and again are rightly treated with skepticism. But this happens to be a well-documented problem, the first global disaster to unfold right on schedule. Harry Browne seems to have allowed his confidence in free markets to blind him to the facts about Y2K and he asks you to stick your head in the sand with him. Ignore the Y2K problem at your own peril. ❑

After the Revolution

by Ronald F. Lipp

There's more to a revolution than throwing the bums out. Consider, for example, the case of Czechoslovakia's "Velvet Revolution."

On May Day, the U.S. Senate voted to proceed with opening NATO to the Czech Republic and two other former Soviet satellites, Poland and Hungary. The vote was 80–19, reflecting the success of special interest groups in the face of public indifference. It now appears inevitable that NATO will be expanded. The proposal is arguably the most far-reaching foreign policy initiative by an American administration since the end of the cold war, potentially redrawing the strategic map of Europe and altering in unforeseeable ways NATO's and the United States' relations with our historic adversary and principal nuclear rival, Russia. It is important in its own right, as the first absorption of our former Warsaw Pact opponents into the alliance, and as the stalking horse for at least six more Eastern European nations that wait impatiently in the queue for their turn. So, what are our new allies like, and how reliable will they be?

The questions can only be addressed after one agrees on what the function of NATO *is*.

NATO was created as a defensive bulwark against the spread of aggressive Soviet Communism, an element of a system of containment. But it has been well understood by its constituents to be much more; today it is generally regarded as the champion of the Western political ideal of liberal democratic societies: democratic political norms embodied in a constitutional system, the rule of law, protection of individual liberty, property rights, and at least the essentials of a free market economy. To be sure, NATO's members have not always practiced these values — Salazar's Portugal and the Greece and Turkey of the military juntas are notable examples of reality at odds with the ideal. But Cold War exigencies no longer serve as a protective cover for such failings. Even the Clinton administration has been quite clear that the new candidates must demonstrate that their societies are committed to democratic values.

NATO is committed to the protection of all by all in a concert of general accord. While a threat to one automatically triggers obligations in the others, NATO's policies are formulated by strict consensus, unanimity among peers. Every member must approve the new candidates. Every member must approve any new policy. And there is no provision for expulsion of a member whose politics turn totalitarian or chauvinistic. The admission of three new members of doubtful credentials at a time of internal turmoil and drift within NATO threatens its cohesion. If, to these are added the six waiting in the wings, NATO's present 16 long-time allies will become an alliance of 25 and the composition and values of the alliance may be altered beyond repair.

The fact is that the Czech Republic, Poland and Hungary, although commonly and not incorrectly bruited as the most Western and evolved of the former Warsaw Pact and Soviet Bloc countries, are not liberal democracies. They have not embraced the West and its values, and are not likely to do so in the foreseeable future. To be sure, all three have adopted superficial forms of democratic electoral process and constitutions which emulate a Western model. All have partially reformed their legal systems, provide a degree of protection of human rights, and have adopted private forms of property ownership into which most businesses have been at least nominally converted. And each has some historical nexus with Western social and philosophical traditions. Yet none has truly embraced the norms of liberal democracies or shrugged off the cynicism and moral corruption at the root of late Communist societies. Despite the superficial appearances of a community of values between us and them, a chasm remains. At least another generation will be required to bridge it; and, truth is, it may never be spanned.

The problem may be most vividly illuminated by the case of the Czech Republic. It is the most Western of the old

Warsaw Pact countries, both geographically and culturally, all the more so after its Velvet Divorce from its Slovak cousin. Its famous Velvet Revolution was the most humane of the transformations from Communism; the leader of the revolution and now President of the country, Vaclav Havel, is universally recognized as a beacon of the humanitarian, moral spirit which we hope lies at the base of Western culture. The Czechs have avoided the political backsliding to neo-Communism and authoritarianism that has plagued the other former Warsaw Pact countries and have conducted their economic transformation without the shock therapy, hyperinflation, or sharp economic decline which have been characteristic elsewhere. All of this represents a major transformation of Czech society during the past nine years. And the Czechs — like the other two candidate nations — may be justly proud of their achievements and deserve our encouragement. But for all that has occurred, the Czechs, like Poland and Hungary, fundamentally fail the test for admission to NATO.

Hardly had they gained access to cross the newly-opened borders to the West than the Czechs became notorious for stealing anything at hand.

Public life in Communist Czechoslovakia was typified by two well-known expressions: "They pretend to pay us, we pretend to work" and "He who does not steal from the state, steals from his family." Although now clichéd into banality, these sayings expressed a deep truth. Public life was a charade and a fraud. An intelligent person was moved to do as little as he might to acquire as much as he could by whatever means he might safely employ. Those who got rich were certainly regarded as crooks or *apparatchiks* (often a subtle distinction). A prudent person aimed to keep his affairs to himself and stay out of the limelight. Loyalty was due himself, his family, and a few close friends; perhaps as well his nation in some abstract sense of ethnic identity, but certainly not to the state, the society, or the "structures" which ruled him. He should enjoy the children and the cottage in the country and retire at the earliest possible age. Even government and party circles, which once had included many idealists committed to the creation of a better society, were largely populated in the later years by opportunists and other moral mediocrities dedicated to their own ease and security.

The Velvet Revolution was supposed to change all that. Its leaders included many dissident intellectuals who had railed against the moral corruption of their society and now seized the chance to create something better; they thought, far better. They said "we are not like them," referring to the bosses of the old structure. What they meant was that the new order would found its moral credentials on the decency of the transformation. The revolution would bring not terror, but decency and forgiveness. Vaclav Havel spoke of the opportunity for a small country to show the world by example what a humane and morally uplifted society might be. His vision echoed that of Thomas Masaryk, the revered patriot whose efforts led to the creation of the First Czechoslovak Republic, of which he became President, in 1918. Masaryk thought that the unique calling of the Czechs as part of God's plan was to provide a lustrous exemplar of enlightenment to the world. In 1989, as in 1918, the Czech's self-proclaimed creed was "living in truth."

The transformation of the Czechs from cynical victims to enlightened patriots was troubled from the beginning. Hardly had they gained access to cross the newly-opened borders to the West than the Czechs became notorious for stealing anything at hand. Some of them explained that they were entitled, offering an ironic twist on the old Marxist admonition: "To each as he had suffered, from each as he had lived well." And paranoia flowered: rumor had it that the revolution had actually been engineered by the Germans as a way to take over the country; proof lay in the fact that Havel's first official visit as President was to Germany, no doubt to pay obeisance to his masters. Another widespread theory was that the revolution was the work of Czech Communist bosses; seeing that the old order was passing, they initiated a hidden coup so that they could transform themselves into bosses of capitalism. A few months after the revolution, a highly educated engineering professor in Prague advanced both theories to me; he saw no contradiction in believing both to be true.

For all this, there was real optimism and idealism about the possibilities of creating a just, decent, and prosperous society. The country was free, the people would be free, and the Czechs would "rejoin Europe." Vaclav Havel provided a charismatic personal voice which could inspire the public and whose prestige in the West gave the Czechs pride of place among the emerging Soviet Bloc nations. Shortly, Vaclav Klaus — the second Vaclav and self-proclaimed disciple of Milton Friedman — would provide the tools for creating the free markets from which the bounty would flow.

At first it appeared that the vision would become reality. Center-right parties who strongly advocated a real free market economy dominated the democratically elected government. The divorce from the Slovaks proceeded with only a moderate degree of rancor and without violence. Privatization of the state economy was enhanced by a coupon system which distributed company ownership interests broadly among the citizenry. The economy boomed as foreign investment poured in; the shocks administered in Poland and elsewhere were avoided; inflation was moderate for such a transformation, and unemployment was nil. Vaclav Havel was fêted internationally as something like the Czech answer to Mother Theresa, and Vaclav Klaus lost no opportunity to lecture audiences at home or abroad with his sage advice on the mechanisms of economic metamorphosis.

Today, however, the Velvet Revolution is spoken of, if at all, with irony or embarrassment. Its original leaders have largely vanished from the political scene. Their heirs — the Civic Democratic Party and Civic Democratic Alliance, which formed the core of the new government — are in disgrace, rocked by endless political scandals involving wholesale corruption in the sale of state companies and the looting of important parts of the economy. Prime Minister Klaus and his government were driven from office in the process but had been emasculated by popular discontent long before. Public disillusionment has extended to President Havel, who is widely regarded as an ineffective moralizer. He is so marginalized that the media sometimes don't bother to repro-

duce his speeches. The collapse of the center-right government provided a momentary shift of political sentiment to the social-democratic left, but it too has become tainted by scandal and seemingly overwhelmed by the magnitude of the problems at hand.

The news is at least as bad on the economic front. The privatization process, including the coupon program, is now seen as incompetent at best and all too often a cover for massive looting whose full extent may never be discovered. Lack of transparency and manipulation in the new stock market has frightened away foreign investment and discouraged domestic participation as well. The collapse of several Czech banks has been accompanied by revelations of cronyism among government officials and businessmen of the same kind as that which has recently devastated several East Asian countries. The Czech economy is stagnant. Last year's devaluation of the Czech crown has provided little relief; ominously the Social Democrats have suggested that if they come to power, they will implement high levels of deficit spending as a palliative. The unfinished transformation of Czech political and economic structures is deeply flawed and apparently stalled; it is not clear that any public figure has the moral stature or base of authority to revive the sense of self-confidence and optimism so desperately needed.

The temptation for Westerners is to assess the Czech dilemma by imagining how such a thing might affect their own societies. But this is not merely a question of economic stagnation (although it is now unclear whether the Czechs will ever catch the West) or of throwing the rascals out or putting a few of them in jail. If the Czechs had deeply internalized the norms of a liberal free-market democracy, they could survive shocks to the system such as these; Britain's recovery from its post-war malaise is a brilliant example of a nation that pulled through, after much hardship. But a society in the process of deciding whether to give its allegiance to those norms is at fundamental risk.

As Aviezer Tucker put it in his post mortem on the Czech crisis in the March issue of *Liberty*, "Perhaps the most damaging lasting legacy of former Czech Prime Minister Vaclav Klaus is the association in popular Czech consciousness of liberty with corruption." It would be bad enough if the problems were perceived to be the fault of libertarianism's most prominent Czech advocate. The problem is that democracy and capitalism are becoming equated in the popular mind not merely with the failings of particular personalities or parties, but with the same sort of essential corruption that existed under the old regime. Czechs once again see government posts and corporate offices as sinecures for wholesale theft.

For many Czechs, the message of pan-Slavism remains alive, not as a political agenda, but as a filter that colors the way in which they see the world.

As in the old days, the *nouveaux riches* are grafters and thugs; in fact, many of them are the same folks who were part of the old system and which the Velvet Revolution was supposed to boot out. In interviews in recent weeks, a senior government official lamented to me that many people are beginning to voice the opinion that the only difference between then and now was that at least then you knew where you stood and you never worried about losing your job or paying your bills. The advisor to one of the current, and most widely respected, leaders of the Czech Parliament said much the same thing: the public is somewhere between cynicism and despair, no one has support to do anything, and the longer nothing is done, the deeper the alienation goes.

The typical Czech response to such alienation is to turn his back on the scoundrels in the boardroom and cabinet room, to retreat into his own affairs, and to oppose any proposal which will cost him inconvenience or money. This is not the sort of polity which is prepared to take on the burdens of NATO.

Today the Velvet Revolution is spoken of, if at all, with irony or embarrassment.

To be sure, the political and business elites of the country are firmly in favor of admission. To them, the return to Europe means the security of the NATO military umbrella, and the economic benefits of access to Western European markets through admission to the European Union and to such Western clubs as the International Monetary Fund.

But the average Czech is deeply skeptical. Opinion polls and other public surveys have consistently shown that Czechs do not feel threatened by the Russians or by any other military adversary, do not favor large expenditures on military preparedness, and doubt whether any net benefit flows from NATO membership. These attitudes are reinforced by a sense of economic crisis in their own lives — many Czechs believe that they are worse off and more at risk than in prior years — and by the dismally low standing of the Czech military, which ranks near the bottom in prestige among occupations. Most polls have shown no more than a plurality of sentiment in favor of membership, often in the forty percentiles, and even this showing is of doubtful intensity.

The current proposals for NATO expansion, which form the context for popular opinion, suppose that no nuclear arms or significant numbers of foreign troops will be garrisoned in the country and that projected costs of membership and military upgrading will be quite modest. When Czechs finally face realities such as the fact that the Czech military does not possess a single advanced fighter aircraft, and the costs of admission to NATO are finally and fully realized, Czech dissatisfaction with the new alliance will almost certainly rise.

The reliability of the Czech armed forces is also very dubious. The Czech officer corps is populated by holdovers from the old regime, in part those of least ambition and talent. In addition, as a senior army officer whose duties have involved NATO interface admitted to me, it is generally understood that the officer corps still includes former agents of the KGB and others of doubtful loyalty. The prospect of ridding the service of this problem seems remote.

In the peaceful atmosphere of 1998, it is difficult for many of us to conceive a major military confrontation in Europe. But it is such an event that military alliances are made to contemplate. Imagine a Russia which has destabilized or become

more aggressively anti-Western. Imagine a crisis, perhaps over petrochemicals, perhaps another Chernobyl-like incident, or a major economic slowdown, or perhaps madness in Serbia. And imagine that the current Czech malaise has continued and Czech attitudes even hardened. Are we sure that the Czechs will be prepared to commit treasure and troops to defend some Western interest remote from their borders? Sure enough to play bet-your-life? The answers to those questions need to take into account one other aspect of Czech character. To the extent that the Czech public is skeptical about the value of the democratic and capitalistic ideals which have recently been pressed upon them, we may ask what other values might inform their decisions. The answer, as in all societies, is their own traditions and history. The Czechs look back with pride to the time one thousand years ago when they were an independent kingdom in Europe's heart. They regard their history for the last millennium as a continuing struggle against domination and oppression by the Germans, who deprived them not only of independence, but for a time their culture and even language. Their struggle and aspirations are portrayed in a series of twenty monumental canvases called the Slav Epic, created by their most celebrated painter, Alphonse Mucha, as the culmination of his life's work, and now enshrined in the little village of Moravsky Krumlov in the eastern part of the country. It is a treasure held dear by many Czechs and visited by them despite its remote location, and soon to be moved to a central location in Prague. Mucha was a humanitarian who firmly believed in the universal brotherhood of man, but also a fervent patriot who believed that each nation needed to be faithful to its own roots. The Slav Epic celebrates the unity of Slavs, their origins in the traditions of the Byzantine Church, and their age-old struggle as a peace-loving people against the violent and aggressive incursions of the Germans. It also reminds the Czechs that their true brothers are the Russians and the Serbs. For many Czechs, the message of pan-Slavism remains alive, not as a political agenda, but as a filter that colors the way in which they see the world.

Because of their proximity to Germany and Austria and centuries spent under Habsburg rule, the Czechs have absorbed Western culture to a greater degree than any of the other Soviet Bloc nations, but it has been for them the forced feeding of foreign domination. Perhaps because of this, they have always been the most ardently pan-Slavic of the Slavs. During the Napoleonic Wars, they greeted the Russian troops in transit to France as liberating brothers. During the Czech Revival of the 19th Century, they were in the forefront promoting pan-Slavism as a device by which the Slav subjects of the Habsburgs might unite to gain political liberty; some championed a larger program of a united Slavic world led by Russia as their big brother. During the First World War, a substantial element of the Czech political community conspired to achieve that end. The Czechs attained independence in 1918, in no small part through the support of the Americans, the French, and the British. That support and President Masaryk's strongly pro-Western, anti-communist attitudes, built the foundation of the strongly positive feelings toward the West, feelings that still suffuse the country. But there is ambivalence, also. As recently as 1945, the Czechs welcomed the Russians as liberators from Nazi subjugation, in sharp contrast with the bitterly remembered appeasement at Munich. And there remains today deep resentment of the Germans; many Czechs fear Germany will once again become the strong center of Europe, not tamed by the European community, but as its master.

None of this is politic to express; official Czech opinion, as well as that in the West, regards notions of Czech Slavophilism and resentment against the West as preposterous bogeymen. And there can be no doubt that the Czechs are a peaceful people; the hot blood of the Balkans does not run through their veins. But there is among the Czechs deep cynicism about the value of any ideology, whether communist or capitalist, such grave doubt about the depth of our common bond with them, and such great skepticism about the worth of putting themselves in harm's way for any cause. Since their devastating defeat by the forces of German culture and Catholicism at the Battle of White Mountain in 1620, the Czechs have characteristically chosen the course of avoidance rather than confrontation. They are, indeed our friends; they have an ancient culture from which there is much to learn, and we should encourage the continuation of their emergence from the darkness of Nazism and communism in every reasonable way. The same may be said of the Poles and the Hungarians as well. But there is good reason to doubt that any of them is yet prepared to stand with us as allies or that we should put our security in their hands. ❑

Letters, *continued from page 5*

which has been harrassed and suppressed for the last 90 or so years in this country. Myself, I am in prison for selling LSD. Of this I am neither proud nor ashamed. If the government were treating adults as people capable of deciding what is best for their own consciousness, sales of psychoactive substances to adults would not have to happen on the black market and I would have been a builder or computer nerd or importer/exporter or who knows what path my history would have taken. I do not blame anyone in particular: I did what the government said I did, and I am doing my best to finish up my 10 year sentence and come out of this without an excess of bitterness.

The government spent a million dollars tracking me down. I was hard to find because I didn't leave a trail of blood or violence, didn't anger anyone by ripping them off or cheating from them, and I probably would have never been found had not someone farther along the line fallen to the threat of a too Draconian sentence and decided to exchange my life for their own. While I may not like that, he made a decision to take care of himself and, since I am not of a criminal mindset, I understand his decision.

The U.S. Government has 60,000 incarcerated, mostly nonviolent, drug prisoners. The states have hundreds of thousands more. The president still thinks the war on drugs can be won, but how can a war against 10 or 20 or 30,000 years of human nature be won. Libertarians hold a key position in stopping this war against the American people and the people of the world.

Henry Schwan
Seagoville, Texas

Missive

Passion Play

by Barbara Branden

In 1986, Barbara Branden published The Passion of Ayn Rand, *her biography of the famous novelist and philosopher. Showtime is currently producing a television movie based on Branden's work, and the author was invited to view its filming in Toronto. While she was there, she wrote her old friend John Hospers about what it was like to see her biography transformed into a film. Besides Ayn Rand, the leading characters in the film are Rand's husband, Frank O'Connor, and her friends Nathaniel and Barbara Branden.*

Dear John,

I intended to be in Toronto for only a week during the filming of *The Passion of Ayn Rand* — but after two days on the set, I knew that no power on earth could tear me away until the shoot ended. I am having a more wonderful time than I ever dreamed possible. Howard Korder's script is excellent, and I am constantly being asked to write bits of copy — which means that I get material into the script that I had wanted in. The cast is marvelous; Helen Merrin as Ayn is superb, as I expected her to be; Eric Stoltz as Nathan and Julie Delpy as Barbara are very, very good indeed; and the total knockout is Peter Fonda as Frank. One very rarely sees a performance such as his. He doesn't act Frank; he is Frank. He has me in tears almost every time he's on camera, and Helen often does too. Peter just won a Golden Globe award; on February 10 the Oscar nominees will be announced, and it's likely that Peter will be among them — which means the press will descend. *U.S. News & World Report* has been here, interviewing the stars and moi, and *The New York Times* is expected. It looks as if there will be a lot of publicity, both by Showtime and in the press.

The other day, I rounded a corner on the way to the set — and almost fell over. On a busy corner was a very large billboard with a picture of Peter as Frank and the words: "This is John Galt! Find out who he is in Ayn Rand's Atlas Shrugged!" I lost all sense of what decade I was living in.

The director and the stars — particularly Julie — very often ask me questions about the psychology and thinking of the characters. This is delightful. I have to tell you of one event that you may have trouble getting into your head; God knows I had trouble. At the wedding of Barbara and Nathan, a woman stands behind them, with tears in her eyes; after the ceremony, Barbara turns to smile lovingly at the woman, who is her mother. She also is me. I am my own mother at my own wedding!!! I loved every minute of it. Mary Lou Gutscher, my wonderful hostess who has accepted, without a whimper, this woman who came to dinner, rushed out to get me a T-shirt that reads: A Star is Born! In future, I expect to be treated accordingly.

After the shoot one day, Mary Lou and I walked into a nearby grocery store to get a couple of things. Something seemed strange; the store looked oddly out of place. And then we discovered we were trying to buy fruit in a prop. (I must confess that on my first day on the set, I ate a prop.)

This can give you only a vague sense of how truly wonderful those five weeks were for me. When I first arrived, Helen told me that both cast and crew were terrified at what I might think and say and do — but after one day, I was involved in a love affair with all of them. Helen is as remarkable a woman as she is an actor; I can't imagine a better performance, and I can't imagine feeling greater admiration and affection for a performer. She told me from the beginning, about Ayn: "I will not let her down. I will not let her be diminished." She read my book, watched interview tapes of Ayn, read a lot of her work, and came away convinced that Ayn was a great woman, great in intellect and in passion. She kept her word: Ayn is not diminished.

I had all the cast and the members of the crew whom I really got to know sign my book about Ayn. Helen wrote that this was one of the best acting experiences of her career. She had told me that her father had been a communist, that she had been raised to be a communist, and that she'd only begun to question it fifteen or twenty years ago. So I don't know how she — or Peter or Eric or Julie or most of the crew — view Ayn's ideas. What was so special was that it didn't matter. All of them, and most particularly Helen, approached their work with an astonishing integrity.

In one of the final scenes, Helen-Ayn was to give her last talk before her death, and to be terribly aged, weary, and ill. I entered the set and saw Helen from the back at first — and what I was seeing, from the back and before the shooting of the scene began, was an aged, weary, and ill woman. You can imagine what she projected when I saw her from the front.

I normally watched the shooting from the monitor of the director, Christopher Menaul, wearing a headset. We had to get into odd places at times. One day — one late night, to be exact — Chris and I and about ten of the crew were squashed into a bathroom, which happened to be the logical place from which to shoot the scene. The brief scene was of Helen looking into a mirror, not saying a word, but speaking paragraphs with her eyes and expression. When the director called "Cut!" there was a sharp intake of breath in the bathroom and everywhere on the set: no one had breathed during the entire scene.

People in the crew, who were as remarkable as the cast, kept telling me what a joy it was for them to work on such "a quality film." I was as fascinated by what goes on behind the camera as in front of it. Within a few days I was convinced that making a film is so complicated that it can't possibly be done, never was done, and never would be done. Only they did it. And it truly is all smoke and mirrors — and lights. One day we were on a set, a beautiful house in Toronto that had the feel of Ayn's home in Tarzana. Outside, it was a dreary winter Toronto day; inside, the house was flooded with California sunshine.

What most fascinated me about the crew is the extent to which each one of them has to be a self-generator. There were about 40 of them, and their jobs were much too complex for anyone to be truly in charge; each one of them had to know his job exactly, and do it perfectly. I got to know many of them. They have remarkable lives, traveling to shoots all over the world; and they all seem madly in love with their work.

It was amazing, during those five weeks, to find myself gradually feeling as if I were part of a close family — cast and crew. We were together often sixteen hours a day or more, we ate together, we talked together, we all were involved in the same deeply meaningful project and we all had the same goal; and I realized again something I had known before: the kind of closeness and caring that is possible when people share a common value and a common goal.

When the shoot was over, especially when Helen and Peter left, I felt utterly bereft. When I got home, one of the producers called and asked if I was suffering, as she was, from post-filming depression. Definitely. It's somewhat like finishing a book: one lives so intensely during the writing of it that when the work is finished all the world seems, for a while, flat and stale.

The first few days I was on the set, even though the filming was not in sequence, it vividly brought back my past, and I had the sense that I was reliving those days. As a result, I had tears in my eyes — at minimum — a good deal of the time. The tears were not for Nathaniel or for me, but for Ayn and Frank. I kept feeling as if I must stop from happening to them what I knew was going to happen. But by the second week, it stopped being so intensely personal, and I enjoyed the wonder of seeing my book brought to life. I realized that a book is about something, but it's not the thing itself; a film is the reality.

This was not a once in a lifetime experience. It was a never in a lifetime experience. This is not the sort of thing that happens. And I feel so blessed that it happened to me.

I could happily go on forever, there's so much to tell about those astonishing weeks. The director and the producers had me write a lot of dialogue both before I came to Toronto (I arrived here the second day of the shoot) and especially after. What they wanted from me mostly was philosophical dialogue pertaining to Objectivism, which, understandably, neither they nor the scriptwriter could quite handle. So I happily wrote dialogue, and got ideas into the script that I had badly wanted to get in — such as: No man has the right to initiate the use of force. (Interesting to me was the fact that I had no writer's block, not even for one second; I often was asked, at 2:00 or 3:00 a.m., to produce something by the next day — and I did it with no trouble whatever. It seems as if I'm not blocked when I can't afford to be.) But there was one scene I was unhappy about and which I couldn't get changed, despite the fact that from the beginning so many of my suggestions had been accepted. That was the scene where Ayn slaps Nathan. Her words in this scene were weak, not psychologically true. I kept saying that they should go to my book for the dialogue, because that was so much stronger than what they had.

A couple of days before that scene was to be shot, Helen came up to me with a sheet of paper on which she had rewritten her dialogue for that scene. She said it was terribly weak as it was — that it made Ayn petty, which she never would have been, that she should be shown as an erupting volcano — and that she had gone to my book for the words she would say. She chose almost exactly the lines I would have chosen — and she had the clout to get them accepted by the director.

The president of Showtime came to the set, presumably because, as the producers told me, he was very excited about the daily rushes he'd been seeing. As the shoot progressed, all the people involved seemed to get more and more of a feeling that they had something quite remarkable on their hands. In the middle of the shoot, Showtime added half a million dollars to what they had initially agreed to spend. I know that's loose change to you and me, but it was important to Showtime.

There will be a premier of the film in Los Angeles before it is shown on television. I certainly plan to be there.

With love,

Barbara

Israel at 50

by Alan Bock

The ancient Israelites spent 40 years in the wilderness. The modern Israelis have spent ten years longer in the company of nation-states. Is this reason to celebrate?

Whenever the Middle East has been in the news persistently enough that I have been called upon to comment on it in the editorial pages of the newspaper for which I work, I have written that it is sheer foolishness touched with a large dose of naive *hubris* for the United States to imagine that it has a legitimate or constructive role in the bogus "peace process" that can only cost American taxpayers — as Carter's ego-building but ephemeral "success" at Camp David is still doing. Furthermore, I've written that we should end all aid to Israel and to any other country in the region forthwith. I have found it fascinating and sometimes dismaying how Israelis and Palestinians who don't really want a peace initiative to succeed make demands that they know will push buttons on the other side. Of course, I am well aware that there are legitimate grievances on both sides. But I can't imagine the United States can or should try to resolve any of them.

I believe all that and more. Yet, as Israel's 50th birthday as a state is celebrated, I have to confess that I have always loved the place, though I have never been there. My emotional instinct, whenever a new controversy arises, is to believe that Israel isn't getting a fair shake in the press and probably has the better of the case, strategically and morally. I'm detached enough to be able to acknowledge that on some occasions my emotional impulse has been wrong, that Israel has behaved abominably. But I'll go through a similar process when the next crisis arises, and given the virtually automatic anti-Israel bias in most of the mainstream media, especially with Netanyahu in power, I would even argue the instinct is defensible.

I know, I know. The most fundamental mistake was the insistence on a nation-state in the modern European mold, which anybody who has ever read II Samuel with a shred of insight should have known was a mistake, if only because it made it seem fair for the Palestinians to repeat the mistake and want a state of their own, leading to endless and perhaps irresolvable conflict. The founders of Israel were for the most part socialists of a most egregious sort. Their policies have retarded and distorted Israel's economic development. And Israel has conscription and virtually universal military service. The habit of resisting Palestinian demands almost automatically, while perhaps understandable in the context of recent history, sometimes amounts to resisting legitimate demands and passing up — sometimes with malice aforethought — opportunities that just might reduce tension. Indeed, that might be what is happening now. And there are elements within Israel, with enough clout at times of uneasy coalition government to have an influence well beyond their numbers, that wouldn't mind making Israel a Jewish theocracy if they thought they could pull it off.

Within days of the exodus of the Hebrews from Egypt, the Bible tells us, Yahweh was characterizing his Chosen People as uniquely stubborn and stiff-necked, and the behavior of the state of Israel often makes it quite clear that even after a Diaspora and a partial ingathering, the people of Israel can lay claim to being the legitimate heirs of those earlier wanderers.

And yet, with all the faults and mistakes, past, present and (no doubt) future, Israel has some remarkable and commendable accomplishments to point to after 50 years uneasily spent in the company of nation-states. Israelis have made the desert bloom and built a remarkable civic and physical infrastructure, an example of what can be done in the region. This may be part of the reason the PLO still has not purged the clause calling for the utter destruction of the state of Israel from its charter (only one of the promises made pursuant to the Oslo "peace process" on which it has reneged, to

the complete uninterest of the American media or State Department).

Sir Martin Gilbert, the incredibly prolific British historian (and secular Jew, as he described himself to me) best known for his multi-volume treatment of the life and times of Winston Churchill, puts it this way in his new book, *Israel: A History*:

> Over the past fifty years, Israeli society has faced a combination of pressures that are unusual in any nation: the pressures of continuous and massive immigration; five wars; the unpredictable cruelty of terrorist attacks (and, most recently, of suicide bombers); and a sense of isolation and vulnerability of a small nation, each generation of which has lost loved ones to war and as a result of terrorist attacks. Israel is not only a nation that for the first three decades of its existence was surrounded by sworn enemies, but one that, following a victorious war in 1967, has had to share part of its own land with another people. This is not a novelty in history, but it is a painful situation . . .

There were perhaps a half-million Jews in British Mandate Palestine 50 years ago. The state of Israel now contains about five million people, four million of them Jews. Begun as an agrarian society, it is now a notable center for high-tech manufacturing and research, especially in robotics. In 50 years the people have created a genuinely and identifiably Israeli literature, theater, art and music, despite (or because of?) its practitioners having come from around the world. Israeli scientists have been pioneers in the physical sciences and medicine. Its high-tech sector can almost rival Silicon Valley in importance. Its hospitals are among the best in the world and for the most part treat Israelis and Arabs equally. The country is increasingly a tourist destination, for Jews and non-Jews alike.

I have to confess that I have always loved Israel. My emotional instinct, whenever a new controversy arises, is to believe that Israel isn't getting a fair shake in the press and probably has the better of the case, strategically and morally.

Israel is the only democracy in the Middle East — admittedly a two-edged distinction by libertarian standards, but an accomplishment nonetheless, given traditions in the region and the unremitting hostility the country has faced from the outset. It is the only country in the region that even pretends to adhere to the rule of law, and its judicial system is mostly independent of day-to-day political pressures. Israel might be the only country in the world where John Demjanjuk, deported as a Nazi war criminal by overzealous U.S. Nazi hunters in a case of almost certainly knowing mistaken identity, could have received a fair trial. While American courts have often turned a blind eye to excesses and evidence lapses by American prosecutors, Israeli courts looked at the actual evidence and reluctantly acquitted him.

"You're lucky — he usually doesn't take to strangers."

Does any of this mean that the next 50 years will be ones of unremitting progress and growing prosperity, perhaps even accompanied by a semblance of peace? Probably not. The Zionists who founded Israel have written or influenced most of the history books, so it is easy to miss the fact that the idea of a state of Israel as a homeland for the world's Jews has never been the only option. When the Zionist movement came into its own early this century, Orthodox Jews believed that they would reclaim the homeland only when the Messiah came, and that any effort to achieve that end by political or worldly means was impious and perhaps the work of the devil. Some ultra-Orthodox believers in Israel still believe this; some even refuse to recognize the existence of the state, though this doesn't prevent their taking its subsidies and demanding a voice in its policies. Divisions like those between Ashkenazi (European) and Sephardic (Mediterranean) Jews, present from the beginning and still festering, have been complicated by large migrations from Russia, Ethiopia, Yemen, South America, North America and other parts of the Middle East. A particularly nasty tussle between religious and secular Israelis is raging just now over the question of whether the Orthodox Rabbinate will have the right to decide who is a real Jew, which would include hundreds of thousands of Israelis and multitudes of potential immigrants.

Benjamin Netanyahu won the prime ministership in 1996 by only a narrow margin. He rules at the sufferance of an unstable coalition that gives ultra-Orthodox factions — whose policies are very scary to the larger population of relatively secular Jews — inordinate influence in Israeli politics. It might take only a few more missteps for his coalition to fall apart. And Netanyahu may be the most moderate and reasonable of the current Likud leaders. A Labor victory would probably bring more regimentation and social welfare schemes, which could choke Israeli prosperity. The fact that some Israeli politicians play exploitively on Israeli fears about military security does not mean that such fears are unfounded. The possibility of virtual destruction by Arab neighbors who are still not reconciled to the idea of a permanent Israeli state may be relatively small, but it is real. And while the "international community" is not as unremittingly hostile as in the days when the United Nations seemed to pass a "Zionism is racism" resolution every other week, Israel gets small sympathy and little understanding from the outside world.

Martin Gilbert wisely declined to predict the immediate future when I talked to him (all right, he's not a close personal friend, he was on a book-flogging tour in California) but said that he was optimistic over the

continued on page 34

Mogul *vs.* Mogul

by Fred L. Smith, Jr.

Where Rupert Murdoch is shanghaied, Ted Turner finds Shangri La.

Rupert Murdoch has come under fire for reneging on a contract to publish former Hong Kong governor Chris Patten's manuscript *East and West*. Reports indicate that Murdoch considered the forthcoming work to be overly critical of the Chinese government, and thought its publication might threaten his investments in mainland China. The press has lambasted Murdoch for toadying to a totalitarian regime, thereby impairing a fledgling democracy movement, for his own economic gain. This is a pretty reasonable criticism: it is regrettable that Murdoch felt compelled to sacrifice HarperCollins's editorial integrity to advance his business interests. But like most controversies that embroil Murdoch, the current fracas brings into focus the disproportionate media vitriol directed at Murdoch, while the discretionary gestures of his more moderate and leftist peers receive nothing short of approbation.

Whether right or wrong, Murdoch's decision has eclipsed some of the political benefits of his presence in China. Though *East and West* will never officially penetrate the bamboo curtain, Murdoch's broadcasts do. They achieve political subterfuge on a different level; a discreet, gradual attack from the inside, which can be more fruitful than the frontal attack favored by human rights groups. Laced with Western ideology, Murdoch's programs are as effective a solvent of the authoritarian political regime as acid attacks like Patten's. Although seemingly innocuous, Fox's programs, like *Real TV* (which is in fact a leveled-down version of a Situationist ethic of public participation), and the anti-authoritarianism of *The Simpsons,* can be more politically instructive than high-minded China bashing. Provided there is a modicum of editorial leverage, the broadcasting of government-regulated material can work to erode the dominant political forces.

Don't get me wrong: I don't mean to suggest that the government should interfere in the media. But I do recognize that the movement away from Communist Party domination is a gradual process. On a more abstract level, the mere creation of new markets — and Murdoch is largely responsible for prying open the Chinese media market — give rise to growth and wealth creation. These activities run counter to the goals of a powerful central bureaucracy. As P.J. O'Rourke has observed, "Nothing undermines communism like a Big Mac." Crass consumerism, fueled by Murdoch's visual hamburgers, can outstrip the grandiose political rhetoric of the elites when it comes to challenging power.

Curiously, while Murdoch is singled out for culling politically sensitive projects, Ted Turner, his more politically correct adversary, remains unblemished. Turner was even commended for refusing to broadcast the Global Climate Coalition's advertisements protesting the Kyoto protocol. Corporate editorializing with a leftist accent is acceptable; only when espousing views contrary to political orthodoxy does a businessman become guilty of gross ideological misconduct.

Murdoch is so popular a whipping boy that he was transformed into Elliot Carver, media executive-cum-world-dominator-manqué in the recent James Bond film *Tomorrow Never Dies*. The strategic parallels between Elliot Carver and Rupert Murdoch are as manifold as the absence of direct allusions to Turner are curious. Turner's readily identifiable idiosyncrasies (the rugged American moustachioed cowboy, Hollywood starlet for a wife, penchant for environmentalism) are prime fodder for burlesque. And yet, Elliot Carver is presented as the ubiquitous suited businessman, in perfect harmony with Murdoch's trademark innocuousness. The

association is reinforced by the film's plot, which centers around the emerging Chinese media market (say no more), and the fact that Carver is British (Murdoch is Australian born) and owns a Fleet Street rag (Murdoch's preeminence in the UK is legendary). Also of no small importance is that Jonathan Pryce, who plays Carver, endorsed the description of his character as "Rupert Murdoch on acid." Elliot Carver is a celluloid rock lobbed at Murdoch's window.

In spite of this, the arrows earmarked for Murdoch would find a better fit through the heart of his nemesis, Ted Turner. Being in command of a private army, Elliot Carver is not sufficiently profit-oriented to be a quintessential conservative villain. One only need look to Russia to recognize that military forces do not pay high dividends. This is perhaps unfair, as a feral army is integral to every Bond plot, but all the same, Ted's widely publicized billion dollar U.N. pledge does compare as an investment blunder: high political gain, low financial return. This may be moving too fast — we could be underestimating Turner's shrewd business sense. After all, his donation is going to the world's highest executive body. Whether the investment bears fruit or folly, there are uncanny similarities between Turner and Carver wasting scarce capital on grandiose quasi-statist schemes.

It is Ted Turner, not Rupert Murdoch, who has sacrificed his profit margin to feed his fantasy of world domination.

Unlike Elliot Carver, Murdoch is mostly devoted to making money and will allow politics to take the back seat. This is evident in his short-lived East German newspaper devoted to venting anger towards occidental money-grubbers, and his benign period at the helm of the *Village Voice*. Turner, on the other hand, is enamored with high-profile politics. Witness his funding of the Goodwill Games, his U.N. pledge, and his immodest drive for a Nobel Prize. All of this betrays a personality with a very different ambition. The conclusion to be drawn is that, although the film appears to take a gibe at Murdoch, it inadvertently sideswipes Turner. It is Turner, not Murdoch, who has sacrificed his profit margin to feed his fantasy of world domination (albeit a diluted form). Murdoch is in comparison far less publicity-conscious, and less needing of the adulation that fuels Carver's and by extension Turner's megalomania.

This point is crystallized in this latest Murdoch controversy. Murdoch is attacked not for fashioning news to cohere with a certain political agenda, as Turner did with the Global Climate Coalition campaign, but for financial expediency. Whereas Murdoch is ruthlessly condemned for self-regulation (and probably should be), Turner receives unending accolades for making massive transfer payments into government coffers. The asymmetry betrays the disingenuousness of the media storm ensnaring Murdoch. Like the Bond film, the verbal rocks would have a higher chance of striking a target if they were thrown Ted's way, but there is little indication that the mainstream media is going to give it a shot. ❑

Bock, "Israel at 50," *continued from page 32*

long haul. The opportunity for something like a golden age in the Middle East, enhanced by Israel's economic success (and sometimes retarded by Israeli diplomatic blunders), is apparent to all parties in the region. And while it can be infuriating to watch the often illusory "peace process," he notes that daily life is more peaceful and vibrant than the media generally acknowledge, and a good deal of progress has already been made.

"When I'm in Israel and I want to travel from Jerusalem to Bethlehem," he told me, "I leave Israeli jurisdiction and go into Palestinian jurisdiction in a very visible way. The Palestinian authority runs the schools, Palestinian border guards check your papers, and Palestinian police enforce Palestinian traffic laws. The Palestinian Authority is a state in all but name. Most Israelis outside some fringe groups accept its existence and a substantial number welcome it. All that's left is to formalize the terminology and determine the territorial extent of Palestinian rule. That won't be easy, and the process will be full of pitfalls, but it is more likely to happen than not. Then the process of moving from uneasy acceptance to real mutual respect can begin in earnest."

It is probably too much to hope that in the next 50 years Israel and its neighbors will move decisively beyond democracy toward a genuinely free society, or that they will reconsider their determination to be nation-states in an era that could prove to be the twilight of the nation-state as a significant political player. But there are Israelis who think and talk seriously of reducing the role of the state in economic activities, and it is unlikely even a Labor majority in this day and age would claim to be or want to be socialist in the old, naive fashion that predominated 50 years ago. Most Israelis understand the importance of relatively unfettered trade to their future prosperity, even if they acknowledge that it might put the distinctively Jewish character of the country under siege, insofar as trade undermines ethnic identity everywhere. You won't catch me predicting that Israel will become a free-market model anytime soon. But I wouldn't dismiss that possibility out-of-hand.

Meantime, Israel has survived and prospered for 50 years, despite tough challenges. It has done shameful things along the way, but it remains one of the few countries in the world where ethical considerations are viewed more seriously than cynically in mainstream politics. In my experience only Jews rival libertarians in their delightful disputatiousness, their genuine interest in ideas and principles, their willingness to argue at the drop of a hat and shake hands later, making them thoroughly fun to be with. So health to Israel, with a wish that it become even freer. Those of us who love her, warts and all, as any true lover must love a beloved, can only say, "Next year in Jerusalem." ❑

The Lessons of Asia

by Bruce Ramsey

The economic miracle of Asia has collapsed. Was it free markets that failed?

When I left Asia in 1993, it was already seething with speculation. People were paying $50,000 or more for memberships in golf courses yet to be built. Hong Kong Chinese bought units in China and held them empty, as investments. To the world, Asia was Sony quality and worker-bee efficiency.

The local reality was often slapdash and make-do. The tile work in our high-rise apartment was squiggly and the bathtub faucets at odd angles. Colleagues who lived in Bangkok complained of the greenhorn clerks in the stereo stores, fresh off the farm. In Hong Kong, hot-shot bankers expected to make vice president by age 30. In Malaysia the national oil company built the twin 1,483-foot Petronas Towers, the tallest buildings in Asia; Prime Minister Mahathir Mohamad announced a new capital city and a private developer proposed a 10-story tube-like building in the old capital that would snake preposterously above a river for a mile and a quarter.

The Asia I knew from 1989 to 1993 reminded me of my dad's stories of Hollywood in the 1920s. While my colleagues in the States were plugging along with 4 percent annual raises, I was getting 15 and 20 percent. While the newspaper where I'd worked in the States cut the staff by 10 percent, Hong Kong's publishers were raiding each other's staffs.

Asia was pumping out money and jobs. Outsiders offered conflicting reasons why — that Asia had so enthusiastically embraced capitalism, or, in James Fallows' view, a kind of enlightened statism. Singapore patriarch Lee Kuan Yew spoke grandly of a Confucian ethic; he sounded like a Chinese overseer who had finally trained his Malays and Thais to work. Mostly, though, Asians were not given to such analysis. Theirs was not an analytic culture, at least not where I was. It was a money-making culture.

And it's amazing the boom lasted as long as it did.

The Asian boom was financed by Western money. The equation was simple. All the emerging Asian free market countries pegged their currency to the U.S. dollar. In Indonesia, Malaysia and Thailand, interest rates in local currencies ran 4 percent to 8 percent above dollar interest rates. This opened a lucrative window: one could simply borrow dollars, convert those dollars to Indonesian rupiah, Malaysian ringgit and Thai baht and make a quick profit. The inflow of capital financed annual growth rates of 7 percent to 10 percent. And the government-supported currency pegs removed the risk to those financing the boom. As long as the pegs held.

But, of course, the pegs could not hold forever. And when they showed signs of wobbling, the borrowers or investors panicked and scrambled for dollars. As in the European gold crisis of the early 1930s, currency panic reverberated from country to country. The rupiah, the ringgit and the baht collapsed.

Having planned for growth, the governments of East Asia naturally blamed the crisis on the most convenient outsiders. Malaysia's cranky prime minister, Mahathir Mohamad, blamed the blowout of the ringgit on international speculator George Soros. He ignored the fact that his own countrymen had borrowed the money. And the fact that his own central bank had kept interest rates sufficiently high that Soros and other speculators would be willing to pump more and more money into Malaysia.

The more democratic countries kicked their leaders out. Thailand, which has an Italian-style parliamentary system (and Italian-style corruption) had a new government by October. In South Korea, voters forsook their usually conservative politics and took on Kim Dae Jung, an old human-rights crusader, a perennial also-ran who had narrowly escaped execution under the old military dictatorship, thanks to intervention by Reagan's secretary of state, George Shultz, who quietly insisted that a hanging would be a great loss of face. A decade and a half later, Kim took office, appointed a free-market finance minister and promised to end the state subsidy of corporate giants. He cooperated with the International Monetary Fund's bailout plan, which came at the price of reform and austerity. So did Thailand.

The inflow of capital financed annual growth rates of 7 percent to 10 percent. And the government-supported currency pegs removed the risk to those financing the boom. As long as the pegs held.

In Malaysia, Dr. Mahathir (a former dentist), kept his country out of the teeth-straighteners of the IMF. But Mahathir had to cancel his Bakun Dam, which would have been second in size in the world only to China's planned damming of the Three Gorges. He is currently considering eliminating his country's pervasive affirmative-action program, which seeks to raise the status and income of his fellow Moslem Malays, at the expense of the 40 percent of his subjects who are ethnic Chinese: its cost may simply be too high. Scrapping it would be a landmark event.

Indonesia has the most reason for change and the least opportunity. Its election of March 1998 was only for show. Suharto, a former general who had seized power in 1965, gave himself another five years. He has become the Somoza of Southeast Asia, a ruler who has obscenely awarded his adult children government cash boxes such as the toll-road concession and a wholesale monopoly on cloves.

Suharto is despised, but he faces no Sandinistas. A few Catholics and Muslims raise hell in remote island provinces, but there are no actual communist guerrillas. In fact, no leftist insurgencies threaten any of the collapsed economies of East Asia. (During the early '90s, the last pathetic band of Malaysian Reds walked out of the jungle and gave up amid official fanfare.)

In any crisis, people tend to take familiar paths. In the New Deal, Roosevelt chose the state managerialism and central planning already road-tested in World War I and urged upon him by Harvard intellectuals; today the received wisdom is globalization. Transparency, markets and the rule of law are the ideas brought back by the young Asian elites from their course work at Harvard, Stanford and Chicago, and are the ideas promoted by the IMF.

The IMF wants bankruptcy laws, generally accepted accounting principles, disclosure requirements and other essentials of an arm's-length financial system. It's easy for us to object to the IMF's loans-of-last-resort at a subsidized interest rate of 4.7 percent, on grounds that we don't want to pay for them and such subsidized loans corrupt the borrowers. But no sensible person can argue with the reforms. They've been needed for years. Six months before the crisis, a well-known Hong Kong analyst (who didn't see the crisis coming) told me South Korea had "first-rate manufacturing companies and a fourth-rate financial system."

Indonesia dictator Suharto resisted the IMF bailout, flirting with a quasi-hard-money idea: a currency board to fix the rupiah to a stronger foreign currency, the dollar. The rupiah would be exchanged for the stronger dollar at a fixed rate, automatically, like a machine. When a large number of dollars are tendered, the board issues more domestic currency and interest rates fall. If it pays out more dollars than it takes in, it must reduce the quantity of outstanding local currency, and interest rates rise. The currency board allows for no discretion, no management, no monetary policy. A currency regulated by a board is always exchangeable for the stronger currency, which promotes foreign investment.

They

What a difference the East Asian financial crisis has made!

Following the end of the Cold War, the collapse of the Soviet Union and the death of communism, several leading intellectuals in the United States were cautioning Americans not to become too ideologically arrogant and to refrain from popping the corks from their champagne bottles. Hey, let's not get our paradigm too cocky here! Yes, the West had brought down the Berlin Wall. Yes, we had proved that capitalism creates more wealth than communism. And, yes, in the global war of political ideas, democracy had defeated totalitarianism.

But now that the political struggle was coming to a Happy Ending with the Western model of freedom winning the day, we would be entering into a new and perhaps even more dramatic competition between two contrasting economic ideas — between the American (or Anglo-Saxon) model of capitalism and the Japanese (or East Asian) market system.

And in this coming ideological struggle between the individual-based Cowboy capitalism, with its survival-of-the-fittest, hedonistic, heartless and chaotic qualities, and its more communitarian-oriented, family-friendly, human and compassionate Samurai rival, the East Asians may end up having the upper end. "This time, we have really seen the future," declared the new American "declinists" following this or that visit to Tokyo or Kuala Lumpur, recalling those old Fellow Travelers returning from their trip to Moscow in the 1930s or from Beijing in the 1950s. The message from the

Currency boards have been used to control hyperinflations in places like Argentina, where central bankers have lost all credibility. Hong Kong has had a currency board since 1983. Every Hong Kong dollar is backed 100 percent by foreign currency; in effect, the Hong Kong dollar *is* the U.S. dollar within a narrow band centered on 7.78:1.

Former Reagan White House economist Steve Hanke explained the idea of a currency board to President Suharto and apparently sold him on it, whereupon Suharto announced that Indonesia was to have one. This sent the IMF into a dither. Guaranteeing convertibility of the Indonesian economy down to the last rupiah, including the trillions held by Suharto and his pals, was not how the IMF wanted its dollars used.

Suharto backed down, gritted his teeth, and once again promised to do it the IMF way. He will have to be watched like a poodle on a lawn.

Pundits have attempted to read sweeping lessons into the crash, chiefly the lessons they favored all along. Statists argue that the tender economies of Asia could not handle the free movement of currency by fat Western investors. They have a point. China, which still has a controlled currency, was able to maintain the value of renminbi. But Malaysia, Thailand, Korea and Indonesia did not aspire to be like China. They want to be America.

Free marketeers, who had been promoting Asia as an example of capitalism, blamed the collapse on too much *dirigisme* and political cronyism. They had a point, too. A panic flushes out bad investments, and the show projects were among the worst. It was also notable that the most laissez-faire of the Southeast Asian economies, Singapore and Hong Kong, were citadels of relative calm. (They also, along with Taiwan and China, had the largest piles of foreign currency.)

Will Asia recover? The Asia I knew was in a classic boom, a kind of wild, adolescent blast that we Americans can read about in our history books. Like America, Asia will get up again — richer than it was five years ago, and wiser. Asia has not failed. Its people are hard workers, savers of capital, and savvy risk-takers — and their markets are free. They will be back. ❑

Were Wrong

Asian Model/Values crowd, consisting of both left-wing progressive communitarians and right-wing traditionalists and authoritarians, and magnified by the rhetoric of such East Asian luminaries as Malaysia's Mahathir Mohamad, Singapore's Lee Kuan Yew and Indonesia's B. J. Habibie was clear: the Soviets could not bury us; but at the end, it is the East Asians and their values of hard work, frugality and solidarity that would consign us, lazy, spendthrift and decadent Americans to the dustbin of history — unless, of course, we recognize the superiority of the Asian way of managing the economy and doing business, and be a little bit more "like them." So we must admit that we've been chalking up short-term profits at the expense of long-term investment; instead, we should start injecting our economy with a few healthy doses of industrial policy and managed trade. Only if we create our own America, Inc. to compete with Japan, Inc. and Korea, Inc., then, maybe, just maybe, can we Americans succeed in becoming a successful dependency of Japan and maintain a modicum of prosperity in the coming Pacific Century.

Then came the crisis.

In its wake, we observe the working of America's New Economy with its almost miraculous mix of high growth, low inflation, and falling rates of unemployment, and the forces of Creative Destruction operating in the Silicon Valley and Wall Street, in the form of another new IPO by a young Internet company. At the same time, we recognize the current sense of doom and gloom that has descended on Tokyo, Kuala Lumpur, Seoul and other East Asian capitals — Japan's battered stock markets and embarrassed ministries of trade and finance, South Korea's moribund chaebols, Malaysia's bankrupted government-managed "Silicon Valley," and Indonesia's dying "crony" capitalism, as well as rising political and social tensions all over the region.

And we find it difficult to imagine that only a few years ago we were all taking so seriously the crackpot "revisionism" espoused by the likes of James Fallows, Clyde Prestowitz, Karel van Wolferen, and Lester Thurow, and by some of America's best and brightest in the nation's editorial rooms and think tanks. In those bastions of intellectual creativity, Japan's Ministry of International Trade and Industry (MITI) and Ministry of Finance (MOF) were portrayed as the model of enlightened government management of the economy and American governments officials and business executives were urged to study carefully Korea's chaebols and Japan's keiretsus, suggesting that the cooperative, caring and long-term oriented East Asian model, centered on the government-corporate-banking nexus should replace the cut-throat, "us"-against-"them" and short-term directed nature of U.S. capitalism.

The global war of ideas has finally come to an end — and you guys have lost.

Well, the global war of ideas has finally come to an end — and you guys have lost . . . —Leon T. Hadar

The End of Photography as Proof of Anything at All

by David Brin

Allen Funt is rolling over in his grave.

There was once a kingdom where most people could not see. Citizens coped with this cheerfully, for it was a gentle land where familiar chores changed little from day to day.

Furthermore, about one person in a hundred did have eyesight! These specialists took care of jobs like policing, shouting directions, or reporting when something new was going on. The sighted ones weren't superior. They acquired vision by eating a certain type of extremely bitter fruit. Everyone else thanked them for undergoing this sacrifice, and so left the task of seeing to professionals. They went on with their routines, confident in a popular old saying:

"A sighted person never lies."

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One of the scariest predictions now circulating is that we are about to leave the era of photographic proof. For generations we relied on cameras to be the fairest of fair witnesses. Images of the Earth from space helped millions become more devoted to its care. Images from Vietnam made countless Americans less gullible and more cynical. Miles of footage taken at Nazi concentration camps confirmed history's greatest crimes. A few seconds of film shot in Dallas, in November of 1963, set the boundary conditions for a nation's masochistic habit of scratching a wound that never heals.

Although there have been infamous photo-fakes — such as trick pictures that convinced Sir Arthur Conan Doyle there were real "fairies" and Mary Todd Lincoln that her husband's ghost hovered over her, or the ham-handedly doctored images that Soviet leaders used to erase "non-persons" from official history — for the most part scientists and technicians have been able to expose forgeries by magnifying and revealing the inevitable traces that meddling left behind.

But not anymore, say some experts. We are fast reaching the point where expertly controlled computers can adjust an image, pixel by microscopic pixel, and not leave a clue behind. Much of the impetus comes from Hollywood, where perfect verisimilitude is demanded for fantastic onscreen fabulations like *Forrest Gump* and *Jurassic Park*. Yet some thoughtful film wizards worry how these technologies will be used outside the theaters.

"History is kind of a consensual hallucination," said director James Cameron recently, who went on to suggest that people wanting to prove some event happened may have to closely track the "pedigree" of photographic evidence, showing they retained possession at all stages, like blood samples from a crime scene.

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One day a rumor spread across the kingdom. It told that some of the sighted were no longer faithfully telling the complete truth. Shouted directions sometimes sent normal blind people into ditches. Occasional harsh laughter was heard.

Several of the sighted came forward and confessed that things were worse than anyone feared. "Some of us appear to have been lying for quite a while. A few even think it's funny to lead normal blind people astray!

"This power is a terrible temptation. You will never be able to tell which of us is lying or telling the truth. Even the best of the sighted can no longer be trusted completely."

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The new technologies of photo-deception have gone commercial. For instance, a new business called "Out Takes" recently set up shop next to Universal Studios in Los Angeles, promising to "put you in the movies." For a small

fee they will insert your visage in a *tête-à-tête* with Humphrey Bogart or Marilyn Monroe, exchanging either tense dialogue or a romantic moment. This may seem harmless on the surface, but the long range possibilities disturb Ken Burns, innovative director of the famed Public Broadcasting series *The Civil War*. "If everything is possible, then nothing is true. And that, to me, is the abyss we stare into. The only weapon we might have, besides some internal restraint, is skepticism." Skepticism may then further transmute into cynicism — Burns worries — or else, in the arts, decadence. To which NBC reporter Jeff Greenfield added: "Skepticism may itself come with a very high price. Suppose we can no longer trust the evidence of our own eyes to know that something momentous, or something horrible, actually happened?"

There are some technical "fixes" that might help a little — buying special sealed digital cameras for instance, that store images with time-stamped and encrypted watermarks. But that solution may be temporary, at best. Nor will it change the basic problem, as photography ceases to be our firm anchor in a sea of subjectivity.

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This news worried all the blind subjects of the kingdom. Some kept to their homes. Others banded together in groups, waving sticks and threatening the sighted, in hopes of ensuring correct information. But those who could see just started disguising their voices.

One faction suggested blinding everybody, permanently, in order to be sure of true equality — or else setting fires to shroud the land in a smoky haze. "No one can bully anybody else, if we're all in the dark," these enthusiasts urged.

As time passed more people tripped over unexpected objects, or slipped into gullies, or took a wrong path because some anonymous voice shouted "left!" instead of right.

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At first, the problem with photography might seem just as devastating to *transparency* as to any other social "solution." If cameras can no longer be trusted, then what good are they? How can open information flows be used to enforce accountability on the mighty, if anyone with a computer can change images at will? A spreading mood of dour pessimism was lately distilled by Fred Richtien, Professor of Photography & Multimedia at New York University: "The depth of the problem is so significant that in my opinion it makes, five or ten years down the road, the whole issue of democracy at question, because how can you have an informed electorate if they don't know what to believe and what not to believe?"

❦ ❦ ❦

Then, one day, a little blind girl had an idea. She called together everybody in the kingdom and made an announcement.

"I know what to do!" She said.

❦ ❦ ❦

Sometimes a problem seems vexing, till you realize that you were looking at it wrong, all along. This is especially true about the "predicament" of doctored photo and video images. We have fallen into a habit of perceiving pictures as unchanging *documents*, unique and intrinsically valid in their own right. To have that accustomed validity challenged is unnerving, until you realize — *the camera is not a court stenographer, archivist, or notary public. It is an extension of our eyes. Photos are just another kind of memory.*

So cameras can now lie? Photos can deceive? So what? *People* have been untrustworthy for a very long time, and we've coped. Not perfectly. But there are ways to deal with liars.

First — remember who fooled you before. Track their credibility, and warn others to beware. "Your basis cannot be looking at the reality of the photograph," says Andrew Lippman, associate director of the MIT Media Lab. "Your basis . . . has to be in the court of trust."

But there is another crucial point.

Second — in a world where anyone can bear false witness, try to make damn sure there are *lots* of witnesses!

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"Here," said the little girl pushing bitter fruit under the noses of her parents and friends, who squirmed and made sour faces.

"Eat it," she insisted. "Stop whining about liars and go see for yourselves."

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In real life, the "bitter fruit" is knowing that we must all share responsibility for keeping an eye on the world. People know that others tell untruths. Even when they sincerely believe their own testimony, it can be twisted by subconscious drives or involuntary misperceptions. Detectives have long grown used to the glaring omissions and bizarre embellishments that often warp eyewitness testimony.

So? Do we shake our heads and announce the end of civilization? Or do we try to cope by bringing in *additional* testimony? Combing the neighborhood for more and better witnesses?

One shouldn't dismiss or trivialize the severe problems that will arise out of image-fakery. Without any doubt there will be deceits, injustices and terrible slanders. Conspiracy theories will burgeon as never before, when fanatics can doctor so-called evidence to support wild claims. Others will fabricate alibis, frame the innocent, or try to cover up crimes. "Every advance in communications has brought with it the danger of misuse," says Jeff Greenfield. "A hundred years ago, publishers brought out books of Abe Lincoln's speeches containing some words he never spoke. Hitler spread hate on the radio. But today's danger is different."

Greenfield is right. Today *is* different — because we have the power to make photographic forgery *less* worrisome.

Because even pathological liars tend to do it seldom when they face a high probability of getting caught.

Would we be tormenting ourselves over the Kennedy assassination today, if *fifty* cameras had been rolling, instead of just poor Abraham Zapruder's? Suppose some passerby had filmed Nazi goons setting fire to the Reichstag in 1935. Might Hitler have been ousted, and thirty million lives saved? Maybe not, but the odds would have been better. In

continued on page 41

Report

Big Tobacco Coughs Up

by Jonathan Ellis

Corporate coffers are to politicians what blood in the water is to sharks.

The tobacco industry's futile defense against Minnesota's legal jihad ended anticlimatically on May 8 when the companies put their own necks in the rope and invited Minnesota Attorney General Hubert Horatio ("Skip") Humphrey III to claim the biggest victory of his career. Big tobacco — Philip Morris, R. J. Reynolds, Lorillard, Liggett, BAT Industries, Brown and Williamson — figured coughing up $7 billion was more prudent than risking the jury's verdict. But the terms of Minnesota's settlement were so appalling, it's hard to imagine an adverse judgment being worse.

Most people I know in Minneapolis wanted big tobacco strung-up, gutted, and spat upon for good measure. Minnesotans pride themselves on their dedication to the common good, and pillaging billions from tobacco would add up to a bonanza of common good. Even before the trial started, politicians in the legislature battered each other like brain-damaged boxers fighting for the heavyweight title. The beer-swilling jock lobby cheered for a new baseball stadium. Underpaid, overworked teachers demanded more money for education because the average salary for a teacher in Minnesota is only around $35,000 a year. Public health messiahs acted like the money was already theirs. Environmentalists fantasized about a sparkling new light-rail system to service Minneapolis' low-density population. Demagogues running for governor wanted to establish a fund to pay for all Minnesota high school graduates to go to college and drink beer.

For all the chance it stood in Minnesota, the tobacco industry could have saved itself enormous legal fees by hiring a team of pimply faced neophytes fresh from the nation's obscure law schools to defend it. Why bother to put expensive legal talent on the line when it's obvious you're not going to get a fair trial?

But the industry made a serious effort. Less than two months into the trial, industry attorneys took the unusual step of asking Judge Kenneth Fitzpatrick to recuse himself and declare a mistrial. Against the charge that tobacco had cost the state $1.77 billion in additional health care expenses, the industry wanted to argue that smokers incur no more health expenses than non-smokers. There is substantial evidence to support this contention. A smoker who dies of lung cancer at age 65 dies quickly and relatively cheaply. Since smokers tend to come from lower income groups, they are more likely than wealthier people to receive public health benefits. Had the same person not smoked, chances are good he would develop a debilitating disease like Alzheimer's or Parkinson's, requiring years of expensive care. If the industry could prove that the premature deaths of smokers created no extra burden on taxpayers, the state's claim to $1.77 billion in treating smoking-related health costs would go up in smoke.

Judge Fitzpatrick refused to allow tobacco attorneys to make this argument, claiming that he was doing them a favor. No jury in the world, he said, would accept the premature death defense. Some favor. Needless to say, the judge refused to recuse himself.

Tobacco companies also objected to Fitzpatrick's acceptance of the state's highly suspect statistical model which fixed its damages at $1.77 billion, pointing out that the model included non-smoking related expenses. For example, the state claimed that the nursing home costs for two 94 year old women were smoking related. One of the women had stopped smoking 55 years earlier; the other had only smoked for one year; and neither suffered from tobacco-related illnesses. Tobacco demonstrated that the largest segment of

claims were for 19–34 year old smoking males who had virtually no tobacco related health problems. The bogus statistical model included non-smoking related expenses for treating car accidents, wounds, and hemorrhoids, of all things.

Tobacco was also unhappy with the jury selection process. Out of an original juror pool of 181, the attorneys only got to review 35. Tobacco attorneys challenged the integrity of jurors who admitted hostility toward the industry. Fitzpatrick refused to bar them from the jury, including one person who admitted that he contributed to anti-tobacco groups and favored banning tobacco, while barring another who admitted that she thought that warnings on cigarette packaging informed smokers of the risks they assumed.

Industry attorneys battled all the way to the Supreme Court in a failed bid to keep internal documents protected under attorney-client privilege. They picked apart self-proclaimed marketing experts who testified that tobacco company advertising seduces poor, unknowing teens to a life of smokey hell. They quibbled with public health messiahs who stubbornly claimed that people don't have a choice when it comes to smoking. They endured Fitzpatrick's public chastising, and defense team taunts. They managed to hold down their food even when Skip Humphrey blabbered on about saving children. But given the prejudice of the judge and the hostile opinions of the jurors, they settled rather than face the inevitable finding for the state.

Not surprisingly, public health advocates are howling with joy at the last-minute settlement, thanks to $102 million in settlement money set aside for a cessation program administered by health experts. If approved by the Minnesota Legislature, $650 million more is earmarked for a propaganda campaign to teach people what they already know — that smoking is bad for them. Again, public health experts will run the operation. For kicks, Minnesota is also forcing the industry to pay for a depository that will house the millions of industry documents secured during the trial. This anti-tobacco movement's answer to the Holocaust Museum will remain open to the public for at least the next ten years at industry expense.

There's more to the settlement than a simple wealth transfer. Tobacco companies also gave away their First Amendment rights: Minnesota's the first state in the nation to ban all tobacco branded merchandise and promotional items, including the hats and t-shirts that have become so popular with high schoolers since the government embarked on the great tobacco pillage. It's the beginning of a government mandated dress code.

Tobacco companies also agreed not to market directly to people younger than 18. What this means is unclear. Are tobacco companies now forbidden to use magazine advertising for fear that an underage kid might look at it? Marketing restrictions extend to billboards, and advertising on buses, taxis and bus stops.

For all the chance it stood in Minnesota, the tobacco industry could have saved itself enormous legal fees by hiring a team of pimply faced neophytes fresh from the nation's obscure law schools to defend it.

To the delight of anti-smoking puritans, the Minnesota settlement does yield one nation-wide ban. Tobacco companies agreed to stop paying movie producers for featuring cigarettes and smoking in films produced anywhere in the nation. A year ago, former tobacco profiteer Al Gore castigated Hollywood for supposedly glorifying smoking. And today, Minnesota's tobacco settlement provides the anti-tobacco movement a victory in its crusade to keep our beloved movie stars fit and healthy by censoring cigarettes in films.

Tobacco's cowardly capitulation can only encourage the looting of other industries. Fast-food, auto, alcohol, guns, all have powerful enemies in the body politic. In World War II, Japanese soldiers fought under one predominant principle: never surrender to the enemy. If the tobacco companies aren't going to adopt this strategy with the government looters, maybe some other industry will. ❑

Brin, "The End of Photography," *continued from page 39*

the future, thugs and provocateurs will never know for certain that their sneaking calumny won't be observed by a bystander or tourist, turning infra-red optics toward those scurrying movements in the shadows.

We are all hallucinators to some degree. So now our beloved cameras may *also* prove faulty and prone to deception? At least they don't lie except when they are told to. It takes a deliberate act of meddling to alter most images in decisive ways. Cameras don't have imaginations, though their acuity is improving all the time. In fact, when their fields of view overlap, we can use them to check on each other. Especially if a wide range of people do the viewing and controlling.

As citizens, we shall deal with this problem the way members of an empirical civilization always have, by arguing and comparing notes, giving more credibility to the credible, and less to the anonymous or those who were caught lying in the past. Discerning truth, always a messy process, will be made more complex by these new, flawed powers of sight. But our consensual reality does not have to become a nightmare. Not when a majority of people contribute good will, openness, and lots of different points of view.

Again — *cameras are simply extensions of our eyes.*

If you're worried that some of them are lying, tradition offers an answer — *more* cameras.

We'll solve it by giving up the comforting blanket of darkness, opening up these new eyes, and sharing the world with six billion fellow witnesses. ❑

From *The Transparent Society: Will Technology Force Us To Choose Between Privacy and Freedom?* Perseus, May 1998, reprinted with permission.

Primer

Introduction to Digital Cash

by J. Orlin Grabbe

In the mind of a computer lies the future of money.

Money is what people use to avoid barter — which is the direct trading of one good or service for another, such as oranges for wheelbarrows, or sex for mowing the lawn. Money in the form of physical cash implies a type of security based on physical presence. If we are face to face, I am able to inspect your goods for quality, and you are able to do the same with my cash. Cash transactions also have a temporal simultaneity: if for some reason I don't give you the cash now, you don't hand over the goods.

Money in the form of cash suffers from some drawbacks. One is bulk. Cash takes up a lot of space. A million dollars in hundred dollar bills fills a large briefcase. Another is high transactions costs. It is costly to transport physical cash, and time-consuming to count it. More significantly, physical cash can't be transferred over a computer or electronic network. (When cash is "wired," the physical cash is stored at one location; and different physical cash is given out at another location.)

Digital cash (or electronic cash) arises in an age of remote or anonymous exchange made possible by telecommunication. If I send electronic cash to a location you designate (not necessarily where you are), you send goods to another location I designate (not necessarily where I am), and we both trust the procedure (or protocol) that we go through in effecting this transaction. But however dispersed in space, digital cash transactions — like monetary transactions in general — rely on security, trust, and reliability.

Spatial separation is a characteristic of electronic commerce. Electronic commerce refers to anything involving financial transactions made by exchanging electronic data over telecommunication lines. The monetary basis of electronic commerce can be thought of as an electronic check, which we can define by analogy. An ordinary check is a piece of paper with a handwritten signature that is cleared through a third party (bank). In the same way, an electronic check is a computer message with a digital signature that is cleared through a third party. Just as an ordinary check can be sent through the U.S. postal system to another person in payment of a bill, so can an electronic check be sent over a computer network — such as Internet email or the World Wide Web. Just as a physical signature can be verified against a handwritten prototype, so can a digital signature be verified by a mathematical relationship. And just as an ordinary check (or a traveler's check) represents the liability of a bank or company, so does an electronic check represent the liability of a bank or company. As we shall see, what is often called "digital cash" is more properly viewed as an electronic check.

Money on the Web

One spur for the growth of digital cash is the commercialization of the Internet, which is the anarchic, global collection of interconnected computers, linked by the communication protocols TCP (Transmission Control Protocol) and IP (Internet Protocol). Eager vendors envision the Internet becoming a colossal supermarket, the ultimate in home-shopping — provided that payments can be made without fear of data thieves. Whatever the merit of the former idea, the validity of the latter concern is illustrated by the Internet access provider Netcom, which kept a large file containing the credit card numbers of all its customers. The file was insecurely stored, and subsequently copied illegally and circulated among a subculture not overly concerned with fraudulent uses of information or sensitive to invasions of personal privacy.

Many of the schemes that the popular press refers to as "digital cash" often amount to little more than new commercial transaction mechanisms that provide for the secure transmission of credit card numbers over the Internet. Attention may be focused on encrypted communication channels or secure messaging protocols like SSL or S-HTTP, or secure payment protocols like SET (a creation of Visa and MasterCard). These, however, are not the principal story.

Credit card transactions over the Internet are not much of a financial innovation (although the protocols by which they are effected may be), and don't raise very many new economic or legal issues. And most examples of electronic banking do not involve a different form of money, but instead simply represent a different way to access traditional banking services.

Aside from sloppiness in popular terminology, however, new to the world of electronic banking products are digital signature systems that allow the creation of a new form of electronic money, which we will call digital cash. Some of these signature systems provide an additional form of personal security in the form of anonymity or privacy; I call the result of such systems *anonymous digital cash.*

Money Is What Money Does

Money or cash is an asset that possesses value primarily because of the goods and services for which it can be exchanged. The exchange ratio between cash and a good or service is called the price of the good or service. This fact shows that the *unit of account* function of money (the price of a pig is "X") cannot be separated from its role as a *medium of exchange* (X units of money exchange for one pig or two lambs). Money also serves as a store of value: ownership of a pig can be replaced by ownership of money. The only difference between the two has to do with maintenance, price appreciation and smell. The store-of-value function of money gives rise to the digital-cash-related name "stored-value cards," although, as we shall see, stored-value cards are designed for transactions, and not primarily for storing value.

However dispersed in space, digital cash transactions — like monetary transactions in general — rely on security, trust, and reliability.

Digital cash (or, as it is also called, electronic cash) as used here refers to electronic records or messages that

- serve as money
- cannot easily be counterfeited
- can be verified as authentic by the institution granting the digital cash
- and can be securely transferred to others.

Digital cash is a payment message bearing a digital signature that functions as a medium of exchange or store of value. In order for digital cash to have value, it is sufficient that digital cash be exchangeable for ordinary cash, or that digital cash be exchangeable for some good or service which is priced in terms of ordinary or digital cash. But "digital cash" is not cash in the sense that it is legal tender — namely, money issued by the State and designated as lawful for the payment of taxes and other debts. Neither, of course, is digital cash specie. Digital cash is an idea recorded in the mind of a computer. Moreover, like a typical check — but unlike normally encountered cash — digital cash represents an obligation of a private company rather than the central bank or treasury.

Anonymous digital cash can be defined as digital cash that — for the purpose of allowing personal financial privacy — is untraceable, and transactions made with it are unlinkable. "Untraceable" means a digital cash withdrawal cannot be associated with its subsequent deposit; "unlinkable" means that it is impossible to associate two different digital cash transactions made by the same person with each other.

Just as with wire transfers and credit card payments, the messages that make up ordinary digital cash leave electronic trails as they pass through the banking system. They thus lack the privacy often associated with the use of ordinary cash. Recent monetary legislation in the U.S. and other Western nations, as covered in my article "The Money Laundromat" (*Liberty*, November 1995), aims at the destruction of anonymity or privacy. Under current U.S. law, "anonymity" in financial transactions over a certain size has become virtually synonymous with "money-laundering," and hence illegal, even though anonymity itself bears no necessary relationship to any otherwise illegal activity.

What is often called "digital cash" is more properly viewed as an electronic check.

It is the potential for anonymity that gives digital cash its significance, and not the fact that it is electronic. For almost all monetary transactions are already electronic, as has been the case for years. Most monetary transactions take place through electronic wholesale payment and clearing mechanisms like CHIPS and Fedwire. According to the National Automated Clearing House Association, in the U.S. in 1995, $533 trillion was transferred by wire, as compared to $73 trillion in check transactions, and $2.2 trillion in cash transactions.

Some people naively equate anonymous digital cash with a secure messaging system. They anticipate sending PGP-encrypted* as messages to an off-shore location, instructing, say, the First Stealth Bank of the Cayman Islands to transfer funds from their bank account to someone else's. But that is not what is meant here by anonymity. If the bank knows what is going on in your account, then potentially so can anyone else: the records can be seized, or surreptitiously accessed by computer, or a bank employee can be bribed to make them available. (In this respect, it is useful to note that the system of Swiss numbered accounts was created to protect bank customers from bank employees. Bank employees, observing what occurred in a customer's account, could possibly subject the customer to blackmail.) Anonymity requires first and fore-

*"PGP" stands for "Pretty Good Privacy," a public-key encryption system devised by Phil Zimmerman, a pioneer in the field.

most protection from the prying eyes of the bank.

Digital cash, including anonymous digital cash, is made possible by advances in cryptography, especially public-key cryptography, as I discussed in "The End of Ordinary Money" (*Liberty*, June 1995). The creation of secure transaction mechanisms and digital cash systems requires the use of public-key cryptography, cryptological protocols, and digital signatures. These applications allow the creation of electronic cash systems that are convenient to use, and also enable such systems to simultaneously offer privacy to individuals and complete transactional security to merchants and banks. In particular, one can create a system in which bank security is not compromised even if all customers and merchants together collude to rip off the bank, yet also one where the privacy of customers will not be violated even if there is collusion between all merchants and the bank. (But the customer's privacy will be lost if the customer attempts to counterfeit money, which in the context of digital cash is usually called "double spending.")

If it becomes possible to make anonymous transactions in unidentifiable international locations, will taxes become voluntary? Will governments that depend on taxes thus become obsolete?

Some of the common nominal (terminological) confusion in matters relating to digital cash stems from the fact that digital cash systems may be designed for execution using smart cards or electronic wallets, on one hand (which tends to suggest credit-card-like transactions to many people); or, on the other hand, they may be software-only systems designed for electronic transfers over the Internet (which tends to blur the distinction between digital cash and electronic banking in general). The chief difference is that typical credit card and electronic banking transactions raise general security issues, but do not represent an alternative to central bank-issued tokens (such as Federal Reserve notes) or government-guaranteed instruments (such as FDIC-insured deposits) in quite the same way as does digital cash. Moreover, unlike anonymous digital cash, the former also lack privacy.

Anonymity and the Leviathan State

Anonymity raises many issues. If my payments are anonymous, how can I prove I made them? If my money is truly private, what keeps the bank from stealing from me? If a government doesn't know who pays whom, how can it collect an income tax? If the ownership of financial assets is indeterminate, what happens to taxes on financial assets?

Anonymity is controversial also because it threatens the Leviathan State. The powers of modern nation-states — ranging from the ability to make war, to the suppression of political dissent, to the distribution of subsidized benefits to favored voters — all hinge on the collection of taxes and similar revenues. Taxes are commonly based on identifiable location. But consider this: "If I dial in from Aspen to a computer in Pittsburgh, whose client software buys information from a library in Michigan, through a payment server in Delaware, where did the transaction occur?"[1] One court decision, *Quill Corp. v. North Dakota*, says states can impose taxes on out-of-state vendors only if they have "a physical presence" in the state. Is physical presence a simple matter of personnel or hardware? What about a virtual presence?

Now for "state" (a subdivision of the U.S.) substitute "country," and then complicate the picture with the addition of anonymity. If it becomes possible to make anonymous transactions in unidentifiable international locations, will taxes become voluntary? And will governments that depend on taxes thus become obsolete? The development of electronic payment systems is driven by transactions costs, including the costs of government intrusion and regulation. Due to recent advances in cryptology, there should be only a modest increase in the cost of implementing systems that provide for privacy and anonymity in addition to convenience. Hence there might be a competitive advantage to anonymous systems, and they might naturally supersede non-anonymous systems.

We can divide digital cash systems into two types: privacy-invading systems and privacy-protecting systems. Both system types are based on digital signatures. Privacy-invading systems involve a signature of an issuing bank or other party on electronic cash, and the signed piece of cash is then treated like a registered security: the bank is able to observe the entire transaction history from withdrawal to deposit, to next withdrawal to next deposit, etc. Privacy-protecting systems are also based on digital signatures (the digital cash system of Stefan Brands is based on Schnorr signatures[2]), but the difference is in the nature and the application of the signature scheme. It is possible for the bank to sign a legitimate piece of digital cash, without the bank knowing exactly what it is signing. The piece of cash cannot be traced upon its subsequent deposit. Yet, at the same time, the bank is protected against counterfeiting. If the same piece of digital cash is spent more than once, the privacy protection is automatically stripped.

Through the Internet it is possible to access inexpensively a banking computer located anywhere in the world. If one doesn't like the banking and regulatory environment in one's neighborhood, one can bank in another part of the world.

But then, one might ask, why are digital cash systems that make little effort to preserve privacy becoming so prevalently abundant? The answer appears to be related to government promotion of (and, in the case of cryptology, imposition of) obsolete technology. The Leviathan State is no great supporter of individual freedom or privacy, and has made serious efforts to limit their scope. (Hence intrusive government can be viewed as a type of transaction cost that requires technological progress for its elimination.)

Conversely, consider the threat to personal security

posed by the potential creation of general digital cash systems that are not anonymous. The convenience of such systems, combined with the traceability of transactions, could easily expand the surveillance power of Big Brother government. The U.S. Internal Revenue Service for example, has made such data collection an avowed goal:

> In an effort to catch more tax cheats, the Internal Revenue Service plans to vastly expand the secret computer database of information it keeps on virtually all Americans. . . . "Ultimately, the IRS may obtain enough information to prepare most tax returns," said Coleta Brueck, the agency's top document processing official. "If I know what you've made during the year," she said, "if I know what your withholding is, if I know what your spending pattern is, I should be able to generate for you a tax return . . ." [3]

An increased collection of electronic transaction information, along with perhaps increased strictures on the use of physical cash, could make the IRS or other tax authorities a hidden partner in all economic transactions. This may sound laughable at first, considering the recently revealed failure of the Internal Revenue Service's $8 billion computer modernization project. But there is no doubt where IRS intentions lie.

Moreover, non-anonymous electronic money is often not "fungible." Smart cards can be issued to welfare recipients to control their behavior and to track their purchases. The cash could be spent at store X, but not at store Y. It could be used to purchase item A, but not item B. Before you cheer this use of technology, consider that it can be used against anyone else also. Routine transactions at certain shops — whether gun shops, head shops, or unapproved book stores — could receive special scrutiny. Highway tolls could be collected electronically, and the passage of vehicle owners through selected traffic junctures monitored. In short, the monetary system itself, in the hands of information collectors and collators like the IRS, FinCEN, and similar government agencies, creates a type of "national identity card" and "national diary" for each individual who participates in it.

Through its various "Clipper Chip" proposals, the government has already attempted to become a third party to all private communications. (The Clipper Chip, abandoned in March 1997, was to have been a government-accessible monitoring device installed in every telephone, fax, and cable TV set-top converter. The Chip would have provided government a "back door" that bypassed the ordinary cryptological security of the communication channel.) But there is no real distinction between an electronic communication and an electronic transaction. If the government can read your communications it can also control your money. Conversely, if the government can enforce particular protocols for electronic money, then it acquires de facto control of all uses of cryptology. It acquires the power to equate the use of non-approved encryption technology with money laundering and tax evasion. After all, that encrypted piece of email might just have a digital coin attached to it.

Does anyone really care? Is there a market for privacy? The Chairman of the Federal Reserve thinks there is:

> Since privacy is such an evident value in our society, where technology threatens that value, entrepreneurs can be counted on to seek means to defend it. The major resources they have devoted to encryption in the development of new communication systems attest to the economic value they place on privacy in communications. Moreover the pressures to enact legal prohibitions on the dissemination of personal records will also create incentives to produce technologies that protect them. Indeed, the most effective means to counter technology's erosion of privacy is technology itself. [4]

Clifford Neuman and Gennady Medvinsky, the authors of NetCash, express the consensus of many digital cash developers and potential users:

> Concern for privacy dictates that it should be possible to protect the identities of the parties to a transaction. This is important to prevent the accumulation of information about the habits of individuals, e.g., the documents they read, or the items they purchase. It is also important to protect parties that receive payment in certain situations, such as rewards. . . . it should not be possible to monitor an individual's spending patterns, nor determine one's source of income. [5]

Contrast those statements with the contrary trend of "data mining" in the banking industry. The following statements by an executive of Security First Technologies illustrates why many experience growing concern for the future of privacy:

> Banks have traditionally gathered large amounts of information about their customers. But it is often stored in separate databases in different departments. For example, mortgage applications would be in one database, checking transactions in another. Only recently have banks begun to undertake "data mining," the process of integrating these databases to provide a total financial picture. . . . To remain competitive in an Internet Age banks must make better use of data mining by greatly expanding the amount of detailed customer information available to the data analysis software tools. Such information should include loans, brokerage, insurance, and credit cards. [6]

This is fine, if you want or require your banking data to be mined. But not everyone does. Some would prefer a little anonymity. The basic reality is that the use of computers to make transactions makes record keeping easier. Privacy is therefore not something that will take care of itself. For those who value privacy, some thought applied to the process of preserving it is necessary.

Digital Cash and the Future of Banking

Back in the mid-1980s there was little reason to contemplate electronic banking as a consumer activity. The best computer was an IBM PC/XT operating at 4 megahertz, with 640 kilobytes of memory and a 20-megabyte hard drive. The latest modem was a Hayes 1200-baud model for $300, and there were less than a half million modems in use. It was a dubious environment just for dial-up home banking, much less for Internet banking. Commercial Internet service providers didn't exist.

Today more than 20 million households are connected to the Internet, and typical home computers operate on a 100 megahertz Pentium chip, and have 16 megabytes of random access memory and a gigabyte of hard drive storage space. Modems that operate at 28.8 baud are the norm. All this has made possible consumer-level electronic banking, and — with it — practical digital cash systems.

It is folly to attempt an in-depth economic analysis of digital cash in its primitive stages. The market, as it evolves, will

draw on the collective intelligence of its users, and will likely develop in unforeseen directions, as well as eschew many of the apparently "obvious" ones.

But it is clear that to its various developers digital cash is intended as a substitute for cash, not for ordinary bank deposits. This is seen in the choice of names: DigiCash, CyberCash, etc. As we discussed previously, digital cash has more the character of an electronic check than of cash, because — unlike ordinary cash — it requires the intervention of a third party to either debit or credit accounts in any series of transactions. But the same is also true of debit cards and credit cards, and yet these latter clearly substitute for cash: one typically carries such cards to avoid the inconvenience of carrying large sums of money. Which means that if digital cash is a substitute for ordinary cash (coins and Federal Reserve notes), it is also competing with existing credit and debit cards.

So, then, who needs digital cash?

Well, those who want privacy and those who want options in banking.

The first advantage of digital cash is that it makes possible anonymity and privacy — something not available through existing credit and debit card systems, or existing checking accounts. That is, digital cash represents an attempt partially to restore the anonymity features of ordinary cash in an electronic environment.

The second motivating factor for digital cash is the growth of the Internet. The Internet has vastly changed the banking marketplace. Through the Internet it is possible to access inexpensively a banking computer located anywhere in the world. Thus, if one doesn't like the banking and regulatory environment in one's neighborhood, one can engage in regulatory arbitrage by banking in another part of the world. I introduced the term "regulatory arbitrage" in the 2nd edition of *International Financial Markets* in 1991 in connection with the eurocurrency markets, but similar comments apply to Internet banking:

> The eurocurrency markets represent a type of regulatory arbitrage. Eurobanking is a managed financial package that combines the currency of one country (one regulatory environment) with the banking regulations and competitive efficiencies of another country. This repackaging was made possible by improvements in worldwide communication links and information technology. If the regulatory burden becomes too high in one area of the world, the bundle of eurobanking services can be reassembled in another. Hence, national regulators must compete to maintain their respective shares of the eurocurrency business. Competition with respect to lending quotas, reserve requirements, capital requirements, deposit insurance, the taxing and reporting of interest payments, and the taxing of profits, dividends, and capital gains, all measured against any perceived positive benefits of local regulation, governs the geographical distribution of eurocurrency market shares. (p. 256)

What the eurocurrency markets did for wholesale banking, Internet digital cash could do for retail banking. Cost factors alone may drive banks to the Internet. A survey of European and American banks by Booze, Allen & Hamilton found that the cost of the average payment transaction on the Internet was 13 cents or less, compared with 26 cents for a personal computer banking service using the bank's own software, 54 cents for a telephone banking service, and $1.08 per transaction for a bank branch.[7] Hence the Internet would appear to represent a low-cost direction for expansion. It might have a competitive cost advantage for all transactions, while having an exclusive on certain low-valued transactions (which would otherwise be ruled out entirely if the cost of providing those transactions was too large a percentage of the transaction itself).

How will the banks handle the Internet? There are three distinct approaches to Internet banking software:

1) The fat client model relies on the customer having dedicated banking software on his PC, like Intuit's Quicken software. Data and business logic is stored on the customer's PC. But this type of model has little flexibility, and is not easily integrated with other Internet applications.
2) The thin-client-stateless model only expects the customer to have generic software, such as a web browser, and the interface relies on a generic language (such as the World Wide Web's HTML). This is sufficient for supplying account information or transferring funds, but it doesn't allow the customer to add much value by processing the data in any way. It doesn't allow the customer to do her own data mining.
3) The thin-client-stateful model combines a generic interface like a web browser with PC-resident software. Think of, for example, a plug-in to Netscape Navigator. This allows the customer to set up her own security parameters, categories, budgets, and whatnot.

The thin-client-stateful model represents the probable future direction of Internet banking.

Digital cash systems, including anonymous ones, can operate with any of these models. Digital cash could, for example, be transferred as a simple attachment to an email message. Stefan Brands's digital cash scheme would allow such a transfer using only 150 bytes or so in an email attachment.[8]

Carrying Digital Cash

Digital cash systems that are purely software-based are usually on-line, because of security problems associated with computer software. On-line systems are ones that involve an authentication and authorization server (a specialized dial-up digital cash or VISA computer, for example). Information provided by a user is compared against information in a central database. A transaction between buyer and seller does not take place unless the third-party server first verifies the buyer's identity (in non-anonymous digital cash systems) or the validity of the buyer's digital cash (in both anonymous and non-anonymous systems), and authorizes payment to the seller of the good. If the system is anonymous, so that the identity of the spender is not known, the on-line computer verifies that the digital cash offered in payment was not spent previously; that is, that the cash has not been counterfeited.

Off-line systems, by contrast, involve no third party in the payment from buyer to seller. Off-line systems require less immediately accessible communication than on-line ones. But off-line digital cash systems require additional

continued on page 68

The Liberty Poll

Please answer whichever questions you wish, and return this page (or a photocopy) with your answers marked to: Liberty Poll, PO Box 1181, Port Townsend, WA 98368. Feel free to attach a sheet of paper and expand or explain any answers. All answers will remain confidential. Thank you for your help.

Part One: PERSONAL

Your age: _____

You are: ❑ Male ❑ Female
❑ Caucasian ❑ American Indian ❑ Black ❑ Asian ❑ Other

Your annual income is: ❑ less than $10,000
❑ $10,000—$20,000 ❑ $20,000—$30,000
❑ $30,000—$50,000 ❑ $50,000—$100,000
❑ $100,000—$250,000 ❑ Over $250,000

Your formal education (highest level completed):
❑ Some High School ❑ H S Graduate: Private? ❑ Yes ❑ No
❑ Some College ❑ Two Year College Degree
❑ Bachelors' Degree: Private? ❑ Yes ❑ No
❑ Some Grad School ❑ Master's Degree ❑ Doctoral Degree

Your Occupation (check as many as apply):
❑ Computer-related ❑ Engineering ❑ Managerial ❑ Sales
❑ Small Business Owner ❑ Scientific/Technical ❑ Investor
❑ Medical Professional ❑ Factory Worker ❑ Teaching
❑ Farmer ❑ Nonprofit Organization ❑ Law
❑ Government Employee ❑ Other_____

Years in Military: ____ Highest rank: ❑ Officer ❑ Enlisted

Family: Married? ❑ Yes ❑ No Legally? ❑ Yes ❑ No
Number of Offspring?____ Number of Grandchildren? ____
Number of divorces, if any? ____
Number of older brothers? ____ older sisters? ____
Number of younger brothers? ____ younger sisters? ____

Religion: Which of the following best describes your religious training as a child? ❑ Roman Catholic
❑ Mainline Protestant ❑ Fundamentalist Protestant
❑ Jewish ❑ No Religion ❑ Other_____
Do you consider yourself a follower of any religion today? ❑ Yes ❑ No
Which, if other than specified above? _____
How long ago did you most recently attend a church or other form of worship? ❑ 0-7 days ❑ 8-30 days ❑ 31-90 days
❑ 91-365 days ❑ 1-5 years ❑ longer ❑ never

Sexual orientation:
❑ heterosexual ❑ homosexual
❑ bisexual ❑ other

Sexual activity (Check one)
❑ Autoerotic only ❑ Celibate ❑ Monogamous
❑ Polygamous ❑ Casual/Promiscuous ❑ Group Sex
How long have you been with your current partner?_____
What are the political beliefs of your current partner?
❑ passive libertarian ❑ active libertarian
❑ quasi-libertarian other _____

Part Two: INTELLECTUAL DEVELOPMENT

A. Do you consider yourself to be a libertarian? ❑ Yes ❑ No

B. Who introduced you to libertarian ideas?
❑ teacher ❑ friend ❑ parent ❑ relative
❑ writer ❑ other _____

C. Before becoming a libertarian, how would you characterize your political beliefs? ❑ left ❑ right ❑ center

D. Please rank on a scale of 1 to 5 the degree to which the following thinkers influenced your intellectual development. (5 = substantial importance . . . 1 = little or no importance)

We are *not* asking you to report the degree you agree with these individuals' thought — what we seek to know is how important each figure was in your growth of *your* thinking, especially with regard to social and political matters.

Your Mother	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Your Father	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Brother and/or Sister	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Aristotle	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Frederic Bastiat	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
R.W. Bradford	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Nathaniel Branden	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Harry Browne	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
David Friedman	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Milton Friedman	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Barry Goldwater	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Henry Hazlitt	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
F. A. Hayek	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Robert A. Heinlein	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Karl Hess	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Thomas Hobbes	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
John Hospers	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Thomas Jefferson	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Immanuel Kant	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Robert LeFevre	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
John Locke	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Tibor Machan	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
H. L. Mencken	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
John Stuart Mill	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Ludwig von Mises	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Albert Jay Nock	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Robert Nozick	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Ayn Rand	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Murray Rothbard	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Herbert Spencer	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Lysander Spooner	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
William G. Sumner	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Morris & Linda Tannehill	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
Benjamin Tucker	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
_____	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5
_____	❑ 1	❑ 2	❑ 3	❑ 4	❑ 5

Part Three: MORAL OPINIONS

Please check the following statements if you believe them to be true, or express your own values or opinions.

❑ The proper role of government is finite, but much smaller than at present.
❑ Government should be eliminated altogether.
❑ Abortion is wrong.
❑ Abortion should be illegal.
❑ A person should have a legal obligation to support his or her offspring.

- ❑ Political action is an appropriate method of advancing individual liberty.
- ❑ People have a responsibility to vote.
- ❑ Communism is the greatest threat to human liberty.
- ❑ The U.S. should remove all restrictions on immigration.
- ❑ The U.S. should remove all tariffs immediately.
- ❑ There is a God.
- ❑ An employee of the state is a receiver of stolen goods and therefore is committing an improper act
- ❑ One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.
- ❑ If the State expropriated all wealth and one could not exist without accepting stolen goods, it would be moral and proper to accept such goods (i.e., live within the system).
- ❑ A proper government would have an absolutely isolationist foreign policy.
- ❑ It is always wrong to initiate force against another human being.
- ❑ All men by their nature have a right to: ❑ life ❑ liberty ❑ property ❑ the pursuit of happiness

My political beliefs are based upon (feel free to check more than one of the following):

❑ my religious beliefs ❑ my understanding of history
❑ my life experience ❑ rational, philosophical analysis
❑ my understanding of economics

Part Four: IDEOLOGICAL ACTIVISM

Do you give money to:

❑ Libertarian organizations ❑ Humanitarian organizations
❑ Cultural organizations ❑ Religious organizations

Have you given money (aside from the purchase of books or subscriptions) to any of the following libertarian organizations?

- ❑ The National Libertarian Party
- ❑ A local Libertarian Party
- ❑ Advocates For Self-Government
- ❑ Foundation for Economic Education
- ❑ International Society for Individual Liberty
- ❑ Cato Institute
- ❑ Institute for Objectivist Studies
- ❑ The Ayn Rand Institute
- ❑ Ludwig von Mises Institute
- ❑ The Reason Foundation
- ❑ Liberty Foundation
- ❑ Other _____

Do you talk to acquaintances about libertarianism? ❑ Yes ❑ No

What percentage (if any) respond favorably? _____

Do you speak in public about libertarian ideas? ❑ Yes ❑ No

Do you belong to any political organizations? ❑ Yes ❑ No

Which ones? _____

_____

Do you belong to any community groups? ❑ Yes ❑ No
Which ones? _____

How many conferences, seminars and conventions did you attend in the last year?

❑ One ❑ Two to Five ❑ Six or more

Have you ever run for a political office? ❑ Yes ❑ No

Are you a registered voter? ❑ Yes ❑ No

Are you a member of a political party? ❑ Yes ❑ No
Which one? _____

Part Five: PROBLEMS

A. Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd. He is moving toward the balcony's railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react.

Which of the following most accurately reflects the action you consider appropriate?

- ❑ You should fire a gun at the terrorist only if you are certain that you will miss the hostage.
- ❑ You should fire at the terrorist if there is a reasonable chance that you will miss the hostage.
- ❑ You should fire through the hostage, if necessary.

B. Suppose that a parent of a new-born baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.

Would you cross the lawn to help the child?

❑ Yes ❑ No

Would helping the child violate the parent's rights?

❑ Yes ❑ No

C. Suppose that a parent decides to experiment with a radical new diet for his new-born child.

Should you prevent the parent from trying the diet, if you had good evidence it would endanger the child's health?

❑ Yes ❑ No

Suppose that you had good evidence that the diet would endanger the child's life?

❑ Yes ❑ No

D. Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.

Which of the following statements reflects your beliefs?

- ❑ You should enter the owner's residence against the owner's wishes.
- ❑ You should hang on to the flagpole until a rope can be thrown down from above.
- ❑ You should drop.

E. Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she has no phone, so asking her to telephone for help is pointless).

Which of the following statements reflects your beliefs?

- ❑ You should force entrance, but in this case it would not constitute an act of aggression.
- ❑ You should force entrance, even though it would be an act of aggression.
- ❑ You should not attempt to enter the house.

F. Suppose that you live in a large city. Your neighbor constructs an atomic weapon. He assures you that he would detonate it only as an act of defense. You believe that he intends to commit an act of extortion ("The city must pay $1 million, or I will detonate it").

Which statement most clearly reflects your beliefs?

- ❑ You (and your neighbors) should prevent the construction of the device.
- ❑ You should put up your house for sale and move (check here ❑ if you feel obligated to tell your prospective buyers of the situation). You should not interfere with his actions.
- ❑ You should do nothing, since such a situation is unthinkable and, therefore, is not happening.

Please send to: **Liberty Poll, P.O. Box 1181, Port Townsend, WA 98368**

Reviews

***Journals of Ayn Rand*, edited by David Harriman. Dutton, 1997, 745 pages.**

The Evolution of Ayn Rand

Stephen Cox

Publication of Ayn Rand's *Journals* is an event of considerable importance to people interested in the history of the Objectivist movement, which Rand created, and of the American individualist movement, on which she has been an important influence for many years.

"Journals" does not mean personal diaries. We are told by the editor of the current publication that "notes of a personal nature will be included in a forthcoming authorized biography." What we have in this edition is Rand's "*working* journals — i.e., the notes in which she developed her literary and philosophical ideas" (xv).

Most of these notes result from the elaborate planning process for her two largest novels, *The Fountainhead* (planned and executed, 1935–1943) and *Atlas Shrugged* (planned and executed, 1943–1957). Among the remaining material are film scenarios from the 1920s, notes for her first completed novel, *We the Living* (published 1936), and some interesting work on projects that were never completed: a book on ethics and politics, *The Moral Basis of Individualism* (1943–1946); a more comprehensive philosophical book, *Objectivism* (1958–1960); *Top Secret*, a screenplay, commissioned by Hal Wallis, about the development of the atomic bomb (1945–1946); an early novel, *The Little Street* (1928); and a final novel, *To Lorne Dieterling* (1957–1966). Curiously, no notes for Rand's second published novel, *Anthem* (1938), seem to be extant — an indication, perhaps, that she wrote that brief work in the heat of inspiration, needing no detailed plans.

Rand's notes on literary and philosophical projects include a variety of reflections on subjects connected more or less intimately to them. We have, for instance, substantial comments on Frank Lloyd Wright and other architectural figures who loom in the background of *The Fountainhead*; observations about Hollywood and Los Angeles personalities, as background for *The Little Street*; and pungent remarks on many subjects, from "wealthy idlers" (152), to people who fool themselves so early in life that they don't even know they're doing it (98), to people who think that libraries should have as few front steps as possible, so that the buildings will appear more inviting to the public:

> This may be quite sound in relation to library architecture, but the question it raises, in a more general sense, is this: is it advisable to spread out all the conveniences of culture before people to whom a few steps up a stair to a library is a sufficient deterrent from reading? (123)

A good question, the kind of question that Rand would put even if no one else would. It's one of the many illustrations of her idea that it had fallen to her to "speak of what everybody knows, and be shocking and new, for that very reason" (681).

In his foreword, Leonard Peikoff, Rand's heir and the founder of the Ayn Rand Institute, indicates that the *Journals* are "the bulk of her still unpublished work. . . . What remains to be published are two lecture courses on writing, presently being edited, and her old film scripts." He also indicates that "eight or ten scenarios for the silent screen," discovered after Rand's death, have mysteriously disappeared. Should they ever be relocated, he promises to publish them (vii).

This reminder of the ease with which documents get lost can only increase one's pleasure in finding that so much of Rand's unpublished work has been preserved. Everyone who would like to know more about her life and work will be grateful to Peikoff and to the editor, David Harriman, for making this book available to the public. It is attractively produced, reasonably priced, and very substantial in content.

Either-Or

Of course, no edition escapes controversy about its methods. Controversy is bound to arise simply from the fact that various groups of readers come to an edition with various and (frequently) incompatible expectations. The problem in regard to Rand's *Journals* is the existence of two very different audiences — one scholarly, the other popular or casual: audiences that cherish very different desires.

Casual readers do not want to see all of an author's manuscripts. They don't want to be slowed down by items that are merely of "historical interest"; they want a selection to be made. They

may also want — or need — a good deal of help in the form of explanatory notes. Editorial explanations are particularly important when a text consists largely of an author's communications to herself, communications that may not represent her final views or provide adequate self-explanations.

But scholarly readers are restive with editorial explanations of this kind. They don't think they need them, and perhaps they don't. Also, they abhor any attempt at selection and exclusion. They want to see everything the author wrote, just the way she wrote it. As for notes and commentary, what they demand is exact information about the state of the original text and the process of editing it; the facts behind all of the text's non-obvious references to persons, places, and things; all the sources of those facts; and a fully reliable index.

Harriman omits the rare note that "was too cryptic to be intelligible." But of course that's precisely the kind of note that scholars want to see: maybe they will find the clue and solve the mystery.

Now, an interesting thing about Rand is that she has both an extraordinarily large popular audience (according to the *Journals'* publicist, her books sell over 300,000 copies a year) and an extraordinarily large scholarly audience. I am not referring to college professors and literary critics, the vast majority of whom don't like her and have no intention of reading her. (Yes, there's an irony in that sentence.) Rand's scholarly audience consists of a multitude of intelligent people who are avid non-professional readers of her work and of everything related to it. They regard her writing as tremendously important and valuable; they want to learn all they can about the work and its context. This audience will probably account for most of the *Journals'* sales. As for casual readers, Rand has them in enormous numbers, but most of them remain just that — casual. They may have enough literary commitment to finish *Atlas Shrugged*, but her working notes are undoubtedly much further down on their reading list. A good publisher or editor will want to attract as much of the popular audience as possible — but how can the competing claims of the two audiences be reconciled?

Harriman tries to steer a middle course: "I have included the material that I judge to be of interest to serious, philosophical admirers of AR's novels and ideas. This standard is, in effect, a middle ground between the scholar who wants every note, and the casual fan who might be satisfied with a selection of notes on fiction" (xv). I am not sure what distinguishes the group of serious admirers from the group of scholars. What is certain, however, is that editing is a process of either-or decisions, and that most of the decisions in this edition fall somewhere below the expectations of the scholarly audience.

That doesn't mean that the decisions are thoughtless or arbitrary — most, in fact, are quite understandable — or that all their effects are bad. Harriman has fulfilled the primary duty of an editor, which is to collect his author's material and arrange it sensibly. That, apparently, was not an easy task; Peikoff refers to the necessity of bringing "order to dozens of large cardboard cartons filled with scattered papers and mementos" (xii). Of the available journal material, Harriman omits only about one-fourth. He offers 700 pages of text, and that's a lot of text. Some of the omitted material (to be frank) will not be greatly lamented, even by hard-core scholars. And it's worth remembering that publishers, as well as editors, usually have something to say about these issues. I've never heard of a publisher who wanted to *lengthen* an edition.

But where should the line be drawn?

Harriman omits "lengthy notes that merely state what the reader of [Rand's] published work already knows, such as final outlines for novels" — not an extremely controversial decision (xv). Another comparatively easy call is the decision to omit some of Rand's rewrites of her notes. Harriman includes "such later material only when it contains provocative new formulations" (xv). No one wants to read essentially the same thing over and over again — and yet, "provocative" is a highly subjective term. Harriman omits most of the background research material that Rand quoted or paraphrased from other authors but did not annotate — and yet, these notes could tell us a good deal about her way of selecting material and shaping it to her purpose. Harriman omits isolated notes on nonliterary, nonphilosophical topics — and this may sound like an uncontroversial decision, until one reads his example of an omitted note: "AR's critique of President Truman's decision to fire General MacArthur." Surely a note like that would be of interest, even if it wasn't literary or philosophical. Finally, Harriman omits the rare note that "was too cryptic to be intelligible" (xvi). But of course that's precisely the kind of note that scholars want to see: maybe *they* will find the clue and solve the mystery.

Harriman's policy regarding line-edits is also of concern, though I suspect that here the problem lies more with his explanations of editorial decisions than with the decisions themselves. He says that "not a great deal of line editing was required" by Rand's notes (xvi). Hmm. How much is that? He continues:

She is looking, simultaneously, for firm structure and fiery conflict: that is what makes "strong contrasts"; that is the hallmark of her style and method.

> I found few grammatical errors, except in the early notes of Part 1, which were written before [Rand] had mastered English. Most of my line editing was done to facilitate one's reading. I broke up paragraphs and sentences that were too long, occasionally supplied grammar that was merely implied, and eliminated the distracting overuse of parentheses, dashes and underlining. (xvi-xvii)

Such editing does "facilitate one's reading," but it also prevents one from being sure that one is reading Rand's sentences with Rand's own emphasis. And it denies one the chance to study

her acquisition of English as a literary language after her arrival in this country at the age of 21 — a matter of some interest, considering the fact that she is one of the very few important authors of imaginative literature who have been able to master English in adulthood.

Harriman says that he uses ellipsis points to indicate his "omission of passages within the notes," and one finds very few such omissions. Fine. But he apparently refers to another kind of line-editing when he discusses his attempt to reduce the "wordiness" that sometimes appears in Rand's notes:

> It is impossible — even for AR — consistently to find concise formulations while thinking aloud on paper. In many sentences, therefore, I have been able to eliminate words without affecting the meaning. However, I typically made such changes only when the original sentence was difficult to read. (xvii)

He provides no examples, leaving us to wonder what he means by "many" and "difficult" and "meaning." The effect of all this is to undermine the objective authority of the text.

Harriman's notes are ordinarily brief and to the point. They provide useful information about the dating of the various sections of Rand's *Journals*, about the various stages of work that they represent, about her methods of work, and about the literary characters and real-life personalities who appear in the *Journals*. The information is usually stated with admirable clarity; but scholarly readers could often profit from receiving more of it, and more information about its sources. Even casual readers might be interested in knowing more about some things, such as the musical numbers that are important in Rand's notes for *To Lorne Dieterling*. Saying that they are "popular tunes from the turn of the century" doesn't take us far — and it isn't strictly accurate, unless the overture from *La Traviata* (1853) is "turn of the century" (710).

Sometimes, an editorial comment is simply frustrating. In introductory remarks about the comparatively few pages of notes related to *We the Living*, Harriman mentions the omission of material that "was too cryptic to be of general interest." This, however, is more a speculation about the audience than a characterization of the material (49). What kind of cryptic material is it? Cryptic in what way? More frustrating is a comment on Rand's notes for *Atlas Shrugged*, April 13, 1946 (fortunately, Rand was a dater). Here she says, "I am not sure I want to use this — it belongs in the novel about the mind." Interesting! What novel about the mind? But Harriman's note says only: "AR thought of writing a novel showing the primacy of reason over emotions, but it eventually became obvious that this theme was included in *Atlas Shrugged*" (412).

Other editorial notes are much more helpful, especially to the popular audience. On a number of occasions, Harriman lets the casual reader know that something in Rand's early writing conflicts with something in her later writing. Or he offers a heads-up about the significance of a particular passage: "Here we see AR grasping the crucial point that ethics begins by asking not 'What are the right values?' but rather

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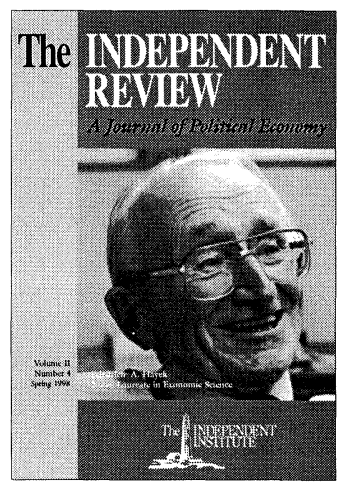

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'Why are values necessary?'" (272). Scholarly readers may find these notes distracting; casual readers should appreciate them. Everyone, though, will want a more reliable index. The current index is incomplete not only in its listing of proper names but also in its listing of page references, even for very significant entries.

Despite any problems I have mentioned, this edition is useful and welcome. It presents no radically new conception of Rand's career, but it confirms much that was known or surmised, offers fresh and challenging statements of her ideas, significantly extends our knowledge of her writing process, and provides the first substantial information about several fascinating uncompleted projects.

Maturity and Growth

One of its best features is the large amount of plain good writing that one discovers here, much more than one might expect to find in an author's working notes. Rand does very well in the medium of brief and (as she thought) temporary comments. The volume contains many shrewd observations, vital expressions of personality, and spirited confrontations with intellectual problems.

There are also a number of memorable aphorisms. The literature on Rand has so far had very little to say about her remarkable power in this medium. Skill as an aphorist is not something that one demands of novelists, or philosophers either — although one would like to demand it of the philosophers, at least, as proof of their ability to clarify their principles. But it is one of the dominant influences on Rand's mature style, an important source of its concision, lucidity, and intensity.

Some instances from the *Journals*:

> No great man ever says that success is made through fraud; every small man says that. (419)

> The realization of man's capacity for ecstasy is the only reason for this world's existence. (231)

> If it is biased not to notice similarities between a man and an amoeba — what sort of bias prompts those who do not notice the differences? (302)

> [On the kind of person who tries to "find philosophical significance in Donald Duck":] It's not Donald Duck that he's boosting. It's philosophy that he's destroying. (193)

> If your emotions do not proceed from your intellect, you will not be able to apply it, even if you know all the rules. (270)

> No road is ever muddy enough but that someone will rush to plump himself into its middle. (302)

> Principles are much more consistent than men. (351)

> If I think, I value. (189)

One of Rand's maxims ought to be carved over the door of every newspaper, publishing house, and college in the world:

> The art of writing is the art of doing what you think you're doing. (270)

And I would add: if you don't understand that saying, then you shouldn't try to be a writer.

In her mature writing and conversation, Rand's skill as an aphorist always appears quite natural and spontaneous. But some of that naturalness had to be acquired. It needed some cultivation. Her early notes for *The Fountainhead* (February 9, 1936) contain these statements about Howard Roark, the novel's architect hero: "He does not build for people. People live for his buildings" (94). That's *almost* an aphorism. It becomes one in the finished novel, where Roark says, "I don't intend to build in order to have clients. I intend to have clients in order to build."

Rand followed a principle of literary common sense: weak conflicts make weak stories. She had no intention of writing weak stories.

Another, related skill that Rand had to cultivate was an ability to reproduce the rhythm of speech, to sense and capture the subtly, constantly varying weights of words. The mature Rand is so good at this that one forgets to give her all the credit she deserves. Despite her prodigious verbal facility, her struggle with colloquial English must have been titanic. Echoes of it can be heard in her notes for dialogue in *Atlas Shrugged* (1945). Here she plans to

make one character speak the novel's catch-phrase, "Who is John Galt?", and to make another respond, "Stop using that cheap figure of gutter legend!" (396) The first character speaks in easy monosyllables, like a modern American; but the second sounds like someone who's just shown up in the court dress of the Austro-Hungarian monarchy. The mature Ayn Rand, the Ayn Rand who was fully herself in the American language, was a considerable literary accomplishment; and with Rand, the literary and the philosophical are seldom very far apart. It was because Rand developed such a clear and penetrating understanding of the relationships among various levels and implications of ideas that she was able to shape the popular language ("Who is John Galt?") into representations of profound philosophical themes.

On the evidence of the Journals, Rand was cautious and self-questioning.

In his introduction to this volume, Leonard Peikoff emphasizes Rand's philosophical growth, one example of which is her growth away from what Peikoff and Harriman and many other people call "Nietzschean" elements in her early work (ix, 95). It is right, in a way, to call them that. Rand quotes Nietzschean sayings, she is inspired (as in her aphorism about "ecstasy," just quoted) by Nietzschean visions of joy, and she expresses an intellectual elitism that one associates with Nietzsche. She does so as late as her notes for *The Fountainhead* (February 9, 1936). In one part of her sketch of Roark's character, she says:

> *Politics* — interested only in not being interested in politics. Society as such does not exist for him. Other people do not interest him. He recognizes only the right of the exceptional [man] (and by that he means and knows only himself) to create, and order, and command. The others are to bow. (95)

But Rand makes rather few specific references to Nietzsche, and she seems quite uninterested in the philosophical framework that supports his ideas. It is possible that she derived from him little more than a tone, an attitude, or, more likely, the confirmation of a pre-existing attitude; in short, just about what a hundred other authors of her time derived. If so, this is not enough to make her a Nietzschean in any philosophical sense, especially while she still considered herself a philosophic "amateur" (66).

Her comment, in 1936, about Roark's total lack of politics is an important clue. By 1942, when she wrote the climactic trial scene of *The Fountainhead*, he has a lot of politics, but they aren't exactly Nietzschean; they're classical American. Speaking to the court, Roark says, among other things:

> The "common good" of a collective — a race, a class, a state — was the claim and justification of every tyranny ever established over men. . . .
>
> The only good which men can do to one another and the only statement of their proper relationship is — Hands off!
>
> Now observe the results of a society built on the principle of individualism. This, our country. The noblest country in the history of men. The country of greatest achievement, greatest prosperity, greatest freedom. This country was not based on selfless service, sacrifice, renunciation or any precept of altruism. It was based on a man's right to the pursuit of happiness. . . .
>
> I recognize no obligations toward men except one: to respect their freedom and to take no part in a slave society.

There's nothing here about the exclusive right of the "exceptional" man.

Neither Command nor Obey

Rand's first novel, *We the Living*, was written in opposition to a "slave society," the Soviet Union, the society from which Rand herself had managed to escape in 1925. To that degree, *We the Living* was a political novel. But a few months after completing it, Rand wrote these callow notes on politics:

> The new conception of the State that I want to defend is the State as a means, not an end; a means for the convenience of the higher type of man. The State as the only *organization*. Within it — all have to remain individuals. The State, not as a slave of the great numbers, but precisely the contrary, as the individual's defense against great numbers. To free man from the tyranny of numbers. (May 16, 1934 [73–74])

But what is it about the individual that the State is supposed to defend? The individual's rights, of course. Yet:

> The fault of liberal democracies: giving full rights to quantity (majorities), they forget the rights of quality, which are much higher rights. Prove that differences of quality not only do exist inexorably, but also *should exist*. The next step — democracy of superiors only. This is not possible without a very high and powerful sense of honor. . . . (74)

I'll say it's not! These vague, paradoxical speculations of the mid-1930s (what is a "democracy of superiors"?) refuse to coalesce into anything that one could call a political philosophy. One very serious problem is a confusion about rights. Rand associates rights with two different things: (1) the *positive* ability to do or be certain things — an ability that "exceptional" people have in an exceptional degree: hence, the "rights of quality"; and (2) the *negative* guarantee of the individual's immunity against certain things that other people may want to do to him — a guarantee that "all" people need if they are to "remain individuals": hence, the rights of everyone. As the mature Ayn Rand would tell you, very emphatically, it's bad practice to talk as if there were more than one set of "rights," just as it's bad practice to think of "freedom" as something that can't be understood as the absence of coercion. But in the mid-1930s, she appears to confuse "freedom" with the power to be or do something specific. "What exactly is freedom?" she writes on May 15, 1934, in response to Ortega y Gasset's *The Revolt of the Masses*.

The literature on Rand has so far had very little to say about her remarkable power as an aphorist.

> Surely, freedom does not mean an empty blank. . . . If a man has no ideals at all — why is that called freedom? How can any human quality,

> such as freedom, be disconnected from its content? Isn't there a terrible mistake of abstraction here? Isn't it as Nietzsche said: "Not freedom *from* what, but freedom *for* what?" . . . (70)

Here is a typically modern disappointment with "freedom *from*" because it seems merely "negative." Rand does not yet fully realize how powerful "freedom *from*" — "Hands off!" — can be.

But when she begins to look more closely at politics, she sees that you cannot have freedom *for* individual achievement unless you have freedom *from* all interference with individuals. She sees that they are two different sides of the same coin, and that the only logically defensible position is that everyone has an equal and absolute right to cry "Hands off!" The development of this clearly non-Nietzschean sense of individualism can be seen in *Anthem* (written mid-1937):

> [N]either command nor obey. . . .
> But what is freedom? Freedom from what? . . . [T]o be free, a man must be free of his brothers. That is Freedom. That and nothing else.

Rand derived from Nietzsche little more than a tone, an attitude, or, more likely, the confirmation of a pre-existing attitude; in short, just about what a hundred other authors of her time derived.

It can also be seen in some *Journal* writing of the 1940–1941 period, the time when Rand became actively interested in American politics and the nature of the American political system; and it can be seen in *The Fountainhead* as published in 1943. It marks an impressive tightening of Rand's intellectual grasp.

There are some interesting relationships here between Rand the thinker and Rand the writer. Her "Nietzschean" conceptions about power and freedom were clearly related to her literary desire for intense characterizations. Thinking of the character that Howard Roark needed to be, she wrote in 1936: "He has a tremendous, unshatterable conviction that he can and will *force* men to accept him, not beg and cheat them into it. He will *take* the place he wants, not receive it from others" (95).

The context, which is mainly concerned with Roark's artistic aspirations, shows that this use of "force" is largely metaphorical. No one can literally *force* someone to give him an architectural commission. Nevertheless, literary metaphors have a way of seeping into an author's political philosophy, especially if they are metaphors of power. That, unfortunately, is how many imaginative writers form their "political philosophies." But Rand always wanted to get to the bottom of things; and in this case, she had artistic as well as political reasons for doing so.

In *The Fountainhead*, she meant to paint on a really broad canvas; it was important to her to consider political and social as well as artistic and psychological issues. She therefore needed to discover exactly what Roark's individualism meant in relation to social and political issues. She asked herself questions, and she integrated the answers with what she was learning about American politics and history. The result was a novel, and a philosophy, that was individualist in every dimension.

Conflicts and Harmonies

One of the most important literary influences on her way of thinking continued to be her sensitivity to dramatic contrasts and conflicts, her interest in making the oppositions in her writing as intense as possible. In this she followed the great nineteenth-century novelists whom she so much admired. She also followed a principle of literary common sense: weak conflicts make weak stories. She had no intention of writing weak stories. Furthermore, the conflicts must be grounded in intellectual, not merely circumstantial, oppositions: to be really strong, they must go all the way down.

From the first she believed that "the stronger the contrast, the better" (31). Even her images of harmony emerged from her contrastive way of thinking, as in her notes for *The Fountainhead*'s first scene:

> Rocks like a frozen explosion — a struggle, the harmony of conflict, the hard unity not of peaceful balance, but of opposite forces holding one another in check. . . [A] million sparks in the granite, the rock flaming, a hard luster, the polish of heat, as if the air were a liquid, so dry that the stones seem wet with sunrays. (186)

She is looking, simultaneously, for firm structure and fiery conflict: that is what makes "strong contrasts"; that is the hallmark of her style and method. The contrastive way of thinking was with her always, and it was truly creative, in both the literary and the philosophical parts of her work.

It often leads her to do things that are, strictly speaking, unnecessary, things that are sometimes wrong but that are often magnificently right. In *The Fountainhead*, she decides that Roark can use a diametrical opposite, and she invents for that purpose the architectural critic Ellsworth Toohey. Toohey doesn't need to be a strong character to fulfill his basic role in the plot. His philosophy, indeed, is a gospel of weakness. But Rand wants the strongest, most intellectually interesting contrast that she can build. So Toohey grows into his job, becomes interesting in his own right, becomes an answer to many questions of primary importance. *"There are only two fundamental bases,"* Rand writes to herself (November 22, 1937). *"Roark's and Toohey's. Show them at work"*(143).

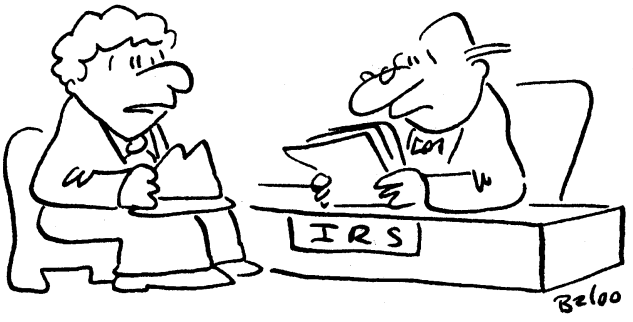

"I've always had trouble with story problems."

> Roark and Toohey as the two poles of good and evil.
>
> Everything that happens to the others in the book is according to the principles either of Roark or of Toohey. These principles are illustrated by the actions of the two men. In their relations to these two, and in the influence of these two, the [other] characters play out the drama which illustrates the two life-principles. (May 15, 1938 [180])

Rand's search for dramatic contrasts could lead her astray. She sometimes thought she had discovered irreconcilable conflict where she later found a benevolent or malevolent alliance of only superficial opposites. We have seen this kind of mistake in the forcing-versus-begging antithesis of the early *Fountainhead* notes. If begging is wrong, then "forcing" must be right. . . . But she corrected that view. By the time *The Fountainhead* was completed, forcing and begging were both planted with unmistakable firmness on the debit side of the ledger, revealed as enemies of individualism in all its forms. In the published novel, Roark is asked, right away, how he proposes to "force" his ideas on people; and he responds, "I don't propose to force or be forced. Those who want me will come to me."

Here is another example of self-correction. In the first set of notes for *The Fountainhead* (late 1935), Rand says that civilization is not "the work of many men working together" but "the work of many men working *alone*," and she contrasts civilization so dramatically with collective process that she allows no room for cooperation:

> All civilization, all progress . . . has been accomplished not by a cooperation between an originator and his followers, between man and the mob, but by a *struggle* between man and the mob. (86)

A year and a half later (mid-1937), she finds a reason to revise that view. She is pursuing a problem suggested by her architectural research, the problem of how any part of "civilization" — such as a building — actually gets "accomplished." She maintains her sharp contrast, but she does so by distinguishing two forms of cooperation. In a system of false cooperation, "everyone's voice [is considered] as good as the next fellow's," and the result is an "eclectic mess." You can't build a skyscraper that way. That requires "the proper spirit of cooperation," which manifests itself when the less talented let themselves be led by the more talented, as they do on a good construction job (132). The dramatic contrast remains; the intellectual dynamic has changed.

But the process continues. The contrastive method leads her to another solution, one that provides a broader view of society and is fully integrated with her evolving political philosophy. The notes for Roark's speech (1942) put the conflict in this way: "Cooperation, but not collectivism. . . . Use the product of others and add that which is new and yours" (222). Rand's memorandum of January 2, 1946 regarding *Top Secret* carries the basic contrast farther: "Collectivism is compulsion. Compulsion and cooperation are not synonyms. They are opposites. Collectivism is group action by decree. . . . Cooperation is a highly complex *division* of individual labor" (323).

Top Secret was going to be a film about the atomic bomb project, which was a formidable system of scientific and industrial cooperation. Thinking about how that system could be presented in a screenplay gave Rand the opportunity to specify some of the economic applications of her political ideas, just as earlier literary tasks had helped her to specify the political ideas themselves. The basic literary method was the same — a use of dramatic oppositions to emphasize intellectual structure and evoke intensity.

That method could, at times, produce less happy results: abrupt judgments, false oppositions, over-generalizations. One is surprised to learn that Rand could be so enthusiastic a searcher for dramatic contrasts as to say that sex either has "a high spiritual base and source" or is nothing but "an evil perversion" (609). Everyone can cite examples of such Randian dicta. It is interesting, therefore, to see how many times in the *Journals* Rand insightfully corrects herself, both implicitly and explicitly, and how many times she conscientiously stops to question what she's doing:

> Chapter I [of *The Fountainhead*]: Roark planted too soon — too much of him given — too obviously heroic — the

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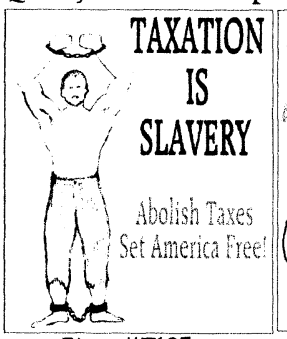

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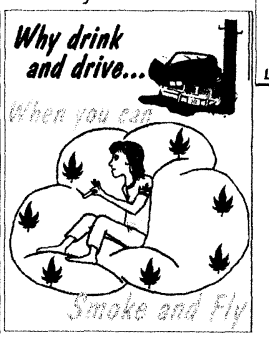

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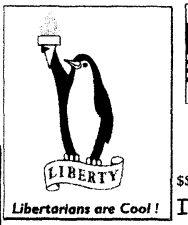

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Thomas Jefferson
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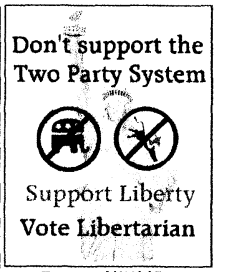

Item #T117

> author's sympathy too clear.(?) (205)
>
> Do not dialogue thoughts. Control adjectives — cut the weakening ones. Do not use adjectives unless they are different and illuminating. Don't go into over-detailed analyses of psychology — unless it's something new and illuminating to say. Don't give any details whatever — in sentences or thoughts — unless you have something new to say. (207)
>
> *Or are second-handers in the majority?* That, perhaps, is the heart of the question. Maybe not. Maybe Pat [Isabel Paterson, novelist and political theorist] is right — the fault is in men's thinking, not in man's nature. (Think, think, think on *this* point.) (264)

On the evidence of the *Journals*, Rand was cautious and self-questioning about the basic matter of her literary investments. She limited herself to a few literary projects and concentrated on making them pay off. She planned meticulously, reviewed her plans with care, and husbanded her energy, often working on a project intensely for short periods, then taking a break for weeks or months before returning to her notes and drafts. She was reluctant to drop an idea or character until she was sure that what she had planned would not have the desired effect. But once she was sure, she was ruthless.

From *Atlas Shrugged* she dropped a number of situations and secondary characters, including a priest whom she intended as a "glamorized projection of a Thomist philosopher, of a man who thought he could combine reason with religion." She would make him, to some degree at least, a convert to her ideas. She experimented with the priest for a while, then abandoned him to the limbo of dead notes. She had decided that to cast a priest in a favorable role would be to give an inadvertent "sanction" to religion (405, 540–41).

From *The Fountainhead* she dropped all of Howard Roark's pre-Dominique Francon girlfriends, even those of considerable psychological and literary interest (199–200). She also dropped the suicide of Roark's friend Steven Mallory, transforming it (brilliantly) into a failed assassination of Ellsworth Toohey. She dropped a great deal of plot business that she had planned for the conclusion of the novel — another wise decision.

From *The Moral Basis of Individualism*, her first philosophical treatise, she dropped — everything. She decided that the book was a bad investment, after all. It had problems, as she saw when she reviewed the draft she had written up until June 29, 1945: "Bad in language — too journalistic and uncertain. Shaky. No unity of style, because no unity of method and approach. Reorganize and rewrite. . . ." (271). Eventually, she became too "bored" to continue a project that was not rewarding to her (479). On the evidence of the *Journals*, this decision was also wise. The language *was* shaky.

In Her Mind . . .

Rand had no choice about *Top Secret*. It's obvious that she would never have dropped it herself, but Hal Wallis sold the project to MGM, and MGM promptly shelved it. And that was a terrible mistake. The notes, outlines, and memoranda in this volume provide a very substantial account of Rand's ideas. If they had been followed, the result would have been a cinematically gripping, intellectually exciting film.

An easy movie about the atom bomb, the kind of movie that almost anyone would think of writing, would demonstrate the bomb's awesome power, dramatize the nation's enormous financial investment in its production, dwell suspensefully on America's scientific race with Nazi Germany, whip up patriotic fervor, introduce fears of mass destruction, insinuate distrust of the scientific mentality, and so on and so forth. But Rand's purpose was to demonstrate that scientific discovery is not the result of luck or money or political power or patriotism or crafty schemes or craven fears but of individual minds at work in conditions of freedom.

When Rand interviewed J. Robert Oppenheimer, scientific head of the Los Alamos Project, what impressed her most was not the "sheer brain power" that other people found so impressive, or his project's fabled secrecy; it was the freedom that he and his fellow-workers had enjoyed. "Scientists given choice of problems," she recorded in her notes.

> *Reasons* instead of *authority*.
>
> *Free* to solve problems.
>
> Scientists like music. Long walks, skiing, horses.
>
> *No one ever gave an order at Los Alamos*. (330)

In one of the scenes that Rand proposed for the movie, a Jewish scientist, Lise Meitner,

> is forced to leave Germany. . . . She sits alone in a corner of the train, her mind intent on the inexplicable [results of an] experiment; she makes calculations on a piece of paper. A solution occurs to her suddenly; it is a stunning solution — but she must keep quiet about it. At the frontier, Nazis search her luggage: they take from her an old camera, a typewriter, and other such physical objects; nothing of value to the State, they declare, can be taken out of Germany. We see a close-up of Lise Meitner — the broad forehead, the intelligent eyes. What she is taking out is in her mind. (339)

All the real drama of the intellect, notoriously so hard to evoke on film, is in this scene.

Two other imaginative projects that Rand left tantalizingly uncompleted are *The Little Street*, which would have been her first novel, and *To Lorne Dieterling*, which would have been her last. One would like to know more about her reasons for leaving these works in their planning stages — although almost any summary of *The Little Street* would make almost anyone (certainly including the mature Ayn Rand) want to abandon it. The hero is an "imperious," "impatient," "untamable" young man, a youth of "too brilliant and fiery a nature to be able to handle any 'job' and make money," or, indeed, to adopt any relationship at all with "everyday life." He has "the consciousness of a god," and a Greek god's disdainful cruelty. That is the hero. The villain is a representative of conventional moral feeling, "a popular, 'respectable' pastor." This gentleman "damages, if not ruins," the hero's life. The hero murders him; is apprehended, tried, and sentenced to death; then escapes, only to be lynched by a mob: "torn to pieces, beaten to death on the pavement with the water of the gutter running red" (26–29).

The book sounds unpromising for a hundred reasons, about fifty of them

having to do with what Rand scorned, in another context, as "obvious, pointless exaggerations" (207). But there is something about her notes that, nevertheless, makes one want to have the story told, if only to find out how she'd handle the telling. She always hated "the little street," the world of petty ideals and petty rules, the world of "snickering, giggling, dirty-story-telling, good-timing, jolly, regular fellows" (29). She satirized it superbly in *The Fountainhead* and *Atlas Shrugged*. In *The Little Street*, her intention was to confront that world with the ultimate "outsider" (29). It would be *Babbitt* rewritten as a *roman noir*:

> The story ends with Hetty, the girl who loved him, going to a grocery store on a rainy November evening, sent by her mother to buy some hamburger and ten cents worth of chopped pickles.
>
> And the last cry of the story, as the girl looks at the little street:
>
> "I'm afraid, Mother, I'm afraid!" (29–30)

The effect is bizarre, grotesque, creepy — just as its author intended.

Rand had to cultivate an ability to reproduce the rhythm of speech, to sense and capture the subtly, constantly varying weights of words. The mature Rand is so good at this that one forgets to give her all the credit she deserves.

An unpromising book . . . and yet, one would like to see more of it.

There are no grounds for hesitation about *To Lorne Dieterling*. The concept is transparently simple and transparently right. An artist (first identified as a writer, then as a dancer) suffers disastrous failures in both public and private life. Despite everything, she retains her values. She finds, at the end, that she has nothing to regret, nothing to envy, nothing to forgive: she is herself; she has won. Rand planned and replanned the story; complicated it, resimplified it; then committed it permanently to her imagination — and now to ours. ❑

***The Other Americans:* How Immigrants Renew Our Country, Our Economy, and Our Values, by Joel Millman. Viking, 1997, 317 pages.**

America Revitalized

Martin Morse Wooster

One of the many problems in the continuing debate over immigration is that there's been very little reporting on what productive immigrants are like. The left, hostile to capitalism and devoted to promoting multiculturalism and subsidized separatism, has little use for immigrants who simply want to come to our country to create businesses through hard work. The anti-immigrant right, eager to portray all immigrants either as welfare scroungers or as thieves who somehow "steal" jobs, has little use for any evidence that shows immigrants to be successful entrepreneurs.

But America, once known as "the melting pot," seems an ideal place for foreigners to make good by industriousness and entrepreneurship. So, what sort of businesses do immigrants create? What effect do immigrants have on our economy?

In *The Other Americans*, Joel Millman provides ample evidence that many immigrants productively add wealth and variety to our country and our culture. Millman, a *Wall Street Journal* reporter, is not out to provide policy analysis, although he does favor removing most restrictions on immigration. Nor is his book an economic cost-benefit analysis, although there's plenty of economics in Millman's book. Instead, Millman shows the effects of immigrant business creators by providing several case studies. Most of the time, according to Millman, immigrants create jobs because of a multiplier effect. Typically, some immigrants move into a blighted neighborhood and start businesses. But these immigrants have needs — food, shelter, telephones. These services are provided by other immigrants, who then also consume, creating more jobs and wealth.

Complaints that these newly-created jobs "are 'Third World jobs' misses the point," Millman writes. "Of course they are. That's why Third World immigrants take them. What is truly extraordinary is the discovery, the immigrants' and ours, that Third World work earns enough in the First World for the worker to consume at a First World level." Lots of these jobs are ones that many Americans won't do. The flood of immigrants into New York City, for example, ensures that most New Yorkers who want to get some salad at 2 a.m. will easily find a salad bar with a Korean owner and a Mexican vegetable slicer. Similarly, immigrants who clean homes and provide child care profitably assist working mothers who want to return to the labor force.

But Millman's most fascinating chapters show that the benefits that immigrants provide aren't just limited to cities. For example, suppose that after a hard day of driving, you decide to sleep in a budget hotel. Why do you have a choice among five or six inexpensive hotels? Perhaps you should thank Idi Amin. In the mid-1970s, the deranged Ugandan despot expelled tens of thousands of Indians, mostly from the Gujarati clan. These Indians landed in America, many allowed in because of a clause in the immigration law that admits people who will invest at least $40,000 and hire ten people. But the businesses these Gujarati could invest in were limited. Religious scruples ruled out jobs that involved handling meat. Language barriers

suggested that these Indian émigrés would be more productive in jobs that didn't involve daily face-to-face contact with customers. That meant the hotel business — and specifically, low-budget hotels that did not include restaurants. By choosing places near interstates, the Indian émigrés could efficiently serve travelers who wouldn't stay more than one night, thus ensuring minimal contact with English-deficient personnel. And large Indian families ensured an ample labor force; hotel jobs, Millman reports, became ideal for college students whose salaries could be partially paid by letting them live on the properties.

Today, Indians (known in the hotel trade as "Patels") own more than half of the Days Inns in America, as well as a third of the Howard Johnsons and Ramadas. Had immigration policies been more restrictive, it's unlikely that many of these facilities would have been built. Immigrants also ensure that Americans have ample supplies of fruits and vegetables in the winter. Tens of thousands of Mexicans toil in the California fields; walk in a California vineyard at harvest time, Millman writes, and you'll find a *mundo Mejicano* — a Mexican world. Moreover, some California immigrants are now extensively growing crops exclusively for the Asian market, making up to $12,000 an acre exporting bok choy, daikon radishes, and broccoli.

The Other Americans is full of inspiring stories — Portuguese and Brazilians in Framingham, Massachusetts, Africans in New York and Philadelphia, Caribbeans in Brooklyn. With the exception of a chapter on Haitian immigrants in Florida, which does not succeed because Millman did not develop enough sources, Millman convinces his readers that many immigrants are productive and enterprising.

If we're ever to have a sensible immigration policy, we need better reporting on what immigrants do. *The Other Americans* persuasively shows that most immigrants are neither victims nor parasites, but simply people who, like most other Americans, want to create wealth and celebrate their heritage.

Immigrants do not need either our pity or our taxes. They do need our respect — and, if the price is right, our business. ❑

***The Soul's Code: In Search of Character and Calling*, by James Hillman. Random House, 1996, 334 pages.**

Daimon in the Rough

Karen Michalson

The Soul's Code is an infuriating piece of post-Jungian New Age psychobabble that trivializes the very soul-sickness in contemporary America that it seeks to redress, namely the pathological glorification of mediocrity and denigration of excellence.

James Hillman argues that "we need to emphasize the exceptional in a society that now, owing to reverse snobbism, is enthralled with the ordinary." When Hillman claims that we have suffered a loss of soul by "inviting mediocrity in — just doing a passable job as a team player, not upsetting the boat" I cheered; but this was only after hurling the book across the room several times, exasperated at Hillman's obtusely hierophantic agenda for inviting greatness into our lives and his irritating use of clichés in a book purporting to defend excellence.

Hillman bangs the primitivist drum for what he calls the "acorn theory" of human character and calling, which postulates that we are born with a "defining image," an individualized soul that both *is* and *contains the seeds* of our calling, just as an acorn contains and is an oak tree. Drawing on Plato, Hillman claims that we decide what our acorn and calling will be before we are born, that we sit around in the otherworld and choose whether we will be a great philosopher/artist/inventor/world leader or, well, a nobody. Then we each get a *daimon* or guardian angel or *genius* (the term keeps changing) who comes into the world with us where we promptly forget our original choice. Our daimon, however, remembers and arranges our life so everything turns out as we planned, kind of like an invisible nanny.

Sometimes Hillman seems to be using "daimon" as a metaphor for that undefinable calling of the soul that becomes a life path, and sometimes he writes as though it is a literally existing entity. This sloppiness gives the impression that he (or his publisher) lacked the confidence to market this book to an upscale educated audience while claiming a literal belief in daimons, but still wanted to titillate those readers carrying humanities degrees and a mystic bent.

But since it's myth, he gets to have it both ways, metaphor and reality. He conjures up the Swedish folktale of the Huldra, an apparition with an invisible back. For Hillman, the Huldra is the archetypal image of the hazy duplicity of myth, and his excuse for not being burdened with anything as dull as clarity. "Myths fall back on invisibility," he preaches. So does Hillman's argument, because the Huldra's invisible back means that intellectual rigor is also unnecessary, excellence be damned. The point seems to be that since myths are fuzzy enough to be anything you want them to be, only a mean-spirited spoilsport lacking the capacity for mythic vision could object to Hillman's constant reliance on anecdotal "evidence" to make his point.

Hillman divides humanity between individuals who chose the daimon that will insure that they become great at their calling, and the rest of us who chose the wrong daimon to insure world success. In an argument reminiscent of the Church's injunction to sinners to contemplate their own unworthiness by studying the lives of the saints, he recommends that we con-

tent ourselves with learning to appreciate our own humanity by contemplating the lives of the great, who enrich us by becoming living embodiments of the great archetypes of western history.

He doesn't quite put it that way. Well, actually he does, but that's later. He begins by claiming that he is using the lives of the great to prove his point about daimons because such lives show their workings in the well-documented extreme. He tells us several well-worn anecdotes about the childhoods of famous people, one representative example being that when Golda Meir was eleven years old her daimon made it possible for her to rent a hall to stage a political meeting protesting the required purchase of schoolbooks. Hillman, who conveniently dismisses pedestrian concerns like time, which "must be set aside" because he wishes to read lives backwards as well as forwards, urges breathlessly, "Was she not already a Labor party prime minister?"

Well, no, she was an eleven year old girl. I remember three or four children from my own school days who had enough of a political bent to organize school protests. None of them became prime ministers. I suspect that if one had, Hillman would be trumpeting him as having chosen the right daimon, but since none did, well their youthful activities are the ineffectual beatings of mediocrities who lack the proper archetypal luster to inspire the rest of us to contemplate our humanity. There's something fatalistic, if not weirdly Calvinist, about Hillman's suspension of time and reading lives backwards. If you are successful enough to affect the "World Soul" with your talents, it's a sign you chose the right guardian angel.

His descriptions of the unrecognized masses are just plain snobbish. He mentions that Rush Limbaugh failed Speech 101, adding that, "he already had a national listening audience by the throat, so of course he couldn't take instruction from a Southwest Missouri State teacher of speech." I don't know if Hillman is sneering at all speech professors or just those at Southwest Missouri State, but it's sentences like these that help explain why we suffer with such intolerance of achievers. Their "defenders" always come across sounding like the insufferable hanger-on who thinks he's a better man than you solely because he's attached himself to one. When Hillman writes such self-congratulatory statements as "It takes a genius to see genius" he doesn't do a lot to dispel this impression.

In reality, Limbaugh failed speech decades before he had a national listening audience. However, and to my mind more egregiously, Hillman displays the disconcerting naiveté that supports most earnest snobbishness by refusing to disrupt his mythic vision to entertain the reality that there are very few jobs as talk radio hosts compared to the applicant pool, and that talented speechmakers who don't get on-the-air jobs often teach while working for their break. Telling the also-rans to contemplate Limbaugh's mythic excellence to add dimension to their own colorless lives may not be the best way to welcome excellence back to public consciousness.

Half the people who have ever been born are alive today. That's a lot of Shakespeares and Pasteurs competing for publishing contracts and research grants.

Neither are the endorsements on the bookjacket. In a book that purports to defend greatness, one would expect to see endorsements from some of the great achievers of the age, like Jerome Friedman in physics or Joseph Murray in medicine or John Barth in literature or John Lee Hooker in the blues. Instead there is insipid praise from Joe Menosky, who produced a recent *Star Trek* movie, and Gary Hart.

So why and how does one choose the right daimon? Hillman conjures up the goddess Ananke, or Necessity, and does cartwheels trying to re-mythologize her into a force that allows him to be a fatalist without actually being a fatalist. It's almost comical. "This determinism is indeterminate," he proclaims, before writing, "This makes the understanding of our lives relatively easy: whatever we are we could not have been otherwise. There is no regret, no wrong path, no true mistake. The eye of necessity reveals what we do to be only what could have been." And incomprehensibly, "At the moment the decision falls, it is necessary. Before it is decided, all lies open. . . . All is at risk in each decision, even though what is finally decided upon at once becomes necessary."

That's nice and neat, like all circular arguments, but I'm not sure claiming that it's the mystic working of Necessity that allows the few to succeed and the rest to plod along will encourage many people in our envy-ridden society to welcome mythic greatness back into our midst and maybe buy tickets for Shakespeare plays instead of *Star Trek*.

It would be better to discuss why so many talented, hardworking people don't achieve wide recognition, better to face the facts. The truth is more mundane, and has nothing to do with Moira, the Fates, the Goddess of Necessity, or choosing the right daimon in some Platonic heavenly pre-birth caucus. It's simple and it's devastating and it's the dirty little secret everyone knows but no one wants to point out.

Opportunities for world recognition are limited, talent is abundant. World population is so high that demographers estimate that half the people who have ever been born are alive today. Statistically, that's a lot of Shakespeares and Pasteurs competing for publishing contracts and research grants. The crime, the cause of soul-sickness in America, is in refusing publicly and consistently to recognize that the majority of highly talented people will never achieve commensurate recognition and thereby pushing a lot of these same talented people into self-hatred and social pathology. This is not to say that every mediocre, ill-adjusted child is an Einstein — we've suffered enough social decay by entertaining that temptation — but to say that there are a hell of a lot more Einsteins around than Hillman's theories account for.

A lot of hatred of excellence is not arising from true mediocrities who don't care enough to appreciate genius in the first place, but from other talented individuals who must daily confront the inherent cruelty of a society that pretends that hard work and talent is always met with success, that the most qualified person always gets the job, and that there really is such a thing as a "most qualified person" when it's

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usually a toss-up between many equally qualified persons. You don't have to work in any occupation for long before observing that the person who has a great idea and works hard to implement it often sees a colleague with more political clout steal the credit. Does Hillman believe that "touching the World Soul," becoming prime minister of Israel, say, is any less rife with political and human intrigue?

Since Hillman spends hundreds of pages arguing from biographical anecdotes that we choose our own daimon, it is astonishing that two thirds of the way through the book he presents an elaborate defense of great men who deliberately falsify their biographies. One of Hillman's examples is Leonard Bernstein, a rich kid from Boston who lied about growing up in poverty. The daimon "must tell a story of distortions to really tell the truth. The story must be adequate to the exceptionality of genius. The ordinary lot . . . [is] simply not adequate, and probably cause[s] the angel great discomfort." But I thought the angel chose its lot in the first place! You can't have it both ways, the duplicity of mythic vision notwithstanding. You can't claim genius always chooses an archetypal path to success, and then lies about the path if the path doesn't happen to fit the archetype.

But you can do a lot of damage to a lot of brilliant, unrecognized minds. You see there's a lot of very talented poor kids out there who are likely to hear the myth that Leonard Bernstein succeeded in music despite his poverty, will struggle like hell to succeed in music despite theirs, won't succeed due to factors that have nothing to do with talent and everything to do with the Byzantine politics of the music business, and get very bitter against society or see themselves as utter failures because they couldn't pull off what Bernstein (never) did. Some of them commit suicide. Some kill others. Most drag through years of soul-killing misery.

And Hillman wonders why hatred of excellence is so widespread.

A more interesting question is why so many famous achievers feel they must lie by making their early lives sound more wretched than they were, when for thousands of years the tendency of heroes was to claim some kind of divine birth. Charles Dickens's Mr. Bounderby, a great writer's satire on the sort of liars Hillman glorifies, has become the new archetype of success. It seems to me this tendency is one symptom of the privileging of mediocrity in society, or rather, pandering to mediocrity in society, the very thing Hillman claims he's against. This peculiarly contemporary phenomenon needs to be examined, not defended as the prerogative lie of the sensitive daimons of the great.

How about full disclosure in the midst of entertainment industry advertising campaigns of how artists are really chosen for heavy promotion, and how little individual talent has to do with the decision-making process? How about recognition that in the fields of music and literature, the two fields Hillman takes most of his examples from, innovation is more often a recipe for failure than success, because the major mainstream presses and record labels that have the promotional resources to "impact the World Soul" are terrified of putting unique, disturbing, untried visions before the public?

Hillman should understand this, because he writes of careers in politics that "Anyone who rises in a world that worships success should be suspect, for this is an age of psychopathy. The psychopath no longer slinks like a dirty rat through the dark alleys of black-and-white 1930s crime films, but parades through boulevards in a bullet-proof limo on state visits, runs entire nations, and sends delegates to the U.N." Hillman never makes it clear why success in politics is more suspect than in any other field, which makes his whole book suspect, especially when he writes that in terms of examples of successful lives that show the daimon's call, "show business shows this best." Excuse me? Show business? Where artists with genius and integrity are starving for work and demonic mediocrities promoted like there's no hell tomorrow? *Show business?*

Hillman begins his next to last chapter, "Mediocrity," by asking "Can there be a mediocre angel? A call to mediocrity?" His answer is no, there's no such thing as a mediocre soul (after all, someone has to buy his book) but his qualification is chilling and well, soulless. After giving a grudging recognition that many have talent, he explains

why so few of those become great with the biblical injunction, "Many are called, few are chosen." Chosen by whom? He doesn't say, but the contradiction of choosing your own daimon before birth and "being chosen" is embarrassingly obvious.

Hillman offers this sop to the rest of the world who are "called not chosen." "For many the call is to keep the light under a bushel, to be in service to the middle way, to join the rank-and-file."

And this is where I hurl the book across the room.

What about those brilliant artists whose light is kept under a bushel by a skittish music industry that indulges in the nightmarish practice of "shelving" (the practice of signing talented artists that could pose a threat to an already-signed and already-invested-in artist and then keeping the new artist's work off the market permanently) and a publishing industry that informally does the same thing? What is at stake in recognizing that there are more geniuses that walk the earth than ever meet the public eye? Isn't there an archetype of the deity who walks disguised and unrecognized among mortals? This archetype goes utterly unrecognized by Hillman, both literally and figuratively.

Hillman offers three examples of the mediocre soul — I mean, since there are no mediocre souls, those who are "not chosen" — for the rest of us who are "not chosen" to take comfort from, to use as models for our own mundane lives. If you can't be Ella Fitzgerald or Mozart you can follow a more accessible, lower god, but Hillman's choice of gods in this department is passing weird: Governor Dewey, Billy Graham, and Oliver North! The People's Holy Trinity.

His point seems to be that if you can't be great, you can serve one who is, although Hillman, who is no Carl Jung, seems to chafe a bit against his own position in the pecking order of greatness when he asserts that there is such a thing an archetypal style of theory, meaning his own. The *puer* theory, the theory that contains and is an archetype of the "eternal boy," will "limp among the facts, even collapse when met with questioning inquiries of so-called reality, which is the position taken by the *puer*'s classical opponent, the gray-faced king or Saturn figure, old hardnose, hardass, hardhat. He wants statistics, examples, studies, not images, visions, stories."

Hillman is clearly inviting us to see his own theory this way, so I suppose anyone who questions his insight risks being labeled a stodgy old Saturn-figure or worse, despite the Saturnine nature of his own attempt to establish a spiritual caste system that is rigid enough to make a 12th degree ceremonial magician dizzy. Hillman makes it clear that you can't disagree with him and lay any claim to dashing, mythic eccentricity, charm, creativity or plain old fun. He's got a run on the stuff. He, or his theory, is the "eternal boy" of popular post-Jungian claptrap. And that seems to be the telos of his book, the Necessity to which all things tend, or don't tend.

If you want to contemplate your own humanity through a mythic lens, I highly recommend reading Jung, John Ruskin, Walter Pater, Walter Benjamin, Northrop Frye, or Roberto Calasso. They've said these things before, and said them better and more convincingly, with a much more colorful, multi-faceted, truly *puer* vision that embraces all of the gray, maddening, poetic diversity of humanity, a much more difficult thing to accomplish. Their work is of a high enough caliber that its excellence is earned, not assumed.

Hillman, however, writes like a second-hander to his betters who hopes you won't be educated enough to notice the difference. Unfortunately, with today's rampant mediocrity of mind, he's made a safe bet. ❑

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***Sheroes: Womyn Warrior Calendar*, by the Organization of Revolutionary Socialist Sisters And Some Men (ORSSASM). Autonomedia, 1997.**

Calendar Girls

Bob Black

What to get for the feminist who has everything (except a life)? This calendar. For every day of 1998 it identifies an exemplary womyn ("We spell 'womyn' to take out the men," the authors explain, in case anyone was wondering). These women — as I shall refer to them in order to get the spell-checker off my back — are the "rebels and fighters against patriarchy, who opposed and fought invaders of their homelands, and who represent radicals and revolutionaries of their times and societies, who" — we are reliably informed — "if they were alive today, would continue to serve as sheroic examples." "Conquerors," "establishment feminists" and such are excluded. *Sheroes* is modelled on Autonomedia's *Jubilee Saints* calendar from which, in fact, many listings have been lifted. These socialist sisters admit to some "problematic selections," such as female monarchs, and they have "also included a few celestial and supernatural females important to a womyn-centeredness." But "most of the womyn contained herein represent the oppressed and exploited masses."

These criteria, however, are easier to enunciate than to implement. In a calendar ostensibly, and ostentatiously, male-excluding, what stands out is how many women are included only because they were the wives of heroes (usually black men). Among them are Cherry Turner, wife of Nat; Nancy Prosser, wife of Gabriel; Eslanda Goode Robeson, wife of Paul; Shirley Graham DuBois, wife of W.E.B.; and Hazel Scott, wife of corrupt Congressman Adam Clayton Powell, Jr. This last listing is especially, as the sisters would say, "problematic," since Powell, like Coleman Young and Marion Barry after him, was basically a jive hustler exploiting black racism for personal profit. Also problematic are the wife of Chinese Stalinist Chou En-Lai and the sister of pro-British Iroquois leader Joseph Brant. Unless "stand by your man" is qualification for sheroism, which is surely not the message the socialist sisters intend to convey, these listings seem a bit, well, ill-chosen.

The socialist sisters insist that "this is definitely not a 'great women of History' celebrity calendar" — thus no listings for the likes of Queen Elizabeth or Catherine the Great — but you have to question some of their calls. Cleopatra, for instance, is improbably cast as an Egyptian nationalist struggling to save her country from "Roman destruction." Even setting aside the fact that Cleopatra was Macedonian, not Egyptian, her way of dealing with the Romans was to sleep with as many of their generals as possible. And the Romans were bent on the exploitation, not the destruction, of Egypt, which, with Sicily, served them as the imperial granary. It was all the same to the fellahin whether Greeks, Romans or Egyptians seized their surplus.

Surely the most mind-boggling listing is assassin Charlotte Corday. As no one would believe any paraphrase I might attempt, I quote the item in full:

> "Never shall any man be my master." French revolutionist in the anti-monarchy Girondist movement. She gained access to the French monarch Marat by pretending that she had news of a Girondin conspiracy and then assassinated him with a kitchen knife. She was arrested on the spot, tried and guillotined 4 days later.

In actual fact, Corday was a Catholic royalist reactionary, neither a revolutionist nor a Girondist. Jean-Paul Marat was a radical republican revolutionary journalist, not a French monarch (that would be Louis XVI, as I would have thought almost everybody knew).

Were not the relentlessly humorless seriousness so conspicuous throughout the calendar, I might have mistaken it for a parody of feminist political correctness, something Rush Limbaugh might have written if he weren't an illiterate moron. The socialist sisters are stridently supportive of indigenous resistance and Third World national liberation struggles, which makes some of their nominations puzzling, to say the least. Such as Awashonks, an Indian woman whose claim to fame, we are told, is that in 1679 she betrayed the Narragansett Indian chief named King Philip "when it was clear that they would lose, at which point she made a bargain to return to peace in exchange for amnesty for her and her followers."

Some other nominees are, so to speak, problematic. Enlisting mythical goddesses to fill in some of the blank spots on the calendar is debatable but not necessarily damnable — but you have to question some of the selections. The Japanese sun goddess, for instance, who is supposedly ancestral to the Japanese emperors, all of them male monarchs ruling over an extremely patriarchal society. It would have made as much sense to list the Virgin Mary. Then there is the ancient Mesopotamian goddess Ishtar: our feminists are apparently unaware that her cult called for the annual sacrifice of a female virgin. The slogan of Brazilian slave rebel Queen Zeferina — "Death to the whites! Long live the blacks!" —

The star system has a masculine bias. This is not the only or even the best reason to be rid of it, but for feminists one would suppose it is at least a consideration.

is not exactly a summons to a rainbow coalition. As for Kali, the Hindu goddess of death: is this maybe taking the theme of female empowerment to an unwarranted extreme? The "ancient Gorgons" such as Medusa are also aboard. Why not a listing for Ilse, She-Wolf of the S.S.?

Several other choices come across as self-incriminating. Aphra Behn, for instance, the so-called "English Sappho" — sorry, sisters, an allusion to her literary talent, not her sexual orientation — is revealed to have been a spy for the authoritarian Restoration monarch Charles II. Artemisia is presented as a Persian sea captain who, in 480 B.C., "devasted [sic] the attacking Athenians." There are any number of difficulties here. The battle of Marathon took place in 490, not 480 B.C. It was a land battle, not a sea battle. The Persians, not the Athenians, got "devasted." The Athenians were not the "attackers," they were fighting in self-defense against the Persian invaders right outside their city-state. It is improbable to the point of absurdity that the virulently patriarchal Persians then, or ever, placed a woman in military command, or indeed in combat. Undoubtedly "Artemisia" — notice that the name is Greek, not Persian — was a propaganda concoction of the extremely misogynistic Greeks to discredit their enemies by impugning their manliness, just as during the Reformation, Protestant propagandists fabricated the legend of "Pope Joan." At the very least, if there was really an Artemisia she was fighting for the wrong side, since, for all its flaws, compared to Persian autocracy, Athenian democracy was a libertarian paradise.

It does not even require a visit to the library to notice how goofy some of these listings have to be. Consider the Cuban heroine "Black Carlotta," born on November 5, 1843, who died, six months before her birth, in May 1843. It is difficult to imagine how much Carlotta could have accomplished in the scant six months prior to her birth. As is apparent from the inclusion of so many goddesses and she-demons, ORSSASM — rhymes with, but otherwise has nothing to do with "orgasm" — has trouble telling fact from fiction. They relate that "at her puberty ceremony," Lozen — an Indian, apparently an Apache — "was given extrasensory power to find the enemy." No doubt every woman needs "a room of one's own," but not a teepee in the Twilight Zone.

Some other female icons, whose existence is not so dubious, nonetheless require — and receive — like Aphra Behn, a coat of whitewash. Frances Willard is acclaimed as a "reform Christian socialist," which is not too wrong, as far as it goes, but it leaves a lot out. Ms. Willard was most important as, for twenty years, the matriarch of the Women's Christian Temperance Union. The mission of this organization, eventually accomplished, was alcohol Prohibition, something not nowadays considered a resounding public policy triumph. After Willard's death, "her legacy was virtually disappeared as a radical idol," whatever that means. The revolutionary socialist Rosa Luxemburg, who by any standard belongs on a calendar like this, is said to have been killed by "a mob of soldiers." That's not quite right. In the wake of the failed Spartacist revolt in which she only reluctantly joined, she and her comrade Karl Liebknecht (not mentioned by the sisters since he had a penis) were arrested — not by soldiers — but by the paramilitary *Freikorps* and unofficially executed. What the socialist sisters conspicuously neglect to mention is that these proto-Nazi goons were in the employ of a *Socialist* regime which was, as socialists always are, determined to suppress any social revolution.

The listing for Dolores Ibarurri, alias La Pasionaria, a member the Central Committee of the Spanish Communist Party during the Spanish Civil War, is similarly off-base. Unquestionably she was a powerful orator, but, contrary to the calendar, she invented neither of the quotations she is famous for. It was a World War I French general who said, "They shall not pass!" And it was Emiliano Zapata who said, "It is better to die on your feet than to live on your knees!" A lifelong Stalinist, Ibarurri may have been a chick but she was first and foremost an *apparatchik*. She shared responsibility for Communist suppression of the anarchists, Trotskyists, left communists and revolutionary socialists in the Republican zone, who were slaughtered by the thousands by their Communist comrades. It should give pause to "Revolutionary Socialist Sisters (And Some Men)" who dabble in history that if they had been active in Republican Spain, La Pasionaria might well have had them shot. Incidentally, the grande dame is listed as still living — a rare tribute! — although she died eight years ago.

On occasion the socialist sisters commemorate collective female accomplishments, which is entirely appropriate, as women have often been better than men at collective action and not so supportive of egotistic grandstanding. Come to think of it, celebrating "Sheroes" looks like getting into a game whose rules were written by boys. Unfortunately — and, I think unnecessarily — the socialist sisters, instead of selecting their own battlefield, take on the boys on their own turf. This may well be the way to go in the end game, but now it is premature. What women have accomplished so far is conspicuously more collective and less elitist than what men usually have. This is not a value judgment, only an observation. It just seems to me that what's worked so far should be worked some more until there is clear evidence that it doesn't work any more. The star system has a masculine bias. This is not the only or even the best reason to be rid of it, but for feminists one would suppose it is at least a consideration. We don't need another shero.

The conscription of goddesses who, after all, never existed, is evidence that the socialist sisters ran short of exemplars. So is the fact that a woman's crossdressing is pretty much all it takes to get her on the calendar. As is the

annexation of social struggles which are misrepresented as Amazonian accomplishments although they were actually carried out by both men and women pursuing common gender-irrelevant objectives such as higher wages and better working conditions. In the *Sheroes* version, for example, "20,000 womyn, both American-born and Eastern European immigrant," went out on strike in Lawrence, Massachusetts in 1912. So did 10,000 men (historians generally refer to some 30,000 strikers). Many strikers were neither American-born nor Eastern European: the largest ethnic group involved were Italian-born. The socialist sisters neglect to mention that only one of the five strike leaders (Elizabeth Gurley Flynn) was a woman and all of them were then members of the more or less anarcho-syndicalist Industrial Workers of the World, which despised and disparaged political socialists such as the ORSSASM babes. The sistren twice get the name wrong, once as the "International Workers of the World" — didn't they notice the redundancy? — elsewhere as the "International Workers of the Worker."

Janis Joplin, we are told, "introduced her generation of Americans to the blues." The socialist sisters, usually so Negrophile, must not consider African-Americans Americans. I would have thought that B.B. King, Howlin' Wolf and a lot of other black bluesmen had something to do with mainstreaming the blues. Nor was Joplin the only white performer singing the blues, let's not forget such all-male bands as the Yardbirds, the Rolling Stones, Cream,

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the John Mayall Blues Band and many more.

This calendar is kitsch, so bad that it's good, like a pet rock or a leisure suit. It should be read by the light of a lava-lamp. PC feminists are so easy to ridicule that a lot of us have given up on the game as unsporting. They are impossible to parody because they have taken care of that themselves. When Catherine MacKinnon writes that "women do not lie," who cannot but be reminded of the Cretan sophist who wrote that "all Cretans are liars"?

In the end the selection criteria remain enigmatic. I have no idea why the sisters left out Harriet Beecher Stowe, Elizabeth Cady Stanton, Gertrude Stein, Voltairine de Cleyre, Mary Wollstonecraft, Lou Salome, Isabelle Eberhardt, Anne Hutchinson, Margaret Fuller and many more. Maybe because they were all, like the socialist sisters, white. If Janis Joplin qualifies, so should Dorothy Parker and Mae West. I have a pretty good idea why they omitted Dora Kaplan, a "womyn warrior" if ever there was one: this Russian Jewish anarchist unsuccessfully attempted to assassinate Lenin. These ladies are lefties. But I wonder why they didn't list Valerie Solanas?

Months ago I dropped a line to ORSSASM pointing out a few of their most egregious errors — such as Charlotte Corday and Black Carlotta — and also asking for citations to the sources of all their listings. Needless to say I got no reply. This calendar is an exercise in mythmaking, a lot of which goes on in our world, but rarely with such obvious contempt for reality.

Sheroes is right down there with the fantasies of Afrocentrism and Amerindian indigenism, but with a much smaller market. You have to be both a feminist and a socialist to keep this stuff down without puking, and there aren't many victims of both these delusions. The sad thing about all this is that it wouldn't be very hard to do a calendar commemorating memorable women which wouldn't have to lie about them or be padded with imaginary deities and super-heroines. There's no need to conscript Xena or Wonder Woman, there are more than enough real women to fill all the slots. Putting in the bogus babes only discredits the real heroines. ❑

The Art of Self-Retrospective

Richard Kostelanetz

Though I must own well over ten thousand books, I've not until recently collected books in sense of trying to purchase everything within a certain category. Most of the books owned by me were obtained for a particular project — sometimes a work currently in progress, other times a project that I did in the past but about which I nonetheless maintain an active interest, and often for one that I am planning to do in the future. In the course of my professional life I've accumulated substantial amounts of 1) contemporary American literature; 2) criticism of contemporary literature; 3) avant-garde literature; 4) book-art books; 5) criticisms of avant-garde art and literature; 6) various editions of books by favorite authors (e.g., Henry Miller, John Barth); 7) books by my friends. In no case are any of these accumulations complete, and I doubt if they ever will be.

My first publication was in a little quarterly that did not pay its authors; and though writing has been my principal source of income for over three decades now, I've continued to contribute to such eleemosynary journals, thinking that the abundance of them is a true index of cultural opportunity in America and thus that my continuing contributions to them constitute my principal charity. (Not all their alumni are so nostalgic, needless to say.)

While my library includes shelf upon shelf of such cultural journals, what I think is more significant is the small collection I've made of the books in which such magazines select the best work to appear in their pages — what I call self-retrospectives. Examples include *The American Scholar Reader* (1960), *Evergreen Review Reader* (1968), and *The Stiffest of the Corpse: An Exquisite Corpse Reader* (1989). Though such books customarily appear in modest editions designed initially for the magazines' loyal subscribers or as special issues celebrating decade(s)-long anniversaries, they ideally give its editors an opportunity to show, better than a single issue, how they want to be regarded by posterity.

Two things I like about cultural journals' self-retrospectives as a subject for collecting are that no one else known to me is concentrating on them and that the number of them can't be too enormous. I own perhaps 150. One problem is that the category is so unfamiliar I customarily must explain it at least twice, even to a bookseller eager to unload his inventory. The category of cultural magazines necessarily excludes commercial magazines. While *The New Yorker* clearly belongs to the latter category, if only because commercial publishers have long been eager to publish collections of anything from its pages, other slick-papered periodicals are more problematic. Apologetically I'll admit to having volumes culled from *Esquire, Sports Illustrated, Rolling Stone,* and *Vogue* among others.

Some retrospectives appear long after the magazine has died. I have *A Dial Miscellany* (1963), *Civil Liberties and the Arts: Selections from Twice A Year 1938–1948* (1964), *Writers in Revolt: The Anvil Anthology 1933–1940* (1973), and *The Smart Set: A History and Anthology* (1966), all of them selected by people other than the original editors. Some of these books appear as a magazine is dying and perhaps dies once the retrospective appears, such as *Between C and D* (1988) and Edmund Carpenter and Marshall McLuhan's *Explorations in Communication* (1960). Other self-retrospectives are paperback expansions of books initially appearing in hardback, so that *Highlights of 125 Years of the Atlantic* (c. 1983) adds several selections to *119 Years of the Atlantic*

(1977) without even mentioning the predecessor.

My collection includes retrospective volumes from art magazines, such as *Flash Art* and *Artforum*, and music magazines such as *Perspectives of New Music* and *High Fidelity*. I have selections from political magazines, such as the socialist *Voices of Dissent* (1958), the pacifist *Seeds of Liberation* (1964), and the conservative *Modern Age: The First Thirty-Five Years, a Selection* (1988) in addition to *Echoes of Revolt: The Masses 1911–1917* (1966) and *New Masses: An Anthology of the Rebel Thirties* (1969). Some magazines publish so little in their lifetimes that publishers are able to produce retrospective books containing everything appearing in their pages, such as *New Individualist Review* (1981) or *Monk's Pond: Thomas Merton's Little Magazine* (1989).

Since I've owned such books long before I regarded them as a category, I'm not sure when my collection of them began. Perhaps the first I owned is *The Esquire Reader* (1960), whose paperback edition I read in September 1962, according to the date after my ownership signature. In it are "Nude Croquet," a Leslie A. Fiedler short story that introduced his first collection a few years later; and John Barth's "The Remobilization of Jacob Horner" that became two separate chapters of his second novel *The End of the Road* (1958) and thus remains important for understanding the evolution of that early work. Similarly, *The Antioch Review Anthology* (1953) reprints Stanley Edgar Hyman's devastation of Edmund Wilson's criticism, which was included in the original edition of his book *The Armed Vision* (1948) but omitted from the most accessible 1955 paperback. A subsidiary value of such anthologies is preserving short pieces that might be unavailable elsewhere.

The first book of this kind that I remember reviewing was *Neurotica* for *Contact* magazine in 1963; the second, for *Partisan Review* two years later, was *A New Directions Reader* (1964), which collected from nearly thirty years of America's most distinguished literary annual. I have continued to review self-retrospectives, not only because of my taste for such books but because they give reviewers a chance, far more true than a single issue, to see what a magazine is really doing. Were I to be asked to exhibit my collection (no doubt abetted by holdings from the host library), the catalogue would be an appropriate place for reprinting some of these notices (and perhaps an expansion of this general essay).

Since certain magazines have survived long enough to issue more than one retrospective, it's not surprising that I have several from *Partisan Review*, four from *Saturday Review*, two from *Harper's*, two from *The Nation*, two from *Antioch Review*, three from *The New Republic*. I suppose that a sensitive scholar of cultural journals could do interesting critical analyses of how a single magazine's self-retrospective in the 1990s differs from that done in the 1950s, say, and how such differences reflect the changing ambitions of its editors. Though the subject of most of these books are contemporary American magazines, I've collected selections from historic journals, such as *The Yellow Book* (British 19th century), and from foreign critical magazines such as *De Stijl* and *Nouvelle Revue Francaise*.

My collection doesn't include hardback books that reissue the contents of a little magazine's special issue, such as *Partisan Review: The 50th Anniversary Edition* (1984), which is entirely new work (even from dead veteran contributors), or Alan Angoff's *American Writing Today: Its Independence and Vigor* (1957), which draws upon a special issue of the London *Times Literary Supplement* done three years before. Similarly the hardbacks *Cross Section* (1944, 1945) and *Zero Anthology* (1958) look like self-retrospectives but actually are devoted entirely to new work. One book challenging this last distinction is John Hendrik Clarke's *Harlem U.S.A.* (1964), which draws mostly, but not entirely, upon a single special issue of the magazine *Freedomways*. (I go with the majority.) I also have, but don't include here, a volume collecting the Southern poet-critic Donald Davidson's contributions to a single magazine.

One book of mine that could belong but doesn't is *Assembling Assembling* (1978), which is a retrospective done for an exhibition of an annual I co-published during the 1970s; but my book is neither a special issue nor a selection but a critical history of the journal written by myself and others. In that respect, it resembles *The Dial and the Dial Collection* (1959), which is also an exhibition catalog featuring a detailed history. Perhaps some of these distinctions are critically untenable, but every consequential collection must be defined as much by exclusions and inclusions.

Like any true collector, I know what I'm missing, beginning with a *Chicago Review* retrospective edited some three decades ago by David Ray, which I remember examining on a remainder table but neglected at the time. I also missed the first *New Criterion* self-retrospective, which I remember seeing for sale on a Greenwich Village street for a few dollars, but ignored out of my distaste for the magazine. Obviously, to be true to my mandate I must have the retrospectives of cultural journals I dislike along with books of those I admire. Should any reader of this essay know of some I should have, please let me hear from you. ❑

Booknotes

Obsolescent Meat* — *Nanotime (Avon, 1997, 309 pages), by Bart Kosko, has everything that's good about a thriller (spies, plots, mass destruction) with a few things that rarely infiltrate the fortress of the thriller genre: mad bombers with exploding heads, bloody-minded Sufi mathematicians, and a lovingly detailed description of a full brain transplant.

Nanotime (the concept, not the title) refers to the state of mind of the "chip-head," one whose cerebral cortex has been excised and replaced with top-of-the-line computer processors. The chip-head in nanotime can out-think and out-perform ordinary "meat brains," exactly as if the organic characters, stuck in "neural time," were standing still.

Nanotime's world is a dangerous and awesome place. The exponential growth of computing power has made it possible for entrepreneurs (like hero John Grant) to perform feats of molecular engineering never before possible. But it also puts within reach of any government enough high-powered surveilance gear to keep citizens under constant watch, and makes weapons like stealth cruise missiles with 200 IQs so affordable that even Azerbaijan can become a world power. And with the

end of petroleum reserves, the planet is primed for World War III.

Kosko, guru of fuzzy logic and a contributing editor to *Liberty*, has a unique philosophy of prose style. He eschews commas except when grammatically inescapable. Sentences spawn a single clause; then they die. *Nanotime* isn't so much written as it is transmitted, broken down into bursts of jargon that sometimes take on an aspect of poetry.

The overall effect is such that, after putting the book down, I had an uncontrollable urge to buy myself a hoard of gold Double Eagles, as a precaution against apocalypse. *Nanotime* is a thriller so extreme, so apocalyptic, most readers will have to check themselves before going long on oil contracts.

—Brien Bartels

IRA Triumph? — At 9:30 p.m. on August 24, 1985, a fisherman off Ireland's Wicklow coast spotted rubber dinghies moving something onto the shore from an anchored boat. He reported the boat's name and the suspicious activity to local police, who then passed it on to Customs. The next day Customs recovered two dinghies. A cursory investigation concluded they had been used to unload illegal drugs, but Customs neglected to conduct forensic tests. Had they done so, they might have learned that the smugglers carried a far deadlier cargo than drugs. The name of the boat's owner was filed away for future monitoring, but no further steps were taken.

The same boat made three additional offloadings over the next 14 months. In all 135 tons of arms hit the Irish shore, compliments of Libyan strongman Colonel Ghadaffi. The arsenal included assault rifles, anti-helicopter machine guns, rocket-propelled grenades, armor-piercing machine gun rounds, and bomb-making supplies.

The arms shipments made one point clear: the IRA was nowhere near capitulating in its war against British occupation of Northern Ireland. Even so, by the late 1980s both sides recognized the grim reality "that, while the IRA could not be beaten, they could be contained." Faced with an endless war, the IRA altered its strategy. If force of arms alone could not evict the British, perhaps politics backed by force of arms could. Brendan O'Brien documents the events making this transformation possible in ***The Long War*** (Syracuse University Press, 1995, 383 pp.).

The first section of *The Long War* is devoted to interviews and analysis of both Republican and Unionist supporters. The personal testaments combined with excellent narration from O'Brien work to completely absorb the reader in the opening pages. Two distinct sides emerge — pro-British Unionists unyielding in their Britishness, and the equally fervent Republicans who want nothing to do with Britain. These profiles are integral to understanding the conflict, and are gloomy in their outlook. With two distinct opposites competing for power in Northern Ireland, is peace possible?

In the early 1980s the prospects for peace looked hopeless. Reorganized in the late 1970s from a traditional command structure to its famed cell system, the IRA was committed to carrying out military operations indefinitely. The persistent campaign to "sicken the British" had its successes, like the bombing assassinations of Lord Justice Maurice Gibson, Northern Ireland's second most senior judge, and his wife Lady Cecily Gibson. But, as O'Brien points out, many of the IRA's military successes were disastrous for its image.

For the IRA's political arm, Sinn Fein, the image problem became a significant issue as it evolved from a protest-vote party to a legitimate political party. At the start of the 1980s, Sinn Fein was a junior partner to the IRA — hardline militarists had no enthusiasm for diverting precious funds to political campaigns. In 1983 Gerry Adams ascended to the presidency of Sinn Fein and persuaded the Republican movement to adopt electoral advancement as its priority. By 1986, Sinn Fein scrapped its abstentionist policy and fully integrated into the political process. Peace talks starting in the late '80s quieted the IRA, but by no means have the guns been run out of Irish politics. Even as late as May 1, 1998, the IRA refused to disarm, despite the impending vote on a peace accord scheduled for May 22.

O'Brien has created a highly informative book on the modern Republican movement. Numerous maps, charts, pictures, and an appendix complete with extracts from the IRA training manual and various peace proposals, are a welcome addition. Unfortunately, *The Long War* is not strong on long-term history. Readers will have to go elsewhere to understand the roots of Irish conflict. But *The Long War* is a good record of what may turn out to be the final chapter of the struggle.

—Jonathan Ellis

The Whole Bach and Nothing But the Bach — It is not unheard of for advocates of private property to argue *against* intellectual property, which is secured in our day by patent and copyright law. The arguments usually run something like this: The things patented or copyrighted are freely reproducible without forceful trespass, therefore not derivable from the idea of liberty in the same way that property in self, land, and tangible goods are. Patent and copyright law thus (so the argument goes) amount to nothing more than special privileges granted to certain people, namely inventors, writers, and composers.

But another function of copyright law became clear to me, recently, while reading Heinz Gärtner's fascinating biography, ***John Christian Bach: Mozart's Friend and Mentor*** (Reinhard G. Pauly, trans., Amadeus Press, 1994, xii + 400 pages). Johann Sebastian Bach's youngest son (christened "Johann Christian," but also known variously as "Giovanni," "Gian Christian," "John Christian," and simply "J. C.," having moved first from his father's household to the court of King Frederick the Great, then to Italy, finally to London) secured, in 1763, a license from King George III to be the sole printer of his own music.

This was not simply to secure a better income. As Gärtner writes, "[t]he popular success of Christian's sonatas soon led to problems in the form of unauthorized (or "pirated") editions, and of inaccurate copies and forgeries" (p. 186). A contemporary of Christian's explained the situation: "Some works by others even appeared with J.C. Bach's name. . . . Others tried to obtain copies of small compositions Abel [a colleague of Christian's] and Bach had written down for their students; also quartets, trios, etc. that they had composed for various recipients. These people would assemble them, have them engraved, usually with Bach's name on

the title page, and sell them. Such editions then were reprinted and circulated as authentic compositions, violating the honor and good name of both composers" (Carl Friedrich Cramer, *Magazin der Musik*, 1783–1786, quoted in Gärtner).

In his day, Christian was the most popular and respected Bach (his father was considered quite old-fashioned). The royal license protected more than his income, it protected his reputation from duplicitous mediocrity and his fans against fraud. The decree sidestepped the horrendous transaction costs involved in prosecuting at common law each instance of fraud and theft. And we are much better off today because of this one thing King George III did, years ago.

I've not studied the question of intellectual property very thoroughly, but instances like this make me skeptical of the "pro-property rights" case against patent and copyright.

—Timothy Virkkala

Grabbe, "An Introduction to Digital Cash," *continued from page 46*

tamper-resistant hardware (in the form of a smart card, for example), and a more sophisticated cryptological protocol. The tamper-resistant module in the card is used for authorization, although not necessarily for authentication. (It can be both, by requiring the user to type in an identifying password before authorization is made.) Because the authorization server (tamper-resistant module) in an off-line system is mobile, it is analogous to a small portable bank.

Value can be stored in various ways in off-line systems, using devices that are variously called stored-value cards, electronic purses, or electronic wallets. Money is stored in these devices as a number, just as one's checking account or similar balance in a local bank is a number in the bank's computer. In the simplest form ("balance-based system"), such a device records a number and a currency designation, such as "$1000," in a numeric register. Then upon spending, say, $25, the stored value is reduced by this amount, leaving a stored value of "$975."

A second way of storing value is to store "coins," each of which is identified by a set of numbers which constitute the signature on the coin. That is, each coin is a message bearing a digital signature, which is stored in computer or smart-card memory as a set of 0s and 1s. The total value stored is therefore the sum of the coin values. But one can only spend a coin by transferring its signature to another person. (The use of "blind signature" protocols allows transactional anonymity to be maintained even when a signature is transferred.) A payment of $25 might involve the transfer of five "$5" coins, each bearing an individual signature.

A third way of storing value is to store a "balance" number, along with a series of uniquely identified transactions, called "electronic checks." Unlike the coin-based system, the size of each check is not predetermined. Under this system, the "$1000" value would be stored and compared against an electronic check withdrawal of, say, $31, where this electronic check has been assigned a unique signature reflecting the parties to the transaction and the currency amount.

In anonymous digital cash systems, the distinction between on-line and off-line systems is especially important, because of double-spending.

Double-spending refers to fraudulently spending the same money twice. Because digital cash is computer data, it is easily copied (counterfeited). If digital cash can be copied and spent twice, then it can be copied and spent *n*-times (multi-spending). Digital cash is digital data that has been cryptologically processed in certain ways. But it is still data, and all the 1s and 0s in the cash string can be copied to another string.

On-line systems typically keep a record of digital cash (digital coins) that has (have) been spent, and hence do not authorize transactions involving previously spent money. This runs into the problem that the database grows over time, which creates issues of storage and access time. (The NetCash system operated by NetCheque[9], however, only records coins that have not been spent yet.)

By contrast, off-line anonymous digital cash systems frequently rely on exposure as a preventative measure: the otherwise anonymous identity of the spender is publicly revealed by double-spending. One way of doing this is that, before accepting an off-line payment, the merchant will issue an unpredictable challenge to which the customer's equipment must respond with some information about the digital cash signature. By itself, this information discloses nothing about the customer. But if the customer spends the note a second time, the information yielded by the next challenge gives away his identity (or his secret key) when the cash is ultimately deposited. (Recall from geometry that two points determine a straight line. Double-spending creates two "points," and the slope of the resultant line might be, for example, the customer's secret key. A single point, by contrast, will not yield any information about the secret key. This principle is used in Schnorr authentication[10].)

Some off-line systems go further and attempt to prevent double-spending at its source, using tamper-resistant hardware (called an "observer"). Such a solution is not simply hardware-based, however. It requires a carefully thought-out cryptological protocol. A significant aspect of Stefan Brands's digital cash system is that the on-line system is a self-contained subset of the off-line system, and the data and computation requirements of the system are sparse.

The typical "wallet with observer" is a smart card containing cryptographic routines in its integrated circuit (IC). Smart cards were originally created for use with French telephones. Since 1986 the company SGS-Thompson has sold more than a billion smartcard ICs. The basis of smart card data storage is "non-volatile" memory, meaning that the chip can retain data even after power to it is shut off. The smart card also contains logic devices and controllers that connect the memory chip with the outside world (with electronic card readers, for example). The best cards use EEPROM (Electrically Erasable Programmable Read Only Memory), a type of non-volatile memory which can be repeatedly reprogrammed, thus allowing account data or monetary values to be repeatedly updated.

The hazards are many. It would be a mistake to think that the dangers of

criminal activity in digital cash were only from individuals. A *framing attempt*, for instance, is a fraudulent bank claim that a customer has double-spent the same piece of cash when the customer hasn't. A good digital cash system should protect customers from bank framing, just as it should protect the bank from double spending by customers.

There are many hurdles for digital cash to vault over before it becomes common. Consider: just how reliable can such a system be? Inevitably, digital cash must share with physical cash some of its defects as well as its advantages. If you send cash through the mail, the letter can be lost, or the cash stolen by a postal employee. Digital cash is similarly sent through a communications network, which might be Internet email or another computer network such as Fedwire. Digital cash that is encrypted with the public key of the person intended to receive it is hard to steal: no one else will be able to read the message and determine whether it is $1,000 in digital cash or a sexy note from a girlfriend. But the message might *still fail to arrive at its intended destination*, just as an ordinary email message can bounce or disappear into the great Internet void. It is hard to argue that a cash system is reliable if the transport system it uses is unreliable, or if one cannot determine whether digital cash has arrived safely at its destination.

Love digital cash or hate it, the pressure of transactions costs will make digital cash, and electronic banking in general, an important part of any future banking system. Whether increased computerization will lead to a diminution in privacy is a matter of technological choice. Nothing is written. Nothing is pre-determined. ❑

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Terra Incognita

U.S.A.

Proposal to strengthen American families, from psychologist John Gray, from an interview with *TV Guide:*

I think it should be made more difficult to get married. People should be required to go through a course of study to learn how to communicate successfully, then pass a test that's approved by the state.

Vatican City

Scientific discovery reported by the *Binghamton Press and Sun-Bulletin.*

Human cloning would not result in identical souls because only God can create a soul, a panel set up by Pope John Paul II has concluded.

Seattle

Advanced politics of the Pacific Northwest, as reported in the *Seattle Times*:

Seven Seattle City Council candidates showed up for something different: the first ever Candidate Karaoke night.

Maui, Hawaii

Curious religious custom in America's little bit o' Polynesia, as reported in the *Maui News.*

The Maui Religious Science Center will present spiritual healer and teacher Gayook Liou in a healing service from 10 a.m. to 1 p.m. Saturday, Feb. 21.

The service will consist of lecture, prayer and laying on of hands. There is suggested advance donation of $20; $25 at the door.

Beijing

Science broadens its focus, as reported by Reuters:

At a world population conference in Beijing Wednesday, an academic from Ghana presented research on family planning based on interviews with the dead.

Using soothsayers, Philip Adongo asked village ancestors for advice on the ideal size of a family in a tribal area of the west African nation. "If I only heard from the living, I wouldn't get a very good balance," he explained. "This study has been the first to be conducted of respondents who are deceased."

The study concluded that small families worked better in a modern society.

Boston

Further evidence that government institutions, unlike private enterprises, are able to engage in prudent, long-term planning, as reported by the *Boston Globe:*

Boston's transit authority, the MBTA, "faces a 'year-2000' problem. That is when computers programmed only for dates in the 20th century may shut down or go bonkers because they will not recognize the shorthand '00' date as 2000. . . . the MBTA board directors approved a . . . five-year program to fix the problem."

Randistan

Cutting-edge work in cultural analysis, from the "Second Renaissance" book catalog:

Edwin Locke's tape on the "psycho-epistemology of the Arab world" explains "why the Arab world is characterized by poverty, internal conflict, and hatred for the West." Locke's tape accounts for "the historical development of the Arabs' core ideas — including the premises that led them, aided by a 'reverse Aquinas,' to reject the philosophy of Aristotle at precisely the time that the West was accepting it."

Sioux Falls, South Dakota

Gov. Bill Janklow's response to assertions by his Libertarian competitor that in "30 years of a war on drugs, the use, price and availability of illegal substances has increased," as reported by the *Argus (South Dakota) Leader.*

Janklow said the war on drugs may fail. "But we're going to fight the hell out of it anyway," he said. "It's missionary zeal with me."

Buenos Aires

Latest episode of *Yanqui* cultural imperialism, from *The Lancet.*

Visitors should also beware of the Madonna and Hillary Clinton lookalikes among the sex workers who frequent the streets of the fashionable St. Martin's area in the mid-afternoon looking for business.

Herndon, Virginia

Appalling threat to the virtue of college women — and to the Beltway — as reported by the Honorable Helen Chenoweth (R-Idaho):

"My heart breaks when I think of how feminists exploit our brightest girls' youthful innocence. . . . [O]n virtually every college campus feminists pound their anti-male, anti-free enterprise radical lesbianism, into the heads of young women. These young women then graduate college and flood Washington as congressional and White House aides."

Portland, Oregon

The war on drugs marches on, according to the *Albuquerque Journal*:

A 13-year-old boy who says he just wanted minty fresh breath has been suspended for violating his school's alcohol policy. Adam McMakin was suspended for a week after a security guard at Parkrose Middle School saw him with a bottle of Scope.

U. S. A.

The right does its bit to fight air pollution, from a flyer from the Conservative Book Club:

This is the club that is, quite literally, a breath of pure, bracing air if you've ever felt suffocated by the stifling (dare we say *polluted*?) atmosphere in American publishing today!

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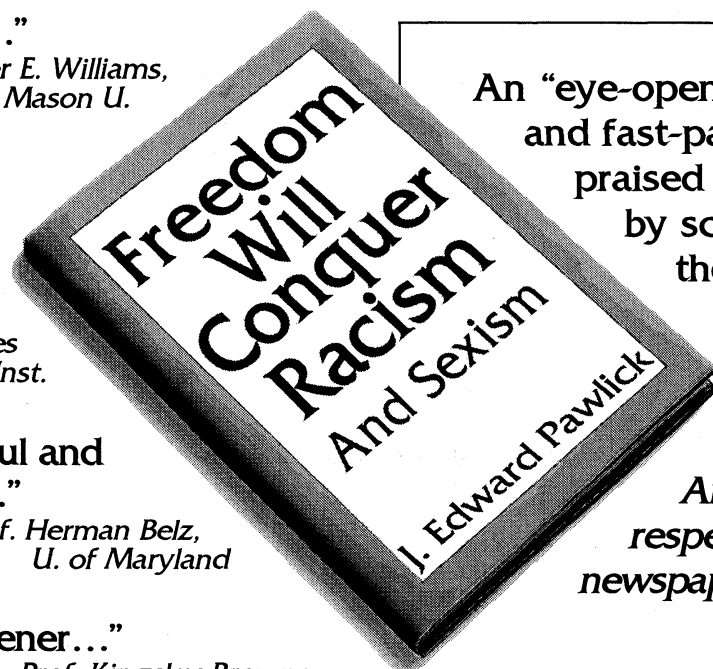

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Inside Liberty

September 1998
Volume 12, Number 1

4 **Letters** Turn the page and you're there . . .

7 **Reflections** The ladies and gentlemen of *Liberty*'s masthead master the art of spin, span the growth of freedom from its origins to its future flowering, ring in the Fourth of July with Steve Forbes, uncover the real significance of Barry Goldwater, and ask: if assault guns are evil, why do cops want them?

Features

17 **Y2K and the Feds** While Senators worry about private computers crashing at the dawn of the new millennium, the real threat is to the government's gigantic mainframes. *Declan McCullagh* uncovers the real peril.

19 **Beltway Libertarians** For one brief, shining moment, Washington, D.C. was overrun with Libertarians. One hotel was, anyway. *Brian Doherty* reports.

23 **The Second Epistle of Paul** Clinton's friend and advisor, *Paul Rako*, shares his wise counsel with the president and asks for a small favor.

27 **Out of Scalia's Shadow** According to the media, Clarence Thomas is Antonin Scalia's lapdog. As usual, the media are wrong. *Dylan Carp* explains.

30 **Die, the Beloved Country** The South Africa in which *Jim Peron* lives is not the South Africa you see on CNN.

37 **Sex and Subsidy** *Ross Levatter* warns that we will all pay if the government treats virility as an entitlement.

39 **I Believe in Miracles** As the new millennium approaches, *Harry Browne* re-affirms his faith.

43 **The Election Casino** *Pierre Lemieux* checks the odds in the oldest established permanent craps game: democracy.

47 **Condominion!** Are homeowners' associations protectors of liberty? or invaders from the state? *Spencer MacCallum* and *Robert Nelson* duke it out.

Reviews

51 **Earl Warren in a White Hat** *David Friedman* reviews the career of Justice Stephen Field, who made liberty, property and the inviolability of private contracts the law of the land.

54 **At the Altar of Ego** *Timothy Virkkala* contemplates the benevolence of Ayn Rand, and tries to be charitable.

63 **The World According to Sowell** *Jane S. Shaw* conquers the latest book by Thomas Sowell.

65 **Bowdlerizing Ayn Rand** *Chris Sciabarra* discovers that the editor of Ayn Rand's *Journals* omitted her reference to Albert J. Nock and altered the meaning of what she wrote.

66 **Filmnotes** *Jane S. Shaw* goes to the movies with her 10-year-old son.

67 **The New Hollywood** *Harry Browne* discovers that big government isn't doing so well at the box office.

68 **Classifieds** The purest form of communication.

70 **Notes on Contributors** A handy tool for future biographers.

Letters

Disgust Gets You Nowhere

If cynicism bred freedom, I would share Alan Bock's pleasure in seeing Bill Clinton degrade the office of the president (Reflections, July). But the connection isn't at all obvious. On the contrary, most of Europe is contemptuous of its political class, with no detriment to the state's power or reach. Disgust is enervating.

John C. Boland
Baltimore, Md.

O Holy Lobbyist

Bill Kauffman (Reflections, July) may not share any of Gary Bauer 's deep religious convictions, and may thus see Gary as a tempting rhetorical punching bag. But as a longtime co-worker and friend, I am willing to testify that for genuineness of belief, moral probity, and sincerity in a business (national politics) conspicuously lacking in all three.

The heathen may rage in Elba, but in this case the rage is sorely misplaced.

John McClaughry
Kirby, Vt.

Amen Brother!

Bill Kauffman apparently knows the New Testament as well as he knows Gary Bauer. "Pharisee" is as apt as one can be to describe the man.

As a Christian, I am embarrassed for those self-appointed moral leaders who "strain at a gnat, and swallow a camel." They would incarcerate and punish their neighbors for petty vices, while condoning and patronizing redistribution — as if the Bible doesn't mention "covetousness" and "theft." What a bunch of pious hypocrites — "Pharisee" is perfect!

Grant W. Kuhns
Carlsbad, Calif.

What's round on the ends and high on taxes?

I just read "Clip joint" by Loren Lomasky (Reflections, July). I've also had an interesting experience with Ohio's curious tax laws.

In 1988, while I was a resident of Alabama, I had my last name on my wife's mailbox in suburban Cleveland in case something arrived addressed to me there. This was my only presence in Ohio at the time. I got a letter from the Cleveland Regional Income Tax Authority — addressed only to "Wingo" which was all that was on the mailbox — asking who I was and why I was not filing Ohio state and municipal (!) income taxes. Naturally I wrote and explained that at that time I had no income originating in Ohio — but how did they find out?? Either the postman reported the name on the mailbox to the Ohio tax authorities, or they have somebody who goes out and reads (by implication) every mailbox in the State. Either way it was a little disturbing.

Several years later, I left Ohio for a number of reasons, not the least of which was the taxes. I followed *Liberty*'s advice and voted with my feet. Now I am a resident of Texas, where they still haven't thought of state income tax (let alone municipal), although they do tend to pass local tax issues for sports arenas so millionaires can play football. Not as much snow, either.

Bill Wingo
Farmers Branch, Texas

I am Shocked! Shocked!

R.W. Bradford's Reflection about the Republicans in July *Liberty* was somewhat shocking to this LP libertarian.

A supposedly libertarian editor, writing in an explicitly libertarian publication, has the gall to claim Republicans have done something to advance liberty?

How refreshing!

Too many of my fellow LP members practice that specialized form of tribalism known as knee-jerk partisanship. How does one do that, without relegating liberty to a subordinate ranking?

Might that be a negative consequence, when fundraising appeals and membership drives become more important than actually electing anybody? The LP's national Mission Statement was recently stripped of any and all mention of candidates and elections. (I'm not making this up.) And we do know that demonizing the opposition is an effective way to scare big bucks from contributors — because the older parties have taught us how to do that.

Perhaps there's something in the air: The Libertarian Party of Washington's newsletter, which I edit, includes an elected Republican as a contributing editor. He's a party member, an unabashed libertarian, and goes out of his way to personally help individual LP libertarians. He also chairs the powerful House Finance Committee. He's my Statehouse Correspondent. Sometimes, not very often, he embarrasses us. And sometimes, also not very often, we embarrass him. But we never abandon our shared dream.

Another libertarian, this one a former long-time party member, sits on our state's Supreme Court. That doesn't count, among the tribalists, because it's "only" a nonpartisan office. When "our" Justice campaigns, he addresses any and all partisan gatherings that will have him. Even Democrats. Here in Washington state, we understand. Most of us anyhow.

I guess it boils down to a choice. Do we care most about advancing individual liberty? Or, when it happens, do we care most who gets the credit?

Mike Hihn
Seattle, Wash.

Israel and Liberty

I am astonished by Alan Bock's defense of Israel ("Israel at 50," July). Zionism combines the worst points of nineteenth-century Eastern European ethnic nationalism and nineteenth-century colonialism, sugar-coating it with a sickly-sweet appeal to the currently-fashionable idea that "victimization" excuses any actions whatsoever taken by the "victim."

It is repeatedly urged that, unlike those horrible Ay-rab regimes, Israel is a democracy. Yes — and so was Mississippi in 1960, for the right sort of

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people. Even if it is a democracy, this is not the be-all and end-all; after all, almost all pirate ships in the "Golden Age of Piracy" were run on democratic, egalitarian lines, and this is not seen as an excuse for piracy. In any case, would the supporters of Israel be happier if, say, Syria were a democracy? If that were the case, the Syrian government could deploy its best units with no concern about being toppled in a coup, and the major Syrian parties could compete with slogans about how if they were elected, they would really punish Israel: "Vote Syrian Democratic — and give Israel a kick in the nuts! No, vote Syrian Republican — and give Israel a boot to the head!" Somehow, I can't see the Israelis being very happy about that situation.

The things that stick in my throat the most about this situation, though, is that merely by being an American citizen, I am forced to take sides in a foreign conflict of no conceivable interest to me personally, and, to add insult to injury, I am forced onto the side I would not choose if obliged to do so. Israel's dependency on the United States for subsidies and favors is equalled only by its ingratitude to its benefactors (the USS Liberty incident, the Jonathan Pollard espionage case, and endless demands for more aid), its hypocrisy (to say the least, denouncing Arab terrorists while electing former Irgunists to high office is not quite consistent, if one wishes to be seen as opposing terrorism in general), its repression of non-Jewish citizens and residents with Catch-22 laws and plain old brutality, and its chronic financial mismanagement.

If I thought Israel were somehow or other necessary to the safety of the United States, or worth its keep in other ways, I could swallow all of this. But instead, I am convinced that had it never been established (perhaps those great humanitarians, the post-World-War-Two Allied politicians, could have helped refugee Jews go to the United States or Australia, as many of them would have preferred) we would all be a lot better off. Its mere existence discredits democracy among many Arabs in the same way that the imposition of the Weimar Republic did among a whole generation of Germans, and our open support of Israel, right, wrong or indifferent, makes claims on our part to be proper mediators in the Middle East as transparently false as claims of imminent victory in Vietnam were. Would you trust someone to judge a claim between you and a neighbor who was that neighbor's best friend and subsidized him?

Eric Oppen
Iowa Falls, Iowa

Maybe We Could Call It "Randsylvania"

Harry Browne writes that libertarians' "immediate task is merely to show voters how they personally would benefit from making government substantially smaller than it is now." ("Long odds," July). He apparently believes that there is only one way that I, or any other libertarian, can improve things is to work within the framework of majority-rule democracy. Certainly that is the way taught by government school teachers. But libertarians need not put all their eggs in the majority-rule basket.

We might, for example, try to organize a venture to launch a new Hong Kong with our own style of govern-

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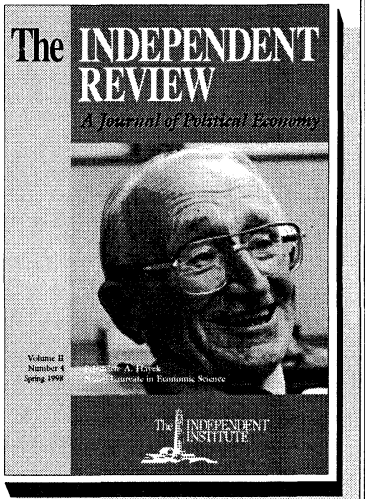

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ment. There are plenty of third-world countries that would gladly offer a Hong-Kong style lease for presently underpopulated terrain if the price were right. This way could be easier than Mr. Browne's majority-rule way because it does not require the conversion of one more statist.

Of course, there would be difficulties. We would have to assemble sufficient resources. We haven't done this yet because we do not possess a clear enough vision of how a free society could exist and defend itself in today's world. So I suggest we build our own understanding of how a free nation could work.

When Mr. Browne has run for public office five more times he will have caught up with me, in his attempts to use that particular way to advance liberty. Perhaps by then he will learn to argue that "government doesn't work" even in provision of the most vital service: protection from government.

Richard O. Hammer
Hillsborough, N.C.

The Worst of Y2K

I have been a mainframe computer programmer for over twelve years, and I disagree with Scott Olmsted's interpretation of the magnitude of the "Millennium bug" problem ("The Whys of Y2K," July). I believe that he has taken a fair number of basically correct observations and then strung them together as if they were absolutes, in the sense that everybody is a sitting duck with no power to improve his or her own situation. I offer the following opinions based on my experience:

1. Not exactly my area of expertise, but I think military data processing is in big trouble, chiefly due to the proliferation of dead programming languages;

2. Private industry, on the whole, will have fewer problems than government;

3. Companies and other entities truly interested in averting disaster will thoroughly test, and, if necessary, replace any machinery that is hard-wired with the problem;

4. As for mainframe software, most data processing professionals will end up putting in many extra and/or odd hours fixing problems that crop up beginning in earnest in 1999; various types of patches will be made making the already convoluted program code that much more so, but those patches, in conjunction with successful Y2K projects (no "magic bullets"), will by and large save the day;

5. Top-notch data processing shops will scrub incoming data, thus substantially mitigating the "domino-effect" problem (at least I don't think the private sector needs to worry too much; they don't need government data nearly as much as the government needs theirs);

6. There's not much anybody can do to prevent panicky people from panicking, but I suspect that there are some savvy investors and speculators out there ready to make a killing, and this will provide a counterbalancing effect in securities markets.

In summary, my view is that the worst danger would be for governments (especially federal governments) to overreact and exacerbate the issue. Uncle Sam in particular has already caused enough harm with public education, immigration caps, independent contractor tax-code discrimination, and the like, not to mention the generally accepted view that government systems are in worse shape than their private sector counterparts. Of course, getting Joe Sixpack to recognize it after the media finishes squawking is another matter . . .

Larry W. Goulart
Philadelphia, Pa.

Population Update

On page 59 of the July 1998 *Liberty*, a book review states that half of the people ever born are alive today. This is a persistent myth; the actual fraction is about 5.5 percent. See:

http://members.bellatlantic.net/~bjmcg/story2peplelived.html

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Parker, Colo.

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Reflections

Socialist syllogism — Social Security is an entitlement. Medicare is an entitlement. But you have *no* entitlement to a single penny of your own income! —SS&DP

Flipping the national bird — Have you ever seen sea gulls attack a bald eagle? Have you ever wondered where these avian idlers come up with the gall to push around our national symbol?

Actually the sea gull would make a fine symbol of American government, or at least the people who comprise American government:

They seem to serve no purpose, but we sure have a hell of a lot of them.

They afflict us with their loud squawking and squabbling.

Ecological impacts, such as landfills, garbage dumps, litter and fish kills, are matters of great concern to them.

Most of the time they just kind of drift around in the heights, seemingly indifferent to lesser beings, until they suddenly unload all over an innocent below them.

Ben Franklin proposed the wild turkey as a symbol of our nation, but the bald eagle won out. I wonder: Wouldn't having a sea gull as the national bird provide some truth in advertising? —BB

Deal of the millennium — In today's mail I received another newsletter solicitation from one of America's foremost proponents of the idea that all computers will implode on January 1, 2000, the banks will fail, stocks will crash, chaos will result, all communications will be severed — and the only way to protect yourself is to find a home in a very remote area, stock it with a supply of food, and be prepared to go without any trappings of civilization for at least a year. I looked at the calendar and realized that all this is less than 18 months away. Then I looked back at the solicitation and noticed that I can get the best deal by taking a two-year subscription. —HB

Slick history — When President Clinton was in China, he gave an interesting answer to a question posed to him at a press conference.

The question was the usual one about China's future. I'll paraphrase it slightly; it was something like, "When will China get with it?" To which Clinton responded at some length, in his usual gaseous way. He declared that China absolutely certainly would indeed get with it sometime, but that *you have to remember* — this is one of the president's most frequent rhetorical feints, his normal lead-in to something that nobody else would ever imagine saying, let alone *remember* to say — you have to remember, he said, that America took years and years and years to get out of the Great Depression, but the American economy wasn't as "sophisticated" as China's, nor had America so "sophisticated" an understanding of the economy, so it took us longer than it will probably take China.

I'm summarizing here. I'm leaving out the eye-rolling and the lip-biting. That was basically his response.

From which we learn two things:

1. Clinton, the leader of the Democratic Party, knows enough about history to understand the falsity of his party's claim to historical legitimacy and economic wizardry — i.e., the claim that within a few short years the Democratic Party pulled the U.S. out of the Great Depression.

2. Clinton, the leader of the free world, knows so little about history as to believe that China's economy is more sophisticated than the American economy of the 1930s.

This is a fascinating revelation of history as it exists in the mind of a person who is trying his best to shape it. —SC

Minor detail — On his tour of Africa, President Clinton handed out $20 million grants the way John D. Rockefeller used to hand out shiny new dimes. Every time an adorable tike was presented to him, the president would pat the child's head and then search his suit pockets until he came up with a brand-new social program. The difference, of course, is that Rockefeller handed out his own money. —DB

Brains on drugs — Anyone who knows just how destructive illegal drugs are can find out in the June 10 *Wall Street Journal*. The editors went ballistic at the publication of a protest against the drug war that was signed by 500 prominent people. Rather than addressing the merits of the argument, the *Journal*'s editors went after the brave individuals who were willing to be identified with an unpopular cause, calling them "a diverse crew of leftists and self-deluded realists and libertarian economists who believe in backward-sloping demand curves." They mean, among others, Milton Friedman, Ira Glasser, and Charles Murray. A weird crew, indeed.

"It occurs to us to suggest that the future of the debate would profit," the editors opined, "if all of these people stated publicly whether they themselves use any of these drugs recreationally." What they intended by this is not entirely clear. Just what does it mean for a "debate" to "profit"? It's the sort of thing that college grads say when they're stoned. And what could conceivably be added to our understanding of the issue if we knew whether certain prominent advocates of ending the drug war use drugs themselves?

I can come up with only two reasons for the *Journal's* strange curiosity. Maybe the editors just prefer to attack the character of those with whom they disagree than to attack their logic: it's easier, after all. Or maybe they want to intimidate prominent people who have used illegal drugs into keeping silent. (Since the use of illegal drugs is illegal, former Secretary of State George Schultz or Milton Friedman would be confessing to a felony if he were actually a drug user and complied with the *Journal*'s request.)

Milton Friedman responded with a letter to the editor, denying the contemptible slander that he (or any other) libertarian economist believes in "backward sloping demand curves" and pointing out that prohibition of drugs is immoral. He also allayed the *Journal*'s curiosity about his own possible drug usage: "As for myself, I have not [used illegal drugs] during the past 85-plus years. But I make no guarantees for the future."

The nearest it could come to an actual argument is this:

> It still strikes us as a hard sell to families who've bankrupted themselves trying to bring a son or daughter out of heroin hell. Or parents battling to make sure their children aren't among those down at the local high school or middle school using marijuana.

This is precisely the sort of pseudo-argument that the *Journal* abominates on other subjects. Can you imagine the *Journal*'s editors writing something like this:

> Free trade strikes us as a hard sell to families who've bankrupted themselves trying to find a job after they've been forced into unemployment hell by cheap imports. Or parents battling to make sure their children aren't among those down at the factory who cannot keep a job because the factory cannot compete with a more efficient producer in another country.

In their final paragraph, the *Journal*'s editors admitted that the War on Drugs has led to "political corruption, economic distortion, crime, AIDS and other social ills." To this list must be added massive waste of tax dollars, the grotesque injustice of imprisoning millions of people guilty of no crime worse than voluntary commerce, and the unfathomable suffering of those denied drugs as treatment for horrible disease. Now, regrettably, the list must include the sad fact that the War on Drugs inspires otherwise sensible people like the editors of *The Wall Street Journal* to lose all semblance of rationality. —RWB

Smoke, smoke, smoke that cigarette! — Even people who defend the right to smoke often say that smoking is irrational. Why? Because it increases your chance of getting lung cancer? Hamburgers increase your chance of having a heart attack. Driving a motorcycle increases your chance of being killed in an accident. Even riding in a car is a risk. Life is full of risks. We decide which ones we will take on the basis of the benefits as we perceive them, combined with the risks as we perceive them. No two people will perceive these benefits and risks in the same way. An act one person considers irrational may be a source of great pleasure to another — something so tasty that it makes life worth living. The whole concept of a free society is based on the assumption that no one can decide what others should want. Using the word "irrational" is merely a way of looking down one's nose at others. —HB

For the children — Explaining why cigarette taxes should be raised, Sen. John McCain wrote in *The Wall Street Journal* that "an increase in the price of cigarettes would discourage smoking among the young." A few paragraphs later, he bemoaned the fact that the tobacco industry "will pass on every penny of the judgments, settlements and legal fees to their consumers," raising the price of cigarettes by at least $1.10 a pack. I wonder: is it really the children he's looking out for? Or government coffers? —JE

The biggest tent of all — The terms "pro-choice" and "pro-life" should be eliminated from any libertarian's vocabulary. They give the wrong impression of what we believe.

If you say you're "pro-choice," half the population is likely to assume you're a liberal who likes Affirmative Action, big government, and a whole range of other liberal stands.

When you say you're "pro-life," the other half of the population probably assumes you're a conservative who likes to legislate morality, wants to put prayer in government schools, and has all sorts of other dandy ideas to run their lives.

Abortion is a sensitive issue on which reasonable people can differ. We achieve nothing when we use a sloganized term to assert a position — acting as though one's position were self-evident and any different position were unreasonable.

Some people believe a fetus is a human being who is entitled to the same right to life that will apply after he's born. Other people see the fetus as less than human, at least for the first months after conception, and believe that women have a right to decide for themselves whether to carry it to birth.

We aren't going to change either group by spouting contrary slogans at them. This will only identify us as opponents to be disregarded on other issues.

In my view, an uncompromising libertarian position on abortion doesn't have to offend anyone. Whatever we believe abortion is, we know one thing: government doesn't work, and it is as incapable of eliminating abortions as it is of eliminating immorality or bad habits. Noting that the government's War on Poverty has institutionalized poverty and the War on Drugs has expanded drug use, we can assume that a War on Abortion would lead within five years to men having abortions.

Proposing to keep the government out of the abortion issue allows us to offer hope to either side of the debate.

To one side we say: we will not let the government impose its way upon you.

To the other side we say: if you want to reduce abortions, there are much better ways than by depending on the government — because government will only disappoint you. Every day you spend trying to get the government to do something to reduce abortions is a day wasted, a day that could have been spent doing something effective about abortion — such as working for less-restrictive adoption laws, encouraging private educational efforts to show young women the alternatives to abortion, repealing the income tax so that parents can afford to spend time teaching their children the values that will minimize teenage pregnancies.

We should never define libertarian positions in terms coined by liberals or conservatives — nor as some variant of their

Liberty's Editors *Reflect*

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RWB	R.W. Bradford
HB	Harry Browne
DC	Doug Casey
SHC	S.H. Chambers
SC	Stephen Cox
JE	Jonathan Ellis
DP	Durk Pearson
JSS	Jane S. Shaw
SS	Sandy Shaw

positions. We are not "pro-choice" or "pro-life;" we are pro-liberty. We are not fiscally conservative and socially liberal. We are libertarians, who believe in individual liberty and personal responsibility on all issues at all times. You can depend on us to treat government as the problem, not the solution. —HB

Spontaneous wisdom, spontaneous folly —

I spent the Fourth of July weekend as every good American should spend it: reading American history.

What interested me on this occasion were the debates that occurred among the framers of the Constitution. Americans like to think of the Constitution as an intricate and mighty plan, cunningly designed by the best minds of a generation. Well, that's true, in a sense. But it wasn't a plan that was just devised and imposed by a few people who knew exactly what they were doing. It was an achievement of "spontaneous order" (to use the favorite phrase of libertarian economists), an order that was undecreed by anyone, that evolved in ways quite unanticipated by any of the evolvers.

From the start of the Constitutional Convention in May 1787 until its end four months later, the only notion that survived unchanged was the idea that the United States would have some kind of legislature. No original scheme or proposal of any of the delegates came close to identifying the bicameral Congress that ultimately emerged. Something similar could be said, with more emphasis, about every other feature of the Constitution.

Indeed, it is marvelous to see how wrong even the best minds could be. Benjamin Franklin thought that there should be no Senate. Gouverneur Morris thought that the Senate should have even more power than it acquired, especially over money bills. So much for checks and balances, in either case. Several of the framers worked out ways for the Atlantic states to discriminate against the new states to be formed in the West, in order to keep power in their own hands. By a conclusive vote of 8 states to 2, the Convention decided that the executive should be elected by the legislature. Later it changed its mind. James Madison was one of several delegates who urged that the national legislature should be able to veto all state laws "which shall seem to them improper." At the very end of the Convention, Madison topped even this by proposing a mad scheme for a national university, sponsored by Congress.

In the spontaneous order of a market economy, there is always more knowledge and judgment in the whole body of the participants than there is in any individual mind. Yet knowledge can be used effectively only when individual minds are free to compete with one another, to advance their own interests and to question other's judgments. That is the way in which knowledge and order developed in the Constitutional Convention, which was a battleground of freely competing interests and views.

It is significant that the Convention almost immediately privatized itself. The Convention had been told by the existing Congress that its duty was to revise the Articles of Confederation, not to write a new document. It decided to disobey, and from then on it became a body of private individuals, free from governmental control. They were free also from social control: the Convention decided to act in strict secrecy, making no attempt to consult its constituents, much less to poll them.

But the concept of a spontaneous order — an order successfully institutionalized at Philadelphia in 1787 — is not the answer to every question. To put this in another way, a spontaneous order can be a cause for grief as well as joy.

George Washington made this point, although he was not intending to, when he conceded the imperfect nature of the Constitution and said of himself and the other framers, "I do not think we are more inspired, have more wisdom, or possess more virtue than those who come after us." To see just how wrong he was about that, picture to yourself the members of a modern Constitutional Convention.

Let's see, who are the modern wizards, who are the people so respected for wisdom and knowledge by important interests in contemporary society that they could be chosen as delegates? Well, how about Newt Gingrich, Trent Lott, Jack Kemp, Pat Buchanan? On the other side of the aisle, perhaps . . . Jesse Jackson, Barney Frank, Hillary Clinton, Teddy Kennedy. To fill Franklin's niche as scientist and inventor . . . Bill Gates, surely. General Powell would inevitably sit in for General Washington. And in the roles of Madison and Hamilton, we would have that great authority on constitutional law, Alan Dershowitz, and that equally great authority, Johnnie Cochran.

Now, even if these people succeeded in cutting themselves off from both government and society — which they would never want to do, since most of them live by means of political and social power, and could live on nothing else — even if they allowed themselves to participate in the evolution of a spontaneous order, what would that order look like? What would result from their clash of views? What great document would be written?

This is something too ghastly to be imagined.

Indeed, what modern people have done to the work of the original framers is a sufficiently gruesome demonstration of the principle that a spontaneous evolution of ideas is only as good as the ideas that went into it — in this case, the foolish and wicked assumptions that have grown in the Petri dish of American legal and political interests into constitutional "law" and "interpretation."

Here's an historian of two generations back, recording the wild talk of people who opposed ratification of the

Constitution:

> The central government, as the debate went on, was magnified into a monstrous overshadowing force, outside and above any given state, which would be free to dominate, tax, and enslave a helpless people. There was a widespread fear that the federal district ten miles square which was to be the seat of the projected government would develop into something malign and alien.

Imagine that! But who do you suppose is to blame for it — George Washington, who modestly opined that we would probably be as wise and virtuous as he was? I don't think so.

—SC

Capitalist dope — Steve Forbes celebrated the Fourth of July at a picnic for a conservative radio station, out in the boondocks of Washington State. I am ambivalent about his political program. Yes, he's got a wonderful economic plan. But there's something unsettling about seeing Forbes in person. He gapes, his chin tucked into his neck, resulting in his famous "Special Olympics smile." Yet he somehow manages an Etonian appearance that evokes Ghosts of Preppie Republicans Past. In fact, he looks Bushian, right down to his lunging gestures made to shake hands with sheriff's deputies and clap the backs of children. His gaffes are Bushian as well. His stump speech attacked the tax code, which is how, he said, "power is sent to Washington. . . . that's Washington D.C., the bad Washington, not the good Washington."

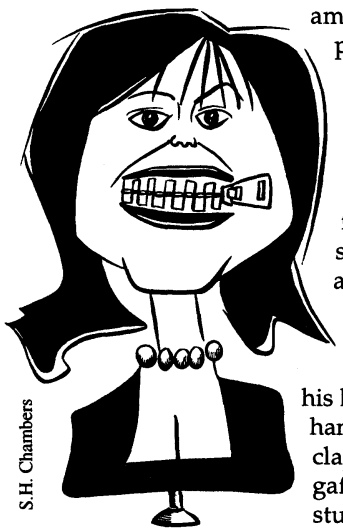

S.H. Chambers

Forbes's line on drugs is perhaps his most infuriating right-wing deviationism. Here is a man who has arguably the best understanding and most sincere belief in the workings of the free market of any Republican presidential candidate of this century. Yet, when he speaks about drugs, he doesn't mention the black market effects of prohibition. He talks about the evil intrinsic in drugs themselves. The evil in the Devil's Weed is matched only by the depravity of those who partake in it. Laws must be passed and punishments inflicted. Moral disapprobation, parental supervision, and stern words from the doctor are not enough for him. Nothing will exorcise the evil of drugs but a law overriding every traditional constitutional safeguard Americans enjoy. So we get civil forfeiture. And drug tests. And troops engaged in drug interdiction.

We've already suffered through a 30-year crime wave stifled only recently at tremendous cost in human and economic terms. I would like to think that if Americans understood economics, we would have discarded drug prohibition long ago. That we have not suggests Americans also lack empathy.

Take the agony of Colombia, for example. Colombia recently elected a president, after an election season from hell. Candidates were eliminated by bombs and bullets rather than primary ballots. Right wing paramilitaries shot it out with government troops who also shot it out with drug-lord funded guerrillas. Is this what Forbes wants?

Candidate Forbes couldn't have gotten a hearing in Colombia. Forbes's mantra of "hope, growth and opportunity" wouldn't get very far in this new equatorial Algeria, covered not with sand but with coke.

Some say that Forbes's drug stand is meant to impress and reassure the cultural conservatives he needs to win the nomination in 2000. He's not really ignorant, cruel, or in the pay of foreign narco-terrorists (the three major reasons that politicians support the drug war). He's just cuddling up to the nutty right wing, in order to get the nomination.

That would fly with me if only he weren't so willing to put his money where his gaping maw is. Forbes's last intrusion into Washington (the *good* Washington) was to aid the wrong side in a ballot for a medical marijuana initiative. His money and his goofy grin helped put off for another year the legal, humane use of marijuana by cancer patients. That's fine, Steve. Dying people who are suffering great pain seldom vote in the primaries anyway. And neither do Colombians.

—BB

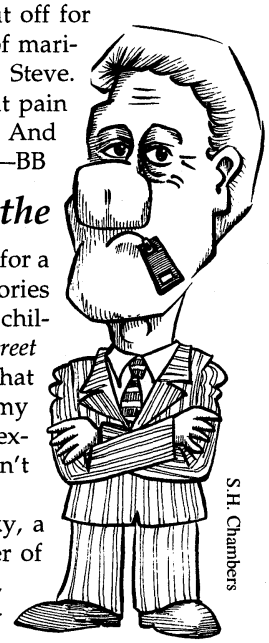

S.H. Chambers

Responsibility and the state — Because they are painful for a mother to read, I usually avoid stories about neglected, abused, or disabled children. But an article in *The Wall Street Journal* caught my eye. When I read that the author's experience "has driven my wife and me into the arms of an unexpected ally: the government," I couldn't ignore it.

It was an op-ed by Paul Podolsky, a Dow-Jones reporter, who is the father of a mildly autistic child. His April 2, 1998, article was a defense of government programs for disabled children.

This is a hard case. If there is any example of a situation where there is a natural tendency to say, yes, let the government do it, surely it is the case of innocent children who need expensive help.

So I had to think about this article. And here are some of my thoughts. First, I don't criticize people simply because they take advantage of government largesse that is readily available. I cringe at the thought of well-off and able-bodied friends accepting unemployment compensation, but I generally accept the fact that there is no immorality in receiving what's available. I expect to receive Social Security. I do not think that we must all be as high-minded as Rose Wilder Lane and reject it.

I think that parents should feel okay about obtaining special services for their children (who might be having speech impediments or some other disability) through the public school system. For whatever reason, the public schools seem to have funding for such things, and parents, who, after all, pay taxes, should be able to accept these, even if they send their children to private school. Heck, I am sending my son to public school next year (for lack of a strong alternative). So

why does Mr. Podolsky's essay bother me?

My problem is that we should separate personal decisions from public policy. Let me tell you more about Mr. Podolsky's situation. He points out that, given his son's relatively mild case of autism, the child primarily needs active but continual intervention. When Alex starts a repetitive action such as opening and closing a door (something that autistic children tend to do), someone needs to intervene and redirect his attention.

This Mr. Podolsky is willing to do when he's around. But, he notes, "when my wife and I are at work, then who takes over?"

Well, the government, of course! If you and your wife are otherwise occupied, and the rest of your family is not around, and you can't afford or aren't willing to pay wages to someone from outside, then, of course, the government takes over. Whether this is a responsible decision is another question, especially by parents who apparently have the funds or the insurance and the knowledge to take their son to a physician who is "a leading researcher and author in the field" of autism.

To me, it is at least puzzling why one of them doesn't quit work and stay home with the child, especially since this demanding intervention is supposedly needed for only a few years. But, instead, as Mr. Podolsky states it, "New York City and state, with minimal help from the federal government, pick up the tab for a team of therapists and aides who implement a comprehensive program aimed at drawing our child out and improving his interactions."

My purpose is not to criticize the Podolskys for their personal choice. I don't know the details of their situation. I don't have an autistic child, but I know what a pleasure it is to go to work each day, and I wouldn't want to give up all the latter, even for the sake of the former. But I also know that in a society of free and responsible individuals, circumstances force one to make decisions that one would rather not make.

What I disagree with is Mr. Podolsky's use of his situation to argue that such government aid is a good thing. He suggests that if the government investment in Alex enables Alex to become a train conductor (say) rather than someone who "winds up in an institution," the government's investment is a good one.

But that supposes that there are only two alternatives. It supposes that this son of intelligent, educated, and capable parents would end up in an institution if the government didn't help out. I don't think this is the case. In the past, when we didn't have today's government programs, people bore more responsibilities. Today, increasingly, we can avoid responsibilities, and the temptation to shift them to others is extremely attractive. But there is a cost. Bit by bit, we also give up our freedoms, and become ever more dependent on the government. —JSS

Satanic devices? — Are semi-automatic firearms evil devices created solely for murdering a lot of innocent people at once? The Denver Police Department doesn't think so; the Department, like many others in the United States, has begun equipping its officers with AR-15 semi-automatic rifles. The police emphasize that the rifles are accurate, and that officers are taught to use the rifles to end a dangerous situation with just a single shot.

But if you believe President Clinton and the rest of the anti-gun movement, the Denver Police Department and its colleagues around the nation have gone nuts. Several weeks ago, President Clinton made his bureaucrats ban the import

Off the wire — How many slants can you put on a news story? Let's experiment with one genre that is thoroughly slantable: international trade and finance. In this case, the U.S. Treasury's move, June 17, to buy yen in staggering quantities, in order to hold up the value of the currency.

Here's how the Associated Press handled the story:

> WASHINGTON — Concerned about the spread of the Asian financial crisis, the Clinton administration took extraordinary steps to prop up the Japanese yen Wednesday and, in the process, touched off a rally on Wall Street.
>
> "It's had an effect," said a smiling Treasury Secretary Robert Rubin, as the U.S. stock market soared in reaction to the administration's decision to buy yen. After plummeting 207 points Monday amid news of a Japanese recession, the Dow Jones industrial average gained 164 points Wednesday.

That's pretty much the standard line in the American media, I think. But suppose it had been handled like this:

> WASHINGTON — Concerned about possibility of a renewed and reformed Japan Inc., the Clinton administration bought yen in world markets, in order to prop up the overvalued currency.
>
> "It's had an effect," said a beaming Treasury Secretary Robert Rubin, as forecasts for Japanese exports were issued. The overvalued yen will make Japanese goods less competitive and continue the recession of the export-oriented economy. It also takes pressure off Japanese politicians, who otherwise would have been expected to loosen economic controls and break up incestuous government and banking cartels.

Or this?

> WASHINGTON — Worried about further shake-ups in the highly regulated Japanese banking system, the Clinton administration drove up the price of the yen, allowing current bank managers to forestall bankruptcy long enough to receive their pensions.
>
> "It's had an effect," said a jolly Treasury Secretary Robert Rubin, as reports of all night binge sake celebrations in the offices of Japan's fatally debt-laden banks filtered back into Washington.

Or even this?

> WASHINGTON — Currency speculators cheered as the Clinton administration bought up yen today, in a move that will prolong Japan's recession, stall serious reform of its incestuous industrial cartels, and keep Japanese exports uncompetitive.
>
> "It's had an effect," said a smiling Clem Pillaging of Looting & Pillaging Unlimited. Pillaging went long on the yen just hours before the decision to prop up the flagging currency was announced. Pillaging told reporters to contact him again after Japan's next currency crisis. His current plans include purchase of the U.S. Virgin Islands.

—Brien Bartels

of 58 types of semi-automatic rifles because "You do not need an Uzi to go deer hunting and you do not need an AK-47 to go skeet shooting."

But Clinton's comment makes no sense. He might as well have banned swimsuits by claiming "Nobody needs swimsuits to go mountain climbing." Of course, you can't hunt deer with an Uzi. Uzis are pistols, and therefore can't be used for deer hunting. They're under-powered. The AK-47 is a Communist machine gun, and (despite what the president thinks) can hardly be found in the United States, outside of firearms museums. If the president ever went skeet shooting, he would discover that the sport requires a shotgun; you can't shoot skeet with a rifle of any type, including an AK-47.

The guns that Clinton banned are semi-automatic rifles that fire no faster than common hunting rifles, but which are made by foreign manufacturers, and which are cosmetically different from American-made guns. Supposedly, the guns are banned because they're not suited for "sporting purposes," and the Gun Control Act of 1968 allows the federal government to prohibit the import of "non-sporting weapons." But sports had nothing to do with it. The White House has publicly stated its plans to ban as many guns as possible. The gun-banner-in-Chief knows as much about the shooting sports as he does about medieval Arabic poetry.

In the same vein of ignorance as President Clinton, Dr. Jerome Kassirer (Editor-in-Chief of the *New England Journal of Medicine*) recently demanded a ban of all semi-automatic firearms. He asserts that the guns "are worse than useless" and that "[t]hey are of no value for hunting, and their use for target practice seems dispensable."

In fact, many semi-automatic rifles (such as the Marlin Camp Carbine, or the Valmet Hunter) are designed specifically for hunting, and almost all semi-automatic rifles (except for a few very heavy models) are used for hunting.

What about firearms ownership for the protection of innocent lives? That's why the Denver Police Department is acquiring AR-15s.

Dr. Kassirer wants to "eliminate semi-automatic firearms from private homes" because "[t]hey are certainly not needed for protection against crime." But Dr. Kassirer doesn't show us what it is about semi-automatics that makes them bad for home protection. Truth is, semiautomatic pistols such as the Colt .45 (which Kassirer would ban) are often preferred for home defense, because they are reliable and easy to learn to use.

Dr. Kassirer, however, doesn't think firearms can be used for defense: "It is also time to lay to rest the myth that keeping firearms in the home protects people against personal injury." What Dr. Kassirer considers a "myth" is the work of Dr. Gary Kleck, an award-winning criminologist and author of *Point Blank: Guns and Violence in America* and *Targeting Guns: Firearms and Their Control.* Kleck's in-depth polling found that guns are used by Americans for protection against crime more than two million times a year — usually without a shot being fired.

Kleck's research is confirmed by twelve other studies, including a recent one by the federal government's National Institute of Justice. One of most eminent criminologists in the United States, Dr. Marvin E. Wolfgang evaluated Kleck's research: "I hate guns — ugly, nasty, instruments designed to kill people. Can it be true that about two million instances occur each year in which a gun was used as a defensive measure against crime? It is hard to believe. Yet, it is hard to challenge the data collected." He concluded, "I do not like their conclusions that having a gun can be useful, but I cannot fault their methodology."

In any case, even if Kleck's figures are too high, the estimate preferred by Kleck's critics still show that there are at least 60,000 annual defensive firearms uses — hardly an insignificant amount of crime prevented and lives saved.

More recently, University of Chicago professor John R. Lott, Jr., conducted the most statistically sophisticated study ever regarding crime. Analyzing 15 years' worth of data from every county in the United States, Professor Lott accounted for changes in demographics, in arrest rates, and dozens of other variables. His conclusion, reported in his new book *More Guns, Less Crime*: allowing good citizens to carry handguns (including semi-automatics, which comprise over half of all new handguns) for protection reduces the violent crime rate by 6 to 8 percent.

The Denver Police Department and the scholars agree: firearms, including semi-automatic firearms, play an important role in the protection of innocent life.

—*guest reflection by* Diane Nicholl & David Kopel

"There is a pimple growing on the presidency."

Henry and me — A year ago in these pages, I predicted that American troops would soon be embroiled in a Vietnam-style war between the two Serb factions in Bosnia. It turns out that I was wrong. On the other hand, I take comfort in the fact that no less a geo-political wizard than Henry Kissinger made the same "It's Vietnam, let's pull out" *faux pas* at about the same time that I did.

On the third hand, there were ten years of maneuvering and incremental escalation of U.S. involvement between the Geneva Accords that divided Vietnam, and the Gulf of Tonkin incident that ignited the American War in Vietnam. We've had only four years since the Dayton Accords divided Bosnia. President Clinton hasn't given any indication that American involvement in the former Yugoslavia will cease anytime soon. His brain trust throws around the word "indefinite" when describing our commitment there. The First Annual USAF Kosovo Air Show and Tactical Fighter

Fly-by in June shows how seriously the Clinton administration takes these things.

Don't count Henry and me out yet. —BB

Lies, Damn Lies and The New Republic

— In a startling confession, the editors of *The New Republic* reported in their June 1 issue that they had discovered "to moral certainty" that one of their associate editors had made up an entire article, and probably parts of others as well.

After providing a few details — they had been tipped off by "journalists at *Forbes Digital Tool*, who contacted us to indicate that they had been unable to confirm any of the facts in the piece" — they turned their attention to making excuses.

They have always taken "precautions" against error, they explained, but "fact-checking systems are designed to defend against the errors and mistakes even good professionals sometimes make—not against the systematic and intentional deceptions of . . ." blah, blah, blah. "But, once we had a reasonable basis to suspect that such falsehoods might have been published, we immediately investigated. . ."

This statement is simply false. For a long time, the editors of *TNR* had a reasonable basis to suspect that their star associate editor was making up stories. And I'm not just speaking of his propensity to fabricate absurd names for characters in his stories.

In its March 31, 1997 issue, *TNR* published a story by the same individual that purported to be a first-hand report on the activities of a group of young people at a convention of the Conservative Political Action Committee. Among other things, he reports them having sex in a public bathroom, drinking heavily, smoking dope, snorting cocaine, engaging in group sex, and playing a cruel and "repellant" trick on an unattractive woman whom one of them picked up in a bar.

At least two readers provided the editors with good reason to doubt the story's accuracy. (To be precise, *TNR* published two letters to the editor that charged fabrication; it may have received others.) Both were written by credible witnesses: Joe Galli was the National Chairman of the College Republicans, and David A. Keene was the Chairman of the American Conservative Union, which had sponsored the convention.

Galli characterized the article as "filled with fairy stories," and Keene characterized the author as "quite a fiction writer, but not much of a reporter." Both explained that they had attended the convention and had seen none of the bizarre activity witnessed by *TNR*'s star reporter. More tellingly, both pointed out errors in the article. The first error was less than mortal: some people's names were misspelled. The other was serious: the article described a group of young conservatives as drunk as skunks and lugubriously noted "The mini-bar is open and empty little bottles of booze are scattered on the carpet" — when the hotel identified in the article had no mini-bars. The reporter responded that this was "a quibble that hardly supports his accusation," adding:

> But it's wrong anyway. While the Omni Shoreham is too old to have them installed in most rooms, mini-refrigerators are available to all guests by calling the front desk. The hotel's management says it is a common request, and housekeeping occasionally leaves the portable units in the rooms after the guest has checked out.

Let's see if I get this right. The young conservatives had requested that the hotel send a mini-refrigerator up to their room. And the young men had gone out and purchased a number of liquor in mini-bottles, and proceeded to drink them. Oh, wait a minute. Elsewhere, the article claimed they had a bathtub full of ice and beer, so they probably wouldn't have gone to the trouble of ordering a mini-refrigerator from the front desk. So apparently a previous guest had ordered it, and housekeeping had forgotten to remove it.

Faced with charges from at least two credible eyewitnesses and the reporter's preposterous explanation of how he came to see a mini-bar in a room without a mini-bar, what did the ever-vigilant editors of *The New Republic* do? Did they find in this episode "a reasonable basis to suspect" that their colleague was just making stuff up?

Nope. They accepted his pathetic explanation entirely and published it as part of a response that proceeded to challenge the credibility of the accusers, Keene and Galli. Keene, it appeared, was old, and Galli was a speaker at the convention. For good measure, *TNR* ran another letter, which praised the article as evidence of the "lack of a conservative Republican agenda"!

So it took another year and another 20 or 30 partially fabricated stories for *The New Republic* to discover that there was "a reasonable basis to suspect" that their colleague was faking it. —RWB

The city or the state —

In the last ten years, I've had the following conversation, in one form or another, at least a dozen times.

"Where are you from?"

"Washington."

"The city or the state?"

About twenty years ago, "Washington" meant the state. "Washington, D.C." meant the city. "Washington State" meant the university in the town of Pullman, Washington. It has a fine school of veterinary medicine.

Today, "Washington" usually means the city, while the state is most often called "Washington State." Where this leaves the university, I don't know.

This switching around of names is not the product of my fevered imagination or failing memory. You can look it up. Consider this excerpt from a dusty high school textbook:

> Warsaw Pact, 786 (map)
> Washington, 8-9 (map), 296 (map), 445 (map), 452
> See also Oregon Territory
> Washington, Booker T., 397, 414, 414-418
> Washington, D.C., 8-9 (map), 224, 225, 226, 227, 236-237, 239, 359, 422-423, 475-476, 477, 622, 623, 646-647, 736
> Weisberger, Bernard A., *The Impact of Our Past, A History of the United States*, Second Edition, Webster Division, McGraw-Hill Book Company, New York, 1976, pg. 831.

Not exactly a Nexus search, but you get the idea: The change is real. But what caused it? The origin of a linguistic mutation is often murky, but this one was almost certainly caused by the growth of three things: (1) the federal government, (2) the number of people who talk about that government for a living, and (3) the amount of time each of those people spends in front of a microphone.

continued on page 15

The GOP & Freedom

Two Bronx cheers for the GOP — In a July Reflection, Bill Bradford wrote that "The Republican revolution . . . has advanced liberty significantly. Those who advocate liberty — including partisans of the Libertarian Party — should have the honesty to acknowledge that simple fact."

In support of this thesis, Bradford claims that ". . . if the Democrats had retained control of both houses of Congress, some form of Clinton's proposed government takeover of the health care industry would have been enacted." But some form of it *has* been enacted — by the Republican Congress. First there was the Kassenbaum-Kennedy bill, and then the Hatch-Kennedy bill — both implementing controversial areas of the Clinton health plan. Bradford also neglected to mention that it was the Democratic Congress that voted down the Clinton plan in 1994.

Another supposed GOP triumph — the repeal of mandatory seat belts and helmets — was nothing more than the kind of thing that Democratic Congresses also routinely pass. *Any* Congress is going to pass a bill or two that reduces the power of some part of the federal government in some small way. This, after all, gives Congressmen something to take to the voters at election time, some small demonstration of their supposed commitment to smaller government.

Bradford also praises the "beneficial results" of the GOP hearings on Waco and Ruby Ridge. He cites the ensuing confrontations in Texas and Montana, in which federal officials "actually negotiated with miscreants rather than shooting them or burning them alive." This implies that federal police forces had never negotiated with suspects before, which of course isn't true. Waco and Ruby Ridge were highly publicized events, but they were neither unique nor typical. Before Waco ever happened, there had been both calm confrontations as well as brutal ones. Whether the hearings have changed the system in any way is highly questionable — and won't be known for sure until time allows them to fade into obscurity. And since the federal government retains the unconstitutional power to investigate such matters as gun ownership, child abuse, and so forth, any confrontation has the potential to get out of hand.

The IRS hearings — another of the benefits Bradford supposes to have resulted from the GOP's dominance of Congress — achieved absolutely nothing. The hearings were typical show trials designed to prove to the voters that their representatives are duly concerned about their problems. Such hearings aren't new; they're held every few years, complete with virtually the same kind of horror stories aired this year by the Republicans. There have been at least two previous "Taxpayer Bill of Rights" — in 1988 and 1996. The shifting of "the burden of proof from the taxpayer to the IRS" applies only to court cases — and very few tax disputes actually go to court, because it's too expensive for most people to fight an IRS claim. If you think the burden of proof has really shifted away from you, just tell the next IRS agent you encounter that you don't have to prove anything about your claimed expenses or income. We'll send you care packages in prison.

As I've pointed out before, you can't finance a $1.7 trillion government without an aggressive, take-no-prisoners collection agency, and every Congressman — Republican or Democratic — knows that. And so no one is going to drive a stake through the cold heart of the IRS — not so long as we have any kind of income tax. If things were actually made easier for the taxpayer, less money would be collected because taxpayers would no longer fear the IRS. The politicians have two choices: either (1) let the IRS run roughshod over us, or (2) give up big government. Which do you think they'll choose?

Finally, Bradford's claim that the Republican victory "has advanced liberty significantly" is not just an overstatement, it's a misstatement. If it had advanced liberty even insignificantly, there would have had to be a net decrease in overall government cost and control. There isn't. Not only has the cost of government not decreased, its growth has *accelerated*. And even if the apparent pullbacks in government power that Bradford cited weren't illusions, they would be outweighed by new intrusions in other areas.

Even large numbers of rank-and-file Republicans are fed up with the Republican Congress. So why should "those who advocate liberty — including partisans of the Libertarian Party — . . . have the honesty to acknowledge" that Republicans have "advanced liberty significantly"? It doesn't take a partisan of the Libertarian Party to recognize that Republican politicians are more interested in retaining power than they are in advancing liberty. —Harry Browne

Credit when credit is due — I think Harry's response to my reflection raises an important issue. But before discussing it, I want to respond briefly to his specific criticisms of what I wrote.

1) Virtually any form of government-funded health care can be construed as a "form of Clinton's proposed government takeover of the health-care industry." Nevertheless, the measures that Harry denounces — terrible as they may be — fall far short of the *complete* takeover of health care and the virtual outlawing of private medicine that the Clintons proposed.

Harry adds that the measure was defeated by a Democratic Congress, not by the GOP. Does he seriously think that without strenuous Republican opposition, that Congress would have tabled the measure in the summer of 1994? And does he imagine that if the Democrats had won a respectable majority in the 1994 elections, that the measure would not have been resuscitated?

2) I never said that the removal of seat belt laws and helmet laws was a "GOP triumph." In fact, I described these changes as "minor, but still significant."

3) Harry addresses only one of the "beneficial results" of Congressional hearings on Waco and Ruby Ridge: my claim that there was a connection between the embarrassing publicity generated by the televised hearings and the fact that federal police did not repeat their murderous behavior in otherwise similar confrontations with political dissidents. Harry dismisses that contention by observing that there were some less-violent confrontations before Waco. He's right, but what has this to do with my point?

Somehow, he believes my claim that police have subsequently "negotiated with miscreants rather than

shooting them or burning them alive" implies "that federal police forces had never negotiated with suspects before." I cannot find even a trace of any such implication.

The "beneficial result" of the hearings that I discussed but Harry didn't mention is the fact that "they put on record the misdeeds of federal law enforcement agencies and the efforts to cover up those misdeeds." I remain convinced that getting sworn testimony from government agents that proved them to be cold-blooded killers of innocent people is a worthwhile achievement— even when it is accomplished by people who are not radical libertarians.

4) In his final assault on my modest claim that the Republicans have done some good, Harry dismisses the notion that the IRS reform was in any way meaningful. His reason is that one of the reforms — shifting the burden of proof from the taxpayer to the government — "applies only to court cases," of which there are "very few . . . because it's too expensive for most people to fight an IRS claim." He's right, there are very few court cases, but I don't think his explanation of this phenomenon is accurate. The main reason why taxpayers have been reluctant to go to court is they knew the deck has been stacked against them. Shifting the burden of proof to the accuser will have two very good effects: (1) it will make the IRS less aggressive in their enforcement; and (2) it will give the taxpayer who does go to court a much easier time defending himself.

Harry sagely observes that no tax reform is going to "drive a stake through the cold heart of the IRS." Right again! But he is countering an argument I never made. No *reform* ever has a *radical* impact. If an action has a radical impact, it is by definition *not a reform*. It is a *radical* change. And yes, I would prefer a really radical change in the direction of greater liberty to mere reforms. That doesn't mean that if a reform enhances liberty, I regard it as worthless. In Dryden's words, I take the goods the gods provide me.

The question of whether libertarians should advocate radical changes or gradual reforms is interesting. I can see a lot of logic on both sides, and I'd love to see a debate on the subject. But the issue here is whether reforming the IRS increases liberty. Obviously, it increases liberty.

Harry concludes by suggesting that the only way to see whether liberty is increasing is to see whether there has been " a net decrease in overall government cost and control." I think he's onto something here, but I don't find it easy to make the needed measurements. Sure, we can measure tax receipts or spending levels, and maybe even normalize them against population or GDP or something. But how do we quantify such invasions of liberty as laws requiring us to wear seat belts or prohibiting us from building sheds in our backyards?

I don't think liberty is a simple, easily measurable thing. I think liberty is rather amorphous. It sometimes grows in one direction while shrinking in another. Repeal of prohibition in 1933 increased our liberty to drink alcoholic beverages; meanwhile Congress was enacting laws that restricted our liberty in a million other ways.

The Republicans have done many things to increase our liberty. They prevented a complete government takeover of the health care industry, though have failed to stop the growth of government in the health care area generally. They got rid of some federally-mandated restrictions on our freedom while driving motor vehicles, though they didn't get rid of all federally-mandated restrictions. They intimidated certain very invasive law enforcement agencies in their practice of murdering innocent people, at least, for the time being.

They have not brought us all the way to a libertarian utopia. But they have made a few steps in the right direction. —R. W. Bradford

Here's what probably happened: Journalists repeated the local shorthand for what was once known nationally as "Washington, D.C." so many times that the distant and insignificant state that once laid claim to the name "Washington" had to be saddled with the clarifying "State" lest confusion set in. (For the record, this ignominy is suffered by only one other state: New York.) Just as O.J. Simpson became O.J. and Elvis Presley became Elvis, so Washington, D.C., became Washington. Both infamy and fame can shorten a name.

At this juncture, the discerning reader may well ask, "So what?"

I was born in Washington. The city or the state? Seattle, since you ask. In Swedish Hospital, to be precise. And, simply put, I want the name of my state back. The odds that I will get my way on this point are precisely zero in fourteen thousand. I am comfortable with those odds because it is a noble, if pointless, fight and the consequences of defeat should prove bearable. Victory, on the other hand, would symbolically end the era of big government. Which beats rhetorically.

Look. Washington, D.C., takes a good-sized chunk of my money every year and spends much of it in ways that I consider to be either wasteful or destructive. Washington, D.C. even nibbles away at my freedom, regulation by petty regulation. I can find it in my heart to forgive these wrongs because I can see the good intentions lurking behind the misguided profligacy and glassy-eyed megalomania. But for Washington, D.C. to steal the very name of the place of my birth? This I do not forgive. This shall not stand.

Then again, maybe it will. When the feds square off against a single state, who'd bet on the state?

The answer, of course, is to fight dirty, to use linguistic rabbit punches and low blows. To those who would join the struggle, I suggest the following tactics:

1. Always use "Washington" to mean the state and "Washington, D.C." to mean the city, even when it is awkward. (For example: "The nation's Capitol is in Washington, D.C., the nation's capital, but the capitol of Washington is in its capital, Olympia.")

2. If you say you're from Washington and are asked, "The city or the state?", fix the questioner with a flinty western gaze and drawl, "Where in the heck is Washington City, stranger?"

3. Every time someone says something like, "We're planning a trip to Washington State," look puzzled and say, "To Pullman?" —SHC

Philip Carret, RIP — Philip Carret, a founding father of the U. S. mutual fund industry, passed on to that great securities market in the sky in early June, at the age of 101. He was an active value investor, going into the office until almost the day he shed his mortal coil. More interesting to

me is the fact he was a libertarian who described himself as an anarchist. This was bold assertion for someone in the investment field, where security is treasured above all else. Carret was an exemplary anarchist, showing the public that the philosophy has no relation to men skulking around in black capes carrying bombs with lit fuses. —DC

The importance of Barry Goldwater — You had to be there to understand the crucial role that Barry Goldwater played in reviving the idea of liberty.

It was the early 1960s. The Great Depression and World War II had virtually wiped out the remnants of the American libertarian tradition — a tradition that had already been in decline for a century or more. Individual liberty was simply not a factor worthy of discussion. No one questioned whether the state should grow, whether liberty should shrink, whether more regulation was good, whether government should control everything.

Free markets had failed during the 1920s, and there was no point going back and trying them again. America was behind the rest of the world in the race to aggrandize state power, and they had told the politicians that America had better catch up. If she didn't go the way of Sweden, she would likely end up going the way of Russia — which, according to "evidence," was on the point of catching up to us both militarily and economically.

The war between state and liberty was over. And liberty had lost. The current battle was between totalitarianism and quasi-totalitarianism.

But Barry Goldwater never adjusted to that environment. He tried to change it.

After a mediocre college career (some biographers say he flunked out after his freshman year, others say he left voluntarily), Goldwater went to work in his family's department store. He accepted the Republican nomination for the U.S. Senate in 1952 because no one else wanted it. His opponent was a popular senate majority leader, and Arizona was the solidest Democratic state outside the Deep South. Goldwater was known, if he was known at all, as a photographer fascinated by the beauties of the Arizona desert.

Eisenhower carried Arizona by a landslide, and his coattails were just long enough to carry Goldwater into the Senate. During his first term, he distinguished himself as an anti-communist and a critic of government's campaign to bestow power on labor unions. As the 1960 election approached, conservatives considered him a possible alternative to the distrusted Richard Nixon.

A small boom occurred, and during that boom Goldwater (with the help of a ghostwriter) wrote *The Conscience of a Conservative*. It was published by Victor Publishing of Shephardsville, Kentucky, which is about as far away as you can get from the centers of mass media. It was a very unlikely best seller, but it found the anti-government nerve that still existed in America, and by the end of 1960, it had sold over 100,000 copies.

The book began with an attack on people who compromise with statism (people like Goldwater's Republican colleagues in the Senate), then announced Goldwater's own theme:

> Thus for the American Conservative, there is no difficulty in identifying the day's overriding political challenge: it is *to preserve and extend freedom*. As he surveys the various attitudes and institutions and laws that currently prevail in America, many questions will occur to him, but the Conservative's first concern will always be: *Are we maximizing freedom?*

I remember the first time I read those words. I was a 13-year-old whose political views consisted mostly of wondering why the government figured it could control people's lives. I couldn't understand why the government should keep out imports from other countries, or why it should take as much as 90% of a person's income in taxes, or why it should do most of the million other things it did. I knew that other people didn't think like this — or appear to, anyway. Other people seemed happy to fit in, to accept the common beliefs. They didn't seem to have the anti-government nerve. But I did, and Goldwater hit it.

He wrote that the United States needed a new kind of politician, a person who would seek public office without making the usual promise that the government would solve even more of the people's problems than it purported to be solving now. Such a politician would go before the people with this amazing statement:

> I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to cancel old ones. . . I will not attempt to discover whether legislation is 'needed' before I have first determined whether it is constitutionally permissible. And if I should later be attacked for neglecting my constituents' 'interests,' I shall reply that I was informed that their main interest is liberty and that in that cause I am doing the very best I can.

As I type these words, they bring tears to my eyes. There is poetry in them, and power; there is the great vision of human beings living without constraint, seeking happiness and prosperity for themselves and those they love by pursuing goals that they have set themselves, not goals established for them by politicians or bureaucrats or "intellectuals" or teachers. (Remember, I was a junior high school inmate at the time.) Goldwater challenged young Americans to light the dreary world into which we were born with the torch of liberty.

The remainder of his book was not radical, at least by the standards of today's libertarianism. Even as a 13-year-old, I could see that he had failed to carry the logic of his convictions very far. He argued against federal aid to education, but not against state education. He decried the progressive income tax, but not the institution of taxation itself.

But young people throughout America saw the logic of what he said more clearly than he did. His radical vision inspired and even intoxicated us. Goldwater was not nominated for president in 1960, but he was in 1964; and by then, thousands of young libertarians (though we didn't yet call ourselves libertarians) had joined his crusade.

Some of us read Ayn Rand and got caught up in her radical philosophy. Others subscribed to the *Freeman* and the *New Individualist Review* and learned about the practical side of free markets. As we worked with other Goldwater supporters, we began to realize that for many of them, freedom was not the first item on the agenda. We gradually began to think of ourselves not as slightly weird conservatives, but as

continued on page 38

Y2K & the Feds

by Declan McCullagh

While Senators worry about private computers crashing at the dawn of the new millennium, the real threat is to the government's gigantic mainframes.

Quick: What do you think of when someone mentions the Year 2000 computer glitch? If you're like most of us, you might picture geeks hunched over monochrome terminals. Breath-taking computer crashes. Whopping mainframe problems at the IRS. Maybe even blackouts.

But U.S. Marines patrolling city streets?

That's what Sen. Robert Bennett has been talking about recently. And since Bennett is head of the Senate's Year 2000 committee and banking subcommittee, folks are starting to listen. In a June hearing, the Utah Republican asked what plans the Pentagon has "in the event of a Y2K-induced breakdown of community services that might call for martial law." Deputy Secretary of Defense John Hamre replied carefully, but none too reassuringly, "We've got fundamental issues to deal with that go beyond just the Year 2000 contingency planning. And I think you're right to bring that up."

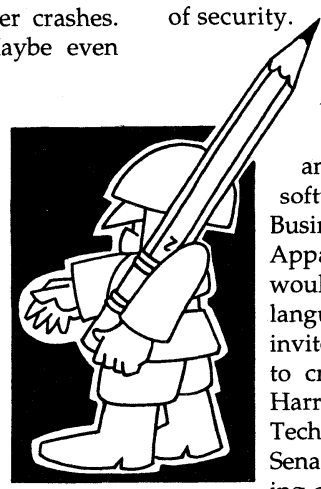

S. H. Chambers

Proposals brought up at other hearings are nearly as alarming. It seems that the closer we get to January 1, 2000, the more likely politicians are to take bone-headed ideas seriously. It's telling that they're already describing Y2K as a national crisis — and, hey, "crises" have a nasty habit of ending with abridged freedoms when the dust settles. It's probably time to start worrying not just about computer snafus, but dangerous new laws and regulations.

Consider the Securities and Exchange Commission's demand that companies reveal their Y2K plans and timetables. Sound reasonable? At first blush, perhaps. But additional reporting rules are as likely to delay useful work as encourage it. When programmer-hours become increasingly precious, why waste time filling out a blizzard of paperwork demanded by a host of different government agencies? Vague assurances (there is no standard way to calculate Y2K-readiness) might even lull the public into a false sense of security. Besides, market forces may do the job, without government intervention. Moody's has cautioned firms that unless they can show they're Y2K-OK, their credit ratings will suffer.

So will your pocketbook, if David Eddy has anything to say about it. Eddy, president of a software marketing firm, asked the Senate Small Business Committee to start a "Y2K service corps." Apparently envisioning Newer Deal camps where would-be programmers struggle to learn arcane languages that in truth take years to master, Eddy invited the government to provide "start-up funds to create a training program for Y2K workers." Harris Miller, president of the Information Technology Association of America, asked the same Senate panel for a national public service advertising campaign, tax breaks for companies done with repairs by July 1, 1999, low-interest government loans to pay for Y2K fixes, and a Year 2000 "small business corps" that could roam the country in search of companies in distress. (Not-so-coincidentally, the Y2K-repair firms that are members of ITAA stand to make a bundle from these roundabout subsidies.) "Other countries, including Hong Kong and Taiwan, have created national productivity centers," argued Miller, so why not the U.S.?

Those "national productivity centers" might be populated by conscripted programmers. Joel Willemssen, director of the General Accounting Office's civil agencies information systems, has been quoted as saying that the government may need to draft programmers to "find or hold people in critical government jobs, at least for two years." Willemssen didn't say how productive the draftees would be — particularly after

abandoning plush corporate jobs for government salaries.

Don't Sue Me: Liability Limitations

Nobody knows for sure what will happen when computer clocks touch 1-1-00, but one thing seems certain: Anyone with a problem will try to blame it on someone else. At least that's what doomsayers have been saying, with one estimate predicting Y2K-related litigation topping $1 trillion in the U.S. alone.

It should be no surprise, then, that liability limits are becoming more popular, though so far no proposal has succeeded for one very simple reason: Nobody wants to be sued, but everybody wants to be able to sue everyone else. High tech firms this spring lobbied for a liability cap in the California legislature, but were defeated before the bill left committee. Clinton, on July 14, proposed a "good Samaritan" law to limit liability if firms disclose their readiness.

In a June hearing, Sen. Robert Bennett asked what plans the Pentagon has "in the event of a Y2K-induced breakdown of community services that might call for martial law."

One reasonable argument for limits goes like this: Our civil liability system is spinning so far out of whack that a bigger-than-asbestos, trillion-dollar hit might well send it into orbit. "In a rational world it's hard to justify liability caps. It's somewhat less hard to justify them in this world because liability does not always track harm," says David Post, a law professor at Temple University.

Still, any restrictions on liability would infringe on property rights and might conflict with the Fifth Amendment's prohibition on uncompensated takings. "If someone sells a product for some particular purpose, why should they after the fact have their liability limited — especially on this one particular issue — after someone may have bought the product or hired the firm?" asks Randall Holcombe, an economics professor at Florida State University.

And it's unlikely that a liability curb would affect all industries neutrally. What's more realistic is legislation that would redistribute Y2K harm in a way that helps special interests, not economic efficiency. Recently health care lobbyists asked a House committee for such curbs. The National Association for Manufacturers wants one too, its lawyers say. Yet granting liability caps would provide a particularly perverse incentive: With reduced worries, companies might stop working as diligently on Y2K repairs.

It doesn't help that one of the best-known Y2K experts is Ed Yardeni, chief economist for Deutsche Bank Securities. Yardeni is a sincere enough fellow who spends much of his time demanding aggressive government action. "Let's at least get from corporations what the government is providing," he said in June when pressing for more disclosure requirements. Yardeni also wants the government to order businesses to send home "nonessential employees" in January 2000. Another Yardeni scheme: Declaring war on miscreant computers. "The Y2K Alliance," he writes, "could use the expertise of military personnel who should be involved because they have the necessary training and experience for marshaling and mobilizing resources."

Have The Feds Made Y2k Worse?

One thing Yardeni and others miss is the government's Y2K problem. Guess what? Government computers won't make it. Bureaucrats don't have the same fix-or-go-out-of-business market incentives to update their systems. They also don't have the same legal incentives: state governments have already begun to immunize themselves from Y2K lawsuits.

Much more than the private sector, the Feds have proven themselves singularly inept at Y2K repairs. Since last fall, the IRS repeatedly has upped estimates of its Y2K costs, from $250 million to $850 million to more than $1 billion. It fell behind its own deadline of having 66 of its 127 most vital systems fixed by January 1998, and still hasn't finished deciding which minicomputers, file servers and PCs need debugging. Social Security, Medicare, Medicaid and veterans' benefits checks come from the Treasury Department's Financial Management Service, a little-known agency through which almost all the government's payments and collections flow. It's in poor shape. As of March, FMS hadn't finished even the preliminary step of deciding which systems needed to be repaired.

Cypherpunk Jim Burnes compares Y2K to a virus that preys on bureaucracy: "Seeing that Y2K feeds on centralization, perhaps Y2K is a type of disease that all oversized central bureaucracies fall prey to. Is it a centralization virus? The ultimate example of software rot? Sure, Y2K can occur in relatively decentralized entities, but the effects are not widespread."

What is spreading quickly are attempts by Republicans to wield Y2K against Al Gore — a campaign that means Y2K decisions are being made in an increasingly partisan atmosphere. The House GOP leadership is now publishing a Y2K newsletter; the inaugural issue blames the White House for not sounding the alarm. "Mr. Vice President, you're the administration's technology point man," asked Republican hopeful Steve Forbes at a conference in June. "What have you been doing for the past five years?"

Nobody knows for sure what will happen when computer clocks touch 1-1-00, but one thing seems certain: Anyone with a problem will try to blame it on someone else.

Not reinventing government — at least the Y2K-important portions. Antitrust laws continue to thwart companies' plans to collaborate with competitors on Y2K fixes. The Clinton administration has not yet reassured skittish corporate attorneys (who want a guarantee in writing) that they won't be prosecuted. "We will be asking the Justice Department and the FTC for that kind of waiver," Jerry Jasinowski, president of the National Association of Manufacturers, said in late June.

Immigration quotas aren't helping either. High-tech firms

continued on page 22

Report

Beltway Libertarians

by Brian Doherty

Things were pretty well orchestrated when the Libertarian Party met in Washington, D.C. But as usual, there were a few people throwing dead cats.

The 1998 National Libertarian Party Convention, held in Washington D.C. over Fourth of July weekend, was Business As Usual. David Bergland, former LP presidential candidate, vice presidential candidate, and national chair, whose party activities date back almost to its beginning, is once again national chair. He handily defeated his strongest opponent, Gene Cisewski, taking 58 percent of the vote on the first ballot. Cisewski had plenty of supporters at the convention — his raw vote total was 241 — but few saw the chair election results as a make-or-break issue. There will be no angry walkouts from the Libertarian Party in the aftermath of this convention.

Cisewski, best known in LP circles as head of a PAC that raises funds for local and state campaigns, criticized recent party management for not doing enough to support its local and state grassroots. Overemphasis on presidential elections is pointless, he argued, until more local elections are won, and the real work to do is that done by state and local parties. Exactly, said Bergland supporters. The National Chair cannot manage state and local campaigns; his job is to run the national office and provide support for the national campaign. And what are the grass roots if not new members? With Bergland's support for the LP's Project Archimedes to bring in 200,000 members by 2000, he was the *real* grassroots candidate.

Continuity was the theme of the chair race. Bergland intended to keep the current national staff, and the current national staff intended to stay under Bergland. In a debate between the candidates, Bergland said that all staffers at the national office had agreed to stay on if he were elected. When Cisewski was asked that same question, he replied that two of the seven had agreed to remain at least through the transition. The Bergland spin doctors took this as evidence that if Cisewski were elected, he would "fire five of the staff immediately and the other two after he'd found replacements," as a prominent Bergland supporter put it. Cisewski supporters believed that the national staff was threatening to resign as a group if Bergland were not elected, except for the two who would stay on briefly until Cisewski could find replacements.

It was very plain that a vote for Bergland was clearly a vote for the party to continue on largely as it has of late. Concern for continuity, coupled with the Bergland camp's heavy electioneering, might have changed the minds of many who considered Cisewski at first. One Florida delegate told me he was surprised at how many votes his state gave Bergland, since his informal pre-convention canvassing showed wide support for Cisewski.

Many of Cisewski's supporters expressed a desire to see him win out of a generalized term-limits sort of electoral nihilism; it's good to shake up the Powers That Be once in a while. This sort of thinking has led to shakeups at past LP conventions. It didn't this year.

Other National Officer positions saw candidate victories on voice vote with no significant opposition; past NatCom treasurer Hugh Butler was elected vice-chair and Mark Tuniewicz treasurer. Only the secretary race generated any drama. Coming into the convention, Steve Givot expected easy election. But Waco author and activist Carol Moore launched a last-minute campaign because she thought Givot-driven proposals to change the LP platform gutted the party's principles. She objected to taking out the words "Bureau of Alcohol Tobacco and Firearms" and the replacement of this particular target with the wider language of "We support the abolition of the agencies created to enforce" all laws relating to the "manufacturing, possession, or use of firearms, ammunition, or weapons of any sort." Moore

argued that this would have "gutted the hardcore and detailed defense of the right to bear arms." Her candidacy, and a sizable support for "None of the Above," stretched out the voting until Givot beat None of the Above on the third ballot in the waning hours of Sunday morning's final business session.

Convention business was conducted in the downtown D.C. Convention Center, with some luncheons, banquets, and speeches given across the street in the Renaissance Hotel. From a technical conventioneering standpoint, the event was thoroughly professional, exhibiting no noticeable problems (except for really bad filet mignon at the Saturday night banquet, but bad banquet food is hardly news). An audio and video feed in the exhibitors' room allowed conventioneers to follow floor business meetings without having to sit in the main hall and hold their tongues. In all, the convention attracted about 800 people, of whom around 700 were delegates. A set of other rooms was available for a rich selection of presentations and panels, which mostly had the usual very light attendance.

The keynote address of longtime LP fundraiser Michael Cloud was met with a loud heckler booing his name and shouting "bullshit" at some of his pronouncements.

Speakers included Charles Murray, David Boaz, talk-show host Larry Elder, pot rebel and author Peter McWilliams, and Congress of Racial Equality leader Roy Innis, who raised cheers by announcing his intention to run for mayor of New York on an LP ticket. Some of the speeches were aired live on C-SPAN, and others were taped for later broadcast. The LP toll-free phone number was plugged frequently; during the next ten days, the party reported that between the toll-free number and its internet site, it had received about 3,500 inquiries.

The exhibitor hall displayed a telling cross-section of LP-member interests: various drug-law reform groups, libertarian booksellers, U.S. Term Limits, Forfeiture Endangers Americans Rights, Fully Informed Jury Amendment, secessionists, *The Spotlight*, libertarian think tanks from Reason to Heartland. However, the room was less than half the size of an exhibitor hall in special interest conventions like, say, for science fiction or comic books, and some booths were unmanned much of the time.

The business sessions and votes on platforms, bylaws, and officers are the technical reasons to hold these huge, expensive events; but the attendees probably come to them because of the ample opportunities for conviviality among far-flung LPers and interested watchers. The LP and its doings (as well, of course, as the antics of Our Enemy The State) provide ample grist for the humor mill. Discussion, prompted by the Body Shop progressive soap chain's carry-out bag slogan "If you think education is expensive, try ignorance" prompted one female delegate from California to encourage the creation of a "If you think education is expensive, try paying taxes" bumper sticker.

A marquee for the local women's professional basketball team the Mystics brought out the inevitable Ayn Rand jokes. "Zis is the most evil and impotent basketball team in the league. Zey cannot win. To shoot requires the utmost focused and rigorous use of the faculty of reason, vich zey have rejected. No matter who is on the sidelines, zere head coach is Immanuel Kant. There is only one fundamental choice in the universe: To shoot or dribble. And only one entity to make it: The basketball player. Ze Mystics are anti-reason, which means they are anti-man, which means they are anti-free throw, which means they are anti-life. . . ."

The Bergland machine is also the Browne machine, the conventional wisdom went. Certainly, this is the fear of Bumper Hornberger, leader of the Future of Freedom Foundation, a probable candidate for the LP's 2000 presidential nomination, and a very popular libertarian speaker. (One Florida delegate came all the way to Washington because she had been inspired by a Hornberger speech.) Hornberger's rhetorical strategy stresses no compromise in promoting the cause of liberty, and he gave his convention speech on a topic of some growing controversy, even among libertarians: open borders. With the C-SPAN cameras and a national audience in mind, he gave about 5 minutes of his speech in Spanish, plugging the LP's 800 number. Alas, C-SPAN did not air the speech.

C-SPAN was, however, airing the keynote address of longtime LP fundraiser Michael Cloud, which was met with a loud heckler booing his name and shouting "bullshit" during the introduction. The heckler, Pennsylvania delegate Richard Schwarz, carried around the convention a huge pile of Federal Election Committee filings that he claimed supported his contention that Cloud as a professional fundraiser has a disappointingly low percentage of money raised going to campaigns as opposed to supporting fundraising costs — that in essence he does more for himself than he does for the party. The delegate complained to the national headquarters that Cloud was both too unknown outside the party and too controversial within it — he had raised hackles in 1992 when he went from managing Andre Marrou's presidential campaign to lobbying the NatCom to relieve Marrou of the nomination — to be a good keynote. He says he was told, "If you don't like him, come and boo." So he did.

Dasbach's young daughter was hanging around the soda machines, expressing her eagerness for Bergland to win so that her Dad "will get a good job and we can move to D.C.!"

Earlier this year, Hornberger proposed a bylaw change to prohibit the use of the national LP office, national committee resources or members in the support of specific candidates for the LP's presidential nomination. With Bergland, whose wife Sharon Ayres was Browne's campaign manager, as national chair, he's worried. Asked about the national chair race, Hornberger cagily announced, "I'm neutral — and I want whoever becomes national chair to be neutral to me in

continued on page 22

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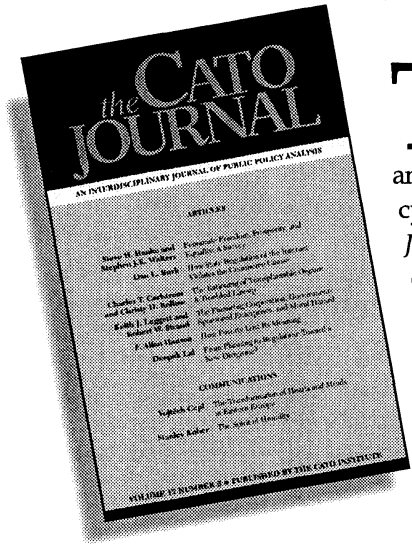

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L

my race for the presidential nomination." Given Bergland's ties to Browne and Cisewski's lack of same — Cisewski was critical of Browne's campaign in an interview with *Liberty* — this was an indirect endorsement of Cisewski

National LP office staffer Nick Dunbar, when asked his opinion on the bylaw vote to create a CEO position, which failed, recounted at length the various positions he's held with the party, all the states he's walked with ballot-access petition clipboards in hand, then concluded with, "I am held to a directive that as a member of the national staff I am not permitted to have an opinion about these issues. I intend to obey that directive to the letter. Thus, I cannot answer your question." Implied in his tone was some disagreement with this directive, to say the least.

The business meetings, which some more long-time convention goers have learned largely to avoid, were LP parliamentarianism in agonizing action. The occasional torture of libertarians run amok with parliamentary procedure, where any ten truculent members can force a head count vote.

There were proposals to change the party platform: to excise its support for the right to abortion, to add opposition to the death penalty, and to return to an explicit children's rights position. But as usual, in the crush of agonizingly slow parliamentary maneuvering, these never even came to a vote.

The endless debate over proposed platform changes (which led to less than half of the proposed 25 platform changes from the Platform Committee coming to a floor vote) were mocked in an elaborate fantasy of a call to change the font of the platform. "I move for Helvetica. A sans serif font shows our forward-looking principles . . . ." "No. That's too California. I insist on Times Roman. People are used to it from their daily newspapers, they are comfortable with it, it makes us indistinguishable from any other platform they might read and thus more comfortable with us . . . ." And of course dozens of delegates would need to step to a microphone to express their support, or not, for whatever font proposal was on the table, with a plug for their pet cause as a lagniappe.

One hoary Libertarian tradition came under assault: the line in the party's statement of principles saying that the LP stands against "the cult of the omnipotent state." Kook language, some complained, and many agreed. The biggest argument against the language was that it is hard for candidates on a local level to explain it to would-be voters. Of course, nothing requires the party's statement of principles to be used in local campaign literature, and as one supporter of the language said, he's never found any evidence beyond scattered anecdotes that this statement represents a real problem for the LP — certainly not enough of one to call forth all the energy and heated debate the proposal to get rid of it has. The proposed change had ample support, but the original language survived. This came as no surprise, since changing it requires support from 7/8 of all delegates, a virtual impossibility in a group as contentious as libertarians. Even getting that many delegates to the floor at a single time to vote seems well-nigh impossible.

The Bergland-Browne forces proposed a bylaw to create a new national officer to be called CEO — which was intended for outgoing National Chair Steve Dasbach. This was defeated, but during the vote-count for chair, Dasbach's young daughter was hanging around the soda machines, expressing her eagerness for Bergland to win so that her Dad "will get a good job and we can move to D.C.!" Right after business at the convention ended Dasbach was named National Director and previous National Director Ron Crickenberger went back to his old job as political director.

So Dasbach's daughter got her way, and the LP will continue on its path to the promised land of 200,000-plus members in 2000 with continuity in management. Will it get there? As keynote speaker Michael Cloud said, "If you always do what you've always done, then you'll always get what you've always got." ❑

McCullagh, "Y2K & the Feds," *continued from page 18*

complain that current restrictions on immigrants create a labor shortage that leaves 350,000 jobs open each year — some of which are Y2K-repair positions. Then there's an arcane portion of the tax code, Rule 1706, that makes it risky for firms to hire independent contractors. If you hire a consultant and the IRS later decides he should have been as an employee, you'll get slammed with hefty fines. And contractors are responsible for a huge portion of Y2K fixes.

Retired Intel engineer Tim May argues that increased recordkeeping requirements such as pollution controls, Superfund tracking, and emissions standards exacerbate Y2K problems. Regulations require programmers to include "report-writing and compliance-checking code into the control software," he says. "Next thing one knows, a fairly straightforward engineering control problem is larded up with dates, fiscal years, reporting periods, and other such Y2K-interacting stuff."

It's tempting to hope that the Y2K phenomenon brings with it new respect for private sector solutions (and hey, eliminating a couple federal agencies isn't a bad start either). So far, though, the trend is in the other direction. Sen. Chrisopher Dodd (D-Conn) says: "You can't ask the government to solve this problem." No, but you can certainly rely on the Feds to make it worse. ❑

"Not on *my* tree you don't!"

Dear Bill

by Paul Rako

The president's motorcycling buddy offers some advice and asks for a small favor.

Dear Bill:

Well Bill, I just want to say hi, and see how you're doing and give you an update on my activities, but I wouldn't be bothering you if there wasn't an important Executive Decision we need made pretty darn quick right out here in Sunnyvale, California.

Before I get into the Executive Decision, I want to let you know what's going on out here in the Western part of the good old US of A because I'm sure the President wants to keep his fingers on the pulse of this great country of ours. Coincidentally enough, this letter got started just like the last one, with me riding my Harley around town enjoying the sights.

We had the first nice day out here in a month of Sundays and I was just having a blast with the wind in my face most of last Sunday. Well, I get back to my shop and see that there is a phone message for me on my answering machine. I play the message and it's my buddy Preacher. You remember Preacher, he's the ex-Marine, Vietnam vet who rides the same Sportster he bought brand new in 1969 with his combat and hardship pay. Well Preacher's clutch had gone out and it was a miracle he got the bike all the way back from Jan's house without ever having to stop even once. He said the traffic lights just kept changing his way but we all think it has more to do with Preacher being such a righteous dude that you just know the lights are gonna change for him.

Well anyway, Preacher left a message for me because he thought I might have an extra set of them three little rods that go in the mainshaft that operates the dry clutch setup (which Preacher is running wet with that Barnett kevlar plate deal). Well I go through all my clutch and tranny boxes and sure enough, I do have two of the rods. These babies are as tricky as that flywheel end play I told you about. They gotta be case hardened just right — Fast Freddy used some plain steel rods in his Sporty and they just kinda melted and welded up and ruined the mainshaft which at $140 a pop ain't chicken feed. Not to mention having to tear the bike down and stuff.

So I get the two rods in my pocket and jam over to Preacher's house but Peacher ain't there so I figure maybe he's at Nigel's house. But before I even get to Nigel's I see New Zealand Larry cruising towards me on his yellow Springer Softail. Like every New Zealander I have ever met, Larry is a fine fellow and a really righteous dude. He got his left foot hacked off in an industrial accident and that doesn't even slow him down one little bit. He handles that Softail as good or better then I handle my Sportster. Well, it turns out that Larry was just coming from Nigel's where he sometimes stays on weekends when he's down visiting from Reno where his new job is.

After a little middle-of-the-intersection discussion concerning the shortcomings of the Bendix drive in the Nippondenso starter motor Harley uses, he mentions that Preacher was looking for me. Now I want to make clear that the defective mechanism was a Bendix type drive but it wasn't made by the Bendix Division of the Allied Signal Corporation here in the US of A. It was the Nippondenso implementation of the Bendix invention that was no good. Guess what? It's a case hardening thing again, some coincidence huh? It just goes to show you that just because it's made in Japan doesn't mean it's any good. My buddy Russell up in Portland had the same Nippondenso Bendix fail on his Harley Road King and, get this, it happened at the Honda dealer where he was checking out that new Valkyrie. Believe me, there's nothing worse

then having to get two Honda mechanics to push start you out of the Honda dealership on a brand new Harley. And this was just one of the problems Russell had until he finally traded the darn thing in and got one of them oil head boxer BMWs, the 1100RT model. Which just goes to show you that that just because it's made in the US of A doesn't mean it's any good.

Anyway, like I was saying, Larry tipped me off that Preacher sure enough was over at Nigel's house which was really no big deal because I was going over to Nigel's anyway. So sure enough, I get over to Nigel's and see that not only is Preacher there, but so is Wham and Nigel's lovely wife June. Not only that, but then Ray showed up on his Springer Softail. Ray's a really cool dude who happens to have a top secret job at the "Blue Cube" which as President I'm sure you know about because the "Blue Cube" is the ultra-top secret military installation here in Sunnyvale that controls all the spy satellites and stuff. (I don't want to say anything more because, no disrespect to your staff and all, but you never know where there might be some commie spy or terrorist or stuff, and you'll see why it's a coincidence that Ray was there because it involves the Executive Decision we need you to make.)

So before I bring up the important Executive Decision we need made, I wanted to give you a heads up on this whole Monica thing. Now Bill, I know this whole thing is being rubbed in the ground and I can assure you that I am horrified by the whole thought of a Special Prosecutor whose whole reason for living is to cause the President or some other government official grief. I'm over at Nigel's house and this whole Monica thing comes up and Bill, this is what I want to tell you because I think you'll be glad to know: Nobody seems to give a hoot, other than the entertainment value, which Bill, I think you are man enough to admit, this thing has a LOT of entertainment value. Of course, nobody I know seems to care about what goes on in Washington anyway. The weird thing is that the women seem less concerned then the men and I would have thought the gals would really be up in arms over this one.

Most of the guys are more concerned with the effect on Hillary and I gotta tell you Bill, that's what I worry about. I admire Hillary being all Yale educated and easy to look at to boot. Everybody just kind of agreed that it's Hillary that should be laying down the law on this one and not Ken Starr and not the media and not any of us, so Bill, just give Hillary our best and tell her we are all behind her on this one, one way or another.

Speaking of the entertainment value of this thing, Nigel ran into the house and got one of them supermarket tabloid newspapers and showed me this two page full color spread with pictures of just the lips of all the girls that are talking trash about you. Talk about bimbo eruptions, Bill, this is a damn bimbo fragmentation grenade.

I guess what I wanted to say most on this whole thing is that what happened with June and Preacher makes me so proud to be an American. Now I don't know if June was playing devil's advocate on this or not, but she pipes up with: "What's good for the goose is what's good for the gander." Then Preacher the Marine stops, looks at June and smiles and says: "I agree, geese and ganders should all be treated equally." Then Nigel looks at me and smiles and says: "She doesn't say that about this gander!" and we all knew something really cool had happened because it looks like the liberal vision you talked about in your letter to me has really come to pass and it makes me feel really good about America knowing that tolerance, diversity and equal rights are really important to people and like Rodney King said, "Can't we all just get along?"

Well Bill, I know your real busy with important matters of State and stuff so I want to get right to the crux of the biscuit. Now this is real important and I can understand if you were skimming the early part of this letter but now I need you to read very carefully because this is a really important Executive Decision we need you to make. Me and Preacher and Wham and Nigel and Ray were in the garage that we converted to a sorta clubhouse and we were playing pool and downing cold ones and listening to the Blues and who should come in but New Jersey Darrin and his beautiful girlfriend Lori. Well, Darrin wasn't kidding around. As he walked in the garage he said: "Nigel, I'm in trouble man, I'm in some real trouble."

Well Bill, we all know that trouble has a way of finding Darrin like a camel has a way of finding water. It turns out to all of our amazement that Darrin is in the reserves and he just got called up to go kill Iraqis in the Middle East. Now Darrin is such a happy-go-lucky guy none of us could believe that he was responsible enough to not only enlist, but to not get court-martialed in the mean time. It turns out Darrin has been on reserve for eight years and this is so coincidental it is almost funny because when you sent your letter to me, the guys were joking about "Greetings from the President" and getting drafted and stuff and sure enough, a few months later, one of our own is getting called up.

Now Darrin seems to be a little mixed up on this whole thing and so am I, to tell you the truth. One minute Darrin would be all gung ho saying: "I'll go, just gimme a gun, I'll kill em all!" which had me calling Darrin "Our one man Mi Lai" but I think he just didn't want to seem unpatriotic and stuff because Darrin is really one of the nicest most fun guys you'd ever want to meet. But the next minute Darrin would look all down in the dumps and you could see this whole thing was bothering him.

What has us the most worried, and I think you can really empathize with this Bill, is that Darrin really loves the ladies.

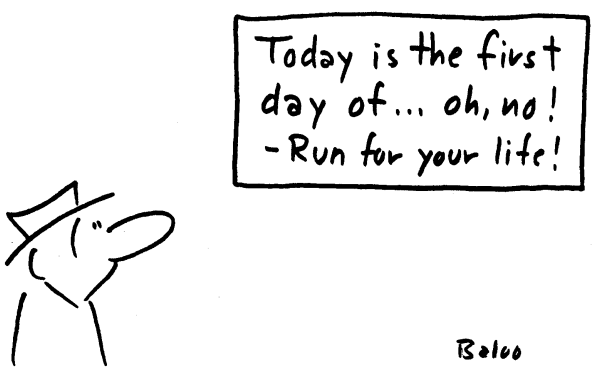

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Now Bill, I really love the ladies too but the thing about you and Darrin is that the ladies really love you guys back. Sending Darrin to Saudi Arabia with all them rules and veils and such is like putting out a fire with gasoline and hairspray. We're really worried that if Darrin goes to Saudi Arabia he'll come back missing some very important body parts and it won't be the combat because we know that this war ain't gonna be like Vietnam where they were shooting back. Nope, I told Darrin that messing with the ladies gets Trial By Saudi Arabian Law and that just is not good news for a happy-go-lucky guy from New Jersey. I gotta confess this whole Middle East thing has me more than a little confused. In your last letter to me, you talked about the liberal vision and how the right wing was threatening our American values and stuff.

Now Bill, I will admit to being a little out of touch since I sold my TV 15 years ago, but as I remember it, wasn't it the right wing that wanted to go bomb everybody? I mean, bombing for oil, well that's just one way at looking at that Vietnam thing isn't it? And if I remember right, you came down on the right side of that one, even protesting and trying to keep us from getting involved in other people's business. I thought that's what liberalism is all about, I mean, that's why nobody cares about this Monica thing. So Bill as your advisor I need you to tip me off as to what the heck is going on. Did something happen in the Eighties, because when I hear the conservatives don't want to go to war, well Bill, that just blows me away. I mean, did everybody just switch sides one day? Was there some kinda ceremony or a notice in the newspaper or something I missed where all of a sudden all the liberals became bomb-crazy hawks and the conservatives became mellowed-out flower-power doves?

Bill, like I said in my last letter, it's hard enough keeping track of whose doing what to whom way over in Washingtion DC. If you guys start switching around on your policies like this nobody is going to know who or what to believe in. Now I've gotta apologize because I see I've been going on a tangent and stuff and I really do want to get to this Executive Decision, but I just gotta tell you that we are all really worried about this war thing. And not just about Darrin getting castrated or court-martialed.

Them crazy Iraqis — not the nice ones you meet working here in California who are really good people — them crazy Iraqis are liable to start doing terrorism if we keep bombing their women and children and stuff and I'm sure you don't want to see little Chad and Melissa doubled up laying on the ground puking blood when some crazy Iraqis (not the nice ones, of course) takes two kilograms of anthrax spores and spray it out of a rental Piper Cub and kill a million people not to mention June and Nigel's beautiful children.

So anyway I really do want to get to this Executive Decision thing but I felt I should fill you in on some background on Darrin and stuff because that's what the Executive Decision is all about. You see Bill, Darrin just got the letter Saturday. It tells him to go to some fort in Oklahoma at the end of May. The deal is that Darrin's been carrying this little card in his wallet this whole time that shows his eight year reserve thing is up at the beginning of May. Now Ray, the guy with the black Springer Softail who works at the ultra-top secret "Blue Cube" where they control all the spy satellites and stuff says: "No problem, they're calling you up after your release date so you don't have to go." Then Wham, this other Marine you might remember from my first letter says: "No, if he's activated one day before his release date he has to go for the full action." And then we started arguing about whether it was the letter he got yesterday that activates him or the fact that he has to show up in Oklahoma at the end of May that activates him, which is after his release date.

So the Executive Decision we need you to make is this: Is Darrin activated by receiving the letter, which seems pretty Mickey Mouse to me, no offense to Walt Disney or anything but you know yourself the post office is a government operation and who knows when the dang letter will arrive and it seems pretty unfair to me because one guy would get a letter right away and have to go kill Iraqi women and children and then another guy wouldn't get his letter until after his release date because some guy at the post office goes postal with an assault weapon in Duluth and gets all the deliveries all fouled up and maybe they even throw a military letter out because they got blood all over it and they don't want to look bad to the public and stuff.

On the other hand if it's showing up in Oklahoma that is Darrin's activation, well then we'll just jot off a little note to one of your Generals that they got Darrin by mistake because they can't activate him after his release date and that the President of The United States has made an Executive Decision and stuff and I'm sure the Generals will clear things up right away because the one thing good about that last war in the Middle East is that it showed what great generals we've got in this country and no offense to Mr. Gore or anything, but I think that Colin Powell guy would whip the snot out of Mr. Gore for President (I'm sorry but I can't remember the Vice President's first name).

So anyway there you have it in a nutshell.

Well Bill, that's about all we have got to say from California today. We will all be looking for that Executive Decision and I trust you will get right on it since as you can imagine Darrin and we are on pins and needles about the whole thing although if he has to go kill Iraqi women and children there's gonna be one heck of a going-away party and don't tell Darrin I asked because he's the last guy on earth to snivel or ask for special treatment, but if you do send him to kill Iraqi women and children could you send him to a fort in New Jersey instead of Oklahoma since I'm sure his family are just as concerned as we are about his coming home OK and I'm sure they would like a chance to see him before you go send him to kill Iraqis.

Well like before Mr. President, we are all behind you 100% so there is no need to look back.

Sincerely,

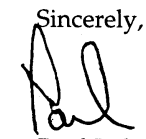

Paul Rako
U.S. Citizen

Editor's Note: *Within days of receiving this letter, President Clinton decided against military intervention in Iraq, so Darrin was not sent to kill Iraqi women and chidren.*

Comparison

Out of Scalia's Shadow

by Dylan Carp

Clarence Thomas emerges as one of America's great Supreme Court justices.

The winning attorney in a case before the Supreme Court said of Justice Clarence Thomas's dissent in the case that it was "almost as though he is a robot being jerked by Justice Scalia."

A highly regarded Court watcher has written in *The New Republic*, "As Thomas gains intellectual confidence, perhaps he will transcend his ghost-written imitations of Scalia in the same way that he abandoned his ghost-written speeches about natural law. But when Justice Thomas does feel ready to express his own beliefs, it is hard to imagine what he will say."[1]

Some of Thomas's supporters have, of course, questioned this unflattering appraisal. As Laura Ingraham and Stephen Smith, both former law clerks of Thomas, have written in response to such criticism, "Are we to expect judges to vote against their conscience out of a concern that they will be portrayed as blindly voting with this or that bloc? Certainly it is true that Scalia and Thomas share the same general judicial philosophy. However, it is also true . . . that they have often disagreed in the application of these principles."[2]

Anyone who examines the opinions of Justices Thomas and Scalia must conclude that Ingraham and Smith are correct. Thomas has distinguished himself from Scalia in two related ways. First, in interpreting the Constitution, Thomas looks more to original understanding, whereas Scalia focuses on history and tradition. Second, Thomas is more willing to adopt new (or previously discarded) judicial doctrines, whereas Scalia is content to follow judicial precedent.

In the first category is the lodestar for Thomas and Scalia watchers, the 1995 case *McIntyre v. Ohio Bd. of Elections*. This remains the only case in which one justice directly criticized the other. The central issue in *McIntyre* was whether a state law banning the distribution of anonymous campaign literature violated the First Amendment.

The Court held that it did. The majority reasoned that because anonymous publications have "played an important role in the progress of mankind," and because anonymity is sometimes the only refuge for dissidents, anonymous political speech must be protected by the Amendment.

Thomas wrote a solo concurrence in which he criticized the Court for failing to seek the original understanding of the Free Speech Clause: "Whether great works of literature by Voltaire or George Eliot have been published anonymously should be irrelevant to our analysis, because it sheds no light on what the phrases 'free speech' or 'free press' meant to the people who drafted and ratified the First Amendment." In seeking that meaning, Thomas relied most on three pieces of evidence. First, he noted that *The Federalist Papers*, essays written by three of the nation's Founders, were published anonymously in connection with the debate over whether the colonies would ratify the new Constitution. Second, he noted that many newspapers of the time were owned by prominent supporters of the Constitution, and that those papers published anonymous political articles after they were harshly criticized for refusing at first to do so. Finally, he noted that the colonists widely supported a jury's refusal to convict the printer John Peter Zenger when he was tried for seditious libel in 1735 for refusing to reveal the anonymous authors of published attacks of the Crown governor of New York. Based on this evidence, Thomas concluded that the Free Speech Clause was originally understood as protecting anonymous political leafleting.

Scalia disagreed. He argued first that although Thomas

was correct in seeking the original understanding of the Clause, Thomas interpreted the historical evidence incorrectly and came to the wrong conclusion. He wrote that "the sum total of the historical evidence marshalled by [Thomas] for the principle of constitutional entitlement to anonymous electioneering is partisan claims in the debate on ratification (which was almost like an election) that a viewpoint-based restriction on anonymity by newspaper editors violates freedom of speech." This evidence, for Scalia, was insufficient to warrant striking down the law.

Instead, Scalia argued that since many states have long had laws banning anonymous political leafleting, it is highly unlikely that the First Amendment prohibits such laws. "Principles of liberty fundamental enough to have been embodied within constitutional guarantees are not readily erased from the Nation's consciousness. A governmental practice that has become general throughout the United States, and particularly one that has the validation of long, accepted usage, bears a strong presumption of constitutionality." Scalia noted that the challenged law was enacted in 1915, the earliest such law had been adopted by Massachusetts in 1890, and at the time of the lawsuit every state except California had a similar law:

In many areas of the law Justice Thomas marks the front line of originalist jurisprudence.

> Preferring the views of the English utilitarian philosopher John Stuart Mill to the considered judgment of the American people's elected representatives from coast to coast, the Court discovers a hitherto unknown right-to-be-unknown while engaging in electoral politics. I dissent from this imposition of free-speech imperatives that are demonstrably not those of the American people today, and that there is inadequate reason to believe were those of the society that begat the First Amendment or the Fourteenth.

Perhaps it is easy to read too much into Thomas's and Scalia's disagreement in this one case. However, I think the disagreement has important implications when viewed in the context of the originalist/anti-originalist debate. For example, perhaps the ultimate weapon the anti-originalists have is *Brown v. Board of Education*. Their devastating syllogism goes something like this: by the year 1954, segregation had existed for generations; originalists defer to tradition when interpreting the Constitution; therefore, originalists would have dissented in *Brown*; but only a bad person would have dissented in *Brown*; therefore, originalists are bad people. In *McIntyre*, Thomas showed that he is willing to reverse tradition if he thinks the Constitution's original meaning requires.

Thomas's writings on the Equal Protection Clause show a similar outlook. In a 1995 case, *Missouri v. Jenkins*, Thomas wrote that he would have voted with the *Brown* Court to invalidate segregation based on the original intent of the Framers of the Fourteenth Amendment, even though there was a long tradition of segregation. (In his concurrence, Thomas became the first Justice ever to criticize the reasoning of the *Brown* decision in a published opinion, arguing that the Court should not have relied on social science research indicating that segregation harmed black students' ability to learn.

As for Scalia, he did write in *Adarand v. Pena* (1996), that "In the eyes of government, we are just one race here. It is American." However, in that case he voted to outlaw affirmative action, a practice which has existed only since the mid-1960s; he has not explicitly indicated in any published opinion that he would have joined the *Brown* majority in rejecting the more ingrained tradition of segregation. (This is not to say that Scalia would have dissented in *Brown* — perhaps his views on colorblindness would have led him to reverse tradition.)

A second distinction between the two is Thomas's willingness to go further than Scalia in rejecting settled Court doctrine for new or previously discarded doctrine. Consider the judicial precedent set by *Valentine v. Chrestensen* (1942), in which the Court held that "commercial speech" (advertising), merits less protection than political or artistic speech. The Court reasoned that commercial speech is more durable and less central to the interests of the First Amendment than other types of speech, and that there is an inherent danger that conferring equal status upon commercial speech will erode the protection accorded noncommercial speech, simply by a "leveling process." In *44 Liquormart v. Rhode Island* (1996), Thomas became only the second justice to write that he would afford full protection to commercial speech. He wrote, "I do not see a philosophical or historical basis for asserting that 'commercial' speech is of 'lower value' than 'noncommercial' speech." In support, Thomas cited an old 1878 Supreme Court case which struck down a federal ban on lottery advertising under the First Amendment, and opined that the Framers' political philosophy equated liberty and property and did not distinguish between commercial and noncommercial speech, as evidenced by a pro-free speech essay by Benjamin Franklin in support of his decision to print an ad for voyages to Barbados.

Scalia, in contrast, wrote that although it may be paternalistic to restrict commercial speech, "it would also be paternalism for us to prevent the people of the States from enacting laws that we consider paternalistic, unless we have good reason to believe that the Constitution itself forbids them. I will take my guidance as to what the Constitution forbids, with regard to a text as indeterminate as the First Amendment's preservation of 'the freedom of speech,' and where the core offense of suppressing particular political

"Don't worry — it isn't very often that we get a rush like that."

ideas is not at issue, from the long accepted practices of the American people." Although many Framers probably viewed commercial speech restrictions with suspicion, "I consider more relevant the state legislative practices prevalent at the time the First Amendment was adopted, since almost all of the States had free-speech constitutional guarantees of their own, whose meaning was not likely to have been different from the federal constitutional provision derived from them." Since the parties did not supply any evidence on that question, Scalia withheld judgment as to the proper degree of commercial speech protection.

Speech and Money

Since the 1976 case *Buckley v. Valeo*, the Court has held that money spent by political candidates is protected by the First Amendment, but money given to candidates is not. The Court reasoned that a restriction on the former limits the number of issues discussed, the depth of their exploration, and the size of the audience reached; but restrictions on the latter affect only the symbolic expression of support evidenced by a contribution. In *Colorado Republican Federal Campaign Cmte. v. F.E.C.*(1996), Justice Kennedy wrote a plurality opinion arguing that money spent by a candidate's political party on the candidate's behalf is also protected by the First Amendment. Scalia joined that opinion. Thomas, in a solo opinion, wrote that the *Buckley* distinction should be discarded, and that the First Amendment should be held to protect both a candidate's spending and receiving of money. He argued, "Contributions and expenditures both involve core First Amendment expression because they further the discussion of public issues and debate on the qualifications of candidates integral to the operation of the system of government established by our Constitution. When an individual donates money to a candidate or to a partisan organization, he enhances the donee's ability to communicate a message and thereby adds to political debate, just as when that individual communicates the message himself."

Interstate Commerce Rightly Understood

The Constitution gives Congress the power to "regulate commerce . . . among the several states." This provision, which has come to be called the "Commerce Clause," has been interpreted very broadly — Congress may regulate any activity as long as all similar activities, taken in the aggregate, substantially affect interstate commerce. For example, in the 1942 case *Wickard v. Filburn*, a unanimous Supreme Court permitted the federal government to fine Mr. Filburn for exceeding his wheat quota of 222 bushels, when he harvested 239 additional bushels for his family to consume. The Court reasoned, "[that Filburn's] own contribution to the demand for wheat may be trivial by itself is not enough to remove him from the scope of federal regulation where, as here, his contribution, taken together with that of many others similarly situated, is far from trivial." Many commentators, even the Court itself, have opined that the federal regulation upheld in *Wickard* surely approaches the bounds of the Commerce Clause's scope.

But it wasn't until *United States v. Lopez* in 1995 that the Court for the first time since the mid-30s, held that a federal law exceeded the scope of the Clause. In a 5–4 Rehnquist opinion joined by Scalia and Thomas, the Court held that the Gun-Free School Zones Act was unconstitutional. The Court reasoned that since gun possession is not an economic activity, and since education is traditionally a concern of the states, the Act exceeded all Commerce Clause precedent.

Thomas, in contrast, wrote a solo concurrence, in which he argued that precedent should be overruled. He wrote that the Court should no longer look to activities in the aggregate, and should probably require that an activity actually be interstate commerce, rather than simply affect or substantially affect interstate commerce, when ruling on whether the Commerce Clause empowers Congress to regulate that activity: "it seems to me that the power to regulate 'commerce' can by no means encompass authority over mere gun possession, any more than it empowers the Federal Government to regulate marriage, littering, or cruelty to animals, throughout the 50 States. Our Constitution quite properly leaves such matters to the individual States, notwithstanding these activities' effects on interstate commerce. . . . [Indeed,] under our jurisprudence, if Congress passed an omnibus 'substantially affects interstate commerce' statute, purporting to regulate every aspect of human existence, the Act apparently would be constitutional. Even though particular sections may govern only trivial activities, the statute in the aggregate regulates matters that substantially affect commerce."

Thomas, in a solo opinion, wrote that the First Amendment should be held to protect both a candidate's spending and receiving of money.

Fealty For Federalism

Since *Bounds v. Smith* (1977), the Court has held that the Constitution requires prison authorities to assist inmates in the preparation and filing of legal papers by providing prisoners with adequate law libraries and legal assistance. In *Lewis v. Casey* (1996), the Court held, in an opinion by Scalia, that Arizona's prison law library system satisfied the *Bounds* requirement. Thomas wrote a solo concurrence, arguing that *Bounds* probably should be overturned. In addition to arguing that *Bounds* had been an improper extension of precedent, Thomas wrote that the right identified there gives too much power to federal courts over state prisons:

> The Constitution charges federal judges with deciding cases and controversies, not with running state prisons. Yet, too frequently, federal district courts in the name of the Constitution effect wholesale takeovers of state correctional facilities and run them by judicial decree. This case is a textbook example. Dissatisfied with the quality of the law libraries and the legal assistance at Arizona's correctional institutions, the District Court imposed a statewide decree on the Arizona Department of Corrections, dictating in excruciatingly minute detail a program to assist inmates in the filing of lawsuits — right down to permissible noise levels in library reading rooms. Such gross overreaching by a federal district court simply cannot be tolerated in our federal system. Principles of federalism and separation of

continued on page 50

Dispatch

Die, the Beloved Country

by Jim Peron

There's more to the political transformation of South Africa than what they show on CNN.

When a country begins sliding into oblivion it really is the little things that get to you. You wake up in the morning and turn to see what time it is. The clock is off. The electricity is off again. Sometimes for a few minutes, sometimes for a few hours, but it seems to happen more regularly than before.

You pick up the phone at work to make a call. Nothing. Your neighborhood is without telephone service again. You breathe a sigh of relief — at least if all the phones are out, they'll do something relatively soon to fix it. If it's just your own line, it can take days before they'll do anything.

After the power comes on, you turn on the television to watch a favorite program, and hope you get the right sound with the right picture. Sometimes you get the sound of one show with the picture of another. Sometimes it's just the one or the other. Or a radio station instead of the soundtrack. You've read the papers — a large number of the "old" employees have walked out of the broadcasting studios. They couldn't take it anymore. And since television is an arm of the government, their replacements are appointed politically, not because of their experience or ability.

You drive home after going out for dinner. Entire neighborhoods are without street lights. Well, to be more accurate they are without lights that work. And the lights have been out for months. The city has said it won't fix them.

These are the little things in South Africa today. These are the things that annoy. The big things are too frightening even to consider.

Kafkaburg

For two years I couldn't get a water/electricity/tax bill from the city of Johannesburg. Water and electricity are socialist enterprises here. I didn't have an account number, nor did I know how much to pay. I tried calling the bureaucrats, but no help there: they said they'd get back to me, but they didn't.

On September 25th, they showed up to turn off my electricity for failure to pay. The city workers refused to show identification, wouldn't say whose account they were turning off, and wouldn't show any legal authorization to do so. In fact, they told me they didn't have to speak a language I understood (English). I called the police. I have a videotape of these civil servants telling me they aren't obligated to identify themselves, and that if I refused to allow them on the property they had the right to tear down my gate. When I asked one of them for anything that would show them to be city workers, he replied, "This isn't America you know." I know! I know!

I told him, "It's not Nazi Germany, either." He later chastised me for running down "Nazi Germany." "I'm sorry," I said, "I didn't realize you were a Nazi."

I went to the city hall and waited hours for someone to see me. I was finally told to make a plan to pay the account. I was willing. I had R7,000 (7,000 rand) cash on me. But the bureaucrats wouldn't let me pay or make a plan. They had forgotten to transfer the account to my name, you see; it was still in the old owner's name and the bill was going to the wrong address. I was ordered to wait until they changed it over and sent me a statement.

I pay a R700 deposit and go. Two days later they turn on the electricity. Two months later, and still no statement has arrived. I call and call. "I'll call you back," they say. They don't. I keep calling. Finally I get a sour bureaucrat who tells me I'll have to pay R9,000 immediately and the rest over six months. I asked about the year payment plan. That was discontinued in November. "But I wanted to pay in October

and you people wouldn't let me," I protest. "That's your problem," she says.

Back at city hall, I see another woman who spends the entire time screaming at everyone who comes near her. She screams in the phone. She screams at the switchboard for "bothering" her with phone calls. She informs me that it's my obligation to pay my account whether or not the city sends me a statement. It doesn't matter if I don't know the amount owed. It doesn't matter if I don't have an account number to which the money is to be credited. My obligation is to pay an unknown sum into an unknown account, and if I don't get it right they'll turn off my electricity.

I got off relatively easy, though. Today's newspaper told of one man who received an account for R500,000 in water use. The man owns a well and doesn't even use city water. When he went in to talk to the bureaucrats, they were very sympathetic. They told him to pay 50 percent now or have his electricity cut off.

The Rise of Violence

Recently, I went into a print shop to get some flyers printed. The woman there was quite pleasant and we talked about the short blackout that day. She asked what I was doing in South Africa and told me that she and her family want to flee. Her family originally immigrated from India; like some Indians she was quite dark. Clearly she was not a member of the class "privileged" by apartheid. But what she said surprised me.

"My husband and I decided we were better off under apartheid. Sure now we can live next to white people and ride the same bus. But those things aren't important."

What is important? Not being afraid. Today, the murder rate is ten times greater in South Africa than in the United States. One world atlas reports: "South Africa is the world's most dangerous country (beside war zones), with 40,000 murders a year." It wasn't this way four years ago, before the ANC took power. But the government says the murders are a "legacy of apartheid."

CNN doesn't even come close to telling the truth about the decline and death of South Africa.

That's part of the problem. Everything that goes wrong is "a legacy of apartheid." The violence in the rest of Africa is a "legacy of colonialism." It's a legacy that has gone on for almost 40 years. Every time something goes wrong (and that happens constantly), the same litany of excuses are recited. "We inherited this problem from the corrupt apartheid regime."

I lived for thirty-some years in the U.S. and never met anyone who had been shot. I was never near a bank robbery. Never heard of a friend's car being hijacked. Only one person I knew suffered a burglary.

In the last two years many people I know have been burglarized. In fact, burglary is so common that people have stopped talking about it. One of my friends was hit six times in one year. The last time I saw him I asked what he had done that day. "I got a new TV," he said. "Oh, how generous of you," I replied. He has since left for England.

White farmers in particular are being targeted. Some, like Werner Weber, president of the Agricultural Employers Organization, believe there is an orchestrated campaign to force whites off the land so it can be redistributed. Farm attacks rise almost every year: 92 killed in 1994, 121 in 1995, 109 in 1996 and 140 last year. In some attacks people are murdered but nothing is stolen, indicating that robbery isn't the motive. Farmer Dudley Leitch told an AEO meeting that while the murder rate among South Africans in general is 13 per 100,000, it is 120 per 100,000 for farmers.

A major cellular phone company placed an anti-crime ad in a newspaper saying, "President Mandela — you were in prison. Now we all are." A top official of the bureaucracy that regulates telephones called the company and the ad was withdrawn. I guess it was too rude to state the obvious.

In the Johannesburg area alone 700 police officers are facing trials for committing crimes ranging from murder to burglary.

In America, you don't see what's happening. I know; I watch CNN. It doesn't even come close to telling the truth about the decline and death of South Africa. The American media can't tell the truth now — they have invested too much in telling everyone what a saint Mandela is.

Meanwhile, we live in prisons. My house has a set of bars on the outside of the windows and another set inside. I have a Rhodesian ridgeback dog patrolling the yard. I had a big, spiked, remote-controlled gate put in the drive. I can't afford the precautions that others are taking. You now see individual homes with security guards. Walls over eight feet tall are common, with barbed wire or spikes on top. Across the street, my neighbors put an electric fence on the wall — now a commonplace sight. People are armed and have hired private security companies. In the U.S. following all these precautions would be considered paranoid. Here it's average.

Police Story

On the street where my bookstore is located, a grocery has been robbed a couple of times. So were the post office and bank.

In the last few months, four of my customers have been hijacked by armed gangs, one of them in my parking lot. One was shot through the leg, another was shot at but missed. Another was beaten and spent weeks in the hospital. Well over 3,000 hijackings are reported each year. A family driving to Durban for holiday pulled to the side of the road so the two little boys could get out and take care of business. Several hours later the police found the two children sitting against the bodies of their dead parents; murdered for a car.

The new president of the ANC, Terror Lekota, told the press that the hijackings are the fault of apartheid. He claims the "apartheid regime" gave immunity from prosecution to hijackers in exchange for "intelligence" gathering on the

ANC. Last year, another top government official blamed the spate of hijackings on whites. He said there was no crime wave at all, and that whites were inventing crimes just to collect insurance.

The acting head of the Licensing Department for the Johannesburg area, Gerrie Gerneke, issued a report in July 1997 confirming that the department was in the control of criminal syndicates. He said that half of all cars stolen in the Johannesburg area are "legalized" with new official documents within 30 days of being stolen. He said that cooperation between criminal gangs and union members has made it impossible for senior staff members or security staff to take any action. After Gerneke's report to the government was made, two anonymous letters accused him of being a racist. As a result of these anonymous complaints, Gerneke was suspended for five months. A year later Gerneke says the government has not acted on any of his recommendations to deal with corruption. When a car theft ring was recently exposed, five of the 16 individuals arrested were policemen. The chief investigator said, "We found that policemen were receiving stolen cars and then selling them to their clients."

In 1997 corruption reached such a level that Mandela appointed a Special Investigating Unit to look into the matter. According to Judge Willem Heath, head of the unit, there are currently more than 90,000 cases under investigation. If Heath and his crew manage to resolve one case of corruption per day, including weekends and holidays, it will take about 247 years to clear the current backlog. This doesn't include any new cases that will arise. Heath thinks the cases involve a sum of around 6 billion rand.

In 1997 approximately 2,300 police officers were charged with corruption — just about one every three hours. Almost 500 police officers have appeared in court on charges of working with criminal gangs. In the Johannesburg area alone 700 police officers are facing trials for committing crimes ranging from murder to burglary. And everyone assumes this is only the tip of the iceberg.

Over the last two years,there have been dozens of major highway robberies. In broad daylight gangs of a dozen men armed with AK-47s and other "military" weapons attack security trucks carrying large amounts of cash. These robberies have netted millions for the gangs. Government officials blame security companies, banks, and anyone else they can think of. But some arrests have finally been made, the ringleaders have turned out to be ANC activists. The leaders who were arrested were officials in the so-called "armed wing" of the ANC, Umkhonto weSizwe. One gang leader had been Youth League secretary for the Johannesburg area. A close associate of his, also a gang leader, was arrested but "escaped" from jail. Both were recent guests at the birthday party of Peter Mokaba, Deputy Minister of Environmental Affairs and Tourism. There is evidence that Umkhonto weSizwe activists are not only behind some of the robberies, but that they are working with other armed cadres associated with so-called liberation movements from bordering countries.

In 1997 alone, there were 465 bank robberies. In all about $40 million was taken. Banks are raising their fees substantially to compensate for the losses.

Crime seems to be the only thing that works in South Africa — the risk of being arrested, tried and convicted is minuscule. In 1997, only 14.6 percent of murders led to arrest and conviction. Of 52,110 rapes there were only 2,532 convictions — about 6.7 percent. For the 330,093 burglaries there were 15,710 convictions, about 4.8 percent.

Experienced prosecutors have quit their jobs, replaced by novices who owe their positions to affirmative action.

During the 1997 Christmas season, the police and prisons "lost" almost 300 prisoners. In one instance a policeman took two prisoners to a bar for drinks. One of them borrowed his keys and returned to the jail to release 23 other prisoners. At another jail nine prisoners walked out, leaving behind a note: "We are out for Christmas and will be back on January 3." (They didn't come back.) Several prisoners left a police van when guards didn't bother locking it.

In 1995, Sylvester Mofokeng was taken out of his cell for a soccer game. When he was returning to prison, he simply jumped out of the truck and ran through gates that were left unlocked. He was rearrested three months later, but in August 1996 he escaped again. Somehow he obtained a gun from a visitor and used it to force guards to release him.

Josiah Rabotapi is believed to be the leader of an armed robbery syndicate involved in the theft of up to $14 million in 30 armed robberies. He is also wanted for 16 murders. So far he has been arrested three times and escaped every time. Jan van der Westhuizen, a convicted murderer, has escaped from prison or police custody seven times.

When the police aren't "losing" criminals, they are killing them. A recent government report showed that one person dies every twelve hours either while in police custody or as a result of police action. Two-thirds of these deaths take place during apprehension. According to one report, "an overview of 100 shooting incidents between police and civilians" showed a heavy "imbalance in casualties." David Bruce, a researcher for the Centre for the Study of Violence and Reconciliation said, "In only five of the cases was a policeman hurt, and in one case a policeman was killed."

In the northern suburbs of Johannesburg, citizens are fighting back. In some areas they have put security guards at the entrance to a subdivision. Entrances are closed off with gates to control who comes in and who goes out. Criminals can no longer simply load their cars with stolen goods and speed out when security guards stop them at the gate. These areas have seen dramatic reductions in crime. But the ANC has ordered the gates removed. It claims these efforts force crime away from white areas and are therefore racist.

This is life in South Africa today.

I've lived in South Africa for six years and I've seen a lot of changes. Even a few for the good. But the standard of living has declined. And people's attitudes have changed: hope is gone, replaced by fear, anxiety, even horror. There is a joke going around: Americans have Bill Clinton, Johnny Cash and Bob Hope. South Africans have Nelson Mandela, no cash and no hope.

The Return of Apartheid

Another popular joke is that Mickey Mouse has a watch with the picture of our Ministers of Finance. In the six years that I have lived here the South African rand has depreciated by 50 percent. In just the last year it has dropped 30 percent.

The government has conducted a massive "jobs" pro-

gram. But since the ANC has taken power the number of jobs has declined, despite sanctions being lifted and increased trade with the rest of the world. The only job increases are in government departments.

South African workers are not particularly productive. But the government has been pushing new labor legislation that continues to drive up the cost of South African labor. No wonder that fewer and fewer South Africans are employed.

The ANC is pushing a new "Equity Employment" bill through Parliament. This bill will force all employers to reserve a number of jobs for blacks. Businesses that don't comply with the mandatory racial quotas face heavy fines. And so apartheid is back — the old laws in new packaging.

Recently, ANC members of Parliament have announced that they intend to introduce legislation applying racial quotas to sports. Specifically, the government wants to control rugby, a sport played traditionally by whites (unlike soccer, which is dominated by blacks). Mandela ordered a commission to investigate racism in the South African Rugby Football Union. SARFU took the issue to court and the court ruled against the commission. ANC officials then proclaimed the judge an unpatriotic racist for requiring Mandela to testify on why the commission was created.

ANC MPs, unable to get control of rugby legally, resorted to intimidation. They announced on the floor of Parliament that unless the leadership of SARFU resigns, ANC members will forcibly close airports to prevent other rugby teams from entering South Africa. Major corporations, all fearful of the ANC, threatened to remove financial support from SARFU unless the ANC got its way. Rugby head Louis Luyt, who had defeated an ANC partisan for the job, was forced out by the threats. After Luyt resigned, SARFU apologized to Mandela for making him go to court.

During the 1997 Christmas season, the police and prisons "lost" almost 300 prisoners.

Communists in Government

The government of South Africa is actually a coalition of three groups. The ruling triple alliance is made up of the Congress of South African Trade Unions (COSATU), the South African Communist Party (SACP), and the African National Congress (ANC), which leads the coalition. The SACP has a lot of influence in COSATU and together they exercise a great deal of control over the ANC. Thabo Mbeki, who just replaced Mandela as leader of the ANC, and is pegged to be president of South Africa when Mandela steps down, was trained in Moscow. His father, Govan, is an old line Marxist and SACP activist. At a recent ANC conference the hard left solidified its control over the ANC by capturing nine of its eleven top positions. Of the ANC's 240 MPs in Parliament, 80 were appointed by the SACP. The ANC and COSATU also used some of their quotas to appoint SACP members to Parliament.

When Chris Hani was assassinated by Janus Waluz, a Polish immigrant, CNN called Hani, "a top ANC official" or "anti-apartheid activist." But CNN didn't mention that Hani was the head of the Communist Party and that Waluz was a refugee from communism. Instead, the impression was given that Hani was another Martin Luther King.

In the same way, many facts about Mandela and the ANC are never reported by the media. For example, Mandela awarded South Africa's equivalent of the U.S. Presidential Medal of Freedom to Libya's Muammar al-Qaddafi. Mandela has publicly said that Cuba is a model for a free, democratic society that is, in fact, more democratic than the United States. Castro has been here for friendly visits. When U.S. officials complained about Mandela's cozy relationship with dictators, Mandela said that no other nation has the right to interfere in South African affairs — this from the man who supported sanctions against the old government. Curiously, Mandela dropped recognition of Taiwan at the demand of Communist China.

When the police aren't "losing" criminals they are killing them. A recent government report showed that one person dies every twelve hours either while in police custody or as a result of police action.

The ANC's Bill of Wrongs

Gay rights are now enshrined in South Africa's Bill of Rights. Gay publications around the world have praised the ANC for this. But in fact gay sex remains illegal. The government has taken no practical steps to legalize homosexuality. When a gay rights group took the sodomy laws to the Constitutional Court, the government opposed its effort. After a world-wide outcry, the government backed down. It appears the ANC is hoping the courts throw out the law, thereby taking credit for being pro-gay while not being responsible for the change. Yet the South African government continues to deny foreign gay partners of South Africans the right to stay in the country legally. The issue is in court, but the government is opposed to changes in the policy.

The ruling ideology is that "there are no absolute rights," so the ANC put "weasel" clauses into the Bill of Rights. Any right guaranteed by the Constitution can be ignored. For instance, the right to engage in enterprise is absolute — unless infringed "by law." Thus the government can do what it wants since it passes the laws. Other constitutional clauses say rights can be limited by government consistent with the operation of an "open" and "democratic" society. And remember, Mandela considers Cuba democratic.

The bill of rights negotiated by various political parties guaranteed freedom of speech. Repressive censorship laws were relegated to the dustbin. But the ANC has been pulling them back out and wiping them off.

A bill to repeal censorship was introduced in Parliament. I even testified in favor of it. The bill was mediocre but livable. Later, the ANC rewrote it in secret and passed it without making a written version available. The new bill actually

creates a censorship body. All videos and films must be approved by the censorship board before they can be distributed. So-called "x-rated" material can be sold only in licensed adult shops. Anything deemed "hate speech" is illegal. The new "obscenity" standard is that anything "degrading" is illegal. Another victory for clear, concise legal concepts.

Lindiwe Sisulu, deputy minister of home affairs, said the government "tries" to balance free speech with the rights of "society, in reality, however, there can never be an absolute balance." This means "not all speech can be equally protected." Sisulu interprets the new censorship legislation much more strictly than in the past. She claims that "anyone who downloads pornography from the Internet will commit an offense." Note that she has broadened this beyond the act which banned "degrading" pornography, bestiality, child porn, and hate speech. Now she says that any downloaded porn is illegal. Expanding the prior censorship of films and videos, Sisulu says all photos must be classified by the government before distribution. "No person may screen a film or photograph, including on a computer screen, which has not been classified by the Publications Board. This means that anyone placing material on the Internet must have a classification certificate for that material." In other words the government now claims the right to classify — and ban — all photographs before they are distributed to anyone.

Yet the ANC stills finds the bill of rights too restrictive of government. Peter Mokaba recently gave a speech in a black area demanding that all blacks vote for the ANC so it can get two-thirds control of Parliament. He said this would allow it to rewrite the constitution and end all restrictions on government power. ANC secretary general Kgalema Motlanthe said that if the ANC won two-thirds control in the next election, it could govern "unfettered by constraints."

Supine and Pusillanimous

In the last four years, the nation's largest string of newspapers has lost its independence from the government after being taken over by Irish press baron Tony O'Reilly. O'Reilly's Independent group is cozy with the ANC. An article in *The Times* of London says O'Reilly has been criticized for "his unhealthily close relationship with the ANC government. He began by appointing an advisory board stacked with ANC supporters and has been vocal in his support for all manner of ANC causes and watchwords." Journalists have been unhappy that O'Reilly brought in his biographer, Ivan Fallon, to run the newspapers because Fallon "is disliked for his refusal to stand up to Government attempts to bully the press into uncritical support."

According to *The Times* O'Reilly's newspapers have downplayed scandals within the ANC government. In the Virodene scandal, ANC politicians promoted — and still promote — the so-called AIDS drug. Documents show that the company producing the drug was planning to offer a six percent share of the profits to the ANC. O'Reilly's papers "have played down the whole matter, neglecting to cover key press conferences."

Other newspapers, however, still manage to criticize the government, and the ANC and Mandela don't like it. Mandela constantly attacks the press for being "opposed" to the "transformation." In fact the press, on the whole, was staunchly critical of apartheid. Still, Mandela says the media, with the exception of television, are racist. In the next few years, legislation directed against the newspapers is almost certain. Mandela's hero, Robert Mugabe of Zimbabwe, wiped out recalcitrant newspapers by simply turning them over to the government.

Television is exempt from Mandela's criticisms because the three main television stations are already controlled by the government. ANC officials run the stations and they are often deathly silent about the problems in South Africa. But they do have time for endless documentaries on Mandela and the ANC, with titles like "Our Heroes." One new news director is a long-time ANC supporter with no broadcasting experience.

Two new mini-series have been produced for the coming season: one is a glowing film about the life of communist Helen Joseph and her fight for the ANC, and the other is about ANC partisan Bishop Tutu. A new television series, funded by the Labour Ministry, is called "Let's Talk." A recent episode showed the workers, all of whom are called "comrades," on strike. The owner of the factory, who for some reason had an American accent, locked out the strikers. But the company management didn't know how to build their own product, houses, and built them upside down! The government and the trade unions seem to believe that entrepreneurs and management are useless, and that all productivity comes from labor.

The South African Broadcasting System's political allegiances are no secret: one station's promotional commercial shows its on-air talent in "rainbow" clothing and marching with colorful flags to triumphant music. Several flags feature the face of Mandela. In another Stalinoid presentation, the television producers' award show included a musical number with the chorus, "Oh, Mandela, we sing praise to you." Not long ago, the son of the former president of the ANC, Oliver Tambo, who hosts an SABC talk show, ran an hour-long special praising media mogul Tony O'Reilly. No doubt the fact that O'Reilly has cuddled up to the ANC had nothing to do with the praise heaped upon him.

Fascism, South African Style

Civil society is being politicized. Everything must be solidified in the hands of the State and the State must be in the hands of the ANC.

Last year the government nationalized all water resources in South Africa. Under new legislation it will be illegal to dig a well without prior approval from the central government. The ANC attacked critics of the legislation as "racist whites" who want to protect their luxury swimming pools. Meanwhile the new rulers admit they can't find 45 percent of all the water shipped to Johannesburg. Only 55 percent of the water is metered out — the rest simply disappears. But considering that meters are found almost exclusively in white areas, while black areas have unmetered taps, this should be no surprise.

But water is only the camel's nose in the tent. The ANC Minister of Mineral Affairs, Penuell Maduna, called for the nationalization of all minerals, saying that "private ownership of mineral rights is unacceptable to the government." Government spokesmen call private ownership "racist" because not everyone owns mineral rights in a private sys-

tem. Maduna previously floated the idea that the government should also control all oil companies. Under the current system, price competition in petrol is forbidden and all prices are set by the government.

The hospitals in South Africa have become nightmares. Two years ago Mandela announced free medical care for children. The hospitals are now filled with unemployed women and their children. They sit there for hours to have a cough or a runny nose checked.

Dr. Zuma, Minister of Health, seems determined to make health care in South Africa equally bad everywhere. She has conscripted all medical students to be servants. They are to give two years of their lives to the State, to do what the State orders, anywhere the State orders. The legislation doesn't even specify that the service has to be in South Africa. Speculation is that at least some will be assigned to Cuba.

When it was pointed out to Zuma that huge numbers of doctors and medical students are now emigrating, she called them "traitors," and attributed their fleeing to "racism." Wits School of Medicine reported that 45 percent of all students who graduated in the last 35 years have already left the country. A recent survey of the top doctors in South Africa revealed the almost unanimous opinion that Zuma is destroying the nation's health-care system. *The Independent* wrote, "Many doctors said that Zuma's apparent intention to introduce a communist or socialist national health system was stifling private practice and initiative. This, coupled with excessive control and interference, has left doctors despondent." A spokesman for Zuma responded by saying that if the proposals are "seen as socialist, then we will continue to do so and offer no apologies."

The destruction of health care has even affected the food supply. Vaccines that are urgently needed to protect livestock have run out. The only legal source for purchasing the vaccines in South Africa is through the government, and the government labs are empty. Farmers who send in their checks to buy the vaccines have the money returned. The top veterinary scientists are also leaving the country. At the Onderstepoort Research Centre only one of the original six specialists is still there. Onderstepoort, once considered one of the best research centers in the world, is now limping along. Scientists say there is a good chance that mutated viruses will decimate the beef, pork, and lamb industries before new vaccines can be developed. They warn that the public should expect a shortage of meat and milk as a result.

Under the old apartheid regime, government schools in black areas were woefully deficient. When the ANC took over the education system things changed. Now all the schools are woefully deficient.

Under the old apartheid regime, government schools in black areas were woefully deficient. When the ANC took over the education system things changed. Now *all* the schools are woefully deficient. — equality has been achieved. But the number of students graduating from high school has declined under the ANC. Those who do well in school prosper only if they are the right color. The student who passed more courses with distinction than any other student in South Africa can't even get a scholarship. Each application he has made has been rejected because he's the wrong color. He has the best scholastic record in the country but no one cares. It isn't wise to give money to anyone not approved by the ANC.

In the Eastern Cape, near Port Elizabeth, is the impoverished Khwezi Lomso Comprehensive School. The principal is Cecilia Behrent. During her tenure the school has achieved a pass rate of 84 percent, well above the national rate of 47 percent and double that of the provincial pass rate of 42 percent. The teachers' union, in cooperation with the government, has been trying to have a union official replace Behrent, who is white. Her ouster is opposed by almost every one of her 1,100 students, almost all the teachers, and over 700 parents who have signed a petition on her behalf. The government refused to accept the petition.

The ruling ideology is that "there are no absolute rights," so the ANC put "weasel" clauses into the Bill of Rights. Any right guaranteed by the Constitution can be ignored.

Johannesburg Besieged

Johannesburg was a relatively safe and clean city when I moved here. I moved into a racially mixed area in the city center. I left a year later. Today, I won't drive there in broad daylight. The streets are controlled by criminals. Some gangs sit at street corners and rob passing motorists. They break the car window, take what they want, pile it on the curb, and then wait for another car. They don't even run with the stolen goods. They don't need to; no one will arrest them.

Residents of my old neighborhood, Hillbrow, have discovered a new game: take cans of trash and throw them from 15th floor windows at pedestrians. The streets are filthy and reek of urine. Businesses are moving out. The luxury Carleton Hotel held on for awhile but finally gave up the ghost. No one would stay there, so the hotel closed its 200-plus rooms, and now sits empty.

Mayhem reigned on New Year's Eve. In the Hillbrow section of the city, nearly 200 police officers patrolled an area of just a few square blocks — to no apparent effect. Three people were murdered on the streets that evening. Police who tried to stop looters were pelted from the high-rise apartment buildings. Paramedics were attacked when they tried to aid the injured.

So the ANC took action. Johannesburg is a massive city, and the ANC promised to break its management into several regions. "Local control" would then be achieved with four gerrymandered districts. Each district was drawn in the most convoluted way possible, ensuring that each had enough blacks. The ANC knows where its voters live.

The city hired thousands and thousands of new bureau-

crats. In many cases two people did the same job — one black worker with the title and one white worker to do the work. Money was redistributed to the "previously disadvantaged." While black townships haven't improved, white areas have declined. Now Johannesburg, once the wealthiest city in Africa, can't pay its bills, and can't get bank loans. It went from budget surplus to bankruptcy in just two years. More ANC magic.

This black magic is being worked throughout South Africa. The British-based Chartered Institute of Public Finance and Accountancy recently said that 281 municipalities in South Africa are now technically bankrupt. That's one out of every three cities in the country.

Public parks are now squatter camps. Broken water mains gush for days before they're fixed. Pot holes remain unrepaired. The city budget allocates less than $100,000 for street repairs for the entire city! Inefficiency reigns. Under questioning in Parliament, ANC officials admitted that roads in Gauteng have deteriorated under their management. Transport Minister Mac Maharaj admitted that only 37 percent of the roads were in good or very good condition in 1997 where this was true of 80 percent of the roads in 1985.

Gay rights are now enshrined in South Africa's Bill of Rights. But gay sex remains illegal.

The Political Struggle

In Johannesburg the opposition party to the ANC is the Democratic Party (DP). Once a leading anti-apartheid party, it is now the only real opposition to the ANC left, and it has become increasingly libertarian. It supports the rights of gay people and free enterprise. It opposes affirmative action and censorship.

The northern suburbs are now staunch DP territory. And they are in a tax revolt. The government responds by sending in armed goons to terrorize elderly couples. The ANC isn't happy. My area is the one area where the ANC doesn't have a clear majority. It can't institute one party rule here, so it intimidates, punishes, and withdraws basic city services.

To counter the opposition, the ANC now plans to make the entire Johannesburg area a "mega city." No more regions. The DP areas will be swamped "democratically" by ANC supporters, allowing the ANC to continue to steal from DP voters and give to ANC bureaucrats.

Critics of the mega city were, of course, branded "racists". (Today, that term has lost all meaning in South Africa. In fact, if you're not labeled a "racist" one time or another, you're simply not a decent human being.) Various community groups asked for a referendum. The ANC said that was undemocratic, and wouldn't have it.

Local DP politician Frances Kendall called for a private referendum. Hundreds of voting booths were established throughout the city. The ANC ordered its supporters not to vote. In black areas voting booths were harassed and intimidated into closing. Then the ANC said the vote didn't count because there weren't enough voting booths in black areas. Just under 100,000 people voted. The vote was overwhelmingly against the "mega city". The ANC said it didn't care and would ignore it. After all the poll only expressed the views of racists.

When the ANC won power, the election was declared "free and fair" by European Community observers. One observer admitted to a Federal Party official that the election would be declared corrupt if judged by European standards, "but this is Africa." For instance, more voters voted than existed. A recent census showed the population at under 39 million, not 44 million as previously claimed. Since more than half the population consists of children, there can't be more than 19 million voters in the country. Yet more than 19 million cast ballots. No one seems to care that the ANC was elected with millions of fraudulent votes.

I was receiving hourly vote tallies by fax from the Independent Electoral Commission. I remember my amazement when I noticed that the vote total for the Federal Party was higher at 6 p.m. than at 7 p.m. Votes were disappearing. Vote counting went on for days when suddenly it stopped. For two days no results were released. IEC officials met with political party officials behind closed doors before the final results were negotiated and announced.

For the last several years the ANC has done everything possible to manipulate the voting system to increase its totals. First, it proposed that the voting age be reduced to 14 years since the overwhelming majority of youths are black. Public ridicule has quashed this proposal for the time being. Next, the ANC tried to change the laws so that non-citizens could vote provided they were from "neighboring," i.e. black, countries. Because most white non-citizens are from England, Canada, the United States, etc. the white vote wouldn't have increased. Opposition parties managed to kill this proposal as well.

Instead, the ANC achieved the same goal through the back door. The vast majority of "illegal" immigrants in South Africa are blacks from neighboring countries. The ANC granted them immediate citizenship. Meanwhile, "legal" immigrants, who are mainly whites from Western countries, find it increasingly difficult to stay in South Africa. Permanent residency for "legal" immigrants has become more difficult to receive, and the cost of simply applying has increased from less than $100 to over $1,400.

The National Party (NP), once South Africa's dominant party, is fast losing support. It has never really opposed the ANC on anything, and it has made numerous backroom deals with the ANC to retain privileges for its leaders. The job of standing up to the ANC is filled by the "liberal" Democratic Party.

The DP has contested by-elections recently in several NP strongholds. In each case the DP handily beat the NP candidate. White voters no longer trust the NP, and with good reason. In the most recent local election the DP garnered 90 percent of the votes. Just before the election a top NP official said this seat was the NP's "safest" in the country. But the ANC is launching a counter-offensive.

DP activists, many of whom were arrested for denouncing apartheid, are now branded racists by the ANC. ANC media mouthpieces refer to the "liberal racists" of the DP. ANC officials call liberals "bigots" and use the term

continued on page 38

Sex and Subsidy

by Ross Levatter

Who is going to pay for those little pills?

Consider your typical middle-American male preparing for a night out on the town with his sweetheart. He might take her to the movies ($7.00 per person), buy her some candy and popcorn at the refreshment counter (another $7.00 for large containers), take her to a club later for dinner and dancing ($50 meal for two plus $10 cover charge for the band). Perhaps he was even thoughtful enough to buy her some flowers ($25). Later, they end up at his place; he opens up a nice bottle of wine ($23), and soon, they move to the bedroom. He pops a Viagra pill ($8.75 each), and his performance has her swooning. Yet he feels cheated, because he had to buy the pill himself, since his insurance didn't cover it. How dare they, he thinks, deny him vital medicine?

The common refrain about the new wonder drug is this sweet melody of subsidy. The American male is upset that his insurance company might be putting limits on the number of Viagra pills it pays for each month. "How dare they limit health care?"

Limit health care? Can anyone take that seriously?

If legislation forcing Viagra coverage is pushed down the throats of the insurance companies (to mix metaphors), what will the economic consequences be?

1) The cost of insurance will increase. Any mandate will increase costs. A mandate for a drug in extremely high demand, that can be used practically *ad libitum*, will be exceptionally costly.

2) The insurance companies will begin to compile data on their client's intimate sexual habits, such as frequency of intercourse. They will try to minimize costs by arguing they should pay only for the average libido.

3) Since the insurance companies will typically pay only for medically-related problems, there will be a large increase in claims of impotence. This might require testing. The tests themselves add costs to insurance. The near future might not, in addition, be the best time to attempt a visit to a urologist. They'll be too busy.

4) Requiring insurance to cover the cost of Viagra passes on the costs of Viagra to insured Americans as a whole. This means non-Viagra users must subsidize Viagra users. This amounts to a shift of money from women to men, from young to old, from black to white (since blacks have a higher fecundity rate). In all cases, this amounts to a shift of resources from poorer groups to richer groups. Just why insurance companies should be forced to act as middlemen in shifting money away from poor young black women to rich old white men is not clear. Why is it a good idea to legislatively mandate that money be taken from his cleaning lady so that Ted Kennedy can avoid paying for Viagra himself? Doesn't Ted Kennedy's cleaning lady have enough problems already?

5) Viagra, of course, is not the only technique available for stiffening the resolve of flagging males. Prostitutes have known for centuries how to ameliorate this problem, many with a higher rate of success than Viagra. Should health insurance companies pay for their services, too? This is not as far-fetched as it seems. Iconoclastic psychiatrist Thomas Szasz, in his book *Sex By Prescription*, points out that *de facto* prostitutes, known as sexual surrogates, already bill health insurance for the services they provide (hands-on work with men suffering psychogenic impotence).

But perhaps I treat the subject too lightly. Isn't the line between medical treatment and personal enhancement more difficult to draw than I make out?

Should health insurance covering women discovered to have breast cancer pay only for the mastectomy but not for the reconstructive breast surgery? Should a company covering a young man with extensive facial trauma simply cover the costs of making him healthy but ignore the facial reconstruction surgery needed to make him whole? If they have to

pay for those sorts of improvements (really just a return to baseline), why shouldn't they have to pay for medication to correct male impotence, especially when it's secondary to organic illness (like diabetes), which just returns a man to the baseline of his healthy youth?

This sort of question is exactly the consequence of thinking of medical coverage in political rather than economic terms, in terms of mandated rights rather than voluntary purchases. Politicizing the health care market leads to viewing insurance coverage as mandated and fixed for everyone; otherwise some would have "more rights" than others.

This problem only arises if the government creates a legal mandate forcing all health insurance coverage to pay for Viagra (or any other medicine). Then you end up paying whether you use Viagra or not.

The situation is quite different if insurers offer it as an option.

Those who want additional coverage — for Viagra, or sexual surrogates, for that matter — will pay for it. It is fairly simple to calculate the cost of such coverage, and insurance that covers it will cost more. You buy more, receive more, pay more. I buy less, receive less, and pay less. We're both satisfied, as long as what's at issue is viewed as personal choice. Even if one's health insurance is a group purchase, through one's employer, the economic rules still apply. Businesses receive competitive feedback about the mix of benefits and salary employees want; as more health insurance coverage is added, the cost of the benefits package increases and salaries tend to drop (relative to where they might have been). If the additional benefits are worth it to the marginal employee (the employee at the margin, deciding whether to stay or leave), great. If not, employers will vary their mix to achieve a more desired response.

There are two fundamental principles of justice in America. One is that people should not be prohibited from pursuing their pleasures, their pursuit of happiness. The other is that no one should be forced to pay for another person's pleasure.

Bill Clinton's America resembles ancient Rome, and not merely in the debauchery of its leaders. Modern America is succumbing to bread and circuses offered by government to distract us from the continuing erosions of our political rights. Bread, to nourish us, takes the form of entitlements, through government, to goods and services, from food stamps to discount housing. Circuses, to amuse us, take the form of ever changing political scandals. A political mandate for free Viagra provides both bread and circuses — an entitlement by which we could amuse ourselves. ❑

Jim Peron, "Die, the Beloved Country," *continued from page 36*

"conservative liberals" to denegrate ANC critics. Party officials regularly give speeches denouncing critics as being "unpatriotic." And recently they have started claiming that whites are preventing its programs from succeeding.

Mandela openly denounces the DP as racist. His objective is to sideline the DP. Of all the opposition parties — outside the Inkatha Freedom Party, which is strictly Zulu-based — only the DP has a hope of attracting black support. It must be destroyed if a one-party ANC state is to be constructed.

What happens depends largely on how the rest of the world views South Africa. If there is sufficient criticism and publicity, the would-be ANC dictators will back down. They have before and will again. But the ANC is whittling away at the rule of law and the world isn't saying very much. The ANC won't ban its opposition outright — at least not in the immediate future. Total government control of all the media isn't in the cards yet either — but the newspapers will be attacked in the guise of promoting "diversity." But there is a hope. International pressure and continued support for the DP may at least hold things off.

But the odds are against it. South Africa will most likely walk the road to misery, corruption, despair and destruction. Give it time. It won't be any different here than in the rest of Africa. ❑

Reflections, "The Importance of Barry Goldwater," *continued from page 16*

something neither weird nor conservative. We began to call ourselves libertarians, a word passed down from older eras of dissent and now restated with force and distinctness. When the GOP convened in San Francisco to nominate Goldwater, we had our own publication, *Liberal Innovator*, the first publication that was libertarian in the contemporary sense.

Goldwater was buried in a landslide of lies and then in a landslide of votes. He experienced the most crushing presidential defeat ever. Besides the Deep South (where his principled opposition to civil rights legislation was popular), he managed to carry just one state, his own.

But the line of thinking he had started could not be ended by the mere loss of an election. In early 1965, I convinced fellow members of my chapter of Young Americans for Freedom (the youth army of the Goldwaterites) to disaffiliate themselves from that national conservative organization, and to rewrite their statement of beliefs so as to begin with the words: "We, as young libertarians, believe . . ." That fall, I went off to college, and convinced the members of another YAF chapter to withdraw and rewrite their statement of beliefs. Before long, I learned that I was not the only person doing this: across the country, young libertarians were setting out on their own. Small libertarian magazines, with names like *Idea Catalyst*, *Eleutherian Forum*, and *Freedom's Way*, sprouted like desert flowers after a rain.

With the possible exception of Ayn Rand, Barry Goldwater was the most important inspiration for the young libertarian movement. He played a crucial role for those of us who lived through those early, heady days of the libertarian movement. So don't be surprised when some middle-aged libertarian like me gets misty eyed when he thinks of Barry Goldwater. As I say, you had to be there.

—R. W. Bradford

Testimony

I Believe in Miracles

by Harry Browne

One man's faith in the free market is only strengthened by the coming of the Millennium and the prophecies of disaster.

When the computer 2000 (Y2K) problem caught the public's attention a year or so ago, it seemed to be a mundane problem — like trash disposal — the kind of problem that many companies would need to deal with. What was interesting about it was it had been puffed up by a few people who make their living writing about the apocalypse *du jour*. But it is shaping up as an issue that illustrates the free market's superiority over government in responding to problems.

As you most likely know by now, in the 1960s and 1970s computer programs that dealt with date information conserved computer memory by treating years as two-digit numbers. The year 1965, for example, would be stored as "65." Of course, such programs couldn't distinguish the year 1900 from the year 2000. But that distinction didn't seem very important at the time. But as the millennium approaches, the inability of computers to differ 1900 from 2000 is a very big problem.

The most dire expectations assume that there are too many large, old programs still in use for the problem to be solved in time — and that a few outdated computer systems will be sufficient to infect the data of other computers and cause them to crash, bringing on general chaos. Banks will close, stock markets will collapse, airplanes will fall out of the sky, elevators will crash at midnight on December 31, 1999, and on and on.

I've spent a good deal of time looking into the Y2K problem, and I've written several articles criticizing the apocalyptic visions. Two of them appeared as *Liberty* Reflections (November 1997 and May 1998), and I won't go over the same ground again here. Instead, I will examine a more basic and eternal point that the Y2K controversy illustrates — that so many people who give lip service to the superiority of the free market don't really understand it.

In *Liberty's* July issue, an author wrote:

> Is Y2K somehow a failure of the market? Yes, I think so. The market is self-correcting, not all-seeing. . . . Harry Browne seems to have allowed his confidence in free markets to blind him to the facts about Y2K and he asks you to stick your head in the sand with him. Ignore the Y2K problem at your own peril.[1]

He never really explained why Y2K was a failure of the market. And I won't try to read his mind. But let's look at what this problem might teach us about the market.

Voluntary & Coercive Acts

Individuals act in one of two ways: either voluntarily, choosing among the alternatives available to them — or under compulsion.

The free market is the result of all voluntary actions of individuals pursuing their own interest — whether that interest is, at the moment, the pursuit of money, ego-satisfaction, entertainment, charity, or something else.

Although government isn't the only agency of compulsion, it is the dominant player in that "industry." Government is big, and every government activity forces someone to do something he doesn't want to do, prevents him from doing something he does want to do, or forces him to pay for something he wouldn't buy on his own. Every government program is backed up finally by men with guns.

If I were to say the market has failed, what would I

mean? I can think of only two possibilities:

1. People acting voluntarily didn't use the limited resources available in the way I wanted them to. They made different choices from those I would have made with their resources.

2. Coercion could have made more resources available or used them differently.

Overruling Choice

Politicians use the first meaning frequently.

According to them, the Family Leave Act (requiring employers to provide time off for employees to cope with births and other family events) was necessary because the market failed to provide family leave as a universal fringe benefit. But why hadn't it? Because, however much employers have available to spend to compensate their employees, they want to spend it in ways they think will keep their employees happy to work there. And they believed their employees preferred such benefits as group health insurance, long vacations, or even higher take-home pay — rather than family leave. By forcing family leave on companies, the politicians denied the employees what they wanted most.

Many people who give lip service to the superiority of the free market don't really understand it.

The market hadn't failed the employees; it had failed only the politicians.

Today it's implied that the market is failing because health insurance companies aren't reimbursing customers for Viagra — even though doing so would run up the cost of health insurance for those who don't use that drug. So it's probably only a matter of time until some level of government mandates that health insurance must cover Viagra — because "the market failed" to do so.

In the same way, some people see the Y2K problem as a failure of the market because businessmen haven't responded voluntarily to the warnings of Armageddon in the way the Doomsayers think they should. To the Doomsayers, it is a failure of the market that companies with limited resources, high taxes to pay, regulators to ward off, employees to care for, customers to please, and problems climaxing in 1998 and 1999 didn't focus exclusively on Y2K the moment the issue surfaced.

Utopia on Earth

The second meaning of the phrase "the market has failed" is the assumption — usually unstated — that coercion could have made more resources available at any moment in time, or put them to better use. In other words, a utopian solution was possible, but the market was incapable of employing it. Coercion could have made the best of all possible worlds a reality. Because this idea is so patently false, the assumption is usually implied in a vague way — but it's there nonetheless.

By this line of reasoning, it is a failure of the market if the residents of a town aren't fully prepared at all times for hurricanes, tornadoes, earthquakes, thunderstorms, and every other conceivable natural disaster — as though some government program could have provided such protection.

Or it was a failure of the market that Henry Ford's factories weren't air conditioned, and lacked vending machines, TVs, and microwaves in their employee lounges. Or that Indonesia's factories today don't provide the same luxurious comfort found in the Department of Labor headquarters in Washington. Or that somehow it was a failure of the market that computer memory wasn't cheap and plentiful in the 1960s.

But do we really believe that government coercion can add to our resources or employ them more efficiently? Or increase technological knowledge at any point in history? Could government have mandated the invention of air conditioning? Could government have developed computers faster than the free market did? If so, I hope someone will explain how that process works.

The phrase "failure of the market" implies that the Y2K problem is something government could fix if only Al Gore were in charge of it. But I haven't heard of any government policy that could head off the Doomsday problems. In fact, the one thing on which people on all sides of this argument seem to agree is that, whatever happens in private industry, there's virtually no chance the government will be prepared.

Even politicians who lie awake nights thinking up ways to run our lives have made no suggestions — other than to demand that companies file reports on their progress in handling Y2K problems.

So what solution has the market failed to adopt? If the market were perfect or all-seeing, what would it have done to solve the Y2K problem a long time ago? And since the market isn't perfect, what additional resources would be available if the government had taken charge of the situation?

I doubt that anyone can provide satisfactory answers to any of those questions.

Miracles Do Happen

What I've said so far accepts the Doomsayers' underlying assumption — that disaster looms just ahead, whether or not the market should have been able to avoid it. But in fact that assumption is almost entirely wrong.

Even as the market's antithesis — government with the Grand Guru of Technology, Al Gore, at its disposal — stands immobilized and headed for real trouble, the market *is* solving the problem.

The reason some people expect certain disaster is that they have little faith in the market — even if they claim to prefer freedom to government. And because they lack faith, they don't expect miracles.*

The Y2K Doomsday folks don't believe something is possible unless *they* know how to do it — unless they can imagine the process by which it will be accomplished. In this

* Technically, the word *miracle* refers to an event that violates natural law. But in everyday usage, it often describes events that contradict what one knows about the world. And that's the way I'm using it here.

they unwittingly assume they're omniscient — the possessor of all the world's knowledge.

But, of course, there is godzillions of times as much information in the world as you or I or anyone else possesses. People smarter than we are, people with more knowledge about a particular subject than we have, people whose incentive to get a particular thing done is greater than ours, people who are more ambitious than we are — they are the people who will set to work to solve a particular problem. The solution doesn't depend upon you or me.

Thus miracles happen every day — as insolvable problems get solved, as impossible products come to market, as miraculous new ways to achieve what we want are discovered by the few individuals who are most astute in providing these particular miracles.

Why do these miracles happen? Because people with talents and skills different from ours put their minds to work making something happen — in order to get something for themselves in the process. The secret of the market's success is the way it motivates and rewards those who can solve problems, those who can respond to unsatisfied needs and desires, those who can do what you or I can't imagine.

That's why influenza is no longer a killer disease — and why the market produced a polio vaccine before the government did.

That's why your car is many times safer than cars of 50 years ago (thanks to much safer tires, tinted glass, safety glass, dual mirrors, power steering, power brakes, computer monitoring, and a host of other improvements), even as government roads are virtually the same as they were a half-century ago.

That's why we have fax machines, cellular phones, satellite dishes, and cable TV. Forty years ago most people would have thought these devices were fantasies. Even people with technological knowledge could offer intelligent reasons that these devices couldn't be developed so soon — if ever.

That's why computer programs perform miracles on your screen that couldn't be imagined 40 years ago, and why computing power costs less than 1 percent of what it did 15 years ago. Twenty years ago no one in computing could foresee the miracle that you can buy a $1,000 computer today that's comparable to the million-dollar super-computers of two decades ago.

Why do free-market miracles happen? Because people with talents and skills different from ours put their minds to work making something happen.

Miracles Are Already Happening

If you heard about the Y2K problem a year or so ago, think back to what you were told at the time.

The Doomsayers said that *no one* will be ready in time, the cost is too great, the problem is too complicated to be solved, there aren't enough programmers, COBOL is archaic and indecipherable, and on and on.

And yet there are now hundreds of products on the market helping companies take care of the problem — much faster and at a much lower cost than almost anyone thought possible a year ago. You probably haven't heard of ConveRT/2000, CA-Fix/2000, Revolve, Vantage YR 2000, Restore 2000, Milligration, or any of the other products companies are using to locate and fix all the date problems in their computer programs.

But why should you have heard of them? No one makes money telling you the market is solving the problem — unless he's selling one of these solutions and sees you as a prospective customer. And, most likely, if you don't have a large business with old mainframe computers, you aren't a prospect because you never had a problem to begin with.

Who knows what product will hit the market this November or next January or April — and make it possible for most of the unready companies to get ready in time?

There's nothing spectacular in reporting how banks, Visa, MasterCard, and many insurance companies have already finished their conversions — or are within a few months of doing so. Nor is there a reason for anyone to inform you that the conversion costs are actually a small fraction of the sensational estimates made a year ago.

The market has produced Y2K miracles already.

The Future

Okay, so some companies have managed to solve the problem. But we're told that time is running out for all the others.

Once again, the only realistic attitude is to expect more miracles. Why should we think that progress stopped at 9 o'clock this morning?

As we get closer to January 2000, the situation will become more urgent for those who still have a problem. Why should ambitious computer programmers and entrepreneurs ignore the opportunities offered by this urgency?

Big problems inspire big solutions because they generate big payoffs.

Who knows what product will hit the market this November or next January or April — and make it possible for most of the unready companies to get ready in time? Who knows what temporary fix will be offered next summer — just in time to help the laggards keep operating for another year or two while they switch over to new programs?

Everything I know about the world tells me to expect most Y2K problems outside of government to be solved in time. *There is too much at stake for them not to be solved*. Why should any business executive want his company to fail? And why should anyone with the talent and knowledge to solve the remaining problems miss the opportunity to benefit from them?

Of course, the Doomsayers tell us it doesn't matter how urgent the problem; there's no way it can be solved. But

what they mean is that *they* don't know how to solve it.

The Government

For government, the chance of success is much slimmer — for precisely the same reason the market's chance is so great.

People will try very hard to solve the problem only if they can profit personally — and government employees don't have such an incentive. And if your computing firm discovered a solution, would you take your plan to General Motors — where you might get an OK and a check in 3 days? Or would you take it to the government, where your plan could be bottled up in committee for two years — and even after approval would be implemented not by you but by a company in China that helped Bill Clinton's 1996 campaign?

Miracles don't come to the government, only to those in the marketplace.

But what about companies that rely on the government — such as banks whose checks are cleared by the Federal Reserve System or airlines that rely on the FAA to coordinate takeoffs, landings, and flight patterns?

If in mid-1999 it seems likely that these government agencies won't be able to function in January 2000, will company managers say, "Oh well, I guess we'll have to go out of business"? I doubt it.

There already are private check-clearing agencies, and we can expect banks to use them or develop a better system if they have to. The airlines will find someone with up-to-date computers to handle their flight patterns. And companies in other government-dependent industries will react in a similar way, as necessary.

(Most of the other disaster forecasts, such as elevators or medical devices failing, are based on misunderstandings of how these things work. These products either don't depend on knowing the right date to function as usual or they don't crash if the date is wrong.)

Do I know for sure that everything is going to turn out perfectly?

Of course not. I don't know that the stock market won't crash tomorrow or rise 500 points. I don't know that a large, well-respected company won't suddenly fail for reasons I couldn't have guessed. I can't even guarantee that some politician won't suddenly go straight tomorrow.

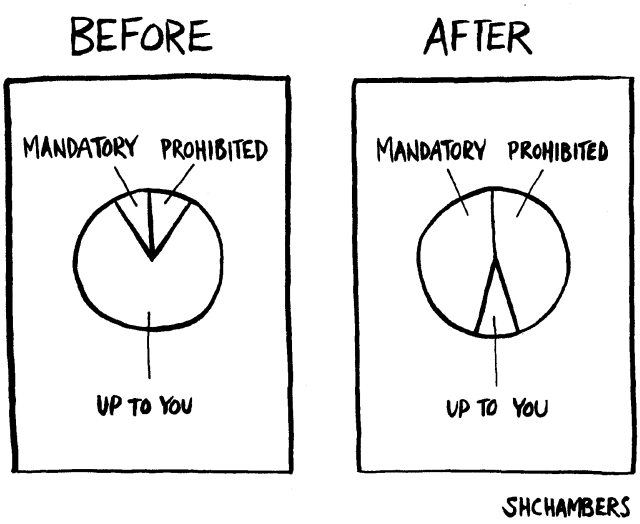

But everything I know about the world tells me that the vast majority of Y2K problems outside government will be solved in time. Too many people possessing too much talent and knowledge want it to be solved. No business executive is going to go down without a fight, and no one who could save him is going to miss the chance to profit.

Faith

One of the foremost Y2K Doomsayers has written about me:

> He does admit that banks may have a problem. Exactly what kind of problem, he doesn't say. "And as 1999 proceeds, if it appears that private companies (such as banks) are vulnerable to the government's inability to fix its own computers, I expect the companies to find ways of insulating themselves from the government's inefficiency."
>
> I see. There are "ways of insulating a company from the government's inefficiency," i.e., the possible bankruptcy of all banks, worldwide. What these techniques are, no one is saying. He offers no evidence of their existence. But he assures us that they exist today or will be discovered in the nick of time. This is his statement of faith. Harry Browne is a deeply religious man.
>
> He is a devotee of the religion of libertarianism. Its call to worship begins with these words: "Here, O Israel, the Lord thy god is one god, and this god is the unhampered free market."[2]

If you strip out the purple prose, he actually has described my thinking quite accurately.

Do I have faith in the unhampered free market? Of course I do. Why shouldn't I? All my life I've seen the free market solve problems, create wondrous new products, produce miracles I never could have imagined. Why shouldn't I have faith that there are more miraculous products, events, and phenomena ahead — even if I don't know how to produce them.

What's at Stake

Ideally, Y2K will demonstrate the stark difference between the ability of the market and the impotence of the government in solving problems. If it does, it will provide an important case history that can be presented whenever anyone dares to suggest the government can do something better than the market.

But that may not be the way this story ends. Instead, grandstanding politicians may impose their own "solutions" on private companies. If the companies survive in spite of that, the politicians will take the credit. If the interference causes the companies to fail, the market will take the blame.

A second danger is that government will use this "crisis" to begin regulating the computer industry. One reason the Y2K problem is solvable is that the computer industry is the freest in America — allowing the market to work its miracles. For the politicians, the Y2K affair may succeed where the Microsoft investigation could fail — in giving government the power to prevent new hardware and software from coming to market until a Federal Computing Agency certifies that a product is safe, effective, beneficial, and nonmonopolistic.

And a third danger is that the Doomsayers may provoke

continued on page 70

The Voting Gamble

by Pierre Lemieux

The ballot box and the roulette wheel have more in common than you might think.

Politics in a democracy often seems a game of numbers — vote counts, vote totals, and voter turn-out. But what are the odds that a given voter will make a difference? And what do these odds mean for the foundation of democracy?

If you participate in a three-member committee, and each of the two other members votes among two alternatives at random, the probability that you will influence the outcome of the vote is 50 percent, for such is the probability that there would be a tie without your vote. This is the same as the probability of getting one head and one tail when flipping two coins. If there are four committee members besides you, the probability of your vote deciding the result drops to 37.5 percent, i.e., the probability of getting two heads or two tails when flipping four coins.

These probabilities are quite easy to calculate with probability theory and combinatorial analysis. With a small number of voters, one can even figure them out by listing all the possible outcomes and taking the proportion of favorable ones. Obviously, a single voter's influence diminishes as the total number of voters increases. What is the impact of an individual vote in the context of state elections or referenda with large numbers of voters and more complicated institutional setups?

The impact of an individual vote, and similarly the influence of an individual voter, can be thought of as the likelihood that it will produce a result significantly different than what would obtain if the person casting this vote did not vote. Increasing by one vote the score of an alternative that already gets millions of votes and wins by a wide margin is not significant.

Compare this with the consumer who buys a dozen tomatoes. The significant result of this action is that he will now have twelve more tomatoes to eat. His purchase does exert an infinitesimal impact on tomato prices, but it is so insignificant that he will not take it into account. Altruists don't buy fewer tomatoes thinking that this reduces the diet cost of the poor.

But an individual voter will not get anything unless his vote switches the majority one way or another. He will not get one millionth of his expected subsidy if he increases by such proportion the losing party's score. Nor will he get a larger subsidy if his preferred party would have won anyway without his vote. Voting is like buying tomatoes and not getting any — unless 50 percent plus one also buy tomatoes.

In most cases, an individual voter will have no impact; in rare cases, his vote will break up a tie and swing the majority. Consequently, it is natural to consider the voter's influence in probabilistic terms, i.e., as the probability of his causing a different alternative to be adopted as the result of his vote.

The Meaning of Chance

In probability theory, an event that occurs with certainty has a probability of one; an impossible event, a probability of zero. The higher the probability between 0 and 1, the more likely is the event to happen. To say that a coin has a probability of .5 (or 50 percent) of falling on tail means that if one throws a coin a large number of times, one would expect to get 50 percent tails.

What exactly is chance? Do random events really exist, or is everything determined in the universe? For believers in universal determinism, like Pierre-Simon de Laplace (1749–1827), chance is only a label for our ignorance of causes. Given all the physical information about the roulette table, the throwing mechanism and the environment, it would in principle be possible to calculate exactly in which slot the ball will stop. In this perspective, we use probabilities only because, in practice, we cannot measure everything. We study some events *as if* they were random. Probability theory is only a methodological trick to deal with our ignorance.

This approach has been undermined by Heisenberg's Uncertainty Principle, which puts some unreducible randomness in the very heart of matter. More recently, it has also been contradicted, in a different way, by chaos theory, which reconciles determinism and unpredictability. Moreover, man's free will introduces non-determinism into the world. Chance may very well be an inescapable feature of the universe.

Another way chance drives a wedge in determinism lies in the meeting of independent causal series (although one may still ask why these series met). A carpenter working on the roof accidentally drops his hammer on the sidewalk. An IRS bureaucrat who has never audited this carpenter just happens to walk in this street for the first time of his life, and gets the hammer on the head.

We now have some keys to interpret what we mean when we model electors as voting randomly. On the one hand, probabilistic modeling can be conceived as a mere methodological device to study deterministic voter's choice, of which we do not know all the circumstances. On the other hand, perhaps there is some essential randomness in voting: the chance that a voter's decision will affect the outcome of any election is so slim and the issues the voter faces are so complex that voters actually vote just as if they were flipping coins or throwing dice. We may also say that a voter's choice is the product of independent causal series, or is related to his free will. A related interpretation is that voters have subjective preferences and change their minds, and we use probabilities to estimate the likelihood of preference changes.

Quantifying the Gamble

Consider again the simplest case, i.e., each voter choosing between two alternatives or political parties with probabilities of 50 percent. It can be easily calculated (with Mathematica, for example) that the probability of a tie and, consequently, the probability of an additional voter's influence is only 0.008 with 10,000 voters, and drops to 0.00008 (eight chances out of 100,000) with 100,000,000 voters.

There might be a certain number of committed voters, hard-core "Democrats" or "Republicans," whose probability of voting for their preferred party is close to 1. Let's then relax our assumption that all voters vote as if flipping a coin, and assume that 90 percent of the 100,000,000 voters are hard-core partisans. The pool of voters deciding the election is then 10,000,000, and the probability of a tie is 0.0025 — 25 chances out of 10,000, or one out of 400.

These calculations assume that the number of voters is always even, for if it is odd, the marginal individual's vote could only, at best, create a tie if he voted for the otherwise loosing side. With a 50–50 probability that the number of voters will turn out to be even, the probability of an individual impact is only half the values given above. Yet, one chance out of 800 still looks like a good bet — much better than the one chance in a few million of winning the lottery jackpot.

The picture changes dramatically when we drop the assumption of an equal (50–50) probability that a voter will choose one of two alternatives. With asymmetric probabilities, i.e., one party having a head start, an individual voter's influence is much smaller and decreases more rapidly to infinitesimal values. Take our previous example: 100,000,000 voters, of which 90,000,000 are hard-core voters, half for one side, half for the other. Out of the remaining 10,000,000 voters, the probability that any one will vote for party A is, say, 0.501 — and, of course, 0.409 that he will vote for B. In this case, the probability that one individual vote will change the election result is 5×10^{-13}, i.e., five chances out of 10 trillion. If the asymmetric probabilities are a bit more skewed, let's say 0.54 than an uncommitted voter will vote for A (and 0.46 that he will give his vote to B), then the probability that one individual vote will change the election result is 2×10^{-13946}, i.e., two chances out of ten followed by 13,945 zeros.

Such probabilities are infinitesimal. Compare them with the total number of elementary particles in the universe, which physicists estimate to be no more than 10^{10}. Proudhon was right: "the universal franchise is a real lottery."

Counterintuitively and interestingly enough, creating many (smaller) electoral districts or ridings does not improve the weight of an individual vote. Intuition might suggest that creating two ridings where there was none would improve the voter's influence, but a little (messier) statistical analysis shows this intuition to be misleading. What apparently happens is that the higher probability of a tie within a smaller riding never completely compensates for the lower probability of a tie among more numerous ridings.

Gambling on More Than Two Horses

What happens to the impact of an individual vote with more than two challengers? This problem is much more complex analytically and is related to the so-called "classical occupancy problem": if a certain number of balls fall randomly into a certain number of cells, what is the probability that two cells will receive a equal number of balls, and that no other cell will get more? Apparently no closed-form solutions have been found for this problem, so simulations have to be made or analytical estimations devised.

Simulations of many elections (say, 1,000) with large numbers of voters (say, 10,000,000) require much more computing power than the typical PC can marshal. The more limited runs I made seem to confirm the intuition that a voter's influence increases with the number of alternatives, as long as probabilities do not differ among parties. To get an feel for this conclusion, consider the extreme case where each voter except one has formed his own political party: then, one single partyless voter will decide the result with a probability of one. Of course, the more equally popular are any number of political parties, the lower will be the winner's popular vote.

The most interesting, and analytically difficult, case is when you have many parties and asymmetric probabilities for individual voting. Prof. Fred Huffer, a statistician at Florida State University, has devised an ingenious (and complex) formula for the case where the probabilities favoring the two main contending parties are substantially higher than for the other parties. Whether the presence of multiple parties increases or decreases the probability of a voter's influence depends on the actual probabilities but, in most realistic cases, this probability remains infinitesimal. For example, if the respective probabilities that any (uncommitted) voter will vote for any one of four political parties are 0.38, 0.37, 0.2 and 0.05, and if we have 10,000,000 uncommit-

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

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **Bill Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

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Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

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

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market enviromentalists getting anywhere? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford** debate. (audio: A157; video: V157)

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ted voters, Huffer's estimates give $4x10^{-294}$ for the probability of an individual voter's influence.

Why Do People Vote?

A rational individual will not vote in order to exert an influence on the result, for the same reason that he will not produce one more tomato to push down tomato prices. Why, then, do 50 percent, 60 percent or 70 percent of the electors take the trouble to go and vote? True, voting does not take much time if one votes blind — i.e., if one does not spend time studying the issues — but then, it does not produce any noticeable effect either.

One type of motivation is that the act of voting itself gives satisfaction ("utility" in economic terms) to the voter; or, what is the same, his abstention brings him disutility. Depending on individual preferences, there are many ways in which voting can be rewarding. Some individuals like to gamble: they buy lottery tickets and vote. Some enjoy the feeling of participation in a crowd, as when they applaud their favorite team at the stadium, even if individual hand clapping does not raise the noise level more than one vote contributes to an electoral victory. Some people like to express their opinions, and elections provide a cheap way to do this. Moreover, given the democratic mystique and state propaganda, you might suffer from disapprobation if he is known not to have performed his "civic duty."

Voting is like buying tomatoes and not getting any — unless 50 percent plus one also buy tomatoes.

The common rationale for voting — that one votes because democracy would crumble if no one voted — does not stand, strictly speaking. The abstention of one individual exerts no perceptible influence on the system, especially if one declines to vote without fanfare or if one falsely claims to have voted. Of course, many non-voters may have an influence, but the individual decides only for himself, and his decision will have no significant impact on the number of non-voters. It is true that an individual with some influence in public debates can marshal more than one vote, but this nothing to do with the decision of "John Doe" to throw one vote that has only a tiny chance of achieving any result. If you can persuade many people to boycott tomatoes, you may end up influencing their prices; but you will have no noticeable influence if you secretly buy one less tomato.

One way to see the inconsistency between infinitesimal influence and the argument "If everybody does it . . ." is to reconsider the impact of the non-voter. Those who do not vote increase the influence of anyone who does: non-voters render a service to voters. Consequently, an altruist might be expected to refrain from voting to help his human brothers increase their political influence. "I don't vote because if all rich men like me voted, there wouldn't be any political influence left to the poor." The problem with the argument is obvious: What's the use of an action that has no impact on the result to be achieved? From the point of view of the individual, any service he renders either by voting or abstaining is infinitesimal. Both the individual voter and the individual non-voter make insignificant gestures.

We are back to reasons of personal utility for voting: gambling, the pleasure of the crowd, or the expression of one's opinion.

The Moral Element

Or are we? Not exactly. A rational individual may choose to make insignificant gestures for moral reasons. We do this all the time — when, for example, we give a quarter to a beggar, or refrain from throwing an empty pack of cigarettes on the highway, or open the door for a woman. Indeed, morality is the only way to construe the argument "If everybody does it . . ." Infinitesimal gestures are gauged not by their consequences but by their intrinsic moral value.

As far as voting is concerned, I may do it despite its having no impact, simply because I believe that morality requires that everybody does it. Whether one interprets his moral duty in terms of a Kantian universalization principle or in terms of some other ethical theory, the moral sentiment is a constituent part of the human mind and human action. And reinterpreting moral motivation in terms of personal interest ("I feel good") does not change the fact that people make inconsequential actions for the sake of doing what's right to do.

People, then, may choose to vote — and certainly often do — out of a sense of moral, or civic, duty. Whether the underlying moral theory is mistaken or not is another matter. Indeed, it is mistaken when an individual believes that his vote contributes to some dangerous notion of "social welfare." But one must not discard the idea that some moral duty is involved in maintaining a social order based on liberty, whether it means contributing to private charity in an anarcho-capitalist society or voting in a minimal state context. Voting may be a moral duty if it contributes, however infinitesimally, to affirming individual liberty.

A rational individual will not vote in order to exert an influence on the result, for the same reason that he will not produce one more tomato to push down tomato prices. Why, then, do 50 percent, 60 percent or 70 percent of the electors take the trouble to go and vote?

Of course, the argument cuts both ways. One's moral (or "civic") duty may also require one to abstain from voting when there is no morally acceptable alternative on the ballot. Indeed, low voter turnout may partly reflect people's sense that "something is rotten in the state of Denmark." I, for one, do believe my moral duty is to abstain when state elections are totally rigged against liberty — or when voting requires one to register on a permanent voters' list. Non-voting is then a way to express a moral censure of the system, even if it contributes only infinitesimally to changing it.

Leaving all values to be decided by voting was bound to generate, at best a stupid gamble, at worst a perilous game for liberty. ❑

Private Government: The Solution?

by Spencer MacCallum

Are homeowners' associations protectors of liberty? Or are they invaders from the state?

Until I read Robert H. Nelson's "Privatizing the neighborhood" (Reflections, March), I never thought I would see an outright defense of collectivism in the pages of *Liberty*. Nelson recommends legislation that would permit a majority of voters in an inner city neighborhood to force all property owners in the neighborhood to belong to a "homeowners association." The association would be given wide powers to regulate life style and use of property in the neighborhood and to enforce its rules without being subject to due process or any of the protections ordinarily afforded citizens by state or federal constitutions against excesses of local government.

The arbitrary rule of homeowners associations in condominiums and planned unit developments (PUDs) is already notorious. Attempts at oversight by higher levels of government are resisted by classical liberals as attacks on private property and contract, inasmuch as associations thus far have been the outgrowth of free contractual arrangements. Their concern is valid.

The tragedy is that it is one horn of a dilemma. For the associations are running roughshod over what many residents have assumed is their right to enjoy their property pretty much as they saw fit. Residents are finding that enjoyment severely and often arbitrarily curtailed. Here is a case of the innocent but ill-advised use of free contract leading to the destruction of our historic rights of private property. Either way, intervention or no intervention, we lose.

Nelson would replicate this pattern, which grew up as an aspect of new subdivision development, throughout our cities' older, built-up neighborhoods. He proposes that a vote by a large majority — 90 percent — be required to impose the plan on a neighborhood. But that number is wholly arbitrary. Once the principle is accepted by the lawmakers as "something good" for the residents, the requirement of such a large majority will be seen as an obstacle to "the plan" and be quickly pared down. A perfect parallel is the income tax, originally sold to the voting constituency as something that would always be a very small, "unobjectionable" percentage.

But that's a detail. Nelson's objective is to see imposed on American neighborhoods generally the pattern of "collective private ownership" that we have in "common interest developments," or "CIDs" — the inclusive term for condominiums and planned unit developments. But what is "collective ownership" — also known as "common ownership?" These are virtually meaningless terms. Other than designating that all but a defined group may be excluded from an area, what they really mean is dispensing with ownership within that area. Terms in general use to describe the ensuing arrangements within the area, where private property is dispensed with, are "communism" or "collectivism."

If these experiments in collectivism were voluntary, it would be one thing. But a series of court decisions going back many years have granted to homeowner associations many of the powers of municipal governments without the constitutional restraints that municipal governments have to answer to. Homeowner associations have gone far beyond their original mandate of enforcing the restrictive covenants in the deeds. They are now able to make and enforce rules of their own making, without regard for due process. They can be as arbitrary as they wish in the enforcement of those rules. They are empowered to exact fines in any amount for noncompliance and, in the event of nonpayment, to place a lien upon and sell the delinquent resident's home. The resident can appeal to the courts, but in an overwhelming number of

cases, the courts have found for the association because, by construction of the courts, it is held to be a private organization acting under the terms of a contract voluntarily — even if ill-advisedly — entered into by the the resident.

The question arises as to how voluntarily the resident entered into his contract when purchasing his home. Since most new housing construction takes place in CIDs (60 percent in metropolitan areas nationwide, according to the Community Associations Institute, and higher in southern California), prospective home buyers haven't many alternatives.

Nelson points to the rapid spread of CIDs as evidence that they are what people want. The consumer is king, he says in effect, and consumers are demanding "collective private ownership." The truth is that this collectivism has been put over on the American public by a combination of large corporate developers in strong alliance with the United States government. It is not a pattern that has emerged in the free market in response to voluntary consumer preferences. The federal government has heavily promoted CIDs in response to the wishes of large corporate interests who find them profitable to build. This is a sorry story, replete with oftentimes stark racial and ethnic exclusionism, running back many decades. One of the best histories of their development is Evan McKenzie's *Privatopia* (Yale University Press, 1994), winner of the 1995 American Political Science Association prize for the best book on urban politics.

Collectivism has been put over on the American public by a combination of large corporate developers in strong alliance with the United States government.

The role of the federal government in imposing this pattern of collectivism in American housing involved more than merely subsidy and promotion; its regulatory power was indispensable. The FHA in 1964, for example, made mandatory homeowner associations in new developments a requirement for federal mortgage insurance. McKenzie notes that had it not been for the role of the federal government, the suburbs would not have developed as they did. The fed backed the large corporate subdivider/builders in open areas outside the cities to the detriment of the built-up areas, which were deprived of construction financing — one of the reasons for the deplorable condition of many inner cities.

The collectivization of residential real estate in the United States began innocently enough after the turn of the century when the first large subdivider builders innovated restrictive covenants in the deeds as a means of keeping up the value of their inventory of land until the last lots were sold. The restrictions were an immediate sensation in the market because of the appeal of exclusiveness. But once the developer left, it was difficult for neighbors to police the covenants; so the developers began, through provisions in the deeds, to establish mandatory homeowner associations, and, in an unprecedented departure from Anglo-American land law, these were given standing in the courts. A strong alliance evolved between the large subdivider/builders and the government, and the rest of the story unrolled as a logical progression. No one ever gave thought to the quality of life in these developments. The developers' interest was not long-term; once he had sold his last lot, any further opportunity for him was gone and so was he. It was enough for him that he create a salable product. The form and bylaws of the homeowner associations were standardized at an early date and propagated without change because they met government requirements. American homeowners never had the benefit of improvements that competition and experimentation might have brought.

This collectivization of our residential real estate has not worked smoothly, and there is no prospect that it will improve. We're damned if we do and damned if we don't. If legislatures, responding to consumer dissatisfaction, attempt to regulate homeowner associations, that constitutes an attack upon and circumscription of the freedom of contract. If they do not, then the freedom to enjoy one's private property that Americans have long claimed as their birthright is at risk. This "Catch 22" has come about because people did not look ahead sufficiently to the implications and consequences of the kinds of contracts they were experimenting with. We have here a case not of people selling themselves into slavery or even of voting themselves into slavery, but of ill-advisedly contracting themselves into slavery.

Far from representing "privatization of government," CIDs are a social pathology. In the more fortunate cases good local leadership goes far toward compensating for the structural deficiency, but in the common run of cases neighbor is pitted against neighbor and litigation is rampant. CIDs represent a serious social dilemma that Americans have walked into unawares, victims of many decades of political opportunism on the part of the FHA and the housing industry. The answer is anything but clear. But what is clear is that the quality of community life in America will not be served by attempting through legislation to propagate this collectivist model throughout our older neighborhoods nationwide. ❑

Response

Costly Liberty?

by Robert H. Nelson

In my original Reflection, I noted that new residential neighborhoods in the United States are increasingly being governed privately. The latest figures from the Community Associations Institute find that 42 million Americans are now living in condominiums, homeowner associations or other collective private ownerships. The number of homes in neighborhood associations in the United States has risen by 40

percent just since 1990.

All this is upsetting to Spencer MacCallum. His comments are really more about "the social pathology" of collective private governance, rather than the proposal I made.

MacCallum is the distinguished author of a leading early study of large-scale residential development, *The Art of Community*. He favors comprehensive neighborhood development of a different sort: the commercial shopping center mode. Residential development should take the form of single owner leasing units to tenants. MacCallum does not trust neighborhood associations because they subject their residents to rent seeking and other vagaries of a local political process, even if it is one that is privately created and managed.

For MacCallum, neighborhood associations are a great paradox. He recognizes their strong claims to legitimacy, based on their private status and the voluntary entry of residents. However, he also understands — correctly — that private neighborhood associations are for many practical purposes a form of local government. The small municipality and the neighborhood association both regulate local land use and provide common services. The similarities are greater than the differences. Hence the paradox — people voluntarily subject themselves to the many coercive dictates of a local government, even if, as in this case, privately organized.

MacCallum tries to escape this paradox by suggesting that big government has somehow deceived or forced people to enter neighborhood associations. His analysis here is unpersuasive. What happened was this: the federal government simply extended to collective private ownerships the same programs that it had already made available to land use developments with strictly individual ownership of property. FHA insurance, for example, was not available to condominium owners until 1961. Extending FHA insurance to condominiums did not force people to live in them; it simply equalized the mortgage insurance status of traditional individual home ownership and ownership of a condominium unit.

MacCallum seems to be joining forces with the collectivists who are always seeking to tell other people how to run their lives.

The FHA did promote homeowners associations in the years after World War II. However, this was a practical real estate calculation. FHA wanted to be sure that the value of its mortgages was protected by some means of enforcing neighborhood covenants and otherwise assuring the maintenance of neighborhood quality.

Curiously, MacCallum does not mention the most important government interference in the housing market. Tax law gives major advantages to individual home ownership over renting. This has worked strongly against MacCallum's preferred solution, single ownership and management of a whole land use development with individual occupants renting their units. Only this form of clear "residual claimant," MacCallum thinks, will yield effective development management. Whether MacCallum is correct in that regard or not, I would wholeheartedly agree with the need to equalize the tax status of ownership and renting.

MacCallum's suggestion that people are voluntarily "contracting themselves into slavery" is not worthy of his respect for individual rights and responsibilities. The massive shift to collective private ownership of housing in recent years has occurred for two main reasons.

First, many Americans rather obviously want to live in a neighborhood where there is tight control over the uses of nearby properties. They are willing to give up the freedom to use their own property in order to gain control over the uses of other neighborhood properties. Nuisance regulation is too crude a device to serve the aesthetic purposes sought by neighborhood residents. Hence, neighborhoods turn to private regulation to achieve the comprehensive maintenance of the "nice" environment and other neighborhood features they desire.

Home owners turn to collective ownership arrangements because the local association can do a better job than a municipal government of cleaning streets, picking up the garbage, running common recreational facilities, and other tasks.

It may not appeal to MacCallum, but it obviously does to many other people. MacCallum seems to be joining forces with the collectivists who are always seeking to tell other people how to run their lives. That is the underlying philosophy of Evan McKenzie's criticisms of collective ownership in *Privatopia*, a book to which MacCallum makes favorable reference.

Second, neighborhood associations represent the most important form of privatization of government functions occurring today in the United States. Home owners turn to collective ownership arrangements because the local association can do a better job than a municipal government of cleaning streets, picking up the garbage, running common recreational facilities, and other tasks.

It is an age-old philosophical conundrum: *can a true believer in liberty ever conceivably agree to sell away or otherwise give up some of his or her liberty?* MacCallum seems to want to protect us from our own folly in this regard. I would agree with him if we were talking about literally selling ourselves into slavery. But when an individual purchases a home in a neighborhood association, he no more sells himself into slavery than he does when he becomes an employee. There is ample evidence that most people are happy with their choice; they like the security and protection of environmental quality that they obtain. Local association boards have their governance problems but no one ever said that local democracy would be painless. The developers who turn to collective ownership arrangements are simply responding to the clear signal of the marketplace.

The main purpose of my original piece was to suggest that the multiple advantages of private associations be extended into inner-city areas. These areas in fact have a much greater need to protect and maintain environmental quality. Inner-city residents often fear for their lives because they have no collective control over entry into the neighborhood. They also share the desire to live in aesthetically pleasing surroundings but lack the institutional mechanisms of the suburbs to achieve this end.

My proposal is to let the property owners in an existing neighborhood vote on whether they would like to join together to form a private neighborhood association. Because unanimous consent is virtually impossible to obtain among a hundred or more parties, I would be willing to establish the new private neighborhood on the basis of a supermajority vote such as 90 percent.

MacCallum is correct in observing that this would subject the outvoted property owners (as many as 10 percent) to government coercion. It is a price that may be worth it as part of a larger goal of the privatization of local government.

Depending on the geography of a neighborhood, it may also be possible to leave out the minority who oppose a neighborhood association. The neighborhood could offer to pay fair market value to any property owner wishing to leave.

Finally, my proposal does not seek to substitute collective control for full individual liberty. The present reality in most neighborhoods is zoning control by city government. I seek to create the possibility of substituting private regulation by the residents of the immediate neighborhood for the distant zoning actions of the current municipality. That is a worthy goal in the overall pursuit of liberty. ❑

Dylan Carp, "Out of Scalia's Shadow," *continued from page 29*

powers dictate that exclusive responsibility for administering state prisons resides with the State and its officials.

The Amendment That Dare Not Speak Its Name

In *United States v. Printz* (1997), Thomas again agreed with Scalia argument, but added a twist of his own. In this case, the Court held 5-4 that the background check provisions of the Brady Act were unconstitutional because Federalism prohibits the federal government from forcing state officers to implement a federal law.

Thomas argued that the Brady law also possibly violated the Second Amendment, becoming, so far as I have been able to discover, the only Justice to write favorably of the right to bear arms in a published opinion. In stark contrast to the First Amendment, upon which entire treatises are based, the Second Amendment has been cited in only a handful of cases. This is mostly the result of the *U.S. v. Miller* (1939), which held that a sawed-off shotgun was not protected by the Amendment because its possession is not reasonably related to a well-regulated militia.

On the rare occasions it is mentioned, *Miller* has generally been read as merely a sanction of the states' right to support militias, not as protection of the individual right to bear arms. In *Printz*, Thomas agreed that the Brady Act violates Federalism, significantly adding that the Act may also violate the Second Amendment, and arguing that the Court should not read *Miller* as standing for the proposition that there is no individual right to bear arms. He wrote:

> The Constitution, in addition to delegating certain enumerated powers to Congress, places whole areas outside the reach of Congress' regulatory authority. The First Amendment, for example, is fittingly celebrated for preventing Congress from 'prohibiting the free exercise' of religion or 'abridging the freedom of speech.' The Second Amendment similarly appears to contain an express limitation on the government's authority. [If] the Second Amendment is read to confer a personal right to "keep and bear arms," a colorable argument exists that the Federal Government's regulatory scheme, at least as it pertains to the purely intrastate sale or possession of firearms, runs afoul of that Amendment's protections. . . . Perhaps, at some future date, this Court will have the opportunity to determine whether Justice Story was correct when he wrote that the right to bear arms "has justly been considered, as the palladium of the liberties of a republic."

A Man Alone

It is true that Thomas has followed Scalia's lead in some areas. For example, Thomas has joined all of Scalia's major opinions regarding substantive due process, the area of the law concerning abortion, contraception, assisted suicide, and other "privacy" issues. Because the cases where he has concurred with Scalia are arguably the most controversial and most heavily reported, this may be one reason why Thomas is widely perceived as a Scalia clone. But in areas such as the First and Second Amendments, Federalism, and the Equal Protection Clause, Thomas has shown that he is significantly more comfortable than any other Justice, including Justice Scalia, in rejecting both tradition and judicial precedent in the search for the original understanding of the Constitution. Perhaps his relative youth — at age 50, he is the Court's youngest member by ten years — leads him to feel that he has less stake in the status quo than his brethren. Whatever the reason, in many areas of the law Justice Thomas, and not Justice Scalia, marks the front line of originalist jurisprudence. ❑

Notes:

1. Jeff Rosen, "The Real Clarence Thomas: An Erratic Conservative Activist in Strict Constructionist's Clothing," Los Angeles *Daily Journal*, v105, n182, Sept. 17, 1992, p6, col3.
2. "The War Against Clarence Thomas: Two of His Former Law Clerks Ask: Will the Unfair Attacks Ever Stop?" The *Washington Post*, Nov. 6, 1994, C-2.

Reviews

***Justice Stephen Field: Shaping Liberty from the Gold Rush to the Gilded Age*, by Paul Kens. University Press of Kansas, 1997.**

Earl Warren in a White Hat

David Friedman

Three questions:

1. What president increased the number of justices on the Supreme Court in order to ensure support for his policies?

2. What justice successfully reinterpreted the Constitution to incorporate his views of the proper role of government?

3. Whose side was he on?

The answers:

1. FDR proposed to pack the court; Abraham Lincoln did it. In 1863, the Republican congress created a tenth seat, to which Lincoln named Stephen Field, then Chief Justice of the California Supreme Court. In 1869, the number of Justices was reduced back to nine.

2. During Field's thirty-five years on the Supreme Court, he argued, mostly in minority opinions, for strict limits on the ability of governments to regulate and redistribute — to establish monopolies, set prices, impose special taxes on disfavored industries. By the end of his term his position had finally become the majority view — and remained so for the next forty years, until overthrown during the New Deal. When Justice Holmes, in his famous dissent in *Lochner v. New York*, complained that the majority was reading Herbert Spencer's *Social Statics* into the Constitution, it was Stephen Field, six years dead, whom he was attacking. Compared to Field, Earl Warren was a bit player.

3. Ours.

Field's career began during the gold rush. As a state legislator he sponsored a bill giving official recognition to the customary law of the mining camps. As a judge on the California Supreme Court, he played a prominent and controversial role in the complicated litigation associated with Mexican land grants. His opinions were variously interpreted as support for private property (of people claiming under the land grants), opposition to private property (of people who had settled on land to which other people had a dubious claim based on a land grant), and support for wealthy and powerful friends, such as John Fremont — who managed to get the boundaries of his grant legally redefined so as to annex territory where other people had discovered, and were mining, gold. Field's appointment to the U.S. Supreme Court shifted his attention from from disputed land claims to government power — and the problem of how to limit it.

After the Civil War, Missouri, like many other states, passed laws making a loyalty oath, affirming that one had neither fought for nor supported the Confederacy, a requirement for public office or any of a variety of professions — including the profession of clergyman. A Catholic priest refused the oath, continued to minister his faith, was fined, and appealed, eventually to the Supreme Court. To a modern eye the case seems a simple issue of freedom of religion. But prior to the 14th Amendment the bill of rights constrained only the Federal government. States were free to violate freedom of religion if they wanted to — indeed, in the early years, some states had established churches.

Article I, Section 10 of the Constitution, however, forbids states from passing ex post facto laws or bills of attainder. Missouri argued that requiring a loyalty oath was merely a regulation, and that states were entitled to regulate professions as they pleased. Justice Field disagreed; writing for a narrow majority, he held that to deprive a man of his profession was a punishment. Since it was a punishment for acts committed before the oath was imposed it was an ex post facto law; since it was a punishment imposed without trial it was a bill of attainder. Hence it was unconstitutional. The case provides an early example of Field's efforts to limit government powers by arguing — contrary to then existing law — that government regulation was presumptively a violation of individual rights.

Compared to Field, Earl Warren was a bit player.

In 1869, the City of New Orleans designated a particular location for a public slaughterhouse, assigned the right to run it to a single firm, and required all butchers to move their operations to that location, renting space at a preset price. Some refused. When the case reached the Supreme Court, the majority held that the city, which claimed the butchers created a

public health problem in their existing locations, had the right to establish a monopoly in order to regulate the business for the general good.

Field dissented. The 14th Amendment, which by this time had been passed, held that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." In Field's view, one of those privileges and immunities was the right to practice one's trade. While no constitutional provision banned government monopolies, "yet the whole theory of a free government is opposed to such grants." He thus interpreted the 14th Amendment as giving the court license to invalidate state laws for violating natural rights — whether or not the rights in question appeared anywhere in the Constitution.

Field's belief in the right to practice a trade had its limits, however. In *Bradwell v. Illinois*, he joined the majority in support of the right of a state to refuse to admit a highly qualified woman to the practice of law, arguing that "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."

In *Munn v. Illinois* (1877), Field again dissented from the majority — this time on the subject of state price control. The Court voted 7–2 that Illinois had the right to set maximum prices for Chicago grain elevators, arguing on the basis of multiple precedents that the government was entitled to regulate businesses "affected with a public interest."

Field conceded the principle but argued that it applied only to businesses operating with special privileges from the government. The Chicago grain elevators were private firms. For the state to be free to regulate their prices would be inconsistent with the 14th Amendment's requirement that no state should deprive any person of life, liberty, or property, without due process of law. "If this be sound law, if there be no protection, either in the principles upon which our republican government is founded, or in the prohibitions of the Constitution, against such invasion of private rights, all property and all business in the State are held at the mercy of a majority of its legislators." Field was more than willing to oppose government created monopoly — in the earlier slaughterhouse cases or in a later case that invalidated an Illinois grant of almost the entire submerged lakefront of Chicago to the Illinois Central railroad. But regulation of private firms was a different matter.

Field conceded that some regulation was constitutional. In his view, the police power of the state applied to "whatever affects the peace, good order, morals, and health of the community" — but no more. It was the role of the Supreme Court to decide whether or not state regulation was really aimed only at those ends. He had no objection to regulations restricting or forbidding the sale of alcoholic beverages, a proposal obviously aimed at the peace, morals and health of the community. But he cast a more skeptical eye on economic regulation. While his position fell short of full fledged libertarianism in principle, it came close in practice, since his interpretation of the police power applied mainly to what we would now call externalities — cases where one person's actions imposed costs on others.

Field lost on *Munn*, as on the *Slaughterhouse Cases* (1883) — but not entirely. The court adopted a broader position than his on what the state could regulate but accepted, under the name of substantive due process, the principle that the 14th Amendment imposed limits on state regulation of private property. A journey of a thousand miles begins with a single step.

"They're only animal crackers — it's not like I was eating *real* meat!."

Powell v. Pennsylvania (1888) dealt with a state ban on the manufacture and sale of margarine — justified as a public health measure but obviously intended for the benefit of the Pennsylvania dairy industry. Justice Harlan, writing for the majority, defended judicial deference to the judgment of the legislature: "If all that can be said of this legislation is that it is unwise, or unnecessarily oppressive to those manufacturing or selling wholesome oleomargarine as an article of food, their appeal must be to the legislature, or to the ballot-box, not to the judiciary."

Field took a less restricted view of his role. "Who will have the temerity to say that these constitutional principles are not violated by an enactment which absolutely prohibits an important branch of industry for the sole reason that it competes with another, and may reduce the price of an article of food for the human race?" He agreed that the legislators had the right to pass regulations to protect the public health — but it was for the court to decide if that was what they were really doing. Field wanted to subject the legislation to what would now be called "strict scrutiny" — the approach a modern court would reject if the legislature was merely using economic regulation to buy votes but adopt if it suspected that the hidden purpose might be racial discrimination.

Oddly enough, the modern doctrine also stems from a dairy case. In *United States v. Carolene Products* (1938), the Court again accepted a public health justification for legislation aimed at protecting the dairy industry from the perils of competition — holding that "regulatory legislation affecting ordinary commercial transactions is not to be pronounced unconstitutional unless . . . it is of such a character as to preclude the assumption that it rests upon some rational basis within the knowledge and experience of the legislators." In a famous footnote, Justice Stone added that "prejudice against discrete and insular minorities may be a special condition, . . . which may call for a correspondingly more searching judicial inquiry."

Through most of Field's career, his views were shared by only a minority of the justices. In the 1890s, when

David Brewer, his nephew and ally, joined the court, the tide began to turn. In 1898, three months after Field had finally been forced by old age and failing memory to resign, the Court in *Smyth v. Ames* held that the due process and equal protection clauses of the 14th Amendment applied to the regulation of railroads by the state, and that it was up to the court to decide whether the regulations deprived the railroad of its property without due process of law. Field died a few months later.

His most famous victory was posthumous. In *Lochner v. New York* (1905), the court reversed *Powell*, with Harlan this time in the minority. The majority opinion, overthrowing a state law limiting the hours of bakers, held that "The mere assertion that the subject relates, though but in a remote degree, to the public health, does not necessarily render the enactment valid. . . . The act must have a more direct relation, as a means to an end, and the end itself must be appropriate and legitimate." The decision remained good law until the New Deal.

Generations of legal scholars have attacked *Lochner* as a symbol of the Court's support for laissez-faire. Recent scholarship suggests that the real purpose of the law that the court overthrew was to give bakeries with enough employees to assign multiple shifts to the successive processes involved in making a single batch of bread an advantage over their smaller competitors. If you want to annoy law professors, get yourself a button reading "*Lochner v. New York* was rightly decided."

In his dissent to Lochner, Oliver Wendell Holmes accused the majority of reading the views of Herbert Spencer into the Constitution.

In his dissent to *Lochner*, Oliver Wendell Holmes accused the majority of reading the views of Herbert Spencer into the Constitution. While Field and his allies were influenced by writers such as Spencer and Adam Smith, their position was more directly derived from an American political philosophy — Jacksonian democracy. Andrew Jackson and his supporters believed that the chief threat to America was wealth derived from special privilege--and that the best defence against that threat was to keep government small and decentralized. In opposing a monopoly slaughterhouse in New Orleans, price control on grain elevators in Chicago, or special taxes on California railroads, Field was, as he saw it, consistently following through on his Jacksonian roots.

Oddly enough, his opponents also considered themselves Jacksonians. In their view, while government might have been the problem in Jackson's day, the problem of the late 19th century was power and privilege due to private wealth, large corporations, and private monopoly. Consistent application of Jacksonian principles as they saw them implied using the power of government to regulate corporations for the public good. It is an argument many of us are familiar with. What actually happened when the government attempted to regulate "for the public good" turned out to be more consistent with Field's views — and Jackson's — than with theirs.

My source for most of what I know about Field is Paul Kens's recent biography. One peculiarity of the book is that while its author does an admirably fair-minded job of presenting Field as a principled man working for what he believed in, he cannot wholly conceal his suspicion that what Field believed in was wrong, that he really was misapplying the solutions of the first half of the 19th century to the problems of the second half.

One reason for that opinion may be that Kens knows more about political philosophy and legal history than about economics. He is, for example, willing to accept without question the claim that the Chicago grain elevators — fifteen elevators owned by nine firms, with no legal control over entry to the industry — could properly be described as a monopoly with a stranglehold over the port of Chicago. And on railroad regulation, he not only sides with the regulators, he entirely misses the argument on the other side. Consider, for one example, Kens' response to the perceptive comment by Charles Crocker of the Central Pacific that "You can get any man to be unfriendly with a railroad after it is built."

Kens explains the change in attitudes towards the railroad after it was built as due to people discovering too late its disruptive effect on their local communities. If that was all that was happening, one would suppose that at some point communities without a railroad would have noticed what was happening elsewhere and stopped moving heaven and earth to persuade the railroad to come through town. It didn't happen.

The fact that Stephen Field had been born too late to participate in the Constitutional convention was an accident of history that he was happy to correct.

Crocker was making a point about economics, not sociology. Before a line was built, local communities had to offer the railroad good terms to get it to come. Once track was laid, it was a sunk cost — the railroad would keep operating at any price that more than covered operating costs. That created an opportunity for expropriation through rate regulation, special taxes, and the like. California railroads defended themselves by investing not only in rails but in politicians. Justice Field helped out by ruling against special tax rules that applied only to railroads.

Field lived a long, interesting, and controversial life, much of which, including two unsuccessful bids for the Democratic nomination for president, I have omitted. His biography reveals a strong minded man fighting passionately for his beliefs — with complete confidence that, in any controversy, he was right and the other side was wrong.

Field's career poses a problem for conservative critics of the Warren court — should they be for or against him? Like Warren, he was a judicial activist, more than willing to overrule the decisions of elected legislators. Like Warren, he interpreted the Constitution broadly to get the results he wanted;

Field's doctrines of freedom of contract and substantive due process are no more to be found in the literal words of the document than the penumbra of privacy under which the Warren Court legalized contraception and abortion. The fact that Stephen Field had been born too late to participate in the Constitutional convention was an accident of history that he was happy to correct, given the opportunities provided by considerable abilities, patience, and thirty-five years on the Supreme Court. While he did not, indeed could not, carry his revisions as far as many of us would like, they were, on the whole, in the right direction. ❑

***Unrugged Individualism: The Selfish Basis of Benevolence,* by David Kelley. Institute for Objectivist Studies, 1996, 65 pages.**
***Generosity: Virtue in Civil Society,* by Tibor R. Machan. Cato Institute, 1998, 107 + xii pages.**

At the Altar of Ego

Timothy Virkkala

"Words are weapons," wrote George Santayana, "and it is dangerous in speculation, as in politics, to borrow them from the arsenal of the enemy." Ayn Rand disagreed. She gloried in raiding her enemy's arsenal, seizing his vocabulary — particularly his pejoratives — and made a Herculean effort to turn those weapons against him.

Some of those words, such as Marx's "capitalism," no longer stink from their previous use. And many of her arguments have gained important ground. But one set of stolen weapons has proved double-edged, cutting those who wield them: I speak of "egoism" and "selfishness."

Rand certainly got attention by using these two words in a favorable way, and she got some enthusiastic converts, too. But, like previous egoists Max Stirner and Friedrich Nietzsche, she also sowed confusion, and reaped a whirlwind.

The chief problem with doctrines of egoism is all the baggage carried from normal discourse. *By definition* selfishness is bad; *Webster's Ninth New Collegiate Dictionary* defines "selfish" as "concerned excessively or exclusively with oneself: seeking or concentrating on one's own advantage, pleasure, or well-being without regard for others." To recast selfishness as an unconditional virtue entails a denial that a concern with oneself can be excessive and a demonstration that seeking one's own interests without regard for others' interests is in itself a good thing.

Not surprisingly, doctrines of "ethical egoism" rarely do this. Egoists instead attack common notions of "selflessness" and "altruism," often in their most simple-minded forms, and then proceed to redefine "selfishness" in light of their critique of altruism. This quirky dialectic confuses most people — including, from what I can tell, some of the egoists themselves. The confusion wreaks havoc on many levels, from the lofty heights of written rhetoric to the dark depths of divided souls.

This is most clear in Ayn Rand's case, where her advocacy of egoism tended to shunt aside consideration of vast empires of human experience (notably sympathetic understanding and compassion) and was conjoined with an ungracious rhetorical style, a perversity of argument allowing no generosity to her enemies.

Even in setting up her basic terms, egoism and altruism, Rand does not play fair. Egoism, according to Rand, is the philosophy of "*rational* self-interest"; altruism she characterizes as the obligation to sacrifice oneself to other. Note that egoism is defined in terms of one set of ideas (rationality and interest), altruism by another (obligation and sacrifice). But in common parlance, egoism is generally used to mean the practice of sacrificing *others* to *self*. Rand's definition of altruism appropriately opposes *this* concept of egoism.

But when Rand writes of egoism, she is writing about something else. She explicitly opposed sacrificing others to self, and argued strenuously against sacrifice, period. If she were serious about this, one has to wonder why she didn't abandon the term "egoism" entirely, so not to confuse those tempted by the notion that sacrifices are sometimes necessary, even noble. Rand is, after all, a person very concerned about definition, and in other contexts is very careful to define terms univocally. My own suspicion is that she is enamored with the shocked response she hopes to get from her readers. (Rand had great literary flare, which sometimes can work against careful thought.)

By retaining the word "egoism," she condemned herself to perpetual misunderstanding. Her "new concept" was simply to remarry "rational" to "self-interest" and proclaim the marriage both "selfish" and "virtuous." Where does she ever refer to "*ir*rational self-interest"? That is, to what virtually all other human beings mean by "selfishness"? And where does she explore "rational *other*-interest," which is what others mean by altruism?

Yes, she dealt with a few of the problems of *ego* and *alter*, of self and other. But because her rhetorical strategy stacked the deck against altruism, she robbed herself, her followers, and her opponents of the best terms in which to explore interest, conflict, cooperation, competition, dignity, rationality, flourishing, and peace.

Of course, Rand was too selfish — in the common, pejorative sense — to nurture a project whereby people might work together to solve these problems, to engage in philosophical dialogue for mutual benefit. *She* had the answers, *others* did not.

Just as bad, her redefining egoism and altruism had the unfortunate consequence of denying her opponents the honor of rationality. By characterizing all those sympathetic with altruism as proponents of the duty to self-sacrifice she denied that they had any *rational* interest in others. She thus began by insulting those she disagreed with. Rhetoric that begins in insult rarely ends by convincing one's opponents.

The basic trouble with egoism as an ethical doctrine is that it either a very misleading name for a decent doctrine (the doctrine opposing the sacrificing of *some* for *others*), or a very apt name for a despicable doctrine. Ayn Rand advocated the decent doctrine, but by sticking with a rhetorically loaded term she was led, as if by an invisible hand, to behave despicably.

And so it is that Rand's admirers — as you might guess, I'm not one of them, though I admire some of her admirers — are left with a difficult task: to clean up after her perversities while salvaging something of value in her approach. Of course, her designated "intellectual heir," Leonard Peikoff, and his closest associates, don't see the problem at all, thus proving to be her rhetorical and emotional heirs as well as merely her "intellectual" inheritors. But others, such as David Kelley and Tibor Machan, see that there is at least something wrong with "egoism" as Rand construed it. And so Kelley has written *Unrugged Individualism* and Machan has written *Generosity*. Both attempt to put a more human face on the mask of egoism.

The basic trouble with egoism as an ethical doctrine is that it either a very misleading name for a decent doctrine, or a very apt name for a despicable doctrine.

Benevolence as Stock in Trade

The intended audiences for these two short books could hardly be more different. Machan's book is published by the Cato Institute, and seems written with the thoughtful, general-interest reader in mind (albeit one with a well-developed taste for academic philosophy). Kelley's essay, on the other hand, is published by his own think tank, and is addressed explicitly to admirers of Rand. Indeed, Kelley's approach is so geared to his Objectivist audience that it would surely put off most non-Randian readers from the get-go (he begins by quoting Rand's fine, quirky novel, *The Fountainhead*).

Nevertheless, Kelley's book, despite its flaws and limitations, is a better introduction to the problems associated with egoism and benevolence, for Kelley's aim is broader than Machan's; he is concerned with *all* "the virtues of benevolence," not just generosity.

The nut of David Kelley's argument is cracked open on page 22:

> Benevolence is obviously concerned with our relationships with other people. The values we derive from these relationships are obviously enormous; they touch every aspect of our lives. And they are diverse: they range from the products available at the local supermarket to the emotional rewards of intimacy.

These values, Kelley continues, are obtained chiefly by communication and trade. And though the "utilitarian benefits of knowledge and wealth" are pretty easy to see, Kelley also calls our attention to the "more personal values" we derive "from certain people in our lives."

> Each of us has an identity consisting in his goals, his principles and convictions, his character traits, his personality, his interests, his likes and dislikes. As self-conscious beings with a need for self-esteem, one needs to experience one's identity as something real and efficacious in the world. Other people can allow one to experience that identity in a way that is not possible by purely introspective means. In doing so, they provide the value of *visibility* . . . (23)

Kelley expands on this notion of visibility. "A friend, as Aristotle said, is another self, and I see myself in him." Kelley offers the example of the music lover who, in the presence of other music lovers finds enjoyment because the interest in music is "objectified." "I see in others, in their visible excitement and eagerness to discuss the subject, the same feeling that I can otherwise experience only in the privacy of my own mind." Kelley is on the trail of a subtle psychological event here. Simply by interacting with others, my values, when shared with another, are revealed, thus providing "a concrete experience of those traits I value abstractly in myself."

Kelley also notes that the admiration of success in another will likely inspire us simply because that success can be seen as the flowering of one's own values. The values have borne fruit.

Rand's admirers are left with a difficult task: to clean up after her perversities while salvaging something of value in her approach.

Kelley is onto something here. But he doesn't go far enough. Most of us, I hope, have friends who are something more than mirrors to ourselves. At least, I hope we value our friends as something more than convenient mirrors. The company of a person with "foreign" values can be pleasurable, and indeed important to us. By experiencing another as truly *other*, the ego becomes something more — but, even when it cannot follow, cannot emulate that other, the delight and knowledge of the other need not be seen as a danger, or rendered valueless. Friendship can be something more than narcissism carried on by other means.

Kelley relates the benefits of dealing with others to trade, broadly conceived, and shows that not only is trade just, as Rand argued, but that it rests upon benevolence: "The function of benevolence in the pursuit of our rational self-interest . . . is to create opportunities for trade by treating other people as potential trading partners" (26). He refigures benevolence as "a kind of respect for others, . . . the generalized respect we should have for others as beings capable of virtue and achievement" (30). And he gives a cogent explanation of how benevolence differs from justice:

> Objectivism regards two kinds of mental facts as virtues. One is the identification of what exists, the recognition of facts as facts, the commitment to understanding things as they are, objectively. This is the essence of

rationality. The other is the imaginative projection of new ways to exploit the potential of what exists and thus to create things that will serve our purposes. This is the essence of productiveness. The principle of rationality is: "It is." The principle of productiveness is: "What if?" (32)

Kelley argues against the idea that benevolence should temper justice, that mercy should moderate the chief social virtue. He takes pains to ally benevolence with Rand's virtue of "productiveness." And, in service to this cause he says much of value.

> The fundamental requirement of productiveness is to support oneself in some form of productive achievement. But productiveness obviously does not cease to be an issue once one has found a job. It is an ongoing commitment to create value in the world, to build, to grow, to expand one's skills and the scale of one's endeavors. In the same way, benevolence does not cease to be an issue once one has formed a trading relationship; it is an ongoing commitment to realize the potential of that relationship. . . . It is an exercise of benevolence to give one's spouse the benefit of the doubt in the midst of an emotional conflict, attributing the better motive rather than the worse. And virtually any relationship has potential beyond the values that we have already derived from it, a potential to which we ought to remain alert. (36)

This is wise counsel, and counsel that has been too long missing from the discourse of Rand's admirers. Tibor Machan offers a similar perspective:

> Generosity, as the Greeks saw, is not tantamount to altruism, which means putting others first. To be generous means to extend goodwill toward others because one's own happiness is thereby enhanced, because one lives a fully human life if, among other things, one lives generously. (p. x)

The bugaboo of altruism is still there — to those touched by Rand it may never leave — but the most significant element in this passage is the idea that benevolent actions flow out of a self-regulated life, out of *strength*. And this notion is latent in much of Machan's book, as it was in Rand's writings. Generosity is natural to successful man, and those who succeed in life naturally help others, and help others generously.

We live in a time when charity has been sapped by the state, and when the responsibility for choosing to marshall one's resources has been severely curtailed. And it is against the prejudices of this age regarding helping others — the prejudices that buttress the chains placed on those who would be generous — that Machan writes. He states his case against the modern redistributive ideology very strongly: "Those who demand that 'generosity,' 'charity,' 'compassion,' or 'kindness' be legally secured by coercive governments . . . actually destroy the foundation of those moral virtues, by changing them from virtues into enforceable duties" (53). Coercion has consequences, most importantly of perverting and diminishing the idea of responsibility. Against this onslaught of paternalism Machan pits a reasonable individualism:

> [H]uman beings are by nature the sort of living beings whose flourishing requires self-directed, creative rational thought and conduct. They possess the fundamental attributes of the capacity and need for autonomy and moral responsibility. They are indeed social animals, yet their sociality is to be understood as involving critical selections from among alternative social arrangements (at least once they reach adulthood). . . .
>
> [I]ndividualism stresses the fundamentality of human moral agency in the life of every human being. (60)

Though Rand and her admirers talk about how "life" makes "values" possible, they quickly switch away from any careful examination of values, and lurch into definitional matters that swallow the subject whole, in big Platonic gulps.

Instead of Indifference

But just how important *is* benevolence?

Kelley is at pains to explicate benevolence as a major virtue partly because Rand and her Objectivists have so often been tarred with the brush of egoism as commonly defined, as the selfish sacrifice of others. Because Objectivists have not answered questions like "is benevolence a major or minor virtue?" Kelley believes that

> benevolence remains a kind of afterthought, a neglected virtue, in the Objectivist ethics. Such neglect has consequences. It contributes to the perception of Objectivism as a cold and even a cruel doctrine of "rugged" individualism. The critics who accuse Rand of advocating the greedy pursuit of one's own gain at the expense of others are grossly misrepresenting her views. But the misrepresentation sticks because the Objectivist critique of altruism has been much more prominent than the Objectivist defense of benevolence. (3)

This is at once too hard and too easy on both Rand and her followers.

It is too hard in that it offers no context for the Objectivist "critiques" and "defenses": the intellectual climate of the age surely has warranted many critiques of sacrificial ideologies, since sacrifice has indeed such a major part in so many moral and political agendas — but how many defenses of benevolence really seem necessary? Doesn't everyone talk about benevolence these days? Why a *special* defense?

It is too easy in that the misrepresentation of which Kelley speaks is credible because the characterization of predatory egoism, though untrue to Rand's doctrine, was largely true of her argumentative method — the characterization may be wrong but it "feels" right. Further, mightn't the fact that Objectivists have spent little effort to rescue the idea of benevolence from the "taint" of altruism indicate that they aren't very interested in benevolence, and thus "really" selfish in the commonly understood sense?

Be that as it may, the question remains: is benevolence a major, "cardinal" virtue, like Aristotle's justice, or merely a minor one, like Epicurus's cheerfulness?

Kelley defines benevolence as "good will towards others."

> It is a positive attitude towards people in general, a desire for their well-being and for peaceful, cooperative relationships with them. It is con-

trasted with hostility, malice, envy, or other forms of malevolence. It includes such traits as kindness, generosity, sympathy, charity, and tolerance as elements. (1–2)

This is a good working definition, though the addition of the phrase "people in general" narrows the meaning too much, and sweeps under the rug the most obvious thing about benevolence and malevolence: that most of us tend to direct our benevolence to some people and skew our malevolence to others. Indeed, this is one of the major indicators of in-group/out-group orientation, the propensity of people to form groups and engage in conflict. One of individualist liberalism's chief projects is the regulation of this very human dynamic. Egoists have little to say on this important subject; they focus on self/other, not us/them. (I suggest that the chief reason to focus on self/other is to break down the perversities associated with us/them.)

Furthermore, Kelley's definition pictures our relevant intentions towards others like this:

Benevolence = Good

Malevolence = Bad

He pays scant attention to the requirements of justice to treat enemies harshly. Also missing — missing totally — is the acknowledgement of another attitude towards others: indifference. Indeed, the diagram should go something more like this:

Benevolence

Indifference

Malevolence

with no across-the-board judgments leveled at any of them. There are bad forms of "treating others positively," as anyone who has suffered a sycophant knows. Indifference is our usual attitude toward the vast hordes of humanity that we pass on the street — even working up a benevolent little smile to *every* person we pass would become too much of a burden. (Indeed, to be mostly indifferent to most people is one of the blessings of civilization. There is not only a division of labor in an open society, there is a division of caring, too.) And it is appropriate to behave with malice

FORSAKE THE DIGITALIZED MIND!

Please read Peter Erickson's *The Stance Of Atlas: An Examination Of The Philosophy Of Ayn Rand.* More than a criticism, it answers many of the questions which Rand had unsuccessfully attempted.

Here is what reviewers are saying of this book:

Writes **Dean Turner**, Professor Emeritus in the Philosophy of Education at Northern Colorado University and author of several books on philosophy and science:

Mr. Erickson does not argue against capitalism, nor is he a skeptic of reason. But he does refute several of her key doctrines. He reveals important connections between her philosophy and Lenin's Dialectical Materialism. He surmises that she changed those parts which were inconsistent with laissez faire capitalism and the inviolability of the law of identity, retaining such features as its atheism. He also shows the connection between her thought and Einstein's theory of relativity.

Mr. Erickson argues that Rand inconsistently held a view mid-way between monism and dualism or pluralism. Ayn Rand offered a new theory of the concept based on the idea of similarity. Mr. Erickson shows that significant parts of this theory are fallacious. She believed that her philosophy held the key to the solution of the problem of induction. He not only refutes this belief but shows how the problem was solved in large part by the late John Cook Wilson, Professor of Logic at Oxford University. Mr. Erickson also refutes Rand's attempt to solve the problem of universals; then he provides his answer.

In her theory of ethics, Rand attempted to solve the famous fact-value problem by arguing that the concept "value" is inexplicable in the absence of the concept "life." Mr. Erickson shows that, at most, her theory can account for those ideas dependent on physical survival and minimum mental health; that it cannot account for much of the higher values. Like Nietzsche, Ayn Rand explained the popularity of socialistic solutions based on the assumption of altruism, which she believed to be impossible. Mr. Erickson shows that her failure to understand altruism fully was due to an error in her theory of the concept. The result of her radical inconsistencies is that, despite her exaltation of individualism, she and her followers have ended up trying to institutionalize her philosophy. No deviations allowed!

Writes **The Book Reader**:

It's a fictitious cafe but it's alive! With four persons in animated table-top talk. Besides it's raining outside. Perfect for honoring and criticizing Ayn Rand. Erickson has produced an ambitious and penetrating look at *Atlas Shrugged*, the hugely popular book by objectivist philosopher Rand. He probes her philosophy, and answers some problems she, too, addressed. The format is stimulating: a dialogue, much like Plato or Aristotle. With a history professor, a lady lawyer, a pretty millionairess and a philosopher. The reader observes the convivial chat which, says the author, shows the *conflict* of ideas more directly. Erickson eases into high gear slowly, with dalliances about Rand's writing career, politics and competition. Pragmatism, behaviorism, existentialism and Marxism were big. But students hollered 'where's the beef?' Rand offered moral absolutes and a new ethics based on reason. Erickson's cafe thinkers ponder Nietzsche, value and the three virtues perfected in *Atlas Shrugged*: Rationality, Productiveness and Pride. Other discussions of perception, consciousness, time and space. The author accepts Rand's...position on free will. But he disputes her 'universals,' her take on atheism *vis a vis* philosophy. And he unveils a philosophy that is more individualistic: factivity. It comes up in a discussion of Time, Space, Matter and Mind. 'The only thing that {all*} facts have in common is either that they are, were, will be, or might be.' Philosophy over coffee and tea? Rand would be pleased. And provoked. Join in!

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towards some: those who, by their actions, put themselves at war with peaceful humanity deserve our wrath.

Whether being benevolent is virtuous or not depends a great deal on the mostly self-regarding judgments of the virtue of prudence, and the partially other-regarding judgments of the virtue of justice. In short, it depends on the circumstances.

Perhaps Kelley's case for benevolence should be viewed as one views Epicurus's case for cheerfulness: you simply discover that life is so much better when lived as a mostly cheerful, mostly benevolent person; cheerfulness and benevolence are good, default habits.

But to make the case for benevolence as a cardinal virtue requires a pretty sophisticated understanding of what a virtue is. Kelley, not surprisingly, consults Ayn Rand.

Value, as every Objectivist has quoted umpteen million times, "is that which one acts to gain and/or keep" while "virtue is the act by which one gains and/or keeps it" (*The Virtue of Selfishness*, p. 19). While Rand's definition of value may be a bit sloppy, her definition of virtue is just plain wrong. Virtue is not an act. It is a studied propensity to act in appropriate ways. Aristotle said it was a good habit, a habit likely to yield good effects (happiness, mainly). Aristotle's understanding of habit adds the important element of learned behavior, and the idea that once learned the sense of proportion and balance that virtue entails becomes much easier. (Virtue is like riding a bicycle: once you've mastered it, a lot of complex judgments become second nature and seemingly spontaneous.)

Machan's notion of virtue is closer to Aristotle's than is Rand's, and this is mostly to the good. Whereas Rand emphasized rationality and deliberation, Machan emphasizes the habitual element: "What makes [generosity] an authentic moral virtue is that the decision to give, the sense that giving is the right thing to do, is itself produced not by deliberation but by a cultivated inclination or habit" (46). More interestingly, Machan, much more clearly than Kelley, sees that generosity is, at its core, about "going beyond the call of duty" (11), about giving more than can be required and, in a sense, is deserved.

Kelley approaches the whole subject from a different direction:

> In order to achieve our values, we have to take account of certain basic facts about the human condition. That is why we need virtues in the first place: we cannot achieve our ends by magic, whim, or random action; we must take account of facts about human nature, the world in which we act, and the causal relationships between actions and results. A virtue involves recognition of such facts and the commitment to acting in accordance with them. (20)

On the face of it, there is nothing wrong with this. But Kelley, following Rand, descends into the realm of metaphysics to find a foundation for ethics. For instance, from the obvious truth that humans can learn and adapt, Rand distills the notion of a "benevolent universe," where man is suited to the task of living, and where human suffering is "metaphysically unimportant." I feel the need to repeat this: suffering — which is built into the warp and woof of life, and provides one of the most important spurs for human action, and indeed provides the background for the evolution of life — is, for Rand, "metaphysically unimportant"! Kelley's discussion of this wacky notion (his third chapter) is interesting from a pathologist's perspective, but hardly convincing.

The problem with Rand's discussion of "importance" is that it has little to do with how people actually make decisions — that is, it has little to do with how people actually determine what things are important and what are not. Rand consistently ignores the marginalist idea that the key to understanding value is the *small* choices. But Rand was after BIG choices and BIG ideas, and preferred to conceive and bear these BIG ideas in the rarefied airs of metaphysics, not build them out of the raw material of everyday life, that is, upon the actual decisions and problems that people face and solve every day.

Though Rand and her admirers talk about how "life" makes "values" possible, they quickly switch away from any careful examination of values as exhibited in an economy or an ecosystem, and lurch into definitional matters that swallow the subject whole, in big Platonic gulps.

Little of this metaphysical baggage encumbers Machan, who saves himself a world of hurt by refusing to attempt to make generosity (or any other

"virtue of benevolence") a major virtue.

Rationality and Red Herrings

The Objectivist fixation on "ultimate" matters, rather than on "marginal" or incremental matters, yields the most confusion in the refutation of "altruism."

Rand and Kelley deny that benevolence involves altruism, though this denial is less interesting when one realizes that they are defining altruism as the duty to sacrifice self to others. Kelley argues that "under any plausible understanding of the term, altruism does involve self-sacrifice and is thus incompatible with egoism" (6). He is well aware that most philosophers treat altruism as "any act that is 'other-regarding,' directed to the good of another" (6). And he admits that many of these "altruists" believe that "we may properly act in our own benefit on other occasions."

So, why does this common-sensical balancing act between self and other strike Kelley as wrong? Answer:

Most of us, I hope, have friends who are something more than mirrors to ourselves. At least, I hope we value our friends as something more than convenient mirrors.

"Insofar as the things we do for others are assumed to be in conflict with our own interest, then they cannot be justified by an ultimate standard that is egoistic" (7). Kelley does not for a moment consider abandoning this notion of "egoism."

Instead, he brings up the issue of conflicts of interest, following Rand's lead. Rand has famously argued "that there are no conflicts of interest among rational men." Less famously, she argued that without "an ultimate goal or end, there can be no lesser goals or means. . . . It is only an ultimate goal, an end in itself, that makes the existence of values possible" (*The Virtue of Selfishness*, p. 17).

Many interests harmonize through cooperation. When cooperation succeeds repeatedly (as it does so often in an open society) the evolved interests of the would-be antagonists dramatically increase, not infrequently beyond their wildest dreams. The trick is to get people to try peace and cooperation, and the antagonistic interests (implied in common scenarios like "I steal from you, you bully me") vanish as harmonized interests coincide ("I gain by helping you provided you help me").

There are no conflicts of interests between rational men only in the sense that rational men can can almost always (usually? sometimes?) find some interests that coincide. But the costs of conceiving of different, *alternative* interests, of accommodating others' wishes, talents, indeed, *very presences*, are strangely swept under the rug in Objectivist analyses of this problem. (They'd save themselves a world of confusion if they'd bother to distinguish among the many meanings of "interest.")

Though Kelley later explains (inadequately) Rand's contention that "the interests of rational people" do not "conflict in any fundamental sense" (8), in the adjacent passage to the above quoted one, he adds a problematic assertion:

> A commitment to one's own life and happiness, Rand observed, is a full-time job. Any action not serving that end is at least a mild form of self-sacrifice, a use of our time and effort for things that do not benefit us, or that provide a lesser benefit than we might obtain by other uses of our resources. (7)

This all suggests that each of our "self-interests" is a unitary, closed thing, and that we can calculate the bottom line for every action in terms of an ideal distribution of time and resources.

But this is simply not the case, as anyone who thinks about it for a few minutes quickly realizes. We live our lives with immense amounts of ignorance. We cannot be certain whether this investment in knowledge, or that investment in skill, or some savoring of pleasure, will lead down the road to more happiness or stability or what-have-you. Though we often have good indications of the benefits and costs of our acts, much of our lives proceed on hunch. And with this much apparent indeterminacy, we have no *a priori* grounds to throw out of court any kind of act, "selfless" or otherwise.

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Does an act of kindness to a stranger, one that might take up some of our precious time, *necessarily* lead to the sacrifice of our purity of essence, our self-interest? Despite Rand's "full-time" job assertion, the answer is: apparently not. Kelley lists the many ways it "pays" to be kind to others, and the many good habits that are involved with being benevolent. He even provides a rather lengthy list of benevolent acts in Rand's own novels, benevolent acts that *seem* to be chiefly other-regarding. He tells us that they make sense "egoistically."

There are bad forms of "treating others positively," as anyone who has suffered a sycophant knows.

So what's the upshot? A benevolent act — which might distract one from the unavoidable "job" of life — is fine, and makes sense if it feels right as part of a person's partially self-constructed, partially socially-influenced idea of self-interest, and if that "feel" is not betrayed by future setbacks, information, or re-evaluations.

But what Kelley does not acknowledge is the fact that the same goes for chiefly *self*-regarding acts. Should you go to law school? Go into debt? Spend a weekend at the beach? Well, if it feels right when weighed against other opportunities, and the costs aren't too high . . . but Objectivism isn't going to give you the answers, and you may live your whole life without ever getting certainty on the matter.

So what's the point of egoism? It can't tell you which of the obviously self-regarding and other-regarding acts make sense "in an ultimate sense," and seems nothing more than a rhetorical flourish with no more philosophical interest than Polonius's "to thine own self be true."

Say you can choose between going to a movie or giving twenty bucks to an acquaintance hard on his luck. You have a choice between a self-regarding act and an other-regarding act. If you are moved to give the twenty bucks, simply because it pleases you (you like the smile on your friend's face, your worries about his prospects are somewhat eased, etc.), one could say that self-interest and other-interest has coincided. Kelley finds this a bit problematic, for some reason. He puts the question again: "which end is ultimate? Is the ultimate intended beneficiary of my action myself or the other person?"

> Objectivism holds that the agent should be the ultimate intended beneficiary of his own actions, helping others only when their good is a means to his own, or an ingredient in it. . . . Genuine altruism, by contrast, presumably requires that the other person be the ultimate intended beneficiary of at least some actions — that we act for his sake, as an end in itself. And this implies a willingness to act for his sake even if it did *not* serve our interests. (7)

But how does one determine that one is the ultimate beneficiary of an act? Kelley gives me no satisfactory answer to this. It seems to be apparent to him, but it is not apparent to me. Indeed, how can we be anything but the ultimate beneficiaries (or victims) of our acts?

That is, is the "ultimate" beneficiary of an act, according to Rand and Kelley, anything other than the valuer herself? When *isn't* it? Play the game of altruist moralist (A) and egoist moral agent (B):

A tells B that she should place the bulk of her funds in an interest-bearing account, and B responded with a "why?" A's answers would be pretty straight-forward, likely put in the form of a prophecy: B would really appreciate her financial freedom in the future, and would have even more goods available to her, more happiness. Though she might not now be thinking of the future, in the future she will regret it if she hadn't prepared for that future.

The argument here does not merely involve thinking of long-term effects, but imagining future changes in values, and imagining the future person that she will become. It is a very imaginative egoism that, in the imagining, helps create the future ego.

But when A goes beyond concerned advice to push altruistic activity, entreating B to "give all to the poor," this argument for expanded egoism cannot be used. But something like it may be used.

"Think of how they feel, miserable, hungry, bleak . . . you can help them feel better! There is nothing quite like helping people find hope . . ." Here our altruist engages in eliciting sympathy from our egoist, enticing her empathically to imagine the perspectives of others, and in so doing making *their* values *hers*, simply out of fellow-feeling. In addition, the reward to our egoist is the pleasure in being a part of a process that makes others feel good.

This is a basic part of human nature. The capacity to empathize is used by moralists to persuade people to act in various ways (many, of course, not all to my liking). By empathy and enticement "altruists" daily convince "egoists" to engage in benevolence.

True, sometimes the benevolence is argued for by bluster, too: "It's your duty!" they scream. The subtext here is that you aren't a good person if you don't do as altruists say. The threat is the withdrawal of their approval.

But the fact that altruistic hectoring is offensive has little bearing on the whether B should help C, D, and E. Everybody helps somebody sometimes. Should our level of benevolence be increased? Should our attention to our benevolences be more tightly focused?

Following Rand, Kelley descends into the realm of metaphysics to find a foundation for ethics.

Should we treat our kindnesses more consciously and less symbolically?

These questions can be answered without recourse to talk of "ultimate standards." Each of us cannot help but be the ultimate bearer of the responsibility to choose. If B decides to devote herself to aiding the poor, and in so doing finds happiness, who would naysay her? If C decides to spend his whole life painting landscapes on eggshells, and in so doing makes a tolerable living and finds much joy, who will complain? The standard of choosing is a question of balance, not a matter of who benefits; one well-balanced life can benefit more than just that single self.

People's moral constitutions differ, and balance is possible with differing levels of involvement with others, from

near zero (in the case of some geniuses), to a near total dedication to others. The extremes are rare, and rarely balanced, but we shouldn't prejudge these possibilities.

Benevolence in a Free Society

Kelley offers a provocative argument about the problem of "free riders" (those who gain benefits without paying for them), and explores the motives for behaving generously. The most interesting of these motives, to me, is the idea of generosity as flowing from a fullness of soul. "Sometimes we act generously as an expression of our own happiness" (44). This aspect of individualism is not very well understood these days.

Machan also understands this. And, like Kelley, he argues that all virtues must work in tandem: "Generosity, like other virtues, is not by itself a reliable guide to action. It requires other virtues, as well as a kind of moral monitoring . . ." (26). Machan's discussion of the idea of a cardinal virtue is a good contrast to Kelley's explication of Rand's short list:

> The best candidate for some general, overriding virtue is what has been called right reason, rationality, or, perhaps, wisdom.
>
> In traditional Christian moral philosophy, the four cardinal virtues are prudence, justice, temperance, and fortitude. In some ways this seems quite right — first one needs to take care of one's life in general, then one needs to be respectful of others' dignity, then one must live in measured ways, and finally one must have the backbone to stick by all these virtues. "Right reason," or "rationality" or "good sense" — prudence in the sense of practical rationality, thinking things through before one acts, whether a long or short time before one takes the action in question — appears to be the most vital of the virtues, since it is the first thing one must have to guide oneself through life with reasonable chances for success as far as one's overall conduct is concerned. Right reason is nothing less than the act of keeping in conceptual mental focus. . . .

Machan also takes greater pains than Kelley to distinguish generosity from charity. Alas, I see no evidence that he understands the Christian concept of love. I am not convinced that charity is, as Machan claims, inextricably bound to duty. It is quite possible to stretch empathy beyond its normal bounds, and care sincerely, without any shackles of obligation or spurs of threat. Indeed, this may be practiced by anyone willing to learn the discipline. Anthony Burgess called it the "game of love," and it need not be tied to the darker elements of the soul. But then, since this concept of concerned love is honored by Christians themselves mostly in the breach, perhaps we can forgive Machan for this.*

There are no conflicts of interests between rational men only in the sense that rational men can can usually find some interests that coincide.

The main thrust of *Generosity* is, of course, social. Machan argues that generosity can only flourish in a free society, by which he means a society with a rule of law and no coerced "charity"; that is, no welfare state.

This is a tall order. Machan's starting point is easy to grasp: "Those who want to prohibit all vices — say, by transforming law enforcement agencies into a kind of massive vice squad — fail to appreciate that if vice is banned, unambiguous virtue becomes impossible: there will be no possibility of crediting people for making right choices" (3). Adding the element of coercion to the distribution of goods from the well off to the less well off robs the honor in the choice to be generous, in the process "demoralizing" society. (53)

But does Machan respond adequately to the common charge that generosity was not enough to help the poor in the past, and would certainly not be enough tomorrow, were the welfare state somehow to whither away? The closest he comes to handling this is his answer to an objection by the author of the classic essay, "Libertarianism Without Foundations":

> Contrary to Thomas Nagel . . . it is not "unreasonable to ask" that individuals "be generous, when asked to give voluntarily." Nagel says that leaving generosity to individual initiative "is an excessively demanding moral position because it requires voluntary decisions that are quite difficult to make. Most people will tolerate a universal system of compulsory taxation without feeling entitled to complain, whereas they would feel justified in refusing an appeal that they contribute the same amount voluntarily."
>
> Actually, it is a mistake to think that something is excessively morally demanding "because it requires decisions that are quite difficult to make." Consider that it is quite difficult to make the decision to abstain from hitting someone who has insulted or offended, yet we do require that persons restrain themselves in the heat of anger, however difficult that may be. It is surely no excuse under the law that one's passions were inflamed, at least in most modern systems. . . . [T]here is ample evidence of moral resolve, as when folks keep promises they find a nuisance to honor, or remain faithful when tempted to betray, or embark upon difficult tasks that they would rather avoid. All the vices are tempting, but often enough people resist them. (64)

Curiously, though I find more to agree with in Machan's book than Kelley's, and find it much less irksome, it feels less substantial. And the fault may be in the very manner of presentation that offered me respite from Kelley's in-groupy tone. Machan concentrates much of his attention on arguments raised by philosophers most skeptical of the individualist vision of a society with limited government. This makes for an oddly constructed book — Machan first takes on one author, then another — and though the arguments do add up to something, the positive case is not sustained at the requisite level of intensity. Machan comes off as being defensive.

This manner is least successful in his chapter on the ways the modern welfare state seeks to "channel" and "encourage" generosity. Here a more

* Or perhaps the reason Christians often act less charitable than their calling by Jesus would lead one to expect is that their love has historically been balanced by their hates. As William Graham Sumner noted, in-group love feeds off of out-group hate. And, in the gospels, Jesus' antagonism to his enemies sets a stark precedent. For a recent treatment of this, see Elaine Pagels's *The Origin of Satan* (Random House, 1995).]

straightforward, issues-oriented approach would have worked better. The one policy proposal that Machan addresses in this section (entitled "Blocked Exchanges") is the proposal to ban the selling of blood. Machan can't concentrate on this, however, and gets distracted by numerous philosophical points. If Machan had stuck to the issues themselves, and forgotten Michael Walzer, John Rawls, Kurt Baier and other contemporary philosophers, he might've been able to present a coherent argument about the trade-offs between generously and mercenarily giving blood.

Of course, Machan is not writing policy analysis — though one might've expected him to give it a shot, seeing as the book is published by Cato Institute, the premier libertarian policy factory. Perhaps if he had covered more important issues, such as those concerning scientific research, Medicare, the Food and Drug Administration, this section of his book would have been more persuasive. And some of those persuaded may have been philosophers themselves.

Aside from the basic sweep of his argument, however, Machan provides quite a few interesting observations. For instance, can government be generous? No; not in the way people usually think. Though perhaps there is one way: "The manner in which a government can be generous is by being . . . frugal and setting aside funds for emergencies without having to raise additional or special funds from citizens" (63).

The Things Most Needful

Both Kelley and Machan leave important things out. Kelley's book would profit from a wider literary perspective and consideration of other ways of living and thinking about life. One suspects this results from Kelley's choice to direct it almost exclusively to the struggling Objectivist movement. But what Machan left out is worth pondering. I can think of at least two things that would have helped his book immensely.

One is an appreciation of the degrees of self-deception involved in the way most people handle questions of virtue and vice. Though Machan recognizes that there are bad forms of generosity, he makes little of how hollow many forms of it are. The Pharisaic posture of so much of the "giving" we see today — and have seen throughout the ages — is a disheartening spectacle that no book on benevolence should ignore. Furthermore, this egotism finds its fullest expression in the political realm, bolstering the case Machan has set out to make. Truly, the "whitened sepulchers" of this age appear most prominently on our TV sets, mouthing words such as "I feel your pain."

Machan argues that generosity can only flourish in a free society, by which he means a society with a rule of law and no coerced "charity"; that is, no welfare state.

The other thing regrettably missing is a feel for the modes of rhetoric. This becomes noticeable early on, in the brief section in the first chapter on "Generosity as a Pseudovirtue." Here Machan argues against Hume's account of benevolence as borne from sympathy. Machan twists this into an argument about free will, completely missing the most promising avenue opened up by Hume: the notion that morality is a tool that we use to influence our own behavior and that of others. (Reason may be a slave of the passions, as Hume observed, but this does not mean that we do not reasonably use all the tools at our disposal to balance conflicting passions.)

We are daily bombarded by the slings and arrows of contemporary casuistry. Any full assay of the benevolence should give some accounting of how people use language and behavior to maintain all the decencies and pieties of our age. The philosophical status of each method of persuasion would be useful, to say the least.

The clash of the methods of moralizing cuts to the heart of the problem of egoism and altruism. What is key is not that egos must regard their lives as a "standard for action," or as somehow "ultimate," but the extent and the manner to which they (we) can apply "rationality" to deciding how to act. *Which* offered reasons for action should move us *when*? And which threats and which enticements should be added to our own moral arsenals? The moral philosopher must don the mantle of master of rhetoric.

In any case, the rhetoric of "egoism" remains unpersuasive to most people. I see no evidence that its stock is rising. Its origin as rhetorical trick in an age-old debate has not fit it to thrive, though it will no doubt survive for quite a while.

Unfortunately, this egoism will continue to scuttle many a reader of Ayn Rand away from a proper balancing of ego and alter. And, though used by them to shore up the idea of liberty as a balance among competing persons in society, the worship at the altar of ego is a vain one, and will likely remain an impediment to establishing the justice of personal freedom and individual responsibility. ❑

Opening quotation from George Santayana, "The Unknowable," Herbert Spencer Lecture, Oxford, 1923.

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Conquests and Cultures: An International History, by Thomas Sowell. Basic Books, 1998, 493 pages.

How and Why Peoples Differ

Jane S. Shaw

People respond to incentives. If you offer more money for a job, you are likely to get more applicants. If young women can obtain enough money to live independently by having babies, some will try to do so.

So I find claims that disregard such incentives to be disconcerting. For example, some people claim that illegitimacy is high among urban African-Americans because of traditions they brought from the rural South. And that the Russians haven't made the transition to market economies because they "aren't very entrepreneurial."

Even so, I have to acknowledge that different groups will react differently to the same situations. Thomas Sowell has persuaded me that incentives and related economic principles are not the full story of human behavior. Sowell is a brilliant, Chicago-trained economist, who has for decades been hammering home the point that other forces affect behavior, and further, that these forces are combined in distinctive patterns in different cultural communities.

Conquests and Culture, the latest of Sowell's explorations of cultural differences, concentrates on the interaction of groups through conquest, as his previous book, *Migrations and Culture*, explored interactions of peoples who migrated around the world. In these books Sowell challenges today's prevailing views about group behavior. It is common to claim that any differences in the accomplishments of different groups are due to the effects of "society." It is also popular to view cultures as something quaint to be "celebrated" and "preserved."

Sowell argues that neither view reflects reality. While humans share many characteristics, the evidence shows that individual cultures are often dramatically different in their traits, habits, goals, standards, and accomplishments and that these characteristics can persist for centuries. Nor are cultures "museum-pieces," says Sowell, but, rather, the "working machinery of everyday life" (ix–x). Cultural differences matter.

Cultures are the collective transmissions of human capital. People with one culture will not necessarily respond to incentives the same way as those of another. For example, when pioneering landowners in Brazil desperately needed laborers, they offered a share-cropping arrangement that would lead to land ownership in a few years. Not many Brazilians took them up on the offer. However, halfway across the world, Japanese migrated to Brazil to accept it. (335)

Cultures are not the same as "ethnic groups" or "races." A single race or even a single ethnic group often encompasses vastly different cultures. An overview of Scottish history makes this clear. (52–63, 72–78)

Scottish highlanders, who lived in the remote mountain areas of Scotland when the Romans conquered Britain, missed the conquest, and therefore lost out on much of its civilizing aspect. While the Britons began the long slow process of developing a complex and productive culture — and overcoming "one of the most catastrophic retrogressions of whole peoples ever seen" (336) — when the Romans departed, Scottish highlanders remained poor and isolated, speaking their own Gaelic dialect, and pursuing primitive agriculture.

Gradually, however, some of these Scots left the mountains. When the British opened up Ulster County, Ireland, to settlement in 1610, some went there. Later, emigrants from Ulster then went to the United States and settled in Appalachia and Pennsylvania, where they became known as "Scotch-Irish." Yet many of the traits that distinguished them in the old world turned up in the new. Many were poorly educated, sometimes living in filth, and had a tendency toward violence. They were a far cry from the lowland Scots, who settled in the United States later in the nineteenth century. These Scots had long lived in more urban areas, were more involved in commerce, and had received the benefits of "anglicization." Indeed, in the eighteenth century, lowland Scots became world leaders in their intellectual contributions to science, philosophy, and other disciplines.

Sowell notes that "for centuries, sharp differences between the behavior patterns of white Southerners and white Northerners (especially New Englanders) were commented on by contemporary observers of American society and by scholars alike, in terms faithfully mirroring sharp differences seen in Britain between those from the main part of England, on the one hand, and the Irish, the Welsh, the Ulster Scots and the 'borderers' on the other. . . ."(78)

Sowell writes about the Scots as part of the story of the British, one of five groups that make up the volume. In addition to the Britons (conquered by the Romans and later conquerors of others), he discusses Africans (conquered by Europeans, Middle Easterners, and other Africans), Slavs (primarily conquered by Western Europeans but also by Asians), and Western Hemisphere Indians (some of them conquerors in their own hemisphere but later conquered by Europeans).

In an earlier book, Sowell had mentioned the positive impact of the Roman conquest on Britain (Winston Churchill said, "We owe London to Rome." [25]) In part, *Conquests and Cultures* is about that impact, as it is also about the horrors and the human toll of conquest. By and large, however, Sowell emphasizes not so much the conquests themselves as on the cultural interactions and their effects.

Sowell makes clear that rich, complex cultures develop through the interaction of peoples, whether the interaction occurs through conquest, trade, or travel. People borrow what works from other cultures, whether it is tools, customs, products, or ideas. Those groups that stay isolated remain primitive and, not incidentally, are more subject to conquest.

To a large extent, geography sets the stage, determining whether a group will, on balance, be conqueror or conquered. The ability of Western Europeans (after the Middle Ages) to traverse the globe and dominate more primitive cultures all started with Western Europe's geography. Since water transportation was easier than land transportation during most of human history, the most important factors were Europe's many ports, its internal rivers, and its access to oceans.

To a large extent, geography sets the stage, determining whether a group will, on balance, be conqueror or conquered.

Sowell introduces each segment of his story with geography. The fundamental problem that kept sub-Saharan Africa backward was its lack of natural harbors on the ocean coasts and in interior rivers. Even where rivers reach the ocean, the ports are filled with sandbars that prevent boats from reaching land. Navigable interior rivers are few, and those that do exist often have internal barriers such as rapids and waterfalls. (Sowell points out that although Africa is the second largest continent, its coastline is shorter than that of any other continent, and that only two percent of its land consists of islands and peninsulas, compared with more than a third of Europe's.)

In a similar way, internal barriers explain the backwardness of Eastern Europe. For Russia, the lack of rivers that reach important bodies of water (such as the Mediterranean Sea) curtailed trade, while for the Balkans, mountains blocked trade and kept the inhabitants isolated, just as similar conditions held back the Irish and the Scots.

The Western Hemisphere had its own unique handicaps. Rivers were ample, but until Europeans arrived, land transportation was largely limited to what humans could carry. The continent lacked draft animals such as horses or oxen needed to transport goods on land(347–348). Another factor, says Sowell, was that the land masses, and thus transportation pathways, of the Western Hemisphere tend to extend from north to south. In contrast, goods in Europe could more easily move east and west. This matters because it is easier for agricultural discoveries and other innovations to spread along the same latitude, where the climate is similar, than along the same longitude, where climate varies dramatically. "Thus rice cultivation could spread across Asia to Europe and ultimately to North America, but bananas could not spread from Central America to Canada," Sowell writes. (253)

Sowell does not hesitate to identify some cultures as superior to others, another politically incorrect stance. But to be primitive early on does not mean that you will be primitive forever. Even though Sowell calls the departure of the Romans a catastrophic "retrogression," it is clear that the British bounced back. In large part, their progress came about because they were receptive to talent from elsewhere. Italian shipbuilders, German miners, and Dutch engineers helped to lay the foundation for the Industrial Revolution. In 1618, Sowell writes, London had 10,000 "skilled foreign workers." And earlier, in medieval England, when few Britons were capable of handling complex finances, "outsiders" (Lombards and Jews) dominated financial markets. The Jews were expelled in the 13th century, and restrictions drove the Lombards from finance in the 14th century. But by that time, British financiers had learned the ropes. (30–31)

One of the most striking things about Sowell is his impartiality. Inured to the horrors of conquests, he describes each side unemotionally, without favoring one or the other. For example, he makes clear that the Spanish conquistadores acted cruelly toward the Incas and Aztecs, but no worse than these people acted toward their own people and those they subjugated.

But Sowell isn't soft on the conquistadores. After all, not only were they sometimes cruel, but they virtually enslaved the Indians, forcing them to work the mines so that the Spanish overlords could send riches back to Europe. The Spanish colonists were primarily armies of men maintaining control of an enslaved population. In contrast, in the northern parts of the New World, Europeans brought women and children and established permanent settlements that were self-supporting.

But was the North American model "better"? Sowell points out that there the conflict between Indians and colonials went on for three hundred years and was often violent. As settlers moved West, they pushed the Indians further and further into marginal areas, eventually forcing them into a socialistic system of reservations, with predictably appalling poverty and waste of human capital.

But Europeans cannot be blamed for the entire sad story of the Indians. Diseases inadvertently carried to the new world by the Europeans racked Indian populations. One estimate is that the Indian population in the United States declined by two-thirds or three-quarters after Europeans arrived. The number of Indians in Mexico declined from an estimated 22 million to 2 million after 1520 (257). This devastation may be the chief reason why the Europeans triumphed in their conquest of natives of the Western Hemisphere.

The fundamental problem that kept sub-Saharan Africa backward was its lack of natural harbors on the ocean coasts and in interior rivers.

Sowell is not a pacifist. He argues that only when nation-states became militarily strong were they able to keep their people from being enslaved. More specifically, Great Britain's ascendancy on the seas allowed it to do what no other country had even attempted: to wipe out slavery. During the middle of the 19th century, the British Navy seized and destroyed slave ships, whatever flag they sailed under, even to the

point where ship captains tossed slaves overboard when it looked as though a British ship was going to seize it.

Indeed, if there are any heroes in this book, they are British. Sowell respects them because they stopped the worldwide trade in slaves and because they refused to surrender to Hitler. But he does not romanticize them. His dispassionate observations lead him to point out that, for all the rhetoric we attach to freedom, the idea of freedom developed only after the experience of freedom, which developed slowly and painfully for centuries in Western Europe, allowed it to be something that people could articulate abstractly.

If you have read this far, you are probably a person who likes history. Much of the book consists of simply fascinating historical details and can be appreciated on that level. But the book is important, too, for those of us who champion one institutional framework over another. Sowell has amassed evidence that should keep us cautious about assuming that we know why people act as they do and about predicting how they will respond to policy changes. In his preface, Sowell warns the reader not to expect the "certainties of doctrine or the elegance of abstract theoretical models" (xii). Even so, he gives us a lot to think about. ❑

The editor of Ayn Rand's *Journals* censored her writing . . .

Bowderlizing Ayn Rand

Chris Matthew Sciabarra

The recent publication of *Journals of Ayn Rand* was a major event for Rand scholars. In its pages we see dramatic evidence of Rand's intellectual struggles and maturation. Together with her previously published letters, *Journals* goes a long way toward clarifying many important issues in Objectivism and its place in the history of philosophy.

Like any scholar, I am concerned about the textual integrity, particularly since its editor, David Harriman, admits to grammatical and stylistic line-editing. Harriman assures us that in those cases where he "eliminate[s] words," he does not affect "the meaning" of Rand's formulations. He calls this a "restrained approach" to editing, in which omitted phrases are indicated "by ellipsis points in square brackets" (xvii).

All this came to mind a while ago when a friend asked whether I'd had access to Rand's journals prior to their publication. I told him that I had not, and asked him why he thought that I had. He quoted be back a passage from my book, *Ayn Rand: The Russian Radical*: "In her journals, Rand dealt critically with the writings of other thinkers, such as Albert Jay Nock, H. L. Mencken, Peter Kropotkin, and José Ortega y Gasset" (106–7). He had found references to Mencken, Kropotkin and Ortega in *Journals*, but none to Nock.

When I wrote my book, Rand's journals has not yet been published, and the Estate of Ayn Rand had not made them available to me. I had relied instead on excerpts from her journals that had been published in *The Objectivist Forum*, *The Intellectual Activist*, and various editions of her novels. And yet, while references to Mencken, Kropotkin, and Ortega y Gasset remain in the recently published *Journals*, my friend could not find the reference to Nock.

I was troubled by this. Could it be that I had mistakenly listed Nock in my own book as among the authors with whom Rand had grappled? I knew from Barbara Branden's biography that Rand had met Nock, as well as Ruth Alexander, Rose Wilder Lane, Isabel Paterson, and other important intellectuals of the Old Right. Could it be that I'd mistakenly listed Nock in my own book as among the authors with whom Rand had grappled?

So, I went back to my voluminous research notes, and found the reference to Nock in the April 1984 *The Objectivist Forum*, which published her journal entry for January 20, 1947:

> *An important point to stress*: blast the fool idea that material production is some sort of low activity, the result of <u>some</u> base "materialistic" impulse — as opposed to the "spiritual realm" (whatever they think *that* is) which consists of some sort of vague, passive contemplation of something or other <u>(the Albert Jay Nock idea)</u>. Show them that material production is the result of and comes from the highest and noblest activity of man, from his creative mind, from his independent rational judgment — which is his highest attribute and the sole base of his <u>whole</u> morality. To exercise one's own independent rational judgment is the <u>whole</u> essence of man's morality, his highest action, his sole moral <u>duty and</u> commandment that embraces all <u>his "good" and all</u> his virtues. (1) [italics in text; underlined emphasis mine]

I thought that my friend may have missed this reference in the *Journals*. He'd just checked the index, which probably had overlooked this brief mention. Surely Nock's name would be in the text. I checked out the *Journals*. On pages 549–50, I found the passage :

> *An important point to stress*: blast the fool idea that material production is some sort of low activity, the result of <u>a</u> base "materialistic" impulse — as opposed to the "spiritual realm" (whatever they think *that* is) which consists of some sort of vague, passive contemplation of something or other . Show them that material production is the result of and comes from the highest and noblest activity of man, from his creative mind, from his independent rational judgment — which is his highest attribute and the sole base of his morality. To exercise one's own independent rational judgment is the essence of man's morality, his highest action, his sole moral commandment that embraces all his virtues. (1) [italics in text; underlined emphasis mine]

There are several differences between these two versions of the same passage. The editor has changed one word in the first sentence from "a" to "some." In the second sentence, he has dropped the word "whole." In the third and final sentence, the word "whole" disappears for a second time. Also erased are two phrases: "duty and" and "his 'good' and all."

Are these merely stylistic alterations designed to eliminate "wordiness," as editor Harriman explains he has done in his introduction (xvii)? Well, in the first and last sentences, the changing of "a" to "some" and the deletion of "his 'good' and all" doesn't seem to change Rand's meaning, though it's difficult to see why the changes were made.

Dropping the word "whole" in final two sentences makes me uncomfortable. I've devoted a lot of time to examining the presence in Rand's work of dialectical concepts, including the notion of an "organic whole." Rand uses the organic terminology explicitly in her early work and the continuing appearance of the word "whole" in her later notes might be worthy of extended analysis in any given context.

Even more problematic is the deletion the phrase "duty and" in the final sentence. Perhaps the word "duty" is a bit too deontologically close for an Objectivist's comfort. Rand, after all, rejects duty-bound morality and assaults Kant's categorical imperatives. All Harriman had to do — as he does in elsewhere in the volume — was to insert an explanatory comments reflecting Rand's mature conception.

The reference to Albert Jay Nock has been dropped completely. Nock has been expunged from the historical record.

The most egregious omission in the *Journals* version of this passage is that the reference to Albert Jay Nock has been dropped completely. Nock has been expunged from the historical record.

Most problematic, however, is that in every instance of Harriman's editing in this passage, he provides no bracketed ellipsis points to indicate that anything has been altered.

When such editorial changes are not made explicit, when not even ellipsis points are provided to indicate missing text, doubt is cast unnecessarily on the volume's authenticity. Even if this does not impugn the book's overall value to critically-minded readers, it makes the serious Rand scholar question the text's accuracy. These questions are generated not by any inherent distrust of the Estate, but by discrepancies in the same passage published in two different sources authorized by the Estate. Which version is accurate? The first? The second? Neither? Officials at the Ayn Rand Institute are busy establishing a research archive, but until independent scholars are able to examine Rand's papers, serious doubts will remain.

In this single three-sentence paragraph, there are six alterations. And at least four are of important to scholars and others who want to understand Rand. How many *other* revisions of the historical record are there? ❑

Filmnote

Kids' Flicks — I tend to agree with conservatives when they blame Hollywood for undermining traditional values with sexual explicitness, sadistic violence, approval of adultery, and adulation of single motherhood.

Yet when I think about the movies that I have actually seen over the past few years, I get a completely different picture.

Mostly, I attend movies with my son, now ten years old. The movies we see are funny, poignant, moving, and sometimes uplifting. They're usually about sports (often with a bit part by, say, Ken Griffey, Jr., or Shaquille O'Neal) or they feature an actor who became famous on television (Tim Allen or Chevy Chase), and there's often a romantic element (the young protagonist's young single mother finds a husband).

The themes are as old as literature. In *Little Giants,* a bumbling group of preteen misfits form a football team that is led to victory by a parent still remembering the stings of his own sports failures. *Little Big League* shows the young triumphing over bureaucratic and slipshod adults, as a twelve-year-old manages baseball's Minnesota Twins. (How Hollywood pulled this off, I don't know — having Jason Robards play the boy's grandfather and Twins owner helped). *Jungle to Jungle* brings a boy who grew up in an island paradise to Manhattan, where he teaches his work-obsessed father (Tim Allen) some truths about life.

Sometimes these movies become famous (*Field of Dreams* with Kevin Kostner, for example), but most of the directors, I think, sit out the Academy Awards ceremony. And not all these movies work; some, like *Richie Rich* and *First Kid,* are too thin, either in plot or character, to keep our interest.

But others startle you with their artistic risks. *Jack* mingles humor and tragedy in a story about a boy who ages so rapidly that he has a man's body when he is only ten years old. Jack (Robin Williams) manages to engage his schoolmates with his antics before the movie ends with his early death.

This movie was so sad that both my son and I found it difficult to watch, so I cannot rate it as a success. However, a more recent film, *My Giant* does the same thing better: it's a slapstick comedy shot through with tragedy. A fast-talking talent agent (Billy Crystal), down on his luck, wants to make a star out of a young man he discovers in a Romanian monastery. This man (played by Gheorghe Muresan, in real life a Washington Wizards basketball player) is so tall (7' 7") that his parents hid him away years before, fearful that he was under the control of a devil. At 37 years old, he is afraid to go anywhere because he has been stoned and taunted. The agent and the giant change one another's lives, and, before the movie ends, both are reconciled with their families.

When it comes to kids' movies, it looks to me as though Hollywood provides what people are willing to buy. And that's not all bad. —Jane S. Shaw

Big government isn't doing so well at the box office . . .

The New Hollywood

Harry Browne

For half a century the entertainment industry has been a fountainhead of socialist messages. The left has been so secure in their dominance of the business that leftists have never bothered to deny the bias.

Now, however, it seems that Hollywood is no longer a one-party state. Not only is collectivism losing its lock on movies and television, but here and there libertarian ideas are beginning to surface.

The most obvious indication of the change is the number of entertainers who have been referring to themselves as libertarians or who have produced libertarian products. The list includes such actors as Clint Eastwood, Kurt Russell, and John Larroquette; humorist Dave Barry; comedians Drew Carey and Dennis Miller; best-selling authors Dean Koontz, Peter McWilliams, and Camille Paglia; magician Penn Jillette; and TV reporter John Stossel. And you may have noticed all the nice things Hugh Downs has been saying on the air about libertarians.

Of course, some of them are more libertarian than others, but how many entertainers even whispered the word "libertarian" ten years ago?

Another hopeful sign is Hollywood's Wednesday Morning Club, organized by David Horowitz. The club attracts as many as 300 executives, actors, and others in the industry to its weekly programs. Although the club was formed to promote conservative Republicanism, libertarians are represented as well. After Kurt Russell made some brief remarks at one meeting, an article in *The Washington Times* quoted TV game-show host Pat Sajak saying, "I think the fact that Kurt Russell, who's on the A-list, can get up here and talk about being a libertarian, and now people will see he's on the A-list tomorrow and the sky didn't fall." (I'm sure his syntax would have been better if Vanna White had been there to help.)

The Proof Is in the Output

But the strongest indication of the new trend is the expanding anti-politician, anti-government content in TV shows and movies.

On TV, there's no longer much of the social preaching that used to dominate episodes of *Murphy Brown*, *Grace Under Fire*, and many other shows. Instead, the sitcom producers now seem to be focused on entertaining their customers, rather than raising their consciousness.

Comedians like George Carlin and Bill Maher devote a significant portion of their stand-up routines to skewering politicians and the government in general. Notice, too, that Jay Leno and David Letterman rarely make fun of businessmen, but their routines are dominated by putdowns of politicians of all stripes. These putdowns go far beyond the gentle chiding Bob Hope gave politicians in the old days.

Even the TV series *Seinfeld* includes running jokes about government mailmen who refuse to work on rainy days or take sadistic delight in sending little old ladies to the back of the line at the post office.

The change is even more obvious in today's movies.

There once was a time when all political movies presented a straightforward, black-and-white view: the good liberals fought against the nasty, moneyed conservatives. Typical of what we had to endure was *The State of the Union* with Spencer Tracy. In his closing speech Tracy told businessmen that national unity was far more important than their petty profits, and he lectured the rest of us on our responsibility to pay the taxes to care for those less fortunate.

Until recently, we were bombarded with movies telling us to save the planet, take care of the homeless, and pay attention to any other cause *du jour*. Such overtly preachy movies have largely disappeared — although some still subject us to messages, subtle and unsubtle, about the filthy rich and the pristine poor, or about corrupt commercialism.

Before the 1990s, the only anti-government fare were paranoid fantasies in which a secret government agency was murdering innocent Americans — to protect some government program that had gone wrong, or just for the fun of it. The plots in most cases were so implausible that few viewers took them seriously. Such movies are still being made, and they've even been joined by *The X-Files* on television. But they're no longer the only anti-government entertainment available.

Hollywood is no longer a one-party state. Here and there libertarian ideas are beginning to surface.

Instead, there's an abundance of movies showing politicians as self-interested souls who couldn't care less about the public interest or the causes they preach publicly. Government is shown as a den of greed, corruption, and cynicism — with every politician looking out only for his own power and purse. Good examples are *Dave* with Kevin Kline, *The Honorable Gentleman* with Eddie Murphy, and *Absolute Power* with Clint Eastwood.

By the end of many of these movies the star gets converted to the statist religion and heroically pushes through Congress a number of reforms — to clean up the environment, help poor children, clear the slums, or whatever. But often the conversion is merely a patriotic ritual that must be endured — like listening to "The Star-Spangled

Banner" before a baseball game. The meat of the movie is the vivid picture painted of the insincere politicians and the profiteering hiding behind government programs. The message is unmistakable: pray for a plague to descend on both houses.

For some reason, political movies have become much more popular in the last few years. Could it be that producers are aware of the widespread public skepticism toward government?

Many of the political movies take place in the White House — and usually draw unflattering portraits of the president and other politicians. In the past three or four years, the president has been played by Alan Alda, Ronnie Cox, Harrison Ford, James Garner, Gene Hackman, Phil Hartman, Kevin Kline, Jack Lemmon, Jack Nicholson, and Bill Pullman — of just the movies I'm aware of.

(I would love to play a president in a movie. In fact, I'd rather play a president than be one. But since no one's asked me to portray one, I may have to settle for second choice.)

Almost all the political movies are comedies. One notable exception was *Independence Day*. It was supposed to be of the old collectivist school, demonstrating that we could lick the nasty aliens if we all pulled together for the common good. But the clichés were so outrageous that it almost seemed a parody of all the "uplifting" movies of the past era. And the press reported that most audiences cheered when the White House was bombed.

Cream of the Geste

You've undoubtedly heard a great deal about *Wag the Dog* and *Primary Colors*. But let me tell you about three lesser-known comedies I think are entertaining. Of course, I can't guarantee you'll find them as funny as I did.

The first is *Canadian Bacon* — which begins by showing that the end of the Cold War has closed a number of defense plants — which is supposed to have depressed the economy somewhat.

The president is persuaded by his

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Personals

Gay libertarian man — 38, trim, nonsmoker, HIV neg., atheist, law student — seeks friends. Box 190906, San Francisco, CA 94119-0906 or mdf1960@yahoo.com. Photo appreciated.

advisors to find a new enemy to justify boosting the defense budget and reopening the plants. But since there are no dangerous enemies at hand, one has to be invented. The administration finally chooses Canada, and the politicians build a media campaign to inflame the American people against Canadians. It's hard to miss the similarities to the real-life 1990 media campaign against Iraq. In fact, in the movie the TV anchormen refer to it as "Operation Canadian Bacon — a Line in the Snow."

This leads to a series of jokes playing off the image of Canadians as clean, polite, and crime-free. In one scene, American commandos attempt to provoke the Canadians by sneaking into Ontario and dumping garbage in a park.

In another, three Americans drive to Toronto in a truck spray-painted with obscene anti-Canadian slogans. They're stopped by a Canadian Mountie who politely reminds them that Canadian law requires the obscene slogans to be written in both English and French.

In addition to Alan Alda (who plays the president superbly), the film stars John Candy, Rhea Perlman, and Rip Torn. And there are no sympathetic politicians anywhere in sight.

Children of the Revolution is less libertarian, but very funny. This satire on the Soviet Union and home-grown Communists makes fun of causes and politicians, but its anti-government message is a little too subtle to have much impact. But I suspect that libertarians will enjoy it a little more than most people would. F. Murray Abraham is quite funny as Josef Stalin. Judy Davis plays an Australian Communist who gets her wish to go to the Soviet Union and meet the great man. There are moments of extreme silliness mixed with genuine humor. And the movie reveals the secret of how Stalin really died.

The third movie, *The Second Civil War*, is the one I enjoyed most — perhaps because it was so unexpectedly anti-politician. When the government of India drops a nuclear bomb on Pakistan, hundreds of thousands of children become orphans. A charitable organization brings a few thousand of them to America, planning to settle them in Idaho. But the Governor of Idaho (Beau Bridges) is a former liberal who won election by turning conservative and bashing immigrants. So he announces that he's closing the Idaho border to the rest of the country — keeping the children out.

As in *Canadian Bacon*, the president (Phil Hartman) is an unprincipled weakling at the mercy of his advisors — who persuade him that confronting the Idaho governor will increase the president's popularity. As the plot thickens, the two sides are headed for an armed conflict — with troops massing on both sides of the Idaho-Utah border.

As you consider this storyline, think of the great movies of the past half-century. Think of the potential for the two leading roles — statesmen agonizing over life-and-death decisions, a second American Civil War looming, Americans against Americans, brother against brother, innocent people killed in the crossfire, and the like. Oh, the agony and burdens of responsibility that go with public service!

This storyline is reminiscent of several famous movies.

Remember the heart-breaking choices President Henry Fonda faced in *Fail-Safe* — when, to convince the Soviet Premier that the American bombers heading toward Moscow were ordered to attack accidentally, he orders a nuclear bomb to be dropped on New York. A great statesman trying to bring about the greatest good for the greatest number.

But not in *this* movie. This one sees politicians in a much different light. The Governor can't focus on the crisis because he's too busy trying to reconcile with his mistress — while Mr. President's decisions are based solely on how they'll affect his political image. His public relations expert (James Coburn) outranks the military advisors. Each plan the President considers is weighed for its potential effect on electoral votes.

When it's decided to demand that the Idaho Governor open the border within 72 hours, the President says, "I like the sound of a 72-hour ultimatum; it seems decisive." But the advisors notice that this will conflict with Susan Lucci's farewell episode on the soap opera *All My Children*. So they change it to a 67 and 1/2-hour ultimatum. And when Sioux Indians get in the way of federal troops at the Idaho border, the President buys them off with a casino license.

Immigration plays a major part in the story. The Governor of Rhode Island is Chinese, and he sends a battalion of Chinese troops to help Idaho. No one at Los Angeles City Hall, not even the Mayor, speaks English. The President's six speech-writers, who invent a militant quote from Eisenhower appropriate for the crisis, include a Mexican, Asian, Arab, Irishman, Canadian, and Russian. And there's an Alabama Congressman who's a Hindu with a southern accent.

Happier Days Are Here for Once

We're still a long way from declaring a revolution under way in Hollywood. For example, it's still easy enough to guess the murderer in a TV mystery: just look for the businessman. But there's no question that the entertainment industry is changing. It's no longer obligatory to display one's collectivist credentials in public statements and one's work. And more and more writers, directors, actors, and producers are playing to the anti-government sentiment that pervades the rest of the country.

You can attribute this to any motivation you want — the raw material emanating from political scandals, an improved understanding of reality on the part of entertainers, the sun-spot cycle, whatever. But who cares? It's happening, and it's all to the good.

And if Hollywood people understand that government doesn't work, maybe the press won't be far behind. ❑

"Yes, it's me — Send for the Sheriff of Nottingham *immediately*!"

Notes on Contributors

"Baloo" is the alter ego of cartoonist *Rex F. May*.

Brien Bartels is *Liberty*'s assistant editor.

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

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Dylan Carp recently completed his book, *The Non-Lawyer's Guide to Justice Clarence Thomas*.

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Coming in Liberty

- "Beyond the War of Ideas" — *Fred Smith* explains why libertarian intellectuals' are traitors to their class.
- "On the Road with FEMA" — *Jonathan Ellis* goes undercover with the government agency that *The X-Files* billed as the world's "secret government."
- "A Naked, Arbitrary Exercise" — *Bruce Ramsey* tells the tale of how wages were subverted by a "well-meaning" government.
- "The Invisible Cage" — *Kimberly Ryan* on why women's shelters so often fail to help abused women.

"Miracles," *continued from page 42*

panic runs on banks — even if the banks have fixed their computer problems. Such a panic could be used to justify another great leap forward in government control of our lives — just as the panics of the early 1930s fed the growth of government. This is not a high probability, however, because most likely the solutions will be obvious by the time most people hear about the problems.

But all three dangers are truly unpredictable. We can only hope the Y2K affair doesn't become the impetus for the next radical increase in government power.

The Market Can Do it — Whatever It Is

The failure to appreciate that the free market produces miracles extends beyond the Y2K problem.

It's the same failure that keeps people from believing roads could be privately owned and be just as convenient and easy to pay for as they are now. (Of course they would be more so, and they would be clean without relying on "Adopt-a-Highway" volunteer programs.) Or that makes them believe that children with poor parents would get no education without government schools. (They already attend private schools in large numbers.)

Or that keeps them from realizing we don't need a government postal service for everyone to be able to send and receive mail. (Years ago people said government had to deliver the mail because private companies would lose money delivering to remote addresses; today Federal Express and UPS deliver to every address in America, but the Postal Service won't.)

Yes, I believe in miracles. Yes, I have faith in the unhampered free market.

Why shouldn't I — when the evidence is everywhere to be seen? ❑

Notes

1. "The Whys of Y2K" by Scott Olmstead, *Liberty*, July 1998, page 24.
2. From Gary North's website.

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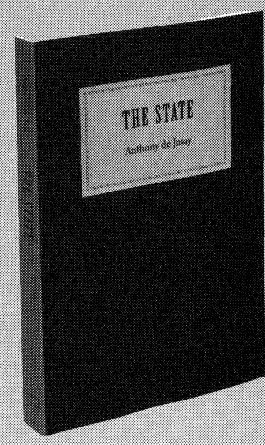

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Anthony de Jasay is the author also of *Social Contract, Free Ride* (1989) and *Against Politics* (1997).

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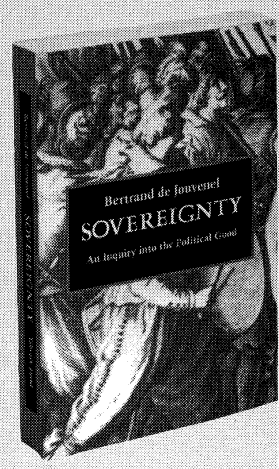

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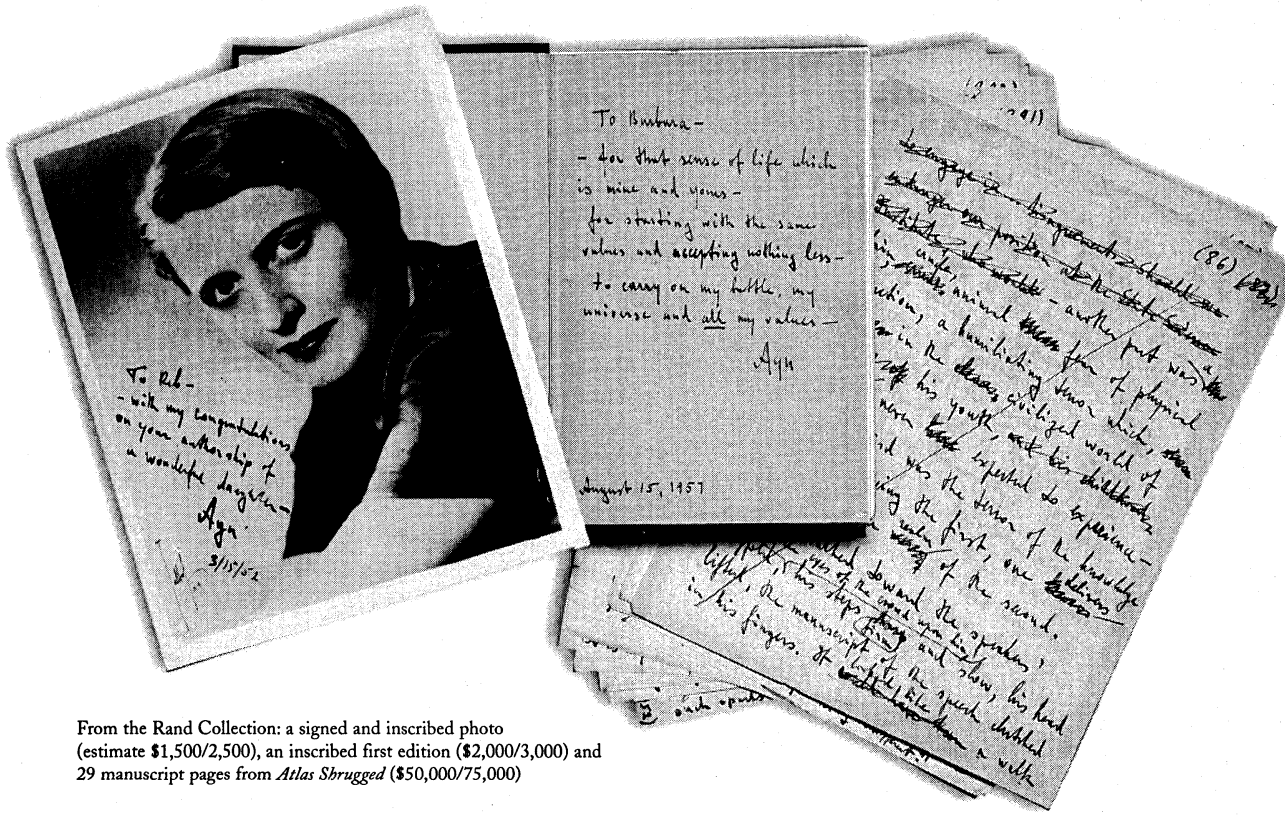

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Inside Liberty

November 1998
Volume 12, Number 2

4 **Letters** Postcards from the cutting edge.

7 **Reflections** *Liberty*'s editors take in the world.

The Unraveling of Bill Clinton

15 **Clinton's Web of Lies** *R.W. Bradford* tells how Clinton wove it, and how it came undone.

20 **The Defenders of the Undefendable** *Stephen Cox* tries to understand the people who defend the president.

22 **Reaping the Consequences** *Sarah J. McCarthy* celebrates the irony of a president caught by sexual harassment law he supports.

24 **Sex and Status** *R.W. Bradford* examines the murky moral depths of sex between 48-year-old chief executives and 22-year-old interns.

26 **Leave the Poor Guy Alone!** *Richard Kostelanetz* dismisses the hectoring of the sex puritans.

Features

27 **The Collapse of the New World Order** The big story is not a squirming president, but a world economy whirling into disaster — and the world's governments along with it. *J. Orlin Grabbe* looks at the upside of the downturn.

34 **Tomahawking the Infidels** In the face of terrorism (and a sex scandal), President Clinton set out to swat a hornets' nest with a baseball bat. *Col. David Hackworth, Roger Charles*, and *Leon T. Hadar* explain.

39 **On the Road with the Secret Government** *Jonathan Ellis* does a stint with FEMA.

43 **Traitors in the War of Ideas** *Fred L. Smith, Jr.* makes a plug for crafty treason in the class war that is modern politics.

47 **"A Naked, Arbitrary Exercise"** *Bruce Ramsey* retells the glories of past battles for the U.S. Constitution and against the minimum wage.

50 **About the Cops . . .** *Paul Rako* offers his buddy, Bill Clinton, some policy advice about local government, and tells the tale of Darrin's (his other buddy's) recent run-in with the police.

Reviews

53 **Twice Blessed** *Loren E. Lomasky* nominates a major figure to the 20th Century Libertarian Hall of Fame, and finds that he's nominated *two* people. He is not of two minds regarding this.

57 **Persuading Nobody** *Brien Bartels* takes the law into his own hands — and you'd have to pry it from his cold, dead fingers to get it back.

63 **Gang Aft-Agley, U.S.A.** *Jane S. Shaw* sifts through the plans of mice and men, and sees the best-laid landscapes, fading.

64 **Books and the Man** Reviewer *Phil Leggiere* read a million words. Book-writer Richard Kostelanetz read far, far more.

65 **Booknotes** on Reconstruction miscegenation, the nation's racial problems, and that problem president, Bill Clinton.

67 **Puckering Up** *Richard Kostelanetz* knows how (and how not) to get published in the literary world, offering a guide for the perplexed.

69 **Notes on Contributors** You've read their work, now read this.

70 **Terra Incognita** The map frays at the edges. Darest thou travel off it?

Letters

Y, Me Worry?

Harry Browne ("I Believe In Miracles," September) used my declaration ("The Whys of Y2K," July) that Y2K is a "failure of the market" to continue to ignore the fact that numerous repairs will not be completed. By equating "failure of the market" with "market failure" and then jumping to the conclusion that someone is proposing intrusive government action, Browne defeated a straw man.

Perhaps if I had said organizational failure, Browne would have gotten it. According to a recent analysis of federal securities filings, nearly 60 percent of the nation's 250 largest corporations still have not even completed their year 2000 assessments, the first five percent of the effort. Those 250 companies have total year 2000 projected expenditures of at least 33 billion dollars, yet have spent only 20 percent of the total to date. Since some software, e.g. planning and budgeting, looks at least a year into the future, they don't have 17 months left. They have five months until effects become visible! Call this failure to act what you will; it is now too late to finish all repairs. I estimate that between 20 percent and 50 percent of all non-embedded code will go unrepaired into the rollover. For embedded systems the repair rate will be much lower.

Browne's claim about most non-government Y2K problems that "there is too much at stake for them not to be solved" is simply a form of denial. While I share his belief in the power of free markets, I am convinced his faith is misplaced. The image that keeps coming to mind is the priest in the movie version of *The War Of The Worlds*, who marched forthrightly toward the Martians, his cross held high, only to be zapped by their death rays. Mankind had to suffer through the Martian "rollover" before microorganisms deadly to the Martians did them in. Only those who stayed out of the way of the rays during the Martian rampage were around to see the problem solved. Similarly, those who position themselves for Y2K will be in the best position to survive intact.

Scott Olmsted
Encinitas, Calif.

The Market for Utilities

Harry Browne says the free market will take care of Y2K. What I would like to know is when did public utilities join the free market?

Browne makes good points about the private sector being more successful at overcoming the Y2Kchallenge than government bureaucrats, but he misses some key points on how this applies to his own thesis. Is Harry Browne saying bureaucratic managers of highly-regulated public utilities will respond as if they were a purely free market institution despite price controls on their products and profit controls on their operations?

Call me a skeptic, but I just don't think this is realistic. Public utilities are at serious risk due to Y2K, and unless they join the free market in the next 16 months, Browne's thesis tells us disaster lies ahead.

Dennis Elenburg
Royse City, Texas

A Toast to the New Millennium

I run a small, home-based mail-order business, accepting credit cards via an electronic terminal. Early last year my credit-card processing company sent a letter instructing me on how to test my terminal to make sure it was compatible with card expiration dates "**/00", "**/01", etc. The whole process took all of about two minutes, my terminal passed with flying colors, and I got on with business.

If the only organizations that suffer in this "crisis" are those of a political sort, then when 12/31/99 rolls around, I'll be waiting not with stockpiles of rations and ammo, but with champagne glass in hand.

Jade Hubertz
Indianapolis, Ind

The Eternal Question

I agree wholeheartedly with Harry Browne (Reflections, September) that libertarians should not use the terms "pro-choice" or "pro-life." Apart from his objections, both terms disguise the philosophies behind them. To demonstrate this, I occasionally refer to myself as being pro-choice on every issue but abortion.

However, his position that we should take a position that will not impose restrictions on abortion because we are "not pro-choice or pro-life; we are pro-liberty" misses the point of the argument. Libertarians are not libertarians simply because we oppose big government; rather, we oppose big government because we oppose the initiation of force.

In his book, *Why Government Doesn't Work*, Mr. Browne says that repealing "victimless crimes" would allow more violent criminals to stay in prison longer, so I must assume that he believes that the government (not necessarily the federal government) has a role in intervening when one party initiates force against another. So the argument is not over whether or not we are pro-liberty, but over whether or not abortion is an initiation of force. In other words, at what point is a fetus human life, who should be protected by government against the initiation of lethal force? This question is very contentious because it sits at an intersection of religion, science, philosophy and emotion, and because there is not likely ever to be an objective, universally accepted answer to it.

So if libertarians believe that human life begins at some point before birth, or simply choose to give the fetus the benefit of the doubt, they would be inconsistently applying their principles if they failed to support restrictions to abortion.

This is not to say that such people should make every political decision based solely on the issue of abortion, or that they should seek to reduce abortions principally through government, but legal restrictions in this case could certainly be justified and supported from a libertarian standpoint.

William H. Everman
Aston, Pa.

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Why "Not Working" Doesn't Work

So Harry Browne figures libertarians can wrap up the abortion question. In Browne's view, there's "an uncompromising libertarian position" for continuing to give abortion the full protection of the law — and that position "doesn't have to offend anyone."

Does abortion kill an innocent human being? Or is the fetus less than human? Hey, we might lose listeners if we talked about stuff like that. "Whatever we believe abortion is," he writes, "we know one thing: government doesn't work, and it is as incapable of eliminating abortions as it is of eliminating immorality or bad habits."

Or theft, for that matter. Or murder, battery, or rape. Or drunk drivers killing folks.

Y'know, I got some acquaintances back home who will be pleased to hear there might be "an uncompromising libertarian position" in favor of legalizing their property-transfer activities. Why get into an offensive debate over this "rights" business? We can just check out the government's enforcement-success ratio.

But what should we do if anti-abortion laws might be more successful than anti-theft laws? Outlaw abortion but repeal the laws against theft? Murder? (Lots of government's licensing laws are winners by comparison.) Would Browne think it was too "compromising" if we dragged in extraneous questions — like whether or not something is aggression?

John Walker
Washington, D.C.

Query

I would like to address Harry Browne's Reflection regarding abortion.

Harry proposes keeping government out of the debate altogether. Okay by me, but answer this: If the pro-life side sees abortion as murdering an innocent person, then should the government intervene?

If a legitimate government function is to protect its citizens and the pro-lifers feel abortion is murder, then maybe the government should be involved. What do you say, Harry?

Jeffrey Kradin
Delray Beach, Fla.

Details, Details

Dylan Carp, in his article "Out of Scalia's Shadow" (September), praises Justice Clarence Thomas's astute interpretation of the Constitution. I ask Mr. Carp, where in the Constitution does it grant the power to the Supreme Court to interpret the Constitution?

Jim Penick
El Reno, Okla.

Walking Around Money

Anyone interested in the views of Clarence Thomas vis-à-vis Justice Scalia, as discussed by Dylan Carp, should read the decision in *U.S. v. Bajakajian*, 118 S.Ct. 2028 (1998). Bajakajian attempted to travel out of the country for legitimate purposes with $357,000 of his own money, but did not declare it to the government, as required for amounts over $10,000. The feds planned to seize every penny.

In a 5–4 decision, Justice Thomas wrote for the majority, ruling that such a seizure would be excessive, in violation of the Eighth Amendment. The dissenting opinion, rendered by Justice Kennedy and joined by O'Connor, Rehnquist, and Scalia, would have allowed the seizure, claiming the cash

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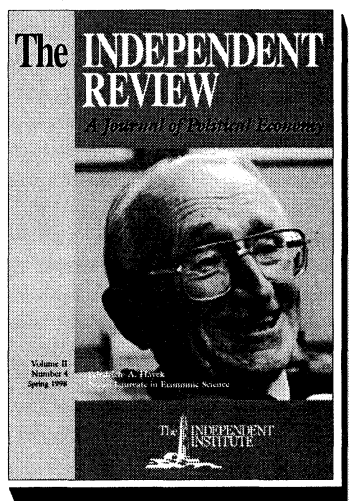

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was like any other smuggled commodity. The angry dissent starts, "For the first time in its history, the Court strikes down a fine as excessive under the Eighth Amendment. The decision is disturbing . . ."

What is disturbing is that it took over 200 years for the Supreme Court to read the Bill of Rights!

Both sides engage in legerdemain concerning the definitions of "fines" and "punishment" in order to avoid barring other extreme property forfeitures. The Ninth Amendment remains dead and buried, neither group considering that it protects a person's right to travel with his own money without declaring it to Big Brother. Despite this, Justice Thomas clearly stood on liberty's side, against his usual cronies Scalia and Rehnquist.

Thomas Giesberg
Rosharon, Texas

The Birth of a Nation

If homeowners' associations ("Costly Liberty?," September) are established by voluntary contract over large geographic regions and their contracts become binding not only on those who enter into them but also their descendants, how is this morally any different from the legal rules of nation-states? Does the method of creating rules make them binding, or is it the very system of rules itself, or both?

Jim Lippard
Phoenix, Ariz.

Principled Reaction

"Big Tobacco Coughs Up" (July) was another depressing chapter in our Neopuritan Revolution, complete with a crusading Attorney General and a judge who carries his children in a pouch. Responsibility is no longer determined by one's actions, but by the depth of one's pockets.

But the states' attorneys general and Chairman Clinton couldn't run a proper Maoist-struggle campaign without the media on board. In a recent National Public Radio story about resistance to Senator McCain's tobacco legislation, (rare) statements from a smokers' rights group were qualified with the caveat that they receive tobacco money. But NPR accepts funding from the zealous Coalition for Tobacco-Free Kids. If tobacco money qualifies the veracity of smokers' rights advocates, why doesn't anti-tobacco money call NPR's objectivity into question?

Answer: this is the new America where health and safety are valued above all else. Where the President seeks curtailments on the First, Second, Fourth, Fifth, and ignores the Tenth Amendment to the Constitution, but proclaims the need for a Patient's Bill of Rights. Where a woman's reproductive system is her own, but her lungs belong to the state. Where *Mein Kampf* is fearlessly allowed in print, but a cartoon camel with a cigarette in his mouth must be censored.

I managed to quit my 17-year cigarette habit in 1985. But I am thinking of taking them up again as a matter of principle!

Bill Walsh
Rockville, Md.

It Usually Begins With Ho Chi Minh

Jonathan Ellis's editorial "Without a Pot to Piss On" (Reflections, July), was nothing like what I've come to expect from your publication. I think you have an infiltrator in your midst, an agent of the government's propaganda machine. The remarks about communist atrocities were wholly out of context and the writer is completely deluded if he thinks the U.S. isn't the most brutal regime in history.

Ellis has the gall to list Ho Chi Minh and Pol Pot, among others, as mass murderers, and yet leave out the United States (under any administration) as the greatest killer on earth. Nothing can compare to the record of atrocities that place America in the "Butcher's Hall of Fame." In Central America, since the '70s, more than 200,000 people were killed by U.S.-backed forces suppressing popular movements for freedom. Guatemala is still a hell on earth, and has been since the CIA-backed coup in '54. And the U.S. installed Noriega, not to mention Saddam Hussein.

Suharto's 1965 coup in Indonesia, at the cost of 700,000 lives in just the first few months, was most welcome by the U.S., which has always considered him a "moderate." The genocide in East Timor, by a Pentagon-trained and -armed Indonesian army, left a third of East Timor's population, which stood at 700,000 pre-invasion, dead. The 500,000 people left now starve while U.S. companies rob their rich oil fields. Two days prior to the invasion, Suharto was visited by President Ford and Secretary of State Henry Kissinger, undoubtebly to give Indonesia the green light to invade. Indonesia, the fourth most populous country in the world, has bombed the Timorese with American F-16s, shot them with American M-16s, and received military and economic financia aid, while the U.S. has given asylum to its war criminals.

What is the libertarian answer to all this? Quite frankly, I would support a movement led by a Ho Chi Minh that would create an opportunity for the underclass to attain a decent living standard, rather than fill my head with Ayn Rand's bullshit. I am a Libertarian, but I don't mind tearing down your icon. Her testimony to the House Un-American Activities Committee is the sickest piece of brain-washed blathering I've ever heard. "It's hard to tell you what life is like in socialist Russia because you're a free people," is what I recall her saying. What the hell is that? It's the House Un-American Activities Committee for crying out loud! That's the last place on this earth you would ever find anyone interested in anything resembling freedom. It really disqualifies anything she ever wrote.

Look to Noam Chomsky for a true libertarian perspective. Ayn Rand, Harry Browne, and whoever else you've got up there are a pain in the ass; they stand in the way of real progress.

Jason Kosareff
Pico Rivera, Calif.

Altering the Altar of Egoism

Timothy Virkkala's complaint ("At the Altar of Ego," September) about Rand's use of "selfish" — namely, that it does not conform to dictionary and common parlance — is not all that germane to David Kelley's and my books. In any case, many terms are contested by champions of different ideologies. "Capitalism," "liberty," "humility," "public," "private," "community," "voluntary," and a host of others, are used differently depending on one's more general stance on the human situation.

What is so strange about what Rand did? Nothing — Marx uses "capitalism" to mean a dog-eat-dog, exploitative economic system but Ludwig von Mises and F. A. Hayek do not. Are the latter wrong because most of the people who use the term tend to agree with Marx? That surely is not decisive, nor are dictionary "definitions."

Rand approved of the human animal a great deal and wanted to rescue it, in part by arguing for "a new concept of egoism." She wasn't duplicitous, so why all the fuss? Many disagree with her. Some because they, unlike she, believe in a fundamentally corrosive human nature. Western culture is, after all, pri-

"A brilliant mix of theory and practice, this is a book you will share with your friends."

—Randy E. Barnett, Boston University School of Law

The welfare state rests on the assumption that people have the right to food, shelter, health care, retirement income, and other goods provided by the government. David Kelley examines the historical origins of that assumption, which, he shows, is deeply flawed. Welfare "rights," he argues, are incompatible with freedom, justice, and true benevolence, and they have damaged the genuine welfare of those who can least afford to become dependent on the government.

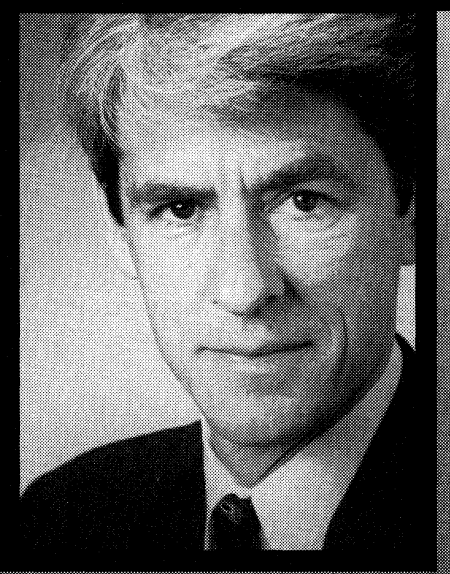

"By explaining the tradition of liberty rights and the economic system of capitalism that accompanies it, Kelley shows welfare 'rights' to be both an ethical and an economic sham. Kelley argues that individualism is at odds with neither morality nor community. This is a clearly written work that appeals to common sense."

—Douglas B. Rasmussen
Professor of Philosophy
St. John's University

"David Kelley provides us with a moral compass that points the way out of the current welfare system. *A Life of One's Own* reaffirms and sets on solid philosophical ground the traditional American principles of personal responsibility and individual liberty with human dignity for all. I found it both convincing and inspiring."

—Rep. Ed Royce (R-Calif.)

"Anyone interested in the moral legitimacy of the welfare state must deal with the arguments of this book."

—Ellen Frankel Paul
Editor, *Social Philosophy and Policy*

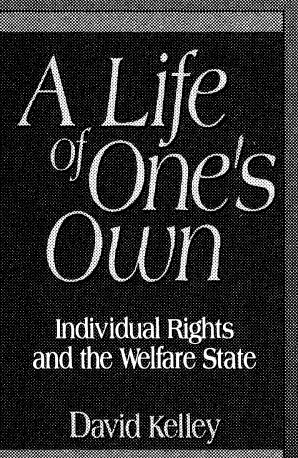

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marily Christian and thus widely embraces the concept of original sin, in terms of which the human self is at its core fallen and needs saving from this. Rand argued against the idea, in part by using "selfish" to indicate that when we serve ourselves we pursue a noble rather than corrupt course.

On altruism, in turn, Rand was correct to think that it means self-sacrifice — to realize this one need only know a bit about the thinking of August Comte, who coined the term. Comte's "religion of society" sees individuals as mere cells of the social whole. The cells can be dispensed with if the whole requires it — just as we can use some portion of our bodies to benefit another, more important, portion. Rand was an individualist; she rejected this as something morally detestable.

Now to some of the laments about my book, *Generosity*. Why did I bring in so many people to discuss and to refute? Because in a scholarly work one needs to engage opponents in civilized argument — it's the old Socratic method, after all, so to be faulted for it is a kind of backhanded compliment, actually.

Why don't I discuss the history of voluntary charity fully (even if my bibliography makes reference to several books that do that job)? Well, I might have done a bit more along those lines, but I hesitated to do so because I am not myself convinced that one can guarantee generosity and benevolence in a free society. Those who chide libertarians for not being able to assure that charity and generosity will always win out are right — but it is not relevant, unless one is a utilitarian about liberty and wants it only if it always results in the best of all possible worlds (with "best" being left to some kind of subjective definition). Free men and women can misbehave and fail to do the right thing and critics of libertarianism will always fault it for not being a formula for a perfect world.

Why didn't I make use of Hume's "most promising avenue," namely, the idea that "morality is a tool that we use to influence our own behavior and that of others?" Hume had, in my view, a bad idea: e.g., for him generosity is a tool, a kind of strategy. Virkkala may share it but I do not, so I argue with it and focus on its fundamental source, namely, that Hume was a determinist and couldn't really get his moral theory off the ground because morality does with what we ought to do and that we could well do otherwise than we ought to do, which is why we are morally blamed and praised. The Humean — i.e., deterministic — analysis of morality is not relevant in a discussion of the moral virtue of generosity. (When one's ends are determined, given, not a matter of debate, then all that matters is strategy, technique. Morality, then, makes sense only as a tool, not a system of virtues to guide us to what we ought to do.)

At the end Virkkala makes a good point: eudaimonistic egoism — à la Ayn Rand, David L. Norton, et al. — "remains unpersuasive." But so do many things — privatization of social security, selling off the national parks, abolishing the minimum wage law, etc., and so forth. So what? Rand had an answer — one needs to reeducate the culture in basic philosophical topics. And she warned that "it's earlier than you think," meaning, when most believe in the things they do in our culture, there isn't a solid enough foundation for a free society. So we need to change those beliefs, convince folks that they are false and tell them what the right ones are.

This is a difficult task, admittedly, but one wonders what Mr. Virkkala has to offer to improve on this answer?

Tibor Machan
Irvine, Calif.

Timothy Virkkala replies: To answer Prof. Machan's question, in the words from his own book, I believe we need "a reasonable individualism." Very briefly, I do not think that a reasonable individualism is one that emphasizes "ego" at the expense of "other" in its very designation. The good life is not automatic, and we need the toolcraft of ethics to remind us to maintain balance. This includes reminders to deal respectfully with others. Encomiums to Ego do not help in this — though they may help those who, by nature or circumstance, tend to an imbalance *against* themselves, or feel browbeaten by encomiasts for self-sacrifice.

Alas, in his defense of Rand's redefinitions, Prof. Machan does not address any of the actual arguments I made. I do not understand why Machan thinks dictionary definitions are not decisive regarding egoism and selfishness, but August Comte's coinage of the term "altruism" *is*. After all, another Frenchman, Destutt de Tracy, coined the term "ideology," but his intentions have nothing to do with the meaning of the term as used today.

Yes, I regard moral notions as tools. I also deem "a system of virtues" to be a guide. A guide is a tool. Determinism seems irrelevant to the question at hand.

By the way, I am puzzled by Machan's contention that David Hume was a determinist. How can one who undermined the idea of causality be regarded as a determinist? I am studiously rereading Hume's *An Inquiry Concerning the Principles of Morals* to find the merest trace of this. Halfway through the book and no evidence yet.

Less Than Honest

Timothy Virkkala's hostile and hopscotching polemic against the Randian ethical argument may succeed in annoying those influenced by Ayn Rand, and if that was the noble purpose, congratulations. But I think there's room in the pages of *Liberty* for more-honest criticism of a body of work and thought that has inspired so many. You can do better.

David M. Brown
Lee, N.H.

A Matter of Necessity

What Timothy Virkkala takes to be a strategic blunder, Rand would have asserted was absolutely necessary. He probably had in mind the title of her seminal essay collection, *The Virtue of Selfishness*, as a choice example of Rand's "literary flare." However, she was not improvidently saddling herself with connotational baggage when she selected that name. Rand would have stipulated that the dictionary definition of "selfishness" Virkkala quotes is accurate — that the term is universally used to mean an excessive concern for oneself. This formulation is embedded in virtually everyone's psyche from toddlerhood. Rand intended to quarrel with the concept itself, which she analyzed as implying that another, higher value scheme always trumps those of the individual. Since the majority of readers will be initially reluctant to venture that deeply into the woods of their own axioms, a quick slap in the face was called for. The slap was delivered on the cover of the book. In the body of her text she used the term "egoism," which should be capable of supporting philosophical precision. If even this term was too emotionally laden for the reader, Rand probably considered that reader lost to her, anyway.

At one point Mr. Virkkala asked "Where does she ever refer to irrational self-interest?" Oh, come on. Irrational as in, say, desiring professional acclaim divorced from real achievement?

continued on page 32

Reflections

The limit — Any lingering thought that ours is a government of limited powers can be thoroughly rebutted by reading *The Washington Post* for a few weeks. Consider just a few *Post* clips that currently litter my desk:

- Congress has decided to pay hospitals around the country hundreds of millions of dollars not to train doctors.
- The Consumer Product Safety Commission moves toward mandating a gap of no more than 3.5 inches between the rails of bunk beds.
- The Federal Communications Commission has launched an investigation into whether advertisers discriminate against radio and TV stations that attract large African American or Hispanic audiences.
- And finally, most recently, in the legal case of *Casey Martin v. PGA Tour*, the Justice Department has — in the words of the *Post* — "declared the official policy of the United States: Golf is fundamentally a shotmaking competition, not a walking contest," and thus the court should order the PGA tour to let disabled golfer Casey Martin use a golf cart during tournaments.

So there we have it: from the first attorney general, Edmund Randolph, who refused at first to sign the Constitution, fearing that it allowed the federal government too much power, to Janet Reno, whose expansive conception of that power must stun anyone who owns a copy of the Constitution. —DB

Hurt hawks — Last July, the Virginia Department of Game and Inland Fisheries advised Kenneth Selvage, a Virginia Department of Transportation supervisor, not to assist an injured red-tailed hawk that he had observed along Interstate 66. The officials warned that the raptor was protected; any interference would be in conflict with federal law. Before the officials arrived to take charge of the rescue, however, the bird was killed by oncoming traffic.

Coincidentally, in the week that *The Washington Post* carried the story, I witnessed the rescue of an injured osprey, who had suffered a broken wing and was adrift in the Potomac. My wife and I called our neighbor, who immediately took action: he set out in his boat to net the bird. A while later the animal rescue unit took it to the animal shelter in Waldorf. Even in the short time required to launch the boat, the bird had grown very weak. Had we waited for the arrival of the authorities I doubt the osprey would have survived.

A week later we discovered that the osprey, like the red-tailed hawk, is protected under the Federal Migratory Bird Act. That law required us to watch the bird drown. It was very fortunate for the osprey that we did not know of the law; by breaking it we saved a bird whose species was only a few decades ago considered imperiled.

When the desire to protect something places it at risk, it is time for reform. Regulations like the migratory bird act, the laws that govern wetlands, and the Endangered Species Act have driven a wedge between people and nature. These laws view private action as inherently anti-environmental. That is foolish — laws should encourage and certainly not block creative responses to environmental problems. Stories like this make it obvious. —FLS

Beltway narcissism — Please don't write in about my disrespect for dead heroes. The two Capitol guards who were accorded a state funeral this summer were undoubtedly fine men. They died in the line of duty, and I can think of few duties more important than that of keeping nuts from killing innocent strangers. But I want to ask some questions.

Suppose an old lady who lives in a housing project in Chicago gets shot while trying to protect her grandchildren from a bunch of nuts (excuse me, troubled youths) who like to go around killing innocent strangers. Will she be given a state funeral?

Will her body be displayed in the rotunda of the Capitol, even the Capitol in Springfield? Will people line up in the broiling sun to pay their respects? Will cops from all over the country absent themselves from their vital duties to travel to Washington and give her pseudo-military honors? Will national television stop everything to carry her funeral live? Will public figures hog the media to "ask themselves" what "we're coming to?" Will congressmen plan to build a hundred-million-dollar visitors center under the parking lot of her housing project so that bad guys will stop in the exhibit area instead of stalking the hallways of the project itself?

Well, no. None of those things will happen. She'll get a one-paragraph item on p. 32 of the Chicago papers, if she's lucky. Her death won't stop a second of happy talk on the 11 o'clock news. No politician will use her for publicity purposes; no governmental organization will implement plans to keep Tragedies Like This From Occurring Again. That's quite a contrast from the results of the Capitol shootings. And why do you think that is? —SC

Supporting the people — In 1887, President Grover Cleveland vetoed House Bill 10203, "An act to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor" on the grounds that he could "find no warrant for such an appropriation in the Constitution." Cleveland went on, "I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering," declaring "that though the people support the Government, the Government should not support the people."

On July 24, President Clinton declared an official "emergency" in Texas, and announced that the federal government

would give $32,722,551 to low-income people in Texas to help them pay for air-conditioning, because it was hot in Texas. Hot weather in July in Texas? Who'd ever think that might happen?

What a difference 111 years make! —JE

Political selection — Political support for government "safety nets" is higher among women than men, largely because of the strong support among single and divorced women with children. This amounts to a genetic rip-off of immense magnitude.

During most of human evolution, females have had to find males willing and able to provide resources and protection, or find themselves and their children vulnerable to predation and starvation.

Today, because government income redistribution favors unmarried women with children, we now have a system in which some women mate with men who never chose to support or protect their children. Women who support their own children and people who choose to have no children at all also provide unwitting support for freeloading women. This is a great system for spreading lousy genes — there is no need to find support from a willing male, yet you get a reproductive advantage (an increase in fitness) compared with those forced to provide your subsidies. It is no wonder so many single mothers love Bill Clinton and his ilk.

In the very long run, of course, those genes that are represented the most in the population are those that have the most effect on the evolution of the species. In the meantime, the parasitic "free rider" genes get the benefit of reproducing themselves with resources stolen from the reproductive potential of others' genes.

There are, to be sure, many examples in the animal world in which resources obtained by theft and deception may be used to enhance reproductive efforts. The cowbird is a noteworthy example. But even cowbirds carry out their scurrilous practice of replacing others' eggs with their own without the help of government. Some host birds do fight back by pushing the cowbird eggs out of their nests (although they then risk having their own eggs destroyed by those cowbirds that check back). Cowbirds could never convince those birds that "host" cowbird eggs that anybody but cowbirds benefit from this system.

People are different. The government of the cowbirds, by the cowbirds, and for the cowbirds keeps merrily cranking out more cowbirds. We protect human cowbirds because they do not have nests of their own (having failed to provide them) and "need" the resources of other birds. —SS

'Nuff said — No matter what one thinks of Edward Said's politics, this Columbia literature professor has become an intellectual celebrity — a chaired academic who has exploited his minority moniker, in his case Arab-American, to command larger stages than his classrooms, much as some African-American professors do and certain Jewish professors once did. Knowing that he is more prominent than nearly all other teachers of modern literature, he apparently feels that the slightest changes in his temper should be recorded and disseminated. So it is scarcely surprising that, in a memoir published in the *London Review of Books* (May 7, 1998), he writes the following about the evolution of his literary style:

> The net result in terms of my writing has been to attempt a greater transparency, to free myself from academic jargon, and not to hide behind euphemism and circumlocution where difficult issues have been concerned. I have given the name "worldliness" to this voice, by which I do not mean the jaded savoir-faire of the man about town, but rather a knowing and unafraid attitude towards exploring the world we live in.

What should be made of such a convoluted statement whose style so egregiously undermines the purported thought? With its pomposity and witlessness, its mixing of highfalutin language with financial lingo ("net result") and even its colloquial prepositional conclusion, this passage could have come only from a privileged intellectual professionally insulated from readers less servile than his students and yet smug enough not to heed his own advice. You can imagine him completing such sentences with the exclamation "akerue," which is eureka spelled backwards.

You and I can't write with so much affectation; no one would publish us. Nor can most professors write so badly about their wanting to write clearly, especially for journals whose circulation is, like *LRB's*, more than a few hundred. Once you understand how such otherworldly sentences are written and, wonder of wonders, published (and sometimes even reprinted), you get a glimpse into a privileged world and an insight that becomes the best reason for reprinting them now. —RK

Flick's flak falls flat — Of all the hype over Steven Spielberg's impressive cinematic achievement, *Saving Private Ryan*, what most intrigued me as I drove to a recent matinee (to avoid the line) was news that this epic was an "anti-war" film. Walking out after the closing credits, I thought, "Wow, that was a great film, but it certainly wasn't anti-war."

I suppose the case for *Ryan* as anti-war is based on the combat footage and on the title mission. Spielberg has taken motion picture combat to a new level of grisly reality. The truly brutal nature of combat certainly turns the stomach, so one might expect unsparingly realistic depictions of combat to turn minds against war, too. But that's not enough. Everyone knows, on some level, that "War is Hell"; no one maintains that war is a bed of roses. But the claim made (or suggested) is that war can be Noble and Worthy. And the more hellish the combat, the more heroic, dramatic, and romantic are the necessary sacrifices.

The unique slant that Spielberg brings to this war flick is the mission. Eight good men risk their lives to save the life of one unknown private for the sake of what might cynically be called public relations. What could better demonstrate the irrationality of war than sending these good men on such a preposterous mission? But proving the value of this mission is really what this movie is about. Of course, the audience knows that if

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
BB	Brien Bartels
DB	David Boaz
RWB	R.W. Bradford
SHC	Scott Chambers
SC	Stephen Cox
JE	Jonathan Ellis
JK	Jon Kalb
BK	Bill Kauffman
RK	Richard Kostelanetz
SS	Sandy Shaw
FLS	Fred L. Smith, Jr.

these eight men weren't risking their lives on this mission, they would be risking them doing something else — after all, there's a war on. But most importantly, it turns out that Private Ryan really is worth saving.

Rather than exercise his ticket home, Ryan disobeys his superior officer and insists on staying to defend a bridge that the audience has already been told is the first domino in a line that leads directly to Berlin. The war hinges on this bridge and Private Ryan insists on risking his life to defend it. A major theme of the movie is that Ryan had better be worth it, but Ryan is really a stand-in for each of us. We as Americans had better be worth it because so many men died so heroically to preserve our liberty. You couldn't ask for a more patriotic or less anti-war theme.

In addition, Spielberg uses his mastery of film and story in ways that undercut any anti-war themes. With one exception, we never see anything from the point of view of — or get to know any — German soldiers. They are not people; they are just the enemy. The one exception turns out to be an ungrateful liar gung-ho to kill Americans. We also learn that those who would question the actions of soldiers at war (as the translator does to save the life of a captured prisoner) turn out to be cowards that cost brave Americans their lives.

If Spielberg would like to make an anti-war film, I suggest he tell the story of American service women in Desert Storm raped by their fellow troops while fighting to return to an oppressive ruling family a country stolen from it by a loud-mouthed bully who misread diplomatic signals about the likely American response. I would stand in line to see that film. But I won't hold my breath waiting for it to be made. —JK

Shooting the bull — Doug Henwood, the editor of *Left Business Observer*, is billed as "a journalist who has contributed frequently to *The Nation* and broadcasts a weekly radio show covering economics and politics on New York's [Pacifica] WBAI." An updated edition of his *Wall Street* recently appeared in paperback from Verso, a British publisher with a New York office, that bills itself as "the imprint of New Left Books." Though Henwood claims not to invest in stocks himself, he writes in the book's introduction that he worked briefly in the 1970s as a secretary to the chairman of "a small brokerage firm in downtown Manhattan [that] had been started by a former Bell Labs physicist, who wanted to use his quantitative skills to analyze and trade a then-new instrument known as listed options." Having established a voyeur's authority in the opening three paragraphs of his book's introduction, Henwood then risks a monumental perception in his fourth: "One morning, riding the elevator up to work, I noticed a cop standing next to me, a gun on his hip. I realized in an instant that all the sophisticated machinations that went on upstairs and around the whole Wall Street neighborhood rested ultimately on force. Financial power, too, grows out of the barrel of a gun."

Most of us with a bit more knowledge and experience of stock trading will notice, first, that options were scarcely new in the mid-1970s. I can remember seeing ads for them in the financial pages in the 1950s. Secondly, consider that the armed guard in the elevator was paid for his presence and that he wouldn't do his job unless he were. That perception would prompt the opposite conclusion that the gun reflects a wage, which is to say money. Few of us have much patience for writers who tell us at the beginning that they patently don't understand their own experience.

Just because the publisher and his editors may be ignorant about Wall Street doesn't mean that a reader is. The former can scarcely be surprised if a book with so much baloney in its opening paragraphs is put aside unread. I was reminded of priests' advising about sex with earnest and putatively thoughtful writings that would persuade only those previously predisposed. —RK

The Revolutions and the realignment — The May 14, 1998, issue of *The New York Review of Books* opens with an essay by Mark Lilla called "A Tale of Two Reactions." The reactions he examines are those of (1) conservatives to the cultural revolution of "the Sixties" and (2) progressives to the political/economic shift in attitudes sometimes called "the Reagan Revolution." He makes a case that each group has been intellectually blinkered by its own reactionary rhetoric. He's also pretty sure that the reactionary stances of these two groups has put the kibosh on clear and reasonable political discourse in America for the foreseeable future. He even gets to use the term "progressive reaction." What fun.

Lilla concludes with "three uncomfortable facts" that can be paraphrased as follows:

1. Both of the revolutions are over and the revolutionaries won in each case. (He advises both sides to get over it.)

2. The revolutions were not contradictory. They were, rather, two sides of the coin that he tentatively calls "democratic individualism." (He doffs his cap to Paul Berman for thinking the name up.)

3. A "politics of fusion" will emerge that exploits that underlying harmony.

Unlike Lilla, I am not uncomfortable with these facts. That may be at least in part because I'm not as sure as Lilla that they are facts. But let's look a little more closely at that underlying harmony.

Lilla believes, along with many conservatives, that the Sixties resulted in a decline in social authority, a weakening of the family, and a lowering of private morality. Put another way, the burden of responsibility for making moral choices was shifted during the Sixties, and the individual ended up with a bit more of the load, for better or for worse. The government, social institutions, and the family ended up with a bit less. As I recall, people were advised as follows: Do your own thing. Some would say we've been slouching toward Gomorrah ever since. (I can't believe I said that: "the burden of responsibility for making moral

"I know how you feel, but I'm not sure it's *possible* to keep rocks from falling into the wrong hands.."

choices." It sounds like a curse.)

Lilla also believes that the Reagan Revolution has resulted in a majority view that government redistribution of income, micro-management of economic affairs, and creation of massive social programs are outmoded practices that never worked very well, anyway. Practically speaking, it could be said that the burden of making economic choices and accepting the consequences was shifted a little during the '80s and the individual once again ended up with a bit more of the load. The government ended up with a bit less.

Now, I'm not as optimistic as Lilla that we've really put the Great Society behind us, but he's pretty sure that the new consensus is this: The era of big government is over. For the record, it still seems pretty big to me.

In this formulation, the common denominator of the two revolutions, the harmony, is that the burden of choice and responsibility was shifted somewhat to the individual from the collective. (Hence the individualism in democratic individualism, I guess.) The fusion message might be something like: Do your own thing, but don't come whining to the government if your thing doesn't pay the bills.

The third uncomfortable fact, that "some political figure or force. . . . will eventually try to exploit that harmony," is the most intriguing. Lilla does a thumbnail sketch of four possible candidates: (1) Anti-Sixties/Anti-Eighties, (2) Pro-Sixties/Anti-Eighties, (3) Anti-Sixties/Pro-Eighties, and, (4) Pro-Sixties/Pro-Eighties. He loosely labels their platforms as Buchananism, Neo-McGovernism, Neo-Bushism, and Clintonism. That's right. Lilla says, "Bill Clinton, whose Sixties morals and Eighties politics . . ." I read the paragraph three times before I got it: Lilla thinks that President Clinton is a political acolyte of Ronald Reagan! From this, I can only conclude that Lilla is, well, a progressive reactionary. I still love the essay and the conceptual frame it provides, but, to my mind, Bill Clinton remains an opportunistic pragmatist whose political instincts are essentially those of a statist.

Sure, he signed the welfare reform bill, but he had an electoral gun held to his head and Dick Morris there to yell "duck." That he has had few occasions to indulge his (political) instincts during his presidency largely owes to the fact that the Reagan Revolution was at least partly successful, just as Lilla says. The ideal fusion candidate wouldn't sign a serious welfare reform bill reluctantly, simply to stay in power. The bill would be signed with enthusiasm, with a flourish. To demonstrate how far things have progressed in a decade, imagine this: Ronald Reagan proposing to Congress that welfare be ended as an entitlement. There would have been talk of impeachment. (I liked using the word "progressed" that way. It leads to so many possibilities, such as: progressive conservative.)

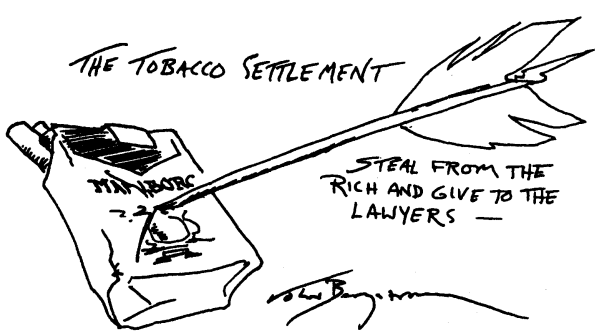

But let's get back to the main point of the politics of fusion: Individual freedom meets individual responsibility. Sounds interesting. Democratic Individualism? Mmmm. And in the *New York Review of Books*, yet? Mmmm. Please note: not once in the essay does the term *libertarian* come up. But what's in a name?

Early one evening in the Spring of 1976, I went to see a dentist in Ocean Shores, Washington. It was, of course, raining. The dentist had his office in his home. He wasn't friendly, he wasn't unfriendly. He was just professional. The primary returns from the South were on the radio. Mumbling through the cotton, I asked how Reagan was doing. He said he thought Reagan had a chance in one of the states, I forget which one. I said something positive. He stopped what he was doing and looked me in the eye. Then he said something like, "I thought all you long-haired types liked Democrats." I said that some of us preferred freedom. After that, he was really friendly. He showed me how to clean my teeth with some soft, flat, wooden sticks. He even demonstrated the technique on his own teeth. He did not, however, reduce his fee. —SHC

Friendly note — My friend John McClaughry is entitled to defend his Beltway pal Gary Bauer in 501(C)(3) land, where seldom is heard a discouraging (or honest) word, but I object to his conjecture (Letters, September) that I regard Bauer a pharisaical weasel because I do "not share any of Gary Bauer's deep religious convictions." For John's information, I attend mass every Sunday — okay, almost every Sunday — as I have since infancy. I do not, however, advertise the fact in smarmy fund-raising letters. —BK

All the world's a stage — If you're like me, you grew up with great stories of the life or death struggles of previous generations. My uncle's escape from a burning B-29. My dad's tales of the depression in farm country. My old literature teacher's stories of hauling howitzers up the hills of the Solomon Islands in the Big One and getting malaria from a mosquito that lied about its sexual history.

No one in my family was rich enough to go broke in 1929, but tales of sky-diving stock brokers still fill me with contentment. And there's nothing better than firsthand stories of great evacuations, migrations and mass flight from certain doom, especially if they're told in the deadpan, minimalist mode of a Hemingway or an exhausted survivor.

August's news filled me with such a feeling of joy and anticipation I can hardly describe it. A presidency moved closer to a premature close. A rich Islamic warrior started a private war on the U.S. with a pair of bombs that made Timothy McVeigh look like a kid with a chemistry set. A hurricane swept the Atlantic coast (they seem to be early this year), and National Public Radio happily reported that the Carolina beaches were safe because the Army Corps of Engineers had dumped hundreds of tons and millions of dollars worth of sand right in the hurricane's path, as a preparation for just such an eventuality. A financial hurricane swept the ruble's value away. An aged, sick Russian president looked for a new prime minister, in much the same way as an aged, sick President Hindenburg looked for a new chan-

cellor for Weimar Germany 65 years ago.

The Quantum Fund took a hit in the ruble market, and George Soros, the man who broke the Bank of England and punished the rupiah, found himself suddenly unable to cover the electric bills for all those foundations he uses to make the world a Popperian paradise. Scientists in Norway, taking extreme aseptic precautions, went digging for the flu bug responsible for 20 megadeaths after WW I. The Asian contagion infected American investors. The Y2K bug and the Eurocrash incubated overseas. The world's two newest and least mature nuclear powers, India and Pakistan, continued to lob conventional shells over the mountains of Kashmir, as they have for the last 20 years. Saddam Hussein geared up for another round of wheedling the U.N. and bleeding the U.S. military, as an American weapons inspector resigned, saying Iraq's unconventional arsenal grows while the U.N. plays politics with Saddam. And there's a good chance we'll wind up fighting the whole Arab world if Clinton's Zippergate scandal goes on any longer.

What's the point of this litany of danger and evil? It's all coming back. Depressions, war, confrontations with enemy superpowers, dread diseases transported around the world in the lungs, blood and semen of waves of refugees. All the stories we heard from our relatives about the ghastly twentieth century. We'll be able to tell our grandkids about how we trudged across all of the Central Asian deserts to fight for world peace, got gassed, nuked and exposed to venereal diseases, came home to find our portfolios in ruins and our wives shacked up with former presidents, used worthless government scrip to roll marijuana cigarettes, and watched the Army Corps of Engineers try to build a causeway of sand to Puerto Rico, the 51st state.

I'm looking forward to it. —BB

He would've joined the IRS — Buried in Robert Lacey's biography of Meyer Lansky, *Little Man* (1991), is the recognition that veteran gangsters weren't as prosperous as the sometime shysters who, once they accumulated some capital, went straight. The true beneficiaries of Prohibition were the Rosenstiels, the Kennedys, and the Bronfmans, not the former bootlegger who shifted into prostitution or drugs. The Las Vegas gamblers who went straight became multi-millionaire moguls while, to quote Lacey, "Dutch Schultz, Benny Siegel, Joe Adonis, Frank Costello, and Lucky Luciano all died without much money to their names. Charlie Luciano seemed to realize this before the end. Tracked down in Italy before his death in 1962, he was asked by a reporter whether, if he had the chance, he would do the same things over again. 'I'd do it legal,' he replied. 'I learned too late that you need just as good a brain to make a crooked million as an honest million. These days, you apply for a license to steal from the public. If I had my time again, I'd make sure I got that license first.'"

On further thought, consider this an argument against providing the public with the "protection" of licensing. —RK

Willie Loman Junior High — School recently started again in the small New York town in which I live — let's call it "Cadmium Falls," after the defunct local battery factory (now a Superfund site). Along with pencils, books, and dirty looks, the school year now brings with it, curiously enough, a parade of pint-sized door-to-door salespeople.

The Cadmium Falls Town Council last month passed a school tax bill with no increase in the tax rate. This has left the local schools in the unpleasant position of being unable to pay for extracurricular activities like class field trips and picnics. Teachers now send students door to door selling candy bars and such-things to pay for the annual New York City field trip or Chlorofluorocarbon State Park outing. In the past week, I've spent 15 dollars on chocolate I didn't want and wrapping paper I didn't need. I certainly don't begrudge the little buggers their school-based fun. I know the kids; I like them and I'm happy to do it. I'm sad, though, to see them as they go about this business.

The first canvasser, Margaret, is a 14-year-old who comes by occasionally to walk my dog Rufus. She knocked on the door Saturday. When I answered it, she cast her eyes on the ground.

"I really don't want to bother you with this," she said, "but could you spare a couple of dollars for some candy bars I'm selling for my class?" Though I happily offered her two bucks for the chocolate bars, she blushed when she took the money, ashamed, it appears, to be put in such a position.

The second young saleswoman dropped by yesterday evening. I think Kathy is about ten years old, maybe younger. She was going to each of the houses in our complex, selling wrapping paper and ribbons out of a catalog. Kathy was, perhaps, even more reluctant to take my order for a roll of Christmas paper. Pocketing my money, she slunk off into the night.

These visits gave rise to a variety of thoughts. The capitalist in me cheered — our kids are early on getting the idea that work (going from door to door) to sell things (candy bars, wrapping paper) leads to rewards (a school trip or a picnic). What bothered me, though, was the shame and reluctance with which this task was greeted by Margaret and Kathy. Has the culture so denigrated the roles of work and trade in our lives that our kids can't face them without a sickly embarrassment rising to their countenances? What in God's name are their teachers telling them about these money-raising projects?

But then the Whiggish devil-in-my-ear whispered caveats to me. Given the amount of tax money that schools in Cadmium Falls receive each year, it seems just a little cruel to send the kids out to bow and scrape for a few measly bucks to take them to the Museum of Natural History. While this fund-raising is a good introduction to adult life, I suppose, I feel in the pit of my stomach that maybe a ten-year-old should be allowed to kick back with an episode of Wishbone after school instead of being sent into the night to grovel for cash.

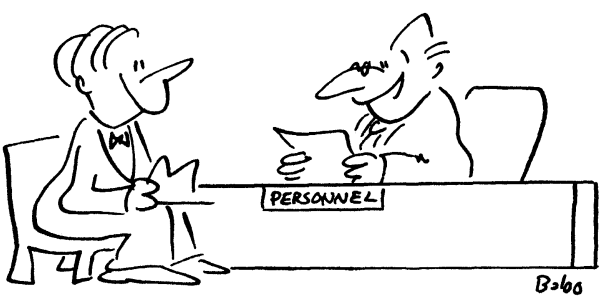

"Really? You *majored* in Federal grant application writing?"

But, for the money I give to Margaret and Kathy, I get some candy and wrapping paper. That's better than the Cadmium Falls School District: through my rent, I pay a not inconsiderable amount of money to the schools, their teachers and administrators. I wish I could be sure Margaret and Kathy were getting a good education for that sum.

—*guest reflection by* George Hunka

Wyoming dreaming — It's time libertarians — both upper- and lowercase — put down their intellectual pipes and accept reality: the average American is a moron. They care more about what's on TV than they do their freedom.

I don't mean to sound pessimistic. According to the Libertarian Party, an estimated 50 million people in the United States hold libertarian beliefs. Unfortunately, they disappear every time there's an election.

Let's face the facts: (1) We are a very small minority. (2) Our ideas don't excite voters.

We need to quit wasting our time, energy, and money trying to elect a libertarian to the White House. No offense to Harry Browne, but the average American idiot is not going to vote for a candidate that vows to end Social Security, Medicare, and all the other entitlements Republican and Democratic politicians claim hard-working Americans deserve and the federal government should pay for.

And, as more and more Americans line up at the federal trough, we find ourselves even more frustrated. With zoning laws, occupational licenses, and reams of unconstitutional local ordinances, most communities are already more oppressive than the federal government. And yet in most of those same communities, we can't even elect a libertarian to the city council.

We need to change our tactics.

Instead of the piecemeal, disorganized way the Libertarian Party goes about it now, we ought to focus on a single state. I would suggest a state with a small population, such as Wyoming, which ranks dead last. According to the Census Bureau, Wyoming has a population of about 480,000 people. Of those, slightly less than 210,000 voted in the last presidential election, which means we could elect a Libertarian governor and legislature with as few as 100,000 or so votes.

Of course, to do that, we would all have to move to Wyoming. I know, I know, the weather in Wyoming sucks — that's why nobody lives there — but hey, if we truly believe in freedom, we've got to make sacrifices.

Once our candidates are elected to office, we can begin dismantling the state government and establish the utopian society we all dream of. Welfare would be abolished, education would be privatized, most taxes would be eliminated, and victimless "crimes" like prostitution, gambling and drugs would be legalized.

The economy would flourish, the crime rate would drop, and Wyoming would become a shining beacon of freedom for the rest of the nation. And when the rest of the country sees how happy and prosperous we are, they might be a little more receptive to our radical ideas.

I know, it's a pipe dream, and it will never happen. But then, the way it's going, it's doubtful we'll ever elect a libertarian president either.

Anybody got a light? —*guest reflection by* Steve Cason

Coil and recoil — Could it be that early baby-boom icons Buffalo Bob, Roy Rogers, and Shari Lewis all shuffled off this mortal coil during the summer of 1998 because they could no longer face the possibility that they were in some way responsible for the moral development of the first baby-boomer to become president of the United States? —DB

George Wallace, RIP — When former Alabama governor George Wallace died on September 14, his obituaries all described him as a "segregationist." Actually, he was no more a segregationist than Bill Clinton is a liberal.

Like Clinton, George Wallace was a politician without principles or beliefs. In 1958, he ran for governor of Alabama as a moderate on racial matters and lost. He vowed to never again make that mistake. In his charming phrase, he "outsegged" his opponents the next time he ran, and began a long domination of Alabama politics. In 1968 he ran for president as an independent opposed to "pointy-headed liberals and forced integration." Despite his rhetoric and hostility toward liberals, the policies he advocated were pretty much standard Democratic fare, except of course on matters of race. Almost 10 million people voted for him in 1968, and he carried five states.

In 1972, he decided to run for president as a Democrat, to shake up the left-liberals who controlled that party. He succeeded, actually winning primaries in some northern states before being cruelly shot down by a lunatic while campaigning in Maryland. He dropped out of the race, crippled for life. He returned to Alabama and its governorship. As popular opinion there changed, he changed with it. By the time he retired, he was an ardent integrationist.

Although Wallace shared Clinton's lack of any clear belief and lust for political office, he lacked Clinton's elitist education and rapacious ideological wife. (Wallace married a dime store clerk, who succeeded him as governor when he was term-limited out. "Bedfellows make strange politics," it was observed at the time.) And while Clinton has always curried favor of the rich and powerful, Wallace preferred to be a thorn in their side.

From 1965 to 1972, he shook up American politics like no one else. The pointy-headed liberal intellectuals he liked to annoy worried about him a great deal, often threatening to move to Canada if he were elected. I never took him seriously. In fact, I voted for him in a primary election in 1972, hoping he'd carry my state and embarrass the Democrats. —CAA

A Web of Lies

by R.W. Bradford

If Clinton were a great leader, the story might be tragic. But Clinton is a pathetic sociopath, and the story is a farce — though not a very funny one.

On March 11, 1994, I got a call from one of *Liberty's* editors. I had predicted in *Liberty* that the Clinton regime would end either with the president's impeachment or (more likely) his resignation. He wanted to know whether I would care to make an actual bet on the subject. I realized that it was a sucker bet — that the fate I foresaw for Clinton had only previously been suffered by one president, despite the manifest corruption that characterized most presidents — but I put my money where my mouth was.

I was not convinced that any of the charges against Clinton would necessarily be his undoing. After all, he was (and remains) an extraordinarily skilled liar with wonderful "people skills." And his partner (and wife) is a very intelligent attorney, skilled at the sort of casuistry that keeps high-level criminals out of jail.

I took the bet because I knew that his previous politico-criminal career had taken place in Arkansas, a state with no serious opposition press and a small and very marginal opposition political party. These are very favorable conditions for political corruption. Under these conditions, a sociopath like Bill Clinton is liable to get overconfident. So his wife began a career stealing from the public treasury and he continued his profligate sexual life, using the trappings of his position to attract and reward his "conquests," even to the point of having a personal aide take responsibility for controlling what he called "bimbo eruptions," i.e. reports of his corrupt sexual activities in the press.

Sooner or later, I figured, that supreme confidence that he can get away with anything would be his undoing. Sooner or later, he'd fail to cover his tracks, confident that his skill as a liar and his wife's skill as a shyster would enable him to continue his career in crime, just as he had always managed to do in the past. And I had a certain amount of confidence in the American justice system: sooner or later, an investigator would find evidence that Clinton had failed to hide sufficiently well, and refuse to be intimidated. Sooner or later, a witness would refuse to be bought off, or would find himself in a situation where the cost of protecting the president was too great. The wheels of justice grind exceedingly slow, but exceedingly fine.

The main risk I faced, I figured, was that he might not be re-elected in the coming 1996 election, cutting short the time needed for him to trip up. But the Republicans already seemed determined to nominate Bob Dole, their worst possible choice as a candidate, so I figured the bet was worth taking.

In the years since, I have seen him survive all sorts of charges. The statute of limitations expired, witnesses conveniently "forgot" important details or died under mysterious circumstances, documents disappeared, spinmeisters spun, the economy boomed and the public didn't seem to care. When Clinton was re-elected in 1996, my editor friend called again, and invited me to pay off the bet. I declined, explaining that I remained convinced that Clinton's fundamental and complete lack of any moral sense and supreme overconfidence would eventually lead to his undoing.

The "Truth" . . .

Last January, when Linda Tripp walked into the Independent Counsel's office and told them that her friend Monica Lewinsky had told her that she intended to commit perjury in the sexual harassment case against Clinton and asked Tripp to perjure herself as well, a chain of events was set in motion that quickly got the president into very deep water. After hearing Tripp's tapes of her conversations with Lewinsky, the Independent Counsel asked Attorney General Janet Reno whether she wanted him to investigate

this matter. She gave her assent, and the Independent Counsel quickly put together a substantial amount of evidence.

Once the press got wind of it, the pundits were almost unanimous in predicting Clinton's imminent departure, and the market value of my bet rose dramatically. Clinton had had a sexual relationship with Lewinsky, an unpaid White House intern. When he was required to testify about it in the civil suit, he perjured himself. And he had induced Lewinsky to perjure herself as well.

The Whole "Truth" . . .

But Clinton did what he'd always done: he looked into the television camera, squinted his eyes to make himself look sincere, and lied. The economy continued to boom and the people continued to think he was doing a swell job as president. And the market value of my bet dropped sharply.

At the time, I opined that if Clinton were wise, he'd resign immediately and save himself from disgrace. This time there was substantial evidence and an Independent Counsel, Kenneth Starr, with the power to get it. Clinton could spin all he wanted. He could resist the investigation all he wanted. He could lie all he wanted. But sooner or later, this time, the evidence could not be kept from public scrutiny, and no matter how distasteful people found it, they'd have to face the facts.

For months, Clinton's strategy worked in the court of public opinion. A parade of witnesses came forward, attesting to his good character and honesty. The stock market rose even higher. The American people didn't want to believe the sordid story, and continued to hold the president in high esteem.

But the wheels of justice continued to grind. One by one, the president's attempts to keep evidence from the investigation failed. No, the Secret Service could not refuse to testify on grounds that they protected the president. No, the president's advisors could not refuse to testify because they were the president's advisors. Etc. Etc. Etc. And eventually the former intern, faced with the fact that there was ample evidence of her own perjury, agreed to tell investigators the truth.

By mid-August, it was evident to everyone in the country except the president that the Independent Counsel had hard evidence that the president had perjured himself in his testimony in the Jones case. The president had fought every attempt to subpoena him to testify on the matter, but he could see the writing on the wall. With no other options open, he agreed to testify before the Independent Counsel's grand jury on August 17, and announced he would address the nation that evening.

Judging from what I saw on the television news channels over the weekend preceding his testimony, one thing was plain to his friends and apologists. Whatever had happened before, his only means of survival was to tell the truth. Maybe people would forgive his sexual peccadillos and even his perjury in the Jones trial. After all, who doesn't lie about sex? But to lie again, this time to a federal grand jury, not lawyers suing him in a civil case, simply would not do. Americans would not forgive him that.

And Nothing but Lies

Clinton testified as scheduled on August 17, and took to the airwaves as promised that night. The statement he made was brief and to the point. "As you know," he said, "in a deposition in January, I was asked questions about my relationship with Monica Lewinsky. While my answers were legally accurate, I did not volunteer information. Indeed, I did have a relationship with Miss Lewinsky that was not appropriate. In fact, it was wrong. It constituted a critical lapse on my part for which I am solely and completely responsible." Although he claimed that he had somehow not committed perjury, he had misled people: "I know that my public comments and my silence about this matter gave a false impression. I misled people, including even my wife. I deeply regret that." But his motives for "misleading" were noble: he was "very concerned about my family."

Then he angrily turned his fire on the Independent Counsel. "This [investigation] has gone on far too long, cost too much and hurt too many innocent people. Now this matter is between me, the two people I love most — my wife

These Ain't the Bad Old Days

Woodward and Bernstein (now editing *The Washington Post* and *Vanity Fair*) were interviewed on *Meet the Press* recently, bemoaning, like the good liberals they are, the horrible indignities Clinton and the Presidency have suffered at the hands of Ken Starr. Now, when *we* were young muckrakers, they said, you had Watergate. Now *there* was a scandal! You had secret tapes, you had crimes sanctioned by the president, you had abuse of power. Now you have Whitewater. It's totally different, and not at all the same. It's just about sex. Really. . .

Thus do aging journalists, attackers of the imperial presidency in their youth, fall on their swords and suffer the death of credibility for Bill Clinton.

But they're not alone. Joining liberal journalists, many conservative pundits also wail about the loss of presidential power and grandeur. No future president, it seems, will be comfortable discussing illegal matters in front of the office's general council, to say nothing of the Secret Service. How can Presidents function, they ask, without being allowed to discuss all the illegal options?

These pundits are especially upset with Bill Clinton for frittering away presidential power by dragging these matters to the Supreme Court. Which is to say, they preferred the situation where a president managed society from behind the trappings of completely unconstitutional power. For the Supreme Court rulings were all 9 to 0. No one suggests the rulings were incorrect but that the Justices just didn't get it. That means the actions of previous presidents who maintained these powers dealt with the public in a grossly unconstitutional fashion. And that seems to suit the pundits quite fine. What's a little unconstitutionality when it comes to running the country properly?

I've often thought that most intellectuals were interchangeable. I'm now beginning to recognize that what you can exchange them with are Prussians.

—*Ross Levatter*

and our daughter — and our God . . . it is private, and I intend to reclaim my family life for my family. It's nobody's business but ours." It was a minimalist quasi-apology, coupled with a brazen attempt to tell the American people that his past perjury and behavior in the Oval Office was none of their damn business. And so far as a lot of Americans were concerned, it was good enough. But by now, as reluctant as most Americans were to consider the possibility that their president had engaged in such tawdry behavior and had lied about it to them and, despite his protests, probably committed perjury in the Jones case, the reality of the matter was sinking in. The members of Congress who had believed Clinton's denials in January turned critical.

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The wheels of justice continued to grind. The Independent Counsel recalled several witnesses, and said he'd get a full report to Congress in a timely fashion. News organizations reported that it would be turned over to Congress sometime in September, and rumors abounded about specific dates. When it became apparent that the House of Representatives would likely publish the report shortly after receiving it, the president asked for an advance copy, so his spinmeisters could issue a response concurrent with the release of the report.

On September 9, two vans with police escorts pulled up to the Capitol and delivered the report and supporting documents. Two days later, the House voted to release it to the public, and within hours, it was widely available. (Curiously, the president's lawyers and spinmeisters published a rebuttal of its charges while the report was still under lock and key, seen by no one but its authors.) Within 24 hours, several newspapers had published it in full.

I had a copy in my hands about two hours after its release, thanks to the Internet. It makes fascinating reading, but not for its salacious content. Yes, there is something bizarre about a middle-aged man who has a young employee of his perform fellatio on him, but refuses to climax in her mouth because he does not "trust and not know [her] well enough." But the smutty stuff is a relatively small portion of the report, and is related in a clinical, anti-pornographic style.

What They Did for Love . . .

The first time she was alone with him she hiked up her jacket so he could see her thong underwear, and two hours later he invited her to meet him in George Stephanopoulos's office. They quickly moved to his private office, where he talked on the phone to a congressman while she performed oral sex on him. At first their relationship consisted entirely of stolen kisses, followed by his feeling her breasts with his mouth and hands, and her fellating him. By the time of their third sexual encounter six weeks later, she was afraid he had forgotten her name. He offered to perform oral sex on her during their next encounter a week later, but she demurred because she was menstruating. After she performed oral sex on him, they returned to the Oval Office (from the windowless bathroom). "He was chewing on a cigar," she told investigators. "And then he had the cigar in his hand and he was kind of looking at the cigar in . . . sort of a naughty way. And so . . . I looked at the cigar and I looked at him and I said, we can do that, too, some time."

Two weeks later, during their next in-person encounter (they'd started having phone sex in the interim), she began to worry that their relationship was one-dimensional: "I asked him why he doesn't ask me any questions about myself, and . . . is this just about sex . . . or do you have some interest in trying to get to know me as a person?" At their next encounter, he talked with her for about 45 minutes, and their "friendship began to blossom."

Liar, Liar

It is a strange thing, finally, to believe something that the majority of Americans believe . . . but not to have changed one's opinion in the slightest.

I have always believed William Jefferson Clinton a liar. He struck me as a palpable liar from the get-go, so obviously a liar that my incredulity has been matched only by the credulity of Clinton's many supporters. His paper-thin "sincerity" may have impressed others, but to me it has looked like nothing other than the pathetic fictions of a hopeless "pleaser."

His lying never reached the awesome evil of an Iago. While other liars told bold untruths, he merely fibbed. That is, he hedged, in a childish version of the lawyerly manner. His circumlocution was little more than the verbal equivalent of crossed fingers. From the earliest campaign speeches to his most recent press conferences, anyone who cared to understand Clinton could. To be fooled merely proclaimed one's own folly, not Clinton's mastery of the art of prevarication.

Bill Clinton is thus the perfect symbol of modern America. Our culture of public hugging and publicized caring couldn't have picked a better man. Who else apes the pieties of the age better? Who else more faddish, more adaptable . . . more empty?

Unfortunately, though everybody now realizes that Clinton is a liar, the required next step will not be taken: there will be no public recognition that his supporters were culpable, that they were so yearning for a baby-boom icon of their own puffed-up "good intentions" that they eagerly saddled themselves with the first shyster to remind them of who they wanted to be. Clinton's suporters can no more blame themselves than Clinton can bear to admit the truth and apologize without a smoking gun to his head. The people who respected Clinton will simply feel betrayed.

The dream must live on, even if the reality is as dead as the soul of a man who cannot tell the truth.

—Timothy Virkkala

Two weeks later, the president abruptly terminated their sexual relationship because he "no longer felt right about their relationship." But six weeks later, he called her to visit him in the Oval Office on the pretext of delivering papers, and the next thing they knew he was inserting a cigar into her vagina. ("It tastes good," he told her after he put the cigar in his mouth.)* Before their affair was over, they'd met for ten secret trysts (in the final two he trusted her enough to ejaculate in her mouth) and exchanged dozens of gifts, and people were starting to notice.

The details may be salacious, but the story is mundane, and its effect anti-pornographic. The president comes off as immature, manipulative and, well, a bit silly. Lewinsky comes off as aggressive and demanding. Their whole affair seems ridiculous.

If Clinton were a great leader, the story might be tragic. But Clinton is a pathetic sociopath, and the story is a farce, though not a very funny one.

But the Independent Counsel's report is only incidentally about sex. Its real subject is the question of whether the president perjured himself, obstructed justice, tampered with a witness, or abused his constitutional authority. The report concludes that "there is substantial and credible information" supporting all of these charges.

I don't know enough law to know exactly what "obstructing justice" consists of, or exactly what "abusing constitutional authority" or "tampering with a witness" means. But I have a pretty clear idea of what perjury is, and the report makes a powerful case that he lied under oath in both his civil deposition in the Jones sexual harassment case and in his mid-August testimony before the grand jury investigating whether he had committed perjury in the Jones case.

A Tangled Web

In the Jones case, he denied having either a "sexual relationship," or "sexual relations" or a "sexual affair" with Lewinsky. He claimed he could not remember ever being alone with her. He claimed he could not remember giving her any gifts, although he had given her gifts only three weeks earlier. He denied talking to Lewinsky about the pending Jones case. And he denied discussing Lewinsky's role in the Jones case with his friend Vernon Jordan. There is a mountain of evidence, including in the president's own subsequent grand jury testimony, that these statements were lies.

In his testimony before the grand jury in August, he claimed that he never touched Lewinsky's breasts or genitals.† And he claimed that his sexual contact with Lewinsky began in 1996, after she had obtained a paying job at the White House, thus avoiding the embarrassing charge of having sex with an unpaid intern. Again, the report produces a mountain of evidence that these statements are false.

Personally, I cannot see how any refutation is possible. The response from Clinton's attorneys is laughable. It begins by making a patently political charge against a patently legal document:

> [I]t is plain that "sex" is precisely what this four-and-a-half-year investigation has boiled down to. The Referral is so loaded with irrelevant and unnecessary graphic and salacious allegations that only one conclusion is possible: its principal purpose is to damage the president.

This is an obvious attempt to play on the Clinton spinmeister theme that the entire investigation has "boiled down" to nothing but a report on the president's sex life. In fact, the investigation has already resulted in 14 criminal convictions on other matters that the Independent Counsel has investigated, and more indictments are in the works.

In point of fact, the report is more about the president's attempts to keep Lewinsky quiet than it is about sex. The main section of the report, the "narrative," comprises some 42,948 words, of which only 7,472 are about the sexual encounters between Clinton and Lewinsky. The charges made in the report arise out of the president's lying about his sex life, so it is impossible to evaluate them without reporting on those aspects of his sex life that he is accused of lying about under oath.

It was minimalist quasi-apology, coupled with a brazen attempt to tell the American people that his past perjury and behavior in the Oval Office was none of their damn business.

There is no more merit to the rebuttal's claim that the Independent Counsel inclusion of "graphic and salacious material" was not needed. In his deposition in the Jones case, the president claimed he could not remember whether he had ever been alone with Lewinsky. Evidence that she fellated him in the Oval Office on nine different occasions and that on one occasion he stuck a cigar in her vagina, offers striking evidence that this was a deliberate lie. To believe the president could not remember whether he was ever alone with Lewinsky, one would have to

"I cannot tell a lie. It was Ken Starr."

* Later, Lewinsky wrote (but didn't send) a letter thanking Clinton for giving her a copy of Walt Whitman's *Leaves of Grass*: "Whitman is so rich that one must read him like one tastes a fine wine or good cigar — take it in, roll it in your mouth, and savor it!"

† Such an admission would have undermined his goofy definitional argument that his denials that he had had sexual relations with Lewinsky in his Jones deposition were based on his understanding that sexual relations didn't begin for him unless he touched the "genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to arouse or gratify the sexual desire of any person . . . . 'Contact' means intentional touching, either directly or through clothing."

believe either that the president engaged in these acts while others were present, or that his illicit sex life is so extensive that he has forgotten these episodes entirely.

Or consider this argument against the first charge leveled by the Independent Counsel, namely, that Clinton perjured himself in his January 17, 1998, deposition when he claimed that he had neither a "sexual affair" nor "sexual relationship" with Lewinsky:

> [T]he terms "sexual affair" and "sexual relationship" are inherently ambiguous and, when used without definition, cannot possibly amount to perjury.

In other words, no matter what the president had done, he could answer this question anyway he wanted without fear of perjuring himself!

The Wizard of Is

Okay. What about Clinton's claim that he did not have "sexual relations" with Lewinsky? Here his attorneys argue that according the definition offered by the judge in the case, the woman Clinton was having sex with was having sex, but he wasn't! An amusing footnote to the Starr Report quotes Clinton's explanation before the grand jury of why he didn't perjure himself when he "said I did not have sex with" Lewinsky:

> It depends on what the meaning of the word "is" is. If the — if the — if "is" means is and never has been, that is not — that is one thing. If it means there is none, that was a completely true statement.

Indeed, so far as the Clinton defense team is concerned, Clinton should not be impeached no matter what he did. At least, that seems to be what Chief White House Counsel Charles Ruff seemed to be saying the next day when he told Tim Russert of *Meet the Press*, "My goal because I represent the office of the president and I believe that there is no basis here for beginning impeachment proceedings is to focus on that proposition and to convince not only the House Judiciary Committee but very candidly you and *the American people that whatever they believe happened here, there is no grounds for impeachment"* (emphasis added).

The Starr Report makes fascinating reading, but not for its salacious content. The smutty stuff is a relatively small portion of the report, and is related in a clinical, anti-pornographic style.

Judging from the preposterous arguments offered so far, that will be no easy task. Twice, the president has gone into court, knowing what questions he was going to be asked, and extensively prepared to answer them. And twice he has taken an oath to "tell the truth, the whole truth, and nothing but the truth." And twice he has lied.

But before we conclude that the president is clutching at straws and that his end is near, we should remember that impeachment is ultimately a political process, not a judicial process. The Constitution specifies that a president may be impeached for "Treason, Bribery, or other high Crimes and Misdemeanors." But in practice, the House may impeach and the Senate may convict for any offense they please. Indeed, the first "Article of Impeachment" against Richard Nixon charged him with "making or causing to be made false or misleading statements to lawfully authorized investigative officers and employees of the United States," which is undeniably *less* serious than the charge that Clinton lied under oath to a grand jury.

So Clinton's lawyers can argue that his perjury is not an impeachable offense all they want. If Congress says it is, then those arguments mean nothing. By the same token, Starr can argue that perjury is impeachable, but if Congress says it is not, then his argument means nothing. (To his credit, Starr makes no such argument: he merely advised Congress that the president's perjury, obstruction of justice, and abuse of constitutional authority are "possible grounds for impeachment.")

The members of the House will have to make up their own minds about whether to impeach. If a majority of them decide to, then senators will have to make up their own minds about whether to remove the president from office.

I had a dream — When Clinton fled from his Monica-perjury problems to Russia, his host Boris Yeltsin was under just about as much pressure as he. At their joint press conference, I had a sudden fantasy: this would be the perfect time for them to announce that they were both resigning from office for the good of their respective countries, and flying off to Vegas, where Yeltsin will begin his new job as greeter at the Mirage, and Clinton his as emcee of the floor show.

Given the gravity of the economic crisis in Russia and Yeltsin's patent inability to deal with it, and the gravity of the charges pending against Clinton, it is nearly certain both will eventually be forced to resign anyway. Why not go now, when they can leave with a modicum of dignity?

Alas, the addiction of power proved too much for them to overcome. —*R.W. Bradford*

Keeping matters in perspective— The array of charges against the president, when considered as grounds for impeachment or resignation, are unimpressive. If we impeached every president who lied and broke the law, the house judiciary committee would be very busy. That he may have attempted to encourage others, particularly a bystander like his secretary, to subject themselves to criminal charges is more serious. It demonstrates that the president views others as a means to his ends. But, again, that is something that everyone should have known already. —*Clark Stooksbury*

Mystery solved — The report of the Independent Counsel solved one mystery that people had been curious about. Lewinsky did not save the semen-stained dress because she saw it as a sort of grotty souvenir. According to footnote 445, "She said she does not ordinarily clean her clothes until she is ready to wear them again. 'I was going to clean it. I was going to wear it again.' She also testified that she was not certain that the stains were semen. She had dined out after [having sex with the president], '[s]o it could be spinach dip or something.'" —*R.W. Bradford*

So I'm not planning on collecting my bet any time too soon. At least some of the people who want to believe the president will accept the arguments of his defenders, no matter how lame those arguments may be. And the president remains determined to hold on to his office. Just as he was unwilling to tell the truth until he had virtually no other alternative (and even then admitted only part of the truth), so will he clutch to his office until it is manifest that he will be found guilty and removed from office. He knows how to count the votes in Congress. And he knows that the vote will not come for some time.

Holding on to Power

The Republicans hold majorities in both the House and Senate, and the evidence is that they would prefer not to impeach the president. Certainly, they are better off with a Democratic president who is wounded so badly he cannot interfere with their legislative plans, and is so preoccupied with his own survival that he is totally ineffective in setting the national agenda — not to mention the fact that he is liable to be a millstone around the necks of other Democratic politicians.

In contrast, Democrats in marginal districts have every incentive to get the president out. He certainly isn't advancing their legislative agendas, and having him in a position of party and national leadership harms their re-election chances. So it's not surprising that most of Clinton's remaining Democratic support comes from congresspeople from overwhelmingly Democratic districts. They have no fear of losing their next election because of the president's unpopularity, and even a wounded president is able to reward his allies in Congress with pork barrel projects.

Even so, I suspect the jig is up for the president. His behavior was outrageous and felonious. Over time, people will probably overcome their natural distaste for such tawdry character of the charges against the president and conclude that he has to go. Eventually, there will be enough votes to impeach him, and he will resign rather than face the ignominy of being the first president ever convicted by the Senate. And I will win my bet.

But I won't be happy about it, and not just because a wounded and ineffectual president is better than an effective and popular one, or because Al Gore is an ideologue committed to an agenda of increasing government power.

During the whole Lewinsky crisis, American voters have told the pollsters that they think Clinton's job performance is good. I think they are correct. Since Clinton's plan to socialize medicine was defeated, he has done remarkably little to harm the country. He's basically gone along with some of the more enlightened aspects of the Republican agenda. He's signed legislation that does away with an individual's "right" to welfare. He's pretty much kept us out of military conflicts. He hasn't raised taxes. This is more than you can say for any Republican president since Eisenhower.

And how much harm can a president who is an acknowledged liar do? Every time I see that wonderful piece of videotape of him looking into the camera, squinting his eyes to feign sincerity, point his finger at the American people and say, "I want to say one thing to the American people. I want you to listen to me. I'm going to say this again: I did not have sexual relations with that woman, Miss Lewinsky." I rejoice. How can anyone ever believe him again?

Personally, if I were a member of Congress, I don't know how I'd vote. As a lover of human liberty, I'd vote to keep him in office. But as a lover of justice, I'd want him out of office, disgraced and serving a jail term. ❑

The Defenders of the Undefendable

by Stephen Cox

This summer, I watched a lot of televised discussion of President Clinton's "alleged affair" with Monica Lewinsky. I developed a sick fascination with the Democratic Party hacks who, in their capacity as television "experts," were prepared to deny — volubly, aggressively, confidently, condescendingly — any and all charges and possible charges against the president, no matter how large or small or even microscopic these might be, and no matter what mass of evidence might ever be found to support them.

The climax, for me, was the Clinton flacks' response to the discovery that Monica actually did preserve a cocktail dress that the President did do his business on, and that the dress could be analyzed for DNA spills, which actually supplied scientific evidence that Clinton lied like a dog when he said that he "did not have sexual relations with that woman."

Now, a few short months before, the Clinton flacks were making fun of their foes for believing that there ever was or could be such a thing as a dress. The existence of a dress was a "gross and obvious lie," a "typical piece of disinformation." But when the dress was produced, what did they say? They said that if there wasn't any DNA on that dress, then Starr's investigation would be over, finished, kaput, because Starr obviously had no other evidence of Clinton's dalliance with the "talented" and "ambitious" Ms. Lewinsky.

They knew that, just as they had known that there wasn't any dress in the first place, just as they had known that Clinton was telling the absolute truth when he sanctimoniously denied the whole affair. Meanwhile, every one of them remained in a perpetual state of outrage that anyone should care whether the president lied or not.

Like most libertarians, I am an extreme rationalist and moralist. I have, as a result, a good deal more than my share of self-righteousness. So the spectacle of so many apparently intelligent people's supreme self-righteousness in the defense of a pathetic liar, phony,

and nincompoop struck me as . . . amazing! Astonishing! Incredible! How, I asked myself, can people act like that?

Trying to answer that question — the kind of question that arises very frequently for rationalists and moralists — I went through a familiar litany of explanatory hypotheses.

First Hypothesis. Maybe, I thought, these people aren't very smart after all. Do you have to be smart to put on a tie and stare into a camera? Do you have to be smart to go to law school? Certainly you don't have to be smart to believe in the principles of the modern Democratic Party; you just have to squint your eyes and inhale. But I had to admit that lack of intelligence couldn't fully account for the behavior. I mean, how much brain power do you need to see that someone is lying when he says that he wants the truth to come out "sooner rather than later," then clams up completely and uses every available stratagem to keep other people quiet, too?

Second Hypothesis. Maybe these people simply lack any sense of morality. I've seen people like that . . . mainly in the movies, granted, but *The Bad Seed* was a mighty good movie, and the Second Hypothesis gives one a very comforting feeling of moral superiority. Maybe we superior folk should make allowances for those who are, somehow, genetically handicapped in the morals department. Of course, a pathological amoralist will also feel superior. He will naturally adopt a condescending attitude toward the poor slobs who are burdened with ethical considerations and who are therefore vulnerable to his accusations about "witch hunts" and "right-wing conspiracies" and so on and so forth. He doesn't believe any of it. He goes home and brags to his wife (who's a pathological case herself) about how he tricked the rubes today. And yet. . . these pathological liars never really look like that little girl in *The Bad Seed*. They never seem to know that they're just acting a part. And they keep it up, day after day, month after month. Perhaps, no matter how ridiculous this may sound, they really believe all the falsehoods they spout. Perhaps they actually believe that they're right.

Third Hypothesis. The president's spokesmen do think that they're right, even when they tell gross, palpable lies. They know that the lies are lies, in a purely technical sense, but they are convinced that these falsehoods conform to some higher vision of truth. They believe that they themselves are moral heroes because they have the courage to sacrifice all lesser moral principles to a lofty moral ideal, the protection of The Presidency and Modern Liberalism. They lash out at Judge Starr for taking years to investigate the president and spending tens of millions of dollars doing it, even though they understand — as any sane person understands — that Starr had to do that because the President and his janissaries blocked the investigation at every turn. They denounce Starr because they want to preserve the president and his great moral leadership. This, though ridiculous, is at least plausible. Even saints lie to the persecutors of the church; even saints cheat and steal when their cause is desperate enough. But what is the church in this case — the First Church of Clinton? That's what it looks like. If it were really the presidency or modern liberalism, Clinton would be thrown overboard by the true believers, because he is about the worst disgrace that could happen to those two lofty ideals. And why would anybody sacrifice his honor for a person that he knows has no honor himself? The Third Hypothesis is a little hard to demonstrate.

How much brain power do you need to see that someone is lying when he says that he wants the truth to come out "sooner rather than later," then clams up completely and uses every available stratagem to keep other people quiet, too?

Fourth Hypothesis. To paraphrase the famous words of the Song of Solomon, hatred is as strong as love is. Many people in the Clinton camp (most of them, in fact) believe that all adherents of the Republican Party are monsters of evil. This belief justifies them in doing to the Republicans every last thing that they believe the Republicans would like to do to them. They defend the cause of Clinton because their own moral identity depends wholly on the conviction that they themselves are not Republicans, and they will defend this conviction with whatever it takes to defend it. Clinton and the rest of Circus Arkansas are just along for the ride. In fact, the whole Democratic Party program is just along for the ride, since it is obvious that none of the Democratic hacks is prepared to defend any part of it with half as much energy as they give to whomping the Republican opposition.

This last hypothesis, I submit, is the most convincing one. Clinton's professional defenders seem self-righteous because they *are* self-righteous. They never have to pretend. They act like believers because they are believers. But they are not believers in the greatness of a president who (according to them) can't even grasp the definition of "sexual relations." They are believers in their own greatness, and that greatness manifests itself chiefly, if not entirely, in their difference from those awful people who went to Ball State University, work for the local savings and loan, worship at the First Baptist Church, and probably subscribe to *Guns & Ammo*. (It's no surprise that when things got hot this summer, Clinton retreated to the Hamptons and got a gushing welcome from the plutocrats assembled there. So much for class superiority as characteristic of people who vote Republican.)

But that returns us to the First Hypothesis. Are these people really intelligent? If so, why are they willing to devote their lives to proving that they are not Republicans? ❑

Reaping the Consequences

by Sarah J. McCarthy

It's more than a little ironic that so many liberal Democrats have been heard on talk shows recently pleading for a "sense of proportionality" regarding the Clinton-Lewinsky affair. The champions of sexual harassment law — those who crusaded for million dollar punitive damage fines and jury trials for sexual harassers, those who strenuously argued that powerful males having sex with young subservient females was inherently exploitative — are now telling us that it's okay for the president of the United States to be sexually serviced by an infatuated young intern. Liberals, lawyers and feminists who previously demanded that a crude joke or two should result in the rejection of a Supreme Court nominee are now arguing that it's not only acceptable to have power-imbalanced sexual relations in the workplace, but that it's also okay to lie about it under oath in a sexual harassment trial.

Senator George McGovern, quivering with indignation on Fox TV, is incensed about what he calls "the sex police" running loose in our land, invading the privacy of the president. The senator makes an excellent point. How did the United States become the kind of country where the president is subjected to the degradation of having his body fluids and sexual apparatus investigated for "distinguishing characteristics"? Such a humiliating spectacle, in which the entire nation, yea the entire world, have become unwilling witnesses, can be beneficial to no one.

Former New York Congresswoman Elizabeth Holtzman, a legal expert who is currently working on rewriting New York's rape privacy laws and an author of the Independent Counsel Statute, recently asserted that there's something very wrong with our laws when a president can be hauled into court and asked personal questions of a sexual nature about a consensual relationship that the government has no right to ask.

But those accusing Ken Starr of being some sort of over-zealous keyhole peeper should remember that the avalanche of dirty laundry piling up around the White House is there solely because of the president's reckless behavior in office and a seriously flawed sexual harassment law. The only reason Mr. Starr has the right to ask the president any question whatsoever about his sexual relationships, consensual or not, is that questions about his sexual conduct arose directly from the Paula Jones sexual harassment case.

What the champions of the current sexual harassment laws are now witnessing is the predictable outcome of their overly punitive quest to eliminate all questionable sexuality from the workplace. Investigations by the sex police are inevitably what a country gets when it drags hundreds of thousands of dollars in punitive damage fines for sexual harassment through corporate and political America.

When personal injury lawyers are set loose in the land charged with the job of uncovering "patterns of harassment in the workplace," as they have been since the enactment of the Civil Rights Act of 1991 — the legislation that first permitted jury trials and huge punitive fines in cases of harassment — they are every bit as zealous in pursuing their targets as is Ken Starr. They're authorized to sift through mounds of workplace dirty laundry, and with huge cash incentives, they are meticulous, checking all sexual relationships, including consensual ones, to discover the ones that may qualify as harassment, or simply those that can be used as "perjury traps," or as legal blackmail. The laundry bag will include not only the sexual histories of the victim and the accused, but that of coworkers, bosses and anyone else who becomes a witness for either side.

In a sexual harassment trial I attended in Pittsburgh, even the bread deliveryman was dragged in and falsely accused of bringing porno magazines, along with hoagie buns, into the workplace. At the very least, the law provides for shakedowns where lawyers demand large amounts of cash to keep all sorts of spillover issues like adultery, alcoholism, domestic violence, video rentals, pornography and drug use out of court and off the front pages.

"Recent Supreme Court rulings on sexual harassment not only increase the burdens on employers, but could well turn the American workplace into the most highly regulated in the world," says *The Economist*. "So much for the land of the free."

For years, lawyers and judges have sat as silent witnesses, watching as these shamefests destroyed the privacy rights, free speech, property rights, workplaces and the very lives of American citizens, and have done nothing to stop them. If the destruction of marriages, reputations, jobs, businesses and privacy has not inspired the legal system into reforming the destructive and brutal process that it has devised, perhaps the destruction of a presidency will.

If there is any good to come from the current presidential scandal, it is that the American people now have had an up-close and personal look at a fairly typical sexual harassment case.

If there is any good to come from the current presidential scandal, it is that the American people now have had an up-close and personal look at a fairly typical sexual harassment case. If Mr. McGovern and Ms. Holtzman care to find out, they would discover that the president's case is not unlike the scenarios enacted on a daily basis in workplaces and courtrooms across

America, differing only in the amount of publicity. On the grounds of protecting people from humiliation at work, the law now regularly engages in the public humiliation, or the threat of public humiliation, of nearly everyone involved, including the victim of harassment.

Senator McGovern suggests that instead of public debacles such as the current one involving the president, private ethics committees, such as the ones that Congress has arranged for itself, should be established for the executive branch. A degree of privacy and a "sense of proportionality" is indeed what is needed to restrain the brutal mechanism that American harassment law has become, and that sense of proportion should extend far beyond the presidency and out into the rest of this nation's workplaces. ❑

Presidential Schadenfreude

Hoisted by his own petard — When we all stop guffawing at the spectre of professional feminists lining up to support Bill Clinton, despite his vile male chauvinist behavior, let us take a moment to enjoy the poetic justice of his fall. For the law that enabled Paula Jones to sue him and her attorneys to depose him was a law that Clinton himself championed and his critics mostly opposed. And the law that created the Office of the Independent Counsel, and gave it the power to investigate the president, would not have been renewed in 1994 if he hadn't supported it. Dismissing charges that the office was "a tool for partisan attack and a waste of taxpayer funds," he told reporters that the Independent Counsel law is "a foundation stone of the trust between the government and our citizens." — *R.W. Bradford*

That was then, this is now — The stiff-necked and sour-mouthed conservatives who passed the Communications Decency Act in 1997 placed the Starr Report on multiple government websites in 1998. Ponder the irony. —*Brien Bartels*

Titles of ignobility — I have trouble understanding the psychology of those who believe that it is okay to lie under oath, because his lying was about sex. Do they actually mean that there should be an exception to the law against perjury? Do they want the oath one takes when one testifies to be revised to "I solemnly swear to tell the truth, the whole truth, and nothing but the truth, except when I'm talking about sex"?

I also have trouble understanding the argument that President Clinton's crimes ought not be grounds for impeachment because he has been elected president twice and such minor infractions should not interfere with him doing the "people's business." Do they mean that the squalor of his behavior makes it excusable? Or that his popularity is a license to commit crimes, so long as they are not very relevant to his official duties? Or that the old adage "rank has its privileges" should apply here, and that being allowed to commit perjury is among those privileges? If the president cannot be above the law, then how can we attract top-quality people into politics?

One of the principles that America was founded on is that rank does not have its privileges. That's why the Constitution prohibits titles of nobility. The principle at stake here is equality before the law. And the same law that applies to the head of your local chamber of commerce applies to the president of the United States.

—*R.W. Bradford*

When the going gets tough — By the time this magazine hits the newsstand, Al Gore may very well be president. But I have my doubts. Bill Clinton has amazing survival skills — I left him for dead in 1994 — and is blessed with a rogue's gallery of incompetent and unattractive political enemies. The Republican congressional leadership has repeatedly jousted with Clinton and left him unscathed. The right-wing counter-establishment has publicized a multitude of Clinton scandals but none of them have stuck.

Now, having gone a blow job too far, The Leader Of The Free World is facing his most serious test. I am reminded of Bart Simpson's exclamation: "I've made my bed and now it's time to weasel out of it!" Stand by to witness the greatest example of weaselry of all time. —*Clark Stooksbury*

Politics as usual — One of the minor mysteries of the whole Clinton-Lewinsky affair is why Clinton decided to continue to lie about his behavior even after the public had found out about it from Lewinsky's tape-recorded conversations with Linda Tripp. Surely, prudence called for him to confess everything at this point, and hope for the best. How could such a seasoned politician decide to continue to lie?

Like many crises he's faced in his political life, he reacted by talking to political consultant Dick Morris. "You poor son of a bitch," Morris said. "I've just read what's going on." After Clinton explained that there was probably other evidence, Morris suggested confession. "There's a great capacity for forgiveness in this country," he told the president, "and you should consider tapping into it."

"But what about the legal thing?" Clinton asked. "You know, the legal thing? You know, Starr and perjury and all . . ." Morris suggested they take a poll and see whether the voters would forgive him, and Clinton agreed.

Later the same evening, Morris called the president with the results, which showed they were "willing to forgive [the president] for adultery, but not for perjury or obstruction of justice." When Mr. Morris explained that the poll results suggested that the president should not go public with a confession or explanation, he replied, "Well, we just have to win, then."

—*Chester Alan Arthur*

Sex and Status

by R.W. Bradford

Last January, a few days after the Monica Lewinsky story broke, my wife happened to discuss it with her mother, who defended the president and condemned Lewinsky. My mother-in-law is a rock-ribbed, church-going Midwestern Methodist, but like many other "liberal" Christians, my mother-in-law sees the president as a promoter of the social doctrine that she believes is implied by the Good Book. Still, I was mildly surprised: I had thought that she'd identify some moral flaw in a middle-aged president who convinces a 22-year old woman, who happens to be his most lowly employee, to perform fellatio on him in his office.

As it happens, I am the same age as the president, and there are sometimes 22-year-old female interns where I work. Would my mother-in-law have defended me if I had got an intern to provide such sexual services to me?

Like so many of the president's apologists, I suspect she was making an exception for him. As president, he deserves in some sense to be above moral laws, to be able to violate common rules of decency with absolute impunity, apparently on the theory that the good he does elsewhere — by trying to impose socialized medicine on the country, for example — justifies his doing so.

Unhappily, the same seems to hold true for many of his critics. They are quite willing to condemn him for lying to the American people, for perjury, and for obstruction of justice. But they remain silent on the matter of the behavior which he lied about.

Well, I am not among them. I believe Clinton's relationship with Lewinsky was not merely "inappropriate." I believe it was wrong. And it was not wrong simply because the president is a married man.

I believe it is wrong for a person to use his authority over another person to initiate a sexual relationship with him or her. Further, I believe it is wrong for a person substantially subordinate to another to initiate a sexual relationship to advance his or her situation — and for the person in authority to accept the sexual advances of his or her subordinate.

Sexual activity is a wonderful part of human life. It can be engaged in for a lot of reasons that I think are entirely appropriate: for mutual pleasure, as an expression of love, as an adventure, in exchange for money, or just for fun. The psychology of sexual relationships are extremely complicated. Cupid often shoots his arrows in inconvenient directions, and those smitten are susceptible to peculiar behavior.

As a consequence, sexual morality is often murky. There are a great many situations in which the question of whether sexual activity is appropriate is obscure. This is one reason that a prudent person seldom makes moral judgments on the sexual behavior of others. (Another good reason: such pronouncements are generally neither appreciated nor liable to have much effect.)

But there are situations in which the morality of sexual behavior is not obscure. Even the most prudish person will agree that consensual sexual activity between husband and wife is morally appropriate. And even the most libertine individual will agree that it is wrong for a hospital staffer to have sex with patients who are anesthetized. The problem is that between these extremes there are a great many situations in which the issue is more obscure.

A sexual relationship between a 48-year-old president and commander in chief and a 22-year-old unpaid intern falls someplace in this obscure area. But that does not mean that we cannot explore the question of its appropriateness.

Just as it is generally wrong for a physician or psychotherapist to have sex with a patient or a clergyman to have sex with a parishioner, it is generally wrong for a boss to have sex with an employee. The difference in status creates a situation that is simply too susceptible to exploitation.

We can all imagine situations in which the status difference in such relationships is not too great, or the affection between the individuals is too powerful to overcome. But I see no evidence that either of these conditions applies in this case. Lewinsky was not merely a woman less than half Clinton's age, one who was barely an adult. She was also the most lowly person in his employ; indeed, her status was so low that she was not even paid. And while there has been substantial evidence that she wanted to keep their relationship secret and some indication that he was quite horny, there is little evidence that they enjoyed a mutual affection of such magnitude that one might reasonably ignore the difference in their status.

The president's dalliance with Lewinsky was part of a long-term pattern of behavior that includes at least one episode of his sexually assaulting women in his employ, one episode of his sexually assaulting a woman seeking a job from him, and one episode of his offering a job to a woman with whom he was breaking off a long-term sexual relationship. There is, in addition, considerable evidence these episodes were not unique.

Furthermore, there is substantial evidence that his affair with Lewinsky was similarly corrupt. Lewinsky saw the relationship as a means of securing a job and advancing her career, and the president was glad to accommodate her. In addition, he intimated to her that he might leave his wife and marry her. He seems to have wanted a purely sexual relationship, and was willing to engage in actual conversation with Lewinsky only after she complained. His entire relationship with her was characterized by lies and deception.

If he'd had an affair with Betty Currie or Susan Estrich or some other staffer whose place in the world was fairly secure and did not depend

wholly on her relationship with him, I'd not condemn him. Currie and Estrich have achieved a status in the world that Lewinsky has not; their careers would not end immediately if they broke off relations with him.

If he'd seduced the wives of acquaintances or cavorted with prostitutes (as did Jack Kennedy), I'd not condemn him (or at least not with the same degree of enmity). Prostitutes and the wives of acquaintances enter into the relationship on a much more nearly equal status than a White House intern aspiring to a government job.

I've never suggested that his lengthy affair with Gennifer Flowers was wrong. Flowers was nearer Clinton's age, and was not in any way in his employ. Whether their sexual relationship was a good thing or not — in light of Clinton's status as a married man — is a very different issue. As I've written before, his contract with Mrs. Clinton is apparently an unorthodox one, in that it involves very little in the way of what ordinary people call love or affection, and certainly involves no promises of sexual fidelity. But even if Clinton violated his marriage vows by having sex with Flowers, I'd see his action as different — and less reprehensible and less inappropriate — than his having sex with Lewinsky.

The law has a coarse and unsubtle hand, and we should all be reluctant to allow it into an aspect of human life as subtle and complex as sexual relations.

Yes, there are gray areas. But Clinton's behavior toward Lewinsky is not in one.

My personal moral code entails condemnation of Clinton's behavior with regard to Lewinsky. But I see no reason to make the law conform to this element of my personal moral code. For a variety of reasons, I believe the law should intervene into relationships between people only when those relationships involve force or fraud(and I have seen no evidence that the Clinton-Lewinsky relationship involved either) or when the difference in status is between the legally competent and legally incompetent (e.g. between adult and child, between human being and a genuinely incompetent person).

In this particular case, I believe I am in a minority: most Americans seem to support current law on sexual harassment, prostitution, and homosexuality, which specifies that all sorts of voluntary, non-fraudulent relationships ought to be illegal. One of the ironies of this case is that there is little doubt that Clinton's behavior toward Lewinsky constitutes sexual harassment under laws that both Clinton and most of his defenders profess to support.

The law has a coarse and unsubtle hand, and we should all be reluctant to allow it into an aspect of human life as subtle and complex as sexual relations. Plainly, the law should prohibit sexual assault, and sex between a competent adult and a child or an incompetent person. But that's as far as it should go. I do not suggest that all other relationships are morally appropriate. I suggest merely that the law is too clumsy to regulate them in a way that is beneficial, and worse: its intervention is more likely to do harm — often great harm — than it is do good.

There is one aspect of Clinton's behavior toward Lewinsky that perhaps ought to be illegal: the fact that he committed his actions toward her as an employee of the U.S. government, using government resources.

When a person uses the property of his employer for his own personal reasons without the permission of his employer, it is theft. But even this case is moot: by custom, employers often allow employees to use the employers' property for personal benefit, within limits. A bookkeeper who makes a personal local phone call during his break, for example, is normally acting appropriately. Making a long distance call from a company phone, on the other hand, might violate stated or unstated company policies. And taking $1,000 from the till to buy a piece of jewelry for his mother is a criminal act, whether explicitly covered in company policy or not.

While the case can be made that Clinton's behavior with Lewinsky constitutes theft of property from his employer, I don't find it very convincing. In the past, the president's employers — i.e. the American people or their representatives in Congress — have traditionally allowed the president certain perks similar to this. Surely, they'd never complain if he used his office to, say, watch a football game on television, despite the fact that doing so involved using employer's property for personal ends.

A few months back, Katherine

continued on page 68

Where Was Hillary When He Needed Her?

President Clinton certainly violated the law when he lied under oath about his "inappropriate" relationship with Lewinsky. And from the evidence I've seen, it appears likely he obstructed justice when he choreographed the testimony of Lewinsky and others in the Paula Jones case and before the grand jury called by the Independent Counsel.

But these are fairly small transgressions, at least in comparison to his apparent theft of millions of dollars in the Whitewater fraud, his use of FBI files against his critics, his accepting donations from the Chinese communists in exchange for releasing technology to help their military, etc, etc, etc.

The question naturally arises: why has he come a cropper on this issue?

The answer, I suspect, is that he worked alone on this particular scheme. In his other schemes, his life-partner was his partner-in-crime. Hillary Rodham Clinton may have fat legs, big hips and a cold heart, but the evidence shows that she is a very clever attorney, skilled at obstructing justice, obscuring evidence, and managing a defense against investigators. Under other circumstances, one can easily imagine her the clever "mouthpiece" that keeps a Mafia chieftain out of the slammer.

But while Bill might generally bring her into his criminal schemes early (or, as seems to be the case, she might bring him into her schemes early), he undestandably seems to have felt a little uncomfortable bringing her into the coverup of the Lewinsky dalliance. Without her involvement, he blundered: he told an outright lie that was provably false. He's already paid for it with his reputation, and soon he may pay for it with his job. —*R.W. Bradford*

Leave the Poor Guy Alone

by Richard Kostelanetz

Not unlike other mature adults, I can't get upset about the president or anyone else having wholesome consensual oral sex with someone old enough to vote — someone not a virgin who had probably practiced this craft on someone else. To recall a percipient slogan from the 1960s, I'd rather have my president (and even my generals) make love than war. To expect politicians to eschew seduction is to deny their nature.

Nor can I get upset about anyone fibbing, when pressed about such private encounters. Deception of this sort is not as ominous, say, as the invasion of a foreign country or any of the other more consequential matters about which a president can dissemble. Clinton's errors aren't a fraction as serious as Richard Nixon's persistent lying about the Watergate break-in. Anyone who thinks otherwise should reexamine his or her values. To censure or, worse, impeach a public official for personal matters is an insult characteristic of the politically correct mentality, which typically makes a whale of a sin out of a guppy of a mistake.

As an anarchist libertarian, I can't condone any state employing its agents to investigate anyone's sex life. What does upset me — what makes me angry, what exemplifies trashiness — is all the attention that has been paid to Clinton-Lewinsky-Starr (CLS).

The hallmark of libertarian criticism is to ask who benefits economically from activities of the state, or in this case of officers of the state. The obvious answer in this case is the commercial media, including newspapers, television networks, and book publishers. It is not for nothing that some of the last group are reportedly calculating the largest advance ever for Lewinsky's memoir (ten million bucks I heard, and whoever hooks this author expects to earn at least twice as much). Now, if so much beneficence from no less than book publishers isn't a measure of cultural decline, then nothing is.

Consider this latest media balloon to echo Joseph R. McCarthy's discovery nearly a half century ago that modern news outlets feast upon incomplete information — unsubstantiated charges, "leaks," and politicians' prattle — whose implicit function is to generate a need for additional, similarly incomplete, information. When history repeats itself, Karl Marx once said, the repeat becomes more of a farce. The truer story of Joe McCarthy was necessarily told in books, which are intrinsically more definitive than deadline-conscious newspapers and television shows, in part because book publishers sell products rather than attract greater audiences for advertisers. Why don't critics of the media find more significance in this fundamental economic difference?

The image of Clinton as a rapacious seducer might include a good deal of myth. Given the number of reporters and partisan investigators looking for past girlfriends, why haven't more warm bodies turned up? Perhaps there aren't any others. Kathleen Willey was scarcely violated. (My own sense is that she was a double agent — a Clinton supporter who volunteered to tell a story that could be swiftly discredited, thereby undermining the reputation and confidence of *60 Minutes*.) One theme of Seymour Hersh's *The Dark Side of Camelot* is that even an unhealthy president-on-the-make can score with many more women than the handful allegedly violated by Bill Clinton.

Another fault typical of the mass media is keeping an old lead story alive until a new one arrives to replace it on the front page of a tabloid or at the top of a newscast. In this respect, while Clinton should be commended for not initiating a military action when the purported scandal first broke last January, it is clear in retrospect that the later gratuitous American bombing in the Sudan and Afghanistan was not enough to turn media attention elsewhere.

Can I be alone in thinking it is not the business of government or its employees to provide free fodder for commercial media?

I won't read the Starr report, which was released to Congress the day I wrote this. I prefer real pornography to any government-issued surrogate produced by a team of bureaucrats. Thankful that my computer lacks a modem, I don't have easy access to the Internet. There is too much trash in the house already, and mental hygiene is more important to me than second-rate prurient pleasures. I write this primarily to persuade others to forget about CLS, just as you should forget about the fake "War on Drugs," which I guarantee will be no more successful than any protracted War on Marital Infidelity. This is a free country. You needn't buy newspapers or watch TV's "news magazines" that download junk.

I won't read the Starr report, which was released to Congress the day I wrote this. I prefer real pornography to any government-issued surrogate produced by a team of bureaucrats.

The news media benefit economically, but who benefits culturally from all this brouhaha? Obviously, America's enemies, whether they be conservatives out to discredit American social freedoms or lefties who feast on any pretext to denigrate America. Somewhere among the enthusiasts for keeping this scandal hot are people who vehemently hate America. What would we gain from becoming the first Western country to lose its leader to a scandal based not on consensual bribery, which prompted Spiro Agnew's departure, but on consensual sex?

continued on page 69

Report

The Collapse of the New World Order

by J. Orlin Grabbe

For the news media, 1998 is the Year of Clinton's Collapse. But future historians will remember it as the year the world's economy toppled.

The public media has always been ahistorical, rushing toward the nearest flame like a moth oblivious to the surrounding darkness.

So it was when the TV networks pointed their cameras at the mesmerizing spectacle of President Bill Clinton perfecting his grovel and mounting a contrition offensive against the threat of impeachment in the wake of the Starr Report. Silently, in the background, momentous changes worthy of vastly more attention were occurring around the globe.

It was written of the Emperor Nero that he fiddled while Rome burned. It will be remembered of Clinton, provided he is remembered at all, that he diddled an intern with a cigar while world events accelerated down a treacherous path of deflation of stock and asset prices, devaluation of political reputation, and destruction of the New World Order.

There is something deliciously ironic in watching the collapse of a regime whose reputation has been largely a set of media props, camera tricks, and Hollywood illusions. For in this case the special effects crew seem as mystified as everyone else as to what has gone wrong. The president had surrounded himself with a slew of financial stars, academic luminaries, and national security jujuists whose basic incompetence was exceeded only by their arrogance, and whose sycophantic loyalties were secured by the unifying notion that they themselves constituted the heirs and standard bearers of a new vision, a bridge to the 21st century, a New World Order. The only tasks of the cognoscenti were to party, to get rich, and to whip the renegades into line around the world.

The End of History

The basic vision is described in Francis Fukuyama's 1992 thinkpiece, *The End of History and the Last Man*. After the collapse of the Soviet Union and the fall of communism in Eastern Europe, the argument went, the struggle for freedom had been won in both the political and economic spheres. There was now philosophical unity. All civilized people had accepted the idea of the twin pillars of liberal democracy and the market economy.

Fukuyama, a student of the deconstructionist Jacques Derrida, is a Hegelian. And, like Hegel, Fukuyama wondered if history were at an end because it had reached its logical conclusion. After all, the struggle for freedom and recognition had been won, at least in principle.

The international elites associated with the Trilateral Commission, the Council on Foreign Relations, and the annual Bilderberg conferences broadly concurred. Fundamental disagreement among nations with respect to political ideology and economic organization had disappeared. All civilized people wanted peace, prosperity, and economic growth. And now they could have these, the vision said, as long as there was international stability. Stability meant that civilized nations would join together to contain rogue states like Serbia, Iraq, and North Korea. (George Bush's invocation of the "New World Order" in the crusade against Saddam Hussein prior to the 1991 Gulf War was an example of the emerging view.) International terrorism would likewise be thwarted by international police surveillance mechanisms, which would raise population monitoring to a fine art.

With broad agreement on the outline, the principal task was filling in the economic boxes, it was thought. This meant working with the international economic organizations such as the IMF and the World Bank to bring the former commu-

nist countries and the peons of the Third World into the prosperity orbit, so they would count their blessings, shut up, and cease causing trouble. Important for accomplishing this economic growth would be international capital flows from the center to the periphery. These would, of course, occur naturally as the market economy spread throughout the earth.

The vision was quite analogous to elite conceptions of macroeconomics in the 1960s. The broad outline of the science of economics has all been worked out, MIT economist Robert Solow told his students, back then. Now it was only a matter of filling in the boxes. But then came the 1970s, and a U.S. presidential crisis, along with a drop in the stock market to nearly one-half its previous value over 1973–74. There was a worldwide "inflationary recession," along with a crisis in economic theory, and political upheaval as leaders of major nations were replaced one by one over a short period of time (Kohoutek was responsible, the astrologers said), and, not least, the proclamation of a "New International Economic Order" at the 1976 IMF annual meeting.

Today we are viewing a similar confluence of events, but on a much greater scale. Within little more than a year, in countries as diverse as Russia and Thailand, the middle classes and their moderating political influence have been financially destroyed through banking crises, currency devaluation, and recession. Indonesia's economy is expected to contract 15 percent this year, while that of South Korea and Thailand will be down 5 to 7 percent. Economic crisis has driven from office Hashimoto in Japan and Suharto in Indonesia, as well as lesser figures such as Anwar Ibrahim in Malaysia. Elections have brought about new governments in South Korea and Thailand. In Russia the puppet-figure Yeltsin barely holds on, while the oligarchs have replaced Prime Minister Chernomyrdin with Kiriyenko, then Kiriyenko with Primakov, all within the space of a few months. In the U.S. the Dow Jones has plunged 17 percent from its peak in the course of a few weeks, and Clinton suddenly finds himself (at the time of writing) still clinging to his office only through a barrage of crocodile tears. Meanwhile, those financial pundits in the U.S. who thought they could solve the Social Security crisis by investing retirement funds in the stock market, are already having second thoughts. As nuclear India faces nuclear Pakistan, Iranian troops gather at the Afghan border, and Turkey threatens the whole stability of the Middle East because of Russian missiles being delivered to Cyprus, the very notion of a harmonious "New World Order" has likewise come under attack. It's *déjà vu* all over again.

The apocalypse that is now underway cannot be managed and contained and driven away by collectivist voodoo, for it represents a collectivist breakdown. That's good news for those who value individual sovereignty, but bad news for the New World Order.

Now, all this doesn't mean it is necessary to head for the hills, to run screaming off into the night like the worst of the "post-tribulation" millennialists and the Year 2000 kooks. While some self-defense is in order, it is important to keep in mind that an apocalypse now and then is good for us, however uncomfortable it might be to live through. For the alternative is a universally-imposed gray global bureaucracy that relentlessly squeezes the last iota of individual initiative and freedom out of the system.

But the apocalypse that is now underway cannot be managed and contained and driven away by collectivist voodoo, for it represents precisely a collectivist breakdown. That's good news for those who value individual sovereignty, but bad news for the New World Order.

The Image of the Future

The coincidence of economic, political, and social deflation should come as no surprise once you consider the unifying roots. Neither the economic nor the political nor the social crisis is really the "cause" of the other two, but rather all stem from something else. Most human actions, and human decisions, are molded by an overarching image of the future. Economist Kenneth Boulding described the process this way:

> A decision is essentially a choice among competing images of the future, . . . and with the development of complex images of the future, decisions become an increasingly important element in the dynamics of the individual human being and his society. . . . The human race is not merely pushed by past events or present circumstances, but it is also pulled by its own images of the future into a future, which may not be the same — and in fact is not likely to be the same — as its images of it, but which is nevertheless powerfully affected by those images. (*Ecodynamics: A New Theory of Societal Evolution*, 1978)

It has always been thus in recent millennia, as far as we can tell. Such future images do not have to be true in order to be powerfully influential. One prominent example is noted in the handbook of Western Civilization, the Bible, and occurred during the 1st century A.D. In the Olivet prophecy of Matthew 24, Jesus relates to his disciples the signs of his "coming and the close of the age": false messiahs, wars, famine, pestilence, the abomination of desolation, and so on. He is asserted to have said, "Truly, I say to you, this generation will not pass away until all these things take place." Jesus is thus quoted as saying he would return within the lifetime of those hearing his words that particular day. "The normal meaning of this generation would be 'men of our time,' and the words would refer to a period of 20–30 years" (footnote in The New Oxford Annotated Bible).

This image led Jesus' disciples to evangelize the surrounding nations after his death, in the expectation of his imminent return. "Jesus did not teach His disciples to pray, 'Thy Kingdom come,' in references to a far-off ultimate event. It had the implications of a total reversal soon to be revealed" (Fred Polak, *The Image of the Future*, 1973, p. 199). Jesus may have been wrong about his return, but the impact of his vision was unmistakable.

People do not behave differently today. The post-Soviet image of a New World Order was a catalyst for the global adoption of a vision of the "market economy." There is, of

course, often a divergence between what people preach and what they practice, between the teachings of the prophets and the interpretations of the audience. And the economic message that seems to have accompanied the diffusion of the New World Order throughout the electronic village was the notion of a Global Free Lunch: We are all investment bankers now. Prepare yourself for quick riches via financial sleights-of-hand.

Free-lunch strategies have a habit of self-destructing. The Swiss economist Eugene Boehler had the context of such false and unsustainable images in mind when he noted that the "modern economy is as much a dream factory as Hollywood." It is based only a small part on real needs, and for the greatest part on fantasy and myth, he claimed. The stock exchange, far from ruling economic life, is at the mercy of tides of collective make-believe. Depressions come about when there is a loss of economic myth (Eugene Boehler, "Der Mythus in der Wirtschaft," *Industrielle Organization*, XXXI, 1962).

Bill Clinton, with his "policy team" intervening to buy up Dow Jones and S&P futures in an attempt to maintain a pumped-up pre-election stock market, understands what Boehler was saying perfectly. So do Hong Kong, and Malaysia, and all the other places where the disease of stock market manipulation — once unthinkable — has now become rampant. That such efforts are doomed to ultimate failure does not prevent their earnest practice. Yet nothing about the Hollywood dream factory could have been any more hokey than the popular interpretations of "market economy" that accompanied the spread of NWO ideas.

The Asian Flu

China had not yet adopted the New World Order's liberal democracy, but the Chinese wanted a market economy and a booming business sector just like everyone else. That was obvious, right? So in nearby Hong Kong there was a clear appetite for red chips.

"Red chips" were stocks issued by mainland Chinese companies in the Hong Kong stock market. Everyone wanted red chips in May 1997, shortly before the transfer of Hong Kong from Britain to China. There was red chip mania, especially for a company called Beijing Enterprises. Chinese companies like it were considered a sure bet, as they had political connections to the Communist Party hierarchy in Beijing. The Beijing bureaucrats would look after the company's welfare and would protect its share price, investors were saying. It would look bad if stock prices fell after the Chinese takeover of Hong Kong, the same investors whispered. Buying shares in Chinese companies was not only a good investment, it was good insurance. Everyone knew that.

An apocalypse now and then is good for us, however uncomfortable it might be to live through.

There is nothing quite like the sight of capitalists exercising their faith in communism. For Beijing Enterprises was only three months old. It was the investment arm of the Beijing municipal government. And it owned, well, some McDonald's restaurants in Beijing. But never mind all that: the not-yet-issued shares had been oversubscribed by a factor of 1,200. In fact, the issue attracted investment capital of about HK 200 billion, or about twice the Hong Kong money supply. People withdrew so much cash as a consequence of the issue that Hong Kong banks asked Beijing Enterprises not to cash the checks it received — at least not until the banks can deal with their shortage of vault cash. That presumably would happen when 1199 of each 1200 would-be investors, who were not lucky enough to be awarded shares, redeposited the money in their Hong Kong bank accounts, and disappointedly awaited the arrival of the next new red chip.

Capital — whether from the IMF or from international investors — does not become productive when most of it is stolen, and the rest is employed inefficiently.

What could be more capitalist, more consonant with the New World Order, than buying stock in China? Get a piece of the world's largest consumer market! The road to riches was paved with stock certificates. And the shares of Beijing Enterprises performed as required: the price quadrupled in just the first day of dealing. But stocks that can quadruple in a day can also plunge to a quarter their previous valuation. If we jump ahead just five months, to Black Thursday, October 23, 1997, we find Hong Kong's Hang Seng index falling over 1,200 points in a single day, plunging below 10,000. That was the largest point drop in the index's short 14-year history. The red chips were down 50 percent for the month. A new red chip, China Telecom, making its public debut on Black Thursday, failed to meet its issue price. There was no free lunch, it seemed, after all. This realization arrived as a gruesome shock to many.

Similar stories can be told for Thailand, Indonesia, and South Korea. Today, less than a year and a half later, the economic crisis has generated widespread political and social unrest in Southeast Asia. Stock markets have declined between 70 and 90 percent in U.S. dollar terms, while GDPs on the same basis are down 50 percent (80 percent in the case of Indonesia). Starvation has emerged in parts of the Philippines and Indonesia. War in the region, unthinkable a year ago, has now become thinkable. The main question is political risk, according to Hung Tran, the chief economist of Rabobank International. Governments have a huge problem, and their reactive instinct is political repression, including the imposed social regimentation that a war footing allows. Another Asian expert, Jean-Pierre Lehmann of the Swiss Asia Foundation in Lausanne, notes, "You're talking about haystacks which could go up in flames at any time" (*Financial Times*, September 7, 1998).

Japan is the economic key to the region, of course. The New World Order calculations had considered what was occurring in Japan as temporary. In 1989 the Nikkei 225 had

reached 39,000. At that time, the Tokyo stock market was valued at more than ¥500 trillion ($3.6 trillion), or about 30 percent higher than the listed value of all U.S. companies. From that peak, it fell 64 percent by mid-1992. Each dollar invested had turned into thirty-six cents. (An equivalent fall in today's Dow Jones Industrial Average, say from its July 17, 1998, peak of 9338, would leave it around 3362. The carnage on Wall Street would be something to behold.) But everyone expected Japan to recover quickly. They didn't envision a recession continuing on and on for eight years, and worsening all along the way. That was only supposed to happen in the uncivilized peripheral economies of the Third World and the former Soviet Union.

Today it is clear there is nothing that can be done about Japan, from a New World Order standpoint. For eight full years, there has been continual "reform" and continual Western advice-giving, and essentially nothing has happened, despite all the gimmickry of macroeconomic policy fixes. Japanese assets, institutions, and habits are being relentlessly ground down to their barest essentials of default, reorganization, and change. The most recent pathetic gesture was the Bank of Japan's cutting its discount rate from .5% to .25%. Where next? Zero?

At some point the Japanese will make all the necessary decisions that bedrock reality forces them to make. What these will be, I don't know. But I suspect they will restructure their society, and in the process separate themselves politically and militarily from the U.S.. The recent North Korean missile test (satellite launch) over Japanese territory comes at a fertile moment.

The coming Russian fascism is visible. Out of the melting pot of Communists, nationalists like Zhirinovsky, and oligarchs protecting their monopoly theft rights, surely something odious is in the offing.

Meanwhile, as a side blessing, those of us in the U.S. will no longer have to endure the sight of Deputy Treasury Secretary and international-finance illiterate Larry Summers lecturing Japan on the value of the yen, for he will likely be at home explaining why his own house is in such a mess.

Russia: All This Calm Reasonableness

In the New World Order scenario, since we all agreed on basic premises, and since the U.S. had emerged as the only superpower, it followed that everyone would be happy with U.S. leadership, including Russia. Russia, like everyone else, would warmly welcome U.S. political input, as well as economic advice from the likes of the U.S. Treasury, Credit Suisse First Boston, Goldman Sachs, MIT, and Harvard. Sure, Russia was a problem child in the emerging order. But it was too big and too nuclear to fail.

The architects of the New World Order apparently never read Fyodor Dostoyevsky. More than a hundred years ago the Russian novelist had one of his characters describe a new (rational) economic world order:

> "Then," (this is all of you speaking), "a new political economy will come into existence, all complete, and also calculated with mathematical accuracy, so that all problems will vanish in the twinkling of an eye, simply because all possible answers to them will have been supplied. Then the Palace of Crystal will arise. Then [blah, blah, blah] . . ."
>
> Well . . . why shouldn't we get rid of all this calm reasonableness with one kick, just so as to send all these logarithms to the devil and be able to live our own lives at our own sweet will? . . . One's own free and unfettered volition, one's own caprice, however wild, one's own fancy, inflamed sometimes to the point of madness — that is the one best and greatest good, which is never taken into consideration because it will not fit into any classification, and the omission of which always sends all systems and theories to the devil. (*Notes from Underground*, 1864)

Russia started out its NWO economic reform by turning state assets over to the Russian "oligarchs" or "tycoonocrats." From the beginning, "market economy" largely meant enrichment for a few of those same oligarchs. Capital — whether from the IMF or from international investors — does not become productive when most of it is stolen, and the rest is employed inefficiently. Hard currency loans to Russia, to the extent one can tell, have been largely recycled by the oligarchs into their personal accounts in international banks outside Russia. Within the country itself, ordinary business commerce is hardly possible because there is no contract enforcement.

All this did not prevent Goldman Sachs from telling investors they should gather round and partake of the free borscht. It sold them Russian bonds with attractive interest rates. Government securities at times bore yields of 100 percent, even 200 percent. Since the Russian economy was not growing at 100 percent per year, nor government revenues doubling at an annual rate, how the government would pay back these loans wasn't clear. But such lending was patriotic: Russia was an essential part of the NWO strategy.

The IMF arrived in July 1998 with a rescue loan of $22.3 billion. This would give them "breathing room," declared Stanley Fischer, First Deputy Managing Director of the IMF. But the first allotment of IMF cash was quickly exhausted in foreign exchange intervention to shore up the ruble's fixed exchange rate. "The ruble will not be devalued," Boris Yeltsin declared. But almost immediately it was, and his Prime Minister was also sacked. Tellingly, the orders came from the French Riviera, where Boris Berezovsky was vacationing. (Berezovsky, executive secretary of the Commonwealth of Independent States, and holder of extensive oil, airline, auto and media interests, generally serves as oligarch-in-chief.) The government also effectively defaulted on $33 billion in short-term debt. Now there is a new Prime Minister, Primokov, who was trained as an Oriental scholar by the KGB. The Goldman Sachs bonds trade at a steep discount.

The coming Russian fascism is visible. Recent weeks have seen a resurgence of the Communists, the largest party in the Duma, and calls for the return of state planning and wage and price controls. The non-Communist General Lebed, while saying "forget Moscow," is implementing exactly the same policies in his own territory. One doubts that there will be, or can be, a return to the old-style

Stalinism of the past. But out of the melting pot of Communists, nationalists like Zhirinovsky, and oligarchs protecting their monopoly theft rights, surely something equally odious is in the offing. Where are the New World Order's logarithms now?

U.S. Stocks

For a number of years, as analysts have sought to justify the mysterious rise in U.S. stock prices, the "globalization of capital" has been brought forth as one of the most frequent explanations. But now, after the Asian crisis, and after the Russian crisis, and in the midst of a Latin American crisis — well, talk of global capital interconnectedness has disappeared. Suddenly, all these problems are said to be isolated occurrences with local causes. Surely what's happening in the NWO periphery will not feed back to the center. Yet, in the background, one keeps hearing the same whisper. The dreaded D word: Deflation.

Deflation is the ultimate subversive force, because if there is one thing the New World Order is supposed to know how to do, it is how to pump up demand. "This expansion will run forever," wrote MIT economist Rudi Dornbusch in the July 30, 1998, *Wall Street Journal.* Why? Why won't there be a recession for years to come? Because, he says: "We don't want one, we don't need one, and, as we have the tools to keep the current expansion going, we won't have one."

During the U.S. Depression of the 1930s, wholesale prices fell 32 percent. The current fear, for those who do not share Dornbusch's arrogant feelings of omnipotence, is that a deflationary spiral may have already begun, and is gathering momentum. In a deflationary spiral, falling demand causes prices and sales to drop, which causes profits to fall and business inventories to pile up. This, in turn, leads companies to cut back on investment and employees, which causes demand to fall further. Back in 1931, John Maynard Keynes wrote that in "the fall of investment . . . I find — and I find without any doubt or reserves whatsoever — the whole of the explanation of the present state of affairs" ("An Economic Analysis of Unemployment," 1931).

Whatever the economic consequences of deflation may be (and sources as various as the *Wall Street Journal* and *Business Week* have assured us it's no problem — "we're all non-Keynesians now"), the world in 1998 is clearly on a deflationary course. This is evidenced by simultaenously falling wholesale prices, commodity prices, stock prices, and interest rates. Gold has fallen from $383 an ounce in late 1996 to around $275 now. In August 1998 U.S. wholesale prices dropped 0.4 percent as measured by the Producer Price Index. Over in China, retail prices have fallen more than 20 percent in six months. An ultimate drop in the U.S. retail price level, while hard to imagine, is not unthinkable.

The loss of confidence in one's image of the future can bring about sudden dramatic effects. What was once believed to be obviously true (steady or increasing real growth rates of GNP, record corporate earnings, low inflation, steady commodity prices, stable and sound financial institutions, and widespread peace under the New World Order) is suddenly viewed as obviously false in light of the "facts" (declining real GNP, falling corporate earnings, inflation in some sectors accompanied by deflation in others, wildly gyrating commodity prices, extended problems in the banking and insurance sectors, and "old world chaos" in Southeast Asia, the area of the former Soviet Union, and the Middle East). Not because reality has necessarily changed that much, but because perceptions of what is happening are suddenly radically different.

Just for fun, consider the stock market declines of 1929–1932 and 1973–1974. On September 3, 1929, the closing high

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on the Dow Jones Industrial average was 381.17. Three years later, on July 8, 1932, it reached a low of 41.22, or 10.81 percent of its previous level. In January 1973, the Dow Industrials reached a closing high of 1061.14. Less than two years later it closed at 572.20, or 53.92 percent of its previous level. Using a July 17, 1998, closing figure of 9338 for the Dow Jones Industrials, these same percentage drops imply Dow Industrial levels of 1009 by analogy with 1929, or 5035 by analogy with 1973. The first would imply a total drop of over 8329 Dow points, while the second would only imply a drop of 4303 points. Either would be serious.

A 90 percent drop in the Dow Jones? While we would all prefer to believe such an occurrence is impossible, and to rule it out *a priori*, such 90 percent drops have taken place in Russia and in some countries of Southeast Asia with ferocious rapidity. Namely, within the span of a year. That, too, was considered impossible.

Such a view of the stock market is, of course, at variance with the prevailing doctrine of "rational expectations." Rational expectations began as an extremely useful view of price equilibrium created by John Muth ("Rational Expectations and the Theory of Price Movements," *Econometrica*, July 1961). But it grew into a cult view that all economic and financial decisions were "rational" in a quite different sense than originally proposed by Muth. Ultimately "rational expectations" turned into the mystical belief that images of the future were always formed in a particularly mechanistic way.

The essence of rational expectations can be grasped by imagining a long line of cars waiting for a traffic signal to turn green. When the light turns green, the entire line begins moving at once, uniformly accelerating through the intersection. And why not? After all, each person waiting in the line knows the light is about to change from red to green. Each person knows that each other person in the line knows this also. And they all know they will get through the intersection faster if they all move together. So each expects the other to rationally act as he himself does, and they all make it through the light before it turns red again.

People with these expectations are called "rational" in economics. In real life, they are known as "fender-benders." Because in real life, traffic doesn't behave this way, and neither do people. There will always be the curmudgeon who has just broken up with his girlfriend and is staring out the side window at the marquee of a topless bar, oblivious to the horns blowing behind him.

Current stock prices, which (except for a severe downturn in the first half of 1994) have been rising ever since the Gulf War, have ridden the vision of the American-led New World Order, of America's resurgence as the world's policeman, putting down the evil Saddam Hussein, and bringing lasting peace to Bosnia. With the demise of the Soviet Union, the vision saw the U.S. leading an enlightened United Nations to a political solution of all the world's ills. But this has only been an idea, a voluntary con, much like the precepts that led to the mania for red chips in the Hong Kong stock market.

In the U.S., the recent rise in stock prices has been fueled by a shifting of household assets into stocks and stock mutual funds. The average household exposure to stocks is the largest it has been in U.S. history — larger than before the 1929 crash. Clearly the stakes in the New World Order vision are high.

> Speculative excess, referred to concisely as a mania, and revulsion from such excess in the form of a crisis, crash, or panic can be shown to be, if not inevitable, at least historically common. (Charles P. Kindleberger, *Manias, Panics, and Crashes: a History of Financial Crises*, 1989)

But Kindleberger has been considered old hat in the New World Order scheme of things. Things like he wrote about only happened back then, before history reached its logical conclusion. So maybe Dornbusch is right. Maybe this expansion will last forever.

But I wouldn't count on it, any more than I would count on Bill Clinton being around to lead us out of Egypt, and across the 21st century bridge into the Promised Land. ❑

Letters, *continued from page 8*

power over other people? Mr. Virkkala himself refers to one of Rand's novels, *The Fountainhead*, which is full of relevant specimens. It was not a worthy question.

Discussing Rand via argument rather than hysteria and rhetoric is very refreshing, and one of the special rewards of reading *Liberty*. I regret that the Objectivists I know do not stoop to reading your magazine, due to its doctrinal impurity. This is an after-effect of what Virkkala calls Rand's ungenerous attitude toward her opponents.

Charles Flink
Prairie Village, Kan.

Government That Works!

I was pleased to read Harry Browne's rebuttal of R.W. Bradford's ludicrous assertion that we owe some debt of gratitude to the GOP for its self-serving and duplicitous chicanery and lip service to liberty. However, I disagree with Browne's contention that the IRS hearings "achieved absolutely nothing." Those hearings achieved three goals important to the federal government.

By uncovering a myriad of crimes committed by IRS agents and not submitting a single case to the Justice Department for prosecution, Congress intentionally sent this message to all IRS agents: "Do whatever you need to do to collect the money and you won't be prosecuted."

Second, Congress sent a potent message to all Americans: "These horror stories could happen to you if you don't do everything the IRS asks."

Third, the IRS hearings and most other discussions presented by the mainstream media all serve to perpetuate the myth that a liability for income tax can actually exist without any statute establishing such a liability.

James Chambers
Old Saybrook, Conn.

The editors of *Liberty* extend a special thanks to Jim Switz for his valiant efforts helping to produce this issue.

Why does the government want your guns?

From the Conservative Book Club:

Our Founding Fathers knew, over 200 years ago: the biggest threat to the safety and well-being of a citizenry lies not with some foreign government but rather with its own government. "To preserve liberty," wrote Richard Henry Lee, "it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them."

"But our government is a democracy. It would never do anything to harm us." Now, the book that explodes this myth, and a good many others as well. In 14 lucid chapters, here's the case for gun sanity, from The Future of Freedom Foundation. Major themes:

- ✓ Why unrestricted gun ownership is absolutely necessary to a free and safe society
- ✓ The right to life — equal to the right to possess firearms
- ✓ America's emerging Nazi mindset
- ✓ The history of gun control: a story of hidden agendas
- ✓ Gun ownership: an essential right under the principles of private property
- ✓ The little-known but tragic story of a people who disarmed for the sake of peace
- ✓ Waco and the cult of the omnipotent state
- ✓ The final destruction of the Second Amendment — closer than we think

President Clinton has condemned Americans who criticize their government: "There's nothing patriotic about hating your government or pretending you can hate your government but love your country." Does Clinton occupy the moral high ground? Not after he confronts Jacob Hornberger, president of The Future of Freedom Foundation:

> "President Clinton is wrong. Throughout history there have been courageous and honorable individuals who have loved their country and hated their government."

The Tyranny of Gun Control

edited by Jacob G. Hornberger and Richard M. Ebeling

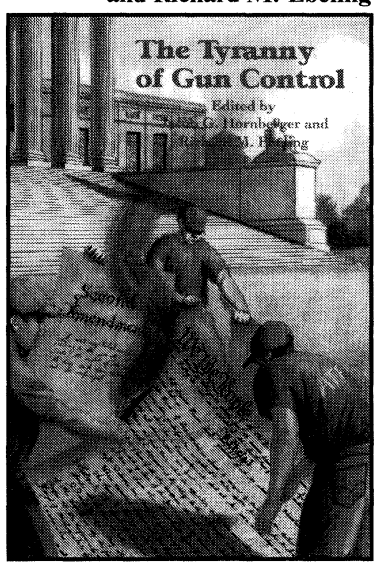

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Swatting a Hornet's Nest With a Baseball Bat

To get the newspapers off his case for one day, Bill Clinton struck back at "terrorists." The costs: $200 million, one medicine factory destroyed, a campsite cratered, and every American a target.

How *Not* to Fight Terrorism

by David Hackworth

Cruise missiles lit up the skies over Afghanistan and Sudan last week. Seventy-five fell on terrorist training camps and on the bad medicine factory in Khartoum. The going rate for a Cruise these days is a million bucks. Throw in what it cost to launch and follow up on the strikes, and you get a $200 million bonfire of the vanities.

You can declare war on terrorists with missiles. They make the kind of noise the whole world can hear. And there is no question that the message we sent needed to be sent. The problem is that while we can declare war with our Tomahawks, we can't fight terrorists with them. Worse, we won't win if we do.

The counterstrikes last week killed 50-odd terrorists in Afghanistan at a huge dollar cost, leaving who knows how many tens of thousands to go. You don't have to be H&R Block to do the accounting. Reach for the Tomahawk every time and you'll go broke long before the bad guys belly up.

Various reports put Osama bin Laden's personal fortune at anywhere from $250 million to $5 billion. That's all he's got to spend. If we agreed to limit ourselves to the same assets — credit him with the whole enchilada — and make it his $5 billion against our $5 billion, who do you think would win?

Right. Bin Laden is being a lot sharper than we are. That's what guerrillas and terrorists do. They don't outshoot us. They out*smart* us.

Here are the basics. In the war that both sides have now declared, the United States presents a very big, fixed target. The terrorists present very small, very mobile targets. As soon as the President and Secretary of Defense, both of whom dodged the draft in Vietnam and have no first-hand knowledge of the basics, get over congratulating themselves on the strike, they are going to have to take a harder look at the truth: what we've done is try to wipe out a bee's nest with a baseball bat because one bee stung us badly.

The terrorist strikes on our embassies in Tanzania and Kenya were an outrage that demanded retaliation. And the missile strikes did make our intentions clear. That's not the question. The question should be: *what's the smartest way to wage this war?*

And the record shows that the sledgehammer seldom works against terrorists. Israel has been fighting terrorists for 50 years. When a bomb explodes in that tormented land, bet on it, the suspected perps' home bases get clobbered.

Reach for the Tomahawk every time and you'll go broke long before the bad guys belly up.

Has all this firepower worked? Nope. A month seldom passes when a terrorist bomb doesn't explode on the streets of Israel. In 1986, Libyan terrorists blew up a Berlin disco, killing U.S. soldiers. Ronald Reagan responded with bombs. Reagan's security advisors did attaboys for several years. Until Libyan terrorists struck back, killing 270 people over Scotland on a Pam Am flight.

The Cruise missiles did four things: batted the bee's nest; gave the terrorist's cause the world-wide propaganda coup that's always their end game ("Just look at what that bully, the Great Satan, has done to us now — look at all the innocent dead"); unified Arab anti-American feelings around the globe; and made a ton of money for the missile makers while justifying all those expensive ships.

The Brits, who've been under siege since the invention of gunpowder, take a different approach. While they take the occasional hit, their primary goal is to catch terrorists through detective and intelligence work. Yes, they believe in punishing the terrorist, but they learned a long time ago that traditional military solutions don't work. So they use a scalpel rather then a sledgehammer, brains over brawn.

We should ask our British cousins to show us their way. For fighting terrorism is not about whoever makes the most noise. The smart way is through deterrence and prevention — through clever intelligence, well-trained people and a strong proactive plan.

I hope our generals and admirals change their "bomb them back to the stone age" mindset. Sure, the sledgehammer worked in WWII. But it didn't in Vietnam, and it is a recipe for failure in our newest war. ❑

Tarnished Brass

by Roger Charles

In the days following the U.S. missile strikes on Afghanistan and Sudan, nearly all Inside-the-Beltway pundits have discussed the issue as a wag-the-dog scenario that had been transferred from the silver screen to the spin machine at 1600 Pennsylvania Avenue.

It's been amazing to note how many pundits, even conservative ones, bought into the line that we can rest easy knowing that Gen. Henry Shelton, Chairman of the Joint Chiefs of Staff, would never be party to such manipulation by the White House.

Excuse me? Where have these people been for the past 40 years?

Gen. Shelton is in that job precisely because he has *proven* himself to be Politically Reliable. He is there *because* civilian political hacks have had him under an electronic microscope for Political Reliability during his entire tenure as a flag officer.

Before that, his Service had a lower-powered but still effective optical version to detect any dangerous signs of free thinking or tendencies to be skeptical of his seniors' orders.

Had Gen. Shelton shown the slightest tendency of questioning the policies of the inbred careerist political culture that controls the National Security Establishment, he would have finished his career at the grade where these dangerous tendencies were first noted.

"Go along to get along" is the operative term.

Want some evidence? Read H.R. Master's *Dereliction of Duty* and note the role of Gen. Earle Wheeler. Look at the role of Adm. Tom Moorer as Chief of Naval Operations in carrying water for the LBJ White House on several national security scandals before he was proclaimed fit to do the same at a more senior level as Chairman.

Look at the tenure of any Chairman beginning with Maxwell Davenport Taylor (and read Anton Myrer's great roman à clef, *Once An Eagle*) and you'll see the very clear pattern of submissive conduct that merits the characterization of "craven" in too many cases.

Taylor's and Wheeler's roles and influence during the Vietnam war are almost in a class by themselves due to the death and destruction their lies inflicted.

This enthusiastic eagerness to "dance with the one that brung them" — or whatever rationalization is used — goes far beyond the legitimate subordination of the military to civilian authority. What I'm referring to is conduct when the Chairmen betray their oath of commissioning and the oath taken when sworn into the office as "principal military advisor to the President, the National Security Council and the Secretary of Defense."

And if you want proof in the case of Gen. Shelton, look at where he served from 1987–1989. Shelton was assigned to the Operations Directorate of The Joint Staff, first as a Colonel (Deputy Director for Operations on a watch team in the National Military Command Center), and then as a Brigadier General (J-33, Deputy Director for Current Operations). Both billets made him privy to the most sensitive operational information.

Like children at a circus, commentators completely forget that they are being entertained with carefully rehearsed performers whose reward is an extra dog biscuit and a pat on the head for a job well done.

Then ask why he did not speak out when his uniformed and civilian bosses lied to the American public and the Congress about the circumstances surrounding the shoot down of an Iranian civilian airliner and the death of 290 innocent civilians.

This case of bald-faced falsehoods was much more serious than the current one where attention is focused on cigars and navy-blue cocktail dresses. If you don't believe me, ask some of the families who lost loved ones on Pan Am 103.

Lies have consequences, but in the mutated culture of the Pentagon, dissemblers, artful dodgers and even liars, or those who are a party to the lies, get promoted. The better they fudge, obfuscate or "blow smoke," the more useful they become to their political bosses.

There's even a farm team — the majors, lieutenant colonels and colonels who troop up to brief Congress are referred to as "designated liars." The best ones at this sordid game — those with the most pronounced facility to look a staffer or Congressman directly in the eye, or directly into the lens of a television camera, and tell a convincing lie — are destined for special duty and higher rank. They will enter the "talent pool" from which future Chiefs and Chairmen will be drawn.

So, when Gen. Henry Shelton stands up and defends the indefensible, am I surprised? Not in the least.

He's had 30-plus years to perfect his "act" so that when his White House handlers whistle for him to get up on his hind legs and dance around the center ring, he does so with an ease and grace that dazzles his audience. But the finale comes when he mounts the back of a prancing white pony, and takes several laps in front of the astonished audience.

At this point even rational and skeptical commentators lose it and start cheering wildly at the scene. Like children at a circus, they completely forget that they are being enter-

tained with carefully rehearsed performers whose reward is an extra dog biscuit and a pat on the head for a job well done. ❑

Natural and Unnatural Responses

by Leon T. Hadar

It was kind of pathetic to watch on television all those Reagan Republican lawmakers and *Weekly Standard* neocons accusing President Clinton of coming up with a wag-the-dog strategy; that is, distracting attention from his political problems at home by killing some dark-skinned "terrorists" abroad. Now, who do the neocons think gave Bill that crazy idea? Remember Reagan & Company's "liberation" of Grenada and the "freeing" of those American medical students, conveniently diverting the public and the media from the mess his administration got us into in Lebanon, including the bombing of the U.S. Embassy in Beirut by those Shiites who (surprise, surprise!) didn't like Americans bombing their terrorist sites and defending the interests of the Christians and the Israelis there?

Conservatives seem to prefer that the president screw Iraqis, Afghanis or Sudanese militarily rather than engage in recreational sex in the Oval Office. Thus, the commitment by leading Republican lawmakers to "stand behind" Clinton if he sticks a missile in the behind of Osama bin Laden, and their condemnation of him for using his personal joy-stick and cigars (which, mind you, are much less expensive than those cruise missiles) to entertain Monica Lewinsky. (Well, I always suspected that the Republicans' infatuation with those long and powerful missiles was probably a symptom of latent homosexuality. Liberal Democratic presidents, it seems, like to do it with full-figured Jewish babes; conservative Republicans apparently are into lean Muslim studs. Yes, as evolutionary psychologists remind us, it *is* all about sex . . .)

In short, anti-American terrorism is not a natural phenomenon, à la El Niño. It is a natural reaction to American action.

In fact, "wagging the dog" — exploiting and even inventing foreign policy crises (including real and alleged terrorist acts) as a way of building up domestic political support — was the modus operandi of the Nixon, Reagan and Bush presidencies. It's just that in the case of Bush and "Desert Storm," that magic formula didn't seem to work. In the post-Cold War era it's becoming more difficult to persuade the American people to go abroad in search of monsters to destroy, bombing innocent foreigners and getting killed along the way, all in the name of defending undefined "national interests." In a way, Clinton's decision to bomb Afghanistan and Sudan was (another) case of plagiarizing a Republican game plan. After all, Clinton has been resisting for years pressure from Republicans and neo-conservatives to bomb the Iranians for allegedly orchestrating the attacks on U.S. military troops in Saudi Arabia and the terrorist act at the World Trade Center in New York. And he has spurned their advice, seconded by Madeleine ("I'm not Jewish!") Albright, to "go all the way" as far as Saddam and Milosevic are concerned.

While Clinton's foreign policy rhetoric has exuded some notions of multilateralism and interventionism, the totality of his diplomacy has been characterized by the idea that Washington can maintain the post-Cold War/Gulf War status quo in the world through a form of cost-free diplomacy. This "deluxe hegemonism" allows the United States to have its cake (maintain its position as the "only remaining superpower") and eat it, too (avoid both the use of military power in any substantial way and also a lot of diplomatic wrangling: A missile on Saddam here, an IMF package to Indonesia there, and we'll make the world safe for Clinton's business buddies).

Well, that was a lot of wishful thinking, a make-believe foreign policy.

Case in point: the Middle East. On the one hand, the United States has been trying to impose diplomatic and economic sanctions on both Iran and Iraq, so-called "dual containment." On the other hand, it has been trying to broker a deal between the Israelis and the Palestinians, the so-called "peace process." Those have been the two foundations of Pax Americana in the Middle East in the aftermath of Desert Storm and the Madrid Peace Conference. But under Clinton it became obvious that in order to maintain them, he would have to pay a very high price in the form of using military power against Iraq and imposing a diplomatic solution on Israel. But picking a fight with Saddam Hussein would have antagonized the Europeans, the Russians and the Arab allies, and a war with casualties could have produced a backlash at home (recall that CNN "town meeting" in Ohio). Grappling with "Bibi" Netanyahu would have pissed off the pro-Israeli lobby, Jewish extremists who rule Israel and its repressive empire in the West Bank. Meanwhile, letting Netanyahu have his way has ignited anti-American hostility among Palestinians, Arabs and Moslems in general, who want to know why America is hugging "Bibi" and helping build Jewish settlements in the occupied Arab territories while continuing to punish Saddam and starve Iraqi children. That not only provides a diplomatic opening for the French and the Russians, but also creates an environment conducive to anti-American violence. Thus terrorists like Osama bin Laden find sympathy, if not active support, and the corrupt Arab regimes that rule Saudi Arabia and the other oil states find themselves under attack.

In short, anti-American terrorism is not a natural phenomenon, à la El Niño. It is a natural reaction to American action, to the kind of U.S. intervention that America has been practicing in the Middle East through its alliance with the medieval monarchs in the Persian Gulf and with the Likud government in Israel. Sure, some form of anti-American terrorism would continue even if America were to withdraw tomorrow from the Middle East, bid farewell to the oil sheiks and tell the Israelis that it's time for them to make peace with the Arabs and take care of themselves. But a U.S. policy of "constructive disengagement" from the Middle East that would permit the region to start developing its own military and economic alliances (and in which Israel could be integrated as a successful trading center) would reduce anti-American sentiments in that area of the world. Instead, our

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Why the Great Depression Lasted So Long • Are you tired of hearing people discourse on how Roosevelt and big government "saved us" from the Depression? Now you can hear brilliant economist **Robert Higgs** debunk this key myth of American statism. Not to be missed! (audio: A213; video: V213)

The Nazification of the Money Supply • **J. Orlin Grabbe** is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **Bill Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson & Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

How to Write Op-Eds • If you're puzzled as to why your opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

Libertarianism As If (the Other 99% of) People Mattered • **Loren Lomasky** shows how to communicate effectively with the obstinately anti-freedom population of virtually everywhere. (audio: A204; video: V204)

Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

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

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market enviromentalists getting anywhere? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford** debate. (audio: A157; video: V157)

Anarchy via Encryption • The days of the government snoop are numbered. **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

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current approach could bring about the "Israelization" of U.S. policy in the Middle East, in which America, not unlike militant Israel, would find itself isolated and moving towards a confrontation with the Arab and Moslem people. That is clearly the long-term strategy of the neocon intellectuals at *The Weekly Standard*, *Wall Street Journal*, and *Commentary*, who would probably dominate the foreign policy apparatus of the next Republican administration and whose main criticism of Clinton's recent missile attack is that the guy hasn't done it more often.

And, indeed, I doubt that Clinton could have long maintained his half-pregnancy approach to the Pax Americana project in the Middle East. There are bound to be retaliations against the attacks on Afghanistan and Sudan, which will lead to new American military actions, and so on and so forth. It's a vicious circle based on the use of brute military force without a viable strategy, and it gives birth to Vietnam-like quagmires. In that respect, the neocons do at least have a clear vision. Their notion of a global confrontation with Islam is more honest than Clinton's wishy-washy approach. Clinton can get away with those cost-free (in terms of American lives) half-measures. But I doubt that the American people would rally behind a full-blown, long-term U.S. military intervention in the Middle East, which would only help produce millions of new Osama bin Ladens and force the United States out of the region for good.

Here's a prediction for you: If Clinton is dumped, we are doomed to suffer two years of pure Gore. We will have another splendid little war in the Middle East, which always happens when you have sexually repressed men occupying the White House. Fasten your seat belts! ❑

Fort Pinnocchio and Its Soldiers

by David Hackworth

The White House, the Pentagon and CIA headquarters must have more professional liars per square foot than any other buildings in the world! To many liars, like the commander in chief, lying is second nature. But most have been specially trained at Public Affairs Liars School.

This school churns out hundreds of government-trained liars each year. Upon graduation, the newly certified Pinocchios join the world-class fabricators' club, right up there with Pentagon Head Liar Kenneth Bacon, an absolute master at shading and evading and spinning and thinning the truth.

This bunch of liars — from Bacon to the newest flack PFC in the field — is about the strength of an Army light division with an annual budget that could keep an Air Force fighter/bomber wing running for a year. Sadly, many of these liars are soldiers who have sworn on a Bible to serve their country faithfully.

Their primary targets are the very citizens they serve. We give them our tax dollars so they can snow us, in order to get more tax dollars. Get it? I've been lied to by these dealers of deceit for years. Most of the time, I catch 'em because of great sources — serving soldiers who care about our country and the truth.

Here are some recent Pentagon lies:

Lie: The U.S. Navy fired 75 Tomahawk missiles at terrorist targets in Afghanistan and Sudan on 20 August.

Fact: The Navy fired 132 Tomahawk missiles. It lied about the number because they used a sledgehammer to swat a fly and because Tomahawk missiles cost between $1 and $2 million a pop — sticker prices vary depending on which Pentagon liar you ask. They don't want you to know that the cost of Tomahawking a terrorist ran $5 million a corpse.

Lie: The reason there was a rush to attack the mostly CIA-built targets at the very hour Monica Lewinsky was providing graphic testimony concerning President Clinton's "inappropriate behavior" was that — coincidentally, of course — Terrorist leader Osama bin Laden was meeting with his chieftains in Afghanistan at just that time.

Fact: Bin Laden knew of the attack at least 24 hours before the first missile thumped down, while sources tell me the commanders' meeting was made up to justify the urgency/timing.

Lie: Tomahawks were used to destroy a secret chemical plant in Sudan that was making a key ingredient for a lethal nerve gas. The liars described this plant as a high security facility, guarded by armed soldiers.

The White House, the Pentagon and CIA headquarters must have more professional liars per square foot than any other buildings in the world!

Fact: Intelligence sources say there's not one scrap of evidence that this plant produced any precursor chemicals for nerve gas. American and British engineers who built and subsequently ran the plant report it produced medicine and veterinary drugs and was guarded by one night watchman with a habit of sleeping on the job.

Lie: Terrorist leader bin Laden financed the chemical plant.

Fact: Our intelligence community can't find the slightest money trail to prove bin Laden bankrolled the plant. When all's shaken out, besides our having spent several hundred million to punch a few craters in terrorist training areas that can be quickly replaced for a few thousand bucks, we'll probably end up coughing up another $100 million to replace the "lethal weapons factory" that wasn't exactly lethal.

Lies got us into Vietnam: we were told that our ships in the Tonkin Gulf were attacked by Red PT boats in 1964. Now, after all the death and destruction, we know this isn't true. But it doesn't remove the pain that lie brought to millions of innocent people.

The Gulf War was one big lie from beginning to inconclusive end. Smart weapons weren't smart, nor were the politicians and generals who lied about how and why the war ended the way it did.

There's an old saying that truth is the first casualty of war. It's about time we the people demanded that the lying stop. And it should start with the president of the United States, who — protest though he and the Military Industrial Congressional Complex may — clearly was not a straight shooter when he tried to eliminate bin Laden with extreme prejudice last month. ❑

Memoir

Inside the Secret Government

by Jonathan Ellis

The Federal Emergency Management Agency, FEMA . . . The Secret Government . . . a seemingly benevolent agency charged with disaster assistance, lies in wait for The Executive Order that will unleash its swarms of black helicopters to seize our firearms, impregnate our dogs with extraterrestrial sperm, and yoke us to a global government ruled by a Marxist peasant from some Third-World shithole.

FEMA conspiracy theories didn't start with *The X-Files* movie. But, like stealing smack from a junkie, the movie hasn't helped calm things down, either.

Since its creation by Jimmy Carter, the innocuous agency has grown into a mythical beast. Conspiracy-oriented literature just doesn't cut it unless it devotes a few pages to the "true," nefarious purpose of FEMA alongside claims of staged moon landings, weather control gadgets, UFO abductions, shadow governments, and rehashed tales of JFK's slaughter.

Not surprisingly, FEMA is concerned about its reputation. Threats and intimidation from "right-wing nutballs," as they're called, aren't uncommon.

No doubt that's why the guard barricading the front door to FEMA's disaster headquarters in Sioux Falls, South Dakota was skeptical of my story. "I work for the state government," I told him. "I've been assigned to the FEMA community relations field team. They're expecting me."

❦ ❦ ❦

The worst winter in, oh, several years, had left the state buried in more snow than usual. When it melted, rivers rose, lakes swelled, and Governor Bill Janklow howled for divine intervention from Washington, D.C. And it came to pass on April 7, 1997, that President Clinton declared South Dakota a federal disaster area. Shout hosanna, federal greenbacks were on their way! And to "administer" that hoard of taxpayer largesse, our caring government requisitioned a horde of bureaucrats.

That's where I came in.

It simply would not do to have the feds dispersing money like dandelions in the breeze and reaping all the credit. State employees would have to help. As an intern, my appointment to FEMA struck me as odd at the time. Looking back now, it all makes sense; there's no reason to uproot a regular employee — probably a petulant union member — for five weeks when cheap intern fodder would do nicely. When I arrived in Sioux Falls, President Clinton's disaster declaration was a week old. About a hundred FEMA personnel from around the country had descended upon the state, dedicated to combating the pestiferous effects of Mother Nature, and making a little money for themselves.

❦ ❦ ❦

The guard had a fierce, Neanderthal look, and appeared perfectly capable of blasting a man with three hollow-points

one minute and devouring a cheese-steak sandwich the next. He phoned someone to verify my identity, issued me a security badge and motioned me into the building with a look that said "welcome to the fraternity, boy." I went upstairs to the community relations office; it was deserted: everyone was at lunch. I strolled through the building and learned just how difficult it is to get a field HQ operational. Miles of phone wire connecting broken phones were taped meticulously to the floor. Leaky cups were available at the water machine. Paper signs taped every few feet along the walls directed people where to flee in the event of fire. In one room, FEMA bureaucrats squabbled over a floor plan for temporary cubicles. After agreeing on a plan and setting up several rows of cubicles, the walls fell over.

This isn't the operational expertise you'd expect from an outfit that's going to enslave the nation. A thought flit into my head: maybe FEMA feigns incompetence so people don't get wise to its globalist ambitions. But I doubt it. The FEMA people in Sioux Falls were a sorry-looking crew, as far as storm troopers go. Many were plump, middle-aged mothers working as FEMA reservists. Others looked like refugees of a 1960s love-in. Many more appeared to be nursing-home fugitives so old that I made a worried note to review my CPR training.

Conspiracy buffs, relax. These bureaucrats couldn't mount a successful offensive against Disneyland.

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There were five state liaisons assigned to work with FEMA's community relations team. Representing the government in an emergency is a most serious responsibility; it would be bad form to have government agents spreading bogus information about disaster assistance programs. With this in mind, FEMA decided we needed some instruction. The briefing lasted less than two hours.

Community relations teams have one cardinal rule: promote FEMA's telephone registration number. A disaster victim calls the number and applies for disaster aid by phone. In seven to ten days, FEMA sends an inspector to evaluate the damaged property. For those with suitably damaged property, a check arrives shortly after. Under no circumstances do community relations officers actually promise a disaster victim free money.

As with most government agencies, FEMA measures success by how much money it spends. The more people registering for aid, the more success a community relations team is having. And this means getting people to register for aid who shouldn't. ("Why, yes ma'am. If you have a puddle in your basement, we urge you to apply for disaster assistance.")

Fully briefed and deemed fit for duty, each state liaison was paired with a FEMA officer and each pair assigned a territory. It was time to hit the road with FEMA. My partner (whom I'll call Jane) and I blasted out of Sioux Falls that afternoon in our government rental car for a town meeting in Watertown. Jane manages a home and four children when the president isn't buying popularity with disaster declarations. In four years with FEMA Jane had explored more of the U.S. than Lewis and Clark, including an assignment to the U.S. Virgin Islands ("pleasant," she said). She loved her job.

In Watertown, hundreds of sullen people who were condemned to answering the call of nature in Port-A-Potties crammed themselves into an old auditorium to hear what the government planned to do for them. Loitering among the crowd were dozens of bored-looking FEMA bureaucrats whose job was to make a strong presence — a psychological strategy that supposedly enthralls disaster victims. Wearing dark blue windbreakers with the FEMA acronym printed on back, they stuck out like goofy targets. Maybe this is one reason for the threats from "right-wing nutballs."

The meeting got started with minor league politicians and bureaucrats spewing platitudes about the importance of community and the magnanimity of government. The grim-faced audience quietly endured it all, waiting for FEMA's ranking officer for the disaster, Federal Coordinating Officer David Grier, to begin dispensing the loot. For his part, Grier showed a keen understanding of the South Dakota psyche — outsiders and government are viewed with mild suspicion at best and down the barrel of a shotgun at worst.

In a pleasant and reassuring voice that would guarantee any used-car salesman a six digit salary, Grier praised the people of South Dakota for their self-reliance and pioneering spirit, stopping just short of admitting that *Little House On the Prairie* made him cry. But, he continued, there are times when individualism is no match for the collective effort of the nation. Then he lunged for the throat — "Disaster assistance is not welfare, but a chance for you to get back some of your hard-earned tax money."

It worked. A few in the audience nodded, convinced that the money sitting in FEMA's vault was theirs, by God. About that time I noticed my workday was well past eight hours. Overtime. Grier didn't mention anything about hard-working taxpayers funding the time-and-a-half for dozens of bureaucrats to stand around.

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The next day Jane and I moved on to Aberdeen, finding its pleasant hotels, eclectic bar life, and first-rate restaurants well-suited as a base of operations. But perfect Aberdeen wasn't. Senator Tom Daschle, Minority Leader and demagogue, calls Aberdeen home, and we had to deal with his political staffers stalking us for information. Our first week in Aberdeen was marred by a nasty meeting with staffers for Daschle and Senator Tim Johnson, South Dakota's Siamese senators, which took an ugly turn when Daschle's lead staffer — known affectionately from that day on as The Dragon Lady — bit into us for not giving them enough information. Spouting fire and clawing the air, The Dragon Lady demanded our meeting schedule and ferociously ordered me to provide her with copies of my notes and the daily reports I faxed to FEMA's headquarters in Sioux Falls. My protests were met with malevolent glares.

As the only male in the room I feared the Amazonian staffers had it in mind to jump me, hack me into hundreds of pieces while screaming about thousands of years of oppression, and bury me under the floor. My flight instinct kicked in. Popping out of my seat I declared the meeting over and thanked her for her hospitality. "I'll get those notes and schedules to you," I said. My abrupt show of force stunned her slightly. I pulled Jane out of her seat and we made a

break for the front door and freedom.

It didn't take long for us to slide into a daily routine. Meet in the hotel lobby at 7:00 a.m., head to a greasy spoon for an omelette and coffee, and hit the road before 8:00. Most mornings we met with county emergency managers. These old-timers didn't like federal employees rooting around in their counties just because a little water was on the ground. To them, "disasters" were things like Pearl Harbor, the Great Depression, and Prohibition.

If we didn't have meetings, we busied ourselves with an intensive and extremely technical public information campaign — i.e., hanging flyers — to publicize FEMA's teleregistration number. We hung enough flyers to wallpaper a medium-sized city; we never rested until every store, church, bar, grain elevator, post office, gas station, and any other public place two or more people had gathered in the last 50 years were plastered with these Day-Glo eyesores.

Another greasy spoon for lunch, then an afternoon spent repeating our morning routine. Around 8:00 we usually pulled up to our hotel in Aberdeen to eat dinner and write up our daily report. Another day, another two days' pay, thanks to time-and-a-half.

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Most of the money spent by FEMA goes directly to disaster victims and rebuilding infrastructure. But fielding an army of bureaucrats isn't cheap. State employees like myself got $18 a day for food — plenty for three meals and a before-dinner vodka gimlet. That's $630 just to feed one state employee for five weeks. Federal employees like Jane, of which there were about a hundred at the height of the South Dakota disaster, raked in a whopping $35 per diem — $1,225 in five weeks. A sumo wrestler couldn't spend that much on restaurant meals in South Dakota. The rental car that carried us luxuriously over thousands of miles of prairie cost $375 a week, and it was one of dozens hot-rodding around the state. Hotel accommodations ran from $45 to $50 a night for each employee. If stories about after-hours fornicating are true, plenty of these rooms weren't even used much.

Then there are the salaries. Shoe shiners probably make more than I did as an intern. Even so, counting the overtime I worked — nearly 40 hours one week — I did all right. FEMA employees do better than all right. Several reservists bragged they made more money in a few months working for FEMA than they would in year-round private-sector jobs.

Shout hosanna, federal greenbacks are on their way!

Many had worked with each other on previous disasters and spoke as freely as mobsters at a family reunion. One guy wanted the South Dakota disaster to drag on long enough for him to make enough money to buy a new car. With a little rain, he said, they could be there throughout the summer. It would be a good year for disasters, they agreed: flooding in North Dakota and Minnesota; loads of snow in the Rockies just waiting to melt; clean-up from flooding in the Ohio River Valley; the potential for a good hurricane season; the chance for a colossal West Coast earthquake. Commiserations for disaster victims were less than convincing.

Lots of little expenses get overlooked. FEMA officers spend more time chatting on their cell phones each day than they spend all month on the toilet. Airline tickets — to get FEMA's experts to each disaster — aren't cheap. Nor is *Disaster Times*, FEMA's glossy newsletter published for each disaster area. More copies of *Disaster Times* were printed than South Dakota's entire population. Nor was our private plane.

Grier showed a keen understanding of the South Dakota psyche — outsiders and government are viewed with mild suspicion at best and down the barrel of a shotgun at worst.

Private plane? When $375-a-week cars aren't good enough, FEMA takes to the air. The twin-engine, six-seat Aztec and pilot were used mainly by Grier and other upper level FEMA people to barnstorm from meeting to meeting. But even lowly interns like me got an official joyride over the disaster area.

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The plane picked up Jane and me at the Aberdeen airport. Three other FEMA officers were already on board. We flew east over Day County, then circled back west and over the Missouri River. Lakes had devoured roads, farmland, and homes. Normally insignificant rivers suffering delusions of grandeur imitated the great Mississippi. The sight of western ranching country broke my heart. Dead cattle dotted the fields as if some great battle had just taken place — once-promising prime rib and veal rotting away under the sweltering sun.

Our flight plan included flybys over Indian reservations, but we only managed one of these before turning back for Aberdeen. A violent case of airsickness had seized one of the FEMA officers and, having no parachutes on board, we had to cut our joyride to just four hours. Indian reservations are best viewed from the ground anyway.

Although Native Americans possess an uncanny affinity for Mother Nature, they get flooded too. The tribes wanted their share of disaster assistance, so fearing that all political hell was about to break loose, FEMA wisely scheduled several disaster-aid meetings on reservations.

The Standing Rock Nation lies just west of the Missouri River, straddling the North and South Dakota border. Jane and I drove into Wakpala early on a soupy gray morning and came eye-to-eye with collectivist philosophy at work. A few children trudging to school and packs of muddy dogs scavenging among overflowing dumpsters were the only signs of life. Wakpala's small, box-like homes, mostly government-owned, sat rotting in the morning gloom. Satellite

dishes capable of receiving God-knows-how-many television channels sat next to boarded-up windows and disintegrated houses. Residents decorated their yards with rusting car hulks, mosquito-housing tires, and refuse. Garbage covered the landscape like a layer of wild flowers — stained mattresses, car parts, soiled diapers, shards of glass, broken furniture — all the makings of a fine dump.

The squalor shocked Jane, who complained that the government had ignored these people. The total hopelessness of Wakpala shocked me even more than the squalor. What horrible thing could have beaten these people down?

We were to meet with disaster victims at 9:00 a.m., but tribal headquarters changed the meeting time to noon without telling us. Two women assigned to coordinate the meeting had decided to hang out with a friend instead.The Great Leaders hadn't told anyone we were coming. The Indians

Jane and I drove into Wakpala early on a soupy gray morning and came eye-to-eye with collectivist philosophy at work.

straggling into the community center for their collective feed were startled to find government employees camped out at their tables. Our stacks of Day-Glo flyers may have brightened the day somewhat, but can hardly be rated as ideal dining-room decor.

More FEMA specialists arrived in Wakpala as the day dragged on, some driving more than four hours to get there. You can't have a FEMA meeting until at least a dozen bureaucrats are standing around. Grier and a party of top FEMA officials and tribal leaders kicked off the show sometime during mid-afternoon. By then there were more coffee-swilling disaster administrators than disaster victims. None seemed to be doing anything remotely resembling what honest people call work.

The meeting provided FEMA with a chance to burnish its image and an opportunity for tribal leaders to dazzle their people so they'd get reelected to their cushy jobs that call for frequent travel to Washington, D.C., on Important Tribal Business, but it's hard to see anything else they accomplished. Wakpalites eagerly signed up for aid — and who the hell could blame them?

While Jane and I were explaining the application process and letting them use our cell phones to make disaster aid applications, Del Brewer, a FEMA officer from Grier's entourage, brought a woman to us. "This woman's daughter was killed in the disaster. We're going to take care of the funeral expenses. Can you guys see she gets registered?"

His story smelled like raw sewage. Flooding hadn't killed anyone in the state. The woman herself said her daughter had actually frozen to death in a January blizzard, months before the floods had started. Jane cornered the FEMA officer, Del Brewer, who brought the woman to us and told him the situation. "It's okay," he responded, "I talked it over with Dave [Grier] on the way here, and he said we're going to take care of it anyway."

So we registered her. Wiping the tears from her face, she thanked us. But no matter how high and mighty, bureaucrats don't have the power to change the law, and after we left Wakpala, we learned that FEMA wouldn't cover her expenses. Somebody — either Del Brewer or David Grier — had intentionally deceived the woman, knowing all along that the woman's application would get denied. Apparently, the only thing that mattered on that day was for FEMA to look like a heroic savior in Wakpala. After FEMA was gone, who would listen to a dirt-poor Indian woman?

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In its fifth week, FEMA's operation in South Dakota began winding down. The rain my FEMA buddies hoped for never came. A good number of the FEMA people I worked with were packing it off for North Dakota where a surging Red River guaranteed a steady income throughout the summer. As a last hurrah for South Dakota's disaster, FEMA director James Lee Witt dropped in for a quick lunch on his way to inspect North Dakota.

Witt's sexy little jet landed in Watertown where he and his staff were whisked away by a Minnesota National Guard helicopter for a brief tour of that state. They returned to Watertown for lunch, greeted by a waiting throng of government employees, reporters, and dozens of Kentucky Fried Chicken box lunches. The chicken was my idea. Witt's a Clinton pal from Arkansas, and everybody knows they love chicken.

They dined in FEMA's Watertown office with congressional staffers, senior FEMA bureaucrats, and politicians. There weren't enough lunches to go around, and a table stacked high with dried-out jelly doughnuts and stale cookies was mercilessly ravaged by bureaucrats and reporters. Reporters carrying heavy cameras waited patiently for a press conference to break out. Small fry like Jane and me didn't get lunch; we stood around doing nothing. Edgy guards, not accustomed to so much activity at the Watertown office, eyed the doors for suicide bombers. Nothing got done until Witt and his courtiers emerged from lunch and announced that they would hold a press conference as soon as a suitable piece of disaster could be found as a back drop.

Disaster specialists went flying for their cars. Witt and his crew climbed aboard a beefy four-wheel drive, the lead car of more than twenty. Jane and I fell in behind Witt's behemoth in time to spy The Dragon Lady's desperate attempt to flag down a vehicle near the front to catch a ride consonant with her status. As the convoy snaked through the streets of Watertown, some of the vehicles in the rear were cut off by red lights. Unwilling to miss their chance at glory, their drives ran the signals to stop, gunning their engines like Daytona stock car racers, oblivious to the fate of Watertown's children.

The convoy made a couple stops before the ideal spot was found — a lakefront restaurant flooded a few weeks earlier but scheduled to reopen that night, a suitable success story of man overcoming the ravages of nature. Reporters asked the expected questions and Witt gave the expected answers. Ten minutes later, Witt's press handler clapped his hands and shouted something like "Okay, folks. That's it." ❑

Reconsideration

Traitors in the War of Ideas

by Fred L. Smith, Jr.

Why liberty is not in the interest of the intellectual class.

Waging the war of ideas is critical, but it is not enough. Classical liberals have long realized that humans are largely motivated by self-interest, that intellectual arguments alone are not likely to persuade people to act against their own interests. Unfortunately, we've failed to apply that lesson to our own efforts. Intellectuals (the combatants in this war) have a strong self-interest in policies that support a large and ever-expanding state. Libertarians are now, and are likely always to remain, a minority in the intellectual class. Our occasional intellectual victories alone will, thus, be of little consequence in the real world. We must do more.

Why Intellectuals Favor Statism

In his essay, "Can Capitalism Survive?" economist Joseph Schumpeter argued that capitalism would create a powerful and resentful intellectual class that would first undermine the moral legitimacy of the entrepreneurial class and then destroy it totally. Schumpeter's argument is straightforward: capitalism produces great wealth, allowing an ever-expanding class of individuals to survive without incessant work. Some in this middle class use their extra time to focus on the unmet needs of the people and take some specific action to advance the public welfare. In other words, some become entrepreneurs or doers, creating even more wealth and an even larger middle class. Other individuals, by taste or temperament, focus instead on the more abstract aspects of society — its institutions and its outcomes — and seek to reduce what they perceive as its imperfections. They become intellectuals or thinkers, viewing the world in abstract terms, blindly reluctant to participate in it.

Schumpeter suggested that, while the doer class tends to pay little attention to the intellectual class, the opposite is not true. It was only a matter of time before intellectuals turned from their studies to view entrepreneurs enviously: "If we are so smart, why are *they* so rich!" But envy is not admirable, so intellectuals naturally seek more self-flattering expressions of their resentment. Envy they craft into "social justice," which trumpets expanded political control over the economy, strict policing of the entrepreneurial sector, and a wholesale swap of private for political institutions. The focus of resentment, the doer class, they malign in familiar tones:

- Entrepreneurs do not really create wealth, rather they gain wealth by exploiting the poor or disadvantaged.
- Business does not really address human needs, but rather creates, through advertising, artificial demands for wasteful consumption.
- Entrepreneurs draw on the finite common resources of the earth in a futile attempt to preserve a non-sustainable way of life and unfairly use their market power to destroy competitors or to deny worthwhile inventions.

Such intellectual attacks are not trivial. They undermine the core institutions of a free society — individual autonomy and freedom, property rights, contracts, the rule of law — and weaken its moral legitimacy.

Not entirely coincidentally, expanding the state delivers considerable economic benefits to the intellectual class. Indeed, who better than the intellectuals (the "best and the brightest") to play the Mandarin role necessary in the modern welfare-regulatory state? As a result, as the state has grown, the intellectual class has evolved into a new priesthood, securing handsome salaries to provide advice and wisdom to political (and, increasingly, private) leaders. Under the activist state, the hitherto under-appreciated intellectual

procures the economic and psychological rewards denied him in the entrepreneurial society. These economic rewards reinforce the more abstract anti-capitalist bias of intellectuals. More importantly, their influence on state policy provides a reward far beyond that of mere economics. No wonder nearly all intellectuals find statism to be in their best interest!

The incentives for intellectuals to be statists are so powerful that we have to wonder: why aren't *all* intellectuals statists? The real mystery is why there are so many free-market types in America, not why there are so few.

The Growth of a Pro-Capitalist Traitor Subclass

In the aftermath of World War II and the Depression, the intellectual arsenal of liberty was virtually empty. To be an intellectual was to favor the expansion of the central state, the substitution of technocratic leadership for individual freedom.

The first step for libertarian intellectuals had to be the replenishment of our intellectual reserves. So, it is neither surprising nor distressing that F.A. Hayek urged libertarian-minded dissidents to focus on ideas rather than seek political victories. Hayek advised a young Englishman, Anthony Fisher, not to enter politics. Hayek saw no reason to allow another good mind to be corrupted by an inherently flawed institution. Instead, he advised Fisher to create a classical liberal center of intellectual excellence. Fisher took that advice and created the Institute of Economic Affairs in London, which triggered a flowering of free-market think tanks throughout the world.

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Hayek's motives were straightforward: ideas determine policy. He adopted (as many other intellectual warriors have since) Keynes's quip that "madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back." Hayek was conscious that Keynes's comment was highly ambiguous, in that it provides no insight into how we might ensure that good ideas prevail over bad ones. Hayek's implicit assumption seems to be that superior ideas will somehow triumph, that in this arena Gresham's Law will not prevail.

Hayek was not alone in emphasizing the intellectual battlefront. Leonard Read, founder of the Foundation for Economic Education, attracted many business leaders with his moral defense of entrepreneurship and the market order; but Read neither required nor encouraged business leaders to challenge directly the growth of the Leviathan State. Both Hayek and Read seemed to see their task not as winning a war but rather as keeping alive the flame of economic liberty in a world grown very dark.

And indeed a frontal assault on the State in the early post-World War II era would likely have been suicidal. The statist dominance in those days was almost absolute; dissidents were treated ruthlessly. Even Hayek's well-mannered intellectual assault on modern liberalism, *The Road to Serfdom*, published in 1944, made him a non-person for almost two decades. Thankfully, the effectiveness of the intellectual hostility toward classical liberal ideas eventually lessened. The IEA was soon followed by other policy groups; today conservative, free-market, classical liberal and libertarian scholars challenge their more numerous statist counterparts in almost every country, in almost every field.

Yet, it is increasingly apparent that these intellectual gains have led to few significant policy changes. Virtually no laws have been repealed or agencies terminated, and the share of national income consumed by government continues to grow. Tax rates have crept back up after the small decreases of the Reagan era. Indeed, both Republicans and Democrats are inclined to retain any "surplus" revenues to address society's neglected needs (that is, to increase federal spending) rather than return these monies via tax cuts to the people. The deregulation gains of the late 1970s and early '80s have been swamped by the more recent massive expansion of social health, safety and environmental regulations. Moreover, in recent years, the UN and other global political entities, once safely impotent, have gained power.

The Establishment Strikes Back

Many of the gains libertarians have made since the time of Hayek are more the result of the complacency of the left than of the power of our ideas. Indeed, old-school leftist philosopher Richard Rorty laments that the left within the university has become so fixated on the theoretical sophistication of "victim studies" that it has traded political activism (and thus effective power) for cloistered hibernation. For many decades, the intellectual dominance of the statist intelligentsia was so massive that intellectuals could disregard us completely. But that dominance also encouraged an element of graciousness among the elite. Professors, conference organizers, and even editors often sought out our amusing views; we were invited to debate and requested to contribute to journals and conferences. At that time, we defenders of economic liberty were viewed as the dying remnant of a romantic but flawed past. Being powerless, we were allowed to enter the temples.

But, as we've occasionally toppled an establishment pillar or so, we've become less welcome. Gracious liberal values have given way to a fierce defense of privilege. (Aaron Wildavsky predicted this long ago, suggesting that the ACLU would eventually oppose free speech, a result now evident in its objections to "hate speech.") Today, libertarians are rarely invited to left-liberal policy conferences. Increasingly, we are denied any opportunity to challenge establishment views. They control the cultural microphones of the policy debate, and deny us a platform.

Moreover, even when we are present and when our views appear to prevail, our victories are rarely allowed to influence the policy climate. Consider the recent campaign finance reform debate. The reformers' intellectual case was shallow, amounting to little more than an argument that interest groups should not be allowed to influence the political process — a return to the utopian progressive dream of taking politics out of politics. This argument ignores the fact that such "reforms" would further weaken the prospects for

challengers. Moreover, reducing the economic role in elections would strengthen those already powerful economic interest groups whose influence is already pervasive. It would also strengthen the relative power of ideological interests, a sector now dominated by activists such as the Naderites, the environmentalists, and the Christian right. That campaign reform threatens basic American constitutional liberties has aroused almost no concern. Instead, anyone learning of this debate from afar (that is, most Americans) would conclude that a heroic effort to open the political process to challenge, to weaken the power of incumbency and special interests, to move toward a more representative legislature — all this has again been frustrated by special interests and their intellectual lackeys.

The ability of established intellectuals to squelch and misdirect public opinion is awesome. The experience of the late Julian Simon illustrates this well. Simon wrote extensively on the Malthusian fallacy both in its original form (there are too many people) and its modern version (we consume too much and rely too heavily on technology). His massively documented books (*The Ultimate Resource, The Resourceful Earth, Population Matters*) prove that progress, while uneven and fitful, is real and substantial. His work undercuts the whole logic of the modern environmental movement. He even won a famous wager with doomsday eco-nut Paul Ehrlich. But so what? The Malthusians still triumph in the popular press and in public policy, as demonstrated by the results of the recent Kyoto Global Warming Conference and the tenets of even influential groups like the World Business Council on Sustainable Development.

What difference does it make to wage — or even win — the war of ideas if these victories are never communicated to the American citizenry? The intellectual class has overwhelming incentives — and the power — to suppress dissent, to muffle opposing voices, and to cover up losses. If the people never learn about an intellectual triumph, how can we declare victory?

What Can Be Done?

We cannot expect the intellectual battle to be decisive. We have too few friends in that world and our opponents cannot be expected to play fair. Still, the intellectual game is important and it remains one of the most important games in town. Moreover, free-market think tanks are becoming an evermore effective force within the intellectual battlefield. That progress is not valueless; we shouldn't despair.

The intellectual class has overwhelming incentives to suppress dissent, to muffle opposing voices, and to cover up losses.

But what *else* can be done? There are several possible directions.

Seek political power directly: The case here is straightforward. While the original problem may have been a lack of intellectual ideas, there are now far more ideas than champions. Classical liberals should enter the political fray, either *en masse* or as individuals. The wisdom of the Libertarian Party approach has been argued elsewhere; suffice it to say here that unless some wealthy individual can be persuaded to finance a Perot-style campaign, victory seems unlikely. Recruiting and electing individuals favoring economic liberty through the machineries of the established, major parties is possible, but neither party has any strong ideological preference for such candidates (they seek electable candidates, which biases them toward establishment value candidates — not libertarians). Still, direct political action should not be dismissed, and may some day pay off.

Major structural/constitutional reforms: Much of the success of the left over the last century stemmed from a handful of key historic changes in the American Constitution: the constitutional amendment allowing direct election of senators, the New Deal cases allowing the growth of the regulatory state, the income tax amendment. In light of these "successes," not a few dissenters from the modern state see in Initiative and Referenda a safeguard against expanded government, while others favor term limits or balanced budget amendments, cutting off state funding of liberal causes, enacting school voucher programs, privatizing Social Security, supermajority requirements for tax increases, and so forth. Such ideas may well have merit, but they face two problems. First, it is not obvious how they can be enacted in the face of intellectual class opposition. Second, such measures only partially address the lust for big government that now drives the political process.

Since self-interest considerations suggest that we are unlikely to win over any large fraction of the intellectual class, perhaps we should seek allies among the doer class.

Seek an alliance with the entrepreneurial class: Since self-interest considerations suggest that we are unlikely to win over any large fraction of the intellectual class, perhaps we should seek allies among the doer class.

Finding Allies in the Business World

This task will not be easy. Business is a rational enterprise; principled, ideological arguments don't easily appeal to those focused on the bottom line. After all, the task of the corporation is to make money, not to improve public policy. Moreover, some statist policies (corporate welfare, trade protection, tax breaks, even regulation) will benefit some businesses some of the time.

In the entrepreneurial phase of a business, managers are so busy they can scarcely read the paper, much less strategize on broad policy reforms. Larger firms can (and to some extent must) adapt to the state — the state shows no signs of melting away quickly, and it can do great damage. Thus, the modern corporation has many high-level staff slots focused on working with government. Many holding these positions "go native" and begin to represent the outside world to the corporation, rather than the corporation to the outside world. Corporate philanthropy officers often view their role

as funding enemies of the company — to "bring balance to the debate." EEOC officers, environmental vice presidents, directors of regulatory compliance, directors of government and public affairs — all earn good salaries because of their knowledge of the intricacies of the modern regulatory state. If the state were ever to wither away, the intellectual capital and therefore salaries of these people would drop precipitously. Thus, the modern corporation faces a serious principal-agent problem in managing such corporate quislings; yet corporate CEOs rarely question their policy recommendations.

Though most people unthinkingly regard libertarians as the natural allies of business, not a few businesses see libertarians as enemies. "We thought you were our friend" charges are all too frequent when we oppose some corporate welfare policy. In this twisted environment, perhaps the best first step is to develop links to pro-market intellectuals within firms (a group that, despite all the incentives they face to favor the state, is still likely to be somewhat larger than in the non-business world) and work with them to clarify the value of waging the war of ideas, the value of reform alliances.

Freedom is too important to be left to the intellectuals alone.

Unfortunately, intellectuals, no matter what their political bent, communicate poorly with businessmen. Doers and thinkers don't speak the same language. Moreover, unlike the statists, we can't offer the doer class much. The left can provide positive press coverage, libertarians largely cannot. Thus, we must rely on that much smaller percentage of businessmen who have some antipathy to the excesses of the state and do not need the approval or adulation of Café Society. This is not a large pool.

But there are some special inroads that can be made into the business community.

Aaron Wildavsky argued that opinions on most policy issues derive not from facts, but from values. Based on this notion, it may be possible for libertarian intellectuals to develop a service that businesses would find useful in the modern political environment. At the Competitive Enterprise Institute, for example, we have been working for several years to hone a communications strategy that business might use to defend itself. The idea: design a value-based communications strategy that addresses the "only government is fair" argument relied upon so heavily by the left. If businesses could clarify the moral value of capitalism, the virtue of economic liberty, the legitimacy of their activities, they would be far less vulnerable to legal plunder and bureaucratic suppression. A more sophisticated use of corporate advertising might achieve this result. American firms now spend some $200+ billion annually in selling soap. Yet, any message designed to sell soap, also says something about the moral legitimacy of selling soap. Today, that message is normally neutral. Businessmen sound like the narrator in the old Tom Lehrer song: "'Vonce the rockets are up, who cares where they come down? That's not my department,' says Werner von Braun." Even worse, in many cases, corporations accept their pariah status and adopt a "mea culpa" approach: "We know we're destroying the planet but we're sorry and are working hard to destroy it less quickly!"

An informed corporate message could play a much more significant and positive role. Automotive firms could illustrate that their products have democratized mobility. Computer firms might dramatize how their products have made it possible for the handicapped to enter the workforce. A deregulated airline should proudly note that they have made it possible for the poor finally to "get off the bus." Energy firms should clarify the virtues of affordable energy, by noting that a world starved of energy would be a world of starving people. Chemical firms should advertise that plastics and pesticides offer major hope of saving both our planet and our people.

Classical liberals have done much to develop the moral and intellectual case for liberty. Wealthier *is* healthier. The risks of innovation are far less than the risks of stagnation. Economic liberty provides the only path to a more a egalitarian society — at least, the only path not ending in uniform poverty.

The massive advertising investment of business provides the means of allowing the American people to consider our findings.

Some firms have already begun to move in this direction. AT&T's recent ad campaign illustrates well how the cellular phone eases the tasks of the working mother; GE ads provide an important antidote to the Al Gore view that energy use is nothing more than a source of negative externalities; the American Plastic Council ads have begun to reverse the pariah status that the movie *The Graduate* assigned this most important material. Imagine a world where these results were not random, but rather a part of a strategic plan developed jointly by business and pro-market intellectuals. A hostile intellectual class may well be able to filter out our message; they cannot stop advertising.

On All Fronts

As the success of libertarian organizations like the Cato Institute and the Competitive Enterprise Institute illustrates, the Schumpeterian prophecy that all intellectuals will become statists is overly pessimistic. For various reasons, some intellectuals prove resistant to statist temptation, or soon abandon it (after all, I was once a knee-jerk liberal). Certainly libertarian intellectuals are far more numerous today than a few decades ago. As argued above, while we may be traitors to our class, we are still influential enough to challenge the statists in the war of ideas. For that reason, it might be useful to analyze the circumstances that lead some to abandon statism. Market research might well improve our market share.

But whether we battle in the academy or the media, within the boardrooms of corporations or in the halls of Congress, we must also in all things challenge the moral pretensions of the statists. The left has had great influence and power because it linked its ideas with the core values of many Americans. President Clinton and others announce proudly that the era of Big Government is over — and therefore appeal to the individualist *continued on page 68*

"A Naked, Arbitrary Exercise"

by Bruce Ramsey

The minimum wage *v.* the U.S. Constitution . . .

These days, battles over minimum wage are fought almost exclusively in terms of economics: jobs lost versus workers helped. Earlier in the century, the battles were fought over law and principle. Was *any* minimum wage fair? Was it constitutional? Twice the Supreme Court made major rulings, and in different ways.

In 1923, in *Adkins v. Children's Hospital,* the court declared the minimum wage an illegal interference in private contracts. Writing for the court, Justice George Sutherland said the measure was "simply and exclusively a price-fixing law," and "so clearly the product of a naked, arbitrary exercise of power that it cannot be allowed to stand under the Constitution of the United States."

Adkins was overturned 14 years later, and today is dismissed as a dead branch of constitutional law. It still has its defenders, though. Hadley Arkes, professor of jurisprudence and American institutions at Amherst College, writes, "Sutherland's opinion was a model of force and clarity" — particularly, he says, in comparison with the New Deal decision that replaced it.

Freedom of contract did not begin with *Adkins.* It was an old principle of English and American law, and a principle of the Founders. But they did not specify it in the Constitution. The closest they came to it was to say that "no state shall pass any law . . . impairing the obligation of contracts."

John Marshall, chief justice from 1801-1835, argued that this rule applied to all contracts, existing and future, in recognition of a natural right of contract. But in an 1827 case about state bankruptcy laws, Marshall lost the argument. Ever since *Ogden v. Saunders,* the Contracts Clause has applied only to "impairing the obligation" of existing contracts, such as farm mortgages during the Depression.

A battle lost over one clause of the Constitution can often be re-fought over another. After the Civil War, the right of the individual to negotiate on his own behalf returned to the high court through the creative jurisprudence of Justice Stephen Field. Appointed by Abraham Lincoln, Field built upon the anti-slavery doctrines of free labor to articulate a principle that every man had a right in his own labor. He expanded this "right to choose a calling" to the broader principle of freedom of contract.

This, he argued, was required of the states by the 14th Amendment, passed in 1868, which said, "nor shall any State deprive any person of life, liberty or property, without due process of law . . ." Due process, argued Field, meant more than merely following the *process* of the law; it meant that the *substance* of law had to be reasonable, and accord people their rights.

This doctrine came to be called "substantive due process." Field pushed it for decades in dissenting opinions. The year he retired, 1897, a majority of his colleagues finally accepted it. In *Allgeyer v. Louisiana,* newly appointed Justice Rufus Peckham sounded positively Spencerian when he declared that due process "is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary and essential . . ."

This was the beginning of "laissez-faire constitutionalism," also called "the Lochner era." In the 1905 case of *Lochner v. New York,* the court used its new doctrine to strike down its first piece of social legislation, a New York law setting a ten-hour day for bakers. If that law were needed for safety and health, wrote Justice Peckham, it would pass muster; but a bakery was not such a hazardous place to work. In the court's view, the bakeshop law was outside state government's rightful purview of "safety, health, morals and general welfare of the public." It was a "meddlesome interference" in the rights of "grown and intelligent men."

Justice Oliver Wendell Holmes penned a famous dissent, declaring "The 14th Amendment does not enact Mr. Herbert Spencer's *Social Statics.*" Spencer's law of equal freedom had always been violated by the states — by "the school laws, by the post office, by every state or municipal institution which takes his money," Holmes wrote. Regulating bakeries was no big deal. This argument was to be repeated again and again in the fight over laissez-faire constitutionalism.

Holmes also argued that the court was deciding *Lochner* "upon an economic theory," and one that "a large part of the country does not entertain." This, too, would be a repeated charge. But strictly speaking, it was not true. The crucial arguments in *Lochner*, and later, *Adkins*, were about morality, fairness and rights. This was not economics, but natural-rights theory.

From the first, the court found it difficult to define the newly recognized freedom of contract. In 1908, it approved an Oregon law limiting factory work to ten hours, on the paternalistic grounds that it applied only to women. The same year, the court struck down a federal law banning labor contracts in which the worker promised not to join a union. Even a "yellow-dog" contract was still a contract, the court said. In *Adair v. United States*, Justice John Harlan wrote, "The right of a person to sell his labor upon such terms as he deems proper is, in essence, the same as the right of the purchaser of labor . . . Any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land."

Justice Oliver Wendell Holmes penned a famous dissent, declaring that "The 14th Amendment does not enact Mr. Herbert Spencer's 'Social Statics.'"

In hindsight, it was amazing that freedom of contract remained doctrine as long as it did. Even in the first decade of the century, as Holmes had pointed out, many Americans did not agree with it. The socialists, then the radical part of the labor movement, did not. Nor did the progressives — middle-class, bourgeois reformers who trusted government to create a world free of gambling, "sporting houses," saloons, quack medicine and bad meat. The minimum wage, which applied only to women and children, was their cause.

In 1912, the year Teddy Roosevelt ran as a Bull Moose, Massachusetts passed the first U.S. minimum wage law. It was followed in 1913 by California, Colorado, Minnesota, Nebraska, Oregon, Utah, Washington and Wisconsin. In the next decade came Arizona, Arkansas, Kansas, Texas, North Carolina, the Dakotas, Puerto Rico and the District of Columbia.

The District of Columbia's law of 1918, passed overwhelmingly by Congress, was typical. Its aim was to protect women and minors "from conditions detrimental to their health and morals" — a formula designed to pass muster with the court, and to please progressives rather than unionists. "Morals" was a reference to widespread stories of women driven into prostitution.

The law did not set a minimum wage. It set up a three-person wage board with the power to subpoena witnesses and business records, and take testimony. The board set the wage, and it could be different for each line of work.

The board set the wage for Willie Lyons at $16.50 a week. Lyons, 21, was employed by the Congress Hall Hotel as an elevator operator. She earned $35 per month plus two meals a day. Said the court, "She alleges that the work was light and healthful, the hours short, with surroundings clean and moral, and that she was anxious to continue it for the compensation she was receiving, and that she could not earn more."

Faced with nearly doubling her wages, the hotel discharged her. She sued the District of Columbia wage board.

The wage board was represented at the Supreme Court by a Harvard law professor, Felix Frankfurter. Progressive opinion expected him to win. But the court ruled for Lyons, 5 to 3. Justice Sutherland, a former Republican senator from Utah, wrote for the court.

A minimum wage, in Sutherland's view, went further than the kinds of intervention the court had approved. It interfered with all businesses, not just those "affected with a public interest." It claimed authority over all occupations, not just those that posed unusual hazards.

The case was about the law's reach to adult women. The court had supported special protections for women. But Sutherland, who had been an outspoken advocate of women's suffrage, argued that the passage of the 19th Amendment in 1920 had changed all that. In 1923, he wrote, women were "legally as able of contracting for themselves as men."

He added, "It cannot be shown that well-paid women safeguard their morals more carefully than those who are poorly paid. Morality rests upon other considerations than wages."

Opponents argued that a minimum wage was needed to bolster employee bargaining power. Sutherland wrote, "The law is not confined to the great and powerful employer but embraces those whose bargaining power may be as weak as that of the employee."

The real problem with the minimum wage, he argued, was that it had "no causal connection with the business, or the contract or the work the employee engages to do." The minimum wage "need have no relation to the capacity or earning power of the employee, the number of hours which may happen to constitute the day's work, the character of the place where the work is to be done, or the circumstances or surroundings of the employment."

The wage board was supposed to be guided by the employee's need. But who knew how much Willie Lyons needed? People have different habits. "To those who practice economy, a given sum will provide comfort," Sutherland wrote, "while to those of contrary habit, the same sum will be wholly inadequate." Was Lyons living with her parents? Her husband? Alone? Did she have children?

The wage board, which could make none of these distinctions, drew them instead by lines of work. Where food was served, the minimum wage was $16.50 per week; in printing shops, $15.50; in a laundry, $15; and for beginners in a laundry, $9.

How did that reflect need? And why should it? The employee's needs "arise outside of the employment, are the same when there is no employment, and are as great in one occupation as in another," Sutherland wrote. "Certainly the employer, by paying a fair equivalent of the service ren-

dered, though not sufficient to support the employee, has neither caused nor contributed to her poverty. On the contrary, to the extent of what he pays, he has relieved it."

In the midst of his argument, he wrote, "The ethical right of every worker, man or woman, to a living wage may be conceded" — a sentence that his opponents would hurl back at him. But Sutherland argued that this ethical right did not create an obligation of an employer to pay more than an employee's worth.

"If one goes to the butcher, the baker or the grocer to buy food, he is morally entitled to obtain the worth of his money," Sutherland wrote. "If what he gets is worth what he pays, he is not justified in demanding more, simply because he needs more."

Labor was bound by the same principle. To demand more "amounts to a compulsory exaction from the employer for the support of a partially indigent person," he wrote. Such a person is "no particular responsibility" of the employer; if the responsibility "belongs to anybody, [it] belongs to society as a whole."

Again, that admission. "Society as a whole" was not supporting indigent persons in 1923, at least not through a federal dole. But it would be, 14 years later.

The central issue remained that the minimum wage was based "wholly on the opinions of the members of the board," without any necessary connection to the business, the worker and the work to be done. *That* was the "naked, arbitrary exercise of power." If it were allowed to stand and the government could set minimum wages, it could also set maximum wages "when the public welfare is thought to require it."

Justice Holmes, who had dissented 16 years earlier in *Lochner* and again in *Adair*, dissented again. He didn't buy the liberty of contract. "It is merely an example of doing what you want to do, embodied in the word 'liberty,'" he wrote in an oft-quoted passage. "But pretty much all law consists in forbidding men to do some things that they want to do, and contract is no more exempt from law than other acts."

He also zeroed in on a contradiction. The court had admitted in earlier cases the government's right to limit women's hours of work. What was so different about wages? Sutherland had argued, not entirely convincingly, that an overtime law was not as onerous as a minimum wage because it "leaves the parties free to contract about wages."

The New Republic called the decision "the legal right to starve." The Nation called it "nothing short of shocking."

As for the women's-rights argument, Holmes wrote, "It will take more than the 19th Amendment to convince me that there are no differences between men and women."

Progressive opinion was outraged — and not at Holmes. The *New Republic* called the *Adkins* decision "the legal right to starve." The *Nation* called it "nothing short of shocking." It asked how a woman making $35 a month could afford taking a case to the Supreme Court, "unless possibly some benevolent employers' association generously helped her out."

Gov. Al Smith of New York threw back Sutherland's line about an "ethical right . . . to a living wage." Smith said, "I believe that every effort should be made to give effect to that ethical right which the Supreme Court itself concedes." Washington governor Louis Hart vowed that his state's law "will continue to be enforced."

Critics sneered at Sutherland's bookish claim that setting of minimum wages could lead to maximum wages. (Two decades later, during World War II, government was setting maximum wages, as it would in peacetime under Richard Nixon.)

For the rest of the 1920s, *Adkins* was precedent. The court struck down Arizona's minimum in 1925, and Arkansas' in 1927. Laws in other states were often not enforced.

Then came the Depression, with its relentless economic pressure to cut wages, and political pressure to sustain them. The unions, moribund in the 1920s, revived. In 1933, the year Franklin Roosevelt took office, six states enacted minimum-wage laws. In 1936 the old majority barely held: The court threw out New York's minimum wage for women by a squeaker vote of 5–4.

The court had already unanimously struck down Roosevelt's experiment in corporativism, the National Recovery Administration, and by an 8–1 ruling, his Agricultural Adjustment Act. The 1936 New York case, Roosevelt complained, had made wages a "no-man's land" subject to regulation by no level of government.

Said the *Christian Century*, "The worker who seeks to sell his services must venture out on the economic battlefield into a legal no-man's land where neither federal nor state law can protect him." The old free-silver populist, Sen. William Borah of Idaho, said the decision condemned "millions of Americans to economic slavery."

The mid-1930s was the high tide of the left in America. In 1934 labor leader John L. Lewis had called for a 30-hour-week, six-hour days and a minimum wage of 50 cents per hour. A poll in 1936 showed that 70 percent of Americans supported a constitutional amendment for a minimum wage. In 1936 Sen. Howard Costigan of Colorado proposed a constitutional amendment: "Congress shall have power to regulate hours and conditions of labor and to establish minimum wages in any employment and to regulate production, industry, business, trade and commerce to prevent unfair methods and practices therein."

These proposals failed, along with the egalitarian crusades of such messiahs as Upton Sinclair and Huey Long. But Roosevelt did win his struggle with the "nine old men." He put unprecedented pressure on the court by asking Congress for authority to "pack" it with an extra justice for each one who was seventy years old and who had been on the court for at least ten years. In the first half of 1937, that battle was on the nation's front pages day after day. The break came not in Congress but in the court itself, in yet another case on the minimum wage.

Elsie Parrish, a hotel chambermaid, sued for back wages under the minimum wage law of Washington. Dating from 1913, Washington's law was much like the one struck down in *Adkins*, and should have been thrown out 14 years before. But the Evergreen State, which had been a stronghold of unionism, prohibition and public power, had refused to follow *Adkins*. Its minimum wage required Elsie Parrish to be paid $14.50 per 48-hour week.

In *West Coast Hotel v. Parrish*, the Supreme Court lined up

continued on page 68

About Them Cops . . .

by Paul Rako

Paul asks his Washington, D.C. buddy for a little help with the local police.

Dear Mr. President:

Well, it's Darrin again. I told you trouble can find Darrin the way a camel finds water. The only trouble is that Darrin's oasis has bars. Yup, Mr. President, one of our own has been jailed, and for no good reason to boot. I'm sure you can sympathize with innocent people being thrown into jail since so many of your pals have had this happen to them. Let's just hope we can keep the whole Foster thing under wraps until your retirement. So anyway, I wouldn't be writing if Darrin didn't need a hand and by the way, thanks for everything since we know you must have put a word in to your generals and everything since Darrin didn't have to go to Iraq and kill women and children and by the time you read this Darrin will have an honorable discharge and who would have figured a wild and crazy happy go lucky guy like Darrin doing something so responsible? I know you and me couldn't have pulled it off, hey Bill?

I guess I should start at the beginning. See Bill, Darrin and Preacher go to work together in Preacher's car, a really cool '68 Ford Ranchero with a nice blue paint job and a boffo white fiberglass tonneau cover that keeps people from messing with anything in the truck bed. Preacher don't have to give Jersey Darrin a ride, but since the state took away Darrin's license it would be real tough for him to get to work if it wasn't for Preacher giving him a ride. Them Marines are always pulling the tough duty and I've yet to hear Preacher complain about anything. It's kind of funny when you think about it Bill, how the State of California doesn't think Darrin should drive a car and how the U.S. government wants him driving around Iraq killing women and children. Like I was saying, Preacher and Darrin were in Preacher's car and it was 8 o'clock in the morning on a Friday. They were down by the warehouse of their construction company on the east side of San Jose. Now Bill, I've lived in a lot of money grubbing towns including Detroit in the '70s, but one thing the cops always seem to respect is that a man's got to get to work in the morning. No matter how low taxes fell, the cops would keep off your back at least if you was on the way to work. Well Bill, I guess the tax collection in San Jose knows no bounds. It certainly has no dignity as the story I'm gonna tell you will prove.

Preacher and Darrin are on the east side of San Jose and minding their own business and not messing with anybody, when the police pull Preacher over for — get this — a crack in the windshield. Now as a Harley rider for 30 years, Preacher is used to this kind of harassment, but in a stone legal car going to work at 8 a.m. on a Friday, even Preacher is a little amazed.

Interestingly enough Bill, I know the DMV Code real good, and I know that a crack in a windshield has to extend to the edge of the glass to be citable and Preacher had just a little stone chip that I defy anyone to see from behind the car. Darrin figures they pulled them over because they were two white guys in the Hispanic center of town, but we can only guess. It might have been Preacher's bumper sticker that said "I'm the person your mother warned you about."

Well Bill, for whatever reason the cops were in a "let's see who we can mess with next" mode which, as I'm sure you can appreciate with this special prosecutor deal, is a real scary place to be. Now bad enough that they pull Preacher over for no reason when he's just going to work so he can pay his taxes and make his house payment and keep his Harley on the road. But then when all of Preacher's license and registration and insurance check out and it wouldn't surprise me if the cops are checking if you floss between meals and rotate your tires and all every other kinda thing about Preacher. Anyway, when all this stuff checks out A-OK and you would think they would just give a fix-it ticket for the windshield which would be bogus anyway since the crack didn't go to the edge of the glass, just when you think they would say

"thank you and have a nice day."

Oh no, no way baby, since they couldn't get any money from Preacher they start jackin' Darrin around which is wrong since there was nothing about the car, Preacher or anything else that constituted probable cause to mess with Darrin but no — the little jackbooted Nazis that watch reruns of those *COPS* shows had to violate every principle of decency and law enforcement and mess with Darrin and I'm sorry I'm gettin a little worked up here Mr. President, but it's only that Darrin is the nicest most lovable guy ever produced by the state of New Jersey and these, these, yeah Bill I'm gonna say it, these PIGS have gotta go mess with him when a complete computerized background investigation on Preacher already showed him to be a stand-up guy, and who are these candy-assed cops messin' with Preacher anyway since he was getting his ass shot off in An Wa in 1969 in the kind of action that would have these punk Nazi cops crapping their pants and crying for mama. Hang on, I need a drink.

OK OK. Bad enough Preacher gets pulled over for no reason. Bad enough the cops violate Darrin's constitutional rights by calling for his ID. But what happened next will really blow your mind. So Darrin, who knows he's been in trouble before and who knows he has nothing to fear since he's doing the whole program and paying his fines and hasn't violated one tiny little bit of his probation, hands the ID over to the cops. The cops use more of our tax dollars to radio in a check and believe it or not, Darrin has a warrant out for his arrest. Now Darrin is not exactly shy so when the backup car arrives and the handcuffs come out, he explains that this is all a big mistake and all they have to do is call the treasury department on the 6th floor at Hedding street and everything will be OK. Of course Darrin is also real smart, so when they "Cuff him and Stuff him," he don't get physical or bring anything down on Preacher, he just gets in the car and goes for a ride. This is when the real horror begins. They get downtown and put Darrin through the humiliation of "processing." This is where a bunch of bullies take your clothes, search you naked and give you an orange jumpsuit to wear. At no time is any opportunity missed to degrade you or treat you like an animal. This insures a lot of repeat business and since the CDC (California Department of Corrections) is unionized they always do everything in their power to insure there will be plenty of jobs for their pals. You know Bill, if you wanted to do some good, you could stop the old Republican idea of giving lots of money to people who have a vested interest in putting people in jail. A special-interest group that likes to see people's lives destroyed to provide cushy civil service jobs is not the best thing in the world. Of course, welfare does the exact same thing but at least we thought we could help the poor giving them free money Maybe we shoulda known better that it would destroy the family and cause teen pregnancy and make poor people permanently poor, but at least it didn't start out that way and I can tell you, this whole thing is rotten from the start.

So Darrin's in processing at Main Jail and everybody knows he's getting railroaded cause like I said, Darrin ain't shy, except apparently all those cushy civil service union member employees never learned how to use a telephone, 'cause rather then use the eight available hours during Friday when the entire San Jose government is available and taking calls, they just keep telling him to shut up and wait in line. Then they transfer him to Elmwood Rehabilitation Center which is kinda funny since he don't need rehabilitating and even if he did the only useful skills I've seen there is how to use a paper clip to make a free long distance call on a pay phone and how to trade a baloney sandwich for a bag of tops and some rolling papers. Being a government operation Elmwood is real orderly. One of the orderly things is that commissary comes on Wednesday. This means Darrin can't get any toiletries, cigarettes or food until Wednesday. Now I told you how Darrin loves the ladies and you can imagine his mental state in a place where there are no ladies, not even Saudi Arabian ones wearing veils, but the other thing about Darrin is he loves to talk and you can imagine the effect on him when he's in an environment where he doesn't know anyone he can talk to.

Well Bill, I'll spare you the gory details, but Darrin spends all Friday without a soul to talk to. Then Saturday comes. Then it goes, but very very slowly. Then Sunday comes. Then it goes, but very very very slowly. And the real thing grinding on Darrin is that all of us took our Harleys on this big run up into the Redwoods and Darrin knows we're havin' a great time riding and dancing and drinking and listening to really great bands and camping out and just having a really great time and we told him he could ride up with the beautiful women in the chase truck on Friday, but he said he had to be responsible and go to work Friday which of course never happened because of those Nazi pigs.

So Darrin had used his one phone call to get ahold of Shovelhead Bill and told Bill to go to the room Darrin was renting from FM and get all the receipts and records that showed that Darrin was keeping with the program and was paying all his fines. Darrin was really hoping that Sue the owner of the bar would come represent him since Sue was a big time corporate lawyer who could straighten a mess like this out while she was sleeping. Then the riot happened. Some 14 kids found a 13 in the second floor of Barracks Five and threw him out the window. Now Bill, I can understand if the the last sentence has you scratching your head, so let me explain. It's one of the most successful programs the CDC has ever pulled off. See Bill, a "14" is a Mexican American from Northern California. They are called Norteños. The letter "N" is the 14th letter of the alphabet. A "13" is a Mexican American from Southern California. They are called Suraños. The brilliance of the CDC is to foster and encourage a fierce hatred between these groups, getting these kids so busy hating each other it takes their mind off the fact that it's the rich white European guys in Sacramento that are screwing them both. If the CDC keeps up its success with this program the tough hard-working Hispanics of Los Angeles and San Jose may never march on Sacramento and kick the ass of the real gang of scumbags who are oppressing them. If only every government program were so successful, hey Bill?

So anyway, the Norteños throw this kid out the second story window and needless to say, the cushy civil service union CDC guys freak out and all of Elmwood goes on lockdown, where you can't get out of the barracks and worse yet for Darrin you can't use the phone. Now Darrin can't call anyone and find out if Sue can come to court for him on Monday.

Now Bill, before I describe the altercation that Darrin got into with a young Hispanic lad, I want to recap Darrin's

emotional state so you don't think he's some kind of troublemaker or hard ass looking for a fight. First and foremost remember that this whole incarceration is a big mistake and Darrin wasn't supposed to be there in the first place. Then remember there are no women in Elmwood. Now consider that there was no one for Darrin to talk to for 4 days, the crowding and that the bunks are stacked three high in the barracks. Then remember the fact that Darrin had not shaved or showered or used deodorant or brushed his teeth for the same amount of time since the government feels Wednesday is the only day to buy personal hygiene products. On top of this the riot has caused the entire facility to go on lockdown and Darrin had no idea if anyone would be in court to straighten this mess out for him. So Bill, I think you can understand the emotional state of Darrin the Monday he was scheduled for court when he's sittin' at breakfast minding his own business when a young Hispanic fellow looks at him and says "Give up those eggs SA." (Which is kind of funny since SA stands for Spanish American and Darrin at least don't look Spanish American but who knows with New Jersey being such a cosmopolitan place, but anyway it's still kind of funny.) So anyway Mr. President, I guess you can understand Darrin's emotional state when he looks up at this kid and says: "What?" And then the kid, real brave because he'd throwed someone out the second story window earlier that morning says: "I SAID, give up those eggs SA." Well, Darrin just let loose. He says to this kid that he's been there four days and hasn't bothered anyone and he ain't supposed to be there anyway and he ain't had a shower or shaved cause commissary comes on Wednesday and he can't even use the phone to see it Sue will be in court and: "You know what mother (Darrin used an "inappropriate" word at this point), if you want these eggs your gonna have to take 'em from me!" And the whole cafeteria gets real quiet and you could see those cushy civil service union CDC guys freak out all over again cause a riot in the cafeteria is real trouble because there's lots of forks and knives and things that can hurt cushy civil service union CDC guys which is why they keep their distance because basically they are just a bunch of middle class guys who get their kicks treating people like crap and when the balloon really goes up the CDC guys will be the first to hit the road and then the young Hispanic kid starts to mouth off and I myself know Darrin would have kicked the crap out of one kid but the kid would have gotten all his buddies to help because they haven't watched enough westerns to learn maño a maño is the right way to solve problems but thank God some older Hispanic guy who might have been a gang leader saw the reason in Darrin's position and said "Hey, he's right, he hasn't bothered nobody, leave him alone." With Darrin ready to rip this kid's head off and the older guy backing Darrin up, the young kid backs down and sulks off to act tough somewhere else. Maybe the older guy was tired of fights. Maybe he didn't like the kid. Maybe he saw Darrin carry the crippled guy into the bunk above him a couple times a day and knew Darrin was a stand-up guy. Who knows Bill, but at least there wasn't a second riot Monday.

So Darrin gets on the bus and goes to court. Sure enough Sue walks in with all his records. He looks at her and says "Sue, I love you, I really love you." Well the bailiff thinks Sue and Darrin are lovers and yells at Sue to sit down and to not talk or even look at Darrin (like I said, they don't miss no opportunity to mistreat your fellow man in the San Jose legal system). So then the judge calls Darrin, and Darrin says he has representation and the judge asks Sue if she has talked to her client and Sue, a real sharp corporate lawyer and one fine woman, puts on her sweet face and tells the judge that the bailiff wouldn't let her and the judge gets mad and the bailiff gets real apologetic and maybe next time the bailiff won't jump on people who are in the process of having the state ruin their lives.

Well, Sue gives the judge Darrin's records, thank God Darrin knows how screwed up the government is and kept them all organized and everything, and the judge looks at them and says: "Well, he's done everything he's supposed to and has been paying his fine so I see no violation of probation. I order his immediate release." That was at 10 in the morning. Just so you know what immediate means in local government, I picked Darrin up at 11 that night. Pretty scary, huh bill? And Darrin is stuck there twelve more hours just waiting for that young Hispanic kid to start some trouble.

The funny part is that Darrin is totally non-racist and I have seen him arguing with people that all colors are equal. I was with him once when he picked up a hitchhiker. The hitchhiker got to talking and said something like "Well, nobody likes the blacks." Only he didn't use the word blacks, he used the "N" word which I ain't gonna spell out cause my dad taught me never never ever to use that word. "Nobody likes the blacks." Well, Darrin stopped the car and said "Oh yeah, well, I do, so get your white ass outa my car and start walking, motherf----r." That's the kind of guy Darrin is Mr. President.

So what really grinds me is that the state took four days of Darrin's life, and put him in a very dangerous situation and put out Shovelhead Bill and Sue and me to back him up, and all Darrin gets is a "sorry we made a mistake." I thought the purpose of the federal government is to protect us from the state government and Bill, the state and local governments are really getting out of line. I think it would be a good idea for all traffic fines and assessments be put into a central pool that is used to compensate the victims of uninsured motorists. That way the local governments won't have an incentive to pull people over and hassle them just to get some money in the cities' coffers.

When I was a young boy in Ohio a policeman would make you feel safe and secure in your person and property. In California, any time you see a cop you think: "What's this going to cost me?" Bill, Law Enforcement and the Judiciary should not be used for revenue collection. If you could drop a good word for Darrin and see about getting him some justice it sure would go a long way to getting his spirits back up. And since the Democrats pretty much run this town I think a little reminder from you on the true spirit of liberalism will help return them to their roots and at least slow down the revenue gathering actions of law enforcement.

Thanks for your help,

Paul

Paul Rako
U.S. Citizen

Reviews

Two Lucky People: Memoirs, by Milton & Rose D. Friedman.
University of Chicago Press, 1998, xii + 660 pages.

Twice Blessed

Loren E. Lomasky

This is an apt time, before the Millennium Bug takes a bite out of us all, to propose twentieth century nominations to the Libertarian Hall of Fame. Despite the manifold perversities of theory and practice that this lopsided century has witnessed, there are a number of strong candidates.

Friedrich Hayek began his vigil as a champion of freedom against the onrush of the new serfdoms when defense of individualism against collectivism seemed quixotic and reactionary. Throughout a productive scholarly career lasting more than 50 years he consistently set himself against centralized systems of command and control, gaining over the years an increasingly respectful hearing. He was blessed to live long enough to see his critique of the workability of socialism vindicated by the crashing down of the Soviet empire. Robert Nozick's brashly ebullient *Anarchy, State, & Utopia* landed like a bombshell on complacent American liberalism and pried open the gates of mainstream academic philosophy to libertarian thought. It was a worthy successor for our time to John Stuart Mill's *On Liberty*. Ayn Rand's passion, energy and imaginative genius captured enthusiasts by the thousands. The philosophy of freedom became, via her telling, not merely an arcane body of theoretical lore for pedants to ponder but a luminous ideal of life well-lived. Murray Rothbard was, for decades, the unofficially acknowledged "Mr. Libertarian." Rothbard's output included major works in economics, philosophy, and history as well as innumerable pieces of journalism. He was a combination movement strategist and wager of intellectual guerilla warfare against the statist quo.

Each is a bright star in the libertarian firmament. But if I were assigned the uncomfortable task of nominating just one outstanding figure, my pick would be Milton Friedman. As with Hayek, he has displayed consistent devotion to individual liberty over a long career and, despite usually diverging from the economics mainstream, eventually emerged with a Nobel Prize and the grudging admiration even of professional peers on the far side of the ideological divide. Like Nozick, Friedman exhibits a razor-sharp intellect that makes him the odds-on favorite in any intellectual debate. And like Rand he is a public intellectual who reached out to the populace, in his case most notably through the PBS documentary series *Free to Choose* and a long stint as a *Newsweek* guest columnist. Similar to Rothbard, Friedman has shown himself to be at home both in the realm of abstruse theory and policy advocacy, the latter being informed by the former.

What may be most remarkable about Friedman, though, the catalytic ingredient that unites all the other virtues and makes the combo work, is his abiding optimism. As even libertarians considerably less illustrious than Friedman and thus not so liable to be the target of hostile arrows well know, it is discouraging time after time after time to find oneself in the minority, indeed a minority so minuscule and so distant from where the political action is taking place as to seem almost entirely irrelevant to current debates. Evangelizing becomes increasingly onerous in the face of repeated incredulous rejections; patience with neighbors and colleagues is worn down by their obdurate refusal to see events in the light of reason you have kindly offered them. The culmination often is liberteriosis. Symptoms of this pathology include any of the following: despairing retreat from politics; apocalyptic pronouncements about a world heading to hell in a handbasket; a shift from outreach efforts to shrill and authoritarian policing of the inner circle; absurd wheelings-and-dealings to produce coalitions that just might possibly be politically efficacious; figurative or literal retreat into the wilderness. Against all of these Friedman has been immune. How so? These memoirs will be worth the reading if they do nothing more than answer that one question.

If I were assigned the uncomfortable task of nominating just one outstanding 20th century libertarian, my pick would be Milton Friedman.

This is not, however, the story of Milton Friedman alone but rather, as the title conveys, that of two lucky people. More than 65 years ago he and Rose Director became acquainted as

graduate economics students at the University of Chicago. As acquaintance is wont to do, this one blossomed into friendship and then love and then an enduring marriage. But more than endure, it thrives. The clear evidence of these memoirs is that these are two exceptionally well-matched individuals, lucky in many respects but most lucky in having each other. Their marriage has been a partnership in more than an honorific sense, and so it is appropriate that they jointly compose these memoirs. As befits such renowned individualists, they write by turns rather than collaboratively, a few pages of Milton followed by a couple from Rose. The merits of mutual exchange are confirmed once again, as the story of these intertwined lives is efficiently and comprehensively related.

Both entered the world early in the century's second decade. Their tale is a variant on millions of contemporaneous instances of the American dream. Milton was the youngest child of Jewish immigrants, Rose herself an immigrant. Both families were distinctly working class; neither ever had much money. Nonetheless, funds somehow were found for private music lessons (Rose's took, Milton's did not), and the children were encouraged to excel in school and then go on to college. Education was deemed the key to upward mobility in the new land of open-ended possibility, so parents saved, older siblings boosted younger ones, and extracurricular amusement took a distant third place after homework and odd jobs. And it was education that brought these two young people together, Milton from New Jersey and Rutgers University, Rose a Portland, Oregon, girl who followed an older brother, Aaron Director, to the University of Chicago economics department. Milton displayed early mathematical gifts but had veered into economics under the influence of two exceptional young instructors, Homer Jones and Arthur Burns (later Chairman of the Board of Governors of the Federal Reserve). At Chicago they enjoyed the tutelage of an outstanding faculty, most notably Jacob Viner and Frank Knight, for whom Rose worked as a research assistant. Needless to say, both did well.

Academic positions were not plentiful, and what few jobs there were often carried an implicit "Jews need not apply" sign.

By this time the Depression was well-entrenched, and young scholars had to interrupt the pure life of the mind with some very practical reflection concerning where the next meal was to come from. Academic positions were not plentiful, and what few jobs there were often carried an implicit "Jews need not apply" sign. There is no little irony to the fact that the New Deal was their pecuniary salvation. First Milton and then Rose took jobs in Washington, a Mecca for many of the best and brightest young economists of the generation. Disappointing perhaps to the preconceptions of some libertarians, both seemed to have found a series of worthwhile and fulfilling employments under governmental aegis there and then in New York. Marriage duly followed. Milton completed a PhD dissertation and finally received a university appointment at the University of Wisconsin. Not atypically for the times, Rose put education and a career on hold in favor of making a home for her husband and then their two children, Janet and David.

Wisconsin provided the first of many controversies in which Milton was the central figure. His reappointment and promotion were held up by a departmental faction that saw him as a bit too brash, a bit too eager to jump the queue, and a bit too Jewish. No matter; war was looming, and it afforded another round of governmental employment and further irony. Milton worked as a Treasury economist helping to make taxation more efficient for a government ratcheting itself up to unprecedented proportions. For the two final years of the war effort he was engaged in statistical analyses aimed at the more effective demolition of Axis resources. Then, victory achieved, it was off to the University of Minnesota for the Friedman family. All these stopovers, however, were prologue to Milton's taking up the destined role: a professorship at the University of Chicago. Over the next thirty years he achieved preeminence in his profession, trained generations of first-rate students, undertook forays into the public sphere and, with Rose's constant support, succeeded bit by bit in making the world a better place.

"She hasn't responded to *any* stimulae, Dr. Pavlov — maybe we should switch to a dog!"

Milton nearly always played the role of dissident. He swam against a Keynesian macroeconomic tide that saw the key to continued prosperity in governmental planning to rationalize otherwise chaotic markets and demand stimulation to avert a repeat of the Great Depression. Against a phalanx of eager fiscal managers he preached the importance of attentiveness to monetary variables. In the policy realm he urged an infusion of competition into moribund public education via a voucher scheme, a constitutional amendment to limit taxation, replacement of most welfare programs with a negative income tax, rolling back professional licensure and regulation, elimination of rent and price controls, decriminalizing drug use and other victimless crimes, and so on. No one reading these pages need be told that none of these campaigns has yet come to fruition. He did, however, achieve one notable triumph as a prime mover in the campaign to replace the draft with an all-volunteer military. The frequent defeats did not engender discouragement, nor did the occasional victory prompt complacency. At a time of life when many others would confine their competitive aspirations to the shuffleboard courts, Milton — with, of course, Rose by his side — continues to contend for the enhancement of human freedom.

What accounts for the continued vitality of this redoubtable couple?

Without proffering an answer in so many words, these memoirs suggest a mix of factors. First, however many unyielding walls were head-butted in the political arena, the practice of professional economics brought increasing recognition, respect and eventual admission into the canon of economic greats. The Friedmans thereby received external confirmation that their work was far from in vain. Second, they understand that reformations of practice lag theoretical advances, sometimes by many decades. Therefore, they have reason for optimism concerning the world their grandchildren will inherit. Third, Milton evidently relishes vigorous debate. If he didn't naturally acquire ideological opponents he might have to invent them. The quickness and razor-sharpness of his mind almost always allowed him to come out on top in these encounters. Fourth, the Friedmans were blessed with supportive friends and colleagues, especially at the University of Chicago. Fifth, and perhaps most important, they combine firm attachment to principle with a pragmatic facility at distinguishing between the less-bad and the more-bad. "The best is the enemy of the good" is one of the two aphorisms for which Milton is well-known. (The other is: "There's no such thing as a free lunch." I was not able to find in these memoirs the provenance of either.) Those for whom personal satisfaction demands full realization of their ideals must either possess ideals of extraordinary shabbiness or else labor in perpetual disappointment. Neither is true of the Friedmans. They are thoroughly aware of economic and personal freedom shortfalls in the United States, but they also well comprehend that by world and historical standards we are not lacking in blessings. Because they have been relatively "free to choose" they succeeded in crafting for themselves richly meaningful lives. No small part of that meaning has lain in battling to expand the domain of freedom for everyone.

What may be most remarkable about Friedman, the catalytic ingredient that unites all the other virtues and makes the combo work, is his abiding optimism.

On several occasions I have heard associates dismiss Milton Friedman as "not really a libertarian." Cited in support of that judgment is his willingness to advocate programs that incorporate governmental redistributive activity: for example, school vouchers and the negative income tax. This evaluation spotlights a genuine shortcoming, I agree, but it is one to be lodged against certain unfortunate strains within contemporary libertarianism rather than Friedman. Not only is the best the enemy of the good, it is also the case that pristine purity is the enemy of securing those ends that can be achieved only at the cost of getting one's hands dirty. What libertarianism stands least in need of these days is foundational work concerning basic principles of rights and justice. (I say that as someone whose own professional career has largely been occupied with that inquiry.) From Locke through Nozick we have enjoyed the services of many extraordinary thinkers who worked to set these out. Perhaps no complete consummation has yet been achieved, but we are further along here than elsewhere. Where libertarians have done conspicuously less well is in developing what economists call a "theory of second-best." One must proceed from where one finds oneself. Given historical antecedents studded with injustices, institutions that despite achieving a balance of benefits over costs are nonetheless markedly suboptimal, and a preponderance of fellow citizens who are only very imperfectly convinced of the truth of liberal precepts, it is all well and good to be a champion of liberty, but what precisely is it that one is to champion? I do not think that the answer is to debate endlessly whether individuals possess a right to sell themselves into slavery or to observe in the face of each and every social problem that it would be a non-issue if only all property were privatized. Libertarians will do better to spend less time contemplating the final destination and more on mapping out desirable intermediate steps along the way. Contra the hyper-dogmatists: to compromise is not to sell out, and to strive for the better is

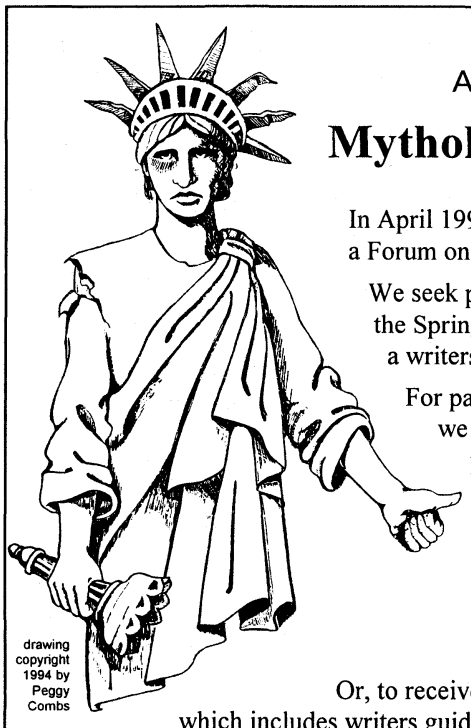

A CALL FOR PAPERS

Mythology in a Free Nation

In April 1999 the Free Nation Foundation will hold a Forum on "Mythology in a Free Nation."

We seek papers on this topic for publication in the Spring 1999 issue of *Formulations*, which has a writers deadline of 1 February 1999.

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What will the inhabitants of a free nation believe about their nation?

not to slight the best. Nor is "pragmatism" a dirty word. Here as elsewhere the example of the Friedmans is salutary.

As is perhaps inevitable, the memoirs do not manage to achieve the excellence of the lives recounted therein. Although comprehensive in recounting the external features of their activities, the Friedmans are less than forthcoming with regard to interior vistas. If there are salacious stories to be told about themselves or their associates, these are not be found here. Such a departure from the fashionable "let-it-all-hang-out" autobiographical mode is not to be regretted, but the reader could legitimately hope for more information concerning how it all felt at the time. Did Milton and Rose burn with ambitions, the achievement of which buoyed them up or frustration of which drove them to gloom? Among the innumerable well-known personages who crossed their path, who did they truly find despicable? What really got under their skin? The closest we get to such reportage is a telling of the Chilean imbroglio, in which a half dozen days spent giving talks and informally consulting in Pinochet's Chile concerning the nation's economic crisis led to unceasing obloquy from the left, including accusations that Friedman was a willing co-conspirator in fascist oppression. Clearly the hurt thereby engendered was of a different order of magnitude than that occasioned by any other episodes of professional or personal opposition that Milton encountered. Still, beyond refuting the lies and calumnies of the period, he mostly adopts a pose of Stoic detachment. Even if in fact he was able to put the gross injustice of the charges behind him, it would have been informative to hear how he managed to do so.

Most readers will come to this volume with one question uppermost in their thoughts: How did Milton Friedman come to be Milton Friedman? What set this child of immigrants on the path to scientific renown and libertarian commitment? Unfortunately, we are not afforded even tangible clues. It can be assumed that from the beginning he stood out as exceptionally bright. But when did he begin to ponder social arrangements, develop a conception of justice, acquire an abiding love of freedom? Had these already emerged during childhood? His immediate environment would have been an unlikely locus for such development. Most Jewish immigrant families hewed distinctly to the collectivist left. Those who had shed patterns of strict Orthodox observance tended to find outlets for their spiritual yearnings among the Communists, Yiddishist labor socialists, or the soft collectivism of social democracy. Even Zionism was predominantly socialistic. It would, then, have been a marvelous thing to observe diminutive Bar Mitzvah-aged Milton discoursing among the elders concerning the virtues of the free market. "Who is this little pisher and what dybbuk has possessed him?!" they would have asked in awe and wonderment. The picture is altogether charming and not entirely lacking in verisimilitude: Why should a people that produces in each generation a handful of talmudic prodigies not for a change generate a libertarian prodigy? More likely, though, is a slower coming of intellectual age, perhaps brought to a head at Rutgers or Chicago. We know with whom Milton studied, but we aren't told who, if anyone, supplied the fire.

The clear evidence of these memoirs is that Milton and Rose Friedman are two exceptionally well-matched individuals, lucky in many respects but most lucky in having each other.

How does Rose fit in? Was her libertarianism acquired from Milton or could she perhaps have been the one who led him beyond the perimeter of technical economics into normative frontiers of fairness and freedom? It seems unlikely that they would simultaneously have emerged from the conventional left-wing politics of their milieu, but no peek at either metamorphosis is offered. And if they had acquired the taste for free markets prior to their governmental employments, we are not informed of any cognitive dissonance experienced during immersion in the bureaucracy and how it came to be resolved. Nor do we learn how their views were altered or confirmed in collegial associations with the extraordinary intellectuals that found a home at the University of Chicago. Did Milton ever have a meaningful conversation with Hayek? Did he so much as meet Leo Strauss? Nothing is said. (By way of partial compensation, we are treated to a letter from Ayn Rand to Leonard Reed in which she described Milton's pamphlet on housing policy as a "Communist booklet.")

Rose states that it was her own choice to forgo an independent professional career and instead lend her efforts to Milton's. Feminist janissaries will, of course, chalk this up either to bad faith or patriarchally-induced self-deception, but in the context of the memoirs it rings true. Still, one wishes that this were the beginning of an explanation of her junior partnership in the intellectual enterprise rather than the last word. No one lives a life entirely without regrets and could-have-beens, so it is difficult to suppose that Rose never had to confront second thoughts about her decision to accept a less prominent role. I do not doubt that on balance she found her role deeply satisfying, but that is unlikely to have been merely a happy accident. Rather, it is a result that she — and Milton — would have worked to achieve, and a memoir recounting the interweaving of their lives would have been the perfect venue in which to set out the details of that effort. This too is absent.

These memoirs, then, will not satisfy either the reader who craves gobs of psychological intimacy or the one seeking a chronicle of the intellectual coming-of-age of one of the great thinkers of the century. Instead we are offered a myriad of details concerning houses lived in, travels taken, speeches given, causes supported, honors awarded. It is more of the home movie genre than that of introspective self-revelation. In saying this, I do not mean to be a harping critic. Here as elsewhere, the Friedmans are free to choose. The story told in these pages will be warmly received by their family, their many friends and associates, and the yet more numerous collection of Friedman admirers. Their lives may have been lucky, but no less lucky are those who have been privileged to ben-

efit from their teachings and their example. It is no derogation of these memoirs to observe that our luck will be yet further enhanced if the aspects omitted from this account someday receive their due narration. ❑

***The Tyranny of Gun Control,* edited by Jacob G. Hornberger and Richard M. Ebeling. Future of Freedom Foundation, 1997, 91 pages.**
***The Second Amendment Primer,* by Les Adams. Odysseus Editions, 1996, 353 pages.**

Persuading Nobody

Brien Bartels

When the friendly teenager at my local gun shop told me I'd soon have to pay him a fee for a mandatory background check before purchasing a long arm, I asked myself this haunting question: "Are we at last brought to such a humiliating and debasing degradation that we cannot be trusted with arms for our own defense?" Those are Patrick Henry's words, committed to paper back when the answer was pretty clearly "no," but they've stuck with me ever since I read them.

Both *The Tyranny of Gun Control* and *The Second Amendment Primer* argue against Henry's rhetorical question. Like John Lott's recent *More Guns, Less Crime,* both these books hope to influence the debate on gun control. Most Americans (the people who will eventually decide the fate of gun rights in America) will find the libertarian position of *The Tyranny of Gun Control* even more difficult to grasp than Lott's statistical analysis. And most will find *The Second Amendment Primer* so gosh darn anachronistic that it likely won't influence them much.

The author blurb in *The Second Amendment Primer* lists not only its author's academic degrees and status as an NRA life member, but also quotes a citation calling him "one of the world's leading authorities in the publishing of fine editions." And this is a fine looking edition. I suppose there's something to be said for this. Each page has wide outer margins to accommodate summaries of important quotations and cases. It comes with its own ribbon book mark. It looks for all the world like a little Bible or prayer book.

When a defender of the Second Amendment pulls it out of his vest pocket, on-lookers will marvel at its deep blue leather, gold lettering, and gilt page edges. "Wow, not only do they have all the legal, constitutional, and historical arguments on their side, but they make a pretty book, too."

The Second Amendment Primer consists mainly of extracts from essays on the right of self-defense, and of the traditional power of the ordinary citizens to serve as the bulwark of their state's freedoms. Les Adams quotes historical personages ranging from the expected (Patrick Henry) to the unexpected (Niccolo Machiavelli) to the obscure (English abolitionist Granville Sharpe, who wrote: "No Englishman can be truly loyal who opposed the principles of English law whereby the people are required to have arms of defense and peace, for mutual as well as private defense. . ."). (63)

Adams sets out to discover the historical and political context of the right of personal and national defense in general and of the Second Amendment in particular. In a long, chatty, and overly personal introduction, he summarizes his position, the evolution of that position, and the year he spent researching commentary on the subject, from Aristotle to modern scholars. (Fortunately the introduction can be boiled down to the summary notes in the margins: "Initially I thought the NRA was wrong. . . But doubts began to arise. . . A personal journey of discovery. . . A collective and an individual right.") The book's thesis is that "the right to keep and bear arms enunciated by the drafters of the Amendment was understood by them to be an individual right, as individual and as personal as our rights of free speech and a free press, . . . and all the constitutional guarantees that we routinely take for granted." (12)

This is as clear a statement of the strict construction of the Second Amendment as I've read. In addition, the book gives a cross section of historical arguments for the usefulness of such a right. Once read, *The Second Amendment Primer* becomes a reference, something to pull out of one's vest during street-corner and barroom debates on the right to bear arms.

This is a problem. Because, not only are vests out of fashion, so too are public debates. There seems to be a shortage of dialogue on this issue. Instead, what passes for debate takes place on television. A reporter visits a bullet-riddled schoolyard, enunciates into a microphone while his camera man zooms in on still-warm bodies littering the playground. There's a cut to a talking head who says, "This is horrible! How much longer will we allow this to go on?" The reporter then intones the stock invocation of evil: "Others are not so sure about the need for action." Cut to talking head from the NRA, who gets three seconds to make the case Mr. Adams uses 300 pages to work through. As a result, the discussion of gun issues among the people with whom power theoretically rests, the

"The Second Amendment Primer" is like a fine Kentucky Rifle: beautiful to view, wonderfully crafted, and totally outclassed by the artillery of the mass media.

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people on the street corners and in the barrooms, is this: "How much longer will we allow this to go on?"

In short, *The Second Amendment Primer* is like a fine Kentucky Rifle: beautiful to view, wonderfully crafted, and totally outclassed by the artillery of the mass media.

The Tyranny of Gun Control fares no better. As near as I can figure, it is for the consumption of libertarians, the most fanatical subset of the pro-gunners. This makes it fun for me, but not very useful in the public debate. The best thing about *The Tyranny of Gun Control* is Jacob Hornberger's skill as a polemicist. Out of 14 essays, he owns five of them, including "The Nazi Mind-Set in America" and "Loving Your Country and Hating Your Government," an amusing rhapsody on President Clinton's inability to fathom the attitude alluded to in the title. They really are something to behold. I found myself rereading some of them for pleasure. A few samples:

> What would be President Clinton's position with respect to the War for Independence? . . . William Jefferson Clinton would have said to Thomas Jefferson: "There's nothing patriotic about hating your government or pretending you can hate your government but love your country." (3)

> This is why every single effort to restrict or control or manage the ownership of guns must be resisted. The ultimate barrier to the ultimate tyranny lies not with the ballot box. It lies not with the soapbox. It lies not with the jury box. The ultimate barrier to the tyranny of one's own government lies with the cartridge box. (62)

> Americans of today view their government in the same way as Christians view their God: they worship and adore the state, and they render their lives and fortunes to it. (69)

Most of the essays are reprinted from *Freedom Daily*, the strangely named monthly put out by the Future of Freedom Foundation, of which Hornberger is president. The origin shows. These essays, collected over seven years, could have benefitted from editing, simply to cull repetition. Hayek is referred to twice as "Friedrich A. Hayek, who was later to win a Nobel Memorial Prize in economic science." (55, 74) Its authors seem to be stepping on each others' lines as they cover various gun control measures and myths, and take on anti-terror bills and terrorist acts like the siege of Mt. Carmel and Oklahoma City.

The Tyranny of Gun Control is literate and uncompromising. But it rehearses arguments that are familiar to, and accepted by, everyone except those who push to infringe on Second Amendment rights. In other words, it's persuasive, but not persuasive to those who need persuading.

So in practice, these polemics and historical analyses are *culs-de-sac*. They reach believers but no one else. Maybe that's all they're trying to do. They'll sell okay, I suppose, and their stirring rhetoric will be absorbed. Maybe an occasional spine will be stiffened, or an intellect will be re-armed for brawling arguments over policy, when and if such arguments come to the street corners and barrooms of America.

"The Tyranny of Gun Control" is for the consumption of libertarians, the most fanatical subset of the pro-gunners. This makes it fun for me, but not very useful in the public debate.

Finely tuned cases for uninfringed Second Amendment rights, as well as for non-government schooling, free trade, open immigration, etc., seem to flow from every orifice of the many think tanks and publishing houses of America that take freedom seriously. Adams and Hornberger *et al.*, despite their talents at research and rhetoric, have less value than authors who explain, in language that ordinary people can understand, how to coat your armaments with a thin layer of grease, seal them in PVC pipe, and bury them on public land for use in emergencies.

Myself, I believe the necessary spine-stiffening can be found, not in two books but in two sentences: "They can make all the laws they want. I'm keepin' mine." ❑

***Blighty: British Society in the Era of the Great War*, by Gerard J. De Groot. Longmans, 1996, 376 pages.**

Sparta on the Thames

Martin Tyrrell

As the First World War ceases to be a living memory, it is becoming obscure. This is true even in Europe, where most of it was fought. The horror of the war remains vivid enough; it was so great that it necessarily left an enduring after-image. But the politics of the conflict, the politics which the war continued by other means, are largely a mystery. Partly, this is because the Second World War has eclipsed the First. Not only is the Second World War closer in time, it can also be made to seem morally satisfying, albeit for reasons other than the issues over which it was fought. The First World War cannot. It is irredeemable. Yet without the dubious First World War, there could have been no gratifying Second. Hitler would have remained a failed painter and Stalin a failed priest. There would have been no Third Reich or Soviet Union. No Auschwitz, no Gulag, no Cold War. Two years ahead of the Millennium, it is at least clear that the 20th century got off to a bad start. *Blighty* is a book about that bad start and, more specifically, about Britain's part in it.

British historians, Gerard De Groot alleges, have evolved an almost consensual view of how the war began, one which has been propagated to the point of cliché. This consensus, he proposes, holds that Britain began to develop a belligerent position towards Imperial Germany in the late 1890s. This belligerence, the consensus view continues, precipitated a widespread, pre-war militarization of British society, particularly British youth, as well as an increase in populist, anti-German propaganda. It is De Groot's opinion that only some of this account is factual, the rest "mere whimsy." However, he never quite gets around to demonstrating which bits are genuine and which are whimsies. In fact his mildly revisionist aspirations are quickly shed after the opening chapter in favor of a much less controversial social history of Britain in the era of the First World War. But the facts of that account suggest that little of the historians' view of the war should be revised, least of all in the direction the author wants. By keeping to the facts, he cannot but describe a process of constantly escalating civil and military mobilization during which propaganda kept the rawest and most primitive of nationalistic passions on edge and where almost every area of life was touched and politicized in the interests of the war effort. In contrast, there is no substantial evidence in favor of the position he wishes to develop.

I doubt, for instance, that it is possible to be more wrong on 19th and early 20th century British foreign policy than De Groot manages to be here. Contrary to his assertions, it is simply incorrect to claim that the United Kingdom was of a "decidedly non-militaristic nature" in the century following the Battle of Waterloo; that it fought in no European war during that period; or that it was militarily weak. Nor is it true that Britain, full of a naive but touching faith that war should be waged in the way that cricket is played, made only inadequate preparation for submarine warfare. This kind of thing is anglophilia at the expense of accuracy. Britain, for the record, participated in one European war after 1815: the Crimean War of 1856. And outside Europe (why, after all, should only European wars count?) there were numerous colonial adventures, notably the Boer War, one of the first modern wars to be waged against civilians as well as combatants. This was the era of the "pax Britannica," a very British peace central to which was the principle of the Balance of Power. Following this principle, no Continental state was allowed to dominate the others as France had done under Napoleon. Military strength was crucial to ensuring that this was upheld. Far from being militarily weak, therefore, Britain had the largest navy in the world, one which was, as a matter of policy, kept twice as large as the next two put together. Throughout the 1900s and all through the First World War, it had clear numerical superiority in all types of warships, including submarines. It was the deterrent effect of this vast naval force — "gunboat diplomacy" — that enabled Britain to fight so few wars, maintain a relatively small standing army and still get its way. If this was pacifism, then it was only what George Orwell once described as "the smug pacifism of small islands with large navies."

By 1900, there was a growing suspicion in London that Germany was becoming bigger and more powerful than was good for the health of the "pax Britannica" and that it would need to be cut down to size and soon.

Only as the century closed did this comfortable arrangement appear threatened. By 1900, there was a growing suspicion in London that Germany was becoming bigger and more powerful than was good for the health of the "pax Britannica" and that it would need to be cut down to size, and soon. "What is wrong with Germany," A.J.P. Taylor later wrote, "is that there is too much of it. There are too many Germans, and Germany is too strong." Taylor was being ironic; "British Foreign Policy," a frank and seminal essay published in 1901 and making essentially the same point, was not.

Credited only to "ABC," it was actually the work of a senior group of policy makers, among them Edward Grey who, by 1914, was foreign secretary. "British Foreign Policy" marks a decisive shift in Britain's relationship with the Continent. Prior to its publication, France and Russia had been Britain's prospective enemies and Germany its prospective ally. But "British Foreign Policy" reversed these positions and an Anglo-German war became something of a policy obligation. The general public rapidly assimilated the change. Quite suddenly, Germans were a dangerous, expansionist people only recently and imperfectly civilized, resistance to whom was a moral imperative. Here, in the making, was the prototypic 20th century war, declared not for reasons of self-interest (perish the thought!), but in the name of peace and for the good of all mankind, against an enemy of unspeakable, if largely imagined, barbarity.

One Member of Parliament called for the mass extermination of Germans; another blamed them for having introduced homosexuality into England.

This is how things are, for example, in certain popular fictions of the time, notably the rash of best-selling speculative novels such as William Le Queaux's *Invasion 1910*, Erskine Childers's *The Riddle of the Sands* and Saki's *When William Came*. These are neither as innocent nor as incidental as De Groot alleges. On the contrary, they contributed heavily to the popular, Germanophobic mood which enabled the war to be fought at all. Crafted and effective, Saki's and Childers's books provided role models for the thrillers of the 1930s and of the Cold War and are still in print. Le Queaux went one better. His novel's central proposition — that there was already a large and growing German army in Britain and that its members were operating under cover as waiters, hairdressers and caterers — influenced government policy. A formal intelligence service — the future MI5 — was established specifically to ferret out this clandestine army of invasion. Its agents were not idle. By the beginning of the war, they had compiled a dossier listing the names of tens of thousands of Germans and Austro-Hungarian residents in the United Kingdom.

Once the war began, almost any German resident in Britain was suspect. Even Britain's German-descended Royal family, the Saxe-Coburgs, was obliged to transform itself into the more English-sounding Windsors. Ordinary German residents were victimized on an almost casual basis and many thousands were interned for the duration of the war. One MP called for their mass extermination; another blamed them for having introduced homosexuality into England; and one and a quarter million people signed a petition denouncing all enemy aliens living in the United Kingdom. A Germanophile Cabinet Minister who had translated Schopenhauer into English was publicly rumored to be the illegitimate brother of the Kaiser; a civil servant had his house picketed when it was learnt that he had been born in Germany of Anglo-German parents. Schweppes, a manufacturer of soda water, found it politic to remind consumers that it came from neutral Switzerland.

This is the home front De Groot describes, a world of populist fanaticism, the rear guard for a kind of modern crusade. It was this crusading aspect which caused the option of a negotiated settlement to be rejected in 1917 on the grounds "that Prussian militarism had yet to be defeated and that an incomplete peace would leave it ripe for resurgence" (179). Here was total war, the propaganda of the pre-war period followed to its logical conclusion. De Groot himself recognizes the connection, yet he also proposes by way of rationale that much of the wartime anti-German feeling was motivated by revulsion at the way in which the Germans were conducting the war. In this respect, he mentions their use of aerial bombardment, submarines and poison gas and, of course, their execution of Nurse Edith Cavell, who assisted allied prisoners to escape from occupied Belgium. There is no debate that such things happened and that they outraged British public opinion. But they did not create a revulsion towards Germany so much as reinforce an existing hostility. Certainly, these German atrocities were not reported dispassionately; frequently, they were sensationalized as evidence of the validity of the pre-war propaganda. And when no atrocities were available, atrocities were duly manufactured.

In Britain, in the First World War, it was not atrocity itself that provoked outrage, but German atrocity. Britain's own conduct during the war is equally challengeable on moral grounds. The Royal Navy's blockade of German ports, for example, led to the deaths of thousands of German civilians (it was in retaliation for this that the Germans struck back at British merchant shipping, using their submarine fleet). As for poison gas, it was first used by France, not Germany, and was soon being used by all sides, including Britain. And Britain, too, could execute civilians caught acting in the interests of the enemy. Sir Roger Casement was hanged for treason for his part in securing German support for the Irish Nationalist revolution of 1916.

The Royal Navy's blockade of German ports led to the deaths of thousands of German civilians. It was in retaliation for this that the Germans struck back at British merchant shipping, using their submarine fleet.

Propaganda was neither the sole, nor the principal basis for the earnestly partisan, militarized society De Groot describes. For more than a decade prior to the war, British civil society had been characterized by an ongoing process of voluntary mobilization. The early 1900s was, for instance, a time when many of Britain's elite private schools transformed themselves into virtual military academies with compulsory Cadet and Officer Training Corps to instruct boys as young as ten in the basics of military life: drilling, shooting, strategy. Complementing this more formal militarism was a general

school culture of hierarchy and regimentation. School conditions were typically Spartan; discipline, strict; uniforms, obligatory. Team sports were an important part of the experience and the parallels between these and warfare are not lost on the author. "By playing for a team," he comments, "the boy learned to place the interests of the group before his own. Once developed, loyalty for the school was easily redirected to the regiment. It was instinctive; the individual did not question whether or not the institution was worthy of his devotion" (35). The Battle of Waterloo, it was famously alleged (and widely believed), had been won on the playing fields of Eton College.

Outside the elite, there were organizations like the Boys Brigade and the Boy Scouts. Baden-Powell's movement was established specifically to ensure military preparedness. "Be prepared to die for your country," he wrote in *Scouting for Boys* "so that when the time comes you may charge home with confidence, not caring whether you are killed or not." Whilst private educational institutions were transforming young middle-class men into an officer class for the wars to come, movements like these, with their emphasis on a brash but obedient patriotism, were developing foot soldiers. By 1914, De Groot acknowledges, two-fifths of young British males were members of some kind of uniformed, quasi-military organization.

Yet he sees little relationship between all of this and the British Expeditionary Force of the same year, the largest volunteer army ever assembled. Instead, he dwells on the fact that Britain had no peacetime military conscription and that the conscription lobby failed, not just in the pre-war period, but even, albeit briefly, once the war was underway. But what need was there for conscription where most young men were more than willing to volunteer and where the relative few who dithered faced substantial social pressures to enlist? It was not the state, for example, that organized groups of women to distribute white feathers to young men who had declined to enlist. Initially, anyway, the people conscripted themselves and did so with only limited exhortation from their political leaders and plenty of it from one another.

Compared with this militarism, pacifism had no big sponsors and generated little practical enthusiasm. The liberal pacifist arguments of Norman Angell's *The Great Illusion* did, as De Groot says, attain a large readership, but this was nothing to the sales notched up by Saki, Childers and Le Queaux. Pacifism was at all times the weaker tendency. It could not prevent the war and, with the advent of war, was itself largely prevented. The few mildly anti-militarist groups that operated after 1914 — the Union for Democratic Control and the No Conscription Fellowship — were small and subject to routine harassment by various semi-official bodies such as the National War Aims Committee. Six thousand pacifists served prison sentences during the First World War, 71 of whom died. Many of the rest were beaten, tortured or otherwise ill-treated.

It was in this context that the British state was able to empower itself to unprecedented levels. So much so, in fact, that many would later yearn nostalgically for the relative freedoms of the pre-war period. The Defence of the Realm Act, for instance, enabled the court martial of anyone caught promoting sedition, whilst the intelligence service grew from a pre-war staff of 25 to more than 800 in 1918.

In addition, areas of life that had hitherto been free from political control were suddenly politicized. Pleasures likely to detract from the war effort were a popular target for curtailment. Professional football, for example, was discontinued in 1915 as a waste of potential cannon fodder. At around the same time, it was made more difficult to purchase alcohol or drugs. Pubs, which before the war had operated almost around the clock, were now required by law to observe puritan opening hours, all to keep munitions workers sober. Cocaine had had a considerable pre-war vogue among the middle class; after 1914, it became illegal to import it into Britain. When women began replacing men as factory workers, there were concerns that this might be to the detriment of the family. Campaigns quickly ensued advocating a higher birth rate and promoting "Mothercraft." A Women Patrol Committee was established to police the streets after dark and punish any public immorality.

WANTED

"Ginny" Harrison

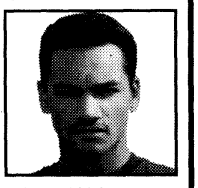
Floyd Wilkerson

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"These women police," De Groot writes, "were almost without exception middle aged and middle class, whereas the women they monitored were predominantly young and working class. The two groups followed very different moral codes, which inevitably led to conflict" (233). But, in general, people acquiesced to these wartime controls, believing them to be for the greater good. They acquiesced for the same reason they had earlier volunteered; because they believed that the war was worth the sacrifice.

In the end, they sacrificed a great deal. Seven hundred thousand British soldiers died in the First World War and hundreds of thousands more were wounded, many seriously. Britain's economy, which had been the strongest in the world in 1913, was, by war's end, largely in hock to the United States. And the British state itself divided — but for the First World War, it is unlikely that Ireland would have seceded to form a separate polity.

Each autumn, a somber ritual of remembrance is held to commemorate this costly First World War and all wars since. It is perhaps the only mass affirmation of British nationhood today. It is not frivolous — no Fourth of July or Bastille Day. And it is not magnanimous — no time for making up and moving on. If anything, as old national insecurities are reawakened by German reunification and prospective European unity, it has become reinvigorated. A national silence is again being encouraged on Armistice Day and, last year, it was the Spice Girls who led the Remembrance ceremonials. All of this is so generations which might otherwise forget, remember. Yet in all essentials, the war has been forgotten. Of its politics, only the crude sense that it was us against them endures. For the nationalists and militarists who sponsor such things, that is probably enough.

It would be wrong to conclude with De Groot, however, that any of this reflects some inherent British tendency towards conformity and compliance. All nations are necessarily capable of nationalism. Two years off the Millennium and with, once again, a single superpower, the lessons of the First World War, and how it began and what it cost, are well worth revisiting. ❑

***Land Use in America*, by Henry L. Diamond and Patrick F. Noonan. Island Press, 1996, 352 pages.**

Gang Aft A-gley, U.S.A.

Jane S. Shaw

Land use planners were the first to alert me to the idea that government is fundamentally less than benign. In the 1960s, I witnessed the early stages of one of the most brilliantly orchestrated changes in land use in the United States. Over a period of 20 or 30 years the city of Boston, a decaying commercial "has-been," was completely transformed. A dramatic city hall designed by a famous architect gave the city a modern edge. Its tourist roots were revitalized as Faneuil Hall, a dusty landmark, was turned into an upscale mall. Deserted industrial wharves and warehouses were replaced by glittering waterfront townhomes.

But the costs of this transformation were high. An entire neighborhood, Boston's West End, was destroyed. According to classic accounts by Herbert Gans and Jane Jacobs, the West End was a vigorous downtown neighborhood that had once been a slum. With its dilapidated housing and working-class people, it still looked like a slum to planners. Cloaking themselves in terms like "urban renewal" and the then popular "slum clearance," planners wiped it off the map. Long-time residents were forced to move and their homes were destroyed and replaced with commercial attractions and better-looking, high-priced housing units.

They're still at it. Professional planners are still trying to shape this country by managing growth. *Land Use in America*, by Henry L. Diamond and Patrick F. Noonan, is one of those periodic updates, nurtured by conferences and commissions and launched by luminaries such as Laurance Rockefeller, in which planners reiterate their vision of what America ought to be and how Americans ought to behave. From what Diamond and Noonan tell us, the planners are still hoping that they can impose their wishes on the rest of us. The good news is that theirs is an uphill struggle.

Land Use in America consists of a series of essays by Diamond and Noonan, followed by more than a dozen contributed papers. As the lead authors look back over the recent past, nearly all they see is suburban growth — that is, urban sprawl. Suburbanization has relentlessly overwhelmed almost every effort to shape and manage growth, they lament. This uncontrolled growth poses "burdens on the texture, continuity, and depth of social life, as well as on the diversity, beauty, and health of the surrounding landscape" (p. 1). Americans aren't happy in this landscape, say Diamond and Noonan. "They are searching for roots, a sense of place, a sense of community" (3).

But for some strange reason, Americans haven't embraced the kind of land use planning that could give them this sense of place and roots. "Land use planning has not been popular in this country," say Diamond and Noonan. (7) Planning "has been the neglected part of environmental efforts, because it evokes deep emotional responses and because it is so complex governmentally" (xvii), they explain. In a contributed paper, Howard Dean, governor of Vermont, points out that "if you begin talking about land use planning, people recoil in distrust or confusion" (136). However, that should not deter good citizens from pursuing it. In Vermont, he says, "we have accepted the challenge, and we have a

mixed record" (136). That about sums up the assessment of Diamond and Noonan, too.

To combat urban sprawl, say Diamond and Noonan, what is needed is "the new urbanism," as espoused by new planners, also known as "new traditionalists" (62). These planners want to see more "mixed uses": residences, commercial and even industrial land intermingled. Residences themselves should be of mixed types. A street should have both detached homes with big front porches (porches are a good thing, because people can sit and watch the street life) and townhouses with little granny flats (to encourage a mix of ages). Home lots — especially front yards — should be smaller, and houses should be close together.

This new urbanism (which gets a good thrashing in *Liberty* now and then, thanks to Randal O'Toole) would bring back some characteristics of the traditional town or village or city neighborhood. But there is an obstacle: the zoning laws of this country.

It is zoning laws that require homes to be separate from commercial activities, individual lots to have only one house built a specific distance from the street or neighbor's property, and the subdivision as a whole to have a specific amount of "green space." Reacting to these laws, the authors write: "Ironically, the American system of land use controls has gradually become so complex that it is now prohibitively expensive and cumbersome to develop old and new sites in the image of the traditional American community" (64).

Christopher Leinberger surveys the way that cities have grown since the early 1960s — not the way they were planned but the way they actually developed.

In other words, the innovative planners of today want a sense of closeness, of communal neighborliness — exactly what the West End of Boston used to have. Not only did planners do away with such neighborliness, but the biggest obstacle to recreating it in our suburbs is the power of the planning theories of the past, which are now embodied in the nation's zoning laws!

The authors do perceive some irony, though not enough to rethink their faith in planning, though they recognize that the road to getting it is a long one. Still, they do brook some dissent from such writers as Steven Hayward of the Pacific Research Institute and John Baden of the Foundation for Research on Economics and the Environment.

To me, the most informative essay is one by Christopher B. Leinberger, managing partner of a real estate advisory firm, who provides the kind of factual information and analysis that planners should pay more attention to, whatever their goals. He surveys the way that cities have grown since the early 1960s — not the way they *were planned* but the way they actually developed. He focuses on "metro cores," the major commercial or industrial sections of a metropolitan area.

In the early postwar period, the "metro cores" were cities' downtowns, usually surrounded by residential suburbs. Since then, however, a series of "metro cores" have developed, following a fairly consistent pattern. In major cities, growth occurs in a widening path that begins in the "favored quadrant" of downtown near the highest-quality residential areas.

So, in the 1960s, the second generation of "metro cores" developed — new commercial or industrial centers outside downtown (exemplified by Bala Cynwyd outside Philadelphia, and Chevy Chase at the edge of Washington, D.C.) Many failed to thrive, however, because they lacked convenient transportation to upper-end housing and were too close to declining neighborhoods. In the 1970s, a third generation of cores began to grow (such as Tyson's Corner outside Washington, D.C., and the O'Hare Airport area around Chicago), some of which are strong today. But a fourth generation of "metro cores" appeared in the 1990s. These are towns such as Plano outside Dallas and the Woodlands near Houston — low-density, even semi-rural, suburbs. Today in some areas fifth-generation "edge cities" are beginning to show up, too.

Leinberger isn't happy about these growth patterns. They often leave the downtowns in decline. They leave inner-city residents far from jobs, and create a new isolation in the low-density suburbs, which in his view are characterized by "sterile and visually abusive commercial retail strip development and little sense of community or

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regional distinctiveness" (221).

Leinberger may be right about this, and certainly his tinge of disappointment fits right in with the wistful tone of much of this book. But what makes his essay refreshing is the fact that it deals with reality, not dreams. It gives us facts and his analysis of those facts. The trends of postwar urban growth should be the raw material that informs planners. If they understood the reasons for these trends they would be better able to advise ways of changing them.

In contrast, most of this book, while incorporating some valuable facts, is an exercise in cheerleading for a lost cause. Diamond and Noonan try to put a positive face on what has happened to rally the troops so that planners will push ahead, in spite of continuing setbacks and frequent hostility. And, indeed, if they persevere, perhaps, with luck, in a few decades they may create another Boston's West End. ❑

***One Million Words of Book Notes, 1958–1993,* by Richard Kostelanetz. Whitson, 1997.**

Books and the Man

Phil Leggiere

The publishing trade has spawned a cottage industry over the past few years of "extra," "meta," or just plain sub-literary documents, issuing a steady stream of letters, juvenalia, journals, memoirs, and miscellany (seemingly everything short of laundry lists) by brand name or otherwise saleable writers. At its worst the genre smacks of exploitation, the desire to get something (anything) between covers while an author (preferably long dead) is "hot."

At their occasional best, however, such literary "outtakes" can be of interest, for the light they shed on a writer's personality (e.g. Edmund Wilson's sexual obsessiveness as evinced in his journals or H. L. Mencken's consummate epistolary literary politicking) and for the record of literary influences and evolution of style, voice, and thinking they illuminate. In addition to being eminently readable on stylistic grounds, Edmund Wilson's reading notes on Alfred North Whitehead, for instance, found in his journals from 1925, serve both as a vital first draft of his later *New Republic* articles on Whitehead and as the theoretical underpinning of his *Axel's Castle.* Allen Ginsberg's journals of the 1950s and early '60s contain seeds from which many of his later published poems grew.

Richard Kostelanetz's *One Million Words of Book Notes* belongs to the latter category. A systematic record, very likely the most systematic (not to mention obsessive) ever of the omnivorous reading regimen of an emerging writer from the age of 18 to middle age, (1959 to 1993, though most of the entries date before 1974), *One Million Words* contains immediate impressions, usually typed up on note cards within a day of first reading, on approximately 3,300 books, alphabetically arranged by author, from Daniel Aaron to Louis Zukofsky.

As an eccentric, though startlingly valid form of literary autobiography, *One Million Words* provides a "biographia literaria," a record of the growth of a literary sensibility without the overlay of formal literary autobiography, preserving the off-the-cuff spontaneity, immediacy, and uncalculated honesty of an intellectual diary. The fact that the autobiographical subject in question is in many people's opinion the most significant critic of the alternative press and avant-garde writing in our time gives the record cultural and historical weight.

All of the mainstays of Kostelanetz's literary-aesthetic universe (presented previously in books like *Twenties in the Sixties, The New Poetries and Some Old,* and *Metamorphosis in the Arts*) are extensively treated — Leslie Fiedler, Stanley Edgar Hyman, and Northrop Frye in criticism, Paul Goodman in politics, John Cage in art, and Gertrude Stein in literature. While those familiar with Kostelanetz's essays on the above will find little new ground, he includes a long, previously unpublished discussion of *The Tangled Bank,* Stanley Hyman's most ambitious work, and fascinating discussions of Paul Goodman's obscure, pre-*Growing Up Absurd* political pamphlets and literary work. Those unfamiliar with Kostelanetz's work will find a highly readable introduction (most entries running to roughly 200 words) to his wide range of interests and critical acumen.

Stylistically, *One Million Words* will come as a revelation, even to Kostelanetz aficionados. If Kostelanetz's critical prose is generally workmanlike and rather austere in relation to the formal and typographical audacity of his experimental poetry and fiction, *One Million Words* is perhaps the first book to fully showcase his abilities as a prose stylist and acerbic phrase maker.

He can be scathingly funny as well, deflating both the over-rated trendy avant-gardists and the "New York Intellectual" elders who tyrannized the time.

Kostelanetz excels, for instance, at astutely cynical debunkings of many of the "radical chic" culture heroes of the '60s. Of Frantz Fanon's *The Wretched of the Earth* he writes, "This book is reportedly influential among young leftish intellectuals, especially if they subscribe to Black Power. That fact suggests that not only is the New Left dumb but it might also be deaf." On the guru of the orgone Kostelanetz writes,

"The most flattering thing I can say about Wilhelm Reich is that he writes nearly as well as Timothy Leary, for both men love to manipulate repetitiously the mythical evidence to confirm their *a priori* single truth."

He can be scathingly funny as well, deflating both the overrated trendy avant-gardists and the "New York Intellectual" elders who tyrannized the time. "Gerard Malanga's rise," he observes, "supports the idea that an awful poet can become more famous than an awful novelist if he flirts with the right people." Of Luis Zukofsky he quips, "After years of unjustified neglect Zukofsky stands on the verge of becoming one of America's more overrated poets," while "Richard Howard may be the most brilliant mediocre poet in America."

Lest one get the impression that the book merely uncovers Kostelanetz's nasty side, *One Million Words* is even more useful as a contemporary record (a "period piece" in the best sense) of the intellectual milieu of the '60s and early '70s, a period both endlessly overhyped and strangely undervalued culturally. Many of the book's more substantial entries treat work by significant figures of the time who've since undeservedly disappeared from collective cultural memory, figures such as political critic Peter Viereck, futurist Herman Kahn, philosopher Oliver Reiser, and economist Robert Theobold. There's even a tantalizing rave on the experimental novel called *Dirty Pictures from the Prom*, published in 1969 by Doubleday. Whatever became of that book, and its author Earl Rauch?

One problem with the book is that, strange for Kostelanetz (an unparalleled champion of formal innovation), it's not structurally innovative enough. By employing the alphabetical structure of a dictionary or encyclopedia, Kostelanetz fails to exploit the richly evocative historical possibilities that might have been provided by a narrative (perhaps chronological) diary organization, with its charting of interactions between a writer's intellectual evolution and public history. Still, as a meticulously reconstructed record of literary coming of age in a particularly propitious cultural moment, *One Million Words* has carved out a unique place in the annals of literary autobiography. ❑

Booknotes

Spinning and Spinning in the Widening Gyre — Yet another outstanding book on Bill Clinton's disgraced presidency. ***Spin Cycle: Inside the Clinton Propaganda Machine*** (The Free Press, 1998, xxvi+324 pp.) by Howard Kurtz, isn't a probe into Porno Bill's personal life, but a study of his administration and how it functions in times of crisis — which happens to be all of the time. Clinton gets along (it on?) with the help of high-paid, media-savvy hacks adept at spinning their boss out of scandal. While this is nothing new to literate citizens of the Republic, what is most interesting is that Clinton has managed to remain in office despite a hostile press.

Clinton has never enjoyed an easy relationship with the press. After losing reelection as Arkansas governor in 1980, Clinton, inebriated and foul mouthed, blamed an Associated Press reporter for the defeat in a less than courteous phone call. Still, Clinton's popularity indicates that the American public has sided with the deviant. And this doesn't say much for the press. But considering the recent ethical lapses in the media — fabricated stories, fictitious interviews, etc. — it really isn't surprising. —Jonathan Ellis

Black and White and Khaki All Over — A year ago, Bill Clinton announced his year-long initiative to open a dialogue on race relations. A few weeks later, former Clinton aide David Gergen extolled the virtues of the "Army way" in *U.S. News & World Report*. "If we're serious — and we should be —" Gergen observed, "the place to look for national guidance is the place you might least expect: the United States Army." He cited Charles C. Moskos and John Sibley Butler's ***All That We Can Be*** (Basic Books, 1996, 198 pages) as the authoritative reference source of his assertion.

The president might still be following the advice of Gergen. His understanding of the Army model was a prominent feature of his expressed position during his first "Town Meeting on Race" held in Akron, Ohio, in early December. For two hours the professed "dialogue" assumed the characteristics of a monologue, dominated by a succession of minority witnesses who told how their lives had been affected by racism. The problem with race relations, we were told, is white racism. The solutions thus involve changing white behavior, white attitudes, white values, and white structural omnipotence. *America in Black and White* co-author Abigail Thernstrom was the token dissenting voice in the audience and she promptly experienced the real meaning of the term "bully pulpit."

With an assured and accusatory swagger, the president attempted to define and defend affirmative action by taunting her to repudiate America's most respected public figure. "Yes or no, yes or no," Clinton hounded Thernstrom, "Should we abolish the Army's affirmative action program that produced Colin Powell?" Clinton ended the discussion by noting the military is the leading institution in American society when it comes to race relations and, "The military affirmative action program tries to get results by race."

The president seems to share the underlying philosophy expressed in *All That We Can Be*.. In the view of Moskos and Butler, the solutions to racial problems must involve race-conscious decisions and race-based outcomes permeating organizational policies.

Moskos and Butler draw twelve "lessons" from the Army experience. Because blacks do not view opportunity and race relations the same way as whites do and a level playing field is not always enough. What is

needed are a focus on black opportunity and ruthless opposition to discrimination (the white variety). We must install qualified black leaders as soon as possible to dispel stereotypes. And affirmative action should be focused on blacks, linked to standards, and follow a supply-side model. And we should recognize "Afro-Anglo culture" as the core American culture.

All That We Can Be, and the Army experience, as imperfect as both are, provide a valuable framework for examining racial issues. But the real story of racial integration in the U.S. Army, however, has yet to be written.

—Steven Philbrick

A Different Picture — The fact that Mary Rice Hayes Allen was born of an illicit interracial affair in the post Civil War South is not remarkable in itself. At the time of her birth in 1875, miscegenation was *unspeakable* but not *undoable*. That her white father acknowledged and helped raise his black children is unusual. That he was among an exalted elite — a Confederate general — makes her story even more remarkable. As explained in Carrie Allen McCray's *Freedom's Child: The Life of a Confederate General's Black Daughter* (Algonquin Books of Chapel Hill, 1998, 263 pages), the general did not remain in the high esteem of his Virginia countrymen while having an affair with a former slave and acknowledging the resulting children. The extent to which his reputation was sullied is evident in a letter a Confederate veteran wrote about him after his death: "His subsequent [to the war] life was a great disgrace to him and his community. I could write more but I think enough has been said. Draw a line through his name and be sure and have it *black*." (emphasis in original)

Allen came of age at a time when race relations were at a low point in the United States. Her family left Virginia for Montclair, New Jersey, in 1920. When they left, a family friend warned that the North was an "old Narcissus," meaning that it was "busy pointing a finger at [the] South for its misdeeds and loved the reflection it saw of itself in the water" (240). Although Allen's family found New Jersey to be an improvement, they still thought of Virginia as "home" and returned to spend summers there. Up North, Allen fought and occasionally won small battles so that blacks could enter and be served in theaters and beauty shops.

Author Carrie Allen McCray, the subject's daughter, tells how she came to grips with the fact that the stern-looking, Confederate general whose

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Personals

BILL SEEKS MONICA TO EXPLORE CIGAR BARS — Just kidding. Actually, I'm a 37-year-old single white male — 5' 7" Libertarian, intellectual, witty, love H.L. Mencken, Ayn Rand, P.G. Wodehouse, Walker Percy. Also classical music and big band swing (which I love to dance to). I enjoy NYC walks, coffeehouses, sailing, sporting clays shooting, old movies. I'm looking to meet an attractive brainy single white female 30–45 years old, of like interests for conversation, dating and friendship in New York City area. 34-50 29th Street Apt. 5-H, Astoria, NY 11106.

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picture her mother always kept, was her grandfather. Along the way she also discovered that qualities that she admired in her mother — like her love of poetry and her belief in the importance of education — had been instilled by the general.

—Clark Stooksbury

There's more than one way to get published . . .

Kinds of Literary Magazines

Richard Kostelanetz

The British writer and editor Cyril Connolly long ago distinguished "coterie" literary magazines from "eclectic." As he saw the difference, the former were founded by a closely entwined group of people, existing to publish their work primarily, if not exclusively. Coterie magazines are designed to serve writers who, for one reason or another, are reluctant to submit their work to editors they don't know in advance (a.k.a. strangers). Coterie magazines tend to discourage "unsolicited submissions," if not all the time, at least during part of the year, for lack of any concern with what strangers might be writing. In our time, *L-A-N-G-U-A-G-E* and the mimeos associated with the St. Marks Poetry Project would be examples of coterie journals; so would be those university magazines that publish mostly their faculty and students.

Eclectic magazines publish work from a variety of sources, purportedly selecting the best from what appears in their mailboxes, regardless of the reputation, nationality, or professional affiliation of its authors. *Poetry*, *Partisan Review*, and Connolly's own *Horizon* would be examples of successful eclectic journals. One charm of Connolly's distinction is allowing to each side the possibilities of both literary influence and editorial integrity, albeit of different kinds.

In the age of grants and institutional rewards, especially in America, a third kind of literary magazine has emerged that superficially appears to be a synthesis, publishing a limited group of lesser-knowns along with celebrities, generally regardless of the quality of the latter's work. Since the celebrities often come from different, if not contrary, directions, while the lesser-known writers strive for unexceptionable acceptability, such magazines forbid themselves the kinds of literary influence typical of great magazines in the past. They too discourage unsolicited submissions, since the two circles of possibly acceptable contributors are circumscribed in advance.

What are such magazines doing, you often wonder? My hunch is that they are designed explicitly to please Very Important People, whether they be academic administrators, officials at funding agencies, or other dispensers of favor. The editors of this third kind of magazine fear integrity and thus controversial contributions and contributors, especially from lesser-knowns, for the simple reason that such moves, however acceptable they might be to both eclectic and coterie magazines, might offend the VIPs. Indeed, their editors necessarily become solicitous of the celebrities' opinions of the lesser-knowns, for fear of losing not any of the latter, who are expendable, but one of the former upon whom the magazine's "reputation" is dependent.

That accounts for why such magazines assiduously avoid publishing prominent independent authors, such as Lyn Lifshin, Allen Ginsberg, Hugh B. Fox, John M. Bennett, Mary Winters, Tuli Kupferberg, or Peter Lamborn Wilson — to mention several of many possible examples. It is indicative that none of these writers, their visibility in little magazines notwithstanding, have ever appeared in many self-consciously "establishment" magazines or even in the Pushcart Annuals that are subtitled "Best of the Small Presses." Although the recent Pushcart books don't acknowledge outside funding, their selections, as much through omissions as through inclusions, reflect the limitations of this new outlook!

Neither eclectic nor coterie, such magazines must be most accurately classified as something else — to my mind, the most appropriate epithet would be "butt-kissy." Examples proliferate, from north to south and coast to coast. I can think of one in America whose name begins with a C, another with a P, a third with an S, a fourth with an A, in addition to a political magazine beginning with an N.

Butt-kissing can succeed only so long. As practitioners past the age of 55, roughly, inevitably discover that nearly all the recipients of their focused affection have been replaced or retired.

Though their editors might publicly object to such characterizations, you know as well as I that their publishers and editors would be personally pleased to know that their ultimate motives were not misunderstood. (The first time I put the previous sentences into print, someone responded with a completely different set of names from those I had in mind, indicating that the critical principle had broader applicability.) To measure how unique such magazines are to literary business, consider that no publication primarily about visual art can be characterized in this way.

Butt-kissing is a cynical strategy, to be sure, assuming that even "distinguished writers" can be more impressed with supplicants' flattery

than their independent excellence or integrity. However, not unlike other cynical strategies, butt-kissing has distinct practical limitations, being first of all vulnerable to changes in power. Butt-kissers frequently discover that the object of their attentions has been replaced by someone else who, since ass-kissers instinctively treat those above them differently from those below, was incidentally slighted in the past.

That accounts for why butt-kissing can succeed only so long. As practitioners past the age of 55, roughly, inevitably discover, nearly all the recipients of their focused affection have been replaced or retired. (Does anyone still flatter Theodore Solotaroff? Daryl Hine? John Leonard?) Disillusioned idealists can be bitter, to be sure; but nothing can equal the anger and self-loathing of the disillusioned cynic. He or she can't "go public" with his story, because no one, absolutely no one, will respect his or her history or sympathize with his or her plight, while younger butt-kissers are already, you see, puckering their lips elsewhere. ❑

Smith, "Traitors in the War of Ideas," *continued from page 46*

value in America. The Union of Concerned Scientists (one of the leading environmental fear-mongering groups) runs ads blasting "junk science" and thus appeals to the hierarchic rationalist values of Americans. And, of course, liberal intellectuals consistently argue that their policies are "fair" — to everyone, of course, but especially to women, minorities, and children.

The history of the last 50 years suggests that such linkages of core values to interventionist policies can be successfully challenged. Not long ago it was widely believed that central government planning was essential to strong economic growth, thus making Americans choose between their traditional antipathy to planning and their enduring desire for economic success. Today, that argument has few adherents; most people now realize that people, not politicians, create wealth, and that the only way to enlist the people in the wealth creation effort is to grant them liberty. There is no conflict between economic freedom and economic success — we cannot have the one without the other. Similarly, the belief that government policies were a superior way of addressing social concerns — alleviating poverty, educating our children, reducing racism, protecting the environment — are swiftly weakening as analysis and experience demonstrate that the state has retarded rather than advanced such goals. Efforts are already bearing fruit (led by the Center for Individual Rights, among others) to demonstrate the unfairness of our affirmative action and other so-called civil rights laws; CEI and other groups similarly challenge the wisdom of eco-socialism.

The war of ideas is important and we should seek victory there wherever possible. But such victories, valuable though they are, will not be sufficient to secure economic liberty in America. The battle for liberty has many fronts and we must broaden our strategy to encompass that reality. Appeals to the business community, the electorate and to groups other than intellectuals are essential. Freedom is too important to be left to the intellectuals alone. ❑

The Web

Yes, *Liberty* is on it. You can email us from there, search through our index to articles that have appeared in past issues, and find out more about our contributors and their presences on the Web.

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Bradford, "Sex and Status," *continued from page 25*

Willey stated that when she approached the president for a job, he touched her in a sexual manner that was manifestly unwelcome by her. Certainly, if her description of what happened is as accurate as any one with an ounce of common sense believes it is, Clinton committed sexual battery.

Again, any sensible person knows that there are gray areas, cases when a person who claims not to want a sexual advance but actually welcomes one, cases where the "no" is coy or even ironic. But it is manifest that this was not the case with Katherine Willey. ❑

Errata

In the September *Liberty*, our layout staff accidentally used an unproofed, uncorrected version of Chris Matthew Sciabarra's "Bowdlerizing Ayn Rand," which included several typographical errors. The correct version of Sciabarra's article can be found on *Liberty*'s website at

www.LibertySoft.com/liberty/reviews/67sciabarra.html

Subscribers who would like to receive the corrected version may send a postcard to

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

Our apologies to Mr. Sciabarra and to our readers.

Ramsey, "A Naked, Arbitrary Exercise," *continued from page 49*

as it had in the New York case, except that Justice Owen Roberts changed his mind. Dubbed "the switch in time that saved nine," his vote now gave the pro-government justices a 5–4 majority.

Chief Justice Charles Evans Hughes, so long in dissent, now wrote for the court. Hughes proclaimed that it was permitted to give special protection to women because their bargaining power was weaker than men's. (One year later, the Fair Labor Standards Act would set the first nationwide minimum, 25 cents per hour, for women *and* men.)

Hughes argued that the Depression had changed things. Wages were of governmental interest because low-paid people were eligible for government benefits. "The community is not bound to provide what is in effect a subsidy for unconscionable employers," he wrote.

As for the freedom of contract, he wrote, "What is this freedom? The Constitution does not speak of freedom of contract."

And neither did the court, after that. *West Coast Hotel* signaled the end not only of *Adkins*, but of laissez-faire constitutionalism. A few weeks later the court handed down *National Labor Relations Board v. Jones & Laughlin Steel Corp.*, which upheld the National Labor

Relations Act of 1935. That law still subordinates the worker's right of contract to the majority vote of his colleagues.

In the realm of commerce and industry, the court henceforth followed the doctrine of legal positivism. Phrases like "due process" or "interstate commerce" were treated as strings of words stripped of moral and historical context. Substantive due process would have a comeback in matters of personal privacy and freedom of expression, but not the relationship between employee and employer.

In 1939 Roosevelt nominated to the court Felix Frankfurter, the law professor who had argued for the minimum-wage law in *Adkins*.

The justices who had upheld freedom of contract against the New Deal — Sutherland, Pierce Butler, James McReynolds and Willis Van Devanter — all retired before the U.S. entry into World War II. They would go down in most histories as "the four horsemen," reactionaries opposed to workers' rights. Their opponents — Holmes in the early years, Brandeis later — would be called great jurists.

History is written by the victors. But there will never be final victors in the war over the Constitution as long as that document has the power to nullify acts of Congress and state legislatures. The arguments of the natural-rights jurists are still there, preserved in the law books — and now, on the Internet. They have a small but determined band of academics defending them — Bernard Siegan, Hadley Arkes, Richard Epstein and a handful of others.

As the New Dealers used to claim, the Constitution is only what the justices say it is. ❑

Notes on Contributors

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

"Baloo" is the alter ego of cartoonist *Rex F. May*.

Brien Bartels is a reporter in Ellensburg, Washington.

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

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

Steve Cason is a writer in Bean Station, Tennessee. His writing has appeared in *Southern Living* and *USA Today*.

S.H. Chambers is a cartoonist living in Arizona. His work has appeared in *National Review* and other journals.

Roger Charles is a retired Marine Corps Lieutenant Colonel who now works as a freelance writer and investigator.

Stephen Cox is the author of the biographical introduction to the Transaction edition of Isabel Paterson's *The God of the Machine*.

Jonathan Ellis is *Liberty*'s assistant editor.

J. Orlin Grabbe is the author of a textbook, *International Finance*, and numerous articles.

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

Leon T. Hadar is the author of *Quagmire: The U.S. in the Middle East*.

George Hunka is a writer living in Cold Springs, New York. His work has appeared in *Menckeniana* and *The American Enterprise*.

Jon Kalb is a computer programmer and Webmaster of *Liberty Unbound*.

Bill Kauffman recently authored *With Good Intentions? Reflections on the Myth of Progress in America*.

Richard Kostelanetz's *Political Essays* will appear later this year from Autonomedia.

Phil Leggiere is a journalist and critic living in Hoboken, New Jersey.

Ross Levatter is a Phoenix-based physician who writes on health economics.

Loren E. Lomasky is author of *Persons, Rights, and the Moral Community*.

Sarah J. McCarthy is the co-owner of Amel's Restaurant in Pittsburgh. Her work has appeared in *Barron's*, *Forbes*, the *Free Market* and *The Freeman*.

Steven Philbrick is an Army officer stationed at Fort Sam Houston, Texas.

Paul Rako is a consultant living in Sunnyvale, California.

Bruce Ramsey is a member of the editorial board of the *Seattle Post-Intelligencer*.

Jane Shaw is a journalist in Bozeman, Montana.

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

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

Clark Stooksbury is assistant publisher of *Liberty*.

Martin Tyrrell is a writer and researcher for the European Union and lives in Belgium.

Timothy Virkkala is executive editor of *Liberty*.

Kostelanetz, "Leave the Poor Guy Alone," *continued from page 26*

Having learned as a libertarian how the state can be used to "redistribute" natural social inequities, I see this Starr-Clinton combat as government-leveraged revenge of the have-nots against those thought to have. Have what? I can hear you ask. Admiring young people voluntarily offering sexual services *gratis*. Let's be frank. You don't need to call yourself a Freudian to imagine the motive here. To my mind, government-leverage is no more acceptable for rectifying sexual grievances than for redressing other inequities, and I am appalled that some libertarians have missed this motive. Will they object when a state requires that all black basketball players put five pounds of lead in their shoes?

When will it end — this mistaken use of state powers and this limitless flow of dreg? When will we wise up? *No mas*, the boxer Robert Duran once dramatically proclaimed. *No mas*. ❑

Inthe Next *Liberty*

"The Liberty Poll" — A special report on the past decade's major changes in libertarian beliefs.

"We Wanted to Be Left Alone" — *Randy Weaver* recalls his family's move to Ruby Ridge.

"It Usually Begins with Roy Childs" — *Barry Loberfeld* makes the case against anarchism.

Terra Incognita

Washington

Innovative public health measure advocated by U.S. Senate candidate Robert Tilden Medley (D-Wash.), as proposed in Mr. Medley's campaign literature.

Practicing homosexuals tend to lead a dangerous and unsavory lifestyle. In the Senate, I will propose that the age of consent for sodomistic practices be twenty-one. This will allow sexual orientation confused young people to mature enough to make this judgement more wisely. Non practicing homosexuals would be exempt. Those who decide to become active sodomists would go before a board. Doctors of medicine, psychiatrists, psychology and sociology as well as practicing and a celibate homosexual would conduct an interview and evaluation. A license to practice sodomy would be granted to the applicant. Or they may be required to come back after the applicant has time to consider the counseling information.

San Diego

Remarkably consistent attitude environmentalists have for property rights, reported by the *Elko (Nev.) Daily Free Press.*

A Carlsbad software company has sued the Sierra Club, alleging that the environmental organization secretly ran its Web site from the company's computer network.

Bluebird Systems said the Sierra Club's Web Site, which had been running for more than two years, caused the company's computers to crash and freeze up.

The site allegedly grew to have more than 2000 pages of text and graphics and had more than 1.6 million hits in 1996, according to the lawsuit.

Minnesota

New competition for Minnesota's state lottery, found in an advertisement in *Minneapolis TV Facts.*

Free! SKS 7.62X39 CAL. Collectible Assault Rifle. Value $350 and rising. Drawing on Saturday. One entry per visit.

Port Angeles, Wash.

An occupational hazard for law enforcement professionals, reported in the *Peninsula Daily News.*

"The most dangerous thing for a police officer is crank-induced psychosis," said police Sergeant Terry Gallagher. "It causes extreme paranoia."

Kahului, Hawaii

Interesting prophesy, reported in the religion section of the *Sunday Maui News.*

According to a Maui Chinese master, Confucius says President Bill Clinton better not let his eye wander during the Year of the Tiger, or he might not find the public so willing to forgive.

"If the president does not restrict himself and goes beyond (self-control), he'll destroy himself," said Master Alfred Huang, Tai Chi instructor and former dean of students at Shanghai University. "We've given him the message: Restrict yourself. You have the choice."

Yakima, Wash.

Candidate had a head start in practical politics, as reported by the Associated Press.

Gordon Pross, Democratic nominee for Congress from Washington's 4th district, has told voters that his experience in jail for assault would bring a unique perspective to the U.S. House of Representatives. He noted that great men in the Bible spent time in jail.

Sao Paulo, Brazil

Innovation in public finance in the world's sixth largest country,reported by the *Seattle Times.*

A Brazilian mayor said today he was giving away the anti-impotence drug Viagra to men in his city in a bid secure more federal aid.

"Expenses are going up and revenue is falling," explained Elcio Berti, mayor of Bocaiuva do Sul. He said federal aid to the town would fall to $70,000 a year from $110,000 if the town's population did not rise to 12,000 from its current 10,000.

Berti hopes the plan will be less controversial than his bid to prohibit condoms, which was ruled unconstitutional a year ago.

Boston

Insight from a leading econometrician, reported in the *Seattle Post-Intelligencer.*

"Inflation is benign. Yada, yada, yada," said economist Oscar Gonzales of John Hancock Financial Services in Boston. "What else can you say?"

Washington, D.C.

Public warning to Sudan that the United States might unleash 75 Tomahawk missiles on a medicine factory in its capital city in response to the bombing of U.S. embassies in Kenya and Tanzania by persons unknown, from U.S. Secretary of State Madeleine Albright:

"We are not a nation that retaliates just in order to get vengeance; nor do we forget our own legal system while searching for those who have harmed us."

Washington

Another intriguing proposal from Senate candidate Robert Tilden Medley (D-Wash.), from an official campaign press release:

Applicants to law school would be subject to a mental examination to weed out sociopaths and psychopaths. . . . Hourly fees would be limited to $50.00 an hour for new lawyers. After five years, a review board consisting of peers, retired judges, prosecutors and citizens, would determine if the lawyer should: 1. Have license [sic] terminated. 2. Continue at $50.00 an hour (adjusted for inflation). 3. Be granted the privilege of charging more. A specific amount but no more than $100.00.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita.*)

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—Patrick Henry, 1776

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by Randy Weaver

ELECTION '98

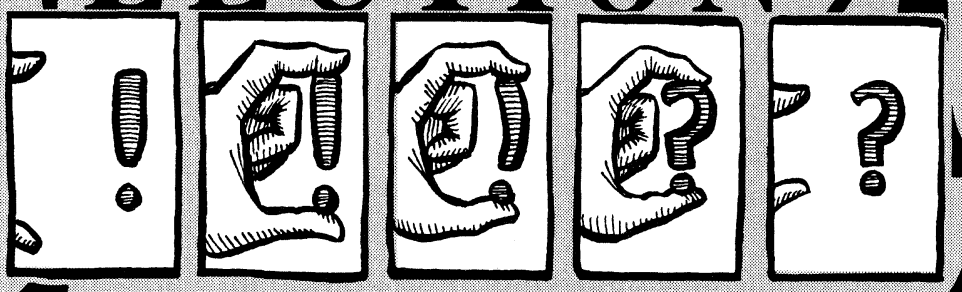

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Inside Liberty

January 1999
Volume XIII, Number 1

4 **Letters** Our readers get the first word.

7 **Reflections** *Liberty*'s editors comment on the world at small.

The 1998 Election

13 **No Issues, No Winners, No Losers** *R.W. Bradford* explains why the pundits got it wrong and tells what the election *really* means.

17 **The Mystery of Bill Clinton** *Stephen Cox* discovers why Americans forgive Bill Clinton.

21 **The Politician Who Came In From the Cold** *Jonathan Ellis* tells how the Republicans and Democrats got the lutefisk beat out of them in Minnesota.

24 **Letters From a Campaign That Failed** Biker *Paul Rako* mounts his Harley and races for office.

28 **Preparing for Y2K** *Harry Browne* mobilizes the troops for the next election.

Features

29 **That Budget Deal** *Stephen Moore* surveys the biggest budget in history and explains how "fiscal conservatives" became profligate pork barrellers.

31 **Devolving the Drug War** *Daniel Benjamin* proposes a de-escalation in the War on Drugs.

34 **Handguns Are a Girl's Best Friend** *Barbara Goushaw* tells why the most important women's right is the right to self-defense.

37 **The Road to Ruby Ridge** *Randy Weaver* tells why his family moved to Idaho.

39 **Whores *vs.* Feminists** The days when prostitutes' rights groups and feminists were allies are over. *Wendy McElroy* explains the divorce.

45 **To Live** *Kimberly Ayn Ryan* tells a tale of overcoming tyranny — the tyranny of an abusive husband who seemed to have everything on his side.

47 **Facing Up to Coercion** *Thomas S. Szasz* wonders why libertarians won't confront the truth about psychiatry.

49 **Flight Plans** A short story by *Rita Popp*. Taking family baggage.

Reviews

53 **I Hear America Sinning** *Terrence Campbell* is outraged at Bill Bennett's outrage.

56 **Ruby Ridge, From the Inside** *R. W. Bradford* ponders the testimony of the members of the Weaver family who lived to tell the story.

57 **One Brief, Shining Moment** *Bruce Ramsey* reviews the memoir of the classical liberal who briefly brought political liberty to the Hong Kong.

59 **From the Jungle to Civilization** *Leland Yeager* explores how virture evolved by natural selection.

62 **The Argument Against Argument** Deborah Tannen argues against our contentious culture. *Michael Drew* disputes her thesis.

64 **The Logic of Nationalism** *Martin Tyrrell* considers the question: Can nationalism be transformed into something bright, shiny and liberal?

69 **Notes on Contributors** 70 **Terra Incognita** The real world intervenes.

cover art by Scott Chambers

Letters

Dictionary to the Rescue

The next time Timothy Virkkala sets out to criticize a Princeton University philosophy Ph.D. for his use of ethical terminology ("At the Altar of the Ego," September 1998), I suggest that he first consult that remarkable book known as "the dictionary."

Virkkala chides David Kelley several times for using the word "Egoism" to describe his and Ayn Rand's ethics, although oddly Virkkala offers no alternative terminology. This lack arises because there is no other proper terminology, as my *American Heritage Dictionary Third Edition* (1992) indicates:

> Egoism: 1a: The doctrine that morality has its foundations in self-interest. b. The ethical belief that self-interest is the just and proper motive for all human conduct.
>
> Self-interest: 2. Personal advantage or interest.

Admittedly, Rand was attempting to change a usage somewhat in claiming that "Selfishness" is a virtue. The dictionary gives the following definition:

> Selfish: 1. Concerned chiefly or only with oneself.

Rand considered morality to be fundamentally concerned with one's own life and happiness. In this sense (and she was quite clear about it) selfishness is properly a virtue, not a vice. She argued that much of tradition's understanding of "selfishness" as excessive attention to oneself in fact arose out of the exaltation of altruistic behavior. So in a sense, the denotation of "selfish" in her usage is only somewhat different from the traditional. And of course, to the extent that her usage was unique, stipulation of a term's meaning is a common method in philosophy, so long as one makes the stipulation explicit.

However, stipulation is not David Kelley's method in *Benevolence*. Rather, his usage of ethical terms is quite within the mainstream.

Virkkala criticizes Rand and Kelley for using the word "altruism" to describe the ethical doctrine that they oppose. The dictionary offers this guide to their meaning:

> Altruism: unselfish concern for the welfare of others, selflessness.
>
> Where "selflessness" is derived from:
>
> Selfless: Having, exhibiting or motivated by no concern for oneself; unselfish.

Now it should be clear from this exercise that the ethical doctrine of altruism can be customarily construed as being antithetical to that of egoism. Furthermore, it should be clear that Kelley is quite right to argue that benevolence, as he understands it, is not a species of altruism, since it is a virtue "motivated by . . . concern for oneself."

It always detracts from a book review when the author makes poorly grounded attacks on his subject. It is worse than a distraction when the attacks are made in a churlish tone and reveal the reviewer's own sloppiness more than any fault on the part of his subject. And it is depressing when this tone is applied to a book that is judicious in its phrasing and attentive to the traditional usages of the key terms it employs. Objectivist philosophers deserve critical scrutiny, not the sort of sloppy attacks Virkkala offers.

William Thomas
Albany, N.Y.

Virkkala responds: Thomas ignores my central argument about the definitions of egoism and altruism in the philosophy of Ayn Rand, apparently in the belief that defining such opposing terms by recourse to distinct, separate criteria (*rationality* and *interest* for egoism, *obligation* and *sacrifice* for altruism) is an appropriate way to do philosophy. I do not. I believe it was more than sloppy on Rand's part: it undermined her whole approach to ethics, and led to severe problems in her personal life and in the lives of her benighted followers.

As for definitions, well, I did consult a number of dictionaries. I am quite aware of the numerous meanings given to the terms, only a few of which Mr. Thomas quotes. As an alternative to trusting any account I might give, perhaps Mr. Thomas should consult *The Philosophy of Egoism* by James L. Walker, a 19th century follower of Max Stirner, for its treatment of egoism and its relation to the common usage of the words such as "selfish" and "selfless," etc. Walker was far more respectful of common usage than was Rand. For a broader understanding of traditional conceptions of ethical egoism, one cannot do better than John Hospers's discussion in the early sections of his most recent edition of *Human Conduct*. While I do not wholly agree with either Walker or Hospers, neither of them are as prone to misinterpretation or (thankfully) mindless worship as is Rand.

In any case, one entry in one dictionary cannot demonstrate that there exists "no other proper" designation than "egoism" for Rand's ethical position.

Aborting Clinton

In his report on the 1998 Libertarian Party National Convention ("Beltway Libertarians," September), Brian Doherty correctly states that I ran for secretary because "[Platform Committee member Steve] Givot-driven proposals to change the LP platform gutted the party's principles." He failed to mention that my primary complaint, as stated in my letter of intention to the delegates, was that "I was particularly horrified" that the Platform Committee supported making the party platform neutral on the issue of women's control of their bodies in the issue of abortion. This is the first time this has ever happened.

Anti-prohibitionist libertarian women and men were alarmed that the ten percent or so of party members who actually want to prohibit abortion so effectively organized to get their supporters on the Platform Committee. To

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make sure this does not happen at the year 2000 LP convention, libertarian women and men are now organizing "Pro-Choice Pro-Life United," an organization devoted to opposing prohibition of abortion and seeking voluntary solutions to the problem.

Doherty also failed to note that during my nomination speech before the assembled delegates, I begged libertarians to call for the impeachment of President Bill Clinton for his involvement in and obstruction of justice in the killing of 82 Branch Davidians by federal agents. Delegates from the Minnesota convention took this to heart and proposed just that.

The delegates by voice vote did indeed pass the following "Resolution of the 1998 LP National Convention": "Be it resolved: The Libertarian Party urges the U.S. House of Representatives to begin Articles of Impeachment against President Clinton and Vice President Gore for violation of their oath of office, specifically their failure to uphold and defend the United States Constitution." After the Libertarian National Office sent out its press release, the party gained national publicity for being the first major party to call for Clinton's impeachment.

Carol Moore
Washington, D.C.

Equal Protection

In his review in the September issue, "Earl Warren in a White Hat," David Friedman writes that "Field's belief in the right to practice a trade had its limits. . . . In *Bradwell v. Illinois*, he joined the majority in support of the right of a state to refuse to admit a highly qualified woman to the practice of law, arguing that 'The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.'"

The quoted language comes from a concurring opinion by justice Bradley, an opinion which Field and another justice joined. The majority opinion in *Bradwell* — the actual opinion of the court — did not contain the sexist language contained in the concurrence. Justice Miller's majority opinion said that the right to practice law was not one of "the privileges or immunities of citizens of the United States," and therefore Illinois could deny a law license to Bradwell without violating the Privileges or Immunities clause of the Fourteenth Amendment. This is the same restrictive reading of the Privileges or Immunities clause which the court gave in the Slaughter-House Cases, which the court majority cites in the Bradwell opinion.

Understandably, Field did not join the majority, since the majority adopted an interpretation of the Privileges or Immunities clause which he had rejected in his dissent in the Slaughter-House Cases. Thus, Field joined the sexist concurring opinion to explain why, although men might have a right to be butchers, women did not have a right to be lawyers. The Court itself never endorsed the sexism of the concurring opinion; the majority's opinion, in fact, denied both men and women the right to practice law, except on such terms as the states should see fit to set. Nowadays, Bradwell would win the case because the Supreme Court would say that she had been denied equal protection of the law.

Eric Longley
Durham, N.C.

Lack of Imagination

While I have the utmost respect for Harry Browne, I think he set up a false argument in his discussion of Y2K ("I Believe in Miracles," September). He says he believes that Y2K will not be a problem for businesses because he can see only two possible definitions of a market failure, both of which he proceeds to demolish. In essence, he's saying that market failures are impossible because he can't imagine how one could happen.

Let me suggest a third definition. I say the free market has failed when it brings about a universally undesirable result entirely without government interference or control. I've been studying the Y2K problem for almost two years, and I still can't find any way to pin it on government interference (As Mr. Browne points out, the computer business is about the freest in America). In fact, the problem seems to me to be entirely due to market forces. (And no, I don't think the government could have done better.)

To illustrate, suppose I offer you a choice of two computers, identical in every way except that on one of them you enter a year as 98 and on the other you have to type in 1998. "Ridiculous," you say, "Why make me go to the extra trouble? Aren't computers supposed to save me time and effort?" Now, devise me a sales pitch that would get most people to choose a four-digit-year computer even four or five years ago, let alone thirty.

I believe in the free market, but I don't think it's magic. It works wonders, but it takes time (we still don't have a cancer cure, despite a huge market demand). In Y2K especially, the free market may find out that it can't meet the deadline (most programming projects fail to meet their deadlines, and this deadline is fixed, like a brick wall.)

Mr. Browne asks us to bet our lives on his faith that the free market will produce a miracle. He has a perfect right to his opinion, and I hope he's right. But I don't like the odds, so I'm taking the responsible course and doing what I can to help my family survive.

Richard B. Crawford
Roy, Wash.

By Any Other Name

I wouldn't have chosen the title, "Private Government: The Solution?" for my essay in your September issue, since to my way of thinking, *government is government*, however it comes about. If it walks and talks like government and exercises tax and police powers, then that's what it is. "Private" used to connote something nongovernmental in nature, making the phrase "private government" a contradiction. More accurate than "private government" might be "neighborhood government." Granted, however, it is becoming common usage today to call homeowners' associations "private" governments, so I understand your titling it that way.

Nelson's "Privatizing the neighborhood" (Reflections, March), to which I took exception, called for imposing owners' associations by law in older neighborhoods nationwide. His rejoinder to my letter-become-an-article was for the most part restrained. I had to smile, however, when he charged me with "joining forces with the collectivists who are always seeking to tell other people how to run their lives." It is he, after all, who is calling for legislation.

Spencer H. MacCallum
Tonopah, Nev.

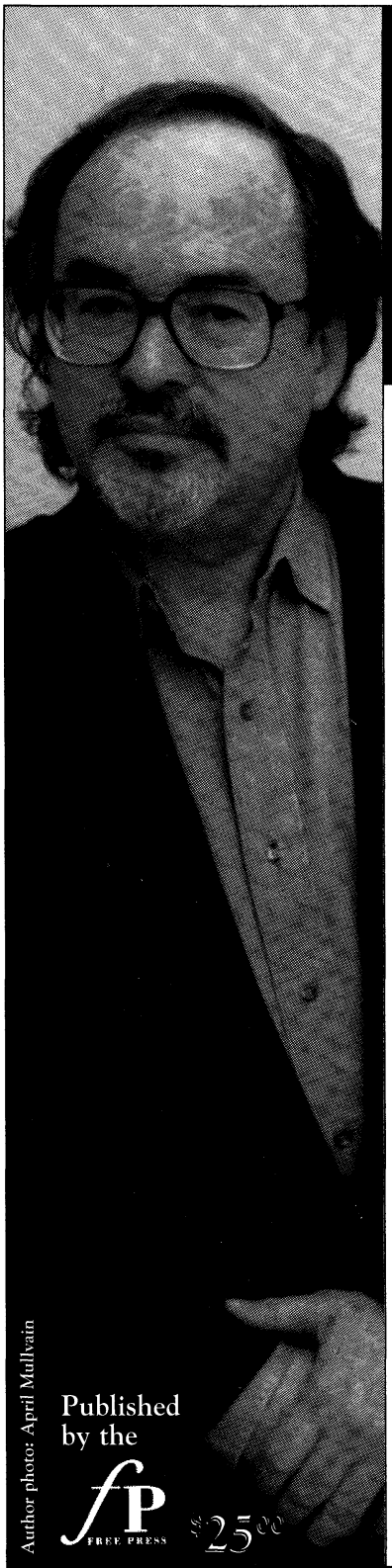

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FROM THE AUTHOR OF RADICAL SON

THE POLITICS OF BAD FAITH

THE RADICAL ASSAULT ON AMERICA'S FUTURE

BY DAVID HOROWITZ

In the aftermath of the Nazi Holocaust, no progressive intellectual would ignore the ink between the racist idea and the "final solution." But no progressive today will recognize the parallel nexus between the utopian idea and the gulags it produced.

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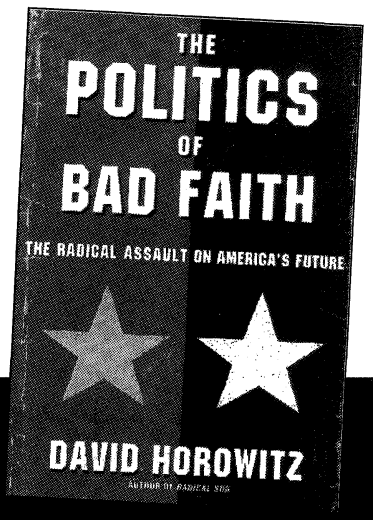

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Reflections

Pigs in space — Pardon my obtuseness, but what's the point of shooting a congressman into space if he's only going to be brought back a week later? —LEL

The black budget — We've just been shafted with a terrible omnibus $520 billion budget bill, filled with pork and oppressive, irrelevant "riders." And the congressmen who are constitutionally responsible for this mess are saying all these uncomforting, exculpatory things: "I didn't read it." "I held my nose and voted aye." "I didn't see any alternative." Well, one can hardly blame them. They don't want to read 4000 pages of accountant-speak when they have to get home to defend their districts in an election, and want the federal government to keep working while they are gone.

Now that our congressmen have answered to voters, they have started to complain that there must be a better way. Some way to make smaller, more manageable, more readable budgets, so that everyone knows what's being voted on, and can debate it in the best traditions of republican government.

I say let's go the other way, toward total ignorance. In the best tradition of the Defense Department, let's classify the whole budget as Secret, and place it in the hands of some disinterested organization, say, the Liberty Foundation. Then we can assure Sen. Harkin that his farm subsidies are in the budget. We can assure Pres. Clinton that his 100,000 teachers are in the budget. We can assure all of Congress that they have a budget in which all their military bases, research grants, and tax loopholes are paid for, somehow. And then after they adjourn, we surprise them with a $100 billion budget that's divided more or less equally between debt service, defense and severance pay for five cabinet-level departments.

Ignorance really can be bliss. —BB

Awful in the family — Rob Reiner, the artist formerly known as "Meathead," director, comic, and meathead, was the major supporter of California's successful Proposition Ten, which adds a 50 cents per pack tax on top of all the other taxes on cigarettes in that state. Why? To fund childhood development and smoking prevention programs (nebulously concocted, still in development).

Reiner being Reiner, he plugged his proposal on talk shows both state and national. He explained that he was emotionally deprived as a child, sometimes treated harshly. Woe unto him, he spent many years in the wilderness of therapy. Now, he works his therapy out in public, not doing comedy (work like his *When Harry Met Sally* is hard to do, and not nearly as cathartic as one might suppose), but supporting tax-and-spend measures so that no kid will have to experience what he went through.

I recently saw his dad on the big screen, playing the unlovable uncle/father/asshole in *The Slums of Beverly Hills*, a brilliantly written, near-tasteless "coming of age" comedy. Carl Reiner is a fine actor as well as a fine director and writer. I don't know what kind of a father he was and is in real life — though I suspect he's not nearly as bad a father as he plays in film — but I'm pretty confident that he deserved better than to have his son act out his resentments in public, playing the part of a heel for the public weal.

It used to be that people tried to keep their private anxieties and personal grudges private, decorously hiding their neuroses no matter what public causes they support. In Hollywood, of course, the line between the public and private is every day blurred, and the Fifth Commandment has been edited to read "Dishonor thy father and thy mother, that thy Q rating may rise high above the land." And, alas, Hollywood being America's major contribution to world culture, public indecencies such as the Reiner family melodrama will no doubt become even more common. —TWV

Drool Britannia — Recently, during a brief stay in London, I picked up the *Sunday Times*. There, on the front page of the business section, in a story about recent losses in world stock markets, I found a colorful cartoon likeness of Superman, except that the big "S" on the chest looked like a dollar sign. Underneath, the caption read: "Superspan: Can Federal Reserve chairman Alan Greenspan save the world?"

Pondering the sheer idiocy of someone's having posed such a question, I experienced an unexpected melancholy with regard to the decline and fall of the Brits. In light of such manifest feeblemindedness, they — the nation of Newton, Locke, and Darwin, of Shakespeare, Pope, and Auden — have suffered a grave mental deterioration. One suspects lead in the drinking water. —RH

You have 25 impeaching days till Christmas — Let me see if I get this straight. The Independent Counsel provided substantial evidence that the president lied in court, obstructed justice and abused his constitutional powers. Nearly all the Democrats require the investigation to end at Thanksgiving. They added that it is unfair to consider any evidence in the case until Congress has thoroughly debated and settled on a definition of just what an impeachable offense is.

Hmmm. Given the Democrats' inclination to talk, talk, talk about every minute aspect of the case, how long would this debate take? It seems safe to say that it would take at least till Christmas. . . —RWB

Wealth ≠ Health — The findings of a study on the health of immigrant children — a study funded by the government and conducted by experts brought together by the National Research Council and the Institute of Medicine — were recently released. Everyone involved in the study must have been disappointed by the findings. As reported by the

The Seattle Times, the investigators found that "children in immigrant families experience fewer health problems and injuries than do children of U.S.-born parents, despite a higher rate of poverty and less health insurance." Immigrant children themselves are three times as likely as children of native-born parents to lack health insurance; native-born children of immigrant parents are twice as likely to lack coverage. Yet these seemingly high-risk kids are less likely to be born significantly under normal weight or to die in infancy. As teenagers, they report fewer mental health problems; nor do they drink or smoke as much as their American-born peers. The panel professes puzzlement at the findings. I respectfully submit that the mystery could be dispelled rather quickly if the experts were to abandon their computers and spend a little time hanging out in low-income neighborhoods. Good health does not just fall on the dissipated and the prudent in equal measure.

As for that be-all-and-end-all of the liberal left — health insurance coverage — one might recognize that children who are reasonably cared for have little need to see the doctor. —RH

First, kill all the jurors — In January 1995 a law student in Chapel Hill, North Carolina, fired an M-1 rifle at two strangers, killing them both. Wendell Williamson killed his first victim, a restaurant worker, as the man opened his door to leave for work. Williamson's second victim was a college student bicycling to class. Williamson's first shot threw the student from his bicycle but did not kill him. As the victim tried to crawl away, Williamson shot him dead at close range.

Those are the facts, which Williamson does not dispute. But at his trial, a jury of his peers found him not guilty by reason of insanity.

Williamson, while confined in a psychiatric hospital until he can demonstrate that he is no longer a threat to society, sued his onetime psychiatrist, Myron B. Liptzin, for (1) misdiagnosing him, (2) failing to explain how seriously ill he was, and (3) not following up after their sessions ended. In September another jury, this time in a civil suit, delivered a verdict in Williamson's favor, and ordered Dr. Liptzin to compensate Williamson to the tune of a cool half million. And they say crime doesn't pay.

"The murders would not have happened if Dr. Liptzin had done his job properly," Williamson said recently.

Perhaps there's a shred of a chance that Williamson is right on that count. But even if Dr. Liptzin erred grievously in his evaluation and treatment of Williamson, that doesn't make Dr. Liptzin responsible for Williamson's killing spree. Is it really necessary to point out that, whatever the cause or motivation of a killer's actions, the killer remains responsible for his deeds?

Is justice served by this "not guilty by reason of insanity" clown act? Isn't the purpose of a criminal trial to determine a person's guilt or innocence — to, in short, achieve some measure of justice? If the defendant is guilty, as Williamson clearly is, then find him guilty, and if he is mentally disturbed, as Williamson clearly is, then provide him with psychiatric care as he serves his sentence.

As for the jury that awarded this murderer a half million bucks: did it not occur to them that even if Williamson had received optimal care, he may well have hauled out his M-1 and killed people anyway? That, even with the best psychiatric care humanly possible, sometimes patients go off the deep end anyway, destroying lives and property as they go? As they gazed at Williamson in the courtroom, did they see a "victim" and forget that he's a killer?

But maybe that's too harsh. Maybe those jurors are blameless by reason of insanity. —TC

Politicians relive prominent episodes from their youth — 1997, George Bush jumped from an airplane; 1998, John Glenn returned to space. 1999? Ted Kennedy tries to cross that bridge again. —CS

Red-baiting redux — Something I read in the Oct. 26 *National Review* just galvanized my thoughts on a matter of the National Interest. "Brussels Sprouts," by Jeffrey Gedmin, says that now that the Germans have elected Social Democrat Gerhard Schroder, the Europeans are united by a common something-or-other, clearly shown by some quotations from German magazines, saying something a trifle, well, disrespectful of America, and also something about influencing Israel and the Middle East, of course, and then the article goes on to state . . .

Well, to say I actually read this thing would be exaggerating; it's just *National Review*, after all. Besides, there is so much more to this sea-change in Europe than a new technocratically managed currency and competition for "influence" in the Middle East. Sinister things. Things I expected to see skimming between the lines of Gedmin's article, but did not. The truth is, *we didn't win the Cold War after all.*

I know it's unbelievable. Everything seemed pretty rosy in Europe for a while after 1989: walls coming down, Red Army going home, all those East European countries flirting with capitalism.

But now, look at what's happened:

A Labour Prime Minister with a suspiciously vague platform takes charge in Britain. The Socialists take charge in France. A socialist president and a bunch of other socialists form the opposition.

This year, the Germans elect a lefty government with a suspiciously vague platform — except for its promise to cure unemployment by not doing anything about Germany's tortuously counterproductive labor laws.

Russia, seeking to curb its descent into chaos and hyperinflation, hires the same printer's devil who hyperinflated the Soviet ruble during the region's last descent into chaos. This is to say nothing of the Prime Minister's history with the KGB.

Certain lefty paranoids used to say that by hiring former Nazis, men like Reinhard Gehlen and Klaus Barbie and Werner von Braun and scads of Eastern European anti-Stalinists, into our Cold War machine after World War II, the United States had become the Fourth Reich. Well, I think what we have

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JE	Jonathan Ellis
RH	Robert Higgs
LEL	Loren E. Lomasky
MMS	Martin Solomon
CS	Clark Stooksbury
TWV	Timothy Virkkala

in Europe is a Fourth International, built secretly on the ruins of the old. And they have accomplished what Red Army tanks could never have done: peacefully bring all of Europe's capital under Red (or at least pink) control.

You would have thought *National Review* would have been glad to break this story. After all, it signals the beginning of a new crusade on behalf of Christianity, Commerce, and *National Review*'s circulation. How could they resist? Well, I'm sure they'll come around. Bill Buckley is probably waiting on independent confirmation through channels in the Vatican.

Meanwhile, we face a renewed Cold War. It's hard to visualize a man like Tony Blair as your deadly enemy, I know, especially when he has such a warm relationship with Our President, Bill Clinton. (Hmm.) Steel yourselves. For, as we dealt with the hardship of missing those summers on the Black Sea at Yalta, soon we'll give up the pleasures of Paris's Left Bank, the antics of the sprightly Germans, the miracles of British cuisine, Until It's Over, Over There. —BB

It's the election, stupid! — On October 23, President Clinton, Prime Minister Netanyahu, and Chairman Arafat signed the Wye Memorandum in the White House, purportedly making a major step toward a lasting peace in the Middle East.

The agreement is a complex blend of terms repeated from the 1993 and 1995 treaties (Israeli troop withdrawals, Palestinian anti-terrorist efforts), plus some new commitments (prisoner releases, and the commencement of final negotiations). These issues are much easier to agree to than the more serious problems of land, water, Jerusalem and refugees. Until Israeli and Palestinian officials move to regimes of economic and political liberty, it is fruitless to expect peace. If Arabs and Israelis fear they will be subject to arbitrary governments controlled by the other group, they will never be content to live under the jurisdiction of the other group. And given the massive interventions by all governments in the Mideast, those fears are justified.

One important step is development of a land law that, while necessarily somewhat arbitrary, assigns title based on neutral criteria of first, continuous use over a specified period. The land expropriated by Israeli officials must be returned, but it is not at all known what the composition (Arabs, Jews and joint) of private ownership would be. And the murders of Palestinians who voluntarily sold their land to Israelis must also be dealt with.

Until justice is done, there will be no peace.

But the Wye Memorandum was not about peace. It was about politics and aid. Consider the bunkum that flowed from the participants.

"I have never, with all due respect and all the affection I held for your predecessors," King Hussein of Jordan told the president, "have [sic] known someone with your dedication, clearheadedness, focus, and determination to help resolve this issue." Prime Minister Netanyahu praised Clinton's "precious and unique gift" of the capacity "to nudge and prod and suggest and use a nimble and flexible mind to truly explore the possibilities of both sides, and never just on one side." (Quaere: Were the verbs "nudge," "prod," "suggest," and "explore" meant as a coded elbow to the ribs of the embattled President?) Chairman Arafat went further. For him, the agreement wouldn't have happened without "the leading and effective role of President William Clinton."

In his remarks at the signing, President Clinton promised "I will consult with Congress to design a package of aid to help Israel meet the security costs of redeployment and help the Palestinian authority meet the economic costs of development. I hope we will have support from Republicans and Democrats in that endeavor." A ward heeler from Chicago could not have been clearer.

In other words, all the objectives of the Agreement have been achieved. No, I do not mean the putative objective of peace in the Middle East. The real objectives were (1) to make President Clinton look effective prior to the November 3 Congressional elections and (2) to ensure the continued flow of foreign aid at higher levels to Israel and Palestine.

—MMS

Sex, lies, and CNBC — On Sept. 28, Geraldo Rivera was doing his job as usual, hosting "Rivera Live" on CNBC. As had been his custom for the past several months, he was devoting most of his energy to defending Bill Clinton. When the conversation with Democratic "consultant" Peter Fenn and attorney Victoria Toensing lagged, apropos of nothing, Rivera repeated an offer he had made many times before: "All I know is that I offered $10,000 to anyone who can prove another case where someone was criminally prosecuted for a sex lie, and no one has collected in six months."

He'd first made the offer on February 17: "Here's my offer. You see if you can find one case in the annals of American crime where a man has had sex and then lied about it under oath and was prosecuted for perjury . . . if you can do that, then I'll tell you what I'll do. I'll pay for all of your expenses, all of your legal expenses, plus I'll give you $10,000."

In New York, Marc Bogatin was watching the show. He was an attorney, and it didn't seem to him that prosecutions for perjury about sex would be all that rare. A few days later, he spent about fours in a law library and came up with a list of five such cases. On October 7, he faxed Rivera, listing the cases, and asked Rivera to contact him to discuss the matter further. He followed up with additional phone calls and correspondence.

Rivera ignored him, so on October 19, he faxed the attor-

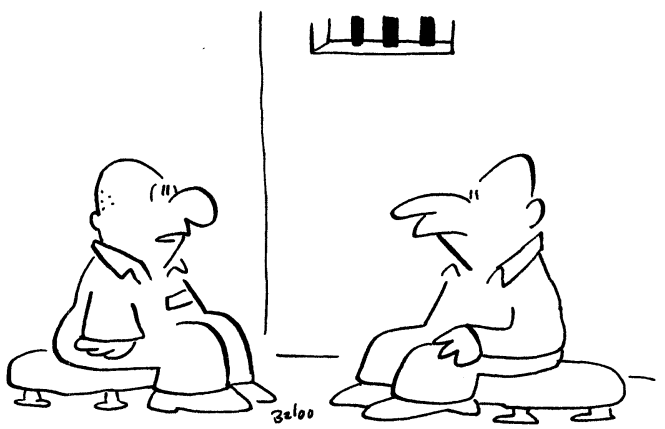

"You're a mugger? I'm in for defending myself *against* a mugger!"

ney for CNBC, advising that if no satisfactory response was made, he would institute a suit against Rivera. Two days later he sent Rivera and CNBC's attorney a letter with a draft of a complaint that he would file if no response were made. On October 26, he filed suit.

Finally, the next day, Rivera responded. He predicted that Bogatin's "notoriety" would be short-lived, explaining that one of the cases cited by Bogatin was about perjury in a federal perjury prosecution, and that the other four were in "state cases, not federal cases like the president's and not federal cases, as obviously required by my challenge, which still stands."

He then reiterated his offer, only with different terms: now the reward was offered to someone who would "find me a federal prosecution criminally for sex lies in a dismissed civil case . . ." Two days later, he announced on his program that the $10,000 prize had been awarded, not to Bogatin, but to . . . two of his regular panelists, who had actually presented him with such a case *before* he had made the offer on September 24 to which Bogatin had responded! Of course, if the panelists did not provide the case in response to the offer, they could not accept the offer. So Mr. Bogatin is still in the running.

It remains to be seen whether Rivera — who is reportedly slated by NBC to take over Tom Brokaw's job as chief "correspondent" (i.e. newsreader) for NBC News — will manage to flimflam his way out of honoring a public promise as easily as his hero Bill Clinton seems to be flimflamming his way out of perjury. —RWB

Miss Cegenation, 1792 — The standard comment about the curious timing of the release of the results of DNA tests that seem to demonstrate that Thomas Jefferson did, indeed, have at least one child with Sally Hemings, a black slave on his plantation who was also his deceased wife's half-sister, is that it had to do with vindicating the rogue-in-chief in the White House with the old "everybody did it" defense. And the comment from Joseph Ellis, a historian who was in the forefront of the current mini-craze of Jefferson bashing with his book *American Sphinx*, bears out certain aspects of the suspicion. Ellis, who was one of the signers of the Humdreds-of-Historians ad against impeachment just before the election, commented: "Our heroes — and especially presidents — are not gods or saints, but flesh-and-blood humans, with all of the frailties and imperfections that this entails."

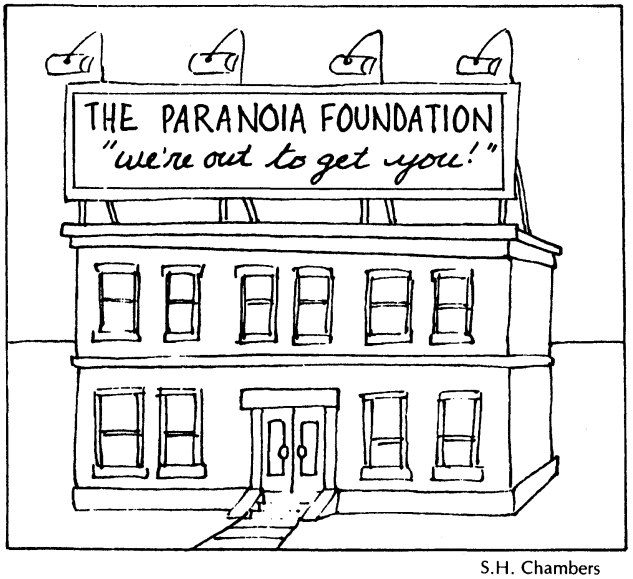

S.H. Chambers

I think there's something here more significant than just a defense of Bill Clinton, however. I think current devotees of the statist quo recognize that Jefferson is still dangerous after all these years.

I read Fawn Brodie's much-reviled book on Jefferson years ago. It was not a sensationalistic expose of the Hemings relationship, but a reasonably thorough biography that included for modern readers the evidence for the relationship. I thought Brodie made a pretty good case, although it was obviously not something that could be proved beyond a reasonable doubt absent the DNA evidence. It didn't make me think less of Jefferson — if anything, the fact that he sustained a 38-year relationship, which was apparently affectionate and reasonably faithful, with a black woman led me to hypothesize that in practice he had revised some of his earlier musings on the difficulty of the races living together amicably. No, he didn't formally recant his arguably racist earlier writings, and unlike Washington and some others he didn't free his slaves. No question that he was far from a perfect human being, but I never had any desire to look upon him as a plaster saint. An imperfect person with a gift for writing inspirational words on liberty and a consistent hostility toward all forms of tyranny and centralist power was good enough for me.

But the recent critics aren't content with that. He must be an enigma, a "sphinx" who was probably unbalanced and the biggest hypocrite ever. And I think it's because they fear his words on liberty and tyranny, and hope to discredit him as somebody to be taken seriously on any subject. If he was the world's most notorious hypocrite on slavery and race, why bother reading or studying what he had to say on liberty, good government, the dangers of centralized power, or anything else?

I think it's a tribute to Jefferson's power and continuing appeal as an early libertarian that those with an investment in centralized power would go to so much trouble to try to discredit him and make him a figure of scorn. How about a movement to make Jefferson's birthday, April 13, a national holiday? —AB

Just a little bit of reality — "On Nov. 6, freedom is history." A reference to the ascendance of the Democrats in the last election? Or to the egress of Speaker Gingrich? Actually, a movie trailer tagline for *The Siege* (20th Century Fox, 1998). Supposedly a thoughtful thriller, *The Siege* dramatizes the reaction of Americans to terror in their midst, when CIA-trained Arab guerrillas wreak havoc in New York. Bruce "Moonlighting" Willis leads a division of American soldiers into Brooklyn to enforce martial law. Denzel "St. Elsewhere" Washington, an FBI agent indignant that Willis would "shred the Constitution just a little bit," works against both the Army and the terrorists.

I suppose this is an irresistible film for libertarians who fantasize about martial law and other disasters. Troops in body armor herd your brown-skinned neighbors away at

rifle point. Do you stand up to the thugs? Or roll over, as our parents did when Japanese-Americans were herded into concentration camps in 1941?

In exchange for exploiting such a sentiment, *The Siege* offers some interesting repartee and some nice performances from Washington, Annette Bening, and William J. Clinton, cast in a supporting role as the American president. (Grainy news clips show him intoning his lines: "Those responsible will be caught . . . and punished." Such priceless comic timing!) Most importantly, it serves as a barometer for cultural weather patterns. For example, an uneasy chuckle goes through the theater when Willis says the president "wants to cover his ass" by declaring martial law. For a moment, I thought I was watching *Wag the Dog* 2.

Critics agreed *The Siege* was "Provocative!" "Chilling!" And "Riveting!" Even, as one critic put it, "Terrifyingly real!" That is, it's "real" to a professional movie watcher, to whom the talking animatronic pig in *Babe* seems real, and for whom a government that will "shred the Constitution just a little bit" is the stuff of make-believe. —BB

Blame it on Rio — New digital music technology has the Recording Industry Association of America (RIAA) running scared. Diamond Multimedia recently developed the Rio, a portable handheld device that stores about an hour of near CD-quality audio, which is uploaded to the device by computer. The RIAA claims that the Rio will exacerbate the already widespread practice of music piracy by providing more of an incentive for computer users to download digital bootleg copies of their favorite CDs from the Internet. This fear ostensibly prompted the group to ask a Los Angeles U.S. District Court judge for a preliminary injunction to prevent Diamond from selling the Rio. After a ten-day wait, the judge denied the RIAA's request.

The Rio gives the big recording companies a lot more than pirated music to worry about, though. While piracy is a widespread phenomenon, the Rio is likely to appeal mostly to the 10 million people who already have software capable of playing MP3 files, the digital music format that the Rio uses. Those who already engage in music piracy may use the Rio to make the music more portable, but the device's $199 price tag is unlikely to make the Rio an attractive alternative to a portable CD player for consumers who don't have previous experience with MP3 files — at least initially.

A bigger concern for the RIAA is an increasing decentralization of the music industry. Most mainstream music has traditionally been released and owned by a small number of corporations, but in the last decade or so profitable independent labels — indies — have been mushrooming. These labels provide listeners with music that appeals to specialized tastes — music that might not survive the homogenizing process of larger companies, which depend on reaching a larger common denominator for profit. Indy labels have lower costs and a more direct route to their fan bases, so they can thrive while offering music far outside the mainstream.

In the last few years, indy labels have come to use the Internet as an indispensable tool for promotion and fan contact. The advent of MP3 technology has now made possible high-quality music distribution over the Internet. The MP3 format squeezes audio into a highly-compressed form that takes up a fraction of the disk space that normal CD audio formats use. This allows storage of more music using less memory, resulting in quicker Internet download speeds, and giving small labels a more direct route to listeners. It is these independent labels, and their listeners, that will benefit the most from the Rio. Most music is already distributed in digital form, on CDs. But the availability of digital music direct from the source makes CDs increasingly irrelevant. Each copy of a CD costs money to manufacture and distribute. Once an MP3 file has been produced, each additional copy downloaded by a consumer costs the manufacturer close to zero. Download fees, even if relatively small, provide high profits when production and distribution costs of additional copies are negligible. Software is already offered this way, and as download speeds increase, lower costs and immediate availability will make this a preferred method of purchase. Why buy a physical copy of a bunch of ones and zeroes (complete with the higher costs of physical production and distribution) when you can buy a much cheaper set of ones and zeroes through your phone line?

Once this decentralized method of music distribution catches on, indy record labels will be just as accessible as those of large conglomerates — and devices like the Rio will enter widespread use. Piracy will always be a problem, but banning the Rio, if successful, would not decrease illegal music duplication. There are technological solutions to protecting digital forms of intellectual property. The RIAA's request for an injunction wasn't about piracy so much as it was about a cartel seeking help in squashing its competitors. —EDD

Shari Lewis, RIP — I'm not the proper age to have appreciated Shari Lewis as a direct consumer of the entertainment she had to offer, although I was aware of her for what seems like forever. When she began her childrens' show in the 1950s I was a teenager and considered myself much too old and sophisticated for such fare. When I had young children in the 1970s she wasn't on television regularly. With my youngest son 13 now, her recent show, *The Charlie Horse Music Pizza,* hit the airwaves a little late to enchant him during his toddlerhood.

When I met her recently, it was in rather a backward manner, but I found myself charmed completely. Over the last few years I had gotten to know her husband, Jeremy Tarcher, the Los Angeles publisher, reasonably well, through

"What about checks and balances?"

the process of trying and failing to sell him several book proposals.

Oddly enough, or perhaps not so oddly, Jeremy made being rejected a pleasant experience rather than a completely negative one. He took an interest in me as a person, or at least made me believe that he did. We shared an interest in trying to undermine enthusiasm for the drug war, although I still don't think I ever quite persuaded him that the libertarian philosophy didn't carry a strong potential for hard-heartedness tucked into its otherwise attractive individualism. He offered unfailingly constructive criticism mixed with occasional praise. He combines an almost ethereal idealism with a hard-nosed realism, especially about how books and authors are marketed. It isn't necessarily pleasant to be told that you don't have sufficient box-office clout to carry off the kind of books you want to write, at least not yet, but Jeremy did it with such kindness and reluctant objectivity that it wasn't hard to swallow.

I knew that he was married to Shari Lewis, and I had been to his house on one occasion before going to lunch, and gazed at the Emmys displayed in the living room while observing for a few moments the bustle that surrounds an entertainment figure, even one sometimes dismissed as merely a children's entertainer. But I didn't meet her until this Spring, when he invited me to an author's party for Jeremy Narby, a French anthropologist who spent years in the Amazon studying shamans and their ways. (I'll have a review of *The Cosmic Serpent* in a future issue.) That was when I got to meet Shari Lewis.

Jeremy Narby's talk, after the wine and appetizers, was fascinating enough. For some reason — perhaps because as the compulsive journalist I had been taking notes — Shari Lewis chose to talk with me about it afterward, marveling at how eloquent he had been without a single note. That led us to talking about what each of us might be able to talk about off-the-cuff and ultimately to music. I talked about the chorus I was singing in at the time. She explained that she only hired professional-quality musicians as assistants — budding opera singers and the like — because they know the importance of disciplined work and seem to have a knack for concentrating well enough to perform well when it's really necessary. I remarked that it was a good thing that the musically-challenged aren't an official minority group subject to affirmative action regulations and she chuckled.

I hadn't known that she had regularly conducted symphony orchestras for the past several years, using her star power with certain segments of the public to get children (and their parents) to come and listen to serious music. Having done some conducting myself, I felt in the presence of a kindred spirit. She was particularly emphatic about the choice of music for children. "Many people want to feed children lullabies and soft, supposedly soothing music," she told me. "But in my experience children like fast and exciting music, so I program things like the Mozart 'Marriage of Figaro' overture." Like many observations that seem obvious once somebody else has made them, that hadn't occurred to me in just that way before. But who would know better what children really like than Shari Lewis? A psychologist or an academic?

Perhaps it is unseemly to say so about Lamb Chop's "mommy," but this was a very sexy woman at age 65. To have that tiny but intensely talented woman turn her full attention on you even for a few minutes (somebody at her memorial noted that she had a unique capacity to listen, really listen, so my experience was far from unusual) was actually exhilarating. Of course, I fell hopelessly in love.

Afterward she sent me a couple of videos and a Lamb Chop finger puppet, which now resides above my car mirror. I sent her a few things I had written and programs from my choral group's concerts. I entertained the possibility that she might come out and be a guest conductor for our group.

And then came the news that she had been diagnosed with uterine cancer. It was hard to imagine such an effervescent personality bedridden. I should have known that it was more serious than I had hoped when Jeremy rather than she answered my cheerful get-well note, but I repressed the intimation.

I won't intrude on the privacy of the memorial except to say that I've never heard Dom DeLuise funnier or more heartbreaking, that Jeremy displayed the depth of feeling and wisdom I had already come to admire, and that Nathaniel Branden, who with his wife Devers was a frequent dinner companion for Jeremy and Shari, gave an eloquent tribute.

It is commonplace and often accurate to say of show-business personalities that way down deep, they're shallow. Shari Lewis was not. I've watched her video several times lately and can now take it all in without tearing up. She was a fine singer, displaying that apparent effortlessness that requires hard work as well as talent, and an intelligent entertainer. She was never vulgar and she respected her young audience, never talking down or lecturing. She wrapped constructive but often quite subtle life lessons in an entertaining package. She was a much better ventriloquist than, for example, Edgar Bergen, but that was far from the greatest of her abilities. And as I discovered, she had a lively and inquiring intellect and an interest in all manner of subjects beyond her own niche in the show business world.

I'm immensely sad that Shari Lewis is gone, especially for Jeremy, but I'm grateful for the opportunity to have gotten to know her just a little bit. Some of the obituaries said that she had really wanted to "make it" as an entertainer beyond the category of children's entertainer, but that didn't make her ungrateful to Lamb Chop. Perhaps she was too versatile and talented to do what passes for adult entertainment in our culture. What she did accomplish made her loved and admired in a way few entertainers can be. She deserved all the love she got and more.

—AB

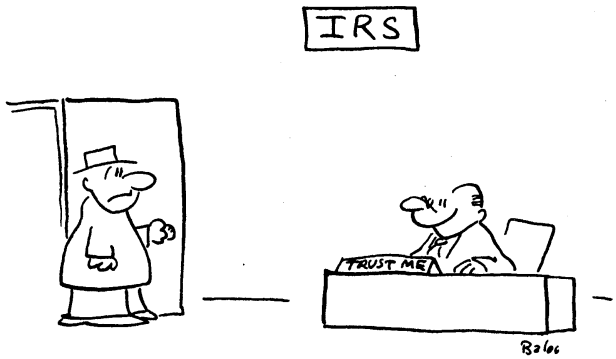

No Issues, No Winners, No Losers

by R.W. Bradford

The winners and losers are not who we were told on TV.

A Republican victory this fall was inevitable, the experts said.

The president's party has lost seats in every election held in the sixth year of a presidency since the time of Andrew Jackson. And Americans are increasingly identifying themselves as Republicans as opposed to Democrats, and as conservatives as opposed to liberals. And to top matters off, Bill Clinton has been proven a liar, a perjurer and a sexual harasser.

For the nation's pundits, these facts added up to a single inescapable conclusion: the Republicans would make substantial gains in the November elections, unless, of course, they committed a horrible gaffe.

Fearing that criticism of Clinton's loathsome conduct might touch off a backlash, the Republican leadership decided against any but the most pro forma criticism of Clinton's behavior. No reason to risk a goof that might cost them the electoral gains they knew were coming.

And so the president and his minions engaged in a prolonged assault on the Independent Counsel and the few aberrant Republicans who dared to criticize Clinton.

It's just about sex, Clinton's hired apologists said, as if the sexual harassment of an unpaid intern were perfectly acceptable, as if the careers of Sen. Brock Adams (D-Wash.) and Sen. Bob Packwood (R-Ore.) hadn't crashed after they had sexually harassed employees, as if Clarence Thomas hadn't nearly been denied a seat on the Supreme Court because of unsubstantiated charges that he had engaged in inappropriate behavior toward a woman that was virtually chivalrous in comparison.

It's just about lies about sex, they said, something that is never prosecuted, ignoring the fact that Clinton's own administration has put people in prison for lying about sex.

Ken Starr is an evil man, they said, intent on a puritanical witchhunt, ignoring the fact that he was following exactly the requirements of the law and the instructions of the Attorney General. And with few exceptions, the Republicans stood above the controversy like statesmen. Or so they thought.

The Republicans remembered how the president had managed to convince the American people that the budget impasse of 1995, the product of the inability or unwillingness of Congress and the president to agree on spending, was entirely the fault of the Republican Congress. So they dawdled on the budget until October and then caved in entirely to the president, allowing him to increase spending for just about everything. Thus they avoided the gaffe of obstructionism and the risk that opposing increased federal spending might offend some special interests in their districts.

"We thought the cycles of history would grant us victory," explained GOP stategist Vin Weber. The best way to avoid mistakes was to do nothing at all. So in the end, the Republican program was no program at all, and the Republican campaign amounted to no campaign at all, either. It rested on nothing more than the historic inclination of voters to turn against the president's party in the sixth year of his administration. Republican television spots were left with nothing to say, except that they had delivered the pork, increased veterans benefits, and were working to "save Social Security."

Having abandoned any trace of the program that got it elected in 1994, the GOP also nominated a raft of candidates who carried the unpopular baggage of the religious right: fervid anti-abortionism, hostility toward homosexuals, a disrespect for free speech . . . views that repel many voters.

Sometimes, trying too hard to avoid a mistake is a mis-

take itself.

It should have surprised no one but the experts that the Republicans actually managed to lose a few seats in the House and gain none in the Senate. Like most no-issue elections, it was a good year for incumbents: only nine of 433 incumbent members of Congress were defeated. That's a whopping 98 percent re-election rate.

How did the pundits respond to the news that the Republicans managed to lose ground? Did they admit that their idiot advice was at fault?

Ha! The experts are never wrong; after all, they're the ones who determine who is right and who is wrong. As nearly as I can tell, the pundits instead see the results as a huge loss for the GOP and an exoneration of President Clinton. These conclusions are just about as idiotic as their advice to the Republicans.

While Democrats can rejoice that they dodged a bullet, they have little reason to celebrate. The Republicans took 54 percent of the total vote for governors, 51 percent of the vote for Senators and 51 percent of the vote for Representatives. The Republicans won more seats than the Democrats. They didn't win by as big a margin as they'd have liked, or had good reason to hope. But make no mistake about it: the Republicans won the election.

The pundits, of course, don't see it that way. The Republicans didn't do as well as the pundits had predicted, and that's all the pundits care about. The Democrats lost the election, but beat the pundits' spread.

Nor did the election exonerate the president, at least not if we believe what the voters actually said. In its exit poll, *USA Today* asked voters "Which one issue mattered most in deciding how you voted for the U.S. House?" The Clinton-Lewinsky matter ranked dead last, selected by just 5 percent of voters. Still, one suspects that the 19 percent of voters who said the most important issue was politicians' "moral and ethical standards" were also concerned with the Clinton-Lewinsky-perjury matter, and that all of them were voting against the president.

The New York Times's exit poll asked voters whether a desire to express support for or opposition to Clinton was "one factor" in deciding how to vote. Fewer than 40 percent responded that it was; but 54 percent of that group cast their vote "to express opposition to Bill Clinton."

It's plain that Clinton's perjury didn't upset as many voters as the Republicans had hoped. But it's equally plain that few voters were motivated by a desire to defend the president in the matter.

Of course, the Republicans may decide to drop the investigation of the president based on their interpretation of election returns. After all, they spinelessly caved in to the president on the budget. But such a move is not supported by any evidence from the election.

One Clear Loser

If the election had a clear loser, it was the pundits. They provided the Republicans with moronic advice, which they followed up with blockhead predictions.

So what does the election mean? As much as any issueless election means: very little.

If they're smart, the Republicans will learn from their experience: don't nominate right-wing nuts, don't try to compete

Putting the Election in Perspective

It was the most spectacularly wrong election prediction since *Literary Digest* predicted Alf Landon would sweep FDR from office in 1936, and the experts were unanimous: the Republicans would pick up strength in the 1998 election, just as the opposition had gained seats in the mide-term election of every two-term president since Andrew Jackson. The mistake they made wasn't that they looked at the historic record. Their mistake was to look only at this particular factoid, and to overlook what had happened in congressional elections in Clinton's first term.

The table below lists the net change in the strength of the president's party in Congress during the first term of each two-term president:

George Washington	– 7
Thomas Jefferson	+ 29
James Madison	– 1
James Monroe	+ 17
Andrew Jackson	– 18
U.S. Grant	+ 9
Woodrow Wilson	– 80
Franklin Roosevelt	+ 20
Dwight Eisenhower	– 20
Ronald Reagan	– 9

Discounting the significant exceptions of Woodrow Wilson, two-term presidents have, on average, gained support in Congress during their first term. Wilson is a very special case: he was elected in 1912, when popular ex-president Theodore Roosevelt failed to get the GOP nomination and organized a new party, the Progressives. This was the deepest split any American political party has ever survived: Roosevelt's new party recruited numerous Republican incumbents and challenged Republicans in many districts, and Roosevelt actually got more votes than the GOP candidate. With the Republican vote hopelessly split, the Republicans fell to their lowest level ever, while the Democrats managed to elect the biggest majority in the House in history despite the fact that they were plainly a minority party. After the election, Roosevelt lost interest in his new party and its voters gradually moved back to the GOP, which gained House seats for the next four elections.

Bill Clinton was a real aberration: during his first term, his party lost 52 seats in the House — more than than two-and-a-half times the loss of any two-term president but Wilson. It even topped the 51-seat loss the Republicans suffered in the middle of Hoover's first (and only) term, at the depth of the depression.

What happened in the past two elections was what statisticians call a regression to a mean: the natural tendency that explains why when a baseball team shows a large gain in games from one season to the next, it nearly always has a loss in wins the following season, and vice versa.

Amazingly, during the past two elections, the Democrats managed to regain less than a sixth of their 1994 losses, despite a healthy economy and a popular president. Indeed, the fact that the Democrats have regained so little of their losses is powerful evidence that what happened in 1994 punctuates a fundamental change in voter behavior. Since 1994, the GOP has been the majority party of Americans, after suffering 64 years in the minority. —*R.W. Bradford*

with Democrats by promising to deliver more pork, and articulate their agenda of lower taxes and less regulation. The Democrats, if they're smart, will continue to move toward the center (at least in rhetoric) and try to get the Republicans to go along with the Democratic tax-and-spend agenda. The Republicans cannot credibly compete on that ground.

Analysts began to speculate that the Republican revolution of 1994 was over almost as soon as November's votes were counted, and by the time Newt Gingrich announced his resignation, the end of the Republican Revolution was pretty widely accepted. But the experts have been wrong on just about everything else this election, so let's look at whether they got this one right.

Whether the Revolution is over depends on what you mean by "the Revolution." If you mean the sea change in American politics, I think the evidence is overwhelming that the Revolution has a long way to go. In actual fact, it began before 1994, as any analysis of voting trends at any level will reveal. Voters continue to identify themselves as "Republican" and "conservative" in increasing numbers and as "Democrat" or "liberal" in declining numbers. Despite a booming economy and a popular president, Republican losses in 1996 were minimal. And despite the continued boom, a popular president, and a campaign run about as poorly as humanly possible, they retained their majority this year.

If you mean the movement toward lower taxes and smaller government that lay at the heart of the huge GOP victory in 1994, the answer is less clear. In the wake of the Republican budget sellout and their issueless campaign, my first reaction is to say "Who cares?"

Still, the GOP did manage to set the political agenda in 1995, and maintained enough control on spending to get the first balanced budget in recent memory, abolish federally-mandated seat belt and motorcycle helmet laws, abolish federal speed limits, rein in the IRS, and put the fear of God into the IRS, ATF and FBI. Unfortunately, they've increased defense spending, undermined freedom of speech, and stepped up the War on Drugs.

The replacement of Newt Gingrich with Bob Livingston bodes ill. Gingrich may have been a wimp, but at least he once understood the importance of giving the voters a reason to vote Republican. I can see no evidence that Livingston is anything other than a typical dispenser of political pork.

A week after the election, when FoxNews's Bill O'Reilly suggested to Rep. Peter King (R-N.Y.) that the GOP had abandoned its message, King bristled indignantly. No way, he said. The Republican message is lower taxes, limited government, a stronger drug war, saving social security and more defense spending.

Hmmm. Lower taxes without spending cuts? Limited government while stepping up the War on Drugs? Saving Social Security, a welfare scheme posing as a retirement plan? Increased defense spending? For defense against whom?

Which brings me back to where I started: Who cares?

How Freedom Fared

For libertarians, the election was a wash. Part of the libertarian agenda — lower taxes, smaller government, less regulation — is supposedly part of the Republican agenda. Another part of the libertarian agenda — social tolerance, freedom of speech — is traditionally a part of the Democratic agenda. Competing for votes in the center, both parties tend to abandon the libertarian elements of their agenda: the Republicans have caved on tax cuts and spending cuts; the Democrats have caved on regulation of speech on the Internet, on drug laws, and on asset forfeiture laws.

With 98 percent of incumbents re-elected and no discernible trend in open seats or among the few defeats that incumbents suffered, it's hard to see any reason for libertarians to be either pleased or displeased.

Aside from partisan races, there were some very encouraging signs. Voters in Washington state voted on an initiative to outlaw affirmative action, a measure similar to the one passed by Californians in 1996. Advocates of the measure were outspent by a wide margin in a campaign that featured a silly attempt to exploit anti-California prejudice. Despite the huge difference in campaign spending and opposition to the measure by virtually every newspaper, major corporation, and chamber of commerce in the state, it passed easily.

Even more encouraging was passage of so-called "medical marijuana" initiatives in five states, over heavy opposition from virtually all establishment politicians and active campaigning by law enforcement agencies. Surprisingly, voters in Minnesota elected a new governor who was widely quoted as saying:

"Marijuana is not addictive. Decriminalize it and get those drug dealers to start paying taxes. And what you do in the privacy of your own home is your own business . . . If someone takes LSD and locks themselves up at home, why should I care?

Libertarian Party Agonistes

What about the Libertarian Party? It's always difficult to find any meaning in Libertarian Party election returns. The reason is simple: LP votes are so few and so random that they might best be understood as static. The races LP candidates enter vary considerably from election to election. And their vote totals tend to reflect the character of their opposition rather than how the public perceives them.

For example, in California's 25th Congressional district, Libertarian Bruce Acker got 35,809 votes, more than eight times the vote total of the LP candidate in 1996. Is this evidence of growing libertarian sentiment or support for the LP?

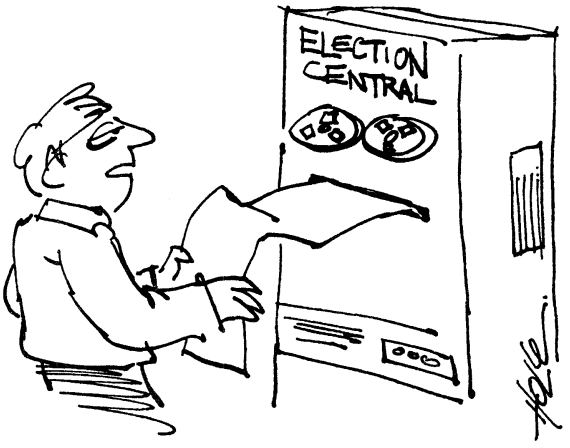

"Never mind who *should* win."

Certainly not. In 1996, Republican incumbent Howard McKeon clobbered his Democratic opponent Diane Trautman by a margin of nearly 2–1, a margin big enough to convince the Democrats not to field a candidate. That left voters who otherwise vote Democrat with no means of voting against McKeon except Libertarian Acker.

Other factors include the perceived closeness of the race, the number of other fringe party candidates, and the character of the major-party opposition. In Indiana's 6th District, Libertarian Joe Hauptmann got 20,931 votes in 1998, about four times the vote total of the 1996 LP candidate. This is another solid GOP district, represented by Dan Burton, a man distinctly unpopular with Democrats. Unfortunately, a cross-dressing high-school dropout with a criminal record managed to get the Democratic nomination. This particularly unattractive candidate certainly drove thousands of anti-Burton voters to the LP candidate. The same thing happened in Washington state's 4th district, where the Democratic nominee had a criminal record. Here the LP did not field a candidate, but another fringe party did: Peggy McKerlie of the Reform Party got over 6 percent of the vote in a three-way race.

It makes a good deal of sense for the LP to field candidates in races without major party opposition, since it's much easier for them to get publicity or to participate in debates in those races. This year the LP fielded candidates in exactly a third (31 of 93) of such uncontested races.

So how can we gauge how well the LP did in 1998? The only way that I think makes any sense is to compare their vote totals in congressional districts in which they faced opponents from both major parties in 1996 and 1998. There are a total of 95 such districts in the country. LP candidates garnered a total of 396,630 votes in those districts in 1996. This year, they got just 325,835 votes. That's a decline of 17.8 percent. But turnout is lower in off-year elections, and in terms of vote-share the LP improved slightly, from 2.14 percent to 2.16 percent. This infinitesimal gain is mitigated by the flukey LP totals from Dan Burton's district. If those numbers are eliminated, the LP share of the vote will shrink from 2.15 percent to 2.04 percent.

It's hard to find much encouragement in this.

Of course, the LP's publicity people don't focus on these numbers. They instead point out that a state legislator in Vermont won the Republican primary and chose to be listed on the ballot as a "Libertarian Republican," the four-term Republican Sheriff in San Miguel County, Colorado, who was re-elected this time as a Libertarian, and the election of Mary Dufour and Zenneth Caudill as Jefferson Township Trustees in Washington County, Indiana.

These victories are good news, of course, but they offer little evidence that the LP is progressing in its effort to gain support from voters. Also good news, though not reported by the LP, was the election of Libertarian Norman Vroman to the position of District Attorney in Mendocino County, California, in a non-partisan race. Vroman has served time in prison as a tax protestor and advocated the decriminalization of marijuana.

In addition, the LP gained ballot status in Massachusetts, New Mexico, Nebraska and possibly in Vermont, while losing it in North Dakota. In all, the LP has ballot status for 2000 sewn up in 28 states. All in all, according to National Director Ron Crickenberger, the national LP invested about $25,000 of its $2,700,000 annual budget in state and local races. (Of course, state parties and individual campaigns raised other funds on their own.)

What should the LP learn from this election? I suggest its members take a long, hard look at the success of the marijuana initiatives and the election of Reform Party candidate Jesse Ventura in Minnesota.

The War on Drugs has put over a million Americans in jail, criminalized a whole generation of African-American men, and enabled the government to seize billions of

Taking the Initiative

When given a policy choice at the ballot box, voters are more likely to vote libertarian than when given a choice among candidates. A careful examination of the 235 statewide ballot measures revealed that 81 had reasonably clear-cut libertarian positions. Of these, voters approved 31, or 45.7 percent.

This is a smaller portion than in past elections, mostly because taxing-spending measures fared so badly. Voters approved tax cuts or tax limits, or disapproved spending or tax increases in only 17 of 48 cases. Most likely, this is a function of a strong economy: voters tend to be more generous with their own (or other people's) money when times are good.

Animal rights did better than human rights this year, with voters in Missouri and Arizona outlawing cockfighting and Californians regulating trapping, while Ohioans rejected a ban on mourning dove hunting and Alaskans rejected a ban on snaring wolves, for a 60 percent success rate. Voters favored human rights only 50 percent of the time, and if drug law measures were eliminated from the category, the success rate would fall to a scant 35.7 percent. Voters in Washington made it illegal for people to agree to work for less than $5.70 per hour (adjusted for inflation), voters in Alaska and Hawaii moved to ban same-sex marriages, and voters in Arizona, Florida and New York put limits on private donations to political candidates.

The Florida measure was a thorny one for libertarians: it eased ballot access for the Libertarian Party, but also provided tax subsidy to political candidates and limited the right of individuals to donate to political candidates.

Here is a summary of ballot measures:

Measure	*for liberty*	*anti-liberty*
Animal Rights	2	3
Drug Laws	5	1
Education	1	4
Electoral Reform	0	1
Environmental issues	5	7
Gambling	2	0
Gun Rights	1	1
Commercial regulation	4	0
Taxing/Spending	17	31
Human Rights	10	20
Total	37	81

(Total does not equal sum of parts because some measures were classified in two categories.)

For a list of measures and results, see *Liberty*'s website (www.LibertySoft.com/Liberty/).

—*R. W. Bradford & Martin Solomon*

dollars' worth of private property belonging to drug users (and the families of drug users). Spineless politicians are reluctant to call for legalization out of fear of losing support among drug-paranoid voters.

After 27 years of effort and millions of dollars and thousands of man-hours of hard work, the LP remains a fringe party, virtually irrelevant to nearly all Americans. Making drug legalization the centerpiece of its campaign won't enable it to win elections: the same Oregon voters who legalized medical marijuana by a 53–47 margin enacted a measure to make possession of small amounts of marijuana a Class C misdemeanor, punishable by 30 days in jail instead of a small fine. But the LP has to walk before it can run. Right now its crying need is not to win elections, but to get enough votes to rise above what Harry Browne calls the "hurdle of irrelevancy." And there may be enough victims of the War on Drugs, and others opposed to drug laws, for LP candidates to get 5 percent or 10 percent of the vote — enough to put the party on the political map.

There's one other lesson. For years various LP members have sought to recruit celebrity candidates, while others have argued against doing so on grounds that a celebrity candidate couldn't win. Well, Jesse Ventura showed that a celebrity candidate *can* win on a fringe-party ticket.

Of course, the LP may have a harder time recruiting a celebrity candidate than the Reform Party, thanks to its insistence on ideological purity. Jesse Ventura's calls for legalizing drugs and prostitution could not have set any better with the mostly conservative members of the Reform Party, which nevertheless nominated him.

In fact, Ventura's platform was more libertarian than anything else. But his softness on public education and gun control would probably keep the LP from nominating him. ❑

The Mystery of Bill Clinton

by Stephen Cox

Individualist conformity starts in childhood.

There is a mystery in the Clinton case, but it has nothing to do with Bill Clinton himself. We know what he is. The mystery lies in how he is perceived by the American people. They are the mysterious quantity.

A pollster calls Mr. Everyman in Anytown, USA.

Question: Do you think that the president lied to the American people?
Answer: Yes.
Question: Do you think that the president lied under oath?
Answer: Yes.
Question: Do you think that the president got other people to lie for him?
Answer: Yes.
Question: Do you think that the president should be impeached if he committed perjury or obstructed justice?
Answer: Yes.
Question: Do you think that Bill Clinton is a good president?
Answer: Yes.

To top it all off, the polls show that the president enjoys twice the favorability rating of Kenneth Starr, whose mistake was merely to have uncovered the facts regarding some of the president's many deceits.

This set of public reactions has mystified every professional analyst of American politics. It has mystified even the president's political supporters. How can such contradictory responses possibly be explained?

It will not do to argue that the American people have simply been misled or intimidated by the president's legion of hacks, flacks, and bullies. It will not do to argue that the president's opponents have created a backlash by overzealous pursuit of the truth. It will not do to say that nobody ever went broke underestimating the intelligence of the American people.

Those explanations are tempting. There is a good deal of evidence to support them. But they explain too much.

If the people can simply be bamboozled into believing that Bill Clinton is a good president, they can also be bamboozled into believing that he's an essentially innocent man and worthy of personal respect. Some people do believe that, and they have certainly been bamboozled, but they are a minority of the people who "approve of Bill Clinton's performance as president."

Neither will it do to argue, as I have argued before in these columns, that the people have always felt an amiable contempt for Clinton, regarding him, with amused toleration, as a serviceable jackass. They despise him, so this theory goes, as the kind of person who is always running for president of his high school class — but hey, we've got to have somebody as class president, so we'll put up with Clinton if he wants it so bad.

It's a good theory. Many people do feel that way about Bill Clinton. But this is another good *partial* explanation.

Things have gone too far for it now. Amiable contempt alone would not have carried Clinton through that scene where he wagged his finger at the voters and lied to them as if *they* were guilty for making him lie. That kind of insult was going too far. He would not have survived that form of conduct, unless there was something else, something very powerful, working in his favor, something that permitted him to insult the American people to their face and get away with it.

That something, I would argue, is the very thing that you and I value most in the American experience, the quality of individualism.

Individualism is, thank God, so deeply ingrained in American culture as to have become virtually instinctive. It is this instinctive individualism to which libertarian ideas are always addressed; it is this instinctive individualism that has kept America from enduring a long list of political disasters that have been planned for it by the Clintons of this world. When Mr. and Mrs. Clinton tried to engineer a complete socialization of American medicine, their opponents made a simple plea: "Shouldn't individuals be able to choose their own health care?" That argument for individualism found powerfully instinctive support.

Imagine a politician running for office with the slogan: "Smith Knows What's Best for You." Smith's chances for election in Europe: not bad. Smith's chances for election in the USA: nonexistent.

But instinctive individualism has its defects. In fact, it has horrible defects. And it is a dominant force in American moral education.

An 18-year-old girl who is very good with math and very bad with words comes to see her school guidance counselor. "I'm upset," she says. "My parents want me to be an engineer, but I want to be a writer." Is there any chance in the world that the counselor will say, "You shouldn't waste your parents' money on your own silly daydreams. You'd be a terrible writer. Here's an application for engineering school. Go fill it out." There is *no* chance that the counselor will say that. What he will say is, "I believe you should take some time and ask yourself about the kind of life you think you'd really enjoy the most."

A 10-year-old boy who knows nothing about romantic love or long-term responsibilities is subjected to a "unit" of junior high sex education. The topic of unplanned pregnancies is introduced. "What do you think, Jimmy?" the teacher asks, reading from the manual that accompanies her Group Interaction Sexual Awareness Workbook. "Should two people have to get married if one of them is expecting a baby but both of them are still in high school?" Jimmy subtracts one from two, tries adding one again, and looks desperately around the room. "Well, what do you think, Jimmy?" Jimmy isn't thinking anything. "I . . . I guess so . . . " he says. "Interesting!" the teacher replies. "Now let's ask Susie what *she* thinks." Any teacher who told Jimmy, "Well, you're wrong!" or simply, "I don't believe you're really thinking," would be in for a lot of trouble if Jimmy's parents and the school board ever found out about it. (And they would.)

I gave at the office — According to the Center for Responsive Politics, the top five contributors to political candidates and parties during the 1997-98 election cycle were Phillip Morris, which gave 77% of its $2.6 million total to Republicans; the Association of Trial Lawyers of America, which gave 86% of its $2.3 million total to Democrats; the International Brotherhood of Electrical Workers, which gave 98% of its $2.3 million to Democrats; the American Federation of Federal, State, County, and Municipal Employees, which gave 97% of its $2.1 million total to Democrats; and AT&T, which gave 59% of its $1.8 million total to Republicans. Identified by broad sectors, contributors associated with finance, insurance, and real estate interests ponied up $98.2 million; lawyers and lobbyists, $54.3 million; labor unions, $38.4 million; and health-related contributors, $35.8 million.

Nothing about the foregoing facts is especially surprising. We all understand that those whose economic well-being depends critically on political allocations of tax loot or on regulatory niceties have a strong incentive to shift the composition of the political menagerie in their favor. Nobody will be shocked to discover that Big Tobacco bankrolls the stupid party whereas piratical lawyers prop up the Clintonistas.

Yet such data, which give rise to so much wailing from would-be campaign-finance reformers, present a gigantic puzzle: why do contributors give so little? Just consider how much wealth hangs in the balance when Congress gets down to legislative details. Why, AT&T alone must have billions at stake. Why can't the members of Congress extort vastly more from their hostages? Public choice analysts have yet to solve this puzzle. Until they do, it is something to celebrate. —*Robert Higgs*

Sic transit gloria newtia — Newt Gingrich is not a libertarian. He is a Republican politician. He has numerous personal failings. But in the election of 1994, when the Republicans took control of Congress, he broke the power of the compact majority that has ruled the country for generations — a coalition of the stupid, the bizarre, the venal, the trite, the silly. He nationalized the electoral process, temporarily ending the reign of incumbency-for-the-sake-of-incumbency. After the election of 1998, he accepted responsibility for his party's losses, something that President Clinton, the porcine leader of the Democratic Party, would never think of doing. The real responsibility, however, lies with the supporters of the Clintons, the "moderates" who will endure any Ahab and Jezebel who maintain the worship of Baal.

—*Stephen Cox*

Newt's Replacement — *The Wall Street Journal* reports that Robert Livingston, Speaker-of-the-House designate, is "a harmonica-playing disciple of conservative novelist Ayn Rand . . . It was *Atlas Shrugged*, Ayn Rand's 1950s novel — filled with long speeches — that helped get Mr. Livingston into politics, and as a new chairman in 1995 he showed a penchant for lengthy oratory." I suppose we oughtn't be surprised that it didn't influence him toward cutting back on government spending, a task that, as Chairman of the House Appropriations Committee, he was superbly positioned to do.

—*R. W. Bradford*

A 6-year-old girl hears her teacher calling the class in from recess, but she is too busy to listen. She's having fun looking at a centipede that she found on the steps. Finally she hurries through the door and slides into her seat, just before the teacher looks up and says, "Jessica, where *were* you?" Jessica thinks for a moment and comes out with, "Here . . . " "Well," says the teacher, "what do *you* think, Jessica: is it always right to tell the truth?" Jessica, who has a vague idea of where this exercise in "values clarification" may be going, looks desperately around the room. Some other children look back at her and faintly nod. So she mutters, "I . . . I guess so . . . " "So where *were* you, Jessica?" "I was . . . here . . . " Things are now at a stand. The teacher has no alternative but to return to the reading lesson, which is something about a bunny rabbit who decides that she wants to be good. Without Jessica's cooperation, the teacher has no way of resolving the real-life moral problem. It is not an option for her to say, "Jessica, I want you to notice something: you told me that lies are always wrong, but here you just lied to me!" That's not in the lesson plan.

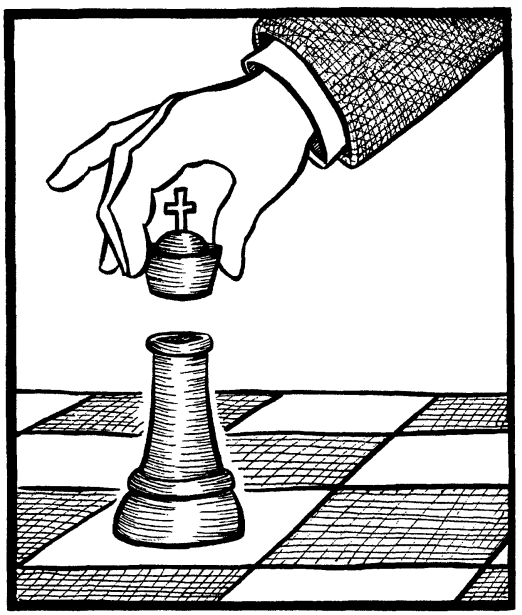

These little slices of American life are not meant to suggest that moral education is, in fact, totally absent from American classrooms, that students are simply being left on their own to determine their values. Quite the contrary. Teachers, parents, and other "opinion leaders" (notice the weird concession to individualism in the very phrase — people are *led*, not told, and values are personal *opinions*) have plenty of means of injecting their own values into the young but aimless individualists whom the state has put in their charge. There are tones and gestures and loaded words; there are questions that are merely rhetorical; there are highly selective versions of fact and history and (above all) personal experience that can be fed to students, with every chance that they will be appropriately regurgitated.

What is missing is the idea that the individual "opinion" can be valid only if it results from rational processes of thought, which may be difficult and even dangerous to perfect. What is missing is the concept that individual values must be judged by such difficult standards as those of substantiality, internal coherence, and reference to relevant and numerous facts.

I would venture to say that many of the nouns and adjectives that appear in the preceding paragraph never arise in the normal course of American education in "values."

If they did, we would see fewer televised Republicans completely dumbfounded when their Democratic opponents express such unanswerable opinions as "All of us make mistakes" and "Kenneth Starr is conducting a witch-hunt into Americans' private lives." You would think that anyone could come up with about 50 effective responses to such blather, starting with, "Do you mean that all of us lie under oath?", and proceeding down the list to, "Do you mean that it's OK to lie under oath?", and, "What's 'private' about lying to 250 million people?", and, "Please define 'witch-hunt,'" and, "If it's right to forgive everyone's mistakes, why don't you just forgive Kenneth Starr's?"

But don't expect many of those snappy comebacks actually to be made. Virtually nothing happens in American public "debate" that would not happen in a "debate" in a grammar school classroom.

Isabel Paterson, that great prophet of individualism, considered these problems in American education and public culture over a half-century ago, in her book *The God of the Machine*. And this, more or less, was what she argued. She observed that "progressive" educators wanted to liberate children to express their own opinions; this was education for democracy. Unfortunately, the children had no opinions, and they were not instructed in any rational means of forming them. Pressed for their views, they realized that they didn't have any. They therefore looked around the room. . . . They tried to find out what the other children thought, or opined, or were encouraged by their teachers to express as their own thoughts or opinions. In this way, individualism turned into conformism of a peculiarly empty kind.

I think that Paterson was right, and continues to be right. When people are not expected to justify their opinions by rational processes, the opinions that they express soon become a jumble of conformist slogans, no more sophisticated at the level of the Ph.D. than at the level of the kindergarten. This is the way in which American opinion has become at once predictable and incoherent.

Individuals who are actually thinking can be expected to disagree with one another in a million ways. How is it, then, that the thinking in so many social groups in our society has become so predictable? Why is it that masses of people can be counted on to come out against Clinton for being a liar and a crook and also to come out against the old-fashioned moralists who want to turn him out of office because he is in fact a liar and a crook?

And how is it that the thoughts so solemnly registered by National Opinion Polls are exactly what you could expect to issue from a sixth-grade classroom engaged in the bizarre process of "values clarification"?

What the American People are saying is precisely what that class of young pseudo-individuals would say. The kids would come out against lying, of course; no teacher would let the Socratic dialogue develop in any other way, because teachers can't stand being lied to. But the teachers would also ask the Socratic, and surely very individualistic question, "Don't you think that people's private lives should be private?" Yes, of course we do, teacher. Therefore, as the

Public Opinion Polls inform us, Kenneth Starr, who investigates other people's private lives, is a bad, bad man, even (especially!) when he catches those people lying.

And what about the president's performance in office? Just ask 11-year-old Billy. Ask him, "What do you think a president's job should be?" Ten to one, the little sage, drawing only upon his lifetime of experience as an analyst of American constitutional history, will answer, "The president is supposed to run the country" — which is exactly the phrase repeated ad nauseam by adults now trying to evaluate his performance. These people "argue" that we must be very, very careful about impeaching any president, because the president is *running the country*.

But how could you tell if he's running the country in the *right* way? Oh, what a question! Such a question, if asked, might be the first and last faintly skeptical followup question that little Billy was forced to entertain. How would he be likely to handle it?

First, he would look desperately around the room for some helpful clue that might appear in someone else's expression or gesture. Failing that, he would try to remember anything that his "history" text had to say on that sub-

Aryan nation — Voters in Illinois kicked Carol Mosely-Braun from office after learning of her misuse of campaign funds and cozy relations with a foreign dictator, thereby providing new evidence that this is a racist, sexist nation. I mean, she's certainly not the only person elected to national office in 1992 who misused campaign funds and cozied up for foreign interests. But she's the only one who the voters booted from office. —*Jonathan Ellis*

You say yes, I say no — When, in the midst of a college kegger in 1994, someone burst into the room shouting "Richard Nixon is dead!", I cheered along with everybody else.

Now, with all the bad press the late Sage of San Clemente is getting, in comparison to the eminently more base Bill Clinton, I feel subtle pressure to revise my thinking. Dick Nixon wasn't such a bad guy, after all. He went to China. He ended the draft. He gave the English language some of its most charming, if crude, bon mots and sobriquets: who could forget "striped pants Foggy Bottom faggots"? Or, "[expletive deleted]"?

When the pundits of the world, and even the cub reporters, started drawing parallels between Kenneth Starr and Joe McCarthy, it wasn't long before I started to think, what was wrong with Joe McCarthy? I mean, sure, he pointed out a lot of traitors were plotting to destroy America, and by Golly they had ties with Hollywood, the New Deal Democrats, and the State Department... Well, did he say something that wasn't basically so?

The next time I read filmmaker Michael Moore or writer Toni Morrison calling Henry Hyde's impeachment inquiry a "coup d'etat," I'll probably lead a fifth column to D.C. to set up some barricades for the Republicans, made out of thousands of prints of *Roger and Me* and millions of copies of that book Morrison wrote that everybody said was just so goddamn lyrical.

What is it about molders of opinion that causes me to react in such frankly disturbing ways? Is it the way they try to spin me, or the direction that I am spun? It didn't worry me. Until now.

Up until a few weeks ago I think I agreed with the rest of the world that Gen. Augusto Pinochet was a preening fascist toad. Then, England's bobbies swept down on the general in a London hospital, and arrested him at the behest of the Spanish government for crimes against its citizens.

Well, if I had heard this though any other medium, I would probably have nodded in grim satisfaction and carried on with my day.

But I heard the story on National Public Radio.

Someone pumped a unit of whole espresso into commentator Daniel Schorr's life support system, there in the studio, and stuck a microphone in his face to record the result: a high-speed two minute screed on Pinochet's many crimes. He conspired with "Nixon and Kissinger" to overthrow Chile's "democratically-elected government." He killed "thousands" of people. He set up "concentration camps." And he then "privatized Chile's Social Security system."

Truly, conspiracy, concentration camps and private pensions are horrors that haunt the world. NPR's world at least. Yet, this commentary didn't intensify my loathing for Pinochet at all. Why not?

Our "democratically-elected" government, the one NPR watches over and receives its pay from, has its own concentration camps. We call them federal prison camps. Lots of drug offenders there. Our democratically elected regime kills "thousands." Pinochet's kill stands at about 3,000. That many Americans and more will have died from the malfeasance of the FDA alone during the term of Bill Clinton. And Mr. Clinton's federal cops and anti-terrorism bills are a ready-made police state with the potential to be every bit as sinister as Gen. Pinochet's.

Coincidentally, Bill Clinton was "democratically elected" with something like 40 percent of the votes that people bothered to cast, just like Chilean crypto-commie Salvador Allende. And neither of these two miscreants have the mitigating excuse of having privatized Social Security.

There is just no way to spin facts like these out of existence. And that may be why Schorr, Moore, Morrison, and the rest of the elves of the welfare state's deranged Santa Claus, look small next to the human oddities they try to besmirch with comparatives and analogies. —*Brien Bartels*

Of bullets and ballots — For Byron Looper, like Mao, politics came out of the barrel of a gun. Literally. On October 17, Tennessee State Senator Tommy Burks was shot and kiled on his hog farm. Byron Looper, Burks' opponent, was arrested for the offense on October 23. On November 3, Burks's widow was elected as a write-in candidate. This disproves Albert J. Nock's observation that politics is indistinguishable from organized crime. In the Mafia, the widow is never the successor.

—*Martin Solomon*

ject. He might remember that, in among the pictures of Marilyn Monroe and Howdy Doody, there were a lot of pictures of guys in Vietnam. And on one page, there was a picture of some funny-looking guys in something called an "unemployment line," and a caption that suggested that some president had pulled them out of it. Putting this all together, little Billy would respond, "You could tell if he was doing a good job, maybe . . . you could tell . . . if everybody has a job? And if there aren't any, if nobody has, if we don't get into any wars? That way, you could tell he'd be running the country in, well, the right way, right?"

Such a remarkably long chain of ostensibly self-generated concepts would win a response of "very good!" from almost any teacher. Soon Billy's parents' car would sport a bumper sticker proudly proclaiming, "My Son Is an Honor Student at James Carville Junior High School."

Just put little Billy's "opinions" together and you have the collection of moral and political maxims now guiding the country. It is the triumph of an insipid, irrational, and ultimately conformist individualism, about which the real, remaining mystery is how we can get rid of it without destroying the genuine article.

When do-gooders and progressives decreed that the 20th century must become "the era of the Child," Paterson said that this phrase should be more feared than any other, because it meant that adults were idealizing children and trying to turn themselves into children. And that is what finally happened. ❑

The Politician Who Came In from the Cold

by Jonathan Ellis

In a year that has seen the Republican Congress betray the voters who put it in power, Newt Gingrich's downfall, and President Bill Clinton exposed as a sex-crazed liar. . . again, 1998 has been one hell of a good year for political junkies. But perhaps the most satisfying political event of all occurred outside federal politics when a third party reared its ugly head and sent two major political party candidates whimpering into the night.

Jesse Ventura's stomping of thoroughbred candidates Hubert H. ("Skip") Humphrey III, and Norm Coleman in Minnesota's gubernatorial race was so thoroughly enjoyable, that I wouldn't trade it for Hillary Clinton admitting on national television that she has a voracious appetite for Hollywood actresses. Ventura's victory blindsided me. I should have seen it coming.

It was a March evening in Minneapolis. Roads and sidewalks glistened with a treacherous layer of ice. And the cold, though relatively mild for Minnesota, was bad enough to push an Arizonan into a deathly state of hypothermia by the mere thought of it. It was also state-caucus night. Charles Test, the Libertarian Party's state chair, had called a few days earlier to enlist my support for a peculiar mission. Because the Libertarian Party would not be holding caucuses, Test wanted Libertarians to participate in the Reform Party's caucuses. The idea, Test said, was to get Libertarians elected as delegates to the Reform Party's state convention and to ram libertarian policy into its platform. Test warned that the Reform Party's state chair had given a quasi-okay to the idea, but that other Reform Party members might be openly hostile to Libertarian infiltrators.

I arrived early at the community center a few blocks from my home, and after signing a registration list, took a seat. To my astonishment, mobs of people soon followed. The Reform Party was actually popular. I commented on this to an artsy-looking guy next to me. "This," he said as if I'd just arrived at the opera dressed in an AC-DC shirt and lugging a case of Old Milwaukee, "is the DFL (Democratic-Farmer-Labor) caucus. The Reform Party is down the hall."

About ten people bothered to show for the Reform Party caucus. We spent the night fighting over politics, with me pushing the group to adopt libertarian stands. It was tough going. Most of them opposed concentrated hog farms. I told them I loved cheap pork loin. They had vague goals for improving public education. I explained how the state perverts education . . . and so on. Looking back, it's true that we agreed on most issues. But on my way out of the community center that night I said to myself, "The Reform Party is going nowhere. They'll lose their major-party status in 1998."

An older gentleman, laughably serious at the time, told me that night about Jesse "The Body" Ventura's candidacy for governor. Jesse Ventura, I thought, is nothing but a retired wrestler, and a heavy at that. Big deal.

On November 3, I found out just how wrong I was.

Minnesota has traditionally been dominated by the DFL party, Minnesota's answer to the Bolsheviks. And the DFL was pinning its hopes on political powerhouse Skip Humphrey to recapture the governor's mansion. As the son of his career-politician namesake, who afflicted Minnesota and eventually the nation for more than 20 years, this Ted Kennedy of the Frozen North looked like a shoo-in, a status confirmed by a lead of 20 points in the opinion polls.

Humphrey insisted on Ventura's inclusion in televised

debates with his Republican opponent and St. Paul mayor, Norm Coleman. As a moderate Republican who had only recently jumped ship from the DFL to the Republican Party, Coleman wasn't trusted by the party's more conservative wing. Humphrey figured that Ventura's presence would erode support for Coleman and add to the DFL's inevitable victory margin.

Skip didn't realize it at the time, but boosting Ventura into the debates dealt his campaign a savage death blow. The magnetic Ventura was born for television. He did so well in the debates that tribes of new and young voters wandered out of the political wilderness and into the voting booth. His charisma made Humphrey and Coleman look like a couple of guys who politely turn down your loan application at the bank. In the end, he plundered substantial votes from both.

When the votes were counted, Ventura had put together an unlikely coalition of wrestling fans, bored Democrats, disaffected young people, and Republicans distrustful of their party's weaselly candidate. And so, for the next four years, the Workers' Paradise of Minnesota will have as its governor an action hero who can single-handedly stomp a Clinton/Gore tag team.

Ventura now faces the daunting task of building an administration. If Ventura the governor charts a course consistent with what Ventura the candidate campaigned on — lowering taxes, eliminating child-care subsidies, and the possible decriminalization of drugs and prostitution — then it would stand to reason that Ventura would invite libertarians into his administration.

There already exists a relationship of sorts between Ventura and the Minnesota LP. Ventura asked the LP not to run a gubernatorial candidate. But the LP, bound by principle, fielded a candidate anyway. But if Ventura initially feared the LP would suck away votes from his campaign, he had little to worry about in the end. At the Minnesota State Fair this fall, Ventura claims to have scored 100 percent on the World's Smallest Political Quiz. It's fair to say that Ventura wound up robbing the LP.

Charles Test is interested in establishing a libertarian presence in the Ventura administration. "We hope that he will reach out to us," said Test. "He's the closest thing we've got to a libertarian in high office."

In particular, Test says that Minnesota Libertarians offer expertise in natural resource and environmental regulation. "This would be very important to us because Minnesota is an environmental battleground," said Test. But Test won't be holding his breath for a Ventura call. As we go to press, it appears that Ventura will rely more on establishment insiders to fill his out his administration than outsiders like libertarians.

Which is too bad. Ventura would certainly profit from some libertarian counseling. He supports using public funds for a light-rail system in the Twin Cities, and believes the state should take over failing schools. Like the Reform Party members I crossed swords with on caucus night, Jesse isn't ready to take the radical steps necessary for really improving education.

Regardless, at least in the short-term Ventura's effect on the political landscape will likely fuel third party fires nation-

Dichotomize This! — Jesse "the Body" Ventura supports lower taxes, less government, legal recognition for gay relationships, and the possible legalization of drugs and prostitution. But in changing his moniker to "the Mind," isn't he just buying into the mind-body dichotomy? —*David Boaz*

The Wind Chill Factor — Libertarians don't have much cheer to take from the elections. No governors, no senators, no representatives, no statewide offices whatsoever, a minuscule sprinkling of local offices, the usual 2% or so of votes cast landing in the Libertarian Party column. So it's understandable that we try to manufacture some *faux* cheer for ourselves. And where better than in the state of Minnesota, in which both major parties received their disbelieving comeuppance from Jesse Ventura, heretofore "The Body," now "Governor-elect."

True, Ventura was elected under Reform Party aegis, thus further sullying the credentials of the so-called third leading party. Nonetheless, Ventura has been reported as voicing distinctively libertarian sentiments on the drug policy and abortion issues. Should we not, therefore, claim him — and by extension the Minnesota electorate — as our own?

In a word, No. Almost every politician occasionally utters some strikingly libertarian words: recall a well-known "saxophonist" who declared the era of Big Government to be over. And the libertarian character of Ventura's words was magnified by a press looking for some mountains with which to replace the usual molehills. (May it also have been trying to paint as a "libertarian radical" a candidate whom it deemed to be less than reputable? I fear that such things do indeed happen.) Remember too that this is an electorate that has twice sent Paul "Stalinism with a human face" Wellstone to the Senate. Libertarian it is not.

Not libertarian but nonetheless admirable. I was privileged to spend fourteen years plying my trade at a university in northern Minnesota. That experience taught me much, not least the art of survival despite wind chill. The political lessons were equally valuable. I was agog when the mayor of Duluth was charged with corruption for arranging the employment of "private means for public ends." And even though I knew *a priori* that socialism could not succeed, sometimes it sure seemed to do so in Minnesota.

Minnesota is a state of paradoxes (remember, here all the children are above average); how could a philosopher not come to love it? And it is Minnesota paradox which, I am convinced, explains the Ventura election. Nowhere are people more civil, more gentle. So when they choose a governor, they routinely pick one who hurts people. When I moved to Minnesota the governor was Wendell Anderson, a former hockey player who knew how to throw a mean body check. He was succeeded by Rudy Perpich, a dentist. His motto was "Speak softly but carry a big drill." (Well, that *could* have been his motto.) And now wrestling superstar and tough guy Ventura. When four years from now Minnesotans go to the polls and elect a female governor, I'm betting that it will be either Lorena Bobbit or Hillary Clinton.

—*Loren E. Lomasky*

wide. LP Political Director Ron Crickenberger believes "that Ventura's win will be good for all third parties," because voters will be less likely to think that a vote for a third party is a wasted vote. The Reform Party of Minnesota will use Ventura to accumulate a massive war chest to fund statewide candidates in all major races in 2000.

Even so, I'm not predicting 2000 to be the year of the third party. Republicans and Democrats — those not applying for jobs in the Ventura administration — feel embarrassed that a pro wrestler thwarted the ambitions of two career politicians. Third-party candidates have almost always had to fight like rabid dogs to get into political debates. Ventura's upset may actually make that fight more difficult.

For now, we can enjoy watching politicos react to the dark shadow that Ventura's crushing victory cast over the political establishment. There are few things more satisfying than career politicians trembling at the thought of finding real jobs. ❑

The politics of fusion — Mark Lilla's essay "A Tale of Two Reactions" was reviewed in this space in November 1998. Readers may recall that Lilla created a matrix of four categories in which to sort out future presidential candidates according to their views on the Sixties and the Reagan Revolution.

In a nutshell, the views can be characterized as: (1) Pro-Sixties, emphasizing the importance of personal freedom while holding a somewhat skeptical view of traditional morality, (2) Anti-Sixties, seeking to re-establish that traditional morality by strengthening social institutions and, if necessary, enacting laws, (3) Pro-Eighties, seeking a small, cheap, and relatively unobtrusive government, and (4) Anti-Eighties, emphasizing an activist government that addresses pressing social issues through programs, regulations, and a progressive system of taxation.

The matrix shows Lilla's categories and the labels he gave them.

'60s: \ '80s:	anti	pro
anti	Buchananism	Neo-Bushism
pro	Neo-McGovernism	Clintonism

The review took issue with Lilla's implied characterization of our current president as a devotee of Reaganomics. ("Clinton: In your heart, you know he's Left." If only.) It did not address the follow-up question: If Clinton doesn't own the southeast forty on the little map above, then who does? Let us imagine such a candidate.

To be Pro-Sixties, the candidate would have to be in favor of the legalization of marijuana, at the very least for medical use. (Very sixties, that.) He (yes, yes, or she) would also have to be pro-choice. To be true to the goal of personal freedom, he would have to be in favor of the right to keep and bear arms, as well. He would probably even support the issuance of concealed carry permits, with some precautions. He might even be open to the notion of decriminalizing prostitution.

To be Pro-Eighties, he would have to favor lowering taxes. In fact, he would probably have to favor a flattening of the present system, perhaps with a move to replace income taxes with consumption taxes. He might even go so far as to call for the automatic return of any government surpluses to the taxpayers. He would undoubtedly favor a system that encouraged entrepreneurs. He would insist on minimum government interference in the health care system. As an opponent of government-sponsored social engineering experiments, he would surely oppose forced busing. He might even wish to deny government money to illegal immigrants.

Is there such a candidate? Is there a politician in this land who holds such an odd mixture of views?

Yes. He is the new governor of Minnesota.

We have our name, then. It is Venturaism.

In the interest of full disclosure, he also favors mass transit, term limits, the death penalty, and some state-supported health care for children. He opposes PAC money and educational vouchers. (With the exception of the bit on prostitution, which came from radio, all of these positions were gleaned from Mr. Ventura's web site.)

A few facts to mull over: (1) Governor Ventura ran on the Reform Party ticket. (2) The Reform Party won 8.4 per cent of the vote in the 1996 presidential election and is, therefore, eligible for millions of dollars in federal matching funds for the next presidential race, whoever its candidate may be. (3) Abraham Lincoln was, among other things, a formidable wrestler. —*Scott H. Chambers*

Time to celebrate! — A few days before the Midterm Elections, I attended one of those "fusionist" events in Washington, which brings together conservatives and libertarians, to listen to this or that speaker and to discuss current affairs. Not surprisingly, the main topic of discussion was the coming congressional and gubernatorial races with the majority of participants expressing their hope that Clinton would be "punished" on Tuesday.

I was quite to surprised (and still am) to find myself in a minority, even among my libertarian political soulmates, when expressing less than an enthusiastic support for a sexual and political witch-hunting operation led by a well-paid government-appointed prosecutor (paid by the taxpayer, that is) working together with a government informant (Linda Tripp) to discover whether two adults had sex and then lied about it.

I'm familiar with all the counterarguments — the President had sex with a government employee on public property and lied under oath, blah, blah, blah. Yeah . . . Well, if the main reason for the Republican assault against Clinton has to do with defending the constitution and not sex, perhaps someone can explain to me why those same Republicans have not moved ahead to impeach Clinton for

continued on page 26

Letters From a Campaign That Failed

by Paul Rako

William Jones
California Secretary of State
Sacramento, Calif.

Dear Bill:

Well, Bill, it sure is convenient that you have the same first name as the President of the United States because I can use the salutation from the last letter I wrote to the President. You see, in addition to running for California State Assembly I am a top-level advisor to the President on Important Matters of State. I hope you can understand that I've been pretty busy with all this advising stuff not to mention my own campaign, as well as riding my Harleys all over the place and going to concerts and dancing and downing cold ones and playing pool and listening to the blues not to mention working for Hewlett Packard so I can send enormous amounts of money to Sacramento and Washington in order to keep the machinery of state fully greased, or perhaps I should say well-oiled, if you get my drift.

Now, I haven't opened most of the ten or so letters you sent me. See, after I opened the one threatening to indict me for campaign finance violations I just haven't been too keen about tearing open the envelopes to see what you want to do to me next. I gotta admit those certified letters I have to sign for at the post office sure give me a thrill because I thought it was those really nasty people at the IRS or the California Franchise Tax Board and we all know what pricks (no offense to you Mr. Secretary) any government outfit is that sends certified letters because that's about the closest they come to obeying the Due Process clause of the Constitution right before they empty your bank account or ruin your credit report and stuff.

As a matter of fact, your certified letter to me was a real wake-up call, since I realized that the only people sending me certified letters are government types trying to phony up some due process before they rape me, so it was your last letter, your certified letter to me, that caused me to think: "Hey, why should I let these clowns phony up due process evidence by sending certified letters that I am stupid enough to sign for?" Sometimes the post office employees make sure I don't see who the letter is from before I sign because they are in cahoots with the other feds and I guess it's important to them that state, federal and local bureaucrats can phony up some due process on us citizens because the post office, the DMV and the IRS all seem to have the same opinion of the American People.

So anyway, like I was saying, I realized that in the 20 years I've been going to the post office to pick up my mail the only people sending me certified letters were you government types trying to phony up some due process so you can rape me later, so my wake-up call was pretty much along the lines of: "Hey, just because they're federal employees all decked out in snazzy uniforms don't mean I have to help them phony up due process evidence against me." So it was your last letter, your certified letter to me, that got me to realize that the smartest thing I can do is to just take those little yellow slips telling me there is a certified letter at the post office and throw them away and sooner or later the post office will have to send the letter back to whatever government outfit sent it.

Now before we get to our little problem I've got to tell you about the wonderful women you got working in your little office here in Santa Clara County. After I saw how helpful and friendly they were getting me registered to run and preparing all my petition forms and such, I commented to them how surprised I was at how helpful and efficient and pleasant they were and how I expected it to be as horrible as the DMV. I got to wondering how the Secretary of State office could be so nice and efficient and pleasant and how the DMV can be so screwed up and I still don't have a good answer but I got my suspicions. See Bill, as you must know, when a person runs for office they have to swear to uphold the Constitution. It's the gals down at the Secretary of State office that have you raise your hand and take the oath.

Now I won't bore you with how much I love this country and how my grandparents were all poor immigrants and how America gave them a chance to "rise up." Let's just say when it came time to raise my hand I got a little choked up, but since it was Shannon that was giving me the oath I tried like heck to not cry because women say they like guys all sensitive and sentimental and such, but they still hang out with the rude and thoughtless jerks, so I didn't want Shannon thinking I was a softy because she was so pretty and hardworking and stuff that I kinda was hoping that one day I would meet a woman like her and settle down. So I tried my hardest to just say the words but my voice still cracked a couple of times but Shannon is so nice she didn't want to embarrass me by pointing out how a six foot 200 pound biker was standing at some government counter crying just because he had given his word to uphold the Constitution of the United States and the Constitution of California. Then I filled out some more forms about this or that and I gotta tell you, Bill, I wish there wasn't so many of 'em but it was OK by me this time because I needed a few minutes to get the lump out of my throat so I could say goodbye to Shannon and all the other cheerful hardworking folks you got down at your

office in San Jose.

Well, I don't want to go off on something else because I bet you're still trying to get me for campaign finance law violations. So I figure we should clear this mess up as soon as possible. But if there's one thing that I am worse at than opening government letters, it is filling out government forms. I'm sorry if I got the machinery of state all worked up but the fact of the matter is that Shannon called me and left me a message that there was some real trouble brewing and I guess she knows how bureaucratic and heartless you guys in the state office are because she works with you guys every day and stuff so I could tell by the tone in her voice it was real important. So I called back and she wasn't in because it was lunchtime so then I just rode over to the office.

By the time I got there Shannon was back and she explained how I was in trouble because I didn't fill out the campaign finance forms and I said that I thought I had done that the last time I was in but she's smart as a whip and actually remembered that time and got out the folder and showed what I did fill out and then she explained that there was another form to fill out to keep the heat off me about this campaign finance stuff. The form was real scary looking and wanted to know all kinds of things and was really complicated and stuff but then Shannon said: "Are you going to spend over a thousand dollars?" with that hopeful look that told me to just go with the program so I said: "No way," even though I wasn't sure or anything. So then she said: "Oh, that makes it easy. Just sign here, here , here, and fill this address out and you're done."

That looked pretty good to me so that's what I did. The funny thing is I wanted to maybe raise some big money and really give this race my all but after this trouble I figured I just better keep a low profile so you see how these finance laws can stifle democracy and that is one of those unintended consequence things you hear about all the time. Then Shannon mentioned how there was a ten dollar fine for every day that I was late for a total of no more than $100 and with an apologetic look she explained that I would probably have to pay the fine when the state got around to the fining phase of the electoral process.

I was so darn happy that she took the trouble to call and get the mess straightened out I said that there was no need to wait so why don't I just give her a check for $100 right then and she said "great" and I gave it to her and she told me she would write a letter explaining everything and how I paid and stuff. The next week Shannon called me and apologized that she was so overloaded with election season stuff that she hadn't written the letter yet and I told her not to bother since I would have the check to prove that I paid it.

Now I've still been getting letters from you about this although like I said I haven't opened the last four or five. I'm hoping all you gotta do is call Shannon at your Santa Clara office and she'll straighten the whole thing out and if you want I'll dig out that check for $100 and I think Shannon gave me a receipt too and now I see why she was being so thoughtful and hard working and stuff because she knows how screwed up you guys in the central office are. So anyway I might not be able to come up with the check until tax time next April but hopefully you'll let Shannon straighten this whole thing out because like I said, the crew you got down in San Jose makes me proud to be an American and I'm sure they'll straighten things out in a jiffy.

By the way, I did get one contribution for 50 bucks and another for a $100 but with all this campaign finance stuff I haven't cashed them yet because I don't want to get in any more trouble and I will admit that a couple of guys bought me a beer or two down at the bar (which got everybody calling them my "Special Interests"). I figure I'll just take the checks down to the local office and Shannon and the gals will tell me if it's OK to cash them or not.

I hope everything's OK and I hope to hear from you soon, til then, so long.

Paul

Paul Rako
U.S. Citizen

R. William Bradford
Editor, *Liberty*
Port Townsend, Wash.

Dear Bill:

Well, Bill it sure is convenient that you have the same first name as the President of the United States and the California Secretary of State because I can use the salutation from the last letters I wrote. I guess first off I should apologize for turning this in so close to deadline and I didn't realize the 9th was a Monday so it's probably too late to get this in the magazine but I sure am honored that you would ask a dirtbag biker like me for an opinion about this year's election. Now that the rains have hit and I can't ride the Harley, I've got the time to settle in and do some real deep reporting on the elections.

Well, first off let's get the bad news out of the way. I was defeated in my bid to unseat the incumbent from the California State Assembly. Actually, crushed might be a better word to use since she got 60 percent of the vote and I got 4 percent. Still, I feel I gave people a choice and since I spent all summer riding and downing cold ones and playing pool and listening to the blues and stuff instead of campaigning I figure 4 percent is a pretty good showing. I was a little disappointed because I got 5 percent in the primary and it's always nice to ride around thinking that one in 20 people believes in me. A lot of my friends heard about my running and they are even more fired up for the next race. We have a lot of good ideas for the next race but I don't want to report them yet, because I don't want my future opponents to get tipped off and try to steal our ideas and stuff.

Now I know you may have read about the Secretary of State threatening to indict me for campaign finance law violations and I want to make one thing perfectly clear: I am innocent of all charges against me. The people of California will see my good name cleared.

There were a couple of cool things that happened during my race I wanted to tell you about. The first was how the *San Jose Mercury News* called up and interviewed with me. At first I told them I would send a little info about me along with a statement they could run regarding my principles and stuff. I never got back to them so the next week the reporter called

me back and we came up with some stuff to run in the paper. For coming up with it off the cuff, I thought it was pretty good. We pretty much said how the Libertarians were for choice and that I felt that as expensive as it was to live here in Silicon Valley we should be getting more bang for the buck. What surprised me is how he really was enthusiastic in helping me and truly seemed to be happy in getting me to explain my thoughts to make the best statement possible in his newspaper. If this is media bias I'll take all I can get.

The second cool thing that happened was that I got invited to the public radio station to answer questions. The station serves the whole bay area and Michael Krasny, the host, is kind of a local celebrity. The show was at 10 a.m. which is way way way before when my morning is, but I dragged my sorry ass out of bed and managed to drive the 50 miles to San Francisco.

One of the neatest things about doing the show was that I got to meet the incumbent Elaine White Alquist. Like I said before, she is really smart and hard working and honest and stuff so it was really nice to get to meet her in person. We exchanged cards and she said it would be OK for me to see her after the election so we could discuss important matters of state and stuff. While we were in the studio we got to know each other pretty good since the Republican and the Natural Law party candidates didn't show up so it was just me and her and her driver along with the husband of a Peace and Freedom candidate that was sitting in the green room which is what us professional politicians call the room where you wait to go on the radio. That's where I found out Elaine used to be a math teacher at Holmstead High School and that she was married to Al Alquist who was a big time state Senator before he term limited out last time.

The husband of the Peace and Freedom candidate said how he was a Teamster and he remembered when they gave Al a bunch of money to kill a bill that would give the highway patrol money for radar guns or some such thing. He smiled as he remembered the good ol' boy type politicians of yesteryear. He said it was great, "There were no pretensions, you paid the money and they voted the way that you wanted." I wondered what made him think anything has changed.

Anyway, me and Elaine got in the studio and she was really nervous but me and the driver kept telling her she would be fine and it was a great experience for me seeing that even big time incumbent politicians get nervous and how it was OK if I got nervous too which was cool because maybe that's why I wasn't nervous. Then again maybe it was because I knew Libertarians are what is really best for this country.

Anyway I had a really great time on the radio show and I remember getting in some good points. What was interesting was how Michael asked Elaine these really

continued from page 23

breaking the law and violating the Constitution by committing that mini-holocaust at Waco or by sending American troops to foreign lands or by bombing innocent civilians in Sudan, or by just operating agencies like the FBI, CIA and IRS (the list of reasons for impeachment is long and can be applied to former Presidents, including Bush and Reagan).

Please, give me a break, guys! Frankly, that the "referendum" on Clinton ended with a major blow for the "moral" agenda of the Christian Right (bye-bye anti-abortion and anti-gay legislation) and for the Feminist Left (bye-bye sexual harassment) should be a cause for celebration for us libertarians since it makes it clear that the American people are opposed to the establishment of a sex Gestapo. That it may have postponed the coming to power by enviropunk Gore of a Republican presidency with its high defense budgets and bloody military adventures is certainly good news, very good news, indeed. —*Leon Hadar*

The Race Card — In Washington state, voters passed Initiative 200, a ban on racial and gender preferences. It was quite an achievement. A who's who of Washington was against it: Boeing, Microsoft, the Greater Seattle Chamber of Commerce, Gov. Gary Locke (an ethnic Chinese), the Democratic Party, the Washington State Labor Council and the major media. The Republicans, who controlled both houses of the legislature (and just lost one of them) had been offered a chance to vote I-200 into law and declined, not wanting to be "divisive."

I-200 was on the ballot because of a petition organized by conservative talk-radio host John Carlson. He campaigned a good deal more politely than some of his opponents, who excelled at moralistic snottiness. The American Civil Liberties Union tried to get the ballot language changed from "preferences," which they said was a loaded term, to "affirmative action," which they said wasn't. They failed.

Opponents continued to complain that the language was deceptive. This was false; everyone knew what it meant. It said: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting."

A poll in January found 70 percent of voters supported this.

Then came the campaign against it. Corporations, publicly solicited for money, coughed up. The Boeing Co., which is fighting off a class-action lawsuit from black managers, contributed to the No!200 campaign. Boeing's retired chairman, Frank Shrontz, contributed the other way, but he said nothing publicly. The "No" side outspent the "Yes" side heavily.

Red "No!200" signs popped up all over Seattle; there were no "YES on 200" signs anywhere. Editorial boards of newspapers were overwhelmingly against 200; supporters were in denial about racism, they said. The family owners of *The Seattle Times* ran full-page ads in their own paper urging a vote against I-200.

In the final weeks, the "No" side aimed their ads entirely at white women — the state is 84 percent white — and apparently did change some minds. Still, 51 percent of women voted for I-200, as did 66 percent of men. The measure passed with 58.5 percent.

The measure won almost everywhere outside the city of Seattle. It won the votes of 80 percent of Republicans, 62 percent of independents and 41 percent of Democrats.

Exit polls showed that 65 percent of the voters — and 80 percent of the pro-200 voters — had made up their minds from the start. —*Bruce Ramsey*

good questions about education and traffic and crime and she got to talk about all the bills she sponsors up in Sacramento and then he turned to me and said that Libertarians are against welfare and how could we take away people's safety nets and stuff. He looked a little ticked when I explained that he must misunderstand the libertarian position. I remember saying to him that nobody in their right mind would want to eliminate welfare. I then tried to explain that I would rather see the need for welfare reduced by getting deadbeat dads to pay for their kids' support and that welfare when it's really needed can be much better administrated by the church and Salvation Army and Red Cross and private groups like it was before Roosevelt.

Then I realized how Michael was kinda pulling for Elaine maybe because she's a smart beautiful woman and I'm a dirtbag biker. I was hoping the calls from listeners would give me a chance to talk about my positions but the first one was from Hayward which isn't even in my district and the guy asked Elaine how much easier things would be on her if there was a Democrat governor and then she spent five more minutes talking about all the bills she passed and all the ones she could get through if the governor didn't veto them like the one she had for osteoporosis which she says costs Californians two billion dollars a year when granny busts a hip and stuff and I guess her bill was to give 'em calcium pills or better yet milk which would please even more lobbyists up in Sacramento.

So I sat wondering about that two billion dollar number, which seems like a lot of plaster of Paris to me, but then finally someone called who asked me about transportation and BART which is the passenger rail train around the bay and I explained in as diplomatic terms as I could that the reason that it doesn't go through Santa Clara county, the most populous one in the bay, is because that the board of directors of BART is determined by the population figures of the counties it operates in so the reason San Jose has no stations is that the current Board would essentially be run by the new Santa Clara County members if they let BART run all the way around the bay. It's kind of scary to me that everybody thinks the only job politicians should be doing is passing more laws and that the more you pass the better politician you are.

Well the radio show was a real highlight of the campaign except right before the end me and Sammy who was my unofficial campaign manager had this really great idea. Sammy said he had a real problem with Elaine because she supported mandatory helmet laws even for adult motorcyclists carrying insurance. We have this plan to give Elaine a ride on our Harleys so she could do what the boys at ABATE and Easyriders have been saying all along: "Let those who ride decide." I figured once Elaine went for a ride on a Harley with and without a helmet she would change her position and support a repeal of California's helmet law. Then I would drop out of the race and tell my supporters to vote for her because she at least took the Libertarian position on this one and we could work on the other issues the next time. Well, I was feeling a little guilty about dropping out of the race especially since those two guys contributed 150 bucks to me, so I hemmed and hawed because I didn't want people feeling I stabbed them in the back and I didn't know how Mark and Joe and Marv and the other Libertarian Party guys would take me pulling out not to mention that I figured I could still give her a ride after the election.

So that's why I stuck it out and everybody's real proud of me even if I did only win 4 percent of the vote.

Well, so much for my race. I guess I should talk about the

continued on page 48

The Bum Thrown Out — All right, so Gray Davis is hardly anybody's choice as a leader into a golden future of freedom and beauty and Barbara Boxer is an outright embarrassment. The Meathead Initiative, taxing cigarettes at 50 cents per pack to finance giving the state more access to more children at an earlier age is such a stupid idea that anybody with a room temperature IQ should have rejected it. Having a governor and a legislature of the same party — especially Democrats — is more than likely a formula for higher taxes and a sluggish economy.

Is there anything besides native-son naivete to suggest anything other than that California has gone over to the dark side as we approach the millennium?

Maybe. Not much, but maybe.

The national leave-the-liar alone mood, along with unexpectedly high turnout among core Democratic constituencies, infected California to about the same extent as it did the rest of the nation. The partisan makeup of California's congressional delegation didn't change, although it probably will after reapportionment in 2000. But the main factor suggesting that Californians haven't gone utterly bonkers with enthusiasm for statism is Dan Lungren.

Having been on the editorial board of a newspaper whose circulation lapped into what used to be his Long Beach congressional district, I've known Dan Lungren since the early 1980s as a phone voice, person across a table and social acquaintence once in a while. When he represented a coastal district with a major port, he used to call every so often to lobby us to write something on behalf of freer trade, and I have no reason to doubt that he was sincere about the issue. But like many conservatives he is sincere about other issues too.

He was a leader in getting the restrictive 1986 immigration reform bill passed. He pushed hard as attorney general to give California the most restrictive Three Strikes law in the country — the third strike doesn't have to be violent to get you life in prison and the first strike can be a juvenile offense — and he has since defended it and suggested it should be even more punitive. He claims his tough-on-crime policies are responsible for crime-rate reductions although he and I attended a conference together at which it was pointed out that the crime rate began to decline three years before the Three Strikes law was even passed and hasn't declined more sharply since. And he is an enthusiastic drug warrior (he pushed for asset forfeiture laws in Congress that made it easier for the feds to seize property) who has done everything he can — and as attorney general it's been quite a lot — to frustrate efforts to implement the medical-marijuana law California voters passed by a 57-43 margin in 1996.

Having talked issues with Dan Lungren many times — and don't get me wrong, he's personable, even like-

continued on page 68

What Do the Elections Portend?

by Harry Browne

Were the election results encouraging for libertarians?

The answer depends on what route you think we must take to restore a libertarian America.

Electing Those Who Sound Right

If you believe freedom will be won by electing more politicians who profess a love of small government and low taxes, you're probably in mourning right now. Conservatives like Lauch Faircloth of North Carolina lost, and big-government liberals like Charles Schumer of New York and Barbara Boxer of California were victors.

But does it really matter whether conservatives or liberals are in office? The federal budget has grown as rapidly over the past four years under a Republican Congress as it did during the preceding four years with a Democratic Congress and a Democratic President.

I realize that some politicians profess to want smaller government, lower taxes, more freedom. But what has their small-government rhetoric brought us? To the best of my knowledge, not one of them has introduced a bill, let alone pushed it through to passage, that would reduce the overall size of government by even a single dollar.

Yes, Bill Clinton might veto such a bill if it were passed, but the President can't stop anyone from *proposing* a concrete reduction in government. And the more such bills the Republican Congress were to pass, the more the President would be pressured to compromise toward smaller, rather than larger, government.

I'm not aware of anything the Republican Congress has done to change our lives significantly for the better. So it really doesn't seem to matter how many Republicans or conservatives are elected.

Thus, from that standpoint, the election results are neither encouraging nor discouraging.

Building for the Future

However, I don't see electing better Democrats and Republicans as the key to restoring freedom. I believe liberty will come only when we elect full-fledged Libertarians. And from that perspective, I find the November election results quite encouraging.

To elect Libertarians in 2000, 2002, 2004, and later, we need a large base of committed activists who will provide the money to run highly visible, major-party campaigns. Only by extensive TV advertising can we transmit our message to all Americans — and especially to the majority of Americans who have stopped paying attention to political events because they no longer see any reason to vote.

To build that base, we must attract as many as possible of the "small l" libertarians who have been hoping the Republican or Democratic party would bring them smaller government. We need to recruit the broadcasters, journalists, business people, and heads of libertarian and libertarian-leaning organizations, as well as just plain Americans, who have already made freedom from government a primary goal in their lives.

With their support we might obtain 5 percent, 10 percent, or 15 percent of the presidential vote in 2000. That would put the Libertarian Party on the map once and for all, and move the debate away from new government programs to how much and how fast we're going to reduce government.

Already there has been a steady exodus of libertarians from the Republican Party over the past two years or so. It started with the Dole presidential campaign, built up steam as the Republicans passed the largest highway bill in history, and accelerated further with the passage of the obscenely pork-laden budget bill in October. As though that 4,000-page bill itself weren't enough to turn libertarians off, by calling it "A Victory for America" the Republicans made it plain that reducing government isn't the object of their efforts.

The economist-writer Lawrence Kudlow was so disgusted by the budget bill that he said on CNBC-TV that he was about ready to abandon the Republican Party once and for all.

The election campaign caused the disaffection of even more people. For example, the conservative Fox News commentator Peter O'Reilly complained on November 4 that the Republicans only talk about big plans, but they apparently don't have even a single specific plan to carry out any of their high-minded rhetoric on behalf of smaller government. He pretty much leveled a curse upon both parties.

The election results will further those defections from the Republican bandwagon. Many libertarian-leaning Republicans understandably felt that building a third party, the Libertarian Party, was a task that would take too long. The shorter route was to elect just a few more "real conservatives" to Congress — enough to overcome Bill Clinton's vetoes, pass real tax cuts, and make true reductions in government. I had no confidence that the conservative politicians would have made good on their promises under any circumstances, but that was the hope of many people nonetheless.

The November election must have demolished that hope for many Republicans — as the plan to elect more conservatives has been set back for another election cycle or two. So by comparison the Libertarian solution no longer seems such a long, roundabout path. Some of those people will now be

continued on page 38

Report

The Grand Old Spending Party

by Stephen Moore

On a nasty day in October, fiscal conservatives became profligate pork barrellers.

Just how ugly was the budget that the Republican Congress passed in October? Perhaps the most honest assessment came from Senator Phil Gramm of Texas, one of only 20 of the 55 Senate Republicans to vote against the 1998 budget capitulation:

"In 1993, with 44 Senators, we blocked the Clinton fiscal stimulus bill and the Hillary health care plan," he reminded his GOP colleagues. "But in 1998 we are overwhelmingly passing a Clinton budget. I shudder to think what might happen if we Republicans get more seats in this chamber."

The 1998 budget deal was in every way a rout of the very fiscal conservative ideas that got Republicans the majority in Congress in the first place. It contained $18 billion more bail-out money for the International Monetary Fund (IMF) — just weeks after the IMF conceded that the $5 billion it gave to Russia was stolen by corrupt political leaders. It contained some $5 billion for more Clintonite social programs. Farmers will get $6 billion in "disaster aid." Almost $1 billion was appropriated for combating the science fiction of global warming. The budget contains the biggest increase for the Department of Education ever. And the "inviolable" budget caps in the 1997 budget deal have been exceeded by nearly $20 billion.

Republicans called this a "compromise" budget. But what did they get in return? House Republican Whip Tom Delay proclaimed that one of the GOP's major "victories" was preventing Bill Clinton from launching a needle exchange program in Washington, D.C. So the right got a moratorium on needle exchange programs and the left got $20 billion in extra walking-around money. That's a fair exchange!

On the issues that matter, fiscal conservatives got walloped. Zero cabinet agencies were eliminated. In fact, not one federal program was terminated out of more than 4,000 accounts. Taxes were not cut by a single dime. The budget actually raised taxes slightly over five years, despite a tax burden that is already higher than when Jimmy Carter occupied the White House.

This wasn't a budget compromise. This was Robert E. Lee surrendering at Appomattox.

Nor was all the election-eve spending simply extortion money pried out of tight-fisted Republicans by a spendthrift president. Yes, the president had tens of billions of irresponsible spending proposals. But it wasn't Bill Clinton who littered the budget in October with chewing-gum research, $1 billion in loan forgiveness to the Tennessee Valley Authority, $10 million for moving the Cape Hatteras Lighthouse 2,000 feet inland, $5 million in military construction money for a car wash, a movie theater, and a day-care center in Fairbanks, Alaska. These were thick slabs of Republican pork. As one House Republican leadership aide confided: "We really started to act like Democrats in the final days of the session."

Republicans seem hardly embarrassed by this fire sale on their fiscal principles. A Republican National Committee press release issued a week before the elections proudly proclaimed that the $1.1 billion payment for "100,000 new teachers was originally our idea, not Clinton's."

The entire 105th Congress had an abysmal fiscal record. In 1997 the Republicans galloped out of the gates by ratifying a flimsy budget deal with Bill Clinton. "Social Spending to Soar Under New Budget Pact," is how the *Washington Post* accurately described it. The GOP actually counts as one of its "accomplishments" Bud Shuster's $220 billion highway bill, crammed with an Olympic record 1,600 projects for such necessities as bicycle paths, university grants, hiking trails,

auto museums, and subways without passengers. A grand total of four Senate Republicans found the stench of this bill too much to pass muster and voted no. Democrats believe in wasting money on social programs; Republicans believe in wasting it on cement.

In both 1997 and 1998, congressional Republicans actually managed to spend more than the White House requested on appropriations bills.

Incredibly, if we compare the rate of growth of domestic spending during the four years of Republican control of Congress with the prior four years of Democratic control, we find virtually no difference. From 1991 to 1995, non-defense outlays expanded by 80 billion in today's dollars. From 1995 to 1999, real outlays have expanded by $90 billion.

Robert Novak once quipped that "the only reason the Good Lord put Republicans on this earth was to cut taxes." Now they can't even get that right.

The overall federal budget gobbles up a smaller share of the economy than at any time in a generation, as the GOP's PR operation continuously reminds us, but only because the military budget is shrinking. If we properly account for all of the non-national security spending stashed inside the Pentagon budget these days — for breast cancer research, corporate welfare grants, United Nations "peace-keeping" operations, and the like — the domestic budget takes a larger slice of the GDP pie today than ever before in American history.

Arguably, the most tight-fisted Congress in a generation was not the Republican-controlled 104th or 105th, but the Democratic-controlled 103rd. In 1993 and 1994 Republicans played the kind of ferocious fiscal defense that would have made Bobby Knight proud. Back then Newt Gingrich and most other congressional Republicans would have just as soon lie down with Janet Reno as vote for the budget they now celebrate.

The GOP advertises itself as the party of tax reduction, but the statistics would indicate that the GOP is the tax-raising party. The table below shows the spurt of taxes under the four years of GOP control of Congress.

The Rising Tax Burden Under the Republican Congress

	Total Federal Revenue Billions $	% of GDP
1994	1,258	19.0
1995	1,355	19.3
1996	1,453	19.4
1997	1,579	19.9
1998	1,730	20.6
1999*	1,850	21.0
1994-99 Increase	$592	

In 1994, federal taxes took 19 percent of GDP. Now they snatch 21 percent. It would seem self-evident that under a tax-cutting Congress, tax burdens should be going down, as was the case under Ronald Reagan, not up. Republican Senator John Ashcroft of Missouri, a rising star in an otherwise mediocre Congress, demanded Reaganite tax cuts in the GOP budget. Only four of the 54 other Republican senators joined the Ashcroft tax relief crusade.

Robert Novak once quipped that "the only reason the Good Lord put Republicans on this earth was to cut taxes." Now they can't even get that right. Congressional Republicans have not only have they failed to cut our taxes, they have raised them every year.

Newt Gingrich and John Kasich have pledged that in 1999 Republicans will pass "a giant tax cut." That's good news if they are serious. "Congressional Republicans are like the Brooklyn Dodgers," moans a frustrated Larry Kudlow, chief economist at American Skandia. "Always wait until next year."

Today the budget is balanced because the tax burden is higher than at anytime in 50 years and the defense budget is smaller than at anytime in 50 years.

In response to all of this, Republican loyalists are likely to respond: yes, but at least we balanced the budget. True, but today the budget is balanced because the tax burden is higher than at anytime in 50 years and the defense budget is smaller than at anytime in 50 years. We need Republicans for this?

Tim Penny is a former Democratic Congressman from Minnesota. Before he left Congress in 1994 he gained fame by teaming with Republican John Kasich to craft a bipartisan budget-cutting strategy. The "Penny-Kasich" proposal called for the termination of more than 200 obsolete, ineffective, or counterproductive federal programs. This bold plan narrowly failed in 1993, when the Democrats ran the House. Today, not only do all of those programs still exist, but also there's not more than a handful of Republicans who would dare vote to pull the plug.

"On budget issues it really is getting harder than ever to tell the two parties apart," Penny told me after this October's budget vote. "From my vantage point, congressional Republicans have become what they replaced." ❑

"Drugs may seem appealing at first, but the way I see it, booze has stood the test of time."

Proposal

Devolving the Drug War

by Daniel K. Benjamin

It's time to de-escalate the War on Drugs.

At 3:32 p.m. on Dec. 5, 1933, the results were announced: the people of Utah had voted in favor of the 21st Amendment to the Constitution. As the 36th state to ratify the amendment, Utah ended Prohibition. After 14 years of strife, America's "liquor wars" were over. Within days, the bootleggers and rum-runners were out of business. The bold stroke taken by the American people ended an era responsible for more misery than any prior peacetime span in our nation's history.

The 21st Amendment did not legalize the purchase and consumption of alcohol for everyone, everywhere in the United States. It merely permitted the states to regulate alcohol as they saw fit. The repeal of Prohibition devolved alcohol policy to the states.

Today's national drug policy is no more successful than Prohibition. The drug war is an ineffective and unsatisfactory blend of Americans' conflicting attitudes about drugs. American drug laws are onerous enough to generate enormous costs to society while utterly failing to achieve their goal.

And there is no national consensus. Some people feel that all psychoactives should be legalized; others feel that users and dealers should be dealt with far more harshly. Some feel that the dangers of alcohol and tobacco imply they should be treated on a par with cocaine and heroin. Many are convinced that penalties are the only way to deal with drug abusers; others, that drug abuse and addiction are medical issues best dealt with through education and treatment. At times it seems as though there are more opinions on drugs than there are people to espouse them.

So it is curious that, even as interest in returning power and authority to the states grows in popularity, no one has proposed returning the power to set drug policy to the states, as passage of the 21st Amendment returned the power to set liquor policy to the states.

Nowhere is devolution more appropriate than in policy toward psychoactive drugs. The experience of Prohibition and its repeal can help us understand how devolution would work and suggest a less unsatisfactory way of dealing with the current drug problem.

Devolution is a way of reconciling the differing attitudes about drugs by letting Americans fashion policies that reflect their preferences and concern, while eliminating the federal government's monopoly and replacing it with competition among alternative governments. This would increase the chances of broadening our understanding of psychoactive substances and would enable one jurisdiction to learn from another.

Lessons from Prohibition

Repeal of Prohibition actually restored to state governments a power they had since the inception of our country. Before Prohibition, 33 states were, to varying degrees, "dry" states. The 18th Amendment had taken that regulatory power away. The 21st Amendment, repealing Prohibition, not only returned it but, in fact, gave the states more power to control consumption of alcohol. It prohibited the import of alcohol into any state when such actions violated state or local laws. State and local governments could call on federal authorities to aid them in enforcing their liquor laws.

When Prohibition was repealed, each state chose its own method of exercising its restored freedom. Three states (Kansas, Mississippi, and Oklahoma) continued prohibition. Seventeen permitted the distribution of alcoholic beverages only through outlets owned by the state governments, and more than 30 states gave local jurisdictions the right to decide the legal status of alcoholic beverages. Such diversity continues today (although Kansas, Mississippi, and Oklahoma are no longer completely dry). The states and local jurisdictions have tailored alcohol policies to the differ-

ing preferences, attitudes, and beliefs of their citizenry.

Devolution of drug policy would allow similar diversity. Under provisions identical to those of the 21st Amendment, the power to control the manufacture, distribution, and consumption of all psychoactives would revert to the states. Devolution would differ from the repeal of Prohibition only in that it would not require a constitutional amendment.

What Devolution Would Mean

National legislation to suppress the consumption of psychoactives dates back to 1909, but all federal drug laws have been superseded by the Controlled Substances Act (CSA) of 1970.* Although each of the 50 states technically has its own set of drug laws, whenever a conflict between state law and national law arises, the CSA governs. The outward appearance of independent state drug policies is a fiction.†

Devolution of drug policy would require only that Congress amend the Controlled Substances Act to eliminate the federal prohibition of psychoactives. Under such an amendment, the national government would retain the power to tax all psychoactives, as it currently taxes alcohol and tobacco. This amendment to the CSA could include the provision that importing or transporting psychoactives in violation of state laws would be a violation of federal law, thus enabling (but not requiring) the states to draw on federal resources, just as they may do today to enforce interstate violations of their alcohol laws.

Violent behavior persists only so long as violence is rewarded, as it is by the Controlled Substances Act.

Some might think that devolution is little more than a disguised legalization of drugs. They would be wrong. Devolution permits the states to choose drug-control strategies in tune with the preferences of their citizens. Some states might relax some legal strictures on drugs, but others might adopt the current provisions of the Controlled Substances Act as state law, or choose even stricter rules.

Those states that pass tougher drug laws would find that enforcing their laws would be easier than it is today. Right now, the CSA applies nationwide. For a drug dealer, there is no particular reason to choose one state jurisdiction over another, and thus no reason to avoid any particular state, because wherever a dealer operates he faces the same risks. Under devolution, however, states with tough drug laws would become far less attractive to dealers.

In theory, states could achieve this result today by adopting laws stricter than the Controlled Substances Act. But given the national law and national-level enforcement, state legislatures can (and do) pass the buck to Congress, arguing that responsibility lies with the federal government. If drug policy is devolved, state legislators where anti-drug sentiments run high will no longer be able to hide behind the CSA and Congress. They would have to answer to their constituents, who are liable to tire of the costs (both social and monetary) of sustaining such laws.

In some states, voters might demand drug laws that are less stringent than the current CSA. If they do so, will they be inundated by violent drug dealers and their ilk? No. Just as repeal of Prohibition eliminated the violent bootleggers and moonshiners, repeal of strict drug laws will cause violent drug dealers to disappear. Violent behavior by economic agents persists only so long as violence is rewarded, as it is by the current CSA.

Finally, the diversity of alcoholic beverage regulations today suggests that there will be diverse policies within some states. Voters may choose to permit local jurisdictions to control psychoactives, subject to state oversight.

Children and Drugs

While many Americans would welcome devolution because it would allow the expression of diversity, they worry about the possible impact on children and teenagers. If devolution is implemented, and the state in which we live legalizes one or more drugs, will our children face an onslaught of new suppliers catering to their trade?

The answer is no.

To begin with, today's policies have not protected our children from psychoactives. In virtually every high school across the country, illegal drugs are routinely available, under current policy. In many schools, students report that illegal drugs are easier to obtain than alcohol.

In fact, current policies may have increased the chances that our children are exposed to drugs. Sales of psychoactives are illegal — whether the drugs are sold to adults or to children. Dealers have no reason to prefer selling to adults rather than children; the penalties are the same either way. So dealers nurture contacts with children just as intensively as they cultivate deals with adults.

It is more difficult today for most minors to obtain legal alcohol than it is for them to buy illegal drugs.

It is true that, under the 1986 amendments to the CSA, there are harsher penalties for selling on or near school campuses. But as a practical matter these penalties are meaningless. Most of the dealers who operate on or around schools are students themselves, and therefore juveniles, to whom the tougher penalties of the CSA don't apply. Besides, it's trivially easy for dealer and user to make contact on a school campus but actually exchange drugs for money elsewhere.

In states that choose to take a tougher stance against drugs, penalties against drug use would be harsher than today, and state legislators would feel the heat from parents serious about keeping drugs away from their children. The result surely would be even tougher penalties for selling to minors. For example, underage illegal dealers might be sub-

* The CSA excludes distilled liquor, wine, beer, tobacco products, and caffeine. This act is also called the Comprehensive Drug Abuse, Prevention, and Control Act of 1970; it was amended in 1984, 1986, and 1988.

† See Appendix B., *Undoing Drugs: Beyond Legalization*, Daniel K. Benjamin and Roger LeRoy Miller (New York: Basic Books, 1993).

ject to the full force of the state's drug laws unless they fingered their adult suppliers.

But even in states that relax their drug laws, devolution will reduce the availability of drugs to teenagers if the statutes that decriminalize or legalize them are crafted to resemble current alcohol policies.

Today, in all 50 states, the sale of alcohol is regulated by state governments. The states limit the number of liquor licenses, so the privilege of selling alcohol is typically worth tens of thousands of dollars. This money is forfeited if the license is revoked. In all 50 states, sales of alcoholic beverages to minors are illegal and grounds for license revocation. A license owner can make a handsome profit by selling to adults; but he could lose his license if he makes even one sale to a minor.

Roughly 80 percent of all alcohol is consumed by heavy drinkers — the 20 percent of the population who are alcohol abusers and alcoholics.* The overwhelming majority of these individuals are over age 21. If these heavy drinkers have access to a reliable, legal source of supply, they have no reason to turn to illegal sources, and there is no opportunity for organized, illegal sources of supply to develop. As noted above, legal suppliers wish to avoid selling to minors, because doing so jeopardizes the profits they earn from sales to heavy drinkers.

The combined effect is that it is more difficult today for most minors to obtain legal alcohol than it is for them to buy illegal drugs. To be sure, there are unscrupulous liquor dealers who are casual about confirming the ages of their younger clientele, and minors can find adults — including their parents — who will buy alcohol for them. But in the case of alcohol, we need worry only about the unscrupulous or irresponsible few; in contrast, with marijuana and cocaine today, every user and every dealer is a potential supplier to children.

Devolution will not eliminate all drug use by children. Some drugs are bound to slip through the enforcement net and into the hands of children. Some suppliers will be foolish or desperate enough to sell to underage consumers. But devolution would reduce the consumption of drugs by children and would thus provide a major improvement over current policy.

The Founding Fathers knew that it was freedom — of speech, religion, and thought — that attracted people to this land. They knew also that, despite the unifying beliefs common to many Americans, the residents of the various states differed in their individual preferences and in the circumstances in which they wanted to live. Both the federal system of government and the 10th Amendment, which reserves unenumerated powers to the states and the people, were intended to allow the maximum flexibility in the expression of these differences. Devolution offers precisely this flexibility and this freedom. It is an approach solidly embedded in our Constitution. Its only radical aspect is that it will accomplish the objective that all Americans want — reducing the harm done by drugs. ❑

* Dean R. Gerstein, "Alcohol Use and Consequences," in *Alcohol and Public Policy: Beyond the Shadow of Prohibition*, ed. by Mark H. Moore and Dean R. Gerstein (Washington, D.C.: National Academy Press, 1981).

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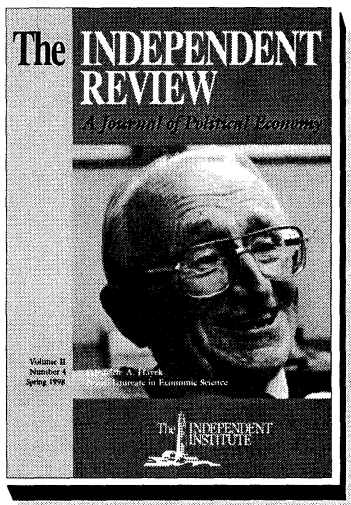

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Essay

Handguns Are a Girl's Best Friend

by Barbara Goushaw

It's a dangerous world, and for protection, diamonds just don't cut it.

We hear a lot about "empowerment" these days. All sorts of government and social programs are undertaken to "empower" women, racial groups, and other minorities. But these programs all treat people as components of groups — not as individuals. And the truth is that most of the important things we do in life we do alone — as individuals.

For example, I travel a good deal — both in my work as a seller of computer products and as a Libertarian Party campaign manager. So I stay in many hotels. In those hotels, I enjoy the protection afforded by the hotel's security department, as well as by other employees and guests of the hotel.

But that isn't the case when I step outside. Once I leave the safety and security afforded by the hotel, I am on my own — and nothing more nor less than potential prey for muggers, rapists, and other predators. So I have three choices available to me:

1. Remain in the relative safety of the hotel.
2. Make certain that I have the means to protect myself on the street.
3. Ignore the possibility of danger and head out the door without any means of protection — naïvely believing that Sarah Brady, gun control laws, and the nanny government will keep me safe.

Obviously, I will make certain I have the tools to keep me safe.

Cowering inside a safe environment isn't always an option, because at some point I must venture out into the world. And when I do, handguns are a girl's best friend.

Potential Prey

Have you ever watched a "National Geographic" wildlife special on TV? In some of them, the predators — the lion, the cheetah, the wolf — stalk a herd of antelope and wait. They seek out the weak and powerless, waiting for the opportunity to cut them off from the herd and take them down. They seek the easy prey — not the full-grown adult male who can fight back with horns and hooves and fangs.

In society, we can't always travel with a protective herd. The weak, the powerless, the vulnerable must be able to move about alone. They must make certain they have the means to protect themselves. The weak one may be your daughter. The powerless one may be your wife. The vulnerable one may be your mom. And the predators are out there — just waiting to cut them off from the herd and take them down.

And when it comes to possessing her own set of fangs and hooves and claws, handguns are a girl's best friend.

What Protection Is Available?

The friends of big government are working very hard to convince Americans that gun rights are important only to a small, misfit minority of paranoid wackos. The propaganda machines of Handgun Control, Inc., and the Clinton administration want people to believe that the only folks who care about the right to keep and bear arms are camouflage-clad, white racist men. Or green-toothed Bubbas whose primary goal in life is to slaughter furry little animals.

They want you to believe that keeping a weapon in your home will lead to shooting your children. They manipulate statistics to try to persuade us that children are dying by the thousands in handgun accidents. The truth is that the "children" included in those numbers are primarily gang members killed by other "children" in turf wars over drug deals. God forbid that they should lay the blame for the killings on the insane War on Drugs. Oh no, they blame the weapons,

and push for more gun-control laws — even though the guns used by the gang members may have been outlawed long ago.

Those who claim to care about children involved in accidental shootings are the same people who do everything possible to suppress gun safety. "Eddie Eagle" is a highly effective gun-safety program taught in government and private schools by certified National Rifle Association instructors. It costs the taxpayers nothing. And yet, whenever possible, the do-gooders prevent the course from being offered. Why? Because every time a child is killed in a handgun accident, their agenda is advanced — while safety training would virtually halt those accidents.

So whenever you hear of a kid who found a gun and shot another kid with it accidentally, remember: that death could have been prevented with safety training. And the reason the kid didn't get that safety training was because Sarah Brady and Handgun Control, Inc., opposed the idea.

Whenever you hear of a mother who stopped at the store on her way home and was forced into a car — or of a wife who left work a little late and was attacked in the parking garage — or of a former girlfriend who was bludgeoned to death by an irate ex-boyfriend — remember: the weak and the powerless are singled out from the herd, caught without the tools to protect themselves, and taken down. And lay the blame for those women's vulnerability squarely where it belongs — on those who deny them the means to protect themselves.

Real Women's Rights

We hear a lot about women's rights, but what about laws that prevent the poor, inner-city, single mother from legally owning the means to protect herself and her children from the gangs? To seek safety, she has only two choices: cower in fear behind steel-barred windows and doors and hope she will be passed over — or illegally purchase a weapon for self-defense. The do-gooders force her to become a criminal herself if she wants protection.

When it comes to possessing her own set of fangs and hooves and claws, handguns are a girl's best friend.

Of course, if you happen to live in Beverly Hills and there's trouble, you can rely on the police to come immediately. But do you know the standard police response time in Watts or Harlem or inner-city Detroit? Daybreak.

If fact, there's a standing joke in Detroit: If you have a problem, call the cops. Then call Domino's Pizza, and see who arrives first.

You can't count on the cops. But you can count on your handgun, and so handguns are a girl's best friend.

And whenever some politician claims to support the rights of women (you know: someone like Ted Kennedy or Bill Clinton who "truly cares" about the rights of women), and he spouts off about sexual harassment, stalker statutes, or deadbeat dads, ask him:

"Where do you stand on the most basic of all women's rights — the right to own and carry a gun, the best means of my own protection?"

I don't need the government or a weapon to protect me from the amorous guy in the next office. And the government isn't going to protect me from a robber or a rapist. So the only reliable protection for what truly threatens me is my handgun.

Learning to Empower Myself

Many years ago, I was a single mom who lived alone with a small child.

At that time I believed all the anti-gun propaganda. I thought guns caused violence. I believed that refusing to keep a weapon in my home would ensure that my son and I would escape the brutality lurking outside. I believed in and worked for a more peaceful world. (Today, as a Libertarian, I still believe in and work for a more peaceful world, but in a more realistic way.) I believed so firmly that guns were the problem that I wouldn't even allow my son to own a toy gun. And my folks had raised me to believe that nice girls, ladies, do not have anything to do with guns.

A man who had lived in my neighborhood moved away. I had never said two words to him. I didn't even know his name. But a few months after he moved, he started coming back into the neighborhood late at night and terrorizing me. He would come to my home, bang on the front door, bang on the windows, wake up my baby, and scare me to death.

I would call the police, of course, and they would come — at least at first. But the stalker always knew how long it would take the police to arrive, and he'd disappear before they arrived. So I had no evidence that anyone had been there. The police would leave, and he'd come back. This went on night after night. From time to time, he would stop for a week or two, and then he'd show up again. Eventually, the cops apparently concluded I was some kind of nut-case who liked to call the cops at two in the morning, and they quit responding when I called.

So I was left without any protection at all.

I will never, as long as I live, forget the long nights sitting in my darkened living room, clutching my crying baby in one arm, holding a butcher knife in my other hand — wondering if this was the night he would break through the door. Eventually, I had to move. To escape from this man, I had to give up my home.

How I wish I had known then what I know now. That man was undoubtedly a coward who got his kicks from terrorizing the helpless. If one time, just one time, I had shown him I wasn't helpless, that I had the means to protect myself, he most likely would have cowered off into the night — too fearful to even seek another victim. The night he saw my weapon would be the night *he* would be afraid.

I wish I had known then what I know now — that handguns are a girl's best friend.

False Protection

I think often about the terror I felt — the terror of a powerless victim. And I think about the insidious ways women are trained to believe they are victims, and the futile attempts we make to protect ourselves.

Recently I saw a local TV news report called "How Not to Be a Victim." It contained a bunch of "helpful tips":

• When you walk into a mall parking lot at night, ask a security guard to walk with you. (Yeah, right.)

• If you must walk alone, have your keys in hand, ready to open your car door. Don't stop at the car to dig them out of your purse (as though your car were the only place you're vulnerable).

• Stay alert — watch for people lurking around parked cars (as though you could do anything about it if someone were there).

• Never get into an elevator alone with a man (which means you may have to climb a lot of stairs).

The most insidious advice of all was: if you're attacked, give up. Don't resist. Give the assailant whatever he wants. Is your car or your purse worth your life?

The TV report never mentioned that if a woman walked to her car with her hand on a pistol, it's the predator who would have to decide whether the purse or the car was worth *his* life.

The weak and the powerless are singled out from the herd, caught without the tools to protect themselves, and taken down.

To tell women not to resist in a world where rape could be a death sentence is worse than no advice at all. If you don't resist and you're lucky enough to have the cops catch the guy, you can go to court and be victimized again — by some slick lawyer claiming that you "asked for it."

When I turned off the television, I was shaking with anger. All those safety tips seemed necessary because the underlying assumption is this:

"You are powerless. You are helpless. Your government doesn't allow you to have the means to protect yourself, so give it up."

Nowhere in the TV report did anyone utter the simple truth that handguns are a girl's best friend.

Propaganda *vs.* Protection

Despite all the propaganda regurgitated by the politicians and the press, the truth is that handguns reduce crime.

In the 31 states where citizens can obtain permits to carry concealed weapons, assault crime has gone down. In states where the government doesn't prevent citizens from carrying a handgun, overall crime has gone down. John Lott and David Mustard of the University of Chicago proved this unequivocally in an extensive study published in the January 1997 issue of *The Journal of Legal Studies*. The study examined the impact of "concealed carry" permits, using crime data from every U.S. county between 1977 and 1992.

If you didn't hear anything about that study, don't feel bad. *USA Today* published one very short article, and that was about all the notice the study received. If the Libertarian Party and a few gun-rights organizations hadn't publicized this information no one would have heard about it at all.

Another study, at Brandeis University, concluded that you're three times more likely to survive an attack if you resist with a weapon. In fact, a handgun is used 2.5 million times each year to protect a citizen from attack or injury by a predator. Most of the time the weapon is never fired. Simply seeing that the victim has the means of her own protection is sufficient to deter the attacker.

It is often claimed that carrying a weapon leads to the attacker taking it from you and using it against you. But this claim is pure fabrication: there's no available evidence to support it. However, if you're concerned about this possibility, take a training class to learn how to prevent it. Indeed, I highly recommend firearms safety and marksmanship training for anyone who owns a firearm. It's part of being a responsible gun owner.

Who Promotes Your Protection?

To me, the right to keep and bear arms doesn't exist as a check on tyrannical government or to ensure no interference with hunting. It is my protection — *my best protection* — against the criminals whom the police can't stop.

Time and time again, Democrats and Republicans who claim to be defenders of the Second Amendment betray this fundamental right. They begin by standing on the Bill of Rights, but inevitably wind up agreeing to a "reasonable compromise" to ban assault weapons or some other type of firearm. They're afraid to be seen as insensitive to the image of Jim Brady in his wheelchair, and so they go along with restrictive legislation. In the name of being "reasonable," they sell out our right to defend ourselves.

Because the old parties have compromised on this issue so many times, gun rights have become almost the exclusive province of the Libertarian Party. There has been no equivocation, no caving in, no "reasonableness." It is the party that trusts individuals — not government — to take care of themselves. And because of that, the Libertarian Party is the only one that can claim to fully support the rights of women.

I look forward to the day when I and hundreds of other Libertarian campaign managers help elect a Libertarian Congress. When that happens, women will no longer be helpless victims because many of them will choose to arm themselves — and our government will no longer stop them from doing so, as long as they do not use their weapons to commit a crime. Not all women will choose to carry a weapon, but because so many of us will, *all* women will be safer.

The criminals will realize that any potential victim might have the means to prevent herself from becoming one. The mugger, the rapist, any predator sizing up a potential victim is going to stop and think: "I see she's wearing a suit coat. Does it cover her wallet or her Walther PPK?" And, "I notice her coat falls awkwardly over her thigh. Is that cellulite or a Smith & Wesson?"

Finally, the criminal will have to ask himself: "Is this really the best way for me to get the money I need? Maybe I should just give it up and get a job."

I don't believe that day is so very far away. But in the meantime, we who care about the rights of women, we who want to see women truly empowered, must spread far and wide the message of protection that applies here and now and forever: handguns are a girl's best friend. ❑

Memoir

The Road to Ruby Ridge

by Randy Weaver

Before anyone took notice, one man and his family took to the road.

I was raised near the small town of Villisca in southwest Iowa. My earliest memories were of living in a rented farmhouse about 15 miles north of Villisca and attending kindergarten through fifth grade in Griswold, Iowa.

Surrounded by hard-working and conservative farm people, I was raising chickens and selling eggs at age 7. Most of our friends, relatives and neighbors were farmers of German descent and very conservative, politically speaking. My grandfather, Harvey Weaver, had lost his farm during the Depression. I remember him saying, "Government is like a garden. It needs to be weeded now and then."

In the early 1950s our evening entertainment was listening to the radio. On many Saturday mornings I would listen to the "The Lone Ranger" while I washed the dishes. Mom was a very neat housekeeper, and still is today at the age of 81. She taught us that dishes were to be washed, dried and put away after each meal.

We got our first television in 1954. It was a Coronado® brand. Dad bought it from his brother Cecil who owned the Gambles store in Villisca. One of my favorite programs was "The Big Picture," a World War II documentary. Watching this and saying the "Pledge of Allegiance" in school every morning gave me a strong sense of patriotism and pride in my country. Stalin was certainly right when he said that television would become the most effective propaganda tool invented. It certainly has been for my generation.

Dad bought me my first BB gun when I was 10. He taught me how to use it and always stressed safety. In a few years I graduated to rifles and shotguns. Dad would take me hunting for birds and other small game. He never carried a weapon himself and I never saw him kill anything in his lifetime. He had a very gentle spirit. Dad passed away in October of 1996 at the age of 88.

In August of 1959 we left the farm and moved to Jefferson, Iowa. Dad switched jobs from selling Chevrolets to selling feed and fertilizer for the Walnut Grove Company. My sisters and I didn't want to move but we quickly made new friends and the adjustment was easy.

Between sixth grade and graduation I worked as a substitute paper carrier for the *Des Moines Register*. I also worked selling shoes, bailing hay and running a hobby shop. I wrapped meat in a market and shoveled more than my share of snow for friends and neighbors and dined out often.

After seventh grade I didn't care much for school but was able to maintain average grades without having to work at it. I didn't learn to enjoy reading until my early 30s, at which time I began to read everything I could get my hands on. The old saying, "ignorance is bliss" can be so true in certain ways.

I attended a small junior college in Fort Dodge, Iowa, for two years. To help pay for my schooling, I drove a school bus and loaded pop trucks during the school year. In the summer months, I worked on road construction.

It was during my second year of college when I met a beautiful, dark-haired young woman by the name of Vicki Jean Jordison. We became friends and dated a few times. Then, in October of 1968, I joined the Army and we didn't see each other for a couple of years.

My three-year hitch in the Army was fairly uneventful, as I was assigned stateside duty. I am proud that I completed the rigorous Special Forces training and earned my Green Beret. I was assigned to the Seventh Special Forces Group in November of 1969. At the time, I was disappointed that I wasn't going to Vietnam. Now that I am older and wiser I realize that I was fortunate to have been given stateside duty.

During my third year in the service, Vicki and I started

dating again. We fell in love, and were married within a month of my discharge from the Army in October of 1971.

Vicki and I were no different than many hard-working Americans. We enjoyed the company of friends and neighbors. After four years of marriage, we had not yet had any children. Vicki wanted to adopt a child and I suggested buying a Chevrolet Corvette instead. We bought the Corvette, only to find out six weeks later that Vicki had become pregnant. Our first child, Sara, was born in the spring of '76. We ended up trading the Corvette in on a family car.

Two years after Sara was born, we had our second child. He was a healthy little boy born in the spring of '78. We named him Samuel Hanson after both of his grandfathers' middle names. Sam and Sara became inseparable. Rachel was born in the fall of '81. She was a quiet, happy little baby.

We weren't exactly sure where we were headed, but decided the mountains of the Pacific Northwest would be our final destination.

Vicki and I became interested in the study of history, politics, and religion. Apparently, some people were offended as our religious and political views changed. We soon realized that people who seek truth and share what they have learned are quickly out of the mainstream. Those who do share can pay a high price. It could cost them their job, reputation or even their life. Most people are content to go through life believing only what they've been taught at either school or church.

We decided to separate from what we saw as a meaningless existence in suburbia. Our decision to leave Iowa and move west was not an easy one. It took us several years and we still had mixed emotions about it. Quitting your job, leaving family and friends, selling most of what you own to move to a place you have never been, is more risk than most people are willing to take.

Vicki and I had come to the conclusion that we wanted to raise our children away from the rat race and the ever increasing intrusions of government. I could no longer envision spending the rest of my life working in a factory for 40 or 50 hours a week and waiting all year for my three-week vacation. Putting up with ten-hour days behind the wheel on crowded roads, rushing from one tourist trap to another, is not my idea of a vacation anyway. . . .

In the summer of '83 we sold our house, my Harley-Davidson, and other possessions we wouldn't need in the mountains. We bought a one-ton moving van and a trailer to pull behind the pickup. The kids were excited. Everything was going smoothly until Sam jumped off the truck and broke his foot the day before we left. We pulled out in mid-August in sweltering heat.

We weren't exactly sure where we were headed, but decided the mountains of the Pacific Northwest would be our final destination. To make the trip less monotonous for the kids, we did some sightseeing along the way. We visited such places as Reptile Gardens, Sea World and the Black Hills area of South Dakota.

Our goal and our dream as we left was to move into the mountains to be free. Free to worship the Creator in our own way, to build a home and live as self-sufficiently as possible. We were not looking to do battle with anyone.

We wanted to be left alone. ❑

Browne, "What Does the Election Portend?" *continued from page 28*

willing to come into the party or at least help us from the outside.

Also, the press has pronounced the recent election as a victory for "moderation." Given the Republicans' propensity to cave in to the press, it's quite likely that next year's Congress will be more accommodating to the president, more the dispenser of pork-barrel programs, more the purveyor of "responsible" policies that allow government to keep getting bigger and bigger. This is bound to cause additional Republicans and influential people to defect and join the Libertarian cause.

The Possibilities

The Libertarian Party membership is already just shy of 30,000 — which is over twice its size in 1996. The testing for its recruitment program has identified mailing lists containing millions of excellent prospects. Early next year the party will begin large-scale mailings to these lists.

If the mailings live up to the tests, party membership could reach 100,000 going into 2000 — enough of a base to run a highly visible $25–50 million presidential campaign (compared with $3 million in 1996).

Imagine what would happen if television ads helped voters and ex-voters envision what their lives would be like without the federal income tax, without politicians running Social Security and squandering their savings, without dangerous neighborhoods caused by the insane War on Drugs.

Imagine a Libertarian presidential candidate on nationwide TV asking Americans:

> What will you do with all the extra money you'll have when the income tax is repealed? Will you put your children in a private school where you can obtain exactly the kind of education you want for them? Will you save up to start your own business? Will you support your church or your favorite cause or charity in a way you've never been able to do before? You earned that money and you should have every dollar of it — to spend, to save, to give away as *you* think best.

Such a campaign could change politics in America forever.

It would feed on itself, because the more the Libertarian Party advertises, the less people will consider it to be a permanent fringe party, and the more eager they'll be to help make the party even stronger.

Nothing can happen overnight — and no future is guaranteed. But we've been moving closer and closer to such a visible campaign for the past few years.

I believe the 1998 election results will help us get there sooner. ❑

Consideration

Whores *vs.* Feminists

by Wendy McElroy

The world's newest political movement takes on the world's oldest profession.

Once upon a time, feminists and prostitutes' rights advocates supported each other. But in recent years that mutual support has deteriorated into a rancorous hostility. The conflict arises because most feminists maintain that their theories and policies help prostitutes escape victimization by male culture. Prostitute activists, on the other hand, consider themselves sexually liberated, and decry the feminist theories and policies that claim to protect them as an assault on their freedom.

Radical feminist Andrea Dworkin captures the anti-prostitute view well: "The only analogy I can think of concerning prostitution is that it is more like gang rape than it is like anything else. . . . The gang rape is punctuated by a money exchange. That's all. That's the only difference."[1]

According to philosopher Laurie Shrage, author of *Moral Dilemmas of Feminism*, prostitutes who consider themselves liberated have been duped by the patriarchal system: "Because of the cultural context in which prostitution operates, it epitomizes and perpetuates pernicious patriarchal beliefs and values and therefore is both damaging to the women who sell sex and, as an organized social practice, to all women in our society."[2]

At a feminist conference in 1987, a representative of the Canadian Organization for the Rights of Prostitutes (CORP) related the impact that the anti-prostitution attitude was having on whores:

> They find it necessary to interpret prostitutes' experience of their lives and then feed it back to the prostitutes to tell them what's really happening, whereas they wouldn't dare be so condescending or patronizing with any other group of women. Why is that?[3]

Peggy Miller, another CORP representative, was more direct: "You're a bunch of fucking madonnas!"[4]

How did the rhetoric reach such a boiling point? A look at the history of the prostitutes' rights movement and its relationship with the larger feminist movement sheds some light. That soured relationship inevitably led to the increased arrests of johns — and one of the most bitter disputes yet. It's a long way from the '60s, when prominent feminist leaders such as Ti Atkinson referred to the prostitute as the paradigm of a liberated woman.

Friends: The Early Days

The prostitutes' rights movement made its debut in early 1973 through an organization known as COYOTE (Call Off Your Old Tired Ethics). COYOTE had emerged in San Francisco from a preceding group called WHO: Whores, Housewives, and Others.[5] The "Others" were "lesbians" — a word no one even whispered in the political climate of those days. And the willingness of prostitutes to embrace the cause of lesbian rights was one of their early and strongest links with many feminists of that time.

COYOTE founder Margo St. James became convinced that a prostitute advocacy group was necessary because the feminist movement would not take the issue of prostitution seriously until whores themselves spoke out. Earlier, the lesbian community had reached a similar conclusion about the need to speak out for themselves.

The mid-1970s were a propitious time for prostitute rights. The national mood in the '60s swung toward sympathy for decriminalizing victimless crimes. The abortion crusade had embedded the principle "a woman's body, a woman's right" into the political landscape. The gay rights movement in San Francisco had called attention to police abuse of sexual minorities.

Originally, COYOTE limited itself to providing services to prostitutes in San Francisco, but a national prostitutes' rights movement soon began to coalesce around the local San Francisco model. By the end of 1974, COYOTE boasted a membership of over 10,000 and established three COYOTE affiliates: Associated Seattle Prostitutes (ASP), Prostitutes of New York (PONY), and Seattle Prostitutes Against Rigid Rules Over Women (SPARROW).

The feminist movement reacted with applause. In 1973, for example, The National Organization for Women (NOW) endorsed the decriminalization of prostitution, and this is still the official policy — at least on paper.[6] *Ms.* magazine lauded both the efforts and the personality of Margo St. James. As late as 1979, prostitutes and mainstream feminists were actively cooperating. COYOTE aligned with NOW in what was called a "Kiss and Tell" campaign to further the Equal Rights Amendment effort. A 1979 issue of *COYOTE Howls*, the organization's newsletter, declared:

> COYOTE has called on all prostitutes to join the international "Kiss and Tell" campaign to convince legislators that it is in their best interest to support . . . issues of importance to women. The organizers of the campaign are urging that the names of legislators who have consistently voted against those issues, yet are regular patrons of prostitutes, be turned over to feminist organizations for their use.[7]

"The only analogy I can think of concerning prostitution is that it is more like gang rape than it is like anything else," writes Andrea Dworkin. "The gang rape is punctuated by a money exchange. That's the only difference."

In the mid-'80s, the prostitutes' rights movement was seriously wounded by an unexpected assailant: the AIDS virus. In the understandable social backlash that surrounded AIDS, feminists now saw prostitution as a source of contagion every bit as virulent as IV needle use. Around this time, mainstream feminism also turned against the prostitutes' rights movement and began publicly to excoriate prostitution as a form of patriarchal abuse of women. In 1985, Margo St. James left the United States to live in France. She cited the sexually conservative swing in the American feminist movement as one of her motives for leaving.

From Paradigm to Victim

In 1985, with the decline of the prostitutes' rights movement in America, the image of the liberated whore declined as well. A new image took over almost entirely: the whore as pathetic victim of male oppression, a victim of patriarchy. And prostitution became increasingly derided as inherently an act of violence against women. To recall Dworkin's words: ". . . prostitution is . . . more like gang rape than it is anything else . . ."

The whore is, by this definition, a sexually abused and exploited woman. She is a victim, whether or not she declares herself a willing partner to prostitution, and whether or not — in the presence of other reasonable options — she pursues paid sex. Her belief that she has consented is thus merely a delusion.

Much feminist research has been conducted with the goal of establishing this image of the whore. Some of the data are valuable, but — at least in terms of its value in forming any general policy on prostitution — deeply flawed. The sampling is almost always drawn from the street-walking segment of the prostitute community, and usually from the further subcategory of street walkers in prison, who seek treatment for drug problems or who otherwise enter programs to get off the street. In other words, these samples self-select for the women most likely to have been victimized as prostitutes and most likely to want out of the profession. Moreover, women seeking treatment or leniency in prison are likely to give authority figures — such as a researcher — whatever answer they believe the researcher wants.

There is another reason that such studies on street walkers, in terms of forming general policy on prostitution, are inadequate. The National Task Force on Prostitution estimates that, of the entire female prostitute community in America, only 5–20 percent are street walkers. The percentage spread depends on the size of the city. Eighty to 95 percent of prostitutes work either incall or outcall. But because street walkers are the most visible of all prostitutes — in terms of public awareness, arrest records and social-work programs — they are wrongly perceived as being "the paradigm of a prostitute."

In reality, they form the smallest segment of the community, and the one by far most likely to suffer the problems associated with prostitution: drug addiction, violence, police abuse, and disease.

Anti-prostitute feminists Melissa Farley and Norma Hotaling studied street walkers in San Francisco neighborhoods, in particular the strolls frequented by homeless, drug-using prostitutes and particularly young whores.[8] These whores make easy targets for violence: they are not necessarily representative even of the street-walking community. Yet this study has been trumpeted by anti-prostitution groups as the definitive portrait, not simply of the most vulnerable street walkers, but of "the prostitute."[9]

Farley and Hotaling entered into their research to test the hypothesis that street walkers suffered from post traumatic stress syndrome and compared the psychological states of whores to those of hostages and torture victims. From a sample of 130 prostitutes, including some male and transgendered ones, Farley and Hotaling arrived at some disturbing statistics. Eighty-two percent reported having been physically assaulted since entering prostitution. Three-fourths stated that they had or did have a drug problem. And 88 percent wanted to leave prostitution.

In 1995, I conducted an intensive study that yielded markedly different results. I interviewed 41 female members of COYOTE, 34 of whom were, or had been, prostitutes. Seventy-one percent reported having experienced no violence over years of sex work, while 29 percent had, more often from the police or a co-worker than from a client. One respondent noted, "If you are on the street and you are dealing with someone who can remain anonymous, it is more likely that people you will encounter will be violent." None of the women stated, or evidenced, a drug problem.

Seventeen percent wished to leave sex work, with 24 percent not being sure.[10]

Needless to say, there is a dramatic discrepancy between my results and those of such researchers as Farley and Hotaling. Both studies focused on prostitutes, but in sharply contrasting circumstances.

I don't dispute the stories or studies of damaged ex-prostitutes. My point is not that Farley and Hotaling are wrong, and that I am right. They surveyed the lowest rung of prostitution (street walkers in notoriously bad strolls), where abuse is rampant, while I dealt with the upper rung (callgirls), where abuse is uncommon. The phenomenon of feminists researching different segments of the prostitute community can easily devolve into a circus of confrontation with each side claiming to have "better whores."

My point is this: the truth is usually more complicated than any one perspective can capture. Prostitution is not a monolith. Each woman experiences the profession in a different way. We gain nothing when different groups of feminists or prostitutes — all of whom are probably telling the truth of their own experiences — attempt to discredit each other. The day-to-day realities of a street walker cannot be extended to say anything that is necessarily, or even probably, true of the daily routine of a woman working in a massage parlor, an exclusive call girl, or a stripper who hooks on the side. About the only political interest all women in prostitution seem to share is that — whatever their circumstances — it is better for every woman *not* to be arrested and legally persecuted for the choices she makes with her own body. It would be better to decriminalize prostitution.

And this brings us to the policies that most feminists now advocate against the economic associates of whores, policies that prostitute activists decry.

Decriminalization *vs.* Legalization

Traditionally, society has legally approached "the problem" of prostitution in three general ways: suppression, or abolition; regulation, or legalization; and tolerance, or decriminalization.

The meaning of abolition is self-explanatory.

Legalization refers to some form of state controlled prostitution, for example, the creation of red light districts. It almost always includes a government record of who is a prostitute — information which is commonly used for other government purposes. For example, some countries in Europe indicate whether someone is a prostitute on her passport, and other countries automatically refuse entry to her on that basis.

Decriminalization goes beyond legalization. It would eliminate all laws against prostitution, including laws against those who associate with whores: madams, pimps, and johns. The prostitutes' rights movement has consistently called for the decriminalization of all aspects of prostitution.

Anti-prostitution feminists sometimes describe their position as "decriminalization with the goal of abolition." But each side means something very different by the term "decriminalization." Prostitute activists mean that all aspects of prostitution must be legally tolerated. Anti-prostitution feminists mean that the police should not arrest the prostitutes, only the pimps, johns, and madams.

And — with the support of such feminists — many police departments in North America have made a sea change in how they legally address the nitty-gritty of street walking. Namely, they are now arresting the men. In discussions with vice cops who spoke at the International Congress on Prostitution, all but one said that arrests now run about 50/50 for prostitutes and for johns — as opposed to something like 2 percent for the men in the past. Some police departments go even further. The Edmonton Police Services in Canada declared 1992 the Year of the John and concentrated on charging clients.

Anti-prostitution feminists have joined forces with vice cops to create "Schools for Johns," a phenomenon that seems to be sweeping North America, city-by-city. It began in San Francisco in the early 1980s, when Norma Hotaling teamed up with the vice department to formulate new policy on prostitution.[11] Instead of ignoring johns as they normally did, police started arresting them. Police gave first-time johns an option: they could erase the arrest from their records by paying a fine and attending a one-day seminar during which they received lectures, usually by feminists and damaged ex-prostitutes, on the turpitude of their ways. Some cities, like Chicago, have added the touch of publishing the names and addresses of the busted men in major newspapers.

It's a long way from the '60s, when prominent feminist leaders such as Ti Atkinson referred to the prostitute as the paradigm of a liberated woman.

The dozens of prostitutes I've spoken with are appalled by this development. They argue that the Schools for Johns are making the streets less safe for prostitutes. The force of such laws will not reduce the number of women who turn to the streets. But, prostitute activists argue, the laws will discourage a certain class of men from seeking out street walkers. Men who are married, with respectable careers and a reputation to protect will not risk public exposure as a john. On the other hand, the prospect of a police fine will not deter men with criminal intentions toward prostitutes.

Thus, police/feminist policy keeps peaceful johns off the streets, and leaves women to compete more vigorously and screen less rigorously for the johns who still approach them. Is it any wonder that violence against street walkers is rising in many North American cities? Arresting the economic associates of prostitutes represents a further step toward state control, rather than a step toward decriminalization. Arresting the men on whom they rely to make a living constitutes a direct attack on the women who *choose* prostitution as a profession.

Pimps: Beyond Stereotypes

Feminists and the general public alike consider pimps the most reviled men involved in prostitution. And police are cracking down on pimps, again with feminist backing. But

many prostitute activists say the public's image of the pimp is nothing more than a stereotype with little basis in reality.

I engaged in an e-mail exchange with three female prostitutes on the subject of pimps and madams. The first woman wrote:

> I would like the prostitutes' rights movement to be *less* oriented toward social work and *more* about giving people the skills (and other things they need) to be professionally successful. Key to this is *supporting madams and business owners* instead of trashing them (whether subtly or directly). Because in order to succeed and have staying power a prostitute eventually has to become more entrepreneurial.

The second prostitute added:

> I think madams are a great asset to the industry — they're women who usually have first-hand experience, and tend to be thorough when it comes to protecting their underlings. I have a bit of a problem with pimps, though . . . especially men whose only experience in the biz is from the demand side.

The third whore wrote a dissenting opinion:

> What is the big fuss about pimps? . . . If you are talking about people who (but for a penis) might be called madams, I don't see a problem. I might prefer to work with another lady but that's a personality thing. When I was younger, I worked for an agency that was owned by two guys and one woman. They were all about the same — sometimes nice, sometimes annoying, like anyone else in the world.

Note that this discussion of pimps does not even touch on the issue of violence. It dwells entirely on economics, and that is because the definition of pimp is an economic one. As the Canadian ex-prostitute Alexandra Highcrest commented in her book *At Home on the Stroll,* "In simple legal terms a pimp is someone who lives off the earnings of a prostitute. Such a broad definition can include many people most of us don't think of when we hear that word. Children live off the earnings of prostitute mothers; husbands, lovers, siblings, perhaps even parents, can all meet the basic requirements for being classified as pimps by the courts."[12]

Such laws do not punish people for beating, raping, or stealing from a whore. They do not define a pimp as a man who kidnaps a woman and coerces her onto the streets. Such laws refer to financial arrangements and target those who receive money from or give money to whores. And so it becomes illegal for a prostitute to form the economic associations most women take for granted.

The public widely perceives anti-pimping laws as protecting prostitutes from abusive men. And Kathleen Barry, author of *Female Sexual Slavery,* not only agrees, but extends the definition of pimping to include anyone who promotes the commodification of women, including pornographers. But if mere economic arrangements with men were damaging street walkers, you would expect the prostitutes' rights movement to support measures against them. Instead, the community adamantly opposes anti-pimping laws.

In a COYOTE release, the veteran prostitute activist Carol Leigh — "the Scarlet Harlot" — offered insight into their reasoning when she pleaded on behalf of her husband:

> You want to make laws against the pimps? Make sure that you make the distinction between forced prostitution, and those who want to be in prostitution by choice. Go after those who actually abuse us. Just as in marriage, some husbands are abusive of women. Not all husbands are that way. Don't take away my husband because he's really, really good to me. But if you want to help women, go after those people who actually abuse us, but be very, very careful how you word legislation that goes after those who you think exploit and abuse us, because those laws ultimately get used against us.[13]

How do allegedly protective laws get used against whores?

In both the United States and Europe, it is common practice for the police to use anti-pimping laws to ignore a whore's right to privacy. In pursuit of pimps, the police may break into the home of a known whore, riffle through or confiscate her possessions, and harass anyone they find on the premises. The fear of such laws being used in reprisal makes many prostitutes reluctant to speak out or to become involved in community affairs. In turn, this makes them more alienated and less likely to break out of prostitution.

Anti-pimping laws also act as barriers to those prostitutes who wish to marry to get out of the business. The husband, even of an ex-whore, becomes automatically vulnerable to charges of pimping. This is true even of husbands who do not live primarily off their wives' whoring, but who share household expenses with them.

But what of the husbands or lovers who depend entirely on profits from prostitution? Are they not parasites living off the sexual wages of their wives? Whores are quick to point out that other women have the right to support their husbands and lovers. No one passes laws forbidding waitresses, lawyers, secretaries, or feminists from supporting dependent men in their lives. Why are whores the only women legally singled out in this manner?

The National Task Force on Prostitution estimates that, of the entire female prostitute community in America, only 5–20 percent are street walkers.

Yet pimps continue to be excoriated, with no regard to whether or not they are abusive. There are two main reasons for this. First, pimps — and not madams — are associated with street walking, the most violence-prone and stigmatized form of prostitution. Second, pimps — as men — have been systematically portrayed as exploiters and oppressors by modern feminism. As Kathleen Barry explains in *Female Sexual Slavery:*

> Together, pimping and procuring are perhaps the most ruthless displays of male power and sexual dominance. . . . Procuring is a strategy, a tactic for acquiring women and turning them into prostitution; pimping keeps them there. Procuring today involves "convincing" a woman to be a prostitute through cunning, fraud, and/or physical force, taking her against her will or knowledge and putting her into prostitution.[14]

Try reconciling this image of the pimp with the following

Why Not Simply Repeal Social Security?

by Jacob G. Hornberger

For years, we've heard one reform after another from both Democrats and Republicans and even some Libertarians for saving Social Security. But why not ask a more fundamental question: Why should Social Security be saved at all? Why not just repeal it?

After all, for almost 150 years from 1787 to 1935, the American people lived without Social Security. Our ancestors believed that freedom entailed the right to accumulate unlimited amounts of wealth and the right to decide what to do with it. Whether to honor thy mother and father or care for those in need was considered an individual choice. Using the political process for the purposes of charity was a foreign concept to our American ancestors.

And let's not make any bones about it. Social Security is founded on force, not voluntary choice. Present-day Americans are required on pain of fine and imprisonment to pay taxes that fund the retirement pay of older Americans. By now, everyone knows that there is no Social Security "fund" and there never has been. The money has been spent as it has been collected. Social Security, like all socialistic welfare programs, relies on the forcible seizure of money from the productive members of society in order to transfer it to the nonproductive.

Let's also not forget the historical roots of Social Security. President Franklin Roosevelt, who initiated Social Security in America, didn't get the idea from Madison, Jefferson, Washington, or Adams. He got it from Otto von Bismarck, the "iron chancellor" of Germany, who himself had gotten the idea from German socialists. Social Security, after all, later became an essential part of German National Socialism in the 1930s.

"But contracts should be honored," say the opponents of repeal. But where's the contract? I've certainly never signed anything. And if we examine the Social Security law itself, we find that it's simply a tax-and-welfare program, just like any other tax-and-welfare program. Have we also contracted to deliver food stamps, public housing, and foreign aid into perpetuity?

Even if there were an enforceable political contract, an implicit condition of it is that every generation has the right to alter or abolish the form of government that previous generations have implemented. Isn't that what the Declaration of Independence says? If one or more generations decide to implement a socialistic welfare state in America, as Democrats and Republicans have since the 1930s, isn't it the right of succeeding generations to rescind that way of life and restore economic liberty in their time?

We're told that Social Security reflects that Americans are a caring and compassionate people. Doesn't it actually reflect a lack of faith in the American people? Aren't the proponents of Social Security saying to us, "You are an incompetent and uncaring people; you cannot be trusted with handling your own retirement; you cannot be trusted with honoring your parents on a voluntary basis; you must be forced to do these things through the threat of fines, imprisonment, and IRS audits"?

The ultimate problem with Social Security is not a political one or an economic one. It is a psychological one. When the American people regain their sense of self-esteem — when they recapture the principles of self-reliance and voluntary charity that characterized their ancestors — support for such alien socialistic concepts as Social Security will disintegrate. When that time comes, people will be discussing the repeal, not the reform, of both Social Security and the income tax.

Mr. Hornberger is president of The Future of Freedom Foundation, in Fairfax, Va., a libertarian think tank that will soon publish Your Money or Your Life: Why We Must Abolish the Income Tax *by Sheldon Richman.*

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observation by a whore who chooses to remain anonymous:

> Many of the men who get described . . . as "pimps" are boyfriends, lovers, license-plate-number takers and managers. Many girls seek out pimps and even love their "man." A girl has a right . . . even if she is a bit dumb and is being taken. And the venom of the law is another way to get at prostitutes — by busting their lovers. If a bank teller's husband beats her, he is charged with assault, not with being a bank teller's husband.

The best explanation for the schism between these two portraits of the pimp is that pimping, like prostitution, is not a monolithic institution. Some pimps are husbands and friends who offer protection and partnership. But, especially on the street level of prostitution, other pimps are kidnappers, batterers and rapists who deserve to be taken to a back alley where feminism can be more graphically explained to them.

Yet such criminals are not generally the ones prosecuted by the law and the court system. Barry reports talking to a street prostitute who had been raped and kidnapped by pimps, and another who had been slashed by a razor the night before. Barry mentions in passing that the women "didn't consider reporting [the assaults] to the police."[15] Barry details many horrifying cases of women being abused by pimps, but she never asks why the street walkers do not seek protection from the police. The answer is simple, and telling: the legal system prosecutes rapists and kidnappers who assault ordinary women, but it routinely ignores assaults against whores. Even worse, prostitutes are persecuted and physically abused by the legal system. The police become just another layer of abuse.

Sovereignty of the Body

The deepening schism between prostitute activists and anti-prostitution feminists further separates the two camps, who should be natural allies rather than enemies. Feminism, which once championed the cause of choice and freedom, has become an unwitting oppressor of women. Feminism, at its core, seeks equality for women in every arena of society. Yet a feminism that calls for choice when it comes to abortion, but interference when it comes to prostitution, will eventually topple under the weight of that contradiction. Women must be free to choose their own lives and must have sovereignty over their own bodies, even when those choices and that sovereignty challenge mainstream mores. ❑

Notes

1. "Prostitution and Male Supremacy," Dworkin delivered this speech at a symposium entitled "Prostitution: From Academia to Activism," sponsored by the *Michigan Journal of Gender and Law* at the University of Michigan Law School, October 31, 1992.
2. L. Shrage 1989 "Should Feminists Oppose Prostitution" *Ethics* 99: 347-361.
3. as quoted in *Good Girls/Bad Girls: Sex Trade Workers and Feminists Face to Face*, ed. Laurie Bell (Toronto: The Women's Press, 1987).
4. Peggy Miller as quoted in *Good Girls/Bad Girls: Sex Trade Workers and Feminists Face to Face* ed. Laurie Bell (Toronto: The Women's Press, 1987) p.11.
5. "Whore" is the term preferred by most prostitute activists.
6. In reality, many of the most important offices in the highly centralized organization are held by anti-prostitution, anti-pornography feminists, such as Tammy Bruce.
7. *COYOTE Howls*, 1979, p.1.
8. Presented at the NGO Forum, Fourth World Conference on Women, Beijing, Sept 4, 1995. The authors' address: Box 16254, San Francisco CA 94116, USA.
9. I also had questions about the study's methodology. For example, Farley and Hotaling entered with certain assumptions, including "Prostitution is almost always a continuation of abuse which began much earlier, usually at home." Using this assumption, they often interpreted or dismissed data from subjects, rather than simply recording responses. For example, the study comments, "Several subjects commented that they didn't want to think about their pasts when responding to the questions about childhood . . . it was probably too painful to review childhood abuse."

   Nor did they accept the subjects' own assessment of whether they had been abused. They called such subjects "profoundly confused." The study reports on one woman: "When asked why she answered 'no' to the question regarding childhood sexual abuse, one woman whose history was known to one of the interviewers, said: "Because there was no force, and besides I didn't even know what it was then — I didn't know it was sex." The researchers concluded "Denial may be affecting these subjects' ability or willingness to report their trauma history."
10. For a more extensive report on this study, see Wendy McElroy, *XXX: A Woman's Right to Pornography* (New York: St. Martin's, 1995), Appendix.
11. The prostitutes' rights movement was particularly outraged by this feminist cooperation because of the deep history of hostility displayed by the SF Vice Police. For example, in the early days of AIDS awareness, Cal Pep — the California Prostitutes Education Project — sent workers into the SF "stroll districts" where street prostitutes worked and distributed condoms, spermicides, bleach and educational materials, as well as talking to the prostitutes about safe sex practices. Meanwhile, San Francisco Police Department confiscated the condoms and used them as evidence of prostitution in court. Because of police policy, the streetwalkers would throw the distributed condoms away.
12. Alexander Highcrest, *At Home on the Stroll: My Twenty Years as a Prostitute in Canada* (Knopf Canada, 1997), pg. 121. From uncorrected proofs.
13. As quoted in COYOTE Press Release of October 1995, to announce VICTORY AT BEIJING WOMEN'S CONFERENCE.
14. Kathleen Barry, *Female Sexual Slavery*, p.73.
15. Ibid, p.90.

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Coyote Press Release October 1995. Los Angeles.

Memoir

Breaking Free

by Kimberly Ayn Ryan

Sometimes the shelter from the storm is itself stormy.

In September 1991, my husband and I were at a bar. He was drinking, and alcohol usually brought out his bad side. I could see that he would be violent; the other patrons could see it, too. I had to do something.

For months, I had suffered through my husband's beatings, wearing black eyes and nursing broken lips from the poundings he gave me with his fists. I knew that such things as women's shelters existed — I had seen them advertised on television — but I had always been afraid to go to one for help. Someone at the bar saw what was happening and called the police. An officer arrived and handed me a business card; he told me that the police don't "get involved." If I wanted help, I would need to call the number on the card. I felt betrayed: why wouldn't he help me? What was I supposed to do with a business card?

Setting my frustration aside, I made my way to a phone booth to call for the help the police would not provide. I jumped back in horror. There, inside the telephone booth, crouched down on the floor, was my abuser. I ran. I ran full out, in terror. Where was I to go? Where was the shelter I sought? I gave up and went back home.

For the next two weeks, things were okay with my husband. Then, in a drunken, jealous rage, my husband gave me the worst beating so far. After leaving my house for work, I sought the help of a friend, who called a local shelter. The extent of my injuries was such that the shelter would not admit me without a doctor's checkup. At the hospital emergency room, I was told that I had a floating retina and would likely lose the sight in my left eye.

Without telling me, the doctor summoned the police. The officer made it very clear that my refusal to sign an arrest warrant would not be looked on favorably. He browbeat me to the point that I was afraid he'd arrest me if I wouldn't sign the warrant for my husband's arrest. It did not matter to him that I was terrified at the prospect of doing so.

"The doctor called me because of the extent of your injuries, and I want you to file a warrant for his arrest," the officer said.

"I won't do that. If I have him arrested, he would kill me when he gets out," I said.

"Well," he asked, "don't you feel an obligation to all those other women that he might harm if you don't?" he asked.

"I can't worry about that right now," I said. "I'm just trying to stay alive."

During the previous two weeks, the television news reported the story of a woman who had signed a warrant for her husband's arrest and was driven home by two police officers to obtain some of her belongings. Both of the officers were shot, one fatally. The man finally shot and killed himself, but not before the one officer, though shot in the head, managed to drive his vehicle over a mile to find an area where radio contact was possible, and called for backup.

"If you don't do this, don't expect any help from us in the future."

I went to the shelter. After enduring a lengthy interrogation and filling out numerous forms, I was given a bag of toiletries and shown to the room where I was to sleep.

I was left on my own. "I'm going to give you a few days for your injuries to heal before I put you down for any chores," the administrator said. I just stood there for a while, looking out the window and into an alley. I was numb. What had I expected? Some help, I guess. I had not expected to be abandoned in a strange room. I began to wonder whether I had made the right decision. I had been told up front that I would only be allowed to stay at the shelter for 30 days. What was I going to do next?

The next day a group of financial contributors was due at the shelter for an inspection. The other women were busy with their chores. I didn't know what to do with myself. I ate breakfast and showered. Before I finished dressing, there was a knock at the bathroom door.

"I have to clean in there,"said a voice.

"Sorry, can I help?" I asked.

"No, just have to get this done's all."

I felt in the way. What I needed was someone, anyone, to talk to.

I wandered aimlessly around the tiny rooms of the shelter, and managed to engage a few of the women in conversation, trying to get oriented, gain some idea of what I could expect and what help was available. What I found was a pervasive tension among the women. They were afraid of doing something wrong and being forced to leave.

"Andrea was told to leave here yesterday," one mother of two small children said, after looking around the room to make sure she would not be overheard.

"Why?" I asked.

"I don't know. No one is saying. But I have no place else to go, so I can't take the chance of being asked to leave," she said. We were interrupted, and she left the room.

The staff tried to help, but their energies were consumed with raising funds and dealing with donors. The major focus was on cleanliness. The shelter seemed sterile.

At a weekly meeting , I voiced my concern."I've noticed a nervousness and an atmosphere of intimidation," I said. "No one is going to speak up because they are afraid of being asked to leave. Most have no other place to go. It shouldn't be this way. This is supposed to be a place of healing and a place to repair self-esteem." When I inquired about seeing the professional counselor on staff, I was told that it was necessary to set up an appointment.

"Okay," I said. "I want to do that. When can I speak with her?"

"Well, the only day she is here is Thursday," the administrator said.

"Great! I guess I picked the right day, since today is Thursday," I said.

"Well, it's not that simple. Since you must set up an appointment in advance, you must wait until next Thursday," she said.

"But that is a whole week away," I moaned. "I need to talk with someone now."

It didn't matter. Rules were rules. I had to wait.

There was nothing to do at the shelter; the women went out during the day when not cleaning the shelter, and I did the same. When I returned to the shelter one Saturday evening, I was met by an angry member of the weekend staff.

"You didn't do your chores," she snapped.

Caught off guard, I responded, "I wasn't assigned any."

"That doesn't matter. Can't you take any responsibility and just do them anyway?"

"I was told that I needed time for my injuries to heal before I would be given any chores to do," I said.

"You don't look all that bad to me. If you can go out, you can do chores," she said.

I walked away, not even knowing what chores I should do. I had been told that everyone had a particular duty, and as far as I could see everything was being handled. And I didn't want to offend any of the other residents by re-doing what they had done.

I began to have anxiety attacks. I had trouble breathing. I wandered around aimlessly for a while, but then grabbed a broom and started to sweep the kitchen floor. I was close to tears. I felt the same helpless rage I had lived through for the past year.

I walked away from this abuse also. I packed my things and checked into a motel. The quiet and isolation wore on me just as the atmosphere of the shelter had. I really wanted and needed to talk with someone, and I was alone with my fears and doubts. I began to wonder if perhaps I was to blame for my husband's abusive nature. After all, I had experienced much of the same sort of put-downs and emotional abuse from a woman at the shelter. Maybe what I had endured was my fault. I was desperately lonely and afraid, and I was running out of money. I talked myself into believing that I was mostly to blame for what had happened to me. I went back to my abuser.

Everything was fine, for a while. But it did not take long for the violence to resume. My husband told me that he had had a conversation with the police department, and knew what he could and could not do. He told me, "As long as you are my wife, I can do everything short of killing you, and get away with it." He had decided to take full control.

The next three months were a total nightmare. One night, he held a broomstick across my throat, pinning me down to the bed with his full weight. He had told me why he fantasized of choking me into unconsciousness: he said it was because I looked "so peaceful." I remained calm. The mattress gave a little, and I took shallow, slow breaths as he raped me. I will never forget those 20 minutes of near-death.

Knowing that I could not get any help from the shelters or the police, I endured his abuse. I finally stole away in the middle of the night with only a few suitcases of belongings, and put 750 miles between me and my abuser.

I am not the only woman who has experienced a problem with personnel at battered women's shelters. The environment at the shelter I was in did not discriminate against me; there was enough abuse for everyone in residence. In my opinion, if people really want to offer women an avenue of escape from abuse, the shelters need to focus on the emotional needs of each woman who is battered. They need to address the bottom line of a battered woman's daily environment.

In my instance, my husband was fully capable of putting on a face to fool everyone we came in contact with. When I tried to seek help, I was told that it was all in my head; that, as far as they could tell, we were "very happy"; and that they were not about to get involved in a domestic problem.

I was told to be a good wife and stop complaining. If I could be better, then I would not have to suffer. After all, didn't I want to make my man happy? "Women today can create so many problems; if only they would realize that they have so much to be thankful for. A good man is hard to find; and so many women don't appreciate the masculine side of them."

I still have nightmares, six years later — and I am still not convinced that I was not to blame for the abuse I suffered. I do know that I will give a wide berth to any so-called help that may be offered.

Now I know better than to count on the police. And I know enough to stay away from any battered women's shelter. ❑

Challenge

Facing Up to Coercion

Confronting the stark presence of coercion in modern society is not for the faint of heart — that is, even most libertarians.

Initiating force is always wrong. The sole justification for the use of force is self-defense. That is the credo of libertarianism. Do libertarians really believe this? If they do, how do they reconcile it with their support of, or non-protest against, the single most important and most pervasive violation of this principle — the practice of psychiatry?

The injunction not to initiate force is a lofty precept. However, in bringing up children, it is wrong in principle and impossible in practice; indeed, doing so is a dereliction of parental responsibility. (To be sure, it is desirable to minimize coercion and maximize persuasion in dealing with children no less than in dealing with adults.) Clearly, the rule that we ought not to initiate force applies only in relations among adults.

Reconciling the reality that adults routinely initiate force against adults denominated as mental patients with the principle that it is wrong to do so, poses a problem libertarians seem not eager to confront. I refrain from citing the views of friends and colleagues whose writings lend support to the psychiatric enterprise, if not by agreement then by silence. In speech after speech, essay after essay, book after book, libertarians recite the mantra that "people should be free to do whatever they want in life as long as their conduct is peaceful" and recommend repealing drug laws, gun laws, licensing laws, and abolishing taxation. They do not mention mental health laws, much less advocate their repeal.

To be sure, there are exceptions. In *Ayn Rand: The Russian Radical*, Chris Matthew Sciabarra writes: "Given Rand's profound individualism and anti-statism, she adamantly opposed the state's involvement in medicine and mental health. Both Branden and Rand applauded the libertarian psychiatrist, Thomas Szasz, who fought against the involuntary institutionalization of mental patients."

In *For a New Liberty*, Murray Rothbard states: "One of the most shameful areas of involuntary servitude in our society is the widespread practice of compulsory commitment, or involuntary hospitalization, of mental patients. . . . To call this process 'therapy' or 'rehabilitation' is surely a cruel mockery of these terms."

I will not belabor my view that mental illnesses, like ghosts, are non-existent entities and that psychiatry, like slavery, rests on coercion. Persons engage in actions. There is no psychiatry without psychiatric acts: the paradigmatic psychiatric acts are civil commitment and the insanity defense, both euphemisms for depriving people of liberty. There is no madness without mad acts: acts we deem "mad" are either non-criminal, like depression, in which case the libertarian code forbids initiating the use of force against ("for") the person; or criminal, like murder, in which case the libertarian code requires that the person be punished by penal, not psychiatric, sanctions. To libertarians who cling to the idea that mental illnesses are "real diseases" that can be "treated" non-coercively, let me only point out that non-coercive psychiatry, like non-coercive slavery, is a contradiction in terms.

Why are many libertarians "soft" on psychiatry? Because they have been lulled into believing the psychiatrists' principal prevarication, namely, that they are trying to restore "irrational" persons to "rationality" and "true liberty." However, psychiatrists trade not only in depriving innocent persons of liberty but also in excusing guilty persons of responsibility — each activity being a mirror image of the other. Neither activity is compatible with treating persons as moral agents. Perhaps the libertarians' problem with psychiatry lies in the name of this philosophy: if it were called "responsibilitarianism" (a tongue-twister that automatically

disqualifies it as a serviceable label) libertarians would recognize that, at present, their most formidable enemy is the alliance between Psychiatry and the State.

As I see it, libertarianism is primarily about responsibility and only secondarily about liberty. As Edmund Burke has memorably pointed out, "Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less there is within, the more there must be without." In other words, in proportion as we control our behavior and abstain from violating the rights of others, we are entitled to enjoy the fruits of liberty. However, we use the term "mental illness" not to name a bodily disease but to identify a condition that supposedly impairs the person's ability to control himself, an impairment for which, in this view, he is not responsible.

In short, the libertarian premise that people are responsible for their actions and the psychiatric premise that mental illness impairs (or annuls) responsibility are mutually incompatible. Libertarians must either subscribe to the mythology of mental illness and the use of violence it justifies, or reject the psychiatric creed and repudiate the deprivations of liberty it justifies.

The problem with the principle of not initiating force is that it is too demanding: it requires us to treat men better than in fact they are. But would we consider a moral principle lofty if it did not require us to do just that? Only by treating men better than they are can they become better than they were. ❑

Rako, *continued from page 27*

other races in the election and Bill, I gotta tell you this is one of the greatest elections I can remember. The greatest news is that Dan Lungren was humiliated in his race for Governor. I would have liked to see the Libertarian candidate win but at least Dan is out of work. What a piece of work this guy is. First he tried to shut down the marijuana buyers clubs all over the state despite the fact that the free and sovereign citizens of the great State of California had passed the Compassionate Use Act by an overwhelming majority and Dan was acting in a manner against the express wishes of the people of California not to mention the Mayor and Police Chief of San Francisco. Then and Sen. Diane Feinstein banned handguns in San Francisco though she carried a loaded pistol in her purse a couple of years ago, Dan would not obey the state law that makes it illegal for municipalities to have special gun laws. He had the authority to indict Diane and her cronies and he didn't do a thing. I guess that sums up Dan pretty well: "There when you don't need him, not there when you do." I'm sure there's a special place in Hell for Dan. May the fires be stoked with green bud and pistol powder.

The other big thing to happen was that Libertarian Maureen Lindberg got 28% of the vote in a state assembly race and that Kennita Watson got 22% running for Board of Equalization. What's interesting to me is that Kennita was the only opponent of a Democrat and Maureen was the only opponent of a Republican. This proves that Democrats will vote for a Libertarian before a Republican will. The whole concept of Libertarianism as an offshoot of conservatism is a horror to me. We have just as many differences with both groups. There is one big difference though. Conservatism is ruled by a small right-wing group whose sense of right and wrong is based on religion. Liberalism is based on people whose figure out their own idea of right and wrong. Now I know lots of liberals get things wrong, but you can argue with people who try to figure out the truth for themselves. Conservatives, Zionists and fundamentalist Muslim terrorists all have the one final answer: "Because God wants it that way." The fact that they all have different Gods is sure to make the next millennium exciting. I hope that libertarians realize that it's easier to convince a liberal that the free market is good then it is to convince a conservative that the drug war is a waste.

Well the other great news is that Indians can run casinos and people are pretty careful about voting for really complex things that kinda sound good, like small classes and cheap electricity but that getting those things shouldn't take a page of tiny italicized small lawyer-talk type printing to achieve. The other good news is that people voted for lots and lots of bond measures that their kids will have to pay back so it will be easier for us to look down our noses at the young people because they will be poorer than us even though in our hearts we know they're smarter and harder working and better looking then we are. Another plus is that the entire rule-of-law tradition of the U.S. of A. will probably be broken so the tobacco companies can have their product taxed even more. Next comes alcohol, fatty foods, SUVs, fur, guns, pornography, bottled water, video games, gasoline, television, leather, collectible stuffed animals and those cute little clear plastic purses I see the girls wearing. All this in a country that went to war over a tax on tea. The great thing is how these taxes will bring more and more people into the libertarian movement. It won't be long now folks. Be Prepared.

On the national scene I guess the big news for me is that wrestler guy getting elected to the governorship of Minnesota. It was cool to see how the San Francisco paper ran a front page picture of him from ten years ago in pink leotards. To show that they are fair, they had a current photo buried on page eleven. They talk the populist talk until the populists threaten the elite — then the smears and innuendoes begin. God is this going to be entertaining — I really am considering moving to Minnesota.

Oh yeah, the other national election should make bosses everywhere breathe a little easier: You can't get fired for a blowjob. See ya Newt, you lying hypocrite. You almost fooled me too, but now we all know better.

I hope everything's OK and I hope to hear from you soon, til then, so long.

Paul Rako
U.S. Citizen

Fiction

Flight Plans

by Rita Popp

Sylvia hated the smell of cigars. Her father and brother Paul knew that, but as she fanned the smoke away, they ignored her. They were busy celebrating three milestones: the first anniversary of the father-son plumbing business, Paul's impending fatherhood, and Paul and Joy's first house.

Everybody but Sylvia for the time being forgot that the business continued to flounder, the pregnancy was the result of a broken condom, and the fixer-upper house should have been condemned.

Threes, Sylvia thought. What trio could she celebrate? One, her single status. Two, her regular paycheck, and three, the vacation that would get her out of the Detroit heat. She sat on a picnic table bench, apart from the others, the thoughts helping her endure the cozy family gathering. Art, the patriarch, had claimed the only lounge chair, a creaky aluminum thing Joy had picked up at a garage sale. Joy and Paul sat on matching folding chairs from the same source. The men talked about the built-in backyard grill, the best feature of Paul's new home.

"Real brick," Art said. "It's a dandy. Better than a kettle cooker. Don't let 'em tell you different."

"Joy loves a barbecue," Paul said.

Paul's wife didn't look pregnant yet, but the heat bothered her. She sweated prettily, as if she'd just finished working out to one of her tapes. The sun dropped behind the freeway that divided Paul's neighborhood from the newer suburbs, and he used the coming darkness as an excuse to stoke the fire.

At the picnic table, Sylvia turned her back to the leftovers. She rubbed her eyes, held back a yawn, watched Joy gaze at the back of the house.

"We should paint the windows," Joy said.

"The frames, you mean," Sylvia said. "She's right, Paul. Your paint's peeling. You've got some bricks crumbling, too."

Paul stuck his feet out and crossed his ankles. He had gained weight after his wedding and 21st birthday, both in January. Plumbing had strengthened his arms but allowed his gut to sag like their father's. He's wasting his life, Sylvia thought sadly.

Joy wiped beads of perspiration from her forehead, disturbing her carefully styled bangs.

"Dad, you could let Joy have a decent seat." Sylvia heard the hard edge to her voice. Her mother had sounded like this before the divorce.

"That's right, she's a pregnant lady," Art said. "Here you go, sweetie." He started to rise, but Joy waved him back down.

"I'm okay. Stay where you are." She straightened her posture, sipped her Coke.

"Great dinner," Art said.

"You cooked it, Dad," Joy pointed out, giggling.

"So I did. But just hamburgers. Nothing but meat and onions." He sounded so pleased with himself that Sylvia rolled her eyes. Her mother used to turn out dinners from scratch day after day. But to be fair, she had to admit how her father would praise his wife's desserts.

The conversation died along with Paul's fire. Sylvia took a breath and said, "Hey, guess what? I'm going on a trip next month. To Australia."

Startled faces turned to her. "Three weeks. Julie at Medlab has a cousin in Alice Springs."

"Where the hell's Alice Springs?" Art said.

"In the middle of nowhere, but it's a big city." She waited without real hope for somebody to act happy for her.

Art groped under the lounger for his beer. He swallowed a couple of times, his eyes on the glowing embers. "You won't have a dime when you're 30."

His comment was so predictable, Sylvia said nothing.

Joy said, "Don't worry, she'll find a guy. Look at Paul

and me."

"I can take care of myself!" Sylvia said.

"I can't figure where you got this travel bug," Art said. "If you have to go somewhere, why not see the U.S. of A.? Know how damned hot it is in Australia?"

Sylvia let a moment pass while she watched Joy slide off her headband and shake out her glossy auburn hair. "It's winter there, Dad. We might go to Tasmania. It's supposed to have a lot of forests."

"More than Michigan?"

"Maybe you'll run into a Tasmanian Devil," Paul said. Joy laughed nervously.

"A what?" Art dumped his empty plate and can on the ground. "And where the hell's Tasmania?"

"I know," Joy said, like a smart child in geography class. "It's one of Australia's states. "

"Where'd you learn that?" Paul asked.

"From a crossword. Tasmania would be a pretty name for a girl baby."

"And if we have a boy, we can name him Sydney," Paul said, slapping his thigh.

"Not my grandson!" Art said.

By now they had forgotten Sylvia. Grudgingly, she admired how Paul could cut family tension with a joke. She judged it one of his best qualities.

Joy wrote in the air with her finger, happily experimenting. "Sydney could be for a girl. Maybe just Syd. Oh, and spell it C-Y-D."

"Do the kid a favor and stick to regular names," Art said.

"Paul Junior?" Paul suggested.

Art beamed. "There you go!"

Joy announced the cigars made her kind of queasy, and Sylvia said, "Me too." But Joy quickly added, "Don't put them out. I'm going inside."

The men relaxed.

Joy asked sweetly, "Could you give me a hand with the food, Sylvie?"

Sylvia disliked when anyone except her father called her that, but she let it go. "You want to keep this Jell-O or pitch it?"

Her kid sister-in-law peered into the bowl as Sylvia spooned out a dead mosquito. "What do you think?" Joy said. "Pitch it?"

"Smart decision," Sylvia said, deadpan.

It took two trips to get everything into the house. Sylvia banged the screen door for effect, but it didn't rouse the men. She stepped carefully in the jumbled, narrow kitchen. Cardboard boxes from the move still blocked the view to the street.

"You work so fast," Joy said. "We're almost finished."

"Mom taught me to Ziplock before I could walk."

"Really?"

A laugh spurted out of Sylvia's nose. "No, not really. Jeez, Joy."

Beer took up the entire bottom of the fridge. Two loaded grocery sacks sat near the sink. Sylvia offered to unpack them, but Joy said not to bother. She needed to make room first.

"We don't have enough cupboards," Joy said. "All but the bottom one is too high for me. Look, isn't this ridiculous?" Even on tiptoe, she could barely reach the glasses on the second shelf. She made a face. "Don't you just hate getting organized?"

"Actually, I kind of like it," Sylvia said. "It helps me sort out other things in my life."

"You don't have much stuff," Joy pointed out. "A pole lamp, that futon. Did you notice the furniture we bought?"

Sylvia dutifully praised the imitation-oak end tables, the impractical white sofa.

"Come check out the baby's room." Joy pulled her by the hand down the short hall, past drop cloths and a stepladder. The room needed a fresh coat of paint. Joy said she wanted to tear out the gray carpet. The only furniture — an unfinished rocker, a pair of folding chairs, and a matching card table — came from garage sales. Magazines and pieces of fabric covered the table, and boxes stood four-high in a corner.

"Look at this." Joy's face glowed as she held out a magazine photo of a child's room with a toy hot air balloon suspended above a crib. Her aunt planned to make a balloon with zoo animals in the basket, and her sisters had started on a comforter and curtains, she said. She settled into the rocker, thumbing through the magazine, trying to find a picture of the crib she wanted.

Sylvia held swatches of pastel fabric up to the light. "How's Paul taking all this?"

"He's glad I'm having a good time planning the room. Why?"

"He should do the painting. You don't want to breathe fumes while you're pregnant." Sylvia warned herself to keep out of their lives, that she would become an extra appendage, but she said, "I can help, too."

Sylvia reached for another magazine and toppled the stacked boxes. One dumped its contents, dog-eared paperbacks, onto the floor. She apologized and began to pick them up.

"No problem," Joy said. "It's just Paul's old books."

Paul had marked the box SCI FI in his blocky printing. Sylvia read familiar titles:

Captives of Zor, Battlezone VI, Beyond the Haze. The books smelled musty.

"Aren't those weird?" Joy said.

"Paul's been into sci fi since seventh grade."

"Well, we don't have a place to put books here."

What a shame, Sylvia thought. She settled herself on the floor and examined the paperbacks. The covers showed bizarre space craft and strangely dressed humans. Her brother had doodled on some of the faces, adding mustaches to the women and giving the men bushy eyebrows and beards. "Paul's had these a really long time. He could read right through Mom and Dad's fights. His books were his cosmic shield."

He had stuffed rather than stacked the paperbacks into the boxes. Their edges curled. Sylvia began to re-box them properly.

"He told me about those fights," Joy said. "What did you do?"

"Took classes at the community college. I'd stay at the library until it closed."

Joy gave her a look of pure sympathy, and against her will, Sylvia was touched.

"Tell me more about Australia," Joy said from the rocker, peering at a desert-like landscape on one of the covers. "Your friend's cousin is from there?"

"No, from Flint. She was working at some truck stop, cleaning showers and bathrooms, when she met this 'Aussie hitchhiker dude,' as Julie calls him. Dropped her mop and went with him. They've got three kids." Sylvia fumbled around in her mind for what else to say. "Alice Springs is near Ayers Rock — the red one shaped like a boomerang."

A brochure that mentioned the shape had made Australia sound like a completely different world. Sylvia wished Paul could go with her. They'd skip seeing Julie's cousin, who had appeared washed out in the photo she sent of herself and the kids. On the back she had written, "We live very ordinary lives here."

Shaking off any misgivings, Sylvia said, "I saw a picture of the house we'll stay at. It's red brick, like in this neighborhood."

Joy rocked back and forth. "Why do you want to go? That flight must take hours."

Sylvia fit the last book into the box and sat back on her heels. "For the adventure." How could Joy not understand that?

"This is all the adventure I want," Joy said, patting her stomach. "Bring the baby a toy kangaroo or something, okay?"

Paul stood in the doorway. "What are you girls doing?"

"Your books are in the way," Joy said. "We should put them in the basement."

"They'll mold."

"They can't stay in the baby's room."

"Cool your jets. There's time." He said it with an authority that made Sylvia want to shake him. "Heard you still talking about Australia," Paul said, as if it were Grand Rapids or someplace nobody should want to visit.

"That's right, mate," Sylvia said. She challenged him with her eyes.

Paul moved behind Joy's chair and put his hands on her shoulders, rocking her. "You got the money to go?"

"Yes, I do."

"Paul, stop it," Joy said. Sylvia wondered if she meant his words or his rough touch.

He stepped aside and folded his arms over his chest.

"What's the problem?" Joy asked cautiously.

"The problem? Just that sometimes my sister doesn't have a gnat's worth of common sense. She's probably springing for the airfare for her girlfriend."

"Not true," Sylvia said.

"Oh, you only pay for guys."

She threw a book at him. It hit his arm and bounced off. "One time, and we only went to Montreal. Not that it's any of your business."

"Of course not. You're Ms. Independent Operator."

"Paul, don't," Joy said sharply. "I hate it when you guys pick at each other."

On the floor, Sylvia drew her knees up to her chest, making herself into a tight package.

"I won't mention that professional student who lived off you for six months," Paul said.

Sylvia hated her brother, really despised him at that moment.

"What I want to know now is, are you asking Mom for money or not?" he insisted.

"Some. She's not broke like Dad."

"No, she took most of what he had. But she'd better not give it all to you, because I might have to hit her up for a small loan."

Sylvia looked at Joy. "What happened to the wedding money? People gave you guys lots of cash."

"We bought a house," Paul said.

Sylvia didn't remind him that their mother's gift had been the down payment. "When you get married, Sylvie," her mother had said, "I'll do the same for you." Marriage was the dangling carrot, especially ironic coming from a happy divorcée.

"Having trouble making the payments?" Sylvia asked.

Joy glanced at Paul. "That, and other bills," she said. "Our health insurance doesn't cover my pregnancy. We didn't think about it until I went to the doctor."

Sylvia whistled, impressed with the gravity of that. The room felt stifling. She picked up the book she'd thrown at Paul and fanned herself with it.

Her brother said, "And we need money to fix up the house. Repairs, more paint. Then we've got to get a crib and, you know, other things."

"You might as well know. I already borrowed from Mom," Sylvia said. She took a deep breath. "A thousand dollars."

"You're unbelievable."

"I'm going to make regular payments."

"Why you taking off again anyway?" Paul asked. "You flew down to Florida not that long ago."

"Yeah, to visit Mom. You should try it."

"We should go see her, Paul," Joy said. "This summer, before the baby comes."

"Not now. Your job pays next to nothing, and you'll be unemployed for a while. We're not going anywhere."

Sylvia felt trapped here with them. She pressed her back against the closet door. They could *have* this newly wedded bliss.

"Anyway," Paul said, "Dad's asking about dessert. I saw that cake in the kitchen."

"Sylvia brought it and some strawberries. I bought ice cream. I'll put it on plates," Joy said, and escaped.

Paul sat on the floor beside Sylvia, took the paperback from her, and flipped through its pages. "I remember the whole damn plot of this one." He dropped the book into the box but pulled out others, messing up Sylvia's packing job. "Here's one of the best I ever read. *The Seventh Sense.* Humans didn't have to work or anything. They could move objects, communicate with each other, fix broken stuff just by thinking what they wanted done."

"Bad news for the plumbing business."

"Real funny."

"Does Mom know about the baby?"

"Joy wrote her, I think."

"You think. Has she called to congratulate you?" Sylvia watched the blood go to his face and earlobes. Paul could never tell even a weak lie and not blush.

"Joy will write her soon."

"How thoughtful. Do it before the birth."

Abruptly, he stood, and Sylvia scrambled to her feet after him. "Wait, Paul." He moved his head a fraction. "She'll be happy for you."

continued on page 68

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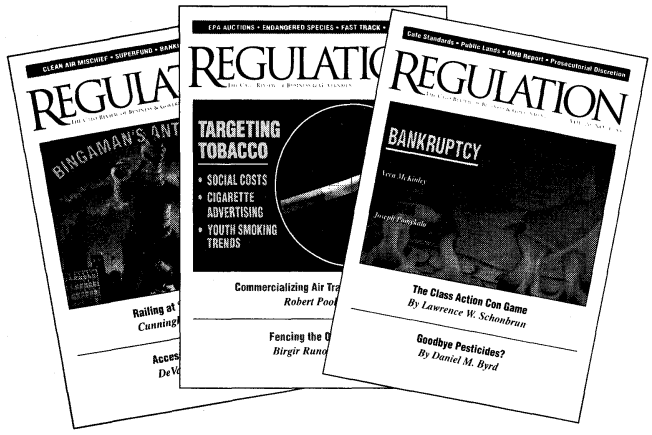

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Reviews

***The Death of Outrage: Bill Clinton and the Assault on American Ideals*, by William Bennett. The Free Press, 1998, 154 pages.**

I Hear America Sinning

Terrence Campbell

In the interest of full disclosure, let me lay my biases on the table. First, I think Bill Clinton is a loathsome man who is almost certainly guilty of any number of crimes. Second, I think William Bennett is also a loathsome man who is guilty of crimes against Americans during his tenure as Drug Czar in 1989–90. In point of fact, his participation in that morally bankrupt campaign has damaged and ruined thousands of people who were guilty of nothing more than trading or enjoying drugs that Bennett disapproves of. During his reign he actually said that beheading drug dealers was "morally plausible." A man who is so unaware of his own evil is hardly in a position to preach about virtue.

But since many people do not share my low opinion of Bennett, and in fact see him as a stalwart of moral values, his new book deserves serious consideration. *The Death of Outrage: Bill Clinton and the Assault on American Ideals* seeks to persuade the American people that they have been hoodwinked by the Clinton spinmeisters. He warns that if we don't change our ways and demand punishment for Clinton's misdeeds (especially his affair with Monica Lewinsky), then we will lose our moral strength and slide into a decline that would spell the end of the Republic.

Although Bennett touches on a number of suspicious actions by Clinton and his cronies that merit condemnation, he mostly hangs his argument on the matter of Monica Lewinsky. The Republican Party made a last-minute effort to raise the issue in the recent congressional campaign, and the voters responded with a yawn. If Bennett had hoped that his arguments would change voters' minds about the Clinton scandal, he was badly mistaken. And he was badly mistaken because he does not understand the American people.

Worse, Bennett blundered by making the Lewinsky affair the centerpiece of his attacks on Clinton. Doing so undercuts what could have been a devastating torpedo had he put more emphasis on other, more ominous shadows in Clinton's career.

In fact, Bennett's introduction opens the book with a list of questionable doings associated with Clinton that makes the blood boil: "the improper acquisition of hundreds of FBI files on political adversaries; the mysterious reappearance (in the Clintons' living quarters) of subpoenaed billing records crucial to a Federal Deposit Insurance Corporation investigation that had been purportedly missing for two years . . . payments by Clinton friends and associates of upward of $700,000 to Webster Hubbell . . . at a time when Hubbell was being asked to provide evidence of presidential wrongdoing to the independent counsel. The payments — some arranged by Vernon Jordan — coincided with Mr. Hubbell's refusal to help investigators looking into wrongdoing by the president and the first lady (after Mr. Hubbell had initially agreed to assist prosecutors) . . . the improper use of the FBI to bolster false White House claims of financial malfeasance in the firing of the White House Travel Office . . . The administration's misrepresentation about Mrs. Clinton's suspicious 1978–79 investments in cattle futures, in which she made $100,000 on $1,000 . . . the White House revealed that most of the trades were in fact placed by Clinton friend and Tyson Foods lawyer James Blair."

That's a nasty list. One wishes Bennett had focused more on such dark dealings. He would have rendered a public service had he managed to expand on them and made a convincing case for them. But for the most part, he holds up these items to arouse the reader but then drops them, like a furtive graffiti artist who hastily sprays his rants on an alley wall and then disappears into the night.

During his reign as drug czar, Bennett actually said that beheading drug dealers was "morally plausible." A man who is so unaware of his own evil is hardly in a position to preach about virtue.

What Bennett does in *The Death of Outrage* is examine the case against Clinton, and the president's supporters' defense of him, from six angles, which serve as chapter titles as well: Sex, Character, Law, Politics, Ken Starr, and Judgment. In each section, he presents,

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sometimes fairly, defenses held by pro-Clintonites, then answers each argument in turn.

The Virtue Czar insists that the scandal isn't about sex, but his opening chapter concerns sex anyway. He quotes Warren Beatty's take on the public's reaction to Clinton's infidelities: "Maybe America is becoming reluctant to sweep it [sex] under the rug, more accepting of its own sexual difficulties. America is becoming more like the countries that America came from." Bennett interprets this statement as meaning "the ho-hum reaction to possible presidential misconduct reflects a wiser understanding of human nature and the ways of the world, a welcome liberation."

He holds up these items to arouse the reader but then drops them, like a furtive graffiti artist who hastily sprays his rants on an alley wall and then disappears into the night.

Where does Bennett get the idea that Beatty is talking about a "welcome liberation"? Beatty clearly sees the shift in American attitudes as a more realistic stance on sexual difficulties, repeat, sexual difficulties. It's not about liberation and unrestrained sexual indulgence. And the reason why Americans are moving in this direction is because of their actual experience, not some intellectual adoption of European conceits. With the divorce rate hovering around 50 percent here, people recognize in Clinton's sexual problems a reflection of their own struggles. Intimate relationships are difficult and often fail, despite hopes, intentions, and efforts. Understanding this, and knowing their own sexual vulnerabilities, Americans are understandably, and intelligently, not as quick to rush to judgment as Pharisees like Bennett.

Beyond that, they understand that such a failure is a personal matter, not a betrayal of the nation. In playing with Monica Lewinsky, Clinton betrayed his family, not the public. Sexual behavior is personal, not national. No loss of life is involved (as in the Waco outrage, which apparently does not outrage Bennett). Blowjobs, however illicit, do not threaten the welfare of the Republic or disturb the domestic tranquility.

But Bennett sees the public succumbing to the "temptation to see themselves as worldly wise, sophisticated: in a word, European." He warns that this "temptation should be resisted by the rest of us. In America, morality is central to our politics and attitudes in a way that is not the case in Europe, and precisely this moral streak is what is best about us. It is a moral streak that has made America uncommonly generous in its dealings with foreign nations (in matters ranging from the Marshall Plan, to the sending of peacekeeping troops, to disaster relief, to much else); liberated Europe from the Nazi threat and the Iron Curtain; and prevented noxious political movements like fascism from taking root at home."

This is a whopping insult of European culture. Some European nations do exhibit more relaxed attitudes about sex than does the United States, but it's not as if there's a nonstop orgy going on over there. Even more condescendingly, Bennett sniffs: "Europeans may have some things to teach us about, say, wine or *haute couture.* But on the matter of morality in politics, America has much to teach Europe."

That statement reeks of spiritual pride and nationalism of the worst sort. And spiritual pride is the worst of the seven deadly sins, as Bennett well ought to know. He offers no justification for his odious dismissal of Europeans as moral inferiors; he seems to think it's self evident. Besides, does he really think that since Americans are less harsh in their attitudes to sexual problems, they have become less generous toward other people, other nations? That's utter nonsense that betrays a nearly complete misunderstanding of both Americans and morality.

Bennett wades into the argument that Clinton's dalliances should remain private by asking, "how to react when a sexual affair is forced in our face, on the front page, by the president's own irresponsible, self-indulgent conduct?" Clearly Bennett is correct to call Clinton irresponsible. But he did not force his affair into our living rooms. Linda Tripp and the media took care of that.

One of the cornerstones of Bennett's

attack on Clinton's conduct is the idea that his moral failings have rendered him unable to carry out his responsibilities, unable to govern. Subsequent events have proven that assertion false, most notably the budget agreement he made with the Republican Congress in October. Here was a president, supposedly weakened by scandal, who actually had the GOP leadership reeling on the ropes. Who, after signing the budget deal, could barely contain his glee over the fast one he pulled over his adversaries. The photos in *The New York Times*, taken on the day of the signing, show Clinton collapsing in laughter with fellow Democrats. So much for inability to govern!

In exploring Clinton's character, the book wistfully compares Slick Willy with the likes of Abraham Lincoln. That was easy, since what most Americans know about Lincoln they learned in grade school, an institution that generally keeps its history lessons as squeaky clean as possible. Despite what Bennett says about Lincoln in this book, his primary aim in the Civil War was not to free slaves, but to preserve the Union. Even there his motivations were primarily economic, not moral. Bennett has read too much Carl Sandburg.

Turning to the independent counsel law, Bennett criticizes Clinton supporters for endorsing the law in the Reagan years, but changing their minds when it sunk its hooks into Clinton. Good point. But the Republicans have reversed the field too, opposing the law during the Reagan era but keeping silent about it now. Bennett rightly points out that many Republicans advised the president not to renew the law. Nevertheless, they're beating on Clinton with that big stick with no compunctions.

Bennett's book reeks of spiritual pride and nationalism of the worst sort. And spiritual pride is the worst of the seven deadly sins, as Bennett well ought to know.

Of course, Clinton campaigned for the independent counsel law, calling it "a foundation stone of the trust between the government and our citizens," so there is a certain sense that he's getting what he deserves now that it's hounding him. That in itself doesn't make the law a good one, and does not excuse us from challenging its extremes by dumping it or reducing its excesses.

Bennett chides the American people for, among other things, invoking the Biblical injunction to "judge not lest ye be judged" in the Clinton scandal. Bennett examines the story of the Pharisees who hauled before Jesus a woman caught in adultery. "In the Law, Moses commanded us to stone such women. What do you say?" To which Jesus famously replied, "If any of you is without sin, let him be the first to cast a stone at her." Writes Bennett: "Jesus was *not* providing a pardon, to be granted easily, cheaply, without cost or repentance. And the point was surely not that wrongdoing should be tolerated or that sin is inconsequential . . ." True enough. Jesus told the adulteress to change her ways, and in the current scandal we cannot expect Clinton to change his. But just as adultery is not a stoneable offense in America, neither is it an impeachable one, as Bennett seems to think.

And somehow I can't stop wondering, reading this cold little book, if Bennett would have stepped forward and rocked her anyway.

Bennett is barking up the wrong skirt. Yes, Bill Clinton had sex with a hot-to-trot intern. Yes, he lied about it to the American people, and even under oath. But the world is full of real outrages — murders, rapes, terrorist bombings, bloody civil wars, political repressions, riots. Indeed, even Clinton has committed real outrages. Interestingly, we have yet to hear a peep from Bennett about the Waco and Sudanese-bombing outrages.

Perhaps the greatest weakness of this book is that the author does not even consider the possibility that the American political system is a fertile ground for corruption. Government is too big, and big government cannot help but breed corruption. During his first presidential campaign, Clinton said over and over again, "It's time for change." He was right, but in a more fundamental way than he imagined. Bennett's admonition for us to rise up in outrage is not enough. Here again,

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the need for change is more profound, and the problem much too complex and difficult to be addressed by Sunday School homilies. ❑

***The Federal Siege at Ruby Ridge: In Our Own Words*, by Randy and Sara Weaver. Ruby Ridge, Inc., 1998, 171 pages.**

Ruby Ridge, From the Inside

R.W. Bradford

By now, the story of the federal government's assault on the family of Randy Weaver at Ruby Ridge, Idaho, in August 1992 is pretty familiar to most of us. From the original attack that left a government agent and a 14-year-old boy dead, to the government snipers' shooting of Weaver, his wife and a family friend the next day, to the dramatic surrender of the surviving members of the Weaver family ten days later, the story was covered extensively, if not always accurately, by both electronic and print media. The sensational trial the next year — in which the survivors of the government assault were exonerated — also got extensive press coverage. Two very fine books and a pretty good movie came out of the story. And in 1995, the U.S. Senate held 14 days worth of hearings that exposed the government's, shall we say, questionable role in the affair.

So why does anyone need another book on the subject?

Maybe that's why Randy Weaver and his daughter Sara couldn't find a publisher for their book on the subject, and eventually had to publish it themselves. Maybe that's why *The Federal Siege at Ruby Ridge* has been pretty much overlooked. I haven't seen a single review of it. Nor have I seen it offered by Laissez Faire Books, or by anyone else.

I confess that I find the Ruby Ridge tragedy endlessly fascinating: it illustrates so perfectly the deadly consequences of bureaucracy run amok. It shows that Nietzsche was right when he characterized the state as "the coldest of all cold monsters." So when I heard about the book, I ordered a copy immediately, despite my fear that it might be a badly written mishmash, like so many self-published books.

When the book arrived, I cracked it open and skimmed a few pages. Before I knew it, I was engrossed. In simple, almost rustic language, Randy and Sara Weaver tell their story, including many details that haven't been reported in Alan Bock's very fine *Ambush at Ruby Ridge*, Jess Walter's *Every Knee Shall Bow*, or in the 1995 Senate hearings telecast in their entirety by C-Span.

From the entrapment of Randy Weaver, to the cowardly murder of his wife by a government sniper, to the government's lies and attempts to hide evidence at the trial, to the sniveling and cowardly testimony of the FBI assassins at the Senate hearings, it is impossible for any decent person not to feel his blood boil when he reads any account of what happened.

What distinguishes the Weavers' account is the horrible human tragedy it relates. The Weavers are a small-town family from Iowa, not terribly bright, but not stupid by any means. They developed some goofy opinions (since abandoned): they believed that white people were superior to people of other colors and that a gigantic Jewish conspiracy ruled the world. They decided to move to the mountains of Idaho, where they could live their lives in seclusion. They made no attempt to fight the conspiracy or to impose their views on anyone.

But their goofy opinions were also very unpopular, and some people who shared those opinions sometimes engaged in criminal activity. So a federal law enforcement agency decided to try to force Weaver to become an undercover agent by enticing him to commit a minor violation of federal firearms laws and then threatening him with the loss of his property and a long prison term. Weaver refused to knuckle under to the threats, and the wheels were set in motion for the assault that ultimately killed his wife and son.

About half of *The Federal Siege at Ruby Ridge* consists of excerpts from the report of the Senate committee that investigated the case. It is well worth reading, especially for people who believe that Congress is incapable of seriously investigating government wrong-doing. But it's Randy and Sara Weaver's accounts of the assault, their lives before the assault, Randy's trial, and their life after Ruby Ridge, that make this such an engrossing book.

Randy Weaver's account of his family's life is restrained, but eloquent. (A portion of it can be found on page 37 of this magazine.) I was struck by the very ordinariness of the Weavers. They weren't much different from any of the other thousands of residents of small-town Iowa. If they hadn't gotten their strange opinions, it's easy to imagine they'd still be living in Villisca (population under 5,000), with Randy selling farm equipment, his wife working as a homemaker, their kids playing baseball, joining 4-H, and growing up and finding jobs in the community, or going away to college, with the whole family active in a somewhat eccentric church.

The only odd thing about them was their strange views. For those opinions, and for no other reason, the federal government killed two of them, wounded two others, and put all of them through an ordeal so horrible that it can scarcely be imagined.

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their strange views. For those opinions, and for no other reason, the federal government killed two of them, wounded two others, and put all of them through an ordeal so horrible that it can scarcely be imagined.

The horror of the experience has been apparent for a long time: if the story of federal agents shooting 14-year-old Sammy Weaver in the back isn't terrifying enough, the story of a hidden sniper murdering Vicki Weaver while she cradled her infant daughter in her arms is. But as horrible as I had imagined their ordeal to be, I hadn't realized what Kafkaesque nightmare the survivors suffered during the siege. In 22 pages, Sara Weaver tells how they cowered behind pieces of furniture in their plywood shack, sickened by the stench of the rotting human flesh of what had been their mother and wife. Two of them were wounded, one so badly that he begged the others to kill him as an act of mercy. They believed — with good reason — that the federal agents who surrounded and taunted them were determined to kill them, and that if they attempted to surrender, they would be murdered immediately. In desperation they prayed for divine intervention. It's difficult to imagine a human being surviving any worse ordeal.

The miracle they prayed for appeared, in the unlikely form of the hundreds of sympathizers who, held behind barricades, confronted the government assassins. They helped draw the world's attention to the grim situation, pressuring the government into delaying its final attack in hopes of convincing the public that its agents were law enforcement officers, not mere killers. One of those protesters, Bo Gritz, a hero of the Vietnam War, managed to persuade the FBI to postpone its final assault long enough for him to visit the Weavers and attempt to talk them into surrendering. Gritz convinced them that if they'd surrender to him they'd be safe; the FBI wouldn't dare shoot him down.

The government charged Randy Weaver and his semi-adopted son Kevin Harris with a whole raft of crimes, including murder. At the trial a year later, the Weavers and Harris were found innocent of all but one minor, technical charge. The government settled the civil suit for the murder of Vicki and Sammy, rather than face another jury. Of course, those who committed the murders, as well as those who ordered them, did not have to pay, and none were never prosecuted for their crimes.

Perhaps the most remarkable thing about the Weavers' ordeal is its denouement. What's left of the family remains together. They've returned to the mountains of the Northwest that they came to love. Sara is engaged to be married and Randy has a girlfriend. Surely their lives have been deeply and indelibly scarred. But somehow they have survived. And, as if by some actual miracle, they seem to have recaptured the ordinary rhythms of the ordinary lives of ordinary people in small-town America. ❑

***East and West: China, Power and the Future of Asia,* by Christopher Patten. Times Books, 1998. 304 pages.**

One Brief, Shining Moment

Bruce Ramsey

Politics in rich and settled lands rarely puts at stake fundamental questions. Each side says something big is at stake, but it's usually no more than a slice of subsidized cheese. That was one reason for me to look forward to working in Hong Kong. I'm a journalist, and in 1989, just after the tanks had rolled through Beijing's Tiananmen Square, Hong Kong was a place facing fundamental questions.

And that's what Chris Patten found in 1992. "Before I went to Hong Kong, I had never really thought very much about why I was a democrat," he writes. Being governor of Hong Kong, he says, "made me think more carefully about political and economic freedom."

Patten has written about his experience — and in more detail, his thoughts — in a new book, *East and West: China, Power and the Future of Asia.* I rarely read or recommend politicians' books, but this is an exception.

Patten as Democrat

Patten was Hong Kong's last British governor and first British democrat. Right from the start, he was different. He refused to don the ceremonial peacock hat worn by the previous executive, a Foreign Office grandee. Not one of Hong Kong's 5.5 million Chinese could vote for Patten, but he went out among them as if they could, and slurped noodles from side-street vendors. No British governor had ever done that.

More important, he took an interest in the people's control over their government. By 1992, after 150 years of British rule, the people had had one legislative election — the year before — and they chose 18 of the 60 legislators. The rest were either appointed by the British or named, guild-like, by economic interests. Two chambers of commerce each had a legislator, the banks appointed one, the accountants had one, the lawyers had one, and the unions had a couple.

The Hong Kong Chinese, it was said, didn't care about politics. When given a chance to vote, only about 35 percent did. But in 1990 they began to form political parties, and a majority of those voting favored the Democrats of Martin Lee. A British-educated solicitor, Lee understood that civil and economic freedom depended on democracy — in Hong Kong's case, the democracy in Britain. With that connection to be severed on June 30, 1997, it was crucial that Hong Kong develop something to replace it.

Patten agreed. Unfortunately, the number of directly elected seats had been set by Britain and China. There was not a lot of wiggle room left. But there was some, and Patten wiggled to the maximum.

He couldn't take away the bankers' legislator. But for the 1995 election, the last under British rule, he proposed that the banker's legislator be selected by vote of all bank employees and not just the directors. This was done. By redesigning the economic constituencies, he gave all working citizens in Hong Kong a second vote based on their place of employment. That also democratized most of the legislature.

China was incensed. It had signed a deal in 1984 to repossess a territory of capitalism without democracy, and that's what it wanted.

China was incensed. It had signed a deal in 1984 to repossess a territory of capitalism without democracy, and that's what it wanted. The Brits were playing bait-and-switch and if Patten implemented his voting system in 1995, China would dissolve that legislature on its first day in power.

Business leaders urged Patten to give up. The condo market, repository of much of the upper half's net worth, went into a swoon. People said Patten didn't understand China — that you can't push China around.

I knew people who dismissed Patten's plan as grandstanding; the Brits, they said, were just trying to look good. They couldn't do anything that would stick. Indeed, China's appointed legislature in fact abolished Patten's voting system as soon as it took over. But by putting up a fight, Patten had focused attention on a fundamental value. He had drawn a line in the sand — a line that Martin Lee and the other democrats could define themselves against. (They wanted full democracy.)

By being "impractical" and "not understanding" of Chinese culture, Patten increased freedom in Hong Kong politics. As he said in a speech in Seattle in September 1998, "Cussedness is always one of the best guarantors of freedom."

Patten the Liberal

That this British Conservative would be such a font of cussedness was remarkable. Patten was John Major's man, an administrator of foreign aid programs. He had been shuffled into the Hong Kong job when he lost his seat in the House of Commons. He hadn't been a gut-fighter. He had even been a Tory wet, an opponent of Margaret Thatcher and her "one big idea."

Now he has a different view. The Iron Lady, he writes, knew that "politics was not just about Buggins-turning your way to the top and then managing whatever you found when you got there." Patten came to realize that "the greatest excitement of politics was to have a view of how the world works, or should work, and to convince other people that it was the right one. The politicians who really mattered were those who did this."

Patten's book is a testament to small government, civil society, "free and open commercial life" and "political and economic liberty" — what he calls "traditional liberalism."

Defenders of that tradition in the West, like Friedrich Hayek, had to argue against those who believed in freedom for politics but not business. In East Asia in the 1990s, it was the other way around. Patten jousted with Lee Kuan Yew, the patriarch of Singapore, who was all for private property and freedom to trade, but not cultural laissez-faire. Asia was prosperous, Lee argued, because it still believed in strong families, clean living and the punishment of social wickedness. The West had been corrupted by pornographic free speech, disrespectful protest, therapeutic divorce and liberal doses of welfare for pregnant teenagers.

This is the "Asian values" argument. And while there is some truth to it, Patten writes, it was used as "a sort of all-purpose justification for whatever Asian governments were doing or wished to do." If Lee Kuan Yew wanted to ban the *Asian Wall Street Journal* and *Cosmopolitan*, and Malaysia's Mahathir Mohamad banned the movie *Schindler's List*, they could claim their act "was blessed by an ancient culture."

Asia did have some lessons for the rest of the world, Patten observes. First, he notes, it proved that free trade makes countries strong and that protection makes them weak. That was obvious in the contrast between Hong Kong and the old China, or Singapore and India. "Protectionism is always loser-driven," he writes. He particularly denounces the "absurd and callous proposition that to be poor is somehow to have an unfair trade advantage."

Second, he argues that East and Southeast Asia boomed partly because it kept its governments small, requiring families to attend to their own welfare through high savings. In Hong Kong, government takes 16 percent of GDP; in South Korea, 18 percent, Malaysia, 25 percent, the United States, 34 percent, Britain, 43 percent, France, 55 percent. Patten clearly believes Hong Kong is closer to the right number, and that the West should take a calm but radical look at how it might do the same. "The radicalism that we should consider," he writes, "is to take a hard look at what governments do, at the taxes they raise, and at the relationship with the citizens they represent."

Defenders of liberty in the West had to argue against those who believed in freedom for politics but not business. In East Asia in the 1990s, it was the other way around.

Even in market-oriented Hong Kong, one important big government program, the provision of public housing for half the population — done originally to replace squatter camps — led to major problems. "Rents became the most politicized aspect of government policy," Patten writes. Rents were kept at such low levels that tenants who earned more had little incentive to leave. Some twelve percent of families in public housing bought condos to rent out.

Third, Patten makes a clear argument that economic freedom requires political liberty, and that to "live our own lives, think our own thoughts,

speak our own minds" is of value to Asians as well as Westerners.

Patten and China

Patten refuses to make special concessions for China. "We have become so preoccupied with how different it is from everywhere else that we overlook the myriad similarities," he writes. "We are lured into thinking that there is a special, an exact, way of dealing with China, which turns out on close inspection to be one part correct to four parts mumbo-jumbo."

I remember the editor in Hong Kong who shook his head at me and my ignorant government in its campaign for human rights. "You can't push China around," he said. I held my tongue, but I thought: But we *are* pushing China around. China is big, but it is not that big.

In Patten's view, China is still poor and militarily weak, with its economic modernization putting increasing strain on its ossified politics. Because it has not devalued the renminbi in the past year and a half, China is being praised in the West as an island of stability. "I doubt if the Chinese leadership believes that," Patten said in his Seattle speech.

"I am often asked what China is going to do to Hong Kong," he said. "We've got the question the wrong way round. The question is, What does freedom and democracy in Taiwan mean to China?"

In foreign policy, Patten denounces with indignation the argument, heard often in Hong Kong, that Chinese people don't care about human rights. Patten wants to keep human rights on the agenda, but not link them to trade. In practice, he says, that link doesn't work in the United States' interest. And besides, it is "a matter of principle," he writes, that "trade should be free, and should be used as a weapon only in extremes and where it will work."

Patten's Legacy

Patten was both very political and very ideological for Hong Kong — and he was just what Hong Kong needed. While the people there made spectacular use of freedom in practice, they were not taught to understand it in theory, or to fight for it. And in the 1997 handover, they were facing an historical situation in which they would probably have to fight for it, and on difficult terrain.

So far, the handover has gone well. I doubt if "one country, two systems" can work for 50 years, but it has survived for a year and a half. Hong Kong houses the People's Liberation Army and the *Asian Wall Street Journal*, flies the red flag and tolerates public demonstrations on June 4, the anniversary of the tanks in Tiananmen Square.

In June 1998, the territory had its first legislative election under the red flag. Martin Lee's Democrats and their allies won a majority of the vote. Because less than a majority of the seats are chosen by public election, he did not get a majority of seats. But China has made promises about further reforms, and the Democrats will be there to collect on them. Their position is not all Patten's doing, but stronger than it would have been without him.

I liked Chris Patten. I liked him better than any American politician I knew of. Patten made a stand for fundamental values without stirring up hatred or claiming that he was taking instructions from God. He remains a man of moderate temperament, a practical politician who knows the value of ideas. In the matter of democracy and human rights in Hong Kong, he did as much as he could in the time that he had. ❑

***The Origins of Virtue*, by Matt Ridley. Penguin Books, 1997, viii + 295 pages.**

From the Jungle to Civilization

Leland Yeager

Are humans instinctively social or anti-social? If life is a competitive struggle, why do we see so much cooperation? "Society works not because we have consciously invented it," writes Matt Ridley in *The Origins of Virtue*, "but because it . . . evolved as part of our nature. It is as much a product of our genes as our bodies are" (pp 5-6). In this book, Ridley seeks the roots of human society. Ridley, a science writer with a doctorate in zoology, is a research fellow of the Institute of Economic Affairs in London.

How could cooperativeness and even an apparent propensity for occasional self-sacrifice have evolved? Formerly respectable theories of biological group selection have held that altruistic behavior evolves because groups tend to flourish or perish depending on whether their individual members will put group interests ahead of their own. Ridley duly rejects those theories, recognizing instead that biological selection operates at the level not of groups but of individuals and their genes. Self-sacrificing individuals would be at a disadvantage in surviving and reproducing, leaving dominant those individuals who possessed the genes for pursuing narrower self-interest.

Yet, as Ridley shows, something remains valid in a theory involving group selection. Social animals can survive only in functioning groups. Groups whose members do not practice cooperation and fair play die out. But can this aspect of group life be reconciled with the reality of biological selection at the level of individuals?

The title of Richard Dawkins's 1976 book *The Selfish Gene* encapsulates the relevant principles. Selfish genes can perpetuate themselves through relatively selfless individuals. Such genes have built our minds to be social, trustworthy, and cooperative (249).

Focusing on genes clears up "behaviour that had seemed puzzling when seen through the lens of the individual or the species" (18). More specifically, the reconciliation appeals partly to the idea of kinship selection and inclusive fitness, which pertains to reproduction of genes like those of an individual even otherwise than by direct transmission of the individual's own genes to his or her own offspring. The process involves partiality to close relatives likely to share one's own genes for benevolence.

The actions of hunters in exchanging giraffe meat for prestige were a forerunner of modern markets in financial derivatives; they were ways of hedging risks.

Another strand of reconciliation involves reciprocity — helping or playing fair with others in expectation that they will do likewise. The game of "prisoners' dilemma" demonstrates some aspects. (The game gets its name from a story in which the district attorney, negotiating separately with each of two robbery suspects, offers each an attractive plea bargain in return for his turning state's evidence against his partner in crime.) The game is so structured that in a single round considered alone, the best move for each of the players, regardless of what the other does, is to "defect," that is, try to exploit the other. Yet when both act that way, the result for both is worse than if they had cooperated. Still, if either forgoes the narrowly self-interested strategy, he risks winding up the victim. What incentive, then, does each player have to subordinate his own narrow immediate advantage to the interest of both combined? In repetitions of the game, each player's moves transmit signals to the other. In computer experiments conducted by Robert Axelrod and reported in his *The Evolution of Cooperation* (1984), the most successful strategy is "tit for tat": one begins by playing cooperatively but retaliates on the next round if the other player acts exploitatively. If the other gets the message and returns to cooperation, so does the first player.

In the more complicated multi-person game of life, behavior transmits signals that become codified in persons' reputations. A good or bad reputation expands or shrinks a person's opportunities for reaping gains from trade with others, and not just from trade in the narrow business sense but from all sorts of voluntary interpersonal relations. People inherit some evolved predispositions to be trustworthy and some capacity to discriminate between their honest and dishonest fellows. Gene-linked social instincts have enabled humans to reap huge benefits from the division of labor, and make possible the rapid evolution of our brains and for our inventiveness. Our minds and our societies evolved in mutually reinforcing ways (249).

Competition between culturally different individuals and groups joins biological natural selection in the evolution of ethical standards. The direct person-to-person transmission of traditions, customs, knowledge, and beliefs makes for a whole new kind of evolution (179–180). Interaction between biological and cultural evolution appears in what the economist and computer scientist Herbert Simon identified as "docility" — a receptiveness to social influence and a readiness to accept instruction and follow examples. It saves much time and energy in unnecessarily repeated experimentation. It shows itself in conformism, which is reinforced by religious and other rituals. "[T]ribes . . . that found a way of drumming cultural conformity into the skulls of their members tended to do better than those that did not. . . . By taking part in a dance, a religious ceremony or an office party, you are emphasizing your willingness to cooperate with other people" (189).

An unfortunate side of group-oriented conformity, notes Ridley, is a concept of "them and us" and even an inborn tendency to wage war (chapter 9). "Human beings are terribly easily talked into following the most absurd and dangerous path for no better reason than that everybody else is doing it. . . . [Many examples illustrate] how easily we can be rendered obedient to the current fashion for no better reason than that it is the current fashion" (181).

But let us return to the bright side. Neurological research supports the seemingly outlandish idea of faculties in the human brain that "enable it to exploit reciprocity, to trade favours and to reap the benefits of social living" (131). Adam Smith's "propensity to truck, barter and exchange" has such a basis (50).

In hunter-gatherer days, hunting for big game was a kind of lottery, often unsuccessful. When the hunters did succeed in killing a large animal, they could neither consume all the meat themselves nor store it for long. If trade for other goods and services was not well developed, they had to resort to implicit trade, giving away meat in exchange for prestige, meaning an implicit claim to share in the future good fortune of other hunters. The actions of hunters in exchanging giraffe meat for prestige were a forerunner of modern markets in financial derivatives; they were ways of hedging risks (115–116).

Besides a propensity to practice the division of labor and to trade, another idea of Adam Smith, that of "moral sentiments," finds support in modern research. Ridley draws on *Passions Within Reason*, by the economist Robert Frank. In social creatures, emotions help subordinate short-term expediency to long-term prudence.

Biological selection operates at the level not of groups but of individuals and their genes.

Emotions bring distant costs forward to the present. They transmit signals of reliability and cooperativeness; they aid in making credible commitments; they elicit or reinforce reciprocity and promote kinds of altruism that might pay off in the long run. "Rage deters transgressors; guilt makes cheating painful for the cheat; envy represents self-interest; contempt earns respect; shame punishes; compassion elicits reciprocal compassion" (135).

Ridley adopts, though only tacitly, the ethics of what is sometimes called "indirect utilitarianism," according to which institutions, precepts, inclinations, and character traits merit approval or disapproval to the extent

they support or undermine social cooperation. "We define virtue almost exclusively as pro-social behaviour, and vice as anti-social behaviour" (6; cf. 38). Ridley avoids making self-sacrifice or altruism the essence of ethics. He never explicitly asks the key question "Why be moral?" but he contributes to answering it. Moral sentiments benefit not only the group but also the individual (in a long-run and probabilistic sense, as Moritz Schlick and Henry Hazlitt duly qualify that proposition). Virtue enables the virtuous to join forces with other virtuous people, to their mutual benefit. Moral behavior need not be disparaged, because at bottom it reconciles with self-interest.

Ridley develops a case for classical liberalism consistent with scarcity of resources, biologically and culturally determined human nature, historical experience, and his (tacit) utilitarianism. Chapter 12, "The Power of Property," shows how people, left free from government interference, find ways to work out property arrangements among themselves that avoid wasteful demands on the environment. In particular circumstances where delineating private property rights is difficult, common property governed by rules suitably evolved through custom can serve the purpose. The medieval commons was not the disastrous free-for-all that "authoritarian biologist" (231) Garrett Hardin envisioned in his celebrated "The Tragedy of the Commons." Instead, Ridley notes, commons were subject to "a complex spider's web of jealously guarded property rights" in effect owned by individuals (232). "Hardin's legacy was to rehabilitate coercion by the state. . . . Leviathan creates tragedies of the commons where none were before . . . " as with restrictions on the commerical management of African wildlife (236).

Although no anarchist, Ridley is far from crediting all beneficial arrangements to government. "[T]here was morality before the Church; trade before the state; exchange before money; social contracts before Hobbes; welfare before the rights of man; culture before Babylon; society before Greece; self-interest before Adam Smith; and greed before capitalism. These things have been expressions of human nature since deep in the hunter-gatherer Pleistocene" (249–250). Merchants themselves, not governments, devised and enforced modern commercial law. Henry II of England was not a great law giver but a great law nationalizer — he did not originate commercial law, but rather took the merchants' common law and made it the law of the land, subject to enforcement by the courts. The threat of appeal to royal courts undermined the system's reliability and adaptability (203). "Only the restrictive practices of lawyers prevent the civil law gradually privatizing itself again" (203).

"Trust" is the theme of Ridley's concluding chapter. An advanced economy or indeed a primitive economy cannot function without some spirit of fair play and cooperation. Government often destroys local mutual institutions based on trust, making people more selfish, not less. Individualists justifiably argue that government is the problem, not the solution. Margaret Thatcher recognized that government is composed of self-interested human beings, not saints. Government is a tool for interest groups and budget-maximizing bureaucrats.

Ridley makes many amusing asides. He shows that, contrary to myth, American Indians and other primitive peoples have not been conscientious stewards of the natural environment. The noble-sounding speech of Chief Seattle, much quoted by Al Gore and others, is a work of modern fiction. Ridley retells the story of how Margaret Mead's prankish native informants conned her into believing that Samoa was a paradise of free love and other delights. Mead, followed by many modern sociologists, anthropologists, and psychologists, committed a reverse naturalistic fallacy. "Because something ought to be, then it must be. This logic is known today as political correctness" (258).

Ridley enhances (or pads, depending on your taste) his core arguments with many barely relevant snippets of natural history and human history, but writes in a lively, engaging style. One story, he assures the reader, teaches "a simple lesson which might serve you in good stead if you are ever reincarnated as a baboon" (153). One annoyance: The use of endnotes rather than footnotes without providing any means to help the reader connect notes and text.

But I must not end on quibbles. It is a joy to see both utilitarian ethics (even if not explicitly so called) and classical-liberal political philosophy tied to the findings of genetics, natural history, and cultural anthropology. Ridley draws on Adam Smith for points of ethics and economics. He cites, but only incidentally, David Hume and Nobel laureate economist F. A. Hayek. He philosophizes without reference to writers whose ideas I would consider central, including John Stuart Mill, Moritz Schlick, Ayn Rand, Paul Edwards, R. M. Hare, and the economists Carl Menger, Ludwig von Mises, and Henry Hazlitt. But these omissions are no grounds for complaint. On the contrary, the fact that Ridley arrives at his utilitarianism and his libertarianism by independent routes, with heavy emphasis on biology, only strengthens those doctrines. ❑

At what price will the gold standard return?

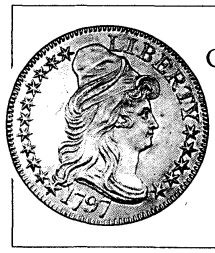

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***The Argument Culture: Moving From Debate to Dialogue*, by Deborah Tannen. Random House, 1998, 304 pages.**

The Argument Against Argument

Michael Drew

"The world's most famous linguist" is now "widening her lens to examine the way we communicate in public" — so proclaims the cover of Deborah Tannen's latest book, *The Argument Culture*. Like many of her fellow citizens, the renowned expert on gender communication (*You Just Don't Understand*) laments the polarization of American social discourse and the "atmosphere of unrelenting contention" emerging in recent years (3).

For Dr. Tannen, the chief culprit is "agonism," a suggestively painful term she has coined to mean "an automatic warlike stance . . . a prepatterned, unthinking use of fighting to accomplish goals that do not necessarily require it" (8). Through a survey of recent patterns in three professions — journalism, politics and law — Tannen examines the corrosive effects of "the argument culture" on the current body politic. She then deepens the search by exploring the influence of gender and technology on our "agonistic" thinking and looking beyond our own culture to see how other societies process conflict.

Unfortunately, as Tannen "widens her lens" she appears to lose much of the sharp focus of her earlier work. At the outset she identifies a major obstacle at the root of our thinking: the very notion that there are two sides to every issue. This dualism originates with early Aristotelian logic and is founded on "the conviction that opposition leads to truth" (6). With our need to find an "other side" for its own sake, we thus "end up scouring the margins of science or the fringes of lunacy to find it . . . so kooks who state outrageous falsehoods are given a platform in public discourse" (11). All the while our most creative minds must waste time and energy responding to "unfair criticism" (19). In fact, says Tannen, sometimes there are more than two sides to an issue, and "sometimes there is only one side: truth" (37). Ouch.

In her earnest desire to convey the slam-dunk truth of such phenomena as global warming, the Holocaust and the theory of evolution, Tannen overlooks an elementary truth about democracy: that we have no official referee to determine just what the "truth" is, who the "kooks" are, or what is "unfair" in a given situation. This sometimes irritating fact is also our greatest asset. For example, any belief that vitamin supplements could combat cancer or heart disease was dismissed as hippie quackery only a few years ago; no longer. A century earlier the "fringe of lunacy" was occupied not by creationists but by the first evolutionists who opposed a "truth" which up until that time had been the sole province of the Church. In our own time, allowing open debate about the Holocaust may raise public awareness of historical facts, such as the extreme measures taken to conceal the murder of the Jews in what SS Reichsfuhrer Heinrich Himmler called "the chapter in our history which must never be written," which in part forms the basis of Holocaust denial today. Our knowledge is inevitably sharpened as the truth is forced to find its way out on its own power.

By contrast, Tannen seems to envy the Japanese approach to ideological conflict. She notes approvingly that when "a reputable magazine printed an article" denying the Holocaust in that country, the "publisher . . . recalled all copies of the issue and closed the magazine for good" (39–40). Well, that's one way to end an argument.

Significantly, it is not long before she progresses from the straw man of Holocaust denial to the murkier subject of abortion, where she maintains that the National Abortion Rights Action League and Operation Rescue occupy such "very different moral landscapes" that the latter should not be "legitimized as the other side in a debate" (41). Wow. That the anti-abortionists happen to use a different yardstick to measure their own moral landscape does not appear to concern the author. Claiming that the whole abortion debate is "needlessly polarized" to begin with, she advocates that we frame the issue differently: "on one hand, the desire to reduce the number of abortions, and on the other, the desire to give women control of their own bodies and lives" (42). While the usefulness of this model might be limited by its failure to acknowledge the actual goal of anti-abortionists — to stop abortion, not just reduce the number — the heading for this section tells us all we need to know: " 'Two Sides' Gets In the Way of Solving Problems" (41).

The fact that the anti-abortionists use a different yardstick to measure their own moral landscape does not concern Tannen.

More useful is Tannen's study of public communication as the measure of our agonistic mania, probably the high point of *The Argument Culture*. Not only has the average citizen been turned off — heard any good lawyer jokes lately? — but even veteran practitioners suffer battle fatigue from the attack dog mentality in journalism, the breakdown of compromise and fair play on Capitol Hill, overly "zealous advocacy" on both sides of the courtroom; in short, a growing "take no prisoners attitude" on all fronts (52, 54, 61, 88–90, 99, 104, 145, 159).

The line between editorial opinion and "news" has blurred in the competi-

tion to inflame our senses (93). Technology exacerbates the problem as competing sources of information literally scream for attention, while the anonymity of such media as the Internet enables us to escape personal relationship, and hence responsibility, in our attacks on others (47, 238–242).

Yet our anti-culture-war activist undermines her own cause by again entering too far into the fray to be an entirely credible observer. We are treated to detailed analyses of how Hillary Clinton's remarks have been twisted by the media, the "heartbreaking tale of public opposition" to the Clinton health care plan, "based entirely on misconceptions," the time and money wasted on the Whitewater investigation fueled by Republican "dirty tricks" and headed up "by a prominent Republican known for his animosity toward the president" (65–67, 108, 124–126).

Meanwhile, poor Mike Espy, Clinton's former Secretary of Agriculture, is indicted for "having accepted $35,458 worth of inappropriate gifts, including such items as tickets to a basketball game priced at $90" (125). (Dr. Tannen might be interested to know that the cash value of such gifts is not as important as the political influence they might have on the cabinet officer who receives them.) The author begs off any discussion of the First Couple's own possible role in the agonistic tango on the grounds that this would be "in itself evidence of the culture of critique by which only criticizing seems like worthy intellectual work" (97).

She goes to great lengths to show that males "are more likely to take an oppositional stance" and hence are more agonistic in general than females.

But if she blames editors for treating Hillary more like a Democratic politician than a first lady, she might consider that Mrs. Clinton has had a bit more on her plate than hospital visits and highway beautification (113–114). Suffice to say Tannen is not shy about employing the "culture of critique" when it comes to the "verbal manipulations" of right-wing talk radio versus the "uniquely thoughtful NPR," or the relative lack of press coverage of the Iran-Contra arms sales, which occurred "in direct defiance of laws passed by Congress," compared with the extensive coverage of Whitewater (84, 92, 116).

While these are all valid viewpoints, they hardly set the stage for the "general truce" called for by Tannen to begin moving us away from the paradigm of two-sided battle. She further muddies her theme by qualifying it at regular intervals, so that sometimes it's appropriate to be critical, dualistic, even devious (19, 52, 53, 71, 129, 272). Exactly when would that be? Well, that depends. "Sometimes passionate opposition, strong verbal attack are called for," as in the case of "those who live under repressive regimes . . ." (7). Fair enough, but are not abortion, affirmative action and other issues perceived as gravely affecting the lives of millions within our own society, no matter which side one takes? How do we pick and choose our passions for the author's purposes?

Tannen being Tannen, she inevitably highlights the role of gender in our increasingly warlike culture ("Boys will be Boys," 166). The war metaphors used to describe American discourse are seen as aggravating the agonistic tendencies already inherent in our two-sided thinking (13–20, 191–194). She goes to great lengths to show that males "are more likely to take an oppositional stance" and hence are more agonistic in general than females (166).

While she makes a case based on clinical research (well supported by everyday observation) that men and boys are more likely to enjoy arguing as a game or ritual, her larger theme begs the obvious question. If "agonism" and opposition are more a masculine phenomenon, why has our society entered this recent phase of hyper-conflict precisely when women's voices are being heard in large numbers for the first time, especially in the professions scrutinized by Tannen: media, politics and law? Ironically, the waning spirit of compromise and all-around public decency mourned by Tannen previously existed in an almost all-male context (97–99, 182–197). Why weren't these testosterone-laden warriors tearing each others' figurative heads off during the *Leave it to Beaver* days? Perhaps Tannen misses the significance of her own evidence that males enjoy the game of combat more, but are also more likely to remain friends afterwards (182, 195).

A century earlier the "fringe of lunacy" was occupied not by creationists but by the first evolutionists who opposed a "truth" which up until that time had been the sole province of the Church.

Stressing the masculine tendency to engage in ritualized conflict as the core of the argument culture, Tannen describes similar phenomena occurring in non-Western societies: the verbal contest of wits and insults in Hawaii, and cockfighting in Bali (224–228). Only now she arrives at the strange conclusion (given the theme of the book) that we can learn something here about "the benefits of ritual fighting" and "the futility, and even the danger, of trying to prevent" it! (228)

Similarly, she shows how other Western peoples such as the French, Germans, Greeks and Italians are actually more argumentative than ourselves, that Americans are often intimidated by the combative reception they receive in these countries (209–210). Yet by the author's own assertion, "the United States in particular" seems to exhibit the worst degree of what we might call "argument culture syndrome" (3). Again, if our underlying oppositional mind set is at fault, it's hard to see why these admittedly more "agonistic" societies would not be experiencing as much or more actual social strife than our own. What gives here?

Tannen touches on the root of the problem earlier in the book when she describes "the breakdown of a sense of community," through which "community norms and pressures exercise a restraint on the expression of hostility. . . . American culture today often

lacks these brakes. Community is a blend of connections and authority, and we are losing both" (24). Bingo.

However, she fails to develop this theme, perhaps because it has all been said before, perhaps because it has no linguistic solution. Ours is a society in which victim ideology is in the ascendant, in which subgroups from women to the handicapped have proclaimed separate cultures — concurrent with the rise of fundamentalist religion. Each group is "empowered" with its own set of values and newfound political clout, creating a culture in which every form of authority and convention has been either questioned or dispensed with completely. Thus it is perhaps inevitable that something very much like war — by that or any other name — would erupt. The defining characteristic of the Asian cultures Tannen offers for comparison, with their observably lower levels of internal conflict, is a strong hierarchical structure (212–213). Indeed, the dispute resolution she admires in other cultures always takes place in the context of tight social relations, exactly those which have dissolved within our own society. As the author correctly observes, "It takes a village to settle disputes" (222).

What to do about it all? Aside from her earlier call to the media that "changes need to be made in the way that all material is presented," no mean task in itself, Tannen shares with us Amitai Etzioni's "rules of engagement" for constructive dialogue (52, 288):

- "Don't demonize those with whom you disagree" (read: unless you really disagree, as with the "evil" of Holocaust denial or "fringe" talk radio) (38, 116).
- "Don't affront their deepest moral commitments" (unless they happen to "occupy a very different moral landscape" from your own, such as "the ranks of Operation Rescue") (41).
- "Leave some issues out" (unless you intend for your book on conflict resolution to be a platform for all your favorite causes and pet peeves).
- "Engage in a dialogue of convictions: Don't be so reasonable and conciliatory that you lose touch with a core of beliefs you feel passionately about" (not a problem for our author) (288).

Interestingly, Tannen declares at the outset that "This is not another book about civility" (3). Perhaps it should have been, for it would seem the level of rancor in American society today is less a product of the two-sided argumentation model, which as the author points out goes back to the time of Aristotle, than of the genuine stresses shaking our social foundations. Rather than this unconvincing attempt to deconstruct the dialectic, we might have been better served by a more even-handed call for tolerance as our cultural stew boils over. ❑

***On Nationality*, by David Miller. Clarendon, Oxford, 1995 (Paperback edition, 1997), 210 pages.**

The Logic of Nationalism

Martin Tyrrell

David Miller's *On Nationality* differs from earlier accounts of nationalism in several interesting ways. For one thing, as the title implies, its ostensible emphasis is not nationalism, but nationality, the individual sense of identity that people acquire once they believe that they are part of a national community. More importantly, Miller is no neutral commentator and does not pretend to be one. He is convinced that nationality is a good thing, from which we can all benefit.

Miller's earlier work, *Anarchism* (1984), disputed the feasibility of society without government on the grounds that there exists a deep human need for collective, political identity, a need that anarchy cannot meet, but which nationalism abundantly satisfies. *On Nationality* develops this thesis so much that *For Nationality* might have been a more appropriate title. Significantly, however, the book is only occasionally about nations and nation-states as they have actually been. More often, it is about nations and nation-states as David Miller would like them to be, which is not at all the same thing. Disappointingly, therefore, the book is not the wickedly unfashionable essay one might have expected.

The kinds of nation-state that its author has in mind (peaceful, open and pluralist) are imagined communities indeed, quite unlike any nation-states ever known. Their bland, Barbie Doll perfection is so unreal that, almost inevitably, readers are alerted to the darker side of nationalism (war, imperialism, visceral and enduring prejudice) here played down. Miller gives critics of nationalism such as Isaiah Berlin, Elie Kedourie and Kenneth Minogue short shrift. Their common complaint that something inherent in nationhood is corrosive of, for example, peace or personal freedom, deserves a better answer than Miller provides. And anarchists, too, are due some apology. Even his improbably well-behaved nationalism is, on inspection, not obviously superior to the anarchy he dismissed in *Anarchism*.

Consider nationality itself. It is never a coincidence when large numbers of people happen to share a particular national identity. Nationality is political. People who have the same nationality have also had the same political and ideological influences. Maybe these influences were subtle, almost imperceptible; maybe they were far from subtle. Regardless, they derive from the same sources: either national governments, or political movements that aspire to be national governments. Both of these sources have the same broad aims: to make people identify

with one another and with the state, and to advance an alleged common interest.

Before there can be nationality, then, there must necessarily be nationalism. Before there can be nationals, there must first be nationalist ideologues and activists increasing the role of government in areas such as education, the mass media and the creation and custody of the historical record. As each of these areas takes a nationalistic turn, so too do many of the people who come into contact with them. In this way, they acquire nationality. The causal relationship between these two phenomena — nationalism and nationality — is so strong that a book about one is inevitably also a book about the other. Miller's big distinction is, therefore, on reflection, not so big at all; *On Nationality* might just as easily have been called *On Nationalism.* And, being for nationality, it cannot but be for nationalism as well. But maybe nationalism is not so bad. Perhaps it can, indeed, be as benevolent as the author hopes.

It is true that nationalism, as Miller suggests, can create mutual obligations between co-nationals and that this can, in turn, make for a potentially more cohesive and orderly society. Necessarily, however, it also involves a process of exclusion, since people who are outside of the national community in question will not benefit either at all or as much from the privileged exchanges and transfers going on within.

"On Nationality" is about nations and nation-states as David Miller would like them to be, not about nations and nation-states as they have actually been.

But when nationalism emphasizes mutual moral obligations among nationals, it suggests that the very same people have much more limited obligations beyond the national in-group. Many activities of the national state, like subsidies to agriculture and industry, tariffs on imported goods, and restrictions on entering the country or its work force amount to disadvantaging non-nationals in the expectation that at least some co-nationals might thereby benefit.

Likewise, welfare states institutionalize the redistribution of resources from the more affluent to the more needy members of a single national community. The extent to which non-nationals are entitled to a share in the benefits of such an arrangement has been an important political issue in many states and a significant factor underlying attempts at limiting or preventing immigration. It is quite possible, in fact, that the more mutually supportive and communitarian the members of a given nationality become, the greater their incentive to exclude and the stronger their reluctance to tolerate newcomers. Foreigners, by the very fact of their being foreign, violate the preconditions of entitlement to nationalist welfare.

So it is not surprising that nationalism, then, initiates a succession of discriminatory behaviors. With nationality, as with any sense of collective identity, there is a differentiation of "us" from "them," and then discrimination between the two. Typically, as the familiar cues signifying that someone is an out-group member are recognized, that person is treated differently from the way in which an in-group member would be handled. Ethnicity, with its suggestion of a cultural as well as a genetic heritage, is usually a factor in this kind of differentiation. The factual, historical basis to this ethnicity is not the point; what matters is that people believe in it and perceive it to be valid. They believe that they and their co-nationals constitute a distinctive and enduring "stock" and that the kinds of tie which link, say, one member of a family to another, hold also for the nation as a whole. Thus each national is, somehow, however distantly, kin of every other. This, in turn, inspires a great deal of the solidarity between nationals and a great deal of the animosity outsiders get to feel.

It helps considerably if such a belief has at least the semblance of truth. People are, in general, less likely to read the substance of homogeneity into a given community if that community does not first have the appearance of it. Ethnicity need not be real, just realistic. Nationalism has therefore tended to spread fastest among communities already broadly similar; communities which, for example, spoke related dialects, if not a common language, and whose members at least appeared to be homogeneous. Writers on nationalism as conceptually diverse as Anthony Smith and Ernest Gellner acknowledge this. The political construction of a national community benefits from being based on existing, relatively homogeneous, pre-national groups. But whether initial differences are great or small, the process of developing a nation has, historically, involved trying to move from a situation of less to one of more homogeneity. This is what nationality amounts to; a somewhat paradoxical situation whereby the members of the in-group are first identified and included, then members of out-groups identified and excluded.

Many activities of the national state, like subsidies to agriculture and industry, tariffs on imported goods, and restrictions on entering the country or its work force amount to disadvantaging non-nationals in the expectation that at least some co-nationals might thereby benefit.

Miller's nationalism is no different. It is the price that the kind of communal solidarity and mutual support he commends always carries. Miller, himself would, of course, dispute this. He suggests that nationality can be otherwise; that there can be a "civic" nationalism, based upon an open and inclusive citizenship. If you carry the passport, keep the law and pay your taxes, he alleges, you are a national and that is that.

But just what would such a civic nation look like? One possibility is that it would be a society in which different ethnic groups co-existed within the context of a single citizenship but were otherwise quite culturally diverse. It is

not apparent, though, how such an arrangement could be said to constitute nationalism. Something like it already characterizes most Western states, for instance, but, far from being seen as a new form of nationalism, it has usually been attributed to or blamed for the demise of nationalism in those countries. Moreover, many researchers have argued of such societies that, while the members of their different groups do indeed have a degree of involvement in and an identification with the state, only rarely is this sense of belonging experienced equally, across all groups.

In practice, liberal variants of nationalism tend to be too nationalistic to be meaningfully liberal or too liberal to be meaningfully nationalistic.

In practice, some groups tend to be better represented within the state and are better able to have it serve their respective political interests. In addition, it is not common for the members of such culturally diverse societies to share a widespread, intergroup sense of community with one another. Cultural fragmentation (in, for instance, Belgium, Switzerland and, increasingly, the United Kingdom) has tended to precipitate political fragmentation, too (through, for example, the decentralization of political power).

Thus, where a state tolerates the existence of a series of distinctive communities, two fundamental national identifications tend to be lost — people do not share any widespread sense of nationality with one another and they do not share an identity with the state. Miller himself clearly recognizes that an excessive level of such communitarianism potentially undermines nationalism. It is on this basis that he is critical of multiculturalism, dismissing it as contrary to the nationalist goal of assimilation (compelling Spanish speakers to use English and so on). There is little concern that multiculturalism might intrude upon individual choice (by, inter alia, discouraging native speakers of Spanish from adopting English) for multiculturalism and nationalism are illiberal in much the same way. Both, after all, aim at the same type of homogeneity, albeit on a different scale. And both tend towards, if not coercion, then restriction and limitation of choice.

However carefully liberal Miller attempts to be, there is something in nationalism that will not move in that direction. Even the most minimalist national culture will provoke dissent, for there will always be people who want to be different and who want their children to carry on that difference. The establishment of even a slightly more homogeneous national community in Britain or America today would, for example, be a daunting and thoroughly repressive project, almost certain to fail. It would represent a return to the process of "nation building" but on a much larger and more problematic scale. To have any prospect of success, the state would need to become a still more permanent and intrusive feature in all areas of life, inhibiting tendencies towards separation, reinforcing moves in the direction of integration. It is not obvious that a regime of this kind could remain fully democratic or, indeed, democratic at all. And it is not obvious that a state of this kind could avoid provoking unrest among those very groups it was trying to assimilate. Given this, "liberal nationalism," if not quite a contradiction in terms, can only be the most relative of concepts. All nationalist systems are essentially illiberal, for all aspire to heighten or impose uniformity.

In practice, therefore, liberal variants of nationalism tend to be too nationalistic to be meaningfully liberal or too liberal to be meaningfully nationalistic. David Miller, despite clear liberal values, is as yet in no danger of being too liberal. It is not only that he has opted for uniformity over pluralism, but also his recommendations regarding the national culture on which that uniformity is to be established suggest a decidedly prescriptive outcome. Not that he is overtly dictatorial; prescriptivism is merely the illiberal rut into which his position necessarily slips if it is followed where it leads. It is worth seeing how this happens.

In place of any rigidly defined national culture and the kinds of cultural prohibition which this has sometimes initiated, Miller advocates instead an environment of subsidies and incentives. Given such positive encouragement, he reckons, a truly national culture will evolve. But where there are subsidies, there must also be people empowered to decide who should and should not receive them. Not everyone, after all, can receive a handout, for even the most generous of subsidy regimes will have limited resources, and not every aspirant beneficiary will be equally worthy of support. So some people will need to be delegated to decide what is and is not deserving. The idea of a prescriptive, working definition of national culture cannot, therefore, be eased out of the argument quite as readily as Miller supposes. Nor can national culture, even in this variant, be without an element of compulsion. If some culture is to be subsidized, some people will have to provide the subsidy. They will therefore be required to pay for something they would probably not have purchased voluntarily and so have to forgo something that they probably would.

There is more to this, however, than familiar market liberal objections to the public subvention of allegedly "high" or worthy culture. Here, the subsidy is more highly politicized, for it is part of a nationalist program. And since nationalism tends towards homogeneity, official national culture is likely to tend in that direction as well. With national culture, therefore, some people might end up funding a culture that they reject and which, elsewhere, they actively resist. In effect, they might be made to pay for at least part of their own assimilation. Secession — and the establishment of a new nation-state of their own — offers such people an opportunity to exit a process of assimilation. Historically, however, existing nation-states have usually tried to prevent secession just as they have tried to work against excessive cultural pluralism. Certainly, the entire issue touches off a series of problems fundamental to nationalism and, indeed, nationality, for few secessions are without their dilemmas and this is particularly true where the aim is to be fair and democratic. Drawing and redrawing borders in response to the results of referenda is a process that can, in theory, go on indefinitely until borders are being drawn through towns or streets. And

even then there would still be disappointments on both sides, some pockets of anti-secessionism on the secessionist side of the border and vice versa.

At some point, therefore, the appeal to democracy and self-determination must break down. People simply do not form the neat, territorial packages of ethnic homogeneity nationalists and seceding nationalists require. Yet, fired up by nationalist ideology, they might feel inspired to create precisely such a space through ethnic cleansing. In this way, nationalism begets demographers of a decidedly mean streak, capable of sustaining lengthy and destructive conflicts for many generations.

Miller reviews some academic work on this issue to see if there are any principles which might be generally applied. But what he finds is arbitrary. I doubt that it could be otherwise. Simply listing some rules whereby legitimate and illegitimate secessions can be distinguished will not prevent illegitimate secessions from taking place. Secessions are justified because they justify themselves. Their success is their justification. And their success/justification is a matter of power. There are no rules or principles that can govern them; none that can be set up and imposed with any realistic prospect of being applied universally. Historically, superpower caprice and realpolitik are what have mattered, not the strictures of a principled legal order. Secession is not the only subject of so-called "international law" vulnerable to this criticism. The concept as a whole is diaphanous.

Some years back, a violation of the territorial integrity of Kuwait provoked the shrillest of high moral tones; but a violation of the territorial integrity of East Timor, a few years before that, provoked next to nothing. Such is the "law" of international relations. Miller should not, then, expect good behavior between states, even if all of them could be signed up to the kind of code of propriety he advocates. Nation-states and their rulers will not be good simply because there exist some desiderata of civilized international conduct. They will be as bad as they can get away with being; as bad as the balance of power allows. Any widespread sense of nationality will minimize the resistance they face at home. The liberal order David Miller obviously desires is not to be found in nationalism. He should look elsewhere. ❑

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"The Bum Thrown Out," *continued from page 28*

able — I don't think I'm giving away any deep, dark secrets when I say that he is an instinctive authoritarian. He believes — no doubt sincerely and with some conviction that his belief is good for society — that people have a lot of evil and mischief in them if left to their own devices, and that they need a good deal of supervision from government that is ready to punish them for their slightest misdeed. The NRA endorsed him, but his record on gun control is mixed enough that most rank-and-file gun owners dislike him and probably voted against him. He's been an enthusiastic and proud builder and filler of prisons. Perhaps he would have been better than Gray Davis when it came to overall tax-and-regulation issues, but not much. On almost every issue he is inclined to rely on government power to straighten out the wayward elements of society, of whom there are far too many for his liking.

Now most Californians haven't had that much personal contact with Dan Lungren, but I think this instinctive authoritarianism comes across in public — perhaps not so much that most people would identify it with the same words I would use, but enough that it makes most people at least mildly uneasy. People might not have known why the idea of Dan Lungren with a lot of power made them uncomfortable, but it did. They looked at Gray Davis, who has climbed the political ladder painstakingly and almost invisibly, revealing as little of his personality (assuming he has one) as possible, offending almost nobody while being faithful to government unions and trial lawyers, and figured he might boost taxes, but he wouldn't go out of his way to put as many people as possible in prison. So they gulped and voted against Dan Lungren.

Including lots of Republicans.

So Californians can recognize an authoritarian and reject him? It's not much to brag on, to be sure, but it's something. —*Alan Bock*

Popp, "Flight Plans," *continued from page 51*

"Like when I decided to go to work with Dad."

"She's used to the idea now."

"Sure she is."

"Okay, maybe she isn't. She wants you to do better than him."

Paul slid a book into his back pocket. "I am doing better. I'm married to a good woman, and I'm staying married. Joy and I are a team."

Joy had dished up cake and strawberries and asked Paul to get the ice cream. He scowled into the freezer, unable to find any. Sylvia saw the bulging grocery sacks still on the counter, a dark pool under one of them. At the bottom she found a carton oozing its contents.

"Swell," Paul said. "There goes five bucks."

Sylvia looked for a sponge, but Joy said she would take care of the mess.

"It's only ice cream," Sylvia said to her brother, as she left him in the kitchen and carried two plates outside. Her father had fallen asleep in his chair, and the fire had gone completely out.

"Dad, wake up. I brought you dessert."

It took him a moment to orient himself. Under the chair lay several empty beer cans, but he seemed more tired than drunk. Sylvia said they should wait until the happy couple joined them. From inside the house, someone switched on the yard light. Art blinked. He took the plate but didn't touch the dessert.

"They're arguing, I think," Sylvia said.

"It goes with the territory. When you're having your first kid, it's tough. But . . ." He shrugged and dug into the cake. "It's worth it."

"Even when your kids are all grown up?"

"Nobody's ever all grown up."

Sylvia kicked at the grass until she made a hole in the sod. She tamped the dirt back in with her heel, but Art paid no attention to the damage or cover-up.

"Your mom's dating some guy," he said.

"She likes being single, she says."

"Don't believe it. She's after this geezer because he's loaded. If she marries him, she'll be set for life. Wouldn't that be something. She'd be laughing behind my back."

"Is business really that bad? Paul's worried." Sylvia wondered, not for the first time, why her father had taken Paul on as a partner. "There doesn't seem to be enough work for two of you. Paul might do better at something of his own."

"Like what? Pumping gas, bussing tables at Denny's? He used to have swell jobs." He forked cake into his mouth. A strawberry fell onto his shirt, and he flicked it to the ground. She didn't point out the wet spot it left. He had a napkin and knew how to use it.

Her father and brother exasperated her so much, but she loved them. She'd given Paul money so many times, but he never remembered that. Now her savings could fill the baby's room with furniture, and her mother's loan could help pay for Joy's hospital stay. She could cancel her flight. A selfless sister would do that. But she wasn't that selfless, not this time, with Ayers Rock waiting. She had to see Australia.

"Dad, do we disappoint you?"

"Nope. Paul's got a strong back and a good brain. And you're a laboratory technician first-class."

"No, Dad, I've told you. A Lab Tech I, with a Roman numeral. Not first-class like in the military."

"And you can test my blood for how many diseases?"

"Dozens, any time you want."

He put down the empty plate. "You make this cake from scratch, Sylvie?"

"Sure." A small lie.

"Dee-licious." He didn't add, the way he did before the divorce, that her desserts were almost as good as her mother's. She missed hearing that.

He looked out toward the freeway. "I liked those *Crocodile Dundee* shows. Paul Hogan's okay in my book."

"Yeah, he's funny."

"They grill a lot of seafood, don't they. 'Throw another shrimp on the barbee.' You need some adventures while you're young, before you're tied down. Hell, you're only 25 years old."

Sylvia moved from the picnic table to a chair close to her father. "On the Discovery Channel, they showed this turtle that only lives in Australia, nowhere else. It has a real long neck, too long to pull inside its shell. I want

to see one of those."

"You bring me a picture. Now who's this girlfriend you're going with?"

Sylvia sighed elaborately. "You never keep my friends straight. You've met Julie. I'll bring her by your place before we leave."

"That'll be fine." He added wood to the fire.

When Joy and Paul emerged from the house carrying their desserts, neither said a word. Joy took the bench seat, Paul a chair. Sylvia moved next to Joy. "You guys okay?" she whispered.

"Paul's just tired," Joy said.

Art prodded the logs until he got a half-hearted blaze. He insisted Joy move to the lounger, then made Sylvia get up while he pulled the picnic table closer to the others. "Hey, Joy, did Paul mention what we found today? No? Tell her, Paul."

"No, you tell it."

Art lit a cigar, making them wait for the story. "See, this lady's wash water wouldn't drain, and her utility room filled up like a lake. For the life of us, we couldn't figure out what that line connected with. Then Pauley boy here got the idea maybe it didn't connect with anything. We dug 'er up, and sure enough, that line ran about forty feet underground to a gravel bed and petered out. All these rains soaked the soil until that wash water had nowhere to go."

Joy said, "They didn't hook it to the city line? Can they do that?"

Art put on his wise man's face and expelled a mouthful of smoke. "Now it's illegal. But not when they built these neighborhoods."

Freeway noise droned in Sylvia's head. At one time Paul had wanted to be a truck driver, then a state policeman. Then came his astronaut stage. His toys were always exciting vehicles of one kind or another — matchbox race cars, mud bog trucks, bulldozers, tanks, spacecraft. She never thought he'd settle for a plumber's van, or that she'd be the one headed for distant places.

Art pointed to the blackening sky and predicted rain before morning.

"Suits me," Paul said. He stuck out his chest and grinned. "Basements will flood, sump pumps will quit, and we'll be up to our necks in work." ❑

Notes on Contributors

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Coming in *Liberty*

"The Liberty Poll" — A special report on the past decade's major changes in libertarian beliefs.

"It Usually Begins with Roy Childs" — *Barry Loberfeld* makes the case against anarchism.

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Terra Incognita

Richmond, Va.

The progress of Democracy in the Old Dominion, reported by the *Washington Times*:

The Joint Legislative Audit and Review Commission reported that 44,221 felons and 1,480 dead people who have been disqualified to vote remain on voter rolls in the state, and that more than 1,700 of the felons and 140 of the dead people exercised their right of franchise in the last election. M. Bruce Meadows, Secretary of the Board of Elections explained, "I'm not the best day-to-day manager in the world."

Racine, Wisconsin

Innovation in public school discipline, as reported by the *Milwaukee Journal Sentinel:*

At Dr. Beatrice O. Jones Elementary School, students who fight are asked to go outside and "lower the peace flag," which flies next to the stars and stripes on violence-free days.

New York, New York

Innovative proposals by Bernhard Goetz, candidate for Mayor of New York, from an interview in *The New York Times Magazine.*

I would like to see some type of vegetarian diet offered as an alternative in the New York public school system. I think circumcision shouldn't be allowed in the city of New York. And I think that generally there should be the death penalty for the first violent sexual offense.

Sao Paulo, Brazil

Progress of recycling in the world's fifth largest country, as illustrated by a photo caption from the Associated Press:

A steam roller crushed thousands confiscated guns in Sao Paulo, Brazil, on Wednesday as part of a celebration marking the 50th anniversary of the Declaration of Human Rights. The destroyed guns will later be used to make a sculpture promoting non-violence.

Russia

Interesting scientific experiment, reported by *Aerospace Daily*

The Russian space program plans to land a meter-high statue of the Buddha on the moon and, in a separate spacecraft, a camera that would beam pictures of the statue back to Earth.

Newark, N. J.

Government vigilance in protecting privacy, as seen in *The New York Times.*

Strewn about the ruins of the Essex County Jail in Newark are hundreds, perhaps thousands, of records of suspects investigated by narcotics authorities. The records, dating from about 1970 to the mid-80's, include arrest reports, the social security numbers and addresses of suspects, police booking photos, rap sheets and transcripts of wiretapped phone conversations. The building is currently inhabited by drug addicts and squatters.

Orleans Parish, La.

A setback in the War on Drugs, reported by the *American Bar Association Journal.*

"Oh Lord! What can I say about this?" wondered Chief Judge Leon Cannizzaro when marijuana was found growing on the grounds of the courthouse. "What do you do? Charge the building with possession of marijuana? Arrest everyone in the building for constructive possession?"

Japan

Innovative ecnomic stimulant measure, as reported by *The New York Times.*

A senior adviser to Prime Minister Keizo Obuchi said in an interview today that the Government was highly likely to adopt a plan to issue gift certificates in an effort to spur consumer spending.

Komeito and Heiwa Keikaku, effectively the Upper and Lower House branches of the same party, contend that the gift certificates would be more effective than tax cuts in having consumers spend, because they could not tuck the vouchers into savings accounts.

New York

Interesting semantic development, reported by Frank Rich of the *New York Times*:

We live "in a time when even the word 'liberal' is considered obscene."

Canada

New regulations to control tax evasion on salads, from Canada's *General Sales Tax News:*

Tax Status of Salads: Food containing ingredients, whether mixed or not, such as chopped, shredded, diced, sliced, or pureed vegetables, meat, fish, eggs, or other food when supplied with a dressing and/or seasoning(s), whether or not the dressing is mixed with the other ingredients, is considered to be a "salad" for purposes of determining its GST/HST [tax] status. A combination of one ingredient and a dressing or seasoning(s), which is sold or represented as a salad, is also considered to be a salad.

All supplies of salads, except those that are canned or vacuum-sealed, are taxable at 7% (15% in the participating provinces). Generally, if there is no dressing or seasoning applied to the ingredients, and no dressing or seasoning is packaged separately with the ingredients, the package is not considered to be a salad and is zero-rated. However, supplies of fruit salads or gelatin salads are taxable at 7% (15% in the participating provinces), even though they generally do not contain a dressing.

Supplies of salads that are sold in cans or containers that are vacuum-sealed are zero-rated. Supplies of mixed, cut vegetables that are packaged and promoted as "stir-fry" or "chop suey mixes" are also zero-rated, since they are not considered to be salads

(Readers are invited to forward newsclippings, documents or other items for publication in *Terra Incognita.*)

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Here they are — some of the most brilliant libertarian thinkers and writers speaking on the topics that matter to you — the future of libertarianism, science, culture, politics, economics, and, of course, investments. Fascinating, engaging, amusing, important . . .

Are We Winning the War of Ideas? • Times have changed, and liberty is no longer a notion that embarrasses the intelligentsia or is honored by voters and politicians only in the breach. Liberty publisher **Bill Bradford, Harry Browne, Sandy Shaw, David Friedman,** and **Timothy Virkkala** explore what this change means for the future of freedom. (audio: A301; video: V301)

Liberty for Sale • How to sell the idea of freedom in one quick, easy lesson. **Harry Browne** is libertarianism's greatest salesman, and he's at the top of his game here: clear, humorous, and insightful. (audio: A302; video: V302)

Will Technology Advance Liberty or the State? • For every glowing prediction of the liberating effects of technology, there is a clipper chip, a phone tap, or a spy satellite. **Harry Browne** presides while **Ross Overbeek, David Friedman, Bill Bradford** and **Sandy Shaw** measure the capabilities of Freedom and Leviathan. (audio: A303; video: V303)

The New Libertarianism • Something has changed in libertarian discourse over the last decade. **Bill Bradford** talks about this shift in the foundation of rights theory and exposes the nature of consequentialism and the consequences of natural rights. (audio: A304; video: V304)

A Positive Account of Property Rights • **David Friedman** takes an economist's-eye view of the question "what is a right?" and explains why certain rights keep on coming back to haunt those who would like to govern without constraint. (audio: A305; video: V305)

Paper Money, Gold, and Inflation • **Bruce Ramsey** makes a libertarian case for fiat paper money. Here we put him on the spot, with **Richard Timberlake, David Friedman, Bill Bradford,** and **Harry Browne** providing some free-market alternatives. (audio: A306; video: V306)

In-Group vs. Out-Group/New Frontiers in Biology • **Timothy Virkkala** explores the darker side of human nature: dumping on other people with self-righteous gusto. Also, **Ross Overbeek** explains what breakthrough discoveries in the life sciences will mean to us in the future — and what they should mean to us right now. (audio: A307; video: V307)

The Economy of the Twenty-First Century • Sparks fly when world-famous commodity speculators **Victor Niederhoffer** and **Jim Rogers** join investment advisors **Douglas Casey** and **Harry Browne,** and economists **David Friedman** and **Leland Yeager**, on a voyage into the fascinating future! (audio: A105; video: V105)

Investment Advice: Bonanza or BS? • Do investment advisors have anything to offer, or are their newsletters just expensive hot air? Newsletter authors **Harry Browne, Douglas Casey,** and **Bill Bradford** debate **David Friedman** and speculator **Victor Niederhoffer**. Provocative and valuable! (audio: A143; video: V143)

The Best — and Worst — Places to Invest and Live • World traveler and wit **Doug Casey** has scrambled through Third World backwaters and chatted with dictators from Cuba to Central Asia. Here he recounts his most recent adventures — and reveals profitable secrets for protecting your wealth. (audio: A142; video: V142)

Camouflage, Deception, and Survival in the World of Investment • Victor Niederhoffer offers his model on how markets function. Complex and in-depth. (audio: A144; video: V144)

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- ***Alvaro Vargas Llosa*** (Peru), philosopher, author;
- ***Cristián Michel*** (Switzerland), international businessman & philosopher;
- ***Plinio Apuleyo Mendoza*** (Colombia), journalist and author;
- ***Carlos Alberto Montaner*** (Spain), Cuban-born philosopher, co-author of current best-seller *Manual of the Perfect Latin American Idiot*, and vice-president of the Liberal International;
- ***José Piñera*** (Chile), former Chilean Miinster of Labor (the man who privatized Chile's Social Security system), & international advisor and co-chair of the Cato Institute's Social Security Privatization Project;
- ***Armando Ribas*** (Argentina), former Argentine congressman, lawyer, and former economist with IMF;
- ***Roberto Salinas*** (Mexico), libertarian economist and vice-president of TV Azteca;
- ***Ken Schoolland*** (USA), economist, author of the fable *The Adventures of Jonathan Gullible: A Free Market Odyssey*;
- ***Rigoberto Stewart*** (Costa Rica), co-founder of the Movimiento Libertario, founder of the libertarian thinktank INLAP, and former agricultural economist with the World Bank.

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Why Kevorkian Opposes the Right to Die

by Thomas S. Szasz

The Ayn Rand "Cult"

by R. W. Bradford

Porn in the U.S.A.

by Wendy McElroy

Also: *Stephen Cox* shows that the emperor's defenders have no clothes, *Richard Kostelanetz* reports a conservative suicide, gays and laborites launch a socialist invasion of Pittsburgh, *The Liberty Poll* . . . . plus other articles, reviews, and humor

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"Among a people generally corrupt, Liberty cannot long exist." — *Edmund Burke*

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WHY pick on Churches?

This Church/State authoritarian concern is in the eclectic tradition of (among others) Ayn Rand (Attila/Witch Doctor), John Lennon/Yoko Ono ("imagine no countries, and no religion too"), Hunter Thompson, Robert Ingersoll, Albert Nock, history and current events (Middle East, Ireland, Utah, Republican Party, etc.... ad nauseum).

Religious dogmas are especially responsible for the second-class treatment of women throughout history, and continuing...

PREFACE (excerpt)

Churches aren't benign, benevolent spectators in the assault on personal freedom, independence, self-esteem and individualism. The doctrine of Original Sin, of humons as inherently evil, has too many people believing in a need for a Big Brother... and Father.

This Connection Sinergy, this **authoritarian conspiracy** among Church and Government/State political power brokers, this woven, fabricated guilt doctrine was and is spread deliberately for the purpose of POWER and CONTROL. (see "Connections")

Religious rules are a fundamental part of the **root-foundation-cause** of people welcoming an outside responsibility into their lives, and liking the resulting slavery. The sheeple slaves prefer--yes even defend, vote for and export-- their flock-fleecing as being essential for the preservation of freedom; they have bought the concept: freedom is slavery.

These dogmatic causes of the fiction of centralized authority must be confronted and exposed. **Progress toward freedom in the political arena will continue to be slow and frustrating until we come to grips with the size of the challenge.** (see "How Big Is the Challenge?") It's unlikely we'll solve the problem of humon enslavement until we neutralize and then abolish the foundation, the roots.

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Inside Liberty

February 1999
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4 **Letters** Where e-mail and snail mail become one.

5 **Reflections** *Liberty*'s editors weep for the "underpaid" teachers, warn of the coming of the cigarette police, deconstruct the politician-priest who claims to have "studied impeachment more than any American," warn Bill Clinton not to plan any foreign travel, and blow the whistle on an amazing government program to turn bankers into Big Brother.

Features

11 **The Liberty Poll** *Liberty* surveyed its readers in an attempt to learn what libertarians think about life, God, government and morality.

23 **The Old Liberty and the New** *R.W. Bradford* takes a close look at what the Liberty Poll revealed and finds that the libertarianism of Rothbard and Rand is giving way to the libertarianism of Friedman, Mises and Hayek.

27 **War of Words** The religious right forever bashes gays and abortion advocates. If ideas really have consequences, *Sarah McCarthy* suggests, maybe social conservatives share responsibility for the murder of gays and abortionists.

29 **A Shame Upon the Presidency** Bill Clinton and Richard Nixon have more in common than their contempt for truth. *Frank Fox* shows how you can lose the most secure and powerful job in the world.

34 **The Men Who Would** To keep their man up, Clinton's apologists are trying to bring all other presidents down. *Stephen Cox* raises the level of the discussion by elevating the truth.

36 **Conservatism's Self-Inflicted Suicide** *Richard Kostelanetz* explains why, if conservatives don't purge everyone who has called for the impeachment of the president, they'll suffer the same fate as Eisenhower-era liberals who refused to purge Stalinists from their midst.

39 **A Weekend in Pittsburgh** When gay and labor activists descend on the Steel City for their conventions, they have just one thing on their minds: socialism! *Ralph Reiland* took a deep breath and attended their gatherings.

41 **Alias Dr. Death** *Thomas S. Szasz* warns: if you think Dr. Jack Kevorkian supports a person's right to die, think again.

43 **Clinton's Race Initiative: Not Too Swift** The business of America is talk, talk, talk. But, *Michael Drew* wonders, does it mean anything at all?

46 **Pinochet Reconsidered** Euro-leftists condemn Gen. Augusto Pinochet as a killer. *Karen Araujo* and *John Cobin* say things look different from Chile, where Pinochet is seen more like the Founding Father of a modern, market-oriented country than as a mass murderer.

48 **Showdown at Sodaville** Sometimes a weed is just a weed. And sometimes it's an excuse for the federal government to steal your property, as *Durk Pearson* and *Sandy Shaw* learned. Then they taught the government a few lessons.

Reviews

51 **Ayn Rand's "Cult"** Objectivists won't be happy with Jeff Walker's new book on Ayn Rand. But then Jeff Walker won't be happy with *R.W. Bradford*'s review.

53 **Victims All** The costs of the War on Drugs can't be measured in statistics, *Jonathan Ellis* observes. They are measured in destroyed lives.

56 **Feminist Cover-up** *Wendy McElroy* jogs the selective memories of a couple of addled radical feminists.

58 **Booknotes** on smoke, sex, and economics in outer space.

61 **Notes on Contributors** 62 **Terra Incognita**

Letters

Vouchsafe

R.W. Bradford and Martin Solomon continue the bad habit of characterizing voucher initiatives and Republican pseudo tax cuts as libertarian — most recently in assessing the 1998 election results ("Taking the Initiative" and "No Issues, No Winners, No Losers," January).

If libertarianism is based on non-initiation of force and self-ownership, how can vouchers — which are tax-based educational subsidies to parents paid by non-parents and parents alike — be libertarian? Sure, they provide more choices to parents. But since most parents pay only a tiny fraction of a child's public-school costs (with the rest made up by DINKS — double income, no kids — and other non-parents), why give them more choice and consider vouchers libertarian? Would we consider it more libertarian if food-stamp recipients could spend their vouchers on whatever they want, including liquor? If lampshades made from the skins of Jewish victims (as in WWII) were suddenly available in both end-table and floor-lamp varieties instead of just desk lamps, would it be evidence of more freedom?

The only libertarian education solution is to exempt from school taxes all people who do not send kids to public schools — including singles. Anything else is a tax shift. Even as a tactical half-way measure, vouchers are a failure because they would co-opt parents who currently pay their own way in private schools and would entrench the popularity of tax-subsidized schools by making them more palatable. Parents who refuse to pay the piper don't deserve to call the tune.

The same goes for pseudo tax cuts. Again, by granting exemptions and tax-credits to parents, the very people who generate the most tax burdens and demand the most tax-subsidized services are being excused from paying for them — happily shifting the burden to non-parents who receive no exemptions. Just as blacks and other minorities were discriminated against in the past, Bradford and Solomon consider unjust tax-shifts sponsored by their darling Republicans to be moves toward libertarianism. Those of us who feel the pinch know otherwise. Please take off your right-wing blinders and stop cheering for social engineering.

Lawrence M. Ludlow
San Diego, Calif.

Just Deserts

There's one factor that might explain the current hostility of feminists toward prostitutes, which Wendy McElroy failed to mention ("Whores vs. Feminists," January): the rising influence of "MacKinnonite" radical lesbianism within feminist organizations. Since virtually all customers of prostitutes are men (hence, "johns") female prostitutes are engaging in heterosexual sex. The MacKinnonites regard heterosexual sex as morally offensive, and deny that it is ever truly consensual.

From that viewpoint, prostitutes aren't entrepreneurs, they're gender traitors, accepting money for giving aid and comfort to the enemy. When they claim that it's a choice on their part, they only make it worse, becoming propaganda tools as well. Small wonder that the feminists will do nothing to ease the lives of prostitutes; any suffering that comes their way is seen as richly deserved!

Brett P. Bellmore
Capac, Mich.

Missing Notion

While I find no disagreement with any part of Daniel Benjamin's "Devolving the Drug War" (January), an important point, which I have not seen in any article concerning the failed War on Drugs, is missing from this piece as well.

How long would it take for the major pharmaceutical companies to develop cheap, comparatively benign drugs which would be sold as alternatives to (and alongside of) alcoholic beverages?

With a huge market for recreational, mind- and mood-altering substances, I believe not two years would pass before beer competitors would be hanging from pegboards in liquor stores across the country. Probably cheaper than their alcoholic cousins.

Because it doesn't make good sense to kill or disable your customers, I think these new synthetics would be designed to provide the "high" desired by casual users without a smoking head or a crime-causing habit the next day.

The combined high production capacity of our drug manufacturers would bring falling prices and within five to ten years drive the natural, deadly, addictive drugs from the market.

Additionally, when asked if this wouldn't make drugs more available to minors, I ask in return when they last heard of a vodka dealer being arrested for selling booze on the schoolyard? With the current favorable relationship between penalties and profit removed, the returns on risk would be worsened and the incentive — high profits, would die a natural death.

Steve Allison
Ramona, Calif.

Oregon Trail

R.W. Bradford mistakenly slighted the electorate's enthusiasm for drug reform in claiming that Oregonians voted to recriminalize the possession of marijuana ("No Issues, No Winners, No Losers," January). In fact, they overwhelmingly rejected recriminalization by a margin of two to one!

Not only that, drug reform swept nine out of nine ballot measures, not five out of six as stated in your summary (p. 16) — undoubtedly the most encouraging, if underreported, message of the election. To summarize: medical marijuana initiatives were approved in Alaska (58 percent), Washington (59 percent), Nevada (59 percent), Oregon (55 percent), and Colorado (57 percent, though the initiative was invalidated by the courts). In Washington, D.C., voters

continued on page 22

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Reflections

Flight insurance — Bill Clinton has been noticeably absent from the chorus of voices calling for the prosecution of Chilean Senator Augosto Pinochet, who is being detained in England for allegedly murdering Spanish civilians. Maybe Clinton understands that Pinochet's arrest sets a precedent that may jeopardize his own post-presidential travel plans for his role in gassing and torching British, Australian, and Kiwi civilians at Waco. —JE

The rube I ain't — President Clinton's Rose Garden "apology" for his sins (December 11) revealed more than his pomposity. It also revealed his ignorance. All presidents are puffed as great readers and intellectuals; Clinton is puffed as a *Rhodes Scholar*. But this whiz of a wiz doesn't even know that the words of an unnamed "poet" that were allegedly sent to him by a "friend," and were then lugubriously cited in the Rose Garden speech, just happen to be the most popular lines ("The moving finger writes . . .") from the most popular poem in the history of the English language, Edward FitzGerald's translation of the *Rubaiyat* of Omar Khayyam. He's a regular walking encyclopedia, that Clinton. —SC

Who is Bob Livingston? — I was not surprised to read in *The Wall Street Journal* that *Atlas Shrugged* helped get the new Speaker to enter politics. Twenty years ago, I worked on Bob Livingston's campaign, and got to know him well enough to disagree with the *Journal*'s characterization of him as a "disciple of conservative novelist Ayn Rand." (Nor, for that matter, would I call Rand a conservative.)

In 1977, I was one of the more-active volunteers for his campaign. I helped man the phone banks, calling likely Republican voters to remind them to vote. I also wrote one advertisement blasting the large number of votes missed by our opponent during his tenure in the statehouse, and did a little policy briefing as well.

Although Livingston was not a libertarian, he was sympathetic to libertarian ideas on many issues. And I thought he was an honest politician (the *WSJ* wrote that he "has an almost Jimmy Stewart reputation for integrity.")

About a year after his election, I invited him to speak at the meeting of the Libertarian Party of Louisiana. His talk was pretty much what you expect when a conservative addresses a libertarian group. He opened with a joke and then spoke mostly about economics.

The conservative minority in Congress, he said, was akin to libertarians. He pointed out that the real cost of regulation greatly exceeds the $3.6 billion annual cost for staff salaries; that regulation imposed costs of $150 billion or so each year on businesses, with these costs falling disproportionately on small businesses. He called for a level playing field for union and management (remember, unions were much more powerful then). He was very concerned about inflation, pointing out that taxes would soon reach the 50 percent level in the U.S. unless tax rates were indexed for inflation, and that inflation was having a redistributionist effect, benefiting debtors at the expense of creditors.

But the really interesting observation came *before* the speech. As Bob and I crossed Canal Street on our way to the LP meeting at the Marriott, he said something that made me tingle and still fascinates me 21 years later.

We were talking about illegal drugs. Bob had extensive experience as a prosecutor in the Orleans Parish, as Louisiana Attorney General and in the U.S. Attorney's office, so he had a first-hand knowledge of the issue. He said that current laws were not working. I don't think he said the words "legalize" or "decriminalize," but he did say that he would like to replace the status quo with something less punitive. But, he added, his constituency felt strongly that the punitive approach was correct. He said he could not get elected if he defied the voters on this issue. He wasn't being really dishonest. He was merely being a typical politician, engaging in hypocrisy to maintain his power.

He may have read *Atlas Shrugged* and been a big fan of it. But this was *not* John Galt speaking. Or even Ron Paul, then as now, the only non-hypocrite member of Congress.

Bob was just a straightforward conservative Republican with a few libertarian instincts and memories. His voting record since has not strayed. From the freedom perspective, his tenure as Speaker will be business as usual for the Republicans, with occasional unprincipled defenses of freedom interrupting the usual business of government. There will be no efforts to reduce spending, no attempt to repeal the 90 percent or more of federal statutes not consistent with limited government.

I wish Bob good luck and I hope that the youthful imprint of John Galt and Henry Rearden will be subtly reflected in his legislative activities. But I'm not really expecting much. —MMS

How 'bout them apples? — The latest results are in and American students remain firmly entrenched in numskulldom. According to the Third International Mathematics and Science Study, U.S. 12th-graders ranked 18th out of 21 countries tested in math and science. Responding to the dismal report, Glen Cutlip, a spokesman for the National Education Association (NEA), said: "If students can learn more than we are teaching then we would see that as a problem. But we have to decide how important it is to us as a society, if we are willing to devote the resources it would take to make those changes." Rather than blame ineffective teachers or the screwy pedagogy that it pushes, the NEA tars the taxpayer.

Meanwhile, New Jersey taxpayers will get the joyous opportunity to devote more resources to education. Striking teachers from the Jersey City School District accepted a new contract one day before Thanksgiving. The teachers got an early Christmas present: a 12 percent salary increase. The average teacher's salary before the new contract was $56,100 per year.

Schoolteachers work only 180 days per year, so this

amounts to $312 per day. If the average Jersey City teacher worked in the summer like the rest of us, rather than lounging around the swimming pool or travelling in Europe, he or she would take down a whopping $75,000 per year. Wow!

The NEA does a fine job spreading the myth that teachers are underpaid and worked to the bone. It also claims student achievement suffers for lack of funding. But if Jersey City is any indication, pouring more money into schooling will only fatten teachers' wallets — with dubious benefits to the student. —JE

May I see your papers, please? — If there was ever any doubt about the implications of the anti-smoking crusade, it should be dispelled by a recent scholarly article: "The Costs of Cigarettes: The Economic Case for Ex Post Incentive-Based Regulation," by Jon D. Hanson and Kyle D. Logue, in the *Yale Law Journal*, 107 (March 1998), pp. 1163–1361.

The learned professors recommend legislation forcing any current smoker to obtain a "cigarette card." Anybody without a cigarette card would be forbidden to purchase cigarettes, including any current non-smoker. "The card," explain the authors, "could be based on the same magnetic strip (or computer chip) technology used for credit cards and ATM cards, would have to be presented by the smoker each time she [sic] purchased cigarettes. The card would keep track of a variety of potentially relevant risk factors, such as the number of packs purchased by the smoker, which brands the smoker purchased, and the smoker's age at time of purchase."

As for the fear of Big Brother, the authors argue, it is outdated since he (or she?) is already with us. —PL

A giant sucking sound — A government panel, graduates of the Ted Kennedy School of Political Economy, increased Mexico's minimum wage by 14 percent. The top tier is $3.50 per hour. I suppose that if Mexican employers cannot afford to pay the new, higher minimum wage, they will move operations *al norte* to take advantage of the cheap wages of illegal aliens in the U.S. —MMS

DigiCash, RIP — When David Chaum's digital cash company DigiCash filed for Chapter 11 protection in November, many commentators declared the death of the idea of anonymous e-cash, opining that customers had now become confident in using credit cards over the Internet. These comments both missed the point of Chaumian e-cash, and also perpetrated the oft-held myth that his product actually allowed anonymity in transactions. The latter misunderstanding needs to be clarified, as many of us long ago came to the conclusion that Chaum, rather than being the privacy champion that a fairly clueless public took him to be, was instead a major obstacle to the emergence of a truly anonymous form of digital cash.

True, Chaumian e-cash could be anonymously spent on-line, and would prevent data profiling of customers' spending habits — something easily done when credit cards are used. But in other respects, Chaumian e-cash was *anti*-anonymous.

Suppose you have a bank account. You withdraw cash and use the cash to rent a video and to purchase a copy of Thomas Paine's *Common Sense*. The stores which receive the cash may choose to make other cash purchases, and so on. The series of cash transactions continue more or less anonymously until someone redeposits the cash into a bank account.

But Chaumian e-cash was not like ordinary cash at all. It could be spent anonymously, but after each spending transaction the e-cash had to be deposited into a known, identified bank account. That is, the e-cash was "blinded" so it could be spent without identifying the spender, but any recipient of e-cash had to identify himself in order to get credit for the coins. And Chaum went out of his way to force identification of the e-cash recipient. Chaum claimed a patent on the blinding software customers would use to withdraw e-cash from an issuing bank. In order to get the right to distribute this software to its customers, the bank had to agree to certify as valid, and redeem, e-cash coins only if they were deposited into an identified account. (Otherwise, it would have been easy enough for the bank to just validate the e-cash coins, and issue new e-cash in their place, without requiring any identification.)

In addition to attempting to enforce his half-anonymous (and hence half-assed) system on issuing banks, Chaum has also been known to (unreasonably, in my opinion) threaten competitors with lawsuits, practically pretending that he had a monopoly on anonymous e-cash. So while the bankruptcy of DigiCash is not an occasion for joy, I do not find it an occasion for tears either. Certainly it's no setback for financial privacy. —JOG

Freud slips — Over the years, Sigmund Freud's reputation has been slipping. A new Library of Congress exhibit about Freud was delayed for several years when revisionist scholars claimed that it was too favorable to Freud. The exhibit has now appeared, along with a book containing commentary by both supporters and detractors. In a *New York Times* review (Nov. 22, 1998) Paul Robinson reports that Freud's supporters no longer defend him as someone who found truth. Instead, they stress his historical influence. And rather than considering him a scientist, they think of him as an "imaginative artist" such as Shakespeare or Dickens.

By and large, the Freudian episode is over.

As everyone knows, Freud's ideas swept through the United States in the first half of this century, transforming literature, language, jokes, and lifestyles. Phrases like *Oedipus complex, Freudian slip, neurosis*, and *defense mechanisms* became common parlance, while ideas such as the unconscious, repression, the id, and the superego became an accepted part of modern life. In 1945, Alfred Hitchcock even directed a slavishly Freudian film, *Spellbound*, in which Ingrid Bergman solves a murder by interpreting a dream. (Salvador Dali designed the dream sequence.)

Freud's "discovery" of repressed sexual drives and their presumed location in the unconscious had enormous social impact. It laid the groundwork for the view that to be free we must liberate our unconscious self from the pressures of civilization, especially the dead weight of religious constraints.

Liberty's Editors *Reflect*

CAA	Chester Alan Arthur
RWB	R.W. Bradford
SC	Stephen Cox
JE	Jonathan Ellis
JOG	J. Orlin Grabbe
PL	Pierre Lemieux
JSS	Jane S. Shaw
MMS	Martin M. Solomon
TWV	Timothy Virkkala

Freud's ideas became a vehicle for challenging and overturning the vestiges of Victorian morality and religiosity. The sexual revolution was one result.

Whether his views were actually liberating is another question. If the unconscious is as powerful as Freud thought, it means that free will is an illusion and we are in the grip of powerful forces that we cannot escape (except possibly with the help of a psychoanalyst). This can be daunting to the individual. It also raises the larger question of whether people can be held responsible for their actions. Without individual responsibility, society cannot trust individuals to provide for themselves or to refrain from harming others. After Freud and until very recently, it was widely assumed that people need the state to assure them food, clothing, school, and jobs. Freud may have contributed (albeit unintentionally) to this assumption.

Freud's legacy began to unravel when psychoanalysis turned out to be a long, expensive process with uncertain results (exemplified by Woody Allen's disreputable behavior after years of self-publicized analysis), when feminists and gays took issue with Freudian assumptions, and when other therapies (such as transaction analysis and drugs) began competing successfully. Today, Freudian slips embarrass no one, Oedipus is back in Greek mythology, neuroses are seen as having many causes, and the no-nonsense aggressiveness of Dr. Laura is considered a valuable therapeutic approach.

Oddly, it took decades for the rather obvious fact to emerge that Freudian theories are not testable. Freudianism was viewed as scientific probably because, like Marxism and Darwinism, it was materialistic and modern and challenged old-fashioned ideas. Yet Freud provided no reproducible facts upon which one can determine if theories like the Oedipus complex or the nature of the unconscious are valid. Thus, as the century ends, treating Freud's ideas as creative and bold insights, but not as science, seems the right thing to do. —JSS

Probability breach — When hedge fund Long-Term Capital Management (LTCM) lost 44 percent of its capital last August, and in September had to be bailed out by a consortium of banks organized by the Federal Reserve Bank of New York, it was the victim of "low-probability events." These events included Italian bond prices diverging from, instead of converging to, German bond prices, and U.S. Treasury bond prices rising relatively faster than corporate and municipal issues. Two of the founding shareholders of LTCM were Robert Merton and Myron Scholes, Nobel prize-winning economists. I find it ironic that in the only extended conversation I have had with Merton, he was dismissive of probability distributions involving just such low-probability events.

In grad school at Harvard, I was working on a category of "infinite variance" distributions that seemed to characterize financial markets better than the more commonly known "normal," or Gaussian, distribution.

Saying the variance is "infinite" is another way of saying that sample variance is not a useful way to measure risk in a probability distribution, since any measure of variance will jump about at random, and eventually diverge to infinity as the sample size is increased. Market prices, such as exchange rates, commodity prices, and interest rates, have proportional changes that are too "leptokurtic" to represent drawings from a normal or Gaussian distribution. That is, by reference to the Gaussian distribution, they have (1) a greater proportion of very small deviations from the mean; (2) a greater proportion of very large deviations from the mean (namely, those "low-probability events"); but (3) a smaller proportion of intermediate deviations from the mean. Imagine two erratic drivers driving along a highway. The mean location of each is on the center line. Let the Gaussian distribution represent the proportion of time the first driver spends on each part of the highway. If the second driver has a leptokurtic distribution, this second driver spends relatively more time close to the center line and relatively more time driving in the ditch than does the first, but spends proportionately less time driving on the shoulders.

Non-existent (infinite) variances may seem odd, but as Benoit Mandelbrot, the creator of the mathematical concept of fractals, has noted: "Variances are an acquired taste." One day I walked down Massachusetts Avenue to MIT to talk to Paul Samuelson, since he had written a couple of papers in the area. He asked me some questions, and among other things suggested I talk to Merton, since, as Samuelson eloquently put it, "He is an expert on the 'alpha equals two' case." (In the distributions I was looking at, having the alpha parameter equal to 2.0 represented the single instance the variance was finite; in fact, it corresponded to the Gaussian distribution.) Naturally I jumped at the opportunity to worm my way into Merton's office (he was then teaching at the Sloan School of Management at MIT), but found him to be largely dismissive of non-Gaussian distributions. I eventually came to suspect that Merton's bias against non-Gaussian distributions, particularly those with infinite variances, despite the empirical evidence of such distributions in financial markets, came from his reliance on a powerful result in stochastic calculus called Ito's Lemma, which was uniquely helpful in deriving option-pricing models. Ito's Lemma requires variances to be finite. In my mind there is a strict difference between what one does as an exercise (and I have frequently used Ito's Lemma myself) versus what one believes to be the case. But I don't think Merton ever paid much attention to the difference. And I think that the low-probability events Merton ignored came back to haunt him through Long Term Capital Management. —JOG

A searching decision — In 1996, Patrick Knowles was stopped in Newton, Iowa, for driving 43 mph in a 25 zone. The officer could have arrested him, for Iowa law allows arrest for all traffic and motor vehicle law violations. Instead,

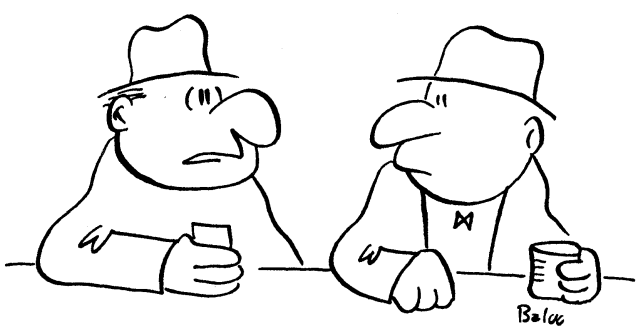

"Honesty may be the best policy, but the premiums are *murder*!"

as customary after finding a valid driver's license and no outstanding traffic or other warrants, he issued a citation.

Under authority of Iowa's unique statute allowing a full search after issuance of a citation, the officer then made a full search of the car. He found a small amount of marijuana and a pipe, and arrested Knowles. When the case came to trial, Knowles moved to suppress the evidence. The police had no search warrant. And no known exception to the Fourth Amendment requirement for a warrant applied: there was no probable cause to think a crime had been committed, no consent, and the search was not incidental to an arrest. The trial judge agreed with those facts, but refused to exclude the evidence based on the Iowa statute. Knowles was convicted for possession of marijuana under Iowa law. And he was separately convicted of possession of drug paraphernalia under a Newton ordinance. The Iowa Supreme Court upheld the convictions.

Knowles attracted the attention of the American Civil Liberties Union and the National Association of Criminal Defense Lawyers, who filed friend-of-the-court briefs challenging the legality of the search. When the National Association of Police Organizations (NAPO) joined the case in support of the conviction, the stakes were raised from just another recreational drug bust to a BIG CASE. Remember, Iowa was the only state with a statute authorizing full searches after traffic and other minor citations. It seems pretty clear that if the Supreme Court ruled that the search was constitutional, this intrusive policy would be become law elsewhere.

On December 8, the Supreme Court unanimously ruled that the illegal items found in a search of Patrick Knowles's car after he was cited for speeding were not admissible in court, thereby striking a small blow for individual rights. The Court held that there was no basis to extend the "search pursuant to an arrest" exception to the Fourth Amendment. The purposes of the exception are to protect arresting officers who may have to spend hours near a possibly irate arrestee, and to prevent suspects from destroying evidence of the crime. Neither applied to Knowles's speeding ticket. The contact with the person getting a citation is brief, and the cited person is less likely be motivated to attack the officer than an arrestee. And once the citation is given for the traffic violation, there is no more evidence to be obtained.

Chief Justice Rehnquist wrote the decision. His propensity for the forces of "law and order" is well known, particularly in cases involving drugs. One thus suspects that there is more, or less, than meets the eye in this opinion: more power for police and less protection for people. The opinion almost invites police to arrest traffic violators if they want to search their cars but lack any other pretext for doing so.

So this Newtonian search and seizure case is a small step forward for liberty, but it is far from an unqualified triumph. If you are in Newton to visit the Maytag washer factory or cheese plant, or anywhere else in the U.S., and you have contraband in your car, it is still inadvisable to violate traffic laws unless you have a valid driver's license, no outstanding warrants, can be very polite to the officer, and are *sure* you won't be arrested for the traffic violation. —MMS

Honk if you love equilibrium — The matter at the heart of all other matters is *balance*. Poise, if you will. Equilibrium. The idea is central in physics, music, ethics, you name it. In mechanics you can translate the notion into mathematics, in ethics we're stuck with old, pre-math concepts like "virtue," but the common conception holds: we search for balance, and often find it. Sometimes to change it, other times to shore up a decaying order . . . and sometimes simply to stand in awe at the marvel of it all.

It was with such thoughts in mind that I read J. Orlin Grabbe's provocative essay in our November issue, "The Collapse of the New World Order." Grabbe prophesied a collapse of great magnitude in the U.S. stock markets. Now, if such an event were to occur, I would not be shocked; my own limited education in economics starts from F.W. Taussig's rarely cited discussion of equilibrium in his essay "Is Market Price Determinate?" — for me, Taussig's "penumbra" of indeterminacy casts a shadow across the New York Stock Exchange, consigning to outer darkness those youthful optimists who so recently cried "Bulls Forever!"

Can the stock market collapse, finding equilibrium at much, much lower levels?

You bet. Perhaps we should even *expect* it.

My only disagreement with Grabbe is with the analogy he used to argue against the current fad of "rational expectations" (previously introduced in these pages by Ida Walters and J.W. Henry Watson, "The New Economics and the Death of Central Banking," July 1997). He asked us to imagine "a long line of cars waiting for a traffic signal to turn green.

> When the light turns green, the entire line begins moving at once, uniformly accelerating through the intersection. And why not? After all, each person waiting in the line knows the light is about to change from red to green. Each person knows that each other person in the line knows this also. And they all know they will get through the intersection faster if they all move together. So each expects the other to rationally act as he himself does, and they all make it through the light before it turns red again.
>
> People with these expectations are called "rational" in economics. In real life, they are known as "fender-benders." Because in real life, traffic doesn't behave this way, and neither do people.

Grabbe is right, of course: traffic doesn't work like this, and we shouldn't expect it to. But not because of irrationality.

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—Milton Friedman

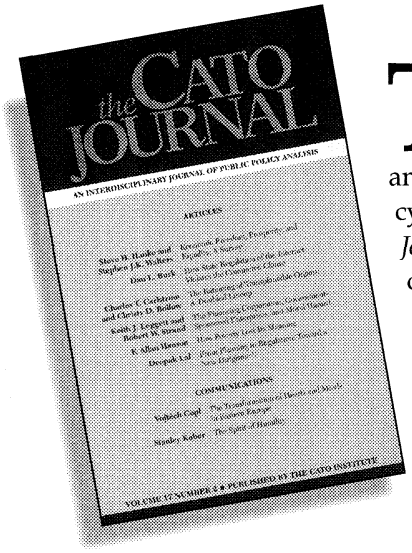

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Consider: at the stop light, each driver behind the first car stops within a few feet (or even inches) from the car preceding. The driver does not wish to *drive* this close behind, of course; that would be too dangerous. But at a stop light the dangers of such close proximity are minimal. So when the light turns green and the first car begins to move, the second driver, despite whatever impatience he might suffer, moves forward only with a lag. Why? Because the driver wishes to re-establish a buffer between his car and the car preceding him. The familiar fanning pattern after a stop light turns green is thus a rational response to driving conditions: drivers move from one equilibrium, at rest, to a new equilibrium, in motion.

This morning, on the way to work, I stopped my motorcycle at a red light, behind an old man in a Volvo. The light turned green, and the Volvo remained stationary. I gave a little honk (a Honda honk), the guy returned to consciousness, and we moved forward, I following cautiously behind.

Now, was there irrationality here? I suppose so. No doubt Orlin Grabbe is right to attribute to stop-light behavior some element of human error, inattention, or simple sluggishness, an element that might be considered less than the rationality that some economists assume. But the basic pattern we see does not seem to require this "irrationality" as a major factor.

And so it is with price movements, too. The basic patterns seem to all be implied by rational actors, calculating their advantages as best they can, in the incoherent light shed by supplies demanded and demands supplied. Sheer stupidity and herd-mindedness only make those motions a bit more striking. (And the next pattern in the great world of finance may be rather striking indeed.)

Questions of balance usually seem to be approached by a great deal of imbalance, fear, and illusion. Grabbe sees this most starkly, arguing that "the stock market, far from ruling economic life, is at the mercy of tides of collective make-believe." Further, this element of dream production is not limited to Wall Street and similar exchanges. The history of religion, philosophy, politics, tulip-bulb cultivation, all show it. And, as he says, "it has always been thus."

But the dreams and illusions are not wholly insubstantial, nor are they exempt from laws and scientific analysis. After all, Grabbe quoted economists to make his case, and I could (more humbly) trot out a philosopher or two.

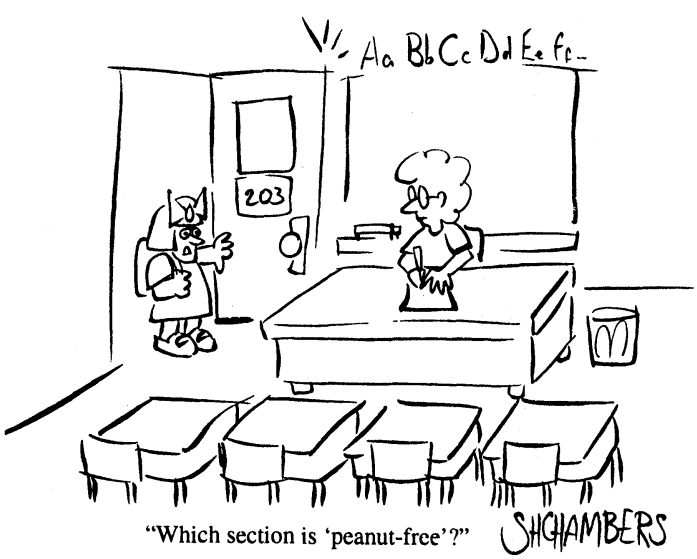

"Which section is 'peanut-free'?"

To point out the errors of the age need not amount to a cry for destruction — my few attempts at prophecy rarely stretch far into eschatological realms — but merely to honk, politely, hopefully nudging us all into a new, vital equilibrium. —TWV

Don't bank on your privacy — On Dec. 7, the Federal Register included an outrageous announcement from the Federal Deposit Insurance Corporation: a proposed regulation to require virtually every bank in the country to "develop a program designed to determine the identity of its customers, determine its customers' sources of funds; determine the normal and expected transactions of its customers; monitor account activity for transactions that are inconsistent with those normal and expected transactions; and report any transactions of its customers that are determined to be suspicious."

In other words, before anyone can open an account at any bank in the United States, he'd have to inform the bank of intimate details of his finances. Then the bank would be required to keep track of the sorts of business each person does, to look for any deposits or withdrawals inconsistent with the information provided by the individual or with his past account activity, and report anyone who displays any such inconsistent behavior to federal authorities so they can investigate whether he is engaged in criminal activity.

What does this mean to the average person? Well, if you sell your car and deposit the proceeds in your bank account, your bank can report you to federal authorities. Then you can expect a visit from guys in cheap suits who just want to ask you a few questions about your private affairs.

It's only a proposal, of course. The public has until March 8 to comment on it, and it might be modified before it takes the force of law.

Every year, the Federal Register provides over 70,000 pages of proposed regulations, finalized regulations, notices of meetings and hearings, and other bureaucratic gobbledygook. So much stuff is included in it that a fair number of proposed regulations are published without the affected parties noticing.

That might have happened this time were it not for Ron Paul, the energetic privacy advocate who represents Texas' 14th district in Congress. As a congressman, Paul got advance warning of the measure and sounded the alarm. As a result, the FDIC received over 3,000 complaints within three days of publicly proposing the measure. "Since I came here seven years ago," FDIC public relations man Phil Battey told *The Wall Street Journal*, "I haven't seen anything like this."

The measure is reminiscent of *1984* in more ways than its intrusiveness. "I think it's critically important that the banking industry self-police, in addition to what law enforcement does, to maintain the integrity of the system," explained John Varrone of the U.S. Customs Service. Self-police? This measure isn't asking banks to police themselves. It's asking banks to police their customers. The FDIC calls this the "Know Your Customer Program," as if banks don't already know their customers. A more accurate title would be, "Mandatory Big Brother Program."

What's next? Will every supermarket be required to have a "know your customer" rule and report when someone

continued on page 28

The Liberty Poll

What libertarians believe is often at odds with libertarian orthodoxy. And their beliefs are changing in some surprising ways.

Eleven years ago, several of *Liberty*'s editors met and discussed "The Sociology of Libertarians," a survey conducted by two social scientists that *Liberty* had just published. It had faithfully reported the demographic characteristics of libertarians, and touched on their motivations and interests. While we all were fascinated with the information it reported, we were curious about a lot of questions the social scientists hadn't asked.

How did libertarians line up on the issues that divided us? Abortion? Foreign policy? The rights of children?

Who influenced our intellectual development? What were our political views before we became libertarians? What sort of moral values did we hold? How many of us believe in God?

Before long, one of us began to write down the questions we were posing. By the time our discussion ended, we'd filled several pages with questions. The next day, we edited the questions into a survey and distributed it a few days later at the Libertarian Party convention in Seattle.

After compiling the results, we revised the questionnaire slightly and sent it to a random sampling of *Liberty*'s subscribers. We compiled the results and published them in our July 1988 issue.

The result was a firestorm of controversy. At the time, the "official" libertarian line was anarchist, and the two individuals identified as most influential were proto-anarchist Ayn Rand and anarchist Murray Rothbard.

But in our survey, two-thirds of respondents called for a much smaller government, but rejected eliminating government altogether.

Libertarians widely perceived themselves as overwhelmingly atheistic, yet the survey revealed that more than a quarter believed in God.

We also learned that many of us didn't even share the political beliefs that were generally believed to lie at the heart of libertarian thinking. Almost a third opposed the elimination of restrictions on immigration. And fewer than half agreed with the "official" view that foreign policy ought to be strictly isolationist.

During the decade since, we have continued to poll libertarians as part of our market research. These surveys were designed primarily to determine our readers' reactions to what we publish and to get up-to-date demographic information of interest to potential advertisers. But we usually included a few questions from the Liberty Poll, to allay our curiosity about how libertarian beliefs are evolving.

A few months ago, we decided to do another comprehensive survey. In addition to mailing the survey to a carefully selected sampling of readers (balanced for geography and subscriber history), we decided to run the survey in the magazine and, as with our earlier survey, to distribute it at the Libertarian Party convention.

The result was an avalanche of data: approximately 80,000 answers to questions from more than 600 individuals. We compiled it into a huge database, and checked the three different groups polled against each other to see whether the two self-selected groups (from the magazine and from the LP convention) differed in any substantial way from the scientifically-selected sampling. This was important, as a larger database would give much more conclusive information about subpopulations than the smaller one.

What emerges from these data is an up-to-date portrait of the demographics and opinions of libertarians today, and a fairly detailed picture of how libertarian opinion is evolving. (All data in this article refer to the responses of subscribers.

LP member responses are covered in the next article.)

Beliefs

Respondents were presented with a list of propositions and instructed, "Please check the following statements if you believe them to be true, or express your own values or opinions."

Below we list the propositions, the percentage agreeing with each proposition, and a pie chart illustrating that percentage. For the sake of convenience, the propositions are arranged into categories; in the poll itself, the propositions were in no particular order.

Political Theory

We offered two propositions of fundamental importance to political theory. One is the limited governmentalist answer to the question, "What is the proper role of government?"; the other is the anarchist answer.

The proper role of government is finite, but much smaller than at present.

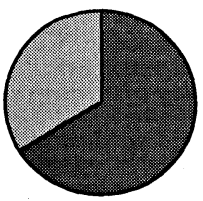

1988: 66% agree

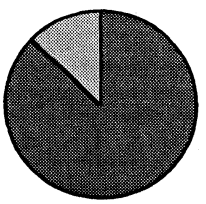

1998: 87% agree

Government should be eliminated altogether.

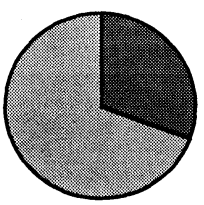

1988: 31% agree

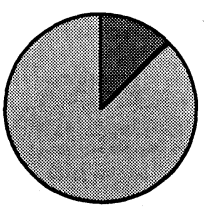

1998: 13% agree

Moral Opinions

Abortion is wrong.

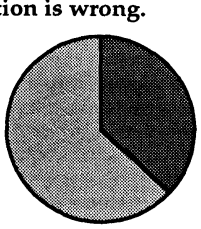

1988: 37% agree

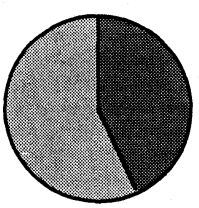

1998: 43% agree

Abortion should be made illegal.

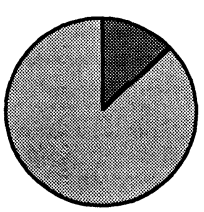

1988: 13% agree

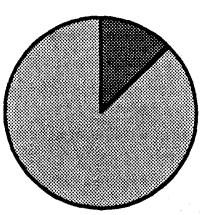

1998: 12% agree

A person should have a legal obligation to support his or her offspring.

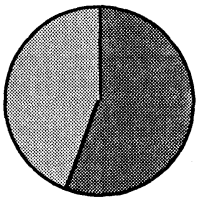

1988: 56% agree

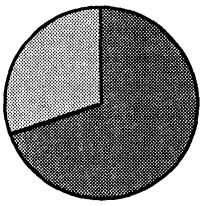

1998: 70% agree

Political action is an appropriate method of advancing liberty.

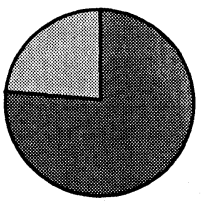

1988: 77% agree

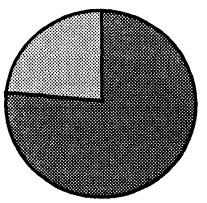

1998: 77% agree

People have a responsibility to vote.

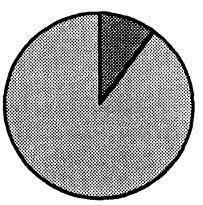

1988: 10% agree

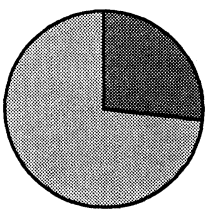

1998: 27% agree

An employee of the state is a receiver of stolen goods and therefore is committing an improper act.

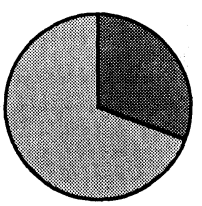

1988: 31% agree

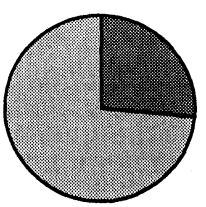

1998: 27% agree

One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.

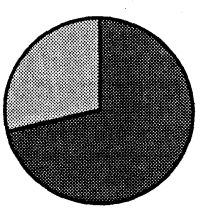

1988: 71% agree

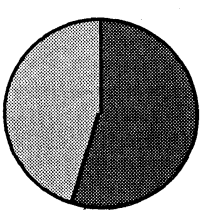

1998: 55% agree

Please note: respondents were free to agree or disagree with any statement. Some readers agreed with both of the first propositions — that government should be finite and that government should be eliminated totally — even though the two propositions contradict each other.

Human Rights

No person has the right to initiate physical force against another human being.

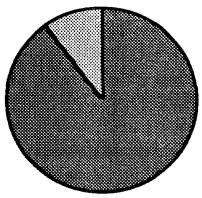
1988: 90% agree

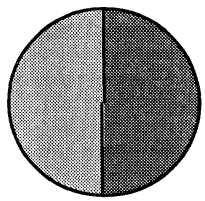
1998: 50% agree

All men by their nature have a right to life.

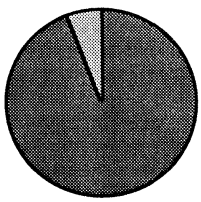
1988: 94% agree

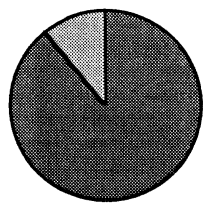
1998: 89% agree

All men by their nature have a right to liberty.

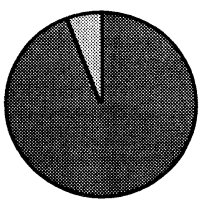
1988: 94% agree

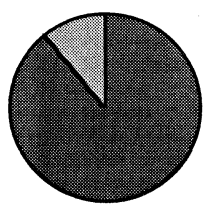
1998: 89% agree

All men by their nature have a right to property.

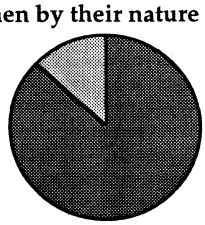
1988: 87% agree

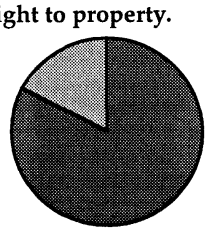
1998: 83% agree

All men by their nature have a right to the pursuit of happiness.

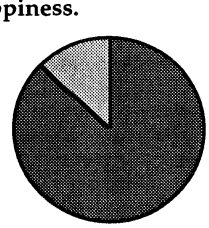
1988: 87% agree

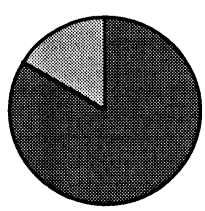
1998: 84% agree

Public Policy

The U.S. should remove all restrictions on immigration.

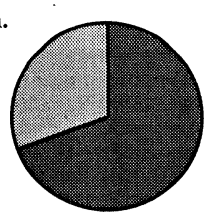
1988: 69% agree

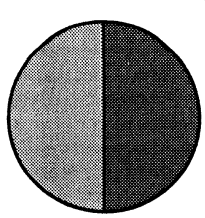
1998: 50% agree

The U.S. should remove all tariffs immediately.

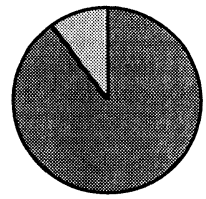
1988: 90% agree

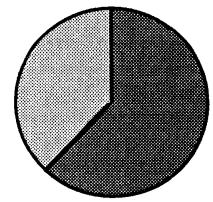
1998: 62% agree

A proper government would have an absolutely isolationist foreign policy.

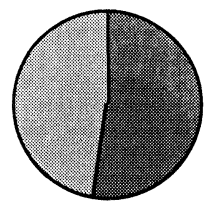
1988: 53% agree

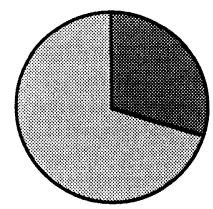
1998: 30% agree

Miscellaneous

There is a god.

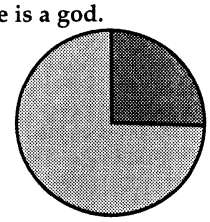
1988: 26% agree

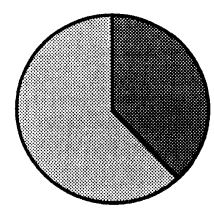
1998: 38% agree

Communism is the greatest threat to human liberty.

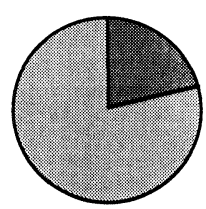
1988: 21% agree

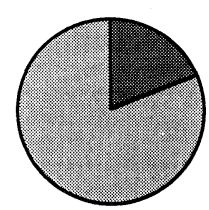
1998: 19% agree

The Ages of Belief

Do younger libertarians differ in their beliefs from older libertarians? To find out, we separated responses from those more than 40 years old from those younger.

Here is what we found out:

	18-40	Over 40
The proper role of government is finite, but much smaller than at present.	86.9%	87.1%
Government should be eliminated altogether.	15.7%	12.3%
Abortion is wrong.	41.8%	43.8%
Abortion should be made illegal.	17.0%	9.8%
A person should have a legal obligation to support his or her offspring.	64.1%	72.9%
Political action is an appropriate method of advancing liberty.	81.7%	75.4%
People have a responsibility to vote.	55.5%	29.7%
An employee of the state is a receiver of stolen goods and therefore is committing an improper act.	25.5%	15.5%
One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.	62.1%	44.8%

No person has the right to initiate physical force against another human being.	52.9%	49.2%
All men by their nature have a right to life.	88.2%	89.0%
All men by their nature have a right to liberty.	90.2%	89.0%
All men by their nature have a right to property.	84.3%	83.0%
All men by their nature have a right to the pursuit of happiness.	86.9%	83.3%
The U.S. should remove all restrictions on immigration.	62.1%	44.8%
The U.S. should remove all tariffs immediately.	70.6%	58.0%
A proper government would have an absolutely isolationist foreign policy.	28.1%	30.9%
There is a god.	31.4%	41.0%
Communism is the greatest threat to human liberty.	25.5%	15.5%

Moral Problems

Given the universal moral character of some libertarian precepts, it is not surprising that many are concerned about their implications for human behavior.

The Liberty Poll posed six moral problems addressing the issue of whether there are circumstances in which it is morally proper to use force against innocent individuals, which would apparently violate widely accepted libertarian principles like, "no person has the right to initiate the use of physical force against another human being" or "one should always respect the rights and property of others."

Problem 1: The Terrorist in the Mall

The problem:

"Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd. He is moving toward the balcony's railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react.

"Which of the following most accurately reflects the action you consider appropriate?"

You should fire a gun at the terrorist only if you are certain that you will miss the hostage.

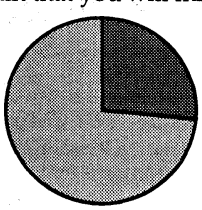
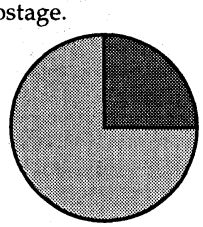

1988: 27% agree 1998: 24% agree

You should fire at the terrorist if there is a reasonable chance that you will miss the hostage.

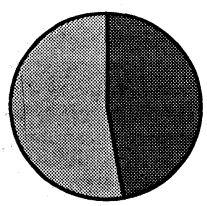
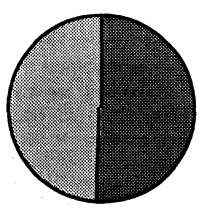

1988: 47% agree 1998: 51% agree

You should fire through the hostage, if necessary.

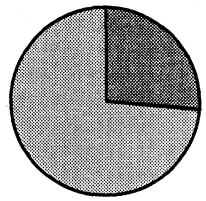
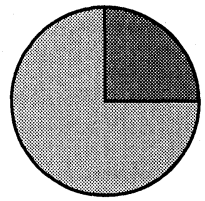

1988: 25% agree 1998: 25% agree

Problem 2: How much is that baby in the window?

The problem:

"Suppose that a parent of a newborn baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.

"Would you cross the lawn and help the child?"

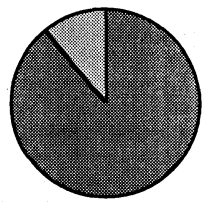
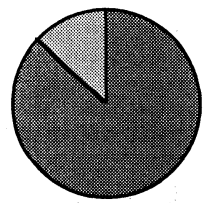

1988: 89% "Yes" 1998: 87% "Yes"

"Would helping the child violate the parent's rights?"

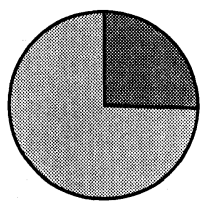
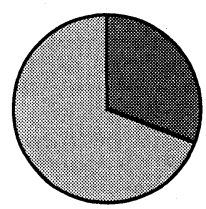

1988: 26% "Yes" 1998: 31% "Yes"

Problem 3: Starving Baby, the Sequel

"Suppose that a parent decides to experiment with a radical new diet for his newborn child.

"Should you prevent the parent from trying the diet, if you had good evidence that it would endanger the child's health?"

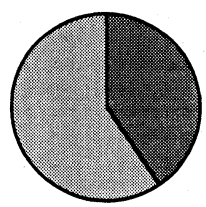
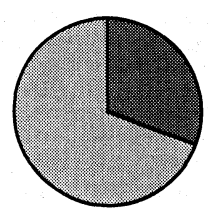

1988: 41% "Yes" 1998: 30% "Yes"

"Suppose that you had good evidence that the diet would endanger the child's life?"

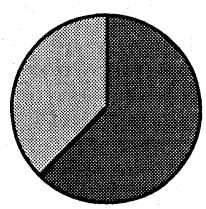
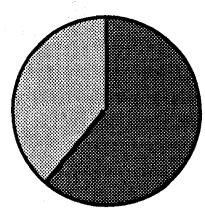

1988: 62% "Yes" 1998: 61% "Yes"

Problem 4: Trespass or Die!

"Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.

"Which of the following statements reflects your beliefs?"

You should enter the owner's residence against the owner's wishes.

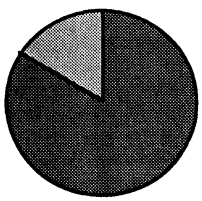

1988: 84% agree

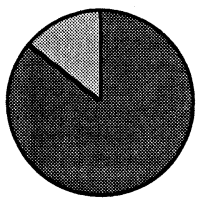

1998: 86% agree

You should hang on to the flagpole until a rope can be thrown down from above.

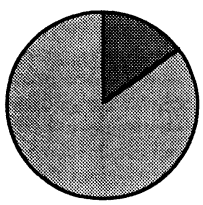

1988: 15% agree

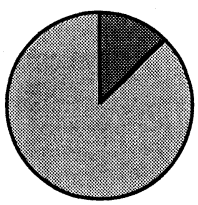

1998: 13% agree

You should drop.

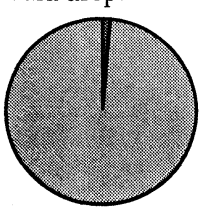

1988: 2% agree

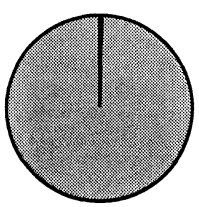

1998: 1% agree

Problem 5: The Unexpected Blizzard

"Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she has no phone, so asking her to telephone for help is pointless).

"Which of the following statements reflects your beliefs?"

You should force entrance, but in this case it would not constitute an act of aggression.

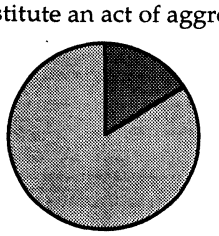

1988: 16% agree

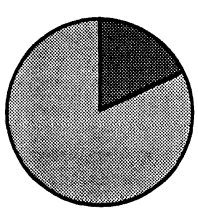

1998: 18% agree

You should force entrance, even though it would be an act of aggression.

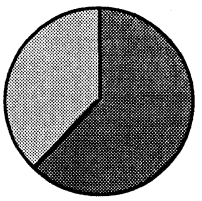

1988: 62% agree

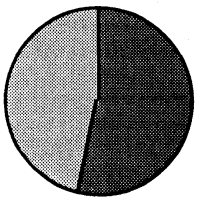

1998: 54% agree

You should not attempt to enter the house.

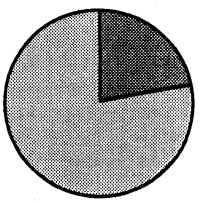

1988: 22% agree

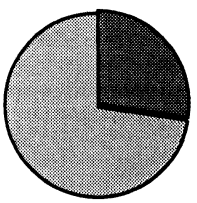

1998: 28% agree

Problem 6: The Nuclear Blackmailer

"Suppose that you live in a large city. Your neighbor constructs an atomic weapon. He assures you that he would detonate it only as an act of defense. You believe that he intends to commit an act of extortion ("The city must pay $1 million, or I will detonate it").

"What statement most clearly reflects your beliefs?"

You (and your neighbors) should prevent the construction of the device.

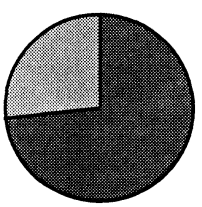

1988: 73% agree

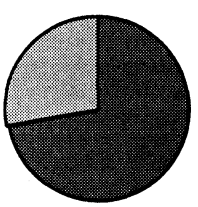

1998: 72% agree

You should put up your house for sale and move. You should not interfere with his actions.

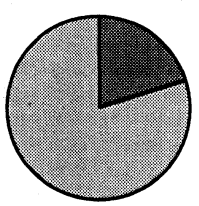

1988: 20% agree

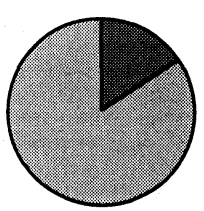

1998: 16% agree

You would feel obligated to tell prospective buyers about the situation. (This question was given only to those who chose to move in response to the problem.)

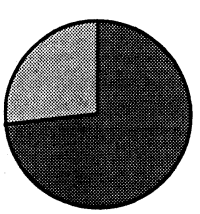

1988: 73% agree

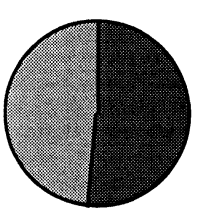

1998: 52% agree

You should do nothing, since such a situation is unthinkable and, therefore, is not happening.

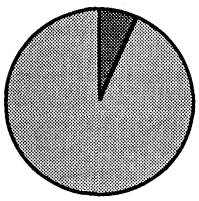
1988: 7% agree

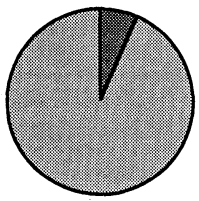
1998: 7% agree

Intellectual Development

Just how did libertarians get that way? What are their beliefs based on? Who influenced the development of their thinking? The Liberty Poll asked a number of questions intended to explore these issues.

"What are your political beliefs based on?" Respondents were invited to select as many of the five responses as they felt appropriate.

My political beliefs are based on my religious beliefs.

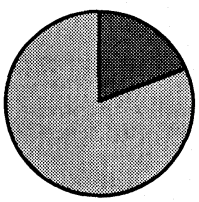
1988: 19% agree

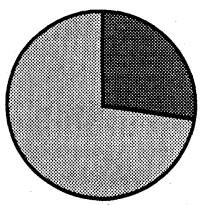
1998: 28% agree

My political beliefs are based on my life experience

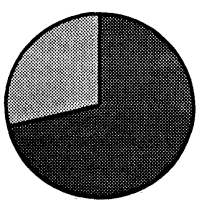
1988: 71% agree

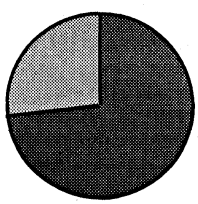
1998: 73% agree

My political beliefs are based on my understanding of history.

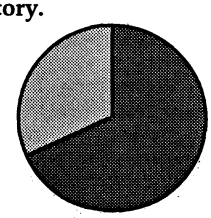
1988: 68% agree

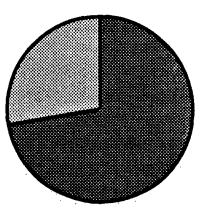
1998: 72% agree

My political beliefs are based on my understanding of economics.

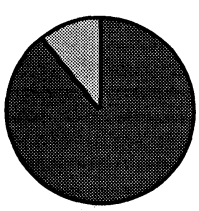
1988: 89% agree

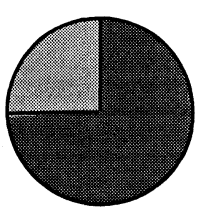
1998: 36% agree

My political beliefs are based on my rational, philosophical analysis.

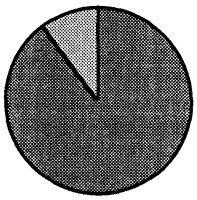
1988: 90% agree

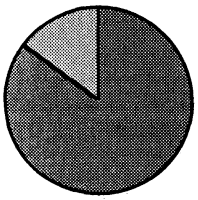
1998: 85% agree

"Who introduced you to libertarian ideas?"

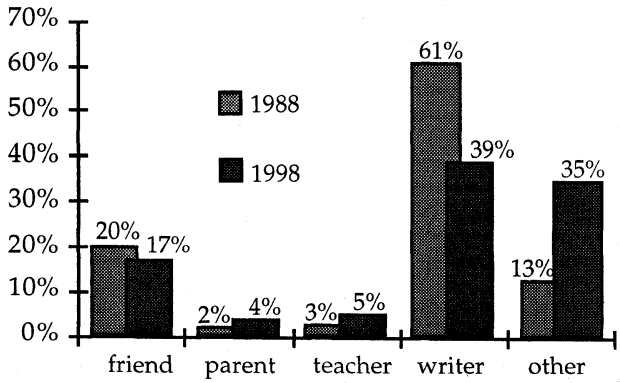

"Before becoming a libertarian, how would you characterize your political beliefs?"

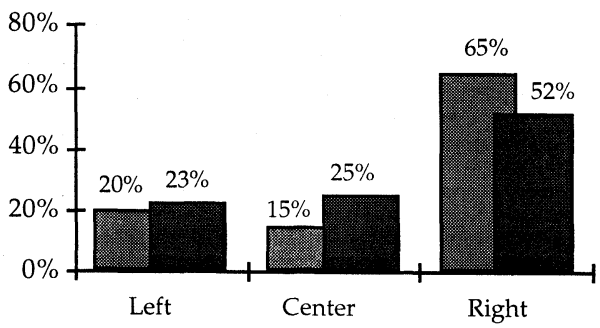

Who Influences Libertarians' Thought?

In an effort to discover who has most influenced libertarians' political thinking, we asked readers to rate the influence of a number of thinkers:

"Please rank on a scale of 1 to 5 the degree to which the following thinkers influenced your intellectual development. (5 = substantial importance . . . 1 = little or no importance.)

"We are *not* asking you to report the degree you agree with these individuals' thought — what we seek to know is how important each figure was in the growth of *your* thinking, especially with regard to social and political matters."

This was followed with a list of names in alphabetical order, along with numbered boxes, and two lines for write-in names.

We attempted to include on the list the most important contributors to libertarian thought, as well as figures believed by the editors to be influential among libertarians, and some individuals about whose influence that the editors were simply curious.

The table below lists the names of the individuals whose influence we asked our readers to evaluate, along with their average ratings:

Individual	1988	1998
Aristotle	1.93	2.00
Frederic Bastiat	2.28	2.07
David Friedman	1.91	1.88
Milton Friedman	2.95	3.08
Barry Goldwater	2.39	2.49
F. A. Hayek	3.02	2.74
Robert A. Heinlein	2.11	2.20
Karl Hess	2.23	1.58
Thomas Hobbes	1.33	1.61
John Hospers	1.85	1.60
Thomas Jefferson	3.10	3.51
Immanuel Kant	1.48	1.61
Robert LeFevre	1.78	1.34
John Locke	2.32	2.43
H. L. Mencken	2.49	2.17
John Stuart Mill	2.05	2.13
Ludwig von Mises	3.65	2.76
Albert J. Nock	2.19	1.87
Robert Nozick	1.79	1.60
Ayn Rand	4.02	3.51
Murray Rothbard	3.93	2.72
Herbert Spencer	2.09	1.54
Lysander Spooner	2.34	1.86
William G. Sumner	1.49	1.18
Morris & Linda Tannehill	1.75	1.25
Benjamin Tucker	1.29	1.23

It is worth noting that respondents to the 1998 poll, on average, attributed considerably less influence on their intellectual development to these individuals. Only nine of the 26 individuals whose influence respondents were asked to evaluate, on average, to have higher influence in 1998 and in 1988, and the amount of influence attributed to the 26 individuals declined by an average of 9.7%. (The perceived influence of parents and siblings, incidentally, rose 3.6%. See below.)

A total of 321 write-ins were added by readers. One person — Jacob Hornberger — was written in by 2% or more of respondents, though Thomas Sowell and Friederich Nietzsche came close.

We also asked respondents to evalute the impact of their parents and siblings on their intellectual development:

Individual	1988	1998
Mother	2.67	2.87
Father	3.10	3.01
Sister or Brother	1.52	1.67

The average ratings in the table above reveal only a part of the picture. The pattern of influence varies considerably. Consider the two front-runners: Ayn Rand and Thomas Jefferson. Although their average scores are virtually identical, Rand received far more "substantial importance" ratings than Jefferson (39% *vs.* 27%). But Jefferson received far fewer "little or no importance" responses (9% *vs.* 16%).

Therefore we list below each individual, in order of influence (1=little or no influence, 5=great influence), along with his 1998 mean rating, and a chart showing the distribution of his rating for both our 1988 poll and our 1998 poll.

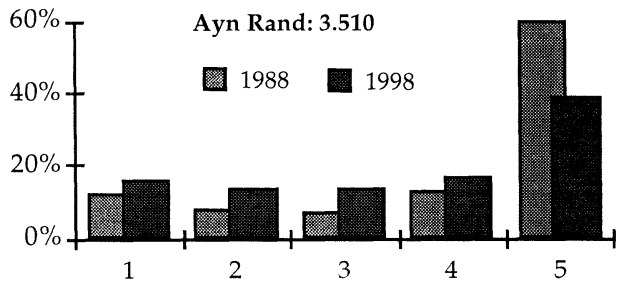

The thinker who most influenced our respondents' intellectual development was Ayn Rand (1905–1982), the novelist-philosopher, author of *Atlas Shrugged*, *The Fountainhead*, *For the New Intellectual*, *The Virtue of Selfishness*, *Capitalism the Unknown Ideal* and other works. Rand advocated a political philosophy based on the absolutism of individual rights, but eschewed anarchism.

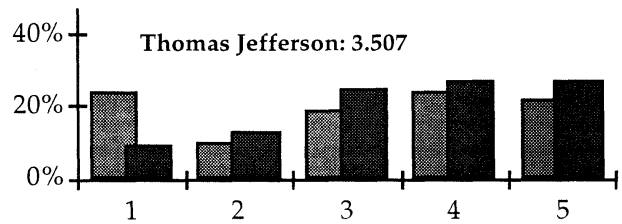

Thomas Jefferson (1743–1826) was a very close second to Rand (who edged him by .008%). Jefferson was the third president of the United States and author of the Declaration of Independence of the United States. He is most admired by libertarians for the advocacy of a natural rights philosophy and the right of revolution that is expressed in that declaration.

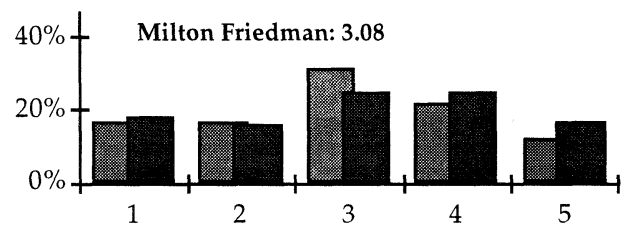

Milton Friedman (1912–) is the leading exponent of the Chicago School of Economics and winner of the 1976 Nobel Prize in Economics. His writings in defense of capitalism and the free society — *Capitalism and Freedom* and *Free to Choose*, for example — have been very influential, which is evident from our readers' response to our poll.

Friedman favors less radical, incrementalist reform over radical change, alienating many libertarians from him.

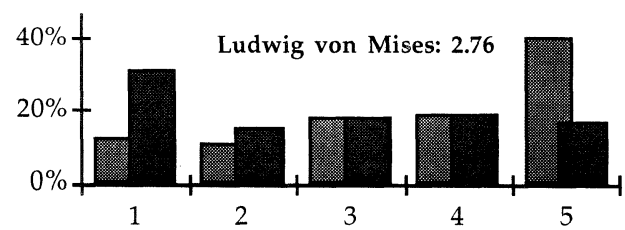

Ludwig von Mises (1881–1973) was a leading social philosopher and economist of the Austrian School, most famous for his development of praxeology, an approach to economics based on a priori, deductive reasoning from certain fundamental axioms. *Human Action*, his *magnum opus*, is his best known work. He also wrote numerous other books and articles,

including *Liberalism, Socialism, Theory of Money and Credit*, and *Epistemological Problems of Economics*.

Although a rigorous advocate of *laissez faire* capitalism, Mises saw a role for government. His political thinking was based on utilitarian concepts.

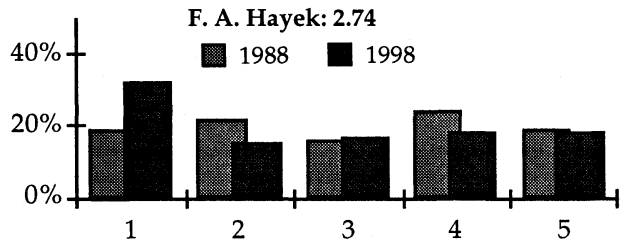

F. A. Hayek (1899–1992) was a social philosopher and Nobel Prize winning economist. His book *The Road to Serfdom* (1944) challenged orthodox statist thinking and helped stimulate the post-World War II resurgence of libertarian ideas. He is the author of many works, including *Law, Legislation and Liberty, The Counter-Revolution of Science*, and others.

Like Mises, Hayek avoided the language of "natural law and natural rights," but Hayek was less narrowly utilitarian in approach. He rests much of his case for a free society on a complicated "evolutionary ethics" that emphasizes the "natural selection" of rules and societies. Hayek emphasized the importance of tradition more than most other libertarian thinkers.

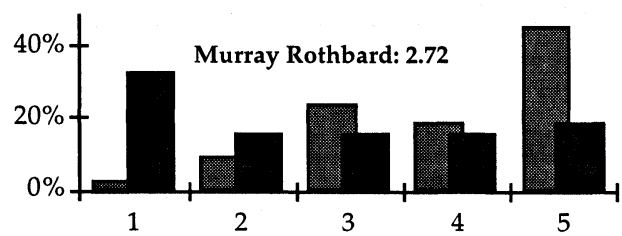

Murray Rothbard (1926–95) was an economist, historian and social philosopher who envisioned libertarianism as a new science, encompassing natural rights theory, Thomist philosophy, Austrian economics, 19th century American individualist anarchism, and the view that the U.S. was invariably at fault in its conflicts with international communism during the Cold War.

He became influential in the libertarian movement in the late 1960s. He joined the Libertarian Party in 1974 after having denounced it vigorously during the previous few years, and during the next 15 years was its most influential figure. He was a founding editor of *Liberty* in 1987.

In 1989, he resigned from the LP and from libertarian organizations that he did not control, proclaiming himself a "paleolibertarian" and an ally of Southern agrarian conservatives centered around *Chronicles* magazine.

His works include *Man, Economy and State; Power and Market; The Ethics of Liberty*; and *For a New Liberty*. Rothbard advocated an anarchistic society based on the absolutism of individual rights.

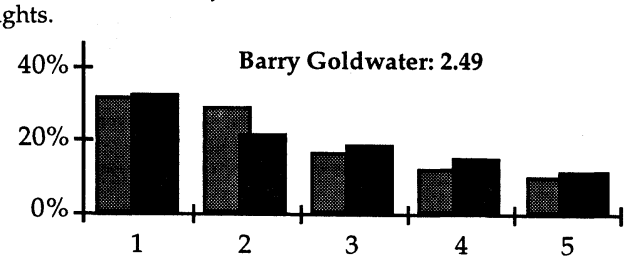

Barry M. Goldwater (1909–1998) was a member of the U.S. Senate from 1953 to 1964 and again from 1968 to 1987. In the late 1950s he became a spokesman for political conservatism. He espoused his rather libertarian version of conservatism in several books and numerous newspaper columns and speeches. Although an advocate of a rather belligerent foreign policy, Goldwater strongly supported the notion of human liberty.

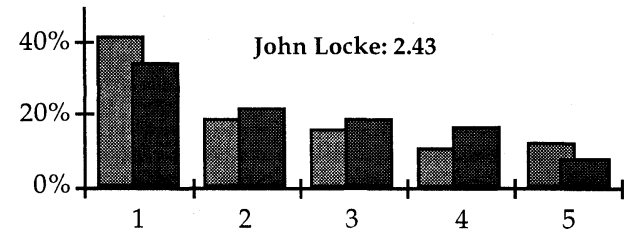

John Locke (1632–1704) is widely regarded as one of the most influential British philosophers. Though his *Second Treatise on Civil Government* has been subject to contradictory interpretations, libertarians have followed a long line of classical liberal and anarchist thinkers in taking from it a methodogically individualistic understanding of society and a powerful conception of natural rights. His writing was particularly influential on America's founding fathers, especially Jefferson, which probably accounts for his high rating in this poll.

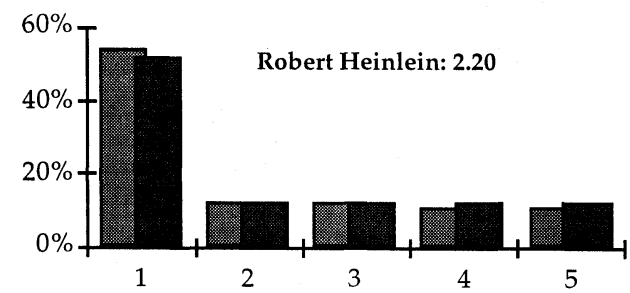

Robert Heinlein (1916–1987) was one of the most influential science fiction writers of all time. Both his life and his writings exemplify the ideal of the "competent man," and a lively streak of rugged individualism runs through all his writings.

Libertarians are especially fond of his several attempts to deal with political revolution, most notably in his fascinating account of a colonial revolt in *The Moon Is a Harsh Mistress*.

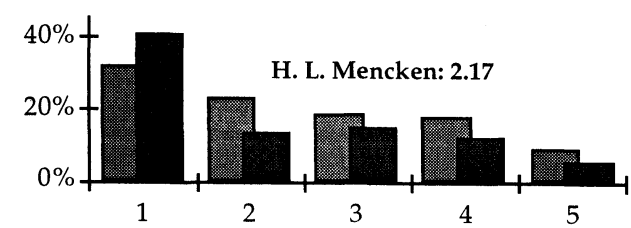

H. L. Mencken (1880–1956) was the author of many books and countless articles. He is best known for his literary and social criticism — and for his brilliant, witty style.

He was an early proponent of Nietzsche in America, and although he wrote frequently on political topics, Mencken's political thinking was not rigorous, though his theoretical treatment of modern political theory and practice, *Notes on Democracy*, is well worth reading. He might best be termed a classical liberal in the tradition of Sumner or Mill. Mencken's more journalistic political writings are extensive, however, and his acerbic criticisms of both Roosevelts, Coolidge, and every other major politician of his day are well known.

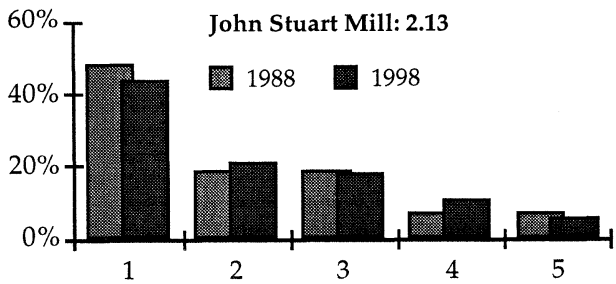

John Stuart Mill (1806–1873), the leading British philosopher and economist of his time, wrote many influential works, including *On Liberty* and *Utilitarianism*. His utilitarian moral philosophy has been widely discussed and subjected to a great variety of interpretations, as has his defense of individual liberty. *On Liberty* was about the only nineteenth century work of classical liberalism to maintain a "good press" throughout the ideologically dark years of the twentieth century. Mill's arguments for individual liberty still influence not only contemporary philosophers, but current policy in Britain, America, and elsewhere.

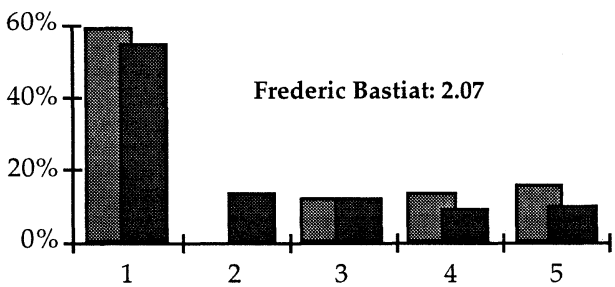

Frederic Bastiat (1801–1850) was one of the most accomplished stylists who has ever argued for liberty. Though he was more a popularizer than an original thinker, his importance should not be underestimated: his ranking over many contemporary libertarian writers in this poll serves as reminder of this fact.

He is best remembered for his brilliant attacks on the fallacies of state intervention in the economy (his *Economic Sophisms* was the model for Hazlitt's *Economics in One Lesson*) and his powerful defense of natural rights and limited government in his pamphlet, *The Law*.

He was also a member of the French Assembly, fervently arguing against protectionism, except when it affected his constituents.

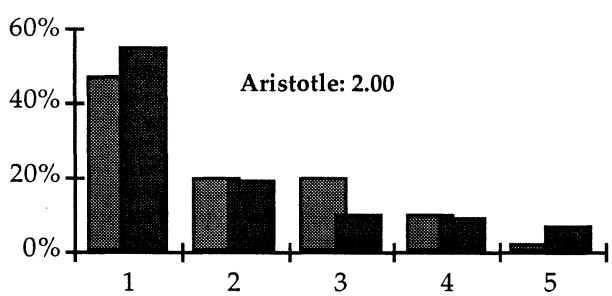

Aristotle (384–322 B. C.) was not a libertarian in any way, but he was a powerful advocate of human reason. His influence on libertarianism comes mostly via Ayn Rand, who considered Aristotle one of the world's greatest minds (right up there with herself).

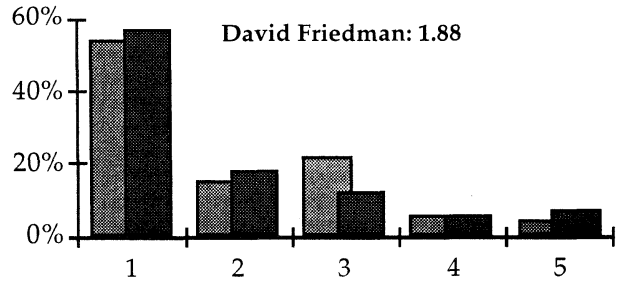

David Friedman (1945–) argued his case for "a radical capitalism" with force and vigor in his first book, *The Machinery of Freedom*. Unlike so many other libertarian anarchists, natural rights argument plays almost no part in his case for anarcho-capitalism. In its place is a thoroughgoing engagement with the new scholarly discipline of "law and economics," of which he has been a pioneer.

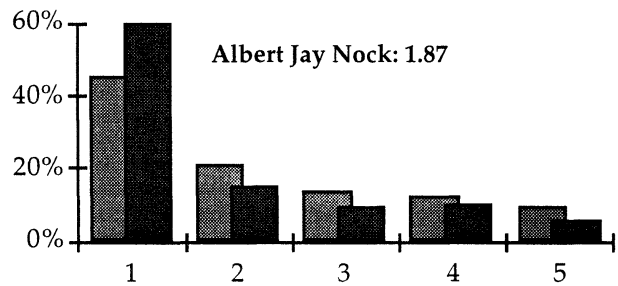

Albert Jay Nock (1870–1945) was one of the most important writers to have been influenced by the economic theories of Henry George, and his own anti-statist views developed into something very close to anarchism. His classic work in political thought is *Our Enemy, the State*.

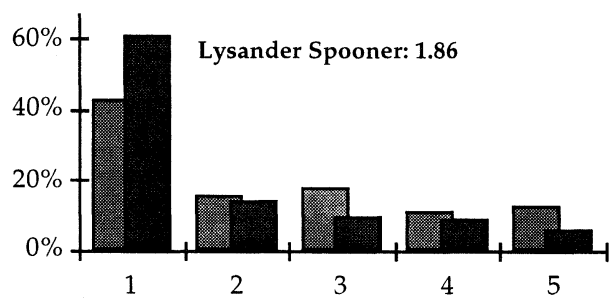

Lysander Spooner (1808–1887) was a writer and pamphleteer and perhaps the most eloquent 19th century American anarchist. His fully developed political philosophy is best summed up in his brilliant pamphlet *No Treason, The Constitution of No Authority*. Writing from within the natural law tradition and with an extensive knowledge of the common law, Spooner argued not only that the Constitution of the United States was binding on no one, but that *all* government, taxation, laws, etc. were inherently unjust.

Key to charts pp 17–21

1988 1998

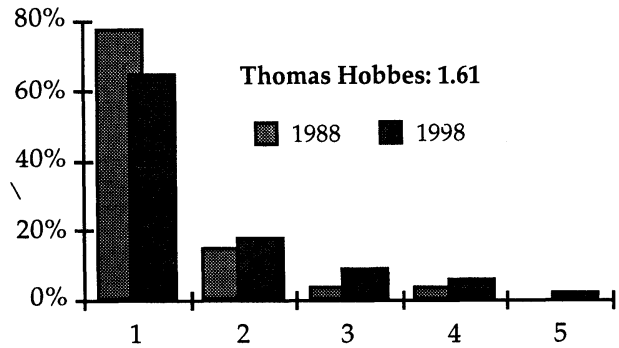

Thomas Hobbes (1588–1679) was the first British political philosopher of repute, and is still considered one of the major figures in the history of political philosophy. Hobbes's *Leviathan* is a pioneer work in social contract theory.

Though most classical liberals and libertarians — beginning with Locke — have used Hobbes mainly as a jumping off point and as a target, there is a strong *realpolitik* strain in some libertarians' social philosophy that bears remarkable resemblance to Hobbes.

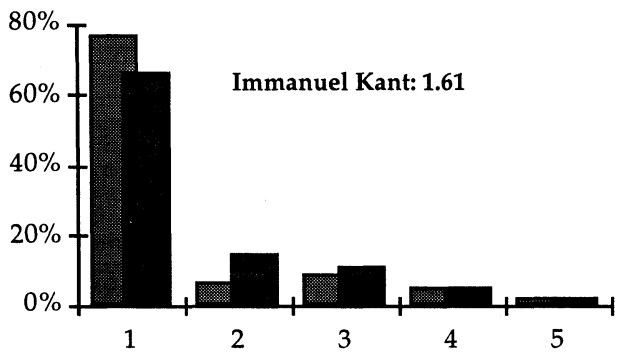

Immanuel Kant (1724–1804) was not only one of the most important German philosophers, he is widely considered to be the one of the greatest philsosphers ever. He wrote numerous works, including *The Critique of Pure Reason, The Groundwork for the Metaphysics of Morals,* and *Religion Within the Bounds of Reason Alone.*

Though he is probably best known among libertarians as — according to Ayn Rand — the chief source of evil in modern times, he was actually a classical liberal. A number of libertarian philosophers have written about the advantages of a "Kantian reconstruction of Utilitarianism," and both Mises and Hayek were neo-Kantians in fundamental philosophy.

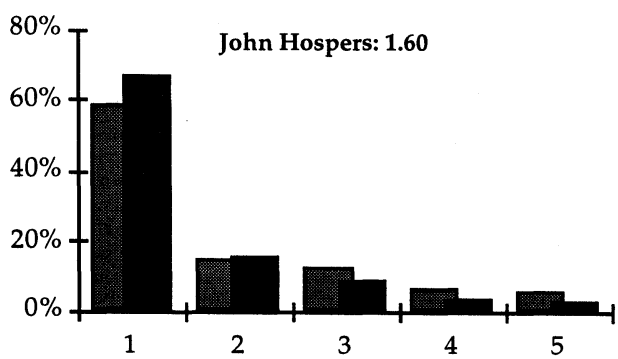

John Hospers (1918–) has retired from a long and successful career as a philosopher. Though his academic reputation largely rests on his work as an editor and in the field of aesthetics, he has also contributed to libertarian thought with many articles and his book *Libertarianism* — which advocated a more-or-less Randian political theory, though his thinking has developed considerably since — and in his book *Human Conduct,* an introductory text to the study of ethics.

He was the Libertarian Party's first presidential candidate and wrote the party's "Statement of Principles." He has been a Senior Editor of *Liberty* since 1992.

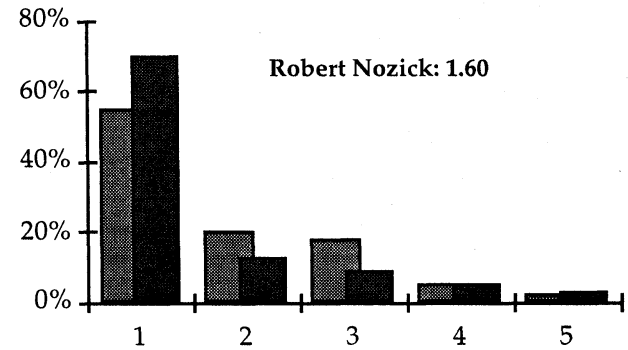

Robert Nozick (1938–) is a Professor of Philosophy at Harvard and the author of the National Book Award winning treatise in libertarian political philosophy, *Anarchy, State and Utopia* (1975), which attracted academic attention to libertarian ideas like no book before or since. Nozick used Lockean state-of-nature theory and a Lockean conception of moral rights as the foundation for an argument that purports to show how a State could arise out of an anarchistic society without violating anyone's rights; that this minimal state is the most extensive state that can be justified; and that this conception of a minimal state is inspiring as well morally proper. Though the classic work on minarchist theory, it is generally considered more successful at discussing its many, brilliant secondary points than at demonstrating the validity of its main thesis.

During the 1980s, he gradually lost interest in libertarian thinking and has gone on to other activities.

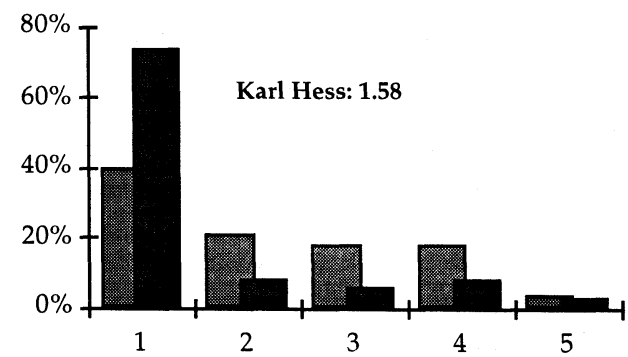

Karl Hess (1923–1994) was a speech writer for Barry Goldwater who became an anarchist in the late '60s and burst into a position of leadership within the libertarian movement with publication of extremely influential essays in The *New York Times* and *Playboy* in the late 1960s. He brought Murray Rothbard into a prominent position within the movement, and the two jointly edited *The Libertarian.* Within a few years, Hess resigned from *The Libertarian* in response to Rothbard's denunciation of Hess for deviationism from the true Rothbardian line. In 1986, he became editor of the *Libertarian Party News* and was an editor of *Liberty* from 1987 until his death.

Hess has been most influential as a proponent of the importance of community life and a "back to nature" simplicity. Though he wrote several books, his influence among libertarians was primarily as a speaker and friend. His political thinking was discursive and lyrical; he explicitly eschewed ideology.

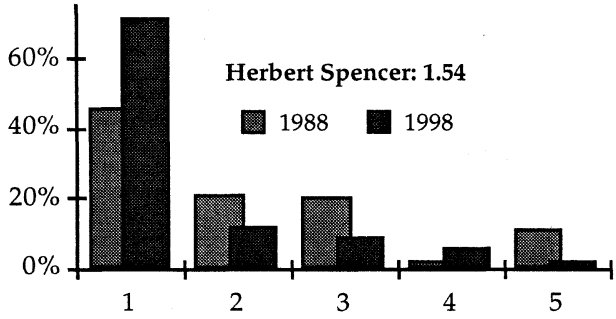

Herbert Spencer (1820–1903) was an ambitious philosophical systemizer who advocated extremely limited government. He described his own ethical philosophy as utilitarian "in a broad sense," but it is not easy to classify. Many of his arguments against political intervention bear remarkable resemblance to Hayek's later use of the notion of the limitations of human knowledge. His most familiar work today is probably *The Man Versus the State.*

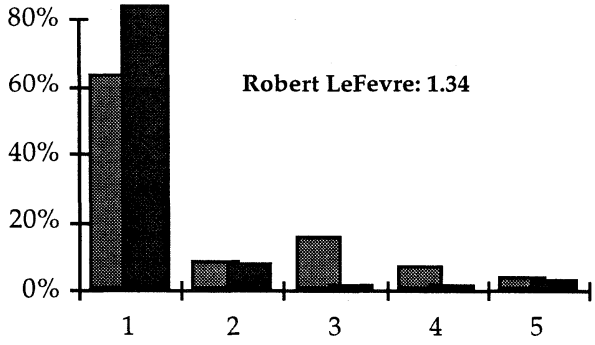

Robert LeFevre (1911–1986) was a writer and teacher who inspired and instructed a whole generation of libertarians. He wrote numerous books including *This Bread is Mine, The Philosophy of Ownership,* and *The Nature of Man and His Government.* He was what is now (once again) called a *voluntaryist,* a libertarian who refuses to practice politics, and was an anarchist in everything but name (he strenuously objected to the term, prefering his own understanding of "autarchy"). His relatively low showing in our poll is surprising to us, considering his reputation in the 1960s and 70s.

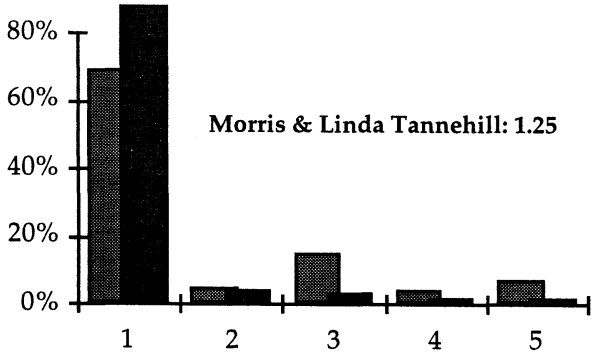

Morris and Linda Tannehill (1926–1989, 1939–) collaborated to write *The Market for Liberty*(1970), a powerful defense of natural rights-based anarchism that was influential among libertarians in the 1970s.

Libertarianism was only one stop in the ideological odyssey of the Tannehills, who earlier were associated (in chronological order) with the Minutemen, the American Nazi Party, and the Foundation for Economic Education, and have since managed a psychotherapeutic cult. Linda Tannehill has taken back her maiden name of Linda Locke, and currently is a sandalmaker in New Mexico

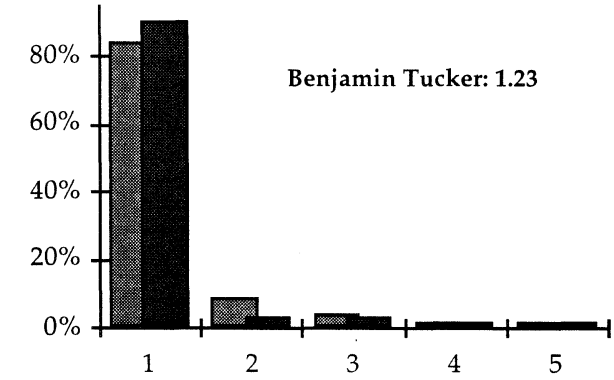

Benjamin Tucker (1854-1939) edited*Liberty,* the 19th century anarchist newspaper. Though not an original thinker, he was a fine stylist and an expert synthesizer of others' thinking. He articulated what was later called "anarchocapitalism," but what he called "individualist anarchism."

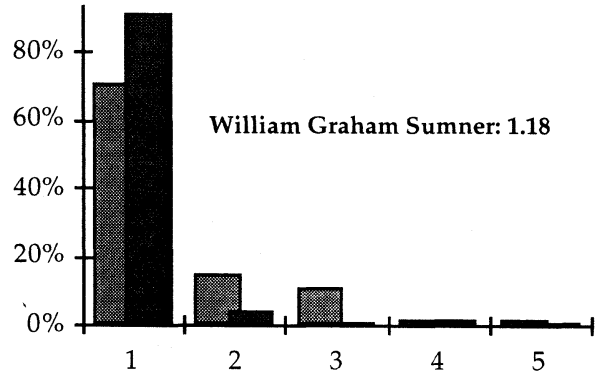

William Graham Sumner (1840–1910) was one of the leading American sociologists of the 19th century and also one of the more vigorous advocates of *laissez faire.* Today known chiefly as a Social Darwinist and as the author of the sociological masterpiece *Folkways,* in his time he was respected for his polished essays and his dedication as a teacher. Probably his best known work to contemporary libertarians is his essay *What Social Classes Owe to Each Other.*

The Ages of Influence

How did these individuals influence the intellectual development of younger libertarians, as opposed to older libertarians? The table below compares the level of influence on respondents 40 years old or less to those over 40.

Individual	18–40	Over 40
Aristotle	2.03	1.99
Frederic Bastiat	2.00	1.99
David Friedman	1.94	1.84
Milton Friedman	2.95	3.14

Individual	18–40	Over 40	Individual	18–40	Over 40
Barry Goldwater	1.78	2.85	John Stuart Mill	2.11	2.15
F. A. Hayek	2.60	2.82	Ludwig von Mises	2.45	2.92
Robert A. Heinlein	1.87	2.38	Albert J. Nock	1.73	1.96
Karl Hess	1.55	2.07	Robert Nozick	1.59	1.60
Thomas Hobbes	1.55	1.64	Ayn Rand	3.52	3.51
John Hospers	1.46	1.68	Murray Rothbard	2.38	2.91
Thomas Jefferson	3.43	3.54	Herbert Spencer	1.44	1.60
Immanuel Kant	1.65	1.58	Lysander Spooner	1.61	2.00
Robert LeFevre	1.15	1.44	William G. Sumner	1.15	1.20
John Locke	2.44	2.42	Morris & Linda Tannehill	1.13	1.32
H. L. Mencken	1.88	2.32	Benjamin Tucker	1.16	1.27

Letters, *continued from page 4*

also approved medical marijuana; although Congress absurdly passed a law prohibiting the returns from being announced, exit polls show it won handily (over 69 percent). Finally, Arizona voters approved two initiatives reinstating their 1996 drug reform initiative, Prop. 200, which had been overturned by the legislature.

There was nothing ambiguous about the electorate's mandate; 1998 marked a national turning point in the war on drugs.

Dale H. Gieringer
Berkeley, Calif.

Editor's Note: This is one mistake for which we're happy to stand corrected! For more on elections, please see page 45.

Emancipations

"Breaking Free" (January), by Kimberly Ayn Ryan, brought back some unpleasant memories for me. No, my experiences were not as violent or as psychologically traumatic as Ms. Ryan's were, but I was the kid the others "ganged up" on. Also, mine happened in the early years of my life, long before I married. And the problems were not from within my family. But looking back over many years (I'm 82 now) I can see an uncomfortable set of parallels.

Ms. Ryan's husband was obviously a grown-up version of the neighborhood or playground bully, except that in my day even a bully wouldn't hurt a girl (being a boy, I didn't have that protection). Most of the ones I encountered grew up to be less violent, or at least wiser; but some, under the influence of alcohol or emotional stress, would revert to their childhood state and abuse their spouses or children. Ms. Ryan's husband seems to fall into that category.

Just what is a bully? My dictionary (The New World Dictionary of American English) defines a bully as: a person who hurts, frightens, or tyrannizes over those who are smaller or weaker. A bully is usually identified by those whom he chooses as victims or with whom he may pick a fight. These may include any or all of the following: (1) Someone he knows he can whip. (2) Someone who is afraid to fight back for fear of more beating. (3) Someone who is afraid to seek help for fear of more beating: someone who can be bluffed. (4) Someone who can be manipulated psychologically.

A bully is a coward of the most contemptible sort, and will nearly always run or back down when his intended victim stands up to him. Naturally, he picks someone he thinks is too intimidated to resist and keeps pounding that fear into his victim. He may, depending on his mood, be friendly — or even helpful — to someone he will, on other occasions, abuse. At such times, the victim may try to be friendly to the bully, hoping to appease him. It rarely works.

How can a person in Ms. Ryan's position deal with the bully? I don't have a background in sociology or psychology, but here are some ideas that I wish I had used in those "days of yore," when I was so naive that I thought I had to fight fair, no matter what the other parties did. Whether Ms. Ryan handled her situation in the best way is not for me to say, but here is what I can imagine she might have done:

She obviously acted wisely when she decided to put a lot of distance between herself and her husband. In looking back, I'm sure she wishes she had done that to begin with. A coward usually acts not out of anger, but out of lowered self-respect. Rather than travel a long way, he'll find a more convenient victim.

Her husband, snake that he was, still was human enough that he had to sleep at some time. When we're dealing with a person who takes unfair advantage and mistreats us, it's time to fight dirty. The dirtier the better: get him while he's asleep. Nothing will get a man's attention and make him think twice more than to inflict excruciating pain and convince him that it will be inflicted again. And what will hurt more and get a man's attention more than being hit on those two organs that a man would rather die than part with? She should have a 3-foot length of $^3/_4$ inch dowel rod (or something similar) on hand; and while he's helpless and writhing in uncontrollable pain, whale the daylights out of him, all the time giving him a tongue-lashing to go with the rod.

She should have a handgun and let him know — in no uncertain terms — that she will use it. As Barbara Goushaw points out in this same issue ("Handguns Are a Girl's Best Friend"). Even though she may not have skills in the use of weapons, a woman rarely misses when she shoots at a man, especially her husband.

All of these things would require an awful lot of courage, of course. Reason would show that sooner or later, her husband would kill or cripple her if she did nothing; yet, it is hard for reason to overcome an emotion as strong as fear.

Ms. Ryan was haunted by the thought that she might in some way be responsible for the way her husband was treating her. That would be hard to believe, at least to the extent that she might actively have done something to deserve such harsh action. On the other hand, her passiveness may have signalled her vulnerability. Body language is something that some people read subconsciously and he seems to have seen his opportunity in that way.

It took me a long time to accept the fact that a big, mean, guy won't harm the smallest fellow if he knows the little guy will put up a fight, even though he knows he could easily whip the little one. I hope Ms. Ryan has learned it.

Bill Williford
Houston, Tex.

Analysis

The Old Liberty and the New

by R. W. Bradford

The Liberty Poll measures the sea change in libertarian belief.

The most dramatic change among libertarians in the past ten years has been an important shift in their fundamental political thinking — a change that goes to the heart of libertarian theory. To understand this change, we have to understand a little bit about the tensions between two different approaches to libertarianism, that have developed more or less simultaneously, sometimes complementing each other, sometimes competing with each other.

The most fundamental question you can ask a libertarian about his political philosophy is: Why is liberty good? And the way a person answers this question reveals a great deal about the kind of libertarian he is. What's so good about liberty? Why should people want to be free?

There are two ways that libertarians answer this question.

The first answer, one that generally dominated libertarian thinking prior to the 1960s, is that freedom is good because of its consequences: it maximizes people's ability to flourish, to achieve their goals and to be happy.

The second answer to this question is that people should be free because all people have a moral obligation to respect the life, liberty and property of others. This school of thought became popular in the 1960s and '70s, thanks primarily to Ayn Rand and Murray Rothbard, who developed, articulated and popularized it with considerable energy and skill.[1]

Rand and Rothbard begin their political theory by arguing that people by their nature possess inalienable individual rights to life, liberty and property. From this, Rand quickly concluded that "no man has the right to *initiate* the use of physical force against others."[2] For Rothbard, the very meaning of a right is the obligation it imposes on others not to initiate physical force.[3]

From this moral law — the non-aggression imperative — comes virtually the whole of political philosophy and policy proscriptions for libertarians of this type. If a policy entails the initiation of force, it is wrong and ought not be undertaken. Establish religion? Fix a legal minimum wage? Control prices? Restrict immigration? Require professional licenses? Regulate trade? To these and a thousand other policy issues, this kind of libertarianism says, "No! That involves the initiation of force." Indeed, it condemns just about any known function of government on the grounds that it involves initiating force. Even those functions that can be implemented without initiating force — state aid to victims of natural disasters, for example — are prohibited because the money that pays for them comes from taxes, which are raised under threat of force.

Rand did a great deal to articulate and popularize the non-aggression imperative, making it an important theme of her apocalyptic novel *Atlas Shrugged*, a monumental best-seller which attracted an enthusiastic following. Published at a time when orthodox political theory supported an enormous amount of state control, *Atlas Shrugged* suggested that any compromise with the non-initiation principle is disastrous and evil. Rand herself recognized its importance and developed an entire ethical theory around this idea.

But there were problems. For example: the prohibition on the initiation of force obviously precludes taxes. But Rand demanded that government provide for the administration of justice and defense of its citizens from criminals and external enemies. Where could government get the wherewithal to do this without taxes? Rand suggested that a lottery might be used, or a fee be required to register contracts (and that only registered contracts be enforced by the state).

It didn't take long for many of those enamored with her

philosophy to reject these proposals. Why would people buy lottery tickets from the state? If it offered prizes small enough that its profit margin was sufficient to finance government, its payoffs would necessarily be smaller than those of a competitor who didn't have to divert most profits into government finance, and competition would force it from business. And it could hardly prohibit competition without initiating force. To the suggestion that people would prefer state-run lotteries with low payouts to privately-owned lotteries with high payoffs because they value the services of government, critics pointed out that this was tantamount to the state's depending on voluntary donations for its support, since the identical effect could be gained by purchasing a private lottery ticket and making a donation to the state.

Over the past decade, the influence of the non-aggression imperative on libertarian thinking has diminished substantially.

The proposal that the administration of law be financed by contract fees faced an even more devastating criticism. If the state declares a monopoly on contract enforcement, it must initiate force to maintain this monopoly. If it doesn't declare a monopoly, then other contract enforcement companies would soon rise to compete, and the state would cease to be a state at all; it would be just one of many competing firms in the business of law enforcement.

But Rand never realized that the non-aggression imperative led rather quickly to the rejection of government entirely. She maintained a rather primitive faith in the American political system envisioned by the framers of the Constitution, calling for the complete separation of economy and state, but rejecting anarchism as a system incapable of functioning. Somehow she managed to claim that it was always wrong to initiate force, but tolerated tax-supported programs ranging from maintaining of a multi-million volume library to the exploration of outer space, suggested that opponents of the Vietnam War ought to be dealt with harshly, and supported the presidency of Gerald Ford despite his broad intervention in the economy.

The modern libertarian movement emerged as Rand's readers realized, beginning in the early 1960s, that her categorical prohibition of initiated force led to a political theory much more radical than what she envisioned. By the mid-1960s, they were forming study groups and producing modest publications examining the implications of the non-aggression principle more closely. Many realized that the principle led ineluctably toward the very anarchism that Rand had denounced. Others remained uncomfortable with anarchism but were unable to provide a different conclusion to the Randian argument.

Of course, there was a long anarchist tradition that had dealt with many of the same issues that vexed libertarians, and in the late 1960s, libertarians were beginning to immerse themselves in the writings of 19th-century individualist anarchists like Lysander Spooner and Benjamin Tucker. By 1968, small libertarian publications with names like *Innovator*, *The Libertarian Connection*, *Idea Catalyst* and *Eleutherian Forum* were publishing debate about these issues, and anarchism was gradually coming to dominate libertarian thinking.

Economist Murray Rothbard entered the forefront of the controversy in the late 1960s, at the invitation of Karl Hess, a former Goldwater speechwriter who had gained national attention by advocating anarchism. Rothbard had become an anarchist in 1949, and had developed his own style of thought that included inalienable rights theory.

His brilliance and wit as both writer and speaker as well as his considerable skill at formulating a grand theory — it eventually encompassed medieval scholasticism, historical revisionism, ruling class analysis, and a stridently pro-Soviet interpretation of the Cold War — quickly brought him into a leadership position, and before long there was a "Rothbardian" position on every issue and he surrounded himself, as Rand had, with devoted admirers.

When the Libertarian Party was organized in 1972, it required its members to take an oath against the initiation of force. That oath has been tinkered with, but remains a requirement of membership to this day.

This type of thinking has considerable appeal. It provides a quick and easy answer to any political question. There's never any need for detailed analysis of policy issues, for balancing the costs and benefits of any public policy. One alternative is moral (i.e. does not involve the initiation of force); the other is criminal (i.e. involves the initiation of force). And that's all there is to it.

But while libertarians were struck with the brilliance of Rand and Rothbard and the elegant simplicity of a social theory emanating from the non-aggression imperative, most remained ambivalent. Despite the appeal of Rand's and Rothbard's moral enthusiasm, many were concerned that the non-aggression imperative leads to positions that seemed, well, goofy. In addition, many had serious doubts about the validity of its derivation. And despite Rothbard's assurances that anarchism is a perfectly practical system, many doubted its workability.

The other strain of libertarian thinking was less radical. Making fewer and less categorical moral claims, social philosophers like Milton Friedman, Ludwig von Mises, and F.A. Hayek argued that human beings are better able to flourish if their liberty is maximized. To these libertarians, rights were desirable social institutions because man can prosper in a society in which they are recognized. But rights are not moral absolutes which entail the non-aggression imperative. Such social thinkers were sometimes willing to compromise, to accept a modest amount of government activity, and, most importantly, to accept the existence of government itself.

Like earlier proponents of natural rights, proponents of this approach see rights as expedient and moral ways for human interaction, not universal obligations to refrain from initiating force or anything entailing anarchism and all its attendant problems. John Locke was able to develop a theory of individual rights within the context of his theories of popular sovereignty and democracy, and figures like Thomas Jefferson and Frederic Bastiat were able to champion the cause of individual rights within a democratic political environment.

In the Liberty Poll, respondents were asked whether they agreed with 19 propositions. Their responses to eleven of these propositions reveal the continued tension between these two schools of libertarian thought. By seeing how libertarian agreement and disagreement over these propositions has changed over the past decade, it is possible to get a good idea about how libertarian opinion has changed.

Moralistic libertarians (those who tend to think along the lines of Rand and Rothbard) are more likely to agree with six of the propositions.

Government should be eliminated altogether. A simple statement of anarchism, a view that is entailed by the non-aggression imperative. (Of course, not all anarchists are advocates of the non-aggression imperative. David Friedman offers a very sophisticated argument for anarchism based entirely on consequentialist considerations.)

The kind of libertarianism that grows out of the non-aggression imperative tends to promote dogmas and declamations, rather than dialogue; and dialogue is commonly necessary if you want to change people's minds.

No person has the right to initiate physical force against another human being. The moral prescription central to the Rand-Rothbard view.

An employee of the state is a receiver of stolen goods and therefore is committing an improper act. An obvious and immediate consequence of the moral prohibition against initiated force.

The U.S. should remove all restrictions on immigration. An obvious policy consequence of the non-initiation principle. Many consequentialist libertarians agree with this policy, but not all.

The U.S. should remove all tariffs immediately. Very similar to the proposition on immigration.

A proper government would have an absolutely isolationist foreign policy. It's difficult for a moralistic libertarian to see any function for government at all, let alone intervening in affairs in other countries. As with other policy questions, many consequentialist libertarians agree with this on policy grounds.

Table 1 at the bottom of this page shows the percentage of libertarians who share these beliefs today compared with a decade ago. Respondents are drawn from two different groups: subscribers to *Liberty* ("Lib") and those attending the Libertarian Party convention ("LP"). As you can see, support for all of these propositions decreased both among *Liberty* readers and LP convention attendees.

Consequentialist libertarians (those tending to think along the lines of Friedman, Mises or Hayek) are more likely to agree with five of the propositions:

The proper role of government is finite, but much smaller than at present. A no-nonsense statement of non-anarchist libertarian sentiment.

A person should have a legal obligation to support his or her offspring. Moralistic libertarians tend to reject this proposition because they can see no way to enforce it without initiating force against a parent who refuses to support his child. Consequentialist libertarians tend to believe that ordinary human decency entails such an arrangement.

One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act. This is the flip side of the proposition about the morality of accepting government jobs. The non-aggression imperative implies that accepting government benefits is immoral, since those benefits come from funds taken from people by force. But this proposition takes a more extreme form than the proposition about the morality of accepting a government job, since it is much easier in contemporary society to find private employment than it is to avoid using public roads. Indeed, disagreement with this proposition pretty well precludes ordinary life in modern society.

Political action is an appropriate method of advancing liberty. Moralistic libertarians often view any sort of participation in political activity as participating in coercive activity; consequentialist libertarians tend to believe that liberty might be enhanced (or its erosion slowed) by political activism, and see nothing wrong with it provided one does not seek to gain from it at the expense of others.

People have a responsibility to vote. Moralistic libertarians are inclined toward seeing voting as taking part in coercion and are generally opposed to any notion that might conflict with the non-initiation-of-force principle. Consequentialist libertarians are also likely to oppose the suggestion of a moral obligation to vote, but many believe voting is sufficiently desirable that people ought to do so.

Table 2 at the top of the next page shows the percentage of libertarians who share these beliefs today compared with a decade ago. Again, two different groups of libertarians were surveyed.

As you can see, agreement with three of these propositions increased with both groups; support for one was unchanged among *Liberty* readers and increased among LP

Table 1: Agreement with beliefs that characterize moralistic libertarianism

Belief	Lib 88	Lib 98	Chg	LP 87	LP 98	Chg
Government should be eliminated altogether.	31%	13%	–58%	31%	8%	–76%
An employee of the state is a receiver of stolen goods and therefore is committing an improper act.	31%	27%	–13%	57%	32%	–43%
No person has the right to initiate physical force against another human being.	90%	50%	–44%	81%	62%	–23%
The U.S. should remove all restrictions on immigration.	69%	50%	–28%	71%	60%	–15%
The U.S. should remove all tariffs immediately.	90%	62%	–31%	89%	57%	–36%
A proper government would have an absolutely isolationist foreign policy.	53%	30%	–43%	45%	22%	–52%

"LP 87" and "LP 98" are responses by party convention attendees; "Lib 88" and "Lib 98" are responses from *Liberty* readers.

Table 2: Agreement with beliefs that characterize consequentialist libertarianism

Belief	Lib 88	Lib 98	Chg	LP87	LP98	Chg
The proper role of government is finite, but much smaller than at present.	66%	87%	+ 32%	58%	88%	+ 52%
A person should have a legal obligation to support his or her offspring.	56%	70%	+ 25%	43%	53%	+ 23%
One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.	71%	55%	– 22%	71%	53%	– 26%
Political action is an appropriate method of advancing liberty.	77%	77%	0%	86%	89%	+ 4%
People have a responsibility to vote.	10%	27%	+172%	14%	32%	+130%

"LP 87" and "LP 98" are responses by party convention attendees; "Lib 88" and "Lib 98" are responses from *Liberty* readers.

convention attendees, and support for one fell among both groups.

Considering all eleven responses, consequentialist responses were up an average of 38.5 percent among readers of *Liberty* and up 39.0 percent among libertarians who attended the LP convention. This is a pretty clear-cut trend.

There is another way to look at the change in libertarian belief: we can look at how respondents estimated the influence of the leading articulators of each approach to libertarianism. Five of the six most highly rated influences on the intellectual development of libertarians in the 1988 survey were closely identified with these two positions: Rand and Rothbard with the moralistic approach, and Milton Friedman, F.A. Hayek and Ludwig von Mises with the eclectic, consequentialist approach.

This comparison is a somewhat less reliable way to gauge the change in sentiment, because the influential persons wrote extensively on subjects not terribly related to the central propositions that separate the two libertarianisms. Rand was a tremendously powerful novelist, widely read and greatly admired even by those who didn't buy into her political thinking; Rothbard, Mises, and Hayek were (and Friedman still is) impressive economists.

But the same trend is evident. The perceived influence of those who formulated and popularized the moralistic approach fell substantially by 1998, while the influence of leading proponents of the eclectic, consequentialist approach declined only slightly:

Influence	Lib 88	Lib 98	Change
Rand	4.02	3.51	– .51
Rothbard	3.93	2.72	–1.21
Friedman	2.95	3.08	+ .13
Mises	3.65	2.76	– .89
Hayek	3.02	2.74	– .28

The average decline of the moralistic libertarians was .86; that of the consequentialists only .35. This same trend appears when one compares the surveys of the 1987 Libertarian Party convention with that of the 1998 convention:

Influence	Lib 88	Lib 98	Change
Rand	3.44	3.40	– .04
Rothbard	3.98	2.41	–1.57
Friedman	2.60	2.86	+ .26
Mises	3.06	2.39	– .67
Hayek	2.64	2.34	– .30

The average decline of the moralistic libertarians was .81; while that of the consequentialists fell by an average of only .24. And the responses of those attending the LP convention were remarkably similar to that of readers of *Liberty*, thereby suggesting, once again, that the decline in moralistic libertarianism, is not confined to readers of *Liberty*.[4]

In sum, whether gauged by their beliefs, policy positions or the perceived influence of specific libertarian thinkers on their intellectual development, libertarians are rapidly retreating from libertarian theories based on the non-aggression imperative. Over the past decade, the influence of that principle on libertarian thinking has diminished substantially. It is being displaced as the central core of libertarian thinking by a much simpler notion: that liberty is a good thing simply because it maximizes flourishing.

Why has libertarian belief evolved in this direction? There is probably no simple, unequivocal answer. Some of the reasons I've already touched upon: the slipperiness of the arguments for the non-aggression imperative; the fact that it seems to lead to anarchism, which is itself problematic for many libertarians; and its demonstrated ability to lead people to moral positions and policy conclusions that seem very strange, if not downright untenable. But the most important reason, I believe, is not intellectual. It is a practical one: the kind of libertarianism that grows out of the non-aggression imperative tends to promote dogmas and declamations, rather than dialogue; and dialogue is commonly necessary if you want to change people's minds. For this reason, libertarianism deduced from the non-aggression imperative does poorly in the intellectual arena. In fact, it is usually counterproductive, and libertarians are finding that out.

A reasonably comprehensive discussion of this theory, however, is beyond the scope of this analysis, and will have to wait for another time. ❑

Notes:

1. For a more detailed discussion of the two schools of libertarian thought, see "The Two Libertarianisms," by Ethan O. Waters (*Liberty*, May 1988, p. 7); "The One Libertarianism," by Sheldon Richman (*Liberty*, September 1988, p. 53); "The Two Libertarianisms Again," by Waters (*Liberty*, September 1988, p. 56); David Boaz, *Libertarianism: A Primer* (pp. 82–87); and "On The Duty of Natural Outlaws to Shut Up," by Murray N. Rothbard (*New Libertarian*, April 1985, pp. 10–11).
2. *For the New Intellectual* (p. 64).
3. See *The Ethics of Liberty* (1998 edition, p. 24).
4. It is worth noting, by the way, that the overall decline of perceived influence of the most prominent advocates of both moralistic and consequentialist libertarianism was part of an overall decline in perceived influence, or, put differently, an increase in perceived self-development. At any rate, between 1988 and 1998, the average perceived influence of all figures declined by 9.71 percent, compared to 21.7 percent for moralists and 9.7 percent for consequentialists.

Hating the Sin and the Sinner

by Sarah J. McCarthy

It takes courage to discourage violence. Many who hate do not have that courage.

Religious conservatives are angry at widespread accusations that their holy war against gays and abortion doctors has created a climate that encourages violence. "The constant degrading of homosexuals is exacting a toll in blood," says *Newsweek* columnist Jonathan Alter, an assertion that conservative columnist Don Feder denounces as "bizarre."

Does Alter actually think, asks Feder, that if some "yahoo in the hinterlands" believes that when religious institutions declare homosexuality a disorder it means that said yahoo will have "to go out and bash a queer?" Well, not exactly, Mr. Feder, that's usually not how it works. In fact, these yahoos in the hinterlands who robbed and killed Matthew Shephard and tied him to a fence post may have been just as influenced by class envy aimed at rich kids whose parents send their kids to prestige schools as Matthew Shephard's did, while the losers in life's lottery collect aluminum cans for a living, or fish for catfish in the boondocks.

Don Feder probably doesn't think it's "bizarre" when someone argues that class envy rhetoric aimed at rich people or store owners has exacted a toll in blood, at times leading to the incitement of armed robbery, burglary, lootings, rebellions, and even violent Marxist revolutions. When conditions were right, entire nations have been incited by incendiary speech to exterminate whole categories of their fellow man. Every one of these mass-murder movements had intellectual or religious organizations that justified their brand of "purifying" the nation. Speech, as Mr. Feder well knows, is a powerful thing. Why else would he write columns?

According to a *Newsweek* poll, six out of ten Americans believe that the red-hot rhetoric of the pro-life movement has led to a climate where abortion clinics are more likely to be targeted for violence. Though clinics are currently besieged by a flurry of shootings and bombings, threats of anthrax germs in the morning mail, and radical priests like Rev. Donald Spitz of Pro-Life Virginia pronouncing the sniper who killed Dr. Slepian "a hero," Pat Buchanan denies that social conservatives have played any part in fanning the flames of this incendiary environment.

One can only begin to imagine the hue and cry that would ensue if Pat Buchanan or Don Feder were to discover that feminists had a radical website encouraging the killing of pro-lifers, with lines through the names of those already killed, and the names of the living listed complete with their children's names and addresses. What if there were a feminist website similar to the real pro-life website (www.christiangallery.com) that encourages true believers to kill abortion doctors? Can anyone doubt that Messrs. Buchanan and Feder would grab their pitchforks and set out for the capital?

Buchanan and other conservatives have written robust articles about the insidious dangers of rap music and Hollywood values that have led to cultural pollutants like promiscuity, drug use, and the rape and degradation of women. During his '92 presidential campaign, Buchanan said in a speech that the Los Angeles riots were the work of "a mob that came out of rock concerts where rap music celebrates raw lust and cop killing." Rap music with its street-smart lingo and hypnotic beat pounds into the receptive heads of minority kids that women are whores and that whites are devils. It glorifies cop killers. Can anyone seriously argue that such ideas won't swirl around in the heads of many, until they find a receptive few who will actually commit the acts the music glorifies — rape, robbery, mayhem and cop killings?

If people were not influenced by words and ideas, there

would be no need for schools, churches, political campaigns, or advertisements. The more respected an institution, the more power of persuasion it holds over the actions of its followers. Unfortunately, much of the social conservative movement has begun to generate more heat than light with its words and tactics toward abortion and gays. Pro-life activists have many effective arguments in their crusade against abortion. There is no reason to tolerate by their silence the self-destructive tactics of the bombers and the terrorists and their cheerleaders, who dwell in ever growing numbers at the margins. Pro-lifers have the power to call them back from the edge and offer tactics that will actually lead to fewer abortions.

To pound away at the idea that one group (gays) are sinners deserving of continuing condemnation and special ridicule, is not a good moral or strategic policy. To proclaim repeatedly that a particular class of people are "abominations" is an insidious way to dehumanize them. Religious conservatives have expended more energy on the so-called sin of Ellen De Generes than they did on the sin of O.J. Simpson, or the sins of divorce or adultery, which are far more threatening to children than a lesbian sitcom or a gay day at Disney.

If religious groups were to begin a national campaign of focusing on the sin of gluttony by spotlighting fat people, boycotting TV sitcoms with fat actors, jeering them and dehumanizing them as gluttons, then demanding that corporations take away their health insurance, it would probably not be long before we would see fat people impaled on fences. To argue against a lesbian in a sitcom, to champion a boycott because a company freely chooses to offer health-care benefits for gay partners of employees, is not a campaign to deny "special rights," but an attempt to deny them human rights routinely enjoyed by heterosexuals, and to purge them from the culture.

Social conservatives were incensed about ads in the New York Senate race that helped defeat Al D'Amato by implying that he was a supporter of abortion-clinic bombings because he voted (on First Amendment grounds) against a law that increased clinic security. Political analyst Dick Morris responded that the D'Amato ads were merely the flip side of tactics used by the pro-life movement to smear anyone who had reservations about the partial-birth abortion ban.

Social conservatives portray candidates of character such as New Jersey Gov. Christine Todd Whitman as being a fan of partial-birth abortions because she wanted an exemption allowing it if the mother's health was at risk. In litmus-test politics and holy wars, truth is the first casualty. If pro-lifers focused on saving fetal lives while upholding conservative small-government principles, abortions could be effectively curbed by methods that convince, educate, and persuade, rather than using government force and lurid political scare tactics to legislate delivery-room emergency medical procedures, as partial-birth abortions often are. If social conservatives continue to use tactics such as targeting people as "abominations," and "baby-killers," they will be seen as zealots who generate violence in their wake. That, in the end, will do more damage to their movement than anything by their opposition. ❑

Reflections, *continued from page 10*

buys more beer than usual? After all, he might be providing it to minors. Or more sugar than usual? He might be using it to make alcohol illegally. Or a copy of *Playboy*? It sure would be handy for the local police to have a list of everyone who buys nudie magazines in case a peeping tom is reported . . .

According to Paul, there's talk of backing down a little: the FDIC might compromise and write the regulation to cover only new bank accounts and delay its implementation until next year. Paul isn't satisfied. No American should be satisfied who values such shreds of his liberty or privacy that haven't already been stolen from him.

The FDIC has invited comments from affected parties. The way I figure it, that includes anyone who might ever have a bank account. The *Wall Street Journal* asked someone — it didn't report who — at FDIC whether a college student should be worried he might be tagged "suspicious" when he starts making larger bank deposits after he graduates and gets a job. "Not a chance," was the response, "so long as his job is legal."

If you weren't already frightened, think a little about this response, intended to allay your fears. How will your bank know that you got a job? How will it know that the job is legal? Will you have to report to your bank details of any new job and any raise you get? Will you have to show that your job is "legal"? Or will your bank, perhaps with help from their friendly federal authorities, have a database of "legal" jobs against which it will check the source of your paycheck?

"Comments must be received by March 8, 1999," the FDIC advises. "Comments should be directed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, DC 20429." Or you can fax them to (202) 898-3838. Or email them at comments@FDIC.gov. —RWB

The poverty of the Left — One of the most delightful aspects of the whole Clinton mess is the way in which it illustrates the desperate hopelessness of what's left of the radical left in this country.

Case in point: when Ken Starr testified before the House Judiciary Committee on November 19, 16 Democrats had the opportunity to question him. Not one of them chose to use that opportunity to challenge any aspect of the case Starr has made — that Clinton lied in a deposition for a federal suit, lied before a federal grand jury investigating the possibility that he had lied in the deposition, obstructed justice, suborned perjury, or exceeded his constitutional authority. One after another, they accused Starr of various malfeasances.

Several asked Starr questions about minor details of one or another aspect of his investigation; and, whenever Starr responded that he did not recall that particular detail, they triumphantly charged him with the same sort of memory lapse that plagues the president. They operated on an equivalence theory: Starr's inability to remember whether Linda Tripp's

continued on page 60

Consideration

A Shame Upon the Presidency

by Frank Fox

Bill Clinton and Richard Nixon have more in common than their contempt for truth.

The mystery and majesty with which we endow those who rule provides them with a most effective shield, and the stripping away of their authority is undertaken only for the gravest of offenses. It is therefore an unusual historical event when an office is irretrievably diminished or lost for reasons that have more to do with personal shame and humiliation than with weighty affairs of state.

The tragicomedy of the Clinton presidency bears a striking resemblance to that which attended the scandal and resignation from office of Richard Nixon. Then and now a public irreverence accompanied the decline and fall of the officeholder. With Nixon as with Clinton, the parodies and late-night humor are examples of a society where guffaws can be as broad as the great outdoors. We have been lied to and humiliated by these public figures. We counterattack with scorn and obloquy to mitigate our own shame.

Like the Nixon hearings with their assortment of miscreants (Mitchell, Haldeman and Erlichman, a trio of Cuban burglars and a Runyonesque New York City detective), the Clinton drama has offered a fascinating script and an unforgettable gallery of characters. These have included Webster Hubbell, a rotund and perennially disheveled fraudulent financier; Susan McDougal, whose lips were unaccountably sealed and whose fashion statement until recently was an orange jumpsuit and shackles; the late James McDougal, her cane-wielding husband, with the manner and attire of a riverboat gambler, who suspected that his wife had an affair with the president; Richard Morris and James Carville, smiling, loquacious and oleaginous political operatives, and a succession of nominees for high offices who saw nothing wrong in commingling the Republic's funds with their own. Heading this cast was the president. Unlike Nixon who favored a simple fare of cottage cheese and ketchup, Clinton was a man of exotic and voracious appetites. And then there was Monica. The American public knows entertainment when it sees it.

But whatever one thinks of Richard Nixon, his offenses were part of an unending struggle with political and ideological enemies. His mind ranged over global issues in which he played a major role. His risk-taking was part of a high-stakes game that earned him grudging praises. Whatever his faults and obsessions (and there were a handful), they were not peccadilloes or teen-age fantasies, sexual exploits in which furtiveness was of more importance than the pleasure achieved, where nothing was worth the risk except the risk itself.

Seeking a Moral Compass

The king of the baby boomers is being dethroned. The boomers could have forgiven him almost anything. After all, they shared his feelings about the Vietnam War; they too inhaled and understood his reluctance to admit it; they too eased into middle age full of shared musical memories even as they forgot the damage done to the body politic by the excesses of the '60s. What spells the end of an effective Clinton presidency is not the unrelenting attack by those who oppose him, but the erosion of support from those who voted for him. Many of them have turned against him with a vengeance, for now they have children (and even grandchildren), and they will not tolerate for their young the breakdown of moral barriers that have characterized the decades since the 1960's. Comedian Steve Allen's campaign against television's "sex and violence" launched in full-page advertisements, and former Secretary of Education William J. Bennett's book *The Death of Outrage*, the number one best

seller on *New York Times* list, are proof that Americans are once again searching for a moral compass. The Clinton presidency with its emphasis on image-making has reflected his generation's symbol, the television screen, a medium that made it easy to confuse make-believe with substance, one in which the bedside manner of a Marcus Welby was mistaken for that of a real physician.

Exquisite Agony

In September, 1974, I co-authored with Stephen Parker a series of investigative reports on Watergate for *New York* magazine. The cover illustration for the first article that appeared shortly after Nixon's resignation showed him hoisting himself by a hangman's rope. Titled: "Why Nixon Did Himself in: A Behavioral Examination of his Need to Fail," the report enumerated what we saw as contradictions in his character: "His drive for the presidency and his disregard of high office; his passion for detail and his poisonous negligence; his knowledge of history and his distortion of precedents; his concern for candor and his disdain for the truth; his concern for his country and his assault on its Constitution; his desire for privacy and his pursuit of publicity . . . his love of the law and his commission of crimes; his taste for triumph and his extraordinary capacity for humiliation." Except for the absence of the word "sex," these lines written 25 years ago could easily apply to President Clinton.

The cover-up exposed both Nixon and Clinton to ever greater danger. Their responses however were not those of leaders intent on surviving. Each clutched to his bosom that which could destroy him.

We detailed the extraordinarily long list of Nixon's self-destructive behavior, embarrassments and risks. There was the break-in at the Dean's office while Nixon was still at the Duke Law School and many years later his encouragement of break-ins at the Brookings Institution and Daniel Ellsberg's psychiatrist's office. But his gravest risk was installing a voice-activated taping system at the Oval Office, the president's Executive Office Building retreat, the Cabinet Room, several private White House rooms and the president's cabin at Camp David, a means of recording the very conversations that would force his resignation. We described as "fatal ambivalence" the actions that Nixon took in the Watergate affair which, along with the use of executive privilege, proved to be self-destructive. Nixon's behavior (astonishingly passive in contrast to Clinton's boldness and ability to maneuver) was in the end self-defeating. A protracted defense, where nearly all actions only led to demands for more disclosures, failed to save his office and resulted in ever greater pain, that "exquisite agony," as Nixon once described such feelings in his book, *The Six Crises*.

Those who have complained that Special Prosecutor Kenneth Starr spent millions investigating the Clintons missed an essential point. In investigations or impeachments or, for that matter, in any great undertaking, a point is reached when the amount of energy, time and money already invested virtually guarantees that the process will be completed. Once begun, the investigations cannot be aborted. The unthinkable becomes thinkable. That no one in Nixon's or Clinton's camp understood this simple truth was passing strange.

Clinton's inclination (as was Nixon's) was to lie, approve and participate in a cover-up. But while Nixon could and did discuss his criminal activities with his closest friends (Nixon's telling remark about an aide in whom he was not absolutely confident: "He is not one of us."), Clinton could not. On the practical political level his advisers did what is second nature to those who cluster around a source of power. Working in a perpetual twilight that enabled them to blur the distinction between political necessity and personal need, they knew from experience what rewards loyalty brought. And if all their efforts failed, they could always claim to have been misled, the betrayal of their leader a final assertion of their own independence. Here the difference between Nixon and Clinton was a telling one. Whereas Nixon was ill-served by those around him and allowed his office to be degraded, Clinton himself violated the trust of those who were closest to him (including his wife and daughter), and in the end far more actively humiliated his most loyal supporters and degraded his office.

The cover-up exposed both Nixon and Clinton to ever-greater danger. Their responses however were not those of leaders intent on surviving. On the contrary, their actions seemed designed to create a situation that would repeat the familiar pattern of crisis, humiliation and punishment. Each clutched to his bosom that which could destroy him. In Nixon's case, if the tapes were discovered he would be considered a criminal; with Clinton, his affair with Monica Lewinsky and his desperate legalisms threatened to destroy his credibility. But more important from the standpoint of their emotional needs was the fear that they might be accused of something worse than criminality, that the ensuing public disgust would confirm what human beings dread exposing most: a fundamental flaw of character. Clinton's predicament is more serious than the one that confronted Nixon.

The essential question asked of Nixon should now be asked of Clinton: How does one lose the most secure job in the world? Short of a physical infirmity or an assassination, the answer is: an act of extraordinary carelessness.

For Clinton to have told the truth, always a healthy defense against shame, and to acknowledge his basic humanity, would have subjected him to a totally intolerable humiliation. His lies and the shame they triggered were intensely personal, primal rather than political. To tell the truth about any of the charges against him would have meant untangling a skein of shame that he had wound tightly around himself all his life.

The essential question asked of Nixon should now be asked of Clinton: How does one lose the most secure job in the world? Short of a physical infirmity or an assassination, the answer is that one has to help remove the shield by an act of extraordinary carelessness. History illustrates that people in power seldom surrender their prerogatives. Only one pope resigned in two millennia of the Church's existence. Only one king abdicated in the centuries-long line of English royalty. Only one American president surrendered his powers in more than 200 years since George Washington.

But even if the office must be abandoned, those in power are not defenseless. Here it is important to recognize the human potential to undertake actions that simultaneously encompass both the rational and the irrational. The departure of a leader, even if caused by self-destructiveness, is seldom undertaken without protecting the self.

Nixon's use of the tapes illustrates the multiple levels of such behavior. On the one hand the secret taping system, even though it posed a real danger if discovered, provided Nixon with incalculable psychological pleasure. On the practical level, the system also offered Nixon a means to defy, if necessary, his enemies in the future. Stanley I. Kutler, the foremost authority on the tapes, in his *Abuse of Power: The New Nixon Tapes* (New York, 1997), quoted Nixon as saying: "They're kept for future purposes." That Nixon was not simply thinking of the tapes as an historical record is made even more explicit in his *Memoirs* where he wrote that the tapes "were my best insurance against the unforeseeable future. I was prepared to believe that others, even people close to me, would turn against me just as Dean had done, and in that case the tapes would give me at least some protection." For Nixon, as for other leaders, such a covert record is a formidable last line of defense. One is privy to priceless information. Like blackmail, its value lies in it not being revealed.

The notion that another president would contemplate surrendering his office just a quarter of a century after Nixon seems improbable, though it cannot be dismissed. If it should come to pass it will not be a pretty scene. When the aura of a world leader is reduced to tearful farewells on the front lawn as the movers are loading vans in the rear, the stage of history resembles not so much a scene from a Shakespearean tragedy as one from Genet's Theater of the Absurd.

Can Clinton Think?

Four years ago, journalist and author Edith Efron attempted to get at the essence of Clinton's psychological problems (see "Can the President Think?" *Reason*, November 1994). She reflected on a "peculiar" media conference held on June 7, 1993, at George Washington University, five months after Bill Clinton had been in office. At this meeting on "The Politics of Illness in High Office," questions were raised about "emotionally unstable leaders," but no concrete answers were provided by the "journalistic eminences." Efron posed questions that four years later seem extraordinarily insightful. Her psychological profile of Clinton portrayed "a brand new president [who] was staggering around in Washington, falling repeatedly on his face."

She was reacting to a growing record of comments about the president's character. During the New Hampshire primary one writer described Clinton as someone with "little inner sense of self." Shortly thereafter another observer commented that Clinton's conduct "suggests emptiness of a soul that knows itself only by the names of what it seizes or consumes." A third noted that "with [Clinton] there were too many hands, too many friends, too many words, too many hours before he went to sleep, too many hours on C-Span — and in the end too little else — as though he were afraid that if he excused himself from the public eye he might no longer be real." Efron concluded that Clinton was a "human puzzle." She refused to comment on the sexual aspects of Clinton's personality, but examining the already proliferating books about him took note of the "contradictions." She diagnosed Clinton as "cognitively disabled."

Efron documented some of Clinton's self-defeating habits: his inclination to engage in several projects at one time ("I am always churning and doing things"), a conclusion also reached by Robert Woodward in his book *The Agenda*, in which he compared the president to a driver with one foot on the gas pedal and the other on the brake. Clinton, Efron wrote, failed to think matters through, "his mind in a cloud of squid ink." She cited depressive episodes, obsessive eating and insomnia. And there were reports of an explosive temper that belied the public effusiveness. Clinton displayed a "cold, controlled anger" when reporter Brit Hume, on June 14, 1993, asked him about his "indecisiveness," and abruptly ended the press conference. Those around him have noticed this anger when confronted by a failure in decision-making. George Stephanopoulos said: "He never makes a decision. His eyes bulge, his face grows scarlet, he yells, he screams, he shrieks." The American public saw some of that red-faced simmering anger last January when Clinton wagged his finger at assembled reporters as he lied about Monica Lewinsky.

"Today, in a startling development, President Clinton admitted that for the past six years he has been involved in what he termed an "inappropriate relationship" with the American people."

Efron emphasized that Clinton was never satisfied with his achievements, was preoccupied with details, unable to set priorities, and most importantly, procrastinated. He was, in her words, a "spectacular procrastinator." She wrote that "one cannot fix Bill Clinton," that Clinton's mind was so "out of control that he is in pain (and) lives in an epistemological hell." She concluded that "we have a mentally impaired president in the White House," and cited Clinton's lies as another important characteristic. Not just lies, but "preposterous lies." Finally, it was Efron who first mentioned the "reiterated formula" of pride and shame as features of Clinton's behavior. Her words were prophetic. "Pride and shame" do provide us with a key to a better understanding of his character.

It may be time to stop the endless debate of what makes a farsighted leader and examine the human propensity to be a blind follower.

The Shame Sham

One hears it said more and more: The president has no shame. A.M. Rosenthal in his column in the *New York Times* on September 18, 1998, quoted Jesse Jackson as saying in 1992: "There is nothing this man won't do. He is immune to shame."

But in fact the contrary is true. This president has been and is consumed by shame. If there is to be any benefit from the current personal and national tragedy it could be the recognition of that psychological truth.

Dr. Donald L. Nathanson's *Shame and Pride: Affect, Sex, and the Birth of Self* (New York, 1994) is an analysis of shame and other affects. Nathanson's important contribution rests on the pioneering work of the psychologist Silvan Tomkins and his study of affects in the early 1960s. An affect, according to Nathanson, is a "strictly biological portion of emotion." When triggered by some stimulus, "an affect releases a known pattern of biological events," lasting from a "few hundredths of a second to a couple of seconds," with evidence that "these patterns are genetically transmitted." Whereas an "emotion" includes a vast number of experiences and memories and may persist, an affect is momentary. What is striking about innate affects, either those that are positive (be they interest, excitement, or joy) or negative ones (such as fear, anger or shame) is that they are signaled by facial expressions. Those who have been watching Clinton have noted his tendency in times of stress of looking away, holding the head down, blushing, clenching the jaw, raising and biting his lower lip. What comics have found so convenient to mimic are involuntary facial expressions that are universally common to those who experience distress, anger, disgust, and shame, to mention some of the negative affects.

Nathanson's account of the genesis and evolution of the shame affect in the life of an individual and its frequent association with a history of family violence and dysfunction, particularly addictions, bears a striking resemblance to Clinton's early experiences that both he and his brother have described candidly. Leon Wurmser, an authority on addictions, has noted in his pioneering study *The Mask of Shame* (Johns Hopkins, 1981) the connections between shame-prone individuals and drug use. He also mentioned eating disturbances such as "compulsive gorging." Nathanson's discussion of the shame affect and its impact on the individual, how it limits both cognition and intimacy, is almost a mirror image of the president's problems.

Those who see the president's current difficulties as being primarily sexual in character may be surprised to learn that the shame affect interferes most significantly with the joy of sex. Shame has to do with "an absence of love." As Nathanson puts it: "Hedonism is usually a way of decreasing chronic shame and distress." Sexuality as a defense against shame is not a titillating notion in a society consumed by endless discussions on more and better orgasms, but it may help us attain more wisdom. For those who wonder how risks in sexual activity could have been entertained in the president's inner sanctum, Nathanson explains that for a person consumed by shame there cannot be a more ideal setting than a seat of power. "With enough wealth to build a citadel within which you may be isolated from all but those who salute your excellence, you have evaded shame. What is regarded as deficiency, immaturity, 'neurosis,' weirdness, instability, or weakness in an 'ordinary' person is labeled 'eccentricity' and tolerated with grace in the very wealthy and powerful." Indeed, feelings of grandiosity are not that far from feelings of shame. After all, what better way is there to overcome shame than to improve one's value!

Jesse Jackson said "There is nothing this man won't do. He is immune to shame." But in fact the contrary is true. This president has been and is consumed by shame.

Those who are subject to the affect of shame are often "workaholics," a condition that is especially evident in the case of those who feel driven to succeed. Nathanson singles out as an example the "philandering politician," usually one who is able to attract masses of people and writes: "Drill an exploratory hole into the inner lives of these icons of our culture and you are likely to tap a gusher of shame."

We conclude with the most obvious of Clinton's habits, one which is very likely to be the centerpiece of the impeachment process: the telling of lies. Here Nathanson has important points to make in showing how shame precedes misrepresentations of fact. An excess of shame makes true intimacy intolerable; lying, therefore, is almost inevitable. Paul Ekman, in his book: *Telling Lies: Clues to Deceit in the Marketplace, Politics and Marriage* (New York, 1985), explains the dilemma where shame and guilt are two emotions that tear a person in opposite directions and where a wish to relieve guilt may force a confession, but where the wish to avoid humiliation and shame may urge the opposite tactic, that is to lie. As for intimacy, it has been noted that while there are thousands of "Friends of Bill," preserved in a life-

Eliminate, Don't Reform the IRS

by Sheldon Richman

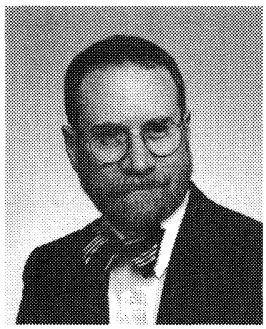

Yet again a taxpayer "bill of rights" has been enacted into law. And so, after all the recent revelations of Internal Revenue Service abuse, we can all now be confident the tax collector will respect the rights and dignity of every American.

Right. And pigs have started flying.

We've been here before. This is the third so-called bill of rights for taxpayers passed in recent years. Doesn't that strike you as strange? Do you think they got it right this time?

At first glance, the law might look like it will afford some protection for taxpayers. It will create a nine-member board to oversee operations, six of whose members will be from the private sector. The law will also shift the burden of proof from the taxpayer to the IRS in court cases. Currently, the taxpayer is guilty until he proves himself innocent. Other provisions will let citizens harmed by IRS negligence sue for damages and relieve taxpayers of liabilities of former spouses. Homes can no longer be seized without a court order. Some penalties will be reduced and IRS deadlines tightened.

But in the world of legislation, especially IRS "reform" legislation, things, as W.S. Gilbert wrote, "are seldom what they seem."

The oversight board and the shift in the burden of proof "are said to be the silver bullets that will end IRS abuse," writes Daniel J. Pilla, one of the great IRS watchers. "They are more likely to be blank cartridges."

Pilla writes that the oversight board is not what we have been led to believe it is. To judge by the news summaries, you'd think that this board of overseers will be able to come to the rescue of battered citizens. But that's not the case. The new body will be involved in planning for the future and in overseeing the IRS budget and commissioner. "In other words," writes Pilla, "the Board will function as a forum for thinking about the overall direction of the IRS." It won't have the power to prevent agents from treating taxpayers like child molesters. Pilla notes that the board is specifically denied authority over the agency's law-enforcement apparatus. Don't expect it to rectify the abuses associated with audits and other activities designed to wring more revenue of Americans. Pilla says the board could not avert the tyrannical conduct citizens reported at Senate Finance Committee hearings.

And what of the burden of proof? A clue to the bogus nature of the "reform" lies in the bill's command that Americans keep records and cooperate with the IRS during investigations. In other words, the IRS may have the nominal burden of proof, but you must furnish the records it will use against you. But there's even less to this provision than meets the eye. The burden is shifted only in court proceedings. "The problem," Pilla writes, "is that 97 percent of everything the IRS does involves no 'court proceeding.'" Most of the problems that citizens have with the IRS occur outside of the court. They involve, Pilla says, "its powers of lien, levy, and seizure." In other words, the shift in the burden will make no difference to most taxpayers who are hounded by the IRS.

Even in court, there is hardly real relief forthcoming. To shift the burden to the government, a taxpayer will have to make a "reasonable" case that the IRS position is defective. In otherwords, the citizen has the burden of showing that the burden should be shifted! Some protection.

Bills of rights have never restrained the IRS. In a sense, it's not the agency's fault. The fault lies with Congress, which has charged the IRS with extracting more than a trillion dollars from the hide of the American people. There's no way to do that while being nice. No amount of legislation will make the agency a "service provider." Taxpayers cannot be its customers.

There is one way — and only one way — to respect taxpayer rights: Repeal all income taxes, abolish the IRS, and repeal the outrageous spending that requires them.

Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va., author of its forthcoming book *Your Money or Your Life: Why We Must Abolish the Income Tax*, and editor of *The Freeman* magazine.

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long card file, the president "has virtually no intimates." As one of his longtime friends and advisers has stated: "He likes people to be his audience. He loves to tell stories, to have long discourses. He loves to charm, to conquer, to get people to admire and love him. But that's a different set of human interactions than friendship. It's a one-way charm street."

Nathanson's aim is to show us the importance of the shame affect in our lives and to point out the damage it causes. The unintended but welcome consequences of the Nixon and Clinton presidencies may be that many more people will reflect on the destructive nature of emotions. But even as we try to understand the significance of shame affects we cannot assume that the individual is without choices. We must rely on time-tested morality, which recognizes responsibility, especially in an age that deems that everyone qualifies as a victim. As for the president, seeking counsel from religious advisers may be a useful first step, but the best course once he leaves office is to seek a wise therapist.

Misplaced Faith

We must ponder the place of leadership in America, as this most tragic of all centuries ends. Plato in his prescription for an ideal leader in *The Republic* urged that such individuals combine the qualities of philosopher and king, an idea that has fascinated students of philosophy and politics. Machiavelli in *The Prince* referred to the characteristics of a lion and a fox when considering the proper traits of leadership.

It may be time to cease endowing those in power with such abstract attributes. The history of human societies is a record of misplaced faith, of investing those who lead with qualities we never consider appropriate for ourselves. It may be time to stop the endless debate of what makes a far-sighted leader and examine the human propensity to be a blind follower. The Greeks, whose plays anticipated Freud's insights, explored the dilemma of leadership. Creon, the cruel ruler in *Antigone*, argued that he had a right to make decisions of life and death because he had brought the ship of state to a safe harbor when no one else was willing to take responsibility.

But we must also realize that something happens to even the most ordinary of people once they enter the Oval Office, 10 Downing Street or the inner sanctum of the Kremlin. The Founding Fathers wisely provided for the checks and balances that have so far vouchsafed us a government in which no one is above the law. Should our society thoroughly comprehend what Nathanson has said about shame and pride, the machinations of our leaders would no longer mystify the general public. ❑

Comparison

The Men Who Would

by Stephen Cox

People — some people — talk about Bill Clinton's "charm." I'm not sure I've ever seen it. Maybe you need binoculars and a Field Guide to North American Attitudes if you want to be able to identify the real thing, which is usually off in the underbrush somewhere, camouflaging itself as sneakiness, dopiness, smarminess, and the cruder forms of vote-licking. But I think I may have seen it once.

I think I saw it on that videotape where Clinton is being questioned by Starr's assistant prosecutors about whether he wanted to hush up Monica Lewinsky, and he says that he always knew she would talk because "it's just her nature" to talk. He doesn't say it in a cruel way; he says it with a sympathetic little smile, a warm, indulgent, almost appreciative smile. He likes Monica. He likes women. He likes to have sex with women, even when he knows they're the kind of women who talk. There is something charming about a generous enjoyment of sex.

Of course, there's nothing charming about Clinton's protestations that sex is not, in fact, sex, and lying is not, in fact, lying — protestations that are especially uncharming when delivered in tones of wounded innocence or righteous wrath against anyone who might presume to question his standing as the nation's foremost exemplar of moral rectitude. When Clinton gets into that self-righteous mood, he's positively creepy, and he's in it a lot. Mrs. Clinton is almost always in it; it's just her nature to be in it. And the swarms of Democratic Party apologists, hacks, cranks, and office-holders have made a profession out of getting into that mood. These days, they spend virtually all their time making moralistic diatribes against people who worry about Clinton's lack of morals.

This form of puritanism is no more charming than any other, but the "news" media seem to like it, and it has now grown bold indeed. Clinton's friends now regularly assert to unobjecting (because totally uninformed) purveyors of "information" that what Clinton did — whatever it was — is nothing more than what "most other presidents have done,"

and that anyone who claims to doubt it is either an ignoramus or a horse-faced hypocrite. Certainly this is puritanism twisted like a pretzel, and it's just as empty as a pretzel, too.

The only presidents whose private morality was demonstrably on a par with Clinton's were Harding, Kennedy, and Lyndon Johnson. Harding and Kennedy liked women and indulged their liking; they had charm. Lyndon Johnson liked Lyndon Johnson; he had as much charm as is usually possessed by people who express their sense of themselves by making their advisors confer with them while they're on the toilet, taking a shit. If Johnson had sex with anyone in the White House, I don't want to know about it. But it certainly would never have occurred to Johnson, much less to Harding or Kennedy, to get self-righteous about his backroom escapades.

He likes Monica. He likes women. He likes to have sex with women, even when he knows they're the kind of women who talk.

The other presidents whose names we hear dropped by Clinton's New Age Puritans are Washington, Jefferson, Grant, Franklin Roosevelt, and Eisenhower. (You don't hear so much about President Nixon, who lied to the American people and was *forced out of office* by such Democrats as the current Mrs. Clinton.) None of these people is accused, by the way, of having his cock sucked in his office in the executive mansion, then mobilizing every resource at his command to conceal his indiscretion, meanwhile berating the country for its wicked belief that this could possibly have happened.

But let's just go down the list of supposed sinners, and see what we find.

A few people like to say that Washington had sex with his slaves. They say this because he was a slaveowner. There is no other evidence.

There is evidence — inconclusive, to say the least of it — that Jefferson may have slept with one of his slaves.

The charge against Grant is that he naively presided over a corrupt administration, not that he was personally corrupt.

The charge against Franklin Roosevelt is that he "had mistresses" or "had affairs." He did have at least one extramarital affair before he became president. While president, he may have had another, or polio may have rendered him incapable of having one. There were sexual attractions, certainly.

Eisenhower is charged with having had an extramarital affair before assuming the presidency. There is no conclusive evidence of this.

From a political point of view, most presidents of the United States, like most presidents of anything, have been second-rate or worse. From the point of view of traditional morality, they have been surprisingly good. This is partly because they have needed to win political support from what has been, until now, a highly religious constituency. Running for president in 1912, Woodrow Wilson heard a *fifth*-hand rumor that he was implicated in an action for divorce. He was really scared. "The mere breath of such a thing," he wrote, "would, of course, put an end to my candidacy and to my career. It is too deep an iniquity for words." The rumor was false.

Morality, of course, is not to be equated with sexual abstinence, nor is character to be equated with charm. Some presidents who had very modest gifts of statesmanship, or charm, still had very considerable strength of character. President Grant, who after leaving the White House lost all his money in a business deal, spent the rest of his life writing his memoirs so that his family would be provided for when he died. Tortured by cancer, with only a few days left to live, he finished the book. And it was a real and important book, not just "memoirs."

On September 6, 1901, President William McKinley stood shaking hands in the Temple of Music at the Pan-American Exposition in Buffalo, New York. While McKinley was absorbed in this political exercise, an anarchist named Leon Czolgosz stepped forward and shot him twice. McKinley collapsed in excruciating pain, but when he saw his assailant being beaten, he roused himself to say, "Go easy on him, boys"; and a second time, "Let no one hurt him." McKinley died a week later. His last words were, "Good-bye all, good-bye. It is God's way; His will be done." That took some guts.

But the story that I most often recall when I hear the blithe discounting of Slick Willy's slickness (and there's nothing else to him; there is nothing else) is a little anecdote of President Taft. Taft was not a good president, but he was a good man. He was asked, on one occasion, to do something that was not quite criminal, but not quite reputable, either. "Oh no," he said. "I couldn't do that." ❑

Curiouser and Curiouser — As the House Judiciary Committee staggered across the goal line with its case for impeachment of the president still clutched in its clammy paw, Democrats both within and without the committee continued a futile defense. Futile — but bold. Even brazen. And peculiar. Very peculiar.

The Democrats argued that their president had done evil, evil things, and that he must be given a punishment he'd never, never forget: he must be censured! And they argued that there was no good evidence that he had ever done anything that was *really* wrong: he must therefore never, never be impeached! Confronted with the Special Prosecutor's evidence against the president, they dismissed it out of hand; invited to produce their own evidence to acquit him, they declined. It wasn't *their* job to deal with facts!

A strange collection of arguments. And notice: these arguments were not delivered with shame and hesitation; they were delivered with apparent pride, with the constant implication that anyone who did not buy them must be suffering from some hideous moral deficiency.

If you needed any more evidence of the intellectual demise of the Democratic Party, this is it. Now what we need is some evidence of intellectual life in the Republican Party. —Stephen Cox

Panegyric

Conservative Suicide

by Richard Kostelanetz

American conservatives took a grave risk when they decided to focus on the scandal of Bill Clinton's "inappropriate" relationship with Monica Lewinsky. They must have known that this dalliance had no effect on foreign policy, economic health, or anything else politically important. The initial conservative hope, I assume, was that merely the suggestion of something improper would either prompt Clinton to resign "in disgrace" or rouse the offended American public to storm the White House. Or something. One implicit motive was revenge for the early departure of Richard Nixon from the White House a quarter century before.

What happened, instead, is that the mass media prospered with salacious revelations, all under the guise of impartially presenting "the news." Kenneth Starr and his cronies became shills for the mass media, getting publicity for themselves by giving publishers and broadcasters "what they want" (which has always been the literary definition of "selling out"). One result, however, was that Americans — and children in particular — heard frequently and in detail about the kinds of experience from which conservatives traditionally wanted to protect us. Media watchdogs they weren't.

Conservatives raised the ante with publicizing yet more salacious anecdotes, perhaps too desperately desiring revenge, only to discover that trashier revelations had little effect, as Clinton usurped Ronald Reagan's title as the "Teflon President." Simply by staying in office, blithely ignoring calls for his impeachment, Clinton won the world-class street fight and, to my mind, displayed exemplary heroism by functioning somewhat presidentially in the face of such a rapacious and vulgar onslaught. (How many of us could be so strong?)

To my mind, this conservative support for publicly exposing Bill Clinton's modest sexual indiscretions, "cloaked with the best of intentions and an aura of utter inevitability," to recall Michael Medved's phrase, has been a mistake, particularly for conservatives — a grievous deviance comparable historically to American liberals' excuses in the 1940s for Stalinist Russia. Each error was profoundly wrong, given the aims of liberalism on one hand and conservatism on the other, both errors prompting other unfortunate compromises. Just as supporting Stalinism was illiberal, so the dissemination of smut is unconservative. In both eases, there was a reluctance, a sorry tardiness, to realize not only that a thoughtless enthusiasm could bring undesirable effects but that yet more blind enthusiasm could be disastrous.

Just as liberals should have known by the 1940s that Stalinism was scarcely liberal, so intelligent conservatives should have learned by 1998 (six years after Gennifer Flowers's appearances on national television) that Bill and Hillary Clinton would overcome allegations, even fairly persuasive allegations, of extramarital sex. Indeed, given the recent conservative enthusiasm for non-marital sexual "outercourse" over intercourse, they ought to have certified Clinton's modest heterosexual style (unless of course hypocrisy about this distinction was meant to be understood). As long as a majority of Americans support Clinton's presidency while deploring the mass dissemination of sleaze, conservatism has been hoisted by its own opportunistic petard.

The biggest fools, of course, were the aggressive congressmen with sexual skeletons in their pasts, discrediting not only themselves but the attack on Clinton with their own reticence about similar sins. What they forgot in their chutzpah was any fear that breaking the traditional taboos against journalistically exposing politicians' private lives would eventually apply to themselves. The classic slang for their fate is comeuppance. The truth temporarily forgotten is that seduction is what politicians do, whether of voters or groupies; circumspection is not among their virtues.

William Styron attributes to the late French President Francois Mitterand this remark: "I don't know a single head of state who hasn't yielded to some kind of carnal temptation, small or large." What is true for chiefs of state is likewise applicable to the heads of any institution bestowing charisma, whether universities, churches, and sexy corporations (such as movie studios and publishers, say, but not trucking companies). According to Styron, Mitterand to that first truth added a critical corollary: "That in itself is reason enough to govern." What is dumb is not the discovery of such indiscretions — certainly not if such discoveries help sell newspapers — but professions of shock and, worse, surprise.

It follows that American conservatism will forever be discredited unless it initiates a purge of everyone collaborating in bringing the sleaze of Starrgate to America — the Schlockmeisters subjecting children in family hours to detailed smut that, to repeat, conservatives purportedly claim should be kept from innocent eyes and ears at all costs. Just as American liberal institutions in the 1950s had to exclude Stalinists to survive, so must conservatives purge the subversives among them. Only conservatives can initiate this

cleansing, as liberals have an interest in letting the Schlockmeisters run amok, much as McCarthyites, a half century ago, needed support of Stalinism by some liberals to justify themselves.

I find it hard to explain how cultural conservatives can object to National Endowment for the Arts grants of a few thousand dollars apiece to certain artists who have no more than several thousand fans while giving millions of dollars of public funds to Kenneth Starr and his associates to pollute the mass media. Is it sufficient that Starr was thought to be conservative or that he had received a patronage appointment from Ronald Reagan? Remember that true conservatism depends on claiming a moral Higher Road over economic or personal interests.

American conservatism will forever be discredited unless it initiates a purge of everyone collaborating in bringing the sleaze of Starrgate to America.

While conservatives frequently ask that the government "be run like a business," with a stricter accounting of costs and thus an elimination of waste, I find it hard to imagine that the directors or stockholders of an otherwise successful corporation would waste more than a few minutes debating the propriety of its chief executive's consensual carnal relationships with assistants. Similarly, it is hard to imagine the contributors or subscribers to this magazine worrying about similar indiscretions by its publisher or editor. Quite reasonably, we wouldn't want to waste his valuable time with such distractions. (Consider this an argument for the benefits resulting from privatizing the entire government.)

Harassing a president for increasingly minor infractions also sets a dangerous precedent. Whereas Nixon condoned pre-electoral dirty tricks and Jimmy Carter undermined the economy, all with "the best intentions and an aura of inevitability," the current chief got several blow jobs. Were Clinton removed for this indiscretion, you could wager that the next Republican President would be persecuted for something like jaywalking and, then should he deny it, for lying about jaywalking, as if perjury about deviance so mundane were a monumental sin.

One subsidiary benefit of a conservative purge might be eliminating from public life the America-haters who under the banner of conservatism have terrorized our cultural life these past few years. I first encountered these subversives at the cultural endowments in the mid-1980s, where they made with smug enthusiasm decisions implicitly intended to embarrass America, as in withholding funds from internationally recognized work or vociferously revoking grants to mildly provocative artists. I'd been a guest artist in West Berlin a few years before and knew not only about the need for strength in the East-West cultural competition but about dubious characters functioning as double agents, their enthusiasm covering insidious subversion. I could imagine Linda Tripp, a veteran Washington operative, as a double agent/provocateur embarrassing conservatives while exploiting their desires for revenge. Since the "conservative" America-haters weren't thwarted then, they simply moved on and up in the Republican hierarchy once then won Congress while Clinton took the presidency. Any move that makes America a laughing stock whets their appetite for more subversion.

I hypothesized decades ago that, in the wake of Alger Hiss's arrest, KGB subversion worked in America to penetrate not liberal Democrats but Republicans who called themselves conservative, much as the East German external spying recruited people employed by Christian Democrat West German administrations, the assumption being that the press was prepared to uncover only those subversives who called themselves leftists. Why conservatives hate America I can't explain, nor can I tell whose interests they now serve; but exist they surely do.

What did you do during the impeachment, Daddy? — One of the reasons that I rejoice in the fact that I am not an attorney is that if I were I might be called on one day to defend a lowlife like Bill Clinton. I recalled this fact on December 8, when I witnessed the following exchange between the Hon. Mary Bono, Member of Congress, and Gregory Craig, Attorney for the Perjurer-in-Chief:

> Mrs. Bono: Mr. Craig, do you have small children at home?
> Mr. Craig: I do.
> Mrs. Bono: What do you tell them? How do you explain to them that your president has lied and it's okay?
> Mr. Craig: Oh, it's not okay to lie, Congresswoman. I say that it's the most important thing in the world to tell the truth all the time.
> Mrs. Bono: The whole truth and nothing but the truth?
> Mr. Craig: The whole truth and I tell them that one of the reasons the president is in such trouble is that he didn't. He misled the American people, he misled his family, and he misled his colleagues and that is wrong and the president should have made full disclosure earlier and he did not and that was wrong and that's a very important lesson . . .

When I saw this, my first reaction was: Oh my God, this guy is spin-doctoring to his own children! "Misled"? Failed to make "full disclosure"? He's so used to piling on euphemisms to mitigate the president's manifest guilt that he's even doing it with his own children!

But after I prepared a transcript from my videotape, another thought occured to me. The first part of his answer was: "The whole truth and I tell them that one of the reasons the president is in such trouble is that he didn't." This, I believe, is the first and only time one of Clinton's attorneys has admitted in public that his client didn't tell the truth.

As I read over the transcript, I figured out what had really happened: he let slip the fact that he believes the president didn't tell the whole truth — in other words, that he had violated the oath he had taken. Embarrassed by his gaffe, he did what he was sent to Congress to do — obfuscate, euphemize, spin — in hopes that no one would notice his admission.

—R.W. Bradford

My moral judgment is that if conservatives didn't understand in advance the possible risks of polluting American media, they have succumbed to a thoughtless self-righteousness, which is precisely the sort of sin that conservatives are forever attributing to liberals. Only conservatives can protect America from subversives who claim (or pretend) to be conservative. Only when such "conservative" subversives are purged will the general public feel more secure that conservatives can be trusted not to serve so generously descriptions of "inappropriate" behavior to their children. ❑

A Tale of Two Hearings — I enjoyed one of the best-spent summers of my youth in front of the TV, watching Sam Ervin and the members of the US Congress investigate the Watergate mess. Heroes, villains, and the American Way; the next summer I had to read *The Lord of the Rings* to get a comparable high.

A few years later, however, I had lost some innocence, and had at least gained the confidence of a newborn nominalist. A teacher asked what the history of the Watergate affair "proved." I responded, much to my teacher's ire, that "History proves nothing. *Historians* prove things. What does Watergate teach us? That the media can whip up enough interest in the American populace to start legal proceedings that forced a dishonest and criminal president out of office."

What I wrote, my teacher impatiently instructed me in front of the class, was vacuous. I had merely restated the events. He was much more pleased when a more dutiful student hazarded that "It proved that the American system works." I confess to being a bit embarrassed for that student, and for my beaming teacher. Their ability to concoct an oh-so patriotic spin on the events seemed to me almost indecent. Yes, the Constitution creaked on. But what would have happened if it had been a Republican congress in the majority at the time?

Now, over 20 years later, I watch another set of hearings on TV. There are eerie similarities, and some striking dissimilarities.

Once again, it seems obvious that the president of the United States obstructed justice, in this case by lying under oath. It also seems certain that he mounted a campaign against one or more of the witnesses, but that this was fairly quickly aborted by some interesting turns of events. The charge of perjury seems apt, and the arguments to the contrary are so silly that it took the superb bearing of White House Council Ruff to make the defense seem not worthy of dismissing out of hand. His defenses are only worth dismissing after careful consideration.

Once again, the moral character of a president was revealed for all to see, and the character was found wanting.

But this time, a lot of politicians were defending the president, even after the crimes and the failings and the vacuity of soul had become common knowledge. Not surprisingly, they are nearly all Democrats.

The spectre of partisanship that, in my youth, had exercised my mind as a possibility, now shows itself in full flower. I do not remember any Republican congressman behaving with the ignobility of, say, Barney Frank or Maxine Waters. Frank may still be fun to watch, but his scattershot arguments in defense of Clinton are more amusing than convincing, while Waters's performances have been almost uniformly idiotic, proving herself only as the designated toady, wholly without shame. Unlike in 1974, in this round I often must turn the TV off, simply to avoid watching supposedly respectable individuals behave despicably. It is almost embarrassing to be a human being while watching certain members of Congress.

And then there are the cases of fantastic stupidity. A commentator on PBS even went so far as to notice a deterioration in the intelligence and competence of the members of Congress since 1974. I believe him to be right, though there is no way I'm going to sit through the whole of the hearings to justify the claim. But rest assured, stupidity in the House clearly crosses party lines.

As I write, the House is contemplating the awesome task of deciding to impeach the president. *Liberty* will go to press before they vote, and be in the mail afterwards. I await the outcome with curiosity, but no sense of urgency. Not much rides on impeachment.

If Clinton is impeached, the trial before the Senate would certainly be interesting, and, I hope, more dignified than the proceedings in the House. But to do such a thing requires some moral high ground, and the Republicans have always had a problem striking the right moral note. Can they convince enough Democrats to offset the defecting moderate Republicans? I have no way of knowing. Can the heinous nature of lying under oath be communicated to the jaded American public? I am skeptical. And an impeachment without the lesson would be hollow. (Because the event itself will not teach Americans much of anything.)

If the House fails to impeach our Liar in Chief, no tragedy would occur. The Constitution does not require that the House impeach a felonious president; it merely offers the House an option to do so. Americans seem quite willing to let Clinton's crimes go unpunished. Americans know that politicians are liars, and they had every reason to believe that Clinton liked sex with women other than his wife when they elected him.

Impeach or no, the real losers will be feminists, and those individuals who like to make much of their standing as being "for" women (in ways quite different than Clinton being "for" women). Feminism's most recent cause has been the "date rape" and "sexual harassment" laws, and the lack of dedication to the sanctity of the working of one of those cases — against the president of the United States — by congressional Democrats, feminists in general, and by the American people at large, shows that the days of feminist ascendancy are over.

And if the Democrats win, and Clinton is left in office, either by the Senate or a House that fails to impeach — well, that victory will likely be pyrrhic: for the young kids watching will likely draw their own lessons, conclusions at variance with the repeated charge by the Democrats that the Republican investigations were somehow inappropriately "partisan." But it is the Democrats who seem most "partisan" here, unwilling to repudiate one of their own.

—Timothy Virkkala

Report

A Weekend in Pittsburgh

by Ralph R. Reiland

Gay rights activists and the Labor Party create socialism in one city.

It was one of those curious weekends in Pittsburgh, a bona fide flashback to the '60s. A 12-foot tall Statue of Liberty was floating down Liberty Avenue, complete with an intravenous drip in her arm. The message? "America Is Sick!" At around the same time, four gay men outside the Westin William Penn were talking about not selling out to corporate America. It was Pittsburgh's double convention weekend — for the Gay, Lesbian, Bisexual and Transgender Movement and the Labor Party.

On top of parading a languishing Miss Liberty through town, Labor Party delegates demanded a world of three-day weekends, 32-hour work weeks, higher wages, better fringes, more government, free universal health care, and mandatory pensions. Marx's theorizing notwithstanding, a mandate for less work at higher pay would simply undermine America's global competitiveness, increase imports, produce greater inflation and more unemployment — like the Italian or French models, where taxes now take more than half of the average worker's paycheck and unemployment runs at four times the U.S. rate.

I asked one of the delegates, "How can labor be liberated by fewer jobs, higher taxes and more inflation?" Her answer? "We support a Constitutional amendment that guarantees a job for everyone." How simple. Something like the former Soviet Union: no unemployment, with everyone pretending to work and the government pretending to pay them. At the end of the day, unfortunately, economic reality hits when there's nothing on the shelves, nothing to distribute but equal misery.

Sorry 'bout That Penthouse

Michael Moore, anti-capitalist filmmaker and a star at the Labor conference, spent much of his time apologizing to the conventioneers about his $1.27 million penthouse in Central Park. His apologies were reminiscent of the days when China's most productive peasants were forced to repent to the communist authorities for their unequal talent and incomes. Moore explained that he gives away half his money and still has the same wife. The penthouse, he confessed, buying the collectivist notion that it was anyone's business, "costs a boatload of money" because it's in Manhattan. By day's end, Moore had turned over $10,000 in royalties from his latest book to the Labor Party's education fund. The money, one assumes, will be spent to teach the next generation about the evils of individualism.

At the conference of the Gay, Lesbian, Bisexual and Transgender Movement, sponsored by the National Gay and Lesbian Task Force Policy Institute, it was much the same Workers-of-the-World-Unite bluster. At the opening plenary in the grand ballroom of the Westin William Penn, hardy cheers greeted AFL-CIO Executive Vice President Linda Chavez-Thompson's condemnation of the Log Cabin Republicans, the nation's largest gay and lesbian Republican organization. Speaking of gays who dress too well and earn too much, she declared: "They should be called Split-Level Republicans," not Log Cabin Republicans, adding that they quite wrongly think that they can "go to the beach together" with their "upscale friends."

Taking the economic victimology paradigm a step further, Yale University professor Cathy Cohen proclaimed that liberation means more than "inclusion" in a system "based on repression and oppression." With Marxist unity outranking lesbian solidarity, Cohen urged the delegates to keep an eye on gay business owners, lest, God forbid, some lesbian capitalist underpay a dishwasher or charge too

much for a cappuccino.

Don't Whitenize Me

Proclaiming dedication to "a politics that's anti-capitalist but democratic," Cohen decried both the attempts to "sanitize, whitenize and normalize" gay politics and the "increasing corporatization of our national organizations by the likes of Coors and Nike." Professor Cohen's bottom line? "I am not willing to associate with queer conservatives," she proclaimed. "Shared identity does not go that far for me."

There it was, I thought, in that one grotesque statement, a straight dose of Ivory Tower bigotry, the quintessential dogmatism of leftist elitism: a black lesbian collectivist from Yale, unwilling to even associate with a fellow lesbian who might be so bold as to favor something like lower taxes or the privatization of Social Security.

"I am not willing to associate with queer conservatives," she proclaimed. "Shared identity does not go that far for me."

How fast, I wondered, would Ms. Cohen run if she came face to face with someone like me, a straight white male capitalist, a restaurateur who sees nothing wrong with the market setting the price of kitchen help and cappuccinos.

Up next, delivering a bit more rich-bashing of his own, was Sydney Levy of the International Gay and Lesbian Human Rights Commission. He recounted how he was "shocked and actually hurt" last January by America getting all "up in arms" over a gay cruise ship that was denied landing rights in the Cayman Islands. Think, he said, of the "big sense of entitlement" among Americans, with CNN and the *Washington Post* showing up to defend the rights of "900 well-heeled men who want to stop for seven hours of diving and shopping." Where were the reporters, Levy asked, when his organization had to "move heaven and earth" to get a passport for a "sex worker" from Turkey, a transsexual activist, the intended guest of honor at a gala dinner in New York City? "The U.S. government," explained Levy, "doesn't like bringing sex workers in." In the end, the whole affair came off without an ounce of state tyranny. "The State Department," Levy said, "stamped on her passport a waiver of moral turpitude."

It went on like that, with speaker after speaker mocking corporate sponsors and fretting about how moneyed benefactors "control the agenda." Pointing to the "cost of compromise" for someone like himself for whom, he proclaimed with aplomb, "outdoor group public sex is very important," Rich Burns of the New York City Lesbian and Gay Services Center told about a "corporate funding prospect" who raised an eyebrow about a brochure that included a photo of "two guys fooling around in a warehouse." It was "a butt shot," explained Burns. "It was gorgeous!"

Meet the Straight Press

It ended with the White House's Virginia Apuzzo, Assistant to the President of the United States for Management and Administration, declaring that she hadn't "spent 29 years of my life to become part of a market niche." God forbid that Coors or Nike might pile up even more profits through targeted marketing.

I asked a group of delegates after the speeches if they remembered anything from Economics 101. No answer. I explained that my press packet (marked "Straight Press" in sizable black Magic Marker lettering on the cover) said that the conference is about hate crimes, civil rights, and discrimination. "Why's every speech," I asked, "about capitalism?" Finally, one young man spoke up. "It was the same at Pitt," he said, referring to the University of Pittsburgh. "I joined a gay group and all they talked about was socialism." I thought he should go back and ask the group about how gays are treated in Cuba, or if they thought that the cure for AIDS would come from a socialist bureaucracy or a capitalist company.

Fortunately, not every speaker championed leftist economics. Rich Tafel, executive director of the Log Cabin Republicans, reported the results of a new survey by American Viewpoint, a Republican polling firm in Alexandria, Va., of 1,000 Americans who voted in November. Referring to a widely-reported public statement by Senate Majority Leader Trent Lott in June comparing gays with alcoholics and kleptomaniacs, the voters were asked, "Are you more or less likely to support a candidate for public office who says that homosexuals have a disease, much like alcoholics or kleptomaniacs?" The results? More likely, 20 percent; less likely, 69 percent; don't know, 11 percent.

With Marxist unity outranking lesbian solidarity, Cohen urged the delegates to keep an eye on gay business owners, lest, God forbid, some lesbian capitalist underpay a dishwasher or charge too much for a cappuccino.

Overall, the American Viewpoint survey shows that 69 percent of all voters say they're less likely to vote for politicians who agree with Lott's statement, including 60 percent of Republicans, 64 percent of Republican women, 68 percent of Republicans aged 18-29, 60 percent of high frequency church-goers, and 51 percent of those describing themselves as "devout right."

A second question dealt with the upcoming presidential election. "Would you be more or less likely to support a Republican candidate for president who confronted the religious right, rather than pandered to them?" More likely, 46 percent; less likely, 34 percent; don't know, 20 percent. "There's nothing ambiguous about these polling numbers," said Tafel. His recommendation? The Republican leadership should get back to its economic message. My recommendation? The National Gay and Lesbian Task Force should skip the socialism and get back to its human rights message.

Leaving the conference, I thought about how Senator Lott and Professor Cohen are flip sides of the same mindset, both insulating themselves from any discordant reality, both seeing themselves as somehow uniquely anointed to judge everyone else's bedfellows. ❑

Warning

Alias Dr. Death

by Thomas S. Szasz

If you think Dr. Jack Kevorkian supports a person's right to die, think again.

Many people sympathize with Jack Kevorkian's efforts because, mistakenly, they believe that he wants to expand the scope of human rights to include suicide. Nothing could be further from truth. Kevorkian wants to expand the scope of medical duties and privileges to include killing persons — with and without their consent — whom physicians deem qualified to be killed.

He defines as suicide what he calls "obligatory assisted suicide," which "includes everyone who must, without exception or recourse, be put to death by a person or agency having sole jurisdiction over killing." And he calls "the killing, by the decision and action of another, of fetuses, infants, minor children, and every human being incapable of giving direct informed consent," also "suicide."

The Bill of Rights protects our inalienable rights. If we view suicide as an inalienable right, then that right needs to be safeguarded against those who regard it as their moral mandate and professional duty to use the coercive apparatus of the state to prevent people from killing themselves and to punish those who plan or try to do so. The state does this by depriving people of access to drugs useful for suicide (by prescription laws and laws against "illicit drugs"), and by authorizing psychiatrists to imprison and torture people considered to be "suicidal risks" or "failed suicides."

The Bill of Rights protects our rights by limiting the ways the government can infringe on our liberties. That idea is alien to Kevorkian. What he and most other supporters of so-called physician-assisted suicide advocate is not a right to suicide or even the abolition of coercive psychiatric suicide prevention, but the medical privilege for physicians to have the state-mandated authority to decide who has, and who has not, a "right" to kill himself with a drug prescribed for him by a doctor. That is far cry from, say, the right to a jury trial, which does not mean that lawyers have the legal privilege and state-mandated authority to decide who has and who has not such a right.

We cannot have it both ways. Either we value mental health more highly than personal freedom or vice versa: either we believe in mental illness and the virtuousness of psychiatric coercion, or we believe in our inalienable right to ourselves and the wickedness of psychiatric coercion (regardless of how it may be rationalized).

In my forthcoming book, *Fatal Freedom: The Ethics and Politics of Suicide*, scheduled for publication this summer, I discuss these matters in detail. Because of the timeliness of the Kevorkian case, I offer herewith (without alteration) a part of my comments about Jack Kevorkian's words and deeds.

Jack Kevorkian, a former pathologist, has become famous for helping scores of persons commit "suicide." Although he flaunts his contempt for physician-assisted suicide (PAS) as unworthy of the physician's concerns, the media have so misrepresented his views that, in the popular mind, he has become one of the leading advocates for PAS.

Medicide and Obitiatry

In *Prescription: Medicide*, Kevorkian emphasizes that his "ultimate aim [is] not simply to help suffering or doomed persons to kill themselves — that is merely the first step, an early distasteful professional obligation (now called medicide) that nobody in his or her right mind could savor. . . . what I find most satisfying is the prospect of making possible the performance of invaluable experiments or other beneficial acts . . . in a word, obitiatry."

The term "medicide" is typical of Kevorkian's inept neol-

ogisms. As "germicide" means killing germs, so medicide means, or ought to mean, killing medicine or killing doctors.

Obitiatry, Kevorkian further explains, "is the name of the medical specialty concerned with the treatment or doctoring of death to achieve some sort of beneficial result, in the same way that psychiatry is the name of the medical specialty concerned with the treatment or doctoring of the psyche for the beneficial result of mental health."

According to Kevorkian, death is "doctored," not patients; the doctoring is done by obitiatry, not doctors; and the subject's death is caused by a machine, not a person:

> [N]o longer is there a need — or even an excuse — for anyone to be the direct mediator of the death of another who is alert, rational, and who for some compelling reason chooses to, or must, die. Performance of that repulsive task should now be relegated exclusively to a device like the Mercitron, which the doomed subject must activate. . . . medicide has now been eliminated as an ethical problem for the medical professional . . . The device's impact on morality extends to execution chambers as well. . . . Only by using the Mercitron . . . [can] the execution be made even more humane. . . . The Mercitron can diffuse it [moral guilt] even more by eliminating entirely the need for anyone to inject anything.

By attributing self-killing to mental illness, the psychiatrist eliminates the mental patient as a moral agent responsible for his act. Similarly, by attributing the killing of the "doomed person" to the Mercitron, Kevorkian eliminates both the physician and the subject as moral agents responsible for their actions. Obitiatrists and psychiatrists both oppose "irrational" suicide: "For the first time in history, medicide would offer the objective means of distinguishing rational from irrational suicide. After all, with that option at hand, would anyone in his or her right mind 'choose' (that is, driven by panic) instead to commit suicide by other ordinary, messy, and usually violent means?"

What Kevorkian advocates is not a right to suicide, but the physicians' state-mandated authority to decide who has a "right" to kill himself with a drug prescribed by a doctor.

Kevorkian identifies himself with his Armenian forebears murdered in the Turkish holocaust, yet glamorizes physician-participation in state-sponsored killing, crediting the practice to medieval Armenian scientists: "Criminals condemned to death in medieval Armenia were vivisected for the purpose of not only studying the complexity of human anatomy, but also searching for better ways of treating and preventing disease."

Kevorkian concludes: "The time is not far off when the culling of medical benefit [sic], too, from rationally planned death will denote the highest degree of morality applied to the legal and purposeful termination of individual human lives. . . . In short, medical experimentation on consenting humans was, is, and most likely always will be a laudable and correct thing to do."

We use the word "suicide" to refer to voluntary (non-coerced) self-killing. Kevorkian uses it to denote the following types of killings:

> **Obligatory Assisted Suicide.** This includes everyone who must, without exception or recourse, be put to death by a person or agency having sole jurisdiction over killing. . . . the executioners may or may not be legitimately empowered . . .
>
> **Optional Assisted Suicide.** This is for those individuals . . . who choose to be killed by another as the preferable of only two almost equally unpleasant alternatives. . . . [such as] the forebears of Christianity in ancient Rome . . . Obligatory Suicide. . . . The ritual suicide of suttee in India . . . fits this category. . . .
>
> **Optional Suicide.** For persons who are in no way afflicted by illness but have arbitrarily and irrevocably decided that they must die . . .
>
> **Suicide by Proxy.** This category encompasses the killing, by the decision and action of another, of fetuses, infants, minor children, and every human being incapable of giving direct informed consent.

Abortion, infanticide, judicially authorized execution, and gangland killing are all instances of "suicide."

Satisfied with that classification, Kevorkian states: "The above list of categories encompasses all potential candidates for the humane killing known as euthanasia, by others or the self."

Not Who You Think He Is

Despite his clearly expressed opposition to suicide and support for involuntary medical killing, many people think that Kevorkian defends the individual's right to suicide. A psychologist even identifies him as an "exponent of Hume's position."

To the press and the public, Kevorkian represents his activities as a medical obligation. He tells a reporter for the *Detroit News*: "There was a patient suffering. . . . I'm a physician. . . My duty is to this patient."

However, Kevorkian is not, and never was, a practicing physician. He was a pathologist. His "subjects" were cadavers. By the time he began to practice obitiatry, he was a retired pathologist.

Kevorkian maintains that because he has a medical degree he has a right to help suffering patients commit suicide; that suffering patients have a right to suicide with his assistance; and that he does not help anyone to commit suicide. In one of his court appearances, his lawyer Geoffrey Fieger asked him: " 'Have you ever wanted a patient to die?' 'Never,' Kevorkian said . . . '"

In another court appearance, Kevorkian "branded his accuser, the Oakland County prosecutor Richard Thompson, 'a lying psychotic' . . . [and] denied 'he has ever assisted in a suicide.'" Fieger, too, maintains that "all Kevorkian does is 'engage in the relief of human suffering.' . . . 'I am not aware that he [Kevorkian] has ever been present at any suicide. He has sometimes been present when people have ended their

continued on page 45

ERRATUM

The January 1999 issue of *Liberty* featured an article by Thomas Szasz ("Facing Up to Coercion") in which Dr. Szasz's byline was deleted. *Liberty* regrets the error.

Clinton's Race Initiative: Not Too Swift

by Michael Drew

The business of America is . . . talk.

Fifteen months, 1,400 dialogues and $5 million later, the White House traveling road show on race relations suddenly appeared at the finish line like a little tortoise, all but forgotten in the din of Monica Mania this past September. President Clinton gratefully took the opportunity to deflect attention from unwelcome reports about his misdeeds by receiving with public fanfare the final report of his pet Initiative on Race, "One America in the 21st Century: Forging a New Future."

A warning to our readers: the material contained in this document is considerably less salacious than the Starr Report.

Even leftist critics complain of "hundreds of pages of verbiage that say nothing and lead nowhere." There appears to be some confusion between the purported mission of the president's Advisory Board — to "promote a constructive national dialogue to confront and work through challenging issues that surround race" — and this rambling monologue on "how America's history of slavery and racial exploitation has helped to set the stage for the framework of racial hierarchy, discrimination, and domination with which we now contend as a nation."

For millions of federal employees who sit through the ubiquitous Special Interest History-of-the-Month presentations held during work hours each year, there's not much new here. For the rest of you, this latest edition of "the long legacy of mistreatment" ranges from a contemporary account of U.S. atrocities in Mexico in 1848 to the present problem that "Even today new immigrants . . . continue to be perceived and treated as foreigners." (While this is undoubtedly true, it's worth noting that the Oxford American Dictionary defines *foreigner* as "a person who was born in or comes from another country.") In a similar vein we learn that "West Indian, Haitian and African immigrants are more likely to be identified or treated like blacks." Considering that they *are* black, this phenomenon is also likely to continue.

Once we've fully absorbed our "history of legally mandated and/or socially and economically imposed subordination to white European Americans and their descendants," we're ready for such light fare as "Searching For A New Language Of Diversity" and "Racial Designations Are Becoming More Complex." The latter cites recent trends in racial intermarriage as being "important for two reasons. They measure social interaction between persons of different races [duh], and they complicate the way the offspring of these marriages may identify themselves by race. The U.S. Census has only recently allowed individuals to identify themselves by race using more than one racial category. It remains to be seen how offspring of racial intermarriages will identify themselves."

Okay, so it's not up there with Monica flashing her underwear — we warned you. A less amusing aspect of this inane racial name-game may be found in the recent Office of Management and Budget's (OMB) *Regulation Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*. Due to popular demand, the category of "Asian/Pacific Islander" will now be split into the two distinct categories of (you guessed it) "Asian" and "Pacific Islander." It seems the Native Hawaiians were tired of being stuck in the same old box with Asians on the federal reporting forms, but indicated they wouldn't mind moving into the American Indians' box since Native Americans are considered "indigenous" people like themselves. Alas, it turns out the Indians didn't want the Hawaiians or other Islanders moving into their box at all (it's all there in the Federal Register, folks).

Like King Solomon before them, the wise Office of Management and Budget finally offered to cut the box in two, resulting in our new separate category for "Native Hawaiian or other Pacific Islanders."

What the little-known government Interagency Committee for the Review of Racial and Ethnic Standards doesn't advertise is that even one such category change will cost unknown millions of dollars to modify the hundreds of existing federal, state and local computer systems and certification forms needed to "correctly" report racial/ethnic participation data to their federal funding agencies.

The report said that "West Indian, Haitian and African immigrants are more likely to be identified or treated like blacks." Considering that they are black, this seems likely to continue.

Furthermore, the prospect for continued bifurcation and redefinition of racial types is now unlimited in an atmosphere that encourages all groups and subcultures to stand up and be counted (differently). Indeed, the new "Pacific Islander" classification is largely the result of a Hawaiian contingent's direct mailing of some 7,000 pre-printed yellow postcards lobbying the OMB for their very own category during the regulatory comment period. We haven't seen this level of obsession with racial classifications since the little Austrian guy with the mustache and the bad temper went on his tour of Europe a few years back. This is "One America"?

As for what we may expect down the road, "Topics for Further Research" by OMB include "(1) multiple responses to the Hispanic origin question and (2) an ethnic category for Arabs/Middle Easterners." In case you're puzzled by the need for item (1), here's the scoop: "Allowing individuals to select more than one response to the ethnicity question would provide the opportunity to indicate ethnic heritage that is both Hispanic and non-Hispanic." (Got that? If so, you may be eligible for federal employment!)

But hey, talk is cheap — what about action? In presenting the Advisory Board's recommendations for change we must briefly return to the Introduction: "No other president in the history of this nation has had the courage to raise the issue of race in American society in such a dramatic way." (So much for the Emancipation Proclamation.) "The bold step that you, the vice president and the first lady have taken is making an enormous difference in bringing us closer to becoming One America in the next century."

Here are some of the board's bolder recommendations:

Establish a permanent "President's Council for One America." "The priority of the Council would differ dramatically from those of the Civil Rights Division at the U.S. Department of Justice, the Equal Employment Opportunity Commission (EEOC) and the U.S. Commission on Civil Rights." Its stated goal is that "The president should continue his commitment to racial dialogue so that it is institutionalized" (hopefully before he is).

Increase the civil rights enforcement budget. "We urge the president to build on the FY 1999 budget proposal [an increase of $86 million, the largest in nearly two decades] and propose additional funding increases in FY 2000." Why are these increases needed? Because the EEOC was forced to operate in 1997 with "only 2,680 full-time staff" to process discrimination complaints. Their counterparts at the Department of Education's Civil Rights Office are even worse off, with only 681 full-time staff.

Improve data collection on racial and ethnic discrimination. See above for efforts already underway as well as future research in this area by the OMB.

Strengthen laws and enforcement against "hate crimes." Presumably this is to distinguish them from the usual "love crimes" of murder, rape and robbery. The report claims that "Hate crimes are far more destructive than other criminal acts . . ." Tell that to the families of this year's estimated 20,000 plain old murder victims.

Support supplements for small business administration programs. "Such financing is critically important; many, if not all, of the clients for such programs have damaged or limited credit histories that prevent them from seeking funding from regular lending institutions or from the Small Business Administration." Call us if you've got *bad* credit — call us if you've got *no* credit!

Hold a presidential event on stereotypes and what can be done about them. This could be expanded to include workshops on sex addiction and compulsive lying. You know, those who criticize this report as being too dry or pedantic may have missed some of the subtle humor of its authors, such as: "Our ability as a nation to be credible and effective moral leaders around the globe rests largely on our ability to exercise moral leadership within our own borders."

The report calls for federal action to help solve the documented problem that black children are not read to, or taken to the library, as often as white children.

Eliminate racial stereotypes in policing and diversify law enforcement. The report points out significant "differences in the rates of arrest, conviction and sentencing between whites and minorities and people of color." Perhaps we could implement a program for the speedy arrest, conviction and sentencing of appropriate numbers of *each* group, thereby eliminating these disparities as quickly as possible.

Enhance education and promote the benefits of diversity in K-12 and higher education. On this point "The Board is concerned that the rejection of bilingual education is another indicator of the growing backlash against newcomers to America." Again we see a chronic tendency to evaluate every action through the lens of hurt feelings and rejection rather than the question of its effectiveness. For example, the reason the mostly white middle class Peace Corps uses single language "immersion" rather than bilingual training is very simple — it works. (But then, maybe this is a form of backlash against people *leaving* America.)

You may be wondering: "What about affirmative action?" Ah, yes. One of the more remarkable achievements of the Initiative on Race was its comprehensive dodging of this bellwether issue in race relations. You see, Clinton wants to "mend it, not end it," and nobody wants to have to explain what that means. Thus his Advisory Board refused to place affirmative action on the agenda of their public "dialogue" early on, leading to a celebrated walkout by University of California Regent Ward Connerly — the chief advocate for State Proposition 209, banning racial preferences in California's hiring and admissions. As a result, the term "affirmative action" cannot even be found in the table of contents of the report — much less the official recommendations — but is buried in an "Other Issues" section in the final chapter. Here, after a dull recital of legislative history on the subject and the observation that "this is an area in flux," they finally come out and say it in the small print: "Affirmative action continues to be a critical and necessary tool for overcoming past discrimination, eliminating disparities in education, and moving us toward the goal of One America." Evidently they're neither mending it nor ending it, but they do add a footnote on UC's highly publicized rejection of 800 black and Latino students with 4.0 grade point averages in 1998. (No mention is made of the 6,200 other high-school students with 4.0's who were also rejected in the same year, a fact later cited by Connerly in responding to press reports on the subject. Instead it's quickly on to "Police Misconduct" and other items of interest.)

In a typically "diverse" panel discussion on the Jim Lehrer News Hour (with two African-Americans, one Asian and a Latina), Professor Roger Wilkins of George Mason University commended the Clinton Advisory Board for covering "nearly every base they need to cover; I approve of it all." But he complained of the lack of direct government action when "we've got kids in inner cities . . . black kids particularly, who are being destroyed in very large numbers" and our prisons are full of "kids who have been abused as children . . . [and] . . . young people who can't read." One wonders if Professor Wilkins has ever made the connection between that crisis and a long-standing direct government action known as Aid for Families with Dependent Children, a program that began as a simple attempt to help several thousand deserted women during the Dust Bowl era but evolved into the primary vehicle for enabling women to create families without a father in the home — a direct cause of the social catastrophe in our cities today. What do they want to try next? Incredibly, the report calls for federal action to help solve the documented problem that black children are not read to, or taken to the library, as often as white children.

Of course, Clinton has already used the occasion of his One America press conference to announce a new billion-dollar loan set-aside exclusively for women and minorities — compliments of the Small Business Administration. Make no mistake about the timing of the message here; it's still business as usual.

They really don't get it. Despite the Clintonesque doublespeak in the title of his initiative, "One America" can never be realized so long as we continue to foster more than one standard of school performance, more than one category of loan applicant, more than one definition of discrimination. We might generously give our friends on the Race Advisory Board and their supporters a B-minus in history (given the factual truths of slavery, the incarceration of Japanese-Americans, etc.) but they get a D-minus in psychology.

Despite the Clintonesque doublespeak, "One America" can never be realized so long as we continue to foster more than one standard of school performance, more than one category of loan applicant, more than one definition of discrimination.

All of this isn't to say that talking about race is a bad idea by any means. We should most certainly talk more often, and more frankly, than we do now. Judging from the fruits of this blatantly rigged "dialogue," however, such interaction would probably best be accomplished: 1) in our own spare time, and 2) well out of the glare of the ideological searchlight of this (hopefully temporary) presidential commission.

We close with the words of the Commander-in-Chief himself, spoken on the day he launched his One America Initiative back in 1997: "If we do nothing more than talk, it will be interesting — but it won't be enough."

Sorry, Bill, but it wasn't even interesting. ❑

"Alias Dr. Death," *continued from page 42*

horrific suffering.'"

As the number of suicides acknowledged to have occurred in Kevorkian's "presence" increased, the press lost interest in him. In June, 1998, in an evident bid for fresh publicity, Kevorkian enacted the dream he had announced in *Medicide*, "the culling of medical benefit . . . from rationally planned death."

After helping a 45-year-old quadriplegic man to die, an unnamed person or persons removed the man's kidneys, and Kevorkian offered them to any transplantation team that wanted them. None did.

Addendum, December 1998: Res ipsa loquitur. ❑

ERRATA

In the January *Liberty* we incorrectly reported that Oregon voters passed an initiative making possession of small amounts of marijuana a Class C misdemeanor (p. 17). Thankfully, Oregonians voted against the initiative. We also reported that the Libertarian Party gained ballot access status in New Mexico and Vermont and lost ballot status in North Dakota (p.16). In fact, the Libertarian Party lost ballot status in South Dakota, not North Dakota, and achieved major-party status in New Mexcio and Vermont, making it eligible for the primaries in future elections.

Pinochet Reconsidered

by Karen Araujo & John Cobin

Have the Redcoats arrested the George Washington of Chile?

Few wars can be called just from a classically liberal perspective. Like America's war for independence, however, Chile's struggle against the communists was a just one. The revolution in Chile was an act of self defense against legal looters and armed bandits. As is inevitable in any war, errors were made and innocent lives lost. But despite its mistakes, the Chilean revolution led by Gen. Augosto Pinochet left a positive legacy: a free and prosperous economy and stable republican institutions. This is the context in which the British arrest of General Pinochet must be judged.

When Pinochet took over, chaos ruled. Salvador Allende had been elected president in a three-way election, in which he won a minority of the vote, and immediately set about making himself into the dictator of a socialist country. There were reports of Allende cohorts killing dozens or even hundreds of people in the countryside. He was stealing and nationalizing private property. Inflation skyrocketed to 1,000 percent during his 1,000 days of rule. Hunger plagued much of the population, especially those who were not "in" with the socialists. During Allende's rule, it was not uncommon to see people without shoes.

Hector Hevia, a Chilean professor who lived through those turbulent times, recalls, "You had to wait in line for hours to get a piece of meat you could not eat." By July 1973, Allende had centralized control of nearly everything. He went so far as to replace the top two men in every firm with a bureaucrat. In short, Allende was destroying people's lives, and Chileans had a right to defend themselves against him.

At the time, Chile was a battleground in the Cold War between the United States and the Soviet Union. President Allende showed his true colors by calling for total power for the workers and by undertaking action to socialize the economy with the help of the Cubans and Soviets (both of whose embassies in Santiago overflowed with personnel). Armed groups of the left and the right were taking over the streets. Civil war was imminent. Massive demonstrations called for Allende's resignation. On August 22, 1973, the Chilean chamber of deputies passed a resolution of censure against Allende. Congressional deputies condemned him and his government for violating the constitution and the law in order to "institute a totalitarian system absolutely opposed to the representative system of government that the constitution establishes," and called on the military to intervene.

On September 11, the Chilean military ousted the Allende government. In less than 24 hours, the armed forces had consolidated control of the country. But the Marxists did not retreat quietly into the night. They reorganized and regrouped and continued to fight the government. During the immediate aftermath of Allende's ouster, Pinochet's forces likely killed some innocent people. In the tense early period of the military regime, some of these deaths resulted from civilians falsely accusing others of being armed leftists in order to settle private scores. But most of those killed by the military were part of the armed left.

According to the report of the respected Rettig Commission of the democratic Aylwin government, there were 1,173 deaths, including military personnel, both during the revolution and in its aftermath, from September to December 1973. The Rettig Commission reported a total of 2,033 deaths perpetrated by the military during the 17-year military regime, and 265 deaths of military personnel, civilians killed by terrorists, and deaths due to general political violence. The deaths are undercounted for both sides, and the number of people who disappeared are included in the total.

The majority of those killed — 63 percent — were mem-

bers of Marxist political parties, such as the Movement of the Revolutionary Left, an entirely terrorist group; the Manuel Rodriguez Front, entirely terrorist; the Socialist and Communist parties, both of which had armed contingents; and smaller, violent Marxist parties. Sola Sierra, president of the Group of the Relatives of the Arrested-Disappeared in Chile, herself a communist, has stated that the percentage of people killed who were affiliated with Marxist parties was actually much higher, since relatives often feared publicly to reveal the political affiliation of the dead.

All wars have social costs, not the least of which include loss of innocent life, and Chile's anti-Marxist revolution was no exception. Generals made mistakes in the heat of battle and the nature of guerrilla warfare makes the enemy particularly hard to identify.

But what would Chile be like today without Pinochet? Take a look at Cuba, where people are starving during the 39th year of Marxist dictatorship. Most Chileans feel badly that innocent people died during Pinochet's war on Marxist terrorism in Chile, and they wish such tragedies had been avoided. But those who love liberty should be grateful that Pinochet stepped forward to resolve the chaos and terror fomented by the Marxists in the 1970s and 1980s, and usher in an era of peace, a democratically elected government, and prosperity.

Western news media seldom report the terrorist activities of the communists that Pinochet fought, and Pinochet gets little sympathy in Europe or North America. Things are very different here in Chile. Most people we have talked to are uneasy, sad, and even outraged about the arrest. Recent polls put popular support in Chile for Pinochet's release at over 75 percent. Alvaro Vial, academic Vice President at Finis Terrae University, who frequently writes on Chilean political issues for the national press, said that he believes that perhaps 40 percent of Chileans would firmly stand behind Pinochet.

Whatever mistakes he made along the way, Pinochet's actions created a free republic and transformed a ruined economy into a prosperous one, to the benefit of all Chileans.

Then there are probably another 30 to 40 percent who support his return to Chile out of reasons of nationalism, if nothing else. The vast majority of Chileans want Pinochet to be freed.

Pro-Pinochet demonstrations often amass in front of the Spanish embassy. They can easily turn violent, as demonstrations in Chile often do. Accordingly, the boulevard in front of the Spanish embassy is at times sealed off and that embassy, along with the nearby British Ambassador's residence, are continuously barricaded.

As Americans living in Santiago, we see that many Chileans feel helpless in this situation. They resent it that the world does not seem to care about their views on an issue of utmost importance to them. The man who saved Chile from so much anguish at the hands of Marxists has now been caught in a snare set by their leftist compatriots in Europe. Rather than go after the true criminals who retain power by force (Fidel Castro comes immediately to mind) the world now watches as the mighty left seeks to destroy the man who saved Chile from socialist hell.

We think Pinochet's supporters in Chile have a good point. To charge Pinochet with murder would be as unjust as charging George Washington with murdering Redcoats or with accidentally shooting a neighbor while trying to kill a Redcoat. All such revolutionaries act in self defense against an oppressive state, and thus their cause is just.

The media in the United States and in Europe have distorted the facts regarding Pinochet. He stands accused of murder and crimes against humanity, and that is the beginning and the end of the story as far as most journalists are concerned. But CNN and the international news media rarely reveal details about the terrorist activities of the communists that Pinochet was fighting. Because of their mostly leftist bias, most media do not sympathize with Pinochet, or with his revolution against armed socialists who pushed the country to civil war.

To charge Pinochet with murder would be as unjust as charging George Washington with murdering Redcoats or with accidentally shooting a neighbor while trying to kill a Redcoat.

Thus, the media portray Pinochet as a senseless and brutal dictator and ignore the circumstances in which Pinochet assumed power: to prevent a bloody, protracted civil war. Pinochet, and those under his command, almost certainly were responsible for the deaths of innocent people. In the chaos and confusion of war, such tragedies are inevitable. Those outside the fray would do well to hesitate to pass judgment on the fallible human beings swept up in the vortex of war. Pinochet was not pure; no one could be, ever has been, or ever will be under such circumstances. But he surely is no Hitler.

The American Revolution itself had its share of similar tragedies. Does that melancholy fact erase the good that was accomplished — the establishment of a free society and the defeat of tyranny? Make no mistake about it: whatever mistakes he made along the way, Pinochet's actions created a free republic and transformed a ruined economy into a prosperous one, to the benefit of all Chileans.

Pinochet carried out an economic and political revolution that successively devolved power away from the state. Afterward he voluntarily stepped down from power. As part of that transition, his successors agreed to give him immunity from prosecution for misdeeds committed during the revolution. To us, this seems a reasonable arrangement; the revolution was over. Peace, prosperity, and a stable republic stood in the place of chaos, poverty and dictatorship.

Classical liberals cannot exonerate Pinochet for any true crimes he committed, but should be willing to view his deeds in the context of the terrorist war in which they were made. And we should give him credit for relinquishing

continued on page 50

Showdown at Sodaville

by Durk Pearson & Sandy Shaw

Sometimes a weed is not just a weed: it's a way for the government to steal your property.

You may remember the old rock and roll song that goes, "I fought the law and the law won." Well, maybe they just didn't know how to go about it.

There are few state and local rules and regulations that restrict the use of the land we own in central Nevada, but we still have to contend with federal regulations, most notably the Endangered Species Act (ESA). Since its enactment in 1966, the ESA has proved itself a useful tool for federal regulators intent on subverting private property rights.

While the ESA has been effective at instituting a virtual federal land-use plan (nowhere authorized in the Constitution), it has been terribly ineffective at saving endangered species from extinction. Last May, Secretary of the Interior Bruce Babbitt boasted that the delisting of 17 species from endangered status was proof positive that the ESA works. He failed to mention, however, that of the 17 species delisted, five were removed because they had gone extinct, eight because of listing errors, and four because the species never existed in the first place. In fact, the Department of the Interior recently altered its website to make it appear as if Babbitt never said anything about the 17 delisted species. Government deception? No surprise there.

While the ESA may be ineffectual, it has an aura of invincibility when invoked against property owners. Nevertheless, it is possible for property owners to fight back and win. We proved it recently by forcing the feds to back down on the proposed listing of a supposedly endangered plant on a piece of property we own.

The Milk-Vetch Kvetch

Our 160-acre Sodaville property is a beautiful place, home to trees (rare in central Nevada!), eight-foot tall grasses, and cold and hot springs. Located along the main highway between Las Vegas and Reno, it is a magnificent oasis in the middle of the otherwise dry, sparsely inhabited, scrub-sage decorated Nevada desert. One end of our property, a 40-acre irrigated pasture, attracted the Sodaville milk-vetch, which has put down its roots by the thousands.

Unfortunately for us, the U.S. Fish and Wildlife Service picked the Sodaville milk-vetch, commonly known as the Mono Locoweed, as a potential listee under the ESA, along with some related varieties and species, and published as a proposed rule in the Federal Register.[1] This threatened both our control of our property and the Sodaville milk-vetch itself. In effect, the proposed listing would have changed it from a simple poisonous plant living in Sodaville, at peace with Sodaville's owners, into a virtual federal government agent at war with the landowners for control of their own property.

So when the proposed listing was published in the Federal Register on Oct. 13, 1996, we filed objections, based in part on the nature of the milk-vetch. Its scientific name is *Astragalus lentiginosus var. sesquimetralis*. The species *Astragalus lentiginosus* is quite common. It is in no way endangered, and no one has ever claimed that it is. Nor has anyone produced any evidence of endangerment. The Sodaville milk-vetch is a variety (*var. sesquimetralis*) of this common and widely distributed species.

That the Sodaville milk-vetch is poisonous to man and beast made its potential listing that much more outrageous. Ironically, a closely related species is even used by some people as a substitute for marijuana, according to *A Flora of California*, Vol. II, by Willis Linn Jepson, a publication of the

U.S. Fish and Wildlife Service itself. Jepson writes:

> Note on the lethal qualities — The herbage of *Astragalus* contains a poisonous principle which affects the nervous system of horses, cattle and sheep and causes abnormality of movement in the animal. Sometimes the animals become uncontrollable and shy recklessly or run wildly. In extreme cases, death results. . . . Under the term Marihuana, the herbage of a certain species [of *Astragalus*], probably *A. leucopsis*, is used by native Mexicans as a [smoked] narcotic drug.

No Constitutional Authority

Our most important objections, however, were based on constitutional grounds. The federal government has absolutely no constitutional authority to regulate a plant located on private property in which there is no interstate commerce, no foreign commerce, no commerce with the Indian nations, or any other conceivable "federal nexus" (as the feds call it) to bring it under their jurisdiction.

The Endangered Species Act has an aura of invincibility when invoked against property owners. Nevertheless, it is possible for property owners to fight back and win.

The Department of the Interior recognizes and even admits that there are limits to its regulation of endangered species. In its proposed rules on "Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Five Desert Milk-vetch Taxa from California," the DOI states:

> Critical habitat provides protection on non-Federal lands only if there is Federal involvement (a Federal nexus) through authorization or funding of, or participation in a project or activity on non-Federal lands. In other words, designation of critical habitat on non-Federal lands does not compel or require the private or non-Federal landowner to undertake active management for the species or to modify any activities in the absence of a Federal nexus.[2]

Such federal nexus could, of course, result from interstate commerce in the regulated species or if the landowners need a federal permit or receive federal funding to conduct specific activities on their lands. The DOI further notes that "Generally, on private lands, collection of, or vandalism to, listed plants must occur in violation of *State law* to be a violation of section 9 [of the federal Endangered Species Act]" (Emphasis added).

We made it clear that if the Sodaville milk-vetch were listed without a federal nexus, we would sue the government on grounds that the Fish and Wildlife Service lacked constitutional authority to regulate the plant.

Rush to Judgment

The milk-vetch still had not been listed in early 1998 when, on February 2, two environmentalist groups, Southwest Center for Biological Biodiversity (funded by Ted Turner) and California Native Plant Society, sued Bruce Babbitt and the U.S. Fish and Wildlife Service to force the listing of the Sodaville milk-vetch, along with other assorted other milk-vetches.[3]

We immediately contacted the Pacific Legal Foundation (PLF), which showed interest in our case and offered to file an amicus brief on our behalf (though we would still probably have to fund an expensive subsequent suit, not a very welcome prospect). No stranger to the ESA, the PLF is already involved in a similar case in which the listing of a fly as an endangered species delayed construction of a hospital and added over $1 million in "mitigation" costs for its construction.[4]

The PLF was waiting for the proper time to file an amicus brief on our behalf when, on May 5, the judge suddenly ruled in favor of the the two environmental groups without hearing previously scheduled oral arguments. With the case decided, there was no opportunity for the PLF to file its amicus brief. Normally it takes several months to certify the administrative record, hold settlement conferences, receive briefs, and hear oral arguments. In our opinion, this suspiciously fast decision reflected the bias of a pro-environmentalist court that did not want the PLF's arguments included in the court's record. The court order remanded the listing back to the U.S. Fish and Wildlife Service with directions to make a final listing determination on all species by Sept. 30, 1998.

We Win Anyway

But in the Federal Register of Oct. 6, 1998, the Department of the Interior published "Endangered and Threatened Wildlife and Plants: *Withdrawal* of Proposed Rule to List the Plants *Astragalus lentiginosus var. micans* (Sodaville milk-vetch) and *Astragalus lentiginosus var. sesquimetralis* (Sodaville milk-vetch) as Threatened." (Emphasis added.) The feds called for this withdrawal, they said, because the Sodaville milk-vetch and another milk-vetch "do not currently face substantial threats."

This may be the first time that the federal government has withdrawn a proposed listing. U.S. Fish and Wildlife Service officials do not withdraw listings simply because they are in a good mood that day or because they suddenly feel sympathetic toward private-property owners. In our case, they did it because we told them we would sue them and we outlined the convincing arguments we would use. Government attorneys may not be among the cream of the crop of lawyers, but they could see that the lawsuit we promised might reach the Supreme Court, which has lately shown

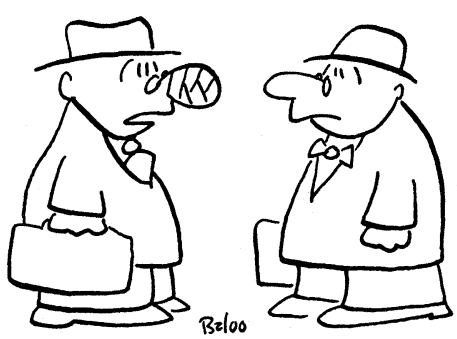

"My power lunch bit me."

itself willing to limit the service's authority under the ESA, and the government lawyers knew it.

Home, Home on the Range

For the time being, then, we remain in peaceful possession and control of our private paradise, and the Sodaville milk-vetch is just another of the many interesting flora and fauna inhabiting it along with us. We have used the property for the last few years for aquaculture and livestock grazing. We plan to develop the property someday, possibly as an RV park/hot springs health spa, but the lush vegetation will remain.

Oh, yes, another funny thing happened. Just after the DOI published its withdrawal of the proposed Sodaville milk-vetch listing — and before we even knew about it — we were phoned by an Associated Press reporter, Scott Sonner, who had gone to considerable trouble to get in touch with us. He had been surprised by the DOI press release about the withdrawal and wanted to know how we did it. He even came out to Sodaville to interview us and see the property and the milk-vetch. The story, "Endangered Species Act Critics Claim Victory in Fight over Plant," was subsequently released over the Associated Press. ❑

Notes:

1. See 57 FR 19844, May 8, 1992.
2. *Federal Register* Vol. 63, No. 193, pg. 53610.
3. Case No. 98-cv0180-K (LSP) in the United States District Court for the Southern District of California.
4. *National Association of Home Builders, County of San Bernadino, et al, v. Babbitt et al*, No, 1:95CVO1973.

You can download our entire seven pages of scientific and legal/constitutional objections to the listing of the Sodaville milk-vetch, dated Oct. 13, 1996, to the U.S. Fish and Wildlife Service at the *Liberty* website (www.LibertySoft.com/liberty/).

"Pinochet Reconsidered" *continued from page 47*

power voluntarily. Pinochet was no tyrant. Do tyrants usher in more freedom? Do they relinquish their power voluntarily? Pinochet did both.

Simultaneously, we have to recall that the "revolution" that the Marxist terrorists in the MIR, FMR, and Communist and Socialist Parties were fighting for did not have a freer society as its goal. Rather, if successful, the Marxists would have re-imposed a socialist dictatorship on Chile, which would surely have led to the kind of misery we see today in Cuba.

Furthermore, Pinochet's actions pale in comparison with those of any number of living Chinese, Cuban, and North Korean rulers in terms of human rights violations. Those leftist leaders apparently can wave their iron scepters and commit atrocities without the slightest fear of international reprisals.

What an absurd precedent Pinochet's arrest sets. Monsters like Zaire's Mobutu, Cambodia's Pol Pot, and most of the dictators of the communist countries of Eastern Europe were not harangued by world tribunals and the press. But Pinochet, who voluntarily stepped down from office and now continues to serve his country as a member of its Senate, is arrested when he visits Britain!

It is difficult to fathom why the British government arrested Pinochet. Apparently playing off the ignorance about what happened in Chile 25 years ago, British politicians figure that they can assail Pinochet, a controversial but relatively obscure figure from a small, far-off country. They thus polish their images as patrons of virtue and guardians of the public welfare, all for the sake, not of justice, but of public approval.

The British, Swiss, and Spanish apparently think it is fine for their governments to hold Pinochet accountable for the things he did during the terrorist war regardless of the national crisis he faced that caused him to act as he did. Why don't they give him a peace prize instead for saving so many people? One could make that case more plausibly than the one for murder if one considers the net social benefits (which seems a popular measuring rod among interventionist courts driven by concerns for social justice). And this international meddling raises an important question for classical liberals: Should we support the emergence of a one-world court, which would enable the interventionist state to rule conduct on a global scale?

Those who point out the faults of Pinochet must take care lest their arguments condemn Thomas Jefferson, Simon Bolivar, Patrick Henry, George Washington, and Robert E. Lee as well. We admire Pinochet, as we admire Jefferson, Bolivar, and other champions of freedom, for the overall good that each accomplished, and the justice of the cause of fighting tyranny to which they devoted their lives. Thus, we are willing to overlook many of their errors as tragedies of history and indirect consequences of living in a world dominated by the evil and interventionist state.

Anyone who cares about the truth ought to weigh Pinochet's heroic accomplishments against the spurious claims of a biased media and self-righteous European hypocrites. In the end, whatever his faults, Pinochet has done more for the cause of freedom than all of them put together. ❑

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Reviews

***The Ayn Rand Cult*, by Jeff Walker. Open Court, 1999, xvii + 396 pages.**

Ayn Rant

R.W. Bradford

If there ever was any doubt that the movement that Nathaniel Branden built around Ayn Rand was a cult, it was removed by the publication of Nathaniel Branden's *Judgment Day* (1989). In this basically sympathetic portrait of Rand and those around her, one can see ample characteristics of a cult: the beliefs that "Ayn Rand is the greatest human being who ever lived, . . . *Atlas Shrugged* [Rand's masterwork] is the greatest human achievement in the history of the world, . . . that Ayn Rand, by virtue of her philosophical genius is the supreme arbiter of any issue . . . no one can be a fully consistent individualist who disagrees with Ayn Rand on any fundamental issue . . . since Ayn Rand has designated Nathaniel Branden as her 'intellectual heir,' and has repeatedly proclaimed him to be an ideal exponent of her philosophy, he is to be accorded only marginally less reverence than Ayn Rand herself . . ." (*Judgment Day*, pp 258–9).

Now there is a book devoted entirely to the phenomenon. In *The Ayn Rand Cult*, Jeff Walker provides a guided tour, but alas, he is so hostile toward Rand and those who admire her that his own intemperance comes through on nearly every page. Worse, he colors virtually every aspect of Rand's life and the behavior of her followers so as to suggest that it supports his thesis, whether it really does so or not. And, apparently on the theory that anything bad about Rand must strengthen his case, he tosses in all sorts of material that has little or nothing to do with the cultishness of her movement, one way or another. The mere fact that something reflects badly on Rand is enough for Walker; it needn't even be credible. The result is a book so lacking in prudence that it leaves one wondering whether its author is trying to put something over on the reader.

Hyperbole abounds. In the early 1940s, Rand had a close intellectual relationship with novelist and critic Isabel Paterson. That's the nonhyperbolic fact. But Walker describes the relationship this way:

> At this time, Rand played the part of acolyte within a quasi-guru's inner circle. Monday evenings when the *Herald Tribune*'s Sunday book section went to press and Pat [Paterson] was going over final copy, a handful of fellow conservatives would convene in her office for some highbrow intellectual exchanges into the wee hours.

Was this really a case of a relationship between an "acolyte" and a "quasi-guru" with an "inner circle"? Or merely a group of friends with a common interest getting together for conversation? It's hard to know from the information that Walker provides, though it is difficult to imagine Rand as anyone's "acolyte," or Paterson, a skeptic who shunned every kind of intellectual or political organization, as someone constructing an ashram.

Walker's fondness for religious terminology sometimes goes beyond mere coloration. For example, in his chronology, he writes that in 1962, "John Hospers is excommunicated by Rand." John Hospers, a prominent philosopher, had indeed read Rand's books, socialized with her, and discussed philosophy with her. He was impressed by her political thinking, but he had never agreed with other aspects of her philosophy and had in no sense ever become part of her cult. It makes no more sense to claim Rand excommunicated him than it would to say that the pope has excommunicated Billy Graham. To be excommunicated, one must first be a communicant.

The mere fact that something reflects badly on Rand is enough for Walker; it needn't even be credible. The result is a book so lacking in prudence that it leaves one wondering whether its author is trying to put something over on the reader.

More important than overdressed verbiage are overworked facts, facts employed in positions they have no business trying to fill. Time and time again, Walker cites irrelevant data to support his thesis. Consider this passage about Nathaniel Branden:

> Says Kay Nolte Smith, "Nathan is a great showman. That's his real talent." According to sociologist Ted Man, describing Rajneesh: "The man was clearly a master showman; many saw him as a master therapist." (175)

Hmm. Let me see if I follow this.

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Branden is a showman and a therapist. Cultist Rajneesh is a showman and is seen by some as a therapist. Therefore, Branden is a cultist. Q.E.D.

This style of thought pervades the book. When Walker observes that "Rand's ugly commentary on modern painting and sculpture is indeed scarcely distinguishable from that of the Nazi art authorities quoted in Peter Cohen's documentary, *The Architecture of Doom*, one has to wonder why he hasn't also observed that "Rand's love of cats is scarcely distinguishable from that of V.I. Lenin, dictator of Soviet Russia." It would be equally relevant. Oh, and he might cite an authority about the history of cats, just to put that final bit of proof in his pudding.

In his preface, Walker claims that his investigation of the Rand cult had demonstrated to us that "Rand's post-1943 writings could not be fully grasped except as documents of a cult leader forming, consolidating and splintering her cult following." If I understand this sentence, which is not so easy to understand, it means that we can't fully comprehend such works as *Atlas Shrugged* — which Rand planned and partly wrote before she ever met Nathaniel Branden, who organized the cult around her, and was published before she had any idea of that he would start an institute that would sponsor courses about her philosophy — except as her means of, first, starting a cult, and second, of splitting it up!

Unfortunately, in the 346 pages that follow this sentence, I could not find a scintilla of evidence to support it. Oh, Walker talks about her writing. In fact, he devotes an entire chapter to Rand's post-1943 fiction. But this chapter presents no argument about the cultishness of said writing. Instead, it discusses various books by other authors that might be considered precursors of *Atlas Shrugged*, as if some trivial similarity that it might coincidentally have with an earlier work somehow detracts from it.

Walker's analysis of Rand's literary methods includes counting how many times she uses certain words in *Atlas Shrugged*. He finds it "staggering" that the word *evil* appears 220 times, about once each five pages. Whether this incidence of *evil* is extraordinary might be determined if Walker had provided data about its word frequency in other novels (such as those of Hugo, Tolstoy, Dostoyevsky) similarly concerned with the ethical dimension of human life. I remain unstaggered by his counting skills.

While we're counting, I will also observe that Walker spends eleven pages discussing what he calls "Rand's Jewish Context." Again, he piles in plenty of irrelevant information, some of it quite laughable. Here he discusses Alissa Rosenbaum's adoption — in 1926, remember that — of "Ayn Rand" as her *nom de guerre*.

> Alissa's adopted surname "Rand" would ring bells for most Jews of her generation because of that name's well-known association with South African gold — The Rand — and the mostly Jewish entrepreneurs who mined it. . . . Even "Galt" is "gold," pronounced with a Yiddish inflection.

Good grief! I'm not even sure what Walker's saying here. The Rand is a informal term for the Witwatersrand, a geographical area in which gold is mined in South Africa. And since 1961 South Africa's monetary unit has been called the rand. But what can Walker mean when he writes "South African gold — The Rand"? And does he seriously mean that most Jews born in the first decade of this century would be familiar with the term and its relation to gold?

And what is the significance of the fact that the surname of the hero of *Atlas Shrugged* is more or less a homonym for the word for gold in another language, if it is pronounced with an accent from a language (Yiddish) that Rand did not speak? This is *evidence* of the influence that "Jewishness" had on her?!?

Although Walker is willing to assert that such flimsy evidence demonstrates the profound effect of her Jewish enthnicity, he dismisses in one sentence Chris Matthew Sciabarra's scholarly study of the influence of Russian philosophers on her thinking:

> Yet what Rand in fact took from her strictly Russian milieu was little more than a perceived need to counter Marxist ideology with an alternative in-depth complex of ideas.

One can understand why Walker devotes a chapter each to Nathaniel Branden and Leonard Peikoff: both were leaders of the Rand cult. But why a chapter on Alan Greenspan? Yes, the Federal Reserve chairman was a member of Rand's inner circle, but a strangely disembodied one who refused to involve himself in its cultish aspects. Nevertheless, Walker hashes up just about every unfavorable word that has ever been written about Greenspan, presumably somehow to discredit Rand.

Part of Walker's wayward way with facts is simply getting them wrong. A few examples:

"Other than Peikoff," he writes, "none of the Collective [Rand's inner circle] published books until after breaking with Rand," overlooking the fact that Nathaniel and Barbara Branden's *Who Is Ayn Rand?* was published in 1962 — not to mention Robert Hessen's *Steel Titan: The Life of Charles M. Schwab* (1975) and *In Defense of the Corporation* (1979), both published before Hessen broke with Rand in 1980.

He identifies libertarian scholar Ronald Hamowy as "Ralph" Hamowy (145) and describes another libertarian scholar, Robert Hessen, as a "former inner circle member . . . currently at the Hoover Institution" (145), when in fact, Hessen retired in 1995. Elsewhere, he writes that "It is Peikoff alone among the heaviest intellects of Rand's Collective who got around to fathering a child." Well, if it matters, Hessen fathered two children, and has had what most would consider to be the most successful intellectual career of any member of Rand's inner circle.

Walker's research may have been sloppy, but it is pretty comprehensive. He interviewed more than two dozen participants in Rand's affairs and tracked down hundreds of written sources, many of them obscure. His bibliography contains more than 500 entries. Although some of them are really irrelevant to Rand and it is by no means complete, it nevertheless contains some interesting entries.

And there is some pretty interesting stuff. Consider the following quotation from Leonard Peikoff, current head of the Rand cult:

> . . . in the recent meeting with the publishers, one of the demands I made to which they agreed is that there's going to be at least 50,000 copies of each of her works on enduring paper, which I'm going to promptly see are disseminated to the most far-out spots in the world — New Zealand, and India, and Africa, and in caves and in you-name-it, 'cause I don't know what will be left if there's a ultimate holocaust, with the hope that one of these 50,000 will be dug up somewhere.

The image of Peikoff scurrying around the world's "far out" places from cave to cave is almost worth the effort needed to sort though so much bad writing, so many factual errors, so much irrelevant information, and all the needlessly colored language to find it.

The Ayn Rand Cult will infuriate those who admire Rand and hearten those who hate her. But for the scholar, it is merely annoying. ❑

***Drug Crazy: How We Got Into This Mess and How We Can Get Out*, by Mike Gray. Random House, 1998, 251 pages. *Shattered Lives: Portraits From America's Drug War*, by Mikki Norris, Chris Conrad and Virginia Resner. Creative Xpressions, 1998, x + 118 pages.**

Victims All

Jonathan Ellis

In *Drug Crazy: How We Got Into This Mess and How We Can Get Out*, Mike Gray sets out to dissect the rotten carcass of America's drug war and proposes its prompt burial. Gray's effort is one more in a long line of books from scientists, journalists and public policy experts condemning the war on drugs as immoral, unproductive, wasteful, etc. Unfortunately, coming out against the drug war with a book has proven to be as effective as shooting spit wads at tanks.

I suspect he understands this, because much of *Drug Crazy* reads as if it were written in a whiskey-induced rage. And that's why I liked it so much. The book seethes with anger as Gray mercilessly flagellates the architects of America's drug policy.

Drug Crazy kicks off dramatically with a report from Chicago. After a shoot-out in which cops and a dealer trade 72 rounds, Chicago police seize "seventeen pounds of powder cocaine . . . 53,000 dollars," and a mid-level gangster pulling in a modest $451,000 for ten days of work. The Chicago of the 1990s, Gray says, looks an awful lot like the Chicago of the 1920s.

By linking the effects of alcohol prohibition and drug prohibition, Gray makes an argument familiar to drug-war opponents. Like alcohol prohibition, the drug war provides crooks and cutthroats with ample employment opportunities. Anti-tobacco crusaders take note: prohibitions put entire industries into the hands of the unscrupulous. And the results are predictable. Prohibitions create black markets; black markets create crime and corruption. Crime and corruption are used to justify government expansion. Government expansion reduces freedom.

Of course this is a simplified explanation on the effects of prohibitions. But that's okay; if drug-war opponents want to win the day, they must win the war of the sound bites.

Gray doesn't muck around with abstruse theories. *Drug Crazy* is written for a broad audience. It moves swiftly and smoothly through the history of America's drug policy, stopping to make a point or tell a story here or there, and then pushing on. As a vete-

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ran Hollywood writer, Gray's entertaining style is perfect for that Baptist mother-in-law living in the conservative Midwest.

And she won't be happy when she gets done. From the passage of the Harrison Narcotics Act of 1914 to the Marijuana Stamp Act of 1937 to the present day in which nearly 700,000 people were arrested last year for marijuana possession, the war on drugs hasn't been cheap. "In the attempt to make America drug-free," Gray writes, "the taxpayers laid out over $300 billion in the last fifteen years alone."

In our age of victimization, it's wonderful that white-male taxpayers have something to bitch about. That's the beauty of the war on drugs: *everybody's a victim.*

Obviously, some are victimized more than others.

Blacks, Hispanics, and other minorities have often found themselves unfairly targeted in the war on drugs. As Gray so aptly writes, "The specter of unbridled Negroes and coolies waiting at the foot of the bed to carry off wives and daughters proved to be more than the Dixie Democrats could countenance," leading to passage of the Harrison Narcotics Act. Myth was also employed to pass the Marijuana Stamp Act; this time the bogeymen were Southwestern Hispanics. In light of this preposterous demonizing, blacks might do better to forget reparations and join with other minorities to sue the government for slander.

Americans aren't the only victims of the war on drugs. The U.S. has succeeded in taking the war abroad. At America's insistence, our southern neighbors went to war, albeit sometimes halfheartedly, against the drug cartels. Colombia paid the heaviest price, writes Gray. "The best judges, the most incorruptible politicians, the most aggressive journalists, the bravest army officers had all been sacrificed to the war on drugs."

And the drug warriors do not lack for ambition. The United Nations announced this past summer that it intends to rid the planet of cannabis, coca, and opiate-producing poppies by 2008. Of course, this goal is laughable — unless they intend to release some kind of laboratory-engineered predator that preys on drug plants. These people are crazy enough to pull a stunt like this once they figure out they can't put everybody in jail. It's only a matter of time before some jackass bureaucrat devises the biological solution to winning the drug war.

As good as *Drug Crazy* is for a quick fix on drug-war history, libertarians may object to some of Gray's solutions. Gray likes the "British System" in which doctors "deal with addicts as they saw fit." He doesn't seem to blanch at this sort of paternalism, and doesn't once countenance a rigorous acceptance of personal responsibility, of allowing the individuals to deal with drugs the way they see fit. Gray seems resigned that drug use is just a part of the dark side of human nature. Gray doesn't endorse the recreational benefits of drugs. He does concede, however, that even people heavily addicted to the most potent drugs can lead normal, successful lives, as did Dr. William Stewart Halsted, a father of modern surgery and a founder of Johns Hopkins Hospital who was addicted to cocaine and morphine. Still, he calls on government to create "a tightly controlled legal market, offering clean, unadulterated pharmaceuticals." Considering the current state of affairs, this would be a major improvement.

The primary objective is ending the drug war and reassigning its agents to planting flowers in parks. How that can be done Gray doesn't say. In *Shattered Lives: Portraits From America's Drug War,* Mikki Norris, Chris Conrad and Virginia Resner propose a solution: "a national dialogue is called for that puts all the cards on the table and engages everyone, from all walks of life. . . . After all, we are in this together."

Much of "Drug Crazy" reads as if it were written in a whiskey-induced rage. And that's why I liked it so much.

Maybe they're right. Maybe this kind of sally into the political, democratic process is the answer. Medical marijuana is, after all, an electoral juggernaut, kicking ass in election after election.

But we already live in a democratic

society, a society replete with "revolutionary" baby boomers who played pocket pool while Presidents Reagan and Bush pushed the drug war engine at full throttle (and today Clinton continues the tradition). True, the drug war is perpetuated by deceit. But that's what happens in a democracy. Nowadays, "national dialogues" are what the president stages to cajole people into thinking he cares, not into *re*thinking much of anything.

The main narrative takes a swipe at the points that should be hit: forfeiture laws, innocent casualties, conspiracy laws, racial disparities, mandatory minimums, etc. The authors point out that the war on drugs is big business for special interests. The prison industry loves those victimless crimes. The more prisoners crowding the hoosegow, the more reason to build a new prison, hire new union-member guards, and, in the case of private jails, send out optimistic reports to shareholders.

Shattered Lives reminds me of a high school workbook — it's about the same size, and its pages are bursting with pictures and sidebars. The designers have done a nice job. If only high schools were using it as a workbook. (A replacement for DARE, perhaps?) It was written for and in part by the poor souls devoured by the war on drugs. Many of the sidebars were written by current inmates. Their accounts and accompanying photographs are touching, to say the least.

And the book asks some interesting questions. Women, conservatives like to remind us, belong at home where they can care for their families. So why do women "comprise the fastest growing population in prison today"? Many rot in prison on conspiracy charges because prosecutors say they should have known that their husbands or boyfriends were dealing. No doubt the prison industry wants more women. They're not as violent as men, easier to care for, and some guards, I suspect, like women for more sinister reasons.

Deborah Lynn Mendes, serving twelve years and seven months for conspiracy to aid and abet in distributing cocaine, appears with her daughter, Heather. "Unfortunately," she writes, "I thought I simply had to turn myself in, tell my story and 'Liberty and justice for all' would prevail. How very naive I was."

Then there's Jodie Israel, serving eleven years for marijuana conspiracy while her husband serves 29 years. She writes, "I have four children who all live with family, but in separate homes and towns. . . . It is so hard to explain to a child why you can't be with them and I believe it puts a tremendous burden on their little hearts."

Shattered Lives conveys a personal rather than an abstract argument against the drug war. Flipping through the pages and confronting the haunting images of people like Lewis Atley, serving 20 years for the "crime" of growing psilocybin mushrooms, or Kemba Smith, serving 24 years for conspiracy to distribute crack cocaine, makes a potent argument for ending the drug war, and releasing its victims.

It dawned on me after finishing *Shattered Lives* that the way to end the drug war was right there in those pictures. All those families torn apart, all

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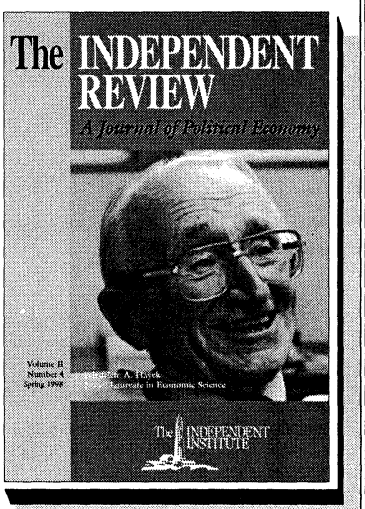

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those innocent people steamrolled by the government. The government is creating the enemy army right now. Once enough people are victimized, it's only a matter of time before this army starts to march. Maybe it will act through the democratic process; and maybe it will act with violence. ❑

***In Harm's Way: The Pornography Civil Rights Hearings*, Catharine A. MacKinnon and Andrea Dworkin, editors. Harvard University Press, 1997, 496 pages.**

Porn in the U.S.A.

Wendy McElroy

In Harm's Way: The Pornography Civil Rights Hearings, edited by anti-pornography feminists Catharine A. MacKinnon and Andrea Dworkin, purports to accurately chronicle one of the most innovative legal and political strategies of the last decade.

From 1983 in Minneapolis to 1992 in Cambridge, Mass., anti-pornography feminists attempted to bypass federal and constitutional hurdles to censoring pornography by working to pass local ordinances declaring pornography "sex discrimination" and thus not protected by the First Amendment. Instead, pornography was deemed a violation of women's civil rights.

The measures would have permitted women who had been "coerced into pornography," or allegedly assaulted because of pornography, to sue in civil court "the maker(s), seller(s), exhibitor(s), and/or distributor(s) . . . for damages and for an injunction."

"Coercion into pornography" was defined so broadly, however, that the ordinance essentially denied that a woman could consent to pornography. Even women working under a signed contract and release, who had performed in the presence of witnesses, and had been paid for their work were deemed by the ordinance not to have consented to pornography. In essence, the ordinance took the odd position that an adult woman's signature bore no legal significance.

Each anti-pornography ordinance occasioned public hearings at which testimony for and against the measure could be presented to city officials. *In Harm's Way* is a self-declared "complete and accurate" record of four such hearings in Minneapolis, Indianapolis, Los Angeles, and Cambridge. In one sense, MacKinnon and Dworkin are extraordinarily well qualified to edit a book on "The Pornography Civil Rights Hearings." After all, they were hired in 1983 by the conservative city legislators of Minneapolis to draft the original ordinance through which the council hoped to regulate adult bookstores. Their ordinance became the model for those that followed. The proceedings in Minneapolis — carefully orchestrated so that only witnesses who bolstered the ordinance were willingly included — established the pattern for subsequent hearings. Moreover, MacKinnon was intimately involved in arguing for each measure.

The same reasons that qualify MacKinnon and Dworkin to edit this book, however, also call into question their status as impartial observers. Aware of the skepticism their well-known political bias would generate, the editors of *In Harm's Way* proclaim their objectivity in several places. At the very beginning of the book, on a prominent page entitled "Note on Editing," they declare: "We intend these hearings to be as complete and accurate a record of what was said as possible." *In Harm's Way* does not even vaguely live up to this stated intention.

To Shuck and Jive in LA

Consider the account of the Los Angeles hearings in which I was personally involved. MacKinnon and Dworkin offer the transcript of *a* hearing — calling it *the* hearing — which took place on April 22, 1985 before the Los Angeles County Commission on the Status of Women. They neglect to mention the existence of three other hearings on the issue. Without information on the omitted hearings and the circumstances surrounding the proceedings as a whole, it is not possible to understand the story of the Los Angeles ordinance.

A gay-rights activist, John Dentinger, and I were the only people to oppose the ordinance at the first hearing on February 26, although many people would have voiced their opposition had they known about the hearing. Our attendance was almost a fluke. John had called City Hall several times for the date of the hearing, and each time he asked to be notified by the clerk. After all, ordinance supporters such as MacKinnon (then a visiting professor at UCLA), film director Peter Bogdonavich, and radical feminist lawyer Gloria Allred would surely be given sufficient notice to arrange their hectic schedules. Nevertheless, it was by chance alone that John learned of the meeting less than 24 hours before it occurred. He happened to call and check with the clerk at the right time. The Board of Supervisors, which clearly favored the measure, had not bothered to notify the opposition.

"Coercion into pornography" was defined so broadly that the ordinance essentially denied that a woman could consent to pornography.

I accompanied John to the Hall of Administration. When the ordinance came up on the agenda, floodlights flicked on as television news cameras prepared to roll. It was high drama. Bogdanovich called *Playboy* and Hugh

Hefner murderers. Allred spoke on behalf of a woman seated beside her who was, ostensibly, too terrified to speak for herself but quite willing to be seen on the evening news. John and I delivered equally passionate speeches and endured tough questioning during which John was particularly insulted. I was the only one the Board of Supervisors quizzed about a nonexistent connection to the porn industry. Aware of the camera's eye and having met with two unexpected opponents in whom the media took great interest, the commissioners sent the ordinance for review.

A second county hearing (also unmentioned in the book) was scheduled for March 26. This time, however, news of the former proceeding had acted as a red flag to opponents of the ordinance. A number of women from FACT (Feminists Against Censorship Taskforce) appeared. They had not been informed of the first hearing and they intended to make up for being silenced. In the face of such concerted and public opposition, the supervisors arbitrarily and without notice refused to hear any public testimony. Instead, the ordinance was referred back to the Women's Commission for "revision." Meanwhile, Betty Brooks, the head of FACT, was so outraged that the women had taken time off work to speak out, only to be turned away, that she delivered an impassioned speech to the media in the corridor outside the hearing room.

I did not attend the third hearing, reported as *the* hearing by MacKinnon and Dworkin. *In Harm's Way* states: "Notably, Wendy McElroy was listed third of those who were to speak against the ordinance at the Los Angeles hearing, but she did not present herself to speak." In fact, John and I were not informed of the April 22 session. Frankly, at that point, I was just as pleased to leave the microphone open for the other opponents whom I knew would show up.

On June 4, the L.A. Board of Supervisors held yet another hearing. Those who opposed the ordinance — not those who supported it — were led to the hallway and told that only a few would be allowed to speak. Thanks to Brooks's assertiveness each woman was ultimately allowed to testify. At this fourth hearing, Ramona Ripston of the American Civil Liberties Union contended that the ordinance stripped women of their rights; a Jewish woman spoke of Nazis who burned books; a member of the U.S. Prostitutes' Collective argued eloquently that the ordinance would create violence against sex workers. On and on they went, with John causing a near riot when he tore pages of "obscene material" out of a Bible.

None of this testimony appears in *In Harm's Way*. Nor is there any analysis of the surrounding politics — for example, who was and was not notified of the April 22 hearing? What pivotal events happened in the hallway outside when the opponents, and the opponents alone, were being silenced? What rules did the Board of Supervisors arbitrarily change at the last moment to discourage those critical of the ordinance? Instead, the book contains blanket statements in the dual introductions, such as MacKinnon's bald-faced lie:

Jurassic Horde Whisperer of Madness County

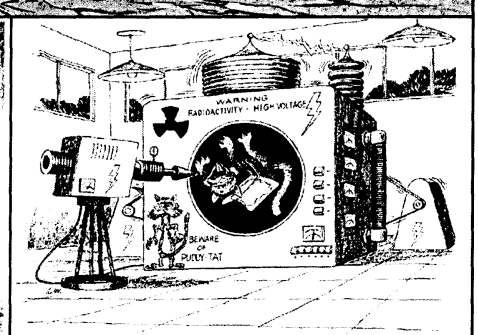

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But then we get to the annotated end portion of the book and we see that ***Jurassic Horde Whisperer of Madness County*** is based on FACTS - facts too irrational, crazy and destructive to be pure fiction. Church, State, media, and Hollyweird have provided all the madness spoofed here. Fun, yes, but also a disturbing warning about how destructive irrationality runs rampant in our modern, supposedly enlightened scientific age.

Other works by Titus Stauffer: ***Bats in the Belfry, By Design*** is a near-future hard science fiction novel about a U.S. weapons designer who regrets helping a freedom fearing government. ***Freedom From Freedom Froms*** is a sequel which continues to throw pointed barbs at many who fear real freedom.

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"The opponents of the civil rights laws . . . did not openly defend pornography . . ." *I* openly defended pornography. *John* openly defended pornography. MacKinnon cannot be ignorant of our positions. She not only sat in the audience listening to our prepared remarks, she requested and received copies of our transcribed testimony from us at the scene.

Gagging Dissent in Minneapolis

The Los Angeles hearings are the only ones of which I have personal knowledge, but consider an account of the original Minneapolis measure. In that city, the rapidly executed and debated ordinance also found opponents unprepared and unnotified. In *The New Politics of Pornography* (1989), Donald Downs describes the "path-breaking, orchestrated" first hearing in which "the council reportedly asked a prominent local evangelist to cancel his plan to testify . . . 'because they didn't want his political spectrum identified as a supporter.'" He outlines MacKinnon's "political tactics" and her shoddy treatment of the opposition at the first hearing, during which anti-pornography "activists exerted enormous, perhaps unprecedented, pressure on the council" that led it to abandon the usual established procedure by which it enacted other civil-rights laws. The council also ignored pleas to delay the proceedings and provide more discussion from the mayor, the Civil Rights Office, the Library Board, and the City Attorney's Office.

Although two versions of the ordinance passed, the first one (December 1983) is the only one reported by the MacKinnon-Dworkin chronicle. The second ordinance of July 1984 was a more moderate measure that reflected such factors as giving opponents time to provide balanced debate. For example, by that point, a Task Force on Pornography had been created. During hearings for the second ordinance, opponents had been given the same courtesy of time and notification that MacKinnon and Dworkin alone had received in the first one. The second measure, which occasioned 16 sessions rather than the three reported by MacKinnon-Dworkin, is not mentioned in *In Harm's Way*. Nevertheless, the book offers the transcript of an anti-pornography press conference dated July 25, 1984. The transcript gives the clear and absolutely mistaken impression that it refers to the first ordinance passed, rather than to the second. The difference is key to understanding the comments presented. In the end, however, both ordinances were vetoed by Mayor Donald Fraser.

Incomplete and Inaccurate

Ultimately, all the other ordinances failed as well. In the final measure reported by *In Harm's Way* — that of Cambridge — the Women's Alliance Against Pornography managed to force a referendum which led to the measure's downfall. Thereafter, the Seventh District Court of Appeals unanimously upheld the *American Booksellers Association v. Hudnut* (1985) decision that found the proposed Indianapolis ordinance unconstitutional. The Supreme Court refused to hear an appeal.

In Harm's Way claims "Not a word of testimony by opponents to the ordinances has been cut." But the facts contradict the authors' pretense of fairness. *In Harm's Way* is neither complete nor accurate. But it does continue the tradition of public deceit and manipulation that its authors clearly favor. ❑

Booknotes

What Is This Thing? — In the year that Thomas Bowdler died, there appeared in the pages of *The Republican* an essay innocuously entitled "What is Love?" It was not innocuous. It was written by the journal's imprisoned editor, Richard Carlile, a radical for free speech and a fierce opponent of the monarchy, a man not known to hide his opinions, or curb them for the popular taste. His essay's frank discussion of sex, bodily fluids, and contraception — and also its impiety — places this work at the opposite pole from Bowdler's infamously prudish *Family Shakespeare*. A year later, in 1826, Carlile cleaned his essay up a bit, corrected a few errors of biology, added some debate with readers, and printed his self-described "effusions" as *Every Woman's Book*.

Now, over a century and a half later, this obscure bit of "sexology" has been unearthed by M. L. Bush in *What Is Love? Richard Carlile's Philosophy of Sex* (Verso, 1998, x + 214 pages), a volume that presents both the original essay and the book, annotated and indexed, as well as two careful essays by Bush.

Surely this book cannot be overlooked by anyone interested in Regency and Victorian morals, the development of modern notions of sexuality, or, for that matter, the diverse responses to Thomas R. Malthus's *Principles of Population*. Carlile's reaction was certainly a practical one. (Bush claims that Carlile's was the first frank discussion of contraceptive methods to be printed in the English language.)

But most of all, it is Carlile's own theories that charm. What, after all, *is* love? "The passion of love is nothing but the passion to excrete semen in a natural way" (p. 59). In an age when love was too often idealized, this sort of reductionism provided a healthy counterbalance — and made Richard Carlile a seminal thinker indeed.

—Timothy Virkkala

Clearing the Smoke —Want the perfect stocking-stuffer for your anti-tobacco friends? Give them *For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health* (The Free Press, 1998, 338 pages). Jacob Sullum's masterful and comprehensive critique of the tobacco hysteria lays it bare for what it is: mass hysteria based on pseudo-science, and, even worse, an assault on freedom of choice and personal responsibility.

If you think your friends might not bother to read your thoughtful gift, tell them to at least check out the appendix, "Ten Myths of the Anti-Smoking Movement." In a mere four pages, Sullum neatly decimates the anti-smoking crowd's favorite mantras. To myth number 4, "smoking imposes costs on society," Sullum replies: "Because smokers tend to die earlier than nonsmokers, the costs of treating tobacco-related illness are balanced, and probably outweighed, by savings on Social Security, nursing home stays, and medical care in old age."

My favorite myth is number 7, "States have a right to demand compensation from tobacco companies for the costs of treating smoking-related

diseases under Medicaid." Sullum here notes that, "by the same logic, states could sue the manufacturer of any product associated with disease or injury, including alcoholic beverages, fatty foods, candy, firearms, swimming pools, bathtubs, skateboards, and automobiles. The makers (and consumers) of such products should not be blamed because politicians decided to pay for health care with taxpayers' money."

This powerful book is so persuasive it makes me almost want to start smoking again, just for the sake of exercising my right to do so. —Terrence Campbell

Man, Economy and Space — Science fiction writer Orson Scott Card recently edited *Future On Ice* (Tor, 1998, 432 pages), an anthology of futurist fiction. His preface compares the current state of our culture with *Star Wars*, an us against them, rebel *vs.* empire world in which we overlook the faults of those on our own side and demonize any good the other side may contain, simply because we're on opposing teams. The point is well-taken, although Card strains the analogy to make it consistently apply. The real surprise in this essay is an out-of-place smear of economic theory, tarring Marxism and the free market with the same stroke. His main criticism of Marxism is one that applies to economics in general, "that human beings act only for economic reasons." Unfortunately, he proceeds to explicitly equate economic incentive with finance, then asks, "When economists make love, are their motives really financial? How do pre-fiscal primates manage to survive, having no motive to reproduce?"

If Card had a rudimentary understanding of economic theory, he would realize that, as David Friedman put it in *Hidden Order: The Economics of Everyday Life*, "economics is not about money." Instead, economics studies incentives of all types, relying on the assumption that people have reasons for the ways they behave. With sufficient observation of the ways people react to various incentives, behavior can be predicted. Economists often use money in their analyses because it's a handy medium, but economists could theoretically use anything else as a measurement of incentives and choices: apples, pencils, backrubs, sunsets, even time itself. When dealing with pre-

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fiscal primates, economists would predict their behavior through measurements that are applicable to primates.

Card goes on to compare economics to religion: "The new post-Marxist religion calls itself Free Market Capitalism, but in their ignorant and impenetrable unconnection with the reality of human life, they are the equal of the most ardent Marxist, and their meddling with law is as ignorant and maliciously indifferent to the true yearnings of individuals."

Believable science fiction rests on an understanding of scientific principles as a departure for stories based on speculative science; all fiction, including Card's, would become more believable with a thorough grounding in economic science. Far from a lack of connection to reality, serious free-market economists have a concrete understanding of people's "true yearnings," as revealed consistently through behavior. —Eric D. Dixon

Reflections, *continued from page 28*

immunity agreement (entered into ten months earlier) included a clause about secrecy, is equivalent to Clinton's inability to remember whether he and Monica Lewinsky were alone while she engaged in oral sex with him, or that he had given her several gifts only 17 days earlier. Or perhaps not an equivalence theory, since they seemed to think that Starr's performance was a great deal worse.

On November 30, I watched a television interview with Father Robert Drinan, the radical leftist Roman Catholic priest who once served in Congress, and while in office, was a member of the Judiciary Committee that prepared articles of impeachment for Nixon. Drinan is now a professor of law at Georgetown University, Clinton's alma mater.

The interview started with Bill O'Reilly of Fox News asking Father Drinan to respond to a brief argument:

> Let me lay this out to you . . . Nixon didn't participate in the burglary, he just found out about it and then he said "Oh boy, we're not gonna tell anybody and we're gonna use every means that we can to shut people up." So here we have President Clinton, who participated in an act, and then is sued civilly, and the Supreme Court says the suit has to go ahead. Who possibly, probably, tried to get the main person who could do him damage, Monica Lewinsky, a job to shut her up. Possibly, probably, got money to shut up Webb Hubbell about another investigation into a Whitewater matter. And then used his staff, paid for by you and me and every other American watching this evening, to go out and lie for him, saying he didn't do any of these things. So I'm not seeing a real clear-cut difference here, Father.

Professor Drinan responded angrily, "If one of my students gave the explanation you just gave, I'd give him a D or an F. There's no analogy whatsoever, and you are adding these things, and there is absolutely no comparison."

O'Reilly tried again. "All right, pick apart my argument and tell me where I've gone wrong."

But the Rev. Drinan refused this challenge. "Well," he said, "I resent the fact that the House Judiciary Committee now pretends that they want to piggyback on the prestige of the Rodino committee. The things that Mr. Clinton has done — and you can deplore them, and we all do — do not add up to the morality or the lack of morality that was intended by the Framers."

"All right," O'Reilly said. "You're getting ahead of us now. I want you to pick apart my argument. Let's start with Monica Lewinsky and getting her a job. Now you said that President Nixon had money coming in to shut people up. What's the difference with President Clinton trying to get Monica Lewinsky a job?"

Again, ex-congressperson Drinan tried to change the subject. "Well, first of all, we have to take this into consideration: we've never had an independent counsel before moving for the impeachment of a president. It's probably unconstitutional . . ."

O'Reilly allowed himself to be sidetracked briefly, then suggested, "You're skating around my question, Father."

"I'm not skating around your question," legal authority Drinan alleged. "Your question is not relevant to what

we're talking about. It's a terrible question. It's an absurd question."

O'Reilly gamely tried again. "All right, " he said. "Now tell me why finding Monica Lewinsky a job to shut her up about a perjurious affidavit she filed in a case the Supreme Court said had to go forward is a stupid question."

Again, the wily priest changed the subject, this time saying "All I can say is that you don't want to have an honest dialogue or debate about what is at issue."

O'Reilly was not to be sidetracked. "I do, I absolutely do," he said, "but what I'm saying to you is, the Judiciary Committee has to ascertain whether Mr. Clinton, through Vernon Jordan or anybody else, tried to shut up Monica Lewinsky about the affair that would've impacted on a case the Supreme Court ruled was legally valid."

At this point, Drinan totally lost control:

> Sir, even if that is indictable, and I don't concede that, it is not necessarily impeachable. We're talking about a totally different order of legality here, and I have to explain that the Framers knew that there'd be a lot of enemies of the incumbent president, as apparently you are, and that he should be protected from his political enemies. Consequently, only the House of Representatives can impeach him, and they have to have high crimes or misdemeanors, and they have to be comparable to treason or bribery. We've never had a president impeached and that's the way it should be. An impeachment, Benjamin Franklin says, is a substitution for assassination. It should be in the most extreme circumstance, when the people are insisting that the president be removed, and his removal is required for the safety of the Republic.

Hmm. "We've never had a president impeached and that's the way it should be"? Was Drinan (who bragged to O'Reilly that he had "studied impeachment more than virtually any American") not aware of the impeachment of Andrew Johnson? And why did he say that no president should ever be impeached? Hadn't he himself voted for the articles of impeachment against President Nixon?

And did he really mean that a president should be impeached only if "the people are insisting that the president be removed, and his removal is required for the safety of the Republic"? Well, if he did, he is at least being consistent with his notion that no president should ever be impeached. One thing is certain: by this standard, Richard Nixon could not have been impeached.

The interview continued, with Drinan sputtering at O'Reilly, refusing to answer questions, until it concluded with Drinan reiterating that he'd give O'Reilly a "D" because "your whole attitude toward facts is wrong."

What all this illustrates is just how desperate the left has become. A generation ago, leftists were calling for the socialization of nearly every aspect of American life. Now they're spending their energy trying to save the hide of a manifestly guilty politician against charges of personal corruption. And Clinton is not even supporting their agenda. He abandoned the leftist agenda on issue after issue, and even proclaimed that "the era of Big Government is over." Yet still they defend him, hoping against hope that he might appoint them to positions of power or prestige, hoping that he might change his mind and embrace again the leftist dogma of his youth. Or maybe they just figure that he is a bulwark against something worse: the spectacle of a Republican government.

At the same time, conservative preoccupation with the attempt to impeach Clinton has diverted conservatives from pursuing their usual agenda of tougher drug laws, more restrictions on freedom of speech, and other affronts to human freedom.

No wonder Americans are so happy and prosperous! —CAA

Notes on Contributors

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Timothy Virkkala is executive editor of *Liberty.*

Terra Incognita

Palo Alto, Calif.

Science clashes with bureaucracy, as reported by the *San Jose Mercury News*:

Three dead pigs have been found tossed into a campus dumpster over the past three weekends, all seemingly "victims of someone practicing heart bypass surgery," a police spokesman said.

If caught, the surgeon-in-training could face misdemeanor littering charges for leaving the corpses on Stanford University property, he added. "We want to let people know that this is not a place to leave your dead pigs," Lt. Del Bandy said.

Vietnam

Interesting aesthetic development, reported by Reuters:

A Malaysian oil painting titled "Mr. Foreign Speculator, Stop Damaging Our Country" won first prize in an ASEAN art contest in Vietnam, official media reported Wednesday.

The artist, Kow Leong Kiang of Malaysia, was awarded $10,000 in a contest held Tuesday in Hanoi. There were 39 entries from various ASEAN countries.

Ticonderoga, N.Y.

Dispatch from the front in the War on Drugs, reported by the Associated Press:

10-year-old Kodi Mosier of Ticonderoga Elementary School discovered that if you sharpen the pencil emblazoned with the slogan "Too Cool to Do Drugs," the message turns to "Cool to Do Drugs" and eventually to simply "Do Drugs." The pencils were recalled by the Bureau for At-Risk Youth of Plainview.

Washington, D.C.

Even Congresspeople have labor problems, the Associated Press reports:

Reporters obtained office e-mail messages written by Janet Jenson, former chief of staff of Rep. Merrill Cook (R-Utah), saying: "Merrill has taken up permanent residence in wacko land, and we are all in serious jeopardy" of being fired, she wrote. "If he asks you to fax his underwear to the speaker's office, please just do it." Rep. Merrill Cook has accused two former staffers of forgery, insubordination and blackmail.

Conneautville, Pa.

The progress of pedagogic science in the Keystone State, as reported by the Associated Press:

Students at the Conneaut Valley High School have devoted a lot of class time in recent days to understanding more about the *Titanic*. The farming class has studied the impact of shipping on the commodities, and home economics students have tried to figure out the ship's menus. The art class made a plaster cast of *Titanic* stars Leonardo DiCaprio and Kate Winslet on the bow of the boat and also created a 48-square-foot poster of DiCaprio. A film class watched that other Titanic movie, 1958's *A Night To Remember*.

Jefferson County, Wash.

Rules posted on Jefferson Transit bus schedule:

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San Francisco

Cutting-edge research in the anatomy of the human brain, reported by the *San Francisco Sunday Examiner & Chronicle*:

For Dr. Leonard Shlain, brain anatomy is only the introduction to a more significant dichotomy. He believes the split brain is gendered, with language belonging to the masculine, imagery to the feminine. In a dazzling, once-over-lightly tour of world history, he concludes that the adoption of the alphabet is inseparable from male dominance: "When a critical mass of people within a society acquire literacy, especially alphabet literacy, left hemisphere modes of thought are reinforced at the expense of right hemisphere ones, which manifests as a decline in the status of images, women's rights, and goddess worship." And with the decline of the goddess comes the violence against humanity and nature that makes up so much of our history.

Michigan

Government application of the Internet, as reported by *The Detroit Free Press*:

A Washtenaw County couple, whose home was incorrectly listed as a sex offender's address, filed a federal lawsuit Wednesday to prevent the Michigan State Police from posting sex offenders' names and addresses on the Internet. The lawsuit, filed by the American Civil Liberties Union, asked U.S. District Judge Patrick Duggan to declare Michigan's 1994 Sex Offender Registration Act unconstitutional.

"They were informed that the police department could not remove the listing until it could track down the former owner of the house," the lawsuit says. They "were told the police department had been very busy and that it did not have the resources at the time to track down the former owner of the house."

"Once again, the ACLU finds itself on the side of the criminal instead of the victim," said John Truscott, spokesman for Gov. John Engler. Truscott said he believes the lawsuit is "completely without merit."

New York City

Innovation in Christmas tree trimming, reported by *The New York Times*:

The tree itself, Ms. Cassie Ederer said, would be an artificial 30-foot-tall pine covered with condoms in their wrappers, in many different colors. "It will be a tasteful tree," Ms. Ederer said. "It will be the Tree of Life."

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*.)

Ayn Rand

Ayn Rand T-shirts . . .

We located a few more of these popular sartorials. The portrait of Ayn Rand (at right) appears on the front of the shirt, while the back has the famous question from *Atlas*: "Who is John Galt?" The printing is done in dramatic black on a pre-shrunk 100% cotton white Hanes "Beefy-T-shirt ." This is a handsome, high quality shirt you can wear with pride. (Extra large size only) *Last chance:* there ain't no more!

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Ayn Rand's Ethics. Is egoism ancient? Featuring Nietzsche scholar **Lester Hunt. (Audio: A227; Video: V227)**

That Fountainhead Rape. A discussion of Rand's sex scenes, featuring **Barbara Branden. (Audio: A228; Video: V228)**

Ayn Rand and Libertarianism. Featuring **R.W. Bradford. (Audio: A229; Video: V229)**

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

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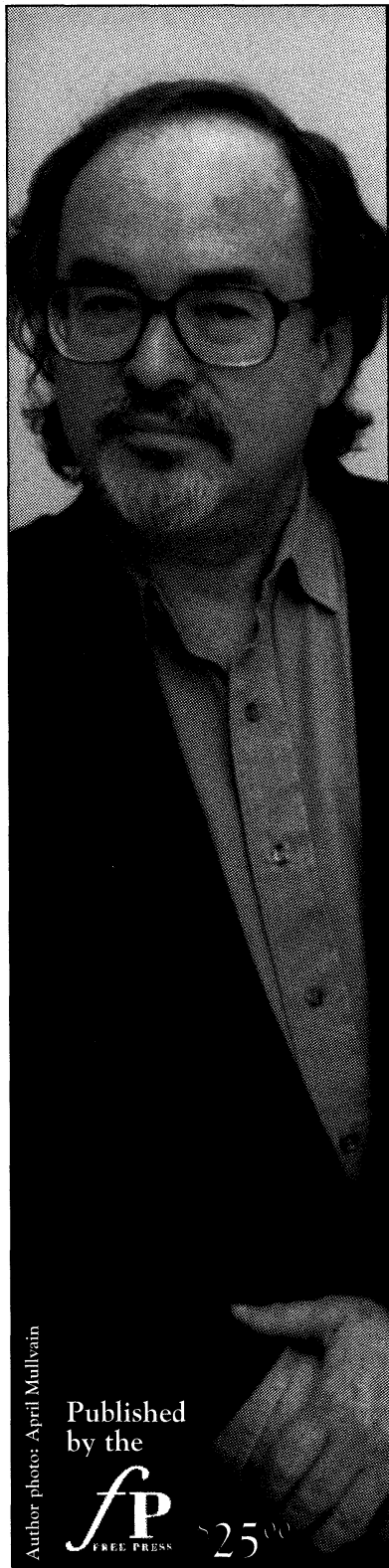

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FROM THE AUTHOR OF *RADICAL SON*

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BY DAVID HOROWITZ

In the aftermath of the Nazi Holocaust, no progressive intellectual would ignore the ink between the racist idea and the "final solution." But no progressive today will recognize the parallel nexus between the utopian idea and the gulags it produced.

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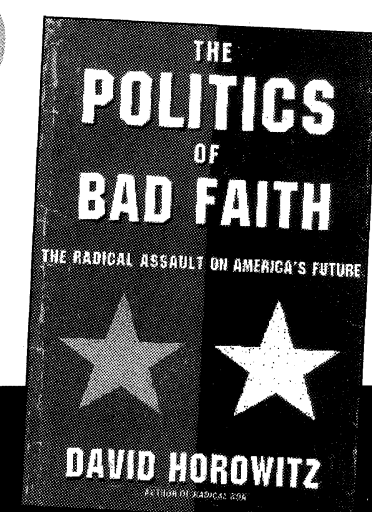

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Liberty

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Bill Clinton: The Uncommon Criminal

Without Rights

John Robey on America's Deconstitutionalized Zone

where the War on Drugs trumps the Constitution.

The Selling of Ayn Rand

by Eric D. Dixon & R. W. Bradford

Y2K: Excuse for Military Takeover?

by Declan McCullagh & Solveig Singleton

Zimbabwe: A Snake Eats Its Tail

by Len Brewster

Also: *David Hackworth* on Clinton's Christmas gift to defense contractors, *Hal Arkes* on a new defense of affirmative action, *R.W. Bradford* on the winds of libertarian doctrine . . . plus other articles, reviews & humor

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Bill Clinton: Super Statesman
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Novelist, Naturalist, Anarchist
by Bill Kauffman

It's the Pork, Stupid
In Washington, D.C., panhandlers outside the Capitol are a despised lot. But inside, groveling for your tax dollars is respectable. *Randal O'Toole* analyzes some of the wonderful proposals that Northwestern environmentalists want to spend billions on. Good news for researchers, ecosystem restorationists, forest sociologists, and others who live on the public dole!

Can liberty be achieved in a democratic world? Or do the institutions of modern democracy lead inexorably and perversely down the road to the welfare state? *Todd Seavey* makes the case for postmodern pessimism and avoiding war with the Amish.
The Inevitability of the Welfare State

Libertarian Congressman *Ron Paul* talks about his friends and foes in the Libertarian and Republican parties.

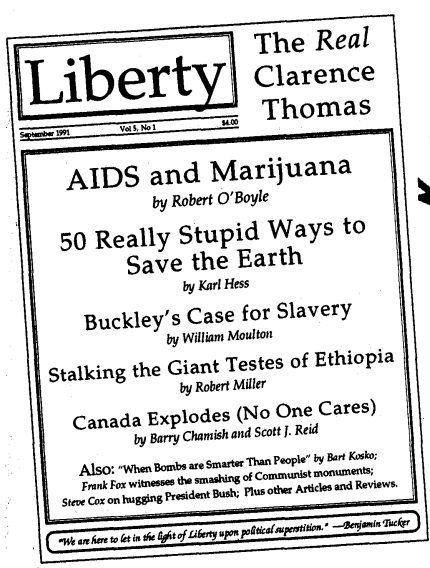

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Inside Liberty

March 1999
Volume 13, Number 3

4 **Letters** Pieces of our readers' minds.

7 **Reflections** *Liberty*'s editors take it easy on Margaret Thatcher, get Albanian passports, join Drunks against Mad Mothers, enjoy their evil SUVs, and wonder why celebrities yearn to be narks.

Impeaching the President

13 **It's Time To Move On With Our Lies** *Stephen Cox* examines the range of artful excuses expelled by the Clinton spin factory.

14 **Impeach Michael Jordan** *Alan Bock* celebrates the fact that Americans are more concerned about the National Basketball Association than about Bill Clinton.

15 **Clinton's Sticky Wicket** *Loren Lomasky* explains why politicians should be impeached if they break campaign promises, but not if they commit felonies.

16 **NOW, Hear This!** Bill Clinton sends the girls back to the typing pool.

18 **An American Comedy** *R. W. Bradford* enjoys the comedy of impeachment.

Features

20 **Peace on Earth** President Clinton gave the defense industry an early present when he bombed Iraq. *David Hackworth* unwraps it.

21 **The Deconstitutionalized Zone** Go south of San Antonio, and you enter a place where the rule of law does not apply. You have entered . . . The Deconstitutionalized Zone. *John S. Robey* explores this terrifying place.

24 **Fighting Over Ayn Rand's Papers** When Ayn Rand's old friends tried to sell the manuscripts Rand had given them, something very strange happened. *Eric D. Dixon* examines the conflict.

26 **The Selling of Ayn Rand's Papers** The world of manuscript collecting took notice when Ayn Rand's papers sold for over a million dollars. Did the buyers get bargains or pay too much? *R. W. Bradford* adds up the numbers.

30 **Zimbabwe: The Snake Eats Its Tail** Big government is a luxury that a large, wealthy country can afford. But what happens when government grows in a small, poor country? *Len Brewster* reports from Africa.

33 **The Intelligent Man's Guide to Perjury** In 16th century England, the Catholic church produced a guide for when and how to lie under oath. *David Kopel* examines its modern applications.

35 **The Y2K "Crisis": Emergency Planning or Planning an Emergency?** Governments plan to declare martial law in response to Y2K, *Declan McCullagh* and *Solveig Singleton* report.

39 **The People Strike Back** Anti-drug warriors encounter a new enemy: democracy. *Paul Armentano* reports.

43 **The Rise of the New Libertarianism** There's no mystery why the libertarianism of Rand and Rothbard is in decline, while that of Mises, Friedman and Hayek gains ground. *R. W. Bradford* explains.

47 **The Match of the Century** *Mark Skousen* gives a first-hand account of the intellectual tennis match between Milton Friedman and Paul Samuelson.

Reviews

51 **Affirmative Reaction** *Hal Arkes* scrutinizes the self-congratulatory defense of affirmative action by two elite university presidents.

57 **Artful Obscurity** Rugged Jew *Richard Kostelanetz* defends the "anti-Semitism" of Ezra Pound and E. E. Cummings.

59 **Let My Creatures Go** *Timothy Virkkala* goes to the movies and finds an ant that looks like Woody Allen, an angst-ridden Moses, and an insipid God.

61 **Notes on Contributors** 62 **Terra Incognita**

Letters

The Ides of April

In Alan Bock's Reflection ("Miss Cegenation, 1792") in the January issue, he suggests "a movement to make Jefferson's birthday, April 13, a national holiday."

I have two comments. First, I don't agree with the idea of "national holidays." I don't think it should be the business of the government to declare them. (The Constitution doesn't support the idea, either.)

Second, such a holiday would be sullied by the well-known federal celebration that occurs just two days after. If we establish Jefferson's birthday as a holiday we ought to disestablish the other one.

And, of course, the agency to which the day is dedicated.

Kenneth Howard Fleischer
Los Angeles, Calif.

The Bureaucratic Juggernaut

The situation described in "Don't bank on your privacy" (Reflections, January) is almost certainly worse than Bill Bradford thinks. By the time it hits the Federal Register, a regulatory "proposal" really isn't just a proposal — it is a bureaucratic pronouncement with enormous inertia. No substantive change is likely through mere public opinion.

In this case, it appears clearly to be encroaching on congressional prerogatives, i.e., law-making, and perhaps even constitutional issues, rather than rule-making.

Involve the Congress if you want to derail this arrogant incursion into our private lives.

Don F. Hanlen
Benton City, Wash.

Zoned Triple-X

I am always pleased to see articles exposing the anti-freedom stance of anti-porn feminists, and Wendy McElroy's review of *In Harm's Way* (February) more than filled the bill.

However, the cases of sexual repression by government are far more common than those revealed in either McElroy's actual review or her recounting of the MacKinnon/Dworkin legislative attempts in Minneapolis, Indianapolis, Cambridge and Los Angeles.

McElroy surely knows that the "revisionist history" practiced by Dworkin and MacKinnon is their (and their movement's) stock-in-trade. While McElroy's and others' testimony was excised from the "uncensored" report of the Los Angeles hearings, at least McElroy actually got to appear and say her piece before the commissioners. The "MacDworkinites" have apparently learned from that sort of encounter, as they now refuse to appear on talk shows or in any sort of debate with pro-porn feminists or anyone who challenges their censorious opinions. Hosts of such events are then called upon to choose which single view they will present, and the free speech side often loses out — as does the concept of open and honest debate.

However, outright censorship is no longer the preferred method by which various city councils, uneasy about adult material and always wary of community pressure, try to stop its sale to consenting adults.

In the case of *Renton v. Playtime Theaters*, the Supreme Court ruled that while adult material had the protection of the First Amendment, communities had the power to regulate such sale by means of "time, place and manner" restrictions. This effectively threw open the doors for religious fanatics and other sexually-repressed and misinformed citizens to attempt to rid their communities of sexually-explicit material by means of zoning its purveyors to slums, industrial areas and even swamps, as evidenced by the recent New York City ordinances.

Over the past year, hundreds of these zoning ordinances have been proposed and many have been enacted, all of them based on bogus "adverse secondary effects" studies that are trotted before legislators and commissioners who have little ability to question them knowledgeably. Arguments involving First Amendment rights are generally given little attention if they are not dismissed outright, especially when drowned in pleas to "save the children." There are no credible studies which suggest that children are harmed in any way by seeing sexually-explicit material, but many legislators claim that their "common sense" tells them the harm exists, so they need no recourse to science or psychology.

That's why we were heartened recently to hear that a three-judge panel in Wilmington, Delaware ruled, in the Playboy Channel's suit against Section 505 of the Communications Decency Act of 1996, that there is "no clinical evidence linking child viewing of pornography to psychological harms."

We can only hope that other judicial bodies take the Third Circuit's dictum to heart.

Mark Kernes
Van Nuys, Calif.

Devil With a PACT

I was very impressed by Thomas Szasz's "Facing Up To Coercion," (January) which lambasted psychiatry. I am a survivor of psychiatric treatment and saw many instances of forced treatment while I was institutionalized.

It is important to realize that what happened to Shirley Allen happens to thousands of Americans every year; most are not able to defend themselves. Psychiatry is increasingly encroaching on civil rights by pushing the Program for Assertive Community Treatment, known as PACT, which would employ people to drive around and forcibly drug people labeled as having a "mental illness" in their own homes, while also trying to expand their ability to treat people involuntarily from "danger to self or others" (which is itself a violation of due process) to "reasonable likelihood of decompensation," which could pretty much envelope the entire population.

With "Oppositional Defiant

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Disorder" listed as a mental "illness" in the DSM-IV (the current diagnostic book for the American Psychiatric Association), we may all end up locked in the asylum and injected with our Soma if we refuse to accept this brave new world.

David James
Eugene, Ore.

Gang Daft A-Gley

I am not exactly sure why R.W. Bradford, like Republicans, has become a fan of loosely applied sexual harassment laws. Bill Clinton is a sleaze, we all know. But I am not certain that his relationship with a groupie (as opposed to a string of coercive advances like Bob Packwood's dalliances) is sexual harassment, except by the most generous and dangerous definition of that term. Turnabout is fair play, I guess, but does that mean that if a president sometime in the future goes to a prostitute we should enthusiastically support the prosecution of prostitution as gang rape just because Andrea Dworkin may get a law passed somewhere that defines prostitution as gang rape?

John Patton
Boca Raton, Fla.

Bradford responds: I oppose sexual harrassment laws, a fact I have made plain in these pages (for example, in "Sex and Status," November 1998). But I do not see how opposition to sexual harrassment laws implies support for perjury in lawsuits in which a person claims damage consequent to a sexual assault.

A Node for Freud

I think Jane Shaw may be selling Sigmund Freud a bit short in "Freud Slips" (Reflections, February). She suggests that Freud's theories and their vast cultural and other effects were the result of nothing more than unfounded speculation. But in her final sentence, she relents a bit, conceding that Freud's ideas should be treated as "creative and bold insights, but not as science."

It seems to me that there is much human behavior, some of it self-destructive, whose motivation is a mystery even to the actors themselves, and which can be plausibly explained by reference to an "unconscious" mind. With continuing advances in understanding the workings of the brain, perhaps some day the physical locus for the "id" and the "superego" will yet be discovered, making at least some of Freud's ideas testable after all.

David J. Slate
Chicago, Ill.

The Cycle of Abuse

In her story of leaving her abusive husband ("Breaking Free," January). Kimberly Ayn Ryan's whines that others don't defend her even as she voluntarily returns to a deadly situation. The woman is addicted to helplessness and self pity, reinforced by warped logic.

She is uncomprehending and dismissive when help is offered: the policeman who doesn't arrest her husband at the bar, presumably because he hasn't broken any laws there, hands her a card telling her to call it for help. She asks, "What was I supposed to do with a business card?" Well, duh, lady, call the number!

She glosses over her lemming-like magnetism to her abusive husband in self-pitying, rhetorical questions. When she goes to call the number on the card,

continued on page 61

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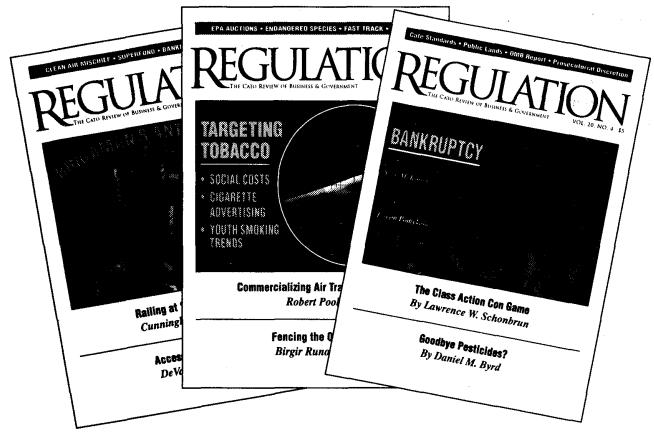

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Reflections

Browntown — Jerry Brown, apostle of the "era of limits" back in the 1970s, assumed office as mayor of Oakland with a Reaganesque "morning-in-the-East-Bay" speech promising "a renaissance, a revitalization of what it means to be in a democratic society" to the beleaguered and despised twisted sister of San Francisco. Ishmael Reed was part of the swearing-in, with a "poem" called "Let Oakland be a City of Civility"featuring lines like "Let those who are packing AK-47s and Uzis move on to another town" and "Let the good times roll." Maybe Mayor Moonbeam will prove me wrong, but a better poet than Reed, Gertrude Stein, had choice words for Oakland ("there's no there there"), and her dismissal makes a pretty good working prediction of the Brown era. —AB

The latest "Trial of the Century" — While pundits of all stripes inundate Americans with warnings that the Fate of the Republic is at stake in the "Trial of the Century," Americans might do well to look elsewhere. In actual fact, there's no more at stake in this trial than in the last "Trial of the Century," the trial of O.J. Simpson for the murder of his wife and her friend. And if the senators bow to the polls rather than the evidence and acquit the Scumball-in-Chief, no more real harm will be done than was done when the Los Angeles jury acquitted O.J. A miscarriage of justice, surely. But not much of one, and not one that is likely to have much effect on Americans.

Ironically, in another courtroom, another trial is taking place that could very well do great harm to Americans: the Clinton administration, at the behest of campaign donors who find competition with Microsoft too trying, is doing its damnedest to find Microsoft guilty of violating some idiotic and arcane antitrust law. A Microsoft conviction could very well augur a whole new era of regulation for America's most important, most viable, and most unregulated industry. —RWB

Blueprint for tyranny — When 229 people died in the Swiss Air crash at Peggy's Cove, Nova Scotia, the Royal Canadian Mounted Police compared DNA samples from the victims with those of their family members as an aid in making identifications. Now the RCMP recommends that all flight crews be required to provide DNA samples — along with fingerprints — before being allowed to board a plane. It would make identifying their corpses so much easier. In other words, the Mounties hope to keep files of DNA samples on people who are neither accused nor suspected of committing a crime. Who next? Frequent fliers?

The RCMP have long sought the right to take DNA samples from suspects, but they have been thwarted by pesky privacy arguments. If they are permitted to obtain samples from innocent people, how much protection can "suspicious" ones expect? —WM

Albania on my mind — Looking for a new scene? Perhaps you want to change your government to what it might have resembled in the near past. Or perhaps you've just always harbored a secret desire to be a citizen of Albania.

Now's your chance. *Investor's Business Daily* reports that nearly 100,000 blank Albanian passports were looted from government buildings in that ungovernable country during riots last year. Interpol is supposedly worried that these passports will become *laissez passer* for international terrorists. I'm thinking of picking one up myself in case I need to pass myself off as a political refugee in the near future. And it would be a great conversation piece: "That's right, pal. I live in America but my second home is Albania, where we say 'You hurt my feelings' by killing every male member of your family. Watch your mouth, punk." —BB

The .08 percent solution — If you listen to Bill Clinton, you may wonder just where the hell it is you live. That's because The Great Micro-Manager excels at breathing life into trouble where trouble doesn't exist. In Clinton's world, gun fights on school playgrounds break out daily. Frothing junkies loiter on every street corner in America. Right-wing "hate groups" conduct weapons training in New York City's sewer system. There's a crumbling school in every community, and the town drunk, police-chief, school superintendent, and 63 percent of the town's housewives are infected with HIV.

Bill's weekly radio address on December 26 was more of the same rubbish. Bill claims "The sight of a car weaving through traffic is an all too familiar and frightening one for many Americans." His solution is simple: Congress should require the states to lower the blood alcohol limit for drunken driving to a minuscule 0.08 percent. He backs his proposal with a Department of Health and Human Services study that found 28 percent of the nation's drivers in 1996 blasted out of driveways and parking lots within two hours of using an unspecified amount of drugs or alcohol.

If there ever wasn't a time for lowering the blood alcohol limit, this is it. Alcohol-related deaths on the roads are at an all-time low. But Bill's in a tight spot right now, and he's doing what he does best: using an emotional subject for political gain.

A police officer once assured me that most drinkers drive fine at .08 — no worse he said than the millions of elderly and soon-to-be elderly baby boomers who daily make a mockery of driving. While the rest of us grudgingly eat our steak dinners without the companionship of a cocktail and a fine glass of wine, Bill will be flying high on Air Force One. And you can bet that he won't give a damn that our dining experiences weren't as enjoyable as they could otherwise have been. —JE

Atlas Thatched — I usually devote about five minutes of my main speech at Jim Blanchard's Annual New Orleans Investment Conference to savaging one or more of the featured speakers (James Carville and Mary Matalin,

"Bud" McFarlane, Jack Kemp, Richard Lugar, Colin Powell and Dick Cheney have been among the whipping boys in recent years). My object is not so much to amuse myself or the audience, but to deflate these hypocrites, who come to the conference posing as defenders of personal liberty and free markets (because they know that's what the audience wants to hear) but are really thorough statists.

The featured speaker at this year's conference was Margaret Thatcher, ex-Prime Minister of Britain, reputedly responsible for the free-market reforms in that country during the '80s. I didn't say anything about her in my speech because she's an elderly lady, she did far more good than harm, and, unlike the vast majority of those in politics, I suspect she's basically a decent human being.

But her speech, although delivered with style and wit, was a disappointment. Playing to the audience, she alleged that she'd just read "all 800 pages" of Rand's *Atlas Shrugged*, with enthusiasm and agreement. Unfortunately, it must have been an abridged edition, because mine has 1,084. From there she immediately launched into a discussion of cloning (Dolly the sheep, etc.), where her point was that sometimes "society just has to decide what's right and wrong in business and scientific research" (not her exact words, because my notes are rough, but almost). This demonstrated that Thatcher couldn't have even read the Classics Illustrated version of the book, or else didn't even vaguely understand it, since the whole point of *Atlas* was exactly the opposite. —DC

Praise the Lord and pass the doughnuts

— When the image of Jesus appeared on the side wall of a Tim Horton's — the Canadian equivalent of Dunkin' Donuts — hordes of people flocked to the shop in Nova Scotia to buy their coffee at the same place that the Savior hung out. Although business was booming, the company decided to investigate further. A change of light bulbs . . . and the image disappeared. Pilgrimages ceased.

Who says capitalists are only interested in money? —WM

Your weapons please —

The latest Canadian firearm-control legislation went into force on December 1, 1998. One of the interesting — probably intended but still unnoticed — side effects of the gun registration provision is that individuals who, as required by law, register even only one hunting weapon will "need to advise their Chief Firearms Officer (CFO) of any address change within 30 days of the change."

In Quèbec alone, 450,000 hunters, or close to 10 percent of the adult population, will be required to notify the police when they move. In this Province, it is the Sûretè du Quèbec (provincial police) who will enforce these new federal controls. Their big "Chief Firearms Officer" wrote to tens of thousands of Quebecers holding the old firearms acquisition authorizations (called "Firearms Acquisition Certificates" in Newspeak) to inform them of this new act of tyranny.

I personally replied to his letter expressing my satisfaction that, at last, the people will be put in their proper place. Now that criminals will be as disarmed and submissive as honest citizens, I added, we will certainly be able to disarm the police.

In support of "my" Chief Firearms Officer's propaganda, and to reassure him that history was on his side, I also quoted him the famous 1785 Virginia law: "No slaves shall keep any arms whatever, nor pass, unless with written orders from his master or employer, or in his company, with arms from one place to another." —PL

The kindness of regulators —

Currently, investment advisors are regulated — quite heavily — by the Securities & Exchange Commission. Now the National Association of Securities Dealers (NASD), a quasi-governmental body that regulates brokers, wants to jump in on the act on the theory that it could provide more effective regulation.

As president of an investment advisory firm, I do not welcome additional regulation, particularly from a body known throughout the industry for its high-handed manners. (*Bloomberg News* calls the NASD "overzealous" and "bullies.") So I wrote to the NASD, protesting its scheme to expand its empire and suggesting that its stated goal of obtaining "parity of regulation" between brokers and advisors could be achieved as readily by *reducing* regulation of brokers as by increasing regulation of advisors.

You can imagine how this went down. In one telling sentence, intended no doubt to be conciliatory, the NASD executive vice president betrayed the arrogance of government regulators. "We recognize the importance of permitting financial service firms like yours to serve their customers."

How kind! Here is a government bureaucrat who currently has no jurisdiction whatsoever over me, conceding that I should be permitted to continue in business!

—*guest reflection by* Adrian Day

Why Johnny won't vote —

Pundits used the last election to complain once again about the failure of Americans to take seriously their responsibility to vote. Indeed, given the growing power of government over our lives and fortune, one would expect more people to brandish ballots. But this expectation overlooks the practical attitude most Americans take toward politics.

People are realistic and recognize that their knowledge and participation in politics makes little impact on their lives. Thus, while they are increasingly well informed about their private lives (investment options, internet options, tourist opportunities) they are rationally ignorant about matters political. Some 40 percent know the names of neither of their federal senators — but to most people does it really matter whether their senator's name is Milkulski (D-MD) or Murkowski (R-AK)? People are rational: they devote time to learn about things that will affect their lives, and politics isn't one of them.

Thus, when either think tanks or businesses seek to educate the American public, they're missing the boat. In politics, people aren't stupid because they're stupid — they're stupid because they're smart. And, if we seek to make them smart, we're being stupid! Until and unless government shrinks

Liberty's Editors *Reflect*

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FS	Fred L. Smith, Jr.
MMS	Martin M. Solomon
CS	Clark Stooksbury

in scale and moves closer to the people, voting levels will continue to decline. People aren't stupid — even if their leaders are. —FS

The whims of war — One aspect of the impeachment-week symbolic bombing of Iraq — symbolic in that it seems to have had little impact on the correlation of forces in the area though it had a more than symbolic impact on certain Iraqis and lightened taxpayers' wallets by a ton of dollars — has hardly been reported at all. Desert Fox marked one of the first, if not the very first, U.S. military strikes without so much as a thread of justification as a defensive action.

I'm not so naive as to imagine that the constitutional provision giving Congress and only Congress the power to declare war applies any longer in our Brave New World Order. Sure, the provision was placed there explicitly to prevent a president from spending the taxpayers' money and risking the lives of military personnel in useless and cavalier military actions like Clinton's. But the provision has been shredded over the years, by the undeclared war in Korea, the undeclared war in Vietnam, and countless undeclared wars and military actions since then. The Constitution remains unamended, but this provision has been effectively repealed.

Even when Congress tried to take back some of the powers presidents had ceded to the presidency by passing the War Powers Act after Watergate, it implicitly granted the president more power to undertake military hostility than the framers of the constitution had imagined possible. Under the law, the president has to report to Congress within a certain number of days of launching a military strike, and theoretically to get its permission to proceed. And even those provisions are routinely ignored.

Until very recently, however, American policy makers took care to cast military activities as necessary defensive measures rather than as acts of aggression. The coalition that fought the Gulf War wasn't assembled, and perhaps couldn't have been assembled, until Saddam Hussein invaded Kuwait. Most of the military actions in Bosnia were at least portrayed as responses to aggression by Serb forces. Spinmeisters even justified last August's Monicagate Missiles as a response to the terrorist bombings of U.S. embassies in Africa.

Not all the pleas of reluctant military actions undertaken in response to naked aggression stand up to scrutiny. Some — see the Gulf of Tonkin resolution in Vietnam — were clearly meant to orchestrate events to create a fig-leaf of defensive response. But at least our nation's leaders tried to create the appearance of a defensive response to aggression because policy makers, however devoted to realpolitik, knew that Americans don't want their nation undertaking military action simply on a whim, or to punish somebody considered potentially dangerous.

For whatever reason, that final restraint — of needing to appear judicious and defensive rather than aggressive for fear of stirring up negative public opinion — has gradually disappeared during the Clinton years. Last February, when Monica I was raging, President Clinton stood ready to launch missiles not because Saddam had done anything to his neighbors — yet — or taken any aggressive action, but because (to put it in a deliberately provocative way) Hussein had defended his nation's tattered sense of sovereignty against incursion by minions of the New World Order.

President Clinton threatened to launch an attack on the same thin pretext in November, then did it in December. The attack marks an important turning point in the evolution of the United States into an explicitly imperialistic power — one that doesn't need the pretext of real or pretended aggres-

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sion to "give the wogs a whiff o' the grape," but feels fully justified in attacking other countries because their leaders have failed to acknowledge our suzerainty. Or just because.

Others have noted that by launching the attack without even the courtesy of pro forma consultation with our "allies," the United States has set in motion forces that will come back to bite us — especially if, as appears likely, Russia decides it's time to rebuild its military and seize Great Power status in opposition to the United States. Even sadder, we have become a power that feels free to attack anybody anywhere in the world without even pretending the action is really defensive in nature. The American soul died a little that week. —AB

Tilting at windbags — Rep. Dennis Hastert, now the Speaker of the House (if he survives in the job long enough for this to see print), is not really from a district in Illinois, as the major media erroneously report. Actually, he is the Speaker of the Mournful Countenance, the Congress Man from La Mancha. Hum a few bars of "The Impossible Dream" as you read excerpts from the stories of his ascension.

To dream . . . the impossible dream

"'I think the most important thing that we have to do is to restore the faith of the American people in the U.S. Congress, and the faith of the American people that American government works,' Hastert said in his first formal news conference since being tabbed as the next speaker," Reuters reported.

To fight . . . the unbeatable foe

Hastert is elsewhere described as one of the Christian Coalition's favorite legislators, for his votes on abortion issues.

To try . . . when your arms are too weary

Hastert's colleagues say he is a "behind the scenes" legislator, who has "sponsored several anti-tax measures over the years."

To run . . . where the brave dare not go!

Hastert said Congress would consider plans for Social Security reform, long known as the "third rail" of American politics. "'We've made a social contract with the seniors and the future seniors of this country that we need to make sure that they have a sound and safe and secure future,'" Hastert is quoted as saying by Reuters.

So this guy is trying "to reach the unreachable star." So what? There are so many politicians whose fortunes would be improved by obeying the precepts of naively idealistic show tunes. Ex-Speaker-elect Bob Livingston, for example, could have learned from the verse that exhorts one *To love . . . pure and chaste from afar.* —BB

Lies, damn lies, and recovered memory — Binjamin Wilkomirski's *Fragments* recounts his experiences as a 3- or 4-year-old Latvian Jew in the Majdanek death camp and another unnamed camp. He had no direct memory of the events, but wrote the book after undergoing interdisciplinary therapy which supposedly unlocked repressed memories. It was published in Germany by a reputable firm and two years later, in the U.S. by Random House.

Now we learn that the book may be completely fictional. Evidence exists that Wilkomirski was born in Switzerland, not Latvia, as documented by his Swiss birth certificate; that he is not Jewish, since his ex-wife and his girlfriend said he was not circumcised; that his parents were not Jewish, since Swiss records indicate his mother was an unmarried Swiss gentile, and he was adopted by a Swiss gentile family; and that he probably wasn't in a death camp at all, since has no prison tattoo. (The only prisoners not tattooed were children experimented on, who rarely survived.)

Despite these problems, the publishers still market the book as nonfiction, since the author insists he wrote the truth.

Even more troubling is the support Wilkomirski receives from some Jewish organizations. In 1997, the Jewish Book Council gave the National Jewish Book Award to *Fragments*. The U.S. Holocaust Memorial Museum sent Wilkomirski on a six-city fundraising tour last fall. These groups still back the author.

But they stand on very shaky ground here. Their error gives Holocaust deniers ammunition. And revisionists are perfectly willing to use it. Revisionist author David Irving has already argued that if Wilkomirski lied about his experience, and these organizations back him up, then the entire Holocaust is a fraud.

Of course, Irving's logic is fallacious. But the fact remains that if Wilkomirski's story is indeed false, these groups are insulting all who survived the Holocaust. They went through a hellish experience and he falsely claims to share their pain. —MMS

Pinochet happens — In the February 1999 *Liberty*, John Cobin and Karen Araujo defended General Augusto Pinochet as the equivalent of the U.S. founding fathers, but their case falters on their cramped analysis of the Chilean situation. One would never glean from their work that a foreign power, the United States established a policy of ruining the Chilean economy once Salvador Allende was elected president.

The CIA was planning to undermine the Allende regime before it came to power. President Nixon wanted Chile's economy "squeezed until it screamed." The Nixon administration granted immediate recognition of Pinochet's rule and provided economic assistance to Chile after the coup in 1973. These facts undermine the writers' pretense that Chile's difficulties arose because of Allende and his Cuban and Soviet handlers.

Cobin and Araujo exculpate most of the killings carried

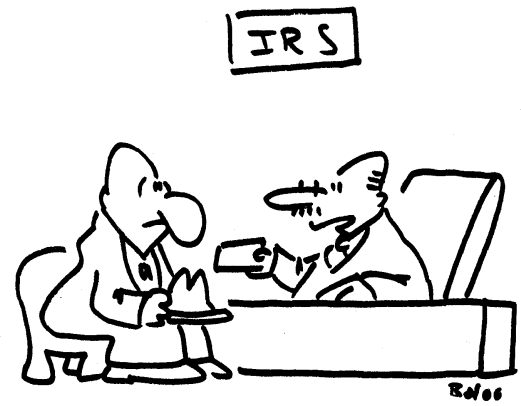

"Here's your refund — don't let it go to your head."

out by the Pinochet regime as being directed against members of the armed left. But they fail to explain why attempts to seize power by armed leftists were any less legitimate than Pinochet's U.S.-backed coup in 1973. They state that, "i]n the tense early period of the military regime it was not uncommon for civilians falsely to accuse individuals of being armed leftists in order to settle private scores." But is this a defense? It sounds as if Pinochet and his henchmen were engaging in reckless acts of violence with little regard for whom they killed.

They also ignore the murders committed by the Pinochet regime outside of Chile. In 1976, a car bomb exploded in Washington, D.C., killing former Chilean U.S. ambassador Orlando Letelier and Ronni Moffat, a U.S. citizen. Chilean assassins also carbombed Gen. Carlos Prats, Pinochet's predecessor as Army chief of staff, in Buenos Aires and gunned down an exiled socialist political leader in Italy. These killings may fall under the rubric of "freedom fighting" of the sort that George Washington might have engaged in, but they sound more like power consolidation akin to Michael Corleone's tactics.

I am no supporter of the Spanish attempts to bring Pinochet to justice. I can't imagine that Spain or any other country's moral house is so well ordered that it can afford the time and effort needed to cleanse the moral failings of other countries. And there are plenty of other current and former heads of state (Fidel Castro, George Bush) who are as, or more, deserving of criminal sanction.

Pinochet's reforms (accompanied by a cessation of hostilities by the U.S.) appear to have led to an economic renaissance in Chile, and this should count in his favor. But the free market isn't everything. Libertarians who spring to the defense of the former Chilean dictator should ask themselves if they seriously want to support capitalism at the expense of freedom. —CS

"The name's Bond. Elvis Bond." — What is it with these mildly outlaw entertainers who have a desire to be cops — or recognized as cops? Most people know something about the bizarre story of Elvis, who was already a pretty serious drug addict by then, wangling his way into the White House during the Nixon administration, chatting with old Tricky Dick about the evils of drugs and the Beatles (who had disbanded by that time) and coming away with an official badge for the Drug Enforcement Administration, or whatever Orwellian name they called it back then. Those who don't live in wonderful Orange County might not know that photos of Elvis and Nixon together are now one of the most popular items in the Nixon Library.

Now comes news that Ol' Blue Eyes, Francis Albert himself, volunteered to work undercover for the FBI in 1950 — the same year, according to the just-released FBI files from which this tidbit comes, that a confidential informant told the FBI that Sinatra smuggled a million bucks in cash into Italy for Lucky Luciano. According to the files, the offer to work undercover was an offer the FBI could and did refuse.

Is it just a desire to live on the edge by people who have achieved a level of success — and perhaps boredom — such that they feel invulnerable? Whatever it is, it's weird. And it's something that should be corrected. I suspect we won't have a free society until we've taken back the culture to the point that no popular entertainer would think about seeking identification with or connection with any government entity — especially dreck like public-service-announcement TV ad nannyism — for fear of tarnishing him/herself in the eyes of fans. —AB

Taking away your privacy — The Wassenaar Arrangement was an agreement between 33 countries (including the U.S.) reached in July 1996 with the intent of controlling exports of conventional weapons and sensitive dual-use technologies. The notion was we would all get together and agree not to sell guns to the Indians or other terrorists who are not members of our club. Wassenaar's latest bid for world peace was taken this past December when the 33 nations mutually agreed to limit export of that deadliest of munitions: strong cryptography. "They've plugged a loophole," chortled Ambassador David Aaron, the President's Special Envoy for Cryptology.

This latest attack on privacy by the Clinton Administration was justified on the basis of "creating a level playing field" — namely by getting other governments to censor foreign publishers of cryptology software in the same way that the U.S. government already censors U.S. publishers. This represents an ominous development. It is currently the case that if nations restrict domestic sales of strong cryptography, such software is nevertheless available from foreign sources. The latest decision by the Wassenaar group is an attempt to cut off the availability of strong cryptography (greater than 56 or 64 bits for symmetric keys) from abroad. This will then make it easier for governments to restrict the use of strong cryptography domestically.

Luckily the decision requires implementing legislation in each participating country. But the December decision shows that the U.S. government intention to control cryptography has not altered, despite the abandonment of the "clipper chip" and "key escrow" initiatives. And it is also another indication, evident from the beginning, that the Clinton Administration's noisy promotion of the "information superhighway" simply represents an underlying attempt to control it. Information is power, and the government wants yours. —JOG

Sport Utility Villians — The latest attack on light trucks (sport utility vehicles, pickups, and vans) is the

"Don't let it get you down. Rome wasn't burnt in a day!"

claim that the vehicles ride too high, so their headlights shine in the rearview mirrors of the cars in front of them, making it difficult for those motorists to see. This criticism seems dubious, but, in any case, it is just another phase in the campaign against vehicles such as Explorers, Navigators, and Suburbans, known as SUVs.

Over the past year or so, a rash of newspaper articles, inspired by Keith Bradsher of *The New York Times*, have labeled SUVs and other light trucks as killers on the highway because they are about 1000 pounds heavier than the typical car. SUVs are also routinely charged with gas-guzzling and polluting.

What the newspapers rarely report is the reason for the prominence of light trucks — government regulation. Economist Daniel Benjamin has pointed out that much of the rise of SUVs is due to the CAFE (Corporate Average Fuel Economy) standards, enacted over 20 years ago to require greater fuel efficiency.

To meet the standards, auto manufacturers downsized their cars — to the point where they offered little protection in crashes. Economists Robert Crandall and John Graham calculated that, for every model year, several thousand people die on the highways directly as a result of the CAFE regulations.

Enter the SUV. The fuel standards for light trucks were not as strict. Manufacturers weren't under the same pressure to make them small, light, and low-powered. So, worried about safety and tired of wimpy, cramped cars, average Americans began buying SUVs. In 1975, light trucks represented 21 percent of all new-vehicle purchases; the most recent figure is over 50 percent.

But reporters turn this history around and call the SUVs the culprits. To me, this is crazy. Rather, the rise of the SUVs is a sign that people are not like sheep; they do not stand in line waiting to be shorn. If they can afford it, they will stop buying small flimsy cars and drive something roomier and safer.

The people most annoyed by the rise of the SUV are that elite group of opinion-makers who have been conducting a war against automobiles, trying to get people out of them and into mass transit. These people don't like cars, but they especially don't like big, convenient cars. They don't like the big families that like big cars. And they don't like anybody criticizing federal regulation.

"It's working! — Now, as soon as they have *all* their troops in the Middle East . . ."

One group that does like all this, however, is American automakers. Not only did they succeed in keeping the fuel economy standards loose for these vehicles, but for years the vehicles were protected by a 25 percent tariff, ten times the tariff on cars. Today, only the pickups have the high import tax, but foreign competitors have yet to catch up, and the Big Three are making lots of money on SUVs. According to a report in the *Detroit Free Press*, each Silverado pickup earns Chevrolet $8000 in profit.

Once again, government regulation rewards businesses and makes life difficult, indeed dangerous, for poor people. And the opinion-makers who blithely promote regulation haven't got a clue. —JSS

Marriage flaws — I recently went to the wedding of a good friend's daughter. I offered to bring a gift-certificate for a pre-nuptial agreement drawn by a good attorney, but this was viewed as cynical and inconsistent with the happy, festive atmosphere of the occasion. The whole affair set me to thinking: their joyous experience may be right out of the storybooks, but the American way of marriage remains a problem.

The ongoing concern about the high divorce rate, illegitimate children, and homosexual marriages has stimulated much debate over family life, much of which focuses on what the government can do to repair things. Some have proposed cutting taxes to relieve the high tax burdens that force both parents to work. Others suggest making it more difficult to get a divorce, or requiring more intensive pre-marital counselling to offset the romantic view of marriage that always prevails among our youth.

Right now we have one-size-fits-all marriages. Louisiana says two sizes are better. I say let everyone choose their own size: get the State out of the marriage business altogether.

Recently Louisiana took a step in this direction by offering couples two kinds of marriages. The first, already in place, allows quick and easy marriages and divorces. The second, called a Covenant Marriage, requires premarital counselling and is regarded as a life commitment, dissolvable only for physical or sexual abuse, adultery or abandonment, a separation of two years, or one spouse's conviction of a felony crime.

Right now we have one-size-fits-all marriages. Louisiana says two sizes are better. Recognizing wide pluralism, I say let everyone choose their own size. I suggest a more radical approach: get the State out of the marriage business altogether by letting people negotiate whatever sort of marriage contract they want.

Right now, people typically fall in love (or bed), get a marriage license, have some cleric or bureaucrat mumble some words over them, attend a happy and lavish reception, go on a honeymoon, and then face reality. Reality is the

continued on page 32

It's Time to Move on With Our Lies

by Stephen Cox

Bill Clinton's Spin Machine produces excuses as efficiently and prolifically as a hive of bees making honey. Herewith a primer of its work.

The ancients invented terms for argumentative fallacies: "ad hominem," "reductio ad absurdum," "post hoc ergo propter hoc." Now, the great Defense of the Clinton Movement allows us to update the list of fallacies.

Here is a small sampling of techniques from the Clinton School of Logic and Rhetoric, with some of their useful applications:

The Hypothetical Admission; or, Now You See It, Now You Don't. Faced with incontrovertible evidence, just "admit" what your opponent claims, and switch the subject: "If the President really did commit perjury, we still have to deal with the problems of Medicare, daycare, and highway beautification." If your opponent responds by saying, "I'm happy to hear you finally admit that the president may have committed perjury," get angry and accuse him of switching the subject.

I Think It's Time to Move On With Our Lives. An even faster way of changing the subject. Best used in situations in which your opponent has definitively demonstrated the emptiness and stupidity of all your arguments against him. Heard most often from Democrats, criminals about to be sentenced, and people who are trying to welsh on debts.

The Least of All Criminals."If the president really did commit perjury, it's nothing worse than what every other president has done. In fact, it's better. In fact, it's great." Don't worry; if you want to use this fallacy, you need to know nothing whatever about the history of the American presidency.

What's Past Is Epilogue. Assume that what has happened in the past is always final — but choose your past with care; e.g., "We can't remove the president; after all, he won the last election." Don't get hung up on any "useless" moments in the past (e.g., "The president went on TV and lied like a rug"), even if those moments keep on happening ("and he's never stopped lying").

Hate the Sin but Love the Sinner. Maintain that Clinton isn't a liar; he just tells lies. View his Congressional partisans, not as ranting demagogues, but as people who just talk like ranting demagogues. Make sure you don't apply this treatment to the Republicans.

Webster's Tenth International. Invent some ridiculous definition of a common word (e.g., "sex," "perjury," "obstruction"), a definition that of course no one else ever heard of; then repeat it as if it were now commonly accepted: "As we know, not everyone regards those acts as sexual in nature." If you say things like this with a straight face, many people will assume that you actually know more than they do, even about sex.

Osmosis. With the aid of this fallacy, "facts" can really travel. You can start by

observing that one of the president's millions of opponents gave a speech to an allegedly racist group; seconds later, you can insist, as if this were a self-evident proposition, that "this whole impeachment thing is just a racist campaign to remove the president." Works like a charm with both the timid and the politically correct — and that's a lot of people.

Occupational Innocence; or, Hi Ho, Hi Ho, It's Off to Work He Goes. Here the assumption is that anyone who has a job should never be accused of crime. He should be allowed to do this job, no matter what (other) villainies he perpetrates. The ultimate occupational security, available only to Democrats who are former Rhodes Scholars.

Relationships Have Only One Side; or, The New Geometry. "The Republicans are partisans, because they voted to impeach the president. The Democrats are not partisans, because they voted not to impeach him." "She had sex with him, but he didn't have sex with her." "I have heard the sound of one hand clapping."

The Pretense of Innocence. Just do it; just pretend. "I can't remember whether I was alone with her." "I haven't seen any evidence that the president lied."

The Kenneth Starr Defense. "The president may be guilty, but Kenneth Starr is 'really' guilty, because he found out about the president's guilt." This defense can work in almost any judicial situation; it worked splendidly in the O.J. Simpson trial.

All in a Good Cause. Assume that "what" a person does should be judged entirely on the basis of "why" he did it. Thus: Clinton was right to lie, because he wanted to keep his sex life secret (also to kill a lawsuit, but you don't need to bring that up). By the same token, the Republicans are wrong to tell the truth, because they want to remove Clinton from office.

The Lit-Crit Gambit. Every arguer his own literary critic. "This crisis isn't about perjury; it's about sex." "This crisis isn't about what the president did; it's about the Republicans' virulent hatred of God and truth and decency." There are a million stories in the naked city, and you can choose whatever one you like.

"The Republicans are partisans, because they voted to impeach the president. The Democrats are not partisans, because they voted not to impeach him." "She had sex with him, but he didn't have sex with her." "I have heard the sound of one hand clapping."

Truth Is Porn; Porn, Truth. That Is All Ye Know, and All Ye Need to Know. Why should the right wing have a monopoly on prudishness? You, too, can be a prude. Just turn up your nose at the "appallingly frank" nature of the Starr report and maintain that children will be corrupted by reading it. (Pretend that any children can read.) Argue that the president should be acquitted before tiny tots can have their innocence destroyed by frank disclosures of his deeds. By applying this principle, we will ensure that only nice crimes come to trial — a great relief for our overcrowded courts.

Well, So What? A perfect way to finish those tiresome losing arguments, and crown them with success. By saying these three little words, you will immediately reduce all opponents to impotent rage — and they can't do a thing about it! You have *won* your case. Ha, ha, ha! *Whatever, Dude*! An argumentative technique that is much in use by the American people. ❑

Impeach Michael Jordan!

by Alan Bock

While pundits are atwitter over the pending Senate impeachment trial of President Clinton, ordinary Americans seem a lot more interested in the end of the National Basketball Association lockout. And most sports writers assure us that the whole NBA affair has been greeted mostly with yawns, even among diehard sports fans.

When one form of entertainment is denied us, we can usually find another. In the absence of millionaires in skivvies playing roundball on TV, some sports fans have not only found solace in college hoops, football and hockey, but some have even gotten outside or spent more time with their families. A few are even rumored to have read a book, though most would deny it fiercely.

Americans have a lot of choices as to how to spend time and attention; indeed, most of us complain of too many demands on our time and the difficulty of juggling our variegated responsibilities and interests. And right now, few seem to be riveted to the ongoing soap opera in Washington. That could change if the trial is televised and continues for a while, but right now most Americans see it more as a source of wry jokes than of serious concern.

Don't look for lamentations here. The fact — all right, the hypothesis — that most Americans don't care much one way or another about what is being billed as the gravest constitutional/political event/crisis in our political system in more than a hundred years could be viewed as a sign of health in the society at large. It suggests that most Americans view political power struggles as of dubious relevance to their own lives. And with certain caveats that's not a bad sign.

I know, I know. All the polls show that varying but large majorities of Americans don't want to see President Clinton removed from office and the news stories are full of tales of Republicans agonizing over whether the voters will rise up and punish them if they are so bold (or foolish) as to do so. But I don't detect much intensity on the issue outside the Beltway — well, maybe among the Hollywood and academic/cultural left.

The stock market has been chugging along throughout the whole process, even setting record highs. Yes, it has fallen on a few days, but the best evidence I can find suggests that it's been in response to economic and investment-related developments, not to the impeachment "crisis." People have been shopping, taking care of business, spending time with their families, paying some attention to the news but mostly treating the high political drama as background noise.

There have been a couple of well-publicized anti-impeachment rallies or "speakouts" (several of which have

produced some deliciously absurd quotes) in New York and Washington. But none of them have produced huge crowds of angry ordinary citizens. Most of the intensity at the grassroots level seems to be on the pro-impeachment side.

Letters to the *Orange County (Calif.)Register* (the paper I work for) on the topic — which have generally expressed heavily pro-impeachment sentiment but which we've never claimed represented the public at large — have actually subsided lately.

In short, I have little reason to doubt that the polls showing support for Clinton and opposition to impeachment are accurate, but I doubt there's much enthusiasm or passion in those feelings. I suspect a fairly substantial but still small (in percentage terms) number of Americans very much want to see Clinton ousted, and a fairly substantial but probably even smaller number really hate the idea of an ouster, while the vast majority aren't for removal if asked but are essentially indifferent.

That could change, of course, and probably will as the trial picks up steam and publicity. But a vast majority of Americans could care less about what the pundits consider the gravest challenge to the political system in a quarter-century or so. They're more interested in work, church, their children's performance in school, the weather, whether Aunt Agatha will come to visit, or sports than in politics. I view that as a sign of social health. ❑

Clinton's Sticky Wicket

by Loren E. Lomasky

Circumstance and United Airlines brought me to Australia in time for the climax of the cricket season: the biennial series against the English team known for reasons familiar to every schoolchild of both countries as the "Ashes." But although my arrival fitted the cricket schedule, that was not the visit's purpose. Indeed, I must confess that despite conspicuous and extended effort on my part I still have still not fully accommodated myself to this other sport of bat and ball. Perhaps I never shall. There may be something in the American temperament that impedes falling in love with a game that takes five days to play and that not infrequently ends as a draw because the teams fail to complete their required two innings during that allotted span. And however much we appreciate our McGwires or Sosas, we would not wish to see them step into the batter's box in the morning, break for lunch, and continue to smack the ball past silly mid on through mid-afternoon tea.

No, cricket is not, could not be a preferred American pastime. And yet this American was altogether delighted to find himself immersed in that sport as an alternative to one with rules far less comprehensible and players not nearly so adroit: impeachment of the president of the United States. My complaint is first of all aesthetic. Could anyone have predicted that this impeachment would be so remarkably *dull*? In asking that question I do not mean to disparage the proclivities of those who are following every bounce of the prosecutorial ball from the grand jury to the White House and on up to Capitol Hill. But theirs is an esoteric enthusiasm, akin to collecting vintage bottle caps, conducting medieval jousts or classifying beetles. It is not pitched toward popular tastes. I do not, of course, mean to deny that there are piquant morsels to be extracted from the Clinton Follies. How could there not be in a scandal which, whatever its legal and political "outcroppings," is grounded first and foremost on sexual misfeasance?

We welcome Monica Lewinsky as a worthy successor to other notorious femmes of fact and fiction. She combines youth with fleshy ripeness, vulnerability with a vixen's bite in a manner that elicits craving from some, sympathy from others, attentiveness all around. Her entry into public view has filled the lacuna in tabloids and titillation TV that has been our dreary lot since the demise of Princess Diana. Unlike that regal forerunner she is not larger than life, but neither (unlike, for example, 6-year-old beauty queens) is she smaller; and in an era of celebrities of remarkably diminished stature that suffices to secure full marks for entertainment value. Educational value as well: Thanks to Miss Lewinsky we are now a nation that grasps the subtleties of the distinction between oral sex and phone sex. So the Clinton exposé has not been without its uses.

However, once one ventures beyond the Lewinsky affair, the impeachment particulars become as arid as Australia's Red Center. Those blessed with a tolerably good memory remember Whitewater, but the number of individuals who understand its ramifications is smaller than those conversant with the General Theory of Relativity. Worse than that, not only is it unfathomable, it's a bore. Hardly more gripping is the overblown furor concerning Mr. Clinton's alleged perjury episodes. No one doubts that in his Paula Jones deposition and in subsequent testimony delivered to the Starr inquisitors he turned and twisted the truth like a limbo dancer sneaking under subway turnstiles, but if this counts as high crimes and misdemeanors, then so too does jaywalking or neglecting to recycle one's old newspapers. Imagine a man who is prone to dissemble concerning dalliances with women not his wife! This certainly sets Mr. Clinton apart from . . . well, there must be someone from whom he is set apart, else the Republicans would be entirely without candidates for the Speakership of the House.

Not only is Mr. Clinton's behavior comprehensible, it has for the most part been honorable. No gentleman would willingly reveal to a trolling prosecutor prurient details from which he had considerately shielded his own family. That is

Diminuendo

With his blatant lying, his womanizing, his rental of the White House bedrooms, and his cynical political manipulations, Bill Clinton diminished the presidency. Amazingly, however, he also seems to have diminished impeachment: It's business as usual at the White House and no one seems to mind. In contrast, Richard Nixon had some respect for the office and, rather than tarnish it further, he resigned. Bill Clinton makes Richard Nixon look good.

—Jane S. Shaw

not to maintain that his testimony was gracefully conducted or revealed the president as an exemplar of traditional moral virtues. But who supposed otherwise? The American public first elected the man in the glare of glossy Gennifer Flowers centerfolds and re-elected him in the wake of a sea of bimbo eruptions. We knew what we were getting then, and nothing that has emerged from the media winks and nudges has fundamentally altered that perception. Is it any wonder, then, that polls reveal the president's popularity unaffected if not indeed enhanced by the impeachment proceedings? If this is the best his enemies can come up with to toss at him, we can almost hear John (and, significantly, Jane) Q. Public saying, then he's OK by me!

It is altogether easy to imagine a case against the president being far, far worse than it in fact is. For example, if hamfisted intervention in the economy had ravaged national prosperity, then Mr. Clinton could be indicted for failure to fulfill his constitutional responsibility to promote the general welfare. But these intrusions, to the discomfiture of the Democratic mainstream, have been blessedly minimal, and during the preceding six years America has enjoyed consistently energetic growth and ever-diminishing unemployment in an inflation-free environment. No, I do not claim that Mr. Clinton deserves positive credit for this achievement. It is, though, demonstrable that his policies have not been misconceived enough to disable the capacity of our markets to generate wealth. Many other White House occupants have done worse.

Similarly, if Mr. Clinton had led us into a morass of deadly foreign entanglements, then the legitimacy of his presidential tenure would be impugned. Instead the president has been laudably irresolute in striking out at foes. He fired off just enough cruise missiles emphatically to express national displeasure with the antics of Saddam Hussein and various freelance terrorists, but then he pulled back. As a result of such prudent practice of *bellus interruptus* we have experienced during his incumbency a virtually uninterrupted reign of peace and security. Finally, had he emulated Mr. Nixon's orchestration of a coverup that potentially threatened the underpinnings of republican institutions, in the process contorting himself into an ever more oppositional stance toward the legislature, judiciary and the citizenry, then we would have cause to steel ourselves for a performance of Watergate. But there is no "Nixonian" malice in the Clinton temperament, only a boyish eagerness to garner approval and the perks of position. If Mr. Clinton had an Enemies List he wouldn't know what to do with it.

The Starr report reveals a president who is no hero, even less a saint, but it cannot be gainsaid that he has provided the American public everything it might reasonably have hoped for — and better. We are a nation for whom the slogan "What you see is what you get" elicits approval. No wonder, then, that the president's popularity rides high.

Congressional Republicans profess themselves shocked and outraged by Mr. Clinton's conduct, hearkening back nostalgically to the more elevated moral tone of the preceding administration. From this estimation I emphatically dissociate myself. Mr. Clinton may have done poorly by the truth in narrating the tale of his various sexual entanglements, but this is a bagatelle. Infinitely more portentous was Mr. Bush's promise to the American public of no new taxes. "Read my lips" he invited as an indicator of the irrevocability of his pledge and then he gave way like a rotted plank unable to bear even a modest weight. The same man took the country to war under the implausible characterization of Saddam Hussein as worse than Hitler, and then he compounded implausibility with duplicity by abruptly calling off hostilities so as to allow the alleged hyper-Hitler to continue with his killing of Kurds and mischief making for a new millennium. For these offenses did Mr. Bush merit impeachment? I believe that he did, but of course it never came to that. Instead it fell to the American public to determine on election day whether his tenure in office was to continue. They chose instead to award that plum to Mr. Clinton. And so their verdict quite clearly remains. An attempt to countermand it via a congressional coup manifests grossly deficient appreciation for the rules under which the game of democratic self-governance is to be played. The Clinton impeachment is unwise, klutzy, a bore; it simply isn't cricket. ❑

Constitutional Comeback

One irony of the recent debate over impeachment has been the surprising rediscovery of the Constitution. Republicans see it as mandating up/down votes on impeachment — permitting no wimp-out censure vote. Democrats parse the words of the Founding Fathers seeking evidence that perjury does not rise to the level of "high crimes and misdemeanors." A lot of hypocrisy here but still a pleasant trend — the realization that politics should not be purely pragmatic (even if in practice it almost always is) is valuable. And recall that hypocrisy is the tribute that vice pays virtue. We may well be on the road to understanding that polls and democratic support are not the only values in a free society. —Fred L. Smith, Jr.

NOW, Hear This!

by Alan Bock

President Clinton, still in the running for consideration as the most skilled modern practitioner of the darker political arts, seems likely to survive a Senate trial. Whether he does or not, debate will continue as to the nature of his legacy — whether it will be revival of the Democratic Party, reform of Social Security, the nobility of a survivor of impeachment or permanent obloquy at having it descend upon him.

In the process of living yet another day or week, however, Mr. Clinton has left not only enemies but putative allies slain by the roadside. One of the more fascinating casualties has been the destruction of organized feminism, or at least of that brand of feminism embodied in establishment-approved outfits like the National Organization for Women (NOW).

When the dust settles, Mr. Clinton's enduring legacy may be that he helped to plant in the culture the notion that sex outside of marriage is no big deal — and maybe it's not even

sex — so long as there's no evidence that the woman derived any enjoyment from the act. So long as the woman involved is in the passive, subservient position of merely "servicing" the male and the male does nothing to stimulate her or give her pleasure, Mr. Clinton and his lawyers seemed prepared to argue, it might not even be a sexual act.

And the forces of organized, official feminism, after flirting briefly with the idea of expressing outrage at the shamelessly exploitative exploits of perhaps the most open cad to occupy public office, went along, like the frail, submissive, dependent little women of Victorian stereotype. They tried to put on a brave front. "We will not be silenced by disingenuous grandstanding on this important issue at this moment for immediate political gain," wrote Kathy Rodgers of the NOW Legal Defense and Education Fund back in October, "while behind this smokescreen opponents of women's rights are actively cutting out the right to choice, and refusing to deal with child care, pay equity, violence against women and campaign finance reform."

The first message is that we poor helpless women are virtually powerless to deal with the malignant right-wing forces that seek to outlaw abortion and consign us to domestic slavery without our big, brave protector in the White House. Never mind the gains made during decades of consciousness-raising, writing, organizing, fund-raising and lobbying. The entire enterprise is at risk unless the big lovable lug stays in the White House. Not that the lug has given them much more than a couple of vetoes. He's just so lovable and — well, studly.

The second message is that the agenda — some of it arguably related to the concerns of real women and some of it, like campaign reform, with no gender specificity at all — has become infinitely more important than the secondary issue of how real, live women are treated by real, live men. The Eternal Adolescent is a classic user of people and of women especially. At the moment that he speaks words of mutual respect he might actually believe them. But his actions belie those words repeatedly. The word "hypocrite" hardly begins to cover it.

When actions are so divergent from ideals and the purported keepers of the ideals ignore the disconnect repeatedly and stubbornly, eventually you start wondering just how sincerely the ideals are held. And that seems to have happened to "official" feminism. The original ideals connected to equal treatment, personal dignity, not discouraging girls who want to be athletes or mathematicians, smashing the glass ceiling and maybe having husbands change diapers and help with the housework — all these have been subsumed into a strictly political agenda, and one tied to the existence and growth of agencies and departments within government bureaucracies.

It's difficult for anyone who lives and works in the nation's capital and is even vaguely aware of politics not to absorb the mindset that what is really significant in the world is what happens in D.C., that the prizes valued by political players are the most valuable prizes of all. That the semi-official women's lobbies have absorbed the mindset is hardly surprising.

The fact that they consciously, even eagerly, put aside the ideals that (let us assume) impelled them to become involved in the first place — most conspicuously the absolutely minimal ideal that a woman should be treated like a human being with dignity and rights rather than a toy, plaything or receptacle for the pleasure of others — is more troubling. It suggests that they have surrendered completely to the political style and forgotten about — nay, callously tossed overboard — the people the political agenda was supposed to serve.

What that should mean is that NOWers and all the other professional feminists who bent over backwards to defend or apologize for Clinton should have utterly no credibility, hav-

Parsing Partisanship

We've heard it a thousand times: the effort to impeach the president is "too partisan," presumably because of the evil Republicans who are "out to get the president."

There is a way, of course, to measure partisanship: by counting the votes of the members of Congress. How many Republicans followed their party's pro-impeachment line? And how many Democrats followed their party's defend-the-president line?

In the vote in the House on December 19, 97.6 percent of Democrats followed their party's line, voting against all four articles of impeachment, and 63.2 percent of Republicans followed their party's line. In other words, more than one Republican in three broke party ranks, while only one Democrat in every 41 did the same.

Seems to me that if partisanship is a problem, it's the partisanship of the president's defenders.

—R. W. Bradford

Reinventing Government, part II

Before she fades into Donna Rice-land, let us give Monica Lewinsky her due. She, and not that bloodless son of a strip-mining fraud Al Gore, should have been in charge of Clinton's "Reinventing Government" initiative.

In footnote 314 of The Starr Report, Monica recalled Clinton's offer of a cushy sinecure — "Anything you want" — after the 1996 election. Now, an old-style, ward-heeling, pre-Clinton Democrat might have settled for something unimaginative and so very 20th century: say, assistant secretary of labor. But not our New Democrat Monica. In paradigm-smashing style, she proposed a new post: "Assistant to the President for Blow Jobs." That's thinking out of the box!

Alas, the scandal-mongers have ended Monica's career in public service. Nevertheless, her proposal remains sound. To give the position cachet, why not create a Department of Blow Jobs? Given the inevitable end-of-term cabinet shuffling, may I suggest that the First Secretary of Blow Jobs be either Madeleine Albright or Janet Reno? Iraqi children, religious dissenters, and the Bill of Rights would be forever grateful. And unless he is so far gone in turpitude as to disgust the Marquis de Sade, our president might stay zipped up for the duration.

—Bill Kauffman

ing been exposed as utter hypocrites with no fellow-feeling for women treated shabbily by a sexual predator. It will be interesting to see if the media understand this, or if they come panting after NOW and nobody else the next time they need a quote on a "women's" issue. ❑

God Bless Us, Every One

by Stephen Cox

It was a sad Christmas season.

Oh yes, the sun still shone, the little winter birds still cavorted in the trees, and joyful bells still sounded from the Methodist church. The banks were still open; cars still traveled the highway; the television stations continued their useful work.

Yet there was a deadness in the air. People trudged slowly down the streets, hunching themselves against some cold psychic wind. Liquor stores closed early for lack of business. On the internet, chat rooms shut down. People sat alone in the darkness, staring at their lifeless hands. There was no joy in Mudville. The incomprehensible had happened: the president of the United States had been impeached. Our long national nightmare had reached its final, terrifying phase . . .

Well, no. It wasn't exactly like that. I rose early on a bright Saturday morning in December and watched the voting in the House of Representatives. The president was impeached on two out of four counts. That was mildly entertaining, and I imagine that some other people found it entertaining, too. Then I strolled down to the 7-Eleven for a bearclaw and a cup of joe. There I found the usual hyperactive Saturday morning crowd, gassing up, guzzling drinks (can't wait to pay, gotta slurp 'em now), buying lotto tickets, reading but not buying papers. "Merry Christmas!" said the checkout guy, as cheerily as Ebenezer Scrooge after his big conversion. "Merry Christmas!" I replied. Nobody seemed to care that the president had been disgraced and the government cast into the slough of despond.

And I believe, in fact, that few people would care, or even particularly notice, if our president just happened, some bright Saturday morning, to be abducted by a flying saucer. Even Hillary would probably breathe a sigh of relief, so hateful is her role of sidekick, so persistent is her illusion that the voters love her for herself alone. Forty or 50 of the most egregious White House hacks (a.k.a. "attorneys" and "counselors") would suddenly be out of a job, but most of the species would be retained: President Gore would need all the hacks he could get.

It's possible that I myself would feel worse about Clinton's disappearance from the public scene than any of his supporters would. There are certain things about their boss that I would miss very much. In my view, if you're going to have a ninny as President, you may as well have a completely discredited one. In that role, Clinton has performed pretty well, all things considered.

So . . . so much for the grand theory of National Agony and Paralysis that the media and the college professors have been preaching these past hundred years — a hundred years in which they have tried to make the United States sit in sackcloth and ashes over the impeachment of Andrew Johnson. Not one pundit in a thousand has a clue about what Johnson did to get himself impeached, or whether it was a good idea for him to have done that. No matter: the prospect of "shutting down the government" must be considered "agonizing."

But now we know the truth. Whether Clinton is convicted or not — and he richly deserves to be convicted — we've at least found out that we're not dependent on a vibrant presidency for our own vibrant mental health. ❑

An American Comedy

by R. W. Bradford

Politics is drama only when politicians are threatening us. The rest of the time it is comedy. When Bill Clinton was threatening a government takeover of the nation's healthcare system, politics was drama, though that was sometimes hard to remember when Hillary was attacking all critics of the program as paid lackeys of Big Medicine. On those occasion, she seemed like a standup comedian, though not a very funny one.

But when Bill stands in the well of the Senate, facing charges of perjury and obstruction of justice, that is comedy. And that's why the Clinton presidency delights me so: aside from the president's brief foray into medical totalitarianism, he has been about as funny as anyone could hope a president to be, certainly more amusing than Episcopal vestryman George Bush, ham-headed actor Ronald Reagan, Baptist elder Jimmy Carter, bumbling dork Richard Nixon — and on the whole, a lot less dangerous.

From the day Matt Drudge published the story of Monica Lewinsky — which Clinton and his army of spin doctors managed to keep under wraps for what, three days, after their perjurious testimony in the Paula Jones case? — Clinton has offered more laughs than Jerry Seinfeld, whose popular sitcom was eclipsed by Clinton's.

Consider the solemnity of both the partisans of the president and his critics. For the first time in memory, Democrats are worried about the Constitution. "Impeaching the president for mere perjury about sex," they say over and over, "does not rise above the Constitutional bar for impeachment." Yet the concern for subtle nuances of the Constitution — nuances so subtle that I cannot espy them — disappears when the president unleashes a few billion dollars worth of missiles and bombs against Iraq, in obvious violation of Article 1, Section 8 of the Constitution, which gives Congress, not the president, the power to declare war. What can be funnier?

Well, what about the GOP's solemn profession that a president who lies ought to be tossed from office? Where were these guys when Ronald Reagan lied about his Byzantine deal to provide arms to Nicaragua, an explicitly illegal action?

And then there's the comedy of the jurymen. One day, Sen. Gorton of Washington solemnly says that he takes his duties as a juror in the case of the president very seriously;

he will remain impartial and say nothing about the matter. The next day, he is proposing that the Senate negotiate a deal with the president to save the latter embarrassment of a trial and the former the problem of angry constituents who might turn against him no matter how he votes.

And the comedy of the prosecutors.: One hundred Democratic Congressmen vote for a measure to censure the president for perjury and obstruction of justice; less than an hour later they attend a pep rally with him.

To those who take the promises of politicians seriously and believe that statecraft is, well, statecraft, these are matters for grave concern. They bellow and holler their concern for the future of the republic, worry about declining respect for the institution of the presidency, of the Congress, of government itself. *The Economist*, for example, which has put itself firmly in the middle of the road by calling for his resignation *and* for "a quick trial that would probably end in acquittal . . . to get America back to work," believes Clinton's ordeal is causing country to "drift along in a state of neglect." Its august editors opine that "Everyone wants this horror — and horror is not to strong a word — to end," and go on to list a litany of disasters it has engendered (America has failed to take the lead in various "crises," "the presidency is weakened," etc).

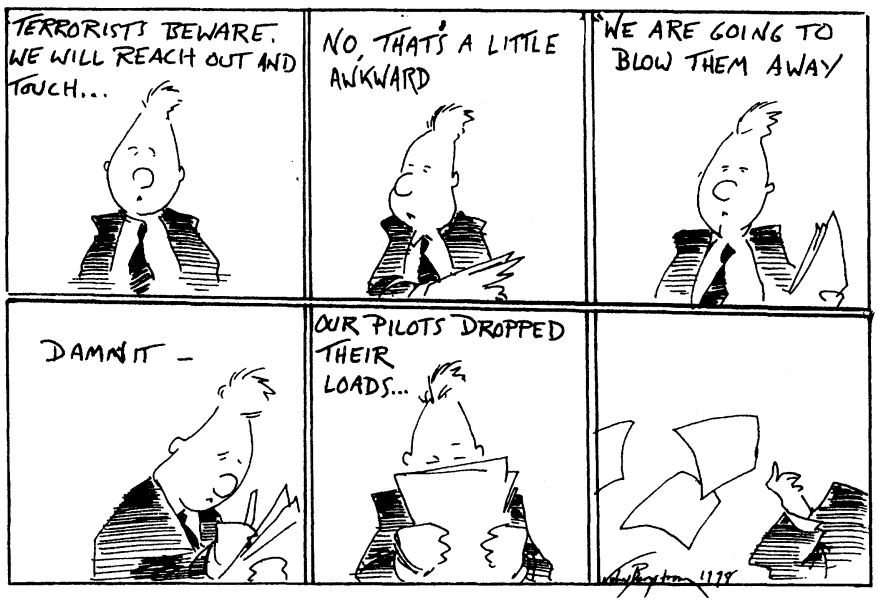

But for those of us who believe that government, at least our government, is an elaborate con game, all this is hilarious. And what most pundits see as catastrophes, we see as progress: the weakening of the presidency, the decline in prestige of Congress, the pre-occupation with impeachment rather than dealing with America's "problems."

When the president's "ordeal" began, I was tempted to think that it would be wonderful for more reasons than the titters it stimulated: surely getting caught in open perjury about something as absurd as being found with his pecker in a dim-witted young intern's mouth would keep him too busy to return to his usual mischief. "No time for another Waco," he seemed to say, "I have to save my presidency!" So he closets up with his most intimate advisors, and emerges with another attack those amazing prudes who believe perjurers should not occupy the White House; he feeds an exposé to a friendly journalist about the sexual activity (a quarter century ago) of a septuagenarian Republican critic, plans another media event designed to prove that he is "presidential." Silly. Comic. Entertaining, in a mild sort of way. And the net effect is salubrious: with both the Republicans and Democrats engaged in battle over this trivial episode, neither are up to much mischief.

That was my theory, anyway, until August 17, when Clinton fired a couple hundred million-dollar high-tech missiles at an aspirin factory in the Sudan and an empty campsite in Afghanistan. Suddenly, he was killing people simply to distract Americans from his second perjurious episode, this time before a federal grand jury.

But still, I cannot help but enjoy the comedy. ❑

The final strike — That he had sex with a woman not his wife: I don't care; I'm not married to him. That she was only 21: I don't care. She was of age, and by several years; she was a university graduate, and she had done it before, and with a married man. Indeed, by her own account, she started it. She knew what she was doing.

That he lied to cover it up: I don't care. What they did was not a criminal act. A betrayal of his wedding vows, yes — but not a criminal act. Hillary's business — but not my business.

That he lied to the American people: So what? His dalliances were none of their business. If he had said anything substantially other than, "I did not have sex with *that woman*, Monica Lewinsky," people would have known instantly that he had. And they didn't need to know.

That he lied under oath: I don't care about that, either. Sex is the most private thing there is. If it is not a criminal act, it's not any litigant's business. People have a right to lie about it. I don't know whether I'd want that elevated into a principle of law, but if I were on the jury, it's what I'd rule. If you ask people about consensual sex, you'll get lies. Put them under oath, and you'll get lies under oath.

So don't ask.

Bill Clinton should not have been impeached for lying about sex, or lying to the American people about sex or lying under oath about sex. What he should have been impeached for is attacking a foreign country with bombs and missiles, without a declaration of war by Congress, in a patently obvious ploy to undermine the investigation against him. He did this not once, but twice, in the attacks on the Sudan and Afghanistan and later, on Iraq.

He should be removed from office for abuse of power — for killing people in a foreign country in an attempt to save his job. —Bruce Ramsey

Analysis

Bombs Away and Peace on Earth

by David Hackworth

President Clinton is making the world safe for bloated Pentagon budgets.

Another Christmas. Another war. Another December in which American troops stand tall on dangerous ground. Since Pearl Harbor, that Day of Infamy on December 7, 1941, there has been no Peace On Earth and not much Good Will Toward Men.

America has been at war for 57 years. Before the cannons of World War II had cooled, the Soviet Union, a key Ally against Nazi Germany, became our enemy.

The Cold War was cold only some of the time. When it got hot it resulted in the slaughter of millions of people unlucky enough to get caught up in its 45 years of mayhem.

Americans did part of the dying. They fought Red attacks in Europe in the mid-1940s, in Korea in the '50s, in Indochina in the '60s and '70s, and Latin America and Africa in the '70s and '80s. The Cold War was America's longest and most costly war by the time the Iron Curtain crashed down in 1990. But the fall of communism has not brought peace. New world disorder has replaced the cold war, and the dying and the sacrifice continue.

Christmas of 1990 saw thousands of our soldiers deployed to the Persian Gulf to put down the mad dog Saddam Hussein. And what a magnificent job they did. But George Bush blinked and the dog survived to bark and bite again.

This latest violent round with Saddam makes even less military sense than many of the shoot-outs of wars past.

Yes, the world witnessed another high tech display to the tune of about four billion American taxpayer bucks. But when the final million-dollar missile flashed across the sky, nothing had been accomplished other than testing smart bombs for future wars and sharpening the profit margin of American arms manufacturers. Meanwhile, American oil companies still buy 40 percent of Iraqi crude oil. And Saddam's still out there, as defiant as ever, giving besieged Bill and the U.S.A. the bird.

Sure, buildings got blown up, but analysts don't have a clue what was inside of all that Iraqi rubble. Not much, I'd bet, since Clinton's latest military folly was hardly a surprise. Saddam not only had months to hide his much hyped arsenal, he also could predict the fireworks were about to start when the TV networks began setting up their cameras on Baghdad's highest buildings just before the strike. Believe it — anything critical that wasn't already stashed, got moved in a hurry.

There are nine principles of war — mass, maneuver, objective, offensive, surprise, security, simplicity, economy of force, and unity of command. Break these rules and defeat stands in the wings. Clinton's most recent military farce violated more principles than it observed. It's almost as if our military chiefs chose to ignore the rules of war.

Perhaps too this war was not about taking Saddam out. Perhaps there were other motives. Some are calling it another Wag the Dog. But I suspect Clinton's bad military judgment came about because he feared being perceived as a commander-in-chief paralyzed by the impeachment process.

But why didn't his military chiefs sound off over that fact that our forces were once again being placed in harm's way on yet another mission impossible?

Could it be that the lure of big-paying defense jobs that normally follow high-ranking Pentagon service kept them silent?

What was the rush to take Saddam out the week before the most sacred Muslim and Christian religious holidays when there wasn't enough time or force to do the job? And why wasn't this operation executed last November, as the generals recommended, when forces were in position and ready and there was enough time to do a real job rather than this spectacular but ineffective pinprick?

Six decades of seeing and studying war has taught me that war's a racket. And the almost 200,000 soldiers who spent Christmas sitting in cockpits, foxholes, and manning ships at sea around the globe — defending countries that often want to be left alone — are innocent victims of the racketeers. They deserve better. ❑

Field Report

The Deconstitutionalized Zone

by John S. Robey

Your rights evaporate as you approach the Mexican border — you have entered the *Deconstitutionalized Zone.*

Zeke Hernandez was tending his goats in Redford, Texas. He had his .22-caliber rifle along, a gift from his grandfather. It was over 50 years old, but still good enough to scare away predators and maybe plunk a few cans. Nearby, hidden in the vegetation, was a patrol of U.S. Marines. They were looking for drug smugglers at the invitation of the Border Patrol. They saw Zeke Hernandez fire his antique rifle.

One of the camouflage-clad Marines fired his M-16 rifle at Zeke Hernandez. The boy lay bleeding on the dry earth for 20 minutes before the troops moved in to see what had happened. They called for help, but it was too late. The 18-year-old goat herder was dead.

Esequiel "Zeke" Hernandez, Jr., was the first U.S. civilian killed by the U.S. military since the shooting at Kent State in 1970. His crime? Living in the Deconstitutionalized Zone, the area along the U.S.-Mexico border where the courts have declared the U.S. Constitution null and void, better to fight the War on Drugs. Like other residents of the Deconstitutionalized Zone, Zeke Hernandez didn't enjoy the rights guaranteed by the Constitution. Law enforcement officials, ranging from local and state police to a variety of federal agencies to armed forces, trained in warfare but with hardly any training in law enforcement, need not respect constitutional guarantees of rights to privacy, to property, or — as the family of Zeke Hernandez learned — even the right not to be killed by the armed forces.

How could this happen in America, a country with a long tradition of legal protection of individual rights and of prohibiting the military from involvement in internal affairs?

In the wake of military abuse of civilians during the Civil War, Congress passed the Posse Comitatus Act, making it illegal for the military to carry out domestic police functions. For more than a century, the military limited its actions to fighting the military forces of other countries.

But in 1982, the Posse Comitatus Act was amended so that the president could use military forces in a limited fashion to assist civilian law enforcement agencies. In 1986, President Reagan signed a National Security Decision Directive that proclaimed drug trafficking a threat to national security, and directed the Department of Defense to participate in the War on Drugs.

Many in the military questioned the wisdom of taking on this responsibility. Marine General Stephen Olmstead, testifying before Congress, declared: "[o]ne of [the United States'] greatest strengths is that the military is responsive to civilian authority and that we do not allow the Army, Navy, Marines or the Air Force to be a police force. History is replete with countries that allowed that to happen. Disaster is the result."

Secretary of Defense Caspar Weinberger agreed: "[C]alling for the use of the government's full military resources to put a stop to the drug trade makes for hot, exciting rhetoric. But responding to those calls . . . would make for terrible national security policy, poor politics, and guaranteed failure in the campaign against drugs."

High-level protests notwithstanding, President Reagan launched "Operation Alliance" by executive order to coordinate the efforts of the various law enforcement agencies, with the military playing a supporting role. Over the years, that "supportive role" has expanded dramatically. In 1982, the military was allocated $5 million to help fight the war on drugs. By 1999, the treasure chest has ballooned to $809 million.

In 1990, the federal government designated a 150-mile-wide corridor on both sides of the border as a "high-intensity

drug-trafficking area." The Customs Service granted all Border Patrol agents and some 600 state and local civilian law enforcement officials the authority to enforce laws regarding contraband. This enabled these agencies to conduct warrantless border searches, as if they were at the border. The Deconstitutionalized Zone was created.

People who live in the Zone, which extends from the border to the Border Patrol's secondary checkpoints approximately 150 miles from the border, live by a different set of rules. On the theory that drug trafficking threatens our country's "national security," the courts allow abuses of civil liberties to occur that they do not tolerate in the rest of the United States.

In 1976, the high court held that the Border Patrol acted lawfully when it subjected some people to intense searches at secondary checkpoints far from the border

Aliens — mostly Latin Americans — are being incarcerated at a large detention center in Bayview, Texas. Dogs now prowl through the post offices sniffing our mail, and the press again finds its access to relevant information blocked. Government agents prowl privately owned property along the border without warrants or warnings.

And when they shoot an innocent American citizen like Zeke Hernandez, it isn't murder: three months after the incident, a grand jury found the Marine who had fired the lethal shot innocent of any wrongdoing. Among the jurors: the assistant chief of the Border Patrol, a wife of a Border Patrol agent, a Border Patrol retiree, and two Customs officials — a roster that caused some to question the panel's impartiality.

People who live along the border can be pulled over and subjected to random warrantless searches. The Supreme Court has for many years maintained that search warrants are not required for border crossings (i.e., the "border exception"). In a 1976 case, *United States v. Martinez-Fuerte*, the high court held that the Border Patrol acted lawfully when it subjected some people to intense searches at secondary checkpoints far from the border — even if those searches were based on the "apparent Mexican ancestry" of the suspect.

Police roadblocks along the border are routine. While one officer requests the driver's license, another walks a drug-sniffing dog around the vehicle. The police can conduct this search without probable cause. The courts have also upheld warrantless aerial surveillance of private property, so helicopters now hover over our homes looking for illegal plants or suspicious activity.

If a DEA agent searches someone in the Brownsville Airport and finds that he's carrying $5,000 cash, the law permits the agent to confiscate that money. To recover his money, the individual must hire an attorney (who may very well charge him more than the money that is taken from him) to represent him in the forfeiture proceeding filed by the government. In court, he has to prove he did not obtain the money illegally. Because this is a civil case, the jury delivers a verdict by a majority vote rather than the unanimous vote required under criminal law. And the government can prevail if it establishes a "preponderance of the evidence" rather than proof "beyond a reasonable doubt."

Latinos have long been subjected to abuses from police and border patrol agents in the United States. Many lack citizenship and are cheated by unscrupulous individuals who take advantage of their vulnerability. Today in South Texas, we are in the midst of "Operation Rio Grande." The number of Border Patrol agents has catapulted from 3,400 in 1993 to 7,700 as of August, 1998. This deployment of agents — along with the use of motion sensors, heat detectors, helicopters, night lighting, and new fencing and walls — has driven large numbers of illegal immigrants further into the desert. The drought and intense heat during the summer of 1998 resulted in the deaths of over 100 of these Hispanic people. The Immigration Monitoring Project, conducted by the American Friends Committee, found 971 human-rights abuses had occurred along the border from 1989 to 1991. "The victims' ethnic or nationality background fell overwhelmingly in the diverse Latino category. . . ."

In 1998, the Border Patrol inaugurated "Operation White Line" as an adjunct to "Operation Rio Grande." It gives the Border Patrol and the police the power to search vehicles "carrying anyone that looks Mexican." The Director of Proyecto Libertad, Rogelio Nunez, complained that "[t]he Mexican immigrant has now become criminalized."

In 1986, President Reagan signed a National Security Decision Directive that proclaimed drug trafficking a threat to national security, and directed the Department of Defense to participate in the War on Drugs.

The Front Lines

The Defense Authorization Act of 1991 further escalated the military's involvement in the War on Drugs. It authorizes training and deployment of military patrols in the air and on the ground along the borders of the United States. The military is now constructing roads, erecting lighting, and building fencing and helicopter landing pads to add muscle to beef up domestic law enforcement efforts. The military also provides training for domestic and foreign law-enforcement personnel. Timothy J. Dunn, in *The Militarization of the U.S.-Mexico Border*, cuts to the heart of the matter when he asks " [w]hen does military 'aid' or 'support' to civilian law enforcement officials become de facto military law enforcement activity?"

The Defense Department's creation of Joint Task Force 6 (JTF-6) in 1989 at Fort Bliss in El Paso ratcheted up the anti-drug campaign still further. JTF-6 established a permanent presence of regular Army and Marine troops. JTF-6 maintains only a small number of permanent administrative and planning personnel: operational troops are rotated in and out of El Paso on a temporary-duty basis. That's because this

task force was not created to push pencils, but to push up the stakes in the war on drugs.

And push they have. Dunn found that the JTF-6 conducted 384 operational missions between 1990 and 1992 and that ". . . a conservative estimate would be that some 500 troops could have been deployed in anti-drug operations in the border region at any one time, and a high estimate would put the figure at some 3,000 troops."

The troops operate under "rules of engagement" that permit them to shoot to kill if they consider themselves endangered. Zeke Hernandez was not the first, and will not be the last, causalty of this war.

After Zeke's death, retired Marine Maj. Gen. John T. Coyne wrote a blistering internal report. He found that the unit on patrol during the Hernandez killing had not been adequately trained for armed operations with civilians. The report pointed the finger at "systemic failures at every level of command."

Coyne's report documented eight shooting incidents by JTF-6 units between 1993 and 1997. Just four days before the Hernandez shooting, troops exchanged fire with some recreational shooters, described by the military as "very hostile." The report also disclosed that JTF-6 units are conducting secret military operations in our national parks. Reason: some marijuana had been found growing in the parks.

The Terror of the War

The War on Drugs is America's longest war. It has produced a great many casualties. In 1996 alone, 500,000 young people were arrested for possession of marijauna. Before this decade ends, the government will have spent about $150 billion of taxpayers' money in its futile effort.

We have more to fear from the policies we have unleashed than we do from illegal drugs. Our forebears bestowed upon us the gift of a government committed to democratic ideals. They intended that we protect that system and hand it down to our children. To corrupt federalism, to deny the democratic process, and to undo the hard-won rights that protect property, privacy and due process would result in catastrophic losses, especially here on the border.

In the Deconstitutionalized Zone, the war is most intense. Here, we live in fear of the government. Here we have no right to privacy. Here we are searched without warrants, with no more probable cause than the color of our skin. Here our sons can be killed — legally murdered — by U.S. soldiers.

The loss of life and the waste of precious resources are tragedies in and of themselves. If we factor in the corrosive effect on our federal system of government, the unraveling of our civil liberties, the misuse of the armed forces, and the willingness of the Drug Czar to subvert the democratic process regarding medicinal marijuana in western states, it leads to an inevitable conclusion: The costs of the war exceed any conceivable benefits that we have gained or can hope to gain.

Perhaps treating drug abuse as a medical rather than a criminal problem might result in fewer losses for society. We will have illegal drugs in the United States with or without a change in policy. The question is not will we have drugs, but who will control the distribution of drugs, the government or the cartels? We can pass all the repressive laws we want, but short of turning the United States into an authoritarian regime, they are not going to solve our dilemma. In Texas, we can't even keep drugs out of Huntsville Penitentiary, much less out of the country.

People who live in the Zone, which extends from the border to the Border Patrol's secondary checkpoints approximately 150 miles from the border, live by a different set of rules.

Maybe Ethan Nadelmann's "harm reduction" ideas are worthy of further exploration. Harm reduction suggests that we should pursue the course of action that causes the least harm to society. Yes, drugs can be harmful. The war on drugs is also harmful. Most proponents of the harm reduction model do not advocate drug legalization. Rather, they

continued on page 46

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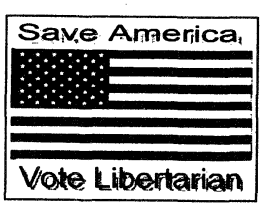

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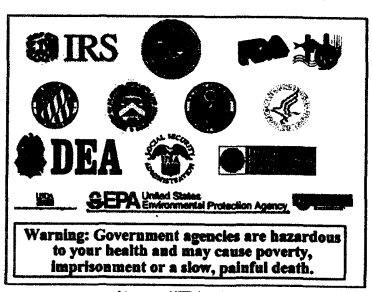

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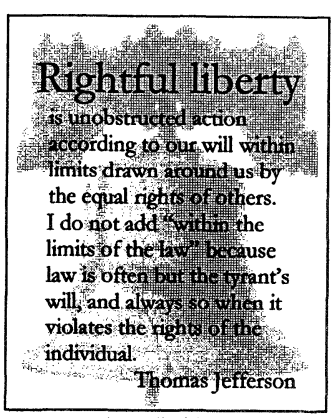

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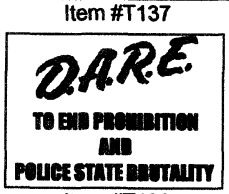

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Fighting Over Ayn Rand's Papers

by Eric D. Dixon

Collectors of Ayn Rand material were thrilled when they learned that an incredible group of nearly 5,000 Ayn Rand manuscript pages, from the holdings of Robert Hessen and Barbara Branden, would be sold at auction.

But before the sale could take place, there was a problem: Rand heir Leonard Peikoff claimed that he was the rightful owner of the manuscripts.

The manuscripts offered at the Butterfield & Butterfield sale belonged to Barbara Branden, one of Rand's closest friends until their break in 1968, and Robert Hessen, who had been Rand's secretary from 1959 to 1961 and her friend until their break in 1980.

Leonard Peikoff, Rand's heir, categorically denied that Rand would have given Branden and Hessen so many pages of manuscript, and demanded that they provide proof of ownership. Through his attorney he wrote Branden and Hessen stating that various factors "strongly suggest that you cannot establish valid title to all of the materials which you intend to offer at Auction." He threatened to take legal action, as well as to notify the auction house that Branden and Hessen lacked title.

Peikoff claimed that Ayn Rand's "lifelong policy, expressed repeatedly to witnesses, was to retain in her own permanent possession all documents related to her own writing." If Rand did in fact *have* such a policy, she didn't follow it very closely. Among the manuscript pages she gave as gifts to friends was the thirty original pages of *Atlas Shrugged* given to Barbara Branden, which Peikoff later admitted was a legitimate gift. That Rand felt comfortable giving away pages from the original copy of her masterwork suggests that she would have been willing to give away original pages from rough drafts of lesser works even more readily. In addition to his own statement, Hessen provided testimony of others who were told by Rand that she was giving her rough drafts to him.

Branden and Hessen rejected Peikoff's demands for proof and retained the services of Henry Mark Holzer, Rand's former attorney, to counter Peikoff's claim. They also organized a defense fund to prepare for the threatened legal challenge, which they dubbed the Objectivist-Libertarian Defense Fund Opposing Peikoff (OLDFOP, get it?). In addition, they set up a website (www.oldfop.org) where they posted various documents, including statements from Branden and Hessen that explained how they each acquired their gifts, as well as sworn affidavits from Holzer and his wife Erika that they personally witnessed one of Rand's deliveries of manuscripts to Hessen.

Faced with Branden's and Hessen's refusal to knuckle under, Peikoff offered to negotiate. They wanted to make copies of the manuscript pages so they would be available to all scholars, not the few that Peikoff deemed suitable (allowing only Peikoff-approved scholars access to Rand's papers is standard operating procedure at the Ayn Rand Institute).

Although Branden and Hessen owned the physical copies of the works being sold, Peikoff, as Rand's heir, owns the copyrights. And he wanted copies of the manuscripts for his Institute, but could not duplicate the pages without cooperation of the owners of the physical copies.

So they settled. Hessen and Branden agreed that "Peikoff or his designee" may make a copy of all the materials in exchange for their being allowed to make one copy "for personal use or scholarly or academic purposes." Also, Branden and Hessen agreed not to sell their copies in the future, "a condition that they willingly accepted, because they knew that Rand would have wanted it that way," according to an open letter from Holzer.

On the morning of the auction, days after the conflict was settled, Peikoff issued a statement declaring that Branden "has furnished what I regard as convincing proof that she was given these pages as a special gift by her then close friend, Ayn Rand." Apparently, a special gift does not violate Rand's no-gift policy, according to Peikoff, a one-time teacher of logic, and thus her gifts to Hessen could never have happened.

Curiously, Branden disputes Peikoff's waffling. In a November 23 email to a public discussion forum, she wrote:

> Peikoff, in his recent petulant statement, asserted that I proved my claim of ownership to him. I did no such thing. I provided him with not a single word or statement or piece of evidence that my property was indeed my property. By some miracle, he apparently came to what I shall loosely call his senses where I am concerned, although not about Bob Hessen.

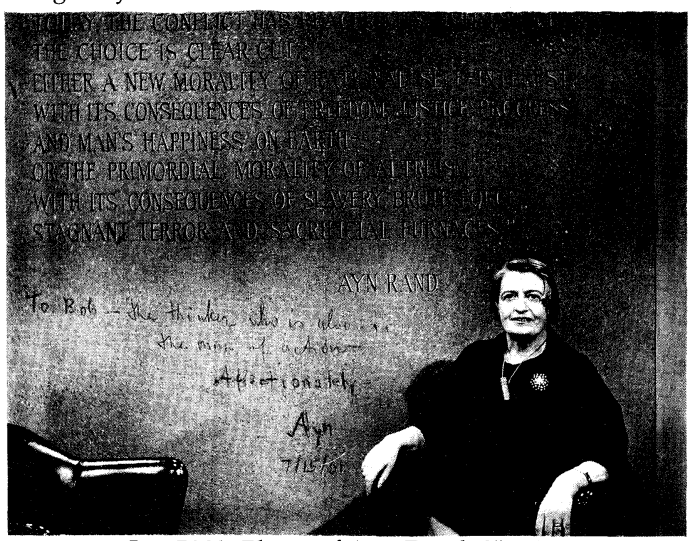

Lot 5888, Photo of Ayn Rand, 8" x 10", inscribed to Bob Hessen. Price realized: $2,875

Despite Hessen's detailed account and its corroboration by witnesses, Peikoff continued to cast aspersions on Hessen's ownership:

> Whereas Hessen claims that she gave him the manuscripts rather than throwing them out, the fact is that she left behind at her death numerous cartons of notes, outlines, and discards from many of the very articles which Hessen claims she gave to him instead of throwing out.

This remark ignores Hessen's explanation that only the first piece he received from Rand was about to be thrown out, and that he asked her for it. Her subsequent gifts, according to Hessen, were marks of affection for Hessen and his late wife, who were frequent contributors to Rand's magazines in a period when Peikoff wrote almost nothing.

Peikoff goes on to note: "Ayn Rand did not give a remotely comparable gift to a single other person throughout her lifetime. As for me, for instance, to whom she left everything, she never while alive offered even one page of manuscript." Rand may not have offered pages to Peikoff, but he received many. He neglects to mention that when he asked Rand for the eight-part manuscript of *Introduction to Objectivist Epistemology*, she gave it to him. As in Hessen's case, Rand was willing to give manuscript pages to a friend on request.

According to Hessen's sworn declaration, Peikoff implies that when he hired Hessen to appraise the value of Rand's estate after her death in 1982, Hessen stole the manuscripts from a storage area Rand had rented which contained cartons filled with her papers. He alleges that Hessen had "unlimited access" to this area during his appraisal, but Hessen says he only visited the storage space once in March 1982, for 15 minutes, arriving and leaving with Peikoff. Peikoff requested the appraisal in late September 1982. According to Hessen, with the request Peikoff "described the estate's holdings in six broad categories but, significantly, did not even allude to, let alone expressly mention, the 5,000 non-fiction manuscript pages that Ayn had given me over the years."

Hessen submitted his two-page report a few days later, for which he received $200. His report contained no mention of examining any manuscripts or visiting the storage facility again. He received no compensation for airfare or New York hotel accommodations, which also suggests that Hessen didn't leave California.

Hessen's declaration contains a series of questions addressed to Peikoff, challenging him to directly accuse Hessen of theft so he could be sued for defamation. Among these is this noteworthy query: "If I had stolen any manuscripts, why would I risk exposure of my misdeed by selling them at public auction during the lifetime of Peikoff?"

Ignoring the challenge, Peikoff continued to spread innuendo. In his statement, Peikoff said that regardless of the current rules of the legal system, he does not believe Hessen *morally* owned the manuscripts offered at auction, and goes on to state: "There are many words in our language to describe such an individual and the means by which these papers came into his possession. As far as I'm concerned, you may take your pick of them."

It should be noted, though, that both sides have used innuendo to strengthen their positions. Holzer writes in his first response to Peikoff's attorney: "If litigation comes, at long last it will be payback time, and an opportunity for Ms. Branden and Dr. Hessen to expose Peikoff's real motives — which are rooted in personal animosities (some very personal, and extremely embarrassing) which go back decades."

When Rand started giving her rough drafts to Hessen instead of throwing them away, she may not have considered them a valuable gift. Why did she give so many pages to Hessen? Perhaps, as in Peikoff's case, because he asked. It shouldn't be surprising that, on request, an author would give paper to her secretary and friend that she would have otherwise discarded. It also shouldn't be surprising that once she realized others were interested in her handwritten manuscripts, she began to keep boxes of notes and discards for herself while continuing to honor her friend's request for her rough drafts. ❑

The Selling of Ayn Rand's Papers

by R. W. Bradford

The auction of Ayn Rand manuscripts, rare editons, and memorabilia proved to be a landmark sale, establishing Rand as one of a very small group of literary figures whose manuscripts and rare editions are most eagerly sought by collectors.

The auction of Ayn Rand papers and various other memorabilia, from the holdings of Barbara Branden and Robert Hessen (with a handful from others' collections), was a major event for collectors of Rand material. The sale included about 4,500 pages of Rand's manuscripts, 19 inscribed books (many of them first editions), other autographed books, plus miscellaneous material ranging from signed publishing contracts to souvenir cigarettes and film posters.

A few pieces of Randiana have been sold at auction over the years, but mostly the material was pretty inconsequential: for example, a few years ago, the Ayn Rand Institute auctioned off two small boxes of pebbles that Rand had picked up along the highway in Colorado while on a cross-country trip. In competitive bidding, Rand's admirers paid hundreds of dollars for the pebbles, leading some to wonder whether Rand's admirers were willing to treat anything she ever touched as religious icons — and leading others to wonder whether there might be a lot of demand for Rand material. But most of what little Rand memorabilia came into the marketplace was sold discreetly in private sales, so no one really knew what to expect.

Manuscript collectors and dealers have a pretty good idea what sort of prices most manuscripts will bring, based on sales records and the bidding at previous auctions. "A short story by Edgar Allen Poe might bring $5,000," one collector told me, "and a chapter from *Huckleberry Finn* around $20,000." What about nonfiction essays by well-known novelists? "Usually not much," he said. "Perhaps $500 or so."

But there had been no previous sales of Rand manuscripts, so whether they would bring prices comparable to writing by literary giants like Twain or Poe remained an open question. There were well-known rumors about the enthusiasm, if not downright fanaticism, of her admirers. And surely the story of the pebbles made the rounds. But no one had any real idea.

The Branden-Hessen sale included a few items that could only be considered souvenirs, though none as silly as the Colorado pebbles. But it also included a huge quantity of Rand's manuscripts. From Barbara Branden came 29 handwritten pages of *Atlas Shrugged* and a few letters and manuscripts of unpublished working papers. As outstanding as Branden's papers were, they were easily eclipsed by those from Robert Hessen's holdings, which included nearly 200 manuscripts, comprising virtually everything Rand wrote after 1961. In addition, the sale included over 50 of Rand's books, nearly all inscribed by the author, and dozens of letters, pamphlets, photographs, audio tapes, and miscellaneous ephemera.

It was, in short, a remarkable sale of Randiana, including an extensive group of manuscripts that will not likely ever again be available at a single sale. Virtually everyone who collects Rand material was either present or was represented by an agent.

The Sign of the Dollar

The auction was conducted more-or-less in chronological order. The first item to go up for bids was a studio photograph of Rand's family, taken around 1909. It was hammered down at $1,100. The next was two baby photographs of Rand, which realized $862.50.* The third lot was a publicity photo Rand had inscribed to her brother-in-law, which drew $3,450. The sale was off to an excellent start.

The first item to break the $10,000 barrier came only a few minutes later, when a letter from Rand to Barbara Branden's mother was hammered down at $12,000 (or $13,800 with buyer's fee). Moments later the first of the manuscripts went up for sale: a nine-page draft of an unfinished essay entitled "Consciousness, Purpose & Happiness," which Rand had written in 1955 to help clarify her thoughts in preparation for writing "Galt's Speech" for *Atlas Shrugged.* It sold for $14,950.

The very next lot was one of the most important: 29 pages from Rand's original manuscript for *Atlas Shrugged.* The pages were mostly nonconsecutive, and came from Part II, chapters 2 and 3. Bidding started at $30,000 and rose quickly in increments of $5,000 to $10,000 until the lot was hammered down at $210,000 (or $233,000 including the buyer's fee).

While the audience caught its breath, a snapshot of Rand "taken at the completion of *Atlas Shrugged*" was sold for $3,450, an 8x10 publicity photo inscribed to Branden and her husband sold for $9,775, and a package with nine "Who is John Galt?" cigarettes, complete with gold dollar signs on each cigarette, sold for $3,737.50. At more than $400 each, this may be the highest price ever paid for cigarettes. Then came more ephemera and five different inscribed copies of *Atlas Shrugged,* which realized prices ranging from $6,325 to $18,400.

A dust jacket from the 1936 edition of *We The Living,* complete with Rand's notes revising its text for the 1959 edition, sold for $3,167.50, followed by a single lot including copies of *We The Living* and *The Fountainhead* inscribed to the Blumenthals, which sold for $4,887.50. Two additional inscribed copies of the 1959 *We The Living* sold at $2,300 and $1,955.

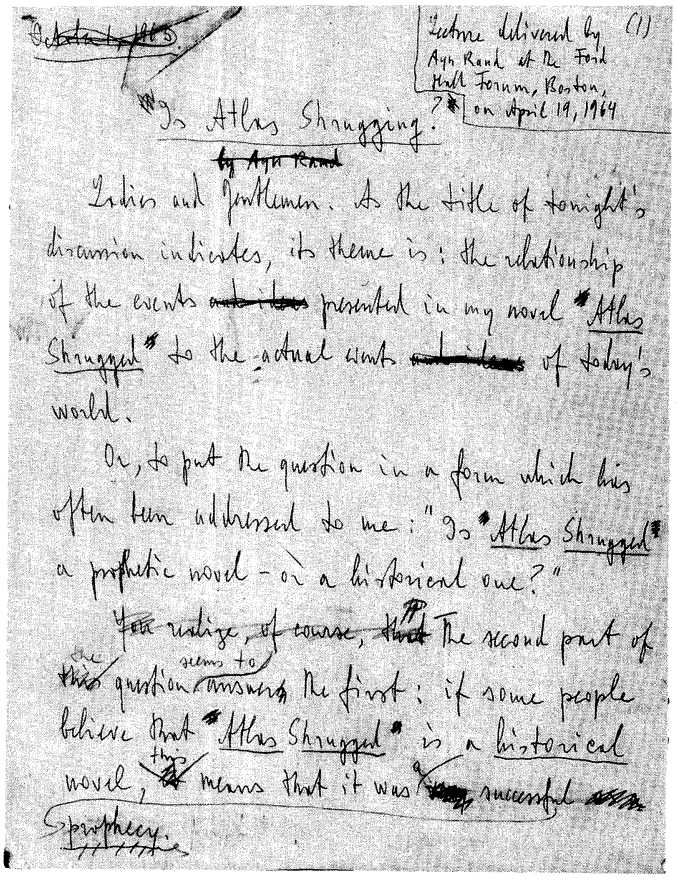
Lecture delivered by Ayn Rand at the Ford Hall Forum, Boston, on April 19, 1964

Is Atlas Shrugging?

~~by Ayn Rand~~

Ladies and Gentlemen. As the title of tonight's discussion indicates, its theme is: the relationship of the events presented in my novel "Atlas Shrugged" to the actual events of today's world.

Or, to put the question in a form which has often been addressed to me: "Is "Atlas Shrugged" a prophetic novel — or a historical one?"

~~You realize, of course, that~~ The second part of ~~this~~ the question seems to answer the first: if some people believe that "Atlas Shrugged" is a historical novel, this means that it was a successful prophecy.

From lot 5901, 165 manuscripts, comprising nearly 4,000 pages. Price realized: $433,000

Five inscribed copies of *For the New Intellectual* followed, realizing prices ranging from $1,955 (for a copy inscribed to Barbara Branden's mother) to $3,162.50 (for copies inscribed to Barbara Branden and to Robert Hessen). After an autographed (but not inscribed) copy of *For the New Intellectual* sold for $1,840 and an 8x10 photo inscribed to Robert Hessen sold for $2,875, the auctioneer announced the first of the manuscripts from the Hessen collection.

It was a 61-page manuscript of "America's Persecuted Minority: Big Business," a talk she delivered at Ford Hall Forum in Boston in 1961. When the bidding stopped, it had pulled in a whopping $48,875, twice the pre-auction estimate. "Art and Sense of Life" then sold for $18,400, followed by "The Fascist New Frontier," which brought $57,500.

As those in attendance caught their breath, the publication contract for *The Virtue of Selfishness* (then called *Rational Self-Interest*) was hammered down for $2,250 ($2,587.50 with the buyer's fee) and a copy of the scarce hardback edition of *Virtue,* without inscription or autograph, sold for $402.50. Then the publication contract for *Capitalism, the Unknown Ideal* sold for $3,450 and two copies (of 700 produced) of a special boxed, hardbound edition of that book sold for $2,185 and $2,587.50.

Auction fever was evident as the next items — a postcard and a letter from Rand to her house-sitter — went for $2,300 and $1,035 respectively. And then it was time for the first large group of Rand's manuscripts to go up for bids.

The lot consisted of the manuscripts for the entire run of Rand's weekly newspaper column. The manuscripts for the 26 columns include nearly 300 pages. This was the largest lot of Rand's manuscripts to be offered up to this point. It hauled in $90,500.

There followed a single sentence in Rand's handwriting intended as copy for the announcement of publication of *The Objectivist,* which sold for $373.50. And then it was time for the lot that everyone had waited for.

Lot 5901 consisted of 165 manuscripts, including everything Rand wrote for the three publications she edited, *The Objectivist Newsletter* (1962–965), *The Objectivist* (1966–1971) and *The Ayn Rand Letter* (1971–1976). All told, this lot included 3,940 pages in Rand's handwriting. The material wasn't as exciting as the pages from the *Atlas Shrugged* manuscript. But there was so much of it! Bidding started at $250,000, and rose in increments of $10,000 until it reached $400,000 (with buyer's fee, $442,500).

* Unless otherwise noted, prices quoted include the "buyer's fee" of 10-15 percent, in addition to the "hammer price."

The following three lots were copies of the Tenth Anniversary Edition of *Atlas Shrugged*, with special binding, slipcase and autograph of Rand. One copy, with an additional inscription to Bea Hessen, sold for $3,450; the other two sold for $1,900 and $2,250. The next two items were related to the production by NBI Theater of a dramatic version of *The Fountainhead*. The contract between Barbara Branden (who wrote the script) and Rand realized $2,875; a typewritten copy of the script, initialed by both Rand and Branden, went for $12,650.

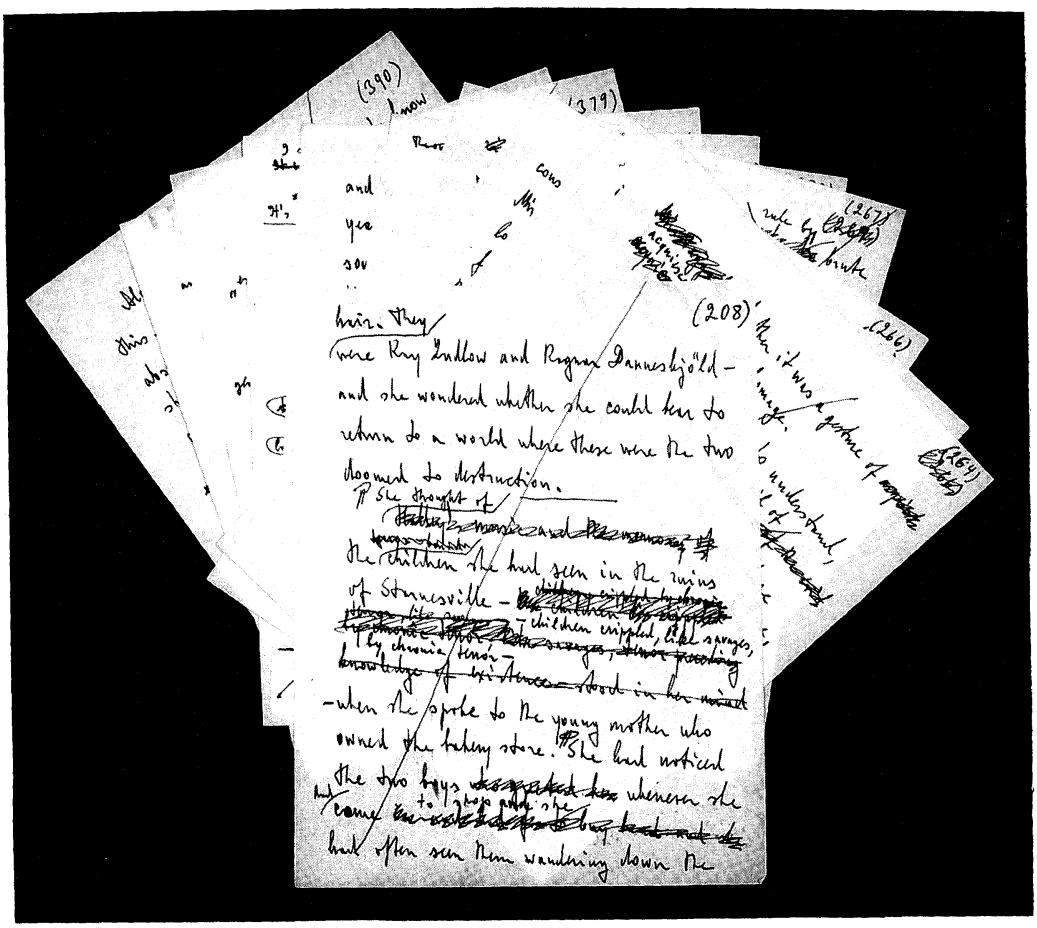

Lot 5868, 29 manuscript pages from *Atlas Shrugged*. Price realized: $233,000

Then came two of the most interesting items in the entire sale: two brief manuscripts in which Rand attempted to deal with the loss of the love of Nathaniel Branden, both written on June 5, 1968, during the period in which Nathaniel would neither renew his sexual relationship with Rand nor explain to her that he had found a new love. The first, three pages of notes entitled "Psycho-Epistemology," sold for $4,600. The second, "The Moral Authority Premise," running nine pages, sold for $9,400.

The remainder of the sale consisted mostly of contracts and miscellaneous documents. Among these were the only two items that failed to meet the minimum bid set by the consignors: a contract between Rand and Erika Holzer for an article Holzer had written for *The Objectivist* and a screenplay by Holzer for a courtroom drama with handwritten editorial comments from Rand.

There were three other manuscripts. An edited excerpt of her essay "The Anti-Industrial Revolution" which had appeared in *The Objectivist* in 1970 netted $13,800. The second, a 17-page manuscript entitled "Why I Like Stamp Collecting," written in 1971 for publication in *Minkus Stamp Journal*, was offered with a copy of the published version and a copy of *Atlas Shrugged*, inscribed to "Mr. and Mrs. Jack Minkus," publishers of *Minkus Stamp Journal* and in-laws of Robert Hessen. It drew $3,163, which may have been a bargain, at least in comparison to other items in the sale. The final manuscript was a draft of a speech on tax reform from 1972, in which Rand severely criticized Democratic presidential candidate George McGovern. This nine-page manuscript realized $13,800.

The balance of the sale consisted of miscellaneous documents either signed or annotated by Rand, a handful of her books, uninscribed and unsigned, and three collections of Rand's books, some inscribed or autographed, that were consigned by individuals who were not part of Rand's circle. The final lot consisted of the stopwatch Rand used to time scenes of the Italian film version of *We The Living*, while she worked on editing it for release in the U.S., along with some posters for the release of the film, which occurred some 6 years after Rand's death. This was the last chance to acquire a Rand relic, and it pulled an impressive $1,300.

All told, the sale realized a very impressive $1,178,602.50. Barbara Branden's items fetched $376,301.25. Robert Hessen's parcels garnered $724,647.50. Items consigned by others — Daryn Kent-Duncan, Jim Peron, Joan Blumenthal, Henry Holzer, Barbara Efron, Paul Eisen, and Ryan York — sold for a total of $77,653.75.

❦ ❦ ❦

When auctioning a collection, conventional wisdom recommends breaking it into small lots, except in cases of extremely inexpensive material. The reason is simple: more people can afford to buy less expensive lots, and the more bidders, the higher the prices will likely climb. So one has to wonder why the sale included two huge lots: the lot of 26 newspaper columns totalling some 283 pages and the lot of all Rand's writing for *The Objectivist Newsletter*, *The Objectivist*, and *The Ayn Rand Letter*, totalling some 3,940 man-

uscript pages and 15 typescript pages.*

Robert Hessen knew well that they would likely realize substantially higher prices if broken into smaller lots. But he insisted on selling them in the two large lots, in hopes that they would find a home at a major research institution,

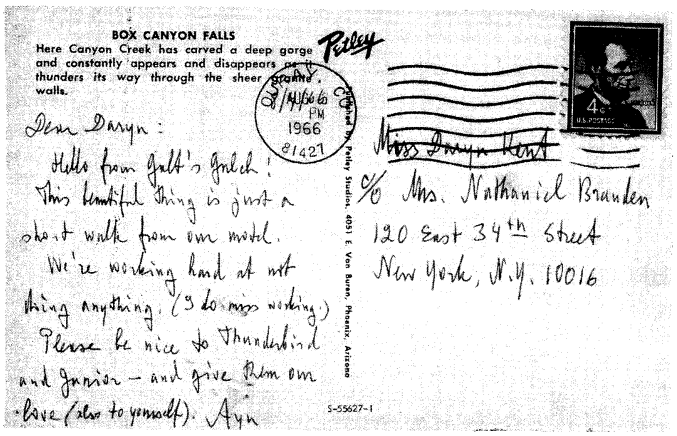
BOX CANYON FALLS
Here Canyon Creek has carved a deep gorge and constantly appears and disappears as it thunders its way through the sheer granite walls.

Riley

Dear Daryn:
Hello from Galt's Gulch!
This beautiful thing is just a short walk from our motel.
We're working hard at not doing anything. (I do miss working.)
Please be nice to Thunderbird and Junior – and give them our love (also to yourself). Ayn

Miss Daryn Kent
c/o Mr. Nathaniel Branden
120 East 34th Street
New York, N.Y. 10016

Lot 5897, Postcard to Daryn Kent, who fed Rand's cats while Rand vacationed. Price realized: $2,300

either via direct institutional purchase or by route of donation from the purchaser.

The conventional wisdom proved correct in this case. An examination of the auction results suggests that the manuscripts would indeed have sold for substantially higher prices had they been offered as single manuscripts. Seven lots consisted of a single nonfiction manuscript, containing a total of 189 pages. Taken together, these seven manuscripts sold for $181,125, or an average of $958 per page. The two huge multiple-manuscript lots contained a total of 187 manuscripts, totalling 4,223 pages. They sold for a total of $533,000, or an average of $126 per page.

In fact, there was an almost perfect inverse relationship between lot size and the price per page each lot realized:

Lot	Page Count	Price per page
"Psycho-epistemology"	3	$1,533
"Pollution"	5	2,760
"The Moral Authority Premise"	9	1,022
"On Tax Reform"	9	1,533
"Consciousness, Purpose and Happiness"	9	1,661
"Art as Sense of Life"	39	472
"The Fascist New Frontier"	54	1,065
"America's Persecuted Minority"	61	801
The Newspaper Columns	283	320
The Obj. Newsletter, The Obj., The AR Letter	3940	112

Did Hessen get the result he had hoped for? The identity of the buyers of the two large lots has not been publicly revealed, but one source told me that they were acquired by one or more dealers who intend to sell them individually to collectors. (One rumor has it that Bill Gates was a buyer. A dealer who often represents Gates was a buyer of some of the material, though not the mega-lot. This speculation was discounted by a dealer familiar with Gates and his *modus operandi*: "Gates always issues a press release when he makes a major acquisition.")

To what extent were the prices realized at the sale the product of genuine collector or scholarly demand, and to what extent were they the result of bidders catching "auction fever," of the sort that gripped buyers at Sotheby's sale of stuff from Jacqueline Kennedy's home in 1996? It's impossible to know, at least until the material starts selling in other auctions. One collector of Rand material, as well as other manuscripts and rare books, told me he thought the prices were ridiculously high. "Twenty-nine pages from *Atlas Shrugged* sold for more than ten times the price of a chapter from *Huck Finn*," he said. "Many of her essays realized thousands of dollars, in some cases a hundred times what essays of other great novelists bring." Not surprisingly, he predicted that when the material acquired at the sale starts showing up at other auctions, its owners will take huge losses, like the losses the buyers of Jackie Kennedy relics now suffer when they resell their treasures.

But one dealer who bid extensively at the auction told me that he thought the stuff went cheap. "The large lots, if broken up, ought to bring around $10,000 per manuscript if sold at a first-rate auction house in New York or London," he said. The reason that Rand material should be among the most valuable of all literary collectibles? "Ayn Rand has no equivalent," he said. "She has a following among libertarians, financial gurus, all sorts of people." I asked him whether he had been a buyer (or partial buyer) of the two huge lots. He refused to answer.

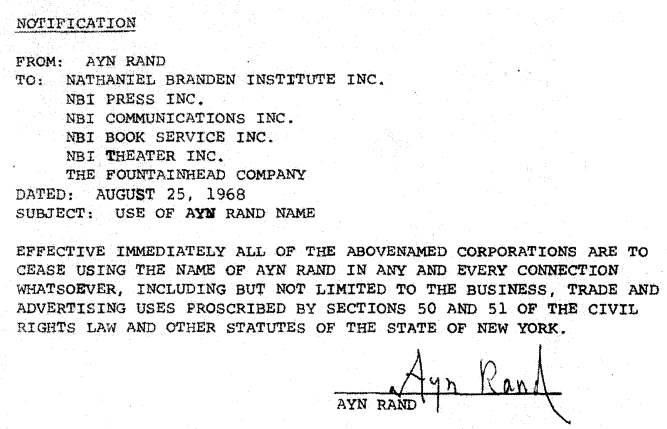
NOTIFICATION

FROM: AYN RAND
TO: NATHANIEL BRANDEN INSTITUTE INC.
NBI PRESS INC.
NBI COMMUNICATIONS INC.
NBI BOOK SERVICE INC.
NBI THEATER INC.
THE FOUNTAINHEAD COMPANY
DATED: AUGUST 25, 1968
SUBJECT: USE OF AYN RAND NAME

EFFECTIVE IMMEDIATELY ALL OF THE ABOVENAMED CORPORATIONS ARE TO CEASE USING THE NAME OF AYN RAND IN ANY AND EVERY CONNECTION WHATSOEVER, INCLUDING BUT NOT LIMITED TO THE BUSINESS, TRADE AND ADVERTISING USES PROSCRIBED BY SECTIONS 50 AND 51 OF THE CIVIL RIGHTS LAW AND OTHER STATUTES OF THE STATE OF NEW YORK.

Ayn Rand
AYN RAND

Lot 5909, Notice from Rand to various enterprises of Nathaniel Branden, upon her break with Branden. Price realized: $2,300.

In the wake of the sale, the market for Rand books, manuscripts and memorabilia seems extremely strong. But only time will tell whether demand is solid at the price levels achieved at the auction. Material from the sale will likely be sold at public auction in the near future. And it's likely other material will also. Rand inscribed a lot of books in her lifetime, and there may be as many as thousands of other manuscript pages somewhere out there. If there are, chances are very good that the prices realized at this sale will attract them to the auction block.

But one thing is certain: there will never be another sale of Rand material like this one. ❑

* The figures do not include one lot, whose catalog description did not include any page count.

Zimbabwe: The Snake Eats Its Tail

by Len Brewster

How much government can a small nation stand?

A year ago President Mugabe awarded some veterans of Zimbabwe's "liberation war" a lump sum of 50,000 Zimbabwean dollars plus Z$2,000 a month for life. The cost of this lurch totals Z$4.5 billion, about a tenth of the national budget. Predictably, those detained during the war, the widowed and orphaned, and civilians who aided the guerrillas now demand a similar amount. Even Rhodesian Defense Force veterans (who fought against the "liberators") are reminding all that they were promised equal benefits in the Lancaster House peace agreement.

Why the president decided now, 18 years after the war ended, to subsidize just some veterans and not others, or any at all, is a matter of conjecture. The government had already favored the ex-combatants with ten years' Civil Service seniority, medical subsidies and educational benefits; the destitute among them got additional special assistance.

Shortly after this bold stroke, the president nationalized 12 million acres of land from productive commercial farmers. Owners, he announced, will receive only reimbursement for improvements, not for the land itself. And even this, apparently, will be paid only at some point in the future, which means never. This initiative has been covered in confusion since its announcement. Property at first listed for seizure has, because of ministerial influence or local intrigue, been "de-listed," then for the same reasons "re-listed," and the process yet repeated.

The government intends to turn the land over to communal farmers. But the communal farmers will receive no title. The state will own the farms — mule, plow, and hut. Some surveys reveal limited enthusiasm for such a prospect. Yet, made desperate by the economic condition of the country and the government's delay in putting them on the extorted property, people have taken to squatting on some farms whether listed or not.

The government has promised to list more farms. It recently grabbed 841 of them. One of the several Ministers Without Portfolio, Joseph Masika, last week vowed that the government will defy any court decisions that might inconvenience the larceny. Mugabe later also promised to ignore the courts on this issue, as he has on others, notably when they ordered the government to compensate victims of police torture.[1]

In justification, Masika and Mugabe have argued that the land was in the first instance seized without compensation by the colonials. As a result, they say, 4,500 ethnic Europeans own half the best farmland in the country, while 11 million black communal farmers attempt to scratch a living from the rest. This theory assumes an unbroken line transmitting liability and virtue from ancestor to contemporary. However, 70 percent of the land now under private cultivation, including all the farms listed, was purchased on the market, not inherited.

This sort of argument — that it is just to restore to blacks land seized by whites a century ago — despite the fact that there is virtually no one alive today who stole the land or from whom the land was stolen — isn't applied very consistently. Bantu speakers first came to this area about 400 A.D. and displaced Khoisan speakers.[2] But Mugabe does not believe that the poor remnants of this group should get the land. Like other colonials, the president seizes land because he has the power to do so. The appeal to justice is demagoguery.

Still later, noticing that rebels were about to depose his friend Laurent Kabila, Mugabe sent 6,000 troops into the Democratic Republic of the Congo (DRC) to help prop him

up. With half a dozen other countries now entangled in the conflict, the war could well expand from regional to continental, linking up with the fighting in Somalia, Sierra Leone, and the Sudan, the lesser ructions in Lesotho, and the re-emerging conflicts in Angola and Ethiopia.

The government keeps the price of intervention secret, but it could not cost much less than the rumored $30 million a day. Most think, despite official denials, that casualties run in the hundreds. Wondering how the country can afford such an adventure and still require subsidy, the IMF and the World Bank have withheld a hungrily anticipated infusion of about $8 billion, which might have helped stabilize the Zimbabwe dollar.

Zimbabwe has no common border with the DRC. It has few cultural ties. Their indigenous languages are different, and the colonial language in the Congo is French, while here it is English. Trade between the two countries is small, though some hope to see an increase. *The Wall Street Journal* pointed out that some ministers and the president himself hold interests in the Congo's mining industry, but they can hardly anticipate much success in a game against such players as the De Beers. Mugabe seeks distraction from domestic woes in the role of regional statesman, which he thinks better answers to his talents. He thus manages to be out of the country about half the time, performing such vital tasks as thanking the Renault Company for tractors, while his ambassador stands by like a potted plant.

In an economy as small and fragile as Zimbabwe's, these follies carry visible consequences.

An apparent cease-fire was arranged November 18, 1998, in Paris. But the insurgents doing most of the fighting were not included in the negotiations; not surprisingly, they repudiated the result. So the war goes on.

In an economy as small and fragile as Zimbabwe's, these follies carry visible consequences. In the last year the Zimbabwe dollar sunk from 15 zim to one American dollar down to 38 to one. Inflation stands at about 40 percent; unemployment, 60 percent. Zimbabwe's budget deficit equals more than ten percent of GDP. Many with money outside the country are leaving, thus depleting the potential for internal investment. External investment has plummeted thanks to the country's dismal reputation. (Typically, government officials — and the segment of the press they control — react to this by scolding the BBC and CNN for "negative" reporting.)

Zimbabwe's first food riots erupted last spring, and the Zimbabwe Council of Trade Unions has called a number of successful one- to three-day general strikes since. To solve the problem, Mugabe decreed strikes illegal. Prices of basic foodstuffs continue to rise, and the government reinstated price controls. The value of the currency continues to drop.

The state pleads that its interventions stem from previous interventions. But no one forced the government to grant exorbitant subsidies to veterans, though some of the pressure to do so resulted from the high rate of inflation and unemployment — the results of the government's own policy. Similarly, unemployment created the land problem, driving people back to subsistence farming. White-bashing government propaganda excuses failure, contributing to the problem as well. And Kabila did not prevail upon Mugabe to send troops to the DRC by witchcraft. Mugabe wanted prestige and needed a diversion from troubles incurred by his own policies.

Other examples abound. The policy of indigenization (the Zimbabwean equivalent to "affirmative action") has resulted in the proliferation of under-capitalized banks and firms under black ownership. Government officials have borrowed from these banks, not troubling to repay them, and the state has favored "indigenized" construction companies with contracts. The besieged United Merchant Bank has already failed partly as a result of its bad loans, and would have pulled the Zimbabwe Building Society down with it had the state not intervened. Abandoned equipment and half-built structures are strewn across the countryside, the relics of uncompleted projects by "indigenized" construction firms. The government promises to cure the problem by subsidy (with money it does not have) and by increasing emphasis on indigenization.

Large areas of Harare recently went without water because a contractor unable to collect Z$10,000 due him stopped work on some vital pipelines. But the city council found no difficulty in paying the bills on a $40 million mansion for the mayor nor in providing itself with luxury cars. The minister of local government intervened and got the water turned back on. But Mayor Solomon Tawengwa is a friend of Mugabe, so little has changed. Aren't the people of Harare lucky to have a government to help them out of the problems it has inflicted upon them?

Like other colonials, Mugabe seizes land because he has the power to do so.

It is tempting to think of the government's tendency to meet its own demand for difficulties as maladaptive, in the evolutionary sense. But this makes sense only if one assumes that the government is in some real sense pursuing the general welfare. Consider for a moment the alternative: that the government pursues not the general welfare but its own survival and the enrichment of those who compose the government. How else does a state like Zimbabwe, presiding over 12 million people and composed of 52 ministries,[3] not only survive, but assure prosperity to its functionaries? What could all those government employees, making up 30 percent of the work force, be doing if not in part inventing problems? How could they remain in office without convincing the public that its everyday problems required the constant attention of those who have a paternal interest in them?

The state and its apologists can always deny the circular flow by appeal to mythical externalities. A remarkable example was the president's claim (while overseas) that Zimbabwe's economic difficulties resulted from drought during the last two agricultural seasons — droughts that few

farmers here noticed at the time.

Not surprisingly, the most-invoked external causes of Zimbabwe's plight are the various alleged cruelties of the market. This is curious, given the government's supposed commitment to its so-called Economic Structural Adjustment Program (ESAP) and its successor the Zimbabwe Program for Economic and Social Transformation (ZIMPREST). The state advertised ESAP as a ". . . programme of trade liberalization, domestic deregulation and budget deficit reduction. . . ." It started in 1991, but by 1996 the government had failed to accomplish its pledged reforms. Budget deficits throughout this period "exceeded targets" because of a lower than anticipated rate of growth (an average of 0.5 percent, rather than the anticipated 5 percent). Droughts real and imagined contributed to the problem, along with ". . . continuing parastatal losses and slower than planned civil service reform." ESAP aimed at a fiscal deficit of 5 percent of GDP by 1995.

Instead it totaled 13.5 percent. The state financed through domestic borrowing, which was made more affordable for the state by a 40 percent inflation rate. Brooding and untouched are the 52 ministries, which must make Zimbabwe one of the most overgoverned though worst served countries in the experience of mankind.[4]

ESAP has been more eagerly called a scapegoat than seriously pursued as a reform. One of the government's chief flacks, T.P. Mahoso, writing in the state-controlled *Sunday Mail*, recently argued: "The salesmen of structural adjustment did not present the scheme in the context of worldwide economic depression. They did not tell us that there were a wide variety of ESAP scenarios and the one they were pushing on us was intended to enable the West to recover from the ongoing crisis at our expense (Nov. 1, 1998)."

A week later, the president allowed himself the following strange confession: "Because we failed to read properly the second component of our economic liberalization (determination of prices by the market) we noted that it is just glib talk to make reference to market forces. Where are the forces? They must be established when we talk of market forces" (*Zimbabwe Herald*, Dec. 8, 1998).

Mugabe went on to blame private monopolies for inflationary pressure on basic food commodities — a handy distraction from his own spasms of misjudgment, and a clear indication that he believes a state monopoly would do better. The location of market forces, which Mugabe finds so elusive, is perhaps less mysterious than that of the worldwide economic depression with which he and Mahoso are obsessed. Even harder to find, at least in Zimbabwe and Africa, is the kind of wealth that would permit a hypotheical rescue of the world from its imaginary catastrophe.

So even the external factors thus invoked seem to be self-generated inventions extending from drought through depression to reified, but absent, market forces. With luck, even these second-order contrivances might enable the state to prosper. The Zimbabwe government has already, as we have seen, reintroduced price controls, which it justifies "in the context of worldwide economic depression" and as an effort to "establish" market forces. We might expect trade barriers to follow, with much the same rationale.

It may be that the objective of that heavy political apparatus that looms over us all is not, as legend has it, in place to solve those problems that people cannot solve for themselves. Rather, it serves to aggravate existing difficulties and create others for its own nourishment. Perhaps the state occasionally, more by accident than design, promotes the greatest happiness for the greatest number. No human contrivance is perfect. ❑

Endnotes

1 The Catholic Commission For Justice and Peace in Zimbabwe, *Breaking the Silence, Building True Peace: A Report On The Disturbances in Matabeleland and the Midlands 1980-1988* (The Legal Resources Foundation, 1997) esp. pp. 68-9. This is a short account of the torments of Wally Stuttaford, awarded a judgment by the courts, but refused payment by Mugabe on the grounds that it would be "a waste of the nation's money." No doubt irrelevantly, the 52 ministries and the two vice presidents spring to mind.

2 The definitive history of early Zimbabwe is David N. Beach, *The Shona and Zimbabwe*, pp. 900 –1850 (Gwelo: The Mambo Press, 1980)

3 *The Economist* counts 54, and I have heard as low as 50. Fifty-two seems a good compromise.

4 Government of Zimbabwe, *ZIMPREST, Program for Economic and Social Transformation 1996–2000* (Harare: Government of Zimbabwe, 1998) pp. 3–17. See also Government of Zimbabwe, *Zimbabwe: A Framework for Economic Reform 1991-1995* (Harare: Government of Zimbabwe, 1991) pp. 4-15.

Reflections, *continued from page 12*

nitty-gritty of living together and making important, long-term decisions, something not encouraged by the myopic pre-marital process. Most newlywed couples have only the foggiest notion of what they are getting into personally, and no idea of what they are getting into legally.

A lawyer once told me that if couples knew what a marriage contract implied, few would get married. In the absence of a pre-nuptial agreement, the law spells out the terms of that contract and what happens should either, or both, parties want to dissolve it. The average newlywed has no idea about such esoteric issues as community or marital property, sole-and-separate property, the many dimensions of custody and child support, spousal maintenance, etc. Yet all of these are dealt with in detail, and differently, in the law of each state. When you get married without a specific pre-nuptial agreement, you automatically buy into the common law terms of the marriage contract of the state in which you reside. Common sense argues that before marriage you ought to at least take a look at what you are buying into. But few do.

Agreeing to an explicit marriage contract accomplishes two things. First, and probably most important, it forces a couple to think seriously about marriage and what it entails. Second, like all good contracts, it spells out the obligations of the parties, the duration of the contract, the conditions for renewal, and an agreed-upon set of rules for dissolving the marriage contract should a divorce happen. Whether this

continued on page 46

The Intelligent Man's Guide to Lying Under Oath

by David Kopel

Sometimes perjury serves a higher truth

Is it ever morally permissible to mislead the government under oath? President Clinton's flagrant lies during the Paula Jones deposition and his grand-jury testimony have led his defenders to claim that it's all right to commit perjury, if the perjury is just about private matters like sex. Are they right?

Presenting misleading testimony under oath may be the moral thing to do under certain limited circumstances. At least that was the stance taken by many victims of religious persecution in England in previous centuries. The decisions they made provide important lessons for contemporary Americans.

During the late 16th century, Anglican forces won control of the English government. They made it a crime for England's small Catholic population to attend Catholic Church, required everyone to go to Church of England services, outlawed Catholic communion, and forbade the entry of any Catholic priest into England, Scotland, or Ireland. The punishment could be as severe as death by public torture.

Despite this totalitarian effort at thought control, many Catholics continued to practice their faith secretly, and the Catholic Church continued to send priests into England. The main smugglers were the Jesuits, and the government's discovery of one of their training manuals for English priests caused a sensation.

A Treatise of Equivocation instructed priests going into English territory that, even under oath, they and their flock need not condemn themselves when interrogated by the English authorities. The treatise offered four techniques of equivocation: ambiguity (answering "a priest lyeth not in my house" could mean that the priest hidden in the home did not tell lies); incomplete answers ("I went to his house for dinner," omitting that "I also went to attend a secret mass"); hidden gestures and pronoun references ("I did not see anyone go that way," while pointing the other way with one's finger hidden in a pocket); and the most sensational technique: responding to questions both verbally and mentally. According to that treatise, a Catholic could "securely in conscience" provide answers with a "secret meaning reserved in his mind."

If an English government attorney interrogated someone suspected of being a priest named Peter, the attorney might ask "Is your name Peter?" *A Treatise of Equivocation* instructed that the priest could speak the word "No" in response. The priest could then continue, speaking in his own mind but not out loud, "so as I am bound to utter it to you, since you have no lawful jurisdiction over me."

Likewise, if a lay person were asked, "Did you hear mass today?" she might orally answer "No," while noting to herself that she "did not hear it at St. Paul's or such like" — even though she did hear mass in her home.

In late 20th century America, it's easy to see the natural rightness of religious dissidents misleading (but in a sense, not lying to) the minions of an unjust and tyrannical government. Hardly anyone would deny the moral right of a Jew in Nazi Germany (or modern Iran) to give equivocal answers to questions from a government interrogator.

Do the equivocations of the Anglo-Catholics have any lessons for Americans nearly four centuries later? I think they do.

First of all, *A Treatise of Equivocation* never aimed to erase the general moral rule against untruth. Equivocation was for "very limited" circumstances, allowed only in response to government interrogators. Capitalism depends on trust, and nothing in *A Treatise of Equivocation* justifies any type of mis-

leading answers to the many people with whom one voluntarily associates.

According to the treatise, a speaker must "answer directly" if the government interrogator meets five conditions:

1) He is a lawful agent of the sovereign.

2) He has personal jurisdiction over the person being questioned.

3) He limits his questions to topics over which he has legal authority.

4) He is enforcing a just law (since "a judge in the execution of an unjust law is no judge").

5) He has probable cause for his questions.

President Clinton fails every element of the five-step test: He acknowledges that Judge Starr was lawfully appointed (under a law supported by the president), that Judge Starr has legal jurisdiction over the president, and that the judge was investigating an issue which was specifically authorized by Attorney General Reno. President Clinton does not claim that the laws against sexual harassment or against perjury are unjust, and there is no dispute that the questions put to him were based on probable cause from evidence previously discovered.

In late 20th century America, it's easy to see the natural rightness of religious dissidents misleading the minions of an unjust and tyrannical government.

One of the two cases in which *A Treatise on Equivocation* achieved its greatest notoriety was the "Gunpowder Plot" trial, which followed some Catholics' failed attempt on Nov. 5, 1605 (now known as Guy Fawkes Day), to blow up Parliament and King James I, following the King's refusal to relax the late Queen Elizabeth's stringent anti-Catholic laws.

The other sensational equivocation case was the 1613 prosecution of Irish Catholic grand jurors in Dublin. The grand jurors had refused to indict Catholic defendants accused of being "recusants" for failure to attend the Anglican Church. When the grand jurors took their oaths, they made mental reservations about their conscience and religion. When prosecuted for perjury, one juror insisted he made his equivocations "to defend my self against the captious and injurious demands of an unlawful judge." The Irish jurors and the gunpowder plotters were, of course, convicted, and *A Treatise of Equivocation* was introduced as evidence against them by the prosecution.

Today, many people called to jury service in the United States face a moral dilemma similar to that faced by the Irish grand jurors. According to a recent study by the *National Law Journal*, 76 percent of Americans agree that "whatever a judge says the law is, jurors should do what they believe is the right thing." Thus, if a juror feels that a person is being unjustly prosecuted for acting in self-defense, or for committing a victimless crime, the juror should vote to acquit the defendant.

As a matter of legal history, the modern American 76 percent, like their Irish predecessors, are plainly correct. The jury is intended to interpose the conscience of the community between the government and the defendant. America's first Supreme Court Justice, John Jay, and America's second president, attorney John Adams, recognized and applauded the jury's right and duty to vote its conscience.

Unfortunately, for many decades judges who are unfaithful to America's history of jury rights have been falsely telling jurors that they are mere fact-finders, and must accept unequivocally the judge's instructions about the law. As the Fully Informed Jury Association continues to spread the word about jurors' rights, many judges are working harder than ever to exclude informed jurors from hearing cases. During the voir dire process, some judges demand that potential jurors disclose whether they have ever read anything about jurors' rights; any potential juror who does know his rights is automatically "excused."

The state of Colorado recently witnessed a type of prosecution not seen in the United States since 1776. Juror Laura Kriho was criminally prosecuted because she allegedly voted to acquit a drug defendant based on her conscience. (Technically, she was prosecuted because she did not, during voir dire, tell the judge about her own prior drug conviction, which had been expunged from her record. She says she didn't disclose it because no one asked. The real reason for her prosecution was that after she hung the jury, one of her fellow jurors complained to the prosecutor that she had compared drug laws to witch hunts.)

Given the data from the *National Law Journal*, it appears that many jurors equivocate during voir dire. Asked if they know about jurors' rights, they answer "No," and mentally add "I know of no jurors' rights contrary to the Constitution." Asked if they will rigidly follow the judge's instructions on the law, they answer "Yes," and mentally add, "insofar as your instructions are consistent with my rights and duties as a juror."

In contrast to President Clinton, potential jurors who intend to vote their consciences clearly pass the test of *A Treatise of Equivocation*. There is a great moral difference between lying in a civil rights case involving the liar's abuse of governmental power, and equivocating as part of jury service in order to protect someone from abuse of governmental power. ❑

"Of *course* you keep hearing Satanic messages!"

Y2K: Emergency Planning or Planning an Emergency?

by Declan McCullagh & Solveig Singleton

Next New Year's Eve may be celebrated with a declaration of martial law.

Jack Straw is looking forward to January 1, 2000, with the type of anticipation reserved for an unusually bloody root canal. As the world toasts the new year, Straw will be preparing for the worst. "As we all must recognise, disasters can strike suddenly, unexpectedly and anywhere," he recently wrote.

The disaster? An outbreak of drunken revelry? Distressing shortages of champagne, perhaps? Nope. He's talking about the famous Year 2000 computer bug, or Y2K.

As the United Kingdom's Home Secretary, Straw is in charge of organizing his government's response to Y2K. His plan: To call out troops to quell disturbances that could be caused by disruptions in electrical power generation and government services.

And he can't leave town. "Jack Straw has been told that, as Home Secretary, he must stay in London during next year's millennium celebrations in case of a serious breakdown in public order or a national emergency," the *London Sunday Times* reported on December 28.

The Brits aren't alone in ginning up an aggressive response to Y2K. The *Ottawa Citizen* in December disclosed that the Canadian government is considering martial law in response to Y2K disruptions. Previously secret government documents the *Citizen* obtained say: "Among the activities that must be done to meet the problems resulting from Y2000 failures is development of relevant emergency orders and regulations required for the invocation of emergency provisions under the Emergencies Act."

In the U.S., Senator Robert Bennett (R-Utah), who heads the Senate's Year 2000 committee, has asked the Pentagon about its plans "in the event of a Y2K-induced breakdown of community services that might call for martial law." And a House subcommittee has recommended that President Clinton consider declaring a Y2K "national emergency."

For the first time since the end of the cold war, a Cabinet task force is concocting emergency disaster responses. "Planning for the war games, tentatively scheduled for June, is in its early stages, so officials can't say which Cabinet secretaries will take part, how long the exercises will last or what mock disaster scenarios the leaders will be wrestling with," according to Scripps Howard News Service. Participating Cabinet departments include Defense, Justice, Energy, Health and Human Services, Transportation, and the Federal Emergency Management Agency (FEMA).

FEMA is in charge of the federal Y2K emergency reaction. The agency chairs the emergency services sector working group of the president's Y2K council. By January 15, 1999, FEMA will have updated the Federal Response Plan to take into account Y2K disruptions in services such as electricity or water. FEMA has scheduled regional Y2K training exercises for spring 1999, and will have joint military-civilian forces on alert by late December 1999.

It's a fair bet that mounting Y2K jitters won't slow plans to assign domestic governmental and pseudo-governmental functions to the military. Law enforcement functions top the list, but communications and food distribution are also likely candidates. Canada's plan includes stationing destroyers in port to provide generating power, and the U.S. in the past has used the military to deliver aid after hurricanes and other natural disasters. When machinery fails it can be replaced by manpower, and the military makes a logical source of workers trained to operate under harsh conditions.

In a worst-case scenario of looting and civil unrest, the involvement of the military in some urban areas could extend to martial law, military law, military courts, the suspension of rights of due process and habeas corpus, and sei-

zures of industrial or personal property. True, this possibility seems unlikely — even highly unlikely. But based on public statements and documents released so far, we know it's something the federal government is considering.

Officials may respond to pressure either because they believe the crisis is genuine — or because they think the appearance of activity on their part is necessary to head off panic. Much will depend on the perception of the probability of power outages and infrastructure failures. Sen. Bennett says he's far more optimistic than he was half a year ago.

But the process of planning for and anticipating these events can create pernicious mischief in itself. Once a plan and the resources to carry it out are in place, an evil temptation to take action will arise. In times of doubt, officials will err on the side of "order" over "anarchy."

In a worst-case scenario of looting and civil unrest, the involvement of the military in some urban areas could extend to martial law, military law, military courts, the suspension of rights of due process and habeas corpus.

What's clear already is that politicians are doing their level best to prevent panic. "Even if the Y2K problem is solved, the panic side of it can end up hurting us as badly," Sen. Bennett said in December. It's hardly a surprise that Janet Abrams, director of the White House Y2K council, said on December 23 that "one of our priorities for the coming year is the prevention of public overreaction to the Y2K problem."

As awareness of Y2K increases, officials will face increasing pressure to take more aggressive steps. At a December Y2K conference in Washington D.C., a National Guard colonel predicted the governor in his state would be forced to call out the troops because of public outcry.

Reports of shortages caused by stockpiling are likely to fuel concerns. In the bulk-food market, hard-hit by Y2Kers, shipping delays already stretch to over six months. "People's patience is much thinner now than it was four months ago. They're tougher. They're less likely to give us a few more weeks. All in all, I don't have a real pleasant experience with people yelling at me when I come to work in the morning," says Steve Portela, manager of Walton Feed, a bulk-food supplier in Idaho that employs 150 people.

A *USA Today*/National Science Foundation poll recently found 26 percent of Americans say they intend to stockpile food and water. Demand for generators has also spiked. Loren Day, president of China Diesel Imports, spends a good portion of each day puzzling out how to crank out more and more generators to meet a swell of Y2K orders. Shipments of his company's most popular 8,000-watt model now run six months behind. "Orders are up about 1,000 percent since the first of the year," Day said in November. "And the amount of people who will want a generator now is nothing compared to the amount of people who will want a generator later."

Officials' motives in planning military involvement to calm Y2K jitters are, at one level, natural and benign. And, of course, if power fails and cities erupt in chaos, a National Guard presence may well be the lesser of two evils. (Of course, restrictions on gun ownership are hardly likely to make law-abiding citizens safer.)

But some motives for military involvement would not be as innocuous. With the end of the cold war, it would have made sense for the U.S. military to shrink. Retired Army chief of staff Edward Meyer told a *Washington Post* reporter in 1989 that "the end of the cold war makes it inevitable that the Army will shrink far below the 772,000 on duty today."

It didn't. Supporters of an expansive U.S. military have spent the last decade finding something for it to do. In the 1980s, Congress amended the Posse Comitatus Act of 1878 — which restricts the use of troops to enforce civilian laws — to let the president enlist the military in the War on Drugs. President Reagan in 1986 signed a national security decision directive declaring drug trafficking a threat to the security of the United States.

The framers of the Constitution opposed standing armies in general, and especially their use for any purpose other than defending the country against foreign enemies. It was the arrest of civilians by the British army, quartering of soldiers in private homes, and similarly incendiary tactics that provided the tinder that sparked the American Revolution.

Less than a century later, President Lincoln usurped constitutional authority in well-chronicled ways. His justification: The inherent power of the commander-in-chief and his duty to "take Care that the Laws be faithfully Executed." During the Civil War and Reconstruction, the arrest and trial of civilians by military and civilian courts — and the impotence of civilian courts when the military refused to respect orders of habeas corpus — led to the passage of the Posse Comitatus Act.

Y2K might be more like the Civil War than a tornado, leading to a more prolonged and widespread military presence.

Since that time, understanding of the dangers of deploying the military in the domestic arena has diminished. Francis Mullen, administrator of the Drug Enforcement Agency, once casually dismissed civil libertarians' concerns about potential abuses if the military joined law enforcement. "There is sufficient oversight on the part of Congress and others," he told a *Newsweek* reporter, "to deter infringement on individual liberties." A Democratic congressman characterized the Posse Comitatus Act as a "sinful, evil law." Military leaders appear more aware of the danger of deploying forces domestically. Marine Major General Stephen G. Olmstead, deputy assistant secretary of defense for drug policy, warned a Senate subcommittee in 1987 that calling out the military to fight the drug war within the U.S. would be unwise. "One of [America's] greatest strengths is that the military is responsive to civilian authority and that we do not allow the Army, Navy, and the Marines and the Air Force to be a police force. History is replete with countries that allowed that to happen. Disaster is the result."

Why Not Open Borders?

by Jacob G. Hornberger

Thirty years ago, Democrats and Republicans sent 60,000 men from my generation to their deaths in an undeclared war in Southeast Asia. The rationale? To save people from the horrors of communism.

Apparently communism is not so horrible anymore. Today, if Cuban citizens flee communist tyranny, the biggest danger they face is the United States government's forcible repatriation of Cuban refugees into communist tyranny.

Of course, this is only one of the many ways that Democrats and Republicans abuse and mistreat Hispanics. For decades, they have jailed illegal immigrants for committing the heinous crime of crossing the border in search of work. They also arrest and prosecute American citizens for giving work to illegal immigrants. INS deportation raids on both homes and businesses leave nothing but tears and anguish in their wake.

Is all this necessary for a nation that takes such great pride in the Statue of Liberty? We Libertarians don't believe so. Why not simply open the borders to both free trade and open immigration? Why shouldn't people be free to travel, trade, visit, and engage in peaceful activity?

"But everyone would come to America." Not likely. It is extremely difficult – financially, emotionally, and culturally – to pull up roots, leave family and friends, and move to a foreign country, especially one in which people speak a different language. That's why many immigrants soon return to their homelands. Those who come and stay are usually the risk-takers – those who are willing to give up security for the chance of improving their lot in life. They should be cherished, not punished, for they bring a vitality that energizes a society. Moreover, the removal of American trade restrictions against other countries – like the embargo against the Cuban people – would increase economic prosperity in those countries, diminishing the economic incentive for people in those countries to migrate.

"They'll take jobs from Americans." On the contrary – immigrants create jobs for Americans! While often displacing Americans in lower-echelon jobs, their consumption of food, housing, cars, electronics, and other goods and services develops higher-echelon jobs for Americans in those sectors.

"They'll go on welfare." Then Congress should prohibit them from doing so and punish any bureaucrat convicted of distributing illegal welfare. There is no constitutional requirement that foreign citizens be entitled to use government to plunder the wealth of American citizens. Anyway, as many Americans have discovered, government welfare is a political drug that destroys the human spirit. Immigrants, like Americans, are better off without it.

"They'll burden government services." Then privatize them. Notice that it's always the public sector – public schools, public hospitals, public roads – that complains about too many customers. When was the last time you heard Microsoft, Sears, Disney, or McDonalds complaining about too many customers?

"They'll pollute our culture." American culture should be one of freedom – one in which everyone is free to pursue any cultural interest he wishes. After all, it was America's culture of freedom that motivated the French to give us the Statue of Liberty.

Open borders would not only raise the standard of living of both foreigners and Americans, it would also help to restore a sense of morality and civility to American society. How can it be considered moral and civil to forcibly repatriate people into communist tyranny? To incarcerate people for wanting to work? To punish employers for hiring them? How can any of this be reconciled with loving thy neighbor as thyself?

A decade ago, one of the ugliest walls in history was torn down. It is time to tear ours down as well. We don't need governmental barriers that separate families, friends, and businesses. We need *abrazos* and handshakes that bring people together.

Mr. Hornberger is president of The Future of Freedom Foundation in Fairfax, Va., and is co-editor of The Foundation's book, *The Case for Free Trade and Open Immigration.*

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Use of military procedure by FBI agents proved disastrous at Ruby Ridge. Vicky Weaver was murdered in part because the officers who shot her were governed by military rules of engagement. They allow troops to shoot an enemy on sight — a far cry from the rules controlling domestic law enforcement. At Ruby Ridge the rules of engagement let officers fire at any armed adult, rather than engage in usual threat assessment.

Even though using the military to perform civilian functions is extraordinarily dangerous, the Posse Comitatus Act has gradually been eroded. The Stafford Act of 1984 allows the military to help during natural disasters. After a natural disaster, a governor can ask the president to declare a state of emergency. Once it declares an emergency, FEMA can deploy soldiers on active duty. In August of 1992, the Army was deployed in South Florida to respond to Hurricane Andrew, and a month later on the island of Kauai after Hurricane Iniki.

Since the Posse Comitatus Act remained in effect during this time, soldiers could not enforce the law, arrest or detain civilians, or serve search warrants. In South Florida the soldiers doled out aid to citizens and illegal immigrants alike, no questions asked. Active-duty soldiers were not permitted to provide security at relief centers occupied by civilians.

When it comes to the use of troops to restore order during riots, however, the president can suspend the Posse Comitatus Act at the stroke of a pen. The act doesn't cover soldiers deployed as authorized by the Constitution or exempted from the act by statute.

Defense Department regulations* outline one of the larger loopholes. It allows the use of soldiers "to prevent loss of life or wanton destruction of property and to restore governmental functioning and public order when sudden and unexpected civil disturbances, disaster, or calamities seriously endanger life and property and disrupt normal governmental functions."

The reality? The president can deploy troops whenever he feels like it. President Bush did just this in response to the the Los Angeles riots. On April 29, 1992, the jury released its verdict in the Rodney King trial. A wave of riots followed. On May 1, 1992, California asked the president for aid; Bush responded with an executive order allowing the secretary of defense to call out the Army.

Most probably, Y2K will disrupt our lives only for a few days or weeks. So is the temporary use of the military to help out worth agonizing over? As with military intervention during a hurricane or riot, most citizens will expect the soldiers to be off the streets sooner rather than later. Civil libertarians shivering in the dark may offer little objection if the troops are called out. Fortunately, the military itself follows a powerful tradition of respect for the Posse Comitatus Act. When called into duty at the Los Angeles riots, the commander of the military forces refused to allow troops to carry out law enforcement functions like transporting prisoners, even though the president suspended the Posse Comitatus Act.

But unlike a hurricane or a riot, Y2K could hit everywhere at the same time. Its impact on machines, the economy, and mass psychology, whether trivial or massive, is extraordinarily difficult to anticipate. Y2K might be more like the Civil War than a tornado, leading to a more prolonged and widespread military presence.

Many "emergencies" declared by presidential order in past years became permanent. In the 1970s, Congress learned to its dismay that some emergencies, including President Roosevelt's 1933 banking emergency, were still in effect. "The president has the power to seize property, organize and control the means of production, seize commodities, assign military forces abroad, call reserve forces amounting to 2 $^1/_2$ million men to duty, institute martial law, seize and control all means of transportation, regulate all private enterprise, restrict travel, and in a plethora of particular ways, control the lives of all Americans," Senators Frank Church (D-Idaho) and Charles McC. Mathias (R-Md.) said in a joint statement in 1973. They listed the sheer number of lingering emergencies and noted that "recent history records Hitler seizing control through the use of the emergency powers provisions contained in the laws of the Weimar Republic."

Vicky Weaver was murdered in part because the officers who shot her were governed by military rules of engagement.

In response, Congress drafted laws to narrow the president's authority in non-wartime situations. Yet three successive Supreme Court rulings eviscerated the International Emergency Economic Powers Act, handing the president nearly unbridled discretion. A perpetual — and infamous — state of emergency enables the president to restrict the export of strong encryption technology, for instance.

The sheer murkiness of the information made public so far makes evaluating the government's plans problematic. Will the federal reaction follow recent disaster-response precedents, or will it include martial law? One thing is clear, though: the government agencies planning Y2K scenarios are making their plans in secret. And that — not the Y2K problem itself — is what we might want to join Jack Straw in worrying about. ❑

"Psst, mister — are the Eighties over yet?"

* DoD Directive 3025.12.

The People Strike Back

by Paul Armentano

The anti-drug warriors have a new enemy: democracy.

While the unlikely rise of Jesse Ventura and the fall of Newt Gingrich captured the post-election spotlight, the story with arguably the most significant policy implications went largely unnoticed: an unprecedented rejection of the "War on Drugs" by the American electorate.

Voters in November didn't just voice their opposition to the drug war; they roared. They approved every ballot measure that proposed lessening drug penalties. In Alaska, Arizona, Oregon, Nevada, and Washington, voters passed initiatives enacting legal protections for patients who use medical marijuana under a doctor's supervision. Exit polls in Colorado and the District of Columbia indicate their residents voted similarly, but official results have been impounded. And in Arizona and Oregon, citizens made the most dramatic statements of all. In both states, they rejected much-hyped legislation criminalizing the possession of certain drugs.

Bureaucrats in Washington, D.C., responded with an explosive silence. They weren't so circumspect before the election. The Drug Czar's office coordinated a high-profile campaign against the initiatives — one that enlisted the lip-services of three former presidents, and provided last-minute federal funding for at least one campaign against a drug-reform ballot measure. Now, nothing. Drug Czar Barry McCaffrey spent the days following the election in Hollywood lobbying the entertainment industry. Columnist Mike Gray found little surprising about McCaffrey's hush-hush post-election strategy: "Though he lost every battle in the anti-marijuana campaign, he did manage to keep the war off the front page."

But November's election did more than simply send a message to stubborn politicians. Voters dealt punishing blows to policies espoused by their representatives, illustrating a startling gulf between citizens and their elected officials. For the one-fifth of the American population living in states approving drug-reform proposals, the election ushered in legal reforms mandating the decriminalization and, in some cases, legalization of certain drugs — emphatically panning the dog and pony show hawked by politicians.

Cheeched and Chonged No More

When California voters legalized medical marijuana in 1996, it thrust the medical marijuana issue into the national spotlight. Before then, the topic was relegated to back-page articles in drug-culture magazines, or subjected to snickers from high-brow pundits searching for excuses to analogize Cheech and Chong. In a single blow, all that changed. The elite *New England Journal of Medicine* endorsed medical marijuana, the nation's largest papers debated it, younger and older voters alike gave the issue the serious consideration it deserved.

Two years later, voters elsewhere in the West and in the District of Columbia joined the fray. Medical marijuana measures passed by larger margins than in 1996. And the sentiment favoring it has mushroomed. Polls taken nationwide now show that two-thirds of Americans support amending federal law to allow doctors to prescribe marijuana to patients. This support extends beyond party lines and age groups. The genie is out of the bottle, and he's not going back in.

Here's a look at the results of marijuana initiatives in the 1998 elections:

"This Works"

Fifty-eight percent of Alaskan voters approved Measure

8, which allows patients to possess up to one ounce of marijuana or cultivate three mature plants for medical use. Weeks before the election, the Alaska Nurses Association (ANA) boldly passed a resolution endorsing the initiative. The resolution stated that marijuana "had a wide margin of safety for use under medical supervision," and is effective in reducing nausea, stimulating appetite, controlling spasticity, treating glaucoma, and controlling seizures. The ANA's endorsement swayed public opinion to favor the initiative, and effectively quashed the opposition's claim that the issue was only a ruse for legitimating non-medical use of marijuana. "Our position as nurses is that we listen to what the patients tell us, and patients tell us this works," says ANA spokeswoman Ileen Self.

Alaska's measure encourages patients to enroll in a confidential registry to qualify for a state identification card indicating they may legally possess medical marijuana. Those who do not register, or who choose to possess or cultivate larger amounts of marijuana than specified by initiative guidelines, may still raise the affirmative defense of medical necessity against any state criminal charges. The proposal becomes law early this spring when the lieutenant governor certifies the election results.

Since state law limits the legislature's ability to significantly alter voter-approved initiatives, proponents consider it unlikely that state officials will mount any serious challenges to the law.

Who Needs the FDA?

Arizona voters reaffirmed a medical marijuana initiative passed two years ago, and rejected a legislative requirement banning physicians from prescribing marijuana until the Food and Drug Administration approves the drug. Arizona's law allows physicians to prescribe marijuana to patients who have a second doctor's concurring opinion. However, because the law conflicts with federal law prohibiting doctors from prescribing any Schedule I drug, including marijuana, it remains uncertain whether this will benefit seriously ill patients.

Arizona joins Virginia, Connecticut, Vermont, and New Hampshire as states that authorize prescribed marijuana. However, doctors in these states rarely do so because there are no legal sources for the drug. Furthermore, physicians who prescribe marijuana face federal sanctions, including prosecution and revocation of their federal licenses to prescribe drugs.

At least one federal court has ruled that the First Amendment allows doctors to legally recommend marijuana to a patient. It is likely that some Arizona physicians may "recommend" marijuana to patients under the new law, but not actually prescribe the drug. Patients with such "recommendations" would arguably have new legal protections from state prosecution.

Does the Count Count?

According to Colorado exit polls, voters in that state strongly favored legal access to medical marijuana. However, officials from the secretary of state's office announced days before the election that petitioners failed to gather the necessary number of signatures to qualify the initiative for the ballot. State officials made similar claims months earlier, but a Colorado judge ordered that the initiative appear on the November ballot after finding the officials made repeated and glaring errors in counting signatures.

Following the last-minute announcement from Secretary of State Vikki Buckley's office, political challenger Ric Bainter, along with dozens of Buckley's former temp workers, told reporters the office never completed the signature count. Petitioners have launched a legal challenge claiming Buckley improperly dismissed more than 4,000 valid signatures. A Colorado judge will examine the secretary of state's final count to determine whether any errors were made. If so, the judge will order the measure placed on the ballot in 2000.

Voo-Doo Legislation

Voters in Washington, D.C., seemingly approved legislation legalizing the possession and use of marijuana under a physician's supervision. However, District officials have yet to count the votes. They say that a federal budget amendment spearheaded by Rep. Bob Barr (R-Ga.) forbids them from spending money on any initiative that minimizes marijuana penalties. Officials believe that spending the $1.64 necessary to certify the results will violate the federal law. Exit polls conducted on election night indicate that nearly 70 percent of District voters approved the measure.

Lawyers for the American Civil Liberties Union challenge the constitutionality of Barr's amendment. "Congress wants to prohibit any initiative that would reduce the penalties for marijuana, but allow any initiative that would increase those penalties [in the District]," says Arthur Spitzer, legal director for the National Capital Branch of the ACLU. "That is like saying voters can vote for Republicans, but not for Democrats."

The overwhelming support for decriminalization in Oregon surprised advocates on both sides of the issue.

The Department of Justice (DOJ), which agreed to represent Congress, wants the case dismissed. Papers filed by the DOJ called Congress's decision on I-59 "sensible." On December 18, U.S. District Judge Richard W. Roberts heard arguments from ACLU and District officials demanding the public release and ratification of the November 3 vote. Attorneys for the Justice Department countered that Congress has legal authority to bar the District from enacting laws they disapprove of. As of press time, Judge Roberts had not ruled on the case, but will likely do so in the near future. If he orders city officials to certify the I-59 vote, Congress then has 30 days to accept or veto the measure.

Congressman Barr, who remains steadfast in support of the D.C. ban, defended his measure to the media by asking: "Is there any legitimate speculation to think, given Marion Barry's history and the liberal leanings of D.C. voters, that they [would] decide to fight drugs?" Barr later added, "The

majority of the taxpayers who provide these dollars [for D.C.'s budget] are opposed to efforts to legalize [medical marijuana]," conveniently ignoring the results of votes in the states where Congress can't rig an election.

Trying Again in Nevada

Nevadans approved phase one of a proposal to amend the state's constitution to allow patients to use marijuana legally upon the advice of a physician. The proposal also orders the legislature to "authoriz[e] appropriate methods for supply" of medical marijuana, and to provide for a confidential registry of patients allowed to use marijuana for medical purposes. It does not specify how much marijuana patients may legally possess or cultivate at one time.

Nevada law requires voters to re-approve medical marijuana again in the year 2000 before the measure can officially become law. Dan Hart, who spearheaded the initiative, predicts a second vote will yield similar results: "While this state is conservative, it's also very protective of individual rights," he says. "And this is about an individual who is ill having the right to use medication that helps with the symptoms of a disease."

Nevada politicians and law enforcement officials, including Gov. Bob Miller and Attorney General Frankie Sue Del Papa, remain opposed to the medical marijuana measure and will likely continue their campaign attacking it. Del Papa alleges that federal prohibition trumps any state legal protections the measure may grant if re-approved by voters in 2000. She told the Associated Press she will not enforce the measure without federal approval.

The Feds Will "Have to Sue"

Oregon Attorney General Hardy Myers released guidelines in December alerting officers not to arrest or seize marijuana from patients complying with the state's new medical marijuana law. The guidelines recommend that police ask patients for the name of their diagnosing physician or for documentation from a doctor showing that marijuana might be therapeutically beneficial. They caution officers against destroying marijuana plants or seizing cultivation equipment from anyone who may be protected under the law. Police chief Rob Elkins of Molalla, who helped draft the guidelines, told *The Oregonian* that officers would return marijuana to patients later deemed in compliance with the law. Oregon's medical marijuana law took effect December 3.

Like Alaska's measure, Oregon's Initiative 67 allows patients with state permits to possess medical marijuana, and provides a legal defense for non-registered patients. The state Health Division will issue registration cards to patients and their caregivers after May 1. Reformers note that police may work with health officials to speed up the registration process.

To dissuade federal intervention, Americans for Medical Rights (AMR) encouraged states to adopt the permit-system model. "If the federal government wants to intervene and block the enforcement of these initiatives, it will have to sue and take legal action against the states," says Bill Zimmerman, who heads AMR, which backed many of 1998's initiatives.

Dave Fratello, spokesman for AMR, says that Oregon law allows legislators to modify voter-approved initiatives, and considers political opposition possible. He called the 1999 legislature a "hostile environment" for medical marijuana, and warned that the spring session could be a "dangerous time" for the new law. Fratello says proponents are prepared to lobby against any legislative attempts to override Measure 67.

What About That $200,000?

Nearly 60 percent of Washington voters approved Initiative 692, allowing patients to legally possess up to a 60-day supply of medical marijuana. Reformers patterned the measure after an unsuccessful 1998 state senate bill that sought to exempt patients using marijuana under the supervision of their physician from state criminal penalties.

Americans are not willing to undertake a free-market approach to drugs. But neither are they willing to accept the eroding civil liberties and human casualties that present policies impose.

Initiative 692 passed despite the best efforts of its chief opponent, Lt. Gov. Brad Owen. Months before the election, Owen's office received approximately $200,000 in federal money from the Office of National Drug Policy to fund a statewide anti-drug campaign focusing on the alleged dangers of marijuana. Owen argued that the timing of the grant was a coincidence, and not related to his lobbying efforts against I-692. Federal law prohibits officials from using federal funds to influence the outcome of an initiative.

Washington's new law took effect December 3. While reformers expect most police and prosecutors to abide by the law, legal skirmishes could break out over what amount of marijuana constitutes a 60-day supply. Initiative sponsor Dr. Rob Killian says he will work with other doctors and the law enforcement community to educate them on how to best enforce the new law. "We're planning to work with the Washington State Medical Association and with sheriffs and police chiefs to do seminars at their next meetings so we can teach them the difference between medical and recreational use," he says.

AMR's Fratello labeled Washington's legislature as "relatively friendly." He says reformers do not anticipate any serious political opposition to the new law. He also notes that Senator Jeanne Kohl (D-Seattle), an outspoken proponent for medical marijuana, now occupies a leadership role in the legislature and would likely work to stave off any serious political challenge.

"We'll Keep Winning More States"

Medical marijuana's clean sweep in the '98 polls heralds a pervasive shift in the public's attitude toward marijuana. Clearly, most Americans distinguish between medical and recreational use of marijuana. Most politicians, however, refuse to acknowledge any such distinction. It is also clear that voters' own experiences have shaped their views on the benefits of medical marijuana. Politicians and law enforce-

ment officials, who have vehemently protested reform of pot laws, have failed to sway the public. Voters now tend to reject ineffective, ideologically based policies for compassionate alternatives.

Speaking at the National Organization for the Reform of Marijuana Laws (NORML) 1998 national conference, Dr. Ethan Nadelmann of the Lindesmith Center policy institute asserted: "The medical marijuana issue is not a stepping stone to legalization. It is about one of the most fundamental injustices of the drug war." Evidently, American voters agree, and appear ready to do away with those injustices state by state, one vote at a time.

Medical marijuana's clean sweep in the '98 polls heralds a pervasive shift in the public's attitude toward marijuana.

"We'll implement these initiatives . . . and we'll keep winning more states until national policy is changed," Bill Zimmerman declared shortly after the '98 election. "We are . . . at a point where your right to medicine is determined by where you live — that must change. . . . If the federal government doesn't . . . change its attitude, we're fully prepared to go to the rest of America with this issue." Zimmerman and other advocates will probably have to, and, if these trends continue, they will probably succeed. After decades of banging their heads against a brick wall in Washington, D.C., medical marijuana proponents have finally found a forum: the ballot box.

Voters in Arizona and Oregon confronted the heart of drug prohibition itself. In both instances, voters soundly rejected policies passed by their legislatures increasing penalties for certain drug-possession offenses. Their bold actions signified a solid rejection of our nation's chief anti-drug mantra: "Do drugs, do time."

Arizona Votes Yes — Again

In Arizona, voters ousted a 1997 legislative measure gutting Proposition 200's provision on penalties for non-violent drug offenders. By voting "no" on Proposition 301, 52 percent of Arizonans mandated that all non-violent drug offenders shall be eligible for probation and drug treatment until their third offense. The courts cannot sentence these offenders to prison.

It marked the second time in two years that Arizona voters opted for treatment over jail for non-violent drug offenders. The measure solidifies public sentiment distinguishing between violent and non-violent drug users, and mandates legal distinctions for them.

Retaliating for the 1997 legislature's decision to override their earlier initiative, voters approved a measure restricting politicians' power to thwart the electoral will.

The new law requires a 75 percent majority of the state legislature to overturn any voter initiative. This hurdle, along with the departure of anti-drug zealot and former Gov. Fife Symington, will likely dampen legislators' enthusiasm for rebuffing the Arizona electorate. Michael Walz, an attorney from Phoenix who specializes in drug cases, says that few legislators have stepped forward to protest the new measure. However, Walz speculates that some drug possession defendants may still receive jail time "as a condition of probation" despite the new law.

In Oregon, Vote Is "Sacred"

Voters in Oregon voted 2 to 1 in November to reject a proposal that sought to impose criminal penalties for simple possession of marijuana. In doing so, the voters retained a 1973 state law decriminalizing minor marijuana offenses.

State Rep. Ben Westlund (R-Bend), who co-authored the marijuana recriminalization bill, said before the election that he would not reintroduce similar legislation if voters defeated his measure. "If the voters speak to an issue, I consider that next to sacred," he says. Another consideration: Democrats who opposed recriminalization in the months prior to the vote will fight any attempts by Republicans to take up the issue again this year.

The overwhelming support for decriminalization in Oregon surprised advocates on both sides of the issue. But it would have been more surprising had the electorate voted the other way. After all, Measure 57 asked voters to upset the status quo and repudiate a policy considered successful in the courts of public opinion for more than 25 years. And not just in Oregon. Nine other states have decriminalized minor marijuana offenses, and not one has taken steps to reinstate criminal sanctions. Oregon's resounding vote may very well catalyze a long-overdue national debate over marijuana policies responsible for the arrest of over half a million Americans each year.

The election demonstrates that Americans now reject the absurd dichotomy that we either maintain the status quo or embrace outright legalization.

Politicians, Beware

Voter sentiment in Arizona and Oregon shows that public support for "tough on drug" policies is waning. Anti-drug rhetoric that once scored political points has lost its luster and will almost surely tarnish further. Most importantly, the election demonstrates that Americans now reject the absurd dichotomy that we either maintain the status quo or embrace outright legalization. As with other issues, most Americans prefer a third, more moderate approach: one that tempers drug-war excesses and frames the debate with other public-health issues. Americans are not willing to undertake a free-market approach to drugs. But neither are they willing to accept the eroding civil liberties and human casualties that present policies impose. The 1998 initiatives may well serve as a model for future drug policies. Such efforts may even provide politicians a face-saving way out of the drug-war maze. That is, if politicians are paying attention, and if they care to listen. Those who fail to recognize this trend risk slipping into the political abyss. ❑

Analysis

The Rise of the New Libertarianism

by R. W. Bradford

Why are libertarians abandoning the obligation-based libertarianism of Rand and Rothbard and embracing the consequentialist libertarianism of Friedman, Hayek and Mises?

To be a libertarian is to believe that human liberty is a good thing — that it ought to be maximized and the power of government greatly reduced. But why do libertarians believe that liberty is a good thing? What's so good about liberty?

Virtually all libertarians agree that people can better flourish if they are free, that they will be more prosperous and happier when secure in their persons, property and liberty. For some libertarians, this is justification enough. They're for liberty because liberty is good for people. The libertarianism they advocate is *consequentialist*.

But for other libertarians, the fact that liberty helps people flourish and increase their happiness is not enough. They believe that liberty springs from objective morality. In particular, they believe that it is always wrong for one person to initiate the use of force against another. People who violate this moral imperative are doing wrong and ought to be condemned morally. Governments — or at least all those governments with which we are familiar — violate this moral law and ought to be condemned. For this sort of libertarian, liberty is not merely an expeditious social arrangement. It is a social arrangement entailed by an objective morality. This type of libertarianism is *moralistic*.

This is not to say that consequentialist libertarians are not moral; in fact, most consequentialists agree that it is wrong to initiate force. Where they part company from the moralist libertarian is that they see non-aggression as a general moral principle, one with profound and positive consequences, but *not* as a moral imperative from which all social and political thought can be derived.

Formulated by best-selling novelist Ayn Rand and appropriated and expanded by Murray Rothbard, moralistic libertarianism was largely responsible for the modern resurgence of libertarian thinking that began in the 1960s. But during the past few years, moralistic libertarianism has gradually but substantially declined, while consequentialist libertarianism has seen a corresponding increase.

This decline is evident when one compares the survey of libertarian opinion this magazine conducted in 1998 to that it conducted a decade earlier. Libertarian support for positions entailed by the non-aggression imperative dropped substantially, while support for positions coherent with the consequentialist approach increased. The perceived influence of Rand and Rothbard dropped significantly, while the influence of leading proponents of the consequentialist position — Ludwig von Mises, Milton Friedman and F.A. Hayek — increased. Most telling of all, disagreement with the non-aggression imperative rose from 10 to 50 percent.

As one who has occasionally criticized moralistic libertarianism[1], I'd naturally like to credit its decline to the sorts of arguments that I have made. But the criticisms of its derivation and examination of some of its more absurd implications and its seemingly unsoluble problems, whether from me or from others, has played at most a secondary role in its decline in popularity.[2]

For one thing, respondents to our survey attributed relatively little influence to me or to David Friedman, the other critic of this sort of thinking whose name was included in our survey. David Friedman scored 1.91 in our 1988 survey and 1.88 in our 1998 survey. Readers of the 1988 survey were not asked to evaluate my influence, but the 1998 survey gave me a score of 1.90 — pretty much in the middle of the pack.

For another thing, most of what *Liberty* has published on this subject — from Friedman, me and others — appeared in

the distant past, between 1987 and 1989. It seems safe to say that a substantial portion of respondents were not readers of *Liberty* at that time. (*Liberty*'s circulation has more than tripled since that period, and there has been considerable turnover among long-term subscribers.)

But the most important reason, I believe, is not intellectual at all. It is a practical one: the kind of libertarianism that grows out of the non-aggression imperative tends to promote dogmas and declamations, rather than dialogue. And dialogue is commonly necessary to change people's minds. For this reason, libertarianism deduced from the non-aggression imperative does poorly in the intellectual arena. In fact, it is usually counterproductive, and libertarians are finding that out.

The non-aggression imperative is a sort of trump card. In almost any political discussion, whatever cards are on the table make no difference — the non-aggression imperative wins the trick.

Moralistic libertarianism offers a pretty easy answer to just about any kind of policy question. If a government policy involves the initiation of force, it's bad. If it doesn't, it's permissible. For the moralistic libertarian, the non-aggression imperative is a sort of trump card. In almost any political discussion, whatever cards are on the table make no difference — the non-aggression imperative wins the trick.

Invoking the non-aggression imperative in argument with other libertarians very often wins arguments with those who agree with it. But unfortunately, as those of us who have cited it in discussion with non-libertarians are well aware, a lot of people find it unconvincing. I understate: when we cite the non-aggression imperative in a discussion of a political issue, a lot of people just shake their heads and walk away thinking we're nuts.

There are a lot of reasons why our friends and neighbors don't respond favorably when we start talking the language of natural rights or the non-aggression imperative. Some of these reasons are psychological: some people fear independence and get comfort from the notion that others will take care of them. Some people have a vested interest in the state: the IRS agent or the police officer or the welfare recipient has a strong interest in the coercive state and isn't very fertile ground for arguing the non-aggression imperative.

But most of our friends and neighbors are not net recipients of government largesse. Why don't they respond favorably to our arguments about rights and non-aggression?

One hypothesis immediately comes to mind: they are intellectually lazy. They are reluctant to think very hard about hard questions of this sort, we tell ourselves. Either that, we think, or they're just plain stupid. The more intellectual among us is liable to state this sort of explanation in a more high falutin way: he might say something like the intellectual atmosphere in the country is bad, people are deeply ingrained with anti-libertarian values because they've suffered through the public schools, etc.

I think there's another reason that libertarian rights theory isn't very convincing: it's not very sound. I think our friends and neighbors see through us and our arguments in ways that we don't. Many see our argument as a complicated word game, as mumbo-jumbo, as superstitious. I do not suggest that our friends and neighbors critically examine every jot and tittle of the argument for the non-aggression imperative. But I do believe that many of them are dubious about any kind of argument that seems so arcane and abstruse.

While most people accept non-aggression as a general moral principle, they are simply astonished at the extremes to which libertarians take it. They believe that when non-aggression becomes a categorical imperative, it leads to positions that they think are just plain crazy. "Would you privatize the police?" they ask. "Or do away with the courts? Or with publicly-owned streets and roads?" In response, we usually begin to defend our radical policy prescriptions as eminently practical. But most often, they walk away shaking their heads in disbelief, or (if they are friends) figure that our political beliefs are an eccentricity they must tolerate if they want to keep our friendship.

To the moralistic libertarian, the non-aggression imperative plays more or less the same role that the Bible plays for a fundamentalist Christian. Just as the fundamentalist finds the answer to every important question about life within the pages of the Bible, so the moralistic libertarian finds answers to nearly every social and political issue within the non-aggression imperative.

While most people accept non-aggression as a general moral principle, they are simply astonished at the extremes to which libertarians take it.

And just as the fundamentalist finds it impossible to have fruitful dialogue with those who do not accept the literal inerrancy of the Bible, so the moralistic libertarian finds it impossible to have fruitful dialogue with those who do not accept the the non-aggression principle as an absolute moral imperative.

And like the fundamentalist, the moralistic libertarian finds himself carrying on serious dialogues only with others who share his faith. Just as the fundamentalist's discussion with non-believers is pretty much limited to trying to convince them of the literal inerrancy of the Bible (and thus to accept Jesus Christ as their personal savior), so the moralistic libertarian's discussions with non-believers is pretty much limited to trying to convince them that the non-aggression imperative is a proven and indisputable truth. Even the terminology overlaps: moralistic libertarians frequently speak about when and how they were "converted" and how many others they have "converted."

In sum, invoking the non-aggression imperative in politi-

cal dialogue is a dead end: unless the person we are speaking to agrees with it when the discussion begins, the dialogue simply ends.

But libertarians mostly want to move society toward freeedom, or, at the very least, to impede the growing power of the state and the simultaneous decline of liberty. If invoking the non-aggression imperative fails to convince and, worse, ends dialogue altogether, then perhaps we should try another approach.

The other approach, not surprisingly, is consequentialism. If you cannot convince others to accept a somewhat peculiar moral law in one swallow — absurd implications and all — then perhaps you can convince them that the world would be a better place if a few more aspects of life were regulated by it, that is, if we had more liberty.

Consider how a moralist and a consequentialist argue against minimum wages. The moralist says something like, "Minimum wage laws threaten to imprison or fine anyone who purchases labor below a certain price. This threat constitutes an initiation of force, and it is wrong for government to initiate force, just as it is wrong for an ordinary person to initiate force . . ."

As I've already noted, just about anyone who isn't a moralistic libertarian will find this line of thinking unconvincing. "But," most people will respond, "why should businessmen be able to pay a wage so low that it won't support a family?" If the libertarian sticks to his invocation of the non-aggression imperative, most people will figure that they have no common ground for further discussion: the moralistic libertarian has pretty well reduced the entire discussion to a single proposition that seems crazy, at least when considered conclusive on any policy question.

The consequentialist takes a very different approach. He argues something like this: "The purpose of a minimum wage law is to raise the wages of people near the bottom of the wage scale. But the effect of minimum wage law is quite different: while it may raise the wages of a few low-paid people, it will raise the cost of hiring low-skilled people to a level at which many business owners will either no longer be able to operate profitably, and thus go out of business, or will replace the low-skilled employee with a piece of automated equipment. The net effect is to increase unemployment among the marginally skilled. Is that what you really want to do?"

This argument, in more elaborate form, may or may not convince the non-libertarian. But whether it does or not, it engages him intellectually. The non-libertarian might respond, "Well, I once worked at a McDonald's when the minimum wage was raised, and all that happened was that everyone, including me, got a raise. No one was laid off. So I think you're wrong." The critic of minimum wage then might respond, "Well, in some cases, the job-destroying effect of minimum wage occurs only at the margin. In certain cases, the employer can afford to pay the higher wages. But even in these cases, he has incentives to automate . . ."

The process, I suggest, is a subtle one. It's not as if suddenly a light goes off in a person's mind one day while he is arguing from the non-aggression imperative. As I noted above, the moralist libertarian is just as convinced of the beneficial results of liberty as the consequentialist. He just doesn't find the consequences as compelling as the non-aggression imperative.

So over time, the libertarian enamored with the non-aggression axiom gradually throws in consequentialist arguments more and more frequently. And he prefers the results. No longer do friends and acquaintances shake their heads and walk away when he states an opinion. They may still find him annoying, they may find his argument vexing, they may still support the growth of power and oppose liberty. But at least they can engage in sensible discussion with him.

Consider for a moment the work of the Cato Institute, the largest and most influential libertarian think tank. Cato seems to hold the moralist persuasion: it formerly employed Murray Rothbard and has lately cosponsored several events with the neo-Randian Institute for Objectivist Studies. In *Libertarianism: A Primer* David Boaz, Cato's executive vice president, described the non-aggression imperative as "a central principle of libertarianism" and seems to come close to reading out of the libertarian movement those who disagree with it (74, 82–3).

To the moralistic libertarian, the non-aggression imperative plays more or less the same role that the Bible plays for a fundamentalist Christian.

Yet when Cato engages in its primary endeavor — analyzing policy proposals — moralistic arguments are conspicuous by their absence. I just grabbed my 25 Cato Policy Reports off the shelf in my library. Only one of them paid the slightest attention to morality, "The Moral Case for Social Security Privatization," by Daniel Shapiro. Even here, Shapiro didn't really argue morality, at least not libertarian morality. Instead, he argued that privatization is defensible "from virtually every perspective in political philosophy," including egalitarianism, welfare theory, communitarianism and any argument framed "in terms of community."

To be sure, the consequentialist approach isn't a magic bullet. It doesn't convince all comers. But some of those who hear the consequentialist arguments react favorably. Gradually, the moralist libertarian begins to think more and more like a consequentialist. Meanwhile, he recalls the problems in the derivation of the non-aggression imperative, its seemingly absurd consequences, its unresolved (and seemingly unresolvable) issues, and his belief in the moralist position begins to decline.

This occurs more often among those whose occupations involve one-on-one communication with others. Scholars, newspaper reporters, policy analysts, and others engaged in real-world dialogue with non-libertarians tend to discover more quickly the futility of invoking moralist libertarian thinking. I daresay few moralist libertarians spend much time engaged in real-world politics before they begin to use consequentialist arguments. Anyone who's tried canvassing

their neighborhood spreading the good word of Murray Rothbard quickly has enough doors slammed in his face to convince him to try another approach, or to abandon his endeavor.

It's an evolutionary process driven by incentives. Moralistic libertarianism may appeal to a small number of individuals looking for a simple rationale to defend their beliefs, and even sometimes results in spectacular "conversions" of an almost religious nature.

The consequentialist approach brings fewer spectacular conversions, but day in and day out it brings better results: few slammed doors, fewer closed minds, more dialogue, more real progress.

The consequentialist approach brings fewer spectacular conversions, but day in and day out it brings better results: few slammed doors, fewer closed minds, more dialogue, more real progress.

In an important sense, the moralist and the consequentialist are speaking different languages. The moralist speaks a language that is foreign to most people, while the consequentialist speaks the language of ordinary human beings. So while the moralist fails, the consequentialist succeeds.

Some libertarians who accept the non-aggression imperative begin to speak two different languages: when speaking with others within their faith, they speak the language of inalienable rights and the non-aggression imperative, but when speaking with those outside their movement, they speak the language of consequentialism. Many shift effortlessly from one vernacular to the other.

But libertarians are part of a long rationalist tradition, and many are not very happy about maintaining the dissonance that results from trying to hold both positions. The incentives for consequentialism continue to grow stronger, as the mainstream proves more tolerant of libertarian notions and even moves toward libertarianism.

That's why vastly more libertarians reject the non-aggression imperative today than ten years ago. And that is why this trend is likely to continue. ❑

Notes:

1. See, for example, "The Two Libertarianisms," *Liberty*, May 1988, written under the pseudonym "Ethan O. Waters."
2. Among its problematic implications: in a whole host of situations, it requires its adherents to refrain from initiating force that would save their lives or the lives of their loved ones at negligible cost to those against whom the force is initiated. Among its seemingly insoluble problems: the threshold of force (if one shoves a knife through the ribs of another, it is plainly force; but what if one touches another with a feather, or exhales a molecule of nitrogen that touches another?), and the origin of property (if one accepts the Lockean theory of "mixing one's labor with the soil," there is a plain implication that land that remains unmixed with labor, i.e. wilderness, cannot be owned at all). And worse still, non-aggression is quite consistent, under certain circumstances, with totalitarianism (cf: "The Apostasy of Robert Nozick," *Liberty*, September/October 1987).

Reflections, *continued from page 32*

would make divorces less litigious and emotionally draining is problematic, but at least there would be fewer surprises.

The way things now stand, the State insinuates itself in the marriage contract by setting up standards for both starting and dissolving a marriage. A marriage contract is an agreement between consenting, competent adults. Beyond that, the government has no interest in the arrangement. Further, by letting such adults enter into marriage without explicitly being aware of the common law implications of that contract, the State is a party to fraud and discourages personal responsibility. In most instances, contracts are enforceable only if both sides fully recognize all of the terms and implications beforehand. Yet the State presently allows most marriage contracts to proceed without these safeguards.

It's time to abandon our romanticized notion of marriage, at least so far as it leads people to enter into contracts whose terms they do not understand, and to view pre-nuptial agreements as a wet blanket on romance. We live in a society where half of all marriages fail. If knowledge of what a marriage contract entails causes a relationship to fall apart, then it must have been pretty fragile to begin with. Better to have the divorce before the wedding.

—*guest reflection by* John T. Wenders

"America's Deconstitutionalized Zone,"

by John Robie, *continued from page 23*

advocate pursuing a combination of policies based on science and common sense that reduces the harm done to society.

If what we have tried is not working, is it not folly to continue down the same path? Drugs are more plentiful and stronger now than they were before the war began. The Dutch have set an example we would do well to consider: a policy that allows people to smoke marijuana in coffee houses. Survey research shows that only 7.2 percent of the kids between the ages of 12 and 15 have experimented with pot in the Netherlands. That compares with a 13.5 percent rate in the United States.

Clearly, we need a different approach. As Milton Friedman once wrote to Drug Czar William Bennett: "[t]he path you propose of more police, more jails, use of the military in foreign countries, harsh penalties for drug users, and a whole panoply of repressive measures can only make a bad situation worse. The drug war cannot be won by those tactics without undermining the human liberty and individual freedom that you and I cherish." ❑

Game, Set, Match

by Mark Skousen

Friedman and Samuelson square off in the match of the century.

Two famous economists engaged in a gigantic academic struggle between State and Market in the 20th century: MIT's Paul A. Samuelson, the supreme advocate of government interventionism, and Chicago's Milton Friedman, the champion of free-enterprise capitalism.

Both are in the twilight of their careers. Samuelson, now emeritus at MIT, just celebrated the publication of the 50th anniversary commemorative edition of his famous textbook, *Economics*. Friedman, long gone from Chicago and now a research fellow at the Hoover Institution, recently completed with his wife Rose their autobiography, *Two Lucky People* .

Samuelson and Friedman have a lot in common. Their lives have spanned nearly the entire 20th century (Friedman was born in 1912; Samuelson, 1915). Both are secular Jews, math whizzes, prolific writers and brash egotists. Each won the John Bates Clark Award, a prize given to the most promising economist under the age of 40. Each served as president of the American Economic Association, and each received the Nobel Prize in Economic Science. Both attended the University of Chicago in the 1930s.

And both play tennis. Imagine, if you will, an intellectual tennis match between these two titans of economic wisdom. On the court of ideas, these rivals have engaged in a dramatic, prolonged battle in which the momentum has shifted back and forth on its way to a decisive finale. Here's a blow-by-blow account.

15–Love: Samuelson Scores First

Samuelson scored the first point decisively for the collectivists when McGraw-Hill published the first edition of *Economics: An Introductory Analysis* in 1948. The "cocky, even brash" (his words) player from MIT smashed a hard first serve, a shot so powerful that Friedman and other free marketeers were caught flat-footed. The 33-year-old wunderkind was in his prime, full of fresh, brilliant ideas that filled the audience and the other players with awe-struck admiration. They just couldn't get enough of him and his new technique. Every major university, from Harvard to Berkeley, adopted his approach.

His opening shot was the "New Economics" of John Maynard Keynes, the British economist and Samuelson's coach, whose *The General Theory of Employment, Interest, and Money* (1936) overthrew the classical school of Adam Smith. Samuelson was the first textbook writer to formalize Keynes's theory about how an activist government could get us out of a slump. Didn't World War II prove that? Moreover, free-market capitalism was like an automobile "without a steering wheel," prone to "acute and chronic cycles" in unemployment, output, and prices. A laissez-faire economy could be stuck at "unemployment equilibrium" for years, as it was during the decade-long Great Depression.

According to the Keynesians, the classical economists had no explanation for a prolonged slump. During periods of acute unemployment, the classical model (balanced budgets, virtue of thrift, gold standard, laissez-faire government) doesn't work. The "do nothing" policies of the conservatives failed to jump-start the depressed economy. Keynes — and his Thomas Huxley, Samuelson — introduced a new "general" theory of income determination, based on "aggregate demand." New tools of "macro" economics were introduced in the classroom — the multiplier, the propensity to consume, the paradox of thrift, and the Keynesian cross (Samuelson's own creation) — all spelled out in simple language and enticing formulas in Samuelson's first edition.

Behind the wizardry of the New Economics was this driving thesis: When the dark forces of ignorance and "waves of irrational psychology" in the private sector curtail spending, who can step forward and rebuild "aggregate demand"? Only the government, which has the fiscal power to engage in "countercyclical demand management" — a sophisticated term for deficit spending and priming the pump. According to the Keynesian model, in times of unemployed resources and falling aggregate demand, everything goes into reverse: balanced budgets, the gold standard, saving and wage cutting are all counterproductive. The key to recovery is higher consumption, deficit spending, and inflation. About the only thing the classical economists and the Keynesians could agree on was tax cuts; both favored them during a recession.

Samuelson and Friedman have a lot in common. Both are secular Jews, math whizzes, prolific writers and brash egotists. Each received the Nobel Prize in Economic Science. And both play tennis.

Keynes Made Simple

According to Samuelson, the classical model of Adam Smith was a "special" case that applied only in times of full employment. The Keynesian model was a more "general" case, applying whenever unemployment existed. Samuelson suggested that less-than-full-employment existed most of the time.

Keynes's theory and book were complex and unreadable to the general public, but Samuelson wrote in clever, clear prose. His textbook was a phenomenal success, and 90 percent of the economics departments used his textbook by the end of the 1950s (over a million copies had sold by the 1961 edition). As Mark Blaug observes, Samuelson's book "marked the final triumph of Keynesianism."

Why did *Economics* flourish so? Not because Samuelson was an unrepentant socialist. Quite the contrary. His version of Keynesianism was widely considered the salvation of capitalism. (Hence the subtitle of Robert Skidelsky's penetrating biography, *John Maynard Keynes: Economist as Savior, 1920–1937*.) Under the able leadership of an activist big government, the "mixed" capitalist economy could flourish. There was no need for a totalitarian socialist regime, wage and price controls, or other forms of extreme interventionism. With the State's clever manipulation of taxes, spending, interest rates and money, a country could have full employment and the free forces of capitalism could prosper. In short, Keynesianism is a mild form of statism, it calls for control over the macro-economy, but leaves the micro-economy to its own devices. It saved us from the two extremes of laissez-faire and Marxism. It was the golden mean of economics.

The first point scored by Samuelson was so dramatic that his opponent looked depressed and overwhelmed. Milton Friedman and the Chicago school of free-market economics that he led were mostly ignored and even belittled by the profession. Its focus on monetary policy was given short shrift compared with the alleged prowess of fiscal policy. Samuelson himself declared in 1955, "Today few economists regard Federal Reserve monetary policy as a panacea for controlling the business cycle." The leaders of the other school of free-market economics, the Austrians, led by Ludwig von Mises and Friedrich Hayek, fell into relative obscurity, unable to hold full-time positions in any major university. American "Austrians," such as Henry Hazlitt and Murray Rothbard, attacked Keynesian economics, but without effect. At one point, even some conservatives found Keynesianism amenable. Writing in the *National Review* ("Must Conservatives Repudiate Keynes?," June 4, 1960), Ernest van den Haag naively suggested that Keynesian theory was "politically neutral," and did not necessarily support big government.

30–Love: Central Planning Works

The second volley was just as powerful as the first, and Samuelson quickly got a 30–love lead.

Data from the Central Intelligence Agency and other government sources revealed that the Soviet Union was achieving extremely high rates of economic growth without the benefits of free markets and private property. Socialist central planning appeared to work better than the chaotic forces of free enterprise. At first, Samuelson was skeptical. He was highly critical of Karl Marx, the father of socialism, and declared the U. S. brand of "mixed-enterprise system" far superior to Soviet central planning. But by the fifth edition (1961), he reversed course and accepted presumed superior growth rates under communism. For the next several editions, his book included a graph showing a narrowing gap in economic standards between the United States and the USSR. The 12th edition (1985) printed a table declaring boldly that between 1928 and 1983, the Soviet Union had grown at a remarkable 4.9 percent annual growth rate, a rate exceeding that of the United States, the United Kingdom, or even Germany and Japan. Samuelson's acceptance of Soviet growth statistics was so blind that by the 13th edition, published in 1989, one year before the collapse of the Berlin Wall and the Soviet economic system, he solemnly declared, "the Soviet economy is proof that, contrary to what many skeptics had earlier believed, a socialist command economy can function and even thrive."

On the court of ideas, these rivals have engaged in a dramatic, prolonged battle in which the momentum has shifted back and forth on its way to a decisive finale.

On the court of alternative ideas, the free-marketeers had little to serve in return. Some conservatives even capitulated on Soviet statistics. Henry C. Wallich, a Yale professor and member of the Council of Economic Advisers under Eisenhower, wrote a book, *The Cost of Freedom* (1960), claiming that liberty comes as a cost (lower economic

growth) rather than a benefit. Samuelson endorsed the book.

40–Love: The Dominance of Keynesian Economics

By the late 1960s, the collectivists appeared on the verge of complete victory in the academic world. The "New Economics" was tested in 1962 when the Kennedy administration cut taxes and deliberately increased the deficit. It seemed to work; the economy grew rapidly. Samuelson's *Economics* dominated the classroom and consistently sold more than 300,000 copies a year in the 1960s, its high water mark. It was translated into many languages (by now over 40). Other popular texts, such as Campbell R. McConnell's *Economics*, were viewed as Samuelson clones. To top it all off, in 1970 Samuelson became the first American economist to win the Nobel Prize in Economics.

It was another ace for Samuelson. Friedman stared in disbelief.

All this time, Friedman worked on his own serve, trying to build up strength to counter Samuelson's powerful volleys. His many years of research and hard work paid off with the publication of two works: *Capitalism and Freedom* (University of Chicago Press, 1962) and *A Monetary History of the United States, 1867-1960* (Princeton University Press, 1963), co-authored by Anna J. Schwartz. Yet Friedman's initial response appeared weak in the face of Samuelson's prowess. It seemed almost an impossible task to overcome the Keynesian Juggernaut.

40–15: Inflationary Recession and the Collapse of the Keynesian Consensus

Samuelson seemed on the verge of winning the match. Amazingly, however, before the statists could declare total victory on the court of ideas, the free-market opponents rallied back, surprising everyone. They scored a point, and it was a major blow to the statists' egos.

The dramatic, painful events of the 1970s forced the economics profession to re-evaluate its new dogma of fine tuning the economy and the government's alleged power to end recession/depression forever. Inflation had promised to bring prosperity, but had produced global distress — commodity shortages, an energy crisis, and sharp downdrafts in the securities markets. The world faced a new phenomenon, an inflationary recession, something the Keynesians had not anticipated in their theory of aggregate demand. It was a world turned upside down. Deficit spending wasn't a cure-all after all. As James Callaghan, the British prime minister, said in 1977, "We used to think you could spend your way out of a recession. . . . I tell you, in all candor, that that option no longer exists, and that insofar as it ever did exist, it only worked by injecting bigger doses of inflation into the economy followed by higher levels of unemployment as the next step. That is the history of the past 20 years."

The unexplained events of the 1970s required Samuelson to consider alternative theories. The axis of influence seemed to be shifting from Samuelson and the Cambridge school to Friedman and the Chicago school. Friedman effectively refuted the Keynesian view that the Great Depression was caused by market forces. His monumental *Monetary History* demonstrated that government's inept Federal Reserve allowed the money supply to decline by one-third. Government, not free enterprise, caused the Great Depression. By the early 1970s, Friedman's work could no longer be ignored.

In his ninth edition (1973), Samuelson cited Friedman several times, even recommending his now popular book *Capitalism and Freedom* as a "rigorously logical, careful, often persuasive elucidation of an important point of view." Samuelson no longer ridiculed monetarism. "Both fiscal and monetary policies matter much," he declared in 1973. It didn't hurt that free-market economist F.A. Hayek won the Nobel Prize in 1974, Friedman in 1976.

40–30: Thatcher/Reagan and the Supply-side Revolution

The psychological edge of the match had begun to shift to the opposition. The collectivists were faltering, and the free marketeers were gaining strength. Friedman scored the next shot and now trailed by only a point.

Keynes's theory and book were complex and unreadable to the general public, but Samuelson wrote in clever, clear prose. His textbook was a phenomenal success, and 90 percent of the economics departments used his textbook by the end of the 1950s.

What brought them back? The election of Margaret Thatcher in Britain and Ronald Reagan in the United States introduced an alternative theory, supply-side economics, heavily influenced by the Chicago school. Keynesian economics had focused solely on "aggregate demand" and had ignored "aggregate supply." The supply-siders, led by Arthur Laffer, Paul Craig Roberts, and Jude Wanniski, contended that national output could benefit from tax cuts, deregulation, and privatization of inefficient government services. Inflation could be curtailed without recession by reducing monetary growth, government spending and taxes. Under the growing influence of the supply-siders, the profession developed a consensus, creating a new model of aggregate supply and demand (AS-AD). In the 1985 edition, Samuelson, running out of breath, joined forces with his new partner, Yale professor William D. Nordhaus, and introduced AS-AD graphs for the first time.

Samuelson could not ignore other burgeoning schools of free-market economics: the theory of rational expectations from Robert Lucas, Jr. (another Chicago economist), and public choice theory, advocated by James Buchanan and Gordon Tullock. The MIT professor even cited the Austrian economists Ludwig von Mises and Friedrich A. Hayek for their deft criticisms of socialist central planning.

Deuce! The Collapse of Soviet Communism

The free marketeers came from behind to tie the score when the Berlin Wall fell in late 1989; it became obvious with

the collapse of the Soviet Union that its economic miracle had been a fraud.

Before the collapse of socialism, Samuelson had written that socialist central planning could "function and thrive." In 1992, Samuelson dropped the word "thrive" and put question marks next to the Soviet growth statistics. Late editions identified the Soviet system as "the failed model." Samuelson candidly admits that he and the other textbook Keynesians double-faulted in failing to anticipate the collapse of communism: "In the 1980s and 1990s, country after country threw off the shackles of communism and stifling central planning — not because the textbooks convinced them to do so but because they used their own eyes and saw how the market-oriented countries of the West prospered while the command economies of the East collapsed."

Samuelson seemed on the verge of winning the match. Amazingly, however, before the statists could declare total victory on the court of ideas, the free-market opponents rallied back, surprising everyone.

Advantage, Free Market

The game is not over, but the pattern is clear. Friedman had captured the momentum, and quickly scored another decisive point. Advantage, free market, and match point.

Samuelson just released his 50th anniversary (16th) edition of *Economics*, coauthored by Nordhaus. By now, he's reconsidered his position in many areas. He has deleted the paradox of thrift, an anti-saving concept long central to the Keynesian message, replacing it with a two-page segment on the "precipitous decline" in the nation's saving rate, blamed on Social Security, budget deficits, and taxes. Deficit spending, once considered beneficial, now causes "crowding out" of vital investment; and "a large national debt tends to reduce a nation's growth." No one could imagine the world's top Keynesian making such a statement a few decades ago. He now deems fiscal policy "moribund," and declares "Stabilization policy will be performed by Federal Reserve monetary policy." And Adam Smith is cited slightly more often than Keynes!

Friedman was beaming across the net. Clearly Samuelson was giving up the fight.

A new generation of neo-Keynesians seems already to have switched. Greg Mankiw, the young Harvard economist whose new textbook is being hailed as the "next Samuelson," has done something no other textbook writer dared: He puts the classical model ("the real economy in the long run") ahead of the Keynesian model. In a counterrevolutionary way, Mankiw has reestablished the classical model of Adam Smith as the "general" theory and Keynesian economics as the "special" case. His popular textbook leaves out most of the Keynesian apparatus: no consumption function, no Keynesian cross, no propensity to save, no paradox of thrift — and only one small reference to the multiplier! That's quite remarkable for a man who named his dog Keynes.

Samuelson Throws His Racket

The final rounds were frustrating for the old Keynesian. Sensing defeat, Samuelson lashed out at his opponents and the umpire. In the "valediction" of the 50th anniversary edition, Samuelson had harsh words about the new market economy. "Ours is the 'ruthless economy,'" he complains, which creates excessive competitiveness, layoffs, and "growing" inequality. "Old-fashioned loyalty to firm or community counts for little." (Perhaps he should read David Packard's *The HP Way*, or note the growing number of firms offering profit sharing and 401(k) plans.)

But in the court of public opinion and in the political arena, the match is clearly won. The debate in Washington is no longer whether to cut back taxes, but which taxes to cut and how much; not whether to balance the budget, but how soon and by what means; not whether government spending should be limited, but which programs. In Britain, Labor Party prime minister Tony Blair appears more fiscally conservative than Margaret Thatcher. Japan is finally cutting tax rates. And the Asian model of industrial planning is giving way to democratic capitalism.

The late Kenneth Boulding once wrote an essay entitled, "After Samuelson Who Needs Adam Smith?" Now an alternative title comes to mind: "After Adam Smith Who Needs Samuelson?" Even the Nobel Prize committee in Sweden has gotten the message: In the 1990s, over half the prizes in economics have gone to professors at the University of Chicago.

Game, set and match. Friedman won the ultimate prize — the World Open. ❑

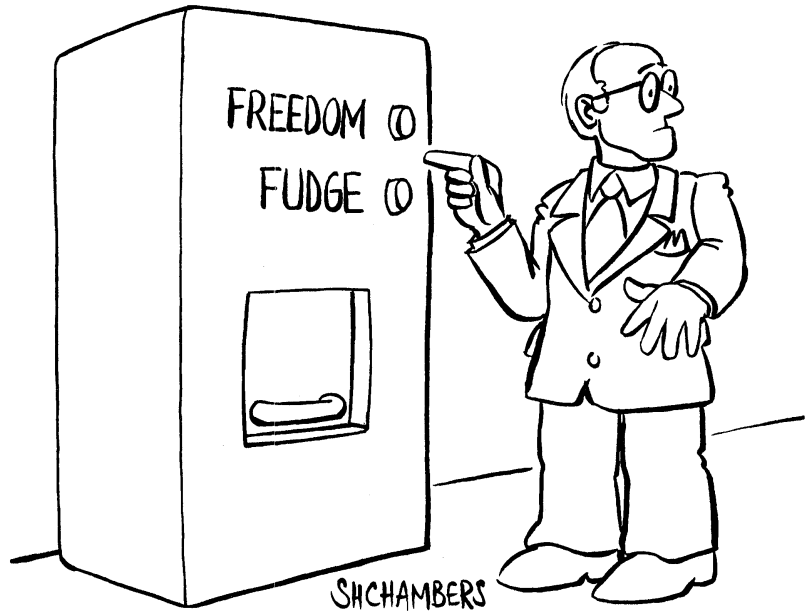

Reviews

***The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*, by William G. Bowen and Derek Bok. Princeton University Press, 1998, 473 pages.**

Affirmative Deception

Hal R. Arkes

"A new study of elite colleges provides striking confirmation of the success of affirmative action . . ." writes the editor of *The New York Times*. "Two eminent American educators have taken a good hard look at affirmative action in college admissions, and their conclusion is that by virtually any reasonable measure, affirmative action works," writes William Raspberry in the *Washington Post*. The study referred to is the book, *The Shape of the River*, by William G. Bowen and Derek Bok.

The authors, former presidents of Princeton and Harvard respectively, present the results of a survey of students who entered any one of 28 selective colleges in the fall of 1951, 1976, or 1989, with primary emphasis on the latter two classes. The survey sought to compare not only the academic performance of blacks and whites, but also their subsequent professional achievement, civic participation, life satisfaction, and retrospective opinion of their undergraduate experience.

What makes this survey particularly significant is that many of the black students in the 1976 and 1989 classes had been admitted to these colleges under affirmative action programs. Hence the results of the study could provide some important evidence about the hypothesized benefits and dangers of such programs.

Some of the results in *River* were consistent with data long known to social scientists. For example, Bowen and Bok examined the admissions data of students who applied to a subset of five of these 28 colleges in 1989 and found that blacks scored 186 points lower than whites on the combined verbal plus mathematical subtests of the Scholastic Aptitude Test (SAT). Among students in the 1989 cohort, the overall graduation rate from all 28 schools in the sample was 15 percent lower for blacks than for whites. Data such as these are not what prompted newspaper editors and reviewers to discuss this book, however.

The focus of the discussion and the truly newsworthy results are much more positive. For example, the average graduation rate of blacks at these 28 selective colleges was 75 percent, which is much higher than the average for either blacks (40 percent) or whites (59 percent) at colleges nationwide. These data suggest that many of those admitted under affirmative action programs have been able to earn a degree at institutions that are selective and which presumably have the most challenging curricula. Additional survey results further supported the thesis that affirmative action programs are achieving their goals. Approximately 40 percent of black graduates who entered these 28 selective colleges in 1976 went on to earn advanced degrees. The average annual earned income in 1995 for blacks who matriculated in 1976 was approximately $85,000 for men and $65,000 for women. Ninety percent of blacks in the survey were satisfied or very satisfied with their college experience. A large number of these men and women subsequently participated in civic life by leading youth, educational, or community service organizations.

In addition to these tangible benefits, Bowen and Bok point to some intangible, interpersonal benefits of affirmative action policies. In the *River* study, almost 90 percent of blacks reported having known two or more white classmates well, and 56 percent of whites reported having known two or more black classmates well. When members of the 1989 cohort were asked to rate their perception of their alma mater's contribution to their ability to work and get along well with people of other races and cultures on a 1 to 5 scale, over 60 percent of both races chose either a 4 or 5 rating — the top two points on the scale.

Many observers have hailed the River survey not merely for confirming the wisdom of affirmative action programs but also for providing much-needed empirical data. However, no one has yet evaluated the Bowen and Bok data.

Bowen and Bok also note that the *River* data counter the "fit" hypothesis proposed by critics of affirmative action. The fit hypothesis holds that affirmative action programs actually

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harm minority students by enticing them to attend schools whose students hold credentials superior to their own. As a result of their poor fit, minority students perform more poorly than they would have performed had they attended a school more congruent with their qualifications. Advocates of the fit hypothesis contend that too many minority students who are capable of obtaining a perfectly acceptable degree at a second-tier institution become sacrificial failures at elite schools where their enrollment serves primarily to enhance the diversity statistics celebrated by those schools' administrators.

Some data presented in the *River* survey would seem to support this hypothesis. For example, the lower graduation rates and grade point averages (GPAs) of black students compared with white students could be symptomatic of a poor match between the lower credentials of black students and those of their white cohorts who comprise the majority of the student body.

However, at least two survey results from Bowen and Bok's study cast doubt on the fit hypothesis. First, the most selective schools graduated a higher proportion of black students than did somewhat less selective schools. The fit hypothesis would predict the opposite, because the fit would be better at the relatively less selective schools than at the most elite schools. Second, black students at the most selective institutions were retrospectively more satisfied with their college experience than were black graduates of the somewhat less selective institutions. Again, the fit hypothesis would predict the opposite, because those who attended the most selective institutions should be most dissatisfied with the poor fit.

Finally, Bowen and Bok present evidence that minimizes one of the putative costs of affirmative action — the number of white applicants rejected in favor of blacks with weaker credentials. The authors examined the data from five selective colleges where detailed admissions data were available from all of their applicants. Had affirmative action not been used at these institutions in 1989, the percentage of black matriculants would have dropped from 7.8 percent to either 2.1 or 3.6 percent, depending on which auxiliary assumptions are made.

However, the overall probability of white student admission would have risen by only 1.5 percentage points (from 25 to 26.5 percent) if all the slots taken by affirmative action beneficiaries had been filled by whites denied admission despite higher test scores. Bowen and Bok conclude that even if affirmative action programs had not been in place, ". . . nearly as many white applicants — including an appreciable number of valedictorians and other highly talented people — would still have been disappointed" by being rejected at these institutions (p. 36). In other words, affirmative action policies make only a minimal impact on white student admissions, while markedly improving black student admissions.

Bowen and Bok use the analogy of parking spots reserved for handicapped drivers. Scores of frustrated non-handicapped drivers circling the parking lot think they would have gotten the open spots now reserved for handicapped drivers. In fact, only a few could have found space to park in the few designated spaces.

Many observers have hailed the *River* survey not merely for confirming the wisdom of affirmative action programs but also for providing much-needed empirical data to replace the anecdotes and hyperbole substituting for reasoned discussion. However, no one has yet evaluated the Bowen and Bok data.

By giving the funding to Smith, I have caused Smith to enjoy the success that appears to confirm the wisdom of my funding decision. Had I given the money to Jones, it is entirely possible that Jones would have garnered the prestige, publicity, and opportunities that Smith received.

The "Treatment Effect"

Researchers in judgment and decision making often speak of a "treat-

ment effect." Similar to a self-fulfilling prophecy, a treatment effect occurs when a decision causes an outcome that appears to confirm the appropriateness of the decision. Suppose that I work for the National Endowment for the Arts (NEA) and I have to decide which of two young playwrights — Jones or Smith — deserves a prestigious grant. Smith seems somewhat less qualified than Jones. But I decide to give the funding to Smith, based on my feeling that Smith deserves some special consideration.

The results of my decision:

1) Smith produces the play in New York with the money I have provided. Jones does not have the funds to do so. He produces his play at a suburban high school, where he has gone to teach.

2) The arts community knows of Smith's highly prestigious award, so his play receives publicity and critical acclaim. Members of the arts community invite Smith to many events, and Smith takes advantage of subsequent opportunities that arise in connection with the play's success. Meantime, only the parents of his high school students see Jones's first play.

3) The art school Smith and Jones both attended sends them a survey. Smith reports much higher satisfaction with his education than does Jones.

4) As the NEA bureaucrat who awarded the grant to Smith, I congratulate myself on the astute judgment I manifested by giving the funding to the highly successful Smith rather than to the extremely obscure Jones.

To recapitulate, a treatment effect occurs when a decision causes an outcome that appears to confirm the appropriateness of the decision. By giving the funding to Smith, I have caused Smith to enjoy the success that appears to confirm the wisdom of my funding decision. Had I given the money to Jones, it is entirely possible that Jones would have garnered the prestige, publicity, and opportunities that Smith received, and I would have concluded that my choice of Jones was wise.

With this understanding of a treatment effect in mind, let us re-examine the evidence adduced by Bowen and Bok for the success of affirmative action at elite colleges. The initial decision in this case is that of the elite school administrator who decides to admit minority students whose qualifications are good, but nevertheless lower than those of non-minority students. This initial decision leads to the following results:

1) Although the dropout rate is higher for minority students than for non-minority students, most minority students do graduate with an extremely valuable diploma in hand.

2) With this diploma, minority and non-minority students obtain admission to professional schools and/or excellent jobs.

3) Minority student graduates report very high levels of satisfaction with their college experience.

4) High-level administrators of two of these institutions write a book expressing satisfaction with the wisdom of their judgment in admitting minority students.

So What's the Problem?

At this point the reader may wonder what's wrong with a treatment

Jurassic Horde Whisperer of Madness County

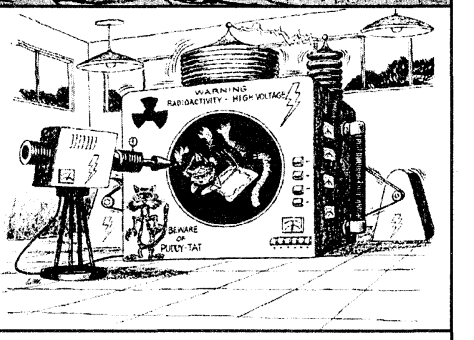

This new novel by Titus Stauffer is a wacky tale of lawyersaurs, Quart Low Trackers, Ale Run Hubba-Bubba and His Church of Omnology, Panderwood, and officials at THEMNOTUS and NADGRAB run amuck. A tale so utterly bizarre as to defy all rationality. A tale beyond belief.

But then we get to the annotated end portion of the book and we see that ***Jurassic Horde Whisperer of Madness County*** is based on FACTS - facts too irrational, crazy and destructive to be pure fiction. Church, State, media, and Hollyweird have provided all the madness spoofed here. Fun, yes, but also a disturbing warning about how destructive irrationality runs rampant in our modern, supposedly enlightened scientific age.

Other works by Titus Stauffer: ***Bats in the Belfry, By Design*** is a near-future hard science fiction novel about a U.S. weapons designer who regrets helping a freedom fearing government. ***Freedom From Freedom Froms*** is a sequel which continues to throw pointed barbs at many who fear real freedom.

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effect if it promotes an outcome that everyone enthusiastically endorses, namely, the success of many minority students. The answer requires consideration of some possible disadvantages of treatment effects.

The first consideration is that the university that chooses the potential enrollee also evaluates that person for several years and eventually decides whether to confer a degree. As shown by research done by Robert Rosenthal and others on the self-fulfilling prophecy, those who deem a person likely to succeed tend to do things to ensure that person's success. Therefore a university's decision to confer a degree upon a student is not a good independent measure of the student's success. A better measure would involve performance on tests such as the bar examination or the medical license examination. Since university personnel evaluate students' course performance but do not grade professional certification examinations, the latter better measure the effects of affirmative action.

Affirmative action turns away from college people who did their homework and earned good grades in favor of the less-accomplished. In short, it turns the purpose of grading on its head.

An article by Linda Wightman in the April 1997 *New York University Law Review* presents evidence that African-American beneficiaries of affirmative action programs failed the bar exam at about three times the rate of African-American non-beneficiaries (27.14 percent *vs.* 9.76 percent). A similar analysis on medical student admissions by Davidson and Lewis was reported in the *Journal of the American Medical Association* in October 1997. In comparison with their regularly-admitted counterparts, special admissions medical students were less likely to graduate, receive high grades in their core basic and clinical science courses, or be invited to join the medical honors society. A more independent measure of their performance is their score on the National Board of Medical Examiners examination. In comparison to their regularly-admitted counterparts, special admissions medical students were less likely to obtain high scores on Parts I and II of that examination and were more likely to repeat it in order to qualify for their medical license. In fact, the special admissions group members were over six times as likely to fail Part I of the exam. The authors point out that the two groups were quite similar in their performance during the completion of their residency training, but the latter measure was based on the decades-old memory of residency program directors who might not have supervised the students in question.

Why do affirmative action beneficiaries not perform very well on these independent measures? Grade inflation is one likely answer. In the 1992–1993 academic year, 90 percent of the grades received by students at Stanford University, a member of Bowen and Bok's most selective group of colleges, consisted of A's and B's. In the fall of 1996 at Duke University, another of the authors' highly selective schools, the average GPA was 3.3, which represents approximately a B+. In view of such circumstances, it is not surprising that so many students do quite well at selective undergraduate institutions.

Another consideration in evaluating the success of affirmative action programs is the relative benefits and costs of a treatment effect at schools of various prestige levels. As Bowen and Bok point out, the benefit of a degree from the most prestigious schools (e.g., Princeton, Yale) in their sample of 28 more than makes up for the cost of a lower GPA obtained by the students who attend those schools rather than State U. A marginally qualified student may struggle to achieve a modest GPA at Prestige U, but future employers and admissions committees apparently put far greater weight on the name of the university than on class rank or GPA. Prestige U has an extremely valuable cachet, whose enormous effect on a student's subsequent income and professional school admittance can offset a suboptimal fit. By dint of the decision to accept the student, the admissions officer at Prestige U encourages a number of students to enroll there and obtain a valuable degree and many other positive outcomes. Such benefits constitute a net benefit of a treatment effect.

Now consider the effect of affirmative action at a less selective tier of schools. When students who are marginally qualified are accepted at these schools, they earn a lower GPA than they would have earned at State U, and their diploma — if they even get it — has a lesser cachet. The cost of affirmative action for these students — such as a lower GPA — is not offset by the benefit of being awarded a diploma from a prestige university. It is at these schools that Bowen and Bok should have tested the "fit" hypothesis, because such schools provide less subsequent compensation for the poorer fit. If an admissions officer at Moderately Selective U tempts a number of students to enroll there rather than at State U, their lower GPA and possible lower graduation rate would constitute a net cost of a treatment effect.

It is important to note that because the number of students in truly elite schools is quite small, the net benefit enjoyed by affirmative action admissions there may be far outweighed by the net cost of the relatively larger number of student casualties in moderately selective but not elite schools.

Special admissions medical students are less likely to graduate, receive high grades in their core basic and clinical science courses, or be invited to join the medical honors society.

Harvard? Must We?

The state universities around the nation enroll a larger number of minorities than do the elite schools. Although the former's graduates may do well compared to those with no college degree, they do not do as well as the graduates of Prestige U on average. Is it therefore essential to attend an elite school in order to do quite well in America?

To answer this question I examined the educational background of CEOs at

the *Fortune* top 100 companies of 1997. I looked up each CEO in the 1998 edition of *Who's Who in Finance and Industry*. Seventeen of the 100 either listed no college or were not listed in *Who's Who*. (I presume that many in the former category received no college degree.) I discarded the data from one CEO who attended a foreign university and a second who attended a college (Trinity) that could have denoted any of a number of institutions. I counted a college if a CEO attended it but failed to graduate because the CEO was accepted there. I then noted each college's selectivity of admissions as classified by *Cass & Birnbaum's Guide to American Colleges* (16th Edition). This guide divides all colleges into five levels of selectivity ranging from the most highly selective to the non-selective.

Of the 81 CEOs included in the final sample, 28 attended schools in the two highest selectivity categories, and 29 attended colleges in the two lowest selectivity categories. Twenty-four attended institutions in the middle selectivity category. I conclude that, although an education at an elite institution may be a valuable ticket to many subsequent positive outcomes, most of those who do very well do not own one of these prestigious tickets.

Whose Diversity?

Bowen and Bok assert that the purpose of affirmative action programs is not merely to select students who will achieve academic success. Universities want to choose students who make post-graduate contributions throughout their lives by participating in civic, educational, and other organizations whose goal is to enhance society. Bowen and Bok contend that in subsequent contributions of this type, black graduates seem to excel.

Indeed, Bowen and Bok found that among the graduates of the 28 selective colleges and universities in their study, black men exceeded white men in participation in ". . . community, social service, youth, and elementary or secondary educational organizations" (158). Thus differentially admitting blacks to these colleges and universities would seem to foster civic participation, presumably in the black community. However, in terms of participation in social service, youth, and educational organizations, both blacks and whites in this sample of elite school graduates rated below the national average. Bowen and Bok are thus in the unusual position of arguing about the importance of admitting people with a devotion to civic duty when, in fact, these universities have not done particularly well in identifying such people.

Bowen and Bok also assert that elite schools should admit minority students so that members of each race can learn from one another and can learn to live together. Of course, State U has a higher minority enrollment than does Elite U, so it may be easier to learn from persons of different backgrounds at State U. Given the relatively few minority students at Prestige U, affirmative action may be the only way to provide the opportunity to interact with others of a different race at the elite institutions.

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Although Bowen and Bok suggest that diversity is ipso facto good, they clearly favor race-based diversity over diversity based on socio-economic class. They note that class-based affirmative action would not yield enough minority students. The problem is that qualified white students outnumber qualified minority students even in the lowest socio-economic categories.

If a goal of "The Shape of the River" is to provide a sufficient justification so that we won't question the logic of affirmative action policies, Bowen and Bok have failed.

Bowen and Bok's rejection of affirmative action outreach based on economic status shows that they do not consider socio-economic class to be a marker for diversity. Only race is such a marker. The University of Texas Law School's rejection of Cheryl Hopwood suggests that racial diversification, not diversification per se, is the goal. Ms. Hopwood, the mother of a severely handicapped child, earned a 3.8 GPA while also attending to enormous family obligations. To say the least, she would not have been a typical law school enrollee. So let's be frank: when Bowen and Bok say they favor "diversity," they mean "racial diversity."

Perhaps the most important and universally supported motive for affirmative action is that we as a nation should promote equality of opportunity. Enforcing equality of outcome is not something the authors support: "We agree emphatically with the sentiment expressed by Mamphela Ramphele, vice chancellor of the University of Cape Town in South Africa, when she said: 'Everyone deserves opportunity; no one deserves success'" (283–284).

Whatever their opinion, affirmative action has been applied to outcomes for quite some time. For example, the recent health-education authorization bill requires that nursing schools graduate a certain proportion of minority students. The outcome — graduation — is mandated, not merely the opportunity to enter nursing school. Perhaps Bowen and Bok are sincere in their hope that affirmative action be applied strictly to opportunities, but this hope is years too late. Affirmative action supporters have discovered that the quickest route to desirable results is to compel equality of outcomes, and outcomes have been written into law.

The motive to enroll and graduate as many qualified minority group members as possible would seem completely unobjectionable if, as Bowen and Bok point out, "nearly as many white applicants" would be denied admission regardless of affirmative action policies. Isn't it justifiable to more than double black enrollment at a subset of selective colleges (from 3 percent to 7 percent) if it costs white applicants only a point or so in their probability of being admitted?

This apparent paradox of gain with no pain can be explained by considering how admissions decisions affect these two important fractions. Since the number of minority students admitted under a "numbers only" policy is quite small, increasing the number of such matriculants by a modest amount greatly boosts the percentage of minority admissions. For example, if a college that normally admits 60 minority students enrolls 90 instead, it has increased its minority admissions by 50 percent. If the same college normally admits 600 non-minority students, the drop from 600 to 570 amounts to a decrease of only 5 percent. Isn't it worth forsaking 5 percent to gain 50 percent?

Although it is true that 5 percent looks insignificant compared with 50 percent, these numbers differ only because one is comparing groups of different sizes. Moreover, these differences occur only because one is comparing groups rather than individuals. The 30 people who benefit from an affirmative action policy because of their race are precisely equal in number to the 30 who are penalized by the policy because of their race. Only because affirmative action forces one to consider people as interchangeable units within a group do we have the apparent paradox of an "all gain/no pain" preferential treatment policy. To the extent one understands the basis for Bowen and Bok's arithmetic, one may be less likely to agree with their asser-

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tion that "nearly as many" non-minority students will be disappointed regardless of affirmative action.

Have Bowen and Bok demonstrated the success of affirmative action policies at the nation's most elite colleges and universities? In one sense they have. By increasing minority student enrollment, the elite colleges will necessarily graduate more minority students than they would otherwise. The undergraduate degrees they obtain will serve as exceptionally valuable tickets to future opportunities in all areas of endeavor. However, the data in *River* fail to alleviate several concerns about affirmative action.

First, on some performance measures, affirmative action beneficiaries do less well than their counterparts who earned degrees without benefit of affirmative action. These include measures of professional performance such as bar and medical examinations.

Second, affirmative action at selective but non-elite universities may do more harm than good by admitting students with marginal qualifications.

Third, when race is endorsed as a justifiable basis for allocating opportunity, the result can easily be allocating outcomes. Bowen and Bok illustrate the confusion between opportunity and outcome. They note that "it is quite likely that many applicants with good but not outstanding scores and B+ averages in high school will have worked more diligently than many other applicants with superior academic records" (277). This suggests that we abandon a long-held belief that children must earn good grades in order to gain admission to college. Affirmative action, however, turns away from college people who did their homework and earned good grades in favor of those who didn't. In short, it turns the purpose of grading on its head. No amount of data in *River* can clarify this line of thinking, but accepting the book's conclusions about affirmative action requires this blurring of the distinction between effort and merit.

In short, if the sole goal of affirmative action policies at elite colleges and universities is to increase the number of minority matriculants, then of course these policies have succeeded. If a goal of *The Shape of the River* is to provide a sufficient justification so that we won't question the logic of affirmative action policies, Bowen and Bok have failed. ❑

***Pound Cummings: The Correspondence of Ezra Pound and E.E. Cummings,* by Barry Ahearn. University of Michigan Press, 1996.**

Pound Cummings

Richard Kostelanetz

It was my main teacher at college in the late 1950s, S. Foster Damon, who four decades earlier advised his Harvard buddy Estlin Cummings to learn about the poet Ezra Pound, only several years older than they, and thus set in motion the enthusiasm that led to 36 years of correspondence. And what an extraordinary correspondence it is, running in Barry Ahearn's selection over 400 pages in smallish type, and what an extraordinary job the Tulane English professor has done in reproducing the eccentric spelling and spacing characteristic of each man's jottings. For instance, whereas Pound at the typewriter often put extra spaces between words, Cummings frequently eliminated such spaces. To think about the proofreading required here is to have a nightmare.

The first thing to be said about these letters is that many are incomprehensible. Often the reader has no clue of what these two titans might be talking about. Mystery in art assumes depths to be examined and eventually better understood. Obscurity offers nothing beyond itself. To say that both Cummings and Pound courted obscurity in their poems is a commonplace; the news here is that they indulged in it in their writings to each other, as though each were trying to outwit the other at their common game. In his extremely thoughtful introduction, Ahearn quotes the older poet complaining in 1950: "O.K. wot are [underlined twice] you talkin about? This one (yrs 4th inst.) beats me, unless you putt the wrong le'r in the envelop. addressed to S. Liz."

Ahearn notes that Cummings in turn "was puzzled more often than he would admit, especially by handwritten letters from Pound, where obscurity of reference is often compounded with puzzling penmanship as well as untamed orthography." It is indicative that Pound became more interested in Cummings after the publication of *Eimi* (1933), which not only "denounced political and ideological bullying," in Ahearn's phrase, but also represents Cummings' most extended experiment in writing that is frequently obscure. I find this opaque epistolary style to be dated, if only because few poets of my generation correspond in such obscure ways. In those who do, cultivated obscurity is customarily considered an affectation.

To call Cummings anti-Semitic implicitly flatters more-egregious anti-Semites, who were not in his class intellectually or humanly.

Given such obstacles, I found myself often skipping over the letters to get to Ahearn's invariably clear and informative commentaries. This last move on my part is not unusual, as I recently reviewed the Gertrude Stein/Thornton Wilder correspondence to find the editors' commentaries more valuable than the circumspect letters (which were always lucid, unlike

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these). Since Ahearn knows the Poundian tradition well, he offers details unknown to me before — for instance, that the poet's grandfather issued paper money for his employees in the mid-19th century. On the other hand, Ahearn studies Cummings closely enough to note that the younger poet doesn't acknowledge any Pound poems written after 1920 and that the Cummings archive contains only one letter from T.S. Eliot, who never solicited EEC for *Criterion*. Ahearn also identifies the sources behind many of their witty nicknames, particularly for publishers; so that "Bitch and Bugle" is their monniker for Lincoln Kirstein's *Hound and Horn*, "Chimpanzeeum" for James Burnham's *The Symposium*, and "Nude Erections" for James Laughlin's New Directions. "Hear Oh Shit Oh" is the Japanese Emperor Hirohito.

Since one theme of my *AnOther E. E. Cummings* (1997) is rescuing EEC as an arts critic, I was pleased to find that some of his best writing describes colleagues. This from 1946 encapsulates the poet Kenneth Patchen:

> KP is an ample soft larval-looking fellow,sans intellect,goodhearted,a complete pacificst(when the USGovernment told him to report to his draftboard he,having gone to bed with an arthritic back,replied "come and get me"--& nobody appeared)whose father was a coalminer.
>
> K,according to his wife(in any other epoch,a big square servantgirl; who fantatically boosts her husband's genius on all occasions(which is dull)but adores Marion,which is touching)just-writes as "it" comes to him,without ever making any corrections. This I believe;also that he superintends the printing of his books--which are full of calligrammatic word- & type-arrangements--down to the most microscopic detail. He told me once, casually,that he'd looked over the verseforms used by (other) poets & decided there (was) "nothing in them for me". So far as I can guess(since I faithfully subscribe to each new book but cannot read it)his ebullitions are without any conscious structure. Perhaps for this reason--assuming,as why not,an Epoch of Ultimate Confusion--they're been compared to a throng of disciples to every great literary creation of past epochs,or almost every anyhow.

A half-century later, this is still classic Patchen criticism. Forever a connoisseur of the literary avant-garde and appreciations of it, Foster Damon would have been pleased.

Ahearn notes in his introduction that both poets descended from "old Anglo-Saxon stock, both were conservative politically (but artistically daring), both were extraordinarily intelligent, and both shared a number of American middle-class prejudices." Those prejudices included anti-Semitism, more virulent in Pound than Cummings, beginning with their use of the offensive and disparaging slang word "kike." That slur was commonly heard at the time, even among cultivated people, but has since disappeared even from colloquial speech. But to suggest that Cummings was worse than most is false. As Ahearn points out, both had close and loyal Jewish friends — what the poet Louis Zukofsky was to Pound, the composer David Diamond was to Cummings.

My own opinion, as a rugged Jew, is that exaggerating the poets' anti-Semitism, as some do, is dangerous on two counts. First, to call Cummings anti-Semitic implicitly flatters more-egregious anti-Semites, who were not in his class intellectually or humanly. To quote Ahearn again: "I find statements in letters from the young James Angleton [later of CIA counterintelligence] to Pound more shocking than anything Cummings ever wrote." Pound's looniest anti-Semitism appears not here but in Leonard Doob's edition of his radio speeches of World War II, *"Ezra Pound Speaking"* (Greenwood, 1978). When I received the book, soon after publication, I showed it to a criminal lawyer accustomed to defending deviance but barely familiar with Pound. His appraisal was: "I believe in free speech, but this guy is crazy."

Second, focusing on stray remarks by early 20th century writers bothers me for deflecting attention from the more serious institutional anti-Semitism among the cultivated classes. Most Ivy League universities had quotas on the percentage of Jews admitted in each class (never more than 10 percent); that in 1948 Harry Levin became the first Jew to teach literature at Harvard; that the same year, Lionel Trilling was the first Jewish professor of English at Columbia in decades; that

some prominent book publishers, even in New York, had no Jewish editorial employees into the 1960s. Precisely because such discrimination prevented economic and cultural advancement, it was to my mind far more pernicious than anything ever said or written by even prominent poets, including Ezra Pound. Blaming them for American anti-Semitism is like blaming Shakespeare, rather than transoceanic shippers and plantation owners, for American slavery and subsequent evils. Dumb, dumb, dumb. ❑

***The Prince of Egypt*, directed by Eric Darnell & Lawrence Guterman, written by Todd Alcott & Chris Weitz. DreamWorks, 1998.**
***Antz*, directed by Brenda Chapman & Steve Hickner, written by Philip LaZebnik. DreamWorks, 1998.**

Let My Creatures Go

Timothy Virkkala

The animated feature film *The Prince of Egypt* is a fantasy — it has exotic settings, alien spectacles, strange religions, awesome magic — but for many in the theater I attended, it was not quite viewed as such. To many of these moviegoers, *The Prince of Egypt* was a retelling of a revered story from the book of Exodus, that rarest of rare treats: religion and cinema unsinfully conjoined.

But the tale's centrality to what conservatives like to call "the Judeo-Christian tradition" presented a problem for the filmmakers. Sure, it guaranteed a large holiday turnout. But how does the Bible really play in our secular age? Though the movie's animated look and magical feel place it squarely in the tradition of film fantasy, to be true to the logic of the fantasy the filmmakers would have had to hew closely to the original story, complete with the "primitive," old-time-religion elements that don't fit the expectations of audiences raised on Disney and Hanna-Barbera. Not surprisingly, the filmmakers did not go for the ancient draught.

The most striking result of this failure of nerve is a film almost wholly void of convincing characters. Moses, Pharaoh, and Aaron should be fascinating to watch. But the current writers have given us a Moses who merely apes angst and passion, a Pharaoh (Ramses) who comes to life only when he channels Yul Brynner, and an Aaron who seems more the Doubting Thomas than the silken-tongued mouthpiece for his brother's message. A few subsidiary characters, especially Seti (Ramses' father, well-spoken by Patrick "Jean Luc" Stewart), sparkle, but appear all too briefly onscreen. Most, such as Miriam (Moses' sister, spoken by Sandra Bullock) and Moses' love interest/wife, spoken by Michelle Pfeiffer, add little to the basic story.

The enduring power of the story can be attributed to the character of Moses' god as much as anything else. In this film, his god's one compelling sequence is the Burning Bush, which seems to capture the essential mystery. It is brilliantly animated and very well written. Val Kilmer, whose performance as Moses is lackluster throughout, resounds, though, in his secondary role as the voice of the Great I Am. But beyond this, the establishing of the character of this unnamed god is much less convincing than in the original text, or even than in Cecil B. DeMille's wonderfully overacted *The Ten Commandments*. In Exodus, the god of the Israelites "hardens Pharaoh's heart"; in *The Prince of Egypt*, the agency of Pharaoh's opposition is psychologized. This may make it more palatable to a generation raised on psychobabble rather than the Bible, but it not only makes for a less interesting deity, it also undermines the potency of his miracles. There is little to fear in this Lord, little that is awesome other than special effects. With the Lord carefully bowdlerized, he is thus trivialized. Indeed, I was almost surprised that Moses didn't break into a little song along the lines of "My god's better than your god, my god's better than yours; my god's bigger and better and faster than . . ."

Yes, the film is not only a fantasy, but a musical as well. Though the musical score is unexceptionable, the sheer awfulness of the *songs* is downright embarrassing. As I fidgeted in my seat, I tried to imagine its early stages of development, picturing the person who hazarded, in a meeting, that "what the story of Moses and the ancient Israelites has always lacked is a good tune from Mariah Carey." Apparently, the person was patted on the back. Hollywood works in mysterious ways indeed.

Since no character is interesting enough to justify the striving for freedom, and since no one says anything very interesting about the idea, the noble theme just sits there.

Good animated musicals are not unheard of, and even musicals with a few bad numbers can be enjoyable to watch. But from the opening scene to the very end of *Prince*, the audience is bombarded with song after odious song. When it should establish a feeling of horror at the mass murder of newborn Hebrews, it instead shows a chase scene accompanied by a choral bit, which turns into a lullaby sung first by the mother of Moses, and then by his sister. Not horror, but banality, marks the genesis. And the lyrics to these dreadful tunes are often laughable, and usually untrue to the story. (The High

Priest of Midian sings "Through Heaven's Eyes," though I am unaware of any notion of an afterlife in ancient Israelite theology, and painfully aware of the filmmakers' desperate attempt to minimize using the word "God.")

Not surprisingly in a film with the legendary line "Let my people go," its theme is freedom. The institution of slavery is spotlighted in the earliest scenes, and the final words of the film extol the ideal, which, by crossing the Red Sea, the children of Israel are said to achieve. But since no character is interesting enough to justify the striving for freedom, and since no one says anything very interesting about the idea, the noble theme just sits there, like the moral point of a grade-school pageant: a piety for the kiddies, but nothing that need exercise the mind of an adult.

Not so with *Antz*. This film, a product of the same production company as *Prince*, but released a few months earlier, is also about freedom. But since freedom's enemy in *Antz* is the industrial collectivism of the anthill and the murderous militarism of its generals, the theme enlivens the film in a way that it cannot in *The Prince of Egypt*.

In *Antz*, a disgruntled, neurotic worker-ant played by Woody Allen — I say "played" and not merely "spoken" because the animated face of Z, Allen's character, seems of a piece with Allen's own face, though much cuter and more endearing — finds himself unhappy in the collectivist order of the ant kingdom. Enter one naughty, impatient princess (Sharon Stone), and one devious, murderous general (Gene Hackman), and the plot throws the lowly Z and the princess together outside the hive, in search of "Insectopia." Through adventures high and low, not only do the two become close (as is meet in every romantic comedy), but learn the horrors of war and realize the opportunities possible when the shackles of tradition are cast aside.

The two are captured by the military, but manage to save the hive from genocide anyway. In the final moments, in triumph, they re-establish the traditional order, with a few modifications. (The film would've been better had it managed a little more cynicism in the ending, but the theme remains freedom, not compromise. Besides, *Antz* is a romance-comedy-adventure, not a satire.)

And, thankfully, there is no singing; Woody Allen's performance in his *Everybody Says I Love You* (1996) may have given the producers of *Antz* an important hint here.

Both *Antz* and *The Prince of Egypt* are brillant examples of modern animation. *Antz* was animated with computers, in the style of the pathbreaking *Toy Story* (1995). *Prince* is more traditional, though the beauty and spectacle of many of its scenes are so exemplary that categorizing it unthinkingly with past animated films may be a bit unjust.

But *Prince* is a failure, and *Antz*, though more humbly conceived, is not. The animal story of *Antz* — a kind of fantasy — remains true to the logic of its conception to the end. Because the makers of *The Prince of Egypt* did not dare to tell the story of Moses, his people, and their god with anything like respect for actual beliefs, the story is all compromise and no conviction, and the great theme, freedom, never comes into its own. ❑

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Letters, *continued from page 5*

she finds her husband crouching in the phone booth, so she runs out in terror. "Where was I to go? Where was the shelter I sought? I gave up and went back home." The shelter wasn't flashing a neon sign across the street from the phone booth, so she goes home with her husband who has, and she knows will again, beat her. Oh, pity her! Victim of the system!

After her husband nearly puts out her eye, a friend calls a shelter; the staff makes her see a doctor, who calls the police, who become her next imagined abusers: "I was afraid he'd arrest me if I wouldn't sign the warrant for my husband's arrest." Right. With no consideration that due process requires a person to be proved guilty, she wants the police to stop her husband when she will not provide evidence against him. Her fear of her husband's retaliation would get my sympathy if she showed any appreciation of the policeman's helplessness to act without support of evidence.

The shelter provides her with a room, food and some counseling for 30 days. Her assessment? "I was numb. What had I expected? Some help I guess. I had not expected to be abandoned in a strange room."

Since her theme is how abusive the shelter is, I have to assume that she tells us the worst, which is: ". . . pervasive tension among the women. They were afraid of doing something wrong and being forced to leave. . . . The staff tried to help but their energies were consumed with raising funds. . . ", having to make an appointment this Thursday to see the counselor next Thursday, and being accused of not doing her chores by a staffperson who hadn't been informed that she wasn't to be assigned any. To this last uncomfortable incident she reacts, not by asking to be given specific chores, but by having an "anxiety attack," "close to tears," and feeling "the same helpless rage [she] had lived through for the past year." Those are the specifics. With no specifics, she says she experienced "the same sort of put-downs and emotional abuse (as her husband dished out) from a woman at the shelter." If any real abuse happened at the shelter, you can bet she'd describe it.

"I walked away from this abuse also." How brave. Except it's a short stop at a motel and then back to her husband. Choosing her husband over the shelter tells me that her overriding needs are not free lodging and a chance to become independent, but instead, attention and to know her role.

After three months of torturous attention and a near-fatal rape, this woman amazingly chose life over her role as martyr. She packed up and left for good.

Well, I hope it's for good because her logic still savors hopelessness. How easily she lays the blame: "Knowing that I could not get any help from the shelters or the police, I endured his abuse." She suggests that some unnamed social worker type, who in her mind represents all who should protect her, interpreted her husband's abuse as his "masculine side" and told her she should appreciate "a good man." She even believes her husband that the police said, "As long as you are my wife, I can do everything short of killing you, and get away with it." If she refuses to file a complaint, sure.

Kimberly Ayn Ryan says she is still not convinced that she was not to blame for the abuse she suffered. After hampering police and rejecting a safe shelter, I'll make no effort to ease her mind.

Jeannette Jaquish
Tucson, Ariz.

Notes on Contributors

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Stephen Cox is professor of literature at UC-San Diego and author of the biographical introduction to the Transaction edition of Isabel Paterson's *The God of the Machine*.

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Bill Kauffman's latest book is *With Good Intentions? Reflections on the Myth of Progress in America*.

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Terra Incognita

Williamstown, Ky.

Evidence of the inadequacy of retirement funding for public servants, as reported by Reuters:

The former mayor of this Kentucky town was arrested Tuesday on charges of robbing two banks in Ohio. Robert Jones, 55, was taken into custody at his home by state and local police on warrants issued by Ohio authorities. Jones served as mayor of Williamstown from 1993 until 1997.

London

Austerity takes hold at the Mother of All Parliaments, from *The New York Times*:

In an effort to slim down the pomp of the grandest occasion on Britain's annual ceremonial calendar, the Silver Stick in Waiting, Maltravers Herald Extraordinary, Blackrod, Portcullis Pursuivant, the Crown Equerry and the Gentleman Usher of the Sword of State were denied their accustomed places at the State Opening of Parliament this year.

U.S.A.

Hollywood contributes to American technology, as reported by *In Style*:

At a party at Manhattan's Lot 61, Kevin Costner, Ingrid Casares, Naomi Campbell, and Stephen Dorff helped launch a new invention: a combination credit card and magnifying glass, invented by Jack Nicholson.

Great Britain

Oriental culture gains a foothold in British prisons, as reported by Reuters:

Inmates in Britain's Stafford Prison have found a new use for origami — using paper airplanes to get illegal drugs from outside the jail walls.

In a report on the Midlands prison, inspectors described how they stumbled on a simple but ingenious drugs supply line: prisoners threw darts over the prison wall to waiting dealers who attached their supplies and threw them back. The report said drugs were available throughout the prison, "especially on F Wing which was close to the perimeter wall and from which prisoners threw paper darts over the wall to obtain drugs."

Salinas, Calif.

The terrible cost of addiction, reported by *The Oregonian* (Portland, Ore.):

Deputy District Attorney Christine Harter asked that Tamara Dee Maldonado be prohibited from possessing Beanie Babies. The toys, Harter said, are like a drug and ought to be treated as such.

Judge Jonathan Price agreed. For the next five years, law enforcement agencies will have the right to search Maldonado's home without a search warrant to determine if she has any Beanie Babies. Maldonado had used pilfered credit card numbers to purchase $8,000 worth of toys.

U.S.A.

New research in supply-side economics from Joshua Horowitz of the Educational Fund to End Handgun Violence, as reported by *The New York Times*:

Gun manufacturers "knew or should have known that they were oversupplying the legitimate market, thereby creating a pool of weapons available for the illegitimate market."

Cuba

Interesting episode in the development of the world's greatest remaining Socialist leader, as reported by the Associated Press :

President Fidel Castro of Cuba apologized to the children of Mexico today for suggesting earlier that many know more about Mickey Mouse than their own national heroes. "I myself learned the value of spinach with Popeye the Sailor Man," Mr. Castro said.

Washington, D.C.

Novel way of celebrating Valentine's Day in the nation's capital, as announced in a press release from Why Life?:

The second annual National Week of Chastity will take place the week of February 8 - 14, 1999.

"The National Week of Chastity is a reminder to all that chastity is a virtue," said Why Life? director Andrew Daub. "Chastity benefits and promotes family, the dignity of the individual, prevents out-of-wedlock pregnancy and the possibility of disease. Primarily, chastity is lived out of a love for God who commands that we live according to His laws. This means unmarried individuals must practice abstinence and married individuals live a life of fidelity to their spouses. We especially encourage young men and women to commit themselves to chastity and to take part in the National Week of Chastity."

A general invitation is extended to all pro-chastity organizations around the nation to participate during this week, which will begin with a press conference.

Granville, Ohio

Schools in the Buckeye State get tough on crime, as reported in the *Columbus Dispatch*:

Two Granville High School students were suspended and expelled after one of them mimicked to their instructor and classmates that he was carrying a gun.

Travis Newell and Seth Cox, both sophomores, told administrators they were joking, but school officials weren't amused.

"This kind of behavior will not be tolerated," said acting Superintendent Roger F. Viers.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*, or to email them to TerraLiberty@hotmail.com.)

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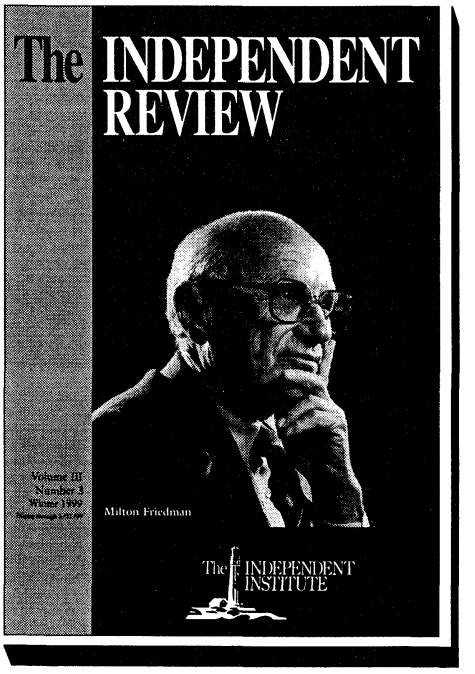

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Inside Liberty

April 1999
Volume 13, Number 4

"Doing the business of the American people since 1987."

4 **Letters** A, B, C — and even D and F — our readers grade us.

7 **Reflections** April is the cruelest month, breeding lies like out of the dead land, and stirring *Liberty*'s editors to offer praise, excoriation, and lamentation.

Features

15 **The State of the Applause** Bill Clinton wrote 101 applause lines into his State of the Union address. Each applause line cost $3.24 *billion*. *R. W. Bradford* tallies the costs.

18 **No Cheers for Democracy** *Stephen Cox* laments America's mutation into a pollocracy.

20 **The Rape of Free Speech** *Richard Platte* tells how a businessman and a lawyer defeated the new forces of censorship in a college town.

27 **FDA TKO** When two feisty entrepreneurs took on the bureaucracy, the bureaucracy took it on the nose. *Durk Pearson* and *Sandy Shaw* report.

30 **No Room for Opposition** Nelson Mandela won the Nobel Prize for peace. But, as *Jim Peron* reports, his real concerns are buying arms and quashing dissent.

32 **The Demographics of Liberty** The results are in: libertarians are older, but are they wiser?

35 **Canada's Supreme Blunder** Last August, Canada's Supreme Court ruled on the issue of Quebec's secession. Sort of. *Scott Reid* picks through the pieces.

40 **Why Harry Browne Doesn't Work** *Jacob Hornberger* argues that the Libertarian Party should not run again with the strategy that failed in 1996.

43 **When Freemen Shall Stand** What happens when the state has all the power, and all you've got is guts? A short story by *J. Neil Schulman*.

Reviews

45 **Fountainheads of Enterprise** There was a time when American writers celebrated businessmen. *Bruce Ramsey* rediscovers some old masterpieces.

55 **Legacy and Betrayal** *R.W. Bradford* says you can't take it with you, but you can keep it out of the hands of the State and "progressive" foundation geeks.

57 **Capitalism and the Rise of Art** What do you get with a declining aristocracy and a rise of commerce? High culture, says *Alan Bock*.

61 **Notes on Contributors** Who we are and what we do.

62 **Terra Incognita** The global progress of humanity.

Letters

No Sympathy for Pinochet

Have you taken leave of your senses? How can you publish, without batting an eye, such a pro-Statist article as the one written by Karen Araujo and John Cobin? ("Pinochet Reconsidered," Karen Araujo & John Cobin, February, 1999)

I have no idea when you sold out your convictions, or if you ever had them, but I think that you should change the name of your magazine because "Liberty" is not a name fit for a magazine where an apology for a murderous state is made.

You have no right to publish anything critical of President Clinton's behavior if you are willing to swallow General Pinochet's deeds. After all, if good economic performance justifies Pinochet in office, why cannot it justify Clinton, too? Clinton was involved in a consensual relationship with an adult. Under Pinochet teenage girls were violated with cattle prods. Sure, Clinton may be guilty of perjury and obstruction of justice. Do you think that this is more serious that having your loved ones taken away, and not know if they are alive or dead, how much they suffered before they died, or even where they are buried?

Adriana I. Pena
State College, Pa.

Note: Liberty's editor comments on this letter in Reflections, p 7.

Harding Was No Clinton

While there can be virtually no criticism leveled at Bill Clinton that is not valid, much of the criticism directed at past presidents is quite unfair. In your February 1999 issue, Stephen Cox correctly pointed out the weaknesses of the attacks on the morals of several presidents (Washington, Jefferson, Grant, etc.). It is unfortunate, however, to see him label Warren Harding as a man "whose private morality was demonstrably on a par with Clinton's." That is absolutely untrue.

Harding's reputation suffers from two main things: the activities of a few members of his administration (most notably Interior Secretary Albert Fall, who was convicted of accepting bribes in the Teapot Dome scandal) and his extramarital affair(s), only one of which was ever proven to have happened. That affair, with a Mrs. Carrie Phillips, took place before Harding became president.

A closer look at Harding's life and presidency shows clearly that he was a man of high morals and integrity. To put him on a par with Bill Clinton really seems a shame.

Floyd Jones
Philadelphia, Pa.

Grant's Surrender at Appomattox

As an unreconstructed Confederate, I must take exception to Stephen Moore's description of the Republicans' transformation from fiscal conservatives to pork barrel politicians (redundant?). Moore compares the capitulation of the Republican majority to Lee's surrender at Appomattox, an insult to the valiant struggle of the outmanned, outgunned secessionists. Rather, the Republican capitulation is as if Grant, having cut Lee off from Richmond, disrupted his supply lines, and maneuvered to certain victory, had surrendered to Lee.

Allen P. Turnage
Tallahassee, Fla.

Size Isn't Everything

I was nonplussed that an erudite publication like *Liberty* would feature a writer who has succumbed to the tired old myth that larger vehicles are safer than smaller ones ("Sport Utility Villians," Jane S. Shaw, Reflections, March, 1999).

The myth of "bigger equals safer" died a well-deserved death in the late 1960s when we suffered the greatest highway carnage ever experienced by this nation as cars became larger, heavier, and more powerful every year. As soon as smaller vehicles began appearing on American highways the death toll decreased dramatically until it reached an all time low in the early 1980s. Currently, as larger and larger vehicles proliferate, the death toll increases in lockstep.

The current infestation of our highways with SUVs clearly displays the perfidy of the "big equals safe" fantasy. A few statistics are illustrative of this point. The largest SUVs are the causative factor in three times as many accidents as smaller vehicles. More than twice as many fatalities occur overall when an SUV is involved in an accident. The dollar value losses when an SUV is involved in an accident are tripled. SUVs are involved in nearly twice as many single vehicle accidents, i.e., rollovers, running off the roadway, etc. More children are killed or injured in SUVs as a result of letting them roam about unbelted in the large interiors. Additionally, SUVs, as a result of their primitive and unsophisticated truck suspensions, excessive weight, high center of gravity and abominable braking, are unable to stop or maneuver properly in order to avoid accidents. They therefore present a major hazard to all other vehicles.

This is the kind of "safety" we can all do without. Real safety lies in the capability of a vehicle to not have an accident in the first place.

August Salemi
Atascadero, Calif.

Objectivist "Benevolence"

I was disappointed by the letter William Thomas wrote to *Liberty* (January) about a review of David Kelley's book on Randian benevolence. The letter begins like this:

"The next time Timothy Virkkala sets out to criticize a Princeton University philosophy Ph.D. [Objectivist philosopher David Kelley] for his use of ethical terminology . . . I suggest that he first consult that remarkable book known as 'the dictionary.'" Thomas crams in one sentence the Argument from Authority and stereotypical Randcult rudeness. Now that's what I call benevolence.

He goes on: "[W]orse [is] when attacks are made in a churlish tone and reveal the reviewer's own sloppiness,"

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Is It Time to End the War on Drugs?

by Jacob G. Hornberger

Hardly a week goes by without some mention in the media of the war on drugs. Record drug busts, money-laundering schemes, increasing drug abuse, gang warfare, thefts and robberies, political corruption, infringements on bank privacy, searches and seizures, confiscation of assets, arrests, convictions, and incarcerations.

If the overall situation — both with drug usage and the drug war — keeps getting worse, shouldn't Americans be asking some fundamental questions: How long is all of this going to continue? How bad do things have to get before people finally recognize that the war on drugs has failed? How many infringements on individual liberty and privacy must still be tolerated?

The policy question is: If the war on drugs has admittedly failed to achieve its objectives after decades of warfare, and if the situation has continued to worsen over the years, then why shouldn't this government program simply be terminated?

Of course, the basic moral question is: Why shouldn't an individual be free to engage in self-destructive behavior? Isn't that the very essence of human freedom? If a person is not free to do bad, harmful things to himself, then how can he truly be considered free? Under what moral authority does the state regulate and punish an adult for doing something bad to himself?

The true test of a free society is not whether people are free to engage in what the state defines as "responsible" conduct. After all, even the Chinese and North Korean people are "free" by that standard. The real test of a free society is whether an individual is free to engage in irresponsible behavior, so long as it does not interfere, in a direct and forceful way, with the ability of others to do the same. In other words, as long as a person doesn't murder, rape, steal, burglarize, defraud, and the like, freedom entails the right to do anything a person wants, even if it's the most irresponsible and self-destructive thing in the world.

There are also pragmatic reasons for ending the drug war. For one thing, even if it were capable of succeeding, the price in terms of liberty and privacy would be high. After all, they can't even keep drugs out of prisons. How would they finally keep them out of people's homes — with government cameras and drug-sniffing dogs and children who are taught to rat on their parents?

Moreover, when a person desires or needs some drug, making possession or distribution of the drug illegal is unlikely to achieve its intended result. Since making drugs illegal restricts supply, the price is artificially forced upward. Drug users are usually going to do whatever is necessary to get the money to pay for their drug. Thus, it is not a coincidence that burglaries, robberies, muggings, and thefts increase when drugs are made illegal. When was the last time you saw a wino stealing money to pay for wine?

The most effective way to treat drug addiction is through therapy, not incarceration. That's why Alcoholics Anonymous has been so effective in treating alcohol abuse. But therapy entails an addict's freely talking about his addiction and the underlying reasons for his addiction. By making drug use illegal, the drug war has the opposite effect — it makes it much more difficult for people to come forward and openly seek treatment.

Ironically, ending the war on drugs would be more likely to achieve the type of society in which most of us would like to live: a peaceful, harmonious, law-abiding one. Does that mean that people wouldn't take drugs? Of course not. But it would mean that prices would drop and that drug users would have less incentive to steal or rob to get the money to pay for the drugs. It would also enable addicts to talk freely about their addictions, openly admit they have a problem, and seek treatment.

Most important, ending the war on drugs would move us in the direction of replacing the paternalistic state, and its massive infringements on liberty and privacy, with a government whose powers are limited to protecting the right of the individual to live his life as he chooses so long as he respects the right of everyone else to do the same. Isn't this the principle on which our nation was founded?

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etc. This reminds me of the time Rand got a bad review in *The New Individualist Review* and Nathaniel Branden accused that fine journal of "hooliganism." In Objectivism's 40-year history, it has used knowledge and discussion not as a means for identifying reality but as a club with which to clobber opponents.

It is also unseemly that Thomas did not identify himself. He is a close associate of David Kelley and Kelley's Institute for Objectivist Studies.

Just as it is ironic that Rand's philosophy of individualism turned into a personality cult, so it is ironic that Kelley's IOS, which publishes whole books about "tolerance" and "benevolence," relies on the same old hatchet work of "the Collective."

Michael McGrath
Madison, Wis.

Bradford Blunders

Bill Bradford's review of *The Ayn Rand Cult* convincingly shows that my book has infuriated him, but it's impossible for a reader to derive from it an accurate view of the book. On the other hand, it is possible for a reader of *The Ayn Rand Cult* to form an accurate view of the Objectivist movement, and it is the first book of which this may plausibly be claimed.

In a book of 400 pages, there will inevitably be some minor factual slips and I thank Bradford for pointing out a few very minor ones, which will be corrected in a future printing. There are, however, far more blunders in his three-page review than there are in my 400-page book! Mostly, he just hastily misconstrues what the book is about and what it asserts. At a later date, in an appropriate forum, I will fully itemize his mistakes within an extended response to the book's critical reception, but knowing that lengthy letters for publication run the risk of being cut, I will keep this letter short.

Bradford objects strenuously to my characterization of Rand's expulsion and shunning of Hospers as "excommunication." This was the word used by Hospers when I interviewed him, and what happened to Hospers, as well as to Rothbard and other non-Objectivists, fits well with the dictionary definition of "excommunication" as "exclusion from fellowship in a group or community."

By ripping three short sentences out of context, and concealing from his readers the fact that *The Ayn Rand Cult* incorporates a sustained comparison of Objectivism with Rajneeshism and other cults, Bradford conveys the misleading impression that I try to demonstrate, by the quoted three sentences alone, that Nathaniel Branden was a cultist. (This misrepresentation is all the more remarkable because Bradford agrees with the conclusion.)

Bradford attributes to me the view that the indebtedness of *Atlas Shrugged* to earlier works of fiction "somehow detracts from it," a view I explicitly reject on page 299. The relevance of *Atlas*'s derivativeness lies mainly in the untruthful claim advanced by Objectivists that this work is stunningly original in many respects, including plot and theme.

On reading Rand, anyone widely read in outstanding works of fiction is quickly struck by the constricted nature of Rand's vocabulary, her ostinato repetition of a handful of emotionally-laden words. As a journalist who likes solid data, I documented this by counting words, finding, among many other examples, that "evil" occurs 220 times in *Atlas Shrugged*. Bradford suggests that for all we know this may be just as true of Hugo, Dostoevsky, or Tolstoy! If Bradford had thought for two seconds about this flight of fancy, would he so rashly have committed it to paper?

Bradford's incredulity notwithstanding, "the Rand," the thing the Boer War was fought over, was marvelled at worldwide as the planet's richest goldfield, and was the stuff of legend and of the boys' adventure stories gobbled up by the young Allisa Rosenbaum. All educated middle-class people of the era of Rand's youth, Jewish or gentile, were indeed "familiar with the term and its relation to gold."

Bradford scoffs at my mention of the fact that "Galt" is "gold" pronounced with a Yiddish inflection. He does not dispute that *Atlas Shrugged* is saturated with the imagery of gold, that Galt himself is identified with gold, nor that Rand could hardly have overlooked the similarity of the words "Galt" and "gold."

Bradford's amusement is provoked by my mention of Yiddish. The fact that Rand did not herself speak Yiddish does not at all dispose of the matter. Yiddish-inflected English was commonplace in Rand's Hollywood, and she even drew upon its speech pattern for the character of Sol Salzer, the Hollywood producer in her play *Ideal*.

In many parts of *The Ayn Rand Cult*, I had far more material than I could use to support a point, and this is especially true of the influence of Rand's Jewishness, including her choice of the pen-name "Ayn Rand." But Bradford complains that eleven pages on the Jewish influences is already too much.

Bradford asserts falsely that Greenspan "refused to involve himself in" Objectivism's "cultish aspects." Among clear examples of his deep involvement with its cultishness, Greenspan joined three other inner circle members in publicly sanctioning Rand's excommunication of the Brandens, on Rand's say-so, and without any consideration of the Brandens' side of the story.

The concluding paragraph of Bradford's review is very odd. *The Ayn Rand Cult* makes no pretensions to being a scholarly work (see page xi), just as Bradford makes no pretensions to being a scholar, and *Liberty* makes no pretensions to being a scholarly organ. But as it happens, I have already heard from some scholars that they do find the book valuable (i.e., Dr. Michael Shermer, editor of the journal *Skeptic*).

Jeff Walker
Toronto, Ont.

Bradford responds: I admit to being annoyed by Walker's inept and silly book, though not to being infuriated. Still, his letter delights me.

I am delighted, for example, that he is able to find a dictionary which defines the word "excommunication" in a way that makes his characterization of Hospers' expulsion from Rand's company seem less than idiotic. I've checked a half dozen dictionaries on this matter, and all seem pretty certain that to be excommunicated, one must first be a communicant, something Hospers assuredly was not. The fact that Hospers may have used the term in conversation does not make it accurate. I hate to think what Walker would have written if Hospers had said, "Well, I'll be a monkey's uncle."

And I am delighted that Walker intends, if his book sells well enough to justify future printings, to correct the many factual errors I pointed out. I hope he goes to the trouble to hunt out all its other errors as well. Lack of space is a problem for reviewers as well as protesting reviewees.

Walker finds it "remarkable" that I agree that Nathaniel Branden was a cultist, but still find fault with one of Walker's crackpot arguments about Branden's cultishness. I don't find this remarkable at all. Perhaps Walker's dictionary has a peculiar definition of

continued on page 17

Reflections

***The "Korrect Line" at Liberty*—** In a letter to the editor (p. 4), Adriana I. Pena concludes from the fact that *Liberty* published John Cobin's and Karen Araujo's article on former Chilean dictator Augusto Pinochet that I (as *Liberty*'s editor) have taken leave of my senses and, worse, that I have "sold out" my convictions.

As it happens, I disagree with many of Cobin's and Arauna's conclusions, perhaps as strenuously as does Ms. Pena. But *Liberty* is not now and never has been a magazine devoted to publishing writing that I agree with.

Nor is *Liberty* devoted, as some readers seem to think, to publishing *the* libertarian position on various subjects. I realize that in the past, some libertarian magazines have taken this approach. The editor-in-chief of one major libertarian magazine once told me that he was convinced that, by virtue of his expertise, he should determine the proper libertarian opinion on all foreign policy questions and other libertarians should adhere to his view. One of *Liberty*'s editors once worked at a libertarian magazine whose editor enunciated to the magazine's staff what came to be known as the "korrect line" (or the KL) on every political issue, and expected articles all to adhere to that line. And anyone familiar with Ayn Rand's "Objectivism" knows that the proper position on almost all issues was determined at the top and all good Objectivists, like good Communists, were expected to adhere to the party line.

At *Liberty*, we think this is a bad idea. We are convinced that libertarianism is neither a religion nor a rigid ideology that needs to have a party line on every political subject. Libertarianism is a belief that individual liberty ought to be maximized and that the power of the state ought to be minimized or eliminated altogether. That belief is all that one must agree with to be a libertarian. Thus there is room within the libertarian movement for people who favor abortion rights and for people who believe that human fetuses ought to be protected by law. And room for people who believe that America's vigorous military opposition to the spread of Soviet Communism was a good thing, and for those who believe that American foreign policy should always be isolationist. And for people who believe that libertarians ought to join the Libertarian Party and work to elect its candidates to office, and for those who believe the LP is a waste of time and for those who believe that any involvement in politics is inherently immoral.

And it means that there is room for people who believe, as do Cobin and Araujo, that on balance Pinochet was a force for liberty, as well as people like Ms. Pena who believe the opposite (or like Assistant Publisher Clark Stooksbury, who sharply criticized Cobin and Aruajo in the March *Liberty*).

So how do *Liberty*'s editors decide what to publish? We seek good writing that is of interest to intelligent libertarians. We seek to inform, to provoke, to entertain, to amuse, to stimulate thought, and even to outrage our readers, as we outraged Ms. Pena.

Ms. Pena isn't the only person who disagrees vehemently with some of what we publish. At least one of our editors disagrees with some aspect of virtually every article, every reflection and every review that appears in our pages. Every issue of *Liberty* includes articles with which I disagree, and I am editor and publisher. *Liberty*'s editors disagree with one another about issues of strategy, of philosophy, of religion — even on the kinds of institutions an optimally free society might take. But we all agree that we ought to try to maximize freedom. And we all agree that *Liberty* ought to be open to the full spectrum of libertarian thinking, and that a political movement that challenges beliefs and is open to controversy and to dialogue is healthier than one that is not.

We think this approach makes *Liberty* a better magazine.
—RWB

***Social Insecurity* —** It's not easy to pick the biggest lie in a Bill Clinton speech, but here's my candidate from the State of the Union address: "Even today, without Social Security, half our nation's elderly would be forced into poverty." Yes, if the government took 10 to 12 percent of your income for 40 years, told you it was being saved for retirement, then refused to pay you anything at retirement, half of us would be forced into poverty. In a real-world alternative, of course, today's elderly would have saved for their own retirements, putting money aside in stocks and bonds — and if they saved as much as Social Security took over the years, they would be much more comfortable today. —DB

***Won't you go home, Bill Bennett?* —** It's no surprise to find Bill Bennett making war on the rights of the American people. That, after all, has been his *métier*, as former head of the National Endowment for the Humanities, Drug Czar, and Secretary of Education (now there's a resume). But what is surprising is to find Nat Hentoff, who's fought some good fights for the First Amendment, joining him. The two appeared at a news conference in Washington announcing a new campaign by the Center for Individual Rights to call to account colleges and universities that practice race-conscious hiring and admissions policies. Such institutions, they hold, violate federal anti-discrimination laws.

The problem is that the campaign makes no distinction between private and public schools. Thus, its targets include the University of Chicago, Dartmouth, Columbia, and Duke, as well as North Carolina, Virginia, and William and Mary.

The Center for Individual Rights, like other neocon groups and publications, does good work in parrying the massive establishment that's in the business of making whites, especially white males, into second-class citizens via government fiat. Too bad that the neocons' final goal is a "color-blind" — rather than a free — society. As privately-owned institutions, Chicago, Dartmouth and the rest have the same right to discriminate on whatever basis they choose, to establish whatever rules of conduct and "speech-codes" they wish, as Grove City College, Brigham Young University, or Bob Jones University. It's up to their students, trustees, and alums to object, and change things if

they can. What else could any coherent concept of freedom mean?

But try to explain that to a former philosophy professor turned political mugger like Bill Bennett. —RR

Agriculture vulture — During his speech to the World Economic Forum, Al Gore urged the Euro-socialists and third-world police statists in attendance to reduce agriculture subsidies. During the State of the Union address, Gore's boss Bill Clinton boasted of spending billions on farm-aid handouts. Perhaps next time Mr. Gore should offer his advice closer to home. —JB

The emperor's new speech — So that was the business of the American people that was so essential that this president simply must stay in office to carry out? A themeless pudding of a speech, a dreary laundry list of poll-tested applause lines stretching drearily on through almost every line-item in the federal budget? A cynical exercise in buying two more years in office with the people's own money?

If Congress had a scintilla of taste, the House would have reconvened immediately to add another item to the bill of impeachment. Then the Senate would have voted the next day to toss the rascal-in-chief out of office for delivering such a cynical, mind-numbingly terrible speech and trying to pass it off as a serious political agenda, as the essential business the American people elected our leaders to handle.

Shucks, everyone knows Bill Clinton can deliver a terrific speech, but he just mailed this one in. It was delivered with the smarmy smugness of the cleverest kid in class who has mastered the first rule of student-body politics (i.e., the most important thing is sincerity, and if you can fake that, you've got it made) and knows nobody will call him on the utter vapidity of the outline and content. It was like a veteran actor doing the 350th night of a tenth-rate play in Paducah — all the tricks were there but delivered with the passion of a walk-through.

But our standards for political rhetoric keep declining. Heck, all the talking heads thought every single one of the House "managers" and the White House defenders did a brilliant, terrific job, so the speech was judged a marvelous success. And, of course, the poll numbers went up. —AB

Beijing on the Hudson? — Socialism may be discredited, but it still has its sympathizers in the American press. The latest example is a front-page article in the *Wall Street Journal* (January 26) on how the Chinese government has been bilked out of $25 billion from local grain producers and low-level officials.

You might think that the story would focus on how a gigantic socialist enterprise led to pandemic corruption. Reporter Craig S. Smith, however, was mostly distressed about something else. "China, with its budget deficit swelling and its exports hurt by the recession elsewhere in Asia," he wrote, "can ill afford such a loss, equal to 3 percent of its annual economic output." This is bad news, according to Smith, because the growth of China's economy "is powered in large part by government spending. Beijing needs all the cash it can get."

Well, the Chinese government may need money, but the most likely reason for the growth of China's economy is the lifting of government controls on the economy, not the government spending touted by Smith. And there ought to be at least some recognition on the part of the *Wall Street Journal* reporter that the officials were stealing from thieves. But Smith doesn't have a clue. Instead, he calls the grain thefts "one of this century's great rip-offs." Where has he been?

This story has another interesting aspect. At the root of the grain scam is Lester Brown, the alarmist head of the Worldwatch Institute. It turns out that someone in the Chinese government had read Brown's book *Who Will Feed China?* which forecast such an enormous demand for grain that reserves around the world would dry up by the year 2030.

"Many in China took the book to heart," Smith wrote. "Beijing adopted policies to keep farmers growing grain, including state-guaranteed prices far above market prices." The government poured money into the provinces to make sure they grew grain. Such subsidies led, as they inevitably do, to wasteful spending, misallocation, and corruption like the grain scam.

Brown may still be right about 2030. But so far, grain production is rising, with the 1996 harvest setting a record at 1.87 billion tons. Prices fell, and the government began to notice that it was missing money. In addition to trying to find the culprits, the government is now trying to get back its monopoly over prices. To do so, it prohibits peasants from selling grain to private dealers. In the dead of night, however, private transactions still take place. Worries Smith: "The system is still full of holes." —JSS

He got soul — When it comes to politics, I am basically a cynical guy. I expect politicians to behave like swine: to be rapacious, dishonest, arrogant, and vile. But when the trial of the president began in the Senate, my cynicism slipped a little. I harbored the sneaking hope that many of the senators might actually move above politics and public opinion and take seriously the oath they took as jurors.

What a fool I was to have entertained those thoughts for even a moment. From the very beginning, senators behaved in a way that would cause a juror in an ordinary civil or criminal trial to be imprisoned for contempt of court or worse. Rather than examine the evidence as dispassionately as they could, senators on both sides of the aisle conspired with others of their own party, the prosecution, and the accused to fix the outcome of the trial. Democrat senators were plainly in cahoots with the president and caucused regularly and openly to plan his defense. Republicans were no better: they met with the prosecutors from the House and caucused regularly to . . . well, some caucused to try to get a conviction and some caucused to try to get the trial over with as soon as possible.

Furthermore, virtually all of these people spoke with the press openly about their thinking, though a few (Republicans, mostly) tried to pretend they hadn't made up their minds. Their lust for camera time was literally astonishing: before and after sessions, you could see them line up to be interviewed by C-SPAN reporters. Once or twice, I

Liberty's Editors *Reflect*

DB	David Boaz
AB	Alan Bock
RWB	R.W. Bradford
JB	James Buccellato
TC	Terrence Campbell
SC	Stephen Cox
DP	Durk Pearson
RR	Ralph Raico
BR	Bruce Ramsey
JSS	Jane S. Shaw
SS	Sandy Shaw
FS	Fred L. Smith, Jr.

thought they might break into fights to get to the camera.

On January 27, Robert Byrd, the "Conscience of the Senate," made a motion to dismiss the charges, on the ground that it was virtually certain that the Senate would not convict, no matter what the evidence showed, since so many of his Democratic colleagues had said as much in public statements. The move was dismissed, with every senator but one voting along party lines.

By that evening, Democrat senator after Democrat senator had made public statements to the effect that the defeat of the measure was actually a victory, since it proved that Democratic solidarity would prevent the two-thirds majority needed to remove the president from office.

That same day by the same vote, the Senate passed a motion to allow the prosecutors, who had hitherto been prevented from presenting any evidence, to interview three of the witnesses in secret, and to present the videotaped testimony to the senators to view in private, so they could decide whether to allow any further testimony. A week later, after some of the senators had viewed some of the videotaped testimony, the Senate voted 70-30 to allow no further testimony and no live testimony at all. Again, the Democrats had shown great solidarity, but this time 15 Republicans showed that they were as vile and dishonorable as the Democrats by voting with them against witnesses in hopes of ending the trial (and its political costs) as quickly as possible.

Can you imagine any of this happening in an ordinary criminal or civil trial with ordinary citizens as jurors? Think about it. During opening statement by the litigants, a quarter of the jurors publicly say they have already made up their mind and oppose hearing any of the evidence. As the opening statements are made, jurors meet with the defendant and the plaintiff (or prosecutor) to help plan strategy. Before any evidence is presented, the jury votes on whether to dismiss the case and its foreman announces to the press that the trial may as well be stopped because enough jurors have already made up their minds and have indicated that no amount of evidence or further argument will change their decisions. And so the "trial" ends with virtually no evidence presented. I put *trial* in quotation marks because a trial with no evidence presented is no more a trial than a baseball game played with no baseball is a baseball game.

I suppose we might expect that most people who love the American Republic would be aghast at this behavior. Well, I love America, and I applaud it. In fact, I think the whole matter has had an entirely salubrious effect on the body politic. Not only has the president perjured himself three times in three different judicial proceedings (in the Paula Jones case, before the Independent Counsel's grand jury, and before the House of Representatives) and obstructed justice by inducing others (Monica Lewinsky, Vernon Jordan and Betty Currie, to name but three) to perjure themselves as well. But the Senate, designed by the Founders to stand above politics in deciding impeachment cases, acted virtually entirely on partisan and electoral motives, and did so completely openly.

Right now, most Americans are happy to be piling up more money and vaguely afraid that getting rid of the president, no matter how criminal his behavior, might hurt their bottom line. But once the dust has cleared, every rational American will understand the fundamental corruption of American politics. It is a system that gives us presidents who are little better than common confidence men, who flout the very laws they propose and enact, and flout their oath of office — and for an encore, commit perjury and induce others to do so as well. And it is a system that elects to its highest legislative chamber individuals who flout the oaths they take and stage a show trial while openly flaunting any semblance of integrity or honor.

Somewhere among our 260 million fellow citizens are people who will realize that something is fundamentally wrong with such a system. And some of them will inevitably consider the libertarian vision of a radically less-powerful, less-intrusive government.

In the meantime, Americans have dodged the Al Gore bullet. —RWB

The circle of subsidized life — How do you get anti-tax Republicans to support a new spending measure? By calling it a "tax credit," that's how. Consider the president's proposal to give a tax credit to stay-at-home mothers.

Instead of giving them a cash grant, he will give them a tax credit, i.e., allow them to deduct a specified amount from their tax bill. I haven't heard whether the proposal would give an outright cash grant to stay-at-home moms who don't have enough income to pay taxes, but if such a provision is not included in the proposal, it'll likely be added later, as has been done in the past.

The "tax credit" for stay-at-home moms completes the circle of subsidy. If you have kids but both parents work, the government gives you a subsidy for child care. If you have kids but mom stays at home, you get a subsidy anyway. And if you don't have kids, the government will subsidize your use of birth-control drugs or apparatus. If those fail because of your carelessness, it will subsidize an abortion. —RWB

The ennobling functions of the thugocracy — It seems that nowadays everyone, from the Pope on down, is apologizing for past mistakes. This came to mind a few weeks ago as I was watching the Sunday morning political talk show on NBC. George Will used the deliberately ugly phrase, "rancid conservatism." It refers, he explained, to the sort of conservatism that is anti-government on principle ("libertarian" would be a better name for it, but that's not a word Will likes to spread around).

I recalled a book Will wrote in the early 1980s with the priceless title, *Statecraft as Soulcraft*. Here Will argued that, contrary to the cliché, government legislates morality all the time, and it "should do so more often." The state, he argued, should engage in "the enactment of laws and implementation of policies that proscribe, mandate, regulate, or subsidize behavior that will, over time, have the predictable [sic] effect of nurturing, bolstering, or altering habits, dispositions and values on a broad scale." This is what constitutes "the ennobling functions of government," aiming at creating moral excellence among the populace. The "political vocation" is "the collaborative adventure of trying to measure up to the better angels of our nature."

Yet who would be in charge of such soul-crafting? Plato demanded a philosopher-king, and Rousseau proposed a super-human Law-Giver. In modern times, though, we're stuck with our elected representatives, the worthies thrown

up by the sainted "democratic process." In the past few years all of us, and especially Will, whose job it is, have had ample occasion to observe these candidate soul-crafters in action. They have prominently included Newt Gingrich, Trent Lott, and Dick Gephart, and naturally the Swine-in-Chief himself, together with all the freaks and felons who make up his administration. Now, is it conceivable that Will really believes these people have a mission to shape the souls of Americans? —RR

The prevailing wisdom no longer prevails — Ludwig von Mises pointed out decades ago the fundamental problem of conventional "social sciences": because human action is essentially nonrepeatable, it is impossible to discover cause-effect relationships from mere observation and collection of data.

The point has been nicely demonstrated by the relationship between the impeachment and the economy. In 1973, during the Nixon crisis, virtually all analysts blamed the terrible world economy on the impeachment. When the head of the world's largest national economy is under fire, the theory went, investors will naturally be reluctant to invest in productive enterprises; this results in higher unemployment, lower profits, etc., etc., etc.

But look what happened during the Clinton crisis. The economy boomed, especially in the U.S., with stock prices rising and unemployment falling. Now it looks as if the conventional wisdom of 1973 may have been 100 percent wrong. There's evidence that people don't want Clinton tossed from office because they fear his removal might hurt their prosperity, despite the fact that by any objective standard his crimes are much worse than Nixon's.

Of course, no sensible economist believes that Clinton is responsible for prosperity. After all, Clinton's program — higher taxes, more regulation, a government takeover of the medical industry — would dramatically reduce American prosperity. There's a lot a president can do to reduce prosperity — any intervention at all can do this — but there's little a president can do to increase prosperity.

Clinton has merely had the good fortune to lose both his epic battle to nationalize medicine and his party's majority in Congress, thereby slowing the pace of government growth while entrepreneurs, especially in new fields that the government hasn't figured out how to control (i.e., computer technology, biotechnology, and communications technology), have stimulated prosperity at an incredibly fast rate.

So why was petty criminal Nixon forced from office, while petty criminal Clinton was not? The answer seems to be that Nixon was the victim of a bad economy, much of which was his own doing. After all, only two years before, he had made one of the most massive economic interventions in American history: the imposition of wage and price controls. He'd also raised taxes and instituted all sorts of new regulations. In all likelihood, it wasn't his pending impeachment that caused the economy to falter; it was the faltering economy that enabled the impeachers to force his resignation.

But remember: correlation isn't causation! —RWB

The medium and the mess — On the evening when the Senate somehow voted not to dismiss the case against the president before waiting for any evidence to be heard, Catherine Crier of Fox News asked Sen. John Kerry of Massachusetts what the vote signified.

"These votes have made it clear," Kerry intoned, "that 44 United States senators believe the president should not be removed and that the Constitution should not be tinkered with or even abused the way it has been over these last months."

But Crier, a former judge, had trouble seeing Kerry's point. "What is the abuse of the Constitution if the House legitimately, even though by a partisan vote, impeached the president [and] offered this up for trial?"she asked. "Shouldn't the Senate at least go through a semblance of a trial?"

"The framers of the Constitution," Kerry pontificated, ignoring the question, "if you read the *Federalist Papers*, Madison 65 and 66 made it very, very clear that this kind of divisiveness would make it very difficult. Henry Hyde began the proceedings in the House laying down the fundamental principle you cannot impeach the president of the United States in a partisan way. They breached that principle in the House, they tried to breach it in the Senate, and now they've reinforced that principle by learning you just can't do it."

"Well, Senator Kerry," persisted Crier, "what about the process itself? Why is it in any way denigrating to the Constitution to follow through a trial procedure?"

Kerry was quick to explain:

> Because the constitutional standard for impeachment is so clear. The framers said that it is to protect the nation against a sort of ongoing threat to the country, a kind of corruption level that is so high that it threatens the very system of government. Here you had a private consensual sex act of the president which the police power of the United States was used to investigate and many people feel there was such a fundamental process of partisanship leading all the way to the trap that was set for the president that this is without the kind of moral justification in the Constitution that the framers envisioned.

Strangely, Crier still pressed for an answer to her question. "Well, all of those — and you and I both know [it] — are rhetorical words in that they [are] defending a very solid position. If it weren't for Ken Starr, if it weren't for the Independent Counsel statute and if it weren't for the subject of sex maybe we could be more dispassionate about the notions of perjury and the obstruction of justice."

"A penny for your thoughts?"

Kerry was indignant:

> Catherine, I'm not dispassionate. I think there may have been some obstruction. I don't know completely but if there was, though because of what it arose out of and what it is connected to, I still don't feel that it meets the level of constitutional threat that the founding fathers talked about. Now I'm not — you know the president did some terrible things here. There is no question about that. But the Constitution requires something more than just your feeling that he, he, he sort of, you know, violated, ah, some of your notions of the oath or whatever if it arises out of a sexual act. I mean, there are many prosecutors across the country who said they wouldn't even prosecute this case in a court, let alone try to raise it to the level of a high crime or misdemeanor as defined, defined by the Constitution. So I think most people in America know what this is. This has always been politics. The Rutherford Institute involved with Paula Jones, Ken Starr becoming involved with Linda Tripp, Linda Tripp setting a trap, helping the president fall into the trap, all of this smacks of something that most Americans find deeply distasteful and out of that came the lie or the obstruction as you might phrase it that they want to make the fundamental of removal. I'm not buying into that kind of abusive process.

Crier made one more try. "Of course," she observed, "others would say that the lie came out of the president's mouth all by himself."

"You bet he did!" Kerry responded. "And the fact that we don't remove him does not leave him without criminal sanctions. He could still be prosecuted and it may well be that Ken Starr will prosecute him through the court system and he'll be punished. That's different from removing a duly elected president of the United States from office for these kinds of offenses."

What's interesting here isn't the fact that Kerry ignored Crier's question every time she asked it. This is a well-established technique that public figures use to manipulate the media. What's interesting is just how incoherent and, well, stupid the Senator's answers were to those who actually paid attention to what he said.

According to Kerry, right-wingers like Paula Jones, Linda Tripp and the Rutherford Institute set a perjury trap for the president, but his lies came out of his mouth all by themselves. He may have obstructed justice and committed perjury, but these acts grew out of a consensual sex act, which makes them not perjurious or obstructive of justice. Okay. The Democrats are not exonerating him when they refuse to remove him from office for his crimes, since he can still be prosecuted in criminal court, though no prosecutor would ever prosecute a case like this. The constitutional standard for impeachment is patently clear, though Kerry doesn't seem to have any idea what it is. The Founders opposed partisanship in impeachment proceedings, though Kerry failed to mention that the Founders also opposed the very existence of political parties because they feared partisanship would lead to cases exactly like this, where a president's party marches in lockstep to protect him from removal for his obvious crimes. Republican Henry Hyde established the principle in the House that any removal of the president must be done on a bipartisan basis, then the Republicans violated it somehow. (Kerry didn't mention that only 67 percent of Republican congressmen voted the party line on impeachment issues, while 98 percent of their Democratic counterparts followed their own party line, or that while 72 percent of Republican senators toed the party line, 98 percent of Democrats proved athletic enough to do so.)

In sum, what the senator served up was a giant gob of take-out food, an inchoate mess of stale defenses cooked up by the president's public relations experts, none of which makes much sense considered singly, much less when tasted in a compote with others.

But I don't think that's how most television viewers saw it. They were distracted by the senator's position, by his expensive clothing, by his air of authority, by the way he delivered his lines. Those who defend the president probably applauded Kerry as an able defender. So probably did most of the president's critics.

The plea of the House Managers for live witnesses so that the Senate jurors could look into the eyes of the witnesses and judge directly when, if ever, the witnesses were telling the truth, sounded pretty plausible. But upon reflection, I'm not so sure. Maybe it would be better to read a transcription, in hard black type on clean white paper. Maybe then it would be easier to see past Monica's coquetry and earnestness, past Vernon Jordan's lawyerly mannerisms, past Sidney Blumenthal's practiced lies. —RWB

The Disease of Liberty is catching—

Freedom House — a group whose board of trustees includes such luminaries as Zbigniew Brzezinski, Steve Forbes, Lane Kirkland, Jeanne Kirkpatrick, Peggy Noonan, P. J. O'Rourke and Andrew Young — has released its 26th annual survey of freedom around the world. It finds more free countries than ever: 88 rated Free, 53 Partly Free and 50 Not Free.

Countries rated Free include Japan, South Africa and Hungary; Partly Free includes Mexico, Malaysia and Pakistan; Not Free includes Kenya, Egypt and China. The hellholes, rated worst of the worst, are Afghanistan, Burma, Cuba, Equatorial Guinea, Iraq, North Korea, Libya, Saudi Arabia (our war ally!), Somalia, Sudan, Syria, Turkmenistan and Vietnam.

Readers of this magazine would undoubtedly set a higher standard for Free, which would include the tax burden, the regulation of drugs, the control of schools, etc. But they would agree on the core definition of freedom: a life apart from the state. In that respect, humanity's condition improved in 1998. Indonesia's Suharto was ousted and

"André is a Peace Corps volunteer from France. He's here to show us how to cook."

Nigeria's Gen. Abacha died; both countries graduated from Not Free to Partly Free. China is still Not Free, but for the first time it moved up from rock-bottom in civil liberties.

In its report, Freedom House finds some interesting correlations:

• Political democracy and civil liberties go together. Freedom House has been saying this for years, and on good authority. It lists 117 democracies: 75 percent that it rates Free, 25 percent Partly Free, and zero Not Free. Looking at the past 26 years, Freedom House President Adrian Karatnycky writes that the Partly Free democracies (29 of them now) "hold the greatest potential for the expansion of freedom." Since 1995 democracies that have jumped from Partly Free to Free include India, Nicaragua, the Philippines and Taiwan; those that haven't include Colombia, Brazil, Russia and Ukraine.

• Countries in which more than two-thirds of the population belong to the same ethnic group are twice as likely to be rated Free than multi-ethnic countries. Multi-ethnic countries can make the grade — Canada, Belgium, Switzerland, Estonia and South Africa have — but the odds aren't as good.

• Freedom comes more easily with some religions. Of the 88 countries rated Free, 79 have a Christian majority. The remaining countries include Buddhist (Japan, Mongolia, Taiwan, Thailand), Hindu (India, Mauritius, Nepal) and Jewish (Israel.) But among Islamic countries, only one, Mali, is rated Free, 14 are Partly Free and 28 are Not Free. In the Islamic world, the Arab countries remain the most tyrannical. Yet things can change rapidly: 25 years ago, most Catholic countries (Argentina, Chile, Philippines, Poland, etc.) were dictatorships. Not any more.

The report cites its own studies of economic freedom as well as the Heritage Foundation's, and notes "the growing empirical evidence of the links between economic freedom and political freedom." It denies the chamber-of-commerce argument that capitalism comes first, and civil liberty and democracy afterward. "The more careful conclusion," the report says, "is that both trends manifest themselves in close proximity to one another. Opposition to the dominance of the state in economic life is usually accompanied by opposition to the dominance of the state in personal life and in the life of civil society." —BR

The really serious issues— You probably have been alerted to the great celestial peculiarity of 1999: this will be the first year since 1915 to contain a month (January) with two full moons, followed by a month (February) with no full moon, followed by a month (March) with two more full moons.

I don't know what you thought when you first heard this widely heralded news. My own first reaction was, "I wonder who keeps track of stuff like this?" My second reaction was, "Probably people like my father."

My dad, God rest his soul, loved statistics. He was immensely gratified to discover that a given month would have a second full moon in it, or to be told how many months, on average, possessed such an oversupply of moons. That kind of knowledge was really an asset to his life.

In a complex modern society such as ours, we are constantly being made aware of the wealth and diversity of interests that surround us, and of the valued role that personal and even quite eccentric interests play in the lives of our fellow-citizens. For millions of men and women, baseball statistics are much more important than the numbers that appear in their statements from the bank. Millions find the construction of model railroads more absorbing than the construction of stock portfolios. Millions love dogs more than spouses, at least their own spouses. Millions identify the end (not to mention the purpose) of life with the attempt to improve their golf scores.

These issues are *serious* to people, and thank God we live in a country where they *can* be regarded as serious.

Now, if our elected officials really care about the people's welfare, and believe that it really can be served by taxing and spending and planning and issuing guidelines for every conceivable purpose, why don't we see more government action directed to assisting people with the really important business of their lives?

Why doesn't President Clinton go on record with a promise of 10 million more miles of model railroad track?

Why hasn't Congress taken steps to provide more *Northern Exposure* websites, and to renovate existing ones?

Why isn't more being done to encourage (and of course to regulate) the use of gerbils in the home?

Why, when we dedicate millions of acres to the preservation of frogs and toads and wolves and goats, and of houses where Lawrence Welk once slept, can't we create even one national monument to preserve a roadside Mystery Spot or a threatened drive-in theater?

Why can't my friend Carl get a grant from the NEA (or at least the NEH) to expand and properly display his collection of souvenir shotglasses?

Why isn't Nancy Drew included in that multitude of people whom the president is always thanking in his State of the Union address? Isn't Nancy doing anything to help this country? Isn't she a healthy role model for young women? Or is this merely the politicians' normal, insensate discrimination against literary characters, even characters that have pulled themselves up by their socks and made themselves collectible?

Why are *no* funds appropriated to allow women and minorities to acquire their fair share of celebrity autographs?

Why are no government fellowships provided to assist young men and women from disadvantaged backgrounds to become professional wrestlers or Elvis impersonators — growth professions, both?

Why are so few midnight chess tournaments available to residents of our great inner cities?

And why is so little being done on the Beanie Baby front? Beanie Babies *still* have no regulated marketplace, no national archives or museum, despite the fact that the American people care a great deal more about Beanie Babies than they do about grain futures or the achievements of Dwight David Eisenhower.

Well, you see my point. But on second thought, I'm sorry I brought it up. Some politician might actually be reading this. — SC

Land grab — There are so many federal actions that are disastrous to freedom that it may be hard to focus on this one, but please try. This is a biggie. You all know what socialism is: the government owns the means of production. Land is a major means of production. The federal government now

owns (or, more correctly, occupies) about 40 percent of the land area of the United States, most of that in the resource-rich West. The Constitution does not authorize large-scale federal land ownership; indeed, it only authorizes federal control of "such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of congress, become the seat of the government of the United States . . . and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. . ."

Thomas Jefferson, when he was president, was uneasy about the Louisiana Purchase because of the questionable constitutional authority for buying it, but authorized the federal government to buy it anyway, with the stated intention of selling lands to pay off U.S. debts and for the creation of future states. Later, new states were required, as a condition for admission to the Union, to agree to exclusive federal disposal of the public lands within the new state. In 1976, Congress passed the Federal Land Policy Management Act, which established the policy of the federal government to retain all unappropriated lands for a permanent federal land estate.

The original system of checks and balances built into the Constitution had not been designed to stand against the power the federal government would acquire as controller of over half the land of the West. Here in Nevada, where we live, the federal government owns 83 percent of the state's land; in Esmeralda County, a Nevada rural county, 98. 5 percent of the land is federally occupied.

This is not enough federal control for Bill Clinton, who announced a *billion* dollar per year federal "trust fund" for the feds to buy up private property. Now introduced in the Senate by Senators Mary Landrieu (D-La.), Trent "Vacant" Lott (R-Miss.) and Frank Murkowski (R-Ark.) is S. 25, which sets up such a program at less than a billion a year (but of course the greens can lobby for an increase later after they get it through). It would be an off-budget entitlement (that is, it would be automatically renewed each year without congressional oversight or hearings, and would not "count" as part of the federal budget). Rep. Don Young (R-Ark.), chairman of the resources committee in the House, is preparing his clone of the Murkowski bill to introduce early in February unless he hears a lot of outraged cries against it. And then, of course, there will be a bipartisan effort to pass some version of the "trust fund" legislation.

Most of the land will be "purchased" at the point of a fed's gun from unwilling "sellers," who will do so to escape the legal expenses of a foredoomed condemnation after their property has been rendered commercially worthless by federal land-use regulations. In *Willing Seller Willing Buyer*, author Bo Thott describes how he got a list of names of property owners who had sold property to the National Park Service under FOIA. He had also sent a FOIA request to the U.S. Forest Service and U.S. Fish & Wildlife, both of which refused to send names, claiming the need for "privacy." Thott then sent a survey to the former landowners bought out by the National Park Service. Of 1,110 forms delivered, there were 404 responses. Of the former owners who added comments (207), 74 percent were dissatisfied with their Park Service deals. This puts the lie to any claim in the congressional bills that this federal government billion-dollar a year slush fund will only buy from "willing sellers." —DP & SS

Confict of Visions — Few events offer a more optimistic view that America might yet regain control of its government than the recent House impeachment debate. The facts aren't really in dispute; almost everyone agreed that President Clinton acted in a highly inappropriate way. The question is what remedy is appropriate. Almost everyone seems to agree that he shouldn't get off free, but that he shouldn't necessarily be removed from office. Given the lopsided nature of the vote — only five Democrats voted for impeachment, only five Republicans against — the popular view has been that this was another example of the collapse of consensus, the bitter divisiveness of partisan politics in America today. Perhaps, but another and far more positive reading can be given to these events. That reading sees the debate as the first (and given the likelihood of a Senate decision to censure rather than convict the president, likely only temporary) reversal of the dominant quantitative view of government. Since the progressive era, the dominant intellectual view of government has shifted from that of a dangerous but necessary institution — one that must be carefully circumscribed and limited if it is to be kept in check — to that of a positive force for social justice. In the former view, government (as George Washington so eloquently warned) is like fire, a necessary but dangerous servant. One does not use fire indiscriminately — one carefully walls off fire from the rest of one's dwelling (the very concept of a "firewall" provides a powerful metaphor for constitutional restrictions). Fire is kept in special locations; not a spark is permitted in much of the house. To use fire safely, separation and controls are essential. That concept views the roles and powers of government as qualitative — there are many good and valuable things that government should not do (lest those powers flame up to threaten other values) and other things that the *federal* government should not do (those activities reserved for the states and localities) and still other acts that one branch of government might do that would be highly inappropriate for another. In all cases, government is viewed as a wanton force that must be kept carefully in check. The Constitution was a highly qualitative document; it did not focus on quantitative goals such as a balanced budget but rather to limit the activities of each branch of government and of the federal government itself vis-a-vis the states and the people. Our Founding Fathers believed that there were many good things that government should not do, many other good things that government might do but that the federal government should not do. The argument was that clear fire-breaks between fields of activity would serve to limit government — to restrict the threat of Leviathan.

That view now seems quaint. The Progressive capture of the American intellectual class at the close of the 19th century persuaded many that government was now an infinitely variable and inherently good thing. Government was no longer viewed as a dangerous threat but as an adjustable tool to advance social justice. The removal of the firewalls — the shift of focus from the areas where government should and should not act to the quantitative issue of whether government should do more or less — on housing, in transportation, to reduce poverty or racism or pollution — was a slow

but relentless shift.

For many years, qualitative restraints checked this quantitative bias. For example, as late as the Eisenhower era, politicians felt that they must justify their expanded efforts in the highway construction and education fields as "national defense" actions, the one qualitative area always viewed as legitimate. That fig leaf has largely today been abandoned as conservatives and liberals alike seek more pork for their districts.

Thus, the debate over Clinton's impeachment and removal from office may be viewed as simply revisiting the older debate between the qualitative and quantitative visions of government. Progressive liberals — largely but not solely Democrats — seem to believe that while what Clinton did was wrong, he certainly shouldn't be driven from office. They favor a punishment carefully calibrated to suit the crime — some form of censure. Liberals here as elsewhere see government as a quantitative device — one wants to do more or less as the situation dictates. There is no question but that government can act — the challenge is to ensure that the act is calibrated to fit the crime. Conservatives — mostly but not solely Republican — seem to believe that what Clinton did was wrong but are unsure whether they should (or given the partisan nature of congress, whether they can) actually remove him from office. Most, however, resist the censure option, seeing the only options open to Congress being the limited choices of acquittal or conviction. To conservatives, government is a qualitative issue, the Constitution separates clearly the two branches of government and censure would blur that distinction, moving the United States decisively toward the parliamentary form of government. To conservatives, the challenge is not the quantitative decision about more or less, but the qualitative question of whether to act or not.

Thus, the impeachment debate brings us back to this neglected argument and may be the indication that America may yet constrain Leviathan. The qualitative argument was made very strongly in the House with the majority (certainly, no pro-Clinton claque) seeming to see censure as a forbidden option; the choice being a highly unlikely removal from office or acquittal. One can only hope (this is written prior to the Senate trial) that this viewpoint gains further strength. Qualitative government may be controllable; quantitiative government certainly is not. The outcome remains in doubt, but it would be ironic if the primary item of note that history records in the administration of President William Jefferson Clinton is the re-opening of this most important philosophic debate over the nature and design of government. Certainly, whatever the outcome, America is likely to be the better for resurrecting this long-neglected constitutional issue. —FS

Libertarianism made simple — Here's something I thought you'd like to know while you're meditating on the meaning of this year's income tax return.

A book published in 1935 observes that "out of a population of 125,000,000 or more, there are but about 1,900,000 Federal income taxpayers." One and a half percent. And that wasn't because everybody was out of work. Everybody wasn't. The author, a proponent of limited government, actually regrets that the percentage isn't higher. He thinks that a higher percentage of taxpayers might exert "a political pressure against spending." Sixty-four years later, nearly everybody is caught up in the federal income tax system, and adequate pressure against spending is yet to be seen. Why?

One reason is the government's habit of using deficits to disguise the extent of its spending. The budget is now said to be "balanced," or nearly "balanced," but only because Social Security taxes are used to "balance" it.

Another reason has to do with the psychology of economic progress. So long as the enormous strength and resilience of the capitalist system allows total income to rise even faster than income taken in taxes (something that has happened in most years between 1935 and the present), the income that people actually notice — their net, after-tax income — may increase quite satisfactorily despite very large increases in taxation. If I earned $50,000 last year and paid $10,000 in taxes, but I earn $70,000 this year and pay $15,000 in taxes, I may not be inclined to object. I may not even notice; the money will be silently "withheld" at its source.

A third reason is the multiplicity of taxes. Many people pay more than 50 percent of their income to the government (50 percent!), but few of them realize that they do. It's just a trifling 6 percent on that six-pack of doughnuts you bought at the convenience store, 3 percent of the assessed valuation of your house (a whopper, but you only need to pay it once a year), 35 percent to the feds (but what you actually see is your $100 refund check), 5 percent to the state (ditto), 1.5 percent to the city, that annoying "vehicle license fee" . . . But who's adding?

It seems to me that the business end of libertarianism is a very simple thing. It's all comprehended in these three points. Help people to see them as they are, and you'll have a revolution. —SC

IMF cant — For many years I have considered the International Monetary Fund a harmful institution. Beyond that judgment, made on economic grounds, I have felt a vague distaste for it. Now, suddenly, the reason occurs to me. It is the *cant* that pervades IMF documents and speeches. The ratio of verbiage to substance is high.

Cant is derived from *cantus*, which is related to *chant*. It refers to sing-songy, tedious, and even insincere jargon. Vogue words pervade IMF publications. Current mantras include *transparency* and *architecture*. Repeatedly the IMF calls for greater transparency in government finance, banking, and even its own operations. It trumpets its own indispensable role in shaping a new global financial architecture. Unless you actually read the documents, you wouldn't believe how often and mindlessly these words recur, as do the verbs cited below.

Quirks of style become grating. Repeatedly we read that "directors" (or "ministers" or whatever) did this or that, the formulation obscuring whether most, many, some, or a few directors did so. And just what did Executive Directors, Ministers, participants, or some committee do? They noted, observed, recognized, welcomed, encouraged, endorsed, stressed, cautioned.

They expressed serious concern; they underscored the need for special emphasis; they recognized importance. "Ministers reaffirm their commitment to the principles of good governance . . ." "Ministers are following with interest the ongoing process toward reaching agreement on key principles of fiscal transparency . . ." "Directors were in agree-

continued on page 39

The State of the Applause

by R. W. Bradford

Promise them everything, but let them eat pork.

By all accounts, Bill Clinton's State of the Union address was a masterpiece. It overwhelmed his critics with the good news that the federal government, after decades of spending more than its income, had a surplus last year and would be in the black for the next 25 years, and that this surplus can be spent to cure just about every problem Americans face.

The day before the address, former Clinton aide Dick Morris explained how the president writes his State of the Union address. The first step, as is so often the case with what Clinton does, is to conduct a poll. A sampling of voters was given 300 new spending proposals and asked which they liked best. The top 80 or so proposals are presented to the president, who works the list down to a manageable 30 or so proposals. With the aid of his crack speechwriters, he fashions them into an hour-long speech.

For those of you who missed the State of the Union address, I list below its "applause lines" — the passages where the president planned for (and received) ovations from the Congress, or at least its Democratic members:

1. "the widows of the two brave Capitol Hill police officers who gave their lives to defend freedom's house," i.e., the Capitol
2. the "spirit of civility and bipartisanship"
3. the "largest peacetime economic expansion in our history"
4. the "lowest unemployment since 1957"
5. "for the first time in three decades, the budget is balanced"
6. "we are on course for budget surpluses for the next 25 years"
7. "the state of our union is strong"
8. "we must save Social Security"
9. "I propose that we make the historic decision to invest the surplus to save Social Security"
10. "we should reduce poverty among elderly women"
11. "eliminate limits on what seniors on Social Security can earn"
12. "We will save Social Security now"
13. "We shouldn't spend any of [the surplus] . . . until after Social Security is truly saved"
14. "guarantee the soundness of Medicare until the year 2020"
15. "affordable prescription drugs"
16. "Universal Savings Accounts"
17. "invest in long-term care"
18. "help our families deal with [aging]"
19. "lift the burden [of caring for us when we get old] off our children"
20. "set aside 60 percent of the surplus for Social Security and 16 percent for Medicare"
21. "open the doors of college to all Americans"
22. "reduce class size"
23. "invest $15 billion in public schools"
24. "end social promotion [in public schools]"
25. "[federal funding] for summer schools"
26. "end social promotion and finance summer schools"
27. "turn around [our] worst-performing schools or shut them down"
28. require "teachers to pass performance exams"
29. "Let us bring excellence to every part of America"
30. the government should give parents "more choices in selecting their public schools"
31. create 2,900 new "charter schools"
32. "all states and school districts must adopt and implement sensible discipline policies"
33. "modernize 5,000 schools"
34. "create 21st-century schools"

35. "raise the minimum wage"
36. "strengthening enforcement of equal pay laws"
37. "Let's give [Congress] a hand"
38. "quality child care"
39. "a tax credit for stay-at-home parents"
40. "extend Family Leave to 10 million more Americans working for smaller companies"
41. "Congress should prohibit companies from refusing to hire or promote workers simply because they have children"
42. "a patients' bill of rights for all Americans"
43. "a strong, enforceable patients' bill of rights"

The first step in writing the State of the Union address, as is so often the case with what Clinton does, is to conduct a poll.

44. "protect the privacy of medical records"
45. "allow people with disabilities to keep their health insurance when they go to work"
46. "Tipper Gore is leading our efforts here [with regard to "Mental Health"]"
47. "take the tobacco companies to court — and with the funds we recover, to strengthen Medicare"
48. "training opportunities for all Americans who lose their jobs"
49. "a dramatic increase in federal support for adult literacy"
50. "we have cut the welfare rolls nearly in half"
51. "help another 200,000 people move to the dignity and pride of work"
52. "our greatest untapped markets are . . . right here at home, and we should go after them"
53. "the new American Private Investment Company"
54. "the family farm"
55. "addressing" the "economic problem . . . out there in rural America"
56. "solve the so-called Y2K computer problem"
57. "we've made sure that the Social Security checks will come on time"
58. "make sure the Y2K computer bug will be remembered as the last headache of the 20th century, not the first crisis of the 21st"
59. "freer and fairer trading system for 21st century America"
60. "we must ensure that ordinary citizens in all countries actually benefit from trade"
61. "put a human face on the global economy"
62. "enforce our trade laws when imports unlawfully flood our nation"
63. If Japan doesn't stop exporting so much steel to the U.S., "America will respond"
64. "advance our prosperity in the 21st century"
65. "ban abusive child labor everywhere in the world"
66. "stop [the] brutal repression in Kosovo"
67. "stimulate the Palestinian economy, support our friends in Jordan"
68. "defend our security wherever it is threatened . . . so America can continue to lead"
69. "end nuclear testing forever"
70. give "Iraq a government worthy of its people"
71. "Captain Taliaferro!" (a pilot who helped bomb Iraq, presumably to help give it "a government worthy of its people")
72. "reverse the decline in defense spending"
73. "sustained increase [in spending] . . . for readiness, modernization, and for pay and benefits for our troops and their families"
74. "We must come through for [our veterans]"
75. "pay our dues to [the United Nations]"
76. "In China . . . [s]tability can no longer be bought at the expense of liberty"
77. "bring change and freedom to China"
78. "fortify African democracy"
79. bring "the blessings of liberty" to Cuba
80. "Sammy Sosa, you're a hero!"
81. "100,000 community police officers"
82. "the crime rate has dropped for six straight years"
83. imprison parolees who fail to "stay free of drugs"
84. "restore the five-day waiting period for buying a handgun"
85. "prevent juveniles who commit violent crimes from buying a gun"
86. "Suzann Wilson of Jonesboro, Arkansas [one of whose children was killed] . . . is here tonight, with the First Lady"
87. "keep our children safe"
88. "reduce greenhouse gases"
89. "save open space, ease traffic congestion"
90. "preserve places of natural beauty"
91. "the visionary leadership of the vice president"
92. "give more young Americans the chance to . . . serve America in AmeriCorps"
93. "campaign finance reform . . . pass it again, quickly!"
94. "a stronger American democracy in the year 2000"
95. "Rosa Parks . . . We thank her!"
96. "Thank you, Rosa"
97. "make the Employment Non-Discrimination Act and the Hate Crimes Prevention Act the law of the land"
98. "a census that uses modern scientific methods"
99. provide funds to teach English to "our new immigrants"
100. "For leading our Millennium Project, for all she's done for our children, for all she has done in her historic role to serve our nation and our best ideals at home and abroad, I honor her [Hillary]"
101. " A hundred years from tonight, another American president will stand in this place and . . . he — or she! —"

On average, enthusiastic Democratic senators and congresspersons cheered him every 43 seconds, or once every 77 words. No wonder the news media figured the State of the Union address was so wonderful! (Special thanks to the White House website for identifying all the applause lines, and shame on the news services, newspapers and other reference sources whose published text of the speech failed to note them. Incidentally, if you want to log onto the White House website, be sure to enter WhiteHouse.gov. If you accidentally enter WhiteHouse or WhiteHouse.com, you get pornography.)

As you can see, there was no more talk about how "the era of big government is over." Instead, there was proposal

after proposal for more spending, along with lots of self-congratulations, spiced by a few American heroes for the audience to applaud and three opportunities for Democratic congresspeople to give standing ovations to Democratic candidates for office in the year 2000.

When the dust had settled, according to a study by the National Taxpayers Union Foundation, Clinton had proposed increased annual spending of $288.3 billion, plus another $39.2 billion each year in spending disguised as tax credits. In all, he proposed new spending totalling $327.6 billion per year, or about $42 million for every word in his address. The president proposed a total of 31 new spending proposals, just one more than Morris had predicted.

The reaction of the media and of the American people was just what the president had expected, thanks to the poll testing all of his proposals. They showered the president with love. Sure we can do it, we can have everything we want and it won't really cost us anything to speak of. We'll just spend that surplus. Never mind that the surplus exists because a recalcitrant Congress resisted Clinton's more ridiculous spending proposals during the past years while riding an economy so robust that all Clinton's smarty-pants lawyers and regulators can't figure out how to regulate it. No matter that no one has

On average, enthusiastic Democratic senators and congresspersons cheered Clinton every 43 seconds, or once every 77 words.

ever been able to forecast the coming year's budget surpluses or deficits with any degree of accuracy, let alone the deficits or surpluses for the next 25 years. So let's party!

To me, the most ominous passage came early in the speech:

> America's families deserve the world's best medical care. Thanks to bipartisan federal support for medical research, we are now on the verge of new treatments to prevent or delay diseases from Parkinson's to Alzheimer's, to arthritis to cancer. But as we continue our advances in medical science, we can't let our medical system lag behind. Managed care has literally transformed medicine in America — driving down costs, but threatening to drive down quality as well.
>
> I think we ought to say to every American: You should have the right to know all your medical options — not just the cheapest. If you need a specialist, you should have the right to see one. You have a right to the nearest emergency care if you're in an accident. These are things that we ought to say. And I think we ought to say, you should have a right to keep your doctor during a period of treatment, whether it's a pregnancy or a chemotherapy treatment, or anything else. I believe this.

A chill ran down my spine when I heard Clinton utter these 172 words — one of the longest passages in the speech without applause lines. The combination of a federal government subsidy of medical research with a guarantee to all Americans to whatever medical care they need, irrespective of cost, is a recipe for skyrocketing medical costs. Any time you subsidize a service and offer it in infinite supply to people without cost, people will consume more and more.

Skyrocketing medical costs, of course, were the rationale for the government takeover of the entire medical system that the Clintons proposed in 1993. Clinton's solution, of course, will only make the problem worse: medical spending will rise until we can no longer afford it and it must be brought under control by a bureaucratically-managed rationing system, such as those in use today in Canada, Britain and most of the rest of the industrialized world.

I live only a few miles from the Canadian border, and hospitals in my area are overwhelmed by medical refugees from Canada's socialized medicine system, where the average wait

In all, Clinton proposed new spending totalling $327.6 billion per year, or about $42 million for every word in his address.

for an MRI is 13 months, for example. When America's system is socialized, where will we go for decent medical care?

But no matter. These problems will probably not occur until the Clintons are out of the White House, divorced, with Hillary as an earnestly left-wing senator and Bill a professor of government at some university with plenty of compliant coeds. ❑

Letters, continued from page 6

"remarkable" as well.

Especially amusing is Walker's response to my criticism of his discussion of Rand's "Jewishness." I did not "complain that eleven pages on the Jewish influences is already too much." I complained that he devoted so much of those eleven pages to impertinent information.

I pointed out that insofar as his passage about Rand's last name is comprehensible at all, it is irrelevant. He counters by ignoring his original argument and posing a new one: that "all educated middle-class people of the era of Rand's youth, Jewish or gentile" were familiar with the term "Rand." This is proof of Rand's "Jewishness"!

In fact, Walker has a genius for missing the point. He finds it incomprehensible that I was unimpressed by his observation that Rand's use of the word "evil" 220 times in *Atlas Shrugged* (a work of perhaps 500,000 words) is "staggering," pointing out that he is "journalist who likes solid data." Well, I like solid data too. To cite the number of times the word *evil* appears in a book without any attempt to put that number in context is not to provide "solid data." If we are to know whether the number of uses is "staggering," we have to know how frequently the word appears in other long novels with powerful moral themes. Hence my reference to Tolstoy et alia. Without context, all we have is an unsupported and, again, irrelevant opinion.

There is a limit to the attention that anyone needs to pay to such "data" and opinions, no matter how "amazing" they may, for various reasons, turn out to be. So I will conclude by admitting that one of the most attractive features of Walker's book is, indeed, its modest refusal to consider itself a scholarly work. ❑

CORRECTIONS

In the January *Liberty* (p. 16), we reported that "a state legislator in Vermont won the Republican primary and chose to be listed on the ballot as a 'Libertarian Republican.'" In fact, a libertarian activist won the primary and chose to be listed on the ballot as a "Libertarian Republican."

In a photo caption in the March *Liberty* (p. 27), the price at which a large quantity of Ayn Rand manuscripts was sold at auction was reported as $433,000. The actual price was $442,500.

New and Improved Democracy

by Stephen Cox

There are neither Republicans nor Democrats — just Pollocrats.

Whom would you rather have in the White House — a pathological liar or a crazed environmentalist?

It's a close call, especially when the environmental wacko also has a hard time distinguishing truth from falsehood. On purely practical grounds, therefore, I can't feel too bad about Clinton's ability to escape scot-free from the Lewinsky scandal.

But on other grounds, I do feel bad. The mixture of Democratic scum and Republican treacle served up at the "trial" is not the tastiest concoction I can think of. I'm revolted by the Democrats' habit of responding to every issue by just hauling off and lying, and I'm astonished by the Republicans' total inability to prosecute an open and shut case of perjury without hanging out banners proclaiming their willingness to make a deal with the defense.

I'm especially disgusted by an idea that prevails on both sides of the congressional aisle, the idea that the United States is a plebiscitary democracy, and the most absurd form of one — a government in which questions of truth and justice are decided by instantaneous popular opinion polls.

A plebiscite, a direct vote of the people on a governmental measure or question of policy, is bad enough in almost any form, for almost any purpose. The framers of the Constitution would have none of this nonsense. Their system provided only for popular elections of men, and as few of those as possible; it made no provision for popular elections to settle issues. The Constitution stipulates that even its own ratification is to be by "Conventions of nine States," not by plebiscite, much less by national plebiscite. The idea was to keep immediate decision-making power out of the hands of the populace.

This was partly because the framers had, in general, very little respect for the political astuteness of popular opinion, but mainly because they had enormous respect (respect sometimes amounting to panic and fear) for the political savvy of popular leaders. They wanted to prevent plausible scoundrels and demagogues like William Jefferson Blythe Clinton from getting the people to vote their self-aggrandizing schemes into law.

It was a prescient policy. In the two centuries that followed the adoption of the United States Constitution, Europeans of every political description discovered how easy it was to institutionalize radical democracy, monarchy, the Empire of Napoleon, fascism, communism, any old thing you wanted, by getting "the people" to approve their leaders' bright ideas. American do-gooders latched on to plebiscites ("initiatives" and "referendums") as means of banning customs that they didn't like (e.g., consumption of alcoholic beverages) and of getting money out of corporations that they couldn't get by going to the courts or legislatures.

So the plebiscite went on its merry course. There was one thing about it that might have surprised the founding fathers: it was commonly used, not as a means of overthrowing the established powers, but of solidifying their control. "The people" proved remarkably suggestible. They tended to grab onto the ideas of whoever happened to be in the saddle. The rider's authority might stem from the formal power of political officials or from the de facto power of a social oligarchy, such as the modern-liberal oligarchy (big media, elite colleges, mainstream religions, corporate and union leaders, Democratic Party operatives) that largely controlled the supply of information in the United States after about 1910. Whatever; the people tended to go along.

By the 1980s, the de facto power of the modern liberals

was so firmly entrenched that even the electoral victory of Ronald Reagan, which placed him in formal and, to a degree, in real power, was insufficient to accomplish his goal of rolling back the modern-liberal establishment and all its works. Outside the compounds of that establishment, its signature programs (e.g., high taxes, affirmative action) were almost universally detested. Republican candidates ritualistically pledged to destroy them, and they often got elected on that pledge. But nothing happened. Taxes remained high; affirmative action remained smugly omnipresent.

At this point, the American ideological right began to contract an intense (though unwonted) passion for plebiscites. In state after state, right-wing forces used the initiative and referendum to circumvent weak or hostile judges and legislators and write their own will into law. It was one of the few times in modern history in which plebiscites have been used to unsettle established power.

The idea prevails that the United States is a plebiscitary democracy, and the most absurd form of one — a government in which questions of truth and justice are decided by instantaneous popular opinion polls.

So far, however, affirmative action and other highly unpopular modern-liberal institutions have suffered little practical (as opposed to moral) damage. The plebiscite, as it turns out, works much better to preserve than to destroy.

Thus, according to a John Zogby poll released at the end of January, 62 percent of "likely voters" (who are traditionally more favorable to Republican causes than mere "voters") believe that Clinton lied to the grand jury, and 55 percent regard this as "impeachable." But that's not the end of Slick Willy. It's a different story when it comes to throwing him out. Whatever "likely voters" may think about Willy's character, just 25 percent of them want to hurl him from the Oval Office.

Consider another recent poll. People were asked what women they most admire (most admire, mind you!), and Hillary Clinton and Monica Lewinsky ended up tied for first place. Why? Because people have heard of Hillary Clinton and Monica Lewinsky. They're already on the lot. Should they stay? Sure, why not; what's the problem? It's essentially the same answer that the French gave to Bonaparte.

Clinton started out in the Lewinsky scandal with two enormous advantages:

Advantage 1: The Republicans, despite their traditional distrust of popular and democratic rule, had come to believe in plebiscites. Most of them had participated in Reagan's smashing popular victories and in their party's enormous congressional victory in 1994. They had all witnessed the easy adoption of anti-tax and anti-affirmative-action initiatives in the states. Many of them could not imagine life in a situation in which a politician would need to act against a public opinion poll. When such a situation arose, their gestalt just wasn't up to it, not to mention their zen. Once Clinton got ahead in the polls, their morale was shot. It may stay shot.

Advantage 2: Clinton's pack of political hacks had had years of practice in the delicate art of massaging the voters and being massaged, in return, by daily and even hourly inputs from focus groups and opinion polls. Clinton and his political prostitutes had learned how to behave as professionally as real prostitutes do. They had learned how to combine the appearance of submission with the reality of domination. They had learned how to lead their customers on, how to manipulate their every wish, how to supply just enough gratification to keep them coming back for more.

Since his Arkansas days, when he lost a gubernatorial race and then "apologized" his way back into the executive mansion, Clinton had understood that a lot of customers don't want sex at all, that what they want is just the laced-up boots and the see-through underwear. He knew that political paramours like to hear feigned confessions whispered with coy little smirks, confessions as void of content as the spanking fetishist's breathy whisper that he's been a bad little boy and deserves to be punished. By punishment he does not mean being fired from his job; he means another episode of "risky" sex. To a good many voters, and certainly to himself, Clinton's ability to get into scrapes merely intensifies his peek-a-boo attractiveness — as revolting as it is to at least 25 percent of the populace.

The results of this PG-rated farce are sad, but they're also funny. If it wasn't so sickeningly stupid, we'd all be laughing our heads off. Here is a president who is completely discredited (except in the public opinion polls), and who seems to be enjoying nearly every minute of his "plight."

And here are his judges — congressmen who spend every waking hour doing things that the Constitution gives them no power whatever to do, responding to questions about the impeachment ceremonies with a timid "I'm not sure this is Constitutional" — followed by pious ejaculations about the importance of getting back to work on the salvation of Social Security, a trillion-dollar toy that they have no Constitutional permission to play with at all. Well, the Constitution looks good in the polls, and so does saving Social Security, so they must have something to do with one another. At least we'll indulge that fantasy.

But the real joke is that these profound scholars and moralists are in fact quite loyal to the Constitution. It may not be the Constitution of 1787, but it's the Constitution of the United States in this the Seventh Year of Clinton; and it's a Constitution that is very easy to understand, because it has only one article: "You can get away with whatever the polls allow." ❑

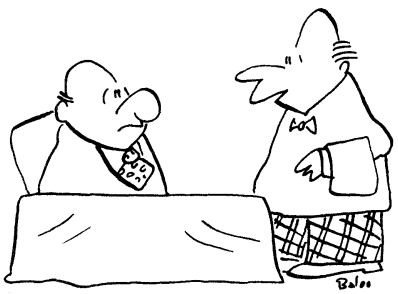

"Would you care to change your order to scallops, sir? — Your lobster ran away."

The Rape of Free Speech

by Richard Platte

Free speech isn't secure even in a college town. Fortunately, a brave businessman and a principled lawyer can defeat the forces of censorship.

It was five or six o'clock when Larry Daugert approached me. I was sitting in The Top of The Towers cocktail lounge, in the area reserved for the lawyers who meet there after work to have a drink and look out at downtown Bellingham and the bay from the highest spot in the city. Some of the Towers bar associates follow a "five o'clock rule": no discussion of legal issues and other lawspeak. I'm not one of them. That evening, at least, neither was Daugert: he asked me if I'd consider trying The Newstand Case.

I had read about The Newstand Case in *The Bellingham Herald*, so I knew that some very important somebodies were busting blood vessels over a purportedly pornographic magazine called *Answer Me!*, which was sold at Bellingham's only newsstand. In fact, they raised such a fuss that they had the owner and manager of The Newstand, Ira Stohl and Kristina Hjelsand, arrested and charged with felony offenses. And I knew that most likely there wasn't much else in the *Herald* articles that was accurate.

Breean Beggs, the young attorney who had been representing Stohl and Hjelsand, was working with the American Civil Liberties Union, which had provided legal briefs and other support. Beggs and his clients hoped the charges would be dismissed at the trial court level or in the course of an appeal, thus bypassing a jury trial. But Daugert, a senior partner in Beggs's firm, felt that in the event of a trial, Stohl and Hjelsand should have an experienced trial lawyer (or two) on their team. He knew of someone with trial experience whom he thought would take the case on a pro bono basis. Someone whose libertarian political views he'd heard at The Towers.

Me.

I told him I'd think about it. The next day, Breean Beggs called to invite me to a strategy meeting with Stohl, Hjelsand, Beggs, and three other outside attorneys assisting Beggs.

The Warnings

Gary Rusing, my partner of 23 years, warned me not to take the case. He believed that our practice could suffer from the sort of negative publicity one is liable to get for defending supposed pornographers. I explained to him that the case presented an obligation to do what my oath of attorney required me to do, and that since I was the only experienced litigator involved, I couldn't justify not helping. He said he understood and would support me.

That same week, I ran into my friend, Randy Watts, chief civil deputy prosecutor for Whatcom County. He warned me that the county prosecutor would never back down, that the magazine was clearly obscene, that it promoted violence against women and children, and that I'd never be paid for my efforts. I told him that although I hadn't yet read the magazine, no one seemed to be suggesting that the contents were defamatory or could lead to panic in the streets.

"Tell your boss I'm taking the case," I said.

"He already knows," Watts replied.

Forming the Dream Team

Although I'd tried many cases before juries since admission to the bar in 1972, I hadn't represented anyone charged with a serious crime in at least 15 years — and I had never represented anyone who had been accused of selling something legally obscene. I figured that the three lawyers assisting Beggs (two of whom would later drop out) knew more about contemporary criminal law and procedure than did I. But they didn't have much experience with juries. I did.

At the time, the only work in progress involved legal briefings (designed to win the case without having to go to trial) and the plea bargain discussions. Although no trial date had been set, I was worried about how much time we had to prepare for trial. We had a lot of ground to cover:

interviews of the state's witnesses, locating our own witnesses (bookstore owners, teachers, librarians, rape victims, and others who could testify to the artistic, educational, and political value of the magazine), and much, much more. If the pre-trial motion to dismiss the charges failed, and if the Washington Court of Appeals and Supreme Court refused to review it, the trial would start within a few months.

If we were going to win at trial, two things had to happen quickly. First, I needed to find another experienced trial lawyer to represent one of the defendants. Someone who would outwork the prosecutor's office whether or not he got paid.

One day in early 1995, a Bellingham Police Department detective showed up at The Newstand in response to a complaint from a customer about an issue of a zine that dealt with rape.

Someone like Doug Shepherd, an Everson lawyer with a strong sense of justice and an admirable work ethic. After talking to the members and staff of his firm, Shepherd agreed to represent Kristina Hjelsand. We agreed that he would be lead trial counsel for her, I would be lead trial counsel for Ira Stohl. Each of us would be responsible for the makeup of our respective teams.

For my team, I selected two attorneys I'd worked with in other cases, Steve Hager and John Anderson. Steve and John were a couple of closet libertarians who relished any opportunity to expose the emperor's new clothes. John once sat quietly through a court hearing while a probation officer of the Whatcom County District Court testified that John's client had refused to comply with the terms of probation imposed upon conviction of an alcohol-related offense. John's client, he testified, refused to meet with the probation officer, failed to provide urine for analysis, and generally acted in a contemptuous manner. He ought to be put in jail, the probation office concluded. John's client hadn't even bothered to show up for the hearing, the judge observed — a fact that would result in imposition of additional sanctions for contempt of court, on top of his problems with his probation officer. At last it was John's time to speak. He stood up, and in a deep bass voice slowly and distinctly told the court that his client had no interest in the outcome of the hearing, as he had died — perhaps from the effects of abstention.

Steve Hager was John Anderson's partner and a longtime friend of mine. He'd been a bright light in the philosophy department at Western Washington University, until the Vietnam War and the draft led to his joining the Merchant Marine. Steve had also worked as a bartender, a chef, a realtor, and an artist. He had become a lawyer the same way Abraham Lincoln did — by "clerking" under a lawyer (his other partner, Frank Atwood). Steve was my "detail man": with him on board, we would make no procedural mistakes.

Pat Lakey, who had been involved in the case from the beginning and who had criminal defense experience, was on Doug's team. Pat assisted with legal briefing and procedural matters. Just before trial, Jill Bernstein, who had considerable criminal defense experience, also joined Doug's team.

Breean Beggs would not participate in the trial except for the defendants' motion for dismissal and preparation of jury instructions and related briefings.

None of us would ever bill our clients for our services. But all of us would keep time records so that we might recover attorneys' fees from the county or state. If our clients were acquitted and the jury awarded damages in the civil suit Beggs had filed in federal court against the prosecutor and the county for violating our clients' civil rights, we might collect.

Before long, local lawyers dubbed us the "Dream Team."

The second thing we had to do quickly was submit a final plea bargain offer to the county prosecutor, with a deadline. In my mind, we had already spent too much time talking about plea bargains. The prosecutor had repeatedly said that he would not dismiss the charges unless Ira and Kristina promised to not sell that magazine — "or anything like it." The defendants steadfastly refused to let the prosecutor dictate what publications they could sell. The only "plea bargain" Ira and Kristina would accept was dismissal of the criminal charges in exchange for their dismissal of the civil claim. So that became the final plea bargain offer. The deadline for acceptance passed; the prosecutor's only response was a resounding silence.

The Ira Stohl Story

Ira Stohl had been in trouble with the law before. He was arrested in Buffalo in 1969 on a charge of "obstructing governmental administration." His offense? He had been in a house where two police detectives busted in, yelling that they wanted someone who didn't live there. The people in the house, including Ira, asked the officers what they were doing and whether they had a warrant. They were all arrested. None of them was subsequently convicted of anything.

A few days later, the county prosecutor called Ira and Kristina into his office, where he warned them that if they ever sold another issue of "Answer Me!," "or anything like it," the prosecutor would hit them with felony charges.

Ira was in his mid-40s. He was born in Brooklyn, where his father owned a small printing shop. Ira grew up loving the smell of ink. He had a lifelong love of reading, and when he later moved to California, he became a regular customer of a newsstand in Santa Rosa called Sawyer's News, a community fixture since the 1930s. Ira had become acquainted with the owner, whose grandfather had started the business. It struck Ira that there weren't many newsstands left in the areas where he traveled. So he started talking to owners of newsstands about the business wherever he came across one, learning everything he could about how they were operated, the kinds of things that distinguished a real newsstand from just a place that had a few magazines and newspapers for sale. He educated himself about what he'd have to do to establish the best

newsstand anywhere on the West Coast.

By 1989, Ira was ready. He invested his life savings in a newsstand in Bellingham. It seemed like the sort of community where he'd like to live, and a place that seemed to have the kinds of people who enjoyed reading enough to make his little business prosper. In March of 1990, Ira opened The Newstand, a place where a customer could purchase a magazine or newspaper from thousands of titles.

Ira worked day and night, often seven days a week. Ira's friend Phil had originally been Ira's partner, but Phil was about 15 years older than Ira and Phil had poor health because of a heart condition. He had to have a heart transplant in 1990. Ira told me that Phil actually wrote the computer program for the store while he was in intensive care at the University of Washington Hospital. Phil died in July 1991. Ira, working alone for many months, all day every day, managed to keep the little newsstand's doors open.

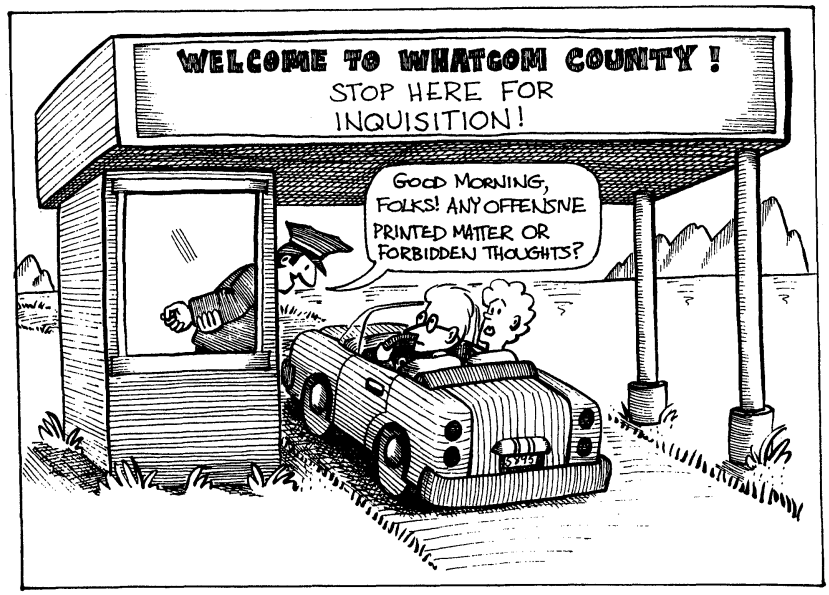

The Newstand Inventory

By 1996, The Newstand stocked about 4,000 periodicals, ordered through ten or so major distributors (with some magazines obtained directly from the publishers). Ira explained to me that half of the periodicals (the best-known ones, like *Vogue*) were sold to the store by local or regional distributors.

The Newstand carried a few "adult" titles. Ira explained to me that in the magazine industry, periodicals like *Playboy* are categorized as "sophisticates." "X-rated" magazines (like those sold at adult bookstores) constitute a separate category. The Newstand never sold such publications.

The magazine that got The Newstand in trouble fit into a different category: it was a "zine." Basically, a zine is a homemade, cheaply produced publication that features alternative, offbeat, or radical material. Often, a zine consists of one person's thoughts, diatribes, or rants. Nowadays, anyone with a computer and the right software can publish a zine. I don't remember where I read it, but the notes for my opening statement at the beginning of the trial contain the following quotation:

> Fortunately, the citizens of this country do not get news and opinion from the orthodox media alone. Thanks to free enterprise, the nation actually enjoys such fear-inspiring things as desktop publishing, the Internet, videocassettes, shortwave radio . . . and zines.

Ira said there was even a zine on zines called *Fact Sheet 5*, a well-known and nationally distributed zine that contained capsule summaries of perhaps as many as 2,000 zines. The Newstand had a section for zines, which is where *Answer Me!* was located.

The decision as to which zines to order was made based on customer requests. But Ira and Kristina could not always predict what new titles customers would want. So they would decide which titles they thought their customers would want to read and stock the shelves accordingly.

There was a wrinkle, though: The distributors often delivered titles that Ira hadn't ordered. That meant more work for Ira and his employees. Dealing with and returning magazines he didn't order involved a lot of work: a store employee had to open the box, check the invoice, scan the magazines into the computer, shelve the magazine and remove any unsold copies of previous issues for return to the distributor. The procedure varied from one distributor to another, further complicating the process.

Usually, Ira put the unordered publications on the shelf to see if anyone would buy them. As some zines have very small circulations, the store relied heavily on the distributor to decide which issues to sell.

A Visit With the Prosecutor

One day in early 1995, a Bellingham Police Department detective showed up at Ira's store in response to a complaint from a customer about a publication, *Answer Me! The Rape Issue*, which dealt with rape — date rape, prison rape, the consequences of rape upon its victims, and the thought processes of rapists and child molesters. The detective asked Ira if he was familiar with it. Ira said that he was merely aware of its subject. Ira asked the detective if the magazine was legally "obscene." The detective said that he didn't know.

A few days later, the county prosecutor called Ira and Kristina into his office, where he warned them that if they ever sold another issue of that magazine, "or anything like it," the prosecutor would hit them with felony charges.

But Ira was not about to be cowed by the prosecutor's threats. When he returned to his store, he took all the remaining copies of *Answer Me!*, stacked them on a table, and wrapped a chain and padlock around them. He topped it off with a sign suggesting that the local prosecutor had decided to suspend his customers' First Amendment rights, and consequently the magazines were not for sale. Within a few days, several uniformed police officers arrived and confiscated the store's books, records, and computer disks, as

well as the offending zine. Ira and Kristina were charged with "promoting pornography." And so began this tale of two trials.

Answer Me!, The Rape Issue

Ira explained to me that this zine was sold to the store by a distributor based in New Mexico, which distributed zines, as well as musical magazines, "eco'" magazines, and other titles that had smaller markets or involving publishers that worked through numerous distributors. *Answer Me!* was not published on a regular basis, and each issue explored a different topic. Other issues addressed topics like serial murder, suicide, and racism.

When Ira returned to his store, he took all the remaining copies of "Answer Me!," stacked them on a table, and wrapped a chain and padlock around them. He topped it off with a sign suggesting that the local prosecutor had decided to suspend his customers' First Amendment rights.

Answer Me! The Rape Issue had sold out nationwide. Sales zoomed from 2,000 to 15,000, which was astounding for a zine.

The prose style of the magazine was raw — sometimes referred to as "trauma journalism." I doubt that anyone in the prosecutor's office or, for that matter, anyone on the jury, had or would ever have the time to read carefully the magazine that had created so much officious meddling. I couldn't blame them: it featured 42 articles covering 131 pages of small print, laced with gutter language, a few cartoon-like illustrations, and police investigation photographs of the sort one might find in *True Detective*. Much of the text was so rank as to be unreadable, and I never did understand why anyone would buy the thing, much less read it.

What was interesting was its theme: that the war cry of radical feminists like Andrea Dworkin — all sex is rape and all men rapists — was not just wrong-headed, but evil; that their attempts to deny First Amendment rights to those who disagreed with them were dangerous; that real rapists and child molesters were not "normal" or sympathetic types, but monsters who lived to prey on those who were vulnerable; and that the best defense against rape and child molestation was tactical knowledge and a willingness to exercise one's right to self-defense. "This issue's disclaimer" appeared on the inside cover:

> To honestly deal with the topic of rape — particularly when it comes to the rapist's psychic landscape — we felt it necessary to use graphic language and imagery. Performing some of the acts described herein can land your tushie behind bars, so we don't advocate trying any of them. (is that OK, Your Honor?) Dedicated to your mother. Your wife. Your sister. Your daughter . . .

There were articles written from the point of view of rapists and molesters — articles that the state's experts felt were "unfair." There were articles written from the point of view of actual rape victims, one male and one female — both of whom testified at trial for the defense.

The prosecutor pounced on one in particular called "Prey." The article begins with the following statement attributed to "Pedro 'Monster of the Andes' Lopez, who raped and slaughtered at least fifty young females":

"I lost my innocence at age eight, so I decided to do the same to as many young girls as I could. . . . I like the girls in Ecuador. They are more gentle and trusting, more innocent. They are not as suspicious of strangers as Colombian girls."

The first two and last paragraphs of the article pretty well say it all (or maybe it's just all I can stand to recount):

> To put it kindly, you aren't a ladies' man.
>
> Women have laughed at you since junior high. You're a twenty-six-year-old security guard. You smell like tomato paste. You live with your grandmother and think that wrestling is real. You hang out in pawnshops, comic-book stores, and public parks. You drink beer, watch game shows, and fuck little girls. You collect knives, razors, guns, and cherry bombs, but you've never slept with an adult woman. You're immobilized by shyness. And even if you weren't shy, you're still homely.
>
> . . .
>
> Now be quiet and die like a good little woman. Nobody can take you away from me now. That's because there's no longer any "you" left. I've taken it all. First your virginity, then your life. That pussy will get you into trouble every time.

One of our witnesses, Janice Garfield, a public library aide in Beaverton, Oregon, carefully prepared a helpful and accurate synopsis of the zine's contents. Another article that especially offended the prosecutor and his complainants was described by Ms. Garfield as follows:

> ARTICLE, PAGE 63: "The RAPE Game!"
>
> Illustrations: Numerous small cut-outs from photos (switchblade, scissors, bullets, photos marked "predator" and "prey"), numerous small sketches which constitute game board markings, four-sheet fold-out of game board marked with numerous small sketches of "bad guy" rapists and "good guy" rescuers and rape victims.
>
> Summary of Text: Instructions on how to play board game, directional cards for playing game.
>
> Analysis: Text of directional cards is very ironic/sarcastic.
>
> Elements classifiable as "prurient": None.

The Whatcom County prosecutor also attacked an article called "Quality Time." In Ms. Garfield's words, the "author dramatizes the interior monologue of a child abuser who assaults and kills a female child" and "utilizes the technique of first person narration to prevent the reader's psychological distancing from this criminal and his crime." For example:

> I'm really gonna make you cry. You're going to cry so much more, you'll think your eyes are going to melt. Those crybaby tears are going to burst open your eyes and rip deep red streaks straight through your face. You are absolutely doomed, my sweet thing. I'm gonna hurt you so much.

The cover of the magazine had particularly infuriated our opponents: it was a cartoon depiction of a cocktail waitress with a black eye, with wolves lurking in the background, and a caption that read "I deserved it." This was, of course, intended as *satire*.

The Criminal Trial

The prosecutor. Whatcom County Prosecutor David S. McEachran would try the case himself. McEachran was

much more than an administrator. He liked to try cases. He knew how to present a case in a way that was credible and understandable to juries. And he seldom lost. I'd known Dave for many years and I liked him. There had been times when I'd questioned his judgment, though, and this was surely one of them.

The judge. There are three superior court judges in Whatcom County. Before I'd signed up as trial counsel, the wife of one of them wrote a letter, published in the local newspaper, condemning Goad's magazine and the folks who sold it. That judge recused himself. The other two judges were eliminated by reason of "affidavits of prejudice" filed by the prosecutor against one of them and by the defendants (via Beggs) against the other. So it was that Skagit County Superior Court Judge Michael Rickert came to serve as our trial judge.

All I knew about Judge Rickert was that he had been a prosecutor, but was considered to be above the puritanical prejudices common to prosecutors. He was "a regular guy" — he drank alcohol, he had a sense of humor, he followed college football, he played golf, and he wasn't prudish. I immediately liked him, and still do.

Early on, it became clear that Judge Rickert would not dismiss the charges against our clients. He felt it was important that our local community apply its standards to decide whether the magazine was obscene, and that a jury trial was the only way to accomplish that.

The setting. At various times during the course of the trial, two or three television news cameras appeared in the courtroom. There were no empty seats. Toward the end of the trial, plainclothes detectives stood shoulder-to-shoulder along the walls, occasionally showing their holstered handguns and badges (a message to the jury?).

The Strategies. There were two ways to win the case: (1) establish that Ira and Kristina had not had the requisite "knowledge" of the contents of the magazine before any issues were sold; and (2) establish that the magazine was not legally obscene.

The "knowledge" strategy was clearly the easiest and the prosecutor knew it: just before charges were filed, he sent an undercover sheriff's deputy (a member of the Northwest Drug Task Force) to The Newstand to attempt to buy the magazine. He failed, although his admission at trial that he told the clerk that it was unfair that people weren't allowed to buy the magazine made for an interesting cross-examination.

Jury Selection. The purpose of the jury selection process, called voir dire, is to reject potential jurors whose attitudes seem at odds with some important aspect of your case. The best approach involves asking open-ended questions that lead to (preferably) honest discussions about perceptions, values, and experiences that disclose a juror's ability to fairly weigh facts (evidence) and apply the law (received from the judge in the form of "instructions"). One seeks to empanel as many "open-minded" people as possible. Attorneys may mount only a limited number of peremptory challenges (six in a criminal case, three in a civil case) which they need not justify to the court. In the end, no attorney ever really selects a jury.

Four of us, and McEachran, participated in voir dire. It seemed to me that the other attorneys, including McEachran, had been thorough and that it was pretty clear which jury members might pose a problem for us. So I asked rhetorical questions intended to educate and persuade. Questions a libertarian constantly asks. I also had an enjoyable conversation with the only three members of the panel (out of about a hundred) who had read the works of Jonathan Swift — in particular, his essay "A Modest Proposal." None of the three made it onto the jury. So much for satire.

Opening Statements. The purpose of an opening statement is to tell a story — the story of the case and your client. The story must arouse the jurors' interest and sympathy, but it must also tell the truth, as credibility usually determines the outcome. My opening statement covered Ira's background, the operation of the store, and the theme of Jim Goad's zine. I wove into the narrative some ideas from an article by Wendy McElroy from the pages of *Liberty* that echoed Goad's thesis. When I told the jury Ira Stohl's story, and then about the political nature of the magazine and the case, one of the Crisis Center supporters exclaimed: "He's trying to turn this into a political debate!"

Although I'd tried many cases before juries since admission to the bar in 1972, I hadn't represented anyone charged with a serious crime for at least 15 years — and I had never represented anyone who had been accused of selling something legally obscene.

The Wood Shed. Trials begin with the judge ruling on attorneys' motions that set forth matters the proponent does not want mentioned before a jury, as well as citations to legal authority to support them. The motions seek to prevent any mention before the jury of something considered harmful to a party's position, and thereby avoid objecting to it in court — which frequently takes place after the jury's already heard most or all of it. One of the state's motions called for the jury to remain unaware that Ira and Kristina were accused of felony offenses. The state didn't want the jury to know that such offenses carry a penalty of five years in prison and a $5,000 fine. We knew that if our clients were found guilty, the prosecutor would ask for prison time and a large fine. Incredibly, the judge granted the motion.

Nonetheless, I managed to refer to "felony" charges twice during my opening statement (unintentionally: the ruling had just been made, the references were in my notes, and as is often the case during a trial, I was in a "zone" — and those tv cameras could've been a nice distraction, too). The judge admonished me, but conceded that my violation of his ruling had no doubt been inadvertent. I assured him that was the case, and that it was the first time I'd ever been in a courtroom when I could say "fuck" but I couldn't say "felony."

The State's First Witness. Marcus Malloy, a young man from California, had come to Bellingham to visit his girlfriend. The girlfriend's roommate was upset by a magazine she saw on a rack at The Newstand. A quick skim of the contents suggested to her that the magazine promoted violence toward women and children (the prosecution's theme of the

case). Malloy went to The Newstand with his girlfriend to look at the magazine himself. He flipped through *Answer Me!*, and was offended by what he saw. Malloy complained to a clerk, then purchased a copy, delivered it to the Whatcom County Crisis Center, and then left town. Just before trial we learned that he'd been convicted of theft in California in the year since he'd been in Bellingham. So I asked him if, during the past year, a year in which he found the time to commit a crime, he ever found the time to read the magazine. He said he hadn't.

The Detective. Following a complaint from the Whatcom County Crisis Center, Detective Mark Green of the Bellingham Police Department interviewed Ira and Kristina. Detective Green previously served on the Crisis Center's board of directors. He testified that Ira and Kristina told him that they were "generally aware of the contents of the magazine" (a characterization of their statements that sounded uncannily similar to the language of the law).

The purpose of an opening statement is to tell a story — the story of the case and your client.

John Anderson cross-examined the detective on behalf of Ira Stohl. John repeatedly asked him if it was true that Ira and Kristina had specifically told him that neither of them had read the magazine, but were merely aware that the magazine dealt with the subject of rape because that's what they saw on the cover. Green repeatedly answered yes. Then, in response to the prosecutor's questioning, the detective repeated his earlier testimony that the defendants had stated that they were generally aware of the contents of the magazine. Detective Green did not appear to appreciate that there was any difference between what the defendants had actually said and his characterization of what they said (which we assumed had come from his discussions with the prosecutor).

At one point, Green mentioned that he provided a photocopy of the magazine to another state's witness. Anderson asked him if he was aware that it is a federal crime to photocopy magazines. The detective seemed shocked to learn that he might have committed a crime. The courtroom erupted with laughter, and the defense team took pride in exposing the only crime committed in the case.

The State's Expert Witness. Mr. Michael Comte, a counselor for sexual deviants, provided expert testimony on behalf of the state. The state undoubtedly chose him because he had testified before, in the Seattle-Tacoma area, in an obscenity trial. He expressed his opinion that the magazine appealed to the prurient interest of sexual deviants. I asked him if a Sears catalogue would also appeal to the prurient interest of sexual deviants, and he assured me that it would. Curiously, he also agreed with me that the magazine had both artistic and political value.

He was the only witness who was paid to testify.

The Defense Witnesses. All were volunteers, reimbursed only for their transportation and lodging expenses. All had carefully read the entire magazine. None had testified in a trial before. John Halliday was the county's head librarian; three were rape victims; Annalee Newitz taught English at the University of California at Berkeley; Steven Work was a local computer programmer; Chuck Robinson owned a local bookstore, Village Books; Shirley Feldman-Summers was a clinical psychologist; and Professor Lyle Harris taught journalism at Western Washington University.

One of the articles in the magazine described the prison experiences of one of our witnesses. Following a war protest, "Donny the Punk" had been jailed in the District of Columbia where he was repeatedly raped with the knowledge of the jail personnel. He serves as president of an association he founded called Stop Prison Rape. On the witness stand he affirmed the accuracy of the article about his experiences and said he was pleased that Jim Goad's zine published those experiences. The prosecutor asked him if his position at Stop Prison Rape was salaried. He replied that it was not, that he volunteered his time, "just like all of those defense attorneys."

Molly Kiely, a rape victim, wrote and illustrated her story of rape and its consequences for the zine. Our opponents claimed her story was a fraud and trivialized rape as well. She countered that she'd told her story to Jim Goad and that his article accurately set forth what had happened to her, except for occasional satirical references and an illustration that, like the cover, was satirical in nature.

Janice Garfield testified that the magazine, to her, had "literary value" and that reading it had helped her deal with the effects of her own rape trauma.

Annalee Newitz testified that the magazine had educational value, as she had used it in teaching one of her classes.

Psychologist Shirley Feldman-Summers endorsed the magazine's scientific value, in that it expressed a valid point of view about the nature of rape, the motivations of rapists, and the effects of rape on victims.

Bookstore owner Chuck Robinson knew of the political debate referred to during opening statements. He recalled Andrea Dworkin's visit to Bellingham to lobby for enactment of a local ordinance on "pornography" (which was, indeed, enacted — in violation of our Constitution, saith the state Supreme Court a couple of years later). Anyway, he knew all about Andrea Dworkin and her views that all men are rapists and all sex is rape. He had also carefully read Jim Goad's entire magazine, and had noted a prevailing theme: that Andrea Dworkin and her views were wrong in the extreme.

The Closing Arguments. Most trial lawyers will tell you that cases are won or lost before the closing arguments. I would add that a closing argument provides an opportunity to lose a case you otherwise would have won, by saying something that offends the jurors. We learned later that only one juror was reluctant immediately to acquit Ira and Kristina. That juror's affection for the prosecutor was not diminished by my statement that "it is the prosecution itself that has been shown to be obscene." The statement came from the heart, of course; and, of course, the heart has a single-digit IQ.

Doug Shepherd, on the other hand, provided what the eleven other jurors needed to persuade the hold-out to acquit our clients: a copy of *Hustler*.

The Verdict. On February 1, 1996, following a trial of nearly two weeks and six hours of deliberations, the jury found Ira Stohl and Kristina Hjelsand not guilty.

When I checked my time records, I saw that I'd spent more than 350 hours on the case, which was less than Doug Shepherd. The grand total of the defense team's efforts was nearly 2,000 hours. We were pleased to receive from Ira Stohl cards that grant the bearer free espresso drinks, for life, from The Newstand's espresso stand.

The Civil Trial

The second trial was the civil suit in federal court brought by Ira and Kristina against Whatcom County and its prosecutor (who was dismissed from the lawsuit by the trial judge before trial). *The Bellingham Herald* had published daily reports on the case, including a photograph of police officers serving a warrant at The Newstand, and letters from very sincere-sounding souls who damned Ira Stohl, his manager, and his store. Ira's business and reputation had suffered as a result of his arrest and trial, and he felt that the state should compensate him for these damages. Beggs's firm recruited a Seattle civil rights attorney, Tim Ford, to try the case.

The judge put narrow boundaries on the case. If the jury decided that the prosecutor had threatened to prosecute Ira and Kristina if they ever again sold "anything like" the *Answer Me!* rape issue, Ira and Kristina would win, and the jury would then decide how much compensation for damages they should receive. On the other hand, if the jury decided that the prosecutor had restricted his threat to "anything exactly like" the *Answer Me!* rape issue, then Ira and Kristina would receive no damages.

Steve Hager, John Anderson, Doug Shepherd and I appeared at the trial as witnesses. Our attorneys' fees had become a critically important part of the damages sought by Ira and Kristina, as it had been hard for them to calculate business losses solely attributable to being accused of a crime. And they had only a few close friends to corroborate their testimony concerning the anguish they experienced. The county's attorney, Randy Watts, asked me if it was true that I had once commented that it did not matter whether I was ever paid for my services, because I would take the case for principle alone. I wondered if I had made that statement when I'd talked to him at the Lakeway Inn lounge, but I couldn't remember. I answered that I didn't specifically recall having made the statement, but that I certainly could have made it, as it accurately represented my attitude about the case. Watts asked me if I ever intended to collect a fee from Ira Stohl, to which I replied that I did not — except insofar as he was able to collect a judgment against those responsible for damages suffered because of the trial.

The jury found in favor of Ira and Kristina, in the approximate amount of $1,200,000. Then the judge did what judges often do: he gave Ira and Kristina a choice — either accept about $400,000 (the judge's view of the maximum value of their claim), or try the case again (no appeal of this ruling to the Ninth Circuit Court of Appeals would be possible until after the second trial). Both the verdict and the judge's reduced award included 100 percent of the attorneys' fees submitted by John, Steve, Doug, and me through our testimony. Ir· and Kristina rejected the $400,000. Before the second civil trial was to start, the case was settled for $720,000.

We who had defended Ira and Kristina (other than Beggs and his firm) did not participate in the civil suit, except as witnesses, nor did we receive any of the attorneys' fees billed in the civil claim on a contingency fee basis. Our time had been "billed" at $150 per hour, and we accepted $75 per hour from the settlement funds (which, in my case at least, was less than my overhead).

The trials of Ira and Kristina — both in the courts and in their personal lives — were finally over. The battles they won struck a blow against censorship and governmental intimidation. In Whatcom County, this time at least, freedom prevailed.

Epilogue

The Whatcom County prosecutor, David S. McEachran, was re-elected in the fall of 1998. He ran unopposed.

Judge Rickert is still a judge, and enjoys playing blues guitar. A few months after the trial, he presented an award to me, following a bar-sponsored golf tournament, for having twice hit balls that struck his father's house. Good thing I was out of Mulligans.

Ira Stohl and Kristina Hjelsand still operate The Newstand, although the espresso stand has been removed. No more issues of *Answer Me! (The Rape Issue)* were ever sold in Whatcom County.

Jim Goad, the publisher of *Answer Me!*, is currently residing in the Multnomah County (Oregon) jail, where he awaits trial for kidnaping and assault charges involving an incident with a girlfriend. The prosecutors plan to use Goad's writing against him at trial.

Most trial lawyers will tell you that cases are won or lost before the closing arguments. I would add that a closing argument provides an opportunity to lose a case you otherwise would have won, by saying something that offends the jurors.

Breean Beggs was honored as "young lawyer of the year" by two of our state lawyer associations for his participation in The Newstand case. He was similarly honored by the American Civil Liberties Union. Because of the way the local newspapers reported the case (Beggs was the only defense attorney ever mentioned), most people believe Beggs is the lawyer who "successfully defended Ira Stohl and Kristina Hjelsand" in the criminal trial.

Not long after the criminal trial, John Anderson announced his retirement from the practice of law. He says The Newstand trial was the case of a lifetime, and that for him, at least, there will never be another.

Since John's retirement, Steve Hager is currently deciding how to proceed with another unusual case. Steve and John discovered that the northern border of the state of Washington is, in places, several hundred feet south of the U.S.-Canada border. The implications of this fact to the residents of the area between the two borders cannot be determined without litigation.

Doug Shepherd and I are still trial lawyers. ❑

FDA TKO

by Durk Pearson and Sandy Shaw

When two feisty entrepreneurs took on the bureaucracy, the bureaucracy took it on the nose.

What's better than claiming victory in a lawsuit?

How about winning a lawsuit in which your opponents are none other than Ms. Donna E. Shalala, Secretary of the U.S. Department of Health and Human Services, the Food and Drug Administration (FDA), the United States, and Shalala's interventionist supporters at the American Cancer Society, the American Heart Association, the Center for Science in the Public Interest, Public Citizen, and the Consumer Federation of America?

Better still, how about winning a lawsuit that, among other things, forces the FDA to redesign its unconstitutional restrictions on product labeling? That's what happened to us on January 15 when the U.S. Court of Appeals for the District of Columbia ruled 3-0 in our favor over the FDA. The winner's circle includes the American Preventative Medical Association, Citizens for Health (joined with us by the Court from a separate suit) and Direct AIDS Alternative Information Resources, People Against Cancer, and the Foundation for Advancement of Innovative Medicine (all of whom filed friend of the court briefs on our behalf).

The court's January 15 ruling reversed an earlier one that favored the FDA. The court held that the FDA's requirements for health-claim approval process were unconstitutional under the First Amendment. It also ruled that the FDA's "significant scientific agreement" standard for health claims was "arbitrary and capricious" under the Administrative Procedures Act.

It all started for us in 1992, when we began filing public comments in response to the FDA's proposed rules regulating what health claims they will permit for dietary supplements. As far as we were (and are) concerned, the Constitution's First Amendment makes it clear that the federal government has no authority to regulate truthful speech at all. It seemed to us that the idea that "commercial speech" (what you say when it accompanies a commercial transaction) is somehow less deserving of constitutional protection than other kinds of speech (though the First Amendment says nothing of the kind) makes those of us involved in commercial transactions — either as buyers or sellers — into second-class citizens. By 1986, we had become aware of this "commercial speech" doctrine and we realized it was allowing government agencies, such as the FDA, unprecedented control over the communication of truthful scientific information accompanying a product.

In 1993, we published a book on this subject, *Freedom of Informed Choice: FDA vs. Nutrient Supplements*, in which we discussed the constitutional and scientific issues of FDA's regulation of the dissemination of scientific information. We explained what a disastrous effect on the public health the FDA was having in drastically slowing the flow of truthful health information concerning dietary supplements, such as antioxidant vitamins. One of our examples was low-dose aspirin; in the "Physician's Health Study" published in 1989[1], it was reported that in previously healthy men over 50, an aspirin every other day reduces the risk of a first heart attack by about 44 percent. Ten years later, the FDA still unconstitutionally prohibits aspirin companies from communicating this information to the general public. During the past decade, hundreds of thousands of people have died from heart attacks unnecessarily because they did not know about and were not taking low-dose aspirin. (The latest evidence places the most protective dose for most people over 50 in the range of $1/4$ to $1/2$ aspirin a day.)

As a result of publishing our 1993 FDA book, we met

Jonathan Emord, the constitutional attorney who skillfully guided our case from its initial filing in 1994 through the legal mazes to this long-awaited victory. (The FDA may appeal, but we do not expect they will be able to reverse the decision.) We spent a lot of our own money on this case, and also got major help along the way in paying the legal bills from Julian Whitaker, M.D., and the American Preventative Medical Association. Some additional financial help came from the National Health Federation, Life Enhancement Products, Life Extension Foundation, Greg and Michelle Pryor of Life Priority, Inc., and a few others who wish to remain anonymous.

The court held that the FDA's requirements for the health-claim approval process were unconstitutional.

We began reading U.S. Supreme Court decisions in "commercial speech" cases in 1993 to learn how the Court and how individual justices view the constitutional limits on government regulation of advertisements and product labels. We found a well-developed jurisprudence that provided for an awkward "balancing test" (of free speech *vs.* government interests in regulating speech) that attempted to allow, yet set limits to, government regulations of truthful speech accompanying the sale of a product. We considered the FDA's regulations on truthful health claims to have gone beyond the bounds set by the Court and by statutes and far beyond the bounds set by the First Amendment ("Congress shall make no law. . . abridging the freedom of speech or of the press"). So we filed suit against the FDA in 1994. We thought, in doing so, we might push the envelope on freedom of speech to help restore constitutional restraints in the area of commercial speech.

The D.C. Appeals Court in our case logically developed the policies of prior U.S. Supreme Court decisions concerning First Amendment limitations on governmental censorship, with particular focus on the communication of scientific information as part of commercial speech. In so doing, this decision has enlarged the boundaries of freedom of speech recognized by the courts as being clearly beyond constitutional federal government regulatory power.

In fact, the court did something very unusual. Courts generally examine constitutional challenges to laws after considering nonconstitutional challenges. If a court can throw out a law on another basis, it will almost always do that in preference to taking on a constitutional challenge. Rarely do constitutional questions get a review. In our case, however, the court stated:

> Normally we would discuss the nonconstitutional argument first, particularly because we believe it [that an undefined standard is no standard] has merit. We invert the normal order here to discuss first appellants' most powerful constitutional claim, that the government has violated the First Amendment by declining to employ a less draconian method — the use of disclaimers — to serve the government's interests [of protecting the public from misleading information].

Thus, the court said, "even if 'significant scientific agreement' were given a more concrete meaning, appellants might be entitled to make health claims that do not meet that standard — with proper disclaimers." (The court decided this, though it was not one of the issues we raised in this case because we didn't think the courts were ready for it! It looks to us as if they are instructing the FDA — how, if they take the decision seriously, they can thereby avoid both violating the First Amendment's constitutional prohibitions and the otherwise inevitable next FDA First Amendment suit!)

The court discussed the First Amendment implications of the FDA's not permitting disclaimers in response to our complaint that the FDA refused to permit four claims that we wished to make. The agency prohibited all four proposed claims (such as "antioxidant vitamins may reduce the risk of certain cancers") by claiming that there was not "significant scientific agreement" (which they would not define). The FDA would not permit us to qualify the claim by including, for example, information about the limits of the current evidence of cancer risk reduction by antioxidant vitamins and what types of evidence exist (cell cultures, animal, clinical studies, epidemiological studies, etc.). The court established that there is a clear First Amendment preference for more information rather than less, and that the FDA must consider the use of disclaimers to correct potentially (but not inherently) misleading information.

One specific rule the new decision discards is the FDA's purported "significant scientific agreement" standard for health claims. The Court agreed with our argument that the FDA has established no standard because the FDA has refused to define what "significant scientific agreement" means. This is a statutory violation because the Dietary Supplement Health and Education Act requires that the FDA establish a procedure and standard for accepting health claims.[2]

The FDA will now have to proceed with rulemakings to decide what "significant scientific agreement" means, and they cannot define it simply as whatever the FDA says it is on a case-by-case basis. We think it likely that the FDA will first attempt to propose the same old unconstitutional rules dressed up in new verbiage. You can be sure we would file public comments!

The court considered some of the government's arguments ridiculous. "As best we understand the government," noted the court, "its first argument runs along the following lines: that health claims lacking 'significant scientific agreement,' are inherently misleading because they have such an awesome impact on consumers as to make it virtually impossible for them to exercise any judgment *at the point of sale.* [Emphasis in original.] It would be as if the consumers were asked to buy something while hypnotized, and therefore they are bound to be misled. We think this contention is almost frivolous." Both of us got a good laugh out of that.

The court also said, "The government's general concern that, given the extensiveness of government regulation of the sale of drugs, consumers might assume that a claim or a supplement's label is approved by the government, suggests an obvious answer. The agency could require the label to state that 'The FDA does not approve this claim.'" We had suggested such an approach, which we called a "split

label," in our early public comments to the FDA, but the FDA rejected it. Perhaps they were concerned that people might see "The FDA does not approve this claim" everywhere and wonder why they needed the FDA in the first place. In fact, the FDA has approved only two health claims for dietary supplements during the entire eight year period since the Nutrition Labeling and Education Act required the FDA to review and approve health claims for dietary supplements and foods.

We feel elated about the court's decision. It shows that it is possible, with enough conviction, careful choices of case, court and attorney, plus time and money, to bind the federal government with the chains of the Constitution.

We also have a suit filed with the U.S. District Court for the District of Columbia challenging the federal government's authority under the Constitution to take action against the intrastate prescription and use of medical marijuana in states where that is legal, on the basis of the First, Ninth, and Tenth Amendments, and the limits of the Commerce Clause. This case is not about whether medical marijuana is a good medication or not; it is about whether the federal government has constitutional authority to regulate the intrastate practice of medicine and whether Congress and the "drug czar" can constitutionally grant themselves general police power over medicine by the simple expedient of decreeing all commerce to be interstate. It is, of course, impossible to predict how this will come out. It will demand considerably more courage on the part of the judge to decide in our favor than the FDA First Amendment suit did. ❑

Notes

1. "Final Report on the Aspirin Component of the Ongoing Physicians' Health Study," *New England Journal of Medicine* 321 (3):131-135 (July 20, 1989)
2. It is also unconstitutional because the Constitution authorizes only one federal institution to make laws, the Congress. See U.S. Constitution, Article I, Section 1. The federal agencies can carry out the will of Congress pursuant to Congressionally created law, but cannot make rules in the absence of statutory authorization. This constitutional principle is widely flouted by federal agencies. (For one thing, why limit your rulemaking to that authorized by Congressional statute when nobody in a regulatory agency has ever been thrown in jail or lost their job or even been disciplined by the Congress for making a law that went beyond or even defied the explicit will of Congress as expressed in statute?) The time is rapidly approaching when a properly chosen regulatory agency rule or rules should be challenged on the basis of Article I, Section 1 of the Constitution; however, we didn't judge that this case was the right one for such a challenge or that the courts were ready for it.

"Well, That's Not a Scientific Judgment"

You can learn a lot about a court and its judges by studying oral arguments. They usually involve a lively interaction between each side's attorney and the judges, who interrupt frequently to ask questions and make comments, sometimes pointed and humorous. Unfortunately, we couldn't travel to Washington, D.C., to hear oral arguments. So we did the next best thing: we read the transcript. The following short excerpt shows how dubious the judges were of the FDA's position that unapproved health claims are inherently misleading.

The Court: . . . Do you seriously argue that these statements are inherently misleading?

Ms. Kohl [Christine N. Kohl, representing the FDA]: In the FDA's judgment, your honor, yes, they are. There is such power over the consumer in the marketplace at the point of sale . . .

The Court: . . . what if the proposed statement were exactly what your FDA's parent agency [HHS] said, quote, "Fatty acid omega-3 under study because of a possible association with a reduced risk of heart disease in certain people." That was the only thing they wanted to put on the label, and it was word for word what HHS put out. Is your position that this is inherently deceptive?

Ms. Kohl: Yes, Your Honor, that's the scientific judgment of the FDA that there is not —

The Court (interrupting): So FDA's position is that HHS is making inherently deceptive statements.

Ms. Kohl: . . . These regulations that are being challenged apply only to labeling on the dietary supplement.

The Court: But why does that matter? . . . Why is it inherently deceptive in the label, and not in the brochure?

The Court: Is this [that the statements are inherently misleading in a label] some impression the FDA has? Or maybe they have some study in the back. But I mean, I've got to tell you, I walk to the grocery store all the time . . . I just don't get the impression that people are absolutely terrorized when they approach a dietary supplement.

The Court: It's not like approaching a lawyer.

The Court: Yes. Label, as opposed to reading an article in a magazine. I mean, is this something that you think you have to have a qualitatively different standard when they go into the grocery store?

The Court [a few lines later]: . . . But I find the argument that this is inherently misleading is absurd. . . .

Ms. Kohl: Well, your honor, again, it is the agency's scientific judgment based on their —

The Court: Well, that's not a scientific judgment. That's legal judgment, isn't it?

The Court: . . . in order to win your case, you have to establish that this is inherently misleading. That's basically what you are arguing, isn't it?

Ms Kohl: . . . If the court doesn't agree with the FDA's conclusion that these claims have so much potential for abuse that they are inherently misleading —

The Court: Potential? Wait a minute, counsel. You are switching between inherent and potential. I'm trying to take out of the case, obviously, and I think Judge Garland is too, this "inherently misleading" notion.

Ms. Kohl: And my response to that is, if you —

The Court: Is, you hate like hell to give it up, but —

The Court: You can't legally. They're in trouble if they give it up.

The Court: I know, because the agency said "inherently misleading."

—Durk Pearson and Sandy Shaw

No Room for Opposition

by Jim Peron

Nelson Mandela's government prepares for its forthcoming free elections — free of opposition, that is.

Nelson Mandela's African National Congress (ANC) is completing its first term in office, and by virtually every objective standard it has not performed well. Even black voters are starting to shy away from the party of the charismatic Mandela. The ANC has responded by stepping up its anti-white rhetoric, no doubt hoping to solidify its waning black support base for the upcoming election.

As part of its strategy the ANC government has done its best to manipulate the electoral results in advance and to silence critics. One of the many new ANC-created panels, the Human Rights Committee (HRC), was approached by two exclusively black organizations that claimed the somewhat conservative *Sunday Times* and the left-of-center *Weekly Mail & Guardian* practiced hate speech and "subliminal" racism. The "evidence" they furnished consisted of newspaper articles that accurately reported the many instances of ANC corruption and nepotism.

HRC head Barney Pityana, a rabid opponent of "liberal" values in the classical sense, is openly biased and prejudicial. He dismissed the charges against the papers, but in doing so announced that he would broaden the "investigation" to cover the entire media. Pityana declared all media guilty of racism — this before any hearings or investigation took place, thereby announcing the HRC's verdict before hearing any evidence.

No publication in South Africa covered what may well be the main issue in this story. All the media reported how the government launched its investigation of them, but they didn't mention the investigation's timing. And in corrupt politics, timing is everything. The HRC announced the media investigation just a few months before the ANC was to begin a re-election campaign! By firing a warning shot at the press, the ANC made it clear that it wouldn't tolerate critical news stories. As an added reinforcement, the ANC may propose new laws that will directly restrict "ownership" of the media in the name of diversity.

The ANC also moved to restrict the voting rights of opposition voters. It already knows how to manipulate elections. Now the ANC is solidifying its control over major cities by replacing local governments with "mega-cities." But with black support dropping, the ANC is in danger of not gaining a two-thirds majority in parliament.The ANC needs such a supermajority if it is to achieve its stated goal of governing without constitutional restrictions. President Mandela has warned that the ANC needs that power to "ensure that we are not interfered with by Mickey Mouse [i.e. opposition] parties." Opposition parties have a place in South Africa, claims Mandela, but only as long as they don't oppose the government. No wonder he won the Nobel prize.

The ANC pulled off one of its most brilliant acts of blatant political manipulation when it promulgated new election rules. In the last election, any South Africans with valid identification books could vote, provided they were over age 18. But no longer, thanks to the ANC.

First, the government deemed the ID book alone would no longer suffice. Each voter must also register in advance. Then it announced that to register to vote an individual must present an ID book with a bar code in it. Only ID books issued in recent years have the bar codes. Those with perfectly valid ID books issued before the bar code was introduced now must go through a cumbersome process of applying for a new ID book before they can legally register.

This manipulation works to the ANC's advantage. Most black voters got ID books with bar codes when they first voted in 1994, while many whites have older books without

the bar code. A poll by the Institute for Democracy in South Africa found that 82 percent of blacks had IDs with bar codes, compared with only 65 percent of whites.

Polls also found ANC supporters more likely to vote than opposition voters, many of whom are discouraged by the obstacles imposed on them by the government. A turnout of 55 percent would give the ANC a 64-percent majority in the government, leaving it only 2 percent shy of achieving a two-thirds supermajority. A higher turnout would mean more opposition support, making it unlikely the ANC could gain enough power to abolish the bill of rights.

Opposition parties have a place in South Africa, claims Mandela, but only as long as they don't oppose the government. No wonder he won the Nobel prize.

The final tactic employed by the ANC to establish absolute power is the destruction of the Inkatha Freedom Party (IFP) led by Chief Mangosuthu Buthelezi. For years the ANC and the IFP have been at each other's throats — literally. Now it appears that Buthelezi, who says he is tired of opposing the powers that be, is ready to throw in the towel for the prestige of becoming vice president. If he does, the IFP and the ANC-would merge. Robert Mugabe did the same thing in Zimbabwe to establish a one-party Marxist dictatorship.

Africa's Policeman

To some critics, the ANC's foreign policy appears befuddled and unclear. While the ANC fosters loving relationships with the pariah nations of the world — Libya, Cuba, Iraq, and Iran — it looks contemptuously upon the West. The ANC limits the role of western nations to cash cows.

But recently the ANC has moved in another direction: it is becoming the police force for all of Africa. The first move in this direction wasn't even subtle — the invasion of Lesotho by the armed forces of South Africa. The government of Lesotho, an independent nation totally surrounded by South African territory, was re-elected in what many considered a rigged election. Opposition forces in the country felt cheated and they revolted. The Lesotho government secretly asked the ANC for help. Never willing to turn their back on the anti-democratic regimes of the world, the ANC obliged.

But the invasion was bungled in typical ANC fashion. South African forces launched operations while President Mandela was out of the country on another one of his countless junkets in search of Western aid. Vice President Mbeki was also overseas attending a sporting event. South African troops marched into Lesotho, believing that they would be welcomed with open arms. But the arms that welcomed them were carrying weapons. The troops were forced to regroup and use military might against the people of Lesotho. The result: the ANC won the support of Lesotho's government but antagonized the people of Lesotho.

Shortly afterward, the government announced that South Africa would make a major arms purchase worth almost $5 billion. This purchase would include 60 military helicopters, 38 fighter jets, 108 tanks, 24 jet trainers, and more. This massive expenditure by a country that faces no foreseeable military threat came under sharp criticism. The ANC defended the purchase, hinting at new expanded roles for the defense force. Cabinet Minister Alec Erwin told the press: "It is fairly clear that in one way or another South Africa's defense force will have a role to play in different areas." Vice President Mbeki, when challenged about the purchase during a state visit to Sweden, retorted that someone would have to keep the peace in places like the Congo.

"We are living in an unpredictable world," explained Ronnie Kasrils, a prominent member of the Communist Party and the Deputy Minister of Defense. "We are talking about a world in conflict, a world in turmoil, where you can't predict where a threat will emerge."

These developments suggest the ANC now seeks political control not just in South Africa. It casts its lustful eyes on the rest of the continent as well.

Of course, the massive expenditures might be merely the product of ego. African dictators have long followed a tradition of self-aggrandizement. If Paris has a cathedral, then they order one built at home as well. If President Clinton can have official welcomes when he returns home, so can they — but bigger and more expensive. Many African politicians reward themselves with honors and medals by the dozens. The moment the ANC took power, the party elite got its mansions and government cars. In Africa image is everything and substance irrelevant.

Stephen Ellis and Tsepo Sechaba discussed this proclivity in their exhaustive history of the relationship between the ANC and the Communist Party, *Comrades Against Apartheid*. They wrote how ANC "freedom fighters . . . took with them into exile the macho culture of the South African townships, which has become a distinctive part of the ANC style . . . Too often it was easy to pick out an ANC underground man . . . He was the one with the fashionable clothes and the BMW. . . The young men liked to show off their designer clothes and their expensive habits to impress the girls."

Recently the ANC has moved in another direction: it is becoming the police force for all of Africa.

While middle-class suburbanites try to keep up with the Joneses, the ANC tries to keep up with first-world nations. If the U.S. can waste billions on arms purchases, then the ANC can waste the money as well. If the U.S. can play world policeman, then the ANC can play Africa's policeman. It would be a shame if South Africa emulates the deadly foreign fiascos committed by the United States, simply because of some macho township culture.

Sadly, it looks like the ANC is headed in that direction. Worse, Nelson Mandela's government continues to build formidable obstacles for those who oppose those trends. And as soon as CNN and other international media decide to tell the truth about Nelson Mandela and the ANC, Westerners are in for a rude awakening about their poster boy for "peace." ❑

The Demographics of Liberty

In 1988 and again in 1998, *Liberty* conducted a detailed poll of libertarians, asking them more than a hundred questions about their backgrounds, behavior, beliefs and opinions. Taken together these surveys offer portraits of libertarians taken a decade apart, and insight into how libertarians are changing.

In the February *Liberty* we published a summary of the new survey's findings about libertarian opinion and belief, along with an analysis of the results. In this issue, we turn to the demographics of libertarians.

As in 1988, we learned that most libertarians are male, white, heterosexual, monogamous, married, well-educated, with fairly high income. They are mostly first-born. Most were raised in a religious environment, but do not consider themselves to be religious today. They are more likely to work in technical fields or in private business than most Americans, and far less likely to be government employees.

But in almost every way that libertarians varied from the norm for Americans in 1988, they varied less in 1998. In 1988, 100% of respondents were white; in 1998 only 95% were. In 1988, 95% were male; in 1998, only 90% were. In 1988, 59% hadn't attended church in more than 5 years; in 1998, only 41% had eschewed church for that long.

Here are the questions we asked, along with the responses:

What is your age?

	1988	1998
65+	5%	13%
60-64	3%	5%
55-59	6%	10%
50-54	5%	13%
45-49	5%	14%
40-44	16%	15%
35-39	31%	10%
30-34	18%	9%
25-29	5%	7%
20-24	6%	4%

Ages of respondents range from 18 to 83. The mean age is 46.98 years, up from 40.37 in the 1988 poll, indicating that the libertarian movement is aging.

Are you male or female?

	1988	1998
male	95%	90%
female	5%	10%

What is your race?

	1988	1998
white	100%	95%
other	0%	5%

Are you married?

	1988	1998
yes	53%	60%
no	47%	40%

How many divorces have you had?

	1988	1998
3+	—	1%
2	2%	7%
1	17%	26%
0	81%	66%

How many children have you had?

	1988	1998
4+	2%	9%
3	8%	11%
2	3%	21%
1	14%	10%
0	53%	49%

The increasing age of respondents probably explains much of the increase in percentage of respondents who are married, the number of their divorces and number of their children.

Are you first-born in your family, second-born, third-born, or later?

	1988	1998
first kid	56%	60%
second kid	25%	21%
third kid	12%	10%
later	7%	9%

This is one area where respondents varied considerably from the normal. If the respondents had been chosen at random from families of the same sizes as the families from which the respondents came (average: 2.99 siblings), approximately 45% would have been first-born. In actual fact, 60% were first-born — a variation of more than 33%. This is a substantial variation from the norm — but far less than the variation of 81% in 1988.

Here is the actual distribution of birth rank compared with the distribution that would be predicted by a random sampling of a group of families of the same size:

	1988		1998	
	actual	predicted	actual	predicted
first kid	56%	31%	60%	45%
second kid	25%	30%	21%	29%
third kid	12%	19%	10%	15%
later	7%	20%	9%	11%

What is your occupation? (Check as many as apply.)

	1988	1998	Change
government employee	10%	9%	-10%
law	5%	5%	+0%
non-profit organization	2%	1%	-50%
farming	2%	0%	-100%
teaching	6%	7%	+17%
factory	2%	1%	-50%
medical	8%	10%	+25%
investor	3%	4%	+33%
scientific/technical	13%	7%	-46%
small business	15%	23%	+53%
sales	2%	4%	+100%
managerial	6%	10%	+67%
engineering	13%	10%	-23%
computer science	26%	16%	-38%

There has been major change here: in 1988, 52% of respondents described their occupations as scientific/technical, engineering or computer science; in 1998, only 33% did.

What is the highest level of schooling you have completed?

	1988	1998
Doctoral degree	21%	16%
Master's degree	13%	17%
some grad school	16%	16%
Bachelor's degree	24%	22%
some college	18%	23%
high school grad	6%	5%
some high school	2%	1%

Which of the following best describes your religious training as a child?

	1988	1998
Roman Catholic	33%	25%
Mainline Protestant	30%	37%
Fundamentalist	7%	10%
Jewish	10%	6%
none	13%	14%
other	7%	8%

Do you consider yourself a follower of any religion today?

	1988	1998
yes	23%	29%
no	77%	71%

How long ago did you most recently attend a church or other form of worship?

	1988	1998
0-7 days	2%	13%
8-30 days	10%	7%
31-90 days	7%	7%
91-365 days	13%	10%
1-5 years	10%	21%
longer	52%	40%
never	7%	2%

What is your annual income?

(thousands)	1988	1998
$100+	5%	20%
$50-100	26%	32%
$30-50	26%	20%
$20-30	14%	14%
$10-20	14%	8%
$10 or less	16%	6%

How many years (if any) were you in the military?

	1988	1998
0	73%	67%
1-2	13%	10%
3-4	8%	11%
5-6	3%	4%
more	3%	8%

Was your highest rank enlisted or officer? (Question only asked to those with military experience.)

	1988	1998
enlisted	88%	35%
officer	12%	65%

What is your sexual orientation?

	1988	1998
heterosexual	95%	90%
homosexual	3%	6%
bisexual	2%	3%
other	0%	1%

What is the predominant form of sexual activity that you engage in?

	1988	1998
monogamous	70%	70%
autoerotic	16%	10%
casual/promiscuous	7%	9%
celibate	5%	7%
polygamous	0%	4%
group sex	2%	0%

How long have you been with your current partner?

	1988	1998
0-1 years	13%	9%
2-4 years	15%	15%
5-10 years	30%	20%
11-20 years	20%	26%
20+ years	23%	30%

What are the political beliefs of your current partner?

	1988	1998
active libertarian	5%	15%
quasi-libertarian	24%	27%
passive libertarian	38%	33%
non-libertarian	32%	25%

Do you belong to any community groups?

	1988	1998
yes	18%	26%
no	82%	74%

Do you belong to any political organizations?

	1988	1998
yes	45%	57%
no	55%	43%

Do you give money to libertarian causes? Humanitarian causes? Cultural causes? Religious organizations?

	1988	1998
libertarian	87%	82%
humanitarian	53%	44%
cultural	37%	33%
religious	15%	26%

Do you talk to acquaintances about libertarianism?

	1988	1998
yes	76%	92%
no	24%	8%

What percentage, if any, respond favorably?

	1988	1998
80%+	9%	6%
55-75%	13%	10%
35-50%	16%	24%
20-30%	20%	17%
10-15%	16%	12%
1-5%	13%	4%
0%	13%	3%

Do you speak in public about libertarian ideas?

	1988	1998
yes	23%	35%
no	77%	65%

Are you a registered voter? Have you ever run for political office?

	1988	1998
registered voter	81%	90%
run for office	24%	19%

❑

"I used to work for the IRS, but I couldn't handle the guilt."

Canada's Supreme Blunder

by Scott J. Reid

Maybe if Canada just ignores Quebec, it won't go away.

Secession is the most drastic remedy, short of revolution, for escaping centralized political power. Therefore, next to revolution, it is the event which those who possess such power will do the most to resist. For this reason, rulings by domestic courts (as opposed to international tribunals) on the legality of secession are as rare as hen's teeth. Secessionists are more often shot than sued.

In the United States, the unconstitutionality of secession was legally established by the Supreme Court in the 1869 case, *Texas vs. White*, where the court ruled that the reconstructed state of Texas was not bound to honor debt instruments issued by the Confederate state of Texas in 1861-65, since they had been issued by a government whose existence was never sanctioned by law. Exactly 100 years later, Britain's high court, the Judicial Committee of the Privy Council, ruled in *Madzimbamuto vs. Lardner-Burke* that Rhodesia's unilateral secession from the British Empire had been illegal and that the British government could continue its policy of using all available diplomatic and economic sanctions to bring down the unlawful Rhodesian government.

But these two cases just about cover the waterfront. Moreover, the American case is of limited utility as a precedent for anything, given that it was handed down by a court mostly nominated by President Lincoln and confirmed by a Republican Senate, both of whom, as a matter of policy, supported only candidates with firm anti-secession sentiments. The British case too was rendered under imperfect circumstances, as it related to the ongoing policies of the government of the day.

The ruling of the Supreme Court of Canada, handed down on August 20 last year, on whether Quebec has the right to unilaterally secede from the Canadian confederation therefore commands considerable interest both to those who regard secession as a legitimate option in the defense of liberty, and to those who fear the strife, bitterness and bloodshed that this option tends to produce.

The court is composed of four justices from Quebec and five from Canada's other provinces. Its composition presumably guarantees a good degree of balance between those more interested in the well-being of Quebec and those more interested in the well-being of the rest of Canada (ROC). Moreover, the question before the court was hypothetical, enabling the justices to address it with a detachment and an impartiality seldom available to any court.

The story of how this question arrived before the court is itself an interesting tale, which sheds considerable light on the wording of the court's decision. In Canada, unlike the United States, the federal executive can ask the Supreme Court to make rulings on hypothetical questions. In September 1996, the federal cabinet asked the court to rule on three such questions:

> 1. Under the constitution of Canada, can the National Assembly, legislature or government of Quebec effect the secession of Quebec from Canada unilaterally?
> 2. Does international law give the National Assembly, legislature or government of Quebec the right to effect the secession of Quebec from Canada unilaterally? In this regard, is there a right to self-determination under international law that would give the National Assembly, legislature or government of Quebec the right to effect the secession of Quebec from Canada unilaterally?
> 3. In the event of a conflict between domestic and international law on the right of the National Assembly, legislature or government of Quebec to effect the secession of

Quebec from Canada unilaterally, which would take precedence in Canada?

The government's decision to ask for a ruling — known in Canada as a "reference decision" — marked a substantial departure from the approach that both Conservative and Liberal governments have taken since the separatist Parti Québecois won the 1977 Quebec provincial election. This policy has two components.

First, the federal government refused to advocate the interests of ROC. It would not establish conditions of secession protecting the interests of the 20 million Canadians living outside Quebec on such issues as how to divide the enormous federal debt between Quebec and ROC. The federal government took this approach because any advocacy of the interests of ROC might cause the ruling Liberal Party to lose votes in Quebec to another party, the Bloc Québecois. The then-governing Conservatives did the same thing in the 1980s and early 1990s.

The ruling of the Supreme Court commands great interest both to those who regard secession as a legitimate option in the defense of liberty, and those who fear the strife, bitterness and bloodshed that this option tends to produce.

But this strategy has a serious drawback that both the Liberals and Conservatives simply ignored: it makes secession look more enticing to Quebecers. It allows separatists to paint pictures of a painless secession in which ROC pays most of the transition costs.

The second part of the federal strategy has been a stony refusal to deal with the enormous practical problems raised by secession. What will happen to the non-French minorities within Quebec who would want to re-attach their neighborhoods or towns to Canada? How will ROC and Quebec divide Canada's military stores located primarily at armories in Quebec?

The government apparently hopes that ignoring such problems raises the stakes of secession for all parties, thereby making it less enticing. "In fact, it is hard to think of a more effective way of maximizing costs," one observer noted, "than to refuse to contemplate how to cope with sovereignty until it occurs." In the short run, this refusal to discuss practicalities probably does discourage some Quebecers from supporting secession, just as a jealous lover's threat to kill his beloved should she ever try to leave might keep her at home, at least for a while.

Dion's Song

Over the past two years, the federal government has augmented this approach with occasional enunciations of curious, passive-aggressive warnings, typically delivered by Stephane Dion, the federal minister responsible for national unity. At the same time Dion warns of one or another dangerous and costly result of secession, he emphasizes that he is simply an honest messenger stating the unpleasant objective facts about secession, rather than an advocate of any positive action on behalf of the federal government to defend the interests of ROC.

In February 1997, Dion made headlines by warning that secession could lead to the "partition" of Quebec, with loyalist areas remaining part of Canada. That August, he drew national attention to the sad story of the Islamic Republic of the Comoros, which had unilaterally broken from France in the 1970s. One of the four islands in the Comoros chain had remained loyal to France, thereby causing a de facto partition of the new republic. Two other islands subsequently requested permission to re-annex themselves to France, but France refused to take them back. (They are now tiny independent republics, insistently flying the tricolor in the hope that *la mere patrie* will change its mind).

Dion's statements highlight the costs of secession without actually thrusting the federal government into the vote-losing job of addressing any of the problems that force these costs upwards. During oral presentations before the Supreme Court in the case regarding secession, some observers suggested that the federal government should argue in favor of partition. To this, Dion responded by hastily declaring, "If, in a situation where we would have to negotiate secession, you have . . . strong populations with territorial representations asking to stay in Canada, this would be on the table of negotiations. I will not go further than that." The chief federal government lawyer before the court actually asked the justices not to rule on partition, even though such a ruling would strengthen the case against secession.

The government apparently hopes that ignoring the problems entailed by secession raises the stakes of secession for all parties, thereby making it less enticing.

Upon closer investigation, even the decision to seek a court ruling turns out to have been motivated by the dual strategy of raising the stakes and avoiding a defense of ROC's interests. The federal cabinet requested a reference decision from the Supreme Court only because it seemed to be the sole method of preventing the court from hearing a high-profile, privately initiated case which sought a ruling that any attempt at secession would represent an unconstitutional violation of Canada's bill of rights, the Canadian Charter of Rights and Freedoms. Had the court agreed to hear this case — which had already enjoyed a favorable reception in a lower court — it would have forced the federal government to either support or condemn the decision, keeping it from continuing its self-imposed rule of never advocating the rights of ROC over those of an independent Quebec.

Nevertheless, there had been reason to hope that the court would take advantage of the hypothetical questions placed before it to lay out some of the ground rules that Ottawa steadfastly refused to provide. Likewise, it seemed the court might nudge the federal government to fill in some of the blanks that it has willfully avoided addressing. It is not the role of the court to advocate the interests of ROC, but in the event of an actual secession attempt, the federal gov-

ernment's policy of maximizing the potential costs of the transition would suddenly transform into a maximization of real costs to all parties. The court would view that scenario as harmful to everyone.

The Court Rules

At first glance, the judgment appears to have done just these things. The court ruled:

1. The constitution does not permit secession, so secession cannot take place without a constitutional amendment. However, "a clear majority vote in Quebec on a clear [referendum] question in favor of secession would confer democratic legitimacy on the secession initiative which all of the other participants in Confederation would have to recognize." In effect, such a vote would require negotiations on the terms of secession. The court even specified the scope of such negotiations: "There would be no conclusions predetermined by law on any issue. Negotiations would need to address the interests of the other provinces, the federal government and Quebec and indeed the rights of all Canadians both within and outside Quebec, and specifically the rights of minorities."
2. Under international law, only colonized countries have the right to secede. Since Quebec is not a colony of Canada, its population cannot claim that membership in the Canadian confederation has been incompatible with the internationally recognized right to "self-determination" (an ill-defined term in international law that some have argued is a synonym for "contingent right of secession."). Rather, international law maintains that self-determination can be pursued as a province within Canada.
3. There is no conflict between domestic and international law.

The Ottawa establishment enthusiastically welcomed the 78-page ruling. Canada's largest weekly news magazine editorialized that "the Supreme Court's unanimous decision should become required reading in all schools." Leaders of all federal parties expressed support, although the separatist Bloc Québecois also stressed that its support hinged on the court's statement obliging ROC to good-faith negotiations following a pro-secession vote in Quebec. The other parties, all pro-union, praised the court for requiring a "clear majority vote" on a "clear question."

Initially, I was equally enthusiastic. At last, one important participant in the National Unity debate seemed to be setting out some rules governing the process of secession. As the party bureaucrat in charge of policy design on this issue for Canada's largest opposition party for four years, I had been involved in drafting legislation to implement a series of guidelines governing the secession process. It often seemed futile, from the wilderness of political opposition, to compose hypothetical rules to reduce the overall costs of secession. Now it appeared that the court would force the governing Liberals to engage in a similar process of setting the ground rules.

Thanks for Nothing

Regrettably, a closer look at the Supreme Court decision shows that it does nothing of the sort. The court commendably avoided taking sides in the dispute between Quebec and ROC over the division of commonly-held assets and liabilities. But while the justices instructed all sides to negotiate in good faith, they offered no guidance on how to conduct those negotiaions.

In fact, on closer inspection, it becomes clear that the court has self-consciously decided to perpetuate the federal government's strategy of not clarifying any question that might lower the transaction costs of secession:

1. *How big a majority?* For example, the court missed a golden opportunity to resolve an ongoing dispute over the vote required to trigger the secession process. The separatists favor a simple majority. Prime Minister Chrétien rejects this, but refuses to suggest what percentage he thinks should be required. If and when Quebecers vote in favor of secession in a future referendum, he seems to think he can simply declare that the winning margin, whatever its size, is insufficient.

The court has self-consciously decided to perpetuate the federal government's strategy of not clarifying any question that might lower the transaction costs of secession.

In practice, this sophomoric stratagem won't work, since Quebecers are neither stupid nor docile enough to tolerate unilateral invention of ex post facto rules transparently intended to disenfranchise them. This tactic has already caused one near-disaster. In the 1995 referendum on secession, many anti-secession Quebecers voted in favor of breaking away from Canada because the prime minister's soothing words had persuaded them that a majority in favor of secession would merely force the federal government to make substantial concessions to the provincial government in various federal-provincial disputes. In 1995 the separatists won 49.4 percent of the vote. If the measure had won a simple majority, it was later revealed, the provincial government planned to declare itself independent within ten days, no matter how narrow the margin of victory. With no rules governing secession in place, the fallout could have included violence, a default on the government debt, or even widespread terrorism.

The Supreme Court's ruling requiring "a clear majority" did nothing to clear the air. The federal government immediately indicated that its stand in favor of an undefined super-majority had received legal sanction. The premier of Quebec announced that at last the Supreme Court itself had stated that a clear majority of 50 percent plus one really was sufficient after all.

The justices would have done far better if they had cited examples from other parts of the world of what constituted an acceptable majority in secession referenda. When the District of Maine separated from Massachusetts early in the 19th century, state law required a mandate from not less than five-ninths of participating voters. In one referendum, a majority of roughly 53 percent voted in favor of secession, but all participants recognized that this majority did not meet the standard. Maine remained part of Massachusetts until the necessary super-majority was achieved in another referendum.

By citing precedents such as this, the court could have

established that the question of sufficient majorities is a political rather than a judicial matter. At the same time, the justices could have put their own considerable moral weight behind one or another proposal. After all, when a court addresses a political question, its role shifts from that of an arbiter with binding powers to that of a conciliator with the power of moral suasion. It is a shame that the court failed to use this power to help resolve this vexing issue.

2. *What is a "clear question"?* Similarly, the court's vague requirement that any secession referendum must present a "clear question" for the voters resolved nothing. In 1995, the provincial government insisted that its referendum question was a model of clarity. The federal government insisted that it was a model of obscurity. When the court declined either to provide an alternative text of its own or to indicate what sort of misleading statements might be proscribed, it left future separatist governments free to be at least somewhat obscure, and the federal government free to reject any referendum as invalid by reason of insufficient clarity.

The court missed a golden opportunity to resolve an ongoing dispute over the vote required to trigger the secession process.

Setting out criteria for an acceptable question is not so difficult a task. In preparing the text of a proposed federal law on this subject in 1996, opposition MP Stephen Harper suggested that it contain the following provision:

> The Government of Canada shall not recognize any referendum or plebiscite carried out under the authority of the government or legislature of Quebec on the question of the separation of Quebec from Canada if the question is unclear or implies that the government or legislature of Quebec might be empowered by an affirmative vote in the referendum or plebiscite to unilaterally amend the Constitution of Canada relative to the position of Quebec in Canada.

Again, the court could have used its moral weight to impose de facto proscriptions on a referendum question. As a result of its failure, both the federal government and the separatists have declared that their own widely differing positions had been right all along. The court achieved nothing at all by making magisterial-sounding but hollow pronouncements like "We refer to a 'clear' majority as a qualitative evaluation. The referendum result, if it is to be taken as an expression of the democratic will, must be free from ambiguity both in terms of the question asked and in terms of the support it achieves."

3. *Does the Canadian constitution allow secesssion?* Even more fundamental to the secession issue is the question of whether the Canadian constitution permits it at all. Again, the justices tried to take both sides of the issue. They ruled that the constitution does not allow secession, but added that a clear majority vote for secession would require the federal government to negotiate secession in good faith. The court took pains to reject two other interpretations of the current situation.

First, it rejected the separatist argument that, in the event of a pro-secession majority vote, "there would be a legal obligation on the other provinces and federal government to accede to the secession of a province, subject only to negotiation of the logistical details of secession." Then it declared equally unacceptable "that a clear expression of self-determination by the people of Quebec would impose no obligations upon the other provinces or the federal government."

So far, the court's words make eminent good sense. However, what follows is utterly impractical:

> [O]ther parties [in other words, ROC] cannot exercise their rights in such a way as to amount to an absolute denial of Quebec's rights, and similarly . . . so long as Quebec exercises its rights while respecting the rights of others, it may propose secession and seek to achieve it through negotiation. The negotiating process precipitated by a decision of a clear majority of the population of Quebec on a clear question to pursue secession would require the reconciliation of various rights and obligations by the representatives of two legitimate majorities, namely, the clear majority of the population of Quebec, and the clear majority of Canada as a whole, whatever that may be.

The final four words of that paragraph speak volumes. It is not at all clear who would negotiate on behalf of ROC. Would it be the federal government, which so far has absolutely refused to do so, and which takes pride in its refusal to engage in contingency planning? What happens if the federal government, like the United States Congress in the period between Lincoln's election in November 1860 and his inauguration in March 1861, refuses to perform the role of defending the interests of the rump state of Canada, and instead tries to broker a deal to reunite the country? Brokering such a deal is not an illegitimate goal, but it is incompatible with hardball negotiations over the division of the assets and debts of the Canadian confederation.

The court declined either to provide an alternative text of its own or to indicate what sort of misleading statements might be proscribed.

The court was not legally empowered to order the federal government to assume one of these roles at the expense of the other. Nonetheless, it could have informed the public about the obvious contradiction between these two roles, and the enormous costs that all Canadians would have to bear if the two were blurred in the midst of a secession crisis. The justices seem blissfully unaware that the more time passes between the commencement of a secession crisis and its amicable conclusion, the greater the cost to Canadian taxpayers, since investors in Canadian bonds would demand a risk premium for refinancing the federal debt, as long as it remains unclear exactly who (if anyone) would make future payments on interest and principal. The court seems to favor a situation in which such negotiations drag on indefinitely, as things often do in the world of litigation and appeal.

4. *How to amend the constitution?* An even more striking absence in the court's judgment relates to the conflict between

Quebec's right to secede and the need to amend Canada's constitution to authorize secession. The Canadian constitution contains no less than three distinct amending formulae. Amendments dealing only with one or two provinces can be executed by means of a resolution of Parliament and identical resolutions passed by the relevant provincial legislatures. Amendments dealing with most other matters must be enacted by Parliament plus the legislatures of two-thirds of the provinces, which must represent at least 50 percent of Canada's population. Some particularly important constitutional provisions can only be amended by Parliament plus all ten provincial legislatures. It has never been clear which of these three formulae would apply to the secession of a province.

The court holds jurisdiction over this purely legal question. And the matter of constitutional amendments is clearly relevant to the first of the three questions posed by the federal cabinet. So it is absolutely astonishing that the justices advised the federal government to be prepared to amend the constitution, without bothering to declare which formula to use. This is certainly not a matter of accidental oversight. A document filed by the federal government's lawyers during the court's hearings advised the judges that "this court need not consider arguments as to which of the amending procedures might apply in the event of a potential secession." One wonders why, unless the point is to keep uncertainty, and hence the costs of attempting to secede, at the highest possible level.

5. *Are negotiations after a vote to secede conventional or legal?* Nearly as breathtaking was the complete absence of any mention of the fact that Quebec's right to demand negotiations following a vote to secede is a matter of convention. In the early years of the separatist movement, separatists had considered an election victory as an adequate mandate for secession. This changed in the early 1970s, when separatist leader René Lévesque promised that, if elected provincial premier, he would not attempt to lead the province out of the country without first holding a referendum. Opponents of secession rejected the notion that a mandate would justify the breakup of the country. Today's consensus that a referendum is a precondition of secession is merely a convention with no actual legal weight.

In practice, of course, conventions can carry enormous moral weight. Witness the convention that holds that Canada's prime minister, rather than its queen, makes all the important decisions. But some indication from the court that convention and black-letter law conflict would have done much to clarify the judgment. As things stand, one cannot help but feel that the justices themselves may have been unaware of this elementary point.

On the positive side, the court did manage to rule that a government cannot legally establish independence through "effective control" of a given territory. This doctrine (also known as "effectivity"), which dates back to the Latin American wars of independence in the 1820s, had dubious legal weight, to say the least. Despite its contestability, separatists have cited it extensively, with the alarming implication that they might believe that the surest route to independence involved intimidating the population into obeying the laws of an illegal regime.

Lacking a definitive response from Ottawa to this preposterous claim, some of the parties before the court simply accepted the separatist argument that might makes right.

As a result of the court's failure, both the federal government and the separatists have declared that their own widely differing positions had been right all along.

They seemed prepared to use force to establish and defend their territorial claims within Quebec. Aboriginal groups opposed to secession made this point crystal clear in their presentations before the court. This is a serious matter in a province where the army was called out as recently as 1990 to quell a territorial dispute between an Indian tribe and the provincial government. Hopefully the court will discourage potential violence by its declaration that "the alleged principle of effectivity has no constitutional or legal status. . . . If . . . it is put forward as an assertion of law, then it simply amounts to the contention that the law may be broken as long as it can be broken successfully."

Sadly, this was the only note of practicality in the ruling. In other matters, the justices seemed unable to bring themselves to state the hard truth of the situation: In cases where secession, revolution or a Lockean "appeal to heaven" is invoked, the basic rule is that might really does make right. The role of a court in such a situation is to alert the weaker parties that they would be foolish to oppose overwhelming force with powerless legalistic arguments, while at the same time preventing the stronger parties from cloaking their use of force in the language of legitimacy. For the most part the court failed to do this, and Canadians may yet suffer for this lack of courage. ❑

Reflections, *continued from page 14*

ment with the thrust of the staff appraisal." "The Committee expressed its great appreciation . . ." "Directors also welcomed the progress achieved . . ."

Whiffs of self-congratulation and empire-building are evident. "You can count on the IMF and on its competent and valiant staff to be steadfast in implementing your fundamental objectives . . ." I imagine people with important-sounding titles gravely listening to staffers' presentations and then gravely going through the motions of expressing judgments and reaching decisions. As Anna Schwartz observed (in the September 1998 Policy Statement and Position Papers of the Shadow Open Market Committee), "It sometimes appears that the real mission of the IMF is to offer well-paid employment to economists." —LBY

Food for thought — Elsewhere in this issue Jacob Hornberger hints he might seek the Libertarian Party's nod as its presidential candidate in 2000. Would this make anyone who works on his campaign a Hornberger Helper? —TC

Why Harry Browne Doesn't Work

by Jacob G. Hornberger

The Libertarian Party needs a plan of action. It should not go with a proven failure.

Friedrich Hayek's observation that competition is a discovery device applies not only to the economic marketplace but to the political marketplace as well. Through the process of competition among products or political candidates, people can decide which product or which candidate will best serve their self-interest, either as consumers or as voters.

When Harry Browne, the 1996 Libertarian Party presidential nominee, formed a presidential exploratory committee more than two years ago, he signaled his interest in seeking to be the party's nominee again next year.

Some people think he ought to be handed the nomination again. "Why not simply let Harry Browne be the LP presidential candidate again?" they ask. "He has devoted a lot of time to membership recruitment and to promoting the LP on radio and television shows. He has also helped the party to raise funds. Shouldn't this entitle him to the LP's nomination again?"

My answer: No. While Browne has earned the appreciation of all Libertarians, the party should not select its presidential nominee purely on the basis of service to the party. That's how Republicans selected Bob Dole as their 1996 presidential nominee, and the result for the GOP was an electoral debacle.

How should Libertarians choose their presidential candidate in 2000? The answer to this question requires an analysis of Browne's 1996 campaign.

In the 1996 general election, Browne finished fifth, garnering one-half of one percent of the national vote, less than Ralph Nader and not significantly above the LP presidential vote totals of 1988 and 1992. Almost everyone agrees that, strictly in terms of total votes received, the Browne campaign was unsuccessful.

Since then, Browne has repeatedly suggested that the principal reason for his low vote total was that the Libertarian Party did not have enough members to finance a successful campaign.

As much as anyone, I wish the LP were bigger and had more money. But I don't think that problem adequately explains Browne's disappointing performance.

I am convinced that the Browne electoral debacle happened because his campaign committed the cardinal sin of electoral politics: it failed to generate any significant degree of excitement or enthusiasm among voters generally, or even among Libertarian activists. No matter how much money a candidate has at his disposal, it won't do any good if he fails to energize either his supporters or the general public. (The failed presidential bids of John Connally in 1980 and Phil Gramm in 1996 come to mind.) Only a campaign infused with excitement has the potential to take off with few monetary resources at its inception. (Recall the presidential bids of Gene McCarthy in 1968 and Jerry Brown in 1992.)

Why did Browne's campaign fail to energize people in a big way? Because rather than provide a clear, positive, and pure case for the libertarian philosophy, the Browne campaign relied on simplistic slogans and a watered-down, pragmatic, compromised form of libertarianism. The result was the worst of all possible worlds: a diluted libertarian message that failed to ignite the hearts and minds of Libertarians and non-libertarians alike, coupled with an almost complete indifference toward the LP candidate by the voting public.

For example, a centerpiece of the Browne campaign was his positions on taxation. In the course of his campaign, Browne endorsed a flat tax on income, a national sales tax to replace the income tax, a repeal of the income tax ("replacing

it with nothing"), and taxes on imports.

In a letter Browne wrote to *LP News* that appeared in the November 1995 issue (a letter posted neither on the LP's nor on Browne's website), Browne argued that he was the first LP presidential candidate ever to have a realistic chance of winning the presidency, but only if he could "capture the public's imagination" with pragmatic tax and budget proposals, including a six-year plan to gradually downsize government and a plan to save payments to Social Security recipients. "A political campaign," he opined, "isn't the place to browbeat people into accepting every aspect of libertarian dogma."

I believe the LP has to do better in 2000. It needs an active and enthusiastic candidate who can articulate a vision of liberty as both morally and economically better than statism.

But a political campaign is the *perfect* place to explain to people what libertarians stand for and what we have devoted our lives and fortunes to. How many non-libertarians — who heard Browne advocate income taxation, sales taxation, tariffs, a six-year plan to gradually reduce the size of government, and a plan to save payments to Social Security recipients — now believe that the Libertarian Party stands for those positions?

Browne has never answered the important pragmatic question about taxation: Who would enforce the collection of the tax on a person who refused to pay it? After all, as libertarians have long argued, anyone who refuses to pay taxes will ultimately be killed by the government (for "resisting arrest"). Who would execute the tax liens and levies, foreclosures, and killings under Browne's various tax plans?

Browne's Social Security proposal, another central element of the campaign, was to sell national assets to buy annuities for current recipients of Social Security and to pay off the national debt. If the sales did not produce enough money for both purposes, Browne said he would cover the difference with either a 10 percent income tax or a 5 percent sales tax.

Browne said that his Social Security plan was politically salable to the American people, but there's little evidence for that. It's easy to see why it enjoyed so little public support: it covered only current recipients of Social Security rather than everyone who has "paid into the system," leaving people in their 50s, 40s, and 30s to ask, "Aren't we also entitled to annuities from the sale of all those assets?"

And what about those assets that Browne assumes would be so easy to sell? Is he talking about selling the Grand Canyon to a landfill developer? Or Yellowstone National Park to a condominium builder? Yosemite? Glacier National Park? In order to privatize these properties, might it not be environmentally better and perhaps more politically salable to propose donating them to groups like the Audubon Society? Combining a plan to save payments to a select group of Social Security recipients with a plan to sell off Yellowstone and Yosemite to the highest bidder means fighting Social Security taxpayers under the age of 60 and environmentalists at exactly the same time — not exactly a prescription for political success.

Why is it necessary for a Libertarian presidential candidate to present any plan to save Social Security payments? Why not simply call for a repeal of Social Security, along with Medicare, Medicaid, and the rest of the socialistic welfare state? After all, Social Security didn't come from Washington, Jefferson, or Madison; it came from German socialists and in fact was a centerpiece of Hitler's National Socialism. Why shouldn't a Libertarian presidential candidate attack directly and frontally the crown jewel of the socialistic welfare state?

The real question is: Why is a Libertarian presidential candidate calling for income taxes, sales taxes, tariffs, six-year plans to gradually reduce the size of government, and a plan to save payments to Social Security recipients? Not only do these policies fail to interest voters — they don't light the internal fire of libertarians, including me.

Moreover, Browne's pragmatic attempt to secure votes created a seriously damaging practical consequence: it caused him to abandon the New Hampshire presidential primary and surrender one of the golden opportunities in the 25-year history of the Libertarian Party.

In 1995, Browne had raised money from donors with a promise to wage an active campaign in the New Hampshire primary with the hope of earning lots of votes on a statewide basis, the way that André Marrou did in Dixville Notch in 1992. But three months before the primary, Browne announced he was giving up the New Hampshire fight to do radio shows and to sell copies of his new book, *Why Government Doesn't Work*.

A case can be made that Republican Steve Forbes's ideas were more radical than those of Libertarian Harry Browne.

Browne suggested that he was retreating because his campaign message in New Hampshire was being drowned out by the major-party candidates, who were spending lots of money there. But Browne had to know all along that the major players would flush lots of money and intense political energy into the New Hampshire primary. Everyone knows it is the first primary of the electoral season and that it attracts an inordinate amount of media attention.

The real reason that Browne threw in the towel, I believe, was Steve Forbes's entry into the race for the Republican presidential nomination. Forbes called for flat income tax, a gradual downsizing of government, and a plan to privatize Social Security. A case can be made that Republican Forbes's ideas were more radical than those of Libertarian Browne. By compromising and diluting libertarian principles in the hope of expanding his vote totals among the general public, Browne found himself outflanked on economic issues by a Republican.

Browne's withdrawal was a major blow to Libertarians. I

still grimace when I think about the woman from Dixville Notch who was asked by C-SPAN why the Libertarians had done so poorly. She said that the policy of New Hampshire voters was simple: to never vote for someone who doesn't come and ask them personally for their vote. She said that New Hampshire voters had not seen the Libertarian Party's 1996 presidential contender.

What should Browne have done when Steve Forbes entered the race? He should have rescinded his November letter to *LP News*, canceled his support of the flat tax, the sales tax, his six-year plan to gradually reduce the size of government, and his plan to save payments to Social Security recipients. He then should have stayed and fought in New Hampshire with pure libertarian principles.

It would not have cost Browne much money (perhaps $200 a day) to get a hotel room, rent a car, and walk the streets of Nashua, Manchester, Concord, and Dixville Notch, talking to people about libertarianism and asking them for their vote. Browne might not have had the victory he needed in New Hampshire — that is, gotten enough votes to grab national attention — but surrendering three months before the primary election ensured that his campaign would never get off the ground.

(Unfortunately, the golden opportunity that Browne failed to pursue in 1996 will not be available for LP presidential candidates in 2000. The New Hampshire Libertarian Party failed to regain major-party status in the 1996 and 1998 general elections and, therefore, LP presidential candidates cannot participate in the New Hampshire presidential primary in 2000.)

Having at various times embraced an income tax, a national sales tax, tariffs, a six-year plan to gradually reduce the size of government, and a plan to save payments to Social Security recipients, Browne now carries some pretty heavy political baggage. What would Browne now say if candidate Forbes calls for a flat income tax of 5 percent? If candidate Bush calls for a national sales tax of 4 percent to replace the income tax? If candidate Quayle calls for unilateral free trade and the abolition of U.S. tariffs? If candidate Bradley proposes a five-year plan to downsize government? If candidate Gore suggests using the budget surplus to save payments to Social Security recipients now rather than later with the sale of assets?

Browne has repeatedly emphasized in speeches that libertarian philosophy should play a minor role in a political campaign. He continually says that the way to convince people to vote for Libertarians is with political slogans such as "Government doesn't work" or "Are you willing to give up your favorite government program if it means you never have to pay income taxes again?"

I couldn't disagree more with this conscious policy of downplaying philosophical and moral principles in favor of superficial slogans or appeals to self-interest to those on the dole. Philosophy and moral principles are everything in a political campaign. Throughout history, people have been moved by grand and noble ideas and ideals. The Magna Carta. The Petition of Right. The Declaration of Independence. The Constitution. And underlying such movements is an understanding and appreciation of the moral and philosophical principles that undergird the ideas. It is impossible to convince people to move toward monumental change with lame political slogans. Only through philosophy and principles can we hope to achieve the massive shift toward the freedom for which we yearn.

Why didn't Browne use his C-SPAN appearances to explain that individuals have the moral right to live their lives any way they choose, so long as their conduct is peaceful, and that the individual in society is supreme and can never be rightfully sacrificed for the good of the collective? Why did Browne choose to remain silent before the general public about Waco, Ruby Ridge, Cuban repatriation, INS killings of illegal immigrants, and syphilis and nuclear radiation experiments on unsuspecting Americans?

Rather than provide a clear, positive, and pure case for the libertarian philosophy, Browne relied on simplistic slogans and a watered-down, pragmatic, compromised form of libertarianism.

What about the immorality of socialism itself? Under what moral authority does the state take money from some people and give it to others? Under what moral authority does the state require people to seek permission before engaging in an occupation? Under what moral authority does the state regulate trade, people's movements, the accumulation of wealth, education, and the ingestion of harmful substances? Under what moral authority does the state regulate any peaceful behavior whatsoever?

What about the benefits that individual freedom and free markets would bring to our society? Isn't pure libertarianism the only way to achieve a prosperous, harmonious, and civil society? Shouldn't we strive to convince people to raise their sense of self-esteem and belief in themselves, their families, and their communities? Isn't freedom the only proper transition to freedom?

Why shouldn't a Libertarian presidential candidate raise the level of political debate in this country with questions such as these? Why shouldn't we challenge Democrats and Republicans to answer them?

I believe the LP has to do better in 2000. It needs an active and enthusiastic candidate who can articulate a vision of liberty as both morally and economically better than statism.

I hope there's competition for the LP's presidential nomination in 2000. I think competition is more than a discovery device. It is also a tonic that generates great dynamism, fun, and excitement. And the more Libertarian candidates out there among the public campaigning for libertarianism, the better for all of us. That is why I am thinking about seeking the LP nomination myself.

In this competitive process, each member of the Libertarian Party will have to ask himself an important question: "Which candidate would best serve my self-interest in achieving freedom in my lifetime?" The opportunity to spread libertarianism during the race for the presidency comes only once every four years. We should seize that opportunity, and use it to proudly proclaim our ideas and values with energy, determination, and candor. ❑

Short Story

When Freemen Shall Stand

by J. Neil Schulman

It was the third Wednesday in October, just two weeks before the election of our sheriff, and as chairman of the political action committee, I was supposed to moderate the candidates' debate for our monthly Southwestern Freehold Militia council meeting. Only, when the candidates are from the Independence Party, the Constitutional Rights Party, and the Founders Party, nobody wants much moderation and you're not going to get it anyway.

Our council meetings are supposed to start promptly at seven p.m., but stragglers are always still drifting in to the American Legion Hall for the next hour. Our council president, Audie St. Cloud — my oldest friend, principal of the junior high, and our Justice of the Peace — is a stickler for time, but he's learned to bend a little bit for us grownups. He always gavels us to order at seven-fifteen and doesn't schedule anything important until after the eight o'clock doughnut, coffee, and I'll-show-you-my-gun-if-you-show-me-yours break. Not that anyone was likely to have anything to show that most everyone didn't already have, or hadn't already seen during first Wednesday drills, anyway. I picked up a copy of the canary yellow agenda from my seat. The candidates' debate was scheduled as first item after the break.

I could always tell that Tony Bonaduce was in attendance, even if he was way in the back near the doughnut table, grabbing an early one, because right after the "With liberty and justice for all" of the stars-and-stripes salute that starts each meeting, Tony always loudly proclaims, "Amen!" That's why I was surprised by the dead silence after the Pledge of Allegiance. Tony, and his son, now 16, hadn't missed the Pledge in six years. So I knew as early as seven-fifteen that if Tony and Rick couldn't make the meeting, something was wrong. I caught Audie St. Cloud's eye and could tell by his expression that he had the same gut feeling.

The first half of the meeting was just the usual housekeeping stuff, committee reports, my report on the blood donation drive, plans for our float in the Waco Memorial Day parade next April 19th. And, of course, every sort of fund-raising — dues reminder, passing the hat, raffle tickets, ticket sales for our annual Shoot Out and Barbecue. I figure on spending around twenty bucks at each meeting, not counting tickets for our events. Whatever Marcia Alvarez hasn't already gotten out of me at the donated-book table by the end of the meeting, I just spend on raffle tickets. This year, so far, I've won two bags of reloads for my M-16 assault rifle, a bound edition of the Encyclopedia of Thomas Jefferson, a collection of John Wayne movies, and a "Danger: Politically Active" tee-shirt — in XL, as a partial consequence of the bear claws and fritters that Jamal Johnson contributes as refreshments from J.J.'s Doughnuts each month.

I was trying to get myself back down to an ordinary shirt size on my camo, so I only had a plain cake doughnut this meeting and had my coffee black. Besides, I planned to join Audie, Jamal, and some of the other guys for supper after the meeting at the Thirsty Cactus. Wednesday was all-you-can-eat fried chicken night. When it comes to Bessie's fried chicken, I just have no self control. But if I don't get the extra pounds off by June 15th, I'll pay for it with extra laps and push-ups during summer training, I know. My cardiovascular fitness is fine, and even though I'm over the age for mandatory participation, I'm not about to quit.

The candidate's debate was going to be a decisive factor in the election, since our current Sheriff, Fred Wu, was term-limited out and it was an open field. Fred wasn't endorsing a replacement and the *Freehold Clarion*'s latest website poll showed it pretty much a three-way dead heat between sheriff's deputies Aaron Goldstein, Ralph Springer, and Deborah Butler, which meant a runoff election two weeks later. But whoever was going to be in the runoff, this was their last shot at speaking to us, since our November council meeting would be the day after a runoff, and no politicking is allowed at our first Wednesday drills.

The main issue in the sheriff's election this year was the

same as it always was: what the sheriff was going to do about the raiding parties of drunken PeaceKeepers from Ft. Barbie.

Every few months, a bunch of Brown Berets right out of Peacekeeper boot camp storm onto the freehold under pretense of buying marijuana, which their regs don't allow them to buy on base, and start looking for trouble. The Edmonton Accord doesn't allow us to deny them entry, or disarm them prior to arrest, and no matter how many petitions we've sent to Playa del Rey, we've gotten absolutely no cooperation from the interfeds in controlling them. The base commander of Ft. Barbie keeps assuring us that when our posse arrests one of his men within freehold limits, the soldier will be court-martialed; but all of our follow-up inquiries after turning over their detained personnel have been bureaucratically stonewalled. Also, every request for the M.P. captain to at least warn our sheriff when Brown Berets are off-duty and might be headed our way have been denied on the grounds of "international security." And worst, every arrest of a Brown Beret on the freehold has been followed by an even nastier incident a few days later. The Brown Berets protect their own.

They say nobody ever raped a .38, but that isn't true with the stuff the Peacekeepers are equipped with. The Brown Berets carry everything from C.D.F. sweepers, which will instantly turn a perfectly good bullet into a dud from a thousand feet away, to heartbeat detectors, which makes hiding perfectly useless, to prohypnol tranquilizer canisters.

I probably have a better idea how many of the freehold's women have been raped than anyone else, because even though most women won't talk about getting raped to the sheriff's deputies, sometimes they're torn up so badly that they need a surgeon.

But our freehold has had more than our share of babies born who don't look anything like their daddies, and even though abortion is illegal here, nobody has ever asked me if I've been supplying RU-486 to women following the raids. I'm not about to tell you, either; that's strictly between my patients and their doctor. Medical privacy is guaranteed under Article 4, Section 6 of our freehold's Declaration of Rights . . . until someone decides to file a complaint against me.

I took my place at the right side of the head table with the candidates to my left, and after I did the formal introductions, they proceeded to put forward their different schemes for dealing with the raids, if elected sheriff.

Aaron Goldstein, the Independence candidate, has served on the posse for eight years — the last two of them as a deputy. He promised that if elected he'd hold onto the next Brown Berets arrested on the freehold and make the interfeds petition for extradition. That got a lot of applause, but I wasn't particularly anxious to find out how the interfeds would respond.

The Constitutional Rights candidate, Deborah Butler, was all for equipping the posse with arms equal in power to what the Peacekeepers were carrying, and citing Article 51 of the UN charter as the legal basis for doing so when the interfeds came to arrest her. This was also a popular idea, but one which seemed impractical to me. Even assuming we could find an out-freehold source willing to sell us the hardware, how are we supposed to allocate funds from the treasury's bank accounts without the interfeds knowing about it immediately? And with as little money as we have to work with, how can we justify spending tens of thousands of our budget on arms which are just going to get confiscated, likely even before they're delivered?

I didn't get to find out what the Founders candidate, Ralph Springer, had to say, because just after I introduced him, young Rick Bonaduce burst into the American Legion Hall and ran right over to me at the head table. "Dr. Lester," he whispered to me, "come quick! Dad's barricaded himself in the bedroom with a gun, he's been drinking heavy, and I think he's tryin' to kill himself!"

Audie St. Cloud took the microphone from me. I followed Rick out the door as fast as my legs would carry me, climbing onto the back of Rick's motor scooter, and held on for dear life during the bouncy three-mile ride down Eagle's Nest Highway to the Bonaduces' trailer.

"Is your mom at home?" I asked Rick softly, as soon as he cut the engine.

Rick shook his head, causing straight blond hair to bounce against an almost-invisible mustache he was trying to grow. "She's over at Mrs. St. Cloud's tonight."

"Anybody else in there?" I asked. He shook his head again. "You have any idea what this is about?"

"He got some email earlier today is all I know for sure," Rick started. "Broke out the Jack Daniels right after Mom left. First I knew something was wrong was when I told him it was time for the meeting and he said he wasn't going. Then he started watching some old movie — you know, the one where David Koresh survives Waco and masterminds the Oklahoma City bombing? I always thought it was pretty funny but Dad never liked it. Anyway, I guessed he'd just fall asleep in front of the screen like he always does when he's had a few, but this time he went to the gun safe and grabbed his old Colt sidearm and a box of .45 ammo. Then he went into the bedroom and locked the door. Dr. Lester, you know my dad. He'd never touch a gun after he's been drinking. Breaks every safety rule he's pounded into me since he taught me Eddie Eagle when I was four. I thought about calling the Sheriff's station but thought you'd be able to figure out what was eating him faster."

I put my hand on Rick's shoulder to steady him a little. He looked around twelve at the moment, really scared. "You ride on over to Ethel St. Cloud's and get your mother," I said. "I'll see what I can do."

Rick rode off on his motor scooter and I went into the trailer.

I could see a light on from under the bedroom door, so I knocked right away. "Tony, it's Jess Lester. You scared the hell out of Rick already. You want to let me in?"

"It's not locked," came Tony's voice through the door.

I opened the door. Tony was sitting on the foot of the bed in a cut-out undershirt and boxer shorts, with the Government Model pistol in his right hand, cradled on his lap, safety off, index finger inside the trigger guard.

There was a wicker chair against the one wall of the bedroom where there wasn't either a door or a dressing table. I picked up freshly washed pink towels from the chair and tossed them onto pillows wrapped in flower-print pillowcases, then made a production about sitting down casually. Even from across the room, I could smell the liquor on his breath. His eyes were bloodshot and his hair was laying the wrong way across his bald spot.

"It's Bessie's fried chicken night," I said. "If you put on a

continued on page 60

Reviews

One was a self-avowed progressive, the other a government skeptic. Yet the two of them joined to write Ayn Rand's favorite novel. Who were they? What did they write? How did they influence Rand?

Fountainheads of Industry

Bruce Ramsey

In 1945 Ayn Rand called *Calumet "K"* "my favorite thing in all world literature." Rand's novels idealized builders and industrial leaders, and rekindled support for an open, free-wheeling capitalism. In praising *Calumet "K,"* she had reached back to the turn of the century, an era far removed from the governmental triumphalism of the 1940s, to a novel that had been virtually forgotten. To a publisher, she wrote, "I'm sure it will appeal to all the readers of *The Fountainhead*. It's that kind of thing."

The judgment was characteristic of Rand, who responded to heroism and a "sense of life." In music, her favorites were light band numbers — "tiddlywink music," she called them. *Calumet "K"* is tiddlywink music to the spirit of American industry.

The book was given to Rand, then a young immigrant from Soviet Russia, by Cecil B. DeMille. Its voice is folksy, Midwest American. Its hero, Charlie Bannon, is a construction boss, sent to Chicago to ensure that a grain elevator is built on time. Bannon is indomitable. When his foreman says the top boss "can't blame us" if the schedule slips, Bannon replies, "When I have to begin explaining to MacBride why it can't be done, I'll send my resignation along in a separate envelope and go to peddling a cure for corns. What we want to talk about is how we're going to do it."

As Rand says, Bannon is an *efficacious* man. He might be a superintendent at one of Howard Roark's building sites. But he is not a Roark; he is not a radical arrayed against the ideas of the day. He embodies them — at least, some of them.

Calumet "K" was published in 1901, in the late summer of *laissez-faire*. The book, wrote Rand, "captures the atmosphere — the sense of life — of a free country — what it was like, what it demanded of men . . ." It is not the whole truth about industrial America, but an essential part that has largely been pushed aside. The book I was assigned in school was Upton Sinclair's *The Jungle* (1906), a socialist's story of immigrant Slavs sweating in the Chicago meat plants. From the same neighborhood, Merwin and Webster show the work of a purposeful boss. Bannon's grain silo takes on the aura of a Roark skyscraper. He even hoists a woman sky-high in an open box, as in the final scene in *The Fountainhead*.

Calumet "K" was noted by English playwright and novelist Arnold Bennett. In an essay in the *North American Review*, Bennett named it as the "prototypical specimen" of the new romantic American novel.

Cultural historian Vernon Parrington condemned it. Though Bannon "has no time nor inclination to think [and] possesses no philosophy," Parrington wrote, *Calumet "K"* and its predecessor, *The Short-Line War* (1899) "present the ideal of a competitive bourgeoisie" to prevail over others. In his Pulitzer Prize-winning *Main Currents in American Thought* (1927) Parrington wrote, "No more heartless, brutal, anarchistic books could be conceived — a mad philosophy for a mad world." It's the same hostility Rand would spark years later.

Rand rescued *Calumet "K"* from oblivion and wrote a glowing introduction to it. But she said nothing of Merwin's and Webster's other books. She said almost nothing of the two men — not even their first names — and nothing of their ideas.

Rand rescued "Calumet 'K'" from oblivion and wrote a glowing introduction to it. "It captures the atmosphere — the sense of life — of a free country — what it was like, what it demanded of men . . ."

There aren't any ideas discussed in *Calumet "K."* But ideas aplenty are scattered through books Merwin and Webster wrote later. Their literary method grew less like Rand's, but some of their ideas — Webster's, if not Merwin's — were much like hers.

Who Is Merwin-Webster?

Samuel Merwin (1874-1936) and Henry Kitchell Webster (1875-1932) were boyhood friends. They grew up in Evanston, Ill., a suburb of Chicago, which was then rising to challenge the dominance of the East. As schoolboys,

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they collaborated on plays, edited an amateur magazine and penned a book of verse. At a time when only 3 percent of Americans attended college, they both did, Merwin at Northwestern and Webster at Hamilton College near his father's hometown of Utica, N.Y. They were lifelong friends.

Their start as writers was influenced by Webster's father. T.K. Webster was a self-educated manufacturer of engine parts, grain elevator components and, unhappily, the Paige Compositor, a linotype machine that was too expensive to produce. Mark Twain was an investor in that, and went broke — and T.K. nearly did. T.K. was more of a businessman than Twain, but his son wrote, "He never made a conservative investment in his life."

In politics, T.K. was a progressive Republican. He brought his son home from college to vote for William McKinley and the gold standard in 1896, and stumped for Teddy Roosevelt on the "Bull Moose" ticket in 1912. In a speech to the City Club of Chicago, his son recalled, T.K. argued that "no industry could be self-respecting that didn't pay better than a bare living wage." In the 1890s he insured his workers for industrial accidents, breaking ranks with his fellow manufacturers. T.K.'s attitude toward unions is evident in *Calumet "K."* When the union delegate makes a demand related to safety, Bannon readily agrees; when the delegate defends a worker who endangered others, Bannon fights him. T.K. got along with unions for many years, but finally reached an impasse and moved his factory to Ohio.

T.K. accepted that his son would be a writer. "He never asked me to report progress, never gave me unsolicited advice, never offered me any small errands or chores to do for him 'if I hadn't anything else to do,'" Webster wrote.

Collaboration was common among beginning authors. To compose their first book, *The Short-Line War*, one account goes, "the two young men shut themselves into a room, and Webster, smoking a corncob, would formulate sentences in his mind." On this and later collaborations their names appeared as "Merwin-Webster." Many a reader would assume that it was one author.

As they wrote, T.K. read each chapter. He must have been pleased. When the manuscript was done, he took it to New York, presented it to Macmillan, and sent for the young men. "Father had been paying Sam an allowance to enable him to go on working on the book, and in his telegram he offered to pay Sam's expenses to New York," Webster wrote. "This . . . was Sam's escape from Evanston." Webster, for all his world travels, would always live in Evanston, and in 1930 was still in the house built by his grandfather.

The Short-Line War concerns a fight for control of a Chicago railroad. The style and characterization are rough, but the story is full of action. Rivals lock up blocks of stock, issue new shares, buy judges and send out trains of armed men. The focus, however, lurches between the railroad industrialist and his assistant. The climax is short-circuited by a politician who calls in the governor.

But the story connected with the American public. Merwin and Webster, said a contemporary blurb, had "discovered in the exciting movements of trade and finance a field of fiction hitherto overlooked by American writers, but containing a great wealth of romance." Scott Dalrymple, the author

Merwin believed in the lifting of social repression. To him, the United States was "the most conservative country in the world, with the possible exception of China."

of a recent Ph.D. thesis on the turn-of-the-century business novel, wrote that Merwin and Webster "may be said to have invented the genre" of the business romance.

Vernon Parrington wrote that Merwin and Webster's "popular success was immediate and maintained surprisingly." *The Short-Line War* was in print until 1909.

Calumet "K," their second collaboration, was simpler and more tightly focused. It had sharp detail grounded in the experience of T.K., who had built a grain elevator in England. And at a

time when business was under attack in the name of the common good, it presented a counter-ideal. In Merwin and Webster's hands, Dalrymple writes, the silo became "a metaphor for human achievement . . . as much a parable about the value of hard work and tenacity as anything from the pen of Benjamin Franklin."

Calumet "K" appeared in *The Saturday Evening Post* from May 25 to August 17, 1901. It boosted the magazine's circulation, and in book form it was in print into the 1920s. Rand had it reprinted in 1967, and her admirers at Second Renaissance Books reprinted a hardbound replica edition in 1993 that is still available.

Merwin and Webster separately wrote other business romances. Webster's *The Banker and the Bear* (1900), *Roger Drake: Captain of Industry* (1902) and *A King in Khaki* (1909) hold up better than Merwin's *The Whip Hand* (1903) and *The Road Builders* (1906). Webster's stories have more substance. They also have an impish humor. In *The Banker and the Bear,* a young woman is named Dick, because her older brothers are Tom and Harry. The struggle between "The Banker" and "The Bear" is over the price of a most inglorious commodity, lard — i.e., pig fat. When the agents of "The Bear" move on the commodity pit, Webster writes, "They sold actual lard, wholly imaginary lard, grotesque prophecies of lard . . ."

By today's standards, Webster is less politically correct about the common man. In *Calumet "K,"* Bannon is proud of his men's work, but the way they gulp down the slogans of the union delegate shows him that "most of 'em have gunpowder in place of brains." That's Webster talking. Two decades later, in *Joseph Greer and his Daughter,* Joe Greer says the same thing about the North Dakota farmers, who gulp down the slogans of socialist A.C. Townley's Non-Partisan League. The farmers "aren't willing to think," says Greer. "All they're willing to do is make trouble for the men who *do* think."

Greer later observes that his chauffeur has plenty of free time to improve himself, and that "if he isn't any good, he has a handsome chance to go to the devil." He adds, "But that's no concern of mine." (The chauffeur later becomes an airmail pilot and marries Greer's daughter.)

A woman reminds Greer of the man in the Bible who said he wasn't his brother's keeper. "That was Cain," he replies. But Cain, he says, wasn't being criticized for a lack of solicitousness. "He'd just murdered his brother and was trying to establish an alibi."

Merwin is less flippant and more solicitous of the little guy. He may not focus his stories on the down-and-out, but he makes a point of caring about them. Webster doesn't. In *A King in Khaki,* Smith, the manager of a private Caribbean island, fights a director's scheme to trick the company's small investors — "preachers and schoolteachers" — through insider trading. Smith fights for the investors not because they are small, but because, he tells the director, "they are the real owners of this island, just as you are the owner of your watch."

Webster's businessmen do think about the morality of their actions. In

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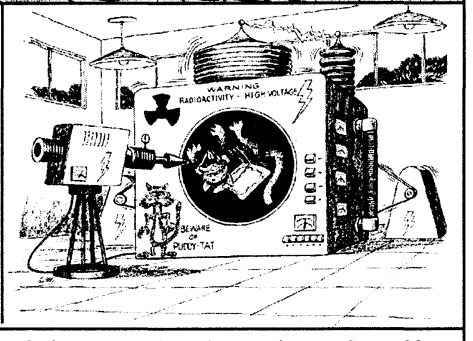

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Roger Drake, an industrialist's memoirs of building a copper and railroad empire out west, the industrialist pauses to consider a bribe he's just paid. "I had never trafficked in men's consciences," he says. "This is not pretending, mind you, that I did not sometimes buy what ought never to be for sale . . . But I never paid money for what wasn't in the market, for anything which, if not mine at my price, wasn't some other man's at his."

Webster was not a joiner of causes, and less inclined to believe in the goodness of government. He was too much the realist to swallow the socialist cream pie.

The bad guys in these stories use tactics forbidden today, such as fomenting a bank run *(The Banker and the Bear)*, discriminatory freight rebating *(Roger Drake)*, predatory price cutting *(The Whip Hand)*, and refusal to deal *(Calumet "K")*. Some of these tactics were forbidden then, too, but a business response was usually quicker and more effective than filing a lawsuit. In *The Whip Hand*, a lumber man undercut by below-cost selling retaliates by secretly buying his competitor's goods. In *The Banker and the Bear*, the banker stops a run of depositors by keeping his bank open into the night and paying only in gold coin. Robbers being a more imminent danger than insolvency, the depositors go home.

Webster is particularly accepting of all that comes with *laissez-faire*. After Roger Drake vanquishes his opponent, he buys up all the local mines and forms a modern, efficient copper trust. And after "the banker" beats "the bear," the story ends happily as the banker's client corners the market in pig fat.

Merwin the Idealist

In politics, Merwin and Webster disagreed. Merwin was an early 20th century liberal; he once said his philo-sophy was mainly derived from John Stuart Mill, Bernard Shaw, Henrik Ibsen, Havelock Ellis and Ellen Key. Merwin believed in the lifting of social repression. To him, the United States was "the most conservative country in the world, with the possible exception of China." He was the nephew of a prominent suffragette, Frances Willard, and contributed to a book that promoted the vote for women. In 1922 he publicly opposed an effort to censor books.

Merwin admired entrepreneurs but was against *laissez-faire*. He presented his politics with a blast in his political novel, *The Citadel* (1912), written at the peak of the Progressives' crusade for the direct election of senators, the initiative and recall, municipal ownership and the federal income tax. The book's protagonist, young Rep. John Garwood, is for all these things. He has a Progressive epiphany and runs for reelection as an independent. He champions an amendment to make the Constitution easier to amend — a proposal straight out of Theodore Roosevelt's National Progressive Party platform of 1912.

Garwood is a hero. Merwin has given him the same can-do spirit as Charlie Bannon, but instead of a grain elevator he's building, it's government. "The purpose of all vital government," Garwood declares, "is to sit above and wield the greatest power in the land, whatever form that power may happen to take." All that matters is that government be "expressive of nothing on earth but the will of the people at the moment."

Garwood loses his seat. He loses, too, his fiancee, the delicate and fluff-headed daughter of a "standpat" industrialist. But he gains a wife, a modern-thinking biologist named Margaret, and sets off with her to campaign for the Progressive state.

Reviewing this in *The Smart Set*, H.L. Mencken was surprisingly polite. His complaint was that *The Citadel* doesn't explain *why* Garwood has his conversion. "Progressivism, in brief, is depicted as a disease of sudden and devastating onset," Mencken wrote. "We see a representative of a safe and rotten borough suddenly run amuck, and are left wondering wherefore and why." Mencken summed up: "Not a story of much depth and beam, to be sure, but still a pleasant one, and not as pontifical as it might have been."

A dozen years later Merwin allowed he'd been "a bit naive," but said, "I'm glad I once fought for something."

Webster the Realist

Webster was not a joiner of causes, and less inclined to believe in the goodness of government. After traveling in Central America, he wrote, "Their 'administration' consists of those who are getting it, the 'opposition' of those who are waiting for it. That is the whole philosophy of their system of government." The people in that system, he wrote, were imbued with "the curious belief that the state is the actual source of wealth."

At any age Webster was too much the realist to swallow the socialist cream pie. In 1913, he published a satirical piece in *The Atlantic Monthly* called "Real Socialism." He set the story in a private club in which each character has an allegorical name. The outsider in the group, whom he calls the Pest, interrupts when the talk turns to socialism.

"In the course of my travels through the Tropics," he says, "I visited a Socialist state."

They don't believe it. Not in 1913.

But I did, the Pest says.

The Real Socialist is indignant. If the Pest can back up that statement, he says, "I'll cheerfully pay for the drinks."

Journalism had left its mark; Merwin had become a much closer observer of his fellow man.

"You yourself shall be the judge," says the Pest, who confidently cracks open a half-liter. "To begin with," he says, "the state owns all the land." It is the only employer. There are 30,000 inhabitants, and it feeds and houses all of them. "The state provides everything necessary for domestic purposes, down to knives and forks, pillow-cases and dish-towels; the quantity and quality of these, like the houses themselves, being graded according to the value of the service which the citizen performs." The state provides doctors and medicines, including a scientific program of insect control.

This state, says the Pest, is run by a

dictator appointed by the president of the United States.

"You can have no doubt," says the Pest, "that the place I have been talking about is the Panama Canal Zone." (The canal was then under construction.)

The Real Socialist sputters. The Canal Zone cannot be socialist. "It has no foundation whatever in Democracy."

"Precisely," replies the Pest. "That's what is so wonderfully fitting about it. Because there's nothing democratic about Socialism." Listen to any socialist speaker, he says, and you will be convinced of one thing: that the utopia they crave will be run "by an oligarchy of highly intelligent persons, like the speaker, while the 'mere unthinking voter' ramps around and amuses himself with the illusion that it is all his own doing."

The story concludes, "We made the Socialist pay for the drinks. Well, it's lucky these Socialists are all so rich."

The "Fiction Factory"

Webster began his career with a good education. It was noted when he died that he was schooled in classical literature, had learned French and Italian and was "a belligerent classicist in music." He had spent the year after his graduation in 1897 as a college instructor in rhetoric.

But making it on his own, he hit a dry spell in which he said, "I had almost lost my grip." In desperation, he took an old plot, hired a stenographer, and gushed 60,000 words in three weeks. The story brought him $600 — and would have been $900, he said, had he put his name to it. Thus began a routine that lasted for decades. Webster would begin at 9:00 a.m. and dictate 1,000 to 2,000 words. From what he called "the work of my left hand" — short stories, mainly, published under pseudonyms — he earned $5,000 a year. In gold dollars, that was the equivalent of about $75,000 today, and in living standards relative to his contemporaries, more than that.

Years later, in describing the plight of a failed novelist, Webster wrote, "True Art had never got adequately paid for since the capitalist system had been established." He is only partly serious about this. Webster saw to it that he got paid — so much so that *The New York Times* chuckled editorially when, at age 47, he was to receive his inheritance. T.K. had bequeathed him a double share because young Harry had chosen such an unpromising career. (What the *Times* didn't know was that the old man had died insolvent, ruined by his final venture.)

Webster's "fiction factory" left him with several months a year to dictate novels under his own name. In all, he managed to pull more than two dozen out of his head, several of which concerned the social changes going on around him in upper-class Chicago.

The Real Adventure (1916) is a story of a lawyer's wife who joins her husband to learn the law. She gets no respect from him, and leaves to join a chorus line. Her "real adventure" leads not to disaster, but to a successful career as a costume designer. *The Real Adventure* was the No. 6 U.S. fiction bestseller for 1916. It was made into a silent movie in 1922 by King Vidor,

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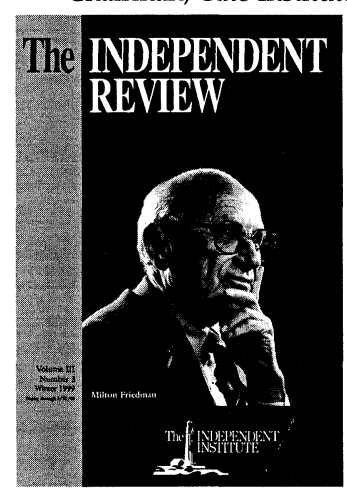

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who directed more than 50 films between 1913 and 1959, including Ayn Rand's screenplay of *The Fountainhead* in 1949. Sad to say, the film version of *The Real Adventure* is lost.

An American Family (1918) is about a Chicago manufacturing clan similar to Webster's own. Third-generation son Hugh Corbett is a believer in company-provided social work — a cause then promoted by such Chicago concerns as International Harvester. Hugh sets up a welfare department with nurses to visit the homes of the sick. The workers label them snoops, and are soon goaded into a strike. Hugh then tries to step in as an impartial umpire.

"I had never trafficked in men's consciences," he says. "This is not pretending, mind you, that I did not sometimes buy what ought never to be for sale."

Hugh's elder brother Gregory, who's running the company, has a better understanding of business. "I'm not pretending to be the umpire," he says. "I'm after the best trade I can make. Because I happen to know . . . that the best I can get won't be any too good . . . If one bunch out there are in a position to force me to pay them more than they're worth, I've got to make some other bunch take less. As a matter of fact, what they're worth is . . . what they can make me pay for what I have to have."

The strike has been fomented by anarcho-syndicalists. Hugh tries to sell them on the idea that the social work should be done by their "one big union." Forget taking over the company — its profit is only $1.60 per worker per week — and take over the playfields and medical plan instead. They want to take over the whole company. In the end, they are muscled aside by the more down-to-earth craft unionists, who cut a deal with Gregory and go back to work. The impractical dreamers on both sides lose out. (And that happened in the early 1920s, as the left-anarchist Industrial Workers of the World — the Wobblies — were muscled aside by company unions and the forerunners of today's AFL-CIO.)

Hugh gives up his vision of corporate paternalism and goes off to be a metallurgist. During World War I he invents a low-friction alloy that will revolutionize airplane engines. Gregory insists it's not viable. This time Hugh does not give up: he will develop the alloy on his own.

It is a difficult choice. Hugh is, implicitly, "a Protestant of an extreme type . . . standing before his God with no intermediary whatever." He has to think things through himself — and he does it correctly.

An American Family has the skeleton of a first-rate business novel, and has more ideas in it than any of Webster's business romances. But as the title suggests, it is more the story of a family.

Webster portrayed a different type of businessman in *Joseph Greer and His Daughter* (1922). Joe Greer has made a grubstake in the South American jungles, returned to Chicago and set himself up as an industrial engineer. He invents a labor-saving process for making flax into linen, and asks the bankers to back it. They do, but they view the blunt-talking, black-bearded Greer with "instinctive distrust, like that of the domestic animal for the wild beast."

To Greer, the financiers are "stall-fed," living placidly off interest payments. "Money's nothing but a way of getting things done," he declares. "What is it they're trying to get done? If I had Williamson's money, I'd do something with it . . . What does Williamson want to run? The city? . . . A railroad? A steamship line? An opera company? A harem? I don't care what. But it ought to be *something*."

Similarly, Greer can't fathom the attitude of his hired scientist, who sees only an intellectual problem. "They're queer birds, these pure scientists," Greer says. "They don't care what anything's *for* any more than the bankers care how it works. It isn't till a man like me comes along . . . and cracks their heads together that anything really happens in the world."

Here, plainly stated, is the credo of the entrepreneur. But after Webster creates this "tough-sinewed . . . barbaric, and genially predacious" character, he mires him in conversation and flirtation for 300 pages. Greer's attempt

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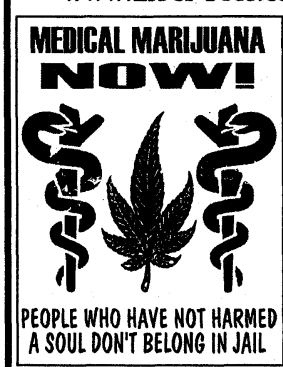

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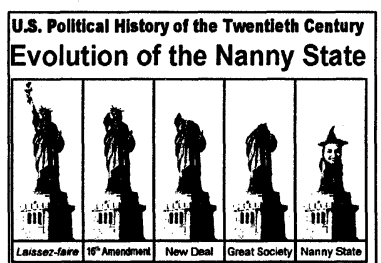

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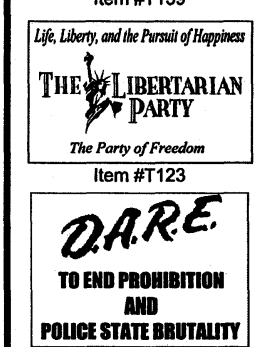

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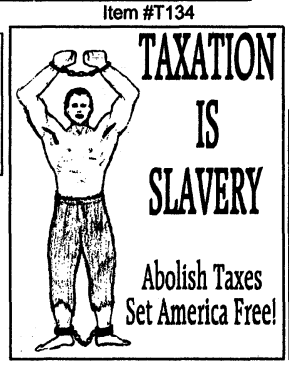

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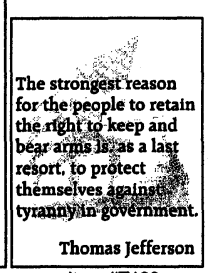

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to manage his 19-year-old daughter is quite convincing — he fails — but only in the last 75 pages does his business regain center stage. His financiers sell him out, and he goes off to work on a new kind of road pavement.

Isabel Paterson, who would become a confidante of Rand in the 1940s, and publish the libertarian classic *The God of the Machine* in 1943, was beginning her career as novelist and book critic in 1922. In her review of *Joseph Greer and His Daughter* for the *New York Tribune*, she wrote that the story sets up Greer as a "type" and then fails to make a convincing statement about that type. "Too often it slides off into being just a good story," she wrote.

As Rand says, Bannon is an efficacious man. He might be a superintendent at one of Howard Roark's building sites. But he is not a Roark.

And it is a *long* story — 489 pages. Webster "is said to dictate his novels," Paterson wrote, "and no doubt it sounds all right, but it doesn't read right. This novel can be read, but if it were half as long it could be read twice as easily." At 452 pages, the same could be said of *An American Family*.

In his final decade, Webster produced mostly light fiction. He died of cancer at age 57, in 1932, a few weeks after the election of Franklin Roosevelt. Merwin went to Chicago to be a pallbearer.

The New York Times gave Webster a one-column obituary with photo, as it would Merwin in 1936. It said, "Mr. Webster's novels attracted attention about 15 years ago, when they were described . . . as precise and accurate interpretations of existence in Chicago at that time." By 1942, *Twentieth Century Authors* opined that *An American Family* was "perhaps the only one of these productions that has any chance of survival." No such luck. By 1983, *The Oxford Companion to American Literature* identified Webster as best known for the Merwin-Webster "romantic glorifications of captains of industry."

In all likelihood, this reference is lifted straight from Vernon Parrington, who uses the term "captain of industry" in his denunciation of *The Short-Line War* and *Calumet "K."* It is a sloppy characterization: the Merwin-Webster heroes are not Rockefellers. Bannon is a construction superintendent.

However, the Merwin-Webster characters *are* heroes. Webster's own characters are less heroic. He saw his job as a storyteller, not the presentation of an ideal. The essence of a novel, he wrote, was neither psychoanalysis, sociology nor philosophy, but "purposeful motion." A story should have movement and suspense. His example of "one of the finest stories ever written" (not that he always lived up to it) is Robert Louis Stevenson's *Treasure Island.*

A "Draught of Absinthe"

In 1915, Merwin was asked by *The New York Times* to list the best novels in English. "A romance is not a novel," he replied. "A story in which the characters are secondary to the plot interest cannot possibly be a novel."

The portrayal of character, Merwin believed, should be based on experience. He said, "The only thing a man has to write about is himself." Strong writing required strong experiences. "Writers need reactions, shocks, a sort of spiritual absinthe. In order to produce books worth reading, they must be excited, alert, on the third gear."

Merwin had a more difficult start than Webster. "Even when we were playing together in Evanston, outwardly thinking the same things, our inner developments were tremendously different," he wrote Webster in 1915. Merwin recalled hiding behind a door and sobbing when a constable came to seize the family furniture. "I was always desperately fighting away from and covering up (instinctively, I suppose) a painful variety of genteel poverty . . . I could never write of prosperous, comfortable people with the solidity, the convincing sense of belonging, that you have conveyed in some of your recent work." He summed up: "You and I really have in us, I do believe, the germs of representing two real and vital aspects of American life. But very different aspects."

A shy boy with a taste for fine clothes, Merwin was drawn to writing. As a teenager, he covered lectures, businessmen's picnics and sports for the *Evanston Index*. He created comic operas, and had one produced at 23. But he was on the verge of taking a job with a harvester company when *The Youth's Companion* paid him $35 for a short story.

After he and Webster had made a success with *Calumet "K,"* and traveled with their wives on extended trips to France, Merwin, too, hit a dry spell — and a longer one than Webster's. "Before I was 30," Merwin wrote, "all that fine fresh vigor of the earlier twenties was gone." He turned back to journalism, working for a New York magazine, *Success*. The magazine sent him to China for six months — his draught of absinthe, judging from how often he used the Orient as a setting for stories.

His aim was to expose the British government's trade in opium. A campaign had arisen in Britain to end that trade, and a year after his *Drugging a Nation* (1908) was published in the United States, Britain did end it. Merwin's book shows the British government licensing and financing the poppy growers of India, processing the crop and auctioning it to "a curious crowd of Parsees, Mohammedans, Hindoos and Asiatic Jews" for sale in China.

He loses, too, his fiancee, the delicate and fluff-headed daughter of a "standpat" industrialist. But he gains a wife, a modern-thinking biologist named Margaret, and sets off with her to campaign for the Progressive state.

Merwin's expose was part of a broader movement that would end in opiate prohibition. In 1906 the Pure Food and Drug Act had driven laudanum (opium) out of most patent medicines in the United States by requiring disclosure on the label. In 1914 the Harrison Narcotic Act required physicians to maintain records of all opiate transactions.

Merwin, meanwhile, had become publisher of *Success*, where he joined in the muckrakers' attack on business. It

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was a time, he recalled, when "any sensitive capitalist had to dodge through back streets if he wished for momentary peace of mind."

Muckraking flourished "until exactly 1910," he wrote, whereupon *Success* began to fail. For ten months Merwin struggled without pay. He began feverishly writing *The Citadel.* It was too political for the magazines that had published his other fiction. He had to move his family to a $30-a-month basement apartment. Then, one day, he collapsed in the Pennsylvania Station of nerves and overwork. In an account for *Collier's*, he wrote, "That day marks the end of Merwin the publisher."

The Citadel was also the beginning of his recognition as a mainstream novelist. Journalism had left its mark; Merwin had become a much closer observer of his fellow man. His writing had become more efficient and easier to read than Webster's, but remained more earnest and middlebrow.

In his novel *The Honey Bee* (1915) he tells the story of one of "the unsexed females that do the work." After a passion for a married entrepreneur, apparel buyer Hilda Wilson has immersed herself in work. Now 32 and alone in Paris, she discovers that "she could not forever go on suppressing those deep yearnings and stirrings that make life the tangle it is."

Hilda's situation is the opposite of the frustrated wife Webster portrays in *The Real Adventure.* "Two men might have been writing the same story," said Merwin, "one pro, and the other, con." Merwin's story sounds anti-feminist, but is not. He is not against women going out in the world of men; he is against the unreasonable judgments society imposes on them.

In her introduction to *Calumet "K,"* Rand complained of the "timidly, evasively mid-Victorian" romance between Bannon and his stenographer. Hilda Wilson is a much more red-blooded character. But even when *The Honey Bee*'s heroine is reunited with her old lover, who will be free to marry her in a year, they don't have sex. It's still 1915.

Later in the decade, Merwin wrote three novels about a character named Henry Calverly. *Twentieth Century Authors* picked the first two books, *Temperamental Henry* (1917) and *Henry is Twenty* (1918), as Merwin's best, saying they "had sound adolescent psychology, and evoked the period of the Illinois town of the 'nineties with skill and charm."

In *Henry is Twenty*, Henry is living in a boardinghouse, his parents both dead. Moody, and occasionally moonstruck, he seethes with the passions of a writer-to-be. If he were a weaker lad he would have "long since given up, gone into Smith Brothers' wholesale, taken his spiritual beating and fallen into step with his generation." Instead, he is stuck as a reporter for the weekly paper, paid by the column-inch while the owner, who "lived on the labor of others," flatters the town merchants.

In a burst of creation, Henry writes a brutally honest story of the characters at the annual businessmen's picnic. His employer suppresses it, but Henry sells it to a rival. It is a sensation. He pours out 20 literary sketches of the town grandees. The second paper fails, and Henry's manuscripts are about to be seized by creditors as assets. "But they're *mine!*" he wails. In desperation, he arranges a buyout of the little paper, and gets his stories into print under his own control. He has no head for business — Merwin didn't either — but his writing is noted by a publisher, and his career takes off.

In "The Banker and the Bear," the banker stops a run of depositors by keeping his bank open into the night and paying only in gold coin. Robbers being a more imminent danger than insolvency, the depositors go home.

It eventually blows up. In *The Passionate Pilgrim* (1919), set in 1903, Henry is starting over as a newspaper reporter in a midwestern city. Sent to interview the mayor, an obsequious whore of "the interests," Henry once again writes a brutally honest piece, which gets him fired.

He ends the story as the biographer of industrialist Jim Cantey, the original "interest" himself. Cantey is one of the few honest men in the book. *The New York Times* reviewer called him "by all

odds its most interesting character." Unfortunately, he's dead, and speaks through a posthumous testament.

In this testament Cantey reflects on the era of laissez-faire: "Business, as I've found it, is lawless and cruel . . . It's no way to build a nation — to do that, you've got to breed for sound citizenship, organize for it — but it's a cruel, beautiful game, all the same. Like war. And I guess this country can stand it for another fifty years or so. Until the land is settled thicker, and the limits of our natural resources come in sight.

In matters of religion, neither Merwin nor Webster were as radical as Rand. If she was for an idea, she was for it all the way. Being for reason meant being an atheist.

Then, I suppose it'll become some kind of socialist state, but for the present, while the going's good, no power on earth can stop it . . . Congress? That's only a place. And a place can't stop anything, or start anything. It's where the hired men of the great business forces meet and fight to neutralize one another . . . That's all I can see — forces, with strong men riding them, perhaps managing to steer them a little, more often dragged along by them."

To blame "forces" rather than individuals is something no Webster protagonist would do. But Merwin had to reconcile his admiration for strong individuals with a belief in "some kind of socialist state" in which "forces" could be controlled.

Merwin's later fiction was less serious. His last book, however, *Rise and Fight Againe* (1935), was something different — the business story of his childhood friend Louis Liggett, who founded the United Drug Co. and organized the Rexall drugstores.

Rexall was not a chain, but an alliance of independents that aimed to forestall a chain. Liggett, he writes, had "conceived a New Deal for the small merchant." Merwin, the defender of the little guy, says America "would be a sounder, saner country" with more such cooperative ventures.

Though he calls United Drug "never for a moment a private enterprise in the old sense," it *is* private. It is a stock company, organized by one man, a salesman "giving value for value."

The Rexall story, Merwin admits, shows "much of the drive to success and power that has made us as a people, for better or worse, what we are today." (Note the "for better or worse.") He goes on, "It may be that the extraordinary 'rugged individualism' of the past fifty years is over now. Sometimes it almost seems so. Maybe we are to be less concerned with building up great private enterprises and more with considering the cultural welfare of the nation as a whole. I don't know."

Merwin never did square his admiration of individuals with his support of the Progressive state. He died a year later, at 62, after suffering a stroke while eating dinner at his club overlooking Gramercy Park.

"Two True Religions"

In matters of religion, neither Merwin nor Webster took the same position as Rand. She was a radical. If she was for an idea, she was for it all the way. To her, being for reason meant being an atheist.

In daily living, that meant she was for "this world" and not some other. So are many people who are not atheists. The distinction is between having a mystical view of ultimate questions and a mystical rule of one's daily life. On this divide, Merwin and Webster are clearly "of this world."

T.K. Webster had been a devout Baptist. He converted to his wife's Presbyterianism because the Baptists would not admit her to communion without a dunking. Young Webster thus became a Presbyterian, too. "My personal relief at this move was enormous, as it removed for me the horror of contemplating my immersion," he writes. Of his father, he writes, "From that time forward, his religion was in the daylight zone where he thought things out for himself." Webster was likely the same sort of "extreme Protestant" as his character Hugh Corbett, who also thought things out for himself.

Merwin wrote of his religion, "I seem to have my own." As to what it consisted of, he wrote, "I'll only say that I seem to find a thrill in being a two-legged speck in a universe where the stars move around right on time, and the maple tassels appear methodically every spring."

Years earlier, Merwin and Webster had spoken to the issue of fundamentalism in their last and most ambitious collaboration, *Comrade John* (1907). The novel is the story of a capitalist builder and a cult prophet. The prophet, when he meets his downfall, says:

> There are only two true religions and they're both old. One of them has got a cross on it, and it tells you that the way to save your life is to give it away, to deny it. It isn't my religion, and I don't know much about it. It never was to my taste. But it's a true religion for such as care for its terms. And the other religion, my religion, tells you to get what pleasure you can out of what comes to you, and be content to die and rot when your time comes.

The hero has nothing to say of this bold doctrine. To him, the prophet is little more than a peddler of patent medicines.

The hero is John Chance, a builder of modern and fantastic amusement parks. After finishing one such park in Pittsburgh, Chance vacations in Paris.

Merwin and Webster deserve credit as forerunners of Rand. She made fireworks of the business romance; they were its principal inventors.

There, during a boisterous street carnival, he spots a stunning young American woman being borne along by the crowd. She is about to be chosen queen of the carnival. He knows (but she doesn't) that means she will be debauched. He rescues her, but afterward she is not so sure she wants to be rescued. Paris is *so* much more thrilling than Ohio.

"I feel as if I must have gone through the looking glass," says the woman, Cynthia. "Someone was telling me about a place called that at the Pittsburgh fair last summer, and I thought it would have been fun to see

it. But this is nicer; this is the real thing . . . I don't a bit want to go back to the other — the country where you always know just what to expect and have to take things called consequences."

Chance replies, "If this were a looking-glass country I'd be inclined to let you stay in it, but it's not. Even that side-show fakir at Pittsburgh was nearer it. A man could go there and ride in the scenic railway or shoot the chutes and get a thrill of danger and abandonment without the consequences. Somebody that he didn't know about was responsible for his safety; that was somebody's job . . . But here — people come here, people without jobs, who think this is a looking-glass country. It looks like it, but you get what's coming to you here just as surely as in a steel mill."

They part ways, and Chance returns to America. He has been offered a job to build a cathedral at Beechcroft, a utopian community founded by Herman Stein. Stein, a character based on a turn-of-the-century messiah named Elbert Hubbard, preaches that commercial labor is wicked, and hand labor, divine. Chance is offered double the usual pay for the project, but only if he agrees that he and his crew, who are "frankly commercial" builders, will dress up in tunics and pretend to be Stein's devotees.

Intrigued by the challenge of a cathedral rather than an amusement park, Chance accepts. He builds a splendid cathedral. He is about to tackle the accompanying buildings when who should appear but Cynthia. Once again he has a chance to lecture her about reality and one's dreams. It's not enough to have a dream, he says. "It's making the dream come true that counts . . . It means turning your dreams into mathematics and your mathematics into hard, rough refractory materials."

In her introduction to *Calumet "K,"* Rand says Charlie Bannon's "dominant characteristic is a total commitment to the absolutism of reality." In *Calumet "K,"* that was an implied message; in *Comrade John*, it is explicit.

Paving the Way for Rand

It took Webster's realism and Merwin's idealism to make *Calumet "K."* And so it did for *Comrade John.* Publicly they were equal collaborators, but the book was written mostly by Webster, and privately they agreed that he would receive most of the royalties.

The book was their first made into a movie, though it's unlikely that a copy survives. Produced in 1915, *Comrade John* presented Stein played by debonair Lew Cody, Chance by William Elliott and Cynthia by "Baby Ruth" Roland. All went on to careers in the silent films. *Variety*'s one-paragraph review made no mention of a serious theme, however, summing it up as a "fairly good popular-priced picture."

Even as a book, the story only partly succeeds. Despite Chance's lectures about reality, the story is not as tethered to the earth as *Calumet "K."* Its focus sometimes blurs. But it has a more daring premise than *Calumet "K,"* and more sparkling lines. The ending of *Comrade John,* in which the builder brings down his own creation to keep it from being used against the woman he loves, calls to mind the ending to *The Fountainhead.*

Fans of Rand might wish that Merwin and Webster would have perfected *Comrade John*, and followed the literary road it marked out. Had Webster focused on his protagonists' values rather than scattering ideas like daubs of colored paint, and had Merwin not succumbed to Progressivism, the two authors could have taken the business romance much further than they did.

There is no account of Ayn Rand ever reading *Comrade John.* She may have; *Calumet "K,"* after all, was her favorite book, and one would think she would find other works by its authors. Isabel Paterson could have told her about *Joseph Greer.*

It's notable, too, that The Gregg Press of Ridgewood, N.J. — just a few miles from Rand's office in Manhattan — reprinted Merwin-Webster's *The Short-Line War* in 1967, the same year she resurrected *Calumet "K."* It reprinted Webster's *The Banker and the Bear* a year later. Each was part of a series on neglected American novels. Rand seems to have never mentioned either of these reprints, if she even knew about them.

In any case, Merwin and Webster deserve credit as forerunners of Rand. She made fireworks of the business romance; they were its principal inventors. ❑

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by Martin Morse Wooster. (Capital Research Center, 1998, 198 pages)

Legacy & Betrayal

R. W. Bradford

In 1923, George Eastman, founder of Eastman Kodak, explained why he had given away so much of the huge fortune he had amassed. "If a man has wealth, he has to make a choice, because there is the money heaping up," he said. "He can keep it together in a bunch, and then leave it for others to administer after he is dead. Or he can get it into action and have fun, while he is still alive. I prefer getting it into action and adapting it to human needs, and making the plan work."

Which is pretty much what George Eastman did. Having no wife or children, and doubtful about the wisdom of endowing one's family with great wealth (people who do that create "wastrels, race-track touts and whoremongers of their sons and gilded parasites of their daughters"), Eastman gave his money away. By the time he died, he'd given millions to universities (mostly to M.I.T., the University of Rochester, the Hampton Institute and Tuskegee Institute) and millions more to a host of causes in his hometown, Rochester. Many of his donations were made anonymously.

Of course, things were different when robber barons like George Eastman walked the earth. For most of his life, Americans were free to earn as much as they could, spend it as they wanted, and not even tell the government or anyone else what they did with it. They could give it away, as Eastman chose to; spend it on lavish living, as Diamond Jim Brady chose to, or leave it to their children, as Hetty Green ("the Witch of Wall Street") chose to.

Today, things are not so simple. There's another reason for people to give away their money. The U.S. government snatches a portion of the estate of any American citizen or resident who dies owning property worth $650,000 or more. And the more he's worth, the more they snatch. Most U.S. states also grab a share, sometimes even of smaller estates.

Shortly after the estate tax was instituted in a major way in the U.S., owners of large enterprises found a method of passing control of their companies to their children, even if they couldn't transfer much wealth to them. They'd set up a charitable foundation and leave the bulk of the stock in the family-controlled corporation to it. The foundation would be controlled by family members and friends, leaving the heirs with effective control of both the corporation and the foundation. In addition to retaining control of the family company, the heirs and friends could see to it that the income produced by the foundation went to the kinds of causes the original donors wanted.

Or so it worked in theory.

But, as Martin Morse Wooster points out in *The Great Philanthropists & the Problem of "Donor Intent,"* from the creation of the first large charitable foundations early in this century, something very strange occurred: professional bureaucrats gradually took over the foundations and perverted their purposes. Thus the Rockefeller Foundation, set up by the billionaire Baptist businessman, soon became a major source of funds for "progressive" (i.e., anti-business, anti-religious) causes.

This happened even in many cases where the person who created and funded the foundation went to great lengths to see that it focused on promoting free enterprise. Consider the case of J. Howard Pew of Sun Oil. During his lifetime, he was a tireless champion of free markets and individualism. In 1957, he created the J. Howard Pew Freedom Trust, with instructions that it use its funds to "acquaint the American people" with "the evils of bureaucracy," "the values of the free market," and "the paralyzing effects of government controls on lives and activities of people," to "inform our people of the struggle, persecution, hardship, sacrifice and death by which freedom of the individual was won" and to educate them about how "Socialism, Welfare statism [and] Fascism . . . are but devices by which government seizes the ownership or control of the tools of production." In accordance with those wishes, the Freedom Trust funded mostly libertarian and conservative activities, as long as its board consisted of Pew family members and friends.

If you've ever wondered how conservative or libertarian foundations end up financing socialism, this is the place to find out.

But as the family members and friends died off, they were replaced by others who gradually reoriented its spending, first toward mainstream activities, then gradually toward the very activities that the trust had been set up to oppose. In 1994 it gave $6 million to left-liberal causes and just $150,000 to conservative or libertarian efforts.

The experience of the MacArthur Foundation was similar. John D. MacArthur amassed a fortune in the insurance and real estate businesses between the 1930s and his death in 1978. Not surprisingly, he spent much of his time fighting the government,

and held a special animosity for environmentalists. When he died, he created the John D. and Catherine T. MacArthur Foundation, to be run by a five-man board, consisting of his old friend, conservative news commentator Paul Harvey, two business associates, his attorney and his son. Within a decade, it was firmly controlled by forces that would have scandalized old John, and it was spending heavily to support socialists and environmentalists.

The simple fact is, if the property you own when you die is worth $650,000 or more, you either leave a substantial portion of it to charity or to the government.

Wooster chronicles the story of how the Rockefeller, MacArthur, and Pew family fortunes (among others) were squandered on agendas repugnant to their founders. If you've ever wondered how conservative or libertarian foundations end up financing socialism, this is the place to find out. Wooster also tells the story of a few fortunes that were spent according to the wishes of their owners. The secret, he argues, is limiting the life of the foundation to a relatively short time period — the expected lifespan of the board set up to administer it — and requiring that it divest all its assets during that period.

Wooster (or his publisher) seems to have a genius for concocting dreary titles: the sequel to *The Great Philanthropists & the Problem of "Donor Intent"* is titled *Should Foundations Live Forever? A Question of Perpetuity*. But don't be put off by its title, or by a subject matter one would expect to find desperately dry. *The Great Philanthropists* is a surprisingly good read. I literally couldn't put it down until I had read every word.

Part of the reason for this is Wooster's clear and very readable style. But part of it is the inherently fascinating stories he relates — fraught, as they are, with important insights about the attempts of individuals to work their will in an increasingly collectivized society. Where else, for example, could I have learned that in 19th century England, among those charities bound by the wishes of their founders was one established by a man named Greene to provide green clothing for the poor, one by a man named Grey to provide gray clothing to the poor, and one by a man named Rose to insure that his hometown always had plenty of rose bushes?

The inheritance tax produces relatively little revenue for the government, but thanks to inflation, today it even forces the sale of family farms and small businesses when a patriarch dies. The simple fact is, if the property you own when you die is worth $650,000 or more, you either leave a substantial portion of it to charity or lose a big chunk to the government.

This presents a special problem for those who believe that giving money to the government is like giving booze to a dipsomaniac. If you don't want your money going to impose American will by force of arms on people in Latin America, the Middle East, or wherever else the U.S. feels it has a right to rule (i.e., anywhere on the planet), or to help finance the arrest and imprisonment of a peaceful citizen who happens to possess *cannabis sativa*, or to pay a huge sum to a government-certified artist to produce works of art that range from the repulsive to the merely banal, then you had better give away most of your money during your lifetime or leave it to a charitable enterprise when you die.

But if you leave the bulk of your estate to charity to keep it from falling into the hands of government, the chances are very good that a substantial portion of it will support causes that you oppose, as the experiences of Rockefeller, Pew, MacArthur and many others demonstrates. What can you do about this?

Well, if you're a middle class American whose estate barely reaches the threshold of inheritance taxes, you can leave a reasonable sum to your family and donate the remainder to causes that you believe will spend it wisely. This presents problems, as anyone who has reviewed the financial records of tax-exempt foundations can attest. (It's amazing how many execu-

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The Liberty Poll revealed a sea change in libertarian thought: a sharp decline in the rights-based thinking of Rand and Rothbard and a dramatic rise in the consequentialist thinking of Friedman, Hayek and Mises. Why did it happen? Will it continue? What does it mean for the future of libertarianism?

Liberty's readers and editors sort out the meaning of the dramatic changes in libertarian thinking.

Libertarianism as if the Other 99% Mattered

Why do Americans overwhelmingly reject libertarian thinking? Could it be something we said? *Loren Lomasky* explores these vexing questions.

The Libertarian of the Century

Who is the greatest libertarian of the twentieth century? *Liberty*'s editors make their choice.

tives of tax-exempt foundations enjoy huge salaries and fringe benefits and how little money sometimes goes to pursue the foundations' ostensible purposes.) But a prudent person can investigate and avoid the foundations that waste money.

Indeed, this is something that I believe libertarians who are in danger of dying with a net worth of more than $650,000 ought to do — and since death comes to every human being, this means every libertarian worth $650,000 or more ought to make the necessary arrangements to see that as much as possible of his estate passes to his family or friends and the remainder to worthwhile causes that will use the money prudently.

But what if your estate exceeds an amount that can reasonably be given to a few operating foundations? If you set up a foundation to disburse it gradually to worthy causes, I suggest you follow Wooster's suggestion: require that the foundation disburse all its assets in a period in which its board members can sensibly be expected to live and remain active on the board. Or better still, do what George Eastman did: "get it into action and have fun, while [you are] still alive." ❑

***The Pleasures of the Imagination: English Culture and the Eighteenth Century*, by John Brewer (Farrar, Straus & Giroux, 1997, 721 pages)**

Capitalism and the Rise of Art

Alan W. Bock

By any standard, England in the eighteenth century witnessed an explosion of cultural manifestations. Com-posers like Handel, Haydn, a couple of younger Bachs and the child Mozart were busy wowing London. Theatrical expression expanded and provided a stage for great actors like David Garrick. Literary life was dominated by Samuel Johnson but was notably varied and innovative, enriched by Addison, Steele, and many others. Philosophy and political thinking informed by culture was embodied in Edmund Burke, David Hume and Adam Smith, while painting and the decorative arts were enriched by such as Joshua Reynolds. Not all of these luminaries were contemporaries, of course, but the fact that they flourished during the same century and in the same country suggests something of a cultural outpouring.

Indeed, a case can be made, as John Brewer does in his book, *The Pleasures of the Imagination: English Culture and the Eighteenth Century*, that "Our modern idea of 'high culture' is an eighteenth-century invention."

Certainly, when PBS wants to display itself as highly cultured (as opposed to pledge-break time, when it is relentlessly middle-brow in response to its real market niche) it is as likely to resurrect something from this period of English-language cultural flowering as anything. It didn't happen only in England, of course, but all over Europe as well. Yet England offers a fascinating case study.

The question is, how did all this happen? How did high culture as a mark of refinement and taste accessible to most intelligent and educated people rather than only to the nobility and their courtiers, come to be developed to such a degree? It's not that this was the first time in history when people other than courtiers or the nobility had aspirations to refinement and culture. As Brewer points out, "the earliest picture dealers appear in Italy in the late fourteenth century; by the fifteenth century the Pand, an art fair with some seventy to ninety stalls, was being held twice a year in the cathedral cloisters at Antwerp. The roots of eighteenth-century culture stretched back to the Renaissance and to the advent of printing and the first production of engravings on metal." But the spread of serious attention to high culture during the eighteenth century was remarkable, partly because of the growth of large urban centers, partially because of the emergence of a caste of critics competing to define and develop "good taste."

But the most important reason Brewer adduces may be surprising in an age when it is fashionable to view art as something preferably divorced and aloof from commercial enterprise. He sees the explosion in cultural expression as intimately tied to the emergence of a strong commercial society increasingly independent of the royal or aristocratic class that had been the main patron of artists in previous eras.

The modern view among what might be called dilettante culture vultures, familiar at least since the Romantic era in the nineteenth century, is that high art and culture constitute some sort of sacred calling that can only be polluted and vulgarized by anything resembling commercial activity. Certainly not all romantics thought this, but the era saw the rise of "cultural pessimists," with John Ruskin perhaps the most influential, who equated commercialism with artistic pollution. Cultural pessimists of one ideology or another have flourished for a long time; a horde of skillful and eloquent writers have articulated arguments that sound superficially plausible and always seem to exert influence.

Thus de Tocqueville, who got so much right, predicted that America would never develop a flourishing high culture because with its democratic ethos it lacked the aristocratic tradition necessary to such endeavors — not quite the same as saying that commerce degrades art, but in a similar vein. Ruskin, Matthew Arnold and other Victorian critics made nervous by the

Industrial Revolution spun variations on the theme that the marketplace creates a degraded form of art and culture because it must needs appeal to a mass market in which only the mediocre can find a place. The Frankfurt School and other Marxist critics have made similar arguments, sometimes adding that turning works of art into mere commodities necessarily alienates the artist from his work and degrades the product and the process.

You can see similar attitudes in almost every form of artistic endeavor, from painting to poetry to rock 'n' roll. As soon as an artist achieves a certain level of popular and commercial success, he or she is immediately viewed as having "sold out" and henceforth will probably be incapable of anything remotely respectable from an artistic standpoint. This is sometimes true, of course. But it's hardly a universal pattern. Frank Sinatra, (OK, he ain't high culture) continued to grow artistically until his voice started to fade. Picasso kept innovating long after he achieved commercial success. Dickens got better with age, as did Beethoven.

I'm still not completely sure whether Brewer set out deliberately to delineate a contrarian thesis or simply let events speak for themselves. But what emerges from his account is that what we moderns think of as high culture emerged precisely because England was becoming a more commercial society and less a society dominated by the monarchy and the royal court. He notes that in 1660, "there were few professional authors, musicians or painters, no public concert series, galleries, newspaper critics and reviews; by the dawn of the nineteenth century these were all part of the cultural life of Britain." Britain moved from being viewed as a cultural backwater on the continent to being viewed as a cultural leader. And "it was the political as well as the economic condition of England — its weak monarchy, free constitution and rule of law — which helped to create literature and the performing arts that aimed for a public and were organized commercially rather than being confined to a few."

In a word, less government, more commerce, more culture.

It's not quite that simple, of course, and Mr. Brewer dwells lovingly on complexities and apparent paradoxes. But here is the broad outline. Because of monarchical troubles in the 1600s and the ascension to the throne of Hanoverians with little interest in art and culture, art moved from the court into the marketplace, to coffeehouses and private clubs, and to highly commercial "pleasure gardens" like Vauxhall. The major reason culture migrated instead of dying when royal patronage was cut back was economic development — the emergence of wealth held by a commercial class with (as has so often been the case) a desire to "validate" its wealth by means of culture.

There were cultural entrepreneurs as well. The first performance of Handel's 1749 "Royal Fireworks Music," commissioned by King George III, was staged by an entrepreneur, Jonathan Tyers, proprietor of the Vauxhall pleasure garden. By the middle of the century private entrepreneurs were more skilled at staging public spectacles than the crown, and had more available resources. The crown went to Tyers to use his resources; his price was the right to stage the first performance, which went better than the first royal-sponsored performance.

The old guild-oriented rules that gave the king a virtual monopoly on printing — e.g., the Licensing Act of 1662, reinforced by a charter to the Stationers Company in 1684 that enshrined prior government censorship and limited the printing trade to 20 master printers — expired or were overturned. This didn't create an entirely free market, but political censorship ended and the number of printers was allowed to grow to meet an ever-growing demand. Literature blossomed along with printed expressions of political dissent. By the 1720s there were 75 master printers and by 1860 more than 120. Samuel Richardson, who plied the printing trade before publishing several successful novels (by which time he knew the business inside and out) had nine presses and employed 40 journeymen and numerous apprentices by the 1750s, and he was just one master printer. By 1785 the publishing industry was so diverse that the bookseller John Pendred brought out the first guide to the industry, listing 650 businesses engaged in 32 different occupations.

The rise of capitalism was accompanied by an increasing sense that artists could achieve and might even be entitled to artistic independence.

Newly wealthy people took pains to become connoisseurs, opening new channels for artists and writers. Music halls and theaters flourished, and Shakespeare was revived in highly commercial and sometimes downright vulgar ways.

Meantime the profession of critic, whose mission would be to distinguish between the truly refined and tasteful and the merely vulgar, was virtually invented. Middle-class and even working-class people had access to affordable prints and engravings, and shed tears over sentimental novels that by modern standards were complex and full of large and obscure words. People well beyond the old aristocracy were constantly urged by the newly emerging professional critics to upgrade their tastes, to read history and serious literature as well as pulp fiction, to aim at the higher pleasure of the imagination as well as the merely sensual. Different

"I told all the vested interest groups to go to Hell!"

Roger Parmenter, Labor Minister, New Zealand

The New Zealand Miracle

This remarkably inspiring video, originally aired on Canada's CTV "W5" television documentary program, explains the New Zealand "miracle," and how this tiny country transformed from socialist basketcase to free-market powerhouse, dismantling much of it's welfare state. 48 minutes, VHS cassette (MLC)

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schools of criticism arose and contended with one another.

It should hardly be a revelation to a society that esteems and rewards the Three Tenors that art and commerce can co-exist. But those who argue that high culture would disappear without government patronage will find little comfort here. It is more likely that high culture was a product of commercial growth and came forth only when the government patronage of the time faded.

The more you know, of course, the less surprising such a thesis becomes. The Italian Renaissance bloomed in the commercial republics of Venice and Florence, where artists had a larger variety of patrons interested in their output. (Artistic independence became a possibility when artists were no longer dependent on a single patron as, for example, the painter Velasquez depended on the Spanish court.) Haydn, Mozart, Beethoven and others sought whatever financial support they could get, and some of it came from the nobility or royal courts. But they all sought to diversify their sources of income — to act as entrepreneurs — believing that it was essential to their own artistic independence and integrity.

Indeed, a case can be made that romantic-era artists and writers had the luxury to brood over artistic independence and the possibly corrupting aspects of the marketplace because they were the first generation of artists to whom actual independence was a real possibility — precisely because of the rise of capitalism, especially the industrial revolution so many sensitive artists deplored. One wouldn't want to make the thesis too broad, of course; some romantic-era artists inherited money and some starved. People made a living from art as a relatively commercial enterprise with other-than-royal customers long before the eighteenth century. But to a greater extent than is often acknowledged, the rise of capitalism was accompanied by an increasing sense that artists could achieve and might even be entitled to artistic independence.

Whether the implicit thesis I have simplified here interests you or not, *Pleasures of the Imagination* is a delightful and erudite book, full of surprising stories of major and minor figures who, together with a growing appreciative audience, created much of what we now view as high and rarefied culture. Brewer explains, for example, how Jonathan Richardson, a portrait painter of modest abilities, was more successful at developing an influential critical system for the visual arts than was William Hogarth, a much better painter but a more cantankerous individual. He tells how Theresa Cornelys, a singer and mother of an illegitimate child by Casanova, organized London's first successful professional concert series in the 1760s, learning from the mistakes of several earlier attempts and benefiting from her status as someone on the margins of aristocracy. He dwells lovingly on the career of poet, publisher and engraver Thomas Bewick who rose (in the previously unlikely cultural center of Newcastle) from printer's apprentice to become a publisher and author praised by Wordsworth, Ruskin and Carlyle.

Brewer knows how to create a context, to sift happenstance and luck from developments that were carefully and craftily planned, and to give the reader the sense that culture, politics, religion, commerce, and technological development are interconnected, often in surprising and unpredictable ways. This is a great, fat book of surpassing sophistication, but it doesn't take a specialist to enjoy it. ❑

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Schulman, *continued from page 44*

pair of pants and comb your hair, there's still plenty of time to meet Jamal and Audie over at the Cactus."

"Did you know I wanted to be a composer?" he said after a few moments. "Not just songs or movie scores. I wanted to write symphonies, choral works, piano concertos."

"You should talk to Sam Katz over at the high school," I said. "He could turn whatever score you give him into parts using their MIDI software, have the school orchestra work it up."

Tony acted as if I hadn't said anything.

"You want to hear a joke I made up?" he asked.

"Sure," I said.

"What's the difference between a zoo and a freehold?" he said.

I thought carefully about several flippant answers, then decided not to risk them. "I don't know, Tony," I said. "What's the difference?"

"Exactly," Tony said, and before my lunge could propel me all the way to his right arm, he had already swallowed the barrel of the pistol and blown his medulla oblongata and an impressive portion of his cerebellum onto the wallpaper.

❦ ❦ ❦

If you're curious about the email that young Rick said his dad had received earlier, that might have set him off, you can stop wondering.

After Deborah Butler got Rick and his mother, Claudia, back over to Audie and Ethel St. Cloud's place to stay the night, and Fred Wu and I had done what we needed to do with Tony's body and the medical examiner's report, I logged onto our electronic village using Tony's account and his password, which Rick had given me.

Tony had received no personal messages for two days. There was nothing attached to his email queue except the usual public notices, not even in his deleted message queue. Later, as part of the medical examiner's inquiry, I asked Aaron Goldstein to norton the email cache memory of Tony's phone just to see if Tony had trashed anything. But there were no trashed personal messages in the box.

So I can state with some authority that all Tony had been reading before he ate his gun was the weekly edition of the *Interfederal Register*, the same that we all get.

But there was plenty of probable cause for Tony's suicide to be found in that publication.

To begin with, we were being consolidated again. The Tucson Freehold was being stripped of 35,000 acres of its territory, because a type of short-tailed rodent listed as extinct had been found there by an 8-year-old girl. She'd just thought it was some sort of field mouse and had naively taken her new pet to school for show-and-tell on a day when some eager-beaver intern from the Department of Freehold Affairs was observing. The land had been declared an endangered-species habitat, and 1,871 Tucsonites were being relocated to our freehold by the end of the year. The Tucsonites were not going to be particularly welcome neighbors. A lot of people around here who lost family members in '08 still haven't forgiven their council for signing the Declaration of Interdependence.

To "pay" us for the costs of consolidation, we were being thrown a bone by the IAA. The Arts Administration had authorized a $450,000 location fee to be paid to our treasury by "Dynamic Entry Entertainment," for a remake of *Last of the Extremists*, starring Rolf Glock and Donelly O'Brien. An additional hundred bucks a day was available to any locals chosen by the company for extra work. I knew that left non-whites like Jamal and me out. These productions never wanted anyone with other than a Nordic complexion to play the freemen.

Tony Bonaduce had always been a favorite of the production companies for extra work, whenever they shot on the freehold. He'd even been given small speaking parts on occasion. He was pale and blue-eyed, with a round face and a strong chin, and after they'd shaved his head for a part, he always looked the perfect freeman skinhead, rather than the fringe-topped, beer- bellied poultry inspector that he was the rest of the time.

Because Tony's death was a suicide, Claudia Bonaduce had been unable to get a Roman Catholic priest to perform a funeral mass or allow Tony to be buried at San Miguel's. So, appropriately, Tony's funeral was held the following Monday at the same American Legion Hall where most of his close friends had been meeting the night he died, with Pastor Audlin performing the service. Rick Bonaduce had cut some yucca flowers from his father's garden and placed them on Tony's flag-draped closed casket; they were the only flowers he'd planted that were in full bloom this October.

Then Tony was buried with a full U.S. Army honor guard at Veterans Memorial Park. Tony was laid to rest with a rifle salute, taps played off-key, and the American flag from his coffin carefully folded and presented to his widow, as befitted a Silver Star veteran of Operation High Five, a medal he'd won by walking for three days up 11,000 feet in front of a school bus on a heavily mined mountain road, leading thirty-eight children and their teacher to safety.

After the burial, there was a wake of sorts at the Thirsty Cactus, with the bar closed off to the public for the afternoon. Ethel St. Cloud was up front at a table with Claudia and Rick. Fred Wu and several of his deputies were in the back room playing pool with Bessie, she of the magnificent fried chicken, and the owner. Audie, Jamal, and me sat around a table near the casino entrance, about halfway back, and proceeded to try figuring out why Tony did it, what we could do to help Claudia and Rick out, and to try getting stinking drunk.

We didn't get very far in either analysis, but we were about halfway to drunk when three Brown Berets walked in.

The Brown Berets stood for a moment, looking around, and seemed to focus their gaze on Claudia Bonaduce. I don't blame them. Claudia has that classic model look and she's kept her figure. Now that she was wearing black, her wavy blond hair was set off even more. Then the Peacekeepers took a table near the door and all three sat down with their backs to the wall. One of them tried waving over the bartender.

I noticed Rick looking toward the Peacekeepers apprehensively. He looked as if he was about to go over to them and say something. I caught Rick's eye and shook my head. Instead, I went over. "Gentlemen," I said, "the sign on the door says that this is a private party tonight."

The middle of the three Brown Berets, a beefy Russian or maybe Ukrainian, gave me a look as if I was dogshit. The other two, one who looked like he'd be at home in Ku Klux Klan robes, one Mediterranean-looking I think, just stared. These were no fresh recruits out of camp for the first time, looking for casino action or a fling with one of Bessie's back-

room girls. Their ranks were equivalent to what in the old system would have been master sergeants.

I don't have it in for most cops. The average street cop's job involves meeting the worst kind of people, and even the best kind of people when they're at their worst. A city cop's job isn't all that different from being the bouncer at a dockside bar. Even our posse has to have training that makes them able to control a situation, no matter what happens.

But the Peacekeepers are missionaries with guns. It's not that they're inclined to be bullies. They're trained to be bullies. It's part of the job description. They're always right, you're always wrong; they can be trusted with the keys to the city and you're trouble waiting to happen.

"Move aside," the Russian said to me. "You're blocking my view."

I didn't move. Somehow, my head was perfectly clear. Perhaps if I'd been more sober I would have been more afraid, though. "My name is Jesse Jackson Lester," I said. "Doctor Jesse Lester. I serve on the posse, I'm the freehold's medical examiner, and I'm a captain in our militia. If you're here on official business," I told him, "I'll step aside, or even assist you, if you need it. Otherwise, as I said, this is private. We just buried a friend today. That's his widow and son over there." I gestured toward Claudia and Rick's table.

"The cockroach who killed himself," said the Mediterranean-looking one, speaking not to me but to his companions. "A failure even among these pathetic losers. He did not deserve to fuck a woman like that."

All three of them laughed. The Russian leered at Claudia Bonaduce and winked. The expression on her face was enough to break your heart.

There are moments when the provocation is clear and intentional, and designed to create an opportunity for conquest. I noticed that my friends from the back room, including the Sheriff and his deputies, were now only a few yards behind me waiting to see what I would do. I knew the Peacemakers had almost certainly used their C.D.F. sweepers to deactivate any ammunition within the bar before they walked in, so there was no chance of shooting it out with them, if it came to that. They were twenty years younger than I was so there wasn't even much I could do to start a brawl with them.

So I said, "Gentlemen, I believe you wanted something to drink."

I walked calmly behind the bar, grabbed a bottle of 120 proof rum from the shelf, and started pouring it onto the bar countertop. The Peacekeepers stared at me in disbelief. I struck a match and dropped it onto the rum, setting the bartop ablaze.

"I don't like you," I told the Peacekeepers, as the fire spread. "You are indecent. You have no regard for our legends or our history or our culture. You don't have a clue what makes us tick. Your movies and books lie about our history and libel our forefathers. You steal our families' lands. You think trees and rats have more rights than we have. You are the most sanctimonious, self-righteous creatures ever to walk the earth. There is no living with you, and I will burn this entire goddamned country down before you will ever get anything to drink here."

I heard a hail of cheers and applause from behind me. I glanced over and saw that even Bessie, whose bar I had just torched, was cheering.

❦ ❦ ❦

It could have turned out differently, I know. The Peacekeepers could have grabbed their weapons and started firing. We might have all been massacred. Instead, they got up and left quickly, watching their backs as they withdrew.

We all chipped in to buy Bessie a new countertop for her bar, which was the only thing singed before I grabbed the fire extinguisher from the wall.

I didn't want to be sheriff, but I wasn't given any choice in the matter. All three of the declared candidates withdrew and Fred Wu organized a last minute write-in campaign for me.

I've been spending a lot of my spare time with Rick Bonaduce, but have to admit that at least part of my motivation isn't altruism but the dinners I've been invited to by his mother.

I think my boyhood friend, Audie St. Cloud, summed up my unexpected savagery better than anyone else, when he swore me in as sheriff. "Jesse Lester and I used to play Cowboys and Indians as kids," Audie told the crowd. "Both of us always wanted to be the cowboy, like every American kid does. What Doc figured out," said Audie, "is that it's just our turn to be the Indians." ❑

Notes on Contributors

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Terra Incognita

China

Fascinating concept of privatization, as reported by the *People's Daily:*

The military is completing the transfer of its sprawling commercial empire to local and regional governments, ending 20 years as a leading force in the economy.

Great Britain

Advancements in public welfare under the progressive New Labour government, as reported by Reuters:

The state-supported Family Planning Association has announced it will begin to offer vibrators and sex toys by mail, as a special service for the disabled and house-bound.

Minnesota

An obvious end-around by animal rights activists, as seen in the *Minneapolis Star Tribune:*

Parents who fail to pay child support should lose their hunting and fishing licenses, a House panel was told.

Republic of Ingushetia

Democratic progress for women's rights as reported by Agence France-Presse:

The Caucasian republic of Ingushetia will hold a referendum on Feb. 28 on whether to legitimize the traditional practice of letting suitors kidnap their brides, the republic's president, Gen. Ruslan Aushev, announced.

Los Angeles

Entrpreneurism at work among Law Enforcement, as reported in the *Orange County Register:*

Los Angeles police Sgt. Ken Kuwahara has started PursuitWatch, a pager service that beeps its customers whenever a high-speed chase comes on the local television stations. Subscribers pay 99 cents per year to keep tabs on the pursuits, which have become a staple of local television news. Kuwahara told the Register he has already signed up 200 subscribers.

Kuwahara also offers a $9.99 three-month membership that makes participants eligible for a $100 bounty if they are the first to report a chase in progress. Police pursuits attract so many viewers in Los Angeles that local stations will interrupt scheduled programs to follow them to their conclusion, which almost always involves the suspect's arrest.

Nashville, Tenn.

Advances in Christian pedagogy, as accounted in the *St. Louis Post-Dispatch:*

Sunday school lessons on how homosexuals can "change" will be offered to adults at many Southern Baptist churches for the first time this weekend. "I hope through this lesson that people would see an open door for all sinners and come and have a changed life through Jesus Christ," said Ross McLaren, who worked on the lessons.

Santiago, Chile

Effects of cunning shysters on the gullible, as reported by *La Nación*:

Swindlers duped an unidentified U.S. woman out of about $840 by convincing her the money would be donated to the London defense fund of Chile's former dictator Augusto Pinochet, the state-owned daily *La Nación* said Friday.

North Dakota

Perils of grass mowing in America's hinterlands, as reported by Reuters:

The North Dakota Department of Transportation wants to put up signs that include specific language warning people against throwing litter containing human waste on the roadsides. There were 20 incidents last year in which state road crews mowing grass were sprayed with urine after rupturing urine-filled plastic bottles that became swollen in the hot sun. Windshields were installed on the front of the mowers, but, as Department of Transportation chief engineer Ray Zink explained, "That does a pretty good job for the front wheels, but if the back wheels run over it, it pretty much comes straight up."

Kentucky

The resurgence of Bolshevism in an unlikely place from Gov. Paul Patton, reported by the *Herald Leader:*

"Karl Marx was right when he said that the natural course of the capitalistic system is the concentration of wealth and the subjugation of the masses of the people to a subsistence living and the development of a wealthy class."

Great Britain

The progress of the institution of marriage, from Reuters:

Model Carla Germaine, 23, and salesman Greg Cordell, 28, married on the day they met. They were chosen from 200 contestants in a competition for people willing to marry at first sight staged by a radio station in the central English city of Birmingham. They were offered a free wedding, honeymoon in the Bahamas and a car and apartment for a year.

China

Innovative approach to dealing with the Y2K problem in the People's Republic, as seen in *Financial Times:*

China, as an ultimate incentive to solve the millennium bug computer problem, has ordered its airline executives to take a flight on January 1, 2000. "All the heads of the airlines have got to be in the air on January 1, 2000," said Zhao Bo, in charge of dealing with the problem at the Chinese ministry of information industries.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*, or to email them to TerraLiberty@hotmail.com.)

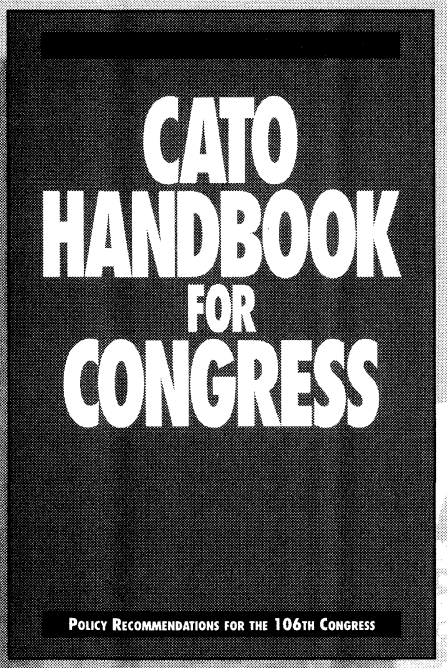

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Coming Soon to a City Near You • Randal O'Toole exposes the arrogance of "urban planners" — and reveals the disastrous consequences of their "New Urbanist" designs. Watch out! Your automobiles are in danger. (audio: A220; video: V220)

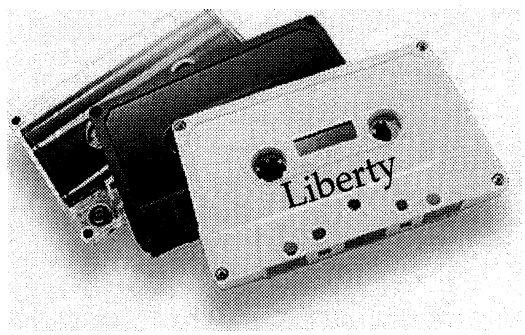

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Sexual Correctness • A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. **Wendy McElroy** runs down the latest illiberal court precedents and speaks up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

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The Four Political Types • Fred L. Smith, Jr. points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. (audio: A147; video:V147)

How I Found Slavery in a Free World • Douglas Casey's acerbic tales of government failure — at home and in the 120 countries he's visited. (audio: A208; video: V208)

How Hillary Got Rich • One of the most fascinating speculators in the nation, **Victor Niederhoffer**, analyzes Hillary Clinton's history with beef. Did she get amazingly lucky, or was there something else more sinister going on? (audio: A114; video: V114)

Will Technology Advance Liberty or the State? • For every glowing prediction of the liberating effects of technology, there is a clipper chip, a phone tap, or a spy satellite. **Harry Browne** presides while **Ross Overbeek, David Friedman, R.W. Bradford,** and **Sandy Shaw** measure the capabilities of freedom and Leviathan. (audio: A303; video: V303)

Liberty and the Press • Where does media bias come from, or does it even exist? Join veteran reporter **Bruce Ramsey**, *Slate* editor **Jack Shafer, R.W. Bradford** and **Jane Shaw** as they dissect the press. From a freedom perspective, what's wrong with the media — and what's right? (audio: A216; video: V216)

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Inside Liberty

May 1999
Volume 13, Number 5

4 Letters *Liberty*'s readers have their say.

9 Reflections The world spins. *Liberty*'s editors spin back.

The Transformation of Libertarianism?

During the past ten years, the portion of libertarians who disagree with Ayn Rand's famous dictum that "no person has the right to initiate the use of physical force" has increased fivefold. From this and other data, R. W. Bradford has hypothesized that libertarianism is changing from its Randian-Rothbardian model to a more eclectic form. Here, Bradford meets his critics

18 An Accident of Rebirth *David Ramsay Steele*

21 Rethinking the Data *David Friedman*

22 Rights and Consequences *David Boaz*

24 Utilitarianism *vs.* Intuition *Leland Yeager*

26 The Case of the Missing Premise *Tom G. Palmer*

27 Inescapable Facts, Unavoidable Constraints *Pierre Lemieux*

28 In Response to My Critics *R. W. Bradford*

Features

32 How Al Gore Wants to Run Your Town *Randal O'Toole* rates Al Gore and "Smart Growth": Dumb and Dumber.

35 Repealing the Codes of Silence The University of Wisconsin has long been a bastion of political correctness. Somehow, *Lester Hunt* explains, a group of individuals managed to get the speech code repealed.

39 "We *Could* Give It Back . . ." You were probably worried that the budget surplus would put money in your pocket, and then you'd have to figure out how to use it. Relax. Bill Clinton will spare you the hassle, as *Ralph Reiland* shows.

41 Know Your Regulator On Pearl Harbor Day, the FDIC launched a quiet sneak attack against individual privacy rights. But it was the feds who got shelled when the public fought back. *Jefferson Meyers* reports.

44 Behind Bars You don't really know what it's like till you've been there. *Dyanne Petersen* reports from inside.

47 A Man's Right to Abortion *Barry Loberfeld* makes the case against the *Roe vs. Wade* ethic of sexual inequality.

Reviews

49 The Empress Has No Clothes Civil rights legislation protects women and minorities? Balderdash, says *Wendy McElroy*.

51 Blowhard in the Wind *Jonathan Ellis* pops David Obst's beautiful balloon.

53 A Man for All Freedoms *Sharon Presley* recounts the colorful life of gentle anarchist Joseph Labadie.

54 Inside the Mormon Ivory Tower Liberty and authority clash at Brigham Young University. *Eric D. Dixon* bears witness.

58 Booknotes on stasis, anti-statists, and the Synthetic Man *vs.* the State.

61 Notes on Contributors **62 Terra Incognita**

Letters

A New Libertarianism?

Liberty has received an extraordinary amount of mail about "The Liberty Poll" (February) and R.W. Bradford's analysis and commentary on it (February, March). Here we include a sampling of the letters; elsewhere in this issue, we publish a symposium on the subject, with comments by David Friedman, David Boaz, Leland Yeager, Tom Palmer, Pierre Lemieux, and David Ramsay Steele, and a response from R. W. Bradford.

—*The Editors*

Smoking the Tea-Leaves

I've just finished several readings of R.W. Bradford's "Rise of the New Libertarianism" (March) and I've got to say, every time I read it I get a little more ticked off.

How can any honest or coherent libertarian embrace anything but an obligation-based political ideology? Since real life consists largely of meeting personalized obligations, how is it possible that groupified life could be so fundamentally different? Do you really think that such a schizoid setup — Smith acknowledging his own obligations in private life but doing just the opposite when he goes politicking — can or should exist over time?

I think not. And I devoutly hope not. Indeed it's only because I'm convinced that the libertarian ethic is a tough "Thou Shalt Not" discipline that I stay in the movement. Still more, I'm convinced that, absent the development of some additional Personal Responsibility language, the movement itself will end up as a minor historical footnote.

I'm a libertarian only because of the non-aggression axiom (or something very like it) which in essence is the political expression of the theological/philosophical "Thou Shalt Neither Steal Nor Kill." And while at times that axiom can be deconstructed to look silly, I nevertheless maintain that nobody yet — including you consequentialists — has come up with a better sound bite to express the core libertarian virtues.

And just what is it that makes you consequentialists believe you can read the future better than anyone else? Do you take a tea-leaf reading course or what? You guys really should quit smoking that omniscient stuff before it gets all of us in a lot of trouble.

John M. Simons
Sheffield, Vt.

Economy and Morality

So Bradford believes that natural rights theory has some "seemingly insoluble problems." Hmm. Well let's see. If I shove a knife through Bradford's ribs he's sure that's force, but he's not sure if it's "force" if I touch him with a feather. I'm not sure either but that doesn't make this some insoluble problem; it's just a situation that requires some context.

If Bradford is on a window ledge and I touch him with a feather (causing him to lose his balance and fall), the touching is the proximate cause of his fall and, therefore, probably rights-violating. On the other hand, being touched by a feather walking down a public street or at a football game hardly "forces" anyone to do anything they were not already doing. No actions or plans were interfered with so . . . no force and no rights violation. And ditto for the molecule of nitrogen that touches another. Courts and arbitrators deal with context situations like this every day so it's hard to see why these are insoluble difficulties.

I don't disagree that consequentialist arguments may be more effective with non-libertarians than moral rights theory. But that's no reason, necessarily, to run down moral theory or abandon it completely. After all, consequentialism cuts both ways. Nineteenth and 20th century interventionist consequentialists argued that government could promote "efficiency" or the "greatest good" by regulating (fill in the blanks). And if there are really no moral principles involved, if public policy is all just a matter of cost/benefit calculations, then the side with the "best" numbers or most devious economists can defeat liberty. Alternatively, liberty can also be lost because interventionists make the "moral" argument that it is "right" to regulate, that it is "right" to use force to promote their vision of the good society. Our opponents have always understood the strategic value of moral theory in promoting their agenda; we must too. Clearly, then, it would seem that we need *both* economic and moral arguments if we are to make any real progress toward a free society.

Dom Armentano
Vero Beach, Fla.

Rhetorical Policies for Libertarians

R. W. Bradford has identified an important and interesting trend: diminishing influence of Rand and Rothbard and their "moralistic" libertarianism and a corresponding rise in "consequentialist" libertarianism. He goes on to criticize the non-aggression axiom which he says most people view as "just plain crazy." But the reader only needs to turn a few pages to find an example where consequentialists can get into big trouble. Mark Skousen tells of economist Paul Samuelson's praise for the Soviet economic system, based on growth statistics that turned out to be phony, and reports that some conservatives "even capitulated on Soviet statistics."

Rather than abandoning moral arguments generally, and the non-aggression axiom specifically, libertarians must learn to explain and interpret them intelligently. In arguing for repeal of drug prohibition, for example, I start out by citing the numerous horrific consequences of this policy. If my arguments are being heard and the timing feels right, I might throw in a Randian line like, "and besides, where do politicians get off telling you and me, responsible adults, what substances we may or may not ingest?" Maybe this places me at the political fringe in the listener's mind, but

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so what? They have heard a principled yet practical stand, and will usually resonate with that stand at some level.

Ayn Rand's moralism led her to some pretty dreadful situations in her personal life as well as her writings. But she got one thing right in a big way: the moral and the practical are one and inseparable.

Warren Gibson
San Carlos, Calif.

What the Poll Can't Tell

The Liberty Poll may be fun to compile, but I can't see much point to comparing its 1998 results to the answers it gathered in 1988. I am surprised that *Liberty*'s editor, who understands more math than I do, doesn't see the trouble with comparing two self-selecting, unscientific surveys of radically different population samples and then drawing sweeping conclusions.

In 1988, *Liberty* was a magazine devoted exlusively to the libertarian movement; its circulation was less than 2,000. Today, it has several times that number of subscribers, many of whom are not part of the libertarian movement per se. To simply compare surveys of its 1988 and 1998 readerships is useless, statistically speaking.

The poll of Libertarian Party members may seem to be more defensible. But even leaving aside the problem of self-selection — how do we know how much of the change in the response reflects a shift in who simply bothered to fill out the poll? — there is the LP's changing makeup. Perhaps many natural-rights libertarians have left the LP, but remained part of the libertarian movement. Perhaps consequentialists who were already a part of the movement joined the LP upon deciding it was adopting a more consequentialist direction. Or perhaps, as Bill Bradford asserts, the libertarian movement is simply become more consequentialist in outlook. Who knows? The Liberty Poll, by itself, won't tell you.

Jesse Walker
Los Angeles, Calif.

Advocating Non-Advocacy

I started to answer the questions in the recent Liberty Poll (opinions solicited July 1998, results published February 1999) but gave up. I decided that as a libertarian I had no business answering some of the questions as framed. For instance I cannot agree or disagree with the assertion "Government should be eliminated altogether." That choice should belong to the people involved and not to me — unless I am one of those people.

Most libertarians understand that many bad things grow in the shadow cast by the state. We understand clearly, for instance, that violence results when the state decides who may consume which drugs. But I think many libertarians overlook some of the subtle consequences of the state.

Consider *advocacy* for instance. Mere advocacy, of the categorical sort implied by some questions in the poll, I think grows only in the shadow of the state. For example: Would you ask libertarians to agree or disagree with an assertion that bedtime should be 10 p.m.? If you think such an assertion is preposterous it is because you grew up in a land where it never entered anyone's mind (yet) that government should determine bedtime.

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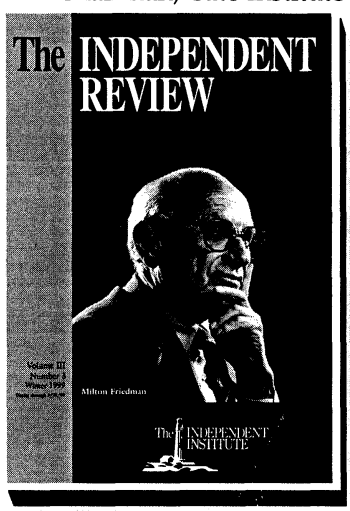

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to agree or disagree that a person should have a legal obligation to support his or her offspring? It seems to me that such a question has relevance only in a nation where the state has already grown large enough to possibly seize control of this choice, and where citizens indoctrinated with public spirit believe their opinion might matter on policies which will rule not only themselves but others as well.

Richard O. Hammer
Hillsborough, N.C.

Thoreauvian Wisdom

I'm not sure whether the trends of libertarian opinion bode well or ill for the libertarian movement, but the results of the Liberty Poll were fascinating. I was particularly interested in the breakdowns by age group. However, I can't resist the temptation to point out a glaring omission from your survey. In the section of the poll where you asked people to rate how much they were influenced in their libertarian beliefs by various individuals, you neglected to include one of the individuals that influenced my political and philosophical views the most: Henry David Thoreau.

In my opinion, Thoreau's "Civil Disobedience" is one of the most eloquent critiques of government and one of most inspirational defenses of individualism ever written. Thoreau, after all, is the man who wrote, "I heartily accept the motto, 'That government is best which governs least'; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe — 'That government is best which governs not at all'; and when men are prepared for it, that will be the kind of government which they will have."

Please, seriously consider adding Thoreau to your poll in the future.

Calvin Stacy Powers
Cary, N.C.

R.W. Bradford responds: John M. Simons seems to think that I want to eschew legal obligations entirely. I want nothing of the sort. What I oppose is a legal system based on the non-aggression imperative, which obliges all people in all circumstances to refrain from initiating force.

Dom Armentano conflates natural rights theory in general with the variant of natural rights theory that claims that non-aggression is an imperative. It is only the latter group which has an "insoluble problem" with the threshhold of the initiation of force. I have long advocated just what he suggests: that libertarians need both economic and moral arguments.

Warren Gibson suggests that I favor abandoning morality altogether. He's just plain wrong: what I suggest is abandoning one particular moral argument altogether (namely, that the non-aggression imperative is a good thing).

Jesse Walker challenges the validity of the poll itself, a point I discuss later in this issue (p. 28), so I won't trouble the reader with anything on it here. But I do want to dispute one factual claim he makes and challenge another. The circulation of *Liberty* in 1988 exceeded 3,000, not the 2,000 mark that Walker cites. I question his claim, for which he cites no evidence, that a higher percentage of today's readers of *Liberty* (or Libertarian Party activists) are "not part of the libertarian movement" than they were ten years ago.

Richard Hammer wonders why we would ask a libertarian whether he agrees that a person should have a legal obligation to support his or her offspring. To me the answer is obvious: because libertarianism is all about what sort of laws there ought to be.

Finally, Calvin Stacey Powers argues that Henry David Thoueau ought to have been among those whose influence we asked respondents to rate. I agree with him completely; I wish he had been there when we were writing the questions for the Liberty Poll.

Modest Proposal

The Chinese might be on to something by solving the Y2K problem of their airlines with mandatory flights by all airline executives on Jan. 1, 2000 (Terra Incognita, April).

Why not a similar solution here? Require all bureaucratic heads to relinquish all pay and perks until their agency is free of Y2K problems . . . the Liar in Chief included.

Gene Hopp
Bellevue, Wash.

With a Heart of Gold

One morning, in July of 1940, a group of soldiers broke our doors and windows and ordered us out of our homes. It was a small town in Romania's first pogrom. 10,000 of us Jews were killed that day, out of the town's entire population of about 90,000. I recall the barrel of the handgun an idiot in uniform held about three inches from my head — I was seven at the time, and I did not even know what that toy was for.

We were rounded out to the courtyard — we did not know what was happening, but we could hear machine-gun fire from a few blocks away. There were a few non-Jews looking at us, and Maria was one of them. She was a well-known prostitute who lived nearby. Besides myself, my three-year-old brother, my mother and my father, there were five more families in our group.

We were beginning to move out of the courtyard, when a captain came from the street and called all the troops away — we were ordered to stay there, to be picked up later. As soon as the troops got away, we started to look for places to hide. One of our neighbors had a few wood planks, and he nailed them over the broken windows, and over some of the doors, so the houses looked as if they were abandoned. It took about three hours of work. After that, we hid inside.

We were watching the street through the cracks between wood pieces, and we saw the troops coming to take us. They looked around, and their commander asked Maria "Where are the Jews?" — and we heard her say "They took all of them away about half hour ago. . . ." He believed her — for all I know, he had slept with her before — and he went to the next courtyard. The people they found there were either shot, or packed in death trains.

The "whore" saved our lives, at the risk of her own — I am sure the brutes would have killed her if they had found out what she did. And from then on, we, all of us, the ones who owed her our lives, respected her and all the other "working women" we ever met or knew of.

Articles about "whores" seem to stay away from the human aide of these professionals. Over the years I met quite a few of them — and some of them became good friends of mine and of my family. I often invite them to our house for dinner or other social activities, and I enjoy very much their company.

Thank you for "Whores *vs.* Feminists," by Wendy McElroy (January). One rarely finds positive attitudes towards "whores" these days — it seems most people have been brainwashed into thinking that the women

who choose to work as prostitutes are not worth the respect due others.

David Schwartz
Farmington, N.Y.

One Nation, Corrupt; the Experiment, Ended

I share R.W. Bradford's evident anger, frustration and contempt for the spectacle recently unfolded in Washington. As Bradford points out ("An American Comedy," March), the American political system is openly, thoroughly and fundamentally corrupted.

Americans may have dodged, for now, the Al Gore bullet, as Bradford noted. But it is far from evident that Americans have *permanently* dodged the Al Gore bullet. More importantly however, I see no evidence that this openly, thoroughly and fundamentally corrupted political system is anything more than a true reflection of an openly, thoroughly and fundamentally corrupted society at large.

The equanimity with which these proceedings were received is telling. Ruling political elites, who behave in such a self-serving and contemptuous manner as they sink further into depravity, must by necessity become increasingly oppressive and dictatorial. Bread and circuses may go a long way to explain the peculiar quiescence of the American people in light of recent events, but make no mistake, as self-aggrandizing, debauched and personal rule replaces republican forms of government, the inevitable and flip side of bread and circuses is the gloved fist of repression.

The glorious American experiment is over . . . and it has failed. I see no evidence that any significant number of our fellow citizens find the recent goings-on in Washington as anything more than a particularly strident partisan struggle, let alone an irrefutable demonstration of the intolerable depths to which we have sunk as nation and people.

Ed Soucy
Princeton, Mass.

America's Shame

For the first time in my life, I felt ashamed to be an American. A criminal was set free and I, and millions of other Americans, allowed it to happen.

He could not have escaped justice without the support of many groups:

The Democratic senators who, for fear of losing the support of Bill's politically powerful administration, chose to be unprincipled sheep.

Some Republican senators, who, for fear of losing voter support, also played the role of cowards.

The trial witnesses. They were ever so well rehearsed.

The host of Clinton lawyers and other apologists who were instrumental in setting the spin to alter or to conceal the facts. With all their strategizing, they never considered the option of simply telling the truth.

The television news media. They bought the spin and presented a story to the public that somehow made the bad guys look like good guys and vice versa . . . or were they just sympathizers from the beginning?

The American public. The majority was divided into those who were simply apathetic . . . and those who thought it was fashionable to support the bad guy if that is what was being said on TV.

Interestingly, the public ignored (and the news media downplayed) the bombings of the "nerve gas factories" that turned out to be aspirin factories. Who doubts that these bombings were ordered to divert attention from Bill's personal problems? Many people were killed. I think that is called "murder." But then, with enough spin, murder will not rise to the level of a high crime either.

There have been two "trials of the century" in recent years. In both cases, the criminals were acquitted. The lesson our children learned is that you can beat the law if only you have enough money and enough political connections. Now, how can we possibly get our national integrity back?

William P. Voegele
Pittsburgh, Penn.

The Imp of the Impeachment

I almost don't want to disagree with Loren E. Lomasky ("Clinton's Sticky Wicket," March), but here goes. It would do no good to indict presidents for not promoting the general welfare which, in any case, is not the particular duty of that office. I agree that it would have been desirable to have removed George Bush for raising taxes and prosecuting the Gulf War, but I am not sure whether his policies constituted constitutional grounds for impeachment. While practicality should not be an obstacle, it is worth recalling that no one called for his impeachment because the Democrats wanted him to raise taxes, and the American people supported his Iraq attack. Bill Clinton's conduct in these policy matters — as others in the same issue of *Liberty* imply — has been a continuation of Bush's, only worse, to the point of genuinely violating the Constitution. Further, his policy of *bellus interruptus* that Lomasky finds so admirable seems more a case of tweaking the tiger's tail and won't seem so clever if an enraged Saddam Hussein sends terrorists carrying biological weapons to American cities.

As piddling as the articles of impeachment against Clinton might seem, the Constitution's "high crimes and misdemeanors" do cover perjury and its subornation. Few seem to appreciate the humor in Starr finally settling on Clinton's perjury after finding that his financial crimes had been committed through proxies who were willing to fall on their swords for him. Clinton is evidently one of those creatures who prefers power over money and does not feel the need actually to handle filthy lucre. But sex isn't much fun if enacted through proxies. So catching Clinton lying about sex is easier than catching him lying about money or hatchet jobs. Starr's approach was, therefore, determined by practical necessity rather than by prurient interest. Instead of being "unwise" and "klutzy," as Lomasky says, the impeachment and trial of Bill Clinton was more as Fred L. Smith, Jr., put it on the same page as Lomasky: "pragmatic" and "valuable," because impeachment is constitutionally mandated when a president is found to have broken the law.

Whether this is boring or not is of no constitutional significance.

Miles Fowler
Oakland, Calif.

Weathering a Slam

Jonathan Ellis's "The .08 percent solution" was a nice reflection until he got down to the last paragraph. Shame on him for taking a potshot at us senior citizens! We can drive as well as you. Plus, I know my limitations when driving — I don't drive and drink, and if the weather is bad I don't have to drive, and I don't feel comfortable driving at night, so I stay home.

Grady Coker, M.D.
Colorado Springs, Colo.

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L

Reflections

Way Kool Khrist — A poster campaign in Britain promotes church attendance this Easter in a rather novel way. Jesus is pictured in the classic propaganda style previously reserved for the likes of Che Guevara: In bold reds and blacks, crowned in thorns, and heralded with the slogan, "Meek. Mild. As If. Discover the real Jesus. Church. April 4."

The Churches Advertising Network spokesman, Rev. Tom Ambrose, is proud of the effort. And why not? Depicting Jesus as a revolutionary is not a shocking idea. You don't need John Dominic Crossan or any other Jesus Movement scholar to tell you that — it seems that Pontius Pilate made a similar judgment quite some time ago.

But perhaps contemporary propagandists should be careful. They may find their churches infested with government agents, egging them on to heightened degrees of radicalism. Who knows where it might all end? Soon, churches throughout the free world may be consorting with prostitutes, tax collectors, and other dregs of humanity, and liquidating their IRAs and distributing their earthly goods to the poor.

Oh, this took place in Britain, so I repent my hint about "liquidating IRAs"; has a bad ring to it. —TWV

The right woman for the job — After more than a year of "working from home" on undefined duties for the Pentagon — at a cool $94,098 a year — Linda Tripp in early March was ordered to report for work at the Defense Manpower Data Center as a public affairs specialist.

Well, sure. If you had an affair you wanted made public, she's the specialist. —DB

Oh, grow up! — During the controversy over the president's relationship with Monica Lewinsky, etc., the European media reminded us again and again that Europeans, being more sophisticated about sexual matters, would be quite willing to tolerate such pecadillos as their head of state having a sexual relationship with an intern, rewarding the intern with a government job, using the resources of state to hide this fact from the public, and perjuring himself on the subject when subpoenaed by a sexual harassee from his past.

But the American people proved themselves just as sophisticated as their Atlantic partners when they told pollsters that they really didn't mind he'd done these things, and would be unhappy with senators who voted to impeach.

Now Americans are telling pollsters that, yes, they believe their president raped a woman a few years back, but that this too is no reason to remove him from office.

I wonder what European sophisticates are saying now. That America is even more sophisticated than they? Or do Europeans also routinely accept presidents whom they believe have committed rape? —RWB

Answer with a question — How well does Lord Acton's old maxim that power corrupts apply, even to erstwhile heroes? Well, Czech President Vaclav Havel, a brilliant playwright who was censored, imprisoned and persecuted under the old communist regime, married an actress two years ago, after his first wife died. Dagmar "Dasa" Havel has proven an entertaining and controversial figure (especially since old "B" movies in which she did nude scenes are available for airing on Czech television) and a TV reporter has written a best-selling book portraying her as a scheming opportunist and and suggesting she had an affair with her personal secretary. So President and Mrs. Havel have filed a libel suit, and Mrs. Havel said in an interview, "We can't just allow people to write anything they want without penalty . . . What kind of country would this be?"

Maybe a free one? —AB

Hustlers — America's great Larry Flynt, the man whose virginity was plucked by a chicken, reportedly plans to release more findings from his dirt-digging excursion "very soon." Flynt, who came to the aid of a beleaguered President Clinton last fall, offered money to women (or farm animals?) who could verify having illicit sexual encounters with Clinton haters. After outing Bob Livingston, Mr. Bestiality called him "one sick fuck," without specifying Livingston's particular "sickness."

No doubt Clinton approves of Flynt's carnal crusade — Flynt was the subject of a popular movie, and Clinton adores celebrities. Republicans think Clinton may have fed Flynt information from FBI files, and according to a staffer for a prominent House Republican, the Clinton haters plan to do some outing of their own.

So sexual savagery in politics will continue. I'll take my popcorn with butter, please. —JE

Nazis need not apply — On April 4, 1933, a German statute banned the admission of Jews to practice law. It also banned all then-admitted Jewish lawyers from practicing unless they were veterans or in other special categories. In 1938, the Reich Citizenship Law was amended to ban all Jews from law practice. And on June 20, 1940, the Reich Citizenship Law was again amended to disbar all Jewish attorneys.

Matthew Hale favors such laws for the United States.

During the segregation period, Southern bar licensing authorities blatantly discriminated against black applicants, though some were admitted to practice. If they got too uppity, there was always the threat of removal of their licenses.

Matthew Hale favors that, too.

Now an Illinois bar character committee has rejected Hale's application to practice law. The grounds: his active advocacy of anti-black and anti-Semitic politics, denounced as blatantly immoral and rendering him unfit to practice law. The committee admitted that Hale said he could uphold the Illinois and federal constitutions, though he disagreed with their equal-protection guarantees. And he said he would obey an Illinois rule against discriminatory treatment of litigants, jurors, witnesses, lawyers, and others, until he could change it by peaceful means.

Mr. Hale may hate Jews, but he knows a good attorney when he sees one. He wants a Jewish attorney, Alan Dershowitz, to represent him in his appeal. Dershowitz said he would choose a black lawyer as co-counsel if he took the case.

Which raises a thought: The overwhelming majority of bar applicants favor the current corporate state, which is in essence a type of fascism that incites racial hatred via laws mandating discrimination. If the Illinois bar committee applied its logic consistently, they would reject all such applicants. In 50 years, the entire bar would be libertarian.

—MMS

The case for comments — Don F. Hanlen ("Letters," March) questions the point of submitting comments during the public comment period of an agency rulemaking. He suggests that by the time the proposed rule ends up in the *Federal Register*, the agency already has its mind made up and, hence, taking public comments is simply a legally-required formality.

Sure, agencies publish proposed rules and really don't care what the public thinks. But it is going way too far to say that public comments can't accomplish anything.

They can. For example, see "Showdown at Sodaville" in the February *Liberty*. We filed public comments in which we cited the limits of U.S. Fish & Wildlife Service authority under the Endangered Species Act (ESA) on private land (none, unless there is a "federal nexus") and then showed that there was no federal nexus on our land. Then we promised to sue the agency to go as far as we could to gut the ESA if they listed the supposedly endangered Sodaville milk vetch under the ESA. Funny, funny, they decided that the plant didn't really need protection after all and withdrew the listing in a later *Federal Register*. We got this just by filing public comments, which we did without the aid of an attorney; no court action was necessary.

Mr. Hanlen suggests that if you don't like a proposed agency rule, you should get Congress involved. Right. But would you want to count on that? Congress exerts little or no oversight on the way agencies interpret and then "execute" (a good word) congressional statutes. We use all methods of objection available, which include public comments, threats of court actions, actual court actions, and political grassroots lobbying. If you don't want to bother, that's your business. But don't kid yourself that nothing you do can make any difference.

—SS

A sip of freedom — Studies in the last 15 years or so have demonstrated that a modest amount of alcohol — in the range of two drinks per day — can have notable health benefits, including reducing the risk of a heart attack. (The studies also show that drinking to excess erases these benefits and carries serious health and safety risks, and there seems to be evidence that some people are so susceptible to alcoholism that they shouldn't drink at all.)

Statements about those results, however, could not be publicized on the bottles. What's the story?

As John DeLuca, president of the Wine Institute in San Francisco reminded me, while the wine industry was pleased at the results of such studies, it didn't start out wanting to make health claims on its labels. What happened was that the federal government's dietary guidelines for Americans, as drafted in 1985 and 1990, depicted beverage alcohol as having nothing but deleterious effects. So the industry lobbied to have the guidelines reflect current scientific knowledge, and the guidelines issued in 1996 say that "current evidence suggests that moderate drinking is associated with a lower risk for coronary heart disease in some individuals."

Good news, right? News that people concerned about health would want to trumpet and distribute as widely as possible, considering that heart disease is still the No. 1 cause of premature death in the United States?

Not exactly. It took until February 1999 — three years after the guidelines were actually published — for the Bureau of Alcohol, Tobacco and Firearms (BATF) to permit any mention of this on wine labels. And the wording it chose is still short of what is justified by science. Labels will be allowed to read: "To learn the health effects of wine consumption, send for the federal government's Dietary Guidelines for Americans." That doesn't say there are benefits or potential benefits, just "effects," and encourages consumers to rely on the government for medical advice.

Fortunately, actions in federal courts — one case recently decided and one pending — could seriously curtail federal agencies' ability to censor or dictate statements on food and product labels.

The Competitive Enterprise Institute filed a suit on behalf of consumers in the autumn of 1996 to force the BATF to allow alcohol producers to make truthful statements based on scientific evidence on their labels, so consumers can have access to the information. According to Sam Kazman of CEI, the case was scheduled for a status conference March 1 and should be decided this spring.

The likelihood of a decision that takes the First Amendment's guarantee of freedom of speech into account was buttressed when the D.C. Circuit Court of Appeals issued a strong decision January 15 on behalf of Durk Pearson and Sandy Shaw et al., who had sued the Food and Drug Administration regarding truthful statements on the labels of vitamins and nutritional supplements. The court rebuffed the FDA's paternalistic contention that health claims, even if accompanied by a disclaimer saying the government had doubts about them, were inherently misleading because consumers just couldn't be trusted to weigh evidence and make decisions for themselves.

Government agencies love to dictate precisely what producers of a variety of goods can put on their labels. Courts have begun to recognize, however, that this impulse can violate the First Amendment. So the time may come when we consumers can learn more and make decisions for ourselves rather than having our nannies decide exactly what we are allowed to be told.

It's only a tiny step forward, sure — and

Liberty's Editors Reflect

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RWB	R.W. Bradford
JB	James Buccellato
SC	Stephen Cox
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LBY	Leland B. Yeager

the wording the BATF will permit still smacks of paternalism — but it *is* a step forward and it's unlikely to be the last one. —AB

If you loathed the original, you'll despise the sequel — Elizabeth Dole informally — well, actually very formally but unofficially — launched her presidential campaign before 1,200 people at the Manchester, N.H., chamber of commerce on February 8. Watching on C-SPAN, I found the whole performance hilarious. Not only did Bob Dole's wife read with a straight face lines like "polls and spin doctors are no substitute for policies," she delivered the entire speech in the most robotic and controlled manner imaginable. In a debate she would make wooden Al Gore look like, well, Bill Clinton. I'd say she's a perfect candidate — for the role of a female Republican politician in a Tim Robbins movie. —DB

The coming backlash, Notice No. 1 — A few years ago, your company got a new CEO, and you got worried. The new guy looked like a jerk. He acted like a jerk. He had an eating "disorder." He had a marriage disorder. There were rumors of accounting problems and legal problems and sexual embarrassments in the last job he held. He surrounded himself with "consultants" and other sycophants. He was always giving "inspirational" speeches. You would much rather work for someone else.

Nevertheless, after some serious initial difficulties, which included substantial cuts in employee benefits, the company began to do pretty well — very well, if you could believe the annual reports. In this world of multiple causation, it was hard to say whether the new boss was responsible for the firm's success, or had nothing to do with it, or actually retarded it. In any event, everybody got a raise, and then another raise. So the folks in the coffee shop weren't very enthusiastic when a disgruntled segment of the Board of Directors tried to fire the CEO.

It was the old gang, the gang with the trophy wives and the VIP boxes in the stadium. They had never liked the CEO. They had always been sniffing around, trying to find something to use against him. They looked into the accounts but found them . . . equivocal. Finally they seized on one of those little sex things he got going with the gals in his office, and they exploited it.

Of course, he had no intention of signing a dignified letter of resignation and departing with a golden parachute. He lied, then he "apologized," then his handlers and consultants started digging things up about his opponents and leaking them to the local press. After months of heavy fighting among the suits on the 19th floor, and months of gossiping and snickering among the mere employees on floors 1 through 18, there was a climactic meeting of the Board of Directors — from which the CEO emerged victorious. Seems that by that time there were a lot of his own people on the board.

His victory was a good thing, because it meant that the company wouldn't have to risk its current success on some new team of leaders. But it was also a bad thing, because, well, the guy really was a jerk, and probably a crook, too. If he lied about the sex stuff, even after he got caught and everyone knew he was lying, he was probably lying about a lot of other things, too. Now that you were stuck with him, you could see what an embarrassment he really was.

He was more than an embarrassment; he was a bore. To see him glad-handing around the cafeteria, surrounded by all those chirpy, slimy guys whose only job was to pull him out of the trouble he was constantly getting into — it was enough to ruin your lunch. Was it possible, was it even conceivable, that people like *that* were the masterminds of the company's success? It was not conceivable. So the question became: How can we get the whole bunch of them off our backs? —SC

Looking out for numbers 1 through n — On January 1, former Libertarian Party presidential candidate Harry Browne issued "A Libertarian's New Year's Resolutions." The first resolution focused on marketing:

> I resolve to *sell* liberty by appealing to the personal interest of each prospect, rather than *preaching* to people and expecting them to suddenly adopt my ideas of right and wrong. (emphasis in original)

As much as I admire Harry's skill at articulation of libertarian ideas, as enthusiastically as I have supported his move from being anti-political to his embrace of the LP, and as gung-ho as I was in support of his presidential campaign, I am worried about this resolution.

Surely Harry's dichotomy does not exhaust the possibilities. There are, I submit, more ways to spread libertarian ideas than naked appeals to self-interest ("the personal interest of each prospect") and imitating an evangelical preacher ("*preaching* to people and expecting them to suddenly adopt my ideas of right and wrong").

Here are two other ways to advance liberty:

- by appealing to people's sense of fairness or justice;
- by appealing to the notion that a libertarian society would enable people to be happier than they are now.

Of course, there are other ways as well. My suspicion is that all these ways work in some situations and fail in others, and that there are situations where *no* approach will work.

But what is the *best* way? Is Harry right when he says that appeals to "personal self-interest" should be the sole approach that libertarians take?

Again, I am not convinced. While naked appeal to self-interest is a very fruitful way of selling goods and services, I see little evidence that it is fruitful in selling political notions.

I don't suggest that self-interest is not an important factor in the formation of political opinion. But self-interest is almost always clothed in the garb of something else, generally the common good. When Bill Clinton tells American steelworkers that he favors restrictions on imports of steel, for example, he doesn't say that he favors this simply to increase their pay or job security. He appeals to fairness ("Korean steelmakers pay low wages and are competing unfairly") or the common good ("if we allow imports to replace our domestic industry, we won't be able to produce enough steel in time of war").

Now the president may know that import restrictions will put money in the steelworkers' pockets at the expense of all other Americans, since it will raise the prices that Americans pay for all sorts of manufactured goods, but he

doesn't say that. Doing so not only weakens his argument (by giving all non-steelworking Americans a strong reason to oppose import restrictions), it also takes away the steelworker's self-respect by reducing him to the level of a welfare recipient and stripping any rationale he might be able to offer his non-steelworker friends and family.

The problem with Harry's wanting to us to resolve to "*sell* liberty by appealing to the personal interest of each prospect" is not that people don't care about their self-interest. It's that they care about other things as well, and that they realize political policies must appeal to more than their direct beneficiaries.

If Harry has any empirical data that suggests that naked appeals to self-interest consistently work better than other methods of selling liberty, I hope he'll share them with us.

In the meantime, I'm not joining his army of salesman making appeals exclusively to people's self-interest.

One more thing. As much as I dislike the style of evangelical preachers, it seems to me that there is better evidence for it as a means of political persuasion than naked appeals to self-interest. We do, after all, live in the country where the "Great Awakening" occurred, where World War I and World War II were sold to the people as religious crusades, and where fundamentalist preachers like Billy Sunday managed to sell the citizenry on the notion that prohibition of alcohol was a good thing.

Have Americans *ever* effected any major political changes because of someone's concerted effort to "*sell*... by appealing to the personal interest of each prospect"? —RWB

Who can we impeach next? — I confess: I was sucked in by the impeachment process. I devoted too much time to reading about it, listening about it, and writing about it. It is a difficult thing, to resist the temptation to oust a president. They're all such a bad lot, and the supporters of presidents — from conservatives who prattled about the "sanctity of the office" to liberals who willfully lied about the unplain meaning of the phrase "high crimes and misdemeanors" — are often worse. Why not join whatever small horde of pitchfork-wielders and stick it to The Man?

Well, before the final verdict in the Senate, my passion for political destruction was sated, and I moved on to other, more enduring causes. These days, to the extent I think about politics at all, I wonder whether Al Gore can pass himself off as a man of the Center, or even as a man. (I just saw him on TV, in a line with a bunch of Washington state politicians, including the intellectually challenged Patty Murray, holding raised hands in the air and swaying to some chant. Everyone of these politicians looked uncomfortable, as if they were all thinking, "We will suffer any indignity, just to appease the hug-your-neighbor, hold-hands-and-sing wing of the Democratic party.")

I also wonder whether Bush II can make a persuasive case for the Unthinking Center. His version of "compassionate conservatism" pleases media types, but it is amazing how few actual ideas leak out of Texas. Bush II's legacy seems to be one of "stance": it is not what he stands for, but that he stands at all that is remarkable. (John Engler calls this the "politics of performance." Whoopee.)

And, of course, the continued political career of Dan Quayle is not merely cause for wonder, but awe. Awesome indeed is the imp of the perverse — or is it just inertia? — that leads Quayle to run. Having been the brunt of joke after joke while vice president, he has somehow got it into his head that the time is right for him to grab the number one spot himself. It is as if he wished to one-up all the faux pas of the past with an error of such enormity that no one will notice that it is, still, a mistake. Hitler spoke of the Big Lie. Quayle will surely be known for the Big Boo-Boo.

After mentioning Hitler and Quayle, there is but one other politician to consider: Patrick J. Buchanan. A constant pleasure on *The McLaughlin Group* and CNN, Buchanan not only entertains us with his often loony populism, he surprises us by getting the various nitwits of the Unthinking Left (I'm thinking of no one else but Eleanor Clift) to dovetail his paranoia. Of course, Pat's twisted education, as confessed in his autobiography, *Right from the Beginning*, explains a lot. A scary thing, a jovial authoritarian. I breathe easier, repeating what the pundits all say: Pat can't win. (I wonder what the pundits said of Hitler in 1932?)

And, of course, the politicians who would seize the reins of power are not the ones who would reign, anyway. The juggernaut of the modern state lumbers on, and the broad sweep of institutional evolution rarely changes because of any one single man — or woman. The men and women in the bureaucracies matter more, in total, than whether Elizabeth Dole worms her way onto the hot seat.

So, because of this, I'll look less closely at this next presidential campaign than I will at the bigger picture, the landscape of modern politics, complete with sprawling bureaus competing at the trough of the taxbase, mooing of the public interest while jostling for the best feed.

Prepare to be eaten. —TWV

Thonglock — A lot of people trashed Monica Lewinsky in the wake of her interview with Barbara Walters. I was not one of them. She kept Washington in gridlock for a year, and for that I am grateful. (But perhaps my thanks should be directed to Linda Tripp.)

As for Ms. Lewinsky, she is being called selfish, amoral, immature, and even, in the words of Morton Kondracke, a "slut." Maybe she is all these. But, frankly, a lot of people her age are self-centered and amoral (even if they've been "properly" brought up, as apparently she was not). A lot of these

youthful miscreants come to their senses and move into decent, even morally upright, lives. Monica can, too — if she just stays out of politics. —JSS

The Antitrash — Some time before the Teletubbie brouhaha, Jerry Falwell hazarded not only that the Antichrist may be alive today, but that this devil's own dear son would be a Jew. Immediately, of course, the usual choir resounded with the dread word "anti-Semitism," but surely it is no more anti-Semitic to extrapolate a Jewish Antichrist from the Book of the Revelation than it is pro-Semitic to state, for the record, that Jesus — whom Christians call Christ — was, er, also a Jew.

But Falwell is not the man to turn to for signs of the end times. Why not go to a specialist? Hal Lindsey has been making a good living at the prophecy-interpretation biz since his early '70s bestseller, *The Late Great Planet Earth*, in which he argued that the Antichrist's meteroic rise to political power on our planet will be accompanied by miraculous powers and triggered by a recovery from a death or near-death experience.

Which suggests that the Antichrist, if alive today, might not be a Jew, but upwardly mobile white trash from Hope, Ark. —TWV

Rainbow Republicans — On March 7, Texas Governor George W. Bush held a press conference revealing the members of his presidential "exploratory committee." Upon reviewing his team it occured to me that if Papa Bush were to have launched a similar committee a generation ago, present at his press conference would have been twelve fat, half-dead, wealthy white guys. In contrast, Junior's committee includes four women, two African-Americans, one Mexican-American and only five overweight, half-dead, opulent white guys. That's what I call progress. —JB

John Kenneth Blowhard — It's disconcerting to think that hundreds of thousands of America's most educated readers get their deepest analysis of economics from John Cassidy in the *New Yorker*. In 1997, in the magazine's "Next" issue, Cassidy told readers that "the next big thinker" would be . . . Karl Marx. As I told audiences then, "You know you're history when the *New Yorker* says you're the future."

Then in the 1998 "Next" issue, Cassidy introduced readers to the wisdom of John Maynard Keynes. And, moving from the catastrophic to the merely risible, in the Nov. 30, 1998, issue Cassidy profiled 90-year-old John Kenneth Galbraith. Cassidy laments that Galbraith "is a great deal more popular with non-economists than with his peers: many contemporary economics texts don't mention his name, and there is no Galbraith 'school' to maintain his intellectual legacy." But surely the Galbraith School comprises every Harvard-educated journalist who laments the existence of poverty or homelessness without the slightest clue of what it takes to produce wealth or housing.

Despite Cassidy's complaint, he acknowledges that Galbraith's *The Affluent Society* is "a staple of college courses," where tens of thousands of students learn utter rot about the workings of the economy. In this absurd book, the former World War II economic czar looked around America in the 1950s and proclaimed that he found "private opulence and public squalor." That is, he noticed that privately owned resources were generally clean, efficient, well maintained, and improving in quality, while public spaces were dirty, overcrowded, and unsafe — and he concluded that we ought to move more resources into the public sector. After another generation of private progress and public deterioration, can it really be true that *New Yorker* writers and college professors still take such musings seriously?

Cassidy says that "Galbraith's disgust with the modern world combines puritanism, aestheticism, and anti-materialism." That may explain why he is so proud of having commanded a staff of thousands during World War II when no price could be raised in the United States without Czar John's approval. His puritan anti-materialism may, however, be harder to reconcile with his comfortable lifestyle. Galbraith has done very well for himself by his running indictments of American capitalism: his books, often written at the Swiss ski resort of Gstaad, have been bestsellers, and he lives in a "rambling house on Francis Avenue, a few hundred steps from Harvard Yard," where real estate is not cheap and where young professors can't rent apartments because of rent control. Would that his books had done as much good for the rest of us. —DB

I want a piece of that! — Monica Lewinsky's new book contains at least one precious line. She realizes that the president had a big job, and that this job weighed heavily on his mind. But her function was to be "a piece of normality."

"Normality" is the best euphemism I've heard in years. When most people think of Monica, "piece of" is followed by quite another word altogether.

But Clinton is an extraordinary man, and who are we to say that, deep down and every day, he does not yearn for "normality"? —TWV

Georgia bucks Hartford — The modern statist view that everything not forbidden should be mandatory is nowhere more apparent than in the civil rights arena. Affirmative action laws mandate "non-discrimination" and measure compliance (how else?) by reviewing "disparate impacts" and "hiring statistics." The patent unfairness of such laws — how can justice be advanced by harming one individual to benefit another? — have now made it more difficult for firms voluntarily to reach out to minority groups. The attempt to legislate social justice has resulted in more injustice.

One such example deals with car insurance discounts offered to all "partnered" drivers (traditional marriages, single parent households, and gay couples) by Hartford Insurance. Data suggests that those maintaining long-term relationships — whether straight or gay — are less likely to wreck their automobiles than single individuals. Without government intervention, insurance firms who offer discounts to partnered drivers would have a competitive advantage. Hartford is able to offer this discount in some 34 states — but not yet in Georgia, where the insurance commissioner feels that it would violate state law, which does not recognize gay marriages.

The problem, of course, is regulation. In a free market, Hartford could offer discounts to redheads, to persons whose name began with an M, or any differentiation that they thought might make sense. Here, as elsewhere, our modern liberals should rethink their faith in the state as a tool of social justice. —FS

Whose time is it, anyway? — Further proof that libertarianism is becoming a well-known idea, at least among yuppies, comes in recent editions of the Sharper Image catalog, where the pitch for an atomically tuned watch begins like this: "Libertarians may not rejoice, but the 'time' is what our government says it is — via radio signals from the U.S. Atomic Clock." I'd never thought about it, but . . . yeah, why should the *government* tell me what time it is? From now on I'm setting my watch to microsoft.com. —DB

I'll see you in Science Court — Physical recycling seldom makes sense, environmentally and economically. But one old idea deserves to be recycled: the Science Court.

Time was, when some thought that enough fine scientists, in a Science Court setting, could answer the scientific questions that stood between us and a scientific-management nirvana. But the key questions in science can't be answered that way. Even the best scientists never have all the answers. On many important questions, they can't even agree among themselves. Recognition of this fact wounded the myth of scientific management of society and killed the Science Court.

Today's generation of scientists still cause big problems in Congress and in court, though. Drag a $10,000 check through any university and experts will show up in court to testify just about any way you want. Did some sick women have breast implants before their suffering was reported? A few scientists will be happy to testify about the possible causal relationship, and Dow Corning is ordered to cough up billions for the women and their lawyers. Science fiction influences Congress as well. Smelling millions in research money, research labs take their genuine findings, which support a spectrum of results, and emphasize the "ain't it awful" edge of possible interpretations — the ones that scare government and foundations alike into writing huge checks for research to prove that proposed government programs are crucial.

"Remember that year we broke even?"

Scientists seldom lie. In their scholarly journals, where their peers review their articles before publication, they assiduously avoid coming to a conclusion until the evidence is convincing. But on network TV, they take pains to point out that terrible things are possible, given what is now not known. Even when a disaster is very unlikely, they have no reason to reveal that to the press. It wouldn't make news anyway, and if it did, heaven forbid, the big bucks for research would disappear.

How can we make Joe Science speak, in public, as though he were writing for a scholarly journal — that is, speak with proper caution? How can we make each scientist more accountable to his or her peers? The Science Court provides one possible answer. Why not put the key policy questions to the best-known scientists in an open, public courtroom setting, complete with cross-examination by effective, well-advised lawyers? That would force scientists to qualify their statements and to recognize the other side of the question. Weak and extreme statements would bring ridicule and discredit the speakers, thus inspiring them to avoid such rash outbursts. While Science Court could not settle the issues, it could identify areas of agreement as well as areas of genuine scientific disagreement. That in itself would prove useful.

More importantly, prominent scientists would be on record on each issue. Journalists and advocates alike would find the truth — uncertainty and all — more comfortable. Misleading public statements would be easily challenged, often by use of the expert's own words in Science Court. Any lawyer, journalist or congressional staffer with access to the Internet record could quickly attack "science fiction" using the Science Court record.

The Science Court could not settle the key scientific questions. But it sure could help to confine science fiction to the book review section of the newspaper, protecting the front page from the "scientific" garbage on everything from silicone to Superfund, and from global warming to environmental justice. Few forums can promise such an effective means to squelch bad science, to protect freedom, and to enforce genuine responsibility, as the Science Court could.

—*guest reflection by* Richard Stroup

Praise the Lord and pass the tax dollars

— Newly elected senator Blanche Lambert Lincoln (D-Ark.) emphasized her traditional religious values in her campaign. She opposed abortion, for instance, while saying that the decision should not be made by government. When people disagreed with her, she told them to "witness it. . . . Go tell it to your family, your church, anyone you can. The problem is, if we start to depend on government to implement our faith, then our faith has no values." Good libertarian thinking. But later in the same *Washington Post* article she explains that her faith leads her to support various gov-

ernment spending programs: "Christ calls on us to reach out to one another, to the homeless, to the elderly, those who need help." So where's the witnessing now? Can we assume that in these areas, where Senator Lincoln has "started to depend on government to implement our faith," her "faith has no values"?

Lincoln's hypocrisy went unremarked by the *Post*, which will accept just about any argument for abortion rights, and just about any argument for welfare programs. —DB

The virtual libertarians — On the night when Juanita Broaddrick accused President Clinton of raping her, MSNBC monitored audience responses on its website and revealed that about 80% of its electronic correspondents harbored ill feelings toward the president.

While this was happening, my phone rang. "You hear *that*?" shouted the otherwise unexcitable friend on the other end of the wire. "The people have finally seen through that no-good @#!*#." Meaning, of course, President Clinton. Unfortunately, I had to tell my friend that "the people" are by no means the same thing as "the internet."

Serious users of the Net *always* vote against the president, just as they always vote against censorship, taxes, drug laws, sex laws, and foreign military involvements. Internet users are, in short, libertarians, although most of them don't know it yet; most of them think of themselves as "conservatives," because they understand that they're not "liberals." If you're not a Zero, then you must be a One.

It's true that some computer folk inhabit benighted places like Northern California, where they are subjected to serious brainwashing by the local Kultur and emerge as sullen modern liberals. They are the *other* 20%. But Netters in general have every reason to become libertarians. Most of them are rationalists by profession and daily practice. To work creatively, or even steadily, with computers, you have to rely on independent reason, not some kind of collective guidelines. Being rationalists, the Netters are also anti-obscurantists. They see no reason to sanction policies that they cannot understand, or that they perceive as plainly counterproductive. They realize that wealth is not created by government but by people like them, and they justifiably resent the high tax penalty on their success. Unlike midwestern farmers, small-town politicians, and professional humanitarians, they have nothing to gain from government involvement in their business. In fact, they have everything to lose from the government's attempts to tax, censor, and subsidize the internet.

Even the weaknesses of these people are those of libertarians — limited political experience, abstract and schematic views of life, a science-fiction approach to history, a childlike faith in science. . . . But let's not worry about those things right now. Professional users of the internet will never really feel comfortable as "conservatives," if only because conservatives are routinely complicit in the state's attempts to censor, regulate, and thereby ruin the internet.

How large is the population that I'm talking about? Very large, though very far short of a majority of voters. It does *not* include everyone who has a computer and occasionally connects to the Net in order to find an address, order a book, or enjoy some pornographic pictures. If that's how you use the Net, you can use it every day and still be a Cretin for Clinton.

But the core group is big, and full of magma. Here are people who are proud of their individual competence, suspicious of government, and comfortable with the idea of voluntary and unregulated communities, such as one finds and can create on the internet. So far, these people's learning and reflection about political principles is thin, as thin as the earth's topsoil; but it's eminently worthy of cultivation.

So, who is cultivating it? What are libertarians doing to educate and organize this natural constituency?

I'll wait for the answer. —SC

The loins of Dixie — Even a stodgy anarchist like me has to applaud the efforts of Libertarian Party official Bill Winter, who is fighting for free-market orgasms in Alabama, where a state law prohibits the sale of sex toys such as vibrators. Those who flout the law are subject to a $10,000 fine and one year at hard labor. An adult-shop owner and a woman (identified as Jane Doe) who uses sexual aids on the advice of her doctor are suing to overturn the law, which took effect last July.

Supporters of the law argue that there is no constitutional right to buy a sex toy, thus implying that any act not explicitly permitted by the Constitution can be properly forbidden by law. Winter replies: ". . . we Libertarians suspect that the thrill people get from sex toys is nothing compared to the thrill politicians get from controlling other people's lives."

The anti-sex-toy law forbids "any device designed or marketed as useful primarily for the stimulation of human genital organs." Winter quips, ". . . it could make Bill Clinton illegal in Alabama." Goes to show you: even the worst of laws can have salutary unintended consequences. —WM

A classic instance — On March 2, an election was held in my town, San Diego. It was held to decide whether the sales tax in San Diego County would be increased from a whopping 7.75% to a still more whopping 8%, in order to provide 423 million dollars for "enhancements" to "community libraries."

The proposal came with the usual verbiage, the usual bizarre combination of feel-good communitarianism and bureaucratic jargon. The money, it was said, would be used to "Modernize with Computers and New technology," "Expand Youth Reading and Homework programs," "Enhance Literacy and Senior Services." But this sticky

"I hate Presidential addresses that start out 'If you know what's good for you. . .'"

embrace of techies, soccer moms, and "seniors" was not totally in sync, shall we say, with the proponents' hard-ball electoral tactics. They engineered a special, one-issue election, hoping that their supporters would turn out and nobody else would. The election cost the community 1.7 million dollars, which might otherwise (who knows?) have been spent on libraries.

That riled some people up. Others were riled by the realization that a similar issue had been proposed, and defeated, less than three years before. Still others were disgusted by the relentlessly favorable publicity given to the proposal by local media and most of the local pooh-bahs, Republicans as well as Democrats, who let it be known that a vote against Prop L was tantamount to an assassination attempt on the Cat-in-the-Hat.

(What! You don't want kids to be literate? That's right; and I want them to go without shoes, too. That's the only reason why I'd vote against a 423-million-dollar subsidy to a socialized shoe factory.)

Among the leaders of the defense against Proposition L were libertarians like Richard Rider, a formidably effective public speaker. They made a good case for their views, wherever they were allowed to make it. The pro-prop people, gallant advocates for the miserable, impoverished, and illiterate users of local libraries, were, of course, incomparably better funded than the opponents. Their signs infested lawns and highways; their leaflets inundated the mails. I never saw an anti-L sign or an anti-L leaflet.

On the night of March 2, when the returns were coming in, some of the local media suddenly discovered that other stories were much more interesting. One TV station devoted the entirety of its 5-minute hourly news report to a traffic accident that had happened on the preceding day. Another put the Prop L story fourth on its news wrap-up. The news, from the local establishment's point of view, was almost too terrible to contemplate. Prop L supporters had turned out to vote, but other people had turned out, too! Needing a two-thirds majority to pass, the measure got only 50.2%, down nine points from its previous electoral support.

And that is how a few libertarians helped save almost half a billion dollars of the people's money. —SC

Ap showers bring My flowers — Back in 1975 Jack Hirshleifer (UCLA economics professor) convinced me that any even slightly important piece of paper requires a date on it. I'll add that the date should be complete and unambiguous, not just month and day. Certainly it should not be the "Monday morning" of some Republican Party fund-raising letters, a heading whose patent phoniness casts suspicion on the contents as well. I am particularly ticked off by all-too-common abbreviations like 8/10/98 and 2/3/99. What do those dates mean, 8 October 1998 or August 10, 1998, 2 March 1999 or February 3, 1999? The latter meaning is apparently the more common in the United States, although the reverse is true in Europe. Furthermore, the order of time units — medium length/shortest/longest — is illogical. Either the European convention or year/month/day would be more logical. In writing dates in full, I am inclined, along with many other people, to use the style I learned in the Army decades ago: 12 February 1999. Down with ambiguity! One European convention is to abbreviate the months with Roman, not Arabic, numerals. A still better one would abbreviate each month with two letters: Ja, Fb, Mr, Ap, My, Je, Jl, Ag, Sp, Oc, Nv, Dc — for example, 12 Fb 99. Each abbreviation is unambiguous, beginning with the first letter of its month's name and including a second letter not contained in the name of any month with the same first letter. This style is neat, avoiding slashes or dashes or dots between the time units. For the Spanish months I suggest: en, fb, mr, ab, my, jn, jl, ag, sp, oc, nv, dc. In French, German, and some other languages, ambiguities arise involving January, June, and July; and three-letter abbreviations may be necessary for those months. —LBY

The upgrade is in the mail — With all the hype about the computer revolution, I didn't expect it to end up this way: Bill Gates squirming before a parchment-faced Dickensian villain named Joel Klein, people who ought to know better talking in reasonable, measured tones about the breakup of Microsoft or the casting of lots for the license of its operating system. I didn't expect Intel to enter into an agreement with the FTC on its business practices, any more than I expected their new chip to have that privacy-destroying processor serial number, the identifier that will make anonymity in cyberspace a quaint memory (except, of course, for recalcitrant Mac users). I didn't see any need for the computer industry to form its own corps of lobbyists and buy its own senators.

In other words, when the marketing guys asked me, "Where do you want to go today?" and I said "To a society with a radically different appreciation of the messy but ultimately life-enhancing dynamics of the open, unencumbered market," I actually thought I was going to get there.

But no. The computer revolution appears to have succumbed to entropy. The buzzards of the Justice Department now circle lazily over the well-picked carcass of Microsoft.

The industry, from computer makers to software writers, has discovered that they work in an environment like any other: today's adversary is tomorrow's vendor, and there may be limits to what you can accomplish by whining: "Give me back my operating system! I'm going home!" There are reasons for this, and not the least of which is your trillion-dollar corporation might get sued down a bracket or two. A sad fact but one not much different from the reality of the rest of the commercial world.

So now I am waiting for an upgrade: Computer Revolution 2.0.

Bill Gates reportedly has a standing invitation to form a tax treaty with British Columbia, where he will be able to enjoy the vile weather of the northern Pacific Coast free from harassment by strange men wielding video cameras and seeking depositions. If something of that magnitude happens, take it as a hint that the cyber-billionaires are restless again. Then, I want to see Sun Microsystems' self-proclaimed libertarian CEO Scott McNealy put his money where is mouth is about protecting competition and set up a new and independent, and competing, state. I want to see, at the next anti-trust trial, a shouting match between Joel Klein and Virtual Klein, a cyborg generated by 64 parallel Deep Blue computers, the IBM golem that stymied Kasparov.

In fact I'd like to see a Pentium microprocessor made for the government, with a built-in back door, a C chip, if you will, which miscalculates a few decimals if it detects an act of coercion. I hear the IRS is looking to upgrade its system in a hurry, and it might take the bait. This is one computer upgrade that I can't wait for. —BB

Corporate speed — In some ways it was a tempest in a teapot. But the swiftness with which online bookseller Amazon.com responded to criticism about its promotional practices last week demonstrated a couple of important things. A free market buttressed by a free flow of information works more quickly and more effectively for the benefit of consumers than almost any other institution yet devised — especially a creaky government regulatory regime. And information flows more quickly and from a greater variety of sources on the Internet than almost anywhere else.

It all began on a Monday with a story in *The New York Times*. The newspaper reported that publishers who want their books promoted on the bookseller's home page often pay a $10,000 fee to have a book highlighted with a picture, an author interview, a favorable review or excerpts. Amazon.com spokesman Bill Curry quickly declared that professional book reviewers at the company have to be enthusiastic before a book is eligible for the "cooperative advertising allowance" treatment and that potential co-op books "are rejected every day because the cash is less important than the credibility of the information."

By Wednesday, however, Amazon.com had announced that it was changing policy. As soon as possible — by March 1 at the latest — the company would find a way to distinguish "co-op" reviews for which a fee has been paid from other reviews and recommendations that aren't the result of fees paid. And it has changed its return policy. Previously, any book could be returned for a full refund if it was in "new" condition, but from now on a reader disappointed in an Amazon-recommended book can return it for a full refund even if it is in dog-eared condition.

Was this a real scandal? Well, consumers are almost always better off the more they know, and they didn't know before that publishers were paying for featured treatment. Now they will know — the changes are now in effect on the Web pages.

But Amazon.com is a bookseller, a commercial enterprise, not a news site claiming only to provide disinterested opinions about books. In physical bookstores — as in almost every retail enterprise — manufacturers often provide co-op advertising money or some other consideration like extra discounts to get favorable shelf space like end-caps on aisles or placement in the "New and Hot" section at the front of the store. Retailers seldom put up signs saying "this book (or detergent or taco chip) is here because its manufacturer paid for special placement."

The New York Times has for years partnered with BarnesandNoble.com, placing links to the bookseller (and Amazon.com competitor) near the book reviews on its news website (and getting a percentage when its readers make purchases). Is this a welcome convenience for readers or a sneaky way of making money from them?

Online news sites trying to find a way to cover costs and make a profit — something only a few have managed despite enthusiasm for Internet-related stocks — are constantly wrestling with the sometimes blurred line between editorial and advertising content. No single solution is likely to fit all circumstances.

In the case of Amazon.com, however, it took all of two days for a company to be criticized and to change its policies in the direction of fuller disclosure. Imagine how long it would have taken if we had to depend on the government to notice the problem, study it, hold hearings, make proposals, get comments, and implement a regulation long after the problem had ceased to be important. —AB

At Horowitz end — As the impeachment trial of Bill Clinton came to its dismal close, *Vanity Fair* and *Nation* columnist Christopher Hitchens stepped forward to contradict the testimony of Clinton capo Sidney Blumenthal, a (former?) Hitchens friend. Blumenthal had denied under oath that he attacked fair Monica as a "stalker" in the presence of journalists. Hitchens swore an affidavit to the effect that Blumenthal had, in conversation with him, referred to Lewinsky as a stalker. This set off a round of criticism from leftist journalists — many of them, like Hitchens, associated with *The Nation*. They referred to Hitchens as a "snitch" and compared him to McCarthy-era informers.

Among his defenders is former leftist David Horowitz, who addressed the issue in his *Salon* column. But Horowitz depicted a version of events that occurred within the confines of his fertile imagination. He espied a multitude of angry renunciations of friendship with Hitchens: "One after another, they have rushed into print to tell the world at large how repulsed they are by a man whom only yesterday they called 'friend,' yet whom they now apparently no longer even wish to know."A few days before, *Salon* had published a sampling of opinion from 15 mostly left-wing journalists. But there were no renunciations of friendship in this sample. In fact, it had two affirmations of friendship with Hitchens and three statements in support of his position.

In his *Salon* column, Horowitz referred specifically to the commentary of Alexander Cockburn, Katha Pollit and Todd Gitlin. But he cited no evidence that these people have ended friendships with Hitchens. The attack from Alexander Cockburn was vicious, enough that one might think it could end their friendship, but Cockburn has attacked Hitchens before. By comparison, the commentaries by Pollitt and Gitlin are milder.

Horowitz declaimed: "The casting out of Christopher Hitchens . . . is a necessary ritual to protect the left's myth of itself as a redemptive force. How could Blumenthal, *who is loyal to their cause*, be connected to something evil, as Hitchens suggests? All of Hitchens' attackers . . . supported the wanton strikes against the Sudan, Afghanistan and Iraq, without batting a proverbial eyelash" [emphasis added]. Every facet of this statement is ludicrous. Horowitz cited no evidence that Hitchens has been cast out of anything — his column still appears regularly in *The Nation* .

No sane person could believe Horowitz's suggestion that Katha Pollitt or Alexander Cockburn are politically allied with Clinton and Blumenthal, or that they supported the president's terrorist attacks on Third World countries. Both

continued on page 48

Dispute

The Transformation of Libertarianism?

In 1988, only 10 percent of libertarians responding to the Liberty Poll disagreed with Ayn Rand's dictum that "no person has the right to initiate physical force against another human being." In 1998, fully 50 percent disagreed with the proposition. Based on this and other data from the surveys of libertarian opinion conducted by this magazine in 1988 and in 1998, *Liberty* editor and publisher R. W. Bradford concluded that there had been a substantial decline in the sort of libertarian thinking that emanated from Rand's non-aggression imperative.

At the same time, the survey showed an increase of support for the other approach to libertarian thinking — that liberty is desirable because it maximizes people's ability to flourish, to achieve their goals, and to be happy. In brief, the *moralistic* approach, exemplified by the thinking of Ayn Rand and Murray Rothbard, has lost considerable ground to the *consequentialist* approach, exemplified by Milton Friedman, Ludwig von Mises and Friedrich Hayek.

Bradford went on to speculate about why this consequentialist approach was winning out over the moralistic approach, suggesting that the change was not so much a case of consequentialists winning philosophical arguments with moralists, but more a matter of the consequentialist approach faring better in conversations with non-libertarians.

Judging from discussion of Bradford's thesis in online forums and the letters to the editor we received on the subject, it's safe to say that Bradford's conclusions from the data in the surveys, as well as his thesis about the change, have touched off a firestorm of controversy. In an effort to explore the issues surrounding this ideological change, *Liberty* invited several libertarian thinkers to share their thinking on the subject.

In this issue, we present the comments of six libertarians: David Ramsay Steele, David Friedman, David Boaz, Leland Yeager, Tom Palmer and Pierre Lemieux, followed by Bradford's response to their comments.

An Accident of Rebirth

by David Ramsay Steele

When the libertarian movement visibly revived in the 1960s after a century of decline, its revival coincided with the demographic ripple of the postwar birthrate boom. The newly reawakened libertarian movement was dominated by the outlooks of the two writers who had directly influenced the baby-boomer libertarian cadre: Murray Rothbard and Ayn Rand.

The inordinate influence of these two individuals is like the "founder principle" in evolutionary genetics, where the characteristics of a population, perhaps of a new species, are fortuitously influenced by those individuals who happen to constitute the founding ancestors. However, in the case of a local population which may still interbreed with a much larger population, the founder principle may hold purely ephemeral significance.

This is what has happened to the libertarian movement. It was a historical accident that Rothbard and Rand influenced the resurgent movement so heavily in the 1960s. The accident was compounded because Rothbard and Rand had met and influenced each other, so they shared some peculiarities.

Most of what dazzled the youngsters of the 1960s and 1970s in the ideas of Rothbard and Rand was libertarian old hat. The theoretical formulations of Rothbard and Rand are not mountain peaks in the history of libertarian thought. They are dwarfed by the achievements of Mises, Hayek, and Friedman, who are in turn dwarfed by those of Adam Smith, John Stuart Mill, and Herbert Spencer.

As the movement survives and adapts, it inevitably absorbs libertarian ideas from a rich variety of sources. Implicit in this analysis is my view that the peculiarities of Rothbard and Rand hold no special merit when compared with the wider heritage of libertarian thought. What was strongest in the worldviews of Rothbard and Rand was what they shared with libertarians in general. What was weakest was what was most distinctive to them as individuals. As the rabbi said of the New Testament: What's true in it isn't new and what's new in it isn't true.

Neither Rothbard nor Rand were outstanding thinkers.

Neither of them made lasting contributions to any branch of human thought. This is not to say that they were inconsiderable figures. Neither Martin Luther nor Karl Marx would have been of tremendous interest purely on account of the intrinsic importance of their thoughts, and it is in such a light that we should regard Rothbard and Rand — as historical agents who gain historical significance because of their influence on a movement of opinion.

Rothbard may also be seen as a kind of Bastiat, a lively writer who made no enduring original contributions but did restate libertarian truisms in persuasive form for a wide audience. But even in this endeavor, he was outclassed by Milton Friedman, who also made significant contributions to economic theory. Indeed, the consummate success of Friedman in combining the roles of propagandist and theoretician, performing prodigiously in both departments, and not allowing either to cloud the integrity of the other, borders on the miraculous. But as Bradford points out, the reborn libertarian movement was at first little influenced directly by Friedman.

It was inevitable that the libertarian movement would cease to be dominated by Rothbardians and Randists. This has happened in two ways: newcomers to libertarianism have often rejected Rothbardian or Randist principles, while former Rothbardians and Randists have often moved away from those principles, as they have read more widely and been exposed to a wider range of arguments.

The Rand Cult and the Rothbard Cult

On balance, the Objectivist movement has clearly retarded the cause of liberty. (This is true of the record to date; it need not always remain so.) Thousands were recruited into the Rand cult, but many of them became bitterly disaffected and emotionally disturbed by its mindless dogmatism and malicious heresy-hunting.

Rothbard was certainly a different kind of animal. Unlike Rand, he was knowledgeable, often highly perceptive, and in the flesh customarily good-humored. Rothbard did not serve up centuries-old libertarian arguments pretending that they were his own inventions. He practiced and encouraged libertarian intellectual archaeology, doing a lot to revive interest in many neglected writers, like the Spanish Schoolmen, Boettie, and Molinari.

The theoretical formulations of Rothbard and Rand are not mountain peaks in the history of libertarian thought.

For former Rand-cultists, of course, Rothbardism was a much more comfortable and roomy prison. You were actually allowed to believe in God and to listen to Beethoven!

Yet there was a kind of dogmatic cultism about Rothbard's following, too. His intellectual archaeology had something of the quality of Marx's *Theories of Surplus-Value*. Although the approach to past thinkers is erudite, sometimes exciting, and often genuinely insightful, we are not permitted to forget for long that its chief aim is to sort out the good guys from the bad guys.

There was a strain of angry orthodoxy and heresy-hunting in Rothbard, allied with a noticeable lack of self-criticism in his intellectual arguments. Time after time in Rothbard, one finds that, just when an interesting objection crops up, it is swept aside by a dismissive gesture.

Partly, Rothbard seems to have gotten this from Mises, who was often guilty of the same uncritical mode of exposition. I conjecture that both Mises and Rothbard may have been influenced by the examples of Bolshevism and National Socialism to think that it would be effective to adopt a rhetorical tone of shining certainty, untarnished by hesitation. Perhaps they both read Chakotin's *Rape of the Masses* when it had its vogue among intellectuals in the 1940s. Rothbard himself appeared to take a schoolboyish glee in emulating the doctrinaire sloganeering of a Bolshevik vanguard party.

On balance, the Objectivist movement has clearly retarded the cause of liberty.

Now, under certain circumstances, this Leninesque tone is effective. But for one complicated reason or another, it is less effective in recruiting libertarians today than it was in the 1960s.

The twin pillars of Rothbardian dogma were praxeology and natural rights. There were other credal matters, like a non-interventionist foreign policy, the unique culpability of the U.S. in the Cold War, political anarchism, and the desirability of alliance with whichever political tendency Rothbard was currently courting. But all these were less important.

The Misesian, praxeological approach to economics has important insights to offer, but its wholesale condemnation of empirical and mathematical methods is erroneous. With the exception of Kirzner's work on entrepreneurship, Misesian economists have not in recent years proved fecund in insights readily applicable to the real world. On the other hand, non-Misesian economists have many times made impressive arguments for less government, often in ways that Austrians would condemn on what I believe are wrong-headed methodological grounds.

The Consequences of Natural Rights

Natural rights were seen by most libertarians of the 1960s and 1970s as a way of proving from first principles that private property and laissez faire form the only correct foundation for a just social order.

What did this mean? Any arguments for government intervention, such as rent control, in terms of its good consequences (giving tenants cheaper accommodations) were in practice countered with arguments about its bad consequences (rent control creates a housing shortage). But then the natural-rights libertarians would add that, quite aside from the good or bad consequences, rent control was wrong, and this was something that could be objectively demonstrated, regardless of any consequences.

It was further implied that if you couldn't see that rent control was wrong regardless of its good or bad consequences, you couldn't feel morally outraged about rent con-

trol, and therefore you were likely to go along with this or some other form of state intervention.

And here there was always an equivocation. On the one hand, natural-rights libertarians would usually insinuate that if you were concerned solely with consequences, you would end up supporting state intervention. On the other hand, they did not admit for a moment that there actually existed a case of a state intervention that did have net good consequences. Sometimes, to clinch their case, they would cite horrific examples of the appalling consequences that would ensue if people paid too much attention to consequences.

Listening to this stuff, I used to wonder: Just suppose that it could be demonstrated, as a matter of plain empirical fact, that the implementation of natural principles of justice would lead to a hell on earth. What then? It seems there are two possible answers.

1) It cannot logically be the case that natural rights would lead to terrible consequences. (But then, nothing much seems to be lost by treating good consequences as practically equivalent to natural rights.)

2) It's just a wonderful coincidence that natural rights always automatically lead to the best consequences, and how happy we should be that this is the case, but woe betide us if we take the heretical view that in that imaginable but impossible world where it was not the case, we would take the side of good consequences against natural rights.

It's not true, by the way, that libertarians in practice ever did predominantly argue from axioms rather than from consequences, when they were addressing actual policy issues — though these libertarians did say things that might lead you to think they ought to have argued that way. In my experience, libertarians have always, overwhelmingly in practice, argued from consequences. Bradford's observations on the Cato output are both telling, but this has always been typical of libertarians actually engaged in persuasive argument about specific issues.

For instance, when Rand was asked on "Donahue" about the danger of a monopolist taking over the market, she did not for one second think of saying that this would just be tough and we would have to put up with it because to stop it would be to contravene natural rights. Rand instantly responded in standard libertarian fashion: a monopolist (in the special, strong sense) could never arise on the free market.

Grotius, Pufendorf, Locke, or Spencer would doubtless have been staggered to hear that natural rights were an alternative to consideration of social consequences.

The natural-rights doctrine of the natural-rights libertarians was a peculiar thing, derived from Rand and Rothbard. It was not quite the same as anything in the natural rights tradition. Grotius, Pufendorf, Locke, or Spencer would doubtless have been staggered to hear that natural rights were an alternative to consideration of social consequences.

I have many times put to natural-rights libertarians the following challenge. There is a range of imaginable systems of rights (using "rights" here in a purely non-evaluative sense: those rights potentially capable of being recognized and enforced by some legal system). Let's pick from this vast range of possible systems, a much narrower range of systems we prefer, on the basis of demonstrated conduciveness to human welfare in the broadest and most long-range sense. Call this narrower range (which theoretically might approach a single unique system of rights) "natural rights."

I have never yet received an affirmative reply accepting this as a legitimate approach to natural rights. This confirms my suspicion that the natural-rights libertarians are as impervious to the spirit of the natural rights tradition as they are to the arguments of more recent libertarian philosophers, among whom I favor especially the two Jans (Narveson and Lester; Jan Lester's brilliant book on libertarian philosophy is due to come out later this year).

The question arises why the Rothbard-Rand ideas were ever found convincing. Broadly, the answer lies in the youth and inexperience of most libertarians in the 1960s, at a time when support for the libertarian tradition of thought had sunk to its lowest ebb for a century.

There was contemporaneously a libertarian shift among academics and policy-makers who did not call themselves libertarians or join the organized movement so named, but were linked with Mont Pelerin. This movement of intellectual thought was effective in establishing a beachhead. It owed a great deal to Friedman and Hayek, something to thinkers like Popper who were not really libertarians but were effective critics of crucial anti-libertarian ideas, and something to the practical work of people like Antony Fisher. It is sobering to recognize that this broad and effective movement would have made its impact on the world in roughly the same way if Rothbard and Rand had never existed.

For Fabian Anarchism

In general I agree with Bill Bradford's conclusions, but I would sound two notes of dissent.

I don't think we should get into the habit of arguing from what "astonishes" non-libertarians or makes them "shake their heads in disbelief." There are many libertarian positions that do have this effect on people, and some of these positions are well within even a fairly lax threshold of what makes a libertarian: abolition of government schools, abolition of government licensing of physicians, abolition of eminent domain, the liberty to inject oneself with heroin at one's whim, and so forth.

And so it should be. Finding out what people already believe and then agreeing with it in order to gain their respect is one kind of activity. Advocating a political philosophy now embraced by only a tiny minority of people, hoping that it will eventually become less unfashionable, is a distinctly different, and largely incompatible, kind of activity.

Libertarian argument on the topic of anarchism has almost exclusively concerned itself with whether anarchy would work in practice, and anarchists have been winning those arguments. (Rand offered only one argument against

anarchy: it would lead to interminable fighting.) In the broad historical sweep, libertarianism has been becoming steadily more anarchist for several centuries. All anarchist libertarians would no doubt become minimal-state libertarians if they met a good argument showing that anarchism wouldn't work. The remarkable thing is that so far, no such argument has turned up.

A distinct issue is whether libertarians should support half-measures that leave the state intact but move toward more liberty and efficiency. One current case is whether to campaign for charter schools and school vouchers, while ultimately arguing, of course, for the complete removal of government from schooling.

Libertarians should indeed do this. We are not like millenarian socialists, who think that it's futile to tinker with the system, that no good will come until the world is made anew. Piecemeal tinkering sometimes pays off, and nothing else ever does. Small steps in the direction of somewhat greater liberty will yield dividends in human happiness, as well as new information about the way institutions work, to help guide the subsequent direction of reform. Anarchy will come like a thief in the night.

So anarchism (or perhaps minimal-statism) as an ultimate objective and as a theoretical standard should be combined with piecemeal reform as the immediate solution for particular policy issues. If the head-shaking of our non-libertarian friends troubles us, we can always confine the discussion with them to our proposals for immediate reform; we can keep talking with fellow libertarian crazies about anarchism, the demonopolization of the U.S. Postal Service, and similar terrifying schemes.

Rethinking the Data

by David Friedman

Bill Bradford sees the Liberty Poll showing a shift from moralistic libertarianism, as represented by Ayn Rand and Murray Rothbard, to consequentialist libertarianism, as represented by Milton Friedman, Friedrich Hayek, and Ludwig von Mises. While I would be happy to believe that such a shift has occurred, I do not think the poll data provide much evidence for it.

Looking at the poll results for the five people Bradford names, the pattern is clear. Murray Rothbard's influence has fallen dramatically. None of the others have changed very much. Given that Rothbard spent much of the intervening period drifting out of the libertarian movement, in which he had played a central role for many years, the decline of his influence is hardly surprising. Omitting Rothbard and combining the two polls (*Liberty* subscribers and LP convention attendees), Rand comes out precisely in the middle — number two out of four in one poll, number three out of four in the other.

Consider next the evidence on changing views. While it is true that the percentage of anarchists in the sample has declined sharply, it is hard to see that change as evidence for a shift toward the consequentialist approach. Rand, after all, the leading moralist (in Bradford's sense), was also a convinced minarchist, a position that, whether or not it follows from her more fundamental views, most of her followers continue to accept.

Some of the other poll results are consistent with Bradford's conjecture but others are not; the decline in the number of people who believe that one can accept government services without committing an immoral act is fairly striking evidence against. And the answers to the "Moral Problems" show little change. It is possible that the change Bradford describes has occurred, but I do not think it provides a very convincing explanation for the poll results.

An alternative explanation is that the poll results reflect the effect of a widening, and hence an ideological dilution, of the libertarian movement. During the period in question *Liberty* has roughly tripled the number of its subscribers and the LP has also grown substantially. One result is that fewer of the people polled are libertarian ideologues, moralistic or consequentialist, and more of them ordinary non-ideological Americans who think the world would be a better place with a lot less government.

Libertarians who were hard-line ideologues when stating general principles become considerably less so when confronting situations where their moral beliefs lead to unpleasant consequences.

Let me suggest some evidence in the poll results that supports that interpretation:

- The shift away from anarchism. In the population as a whole, anarchists are a small, vanishing minority. Dilute a population of ideological libertarians, of whom about a third were anarchists, with a lot of people whose ideas are closer to the national norm, and the percentage of anarchists falls sharply.
- The shift away from support for the non-initiation axiom.
- The shift away from support for radical public policy prescriptions such as free immigration.
- The shift away from atheism; the overwhelming majority of Americans are theists.

In the poll of *Liberty* subscribers, there were nine people whose influence rose from 1988 to 1998: Aristotle, Milton Friedman, Barry Goldwater, Robert Heinlein, Thomas Hobbes, Thomas Jefferson, Immanuel Kant, John Locke, and John Stuart Mill. Every single one of them is a name as familiar, or almost as familiar, to non-libertarians as to libertarians. Jefferson, who showed the largest increase, is someone whose work (other than the Declaration of Independence) very few people have read, but whose name is familiar to almost everyone and generally linked with libertarian sentiments. The figures whose influence has declined are, with the exception of Mencken and Rand, people few outside the libertarian movement have heard of.

The best evidence I can see against the interpretation is that the answers to the "Moral Problems" on the poll have stayed fairly constant over time. The reason that is not very strong evidence is that even in 1988 the hard-line positions

("better death than trespass") commanded very little support. Libertarians who were (and are) hard-line ideologues when stating general principles become considerably less so when confronting hypothetical situations where their moral beliefs lead to very unpleasant consequences.

So far I have limited myself to evidence from the Liberty Poll. I have some additional evidence from my own experiences in academia and online. To what extent do those experiences confirm or contradict the implications of the poll?

One fairly clear observation is that libertarianism is spreading among ideologically unsophisticated people. The clearest evidence is the frequency with which libertarians online assert that libertarianism is by definition minarchist rather than anarchist. On further discussion, it usually becomes clear that the poster rejects the anarchist variant of libertarianism not because he believes it is wrong but because he doesn't know it exists. I get the impression that such posters are usually fairly new to online political discussion.

Bradford loads the Liberty Poll with crazy questions that he thinks undermine natural rights.

A second observation is that the anarchist version of libertarianism is highly visible, and perhaps increasing, in online political discussions. That is consistent with my interpretation since such discussions tend to be dominated by libertarian ideologues (I use the term non-pejoratively, and include myself).

A third observation is that the rights-based version of libertarianism is alive and well online, although perhaps gradually losing ground, at least among anarchists, to the consequentialist version. That is consistent with my interpretation of the poll results but not, I think, with Bill Bradford's. Online argument provides lots of opportunities to try to convince other people, fail, and amend one's argumentative strategies accordingly. If that is the mechanism that is driving libertarians towards consequentialism, the shift should be well advanced in the online communities.

For most North Americans, at least, to point to a policy and say that it is "discriminatory," based on "unequal treatment," or "unfair" is to disqualify it and demand a change. At least when applied to the actions and policies of government, that's not a bad attitude. It is the application of a well-established general principle to concrete issues. In some cases the discrimination is, upon examination, found to be justified; examples might include excluding women from combat roles in the military if evidence is shown that putting women on the front lines would lead to a decline in national security, and differently weighted votes for the U.S. Senate for Nebraskans and Californians, if it helps to preserve federalism and thereby some limits on government power. Thus, the principle against government discrimination among citizens is a rebuttable presumption, but that does not rob it of its force, as anyone who reads the daily newspapers can attest. Natural-rights ("moralistic") libertarians believe that natural rights should have something like the status that the presumption against discrimination has today. Natural rights are imprescriptible — they are not gifts or dispensations from authority, but they are also defeasible, i.e., capable of being annulled or overridden by other considerations. Imprescriptible and defeasible are not contraries. Being defeasible does not mean that natural rights have no force, nor that they should be discarded whenever one finds it merely convenient or to one's liking.

Finally, to return to the surveys that occasioned Bradford's remarks on moral thinking: a considerable controversy swirls among political scientists on what constitute the criteria that determine the identity over time of a moral or political ideology or movement. Two concrete questions indicate the problems: was F. A. Hayek a liberal? (I say "yes," and most self-identified liberals say "no.") Is Tony Blair a socialist? (I say "no" and he says "yes.") Three commonly proposed candidates are:

1) Consider as holders of that ideology all those who identify themselves by a common name, and ask them what they think.

2) Consider an ideology as a set of interrelated ideas with some coherence and implications, and identify its adherents as those who accept more or fewer of those ideas or who accept more or less of the general network of such ideas.

3) Look to the historical continuity of the ideas, as transmitted from person to person and as developed and refined or adapted by those who hold them.

That list is neither exhaustive nor very well articulated, but I offer it to indicate that there may be some questions about what the suggestive but unscientific poll taken by the editors of *Liberty* entails for our understanding of libertarian ideology.

In short, it is unclear to me what the Liberty Polls tell us about libertarianism (and, given their statistically unscientific nature, what they tell us about self-identified libertarians). Further, despite my deep respect for R. W. Bradford and his journal, I conclude that in this instance Bradford's remarks about distinctions in moral thinking are more confusing than enlightening.

No Contradiction Between Rights and Consequences

by David Boaz

Analyzing a possible change in libertarian thinking on the basis of the Liberty Poll is of dubious value. The poll of self-selected *Liberty* readers and Libertarian Party convention attendees is strikingly unscientific. It also raises a deeper methodological issue: What is an ideology? If a poll showed that self-proclaimed "libertarians" supported progressive taxation and national health insurance, would that indicate a change in "libertarianism"? Or would actual libertarians simply sigh and say, "Well, there's another word we've lost"? But I would not argue that the libertarian ideology could not undergo changes on the margin or in terms of justifications,

so the issues raised by R. W. Bradford are still worth considering.

Bradford posits a distinction between consequentialist and "moralistic" or rights-based libertarianism, and argues that the Liberty Poll indicates a trend among libertarians away from the latter. Whatever the inadequacies of this particular database, I've seen more anecdotal evidence of a similar shift among young people coming to work at the Cato Institute over more years than I care to remember.

For me the biggest question is the validity of this widely perceived distinction. Here's what I wrote about it in the introduction to *The Libertarian Reader* (Free Press, 1997):

> Do libertarians believe in free markets because of a belief in individual rights or an empirical observation that markets produce prosperity and social harmony? The question ultimately makes no sense. As Hume said, the circumstances confronting humans are our self-interestedness, our necessarily limited generosity toward others, and the scarcity of resources available to fulfill our needs. Because of these circumstances, it is necessary for us to cooperate with others and to have rules of justice — especially regarding property and exchange — to define how we can do so. If individuals using their own knowledge for their own purposes didn't generate a spontaneous order of peace and prosperity, then it would make little sense to advocate either natural rights or free markets.

Does civil society produce liberty, or does a firm commitment to natural rights produce civil society? Well, both. Locke, Spencer, Rand, and Rothbard have helped to outline a rigorous and consistent theory of individual rights that, if applied, would protect freedom and allow people to generate all the institutions of civil society. But Hume, Acton, and Hayek would direct our attention to the historical processes by which liberty was actually achieved in the West, and especially in England and America: a long struggle in which the members of civil society demanded specific liberties from their rulers, with those liberties eventually forming a large enough space for freedom of thought and action that we might call it liberty.

Impossible Burdens

Human beings need rules to enable them to live together peacefully and productively. Libertarians believe that history, economics, reason, and the study of human nature indicate that the best results are generated by granting every person the freedom to use his own knowledge and his own resources for his own purposes. For most of us that is both a consequentialist and a moral analysis. And it is necessarily rooted in the nature of our species: no one would propose a natural-rights regime for bees or cows.

Some critics of rights-based libertarianism try to place impossible burdens on the claims of natural rights, then declare victory when the theory won't hold so much. Bradford, for instance, says that "moralistic" libertarians believe that "it is always wrong for one person to initiate force against another." That would mean that there are no circumstances — during war, flood, shipwreck, murderous rampage — when the normal rules for social interaction might be inoperative. But that is not what actual rights theorists claim; rather, they say that in normal circumstances,

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where social and political life is possible, people should respect each other's rights.

Bradford says that natural-rights libertarians believe that non-aggression is "a moral imperative from which all social and political thought can be derived." That would imply that history, economic analysis, common law, personal experience, and intuition played no role in one's understanding of the world. Few people would make such a claim, and I'm certainly not one of them.

Finally, Bradford loads the Liberty Poll with crazy questions that he thinks undermine natural rights: Would you stop parents from starving their baby to death? Would you, hanging from a 49th-floor balcony, save your life by entering an apartment against the owner's wishes? David Friedman offers, Would you steal a gun to stop a mass murderer? Questions like those make for an amusing parlor game, even an interesting intellectual exercise to test the limits of a theory of rights. But Ayn Rand reminded us that we shouldn't base our ethics on lifeboat situations because we don't live in lifeboats. Let's construct an ethics appropriate for normal life and only then consider the extremely unlikely circumstances where it might not hold. I'm guessing that no *Liberty* reader has ever found himself hanging from the balcony of a misanthrope, or forced to break into a cabin in a blizzard. In the real world, where we live 99.9 percent of our lives, it is wrong to hit people or take their stuff, and everyone knows this. The happy and not coincidental result of following such a rule is more prosperity and social harmony.

Let's construct an ethics appropriate for normal life and only then consider the extremely unlikely circumstances where it might not hold.

As for what libertarians actually believe, in the Liberty Poll nearly 90 percent of "libertarians" agreed that "All men by their nature have a right to life . . . liberty . . . property . . . [and] the pursuit of happiness." Sounds good to me.

Bradford says that "moralistic libertarianism" (and why not just "moral libertarianism" if "natural-rights" is too old-fashioned?) was "formulated by . . . Ayn Rand and appropriated and expanded by Murray Rothbard." But this is a gross historical error. The concept of individual and imprescriptible rights did not begin with Ayn Rand; it goes back to the pre-Socratics, Aristotle, the Scholastics, the Levellers, Locke, Hume, Paine, Jefferson, and Spencer, among others. It may well be that Rothbard uniquely dropped any qualifications from the theory, giving the impression that in all circumstances — maybe even for the balcony-clinger and the blizzard-bound cabin-breaker — a strict non-aggression rule must be followed. But Rand did not; the theory she enunciated, while it appropriately emphasized the rules to be strictly followed in all normal circumstances, allowed that there were indeed circumstances where the adherence to rights would break down (see, for instance, "The Ethics of Emergencies" in *The Virtue of Selfishness*). Nor did other contributors to this long tradition make such excessive claims. (For my own analysis of the limits of rights, see pp. 84-87 of *Libertarianism: A Primer*, borrowed shamelessly from Douglas Rasmussen and Douglas Den Uyl, *Liberty and Nature*.)

I don't disagree with Bradford's argument that in today's world people seem to respond more willingly to explicitly consequentialist arguments than to a dogged insistence on individual rights. But maybe we should make it our task to ask how we can re-establish the popular commitment to rights that once existed, at least in America. After all, Americans do still believe firmly in the broad outline of rights theory. Imagine someone trying to tell Americans that the great majority of us would be happier if we exiled the Jews, implemented a policy of female genital mutilation, or expropriated Bill Gates. No, Americans would say, that would be a gross violation of rights.

A couple of personal points: I think Bradford has misread *Libertarianism: A Primer* (pp. 74, 82–3) when he says that I "come close to reading out of the libertarian movement those who disagree with" the non-aggression principle. Rather, I think I read the consequentialists into the natural-rights camp by demonstrating that, at root, they do believe in individual, imprescriptible rights. And Bradford also says that, although leaders of the Cato Institute seem to endorse rights-based libertarianism, Cato's policy studies are framed in consequentialist terms. Well, yes. The Cato Institute is a public policy research organization. Its purpose is to analyze public policy in terms of how well they fulfill widely shared values, such as economic growth, the alleviation of poverty, social harmony, and international peace. And those studies, based on empirical research and economic analysis, help to confirm the good results that can be obtained by following the non-aggression principle, and thereby to demonstrate that non-aggression is indeed a moral imperative.

In Defense of Utility

by Leland B. Yeager

I don't know much about the numbers, but I am glad to read that consequentialist or utilitarian libertarianism is gaining ground over the moralistic or rights-based version. Consequentialism is an approach to ethics that appraises actions, practices, institutions, policies, principles, attitudes, and character traits by their likely consequences. Utilitarianism is a subapproach: it attends to the consequences for human happiness or misery in particular. Because it is the most plausible kind of consequentialism, I prefer the more specific term.

Moralistic or rights-based libertarianism has little appeal to the general public, as R. W. Bradford says, because it relies more on dogma and declarations than on evidence, reasoning, and dialogue. It reaches sweeping and detailed policy conclusions in a suspiciously easy way, with scant attention to the real world. Some of them, like Murray Rothbard's conclusions about contracts, bankruptcy, extortion, blackmail, and crime as private transactions between perpetrators and victims, as well as the supposed "heroism" of the scumbags

defended in Walter Block's notorious book (*Defending The Undefendable*, 1976), are outlandish on their face.

That approach downplays even economics. Economists associated with the Ludwig von Mises Institute and its new *The Quarterly Journal of Austrian Economics* have been extending Rothbard's moralistic condemnation of fractional-reserve banking. They insist that all banknotes and checking accounts be backed 100 percent by reserves of hard money. Innovations that might wriggle around this requirement must be stamped out. Any other monetary arrangement is downright fraudulent. No matter how much banks and their depositors might desire it, any alternative violates the first principles of property law and morality. It stands condemned even without any economic analysis. It is ironic that this facile and anti-utilitarian style of argumentation should proceed from professed disciples of Ludwig von Mises, a forthright utilitarian.

The moralistic approach makes bad propaganda because it is philosophically defective. Either it is rank intuitionism or it is utilitarianism disguised and crippled. Its non-aggression imperative, banning any initiation of coercion, either is mere rhetoric or is meant to be taken literally. Taken literally, it rules out any government. Ethan O. Waters (pseudonym of R. W. Bradford) has duly mocked it: "To the question, 'When is it legitimate to initiate the use of force against others?' the libertarian moralist answers, 'Never! Unless, of course, you really need to initiate force . . .'" If that imperative is not an ultimate intuition, it purportedly derives from the two Lockean maxims of self-ownership (personal autonomy) and homesteading (first appropriation through mixing one's own labor with hitherto unowned resources). What basis do those maxims have? Well, what would the alternatives to self-ownership and first appropriation be? Shared ownership of individuals? Second appropriation? How well would those alternatives work? Even Rothbard lapsed into utilitarianism, seeing it as "vitally necessary for each man's survival and prosperity that he be free to learn, choose, develop his faculties, and act upon his knowledge and values. . . . [T]o interfere with and cripple this process by using violence goes profoundly against what is necessary by man's nature for his life and prosperity" (*For a New Liberty*, 1973, pp. 23–25).

Making natural rights the very foundation of ethics and policy substitutes intuition for factual research and reasoning. Furthermore, familiar strands of "rights talk" (Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse*, 1991) debase political discussion. To demand a particular line of policy as a matter of right is to deploy pretty heavy artillery, portraying one's opponents as not merely mistaken or obtuse but immoral. An overblown rhetoric of rights obstructs the democratic processes of public justification and deliberation; it subverts creative search for mutually beneficial accommodations. Continual invention of new personal and group rights simplistically derived from moral axioms or ingeniously read into the Constitution is scornful of custom and precedent.

It consorts with pervasive politicization of life, legalism, and litigiousness.

I am questioning not human rights but the abuse of rights talk. Precisely because rights are important, they deserve a better grounding than reports of definitive intuitions. It isn't enough to talk of what human nature requires. Of course we are talking about ethics and politics for human beings, not for zebras or ants.

The meaning that seems to fit the typical context is this: a right is a person's entitlement to others' treatment of him that is binding on those others with compelling moral force. Some rights are positive entitlements, like a child's right to support by his parents or each party's right to performance by the other party to a contract. The rights mentioned in the Declaration of Independence are negative rights, rights to forbearances, rights not to be coerced or victimized by other persons, notably including agents of the state. One reason why negative rights are especially stringent is that they are relatively easy to honor — by simply not interfering.

Anyway, rights, being moral entitlements, presuppose an ethical system and cannot provide its very grounding.

> [R]ights are themselves never foundational, but rather intermediaries between claims about human interests that are vital to well-being and claims about obligations it is reasonable to impose on others in respect of these interests. Rights . . . gain their content from the requirements of human well-being — and they will be variable as the demands of human well-being vary (John Gray, *Post-Liberalism*, 1993, p. 303).

Richard Epstein finds a utilitarian grounding for natural rights, sensibly interpreted, and for the Lockean maxims of self-ownership and homesteading (symposium contribution in *Harvard Journal of Law & Public Policy*, 1989; *Simple Rules for a Complex World*, 1995).

Moralistic libertarianism has little appeal to the general public because it relies more on dogma and declarations than on evidence, reasoning, and dialogue.

Ludwig von Mises, Henry Hazlitt, and predecessors such as Thomas Hobbes and David Hume stressed social cooperation, or what some writers nowadays call civil association or civil society. Under whatever name, it is the complex of institutions, practices, precepts, and even attitudes that fosters peace, security, specialization, gains from trade, opportunities for social solidarity and affection within small groups of individuals, and effective cooperation among people seeking to make good lives for themselves in their own individual ways. Serving social cooperation is a utilitarian near-ultimate criterion of institutions, rights and other ethical precepts, and even of character traits. (The ultimate criterion is happiness in a suitably stretched sense of the word.) Applying the criterion of social cooperation does not require "aggregative judgments of utility" (so called by John Gray, introduction to J. S. Mill, *On Liberty and Other Essays*, 1991, p. xxvi). Economics and other social and natural sciences investigate what serves and what subverts social cooperation.

Utilitarianism upholds some basic ethical precepts that are almost invariant from time to time and place to place, the standard ones that have stood the test of experience. A sensible version of utilitarianism lays great emphasis on enduring

principle, as opposed to case-to-case short-run expediency. Specific applications can vary. What serves social cooperation and thereby happiness is indeed conditioned by a society's traditions, customs, historical inheritance, and common moral culture.

These are subject to piecemeal reappraisal and reform, but there is no external standpoint of pure reason or pure intuition from which they can sweepingly be called into question and replaced by newly invented ones. A decent respect for historical context is required precisely on utilitarian grounds.

Of course public policies must square with ethics, but what best serves human goals requires detailed analysis. Libertarianism is best championed by empirical and theoretical research, not by purporting to bypass them.

The Case of the Missing Premise; or, The Axiom That Wasn't Categorical

by Tom G. Palmer

R. W. Bradford has raised a number of interesting and important problems in moral and political theory, but I believe that he has generated more confusion than enlightenment in the process. In an attempt to characterize what he sees as "the New Libertarianism," Bradford makes a number of significant errors. Let's see how.

Bradford contrasts "moralistic" libertarianism, based on a belief in "objective morality," with "consequentialist" libertarianism, based on the belief that "liberty is good for people." This might seem to imply that consequentialism is not a moral theory, an impression that Bradford rushes to correct: "This is not to say that consequentialist libertarians are not moral; in fact, most consequentialists agree that it is wrong to initiate force. Where they part company from the moralist libertarian is that they see non-aggression as a general moral principle, one with profound and positive consequences, but not as a moral imperative from which all social and political thought can be derived."

So Bradford does agree that consequentialism is a kind of moral theory; but he errs in seeing "moralism" as a system of moral imperatives that are not merely moral imperatives, but categorical imperatives. It is a tribute to the great influence of Kant that morality has in recent years come to be associated entirely and only with categorical imperatives, i.e., command actions we would have to take regardless of the consequences and regardless of any other considerations whatsoever. It is at the same time very unfortunate, for it has generated great confusion about the nature of the moral theories of all other philosophers, from Plato and Aristotle up to the modern age. I address this unfortunate confusion at much greater length (replete with scholarly apparatus and quotations) in "What's Not Wrong with Libertarianism: A Reply to Jeffrey Friedman" in a forthcoming issue of *Critical Review*, so I refer the reader interested in intellectual history and rigorous philosophy to that article and offer here a few more commonplace observations. Equating all moral imperatives with categorical imperatives is like the common practice of referring to a particular attitude toward suffering or joy as "philosophical," when actually the attitude is "Stoic," and not all philosophers are Stoics.

The fact is that Bradford, indeed all consequentialists, believe in "objective morality," for they believe in cause and effect, in observable regularity in the world (including the world of human action and social life). Consequentialism rests on the belief that consequences can be observed and associated with causes and that, if one wishes to obtain good consequences or avoid bad ones, there are actions that can be taken or avoided. The system of rules or principles generated on the basis of such observed regularity is a system of "objective morality." The alternative would be a system of arbitrary will, randomness, or magic. Consequentialists believe in objective morality just as much as do "moralists." Bradford's dichotomy is based on a confusion.

Consequentialism as such, however, is not a complete moral theory, as Bradford also implicitly recognizes. He writes that consequentialist libertarians favor liberty because "liberty is good for people." But consequentialism as such, i.e., always seek good consequences or the best consequences, does not tell us what the "good" or the "best" is. Consider the following account of the good, offered in *The Iliad* as a prayer for his infant son by the Trojan hero Hector:

> Zeus, all you immortals! Grant this boy, my son, may be like me, first in glory among the Trojans, strong and brave like me, and rule all Troy in power and one day let them say, "He is a better man than his father!" when he comes home from battle bearing the bloody gear of the mortal enemy he has killed in war — a joy to his mother's heart.

Presupposed in consequentialist libertarianism (which includes, as we shall see, most of those who believe in the "non-aggression axiom," imprescriptible individual rights, and the like) is a theory of the good and the desirable that differs considerably from Hector's, which eloquently expresses the virtues of glory and honor, in contrast to the bourgeois virtues of personal responsibility and security, toleration, and peaceful social cooperation.

There is a missing premise in Bradford's formulation. The formal structure of consequentialism cannot answer the question of what is good or bad, or of for whom or to whom the consequences are to be considered good or bad. Shall we consider what is good for me, or for my friends, or for people like me, or for most people, or for everyone? And who counts as a person? I raise these issues not because I consider them insoluble or especially vexing, but because Bradford's simple dichotomy cannot handle them.

Morality — even objective morality — constitutes a far richer subject than Bradford indicates. Two well developed approaches to objective morality offer different answers to these problems. The classical natural law approach, derived from Aristotle, is based on the natural end (*telos*) of the human being, on the flourishing of that being and the achievement of its natural end, hence on a teleological view of moral life. Modern natural law attempts to answer the skeptic who points out the great diversity in forms of human social life, and who asks "What's natural about X or Y, when we observe plenty of societies that don't follow X or Y?" Broadly speaking, thinkers in the modern natural law tradition respond by identifying certain basic goals they see as common to all or at least to most people (e.g., preservation of life, prosperity, enjoyment of the pleasures of life in peace,

and so on). Then they show what rules or practices are necessary to achieve those goals. The form of the argument is the "hypothetical syllogism," i.e., "You desire X; in order to achieve X you must Y; therefore you must Y." The rule of law, individual rights, property, freedom of contract, and other principles comprise consequentialist, natural law libertarianism.

Observation and reasoning about different situations and discovery of regularities lead to the formulation of principles. These principles may then be used to deal with new situations. They are rebuttable presumptions about what kind of action is appropriate. That's what rights are. That's what the non-aggression axiom basically is — a fancy way of expressing the childhood principle of "keep your hands to yourself."

Bradford tacitly admits as much when he writes, "then perhaps you can convince them that the world would be a better place if a few more aspects of life were regulated by it, that is, if we had more liberty." The "it" is a principle, an axiom of morality. Perhaps some have been misled by the term "axiom" to think that the principle is merely posited or is just pulled out of the air. But that is not what the term normally means. The first definition offered in the *Oxford English Dictionary* is: "A proposition that commends itself to general acceptance; a well established or universally accepted principle; a maxim, rule, law." The non-aggression axiom is a well established (alas not universally accepted) principle; it is a maxim, rule, or law. That does not mean that it holds the status of a categorical imperative. There may indeed be many occasions when the non-aggression axiom does not apply, such as cases in which social life is simply impossible. Lifeboat situations may be like that. The bizarre and unlikely scenarios that Bradford describes do not show that principles or axioms or rules are irrelevant as guides to right action, but that there are limits to their range of application.

Despite 25 centuries of moral and political philosophy, there is still no agreement on whether natural rights exist.

Rights are supposed to be guides to action. They are justified in most moral systems (Kant's and some others not included) on the ground of the good consequences that they are likely to produce. To say that they are guides to good action is not to predict that they will always and inevitably produce better or more desirable results. It is pointless to exhort people to "always pursue good consequences." We rarely, if ever, know enough about all the possible consequences of our actions to know which course of action would in every case produce the best consequences. That's why we need rules, axioms, guides to action. As David Hume noted in his *Treatise of Human Nature*,

> if men pursu'd the publick interest naturally, and with a hearty affection, they wou'd never have dream'd of restraining each other by these rules; and if they pursu'd their own interest, without any precaution, they wou'd run head-long into every kind of injustice and violence. These rules, therefore, are artificial, and seek their end in an oblique and indirect manner; nor is the interest, which gives rise to them, of a kind that cou'd be pursu'd by the natural and in artificial passions of men. (Book III, Part II, section ii, 496–97)

Natural law and natural rights thinking do not deny that consequences matter. The contested issues are at what stage of the argument consequences are to play their justificatory role, and, in addition, what counts as a good or bad consequence and who are the relevant persons for whom the good or bad consequences are to be considered.

I do not believe that there is a general trend, among libertarians or among members of our society generally, to adopt ad hoc utilitarianism and reject more extensive or wide ranging principles or axioms. An example of a principle widely invoked today that plays the role that rights and non-aggression should also play is the identification of a scheme or policy as "discriminatory," an identification that automatically condemns that scheme.

Inescapable Facts, Unavoidable Constraints

by Pierre Lemieux

I don't find overwhelming the reported evidence on the relative influence of consequentialism versus natural rights in libertarian opinion. How do we know that the two populations (of 1988 and 1998) are representative of libertarian opinion? And how do we know that the differences in answers are significant? In any event, the issues raised are interesting from the point of view of a vagrant economist.

Inquiring whether libertarianism is grounded in natural rights or in consequential justifications confronts us with an inescapable fact and an unavoidable logical constraint.

The inescapable fact is that, despite 25 centuries of moral and political philosophy, there is still no agreement on whether natural rights exist, let alone on what they are. True, there are fruitful positive accounts of natural law and natural rights, about how such institutions emerge from social interaction, but these explanations do not bridge the is/ought gap. We also know that, at least at a certain stage of civilization, individuals say "I" and claim rights, but this doesn't prove that rights exist outside of subjective preferences.

We may also assume that any moral theory must show concern for human development. In this sense at least, consequences do matter. The most logical theory of rights would not be worth the logical gates it passes through if did not serve human development. The real issue is, to what extent do consequences matter?

The logical constraint lies in the impossibility of an ethically self-sufficient consequential ethics. Consider the utilitarian basis of either neoclassical or Austrian economics: its normative significance requires some ethical foundation, if only the assignment of moral value to individual preferences. The problem is even more complicated since only certain individual preferences are deemed morally valid, and only certain kinds of harm are forbidden. The pleasure felt by a murderer or by a coercive dominator carries no moral weight. Blowing up a competitor's factory is morally wrong,

while destroying his business goodwill is perfectly permissible. Moreover, the initial distribution of property tints the moral significance of individual preferences: the ones expressed with stolen money hold no moral value.

It seems, therefore, that libertarian political theory cannot be based on a pure, non-consequentialist, conception of individual rights; and, yet, that a consequentialist or utilitarian theory needs an ethical substratum. Even if no "natural rights" exist, the claim would remain that morality is inseparable from human nature; but consequences also matter. Thus, consideration of both morals and consequences appears necessary for a defense of liberty. Perhaps libertarians have discovered this.

In Response to My Critics

by R.W. Bradford

The comments of Friedman, Boaz, Palmer, Lemieux, Steele, and Yeager were all enlightening and provocative.

I will leave for others to discuss whether the change from the moralistic libertarianism of the non-initiation imperative toward the more eclectic, consequential approach of Friedman, Mises, and Hayek is a good thing. At least for now.

Instead, I'll consider first the challenges to the validity of the Poll; then a challenge to the conclusions that I drew; then the validity of the distinction between "moralistic libertarianism" and "consequentialist libertarianism"; and finally, I'll explain the purpose of the "crazy questions" in the Polls.

I. The Validity of "The Liberty Poll"

The Liberty Poll is "strikingly unscientific," David Boaz says, because its responses came from "self-selected" *Liberty* readers and Libertarian Party convention attendees. Pierre Lemieux worries that those surveyed in 1988 and in 1998 might not be "representative of libertarian opinion." Tom G. Palmer asserts that the poll has a "statistically unscientific nature." In a letter to the editor (page 5), Jesse Walker argues that comparing the *Liberty* surveys was "self-selecting, unscientific."

Well. For a poll to be optimally accurate, the following conditions must be met: (1) its sample must be of sufficient size; (2) respondents must understand the questions and answer them honestly; and (3) all members of the sample must respond to the questions put to them (i.e. no "self-selection").

In the real world, it is fairly easy to meet the first two conditions, but the third is impossible to meet: that is, virtually all polls have some degree of self-selection. The important question is whether this survey has a degree of self-selection so high as to render it invalid. Curiously, we did not mention the response rate in the report on the poll, so neither of the writers who criticized it for self-selection (Boaz and Walker) had any evidence that there was a high degree of self-selection. That rate was, in fact, 31 percent. I am told by social scientists who are knowledgeable in this field that this combined with a sample of the size we used (200 individuals) sufficed to provide a high degree of reliability.

Nearly two decades ago, John C. Green and James L. Guth published "The Socialization of a Third Party Elite," which was eventually reprinted both by the Cato Institute and by *Liberty*. In this study, the two sociologists got a 67 percent response rate from a sample of 100 major donors to the Libertarian Party. They got a higher response rate — probably because they surveyed individuals who had made substantial donations to the Libertarian Party, which implies a higher degree of commitment than those who simply subscribe to a magazine — but sent out only 100 surveys.

When *Liberty* did its survey in 1987 and 1988, I asked three social scientists to evaluate its accuracy, and they all opined that it was reasonably valid as such studies go. One who was familiar with the Green-Guth study (the only scholarly study of libertarian belief and behavior published at that time) told me that our survey was comparably valid.

It is worth noting that the 1998 Liberty Poll was sent to three different groups, with varying response rates (and thus varying degrees of self-selection):

1. A survey was mailed to 200 randomly selected subscribers, with a response rate of 31 percent.

2. 300 copies of the survey were distributed at the Libertarian Party convention, with a response rate of 30.2 percent.

3. The survey questionnaire was published in *Liberty*, and readers were invited to respond. Approximately 3 percent mailed in responses.

Obviously, the first survey has the least self-selection and the highest degree of reliability. So we compared its results to the other two, and found very similar demographic patterns and answers on questions about beliefs and behavior. From this we concluded that it was very likely that the higher degree of self-selection of the mailed-in responses had not in fact prejudiced the data, so we included them in our overall database so that we could more easily analyze the responses of sub-populations. (For example, we could compare the beliefs of respondents who are over 65 years old to those less than 60 years old, or of homosexuals to heterosexuals, or of those who reported that Ayn Rand was "very influential" on their intellectual development to those who reported that she was "not influential at all," etc.)

The second problem — mentioned only by Walker — is that the population we polled included only libertarians who attended the LP convention or read *Liberty*. What about other libertarians?

Well, here there is a serious logistical problem. How can we identify them? We considered asking other libertarian organizations and publications to allow us to use their mailing lists. But figuring that the LP and *Liberty* attract reasonably typical libertarians and knowing how jealous organizations are about their mailing lists, we decided against doing so.

To my mind, what's at issue here isn't whether the Liberty Poll is a perfect measure of libertarian opinion, but whether it is a measure at all, and whether (and how) it could be made more accurate. It seems to me that the answer to the first question, for the reasons I've already stated, is an unqualified "yes." And I have endeavored to find an answer to the second.

I have on more than one occasion asked people who condemn the poll for self-selection how a more accurate poll

could be conducted. None has offered any suggestion, but I have given the matter some thought.

Polling firms use several methods to minimize self-selection. They make contact by telephone in a non-threatening way. They use skilled interviewers who put those contacted at ease. They keep their surveys short. Etc. But no matter how skilled the interviewers are, some people will refuse to answer their questions. And no matter how often the skilled interviewers call, some people are never there to answer. And, of course, some people do not have telephones.

Still, these methods result in much less self-selection than the surveys we conducted, where response rates were roughly 30 percent — response rates that are not surprising, considering that our surveys were extraordinarily long and complex and that libertarians are, well, more cantankerous and privacy-oriented than most other people.

It would be possible to emulate these methods. We could telephone Americans at random and ask each person whether he considers himself to be a libertarian, and ask those who answer affirmatively whether they mind answering our lengthy questionnaire over the telephone. By calling all Americans, we would pretty well eliminate any prejudice arising from limiting the population surveyed to *Liberty* readers and LP convention attendees. And by using the phone rather than the mail, we could improve our response rate.

But since fewer than one American in a thousand considers himself to be a libertarian, we would have to make over 100,000 phone calls to identify even 100 libertarians. And many of these would likely be unwilling to take the poll over the phone. The whole project becomes unwieldy and, well, too expensive for us to afford — especially when it would almost certainly do nothing more than refine slightly the results that we have.

If anyone can think of a practical way to improve the survey's reliability, I invite him or her to contact me. But in the meantime, we'll continue to slog along with the method we've used to date.

One final observation on the challenges to the Poll's reliability: after describing the five polls that we conducted as carefully as we found to be practical as "of dubious value" and "strikingly unscientific," David Boaz observes that the ideological trend identified in the poll seems to be valid because he has "seen anecdotal evidence of a similar shift among young people coming to work at the Cato Institute over more years than I care to remember." Wow! Our carefully crafting a survey with nearly 200 questions, distributing to libertarians on as scientific a basis as we were able, and comparing the responses of approximately 800 individuals over eleven years is "strikingly unscientific" and "of dubious value," but his recollections of the opinions of young people coming to work at Cato over the years somehow offers better evidence!

We included "crazy questions" because we thought it might be interesting to compare the way people act to the way one might predict they'd act, given their beliefs.

For the record, I have lots of similar anecdotal evidence too. But I didn't cite this evidence because, unlike Boaz, I didn't consider this evidence to be more convincing than what our polls revealed. I also have data from more-modest surveys we've conducted over the years. But I didn't cite those data because they are rather fragmented (mostly we added a few questions to surveys we conducted as market research).

II. Poll Results on Libertarianism Today

Based on my examination of the data from the Liberty Poll, I concluded that there has been a significant shift among libertarians away from the thinking of Ayn Rand and Murray Rothbard — what I call "moralistic libertarianism" — and toward the approach taken by Milton Friedman, Ludwig von Mises and F. A. Hayek — which I call "consequentialist libertarianism."

David Friedman offers an alternative interpretation of the data presented in the 1988 and 1998 Liberty Polls. He states his case very well and there is no reason for me to restate my own arguments from the February issue of *Liberty*.

But I do suggest that those who want to delve into the matter consider the weight that one should place on various pieces of data. To me, the fact that the percentage of libertarians who do not agree with Rand's non-aggression imperative — "no man has the right to initiate the use of physical force against another" — has increased five-fold over the past is a very powerful piece of evidence for my view that libertarians are moving away from the Rand-Rothbard position and toward the consequentialist view. Friedman is correct, of course, when he points out that this is a move toward a position more similar to that of "ordinary, non-ideological Americans" than to that of ideological libertarians. But this is hardly surprising, since the political views of "non-ideological Americans" are far more similar to those of consequentialist libertarians than to Randians or Rothbardians. I don't see how it undermines my interpretation of the poll data.

His discussion of one of the minor pieces of evidence I cite, the relative ratings of the intellectual spokespersons for the two positions, is intelligent and even prescient. But I think he misses one critical point: Rand and Rothbard ranked first and second in the 1988 poll, while everyone else, whether well known in the broad society or known only within the libertarian movement, was rated substantially lower. In the 1998 poll, Rand fell to a virtual tie with Jefferson, and Rothbard fell well back in the field.

Friedman brings up one new datum that supports his contention that there has been little significant change:

> [The] rights-based version of libertarianism is alive and well online, although perhaps gradually losing ground, at least among anarchists, to the consequentialist version. That is consistent with my interpretation of the poll results but not, I think, with Bill Bradford's.

Here I am simply mystified. My thesis is that the libertarianism that emanates from the non-aggression imperative — which in turn derives from a peculiar version of natural rights thinking — has lost ground. Friedman finds this inconsistent with his view that among online discussions of anarchism, rights-based libertarianism is losing ground. On the

face of it, that seems to me entirely consistent with my thesis. (Incidentally, I am not convinced that those who engage in online discussions of anarchism with David Friedman are necessarily, or even likely, to be typical libertarians.)

III. What Are Those "Two Libertarianisms"?

Over a decade ago, I wrote an essay entitled "The Two Libertarianisms." The first — and the one then dominant — was that of Ayn Rand and Murray Rothbard, which emanated from a moral prohibition of the initiation of force. The second variety — whose leading proponents in this century have been Milton Friedman, Ludwig von Mises and Friedrich A. Hayek — valued liberty because its consequences enable human beings to flourish.

As I put it in that essay:

> The libertarian moralist advocates liberty because he believes liberty is the condition that results from men acting under the moral law of nonaggression. The libertarian consequentialist advocates liberty because he believes liberty is the optimal arrangement for human society, a way of life under which human beings thrive.

I chose this terminology because in political discourse, the Randian-Rothbardian type of libertarian responded to questions of governmental policy almost exclusively by reference to a moral law, non-aggression imperative; and because the other approach responded to political issues by discussing their *consequences*.

My choice of terminology has led some people — mostly advocates of or apologists for the Randian-Rothbardian approach — to conclude that I believe that consequentialism is not a moral theory or that consequentialists are immoral or amoral. Tom Palmer, for example, begins his criticism of my distinction between the two approaches to liberty with these words:

> Bradford contrasts "moralistic" libertarianism, based on a belief in "objective morality," with "consequentialist" libertarianism, based on a belief that "liberty is good for people."

Here Palmer is already confusing the matter. Yes, I do believe that "moralistic libertarians" base their belief on what they take to be "objective morality." But I nowhere suggest that that is their salient characteristic. Again and again, I identify the defining characteristic of moralistic libertarianism as a belief that it is always wrong to initiate force (i.e., the non-aggression imperative.)

Palmer goes on to demonstrate that, supposedly unbeknownst to me, I actually believe in objective morality. You can practically hear him say "Gotcha!" when he writes: "The fact is that Bradford, indeed all consequentialists, believe in 'objective morality.'" I am, of course, very well aware that consequentialism is an objective moral theory. It differs from moralistic libertarianism not in its acceptance of morality, but in its acceptance of social moralities other than the non-initiation imperative.

But my major error, Palmer explains, is in seeing moralistic libertarianism as a categorical imperative, rather than a "merely moral imperative." Here he is partly correct: I certainly do see moralistic libertarianism as a categorical imperative. And I defy Palmer to demonstrate that it isn't. That is, I defy him to demonstrate that the non-aggression imperative — i.e., the proposition that it is always wrong to initiate force against another human being — is anything less than a categorical imperative.

The balance of Palmer's essay, it seems to me, is an interesting discussion of some aspects of moral theory as it relates to social theory. Unfortunately, it never addresses the issues that I raised. Palmer completely ignores my definitions of the two libertarianisms. Instead, he focuses briefly on the labels I attach to them, then riffs on what's right and what's wrong with the schools of thought that he thinks ought to be associated with these labels. It's interesting and provocative, but it's not about the subject at hand.

Boaz seems to suffer from a similar misreading of my argument. He suggests that I somehow see a contradiction between natural rights libertarianism and consequentialist libertarianism. I don't; but again, that's not really the point. I'm concerned with the non-aggression imperative, not with natural rights. Most natural rights proponents define natural rights in a way that does not entail the non-aggression imperative: there is nothing in the writing of Locke, Hume, Jefferson or Bastiat, for example, to suggest that their very eloquent espousal of natural rights involved the non-initiation imperative. My criticism is directed only toward those who embrace the non-aggression imperative, notably Rand, Rothbard and their adherents. I never said that my criticism applied to all natural-rights libertarians, and I have no idea where Boaz got the idea that it did. He writes:

> Bradford says that natural-rights libertarians believe that non-aggression is "a moral imperative from which all social and political thought can be derived."

But I didn't say that. Here is what I said:

> Where they [consequentialist libertarians] part company from the moralist libertarian is that they see non-aggression as a general moral principle, one with profound and positive consequences, but not as a moral imperative from which all social and political thought can be derived.

While it is certainly true that *some* natural rights libertarians (i.e. Randians and Rothbardians) see non-aggression as a moral imperative, it is likewise true that many others (actually, just about all others) do not. My criticism of moralistic libertarianism was in no way directed at natural rights thinkers in general, but only at Randians and Rothbardians.

When we were writing the survey, it occurred to me that philosophy professors might not be the only ones who harbor a discrepancy between professed belief and behavioral beliefs.

Given the confusion into which my use of the term "moralistic libertarianism" has thrown two social thinkers as intelligent and perceptive as Palmer and Boaz, I'm tempted to wish I'd chosen different labels for the two libertarianisms. The most philosophically descriptive labels for the two approaches are probably the rebarbative terms "deontological" and "teleological," since the Randian-Rothbardian approach is grounded in a theory of moral obligation, while the consequentialist approach has its origin in the ends of social and political institutions and arrangements.

But I write for a political magazine, not a journal of philosophy, and in that milieu, I believe, the terms "moralistic libertarianism" and "consequentialist libertarianism" are more appropriate than the technical and academic terms.

IV. Those "Crazy Questions"

Friedman cites the "moral problems" presented in the Liberty Poll — the problems that David Boaz characterizes as "crazy questions that [Bradford] thinks undermine natural rights" — as "the best evidence" for his interpretation of the data. For what it's worth, I do not think these questions "undermine natural rights." Nor do I think they support Friedman's interpretation.

The reason why these questions were included in the survey was not because we* thought they (or the responses to them) would somehow undermine natural rights. We included them because we thought it might be interesting to compare the way people act to the way one might predict they'd act, given their beliefs.

I remember a professor of philosophy, from my college days, making an elaborate argument for the notion that we have no way of knowing anything about the physical world. For example, he said, we have no way of knowing whether our car might suddenly vanish as we drove down the highway, leaving driver and passengers skidding along the concrete on their sorry asses. It occurred to me that he drove a car to work every day despite this belief. About the same time, I read Martin Anderson's *The Federal Bulldozer*, and I was struck by his citation of an ancient proverb: "Exterior acts reveal interior beliefs." What did my philosophy professor actually believe? He continued to drive his car.

Whether he actually believed that his car might vanish without warning or not depends a lot on what one means by "belief." But it seemed plain that by examining behavior one could determine the depth of *professed* belief.

When we were writing the survey, it occurred to me that philosophy professors might not be the only ones who harbor a discrepancy between professed belief and behavioral beliefs. The same thing might be true of those libertarians who argue that it is always wrong to initiate force. Now I realized that it would be difficult to put these people in situations where initiation of force might be in their self-interest and observe their actions. But we could pose questions about what they'd do in a specific situation and see whether they at least contemplated acting on the non-initiation imperative.

The most extreme form of the question we posed was the notorious flagpole question:

> Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.

In this case, obeying the non-aggression imperative meant certain and immediate death. And only about 2 percent of respondents — including, by the way, one fairly well-known libertarian theorist, who chose to sign his name to the survey — chose that option.

The other "crazy questions" involved situations in which death was not so certain or not so horrible, or in which one might be tempted to initiate force to save an innocent life. Most respondents — including most who professed the non-aggression imperative — chose to initiate force in these cases as well.

This says something interesting about human life and opinion. But the "crazy questions" were *not* intended to get information about respondents' professed beliefs, so they had little relevance to the changes in the professed beliefs of libertarians. So however much the professed ideology of respondents changed, there would be little change in answers to these questions.

While it is certainly true that some natural rights libertarians (i.e. Rothbardians and Randans) see non-aggression as a moral imperative, it is likewise true that many others do not.

V. What's Next for Liberty?

I remain convinced that the data published in the Liberty Polls of 1988 and 1998 offer powerful evidence that the libertarian movement is undergoing a profound change: a gradual but definite rejection of the view that liberty is good because it is entailed by the non-aggression imperative and an increase in acceptance of the more eclectic view that liberty is good because it enables human beings to thrive.

You have no doubt noted that three of the comments in this symposium — those of Leland Yeager, David Friedman and David Ramsay Steele — agree with my conclusion that this is a favorable development. Tom Palmer and David Boaz, on the other hand, seem to disagree with what I say, but ultimately appear to share the more eclectic, consequentialist approach that I advocate. Pierre Lemieux takes no sides, but tries instead to focus our attention on the real problem that libertarians face.

I encourage those individuals who, like me, are continuing to struggle with the issues that surround the interrelation between the two libertarianisms to re-read Pierre Lemieux's comments. In a few short paragraphs, Lemieux does an extraordinary job of describing the challenge that thoughtful libertarians face. ❑

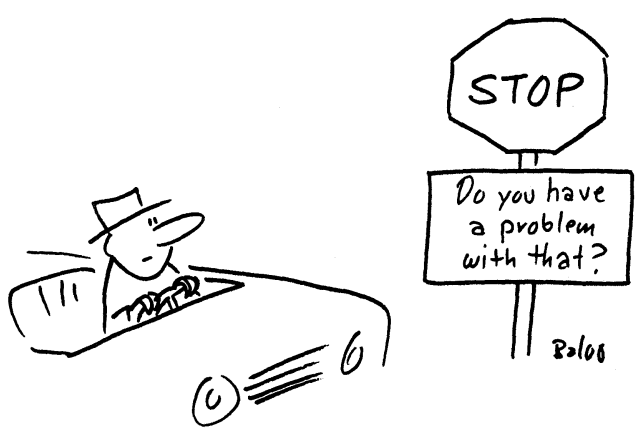

* The survey was written by Stephen Cox, Ross Overbeek, Timothy Virkkala and me.

Too Smart for Our Own Good

by Randal O'Toole

Liberal elitists have just the thing to cure our environmental woes: Turn the nation into one big Los Angeles.

Are you among the 50 percent of Americans who live in the suburbs? How about the 90 percent of Americans who drive to work? Do you sometimes shop at Price Club or the local mall?

If you answered "yes" to any of these questions, then hold onto your steering wheel and circle the lawn mowers: Al Gore has declared war on you and your lifestyle. People who live in the suburbs, who drive to work, or who shop at malls are a danger to the country, says Gore. So he has put together, and is campaigning for president on, a multi-billion-dollar package of carrots and sticks aimed at forcing metropolitan areas all over the country to bust their suburbs and get people to stop driving. Gore and the Environmental Protection Agency (EPA) would like to see all metro areas adopt these "new urban" or "smart-growth" policies:

- Urban growth boundaries, beyond which urban services will be denied and, if possible, zoning will disallow any development at all
- Redevelopment of existing low-density suburbs into medium- to high-density areas of apartments, condominiums, rowhouses, offices, and shops
- An end to highway construction
- Massive increase in spending for expensive yet useless rail transit systems
- A reduction of existing roadway capacities through so-called "traffic calming"
- Mandating pedestrian-oriented shopping areas and restricting auto-oriented shopping malls

When Gore announced his "anti-sprawl" campaign in January, his proposal to create a $10 billion fund for communities to buy open space generated the most publicity. That fund, however, would also be available for other activities, such as "suburban renewal" programs that condemn low-density housing and replace it with high-density housing.

You Must Be Calm

Another $1.6 billion per year would go to "congestion mitigation," which often means activities that will increase congestion. For example, Portland, Oreg., spends $2 million per year on "traffic calming," which means placing barriers on roads to reduce speeds and flows. Traffic calming began as a way to keep people from speeding on neighborhood streets. But smart-growthers use it to convert four-lane expressways with auxiliary left- and right-turn lanes into a "boulevard" with no right-turn lanes and limited left-turn lanes. This can reduce road capacities by 30 percent or more, which obviously increases congestion.

Gore also wants to spend a record $6.1 billion per year on public transit, mostly for rail construction programs similar to those that have already failed in Portland, Atlanta, Los Angeles, and many other cities.

Most insidious of all, Gore wants to spend $2.2 billion per year promoting "aggressive community-based programs" of planning and rezoning of the sort found in Portland. But the community has no input into "community-based programs." Professional planners pursue a predetermined conclusion: that suburbs have "compact development" and "transit-oriented design." Ironically, much of this money would come from motor vehicle fuel taxes.

Shortly after Gore presented his program, EPA Regional

Administrator John DeVillers announced his agency would aggressively use statutory authority to oppose projects that contribute to so-called sprawl. Under the Clean Air Act, the EPA must deny highway funds to any "nonattainment area," that is, any area with persistent air pollution problems, unless that area has prepared a satisfactory plan to solve those problems. Guess what kind of plan the EPA considers satisfactory? As of December, 1998, a total of 130 cities containing 113 million people were nonattainment areas. These include most of the 100 largest cities in America as well as many smaller towns such as Boise, Idaho; Kalispell, Mont.; and Yakima, Wash. The EPA wants to require that all such cities adopt smart-growth plans to get federal funds. EPA Assistant Administrator Charles Fox also says that smart-growth "can have major benefits for water quality," so EPA may begin to restrict its distribution of water grants to cities that have adopted smart-growth policies.

Smart Piracy

In short, cities that don't adopt smart-growth policies won't get the highway, water, and other funds they expect. Cities that do adopt smart-growth will be eligible for even more funds that Gore will give the EPA to hand out. Gore's plan is based on the "New Urbanism," which — as I have described in previous articles in *Liberty* — is a planning theory based on the idea that increasing population densities will reduce traffic congestion. If people are packed close enough together, the New Urbanists say, they will be able to walk to the grocery store and take the train to work.

But "New Urbanism" sounds elitist and boring. It is not surprising that its advocates have come up with the newer, more user-friendly term, "smart growth." But the basic idea hasn't changed: compact development, mixing housing with retail and commercial uses; rails instead of roads; and urban-growth boundaries, all enforced by zoning and onerous mandates for employers and commuters. If you own a home in a neighborhood of single-family houses rezoned for smart growth, you will soon see houses and vacant lots replaced by apartments or row houses. Smart-growth zoning includes minimum-density requirements: If your house burns down, the new zoning law may prohibit your replacing it with another single-family home — it won't meet the density requirement. And you may have a hard time selling your home because banks won't lend on houses that can't be replaced after a fire.

Smart-growth advocates say these policies are needed to reduce congestion, clean up the air, protect open space, and provide affordable housing. In fact, smart-growth fails all four tests, as shown by the experience of Portland and other cities that have adopted smart-growth plans:

Congestion. Packing people together leads to only a slight reduction in individual driving. But a 5 to 10 percent reduction in per capita driving combined with a 50 to 100 percent increase in population density translates to a 35 to 90 percent increase in total driving. Since smart-growth calls for no expansion of highway capacity, the result is a huge increase in congestion.

San Diego adopted a smart-growth plan in 1980 that led to near gridlock by 1990. Portland planners say that a 65 percent increase in population density combined with an optimistic 4.5 percent reduction in per capita driving will lead to a tripling of highway congestion.

That's just the point, for some smart-growth advocates, who think more congestion might get a few more people out of their cars and punish the rest of them for driving. As Portland planners say, congestion "signals positive urban development."

Air pollution. EPA's own data and research show that smart-growth won't reduce air pollution. According to a 1993 EPA report, "Clean Air Through Transportation," land-use planning that reduces commuting distances by 10 percent will produce less than a 2 percent reduction in air pollution. But even the most draconian smart-growth plans won't reduce commuting distances by 10 percent. Portland planners optimistically predict that their plans will reduce trip lengths by just 2 percent.

Portland planners project a tripling of congestion and a 10 percent increase in smog as smart-growth policies take effect.

But the major cause of air pollution is not trip length. It is congestion. Cars pollute more when they go slowly and when they accelerate — which they do far more often in stop-and-go traffic than in uncongested traffic. So smart-growth will make air dirtier, not cleaner. Not surprisingly, the cities that the EPA rates as having the dirtiest air are those with the highest population densities and the worst congestion. Portland planners project a tripling of congestion and a 10 percent increase in smog as smart-growth policies take effect.

Federal law requires transportation planners to focus on air pollution, especially if they work for metro areas with clean-air violations. Rather than worry about actual air pollution, however, the EPA has adopted a simple-minded opposition to driving. Anything that reduces "vehicle miles traveled" is good, says the EPA, even if it leads to dirtier air. The agency measures all the effects of its programs in terms of a reduction in driving, not a reduction in air pollution.

Open space. Smart growth is supposed to protect both urban and rural open space. But urban open spaces such as vacant lots, golf courses, and even city parks, are among the first areas to be developed under smart-growth. Given a mandate to increase population densities, and given that many neighborhood activists resist zoning changes, cities soon discover that open spaces are ripe for development.

Rural open spaces will only be protected by draconian rules on landowners. Zoning that sets 10- to 40-acre minimum lot sizes, for example, will lead to a rapid subdivision of lands outside metropolitan areas as wealthy people who don't want to live in dense cities buy and build on their exurban parcels.

Oregon is attempting to enforce a double requirement that rural lots be at least 160 acres in size, and that landowners earn at least $80,000 farming the land before they are allowed to build a house on it. Since less than 20 per-

cent of Oregon farmers earn $80,000 annually from farming, this will supposedly protect open space. But the wealthy and powerful usually can find a way to get around such rules.

Oregon Governor John Kitzhaber is a strong proponent of smart growth. But he told a Portland newspaper that his fondest wish is to retire and build a house on ten acres in rural Oregon. Larry George, of the property rights group Oregonians in Action, checked and found that Kitzhaber is one of the few people who got an exemption from the 160-acre, $80,000 rule.

Urban open spaces such as vacant lots, golf courses, and even city parks, are among the first areas to be developed under smart-growth.

Meanwhile, the urban open spaces that Portland-area residents cherish most are disappearing. Planners have slated 10,000 acres of prime farm lands for development. Bureaucrats plan to convert a golf course (previously dedicated "in perpetuity" as open space) into 1,100 homes and 200,000 square feet of office space. The city of Portland is even selling city parks to developers on the condition that they build high-density apartments.

Affordable housing. Smart-growth is least able to provide affordable housing. Urban growth boundaries by definition create artificial land shortages. Land prices in Portland have septupled in the last nine years. On a percentage basis, the lowest-income neighborhoods suffer the greatest increases in housing costs.

Welcome to Los Portland

Smart-growth has mushroomed in Portland because voters in 1992 approved the creation of Metro, a regional planning agency with dictatorial powers over 24 cities and three counties. Proponents of the measure promised that the agency would help save Portland from becoming like Los Angeles.

In 1994, the agency analyzed the nation's 50 largest urban areas and found that the city closest to its smart-growth ideal was — surprise, surprise — Los Angeles! The L.A. metropolitan area has the highest average population density and the fewest miles of freeway per capita of any urban area in the nation. (New York City has a higher density than Los Angeles, but the New York metropolitan area density is lower than the L.A. metro area.) Metro planners concluded that Los Angeles "represents an investment pattern we desire to replicate" in Portland.

Most metropolitan areas don't have a Metro with such dictatorial planning powers. EPA plans to step into this gap to make sure cities adopt smart-growth, no matter what the cost. Do you want some of the billions that Al Gore promises to give out for open space? Then you'd better adopt smart-growth. Do you have air pollution problems and want highway funds to relieve congestion? Then you'd better adopt smart-growth. Local officials, always desperate to get "free" federal dollars, will eagerly comply with EPA's demands — despite the best interests of their residents.

Under a 1991 federal law, all cities must develop a regional transportation plan to qualify for federal highway funds. To ensure that community-based urban planning produces the "right" results, EPA has given huge grants to nonprofit smart-growth advocacy groups. Bicyclists make up just 0.4 percent of all commuters in the U.S., but EPA has given the Bicycle Federation of America $465,000 to participate in local planning. Transit riders make up just 4 percent of all commuters, but the EPA has given $175,000 to the pro-transit Association for Commuter Transportation.

Auto drivers make up 90 percent of all commuters. How much has the EPA granted to automobile groups to participate in planning? You guessed it — zero.

Other EPA grants include:

- $625,000 to the Surface Transportation Policy Project, Washington, D.C.'s, leading smart-growth lobby group
- $500,000 to the Local Government Association to encourage elected officials to adopt smart-growth policies
- $564,000 to the Center for Clean Air Policy to promote smart-growth in local planning
- $125,000 to the Congress on New Urbanism, $155,000 to the Urban Land Institute, and $115,000 to 1,000 Friends of Oregon for various national conferences promoting smart-growth

In 1996 alone, the EPA gave out more than $4 million to various groups to either promote smart-growth or to discourage auto driving. The groups receiving these funds work to oppose highway construction, promote rail boondoggles, and mandate smart-growth plans in cities across America. While $4 million is a drop in the federal budget, it represents a huge windfall for these nonprofit activist groups.

Want the Feds to Run Your Town?

At least a few members of Congress have asked why the federal government should give money to lobby groups to distort supposedly local planning processes. But a bill to halt such grant-making failed in the last session of Congress. Instead, Congress decided to give the Department of Transportation the authority to give out $20 million per year in similar grants. Few members of Congress who voted on this measure understood what it really meant, especially since it was just one part of a $200 billion transportation package.

EPA plans to make sure cities adopt smart-growth, no matter what the cost.

If Al Gore and the EPA were genuinely interested in cleaning up the air, they would fight smart-growth tooth and nail. If, for some reason, they were unable to do so — perhaps because smart-growth was mandated by law — they would support three simple steps to mitigate its effects on air quality:

First, catalytic converters can greatly reduce air pollution,

continued on page 48

Report

Repealing the Codes of Silence

by Lester H. Hunt

The University of Wisconsin is no longer niggardly about free speech.

One day, in September 1992, I came to my department office at the University of Wisconsin-Madison, as I normally do during the week before classes begin. My department chair told me he needed to see me in his office. He seemed rather nervous and even muttered something to the effect that "this is most embarrassing." I found his behavior disconcerting, coming, as it did, from someone who is normally completely unflappable.

It immediately became obvious why he was upset. He had been warned, he said, by the university's office of affirmative action and compliance, that they were about to send him a document in which an American Indian student from my political philosophy class the previous fall accused me of using anti-Indian language in my lectures, in discussions with her, and in the margins of her papers.

Like everyone else investigated on similar charges at the University of Wisconsin, I was eventually found to have done nothing that deserved discipline. But the month-long ordeal of serial interrogations that followed on the heels of that document was as painful as any experience I have had. For various reasons, academics must rely heavily on the reputation they manage to earn among a closed group of qualified individuals: their colleagues. Anybody who accuses you of absolute, completely unjustifiable evil (which is how most academics view racism) damages your reputation simply by making the charges. In a university setting, your colleagues will then think twice about giving you certain committee assignments or trusting you to deal with certain sorts of students. Perhaps they will hesitate to respect you fully as a human being.

In the months that followed, I was oppressed by a sense of being a passive victim. The only remedy for this, I decided, was to try to do something. There was little question concerning just what I should do: work to repeal the code. In order to justify interrogating me, the affirmative action office gave me a copy of a vague and bafflingly obscure document, the University of Wisconsin-Madison faculty speech code. When I first began to talk to people about the code, I was unable to find anyone who knew it existed. The reason for this is simple: The code was buried, as most speech codes are, inside the University's harassment rule. According to this rule, you are harassing someone if you create a "hostile environment" for them. The "speech code" applied this reasoning to the instructional setting: instructors are liable to discipline if they use epithets, comments, or teaching techniques that "demean" people in terms of their "gender, race, cultural background, ethnicity, sexual orientation, or handicap condition."

I had little trouble persuading Donald Downs, a professor of political science who had written several books on free speech issues, to join me in my campaign. We decided that the best thing to do would be to write a letter explaining why the code was unjust and chilling to classroom speech, get a significant number of people to sign it, and take it as a sort of petition to the university committee, an elected body that recommends legislation to the faculty senate. I wrote up a statement that was as incisive as I could make it and we began to collect signatures. But we never got enough signatures (eight or ten at the most) to justify taking our cause to the university committee when they had no other reason for being interested in it. The letter gathered dust in my desk for months. Meanwhile, using money from the Wisconsin Association of Scholars, I brought several speakers to campus who criticized speech codes and explained the value of free speech, including Jonathan Rauch, P. J. O'Rourke, and Glenn C. Loury. Also, Downs and I continued speaking against the code in various forums, and writing op-ed pieces.

Then two events suddenly occurred that changed everything.

First, in the spring of 1996, a nasty episode took place in the history department: A committee, appointed by the chair, actively sought students who would inform them of insensitive expressions on the part of professors, anything that might constitute evidence of racism, sexism, and the like. Eventually, their investigations began to focus on a few professors, and one of them, Robert Frykenberg, hired a lawyer and sued the university. The university quickly settled, paying most of his legal expenses (approximately $15,000). The next semester, I brought Alan Dershowitz to campus, and he gave a brilliant and spellbinding speech denouncing our code as an "abomination" and imploring us to repeal it. By pure luck, one member of the audience, geologist Mary Anderson, was a member of the university committee, and she was impressed by what Dershowitz said.

When I first began to talk to people about the speech code, I was unable to find anyone who knew it existed.

She was also interested in a panel organized by historian Stanley Payne, the faculty committee on academic freedom and rights. Set up in the wake of the mess in the history department, this committee functioned mainly as a legal defense fund, using a large grant from the Bradley Foundation of Wisconsin to help any faculty member who might be treated as Frykenberg had been. On Anderson's initiative, the university committee called in Payne — together with Donald Downs, who was also an officer in Payne's committee — to explain what they were up to. Downs asked me to come along as well, saying this was my chance to talk to the university committee about the code. I dusted off my letter, made myself the sole signatory, and sent it to the committee in advance of our appearance. As a result of that meeting, committee members held a series of interviews about the code and, finding no good reason to keep it in its present form, organized an ad hoc committee charged to investigate the desirability of either revising or abolishing the code.

The formation of the ad hoc committee, however, was delayed a week or two by fierce arguments over its membership. The main bone of contention was whether to put me on it. Anderson wanted both me and Downs to serve, but her efforts met bitter resistance. The overwhelming majority of the university committee apparently felt that, as I was "an aggrieved party," I would be unable to approach the issues with an open mind. Unfortunately, they failed to apply the same reasoning to the original author of the code, retired law professor Ted Finman. Over Anderson's objections, to the effect that Finman had "pride of authorship" and couldn't possibly approach this matter with an open mind, they asked him to serve on the new committee, though as a non-voting member.

The ad hoc committee met over 40 times, throughout both semesters of 1997–98. I think I was present at over half of its meetings, though only as a spectator. Anderson's warnings about Finman proved well founded. He took every proposed fundamental change in the code personally and resisted them all, sometimes evincing hurt feelings and anger. He exerted enormous influence over the proceedings.

Thanks largely to Finman's presence on the committee, the majority eventually came up with not abolition, or even a new code, but simply a revision of the old code. They rewrote the code in a way that made it considerably less obscure. They included procedural guidelines, including an appeals process (something absent in the old rule). They also changed somewhat the standard for identifying the prohibited expressions: in the old rule, language was "demeaning" if considered as such by members of the group allegedly demeaned; in the proposed new rule, it would only be punishable if "the university community" in general considered it demeaning. By any sane standard, these were real improvements, but they did not deviate from the basic character of the old rule. That rule censored faculty expression based on the intellectual content of what is expressed. To say something that "demeans" someone is, after all, simply to express the view that they are inferior to some reference group (presumably, one's own), that their rights and their happiness are not as important as the reference group's. It was to prevent people from sending this sort of message that the old code was written, and the new one was, in this respect, identical to it.

A large minority of the committee, including the chair of the committee itself and its three student members, maintained that the proposed revisions did not go far enough, and refused to sign the majority proposal. Over the following summer, the minority picked up another vote. This made the tally nine votes to eight — razor thin. What the minority proposed was to add one crucial qualification to the majority-backed rule: that an expression could only be punishable if intended to demean people. On Monday, December 7, both majority and minority proposals went before the faculty senate for preliminary discussion. The university committee had endorsed the majority proposal. The tone of the discussion, however, jolted everyone like a thunderclap, including the anti-code forces. Of the 16 senators who spoke, not a single one of them said anything good about the majority proposal. Many were hostile to the very idea of speech codes as such. Perhaps the university committee had picked the wrong side.

An undergraduate English major told the Senate of an incident meant to show how urgently needed speech codes really are. One of her professors had used the word "niggardly."

The issue came up again for discussion at the senate meeting of February 1. Obviously, the university committee had a problem. How could they turn things in their favor? Their solution: pack the first half of the hour allotted to discussion of the code with pro-majority speeches, after which opponents would only be allowed to speak in two-minute sound bites. The centerpiece of this presentation was a 20-minute long speech by Carin Clauss, a law professor who had been in the majority faction of the ad hoc committee. She argued at length that the law actually requires all schools to have speech codes: employment law, she said, now embraces the "hostile environment" conception of discriminatory harassment, and demeaning people in terms of their race, gender, and so forth,

Spines of Jello, Not Steel

by Sheldon Richman

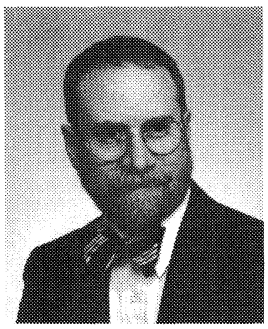

It's that time again when America's big tough steel companies and steel workers go whimpering to the federal government asking for protection from foreign steel bullies. "Prices are too low," they cry to the government. "Protect us!"

Since World War II this has happened more times than you can count. Every year the big integrated steel companies file suits claiming that foreign steel makers are "dumping" their products in the American market.

"Dumping." You know what that is? It's like a sale at K-Mart.

Indeed, imports do account for a larger part of the U.S. market than previously. The import share of hot-rolled steel, a key product, has risen from 23 percent to a record 35 percent. The price is down 18 percent, hitting a record low. American firms are cutting production and laying off some employees.

Before anyone panics, I have just two words: That's business. Economic conditions are always in flux. Jobs disappear, freeing up workers to take new jobs that, in a free economy at least, are always coming along.

The domestic companies say that the Japanese, Russians, and Brazilians are selling below cost. They want duties imposed to force the price back up. But foreign steel makers could have many good reasons for cutting prices. Asia's economic problems have dampened the demand for steel in that region. The companies have inventory to sell off. The American market is thriving. Of course they will try to sell here.

But is it unfair to sell below cost? How could it be? Trade between consenting adults can't be labeled "unfair." The parties would not engage in the trade if they didn't expect to come out ahead. Each values what he gets more than what he gives. That's true of all free exchange.

There is an easy way to cut through the dumping propaganda. Forget "cost of production." Those are yesterday's costs. Economic activity is aimed at the future. In deciding how much to accept for a product, a seller isn't guided by costs paid yesterday. He tries for the best price today in light of what he thinks will happen tomorrow. If a price below "costs" serves his interests better than a higher price, he will take it. (That's why K-Mart has sales.)

We should not accept the American steel interests' claims at face value. Past charges of selling below the cost of production were based on dubiously high cost figures. Rather than using actual costs, the Americans used a formula cooked up to demonstrate dumping regardless of the actual situation.

The steel interests also argue that higher prices are good for all Americans. This is easily refuted. It may be good for the steel interests. But how in the world are higher prices good for American steel *users*, say, the auto makers? If they have to pay more for steel than their foreign rivals, they will be at a competitive disadvantage. They might have to cut production and lay off workers.

There is a profound lesson in this. Whenever government protects one set of Americans from competition (foreign or domestic) it hurts another set of Americans. This makes a mockery of the alleged solidarity of labor. When the United Steelworkers trudge to Washington demanding shelter from foreign steel, they might as well be saying, "Throw the auto workers out of their jobs so that our members can keep working." The cause isn't quite as noble as they make it sound.

All barriers to foreign trade suffer from these defects. They violate the natural right of individuals to trade peacefully with whomever they choose, and they lower the living standards of consumers and other workers by artificially raising prices and making the protected companies lazy.

Ordinarily, there is nothing wrong with looking out for one's own interests. But when one does so by asking government to harm others, that is wrong and in the long run it isn't even good for the beneficiaries of the protectionist policies.

If we want peace and prosperity, free trade is the only way to go.

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creates a hostile environment. She warned that, if we abolished our code, the federal government could cut off our federal funds. Though Clauss's speech had obvious flaws (for instance, though it concerned freedom of speech, it never once mentioned the First Amendment), her status as a lawyer made it almost impossible for most senators to doubt the absolute reliability of what she said. Our hopes of dissecting it in little sound bites were of course virtually nonexistent.

Then we got another surprise.

The other pro-code speakers were all students. The last one, an undergraduate English major, told the Senate of an incident meant to show how urgently needed speech codes really are. One of her professors, in a discussion of Chaucer, had used the word "niggardly." She had spoken to him after class, telling him that as an African-American she found this word offensive and hurtful. He said something agreeable and that was that. The next time the class met, however, he brought up the issue of the word again, defined it for the class (probably explaining that it means "stingy" and has no etymological connection with the N-word), and used it a total of seven times, despite the fact she had told him not to, and despite the fact that he could see (according to her account) that his insensitivity had now reduced her to tears.

One of the reasons we succeeded, despite such daunting opposition, was that (as odd as this may sound) we did not rely too much on organized collective action.

This single anecdote, which suggested to many people that some students would go very far to control faculty speech if the system gave them a chance to do so, caused a stampede of vote-switching to the anti-code side.

The issue of the code would probably be up for voting at the Monday, March 1, senate meeting. In trying to come up with a straight abolitionist alternative to both the majority and minority proposals, I took another look at the majority rule. Among the changes recommended by the committee was a preamble to the "instructional settings" part of the harassment rule, which affirmed the paramount importance of free speech. That part of the rule began with an assurance that all expression germane to a course is protected from disciplinary action. There followed several pages explaining the ways in which, nonetheless, such expression is actually not protected. It occurred to me that if you cut all the ifs, ands, and buts, this would make an excellent document. So I did. The result: a motion holding that free speech is of paramount importance, and that subject-related discourse is protected, period. Many anti-code people, including some students, looked at the motion and suggested changes. I incorporated many of them. Downs signed the motion and so did two scientists who were also senators: Eric Triplett and Lawrence Kahan. We submitted the motion to the university committee for inclusion on the senate agenda.

In yet another unforeseen reversal, the committee indicated it would switch sides and back our motion if certain changes were made. They had evidently been holding a wet finger aloft and knew which way things were going. The changes they wanted seemed to me either harmless or actual improvements. This was Wednesday, five days before the Monday showdown in the senate, and we, the revolutionaries, were now part of the establishment. It seemed too good to be true.

And, of course, it was.

I am not sure where he had been all this time, but Ted Finman finally reappeared. The committee held an emergency meeting that Friday evening. There Finman read to the committee a few lines to add at the end of the crucial sentence that said that all expression germane to the course is protected. The added language said that such expression is actually not protected if it constitutes illegal discrimination, and discriminatory expression is not protected by academic freedom or the First Amendment. University committee members pronounced the motion, with the additional language, "a reasonable compromise." I pointed out that it was nothing of the sort. It disemboweled our motion by incorporating the pro-code theory that all speech that demeans protected groups of people is, per se, illegal discrimination, and that its prohibition violates no valid legal or moral safeguards. The committee, however, voted unanimously for the new language and adjourned.

At the senate meeting on Monday, all the discussion, nearly two hours of it, centered on Finman's contaminating language. There was a flurry of amendments to strike part of it, to rewrite it, and generally to render it harmless. The winning amendment, I am a little embarrassed to say, came not from my friends and me, but from someone we had never heard of, a physicist named Marshall Onellion. He motioned to remove Finman's entire interpolation. This passed by a hand vote of 71 to 62, bringing our motion back to where it was before the committee had eviscerated it. In that form, it passed by a voice vote so huge that no show of hands was needed.

Looking back over the last six years, it occurs to me that one of the reasons we succeeded, despite such daunting opposition, was that (as odd as this may sound) we did not rely too much on organized collective action. My anti-code friends and I performed at our poorest level the weekend before the last senate meeting, when we made the mistake of trying to draft a written amendment as a group. It proved incredibly difficult to reach agreement on even the smallest details. The product we came up with was flawed and had to be abandoned before the big meeting rolled around. Things had gone much more smoothly when I was taking suggestions from people and including them (or not) in our original motion as I saw fit. Others could decide — again, as individuals — whether to support it or not.

Eventually, so many individuals supported the motion that it passed overwhelmingly. Thus the University of Wisconsin-Madison became (to the best of my knowledge) the first institution of higher learning to voluntarily rescind its classroom speech code. The people who did this had not been forced to do it (as other institutions had been) by a lawsuit, or by a humiliating campaign of public ridicule and outrage. They had suffered no such scandalous, shocking abuses of the code. They simply got rid of it because they thought that doing so would be right.

I hope others will draw inspiration from our success and give the era of speech codes the death blow it has earned so many times over. ❑

We *Could* Give It Back . . .

by Ralph Reiland

Bill Clinton thinks Americans are too stupid to save for their retirement. So he'll do it for them, and pork up some federal programs, too.

The projected federal budget surplus, on average, equals $27,000 in tax overpayments per family over the next ten years. Altogether, thanks to a robust economy and a federal tax grab that's now at a peacetime record high as a percent of income, the federal tax surplus is expected to total $2.4 trillion over the next decade. Overall, taxation by the federal government is now skimming 20.5 percent off the nation's gross domestic product (GDP), the first time since the World War II year of 1945 that Washington has seized so much of the economy.

The overflowing federal coffers have prompted congressional Republicans to propose an across-the-board, 10 percent income tax cut. In response, predictably, Bill Clinton and congressional Democrats are playing the class-envy card again, calling the proposed tax cut a massive giveaway to the "rich." By the same twisted logic, Democrats would call it a "giveaway" when someone gets his wallet back from a thief.

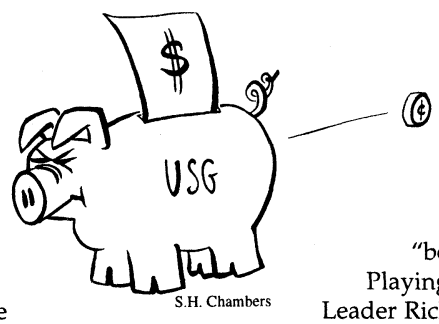

S.H. Chambers

That higher-income families would get bigger tax refunds than lower-income families is simply due to the fact that they pay much more in taxes. The IRS reports that the top 50 percent of American earners pay 96 percent of all personal income taxes. Looking even higher into the ranks of the "rich," the top 25 percent of American families (those earning more than $46,000 a year per household) pay 81 percent of all personal income taxes. Going even higher, the richest 10 percent of households pay 62 percent of all personal income taxes, the top 5 percent pay 51 percent, and the richest 1 percent pay 32 percent.

The "rich," in short, are picking up a vastly disproportionate share of the federal tax burden. Households in the top 1 percent of income earners, for instance, earn 16 percent of the nation's total personal income and pay 32 percent of all personal income taxes. In contrast, the bottom half of American families (households earning under $23,000 a year) pay only 4 percent of all federal income taxes. In fact, families earning under $20,000 now pay no federal income tax on their earnings; instead, thanks to the Earned Income Tax Credit, they receive income tax refunds even though they've paid zero in federal income taxes.

Bill Clinton, seeing it as somehow unfair that tax cuts would most profit those who pay the most in taxes, says the proposed income tax cuts would "benefit, clearly, the wealthiest Americans." Playing the same class-envy card, House Minority Leader Richard Gephardt (D-Mo.) says it'll be nothing but "a massive GOP tax cut for the wealthy" if the federal government refunds just a bit of the tax over-payments to those who earned the money in the first place.

As it turns out, the proposed 10 percent across-the-board income tax cut would return to the "rich" a smaller share of the tax cut than the share they pay of total federal income taxes. A recent report from the House Ways and Means Committee shows that the bottom 62 percent of taxpayers (those with annual household incomes below $40,000) pay 5 percent of all federal income taxes and would pocket 10 percent of all tax refund dollars. In contrast, the richest 2 percent of

America's households (those earning over $200,000 a year) now pay 40 percent of all federal income taxes and would get back 39 percent of all tax refund dollars — and nothing more, of course, than just a portion of their own tax dollars, i.e., money that they've already overpaid in federal taxes.

Instead of a tax cut, Bill Clinton is proposing that 62 percent of the $2.4 trillion tax surplus should be set aside, i.e., $17,000 per family over the next decade, to "save" Social Security (with no one allowed to invest a dime of their own Social Security taxes in private retirement accounts). To dispose of the remaining $10,000 per family, Mr. Clinton is pushing a plethora of new federal spending initiatives, programs unleashed in his Santa-like State of the Union address at a clip of $5.8 billion per minute.

The key issue is whether spending and retirement planning is best done by the government or the people who've earned the money. Mr. Clinton provided his answer to that fundamental question the day after his State of the Union speech at a speech in Buffalo. "We could give it back to you," he said, speaking of the surplus, "and hope you spend it right." That, he declared, was too risky. It's much better, he told the crowd of Buffalo taxpayers, if we trust the D.C. politicians to "spend it right." That's the logic of a true statist, a president who's turned his own personal life into an international joke and yet still has the chutzpah to tell the rest of us that he doesn't trust us to even spend our own personal incomes.

With Bill Clinton, it's always more government and less personal responsibility, a mirror image of how he's run his own appalling life. During his six-year watch in the Oval Office, total federal tax revenues grew 52 percent faster than total personal income, and last year's federal tax revenues grew 70 percent faster than the nation's total personal income. Each year, in other words, America's spending has become more socialized, more controlled by Washington's bureaucrats and politicians. Now, on top of that and faced with a projected federal surplus of $782 billion over the next four years, Bill Clinton's latest budget is recommending changes in the tax laws that would result in a five-year net tax hike of another $45.8 billion.

Clearly, Bill Clinton's "the era of big government is over" declaration in 1997 was as honest as his finger-wagging snivel, "I did not have sex with that woman." ❑

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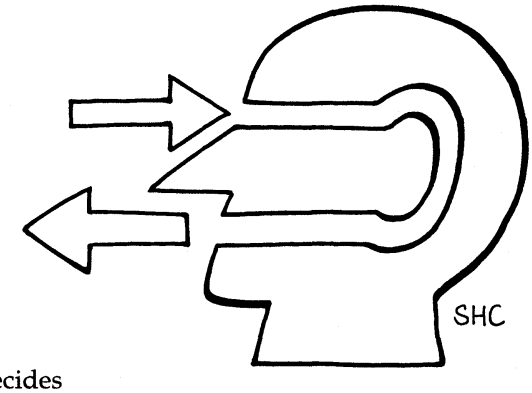

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Know Your Regulator

by Jefferson Meyers

"Know Your Customer." Such a friendly ring to it. And such evil intentions.

Last December 7, the Federal Deposit Insurance Corporation (FDIC) published a proposed regulation in the *Federal Register*. Like most proposed regulations mixed into the hundreds of pages in each day's edition, the "Know Your Customer" (KYC) regulation received little attention except by those the regulations directly effect.

But Rep. Ron Paul (R-Texas) was paying attention. The measure required banks to develop profiles of their customers — how much money they make, how much they typically deposit and withdraw, where they got their money. Any deviation in a customer's profile obliges the bank to report that activity to the government, with predictable results. Paul has long had a special interest in government infringements on people's privacy, and the proposed new regulation alarmed him. And as a member of the House Banking Committee, he was in a position to do something.

It's easy to see why Paul was alarmed. As R. W. Bradford wrote in the February *Liberty*, "if you sell your car and deposit the proceeds in your bank account, your bank can report you to federal authorities. Then you can expect a visit from guys in cheap suits who just want to ask you a few questions about your private affairs."

The FDIC, the Federal Reserve, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, figured KYC regulations were necessary to combat money laundering and help them detect other crimes their customers might committ. An FDIC memo warned "the integrity and reputation of the financial services industry" is at stake. The December 7 *Federal Register* announcement notes:

> Financial institutions are able to attract and retain the business of legitimate customers because of the quality and reliability of . . . the sound and highly respected reputation of the banking industry . . . When transactions at financial institutions involving illicit funds are revealed, these transactions invariably damage the reputation of the financial institutions involved and, potentially, the entire financial sector.

In addition to "safeguarding" the banks' reputations, the FDIC claimed KYC would "level the playing field between institutions that already have adopted formal Know Your Customer programs and those that have not." In other words, the government needs to make sure that all banks took on the expense of customer surveillance because some banks, under government pressure, had already done so.

The proposed regulations put bank employees on notice: they were about to be drafted to fight the government's War on Privacy. Bank employees would work part-time as government spies, required to snitch on the very customers they're supposed to serve. The damage this would do to banks' reputations seems to have escaped the policymakers — one wonders whether the real reason they wanted to force *all* banks to implement KYC procedures was to prevent non-KYC banks from gaining a competitive advantage. Who would prefer to bank with an institution that spies on them and reports any deviation from their normal behavior to federal police?

The scenario Americans faced looked grim. Implementation of KYC regulations would forfeit the privacy protection provided by the Fourth Amendment. Once KYC was adopted, banks would have until April 1, 2000, to "know their customers" (i.e. implement a program to spy on

their customers and report anything unusual to the federal authorities).

Enter The Opposition

Rep. Ron Paul saw the draft of the new regulations before they were published in the Federal Register. And Paul was prepared. In September, he'd organized an informal Privacy Coalition including organizations from across the political spectrum, from the ACLU on the left to the Eagle Forum on the right, and included the Drug Policy Foundation, Consumers Union, and the Free Congress Foundation.

On November 30, he wrote in his weekly column: "Despite the warm and fuzzy name, the federal regulators are not interested in the banks 'getting to know their customers.' Their only interest is in monitoring and controlling every aspect of life, so they can create the illusion of phantom crimes, and therefore justify their existence."

KYC put private bank employees on notice: they were getting drafted to fight the government's War on Privacy.

Paul's public criticism raised the cry of alarum. And he encouraged the public to take advantage of a crucial restriction on all proposed regulation. Namely, before the feds can make a regulation final, all those affected — in this case, all Americans — have an opportunity to comment on the record. Paul publicized the mailing address, the fax number and the email address of the FDIC, and the protests began to pour in. Within days of releasing the KYC proposal, the FDIC received several thousand angry comments, many from "Middle America."

Liberty got word of the proposed rules a day after they were published, and R. W. Bradford quickly wrote a brief analysis and denunciation of the measure in time to appear on the newsstands by the end of December. A month later, the Libertarian Party issued a press release denouncing the proposal. By this time, others in the Privacy Coalition that had first met in Paul's office in the fall had joined the fray. Lisa Dean of the Free Congress Foundation, warned: "KYC allows for international organizations, such as the Financial Action Task Force, to investigate American citizens as suspects." Gregory T. Nojeim, Legislative Counsel of the ACLU, told Congress that "Know Your Customer regulations inappropriately and unnecessarily infringe on the privacy rights of bank customers. The regulations should be withdrawn and Congress should ensure that no remotely similar regulations take their place."

The Eagle Forum's Phyllis Schlafly observed that it was "completely phony for the Clintonites to complain about the 'poisonous politics' of spying on public officials' misbehavior when the Administration has a comprehensive plan to spy on private citizens' whereabouts and money."

The Cato Institute's Solveig Singleton compared KYC to the spy system used in communist China. She questioned why regulators were so hot and bothered over money laundering when "of the 7,300 defendants charged with money laundering from 1987 and 1995, only 580 were convicted."

Business organizations joined the fray. "The proposal is equivalent to the post office . . . being required to identify each patron, identify their vendors, addressees, customers, etc., monitor their normal and expected deliveries, and report suspicious deliveries or receipt of deliveries, to ensure that the mails are not used in the commission of a crime," complained the California Bankers Association. Opposition to KYC grew fierce enough for the timorous American Bankers Association to hazard that KYC did not "level the playing field" by imposing similar regulations on credit unions, and securities and insurance firms — a cowardly reason to oppose KYC, but opposition nonetheless. Karen Kerrigan, president of the Small Business Survival Committee, tried giving career bureaucrats a badly needed lesson on doing business in the private sector. "With most small business owners or self-employed individuals — and those just starting a business — cash flow can be quite erratic," she explained. "But it is just these spikes and valleys in cash flow that could trigger suspicion from the government."

Banking regulators started to sweat. They had expected the usual 30 or 40 comments on the proposed regulation, but had already got thousands. They tried shrugging off opposition as whining from the black-helicopter crowd. But it was too late: the calamity over KYC had broken into the mainstream media. Newspapers throughout the country ran stories about the row, and the issue began turning up on opinion pages. Writing in the *Washington Post*, Feb. 3, Michael Kelly noted delightedly: "The Know Your Customer regulation seems to be on the way to a well-deserved strangling in the cradle." For regulators, the worst case had transpired: rather than pass unnoticed from the *Federal Register* to the force of law, people had found their plans out.

By mid-February, the measure had drawn over 50,000 comments, over 99.9 percent of which were negative. The measure was effectively dead.

The final nail for its coffin was being prepared by the Libertarian Party. On February 17, it launched a well publicized website, which promised to forward signatories' comments to the FDIC, posters' U.S. representative, and their two senators. By the time the period for public comment ended, the LP website had flooded the feds with another 170,000 messages against the proposal.

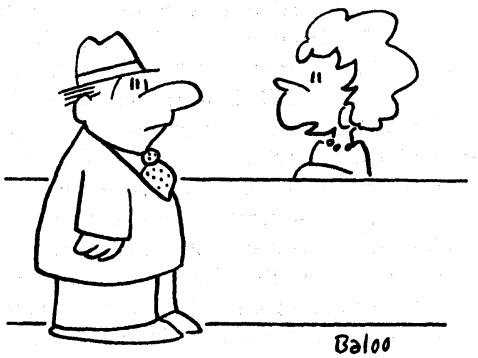

"I'm sorry, sir, but your account was so small, we gave it to the Salvation Army."

In all, FDIC received more than 250,000 comments. All but a few dozen of these attacked the proposed regs.

On the Hill

Meanwhile, on the legislative front, Paul introduced three bills designed to put an end to KYC, and for good measure, kill other invasions of people's financial privacy. H.R. 516, the Know Your Customer Sunset Act, would prohibit banking regulators from implementing KYC regulations. H.R. 517, the FinCEN Public Accountability Act, would allow Americans to see and contest information about themselves at the Financial Crimes Enforcement Network. (FinCEN gets reports from various financial institutions, federal agencies, state governments, and various private organizations such as credit unions, which is compiles into a database with files on virtually all Americans, which it makes available to federal law enforcement and tax authorities.) H.R. 518, the Bank Secrecy Sunset Act of 1999, seeks to repeal the Bank Secrecy Act, the pernicious anti-privacy law that gives bank regulators monitoring authority in the first place. Paul's privacy package immediately drew support from privacy advocates, as well as from the Law Enforcement Alliance of America, one of the largest police officers' organizations in the country. With 45 co-sponsors, including congressional heavyweights Tom DeLay and Dan Burton, H.R. 516 has the greatest potential of the three bills to be enacted.

Paul was not content to wait on the fate of his legislative package. On March 5, he and Rep. Tom Campbell (R-Calif.) tacked an amendment to H.R. 10 that would have killed the current version of KYC and any other version the bureaucrats might concoct, as Paul had long advocated and as the ACLU had recommended. But before Paul's amendment could come to a vote, Richard Baker (R-La.) and Bob Barr (R-Ga) offered an amendment to limit its scope to the currently proposed new KYC regs, leaving existing invasions of privacy in place and the FDIC able to implement the new regs piecemeal after the anti-KYC noise has quieted. Baker's amendment, which effectively gutted Paul's, was passed.

"With most small business owners cash flow can be quite erratic. But it is just these spikes and valleys in cash flow that could trigger suspicion from the government."

The Senate also moved to deal with its own KYC outbreak on March 5. Senators Phil Gramm (R-Texas) and Wayne Allard (R-Colo.) added a KYC-killing amendment to the education flexibility bill. Like the amended version of H.R. 10, the Senate bill does not guarantee the death of KYC. But Gramm took the opportunity to do a little red-baiting of his own, declaring: "If you ever wondered whatever happened to the people in the former Soviet Union who used to run things there and now are permanently out of work, the answer is they're all in the Clinton administration, and they're running the banking authorities of this country."

Paul cautions: "A minor victory in the battle for liberty should inspire us not to drift into dull complacency, but to press on with renewed vigor toward the goal before us." While Paul's efforts ultimately led to enough publicity to kill the new KYC regs, they have so far failed to get rid of existing similar regulations.

And existing regulations are so invasive, you wonder why the federal authorities wanted the new regs. The Bank Secrecy Act already authorizes the Treasury Department to make banks and other financial institutions keep records of personal financial transactions that "have a high degree of usefulness in criminal, tax and regulatory investigations and proceedings" and to require banks to report any "suspicious transaction relevant to possible violation of law or regulation." Needless to say, the Treasury has gone ahead and required banks to spy on their customers, keep the records and file the reports.

What's in the reports? The instructions on how to fill out a "Suspicious Activity Report" specify that banks "p]rovide a chronological and complete account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction."

Regulations made pursuant to the law give banks no choice in the matter:

> A national bank shall file a SAR [Suspicious Activity Report] with the appropriate Federal law enforcement agencies and the Department of the Treasury in accordance with the form's instructions, by sending a completed SAR to FinCEN [Financial Crimes Enforcement Network of the Department of the Treasury] in the following circumstances . . . Whenever the national bank detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the bank or involving a transaction or transactions conducted through the bank and involving or aggregating $5,000 . . . or [if] the transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.*

So even without the new KYC regulations, banks are required to spy on their customers and report any deposit or withdrawal anyone makes for which the bank "knows of no reasonable explanation."

And the U.S. is trying to force this sort of regulation on other countries, including those where people have legal guarantees of financial privacy. At the instigation of the U.S., the United Nations is encouraging member states to enact regulations specifying "mandatory reporting of suspicious activity and removal of bank secrecy impediments to legitimate investigation." And the U.N.'s executive director for the Office of Drug Control and Crime Prevention, Pino Arlacchi, sneers that "criminal investigations should not be impeded by bank secrecy."

The defeat of KYC is a small victory at best. But it's the only victory free citizens have had in the battle for financial privacy since the Bank Secrecy Act was passed more than 20 years ago. It is the first time that serious opposition has ever emerged to government intrustions on financial privacy. Perhaps it is a portent of things to come. ❑

* Here I quote from the regulations on national banks. Identical regulations apply to other banks and credit unions.

Account

Behind Bars

by Dyanne Petersen

You don't really know what it's like until you've been there.

The conditions of pretrial confinement and the process of preparing a criminal defense are perfectly designed to encourage a plea agreement and to discourage any notion of pursuing a lengthy, expensive trial. From New York's Riker's Island to the Multnomah County Detention Center (MCDC) in Portland, county jails are the feedlots for state and federal prisons. Each is intended to hold securely the maximum number of detainees while providing the minimum amount of amenities. Whether arrested for a traffic violation or serial murder, one begins the arduous journey through the criminal justice system in a county jail. MCDC, in downtown Portland, held me from the time of my arrest for possession of narcotics until I was sentenced and assigned to a federal prison.

Persons facing federal charges have a prescribed routine of appearances before a grand jury for indictment and at bail hearings, invasive interviews with the prosecutor's pretrial and pre-sentence investigators, information gathering and strategy meetings with defense attorneys, negotiations with the prosecutor's office and offers of leniency for "cooperation," threats of maximum sentencing, and offers of plea agreements. There are statements, declarations, responses, motions, addenda, hearings, a decision and, finally, sentencing. If one is certain to be released on bail pending trial or to be acquitted, dreams are of home; one certain of conviction dreams of a quick transfer to the more comfortable, social environment of prison.

Unlike state and federal prisons, which rely heavily on inmate labor for day-to-day maintenance and support services, county jails use public employees or private-sector contractors. This drives up the costs of custody and creates a boring, unproductive existence for those detained. At the same time, the imposed inactivity can seem attractive to those transient, lesser criminals who, every November, get themselves arrested for minor crimes like aggressive panhandling, petty theft or drunken vagrancy to escape, for a few winter months, life with a shopping cart on the streets or under a bridge.

County jails often offer a cleaner, safer alternative to homeless or battered-women shelters, an opportunity to kick a drug habit, complete a pregnancy or to just rest and fatten up out of the snow and cold. In one egalitarian unit of cells, on almost any given day, you might find a murderess waiting for arraignment or trial, a foreign national with an INS detainer, a homeless grandmother guilty of no crime other than poverty and separation from family, a businesswoman with an expired gun permit, a money launderer returned from federal prison for a sentence reduction hearing, a prostitute finishing her 120-day sentence, and every rainbow flavor of drug law violator, from medical marijuana user to international heroin smuggler. They will be arguing over who has the greatest need to make a phone call, and debating which species of animal produced the patty of "mystery meat" on their lunch trays.

MCDC's eighth-floor women's units have the acoustics of a shower stall and the aesthetics of a Chicago public housing project, a result of steel, triple-pane glass, poured concrete and cinderblock construction, inside and out. Even more austere were the attitudes and behaviors of MCDC personnel: from guards to nurses to food servers, there was a uniform indifference and lack of humanity, which seemed to have been a prerequisite for employment.

Each inmate was locked into a 6' by 8' single cell for 21-23 days, allowed out into the closed unit at prescribed times by

the unit's officer to shower, make collect phone calls, eat, watch TV or play cards with the other women. Two or three times a week we were able to enjoy recreation time in a small, locked, windowless gym or in a fenced-in area on the roof of our mid-city skyscraper jail. We could walk in a circle or take turns playing ping-pong for a full hour. The food was usually not recognizable by known food groups and barely edible.

Twice a week we had unit cleanup and a room-by-room inspection. We passed if no contraband was found and cleanliness met the well-established but low standard. The reward for passing was popcorn, handed out on Friday nights in small, individual bags to be eaten alone in cells. The women were fanatical about their popcorn and about passing inspection.

Yet everyone had contraband on her person or hidden somewhere in her Spartan cell; two pairs of socks instead of one, an empty tube of toothpaste with the end cut off and rolled up to make a tight-fitting shower nozzle, extra magazines or paperbacks over the permitted four, a clip or cartoon torn from the unit's daily newspaper or scraps of food smuggled back to the cell from a meal tray. Rarely did anyone get caught. But the one who did, who would cost the unit their popcorn treat, was an outcast, poison, dirt for at least a week.

Afraid of earning that distinction when I saw the two tiny packets of salt floating in my toilet after returning to my inspected cell, I went immediately to the unit officer to ask if I had a "write-up" and to try to explain that the salt was given to me by the nurse for gargling, the packets clearly initialed by her. "Back off" was the response. I did, returned to my cell, fished the packets out of the clean toilet water, placed them on paper and returned to the officer's station to show her the nurse's approving initials. "Roll up, Petersen," the officer barked, the order to prepare myself for a move off the unit and into disciplinary custody. I had questioned the officer's authority — landing me on lockdown status 23 hours a day for 30 days for the offense.

The nurse had given me the salt for bleeding gums so severe that my sink looked like the crime scene of an axe murder every time I brushed my teeth. The inability to purchase and use dental floss, combined with an inadequate diet, vitamin deficiency and extraordinary stress, took its toll in less than two months at MCDC. The nurse's unwillingness or inability to offer better treatment was matched by that of MCDC's psychiatrist, a woman possessing the professional expertise and compassion of a velociraptor. After a three-minute dialogue to evaluate my complaints of chest pains, anxiety attacks and sleeplessness, she suggested a prescription for Prozac and Trazadone, without offering any other recommendations for relief.

It seemed ironic that unlicensed women in my block of cells, who diagnosed their own emotional and psychological problems and medicated themselves with drugs not approved by the FDA, were facing jail terms and prison sentences, while the licensed nurse and doctor were free and entirely useless. And it seemed absurd to earn a 30-day disciplinary action for trying to defend my possession of salt.

There is no opportunity in county jail to forget, not for a nanosecond, that one is in custody, under absolute control. No choice, no decision is yours to make other than when you'll use the toilet. And even then you are not free to forget where you are. Conversation-hungry and female-starved men, housed on the floors above and below the women, use their toilets to talk to you. You'll feel or hear taps on the stainless steel commode, the signal that the toilet will soon become the inmate telephone system. Impossible requests will be made of you to perform all manner of perversions, or to simply pass on a message to the "home girl" in a cell a few doors down. The toilet-talk becomes the only diversion and entertainment for most of the men and women on 23-hour lockdown; the only way to escape the tapping and chatter is to sacrifice your one plastic-covered foam pillow and jam it into your toilet.

Trapped in such a controlled, sensory-deprived atmosphere, forced into inactivity and idleness, it is extraordinarily difficult to maintain the clear thinking necessary to wage an effective legal defense, make intelligent strategic decisions and appear credible and worthy of serious consideration before a federal judge. As too many defendants do, I chose the easiest and fastest way to get out of MCDC, without cooperating with prosecutors to make criminal cases against others: I accepted a plea agreement, took my chances that it would be honored as discussed and wound up with a sentence of 108 months in federal prison, 21 months more than I had bargained for.

Within a month of sentencing, I was in transport to FCI Dublin, a.k.a. "Club Fed."

Flying ConAir

I was surprised by how much I had accumulated in three and a half months as I packed for my transfer out of MCDC. This high-rise facility had held me from the time of my arrest until sentencing and assignment to a federal prison. My last look through the sliver of window in my cell told me dawn was still more than an hour away. I could see the day's first commuters crossing the Morrison Bridge into the business district, headlights mixing with streetlights to penetrate the March morning's fog. The officer clicked open my door from her control panel. I dragged a pillowcase full of letters, legal papers and publications with one hand and carried my bed roll under my other arm. I kicked the door closed behind me with a wonderful finality.

I was escorted to a first-floor holding cell, already full of women waiting to be taken to court, and given a sack breakfast which was greedily accepted and divided among my temporary cellmates. Just outside our door, MCDC officers and U.S. marshals were preparing the chains and cuffs for the men who would be moved out before us. It would be another two hours before I'd be shackled ankle-to-ankle, handcuffed to a heavy waist chain, and taken to the local military airport. No one would tell me where I was going and I could make no calls to my attorney, family or friends.

By 11:30 I was on a Bureau of Prisons plane, known more popularly as ConAir, with about two dozen female and 80 male prisoners. Women were seated in the first rows to spare them the indignity of being paraded past the men. Portland was the third stop on the morning's route, which had begun in Oklahoma before I was awake. The passengers, anxious and exhausted, sat uncomfortably in their leather upholstered seats, all shackled. Few would use the toilets, as it was virtually impossible to get one's pants down or up. The next

stop, Sacramento, was less than 90 minutes away.

It had been over 100 days since my long flight from the Maldive Islands to Singapore to Tokyo to Portland International Airport, where I was arrested for possession of narcotics. Knowing that this would probably be my last flight for many years, I stared out the window, absorbing with new appreciation the views of hills, patchwork farmland, suburbs and cities from the sky-prison.

Our flight was met at a Sacramento air base by more U.S. marshals, federal corrections officers who would serve as new escorts, and a heavily armed security force, unidentifiable in their all-black uniforms and masked helmets. All were positioned strategically around the plane, at the gates and on the tarmac, brandishing enough firepower, from sidearms to anti-aircraft mini-missile launchers, to discourage, if not stop, an Iraqi invasion. Part of the human cargo was unloaded and divided into groups for the waiting ground transports. Everyone remained shackled, but now we were chained in pairs for added security and discomfort.

Thirteen women were designated for Federal Correction Institution (FCI) Pleasanton; FCI Lompoc was the destination for about twice as many men. A lead car provided escort to the three-van caravan for our two-hour drive. The windows in my van were opened slightly, letting in fresh air that managed to sneak back to us through the bulletproof partition separating inmates from officers. With the air came a hint of music, the first I had heard in months. Restaurants and liquor stores teased us from the streets; children played, dogs chased birds, men walked with women — the sights and sounds of daily living one takes for granted but pays little attention to when one is among the free. City turned into suburbs, suburbs into country, flatland into hills, and just over the highest of the hills, right outside of Dublin, we entered Camp Parks.

Trapped in such a controlled, sensory-deprived atmosphere, forced into inactivity and idleness, it is extraordinarily difficult to maintain the clear thinking necessary to wage an effective legal defense.

In the 1940s, Camp Parks served as an internment site for hundreds of Japanese-Americans. Today, it's a prison and military installation that serves as a training facility for the local sheriff's department and for military forces. The FCI, Federal Detention Center (FDC) and Federal Prison Camp (FPC) with their support service buildings make up its central portion. Upon arrival, we were herded into a holding area where our shackles were removed; we were strip-searched and issued institution clothing, linens and toiletry kit; given photo cards for identification purposes and use at the commissary; reviewed quickly by staff for housing assignments; and given an inmate handbook to inform us of all the things we were not allowed to have or to do. Our personal property was inspected; we were told it would be returned to us, if allowed by policy, within a few days.

It took nearly four hours to process the 13 women for admission. We were led past the men's Federal Detention Center to our FCI Pleasanton.The facilities were separated, and surrounded by rows of twelve-foot electrified cyclone fence topped and sandwiched with roll after roll of razor wire. Dusk had long surrendered to dark when we were taken to our housing units — only the outlines of trees and neighboring buildings could be seen as we walked through the compound.

The three double-unit housing facilities were named Units A-B, C-D and E-F, thankfully free of annoying attempts at creativity. They were identical, built in late 1960s, two-storied, chalet-styled wood, glass, cinderblock and poured concrete. Four of our original 13 were assigned to C-D: a 35-year-old woman of East Indian descent and mother of two preteen children who was a legal resident alien convicted of drug-related mail and wire fraud, the two young co-defendants from Montana serving eleven-year sentences for a variety of marijuana conspiracy charges, and me. We had all heard the rumors that C-D was where Patty Hearst had lived because it was the only unit with carpeting in the lobbies. I later learned that the other units had damaged theirs so badly that it had to be ripped up.

Knowing that this would probably be my last flight for many years, I stared out the window, absorbing with new appreciation the views of hills, patchwork farmland, suburbs and cities from the sky-prison.

Our officer-escort showed us to our Admission and Orientation rooms where "new admits" live. We rubber-necked our way through the spacious lobby and first TV room, a massive area with cathedral wood-beamed ceilings, skylights, recessed spot-lighting and Danish Modern furniture. We passed one of the unit's two, small, common-use kitchens with sink, ice machine, microwave and tap for steaming water, set up for inmate use to prepare commissary-purchased food. We saw the mini-library, writing rooms, three more TV rooms, card tables, pool table, hair-care room, study hall, phone booths, laundry rooms, snack and soft-drink machines, two dozen showers and six staff offices, all serving the needs of the 300-plus women who lived in the double unit.

The illusion of spaciousness and comfort was shattered upon arrival at our A&O quarters, a series of depressingly small, dark, 8' by 12' rooms located in a sublevel tunnel-like hallway that connected the lobbies. Each room had two double bunk beds, four lockers, a sink and a toilet. We were assured that we'd spend less than a month in A&O and would be moved to three-person rooms as soon as they became available; it could take up to a year to work up to one of the 24 double "wing" rooms. Unit C-D, like the other housing units, was over capacity.

When the officer-escort left us, an ad hoc inmate

continued on page 61

Argument

A Man's Right to Abortion

by Barry Loberfeld

What's sauce for the goose is sauce for the gander.

Of the many things said by pro- and anti-abortion activists in the wake of the sniper-murder of Dr. Barnett Slepian last October, the most striking was his eulogization as a man who gave his life for a "woman's right to choose." That's exactly right, but not in the sense the eulogist meant. He was a man martyred for a freedom that he as a *man* did not enjoy.

What is it that a woman aborts? Certainly not a "human life" or an "unborn child" or a "developing individual." The answer is: any legal responsibility to the offspring she conceived. That's it. We might add that a woman retains this right even if she chooses to forgo an abortion, by putting the child up for adoption — in the words of constitutional alchemist Laurence Tribe, the Constitution guarantees "equality for women . . . the same ability to express human sexuality without the burden of pregnancy and childbirth that has always been, by accident of biology, available to men."

I didn't know this. Neither, I suspect, do most men. In fact, the opposite is true: there is emphatically no "equality for men"when it comes to the expression of human sexuality. Men live without the legal ability to escape the consequences of an unwanted pregnancy that for the last quarter-century, by no accident of law, American women have enjoyed. For example: If Miss Jones informs Mr. Smith that he has impregnated her, can he, in *Roe v. Wade* America, legally respond: "Thanks for the info. In the spirit of reciprocity, I wish to inform you that I hereby exercise my constitutional right to abort all legal responsibility to the offspring I conceived. Have a nice life"?

Consider how our enlightened age views pregnancy. It is not seen as the development of a new individual, one for whom both parents possess both rights and responsibilities, but as a condition — a state — of a woman's body. This view precludes the involvement of any other body. There is a "mother" — even a "father," at least when it's time to pay the bills — but no child. Canadian feminist Kathleen McDonnell sums up the consequent position on abortion: "It is our bodies and our lives that are the issue, so the decisions must be ours as well." The woman alone has the right to determine whether to terminate a pregnancy.

And therein lies the problem. If a man's rights end at the point of ejaculation, so do his responsibilities. Where an individual has no rights, he has no responsibilities. Current law forces a man to bear the consequences of a choice in which he plays no part. Since a man is allowed no voice in the decision whether to abort, he cannot be held responsible for the outcome, be it termination or childbirth. If the woman alone possesses the right to determine whether a pregnancy will be terminated, then she alone possesses the power to determine *whether a child will be born*. For all practical and *legal* purposes, the woman's decision *not* to abort constitutes the true moment of conception. *Roe v. Wade*, which began by defining life and, consequently, human rights, ends by transforming human reproduction into an act of parthenogenesis.

Those feminists and fellow-travelers who object to these conclusions refuse to recognize the implications of their own dogma. If it is "her body, her decision and her right," it follows that the responsibility does not rest with the "father" or the taxpayers. There's no avoiding it. If, as so many "pro-choicers" tell us, faulty contraception shouldn't force some woman into unwanted motherhood, why should a leaky condom force some man into unwanted fatherhood? And if no "male-dominated legislature" should dictate to a woman whether she will become a mother, then why should this same woman be allowed to dictate to man whether he will become a father?

It is outrageous to deny grown men a right extended even to 12-year-old girls. To correct this inequity, action is needed on two fronts. On the political level, this requires confronting lawmakers. On the moral, it requires challenging feminists to demonstrate real commitment to their ostensible ideal of equal rights for men and women. If they continue their campaign for "choice," let them expand it to include reproductive rights for men. If they stand by *Roe v. Wade*, let them also stand by its implications

In her 1997 year-end report, Kathryn J. Rodgers, executive director of the NOW Legal Defense and Education Fund, digressed briefly while decanting the house rhetoric about women's "constitutional right to reproductive freedom" to lament that "somehow an old myth [has] reasserted itself. A myth that child care is not a societal responsibility, but a personal and individual responsibility — in fact, the primary responsibility of women, whether they work outside the home or not." Translation: Childbirth, the decision, is the right of the woman; child care, its consequence, is the responsibility of everyone else. Or in Naderite terms that may be more familiar to NOW members: Decision-making is privatized, while consequence-taking is socialized. And in Rodhamese: It Takes a Village (and a government to make sure the village knows it).

The hypocrisy and selfishness of all this is so glaring that only a Patricia Ireland could miss it. Those of us to whom the principle of "equality" means respect for the individual liberties of all, we cannot allow the word to become feminist Newspeak for a society in which women exercise their rights and men do their duty. ❑

Reflections, *continued from page 17*

have regularly denounced Slick Willie, as well as his liberal and leftist supporters, in their respective *Nation* columns. Horowitz must have read between the lines in order to make his opponent's words support his thesis. He quoted Pollitt as asking, "If Clinton is evil, are the forces arrayed against him any better . . . ," then chimed in with his two cents that, "of course, Pollitt doesn't for a moment think that Clinton is evil." But if he had bothered to read Pollitt's *next sentence* where she observed that, "[i]t's not as if [Clinton's Republican pursuers] oppose capital punishment and bombing Iraq and the other things *we all hate Clinton for*" (emphasis added), he might have discovered that she has a strongly negative opinion of Clinton.

Horowitz blamed the attacks on Hitchens on a left-wing "hatred of the truth," but judging from his multitude of errors, Horowitz has no great love of truth himself. —CS

Gene Siskel, RIP — For Gene Siskel, criticism was a noble calling; he wanted people to think about film and didn't care if he had to step on toes in the process. Tributes to Siskel in the wake of his death on February 27 focus on his love of good movies, his loathing for bad ones, his practice of diving headfirst into every endeavor, his commitment to his family and faith, and his unceasing effort to maintain his work ethic even after undergoing brain surgery and enduring consequent deteriorating health. Libertarians may want to remember him for his frequent, albeit inconsistent, stands in favor of individual liberty — he was a harsh opponent of racism, he favored drug legalization, and movies like *Waco: The Rules of Engagement* got his thumb up. All this is worth remembering. But one of the most important lessons of his career may be that he helped demonstrate the inseparable nature of competition and cooperation.

Gene Siskel and Roger Ebert were vicious competitors to the end, fighting over opinions, petty personal differences, and even TV screen time (even the Siskel tribute episode of *Siskel and Ebert* alotted about as much screen time for Ebert as it did for Siskel). But they also shared an enduring friendship and camaraderie, made consistently stronger by respect for each others' refusals to back down from a worthy fight. Siskel's career is a reminder that consensual competition brings out the best in people, not the worst, and that we're more likely to cooperate with people who have this competitive integrity, and seek them out as friends. —EDD

Randal O'Toole, "Too Smart for Our Own Good" *continued from page 34*

but they are only effective after they warm up. Most new car pollution comes from cold starts. A pollution-emissions fee designed to encourage people to use catalytic converter heaters would eliminate this major source of pollution.

Second, most of the pollution comes from just 10 to 15 percent of all motor vehicles. Instead of the expensive and ineffective inspection programs used in most places, cities could install cheap and unobtrusive sensors along roadways. Such sensors can identify vehicles that produce high levels of pollutants, enabling officials to compel offending owners to reduce their vehicles' emissions.

Finally, reducing congestion will reduce air pollution. Most congestion results from bottlenecks and poorly designed on- and off-ramps and highway merging facilities. By employing a combination of congestion tolls (charging more during peak periods) and simple highway improvements, congestion can be reduced significantly.

Low-density suburban development, which the smart-growthers denounce as "sprawl," also reduces congestion. Government need not encourage such development because most people seem to prefer it anyway. But if Gore and the EPA really want to lower levels of air pollution, they should stop smart-growth efforts to discourage low densities.

None of these steps requires federal intervention. In fact, getting the federal government out of the picture would improve matters considerably. Congress should eliminate the federal gas tax and let states and local areas decide their own transportation policies and futures. But Congress won't face the gas-tax question again until 2003. Until then, it should make sure that Al Gore and the EPA get out of the way of communities that want to reduce their air pollution using simple, effective measures rather than cumbersome, self-defeating central planning. ❑

Reviews

***Freedom Will Conquer Racism and Sexism: The Civil Rights Act Is Damaging Everyone in America, Especially Blacks and Women,* by J. Edward Pawlick. Mustard Seed Inc., 1998, 312 pages.**

The Empress Has No Clothes

Wendy McElroy

The Civil Rights Act (CRA) of 1964 has not only been a disaster for white males, but it has also hurt the very people it ostensibly protects — blacks and women. The CRA clearly prohibits consideration of race, religion and national origin in employment practices. Instead, the Act sought to encourage *merit* irrespective of a person's color or any other secondary characteristic. In order to secure passage of the CRA, advocates such as Senator Hubert Humphrey specifically assured critics, "there is nothing in it that will give any power . . . to require hiring, firing, or promotion of employees in order to meet a racial 'quota' or to achieve a certain racial balance." In *Freedom Will Conquer,* lawyer J. Edward Pawlick provides a sophisticated and sometimes brilliant legal history of the law. His analysis of the CRA's history is, by itself, well worth the price of the book.

It seems to me that Pawlick's political analysis, while fundamentally sound, veers off course at times. I agree with him that any attempt to impose morality — e.g., a code of social fairness — by law is doomed to fail, harming society in the process. The best the law can do is provide full and equal protection to all persons and their property. Then it should back away and get out of people's lives.

Pawlick is also right when he asserts that, by enforcing a non-discriminatory code, the law has become a system of privilege by which members of unprotected groups pay for sins they never committed. The law has become a remedial historian, rewriting the wrongs of 19th century America, such as slavery. Non-discrimination may or may not be a noble goal — I advocated it as one — but the relevant political question is, "even with laudable intentions, do you have the right to impose your moral judgments about fairness on peaceful human beings who disagree?" Pawlick's answer is a thunderous "No!" And I applaud him. It's a gutsy act for a white male in America to stand up and declare affirmative action an Empress without clothing. "I would not write this book while I still owned a business," he declares. "It would be equivalent to committing suicide."

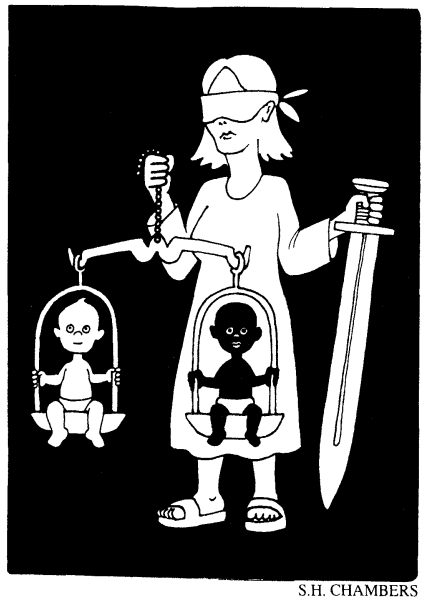

S.H. CHAMBERS

But, after the applause dies down, I am left with some disagreements. One in particular stands out. As a feminist who writes on the CRA, my focus naturally riveted on Section IV of *Freedom Will Conquer,* "It Hasn't Helped Women." Well, it hasn't. No argument. Nor do I dispute Pawlick's analysis of how the feminist movement has drifted politically since Betty Friedan's *The Feminine Mystique* (1963) — the book that established the feminist movement as surely as Warren Farrell's *The Myth of Male Power* (1993) inspired the men's rights movement. Pawlick readily admits, "I read it [Friedan] in 1964, and I agreed with a lot of it," adding, several pages later, ". . . never realizing that we [white males] would soon be blamed for all of the ills of the world and that men in the United States in the later years of the 20th century would be blamed for all the problems that women had ever suffered or were now suffering throughout the entire history of the entire world." Feminists who dismiss the men's rights movement as a whining males' club would do well to consider Pawlick's shift from sympathy to a sense of betrayal.

What happened? Friedan had voiced the unspoken complaints of women in the '50s, and she placed responsibility upon *them* to change their circumstances. She demanded a common-sense equality with men: genderless laws and, maybe, men who vacuumed a floor every once in a while. An amazing number of men,

including Farrell, became staunch supporters. Subsequent feminist theorists added their own elements, including rage at men and a class analysis that placed the two genders at war with each other. The theorists subtracted one element: women were no longer responsible for the problems within their own lives. Men were. All men. After they recovered from the shock of being identified as part of "the rape culture" (a.k.a., American society), former male allies became vocal critics.

By enforcing a non-discriminatory code, the law has become a system of privilege by which members of unprotected groups pay for sins they never committed.

This was the beginning of a lamentable crusade to seek restitution from men as a class through the power of legislation, especially Title VI of the CRA. In doing so, women perpetuated the same political system against which their predecessors had fought so valiantly — a system that embedded gender into law and gave preference to one sex at the expense of the other.

At this juncture, the disagreement I must express with Pawlick's analysis is two-fold. First, I do not condemn the entire agenda of the new feminist theorists, as the author does. Among the positions he decries are: "Women will work outside of the home"; and, "free and easy sex will be the norm." I, too, reject the proposition that "a self-respecting woman will work outside of the home." If a woman wishes to be a housewife and the man wants to support her, that's their business. Nevertheless, on a personal level, I believe all women would benefit from being able to support themselves without depending on a man, or any other human being.

As for "free and easy sex being the norm," I have not encountered such behavior within the movement on a widespread basis. Indeed, modern feminism virulently opposes pornography and prostitution. These stands would make the accusation of New Puritanism seem more appropriate than a charge of licentiousness. Even tracts advocating lesbian sex do not generally have a "free and easy" aspect to the depiction of sex: an anti-male one, yes, but not free and easy. Rather, feminist literature on this issue advocates that women should have full control of their own sexuality, including access to birth control and abortion. In the presence of such control, most feminists I know have made the same choice as I have: to enter a heterosexual, monogamous relationship (in my case, marriage). In short, I simply do not agree that sexual choice leads to moral decay.

Also, I believe Pawlick is arguing — to some extent — against a feminist stereotype that does not reflect reality. He is reacting to the most extreme voices within the movement without sufficiently acknowledging the more moderate women who form the mainstream. Certainly, much of current feminist policy comes from extremists, whose voices are shrill and sometimes filled with an almost blind rage. But they have succeeded on such issues as affirmative action only because throngs of far less strident women see some justice in their positions. These more moderate feminists are not man-haters: they are wives and mothers and sisters. For them, affirmative action has the patina of justice because it promises equality of opportunity.

That promise dovetails nicely with traditional American values of equality before the law, and the ability to rise through hard work. Indeed, Pawlick himself declares, "America must once again strive toward becoming a color-blind society, where a person's color or sex is unimportant." Affirmative action is an ideal gone tragically astray, and I believe the blame can be cleanly ascribed. A moral position, a demand for fairness, is being imposed through law. Using force to control peaceful behavior has severely weakened the two social institutions that have most benefited women — the free market and individual rights. Thus, Pawlick is correct. The CRA has damaged women and men alike. On an optimistic note, I think many women have come to realize that the legal system is a debacle, which presents a great opportunity to argue for the free market alternative.

I have slighted two significant aspects of *Freedom Will Conquer*. First, the book offers a sound analysis of affirmative action as it applies to blacks and other minorities. Pawlick draws on the insights of the eminent black authors Thomas Sowell (*Preferential Policies*, 1991) and Walter Williams (*The State Against Blacks*, 1982) in formulating his well constructed and well written arguments. The theme concerning blacks is perhaps best captured by a quote offered from theorist Shelby Steele:

> If my benefits come to me primarily as a black, and not as an American, then the effect over time is to undermine common society — the common culture and democracy of America — America is my enemy. This kind of thinking causes me not to move into the American mainstream. Which correspondingly causes me to fall farther and farther behind.

To rephrase this sentiment in feminist terms: "If benefits come to me because I am a woman rather than because I am a human being who deserves them, I will fall farther and farther into dependency on government. When has *that* ever helped the individual, male or female?"

Using force to control peaceful behavior has severely weakened the two social institutions that have most benefited women — the free market and individual rights.

Second, *Freedom Will Conquer* thoroughly covers the history underpinning the CRA. The act was passed in the wake of President Kennedy's assassination as a tribute to the slain leader, who supported the measure. President Johnson pushed it through as part the agenda for his Great Society, a political blueprint that has shaped the world in which we live. The excellent historical overview has earned this book a permanent place in my study. ❑

Too Good To Be Forgotten: Changing America in the '60s and '70s, **by David Obst. John Wiley & Sons, Inc., 1998, 282 pages.**

Blowhard in the Wind

Jonathan Ellis

The scene is the University of California at Berkeley on a May day in 1969.

Chancellor Roger Heyns might be the most despised man on campus. The day before, he expelled students from People's Park, a million-dollar piece of university property taken over by student revolutionaries and street people as "living proof that power could, and should, flow from the bottom up."

Berkeley's ready to blow. Thousands of surly students amass for a rally. Radicals spit and snarl over the university's bourgeois perfidy. Tension builds as the Red-Guard fustian flows like a gusher. Finally, one of the speakers demands an end to the talk and a commitment to action. "That was all we needed," writes David Obst. "Thousands of us trotted toward the target. Crash! The front window of the Bank of America was broken. We were intoxicated by our own power."

The mob aims to liberate People's Park and return it to the people. Police armed with shotguns and tear gas quell the uprising. One person is killed in the violent confrontation and the revolutionaries are routed. Property rights remain safe for another day, and rich-kid Berkeleyites skulk back to their free-love communes to plot the coming revolution.

Or maybe they went home that night and pulled bong hits. After all, writes Obst in *Too Good To Be Forgotten: Changing America in the '60s and '70s*, the 1960s in Berkeley "was the most fun time to be alive in the history of the world. . . you could sleep with anyone . . . You could take any drug . . . You could be as outrageous as you wanted." Apparently, you could also cut class and be a make-believe revolutionary.

The '60s and '70s remain alive and kicking, so what's with Obst's title? We've laughed at Woodstock revivals featuring monstrous ticket prices and third-rate acts. And we can thank Oliver Stone for resurrecting the king of third-rate musicians, Jim Morrison and his Doors. Volkswagen's sputtering magic buses still clog the highways, and now they've gone and reissued the Beetle. Disco grooves, and LSD's hip again. Even the old free-love movement, once thought to have been made extinct by AIDS, flourishes in the Oval Office.

Indeed, the '60s and '70s will be with us long after Social Security's a "remember when" and the last of the baby boomers are stashed in nursing homes. The next few decades will see hundreds, maybe thousands, of boomer retrospectives littering your favorite bookstore. There'll be more movies, more documentaries, more wretched television programs like "The Sixties" — NBC's recent miniseries.

I expect the media lunacy to create grave social upheavals among non-boomers. Many will be pushed to madness, many more will expatriate to South America. The reason for this is simple: the baby boom generation is widely perceived — rightly or wrongly — as self-righteous, turgid, whiny, and hypocritical. Boomers snicker about how great drugs were, while whooping up the drug war. Many who protested Vietnam are the first to call on the U.S. to play global cop. More than anything, it's the boomer attitude that's a source of loathing. If you don't know this nauseating attitude, read *Too Good To Be Forgotten*.

Obst smothers his introduction with bilge you'd expect from an aging ex-high-school athlete recalling his triumphs on the gridiron and with the cheerleading squad. "Roughly one hundred thousand generations lived before us baby boomers. More change will take place during the course of our lifetimes than in all one hundred thousand of those previous generations combined."Alas, this attitude hopelessly infests the entire book. Unfortunately, Obst applies this same level of humility to himself, boasting "if something was happening in America during that tumultuous period, I was able — through chance, guile, and fortune — to be in the middle of it."

That's a slight overstatement. But to be fair, Obst did witness or actively participate in a number of big-time events, starting with a "tour" in Southeast Asia. He went to Taiwan in 1967 not to soldier, but to study Chinese. Encounters with American GIs on leave from Vietnam affected him profoundly, and he decided Vietnam was no place for him. But his accounts of these conversations are hobbled. He misidentifies the M-1 as the standard-issue rifle in Vietnam (it was the M-14 early on, the M-16 later). And anecdotes he claims the GIs conveyed to him tell us nothing about Vietnam that Hollywood already hasn't.

Boomers snicker about how great drugs were, while whooping up the drug war. Many who protested Vietnam are the first to call on the U.S. to play global cop.

Returning home to California in the Spring of '68, Obst immediately secured a draft deferment. Free from the prospect of compulsory service, he

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used the spring and summer of that year to bum around the country. While visiting friends at Yale, he had the good fortune to befriend Strobe Talbott, Bill Clinton's Oxford roommate and current deputy secretary of the State Department. For his part, Talbott displayed a prodigous aptitude for working in bureaucracy by showing Obst how to steal food from Yale dining halls.

Through the connections of a friend's father, Obst got credentials to attend the 1968 Democratic Convention in Chicago as a journalist. He dodged a police clubbing in that legendary riot by jumping through a broken window and making his way to the top floor of the Hilton, where he watched the mayhem from *Newsweek*'s hospitality suite. By most accounts, Mayor Daley's goon squad mercilessly savaged anyone they could connect with. Obst offers a simpleton's explanation for this, claiming adults were increasingly uncomfortable with the youth movement's swelling political ambitions:

> Messing with the status quo was acceptable as long as it confined itself to music, clothes, mating, and other social rituals. Up until now we were just an amusing sideshow. When we started going after the political power — no way, this is where they drew the line.

This theory is ludicrous. Certainly most adults were not amused by the specter of shag-carpet hairy youths publicly fornicating in mud bogs. And if adults really were afraid of youths pirating the political system, why did they allow adoption of the 26th Amendment less than three years later, lowering the voting age to 18?

Obst enrolled at Berkeley in the fall of 1968. There he burrowed deep into the anti-war movement with Dispatch News Service, "an anti-war news service devoted to telling the 'truth' about what was happening in Vietnam." Obst's opposition to Vietnam rests largely on platitudes: the South Vietnamese were incompetent allies; innocent civilians got killed; American GIs dehumanized the enemy soldiers by calling them "gooks." Yet these gripes could just as easily apply to World War II: the French were incompetent allies; innocent civilians got killed; enemy soldiers were dehumanized with slurs like "krauts" and "Japs."

Obst's opposition to Vietnam in *Too Good To Be Forgotten* looks damn capricious, and I wonder if his anti-war feelings have grown flabby with age. He doesn't condemn the state for dragooning young men into military service. Nor does he argue against the sort of interventionist foreign policy that justifies the United States stomping around the globe looking for a brawl. With the bulk of today's political system in the grip of baby boomers, I have to wonder if Obst supports his friend President Clinton's "peace keeping" mission to Kosovo, or the inveterate campaign against that chubby, tinhorn dictator in Iraq. Certainly the nefarious Red Menace seems a more worthy adversary.

No matter. Regardless of his feelings today, we know Obst profited from the anti-war movement of yesterday. In 1969 he moved Dispatch News Service to Washington, D.C., where he met and assisted Seymour Hersh with Pulitzer Prize-winning coverage of the My Lai massacre. My Lai, says Obst, made him a "big shot," and more success followed. In 1971, Obst helped Daniel Ellsberg collect and disseminate the Pentagon Papers, the "highly classified documents the Defense Department had put together to trace the history of the Vietnam War." Ellsberg's stunt attracted the interest of book publishers, and Obst took on the role of agent.

By the time Vietnam fizzled, Obst's life was rolling at full bore. He represented some of the biggest authors of the day, including Watergate figures Bob Woodward, Carl Bernstein and John Dean. In only a few short years, Obst had gone from living in a commune to employing a business manager.

Perhaps connections with the publishing world helped in getting *Too Good To Be Forgotten* between covers. Certainly it wasn't the prose, which when read aloud can sound worse than nails dragging on a chalkboard. In spots the book is downright embarrassing — I didn't need to know about his bumbling efforts to lose his virginity, for example. Still, there are interesting moments, like his theory on the identity of Deep Throat.

But weighed in full, Obst has put out an unintelligent, puerile and gratuitous book, making *Too Good To Be Forgotten* very forgettable indeed. ❑

***All-American Anarchist: Joseph A. Labadie and the Labor Movement*, by Carlotta R. Anderson. Wayne State University Press, 1998, 324 pages.**

A Man For All Freedoms

Sharon Presley

It's the writers and speakers in a social movement who get the glory. Those who aid their causes by publishing, editing, and bookselling are far less likely to bask in the limelight, even though these efforts are just as critical to their causes. Where, for example, would the writers and speakers in the libertarian movement be without Laissez Faire Books? How easily could they find those wonderful books with all those incisive arguments and useful facts? Ludwig von Mises down at Borders or Barnes & Noble? I don't think so. How would we be able to enjoy the pleasure of reading *Our Enemy the State* by Albert Jay Nock or *The State* by Franz Oppenheimer if it weren't for Free Life Editions in the 1970s and Fox & Wilkes in the 1990s? At your local library? Lots of luck unless you live in a town with a good university library.

As someone who has worn nearly all the above hats, from writer to bookseller, I'm in a unique position to appreciate the contributions of these facets of social activism. So it was with particular pleasure that I read the biography of Jo Labadie (born 1850), anarchist printer and publisher extraordinaire. Though I had read about Labadie in anarchist histories, I first came to truly appreciate his contributions when I was asked by Mark Sullivan and Carlotta Anderson in 1975 to help them sort out the printed materials left in the estate of Laurance Labadie, Jo's son. What treasures we found!

Both Jo and Laurance were pack rats, a boon to the Labadie Collection (now one of the world's best anarchist and radical archives, thanks to the legacy of materials left to the University of Michigan by Jo). Besides all those delicious copies of Moses Harman's *Lucifer the Light Bearer* and Tucker's *Liberty*, we found Jo's own Bubbling Waters editions of his poetry. Lovingly handbound in exquisitely designed wallpaper, they were esthetic treats in looks if not style (Jo's poetry, while fascinating because of its context and content, tends to be a bit overwrought by today's standards). Many leaflets and pamphlets published by the two Labadies were found too, with wonderful titles like "I Welcome Disorder," "I Like You But Hate Some Things You Do," and "What Think Ye of Christ?"

Jo's scrapbook, account book and photographs that Laurance left behind helped in the research for the biography to which Carlotta Anderson, Jo's granddaughter, so lovingly devoted her time for many years afterwards. The Olympian effort was well worth it. Anderson's *All-American Anarchist* is a richly detailed and carefully researched biography of Labadie and a vibrant portrait of American anarchism in the early part of this century.

Jo Labadie was an untiring leader in fighting for workers' rights and social justice. He was active at various times in the Knights of Labor, the Greenback party, the American Federation of Labor, the single-tax movement, land reform, and the eight-hour movement. He started out as a Socialist, but soon became disenchanted with the party's authoritarian devotion to government intervention. Like Voltairine de Cleyre, who was to write the classic "Anarchism and the American Tradition," Jo saw the antecedents of American-grown individualist anarchism in the American libertarian tradition of Thoreau, Emerson, Jefferson, and Bronson Alcott, who questioned: "Why should I employ a state to govern me? Why not govern myself?"

In 1883, his growing distaste for socialism and burgeoning interest in anarchism led Jo to write a letter to Benjamin Tucker's *Liberty*, a publication he had read since its start in 1881. He remained friendly with Tucker till Tucker left the country in 1908, never to return. So tolerant and open-minded a man was Jo that he called labor leader Samuel Gompers and radical socialist labor leader Eugene Debs friends, too. Both communist anarchist Peter Kropotkin and crusty libertarian H.L. Mencken liked him as well.

Though a few readers may get bogged down in Anderson's details of Jo's early involvement with the labor movement, the descriptions of his anarchist activities, the picture of his colorful and engaging personality, the observations about other anarchists and characters in the rich drama of late 19th and early 20th century social activism are fascinating. Jo's involvement with Tucker and *Liberty*, Emma Goldman's brutal frankness, the loving printing efforts at Bubbling Waters, the role of Jo's wife Sophie in helping preserve the anarchist materials for posterity, the sad retreat of Tucker after the disastrous fire that destroyed his bookshop and all his anarchist materials — these stories and many more make the American anarchist movement of the turn of the century come alive.

One of the most unusual and striking facets of Labadie's extraordinary personality was his almost total lack of sexism and bigotry.

One of the most unusual and striking facets of Jo's extraordinary personality was his almost total lack of sexism

and bigotry. This was not a time that fostered egalitarian attitudes toward women or minorities, but Jo, true to the spirit of anarchism, stood up for the rights of these oppressed groups. Often called the "gentle anarchist" because of his nonviolent stance and genteel manners, he frequently expressed admiration of dynamic women and dared to challenge segregated unionism.

I have always been fascinated by individuals who stand out from and above not only their culture but their comrades-in-arms. Jo was such a man. Many of the labor activists of his day fought only for the rights of white men. Even many of the anarchists were less than totally devoted to the cause of women's rights, let alone women's emancipation. Because he thought other issues were more important, Jo probably would not be considered a feminist by today's standards, but he treated women with respect and encouraged their struggles — behavior even more remarkable a century ago than it is today.

An extra boon to those who appreciate anarchist history is the story of how the Labadie collection came into being and curator Agnes Inglis's role in saving it from obscurity. It was primarily Inglis who built the Collection into what it is today. Inglis also saved the works of Laurance Labadie, a publisher and writer in his own right, from undeserved obscurity, thanks to his grandniece Carlotta Anderson's fond efforts. Some of us are fortunate enough to own copies of such beautifully bound pamphlets as "Slaves to Duty" by John Badcock, Jr., which Laurance published in 1938 as well as Laurance's own writings.

"Laurance," writes Anderson, "is considered by some to have surpassed his father as thinker and essayist." His essays, she continues, had a "profound" effect on the decentralist School of Living movement founded by Ralph Borsodi in the 1930s. "Few of today's libertarians," writes the author at the end of the book, "are aware of the role Laurance played in keeping the ideology alive, nor do most know much of Jo Labadie, Benjamin Tucker and their circle."

Tireless in their devotion to individual liberty, Jo, along with his son Laurance and Agnes Inglis, deserve to be remembered and honored as important contributors to the anarchist movement and to the cause of freedom, as well as philosophical ancestors of today's libertarians. This rich narrative does them credit. ❑

***The Lord's University: Freedom and Authority at BYU*, by Bryan Waterman and Brian Kagel. Signature Books, 1998, 474 pages.**

Inside the Mormon Ivory Tower

Eric D. Dixon

Most universities experience tense relationships among students, faculty, and administrators. Many schools welcome this conflict as an integral part of university life. Not so at Brigham Young University. The school's policies are approved by BYU's board of trustees, a panel that includes the president and other high-ranking officials of the school's sponsoring organization, The Church of Jesus Christ of Latter-day Saints — men revered as prophets by church members (commonly known as LDS or Mormons).

How do students challenge the status quo in an environment shaped by their religious leaders? People who have grown up in the church are familiar with this statement from *The Doctrine and Covenants*, a standard Mormon book of scripture: "The glory of God is intelligence." The church encourages gaining knowledge, including spiritual knowledge attained through personal revelation. Thus many students arrive at BYU already thinking for themselves, only to encounter BYU's stifling policies on dissent and the expression of unorthodox opinions.

The Lord's University: Freedom and Authority at BYU offers a history of Mormon attitudes toward education, using BYU's past few decades as a case study. It traces the development of the school's positions on feminism, evolution, student appearance, the school newspaper, and other turbulent topics.

This book particularly interests me because several chapters focus on controversies that took place while I attended BYU, during the 1990-91 school year and again from 1994 through 1997. These include the firings of feminist English professors Cecelia Konchar Farr and Gail Turley Houston and anthropology professor David Knowlton, as well as the investigation and subsequent resignation of English teacher Brian Evenson.

Surrounding these high-profile dismissals were cases of censorship of the official student newspaper, *The Daily Universe*, and investigations of contributors to the unofficial, off-campus student newspaper, *The Student Review*. *The Lord's University* authors Bryan Waterman and Brian Kagel are particularly qualified to document conflict surrounding BYU's student media because they served as editors of the *Review* and the *Universe*, respectively.

I also worked for both of these papers in a variety of positions — the *Review* during my freshman year, 1990-91, and again in late 1996, and the *Universe* from 1994 through 1996. Despite my involvement in student journalism, I was unable to stand firmly on any side of the academic freedom controversies erupting around me.

As an ardent supporter of the First Amendment and John Stuart Mill's concept of the marketplace of ideas, I favored free speech and the unrestricted flow of ideas, even though I often disagreed with some of the professors who were fired or were under investigation. On one hand, I didn't agree with the university's actions in firing and intimidating these teachers. But on the other hand, I believed private organizations have a fundamental right to hire or fire whoever they want, for any reason, whether the law allows them to or not. This put me in the awkward position of defending both the intellectual freedom of professors whose views I disagreed with, and the university's right to fire them, even though I disagreed with the university's doing so.

Waterman and Kagel begin their book with historical chapters on Mormon education, the development of feminism at BYU, the evolution of the student newspapers, and the student dress and grooming standards, providing essential background information for understanding later controversies at BYU. They point out that Mormon education is based on the church's rejection of Protestant authority in the 19th century, setting itself "in opposition to 'the world' in education, theology, government, economics, and eventually marriage patterns — and [this] opposition implied a Mormon superiority. . . . At the same time, however, Mormonism — and especially its founder Joseph Smith — yearned for recognition and legitimation from the very culture it so fiercely opposed." Waterman and Kagel view subsequent decades of BYU policy through this lens, portraying a university that "on one hand . . . pined for the approval of the American mainstream; on the other, it wants to maintain that legitimacy while preserving the authority of church leaders to maintain doctrinal purity."

This dichotomy is evident to students, who follow a set of dress and grooming standards primarily left over from the 1950s. As political unrest escalated throughout the 1960s, BYU's president, Ernest Wilkinson, gradually developed an appearance code that first discouraged, then forbade, long hair and beards for men, and short skirts, pants and the "no-bra look" for women. Wilkinson had a set idea of what he didn't want at the school. "Certain kinds of people who seemed to be oddballs and had no regard for the culture or responsibilities of a civilized people were first characterized as 'deadbeats' and are now referred to as 'beatniks.' There is no place at BYU for the grimy, sandaled, tight-fitted, ragged-levi beatnik. If any appear on campus, we intend to 'tick them off.'" Wilkinson also told students "we want no 'go-go girls' nor their pseudo-sophisticated friends, nor will we tolerate any 'surfers.'"

The authors note Wilkinson's evident anti-California cultural bias "that probably reflected the increase at BYU of California students (no doubt too highly represented, in Wilkinson's view, among troublemakers) as well as the increasingly notorious activities of Berkeley students." BYU sought to avoid even the appearance of political dissent.

BYU's appearance standards have changed over the years. Women were allowed to wear pants in recreational areas beginning in 1967, and universally in 1971, although denim privileges were still several years away. Perhaps they changed because so many students ignored them: "A BYU Survey Research Center study conducted in March [1971] revealed that almost 40 percent of the students violated dress and grooming standards in some way, and that over 85 percent of that group did so knowingly."

Despite the changes, the university designed appearance standards to make BYU an example to the rest of the world of how university students should look. This emphasis on surface factors like appearance is telling — BYU has always striven to maintain its image, even at the expense of the freedom of student inquiry: freedom of the press, academic freedom and even at times the right to assemble.

The biggest academic freedom conflicts at BYU have revolved around feminism. This is a little surprising in a historical context, since the church, in its early years, had a comparatively progressive attitude toward women in higher education. However, even though the church has encouraged women to attend college, it always insisted that "their divinely ordained

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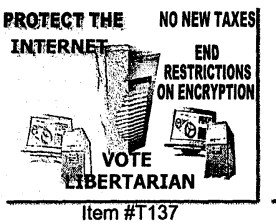

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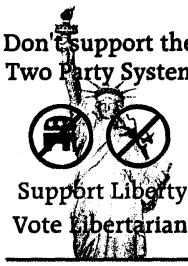

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role is that of mother," and couched its encouragement of women's education in the value it would hold for men. Former BYU president Dallin Oaks echoed the thoughts of the church's president when he said in 1975: "Some

Many students arrive at BYU already thinking for themselves, only to encounter BYU's stifling policies on dissent and the expression of unorthodox opinions.

have observed that the mother's vital teaching responsibility makes it even more important to have educated mothers than to have educated fathers. 'When you teach a boy, you are just teaching another individual,' President Harold B. Lee declared, 'but when you teach a woman or a girl, you are teaching a whole family.'"

For decades, the church's policy of encouraging women to stay at home meant that most of the women hired were either unmarried or non-Mormon. When BYU started a new nursing school in 1954, "the school survived only because most of its posts were filled by non-Mormons; all of the graduate degree holders on its faculty were non-LDS. Over time the program was able to carry itself with Mormons gradually joining the faculty, but the school's initial message was clear: church leaders considered it more important for Mormon women to stay home than for BYU faculty to be LDS."

As the feminist movement grew stronger and more radical throughout the 1960s and '70s, BYU and the church maintained strident opposition to feminist-supported legislation like the Equal Rights Amendment and Title IX of the Civil Rights Act. Despite counsel from church leaders "that in the employment and compensation of women — as in all other matters — you give careful observance to the requirements of the law," Dallin Oaks announced "BYU's unwillingness to comply with six of Title IX's regulations" largely due to concerns about gender-separated housing and student appearance. The Department of Health, Education, and Welfare "assured BYU over the next four years that the government would not interfere with limitations imposed by private institutions for religious reasons."

Feminism at BYU was on shaky ground, and the authors note that "Mormon opposition to the Equal Rights Amendment . . . would drive feminism in Provo underground for nearly a decade." Feminism resurged in the late 1980s and early 1990s, largely starting with the formation of a feminist campus club in 1988, named Voice in 1989. Cecelia Konchar Farr, who had earned her master's degree at BYU in the mid-1980s, became one of Voice's faculty advisors in 1990. When BYU advised that women be accompanied by men while walking on campus at night because of recent violent incidents against women, Voice ridiculed the advice. It gained media attention by posting satirical flyers all over campus, stating that men would no longer be allowed to walk on campus at night unless accompanied by at least two women, "to demonstrate that they are not threatening." Campus staff tore down the posters, triggering a protest by over 400 students.

Farr's activities generated increasing hostility at the school, including her participation in a pro-choice rally and Voice's "Take Back the Night" demonstrations. She claimed, to the outrage of many conservative church members, that she was "a conservative and believing Mormon and also . . . a committed feminist." She was eventually dismissed, triggering more student protests.

Gail Houston, another feminist English professor, was warned before her third-year review to modify her "feminist orientation and advocacy," and was eventually placed on provisional status for a year until the school discontinued its provisional category, returning her to full status. The review cited several offenses, such as complaints from students that her classes were too politicized, with which she had not been confronted previously. She was fired, with much controversy, at her sixth-year review in 1996. According to BYU, Houston had "engaged in a pattern of publicly contradicting fundamental Church doctrine and deliberately attacking the Church." As with Farr, many of her students and colleagues were baffled by these claims, believing that the school fired her for her political views.

Others were investigated for different reasons. BYU fired anthropology instructor David Knowlton at the same time as Farr, following a controversy surrounding a paper by Knowlton on why Mormon missionaries made useful targets for Latin American guerrillas. Church leaders released a statement "warning against presentations that 'jeopardize the effectiveness or safety of our missionaries.'" Despite the critical stance many in the church took toward Knowlton's study, he probably wouldn't have been fired for this alone had he not publicly disputed the critics of his paper.

Brian Evenson, another member of the English department, left BYU vol-

BYU has always striven to maintain its image, even at the expense of the freedom of student inquiry: freedom of the press, academic freedom and at times the right to assemble.

untarily after a lengthy investigation of a book of short stories he published before he was hired. I didn't know Evenson personally, but his harassment hit closest to home for me. I read his nationally-acclaimed book, *Altmann's Tongue*, months before the university expressed any concern about its content. Evenson was one of only two Mormon fiction writers whose work excited me and inspired my own attempts at writing — and now he was under attack for his fiction.

An anonymous student note triggered the investigation, decrying the book's ostensible graphic violence and amorality. Evenson acknowledged "that *Altmann's Tongue* is one of the most difficult books ever written by a Mormon . . . but I also think it is one of the most uncompromisingly moral books as well, and many people have agreed." He saw his fiction as a realistic portrayal of evil and violence that countered glamorized

depictions seen elsewhere. School officials disagreed. After continual pressure, Evenson announced in 1995 that "he was taking a year's leave from school for a position at Oklahoma State University. A year later he resigned when the position there became permanent." Anonymous notes to church leaders have become a fairly common occurrence at BYU, leading to the fear among some faculty members that they may be attacked for misunderstandings without having an adequate opportunity to defend themselves.

Waterman's and Kagel's account of censorship on the campus newspaper in *The Lord's University* is true to my own experience. In addition to administrative intervention, the *Universe* practices intense self-censorship, excising most controversial opinions (and sometimes entire topics) before going to press, often due to fear of reprisal::

> The ever-present issue for the *Universe* . . . is censorship. Lorin Wheelright, overseeing the *Universe* under Dallin Oaks, once commented that "we control so much of the environment [at BYU] . . . that the temptation to manipulate the news is beyond human capacity to resist." He added, though, that administrators needed to exercise patience with young journalists, unless the school was openly willing to sponsor "a house-organ polyana [sic] sheet in which sweetness and light will be so glaring that we will die of ennui if not from blind staggers or a sour stomach."

On the other hand, the off-campus *Student Review*, because of its student ownership, was not subject to official censorship. But it is banned from campus distribution. BYU also forbids campus-owned organizations, such as the BYU Bookstore, from advertising in the *Review*. This, combined with an adversarial relationship with the *Universe*, has caused the independent paper editorial and financial strains over the years, leading students almost to the point of abandoning production several times. The authors' coverage of BYU's newspapers is the topic they are most qualified to discuss, but here they also show a bias. For example, here is a paragraph discussing a student who was fired by the *Universe* after covertly working for both newspapers simultaneously:

> Political science student Russell Fox . . . had been involved with the *Review* and the *Universe* before accepting a paid position with the latter in the summer of 1992. He did a good job as city editor, and that fall the position of political editor was created for him. What the *Universe* did not know was that at the same time Fox was also a volunteer editor at the *Review* — under the pseudonym Michael Ho. While faculty advisors and Fox had had a few mild run-ins during the semester, it was not until election day itself — as Fox was organizing the complicated network of reporters, photographers, and copy editors who would be putting together the *Universe*'s coverage — that [*Universe* faculty advisor John] Gholdston learned of Fox's secret identity. Fox was fired on the spot and *Universe* editor-in-chief David Farnworth and others assumed control of the effort.

Waterman and Kagel fail to mention that Gholdston learned of Fox's dual affiliation on election night because Fox left the *Universe* newsroom to attend a *Review* staff meeting that evening — arguably the most important evening of the semester for a political editor. In that instance, a conflict of interest was clear — but the authors' view of Fox as a good guy causes them to leave out his responsibility for the situation.

But in all, Waterman and Kagel have captured the essence of the BYU experience for those students and faculty members who don't maintain as strict an orthodoxy as the administration would prefer. In a church of ten million people, views differing from the norm will always pose a problem:

> John M. Armstrong, a philosophy student, wrote that one serious problem with the academic freedom document was that it assumed there is a set of values that all LDS people have in common. The list of fundamental LDS values and doctrines is shorter for some people than it is for others, he argued. "It seems inevitable that, in the coming years, those with the long lists will want all others to adhere to their lists." Armstrong wrote that when others "do not adhere, and the peer review process upholds the opinions of the so-called 'rebel,' there is nothing to stop those people with the long lists from contacting their General Authority friends as they have done historically in an effort to squelch the infidel."

Most BYU students don't share these concerns, content instead to follow the administration's cues and at times ridicule those who question school policy. Even so, the church's attitude of maintaining such strict orthodoxy at its college is somewhat perplexing, considering that church leaders encourage students to attend college all over the world. In the early 1990s particularly, church leaders emphasized that college-age Mormons shouldn't set their hearts on attending BYU, instead encouraging

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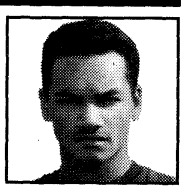
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them to attend other schools, particularly local colleges and universities, while maintaining church activity and attending church-sponsored Institute courses (the equivalent of the religion classes taught at BYU).

This acknowledgment that Mormon students can enjoy successful, faithful educational experiences at secular schools stands in sharp contrast to BYU policies. If it's OK for Mormon students to gain exposure to controversial and secular ideas and environments elsewhere, why are church leaders so apprehensive about students' exposure to these things if they happen to attend school in Provo? One of the most important functions of a university is to expose students to new ideas and concepts, to challenge and stimulate, to provoke and sometimes disturb. With such a large support base in place, Provo seems to me to be the safest place for Mormon students to confront the unfamiliar. At any rate, surely the church is strong enough to manage campus tension without squelching dissent. After all, many other universities do, even those that don't claim to be "the Lord's University." ❑

Booknotes

Enemies of the Stasis — Virginia Postrel's excellent *The Future and Its Enemies* (Free Press, 1998, 265 pages) details the many ways in which the forces of dynamism conflict with the forces of stasis. The book is an excellent journalistic treatment of the pervasiveness of these opposing perspectives throughout our society. The title clarifies the very real risk that the stasis forces may prevail, that the world may well reject progress and stagnate. Indeed, for most of human history that has been the story. Postrel ends her book detailing the tragedy of China, which sank from world leader to backwater country in a few centuries as the stultifying forces of bureaucracy gained ascendancy. Implicitly the book suggests that this fate might await America.

But one is left at the end of the book with a feeling of "Now what?" How has it happened that America — the "Can Do" nation of almost naive optimism — has become so pessimistic? Why is it that so many in America — especially among the intellectual classes — shifted so decisively toward the forces of stasis? Knowing that progress is threatened is useful; knowing why this threat has grown in recent decades would be far more so. And here *The Future and Its Enemies* is strangely silent.

Let me suggest a possible cause, specifically the popularity of Malthusianism — the Terrible Too's belief that there are too many of us, that we consume too much, and that we rely too heavily on technology which we understand too poorly — among America's intellectuals. This is new. At the end of World War II, the left was optimistic — from Marxist to New Dealer, the political left championed dynamism; it was the conservatives who feared change, who worried about the erosion of America, the lack of stability. Today, the left has changed sides — seeing "progress" as illusory. Why?

I argue that dynamism and stasis are instrumental, not primary, variables. An individual favors the one or the other depending upon whether he believes that change benefits or threatens his core values. The left was once optimistic about change because it believed the future belonged to it — almost everyone believed (as Whittaker Chambers commented) that the left was the "winning side." Today, the left is far less confident — it sees America moving back to skepticism over central planning and political control, the loss of faith in the Gospel of Efficiency — and thus they have changed sides. And, as Hayek noted long ago, intellectuals are important in a modern society. When the intellectual community favors stasis, the odds shift dramatically toward stagnation.

Why all intellectuals aren't stasists, why some — like Postrel and most readers of *Liberty* — retain their belief in Progress is a critical question. We do have faith in the future — but why? I believe the answer to this basic question — and thus whether the forces of dynamism can prevail — requires a better understanding of the competing cultural values in America and how

these values have waxed and waned in overall influence over the last century. That analytic task — and the subsequent action agenda that would stem from it — remains the critical task for those seeking to preserve the Future from its Enemies. In that effort, Postrel's book can provide useful anecdotes but little policy guidance.

—Fred L. Smith, Jr.

What Makes Harry Run? — Some libertarians objected to Harry Browne's run for the presidency in 1996 on grounds that when Browne waded into the political fray, he contradicted a core principle espoused in *How I Found Freedom in an Unfree World* (1972, new edition Liam Works 1998, 387 pages).

They point to several passages in *Freedom* to justify their criticism. For example, Browne describes a variety of traps in which people enslave themselves as they struggle to improve their lives. One of them he dubbed the Group Trap, in which one's success depends on the efforts of others. That sounds suspiciously like a political campaign.

Not so, says Browne in the Afterword to the 25th anniversary edition of *Freedom*. "I ran because *I* wanted to, and I enjoyed it immensely," he writes. "I may even do it again in the year 2000."

He asserts that "success wasn't dependent on winning the election. I ran to please myself, and I encouraged others to participate only if they would enjoy the experience. Fortunately, Libertarians aren't prone to self-sacrifice."

As for the "politics is evil" camp, nothing Browne says would, or even could, satisfy them. On most days, I admit, I am sorely tempted to agree that to engage in politics is to tread the path of corruption. Nonetheless, I still hold out hope, however faint, that the principles of freedom will recapture the popular imagination. In other words, I still hope to someday live in a free nation. But, as Ayn Rand said, "It's not as late as you think." We ain't there yet. To get there, we need the best ambassador for libertarian ideas we can find to sell the voters on true liberalism. Someone like Harry Browne.

Browne may have weaknesses, as Jacob Hornberger asserted in the last issue of *Liberty*. He wrote that Browne "failed to generate any significant degree of excitement among voters." It could be argued, however, that some of the LP's previous candidates were a tad too fun and exciting. So much so that they scared off the voters. Browne's engaging and genial style gives him an in with the public. If he designs a savvy media campaign that puts him on television, he will win votes. Browne remains, to my mind, the nation's best hope for the cause of liberty.

Political considerations aside, *How I Found Freedom in an Unfree World* is an outstanding primer on attaining personal freedom. For people who have a vague sense that something's wrong with their lives that they can't put their finger on, this is the tonic.

—Terrence Campbell

The Synthetic Man — In *The Political Philosophy of Herbert Spencer* (Avebury, 1996, vii + 251 pages), Tim

Jurassic Horde Whisperer of Madness County

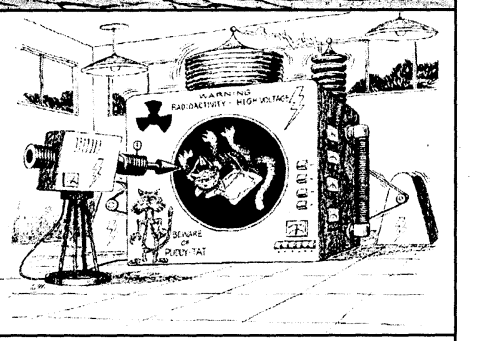

This new novel by Titus Stauffer is a wacky tale of lawyersaurs, Quart Low Trackers, Ale Run Hubba-Bubba and His Church of Omnology, Panderwood, and officials at THEMNOTUS and NADGRAB run amuck. A tale so utterly bizarre as to defy all rationality. A tale beyond belief.

But then we get to the annotated end portion of the book and we see that ***Jurassic Horde Whisperer of Madness County*** is based on FACTS - facts too irrational, crazy and destructive to be pure fiction. Church, State, media, and Hollyweird have provided all the madness spoofed here. Fun, yes, but also a disturbing warning about how destructive irrationality runs rampant in our modern, supposedly enlightened scientific age.

Other works by Titus Stauffer: ***Bats in the Belfry, By Design*** is a near-future hard science fiction novel about a U.S. weapons designer who regrets helping a freedom fearing government. ***Freedom From Freedom Froms*** is a sequel which continues to throw pointed barbs at many who fear real freedom.

Order through **www.amazon.com**, or ***Barnes & Noble,*** or order directly from: ***FreeVoice Publishing*** (281-251-5226)
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S. Gray performs a noble service: saving Herbert Spencer's ideas from the misinterpretations of both friend and foe.

Spencer's thought has always been controversial. In his day he was widely influential; an evolutionist who formulated the principle of "survival of the fittest" before Darwin's *Origin of Species*, he both profited by and suffered from the designation "Social Darwinist" (though, as sociologist Jonathan Taylor astutely remarked, Darwin might more justly be thought of as a "Biological Spencerian"). As a libertarian writing as the popularity of individual liberty descended from its mid-century peak, his reputation was sure to reach a nadir in *our* mid-century. F.A. Hayek, whose career as a social theorist can be seen as one long riff on Spencerian themes, astutely minimized any citation of the maligned thinker.

Gray concentrates on the tension in Spencer's thought between "individualism" and "holism." Most commentators have judged Spencer schizoid on the subject, and deemed untenable his solutions to the theoretical problems of whole and part, society and individual, and methodological holism and methodological individualism. Gray carefully weighs all the traditional charges against Spencer's method in both positive and normative thought, showing where Spencer erred, and where (more often) his commentators proved themselves inattentive to Spencer's surprising subtlety.

It's about time somebody performed this service. The constant complaints about this "contradiction" in Spencer's thought have always seemed to me more than a bit simple-minded. After all, Spencer defined his task as "synthesis," by which he meant reconciling "opposites" to the extent they can be reconciled, using as many methods as necessary to obtain a complete understanding of the complex phenomena that life presents us. He began the first installment of his ten-volume Synthetic Philosophy — *First Principles* (1860) — with as clear a statement as any: "We too often forget that not only is there 'a soul of goodness in things evil,' but very generally also a soul of truth in things erroneous." Spencer's method may best be seen as a rescuing of the truth from rival philosophical camps. He was not only well aware of tensions in his thought, he *exploited* them for his grand purpose: understanding.

This method — I'm tempted to call it "dialectical," but Spencer's prose and position seem so far from Hegel's that the term is almost indecent — confuses many readers. But it is surely his strength. Gray is one of the few Spencer scholars to see this method as fundamental, and to present sophisticated *analyses* of Spencer's *syntheses*.

And, in the process, Gray has written one of the most readable treatments I've encountered of general methodological problems. His careful discussions of the meanings of controversial terms — such as individualism, for starters — alone provide enough reason to recommend the book.

—Timothy Virkkala

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Petersen, *continued from page 46*

welcoming committee arrived and offered each of us cigarettes, coffee, instant soup cups, candy, information and more questions than we were able or willing to answer. We shared a collective exhaustion and sense of relief as we bunked down that first night, all pleased to be out of our county jails and finished with transports, shackles and processing.

The morning gently massaged my senses awake through the open window. Unidentified birds sang and argued in nearby bushes and joined the smells and sounds of grass, clover and chamomile being cut in the warden's lawns. I pulled open the curtain above my head to see what I couldn't see eight hours earlier. Shocking blue and a radiant sun, so unlike the gray and wet of the Portland sky, promised a perfect day. I closed the curtain and sat up in bed, my head barely clearing the ceiling. I was thankful and surprised that I had slept peacefully through the visits from officers who were required to count us at midnight, 2:30 a.m. and 5:00 a.m. each night.

I heard a grunt, gas and the splash of fecal matter hitting the toilet's water. I looked to the top bunk across and 18 inches away from me to see my East Indian friend still asleep; the two bottom bunks were empty, one occupant out of the room, the other casually relieving herself less than two feet from the end of our beds. The animal odor from her activity quickly reached my head and powerfully reminded of the reality of my situation.

It had been so easy to relax, to drop most fear and anxiety, along with the chains and shackles, once securely inside the FCI. The fear I had held was of the unknown; anxiety came with anticipating the worst, always more difficult than knowing the worst and preparing to survive it. It seemed clear that the worst was behind me — the many long, boring days alone in a small cinderblock cell at MCDC, the helplessness and intimidation I had felt every time I appeared in federal court, the waiting, the hoping, the not-knowing, the dependence on attorneys, investigators and jail guards, the inability to make plans for a future that was in the control of others. ❑

Notes on Contributors

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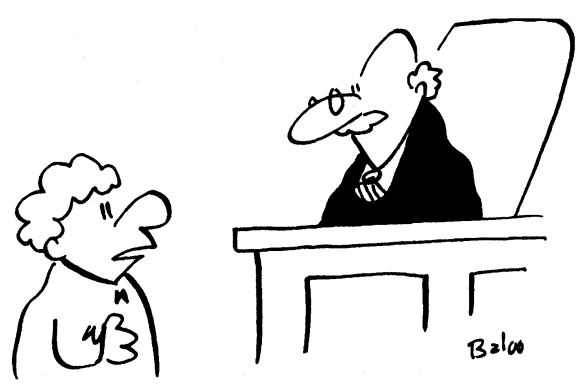

"It's not that I don't want to pay for things, your honor — I just steal stuff to avoid the sales tax."

Terra Incognita

China

Advance in the culinary arts, reported by the *Wenhui Daily*:

Health authorities report that 11 of 45 restaurants inspected were adding opium poppies to their soup to keep customers coming back for more.

Pleasanton, Calif.

The triumph of aesthetics over property rights, from *The Oregonian*:

City Council members who want Neil and Pat Nelson to paint their unfinished home a darker shade voted 3-2 to give the Nelsons an ultimatum: Paint your home a darker color or we won't let you move in. The Nelsons are defying the council and have occupied the home without a permit. The city is considering how to get them out of the house.

U.S.A.

Curious specimen of historical revisionism, as reported by *The New York Times*:

The United States Postal Service unveiled a new stamp celebrating Jackson Pollock's contribution to Abstract Expressionism. The stamp is a reproduction on a 1949 *Life* magazine photograph showing the denim-clad artist, a chain smoker, in his studio pouring paint onto canvas, a cigarette hanging precariously from his mouth. On the stamp, however, the cigarette has been airbrushed out.

Boston, Mass.

Meaningful gun-control in the enlightened Northeast, as seen in *USA Today*:

More than two centuries after the British tried to disarm upstart American colonists at Lexington and Concord, plans for the largest re-enactment of the battle are in jeopardy because of a new state gun law that requires childproof trigger guards on all guns — including replica muskets. Musket owners whose guns don't have the locks could face up to ten years in jail and fines of up to $10,000.

U.S.A.

A threat to the moral health of our nation's children, indentified by Naomi Wolf in *George*:

"On the popular, award-winning show *Cow & Chicken*, drawn by veteran animator David Feiss, I encountered Cow and her red udder, whose enormous teats are drawn in such a way that their movement is central to the action. A companion cartoon called *I.M. Weasel* features a baboon with an exaggerated red distended rear, and another show, *The Powerpuff Girls*, has a character in a maid's costume and high-heeled dominatrix boots. . . . The nonprofit organization the Lion & Lamb Project which advocates against violence in children's toys and games, has reached out to Senators Joe Lieberman of Connecticut and Herb Kohl of Wisconsin, who are considering holding hearings on sadistic programming for children."

San Francisco, Calif.

Expanding human rights, from the *San Francisco Examiner*:

Prompted by an angry confrontation over "anti-fat" advertising by a local fitness club, the head of the city's Board of Supervisors has proposed adding overweight people to the list of those legally protected from discrimination. The proposal came two days after about 25 overweight people picketed a local gym to protest against a billboard warning that when space aliens finally do encounter humans, "they will eat the fat ones first." The protest was organized by self-described "fat advocate" Marilyn Wann who warned "It's really not safe to alienate us, because we might just sit on someone."

Finland

Interesting alternative to the cocktail, reported by Reuters:

Some teen-age Finnish girls are experimenting with tampons dipped in vodka as a way of getting tipsy without parents detecting boozy breath, an anti-drinking group claims. The group's executive director said he had received reports of individual cases of girls in eastern Finland using alcohol-soaked tampons, hoping the alcohol would then enter their bloodstreams. "I believe tampons are supposed to keep things in and not let them seep out," said Tapio Jaakkola at the Irti Huumeista drug and alcohol center.

Seattle, Wash.

Advanced political activism in the Evergreen State, reported on the Washington State News Wire:

Jim Mulligan with the Partnership for Religion and the Environment reported that groups ranging from Catholics to Sufis gathered for a meeting to look for moral guidance in dealing with the proposed listing of Chinook salmon as an endangered species. The meeting at Seattle's Saint Mark's Cathedral was part vigil and part planning session.

Russia

Interesting observation about the most powerful woman in the world, Madeleine Albright, by Gennady Zyuganov, head of Russia's Communist Party, reported by Reuters:

"I am alarmed by this madame, whom I call Madame War. She is a woman, after all. Rattling rockets and bombs — it is simply against nature. I want to say to all the women's organizations of the planet and especially of Europe. She is bringing shame on the entire female sex and the female tribe."

Seattle, Wash.

Economics observation from Drug Czar Barry McCaffrey, during a speech on the threat posed by British Columbian marijuana:

"Wide availability is driving consumption."

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or to email them to TerraLiberty@hotmail.com.)

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A Positive Account of Property Rights • David Friedman takes an economist's-eye view of the question "what is a right?" and explains why certain rights keep on coming back to haunt those who would like to govern without constraint. (audio: A305; video: V305)

Coming Soon to a City Near You • Randal O'Toole exposes the arrogance of "urban planners" — and reveals the disastrous consequences of their "New Urbanist" designs. Watch out! Your automobiles are in danger. (audio: A220; video: V220)

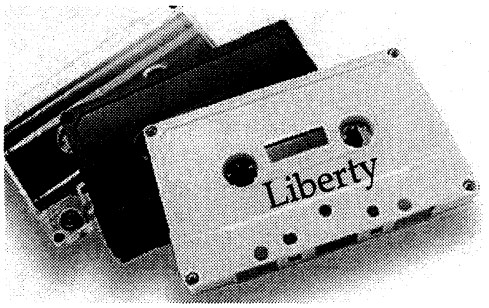

The Nazification of the Money Supply • J. Orlin Grabbe is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

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

The Four Political Types • Fred L. Smith, Jr. points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. (audio: A147; video:V147)

How I Found Slavery in a Free World • Douglas Casey's acerbic tales of government failure — at home and in the 120 countries he's visited. (audio: A208; Video: V208)

How Hillary Got Rich • Join one of the most successful speculators in the nation, **Victor Niederhoffer**, as he analyzes Hillary Clinton's history with beef — the hooved commodity. Did she get amazingly lucky, or was there something else more sinister going on? (audio: A114; V114)

Will Technology Advance Liberty or the State? • For every glowing prediction of the liberating effects of technology, there is a clipper chip, a phone tap, or a spy satellite. **Harry Browne** presides while **Ross Overbeek, David Friedman, R.W. Bradford,** and **Sandy Shaw** measure the capabilities of freedom and Leviathan. (audio: A303; video: V303)

Liberty and the Press • Where does media bias come from, or does it even exist? Join veteran reporter **Bruce Ramsey**, *Slate* editor **Jack Shafer**, **R.W. Bradford** and **Jane Shaw** as they dissect the press. From a freedom perspective, what's wrong with the media — and what's right? (audio: A216; video: V216)

The Liberty Group • R.W. Bradford, Bill Kauffman, Jack Shafer, Douglas Casey, and **Durk Pearson** look at the hottest topics of the day and make some interesting predictions — many have come true today. Topics include a preview of the 1996 election and its candidates, the anti-tobacco movement, Ron Brown and Vince Foster, Clinton's nose job, and drug smuggling politicians. You listen to conservative and liberal pundits on the radios and television. Find out how libertarian pundits measure up! (audio: A201; video: V201)

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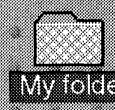

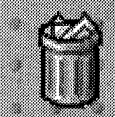

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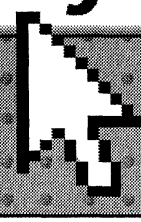

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Inside Liberty

June 1999
Volume 13, Number 6

4 **Letters** Not even a postal rate increase will stop our readers.

7 **Reflections** *Liberty*'s editors look at the world.

The War in Kosovo

16 **The Real Kosovo Tragedy** *David Ramsay Steele* wonders whom to call when you suspect World War III has started and our side is the Nazis.

21 **Serbs Up!** *Stephen Cox* wonders how much courage it takes to massacre people thousands of miles away.

22 **Indigestion in Europe's Soft Underbelly** *Alan Bock* tells how we got into this mess.

25 **The Case for Intervention** *Luis García Dopico* makes the case for opposing the Serbs.

26 **Learning From the Balkans** *Leland Yeager* searches through the rubble.

Features

27 **Uniformed Code of Silence** *Steven Philbrick* wonders: Why should those who defend our freedoms be denied those freedoms?

29 **Sympathy for the Stones** *Sarah McCarthy* wonders why feminists "can't get no satisfaction."

31 **The Dictator as Hero?** *Adrian Day* questions whether Augusto Pinochet should be regarded as dictator or savior — or both.

33 **The World *vs.* the World's Only Superpower** *Leon Hadar* explores the subtle difference between Republican and Democratic imperialism.

Libertarianism Transformed

35 **Axioms and Egoisms** *John Hospers* explores the complexities of the non-aggression imperative.

39 **Morality, State and Anarchy** *Barry Loberfeld* looks at anarchism and the non-aggression imperative.

40 **It Really Didn't Begin With Roy Childs** *R.W. Bradford* recalls the "anarchist revolution" of the 1960s.

41 **The Statistics Don't Lie** *Sharon Presley* takes a scientific look at the Liberty Poll.

Reviews

43 **A Paean to Property** *Martin Solomon* examines Tom Bethell's rousing defense of private property.

47 **Revolutionary Personae** *Stephen Cox* explores the strangeness of the French Revolution.

49 **Up From Behaviorism** *Bruce Ramsey* asks, "Are we born that way?"

50 **The Man on the $10 Bill** *Martin Morse Wooster* examines the latest biography of America's founding statist.

53 **Notes on Contributors** Instead of a credit check.

54 **Terra Incognita** The part of the world not being bombed.

Letters

In Defense of Pontius Pilate

Timothy Virkkala, in "Way Kool Khrist" (Reflections, May), noting that Jesus was a revolutionary, commented that Pontius Pilate "made a similar judgment quite some time ago."

Actually, Pilate could "find no fault" in him, even after the Jews accused him of subversion. Pilate even suggested that he be allowed to release Jesus.

Adrian Day
Annapolis, Md.

The Honorable Profession

I take great exception to the comparison between politicians and prostitutes made by Stephen Cox in "New and Improved Democracy" (April). A prostitute who broke promises as often as a politician would soon be in another line of work. And prostitutes pay their own way in this world.

I believe that Stephen Cox owes an apology to the practitioners of the oldest profession.

B. Neil Zeug
St. Paul, Minn.

Pinochet and the Law

Re: "Pinochet Reconsidered" (February), Karen Araujo and John Cobin wonder why the British government chose to arrest him. The reason is simple. The action of the Spanish judge fully conformed with current international legal procedures. The British government had no choice but to act as it did; to have done otherwise would have been to flout the law, and also to flout extradition treaties with a European Community member state. As the government game is played, they abided by the rules.

Further, Araujo and Cobin write almost as though the evidence against Pinochet has been invented. This is not the case. His government was responsible, not just for the deaths of terrorists, or of the unfortunates caught in the crossfire, but for the torture and/or murder of hundreds of unarmed civilians, many of whom had no connection whatsoever with Allende or Marxist terrorism. The end of civil order cannot justify murder; Araujo and Cobin seem to think it does.

It is true that Jack Straw, the British government minister who has the final say in the matter, was and is a socialist who went to Chile as a volunteer to build a community center, and while there had contact with Chilean socialist politicians (probably including Allende, although Straw's spokespeople deny this). So Straw may be biased. But he also has to consider British victims. These include a woman doctor (now practicing in the west of England) who was tortured by Pinochet's henchmen. She had electrodes introduced into her vagina. The pain was unimaginable.

Araujo and Cobin eloquently convey the feelings of many Chileans. But Mr. Straw has to consider actual cases of torture and murder carried out not in the heat of battle, but in carefully planned cold blood.

Nicholas Dykes
Ledbury, United Kingdom

The Beauty of Consequentialism

R.W. Bradford's analysis "The Rise of the New Libertarianism" (March) reports that libertarians are "abandoning" moralistic libertarianism and "embracing" consequentialist libertarianism, based on a recent *Liberty* survey of readers. Bradford's explanation for this trend is sound: because consequentialism is more effective in winning policy debates, more libertarians are adopting it. However, while more libertarians say they disagree with the non-aggression imperative now than a decade ago, it could be that many of these libertarians (like myself) disagree more with the way the non-aggression imperative is used in debate than with the imperative itself.

Relying on the non-aggression imperative as a universal fallback to all questions of policy is not only ineffective debate strategy; it constitutes a misunderstanding of the proper role of the imperative. The non-aggression imperative is an indispensable corollary to the moralistic libertarian code of ethics expounded by Rand and Rothbard, but it is not the source of that moral code. The source is the acceptance of objective reality and rationality, which dictate that man's life be upheld as the ultimate standard of value. Without the non-aggression imperative, the individual's ability to actualize this moral code is hindered because his freedom to act is threatened. This context leaves open the possibility for a libertarian to support the non-aggression imperative as a critical safeguard of liberty, but to cease citing it as the ultimate justification of policy.

We are far from living in a free nation, much less a free world, and the battle over the importance of liberty continues. Libertarians of all moral persuasions have an obligation to fight for success in the realm of policy. This means convincing a new class of intellectuals, the public at large, and even — God help us — our politicians, of the need to create a free society. Consequentialism can win a wide range of adherents to libertarianism because it allows for a variety of moral justifications for freedom. For example, Christians can subscribe to consequential libertarianism but reject Randian rationalism as the source of their moral code; instead, they can cite God's will or the Bible as their source.

The beautiful thing is that libertarians of all moral persuasions can honestly expound consequentialism without suffering from the "dissonance" of "trying to hold both positions" that Bradford mentions, because consequentialism does not require adherence to any one particular moral code.

Candice Jackson
Battleground, Wash.

Selling Liberty

The analysis by R.W. Bradford, "The Rise of the New Libertarianism" (March) was quite interesting, and I hope *Liberty* will explore it some more before we all conclude that consequentialist libertarianism be embraced and moralistic libertarianism denied.

For years, the dichotomy has existed

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in various libertarian publications. In the '80s you had the Schroeder/Amador *The Pragmatist*. At the 1989 LP convention, Don Ernsberger's keynote acknowledged that "Liberty Works" and "Liberty is Right." The decline of moralistic libertarianism continued with the death of Murray Rothbard; after 1989 (where he was caught in a lie in front of the entire LP convention) he was no longer active in the Party and friendly with its leadership cadre. Nor did the average delegate any longer have a chance to talk and party with him. So it is hardly a wonder that today's average libertarian has less appreciation for the enormous influence that Rothbard had on the "movement."

It would be interesting to further explore your contention that moralistic libertarians are unconvincing as opposed to consequentialist libertarians. Over many years, I've used both approaches and found the moralistic approach better. Frankly, I've never had a listener challenge the principle of non-aggression by citing a "life-boat" type situation.

The trouble I've had with consequentalist libertarianism is that I seldom, if ever, carry an armload of think tank studies to social gatherings. Therefore, in cocktail party discussions or after-church socials, the average libertarian has to go up against the "experts." While you argue that minimum wages cause teenagers to lose jobs, your listener can say, "Well, Peter Jennings last night reported that 204 top economists say raising the minimum wage won't cause unemployment."

Unless one is an acknowledged expert in a certain field, those you talk to are probably going to believe the editors of *Business Week*, or the Drug Czar, or the Governor's deputy, before they will believe you. I created the "Talking Points" column in *LP News* to give Libertarians the kind of expert ammunition they need to combat the experts, but those items are best used in news releases, white papers, op-eds , or in speeches where you are "the expert" for that particular audience.

Thanks again for starting a new dialogue on the most efficacious way to convince non-libertarians, or at least get them thinking.

Dave Walter
West Chester, Pa.

Special Interests vs. Liberty

In "Libertarianism made simple" (Reflections, April), Stephen Cox describes three reasons why the government spends taxpayer money beyond belief, but totally ignores the main one: Politicians are paid handsomely by special interests to do so!

Cox recognizes that high taxes are caused by government overspending, but ignores the results from corporate giveaways and tax breaks for corporations and the wealthy, all of which result from special interest contributions to the politicians writing the laws.

continued on page 52

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Gun Control Would Make Us Less Safe

by Jacob G. Hornberger

Government programs are notorious for achieving results that are the exact opposite of what they intend. If advocates of gun control get their way, there will be no better example of this principle. Gun control would result in a less peaceful, more dangerous society.

There are two major reasons for the right to keep and bear arms: so that citizens can protect themselves from the tyrannical acts of their own government and so that they can protect themselves from violent people. Proponents of gun control suggest that the first justification is baseless, since we live in a democracy. And by disarming everyone, the argument goes, violent crime against innocent people will plummet.

Let's address the second argument first. This argument for gun control is based on two alternative assumptions: either that violent people would obey gun-control laws or that gun-control laws would prevent violent people from acquiring guns.

Is either of these assumptions valid? If a murderer intends to break a law against murder, why would he have any more respect for a law prohibiting him from possessing a gun? It defies credibility that murderers, rapists, burglars, thieves, and robbers are going to say to themselves: "There's a law against my owning guns and, therefore, I should obey it."

What would happen instead, of course, is that innocent people that is, those who are the intended victims of violent crime would end up complying with the gun-control law. Therefore, they would have been forced to give up the legal means of defending themselves from people who themselves would have no respect for the law.

Would a war against guns really eradicate guns? Well, has the war on drugs eradicated drugs? For a good example of the results of gun control (and the drug war), check out Washington, D.C. And if you think the collateral violence associated with the drug war is bad, imagine what would happen if the stakes were guns rather than drugs.

The right to keep and bear arms actually makes everyone safer, even those who oppose it. If violent people do not know which people are carrying arms and which are not, they are much less likely to take a chance. The reason a mugger on the street feels safer than a burglar of a home is that the mugger knows that he is less likely to encounter an armed defender. (Why don't gun-control advocates display window signs in their homes announcing "This is a gun-free home"?)

But as important as the right of self-defense is, it isn't the primary reason for unfettered gun ownership. Our Founding Fathers placed the Second Amendment so high up on the Bill of Rights because they understood the vital importance of this restriction on government power. They recognized that the greatest threat to the safety and well-being of the citizenry lies not with some foreign government but rather with one's own government.

Gun-control proponents suggest that that doesn't apply to the United States anymore because we can trust our government officials. After all, we do live in a democracy, they tell us. "We are the government." There's nothing to fear because democratically elected government officials don't do bad things to their citizenry.

But U.S. government officials *have* done bad things to the American people. They rounded up and incarcerated American citizens of Japanese descent without even the semblance of a trial. They conducted nuclear radiation experiments on unsuspecting American servicemen. They subjected African-American men to bizarre syphilis experiments. They shot and killed an innocent woman and her teenage son at Ruby Ridge, Idaho. They used military tanks and dangerous, flammable gas on men, women, and children at Waco, Texas. Today, they regularly confiscate assets belonging to innocent people and then deny them the benefits of trial by jury.

And most of these actions have occurred in the absence of a national crisis. Imagine what government officials are capable of in an enormous crisis involving the security of the nation.

How does the Second Amendment protect the American people from the most militarily powerful government in history? It stands as an insurance policy. In a society in which the citizenry are armed, government officials must always consider the risks of armed resistance to massive tyranny. In societies where people are disarmed, government officials know that citizens must willingly obey orders.

The Second Amendment, therefore, accomplishes what gun-control advocates say they wish to achieve: a safer, more peaceful, and more secure society. Gun control, like most other government programs, would end up with a result that is opposite to that which is intended.

Mr. Hornberger is president of The Future of Freedom Foundation in Fairfax, Va., and the co-editor of The Tyranny of Gun Control.

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Reflections

War and remembrance — Word has it that the first choice for the name of the Yugoslav war was: "Operation: Get me a Legacy." The report remains unconfirmed. —SLR

Unimpeachable conduct — How is it possible that a U.S. president is free to conduct a pointless war that is not sanctioned by Congress, the U.S. Constitution, or the United Nations? It is possible because of the Republicans' 1998 impeachment strategy. Since that effort failed so miserably, few members of Congress dare discuss impeachment today, when it is really needed (and deserved). Suddenly, Monicagate — which once seemed merely boringly irrelevant — now appears dangerously frivolous. —RO'T

New York Torquemada — On February 4, 1999, Senator Serphin Maltese introduced Bill S2167 in the New York State Senate, which would amend the penal law to make it a class B misdemeanor to ridicule religious beliefs or practices in a public place. According to this measure, "A person is guilty of ridicule of religious beliefs or practices when in a public place, he holds up the deity of the religious beliefs, practices, symbols, figures or objects of any religious denomination, sect or class of people, to ridicule, hatred, mockery, contempt or obloquy; or presents, portrays or depicts the religious beliefs, practices, symbols, figures or objects of any religious denomination in an obscene, lewd, profane or lascivious manner."

Questions abound. Will atheists receive similar "protection?" Or will atheist groups be banned from setting up literature tables on university campuses? Was the catalyst for S2167 really Monty Python's *Life of Brian*, as stated in the summary of the Bill? Will New York next favor the reintroduction of stockades and public dunking? Fortunately, even if S2167 passes, it is unlikely to survive the judicial review that would be occasioned by First Amendment groups.

If you have been teetering on the edge, this might be a good time to join the Howard Stern fan club. —WM

Mr. Viagra goes to Kosovo — Now that we're stuck in the Balkan tar baby, let's remember one man who was behind us all the way, and told us "Give 'em another one, right in the gut." That would be Bob Dole, emissary to the Kosovars, and their mouthpiece here.

He's been at this for a long time. Back in September and October, it was Dole who was lending his considerable dignity and nasal drone to calls for World War III. "The time is overdue for the United States to embrace a policy that will end the reign of terror of Milosevic," he intoned. "Let me be clear, the only language Milosevic understands is force."

This is Bob's ingenious conclusion after watching his fellow diplomats try to talk the Yugoslavian president into abandoning his national interests and sovereignty. He thinks Milosevic's failure to comply must stem from a language barrier. Fortunately, NATO speaks force fluently.

Bob's erudition on this score fits well with his legacy as a senator and presidential candidate. Here's the man who, as majority leader of the Senate, was actually less effective opposing Clinton's agenda than he had been as minority leader. Here's the man who, unable to mount serious intellectual opposition to Steve Forbes' program in 1996, resorted to a telemarketing campaign of lies about Forbes before the critical Iowa caucus. Here's the man who, having nefariously ensured his own nomination, utterly wasted what could have been a turkey shoot at the incumbent's constitutional malfeasance, to say nothing of ethical maldevelopment. Here's the man who, after this ignominious defeat, became the most important lobbyist in Washington, D.C., and used that position to get us into this replay of every bad foreign policy decision committed between Bosnia and the Gulf of Tonkin.

Bob Dole's unique biochemical marker is the mix of incompetence and evil that only a lifetime of public service can achieve. —BB

The thick blue line — When one of New York's Finest shoots someone in the line of duty, the officer is protected from conviction by an extraordinary set of rules. According to *The Wall Street Journal*, NYPD is unique among big city police departments in three ways:

- Investigators cannot even attempt to question the police suspects for two business days after a crime has been committed;
- After that two to five day period has expired, interrogation is allowed only with the permission of the District Attorney, which is routinely denied; and
- Police suspects may be questioned only with the permission of the defense attorney.

The net effect of these rules is that policemen accused of crimes are never questioned until and unless they choose to testify in their own defense at their trial. Civilians, on the other hand, are almost always separated from other suspects and witnesses upon the arrival at the crime scene by the police and questioned when their memories are freshest — and before they have a chance to coordinate their stories with others involved in the crime. And civilians are routinely questioned without the knowledge or permission of their attorney. And while civilians have a right to remain silent, doing so usually subjects them to considerably more hassle. In the case of police, they cannot even be questioned if they waive that right. Instead, they are given time off with full pay.

In sum, the NYC rules are outrageous class discrimination. These will make a conviction in the *Diallo* case (in which police fired 41 bullets into the body of an unarmed African immigrant) very unlikely.

But these special privileges are only part of the story. An ordinary person who kills another person may defend himself against the charge by proving that he acted in self-defense. To make this defense work, he must prove that the deceased was about to use deadly force. A policeman in

the same situation must prove only that he had reason to believe the suspect was about to use deadly force.

Thus a policeman cannot be convicted if he credibly believes the victim was reaching in his pocket for a gun or knife, whether or not the gun or knife even exists. So any time a policeman sees a suspect reach in his pocket, he has a license to kill.

But the policeman killing in mistaken good faith is as much of an aggressor as the civilian. The same innocent victim is dead. There is no principled basis for the distinction. This is a classic deviation from the rule of law. —MMS

Forward to the past — Al Gore strongly supports "sustainability." I gained some sense of what this means at a recent international conference on sustainable transportation held in Berkeley, California.

One pair of researchers compared the U.S.'s deregulated airline market with the still-regulated European market. They concluded that the U.S. market was unsustainable because deregulation allowed people to travel by air. To them, sustainability apparently means that only government officials and academic researchers get to travel by air.

In another session, two Swedes compared U.S. and European cities and found that Phoenix and Salt Lake City were unsustainable because they promoted automobile dependency. The ideal city, they argued, is Halle-Neustadt, a "new town" built by the East Germans during the Soviet era. The Swedes described it as a "good socialist city" in which everyone had to live in an identical apartment in an identical high rise, regardless of income or personal preference. The high rises were surrounded by green plazas, and any cars were garaged at the edge of town.

This claim was challenged by Genevieve Giuliano from the University of Southern California. She pointed out that European per capita car ownership is rising three times as fast as in the U.S., and that European cities are rapidly suburbanizing. Europe isn't ahead of us, it is about 30 years behind.

So when Al Gore says "sustainable transportation," you can translate it to mean immobility, central planning, and loss of freedom of choice — and stepping back to a simpler, poorer time. —RO'T

Spend, baby, spend — As surely as enough swallows return to Capistrano on St. Joseph's Day to justify a public relations binge, you can count on congressional Republicans to shoot themselves in the foot. They're at it again, backing off from a mild proposal to cut tax rates by ten percent across-the-board. And that's just the tip of an iceberg of ineptness.

The most winning issue Republicans have had vis-a-vis Democrats has always been taxes. When Republicans are perceived as the party of lower taxes, they have done well at the ballot box. When they get away from that message or allow it to be blurred, they do poorly because they are perceived by the public as differing from Democrats only in that they want to march a bit more slowly on the road to bigger government.

So when, in the wake of the failure of the Senate to remove President Clinton from office, congressional Republicans announced that they would concentrate on passing a ten percent across-the-board tax reduction, it looked as if they planned to be competitive. Few observers believed the president would sign such a bill, but passing it and having it vetoed would give GOP candidates something to run on in 2000.

The strategy lasted less than a month. A February 23, *Washington Post* story reported that the leadership was backing away from the idea because of stiff opposition within Republican ranks. In addition, an aide to Speaker Dennis J. Hastert whined that "Our enthusiasm is tempered by the reality of how hard it is to get it all done."

Well, duh!

But the backtracking was already underway on an array of issues. A week or so earlier, Senate Majority Leader Trent Lott said in his weekly radio address that the top GOP legislative priorities would be a national missile-defense system and better military pay. Oh, and they wanted to weigh in on the Y2K problem and pay close attention to an expected commission report on revamping Medicare. And pass a federal law mandating that local schools give parents more say in local schools.

Tax cuts? Sen. Lott didn't mention them.

Then House Speaker Hastert announced that the caps on federal spending passed a few years ago that are widely credited (not altogether accurately) with creating the first budget surpluses in a generation might have to be — well, viewed with a bit of flexibility. "I'm not saying we are going to bust them or that we are not going to bust them," he weaseled. "We have to look at the whole issue." As if to illustrate their urge to splurge, Congressional Republican leaders threw their support behind a foreign aid bill that will include more than $1 billion for aid to Central America and Jordan.

Abandoning tax cuts, busting spending limits, pushing for more spending? It's difficult to avoid the perception that the only difference between Republicans and Democrats these days is the identity of the constituency groups to which they want to give taxpayers' money. At a time when the federal government takes a higher percentage of the GDP in taxes than at any time since World War II, there's no effective move from either branch of what citizens should perhaps call the Government Party for lower taxes or reduced spending.

Pulling back from tax cuts is not only bad public policy, it's politically inept. A January 26, poll conducted by the independent polling firm Rasmussen Research found that 68 percent of Americans support a ten percent across-the-board tax cut and 52 percent would like to see an even larger tax cut.

No wonder polls now show that most people don't expect to see lower taxes in the near future and they see little difference between Republicans and Democrats on the issue of taxes. The Republicans seem to be setting themselves up to lose, and they certainly deserve to do so. —AB

Rousseau and Kosovo — Somewhere in *The Social Contract,* Jean Jacques Rousseau argues that declarations of war are of major importance for democratic societies. Declarations should make the case to the people who live under the government that is being attacked, and give them the opportunity to remove that government if it has behaved criminally.

Liberty*'s Editors *Reflect

BB	Brien Bartels
AB	Alan Bock
RWB	R.W. Bradford
BK	Bill Kauffman
WM	Wendy McElroy
SLR	Sheldon Richman
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I note that we in America live in post-Constitutional times, and that legal declarations of war are passé . . . And I also note that all the talk about "sending a message" with bombs is geared to sending a message to Slobodan M., not to his people. Not surprisingly, the people who are being bombed now rally around Slob.

Sans a careful Declaration, à la Rousseau, NATO and American intentions have not had the appropriate affects on Yugoslav policy, and could not have. —TWV

Guilt by association with Bill Bennett

— Ralph Raico's Reflection "Won't You Go Home, Bill Bennett?" (April) on the Center for Individual Right's challenge to race-based student admission policies suggests that CIR's efforts are anti-libertarian, in effect substituting one form of coercive arrangements (mandatory color-blindness) for another (mandatory race preferences).

Raico argues that a free society is preferable to either. He suggests, indeed, that the CIR must be up to mischief. I have to disagree.

CIR focuses on the constitutional and moral errors of current civil rights policy, a policy that seeks to create group rights in order to advance individual rights. CIR's strategy is to demonstrate that such race-preference policies are in conflict with the Constitution, which, properly understood, affirmatively forbids such policies at all public institutions.

If the world were libertarian, then Raico might be right to insist that CIR focus on freedom rather than steps toward freedom. But the world is far from libertarian. CIR, at worse, can be accused only of seeking to win one battle at a time. It uses the Constitution, which forbids all official or public racial discrimination, to attack federal and state affirmative action policies, which seek to advance group rights. This is a correct course. Before we can address the issue of whether there should be any law or regulation of private parties in this areas (a question easy for us libertarians to answer), it is necessary to defeat current policy. Only when compulsory affirmative action policies are eliminated are we likely to gain a favorable hearing for the policies that Raico and I favor.

Many liberals have been led to believe somehow that group preferences create no problems of fairness. As a result of the work that organizations like CIR carry on, however, many egalitarians are beginning to change sides. Recent electoral results indicate this shift in views. But most Americans believe that the government should do something in this area. Once current policies are cleared away, tolerance for voluntary help programs is likely to re-emerge, along with a willingness to eliminate the laws that now forbid it. The challenge is to show people that a freer world is also a fairer world. CIR is helping in that educational effort.

While the Constitution forbids public institutions from preferring one race over another, current policy requires (and current liberal ideology mandates) that student populations be racially and sexually balanced — so many men, so many women; so many blacks, not so many whites. As Raico notes, CIR's success means that color-blindness will be required of even such nominally private institutions as Duke and the University of Chicago as well as public institutions. But any institution can extricate itself from the influence of such requirements by avoiding taxpayer-financing. Hillsdale, Grove City, and Bob Jones University have already done so. This, in itself, would be a very good thing. Truly private colleges and universities can set their own policies, but when taxpayers pay the tab, political judgments are inevitable; and what other political rule, save color-blindness, would one endorse?

I would note, however, that CIR has never challenged the enrollment practices of a private or even quasi-private college. Instead, it has mounted an inspired campaign against such state institutions as the University of Texas and the University of Michigan, and has won a number of major legal victories (the Hopwood case in Texas, for example). Each victory both addresses a specific injustice and provides an effective way of improving public understanding of injustice. CIR has effectively demonstrated that the constitutional safeguard of equality under the law is not yet obsolete. That demonstration, I believe, merits our support.

Raico's basic issue, however, remains: Should people be allowed to discriminate? Should a school or an employer be allowed to admit or hire only red-headed Irishmen, for example? To put it baldly, do even racists have rights?

To libertarians, the question is probably yes. Libertarians tend to believe, correctly in my opinion, that free societies are far more likely than political agencies to control discrimination. Still, we have not yet persuaded the American people of that fact. CIR's work is a powerful educational tool in that battle and should be valued accordingly. Nevertheless, Raico is right in believing that the case for letting truly private universities differentiate themselves remains strong. Indeed, as one scholar in this area has noted:

> Perhaps, we should repeal the civil rights laws that tie private institutions to constitutional commands and let those institutions be truly private. Let each define its own mission and admission standards. Let there be institutional choice and (for lack of a better word) diversity.

Raico might note that these words appeared in the keynote publication of the conservative Heritage Foundation, *Policy Review.* Moreover, they were written by the Director of the Center for Individual Rights, Michael Greve.

In his critical work on cultural theory, Aaron Wildavsky suggests that a balance, a tension, between those favoring freedom (libertarian or individualists), those favoring order (conservatives or traditional values folk), and those favoring fairness (liberal egalitarians) is critical to the health of a society. Each value has its down side, so we are better if no one value dominates. In fact, our goal is less a libertarian world than a world of institutions that safeguard libertarian values; to achieve this, we must find ways of making our case to those who do not share our values.

In *American Political Culture,* Richard Ellis observes that American opposition to the growth of big government resulted from the primarily skeptical view of politics taken by both individualists and egalitarians. But the Progressive capture of egalitarian values, beginning in the late 18th century, destablized America and allowed government to grow. If we are to reverse this tendency, we must recapture the idea of fairness that is so important to egalitarians. CIR shows how this can be done.

Egalitarians do not really believe that one can be fair to one person by being unfair to another. The proponents of the

Civil Rights laws were forceful on this point. They explicitly denied any intention of promoting quotas that would disadvantage some people for the supposed good of others. By selecting poignant examples of individuals harmed by affirmative action, CIR gives a human face to the injustices of coercive egalitarianism, thus discrediting the policy among its most ardent supporters. Nothing is more likely to force a rethinking than the work of CIR.

Indeed, CIR's strategy should be taken to heart by all libertarians who are interested in actually promoting freedom. In our multicultural world, libertarians must find ways to show that people can favor a freer world because it would also be a fairer world. After all, people don't need to favor the whole philosophy of liberty if they are to endorse the institutions of liberty. —FLS

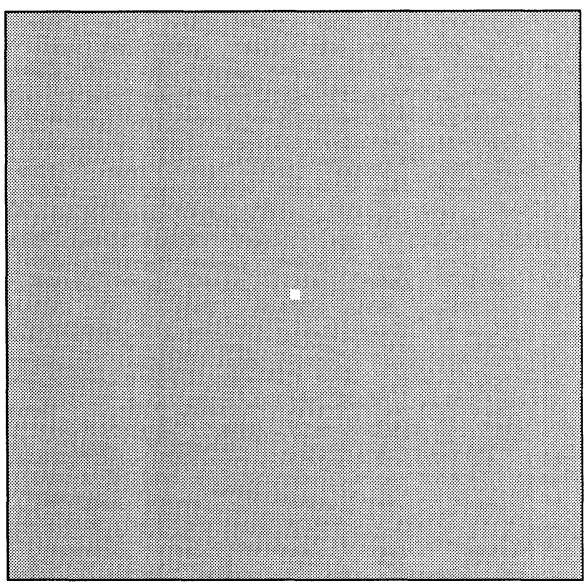

Let us now praise famous regulations — The graph above shows the final tally of public comments on the government's "Know Your Customer" initiative, which would have required every financial institution in the U.S. to keep tabs on every customer and report any unusual behavior to federal authorities. The grey area represents the 254,000 comments that the feds received in opposition to the measure, while the white area in the center represents the 72 favorable comments received.

On April 12, *The American Banker* published an article quoting 17 of those favorable comments. It's an interesting selection. Try this, from a certain Mr. Jack H. Peterson: "Pirates always need to hide their plunder." Or this, from Mr. Forrest W. Smith, who wisely opined that "people with something to hide are going to scream the loudest."

Some respondents were more, shall we say, laid back. "Sounds O.K. to me," wrote Ms. Della Summers. "I get Social Security only." Others plaintively pursued a party line. "Please don't let the Libertarians and others of their ilk stop you," begged Mike Summers. Still others envisioned a crackdown on opponents. "Implement the know-your-customer regs," urged Ray E. Potter III. "Investigate those opposed."

And in case you wondered whether federal bureaucrats appreciate irony, wonder no more. Among the comments counted as favoring the regulations were these:

"Don't let those little people push you around," wrote Scott Meredith. "You know what's best. Go for it, and I'll see you in the place where there is no darkness" — a subtle allusion to Room 101, the torture chamber in Orwell's *1984*.

"Many [American subscribers] plan to expatriate," wrote the editor of *Caribbean Property List*. "When I ask why, some of them mention your new regulation. Keep up the good work." —RWB

Voting for your persecutor — In *Development Arrested*, a 1998 book about poverty and power in the Mississippi Delta, Clyde Woods argues that poverty is not a natural phenomenon; it "is a consciously and violently enforced societal practice." This seemed, at first reading, to be pretty silly. Poverty has been the natural condition of mankind through most of history, and even today the overwhelming majority of people living outside the capitalist west live in poverty.

But as I thought more about the subject, it occurred to me that maybe Woods is on to something. Can anyone think of a better way to reinforce African-American poverty than the War on Drugs? It puts one out of three young black men in jail, gives them enormous incentives to become criminals, and overtly discriminates against blacks by imposing stiffer penalties on their drugs of choice than on drugs more frequently used by whites.

Blacks turned out in droves to vote for our president in 1996. Yet he served as chair of the Lower Mississippi Delta Development Commission, a federally sanctioned regional planning board made up solely of white men which was roundly criticized by local blacks for promoting policies that excluded them from any economic gains. Now, of course, Clinton is a strong proponent of the War on Drugs and the law that penalizes possession of crack cocaine (which is mostly used by blacks) more severely than possession of similar drugs used by whites.

Libertarians spend too much time treating the drug war as primarily an issue of freedom. I suggest we consider it also as a question of power. Doing so can enable us to reach out to blacks and other victims to help them understand that big-government Democrats are not really their friends. —RO'T

Defending the undefendable — America's "constitutional crisis" about Bill Clinton's misdeeds is over, and the following points have been generally agreed to: Clinton, by any reasonable standard, committed felony perjury and, most likely, felony obstruction of justice as well; he

"The IRS has taken possession of my body!"

has clearly violated current legal standards for sexual harassment in the workplace; and he may well be a rapist. But all of this led to his impeachment, not his ouster. The reason is generally agreed to, also: the man commands the support of the public, which rallies to his defense when it sees him being attacked.

Scarcely two months have passed since Clinton dodged his impeachment conviction even more cleverly than he ever dodged the draft, and now we're in a war against Yugoslavia. And while the U. S. government drops ordnance on this European state at an ever-increasing rate, American pundits are amazed that the Yugoslavians (who only last year were protesting against Milosevic) are rallying around their president while he is (literally) under fire by his enemies.

Why, they ask, would rational people ever do something like that? —*guest reflection by* Ross Levatter

NATO raison d' être — In a *Washington Post* op-ed supporting the bombing of Serbia, Bill Kristol asks, "What Is NATO For?" Ken Minogue, the British political thinker, supplies an answer. NATO is the military arm of Amnesty International. —FLS

Conservatism kills— Prominent among the offenses of conservativism is the self-congratulatory "tough-mindedness" of some conservatives about innocent victims of American ordnance. For conservatives like William Kristol and George Will, qualms about collateral damage reflect weakness of will, and smack of a "blame America first" attitude. When American credibility's at stake, woe betide the pesky foreign civilian who gets between us and our national interests.

A passage on Vietnam in Paul Johnson's overpraised *A History of the American People* puts the neocon view pretty starkly: "The experience of the 20th century shows that self-imposed restraints by a civilized power are worse than useless." According to Johnson, namby-pamby concerns about civilian deaths hampered the effectiveness of America's bombing effort in North Vietnam. Despite all the liberal handwringing, "the proportion of civilians killed, about 45 percent of all war deaths, was about average for 20th-century wars." Well, there you go. Fewer than half of the people we killed were noncombatants. And we killed fewer innocents than either Hitler or Stalin. Why the fuss?

Today, as bombs fall on Kosovo, Bill Buckley voices the familiar conservative refrain. In his March 25, column, "The Only Way to Bomb Milosevic," Buckley espies insufficient toughness in America's approach toward the enemy-of-the-week. The one "obstinately unsatisfactory aspect" of NATO action, according to Buckley, is that bombs will be dropped only on "the fighting front." "The reasons we give," he notes, "are conventionally acceptable"; you don't endanger "innocent people." But, "there really aren't significant differences between civilian Serbs who are simply going about their duties in Belgrade, making shoes, or serving pasta, and Serbs firing artillery into Kosovo villages."

"The meaning of life? Sure — you want the American version or the European version?"

Of course, Buckley's faith, Catholicism, teaches that there *is* a significant difference, and has so taught at least since the time of Aquinas. Thus, the *Catholic Encyclopaedia* notes in its entry on war that "in the prosecution of the war the killing or injuring of non-combatants (women, children, the aged and feeble, or even those capable of bearing arms but as a matter of fact not in any way participating in the war) is consequently barred, except where their simultaneous destruction is an unavoidable accident attending the attack upon the contending force. . . ."

That "war is hell," in the sense that it inevitably carries with it a maximum of human miseries, is true; in the sense that it justifies anything that makes for the suffering and punishment of a people at war, it cannot be ethically maintained. The defense, that it hastens the close of war through sympathy with the increased suffering even of non-combatants, will not stand.

You needn't be religious to be appalled at the idea that distinguishing between soldiers and civilians is an unaffordable moral luxury. Americans of every stripe ought to recoil at some of the statements neocons blithely make on the nation's op-ed pages. They're telling us that American credibility demands the murder of innocent civilians, in countries with which we have no earthly quarrel. Well, chin up: "this is no time to go all wobbly in the crusade against genocide."

—*guest reflection by* Gene Healy

Not an equal opportunity warrior — The death toll for the civil war in Sierra Leone was about 3,000 during January. Wonder why NATO didn't threaten to lob cruise missiles at one of the parties, as it did in response to the civil war in Kosovo. —AB

The discrete charms of the warmongers — Given that the old American Republic is deader than Sally Hemings, and that we are subjects of a lumbering homicidal empire which massacres foreigners every couple of years (while its propaganda sheets revile those who prefer the foreigners alive as "xenophobes"), he who does not wish to become a perpetual sputterer must learn the lesson of Elvis Costello: "I used to be disgusted — but now I'm just amused."

Hatred, bathos, historical lectures by 27-year-old *New Republic* writers who have spent an entire morning researching a subject: each undeclared war has its own special charms. There was Tom Brokaw asking a telegenic shrink if Manuel Noriega (my kingdom for a carton of Oxy-5!) had the same psychological makeup as Hitler; poignant tableaux of suffering Kuwaiti youth, keening and wailing that the Iraqi occupa-

SURGEON GENERAL'S WARNING: This Book Contains Ideas And Information That Are Hazardous To The Health Of The Anti-Smoking Movement.

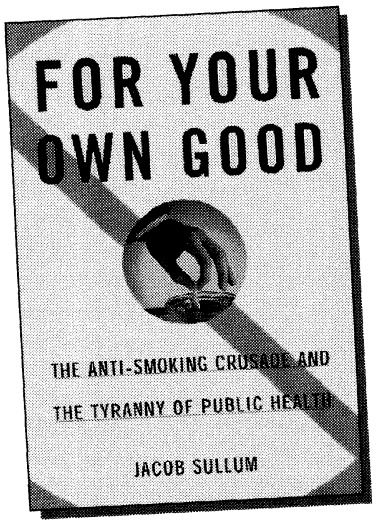

Under the banner of "public health," tobacco's opponents say the government has an obligation to eliminate smoking. In ***For Your Own Good***, award-winning journalist Jacob Sullum argues that such a use of state power is illegitimate and dangerous, threatening the freedom of anyone who dares to trade longevity for pleasure.

"Even Republicans who claim to be diehard protectors of liberty have proven flexible when the object of that liberty is sufficiently unpopular. For a cogent and thorough explanation of this contradiction, Jacob Sullum's book *For Your Own Good* is a must-read." — ***Washington Post Book World***

"Jacob Sullum...sees [tobacco legislation] as a decisive infringement on the right to smoke and a vast extension of what he calls 'the public health movement,' which seeks to regulate our pleasures and legislate our risk-taking down to the smallest details of what we ingest or enjoy. Whatever you may feel about smoking, you can't help being chilled by the implications of this newly triumphant public health philosophy." — ***The Wall Street Journal***

"Finely reasoned...meticulously logical...fair and balanced...It is to Mr. Sullum's considerable credit that he has made us even think about totalitarianism in this most unlikely context." — ***The New York Times***

"[Anti-smoking] hysteria is more than repugnant, it is false. In *For Your Own Good*, a lucid and superbly researched new book on the antitobacco jihad, journalist Jacob Sullum pinpoints the deceit." — ***Boston Globe***

"Sullum is a thoughtful and remarkably articulate proponent of a position that it behooves all members of the health care professions to understand and contemplate." — ***The New England Journal of Medicine***

Available at bookstores, or visit www.reason.com/owngood.html.
Brought to you by *Reason* magazine.

ing Kuwaiti youth, keening and wailing that the Iraqi occupation had disrupted their supply of Ecstasy; and callow hawks like Jonathan Alter and Bill Kristol, kids you'd choose last for your kickball team, trying to talk like so many nail-spitting Sergeant Strykers as they fidget with that thingamajig in their ear and cooly calculate how many ragheads/Slav slobs/spics the Indispensable Nation should kill today.

An early highlight of the U.S. war on Yugoslavia was supplied by the imitable *Newsweek*. Ripping a page from the "Rampaging Hun" stories of World War I, the weekly gave us "Vengeance of a Victim Race," in which we learned, "the Serbs are Europe's outsiders, seasoned haters raised on self-pity." Rewrite this for any other race and you'd find yourself in a Re-Education Camp faster than you can say Louis Freeh. One accompanying photo showed two frumpy women (no Renee Zellweggers, that's for sure!) dancing on the wreckage of a U.S. stealth bomber. The photo was titled "A Thirst for Revenge," as though only the most twisted and vindictive harpy would rejoice over the failure of a war machine that is trying to kill you and your family. Another photo caught "a Belgrade youth" tossing rocks at a McDonald's. (You deserve a brick today?) There, we may be sure, is a lad so far gone in moral turpitude as to doubt the very blessings of capitalism.

This, too, shall pass, and the unfortunately named Slobodan will join Manuel, Saddam, the Ayatollah, Muammar, Daniel Ortega, and the other Enemies of the Month in the Haunted House wing of the Gannett Corporation's Newseum. Who's next? My money is on people with slanted eyes, but as the New York Lotto ad says — hey, ya never know. —BK

Errata

Alert readers have noticed a dreadful discontinuity in David Friedman's "Rethinking the Data" and an abrupt end to Tom Palmer's "The Case of the Missing Premise" in the May *Liberty*. The two problems were related: somehow in the process of laying out the various essays in our "The Transformation of Libertarianism?" symposium, the final six and a half paragraphs of Palmer's essay were picked up and moved to the end of Friedman's.

Isabel Patterson observed that no matter how much effort goes into proofreading, occasionally "some particularly glaring mistake, probably in the front-page headline" will find its way into print. Somehow we managed to commit an even more glaring mistake. We actually managed to tear apart Palmer's essay mid-sentence.

On page 22 of the May *Liberty*, what appears to be the final seven paragraphs of Friedman's piece are actually the final six and a half paragraphs of Palmer's essay. And on page 26, what appears to be the final paragraph of Palmer's piece is actually only its first one and a half sentences.

Here is how that paragraph ought to have read:

> I do not believe that there is a general trend, among libertarians or among members of our society generally, to adopt ad hoc utilitarianism and reject more extensive or wide ranging principles or axioms. An example of a principle widely invoked today that plays the role that rights and non-aggression should also play is the identification of a scheme or policy as "discriminatory," an identification that automatically condemns that scheme or policy unless there is some overriding purpose served by the discrimination. For most North Americans, at least, to point to a policy and say that it is "discriminatory," based on "unequal treatment," or "unfair" is to disqualify it and demand a change. At least when applied to the actions and policies of government, that's not a bad attitude. It is the application of a well-established general principle to concrete issues. In some cases the discrimination is, upon examination, found to be justified; examples might include excluding women from combat roles in the military if evidence is shown that putting women on the front lines would lead to a decline in national security, and differently weighted votes for the U.S. Senate for Nebraskans and Californians, if it helps to preserve federalism and thereby some limits on government power. Thus, the principle against government discrimination among citizens is a rebuttable presumption, but that does not rob it of its force, as anyone who reads the daily newspapers can attest. Natural-rights ("moralistic") libertarians believe that natural rights should have something like the status that the presumption against discrimination has today. Natural rights are imprescriptible — they are not gifts or dispensations from authority, but they are also defeasible, i.e., capable of being annulled or overridden by other considerations. Imprescriptible and defeasible are not contraries. Being defeasible does not mean that natural rights have no force, nor that they should be discarded whenever one finds it merely convenient or to one's liking.

The full text of both essays (as well as all other writing in *Liberty*'s symposium on the changing face of libertarianism) can be found on the World Wide Web at:

www.libertysoft.com/liberty/features/73symposium.html

Liberty apologizes to Messrs. Friedman and Palmer and to our readers.

James D. McCawley, RIP — Professor James D. McCawley, one of the world's leading linguists, died suddenly on the evening of April 10th, while walking home from a cultural event in Hyde Park, Chicago, where he lived. Apparently the cause of death was a heart attack. Jim had celebrated his 61st birthday only eleven days earlier.

As well as his academic achievements, Jim was a passionate and active libertarian anarchist, a gourmet and expert on cuisines of many cultures, and a highly knowledgeable music lover who played several instruments. Every 14th July he held a Bastille Day potluck, where guests were obliged to bring something from a country that had been ruled by France. (Almost anything really — I once took bourbon, another time tequila, and another time chicken tandoori — but you had to have your historical story straight.) Jim would always sit down at the piano and everyone would sing all god-knows-how-many verses of the Marseillaise — it seemed like around 500.

Among his better-known books are *The Eater's Guide to Chinese Characters* (to be reprinted soon) and *Everything Linguists Wanted to Know about Logic (But Were Afraid to Ask)*. Jim was one of the members of the first class of Ph.D. students under Chomsky at MIT, but he later helped to lead a theoretical revolt against Chomsky (described in *The Linguistic Wars*, by R.A. Harris). Most unusually for a libertarian, Jim was a strong epistemological relativist and admirer of Paul Feyerabend, whom he also knew personally.

Although he came to the U.S. at age six, Jim never lost a noticeable Scots lilt. He was sometimes mistaken for an Ulsterman because, as he pointed out, his combination of speech elements of Glasgow and Chicago sounded very like a Northern Ireland accent.

Jim possessed a quick mind, a vast store of erudition, an enterprising disposition, and a highly tolerant and equable manner. The libertarian community, as well as linguistic science, has sustained a major loss. —David Ramsay Steele

A Nice Little War

by R. W. Bradford

One disturbing aspect of the Kosovo War is its utter predictability. Like virtually every war of this century, it was launched as an effort to defend the innocent against a barbarian oppressor, and as it progressed, an elaborate public relations campaign sought to portray the opposite side in an ever more dreadful light.

Milosevic, a socialist and nationalist, hardly different from most other successful politicians, has been transformed into another Hitler. Refugees from Kosovo are portrayed as victims of horrible barbarism at the hands of the Serbs, never mind the fact that NATO planes are incinerating the Serbs' homeland. Reporters have no difficulty finding refugees who voice support for the NATO bombing and condemn the Serbs in terrible terms, but somehow never mention that ethnic-Albanian Kosovars support NATO for the unsurprising reason that NATO has committed itself to their cause. That cause is independence from Serbia, at the very least, and quite likely the expulsion of ethnic Serbs from Kosovo and the transfer of Kosovo to Albania.

Already the demonization of Serbs is so successful that news media routinely refer to them as terrorists, a word never used to characterize NATO warriors, who literally rain death and destruction on innocent civilians in Serbia's major cities.

The audacity of the propaganda campaign is astonishing. The other day I saw a military commander at NATO headquarters explain that the military's job — destruction of the Serbs — was relatively easy, and that the real heroes were the politicians who were winning the much more challenging job of engineering public opinion to support the war.

The most audacious argument to emerge from the war originates with Robert Dole: we must intervene in the Balkans because it is a powderkeg where major wars are always liable to grow out of small conflicts. He refers, of course, to the Great War (1914-18), which began when a Serbian nationalist assassinated an Austrian prince in nearby Sarajevo. Of course, the only reason why that minor act of political terrorism escalated into the world's most deadly war was because the Great Powers chose to intervene . . . which is exactly the course of action that Dole recommends today.

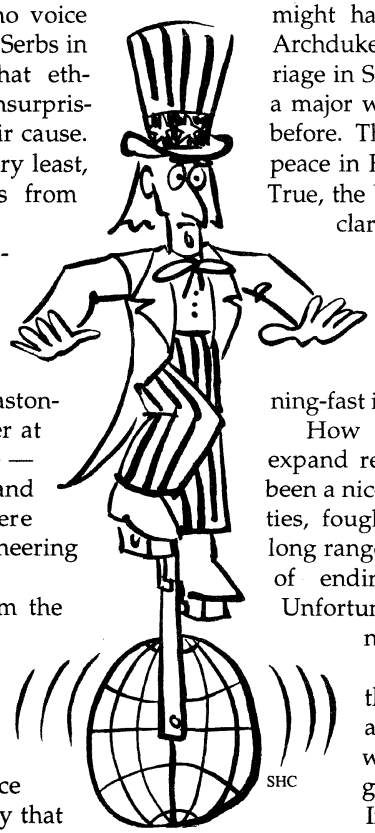

The Kosovo War is reminiscent of the Great War in another way: It is happening in a world that has largely forgotten the horrors of war, and is thus far less reluctant than it might have been to start firing cannons. When Archduke Francis Ferdinand was shot in his carriage in Sarajevo, Europeans had not suffered from a major war since the defeat of Napoleon 99 years before. The Kosovo war comes after 44 years of peace in Europe and 25 years of peace in America. True, the United States has engaged in many undeclared, minor wars during those years — in Haiti, Somalia, Panama, the Sudan, Afghanistan, Libya, and Iraq — but these wars were pretty much remote-controlled slaughter of hopelessly inadequate opponents or lightning-fast invasions and occupations of micro-states.

How far the war against Yugoslavia will expand remains to be seen, of course. So far, it's been a nice little war: one with no American casualties, fought by remote control with missiles and long range bombers, all for the humanitarian cause of ending the evil of Slobodan Milosevic. Unfortunately, there are three bad things about nice little wars.

They are not nice, at least not nice to the people we're killing. They're not little, at least not to the people whose cities we're destroying. And they sometimes grow up into great big wars.

In the pages that follow, *Liberty*'s editors and contributors take a closer look at this not-so-nice, not-so-little war.

The Real Kosovo Tragedy

by David Ramsay Steele

I was standing with my wife and children near the Picasso statue. The priest was singing the prayer in Church Slavonic. There was a microphone, but it sounded as though he didn't need it.

Since it was Good Friday, we didn't get the usual sullen sidelong looks (*Why aren't those kids in school?*). There were not many more than a thousand people in the square. For nearly all of them, it *wasn't* Good Friday, because this year the Orthodox Easter (Pascha) falls a week later than the Western. Chicago, by the way, has the largest concentration of Serbs outside Yugoslavia. *We might be bombed.*

You don't think the Clinton regime would bomb an American city? I wouldn't count on it. They incinerated the residents of Mount Carmel, just for having slightly weird religious views and being prepared to defend themselves against armed assault. No one even thought of impeaching our lovable rogue merely for this mass murder of American citizens. He bombed a pharmaceutical factory in Sudan, announced he would very soon release the proof that this factory had some kind of connection with terrorism, and never did. The regime wasn't even mildly embarrassed by that.

Whom do you call when you're beginning to suspect that World War III has begun, and our side are the Nazis?

The priest stopped singing in Church Slavonic and began singing the translation, into Serbian. Only a few years ago we called that language Serbo-Croatian. In Church Slavonic, or even in Serbian, the singing was piercingly beautiful. But for most people there, it was something routinely familiar. They had heard it on many a Sunday.

How did we come to be in this unlikely company? We had switched on our TV, and seen our tax dollars at work, raining down death and destruction on the Yugoslavs. We heard the talking heads saying: Why this namby-pamby approach? We have to exterminate the Serbs to get results. Let's do it! (My translation from Beltway Wonkspeak into English.)

We called both Libertarian Party numbers (Chicago and Illinois). Nothing doing. I sent an email to Senator Peter Fitzgerald, thanking him for voting against the bombing. I couldn't send him a second one, because then I would be revealed as a crank, and the minuscule value of my first email would be wiped out.

Whom do you call when you're beginning to suspect that World War III has begun, and our side are the Nazis? The Left? The Right? There was no visible sign of any anti-war activity from either quarter. The Serbian Orthodox Church, said my wife, Lisa, and called them. A demonstration? Well, a prayer vigil. Daley Plaza. Friday, 1:00 p.m.

So there we were. The younger of our children clapped when everyone else clapped, even when the speech was in Serbian. There weren't many in the throng who weren't Orthodox. About half of them carried icons and at least three quarters crossed themselves in the Orthodox fashion at appropriate moments.

Serbian flags. Greek flags. Only one or two Russian flags. A message was read from Yugoslav Jewish leaders denouncing the NATO bombing, then another from the Crown Prince of Yugoslavia, denouncing the bombing at greater length. Both messages were cheered.

Many in the crowd were carrying enormous pictures of a deep red flower, somewhat between a rose and a poppy. Others had a picture of concentric circles on their backs, a target, with the legend "I am proud to be Serbian. Kill me." A very few had more secular slogans: "Mr. Clinton! The Serbs Will Not Go Down On Their Knees Like Monica Did." Yes, we're still at the early stage where we call this specimen "Mr."

After the Serbian version, the English translation was sung. The priest was asking that all the Christians killed in the recent bombing be forgiven all their sins, "both voluntary and involuntary." So someone's looking after that side of things.

My thoughts scanned the heavens for help from a different quarter, possibly no more reliable. Will Russia do something? The Russians could start bombing KLA positions in Kosovo and Albania, for example. (This would be worth it, I think, just to hear Clinton's argument that there was some-

thing wrong with it.) They could announce publicly that any land invasion of Yugoslavia would result in a state of war between Russia and the U.S. They could put a token tripwire force of Russian troops into Kosovo and, while they're at it, into Montenegro, before the U.S. succeeds in annexing Montenegro as they have already annexed Bosnia and Macedonia.

I am very much afraid that none of this will materialize. The Clinton administration's statements seem to indicate that they are very sure of Russia. This would signify that the Russians have promised that they will do nothing to resist. The U.S. can invade Yugoslavia, and Russia will roll over for the sake of an IMF loan.

Ethnic Cleansing and "Ethnic Cleansing"

The American public has been given one fundamental reason for the bombing: to stop ethnic cleansing. Ethnic cleansing is an interesting concept. Although the term was reputedly first used by Russians to describe relations between Armenians and Azerbaijanis, in English it instantly became, by definition, a crime only Serbs can commit.

When Gerry Adams's boys shot the occasional Protestant in places like South Fermanagh, to underscore their point that these areas ought to be homogeneously Catholic, no one called it ethnic cleansing. When the Quebec provincial government makes life irksome for Anglophones, and a few enthusiastic Francophones help out with the occasional slashed tires, no one calls it ethnic cleansing. When the American West was taken from the Indians, no one called it ethnic cleansing. When Israel encouraged the indigenous population to move out, handing over their property to newcomers from Eastern Europe and North Africa, no one called it ethnic cleansing. When France moved former Algerian *colons* into Corsica as a prophylactic against Corsican separatism, no one called it ethnic cleansing. When Turks massacred Armenians and Kurds, no one called it ethnic cleansing. When millions of Germans were dragged out of their dwellings at the end of World War II, and forced to move hundreds of miles away, no one called it ethnic cleansing. When Turkey invaded Cyprus, shipping over thousands of new Turkish settlers to seize the lands of the evicted Greeks, no one called it ethnic cleansing.

And naturally, when the victims are Serbs, no one calls it ethnic cleansing. The sad fact is that what is called ethnic cleansing (when Serbs do it) is a very common, almost a universal feature of the modern world. And the Serbs have been somewhat more "ethnically cleansed" than ethnically cleansing. (I use quotation marks to conform with the current semantic convention that only Serbs can, by definition, commit ethnic cleansing.)

If you doubt this, look at the score: the Serbs were the largest group in Communist Yugoslavia. The Communists instituted a federal system with considerable local autonomy. There was never any attempt to Serbianize the non-Serbs in the way that the Russians Russianized the non-Russians in the Soviet Union. With the breakup of Communist Yugoslavia, Slovenia, Croatia, and Macedonia seceded.

In 1995, thousands of Serbs in Krajina, Croatia, where they had lived for centuries, were killed by Croatians advised by Americans. As part of this hygienic operation, planes under U.S. direction bombed the U.N. "safe area" of Krajina. The entire surviving population of 250,000 Serbs, were forced to leave with what they could carry, and trek hundreds of miles. No one called it ethnic cleansing.

NATO's Ethnic Cleansing

Before World War II, Serbs were over 70 percent of the population of Kosovo. Now they are less than 20 percent. How did this occur? Because of "ethnic cleansing" (not, of course, ethnic cleansing) by Albanians. This was promoted by Mussolini's plan for a "Greater Albania," the mantle of which has now fallen on the shoulders of the Arkansas rapist. In between, especially from the 1970s into the 1990s, the Albanian population of Kosovo grew rapidly, both absolutely and relatively, while hundreds of thousands of Serbs, encouraged by Albanian unfriendliness, left Kosovo. With them went many of the non-Albanian, non-Serbian groups in Kosovo. The province has 26 nationalities, all with centuries-old roots there. Virtually all of the non-Albanians, including the Turks, are pro-Serb and anti-Albanian. They know at first hand who has been initiating the "ethnic cleansing."

Clinton's bombing of Kosovo's Serbs, then, is the continuation of a long-term "ethnic cleansing" of Serbs. When the NATO powers began their bombing, a flood of refugees left Kosovo. In an amazing piece of theater worthy of Dr. Goebbels, the Clinton regime announced that the refugees were not leaving because of the bombing and its consequences, but because, coincidentally, the Serbs had started a campaign of ethnic cleansing against the Albanians. We were asked to believe that, abruptly, under NATO bombardment, the Serbs were doing something they had not done in decades of firm control of Kosovo.

Ethnic cleansing is an interesting concept. Although the term was reputedly first used by Russians to describe relations between Armenians and Azerbaijanis, in English it instantly became, by definition, a crime only Serbs can commit.

Once the bombs were falling, the Yugoslavs sensibly moved against the KLA positions. No doubt there were some gratuitous atrocities, by local Serbs enraged by the NATO bombing, and no doubt clearing out the KLA fighters often involved displacing their families. It may be years before we can achieve a detailed objective picture, stripping away the propaganda of both sides. Let's recall that recently many thousands of Albanian refugees flooded out of Albania. Remember the overladen boats and the hastily constructed camps in Italy? No one was ethnically cleansing them or even "ethnically cleansing" them; there was civil strife and social breakdown in Albania, that was all.

One piece of corroboration for the commonsense view (if

you bomb hundreds of civilian targets in a country where there is already a secessionist war, you create refugees) is that Albanians fled Kosovo in all directions. Belgrade has a permanent Albanian population of 100,000. With the bombing, independent observers testify that new Albanians started arriving in Belgrade by the tens of thousands. It seems unlikely that they would do this if they believed the Yugoslav state was what they were fleeing from.

In recent years, Serbian moves against Albanians in Kosovo appear to have been either strictly concerned with defending the non-Albanian population against the KLA, or occasional isolated acts of brutality, comparable to the killing of unarmed blacks in New York City by white police — deplorable but sadly not unusual the world over, and hardly sufficient justification for bombing. Until quite recently the U.S. government officially categorized the KLA as dangerous terrorists with whom NATO could never deal. The U.S. bombed Khartoum because of some highly obscure and indirect connection with Bin Laden, but now works completely hand-in glove with the KLA, whose associations with Bin Laden are not denied.

The rationale for bombing Yugoslavia is so threadbare, so ludicrous, so absurd, that it carries a simple message: anyone, anywhere in the world may be bombed.

The Yugoslavs claim the KLA was instigated and inserted into Kosovo by NATO, who trained the most bigoted Albanian youth they could find in camps in Germany, then brought them back to Kosovo with NATO-supplied guns and money. Prior to the rise of the KLA within the last year, the pre-eminent figure among the Kosovo Albanians was Ibrahim Rugova, hailed in the West as "the Gandhi of the Balkans." The Kosovo Albanians boycotted Yugoslavian elections and held their own. In these elections, Rugova was returned unopposed. When NATO started bombing Kosovo, Rugova went to Belgrade, met with Milosevic and denounced the bombing.

The NATO side immediately claimed that videos of Rugova with Milosevic were faked. But it came out that Rugova had had discussions with the Russian ambassador. By the time the story appeared in *The New York Times*, Rugova was referred to merely as an "Albanian pacifist," the *Times* not choosing to remind its readers that Rugova was, a few years back, the leading figurehead of the Kosovo Albanians. The *Times* also insinuated without evidence that Rugova might have been held under duress. (I can't prove that this is not so, though my guess would be that Rugova went to Belgrade to avoid being assassinated by the KLA.)

The Acropolis in Rubble?

Now the U.S. has a new rationale for its presence in the Balkans and its coming invasion of Yugoslavia — to do something about the appalling "humanitarian tragedy" its own bombing has created. Some European observers, such as Vaclav Klaus, speaker of the lower house of the Czech parliament, stated that it was clear that the humanitarian tragedy was a direct result of NATO bombing, but these statements were, to say the least, under-reported in the U.S. (And what does Klaus think he's playing at? Does he want cruise missiles on Prague?)

The rationale for bombing Yugoslavia is so threadbare, so ludicrous, so absurd, that it carries a simple message: anyone, anywhere in the world may be bombed. The only precondition I can see is that it's necessary to prepare American opinion first, but this is a simple matter, given the "oral-anal contact," to borrow a phrase from the Starr Report, between the genuflecting American press corps and the U.S. ruling class.

Milosevic has been compared with Hitler, the symbolic message being that a "dictator" must be stopped before he tries to take over the world. Aside from the fact that Germany was the world's second industrial power, whereas Yugoslavia is one of the poorest countries in Europe. Germany in the 1930s kept on adding territory, whereas Yugoslavia has been losing it. In the 1930s nervous people wondered, where will Germany strike next? Today, nervous people ask, whom will NATO bomb next? There has been talk of some NATO members leaving the alliance. But they must hesistate to do this, for surely any country that leaves NATO might very well be bombed.

This is how it would work. Greece leaves NATO. Immediately, or after a brief delay to cement the American decimation of the Serb population and occupation of Yugoslavia, there is a flurry of well-funded seminars about Greek treatment of ethnic minorities. With NATO funding, Turkish and Albanian troublemakers do everything they can to engineer incidents that will exacerbate relations. The thrilling intellectual exercise for the seminars is this: can Greek behavior be termed "ethnic cleansing," a term until now reserved only for Serb atrocities?

After six months of this, that question is quietly dropped, and references to Greek ethnic cleansing become regular and unchallenged. Now the question is: what shall NATO do about Greek ethnic cleansing? Shall we stand idly by while this mayhem goes on, or shall we act decisively? Every urban legend about the Greeks distributed by the Turkish or Albanian equivalents of the Roswell nuts is taken for gospel by the American media. On the serious TV talk shows, in the pages of *The New York Times* and other ruling-class house journals, all the blinkered apologists for mass murder, one robotic Kondracke or Barnes or Fund or Ingraham after another, raise this vital question which we neglect at our peril. On the many Beltway wonk circuits, plans are eagerly discussed for the bombing of Greece, incorporating all the practical lessons gained from the bombing of Serbia.

Then, one day, perhaps when the president is, quite by coincidence, facing a sex or an espionage scandal, we turn on our TV sets to see the Acropolis in rubble. (We never claimed these weapons had pinpoint accuracy. And, it so happens, we have just received a disturbing report that the Greeks were about to use the Acropolis for the mass killing of 50,000 Albanians.) It comes out that the French had raised an objec-

tion to the bombing of Athens, but were whipped into line with a raised eyebrow. (Do you want to see the Louvre in flames?)

The model for this operation, and for today's Yugoslav war? Germany's annexation of the Sudetenland in 1938.

What Is NATO's Objective?

When it became clear that NATO would not achieve Greater Albania within a week, we began to hear about the removal of Milosevic as a new objective. This is a particularly ignorant and idiotic rationalization for the war. Milosevic's election as President of Yugoslavia was quite narrow (53 percent of the vote). If most Albanian Yugoslavs had voted in Yugoslav elections, instead of boycotting them, Milosevic would never have stood a chance of election. (Imagine Israeli politics if virtually all Arab Israelis refused to vote.) Milosevic responded to the narrowness of his victory by inviting all the opposition parties to join his government, which most of them did.

Milosevic was twice elected as President of Serbia, then once as President of Yugoslavia. The respective constitutions require that the limit for President of Serbia is two terms, for President of Yugoslavia, one term. Therefore, at some time in the next couple of years (Yugoslavia has a movable-term democratic system, like the British) he would not have been able to run for the Presidency. Milosevic was therefore already riding out his last year or two in the Yugoslav leadership.

Many Serbs are opposed to Milosevic on many issues, but virtually none favors having Kosovo occupied by NATO, with the KLA given a free hand to escalate its ethnic cleansing — or rather "ethnic cleansing" — of Serbs, which is essentially what Rambouillet calls for. Rambouillet was a facetious document. It must always have been intended as something that Yugoslavia could never sign, a flimsy pretext for ethnically cleansing the Serbs and establishing Greater Albania Now.

So why is NATO doing it? If we extrapolate from the predictable results of their actions, NATO's chiefs must want the entire Balkan peninsula to be under U.S. occupation for the next hundred years, hundreds of thousands of U.S. troops permanently garrisoned there. (Budget surplus? That's one problem you can now forget.) These are not the garrisoned troops of the old movies, sitting around in the local taverns and flirting with almond-eyed, bare-shouldered Mediterranean maidens in flouncey folk-embroidered skirts. The troops would be constantly killed in reprisals if they mingled with the locals. These brave soldiers will be maintained in self-contained biospheres, like giant lizards from another star, which given the moral status of their behavior, they might as well be. Their function will be to "keep the peace," to terrorize the population into passivity by the threat of death raining down from the sky. And, I'm just wondering, are similar garrisoned colonies to be installed in several places on each continent?

Maybe I'm naively missing something, but I can't actually credit that this is what the policymakers intend, however much their behavior points to it. My hypothesis, perhaps simple-minded, is that these people actually believe what they say about the Serbs. Just as there are rumor panics and outbreaks of mass hysteria among the uneducated population, connected with UFOs or Satanic ritual killing of babies, and just as there are domestic policy crusades of demented fanaticism, like the War on Drugs, with its preposterous lies about the pharmacological properties of various chemicals and its ferocious demonization of drug consumers and drug providers — so we have the international counterpart of these irrational movements of unruly religious fervor, leading to coercive conspiracies against millions of innocent people.

I don't conclude, however, that all that's necessary is to debunk these crazy systems of belief, though that has to be done. The fact that an international terror machine like NATO can fall into the hands of unreasoning fanatics whose dotty ideas make them desperately brutal, is merely one more reason why no such institution of mass destruction should ever exist.

Even if all the tales of atrocities laid at the door of Milosevic and the Serbs (tales disseminated more hysterically with every NATO setback) were true — just grant that premise — is it really so self-evident that the right thing to do is the terror bombing of eight million civilians, the vast majority of whom (even *ex hypothesi*) had no responsibility for these atrocities and (in fact) don't believe they occurred? Is it really the best we can do, to cripple the industrial infrastructure of a country, destroy religious shrines and ancient works of art, slaughter innocent people of many ethnicities, pulverizing even farms and livestock in the countryside? How do millions of people respond when you do all that to them? In the words of *The Mikado*, they usually object.

The fact that an international terror machine like NATO can fall into the hands of unreasoning fanatics whose dotty ideas make them desperately brutal, is merely one more reason why no such institution of mass destruction should ever exist.

What Is Humanity's Objective?

Our first objective must be the dismantling of NATO. NATO, or something like it, was (in my judgment, but let's not fall out over this now) necessary to deter and contain the Soviet bloc. NATO was formed as a defensive alliance against the Soviet Union's expansion. When the Evil Empire fell, why wasn't NATO dissolved?

When NATO went recruiting new member-states from the former Soviet satrapies, it told the Russians they had nothing to worry about, since NATO was purely defensive. NATO's own charter states that it will act only defensively. But now NATO has commenced the devastation of a small country, which has been losing territory, and which has not been threatening any other country, let alone attacking any NATO member.

The War in Kosovo

NATO is largely an instrument of the U.S. Since Europe is much bigger, in both population and output, than the U.S., it might be embarrassing to explain to U.S. taxpayers why the U.S. should alone shoulder the costly burden of terrorizing and massacring people on every continent. But essentially, what NATO does is always the U.S.'s doing. The second immediate goal, therefore, is to scale back and reshape U.S. military spending so that it is adequate for just one role: the defense of the United States itself against military attack, thus incidentally yielding a substantial decrease in taxation and increase in living standards.

Though it may seem tactless to point it out while NATO is slaughtering the innocents, this hi-tech bombardment is not only mass murder and vandalism, it comes at the expense of American well-being. In Illinois we have recently had another fatal accident at the intersection of a road and a rail crossing. There are hundreds of these accidents every year in the U.S. Every rail-road intersection could be replaced with a bridge or underpass, completely eliminating any such accidents thereafter, for the price of a few cruise missiles, a tiny fraction of the cost of Clinton's war on Yugoslavia.

Ideally, we should also make sure that Clinton, Albright, Blair, and the rest of the contemptible terror gang are shipped off to Belgrade to be put on public trial as war criminals. Or, to be scrupulously fair, to some neutral country like Libya or Iraq.

Of the very few people by the Picasso statue who were not Orthodox Christians, one was a lone woman with her own banner. She made a loud remark about how "stupid" it was to conduct so much of the proceedings in Serbian. No, it's not stupid, just early. When a priest got up to ask everyone to keep watching for news of future events, he didn't bother to give a phone number. He must have assumed everyone would hear through their churches. The struggle against the NATO murder machine is no doubt in its infancy. The priest had no thought of an anti-war coalition with non-Orthodox.

At the end of the vigil, the priest asked everyone to hold up "your icons and your flags." The red flowers were Kosovo Peonies, a flower that, they say, grows only in Kosovo, and blooms abundantly on the battlefield, site of the proudest day in Serbian history. It was 28th June, 1389, the Battle of Kosovo. The Serbs were defeated, their entire aristocracy was slaughtered, and they were consigned to 500 years of subjection under the Ottoman empire. Now they are absolutely willing to face being butchered by the American empire, and knuckle down to another 500 years of, probably more oppressive, subjection. But they'd prefer to avoid it, and I'd also prefer that they avoid it.

"Come back, and bring your good Serbian Orthodox Christian hearts," said the priest. Yes, and just a very few good Anglo-Saxon atheist hearts, too. ❑

More Guns, Less War

I remember a news report I saw in 1993. The fighting between Bosnian Muslims and Serbs was at its most savage, and the Muslims were getting the worst of it. A group of Bosnian Muslim soldiers were hiding their Soviet-made T-72 tank in a barn. The T-72 tank is one of the most sophisticated battle wagons ever made, capable of slaughter on a wide scale. So why were the Bosnian Muslims hiding their metal beast in a barn?

This particular T-72 happened to be the only one in their arsenal. Rather than risk losing their prized possession to a lucky artillery round, they stashed it away as a weapon of last resort. The news report went on to say that the Serbs had dozens of tanks at their disposal . . . and they weren't hiding them in barns.

Thanks to the United Nations, the only way the Bosnian Muslims were going to acquire new tanks, small arms, or even sling shots, was if Allah himself delivered them. A 1991 U.N. arms embargo on the warring nations in Yugoslavia emasculated both Muslims and Croats, making them easy pickings for the Serb nationalists who had inherited the bulk of Yugoslavia's Communist-era military.

No doubt the U.N. embargo benefited the Serbs, and no doubt the U.N. bears some responsibility for the heinous crimes that took place during the wars in Bosnia and Croatia. With the signing of the Dayton Peace Accord on December 14, 1995, the arms embargo was lifted. At the time, Nugroho Wisnumurti, Indonesia's U.N. envoy, said: "There were sufficient grounds to believe that stark military imbalance in favor of the Bosnian Serbs had helped to sustain their aggression . . . It was therefore imperative to ensure that such conditions of sharp military imbalances were not allowed to repeat themselves."

Apparently, Nugroho's sage words were drowned out by popping champagne corks and laughter over the "how many capitalists does it take" jokes they tell at the U.N., because less than three years after Dayton, the U.N. placed another arms embargo on the Federal Republic of Yugoslavia, this time in response to fighting in Kosovo. Again, an embargo worked to the advantage of the established military power, the Serbs, and to the disadvantage of their less established antagonists.

That was March 31, 1998. As I write, NATO's airstrikes are in their third week. *Jane's Defense Weekly* reports that both the Navy and the Air Force are running "dangerously low" on cruise missile reserves. The Air Force's air-launched missiles cost $1.9 million a copy, and the Navy Tomahawks are a steal at $750,000. Combine these with all the other expended bombs and missiles, add one downed Stealth fighter, and the defense industry has had three good weeks.

But for all the treasure we're throwing away, the people in whose name we started this nonsense aren't faring so well. Reports coming across my desk indicate that Kosovo is nearly empty of its ethnic Albanian population. Now that's military success for NATO. The inadequate Kosovo Liberation Army, or what's left of it, waits in the path of the Serbian beast. Not even the world's "greatest air power" can save the KLA from a thrashing. —Jonathan Ellis

Serbs Up!

by Stephen Cox

The Clinton administration — the administration of a peacenik who cheated the draft and made a political career out of his alleged sensitivity to other people's pain — has turned out to be one of the most warlike in American history.

This curious fact starts to dawn on you when you follow the old-fashioned custom of calling a war a war. When you do that, the wars of Clinton make quite a list:

The Somali War — an intervention in a local civil war; result: defeat and withdrawal of forces.

The War of the Haitian Restoration — an attempt to restore a socialist demagogue to power in Haiti; result: his restoration, and permanent occupation of the country.

The Second Mesopotamian War — an attempt to limit the ambitions of a middle-eastern dictatorship, which had lost to George Bush in the First Mesopotamian War; result: stalemate.

The Bosnian War — an attempt to establish an American protectorate in the Balkans; result: temporary success.

The War of Sudan and Afghanistan — an attempt to destroy terrorism in the middle east; result: failure.

The Yugoslavian War — an attempt to establish a second American protectorate in the Balkans; result: unknown.

President Reagan fought two wars in eight years (if you don't count his war on the air-traffic controllers) — the War on Libya, and the Liberation of Grenada. He won both. President Bush fought two wars in four years — the Panamanian War and the First Mesopotamian War. He won both. Clinton has fought six wars in six years, and even his wins look a lot like losses.

Anyone who believes in truth, or the constitutional balance of powers, will see the Yugoslavian War as a major setback. Former peace freak Clinton, suffused with a martial arrogance at least equal to that of Lyndon Johnson, went to war without asking so much as a by-your-leave from anybody (except the officialdom of NATO, which he controls). We then began to hear assertions, the very same assertions that we used to hear from LBJ, that the United States (not the president, mind you, but you and me) was now "committed" to go through with the war that its president had so wantonly started. The United States was committed to press on to total victory, whatever "victory," in this context, could possibly mean.

As for truth. . . The Yugo War (or War on the Yugo, in light of America's courageous bombing, on April 8, of Yugoslavia's sole automobile factory) began with Clinton's demand that nationalist Serbia grant the cherished wish of the nationalist Kosovo Liberation Army — which, I am sure, is composed entirely of sweet little dears, the same sweet little dears who operate in the Serbian army. Clinton demanded that Serbia agree to the autonomy of Kosovo and to American occupation of Kosovo. In exchange, he offered to guarantee that Kosovo would remain "part" of Serbia for the next three years — a clear guarantee that it would be severed from Serbia at the end of those three years. And this ultimatum was portrayed to the world as an attempt to control aggressive nationalism.

Since then, the spring has seen a glorious blooming of the ironies that sprout wherever Clinton's stately shadow falls. This president, who turned a blind eye to China's successful campaign to steal his country's military secrets, proclaimed Serbia (of all places in the world) a threat to American security. He justified his war on Serbia by noting that World War I began in Serbia; what he did not note, of course, was that World War I began with the feckless attempts of outside powers to meddle with Serbian nationalism. Then he talked some more about "security," while spurning the diplomacy of Russia, the only European country capable of threatening American security.

The spring has seen a glorious blooming of the ironies that sprout wherever Clinton's stately shadow falls.

He followed this up by lamenting the fate of the Kosovar refugees, driven from their homes by Serbs who took advantage of his meddling to escalate their intertribal dispute. Meanwhile, his henchmen in Macedonia were forcing miserable (and loudly protesting) Kosovar refugees onto planes embarking for a variety of places where they distinctly didn't want to go. Sensibly enough, they wanted to stay in Macedonia so that they could reclaim their homes across the border at the earliest possible moment. But Clinton had more benevolent plans. The refugees must be forced to leave.

And here's the finest irony. Back home, polls showed that the public increasingly supported the war policy and rationale of William Jefferson Clinton, the most famous liar in American history. ❑

Balkan Quagmire

by Alan Bock

On a strictly human level it's not difficult to see how many people, especially given the media coverage, could come away with the impression that somebody really ought to do something about the situation in Kosovo. During the last year or so about 2,000 people have been killed and hundreds of thousands displaced as the rag-tag Kosovo Liberation Army, which seeks independence from what is left of Yugoslavia, has clashed with predominantly Serbian Yugoslav army and police forces. The civil war has featured ruthless massacres by both sides, with the Serbs probably coming off as more brutal, if only because of their superior weaponry and training.

So concern is understandable, but massive military attempts to clean up the Balkans are something else again.

An intervention by NATO or the "international community" into a battle in Kosovo — recognized by all the nation-states concerned as a part of Yugoslavia — could be an important move away from the reigning paradigm of national sovereignty in international relations.

As Congress considers whether or not to try to rein in an administration bent on massive use of force by the United States and the North Atlantic Treaty Organization, numerous questions remain, few of which have been discussed and debated fully, let alone viewed in light of their possible consequences.

Why should the international community (whatever is meant by that fuzzy appellation) concern itself so closely with this civil war? Does a multilateral intervention in a civil war represent a long-term threat to the concept of national sovereignty? How serious an instance of "mission creep" would a Kosovan occupation represent for NATO? Does the United States have any real primary national security interests in Kosovo? Why should U.S. troops be placed on the ground to enforce a peace treaty, especially if it's a treaty brought about by international pressure, threats and missiles instead of war-weariness and a desire for resolution on the part of the combatants? Is it desirable to have U.S. troops under the command of foreign nationals, even if they are putative U.S. allies?

The standard argument for NATO intervention was presented rather cogently by John Gimblett, First Secretary of the British Embassy, when he visited California last month and called on the editorial board of the *Orange County Register*. Yugoslavia, he explained, is one of the unfinished pieces of business left over from the Cold War, an area in which the hoped-for transition to democracy and freer markets has gone rather badly, in a throwback to 19th-century nationalism.

Simply allowing direct participants to sort things out, Gimblett went on, could lead to large-scale humanitarian problems. It could also lead to a war that could spill over into neighboring Macedonia, which has an unstable government and a large Albanian minority. This, in turn, could eventually draw Greece, Turkey and other NATO-member countries into conflict. Just the outflow of refugees from a war in Kosovo could create problems of resettlement, absorption, and social-welfare spending in other European countries and eventually in the United States. (We already see some of those problems.)

The United States has an overall interest in the Balkans, stemming from its participation in the world economy. It has some direct stakes, symbolized by the Serb-Yugoslav takeover of California-based ICN Pharmaceutical plants in Serbia, valued at around $179 million, or perhaps $240 million, the amount that the company has written off. A small U.S. military presence would be important to the credibility of any international contingent, if only as a symbol of the importance which the sole remaining superpower places on supporting its allies as they seek a peaceful and productive Europe. The NATO-led intervention in nearby Bosnia, though it has dragged on longer than U.S. president Bill Clinton foolishly promised, has kept the formerly warring parties apart and taught international peacekeepers some lessons they can apply in Kosovo.

So even if it takes a few bombing raids to persuade the disputatious locals, it's up to the more enlightened members of the international community to drag these stubborn, backward nationalists into a stable new world order.

So runs the case for intervention. How shall we assess it? On humanitarian grounds, it may seem compelling, though the geostrategic case requires the acceptance of certain prem-

ises that deserve more explication and critical examination than they have received to date.

For starters, there's the question of why it is essential to intervene in this particular civil war. During the period last summer when clashes in Kosovo attracted headlines, Turkey was killing thousands of Kurdish rebels during an aggressive phase of a civil conflict that has cost the lives of 34,000 Kurds over the last six years or so. Turkey is a NATO member. NATO has not sought to intervene in that conflict, nor has it sought a role in civil wars in Northern Ireland, Palestine, Algeria, Afghanistan, Chechnya, or Somalia (in recent years, anyway). In the Sudan, some million non-Muslims, mostly Christians, have been killed during the past ten years in a civil war; thousands of Christian Sudanese have been sold into slavery. China continues to oppress Tibet. Civil conflict continues in Pakistan and Indonesia.

If we view Kosovo from a strictly humanitarian perspective — assuming that each human life is equally valuable and that a Western or great power intervention really could save the lives that need saving — other conflicts would seem to command more urgent attention. The most compelling case for intervention in Kosovo seems to be that the province lies in the heart of Europe, the cradle of Western civilization, a continent with which the United States is allied through NATO and through countless less formal ties of sympathy and history.

The Balkans, however, have been a center of conflict in Europe for hundreds of years. They are so contentious and disputatious a place that they have made "balkanization" a synonym for irresolvable disputes and unremitting divisiveness. Kosovo itself has a tangled history.

Most Serbs consider it the cradle of their history and religion. In Kosovo the Serbian Nemanjic Dynasty fell gloriously to the Ottoman Turks in 1389. The Pec Patriarchate, one of Serbia's oldest religious sites, is located in Kosovo. Today, most media report that 90 percent of the 2 million or so inhabitants of Kosovo are ethnically Albanian Muslims. (Businessman William Dorich of Los Angeles, a leading member of the Serbian Unity Congress, disputes the figure, contending that the correct one would be something like 50 percent. He acknowledges that Serbs now constitute about 10 percent of the population, attributing recent reductions to anti-Serb "ethnic cleansing," and notes that there are also Gypsies, Greeks, Turks, Montenegrins, and others in residence.)

When the renegade communist Tito ruled Yugoslavia — an inherently unstable country cobbled together by the great powers after World War I — he was shrewd enough to grant a measure of local autonomy to regions like Kosovo, Croatia, Bosnia-Herzegovina, and Vojvodina. But after Tito left the scene and Slobodan Milosevic (unlike Tito an ethnic Serb) entered, Croatia, Slovenia, Macedonia, and Bosnia declared independence. In 1988 the Yugoslav constitution was changed to reduce the independence of remaining provinces like Kosovo and Vojvodina.

Since then, a peaceful and passive resistance to Serbian rule has continued in Kosovo. One response to its apparent failure is the Kosovo Liberation Army, which was formed by people impatient with what they perceived as minimal progress toward the goal of Kosovan independence through peaceful means. Originally a largely improvised resistance, it has increased in numbers and sophistication of weaponry in the last year, especially since last summer's cease-fire following a heavy crackdown directed from the Serb capital in Belgrade. Financing comes in large part from Kosovan exiles in Switzerland — a minority of whom are said to be active in the heroin trade — and elsewhere in Europe.

Meanwhile, Slobodan Milosevic's Yugoslav-Serb government has announced that it has no intention of granting autonomy to Kosovo, that the dispute is a civil war within the borders of an internationally recognized sovereign nation, and that it will not tolerate foreign troops in Kosovo.

NATO has responded by endeavoring to get Serbs and Kosovars to the bargaining table. As part of this peace campaign, NATO made threats of airstrikes against Serbia. Even though that would mean NATO's entering the conflict on the side of Kosovar independence (which western diplomats say they don't support), the Kosovars were for a long time reluctant to sign the agreement crafted by NATO diplomats and presented to the two sides during negotiations in Rambouillet, France.

The intervention of former Republican Senator Bob Dole, viewed in the region as a long-time ally of Albanians and a foe of Serbian interests, may have been helpful in convincing the Kosovars to sign an agreement as a prelude to NATO bombing in Serbia. But it's unlikely that, even if the two sides signed an agreement, there will be a genuine peace, a peace agreed to because the two sides believe that it is in their own best interest. The KLA has built itself into a more formidable force than it was a year ago and its new volunteers are hardly war-weary. The Serbs might be cruise-missiled into affixing a signature to a piece of paper, but they won't be reconciled to Kosovan independence.

Intervention in Kosovo would ratchet NATO's mission up to another level. Yugoslavia is not in NATO, so sending troops there would mean taking on a police-military-political function outside of NATO proper. NATO would become the benevolent imperial ruler of this less enlightened region of the world.

It is highly likely, then, that any agreement signed in France will be unstable, posing serious long-term dangers to foreign troops posted in the region to keep a "peace" that neither side really wants.

Besides the real danger of pouring U.S. troops and resources into what could be just one more politico-military quagmire in a region noted for being full of them, the NATO-U.S. desire to intervene raises other questions about the future of international relations and the growing role of NATO.

The War in Kosovo

To some extent the traditional European concept of the nation-state, which came into full flower about 400 years ago, is a fiction when applied to parts of the world whose histories involve less formal, more tribal, more intensely ethnic forms of rulership. But the nation-state is the reigning myth of the international system as currently conceived. The theory is that nation-states recognized as such by other nation-states are sovereign within their own borders, and that the chief duty of international bodies is to try to prevent the changing of borders or rulers by force or violence.

The system is not without creative ambiguities. China claims that Taiwan and Tibet are properly subject to its sovereign power, but others dispute its claims. Other low-level border disputes exist. But by and large the international system is built on the myth of the nation-state with sovereignty inside its own borders.

An intervention by NATO or the "international community" into a battle in Kosovo — recognized by all the nation-states concerned as a part of Yugoslavia — could be an important move away from the reigning paradigm of national sovereignty in international relations, one that could have far-reaching implications. It would be unlikely to provide a rationale for the international community to demand that Great Britain grant independence to Scotland or Wales, for example, but Northern Ireland might be an interesting target if it is still a violent center of conflict in another few years.

Or consider this. If, as some demographers claim, California has a majority of Spanish-speaking people of "Hispanic" descent sometime late in the next century, might the Kosovo precedent provide a rationale for UN intervention to secure independence from the United States or union with Mexico? It sounds far-fetched and it probably is. But Serbs consider the rationale for international intervention on behalf of Kosovan independence rather far-fetched now.

Then there's the matter of how NATO's mission is developing as we move into another century. The alliance was formed as a defensive military alliance against the Soviet Union and its empire shortly after the end of World War II. That rationale was eliminated by the disintegration of the Soviet Union and the end of the Cold War. But the desire to maintain a self-important secretariat and a joint U.S.-European military force was not eliminated. The first NATO impulse has been to expand membership to some former Soviet domains (Poland, Hungary, the Czech Republic), making it a seal of approval certifying true "Europeanness."

Intervention in Kosovo would ratchet NATO's mission up to another level. Yugoslavia is not in NATO, so sending troops there would mean taking on a police-military-political function outside of NATO proper. NATO would become the benevolent imperial ruler of this less enlightened region of the world. It would also mark the first time when German troops would be deployed outside German borders since the end of World War II. That may or may not be significant, but it involves issues of deep sensitivity in Europe and the surrounding regions that haven't been discussed and may raise fears.

On balance, then, the proposed intervention in Kosovo represents a more dangerous prospect than has generally been acknowledged, involves international intervention in a civil war that could create precedents that others will not like, and means an almost invisible, almost undiscussed but possibly irreversible conversion of NATO into an international police force.

Enthusiasm for such world-fixing, nation-building intervention is reminiscent of the mixture of arrogance and ignorance one used to encounter in late-night bull sessions in college, when highly intelligent but less than half-educated undergraduates drank copious quantities of beer and confidently solved the problems of a stubbornly stupid world. But the arrested-development undergraduates who constitute the "international community" of professional diplomats play with real weapons and real lives. ❑

Sauce for the Goose

A civil war began when ethnic Albanians living in the Kosovo province of Serbia began to seek separation from Yugoslavia and incorporation into Albania. The Serbs didn't care for this notion, especially since Kosovo is the site of critical events in its national legend. As the civil war escalated it was not surprising that the Serbs, being both richer and far more numerous, prevailed. And as in all civil wars, there was considerable cruelty by both sides.

So the NATO powers decided to intervene, first to bomb the Serbs and eventually to send in ground forces against them. The powers demand that Kosovo become "autonomous" from Serbia and that Serbs accept NATO occupation of this province.

Let us consider how the U.S. would have reacted if the great world powers had followed a similar policy in the 19th century. Consider our more-or-less genocidal war against Native Americans. The Nez Perce were hunted down in their homeland, chased across the continent, forced into submission, and deported to a foreign land. Suppose Britain had reacted as we have toward the Serbs. Suppose they had sent ships of the world's most powerful navy into American harbors to bombard government buildings, munition factories, and the like, while providing heavy artillery and ground troops to help the Nez Perce. How would Americans have reacted to such a situation?

Pretty much as the Serbs reacted.

Or suppose that Britain objected to the conduct of Union troops in Georgia during William Tecumseh Sherman's infamous "March to the Sea." Or suppose, 50 years from now, southern California has a Hispanic majority (as some demographers today predict) that wants to leave the U.S. and join Mexico. Would the U.S. object? How would we react if NATO decided to start raining bombs and missiles on our cities and land troops at Long Beach?

—R.W. Bradford

The Case for Intervention

by Luis García Dopico

It is clear that the Western world cannot and should not commit itself to solving every dispute in every land for every pair of quarreling groups. Attempting to do so would be a vain, misguided and costly return to Kipling's colonial burden, one that in practice degraded both the colonized and the colonizer. Western observers, public opinion, media and policy makers have to accept that other parts of the world do have different cultures and mores and that trying to impose our values will only incite renewed hatred against former colonial powers, which is what after all most Western nations, the US included, still are.

However, respect for the ways in which other cultures conduct political processes and recognition of the immorality and physical incapacity of molding other cultures after our own do not mean that we should never respond to calls of moral obligation or that there are no cases in which military intervention may be justified. One such case may easily be the prevention of physical and imminent genocide.

The different occurrences of genocide during this century (against the Armenian minority in Turkey, against Jews and gypsies in Nazi-occupied Europe, against the Tutsis in Rwanda) have not been cases of sudden ethnic revolt or maliciously predicated racial wars, but the result of an organized political command giving orders as to which neighborhood to empty next, or which ethnic group it is safe to loot with the connivance of "police" forces in not defending life and property rights. Genocide is not a spontaneous individual or social phenomenon based on inevitable historical and tribal hatreds, but a governmental action. Genocides are not fated to happen when ethnic communities are mixed. Mixed communities do live in reasonable peace for decades and centuries (supposedly brewing the hatreds that lead to inevitable slaughter that media experts tell us about).

Each time that genocide has struck, the local political process had recognizably come under the control of people who cannot be called other than thugs and who not only persecuted their ethnic foes but attacked those in their own ethnic group who dared to differ. In Serbia, the government has spent the last few years purging any independent or moderate voice in the media, politics, academia, the military, etc. The thugs came out on top, and now they are trying to carry out their lunacy. Perhaps it is blind hope, but something demands us to believe that not all Turks wanted to kill off their Armenian minority, that not all Germans wanted to exterminate six million Jews and half a million Roma. One longs to believe that not all Hutus wanted to slaughter the Tutsis.

Perhaps it is a misguided hope, but one wants to think that, in the cases where genocide or ethnic cleansing is about to happen, what really is going on is that a few lunatic nationalistic thugs, who do not really represent their nation at large, have hijacked the political process. In just those cases, and with the limited goal of stopping ethnic eradication, we may feel justified in succumbing to a moral call for military intervention, the replacement of current governments by other domestic alternatives, and if necessary — if we dare call things by their own names — the establishment of temporary Western protectorates.

In the case at hand, despite all the criticisms, NATO action does not seem to have forced the deportation of the Kosovars. Rather, the threat of NATO action may have prevented holocaust and delayed deportation. One could chalk up everything that humanitarian agencies on the ground say to Western propaganda, but if there is one shred of truth to their version of events, the deportation program that we have witnessed was of a very organized nature. This implies that the current human disaster had been carefully planned. Besides, thousands of people had already been forcibly evicted from their homes and neighborhoods before the first NATO bomb fell. To argue that NATO caused the deportations seems but an attempt to find something to criticize on both sides.

In all humbleness, the calls to be made during each humanitarian catastrophe are extremely hard to make. It is not enough to want to be seen doing something. Often militarily and politically we may judge that it is impossible to improve a situation, and then we should stay out. However, the case for preventing the slaughter or deportation of 800,000 people (as in Rwanda in 1994) cannot but seem rather strong. Ethnic hatreds do exist, and all politicians respond to public-choice constraints; but genocides occur only when governmental leadership makes it clear that it is acceptable to kill those who are different and that some citizens' lives and property have suddenly become fair game. The Western world cannot and should not attempt to settle every dispute on the face of this Earth. Preventing imminent genocide, however, does seem like an appropriate goal for NATO today. ❑

Learning From the Balkans

by Leland B. Yeager

I'll comment on the morality of intervening in Kosovo, wonder about the objectives sought and means employed, and draw some lessons for the longer run.

My reading persuades me that foreign intervention in Yugoslav internal affairs was of dubious legality. Yet occasionally the demands of morality may override law and ultimately bring changes in it. The precept of benevolence applauds aiding endangered people if the rescuers can act effectively without serious repercussions and without great risk or cost to themselves. The question does arise of sending other people to do the rescuing, but a partial answer is that nowadays the US armed forces are composed of volunteers. True, the volunteers are paid from compulsorily collected taxes; but overstressing this point would flirt with anarchism and invite spuriously easy answers to all sorts of policy questions.

U.S.-led intervention expresses pique with Milosevic. It provides still another example of politicians' professional anxiety to show that they are alert to events and ideas in the world around them, that they feel the pain and share the concerns of other people, that they know how to invent remedies, and that they are ready to take action, even if sometimes only verbal or symbolic action. This stance of politicians combines with their illusion of omnicompetence or universal adequacy. It helps explain much, including agricultural subsidies, minimum wage laws, wars against drugs and pornography, legislative responses to bad weather and other tragedies, tax breaks for child care and many other good things, the proposal for the admittedly mostly symbolic Equal Rights Amendment, and even such trivia as governmental horning in on the meals-on-wheels program. Al Gore provides examples in displaying his supposed concern for the environment and attunement to high technology.

Quite similarly, the air strikes against Yugoslavia advertise concern about an unsatisfactory situation. It is nothing new that they were evidently launched without due attention either to just *how* they were supposed to work or to unwanted side effects. Indeed, even the end sought was left fuzzy, at least at first. Fuzziness preserves wiggling room for the spin doctors to use later. (I hope the end was not to maintain poll numbers through the appearance of a cheap triumph.) Forcing the enemy to the bargaining table is not a genuine end. Neither is merely degrading his military strength.

What, then, is the actual end sought, whether through bargaining or through bloodier means? Wishing peace and security for the people of Kosovo is not definite enough. No one has a direct handle on any such outcome. All one can hope to manipulate is institutional arrangements, political and other. Well, what arrangements, attainable by means they are prepared to employ, are the NATO policymakers aiming at? (International administration of the area would be an example of a fairly definite answer.)

In line with the vagueness of the end sought is the compromise nature of the means employed. Action limited to air strikes falls lamely between "hands off" and committing the necessary military power. Examples in several fields show how a compromise line of policy may lack the coherence possessed by either of two (or more) policy extremes. In international monetary arrangements, either thoroughgoing monetary unification (as in the euro area) or free floating of exchange rates among independent national currencies makes sense, but the compromise of fixed-but-adjustable or officially managed exchange rates combines the worst features of both extremes.

Economic sanctions against an evil regime are seldom effective in removing it; instead, they symbolize doing something, even though the people who suffer personally are not so much the evil leaders as innocent people in the target country and elsewhere. Vietnam was an example of compromise policy: instead of either staying out in the first place or using enough military force to assure South Vietnam's independence and security, the United States employed gradual escalation and later the wishful thinking of so-called Vietnamization.

People casually responding to pollsters' questions cannot be expected to formulate a coherent policy in foreign affairs or in any other area. Policymakers cannot achieve coherence by following the polls or by compromising between extreme positions. Sometimes leaders have the duty of leading.

In Kosovo, it is said, the United States and NATO are already committed. We must not now wash our hands of a tragedy, ethnic cleansing, that we ourselves have inadvertently speeded up. Our credibility and, so far as credibility counts, ultimately our own security are at stake, especially given the handicap of a mendacious president. I do not say that one should never abandon a policy that has proved mistaken; but welshing on what has become, however thoughtlessly, a national moral commitment would be a dishonorable way out.

At least we can salvage some lessons for the longer run. (What is the point of making mistakes if we don't even learn from them?) As Ludwig von Mises explained in *Nation, State,*

continued on page 42

Uniformed Code of Silence

by Steven Philbrick

The men and women who defend our freedoms don't enjoy them.

Major Shane Sellers referred to President Clinton as an "adulterous liar" in *Navy Times*, and Reserve Major Daniel Rabil described Clinton as a "lying draft-dodger" who has "always had contempt for the American military" in an article he wrote for *The Washington Times*.

The two men stand accused of violating Article 88 of the Uniform Code of Military Justice (UCMJ). Under Article 88, "Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Transportation, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct." For use in this specification, contemptuous means "insulting, rude, disdainful or otherwise disrespectfully attributing to another qualities of meanness, disreputableness, or worthlessness."

The foreboding prospect that two officers could face court martials for exercising their free-speech rights constitutes a loyalty test, and emphasizes the need to revise the antediluvian Article 88. As the UCMJ rules on adultery are being changed to accommodate the prevailing social mores, so too should Article 88 be considered as another outmoded and needless restriction on civil liberties.

A Gift From the British

Article 88 is a descendant from the British Articles of War of 1765, with modified wording in The Articles of War adopted by the Continental Congress in 1775 and revised in 1776. In 1806 Congress enacted new Articles of War with an Article 88-like provision that was reenacted by subsequent congresses in 1916 and 1920. The Articles of War were revised after World War II and this provision was reenacted as Article 88 of the UCMJ in 1950.

Two Vietnam-inspired cases, close to 30 years apart, demonstrate the fervor for prosecution and punishment that Article 88 spawns. They also display the irrational and selective repression of individual freedom in our society.

United States v. Howe reflects how Article 88 was employed during the Vietnam War. In 1965, Army Lieutenant Henry H. Howe Jr. was court-martialed for exhibiting disrespect to President Johnson after displaying a placard during an anti-war rally that read: "Let's Have More Than a Choice Between Petty Ignorant Fascists in 1968" on one side, and on the other, "End Johnson's Fascist Aggression in Viet Nam." He was sentenced to dismissal from the service, total forfeitures, and confinement at hard labor for one year.

The second case involved Air Force Major General Harold Campbell. After Clinton's successful bid for the presidency in 1993, Campbell described Clinton as "draft-dodging, pot-smoking, womanizing" and "gay-loving" to an audience of 250 Air Force maintenance workers at an awards ceremony in the Netherlands. One might think Campbell's statement of fact could not get him in trouble. After all, Clinton did aggressively and successfully elude military service, his reputation as a womanizer was well established in the pre-Monica days of 1993, he had confessed to smoking marijuana, and had close political associations with gays. But Campbell was not accused of slander, for which truth is an absolute defense.

Astounding as it seems, the truth is an inconsequential matter when it comes to Article 88. The UCMJ states, "The truth or falsity of the statements is immaterial." It took only about 40 days to investigate Campbell's "crime" before he

was fined $7,000, reprimanded, and forced to retire.

With the veracity of the statements made by Campbell rendered moot, then-Air Force Chief of Staff General Merrill McPeak announced Campbell's fining and forced retirement, opining, "The chain of command has to be almost pollution free." Pollution? The Air Force chief of staff implied that pointing out the indecorous behavior and dubious character of the president constitutes "pollution" in the chain of command. Under the twisted logic of Article 88, the individual who points out disreputable acts is the one who faces prosecution, not the perpetrator of the acts.

When a person takes his oath as a soldier, there is no reason for him to abandon his constitutional right as an American citizen to tell the truth about his commander in chief.

The Civilian-Military Relationship

Undisputed civilian control over the military is imperative for a democratic society. However, the concept of total, unquestioned, and blind subservience to civilian authority and docile acceptance of the actions of civilian leaders engendered in Article 88 reflects the existing civil-military relationship in a country like Iraq. Article 88 is inconsistent with American notions of individual freedom and democratic values.

In a 1962 lecture on the Bill of Rights and the military, Chief Justice Earl Warren noted that the U.S. has avoided military rule throughout its existence because an active vigilance has been, "bred into us that the perpetuation of free government depends on the continued supremacy of the civilian representatives of the people." One strength of our nation is that the military operates under firm civilian control. Soldiers swear to follow the lawful orders of the president and their leaders, and are subject to severe penalties if they violate those orders. If a president directs or orders, the military obeys. Period. But, that should not mean that a military officer must forfeit a basic right of expressing personal convictions or even speaking widely acknowledged truths, as in the case of Major General Campbell. Disrespect of public officials is not a threat to the effectiveness, good discipline, or maintenance of order in the military or to the civil-military balance.

Some argue that servicemembers' disparagement of the president might lead to a military coup. This view overlooks the fact that irreverence permeates our culture at every level. Academics and activists deconstruct U.S. history to denigrate accomplishments and denounce cultural norms; an "artist" can put a crucifix in a jar of urine, reap praise for his "art," and garner support for his right of expression; the symbol of our nation, its history, and its people, can be burned and spit on in public; and organized groups intent on replacing our democratic government have been allowed to foment revolution openly. So long as Congressman Henry Gonzales can compare President Reagan to Adolf Hitler, or when Senator and Medal of Honor recipient Bob Kerrey can make headlines by saying "Clinton is an unusually good liar," then the individual sentiments of uniformed personnel, no matter how distasteful, are no threat to the perpetuation of our system of government.

Chickens Come Home to Roost

For Majors Sellers and Rabil, a monumental irony shrouds their prosecutions, for it was the object of their scorn who was weaned, nurtured, and indoctrinated in a popular culture that used vociferous dissent often bordering on anarchy. The mantra "question authority" was fundamental to the dominant under-30 counterculture doxology that exhilarated, if not intoxicated, the president (and vice president) and his valued circle of friends, confidants, advisors, and activist fellow travelers who now preside in politics, law, education, and the arts. A number of those same baby booming public officials who enjoy the excessive protection Article 88 provides were once part of the throngs that routinely used disparaging personal attacks to advance their convictions. The type of sentiments that Lieutenant Howe displayed in 1965 were common and tame by the standards of the day. Any credible anti-war demonstration of the time, including those that the president and other current political elites participated in, displayed far harsher messages and even contained people who were members of subversive groups that sought the violent overthrow of our system of government.

Now is an especially appropriate time to change Article 88. Any sincere apostle of the Sixties Generation surely would not object to, let alone allow punishment for, exercising the right of free speech. Now that they have become the establishment, it is only fair that they endure the criticism and personal attacks that come with power. They can provide no reason to prohibit one segment of American society from exerting the fundamental right they themselves actively employed.

The Air Force chief of staff implied that pointing out the indecorous behavior and dubious character of the president constitutes "pollution" in the chain of command

The Evil of Silence

Article 88 breeds collateral and far-reaching effects. Reactionaries and alarmists maintain it is detrimental to good order and discipline to allow an officer to utter "contemptuous words" against any of a host of public officials. However, it is far more damaging to the welfare of the military and the health of the nation for soldiers to remain meekly silent in the face of ethical dilemmas. During the Vietnam War, not one general openly questioned the direction or state of the war. Former Defense Secretary Robert S. McNamara admitted a few years ago that he knew the war was unwinnable, yet he continued to send young men to their deaths. Surely there were generals in the field who were equally aware of the war's futility. But with Article 88 in place, is it any wonder that none spoke out? Was this

continued on page 42

Sympathy for the Stones

by Sarah J. McCarthy

If it's only rock 'n' roll, why does it upset feminists so much?

Entertainment Tonight this week featured a spot on Mick Jagger's tryst with MacKenzie Phillips, daughter of John Phillips of the Mamas and Papas. One night during the '60s, when things were psychedelic and free love was in the air, and Jagger and the Mamas and Papas lived in the same apartment building, Mick and MacKenzie and John Phillips were making tuna fish salad sandwiches in Jagger's apartment. Sly old Lucifer told Papa Phillips that they needed mayonnaise for the tuna salad and sent him upstairs to get it it. As soon as Phillips left, Jagger bolted the door, told MacKenzie, then 18, he had been waiting for this moment since she was 10(!), and took her to bed.

Most people would think Mick Jagger was a "wham, bam, thank-you-ma'am type of lover," said MacKenzie, but he "wasn't at all." He was "very sweet," she said, bringing her tea, toast and fresh strawberries in the morning, and advising that she better call her dad who was probably worried about her. (Gasp, gasp, chortle, chortle.)

I laughed when I heard that story (I laugh at everything Mick Jagger does). My husband said they'd have to scrape me off the ceiling if I heard Bill Clinton had sent someone's dad to get mayonnaise and then bolted the door behind him so he could have his way with the guy's daughter. I couldn't deny that was true.

It's just that everything Jagger does is cute. Everything Keith Richards does is cute too. The Stones have always been my Achilles Heel, my example, to use the currently voguish term, of Compartmentalization. If I met Jagger, I'd be reduced to a speechless, inarticulate, babbling melt of mush, worse than the most disgusting of groveling groupies. When I observe his antics, I feel the last smidgen of outrage dying in my soul. When I was a feminist/activist in the '70s, my sisters, incredulous, would exclaim, "How can you like a rock star who is so sexist that he sings 'Under My Thumb,'" a song that any real feminist would hate.

Like Camille Paglia, who was ejected from the women's movement because of her adoration for the Stones, I came close to being kicked out myself. I was active in Women Against Sexist Violence in Pornography and Media. Even while criticizing the Stones in an article that I wrote for *The Humanist*, "Pornography, Rape and the Cult of Macho," taking them to task for a billboard that read "I'm black-and-blue from the Rolling Stones and I love it," I loved their music, their wit, their talent, their dancing, their freedom, their rebelliousness, their sense of irony, their sense of humor, their faces, their verve, their guitar and drum skills, their incredible talent, and the life force that makes stadiums shake!

"By the time the women's movement broke forth in 1969, it was practically impossible for me to be reconciled with my 'sisters,'" explains Camille Paglia in her book, *Sex, Art, and American Culture*:

> And there were, like screaming fights. The big one was about the Rolling Stones. This was where I realized — this was 1969 — boy, I was bounced fast, right out of the movement. And I had this huge argument. Because I said you cannot apply a political agenda to art. When it comes to art, we have to make other distinctions. We had this huge fight about the song "Under My Thumb." I said it was a great song, not only a great song but I said it was a work of art. And these feminists of the New Haven Women's Liberation Rock Band went into a rage, surrounded me, practically spat in my face, literally my back was to the wall. They're screaming in my face: "Art? Art? Nothing that demeans women can be art!" There it is! There it is! Right from the start. The fascism of the contemporary women's movement.

Like Camille, I love "Under My Thumb" and consider it a work of art, authentic and ironic. It's the authentic voice of the Honest Male (or maybe, more accurately, the authentic voice of the Honest Human). I loved it when the Stones opened with "Under My Thumb" in Richfield Coliseum near Cleveland in the '70s. It was the first time that I saw, live, the greatest rock 'n' roll band in the world.

If I met Mick Jagger, I'd be reduced to a speechless, inarticulate, babbling melt of mush, worse than the most disgusting of groveling groupies.

Charlie Watts came out first and sat alone on the darkened stage, quietly drumming the opening notes. One by one, he was joined by the other Stones, until Mick Jagger came out, the strobe lights and search lights circled the coliseum, and the song reached a crescendo. Since then, I've seen the Stones in Washington (where Jagger joked derisively about Bill Clinton, and the Stones were no-shows for their personal White House invitation), Philadelphia, Pittsburgh, Atlantic City, and, last year, two nights back-to-back at Madison Square Garden. I'm going to see them again on Thursday night in Pittsburgh where, due to recent surgery, I tried to get a space in the handicapped section. No such luck. Handicapped is sold out! "They're so damned old," said my husband, "that they sold handicapped out first." Well, never mind, forget the wheelchair, I'll crawl to my $150 seat if that's what it takes.

When I saw the Stones re-emerge at a Philadelphia concert after their long "retirement," back in the days when Mick and Keith weren't speaking, when Jagger was trying to hold to his promise not to be singing "Satisfaction" when he was 40, we had second-row seats that we'd bought on the streets of Philadelphia from a scalper, so close to the stage that when the show opened with 30 foot high blasts of fire, we could feel the heat. My husband jumped out of his skin, and a drunken bare-chested 20-something male behind me leaped in the air and landed on my head. "I'm sorry, I'm sorry," he mumbled. "Just don't let it happen again," I snapped. The guy, of course, had no idea that I didn't care if I died at a Stones concert.

Once, in Pittsburgh, I was standing on a folding chair with my daughter-in-law on the floor of Three Rivers Stadium, swaying to "Tumbling Dice" with the crowd. I'm no lightweight, definitely not folding chair material, and we had no control over whether we would tumble like some over-sized dice ourselves, or whether the chairs would hold, but we kept on keeping on. Usually I'm claustrophobic in situations like that, but Rolling Stones music zooms me right over the top, transcending me right into Fearless. That was the last time I'll ever take floor seats (unless, of course, everything else is sold out).

At a Stones concert, I usually wear something appropriately Stoneish, something like a black velvet jacket with a purple scarf with gold threads running through it. This year, I'll be wearing a colostomy bag. I'll feel old and decrepit, 'til I get to the concert. It'll be the first time I ever give myself a shot in a ladies room stall, but I have medicine to take. At first, I was afraid to give myself a shot. No matter how often the visiting nurse reminded me that the insurance company wanted me to give them to myself, I couldn't do it. Finally, I realized that I couldn't go to the Stones concert unless I could do my own shots. In a flash, I learned to shoot up like a common street junkie. I just hope I don't get arrested by an undercover narc who might think I'm shooting up something that Keith might have done in the '70s. Once at the concert, I'll watch Mick and Keith cavort, and gray-haired Charlie smiling and drumming, and I'll know that if Mick Jagger had a colostomy bag he'd still be doing "Jumpin' Jack Flash." He will be singing and dancing when the Stones are even older and grayer, and as long as they're around to perform, I'll be there to watch them. This year, if some young stud behind me lands on my lap, he might get more than he bargained for. When I get older and life gets scarier, I will play "Gimme Shelter," my all-time Stones favorite, even more than I do now. In a recent interview, Keith said, "I'm a grandpa. You can do it better than me? Let's see you come out and try." It's only rock 'n' roll, but we love it. ❑

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Item #T101

Item #T119

The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.
Thomas Jefferson
Item #T133

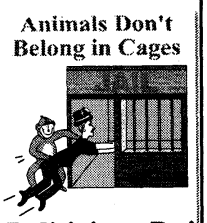

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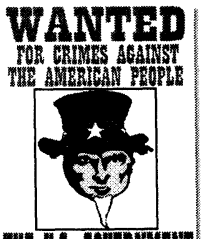

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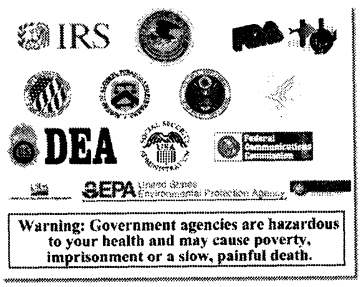

Item #T110

Item #138

Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add "within the limits of the law" because law is often but the tyrant's will, and always so when it violates the rights of the individual.
Thomas Jefferson
Item #T115

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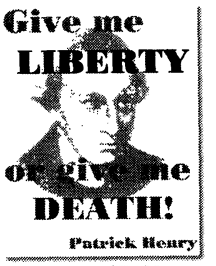

Item #T122

The Dictator as Hero?

by Adrian Day

Was Augusto Pinochet a dictator or a savior — or both? Political morality may not be as easy as it looks.

The convoluted ruling by Britain's House of Lords in the Pinochet extradition case illustrates the extraordinary nature of this saga. Little about the affair is straightforward or as one might expect.

The House of Lords, Britain's highest court of appeal, ruled that former Chilean president Augusto Pinochet does not enjoy immunity from prosecution. But it also ruled that he could be extradited to Spain only for alleged crimes committed after 1988. This reduced the number of charges to three — one of torture and two of conspiracy to torture.

In comments barely reported in the United States, the Lords issued a thinly veiled plea to the British government to abandon the long-running farce. "This matter will require to be reconsidered by the Secretary of State," said the senior law lord. That's British understatement for "let's forget it."

Clearly, no libertarian believes that government officials should be free to commit crimes. But apart from the complex legal issues, there are other factors that make this an unusual case. It is not a straightforward case of a dictator torturing and killing people. Indeed, many within and without Chile consider Pinochet a hero.

A dictator a hero? The very idea is anathema to libertarians, even those who regard democracy as "the tyranny of the masses." But Pinochet, the unelected military dictator of Chile throughout the latter half of the 1970s and 1980s, is different. How he assumed power, how he exercised power, and how he relinquished power, all are unusual for a dictator.

The Arrest and its Consequences

It is easy for many — conservatives and libertarians, Chileans and foreign legal scholars — to find fault with the circumstances of his arrest and detention in Britain.

He notified Britain of his intention to visit the country, yet, contrary to convention, was not forewarned of the possibility of his arrest. He was given an official welcome at Heathrow, then arrested in a hospital bed. Leading British ministers, while proclaiming the affair a judicial one which would proceed without political interference, expressed public glee at the old general's arrest. Civil servants refused to meet with leading Chilean opposition politicians who came to Britain on a mission of protest in Pinochet's favor. These facts, and the fact that a respected law lord, Lord Hoffman, did not feel the need to reveal his interest (reflected by his association with Amnesty International) illustrate the overwhelming bias that runs through much of the British ruling classes, weaned on anti-Pinochet demonstrations when they attended left-wing universities 25 years ago.

Further, there are serious concerns about the threat to Chile's stability posed by the arrest. Recent months have seen a reopening of the quarter-century-old wounds that Chile was doing its best to heal. Even more relevant perhaps, the arrest in Britain on a Spanish warrant is a slap in the face to the sovereignty of Chile. How would Britain react were a British politician arrested in Chile? Serious arguments arise concerning the authority of Britain to arrest Pinochet, who travelled on a diplomatic passport. It is, surely, up to Britain to say that it does not recognize his diplomatic passport before he is officially welcomed to the country, not after.

Former British Prime Minister Lady Thatcher, protesting Pinochet's treatment, has made much of the support provided by the general to Britain during the Falklands war. A country should surely remember those who helped it, when few others did, and whose actions helped save many of its citizens' lives. Surprisingly to some, the Vatican has also urged Britain to release Pinochet and return him home to Chile. The current

Pontiff, no friend of authoritarian governments, realizes the potential harm to Chile's delicate democracy.

One can also point to the fact that, at the very moment when Pinochet received his Spanish arrest warrant, Cuban dictator Fidel Castro was receiving a warm welcome in Madrid. One could argue whether Gorbachev and a host of other former leaders, and also Castro, who are responsible for many more deaths than Pinochet is accused of causing, should be arrested — or would be arrested.

This is not a straightforward case of a dictator torturing and killing people. Most Chileans still believe that Pinochet and the other military leaders saved Chile.

Britain's reputation for fair play has received a sharp black eye; that much is clear. But that may be true, of course, without affecting the question of Pinochet's guilt. What about that?

Attaining Power

Pinochet was never some tin-pot dictator, out to grab power and wealth for himself. As far as can be determined, he never sought political power. He saw it as his patriotic duty to overthrow Salvador Allende, who was destroying the country.

Allende, painted as a hero by many and called the first communist to be elected peacefully, was no moderate statesman. Standing as a socialist, he won only one-third of the vote, and was just 40,000 votes ahead of his rival. Moreover, his extreme plans, including confiscation and nationalization of land and major businesses, were not disclosed ahead of the election. Thus, though he did win the election, it is not true to say that his communist agenda received any mandate from the people.

Within three years of Allende's assumption of power, Chile was on the verge of economic catastrophe. In August 1973, shortly before the armed forces acted to take over the government, more than one million Chilean workers — over half the work force — went on strike, urging Allende's removal. The nation was paralyzed, there was growing poverty, there was chaos in the streets, and Cuban troops were slowly invading the country.

Many of the intelligentsia protested against Allende, saying his actions were destroying the rule of law and the constitution. He was attacked by the Supreme Court, the Chamber of Deputies, many officials of his own party, and both the Bar Association and the leftist Medical Society.

Former Chilean president Eduardo Frei, father of the current liberal democratic president, also came out against Allende, saying that the country was undergoing "a veritable catastrophe."

The military acted reluctantly, out of a sense of duty to prevent a total collapse and the takeover by Cuban troops. Allende killed himself. After the coup, the military were heroes to at least two-thirds of the Chilean people.

This was clearly no power-grabbing military coup of the type we most commonly think of in connection with Latin America. Again, Frei, a Christian Democrat, not a conservative, proclaimed publicly that "the military have saved Chile," saved it from civil war and disaster. All living ex-presidents joined Frei in his sentiments.

Maintaining Power

Unfortunately, outside forces began to interfere with Chile's quick return to democracy. Supported by leftists around the world, but particularly in Europe, Marxist guerillas began a campaign of terror, helped by armed terrorists from Cuba and other Latin countries. In response, the government established an anti-terrorist unit, which was responsible for most of the alleged abuses. (By the use of the word "alleged," I do not imply that no abuses took place, only that many are unproven.)

It is true there were excesses in the war against the Marxist guerillas and terrorists, as perhaps is inevitable in this kind of internal strife. People do resent armed terrorists' killing and maiming innocent people, attempting to create havoc and chaos. Chilean communists as well as Marxists around the world proclaimed their intention of turning Chile into a communist country by guerrilla warfare and intimidation. It is no surprise that opponents hit back hard.

It is also probably true to say that, all in all, the abuses in Chile were not as bad as those that took place in many other countries in Latin America at that time, for example, in Argentina, or indeed in other countries at other times. This does not excuse individual actions, but puts them in context.

We do not know the extent to which Pinochet personally is responsible for some of these abuses. No doubt much went on without his knowledge. We do know that after he emerged as the supreme leader of the Chilean military government, he abolished the intelligence agency. Once the guerrillas were defeated, political activity was legalized and became quite active. It included forces opposed to the continuance of the military government. The government of Pinochet set about the reform of the economy, including the well-known and radical free market reforms that included the privatization of the social security system.

Pinochet was given an official welcome at Heathrow, then arrested in a hospital bed.

Pinochet was more advanced in this way than statesmen in most Western countries, many of whom were still toying with socialism. The defeat of the communists and the free market reforms made him more popular in Chile than ever.

Leaving Power

Perhaps the most unusual part of his career, however, was the manner in which he was removed from power. He had promised to step down and reinstate elections as soon as conditions warranted. True to his word, he held a plebiscite in 1989 on whether he should continue in power as a dictator. Can you imagine? He asked the people to vote on that!

After he was narrowly defeated — with 43% of the vote, a greater percentage of the population voting for him than voted either for Allende or for Clinton (although admittedly not the 99.5% of the vote that communist dictators regularly achieve!) — he voluntarily relinquished power and stepped down.

continued on page 42

The World's Only Remaining Superpower

by Leon T. Hadar

What kind of foreign policy do you get when you cross Republican faux-isolationism with Democratic ersatz pacifism?

It is refreshing to notice how Rapist-in-Chief Bill Clinton has transformed many veteran Cold Warriors and global interventionists on the political right into born-again isolationists. Not only were some of them "shocked, shocked, shocked" that a U.S. President would try to divert attention from those Oral Office blowjobs by blowing up a few Iraqis and Moslem "terrorists" for lunch. Some Republicans have even raised doubts about the former draft dodger's plans to send more U.S. troops to the Balkans to help "establish peace" between those Serbian and Moslem chiefs who have been butchering each other for hundreds of years and who now hope to get the Americans into all this mess so they can extract this or that payoff for agreeing not to butcher each other for a few days.

Not that any leading Republican lawmakers are calling on the Clinton Administration to "bring the boys home" (sorry, sorry, "the boys and the girls"). Instead, they are demanding that the Pentagon provide them with a coherent "exit strategy." But politicians are not in the business of unilaterally giving up power and resources (whether it's a welfare program or a military expedition) unless they are forced to do so. Remember, we are still in Korea although the war there ended many, many years ago and we have just expanded NATO (with the strong support of Jesse Helms and Trent Lott and the other Republican anti-war activists on Capitol Hill) despite the fact that there is no Evil Empire. And we would be still in Vietnam if not for the body bags and, yes, for those draft dodgers . . . (Thanks Bill!) It's the body bags, stupid! That's what ends up forcing the politicians to adopt "exit strategies" whether it's in Southeast Asia or the Balkans.

No, don't expect any Republican or conservative to propose that Clinton be impeached for the illegal use of American military power abroad. Why should they? Why set constraints on the ability of President George W. to nuke Pyongyang or Teheran (and there will be a lot of that stuff in the coming Republican Administration). No, the current "isolationist" trends that some have detected among Republicans are phony. In fact, when it comes to U.S. foreign policy and national security there is only one political party in Washington these days. Call it the Imperial Party or the WORS (World's-Only-Remaining-Superpower) Party. Both the Clinton Administration and the Republican Congress are committed to an aggressive strategy of applying military, diplomatic and economic pressure — bombing Iraq, embargoing Cuba, condemning China, democratizing Haiti, de-nuclearizing India — to force everyone, from emerging superpowers like China, through crumbling superpowers like Russia, to small-time dictators like Iraq's Saddam or Serbia's Milosevic to recognize that we are the Bossy City on the Hill, so they do what we say or else we will have no choice but to starve them to death (we hate doing it, but they don't give us any other choice). And if that doesn't work, drop one of those "smart bombs" on them and watch the action on CNN (pass the popcorn, please).

No major figure in the Republican or the Democratic party has been raising his (okay, or her) voice to ask: Hey, what is this Hegemony stuff all about? First, who gives us Americans the right to establish "peace and stability" in Central Africa or Southern Europe or to tell other nations how to handle their domestic affairs? Is it really in our interest to become the ultimate boss of the world? Do the majority of Americans want the American hegemony called for by liberal Democrats and the conservative Republicans as reflected in the pages of both *The New Republic* on the left and *The Weekly Standard* on the right? Even the "isolationist" Pat Buchanan joins the global

interventionist brigade when it comes to imposing trade sanctions on China and Japan so as to assist his favorite American companies (and campaign contributors) that cannot compete with cheaper East Asian nations. And while Jesse Jackson and some of the peaceniks on the left oppose U.S. bombing of Iraq, they have no qualms about employing U.S. military force to bring democracy to Haiti.

In fact, foreign policy has become in the post-Cold War era the ultimate "insider game." If most Americans can't seem to figure out the legal complexities of the impeachment process, it's not surprising that very few of them can point to the difference between Macedonians, Bosnians and Albanians. They don't know and they don't care. That public ignorance, coupled with the fact that in the short run at least most of the foreign policy interventions are perceived as being very cheap, allows the inside-the-Beltway crowd to raise the flag of American hegemonism. Columnists and think-tankers who, like the president, were able to dodge the draft during the Vietnam War, are giving the marching orders to the troops leaving for the Balkans. Moral Majority types who have failed to force their abortion views on the American people are able to get Congress to impose trade sanctions on China and punish it (and indirectly the American consumer) for allowing Chinese women to have abortions. China, our bogeyman du jour, is also being attacked for its human conduct by the same officials and lawmakers who are calling to increase financial aid to Jordan, an undemocratic and repressive Middle Eastern monarchy. Its late King Hussein, a mafia-style tribal chief who for years was on the CIA payroll, is apparently considered by American leaders and journalists as one of the giants of the millenium. But Jordan is a friend of Israel, whose lobby in Washington is a central source of political support and financial contribution for our politicians. That Israel knows how to squeeze the balls of our lawmakers and officials and that Turkey buys our expensive weapons and helps us maintain our Pax Americana in the Persian Gulf explains why Israel's brutal treatment of the Palestinians and Turkey's violent persecution of its Kurdish minority are treated with benign neglect while the Serbian repression of the Moslems in Kosovo is compared by Washington to the Nazi Holocaust and calls for U.S. military intervention.

Foreign policy has become the Viagra of the aging American Political Man.

One can argue that foreign policy has become the Viagra of the aging American Political Man who finds it more and more difficult to compete for the hearts of the babes with the more virile Economic Man. At a time when the private sector is taking control of large chunks of our economy and social life and with the government having fewer and fewer resources to dispense to voters and favorite constituents in the form of welfare and other domestic spending, the Political Man can still use foreign policy as a way of wasting taxpayer money to defend our national security and as part of mobilizing the nation against this or that purported threat. Hence the growing preoccupation of our political elites with China, a convenient target that allows all the rent-seekers in Washington — human rights buffs, environmentalists, veteran Cold Warriors, democratic crusaders, economic nationalists, pro-Taiwan lobbyists, Pentagon officials — to demand that the government "do something" — impose tariffs, apply trade sanctions, pass UN resolutions, raise defense expenditures, hire more spies, so we can "contain" the rising Chinese "threat."

But when the Political Man in Washington takes his Viagra he only makes Political Men in Beijing and other places around the world more nervous, which helps create that vicious circle that produces international tensions, leading eventually to conflicts and wars, and weakening the ability of the Economic Man to maintain the growth and prosperity that we all enjoy.

It also makes America look bad. Having traveled to Europe, East Asia and the Middle East several times this year, I can tell you that neither the Chinese and Japanese, nor the French and the Russians are appealing for American leadership. Foreigners (at least those that I've met) are in love with the America exemplified by Silicon Valley, the Internet, Bill Gates, rock music, MTV, Michael Jordan, fast food. You get the idea: Free markets. Freedom of expression. A dynamic and sexy culture. What they despise is the image of Bill Clinton and Jesse Helms lecturing them how to run their lives, telling them that they should not do business with Castro, that they should applaud every time the U.S. kills a few innocent Iraqis, that they should boycott Iran even as it liberalizes its internal policies.

In many ways, I miss the Cold War. Imagine if the Rosenbergs had not provided the Soviets with those atomic secrets. Without Russia's nuclear deterrence, there is little doubt that American troops would be stationed now in Prague, Helsinki and Riga following their "liberation" by the "allied forces" and U.S. military power would be helping maintain the British and French Empires in Southeast Asia, the Middle East and Africa. Now, without the Russian strategic counterbalance, the United States is moving in that direction: Notice how the Pax Americana designs in the Middle East and Central Asia follow the path of the British Empires in those regions or how Americans are now boasting about the way American influence is replacing the French presence in sub-Saharan Africa.

My guess is that in the coming years we will see Washington continuing its relentless efforts to impose its political will and expand its spheres of influence. Where there is vacuum, you can count on American military power to force itself in and in that way to prevent the various regional players from taking care of their security needs. But eventually, as any student of Realpolitik will tell you, any quest for hegemony by one power invites a reaction by other powers. There are many possible scenarios: Iraq and Iran will go nuclear; Europe will become more diplomatically assertive; Russia and China will form an anti-American alliance; Japan and unified Korea will compete for influence in North Asia. These and other competing players are bound to challenge the United States and to test whether the American elites and people are willing to play the role of the global hegemon even if the costs are very high. We will have to wait and see. ❑

Dispute

Libertarianism Transformed

In 1988, only 10 percent of libertarians responding to the Liberty Poll disagreed with Ayn Rand's dictum that "no person has the right to initiate physical force against another human being." In 1998, fully 50 percent disagreed with the proposition. Based on this and other data from the surveys of libertarian opinion conducted by this magazine in 1988 and in 1998, *Liberty* editor and publisher R. W. Bradford concluded that there had been a substantial decline in the sort of libertarian thinking that emanated from Rand's non-aggression imperative.

At the same time, the survey showed an increase of support for the other approach to libertarian thinking — that liberty is desirable because it maximizes people's ability to flourish, to achieve their goals, and to be happy. In brief, the *moralistic* approach, exemplified by the thinking of Ayn Rand and Murray Rothbard, has lost considerable ground to the *consequentialist* approach, exemplified by Milton Friedman, Ludwig von Mises and Friedrich Hayek.

In the past few issues of *Liberty*, R. W. Bradford, David Boaz, David Friedman, Pierre Lemieux, Tom Palmer, David Ramsay Steele, and Leland Yeager have discussed the meaning of this change and debated its implications.

In this issue, three new participants join the battle: philosopher John Hospers explores the problems entailed by the non-aggression imperative; social scientist Sharon Presley analyzes the validity of the Liberty Poll, and journalist Barry Loberfeld looks at the rise of anarchism. *Liberty*'s editor R. W. Bradford, who started the controversy, comments on Loberfeld's argument.

Axioms and Egoisms

by John Hospers

According to "The Liberty Poll" (February), the Ayn Rand-Murray Rothbard model of libertarian thought — though the two are far from identical, both condemn the initiation of force as wrong — is slowly losing ground among libertarians. There are several reasons for this, of which I'll cite only one: a growing impression that the idea is not acceptable as it stands, but needs revision in the light of empirical facts.

But let's take a fresh look at this idea, and while we're at it, let's look at that other salient principle of Randian ethics, the idea of ethical egoism. For many people, these two ideas are the defining characteristics of libertarianism.

Thou Shalt Not Aggress

The non-initiation-of-force idea must first be accurately stated. To qualify as "force," the force in question must be coercively used: force agreed to by all involved parties doesn't count; otherwise boxing and some other sports would have to be outlawed. And if a woman wants to be beaten up, there is no violation of the principle if someone grants her wish. In short, whoever is on the receiving end must *consent* to the action. Instead of calling it the principle of non-initiation of force, it might be preferable to call it the principle of consent.

This still leaves us with some troublesome situations.

A devotee of Christian Science refuses to consent to any medical help for her child, even to save the child's life. Physicians offer to take measures to save the child's life, but the parents refuse. The parents are libertarians and don't want anyone to initiate force (not even to administer a vaccine), even on the child's behalf; they just want their child left alone. It comes down to a question of who has authority to speak for the child, since the child can't speak for herself.

Many libertarians, such as Rothbard, assign to the parents the role of final arbiters of the child's fate. But not all agree; I once asked Ayn Rand about parents who physically abuse their children; and she replied, though without her usual high-voltage

energy, that presumably the children should be forcibly taken from the parents, to protect the rights of the children.

In his marvelous book *Miller's Court*, Arthur Miller presents many challenging examples. A man, age 65, I.Q. 60, has an incurable medical condition accompanied by constant pain. By doing nothing, his physicians can let him pass quickly and quietly from the scene. Is this what he would want? We cannot tell, for he is unable even to understand the question. Perhaps he would prefer to continue living for the short time he would have, even in constant pain.

Informed that they are initiating aggression, they reply, "Of course we are, but so are you. You initiated aggression when you instituted a government."

If that is true, the physicians should intervene and do what they can. But he has no family or relatives, no one to speak for him. It's up to the judge, who is required by law in Massachusetts, where the case was tried, to put himself imaginatively in the place of the patient and then decide what the patient's decision would have been. But of course there is no way to do this, and the patient is mentally incompetent in any case.

Should we say that if the physicians try to ease his situation, they are initiating force against him, since they don't have his consent? But they don't have his non-consent, either. He hasn't consented, nor has he refused consent. And the same for infants and small children. Children may consent to something in the sense that they can nod and say yes, but they cannot give what the law calls informed consent.

Thomas Szasz ("Alias Dr. Death," February, p. 41) correctly observes that the non-initiation-of-force principle is, in fact, "wrong in principle and impossible to practice; indeed, doing so is a dereliction of parental responsibility." A parent must sometimes initiate force to get a child to behave — for example, to keep him from running into a busy street.

Let's concede that one needs to use some coercion with children. How does the non-initiation principle stand in relation to other adults? Consider again our 65-year-old imbecile; he might as well be a child, for all he understands. It's very difficult to know where to draw the line in such cases. Even with adults of normal intelligence, presumably it's all right to reason with them, or to use the force of one's personality to "work on them" to get them to make the "right" decision. But what about conning them with statements which one knows to be false? Or what about using your mellifluous voice to hypnotize someone, so that he will unresistingly agree to any suggestion you implant in him?

This isn't the use of force, or even the threat of force, but it's hardly rational exchange either. There are many gradations between voluntary exchange (OK with libertarians) and force (not OK with libertarians) on the other. These intermediary steps require lots of attention, which they haven't received.

In the private practice of psychiatry, therapist and patient come together, let's say, as voluntary agents; whether or not the therapy is beneficial, one could hardly complain of coercion in such a case. But, as Szasz points out, state psychiatry is different. Patients are on the receiving end of coercion — perhaps not physical attack, but threat of indefinite incarceration in undesired conditions if they do not submit to "therapy." And this, of course, if not the initiation of force, is a clear threat thereof; it is the threat that makes it coercive.

A therapist wants to give a patient an anti-psychotic drug, which has worked in thousands of previous cases to make violent patients calm and rational. But let's say the patient doesn't want the drug. "I know it will make you better," the physician says. "I've had lots of experience with it and I know it will help you." The patient still says no. I take it that Szasz would say that the therapist should not be permitted to administer the drug, and this for a powerful reason: giving it against the patient's will is a violation of the patient's autonomy. Also, if the physician does it again and again, where will the process end? That's why patients have to sign on the dotted line before surgery.

On the other hand, it seems to many therapists that administering the drug is a genuine service, something for which the patient will thank them later. They are shocked at the suggestion that they should not be permitted to perform such a simple act for the patient's benefit. Whatever the comparative merits of these alternatives, Szasz is surely right: the libertarian position is, "Don't let him do it," or better still, "Don't allow an institution to arise in which such an act is possible."

One wonders, however, whether the libertarian objection applies under all conditions.

What if the patient is prone to violence, a walking time bomb who wants to stalk and attack every girl who attracts him? This patient poses an imminent danger to others even before he has been convicted of any act of violence. What if the slightest uncomplimentary remark sets him off into a spate of aggression? Are we justified in locking him up to protect the public safety? And if locking him up is justified, what about psychological treatment or counseling, at least those forms of it that have a good track record? Can we afford to neglect this important factor in public safety? And if treatment is out, should we let him rot in jail untreated?

And what if it is to your interest to kill me, or do me some grievous harm — assuming (as often happens) that you could do so without penalty?

What if the patient is underage and can't legally give consent? Is consent required for administering an anti-psychotic drug if the patient is a minor? What if the patient is under ten? Under five? Shall we say to the therapist, "If he's underage, you can give him pills that will calm him down, never mind about his consent; but of course if he's of age, he'll have to get along without your help until he consents"? There are many troublesome questions here, which test the limits of the non-initiation-of-force principle.

Turning now from the individual to society, some other

problems with the non-initiation-of-force principle emerge. As Bradford observes, even if government uses force only to protect citizens against aggression, it must still initiate force to collect the taxes required to keep the police and the judiciary going. Thus, the non-initiation-of-force principle would require the abolition of all governments — something that Rand, for one, never proposed. But her idea of financing the government voluntarily (through lotteries, for example) is pretty well conceded to be insufficient even for a Randian limited government.

Suppose that in the U.S. the law was used only to defend victims of aggression, never to assist aggression itself. Suppose also that the police power was never misused. Suppose in addition that somewhere in Montana a few hundred people take up arms (since we all have the right to bear arms) and use force and the threat of force to destroy the current government and institute some kind of anarchist new order intended to incorporate everyone. (With a superior morality to be imposed on the rest of us by force if necessary.)

Informed that they are initiating aggression, they reply, "Of course we are, but so are you. You initiated aggression when you instituted a government in the first place, and that is what we are trying to eradicate. We are violating your principle, but you violated it first by having government at all."

I daresay that most Americans would not be impressed by this argument. We would suspect that the initiation of aggression required to maintain a limited government does not compare with the aggression which occurs when the "new Mounties" try to enforce their morality on the rest of us. But the Mounties insist, "We are using aggression only to fight the aggression you initiated. Opposing its initiation by anyone is what libertarianism is all about!" But are the two alleged initiations comparable?

Let's try an authentic historical example. When Hitler retook the Rhineland in 1936 he was operating on bluff: the French could have retaken the territory in a week, and probably thereby have avoided World War II. If they had, would they have been initiating aggression? That depends on who is the aggressor — a matter of some dispute. Germany's action was a violation of the Versailles Treaty, but that treaty was as coercive as anything could be — why should Germany have accepted it? Were the Germans simply "retaking their own territory"? And what is the criterion for determining what constitutes "their own territory"?

The problem is endless. Peaceful takeover of territory from one tribe by another is the exception rather than the rule throughout history. Most of the world's land is possessed by those (or the descendants of those) who took it by force. Surely the European settlers in America initiated force against the native Americans. (Of course, it doesn't follow that "we should give it back now," hundreds of years later, when Europeans have meanwhile worked the land and built homes, and so on. And it doesn't follow that we shouldn't.) What tribe or nation hasn't initiated force at some time, and taken what didn't belong to it? That's why it's so depressing to see ancient ruins. They stand as mute testimony to the fact that while some people wanted simply to go on living peacefully, others who coveted their territory armed themselves and took over that territory, killing or enslaving the inhabitants. Initiation of force against others has been the most consistent theme throughout human history (not to mention the history of the animal kingdom).

What should we do — desist from the initiation of force as of this moment? And should we do this without regard to past history? We can always claim with some plausibility that we are not initiating force but only retaliating against its prior use by others — and usually we'd be right. And they would probably be right in claiming that they were responding to the prior initiation of force by still others.

"Let's put an end to aggression right now" may seem like a good way to put a stop to the seemingly endless process of aggression, but ending it without reference to how it got that way may only pave the way for further aggression in turn. Surely if I have felled the trees and cultivated the land and someone takes it away from me, I am entitled to fight to get it back, am I not? Yet what is it that makes it mine, when previous occupants throughout the ages have also mixed their labor with the same land, only to suffer removal or extermination for their pains?

It won't do to say that it never is to your interest to harm me; there are too many examples, not hypothetical but actual, of people profiting at other people's expense.

Thou Shalt Serve Thine Own Interest

Our second example of a libertarian principle that many people consider in need of amendment or qualification — or at least more careful interpretation — is the Randian principle of ethical egoism. According to this principle, one should always act in such a way as to promote one's own interests — or one's own happiness, or maximum satisfaction, or rational fulfillment; there are many formulations.

Note its obvious limitation: the principle cannot plausibly say that you should do what *will* promote your happiness or well-being, since unexpected contingencies such as a car accident or the death of a loved one may intervene in one's course of action to prevent the desired happiness from occurring. At best, the principle can be stated in terms of probabilities: one can say that one should choose the course of action which *at the time of acting* will *probably* (in the light of the best evidence available at the time) maximize one's happiness.

Ethical egoism in some form is accepted by most Objectivists and by very many, but not all, libertarians. Presumably a libertarian can be as altruistic as he wants to: he can earn money and give it all away if he chooses, as long as he does not become a burden to others. Even so, of course, there would be limits to his altruism. Imagine a society of altruists in the light of this one example: A is given a ticket to a concert that she very much wants to attend; but she is an altruist, and others' interests always come before hers, so she gives the ticket away to B in an altruistic act of self-sacrifice. But B is also an altruist, and gives the ticket to C, who as an altruist gives it to D, and so

on. In the end no one uses the ticket. Presumably a consistent altruist would not even accept food if offered, because "the interests of others come first," and there are always others. A consistent altruist would not live long. By contrast, utilitarians hold that one should always do what promotes everyone's well-being ("the general good"), counting oneself as only one of many.

But suppose we try to be ethical egoists and always do what is in our own interest. Normally this is construed to mean "long-term interest," although many people seem in fact to be short-term egoists: they form habits today which in the end will kill them or cause long-term painful illnesses. A wise egoist will weigh the short-term pleasures of smoking against the long-term danger of lung cancer and so on, and refrain from smoking. Attention to long-term self-interest is called *prudence*, and our egoist will be inclined to be prudent.

It is a highly modified version of egoism that Objectivists and many libertarians have in mind: that a person should do what is to his or her own interest only as long as doing so does not infringe on the rights of anyone else.

Such an egoist must be careful not to confuse ethical egoism with psychological egoism, as countless undergraduates do until the confusion is pointed out. It is often said that we are all psychological egoists, that we always do what we think will promote our own happiness or well-being. But as an empirical statement this is simply false. There are people who are knowingly bent on their own destruction, and many others who do what they know to be painful or excruciating to themselves, often out of a sense of duty. I may respond to the phone call of an acquaintance by going out and changing his tire ten miles away at 2 a.m., although I may get no satisfaction from doing it, either then or later (not even the satisfaction of thinking "Well, I've done my duty," supposing that I am an ethical egoist and didn't consider it a duty in the first place). There are so many exceptions to psychological egoism that as a theory it is simply hopeless. Nevertheless, ethical egoism might still be true.

Ethical egoism says nothing about the effects of one's action on others. Of course, if harming someone else brings you dissatisfaction or guilt, you might not do it, but in countless cases it has no such effect, and then there is nothing in ethical egoism to prohibit it. If A's harming B will in turn lead B to harm A, then A, out of self-interest, shouldn't do it; but of course there may be no such effect, and if there is no reason to believe that B will return the harm (for example if B doesn't know who has caused it), there will be no reason to refrain. People constantly cause misery to others, advertently or inadvertently, and often this doesn't bother them as long as they get what they want out of the situation.

Some principle of Karma is often assumed — that if you don't do well by others they won't do well by you — but if it works at all it does so by fits and starts. If I have committed a crime for which someone who is innocent is now serving time, it may be to my interest to say nothing and enjoy life on the outside, leaving him to rot in prison for 20 years. Even if I feel guilty about this, can one be quite certain that the guilt-feelings I have would be so protracted and intense as to outweigh the misery I would experience if I turned myself in and spent the 20 years in prison in his stead?

Rand pointed out that an act should not be deemed a sacrifice if it is an exchange of a lower value for a higher one (in the person's hierarchy of values): it's not a sacrifice for the mother to do without new clothes if she values her daughter's education more than she does the clothing; she is acting in her own long-term interest in putting her daughter through college. Nevertheless people often do perform acts which are really sacrifices (wisely or not); for example they often help perfect strangers at great cost to themselves, or devote their lives to causes which bring them no joy.

An egoist — at least as described thus far — would probably say, "Why do it? If you don't get any benefit from it, don't bother." David Hume gave the classic hypothetical example: Why should I so much as bother to lift my finger in order to save a civilization, if the survival of that civilization means nothing to me? Many people would be shocked at the thought — they are not egoists; but shouldn't an egoist say just what Hume suggested? If so, what do you think of egoism now?

Now, however, comes a complication. Thus far, I as an egoist believe that I should always try to maximize my own interests. But egoism is not just for me — it's for everyone; it is presented as a *universal principle* of human action, a precept that everyone should follow. Not only I, but everyone, should be an egoist. You should do what is to your interest just as I should do what is to mine. And what if it is to your interest to kill me, or do me some grievous harm — assuming (as often happens) that you could do so without penalty? If it is to your interest to harm me, should you as an egoist do so? And should I as an egoist believe that that's what you ought to do? Maybe I shouldn't encourage you to do it, but shouldn't I at least believe that as a consistent egoist you should harm me to promote your own interest? Shouldn't you pursue your self-interest no matter what?

It won't do to say that it never *is* to your interest to harm me; there are too many examples, not hypothetical but actual, of people profiting at other people's expense. (Consider for example the victors in war.) No, it is a highly modified version of egoism (if one can still call it egoism at all) that Objectivists and many libertarians have in mind: that a person should do what is to his or her own interest *only* as long as doing so does not infringe on the rights of anyone else. The rights of others thus restrict one's own actions. And this is a severe restriction indeed: even if it would be to my interest to kill you or kidnap you or cheat you, I must not do so because by doing so I would violate your rights. If my rights protect me against your predation, your rights protect you against my predation; it goes both ways.[1]

But it is not always clear which acts are a violation of rights. If I have been waiting on my sick mother the night before the final exam, and I cheat a bit (in a class of 100 where it won't make much difference) so that I can graduate, am I

violating your rights, and those of everyone in the class?[2] If I cut down your elm trees (when you won't) to keep elm disease from spreading to my trees, am I violating your rights? Weren't European settlers violating the rights of American Indians by forcibly taking over land that the Indians inhabited? And so on. In any case, let us take a Randian view of rights, whatever that entails about particular cases, and present Rand's view as one of self-interest with the proviso that one's self-interest must never be allowed to violate the rights of others. Rand seems to have held this view right from the beginning of her career; here is a passage from a paper she wrote in 1940:

> Either you believe that each individual man has value, dignity and certain inalienable rights which cannot be sacrificed for any cause, for any purpose, for any collective, for any number of other men whatsoever. Or you believe that a number of men — it doesn't matter what you call it: a collective, a class, a race or a State — hold all rights and any individual man can be sacrificed if some collective good — it doesn't matter what you call it: better distribution of wealth, racial purity, or the Millennium — demands it.[3]

In thus voicing her most deeply felt convictions, she does not mention egoism. There is no doubt that she believed that any society would be better off if it incorporated respect for rights into its constitution — the alternative, she thought, would be totalitarianism, with misery for everyone. But it is less clear that every individual case of rights-violation would be against the prudent and farsighted interest of the violator. In other words, it is more certain that rights-violation is always wrong than that it could never be to one's self-interest to violate someone's rights in a particular case. That is, respect for rights should triumph over egoism "when it comes to a crunch."

One can assert, of course, that "it never under any circumstances pays to violate the rights of another." But this, I submit, is fantasyland. People violate the rights of others all the time, with impunity, both in the short term and in the long. Stalin died in his bed, without being punished for the millions of his subjects who were tortured and killed at his command. Are further examples necessary?

One can assert, of course, that "it never under any circumstances pays to violate the rights of another." This, I submit, is fantasyland.

Rand also presented her view in a somewhat different way: that (1) I must not sacrifice myself for others (this is the principle of "traditional egoism" from Epicurus to the present), and that (2) others must not sacrifice themselves for me. It is the second half that distinguishes Rand's view from traditional egoism, for in traditional egoism there is no reason why others should not sacrifice themselves for me as long as I can profit by their sacrifice. Indeed, the second half is so essential to the whole view that one may well doubt, however much of an improvement it is over traditional egoism, whether it should be called egoism at all. It is surely a far cry from traditional egoism.

It is important to end — or at least to bring under some humane control — the cycles of aggression and retaliation all too characteristic of human beings, and the inhumane sacrifices that ideologies across the spectrum seem bent on demanding. But as long as the enemies of coercion — that is, libertarians — present their views in a simple unqualified form, their efforts will lack full persuasiveness. ❑

Notes

1. Described in detail in John Hospers, *Human Conduct* (Harcourt Brace 1996), Chapter 3, "Ethical Egoism."
2. A related view, called rule-egoism, is discussed in op. cit., end of Chapter 2.
3. Ayn Rand, "To All Innocent Fifth-Columnists," in *The Journals of Ayn Rand*: New York, Dutton, 1997, p. 349.

Morality, State and Anarchy

by Barry Loberfeld

I don't want to argue the point. OK, so libertarianism's Mises-Hayek flank is waxing as its Rand-Rothbard flank is waning. Fine. I'm not even going to ask about the difference between a "general moral principle" and a "moral imperative." What interests me is what this development of the consequentialist vs. natural law conflict means for another dispute that has divided our movement — minarchism vs. anarchism.

The former was responsible for the latter. Ayn Rand first stated the natural law position in terms that no one could mistake: No man has the right to initiate the use of physical force against another man — which, we were told, left us no alternative to limited government.

Now, this didn't seem to cause too many people too many problems, at least not until a skinny kid named Roy Childs came along with an "Open Letter to Ayn Rand." With the boldness of youth, he challenged her to resolve the "contradiction in Objectivism": How could a (so-called) limited government maintain its existence, i.e., its "monopoly on the use of retaliatory force," *without* initiating force against others, viz., competing, private agencies of retaliatory force (e.g., free-market police corporations)?

Rand responded not by answering but by excommunicating. Childs's subscription to *The Objectivist* was canceled, his name was removed from the mailing list, and his money ("the unused portion") was refunded. This evasion was the "official Objectivist" line right up to *Objectivism: The Philosophy of Ayn Rand* (1991), in which Rand's "intellectual heir" Leonard Peikoff, while purportedly confronting the question of "anarcho-capitalism," failed even to recognize (let alone rebut) Childs's point (371-3). So for many Rand-flank libertarians, the choice was clear: join Childs in embracing anarchism — or share a hole with an ostrich.

But let's check that premise: can one *ever* coerce? Well, look at it this way: can one ever *lie*? Yes, according to Peikoff himself: "The principle of honesty, in the Objectivist view, is not a divine commandment or a categorical imperative. It does not state that lying is wrong in itself and thus under all circumstances . . . Lying is absolutely wrong — under certain

conditions" (275). But under other conditions, it is absolutely right. And the truth is that we all recognize this and are all aware of these conditions, from the trivial ("Honey, ya look great!") to the vital ("*Nein*, Commandant, there are no Jews here").

Now would one really care to claim that this approach undercuts the principle of honesty per se? Could it legitimately be mocked as saying, "Never lie! Unless, of course, you really *need* to lie . . ."? Are we to concede that if you can lie to the Gestapo, you can lie to anyone? To answer affirmatively would be no less absurd than assenting to the notion that one must let go of the flagpole he has grasped to break his fall if the owner comes out and demands that one do so (or whatever the scenario was). The point is, what holds for the principle of honesty holds for the principle of liberty. To my mind, the real "contradiction in Objectivism" was Rand's welding of an intrinsicist valuation of noncoercion (though she did not recognize it as such) onto a contextual theory of value. Rand held that because principles must be applied contextually, in some cases it may be moral to lie. But, she argued, under no circumstances whatsoever can one "initiate force."

Virtually every reflective young Objectivist whom I knew in those days — and I knew dozens of them — was troubled by the apparent contradiction between Rand's ethics and her politics.

And the upshot of all this? For one thing, it transforms Childs' argument into (and thus buries it as) a reductio ad absurdum of Rand's ideas about the noninitiation of force.* For another, it brings a measure of sense to the distinction between a "general (i.e., contextual) moral principle" and a "moral (i.e., categorical) imperative." But most of all, it means that we don't have to throw the baby of principle (natural law) out with the bath water of intrinsicism — and then adopt pragmatism. It is nature that generates (or "legislates," if you will) the contexts within which human action occurs — including both general conditions *and* "special situations;" it is the convention of intrinsicism that arbitrarily denies that distinction.

And pragmatism, as Peter Viereck used to say, just isn't pragmatic — how can we "go with what works" when we don't know what we're supposed to be working for? Am I the only one who remembers Rand's example of the school class who preferred a society in which all are equally impoverished over a heterogeneous society whose "poorest" member has more than any member of the other society would have? How would a consequentialist, following Mises, respond? Would that person say, Stick with socialism, if that's your goal?

It's better for us to define a context for the morality of noncoercion than to jettison morality altogether. I'm not willing to tie the market for liberty exclusively to the market for bigger bathtubs: those who forget the history of laissez-faire advocacy are condemned to repeat it. Ah, but what if a contextually-applied noncoercion principle ruled out not only anarchism but minarchism as well? Then *good*: I don't believe in putting the cart of politics before the horse of ethics.

All right, so I did argue the point. ❑

* Childs himself eventually came to acknowledge the absurdity of anarchism. In an unfinished essay in the posthumously published *Liberty Against Power* (1994), he conceded that he had "*never* written anything about how free market anarchism would work." It was apparently the forever-fluid nature of this ideal that ultimately crystallized his "conviction that anarchism functions in the libertarian movement precisely as does Marxism in the international socialist movement: as an incoherent and therefore unreachable goal that inevitably corrupts any attempted strategy to achieve it" (p. 181).

In the Beginning, There Were Anarchists

by R. W. Bradford

Barry Loberfeld credits (or blames) Roy Childs for introducing anarchism into the modern libertarian movement by challenging "the contradiction of Objectivism" in a 1968 essay.

At the price of coming across as an old fogey, I confess to having been active in the "modern libertarian movement" well before Childs's essay was published, and I can assure you that both the Objectivist "contradiction" and the anarchism that was consequent on its identification existed in the movement well before his essay. Indeed, I believe that anarchism was more prevalent in the libertarian movement in the mid-1960s than it is today.

Its origin is easy to determine. Anarchism is directly entailed by the common libertarian assumption that it is always wrong to initiate the use of force. How can any group of people impose the rule of law on anyone without initiating force — let alone collect taxes to pay for the institution of government?

In the mid-1960s, the thinking of Ayn Rand was far more influential on libertarians than it is today. And Rand's ethical dictum that "no man may *initiate* the use of physical force against others" was widely accepted by libertarians. Rand derived from it the conviction that the power of government must be limited to the defense of individual rights. It was obvious to her and her followers that the dictum prohibited taxes. So the question arose: how was government to be financed? Rand rejected the notion of supporting it by donations, presumably on the ground that doing so would be altruistic and therefore evil and anti-life. Instead, she offered a couple of suggestions. Government might subsist on lotteries and on fees for the recording of contracts.

Neither proposal satisfied her more thoughtful readers. Why should all contracts whose signers refuse to pay an arbitrary fee to a monopolistic institution be considered unenforceable? And wouldn't a state lottery need to offer less lucrative payoffs than private lotteries, if the proceeds were expected to support a government? If so, why should anyone play in the state lottery? Yes, people might be willing to buy its tickets anyway, knowing that they helped support the government. But wouldn't that be an act of altruism?

Virtually every reflective young Objectivist whom I knew in those days — and I knew dozens of them — was troubled

by the apparent contradiction between Rand's ethics (her prohibition on the initiation of force) and her politics (limited government). A few were willing to accept her obfuscations on the issue, but the overwhelming majority were unwilling to evade the problem. Virtually all these people became anarchists.

I became an anarchist in late 1965 and remained one for perhaps a year. What sprang me from my anarchist prison was my commitment to reason. Like any good, young Objectivist, I was convinced that Rand's philosophy was logically rigorous, except for her peculiar error about government, and that any rational person would inevitably come to this conclusion if presented with the argument in a systematic fashion. Unlike most other boy Objectivists, however, I was studying philosophy and had the very good fortune of having a neo-Thomist as my academic advisor. While he and I (and Rand) had a great deal to agree about (i.e., nearly every issue in metaphysics and epistemology and even psychology), we disagreed radically about political theory. He was a conventional left-liberal, while I was a wild-eyed radical libertarian-anarchist. I liked him a great deal, and, as a benevolent person, I wanted to share with him the truth and beauty of my own beliefs.

I realized that Rand's argument was a bit, well, poetic in nature; and since it was dispersed through a number of essays and passages in her novels, I could see that someone could have difficulty following it. So I set about to reduce the argument to cold, hard syllogisms.

It was tough going, but I had a lot of intellectual energy and time on my hands. Alas, I never finished the task. Along the way I discovered a critical obfuscation in Rand's derivation of the non-initiation principle: she changed the definition of "rights" in the middle of her argument. I won't bore you with the details; suffice it to say that I came to believe that the flaws in Rand's argument were fatal, and I left the Objectivist-anarchist fold. I still considered myself a libertarian, that is, an advocate of greatly increasing individual liberty and greatly reducing government power. But I wanted

The Statistics Don't Lie

The recent Liberty Poll has apparently stirred up a bit of controversy. This is not surprising: given the controversial nature of the results, controversy is to be expected.

I have a few observations to make about the Liberty Poll that are unrelated to my opinion about the outcome. I am one of those old-time moralists influenced by Rand and Rothbard, so I found the results somewhat distressing. But I am also a social scientist trained in survey research methodology, so I can make a claim to some impartiality.

Basically, I think the survey is OK.

Unless a survey taker has the financial and organizational resources of a Roper or Gallup Survey (or a government grant!), something social scientists rarely have, certain rules of practicality must prevail. If only surveys with thousands of respondents were acceptable, very little survey research would be done! From a methodological point of view, a sample size of 600, as in the recent Liberty Poll, would be considered quite acceptable and its response rate of 35% excellent. Even the smaller 1988 sample is not per se problematic. In my judgment, those who decry the results on the basis of small sample size simply do not understand survey research.

The more important questions are validity (does it measure what it sets out to measure?) and representativeness (does the sample accurately reflect the characteristics of the larger population from which it was drawn?). I doubt that there are too many people who think the questions asked were the wrong ones, so I'll pass over the validity question. I have no particular problem with the questions (although I would have preferred a 5-choice agree/disagree rating system rather than a simple yes or no).

So what about representativeness? Both the 1988 and the 1998 poll collected data from the same two sources: the readership of *Liberty* and the Libertarian Party. Since the 1998 survey used a combination of self-selection from the survey printed in the magazine (a common and accepted practice) and a random sampling procedure called systematic sampling (every nth subscriber), matched for geographical location and length of subscription, and had an excellent response rate, the criticism in regard to a self-selecting sample is weak.

So, does the Liberty Poll adequately represent the entire libertarian movement? No. Does it adequately represent *Liberty* readers, who constitute a significant and important part of the libertarian movement? Yes. (If I were doing a survey of the libertarian movement, it would be my first choice to sample). Since the main comparison was between readers of *Liberty* in 1988 and 1998, I don't see a problem.

As a social scientist, however, I'm a little troubled by the lack of sophisticated statistical analysis. Reporting and comparing percentages isn't the whole story. Contrary to the layperson's common notion, just because there is a difference doesn't necessarily mean that the difference is meaningful, i.e., that it did not occur by chance. Statistical procedures to determine whether any differences found are a result of chance variation or meaningful differences unlikely to occur by chance are, of course, required by academic scientific journals. But *Liberty* isn't a scientific journal. Given that caveat, and given the relatively large sample size, I think it is safe to say that the larger differences (say, 5 percentage points or more) probably didn't occur by chance. Differences of less than 5 percentage points should, however, be treated with caution.

Bottom line: I think the Liberty Poll is a meaningful survey that adequately represents an important segment of the libertarian population. The fact that some of us (including me) are troubled by the results is just tough. Political movements are always and inevitably in a state of flux. The pattern of moving from a small cadre of purists to a wider range of more practical activists is the norm. That's why these results are not surprising to me. Perhaps the real question for the moralists and consequentialists alike is, can we all work together to make significant strides toward a freer society, even if it is not the perfect society? —Sharon Presley

to do without the absolute moralistic prohibition on the initiation of force, and I wanted to do without anarchism. For my senior thesis, I wrote a lengthy paper explaining what I saw as the contradiction in anarchism and elaborating a quite different rationale for radical libertarianism. I won't bore you with that either.

The point is that all this happened well *before* Roy Childs's essay was published in 1968. Indeed, I was involved in several conferences (some formal, some informal) and a nearly infinite number of bull sessions with other young libertarians and Objectivists in which we discussed these issues at very great length. I was also involved in Objectivist study groups in two different Michigan cities, where anarchism was a frequent topic of discussion.

When I showed a draft of this comment to some of the young punk editors around here, they naturally asked whether any of the punk Objectivists of those olden days published anything about the matter before Childs did. I don't know of any, for the same reason that I don't know of any who were busy publishing articles arguing that the sky is blue: the issue was simply not controversial. Most young libertarians or Randians understood the problem very well.

I am, however, able to cite one published discussion of the subject: "The Nature of Government," by Ayn Rand, published in the December 1963 *Objectivist Newsletter*, in which Rand notes that "some people are raising the question of whether government as such is evil by nature and whether anarchy is the ideal social system." She then criticizes that view. The only problem is that she entirely ignored the argument for anarchism — because, one suspects, it proceeded inexorably from her own premises.

Whether that suspicion is justified or not, one point is plain: a considerable number of people who read Rand and critically examined her political philosophy were committing the heresy of anarchism at least as far back as 1963, long before Childs entered the picture. ❑

"Uniform Code of Silence," *from page 28*

"don't ask, don't tell" attitude healthy? Was the nation well served by the unquestioned timidity of its highest ranking military leaders? A somber granite wall in Washington, D.C. cries out it was not.

Article 88 creates a tormenting cognitive dissonance in officers who take their code of professional ethics seriously. The Army maintains a highly touted set of "Army Values" — honor, integrity, courage, loyalty, respect, duty, selfless service. The succinct West Point honor code that dictates a cadet "will not lie, cheat, or steal nor tolerate those who do" is but one expression of this ethical code. Many cadets in or just out of their teens have been punished or dismissed from West Point and other military institutions because a fellow cadet was sworn to report his classmate's impropriety. Yet once a cadet is commissioned as an officer in the real Army, how can a cadet live up to these standards if his superior officers must supinely refuse to criticize the president? Are we to expect young cadets to be more principled, both in their personal actions and oversight of peers, than seasoned officers?

It is counter to professed Army Values to remain silent in the face of certain irrefutable truths and unacceptable actions. It defies logic, mocks justice, and insults the democratic ethos to maintain regulatory restrictions that proclaim, "The truth or falsity of the statements is immaterial."

When a person takes his oath as a soldier, there is no reason for him to abandon his constitutional right as an American citizen to tell the truth about his commander in chief. ❑

"The Dictator as Hero?" *from page 32*

How many dictators have held a referendum to allow the people to decide if they should stay in power? How many, after receiving nearly half the vote to continue, would voluntarily step down? I cannot think of another example.

Nor was there a general amnesty to cover all alleged abuses of the era. Pinochet himself has immunity derived from his position as a Senator. But others were prosecuted; the secret police chief, General Contreras, remains in prison after his conviction for human rights abuses.

Towards the end, many Chileans thought that the military had achieved its purpose and had perhaps overstayed its welcome. But most Chileans still believe that Pinochet and the other military leaders saved Chile, politically, militarily, and economically. There is good reason to believe that, by example, he also saved Latin America from communism and economic chaos, helping it achieve the free markets and democracy that it largely enjoys today.

Whatever excesses he may be personally responsible for, abuses for which he will one day answer to God, Augusto Pinochet is a hero to much of his country, and he should be to the rest of the world. ❑

"Learning From the Balkans," *from page 26*

and Economy (1919, translated 1983), activist government invites tensions in ethnically mixed territories; and democracy may only make matters worse. (Mises developed his points mainly with reference to the Austro-Hungarian Empire and parts of Prussia.) Where government has many jobs and other favors to grant or withhold and much power to redistribute wealth, controlling government is important. Even if ethnic groups do not hate one another, mutual fear can poison the atmosphere and prompt preemptive action. Collectivist thinking regards parcels of real estate as belonging to countries as such — to governments — rather than to individual private owners. (Israel's expropriation of properties of Palestinians sets a bad example.) A solution lies in protecting broad areas of life from state control. Separate church and state, school and state, arts and state, business and state. Protect individuals and their property by clear and secure law and an independent judiciary.

Preaching libertarianism will not solve the immediate problem of Kosovo. Libertarian ideas may never prevail, but they are the world's best hope; and showing their relevance to problems like Kosovo is instructive. ❑

Reviews

***The Noblest Triumph: Property and Prosperity Through the Ages*, by Tom Bethell. St. Martin's, 1998, vi + 378 pages.**

A Paean to Property

Martin M. Solomon

My professor borrowed a student's watch during my first class of property law. Waving the watch in our faces, he taunted us to explain why he should return it to the student. We could not.

This little experiment was aimed at jolting our thinking: out with traditional modes and in with the social value of property! If property is not definable, then the rights of private owners can be controlled with zoning, progressive taxation, preservation, condemnation and other programs needed to ensure use in the public interest.

In *The Noblest Triumph*, Tom Bethell offers an antidote to my old professor's "deconstruction" of private property. And more: He takes on all comers, defending property on economic, political and moral grounds. He sees the war over property as a Manichean struggle between the forces of righteousness and the forces of sin. But his purpose is not merely defensive: He makes a positive case for property, synthesizing law, economics, history, philosophy, and political science into a comprehensive and generally coherent argument.

On page 3, he boldly states:

> [W]hen we . . . make legal relations the bedrock upon which the bridge of economic analysis must be based, we can look at many historical events through new eyes. The great explanatory hypothesis of history then becomes: When property is privatized, and the rule of law is established, in such a way that all including the rulers are subject to the same law, economies will prosper and civilization will blossom.

This may be powerful rhetoric, but even Bethell suspects it overstates his case. Only six pages later, he proposes a less sweeping (and more easily defended) thesis:

> But there are four great blessings that cannot easily be realized in a society that lacks the secure, decentralized ownership of goods. These are: liberty, justice, peace and prosperity. The argument of this book is that private property is a necessary (but not sufficient) condition for these highly desirable outcomes.

Bethell shows how these four macro blessings flow from the "micro" effects of individual property transactions. "Property" is, after all, derived from "proprius," the Latin adjective meaning "own or particular."

Bethell laments that property has fallen into intellectual disrepute and suggests that one cause of this is the view that man is perfectible, and thus that selfishness can be eliminated under the "proper" conditions. Examining the effects of communal and socialist arrangements, he finds that selfishness (in the sense of greed) is not reduced; rather, it is converted into murder and theft.

Trinity of Property

Bethell broadly classifies property into private, communal, and state — the Good, the Bad, and the Ugly — and traces the history of its various forms. Of particular interest are his discussions of property under the Roman Empire, which had tremendous respect for private property, but tolerated slavery and other legal inequalities. The land reform of the Gracchi was the precursor of modern land reform. England, which shared the Roman respect for property, added equality before the law. Locke's theory of the sanctity of private property, the Enclosure Acts converting the commons to individual tracts, and the rule of law allowing an owner to act and retain the fruits of his work, combined to make England the world's wealthiest nation.

The great classical economists revered property, but took it for granted. When the attackers came, property was undefended.

Bethell provides a sound operational definition of property in a desirable legal environment. It is a bundle of rights in a thing, including the five rights to use, to prevent others from using, change physically, to enjoy the fruits of, and to transfer title to (19). Only the owner controls the separation of these rights, and initially these rights are unrestricted (22). Bethell is aware that rights must be exercised so as not to interfere with the rights of others (22).

If private property is the Good, communal property is the Bad. Bethell describes the failures of communal

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arrangements at Plymouth and Jamestown. When all output went into the common store, the settlers starved. After individual plots were assigned, production greatly increased. (Thomas Dale of Jamestown and William Bradford of Plymouth are the privatizing heroes of this saga.) Bethell explains the economics of the commons, where people do not produce because they do not bear the costs and do not reap the benefits of their acts, and opines that most modern advocates of communes have a religious impulse transferred to a secular setting. Otherwise, they would see no benefit in their supposedly progressive cause.

Bethell then confronts the twin evils of communal and state property in pure form. Bethell considers the idea of common ownership Very Bad indeed. Robert Owen was a successful manufacturer who saw property, religion, and marriage as warping the development of humanity. His commune at New Harmony, Indiana collapsed because people had no incentive to work. In contrast, religious communes such as the Rappites' had long-term success, because their religious solidarity gave incentives to produce in place of self and family.

State property, exemplified by the Soviet Union, is the Ugly. The basic defect is that one person or a small group of people necessarily lacks the information to make rational planning decisions for a nation. Only prices, a concomitant of private property and the market system, can transfer the needed information about what needs to be produced, and in what amounts. With the related failure to tie rewards and penalties to production, instead of ideology or obedience, the Soviet Union was an economic fiasco.

Battlefields of Property

The great classical economists revered property, but took it for granted. When the attackers came, property was undefended. John Stuart Mill began the onslaught by writing that human redistributionary laws could equalize distribution of resources without affecting production. Marx assumed that the abolition of property would occur, because of historical forces, and did not discuss the problems that might arise from state ownership. Alfred Marshall, the most influential neoclassical economist of his day, concluded that property was not essential, because human nature could change to selflessness.

As Bethell shows, however, property institutionalizes justice, because it links benefits and costs to the owners' acts. The modern notion of social justice, in the market, is related to another principle — income distribution — an incoherent principle, because there is no distributor in the marketplace; you need a state for that, and state redistribution brings in all the problems of decision making to which I have just alluded.

State power also brings up the problem of state intrusions on individual rights; that is, on those aspects of persons belonging to them in consequence of their nature. Life, liberty and property are the most fundamental rights. Bethell aptly quotes Trotsky: "In a country where the sole employer is the state, opposition means death by slow starvation" (179). Civil liberties cannot exist without the private property to print and otherwise distribute opposing ideas.

Bethell's property analysis suggests to him the importance of patent and especially copyright law, particularly law occasioned by the computer revolution. Digital copying has called forth greater efforts to protect information from copying, thus keeping private property from becoming communized.

Bethell sees the war over property as a Manichean struggle between the forces of righteousness and the forces of sin.

Bethell contrasts these generally successful adaptations of law with legal regression in the field of natural resources. Public ownership and regulation have increased, to the detriment of sensible resource management. Forest Service road-building to support uneconomical logging, prohibitions on the resale of subsidized water owned by farmers, strict anti-poaching rules "protecting" destructive animals, and lack of clear title for rainforest lands — these are all examples of the lack of stable and protected property rights

that would encourage thrifty husbandry of natural resources.

Natural resources are not the only problem. Statist (anti-property) trends include zoning, urban renewal, loss of respect for contracts, and environmental takings (especially to protect endangered species). Calling taxation a property issue, Bethell sees the intellectuals joining with officials to tax what they can, keep some of the proceeds, and redistribute the rest to privileged recipients.

But there is also good news! R.H. Coase shook up officials by showing that property rights in airwaves were feasible. Thus, Federal Communications Commission assignment of frequencies was not needed. Coase also showed that clear definition of property rights would resolve pollution and other tort problems, if there was no transaction cost. With Richard Epstein's *Takings* as an additional spur, the climate changed. The Supreme Court looked more seriously at property cases and in 1987 actually invalidated a law requiring an owner to give an easement in exchange for a construction permit.

Bethell's final chapter is mostly about China. Under nominally socialist rule, the Chinese people have moved toward private property for 20 years. In effect, they have had the biggest tax reduction in history. The change in agriculture was gradual, from pure state farms, to production teams (which kept all output that exceeded the quota), to family contracting, and finally to private plots. Similar development occurred in industry. There is still little political freedom, but that is acceptable to Bethell in part because the many poor Chinese might vote for welfare and other programs interfering with property rights.

Missing Concepts

This is, on the whole, a very impressive book. But there are several areas in which I found room for improvement.

Bethell refers by name to property on most pages, to contract often, but to tort . . . never. He does refer to individual categories of tort. While he recognizes the importance of exchange along with use, he never explicitly states that by private property he means rights in ownership (property as such), contract (agreements involving services, real and personal property), and tort (protection from damage by trespass or nuisance, or other things). This triad is, however, implied in Bethell's definition of property as a bundle of at least five rights (19), and Bethell links property rights, contracts and an independent judiciary (2). Add the need for a well-functioning criminal justice system and defense to protect property from aggressors, and you have something like the minimal state of laissez faire. So every time Bethell writes "property," you can think of the minimal state — although he could certainly have made this clearer.

Bethell divides property into private, communal, and state (25). This classification is not satisfactory on two grounds.

Legally, title is either in the state or in a private person or persons. Private property is either owned in *severalty* (completely individually) or jointly (with various degrees of sharing of rights and duties). Communal property is either state property (like the kolkhoz in the Soviet Union) or private property (like Owen's New Harmony). In the lat-

Jurassic Horde Whisperer of Madness County

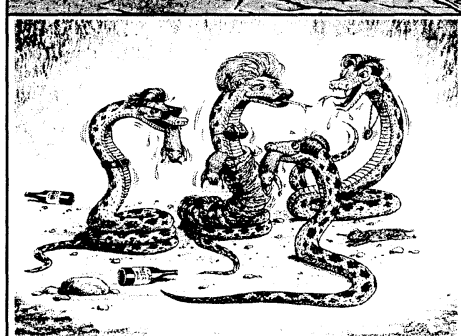

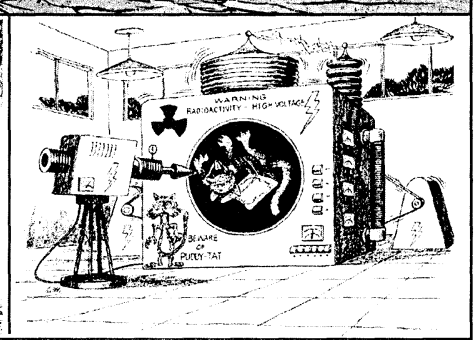

This new novel by Titus Stauffer is a wacky tale of lawyersaurs, Quart Low Trackers, Ale Run Hubba-Bubba and His Church of Omnology, Panderwood, and officials at THEMNOTUS and NADGRAB run amuck. A tale so utterly bizarre as to defy all rationality. A tale beyond belief.

But then we get to the annotated end portion of the book and we see that ***Jurassic Horde Whisperer of Madness County*** is based on FACTS - facts too irrational, crazy and destructive to be pure fiction. Church, State, media, and Hollyweird have provided all the madness spoofed here. Fun, yes, but also a disturbing warning about how destructive irrationality runs rampant in our modern, supposedly enlightened scientific age.

Other works by Titus Stauffer: ***Bats in the Belfry, By Design*** is a near-future hard science fiction novel about a U.S. weapons designer who regrets helping a freedom fearing government. ***Freedom From Freedom Froms*** is a sequel which continues to throw pointed barbs at many who fear real freedom.

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ter, private parties choose to arrange their affairs with joint rights and duties to the same property, but the property remains *private*.

Second, there will be functional differences between the state-owned and privately owned communes. Bethell is correct in thinking that, absent extraordinary religious or other motivations, any communal arrangement is likely to be less productive than property held individually. This follows from people's inability to internalize benefits and costs in a commune. But state-owned communal property is far worse; it is a hybrid subject to the additional deficiencies of statism.

Bethell broadly classifies property into three categories: private, communal, and state — the Good, the Bad and the Ugly.

The most frequently recurring theme in *Triumph* is the relationship of religion to property. Bethell makes many fascinating observations about their diverse interconnections. Unfortunately, he never unified these observations, and the index did not list them in a useful manner. Beyond scores of direct references to religion, he also cites Adam Smith's reference (93) to the "sacred rights of property" and himself refers to "the great blessing of private property" (162). Rappites, Moslems, Catholics, dissenting Protestants and militant atheists are all treated separately. With all this religious content, a short synthesis would have been very helpful.

So would a sharper analysis of some issues connected with religion and morality. Bethell observes that one of the "trouble spots in the Koran" is its " countenanc[ing of] polygamy and divorce" (237). In what way is divorce inconsistent with private property? If a marriage is unsatisfactory to one or both partners, particularly when there is a large difference in their assets, the only resolution consistent with clearly defined property rights is a complete separation of interests by divorce.

Bethell makes an unsupported statement that monogamy is necessary for capitalism (237). Thin gruel from an iconoclast! But David Friedman has plausibly argued that polygamy may be more productive than monogamy. It gives more men and women the opportunity to make a superior choice of a mate. Better choice means more happiness, and is reflected in greater economic output. Further, the libertarian non-aggression principle forbids any state role in banning or requiring plural marriage for consenting adults. But it is apparent that Bethell wishes to regulate at least one market, the market in marital partners.

And speaking of religious problems: Bethell provides an incisive analysis of the devastation wrought by weak property rights in the Middle East. He observes that the goat, a scavenger on the rockiest communal lands but able to be kept indoors at night, flourishes there because of insecurity or lack of property rights. Sheep (and cows) are preferred worldwide where private property is respected (239–242).

But times change. High demand for goat meat by recent immigrants to the U.S. has recently led to large-scale goat ranching in Texas and other states. (Another cause of the goat meat focus was the 1993 repeal of the Wool Act, which had subsidized producers of angora wool, which comes from goats. Removal from the federal trough led ranchers to look for alternative markets.)

In ancient times goats may not have been linked to weak property rights. The Bible offers three insights consistent with Bethell's overall approach, but differing in specific implications about the role of the goat.

Shepherds apparently kept both sheep *and* goats in the same field. In one of the parables, Jesus said, with respect to believers and nonbelievers: "A shepherd divideth his sheep from his goats" (Matthew 25:32). The Old Testament prophet says, "Mine anger was kindled against the shepherds, and I punished the goats" (Zechariah 10:3). Sounds like scapegoating to me! But if goats were disfavored, at least they were still kosher: "These are the beasts we shall eat: the ox, the sheep, and the goat." (Deuteronomy 14:4)

My query: Was it a coincidence that atheist Ayn Rand, who was born into the Jewish faith, chose the biblically disfavored goats as the animals to be sacri-

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ficed in *Atlas Shrugged*? (765) Her *Diaries* say nothing about this.

Moving from goats to natural resources generally, Bethell's chapter on the environment (282–298) is strong on conservation of natural resources, but barely mentions air, water and soil pollution. Pollution is an essential piece of the environmental issue; private property is an essential part of the solution of this difficult area.

Bethell offers a supposedly universal thesis, that prosperity, justice, liberty, and peace follow strong respect for property and the rule of law. A theory that cannot explain the economic success of nations such as China, Japan, Korea and Israel is not universal. Only for Japan and Korea does Bethell offer an answer. He says the expropriation there was successful because it was done under authority of the U.S as occupying power. But this does not follow. Why would people feel secure just because expropriation was due to U.S. occupation? Presumably they would fear reassertion of rights by the dispossessed after the occupation ended, or a further expropriation by other influential groups. And the expropriations in Eastern Europe during the occupation by the Soviet Union after World War II did not lead to stable private property.

Despite these problems, Bethell's thesis is compelling, and *Triumph* is a strong contribution to the literature of freedom. *The Noblest Triumph* is a vigorous blow on behalf of the Good. ❑

***Love and Terror*, by Alan Jolis. Atlantic Monthly Press, 1998, 337 pages.**

The Great Revolution

Stephen Cox

There are two types of books about the French Revolution: dull books and strange books; or, to put this in another way, books that fail, and books that succeed, in matching the strangeness of that event.

The French Revolution is one of the most interesting and exciting things that ever happened. That a revolution should have happened was quite predictable; that it should have taken the weird, romantic, ridiculous, sickeningly crude, clinically insane, endlessly fascinating forms it did — that is the strange thing.

Within the space of 26 years, the French revolted against a king (who was by far the mildest of their kings), established a constitutional monarchy, prohibited the monarch from exercising his constitutional powers, blamed him for trying to exercise them, arrested and then executed him when he tried to leave, established a radical democracy, established a puritan dictatorship, executed the dead king's wife, executed the puritan dictators who had executed the dead king's wife, established a dictatorship of crooks, established a military dictatorship, turned the military dictator into an emperor, conquered Europe, were conquered by Europe, exiled the emperor, welcomed the emperor back, exiled the emperor a second time, and finally welcomed back the brother of the king with whom they had started 26 years before.

The characters who performed these acts are as vital as life itself, as various as mankind in its most extended definition. How can you possibly make them dull? But it has been done; it is done all the time. Most books about the French Revolution assume that you already know the story and that the story doesn't count for much anyway. They assume that what counts is the proper social "analysis." They announce that in their preface; then they treat you to four or five hundred pages of statistics about peasant landholdings and the literacy rate in Lyons and the proportion of lawyers among representatives to the National Assembly and the approximate number of French couples who had access to birth control devices; and from time to time you are lectured about how important it is not to get distracted by accounts (mere "anecdotal evidence") of any actual human lives.

So much for the dull books. The interesting books are, as I've said, also strange books in some respect. Victor Hugo's masterpiece *Ninety-Three*, which takes its name from a crucial year of the revolution (but all its years were crucial), combines the most extreme idealism with an exact reproduction of mundane material reality. At one point in that novel, Hugo pauses to describe and even to measure the features of the revolutionaries' legislative chamber. But because he never neglects the relationship of mundane details to the incredible story of which they are a part, he is able to charge each of them with the meaning of the whole.

Dickens's *A Tale of Two Cities*, that elaborate conflation of the grotesque and the romantic, is another instance of triumphant strangeness. Still another is Crane Brinton's magnificent biography of Talleyrand, the nimble survivor of all revolutionary (and conservative) regimes. Brinton, moving like a dancer between comic irony and high moral seriousness, is simultaneously playful and magisterial — equal, almost, to his subject's slyness. The life of all these works lies in their ability to capture the bizarre vigor of an era in which moral purity constantly produced extremes of horror and filth, and even horror and filth aspired to moral purity, or the theatrical impersonation thereof.

Alan Jolis's new novel is the latest contribution to this great and strange tradition. To express the contradictions of the French Revolution, Jolis dares to cast as his protagonist Joseph Fouché,

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known to history as one of the vilest of all the revolution's dramatis personae, and to involve him in a serious and in some ways sympathetic moral struggle. This Fouché is often regarded as the inventor of the modern police state (although there's a lot of competition for the honor). He was a leading instigator of the Jacobin terror. He was Minister of Police under the government that succeeded the Jacobins. He plotted to keep Napoleon from power, meanwhile plotting to bring him to power. Napoleon made him a minister, fired him for conspiracy, rehired him, and received his own political coup de grace from him. Fouché then emerged as Minister of Police under the restored Bourbon monarchy. Napoleon is said to have remarked, "If I had hanged only two men, Talleyrand and Fouché, I would still be on the throne today." Associating any substantial moral struggle with a character like Fouché is itself a daring thing to do in literature.

Whatever else you can say about Fouché, he was at the thick of things. Jolis follows him through one (imagined) episode of his revolutionary career and draws in many other characters, some invented, some real. We meet such wonderfully diverse people as Thomas Paine, Marie Antoinette, Danton, Robespierre — all rendered vigorously and with great psychological insight.

Admirers of Ayn Rand will appreciate Jolis's highly romantic, complex, and stylized plot. Because this plot involves a good deal of suspense and mystery, I will say nothing about its specifics except to note that it concerns a love affair between Fouché and a class enemy and that it involves a conflict between the people whom certain characters imagine themselves to be, and the people whom they actually are. This conflict is symbolically reinforced by means of various devices of double identity and mistaken identity. Like some of Rand's plots and subplots, the story has a chesslike interest; and it is interesting that so abstract and stylized a plot can be so well adapted to the presentation of concrete historical reality.

As with *Ninety-Three*, so with *Love and Terror*: the sweep of history is suggested by innumerable evocations of historical and historically-typed scenes and personalities. We are made to understand that these are the deformed social dramas, the deformed personalities, that emerge from the imposition of massive force on spontaneous human action. Libertarians of both capital-l and small-l varieties will well understand what happens in this book.

An example: a passage at the beginning of the novel shows, concretely and without sermonizing, how sordid life becomes when even the sainted People grasp at power:

> On this dead Sunday in the dead of fall, as mist curls at the base of Paris buildings and along the wet cobblestones of the rue de l'Ancienne Comédie, the air is heavy. Sounds are muted. Except for a few souls rushing to get out of the October drizzle, the sidewalks are empty.

Suddenly a flow of patriots bursts onto the street singing *La Marseillaise*. Full of wine, drumrolls, and tricolored cockades, the sans-culottes demand price controls with their patriotism, tobacco at no more than twenty sous the pouch, a pound of salt for two sous, soap for twenty-five sous, and the guillotine for émigrés, hoarding merchants, and royalist sympathizers. . . .

> Once they pass, the street is quiet again, and a deathlike silence falls over the city. Rue de l'Ancienne Comédie is narrow and gray. Running parallel to it, the passage du Cour-du-Commerce is even narrower, and the back entrance to the Procope at number 13 of that streetlet has streaked and dirty windows. Here a crowd of informers waits to gain entrance.

That a revolution should have happened was quite predictable; that it should have taken the weird, romantic, ridiculous, sickeningly crude, clinically insane, endlessly fascinating forms it did — that is the strange thing.

If you read over that passage, you will see that the historical and atmospheric details are charged with sym-

bolic meaning, and within that meaning lies a deep political and moral significance. Here is an ambitious literary method, daringly pursued.

People who have been led to assume that the historical novel is a literary backwater or to believe that the Great Revolution was, after all, a dull affair, should immediately consult this book. ❑

***Born that Way: Genes, Behavior, Personality,* by William Wright. Alfred A. Knopf, 1998, 303 pages.**

Up From Behaviorism

Bruce Ramsey

In 1965, my eighth-grade teacher told me that all human behavior was based on "stimulus and response." We school kids were no different from rats in a Skinner box, pulling for pellets.

I'm not sure my teacher really believed this, but plenty did. Behaviorism was one of two dogmas that dominated human psychology for most of this century. To discern the nature of man, the Freudians studied dreams and the Skinnerians studied rats. Both agreed that we are born a blank tablet for our parents, peers, and society to scribble upon, and that we are purely products of our environment.

Said psychological theorist John Watson: "Give me a dozen healthy infants, well-formed, and my own specified world to bring them up in and I'll guarantee to take any one at random and train him to become any type of specialist I might select — doctor, lawyer, artist, merchant-chief and, yes, even beggar-man and thief. . . ."

That claim, though preposterous, fit in neatly with the illusions of the day: Take a bum out of the slums, give him a factory job, and he'll take care of his kids, pay his taxes, and vote Democratic.

Psychologists even applied "social conditioning" theory to sex. In the 1970s they told us that little boys were more aggressive than little girls because we trained them that way. If your little boy was endlessly fascinated with cars at age 1, as mine was, and cared nothing for dolls, it was because you put him in blue jammies instead of pink ones. If the environment could plausibly explain something, you looked no further.

But the behaviorist theory has been shattered. In *Born That Way: Genes, Behavior, Personality,* William Wright tells the story of how behavioral geneticists challenged this view and eventually routed it.

Wright, a science journalist sympathetic to geneticists, examines the bitter argument among scientists in depth. He recounts the tale of Margaret Mead, who went to Samoa in the 1920s and returned bearing the titillating news that our sexual taboos were absent there — and how, in 1983, Derek Freeman, in his book, *Margaret Mead and Samoa,* showed that Mead had gotten it all wrong. "In virtually every instance," Wright says — violence, competition, chastity and sex — "the reality of Samoan life was the opposite of Mead's portrayal." It seems that Mead, who was 23, just out of graduate school and eager to please her mentor, Franz Boas, simply "saw" what was in her head rather than in front of her eyes.

He tells the story of Sir Cyril Burt, who made a career of proving that intelligence is inherited. Burt was denounced in 1975 for falsifying his research. Actually he hadn't, and his conclusions were correct. But he was treated like Piltdown Man for 15 years.

Wright's account of the political objections to the theory of inherited differences is the highlight of the book. Positing such differences, objectors argued, undermined the quest for human equality, supported racism, and opened the door for eugenics. Wright denies that these consequences follow, and he is correct, though his political thinking is not the strong point of the book. His concern lies with science. He points out that we can argue afterward about the political implications, but the facts ought to be our first concern.

But the public argument has not been conducted this way. One side has argued science while the other has attacked motives, making the dispute, he writes, more like "the church-versus-science struggles of earlier centuries."

The rise of behavioral genetics paralleled in some ways Darwin's achievement in *The Origin of Species.* Skilled amateurs pioneered both by traveling to exotic climes and returning with conclusions drawn from animals and old bones.

Take a bum out of the slums, give him a factory job, and he'll take care of his kids, pay his taxes, and vote Democratic.

In the case of behavioral genetics, the pioneer was Robert Ardrey, who was not a scientist at all, but a playwright. He traveled to Africa in the late 1950s, when Louis and Mary Leakey were digging up fossils of Australopithecus in the Olduvai Gorge. Ardrey came back and in 1961 published a colorful, exuberant and politically incorrect book called *African Genesis.* Man, he argued, had evolved as a combative and territorial animal. His modern

behavior showed it, and the evidence of his prehistoric hunting showed it, exposing the concept of *tabula rasa* as nonsense.

The scientific community reacted harshly. "Paleontologists and other academics," says Wright, "rose up in angry phalanxes to fight him with a territorial desperation that would have impressed Siamese fighting fish."

Ardrey had no academic credentials, but those who followed him did. In 1966 came Konrad Lorenz's *On Aggression*; in 1967, Desmond Morris's *The Naked Ape*, and in 1975 the blockbuster, Edward O. Wilson's *Sociobiology*. Like *The Origin of Species*, which spent far more ink on pigeons than on man, most of *Sociobiology*'s evidence was about animals. But Wilson made an impressive case.

"The outrage was immediate and vehement," says Wright. "Harvard's Richard Lewontin and Stephen Jay Gould were among 15 prominent academics who signed a letter in the *New York Review of Books* that denounced *Sociobiology* and drew parallels with racism and Nazism." Opponents of the biological perspective "were so alarmed by what they saw as the [theory's] right-wing political consequences," Wright says, "that they dedicated themselves to attacking every advance."

Critics characterized the new theory as genetic determinism. It is not. It acknowledges the influence of nutrition, parents, peers, TV, teachers, national culture, and everything else we lump under the rubric of environment. It merely adds a new and powerful category called genetics. It holds that our bodies are hard-wired to have minds of their own. "As far as behavior is concerned," Wright notes, "there is no genetic determination, only genetic influence." That influence, however, appears to hold sway over many things, from intelligence to obesity to sexual orientation.

Even today, the scope of this idea has not been fully accepted. We accept a genetic component of I.Q., but when it comes to a trait like rebelliousness, Wright says, "the usual suspects are trotted out — rearing, home setting, education, role models and the rest — with little more than lip service to possible biological contributions."

But if one could inherit a tendency to get fat, how about a tendency to get mean? A tendency to empathize with others? A tendency to take risks? A tendency to reject the common view, and think for oneself?

And if genetics does account for these traits, could not one's innate political orientation be inherited? If some people vehemently believe that abortion is murder, and others contend with equal passion that it is not, could it be that, to some extent, they are born that way?

Outrageous? Perhaps, and perhaps not. We simply do not know the full extent of genetic influence. This is a crucial question, not of values, but of fact.

Now that we know it's there, we are at least free to investigate it. ❑

***Alexander Hamilton, American,* by Richard Brookhiser. Free Press, 1999, 217 pages.**

The Man on the $10 Bill

Martin Morse Wooster

Most of us have, at best, a sketchy idea of the political ideals of the Founding Fathers, and most of what we remember is low-level anecdote. When we think of George Washington, for example, we remember that he had wooden teeth and may have grown hemp at Mount Vernon. We all know that Thomas Jefferson might have had an affair with Sally Hemings, but we've largely forgotten the rest of his life.

Of all the founders of our country, Alexander Hamilton (1757-1804) has the cloudiest reputation. Some people know that he was illegitimate, that he had notorious affairs, and that he died in a duel with Aaron Burr, who at the time was vice-president of the United States. But we've forgotten what Hamilton believed in, or why anyone ever thought he was important enough to have his face on the ten-dollar bill.

Moreover, Hamilton's ideas remain obscure. He was a prolific writer (who founded the *New York Post* a few months before his death), but with the notable exception of *The Federalist*, most of Hamilton's writings lie unread today. The last edition produced by a trade publisher appeared in 1957.

Libertarians in particular might be skeptical of Hamilton because of polite Buchananite Michael Lind's efforts to resurrect a political philosophy that he calls "Hamiltonianism," a toxic brew of nationalism and protectionism. If today's "Hamiltonians" (should there be more than one of them) are politically repulsive, could it be that Hamilton himself was too?

Both friends and foes can learn a lot from Brookhiser's careful reconstruction of eighteenth-century political life. *Alexander Hamilton, American* is a very good book about a wrongheaded man.

Brookhiser, a senior editor of *National Review*, was one of the better political reporters of the 1980s. He has now evolved into a political historian. His previous book, *Founding Father* (1996), an appreciation of George Washington, was roughly similar in shape and scope to this book.

Hamilton, as Brookhiser portrays him, had the virtues of a courtier. He joined Washington's staff at the age of

20 and, by all accounts, was an efficient and productive staff officer, good at rounding up troops and shaking down French and Dutch bureaucrats for loans. He married into the Schuyler family, one of the wealthy New York families, and started a lifelong quarrel with the Livingston family, another clan of powerful New York patroons. (Bob Livingston, briefly Speaker of the House designate, is the most important modern representative of the clan.)

But Hamilton's rise to power came as a result of the Constitutional Convention of 1787. After the other state delegates resigned for personal or political reasons, Hamilton emerged as the only New York delegate. This privileged position gave Hamilton many opportunities to plot, chiefly over how the new government should be organized. Hamilton's proposals — for two legislative houses (the upper one being elected for life) that would then elect a national governor, who would appoint state governors — were largely defeated. But his powerful networking skills ensured that he would be able to work together with James Madison and John Jay, his collaborators on *The Federalist*.

Hamilton's reward for helping to ensure that the Constitution was ratified was the opportunity to become, at age 32, the nation's first Secretary of the Treasury, apparently because he knew more about economics than any of his peers. Brookhiser enthusiastically supports Hamilton's efforts for a strong national government, but seems equally determined to prevent Hamilton's being portrayed as a protectionist. In 1791, Hamilton wrote the famous "Report on Manufactures," which called for government to give factory builders direct subsidies (which in the eighteenth century were called "bounties") and to erect protective tariffs. "Hamilton proposed to use protective tariffs more sparingly," Brookhiser writes, "so sparingly that some modern protectionists disown him as a false forerunner." He does not tell us who these "modern protectionists" are or why they decided to disown Hamilton.

Was Hamilton a big-government man? Most of the time he was, as Brookhiser reveals. His arguments for a strong central government in *The Federalist* are passionate and enthusiastic. As Treasury Secretary, he helped to create the national debt and successfully argued for the creation of the First Bank of the United States, even though the Constitution does not say the federal government should be the nation's central banker, or authorize anyone else to be. When out of office, but not out of sympathy for government, Hamilton supported the Alien and Sedition Acts, which gave the state the power to expel foreigners and to jail journalists who wrote articles that politicians didn't like. In 1798, for example, journalist James Callender was jailed under the Sedition Act for calling President John Adams "a hideous, hermaphroditical character."

But Hamilton left no political heirs. By the time he fought his fatal duel in 1804, his party, the Federalists, were only in power in New England. After the war of 1812, the party expired, and most of his ideas expired with them. Twentieth-century big government

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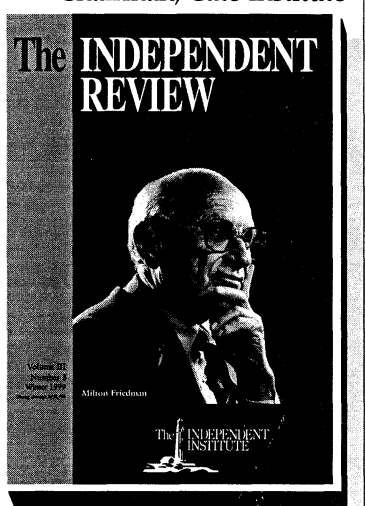

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advocates look to Europe and to the Roosevelts (Theodore and Franklin) for inspiration; except for *The Federalist*, they stopped reading Hamilton decades ago. Libertarians will find Alexander Hamilton much less congenial.

Nevertheless, Brookhiser — a lively writer who loves political arguments and scandals — does a fine job of bringing his subject to life. Anyone who likes politics and American history will enjoy this book. ❑

Letters, *from page 5*

Eliminate the system that allows cash payoffs and we'll have a (meaningful) balanced budget overnight. Clean up our political system and government will shrink rapidly.

Libertarians resist public financing of campaigns, and I do too. But the truth is, we already have them. We're just paying through the back door in the form of federal grants, tax breaks, subsidies, price supports and other government giveaways. Where willing contributors have a choice of where their contributions are directed, the unwilling contributors (those who contribute through the hidden tax system) are robbed of this constitutional choice. The former make their contributions on the front end, and the latter pay dearly on the back end. This is not what I would call a fair system.

Jack E. Lohman
Colgate, Wis.

Health Along the Border

In R. W. Bradford's "The State of the Applause" (April), Bradford's final question is "When America's system is socialized, where will we go for decent medical care?" The answer is already here: along the border with Mexico. When I lived along the border with Mexico a few years ago I purchased a package of 20 eritromicina (antibiotic) tablets for $8.00 U.S. On the U.S. side the same package would have cost me $54.00. And in the U.S., I would have had to visit a doctor to get a prescription, which would have been an additional cost. Medical clinics and dentist offices are continuing to develop along the border region to service those Canadians and Americans who can not afford or do not participate in Canada's full and America's semi-socialized medical system.

The continuing development of these clinics has even made front page news in the *Los Angeles Times*, March 11, 1999. Many patients using these clinics are satisfied with the quality of the treatments they received. I myself used Mexican medical professionals on occasion and have been quite pleased with the results. So the next time your favorite jackbooted thug tells you you're not eligible for medical treatment, the solution could be just south of the border.

David Hunter
Downey, Calif.

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Literature

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The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send $4 to Liberty Publishing, 1018 Water St. #201, Port Townsend, WA 98368.

Ayn Rand and Her Movement — an interview with Barbara Branden. Ayn Rand's close friend discusses the inner circle of the Objectivist movement. Learn what it was like to be a companion of the woman who thought of herself as "the world's greatest political philosopher." Send $4 to Liberty Publishing, 1018 Water St. #201, Port Townsend, WA 98368.

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Terra Incognita

Hungary

Tragic breakdown in comradery in the former Eastern Bloc, as reported by Reuters:

An elderly woman spent a month trapped in her pantry in Budapest, living on bottled fruit and tomato juice. She had accidentally locked herself in after pulling the handle out of the door when she entered the pantry. She was released by the fire brigade after a neighbor heard her cries for help.

Turkey

Innovative automotive technique, reported by the Anatolian news agency:

Fire crews put out a blaze started by Nazim Canturkas when he tried to get his vehicle moving after the diesel fuel in his truck's fuel tank froze during an overnight stop on a mountain pass. Turkish officials said he used a "very dangerous technique" of thawing fuel by lighting a fire underneath the truck's fuel tank.

Milwaukee

The return to basic education in the heartland, reported by the *Milwaukee Journal Sentinel:*

Flyers produced by the Milwaukee Teachers' Education Association supporting the candidacy of Theadoll Taylor for the Milwaukee School Board have a host of grammatical problems. The flyers include errors such as, "Theadoll believe a safe learning environment requires rules. . . . That's why Taylor support expansion of the Student Achievement Guarantee in Education program." A different flyer put out by Taylor's campaign notes that she was "prinicipal" of Webster Middle School.

Washington

Heroic victory in the War on Drugs, reported by *The Source* magazine:

Upset that his family moved from upstate New York to Washington State, a 16-year-old boy called police and showed them his parents' stash of marijuana. The father pleaded guilty to misdemeanor possession and received a 90-day suspended sentence.

Brush, Colo.

Progress in oral hygiene, according to correspondents of *Home Furnishings News*:

To add power to Braun Oral-B's historic promotion, it launched a unique advertising campaign in Brush, Colo. Braun recently passed out its 3-D Plaque Removers to virtually every household in the sleepy town of 5,000. In celebration of the town's change to power-assisted toothbrushes and to generate further publicity, it orchestrated the making of the first "living" power toothbrush. To do so, Braun gathered local residents in a stadium and assembled them into the shape of a giant plaque remover. The people who formed the head oscillated back and forth, and the town's mayor dubbed Brush "Power Brush" for the day.

Mission Viejo, Calif.

Headway in the fight against youth violence, reported by the *Los Angeles Times:*

A 10-year-old girl was suspended from her elementary school for having a toy gun on her keychain. The third-grader was only the latest victim of a strict zero-tolerance policy forbidding students from bringing "weapons" to school. A 5-year-old was transferred to another school after bringing a disposable razor blade he found at a bus stop. A 12-year-old was expelled for possessing folding fingernail clippers.

Portland, Ore.

Another triumph in the War on Drugs, reported by the *Oregonian*:

Implementation of the Campus Crime Stoppers program in all of Portland's middle and high schools is nearly complete. The program pays students as much as $1,000 for anonymous tips to police on crimes ranging from drug possession to after-school hours drinking.

Cambodia

Capitalism rears its ugly head, from *The Phnom Penh Post*:

Cambodian soldiers stationed near the grave of Khmer Rouge leader Pol Pot are cashing in on his notoriety by charging curious spectators $5 to visit the site.

Salt Lake City

Advance in public health in the Beehive State, reported by Reuters:

A Utah couple has filed a lawsuit to bar a neighbor from smoking in his home.

Iraq

Victory over foreign moral degradation, from the influential *Babel*, paper of Saddam Hussein's estimable son:

Iraqi health authorities have called for banning the U.S.-made anti-impotence drug Viagra. Border guards are being urged to double-check incoming materials to prevent the entry of the "poison."

Ithaca, N.Y.

Progressive environmental idea, from Professor Robert Frank, reported by *Cornell Magazine*:

"Frank answers libertarian objections to his proposal by comparing conspicuous consumption to environmental pollution. Just as the government can require motorists to install controls on their cars to limit harmful emissions, so too should it muzzle spending that harms society as a whole, he says. And, he argues, the things we're spending money on aren't making people happy anyway."

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or to email them to TerraLiberty@hotmail.com)

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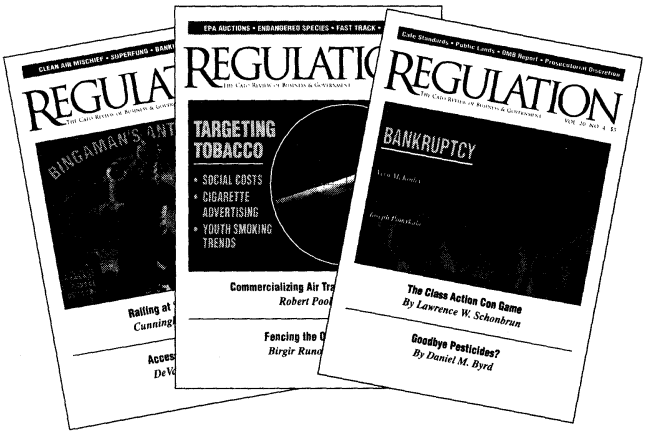

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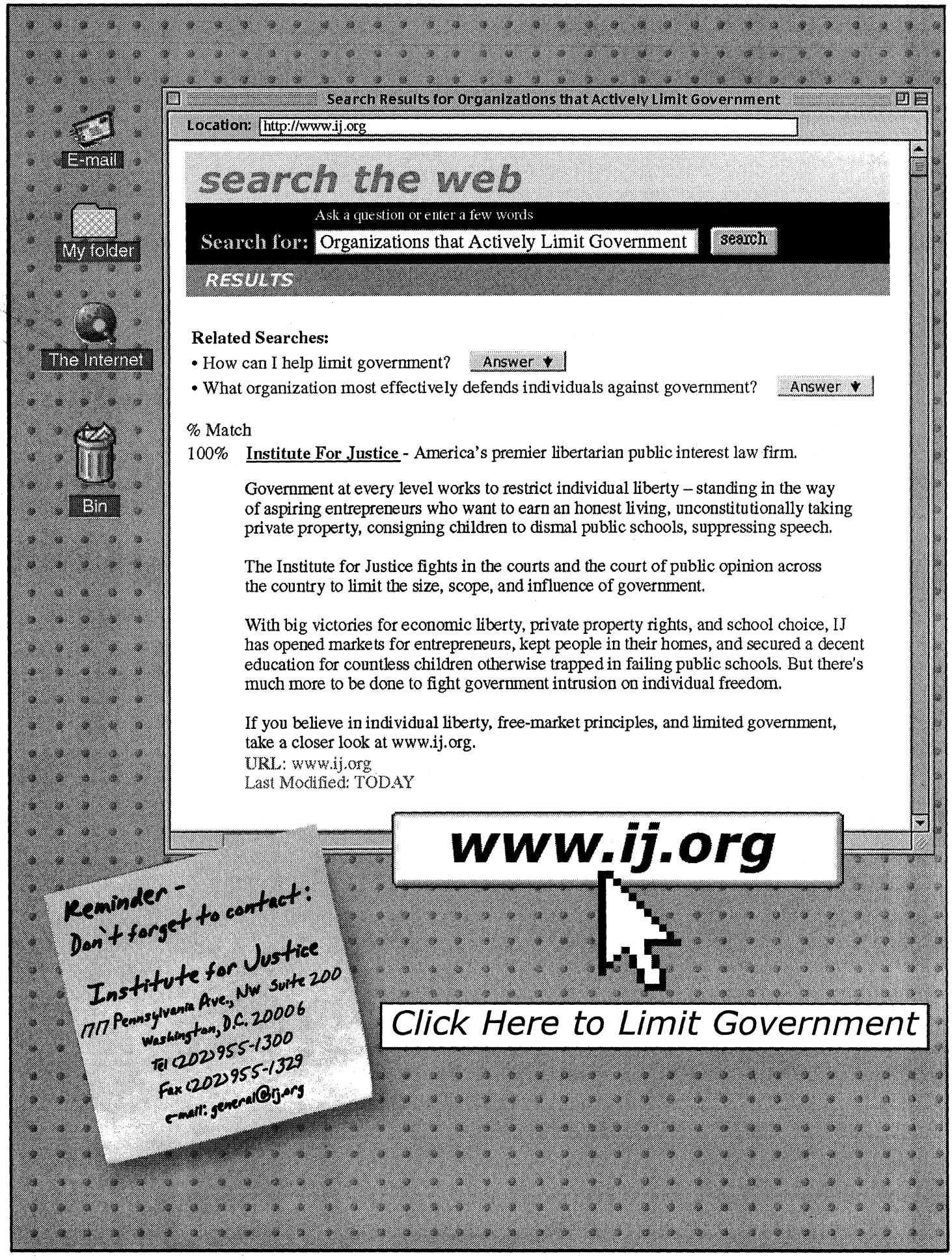
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Us vs. Them

"NATO's chiefs must want the entire Balkan peninsula to be under U.S. occupation for the next hundred years, hundreds of thousands of U.S. troops permanently garrisoned there. . . . These are not the garrisoned troops of the old movies, sitting around in the local taverns and flirting with almond-eyed, bare-shouldered Mediterranean maidens in flouncey folk-embroidered skirts. The troops would be constantly killed in reprisals if they mingled with the locals. These brave soldiers will be maintained in self-contained biospheres, like giant lizards from another star, which given the moral status of their behavior, they might as well be." —*David Ramsay Steele*

"Given that the old American Republic is deader than Sally Hemings, and that we are subjects of a lumbering homicidal empire which massacres foreigners every couple of years (while its propaganda sheets revile those who prefer the foreigners alive as "xenophobes"), he who does not wish to become a perpetual sputterer must learn the lesson of Elvis Costello: 'I used to be disgusted — but now I'm just amused.'" —*Bill Kauffman*

"Unfortunately, there are three bad things about nice little wars. They are not nice, at least not nice to the people we're killing. They're not little, at least not to the people whose cities we're destroying. And they sometimes grow up into great big wars." —*R.W. Bradford*

"Anyone who believes in truth, or the constitutional balance of powers, will see the Yugoslavian War as a major setback. Former peace freak Clinton. . . went to war without asking so much as a by-your-leave from anybody (except the officialdom of NATO, which he controls).
—*Stephen Cox*

"Congressional Republicans have now miraculously transformed themselves into a simulacrum of Vietnam-era left-wing Democrats. They call for peace at any price. They fly off, Ramsey Clark-style, to negotiate with American enemies and their backers in Moscow. . . . What's next? Sit-ins? Posing for TV cameras while sitting on anti-aircraft guns in Belgrade? A few brave Republicans, led by Senator John McCain, have tried to prevent the party from driving off this isolationist cliff."
—*The Weekly Standard*, May 3, 1999

"The war in Kosovo isn't about getting an 'A' for effort. It's about getting a 'V' for victory. NATO doesn't need to show the world that its intentions are still pure after all these years. It needs to show the world that its institutions, military and political, are still effective."
— *The New Republic*, May 10, 1999

"War is not simply a mistake, a failure to communicate. There is radical evil in the world, which is why there are just wars. And this is a just war. Even if it has been bungled. Stop the genocide. Return all refugees to their homes. Worthy goals. But how is any of this conceivably going to happen unless the Milosevic regime is overthrown?" —*The New York Times Magazine*, May 2, 1999

"It is time for the United States and its allies to escalate their efforts on both the military and humanitarian fronts. . . . We must win this war, and we must win it absolutely. First, the United States should lead its allies in making the strength of NATO's actions commensurate with Milosevic's attacks. . . . In my view, the next step in achieving our objectives and winning the war is to position NATO ground forces in readiness for combat. . . . Sustained pinpricks are not the correct response to Milosevic's scorched-earth policies. Why shouldn't we play our aces?" —*Washington Post*, April 24, 1999

"So what should we do now? Win. By all means necessary. Failure would encourage tyrants and rogue regimes around the world to challenge our interests more aggressively, and it would deal a potentially fatal blow to NATO's authority in the post-cold war world. We must bring the full weight of American air power to bear on Serbian forces. . . . The costs of failure are infinitely greater than the price of victory. Can anyone contemplate the prospect of taking leave of this century with the greatest defensive alliance in history in tatters after losing a war in Europe?"
—*Time*, April 12, 1999

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4 **Letters** Everyone's a critic.

7 **Reflections** *Liberty*'s editors make sense, not war.

Making Sense of the Colorado Massacre

12 **Symbols for the Masses** *Stephen Cox* wonders: why are some incidents "national tragedies," while others are quickly forgotten?

15 **Consumers of Safety** *Jeffrey Snyder* explores the origin of the urge to control guns.

with additional analysis by Douglas Casey, Ross Levatter, Randal O'Toole, Jane S. Shaw, Clark Stooksbury and Timothy Virkkala.

Features

19 **Why Johnny Can't Disobey** *Sarah J. McCarthy* uncovers the real scandal of our schools.

21 **Compliance in the House** *Ron Paul* tells the inside story of how Congress caved on Clinton's war.

23 **Gateway to Oppression** *Alan Bock* examines the latest scientific study of marijuana, and wonders: if marijuana kills, why hasn't anyone ever died of it?

25 **How Murderous Are the Serbs?** *David Ramsay Steele* sifts through the rubble of NATO's war on Yugoslavia.

33 **Freedom Under the Law** *James Bovard* looks behind the easy rhetoric of politicians and finds the greatest political lie of them all.

35 **To Think and Speak in Hong Kong** *Benjamin Ostrov* tells what happened when he spoke truth to power in the world's richest city-state.

37 **The Road to Dissent** *Jen Tracy* profiles the rise of a Soviet dissident, and his revolutionary origins in . . . jazz.

39 **Shades of Gray** *G. R. Steele* reviews the long strange trip of a philosopher who went from Hayek advocacy to Tony Blair sycophancy.

42 **Liberty in N-Space** *John C. Goodman* explores the frontiers of libertarian theory.

45 **The Virtue of Salesmanship** *Tom Isenberg* explores what's good — and what's bad — about moralistic fervor and cautious consequentialism.

47 **Apolitical Life** How a nice Jewish leftist became a rugged individualist anarchist. *Richard Kostelanetz* tells his tale.

49 **Garghibition** *Scott Stein* grows a few inches as he engages in an ironic fiction.

Reviews

51 **Days of Decadence** *Brian Doherty* wonders whether it's just a coincidence that liberty was reborn in the 1960s.

53 **He Seen His Opportunities** *Jonathan Ellis* explores the tiny mind of George Stephanopolous.

56 **Privacy Unbound?** *Bruce Ramsey* suggests a *rapprochement* with communitarianism on the subject of privacy.

59 **Tawdry Triangle** *R.W. Bradford* didn't expect exact historic accuracy when he watched the film verson of *The Passion of Ayn Rand.* But he did expect the characters to ring true.

61 **Notes on Contributors**

62 **Terra Incognita**

Letters

Know Your Legislator

I would like to thank you for the Jefferson Meyers's article "Know Your Regulator" (May) which chronicled the death of proposed federal bank regulations that would have meant massive encroachment on the privacy rights of individual citizens. The so-called "Know Your Customer" (KYC) rules were defeated by a veritable firestorm of public opposition, an encouraging sign that the American people have not lost sight of the importance of their God-given liberties, and the need to be ever-vigilant in protecting them.

On the other hand, I was surprised and disheartened to discover that Mr. Meyers distorted my role in helping to kill KYC. The article claimed that my actions "limited the scope . . . [and] . . . gutted" a measure introduced by Rep. Ron Paul (R-TX). That is not, however, an accurate representation of the facts.

The Ron Paul amendment sought to repeal a well-established provision that enables law enforcement to pursue perpetrators of money laundering and bank fraud, criminals who themselves violate the liberty of others, and whose culpability, therefore, should not be absolved by measures that in the name of liberty legitimize license. To my knowledge, this provision has been carried out without any but the rarest reports of encroachment on the liberties of law-abiding citizens.

The truth of the matter is that Mr. Paul's amendment would not have passed, and, as a result, KYC would not have been killed by the Committee. My amendment, which provided for full repeal of KYC regulations, did pass, and in fact was adopted unanimously by the Committee.

I hope you will find this explanation of the legislative history to be important to your readership. There are many of us in Congress who share your vision of individual liberty and personal responsibility.

I wish to commend *Liberty* for its continuing efforts to restore constitutional rights of citizens. And I shall proudly stand at your side in battles yet to come. But note: understanding that the question of liberty is always a "moral" question should not bar us from taking actions we believe will be most "consequential."

Richard H. Baker
United States Congress
Washington, D.C.

Meyers responds: I am delighted that Rep. Baker stands proudly on our side. And I agree that our interest in the moral should never discourage our taking actions whose consequences enhance our liberty.

But with all due respect, I believe my characterization was entirely accurate: Rep. Baker's bill did indeed "limit the scope" and "gut" the measure introduced by Rep. Paul. That Rep. Paul's proposal would likely die does not mean that Rep. Baker's did not "gut" it. Nor, for that matter, does the fact that Rep. Baker's amendment gutted Rep. Paul's mean that it was a bad idea. Half a loaf may indeed be better than none.

Nor am I convinced that these laws are aimed particularly at "perpetrators of money laundering and bank fraud, criminals who themselves violate the liberty of others." They are aimed at anyone who wants to engage in such innocent acts as remove their own property from the country or maintain their own financial privacy. And the enforcement of these laws has hardly been limited to criminals, unless one accepts the notion that anyone who violates any law, no matter how unjust, is a criminal. If we are to accept that notion, we must acknowledge that everyone from George Washington to Mahatma Gandhi is a criminal.

No Sympathy for the Stoned

Liberty is my favorite magazine. However, as I read "Behind Bars" (April) by Dyanne Petersen, for a moment (and only for a moment) I thought I was reading my second favorite magazine, *Buxom Babes in Bondage*!

Just what is the purpose of this article? Am I supposed to feel sorry for this lady drug smuggler? If the article was intended to make my blood boil, it did, but perhaps not exactly in the manner envisioned by the editors.

Let me put it this way: I'm no big fan of our national drug laws, or of the DEA. However, I am no big fan of people who bring that junk into this country. Moreover, all actions, legal or illegal, have consequences. And if you can't do the time, don't do the crime. Please, spare me any more of the women-in-chains articles and let's move on to some stimulating (or perhaps less stimulating) topics.

Fred Bluestone
Lauderdale Lakes, Fla.

Eternal Appeal

In criticizing Harry Browne's electoral strategy, R.W. Bradford ("Looking out for numbers 1 through n," May) is probably correct to argue that outright appeals to self-interest will not change many minds regarding political issues. But then Bradford riffs on Browne's anathematization of "preaching," to comment that "evangelical preaching" has been more effective "as a means of political persuasion than naked appeals to self-interest."

Bradford overlooks the fact that evangelical preaching depends almost entirely on appeals to self-interest. During the first Great Awakening, Jonathan Edwards's most famous sermon was "Sinners in the Hand of an Angry God." Today's evangelists get to the point faster when they ask, "Where will *you* spend eternity?" Secular moralists from Robert G. Ingersoll forward bewail the moral bankruptcy of conventional religion precisely because it depends so heavily on appeals to the believer's perceived eternal self-interest.

Tom Flynn
Buffalo, N.Y.

Yes on 13

R.W. Bradford asks: "Have Americans ever effected any major political changes because of someone's concerted effort to sell . . . by appealing to the personal interest of each pros-

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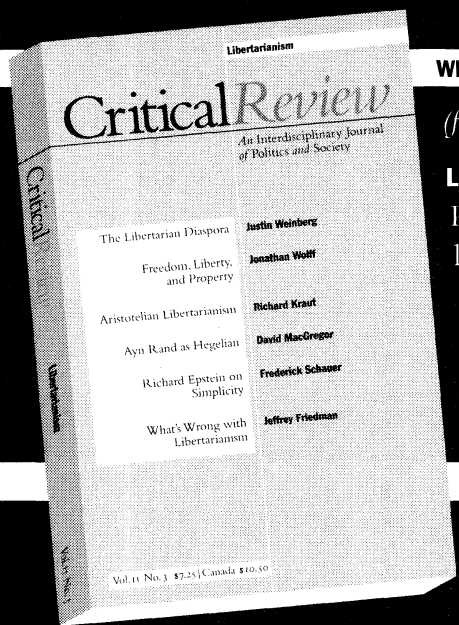

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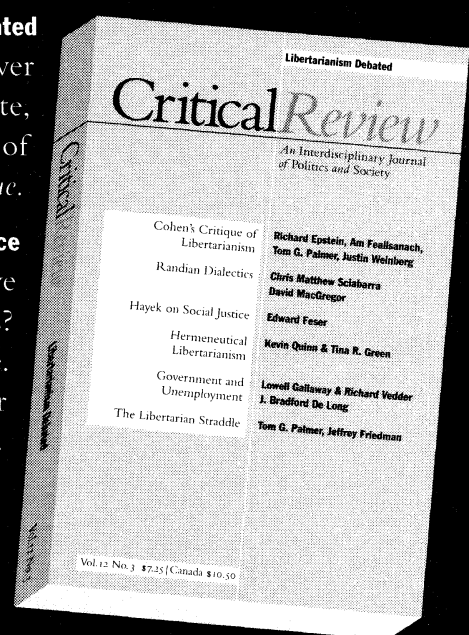

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pect?" I believe the answer is "Yes." The example that springs to mind is the late Howard Jarvis's Proposition 13 in California. He sold the concept that we could vote to lower our own property taxes.

Paul D. Blumstein
Rancho Palos Verdes, Calif.

Bradford responds: I have just reread Jonathan Edwards's "Sinners in the Hand of an Angry God," and can find plenty of appeals to self-interest, but nothing at all that calls for (or achieved) political change. As to Howard Jarvis's campaign for property tax cuts, I recall that it was couched not in terms of "Vote for Prop 13 and save money," but in terms of "Vote for Prop 13 and make California a better place to live." It may be that voters actually cast their ballots to save money, but that hardly undermines my point: as I pointed out, *motivations* frequently differ from *rationales*, and the most successful approach may very well be to offer a program in people's self interest with a rationale of advancing the general good or of achieving justice.

A Tad Short on Votes

Terrence Campbell, commenting on Harry Browne in the course of a book review ("What Makes Harry Run?" May), wrote that perhaps some past Libertarian Party presidential candidates were "a tad too fun and exciting" in comparison to Browne, "so much so that they scared off the voters."

Maybe Harry didn't scare them in comparison to, say, Marrou in 1992, but how about a comparison to Clark in 1980, who garnered almost a million votes? I'd like to see a little more of that fun and excitement. And if Browne's "genial style gives him an in with the public," then why did he finish so far out of the running, behind not only Perot but Nader of the Green Party, who barely campaigned?

Say what you want, but the fact — the sad fact — remains: America's "third largest political party" came in *fifth* with Browne at the top of the ticket.

Pat Bontempo
Asbury Park, N.J.

Parenthood Control

I was surprised to see the self-pitying rant by Barry Loberfeld ("A Man's Right to Abortion") in the pages of *Liberty* (May). He writes as if there were no history, prior to *Roe v. Wade*, of pregnant women insisting that men share the responsibility for the consequences of their mutual act. How can he ignore the fact that ready access to abortion has *reduced* the number of men being pressured into unwanted parenthood?

Before *Roe v. Wade*, single pregnant women had no reasonable choice except to give birth. Men did have choices — they could share the responsibility for the child with the mother, or they could deny their involvement, or they could accuse the mother of promiscuity and blame the other guy. Now that women can choose between abortion and motherhood, Loberfeld wants men to be able to control that decision to suit themselves. Women fought for this right precisely because so many men walked away from their children. Men are not the victims here — most of the millions of one-parent children are fatherless, and damned few of them are byproducts of leaky condoms.

Giving women a choice they never had before changes nothing with respect to men. They still have a moral obligation to consider the consequences of practicing license without a medicine.

Bonnie Beresford
Ontario, Canada

Liber-Tees
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Item #T101

Item #T119

The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.
Thomas Jefferson
Item #T133

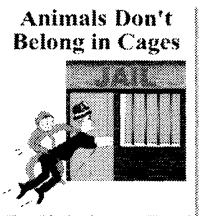

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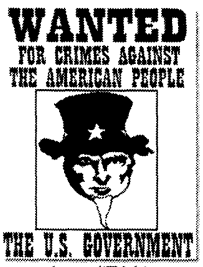

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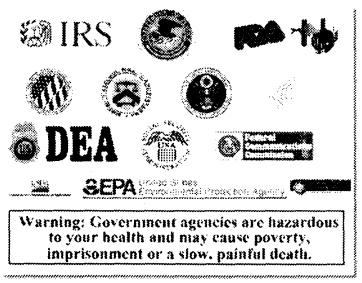

Item #T110

Item #138

Rightful liberty
is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add "within the limits of the law" because law is often but the tyrant's will, and always so when it violates the rights of the individual.
Thomas Jefferson
Item #T115

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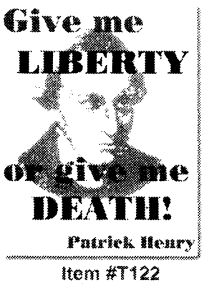

Item #T122

Reflections

The nine commandments — There are plenty of reasons to believe the war against Yugoslavia is going to end up looking a lot more like a vastly expanded version of the fiasco in Somalia than a smaller version of the pointless exercise in Kuwait. I attended military school as a callow youth, and among the few things I remember are the "nine principles of warfare":

1. Objective. You must have a clearly defined, and obtainable objective.
2. Offense. Seize, retain, and exploit the initiative.
3. Mass. Concentrate forces at the decisive time and place.
4. Economy of Force. The mirror image of Mass. Keep a minimum of force at non-critical points.
5. Maneuver. Don't be a sitting duck.
6. Unity of Command. Too many chefs spoil the broth.
7. Surprise. Do what they won't expect.
8. Security. Make sure they don't surprise you.
9. Simplicity. In the chaos of war, complicated plans are a formula for disaster.

How many of these principles are the Clintonistas observing? I'd say about none. Meanwhile, the air war is hardening the resolve of the average Yugoslav to resist the latest invader and rally around the country's scumbag leader. Unlike the Iraqi desert, the Yugoslav mountains are custom-made for guerrilla warfare. That's why Norman Schwartzkopf, sounding a little like a military version of my cleaning lady, said: "We do deserts; we don't do mountains." In any event, after the U.S. (which is 90% of the NATO effort) really starts wrestling with the Yugoslav tarbaby, my guess is that some other country — Iran, North Korea, China, India, who knows? — will take advantage of the imperial overstretch. —DC

Capitol punishments — Russell Eugene Weston Jr. did a bad thing last summer. He shot two guards to death at the U.S. Capitol. Who would do such a thing? A crazy man, of course. And Weston, with an almost preternaturally rational thoroughness, went on to confirm this suspicion — to the satisfaction, at least, of his psychiatrists.

He told them that he had to break into the Senate in order to obtain the ruby satellite that turns back time, to stop cannibals from taking over the country and spreading deadly "Black Heva" disease from the rotting half-eaten corpses of their victims. He further explained that President Clinton was a Russian clone who was out to kill him. The only fitting conclusion to this show would be the traditional declaration that the leading actor is in fact Napoleon. Well, better a mental hospital than a death penalty.

The reaction of Weston's doctors to this load of self-serving nonsense has been reported by the *Washington Post*: "Mental health specialists have said that Weston's illness may be so severe that he never will be deemed competent to stand trial." Of course, you needn't be Thomas Szasz to note that this diagnosis of illness and consequent lack of responsibility is derived solely from the fact that the guy says things that are just so . . . so . . . so . . . "crazy." As long as spouting nonsense is a *prima facie* defense against responsibility for your crimes, there's a decided rational advantage about ranting away. "Crazy? Yeah, crazy like a captured murderer . . ." —BD

The four horsepower of the Apocalypse — I edit a trade newslettter. One part of the job that I always enjoy is polling retail purchasing agents about what they are putting on their shelves and what consumers are taking off of them, and why. This is sensitive competitive information; people can be sacked for talking to me. (And that's a big deal: a retail buyer with a high school degree can make as much as $50,000 a year.) Now, with the economy going nutty, sales are pretty good in most product classes. But there are areas where too good is bad.

Take the official product of the Y2K disaster. Demand for gas-powered generators is causing headaches all over the place, from engine manufacturers to major makers and retail chains. In fact, production is actually being cut to only heavy-duty models, long-running 5000-watt bruisers costing more than a grand. That's about the minimum wattage that will run a water heater or well pump.

After talking to some buyers and getting the Y2K panic line, I asked one guy, in jest, if he thought there would be a brisk after-market in slightly used generators in the first quarter of 2000. He took a deep breath and said, "Yeah, and that's a huge issue for the whole industry." He warmed to the subject and said that these blackouts aren't going to happen (with the qualifier "for the most part" — I think he lives near a nuclear plant), and that most consumers are going to be stuck with 300 pounds of generator in their garages with no real use except as a place to stack the lawn furniture on. "The only way to deal with this is for retailers to say, up front, 'all sales are final.'"

Makes sense, unless you are the most feared and admired home improvement chain in the country. This chain, one of the most powerful corporations in the history of the modern world, can't seem to get enough generators even to stage a good end-of-the-world promotion. Which is good, because they also have an unconditional return policy; every one they sell is possibly one that they will have to take back when they open their doors on January 2, 2000. "We have thought ahead," the buyer insisted; "we just haven't reached a conclusion. A no-return policy is something we as a company wouldn't do." So much for that reputation for ruthlessness.

The source of the next panic, industry insiders say, will be power utility deregulation. Now, let me get this straight: consumers are buying gas-fired generators — with endu-

rance of at most 3,000 hours — at premium prices because they can't depend on the grid if the government tinkers with the rules? But they'll be as panicked over a free market in electrical power as they are from fever-pitch disaster peddling about Y2K? —BB

Antiwar.com — The Dow tops 11,000, rocketing to the moon. Strange, since the United States is now at war, and that usually has a depressing effect on the market. Except that this time it's a small Balkan country that we're destroying from the air, one so marginal that it doesn't make the slightest dent on world markets. Moreover, the ocean of Pentagon-devoured tax dollars we've provided guarantees that the destruction will proceed without a single body bag, or maybe just a few. And then there's the prospect of many billions in foreign aid, funneled to Clinton's corporate friends, to reconstruct the country we are bombing into rubble.

The craven media don't let up on showing us NATO briefings, Pentagon press releases, and evocative film clips of Kosovo Albanian refugees — as if those are supposed to decide everything and leave nothing to think about. Nothing, for instance, about the KLA, who they are, what their ultimate goal is, or how they started the whole bloody business in the first place.

This is an outrageous, unconstitutional war, illegal even by the UN Charter and the NATO treaty. It is setting precedents for interventions whenever Washington decides to bomb a sovereign country into submission for its own arcane ends.

Still, if Vietnam was a TV war, this is an Internet war. Anyone who wants to find out what is really going on can easily find it on the Net. The best site I've seen is one that's run by a few dedicated Bay Area libertarians. To me, personally, it is indispensable. The address is www.antiwar.com . . . —RR

The rationality of racial discrimination — In a Los Angeles speech shown on C-SPAN, senator and presidential candidate Bill Bradley regretted persistent racism in America. Blacks, it appears, feel that racism is present even in such relatively minor ways as being stopped and questioned by the police (for DWB, driving while black), seeing the apprehension of a sole fellow passenger in an elevator, or having trouble hailing a taxi at night. Regrettably, people are still treated not as individuals but as members of categories.

I do not blame Bradley for proposing bad remedies for this problem, for he made no concrete proposals. Even steps toward diagnosing a problem can be constructive.

But put yourself in the position of an individual discriminator. All you can know about a stranger is a set of clues derived from his belonging to some category or other — his demeanor or dress or hair style or, yes, skin color. You have to judge by mere scraps of information (probably not even actual statistics) about the past and likely future behavior of people in various categories. You cannot treat people as individuals before getting to know them as individuals. "Ought implies can," as the philosophers say; and you are not morally obliged to do what you cannot do.

Do we really want everyone to treat all strangers alike? Do we really want all police officers and all airport-security and customs officials to disregard all experience with categories of persons and all clues formerly found relevant? What would be the consequences of disregarding such information on the grounds that it is fragmentary, probabilistic, inconclusive? Delays, inconvenience, and intrusiveness, already regrettable, would certainly worsen. Waste of scarce protective resources would invite more crime, more fear. Analogous considerations apply to employment, lending, insurance, and other fields.

It is indeed unfair that perfectly decent persons must share the suspicion incurred by whole categories, such as young black males. But who is at fault? Largely it is the fault of the criminals, who draw suspicion onto others besides themselves. Consider the broad context. Crime leads us, individually and as a society, to take precautions not only against criminals but even against people who would not commit crimes. We have locks, safes, alarm systems, private and public police, courts, and punishments. All are costly and all cause inconveniences for the innocent as well as the guilty. Mistakes occur. In these and other ways we all suffer from the actions of a criminal minority and from the suspicions that crime correctly arouses.

I am not preaching complacency about the signs of racism that bothered Bill Bradley. I am warning against easy solutions based on little more than cheap moralizing. Hard analysis is required. It must not ignore the basics of economics: resources are scarce; and information is incomplete, imperfect, and costly. —LBY

Why we sue — A public good is one that, when provided to a few people, is also necessarily provided to all. Because those paying will get no more than those not paying, many economists expect such goods to be underfunded, as everyone tries to get a "free ride."

I was thinking about this in regard to the FDA First Amendment suit that Durk Pearson, I, and a few others funded. Although the plaintiffs will gain something tangible and commercially valuable — greater freedom to communicate truthful information about dietary supplements — so will everybody else in the industry. Those paying for the suit represent only a tiny fraction of the industry and an even smaller fraction of those encumbered by unconstitutional regulation of "commercial speech."

But while it is true that most of the gains of our suit will accrue to others, some will be fully private. One if those is certainty. You can be certain that a constitutional suit will actually be filed only if you raise the money and file the suit yourself. Another benefit, Durk suggests, is the name you make for yourself by mounting a successful constitutional court challenge. That name, in turn, will make it easier to raise money for other court actions. Then, too, the wonderful feeling of victory is something that only those who fight and win can get.

Libertarians generally place a much higher value on freedom than other people do. Some libertarians will therefore find a

Liberty's
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Martin Solomon
Clark Stooksbury
Jonathan Ellis

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very high price worth paying, even when most of the freedom will be enjoyed by others.

Thirty years ago, when Durk and I were young, idealistic, and energetic, what we could accomplish was severely limited by lack of money. We could do little more than spend what we had to further our own personal prospects for freedom. Now, we are older idealists with more money and more freedom-loving friends who also have more money. Loving freedom, we are willing to pay for it, carefully selecting constitutional challenges that can make a real difference.

Is it fun? Yes! Especially when you win!

Incidentally, I note that the Libertarian Party hopes to spend some $10 million on its next presidential run. Think of the 25 to 50 fundamental constitutional court challenges that we could buy for that. Isn't it more practical to mount court challenges that may succeed than to mount a presidential campaign that will surely lose? —SS

Sustain this! — I'm going to give you a reason to consider joining a millennial suicide cult.

First, let me define a term for you. This is from the *Bartels Abridged Dictionary, 0th Edition.* "Sustainability: A condition arising from the intentional choking off of individual initiative and innovation, in favor of compulsive adherence to exhortations of gaia-theocrats; typified by poverty, lower life-expectancy, and social conflict."

I am reminded of an art colony that I saw in Wisconsin a few years back, an experiment in "sustainability" run by a handful of artists and other obsessive-compulsives who attempted "sustainably" to farm a couple of acres by guilt-tripping visitors like me into performing stoop labor. Their response to conflict was typically a comfy group discussion that got progressively shriller until somebody finally buckled. These are people, remember, who think that the capitalist economic system is coercive. I guess high-decibel psychological warfare isn't.

What does Y2K mean to the greeners? Ponder this rhetorical question from Alisa Gravitz, writing in *Co-op America Quarterly*: "Would you be interested in an opportunity to move society more rapidly to *sustainability*?" [emphasis added. I just wanted you to experience it in the way I always do.] What is this opportunity, exactly? Well, in the event that civilization does collapse, Gravitz says that Sustainables can seize the day if they "attach some strings" to the rebuilding process.

From what I remember of the Sustainable's literature, their string-attaching would make the old Soviet Union look like Disney World's Virginia Postrel Land. Say goodbye to the powergrid, all those nuke plants and fish-killing dams and cancer-causing power-lines. You'll collect solar energy by standing naked outside your government-approved dung-brick hovel for eight hours a day. The food will be organic, of course; it will be fertilized by the ashes of all your friends and relatives who die young. All computing will be done at Stonehenge, even though processing time will be a little on the slow side.

If the Y2K bug doesn't get you, the Greeners will. Surely, this is another instance of the survivors living merely to envy the dead. —BB

War for the hell of it — "The death rate in Kosovo before the bombing," *Chronicles* magazine editor Thomas Fleming reminds us, "was lower than the murder rate in D.C." Altogether, on both sides, the ethnic violence last year in Kosovo claimed 2,000 lives, peanuts compared to the slaughter in recent years of over 1.5 million in the Sudan, 500,000 in Rwanda, 200,000 in Liberia, and 100,000 in East Timor.

Bill Clinton, of course, didn't fire off America's cruise missiles over these colossal bloodbaths, or over the razing of 3,000 Kurdish villages by Turkey, a NATO member. Instead, Mr. Clinton, picking sides in a centuries-old conflict, elected to bomb Yugoslavia and has now managed to achieve the opposite of every objective he sought.

The daily air bombardment, in addition to producing exactly the humanitarian catastrophe that Clinton was seeking to prevent, has rallied Serb nationalism, muted Milosevic's domestic opposition, destabilized neighboring countries, encouraged the spread of radical Islam, undermined pro-Western reforms in Russia, and threatens to drag U.S. ground troops into a 700-year-old religious and ethnic quagmire.

"Nearly half a million refugees are in Macedonia now. How they are to be fed nobody knows, but in the next month all the Christian world will hear the cry: Come over into Macedonia and help us!" That dispatch was published in the *Toronto Daily Star*. The reporter was Ernest Hemingway. The date was October 20, 1922.

Rejecting the vigorous counsel of both the Joint Chiefs of Staff and the CIA that this is not a war that's winnable with air power alone, not a case of national dominoes, and not a situation that merits a military confrontation in order to protect U.S. national security interests, Clinton decided to take a shot at subduing ancient ethnic hatreds from the skies.

On March 23, he told a group of AFSCME public-sector unionists "what Kosovo is all about," which was "wanting our neighbors to do well . . . diversity . . . community . . . belonging . . . race initiatives . . . gay rights . . . hate crimes legislation . . . employment nondiscrimination laws"; i..e., the application, at home and abroad, of Rodney King's "why can't we all just get along?" For this president, in short, war is about nothing so crude (no pun intended) as oil. "It's as if liberals feel better waging war," says *Wall Street Journal* columnist Paul Gigot, "when U.S. interests aren't at stake."

War has become a vehicle for a New World Order run by behavior cops, a heartwarming transplant of the egalitarian theories of Yale and Oxford to the killing fields and slums of Haiti and Somalia. It's all about singing "Kumbaya," says Elaine Donnelly, president of the Center for Military Readiness, all about "folk-singing about apple trees, honey bees and buying the world a Coke." Until someone gets shot.

In Somalia, 29 American soldiers were killed while "nation building" under UN auspices, their calls for more firepower unheeded at the White House. In Haiti, after five years of turning American troops into traffic cops and half-baked social workers, Gen. Charles Wilhelm, chief of the U.S. Southern Command, sees "little progress toward the creation of a permanently stable internal security environment." With Bosnia, the Dayton accords have created little more than a confederated state that's likely to explode the day NATO troops withdraw.

And today, after more than 6,000 bombing runs, NATO simply hasn't made an appreciable dent in the Yugoslav military offensive in Kosovo. In fact, there are now more Yugoslav forces in and around Kosovo than when NATO started its offensive. In addition, mercenaries from Russia, Romania, Bulgaria, Austria, and Hungary are reportedly now flowing into Kosovo to join the Serbs. "With all the looting of homes and the stealing of money," explains Fran Baba, president of the Union of Non-Government Organizations, "there are many foreign mercenaries who are making a lot of money with the ethnic cleansing."

A few weeks ago, during the second week of bombing, Clinton sounded as if he were back cramming for a final at Oxford. "I am just getting up to speed," he said, referring to Serbia. "I found out they had been fighting on and off for hundreds of years, but there was more off than on." With more fast reading this week, perhaps Mr. Clinton will get up to speed on why his military and intelligence officials warned him that an air war wouldn't work.

What we're witnessing is the first war run by the '60s doves, a battle for diversity and ethnic harmony that's supposed to be won with zero GI casualties. "The free-lunch president is trying his best to give free-lunch Americans a free-lunch war," writes *New York Times* columnist Maureen Dowd. "Usually war entails old men sending young men to die. This time, the young men in uniform seem like adults being sent off to fight by the child-man in the White House, the most self-indulgent Commander-in-Chief in history." The irony is that the only draft dodger ever to occupy the Oval Office has become one of the most interventionist presidents since World War II.

In some ways, it's just like Monica all over again. "Air power," states military specialist Eliot Cohen, "is an unusually seductive form of military strength because, like modern courtship, it appears to offer gratification without commitment." —*guest reflection by* Ralph Reiland

Stop the War Now!— The libertarian movement has long needed a non-partisan activist organization, but by and large, except for the LP, libertarian organizations have sought tax exempt status that prevented their rallying public opinion on specific issues. That's why I was delighted to learn that on April 27, 34 days after the NATO war started, the Libertarian Party launched an anti-war website called StopTheWarNow.com. Those who log onto the site get the customary set of links to other websites that offer news or rally opposition to the war.

More importantly, visitors to the site are invited to fill out a simple form (name, email address, zip code) and a short, cogent message will be sent in their name to their congressperson and senators. The LP guarantees to keep the names and addresses of signers private and not bother them with endless email. Signers who don't like the message prepared by the LP can easily add their own sentiments.

This venture is modeled on the anti-Know Your Customer website the LP launched in February to rally opposition to proposed banking regulations that would have forced every bank in the country to spy on every one of their customers and report anything unusual to police authorities. As Jefferson Meyers pointed out in the May *Liberty*, the LP got onto that issue a bit late, after the regulations were pretty much defeated. But the 171,000 anti-regulations emailed comments generated by the website certainly helped bury that particular regulation once and for all.

This time, no one can say the LP is entering the battle late. Sad to say, the Clinton administration seems willing to bomb Yugoslavia until every last living thing is vaporized, and Americans are only gradually coming to realize that a war without American casualties fought 5,000 miles from home for no perceptible purpose is not a good thing. In its first two weeks, StopTheWarNow.com forwarded anti-war messages from 12,127 Americans to their representatives.

There's no issue more important for lovers of liberty than NATO's War. It's destroying life and property in the Balkans on a massive scale for no apparent reason other than distracting Americans from Clinton's swapping military secrets to the communist Chinese for campaign contributions and testing new technologies of death. It's raising taxes, stimulating statist and militarist values, and nurturing an indifference to human suffering. The Libertarian Party deserves a special thanks for launching StopTheWarNow.com and beginning to rally opposition to the NATO War. —RWB

Coming in *Liberty*

"I Am the Taxman"

Fritz Berggren reflects on his life as a private tax collector.

"Libertarians and the Constitution"

Gene Healy explores the weird world of libertarian constitutional theory.

"Liberty as if the Other 99% Mattered"

Why are nearly all Americans indifferent to liberty? *Loren Lomasky* answers this vexing question.

"The Russian Libertarian Movement"

Jen Tracy traces libertarian influences (and lack thereof) in the former home of Communism.

Symbols for the Masses

by Stephen Cox

On Monday, May 3, two weeks after the incident at Columbine High School in Littleton, Colorado, in which a couple of kids named Dylan Klebold and Eric Harris killed twelve fellow-students, a teacher, and themselves, it seemed possible that the episode might some day cease to be the national media's only interest.

The last funeral service had been broadcast, in its entirety, on national television. Every politician and social "expert" who could speak into a microphone had been interviewed at least four times. The opinions of youth had been thoroughly canvassed. And something else had finally happened (besides the war on Serbia, but who cares anything about that, anyway?). On the night of May 3, almost a hundred great tornados descended on Kansas and Oklahoma, levelling whole communities and killing over 40 people.

Yet when this big story broke, CNN Headline News at first found it hard to tear itself away from Columbine High.

To give this one event a peculiar symbolic importance is to encourage an interest in symbols as such, not in realities.

At the start of the network's half-hour news bites, the announcer took only brief notice of the disaster in the midwest, indicating that further information would be supplied during the weather report. Then she briskly returned attention to the really important story, the Columbine High School incident.

I am holding onto that word "incident," because everybody else seems to have the event permanently filed under the heading of "Our Long National Nightmares." What occurred at Columbine High was a terrible incident, but an incident nonetheless. There are cruel people in this world, and there are crazy people, too; sometimes, they kill other people. We know that, and ordinarily we take care to keep such things in proportion. They are incidents in human life, but they are not the main story.

On the same May 3, 1999, there was news about another incident, too, although you would have had a hard time finding that news on TV. A jury in Santa Ana, California, recommended the death penalty for a man named Charles Ng. A decade and a half before, when Ng (pronounced "Ing") was young, he and a friend purportedly murdered six men, three women, and two babies in a secluded location where the two pals were wont to kill and torture other human beings.

Ng's legal case has been running around the courts for years, without attracting much attention or interest from national opinion leaders. As far as I know, the funerals of Ng's victims were never broadcast, live and in their entirety, on nationwide TV. The president of the United States issued no solemn and repeated public meditations on the subject of Ng's homicidal sexuality. Talking heads were not engaged to work three shifts a day divulging their views about the psychology, sociology, theology, political science, and jurisprudence of the Ng affair.

Nor should they have been so engaged. The sadism of Ng and his friend was an incident. To treat it as something more than an incident, to treat it as a reflection of American life in general, as a symptom of a disease that afflicts everyone and that everyone must therefore attempt to cure, would go far toward making insanity appear the norm.

In a populous and complex society, many kinds of incidents occur. Not all of them become, or could possibly become, public fixations. That fate is reserved for events that vibrate with symbolism, and vibrate at some publicly detectable frequency. My old Hallicrafters symbol-detector must have a wire loose someplace, because I am always being surprised by the social-symbolic vibrations that other people's equipment so easily detects.

When I naively suggest to my acquaintances that the importance of Columbine High School may have been exaggerated, nearly everyone informs me, and informs me emphatically (sometimes hysterically), that what happened there is a symbol of American social problems, a symbol that must be heeded if the problems themselves are ever to be addressed. The problems are variously listed as "guns," "violence," "violent video games," "the way that kids are raised," "the way that young males are socialized," "the way that kids who don't fit in are scorned," and very many more besides.

The worries of my friends are real. Most of the problems that they mention are of perennial concern. (Spare me the existence of "guns" as a "problem," however.) But that's

The Meaning of the Massacre

exactly what's the matter with the symbolic method of confronting such problems: the problems are indeed perennial, and no amount of symbolism will help us solve them. Nothing that Eric Harris and Dylan Klebold did at Columbine High School on April 20, 1999, sheds any new light on what everyone — everyone who is even mildly compos mentis — already knew.

High school is hell for kids who don't fit in. Manhood is difficult to learn. The line between self-assertion and aggression is hard to fix. Young people are susceptible to millions of influences that they have a hard time sorting out. Parents and teachers can help with this, especially if they think about what they're doing, but none of them will ever do a perfect job. Even the best adults will fail with some kids.

That's what we knew before April 20; that's what we know now. To give this one event a peculiar symbolic importance is to encourage an interest in symbols as such, not in realities. The truth is that we can sometimes learn through symbols, but also that our symbol-seeking behavior can be a dangerous and a frightening thing.

What went on at those nationally televised funerals in Littleton, Colorado, was certainly frightening to me. The very fact that the funerals were nationally televised was a sign that the poor dead mutilated children of Columbine High School were being wrenched into the kind of symbols that could be shared by everyone. The ceremonies, in their egregiously "national" form, were a theatrical imitation of personal sympathy, a pathetic flight from the privacy and individuality of actual human life.

On site and on the screen, the mob was invited to participate in a restless search for yet more symbols. During one of the funerals, the only one I could stand to watch all the way through, the audience could be seen milling around, dropping flowers on makeshift shrines, spasmodically applauding (!) musical acts and political speakers (of whom there was an absurdly plentiful supply), passing teddy bears up to the stage, holding or releasing balloons, climbing a hill on which wooden crosses had been erected, pencilling messages on those crosses with magic markers, watching performances of massed pipers, watching performances of marching bands, watching the vice president and his entourage parading down a street, watching the vice president kneeling before yet another makeshift shrine . . . . If you want symbolism, here it is.

But what it indicates isn't solemn understanding and engagement but distraction and desperation, a mindless craving for therapeutic spectacle, an unending quest for symbols as such. Here was a mass of people; here were big emotions; here was symbolism isolated from any specific connection with reality; here was the urge for something more, something cathartic, something ultimate. It was frightening.

continued on next page

Brill's Discontent

Steven Brill, publisher of *Brill's Content*, has made a suggestion that I have seen many times before: we should treat guns the way we treat automobiles. But I wonder if he has given much thought to this proposal.

What we should do about guns, he says, is "register them and license those who would use them." But how do we treat automobiles?

To drive on a public street, one must have a tag on the car indicating that the driver has paid a fee. In the state of Washington, this fee is based on the value of the car. My piece of junk costs about $35 a year to license. One must also have a license to drive a car. Ostensibly, this is a safety measure to insure that only competent drivers are on the road. In reality, any idiot can get one, and with minimal luck he can avoid ever taking another driving test. I ran a stop sign on my test 20 years ago and still passed.

Both the tag and the driver's license entitle a person to drive in every state in the union. Under Brill's system, I could pay $20-$40 a year to license a used revolver; take a joke of a test administered by a surly, bored bureaucrat; and carry a concealed weapon anywhere in the country. I think most gun nuts would go along with that.

—*Clark Stooksbury*

It's a Mad, Mad World

We live in an insane world. Consider:

There are currently over 1,500 federal gun control laws in the United States. Two teenagers in Littleton, Colorado, spend over a year secretly planning mass murder, building over 50 lethal bombs; yet many people are convinced their attack on their high school could have been prevented if only we had passed one more gun control law.

These two killers strolled through their school for hours, killing people huddled together in fear with *no* ability to stop them. Imagine yourself as one of those huddling victims. Imagine reaching into your pocket and finding a gun. Would this be enabling and empowering, or would it simply make you worse off? The former, surely. Yet virtually all political commentators consider the suggestion of allowing school officials to be armed ludicrous and bizarre. Is this because they are concerned that school officials cannot be trusted and would, if armed, go on shooting rampages themselves? If so, then people are strangely unconcerned about leaving their children under the control of these officials.

The two major news stories of the season are the bombing in Kosovo and the bombing in Littleton. Parents are expected to teach their children that bombing children in America because they've made fun of you is bad, but bombing children in foreign counties because their leaders have made fun of our leaders is good. We are supposed to condemn Nintendo war games as possible sources of violence that can set children on murderous rampages . . . but we are not to entertain this view of real war games. Blowing up bridges on your computer screen can turn you into a monster, but watching your government blow up real bridges on your TV screen simply warms your patriotic heart.

—*Ross Levatter*

The Meaning of the Massacre

Two years ago, a comparable event took place — the obsequies of Princess Diana. In this case, the reality supposedly commemorated was even more decisively an incident. I don't know very much about the kids who died at Columbine High (you certainly couldn't learn very much about them from watching their funerals), but I would bet any amount of money that every one of them except Eric Harris and Dylan Klebold was, in real terms, a much better and more important person than the Princess of Wales. Her death — poor, silly creature — was chiefly remarkable for the explosion of unanchored and undirected symbolism that followed it.

It made no difference what people *thought* the symbols of their grief expressed. For some, what was expressed was actually, and merely, an appreciation of glamor and fashion; for others, it was a steady hatred of the British class system; for still others, it was love and envy of that system, or an infatuation with Diana's political causes, or regrets about the drabness of life and the passage of time, the pathos of old loves and the grayness of aging skin. The list could be extended indefinitely. But whatever their motives, the people flocked to the festival of symbols, carrying with them

Ban the Bible!

Some people are willing to use almost any bad thing that happens to whip up hysteria about the need for more social controls. The bad thing is, in effect, a Reichstag Fire that they don't have to set themselves. Right now, William Bennett, the ex-drug czar, is prominent among those beating the drum for some form of censorship on the media in general and the Internet in particular.

An aside: although Bennett is best known for his authoritarian views on free minds, he's long been an enemy of free markets, too. During the financial meltdown in the Orient last year he said, "What I'm concerned about is the idolatry of the market. 'Unbridled capitalism' may not be a problem for production and expansion of the economic pie, but it's a problem for human beings. It's a problem for the realm of values and human relationships because it distorts things." It's sad testimony to the state of the nation when a blowhard like Bennett is seen as a pundit about issues of right and wrong. The occasional crime is bad enough, but the real damage is done when yahoos use it as an excuse to dramatize their aberrations and cause a new wave of laws to be enacted.

What is the underlying cause of the Littleton incident? I can only hypothesize, but I certainly don't attribute it to a degradation of values produced by books, movies, music, or the Net. If anything, there's less violence portrayed today than there was in the literature of the past. Even a casual reading of Greek and Roman classics reveals that violence is integral to many story lines, starting with *The Iliad*. The same is true of the Old Testament, which is largely a history of genocide, murder, rape, aggravated assault, robbery, and every other crime. And it's not told as a cautionary tale, either, but as a joyous celebration of one ancient desert tribe's bloody conquest of its (mostly) more peaceable neighbors. Hardly a good example.

Why violent offenders in prison are encouraged to read the Bible, but not allowed to see *Pulp Fiction*, is a mystery to me. But if Edward Gibbon is right, maybe people shouldn't be allowed to read history. He said (accurately, in my view) that history is "little more than the register of the crimes, follies, and misfortunes of mankind."

I suspect that people are basically no more violence-prone today than they've ever been, and that Americns are much less prone to violence than most peoples. Of course we've always had our share of sociopaths (Billy the Kid, Pretty Boy Floyd, et al.). If there is more "senseless" violence today, as opposed to crimes with monetary enrichment as an objective, that's not necessarily because society is more degraded, but because it's richer. Or because people have more energy-giving calories in their diets. Or because they don't have to do the physical work they once did. In the past, many people may simply have been too tired to commit discretionary crimes. It may be important to remember that people are more urbanized today, and so are stressed somewhat more, like rats in close confinement. There are lots of possible explanations for outbreaks of violence, explanations that make more sense than the Net or rock 'n' roll.

Why has there been a spate of murders in *schools*? I don't know. But it's interesting to note that all the school massacres have been in public schools. Rather than trying to eliminate guns, a better idea would be to eliminate public schools.

One thing is certain: the spate of school killings is absolutely not the fault of America as a society — and certainly not the fault of the idea of America, which is what the elite really wants to say in its sanctimonious editorials. Contrary to popular opinion, America is probably the least violent society in the history of the world. I know that comes as a shock, but it's true. If you want to see violence, look at every country in Europe over the last century, where mass murder was raised almost to the level of an art form.

Completely coincidentally, but bearing directly on the above, the April *Scientific American* reprinted a paragraph from its April 1849 edition: "From the Mt. Hore Institute on the Insane, Dr. W.H. Stokes says, in respect to moral insanity: 'Another fertile source of this species of derangement appears to be an undue indulgence in the perusal of the numerous works of fiction, with which the press is so prolific of late years, and which are sown widely over the land, with the effect of vitiating the taste and corrupting the morals of the young. Parents cannot too cautiously guard their young daughters against this pernicious practice.'"

—*Douglas Casey*

their balloons, their teddy bears, their notes-to-no-one, their momentary attention to religious ceremonies, their undignified habit of applause, their easy forgiveness and easier quest for scapegoats. They came to the spectacle, and they came to be moved. Thank God, they *were* moved, and they went home without violence.

Save your worries about teenagers' video games and look at *this* kind of video performance. When young people witness its appalling symbolism, what does it teach them about life? ❑

Consumers of Safety

by Jeffrey Snyder

Within a week following the murder of twelve students and one teacher at Columbine High School in Littleton, Colorado, the Clinton administration announced a new package of gun control proposals aimed at keeping guns and explosives out of the hands of the insufficiently trustworthy. Among other things, the proposed laws would limit handgun purchases to one a month, extend background checks to purchases of explosives, gunpowder and firearms at guns shows, prohibit the purchase of handguns by anyone under the age of 21, bar juveniles convicted of violent crimes from ever owning guns, require that child safety locks be sold with all guns, and make it a federal crime for parents to show reckless disregard in letting children have access to guns.

Like many of the nation's laws, the proposals aim to prevent crime by targeting conduct which is not itself criminal, but which precedes criminality. That is, they criminalize conduct that is not wrong by itself, such as the purchase, carrying or ownership of a handgun by persons who have no criminal intent, in order to prevent the subsequent occurrence of some real harm. They fight crime by creating a new crime.

Gun control is a prime example of this, but the same impulse is at work in vast domains of federal and state codes. It may be found, for example, in the requirements imposed on banks and others to report large cash transactions. These requirements are attempts to fight money laundering, which is itself a crime created to fight drug trafficking, which is itself a crime created to prevent the evil of drug use. The logic of prevention is relentless.

Once people abandon the principle of criminalizing only conduct that is harmful and in which the actor has some bad intent — nearly universal requirements at common law, but ignored with abandon by 20th Century legal positivists, for whom virtually anything is criminal if defined as such by statute — there is no logical stopping point.

The circle of criminality extends ever outward, as each successive effort at prevention shifts the fight to a new location. When the Brady Act prevents convicted felons from purchasing guns from licensed dealers, the circle of criminality moves outward to require background checks on customers at gun shows. When guns are finally prohibited and we are busy waging war to curb the resulting black market, the circle of criminality will enlarge itself further, entailing background checks on purchasers of metalworking tools at Sears.

Except when conducted on Second Amendment grounds, debates over gun control measures are typically limited to questioning whether the proposals will work, that is, achieve their intended results. Thus, for example, we hear critics of the administration's new proposals observe, correctly, that the proposals would not likely have prevented the 13 murders committed by students Eric Harris and Dylan Klebold in Littleton. But rarely does anyone examine the implications of using law as a tool of prevention.

The truth is that such laws conscript citizens into policing the behavior of others, making them criminally responsible and subject to punishment for failure to prevent that which the government, with its multitude of police agencies, surfeit of laws and crushing penalties, cannot itself prevent. This fact is particularly grating, considering that government admits responsibility for its failures to police others or prevent crime. By itself, this should indicate that these laws are tyrannical, a corruption of the purpose of government, and inconsistent with a free society.

In the wake of the school shootings in Littleton, there was speculation that one or more of the guns used may have been acquired at a gun show, in a transaction not subject to existing Brady Act background check requirements. The Clinton proposals would close this "loophole" by making it a crime to sell a gun in this fashion and subjecting the seller to

punishment because his purchaser was not checked against the list of federal disqualifications. Those ineligibility requirements (such as dishonorable discharge from the armed forces) are based on the presumption that persons with those characteristics, taken as a group, are more likely than others some day to use a gun in the commission of a crime. Upon this group guilt, unspecified probability, and "for want of a nail, the kingdom was lost" causality, we hang the gun dealer.

While the seller goes to jail because of what might possibly result from his failure to police others, none of the Congressmen who enacted the federal Gun-Free School Zone Act (found to be unconstitutional) and none of the Colorado state legislators who pushed through the local version (which seems to have had the principal effect of disarming potential victims) suffer any form of punishment for what actually happens. They do not even suffer the ridicule they deserve for enacting laws that are essentially magical incantations. Instead, they busy themselves with new proposals and receive eager praise for it.

While the gun dealer goes to jail, the police and SWAT teams that responded in Littleton will not be subject to suit or fired for their failure to prevent disaster or save the victims at Columbine High School. Nor will Colorado legislators — who for years failed to permit the concealed carrying of weapons for self-defense — face criminal charges or even be derided for their role in creating a society in which criminals are assured the luxury of laughing as they shoot their unarmed, cowering victims. Faced with fresh evidence that guns are evil, they hasten to withdraw the bill that would have authorized "licensed concealed carry."

In fact, creating dependence while being utterly unac-

Real Gun Control Advocates Don't Beat Around the Quiche

Whenever a tragedy such as the Littleton, Colorado mass murder occurs, it is greeted as an opportunity by gun control advocates. But even at times when it seems that they should be on the offensive (a *New York Times* editorial labeled this a "Gun Control Moment"), their prescriptions are fairly timid. In the face of this gross act of violence, one would think that seemingly radical steps — banning handguns (as George Stephanopoulos suggested) or even all weapons (as Rosie O'Donnell advised) — would be in order.

But President Clinton has concocted a series of cosmetic legislative measures guaranteed to have a negligible effect on school shootings in particular and violent crime in general — in the unlikely event that they pass. Senate Democrat leader Tom Daschle, who would be needed to help shepherd the legislation through Congress shows little more enthusiasm for the proposals than his Republican counterparts. Clinton would raise the minimum age for legally possessing a handgun from 18 to 21; ban juvenile possession of semiautomatic "assault rifles"; make parents criminally liable when they "knowingly or recklessly" allow a juvenile access to a weapon that is used to cause death or injury; require dealers, manufacturers, and importers to provide a safety lock with every gun; require background checks on the sale of explosives and weapon sales at gun shows and flea markets; and limit handgun purchases to one per person per month.

I object to this package more for the increase in power that it would grant to the Federal law enforcement agency that is particularly known for its lethal mix of cowboy mentality, genuine stupidity and pure evil — the Bureau of Alcohol, Tobacco, and Firearms — than for the inconvenience and loss of rights that it would inflict on gun owners.

Some prohibitionists are upset for other reasons about Clinton's suggestions. To Kristin Rand, a spokesperson for the Violence Policy Center, they are "nothing more than a collection of knick-knacks and doo-dads that focus on the gun seller and gun user but does not focus on the gun industry." Rand is correct, but it is hard to see much of substance coming from her group's strategy of suing gun manufacturers — much besides lining the pockets of lawyers and the city governments that are bringing the suits.

It is time for prohibitionists to stop fooling around. Waiting periods, background checks, and safety locks are nice Clintonesque half-measures, much like school uniforms and the V-chip, but they are not going to have much effect in a country where no one really knows how many tens of millions or hundreds of millions of firearms — revolvers, six-guns, shotguns, AK-47s, etc. — are in private possession. With such a large number of guns extant, a sizable black market is inevitable if new guns are outlawed.

The honest prohibitionist should admit that even after all his nickel and dime proposals become law, something must be done about the millions of weapons in private hands. This means more than just a ban on the sale, manufacture, and importation of weapons. It means confiscating the guns now privately held. If necessary he should be willing to call out the ATF, the FBI, and the 82nd Airborne to go from house to house confiscating weapons.

And he should prepare the public for the reality that this will lead to more "Wacos" and "Ruby Ridges," since many of the folks out in flyover country are quite attached to their guns. He should prepare *himself* for the possibility of an occasional "Manhattan" or "Cambridge" or "Georgetown," since a few members of the ruling elite might turn out to be as recalcitrant as the rednecks. It will be disconcerting to him to realize that guns are owned by someone other than religious fanatics, white supremacists, and survivalists; but he will soon be used to unpleasant scenes of federal snipers training their sights on union members, Presbyterians, Chevrolet owners, and other ordinary, not easily demonized, Americans.

This method of public safety is waiting for a legislative sponsor whose loathing of gun owners and concern for "the children" is matched only by his contempt for freedom. Charles Schumer's moment may have arrived.

—*Clark Stooksbury*

countable for the results is the essence of the modern democratic state. But there is little doubt that dependence — being cared for by a warm and snuggly government that feels their need and their pain — is what most Americans want.

Thirty-one states now have laws that permit nearly any law-abiding citizen with a clean record to carry a concealed handgun for self-defense, yet it is rare that the number of licensed permit holders exceeds 1 to 2 percent of a state's population. A few weeks before the Columbine High School killing spree, Missourians voted on the nation's first statewide referendum about whether to permit licensed law-abiding citizens to carry concealed weapons for defense. By 52–48 percent, they said that they did not trust themselves to carry arms. Depending so long upon government, they have become fearful or incapable of relying upon themselves. Surely great evil would come of such a thing.

One writer to the editor of the *St. Louis Post-Dispatch* summed up her opposition to the proposed Missouri law by stating that "the so-called right to carry infringes on my right to feel safe." And there is the bottom line. The reason why

continued on next page

Setting a Bad Example

The day before the Littleton, Colorado, shooting, *The Wall Street Journal* reported on the B-2 ("Flying Wing") bombers that are attacking Yugoslavia. These bombers are so complicated that it is easier to fly them all the way to Belgrade from their home base in Missouri than to set up a new base in Europe.

The *Journal* article quoted pilots and their wives talking about the surrealistic experience of going into combat in the morning and watching their kids' little league games in the afternoon. "I got home before my wife today," said one man after dropping bombs on Yugoslavia, "so I made dinner."

The next day, after the Colorado high school shooting, President Clinton released a pious message saying we need to "hammer home to all the children of America that violence is wrong." It's interesting that he would use a violent metaphor to say, "Do as I say, not as I do."

Back in the '60s, when Clinton was growing up, there was a popular movement called "situational ethics." The premise was that there are no hard and fast rules about what is right or wrong; it depends, instead, on the situation. The implication was that we can each decide for ourselves what is right or wrong in any given situation.

The problem with situational ethics is that people have an uncanny ability to view their actions in the best possible light. Is violence all right if the president can get away with spending billions of dollars dropping bombs that kill hundreds or thousands of Yugoslavians, just so long as there are no American casualties? Apparently, from Clinton's point of view, it is. But it is not a big step from there to saying, "Violence is all right if I can have some fun shooting a bunch of people I don't really like before killing myself."

Maybe societies need some hard and fast rules after all: thou shalt not kill; thou shalt not lie; violence is wrong except for self-defense. Maybe young people will learn those rules only if society's leaders practice them as well.

Maybe I'm beginning to understand what conservatives meant by the "character" issue.

—*Randal O'Toole*

Amoral Cocktail

Pundits have blamed the Littleton massacre on everything from guns to urban sprawl (suburban Littleton had lost its "sense of place," said a *New York Times* op-ed writer). President Clinton first responded by pushing gun control; when that didn't resonate sufficiently in the polls, he shifted to the "media" problem, promising to discuss the state of culture with his friends in Hollywood. The truth is that no one has persuasively explained the string of violence in our schools. Most people are still trying to figure it out.

I suspect the tragedies stem from a deadly cocktail typical of our time: a mixture of part-time parenthood, a culture that is amoral at best, and a government institution, the American high school, that is both bureaucratic and impotent.

Parenthood. No one knows what goes on in most families, and the parents of Eric Harris and Dylan Klebold have not been talking to the press about what went on in theirs. At the very least, however, they were inattentive to what their kids were doing. This kind of parenting is one cost of the enormous freedom of choice that adults have. Staying home (both actually and figuratively) can be dull and unfulfilling, so many parents don't. But part-time parenthood can leave children missing a few cogs in their development.

The Culture. The United States' mass culture has extremes of good and ill: wonderful, uplifting movies and savagely immoral ones. Such extremes can be found in music, magazines, Internet, computer and video games. Some kids can't handle the choices very well, and if their parents are uninvolved, there isn't much out there to guide them.

The School. Columbine sounds like thousands of other high schools, including the one I attended many years ago. A public school system gravitates toward warehousing its teenagers in large, impersonal agglomerations. Like all bureaucracies, these schools best serve those who are easy to deal with — in this case, the bright, the mature, the handsome, the successful. Average kids just get by, and misfits are usually ignored. (I doubt that "guidance counselors" are more effective today than they ever were.) Unlike school administrations of 40 years ago, however, the administrations of these schools have little control over students' behavior. Dress codes are out, expulsion is rare, inappropriate action is tolerated. As Kay Hymowitz wrote in *The Wall Street Journal*, legal cases since the late 1960s upholding students' rights have produced back-talking ado-

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laws selling crime prevention have such tremendous appeal is that most Americans conceive themselves as mere passive consumers of a product called "safety," created for and delivered to them by government.

They do not see themselves as contributors to public order, ready to act upon their own initiative when circumstances so require. They simply do not perceive the opportunities to create safety or to restore order that exist when people assume the responsibility of acting in defense of innocent life. Inhabiting a world in which everyone believes that having the desire and the wherewithal to confront murderers in the act of murder is beyond their ability, and someone else's responsibility, they call 911, flee in abject terror, or wait and cower, passive recipients of a service that they hope will be delivered in timely fashion.

The gun is only a tool. Like other tools, it enables us to do both greater good and greater evil. Take it away, and you have reduced man's capacity to do harm, but you have also reduced man's capacity to do good. That we entertain serious discussions about eliminating guns speaks not so much to the evil nature of the thing itself — it has no moral nature — as to our own limited capacity and willingness to do good, to undertake those actions in service of the good with the tools at our disposal. ❑

The Spirit of the Weapon

A few more high-school massacres, and the anti-gun nuts will have all the ammunition they will need to repeal the Second Amendment to the U.S. Constitution. It doesn't matter that anyone with half a brain realizes that the issue is not guns, per se, or that the Columbine massacre tells us more about in-group/out-group strife in America's Public Reservations for Teenagers than it does about anything else; the anti-gun crusade seemingly has the "practical" high ground now.

In the face of the anti-gun nuts, the first reaction of some of my comrades-in-arms is hardly anything like calm reasoning. Hasty thoughts and shootings-from-the-lip are often the order of the day. Still, in the hours, days, and weeks following the Columbine event, my strange network of friends — Epicureans, ex-Objectivists, libertines, policy wonks, Christian dissidents — went into overtime on the Internet, divesting a word horde rivalling in quality as well as in quantity the work of such professionals as Sam Smith of *Progressive Review*, Camille Paglia of *Salon*, and even Tom Robbins of the letters column of the *Seattle Post-Intelligencer*. After their words and my own netmusings, it doesn't seem worth it to add more words. The spirit flags as the march against gun ownership mounts.

But that would be a mistake. Citizen armament is an important issue, one that deserves unflagging support from those who understand the issues. Though much of the writing on Columbine has been very perceptive, it didn't stop an immediate reaction across the country against "Goths" who dress oddly in dark clothes and trenchcoats. A thousand thoughtful individuals contributed a million thoughtful words, but Rosie O'Donnell's blunt insistence that the Second Amendment be simply scrapped had more airplay.

The worst enemy of citizen armament may, however, be gun owners themselves. The carelessness of so much ownership is astounding to me. There are at least three levels of concern that gun owners should be able to address: aesthetics, ethics, and spirituality. But most gun owners in America are unable even to treat their own guns in expert ways. Much less are they able to deal with the aesthetic distaste for guns shown by their neighbors, or argue in responsible ways for the morality of owning and using guns, or deal with the questions of life and death that inevitably come to mind when you hold a weapon in your hands that could annihilate another person.

This last issue is the one that I never, ever see addressed. Most citizen gun ownership advocates whom I know can at least muster a practical or moral argument against gun control. They have some glimmering that anti-gun hysteria is usually little more than a knee-jerk politics of aesthetic intolerance, a simple-minded reaction to the scenario of a person simply pointing, shooting, and killing. But an *armament spirituality*? Unthinkable.

And yet, if Americans continue to treat their guns as unthinkingly as they now do, or defend gun ownership with as little thought to life and death matters as they now evince, their guns will likely be taken from them.

The idea of an armament spirituality is not new. Usually it has been reserved for the soldier classes in pre-industrial societies. But if citizens are to remain armed and independent, the culture of gun use must change and become more subtle as well as more responsible. I do not expect this to come to fruition in an organized political movement. It will happen only if the gun owners themselves wise up and acknowledge the gravity of their position.

Perhaps then — "armed" with virtues we now contemplate only in the context of westerns and tales of the Samurai — they might even discourage the kinds of massacres that erode support for the weapons they wish to own and use. The sage does not shoot for revenge. —*Timothy Virkkala*

"Amoral Cocktail," *continued from page 17*

lescents whom teachers and administrators are powerless to discipline. Our sheriff here in Bozeman, Montana, says that many of the kids he works with have the attitude reflected in such comments as "You can't touch me, I'm a juvenile." Bizarre activities fester in this environment.

As a result of Littleton, the schools will probably take back some of their power. Already, schools across the country are establishing clothing rules (no long trench coats, for example) and barring backpacks. More metal detectors can be expected. But unless something is done to insist that students be accountable for their actions, the effect will be merely to burden the many without straightening out the dangerous few. —*Jane S. Shaw*

Why Johnny Can't Disobey

by Sarah J. McCarthy

The key to freedom is resistance, and the key to modern education is programmed acceptance.

Speaking at the Harvard Law School Forum in February on "Winning the Culture War," Charlton Heston delivered a vital lesson on the role of disobedience in American culture:

> I learned the awesome power of disobedience from Dr. King, who learned it from Gandhi, and Thoreau and Jesus and every other great man who led those in the right against those with the might. Disobedience is in our DNA. We feel innate kinship with that Disobedient Spirit that tossed tea into Boston Harbor, that sent Thoreau to jail, that refused to sit in the back of the bus, that protested a war in Vietnam. In that same spirit, I am asking you to disavow cultural correctness with massive disobedience of rogue authority, social directives and onerous laws that weaken personal freedom . . .
>
> Let's be honest. Who here thinks your professors can say what they really believe? It scares me to death, and should scare you too, that the superstition of political correctness rules the halls of reason . . .
>
> What does all of this mean? It means that telling us what to think has evolved into telling us what to say, so telling us what to do can't be far behind. Before you claim to be a champion of free thought, tell me: Why did political correctness originate on America's campuses? And why do you continue to tolerate it? Why do you, who're supposed to debate ideas, surrender to their suppression?

Until recently, few people besides Heston have expressed concern about whether or not American college students can disobey. Many discovered that Johnny cannot read, but fewer saw that he cannot disobey, and neither can his teachers.

In matters petty and profound, conformity to cultural norms is increasingly demanded. "If you talk about race, it does not make you a racist," Heston needed to point out. "If you see distinctions between the genders, it does not make you a sexist. If you think critically about a denomination, it does not make you anti-religion. If you accept but don't celebrate homosexuality, it does not make you a homophobe."

A long run of historical experiences with evil authorities should by now have established the crucial importance of independent thought, free speech, the right to dissent, and the necessity of civil disobedience. In our time, there has been no shortage of charismatic, malevolent leaders — Adolf Hitler, Charles Manson, and Jim Jones, to name some of the worst — who were capable of committing wholesale murder. What remains shocking, however, is that they were successful at recruiting followers. Though Heston believes we may have healthy doses of disobedience in our DNA, there appears to be no shortage of individuals, who, after having been trained in a culture of conformity, compliance and obedience to authority, will offer their minds on a silver platter to feed the egos of the power hungry.

Since the Holocaust, we have lived with the realization that a nation of otherwise civilized people was capable of killing millions of unarmed fellow citizens on command, but events such as the Heaven's Gate and Jonestown suicides took us one step further: people will also kill themselves on command. Researching the bewildering phenomena of the Nazi experience, Yale social psychologist Stanley Milgram wrote of the dangers of social conformity in his book *Obedience To Authority*: "In growing up, the normal individual has learned to check the expression of aggressive impulses. But the culture has failed, almost entirely, in inculcating internal controls on actions that have their origin in authority. For this reason, the latter constitutes a far greater danger to human survival."

Contrary to beliefs that the survival instinct is predominant over all other drives, the mass suicides at Jonestown offer testimony to the power of cultural indoctrination. Significantly, the greatest life force at the People's Temple came from the children. Acting on their survival instincts, they went kicking and screaming to their deaths in an "immature" display of disobedience. The adults, civilized and educated people that they were, lined up and drank their Kool-Aid like the followers they were trained to be. And their training had not begun at Jonestown. When something as horrible as mass murders or suicides happens, people draw metaphors about the nearness of the jungle and the beast that lurks within us, but on closer scrutiny the beast within us looks suspiciously like a sheep.

We have lived with the realization that a nation of otherwise civilized people is capable of killing millions of unarmed fellow citizens on command. But events such as the Heaven's Gate and Jonestown suicides took us one step further: people will also kill themselves on command.

Despite our rich literature and history of freedom, obedience is perceived to be in the best interests of schools, governments, churches, families and political institutions. Its vehicles are nationalism, patriotism, religious ardor, and peer pressure. Certainly there must be some level of compliance in any reasonably civilized society, but we have seen that obedience can become the most destructive of vices, a threat to our very survival.

In the 1950s, many social psychologists tried to understand how millions of Jews and other people in the minority could have been systematically exterminated in Germany. Solomon Asch conducted a classic experiment on conformity behavior, conduct that is similar to obedience behavior in that it subjects one's will to that of peers or authority. In Asch's experiment, college students were asked to estimate the length of a line after confederates of the experimenter had given obviously wrong answers. Placing conformity above accuracy, the subjects also gave wrong answers 35 percent of the time.

Asch had expected people to be rational enough to choose the evidence of their own eyes over the wrong perceptions of others. He was mistaken. "It is important to keep the unambiguousness of the situations in mind," he explained. "In many instances, subjects are quite certain of the correct choice and, in the absence of group pressure, would choose correctly 100 percent of the time. In contrast, when they conform, they are conforming despite the fact that they know the correct answer."

How much more must we fear blind following in ambiguous circumstances, in situations where moral principles are unclear or debatable, in situations where there exists a legitimate or charismatic authority!

In an effort to understand the obedience to authority that had occurred in Germany, Milgram devised an experiment with acts of obedience. He placed subjects in the role of teachers and had them "shock" learners for their mistakes. The "learners" were not real learners, but confederates of the experimenter who were faking their reactions. When such a learner made a mistake, the experimenter instructed the subject-teacher to administer an ever-increasing voltage from a shock machine that read "Extreme Danger," "Severe Shock," and "XXX." The machine was actually unconnected to any electric current. But the subject-teachers believed they were administering real shocks. Before the experiment began, they were given a sample shock themselves.

Milgram asked his Yale colleagues to make a guess as to what proportion of subjects would proceed all the way to the presumed lethal end of the shockboard. The professors' estimates hovered around 1 or 2 percent. No one was prepared for what happened: 26 of the 40 subjects obeyed the experimenter's instruction to press levers that supposedly administered dangerous levels of shock. After this, Milgram regularly obtained results showing that 62 to 65 percent of experimental subjects would shock all the way to the end of the board. He tried several variations of the experiment. One of them he conducted outside Yale University so the prestige of the university could not be an overriding factor in causing the subjects to obey. He found that people were just as likely to administer severe shocks whether the experiments occurred within the hallowed halls of Yale or in a three-room walk-up storefront in which the experimenters spoke of themselves vaguely as only "scientific researchers."

In another variation, Milgram found that aggression was not a factor in causing people to give shocks. When the experimenter was out of the room, thus permitting the subjects to choose the level of shock themselves, almost none administered more than the lowest voltage. Milgram decided that obedience, not aggression, was the problem. "I must conclude that Hannah Arendt's conception of the banality of evil comes closer to the truth [in explaining the Holocaust] than one might dare imagine," he said.

Though many have discovered that Johnny cannot read, fewer have seen that he cannot disobey, and neither can his teachers.

> This is perhaps the most fundamental lesson of our study: ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process. Moreover, even when the destructive effects of their work become patently clear, and they are asked to carry out actions incompatible with fundamental standards of morality, relatively few people have the resources needed to resist authority. A variety of inhibitions against disobeying authority come into play and successfully keep the person in his place. It is a curious thing that a measure of compassion on the part of the subject, an unwillingness to "hurt" the experimenter's feelings, are part of those binding forces inhibiting disobedience — only obedience can preserve the experimenter's status and dignity.

Milgram's subjects showed signs of severe physiological

continued on page 22

Compliance in the House

by Ron Paul

Not everyone in Congress is willing to let the imperial presidency continue unopposed.

Pandemonium reigned on the floor of the House of Representatives as members debated the contentious issue of President Clinton's intention to place U.S. troops in the middle of the Kosovo civil war.

President Clinton is planning on sending thousands of soldiers into harm's way for an unspecified length of time to achieve unspecified goals and without a single shred of evidence that this internal conflict affects U.S. interests or the safety of American citizens. The American public is outraged, military leaders say this deployment will further erode readiness, and yet Congress cannot muster the courage to say "no" to the president.

It is Congress, not the president, whom the Constitution empowers to declare war. But for years Congress has allowed presidents — Republican and Democrat — to scatter our troops recklessly around the world to play the ill-conceived role of international policemen.

In this current debate, liberal Democrats cannot oppose military action in Kosovo (despite their better instincts to avoid wars) because doing so would reflect badly on their party's president. Meanwhile, conservative Republicans, having rubber-stamped similar missions undertaken by Republican presidents, must choose between enduring charges of hypocrisy if they oppose this war and approving the president's actions. The result was a bipartisan compromise that made no sense: Republicans introduced a House Concurrent Resolution that completely supported any decision the president might make regarding troops in Kosovo, but without legally authorizing them. So much for the notion of congressional oversight!

As the pitch of the arguments rose to partisan rancor, it became abundantly clear that nothing good would occur when the House took its vote. The Concurrent Resolution that passed was merely a public comment that authorized nothing.

The winners, as always, are those who seek war and hold our Constitution and principles of non-interventionism in disdain. The losers, of course, are the soldiers who must endure yet another endless deployment that risks their safety and lives, and the taxpayers who will now foot the bill for yet another exercise in foreign adventurism.

During a speech on the House floor, and in conversations with like-minded colleagues, I have suggested that perhaps presidents and members of Congress would be less eager to intervene in every little war if their kids — their sons, daughters, and grandchildren — were sent to the frontlines of the conflict.

As a Vietnam-era veteran I could not help but notice that many of those calling for war on the floor of the house had no record of military service. Indeed many of them were the very same people who protested against the war in Vietnam.

Some of those calling for war did have a military background, but I was especially glad to see heroes like former prisoner of war Sam Johnson and Randall "Duke ('Top Gun')" Cunningham, voting along with me to oppose this action. In fact, if only those congressmen who have truly seen combat had been allowed to vote, I daresay the outcome would have been greatly different.

It's easy for Congresses and presidents to be "generous" with other people's money. It's apparently just as easy for them to fight international injustice with other people's children.

For those of us who cast our votes on the House floor, the pandemonium is merely inconvenient. For the men and women who must now carry out yet another mission of our horrendous foreign policy, the results are far more serious, if not deadly.

Addressing a different subject, Thomas Jefferson said, "I tremble for my country when I reflect that God is just, that his justice cannot sleep forever." Two centuries later, the underlying principles are the same. And I too tremble for my country. ❑

McCarthy, "Why Johnny Can't Disobey," *continued from page 20*

tension and internal conflict when instructed to shock. Presumably, these signs of psychic pain and tortured indecision were a manifestation of an underlying attitude of compassion toward the victim, but it was not sufficient to impel them to break with and therefore embarrass the experimenter, even though the experimenter had no real authority over them. One of Milgram's subjects expressed the dilemma succinctly:

> I'll go through with anything they tell me to do . . . They know more than I do . . . I know when I was in the service if I was told, "You go over the hill and we're going to attack," we attacked. So I think it's all based on the way a man was brought up, in his background. Well, I faithfully believed the man [whom he thought he had shocked] was dead until we opened the door. When I saw him, I said, "Great, this is great!" But it didn't bother me even if we found that he was dead. I did a job.

The Milgram experiments continued with thousands of people — students and non-students, here and abroad — often demonstrating obedience behavior in 60 to 65 percent of the subjects. When the experiments were done in Munich, obedience often reached levels of 85 percent. Milgram found no gender differences in obedience behavior, except that women exhibited more signs of internal conflict. Significantly, Milgram said, "There is probably nothing the victim can say that will uniformly generate disobedience," since it was not the victim who was controlling the shocker's behavior. Even when the experimental variations included a victim who cried out that he had a heart condition, this did not lead to significantly greater disobedience. In such situations, the authority figure dominates and the victim's cries are for the most part ignored.

Milgram demonstrated that an authority figure's power had to be somehow diminished before there would be widespread disobedience, such as when an authority was not physically present and his orders came over the telephone, or when his orders were challenged by another authority. Most importantly, subjects became disobedient in large numbers only when others rebelled, dissented, or argued with the experimenter. When subjects witnessed another subject defying or arguing with the experimenter, 36 out of 40 also rebelled.

Domination by authority is attributed by Milgram to a state of mind that he calls the "agentic state." A person makes a critical shift from a relatively autonomous state into the agentic state when he enters a situation in which he "defines himself as open to regulation by a person of higher status." An extreme agentic state is a likely explanation for the scenario at Jonestown, where even the cries of their own children were not sufficient to dissuade parents from serving them Kool-Aid laced with cyanide in obedience to the demands of their cult leader and peers.

How many of us have made the critical shift into an agentic state, making the assumption that our leaders know best, even though they repeatedly demonstrate that they do not? Milgram predicts that, "for the man who sits in front of the button that will release Armageddon, depressing it will have about the same emotional force as calling for an elevator." Evolution, he maintains, has not had a chance to "build inhibitors against such remote forms of aggression."

What is the solution to this problem? We need, most importantly, to embrace free thought and free speech and protect those freedoms at almost any cost. As a nation and as individuals we are far better off developing thicker skins than enforcing speech codes that stifle free expression. Leaders, both political and spiritual, should be subjected to intense scrutiny, and we must insist that their thought processes and proclamations measure up to acceptable levels of rational thought. Above all, we need to become practiced in activating our inner resources toward rebellion and disobedience when we feel the invisible chains of the agentic state pressuring us to say and think what leaders and peers demand. We need to become the rebels whose example can make 36 out of 40 other people rebel also. Unfortunately, most of us have gotten the message that it's dangerous and costly to be different, and that disobedience requires exceptional courage. With sufficient practice, however, we may gain the strength to force a crucial moment to its crisis.

Heston offers clear directions for what we should do when we are met with intolerable demands for conformity: "Simply disobey. Peaceably, yes. Respectfully, of course. Nonviolently, absolutely. But when told how to think or what to say or how to behave, we don't. We disobey social protocol that stifles and stigmatizes personal freedom." ❑

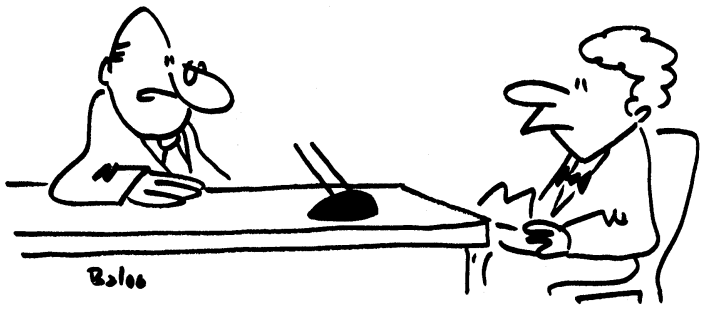

"I won't insult your intelligence by saying that your check is in the mail — actually, it was stolen by space aliens."

Appraisal

Gateway to Oppression

by Alan Bock

Marijuana kills . . . though apparently it hasn't killed anyone yet.

The report by the Institute of Medicine on the state of scientific knowledge about medical marijuana* competently summarizes and synthesizes a good deal of what is known, and should prove valuable to those who hope that eventually science and reason will triumph over obfuscatory prohibitionism.

Richard Cowan, former executive director of the National Organization for Reform of Marijuana Laws (NORML), notes the report's excessive emphasis on the dangers of smoking — an emphasis that is curious in the absence of any confirmed cases of lung cancer caused by marijuana smoking. (This fact the report had to acknowledge.) He also criticizes the report's fixation on what he calls the "single molecule paradigm," the unproven assertion that isolation of single active molecules in the marijuana plant would obviously be superior to "licensing" the whole plant. Many advocates of herbal medicine claim that the unique combinations of ingredients found in natural plants (not just marijuana) account for their therapeutic value. Maybe they're wrong, but shouldn't the viewpoint be mentioned, if only to be refuted?

Steve Kubby is a former Libertarian Party candidate for governor in California and a medical marijuana patient (adrenal cancer and high blood pressure). He faces criminal trafficking charges for growing his own in his own home. Kubby notes that the IOM committee didn't discuss vaporization as an alternative to smoking, even though it had information about it; and that the study makes no mention of the eight patients who have received 7.1 pounds of marijuana a year from the federal government since the early 1980s, courtesy of the taxpayers. Surely they would have made good subjects for studies on long-term effects. All in all, says Kubby, "the IOM report is badly flawed science with politically poisoned conclusions."

Now, it may be true that the conclusions are politically colored, but that may not be such a bad thing. Perhaps including a few politically correct warnings about the effects of smoking per se is a small price to pay for enhancing the political credibility of the nuggets of truth the report contains.

I suspect that the authors of the report knew what most legalizers believe. They knew that (as they conclude after extensive documentation), "the adverse effects of marijuana use are within the range tolerated for other medications," and that "a distinctive marijuana withdrawal syndrome has been identified but it is mild and short-lived," and that strict prohibition of marijuana is a stupid policy.

Some of the authors' views can be inferred from one sentence that is matter-of-factly included in a lengthy discussion of the perception that marijuana is a "gateway to the use of more dangerous illicit drugs." The authors don't tease out the implications, but it isn't hard to do so. Let's take a look.

The report notes that one of the main reasons many are so adamantly opposed to allowing marijuana to be used medicinally is "the fear that marijuana use might cause, as opposed to merely precede, the use of drugs that are more harmful." The authors divide the issue rather intelligently:

> The gateway analogy evokes two ideas that are often confused. The first, more often referred to as the "stepping stone" hypothesis, is the idea that progression from marijuana to other drugs arises from pharmacological properties of marijuana itself. The second interpretation is that mari-

* Available to be read or downloaded at: www.nap.edu/readingroom

juana serves as a gateway to the world of illegal drugs in which youths have greater opportunity and are under greater social pressure to try other illegal drugs. This is the interpretation most often used in the scientific literature, and it is supported by — although not proven by — the available data.

The report then discusses various studies and concludes that "there is no evidence that marijuana serves as a stepping stone on the basis of its particular drug effect," a fact even many prohibitionists will reluctantly concede.

Many advocates of herbal medicine claim that the unique combinations of ingredients found in natural plants (not just marijuana) account for their therapeutic value. Maybe they're wrong, but shouldn't the viewpoint be mentioned, if only to be refuted?

Then comes the sly kicker:

> Whereas the stepping stone hypothesis presumes a predominantly physiological component to drug progression, the gateway theory is a social theory. The latter does not suggest that the pharmacological qualities of marijuana make it a risk factor for progression to other drug use. Instead it is the legal status of marijuana that makes it a gateway drug.

Savor that apparently innocent sentence for a moment: "Instead it is the legal status of marijuana that makes it a gateway drug." What implications can be found in it?

The main rationale for keeping marijuana illegal is not that it is especially dangerous in and of itself, but that it can serve as a gateway to other, more genuinely dangerous drugs. But insofar as there is evidence that marijuana use sometimes leads to the use of harder drugs — and there is some, though it's not conclusive — the reason is that marijuana possession and use are illegal. A nice piece of logic, eh?

Take it another step. Those who insist on keeping the plant illegal bear serious moral responsibility for young marijuana users who do go on to use cocaine, heroin, PCP or other genuinely dangerous or addictive drugs.

If "drug czar" Barry McCaffery and other drug warriors were really, seriously troubled by the possibility that use of marijuana might lead innocent or psychologically troubled people to harder drugs with much more severe physiological dangers, they would move as quickly as possible to legalize marijuana. The fact that they don't do so makes their plaintive pleas of compassionate concern for those victimized by addiction and drug-induced disorders ring hollow.

In a word, they refuse to take the action that would be most likely to eliminate (or at least ameliorate) the only "gateway" properties of marijuana that have a shred of scientific support because their drug war, with all the money it shovels their way, with all the opportunities it presents to seize property, kick in doors and shred the U.S. Constitution, is far more precious to them than the ruined lives of addicts.

Give them the benefit of the doubt that up till now they didn't understand about the circularity of the "gateway" contention. But with this report — commissioned by McCaffery (your tax dollars at work) — they have no excuse remaining. If they don't take the logical step of legalizing marijuana to reduce harm, how far beneath contempt are they? ❑

Gringo Logic

President Clinton has announced that he will participate in the annual game of "Let's Pretend." The president will pretend that Mexico is a full and cooperating partner in the Holy War on Drugs, the United States will continue to send Mexico aid that it and the Mexican government will pretend will help to win the war, and we will all pretend that it matters a whit.

It's a ridiculous exercise in denial of plain facts known to all concerned, but it's made necessary by the ridiculousness of the drug war itself.

By most measures, despite the reported expenditure of $770 million on the drug war by the Mexican government, it's been a lackluster year for Mexican drug warriors.

Drug Enforcement Administrator Thomas Constantine says Mexico is losing the drug war and claims Mexican drug traffickers have increased their penetration into the United States. U.S. agents on the ground say Mexico has done little or nothing to combat corruption, even among the elite units they've trained. Charges against a couple of alleged methamphetamine kingpins were dismissed and the Mexican government refused to extradite suspects fingered by a U.S. Customs operation. Seizures and arrests were down; no kingpins were arrested.

(Note that nobody even suggests — though it might be plausible in theory — that this downturn in enforcement activities is a result of a reduction in trafficking. Everybody knows the drug war isn't working and nobody really expects it to work.)

There's a law saying the U.S. must certify that drug-producing and trafficking countries cooperate in the holy war — but the economic and diplomatic stakes are too high for decertification.

Thus the absurd exercise.

But the annual pretense of certification is only a small part of a larger ongoing game of pretense and denial. The government pretends that the drug war is a good idea. It pretends that dealing with drug use as a law-enforcement problem rather than a personal or medical problem doesn't make every aspect of drug use worse rather than better. It pretends that the end result of the war is something other than the enrichment of brutal traffickers, the expansion of corruption, the diversion of law enforcement resources from real crime, the creation of crime that wouldn't have occurred otherwise, the death of innocents and the imprisonment of people who should be in treatment (preferably private) instead.

Until we're ready to deal with this larger game of "Let's Pretend," we'll just have to endure the annual farce.

—*Alan Bock*

How Murderous Are the Serbs?

by David Ramsay Steele

It is time to exhume the first casualty in the NATO War.

NATO's incessant bombing of civilian targets in Yugoslavia is justified by reference to "Serb atrocities," in particular by "ethnic cleansing" in Kosovo. Most people who oppose the bombing don't doubt that these "atrocities" have occurred. In fact, they generally go out of their way to denounce the Milosevic regime in strong terms before going on to say that his barbaric atrocities do not justify the bombing.

I certainly agree that the alleged Serbian atrocities do not justify the atrocity of the bombing, especially since the bombing is almost entirely directed at people quite innocent of the alleged atrocities. Here I want to look at a different question: just how truthful are the claims of Serb atrocities and ethnic cleansing? I'll tell you my conclusion in advance: Some of these allegations are just NATO lies. The remainder are uncertain — I don't claim to be sure. But I think an honest person, concerned only to get at the truth, may seriously doubt many of them.

More information will gradually emerge. Some of the factual issues may perhaps be controversial among historians for decades. We can't be sure that the eventual historical consensus will be absolutely accurate, of course, but it's a good bet that it will be closer to the truth than current NATO propaganda.

It may turn out, ten years from now, that Serbs will have been proved guilty of many of these atrocities — or alternatively, of very few of them. In the former case, this article may, I admit, come to look like self-indulgent skepticism. In the latter case, the vindication of the Serbs will have arrived too late to save them from being decimated by NATO. Who knows? By that time, if NATO still exists, it may have suddenly discovered the virulent Albanian threat, and will therefore be bombing Tirana back to the Stone Age. A 2009 scholarly study showing that most of the notorious Serb Atrocities of 1999 were just serviceable fictions will probably not make the front page of any newspaper. And to those few policy wonks who take any notice of this academic curiosity, it will just be all the more reason to sock it to those satanic Albanians, good and hard.

What Kind of Regime is Yugoslavia?

First let's look at Western media treatment of a different but closely related issue: the kind of regime that exists in Yugoslavia, headed by Slobodan Milosevic. He is routinely described as a "thug," a "dictator," a "tyrant," and a "Marxist-Leninist." Even courageous opponents of Clinton's attacks on Yugoslav civilians generally wax eloquent in denouncing Milosevic. Nat Hentoff, for example, refers to Milosevic as "the fascist ruler of Yugoslavia."

What is the reality? Milosevic does not routinely jail or murder his critics (a few such cases have been alleged but not proved). There is no one-party rule. There is no cult of Milosevic's personality. There is no "Milosevic Youth" — the idea would strike any Yugoslav as entirely laughable. Yugoslavia is a not a police state where people uttering anti-Milosevic sentiments disappear into police cellars. Yugoslavs do not dread "the knock on the door."

Despite some past crackdowns on the media, the anti-Milosevic forces have their own radio and TV stations, party organizations, and newspapers. Opposition parties are not banned. If Milosevic were to die today, or resign from office, the character of the Yugoslav political system would probably not materially change as a consequence. Yugoslavia is very open to ideas from outside. Many Yugoslav households have satellite TV. They watch CNN and (Rupert Murdoch's British-based) Sky TV. They are free to read Western news-

papers and magazines, many of which, at least before the bombing, were easily available in the cities.

The NATO bombing has led to increased suppression of dissent in Yugoslavia, though much less, so far, than might have been expected even in a more traditionally democratic country. This surprising toleration of continued criticism in the teeth of a nationwide rain of destruction and death becomes less astonishing when we realize that, before the bombing, though there was extremely vigorous opposition to Milosevic, openly expressed on many issues, no opposition party differed significantly from Milosevic on Kosovo's future as an integral part of Serbia. And that is the central issue between Yugoslavia and NATO. Inevitably, then, the NATO bombing has strengthened Milosevic's support within Yugoslavia.

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Whereas other Balkan nationalities, especially the Albanians, tend to think and speak in terms of ethnic homogeneity, Yugoslavia is founded on the ideal of multi-ethnicity and mutual toleration. Constant themes of Yugoslavian government pronouncements and of Milosevic's speeches are that every citizen has equal rights, that there's room for everyone in Yugoslavia, and that no ethnic group should ever oppress or exploit any other. Relations between Serbs and other groups, such as the Hungarians in Vojvodina, the Albanians in Belgrade, or the Turks and Gypsies in various localities, are generally harmonious, peaceful, and mutually respectful.

Yugoslavia is very far from being a paragon of democracy or liberal toleration. From 1944 until 1989 it was a one-party socialist state, and most of the present political class were Communist bureaucrats under that system. Some of the opposition parties accuse Milosevic's party of electoral irregularities and other infractions of democracy. I have heard claims of pervasive corruption, especially involving the very gradual transition of the once state-owned industry to private hands. Such claims seem all too credible in any post-socialist regime which has, unfortunately, not embarked upon a complete and rapid capitalist transformation. But international inspectors have testified that recent Yugoslav elections have been substantially free and fair. It's not true, as is sometimes suggested, that Milosevic owes his position to "rigged elections."

No serious observer doubts that in the 1997 election Milosevic had the support of more than 50 percent of those choosing to vote (with a much higher voter turnout than is usual in countries like the U.S.), that he could have been ousted if many Albanians who boycotted the Yugoslav elections had instead voted, and that Milosevic now has the support, for his stand against giving Kosovo to NATO-KLA, of a considerable majority of all Yugoslavs, including more than 99 percent of Serbs.

The Yugoslav political system invites comparison with Mexico, where a privileged ruling class is bound up with one party which clings to power using various "irregularities," yet also depends upon very substantial popular acquiescence. Despite the lack of a level playing field, there is considerable latitude for organized debate and dissent. My impression is that Yugoslavia (before the bombing) emerges as somewhat closer to full democracy than Mexico. But they are both examples of what has come to be known as "crony capitalism." One party manipulates political life in its favor by sometimes corrupt methods, with pay-offs to friends and relations of those in power. For all that, there is appreciable scope for dissent and debate, and until the bombing, that scope was slowly widening in Yugoslavia.

We do not find CNN or the *New York Times* referring to the Mexican president as a dictator, a tyrant, a thug, or, say, a "Comtian positivist" (which, given Mexican history, might be the closest parallel to the label of "Marxist-Leninist" as applied to the pragmatic politician Milosevic). And when the Mexican ruling class, which happens to be composed mainly of *criollos*, crushes rebels, who always happen to be *indios*, we don't call it "ethnic cleansing" and bomb Mexico City. Or at least, this week we don't.

Ethnic Cleansing

The term "ethnic cleansing" relates to the replacement of a population of one ethnicity by a population of a different ethnicity. It has been used to apply to all kinds of methods of achieving that goal, from mass murder to threats, acts of vandalism, and other expressions of unfriendliness. Whenever people of one ethnicity move into a town or neighborhood hitherto populated by a different ethnicity, life becomes less comfortable, more uneasy, for the latter group. The newcomers by their very presence often provoke a flight of the earlier group. Thus, when millions of blacks moved from the rural South of the U.S. to the urban North after World War I, many whites just didn't care to live among blacks, and moved away from places like south Chicago, occasionally, no doubt, out of fear of actual injury. We would not want to call this process "ethnic cleansing" because it was a spontaneous movement of labor which no one was orchestrating or directing.

Whereas other Balkan nationalities, especially the Albanians, tend to think and speak in terms of ethnic purity, Yugoslavia is founded on the ideal of multi-ethnicity and mutual toleration.

"Ethnic cleansing" can be perpetrated by a government or by private individuals or groups. It could conceivably be perpetrated by private groups in fulfillment of a government plan. This is highly relevant, because no one denies that there have been some "unofficial" actions against Kosovo Albanians by groups of Serbs (as there have been some against Kosovo Serbs by groups of Albanians). The Yugoslav

and Serbian governments publicly take the position that these are criminal actions which are stiffly discouraged.

For a kind of parallel to this, consider the recent Texas case where two white men murdered a black man by tying him to the back of their truck and then dragging him along for miles. This was a horrendous murder motivated by racial animosity, but we don't blame Clinton for it and recommend bombing Washington, D.C. Aside from other reasons not to do that, we accept that the state of Texas, with the full approval of the U.S. government, caught these criminals, tried them, and sentenced them. Therefore, we accept that what those two whites did was not an expression of U.S. government policy. If we found evidence of a consistent pattern of failing to pursue such criminal acts, we might begin to suspect a government policy of ethnic cleansing, even though no government employees were actual perpetrators.

I don't know enough to be sure of whether the Yugoslav and Serbian governments are telling the truth when they say that violence or intimidation against Albanians by Serb "irregulars" are always viewed as criminal acts whose perpetrators are always vigorously sought out and severely punished. But I have not yet found anyone who will advance factual evidence to challenge it.

If the most that has happened is that private groups of Serbs have been driving out Albanians, with the Yugoslav government forces doing their best to stop this, the NATO allegations would be completely false. If Yugoslav forces have been turning a blind eye to such actions, that would be complicity. If some branches of the Yugoslav authorities have been turning a blind eye, others trying to stop these actions, there would be a mixture of complicity and opposition. Neither of the previous two cases would necessarily show that anyone in Kosovo had been *directed by Belgrade* to turn a blind eye.

It becomes a little more complex if the unofficial acts of ethnic violence or intimidation are actually perpetrated by members of the official security forces. But here again, we should keep the American parallels in mind. The fact that some white police in New York City or Los Angeles have violated the rights of blacks is not enough to show that there is a government campaign of ethnic cleansing against blacks.

The impression given by the NATO media is that official Yugoslav forces have been driving out Albanians, and that they have been doing so on orders from Milosevic himself. Their motives for starting to do this only after Kosovo has been bombed by NATO are a little hard to fathom.

Kosovo Before the Bombing

For some years prior to 1998, the level of violence in Kosovo was comparable to that in Northern Ireland. There were less than 20 violent deaths a year. In other words, Kosovo, like Northern Ireland, was a safer place to live than any American city.

In 1998, the newly organized and freshly armed KLA launched an offensive against the Yugoslav government, rapidly gaining control of many villages. Yugoslav forces struck back and largely defeated the KLA. The homicide toll rose to around 2,000 for that year. About three quarters of these deaths were of Albanians. Many of the Albanian deaths, however, were directly due to the KLA, which, like any new insurgent group lacking broad popular support, had to persuade a largely reluctant Albanian population to accept it as effectively a new government, in place of allegiance to the hugely popular Albanian leader, Ibrahim Rugova. The KLA especially targeted Albanians who co-operated with the Yugoslav local authorities. In 1998, a few thousand Albanian refugees from the fighting in Kosovo were reported in Albania and Macedonia.

At this time there were numerous reports from Kosovo, many of them highly credible, of unfair trials and beatings of prisoners. These abuses were perpetrated both by the Yugoslav police and courts against Albanians suspected of being KLA members and by the KLA against members of all ethnic groups. As many as six people may have died from mistreatment in Yugoslav prisons, while hundreds of people were abducted by the KLA, some of them never to be seen again.

Atrocity allegations are sometimes true and sometimes false, but they are nearly always cynically employed by states engaged in warfare.

In October 1998, responding to NATO's threat to bomb Yugoslavia, the Yugoslavs pulled back their troops and allowed OSCE (Organization for Security and Co-operation in Europe) observers into Kosovo. At that point, most of the 2,000 deaths had already been sustained, Yugoslavia's war against the KLA was mostly over, and the death toll would have steeply declined the following year. Because of the Yugoslav withdrawal of troops, the KLA quickly took or retook many villages, and by March 24th, militarily controlled 40 percent of Kosovo's territory. Violent deaths in Kosovo from the beginning of 1999 until the bombing, that is, from January 1st to March 24th, totalled less than 70.

The NATO bombing was from its inception a war against civilian installations, and therefore ineluctably against civilians. To begin with there was a kind of ceremonial pretense that these were military targets: a bridge, or a truck, or a road can help move troops, therefore it is military. A police station might liaise with troops, therefore it is military. Any large building, such as a barn, might be concealing troops, so it is military. In extreme cases, such as hospitals, schools, and churches, NATO either denied the bombing had occurred or (usually when Western reporters arrived at the scene immediately after the bombs had fallen) said that the bombs had struck those targets by mistake.

So eagerly was the "military targets" formula accepted and disseminated by the major media that it soon became perfunctory. At the time of this writing, NATO is still bombing Kosovo every day: Albanians, Serbs, Turks, and Gypsies, their homes, their shops, their farms, and their factories. The *New York Times* for May 7 carries a front-page report of the NATO bombing of the town of Prizren. Like so many of these on-the-spot reports it is a mixture of NATO atrocities, which the reporter has witnessed, Serbian-Albanian co-operation and sympathy, which the reporter has witnessed,

the return of Albanians to their homes, which the reporter has witnessed, and allusions to Serb atrocities against Albanians, which the reporter has not witnessed, but evidently believes because of what NATO and its media have told him.

Very soon after the commencement of the bombing, two remarkable things happened. One was the "humanitarian tragedy." Many thousands of refugees streamed out of Kosovo into Albania and Macedonia. (It was rarely mentioned that thousands of refugees also left Kosovo in a northerly direction, fleeing into the rest of Yugoslavia, many of them arriving in Belgrade and joining the already very large Albanian community there.) The other remarkable thing was scarcely noticed by the general public in the West, or apparently by the press, though we can be sure it was uppermost in the minds of NATO's top brass: the complete rout of the KLA within Kosovo. In response to the bombing, the Yugoslav army accelerated its campaign against the KLA, and within a couple of weeks, had reclaimed every inch of Kosovo. The KLA-NATO alliance had suffered a stunning military defeat.

Before the NATO bombing, nothing was going on in Kosovo which could conceivably have been used to justify the bombing of civilian targets all over Yugoslavia. In the wake of the KLA's trouncing at the hands of the Yugoslavs, Clinton, however, ordered just that. The rationale for this campaign was the humanitarian tragedy of refugees fleeing Kosovo. But this humanitarian tragedy occurred immediately *after* the bombing, *not* before it. Now surely it cannot be denied that there is something obscure about this: the humanitarian tragedy which, they say, took them completely by surprise, immediately became the only serious rationale for the bombing, which they had begun before the humanitarian tragedy materialized.

Mass Graves and Racak

There have been many unconfirmed allegations of mass graves in Kosovo. A "mass grave" is defined by NATO as a grave containing three or more corpses, but the implication is that Serbs have been carrying out numerous massacres of Albanian civilians.

Mass graves are inevitable when one group of armed men fights another. The whole point of war, so to speak, is to produce mass graves. After a battle, or even a skirmish, there are many corpses lying around. Pretty soon, unless it's very cold, a distracting odor arises. If you've been within a hundred yards of a dead raccoon in June, you have some faint notion of what I mean. If the army is moving rapidly over a long distance, they may leave the disposal of the corpses to the local crows or peasants. But if, for some reason, they return to the scene of their earlier battles, they will want to clean up. They will probably dig a pit and push all the corpses into it. If many cadavers are widely scattered, the troops may hastily tie a lot of corpses together and drag them behind a vehicle to the pit. None of this is an atrocity or war crime. It's the routine business of war.

Things are different if, for example, armed men go to a village, shoot all the villagers (because of their ethnicity) and put them in a mass grave, or sort out all the men below a certain age, shoot them (because of some remote future possibility that they may become combatants) and put them in the grave. This is an atrocity or war crime, because the victims are not combatants. (Similarly, bombing civilian installations like TV stations or residential districts is an atrocity or war crime, because the victims are not combatants.)

The faking of Serb atrocities, or even the committing of atrocities with the intention of attributing them to Serbs, is a propaganda technique honed by anti-Serbian groups during the Bosnian civil war of 1991-92.

There was one notable Serb atrocity story in the period shortly before the bombing: the alleged massacre in the village of Racak, Kosovo, which the Clinton administration trumpeted as proof that a NATO force was essential in Kosovo to protect the Albanian population. It may even have been Racak which crystallized the Administration's determination to bomb Yugoslavia unless it would submit to NATO occupation.

In mid-January 1999 there was a shoot-out at Racak between Serbian police and KLA insurgents. The fight was filmed by French TV journalists and observed by OSCE personnel, who had been notified by the Serbian police. Next morning the KLA claimed to have found a ditch containing the bodies of 23 Albanian civilians, each shot several times in the head. The KLA stated that Serb police had gone into the village and separated the women from the men, whom they then took to the ditch and killed. This account was immediately given great prominence in the U.S. media.

The Serbs denied the KLA account, and conjectured that the KLA had taken the corpses of KLA combatants killed in the fighting, changed their clothes and shot them again, then collected these bodies in the ditch to fake a massacre of civilians. The videos of the fight itself, the paucity of blood and cartridge cases in the ditch, and certain other circumstances appeared to bear out the Serb side. The Yugoslavs demanded an independent investigation, and the OSCE invited a team of Finnish pathologists. The bodies were examined by three teams of pathologists: Yugoslav, Belorussian, and the Finns. The Yugoslavs and the Belorussians concluded that the fatal wounds were occasioned by bullets fired from a distance and

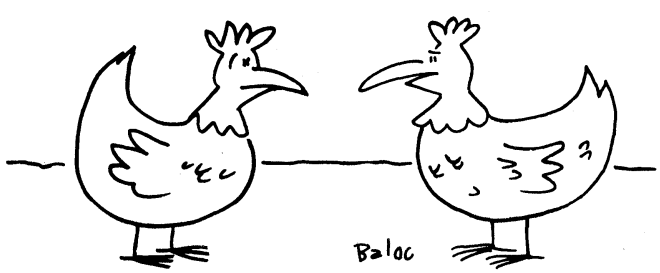

"I don't know about you, but I crossed the road to get away from some psycho with a *hatchet*!"

that additional bullet and knife wounds were inflicted after the bodies had been dead for some hours, also that some of the clothing had been changed after death, presumably to replace KLA uniforms with civilian garb. Doubts about the KLA story were mentioned in some respectable European media, but were completely ignored in all the mainstream U.S. media.

The Finnish report did not appear as promised and, as far as I can determine, has not been released as this goes to press (four months after the actual incident). It appears almost inescapable that the Finnish report bears out the conclusions of the Yugoslav and Belorussian reports, and that there was no massacre of civilians at Racak. Who can doubt that, if the report had endorsed the KLA claim of a Serb atrocity, it would have been published in full, minutely analyzed by U.S. "news" weeklies, and featured in Clinton's speeches? (Since this was one "Serb atrocity" which did not include rape, Clinton could have been allowed to discuss it in gory detail. Clinton cannot be permitted to mention rape as a war crime, for obvious reasons.) References to Racak have now been quietly dropped by the Clinton administration, but no attempt has been made to correct the dissemination of third-hand accounts which continue to refer to this as a Serbian massacre of civilians.

The faking of Serb atrocities, or even the committing of atrocities with the intention of attributing them to Serbs, is a propaganda technique honed by anti-Serbian groups during the Bosnian civil war of 1991–92. While appalling deeds were committed by all sides in that conflict, some horrendous stories of Serb atrocities were later exposed as fakes, including the "mass rape" story, now being recycled by NATO in the Kosovo context.

Kosovo After the Bombing Began

The kind of bombing campaign unleashed by NATO against Kosovo on March 24th would be bound to create a flood of refugees. Predictably, the refugees appeared. They fled from Kosovo, south into Albania and Macedonia, and north into the rest of Yugoslavia. When NATO stepped up its bombing of the rest of Yugoslavia, refugees also poured into Bosnia. Nothing is more obvious and indisputable than that a large proportion of the refugees were produced as a direct result of NATO's bombing, and it really is a contemptible insult to one's intelligence to question this elementary fact.

Hungary, a NATO member, closed its borders, as did Romania and Bulgaria, both considering NATO membership. Many Serbs therefore had nowhere to flee from the bombing, except into Bosnia or into the Serbian countryside, so far (with the exception of Kosovo) more lightly bombed than the cities. Serbs in Kosovo who could not easily get out to the north might also mingle with and pass for Albanians, since in an odd legacy of Tito's anti-Serb constitution, nearly all adult Kosovo Serbs can speak Albanian. (Under the extraordinary "autonomy" which prevailed in Kosovo, Serbian children were compelled to learn Albanian.)

It's also true that a counter-insurgency war against an armed, village-based organization like the KLA will produce refugees. Therefore, a certain proportion of the refugees were directly occasioned by the Yugoslav army's rapid clearing out of KLA positions. (Many of these refugees were purely internal: they took to the hills of Kosovo for a while, and have now returned to their towns and villages.) Doubtless the drastic and amazing suddenness of the Yugoslavs' completely successful offensive against the KLA was provoked by the NATO bombing, so these refugees were to some extent *indirectly* produced by NATO.

Then there are other indirect results of NATO's bombing: social and infrastructural breakdown — including the threat of starvation and the fear of armed gangs. A couple of weeks into the bombing it became evident that NATO was acting exactly as if it wanted to prevent the refugees returning to their homes, while the Yugoslav government was behaving exactly as if it wanted the refugees to return. At this point NATO "accidentally" bombed a column of refugees on their way home, first denying this fact outright, then running through about half a dozen different stories within 48 hours,

Suppose the NATO ethnic cleansing allegations turn out to be partly true, say half true, would that justify the bombing?

then finally admitting that they were entirely responsible for the bombing, which had occurred, they maintained, because the NATO pilots could not tell the difference between refugees and troops.

Since then NATO has continued to destroy homes, farms, factories, roads, and bridges all over Kosovo, exactly as if it wanted to make sure that refugees are not tempted to return to their homes and try to get back to normal living. This is equal opportunity bombing of civilians: Albanians, Gypsies, and Turks are being bombed, not just Serbs. Many Albanian refugees have gone home and tried to rebuild a normal life with the help of local Serbs and others, only to find NATO bombing their homes again. It is exactly as if NATO were determined, at all costs, to prevent the refugees going home and settling down again. No doubt other explanations of NATO's behavior are conceivable, and should not be hastily ruled out.

Milosevic made overtures through Greek channels to get food aid dropped to refugees inside Kosovo, but this possibility was blocked by NATO. This again corroborates the general picture that emerges: NATO seemingly wishes the humanitarian tragedy to be as large and persistent as possible, since otherwise it has no rationale for its continuing presence. What would Americans conclude if they came to believe that in the event that NATO stopped bombing and left the Balkans, most of the refugees would just go home?

NATO claims that the main cause of the exodus of refugees was a premeditated campaign of "ethnic cleansing" by the Yugoslav authorities. Their explanation for why this happened only once the bombing had started is vague and shifting. NATO has even come up with a name for this campaign: "Operation Horseshoe." Was there a Yugoslav ethnic cleansing campaign called Operation Horseshoe? Was this instead the secret codename of the Yugoslav military operation against the KLA? Or was this merely a name made up by

NATO propagandists, "intended to give artistic verisimilitude to an otherwise bald and unconvincing narrative"? My guess is the last, prompted by my observation that some NATO accounts refer to the "horseshoe-shaped pattern" of the alleged "ethnic cleansing," days before they began to name it "Operation Horseshoe." This is the typical way in which legends are elaborated, by greater concreteness and specificity and the cumulative addition of names and other colorful details.

Did this organized campaign of ethnic cleansing occur? It is certainly not required to explain the refugees, but neither is this sort of thing such an exact quantitative science that we can say that the refugees could not have been partly caused by some such campaign. Thus the mere existence of the particular number of refugees observed casts no light on the factual issue.

There are other results of NATO's bombing: social and infrastructural breakdown — including the threat of starvation and the fear of armed gangs.

Next, we note that NATO is not disinterested. The first week of their campaign was a total fiasco. They bombed Kosovo and they lost Kosovo, in little more than a week. Rarely has there been such a humiliating demonstration of foolish and incompetent judgment. Clinton and Albright completely misjudged the consequence of their extremely costly actions. Where would they be without the humanitarian tragedy, caused by Operation Horseshoe? They would simply be the masterminds of a disgraceful military defeat.

The Refugees' Stories

One thing you will have noticed about the Clinton administration is that if it has any evidence that will support its side of a story, it finds that evidence at lightning speed and gets it out there. Examples from the Lewinsky scandal abound. When Clinton bombed a pharmaceutical factory in Khartoum and said he had incontrovertible evidence it was linked to terrorism, and when weeks went by without any evidence being produced, *alert observers were pretty sure there was absolutely no shred of evidence, incontrovertible or otherwise.* And so it has turned out.

Similarly, when NATO gives you a subtly shaded "before" and "after" photograph of a field in the back of beyond, and tells you this is evidence of a mass grave, you can be pretty sure this is all they have. There is nothing more than this. That's it, folks. We can be reasonably sure of this: the moment NATO turns up any "proof" of the existence of a single "Serb atrocity," that "proof" will be all over the world's media within five minutes.

As we go to press, then, there is no physical evidence available to us. But we are left with one form of evidence, and that seems to many people to be completely persuasive: the stories of the refugees themselves, or rather, of a few of them. Some Kosovo refugees in Albania have appeared before TV cameras, telling stories that seem to bear out the NATO story of ethnic cleansing.

These stories are often consistent with the NATO story, and it is certainly possible that the NATO story is true or partly true. The question is whether, in the present state of our knowledge, the refugees' accounts settle the matter. Right now, we have nothing else to go on. In evaluating these stories, the following points should be borne in mind:

1. The interviewers don't speak Albanian or Serbian. They rely on interpreters. It's possible that the interpreters are KLA or intimidated by KLA or prepared to shade the interpretations to give the NATO media what they want.

2. If you are a refugee whose home town has been destroyed by NATO, whom you know to be in league with the KLA, and you find yourself in NATO-KLA hands, confronting a NATO journalist (like John Hockenberry), and you are becoming anxious about your next meal, what do you suppose you're going to say? It's not even that you would necessarily lie; it's just that if your story doesn't fit, are you going to elbow your way forward, to become one of those very few interviewed?

It seems that not a single one of the tens of thousands of Albanian refugees from Kosovo who showed up in Belgrade, some of whom promptly mounted demonstrations against NATO, witnessed any ethnic cleansing in Kosovo.

In the NATO war, there has been a consistent pattern by Yugoslavia of trying to open up the situation to outside scrutiny, and on NATO's part, of trying to suppress evidence.

(But would they be foolhardy enough to talk about it? — Precisely my point. I don't find their silence about ethnic cleansing conclusive on the other side, either.)

3. When we look at the content of the stories themselves, we find that many of them are wholly or largely compatible with the Yugoslav government's account of the situation: that the social dislocation caused by the bombing has let loose armed criminal gangs. Some of the actions of the "armed men" described are actually quite difficult to reconcile with an organized campaign of ethnic cleansing. They sound more like the work of robbers and extortionists. This

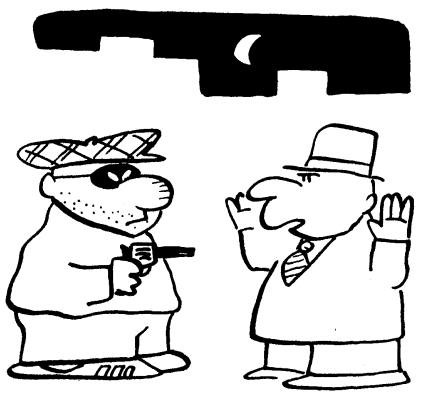

"This isn't *either* for my own good!"

The Minimum Wage: Enemy of the Poor

by Jacob G. Hornberger

Whenever politicians wish to score political points, they recommend raising the minimum wage. Parading as champions of the poor and downtrodden, they cry out against all those selfish and greedy employers who are paying less-than-subsistence wages to their employees.

The truth is that whenever public officials enact or raise a minimum wage, the only people who get harmed are the very people who are supposedly helped — those at the bottom rungs of the economic ladder.

In every voluntary economic exchange, both parties benefit. Each party to the transaction gives up something he values less for something he values more. If such were not the case, he would not enter into the transaction.

The principle applies to labor relations. When an employer and employee voluntarily enter into working relationship, both of them benefit. The employer values the employee's work product more than he values the money he is paying the worker. The employee values the money more than he values the time and energy he is devoting to the business.

Let's assume that a certain employer offers to pay a job applicant $2 an hour and that the applicant refuses to take the job. We can assume that the applicant values his time more than he values the money.

What if the applicant offers to work for $5 an hour and the employer refuses? Here, the employer values his money more than he values the work product of the employee.

All of sudden, politicians step in with a law that requires employers to pay a minimum wage of $5 an hour. Is poverty alleviated? Is "exploitation" eradicated? Is the worker helped?

No. After all, a minimum-wage law does not force an employer to hire an applicant. The law simply says that *if* an employer hires an applicant, he must pay the legally established rate of $5 an hour. Which applicants will get hired? Only those workers whom an employer would have been willing to pay $5 an hour anyway.

In other words, if an employer values the money ($5 an hour) less than he values the work product of the employee, he'll hire the employee. But in such a case, the minimum-wage law is superfluous because the employee would have been hired in the absence of the law.

What if an employer values the money ($5 an hour) more than he values the person's work product? Then he doesn't employ him and, thus, the minimum-wage law has accomplished nothing.

So, what's the problem? The problem is that *the minimum-wage law locks out of the labor market all of those people whose labor is valued by employers at less than the legally established minimum wage.*

For example, suppose an employer and a worker both wish to enter into a working relationship at $4 an hour. The minimum-wage law prohibits them from doing so. Thus, the worker is condemned to unemployment and the employer loses the value of his labor services.

So, how would wages ever rise in the absence of minimum-wage laws? There is one and only one way that wages can rise in a society: through the accumulation of capital. With capital, workers become more productive. A farm worker who uses a tractor will produce more than his counterpart who uses a hoe. And more productivity means more money with which to pay higher wages.

Doesn't this mean then that employees are at the mercy of the kindness and benevolence of employers to pay them higher wages when they produce more? No. What motivates even the most self-seeking, profit-grabbing employers to pay higher wages is the prospect of competitors' bidding away their workers.

After all, if in the absence of minimum-wage laws, employers would pay only subsistence wages or less, then why do so many businesses today pay their employees *more* than the minimum wage? Competition in the labor market, not kindness or generosity, forces employers to pay the higher wages.

The key to raising standards of living then, especially for those at the bottom of the economic ladder, is (1) to prohibit governments from "helping the poor" by confiscating massive amounts of income and capital from the rich and middle class and (2) to prohibit government from "helping the poor" with economic regulations like the minimum wage.

If poverty could be eradicated with minimum-wage laws, everyone in the world would be rich. All that legislators would have to do is raise the minimum wage to match what they make. Come to think of it, why haven't they?

Mr. Hornberger is president of The Future of Freedom Foundation, which recently published Your Money or Your Life: Why We Must Abolish the Income Tax *by Sheldon Richman.*

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is not true of all the stories, but it is true of many, which are thrown out as though they supported the Operation Horseshoe theory. Other accounts might reflect the Yugoslav army brusquely requesting people to leave a particular village, for military reasons they don't bother to explain.

4. Especially since only a handful of the thousands of refugees are interviewed for TV, we have to consider the motives some might have for telling a particular kind of story: you might be a supporter of the KLA, or afraid of the KLA; you might want a free trip to the fabulously wealthy West, and therefore tell the story everyone wants to hear; you might be an illegal immigrant into Kosovo from Albania (hence your story about the Serbs taking away your ID); you might hate Serbs and want to vilify them; you might want to camouflage the fact that you have been trying to evade being drafted into the KLA; and so forth.

People must listen to these stories and form their own conclusions, but it does seem reasonable to suspend judgment, at least on the massive extent of ethnic cleansing ordered by Belgrade.

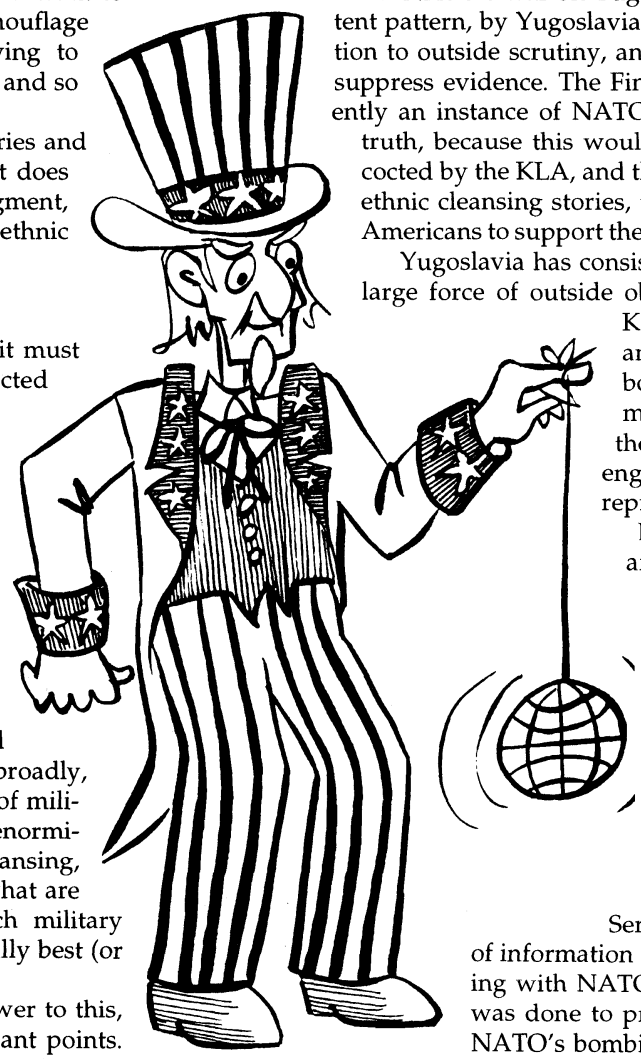

Shine the Light!

As long as nation-states exist, it must be morally right in carefully selected cases to support use of state power when the results are worth it — where "worth it" includes an allowance for the generally anti-social and anti-human consequences of having states do anything.

So I won't dodge the hard question raised by my position. Suppose the NATO ethnic cleansing allegations turned out to be partly true, say half true, would that justify the bombing? More broadly, when should we support the use of military means, by a state, to prevent enormities such as genocide or ethnic cleansing, or other alleged atrocities? And what are the threshold conditions for such military action to be identified as the morally best (or least bad) option?

I will not give a complete answer to this, but I will make a couple of relevant points. First, special difficulties arise when the people hurt by the military action bear no responsibility for the alleged atrocities. Hardly anyone in Yugoslavia even believes NATO's ethnic cleansing stories. It is not even clear as yet whether Ibrahim Rugova, the leader of the Kosovo Albanians, believes them.

Second, we live in a world in which atrocity stories are a weapon of war. Atrocity allegations are sometimes true and sometimes false, but they are nearly always cynically employed by states engaged in warfare. States often have quite other motives for going to war, yet they use the enemy's real or imaginary atrocities to convince their own subjects to support their wars. Even individuals who don't believe these stories will sometimes keep quiet if they support the aims of the war for other reasons.

It follows that the first obligation of any state countenancing a war to save a population from atrocities, the existence of which is denied by the other side, is to do the utmost to open up the situation to investigation, and to put the matter in the hands of truly independent and neutral investigators. The other side must be exhorted to accept those investigators and to facilitate their investigations. Obstruction of such investigations by either side must be viewed as weakening their case.

In NATO's war on Yugoslavia there has been a consistent pattern, by Yugoslavia, of trying to open up the situation to outside scrutiny, and on NATO's part, of trying to suppress evidence. The Finnish report on Racak is apparently an instance of NATO governments suppressing the truth, because this would expose a bogus atrocity concocted by the KLA, and thus raise questions about all the ethnic cleansing stories, undermining the willingness of Americans to support the bombing.

Yugoslavia has consistently taken the position that a large force of outside observers would be welcome in Kosovo, as long as they are not an occupation force. Since the bombing, this position has been modified in one respect: none of the 13 countries who have engaged in the bombing can be represented in such a force.

Before the bombing, Yugoslavia afforded every convenience to the OCSE, even though the OCSE was perceived as tilting toward NATO and the KLA. Yugoslavia has permitted Western reporters to stay in Yugoslavia and to visit Kosovo, even though the dispatches of these reporters often display anti-Yugoslav bias. NATO bombed Serb TV, only one of many sources of information open to Yugoslavs. It is in keeping with NATO's conduct to surmise that this was done to prevent pictures of the results of NATO's bombing from reaching the U.S. public. NATO wants to do its killing in the dark. American TV networks have refused to screen video of some Yugoslav casualties, on the grounds that these are "too graphic."

The first prerequisite of any killing of thousands of people to save thousands of other people from death or displacement is that governments planning such a war for the announced purpose of stopping atrocities should not be the final arbiter of the extent of those atrocities. They cannot be trusted. Neutral investigators are required to shine the light on a murky situation. ❑

Freedom Under the Law

by James Bovard

What's the difference between "freedom under law" and oppression?

President Bill Clinton, in a 1995 speech, declared, "If you want to preserve your own freedom . . . you also must stand up for the rule of law. You cannot have one without the other." In another speech in the same year, Clinton declared, "Our Founding Fathers created a system of laws in which reason could prevail over fear. Without respect for this law, there is no freedom." Clinton was capitalizing on the doctrine that freedom can only exist under the law — under government protection. Thus, according to Clinton, the greatest threat to freedom was those who did not bow to the law.

It is not surprising that a demagogue like Clinton would seek to pervert a doctrine that was once highly respected to add credibility to his latest edicts. However, the abuse of the doctrine of "freedom under the law" has been ongoing for hundreds of years. This is a principle custom-made for wishful thinking — and for concocting a duty to ignore the most blatant government abuses.

Montesquieu, the author of *The Spirit of the Laws*, declared in 1748: "Liberty is the right to do whatever the law permits." Yet even in Montesquieu's time, that was an absurd definition. While an affluent aristocrat like Montesquieu had many legal immunities from the law (such as exemption from taxation), "law" was a mockery for the masses of downtrodden Frenchmen. In the mid-1700s, the French government was severely restricting internal trade (causing recurrent famines in some parts of France while other parts had grain surpluses), executing tradesmen for charging "excessive" prices, jailing anyone who overtly criticized the king, having henchmen burn controversial new books, and sending tax collectors out to pillage the peasantry. "Law" was effectively whatever the king said it was, since the French Parliament had not been summoned for over a hundred years and the courts ordinarily lacked power to overrule what the king declared.

Not surprisingly, the doctrine of freedom under the law has long been popular with politicians. William McKinley declared in a July 4, 1894 speech: "Liberty is responsibility, and responsibility is duty, and that duty is to preserve the exceptional liberty we enjoy within the law and for the law and by the law." McKinley's statement was a peculiar spin on Lincoln, as if the law were an end in itself and obedience Americans' highest glory. (As President, McKinley liberated Americans by requiring them to pay tariffs of up to 289 percent on the value of wool clothing.) John F. Kennedy declared on September 30, 1962: "Our nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny." (Kennedy, according to subsequent revelations, apparently exempted the FBI, IRS, and CIA from the duty of observing the law. And, before imposing a trade embargo on Cuba in 1962, he made sure that a stock of over a thousand Cuban cigars was purchased for his personal use.)

"Freedom under the law," in its contemporary incarnation, is one of the great "let's pretend" games of intellectual history. If we pretend that the law is what it should be, and if we pretend that those in power do not desire to subjugate or plunder the citizenry, then people become free by obeying the laws that the good government enacts. The fact that neither the laws nor the rulers are actually "good" is a mere technicality that cannot tarnish the majesty of "freedom under the law."

Faith in "freedom under the law" derives from a time when the law was based on rules of conduct that were "known from time immemorial," rules of just conduct by which people had lived for generations. As Professor John

Phillip Reid observed, "It is sometimes assumed by legal scholars that law was command during the era of the American Revolution, but that is an error. To a remarkable extent law even in the eighteenth century was still thought of as it had been in medieval times, as the sovereign and not as the command emanating from the sovereign." When the law respects freedom, freedom under the law is a feasible ideal. As Blackstone, the English legal philosopher, wrote in 1766, "The public good is in nothing more essentially interested, than in the protection of every individual's private rights." With a Blackstonian concept of the public good, "liberty under the law" makes sense, since government could not then legitimately infringe upon the individual's rights.

Today, however, laws themselves are far and away the largest violators of individual rights. Nowadays, "freedom under the law" makes as much sense as "freedom under the lash." "Freedom under the law" now means freedom to kow-tow, to curtsy, to grovel before any government employee with a memo or a ticket book; freedom to admit and accept one's legally inferior status; freedom to accept as many burdens as politicians and bureaucrats deign to impose.

"Few laws are necessary to preserve property; a multitude are required for transferring it," Senator John Taylor wrote in 1822. A small number of laws can be invaluable as a buttress to individual liberty, but the vast majority of laws necessary to safeguard freedom have been on the statute books for decades, if not centuries. What has been added, almost uniformly, is law that is subversive of freedom and destructive of individual rights, law explicitly intended to multiply the pretexts for which government employees can punish private citizens.

To idealize the law is to delude oneself about the nature of contemporary political power. "Law" cannot miraculously transcend the politicians who make it. Contemporary law retains far more respect than it deserves. Laws are simply political edicts, with little or no resemblance to traditional, accepted principles of justice. Coercion and expropriation have become tools in politicians' reelection campaigns: whenever increased coercion garners votes or campaign contributions, new laws are promulgated and government agents sent out to inflict politicians' wills. When law itself is the means by which the citizen is stripped of the fruits of his labor, confined to ever narrower portions of his own existence, and subjected to a thousand insect authorities, then "freedom under the law" means simply the freedom to submit to your enemy. To obey every law is to accept a life sentence as a political pawn.

Nowadays, "freedom under the law" makes as much sense as "freedom under the lash."

In the classical concept of "freedom under the law," law was a leash on both the government and the governed. But now, law is something that government imposes, not something that government obeys. This is clear in environmental law (the federal government is by far the biggest violator of environmental statutes), tax law (the General Accounting Office has repeatedly reported that the IRS is unable to account for much of its revenue and expenditures), labor relations law (from which Congress exempted itself), and smoking bans (from which Congress continues to exempt itself).

One variation of the "freedom under the law" doctrine is the belief that the fact that certain laws are on the book is all the protection that citizens need against government. Rep. Henry Hyde (R-Ill.), the chairman of the House Judiciary Committee, declared in January that "the Rule of Law protects you and it protects me from . . . the 3 a.m. knock on our door. It challenges abuse of authority." Regrettably, Mr. Hyde actually seems to believe his own claptrap. "A man's home is his castle," an accepted rule of English common law since the early 1600s, required law enforcement officials to knock the door and announce themselves before entering a private home. But this standard has increasingly been rejected in favor of another ancient rule — "the king's keys unlock all doors."

A *New York Times* piece observed in 1998 that "interviews with police officials, prosecutors, judges and lawyers paint a picture of a system in which police officers feel pressured to conduct more raids, tips from confidential informers are increasingly difficult to verify and judges spend less time examining the increasing number of applications for search warrants before signing them." The *Times* noted that "the word of a single criminal, who is often paid for his information, can be enough to send armed police officers to break down doors and invade the homes of innocent people." No-knock raids have become so common that thieves in some places routinely kick down doors and claim to be policemen. The Clinton administration, in a 1997 brief to the Supreme Court urging blind trust in the discretion of police, declared that "it is ordinarily reasonable for police officers to dispense with a pre-entry knock and announcement."

According to John Locke, "The Reason why men enter into society . . . is, that there may be laws made, and Rules set as guards and fences to the properties of all the members of the Society, to limit the Power, and moderate the Dominion of every part and member of the society." Locke defined "properties" much more broadly than they are defined in current usage of the term. He included a person's "Life, Liberty, and Estate," as well as "the Labour of his Body, and the Work of his hands." Laws, insofar as they mark boundaries between private citizens and between the citizen and the State, can safeguard freedom. By protecting private domains, law "ideally" maximizes each person's chance to run his own life.

James Madison, in his 1787 essay on "Vices of the Political System of the United States," noted, "As far as laws are necessary to mark with precision the duties of those who are to obey them, and to take from those who administer them a discretion which might be abused, their number is the price of liberty. As far as laws exceed this limit they are a nuisance; a nuisance of the most pestilent kind." Contemporary laws are both vague and expansive: as a result, citizens often have little or no warning before the wrath of government enforcers blights their lives.

According to Immanuel Kant, "law is the quintessence of conditions under which the free choice of one person with

continued on page 44

Report

To Think and Speak in Hong Kong

by Benjamin Ostrov

What happens when a libertarian is invited to speak truth to power in "one-country, two-systems" Hong Kong?

I have been teaching political philosophy, ethics and public policy in Hong Kong for a number of years. I subscribe to libertarian principles, which inevitably influence both the manner and content of what I teach. I like to believe this influence is subtle. An evangelical approach, it seems to me, is counterproductive. Encouraging students to think for themselves is my preferred path toward individualism. I have been content with this subtle role as a quiet advocate of liberty and have avoided the limelight.

Recently I was called upon to present to a panel of Hong Kong's legislature my views on the amendment procedure for Hong Kong's Basic Law, which China controls. The Basic Law provides an illusion of democracy and freedom. Although I realized there was little chance I could alter the amendment procedure, at least I had the chance to leave the classroom and make a public statement aimed at expanding the liberty of the Hong Kong people.

My involvement began with a fax from the Hong Kong Legislative Council Panel on Constitutional Affairs, inviting me to submit written comment on the mechanism for amending Hong Kong's Basic Law and to present my views to a hearing held by the Panel. The Basic Law is Hong Kong's mini-constitution as a Special Administrative Region (SAR) of the People's Republic of China. Supposedly, it is to operate on the "One Country, Two Systems" principle proposed by Deng Xiaoping, which should give Hong Kong autonomy regarding all local issues.

One may wonder why I was invited to comment. I am not a lawyer or legal scholar. I am a professor in the Department of Government and Public Administration at the Chinese University of Hong Kong. My research area, science and technology issues in China, is remote from the concern of the Constitutional Affairs Panel. However, the Chairman of this panel, Andrew Wong — the last President of the Legislative Council, analogous to the U.S. Speaker of the House of Representatives, prior to the July 1, 1997 transfer of sovereignty over Hong Kong from Britain to China — is one of my colleagues. Indeed, all my colleagues, as well as some professors at other institutions of higher learning in Hong Kong, were invited, along with representatives of human rights groups and the legal profession.

I was ambivalent about taking part in this consultation exercise. On the one hand, I felt a professional and social responsibility and a general moral obligation to say something about the deficiencies in the amendment process. On the other hand, I feared that this was simply to be a public relations exercise used to legitimize an increasingly authoritarian regime with a toothless legislature whose members were elected by various means, some of which could be called democratic.

My ambivalence was compounded by my astonishment at what was intended to be the focus of these discussions. With the invitation I received an agenda of suggested issues. The issues were, in my opinion, trivial or self-evident. They contained items such as: "the form of the amendment proposal" and "the need to consult the public on the amendment proposal." Missing was any mention of the provision that the final power of amendment is vested in China's National People's Congress (NPC). To me, all the issues listed in the agenda paled into insignificance when compared to this one.

Wondering whether my opinion would be valued, I sent off an email message to Andrew Wong. My failure to receive a reply convinced me that my doubts about taking part in

this consultation were justified. I chose not to respond to the invitation.

But a few days before the deadline for submission of comment to the Panel, I was contacted by one of the Panel's staff. She convinced me that the Hong Kong Government was serious about changing the amendment mechanism for the Basic Law. Indeed, as it turns out, it was the Hong Kong Government that initiated this process to change the mechanism. Although I was still suspicious about the omission of what I considered the primary issue concerning this, I agreed to attend. The deadline for written submission was extended for me.

Several days prior to the special meeting of the Constitutional Affairs Panel, I ran into Andrew Wong on campus. He informed me that although the Government had initiated the process, the Legislative Council, especially those within it inclined toward democratization, saw this as an opportunity to make the most of. I began to look forward to the meeting.

Of all those who testified, I received the least attention. In the newspaper accounts that followed, on the other hand, my name was one of the few that were always mentioned.

I sent off my submission to the Panel, voicing my doubts about the proposed agenda for discussion and stating what I thought was the crucial issue, the power of the NPC in the amendment process. I said the NPC should be excluded from the amendment process when the issues were purely local and wrote:

> As far as I am concerned, as long as an amendment proposal does not concern foreign or defense policy, it should be left up to the people of Hong Kong. They are the ones who are directly affected by specifically local issues and nobody else. Fairness, and the high degree of autonomy promised by the "One Country, Two Systems" formula demand that the power of amendment be left with the Hong Kong people. Leaving the amendment power where it is vests too much faith in the Communist Party of China, the body which controls the National People's Congress. Even if well-intentioned, the Party's traditions and political culture are alien to those which have developed here in Hong Kong and feature principles such as the rule of law and freedom of speech. It would be unreasonable to expect the members of the National People's Congress to understand and appreciate these values as much as the Hong Kong people do. Of course this proposed change begs the question of who is to decide whether or not an amendment proposal concerns these issues. I would say that should be left up to the National People's Congress. One may say that this still gives them a role. I would counter that they must have at least this minimal role — Chinese national sovereignty requires at least this much. Of course that still leaves some risk for Hong Kong people but I would say that risk cannot be completely avoided. At least, officially, Hong Kong people would have the final say in most matters concerning amending the Basic Law. As for the rest, Article 159 of the Basic Law is very clear and specific about who has a role in approving the amendment prior to its being presented to the National People's Congress. One can discuss modifications to the involvement of these actors in the process. However, I think this pales in significance to the fact that the final power of amendment is vested in the National People's Congress.

One might say that it is hopeless to attempt the modification in the amendment process that I propose. I would most likely agree — in the short run. However, the long run is a different matter. To fail to make the attempt dooms one to a self-fulfilling prophecy of defeat. An expert practitioner of politics named Margaret Thatcher once said, "In politics there are no final victories." If she is correct, then one can also say that in politics there are also no final defeats. I had reservations about formally accepting Chinese sovereignty over Hong Kong, believing that people are prior to states. I know, after 20 years of living and working here, that most Hong Kong people would have preferred being citizens of an independent republic like Singapore to being under Beijing's rule, but that they believed this was not possible. However, I thought that if my views were to be considered at all I would have to uphold the "One Country Two Systems" principle.

At the meeting, each speaker gave an individual presentation and then was questioned by members of the Panel before they moved on to the next speaker. The one to go first was also the one most extensively questioned. This was not surprising since he was not only the dean of the University of Hong Kong's Law School but a member of the Basic Law Committee of the National People's Congress (NPC). This is the body which would be consulted should an amendment to Hong Kong's Basic Law ever be forwarded to the NPC in Beijing.

This expert on constitutional law, Prof. Albert H.Y. Chan, stated that in the U.S. amendments were given seven years to pass or fail. I was prompted, as the lone American participant, to interject a point of information. The U.S. Constitution does not stipulate any time limit but Congress may, and time limits have varied from one amendment proposal to the next. I was told by another participant sitting near this gentleman that he was embarrassed.

Beyond giving lessons in comparative constitutional law, this speaker and the others primarily dealt with the minutiae of how to propose an amendment, how to involve the people of Hong Kong in the process, who can initiate an amendment, the scope of amendments, etc. I thought these issues were trivial since the answers — if correct — often appeared to be self-evident. For example, the scope of an amendment is clearly limited by the Basic Law to local issues in Hong Kong. Any of the three actors stipulated by the Basic Law (Hong Kong's Chief Executive, its Legislative Council, or Hong Kong's deputies to the National People's Congress) can initiate an amendment in the absence of any prohibition to the contrary. The people of Hong Kong can get involved in the process by lobbying members of the Legislative Council, especially the elected ones who are democratically oriented, to propose particular amendments.

Some thought the Hong Kong people should have more involvement in the process. Members of the Hong Kong Human Rights Monitor proposed having a convention to

continued on page 38

Profile

The Road to Dissent

by Jen Tracy

Jazz is to blame for who Boris Pustintsev is today.

It was a tiny discarded radio capable of picking up stations from America that taught eleven-year-old Boris Pustintsev from Vladivostok to question Soviet authority.

Now, at the age of 63, Boris Pavlovich Pustintsev is the chairman of St. Petersburg-based Citizens' Watch — the only Russian organization that engages in an all-encompassing fight for fundamental human rights in a fledgling democracy struggling to overcome a totalitarian past. But the method to the madness of Citizens' Watch can only be fully understood through the stories of a questioning little boy from Russia's far east.

"When I was 11," recalls Pustintsev, "I started playing with my parents' discarded radio. It was old but reliable and I could receive stations from America. I heard some strange [Jazz] music and I began to like it so much I couldn't go to sleep without it. I learned English on my own and listened to news broadcasts as well. This news differed drastically from Soviet news. I felt they corresponded with truth unlike Soviet broadcasts."

He listened to this radio for years. And one day, when he was 14, during the height of the Korean War, he decided to act on his knowledge from the American broadcasts.

Every morning, his father had breakfast in his study while reading the papers and listening to the radio. On the wall of the study was a map of Korea and his father would pin up the new front line with little red flags every day as reported by Soviet media. "But I was listening to a different broadcast," recounts Pustintsev. "I was listening to a pleasant lady's voice and she told me the front line was much different and I knew my father was wrong."

Taking out a sheet of paper, 14-year-old Boris colored it blue and made new flags and pinned up the real front line. "When my father got home he beat me black and blue. While he beat me he kept repeating over and over, 'Don't you think of your family!? Don't you think of your mother!?'" That was the last time his father pinned up the front line. "I understood that my father was so scared about what would happen if the authorities found out," recalls Pustintsev.

Earlier on, at the age of 13, Pustintsev helped an old man who had collapsed in front of him on the street. The man turned out to be a political prisoner who had been released from camp because he was dying. "He died four months after I met him but I visited him regularly during that time. He made such an acute impression on me. He could talk about nothing but the camps and the stories he told me confirmed what I heard on my Western broadcasts and confirmed my belief that what the Soviets were saying was all lies."

Boris Pavlovich's family later moved to St. Petersburg where his father, a top-secret shipbuilder, was sent. In 1957, two weeks before his father was to move to Moscow for the highly prestigious position of deputy minister of shipbuilding, Boris Pavlovich was arrested for protesting the Soviet supression of the Hungarian Revolution. "I ruined my father's career," chuckles Boris with a slightly regretful tone. "He never made it to Moscow, but the Soviets kept him at his top-secret post because they couldn't find anyone to replace him."

After spending eight months in prison, Pustintsev, then 21, was sentenced to five years in the Mordovia labor camp for political prisoners. He was released in 1962. "The first couple of years were extremely interesting. I met people I wouldn't have otherwise met. Fantastic people. It was five years of intensive social education."

"It wasn't like in Stalin's time," recalls Pustintsev. "People didn't die from starvation. There was no extermina-

tion policy. It was difficult for me but I always knew it was worse before. It's easier when you're young."

In 1989, Pustintsev founded the Memorial Society for Victims of Stalinist Repression, before going on to found Citizens' Watch. And, in 1993 he was awarded the Hungarian Cross for his part in the protest of the Soviet repression of the Hungarian Revolution. Citizens' Watch was founded at the end of the romantic period of Russia's newly born democracy by citizens who were worried about the absence of any control over government agencies like the armed forces, police and special services — agencies that Pustintsev says "were created to protect a totalitarian state and represented an acute threat to Russian democracy."

At 21, Pustintsev was sentenced to five years in the Mordovia labor camp for political prisoners. He was released in 1962. "It was five years of intensive social education."

"The FSB [Federal Security Service] is attempting to rebuild its image. To regain some of its lost power and prestige from the KGB days. We can't let this happen." So Citizens' Watch is educating the people and lobbying for amendments to current Russian legislation.

According to Pustintsev, its biggest legislative victory was a series of amendments to laws on the rights of military servicemen in Russia. In essence, Citizens' Watch was successful in making servicemen recognizable first as citizens and second as servicemen.

Citizens' Watch was a monumental force in the FSB case against former Navy Capt. Alexander Nikitin, who was accused of spying and treason for co-authoring a report about nuclear-waste dumping by Russia's Northern Fleet. Says Pustintsev, "We felt there was something fishy in this case from the beginning. It was politically motivated. We would not have risked our reputation if we weren't 100 percent sure that Nikitin was not a spy."

Though Nikitin has not yet been acquitted, he would have been found guilty immediately if it had not been for Citizens' Watch's relentless pressure and legal assistance. One of the most important aspects of this case was the organization's success in gaining support from American forces to pressure the Russian government to properly try this case.

"As a rule, we don't lead legal cases," Pustintsev says. "But, when they can set dangerous precedents, such as the Nikitin case, we must involve ourselves. If Nikitin had been found guilty it would have given the FSB the right to politically repress any citizen who ever had ties to foreign organizations, be they religious, cultural or political."

Funded by such organizations as the American Civil Liberties Union, the Ford Foundation and TACIS of Europe, Citizens' Watch is still somewhat reluctant to try to adopt an entirely European or American model for Russian human rights.

"America has its drawbacks," says Boris Pavlovich. "I don't like the relations police have with the public. For instance, recently an unarmed African-American was shot by New York police with 41 bullets. 41 bullets! This is an amazing amount of gunpower for one unarmed citizen. America is doomed to a future of extremes — meaning well, achieving bad."

Nonetheless, Pustintsev says he'd die a happy man if Russia's human rights were as far along as in America. "There, on the streets, you can feel the spirit of freedom. Russia needs to feel that spirit." ❑

Ostrov, "To Think and Speak in Hong Kong," *continued from page 36*

propose an amendment. But this begged the question of whether the Convention's decision would be advisory or obligatory. If the latter, it would contradict the Basic Law. It seemed to me to complicate the process, and I prefer simplicity.

Another speaker incurred the frustrated annoyance of Panel members when he proposed that the deputies to the NPC be limited in their role in the amendment process to just vetting proposals made by either the Chief Executive or the Legislative Council. When questioned as to whether this proposal was compatible with the Basic Law, he insisted that it was. Even the Democrats among the Legislators knew otherwise, however, and treated him with subtle contempt.

When my turn came, I made my submission quickly, stating that my proposal would require amending the Basic Law and the NPC's assent to having its role reduced. I did not express optimism at this prospect. To my surprise, I received no hostile questions from the pro-Beijing legislators there. Instead, I fielded three softball questions from proponents of democratization. When they questioned me, they referred to me as "the professor." This was a strange form of address since many of us there were professors. Either they were being sarcastic, thinking me naive, or simply had trouble pronouncing my surname, "Ostrov," as many here do. Of all those who testified, I received the least attention.

In the newspaper accounts that followed, on the other hand, my name was one of the few that were always mentioned. (In the Chinese press, I was quoted by my Chinese name.) I have been here long enough to know that when people strongly disagree with you in Hong Kong, they do not argue with you but ignore you. I suspect that my views will have no impact on how the amendment mechanism is modified, if it is at all, despite the kind words I received at the end of the hearing from some of the democratically oriented panelists.

Testifying before the Legislative Council's Panel on Constitutional Affairs was an interesting experience. However, I think I did much more for the people of Hong Kong by sitting on a jury last summer which overturned a guilty verdict and freed a woman who had been sitting in jail for 23 months.

But that is another story. ❑

Shades of Gray

by G. R. Steele

The Americans had Benedict Arnold, the Norwegians had Vidkun Quisling, and classical liberals have John Gray.

In Great Britain, Prime Minister Tony Blair's New Labour seeks a "Third Way" between the extremes of Old Labour's socialism and the New Right's Thatcherism-cum-Reaganomics. To attempt to define the New Way in terms of policy details, is to invite claim, counter-claim and endless statistical comparisons. So what of the principle, the political philosophy? Surely, this is more likely to give up a definition. The question of principle is especially interesting, when a philosopher of repute says there is no guiding principle. That interest is likely to deepen when we learn that the philosopher in question was once aligned with the New Right, but is now firmly within the New Labour encampment: John Gray, Professor of Politics at the London School of Economics.

"The party that first formulates a post-Thatcher project for Britain will settle the political agenda for a generation" (*E*: 146). So writes Gray in the second of three recent and related publications: *Beyond the New Right*, *Endgames* and *False Dawn*. Gray is also the author of *Hayek on Liberty*, which is a sympathetic study of the polymath Friedrich Hayek. Now this *is* interesting. In a *Times* interview in 1985, Hayek's best wish for the British economy was another 20 years of Margaret Thatcher's government. In that same period, Gray applauded Hayek as deserving "the critical interest of philosophers and social theorists as well as political economists" (Gray, 1984, x); but, he is now the ideologue "who generalized wildly from a single case" (*FD*: 8). Read on.

Whereas Old Gray believed that aspirations for socialist planning or social democracy were fruitless, because Hayek had exposed these as epistemological impossibilities (*BNR*: vi), New Gray laments the loss of Keynesian controls and (curiously for a lapsed Hayekian) believes that macroeconomic management would succeed, but for global bond markets and the mobility of labor and capital. Together with the hoards of "industrious and skilled workers" released from communism, these developments were the primary forces which destroyed the "sensible and pragmatical middle ground" (*E*: 12) of social democracy.

New Gray's concern is that "the class culture of deference and respectability which had been indispensable to the free market have been largely swept way" (*FD*: 35). With late 20th century liberal capitalism, people no longer "accept the hierarchies and forms of subordination . . . which sustained traditional institutions and social forms" (*E*: 81–2). The demise of park-keepers, bus conductors, and school attendance officers as auxiliary agents of social control, has left the police over-exposed and under-resourced to deal with an upsurge in crime.

It is here that New Gray follows a famous precedent: John Maynard Keynes was similarly concerned. The late 19th century order — whereby "the labouring classes accepted from ignorance or powerlessness, or were compelled, persuaded or cajoled by custom, convention, authority, and the well-established order of society into accepting, a situation in which they could own very little of the cake" (Keynes, 1971, pp. 11–2) — was rent asunder by The Great War. Something had to be done and in 1936 *The General Theory* explained what and how. It was for government to accept responsibility for the economy. In similar fashion, New Gray has swapped precepts for practicalities: the "struggles of oppressed people throughout the world" (*E*: 64), "the ordinary human need for security in everyday life" (*E*: 101) and foxhunting (*E*: 126; 145)!

For the initiated, New Gray presents recent history as a series of tableaux: from the scientific certainties of modern-

ism, through late-modernism and an "ambiguous interregnum" between late modernism and early postmodernism (*E*: 156), through early postmodernism and postmodernism to a final ideological endgame and the hope for a non-ideological beginning. Phew!

The present but fast-fading postmodern epoch is characterized by two incompatible perspectives: that everything is an extension of human consciousness; and that western neo-liberal values are universally and uniquely authoritative. A repudiation of the latter aspect is Gray's particular project: western neo-liberal principles of justice or rights are artifacts of the modern age and an "unhistorical dogmatism."

New Gray's twin-thesis is the non-existence of immutable human rights and liberties and the existence of universal and enduring human needs.

With New Gray epistemological impossibilities give way to actual obstacles which present themselves as low wage industrial competition, the global mobility of financial capital and voter resistance; and the single idea is that political philosophy is inseparably linked to theories of human nature. The emerging new order which is endorsed by Gray insists, "for all practical purposes," upon the constancy of human nature and therefore upon the abandonment of "the idea of progress by which the modern age was animated" (*E*: 175).

The central problem for this new order is "how people with conflicting values and fundamental beliefs can live together in peace" (*E*: 53). Towards this end, New Gray endorses both the Hobbesian goal, which is "to understand the universal and permanent human needs that political institutions . . . exist to meet" (*E*: 53), and the "comprehensive worldview" of John Stuart Mill's *On Liberty*, which is similarly "grounded in a definite conception of human nature and a particular interpretation of history" (*E*: 51).

New Gray's twin-thesis is the *non-existence* of immutable human rights and liberties and the *existence* of universal and enduring human needs: the "needs for security and for forms of common life" (*E*: 15-6). Since the experience of ever more complex pluralities means that nationhood is ever less the embodiment of national culture, the search is on for new institutional structures which can provide "a *modus vivendi* among cultures and communities" (*E*: 177). Here, according to New Gray, is the one realistic aspiration for human society and the legitimate post-postmodern challenge: to achieve security through "the control of economic risk" so as to give "a span of worthwhile options" and the autonomy of "being part-author of one's life" (*E*: 81). Yet, New Gray's identification of a new political agenda — to address "the problem how people with conflicting values and fundamental beliefs can live together in peace" (*E*: 53) — is entirely consistent with Hayek's focus upon the definition and administration of general rules which, in protecting an individual from "the arbitrary will of another" (Hayek, 1960, p. 12), offers the most likely means to secure peaceful coexistence.

New Gray's warnings of "the ultimate vanity of all political projects" (*BNR*: viii) and "the overvaluation of what taking thought can do for human life" (*E*: 186) are also reminiscent of Hayek: "intelligent people will tend to overvalue intelligence" (Hayek, 1988, p.53). Indeed, there is a confusing interplay of Keynesian and Hayekian themes within New Gray's presentation of communitarian liberalism. Vital issues of cultural identity cannot be suppressed; and so the principal focus is the "re-embedding of economic activity in the life of society" (*E*: 183). New Gray applauds John Rawls (*Political Liberalism*) for an "insight of profound importance," namely that a liberal state is one in which "rival ideals can flourish," but he accuses Rawls of a political emptiness in taking "the public culture of a democratic society" as a base point: "[o]ur liberties cannot be fixed once for all . . . precisely because the *political* task is to reach a practical agreement on them that is bound to shift with circumstances" (*E*: 54).

Modern society has acquired a cultural and religious diversity wherein rival "conceptions of the good are not merely incompatible but also rationally incommensurable" (*E*: 52). In setting our highest feasible aspiration as a *modus vivendi* which is "bound to shift with circumstances" (*E*: 52), New Gray has retained the Hayekian notion of spontaneous social processes. Indeed, the presence of a few inconsequential references to Hayek (where Gray's scholarly reputation is widely acknowledged) is a most puzzling aspect. There is only the simplistic representation: Hayek, guru of Thatcherism, who is cited as perpetrator of a falsehood which derives from the "Enlightenment philosophy of history." The falsehood — that western modernity is "the ultimate fate of all humankind" (*E*: 157) — will surprise all those who have read Hayek, with the obvious exclusion of Gray. To the extent that Gray is coherent in his new position, Hayek would have acquiesced with many of its details.

John Gray creates his own distinction between the "market economy" and the "free market."

One distinctly Hayekian theme — the importance of unintended consequences in social processes — allows Gray to savor the irony for supporters of Thatcherism who "could not have foreseen the swift unravelling of the British class culture of deference which Thatcherite policies wrought" (*E*: 98). Hayek was proud to be associated with Thatcherism. Yet, while New Gray acknowledges the "original political justification and historical rationale of Thatcherite policies" (*E*: 14), which lay in the breakup of corporatist institutions and policies which were a source of conflict rather than wealth, the free market is both the engine of wealth creation and the destroyer of traditional institutions and cultural forms. Thus, "the communitarian and paternalistic concerns" of post-1945 British conservatism, where there was a "genuine understanding of enduring human needs," were trampled by "the Thatcherite march" (*E*: vii). Even though market

deregulation "allowed somewhat lower levels of joblessness than our European partners" (*E*: 43), the associated labor mobility brought pathologies which include marital breakdown and unprecedented levels of crime.

New Gray does not consider that many (if not all) of these trends predate Thatcherism. The '60s was the most notoriously liberating of recent decades; labor mobility and the decline of the family are more plausibly linked to state financial sponsorship of an ever-widening set of "rights" — to adolescent independence, to single parent families, to further education, to medical provision, *etceteras* — than to the notion that "the free market works to transform or overturn all inherited and traditional social institutions" (*E*: ix). New Gray fundamentally misunderstands (or conveniently forgets) the value of free market exchange: it is because the culture, beliefs, and motives of its participants are irrelevant to the functioning of the market that the greatest harmony can be achieved.

New Gray creates his own distinction between the "market economy" and the "free market." The market economy is a genotype whose long history and great diversity contrasts with the first brief epoch of the latter, which began only in the 19th century: "free markets are creatures of state power, and persist only so long as the state is able to prevent human needs for security and the control of economic risk from finding political expression" (*FD*: 17). New Gray would have us believe that mid-Victorian England deliberately set out to create "an economy in which markets are deregulated and put beyond the possibility of political or social control" (*FD*: 5). He argues that the archetype of the free market which it produced is a peculiarly English example of social engineering through state coercion. Land Enclosure (running from the Civil War to the 1830s) had formed the basis for agrarian capitalism. This was supplemented by specific legislation: the Repeal of the Statute of Apprentices "and all other controls on wages"; the Poor Law Act (1834), which encouraged individuals to be self-responsible; and the repeal of the Corn Laws (1845), which freed agrarian trade. These were the key measures "which created out of the market economy of the 1830s the unregulated free market of mid-Victorian times that is the model for all subsequent neo-liberal policies" (*FD*: 11).

Yet, by the 1870s, the game was up because the *socially engineered* extension of the franchise had set in train a *spontaneous* evolutionary development: "[i]t is the disappearance of the nineteenth-century free market, not its emergence, that occurred as a result of a slow historical evolution" (*FD*: 14). Hence the New Gray sound bite: *"[l]aissez-faire* must be centrally planned; regulated markets just happen" (*FD*: 17); and so we are to believe that the Factory Acts of the 1860s and 1870s, and the Education Act of 1870, just happened as part of "a multitude of such uncoordinated responses" as "parliamentarians" (perforce *not* the government) became aware of the "danger, squalour and inefficiencies" of working life (*FD*: 17). According to New Gray, one set of legislation is state coercion, while another set of legislation just happens, but his argument lacks a distinction. Of course, there is none! There is only legislation — the exercise of government power — and this *is* the essential issue:

> [l]aissez-faire was never more than rule of thumb. It indeed expressed protest against abuses of governmental power,

continued on page 61

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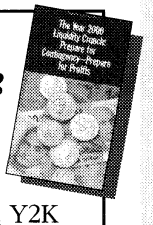

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Essay

N-Space: The Final Frontier

by John C. Goodman

A new approach to private property is required to deal with the problem of unowned resources.

From John Locke to Robert Nozick, a central concern of libertarians has been the right to own real property (e.g., land and minerals). Other rights are almost always defined in relation to the right to such property.

In response to the question, "Does my second-hand cigarette smoke violate your rights?" libertarians respond that it depends on who owns the house where I'm smoking. If I do, then I have a right to smoke regardless of whether it bothers you. If you own the house, then you can tell me not to smoke. Does the pollution caused by my burning trash in my backyard violate your rights? Not unless the fumes waft over your backyard.

This paradigm, which assumes that actions can be described in terms of rights to real property, and which is reflected in the works of Murray Rothbard and some other libertarian writers, has served us reasonably well. But it cannot answer all the questions libertarians want to answer.

Even in largely capitalist countries, most resources are unowned. No one owns the air or the sea or most lakes, streams, and rivers. Most parks, wilderness areas, and other "public places" are unowned, as is almost all wildlife. No one owns the core of the earth, the moon, the planets or the asteroids. Indeed, the vast majority of all the resources in the universe are unowned.

When owned and unowned resources exist side by side, certain problems arise. Does the automobile owner's tailpipe pollution violate the rights of other city dwellers? If so, does it violate their rights only when they are standing on their own property?

Many libertarians believe that the solution to problems of this sort is to get everything owned. If every resource were owned, then we could have a completely consistent system of rights, based on ownership. Yet as I argued in a previous article in *Liberty*, this ideal is unattainable. Goodman's Incompleteness Theorem states that any rights system that is complete (describes all actions) cannot be consistent; and any rights system that is consistent cannot be complete ("Do Inalienable Rights Outlaw Punishment?" May 1997).

There are other problems with the real property paradigm. For example, how does one acquire original rights to property? According to John Locke, one acquires rights to land by "mixing one's labor with the soil." This idea is already nearly obsolete in a world where the number of people in agriculture is constantly declining, and it doesn't begin to give us reasonable guidance about how a corporation could acquire ownership rights on the ocean floor or in an asteroid belt.

And real property is no longer the most important kind of property. Intellectual property is. Can we resolve questions about how one rightfully acquires intellectual property and what the boundaries of those rights are by relying on the real property paradigm? I think that's unlikely.

For these reasons, I propose a new paradigm for thinking about liberty. This paradigm is necessarily abstract, since it must capture the complexity of human interactions. However, I believe it will lead to concrete insights.

The N-Space Paradigm

Suppose that life can be modeled as an n-dimensional space. I use the term n-dimensional to refer to all conceivable ways in which human beings relate to each other. Thus it refers to much more than physical space. N-space has the following properties:

1. Each of us owns a small subspace of n-space (e.g., I own "my space," you own "your space," etc.)

2. Most of the space is not owned.

3. We are each free to move at will within our own space and within the unowned space. But I cannot enter your space without your permission.

4. We also have complete freedom of contract, by which means we can parlay initial rights into many other rights. For example, you might give me the right to enter some part of your space if I give you the right to enter part of my space.

5. Your happiness and well-being are partly determined by everyone else's position in n-space. You cause your own utility to go up and down as you move around in n-space, given the position of everyone else. And as I move through n-space (both within my space and within the unowned space) I cause your utility to go up and down. In other words, I can affect your utility by things that I do, even if they are on my real property. What is true of me is also true of everyone else.

In n-space no special role is assigned to ownership of real property. There may or may not be real property in your space. If there is, your rights to that property are no more important or more fundamental than any other ownership right you have. Nor are your rights to your space derived from ownership rights to real property. As the name implies, the n-space paradigm is designed to capture all the dimensions along which my actions affect your utility and vice versa.

Problems arise because each of us has the ability to affect the utility of others. I could be killing spotted owls, starting forest fires, causing floods, diverting water, polluting the air, or simply exhaling carbon dioxide — all might affect your utility. If I kill a California condor, its killing may affect your utility regardless of where it happens. If I cut down a 300-year-old tree, you may not like it. However, consistent with the libertarian maxim of noncoercion, we are allowed to modify the behavior of others only by persuasion and contract.

Implications of the New Paradigm

There are at least four areas in which the new paradigm can alter our thinking about rights.

1. Given low transaction costs, the market will determine the optimal amount of ownership. If people are few and communications are relatively costless, they can form contracts with one another in n-space until they exhaust all opportunities for mutually beneficial exchange. They will be able to do this even though most of the space is unowned.

In the absence of high transaction costs, people will engage in transactions until they reach a point from which no further change can make everyone better off. One type of potential transaction in n-space is to convert previously unowned space into owned space. To accomplish that outcome fairly, everyone must agree to give up his or her right to travel in a certain region of unowned space in return for compensation from the new owner. Original ownership, in other words, can be created by contract. Such conversions, according to the Coase Theorem, will take place so long as they have the potential to make everyone better off. The assumption of zero transaction costs is usually viewed as unrealistic.

When University of Chicago economist (and Nobel Laureate) Ronald Coase first proposed this theorem years ago, most people thought of transaction costs as simply a fact of life. But one of the most important characteristics of the information age is that technology is reducing transaction costs at a very rapid pace. So the idea that transactions can take place among a large group of people — transactions that require everyone's consent — is not as far-fetched today as it once was. Technological progress alone will expand opportunities in this respect.

2. The creation of rights to real property is not always the best way to produce outcomes that raise everyone's utility. Suppose we would all be better off if no one entered an unowned corner of n-space. Then we could all voluntarily contract to forego our right to be there. This solution seems more direct and more efficient than giving someone ownership rights over the corner. Nuisance restrictions limiting everyone's ability to pollute air or water may be superior to ownership of those resources. Or, suppose that the ideal solution is controlled entry into the corner. In this case, trading in "admission rights" solves a problem that direct ownership may not solve. Trading in pollution rights may solve a problem that ownership of air or water may not.

Many libertarians believe that the solution to many of the problems of the public realm is to get everything owned. Then we could have a completely consistent system of rights, based on ownership.

3. Not everything is going to be owned, and universal ownership would not even be desirable. Why? Because with complete privatization we could never leave our space and go anywhere else without getting permission from others. Suppose that there is a small cost to contracting with others, so that transaction costs are no longer zero. Since such contracting is not free, collectively we will find that we are better off if we can reduce the number of transactions we have to enter into. That's consistent with there being unowned space.

4. Noncontractual methods of changing and altering rights do not necessarily violate rights. In n-space, one cannot acquire ownership of previously unowned space without diminishing the liberty of others. That is why new ownership requires unanimous consent — for which all the nonowners must be compensated. But suppose that there are many people and many subspaces and that contracting is so costly that unanimous consent is virtually impossible to achieve. What then?

As all students of the "tragedy of the commons" know, when there are unowned resources, rights are incompletely defined. This fact leads to overuse and misuse of the resources. The mistake many libertarians make is to assume that all such problems can be resolved by making rights complete (e.g., by getting everything owned).

A different way of looking at the problem is to recognize that rights to unowned resources are not full-fledged. My claim of the original ownership of a previously unowned

resource diminishes other people's freedom, even if it does not violate their rights. How can we justify such claims in the absence of everyone's consent?

Richard Epstein has suggested a solution in another context. Epstein says that under certain circumstances we can legitimately alter the liberties of others so long as they are compensated (left no worse off) by the change. For example (mine, not Epstein's), a claim of original mining rights on an asteroid diminishes your freedom to mine that same asteroid, but this is a freedom you probably weren't planning to exercise anyway. The creation of this property right could make you better off if you can now expect to have access to cheaper goods and services.

Is there a legitimate process by which such rights could be established?

Applying the Paradigm

Suppose that debris in low earth orbit (space junk) has accumulated to the point where it constitutes a threat to the safety of space vehicles. No single act of disposal puts other vessels at any significant risk, but the cumulative effect of all such acts is significant. So to deal with the problem, owners of some vessels petition the Libertarian Court of Justice (hereafter LCJ) and ask that space travelers be enjoined from jettisoning any more space junk.

By positing a Libertarian Court of Justice, I am suggesting an idealized way of resolving this problem. The Libertarian Court of Justice is not a specific, proposed entity but a way of conceptualizing decision-making that reflects justice and libertarian thought. In the traditional libertarian property-rights paradigm, we don't need a theory of justice; the role of judge can be largely reduced to that of a fact finder of rights. All the fact finder has to do is discover where the real property lines are drawn. In n-space, however, we need a theory of justice to resolve potential conflicts that property rights theory cannot resolve.

Suppose the LCJ rules for the plaintiffs (those who want to stop the discard of space debris) and grants an injunction. Suppose the LCJ further rules that as existing debris degrades, it can be partly replaced. This would create rights to pollute the lower earth orbit with space junk, rights that can be bought and sold. These rulings diminish previous liberties. But are they justified? They would be if they satisfied certain conditions.

The first requirement is that the rulings must result in a larger economic pie. The reason: if the rulings made world income smaller than before, there is no way losers could be compensated for their losses. If the economic pie becomes smaller there must be some net losers as a result. But suppose that safer space travel leads to more wealth and higher expected incomes for almost everybody. Even so, there probably will be some people who potentially face significant losses. Think of the owners of the space vessels that were jettisoning most of the junk just prior to the ruling.

The second requirement is that clearly identifiable losers from the change must be compensated for their losses. A potential way of achieving this end is to award them some or all of the newly created rights to pollute — rights which they can exercise or sell. Voilá! We have altered previous liberties, created new property rights, and made everybody better off. Who could possibly object? Only libertarians who think that people should stay miserable and poor on principle. By contrast, those who agree that the LCJ should be able to make decisions like the one described here can look forward to exploring a new frontier.

Decision Rules

We have just considered two rules that should be followed by the LCJ (the libertarian decision-maker) when altering liberties and creating rights. Clearly, others will be needed. A multitude of questions will arise. How much of unowned space should any single individual be able to claim? Is cost-benefit the only criterion that should be used? Or should we also be concerned about the distribution of gains across the population? Should people asserting a claim to original ownership be required to pay something for their claim over and above the amount needed to compensate clearly identifiable losers? Could such extra payments be a method of funding the legitimate functions of government in place of taxation?

What is needed is a libertarian theory of justice to complement and build upon the traditional libertarian theory of rights. I hope others will take up the challenge and develop it. ❑

Bovard, "Freedom Under the Law," *continued from page 34*

the free choice of another can be combined in accord with a universal law of freedom." But, as Ingeborg Maus observed, Kant's dictum "must be read together with another tenet, in which Kant divests the state of all title to pursue its own ends and pins it down exclusively to pursuing the ends of the law. According to that view, all actions by the State (armed with a coercive monopoly) are only legitimate if they serve to make every individual citizen's freedom of choice compatible with that of all others." By this standard, most contemporary legislation and most of the current statute books will appear starkly illegitimate and subversive of freedom. Yet, many advocates of "freedom under the law" refuse to recognize the qualifications that people like Madison and Kant placed on the doctrine.

Some laws have advanced and better protected individual freedom and individual rights, such as laws permitting women and blacks to own property and make contracts on an equal legal basis to white males. But such laws did not create liberty; they merely razed previously erected legal barriers against a particular group. Laws that deter private violence, such as restrictions on mob violence, safeguard freedom. Another example of a government rule that promotes freedom is the 13th Amendment, ratified in 1865, which states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States." This amendment was interpreted by the Supreme Court in the late nineteenth century to outlaw certain labor contracts that resembled peonage; the court thereby curbed

continued on page 46

The Virtue of Salesmanship

by Tom Isenberg

The right way is the way that works.

There are two types of people in the world: those who say there are two types of people in the world, and those who don't. Many libertarians seem to be the former, and I try to be one of the latter. I don't think it's useful to divide libertarians into moralists and consequentialists, because as Bill Bradford points out, almost every libertarian has both moralist and consequentialist beliefs. The real difference lies in the degree to which those beliefs inform your stand on any given political question. I assume that non-libertarians are the same. Their thinking on various issues likely includes both moralistic and consequentialist views.

The fact that the Liberty Poll documented substantial gains for the consequentialist approach and a decline for the moralistic approach shouldn't lead us to derive rhetorical strategies based on this division. Instead, it should remind us of the obvious fact that no one rhetorical strategy, whether consequentialist or moralist, is going to work for everyone on every issue. Depending on the issue under discussion, a person's views may be inspired 90 percent by a sense of "justice" and only 10 percent by a sense of "what works best." Or vice versa. Or some other mix.

Therefore, it seems to me that the rhetorical strategy we need is plain old "good salesmanship." We first need to shut up and listen to our prospects. We need to discern their concerns in order to anticipate and overcome their objections and show them that we have the product they want in our product line. If they want "what works best," fine: we've got that. If they want "justice," we've got that one, too. And we've got both of them in many different flavors and strengths and sizes. It's up to us to show them that their current political product doesn't meet their needs, but that ours does. If their concern is the justice of raising the minimum wage, address that. If their concern is the necessity of raising the minimum wage, address that. Our approach should be to focus on their concern.

I recognize that, just as our prospects's needs vary, so do our skills and inclinations. Naturally, this means that some of us are better at using one approach than another. But we must recognize that our favorite approach may not work with every prospect, and so we must be willing to refer him to libertarian authors or speakers who are capable of addressing his concerns. For example, if he responds to moral arguments, lend him some Rand or Rothbard. If he responds to practical arguments, lend him Harry Browne's *Why Government Doesn't Work* or point him to the Cato Institute's website.

The common temptation is to ignore our prospects's needs and use only the arguments that we personally find convincing. Many libertarians argue for a consequentialist approach because consequentialist arguments seem strongest to them. And those of us who were breast-fed on Ayn Rand (feel free to take a moment now to conjure some other mental image) are likely to use the moral arguments that won our hearts and minds (and those of many, many others — far more than any consequentialist novel ever could, I'll wager).

To those of you who would rather avoid moral arguments, let me share my story.

I am a recovering English major. When I first read Rand in college, I didn't know or care about politics. Like all my friends I "knew" that freedom of speech and conscience were "good" and that slavery and bigotry were "bad." Those were strongly-held, if vaguely-defined, moral views. Since I didn't know anything about economics (and, frankly, I didn't care), I was likely to support any economic policy that could convincingly assert that it would work best for the greatest num-

ber of people. To the extent to which I was anything political, I was a liberal Democrat. Until I read *The Fountainhead* and *Atlas Shrugged*. For me, they were mental Drano. They caused me to reevaluate everything I believed. The moral arguments moved me profoundly. With Milton Friedman (a moralist who has a gift for presenting consequentialist arguments), I said that even if a particular violation of freedom could be shown to be more beneficial, I would still reject it in favor of freedom.

"So what," you say. Well, the same moral arguments that won me over to libertarianism inspire in me an almost religious fervor to work for and donate to the cause, in a way that mere consequentialist assent never would have. They also inspire me to become conversant in consequentialist arguments. I have since had a lot of practice refining moral and consequentialist arguments as a political candidate, a seminar leader, a college group mentor, a radio talk show host, and, of course, a friend speaking with friends.

There are no silver bullets. You have to do the hard work of learning the different arguments, listening to your prospects, and deciding what approach will work best for now.

By now it should be fairly obvious that I am quite a catch for the libertarian movement, you lucky people you. And it was moral arguments that caught me and profoundly moved me to action. There are many others like me. Do not underestimate the practical power of moral arguments.

And libertarians, of course, aren't the only ones who care about moral arguments. People of all political stripes use moral arguments for freedom of speech and conscience, against bigotry and slavery, for and against abortion, the death penalty, gay rights, and other political issues. "Justice" is a common political battle cry. So let's take our prospects's strongly-held (but vaguely-defined) moral positions seriously. Since most people have some strongly-held moral principles, embrace your inner moralist and build bridges to their morality.

One rhetorical strategy is to identify your shared moral beliefs on one issue, and use it to extrapolate the same moral consensus on a related issue. For example, if you both agree on the morality of free speech for artists, maybe you can agree on the morality of free speech for advertisers. Then work your way into campaign financing, or FDA regulations, or other related areas of interest.

Bill Bradford has aptly demonstrated the problems of using only moral arguments, especially when these are taken to extremes. But serious problems also arise when people use only consequentialist arguments. For one thing, these arguments aren't efficient. Consequentialist arguments typically call on history, statistics, anecdotes, and other lies. A hostile prospect will assume that your think tank is fudging and that his think tank has, in some report somewhere, powerful counterarguments. You will play "my statistics can beat up your statistics" on every single issue. But if you always toss in a complementary moral argument, you may plant a nagging doubt that can work on your prospect late at night when the think tank isn't around to protect him.

Bill Bradford also complains that the moralists's "single propositions" seem crazy to those who don't already agree. Sure, and that's also true of consequentialist "single propositions" like "freedom works." Bill points out that "while most people accept non-aggression as a general moral principle, they are astonished at the extremes to which libertarians take it." Yes, and people are also astonished at the extremes to which libertarians take consequentialist arguments. After all, whether you're arguing from moralist or consequentialist grounds, the astonishing libertarian answer to "Would you privatize the police?" is "Hell yes, and twice on Sunday!" The trick is to employ whatever arguments your prospects will find persuasive (moral, pragmatic, or both).

There are no silver bullets. You have to do the hard work of learning the different arguments, listening to your prospects, and deciding what approach will work best for now. And if they still think you're insane, reconfirm your areas of agreement and change the subject to something you both like. Be the kind of courteous, charming, and witty salesman they'll want to have another drink with next time. And it doesn't hurt to buy the drinks, either. Just think of it as a business expense. ❑

Bovard, "Freedom Under the Law," *continued from page 44*

the power of an employer over an employee. State laws enacted in the 1960s and afterwards refining the procedures and rules of evidence for investigating and prosecuting rapists have safeguarded women's freedom. (Many police departments had been criminally negligent in their attitude towards any rapist who did not cross racial lines.) Such laws did not create new legal rights so much as they sought to correct gross inadequacies in enforcing existing rights. Laws holding individuals liable for the environmental damage they inflict on other people's property are safeguards of freedom, since no individual has the right to poison his neighbors.

Liberty is a result of the minimization of coercion: both governmental and private. The less coercion, the more liberty. A small amount of coercion — enough to secure respect for other people's rights and safety — is necessary to minimize coercion. The fact that some government coercion occurs does not mean that the citizen has no freedom. Even though perfect freedom is an unattainable ideal, it is invaluable as a measuring rod to judge government policy and political proposals.

"Freedom under the law" cannot become a worthy ideal until laws are fit for freedom. In the meantime, any politician who invokes this ideal should be viewed as either a fool or a devious enemy of liberty. ❑

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Memoir

Apolitical Life

by Richard Kostelanetz

America's premiere critic of the avant garde recalls his travels on the road to anarchism.

For as long as I can remember I've been passionately committed to politics and political understanding, but over the years this interest has taken unusual forms. Though I entered college thinking myself amorphously "left," I didn't learn about anarchism until my sophomore year, when the articles that became Paul Goodman's penetrating exposé of modern vises, *Growing Up Absurd* (1961), began to appear in *Commentary*. The truth that became clear to me then (and what would also separate me from much of the New Left) was that the enemy was not capitalism, but society itself (and thus that "socialism" in any of its forms, with its inevitable hierarchies of recipients of state beneficence, was no better than capitalism). It is scarcely surprising that my first publication in a national magazine, while I was still an undergraduate, should have been an extended appreciation of the Goodman book. Before long I read Norman O. Brown and Henry Miller, writing on the latter an honors thesis for which I derived an anarchist interpretation from the former with Miller representing the synthesis of liberated humanity overcoming centuries of deleterious repression. From an undergraduate paper analyzing political alternatives in Ralph Ellison's *Invisible Man*, I developed an M.A. thesis on "Politics in the African-American Novel" (on literature as intellectual history) that was later published as a book (Greenwood, 1991).

Though I didn't accept C. Wright Mills's leftish politics (or his egomania), I did like his principle, incidentally exemplified by Goodman, of political analysis that identified general issues in personal problems; and from Ralph Ellison, I think, came another principle, so easily violated by writers, of refusing any political analyses that were untrue to one's own experience. From these two positions came my interest in the politics of the worlds in which I lived, culminating with my books on Literary Politics in America (to quote its subtitle), *The End of Intelligent Writing* (1974), and on publicly funded literary granting, *The Grants-Fix* (1987). Marshall McLuhan initiated a second strain of my political thinking, in his own books making me aware of the determining influence of mostly beneficial technology and then in conversations introducing me to the visionary writings of L. Moholy-Nagy and Buckminster Fuller. So much for intellectual ancestry.

Back home in New York, I registered as a Democrat, voting more often in the primaries than in the general elections. (As my Congressman at the time was Adam Clayton Powell, there was no need for me to come out in November; since Republicans rarely win in New York, there was no reason either to bother with their primaries.) I came to think as well that voting was scarcely the most important political action anyone did. Where one picked to live, the friends one made, how one earned or spent his or her money, among other free choices, were more politically consequential. Regarding the purportedly high voter turnout of totalitarian societies, I believed that the low voting participation reflects Americans' salutary awareness that democracy grants the right not to vote. John Cage, an artist with great political sensitivity, boasted that he never voted at all.

The few times I wrote about politics for established magazines in the 1960s, I sensed that my opinions were too wayward for their hardened editorial lines. (I remember my undergraduate teacher, Dennis H. Wrong, coming to the Brown University library and taking a dozen or two current issues of political magazines off the shelves and "reading" them in less than an hour. Huh? "I'm making sure," he replied, "that they are saying what they've always said.") All

political magazines are beholden to formulas that a prospective contributor is invited only to accept, while I'm more interested in writing about unfamiliar issues in unfamiliar ways. Similarly, most journals are more interested in keeping readers than in earning new ones by, say, publishing something that one reader would recommend to another who is not already a subscriber. (This capacity to earn new readers distinguishes, say, *The New Yorker* or *Vanity Fair* from *The Nation* or *National Review*.)

Since my political essays are meant to be read rather than to editorially "fit," I'd like to think that the integrity of my political writing transcends any format in which it appears. So instead of contributing to magazines, I advocated the second, futuristic strain of my politics in a series of anthologies of social thought — *Beyond Left & Right* (1968), *Social Speculations* (1971), *Human Alternatives* (1971), and *The Edge of Adaptation* (1973).

Low voting participation reflects Americans' salutary awareness that democracy grants the right not to vote. John Cage, an artist with great political sensitivity, boasted that he never voted at all.

While remaining a registered New York City Democrat, I started voting Libertarian in the early 1970s, soon after that designation appeared on the ballot, in part because I've always been predisposed to radicals and thus alternative parties, but mostly because the Libertarian candidate for New York Mayor was the only one to advocate the traditionally anarchist position of the decriminalization of psychotropic drugs as the most effective way to "combat" ever-increasing urban crime. (My belief, then as now, echoed the earliest article in this collection, initially published at the end of my freshman year.)

Not until the late 1980s did I become affiliated with a libertarian magazine open (and secure) enough to respect products of my own independence at least some of the time (though not always, alas). Whereas most of my colleagues on *Liberty* were once respectful of Ayn Rand, I wasn't; and whereas most of them have voted Republican at least once (and maybe Conservative as well), I never have. To the anarchist Bob Black's contention that a libertarian is a Republican who has done drugs, I reply the libertarian can also be an anarchist who has come to respect free-market economics (me). I figure now that I would have written more political criticism if I'd long ago had an outlet as receptive as *Liberty*. One enthusiasm I share with nearly all its contributors is H. L. Mencken for his courageous trenchant sharpness, combined with wit and irony.

I have come to think that anarchism, so-called, and libertarianism, so-called, have more in common with each other than either has with socialism or conservatism. It is indicative that historically both were vehemently opposed to American involvement in the Vietnam War — indeed, it was over this issue that the proto-libertarians separated themselves from the conservative Young Americans for Freedom back in the late 1960s. Consider that the truly free market, the "spontaneous order," advocated by libertarians is an economic version of the social freedom favored by anarchists.

One anarchist truth implied in my essays is a lack of interest in prominent politicians. Partly this neglect is a matter of intellectual integrity — I have few insights into presidents, senators, and other prominent public officials that haven't been said by others (and thus have few opinions about them worth publishing, or republishing) — but it also comes from the recognition that as a polemical writer I can have more effect upon problems closer to home. (Out of this indifference toward politicians I did my masters thesis on intellectual history.) Out of a distrust of bureaucracies and hierarchies I've remained self-employed, living my politics with principles that I'd like to think are reflected in my political writings. Had I cared more about the Presidency I would have done an essay on the failures of Franklin D. Roosevelt, not only in refusing admission to America of refugee Jews threatened with death but also with confronting economic depression with the strategy, now discredited, of expanding government bureaucracies and going to war. (Another essay that should be here would be an appreciation of the public beach, such as my favorite at Coney Island, as a persuasive example of unsupervised mellow anarchy.)

One recurring theme, likewise unacceptable to hardline magazines whether of the "left" or "right," is the uncovering of leftish sins in right-wingers and rightish sins in left-wingers. (Magazines eager to dismiss Senator Jesse Helms as a rabid conservative are reluctant to publish the suggestion that in his undermining of American culture he might well be a KGB dupe. The same conservative magazines predisposed to decry politically correct arrogance in academic lefties cannot acknowledge similar hubris by those on the political right.) This approach accounts for the recurring identification of de facto double agents — individuals who advocate positions contrary to their avowed politics, such as "conservatives" who violate traditional intellectual standards or "liberals" whose economic recommendations actually benefit not many but a few.

Out of a distrust of bureaucracies and hierarchies I've remained self-employed, living my politics with principles that I'd like to think are reflected in my political writings.

A second recurring theme is the exposure of micro-conspiracies. Some of these exist only for one result; others survive for years. However, just as I doubt explanations based on macro-conspiracies, so I also distrust political "solutions" that require procedures that would otherwise be dismissed as unacceptable. Means that do not correspond to ends inevitably undermine both ends and means. Under no circumstances is any dictatorship acceptable as a prelude to freedom. A third theme to which I often return exposes the

continued on page 50

Fiction

Garghibition

by Scott Stein

The pill didn't make one taller. That wasn't the issue. It wasn't a case of medical science tampering with God's design, or biological engineering in an effort to transform the human race into a different, better species — a taller one. No, all the oblong, indigo Gargantuanx did, miracle of miracles, was create the illusion in the mind of the consumer that he was taller. That's all.

The pill didn't take immediate effect. For about ten minutes you felt nothing. Then you were taller. That is, you believed you were. The drug convinced its user, whatever his height, that he was three inches taller. It was a new technology, and its power was limited, though perfect in its simplicity and specificity. Three inches was all it added. Gargantuanx could not alter the physical world — boxes of pasta on supermarket shelves which were out of reach before taking the pill did not get any closer after a dose. But under its influence one was certain that the shelf of pasta was three inches higher than it had been, so the illusion that one was three inches taller was intact. Other people remained the same height, of course. Gargantuanx was not sophisticated enough to create visual illusions, and shrink everyone to make the user seem taller by comparison. So it did the next best thing. It convinced the user that everyone else had also grown three inches. Insurance companies refused to cover the new drug, and retailers charged ten dollars a pill to those willing to pay anything for a couple of hours of believing, despite all evidence to the contrary, that one was three inches taller.

Gargantuanx aggressively suspended disbelief. If a basketball rim seemed no closer to a consumer of the pill, he had to believe it wasn't regulation height — "Off by three inches," he would say. When a tape measure was brought out and the hoop was measured from the ground up, to demonstrate that it was indeed the proper ten feet high, the Gargantuanxer had no choice but to believe that the tape measure was incorrect. Errors in production were made all the time — why should tape measure manufacturers be exempt? They were busy trying to meet deadlines, and it was certainly reasonable, if disappointing, that a few of their tape measures might be missing an inch or three. If it was pointed out that without exception all the numbers were there on the tape measure, the Gargantuanxer suspected that the size of each inch on the device was mistaken, so that an indicated total of ten feet was in actuality ten feet and three inches. It didn't help to bring twenty tape measures, or fifty, or a thousand. If shown a million the Gargantuanxer would give no ground. He was forced to believe in a massive conspiracy among manufacturers of tape measures — and anyone who defended them — to convince people that they were three inches shorter than in fact they were.

What was unsettling to those not lured by Gargantuanx's promise of three inches and the accompanying boost in self-esteem, was that taking the drug was a voluntary act. This wasn't a science fiction movie or a clever book about alien or government control. People chose the pill, and consumed it, with full knowledge of its effects. They wanted to be taller. Failing that, they wanted to think they were taller. Whatever their motives, they knew going in that the pill would create the illusion of additional height. The implications of a drug so powerful it could fool those who knew it was going to fool them worried lawmakers and concerned citizens. What would be next? A pill to make one think he was a spy or assassin for another country? Clearly, legislation was required.

Short people were divided. Speaking to the panel investigating Gargantuanx, the president of the Undersized Persons Society (Ups) made a passionate plea for a permanent and unequivocal ban on "this bane to the existence of undersized persons." For years undersized persons had been fighting for equality. They had only recently won a major court battle, resulting in a Federal mandate requiring shoe retailers to

carry larger supplies of women's sizes 4 and 5 and men's size 6. Plans were already under way to sue the motion picture academy for the under-representation of undersized persons as leading men and women in American film, and the theater owners were on the list too, for deliberately designing audience seats so that anyone under the height of five foot six inches would be unable to see the screen when an overheighted person sat in the row in front of them. With all the progress made by undersized persons in this country, it was embarrassing, no, humiliating, that the government allowed this pill to be sold as a legitimate medication. Was the government implying that undersizeness was an ailment that required a cure?

After a quick sidebar discussion with her public relations advisor, the presiding senator assured the president of Ups that of course undersizeness was not an ailment, and she would personally sponsor legislation to ban Gargantuanx forever from this land of purple mountains majesty. This created an uproar. Other short people demanded to be heard. If they wanted to be deluded into thinking they were three inches taller, what business was this of the government, or anyone else? Gargantuanx was a victimless drug, if ever there was one. The proposed legislation was the subject of serious discussion on television and at water coolers around the nation. Small people, pretty much every man under five foot eight and woman under five foot five, couldn't come to an agreement — Gargantuanx was too popular, and the inflated sense of non-earned pride it provided was too tempting. Tall people, even those of average height who dabbled in Gargantuanx, by and large stayed out of the debate. Short — that is, undersized— people dominated the discussion with a passion all out of proportion to their own dimensions.

That the nation was divided was indisputable. But Ups had powerful friends and deep pockets, and the legislation passed by a considerable margin, making it a felony — a Federal offense — to even possess Gargantuanx on American soil. Ups claimed a victory for all undersizekind, but many people were distraught at the news. Not only was this an assault on the principle of self-determination and individual freedom, but many of them wanted desperately to be able to think they were taller. A black market developed overnight. The people wanted their Gargantuanx, and they were willing to pay for it. Pills went for twenty dollars, sometimes thirty, apiece. Rival dealers used intimidation and even murder to corner the local market. It wasn't long before gangs had infiltrated the schools, hooking kids who were the only ones, after all, who didn't need the drug, since greater height was to them still attainable. But it nonetheless became fashionable to get hopped up on double and triple doses of Garg and go to the mall, where innocent clerks struggled in vain to convince strung-out shoppers that the jeans they were trying on were just too long and that the label was not mistaken.

The violence associated with the illegality and lack of regulation of Gargantuanx led some to call for decriminalization, but the Ups lobby would not give in. Instead they declared a war on Garg, and local governments set up task forces to sweep the malls and raid the schools. If there were kids out there trying to be taller by any but the means provided by nature, they were going to suffer the consequences. Lockers were searched, athletes were banned, bus drivers were randomly tested, short parents were turned in by their short children, the very fabric of our society began to unravel. The corruption and terrorism of Al Capone's Chicago paled next to the nationwide frenzy caused by Garghibition.

Finally, even the zealots from Ups had to relent. If they couldn't squash Gargantuanx outright, then they would control it. Garg was legalized, and regulated, and taxed. Strict guidelines were developed for its production and distribution and the government banned forever any changes to its formula, to prevent an escalation in offending the sensibilities of certain influential short people. They had, they thought, won a limited victory.

But I'm a short person as well — I hate the undersize euphemism — and I've been in my lab for nine straight weeks now. After four failed tests of my new pill, Tremendocyclin, I finally have success. Oh, sweet bliss of greater height. I am five inches taller than I was just a moment ago. And nothing you say or do will convince me otherwise. ❑

Kostelanetz, "Apolitical Life," *continued from page 48*

press's predisposition for glib, superficially acceptable misrepresentations — stories and explanations that seem credible, given pieties popular at a certain time, but are not necessarily true and are, indeed, often dangerously false. More than once I note that trial by press (or journalists) is not the same as a trial by a jury and thus that confusing the two is a dangerous mistake. Finally, as an unabashed anarchist, I am predisposed to expose the abuses of institutional power.

Political Essays collects texts written over the past four decades. Three longer pieces began as introductions to a series of future-focused social thought anthologies mentioned before, in which I suggested, among other things, that perpendicular to the left-right horizon we should put a second spectrum running from backward-looking to forward-looking. On this perpendicular line I've since come to substitute another dichotomy, distinguishing authoritarian from libertarian, that also cuts perpendicularly across "left/right" (and implicitly distinguishes those who seek salvation through the state from those opposed to statist thinking). Ever since the 1960s, I've used the epithets "left" and "right" only to deprecate simple, old-fashioned minds (and have little respect for writers who favor those epithets in their own analyses, whether for praise or blame), and I think of "centrist" as a euphemism for opportunistic.

I'd like to think that three qualities characterizing my political essays are an interest in subjects and issues commonly neglected, an audacity based upon writing what no one else would write (and doing what no one else would do), and literary standards, as, like Mencken, I'd sooner write a strong essay than be "politically (in)correct." ❑

Reviews

***In Praise of Decadence*, by Jeff Riggenbach. Prometheus Books, 1998, 215 pages.**

Days of Decadence

Brian Doherty

For going on three decades we've been living in an old *National Lampoon* album sketch: "Those Fabulous Sixties." That routine, from *NL*'s 1972 LP *Radio Dinner*, made comedy out of the American mode of instant nostalgia. But the joke isn't funny anymore, with nostalgia for the 1960s continuing to dominate American political and cultural life. The only new twist contributed by the Reagan '80s is a mirror image: "Those Horrible '60s."

Nevertheless, the political and social historiography of the '60s is beginning to change. One of the most important changes is the growing recognition that the '60s were not, politically, just a playground for the left. Academic interest in non-leftist movements of the '60s has been the subject of a trend story in the *New York Times*. The early machinations of Young Americans for Freedom, the conservative youth-movement flagship, were covered in Mary C. Brennan's *Turning Right in the '60s*. And political scientist Paul Lyons has recognized, in his *New Left, New Right, and the Legacy of the Sixties*, that widening one's political field of vision to include both left and right isn't enough; there was a significant strand of '60s political ferment that was neither strictly left nor right, but libertarian.

Unfortunately, insights of this kind are often blurred by misunderstandings about what defines libertarianism as a political philosophy, or even just a political tendency. Part of the blame for misunderstanding can be laid at the feet of the two most activist libertarian polemicists of the late '60s and early '70s, Murray Rothbard and Karl Hess.

Rothbard advocated a "left/right" anti-war alliance in his mid-'60s journal titled (appropriately) *Left and Right*. Hess transformed himself from a suit-and-tie anti-Communist GOP platform-scribbler and Goldwater speechwriter into a Castro manqué Black Panther cheerleader and Institute for Policy Studies inmate. It's not surprising that scholars unwilling to dig into philosophical roots might see libertarianism as some inconsistent, ad hoc cobbling together of leftist and rightist notions.

In the 1960s, many people who thought they were following libertarian leaders got confused too. Ayn Rand held herself frigidly aloof from '60s political movements, but she still managed to become the most widely read and influential libertarian thinker of her era, with a particular impact on college kids. Her protégé Nathaniel Branden told me that he once appeared on a TV show with a former SDS activist from the Free Speech days in Berkeley. This woman told him breathlessly that she and her old comrades were fervent admirers of Rand. Branden was nonplussed. "Sure," she said. "*Atlas Shrugged*! Do your own thing! Fight the establishment!" Well, maybe she skipped the speeches.

Lots of readers seem to have done that. People are apt to take ideas and run with them; and often they run far, far away from any place that the originators could possibly have intended as their destination. Even the most dedicated analyst finds it hard to track the course of popular ideological inspirations. The most we have a right to hope for is, perhaps, a suggestive insight or a convincing hunch. Occasionally we find, in addition, that an author has managed to evoke the spontaneous, unplanned quality of ideological and social change.

There is a growing recognition that the '60s were not, politically, just a playground for the left.

That is the quality evoked by *In Praise of Decadence*, the new book by libertarian journalist and radio commentator Jeff Riggenbach. Riggenbach toiled in the libertarian movement in the '70s and early '80s as a writer and editor for *Libertarian Review* and *Inquiry*. His book is too scattershot and essayistic to contribute importantly to an academic trend; but it does begin to trace at least the outlines of a path toward an understanding of the '60s.

Riggenbach stresses the idea that when we talk about the continuing cultural dominance of the '60s, we're talking about the continuing dominance of the baby boom, that deer's corpse moving through the python of twentieth-century America. While many of the "leaders" and cultural icons of the '60s

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were not technically boomers (Tom Hayden, Timothy Leary, Mario Savio, Herbert Marcuse, J.D. Salinger, La Rand herself), they were taken to heart by people who were. And the boomers' Svengali-like grip on popular consciousness explains nostalgia for the '70s as well as for the '60s. People who were in their late teens and twenties during the disco era were just the tail of the 1946–64 boom.

In certain ways, the '60s' gift to American culture, as Riggenbach sees it, differs little from what the Bill Bennett wing of the GOP would call the '60s' curse on American culture: the curse of decadence. Riggenbach has been praising decadence for a long time. He began in a *fin de decade* essay in the *New York Times* in 1979. There he defined decadence as "intense artistic and intellectual ferment along with a zest for novelty and experimentation, coupled with a self-reliant distrust of authority and tolerance of diversity." The qualities of the "decadent" baby boomers were, he averred, "self-realization, individual liberty, diversity, and peace."

So says Riggenbach, and I agree with him, at least so far as the artistic production of the '60s and succeeding decades is concerned. It is hardly decadent in the sense of decaying and collapsing. Still, here is a controversial point that could use more arguing than Riggenbach's breezy style can give it. And what about the matter of manners and mores, or rules in general? Certainly the costs of disobeying social authority have diminished since the 1960s. If disobedience constitutes decadence, then decadence has become quite easy to procure, thanks to innovations in technology (the birth-control pill), in the law (*Roe v. Wade*), and in artistic expectations (modernist revolutions have been fully assimilated and warped into post-modernism, leaving an anything-goes liberty in both high and popular art). This decadence, Riggenbach suggests, is something to be praised — despite the irritating decline in manners that has often accompanied it.

Riggenbach's exposition of his themes is impressionistic; he jumps from praise for the automobile and its liberating role in suburbanization to an iconoclastic riff on the "decay of the traditional family" as a benign result of the fact that people no longer feel forced to stay married, have kids, or house their aging parents. It would require more arguing to link these trends to a wider philosophy.

The spirit of decadence that Riggenbach claims for libertarianism is different from libertarianism of the philosophic kind. Admittedly, he spends the first half of his book giving a broad-brush history of the libertarian political movement. Leonard Read, Robert LeFevre, R.C. Hoiles, Ludwig von Mises are all ushered onstage to take their bows. But it's difficult to trace their hardy educating and philosophizing into the liberated fields of '60s "decadence." Those early libertarians were for the most part avatars of purely political liberty, not the let-it-all-hang-out spirit of social ferment that has swept American culture since the '60s.

Riggenbach is correct in thinking that the self-conscious libertarian movement has grown impressively since the mid-1960s; but it is still for the most part an embattled minority movement, especially when it comes to real-world political influence. The boomers have seen fit to help Reagan, Bush, and Clinton into the White House — libertarians none. It is possible, of course, that a large part of Reagan's appeal was his libertarianish rhetoric about getting government off the people's backs; but Riggenbach doesn't argue this.

If disobedience constitutes decadence, then decadence, Riggenbach suggests, is something to be praised — despite the irritating decline in manners that has often accompanied it.

Rothbard and Hess, considered as paradigmatic libertarians, show how tentative is the association between libertarian philosophy and '60s social individualism. Rothbard deliberately and loudly combined anarchism with staunch, not to say fuddy-duddyish, social and cultural conservatism. Hess ended up embracing the small local communities and technologies that he found in the state of West Virginia; at the last, he preferred neighborly ties to

antinomian gestures. It may be that our vision of what constituted the "libertarian" movement needs to be expanded to include both Murray Rothbard and Timothy Leary; both Robert Poole and Bob Guccione. But this is a work for future scholars and pundits.

We do know that the leftists of the 1960s, some of whom had union or other collectivist backgrounds, made better organizers than libertarians. They were able to summon huge crowds of people to protest the Vietnam war, including many who may not have shared the organizers' leftist beliefs but who most assuredly did not want to see themselves shipped off to Vietnam. This helps to solve the Big Chill "dilemma" of how and why the boomers lost their souls: their souls were always more concerned with personal liberty for themselves than with leftist social activism. But libertarians qua libertarians have not tended to achieve political and social influence like '60s leftists or rightists. Tom Hayden, not Jerome Tucille, married Jane Fonda; ex-SDSers, not ex-SILers, are behind-the-scenes bigwigs in the Teamsters; and with a handful of exceptions like former LeFevrite troubadour Dana Rohrabacher, it was ex-right wing YAFers who got positions in the Reagan and Bush administrations. Marcuse, Marx, and Fromm are still more discussed in colleges than Rothbard, Mises, and Szasz. It remains to be seen whether anti-authoritarian ideals have really stuck to the '60s generation.

So Riggenbach's case remains "not proven" — even while one hopes that a real spirit of freedom and individualism, not just the spirit of personal license and entitlement, lies somewhere near the throbbing (though increasingly arthritic) heart of the "decadent" baby boom. ❑

***All Too Human: A Political Education*, by George Stephanopoulos. Little, Brown and Company, 1999, 456 pages.**

He Seen His Opportunities

Jonathan Ellis

Americans have come to realize their president's a freak. That became painfully obvious by the summer of 1998. Some called Bill Clinton a shameless liar. Others called him a sex junkie. Media personalities scrambled to develop a psychological profile of the man, and something called "compartmentalization" received a great deal of press. Clinton, so the theory goes, has the ability to bury problems in a dark recess of his "complex" yet "brilliant" mind. When he gets caught nibbling from the bimbo tree, Clinton recreates reality in whatever manner is politically advantageous.

Well . . . whatever. Whether you believe he's a tragic hero or an evil fiend, Clinton has become a national lab rat. Armchair psychologists carefully study his behavior as he noses through the presidential labyrinth. We compare him to other acknowledged presidential screwballs, most notably JFK and Dick Nixon. A lot of Americans steadfastly maintain that the president's private life is his own business even while they drive to the bookstore to pick up a copy of Monica Lewinsky's biography. We want to know about the president's mental deformities, and book publishers know this. Thus, the dust cover of George Stephanopoulos's *All Too Human* promises a glimpse into "the hidden, dark compartments in the man that would bring him and the nation to such grief."

As a chief hatchet man for Clinton during the '92 election and his first term in office, Stephanopoulos seemed to have been ideally positioned to learn about his major malfunctions. "Our relationship was intense," writes Stephanopoulos, "intimate at times, but not a personal friendship. The Clinton I know is the Clinton I show in this book. . . . I have tried to provide a fair representation of his many-faceted personality."

Whether you believe he's a tragic hero or an evil fiend, Clinton has become a national lab rat. Armchair psychologists carefully study his behavior as he noses through the presidential labyrinth.

Their relationship began in September 1991 when Stephanopoulos was looking to work for a Democratic thoroughbred who could unseat George Bush. His choices were limited. Bush was riding a tidal wave of popular opinion and many Democrats, weary of getting stomped in presidential elections, had decided to stay on the sidelines in '92. Stephanopoulos interviewed for Bob Kerrey's and Bill Clinton's campaigns on the same day. He chose Clinton's charm and ability "to know something about everything" over "a cool but unmistakably messianic zeal [that] hummed just below the surface of the Kerrey campaign."

Stephanopoulos can't say he wasn't warned. As he says of his tight circle of inside-the-Beltway friends, "Everyone we knew seemed to know someone who knew someone who had a tale to tell about Clinton and women." The first "bimbo eruption" came in November 1991 when Connie Hamzy claimed to have accepted a proposition from Clinton in a hotel lobby eight years earlier. In a story that is all too familiar today, Stephanopoulos rounded up

three affidavits that corroborated Clinton's denial and then bullied a CNN night editor into killing the story.

Stephanopoulos found himself in the role of spinmeister. When the Gennifer Flowers story broke, he convinced himself that a right-wing conspiracy was at work against Clinton, who of course insisted that Flowers's accusations were false. Riding in a van with Clinton to Claremont, New Hampshire, Stephanopoulos the true believer used his cell phone to assure reporters that Flowers was lying. Days later, he learned that going to bat for Clinton could damage his own credibility when Flowers released taped phone conversations in which she and Bill discussed their intimacies. Stephanopoulos claims to have been livid, writing in one of the internal monologues that appear throughout the book, "He lied. . . . How come he let me hang out there? Never said a word that whole ride to Claremont while I swore to reporters her story was false — just sat there, pretending to read Lincoln."

Smart bosses don't fling open any dark compartments of their minds to employees, especially employees who are likely to seek fat book advances when they're ex-employees.

Stephanopoulos had been used. You'd think that any self-respecting person would have bugged out on Clinton, maybe hurling a few profanities and beer bottles on the way out the door. But Stephanopoulos remained loyal to a man who is plainly incapable of loyalty. His belief in Clinton's politics, combined with potent ambition, was enough to keep him going. Stephanopoulos was on the sort of savage ride that brings out the worst in people, and he wasn't getting off just because his boss wanted to keep the skeletons in the closet.

Not surprisingly, his journey with Clinton had unfavorable side-effects. Near the end of 1995 Stephanopoulos was fighting a severe case of burn-out. His doctor prescribed the antidepressant Zoloft, which kept him going long enough to accomplish one last mission: to help engineer the first reelection of a Democratic president since Roosevelt. He did so; later, he left Clinton's employ. Now the question is, what does he have to say about it all?

Well, as to Clinton's "hidden, dark compartments" — unfortunately, Stephanopoulos adds little to the profile already developed. As he admits, he didn't share a personal friendship with the president, just a working relationship. Smart bosses don't fling open dark compartments of their minds to employees, especially employees who are likely to seek fat book advances when they're ex-employees. Moreover, Stephanopoulos admits that during much of his time in the White House the Clintons suspected him of leaking embarrassing information to the press. He pleads innocent to most of these charges, but the fact remains that he wasn't trusted.

Stephanopoulos confirms what others have said about Clinton: he is indecisive; his temper frequently flares in a torrent of howls and curses; he constantly struggles between doing what he believes is principled and doing what he believes will be popular. But these, supposedly, are traits of a "complex" man. *All Too Human*'s promised criticism of Clinton's moral shortcomings appears only in the last sentence of the book, where Stephanopoulos laments, "If only this good president had been a better man."

This criticism reads like an afterthought, and it doesn't fit the general tone of the book. Indeed, it's a cowardly swing, one that Stephanopoulos takes before turning tail and running. So Clinton's a bald-faced liar. He certainly has had the help of defenders like Stephanopoulos. Early in the book, Stephanopoulos even defends his decision to work for Clinton with the tired line that "if adultery were a disqualifying offense, half the politicians in Washington would be out of work."

Stephanopoulos seems all too willing to justify getting his own hands dirty for the "cause." And one can't escape the nagging suspicion that he's spinning his way through much of *All Too Human*, especially in the area of presidential scandals. He briefly recounts how "two midlevel White House staffers mistakenly obtained FBI files of nine hundred Republicans from previous administrations," without explaining how such a "mistake" could happen. As for Whitewater, Stephanopoulos believed it was just "the obsession of a few conspiracy theorists."

Stephanopoulos fails to lower the guns on Clinton, perhaps because if he did so he might sully his own reputation further. But *All Too Human* does have its successes, not the least of which is the surprisingly good job it does in telling a story. Also, its attempt "to show the modern White House at work" brings to light interesting information.

After the country slapped Clinton with a vote of no confidence in the '94 elections, Stephanopoulos "picked up on an unfamiliar frequency in Clinton's monologues. . . . I could tell that someone new was wiring his way into Clinton's brain." That someone was Dick Morris, a man to whom Clinton turned throughout his political career when things got ugly. Stephanopoulos credits Hillary Clinton with bringing Morris back — not an insignificant charge, considering that Hillary's liberal politics clashed with Morris's conservative streak. According to Stephanopoulos, Hillary "knew they might need Dick one day," and liberal politics aside, she was more interested in bunking in the White House for another four years than in asserting the administration's ideological purity.

Clinton's dependence on Dick Morris and his polls became so ludicrously extreme that they commissioned a poll to determine whether Clinton should issue a statement on O.J. Simpson's acquittal.

Stephanopoulos blames Morris for Clinton's tack toward the conservative center. Morris, it seems, commissioned polls on just about everything, and the numbers were pointing conservative, not a reality Stephanopoulos wanted to accept. On their first meeting, Stephanopoulos describes how Morris "morphed into a political version of the autistic math genius played by Dustin Hoffman in the movie *Rain Man*,"

explaining how Clinton should neutralize the Republican Congress by passing a balanced budget and tax cuts while at the same time abandoning partisan Democratic causes. Clinton's dependence on Morris and his polls became so ludicrously extreme, admits Stephanopoulos, that they commissioned a poll to determine whether Clinton should issue a statement on O.J. Simpson's acquittal.

To be sure, Stephanopoulos succeeds in painting a farcical portrait of Morris: he dressed like a "B-movie mob lawyer, circa-1975"; he "wanted to require militia groups to register their guns and their membership with the FBI"; he spent days working on an absurd plan to remove Janet Reno from her post; he said, during a crisis in Bosnia, "The next statement I want to hear on Bosnia is brroom! . . . brroom! . . . brroom!" In the book's description of this scene, Morris "started bouncing off his seat cushion while puffing out his cheeks and lips to simulate a bombing raid. Seconds later, like a two-year-old acting out, he was giggling. We were stunned. . . . the most influential adviser to the president of the United States was discussing the act of war in the manner of a madman."

But can we trust this portrayal? Stephanopoulos admits to loathing Morris, and for good reason: Morris's arrival signaled to the entire White House staff that Stephanopoulos had been replaced as the man with the president's ear, that Stephanopoulos had failed in his role as the president's senior adviser. Stephanopoulos was kept on the staff to act as a liberal counterbalance to Morris's conservativism; Clinton was playing the two against each other. They had to cooperate, but Stephanopoulos knew the rules of the game: "Dick would get me fired if he could and would try to own me if he couldn't. I'd do the same to him."

Of course, much of George Stephanopoulos's account of a modern White House in action isn't modern at all. The power struggles, the backstabbing, the ambition — these are all as old as government. And the staffers in Clinton's White House hold an appalling amount of power. Indeed, Republicans will be happy to hear that Clinton's staffers may share responsibility for causing the "government shutdown" in 1995:

> When Gingrich called Clinton to discuss the debt limit, we intercepted the message and had Rubin return the call instead — joking that to keep him from calling Newt and trading away the store we would disconnect Clinton's phones. . . . In the two days prior to the encounter, our budget group spent nearly eight hours strategizing about how to keep the president from caving; and to lock Clinton in more securely, Panetta spoke to the *Washington Post* and the House Democratic Caucus on Wednesday morning to say that the president believed that "no deal is better than a bad deal."

All this scheming is worthy of Clinton himself. But it's a sign of how out of control government is that a young person should dream of growing up to be, not the president, but one of the president's political staffers. No doubt this is one of those things that the very savvy Mr. Stephanopoulos somehow fails to understand. ❑

Jurassic Horde Whisperer of Madness County

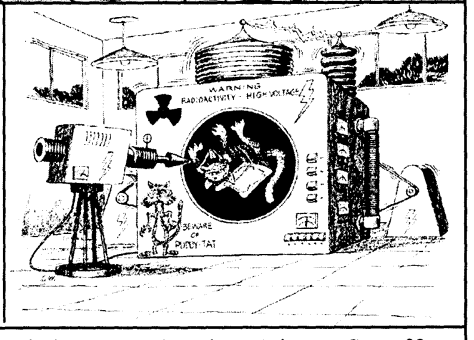

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The Limits of Privacy, by Amitai Etzioni. Basic Books, 1999, 280 pages.

Privacy Unbound?

Bruce Ramsey

Amitai Etzioni's new book is largely an argument with libertarians. That, in itself, is a measure of progress for this well-known communitarian author. And he makes a good argument. Though I found myself arguing back, I had to agree with more of his conclusions than I had expected, if not his method of reaching them.

Etzioni "seeks a carefully crafted balance between liberty and the common good." The common good is a slippery concept, and Etzioni takes care to stay on the safest ground, public health and safety. These are essentials. We all want drinkable water and walkable streets, and even a libertarian utopia would have to deliver them.

In promising to balance these values with liberty, Etzioni dons a loose-fitting garment. The libertarian's philosophy has more shape but is more constricting; it confronts him with hard cases. He makes the most of this.

Mandatory Testing

His first case is the mandatory testing of newborns for the AIDS virus. Among U.S. states, only New York requires this. Elsewhere it has been blocked because it may reveal that the mother has been infected, thereby constituting an invasion of her privacy. But this invasion, Etzioni says, may save the baby's life by allowing prompt medical treatment.

His conclusion: testing should be required. "A given individual right cannot be used to trump all other considerations, including the common good."

The individualist, accustomed to looking behind the "common" good, sees that it's the baby's good we're talking about. The baby is dependent on its mother. The question is whether the state should have the power to overrule the mother's decision.

I think that perhaps it should. The baby is a citizen of the state. The state recognizes that its parents have a wide scope of presumptive authority. But complete authority? Even when they publicly place the child's life at risk for a not-very-good reason? (Would there be a Child Protective Services in a libertarian society? I think so. With the same powers that CPS has today? Probably not.)

Released Criminals

On to Etzioni's second case. When child rapists are released from prison, should their neighbors be warned? The American Civil Liberties Union thinks not; the molester has served his sentence and should be left alone. To warn the neighbors is to brand the citizen with a "scarlet letter." Etzioni thinks otherwise. To him, the warning is not enough. Given the likelihood of child rapists to rape again, he says, they should be subject to internal exile, confined to a small town populated only by adults.

Again, I find myself agreeing. If it's true that this category of criminal has a high rate of recidivism, then the warning of neighbors is warranted. Maybe even internal exile. Someone who is convicted of a crime may be deprived of rights. Which ones to deprive him of is partly a practical question.

Your Papers, Please?

On to more rugged turf: ID cards. Etzioni argues that if we all had to carry hard-to-fake federal ID cards, there would be less welfare fraud, credit-card fraud, fathers running away from their child-care payments, and convicted child molesters applying for jobs in day-care centers. He is right about that, and right in noting that people in many other democracies carry ID cards. He quotes a man from Switzerland, probably the freest country in Europe, saying that ID cards are no big deal.

I don't think they're such a big deal, either. I don't want to be ordered to carry an ID card, but I do need one. In a society of strangers, all sorts of people have a reasonable need to verify who I am. I need ID to pay by check, to transfer funds at a bank, to rent a car and to rent an apartment.

I've carried several government IDs. I lived in Hong Kong and carried a Hong Kong government ID. When I was a college student, I had a U.S. government ID for military dependents. I have federal identity papers now — a passport. I have a state ID that I carry at all times — a driver's license. And my car displays two large metal plates with the ID number 517 EYS, which, unlike my driver's license, can be read by everyone on the street.

The common good is a slippery concept, and Etzioni takes care to stay on the safest ground, public health and safety. We all want drinkable water and walkable streets, and even a libertarian utopia would have to deliver them.

I suppose an ID card could be provided by a private company. I have a bank card provided by a private company, and it has my photo on it for the purpose of identification. But nobody asks me to show that card as ID. Even the bank that issued it asks instead for my driver's license. The government's card is official; the bank's is not.

There's a reason for that. No private company has a relationship to *all* the citizens of the state. Government does. What better agency to certify who they are? (Shouldn't the state know who its

citizens are, if it's supposed to protect them?)

As a constitutionalist, I find it symbolically comforting that the ID card in my wallet is issued by the state of Washington rather than the U.S. government. But as a practical matter, it makes the card less useful. If I drive to California, clerks squint at the card suspiciously. Suppose the State Department shrank the passport down to convenient wallet size, with my color photo, my signature, and a nifty hologram, got rid of all those pages, and said, "Here, you can use this instead of a driver's license *if you prefer.*" Would I do it? I would, especially if I could travel abroad with it.

Many libertarians have a gut-level resentment of ID cards. I have just finished reading Edmund J. Pankau's *Hide Your Assets and Disappear* (Harper Collins, 1999, 200 pages), a book about how you can ditch all your friends, family, and obligations by taking a false name and moving to another place. Pankau, a private investigator, says it's already almost impossible to do that in the United States because of all the ways we identify ourselves. He recommends Honduras.

And what's the reason for people's interest in disappearing? Mainly it's to swipe more than one's share of a marital settlement, skip out on alimony and child support, and weasel out of obligations imposed by courts.

Do I want to defend the right to do that? No.

Populist libertarians and conservatives go all giddy over the idea of federal ID cards, conjuring up images of secret police demanding "Papers!" I recall the time in rural Guatemala when I was ordered off a bus with the other men and had my ID checked by teenagers carrying assault rifles. Now *that's* discretionary power. But what made the situation edgy was not the ID, but the power.

Accept the ID card. Limit the power.

It is not true that the card leads to the power. As Etzioni asserts, no country ever crept into totalitarianism by adopting ID cards. (Countries don't *creep* into totalitarianism. They lunge into it, generally in the aftermath of war.)

This isn't to deny that government could do something abusive with ID cards. It could; it could do something abusive with information from a lot of things, starting with tax records. I want to prohibit that. But I'm not against ID cards. I'm going to carry an ID card all my life.

Codes for the Masses

Etzioni's last example of preferring the public good over private rights is computer encryption. Here I desert him completely.

Etzioni argues for mandatory key escrow. In that system, software companies that offer unbreakable encryption would be required to deposit the keys with an agency. The agency would hand the keys to the police on presentation of a court order. This, says Etzioni, would help protect the public from terrorists.

As I write, there are no restrictions on encryption within the United States, though the FBI has asked Congress to pass them. The Commerce Department has blocked the export of most cryptographic programs with keys in excess of 64 bits. The software industry is cam-

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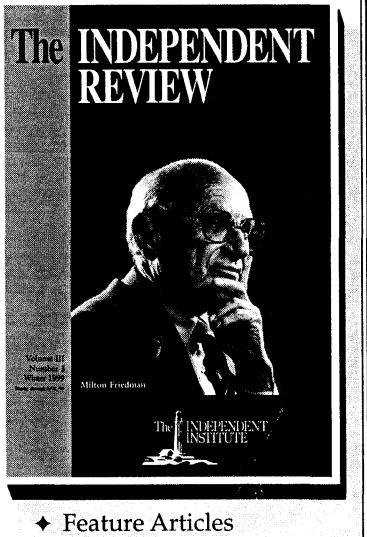

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paigning to lift these restrictions, which apply to even the most common products. Microsoft's Internet Explorer 5.0, which it gives away free, uses 128-bit encryption. Users who go to www.microsoft.com to download it have to accept a 64-bit version if they're calling from outside North America.

The industry argues that this restriction is silly, and that the U.S. government can no more stop the spread of software than it can stop the weather. The industry is right about that, and it makes the argument regularly. But Etzioni points out, "Whenever I have asked individualists whether they would support a key recovery system . . . if their technical and practical objections could be overcome," he says, "they have retreated to principled objections."

Privacy seems to be the demand that other people not do things — a demand that, in practice, sometimes is backed up by private property, sometimes by custom and mutual respect, and sometimes by very little.

I hope they do. Mandatory key escrow is simply a demand that citizens keep their documents in a form convenient for police to read. It is a kind of prior restraint that limits the choices of the whole population. It is as if the government told us we couldn't have thick curtains on our windows because it would make it hard to peek in, or that we couldn't speak Navajo over the telephone because it would complicate a possible wiretap.

Etzioni tries a telephone analogy himself. He says the libertarian view "is like arguing that because phone lines run outside homes, and hence are accessible to public authorities without the active knowledge of those who are tapped, the privacy and freedom of all Americans is violated." But that's not the libertarian argument; being offered the use of one technology when there was none before doesn't violate our freedom. But it would, if there were a second technology that was better, and the government refused to let us use it.

There is also a First Amendment issue, because software is a kind of writing. The government is reduced to the position that it's OK for us to write an encryption program on paper and send it overseas (even to Iraq!), but that it's not OK to put it *on disk* and send it overseas (even to Norway!). The government argued this in *Bernstein v. Department of State* at the 9th Circuit Court of Appeals in December 1997. A three-judge panel of the 9th Circuit Court of Appeals in San Francisco recently ruled 2–1 for Bernstein and against the U.S. government — that restriction on the export of source code is an infringement of the Frist Amendment rights of Bernstein, the code writer. The ruling did not address the constitutionality of restrictions on the export of compiled code. The government will probably appeal the case to the U.S. Supreme Court.

This is an issue on which principle is too important to fudge. It is certainly true that encryption will be used by terrorists; it already has been. It is like the telephone 120 years ago, or the Internet today. Encryption will be used by terrorists and gang members — and by churches and charities, Boy Scout troops, thimble collectors, and the New York Stock Exchange. It is not inherently a violent or rights-invading technology, and there is simply no convincing reason to ban it.

The Bottom Line on Privacy

Etzioni's final argument is about medical records, but there he argues *for* privacy. I'll confine my comments to the bulk of his book, in which he argues that the public good should overrule privacy rights. Those rights include:

1. *The right to refuse a blood test;*
2. *The right to live without a "scarlet letter";*
3. *The right to be anonymous;* and
4. *The right to write and speak in one's own language.*

I should be for all these things. Yet, upon examination, I find that the list really goes like this:

1. *The right publicly to abdicate my responsibility to protect the life of my child;*
2. *The right to conceal from my neighbors that I have just served a prison term for child rape, even though that demonstrably puts their children in danger;*
3. *The right to trick people I do business with by assuming a false identity;* and
4. *The right to write and speak in a secret language that the police can't read.*

It seems to me that 1, 2, and 3 victimize other people in a direct and obvious way, and that 4 does not.

My final question is whether privacy is a right at all. Other adult rights are the rights to *do* things: to breathe the air, to speak and write, to move freely, to marry, to negotiate for the sale of one's labor, to acquire property, etc. Privacy seems to be the demand that other people *not* do things — a demand that, in practice, sometimes is backed up by private property, sometimes by custom and mutual respect, and sometimes by very little.

Etzioni gives two definitions of privacy: "the right to be exempt from scrutiny and the right to make choices — that is, the right to be exempt from state control." The second concept has developed in constitutional law since *Griswold v. Connecticut* ruled in 1965 that a state could not forbid the sale of contraceptives. Seven years later, it led to *Roe v. Wade* and the right to abort a fetus.

It is certainly true that encryption will be used by terrorists; it already has been. It is like the telephone 120 years ago, or the Internet today.

The right of private choice is what defines libertarians. Etzioni knows libertarians well: "Generally," he says, "the advocates of the private sector and the opponents of government interventions are concerned with who controls the act rather than whether the act is visible (or audible)."

But privacy in the first sense, the shielding from public eyes and ears, cannot be absolute in a society of maximum private choice.

Even the Constitution, which gives me an unqualified right to speak, write, assemble, worship, own guns, and refuse to testify against myself, does allow the cops to break into my home, rummage through my stuff and take what they want only "upon probable cause, supported by oath or affirmation, and particularly describing the

place to be searched, and the person or things to be seized." My other rights have been qualified by the courts, some with good reason and some not; the right against search and seizure, Etzioni observes, is the only one in the Bill of Rights that was qualified by the Founders from the start.

Etzioni likes this qualification. It shows, he says, that privacy has to be balanced with the common good. And I have to agree with him, though I use different terminology from his. A society with the widest feasible scope of private action will mandate that some things be open to scrutiny. If we allow a wide freedom to sell patent medicines, we should require that all ingredients be printed on the label. If we allow corporations to sell shares to the public, we should require that quarterly financial reports be done in a standard way, and that directors and senior officers report their transactions.

If we want a society in which we're free to wheel and deal with strangers, we need to be able to *find out* about them. If we don't have the government license the people at child-care centers, we should make it easy to check if they have been convicted of crimes against children.

Even a citizen's medical records may be fair game for certain users. Consider a life insurer. Lots of people would call it a breach of privacy for an insurance company to find out that you were infected with the AIDS virus, or that you had a gene that predisposed you to lung cancer. But it is a debatable question: Do you have a right to *conceal* that from someone who would insure your life? How about concealing it from a prospective employer, who would put you in a health insurance pool?

At some point we cross a line and say, "Yes, you can conceal it. It's too personal, and they don't need to know it." Where that line is, I don't know.

Disclosure will depend on who has the information, how they got it, how personal it is, whether the request is specific to you or for a whole group of people, who wants the information, what they want it for, what might happen if they don't get it, and what might happen if they do.

All this tells me that privacy is not a right. It's a presumption in many cases, and good manners in others. But not a right. ❑

***The Passion of Ayn Rand*, Showtime, directed by Christopher Menaul.**

A Tawdry Triangle

R.W. Bradford

Showtime's *The Passion of Ayn Rand* opens with her funeral — the last, dramatic scene of a tremendously dramatic life. The biography by Barbara Branden, on which the film is based, developed both the emotional and the intellectual drama of Ayn Rand. But by the time I was ten minutes into *The Passion of Ayn Rand*, my fascination with the subject was dissipating. The intellectual drama was gone.

To judge from the film, the relationships among Ayn Rand and her disciples Barbara and Nathaniel Branden were primarily sexual. The intellectual concerns that attracted the Brandens to Rand hardly matter here. The preoccupation with sex begins in the third scene, in which Nathaniel tries to cop a feel and Barbara pushes his hand away. It continues through Rand's writing of *Atlas Shrugged*, passages of which Rand reads out as narration over a sequence of scenes in which she and Nathaniel copulate, through Nathaniel's seducing of a psychotherapeutic client and Barbara's affair with a trumpet player. It ends in Rand's fit of jealous rage over Nathan's infidelity.

I can understand why the producers chose to focus on sex. Sex sells, and this is a genuinely bizarre case: a middle-aged intellectual woman seduces a younger man, and the two of them insist (more or less successfully) that their respective spouses give permission to their romance. The results are sadly predictable: the spouses console each other (non-sexually) for a while before one seeks consolation from a liquor bottle and the other from a trumpet player; the whole arrangement falls apart when the attractive younger man finds a younger woman who attracts him more than the middle-aged intellectual. Mix in some soft-core sex scenes, some ponderous reading of philosophy and a few vignettes of the intellectual and her other acolytes and you've pretty much got the complete story, as Showtime films it.

The problem is that the film sells the story short, to put it mildly. What's interesting about the real story is its tragic aspect. It is the story of a brilliant author with a tragic lack of self-knowledge. And it is the story of a brilliant young man whose intellectual career is nearly destroyed by her wrath, a man who resurrected his career only by the hardest of work. All this is evident from Barbara Branden's brilliant biography of Rand. But Showtime tells a story that is shallow and tawdry.

The climax of the film comes when Rand confronts Nathan with the fact of his infidelity and expels him from her life. A messenger arrives at one of Nathaniel's lectures and summons him to Rand's apartment. "Do you understand what you've done? Do you know what you've thrown away? Me! Without me, you are *nothing, NOTHING*! It was my mind, my mind, my mind!" she screams. "You rotten hypocrite, you lying corrupt mediocrity! You should have loved me, God damn you!" She slaps him three times, hard enough for his left cheek to redden and (oddly) his right nostril to bleed. He returns to the lecture hall, apologizes to his students for having wronged Ayn Rand in some unspecified way, and walks out of the lecture hall. And that's that.

Not bad stuff, perhaps, but a far cry from the account in Barbara Branden's biography of the same title — on which, I repeat, the film was supposedly based. In her book, Branden describes herself as going to Rand's apartment with Allen Blumenthal (a psychiatrist who is Nathaniel's cousin), whom Branden wanted to "have standing by." She tells Rand about Nathaniel's infidelity and about her and Nathaniel's coverup of his affair with the younger woman. Rand coldly asks a few questions about the facts of the case and quickly passes judgment. "Get him down here," she says. When Blumenthal protests, she reiterates, *"Get him down here!"* When Barbara protests, she screams, *"Get that bastard down here, or I'll drag him here myself."* Blumenthal telephones Nathaniel and summons him.

The preoccupation with sex begins in the third scene, in which Nathaniel tries to cop a feel and Barbara pushes his hand away.

When Nathaniel arrives, Rand orders him to sit in a straight-back chair near the door. "I don't want you in my living room," she explains. She denounces him bitterly and at length, concluding with a colorful curse: "If you have an ounce of morality left in you, an ounce of psychological health — you'll be impotent for the next twenty years! And if you achieve any potency, you'll know it's a sign of still worse moral degradation!" She slaps him again and again. "Now get out!" she orders.

I don't know for certain what went on among Ayn and Nathaniel and Barbara. But the Brandens' written accounts are consistent with interviews I've conducted with nearly all other members of Rand's "inner circle." They are credible. And they do tell a story that is similar to the story told in the film. But in those accounts, unlike the story in the film, love and lust are only a part of what was going on. Rand's ideas, her agony over her writing and the public reception it received, the feelings of cultural isolation suffered by her and by her followers, their attempts to forge an intellectual revolution, their sincere commitment to a shared ideology . . . it is only in this context that Rand's affair with the much younger Nathaniel Branden transcends the tawdry. And that context is pretty much absent in the film. What is left is the story of a middle-aged woman having an affair with a handsome young man.

For the story to work, for it to rise above the tawdry, we need to understand that both Ayn Rand and Nathaniel Branden were people of genuine achievement. Helen Mirren's portrayal of Rand is pretty good; I believe a filmgoer unfamiliar with Rand's life might get a glimmer of appreciation for her greatness. But in the hands of Eric Stoltz (and the film's scriptwriters, Howard Korder and Mary Gallagher), the movie's Nathaniel Branden is a pale shadow of the real person. He comes across as a handsome young hunk, willing and even anxious to exploit Rand's affection for him. But we see none of the intellectual acuity of the real Nathaniel Branden, none of his struggle or his ambition to change the world. The only evidence of his intelligence is hearsay: Barbara and Ayn tell him that he is "brilliant." The only indication we have of his role in building a movement around Rand is a couple of scenes involving his lecturing and his relationship with the "collective" of Rand admirers. About all that we can surmise would be attractive about him, from Rand's point of view, are his good looks and his admiration for her.

"It's all right, officer — I'm going to a costume party as an American taxpayer."

Julie Delpy's performance as Barbara Branden is powerful; Delpy is a superb actress. But again the filmmakers have strayed considerably from the original story. They eviscerated Nathaniel's character, then made up for it by beefing up the role of Barbara. It is *her* conflicts, not those of Rand, that are the emotional center of the story. Peter Fonda is hopelessly miscast as Rand's cuckolded, alcoholic husband Frank O'Connor. Fonda is a fine actor, and delivers an excellent performance. But no amount of skill as an actor can enable him to portray a man who's attractiveness to Rand was a rugged handsomeness invariably compared to Gary Cooper's.

The facts of the story are rearranged and jumbled; whole episodes are falsified. (In the film, Barbara accompanies Nathan when he met Ayn Rand; Nathan was summoned from a lecture hall to be confronted by Rand, not from his own apartment; etc.) Centrally important happenings are omitted or (as in the case of Rand's severe bouts of depression) only hinted at. Aside from Ayn and Nathaniel and Barbara and Frank, the characters are entirely fictional. There's no Alan Greenspan or Leonard Peikoff or Murray Rothbard in this story. But they weren't involved in the sexual pyrotechnics, which are plainly the focus of the film.

The movie's Nathaniel Branden is a pale shadow of the real person.

Of course, one cannot expect complete historical accuracy from a film. I believe, however, that one can expect something akin to psychological accuracy — that is, I expect characters in a film that relies for much of its interest on its reference to real people and their psychological conflicts to bear some resemblance to those people. Showtime's *The Passion of Ayn Rand* doesn't even come close. ❑

The Passion of Ayn Rand *will be shown on Showtime on May 30 at 8:00 p.m., June 7 at 10:00 p.m., and June 22 at 1:45 a.m.*

Steele, *continued from page 41*

> but never provided a criterion by which one could decide what were the proper functions of government. Much the same applies to the terms "free enterprise" or "market economy" which, without a definition of the free sphere of the individual, say little (Hayek, 1973, p. 62).

So New Gray is not so new. He assumes, like many a communitarian philosopher before him, that social cohesion does not just happen, that without government regulation there is drift into anarchy and conflict. *But* the form and power and proper functions of government are precisely the issues which (as Hayek taught) must be continuously addressed, and Gray has not made any advance in doing so. ❑

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Helsinki, Finland

Linguistic progress in northern Europe, reported in *The New York Times*:

Jukka Ammondt announced that he is translating Elvis Presley's "Blue Suede Shoes" into ancient Sumerian, the language of Babylonia that died out in 2000 B.C. "Elvis would have liked the idea because the ancient Sumerians had big parties and drums and rattles, and the roots of rock may go back to man's earliest efforts to get a grip on life," said Ammondt.

United Kingdom

Progressive proposal for the healing professions from Albion, reported by *The Times* (U.K.):

Eating disorders such as anorexia and bulimia should be classed as disabilities to protect sufferers from discrimination at work, according to The Royal College of Nursing. Currently, nurses who are considered mentally unfit, which includes eating disorders, are screened from working with children and other vulnerable people.

Miami

Creative use for federal disaster funds, reported by the *Miami Herald*:

Police arrested the head of the local parks department on charges stemming from the disappearance of coconut palms and other trees valued at $1.6 million. Police say Guillermo Antonio Cutie signed fake invoices for over 3,000 trees that do not exist. The trees were paid for with a grant from the Federal Emergency Management Agency.

U.S.A.

Creative use for funds from a special telephone tax, reported by *The Wall Street Journal*:

Millions of dollars from the special tax on telephone bills to bring internet into public school classrooms are being used to install ordinary telephones in classrooms and to provide non-teaching personnel with cell phones.

"FCC Chairman William Kennard said last week that he intends to seek another $2.25 billion in funding for the coming year. At least two agency commissioners have signaled their support, giving him the majority he needs to approve the increase."

New York

Progress against crime in the den of Rudolph Giuliani, as seen in the *Daily Camera* (Boulder, Co.):

Two Central Park rangers slapped Anthony Avellino with a $1,000 ticket after finding his two daughters, ages 9 and 11, climbing a tree in the park. Avellino plans to fight the ticket, saying that there were no posted signs prohibiting tree-climbing. Parks Department spokesman Edward Skyler countered, "There are lots of things that you cannot do in parks that are not posted. If we listed every rule we'd have more signs than trees."

Tortosa, Spain

Curious Spanish custom, reported by Reuters:

When customers drove into a gas station in the pre-dawn hours and saw that the attendant had nodded off, they decided to help themselves to free gas and then called their friends to do the same. The fueling frenzy ended $1,000 later when police grew suspicious after seeing a long line of cars in front of the station.

Cairo

Setback in the war against crime in Islamic North Africa, reported by *al-Akhbar*:

An Egyptian court ordered the interior ministry to compensate a convicted robber for mistakenly keeping him in jail five years longer than his 15-year sentence, saying "Man's freedom is invaluable and cannot be compensated in cash." The court awarded the prisoner $5,800 in compensation.

The ministry is considering an appeal.

New Haven, Conn.

Pursuit of Justice in the Nutmeg State, reported by the *Hartford Courant*:

A Connecticut political and business leader is accused of paying a woman hundreds of thousands of dollars to be his "telephone sex slave" for over 20 years and then abruptly abandoning her to destitution. Doris Ford, 51, seeks a court judgment to force Arthur Anderson, 50, to pay her about $150,000 a year for the remainder of her life.

Ithaca, N.Y.

Disturbing new influence in the academy, reported by *Cornell Magazine*:

Biological and agricultural academic journals may soon disappear due to the high, profit-motivated price of subscriptions.

U.S.A.

Uplifting activism of the Vice First Lady, as reported by *Discount Store News*:

Tipper Gore and Pampers disposable diapers have joined the Back to Sleep Campaign in its fight against Sudden Infant Death Syndrome. Pampers diapers for newborns will bear the Back to Sleep logo to remind caregivers to place babies to sleep on their backs. Mrs. Gore will serve as National Spokesperson.

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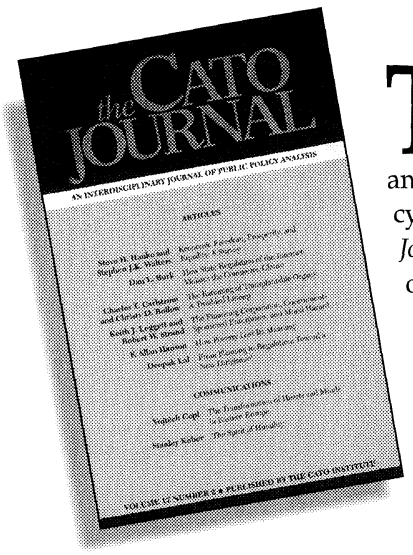

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August 1999
Volume 13, Number 8

4 **Letters** Our readers write.

5 **Reflections** *Liberty's* editors take shots at Bomber Bill, slay the whales, examine the "progress" of the presidential living wage, and point out that even Scientologists are no match for Ayn Rand.

Features

13 **The Most Dangerous Amendment** *Gene Healy* challenges the common libertarian view that the 14th Amendment is a tool for liberty.

18 **Why Did Clinton Bomb Yugoslavia?** *David Ramsay Steele* exposes the dangerous precedent set by a dangerous president.

25 **A Belgrade Spring** *Stephen Browne* remembers Belgrade's romantic evenings, massive protests, and gypsies strolling with bears before the bombs fell.

28 **Arms and the Greeks** The right to bear arms is a lot older than the Bill of Rights, explains *David Kopel*.

31 **A Kinder, Gentler, "Judgment Day"** *Bryan Register* compares what Nathaniel Branden said about his life with Ayn Rand in 1989 with what he says today.

35 **Is Internet Privacy Overrated?** *Declan McCullagh* reports from the front lines of the cyberwar over privacy.

37 **I Was a Small-Town Regulator** *Charles Platt* moves to Jerome, Arizona, and tries to help out with the local government.

39 **Confessions of a Tax Collector** Meet *Fritz Berggren*, a man who takes from you and gives to the government.

41 **Judicial Nullification** If it's dangerous for jurors to nullify the law, wonders *Eric Longley*, then why should judges?

Reviews

45 **Monster in the White House** The Clintons portray their critics as right-wing nuts. *Clark Stooksbury* reviews the case of one Clinton hater who is not part of the right-wing conspiracy.

46 **From Marx to Hayek** *Jane Shaw* retraces the strange odyssey of David Horowitz.

48 **The First Libertarian** *Chris Sciabarra* argues that much maligned "Social Darwinist" Herbert Spencer was a remarkable dialectition.

* * *

52 **Classified Ads** Stuff. And you can buy it.

53 **Notes on Contributors** Who we are and what we do.

54 **Terra Incognita** Reality rears its ugly head.

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Letters

From on High

If Bruce Ramsey ("Privacy Unbound?" July) is what passes for a libertarian, then what would be a statist? The common good is not a slippery concept but a non-existent anti-concept. Nor are we "citizens of the state." We are not *of* the state, period. The only rationale for any government is to protect individual rights, not supervise the "public safety, health or welfare" which if attempted would mean the state would run everything. The mother has committed no crime or act of aggression by contracting a disease. The baby's rights do not supersede the mother's. If we take Ramsey's rationale seriously, we would have to forbid pregnant women from smoking or drinking or any number of activities which could adversely affect the baby's future health. But since neither the mother nor the baby belongs to the state, the state has no right to force any such conditions upon anybody.

On the case of released criminals, once they have served their time in these Medieval horror chambers we call prisons, then their rights should be fully restored. No one convicted of a crime should be deprived of his or her rights once they paid the penalty for the crime. If they haven't paid the penalty, then why are they released? (Not that I for a second advocate prisons, but just to keep the argument within currently accepted assumptions, then when they are free they should be *free*. Otherwise if we accept the premises of "preventive" arguments, then the sky's the limit. No doubt all crimes could be prevented by locking up everyone all the time.)

The ID card thing is simple: no one in a free society should be forced to carry any papers to "prove" himself to some state official. Switzerland is a heavily regimented Germanic-style society wherein the police can even force people to clean their own cars! It's a milder European Singapore. I guess Singapore, too, ranks high among the "economic" freedom kooks even though it is a total fascist police state. I've noticed that when "libertarians" talk about "freedom" it usually means freedom for corporations, landlords, etc. Ramsey is wrong that countries don't creep into totalitarianism, we have been creeping there for a century or more.

I can see why Ayn Rand kicked all of you right-wing "libertarian" freaks into the garbage can. You defend mass murdering fascists like Pinochet and Milosevic (I too oppose Clinton's mass murder in Yugoslavia), you try to delink your "libertarian" anti-philosophy from natural rights, and you trumpet standard analytic hacks like John Hospers as the "authorities" on Objectivism or natural rights.

I am proud to have been disassociated from your going nowhere "movement" for many, many years.

Michael P. Hardesty
Oakland, Calif.

Bring on the Babes

I disagree with Fred Bluestone, who wrote in his letter to the editor (July) that he didn't want to see any more articles of the type written by Dyanne Petersen ("Behind Bars," May).

Well, I enjoyed her article. I found it an interesting travelogue, through the eyes of one inmate insider, of her trip through the federal prison system. Contrary to Mr. Bluestone's "Buxom Babe," and "women-in-chains" labelling, the author gave us no clue as to her physical appearance or sexuality.

She seemed to have no particular request for sympathy for her particular crime of drug smuggling. She did explain very briefly what she was arrested for, but it seemed she stayed away from her actual crime so as not to detract from the major thrust of her story. For Mr. Bluestone to accuse the author of inciting readers over federal drug laws, is simply to misunderstand the purpose of the article.

Bill Udy
Tigard, Ore.

What Season Is It?

Like Stephen Cox, I am also disturbed

continued on page 12

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Reflections

A dispatch from Reuters — "Conyers, Ga. (May 20) — A 15-year-old described as a Boy Scout with a broken heart wounded six students at his Georgia high school Thursday in the latest of a spate of U.S. school shootings."

This would be a good time for Clinton to get a pliant Republican Congress to ban the Boy Scouts. Perhaps he could banish hearts, too, or at least try — in the words of the Wizard of Oz — to make them practicable by ensuring their unbreakability. —SC

Slay the whales — The Makah Indian tribe of Washington's Olympic Peninsula managed to bag a grey whale last month with a ceremonious thrust from a harpoon and two .50 caliber shells through the brainbox. Opposition to the hunt, which culminated with death threats to both tribal members and the Coast Guard (which protected their right to hunt, guaranteed by treaty), was made respectable by the rationalization that if a bunch of Indians can take whales for what are essentially reasons of self-esteem, then the Japanese and Norwegians will start to hunt whales again. And, as we know, that could end civilization. Men hunting and killing mammals for food and science . . . is there no end to the depravity? —BB

Why not detention? — Music, guns, videogames, and violent movies have all been blamed for the Tragedy of Columbine; even though entertainment tastes, and choice of weapons varied from incident to incident. One overlooked common denominator: every single tragedy happened in a public school. Chubby Ammo-phobe, Rosie O'Donnell, suggested locking all gun-owners in prison as a solution to incidents like Columbine. Would she be willing to do the same to every public school principal? —TS

Clinton's learning curve — One of the things that irked me about media coverage of the Kosovo bombing was the refusal of the mainstream press to even allude to the ironic contrast between Bill Clinton, youthful war resister, and President Bill Clinton, enthusiastic bomb-dropper. It might have embarrassed the great man had they acknowledged that the Balkans are a quagmire just like Vietnam or suggested that NATO was bombing Yugoslavia "into the stone age" or that we were "destroying villages in order to save them," although these all seem to be true. Even carefully worded and tempered criticism by Robert McNamara, the architect of the Vietnam War, drew little comment.

Rather, the press (except of course some of the "right-wing") meekly followed Clinton's lead as he described the war as if it resembled World War II and compared Slobodan Milosevic to Hitler. *The New Yorker*, for example, discussed Bill Clinton's "learning curve" in the business of waging war without ever mentioning his early years. The writer, David Remnick, cheered Clinton's gradual awareness of the need for "morality" in foreign policy and contrasted it with Henry Kissinger's "Metternichian disdain for liberal humanism." (Didn't Metternich bring Europe nearly a century of relative peace? Oh well, nobody remembers that far back.)

Although Bill Clinton is responsible for huge numbers of deaths now, he did learn a little from Vietnam. During that decade-long disaster, people used to say, "Why don't we just declare victory and go home?" Well, after two-and-a-half months of bombing, Clinton has declared victory. But now he is sending in the troops. —JSS

The Omdurman parallels — And so, the Twentieth Century is about to end on a depressing note, with NATO's "victory" in the Balkans. To find a parallel to the NATO war one must look back to the final days of the last century, to the British war against Sudan, which culminated in the battle of Omdurman on Sept 2, 1898. On that day, an Anglo-Egyptian force of 26,000 soldiers, armed with the latest and most technologically advanced weapons, faced a Sudanese force numbering perhaps 45,000 men.

Sudanese muskets and spears were no match for British machine guns. "The [British] infantry fired steadily and stolidly, without hurry or excitement, for the enemy were far away and the officers careful," wrote Winston Churchill, who witnessed the battle. "But presently the mere physical act became tedious. . . . And all the time out on the plain on the other side bullets were shearing through flesh, smashing and splintering bone; blood spouted from terrible wounds; valiant men were struggling on though a hell of whistling metal, exploding shells, and spurting dust — suffering, despairing, dying."

When it was over, 10,000 Sudanese soldiers lay dead, 10,000 more were wounded, and another 5,000 captured by the British. A total of 40 British and Egyptian soldiers were killed; perhaps another 500 were wounded. It was more a slaughter than a battle.

But even that horrible war pales in comparison to the war in Yugoslavia. For one thing, that war was fought against a military force; the Yugoslavian war was fought mostly against civilians. For another, the Sudan war was fought in retaliation for what could arguably be considered an act of hostility against Britain (the murders at a British garrison, led by religious lunatic Major Charles "Chinese" Gordon, in Khartoum); the Balkan war was fought against a government that had committed no acts of aggression against NATO or the U.S.

And that war was far less lopsided. The British force killed 250 Sudanese for each fatality it suffered. NATO conducted its war in such a fashion that it lost not a man, while the Serbs suffered thousands of casualties. American pilots got up in the morning in their ranch homes in the midwest, went to their bases, flew halfway around the world, and indiscriminately dropped bombs on Yugoslavia from their planes flying miles above the ground, safely out of range of any weapon the Yugoslavians had for their own defense.

The pundits tell us that this was the first war in history won solely by air power. They are right, of course. But that is not the most important lesson of the war.

The Yugoslavia war demonstrated what had been learned in the Gulf War a decade ago: Americans will support (or at least tolerate) a war, no matter how unjust, no matter how expensive, provided that the lives of no American boys are lost. This it turns out was the real lesson of Vietnam. And it illustrates the real meaning of the "New World Order": the United States can bomb anyone into submission that it wants to, provided it minimizes (or, better still, eliminates) American casualties.

There were those who thought the horrible slaughter at Omdurman would usher in a new era, with the nations of the west possessing such superior military technology that resistance from the rest of the world would be so insanely foolhardy that no one would dare undertake it. The new century, they believed, would be an unprecedented era of peace, and without the destruction of war, of tremendous prosperity.

They were wrong, of course. Instead, the 20th century was one of nearly unprecedented war, genocide and destruction, in which hundreds of millions were killed in wars both civil and international. It would see the rise of two great engines of death and destruction: nationalism and socialism. Through a fortuitous chain of events, socialism ran its course and nationalism was restrained, and by its end, peace was breaking out all over — at least it was until Clinton decided to instigate his reign of terror in Yugoslavia.

What will the 21st century bring? Today's politicians envision a New World Order of peace and prosperity, growing out of the supremacy of massive air bombardment, just as those a century ago foresaw an era of peace and prosperity under the aegis of the Maxim gun.

It pains me to say that they are likely no more correct than were the politicians at the end of the last century. —RWB

Wise heads and tails — The pundits have spoken concerning the meaning of the awful events at Littleton. And spoken, and spoken. The root of the problem lies in America's easy way with guns. Or it is a pathology of hyper-violent movies and video games. Perhaps the underlying cause of the massacre motive is damage inflicted on fragile adolescent egos by the impersonal high schools in which they are penned and from which, some commentators portentously add, God has been exiled. And of course there's parental neglect, a culture of narcissism, economic inequality, the firearm as phallus, eclipse of traditional values, and the all-around decadence of late capitalism

That the pundits have spoken is no surprise; speaking is their business, in many cases their only business. Take away their words and they wither. What those words might be hardly matters so long as they display some connection with what's in the headlines and fill the requisite number of column inches. The transformation of a posh suburban school into a free-fire zone demands comment from those who can endure anything but silence, yet the paucity of hard data and superabundance of alternative theories leaves this welter of words more conjectural than convincing.

But one theory stands apart from the rest, When the maladjusted, maladroit Georgia teen attempted to prove that southern boys can blow away their classmates too, what he instead demonstrated is that among the causes of school shootings are press reports of prior shootings. Monkey see, monkey do, and anyone who ever attended a high school knows them for the monkey houses they are. If we don't want kids to engage in murderous behavior, then we had better keep reports of murder out of the media. Yet to the best of my knowledge, none of the learned commentators has advocated restraint of press coverage. Perhaps it's not accidental that doing so would hit closer to home than gun or video game bans.

The foregoing remark was something of a cheap shot. Not that the targets don't deserve it: precious little is known about why the two teens ran bloodily amok, and publicly to feign otherwise is misleading at best. Yet a more general moral may also be drawn. The pundits are quite correct to omit press restrictions from their lists of ways to avoid future Columbine Highs. That isn't simply because a free and responsible press well, make that free press, is necessary for the health of our social institutions, although that surely is relevant. Rather, it is because classroom carnage is exceedingly rare. The vast majority of students do not gun down their fellows. It is simply unreasonable to contemplate allowing the benefits of a free press to be vitiated by the hope that doing so might render anomalous cases marginally rarer.

But just that sort of sloppy thinking stands behind knee-jerk cries to restrict firearm availability or to clamp down on offensive videos or music lyrics so as to prevent future Columbines. It is to commit what I believe to be perhaps the most damaging error in the domain of policy analysis: the fallacy of the tail. More fully, this is the fallacy of attempting to address some problem way out on the frontiers of the probability distribution (for the statistically minded, two, three or more standard deviations distant) while forgetting that whatever effects may be enjoyed out there will be altogether swamped by those costs that redound closer to the middle of the bell curve. So, for example, legislators profess to safeguard kiddies from being corrupted by internet porn sites, yet in the process they erect roadblocks to everyone's surfing. In the attempt to sell their health care fix the Clintons had themselves filmed with half the families in America who had been rendered destitute by catastrophic illness, but most people realized that it was they who would most often be caught up in the tentacles of the Clintoncare octopus. To avert the specter of another thalidomide that might hideously disfigure dozens of babies, the FDA keeps off the market drugs and medical devices that would extend the lives of hundreds of thousands of people. I could cite numerous additional examples with regard to Social Security, welfare, the War on Drugs, and throughout the policy jungle.

To view one's fellows in distress naturally prompts a desire to tender aid. That speaks well for one's humanity, yet no sentiment contributes more to the itch to legislate. Subsequent scratching is perilous because a focus on the distressed few is likely to blur one's vision of the many. The fallacy of the

Who's Who

BB	Brien Bartels
BR	Bruce Ramsey
DB	David Boaz
DP	Dyanne Petersen
JS	Jim Switz
JSS	Jane S. Shaw
LBY	Leland B. Yeager
LEL	Loren E. Lomasky
MMS	Martin M. Solomon
RWB	R.W. Bradford
SC	Stephen Cox
TS	Tim Slagle
TWV	Timothy Virkkala

tail is committed when one insists in the face of a social problem "We must do *something*!" although the predictable consequence is that whichever nostrum is selected will turn out to be both not enough (for the intended beneficiaries) and too much (for the majority who reap the policy's collateral damage). Perhaps when the wise men have exhausted their analyses of the deep meaning of Columbine High they can turn to the dilemma of how we might better avoid the wagging of the fallacious tail. —LEL

Paying the man — Congress is pushing to raise the salary of the president. (Hint: guess whose salaries can't be raised until the president's salary is raised.) The graph shows what presidents have been paid in the past.

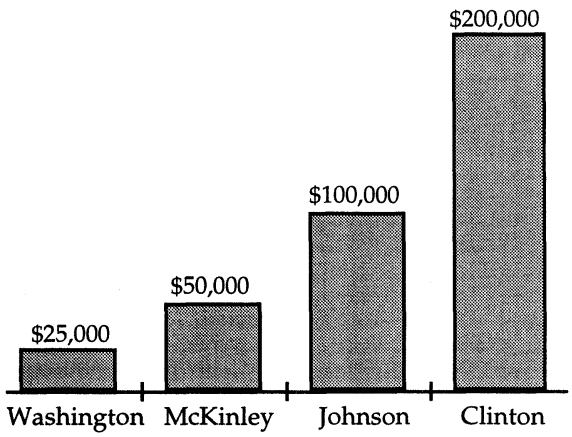

Yeah, we need to double the president's salary again to keep that progress going. —DB

Do we owe Kosovo? — What should the West have done about Milosevic and Kosovo? The forthright moralistic interventionism of Margaret Thatcher and Liberal Democrat leader Paddy Ashdown (and of Luis Dopico, writing in *Liberty's* June issue) makes sense, if not *conclusive* sense. So does the legalistic and standard libertarian stance against intervention. Facing the choice, the Clinton administration and NATO presumably had military and political information not publicly available, including information about the likely costs and side effects of a successful war for a clear objective. What does not make sense is the incoherent middle position actually adopted: seeking a cheap apparent victory in an almost risk-free way. Among other things, such indecisiveness lacks the persuasive force that a clear and credible commitment might have had. It is a prime example of what Stephen Cox, writing in a different context in the July *Liberty*, diagnoses as merely symbolic policy.

Now the symbolic bombing has boomeranged. Innocent civilians throughout Serbia have suffered, as from mistargeted bombs and from interruption of power and water supplies, causing health hazards. Neighboring countries have suffered, as from swarms of refugees and from disruption of Danube River traffic by the rubble of destroyed bridges. Especially the supposed beneficiaries of the U.S./NATO rescue operation have been made much worse off than before.

Clinton and NATO have incurred heavy responsibilities and cannot now honorably just wash their hands of the whole business. Yet pretty much that is brewing, I fear. It will be disguised as a diplomatic breakthrough and honorable settlement. On paper, verbally, the Kosovars will be allowed to return to their homes in safety. In time their fate will be forgotten, or so the shirkers of responsibility can hope.

The dishonesty involved would be classic Clinton. Yet like it or not, the United States is morally committed to following through with its purported rescue operation and to making amends for the misery that its incoherent policy has already caused. Unfortunately, at times a country can indeed be committed by its top officials. The American people even bear some active responsibility for electing and reelecting Clinton and tolerating his demonstrated dishonesty.

Perhaps, though I doubt it, it will prove militarily impossible to occupy Kosovo and install and maintain a regime that would guarantee the safety of persons and property. Or perhaps this result would require imposing excessive and uncompensatable costs on innocent third parties. If such realities do eventually, or even now, force us to wash our hands of the situation after all, we should at least be honest. We should not compound our offenses by trying to disguise treachery as a diplomatic triumph.

If we abandon what we have started, we should at least make amends to our victims in some other way. For example, we might offer transportation to the United States and residence permits to all Kosovars who so desire. —LBY

The pen is mightier — Since the start of the war in Kosovo, the editorial page of *The Wall Street Journal* has issued a series of blunt directives masquerading as headlines. "Take Belgrade." "Declare War." "Appoint a War Cabinet." They also printed at least two letters suggesting that war against the Serbs be handled as a mercenary affair, with contract armies on the ground and the old publicly-owned air forces covering them. All of which makes me wish that the editorial board of the *Journal* was running this thing. Trade Max Boot and Dorothy Rabinowitz for Wes Clark and Maddie Albright? It couldn't make things any worse. —BB

Indict 'em all and let God sort 'em out — We may, eventually, find out a lot of discreditable things about Slobodan Milosevic. We are certain to *hear* a lot more discreditable things about him, as American "peacekeepers" fan out over Yugoslavia digging up cemeteries, quizzing Albanian partisans, and doing everything else they can think of to make good on the Clinton administration's precipitate

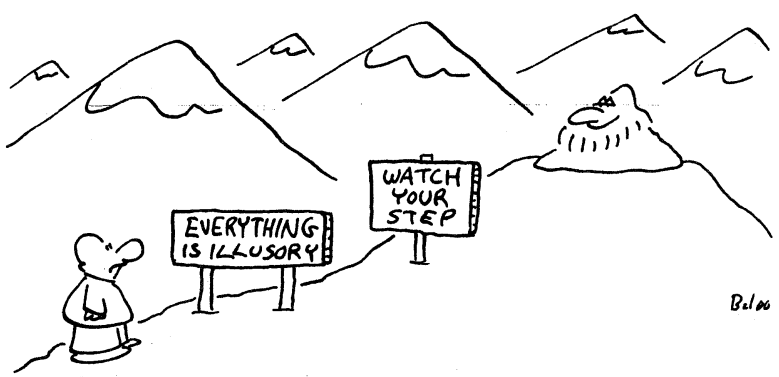

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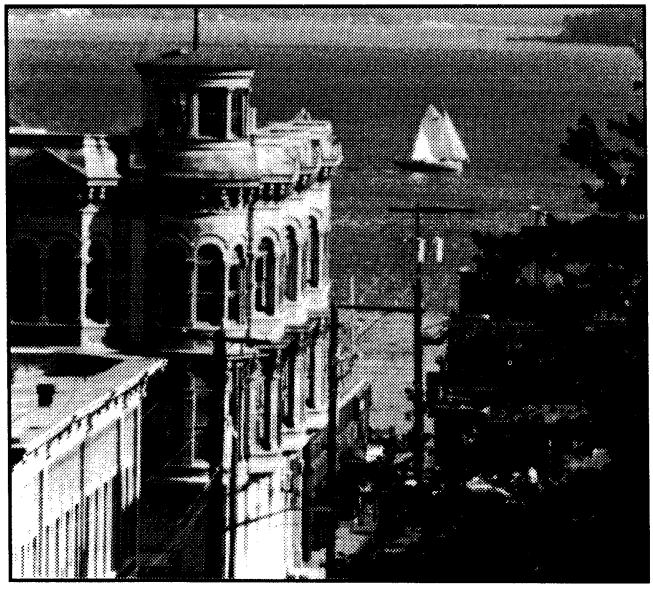

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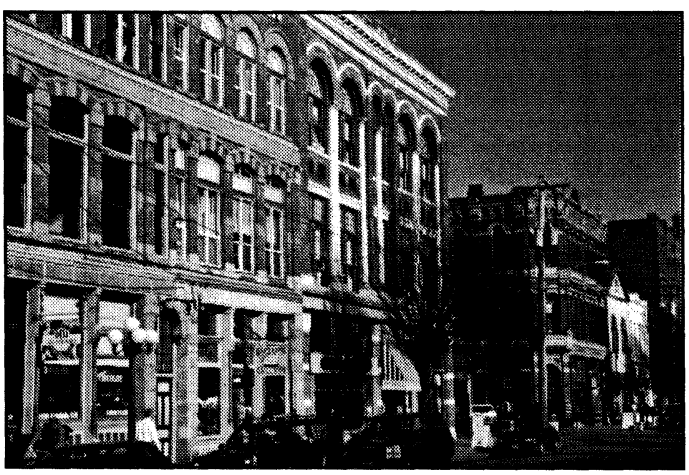

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claims of "genocide."

At the beginning of America's epic struggle with the purported Butcher of the Balkans, Clinton lost no time before making comparisons between Milosevic and Hitler. It was Clinton's best chance to get Americans to intervene in an ugly civil war. His administration went so far as to leak "intelligence" reports about alleged Yugoslavian atrocities to a United Nations prosecutor, who used the evidence to procure the indictment of Milosevic for "crimes against humanity." This disinterested and objective procedure, a wartime prosecution impelled by the accusations of one set of armed combatants against another, obviously lacks all moral credibility.

Its venerable precedent, of course, is the Nuremberg trials. In that case, most (possibly all) of the defendants had indeed committed "crimes against humanity," and most of them were hanged. That was the agreeable feature of the affair. But there were some disagreeable features, too. Murder on a grand scale is murder nonetheless, and the idea that the only way to punish murder is to create a new offense ("crimes against humanity") that can only be judged by a new, specially empowered, international court tends to undermine traditional notions of justice. Especially repulsive in the Nuremberg affair was the presence among prosecutors and judges of the servants of Joseph Stalin, the only man in the world who could beat the National Socialist defendants in the pursuit of crime.

In succeeding decades, the world witnessed the extraterritorial prosecution of another Nazi, Adolf Eichmann, by the state of Israel, which did not exist when Eichmann's crimes were committed; the extraterritorial prosecution of Manuel Noriega, a Panamanian dictator who made himself politically obnoxious to the President of the United States and was thereupon kidnapped to the United States, convicted of violating the drug laws of the United States, and sentenced to 40 years in prison; and the current attempted extraterritorial prosecution of Augusto Pinochet, a Chilean statesman apprehended in Great Britain for allegedly violating the laws of Spain by his actions in certain Chilean political disputes, many years before.

The latest event on this front is a rumor that the United Nations prosecutor of Milosevic is collecting information about atrocities allegedly committed by the sublimely self-righteous NATO warriors-against-Milosevic. It would be grimly amusing if she wound up indicting everyone.

But no matter who is on the receiving end of such investigations and prosecutions, their effect is to discountenance the idea of real laws and to advance the spurious claims of "international" law.

Strictly speaking, there *is* no international law, because there is no regularly or traditionally constituted international community that could enact such law. Laws are enacted by local communities and sovereign states; kangaroo courts are erected by chance assemblages like the United Nations. The only authority that such outfits possess is the authority that is given them by the self-interested maneuvers of specific sovereign states, and those are never the states in which the alleged legal offences were committed; if they were, the states in question would try the defendants themselves.

Is the idea of international "justice" merely world government's latest attempt to weasel its way into office? Or is it really just old-fashioned power politics, the politics of the Conference of Berlin and the other grand conclaves of nineteenth-century imperialism, where "legality" always happened to be on the side of the big battalions?

Whatever! But look at the bright side. If it's legal to prosecute people outside their country for crimes allegedly committed inside it, maybe there's still a chance of bringing O.J. Simpson to justice. Summon him to The Hague!

And if it's legal to prosecute people for crimes committed under inter*national* law, why shouldn't it be just as legal to prosecute them for crimes committed under inter*temporal* law? If this principle is accepted, the South will at last have its chance to avenge itself on General Sherman. —SC

Query — A hundred years from now, will the Park Service make people wait in a really long line, or will there be an extra charge to piss on Clinton's grave? —JS

Hootsie Tootsie — Clinton's policy on foreign civil wars is isolationist, unless there is evidence of a hate crime. The conflict between India and Pakistan, both with nuclear arsenals, is just a geographical dispute. We won't intervene in the Chiapas insurrection in Mexico, as that was a war of economics. The Rwanda conflict is just about politics, and it isn't genocide when both sides are African-American (oops, I mean African-African). Besides, I don't think even a talented public speaker like President Clinton is capable of saying, "The Tutsi Hutu War" without snickering a little. It's hard to drum up public support when you're worried you might accidentally say, "Hootsie Tutu," and bust out laughing. —TS

War and trade — China was on the verge of signing an agreement to further open its markets and abide by the rules of the World Trade Organization when the U.S. Air Force put five missiles into the Chinese embassy in Belgrade. Some clerk in the Pentagon had been using old maps. So the story went. We who know our government well put it down as "close enough for Government work." The Chinese, who see America as enormously sophisticated, put it down to a deep and wicked anti-Chinese strategy. When that was followed by the Cox report on Chinese spying, the man-in-the-street in Beijing took that as proof that the U.S. government was out to skewer his country.

Kosovo is not crucial to America's security or national interest. But China is; our interest is to keep China's economy liberalizing. Zhu Rongji, the Chinese leader who came to the United States in April, is China's leading spokesman for the economic liberalization — not, unfortunately, political liberalization, but you take what you can get. Zhu came despite his government's opposition to NATO "hegemonism" in the Balkans. He hoped to sign a WTO deal, but Clinton backed away at the last minute, leaving him empty-handed. U.S. business howled, and Clinton sent a negotiator to Beijing to resurrect the offer. Then came the embassy bombing.

There may still be a deal. But the war has made it much more difficult. It may be that Chinese membership in the WTO, and the continued de-socialization that it implies, is part of the collateral damage of this unconstitutional war. —BR

Ein Reich, ein volk, ein school board — Libertarian Party presidential explorer Jacob "Bumper"

Hornberger's speech at the Washington Libertarian Party convention on June 12 started out in his usual rousing style, with a call for the "widest ambit of human choice." But then it took a turn unusual for a campaign speech. He announced that due to an unexpected conflict of interest between his duties to his Future of Freedom Foundation, and the needs of a presidential campaign, he was dropping out of the race.

Oh sure, there was a certain volume of grumbling at Bumper's un-announcement on this particular night, on the theory it lowered the fundraising gross. (Well, isn't there always some damned thing lowering the gross?)

I wasn't as disappointed as were some. The fact is I don't like being called a Nazi.

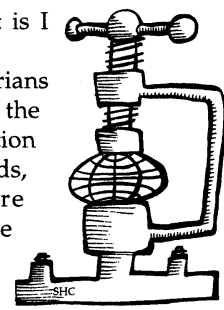

During his talk, Bumper argued that libertarians should only contest elections for positions with the power to make and repeal law. Running for and election to regulatory agencies, like planning and zoning boards, school boards, and water commissions, may be more likely to bring victory, but doing so identifies us to the public as "better regulators."

Well, I've invested some energy into helping a candidate contest a school board seat, and I think there are good reasons for libertarians to seek election to such positions. Serving in such positions creates the visibility and experience needed for election as future legislators. And freedom is increased when libertarians in such positions advocate free markets and defend individual rights.

Nor do I think this a merely theoretical argument. Bruce Coe, an LP activist in Kittitas County, actually sits on his county planning commission, and has used his position to influence a number of his county's central institutions. In fact, he has become the mouthpiece, through a local newspaper column, of the county commissioners. Commissioners, I might add, of a county under constant threat from the federal and state government's heavy hand, in the form of growth management and endangered species rehabilitation, which they have fought vigorously. This man is tremendously well-positioned, and abundantly talented, to give the general public an example of the right kind of public servant.

I mentioned this to Bumper that evening. I approached him after the dinner wound down. Bumper, who was stroking his chin and smirking throughout my earnest presentation, looked off into the middle distance and said, "Well I suppose some of the Germans who worked to make concentration camps run better thought they were doing the right thing too . . ."

There you have the gospel according to Bumper: libertarians like Bruce Coe are no better than Nazis.

I didn't say anything for a long moment, and admit my memory failed me at that point. I had been stupid. What other response should I have expected from a man whose sole livelihood is obtained through stirring up libertarians in order to shake them down for his foundation? —BB

I'm pro-choice and I can count — For feminists, choice only seems to apply to the region north of the cervix, as most modern feminists oppose legalized prostitution. The woman owns her uterus, but the vagina belongs to the State. As long as the head of the fetus stays inside the cervix you can suck its brain out; once it is on the other, you will go to jail if you spank it too hard. I myself am pro-choice up to the 57th trimester. I don't believe a fetus is human until he has a job and his own apartment. Imagine how well-behaved teenagers would be, if you could threaten them with a drive to Planned Parenthood. —TS

Invideos comparisons — As America tries to wrap up its hypertech war against a technologically backward people, the temptation is to compare it to the "Star Wars" prequel, *The Phantom Menace*, in which some sort of federation (a "trade" federation, actually; not exactly NATO) aggresses against the gentle people of the planet of Naboo. But, aside from its technical flash, the film is so poorly made that any such comparison disappoints as much as the movie itself.

Ordinarily George Lucas produces better entertainment than Ted Turner, but not this time around: any day of CNN outshines *The Phantom Menace*. The film's problem is one of simple storytelling. It is well-nigh impossible to identify with any of the characters, in part because the writing gives the actors so little to work with, but mostly because the focus is on the wrong characters. And though there is a fair amount of decadent politics in the film, the perspective is by no means obvious, or even very coherent, and the motivation for the players is mostly simple-minded, despite the hint that Senator Palpatine is really Darth Sidious, the future evil emperor of the *Star Wars* trilogy.

Contrast this with the motivations and machinations of another current film, *Election*. Reese Witherspoon portrays a go-getter senior high school girl out to win the student body presidency, and Matthew Broderick plays a high school teacher of high repute who nevertheless "crosses the line" of morality. Throw in a lesbian little sister (adopted), a philandering coach (disgraced), a vulnerable divorcée (boinked), a power-mad principal (unprincipled), and an intellectually under-endowed ex-jock (as nice as all get-out) — and a school assembly to end all school assemblies — and you have the best American satire in years.

If one wants to contemplate the characters in America's ongoing tragicomedy, and needs the assistance of popular art, forget *The Phantom Menace* and watch the twisted reality of *Election*, a film that manages to reveal the ambition, vengeance, and desperation at the heart of politics, in high school and after.

And it is more fun to watch than any CNN presentation of Darth Clinton. —TWV

Voting wars — Maybe you missed this: *The Economist* (May 1, 1999) published lists of "this century's greatest" which included Top Ten U.S. News Events and Top Ten Films, with the usual suspects on both lists. Much more interesting are the judges' list and readers' list of the Top Ten Novels of the 20th century: all of Ayn Rand's novels appear, earning four of the ten readers' list slots — the number one and two positions are for *Atlas Shrugged* and *The Fountainhead*, seven and eight for *Anthem* and *We the Living* respectively — but not one Rand title made The Modern Library's judges' list of "the best novels (those we should read)."

The same publishers polled readers to produce "a start-

lingly different list. Ayn Rand, incidentally, also figured prominently on a counter-list of the country's silliest books put out on *Slate*, Microsoft's on-line magazine," reports *The Economist*.

More startling to me than Rand's lead was the second-place winner with three novels among the top ten — sit down for this one — L. Ron Hubbard. (You can close your mouth now.) If you've been keeping score, we have only three places for non-Rand, non-Hubbard novels written by all the other authors, living and dead, of this closing century. And the winners are: J. R. R. Tolkien's *The Lord of the Rings* (#4); Harper Lee's *To Kill a Mockingbird* (#5); and George Orwell's *1984* (#6).

I'm usually pleased when Rand ranks high on a "best of" list but the presence, not once but three times, of Hubbard discounts the value of Rand's multiple placements in this particular competition. I guess I should be relieved that this list is limited to works of fiction, because I'd become apoplectic if I were to see *Dianetics* rate higher than or even appear on the same list with *The Virtue of Selfishness*;.

Who are these readers? What readers' list could The Modern Library folks use to poll for these results? If it reflects an increased affection for science fiction, can fans really prefer Hubbard's to, say, Robert Heinlein's?

Then I discovered that the poll was taken online. Apparently, diehard Objectivists and Scientologists apparently have way, way too much time on their hands. —DP

Mises on Kosovo — In his classic *Liberalism*, Ludwig von Mises defended the right of self-determination for the same reason he defended democracy and limited government: it tends to reduce conflict, which destroys life and property and interferes with the division of labor that allows civilization to progress. Mises argued that four considerations were relevant when considering issues of self-determination.

1. General. "[W]henever the inhabitants of a particular territory, whether it be a single village, a whole district, or a series of adjacent districts, make it known, by a freely conducted plebiscite, that they no longer wish to remain united to the state to which they belong at the time, but wish either to form an independent state or to attach themselves to some other state, their wishes are to be respected and complied with. This is the only feasible and effective way of preventing revolutions and civil and international wars" (109).

2. Size and Rights Owners "[T]he right of self-determination of which we speak is not the right of self-determination of nations, but rather the right of self-determination of the inhabitants of every territory large enough to form an independent administrative unit" (109).

3. Nationality. "So far as the right of self-determination was given effect at all, and wherever it would have been permitted to take effect, in the nineteenth and twentieth centuries, it led or would have led to the formation of states comprised of a single nationality (i.e., people speaking the same language) and to the dissolution of states composed of several nationalities . . ." (110)

4. Statism. "If a *democratic republic* finds that its existing boundaries, as shaped by the course of history *before the transition to liberalism*, no longer correspond to the political wishes of the people, they must be peacefully changed to conform to the results of a plebiscite expressing the people's will" (108, emphasis added).

So what would Mises say about Kosovo? If people in Kosovo of Albanian descent, who now live (or lived in the recent past) in "a series of adjacent districts," express a wish to attach themselves to Albania by a fair plebiscite, they ought to be allowed to do so. Of course, Serbian Kosovars would have the same right in their districts to remain attached to Yugoslavia. The result could be a checkerboard of Albanian and Yugoslavian areas, some consisting entirely of one ethnic group and some still mixed.

Mises realized that self-determination alone will not end strife if the nationalities involved were illiberal. Tariffs and other barriers would have to be removed if the region were to be economically viable, and the whole problem of land titles would have to be dealt with in a reasonable and just manner. None of this is very likely. From Mises' perspective, the prognosis for peace and prosperity isn't good. —MMS

Victory in Kosovo — "Thus saith the Lord, Hast thou killed, and also taken possession?" (1 Kings 21:19) —SC

Letters, *continued from page 4*

by the efforts to turn the Colorado shooting into a symbol of America's problems ("Symbols for the Masses," July). Gun control advocates search the hardest for symbolism because they have the biggest ax to grind. The governor of Colorado noted that the killers violated a number of state gun laws when they obtained their weapons. They combined the sociopath's disregard for life with the teenager's natural resourcefulness in skirting adult rules. If they were cunning enough to fool their probation officers, they were certainly capable of dodging an extra gun law or two. But Cox is right: symbolism trumps logic in this debate.

What distinguishes this latest gun control push from those that have come before? The magic words "for the children." Invoke those words on any subject, and reason goes out the window. The school shootings allow lawmakers, the media, and gun control advocates to fight a war on two fronts, since children are both victims and perpetrators. Nationally televising the funerals confirms the righteousness of the cause and spurs on the crusaders.

This irrational approach to society's problems poses a great risk to liberty. Remember what the last great drive "for the children" brought us: the ritual-abuse scare. During that era, crusaders filled with hysteria and good intentions wrecked hundreds of lives and imprisoned innocent people. Today, hysteria over the school shootings has created a climate in which history could repeat itself. There is good reason to fear that the real "lesson of Littleton" may actually be a very old lesson: that witch-hunting season is always open.

Felecia Barbaro
Brooklyn, N.Y.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*
Send letters to: Liberty, 1018 Water St. Suite 201, Port Townsend, WA 98368. Or use the internet: letterstoeditor@libertysoft.com.

Appraisal

Liberty, States' Rights, and the Most Dangerous Amendment

by Gene Healy

SEC. 1. [N]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

—*14th Amendment to the U.S. Constitution*

Political decentralization and individual liberty: the two are intertwined, but the former doesn't guarantee the latter. As Americans discover every day, the government that's closest to you is often in the best position to put the screws to you. How should libertarian political theory deal with the problem of oppression by local sovereigns? In the American context, this question translates to: What should libertarians think of the Fourteenth Amendment?

It's a question without an easy answer. Classical liberals of good faith have found themselves on either side of the issue. Thus, Lord Acton, following the Confederacy's defeat, wrote to Robert E. Lee: "I saw in States' Rights the only availing check upon the absolutism of the sovereign will . . . Therefore I deemed that you were fighting the battles of our liberty, our progress, and our civilization." But by the late 20th century, libertarians have come full circle on the question of states' rights and the Fourteenth Amendment. Today, the libertarian orthodoxy holds that the Fourteenth Amendment perfected the Framers' design, fulfilling the promise of the Declaration of Independence. Further, the promoters of the new orthodoxy urge that the amendment be given robust application against the states, in order to secure our natural rights to life, liberty and property.

On this question, no one is more orthodox than Roger Pilon, Director of the Cato Institute's Center for Constitutional Studies. In him, Cato has an able advocate, one who provides a valuable counterweight to a New Right jurisprudence that overvalues majoritarianism and views the judicial branch as the gravest threat to our liberties. Unfortunately, Pilon's case for the Fourteenth Amendment is deeply flawed. His case for the political legitimacy of the amendment requires him to ignore the circumstances of its inception; and his case for the amendment's efficacy as a means of securing individual liberty depends on a Panglossian view of judges and federal supremacy. The defects in Pilon's arguments should prompt libertarians to reexamine the new orthodoxy on the Fourteenth Amendment.

Ratification "at the Point of the Bayonet"

Throughout Roger Pilon's published work, the watchword is "consent." We come out of the state of nature, so the myth runs, the better to secure our natural rights. The government we institute derives its just powers from the consent of the governed. "That, and only that, is the source of their legitimacy," Pilon tells us in *Economic Liberties and the Judiciary*. Though Pilon concedes that unanimous consent is a fiction, he suggests that the Framers did a tolerably good job in requiring broad consent for the adoption of our Constitution and in the procedures for its amendment. In a recent Cato Institute Policy Analysis, "Reviving the Privileges or Immunities Clause," Pilon and coauthor Kimberly C. Shankman write: "the supermajoritarian consent that was required for constitutional ratification and amendment . . . served, as far as practically possible, to legitimately institute government, authorize its powers, and

change those powers." Quite properly, given his emphasis on consent and legitimacy, Pilon has repeatedly excoriated the political branches for arrogating to themselves powers that the people never delegated originally or through Article V's amendment process.

In their Cato paper, Pilon and Shankman apply similar scorn to the judicial branch for misinterpreting the Fourteenth Amendment. They recount the story of the 1873 *Slaughterhouse* cases, which "effectively eviscerated" that amendment's Privileges or Immunities Clause. The authors spare no venom in decrying "judicial resistance to popular will," which thwarted "the course that . . . the American people had meant the Court to follow."

The government that's closest to you is often in the best position to put the screws to you.

But somewhere along the way, the history of the Fourteenth Amendment's adoption has disappeared down a memory hole. When one reviews how it was adopted, it becomes clear why Pilon and Shankman prefer to discuss the amendment in the abstract, antiseptic terms of social contract theory. An "immaculate conception" account of ratification suits their argument better: the real story's a little too dirty for the kids.

We return to 1865. As the legally reconstituted Southern states were busy ratifying the anti-slavery Thirteenth Amendment, the Republican-dominated Congress refused to seat Southern representatives and senators. This allowed the remaining, rump Congress to propose the Fourteenth Amendment, consistent with Article V's requirement of a two-thirds majority for sending a proposed amendment to the states. Never mind that Congress also clearly violated that Article's provision that "no State, without its Consent, shall be deprived of its equal suffrage in the Senate."

Though the Northern states ratified the Fourteenth Amendment, it was decisively rejected by the Southern and border states, failing to secure the vote of three-fourths of the states necessary for ratification under Article V. The Radical Republicans responded with the Reconstruction Act of 1867, which virtually expelled the Southern states from the Union and placed them under martial law. To end military rule, the Southern states were required to ratify the Fourteenth Amendment. As one Republican described the situation: "the people of the South have rejected the constitutional amendment and therefore we will march upon them and force them to adopt it at the point of the bayonet."

President Andrew Johnson saw the Reconstruction Act as "absolute despotism," a "bill of attainder against 9,000,000 people." In his veto message he stated that "such a power ha[d] not been wielded by any Monarch in England for more than five hundred years." Sounding for all the world like Roger Pilon, Johnson asked, "Have we the power to establish and carry into execution a measure like this?" and answered, "Certainly not, if we derive our authority from the Constitution and if we are bound by the limitations which it imposes."

The rump Republican Congress overrode Johnson's veto and enacted statutes that shrank both the Supreme Court's appellate jurisdiction and the Court itself — just in case the judicial branch got any funny ideas of its own about constitutionalism. With a gun to its head, the South ratified, but not before New Jersey and Ohio, aghast at Republican tyranny, rescinded their previous ratifications of the amendment. Even with the fictional consent of the Southern states, the Republicans needed New Jersey and Ohio to put the amendment over the top. No matter; by joint resolution, Congress declared the amendment valid. Thus it — you'll excuse the phrasing — "passed into law."

The squalid history of the Fourteenth Amendment poses serious problems for Roger Pilon. Pilon's critique of the New Deal has always included withering scorn for FDR's extra-constitutional thuggery, exemplified by the infamous court-packing scheme. As Pilon tells the story, FDR muscled the court into approving radical constitutional changes that could be effected only by means of Article V's amendment process. The people never delegated to the federal government the powers it took for itself during the New Deal. But neither did they delegate to the federal government the powers it seized in 1868. Any New Deal aficionado who knows his history is entitled to wonder about Pilon's selective indignation. Does he invoke the principles of consent and legitimacy only against constitutional changes he dislikes?

Practical Effects of the Fourteenth Amendment

Ancient history, you say. The Fourteenth Amendment is in everybody's Pocket Constitution, and it's not going anywhere. Fair enough, but the above account shows that the amendment cannot be justified with a bedtime story about Lockean first principles. If libertarians are to embrace the Fourteenth Amendment, they'll have to look for pragmatic reasons to do so. The argument must be that the amendment has been, and will continue to be, an effective weapon in the struggle for individual liberty. But even here, the case is not nearly as strong as Roger Pilon believes it to be.

What is strong is Pilon's account of the original understanding of the Fourteenth Amendment, and particularly the amendment's "Privileges or Immunities" clause. As he recounts in the *Cato Handbook for the 106th Congress* and elsewhere, the Civil Rights Act of 1866, which the amendment was designed to constitutionalize, gives us a good idea of the kind of privileges and immunities the drafters wanted to secure. The rights that act protected from state infringement were "basic common law rights," such as "the right to make and enforce contracts . . . to purchase, lease, sell, hold, and convey real personal property." As Pilon has it, the clause protects a substantive core of natural rights from state infringement. Thus, *Lochner v. New York*, the much-maligned 1905 case in which the Supreme Court struck down a New York statute setting maximum hours for bakery workers, was closer to the original understanding of the Fourteenth Amendment than much that has come since.*

Properly understood, then, the amendment doesn't give

* Though with the "Privileges or Immunities" clause "effectively eviscerated" the *Lochner* court was forced to rest its decision on the amendment's due process clause, which, as Pilon notes, provided a weaker foundation.

judges "power"; rather, it enlarges the sphere of the judicial "veto," allowing judges to strike down state and local laws that infringe on natural rights. The *Slaughterhouse* majority warned that a broad interpretation of the amendment would make the judiciary "a perpetual censor upon all legislation of the States." To which a good libertarian can answer, "So what?" One could riffle through most state and municipal codes, tearing out hundreds of pages at random, and leave the law in better shape than one found it. As Pilon argues in a 1993 *Notre Dame Law Review* article, it *is* the Court's job to be a "perpetual censor," to ensure that legislative enactments "both proceed from the authority granted them and are consistent with rights restraining them." The Fourteenth Amendment merely provides "an additional layer of protection" for rights.

Threats From the Least Dangerous Branch

In practice, the Fourteenth Amendment has often operated as a grant of legislative and executive power to judges. And that power has been used to violate the very rights it was meant to secure.

This is nowhere clearer than in the line of cases thought to represent the Fourteenth Amendment's finest hour: *Brown v. Board of Education* and its progeny. Brown has iconic status on the Left and much of the Right, because many commentators see it as ending *de jure* segregation and furthering the first Justice Harlan's noble ideal of a "color-blind" Constitution.

But this is only part of *Brown*'s story. Equality before the law shifted effortlessly into forced equality of outcome in the space of a few short years. State resistance, massive or otherwise, was useless. In *North Carolina Board of Education v. Swann*, the Court struck down a state statute providing that no student would be compelled to attend any school for the purpose of improving racial balance in the schools. In

The people never delegated to the federal government the powers it took for itself during the New Deal. But neither did they delegate to the federal goverment the powers it seized in 1868.

Washington v. Seattle School District, the Court did the same with a statewide voter initiative preventing mandatory busing for purposes of integration. In *U.S. v. Yonkers*, a federal judge held the Yonkers city government in contempt, ordering it to integrate its schools by building scattersite public housing in predominantly white areas. This line of cases reached its coercive nadir in *Missouri v. Jenkins*, when the Supreme Court held that, to further integration, a federal judge could order a local government to increase property taxes, even though the increase was barred by the state constitution.

"Well, it serves you right for setting up government schools in the first place," say we libertarians. But wait. Faced with a desegregation order in the early '60s, Prince Edward County, Virginia, refused to assess school taxes and instead shut down its public education system. In 1964's *Griffin v. County School Board*, the Court ordered Prince Edward County to levy the taxes and reopen its schools. In 1996, when the Court ended male-only admissions at the Virginia Military Institute, one of the obstacles to VMI's privatization was the possibility of a *Griffin*-based challenge from the Justice Department.

Thus, in the wake of *Brown*, federal courts enforcing the Fourteenth Amendment have seized vast coercive powers, state resistance to taxation and social engineering notwithstanding. To what benefit? None, actually. As the editors of a leading — and, it should go without saying,

Any New Deal aficionado who knows his history is entitled to question whether Pilon invokes the principles of consent and legitimacy only against constitutional changes he dislikes.

leftist — constitutional law text admit, there is "no proof . . . that [integration] has aided blacks in any demonstrable fashion." (Stone, Seidman, Sunstein, and Tushnet; *Constitutional Law*, Second Edition; Little, Brown and Co.; 1991, pp. 530–31).

It's true that in recent years, the federal courts have cooled somewhat to desegregation lawsuits. Yet it's also true that, thanks to *Missouri v. Jenkins*, we're no longer protected from taxation by unelected, life-tenured federal judges. The precedent remains on the books, waiting for the next egalitarian *jihad*. In its 1868 Resolution deratifying the Fourteenth Amendment, New Jersey charged that the amendment would work a radical "enlarge[ment] of the judicial power." In fact, New Jersey suspected that the amendment itself was "made vague for the purpose of facilitating encroachment on the lives, liberties, and property of the people." Maybe the Garden State was onto something.

If You Liked the Commerce Power . . .

In addition to the *de facto* grant of legislative and executive power to judges, the Fourteenth Amendment includes a *de jure* grant of power to Congress. Section Five of the amendment reads: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Roger Pilon argues that Congress should routinely invoke Section Five to strike down state violations of individual rights. In the *Cato Handbook for the 105th Congress*, he declares that Congress has "often failed in its responsibility under the Fourteenth Amendment to police the states. Here is an area where federal regulation has been, if anything, too restrained."

It's unlikely that Pilon fully recognizes the implications of this position. In the passage immediately preceding the above, he rails against burgeoning federalization of crimes, which has taken place because of willful misinterpretation of Congress's authority to regulate interstate commerce. But if Congress can step in under the Fourteenth Amendment to secure basic individual rights when states "fail to secure them against private violations," as Pilon assures us

Congress can, then Pilon has opened the door to a vast federal power. Say goodbye to the tentative restriction of federal authority provided when the Court struck down the Gun Free School Zones Act in *U.S. v. Lopez*. Does carjacking violate our rights to liberty and property? There's your authority for the Federal Carjacking Statute. Do outlier states provide women with insufficient protection against domestic abuse? Quite possibly, so make way for the Violence Against Women Act.* If you like the "substantial effects" test for invocation of the Commerce Power, then wait until you see what Congress can do with matters that "substantially affect" liberty.

I've spent the past three years in law school surrounded by future federal judges. Here Roger Pilon's favored notion of natural rights has the intellectual status of phrenology and creation science.

In the midst of the recent furor over black church burnings, Congress passed the Church Arson Prevention Act. In his *Cato Handbook* chapter and a 1996 *Washington Post* op-ed, Pilon chides Congress for relying on the Commerce Clause in enacting the anti-arson statute. Instead, he tells us, Congress should have invoked its authority under Section Five of the Fourteenth Amendment. "If the facts had warranted it," he writes, Congress would have had "ample authority" under Section Five to pass the Church Arson Prevention Act.

Reading between the lines, I surmise that he doubts that the facts warranted it. Indeed, there's every reason to believe that they didn't, as research by Michael Fumento and others later suggested. But we operate with a real-world Congress, susceptible to political pressure, and a real-world judiciary reluctant to make what it sees as political judgments. If the only check against federalization of crime is to be found in the judiciary's willingness to overturn congressional findings of fact, then that's no check at all.

To go before Congress and the readership of the *Washington Post* and offer up an underused federal power is to stride onto enemy turf and proclaim, "Forget about the pipe you've been beating us with. Try this chain." The logic of public choice applies to Section Five as well as it does to any other enumerated power. The constituency for common law liberties is broad and diffuse; the constituencies for federal coercion are discrete, insular, and concentrated. They'll win the fight.

They're already winning. Consider what Congress actually does with Section Five of the Fourteenth Amendment. That provision is most often invoked in the service of modern notions of equality, providing private rights of action against discrimination. Among the statutes upheld under Section Five are the speech-restrictive Freedom of Access to (Abortion) Clinic Entrances Act, the Americans with Disabilities Act, the sex discrimination provisions of Title IX of the Civil Rights Act, and the Age Discrimination in Employment Act. With regard to the latter three, Section Five allows Congress to abrogate state governments' Eleventh Amendment immunity from suit in federal courts. Congress and the courts have used Section Five to allow extortionate lawsuits against state governments, agencies, and schools.

It's true that Congress generally does not invoke Section Five when it regulates private individuals. This is the case for two reasons:

1) Congress already has the power to do almost anything it wants under current Commerce Clause jurisprudence; and

2) current Section Five jurisprudence limits Congress to regulating "state action."

But this can change. The "state action" doctrine has proved a rather porous barrier to Congress's power to regulate private actors. The first Justice Harlan, whom Pilon and Shankman view as some kind of Lockean fellow traveller, opposed the doctrine as an unreasonable limitation on Congress's power to regulate businesspeople; so too did six members of the Warren Court at one point in the 1960s. Though the state action doctrine has remained nominally intact, the Court has found "state action" in situations such as enforcement of private, racially restrictive covenants; enforcement of racially neutral trespass statutes against lunch counter sit-ins; and racial discrimination by private businessmen leasing property from the state. The doctrine is eminently capable of giving way to a general regulatory power. If the Supreme Court gets serious about restraining congressional abuses of the Commerce Power, look for Congress to use Section Five to reenact and extend modern antidiscrimination laws. And look for the Court to cave.

Pilon sounds positively Lennonist: "Imagine all the judges / Applyin' Higher Law . . ."

Pilon recognizes that the Fourteenth Amendment carries with it a potential for abuse; but his solution to abuses is profoundly unsatisfying. In recent Congressional testimony, he stated that "the Fourteenth Amendment has itself been misused, both by Congress and by the courts. But that is no reason to ignore it. Rather, it is a reason to correct the misuses." According to Pilon, the answer to bad judging is better judges and better judging. To get where we want to go, we need to appoint judges who understand the Constitution and "the classical theory of rights" that stands behind it. Judges need to get in touch with the "Higher Law background" of American constitutionalism.

Well, I've spent the past three years in law school surrounded by future federal judges. Here a passion for levelling infects the classroom discussion, and the idea of natural

* In fact, the Violence Against Women Act (VAWA) is based in part on just such a theory of Congress's power under Section Five. Several district courts have upheld the statute. But on March 5, the Fourth Circuit Court of Appeals emphatically rejected VAWA, and with it the theory that Congress can use the Fourteenth Amendment to federalize crimes when, as Pilon puts it, "state measures prove inadequate." See *Brzonkala v. Virginia Polytechnic*, 1999 WL 111891, pages 40–55.

rights has the intellectual status of phrenology and creation science. Students see in the Fourteenth Amendment an irresistible engine for reshaping society along egalitarian lines. They do not care what the amendment actually means. In this context, Pilon's solution sounds positively Lennonist: "Imagine all the judges/Applyin' Higher Law. . ."

Dreams and Nightmares

I may say that Roger Pilon's a dreamer, but I don't have a more practical answer. Nor have I been entirely fair to the Fourteenth Amendment. In the areas of free speech and criminal procedure, for example, the amendment has been the source of some of the Court's proudest moments, some of the greatest vindications of liberty in American constitutional law. Given a regime of federal supremacy, perhaps the Fourteenth Amendment can help us check local tyranny in some areas.

But libertarians, of all people, should recognize that a Congress and a Court powerful enough to give us everything we want are powerful enough to take it all away. Individual liberty competes with the mirage of social justice in the hearts and minds of the governing elite. The Fourteenth Amendment can further the forcible enactment of either vision.

Libertarians are reluctant to embrace "states' rights," an admittedly unfortunate term. But the independence of the states once served as a check on coercive social experimentation. From this perspective, Justice Brandeis's rationale for federalism, that individual states can serve as "laboratories of democracy," gets it precisely backwards. The point of decentralization is that the smaller the laboratory, the easier it is for us rats to escape the Skinner Box.

That battle was perhaps lost at Appomattox, in what Roger Pilon grotesquely mischaracterizes as a "war to secure liberty." I don't expect Pilon to consign himself to irrelevancy by advocating the dissolution of the Union. But I would like him to temper his fervor for the Fourteenth Amendment with a recognition of the difficulties posed by federal supremacy. And I'd like libertarian followers of the new orthodoxy to consider whether Pilon's idea, that Congress and the Court can serve as guarantors of our liberty, amounts to the fond hope that the wolf at our door can be housebroken.

Our common goal is the night watchman state. If ever again we approach that ideal, will it be with the help of a federal government that is the benevolent master of all it surveys? Or will we get there by way of radical decentralization with little or no federal oversight? These may be loaded questions, but they ought at least to be seriously considered. It's my view that if we can ever rid ourselves of federal supremacy — of what Lord Acton called "the absolutism of the sovereign will" — losing the Fourteenth Amendment will be no sacrifice at all.

If the dream of independent states seems absurdly unrealistic, then consider a nightmare. Consider Professor Catharine A. MacKinnon's Fourteenth Amendment. In her book *Only Words*, MacKinnon tells us that the First and the Fourteenth Amendments conflict. She writes that "the Reconstruction Amendments . . . move[d] the ground under

continued on page 24

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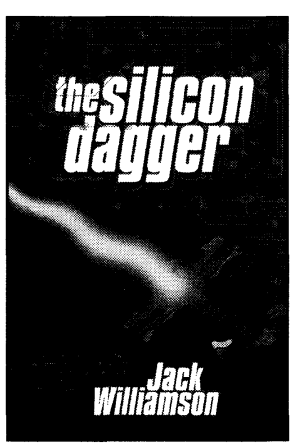

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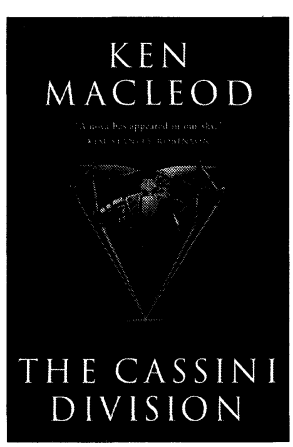

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Why Clinton Bombed Yugoslavia

by David Ramsay Steele

If any town should engage in Rebellion or Mutiny, fall into violent Factions, or refuse to pay the usual Tribute; the King hath two Methods of reducing them to Obedience. The first and the mildest Course is by keeping the Island hovering over such a Town, and the Lands about it; whereby he can deprive them of the Benefit of the Sun and the Rain, and consequently afflict the inhabitants with Death and Diseases. And if the Crime deserve it, they are at the same time pelted from above with great Stones, against which they have no Defence, but by creeping into Cellars or Caves, while the Roofs of their Houses are beaten to Pieces. But if they still continue obstinate, or offer to raise Insurrections; he proceeds to the last Remedy, by letting the Island drop directly upon their Heads, which makes a universal Destruction both of Houses and Men.

Jonathan Swift, "The Flying Island of Laputa," *Gulliver's Travels*, Voyage III

Since you're, like, the President and stuff, can you, like, set a country on fire, . . . and then, fly over in a helicopter and say, "I am the President of the most powerful nation on earth. You must bow down before me"? Uh-huh-huh, uh-huh-huh, uh-huh-huh, uh-huh-huh . . .

Butt-Head, in *Beavis and Butt-Head*

On March 24th, 1999, the NATO alliance, led by the United States, began bombing Yugoslavia. They bombed every day, with steadily increasing numbers of planes and escalating destructive power of bombs. The bombing was finally halted after 78 days, with an agreement for withdrawal of Yugoslav troops from Kosovo, to be replaced by a mixed force of NATO and Russian troops under UN auspices.

The bombing of Yugoslavia was, overwhelmingly, of specifically civilian targets: homes, roads, farms, factories, hospitals, bridges, churches, monasteries, columns of refugees, TV stations, office buildings. The bombing was not intended to maximize civilian deaths, but neither was it intended to minimize them. The aim of the bombing was to destroy civilian installations on which people's lives and comfort depended, killing a few thousand random civilians for good measure, and thus weakening the will of the population to resist, so that they would submit to NATO occupation.

On paper, at least, NATO failed to achieve its precise objectives, and had to settle for what it could have achieved without bombing. At Rambouillet, NATO had insisted upon NATO occupation of the whole of Yugoslavia. This has not been obtained, and seems to be off the table for the moment.

NATO had demanded occupation of Kosovo, followed by a referendum after three years. Given other provisions encouraging the racist Albanians in the KLA to terrorize the rest of the population of Kosovo (Serbs, Gypsies, Turks, Muslim Slavs, and non-racist Albanians), this was, as everyone acknowledged, tantamount to guaranteeing the separation of Kosovo from Serbia after three years.

Presumably then there would have been a two-fronted war, with the KLA, armed and funded by NATO, subjugating a reluctant population of Kosovo Albanians (recently given the

picturesque name of "Kosovars" by NATO), and also fighting the government of Albania, in order to unify Kosovo with Albania under KLA control. Whether NATO would have followed through with this, or whether they would then have turned upon the Albanians as the new Balkan bogeymen is a matter for speculation. NATO has dropped the three-year timetable for Kosovo's separation from Yugoslavia.

NATO bombed Yugoslavia, in contravention of its own charter, to set the seal on its "new strategic concept": that NATO can bomb any country which is doing bad things domestically, even though it has neither attacked nor threatened any NATO member, and that NATO can decide what to do entirely on its own, without consulting the UN. The Yugoslavs had always agreed to a UN force in Kosovo, but had said no to NATO.

While the Yugoslavs gave in by accepting an occupation force with a large NATO element, NATO agreed to submit its occupation of Kosovo to UN approval. By giving that approval, the UN did appear to accept the legality of bombing civilians in a country which had attacked no one. But the hoped-for precedent for a completely unprovoked NATO attack upon a country without any UN involvement was not set. This is a small matter, but no doubt one that irritates the NATO leadership, which had planned to demonstrate the total obsolescence of the UN, announcing itself as the new government of the world.

The Media War

The mainstream media loyally supported NATO's war at almost every turn. From the *New York Times* to CNN, they repeated NATO's stories, even when the most cursory attempt to check them out would have raised serious questions.

Following the bombing of Kosovo by NATO, hundreds of thousands of refugees fled Kosovo for Albania, Macedonia, Montenegro, Bosnia, and the rest of Serbia. The refugees who fled north within Serbia, including the many thousands of ethnic Albanians who arrived in Belgrade, were simply ignored. The ordinary U.S. TV viewer was never told about them, or about the refugees arriving in Bosnia. Those who fled to Montenegro were mentioned once or twice. Only Albanians who fled to Albania or Macedonia were covered. (Serbian refugees were turned away at the Macedonian border, while other non-Albanians like the Gypsies were liable to be brutalized by Albanians in the camps.) As if determined to insult the intelligence of their readers and viewers, the journalists purveyed the theory that none of the ethnic Albanian refugees had left because of the NATO bombardment or because of the war on the ground between the KLA and the Yugoslavs, but solely because of a campaign of "ethnic cleansing" ordered by the Yugoslavian government.

Coincidentally, as the bombing of Yugoslavia drew to a close, there was comparatively low-level warfare between Indians and Pakistanis in Kashmir. The press reported that large areas had been depopulated because local people had fled from the fighting. In this case there was no need to conjure up ethnic cleansing to explain why people would flee a war zone. As in a Keanu Reeves sci-fi movie, there was an almost imperceptible little click, and the world reverted to that parallel universe in which people do leave their homes when armies are shooting at each other, or bombs falling, nearby. The wide-awake reader instantly knows what to make of this uncanny phenomenon: NATO has no immediate plans to bomb India.

The Fantasy World

M. L. Rantala first pointed out that the explosive growth of TV coverage of criminal cases has not provided jobs for criminalists or other forensics experts: they are almost never represented on the TV "true crime" talk shows, which are almost entirely reserved for lawyers, who often don't understand the evidence, but do understand what can be made to play before a jury.

NATO bombed Yugoslavia to set the seal on its "new strategic concept": that NATO can bomb any country which is doing bad things domestically, even though it has neither attacked nor threatened any NATO member, and that NATO can decide what to do entirely on its own, without consulting the UN.

In similar fashion, Balkans experts were all but entirely absent from TV and even newspaper coverage of Clinton's War. Complete ignorance of Balkan affairs was almost a qualification for being heard, starting with Clinton himself, who had kicked off the whole show by patiently explaining that Danzig, where World War II had started, was in the Balkans.

There are hundreds of academics in the NATO countries who devote their lives to studying the Balkans. They were conspicuous by their almost total absence. The one notable exception was Robert Hayden. Presumably he was picked out for privileged treatment because of his close links with Milan Panic, the most pro-Western and anti-Milosevic of recent leading Yugoslav political figures. Someone must have considered him safe.

In the early weeks of the war, Hayden made many TV appearances, and every time he effectively shot NATO's case full of holes. He knew something about the facts. Then, someone at the networks realized the damage he was doing to the war effort, and he stopped being invited.

A completely fabricated fairyland was depicted for viewers and readers, a fantasy construction in which "Kosovars" were "ethnically cleansed" by the "dictator" and "war criminal" Milosevic in something called "Operation Horseshoe." And when those "Kosovars" who tried to get back home were bombed by NATO, this was presented as an "accident."

The Outcome

Undeniably, the U.S. achieved a kind of victory in Yugoslavia. Whether the cost was too high depends upon precisely whose interests are consulted. Kosovo has been occupied by NATO, thus guaranteeing a daily trickle of new

"Serb atrocities" (this is the Clinton signature, which may become a universal feature of all politics: governing is always subordinate to campaigning, and campaigning never stops). It is too early to say whether the Russian presence in Kosovo is a trivial diversion, the entree to World War III, or something in between (such as a forerunner of partition).

The NATO victory was a victory for ethnic cleansing. This is true in at least two different senses:

1. The Albanians gained Kosovo because they practiced ethnic cleansing, and the Yugoslavs lost Kosovo because they did not practice ethnic cleansing (or if it turns out that they did, because it was "far too little, far too late"). For a hundred years, Albanians have been moving into Kosovo, and encouraging non-Albanians to move out. Under the Tito regime the Albanians were given extraordinary privileges in Kosovo, and used their grip on political power to persecute the non-Albanians. Even under Milosevic, who worked to amend the Yugoslav constitution and have those privileges revoked, the Albanians in Kosovo continued to expand and to oust the non-Albanians.

The aim of the bombing was to destroy civilian installations on which people's lives and comfort depended, killing a few thousand random civilians for good measure, and thus weakening the will of the population to resist, so that they would submit to NATO occupation.

To a Serbian nationalist, it may appear that Milosevic failed to rectify the ethnic balance in Kosovo because of his fatal commitment to the vision of a multi-ethnic Yugoslavia with equitable treatment for all ethnic groups. At any rate, the actual ethnic cleansing of non-Albanians by Albanians set the stage for the bombing, which would complete the ethnic cleansing by eliminating all non-Albanians, along with all Albanians who might stand up to the KLA.

2. People all over the world were watching, and they could reasonably conclude that, although NATO's motives in bombing the civilians of any country are capricious and whimsical, there is one way to make oneself a less inviting target for bombing: do not permit the continued existence of any minority ethnic group, or at least, not one which forms a regional majority. You can be sure that the Russians are revising their plans to deal with Chechens and the Chinese their plans to deal with Tibetans: at the first sign of insurrection, these groups will be completely crushed in a matter of days, with considerable collateral damage. There will be no drawn-out campaigns which would invite the attentions of "the international community," the grandiose name given to themselves by the rulers of those countries who represent ten percent of the world's population and possess 90 percent of the world's killing power.

Clinton's War will be a tremendous boost to armaments and war preparations all over the world. Everyone can see that this war, although devastating for the Yugoslavs, took longer than Clinton expected and did not achieve quite what he had intended. The lesson is that mighty NATO, even with its present, historically ephemeral, overwhelming dominance, can be resisted. And if it can be resisted, with appreciable costs imposed upon the aggressor, its murderous attacks can in some measure be deterred.

Clinton's War will stimulate the formation of international defense alliances against NATO. At first there will be some trepidation, as the first moves to make such alliances could easily lead to their initiators' being bombed. But the long-term logic will prove irresistible. Great powers like the present United States usually pick on small countries whom they judge can be cheaply subdued. If from the beginning there had been a Russian garrison in Kosovo, Clinton might have decided it would have been more prudent to work up a war in Madagascar or Bhutan, or intervene in some existing conflict such as those in Sierra Leone or Kashmir.

It's true, of course, that the U.S. possesses the technological means to simply exterminate the entire population of any country. Clinton, Albright, and Blair clearly wanted to move somewhat more in that direction, and would certainly have done so, except for the astonishing lack of public support for Clinton's War in the U.S. and Europe. Just recall that it took eight years of fighting in Vietnam before the polls showed a majority not supporting the war. But instead of starting at 80 or 90 percent approval, Clinton's War started at around 60 percent, and steadily eroded, so that another month or two would have seen a clear majority for unconditional pulling out. Even more remarkably, as we go to press, "victory" has not greatly perked up the pro-war polling numbers. Dare we even hope that, as the NATO occupation of Kosovo unfolds, those who believe the war to have been a crime, a blunder, or both, will continue to gain ground?

Clinton's War will be a tremendous boost to armaments and war preparations all over the world.

Some of the opposition to Clinton's War arose because it was plainly a bombing campaign against civilian targets, so that more widespread slaughter of civilians would presumably have hastened the erosion of public support for the war.

Here, one of those delightful unintended consequences of human action came into play. According to Steven Erlanger, *New York Times* reporter in Kosovo, some Yugoslav government official approved the expulsion of all those journalists hailing from the countries participating in the bombing. But some of these journalists' cars ran out of gas. So some other Yugoslav bureaucrat, refusing to authorize the precious gasoline, determined that these journalists would have to stay. Every day their dispatches, especially those of Paul Watson for the *Los Angeles Times*, refuted NATO lies.

The upshot is that, given information coming out of the victim country, given the effectiveness of the victim country's army, and given the poll-driven quality of politics in the NATO countries, the U.S. President is somewhat constrained in his mass-murdering sprees. (Since the U.S. is still regularly bombing civilian targets in Iraq, with scarcely a

murmur in the U.S. media, one of the shrewdest moves the Iraqi government could make would be to facilitate the admission of foreign journalists.)

As long as there are a sizeable number of people in the U.S. who disapprove of the slaughter of innocent civilians, the total extermination option will in most cases be ruled out, and not even closely approached. In that case, the fighting capability of an army will be of enormous importance even in the case of a tiny country like Yugoslavia.

As the Yugoslav army withdrew from Kosovo in June, it became apparent what those of us following the situation had been saying all along: the Yugoslav military has barely been scratched, even in Kosovo. The NATO bombardment was almost entirely directed against civilian targets, partly because military targets could not be found. NATO did not dare to invade Yugoslavia or even to fly low over Yugoslavia; it could only "degrade" the lives of the civilian population by bombing from a great height. NATO's true *métier* is to kill children from a distance, and avoid any fighting. That is NATO's strength, but also something of a constraint upon the exercise of that strength.

The Usual Reasons Don't Apply

Why did the United States do this? It certainly was a United States decision, made by President Clinton. Some NATO countries were more enthusiastic than others, some were dragged along reluctantly, some refused to participate at all. If most NATO countries had been solidly against it, they could no doubt have stopped it, but only Clinton could have ordered this operation.

The customarily-proffered reasons for going to war did not apply. The country attacked was not in any way even marginally a threat to America's "national interest." Yugoslavia is a small, poor country of ten million people. (Yugoslavia today is smaller than Cuba, both in population and in land area.) Yugoslavia had not attacked any other country, nor threatened to do so. Yugoslavia had, in fact, recently lost about half of its territory to secessionist movements, and in return for accepting the exclusion of Bosnian Serb territory from Yugoslavia, had been solemnly guaranteed by the U.S. that no further secessions would be countenanced. Yugoslavia under Milosevic has been punctiliously attentive to all international commitments, and hung slavishly upon U.S. desires, as when Yugoslav troops were pulled out of Kosovo in October 1998, because of the threat of U.S. bombing.

Even if all NATO's allegations about treatment of Albanians in Kosovo prior to March 24th were correct, this would, sadly, have been a mild example of ethnic persecution, less severe than dozens of cases around the world, and far less severe, for example, than the repression of Kurds by NATO member Turkey. Kosovo Albanians had their own radio and TV stations, their own newspapers, their own schools. They could say what they wanted and organize freely. The border with Albania was virtually open, and a high percentage of Kosovo residents were illegal immigrants from Albania, refugees from the extreme poverty and social breakdown in that country. What the Kurds in Turkey would give for the conditions of the Kosovo Albanians before March 24th, 1999!

Many critics of NATO pointed out that far worse cases of ethnic persecution prevailed in dozens of countries. The NATO answer was that just because ten murderers get away with it, that's no reason why one murderer should not be apprehended. Whatever the merits of that argument as *justifying* Clinton's War, it does not *explain* it. Clinton knew perfectly well that he was attacking a democratic country with (in recent years) a comparatively good human rights record.

The Actual Reasons

Putting aside all sentiment and value judgments, what were the actual reasons for Clinton's War? Why did Clinton do it?

I have provisionally arrived at an eclectic, composite view. My view allows for both "personal" and "strategic" reasons, "improvised" and "conspiratorial" causes. Mark Rothschild has made out a very plausible case for Clinton's War as the implementation of NATO's new strategic concept. While Rothschild's argument gives an important part of the truth, I think it is too rigidly determinist.

NATO's true métier is to kill children from a distance, and avoid any fighting. That is NATO's strength, but also something of a constraint upon the exercise of that strength.

For example, his insistence that the bombing of the Chinese embassy must have been a deliberate part of the implementation of the strategic concept outruns the evidence. I don't rule out the possibility that this bombing was indeed deliberate, and a formidable case has been made for this by Jared Israel. But when all is said and done, what this amounts to is (1) that, as a "blunder," the embassy bombing was too outrageously stupid to be believable (in case you're wondering, any "old maps" would have shown this location to be open land with no buildings), and (2) the embassy bombing can be neatly fitted into the pursuit of the NATO strategic concept.

I maintain, however, that (1) the most extraordinary blunders do indeed occur, and are statistically inevitable in such a complex and messy operation as "Allied Force"; and (2) many imaginable events, most of which did not happen, could just as easily be neatly fitted into this or some other grand design. Furthermore, it was necessary to maintain some degree of popular support in the U.S. and Europe for the war, and the embassy bombing seriously risked undermining that important NATO goal.

History Is Filled With Blunders

As we look back at history, especially after all the documents have been declassified and the memoirs published, we find miscalculation, misconception, miscommunication, intrusion of personal idiosyncracies, ineptitude, and bad guesses.

Since that is what we find in the past, we now confront three possibilities: (1) The "grand design" was, in earlier periods, so deeply concealed that it can't be discerned amid

the apparent mistakes, even in hindsight; (2) International relations used to be full of mistakes, but just recently have been utterly transformed, and are now effectively subordinated to a grand design; (3) Now, as then, international politics is replete with mistakes. To me, the first two possibilities each appear implausible. Furthermore, many quite recent events, such as the U.S. intervention in Somalia, are very difficult to make sense of, except as comprising a large element of incompetence and bungling.

The arguments of the strategic determinists rather mirror those of the Clinton defenders, after Clinton had bombed a pharmaceuticals factory in Khartoum. The defenders said that this couldn't be a case of "wag the dog," since the Secretary of Defense and other respected politicians had endorsed Clinton's decision. The common assumption is the notion that the U.S. president is constrained to a single unique choice. But surely the U.S. president generally has a number of options, any one of which would receive the support of said respected politicians.

Having lost its Soviet enemy, NATO had to justify its continuation by inventing a new strategic concept. This concept is, implicitly, a new world empire, with a new world religion.

Like any executive, the president is hired to make decisions. Naturally, some decisions would be considered so outrageous they would lead to embarrassing resignations, or worse. But the president always has a range of options. Without lengthy preparations, Clinton would have found it harder to make a case to bomb, say, New Zealand. Milosevic and the Serbs have been demonized remorselessly since 1991 and even earlier. But Clinton did have a choice: he did not have to choose to bomb, and he chose to bomb.

The war decision was made earlier than March of 1999. The U.S. presented Yugoslavia with an ultimatum that the Yugoslavs could only reject. This was presumably deliberate on the part of the U.S. negotiating team. Far from this being anything to do with Slobodan Milosevic, if Milosevic had accepted Rambouillet, he would have swiftly been replaced, and the U.S. negotiators at Rambouillet must have known this. Whatever they may say in public, they are actually acquainted with the fact that Yugoslavia is a democratic state, and that no leader could survive the giving away of Kosovo, much less the whole of Yugoslavia, without a fight.

Either Clinton was behind this aggressive approach from the beginning, or he capitalized on it. His unusually corrupt presidency was endangered by the Chinese espionage/ Democratic fund-raising scandal, and he needed something to take that scandal off the front pages. The only possibility was a war, particularly appropriate because the espionage scandal was all about the weakening of America's military. And it worked. This is conjecture, but so is any alternative, and this one seems the most reasonable. Quite possibly, Clinton would not have started the bombing on March 24th if he could have foreseen how things would look one month later. But, from the standpoint of the Arkansas Rapist, all's well that ends well.

I don't know whether Clinton all along intended to produce hundreds of thousands of refugees by his bombing, a "humanitarian crisis" which could then be blamed on "Serb atrocities," or whether he stumbled into the humanitarian crisis, along with the military defeat of the KLA by the Yugoslavs, and then hit upon this expedient excuse for the humanitarian crisis he had created. I'm inclined to the latter view, for who would be confident in advance that enough people would be so gullible as to swallow such a preposterous piece of nonsense?

In making his decision, Clinton must have consulted public opinion and policy wonk opinion. Both Balkans experts and military leaders were overwhelmingly against the bombing, but a powerful movement of anti-Serbian bigotry had been developed in wonk and journalistic circles.

To some extent, key advisors in NATO may have believed some of their own propaganda. Just as anti-Semites may spread stories they know to be false, because they genuinely believe Jews to be evil, so anti-Serbians do the same thing. The faked atrocity at Racak was originally intended as NATO's justification for bombing. When this "atrocity" was called into question too soon, all mention of Racak was dropped by the Clinton administration. But probably the cumulative effect of bigoted anti-Serbian propaganda did convince some people whose wholehearted support Clinton could count on, thereby making his decision to bomb more likely.

The Strategic Background

Clinton had his own motives for bombing the civilians of Yugoslavia, and presumably other responsible agents, like Madeleine Albright, had similar motives of personal advantage or prejudice for facilitating this decision. The fact remains that Clinton bombed Yugoslavia, not New Zealand. A climate of opinion did exist, in both policy wonk and journalistic circles, favoring a war against Yugoslavia. In his 1992 presidential campaign, Clinton berated George Bush for being too soft on Milosevic and too reluctant to intervene in the Balkans. Margaret Thatcher used to talk like this, too, which is sufficient to account for Blair's bellicosity.

The new world religion is the belief-system of politically correct social workers. It is essentially ignorant, irrational, and vindictive. People must behave nicely or they will be bombed.

Any war requires two kinds of preparation: both general public opinion and the opinion of Washington policy wonks have to be cultivated. Neither of these is very difficult, but the latter is more important and takes more time. Whereas the general public need a bad guy, the wonks need a strategic perspective.

When the Soviet Union fell, and began to dismantle its military might, there was one remaining superpower. NATO had been the way in which the U.S. guaranteed Europe against being overrun by Soviet Russia. This had the inciden-

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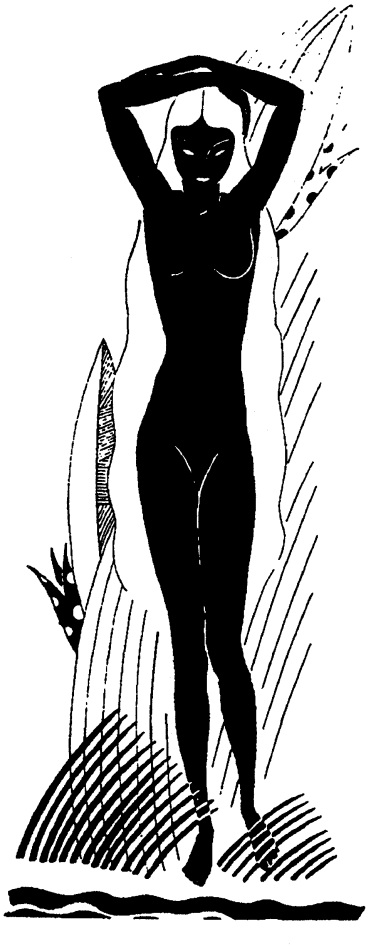

A novel by
David Gulbraa

tal advantage for Europe that the European countries could pursue political integration and military co-operation without being concerned about the military dominance of the bigger European nations, especially Germany.

According to Rothschild, the transition is now slowly being made to a European military force independent of the U.S., and NATO's bombing of Yugoslavia is part of the concomitant strategic game. Britain's posture becomes explicable as a reluctance to acknowledge that it is an outpost of the new German empire. This reading of the situation does explain a lot, but it leaves me puzzled as to why the continental European powers did not simply veto Clinton's war, forcing it to be called off or to become a more risky non-NATO, U.S.-British enterprise. The Germans must know that they do not need to fear a renewed Russian expansion for many years at least, and by the time that contingency arises, Germany, not the U.S., will have the decisive say in controlling Europe's armed forces.

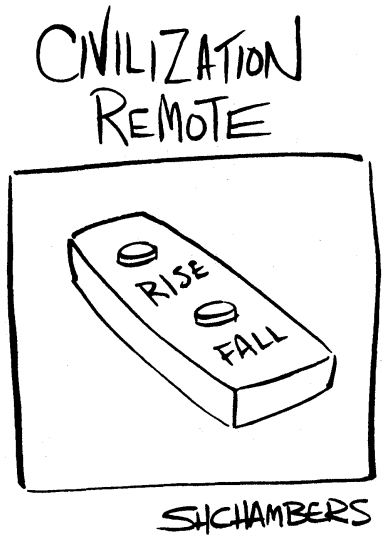

A New Empire and a New Religion

When there are two countervailing military superpowers holding each other in check, and one of these disappears, what will the survivor do? It can essentially scale back, disarm, and release a "peace dividend," or it can move forward into the power vacuum, to construct a world empire.

Once the question is posed in these simple terms, there is a kind of quasi-inevitability about the second option. Government agencies do not recommend their own reduction, much less dissolution. An entire bureaucracy does not readily countenance its own redundancy. The interests of these people make them amenable to the notion of finding a new role, a new strategic concept, to replace the older one which now has no relevance.

When Rome began to conquer the surrounding cities of Italy, the Romans presumably did not foresee that their descendants would rule everything from Britain to Egypt. But this outcome was in a sense implicit in their situation and in their characteristic response to their neighbors. There can be a "logic of the situation," which exists whether anyone recognizes it or not. There is a similar thrust in NATO's pursuit of a new world order, with the U.S. President as the ultimate arbiter of right and wrong, able to bomb any country with impunity.

Having lost its Soviet enemy, NATO had to justify its continuation by inventing a new strategic concept. This concept is, implicitly, a new world empire, with a new world religion. The new religion is involuntary therapy. The War on Drugs, a domestic war to modify people's behavior, a metaphor derived from international conflict, becomes in its turn the metaphor for future international conflicts. Perhaps in time the metaphors will converge, and the reasons for bombing will themselves be drug-related.

Just as domestic wars on drugs, gambling, racketeering, pornography, satanic ritual abuse, and religious "cults" lead to the overthrow of the rule of law, with its protections for the rights of individuals, so the new NATO strategic concept dispenses with such outmoded concepts as "sovereignty," "defense," and "aggression." It is enough to bomb a country's civilian population if its leader is considered a bad man, for example. The fact that the leader of NATO is in sober truth a perjuror, a rapist, a psychopath, and a mass murderer, is of no consequence, since in bombing people whose governments are doing bad things, his intentions are good, and he therefore becomes, in sacramental terms, a consecrated vessel of righteousness.

The new world religion is the belief-system of politically correct social workers. It is essentially ignorant, irrational, and vindictive. People must behave nicely or they will be bombed. What constitutes nice behavior changes with the winds of politically correct fashion, and whether people are behaving nicely is not, as a factual matter, determined with any great exactitude, as can be seen from the thirst to accept allegations of "Serb atrocities" on the flimsiest of evidence. Behind a smokescreen of therapeutic cant, there is the vicious demonization of human populations classified as legitimate targets for bombing: today the Yugoslavian people, tomorrow the Albanians, and after that, the Greeks, the Russians, the Chinese, and the Indians.

The innocent civilians are out there, a world full of them, millions upon millions, all just waiting to be bombed, as NATO crosses the bridge into the twenty-first century. ❑

Healy, "Liberty, States' Rights, and the Most Dangerous Amendment," *continued from page 17*

expressive freedom, setting new limits and mandating new extensions, perhaps even demanding reconstruction of the speech right itself." When this is properly understood, the state will be able to censor the speech of "dominant" classes, and forcibly reconstruct society to ensure "equal access to speech." Indeed, "the state will have as great a role in providing relief from injury to equality through speech and in giving equal access to speech as it now has in disciplining its power to intervene in that speech that manages to get itself expressed." Those who consider MacKinnon's words the irrelevant musings of a tenured law professor are unfamiliar with her successes in the area of sexual harassment law, and unfamiliar with the cachet her ideas have in the legal academy.

Given federal supremacy and the vast powers the Fourteenth Amendment confers on Congress and the courts, it matters little whether Roger Pilon is right about the amendment's original meaning. In the fight between Pilon and MacKinnon, on the battleground of American legal culture, I root for Pilon. But as a betting man, I would place my chips on MacKinnon. ❑

Dispatch

A Belgrade Spring

by Stephen Browne

Before the bombs fell, Belgrade was a city of romantic evenings, massive protests, and Gypsies strolling with bears.

I arrived in Belgrade early in 1997, when the demonstrations had been going on for only about a month. I came because I heard Slobodan Milosevic's secret police were leaning on a dissident friend, Tomas K. The theory was that if I were around, he would be safer: the police wouldn't want to murder him in front of a foreign witness.

Tomas met me at the train station and found me a cheap hotel. We went out that first night to survey the evening's demonstration at Republic Square, where virtually every citizen of Belgrade, unarmed, faced Slobodan Milosevic's armed thugs for three months. After we said good night, I hung around a corner in Old Town during "pandemonium half-hour." This was the time when the official government news broadcast came on. During that half hour, every night, the citizens of Belgrade made as much noise as they possibly could, with an ingenious variety of noisemakers, some home-made and some produced by a local cottage industry, to show their opinion of the government's version of the news.

On that corner I saw a group of students making a thunderous racket with drums, trumpets, and soda bottles with coins inside. A middle-aged gentleman banged away on a brass mortar with a pestle. A lady dressed in elegant fur walked up, pulled a hammer out of her handbag, and started walloping the side of a dumpster. Then an old hunched-over Babushka tottered up to the crowd beating on a metal soup bowl with a spoon.

After the half-hour was up and the crowd began to disperse, I decided to test their anti-American sentiments. A dog had come up to me to make friends, so I patted him on the head and said, loudly enough to be overheard, "Good boy, nice dog." As the people walked away, a slender and pretty young lady waved shyly and said, in English, "Good night."

Life in Belgrade, I could tell, was going to be interesting.

Settling In

In the following days Tomas helped me find a room to rent and introduced me to two schools that hired me to teach English. He also introduced me to members of the dissident community — the people who were to become my friends in the coming months.

I worked at a private school in New Belgrade and at the old and prestigious Institute for Foreign Languages in the Old Town. Before I could settle in to my new life, however, I needed to obtain the necessary permits.

Tomas took me to the local police station to register my residence (a requirement in all European countries — not just Communist ones). He warned me that it would probably be a time-consuming process, but to our relief it only took about ten minutes. As we walked outside Tomas explained, "That's Yugoslav tribalism for you. The police sergeant had the same rural accent as I do, so he hurried it through."

Getting a work permit was a little more difficult, and required several grueling visits to the central police station, in which I tried hard not to think about what goes on in the basement. With Tomas in tow, visits to the central police station were a little bizarre: the police officers who arrested him on a fairly regular basis assumed the attitude of an old acquaintance when he'd walk through the door. "Oh, hi Tomas," they would say. "How's the wife? How's the kids? Oh, he's going to teach at the Institute? Good, my son studies there."

It finally took the assistance of the Institute's lawyer, a striking woman who bore — with reasonably good humor — the name of Biljana Dracula, for me to get the necessary permits for my teaching jobs.

Money was another problem. My landlady specifically wanted Deutschemarks, which were hard to obtain, as Milosevic's regime had seized all foreign currency bank accounts to pay for its paramilitaries. Officially, you could

change money only in government banks, but they never had foreign currency available. When I told my colleague Mila, a raven-haired beauty who spoke English like a Brit, that I was worried about paying the rent, she laughed at me and said, "Oh Steve, nobody uses banks to change money." She took me to a shoe shop the size of a postage stamp for a little street education, Belgrade style. I had passed that little hovel every day wondering how it could possibly stay in business. With Mila in the lead, I found that shoe selling was merely a front for a thriving underground foreign currency exchange. My rent problem was solved.

Belgrade had an estimated 40,000 armed men on the streets every night, but it also had a thriving free press and opposition radio station.

Thus began my education in how to get by in a city that was simultaneously a police state and a lively center of dissident culture.

Dissidents in a Police State

Belgrade had an estimated 40,000 armed men on the streets every night, but it also had a thriving free press and opposition radio station. This was the paradox of Belgrade.

People openly expressed their disgust with the regime and didn't bother to lower their voices or look around to see who was listening. Milosevic had all the guns but was completely impotent to stifle dissent in his own capital. The best he could do was control the streets, which meant keeping the major traffic arteries open.

And he was never completely successful even at this. During the nightly demonstrations, paramilitaries recruited mostly from Bosnian Serb refugees of Croatian "ethnic cleansing" — men who could be counted on to have little sympathy for the city's dissidents — lined the edges of the streets to keep the crowds on the sidewalks. But they couldn't prevent people driving cars from honking their horns in solidarity with the crowds.

One night, I got on my regular trolleybus at a busy intersection in Old Town. The bus driver pulled into the intersection, stopped the bus diagonally across the streets, pulled the keys out of the dashboard, opened the doors and walked away! A second bus, and then a third did the same. It was a long walk home, but I was chuckling the whole way.

While the demonstrators generally had the run of Belgrade on those evenings, the threat of full-scale violence was never far. One night I found a line of paramilitaries blocking me from getting home. "Uh-oh," I thought. "Is this the night it happens?" I turned around and walked the other way, only to find it blocked off as well. I felt so threatened by the armed goons that I entertained wild thoughts of smashing a shop window and making a break for a roof. I finally decided to try my luck on a side street guarded by only a few of the infamous "blue beret" paramilitaries. They let me through, but their heavy eyes followed me home.

Aside from paramilitaries, the people I met in shops, restaurants and bars were always friendly. I picked up enough Serbian to get by. It helped that I spoke fair Polish and knew a few phrases of Bulgarian as well. The Slavic languages are quite a close family; Serbs, Bulgarians, Croats, Macedonians and Slovenians usually understand each other, with some difficulty depending on which dialect they use and on how linguistically sophisticated the speakers are. Nowadays the various nationalistic governments are deliberately trying to make the languages less understandable by combing the dialects for words that are unique to that place, and promoting them as the "official" words.

I very much regretted not speaking fluent Serbian. It would have come in handy when my students took me to cultural events, such as art exhibits. On one occasion a young artist even took me to a speakeasy. We walked to an interior courtyard in Old Town, knocked on a door and identified ourselves to a discreetly placed security camera. The converted apartment had its windows painted black. Inside were two rooms, a bar and a room with backgammon and chess sets at every table. It was a center for free and open discourse and I was incredibly frustrated that I couldn't fully participate in the Serbian tongue.

But one didn't need to seek out a speakeasy to find Belgrade's opposition movement. The openness with which Belgrade's opposition operated was shocking. I was interviewed by every opposition newspaper and by opposition station Radio B, mostly in connection with promoting the translations of two books by Ken Schoolland and Mary Ruwart written to explain the principles of freedom and free markets. Of course, my interviewers were curious as to exactly what an American was doing in Belgrade when he could have been in America.

At a press conferences arranged by the Classical Liberal wing of the opposition, held in an art gallery on a charming cobblestone street lined with nice restaurants, a lovely young journalist with perfect English asked me that precise question. I explained to her why the political and cultural processes of the transition to freedom in the ex-communist world fascinated me. I was pursuing a hunch, I told her, that the really interesting approaches to the eternal problem of how people are to live together in civilized society would come from one of the world's "trouble spots" where the situation seems hopeless. I told her that in the West, there is no incentive to experiment with radical approaches to organizing communities because things there work well enough.

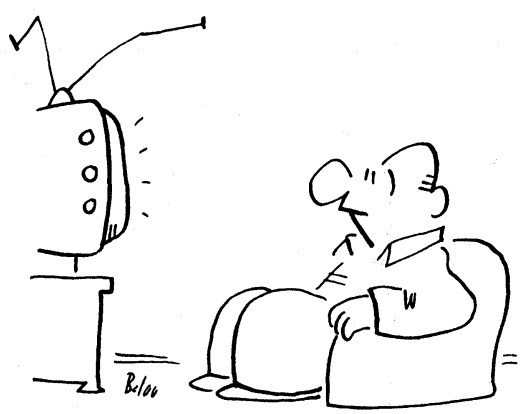

". . . And now for that great new neurotic game show, 'Justify Your Existence'! . . ."

While explaining this, I speculated on what might happen when Milosevic's regime fell. The young lady then asked me when I thought the regime would fall. Suddenly, the absurdity of the interview struck me, and I replied, "I can't believe we're having this conversation! Aren't we supposed to be doing this in whispers in a dark basement around a glittering candle?"

Later, a white-haired gentleman, a former diplomat, started asking me hostile questions about the New World Order, literally raving about how America was worse than Hitler and that if we destroyed his country they would take us with them. In the middle of this rant, his face almost scarlet, he abruptly calmed down and said apologetically, "Of course, I don't mean you personally."

After the press conference, we went out for a beer together. He turned out to be quite knowledgeable about American history and fluent in English. "I told James Baker to tell Franjo Tudjman, to wait! Five years, a hundred years, but not to secede now! When Croatian forces surrounded Yugoslav military bases and demanded their surrender, how else should they have reacted? How did Lincoln react to the attack on Fort Sumter?"he asked.

My impression was that, like many others, he was a passionate Yugoslavophile. In his childhood his parents had to hide him from the Croatian Ustashi, who were on a mission to wipe out Serbs and Jews. Like many, he came to see a unified Yugoslav state as a guard against inter-ethnic war, and saw its collapse as the collapse of his world.

One of my students was a prominent journalist on the dissident scene. (I won't describe him more closely; there have been reports of murders of dissident journalists there. I put a lot of effort into my teaching, and it pisses me off when people shoot my students.) He came to me for English lessons whenever his schedule permitted and we had a wonderful time going over texts from Thomas Jefferson. Once he quoted a colleague, who had said, "We don't need a better-organized opposition. We need one man with a rifle." We mulled that one over awhile, but eventually agreed that while violence against Milosevic was an attractive idea, experience shows that worse tyrants are usually waiting in the wings.

Not a Warlike People

My students and colleagues were not warlike in any real sense. One piece of wall graffiti read, in English, "If you lose your temper, you lose the argument. Non-violence Forever!" My favorite poster was of Arnold Schwarzenegger as the Terminator sitting on a Harley and holding up a red card. The legend read, "Hasta la vista, Comunista!"

Yet, if there is anything you learn by living in Eastern Europe, it's how different the city is from the country. Communism purported to promote equality and solidarity. In fact, under Communism class and ethnic distinctions deepened tremendously at the same time they were becoming weaker in the capitalist West. When the State is the primary agency of the distribution of resources, people must organize to seize control of the sources of wealth. The most logical way to organize is along lines of kinship and ethnicity. In a country that consists mostly of mountain tribal societies, this put resources of terrible destructive potential into the hands of tribal chieftains whose mental horizons are as bounded as the visual horizons of the mountains they came from.

I gave two presentations at the Belgrade Ethnographic Museum on the subject of "Weapons, Technology, and Culture", subtitled "Is the world becoming the Balkans?" I was invited back the following week to expand on my remarks. I stated that I had lived in Eastern Europe since 1991 with limited access to Western media and was quite prepared to make up my own mind about the situation in the Balkans. A professor there looked very sad and asked, "When you find out, will you please let us know?"

On another occasion, while walking home with a colleague, she asked me if I could give her some advice. The first thing I said was, "Tamara, how can I advise you? I'm not from here."

I found that shoe selling was merely a front for a thriving underground foreign currency exchange.

"Yes, Steve, but I trust your judgment. I'm working part time with an international bank and I have an immigrant visa to Canada. I'm thinking about asking them to wait a year so I can get enough experience to transfer to a branch in Canada. What do you think?"

"Tamara," I said, "I think you should do exactly that."

"I thought so Steve. I don't want to raise my children for the next war."

Tamara, wherever you are, I hope you didn't wait too long.

I remember my students, some of the best I've ever had. There was Alexandra, who quoted me in an essay, "As my teacher says, 'It's too late for elections and too soon for the revolution.'" She had been a government agricultural chemist who quit because she refused to label contaminated grain as fit for sale. I remember how she started a business with her last ten Deutschemarks. I had hoped to see it grow in a free economy.

I also remember how important it seemed to my colleagues that I understand what Communism had done to their country and their lives, and how they prayed for the fall of this last communist state in Europe. In the time I was there, they also became my friends. I remember how the assistant director of the Institute said, as I was leaving, "Please come back, Steve, but please don't marry that Polish girl." At the Galindo school they also invited me back, but they all thought I should marry that Polish girl.

I remember the life on the Sava and Danube rivers, the floating bars, cafes and restaurants. When my girl came from Poland to be with me for my book publication, I couldn't wait to take her to my favorite place, Vezba Raj the Willow Paradise. It is a small house trailer on a barge which served a delicious fish soup cooked in a huge cauldron over a fire on shore. You could sit at a table on deck on a summer afternoon and watch the Danube flow by.

I remember a party at the British Consul Library for the publication of my book for English students. Many of my

continued on page 30

History

Arms and the Greeks

by David Kopel

The founders didn't conjure up the right to bear arms out of thin air. They learned its value from the founders of Western civilization.

The creators of America's republican form of government did not make everything up as they went along. American political philosophy — including the right to keep and bear arms — was firmly grounded in historical experience and in the great works of philosophy from ancient Greece through 18th-century Britain.

The Declaration of Independence was derived from what Thomas Jefferson called, "the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc." What did Aristotle — the most influential philosopher of Western civilization — say about the right to arms? Quite a lot that still rings true today.

Aristotle was a student of Plato, and studied at Plato's Academy outside Athens.

The Founders of the American Republic were intimately familiar with the writings of both Plato and Aristotle. And while Plato and Aristotle disagreed about many things, they agreed on the importance of arms-bearing to a society's political structure: whoever controlled the arms would control the government.

Plato's greatest work of political philosophy is *The Republic*, written in the first part of the fourth century, BCE. In *The Republic*, Plato explains his theory for why societies always progress from oligarchy (rule by a small group of elite rich) to democracy (rule by the people) to despotism (rule by a single man). At each step, the control of arms is essential.

In an oligarchy, "They next proceed to make a law which fixes a sum of money as the qualification of citizenship; the sum is higher in one place and lower in another, as the oligarchy is more or less exclusive; and they allow no one whose property falls below the amount fixed to have any share in the government. These changes in the constitution they effect by force of arms, if intimidation has not already done their work" (*The Republic*, Book VIII — "Four Forms of Government," Benjamin Jowett transl.).

Plato points out one of the disadvantages of oligarchy: "Another discreditable feature is, that, for a like reason, they are incapable of carrying on any war. Either they arm the multitude, and then they are more afraid of them than of the enemy; or, if they do not call them out in the hour of battle, they are oligarchs indeed, few to fight as they are few to rule."

Eventually, the oligarchy is supplanted by democracy, "whether the revolution has been effected by arms, or whether fear has caused the opposite party to withdraw." In other words, either armed revolution or the credible threat of armed revolution causes the oligarchy to lose its power. But after a while, the people succumb to demagogy, and a tyrant arises. The tyrant does not begin his worst abuses until after he has disarmed his victims. In *The Republic*, which is a series of teacher-student dialogues, the teacher explains: "Then the parent (the people) will discover what a monster he has been fostering in his bosom; and, when he wants to drive him out, he will find that he is weak and his son (the tyrant) strong."

Student: "Why, you do not mean to say that the tyrant will use violence? What! Beat his father if he opposes him?" Teacher: "Yes, he will, having first disarmed him."

In Plato's ideal state, the one-man rule of a tyrant is replaced by the one-man rule of a philosopher-king. The king uses a professional military/police class — the Guardians — to keep everyone else in line. Like the people of the former Soviet Union, the common people of Plato's ideal state would be trained periodically (once a month) in use of arms, but would have no right to arms, and arms

would be centrally stored in state armories (Plato, *Laws*).

In Plato's utopia, "no one, man or woman, must ever be left without someone in charge of him; nobody must get into the habit of acting independently in either sham fighting or the real thing, and in peace and war alike we must give our constant attention and obedience to our leader. . ." (*Laws*).

The country most in harmony with Plato's theory of government is modern Singapore: tightly regulated, with a subject's entire life carefully controlled by a "benign" state.

Plato's most important philosophic descendent is the German Georg Wilhelm Friedrich Hegel (1770–1831). Hegel provided the intellectual foundation for fascism, seeing the state as sacred, and the individual as absolutely subservient to the state. (Hegel and Plato differed on many other issues, such as the basis of perception, but their politics were essentially similar.)

Like Plato, Aristotle considered arms a fundamental source of political power, but unlike Plato, Aristotle wanted ordinary people to possess this power. In Aristotle's book *Politics*, he argues that each citizen should work to earn his own living, should participate in political or legislative affairs, and should bear arms.

Aristotle criticized the theory of another philosopher (Hippodamus), who wanted a strict division of roles between skilled labor, agriculture, and defense: "But the husbandmen have no arms, and the artisans neither arms nor land, and therefore they become all but slaves of the warrior class" (Aristotle, *Politics*, translated by Benjamin Jowett).

Aristotle considered the possession of arms synonymous with possession of political power: "when the citizens at large administer the state for the common interest, the government is called by the generic name — a constitution . . . in a constitutional government the fighting-men have the supreme power, and those who possess arms are the citizens" (Book 3, ch VII).

The early American Republic essentially reflected Aristotle's scheme; the group of people liable for militia duty was roughly the same as the group of people eligible to vote.

Aristotle linked the development of democracy (rule by the people) with military innovations making foot soldiers relevant: "But when cities increased and the heavy armed (as opposed to the cavalry) grew in strength, more had a share in the government; and this is the reason why the states which we call constitutional governments have been hitherto called democracies" (all of the above quotations from Book 4, ch. XIII).

It was inevitable that control of arms would lead to control of the state: "since it is an impossible thing that those who are able to use or to resist force should be willing to remain always in subjection . . . those who carry arms can always determine the fate of the constitution" (Book 7, ch. IX).

Arms are essential to any good government: "Let us then enumerate the functions of a state, and we shall easily elicit what we want. . . . thirdly, there must be arms, for the members of a community have need of them, and in their own hands, too, in order to maintain authority both against disobedient subjects and against external assailants" (Book 7, ch. VIII). It was hardly surprising that dictators always disarmed their subjects: "As of oligarchy so of tyranny . . . Both mistrust the people, and therefore deprive them of their arms" (Book 5, ch X).

Sometimes the disarmament was not accomplished directly, but instead by encouraging people to neglect arms training. "The devices by which oligarchies deceive the people . . . relate to . . . (4) the use of arms; (5) gymnastic exercises. . . . Concerning (4) the possession of arms, and (5) gymnastic exercises, they legislate in a similar spirit [trying to keep the poor from participating]. For the poor are not obliged to have arms, but the rich are fined for not having them; and in like manner no penalty is inflicted on the poor for non-attendance at the gymnasium, and consequently, having nothing to fear, they do not attend, whereas the rich are liable to a fine, and therefore they take care to attend."

The discussion of the right to arms has followed the lines laid down by Plato and Aristotle; one side in favor of an unaccountable central government having all the arms and all the power; and the other side favoring rule by citizens who maintain their right to arms.

Theorizing the people who bear the burdens of government should be the ones who run the government, Aristotle wrote that "The government should be confined to those who carry arms." The early American Republic essentially reflected this scheme; the group of people liable for militia duty was roughly the same as the group of people eligible to vote.

In *The Athenian Constitution*, written about 350 BCE, Aristotle gives a political history of the city-state of Athens. Rediscovered in the late 19th century, *The Athenian Constitution* provides historical evidence for Aristotle's theory that tyrants aim to disarm the people. Although *The Athenian Constitution* was not available to the American Founders, many of the political events described in the book were known to the founders through other sources.

In the sixth century BCE, a tyrant named Pisistratus took over Athens. Aristotle explained how the tyrant obtained absolute power by disarming the people of every city he controlled:

> After his victory in the battle at Pallene he captured Athens, and when he had disarmed the people he at last had his tyranny securely established, and was able to take Naxos (a Greek island) and set up Lygdamis as ruler there. He effected the disarmament of the people in the following manner. He ordered a parade in full armour in the Theseum (a temple), and began to make a speech to the people. He spoke for a short time, until the people called out that they

> could not hear him, whereupon he bade them come up to the entrance of the Acropolis, in order that his voice might be better heard. Then, while he continued to speak to them at great length, men whom he had appointed for the purpose collected the arms and locked them up in the chambers of the Theseum hard by, and came and made a signal to him that it was done. Pisistratus accordingly, when he had finished the rest of what he had to say, told the people also what had happened to their arms; adding that they were not to be surprised or alarmed, but go home and attend to their private affairs, while he would himself for the future manage all the business of the state. (Aristotle, *The Athenian Constitution*, ch. 15, translated by Sir Frederic G. Kenyon)

Incidentally, Pisistratus maintained a peaceful foreign policy, "probably because he dared not allow the Athenian citizenry to bear arms in a major war," according to the *Encyclopedia Britannica*. Pisistratus was succeeded by his son Hippias. Hippias's younger brother Hipparchus was assassinated. "At first the government could find no clue to the conspiracy; for the current story, that Hippias made all who were taking part in the procession leave their arms, and then detected those who were carrying secret daggers, cannot be true, since at that time they did not bear arms in the processions, this being a custom instituted at a later period by the democracy" (*The Athenian Constitution*, ch. 18). In other words, carrying arms during a parade was an activity of freemen in a democracy, not of the subjects of a tyrant.

After Athens's defeat by Sparta in the Peloponnesian War, Sparta appointed the Thirty Tyrants to rule Athens in 404 BCE. Among this group of 30 was a long-time Athenian politician Theramenes, who had negotiated the peace with Sparta, but who opposed the more extreme measures of the Thirty. Aristotle explained how the Thirty Tyrants consolidated power, and how disarmament prepared the way for direct military rule:

> Thereupon the Thirty decided to disarm the bulk of the population and to get rid of Theramenes; which they did in the following way. They introduced two laws into the Council, which they commanded it to pass; the first of them gave the Thirty absolute power to put to death any citizen who was not included in the list of the Three Thousand, while the second disqualified all persons from participation in the franchise who should have assisted in the demolition of the fort of Eetioneia, or have acted in any way against the Four Hundred who had organized the previous oligarchy (which had ruled in 411 BCE). Theramenes had done both, and accordingly, when these laws were ratified, he became excluded from the franchise and the Thirty had full power to put him to death. Theramenes having been thus removed, they disarmed all the people except the Three Thousand, and in every respect showed a great advance in cruelty and crime. They also sent ambassadors to Lacedaemonian (Sparta) to blacken the character of Theramenes and to ask for help; and the Lacedaemonians, in answer to their appeal, sent Callibius as military governor with about seven hundred troops, who came and occupied the Acropolis. (ch. 37)

According to the *Encyclopedia Britannica*, "Aristotle, more than any other thinker, determined the orientation and the content of Western intellectual history." The discussion of the right to arms in the next 24 centuries has followed the lines laid down by Plato and Aristotle; one side in favor of an unaccountable central government having all the arms and all the power; and the other side favoring rule by citizens who maintain their right to arms. Whatever the issue *du jour* of the contemporary gun control debate (e.g., gun registration in Canada; gun locks in the United States; handgun confiscation in the United Kingdom), friends of civil liberty should never forget the ultimate issue that drives the gun control movement: the determination to make armed citizens into disarmed subjects of a powerful, sometimes benign, collection of people who call themselves the government. ❑

Browne, "A Belgrade Spring," *continued from page 27*

students and colleagues came, as well as a number of journalists. One young lady asked for my impressions of Belgrade. I told her, "This city is exasperating, and it can make you crazy. It's a lot of things, many of them contradictory. The one thing it isn't is dull."

Hey, where else can you take your girl for a walk across the Brotherhood and Unity Bridge and meet a Gypsy family out walking their bear?

NATO Destroys the Opposition

As I write these words, safely away from Yugoslavia and my friends there, I see Belgrade bombed on the evening news. To think that my friends could be killed by American bombs is horrifying. I know that something should be done about the horror story in the Balkans — what it is, I don't know. I don't have the answers, and the people who think they do scare me. I do know that the people who marched every night past armed men, while we waited to see if the order to fire on the crowds would be given, aren't easy to intimidate.

And I do know this: Bombing the heart of the resistance to Milosevic's regime is not the answer. Clinton has single-handedly done what Milosevic couldn't do — destroy the opposition and rally the people around him.

Make no mistake about it — I want to see Milosevic arrested, given a fair trial, and then hanged, right alongside his wife Mira, the "Red Queen," and his friends and accomplices. The only thing I'd enjoy better would be to hunt them with hounds.

But is it really necessary to bomb the innocent to get the guilty? I have often wondered in these past weeks how an overland invasion would have been received if there had been plenty of propaganda in advance, with the announced intention of coming in to arrest the tyrant and a solemn pledge to get out once it was accomplished. A warning, like: "Stand aside and let justice be done or stand in the way and get hurt." Casualties? For sure, maybe lots of them, but military casualties, not civilian. Is it possible they might have been welcomed in the city as liberators? We'll never know.

I am frustrated because the work of the brave men and women of the opposition has been destroyed by NATO. Those who remain will probably want to give up and emigrate.

Today, CNN reports that an opposition editor has been gunned down. I wonder if it is one of my students, one of my friends. ❑

Comparison

A Kinder, Gentler, "Judgment Day"

by Bryan Register

Ten years can make a big difference.

Nathaniel Branden met Ayn Rand after writing her a fan letter in 1949. He quickly became the famous writer's student, friend, and lover. Their relationship ended suddenly in 1968. In 1989, Branden told the story in a memoir called *Judgment Day*. Now he has published a revised edition of the memoir, with a new title, *My Years With Ayn Rand*, and people are bound to wonder how New Branden differs from Old Branden.

In some respects, the new is plainly better than the old. Branden has deleted irrelevant material, rewritten some passages to enhance clarity, added an index, and made many minor changes to improve readability. But the new title hints at other, more interesting, alterations. Branden gives his colleagues and lovers a new trial, and the new verdict is gentler. Branden remains the main character, but his kinder and gentler treatment of his friends makes him seem more responsible and honest.

Let's examine some specific changes.*

Some of them involve the omission of unfavorable commentary on former close associates, such as psychotherapist Allan Blumenthal, Nathaniel's cousin, and Allan's wife Joan, both longtime associates of Rand. In *Judgment Day*, Allan plays a larger part than he does in *My Years With Ayn Rand*. Many passages that portray him as a conformist have gone, along with a passage in which Branden reported that in the mid-1960s

> Allan and Joan had their own private sphere where, I heard, they . . . reign[ed] like king and queen. . . . The central focus in this circle was the arts. Barbara and I wondered about the fact that so many of the men in the group were homosexual. A member of the circle subsequently told me, "We got the message that Joan was supposed to represent well-realized femininity, and through her we might learn to understand women better."
>
> Since I had sponsored him, I was happy when people communicated to me that Allan had significantly helped them. On the other hand, I was uneasy about a joke that began to circulate, to the effect that if [Rand's novelistic hero, individualist] Howard Roark had gone to Allan Blumenthal for advice, Allan would have told him not to be so pretentious and to give more serious thought to being practical and earning a living. . . . (298/260)

But there is another passage, retained in the new edition, which suggests that Nathaniel's attitude toward Allan hasn't changed all that much. It seems that after Nathaniel told Rand, in 1968, that he would no longer have an affair with her, but before their final break, she made him consult with Allan as a psychologist:

> I began by telling Allan the story of my relationship with [Branden's wife] Barbara, because that was where it all began, and I spoke of the years of loneliness and sexual frustration, both before and after the romance with Ayn. "The trouble with you, Nathan," Allan informed me, "is that you attach too much importance to sex."
>
> Why am I telling this eunuch anything? I thought in revulsion. (381/338)

Allan still seems pretty low on Nathaniel's scale — but not as low as Leonard Peikoff, the last man left standing in Rand's inner circle, from which so many people were expelled. Peikoff is Rand's "intellectual heir" and the inheritor of her estate. As an intransigent true believer, he provides

* Parenthetical citations of page references from the two memoirs list page numbers from *Judgment Day: My Years With Ayn Rand* (Houghton Mifflin, 1989) first, followed by page numbers from *My Years With Ayn Rand* (Jossey-Bass, 1999).

a rather easier target than the other members of the original circle.

Branden does let up on him a bit. We lose, for instance, Branden's impressions on first meeting Peikoff — "a nervous, high-strung boy, gloomy and in doubt about virtually every aspect of himself" (36/29), though the first time he appears in the new edition he is still seen as "high-strung [and] chronically anxious" (71/60).

At one point, Branden removes an invidious comparison of Peikoff to Joan Blumenthal. According to Branden, both of them presented a problem in the understanding of people's psychological interactions with others and with Rand's philosophy, Objectivism. In '89, Peikoff "represented a far greater challenge to my understanding [than Joan] because I considered his a better mind" (128/110). "Because I considered his a better mind" disappears in the '99 memoir. The first book includes a piece of dialogue (184–185/158) in which Branden says, "Sure, but Leonard is very intelligent," and Rand replies "Yes, he is. That's why I can't understand why he doesn't seem to be able to hang on to his own knowledge." The second memoir removes this exchange.

In the '89 memoir, Branden took credit for defending people against Rand's angry denunciations. This is now tempered with an admission: "On the other hand, there were times when I was fully as guilty as Ayn of such tantrums. Was I not her alter ego?"

Branden also deletes this paragraph:

> It was difficult not to become impatient with Leonard, and sometimes Rand became so angry that Leonard would pale with terror. "What's the matter with you?" she would thunder. "Can't you hold any context whatsoever? Can't you see that you've been conned by a lousy equivocation, plus a whole series of unjustified assumptions? I thought we cleared all this up months ago!" Seeing the expression of misery and desperately conscientious attentiveness on Leonard's face, I could feel only sympathy for him. Poor Leonard, I thought, and tried to inject a calming note into the discussion. I could understand Ayn's frustration better than her rage, which seemed vaguely anxious, as if she was afraid she would lose Leonard to "the irrational." (185/159)

No threat of that. As this now-excised passage shows, Peikoff was the most excited of the inner circle about the effects of Randian rationalism:

> Everyone was optimistic about the impact of [Rand's philosophical novel] *Atlas Shrugged* . . . on our culture, but Leonard's projections were so extravagantly wild that they bordered on hysteria. He spoke of the conversion of the country to laissez-faire capitalism and the ideals of individualism "within a year of the publication of the novel."
> . . . "I feel sympathy for Leonard," Ayn once said to me, "because there's a part of me that *wants* life to be as simple as Leonard thinks it is." (186/159)

Leonard's overexuberance — and some of Branden's — dissipates in '99. Gone is this passage regarding one of the inner circle's criticism sessions:

> I recall an evening, for example, when the person facing charges was not a member of our circle but a girlfriend of Leonard's, a young, aspiring actress, who professed to be a passionate admirer of Objectivism and who had somehow wronged Leonard. . . . I became an avenging angel. . . . Leonard looked righteous and wounded . . . and Ayn listened eagerly, clapping her hands in appreciation of my theatrically lucid formulations. (264/235)

Certain new passages, however, put Peikoff in a distinctly bad light. Discussing the 1968 break, Branden inserts into the '99 memoir the following paragraph about the rewriting of history:

> Years later, as the new "leader" of the Objectivist movement, Leonard Peikoff would do everything possible to make Ayn's admirers forget that Nathaniel Branden Institute [which Branden formed to propagate Rand's ideas] — or Nathaniel Branden — had ever existed or had any significance in Ayn's life. (396/354)

Branden may be referring specifically to the Peikoff-approved, Academy-Award nominated documentary *Ayn Rand: A Sense of Life* and its accompanying book. In the book, Nathaniel and the NBI are mentioned on exactly two pages, and this reflects the amount of time that the film spends on this part of Rand's life.

Another new passage responds to Peikoff's approval of some portions of Rand's journals for edited publication. "In later years," Branden says,

> Leonard would be anointed Ayn's "intellectual heir," as well as financial heir, and would surround himself with a group of true believers. They would rise to new heights of ruthlessness and hysteria in excommunicating deviationists and people who asked threatening questions. In converting the Rand legacy into personal cash, Leonard would display an imaginativeness that few people would have anticipated. For example, he published highly personal notes of Ayn's, taken from her journals, that were never meant to be shared with the world. The impression conveyed was that, after years of obsequious self-abnegation in Ayn's service, it was payback time for Leonard. He felt entitled. (409/364)

Here irony seems lost on Branden, who condemns Peikoff for publishing Rand's notes, but who himself wrote an account of having sex with her.

One of the most interesting relationships in Rand's circle was that between Nathaniel and his wife Barbara, a relationship that has been described not only by him but also by her, in her important 1986 biography, *The Passion of Ayn Rand*, Nathaniel's first memoir depicts Barbara as an unmotivated woman who was thoroughly dependent on him. In the second memoir, she is more autonomous and more important to his professional success and personal happiness. The treatment is more sensitive and sympathetic.

Did Branden's arrogance and influence lead to the formation of a "Rand cult"?

In this connection, the new wording of the Author's

Note is interesting:

> With regard to correcting factual errors and eliminating some unintended and misleading implications, I especially want to thank Barbara Branden for her input. She invested considerable time and energy in this effort, and it is much appreciated. This acknowledgment, however, carries no implication that she would agree with all the viewpoints expressed in this book; she would not. (x/viii)

There has to be an interesting story about the two of them dealing with one another in the course of revision.

Be that as it may, let's look at some of the revisions. Branden removes this passage from the first page devoted to their relationship: "I somehow gathered that she had had more experience with men than I had had with women . . ." (30/24) Now he writes that Barabara "had given me an exaggerated idea of what her experiences had been. Wilfred, for one, had never actually been her lover" (35/29). Other passages that discussed Barbara's fictitious experiences are removed, such as this one:

> The fact that she had had a few affairs was not the problem. What was hardest for me, and ultimately most damaging, was not her "promiscuity" but the guilt that lay behind it. (36/29)

It is odd that Nathaniel would have made factual errors such as these. Didn't he ever ask Barbara what was the truth?

He does move, however, toward accepting greater responsibility for the poor quality of their relationship. He inserts this paragraph:

> I had it in me to be insensitive and critical at times without knowing it. Although I no longer remember my words, I am sure I said some things to Barbara that were unkind and inappropriately judgmental, reflecting my own fears about the instability of our relationship. (34/28)

He also changes a sentence about Rand's commitment to helping the Brandens' relationship — "Later, I would wonder why Ayn was so intent on saving my relationship with Barbara, given the nature of Barbara's problems" — so that it concludes with the words, "Barbara's and my problems." (102/87) Barbara becomes much less of a fanatical confessor of problems, and Nathaniel makes his own confessions:

> I felt at times that Ayn and I were placing Barbara in a humiliating position to which no one should be subjected. Yet, under the circumstances, I could not envision an alternative. It is easy enough now to see that the kindest and most rational thing I could have done was to wish Barbara well and suggest that we go our separate ways. How much suffering I would have spared us both!
>
> There were occasions when I grilled her unmercifully about past activities, driven by my own terror of losing her to "an alien world." We were two hurt and damaged people, hurting and damaging each other, and not knowing what to do about it. We looked to Ayn for a miracle. (115/96)

Such insertions, of which there are several, make the book itself more responsible. Thinking over the affair that he conducted with Rand, Nathaniel inserts this sentence about the way they treated their spouses: "In retrospect, I am horrified by our irresponsible unconsciousness" (160/138).

Nathaniel's changes in his portrayal of Barbara extend to his description of her eyes, which were hazel in his 1989 account, but green now (118/100). More importantly, Barbara becomes a more substantial person in this memoir. In the '89 edition, Nathaniel and Barbara have a talk about her inability to begin to write a novel. The problem is chalked up to her tragic sense of life. That passage is now removed and replaced with this:

> Actually, Barbara was working such long hours on her job that writing a novel would have been challenging under even more benign circumstances. However, apart from that, today I can see how extraordinarily difficult it would be for any young person just starting out to write a novel in the environment in which we lived, given Ayn's repressive judgment and intimidating personality. As Barbara would observe to me in later years, it was not an environment in which to discover one's own voice. (209–210/180–181)

Nathaniel wrote in '89 that after a final attempt by Nathaniel and Barbara to solve their marital problems, he thought,

Nathaniel's first memoir depicts Barbara as a thoroughly unmotivated and dependent woman. In the second memoir, she is autonomous and important to his professional success.

"Are you not the man who teaches that all roads lead to self-esteem? [Barbara]'s was tied, in part, to what I brought to our bed — even if, as a woman, she wants a different kind of man" (361/321). This passage is deleted, allowing Barbara's self-esteem not to be dependent on sex with Nathaniel.

Now we learn that it was Barbara who thought to advertise the Nathaniel Branden Institute in *The New York Times* (237/206), and it was she who kept the copy of the NBI mailing list after the break with Rand (408/365). Nathaniel used that list to form his psychology practice when he moved to California. Very significantly, Barbara is given credit for the concept of "psychoepistemology" (237/208, 367/326), ("237 and 367/208 and 326), an innovation that previously had been noted only in a footnote on page 98 of Nathaniel's first independent book, *The Psychology of Self-Esteem*.

The Brandens' early book *Who Is Ayn Rand?* contains a biographical essay by Barbara. Nathaniel says that he proposed that Barbara write that essay, but he removes the self-aggrandizing phrase "I saw a way to launch Barbara as a writer." When discussing the talks that they had with Rand to record material for the essay, he adds that "Barbara asked the majority of the questions, because this was her project" (282/249).

Barbara now comes across as a kinder and better-tempered person than the other members of the inner circle. Nathaniel says that "Barbara often tempered her severity with some measure of warmth . . ." (242/213). When Nathaniel reports to Barbara on his successful friendship with the woman who would become his second wife, Barbara "projected nothing but happiness for me, total and absolute benevolence" (321/283).

In the new memoir, Barbara is sexually trustworthy. When an old flame of hers joins the NBI staff, Nathaniel writes: "I knew that they would not have an affair in secret,

without my knowledge and consent" (319/281). She compares well with Nathaniel, who was at this time beginning his affair with Patrecia in secret. He does, of course, give reasons for his secrecy.

In the '89 memoir, when Barbara tries to persuade Nathaniel not to tell Ayn that he is no longer interested in her sexually, Nathaniel says,

> I nodded in exhausted acquiescence; but my survivor-self contemplated Barbara as from a great distance, thinking: So. Well, well, well. We are all operators, it seems.(374/331)

This accusation is now deleted, allowing for the possibility that Barbara had sincere motivations.

When the inevitable break did happen, Barbara came to Nathaniel with Rand's (unreasonable) terms for disengagement. In the '89 memoir, Nathaniel suggested that these terms were something that Barbara was happy with; now, he says, "At that moment I did not know the extent to which Barbara did not want any of it, either" (390/347). One of the terms, perhaps the most unreasonable, involved Nathaniel's signing over to Rand his ownership of half of *The Objectivist*, their monthly journal. With that ownership went the copyrights to his papers, which he had written to form the bulk of his book *The Psychology of Self-Esteem*. Barbara helped persuade Nathaniel that Rand would respect his rights to his articles, but Rand did not, and Nathaniel eventually had to work through the law to get the rights back. In '89, Nathaniel wrote, "When I told Barbara and Wilfred [who had helped Barbara persuade him] the news, I waited for one of them to acknowledge some regret for their role on the night I signed over to Ayn my interest in the magazine. Neither of them said a word, not then or at any time since" (400–1/357). Perhaps, in the interim, they have finally spoken.

In a section giving more depth to Nathaniel's and Barbara's relationship after the break, Nathaniel tells us that Barbara spent a great deal of time helping to defend him against Rand's false charges made in front of Objectivist groups (412/368). Barbara takes care of the arrangements when Nathaniel's second wife, Patrecia, passes away (428/387). Reference to a rather embarrassing alimony fight is removed (416/372).

But what about Ayn Rand, the center of the circle? She is the least changed major figure in the book. But some interesting changes are made. For instance, this paragraph is removed from a passage about sexual relations:

> At one point I lay still, leaving all action and initiative to her, then suddenly rolled over and immobilized her, reversing the flow of energy, moving in a way that answered the greed in each of us — knowing that this was precisely what she wanted. I was in exquisite alignment with her and with the deepest meaning of sex as I perceived it. (162/140)

To me and probably to other members of the very youngest generation of libertarians, that scene (the most explicit in the book) is like hearing about one's grandmother's sex life; I am relieved that it is gone.

On one hand, there are new allegations that Rand supported Nathaniel's and Barbara's marriage as a trick:

> And yet Ayn seemed keenly interested in seeing my marriage to Barbara preserved, in spite of the negative observations Ayn made from time to time. It did not enter my mind that she would see Barbara as safe, as no conceivable threat to her, whereas a more happily passionate marriage would change Ayn's place in my life. Only years after the break with Ayn did I suspect that my relationship with Barbara had been convenient for Ayn. Barbara was manageable. (286/250)

On the other hand, there are new attempts to understand and excuse Rand's conduct. In '89, Nathaniel says, "If Ayn is 'insane,' I told myself, I have contributed to it." In '99, he says, "If Ayn is becoming more and more agitated and irrational, I told myself, I have contributed to it" (372/329).

Any literary attempt to recreate the past is fallible, and occasionally one wonders how fallible Branden's effort to recreate Ayn Rand really is. Consider the following episode. While Rand was writing *Atlas* and she and Branden were having their affair, he hit one day on his notion of self-esteem as the combination of a sense of efficacy and worth. He describes himself as running to Rand's apartment to tell her about it, only to discover that she has written about the same thing in the Galt's Speech section of the novel. She says to him: "Look how rational minds arrive at the same point. Are we or are we not brain mates?" In the new version, Branden adds: "Wasn't our romance inevitable?" (175/149) This raises an interesting question about the quotations in the book. It would be very odd for Branden's memory to improve over the past ten years. Why, then, does this line not appear in the '89 edition? To be sure, he does say that the quotations are not to be taken as gospel; they are his best recollection and he guarantees that they fit only with the spirit of a person's utterances.

But the most important issue is Branden's attempts at evaluation of Rand, and of himself. He now deletes from his memoir the following assessment of Rand: "Today I would say that she had attained a superlatively high degree of individuation" (212/184). He may be wise in believing this no longer. Clearly, Rand was psychologically damaged by her childhood experiences as an overbright, unattractive girl who didn't fit well with her parents' expectations and didn't get along well with people in general. Better perhaps to say that she did her best with what she had than to say that she was superlatively individuated.

For several years, a ten-page segment that was not printed in the '89 memoir has been available on Branden's web page. That segment, which details several encounters, very late in Rand's life, between her and Branden's third and current wife Devers, is part of the Epilogue of the '99 memoir. The Epilogue introduces an assessment of Rand that appears in neither the '89 memoir nor the web document:

> Here is what I believe: Ayn was a great thinker and a great woman. She was also a struggling human being, as we all are. If one cannot understand her in her humanity, shortcomings included, one cannot fully appreciate her greatness; one cannot know Ayn Rand. (433/402)

One would like to be able to say that this should be taken very seriously, because Branden knew Rand better than anyone else and the assessment comes at a moment when bitterness has been dropped. But the same assessment holds of every important figure; it tells us nothing we didn't already know. An opportunity for deeper insight has been lost.

Let us turn to Branden's new takes on his own earlier self. In '89, he printed a great many things that people had

continued on page 44

Is Internet Privacy Overrated?

by Declan McCullagh

Set your browsers on stun.

Robert Pitofsky says he wants to help your children. "Protecting kids who surf the Internet has been a top priority," says the antitrust lawyer-turned-chairman of the Federal Trade Commission.

Last month he and the other FTC commissioners laid out a painstakingly detailed 55-page plan that lets the government regulate Web sites in the name of protecting the public.

One odd result: The scheme robs us of our own privacy in the name of preserving our children's. Parents must hand over personal info like their names and addresses — the idea is to get an adult's OK — before kids can enter Web sites like Jelly Belly's jellybeans online.

Wacky? Sure. Incoherent? Definitely. Is shielding kids from jelly bean cartoons a good use of the FTC's time? Probably not. But more extreme proposals to regulate the Internet make even Pitofsky's look sensible.

Take Rep. Bruce Vento, (D-MN). His Consumer Internet Privacy Protection Act last month was referred to a House Commerce subcommittee. The legislation says Web sites may no longer share "personally identifiable information" about their visitors without prior "written consent."

Written consent? We're talking about demanding a paper letter and an envelope and a signature here, folks — a scheme that makes about as much sense as insisting you sign your John Hancock with a quill pen. And, yes, Vento's chronologically-backward bill applies even to Net-savvy adults itching to sign up to physical or electronic mailing lists to receive news, sports scores, or discount offers at their local hardware store. Suffice it to say that the measure is not exactly a boon to electronic commerce.

Privacy Debates Heat Up in Washington

Whether Vento's plan will succeed or not is an open question. But one thing that is certain is that privacy has emerged as one of the hottest topics in Washington, causing legislators to stumble over each other in a bull-headed stampede to do something, anything, without considering the long-term consequences.

Public opinion is spurring politicians along. Over a quarter million irate Americans complained about federal bank snooping rules, and new government DNA databases are causing more jitters than a case of Jolt Cola.

Polls showing Americans fret about their privacy seem to echo this concern. One survey found that 81% of Net users are concerned about threats to privacy online. In another, 72.2% of Americans polled said there should be new "Internet privacy laws."

One problem with these polls, though, is that talking abstractly about privacy is a pointless exercise. If you ask would-be car buyers if they value low prices, you'll get general agreement. But if you broaden your query to include safety, fuel efficiency, performance and reliability, you will likely hear that those options easily justify a higher sticker price.

So it is with privacy. The polls do not explain the downside of regulations. Imposing draconian new rules on marketing and information sharing would raise costs to consumers, particularly the less affluent who rely more on free or low-cost services supported by advertising. By hurting startups that would otherwise rent mailing lists, regulation hands established firms an unfair advantage.

Don't get me wrong. It is natural to be a little nervous about privacy. But nobody — except the government — can

force you against your will to hand over your personal information online. If you do not feel comfortable giving information to a Web site, you have got plenty of other options. Do not type it in. Do not go there anymore. Sign up with a service like anonymizer.com. Or lie.

The Economics of Privacy

In a free society, government regulation should be a last resort. Economists generally agree that the government should step in only when the free market has a glaringly obvious problem.

But when it comes to privacy, so-called market failures generally occur when federal bureaucrats and privacy advocates disagree with choices consumers have made. By and large, the bulk of consumers do not care as much about online privacy as they claim in polls. Web sites without privacy policies have received thousands of e-mail addresses typed in by people hoping to get daily or weekly updates on topics they care about.

If you do not feel comfortable giving information to a Web site, you have got plenty of other options. Do not type it in. Do not go there anymore. Sign up with a service like anonymizer.com. Or lie.

But most large companies do tell you what they will do with information you provide. It should be obvious that the goals of Internet entrepreneurs are pretty simple: To make money, to burnish their firm's reputation, to boost its market valuation. Anything that helps them lure consumers to Web sites and keep them there will help — and entrepreneurs are smart enough to puzzle out if privacy policies and limits on reselling personal information will be attractive or not. In the Internet economy, stock prices are valued with an eye to future visits and future traffic — and there is no single better way to prevent that from happening than losing your customers' confidence by misusing their personal data.

In other words, more than most businesses, Web sites are unusually subject to the supremacy of consumers. Every day, companies are forced to adjust their content and business model so visitors will find their Web sites alluring. As Austrian economist Ludwig von Mises wrote: "If they fail in these endeavors, they suffer losses and must, if they do not succeed in amending their methods, go out of business." Or at least watch their stock price plummet as a flood of e-mail from angry investors arrives.

Why Privacy Is Overrated

European-style regulations of information collection would have a tremendous negative economic impact. It is no accident that the Internet has flourished the most in the U.S., a country with limited regulation compared to European states, and certainly nothing as invasive as the European Data Directive. European regulators have barred American Airlines, for instance, from transferring customer information from Sweden to its SABRE reservation system in the U.S.

Arguments for intervention aren't supported by either theory or experience. The much-reviled "privacy intrusions" by corporations generally are far from the enemy of the consumer. In many cases, they are essential to providing the zero-cost content Internet users have come to expect. Compiling personal information lets businesses become more efficient and produce only products that people want. It reduces waste — who wants to get tons of glossy catalogs featuring products they care nothing about? It also helps in customization, as anyone who uses my.yahoo.com knows.

Don Boudreaux, president of the Foundation for Economic Education, likens customization to a good tailor. "Wealthy people get custom shirts, custom-made shoes, and a lot of custom-made items. They take your measurements and keep your name on file," he says. "What this new technology is doing is making it easier for merchants to give the same benefits of customization that were only available to the wealthy before."

It makes sense, of course, to be suspicious of government collection of information. When the Feds step in, consumers don't have a choice — they get a one-size-fits-all rule. Government plans like the creation of an air traveler profiling system announced last week, and the recent trend toward larger and larger government databases, should give any thoughtful person cause for concern.

But far too often, government databases you're unwillingly entered into are equated with databases of private-sector companies to which you give information voluntarily. Not helping matters is the fact that the privacy debate has been dominated by an alphabet soup of liberal groups like the ACLU, Electronic Privacy Information Center, Computer Professionals for Social Responsibility, Center for Democracy and Technology, Privacy International, and Electronic Freedom Foundation, all of which have busied themselves for the last decade demanding increased government regulation of businesses. Even prominent Republicans have joined the chorus. At the Computers, Freedom and Privacy conference last month in Washington, Rep. Bob Barr (R-Georgia) said information collection by businesses needed to be regulated. High-tech firms have been unwilling to stand up for their First Amendment rights to gather and share information, rights that privacy regulations often conflict with.

"Nobody has a vested emotional interest in debunking these arguments," says Eugene Volokh, a UCLA law professor specializing in the Internet. "Businesses care about the bottom line, not politics."

Many privacy advocates also are instinctively hostile to high-tech firms. Like early 20th century socialists, they claim the institutions of a market economy can be easily abused by corporate overlords. Recently in an article about Amazon.com's purchase of Alexa Internet, Evan Hendricks, editor of *Privacy Times*, compared the online bookseller to Big Brother. "They are putting their customers under surveillance," Hendricks said. "Amazon.com customers will be at the mercy of Amazon."

Not quite. Hendricks doesn't seem to have heard about BarnesandNoble.com. ❑

Confession

I Was a Small-Town Regulator

by Charles Platt

What happens when a jaded cosmopolite moves to Jerome, Arizona?

After living in New York City for 27 years, I was ready for a radical change, and my significant other was willing to humor me. On a whim we bought a house in Jerome, Arizona — a former mining town now populated largely by artists and ex-hippies who offer their wares to tourists passing through.

The realtor who sold us our new home also turned out to serve as the local mayor, and was happy to discuss his role in microgovernment. "I decided to run for office," he told me, "because in a place as small as this, you really can make a difference."

I thought about that. In New York, my dealings with its corrupt, unresponsive, incompetent bureaucracy had triggered emotions ranging from inarticulate frustration to impotent fury. But in Jerome, where the total population was less than 500, how bad could government be? Surely the minuscule tax base would minimize waste, while councillors would be constrained by their close proximity to the electorate. Any time they introduced an agenda item or cast a vote, they'd know they would have to justify their actions to their neighbors the next day.

In fact, the political process here might be so benign, I could actually participate in it without feeling unclean. If our mayor/realtor was correct, and one person really could make a difference — didn't I have an ethical obligation to push in a libertarian direction?

I assumed I would have to spend a few years settling in and getting to know the place before I could become actively involved. But this turned out to be untrue; a craftsman renovating our house told me I could apply right away for a seat that was currently available on the Design Review Board. The town was so eager for volunteers, that if I had some background in design and an interest in architecture (which I did), my newcomer status wouldn't matter.

I checked the history of "DRB" and discovered it had been established about 20 years ago, around the time Jerome was designated a National Historic Landmark. DRB's mission was to protect the town's historic status by interpreting and enforcing ordinances discouraging metal-framed windows, garish colors, neon signs, and other modernities. Even if historic materials were used, DRB could still disallow anything that was "visually incompatible."

This worried me. Interfering with the rights of property owners was bad enough; attempting to legislate aesthetics sounded worse. On the other hand — hadn't I moved here partly because I loved the old buildings? Didn't I want to see them preserved? When I learned that DRB operated in a low-key fashion, nudging people to cooperate on the honor system rather than flexing the strong arm of the law, I wondered if my libertarian ideals were simply not relevant in a community as small as this.

There was only one way to find out. I volunteered, and my application was approved.

I Propose Reforms

At the next DRB meeting I joined five other board members on a low plywood dais behind a homemade plywood desk, facing a dozen folding metal chairs where members of the public sat to seek permission for renovation and construction projects. After a lifetime of viewing government with deep distrust, I felt weird participating in its processes (albeit at the lowest possible level). I wondered if my new position of petty authority might uncover unsuspected character flaws. If I had to deal with people I didn't like, would I find myself saying "no" to them out of spite? Would I feel

tempted to give them a hard time?

As I leafed through the design proposals, I experienced none of these temptations. Just the opposite: I felt embarrassed to be part of a system which inflicted a ritual of aesthetic nitpicking on hapless applicants. My gut reflex was to ignore the ordinances and approve absolutely everything.

On the other hand, I did want to preserve the look of the town. Also, I had promised to enforce the ordinances, and I don't make a habit of breaking promises. But I wasn't very enthusiastic about keeping a promise to victimize innocent landowners.

Fortunately, in Jerome, most citizens who approach DRB know the rules and don't surrender their $75 filing fee unless they're confident of receiving approval. At my first DRB meeting, every proposal conformed with regulations and was easily acceptable. The same turned out to be true at the next meeting, and the one after that. With relief I found that I could say "yes" to everything without violating the law, my pledge to uphold it, or my convictions.

In Jerome, where the total population was less than 500, how bad could government be?

The process itself, though, still bothered me. Many applicants clearly resented DRB's intrusion into their lives, and as I got to know more Jerome residents, I found that a lot of them despised the "elitists" who had the power to approve or disapprove anything from picket fences to entire houses.

This adversarial relationship was bad for the community. Jerome would benefit if its heritage could be protected, somehow, without resorting to legislation. I wondered if tort law could be substituted for ordinances. The town's historic appearance does have monetary value, since it attracts tourists whose spending sustains the community. Therefore, I imagined that if the architecture were degraded, the town and its business owners would suffer a loss for which they could claim compensation. But this was hopelessly theoretical; there was no practical way to compute such a loss or prove its source.

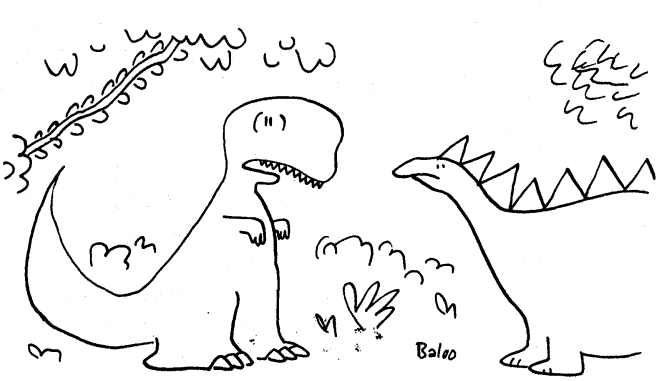

"Talk about weird! — I just got an overwhelming urge to *chirp*!"

By coincidence, though, another town body — the Planning and Zoning Commission — had begun discussing revisions to an ordinance limiting building height. Here I saw an opportunity for innovation.

Jerome is situated halfway up a mountain from which it enjoys fabulous views across a wide, flat valley to the red rocks of Sedona 25 miles away. Conversely, when visitors approach Jerome, they often stop to admire its historic houses crowded together on the mountainside. Both of these views, outgoing and incoming, had been protected, to some extent, by the town's old height ordinance; but as I listened to various proposals for revising it, I realized it was a legislative nightmare. Some lots in Jerome slope so steeply that a building may be twenty feet higher at the front than at the rear, creating complex measurement issues. In some locations a new building can conform with height regulations yet still block a neighbor's view, triggering anger and resentment while reducing property value. Most embarrassingly, some historic buildings actually exceed the maximum height allowed for new buildings.

I wondered if it would make better sense to sidestep the height issue and consider the view itself. After all, that was what residents in Jerome seemed to value most, and it could be measured easily enough. A photographer could visit each home and take a picture from a window chosen by the home owner, using a wide-angle lens, ideally on a digital camera. Image-editing software could outline the unobstructed view area in the photograph, at which point a simple Visual BASIC program could count pixels (the dots in the image). If the town would pass a new ordinance to establish a relatively high value — say, $500 — for each unobstructed pixel, the total monetary worth of each person's view could be assessed and recorded. Subsequently, if a view was blocked, the injured party could bring a civil suit to recover damages.

Interfering with the rights of property owners was bad enough; attempting to legislate aesthetics sounded worse.

I wasn't certain about the legalities, because I lack a formal legal education. In principle, though, my concept offered several advantages. First, after the scheme was in place, the town would be uninvolved, thus reducing its adversarial relationship with citizens. Second, the scheme would be self-enforcing, because no one would want to block anyone's view for fear of getting sued. Third, we could radically simplify the height ordinance instead of trying to fine-tune it with provisos and exceptions to cover every conceivable case. Fourth, people would be encouraged to start thinking in terms of protecting Jerome's historical heritage themselves instead of having the town do it.

Alas, this was far too radical. When I described it to a few people associated with DRB or Planning and Zoning, they responded with polite interest while giving me a look which told me, from their perspective, I was an oddball newcomer

continued on page 51

'Cause I'm the Taxman

by Fritz Berggren

There is nothing certain but . . .

I'm a tax collector. You probably think I work for the government, but I do not. I have no badge, I'm really not a bad guy. I don't even like Big Government. I mean, who does, right? I have a wife and children and drive a four-door sedan. I'm pretty boring, actually.

But I control your life.

I exist because the government has blackmailed my employer into hiring me. You see, I have a special skill: I quickly and efficiently extract money from you and turn it over to the Feds. My employer pays me because I'm cheaper than paying the government. It's a cost of doing business, and if it isn't coming out of their pocket, why should they care?

In the long run, you pay my salary.

Here's how it works. The government passes a law that says "you will extract a percentage of money from your employee's paychecks and turn it over to us." And, "you'll pitch in some more funds on top of that. If you don't, then you will turn over twice as much money from your company to us, and your executives will go to jail." Corporate officers don't want to go to jail. Corporate officers like their bonuses every year. So, they hire someone like me to make sure Big Brother gets what he wants, so they can get what they want. It's all about money and muscle.

Tax collecting in the old days was a lot simpler. Thugs showed up at your door, usually at night, demanded the payment of a flat fee, and then went away until next year. As long as you paid them, you were OK. Not too many records, and the tax was fairly low. We've come a long way since then. This job can't be done by the average thug these days — it takes a real pro.

The seemingly "simple" task of paying a worker for his work has turned into an entire "off the books" government sub-industry. It's a covert operation — since the government "isn't really" taking the money away from you, they have plausible deniability and the local goon takes the publicity hit. That's me, in case you didn't know it. Who do you call and scream at when your paycheck has too much in taxes withheld? Certainly not your local congressman. That would be too reasonable (they're the ones who passed the tax laws, you know). You call your payroll department and yell at one of the poor ladies who processed your check. And when she can't help you, you ask to speak to her manager. Me. I'm the manager. I'm the tax collector. Without me, my entire company would grind to a halt. Not only do I pay you, I pay the government. And I turn over all kinds of juicy little information to them anytime they want it.

You don't believe me? Listen bubba, you have no idea. Let me give you a little background here. First of all, you won't even get paid a dime unless the U.S. government has a dossier on you. You've got to be categorized, stamped, proofed and approved before you get a job. It's not that working is illegal, it's paying someone to work that's illegal — if you're not pre-approved by the Feds. What do I mean? How about the I-9? That's a teensy little one-page form which requires government-approved documents to be presented before you are hired. Not just any documents, either — try a passport. Or a birth certificate and a social security card. Or a current state driver's license with a photo AND a social security card.

In other words, unless you can prove to the Feds that you are in their database, you're not going to get any money. And just in case you think any old fake document will work,

think again. The Feds have blackmailed my employers by insisting that we (me, that is) have no suspicions at all about the legitimacy of the documents potential workers show to us. The burden is on me to demonstrate to the Feds that the documents really were "real." Nice, ain't it?

Sure, you can always work in the "black market," but it's risky. You could get deported or imprisoned (especially if you are making a decent living), and most likely will live on the fringes of American prosperity. If you're really poor, the government can't take much from you, and if you don't cost them anything like welfare or food stamps or, God forbid, child care, then nobody really cares.

But then again, hey, maybe you're a macho flag-waving red-blooded made-in-the-U.S.A. truck driver and don't give a flying hoot about whether or not the government has you in its database. You're proud to be an American. You want to stand up and be counted. You registered for the draft, pay your taxes, and vote in every election.

I have a wife and children and drive a four-door sedan. I'm pretty boring actually. But I control your life.

Okay trucker, how many children have you fathered along the road? None of my business? You're going to rip my head off and shove it where? Hey, let's not take this personally, buddy — I'm only doing my job.

I have three full-time people employed just to keep tabs on horny truck drivers and they can barely keep up with the job. Seems like there's an awful lot of hanky panky out there these days and, well, babies are getting produced as a byproduct. Someone has to pay for them. It always comes back to money. When babies get produced, something very important happens: momma wants some money. And if there is no responsible male around, moms have been taught to turn to the government. It's gotten to be such an epidemic that the government said, "hold on a minute, here — charity is one thing if I have a few extra coins to toss in the bucket, but this is starting to really cost me." For a few million bucks, politicians bought off the conscience of the nation by convincing people that the government was helping the poor. Who cares when it's someone else's money, right? Well, once the word got out, those few millions turned into billions and the politicians had a problem.

The politicians' options were limited. They could say "enough, no more money for single moms — time to get a job." But they are too compassionate, and those single moms have a lot of votes. God forbid that they cut spending elsewhere — pork barrel spending keeps their re-election bank accounts full from "interested" third parties. Or, they could say "raise taxes" and keep doling out the funds.

So, "Deadbeat Dads" became the hottest political target in America, right up there with Saddam Hussein and the War on Drugs. That's where I come in.

Every state in the union has established a law requiring employers to report everyone they hire to the government. In fact, this crusade was so overwhelmingly popular that the federal government endorsed and standardized it and has made it even easier for me. I only have to send a list of new hires to the state and it tells all the other 49 states who just got hired. See, the government makes it easier for me to update your dossier.

So when Billy Bob visits Suzy in Salem on a run from Seattle to Sausalito, and Billy Jr. shows up, Suzy asks the state for money. The state then comes to me and asks for money. Since I don't want to pay Suzy the money either (the Feds and I agree on some things), I simply take it from your paycheck and give it to the government. I work in a big building with security guards, so it's hard for you to come and wring my little neck for taking your money and not minding my own business. Anyway, it's really not my fault — I was blackmailed. If I don't take your money away from you and give it to the state, they take the money directly from my company and then I'll get fired and my kids won't eat.

So, you quit your job. Truck driving gigs are a dime a dozen and you sign up with our competitor. That'll teach us, right? Well, your new company has a tax collector too. Within two weeks of getting hired, your name, address, and social security number are wired to the state and they'll track you down like a bloodhound. You can't escape the Feds in a wired society — at least not under our current laws.

My job would be impossible without computers. You really have no idea how complex payroll departments are. The government requires reams of detailed documentation about personal life, income, and whereabouts. I mean, if your paycheck isn't personal, then what is?

Take direct deposit, for example. All direct deposits go through "federally approved" banking institutions. Federally approved means they cooperate with the Feds. It's blackmail again — "play by my rules and we'll let you play bank and make some money."

I personally keep records of every nickel you've earned for the last seven years. Once a year I give that data to the Feds.

But you don't have anything to hide, do you? Not that it matters. I personally keep records of every nickel you've earned for the last seven years. Once a year I give that data to the Feds.

Did I tell you that some of my colleagues keep track of how you spend your money? While I keep track of every cent you make, and where you work, my colleagues keep track of almost every cent you spend, and where you spent it, and when. Didn't you ever wonder why you can't buy a home or car in America without a "credit record?" And you can't get a "credit record" without a credit card. Every time you use a credit card you document your life for a few large credit agencies and some "federally approved" banks. You log your exact location, the time and date, the amount spent, and the products or services you are purchasing. It's all there with credit cards. And if you use checks, the bank has

continued on page 53

Report

Judicial Nullification

by Eric Longley

What's sauce for the judge is sauce for the jury.

The idea of jury nullification mortifies most courts. For one thing, juries evaluating the law for themselves are liable to be inconsistent, leaving litigants without any recourse to settle their disputes in a rational manner. "If the jury were at liberty to settle the law for themselves," wrote Judge Joseph Story in 1985, "the effect would be, not only that the law would be most uncertain, from the different views, which different juries might take of it; but in case of error, there would be no remedy or redress by the injured party; for the court would not have the right to review the law as it had been settled by the jury."

Jury may consist of the proverbial "twelve men, good and true," but they are likely to be incompetent. "It is . . . contrary to reason and fitness, in withdrawing the interpretation of laws from those who make it the business and study of their lives to understand them, and committing it to a class of men who, being drawn from non-professional life for occasional and temporary service only, possess no such qualifications, and whose decisions would be conflicting in all doubtful cases, and would therefore lead to endless confusion and perpetual uncertainty."

Consequently, courts go to great lengths to keep potential jurors from learning about jury nullification. When the survivors of the Waco massacre were put on trial, members of the Fully Informed Jury Association (FIJA) contacted potential jury members and sent them a "Jury Power Information Kit" to inform them of their rights as jurors. The judge in the case told the potential jurors that they were not to open the packages that they received from FIJA, but instead to bring them to him.

Curiously, while judges paint jury nullification as the end of civilization as we know it, they virtually never speak of judicial nullification — the practice of *judges* nullifying the law. Judicial nullification is rarely heard of, but it is surprisingly common.

In Michigan traffic cases, judges can be lenient on motorists. Each judge takes the case under advisement — which usually means holding on to some matter until the court reaches a decision. The judge will review the case after a few months, and if the driver doesn't have any new tickets, the judge will dismiss the old one. The practical effect is that the driver has been found not guilty.

A judge who handled traffic cases, himself the ex-president of a statewide association for District Court judges, told the *Detroit News* in 1996 that judges were abusing this practice of taking cases under advisement. A driver could have several tickets pending before different judges, under advisement at the same time. Since having a ticket under advisement doesn't count in computing convictions, the driver still has a clean record, and could get all the tickets dismissed for that reason.

Despite its occasional abuse, the use of this device in traffic cases seems to have merit. First-time traffic offenders have a way to avoid conviction and the consequent increase in insurance rates. Judges have a way of showing clemency by acting outside the motor vehicle code.

In addition to showing defendants lenience under the traffic laws, some Michigan judges use similar methods to get around the juvenile code. That code provides the option of "youthful trainee" status — up to three years in juvenile hall — for certain offenders aged 17 to 21. Judges, however, often accept plea bargains in which the court takes the case

under advisement, dismissing the charge after the youth completes what amounts to probation. The youthful trainee law doesn't mention this procedure — judges appear to have developed it in response to perceived needs.

Again, the practical effect is that a guilty defendant is converted, by the court's dismissal of the charge, into an innocent person — just as with jury nullification.

In New York, through a device known as Adjournment in Contemplation of Dismissal (ACD), the charges can be put on ice, with a view to ultimate dismissal. The court can initiate the process, with the consent of both sides, or it can accept an ACD as part of a plea-bargain. An ACD can be unconditional, or the judge can impose parole-style conditions, the violation of which will lead to the resumption of the defendant's trial. Once the charge is dismissed under this procedure, "the arrest and prosecution shall be deemed a nullity and the defendant shall be restored, in contemplation of law, to the status he occupied before his arrest and prosecution."

Curiously, while judges paint jury nullification as the end of civilization as we know it, they virtually never speak of judicial nullification — the practice of judges nullifying the law.

The creative ways in which a New York judge can use an ACD to dismiss charges are illustrated by a recent case in which the defendant killed a companion in a snowmobile accident. The state charged the defendant with misdemeanor negligence. In the middle of the trial (technically after the period in which an ACD could be sought), the judge, the prosecutor, the defense attorney and relatives of the victim consulted and agreed on an ACD. The court would dismiss the charges in six months if the defendant remained law-abiding and performed community service. The prosecutor explained to the court his reason for supporting this procedure: "There is a good chance of acquittal. I feel [the] public interest would not be served by an acquittal."

In cases involving marijuana offences New York judges can grant an ACD over the prosecutor's objection. A first-time marijuana offender can receive an ACD or an immediate dismissal. There are two important differences between this procedure and the ACD procedures in other cases. First, the judge must assign probation-like conditions in exchange for an ACD (the details are up to him). He still has the option of giving an unconditional dismissal, without anything resembling probation, if he thinks this is "in furtherance of justice." In other words, he can pick the charge up by the seat of the pants and throw it bodily out of court, even if the defendant is guilty.

The other distinction of marijuana cases is that if a defendant has a clean record, the judge can grant an ACD or a dismissal even if the prosecutor objects. As mentioned above, in non-marijuana cases the prosecutor has to sign off on any adjournment in contemplation of dismissal.

One judge, through his interpretation of the use of the ACD, has intimated that this method creates a *de facto* exception to the marijuana laws. In April, 1996, Johann Moore, the head of the Medical Marijuana Buyers' Club, was on trial. The group tries to provide marijuana to seriously ill patients, and Moore was caught passing out bags of pot to members of the Buyers' Club.

The prosecution offered an ACD, which was accepted by the court and the defense. The judge commented, "The fact that they are offering you an adjournment in contemplation of dismissal seems to me, although obviously I cannot speak for the thinking of the New York district attorney's office — Lord knows that — that that indicates a recognition on their part that this case is different, that your position has some degree of merit."

After a defendant with an otherwise clean record has his pot charge dismissed, either unconditionally or in exchange for fulfilling the court's probation-type conditions, "the arrest and prosecution shall be deemed a nullity and the defendant shall be restored, in contemplation of law, to the status he occupied before his arrest and prosecution."

Answered Prayers

The Prayer for Judgment Continued (PJC), or Continued Prayer for Judgment, is used by North Carolina judges after the defendant is convicted or pleads guilty. Technically, use of this method means the sentence is postponed. Generally, the court has discretion in these cases to postpone the sentence forever, or use postponement as a form of probation.

When the legislature has required that a formal sentence be pronounced, the PJC is not available, at least if probation-style conditions are attached. In DWI cases, a judge must impose a judgment and sentence after conviction. In other cases, the judge still has discretion to use the PJC. If it is given with probation-style conditions, this amounts to an official judgment of conviction. If the PJC is given without conditions (except paying costs), the defendant hasn't been convicted.

In cases involving marijuana offenses New York judges can grant an ACD over the prosecutor's objection.

In 1989, a Greensboro, N.C., woman was found guilty of killing her husband. At a hearing before the judge, testimony indicated that the woman's husband had terrorized her repeatedly over several years. On the day of the fatal shooting, her husband had beaten her and threatened to kill them both. A police detective who investigated the case said that "At the time, maybe [shooting her husband] was the only option [the woman] had." The officer added, "[s]he's gone through hell." The judge granted a Prayer for Judgment Continued, apparently from the conviction that the prison term contemplated by the letter of the law would be too harsh in the defendant's circumstances.

A less dramatic instance in which a North Carolina judge used a PJC to help get around the rigors of the law took place in Raleigh in 1996. The defendant had confronted a

Do Rights Come from the Constitution?

by Jacob G. Hornberger

It is commonly believed that the rights of the American people come from the Constitution. Nothing could be further from the truth.

Throughout history, the standard belief was that people were unconditionally subject to the commands of their government. If the king ordered a person to leave his family to fight in a war thousands of miles away, that person would have to obey. The king could control and regulate both lives and property because he was sovereign and supreme, and the citizens, as subjects, were subordinate and inferior. When the king commanded, people obeyed.

Gradually, people began questioning the notion of the king's having unrestricted control over their lives and fortunes. For example, in 1215, with Magna Carta, the king was forced to admit that his powers over the citizenry were limited.

It was in 1776, however, with the publication of the Declaration of Independence, that the historical concept of sovereignty got turned upside down. Government wasn't sovereign and supreme, Jefferson declared to the world. Individuals are. And government officials are subordinate and inferior to the citizenry.

The Declaration emphasized that men have been endowed with certain fundamental and inherent rights that preexist government. In other words, man's rights don't come from the king or from any other government official. Rights such as life, liberty, property, and the pursuit of happiness exist independently of government, not because of government.

It also emphasized that the reason people call government into existence is to protect the exercise of these rights. That is, in the absence of government, antisocial people such as murderers, rapists, and thieves would make life quite miserable for everyone else. Therefore, government is needed to arrest, prosecute, and punish these types of people.

What happens when government transgresses its rightful duty of protection and becomes more destructive than what would be the case in the absence of government? The Declaration tells us that it is the right of the people to alter or abolish that government and to implement a new government that is designed to protect, not destroy, the exercise of man's natural or God-given rights.

The quandary, of course, that our Founders faced was whether it was possible to bring a government into existence that would remain limited to an inferior and subordinate role rather than attempt to assume the more traditional sovereign and supreme role.

In 1787, the Founders attempted to solve the problem by writing a Constitution that called the federal government into existence. The result was historically significant: The Constitution made it clear that this government, unlike others in history, would not be one of unlimited powers. Instead, by the express terms of the Constitution itself, the federal government would be one of limited, enumerated powers. For example, the powers of Congress are limited to those enumerated in Article 1, Section 8 of the Constitution.

Thus the correct question is not "What rights does the Constitution give to the American people?" but rather "What powers does the Constitution grant to the government?" If a certain power is not enumerated, the government is not permitted to exercise it.

Not trusting government officials, however — even democratically elected ones — the American people ensured the passage of the first 10 amendments to the Constitution. These should more appropriately have been called the "Bill of Prohibitions" than the Bill of Rights. Why? Because a careful examination reveals that they are express restrictions on government powers rather than a grant of rights to the citizenry.

Some people argued that a Bill of Rights was unnecessary because government's powers were already limited to those enumerated in the Constitution itself. Since the government has not been given the power to regulate speech, for example, there was no reason to have an express prohibition against the regulation of speech.

Fearful, however, of the propensity of government to move toward dominance and control, the people felt safer with express restrictions on the power to interfere with rights that they believed were of the utmost importance. Playing it safe, they included the Ninth Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

So the next time someone refers to your "constitutional rights," remind him that people's rights don't come from the Constitution. And if you really want to stimulate thinking, ask him whether he believes that today the federal government is destructive of the very rights it was designed to protect.

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neighbor's children over a fight in which the defendant's children were also involved. The judge believed that the defendant assaulted the children, apparently in an attempt at discipline or restraint. However, the judge entered a PJC rather than a formal conviction against the defendant. In the judge's view, the parents of the other children shared some of the blame, and should never have brought the case to court: "The mores of our society are such today that we need all the help we can get rearing our children. A few years ago, parents would have been appreciative of another parent correcting their children . . ."

The PJC technique was used in Raleigh in another case involving an alleged assault on a child. A judge found a Salvation Army worker — with an otherwise exemplary record of dealing with children — guilty of getting angry at a child and throwing him to the floor. The judge said of the defendant, "[h]e's spent his career, apparently a flawless career, helping children, and I don't want to damage his profession." A conviction would have stopped the defendant from returning to work with the Salvation Army, but the PJC allowed him continued eligibility in his profession.

The Fallout

Now that I've let the cat out of the bag about judicial nullification, I suppose ominous warnings will appear in publications aimed at trial judges, warning them against the temptation of nullifying the law. Solemn newspaper commentators will inform readers of the grave danger to the rule of law posed by judges with nullification power.

At least, that is what will happen if the opponents of "jury nullification" are as distrustful of judges as they are of jurors. ❑

Register, "A Kinder, Gentler 'Judgment Day,'" *continued from page 34*

said about how smart and clever and good-looking he was. Some of these have been cut, such as Ayn's declaration that he was "a genius" (131/111) when he came up with the idea of "social metaphysics." Further, he says that the notion was not so hot:

> Today, I would never suggest to anyone that he or she was a "social metaphysician" because, in the words of my friend the late child psychologist Haim Ginott, "labeling is disabling." It is far more helpful to focus on "growing in autonomy and self-trust." (131/111)

He also admits to having evaded his knowledge of the consequences of the affair that he had with Rand. After telling Barbara that it couldn't last because Rand was so much older than he, he adds, in the '99 version, "The phrase wasn't used back then, but today one would say I was totally 'in denial'" (144/123).

In '89, Branden wrote, concerning a moment when the inner circle was meeting and reading *Atlas*:

> Sometimes I would ask myself: if all of Ayn's writings disappeared, and if Ayn and I were dead, was there anyone in our circle who could reliably reconstruct and re-create all her philosophical work? I doubted that even Barbara could do that. This thought evoked a faint sadness in me. (182/157)

Perhaps as a way of crediting Barbara with greater understanding, this passage is removed in '99.

In the '89 memoir, Branden took credit for defending people against Rand's angry denunciations. This is now tempered with an admission: "On the other hand, there were times when I was fully as guilty as Ayn of such tantrums. Was I not her alter ego?" (199/171) He still wants us to know that he was reflecting Rand's vices, but he now acknowledges his complicity more deeply.

He allows, too, that he wasn't quite as grand as everybody said he was. Answering a reporter's question about what it means for Branden to be her "intellectual heir," Rand is reported as saying that the label "means Mr. Branden is the most consistent embodiment of what I write about." In '89, Branden remembered of the occasion: "I felt myself standing in the spotlight of history" (227/197). In '99, he remembers somewhat differently: "It was not particularly easy to look poised and nonchalant at that moment; the truth is, I felt foolish" (227/197).

Perhaps the most self-revelatory change occurs in a passage that describes Branden's lecturing on Objectivism. The '89 account reads: "At the height of my arrogance I had not imagined I was John Galt, but by the end of 1964, every time I mounted the NBI lecture platform, I felt less like Nathaniel Branden." In '99, after the word "arrogance," Branden inserts: "and I have been guilty of arrogance for many years" (346/305). He is saying that he is still guilty of arrogance, that it was not merely a youthful error or something engendered only by Rand's influence.

Did the arrogance and the influence lead to the formation of a "Rand cult," as many people, including many people quite sympathetic to Objectivism, have charged? On this issue, Branden seems to have mixed views. About the assumption that Rand would always have good reasons for her decisions, he comments in the new memoir, "Today I recognize that it is of such attitudes that cults are made" (136/116). And he inserts the word "perhaps" at the beginning of the following sentence: "We were not a cult in the literal, dictionary sense of the word, but there was certainly a cultish aspect to our world. . . ." (256/227). Yet is "perhaps" simply a rhetorical flourish?

My Years With Ayn Rand tells its story more readably than *Judgment Day*. The members of Rand's inner circle are not quite the passive bores we saw before, and Barbara Branden gets more credit for her autonomy and accomplishments. Rand is treated somewhat more sensitively; Branden himself is humbler and takes more responsibility for his hand in things.

I noted about four hundred changes between the earlier memoir and the current one that struck me as substantial. Four hundred is also the approximate number of pages in the book: the '89 memoir was 436 pages long, the '99 is 405. A lot of the changes are relatively minor; the tenor of the book is not radically different; yet four hundred changes make four hundred interesting differences in a truly fascinating story. ❑

Reviews

***No One Left To Lie To: The Triangulations of William Jefferson Clinton*, by Christopher Hitchens. Verso, 1999, 122 pages.**

Monster in the White House

Clark Stooksbury

One of the strange features of the era of Bill Clinton has been the willingness of so many left-liberals to degrade and make fools of themselves in defense of a man so obviously illiberal.

In future years, someone may pen a comprehensive history of this phenomenon, replete with details about quibbling feminist distinctions between Clarence Thomas's alleged references to pubic hair before the delicate Anita Hill and Bill Clinton's supposed pants-dropping in the face of Paula Jones; the blather regarding the "Sexual McCarthyism" of Slick Willie's being caught by a law allowing the plaintiff in a sexual harassment case to snoop around the defendant's sexual past (a provision that Clinton himself signed into law); the proclamation of Bill as our first "Black President" by Toni Morrison; and the uncomfortable silence after Juanita Broaddrick publicly (and credibly) accused the president of having raped her in 1978. Until such time, we will have to make due with Christopher Hitchens's *No One Left To Lie To*.

Christopher Hitchens is a columnist for *The Nation* and *Vanity Fair*. The casual observer who believes that twits like Eleanor Clift are the best critics the left can come up with will get a burst of fresh air from Hitchens, who never bought Bill Clinton's lip-biting, "I feel your pain" act. *No One Left To Lie To* is an extended essay reiterating a variety of complaints of one of the few left-liberals not to have been rendered supine from basking in the glory of executive power.

Hitchens accurately portrays the president, not as the radical leftist that the Limbaugh crowd conjures up, but as a sort of neo-conservative lightweight, often with sometime Jesse Helms advisor Dick Morris devilishly whispering in his ear. An early example of Clinton's treachery to the left occurred just before the 1992 New Hampshire primary, when he returned to his state in high profile fashion to oversee an execution. During a debate in the 1988 campaign, Michael Dukakis — pockets bulging with his ACLU membership card, the furlough papers of Willie Horton, and other liberal ephemera — was asked, if his wife were raped and murdered, whether he'd execute the rapist. He expressed reluctance to do so, thereby rendering himself impotent against George Bush. Mindful of this, Clinton of the Sunbelt South and the moderate Democratic Leadership Council, took an opportunity to defuse a hot cultural issue by carrying out the execution of a convicted cop-killer, who by that time had the intelligence of a small child, having lobotomized himself in a suicide attempt. This might have presented a problem to a man more squeamish than Clinton. Other people, including the warden and a police department witness, found the execution troubling. The prison chaplain, who resigned shortly after, called it a "horrible crime." But none of these men were on the ballot in New Hampshire.

It would be difficult to overestimate the importance of the execution to the stalwart left-wing anti-Clintonites. In their mythology it is equivalent to Clinton's draft-dodging and womanizing, as seen from the right. Hitchens draws heavily on an account published in *The New Yorker* in 1993. He includes details about the condemned man's wish to save the pecan pie that was included in his last meal "for later" and about his cooperation with the personnel who were searching for a vein in which to inject the deadly poison. He apparently believed that they were trying to help him. They certainly did help Clinton. The execution was timed fortuitously for him. It coincided not only with the run-up to the New Hampshire primary but with the revelations by Gennifer Flowers of their long-term

Clinton has taken the granola lefty slogan, "Think Globally, Act Locally" and stood it on its head. The President thinks locally in the extreme — concentrating almost exclusively on his immediate needs — and acts globally, killing helpless people in the Third World to meet those needs.

affair. It would not be the last time, Hitchens remarks, when "Clinton would deliberately opt for death as a means of distraction from sex."

Hitchens is one of those suspicious types who question the timing of cruise missile strikes that coincided with Monica Lewinsky's grand jury testimony in August 1998, and the House impeachment vote in December. He points out that Clinton has taken the granola lefty slogan, "Think Globally, Act Locally" and stood it on its head. The President thinks locally in the extreme — concentrating almost exclusively on his immediate needs — and acts globally, killing helpless people in the Third World to meet those needs. In a chapter called "Clinton's War Crimes," originally published last year in *Vanity Fair*, Hitchens demolishes any case for the "anti-terrorist" bombing of the factory in El Shifa, Sudan. As Hitchens demonstrates, the rationale for bombing the factory is as porous as a sieve.

Although Clinton's presidency has been marked by a distinct center to center-right tilt, he has, as Hitchens observes, covered his "retreat from egalitarian or even from 'progressive' positions" with a "bodyguard of political correctness." This bodyguard has served him well; he has remained relatively safe, while leaving "progressive" corpses in his wake and confusing opponents on the right. Hitchens briefly ruminates on the question of why conservatives hate a president who has advanced much of their agenda and given them the thrill of seeing "Bomber Bill carrying a large Bible from prayer breakfast to prayer breakfast while ordering the downtrodden to shape up, and the war planes to discipline the wogs, and the military production lines to restart."

Unfortunately, Hitchens's brief discussion of this topic is unsatisfying — just as he's getting into it, he moves on to other things. Indeed, the major complaint to be made about this book is that it covers so much ground in so little space that it leaves one wanting to read more. The chapter on Clinton's war crimes and the discussion of the Arkansas execution are fairly detailed, but Hitchens breezes through a multitude of other topics without satisfactory discussion or conclusions. And one giant Clinton administration crime — the Waco massacre — inexplicably goes unmentioned here.

No One Left To Lie To cries out for an expanded second edition that will go into detail on subjects that this edition hurries past. A second edition could also correct some factual errors. Hitchens places Dick Morris's direction of the reelection of Jesse Helms in 1994 instead of 1990, when it really happened. He has Jackie Robinson breaking Major League Baseball's color barrier in the 1950s, when Clinton was six; he actually did it in 1947, when Clinton was an infant. He lists General George McClellan as Lincoln's Republican opponent, not his Democratic opponent in the general election of 1864.

But there may be little occasion to correct these faults. As Clinton's administration comes to an end, interest in Clinton-bashing books such as this will likely fade. And then, truly, there will be no one left for Clinton to lie to. ❑

***The Politics of Bad Faith: The Radical Assault on America's Future*, by David Horowitz. The Free Press, 1998, 214 pages.**

From Marx to Hayek

Jane S. Shaw

For those who have followed the ideological metamorphosis of David Horowitz, the message of *The Politics of Bad Faith* may already be familiar. Two of the most cogent essays in this book — a letter to a former friend and another to a former mentor — have been published before, and other books have chronicled his change in attitude. For those who haven't followed Horowitz's life in any depth, however — me, for instance — this is an eye-opener.

I believe that *The Politics of Bad Faith* is important for three reasons:

1) Horowitz explains better than anyone I have read, including Paul Johnson in *Modern Times*, why the Stalinist experience in the Soviet Union and similar totalitarian regimes around the world are the inevitable result of Marxism. They are inherent in the Marxist idea, he contends, not an aberration or misdirection or something brought about by unusual historical circumstance.

2) Horowitz argues that members of today's left, even outside the academy, have not repudiated or disavowed Marxism. They have been forced to retreat but they are in a state of denial, still hanging onto the belief that socialism can and should triumph. I don't know for sure if he is right about this, but the argument should be heard.

3) Horowitz tells us why he is a conservative and what kind of a conservative he is: a Hayekian. This is what makes the book especially compelling to me. *The Politics of Bad Faith* is an amalgam of Horowitz's personal history, his analysis of Marxism — including why it attracted many Jews — and a commentary on what remains of today's New Left. In no small part because of Horowitz's vivid prose, it makes fascinating reading.

David Horowitz was born in 1939 in New York City. His father, son of a Jewish immigrant, was an English teacher who in the McCarthy era was fired from his job on the grounds that he was a Communist, which he was. Following partially in his father's footsteps, David was a radical throughout

the 1960s, a leader of the New Left. He is probably best known as editor (with Peter Collier) of the magazine *Ramparts*, which had as a major goal ending the Vietnam War.

Horowitz argues that members of today's left have not repudiated or disavowed Marxism. They have been forced to retreat but they are in a state of denial, still hanging onto the belief that socialism can and should triumph.

Much of Horowitz's adult life has been spent on a slow journey away from his radical roots. In 1968 he wrote a book, *Empire and Revolution*, that tried to get socialism back on a moral track after the evils of Stalinism became widely known. His book had no impact, he says. "The willful ignorance of New Left activists had by then become an unshakable faith that had long since ceased to be innocent" (62–3). His disenchantment with the left began then, although he smothered his doubts in order to oppose the Vietnam War. When it was over, his transformation began in earnest.

As he recounts in an utterly engrossing letter to a former friend, Horowitz began formally to question the gurus of socialism in the 1970s. He organized a conference on "Is Socialism a Viable Idea?" and he expressed his doubts to his mentor, Ralph Miliband. He was still hoping to retrieve the original vision of socialism, hoping that the idea could survive in spite of the horrors of the Stalinist age. But Miliband told him that with such "priorities," he should get out of the movement. "What my old teacher had told me was that the Left was really a community of faith and that I was no longer part of it," Horowitz decided (72).*

Having been there and seen it all, Horowitz speaks with authority and doesn't mince words. He is harsh, very harsh, on his former colleagues. Unlike most writers today, he's not afraid to call people Communists, nor is he afraid to paint the remaining members of the New Left as deliberately ignoring reality in order to maintain their hope for socialism. He names names.

Horowitz views the American left as the latest generation in a two-hundred year-old "radical project." It started, he explains, with Rousseau, who famously decried private property saying, "you are lost, if you forget that the fruits of the earth belong equally to us all, and the earth itself to nobody!" The French revolution ripened the project, and Marx and Marxism extended it, engendering Stalinism and other totalitarian dictatorships.

This "radical project" endorsed reshaping mankind through revolution. "The ownership of private property," says Horowitz, "became a secular version of Original Sin. Through property, society reimposed on every generation of human innocence the travails of inequality and injustice" (78). The solution to this problem has been to destroy whatever was traditional, including the freedoms protected by the U.S. Constitution. The "revolutionary vision," says Horowitz, demands that "all the unjust institutions of *class* [italics in original] history that had distorted, divided and oppressed mankind would be abolished and human innocence reborn" (79). In the pursuit of equality and social justice, totalitarianism was justified.

The process continues, Horowitz contends. He devotes a grim chapter to the AIDS epidemic, arguing that radicals chose to let the epidemic rage on, refusing to let it be handled as a public health emergency, with notification of contacts, closing of bathhouses and other steps that would stem its spread. Why? He says that the glorification of a gay lifestyle was part of the radical project — the goal was to overcome the restraints not simply of society but of nature itself. Rather than accept homosexuality as natural but atypical, radicals wanted to make promiscuous gay sexual behavior acceptable, because that was part of their efforts to subvert oppressive traditional norms. The result was the tragic AIDS epidemic.

Today, Horowitz calls himself a conservative. For him, conservatism is

* This letter was originally published in *Liberty*, November 1991, as "The Road to Nowhere."

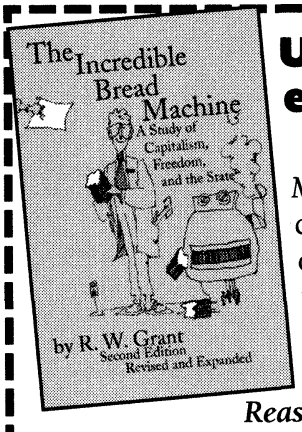

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"respect for the ordinary realities of human lives; distrust of optimism based on human reason; caution in the face of tragedies past" (72). This respect is reflected in the work of Hayek, whom Horowitz quotes liberally. (Hayek distinguished himself from conservatives who merely wish to oppose change. He, like Horowitz, saw his role as that of a reformer, not a reactionary.)

Gradually, Horowitz became aware of the role of tradition, of roots, and of religion. He now sees that his father and many other Jews were drawn to the radical project because it overcame an underlying feeling that they were in exile. Yet, ironically, by secretly becoming part of the Communist Party, his father and his small band of comrades remained exiled from the sources that might have sustained them — notably, their neighborhood in Sunnyside, Queens, and their religion. The most poignant passage in the book is about his father's funeral, when he realizes that the small group of his father's comrades (who even at this funeral do not admit that they were Communists, or that his father was) remained in exile because the radical idea they adhered to could not give them a true home.

With this book, Horowitz is preaching to the choir. And it is a small choir, not the larger audience that needs to heed his message. Now that his journey seems to be over, I hope that he will figure out a way to go beyond the choir, to communicate to those left-liberals (however many they are) who never were Communists, never supported Stalinism, who really didn't know what they meant when they said they admired socialism. They do exist, although Horowitz may not think so.

The chief project for his future should be to carry on Hayek's messages, the key ones being the importance of markets and prices and the role of local roots and tradition in capturing knowledge that is rarely articulated. I hope that Horowitz will help others recognize the daily "marvel" (Hayek's word) that we all experience because we are a part of a vast extended order of relationships, sustained by free markets but fostered by the ordinary experience that accepts people as they are and does not try radically to alter them by coercive means.

For those who already see the world this way, this book is provocative and rewarding. But many have not even heard this message. Could David Horowitz be the one to take it to the audience it deserves? ❑

The author of *The Man Versus the State* transcended simple-minded anti-statism to achieve the first major statement of libertarianism.

The First Libertarian

Chris Matthew Sciabarra

In his short review of *The Political Philosophy of Herbert Spencer*, Timothy Virkkala (May 1999) praises Tim S. Gray's discussion of the great classical liberal's methodology as a synthesis of "individualist" and "holist" approaches to social theory. But Virkkala remarks:

> This method — I'm tempted to call it "dialectical," but Spencer's prose and position seem so far from Hegel's that the term is almost indecent — confuses many readers. But it is surely his strength. Gray is one of the few Spencer scholars to see this method as fundamental, and to present sophisticated *analyses* of Spencer's *syntheses*.

It is unfortunate that Virkkala refuses to give into his temptation, because crucially significant aspects of Herbert Spencer's work are, indeed, dialectical.

Some will say: "Ah, there goes Sciabarra. He thinks *everyone* is dialectical!" The truth is, of course, that though a genuine dialectical mindset is rare, not a few of the major classical liberal and libertarian thinkers have had a strong dialectical sensibility — and the neglect of this dialectical streak has been something I've tried to remedy for many years. The project encompasses a trilogy of works that began with *Marx, Hayek, and Utopia* (SUNY, 1995), where I argued that Hayek's critique of "constructivism" is essentially dialectical because it views utopianism as a revolt against the broad conditions within which freedom is born and nourished. *Ayn Rand: The Russian Radical* (Penn State, 1995) is the second part. There I argue that Rand was a master at tracing the relationships among disparate factors within a dynamic context; her emphasis on the epistemic, psychological, ethical, and cultural requirements of freedom was simultaneously a vision of an integrated human existence that triumphed over conventional dichotomies — mind versus body, fact versus value, theory versus practice, etc. My forthcoming book, *Total Freedom*, completes the trilogy by tracing the history and meaning of the concept of dialectic from the pre-Socratics to Murray Rothbard, focusing on its relevance to our defense of liberty.

Dialectics is a methodological orientation toward contextual analysis of dynamic, structured systems. Dialectical techniques have been championed by Hegel, Marx, and those on the left, but they are as old as Western philosophy. They originated in the argumentative arts. A two-person dialogue constituted a dialectic of sorts, a means of contextualizing a problem by looking at it from different vantage points. While Plato gave expression to the Socratic form in his many dia-

logues, Aristotle was the first theoretician, the father, of the enterprise. His *Topics* and *Sophistical Refutations* were the first textbooks of dialectic. He articulated its principles and was probably its teacher in Plato's Academy.

In the evolution of dialectics, it was inevitable, perhaps, that it would be applied to objects and phenomena far beyond the confines of discourse. As long as an object of study can be treated as a structured totality — as a specific kind of whole constituted by dynamic relations — dialectical analysis becomes possible. There are many distinct phenomena — a language, a philosophy, a culture, an economy, a political organization, a social system, and even the relations among these — that can be analyzed as structured totalities. Because none of us can achieve a godlike vantage point on the whole, because the desire for omniscience is what Hayek called a "synoptic delusion," dialectics requires that we grasp any given object in its multiple dimensions by successive shifts in our perspective.

For years, Marxists derided liberals as thoroughly "undialectical." But the history of liberalism is replete with rich, textured, context-sensitive thinking.

For years, Marxists derided liberals as thoroughly "undialectical" because their allegedly "atomistic" approach reduced social analysis to an abstract mental gymnastic on the life and times of Robinson Crusoe. But the history of liberalism is replete with rich, textured, context-sensitive thinking. In this regard, Herbert Spencer was one of the most important classical liberal thinkers to pioneer an alternative "dialectical libertarianism." His contributions to this project have yet to be fully appreciated, although his contributions to general systems theory in sociology are well known.

Hayek tells us too that Spencer's work had an impact on some of the early Austrian economic thinkers, including Friedrich von Wieser. But as Tibor Machan argues, Spencer was also among the first to provide "a full-blown scientific justification" for the liberal worldview, just as Marx had done for communism (in Spencer [1879–93] 1978, 9). His evolutionary approach shared much with that of Darwin and provided inspiration for Collingwood, Kuhn, and Toulmin. It displayed all the "architectonic instinct[s]" and "propensit[ies] for synthesis" that we have come to expect from bona fide dialectical modes of inquiry (Copleston [1966] 1985, 145).

Spencer ([1879–93] 1978) admits into his conception a genuine appreciation for reciprocal relations among factors within a wider totality. It was Aristotle who first explored the mutual implications of "correlatives," such as "master" and "slave." Hegel stressed the same notion in his analysis of the relationship between "lord" and "bondsman." Like Aristotle and Hegel, Spencer explains "that correlatives imply one another," as surely as a father requires a child, and a child requires a father:

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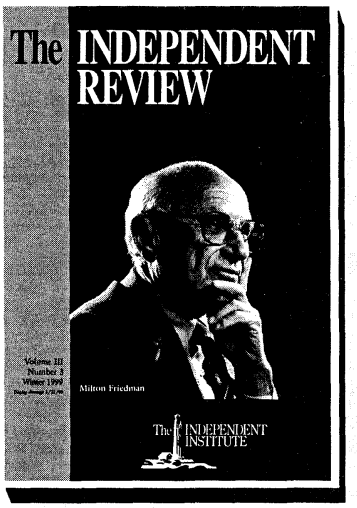

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> Beyond the primary truth that no idea of a whole can be framed without a nascent idea of parts constituting it, and that no idea of a part can be framed without a nascent idea of some whole to which it belongs, there is the secondary truth that there can be no correct idea of a part without a correct idea of the correlative whole. There are several ways in which inadequate knowledge of the one involves inadequate knowledge of the other. (37)

An examination of the part of a whole must not reify that part as "an independent entity," or it will risk the misapprehension of "its relations to existence in general . . ." (37) And the relations must not be viewed "statically," says Spencer, but "dynamically" and "organic[ally]" (38). Spencer absorbs the organic metaphor from Aristotle in much the same way as Hegel did. In *Parts of Animals*, Aristotle examines the connections of parts that derive their essence from their constitution of the living organism as a whole. A hand disconnected from the body to which it belongs is a hand in name only, for "it will be unable to perform its function" (1.1.640b34-641a10). Spencer ([1879–93] 1978) argues likewise that "a detached arm" is one in name only and that it must be integrally understood as part of the organic whole to which it belongs. The moon's orbit cannot be understood apart from the movements of the larger solar system; the loading of a gun is "meaningless" outside the context of the "subsequent actions" performed; the "fragment[s] of a sentence" are "unintelligible" when disconnected from "the remainder"; and moral conduct "is an organic whole . . . of interdependent actions," in which each action is "inextricably bound up with the rest" (38–39).

To focus solely on rolling back the state, while not paying attention to the complexities of social psychology, ethics, and culture, is a sure prescription for failure.

This dialectic is extended to the whole network of social intercourse. Long predating Hayek, Spencer ([1884] 1981) views society as a spontaneous "growth and not a manufacture." His focus on the "mutual dependence of parts" within a society and on the analytical "integrity of the whole" does not lead him to embrace the organic collectivism of traditional holistic approaches. He maintains that society lacks a collective brain, a "corporate consciousness," and since each person within the community retains an individual consciousness, the "corporate life must here be subservient to the lives of the parts, instead of the lives of the parts being subservient to the corporate life." As a society becomes more and more integrated, there is a greater need for heterogeneity and differentiation among the individuals who compose it (392–93).

This individualist insight does not prevent Spencer ([1850] 1970) from suggesting that the "body-politic" requires the freedom of each of its members in order to achieve freedom-in-general (405). In Spencer's conception of the social world, "whatever produces a diseased state in one part of the community must inevitably inflict injury upon all other parts." It is a "salutary truth" of the ideal community "that no one can be perfectly free till all are free; no one can be perfectly moral till all are moral; no one can be perfectly happy till all are happy" (409).

Eric Mack has recognized that this kind of utopian vision is "implausible and doctrinally corrosive" to the individualism that Spencer espouses (xvii). In the first place, it is virtually impossible to measure interpersonally people's level of morality and happiness. And if the human community requires such "perfect" freedom across the globe, freedom is likely to remain a chimera for a long time to come. But despite these problems in Spencer's work, we can still appreciate how he integrates the theoretical lessons of conservatism and radicalism, moving back and forth between adaptation "to old conditions of existence" and "becoming adapted to new ones" (Spencer [1850] 1970, 420).

What makes his contribution so important is his penchant for tracing the connections among social relations as manifested across different organizational structures and institutions. He sees an organic unity between the increasingly bureaucratic domestic state and its militarism abroad, between the interventionist dynamic and social disintegration. These ties are endemic to the statist system as a whole, as it evolves and influences each of its parts. Each part becomes a microcosm of the wider injustices, Spencer declares, even as all the parts reproduce injustice on a macroscopic scale.

The lesson is one that contemporary libertarians should heed. Those who advocate a single change in one part of society, namely government, will not sustain their revolution. To focus solely on rolling back the state, while not paying attention to the complexities of social psychology, ethics, and culture, is a sure prescription for failure. As Spencer might say, to disconnect a single aspect from its broad context is to achieve partial, one-sided, "inadequate knowledge" of all that is necessary to achieve fundamental change. That Spencer was among the first "dialectical libertarians" to grasp this principle remains an enduring legacy of his work. ❑

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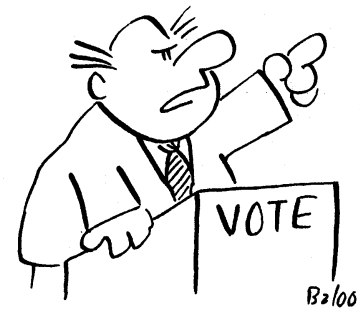

"Political corruption is a disease like any other!"

Platt, "I Was a Small-Town Regulator," *continued from page 38*

with a totally nutty idea. They agreed that many of the old ordinances might be imperfect — but if so, they felt the answer was to pass new ordinances.

Libertarian theory had run aground on the bedrock of orthodoxy.

Ethical Dilemmas Arrive

Meanwhile I encountered my first ethical dilemma as a DRB member. A Jerome resident wanted to erect an outbuilding which, to me, looked ugly, tasteless, and hopelessly unhistoric. I expected my fellow board members to object to this clearly noncomplying proposal, but as they started discussing it I realized that none of them felt any qualms — perhaps because the applicant had lived in the town for many years and was well liked.

The Chairman of DRB called the question. "All those in favor?" The others said "aye" — but I couldn't bring myself to join them. "All those against?" My reflexes kicked in; I couldn't vote "nay," either. By default, I followed the most cowardly path. I abstained.

As I walked home from the meeting that night, I realized that serving on DRB hadn't helped to resolve my concerns about the ethics of preservationism. I felt more conflicted than ever.

Maybe I was over-intellectualizing the problem. I remembered the native-born Arizonans I had met, people who possessed bedrock common sense coupled with a sense of humor that always delighted me. A retired rancher in a souvenir store near Tombstone told me that he wore two handguns, not because he needed them but because "it pisses off the liberals." A local judge remarked to me that "only two people could have saved America in the 1960s. One was Jesus Christ; the other was Barry Goldwater — and both of them were crucified." Then there was a bar owner who eyed me in a stern but amiable style and said, "I don't mind you people moving here, but why can't you leave all those rules and regulations back where you came from?"

These were the people I had hoped to find in Arizona. So what was I doing on DRB, associating with a crew of liberal elitists who had "discovered" Jerome after drifting in from the east and west coasts and were trying to control its appearance with a maze of picayune legalities?

The Arizona natives cared a lot about historical preservation — in their own way. The bar owner, for instance, had been active in the Jerome Historical Society, which had bought and restored many local buildings. If he disliked some new construction, he'd sure as hell tell you about it; but I couldn't see him trying to legislate it out of existence. He seemed to feel that anyone should have the right to do whatever he wanted with his property, even if he turned out to be a damned fool.

The more I thought about it, the more I had to conclude that DRB was a well-intentioned but bad idea. There was only one right thing to do: give the power back to property owners, and let them make their own choices. If they created an ugly mess, and the town lost its Historic National Landmark status, and I became so disgusted that I didn't want to live there anymore — well, that's the risk you take when you allow people liberty.

My breaking point came when DRB was approached by a restaurant owner wanting to erect three signs outside his business instead of the usual maximum of two. Like Oliver Twist, he was asking for "more," in a town where many low-income artists disdain the materialist mindset. A debate ensued about the precise meaning and intent of the sign ordinances, but I wasn't sure I trusted DRB to interpret the ordinances fairly and objectively. I suspected that some members might be looking for an excuse, consciously or unconsciously, to penalize a businessman who was too highly motivated and successful for their liking.

Shortly after they rejected his application, I quit the DRB.

Microgovernments and Microscopes

Back in the 1980s I remember hearing an extemporaneous speech by Ken Livingstone, the renegade member of British Parliament. He said, "Government really is like your worst

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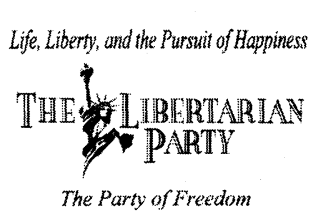

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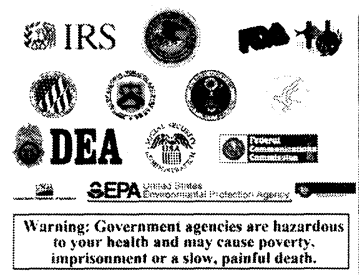

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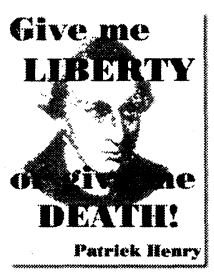

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nightmare, and the people who are naturally attracted to concentrations of power are precisely the ones who should be kept as far from it as possible."

I still believe that small government is far more benign than the national-scale government that Livingstone was talking about. In Jerome's design review and planning and zoning processes, a few public officials may be drawn to positions of power because they like telling other people what to do; but the Town Council itself is humane, accessible, and responsive, and councillors seem genuinely motivated to carry out the wishes of the electorate. I think they are constrained by their close proximity to citizens, just as I imagined they would be.

Still, there is a downside, because the inverse is also true: citizens are constrained by their close proximity to government.

Most of us can remain unobtrusive in a nation approaching 300 million in population, but in a town of 500 people, it's a very different story. The telescreens of Orwell's *1984* become unnecessary, because the small-town equivalent of Big Brother knows what you're doing merely by listening to gossip and looking out his window.

This has a chilling effect on free expression. If the Zoning Administrator drives past your house every day, your chances of evading her scrutiny are nil, and you feel an incentive to be diplomatic when you talk to her — or about her. Likewise, if the Mayor or the Marshal may be sitting at a table behind you at the local restaurant, you get into the habit of thinking twice before speaking frankly on controversial issues. Even a casual chat with a barber during a haircut can become politically charged, and a chance remark can circulate through the entire community within a day. Even with a watchman local government, *this would be true.*

Consequently, while microgovernment is kinder, gentler, and weaker, it is also omnipresent. In a community so small that it functions more like a tribe than a town, privacy barely exists. I may have been more correct than I realized when I wondered if my libertarian ideals were simply "not appropriate" here. ❑

Berggren, *continued from page 40*

records of those as well.

You use cash? Bubba, you must be dirt poor. How many stores have you walked into lately that have signs reading "No bills larger than $20.00 accepted?" Forget the fact that our money reads "Legal tender for all debts public and private." I guess that's one law the Feds don't want to enforce. Cash is anonymous, and Big Government can't document your life if you use cash.

The feds take all the data, dump it into their voracious computer system, count you, audit you, tax you, measure you, document you and test you. If you measure up (if you've turned over enough money to the Feds) they let you go for another year, and then we start all over again. But, if you don't pay enough money, the Feds come to their agent, me — the Tax Collector. And I extract even more money from your paycheck and turn it over to the government.

What? You file "exempt" every year on your taxes? Bad move. You are better off claiming married with ten dependents because I send a list to the United States Government of every one of my employees who claims "exempt" or more than ten deductions on their W4. You get special attention, and if one of my colleagues in the IRS decides that you're really not exempt they call me up an tell me to extract even more money from your paycheck and turn it over to them.

OK, OK, you've heard enough. You don't play the hanky panky. You don't claim exempt. You really believe in the government. I'm glad you do. If enough of you rejected the government's right to document your life, I'd be out of a job!

But I'm not sweating it. You pay your taxes and willingly turn over every shred of data about your personal life to the Feds so that you can get your turn at the trough.

That's what America is all about: when our money says "In God we trust," it means that money is our God — at least that's what anthropologists a thousand years from now are likely to deduce when studying our culture. Besides, who wants Liberty or God when you can have money? ❑

Notes on Contributors

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And what about the claim that he got his degree from an unaccredited school barely better than a diploma mill? What about the run-ins he's had with medical licensing boards? Why did he write in 1989 that Rand's praise made him feel as if the spotlight of history was on him and in 1999 that her praise made him feel foolish?

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Innovative measure in the humane treatment of animals, reported by the Associated Press:

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Reinventing Government in the Golden State, from a report in the *Los Angeles Times*:

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Technological advance in the Land of the Rising Sun, noted by *Investor's Business Daily*:

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Government grows more efficient in the City of Angels, reported by *The New York Times*:

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Specimen from the frontiers of litigation, reported by the Associated Press:

The family of a woman who was killed in a car accident has sued Dollar Rent-A-Car, claiming the company should have known the driver was likely to drink because of his Irish heritage. "Anyone who has studied Ireland (knows) it's just a fact," said the family's attorney, John Stemberger. To the Irish, drinking and driving is "not a big deal," he said.

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Success story in the noble crusade to break the gender barrier, from *The Times* (London):

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Proposed amendment to the Declaration of Independence, from the Hon. Spencer Abraham, member, United States Senate, quoted in the *Detroit News*:

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A former member of the notorious Mongrel Mob who informed on his partners for money, is now suing police claiming that he wasn't paid what he was promised. The informant's lawyer says that police promised to set the informant up for life, but then only paid him NZ$6,000. The informant is seeking NZ$220,000.

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

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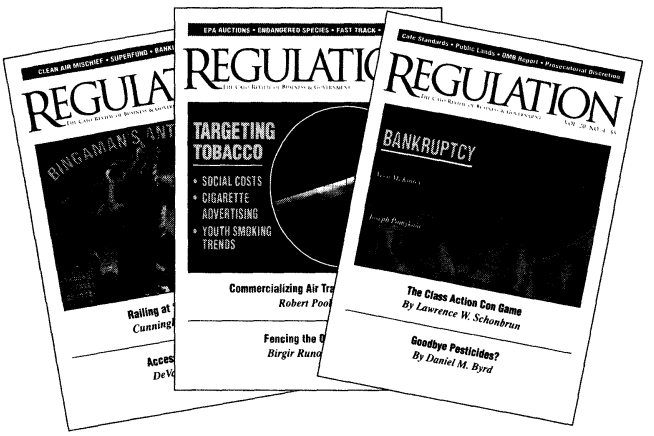

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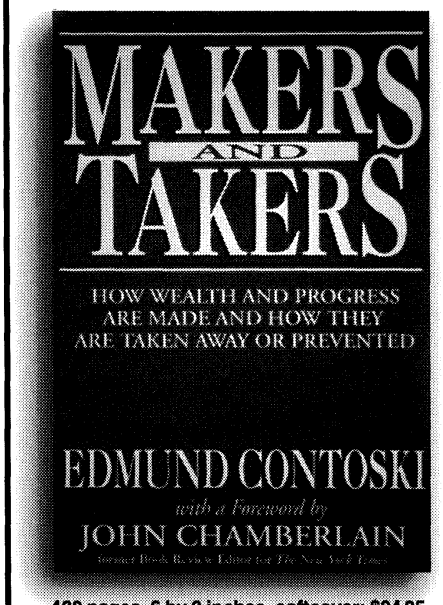

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The Nazification of the Money Supply • J. Orlin Grabbe is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

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

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

The Four Political Types • Fred L. Smith, Jr. points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. (audio: A147; video:V147)

How I Found Slavery in a Free World • Douglas Casey's acerbic tales of government failure — at home and in the 120 countries he's visited. (audio: A208; Video: V208)

How Hillary Got Rich • Join one of the most successful speculators in the nation, **Victor Niederhoffer**, as he analyzes Hillary Clinton's history with beef — the hooved commodity. Did she get amazingly lucky, or was there something else more sinister going on? (audio: A114; V114)

Will Technology Advance Liberty or the State? • For every glowing prediction of the liberating effects of technology, there is a clipper chip, a phone tap, or a spy satellite. **Harry Browne** presides while **Ross Overbeek, David Friedman, R.W. Bradford,** and **Sandy Shaw** measure the capabilities of freedom and Leviathan. (audio: A303; video: V303)

Liberty and the Press • Where does media bias come from, or does it even exist? Join veteran reporter **Bruce Ramsey**, *Slate* editor **Jack Shafer**, **R.W. Bradford** and **Jane Shaw** as they dissect the press. From a freedom perspective, what's wrong with the media — and what's right? (audio: A216; video: V216)

The Liberty Group • R.W. Bradford, Bill Kauffman, Jack Shafer, Douglas Casey, and **Durk Pearson** look at the hottest topics of the day and make some interesting predictions — many have come true today. Topics include a preview of the 1996 election and its candidates, the anti-tobacco movement, Ron Brown and Vince Foster, Clinton's nose job, and drug smuggling politicians. You listen to conservative and liberal pundits on the radios and television. Find out how libertarian pundits measure up! (audio: A201; video: V201)

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Inside Liberty

September 1999
Volume 13, Number 9

4 Letters Our readers right — and left.

7 Reflections We have our say, up front.

Features

17 Dear Bill Gates Now that the greatest entrepreneur of the computer age has been gang raped by government regulators, *Peter McWilliams* offers his condolences . . . and a bit of advice.

25 Why Milosevic Must Go *David Ramsay Steele* explains why Yugoslavians will be happy to replace Milosevic.

28 Genocide in Kosovo? The United States went to war to prevent genocide of ethnic Albanians. The fighting has stopped, and *R. W. Bradford* tries to find out just how many ethnic atrocities the Serbs committed.

30 Privacy in Russia *Jen Tracy* reports on privacy in a country where the police have unlimited power but don't have unlimited funds.

33 Whither the LP? A month ago, it looked as if Harry Browne would get the next Libertarian presidential nomination with no serious opposition. But, *Chester Alan Arthur* reports, new challengers have emerged.

35 The Paramilitaries Among Us *Forrest Smith* wonders why a group of SWAT Rambos sat biting their nails behind body armor and ballistic shields while the massacre at Columbine raged.

37 Nathaniel Branden Speaks *Nathaniel Branden* speaks on Ayn Rand, Alan Greenspan, Leonard Peikoff, charges that his Ph.D. is phony and that he's had major problems keeping his professional license — and answers some tough questions about the changes he made in the new edition of his memoir of his life with Rand.

46 Under the School Boardwalk Under a recent Supreme Court ruling, *Sarah McCarthy* notices, boys can no longer be boys.

49 Unwitting Victims *Scott Chambers* explores the last frontier of the civil rights movement.

Reviews

51 The Eloquence of Bobby Kennedy More myth-making entertainment, says *Stephen Cox.*

55 De-Imperializing the Presidency Bob Woodward fears that Watergate has diminished the presidency. *Jonathan Ellis* rejoices.

57 Communities of Independence *Douglas Puchowski* explores the world of intentional communities.

60 Classified Ads The language of a free economy.

61 Notes on Contributors A convenient resource for those government list-makers.

62 Terra Incognita Visit to a strange planet.

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Letters

Simple Solution

I agree with Jane Shaw ("Amoral Cocktail," July) that the Littleton tragedy probably has many contributing factors rather than one overriding cause. However, she overlooks two important ingredients in her deadly cocktail. I am referring to the compulsory public school attendance laws, and the fact that there are no real alternatives to public school available for most families.

Abolish the former and fix the latter. Do this, and I have no doubt these school shootings will go the way of the "anarchist" restaurant bombings of the last century.

Scott A. McLennan
Minneapolis, Minn.

Brainwashed!

July's commentaries on the massacre at Columbine High School in Littleton, Colorado, overlooked what I believe is the real significance of the wave of violent incidents at schools in recent years. I believe that school shootings are an indirect consequence of government's reliance on psychological conditioning. Teachers in government-funded schools use brainwashing tactics to reinforce politically correct (i.e., pro-government) ideas. Politicians use rewards and penalties to shape peaceful behavior. They propose taxing junk food (to prevent obesity), banning cigarette advertising (to curb smoking) and restricting the distribution of credit card applications (to limit consumer debt).

When a child turns a gun on his classmates and teachers, politicians suggest that there are too many negative influences (e.g., television violence, violent video games, violent music and guns). Therefore, government should control what children — disarmed of the will to think and act independently of influence and stripped of the capacity to reason, in government-run schools — will ultimately be influenced by.

The solution is to teach children how to exercise judgment and to instill in them respect for individual rights. Individuals who think and act independently of influence tend to act responsibly, deal fairly with others, develop and pursue constructive interests and overcome abuse and neglect. The belief in our culture that it is proper to coerce individuals to live, work and suffer, for the benefit, appeasement and ignorance of others was a much more important influence on the behavior of Littleton killers than exposure to violence in the media.

Charles Stampul
Wappingers Falls, N.Y.

A Private Matter Between Buyer and Seller

In "Privacy Unbound" (July), Bruce Ramsey argues that "A society with the widest feasible scope of private action will mandate that some things be open to scrutiny. If we allow a wide freedom to sell patent medicines, we should require that all ingredients be printed on the label."

I see a conflict between "widest feasible scope of private action" and "require that all ingredients be printed on the label." Labeling requirements can in fact significantly reduce the "scope of private action," to the detriment of both sellers and buyers. It seems to me that a strictly libertarian point of view demands rather less: only that the parties to a transaction not deceive each other about the goods or services to be exchanged. This follows from the libertarian concept of private property rights, which include the right to transfer one's property (material goods, labor, space, etc.) to a willing recipient. The transfer is actually accomplished by announcing it. Thus, when one party says (or perhaps writes) "I give you this bicycle," and the other says "Thanks," the ownership of the bicycle is legally changed. Transactions in which each party gives something to the other form the basis of a market economy, and may be called "sales," "swaps," or "jobs," depending on the nature of the goods or services exchanged.

Applying the above principle to

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Ramsey's example of a patent medicine, the crucial question is whether the product lives up to the claims made by its vendor for its alleged curative properties, since these claims specify what is actually being sold. Of course, if the vendor does put a list of ingredients on the bottle, then those form part of the product description and must also be correct.

In a way, a list of ingredients is just another characteristic of a product, and regulations that require its presence are not fundamentally different from regulations restricting or mandating other characteristics. To be consistent, a libertarian would frown on both kinds of regulations, and leave the issue of the ingredient label to be decided privately between seller and buyer.

David J. Slate
Chicago, Ill.

Missed Target

Clark Stooksbury makes an interesting and perhaps valid point in "Brill's Discontent" (July). Perhaps state gun control regulation would turn out to be as incompetent as auto registration.

However, he misses a chance to respond to Brill (and Clinton, Sarah Brady and other handwringers) with a serious rebuttal.

Brill says guns should be registered like cars. Fine, I have absolutely no problem whatsoever with that.

Cars are registered by states, not by the federal government, and the way they are registered varies from state to state as each sees fit. The federal government has no authority whatsoever to register cars.

More importantly, the states only register cars that are used on public, state-owned, roads. Want a car to use strictly on your farm, or to race on privately owned tracks, or a truck to patrol the private parking lot of your shopping mall? To the best of my knowledge no state requires registration.

So to carry the analogy to guns, if you use a gun (not merely transport one) on public land, then perhaps the state, in its capacity as owner of the land, should be able to register it. But if you do not use it on public land, they should have no power.

John R. Henry
Fajardo, Puerto Rico

Political Death Wish

Until I read Jacob Hornberger's April article, "Why Harry Browne Doesn't Work," I believed that the only direction the Libertarian Party could go was up; but he may have proved me wrong! Hornberger has convinced me that I am wasting my time thinking the Libertarian Party will ever be detected on political radar, let alone get a president elected. It is almost as if the party has a political death wish and would rather wallow in historical ideals than get voters.

I have read many issues of *Freedom Daily* and have even passed them around among friends. Most people are too enamored with the social promises that we have, and continued to get from the major parties. Its like the politicians were the campfire and the people are the moths that get hypnotized and keep coming in only to get burned. Americans are in a political co-dependency that is like a bad marriage; knowing there must be something better but are afraid to take a chance.

Hornberger and Browne are not that

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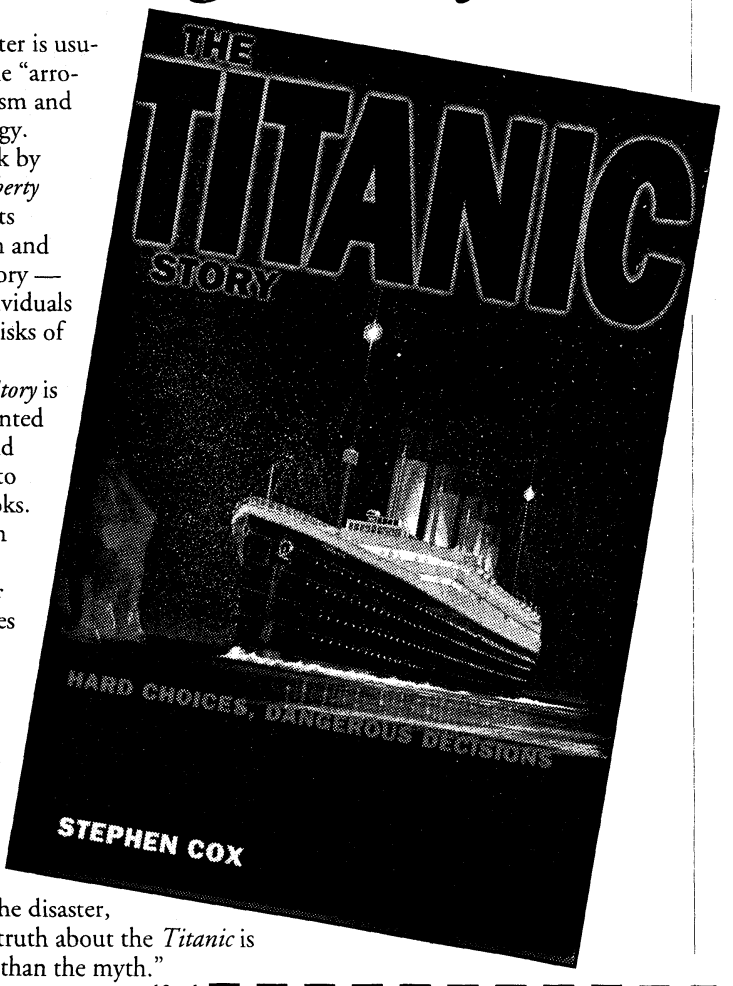

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—*R. W. Bradford*

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much different with regard to platform and ideals. They only differ in a few tactical approaches to getting votes.

All I can offer Jacob Hornberger is to read the recent article in *Home Business Magazine* about how Jesse Ventura and his network of home-based entrepreneurs got him elected. I have also read that Ventura has begun the process of getting Federal approval for Minnesota to grow hemp.

Maybe Hornberger would benefit in talking with Jesse and studying his campaign rather than fragmenting a small party even further. Hopefully this will get the Libertarian party above the political and media stealth position it always seems to be locked into. You can bet that other parties will cob every idea they can get from Ventura because they are already experts at stealing.

Even though I am currently at an all-time Libertarian low with regard to our party, I will still vote Libertarian.

Jack Satkoski
Sagle, Id.

LP Strategy: Rhyme Without Reason

Sandy Shaw notes ("Why we sue," July) that the Libertarian Party plans to spend $10 million on its next Presidential campaign. She proposes spending the money on litigation instead. While all Libertarians were delighted by her FDA First Amendment lawsuit, in the long term political action is more effective than litigation. A Republican-Democratic Congress will pass new unconstitutional laws faster than Libertarian litigants will strike them down.

Shaw is nonetheless totally correct to skewer the national Libertarian Party for its fixation on the national Presidential campaign and other centralist programs, such as the "Operation Everywhere" and Project Archimedes membership recruitment schemes.

Fortunately the Libertarian Party has alternatives: Alternatives to a national centralist political campaign, namely campaigns for local office. Alternatives to a national centralist party, namely local groups supporting their members in winnable campaigns. Alternatives to a national centralist plan to recruit members, namely Local Organization to recruit local activists and local candidates. Alternatives to a revealed political strategy, namely Libertarian strategic analysis as urged by the Libertarian Strategy Caucus. Alternatives to a national office that raises millions, yet spends a pittance on supporting electoral campaigns.

A national central coal board could never compete on even terrain with private entrepreneurs. National centralism — Washington trying to run the world — fails in commercial markets. Why should national centralism work any better in the marketplace of ideas?

George Phillies
Worcester, Mass.

Litigate 911

David Boaz showed convincingly ("No Contradiction Between Rights and Consequences," May) the indivisibility of natural rights and consequentialism and how best to deal with them in practice. He also put emergencies into the background where they belong, but I would suggest to pedants like R.W. Bradford that even the unreal world of emergency situations can be dealt with if we must discuss them: If a blizzard threatened my life, I would if necessary break into a house and even disregard the owner's protests. I would know it was wrong, but know also that I would put it right later by compensation. Proper compensation renders the crime irrelevant. This solution can be applied to most of the oft-quoted "dilemmas" such as the misanthrope refusing to let in the man on the window ledge, the theft of a gun to defend oneself, etc. The key is legal action if the criminal makes it necessary. This enables everyone to live happily ever after. Now let's let these emergencies rest in peace.

Tony Dear
Victoria, Australia

R.W. Bradford responds: If a blizzard threatened my life, I too would if necessary break into a house and even disregard the owner's protests. The difference between me and Mr. Dear is that I recognize that this is a violation of what some libertarians consider to be a fundamental law: namely, that it is always wrong to initiate the use of force. I have serious reservations about Mr. Dear's dictum that "Proper compensation renders the crime irrelevant." Suppose, for example, that a man rapes a woman, then pays compensation. Does this render the crime of rape irrelevant?

In the August *Liberty*, we identified Chris Matthew Sciabarra as "author of *Ayn Rand and Feminism*." In fact, Mr. Sciabarra is co-editor (with Mimi Reisel Gladstein) of *Feminist Interpretations of Ayn Rand*.

Reflections

Janus profiled — Bill Clinton, the man who (while bombing Yugoslavia) told children that you cannot solve differences with violence, is now campaigning against local law enforcement using racial profiling. This is the same Bill Clinton that ordered Al Gore and the FAA to assemble a profiling database for airline passengers. Passengers are now routinely searched on the basis of religious and ethnic backgrounds. He is forcing state and local police to ignore the fact that almost one out of every three young African-American males have run afoul of the law, while holding every Arab-American responsible for a handful of terrorists. —TS

There's no one here but us liberals — Does *The Washington Post* think liberals are Communists, or maybe that Communists are "liberals in a hurry," as was once said? A front-page article in July, part of a year-long series on the history of the century, focused on Washingtonian Mary Stalcup Markward, who went undercover for seven years as an FBI informant in the Communist Party of the District of Columbia and then surfaced to tell her story to the House Committee on Un-American Activities. In the story, *Post* reporter Heming Nelson writes, "Many people, especially racial and religious minorities, were attracted to the Communist Party's liberal, progressive agenda." He goes on to describe a Washington neighborhood known as Trenton Terrace: "Many of the residents there were idealistic liberals — ranging, [longtime leftist Marvin] Caplan says, from actual Communist Party members to Truman Democrats." These days few right-wingers would dare to say that there was a common bond between Communist Party members and liberals. But apparently *The Washington Post* sees Communists as a breed of liberals. And who is to disagree? —DB

Fifty million Frenchmen can be dead — "According to Nostradamus, 'In the year one thousand nine hundred and ninety-nine and seven months, a great fearful King will come from heaven.'" This and other passages from Catherine of Medici's famed doctor have been interpreted to mean that the end of the world should have come on July 9th. . . . Or, in other interpretations, human civilization ceases on August 11, when the upper half of France will be blackened by an eclipse of the sun. Somehow, a disaster in France translates into the end of the world. Michel de Nostredame (Nostradamus) was French, after all. —WM

What about the bats in the belfry? — A March 9, 1999 ruling by the U.S. Court of Appeals for the 2nd Circuit extends a manufacturer's duty to warn of risks to even obvious ones. The Court ruled that a manufacturer of meat grinders shared some liability for an amputated arm suffered by a worker after a supermarket had removed the safety guard from the grinder. "A reasonable manufacturer may have a duty to convey" to users that protective guards are available "even if the danger of using a grinder were itself deemed obvious," said Judge Guido Calabrese.

In Guido's spirit, then, we hereby provide a few warnings for users of baseball bats:

1. Do not swing bat while standing within reach of another person. You might cripple or kill them.
2. Do not attempt to swallow a bat. You might die very painfully of asphyxiation.
3. Do not use as a dildo.
4. Do not leave on a stairway. It may cause a fall that results in permanent paralysis or death.
5. Keep locked up while not in use to prevent unauthorized and untrained personnel from doing who knows what with it.
6. Do not leave lying on the floor or serious adverse consequences may ensue. At best, it may attract a beaver into your house.
7. Do not leave on top of an operating stove unless you have fire insurance and are already outside the house.
8. Do not carry in the presence of a police officer or you may be shot to death if the officer is paranoid.
9. Under no circumstances, use it to hit a baseball. You might hit a bird protected under the Endangered Species Act.

One wonders how manufacturers will fit warnings about all the obvious potential risks on a label or package. And even after cramming them all on, the manufacturer might still be liable because consumers couldn't expect anyone to read all that stuff before using the product. —SS & DP

Bite the hand that feeds — The United States and other capitalist countries are still supporting the United Nations, and the United Nations is still reproving them. According to a July 12 report in *The Guardian*, the UN's annual Human Development Report considers it "grotesque" that "the world's 200 richest people" have recently "doubled their wealth to more than $1 trillion," while the income of the world's poorest 1.3 billion people has not increased. The report claims that "the richest one-fifth account for 86 percent of world consumption while the bottom one-fifth account for just 1 percent." It observes that "almost three-quarters of the world's telephone lines . . . are in the West."

It appears never to have occurred to the UN's brilliant analysts that three-quarters of the world's business is done in the West, because over 86 percent of the world's production — not just consumption — is done there. Hence all those telephone lines.

A person of normal intellect would hail the world's increase in wealth, and recognize its implications. Western people are not better or smarter than anyone else; nor does "the West" exist in some miraculous geographical zone where telephones fall from the sky. There must therefore be something distinctive about the social and political system of

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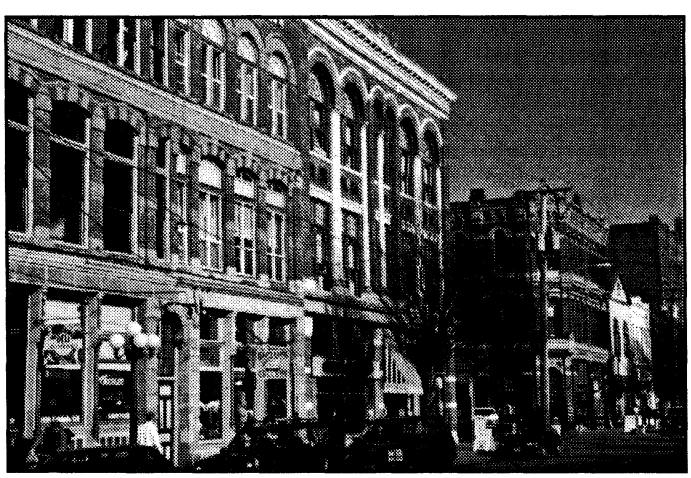

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Richard Stroup — innovative free-market environmentalist, Reagan-administration economist.

Jane Shaw — journalist, former *Business Week* editor, expert on protecting environmental integrity through private property.

Randal O'Toole — forestry economist, thorn in the side of the U.S. Forest Service, and feared opponent of city planners everywhere.

Timothy Virkkala — *Liberty*'s Executive Editor.

. . . and other speakers to be named later!

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the West, something capable of producing the amazing economic effects described in the United Nations report.

That something is individual rights and capitalism.

But the United Nations has never been a haven for normal intellects. Its response, therefore, is to blame the social system of the West, scorn its effects as "grotesque," and call for its undoing — for "a rewriting of global economic rules to avoid inequalities between poor countries and wealthy individuals," and for "a more representative system of global governance." In other words, we should let the United Nations take the phone lines away from Microsoft and General Motors and give them to politicians in Madagascar, so that they can start producing their fair share of software and SUVs. Or would that be a "grotesque" idea? —SC

Knick-knack, paddy-wack — Now we're supposed to believe that Washington somehow *found* a trillion dollars at the same time President Clinton was engineering a free-drugs-for-seniors policy. It should be called the "keep 'em alive enough to vote!" program. Coming soon, free biscuits for puppies! It will cost the annual budget a minuscule amount compared to the surplus . . . —TS

Vocabulary test — Define "legitimate" as used in the following sentence: "Almost a month after entering Kosovo, NATO forces remain the only legitimate authority in the province"(*The Washington Post*, July 11, 1999). —DB

A Ken Starr in every pot — After Democratic whining about Independent Counsel Kenneth Starr reached a fevered pitch, Congress decided not to renew the independent counsel act in June. Democrats said Starr was out to "get" Bill Clinton. Last year Hillary Clinton, in a statement foolish and trite even for her, implied that Mr. Starr's work was part of a "vast right-wing conspiracy." I don't remember her or any other Democrat howling in indignation when Independent Counsel Lawrence Walsh was zealously digging to find dirt on Republicans involved in the Iran-Contra affair.

Politicians on both sides have condemned the very idea of an independent counsel, charging that it merely looses a wild bull in Washington to gore whomever he desires, and that it greatly interferes with the workings of the administration in power. Many Clinton supporters sadly lament that, due to the Lewinsky affair, Clinton failed to accomplish his agenda and secure his place in history. Well, hurray for the independent counsel! Long may he reign! In fact, we need to expand the powers and scope of the independent counsel, not get rid of them.

I recommend that on every Inauguration Day, as each new president is sworn in, next to him an independent counsel will also be sworn in. It will be the duty of this prosecutor to serve as a watchdog and a shadow, hounding the president constantly, an ever-present thorn in the president's side to keep him distracted from the issues at hand. In addition there should be several independent counsels whose job will be to hound all the members of Congress; some congressmen would require a full time independent counsel just for themselves (i.e., Ted Kennedy).

The independent counsel has been an accidental but wonderful discovery in the fight to limit the out-of-control growth of government and stop those activists who would take away our freedoms with intrusive laws. Why rid ourselves of it now? —DCS

Heat ain't necessarily so — Get ready for the annual wave of environmentalists blaming summer heat on man-made gases, and forecasts of impending doom. They use summer heat the same way witch doctors used eclipses to frighten the tribe into human sacrifice. Most of the reasons that temperatures seem higher than previous years is reliance on the heat index to inflate actual temperature. The crisis is nothing more than local television stations manufacturing a lead story. —TS

It usually begins with Beccaria — In 1764, at the age of 26, Cesare Beccaria found himself an international celebrity, with the publication of his masterwork *Dei Delitti e Delle Pene* ("On Crimes and Punishments"), which was soon translated into French, German, Polish, Spanish, Dutch, and English; eventually, the book appeared in 22 languages.

Beccaria created the first systematic theory of criminal behavior and public policy control of crime, thereby creating the social science of criminology. He also denounced torture, secret trial, corrupt judges, and degrading punishments.

Dubbed Newtoncino by his admirers, Beccaria said that he was applying geometric principles to criminal law. He reasoned that a penal system should provide punishment only severe enough to preserve security; any punishment above this level was a form of tyranny. As Beccaria put it, the criminal law should provide, "That bond which is necessary to keep the interest of individuals united, without which men would return to their original state of barbarity. And thus, Punishments which exceed the necessity of preserving this bond are in their nature unjust." (Contrast Beccaria's view with that expressed in Sen. Orrin Hatch's juvenile crime bill [S. 254] currently moving through Congress. That bill provides mandatory five, ten, and 20 year prison sentences for violations of laws about gun possession, and other non-aggressive offenses.)

Beccaria influenced English thinkers like philosopher Jeremy Bentham and legal theorist William Blackstone, as well as many French philosophers, including Voltaire, Diderot, and Buffon. Sweden's Gustavus III, the enlightened Empress Maria Theresa of the Austrian Empire and the Empress Catherine the Great of Russia reformed their criminal justice systems along Beccaria's suggestions.

John Adams apparently got hold of a European edition of *On Crimes and Punishments* before the book was published in America in 1777. Adams served as defense counsel for the British soldiers accused of firing on unarmed civilians in the Boston Massacre in 1770. In explaining why he would defend such unpopular clients, he quoted Beccaria: "If I can but be the instrument of preserving one life, his blessings and

Who's Who

DB	David Boaz
DC	Douglas Casey
DCS	David C. Sphar
DK	David Kopel
DP	Durk Pearson
DRS	David Ramsay Steele
EDD	Eric D. Dixon
JOG	J. Orlin Grabbe
MMS	Martin M. Solomon
RWB	R.W. Bradford
SC	Stephen Cox
SS	Sandy Shaw
TS	Tim Slagle
WB	Will Block
WM	Wendy McElroy

tears of transport, shall be a sufficient consolation to me, for the contempt of all mankind."

Beccaria's influence can be seen in the Eighth Amendment to the United States Constitution, which outlaws cruel and unusual punishment. His ideas are also visible today in the movement to abolish the death penalty, a punishment which Beccaria was the first notable thinker to oppose.

Thomas Jefferson liked *On Crimes and Punishments* so much that he carefully copied many lengthy passages into his *Commonplace Book* containing his favorite sayings, which he used as his principal modern authority for revising the laws of Virginia. Jefferson quoted a succinct and powerful statement of how gun control laws harm the innocent and assist the criminal:

> False is the idea of utility that sacrifices a thousand real advantages for one imaginary or trifling inconvenience; that would take fire from men because it burns, and water because one may drown in it; that has no remedy for evils, except destruction. The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes. Can it be supposed that those who have the courage to violate the most sacred laws of humanity, the most important of the code, will respect the less important and arbitrary ones, which can be violated with ease and impunity, and which, if strictly obeyed, would put an end to personal liberty — so dear to men, so dear to the enlightened legislator — and subject innocent persons to all the vexations that the guilty alone ought to suffer? Such laws make things worse for the assaulted and better for the assailants; they serve to rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man. They ought to be designated as laws not preventative but fearful of crimes, produced by the tumultuous impression of a few isolated facts, and not by thoughtful consideration of the inconveniences and advantages of a universal decree.

This passage is very popular with Second Amendment enthusiasts, many of whom, unaware of the contribution of Beccaria, believe it is the work of Jefferson himself. —DK

Implants R Us — The push to ban vinyl toys seems to be a repeat of the breast implant scare. Recent peer-reviewed scientific research has concluded that implants are completely safe, and the frenzy over them was based not on science, but on the courtroom opinions of Jenny Jones's peers. The controversy boils down to one simple fact: some children like to put synthetic playthings in their mouths, and some adults don't like it. —TS

The market doesn't run for office — Al Gore seems to have learned the wrong lesson about giving credit where it's due. Recently lambasted for his claims of responsibility for creating the Internet, Gore has taken a less bombastic approach to economic growth by acknowledging that the current boom in economic activity began while George Bush was president in 1991, *The Washington Times* reports. While his newfound respect for the accomplishments of others is vaguely reassuring, Gore's nod to the Bush administration reveals a continuing habit of assigning credit to the wrong places. In this case, he inappropriately credits government with triggering the growing economy.

No matter who's in the White House, the only way government can successfully spur economic growth is by getting out of the way. Even if we could unreservedly say George Bush had a better record than his predecessors at leaving the economy alone, the best we can say about any president's economic policies is: He wasn't as good at screwing things up. —EDD

Good for the goose — With Hillary officially on the political prowl, the media is bound to muckrake. Then, a slew of self-referencing broadcasters, who believe that *they* are the news, will feel equally bound to soul-search about violating the personal life of politicians. No one states the obvious. Politicians bring such inquiry on themselves. They present their spouses and children, their churchgoing and military records to the public as credentials for the job. It is rank hypocrisy for a politician to get upset because someone checks out the all-American qualifications that he himself has flaunted. Employers look into the claims made on application forms. Why exempt politicians? Dig deeper and let the mud splatter where it will. —WM

PIS poor — Congress allowed the independent counsel law to lapse in June. Guess who will do the investigations of sensitive politically encrusted matters now? The Public Integrity Section (PIS) of the Justice Department. One small problem, however, is that the highly ethical PIS has itself been breaking the law for two years running. As reported in the March 22, 1999 issue of *The National Law Journal*, PIS is required by federal law to report to Congress at the beginning of each congressional session on the probes and prosecutions that the section conducted in the previous year. The 1998 report was due seven months ago. The 1997 report was due 19 months ago. And the 1996 report was due 31 months ago. Guess nothing was going on. . . . —SS

Downshifting the police state — In the little town where I live, the speed limit is posted on a major thoroughfare at 30 mph. Approximately 80 percent of drivers habitually exceed this limit. I am in a good position to appreciate this; I often drive a motor scooter whose top speed is 30, and I find that drivers routinely pass me illegally (there is no

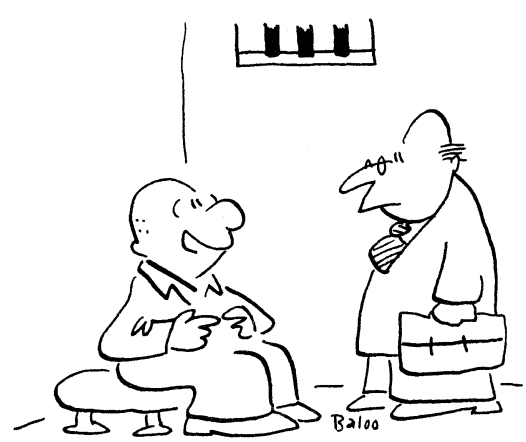

"A special prosecutor? — for *me*?"

passing lane), honk their horns at me, make obscene gestures at me, motion for me to drive on the shoulder (which is illegal), or (if they are especially meek) stack up impatiently behind me. Despite the fact that the speed limit is routinely flouted, there have been few accidents and, so far as I know, no fatalities at all on the road, despite its having the highest traffic of any in town.

Local people aren't particularly upset by this unreasonably low speed limit. Some people favor it because they oppose motor vehicle traffic altogether. (A recent candidate for city council whose platform called for banning all motor vehicles from this sprawling, hillside town, got, as I recall, 27% of the vote in a three-way race — a measure of wacko environmental sentiment if ever there was one. One of those elected to city council proposed a city-wide speed limit of 15 mph, to encourage people to walk and ride bicycles, like she does.) Business owners along the road believe slower traffic increases the chances drivers will stop and patronize their businesses. Risk-averse people believe that a lower speed limit means greater safety.

While the reasons for the low speed limit are many and some are difficult to understand — if people really believed what they say, presumably they'd obey the speed limit themselves — the consequences are not. The low speed limit gives the local police an excuse to stop and cite virtually any motorist. Whenever they see a driver or a vehicle that they deem suspicious for any reason, they have a pretext to stop, cite, fine, search, and use whatever they find in their warrantless search as evidence in court.

A couple months ago, I was surprised to learn during an interview with a young man seeking work at *Liberty*, that he had previously been a police officer. He was a loquacious fellow and shared with me several anecdotes about stopping drivers because he was suspicious of them. (And he suspected a lot of drivers: he told me that no one had a reason to drive a car between 2 a.m. and 5 a.m. unless he were drunk.) He explained that the traffic laws are such that a police officer can stop, cite and search virtually any motorist: he need follow his prey until that inevitable moment when some law or another is broken. (His favorite, very useful in his lightly trafficked community, was stopping people for illegal lane changes: if one of a vehicle's tires touched the line marker, he explained, that's enough.)

The Supreme Court, bloated with conservative Republican appointees, has ruled that virtually any search pursuant to a traffic violation is legal. In effect, when a person starts his engine and begins to drive on a public highway (private parking lots and driveways are considered "public highways" for purposes of the law, by the way), he has given up his constitutional right against warrantless search.

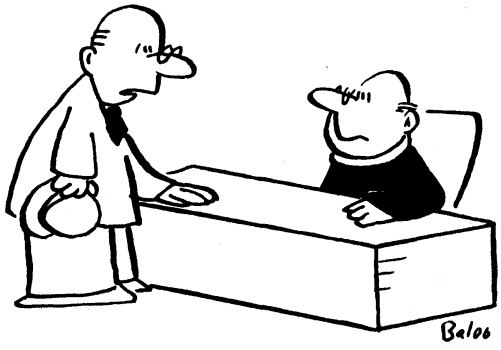

"I know it's irregular, but I'm on my way to be audited, and I was wondering . . . could you possibly administer last rites?"

One of the pleasures of living in Washington (the State, not the Death Star) is that those who live here are protected by a state constitution that offers slightly more protection of individual rights than the federal constitution — and by a state supreme court that often respects those rights. Consider the case of *Washington v. Ladson*, decided by the Supreme Court of Washington on July 1.

On October 5, 1995, two police officers observed two young African-Americans driving in Lacey, Washington. There were no apparent driving violations and the officers were not on traffic patrol: they were on "proactive gang patrol." They followed the young men for some distance, even waiting while they stopped and refueled their car. Eventually, they spotted a minor violation, stopped the car and cited the driver. They proceeded to search the car "incident to Fogel's [the driver's] arrest," discovering that his passenger had a small amount of marijuana and a handgun in his jacket. They arrested the passenger, who, in court, argued that the search was illegal, on the ground that it lacked legal justification. He was nonetheless convicted. During his appeal, the U.S. Supreme Court ruled that traffic stops made solely for the purpose of searching an individual deemed suspicious by the police are eminently constitutional.

Enter the Washington Supreme Court. Acting upon Washington Constitution article 1, section 7 — which specifies that "No person shall be disturbed in his private affairs, or his home invaded, without authority of law" — the court threw out the conviction. It was a blow, albeit a small one, for legal protection of liberty.

The Court did not rule that all searches pursuant to traffic stops are unconstitutional, or even that such searches are generally unconstitutional. It ruled that "the reasonable articulable suspicion that a traffic infraction has occurred which justifies an exception to the warrant requirement for an ordinary traffic stop does not justify a stop for criminal investigation." A search pursuant to a traffic stop is still legally justified, provided the police claim that they were seeking to enforce traffic laws, not merely using especially strict enforcement of traffic laws as a means of stopping and searching whomever they deem suspicious.

Which brings me back to the young man who told me he could always find a pretext to stop any driver. And to the speed laws in a small town like mine that are set so low that even elderly women routinely exceed them. When my neighbors support a legal speed limit that virtually no one obeys, they are not merely giving the police arbitrary power to stop and cite anyone. They are giving police arbitrary power to search anyone, a far more dangerous thing to do. After all, the American Revolution was fought partly to secure the right against arbitrary search. The Fourth Amendment very clearly establishes this right:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and sei-

zures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

One solution to the problem, of course, is to privatize the roads, and turn establishment and enforcement of the rules of the road over to the roads' owners, just as the establishment and enforcement of rules of conduct in the hallways of hotels, apartment buildings and offices are the responsibility of the buildings' owners. I've never heard of anyone being held at gunpoint and searched for walking on the wrong side of a hallway, except in a prison.

A less radical and more promising approach from a practical point of view would be to separate the enforcement of traffic laws from the enforcement of criminal laws. This would be a simple matter: the enforcement of parking violations is already separate from that of traffic and criminal laws. (A uniformed meter maid once noticed that my motor-scooter license was expired. "I cannot cite you," she said, "because you haven't violated any parking regulations. But if a regular policeman sees you, you'll get a ticket.")

In the meantime, thanks to our state supreme court, people in Washington state enjoy slightly more "security in their persons, houses, papers and effects" than people in other states. But only slightly more. It is a sad commentary on America that police can still pretty much arbitrarily stop and search any traveller, anytime they want, with only a minor limitation on that power in one, smallish state. —RWB

Buzz words — Latest to join the ranks of encryption-nazis, along with *en vogue* bashing of Bill Gates, is Robert Novak, a columnist for the *Chicago Sun-Times* and regular on CNN's *Capital Gang*. Writing in a June 28 column "A high-tech defeat," Novak drags out the tired boogeymen of "international drug lords" and "drug cartels" to explain why the DEA's Thomas A. Constantine and the FBI's Louis J. Freeh should be able to listen to our conversations at their leisure. The fact they can't is all the fault of Bill Gates ("the world's richest man," Novak darkly notes) because "encryption devices sold by his company and used by international drug lords are so powerful they cannot be deciphered by law enforcement." Gee, fancy that.

The satire is all the richer once one realizes that Novak may believe his own moronic bilge. Let's summarize the plot and the cast of bit players.

First we have Bill Gates, an evil plutocrat who is being taken to task for not selling shoddy-enough products: his software actually runs on some computers, and his encryption devices can't be broken by Beavis and Butthead.

"As Gates knows, no computer is big enough to break Microsoft's new codes," warns Robert Novak, crusading journalist, moral conscience of the nation, and also secretly-paid Microsoft PR agent whose primary task is to promote the notion that some of Microsoft's encryption products are actually secure.

Next, we have "career cop" Thomas Constantine, the ringleader of a gang of pirates whose main job is to protect the high profit margins available to approved dealers of illicit drugs by busting the competition and thus restricting the supply. Constantine has in recent years graduated to international bank theft as noted in a previous issue of *Liberty* ("The Money Laundromat," November 1995).

Then there are the Freehstone Kops, who (headed by a pantywaist in elevator shoes) are actually scared of real criminals, and so prefer to content themselves with monitoring the conversations of widows and orphans, and others they can easily pick on. In recent years, the Kops have adopted the motto that "if you can't beat 'em, join 'em," and (according to detailed journalistic accounts and court filings) become heavily involved in protecting the drug trade in locations such as Montana. However, part of their operation has now fallen apart, apparently because they weren't using Microsoft's "powerful" encryption products.

Now for the plot complication. Are you ready? The evil Drug Lords, who work hand-in-hand with Bill Gates to provide a paycheck to the Con and the Kops, have discovered—prepare yourself now, are you ready? — LEVEL TWO ENCRYPTION. Their billions in drug profits had not previously allowed the Drug Lords to reach this plateau of enlightenment, but now with the aid of the sinister Bill Gates they have gotten their mojo working.

Crusading moralist Novak explains: "Freeh and Constantine are desperate. Wiretapping is law enforcement's biggest weapon, authorized by court order 1,329 times nationwide in 1998 — 72 percent for drug cases. No longer able to infiltrate the narcotics apparatus, the DEA depends on eavesdropping.

"But intercepted conversations now are interrupted by a steady buzz, signifying that intelligible conversation is encrypted. What experts call 'level-one encryption' could be decoded, but the drug lords have turned to 'level two.'

"'And we can't break it,' Constantine told me. 'There's no big computer in Livermore [Calif.] or in New York City that you can take your staff to and say, "Take the buzz, and make it into words." It's just that encryption is ahead of the power

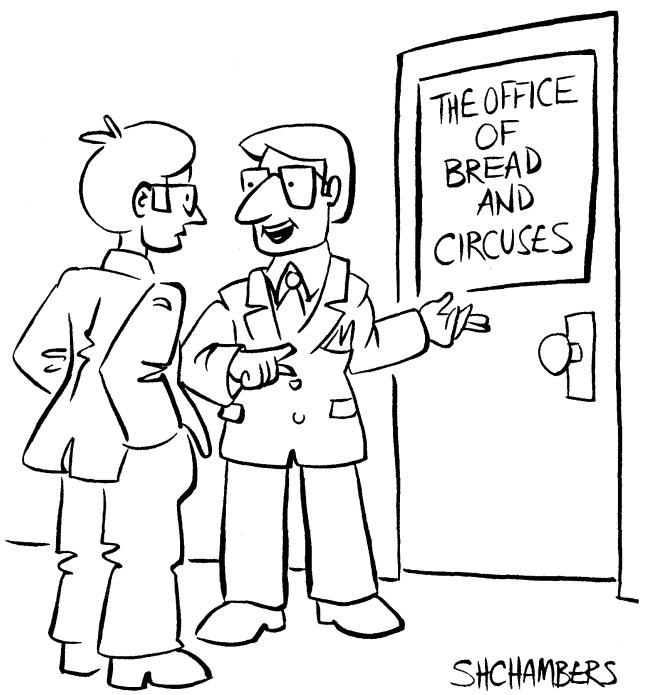

"We've consolidated the Food Stamp Program and the National Endowment for the Arts!"

of the decrypt.' The agents need the key supplied by the manufacturers."

Closely pursued by a STEADY BUZZ, Con and Kops go in search of the *sacred keys*. After many adventures and close calls, the pair of lovable rogues rescue a sexy blond, Helga, 19, whose bits were previously held in bondage to Microsoft's powerful codes. She gives them a list of computer manufacturers: Compaq, Dell, Apple, IBM . . . .

"You left off Microsoft," Con points out suspiciously.

"Microsoft doesn't manufacture computers," Helge explains with a flutter of her eyelashes. "We need the keys supplied by the manufacturers, remember?"

Their team is soon joined by Novak, the crusading journalist and Jesus of juju. He hastily delivers the latest news: ". . . the Senate and House Commerce committees last week approved bills to end export controls over encryption systems to which law enforcement and national security officials have no access. That would give the big drug cartels, now based in Mexico, worry-free communications with their U.S. operatives."

"But wait," Helga says, puzzled. "If the Drug Lords can ship tanker loads of drugs across the border, why is it they can't smuggle a few floppy disks, containing powerful encryption programs, or just buy them overseas — or even learn to use the Internet?"

"Hush!" commands Novak. "You are giving away national security secrets that they" — he indicates Con and Kops — "are not permitted to know."

In his June 28 column, Novak quotes Constantine about Bill Gates and his colleagues: "Their No. 1 concern is to make money. They don't live in a neighborhood where their mother is shot and killed by dope peddlers in a gang war."

Funny, Edgar Bronfman — who sells a legal drug called alcohol — doesn't live in one of those neighborhoods either. Come to think of it, neither does Louis Freeh or Thomas Constantine. In fact, I'll bet Robert Novak's mother wasn't killed by a drug dealer, any more than Bill Gates's was. Let's face it: Freeh, Constantine, and Novak are all getting paid to do what they do. They're all in it for the money.

Keep that in mind the next time you read a column by the evil plutocrat, cryptologically-illiterate, Big Brother advocate, and purveyor of buzz-words Robert Novak. —JOG

Politics and alcohol do mix — Sen. John McCain has written off Iowa, despite its importance as the first state to choose its delegates to the Republican convention that will choose the GOP nominee. The reason? He has long opposed the federal program that subsidizes the production of alcohol from corn, and Iowa's farmers produce a lot of corn.

Of course, very few Iowans are farmers and it would be in the interest of most to get rid of the sort of corporate welfare exemplified by the alcohol subsidy. Why don't they? "The problem is, that's not seen as corporate welfare here," Republican activist Bruce Kelley told *The Wall Street Journal*. "It's seen as help to farmers. And farmers, although millionaires are seen as people to be helped."

Why do most Iowans, like most Americans, see millionaire farmers — people who own hundreds of acres of the best farmland in the world and farm it profitably — "as people to be helped"? Part of the reason is that voters, like generals, always fight the last war. Back in the 19th century, when the farmers' lives were often very difficult, Americans could not afford subsidies: there were simply too many farmers and too few other taxpayers to subsidize them.

The media haven't helped. Farmers make the news mostly when bad weather or natural disaster strikes. Around a decade ago, Hollywood produced several films about the difficulties of midwesterners who lost their farms to creditors. Of course, these films overlooked the fact that these farmers suffered because they had borrowed money to finance land speculation, and that the overwhelming majority of American farmers neither went deeply into debt to buy more land nor suffered the consequences of doing so.

Lately, there haven't been many films about the plight of the farmer. I guess maybe the story of a farm family vacationing in the Caribbean just isn't as interesting as the plight of a family losing the farm. —RWB

Subsidize Beano? — Not considered in the Kyoto treaty is a ban on vegetarian lifestyles. The tendency towards consumption of beans rather than meat for protein requirements most certainly threatens the environment with that notorious greenhouse gas methane. —TS

Belgrade sprung — Stephen Browne's memoir of his visit to Belgrade in 1997 (*Liberty*, August 1999) had some interesting points, but is rather romantic. Stephen imagined he was in a "Communist" country ruled by a "tyrant." Once this had been established (in his mind), the mere fact that anyone could say what they wanted, that opposition newspapers, TV, and radio flourished, and that mass demonstrations occurred in the streets, for weeks on end, without violence — these are mere details which apparently didn't cause him to revise the fanciful picture of Yugoslavian life he had taken with him.

As for the fact that Yugoslavia has a multi-party system in which the various political groupings compete in free and fair elections for votes — one would never guess this at all from Stephen's breathless account. He doesn't therefore need to explain that the militant opposition to the current office-holders was confined to the capital and very few other places, and that there was strong support for Milosevic in the rest of the country. Otherwise, of course, Slobo would have shortly had to leave office. Just like in the U.S. or any other democratic country.

It's fair to say that the "Left" coalition of three parties headed by Milosevic is the heir to the former Communist Party which once ruled Yugoslavia as a one-party state, though even in the final years of Communist rule, in practice people could say what they liked in Yugoslavia, about as much as they can in the U.S. It's quite common in post-communist democracies for the former Communist party to become one of the competing democratic parties.

Stephen talks of "Milosevic's armed thugs" (the police) on the streets, and claims that "the threat of full-scale violence was never far." This is no doubt true of any instance where thousands of demonstrators take to the streets in a democratic country. The demonstrators held a disco in the streets, the armed thugs looked on indifferently, or occasionally with embarrassed smiles, female demonstrators now and then kissed the armed thugs or put flowers in their helmets, and

Unchaining Freedom in America

by Richard M. Ebeling

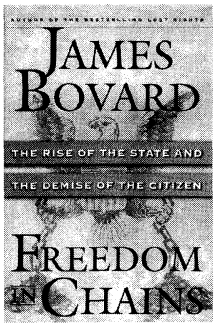

Freedom in Chains: The Rise of the State and the Demise of the Citizen by James Bovard (New York: St. Martin's Press, 1999); 326 pages; $26.95.

For more than 200 years, political philosophers have attempted to portray the state as the great god that stands above the narrow, selfish interests of the individual subjects over whom it has control. They have rationalized political power as the tool for righting great social wrongs, remaking imperfect man into a more noble creature of goodness and virtue, harmonizing the purposes of the multitudes for a higher common good, and planning the organization of society for the betterment of all. The state and its servants have been idealized as the essence of the best that is or could be in man.

But what, exactly, is the state and political power? Regardless of how political theorists and apologists may have tried over the centuries to describe it, the state and political power ultimately means one thing and one thing only: coercion. When everything else is stripped away and the state is left bare, its fundamental nature is the claim to have the right to threaten and if necessary to use physical force. And those who control the reins of political power claim the right to threaten and use force against their fellow human beings.

In his previous books, *Lost Rights: The Destruction of American Liberty* and *Shakedown: How Government Screws You from A to Z*, James Bovard itemized in depressing detail the degree to which government in modern America controls, regulates, and brutalizes the citizenry of the United States. In his newest book, *Freedom in Chains: The Rise of the State and the Demise of the Citizen*, Bovard places this growth of state power into a wider political and philosophic perspective.

Bovard shares with the Founding Fathers the belief that a political authority is necessary to serve as a guardian of the individual's rights to life, liberty, and property from the violent acts of others. But at its best, it is only an institutional device for facilitating social order, the essence of which is peaceful and voluntary relationships among the members of society. Political power is neither a holy entity nor an engine for good in any sense other than maintaining the peace among men.

To demonstrate this, Bovard documents state power in action, both in the past and in our own time. For the state to care for men under the assumption that men are unable to reasonably care for themselves, he shows that government must necessarily deny all of us the freedom to make our own decisions, whether in planning our own futures, selecting the type of work we find most attractive and profitable to pursue, or choosing the things we each conclude will provide us with the greatest happiness.

The state is always real people elected to political office or appointed to a bureaucratic position. It is these real flesh-and-blood people, not some divine beings, who then proceed to control, regulate, punish, imprison, and even kill the citizens of the United States when the government's controls and regulation are disobeyed.

How could it have happened that political power has come to be viewed as possessing the "righteousness" to dominate our lives in this way? Bovard suggests that a primary source for this dangerous attitude has been the modern concept of democracy, under which it is presumed that since "the people" elect those who rule, the elected "servants" can never oppress those whom they represent. He clearly shows that modern democracy is not a tool for controlling political power but instead an engine for special interests and ideological demagogues to gain the implements of force to use against others in the society.

How, then, do we reconcile the image that America is a land of freedom and prosperity with Bovard's view in *Freedom in Chains* that a great deal of liberty has been lost in modern America? In relative comparison with the totalitarian states of the 20th century or even the interventionist-welfare states of contemporary Europe, America still does offer a greater degree of personal and economic freedom that has allowed the creation of tremendous wealth and prosperity.

Yet in absolute terms America today is a much less free country than it was, say, 50 or 100 years ago. The degree of personal and economic liberty taken for granted in 1899 is completely lacking in 1999. And it is this absolute loss of freedom that James Bovard is reminding us of and warning us about in his important work. How much freer and more prosperous we could have been today if the ideology of statism had not triumphed both around the world and in the United States! And if we do not take heed of Bovard's warning, what freedom we still retain may be lost sooner than we think.

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the threat of full-scale violence, or half-scale violence, or even microscopic-scale violence, never actually came to anything, anywhere outside Stephen Browne's cranium.

Romance turns to recklessness, however, when Stephen casually suggests that Yugoslavia should perhaps have been invaded by NATO, because of the "horror story" (presumably a reference to NATO's tall tales of ethnic cleansing in Kosovo) which our gullible lad has apparently swallowed whole. He is correct to say that, in bombing the civilians of Belgrade, NATO was attacking the opposition to Milosevic. But he fails to understand that an invasion would have been even more destructive than the bombing alone, and that the Yugoslavian people would not have viewed it any more favorably.

It is disgracefully irresponsible to countenance invasion of a country because you have taken a dislike to the man the population has elected as leader. It is also quite silly, since Milosevic would undoubtedly have resigned from office, in a heartbeat, if that had been sufficient to halt NATO's aggression. And Slobo would soon be gone, and will soon be gone, in any case. —DRS

WAR: what is it good for? — The costs of the war in Kosovo are estimated, so far, at about $10 billion. That money is enough to give each of one million Kosovars $10,000 in cash — about $50,000 per average family, more than most of them would ever see in a lifetime. That doesn't count the estimated $100 billion that will be needed to repair the damage caused by the bombing. From an economic point of view, the war looks a bit like Vietnam where, you'll recall, it would have been cheaper, and much more effective, to give every VC and NVA a free house and a fat bank account in the U.S. to induce them to quit fighting.

One indication of the war's corrupting influence is offered by the treatment of the three U.S. soldiers who were captured, and then released, by the Serbs. Each has been given six medals for his experience, including the Purple Heart. The Purple Heart. Why? Because they sustained some kicks and punches from their captors, about what you'd expect from a barroom dustup. I don't know what happened when they were captured, but it seems to me it could be more fitting to see them investigated for violation of the code of military conduct, which specifies that surrender isn't an option while there are still means to resist. These guys were decorated as if they were Alvin York, Audie Murphy and David Hackworth. The whole thing is shameful, from beginning to end.

There's one legitimate, and only one, purpose for the U.S. armed forces: to protect U.S. territory from foreign invasion. That does not include protecting the overseas interests of American business, or "showing the flag" and "projecting force," or intervening in others civil wars (no matter how nasty or newsworthy), or "peacekeeping" in a dozen different pestholes. I propose that Bill Clinton, Madeline Albright, and Wesley Clark be indicted for war crimes. If there were any justice in the world they'd be convicted, and hung. —DC & WB

Going corporate — In the mid-1970s, as a member of the Symbionese Liberation Army that kidnapped Patty Hearst, Kathleen Soliah used to engage in shoplifting, bank robbery, and extortion. During one bank robbery her accomplice shot a customer to death. Then Soliah disappeared.

She turned up this spring, living in St. Paul, Minnesota, as Sara Jane Olson, wife, mother, liberal do-gooder, and Democratic Party activist. After the FBI arrested her, her new friends told reporters they just couldn't understand it. "It just doesn't compute," said the best man from her wedding. "We can't figure things out," said her United Methodist minister. "Sara Jane Olson is an easy person to love. . . . She quietly goes about seeking justice in an unjust world." *The Washington Post* summed up her friends' views this way: "How could this superlative person have done those violent things? How could one soul encompass such extremes of good and evil?"

Let's see: In her youth Kathleen Soliah stole wealth from those who produced it in the name of a higher good. In her middle age she organized her neighbors and allies to . . . steal wealth from those who produced it in the name of a higher good. Most of us, as we age, switch from motorcycles to cars, from playing sports to watching them, from staying out all night to staying home with the kids, from backpacking and bartending to settling down and getting a job. In that light, switching from armed robbery to Democratic politics is just part of the natural maturing process. Too bad she didn't also develop the greater wisdom that often accompanies maturity. —DB

The Unknown Declaration — I reread "A DECLARATION BY the REPRESENTATIVES of the UNITED STATES OF AMERICA in GENERAL CONGRESS assembled" this July 4 morning, anno. decl. 223. A few thoughts:

1. Only 1320 words! If brevity is the soul of wit, our Gores and Bushes are witless.

2. Do you recall all five Truths held to be self-evident? (I didn't.) They are (1) all Men are created equal, (2) they are endowed by the Creator with unalienable Rights, (3) Life, Liberty and the Pursuit of Happiness are some of those Rights, (4) Governments are instituted to secure unalienable Rights, and (5) the people may alter or abolish a government which becomes destructive of these rights. In 110 magnificent words, equal to 22 per truth.

3. How many Injuries and Usurpations were submitted to a candid World? (I didn't know that either.) My count is 37, comprised of six acts of omission and 31 acts of commission. The list was a mere 656 words, or less than 18 words per injury. Some of my favorites, with modern American applications, are:

"He has endeavoured to prevent the Population of these States . . . refusing to pass others to encourage their Migrations hither . . ."

"He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our people, and eat out their Substance."

"For abolishing the free System of English laws in a neighboring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies."

"He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People."

"He is, at this time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty

continued on page 61

An Open Letter to Bill Gates

by Peter McWilliams

Dear Bill Gates,

Now That You've Played Monopoly With the Government, Please Allow Me to Suggest a Saner Game — Libertarianism.

There is a well-established political philosophy in which the entrepreneur is an admired citizen and your freedom to run your company and your life as you see fit is a self-evident unalienable right.

As a libertarian, I watched in horror and disgust as the government dragged you and your magnificent creation, Microsoft, through the bureaucratic mire. What happened was nothing short of character assassination on you and an assault with intent to kill your company by the most powerful government in the history of the world.

Your creativity was labeled cunning, your enthusiasm called predatory, your passion mischaracterized as obsession. The government — our government! — obviously does not understand capitalism, entrepreneurism, the Constitution, or you.

The government called it an "antitrust" action. For once, the government named it right. I cannot imagine any action that would have left you with less trust in the government than this one.

For all you've done for the betterment of this country and all humankind, libertarians would have given you the Congressional Medal of Honor. The Clinton Justice Department gave you a subpoena.

The attack was not just from Clinton and the liberal Democrats, but from conservative Republicans as well. Sen. Orrin Hatch labeled you a criminal, which was nothing short of criminal on his part. Bob Dole, onetime Senate majority leader and 1996 Republican presidential candidate, wrote an opinion piece published in the *Los Angeles Times* on November 24, 1997. Was it entitled, as it should have been, "Happy Thanksgiving, Mr. Gates — We're Thankful You're an American!"? No. It was "Microsoft Must Obey the Law." A few excerpts:

> "Microsoft cannot be allowed to use its current dominance in personal computer operating system software to preclude competition. The speed with which Internet and electronic commerce markets develop creates an increased responsibility for antitrust enforcement officials to move rapidly to prevent anti-competitive practices. . . . I think the Justice Department is doing the right thing by taking swift action to force Microsoft to comply with the law. . . . Microsoft's goal appears to be to extend the monopoly it has enjoyed in the PC operating system marketplace to the Internet as a whole and to control the direction of innovation. . . . When a dominant company artificially dictates how, where and even if consumers have choice in the online marketplace, it is time for the government to step in and enforce the antitrust laws."

After all this, Senator Dole throws you a bone by mentioning that he met and personally likes you. That must have made your day.

It seems you have no friends among Democrats or Republicans. I cannot remember a single member of Congress on either side of the aisle (save those from Washington state), speaking out in defense of your Constitutional right to run your own company in your own way.

While Democratic and Republican politicians pay lip service to capitalism and the Constitution, in reality they are contemptuous and hostile to both. They are also terribly frightened of the free market, personal freedom, and — especially — any limitation of governmental power. This is because (as libertarians know well) the government is not run by people who "preserve, protect, and defend the Constitution of the United States," but by people who preserve, protect, and defend their own personal power. It is crystal clear that your "crime" was not violating antitrust

statutes, but that you failed to donate large sums of money to the powers that be.

How *dare* you be the richest man in the world and not be the largest contributor to one or both political parties? That's why you were called on the carpet in Washington — it's a classic extortionist's shakedown, pure and simple. I know it. Every libertarian I've talked to knows it. To borrow a phrase from the Declaration of Independence, it is "self-evident."

Just as in a B-movie, the gangsters from Washington walked into your office, sniffed the air, and said, "We think we smell monopoly." When you failed to fork over large amounts of cash, they metaphorically set fire to your warehouse.

Your creativity was labeled cunning, your enthusiasm called predatory, your passion mischaracterized as obsession. The government — our government! — obviously does not understand capitalism, entrepreneurism, the Constitution, or you.

Because it is so young, the computer industry as a whole hasn't learned the rules of how the country actually works. Making significant contributions to the economy and the country are not enough. Paying taxes is not enough. You also must pay money directly and indirectly to those who have seized the reigns of power, or those who are likely to seize the reigns of power in the future.

These are known as the Democratic National Committee and the Republican National Committee. Their worldview: If you're not one of "us," you are one of "them," and all the "thems" had better watch out. How do you get to be part of "us"? Give "us" your money. If you don't, we will sic the Just Us Department on you.

As Nobel laureate in economics Milton Friedman observed, "Hell hath no fury like a bureaucrat scorned."

The movers and shakers of the computer industry have, for the most part, failed to pay into the political protection racket. So the movers and shakers of the power structure have chosen you — the biggest fish in the pond — as an example of what will happen if the rules are not followed. The message is clear: pay up, or get raked over the coals of federal bureaucracy.

It seems to be working. Gore's campaign chest is significant larger thanks to the computer industry, and according to the *L.A. Times* (July 2, 1999) "a whole lot of new money [is] flowing from the technology-based New Economy into the bulging war chest of Texas Gov. George W. Bush. [In one day] individuals in Silicon Valley poured $850,000 into Bush's coffers."

If the scorned bureaucrats don't use one law, they'll use another. There are so many federal laws — most of them unconstitutional — that we probably break two or three of them every day without even realizing it. Do you know, for example, that it is illegal under federal law to own anything that was on the *Titanic*? It is. Read The Titanic Maritime Memorial Act of 1985, signed into law by Ronald Reagan, the president who said he would get the federal government off our backs. The number of pages in the Federal Register, where new regulations are printed, doubled between 1957 and 1967, tripled between 1970 and 1975, and grows by about 4,000 pages every year.

In your case, the Justice Department could just as easily come down on you for violation of federal sexual harassment in the workplace statutes. As I understand it, you met your wife while she was an employee at Microsoft. In the normal, healthy practice of courtship, you probably broke the law that says you cannot make amorous advances toward someone who works for you.

Even if you never so much as held hands until your wedding night and fifteen Catholic nuns chaperoned your every date, the government could have caused you and your family months of embarrassment by indicting you on sexual harassment charges and then ordering compulsory testimony from your wife, every woman you ever dated, and every person who ever saw you and your wife together in any context. Your courtship would be documented in excruciating detail on the front pages of daily newspapers, weekly newsmagazines, and late night comedy monologues. "First Clinton, now Gates," Jay Leno would muse. "Maybe there's something in the name Bill."

How Libertarians Responded to the Antitrust Suit

Unlike Democrats and Republicans, libertarians defended you and Microsoft against government encroachment. Back in 1991, Robert Higgs identified the first signs of the war against you and your business in *Liberty*:

> Antitrust actions are making a comeback under the Bush administration. The Microsoft Corporation, the most gloriously successful competitor in a gloriously competitive industry, is now being investigated and harassed by federal antitrust officials, and Microsoft may be restricted in some way or even broken up to give less successful competitors a better chance.

In February 1997, the *Libertarian Party News* printed an editorial entitled, "The Tragedy of Microsoft."

> Perhaps the biggest success story of the American economy in the past decade is the Microsoft Corp.
>
> Founder Bill Gates and many other millionaires in Redmond, WA, got rich the only way you can in a free market: by producing something other people wanted.
>
> But in our modern politicized economy no good deed goes unpunished for long. The federal government noticed that Microsoft was just too good and was helping its customers just too much. It launched a Federal Trade Commission investigation, later compounded by a Justice Department investigation.
>
> The tragedy is that the most important factor in America's economic future in raising everyone's standard of living is not land, or money, or computers; it's human talent. And some portion of the human talent at one of America's most dynamic companies is now being diverted from productive activity to protecting the company from political predation, motivated by envy, lust for power, or simply the desire to win in the political arena what you can't win in the economic arena.

On June 9, 1998, *The Wall Street Journal* ran a front-page

story entitled, "Freedom fighters: Antitrust suits expand, and Libertarians ask, Who's the bad guy?" The *Journal* identified libertarians as the "loudest protesters" against the Justice Department's antitrust lawsuit.

The *Journal* observed, "The Libertarian Party has criticized [the antitrust suit], calling on the Justice Department to get its bureaucratic Lilliputians off Microsoft's back."

Here's a report on libertarian student activity from 1998:

> About two dozen George Washington University students gathered in front of the Department of Justice building in Washington, DC, on April 7, carrying signs and chanting, "Don't punish success; leave Gates alone!"
>
> The students, members of the GWU College Libertarians and GWU Objectivists Club, said their protest was designed to send the message that the "government has gone too far" in its prosecution of the giant software company.
>
> We, as believers in private property and the free market, believe that the government has no place in regulating the business practices of Microsoft," said Ryan Sager, the vice president of the GWU Libertarians. "It is time for the American people to tell the government to back off. Decisions about product design and packaging should be left to companies — not the government."
>
> Students at the rally echoed his sentiments, with signs that read, "Freedom Leads to Success" and "Bill Gates is Good For America."

The Cato Institute, a libertarian think tank in Washington D.C., has released a number of papers and articles about the antitrust case, all critical of the government's actions. I know you attended a reception there in your honor on June 15, 1999. You were welcomed by the president of Cato, Ed Crane, with these words: "In my view, one of the great cosmic injustices of our time is that a person of the quality of a Janet Reno should be able to distract the attention of an individual who has been responsible for the creation of more wealth than anyone in human history."

For all you've done for the betterment of this country and all humankind, libertarians would have given you the Congressional Medal of Honor. The Clinton Justice Department gave you a subpoena.

Here are a few passages from Cato publications:

- Microsoft's latest difficulties with the U.S. Department of Justice reveal the absurdity of attempting to apply 19th century antitrust law to a 21st century computer and telecommunications marketplace. (D.T. Armentano)
- In his online diary in *Slate* magazine, Bill Gates wrote, "It's been a year since the last time I was in D.C. I think I'm going to be making the trip a lot more frequently from now on."

  And that's what Janet Reno's Justice Department is costing America: Bill Gates is going to waste his mind on protecting his company instead of thinking up new products and new ways to deliver them.

  Dragging Microsoft into the political swamps is a tragic example of the diversion of America's productive resources into the unproductive world of political predation. (David Boaz)
- At root, the Department of Justice's attack on Microsoft aims to prevent the computer software industry from responding to consumer demand. The Department of Justice, not Microsoft, should be held responsible for interfering with consumer choice and free markets. (Dave Kopel)

Alas, we libertarians don't believe in extorting money from the rich before we protect them, so our voices were not heard as loudly as they could have been.

Blowing a Little More Smoke Up Your Chipset

I watched your rise to power, profits, and service to all humankind not from afar, but from the press box. I was there not quite at the beginning, but very near the beginning, and I made a lot on money tracking you and the rest of the computer industry as a journalist. In 1979 I published *The Word Processing Book: A Short Course in Computer Literacy*. In response to my book, a senior editor at Random House wrote a letter to *Publishers Weekly* proclaiming, "No great work of literature will ever be produced on a computer."

Of course, as we all know, you didn't do as much for the Internet as Al Gore, but you've done quite a lot.

Shortly thereafter followed *The Personal Computer Book*, which, believe it or not, required this question as the subtitle: "What Are Those Television-Typewriters Anyway?" That was only 20 years ago. Today, you have to explain to a young person what a typewriter is (or was).

In addition to other computer books (including the one of which I am most proud, *Personal Computers and the Disabled*), I wrote extensively about computers for *Playboy*, *The New York Times*, and for 17 years I had a column on computing syndicated by Universal Press Syndicate.

I tell you this so you'll know my praise for your overall achievements comes from a working journalist who took great pleasure in criticizing Microsoft from time to time. Windows versions 1.0 and 2.0, for example, were so problematic they went sailing right out my window — literally. I informed my readers of their flight paths and trajectories, and suggested they do the same should they ever be unfortunate enough to be given this not-anywhere-near-ready-for-market software.

Over the years I watched with awe, appreciation, and no small degree of envy as you made one brilliant business move after another. Your genius was apparent from the start. To buy a preexisting operating system in 1980, license it to IBM as IBM-DOS, thus gaining IBM's stamp of approval, while retaining the rights to market the same operating system as MS-DOS is one of the best business moves of all time. People say you were "lucky" and "at the right place at the right time." Nonsense. A good 10,000 people — myself included — were in the same place at the same time, but only you saw the need and successfully fulfilled it.

By licensing the MS-DOS rights to other computer manufacturers, you not only made a royalty on every computer sold, you also created the first important standard in personal computing, the IBM-compatible standard. For the next 15 years, people who were not buying an Apple would ask, "is this IBM-compatible?" in the same way they ask today, "Is this Windows compatible?"

Prior to your groundbreaking move, each computer hardware manufacturer had its own proprietary operating system: Apple had AppleDOS, Tandy Radio Shack had TRS-DOS ("trash-DOS," as the hackers called it, before the government turned the word hacker into a bad name), and so on with Atari, Commodore ("commode door" in hackerspeak), and all the rest. The only other cross-computer operating system was CP/M, which was on the market before MS-DOS. But you were an entrepreneur pushing your operating system and CP/M seemed an orphan by comparison.

Over the years I watched with awe, appreciation, and no small degree of envy as you made one brilliant business move after another. Your genius was apparent from the start.

You took the babble of a dozen incompatible personal computer operating systems and created not one, but both, industry standards — platforms — on which the phenomenal growth and success of the personal computer industry is anchored. The first was the IBM-compatible standard; the second, Windows. Without these two standards, personal computer advancements would be retarded by at least a decade, maybe more.

These two standards allowed software manufacturers to concentrate on improving software, not adapting the same software to a dozen different operating systems. Further, standards gave the consumer confidence in which computer to buy. This gave computer manufacturers confidence in which computer to manufacture, and the giant engine of capitalism could kick into high gear. Mass production and competition drove prices down and quality up, which increased sales even more, causing additional price breaks and innovative breakthroughs. For the price of a single word processing program in 1979 (remember WordStar?), you can buy an entire computer today, and the Write program that comes free with Windows 98 is better than WordStar ever was.

You accomplished this so quickly the government didn't have time to jump in with its leaden feet and dictate a standard. You were so swift, in fact, the standards were set before the government even knew a standard was necessary. By the time the government knew personal computers even existed, the IBM-compatible standard was already in place, and the government wrote on its purchase orders, "All software must be IBM compatible."

This speed is probably your greatest contribution to personal computing. If the government had realized that a standard was necessary, it would have — as it did with digital television — frozen all private innovation until the "official government standard" had been set. By the time the standard-setting process had gotten through the infinite number of bureaucratic layers of Washington, the United States Standard Operating System (US-SOS) would resemble CP/M and be issued in the year 2020.

I watched as you went public at just the right time and used your capital in just the right way to build your company into one that provided lasting value for your investors, co-workers, stockholders, and customers. That you became the richest man in the world because of this, as all libertarians know, is just the way capitalism works.

On the day before Microsoft went public, *The Wall Street Journal* called and asked my professional opinion of the stock. "Buy, buy, buy!" I said. "It's the best computer company in the business. And, by the way, short IBM." I didn't follow my own advice — journalistic conflict of interest and all that — but I should have given up writing about computers and started an investment firm specializing in computer stocks.

Your contribution to personal computers was not just limited to software. When mice were not generally available for IBM-compatible computers, you went into the hardware business. Now rodents run everywhere. Some mice say Microsoft, some don't, but the fact that mice made their way onto every desktop in America was more you than it was Steven Jobs.

(Besides, Jobs was not a very good entrepreneur. In 1982 he was invited to a private demonstration of Xerox computer innovations. These included a graphic interface, clickable icons, and a mouse. Rather than going into business with Xerox, he reverse engineered Xerox's ideas and came up with the Macintosh. But the Mac could never make it into the business world, thanks to the stifled innovation and higher prices Jobs' proprietary control entailed. Imagine what would have happened if Xerox, one of the most trusted names in business, had marketed the Xerox-Apple computer to the corporate world and Apple had marketed the same computer to the personal world? Jobs would be facing the antitrust inquisitors today, not you.)

When CD-ROM players cost $1,000 each, you looked upon them and said, "This is good." You put all the resources (power) of your company behind CD-ROM development and, behold, CD-ROM players now come standard on almost all computers, even those costing less than $500.

At one time you looked askance at the Internet. You looked again, realized your mistake and put Microsoft in the Internet business overnight. Without your entrepreneurial efforts over the past three years, the Internet would be one-third less popular and one-third less powerful than it is today. Of course, as we all know, you didn't do as much for the Internet as Al Gore, but you've done quite a lot.

You were so good at supporting Internet innovation that your competitors went crying to Uncle Sam. "Nasty Bill Gates is trying to destroy us!" they whined. "Help me! Help me! Uncle Sam!" But you did not have a history of providing sugar for political fundraising coffees, so you had few friends in Washington D.C.

What would a libertarian Attorney General have told Netscape, Oracle, Sun, and the other ProCom crybabies? "Bill Gates is not trying to destroy your company, but he is

trying to take your customers. He is doing that by offering better Internet browser and server software than you at a better price. If you want to keep your customers, you'd better get busy and offer them a better product rather than wasting your time and money bellyaching to me. That's called capitalism, kiddies, and if you're not ready to play in the big time with the big players, then you'd better sell your company to another company that is." (Which, of course, is precisely what Netscape did.)

In my view, the economic prosperity the country currently enjoys is based primarily on the increased productivity that inexpensive personal computers and software have brought to the business world. Thanks to the PC, American businesses — especially smaller businesses — have doubled their productivity in the past 15 years. You, more than anyone else, are responsible for this.

Libertarians one and all stand aghast as the government penalizes rather than rewards you for all that you have done. But then, libertarians also know, that's what governments do. Until, that is, some creative genius stands up and says in no uncertain terms, "Knock it off."

What Libertarians Know

Libertarians know that each individual — not the state, not the church, not the society — owns and is responsible for his or her body. If one chooses to give one's body to the church or to the state or to another in marriage, it is still the individual who is making that choice.

After one reaches the age of consent — adulthood — one is not owned by parents or government. The individual belongs to him or herself. This coming of age, technically, is known as emancipation. Whatever debt there may be to the parents and the state is cancelled, and the individual stands alone — free, but personally responsible. Responsibility and freedom are two sides of the same coin. In order to spend the coin of freedom, one must assume the obligation of personal responsibility.

People say you were "lucky" and "at the right place at the right time." Nonsense. A good 10,000 people — myself included — were in the same place at the same time.

The right of each individual to freedom is so fundamental that the Founding Fathers referred to it as a "natural right." They held that freedom was as integral to the healthy human being as breathing, walking, and thinking. Freedom is not a right granted by the state — it is the birthright of every human being, a part of "Nature's Laws."

This, of course, is radical thinking, as it has been throughout history. The government holds that your body belongs to the state. The church holds that your body belongs to God (but, as He's not around much, we'll take authority over your body for Him in His name). The notion that you belong to you was considered outright theft of that which rightfully belonged to country and God. Many "free thinkers" lost their lives on charges of treason or heresy.

Socrates was condemned to death for "sedition" and "corrupting the morals of the young." Jesus was executed for challenging the absolute authority of the government *du jour* and the prevailing religion of the day.

When the signers of the Declaration of Independence proclaimed that "Life, Liberty and the pursuit of Happiness" were not rights to be granted by the government or the church, but were instead the "unalienable" right of each individual as set out by "Nature's Laws," such thoughts were almost as dangerous then as they are today.

Of the 56 signers of the Declaration of Independence — the men who pledged to support their libertarian ideas with "our Lives, our Fortunes and our sacred Honor" — five were captured by the British as traitors, tortured, and executed. Twelve had their homes ransacked and burned. Two lost sons in the Revolutionary Army. Nine of the 56 died from wounds or hardships of the Revolutionary War.

Even if you never so much as held hands until your wedding night and fifteen Catholic nuns chaperoned your every date, the government could have caused you and your family months of embarrassment by indicting you on sexual harassment charges.

Two centuries later, the government of the United States came in with its antitrust suit against you and essentially said, "Watch it, Gates. Don't take this personal freedom thing too far." Libertarians cringe, for we know that inherent in the right of sovereignty over our own minds and bodies comes the unalienable right to gather with our minds and bodies as much property as we can, providing we don't use physical force, the threat of physical force, or fraud.

In fact, in the original draft of the Declaration of Independence Jefferson wrote — reflecting the philosophy of the Age of Enlightenment and quoting Locke — "Life, Liberty and Property." Benjamin Franklin suggested "Life, Liberty and the pursuit of Happiness."

The Founders were enlightened men who understood that property and the pursuit of happiness were one and the same. But Franklin thought the happiness angle might play better in the provinces. It was, frankly, one of Franklin's most unfortunate suggestions. Rather than educating the populace on the value of property and its inseparable connection to personal freedom — as essential as life and liberty — the colonists were sold a crock of ephemeral nonsense known as "pursuit of Happiness" rather than the concrete reality of "property."

This national ignorance continues to this day. If it did not, the government could no more come after your property because you had been "too successful" in gathering property any more than it could have executed you (taken away your life) on the same charge.

We see this ignorance in the press and public over your not donating substantial amounts of your property to "charity." Any libertarian understands that your fortune is invested in your business, and the more of your business

you own, the more control (power) you have. Greater control allows you to manifest your creative ideas with greater effectiveness and (here's that word again) freedom.

You're not sitting on $90 billion worth of cash buried in your back yard, thereby depriving homeless children of food and milk; your billions are your tools — your working capital — just as a mallet and chisel are the sculptor's creative tools. To say that you should give some of your tools away to the poor just because you have a lot of them is as absurd as walking into Michelangelo's workshop and saying, "You have 90 chisels. Why don't you give some away to other sculptors who don't have as many?"

How dare you be the richest man in the world and not be the largest contributor to one or both political parties? That's why you were called on the carpet in Washington — it's a classic extortionist's shakedown, pure and simple.

Libertarians know that property is the power necessary to manifest one's creative vision. History is replete with creative geniuses who didn't have the power — the property — to turn their dreams into reality, and the world is a lesser place because of it.

Of course, not all creative ideas are good ideas, and even good ideas can be bested by another entrepreneur's better idea. Here capitalism provides the great tester of ideas — competition in the marketplace.

In a free market, your idea will not be alone in its attempt to woo dollars from consumers, but will be up against everyone else's idea as well. Consumers want the most for their money, so they invest (buy) carefully. They decide which idea makes it and which does not. Enlightened self-interest all around makes the system work.

Capitalism closely emulates the process of natural selection (survival of the fittest). The system does not guarantee that the best ideas will always survive — as libertarians are fond of saying, "Utopia is not an option" — but it's the system that works best.

Libertarians know that the most important single element of capitalism is the individual entrepreneur. Ah, the entrepreneur, whose ideas create wealth and fuel all businesses large and small.

It is the entrepreneur selfishly fulfilling his or her own vision that creates profits, jobs (these are so that the non-entrepreneurs of the world can get by as well as have money to buy the output of the entrepreneurs), innovation, lower prices, more value, a higher standard of living, greater health, longer life, increased peace (it is the international alliance of businesses, not governments, that keeps the peace between nations), equality, integrity, freedom, truth, justice, and the American way.

Libertarians do not admire you because you head a large corporation. We admire you because you are a world-class entrepreneur, worthy of respect and praise no matter how dorky your haircut may be.

And who funds the government? Read my lips: taxes. And who creates the wealth — and the flow of wealth — for the government to tax? Yep, entrepreneurs. To ponder the fact that the government takes money from you, your company, your employees, and the tens of millions of Americans and American businesses that have increased their incomes using your computational innovations, and then uses that money to try to "break up" your tool of creation makes us libertarians, frankly, sick to our stomachs.

Even libertarian Appleholics who think Windows is the incubus incarnate will back you against the government on this one. "I do not agree with what you manufacture," they might say, paraphrasing Voltaire, "but I defend with my life your right to manufacture it without government interference."

This is because keeping the government's destructive bureaucratic hands off wealth — and freedom — producing entrepreneurs is a fundamental libertarian goal. If the entrepreneurs would help from time to time, it would speed us to our goal. But even without their help, we slog on.

What's the Constitution Between Friends?

We libertarians are rather simple-minded people. We read the Constitution of the United States and believe it means exactly what it says. The Constitution strictly limits the federal government to specific activities known as the enumerated powers. They are in Article I, Section 8 of the Constitution, and I quote:

> Section 8 — Powers of Congress The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow money on the credit of the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; To establish Post Offices and Post Roads; To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; To constitute Tribunals inferior to the supreme Court; To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular

States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

As Porky Pig would say, "That's all folks!" Just so there would be no doubt that Congress — and, therefore, the federal government — can do nothing more than those acts, the Tenth Amendment (the final Amendment of the Bill of Rights) reiterated that fact: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Just in case, as is often the case today, someone says, "You don't have that right (to, say, run your business as you choose, or let your business get as big and powerful as it can) because it is not specifically granted in the Constitution," you can quote the Ninth Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Simply put (for we libertarians are simple people), all rights belong to you, or that of the state in which you live, except for the handful of rights granted Congress in the enumerated powers. Put another way, unless Congress is given the power to do it in the enumerated powers, it can't. This is why libertarians are fond of saying about most laws that pass through the bowels Washington D.C., "It's unconstitutional."

You'll note that nowhere among those enumerated powers lurks even hint at the ability of the federal government to "break up" a business that just happens to be meeting so many needs of so many people that it becomes really big.

The government called it an "antitrust" action. For once, the government named it right. I cannot imagine any action that would have left you with less trust in the government than this one.

What do libertarians think the government's role in business should be? That was succinctly expressed by some French business owners a couple of centuries ago. The government, noting how successful and taxable these businesses had become, asked them, "What can your country do to help?" The response from the businesspeople came back loud and clear:

"Laissez Faire!" Leave us alone!

The Constitution, written primarily by businessmen, loudly proclaims a "Laissez Faire!" America. It is a document — "the supreme Law of the Land" — that protects the right of the entrepreneur to entrepreneur, and the more successful he or she becomes, the better it is for everyone.

So what happened? Over the years, one by one, our constitutional rights were wrongly taken from us by politicians who swore a solemn oath to "preserve, protect, and defend the Constitution of the United States of America." The two-party system, rather than defending the Constitution, was used to chip away the rights for which millions of Americans have fought and died.

Rather than the Republicans saying, "No, Democrats, you're not allowed to usurp that constitutional right," the GOP would say, "Well, if you get to usurp that right, then we get to usurp this right." Rather than the Democrats saying, "Knock it off Republicans, you know that's unconstitutional," the Democrats would instead say, "If you get your unconstitutional law, we get our unconstitutional law, too."

Libertarians one and all stand aghast as the government penalizes rather than rewards you for all that you have done. But then, libertarians also know, that's what governments do.

When President Cleveland refused to sign a law because he felt it was unconstitutional, a politician, echoing the voice of Washington D.C. during this century, replied, "What's the Constitution between friends?"

This is why libertarians see Democrats and Republicans as essentially the same party — a party of power, not principles; a party of what it can get away with, not what is constitutionally correct; a party of spin doctors, not constitutional scholars. Libertarians call this party either the Demlicans or the Republicrats.

What You Can Do to Prevent Your Baby from Being Slapped Upside the Head with Antitrust Suits in the Future

Currently, the fate of your masterpiece, Microsoft, is in the hands of a single federal judge who doesn't seem to like you very much. He can break your company up into what the press has already gleefully termed "Baby Bills."

You must feel the way Michelangelo felt when powerful cardinals demanded the ceiling of the Sistine Chapel be painted over because it was obscene and the pope took the matter under divine consideration.

Seen another way, now you know how someone accused of heresy must have felt during the Inquisition — the trial is over, and your fate in the hands of the Grand Inquisitor, a person who has created nothing of value in his entire life and who sleeps in the same bureaucratic bed as your prosecutors. Yes, you are encouraged to earn, baby, earn, but if you do too much of it, you will burn, baby, burn.

What can you do to prevent this from happening in the future? Essentially you have two choices:

1. Donate, donate, donate. Then start contributing. Big time. There is an election year coming up. It is the ideal opportunity for you to placate the Powers That Be with major donations to Democrats and Republicans alike. Give a few billion well-placed dollars during each election cycle and you will be sleeping in the Lincoln bedroom, not gang

raped in a federal courthouse. I'm certain you have already been advised of this path. I notice that Microsoft's executive vice president and chief operating officer, Bob Herbold, was at the Bush Silicon Valley fundraiser in early July. Of course, there's no real need to send someone from Washington state to Silicon Valley — for you, all major candidates will make house calls.

2. Work to establish a libertarian government — and fast. This is not as difficult or farfetched as it may seem. Most Americans are like you — they already are libertarians, they just don't know it yet.

Many people define themselves as "economically conservative and socially liberal." What they mean is that they believe the government should keep its stifling little hands out of business (conservative) and its paternalistic little hands out of private lives (liberal). Traditionally, conservatives believe businesses should be left alone, but private lives should be regulated, and liberals believe private lives should be left alone, but businesses should be regulated.

What would it take? A major educational campaign to let the public know that what most of them already believe. Cost? A few hundred million. Half a billion, tops.

Bush is trying to capitalize on this by calling himself a "compassionate conservative." Although he hasn't clearly defined the term, the image seems to be one of a conservative who will leave businesses alone, but still be compassionate enough not to lock individuals up for what they do in the privacy of their own home. The better word for this, of course, is libertarian.

Add to this the absolute — and absolutely justified — distrust Americans have for government, the federal government in particular. This is nowhere more true than in high-tech. As Silicon Valley venture capitalist E. Floyd Kvamme described the political leanings of computer people, "The Valley is about 15 percent Democratic and 10 percent Republican and 75 percent wishing government would go away." The general population is probably 25 percent Democrats, 25 percent Republicans, and 50 percent wishing the government would go away. That latter, larger, percentage are closet libertarians.

Fifty percent of the population does not vote. Is this because they are apathetic, or because they feel they are not being offered a real choice? The answer, of course, is both — and the latter can certainly cause the former. Keep in mind that in a three-way election you don't have to win a majority, just a plurality. If Gore and Bush split the vote of currently registered voters between them, each would have 25 percent of the potential electorate. That means only slightly half of the current nonvoters could elect a libertarian president. Motivating nonregistered voters to vote worked for Jessie Ventura in Minnesota.

There already is a Libertarian Party that has been around for a quarter-century and is qualified on the ballot in all 50 states. Add to this a libertarian-leaning, technology-friendly candidate the American public already loves and trusts — say, Hugh Downs — and you have the makings of a libertarian president in the White House in 2001. If nothing else, it will be the most exciting campaign in United States history.

What would it take? A major educational campaign to let the public know that what most of them already believe has a name, libertarianism, and it has a long, rich history that includes the Founding Fathers, the Declaration of Independence, and the Unites States Constitution. Cost? A few hundred million. Half a billion, tops.

This will be a one-time investment. Unlike the Democrats and Republicans who need their palms greased regularly and perpetually, once Americans experience the fresh air of personal freedom and economic prosperity of a libertarian government, they'll never go back to 900-pound-gorilla government again. It would be like giving up word processing and returning to the manual typewriter. There'll be no need to donate any more. Whoever wins will automatically have your interest — and the interest of every other entrepreneur — at heart. Gratuity not required. No tipping allowed.

What will you get out of it? First, you'll know that the word antitrust will never be spoken again, except in the same context as other major American mistakes, such as slavery, Native American genocide, or anti-Semitism. Second, when you finally decide to sell all that Microsoft stock and it's time to pay capital gains taxes, you can be assured there won't be any. Finally, you will be passing on a freer, healthier, safer, happier country to your children and their children.

Action Steps

Might I suggest you take a few days and study the issue? Here's a crash course in libertarianism that will take about a week:

1. Surf on over to the Freedom Network (www.freemarket.org), the Cato Institute (www.cato.org), *Liberty* magazine's "Liberty Unbound" (www.LibertySoft.com/liberty/) and the Libertarian Party (www.lp.org).

2. Read *Libertarianism: A Primer* by David Boaz. This is not only a well-written overview of libertarian thought, it also presents the solid historical background in which libertarianism is rooted.

3. Read *Free to Choose* by Rose and Milton Friedman. This is the economic side of libertarianism — free-market capitalism — explained eloquently and persuasively. (Alternate option: watch the video of the PBS series of the same name.)

4. Read the first chapter (no need to read the whole book) of my *Ain't Nobody's Business if You Do: The Absurdity of Consensual Crimes in Our Free Country*. (Free online at www.mcwilliams.com/books) This book discusses the social (hands off private lives) aspect of libertarianism.

5. Browse the Laissez Faire Books catalog for titles that might interest you. (www.laissezfaire.org)

6. Invite the Friedman family, Hugh Downs, Ed Crane, David Boaz, Roger Pilon, Fred Smith (of the Competitive Enterprise Institute), Steve Buckstein (of Oregon's Cascade Institute), Bill Bradford (of *Liberty*), Virginia Postrel (of *Reason*), representatives of the Libertarian Party, and me to your home for nice cozy chat about life, liberty, and the pursuit of property.

Regards,
Peter McWilliams

Update

Why Milosevic Has to Go

by David Ramsay Steele

NATO's bombs have spoken.

Slobodan Milosevic, president of Yugoslavia, will retire early from public life, for one simple reason: because this is something of immense importance to the United States and of little importance to Yugoslavia.

The "removal" of Milosevic will be viewed as a triumph for NATO and the Clinton administration. Every day some new oracle announces that "we" will not really have "won" as long as the "dictator" Milosevic remains in power. The departure of Milosevic will play well in U.S. opinion polls and help to quell doubts that Clinton achieved a wonderful victory by his bombing of Yugoslavian civilians.

To most people in Yugoslavia, on the other hand, the resignation of Milosevic will not be a matter of such earthshaking importance.

Under Yugoslavia's democratic constitution, Milosevic has to leave office in two years' time. The Yugoslavian presidency is limited to a single term of four years. Milosevic has already served the limit of two terms as president of Serbia. His impending absence from any top leadership role is therefore inevitable. (There are some who debate whether the constitution really prohibits more than two terms for Serbian president, as opposed to more than two terms *consecutively*, but it's unlikely that Milosevic would put this to the test, and even if he did, he would then have to fight and win a popular election, presumably without the votes of Serbs in Kosovo.)

The likelihood that Milosevic might try to install himself as a dictator is very small. Milosevic has shown no tendencies in that direction, and his support within the country is not great enough for him to believe he could ultimately succeed in a *coup*. The outcome of such an attempt would be continual strife and turmoil in Serbia, something that would delight the U.S. but would hold nothing but horror for the people of Serbia.

That leaves the possibility that Milosevic might not change the essential democratic character of the Yugoslav political system, but might simply try to nullify the term limit on the presidency. Assuming that Milosevic would want to try this, which is doubtful, he would probably not do so unless evidence emerged that there had been a tremendous swing of popular suport in his favor. It is not yet clear whether such a swing has occurred, but probably it has not.

And to be reelected as president, he would have to gain a majority of votes in the Yugoslavian parliament, itself dependent on the popular vote. It's not likely that the parliament would decide to ignore the constitutional term limits, even if Milosevic asked it to.

An Ordinary Politician

In the make-believe world concocted by NATO propaganda, Milosevic is uniquely responsible for bad things in Yugoslavia and Milosevic's Kosovo policy is the reason NATO bombed the civilian population of Yugoslavia. In reality, very little in Yugoslavia has anything to do with any peculiarity of Milosevic's policies. He is a moderate on all major issues — a "moderate" in the purely factual sense that, in the Yugoslavian parliament, reflecting the Yugoslavian electorate, there are substantial parties on both sides of Milosevic's Socialist Party of Serbia.

Nothing about Milosevic explains why Clinton bombed the civilian population of Yugoslavia — with the exception of the need for a villain in a black hat, and the investment NATO had made over several years in defaming and demonizing Milosevic. Even that is doubtful, for most of the investment was in indiscriminately defaming and demonizing

Serbian people collectively. So anyone with an "ic" on the end of his name might have served the purpose just as well.

As for Milosevic's Kosovo policy, it's difficult to imagine anyone in Belgrade doing much different, except perhaps for Vojislav Seselj's Radical Party, which would presumably have taken steps to reverse the proportionate increase of Albanians in the Kosovo population. This is something Milosevic never did, or if he did, he did it so quietly and ineffectually that the ethnic Albanian proportion of the Kosovo population rose continuously up to 1999. (At the time of this writing, NATO has, with marvelous aplomb, abruptly scaled down its estimate of the number of Kosovo Albanian civilians killed by the Yugoslav government from 100,000 to 10,000. Oops. By the time this figure falls to 1,000, no American voters will care, and by the time it's down to 100, the U.S. will be bombing the Albanians.)

Whenever A has something that B wants, and this something is vastly more valuable to B than it is to A, a deal is in the offing. The "something" in this case is Milosevic's departure.

No government of Serbia would have ignored murder and terror by the KLA, a small, well-funded group of young thugs, against most of Kosovo's population — not just Serbs, but also Roma, Turks, Muslim Slavs, and all those Albanians who were willing to co-operate with non-Albanians. On the evidence available so far, it does not appear that the operations of the Yugoslav Army and local police against the KLA differed significantly from similar actions by other governments against rural insurrectionists the world over.

The decision to reject the terms offered by NATO at Rambouillet was not controversial. It would have to have been the decision of any Yugoslavian leader who wished to remain in office. The decision to do a deal to end the bombing, on the terms offered by NATO in June is more open to question, but every day more Yugoslavian babies were being murdered by Clinton, the Russians were pressing for a deal, and NATO's demands had been shaded down to something Yugoslavia would probably have accepted without the bombing. It might have been several more months before disunity within NATO and opposition to the war in the NATO countries would have compelled Clinton to simply give up, with nothing, and in that time thousands more Yugoslav civilians would have been killed and billions of dollars more infrastructure damage incurred.

Both the decision to reject Rambouillet and the decision to accept the Russian-brokered peace terms were made by big parliamentary majorities, though no doubt Milosevic's recommendations counted for something on both occasions.

Why He Will Go

Whenever A has something that B wants, and this something is vastly more valuable to B than it is to A, economic theory predicts that a deal is in the offing. The "something" in this case is Milosevic's departure. Assuming some rationality on the part of both Clinton and the Yugoslav ruling class, it seems that the latter can use the departure of Milosevic to gain concessions in other areas. And they do need concessions: there are still many ambiguities in the peace settlement. What role, for example, will Yugoslav officials play in policing the border between Kosovo and Albania, or Kosovo and Macedonia? Will the owners of Kosovo property damaged by NATO bombs be compensated? When, if ever, will the KLA be asked to stop killing people?

It seems unlikely that Milosevic will want to hang on to power until the last moment, even less likely that he will try anything extra-constitutional. Although Milosevic first made a name for himself by doing something unexpected and exciting (his famous 1987 declaration to Kosovo Serbs brutalized by the ethnic Albanian authorities: "No one will beat you again"), he's like the Gide character who does that just once and then becomes quite normal for the rest of his life. Milosevic has since been very much the team player, and particularly eager to make concessions to protect Yugoslavia from outside intervention.

An odd feature of NATO propaganda during the bombing was that Milosevic's past readiness to conciliate was several times cited as further proof of his evil: since he had not fought NATO in Bosnia, for instance, but had helped talk the Bosnian Serbs into accepting NATO's demands, Milosevic was a cold-hearted, brutal man who was prepared to sell out his own people!

Of course, no one becomes a national leader who is indifferent to the allure of power. A vast groundswell of popularity which would strengthen Milosevic's position might tempt him to have the constitution modified so that he could become president for life. But although many Yugoslavs do admire Milosevic for fulfilling his obligations in standing up to NATO, it seems unlikely, at present, that he will enjoy a great tide of increased popular support.

Nothing about Milosevic explains why Clinton bombed the civilian population of Yugoslavia — with the exception of the need for a villain in a black hat, and the investment NATO had made over several years in defaming and demonizing Milosevic.

What will be the net outcome of recent events on Milosevic's electoral following? It's too early to be sure, but probably this will be substantially reduced.

It's not likely that many Yugoslavs will blame Milosevic for the war. Not being mentally deranged, they will blame NATO for the war. Indeed, Milosevic will have won the grudging support of some former opponents by doing the only correct thing in resisting NATO. But in all likelihood, many Serbs will feel that it's time to make way for new faces. As many Brits felt about Churchill in 1945: he's done his job and now he should go. And some people used to vote for Milosevic in the belief that, as an internationally recognized figure who had been photographed with Western leaders, he would be able to cut the best deal for Yugoslavia and keep

the country out of trouble. These voters, presumably, will now place less credence in Milosevic's diplomatic skills.

Why He Should Go

Aside from all this, Milosevic *should* go because he epitomizes the political forces which have stifled economic development by sustaining what remains of the old socialist system of economic administration.

In 1948, Tito's Yugoslavia broke with the Soviet Union. While remaining a socialist state, with secret police, single-party rule, purges, a gulag of political prisoners, and full state ownership of industry, Yugoslavia became in effect allied with the West against the Soviet Union. The ruling Communist Party, itself led by former guerrillas, prepared for a possible Soviet invasion by constructing a network of hidden military installations, including numerous underground tunnels and hangars with their own power supplies, ready for the most extended siege conditions.

Little did anyone then guess that this defensive system would eventually be a deterrent to NATO invasion, and 50 years later would be eagerly studied by dozens of countries around the world, all of them fearful of NATO's whimsical bombing campaigns against civilian populations.

Tito's Yugoslav socialism was at first a faithful copy of the Stalin model. It was in no way more liberal or more democratic. But the break with Russia led to some ideological adjustments, and the friendship with the West encouraged a slightly more open economy. To distinguish their regime from that of Stalin, Yugoslav Marxist theorists began to develop the theory of workers' control, or self-management, with all the workers in each enterprise having an important say (in collaboration with a state-appointed director) in the management of that enterprise.

Rather unexpectedly, workers' control, when it was implemented, by giving the workers' managing councils autonomy in relation to the central planners, automatically tended to imply greater market freedom within the system of state-owned enterprises. By the 1960s, Yugoslavia was being hailed as (yet another) "third way" or example of "market socialism." Its economic performance was superior to that of the Soviet bloc but still decidedly inferior to the West's.

Unfortunately, Yugoslavia's tinkering with "market socialism" appears to have been a homeopathic dose of free-market medicine, protecting the socialist system against fundamental reform. Though the earliest "Communist" country (not counting the Soviet Union in the 1920s) to experiment with "market socialism," Yugoslavia has become one of the last to tear off the shackles of socialist industrial administration.

The legacy of Titoism now haunts not just the rump "Yugoslavia" (Serbia and Montenegro) but the other fragments of the old Yugoslavia: Slovenia, Croatia, Bosnia, and Macedonia. All of these countries' economies have performed badly since the overthrow of Soviet-style socialism and the breakup of the former Yugoslavia.

In the case of the rump Yugoslavia, conditions were worsened by the effects of the Bosnian civil war and then by economic sanctions. Owing to a successful media campaign of bigoted anti-Serbianism, comparable to the "blood libel" against the Jews earlier this century, events in Bosnia were systematically misinterpreted to make the Serbs appear uniquely villainous, and the United Nations imposed economic sanctions on Yugoslavia. The end of those sanctions was announced in late 1995, but they did not begin to be relaxed in practice until well into 1996, and milder informal sanctions continued. Outside investors waited to see how things would turn out.

In early 1998, fresh sanctions were imposed, not by the UN but by the U.S. and the European Union, as part of NATO's preparations for its war against Yugoslavia, using the flimsy pretext of alleged mistreatment of ethnic Albanians in Kosovo. Various investment plans then maturing, such as Peugeot's involvement in the Zastava auto manufacturing plant (makers of the Yugo), were again put on hold. Since Clinton's bombing has now destroyed the Zastava car plant, along with dozens of other industrial plants, any involvement of Peugeot will have to be negotiated on a fresh basis.

The Self-Sanctions of the Sanctioned

So Yugoslavia, which desperately needs foreign investment, has been hit by severe sanctions more or less continuously since 1992, with no letup in sight. As with most instances of economic sanctions, however, the government of the sanctioned country inadvertently cooperates with the sanctioners by imposing even more burdensome costs on its own subjects.

The growth of Yugoslavia's private economy has been mainly confined to the service sector. The first McDonald's in Eastern Europe was opened in Belgrade in April 1988 (just days before the first one in Budapest). The Belgrade Hyatt regularly wins hotel awards. Yugoslavia's telecommunications industry has been successfully privatized.

But heavy industry and manufacturing are still operated largely under the old system of state ownership. All the bosses of state enterprises are appointed by the government as political rewards. In practice, the appointments are made by the top man in Belgrade, currently Milosevic.

Decades of Communist Party control have instilled a mentality which finds it difficult to see the management of industry as other than political. Naturally, these subsidized state enterprises are inefficient and unprofitable, but they provide income not only for the boss (usually a veteran of the Left Coalition of three parties including Milosevic's) but also for the workers. What social benefits there are in Yugoslavia are traditionally provided by the state enterprise; to close any such enterprise would mean a sharp increase in local unemployment and misery. The political unpopularity of throwing people out of work (where they lose much more than just their wages) reinforces the power of the local boss and the thoroughly corrupt system of patronage controlled from Belgrade.

Overall, this system drains away productive output and wastes it, further impoverishing the population and retarding the growth of output. The resultant moribund condition of industry provokes a brain drain: many of the more talented and educated Serbs leave the country for better opportunities overseas.

The remedy is as obvious as it is acutely painful: the state enterprises must be cut loose; some of them have no prospect

continued on page 29

Body Count

Genocide in Kosovo

by R. W. Bradford

The United States went to war with Yugoslavia to prevent Serb genocide against ethnic Albanians. The bombing has stopped. Now it's time to count the bodies.

A couple of months ago, an old and dear friend and I got into a spat about whether and to what extent the Serbs had engaged in genocide or war crimes in Kosovo. He'd read David Ramsay Steele's articles on the Kosovo war in *Liberty*'s pages and bristled at Steele's dismissal of such charges against the Serbs. I was an agnostic on the issue, I tried to explain, and didn't necessarily agree with Steele about it, though I was pretty sure that NATO and the Clinton administration were habitual and cynical liars.

I thought of that conversation when I saw a story in a recent *Economist* entitled "Nailing the War Criminals," about "the largest criminal investigation since the end of the second world war." It began by noting that the Western press has been full of reports of war crimes and asserting that "almost every town and village in Kosovo bears witness — in the shape of mass graves, for one thing — to atrocities."

But, it noted, so far there's actually very little evidence that will meet "the exacting legal standards required by the UN's International Criminal Tribunal" because "refugees, soldiers and reporters may have already contaminated or disturbed many sites."

It turns out, according to the article, that the UN has identified only seven "suspected Kosovo massacre sites." Here is the list:

Site name	Number thought killed	Date
Racak	45	Jan 15
Bela Crkva	77	Mar 25
Djakovica	6	Mar 26
Velika Krusa	105	Mar 26
Crkolez	20	Mar 27
Izbica	130	Mar 27
Djakovica, Qerim District	19	Apr 2

Consider:

1) The total number of Kosovars of Albanian descent that the UN Tribunal "thinks" were killed by Yugoslavians prior to the NATO attack is 45. I don't want in any way to dismiss the killing of even a single innocent person — but if this charge turns out to be true, did it provide good reason to institute an air war that results in the killing of thousands of innocent people?

2) The number of people "thought" to have been killed at Racak — the sole suspected atrocity committed before the NATO attack began — is barely more than half the number of innocent people killed by the FBI at Waco in 1993. Yet so far as I am aware, NATO never considered an air attack on the United States in response to this far more serious atrocity.

3) The lowest credible estimate of the number of Tutsis

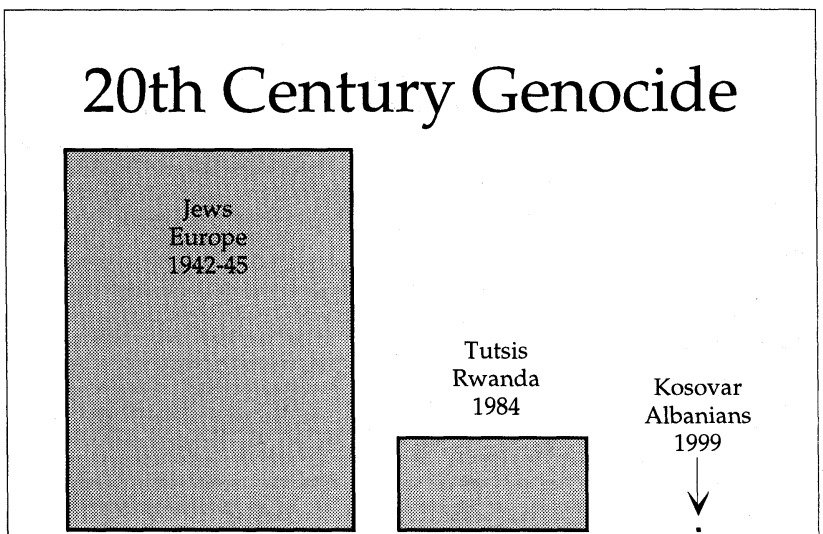

Total number killed in each genocide, alleged by investigators.

killed by Hutus in Rwanda is 500,000 — and most estimates run much higher. Yet neither the U.S. nor NATO took any action to stop this ethnically motivated slaughter. So why would they attack a state accused of killing 45 innocent people?

4) Including the suspected "atrocities" that occurred after the air bombardment began, and were committed by Yugoslavians, not ethnic Albanians or NATO forces, the total number of casualties is 605. Again, I don't want to dismiss even a single murder, but is there any way in which this constitutes *genocide*?

5) Clinton's decision to carpet bomb the Serbs resulted in the deaths of vastly more innocent civilians than the 605 suspected victims identified by the UN Tribunal. Yet, so far as I know, the UN Tribunal is not even investigating those deaths.

6) The UN Charter prohibits members from attacking any other member without the sanction of the UN. It is indisputable that the NATO states — all members of the UN — attacked Yugoslavia, without UN authorization. Yet the UN Tribunal has not indicted the NATO countries, or even begun an investigation.

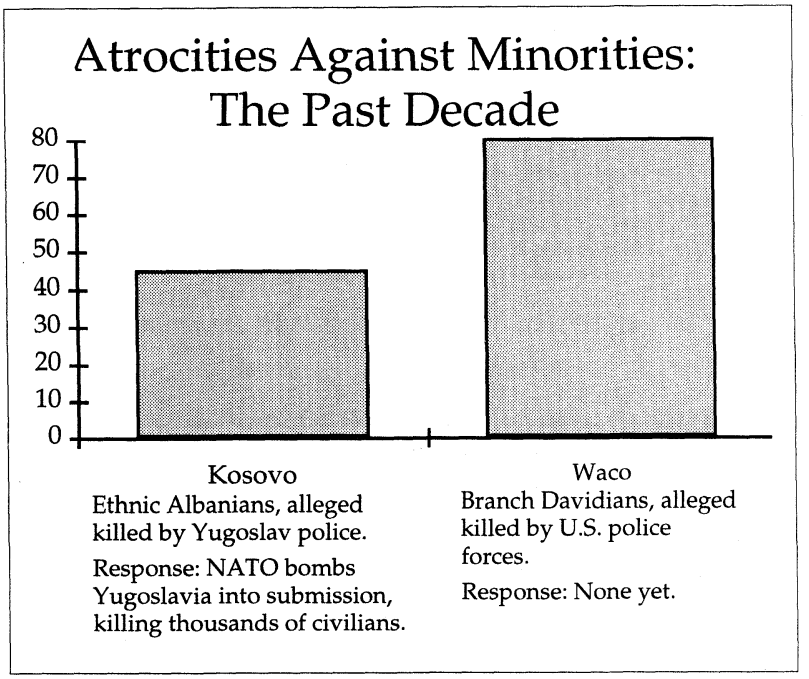

I still don't know whether the Serbs committed anything that could reasonably be considered mass atrocities. But the fact that NATO occupiers can come up with a total of 605 suspected victims after having had the run of Kosovo for a full month suggests that the charge of genocide is bogus. And it's more obvious than ever that the attack on Yugoslavia was motivated by something other than concern for the Kosovar Albanians.

If it turns out that the Serbs did engage in atrocities, there still remains a question: did Serb crimes justify the spending of tens of billions of dollars to murder thousands of innocent people and do hundreds of billions of dollars of property damage? ❑

Steele, "Why Milosevic Must Go," *continued from page 27*

of becoming profitable and should just be shut down, their equipment broken up and sold for scrap. Others may be turned into viable concerns, usually only after drastic restructuring.

Lip Service to the Free Market

Almost everyone in Yugoslavia acknowledges that privatization is the wave of the future. No one wants to go back to socialism. But even "privatization" is instinctively seen as a political plum to be doled out to supporters.

Although, like nearly everyone else, Milosevic pays lip service to privatization and the free market, although he has pragmatically encouraged some privatization and marketization, and although he is intellectually resigned to the passing away of the corrupt system of industrial patronage he heads, Milosevic's style of governance has been to utilize that system to the utmost, sometimes even with needless provocation in an attempt to show who's boss.

Police descended on ICN Galenika and threw the senior management out on the street. ICN and the Yugoslav government had each accused the other of failing to make payments in accordance with their agreement. The U.S. company ICN Pharmaceuticals is controlled by Milan Panic, former president of Yugoslavia, fierce political opponent of Milosevic, and believed by Milosevic's party to be a CIA stooge. Whatever the rights and wrongs of the underlying dispute (over the financial arrangements, I mean, not over whether Panic's cover has been blown), the visible display of strong-arm tactics is not the sort of thing best suited to encourage foreign investors to go to Yugoslavia. The dispute should obviously have been taken straight to arbitration and treated just as though anyone other than Panic had been involved.

A clean break ought to be made with the rotten legacy of Tito's socialism, and Milosevic seems incapable of making that break. Unfortunately, some of the "democratic opposition" have discredited themselves as contemptible traitors by failing to take a clear stand in opposition to NATO's bombing of civilians. For the time being, this leaves only Vuk Draskovic and Vojislav Seselj, who between them may now pick up votes from the Left.

It is a time for prudently conciliating and humoring the U.S., however monstrously evil its deeds. Draskovic rather than Seselj should be the public figure who replaces Milosevic. The Yugoslavian presidency should be reduced to its former, somewhat ceremonial status, and the engaging, handsome Draskovic should be sent on a tour of American TV talk shows, where he can charm hearts away from anti-Serbian bigotry, and where his occasional foolish outbursts will do little harm.

Draskovic or Seselj, or both of them together, now have a

continued on page 36

Privacy in Russia

by Jen Tracy

What is privacy like in a country where the police have unlimited power, but not unlimited funds?

Imagine every one of your incoming and outgoing emails, every one of your credit card purchases and every one of your electronic banking transactions popping up in real time on a computer at the Lubyanka, the former KGB headquarters that now houses Russia's Federal Security Service (FSB). Imagine the FSB's computers collecting and storing this information — for years, perhaps even decades — without ever obtaining a warrant.

That is the reality the FSB is striving toward with a little-known legal project dubbed SORM-2. The Russian security service is seeking what its American counterparts have long enjoyed: complete access to the electronic communications traffic of the nation's people and organizations.

SORM is the Russian acronym for Sistema Operativno-Rozysknykh Meropriyatii, or System for Operational-Investigative Activities. A 1995 regulation called SORM-1 gave the security services the power to monitor all telecommunications transmissions — provided they first obtained a warrant.

That is the way things work now: The FSB and FAPSI, the Federal Agency for Governmental Communication and Information, already monitor email transmissions. To do so, they must either tap into someone's telephone — a time-consuming process that involves physically splicing into select lines — or visit that someone's Internet service provider. Either way, transmissions cannot be monitored in real time, and the FSB needs a warrant before it can even get started.

In August, however, the FSB and the State Communications Agency, Goskomsvyaz, drew up an addendum to the SORM regulations called SORM-2. It would require all of Russia's Internet service providers — there are about 350 across the nation — to install an FSB-provided "black box" monitoring device in their main computers, and to build a high-speed fiber-optic line from that device to the FSB. Because SORM-2 is to be enacted as a regulation and not a law, it will be reviewed by the Justice Ministry, but will not need the approval of either Parliament or President Boris Yeltsin.

These SORM-2 listening devices would route copies of all Internet traffic to FSB computers — warrant or no. In theory, a warrant would be needed to actually read any of the documentation piling up in the FSB's hands. But in practice, human rights groups say, the FSB is unlikely to worry about such legal niceties when the information it wants is just a mouse-click away. In other words, human rights activists are predicting a complete loss of Internet privacy for the more than 1 million people in Russia who use the Internet — and for tens of thousands more who use credit cards or other electronic banking instruments here.

"This is a police-state practice. [The FSB] should not be alone in its right to surveillance. Society should be able to audit the agency in return. It's a step toward dictatorship," said Anatoly Levenchuk, a Moscow-based Internet expert — and the man who first revealed the existence of SORM-2, by posting a draft of the FSB project on his own web site, www.libertarium.ru.

But the FSB is not the first to come up with the idea of tracking all Internet traffic. The U.S. National Security Agency has been doing it for years: Electronic surveillance information is collected from across North America, Europe and Australia through an international network called ECHELON, and routed to the NSA complex in Fort Meade,

Maryland.

The NSA has never confirmed that. But then, the NSA's own existence was a secret — despite its staggering annual budget of $8 billion — until a 1982 book, "Puzzle Palace," told about it. Since then the NSA has set up its own web page (www.nsa.gov:8080) — and more and more information has come out in recent years about its activities.

"Within Europe, all email, telephone and fax communications are routinely intercepted by the United States National Security Agency," according to a report commissioned by the European Parliament, and presented to the parliament in January 1998.

"ECHELON indiscriminately intercepts large quantities of communications and uses computers to identify and extract messages of interest from the mass of unwanted ones," wrote New Zealand author and researcher Nicky Hager in a 1996 book about the NSA, *Secret Power*.

A key difference between the American and Russian security services is that Russian *spetssluzhby* have a nasty habit of selling information gathered electronically to the highest bidder, and the information ends up serving political ends. As *Noviye Izvestia* noted Friday, Internet users are already ironically referring to SORM as Sistema Oblegcheniya Rassledovaniya Materialov, which could be roughly translated as a System for Scandalously Unveiling Investigative Materials. The newspaper *Novaya Gazeta* in January even argued that this was the main point of SORM-2 — to let FSB agents gather material for use in blackmailing business people and for other dubious yet profitable activities.

The FSB can only dream of the $8 billion allocated to the NSA: The entire 1999 Russian federal budget only foresees spending of about $25 billion at current exchange rates.

In SORM-2, however, the FSB has come up with its own solution to the expensive problem of setting up a Russian-style ECHELON system: The FSB wants Internet service providers to pay for the installation and maintenance of the SORM-2 black boxes and dedicated FSB hotlines.

Providers and Internet analysts say picking up the costs of SORM-2 would set providers back thousands of dollars a month. That extra cost would be passed on to Internet users in the form of markups of 10 percent to 15 percent — which could be horrible for business, as Internet access in Russia is already expensive, running at least $30 or $40 a month for most people.

Dozens of the nation's smaller providers would not be able to sustain the burden of paying for both their own costs and for SORM-2.

"Well, it looks like he's decided to go with the Big Bang idea."

"The SORM-2 financial burden will be quite heavy for small [providers]," said Michael Novikov, marketing manager for St. Petersburg software developer Arcadia Inc., in an interview with The Industry Standard computer magazine. "[Providers] will also likely lose some corporate users because of fears over insecure data exchange, perhaps through the possibility that the FSB would reveal or sell corporate secrets."

One way around SORM-2 is the use of encryption programs. Legal experts disagree on whether private individuals or companies in Russia can encode their emails and other electronic correspondence, but Levenchuk, who has looked into it thoroughly, insists it is legal.

The Russian security service is seeking what its American counterparts have long enjoyed: complete access to the electronic communications traffic of the nation's people and organizations.

And already people are turning to encryption. Maxim Otstanov, the host of the Russian version of a U.S-based web site that offers the commonly used encryption program Pretty Good Privacy, or PGP, says that since the news of SORM-2 was first leaked by Levenchuk in the summer, the number of hits to his web site have more than doubled.

You remember the KGB, don't you?" said Yury Vdovin, deputy chairman of Citizens' Watch, a St. Petersburg-based human-rights group. "They're used to collecting dossiers on citizens, just in case. They collected, collect and will continue to collect information on us. Now they're asking me to pay extra so they can tap me at an even higher quality?"

As Vdovin's comment suggests, there seems to be a natural alliance between Internet providers and human-rights activists against SORM-2. But appearances can be deceptive: No such alliance has materialized, and the two groups are often suspicious of each other.

Human-rights activists complain that providers are too FSB-friendly as is — and allege that providers themselves are already running their own mini-SORM-style operations, storing years worth of their clients' old emails.

At a Citizens' Watch conference on privacy held last month in St. Petersburg, Ivan Seckey of the Open Society Institute at the Central European University in Budapest said that Russian Internet service providers could be doing much more to fight the FSB.

"They should delete all transmissions immediately, so the FSB can't force them to hand over information by threatening to revoke their licenses," Seckey said. "They don't do this now because they need the benevolence of the authorities, and also because they use certain information for marketing purposes."

Providers concede that they store information about a client's Internet activity — that is how they keep track of "hits" on certain web sites, and assemble information about those hits by demographic factors, which is important to

advertisers and would-be advertisers on a certain web site. And they concede that emails get stored along with that information, because the programs that track Internet activity don't differentiate between different kinds of activity — it all just gets sent into the memory banks.

But beyond that, providers say the human-rights activists often don't know what they're talking about. And they also say they are afraid to stand up to the FSB and Goskomsvyaz because the state can pull their licenses. Given that FSB power over their fate, it's not surprising that many providers disdain the fiery talk of the human rights and privacy rights activists, and instead try to speak carefully of SORM-2 — as a narrow business dispute with the FSB over who will pay for it.

The U.S. National Security Agency has been tracking Internet communications for years: Electronic surveillance information is collected from across North America, Europe and Australia through an international network called ECHELON, and routed to the NSA complex in Fort Meade, Maryland.

"There is no conflict now [over SORM-2]," said Andrei Sibrant, director of Moscow's Glasnet. "When the FSB comes to me with specific documents detailing what technology I need to install and how much I will have to pay for it, then there will be a massive conflict. Until then there is no reason for human rights groups who know nothing about the business to provoke a conflict."

Andrei Sorokin, executive director of St. Petersburg's Peterlink, offered a similar view. "I will not, I repeat, will not buy this equipment for the FSB. This is ridiculous. We'll have to pass along this cost to the customers. We're in the middle of a crisis and they can barely afford the Internet as it is," he said in a telephone interview. But if that sounded combative, Sorokin's rhetoric is, like that of many other providers, simply the opening bid: "When the time comes, we will band together and fight. They can't close down an entire market. But until then, there is nothing to fight."

Levenchuk, the Internet analyst who first spoke about SORM-2 on his web site, has long been trying to organize opposition to it. It has been an uphill slog — in no small part because Internet service providers themselves are rarely eager to stand up to the FSB. "Usually providers are more FSB-friendly than the public thinks," Levenchuk said.

The same complaint comes from Yevgeny Prygov of Krasnodar, who was working with Levenchuk as the coordinator of an official anti-SORM movement with its own web site, www.antisorm.df.ru.

"Well, the movement was a good idea but the movement has been broken," Prygov said in an email interview last week. "It lacks the interest of [Internet service provider] executives."

"The crisis in Russia has redefined some of the priorities and the Anti-SORM movement is one of the victims of this process," Prygov continued. "People are thinking about how to stay alive and they forget the value of freedom."

In fact, about the only thing Prygov's anti-SORM movement seems to have done was set up a web site, announce itself — and disband.

"No steps were taken — only talks," Prygov admitted. "Everyone is so afraid. I don't have a family but even I alone cannot go without work for a month and expect to eat. We have to be careful to survive. We have no reserves. The standard of living here is not to be compared to that in Moscow or St. Petersburg."

But even in Moscow, the standard of living is no picnic for the unemployed. Membership in the anti-SORM resistance movement has crumbled just as quickly here.

"They lasted all of five minutes," Levenchuk said. "The FSB usually wins these things."

The Internet service provider Data Force was one of two Moscow companies that tentatively decided to oppose SORM-2."After we had a discussion we decided to [join the] protest," said Sergei Domatov, Data Force's assistant director. "Afterward the FSB contacted us, and we decided at this point there is nothing to fight about. The FSB is doing their job, and we are doing ours."

If providers seem quick to fold, in part that's because they have long ago learned the futility of arguing with the FSB. Even before SORM-2 the FSB has been known to request access to emails and other information — with or without a court order.

Peterlink is one of many providers where company officials can recount a visit from FSB agents who refused to present a warrant.

"We refused to give them information, but they're professional," said Sorokin of Peterlink. "They threaten to revoke our operating license. We want to protect our clients' rights — but we also have to protect our business. Everyone is afraid."

"The FSB comes to providers here and says simply, 'We want full access to all email traffic of your clients.' We ask for a warrant or court order, they don't have one, but they have the power in every structure in the province and [providers] surrender to stay alive," said Prygov of the anti-SORM movement.

To date, only one provider has refused to conform to SORM-2 regulations. Since last April, Oleg Sirov of

continued on page 48

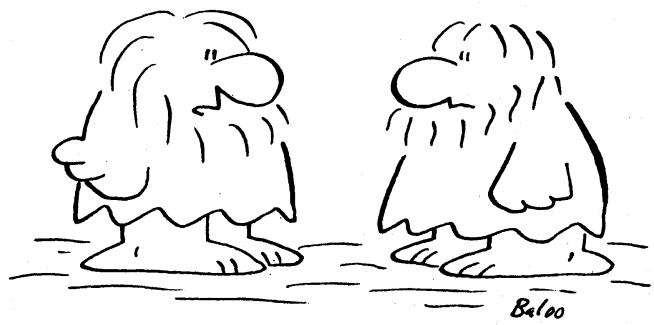

"Interesting that you should say 'stick' — I always thought of God as a *rock*."

See How They Run

by Chester Alan Arthur

A month ago, it looked like Harry Browne would get the next Libertarian presidential nomination by default. But new challengers are emerging.

In 1996, Libertarian Party nominee Harry Browne took a tremendous drubbing, garnering only 485,798 votes. These returns topped Ron Paul's 1988 total only because Browne's name appeared on the ballot in four more states than Paul's — even though the 1996 campaign had vastly more money and the LP had more than three times as many members in 1996 than in 1988. Even more disappointing, Browne got less than half the vote share that LP nominee Ed Clark had garnered in 1980. Browne finished in fifth place, the lowest of any LP candidate since 1972, when the nascent party was on the ballot in only two states.

Nevertheless, Browne managed to do something that no LP nominee had ever before accomplished: he remained a viable candidate for a second nomination. Prior to the 1996 election, the LP had a tradition of turning against its presidential nominees. 1976 nominee Roger MacBride, despite running (and largely financing) a campaign that saw the LP vote increase more than fiftyfold, was subject to such withering criticism that he returned to the GOP with his tail between his legs. 1980 nominee Ed Clark, had the best showing of any LP nominee ever, but he was not considered for renomination in 1984. 1984 nominee David Bergland, ran a caretaker campaign after a bitter convention fight; he was snubbed at the 1988 convention. Ron Paul, who'd left the Republican party to accept the LP nod in 1988, was ignored by the party to such a degree that, like MacBride, he returned to the GOP. And 1992 nominee Andre Marrou was treated as a virtual outcast after his defeat.

But Browne remained so popular with LP members that as 1999 began, he was plainly the front-runner for the nomination. His campaign scored this success by developing a new strategy: it focused much of its effort in 1996 not at the general voting public but at LP activists; practically by the time the ballots were counted, it was ready with an entirely new strategy to replace its disastrous 1996 strategy. This time, in Browne's words: "we have to create a party so big, so strong, so well-financed that in the year 2000 no one can ignore us."

Toward this end, the Browne campaign developed "Project Archimedes," which proposed to use "sophisticated direct mail techniques" to recruit another 180,000 members for the LP during the next three years. In the pages of this magazine, Browne and *Liberty*'s editor debated the subject of whether Project Archimedes was feasible. R.W. Bradford argued that it simply was not possible to recruit that many new members that quickly by means of direct mail, no matter how sophisticated the effort, and that even if that huge number of members could be recruited, it was virtually impossible that they would donate the $50 million for the 2000 campaign that Project Archimedes called for.

Browne responded that the LP had never tried to mount such "an all-out recruitment campaign," and that "with every passing year, more millions of people become aware of the futility of government solutions and more responsive to libertarian one"; he said that if he was wrong about Project Archimedes, libertarians might as well "forget all this 'liberty' stuff and make the best of a bad deal."

Browne and the National LP implemented Project Archimedes, raising and spending hundreds of thousands of dollars to do so. During the first 30 months of its planned 36 month existence, LP membership rose by 10,517, from 21,622 to 32,139. To achieve its stated goal, Project Archimedes will need to capture another 167,861 members in the final six months of its duration.

Of course, whether the membership growth is purely the

result of Project Archimedes is an open question. According to membership figures provided by Harry Browne, LP membership has grown 48.6% since the 1996 election — exactly the same rate as during the 30 months that followed the 1988 election.

But most LP members are evidently quite happy with the results of Archimedes. In the race for National Chair at the 1998 LP Convention, David Bergland, one of the architects of Archimedes, easily defeated Gene Cisiewski, who had criticized the plan as unrealistic.

Anyway, as 1999 began, it looked as if Browne would face serious opposition only from Jacob "Bumper" Hornberger, head of the Future of Freedom Foundation and a popular speaker at LP events. After Hornberger dropped out of the race on June 12, it seemed that Browne would win the nomination easily.

Browne managed to do something that no LP nominee had ever before accomplished: he remained a viable candidate for a second nomination.

On Independence Day, novelist L. Neil Smith sent out a 1,500 word email announcing that he would seek the presidency as an independent candidate, "if those who want me to do it will collect 1,000,000 petition signatures to convince me I'm not wasting everybody's time and energy." He observed that there is a "a group who want to draft me as the LP candidate for President," and that he wouldn't refuse such a nomination. But he doubted that it would be offered: "I believe the LP has reached a point where, if I were to walk into its convention with a million petition signatures, or five million, or ten million, the clique that owns the party would still find an excuse to reject my candidacy."

Smith is a popular science fiction writer, some of whose novels have libertarian themes. He's at least as popular and as well known with LP members as Harry Browne was on that day in 1994 when he decided to join the LP and seek its presidential nomination. And unlike Browne at the time, he doesn't have a history of opposing the LP; in fact, he's been a member since 1972. He's an excellent speaker, a formidable wit, and a very smart guy. Despite his demurrals, he has to be taken seriously.

Yet his claim that "the clique that owns the party would still find an excuse to reject my candidacy," even if he walked into the convention with petitions signed by 10 million people, doesn't stand up to scrutiny.

It's aimed at front-runner Browne, whose allies control the bureaucracy of the national LP by holding a solid majority within the National Committee and control of party offices. While Browne's allies control the activities of the national office, it is not the national office that will run the LP convention next year. Delegates are apportioned among the states and chosen by state parties according to rules that are well established, and Browne's allies on the National Committee cannot change them even if they want to.

And what's this stuff about Browne's allies "owning" the LP? They were elected to their positions of control at the 1998 convention; new National Committee members and officers will be chosen at the 2000 convention. They no more "own" the LP than Bill Clinton "owns" the Democratic Party. Smith is a novelist, so I suppose it may be that he's using a metaphor. But it's a misleading one.

Far more serious is his insistence on a million petition signatures. Getting a million signatures, as anyone who's ever worked as a petition gatherer knows, takes a tremendous amount of effort and considerable expense. If one is serious about running for the presidency, he should try to channel the effort of his supporters toward activities that will actually benefit his candidacy, not on a goofy make-work project like this. Without a trace of irony, Smith claims that the reason for this huge effort is "to convince me I'm not wasting everybody's time and energy" by running for president. Apparently, he thinks it's much better for his supporters to waste their time and energy doing something that won't help his effort at all.

Nor is his credibility helped by his suggestion that "for now" those "who wish to help" his campaign ought to "buy my books." It's as if Hillary Clinton told her supporters in New York that if they really wanted to help her campaign, they should buy more copies of *It Takes a Village*. (I make a political, not a literary, comparison.) Ironically, one of the charges that Browne's critics within the LP make against Browne is that substantial campaign resources were spent promoting the sale of his book *Why Government Doesn't Work*, which presumably increased Browne's personal income.

Meanwhile, the field of presidential aspirants continues to grow more crowded. The Clean Slate Action Program is calling for a radical reorientation of LP strategy at the national level. It sees the national office as primarily a self-perpetuating bureaucracy focusing almost all its efforts on fund-raising and the presidential campaign. The Clean Slaters want the national party to direct more resources to state and local efforts and are consequently unhappy about the prospect of another Browne campaign. Most Clean Slaters supported Bumper Hornberger's candidacy prior to his withdrawal from the race, primarily in hopes that Hornberger would abandon the Browne strategy and allow the party to focus more on state and local races. They have little interest in the Smith campaign, primarily because they are convinced that the idea of soliciting a million petition signatures is a waste of time and energy.

The Clean Slate Action Program Committee includes

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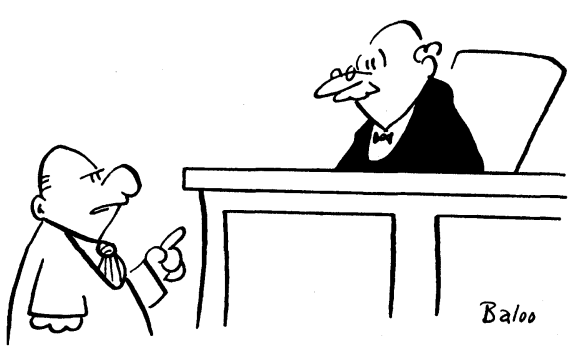

"You'd have shot her too, if she'd flushed while *you* were in the shower!"

Paramilitaries Among Us

by Forrest Smith

Why a group of Rambos sat biting their nails behind body armor and ballistic shields while children were slaughtered in their schoolhouse in Columbine.

During a four-hour period outside Columbine High School on April 20, 1999, squads of highly-touted SWAT teams — masked men clad all in black, wearing Fritz helmets and Kevlar vests, clutching M-16's and MP-5's behind their ballistic shields — waited for the order to "kill people and break things," an order that, amazingly, never came. As two of Columbine's students celebrated Hitler's birthday by murdering twelve of their classmates, a teacher, and then themselves, the SWAT teams remained safely under cover while their spokespersons weathered grueling fire from the reporters who had descended on the scene. The episode raises serious questions about SWAT teams in general, and those participating outside Columbine High School in particular.

Whatever else one might call them, SWAT (Special Weapons And Tactics) teams are actual combat soldiers. Few people have recognized the fact that with the advent of SWAT teams, the government planted organized military units right in Anytown, USA, and as the Declaration of Independence phrased it, "kept among us, in times of peace, Standing Armies," by insisting they are just plain policemen.

Insinuating combat soldiers into the civilian population for control of those civilians has been accomplished with ridiculous ease by a government whose power continues to metastasize out of control. In the late 1800's, *posse comitatus* (power of the county) laws were enacted. These laws forbade the government to use the military against civilians or for the enforcement of civilian issues. Since the late 1960s, however, these laws have been continuously undermined, and there has been a move to militarize civilian police forces, even down to the smallest of municipal departments. SWAT is everywhere, even in towns having fewer than ten sworn officers.

Modern television programming contains a plethora of "cop" shows featuring this new breed, these men whose appearance and style are indistinguishable from that of the U.S. Army. It is however no wonder that they look military — they are military. Often, they have been trained by the U.S. military on active military bases and they are armed by the U.S. military. In 1998 the Los Angeles Police and Sheriff's Departments received 6,000 M-16 military-issue assault weapons from our federal government. Police units are transported like the military, with several departments operating surplus Huey helicopters of the type used for combat assaults in Vietnam. Many possess armored urban assault vehicles like the Mad Max vehicle rolling to and fro at Littleton doing God knows what. They even dress like military commandos, often buying their black ninja gear at their own expense through military supply houses. By the time the military trainers are through with their civilian cadets, one cannot distinguish a SWAT team from a SEAL team.

Of course, the government needed a fig leaf to turn Barney Fife into a Green Beret, and the perfect pretext was the war on drugs. Nothing was too good — or bad — to deal with the dreaded scourge of drugs. After all, those valiant Boys in Blue were hopelessly outgunned by the evil gangs of international narco-terrorists who threatened our children and indeed our very way of life. Today few Americans are surprised by the spectacle of forty ninjas leaping from rental trucks in the ghetto, smashing down doors and knocking terrified young African-Americans (almost always) to the floor, to emerge triumphantly displaying small plastic bags of marijuana. Another school saved, another blow for freedom.

As if the very existence of SWAT were not sufficient affront to any barely-conscious civil libertarian, there is a nagging and growing perception in the public mind that

these military units are staffed largely by testosterone-soaked, trigger-happy Rambo wannabes who see the world as "us" and "them." "Them," of course, is the vast pool of "perps" on whom SWAT longs to "bust a cap" and "double tap" (they actually talk that way).

The Warriors of Littleton

It would be nice if SWAT teams could perform jobs that have a positive impact on society — protecting life and property. It is difficult to understand, for example, why something was not done quickly to insert these "great warriors" into Columbine High School to confront the gunmen, before the killers could consolidate their positions and kill more people. After all, it was known from the earliest moments that there were gunmen shooting and killing at random in the school. Are we wrong to expect the people trained, equipped, and paid to deal with dangerous criminals and high-risk situations actually deal with them? When that agonizing little corner of hell was in session in the Rockies, instead of marching toward the sound of the guns, our SWAT regulars took shelter behind fire trucks, ambulances and police cars, as their leaders talked with a specially-dispatched Dan Rather. We know what Rather is paid to do, and we know what the SWAT teams are paid to do. Clearly, Rather was the only one earning his pay that day.

The SWAT teams had antiballistic nylon vests and helmets with man-sized antiballistic shields, the latter capable of deflecting anything up to a .308 round, the standard high-power military rifle caliber. Even if they could not assault in force of numbers, why wasn't a small reconnaissance squad of volunteers sent in immediately to determine if they could do anything at all?

When the teams finally entered the school, the massacre had long since ended. What death and misery might have been prevented during those four hours while the SWAT teams watched and waited? While the news cameras revealed everything happening outside the building, which is to say, nothing at all, inside the school building, the carnage and terror continued. Though SWAT was conspicuous by its absence, the field of battle was not empty of courage and honor. Children directed children to closets and barricaded rooms for safety. One child crawled through the carnage to hang a pathetic sign in a window — "Please help us, we are bleeding to death." Another brave child wrapped his own body around his friend, saying, "I'll take the bullet." One adult, a mild-mannered coach, helped a number of his students to safety, even as he himself was repeatedly shot, then slowly bled to death, waiting hours for SWAT to rescue him and the students he saved — that is, to do their job. In the end he asked a student to carry forth his final words: "Tell my girls I love them."

The SWAT teams in Littleton failed to protect the lives of the citizens they're paid to protect. No one has asked the obvious question: if the mission that day had been a surprise raid on a marijuana farmer, would the teams have acted as cowardly? ❑

Steele, "Why Milosevic Must Go," *continued from page 29*

once-in-a-lifetime chance. NATO bombing has destroyed over 50 industrial plants. Some of these, such as the Sloboda household appliance factory, makers of reputedly the world's worst vacuum cleaner, should have been shut down long ago. Many of these plants were never worth keeping in operation, but economic theory also tells us that plants which are in fact worth keeping in operation may not be worth rebuilding if destroyed.

The new regime which will emerge with the disappearance of Milosevic has the wonderful opportunity simply to abandon these parasitic state enterprises which have been sucking the life's blood out of the Yugoslav economy. NATO, instead of Belgrade, can be blamed for the loss of jobs. It should be declared unequivocally that not one of these factories will be rebuilt, unless some private company, domestic or foreign, will undertake the task without subsidy.

The devastation wrought across Yugoslavia by NATO can become the occasion for an economic miracle, if the new government which will appear within the next year or so can seize the opportunity to uproot the socialist industrial system. ❑

Arthur, "See How They Run," *continued from page 34*

several prominent LP activists, including George Phillies, Janice Presser, Jim Givens, Mark Hilginberg and John Famularo. Sometime in the next 90 days, the Committee will likely announce its support of an alternative to Browne. Announced candidate Larry Hines has endorsed the Clean Slate agenda, and is plainly in the running for this endorsement, but sources within the committee suggest that its more likely choice is committee chair Phillies. Whoever it is will offer a serious challenge to Browne's renomination, if only because of its members' determination to change the direction of the LP.

Meanwhile, the outlook for the LP's eventual nominee will soon darken: Senator Bob Smith is about to announce that he'll seek the U.S. Taxpayer's Party nomination. If the Republicans nominate a mainline moderate like George W. Bush or Elizabeth Dole, as seems likely, the nomination of a prominent national political figure like Smith will energize the Taxpayer campaign. Smith is a very conservative Republican whose appeal will likely be to the same voters whom Browne courted in his 1996 race and that have usually been the core of the LP vote: dissafected conservatives fed up with compromise by GOP candidates.

With the invigoration of the Taxpayers Party, the Reform Party revitalized by the victory of Jesse Ventura in Minnesota and continued growth by the Greens (who clobbered the LP in '96, despite being on the ballot in only 22 states), the LP will have its work cut out to avoid becoming "America's Sixth Party" as the new century begins in 2001. ❑

Nathaniel Branden Speaks

Probably no factor was as important in the resurgence of libertarian thinking in the past half century than Ayn Rand's philosophy, Objectivism, which combined reason, egoism, realism and libertarianism into a reasonably coherent system. Rand promoted her thinking primarily by means of two very popular novels, *The Fountainhead* (1943) and *Atlas Shrugged* (1957).

Her friend, Nathaniel Branden, was the second most important formulator of Objectivist thought and arguably the person most responsible for organizing the movement around Rand. From 1955 to 1968, he was also her secret lover. When their affair ended in 1967, Rand denounced him fiercely and he moved from New York to California, where he began a very successful career as a psychotherapist.

He remained generally silent on the subject of Rand and her movement until after her death in 1982. In the years since, he has delivered several lectures about Rand and involved himself with the Institute for Objectivist Studies. In 1989, he published *Judgment Day*, his account of his relationship with Rand. (The affair itself had become public knowledge in 1986, with the publication of *The Passion of Ayn Rand*, a biography of Rand written by Branden's former wife, Barbara, who had also been intimately involved with the Objectivist movement.) Earlier this year, he published a substantially revised version of his memoir, this time entitled *My Years With Ayn Rand*. (For detailed information on the differences between the two memoirs, see "A Kinder, Gentler Judgment Day," by Bryan Register [*Liberty*, August].)

On May 27, *Bryan Register* interviewed Branden on behalf of *Liberty*. What follows is a slightly edited transcript of that interview. By and large, Branden's words have been left untouched, except for minor corrections of syntax and the elimination of a few repetitions and conversational hesitations. The use of ellipses (. . .) indicates pauses in Branden's conversation, not the deletion of words.

Liberty: In 1990, Barbara Branden did an interview with *Liberty* in which she said a number of things about you which were negative. Some of them seemed to be, well, unkind enough to be insuperable obstacles to working together to revise your book. How exactly did she help you out and what kind of obstacles did the two of you face in working together?

Branden: Well, let's see now. She heard from someone — I forget from whom, or perhaps I never knew — that a new edition of the memoir was being published, and she also heard that I was concerned that if there were any unintentional or inadvertent factual inaccuracies . . . I wanted to clean up anything I could for the new edition for obvious reasons.

She wrote me an email in effect volunteering to offer feedback. I said I'd be very happy and grateful if she could tell me anything or show me that I got wrong. I wanted to correct it. I had no interest in having anything in the book which is not right.

And it was really a very good event, because in the course of discussing the book and going back and forth, we were able to reconnect on a far more friendly basis than we've had between us in some years. The actual factual issues were relatively minor: for instance, I had compressed the dates of two trips to Toronto. (This I already knew about.) But she wasn't concerned so much about a factual misstatement as she was about certain passages which carried implications that were false, rather than my making a literally false statement. I'll give an example, okay?

Liberty: Yes.

Branden: She seemed to feel that I had implied in *Judgment Day* that she had gotten those dozens, hundreds of lovers — I don't know what, but it made a very large number. That was not the fact, and that was not my view of what my passage implied. But I said, "Hey, it's no big deal. I'll go back, and I'll really simplify that aspect of the story. I will strip it down to the bare essentials necessary to make the point that I need to make clear to the reader, and I will eliminate anything that is totally not essential. The mate-

rial may be true, but if it isn't really important, and it pertains to this issue, and is painful to you, I am very happy to cut it."

She would say "Well, this implies such-and-such," and I would either cut it or say something additional that would remove some implication which I wasn't aware of and had not intended. There were a number of issues of that kind. I no longer can pull them from my memory bank.

So, I think that it's fair for me to say that Barbara expected me to be very hostile and non-receptive to anything that she might tell me, and I think she went into kind of a benign shock when she could see that I really didn't want to cause pain for the sake of causing pain. I had a story to tell, and certain things had to be said in order for the story to be clear and meaningful, and so at the end of it, we ended up more benevolently disposed to each other than had been the case in over a decade.

Barbara expected me to be very hostile and non-receptive to anything that she might tell me, and I think she went into kind of a benign shock when she could see that I really didn't want to cause pain for the sake of causing pain.

She wrote me a very nice letter; I sent her a copy of the book and she complimented me. She felt it was a much better book, and she appreciated the things I had done. She pointed out things to me, and I felt were very valuable. She said that with regard to certain people — the Blumenthals being the most obvious example — I focused, in her view, overmuch on their negatives, but hadn't indicated to the reader adequately what were the positives about them that could have allowed the relationship to exist in the first place, and that the book was out of balance, and, uh, caused them a lot of pain which was not necessary. She implored me to edit the treatment of them in such a way as to eliminate anything not absolutely necessary that was of a negative nature, but more importantly — or as importantly, I should say — to give more of a positive sense. Which I did.

Liberty: Let me ask you another question specifically about the Blumenthals. One passage that you removed from the book is one in which you say that the Blumenthals had been saying for about twenty years that you had provided marriage counseling to your second wife Patrecia and her first husband Larry Scott . . .

Branden: Yeah, yeah . . .

Liberty: While they were married and you were having an affair with Patrecia.

Branden: That's not what happened, but go ahead.

Liberty: Why did you remove that passage from the book? Because they had eventually apologized and retracted the statement?

Branden: Well, several reasons. The first reason is not very exciting. The editor wanted me to cut the book as much as possible for two reasons: to make the story move faster and to leave room for the addition of new material.

So I began looking at everything from the point of view of "Is this really important for what the book is most essentially about?" So I did a lot of cutting; a lot of the stuff that Barbara asked me to cut, I had already cut before I received her request. Not for the reasons that were in Barbara's mind, but simply because I was really intent on eliminating whatever I regarded as nonessential to the story I wanted to tell. So, many times during our email exchanges, she would say "How would you feel about eliminating paragraph X?" and [laughs] I would say "I did that three months ago." It almost became a joke between us, how often that would happen. And, so that was one of those issues I said "Ah, to hell with it." It's history. Larry's gone now. Poor Larry's gone, he's dead. It's not important anymore; screw it.

Liberty: Okay.

Branden: And, and, and you know, the truth of the matter is that when I wrote *Judgment Day*, I was feeling more pain about the past than I was fully consciously aware of, and some of that showed up in the writing. Thank heaven having another chance a decade later, when I processed many of those experiences, obviously my sense of what I needed to tell underwent certain shifts. And so I wanted to make a book that would be benevolent and more positive and more kind, and if I had to say something negative, I had to have a very good reason in the logic of the story to do so. That was the reasoning I was on.

When I wrote Judgment Day, I was feeling more pain about the past than I was fully consciously aware of, and some of that showed up in the writing.

Liberty: There's a passage that you didn't remove about Joan Mitchell Blumenthal and Leonard Peikoff, in which you tell how they helped you understand social metaphysics by being case studies in a sense.

Branden: Yes.

Liberty: I couldn't help but notice that there's a passage that reads almost identically in your book *Taking Responsibility*, except that there you don't identify them. The two people are left anonymous, but they are clearly Joan Blumenthal and Leonard Peikoff. And they're described as patients that you had when you were practicing psychotherapy. Is there anything revealed in either of these books that was told to you confidentially in therapy?

Branden: No, because . . . [chuckles] This is hard to explain, uh . . . In the subculture in which we lived at the time, during those years, those issues were widely discussed. There was very little psychological privacy in those days. Everything that was wrong with anybody or thought to be wrong was publicly discussed. It was like public knowl-

edge in our whole group; it was kind of like it wasn't . . . it wasn't, uh . . . a professional relationship in the full sense, and it was part of the highly wide-open Objectivist culture in which we lived. However, having said that, I wish to tell . . . Oh! I know what my reason was. Had I not told the story accurately in *Judgment Day*, when I came to tell it in *My Years With Ayn Rand*, I would've made it two anonymous cases, only by then it was too late.

Liberty: Oh.

Branden: Do you understand what I'm saying to you? Because that's really stupid, it's already there. So. . . but . . . of course, in the case of the other book, when I had to re-approach the whole subject of social metaphysics, it was totally irrelevant — I was writing for a different audience and it would have been totally irrelevant to talk about who the people were. I don't think that's a very good state of affairs, and I wouldn't recommend it, or . . . or approve of it today, but it's the history of the time.

Liberty: That leads me to another question, about something that Barbara Branden said in that 1990 interview. She said at the time that there were various purges and so forth in the inner circle, when you and Ayn Rand would get around to denouncing people, your denunciations were much more severe than Rand's . . .

Branden: Yeah . . .

Liberty: Because you were everyone's psychotherapist, and so we wouldn't find that out by reading, say, your calmer tone in *The Objectivist* articles, or something like that, but that in private you were, in a sense, meaner than she was.

Branden: I don't know, uh . . . I should've discussed that with Barbara, because I have no idea to this day where she was coming from. I mean, I think she was very hurt and angry by *Judgment Day*, and she gave the *Liberty* interview at a time when she really had a lot of pain and rage against me, which is understandable, because anybody who knew Ayn and me knew that what Barbara said wasn't true — meaning that Ayn took, uh, denunciation, judgmentalism, to a . . . an intensity that nobody [chuckles] could approach! I mean, to say that I was a worse holy terror than Ayn, I mean, it made me laugh when I heard about it. If you could interview her, I would be shocked out of my mind that Barbara would persist in that evaluation today.

Liberty: Oh.

Branden: I think . . . I mean, I can't speak for her, because I didn't discuss that particular point. But I have to say that anybody from the old days — because you're talking to a lot of people who weren't even born when the Ayn Rand-Branden split happened. But anybody who was there, who witnessed what went on, knew that Ayn Rand was in a class by herself, when it came to, um, bringing down the wrath of God. Now that doesn't mean that I couldn't at times be thoughtless, judgmental in an inappropriate way, cruel, and not really realize what the impact on another person was going to be of something I was saying. I could be quite oblivious, and I'm not trying to whitewash myself or suggest that I couldn't at times be incredibly insensitive and unkind, because I could be. I only challenge the statement that . . . I forget what Barbara said. Something like, uh . . . like Ayn was a softy compared to me.

Liberty: "Was a pussycat in comparison."

Branden: I mean, that really made me laugh. And, and . . . and I do think, let me add, that it is relevant to compare our articles in *The Objectivist* or *The Objectivist Newsletter*, because I do think that you can see the differences in the way our minds worked about those issues and what we leaned heavily on there. And I do think that, uh . . . any person who's . . . will see that in terms of being critical, judgmental, psychologizing, reading the wrath of God, telling what depravity led you to ask that question, etc., etc., etc., nobody was in Ayn's league.

There was very little psychological privacy in those days. Everything that was wrong with anybody or thought to be wrong was publicly discussed.

Liberty: Barbara also said in the *Liberty* interview that in the very last months before the break, you were refraining from telling Rand the whole story about your relationship with Patrecia just until Rand had written the introduction to *The Psychology of Self-Esteem*. Was that the way it happened?

Branden: No, that's news to me . . . I don't think that's what Barbara said. I don't think that was the . . . Because by then . . . Jesus . . . she . . . no . . . Uh, There was no connection between not telling Ayn the truth and the introduction to *The Psychology of Self-Esteem*. I felt pretty hurt and angry by then, and I felt that Ayn had been saying such incredible things about *The Psychology of Self-Esteem*, for so many years — I mean, the essays as they were being written — and in light of what I saw myself as having done contributing to her career, I will certainly say that I felt that was owed to me, since it was a truthful expression of her convictions. And I didn't think it should've been contingent on whether or not I was in love with her. However, that was my feeling then, and I said in my book in retrospect I don't think I was thinking very clearly, because the truth of the matter is that she had the right to set whatever kind of terms she wanted to set. And, uh, if I wasn't in love with her, or I was in love with another woman, and if that for her became grounds for her to repudiate me publicly, well, that was her right. Not perhaps her rational right [chuckles], but her right in the broader sense.

I hope I'm being clear and responsive to your question.

Liberty: Okay. Let me ask you about Alan Greenspan. In *Judgment Day*, there are two references to his being a Keynesian — one of them was a quotation from Ayn Rand.

Branden: Yes.

Liberty: Both of them are removed. Did Ayn Rand believe that he was a Keynesian? Did you?

Branden: Bill Bradford wrote an article in *Liberty* in which he

raised the same question — was Greenspan really a Keynesian as Branden had said? So I wrote Alan Greenspan a letter. I said "I'm working on a revised issue of my book and I want to clean up anything I may have not got quite right, and in my book, the first version, I did characterize you as a Keynesian. That's my memory; can you help me? Is my memory right or wrong?" And he wrote . . . he wrote me back — I can't quote it now, it was a couple of years ago — he wrote me back to the effect "Well, it depends how you define Keynesian. In certain respects I was, and in certain respects I wasn't. And . . . in this respect I could be called a Keynesian, and in this respect I didn't share Keynes's premises." So I wrote back, "I . . . I wouldn't be wrong in characterizing you as a Keyensian. That would not be unfair," but it was again another chance for me to cut and save some space, so I said "Just the same I think I'm going to cut the whole reference," and he wrote back "Sounds good to me."

Ayn took, uh, denunciation, judgmentalism, to a . . . an intensity that nobody could approach! I mean, to say that I was a worse holy terror than Ayn, I mean, it made me laugh when I heard about it.

Liberty: [chuckles] Okay.

Branden: And that's how it ended.

Liberty: Oh . . .

Branden: Maybe he didn't say literally "Sounds good to me," but it was that kind of an idea.

Liberty: Okay.

Branden: I'm . . . I'm . . . I'm quoting by memory.

Liberty: There's a very funny discussion of Leonard Peikoff's problems with school in *Judgment Day* that was not in the new book. Is this just another cut for space or does this somehow reflect a reassessment of his abilities?

Branden: Remind me, please, of what I cut.

Liberty: A discussion between you and Rand about how he couldn't remember the meta-ethical proof, and how whenever he would study Dewey he'd become a Deweyan for a while . . .

Branden: Oh, that was cut for no other reason than space. You see, my editor kept saying "The story is you, Barbara, Ayn, Frank and Patrecia. People don't care about those kinds of details," so I keep being encouraged to trim, trim, trim.

Liberty: You have said that you didn't think all that terribly highly of Peikoff's 1991 book *Objectivism: The Philosophy of Ayn Rand*. Why do you think that his efforts seem so lackluster? Is there something intrinsic to his philosophical abilities, or is it because he's a part of an Ayn Rand cult?

Branden: Well, let me say this. I judge a book of that kind, very basically, by whether or not it has a chance to persuade somebody who's not already a believer. And I judge that book as very inadequate in that respect. It was a book written, in style and in approach, for those who were already Randians or Objectivists, or very, very sympathetic to that point of view.

Liberty: Yes . . .

Branden: And I didn't think that was a good way to present her philosophy to the world. I thought that he should make a fresh effort to write it in a way that would make it more logically and emotionally compelling.

Liberty: Okay. . .

Branden: As to the explanations as to why he didn't write what, by my terms, I would call a better book, I feel that I'm speculating on his psychology, which I'm not eager to do. Let me think, now, what could I say that would be fair and appropriate? Well, I do think he's very, very intellectually rigid. I do think he's the quintessential true believer, if there ever was one. And I think that that inhibits creativity. That inhibits a fresh approach. That inhibits . . . um . . . kind of bringing a whole brand new perspective that would illuminate, perhaps, aspects of Objectivism in fresh and exciting ways for people. I don't think that if you are as much a true believer — and I trust your readers will understand what I mean by that — as Leonard is, I don't think it's possible to write the kind of book I would like to have seen him write.

Liberty: You make two small changes dealing with the word "cult," and, of course, there's always been a question whether Objectivism is or was a cult. You pulled a sentence "This is how cults are made," from a description of an attitude that some of you had toward Ayn Rand. Elsewhere you wrote "We were not a cult," but in the new edition, you wrote "Perhaps we were not a cult." What's your current view on whether or not Objectivism was a cult at that time?

Branden: [Laughing] Very reasonable question. I would have to say the following. Obviously, we had many cult-like aspects. That's undeniable. Uh, failing only perhaps that we didn't, uh . . . encourage people to make financial sacrifices or financial contributions, you know, or stuff of that kind. And, um, we, took great pains to offer reasons for anything we asked people to sign on for. I put in the word "perhaps" because I wanted to modulate and not . . . I wanted to acknowledge the fact that it's obvious that we had many cult-like aspects, but I wasn't prepared to say "Yes, we definitely were a cult" either. So I was treading that middle ground of saying "Possibly we were a cult." We were certainly a cult in some respects. I don't think we were a cult in all respects.

Liberty: In The *Ayn Rand Cult*, Jeff Walker claims that you were a cult by eight of nine criteria that he lists.

Branden: Yes.

Liberty: Do you have any general assessment of that book? Have you read it?

Branden: I have not read the book. But I'm told by people whose judgment I trust that he makes a great many allegations and claims for which he doesn't offer anything remotely resembling evidence. And, of course, as far as I am personally concerned . . . Um, I want to express myself politely; I am being tape recorded. I understand from

friends that this gentleman suggested that I was somehow, if only through negligence, complicit in my wife's . . . my former wife Patrecia's death. You'll understand that on that ground alone, I don't buy or read those kind of books.

Liberty: Right. I certainly didn't intend to ask you about that allegation. I regarded that also as being uncivilized. Do you mind if I ask you a couple of other questions about some of the other allegations he makes about you?

Branden: No. No.

Liberty: He claims that your master's degree at NYU was from the education department, in psychology and that you didn't have to write a thesis. What's your assessment of the academic value your master's degree.

Branden: Oh, I think it's pretty much in the medium range. I don't think that it was a fantastic school. It wasn't a bad school. But you know, I'm not a person who's ever been [chuckles] who's ever been especially excited about credentials one way or the other. I don't base any of my claim to anything I might've accomplished in this world on what school I went to. If I would be judged, I would be judged by my books. If you think the books are of value, then it wouldn't matter what school I went to, and if you don't think they're of value, it wouldn't make any difference. So, for me, the whole question is unimportant.

I can't say he's wrong. I don't think it was a great school. But there was a special reason, which I explained in my book, why I didn't have to write a thesis, and that I told, because I thought it was an interesting story, and because I feel a great sense of gratitude to that professor, who really believed in me and supported me.

Ayn Rand was in a class by herself, when it came to, um, bringing down the wrath of God. Now that doesn't mean that I couldn't at times be thoughtless, judgmental in an inappropriate way, cruel, and not really realize what the impact on another person was going to be of something I was saying.

Liberty: He also talks about your Ph.D. from the California Graduate Institute . . .

Branden: Right.

Liberty: And he says that a Ph.D. from that particular unaccredited school is just, basically, one step above the kind of Ph.D. that you can send off for and get in the mail.

Branden: Well, there he's factually mistaken.

Liberty: Okay.

Branden: Meaning, anybody can check that out. You can get licensed as a psychologist or a marriage family counselor on the basis of a degree from that school, in California. So, I mean, I don't think he did his homework.

Liberty: Speaking of licensing, he also says that you occasionally have run-ins with the licensing board in California, that they've asked you not to describe yourself as a psychologist.

Branden: There's an interesting story here, too. When I came to California, I got licensed. I didn't know where I was going to end up living. I got licensed as a psychologist in Washington, D.C., in the state of New Jersey, and the state of Pennsylvania. California had super, super, super, tough licensing laws, because the whole world wanted to live in California. And I found out that they had an alternative license that would free me up to operate, which was a marriage, family and counseling license, okay?

In retrospect I don't think I was thinking very clearly, because the truth of the matter is that she had the right to set whatever kind of terms she wanted to set. And, uh, if I wasn't in love with her, or I was in love with another woman, and if that for her became grounds for her to repudiate me publicly, well, that was her right.

Liberty: Uh-huh.

Branden: Which would allow me, in effect, to do what I had wanted to do, and wouldn't require a lot of the work that would've been involved in getting the psychologist's license, and I didn't think it was going to make any difference to me. Now, this is a real interesting story. When I came to California, I got very, very busy, very, very fast. Within two years I was doing a lot of groups. I had a practice at one time of as many as 117 clients, which is incredible for a psychotherapist. All right?

Liberty: Okay.

Branden: Now, one day I get a call from the licensing board. No, I think it was the D.A.'s office of Beverly Hills, that some charge had been made that I was practicing medicine without a license. Okay?

Liberty: Uh huh.

Branden: I can't remember the details, but I remember the important ones. So I went over to them and I told them what I was, what my training was, what my licenses were, and we got the issue clarified very, very simply. What happened is somebody made a complaint against me. They sent somebody there undercover acting like a client. Okay?

Liberty: Mm-hmm.

Branden: My secretary said something that perhaps she shouldn't have said, I don't know what, implying that I could treat something or other, that might've fallen into the category of medicine. But for her it was like a casual conversation, like, "Yeah, you know, like, uh, uh . . . Dr. Branden has helped clients with headaches." You follow me?

Liberty: Mm-hmm.

Branden: So, I explained to them, and they were satisfied in two seconds. And the whole issue got cleared up pretty

quickly. Let me just pursue this. I said "I don't understand; this is really puzzling." And then he said "Listen, Dr. Branden, here are the facts of life. You are a very, very well-known, very, very successful psychotherapist. If somebody phones up and issues a complaint, we are obligated by law to pursue it and look into it. However, we get a lot of complaints, which we have a very strong suspicion up front, that they don't mean anything, but we have to look into them. Just as a matter of precaution, make

I do think Peikoff's very, very intellectually rigid. I do think he's the quintessential true believer, if there ever was one. And I think that that inhibits creativity.

sure you're always very clear with people what you can do and what you can't do and what you're authorized to do, and thank you very much, and good day." All right?

Liberty: Okay.

Branden: Years go by. So, I tell my publishers, don't call me a psychologist. You can call me a whole variety of other things, so I don't want to run into this issue, Okay?

Liberty: Mm-hmm.

Branden: But the whole world calls me a psychologist because . . . of who I am and what I write. It's all bullshit. So a few years ago, I forget in which book . . . in one of my books — it somehow escaped my notice — the word "psychologist" appeared. One of my non-fans reported this. Why? To make trouble for Nathaniel Branden. Nathaniel Branden is masquerading as a psychologist. Again, they didn't even ask me to come, but we settled on the telephone. They said "Could you please explain this?" I explained to them that I had instructed my publisher, that this was an oversight, that my problem was the following: I asked them "Please understand this. My books are taught in psychology courses. I'm translated, I'm read all over the world. Because of what I write about, I am called a psychologist irrespective of what any licensing law in the state of California may state. I don't represent myself that way in the context of therapy in the state of California. I explained what my background is, what my degree is, and they got it, and they said "Perfectly understandable, thank you for being so cooperative," end of story.

Liberty: Okay.

Branden: The point is this: the authorities were never harassing me, they were a . . . and when we had a chance, for the two times that I can remember — there may have been a third incident; I vaguely think there was, but it was of . . . of the same order — some person complained, but as soon as I heard about it, and the authorities and I talked, it got resolved in literally five minutes. And they couldn't have been nicer to me, and more understanding of the situation. I do have a kind of a special situation, and, uh, that's that. That's the story of that.

Liberty: One last thing from Walker. He says that your sentence completion technique is not completely original, that it's a derivation of an old diagnostic technique that's very well-known. To what degree is that technique original to you, and to what degree does it owe something to prior psychological work?

Branden: Well, it definitely does, as I said in my book *The Disowned Self.* Word association has been around for a long time.

Liberty: Okay. Let me ask you two more questions about *Judgment Day* and *My Years with Ayn Rand.* In your new introduction you suggest that Rand was supporting your marriage to Barbara, not out of a sincere desire for anyone's well-being other than her own, that she was keeping you married because Barbara was easy to control. Why didn't you suggest that in 1989? Did that occur to you in the interim?

Branden: It never [occurred to me] in 1989. The thought had not yet entered my mind, but I did often wonder . . . We were so . . . And this is not said against Barbara, I mean, she's a fine, decent, intelligent woman. But we were just not meant to be husband and wife. As the years go by, you reflect on why the hell was Ayn so keen on Barbara and me staying together? And then one day, talking about it with my wife, Devers, Devers said to me "Well, it was really awfully convenient for her. She never had to worry about another woman. She had Barbara completely in her thrall. And that may have been a reason." I said "Jesus, you know something? I don't know; I can't prove whether it's true or not, but it . . . it feels intuitively like — not that

I want to express myself politely; I am being tape recorded. I understand from friends that this gentleman suggested that I was somehow, if only through negligence, complicit in my wife's . . . my former wife Patrecia's death. You'll understand that on that ground alone, I don't buy or read those kind of books.

that would have been the only reason — but that would be quite like Ayn to have that as one of her considerations." So I can't claim this as knowledge, obviously, nor do I claim this as knowledge in my book. I say it as an explanation . . . a partial explanation that occurred to me.

Liberty: One small change you make is a sentence in which you say that Ayn Rand was a very highly individuated person. Why did you take that out? Have you reassessed her and decided that she wasn't?

Branden: Gosh, I don't even remember that, to be honest with you.

Liberty: Oh, it's only one sentence.

Branden: Uh . . . hmm . . . [chuckling] I have to confess I don't know, I don't remember.

Liberty: Okay. Another change comes in a passage wherein a reporter asks Rand what it means for you to have been her

intellectual heir.

Branden: Yeah.

Liberty: And in *Judgment Day*, you say that you felt as if the spotlight of history was upon you. But here as in *My Years With Ayn Rand*, the experience that you relate yourself as having had is of feeling very foolish, and feeling very uncomfortable in the situation. Have you changed your mind about what happened?

Branden: Yeah, that's a very fair question. Here's my answer. I spent a great deal of time reliving and almost going into an altered state to recapture the nuances of what I felt, and when I reread the passage in *Judgment Day*, I kept feeling, like, static, like something about this is not right. I just looked at it and looked at it and I know that happened, I know that this is what the reporter said, I know what Ayn said, but something about the paragraph bothered me. And it just . . . I felt like, for days, I've got some counter-memory that's creating static in my brain. So I thought about it and I thought about it and I thought about it, and gradually what I began to feel was that there was a whole other issue that you're not . . . that you were much more, uh . . . shy, and, uh, at times foolish-feeling than you have felt, perhaps, comfortable acknowledging. And that, in retrospect, felt more relevant to the deeper psychological reality than whatever surface arrogance I might've projected. And, so, what I was trying to do was to reach deeper into myself and to name what was the most truthful feeling of what was actually going on, in contrast to what I may have been projecting by my demeanor.

You see, there's a wider point there that might be interesting . . . on this, which is the following . . . that was another thing that I tried to clean up in the revised version. Some of the most important changes in the book are so subtle — and I'll give an example — that unless you read very, very carefully, you're not even going to notice what they are, and yet cumulatively, they give a very different feeling.

Sometimes in the first version, I would tell a story, and I would be, in effect, mocking, or making fun of myself at that time, and I would think that it would be obvious to the reader that is what I was doing. However, later I learned from some of the feedback that where I thought it would be obvious to the reader how this was to be taken, it wasn't obvious, and that it was perceived as arrogant in a way which was the opposite of my intention. So, when I had a chance to take another run-through in the book, I

I was wondering this morning, am I an idiot to give this interview? Because I know, judging from your written works that you're not exactly an admirer. And I certainly know that Bradford is not exactly an admirer. So I asked myself this morning, "What the hell am I doing?"

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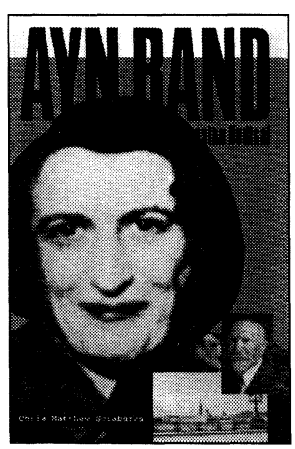

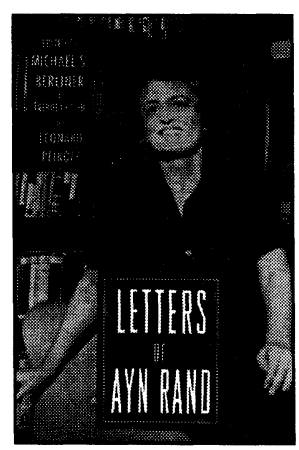

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looked for anything that could possibly be ambiguous or give an impression counter to what I wanted, and here is a classic example. In following the famous car ride that sets up the scene in which Ayn Rand and I will first declare our love for each other . . . in that scene you'll remember — since you seem to remember the book so well, you've obviously done your homework — you'll remember that Ayn questions me, do I understand what I'm saying, do I understand what responsibility I'm taking on . . . She's, in effect, testing me — is this for real?

And, of course, I am very intoxicated, and I'm totally flying and acting like I'm the complete master of everything in this situation where I was anything but, in reality. Anyway, in the original version, I had a paragraph of one sentence: "I was Nathaniel Branden and I could do anything." And when I reread it, I thought "Oh, God. Uh . . . Is this what people will take as . . . Could this be interpreted that they won't get it, that I'm making fun of myself in this moment?" So I added one sentence. "I was Nathaniel Branden and I could do anything. Period. That is what I told myself."

Liberty: Right.

Branden: And it changes the whole sense of the moment, you see.

Liberty: Mm-hmm.

Branden: Well, there's a lot of that in the book, where it's not obvious that a person's going to remember from one book to another, but where I tried to clarify, and get as exact as I could, what was I experiencing. I hope I'm being clear.

Liberty: Away from the books again for a minute. At your Institute for Objectivist Studies talk a couple of years ago, you told a shocked audience that there are in fact gaps in Objectivism, that it's not complete and that anyone who reads really closely, should be able to figure this out. When did you discover these kinds of gaps, I mean did you, did you, have any, ah, awareness of them before 1968 when you were still lecturing on the floor?

Branden: No, no, before 1968 the most I ever had was feelings of apprehension, or something is not quite . . . but no. It all happened in the years after 1968 when I was out of that world and kind of took it as one of my challenges to rethink everything, and ask myself, you know, what really satisfies me intellectually, and where I feel something is not right. All of that is post-1968. I wish it had been earlier.

Liberty: One other thing that Jeff Walker wrote is that you are the one who actually systematized Objectivism. Was that in any way the case that. . .

Branden: No. He's paying me for once a compliment I don't deserve. I think what he may have been trying to say, or what people might have been thinking of was the following. But I would hardly call this systematizing Objectivism. When I did my first course of lectures on basic principles of Objectivism, there I had to organize the material into its first nonfiction presentation. So, that was the first time, and, and, ah, that ah, people ever had the chance to learn the main ideas of Objectivism outside the context of the novels. So, somebody not speaking too carefully might want to say that I was systematizing Objectivism. But that's really overstating the case in my view.

Liberty: All you were doing was just laying it out more clearly?

Branden: I was laying it out in a non-fiction, somewhat highly accessible academic format.

Liberty: Did you get a chance to see the documentary *Ayn Rand: A Sense of Life* or to look at the book based on it?

Branden: Sure.

Liberty: What do you think of it?

Branden: Well, of course I liked a lot about it. I loved the childhood photographs. I loved the pictures. I loved the visuals. As regards the physical comments, they're probably fairly obvious. Number one, I thought that it was too adulatory, completely lacking in objectivity. And I thought that the treatment of the discussion of the Rand-Branden events was, I mean, silly beyond silly.

For Leonard to say, "Well, I guess she must have liked him," about someone to whom *Atlas Shrugged* had been dedicated and with whom by then he knew Ayn Rand had been having a love affair, he certainly would have to have known that a woman as serious as Ayn would have to have done a good deal more than like me to have done what she had done. So, it was all silly. Or, or, or, you know, they argued that I was an actor. You must realize this, that as close to six months prior to our break, Ayn Rand was declaring at public lectures that Nathaniel Branden is the apotheosis of what she writes about, and the embodiment of her philosophy. Now I ask you. Here's what you're asked to believe if you follow Leonard's story. Number one, Ayn Rand is the greatest or one of the greatest minds who ever lived. Number two, for seventeen and a half years, somebody who didn't really care about ideas, philosophy, or her work, had her absolutely persuaded that he did. Not very complimentary to Ayn Rand's judgment. I mean it's, it's so . . . it's so silly. It shows such contempt for the intelligence of your audience.

Liberty: Let me ask you about the novel by Mary Gateskill called *Two Girls Fat and Thin* which came out in 1991. Have you read that?

Branden: No.

Liberty: No. Well I guess you wouldn't have an assessment of it then.

Branden: Unlike Leonard Peikoff, I prefer not to offer assessments of books I haven't read.

Liberty: One thing that you added in the new book has to do with *The Journals of Ayn Rand*. You suggest that publishing them was inappropriate in some way. Your complaint is that they were highly personal notes, and it seems that on the one hand you write about having had sex with Ayn Rand, which is rather more personal, and that on the other hand there didn't really seem to be all that many personal notes in the *Journals*.

Branden: Oh. Here's the difference. I am the author writing about my own life. I get a chance to . . . I obviously have the power of choice over what I will or will not publish of my own writing. Just as Ayn Rand would have. If Ayn Rand had published those journals, nobody could possibly have faulted her.

Liberty: Mm-hmm.

Branden: But, knowing what a perfectionist Ayn was — knowing how crude she regarded, for example, her first short stories, how, you know, how really she regarded them as like real beginner's finger exercises. It's hard for me to believe that she would have been pleased to see her thinking aloud published in books. Because it contains stuff that she would repudiate later, that would later not reflect her viewpoints. She was so eager always to present herself and her philosophy as finished and complete. So she minimized, for example, the changes she made between the first *We the Living* and the later republication, where in fact the changes were rather more important than one would gather from reading her introduction.

Knowing how strongly she felt about preserving this image of only the final finished Ayn Rand, I can't imagine her approving of the publication of materials that were never meant by her to be published. See, that's an entirely different issue. After all, like about my own case, not that I needed this justification, but after all the story of my affair with Ayn Rand was broken publicly by Barbara years before I did.

Liberty: Mm-hmm.

Branden: But in any event, I was writing about my own life, and I have that choice and that right. I do need to take a pause here. I hope that I have been responsive and I hope above all that I have been clear.

Liberty: Yes, you have pretty clearly answered all my questions. So I really appreciate you giving me your time. And I'll send a copy of this tape to you as soon as I get a copy.

Branden: You're very kind. I will just say this in conclusion. I was wondering this morning, am I an idiot to give this interview? Because I know, judging from your written works that you're not exactly an admirer. And I certainly know that Bradford is not exactly an admirer. So I asked myself this morning, "What the hell am I doing?" But, this is the truth that you have been given, as best I understand it. And what you or he will do with it is in the hands of you and him.

Liberty: Okay. May I ask you one brief question about that?

Branden: Of course.

Liberty: I am curious. What written works of mine are you talking about?

Branden: Letters on the Internet.

Liberty: Okay . . . Oh . . .

Branden: Cracks that you make about me.

Liberty: Oh, okay. I'd actually always considered myself an admirer of your work.

Branden: Well I mean, like uh, cracks about me always looking for opportunities to say something negative about Ayn Rand, or something like that, which you wrote somewhere. And I thought, where does he get that from?

Liberty: Okay.

Branden: Anyway, I don't have any animosity, and I talk to you in goodwill, and I don't feel any ill will coming from you today. But I really thought I would share this with you.

Liberty: Okay. Well, thank you very much. ❑

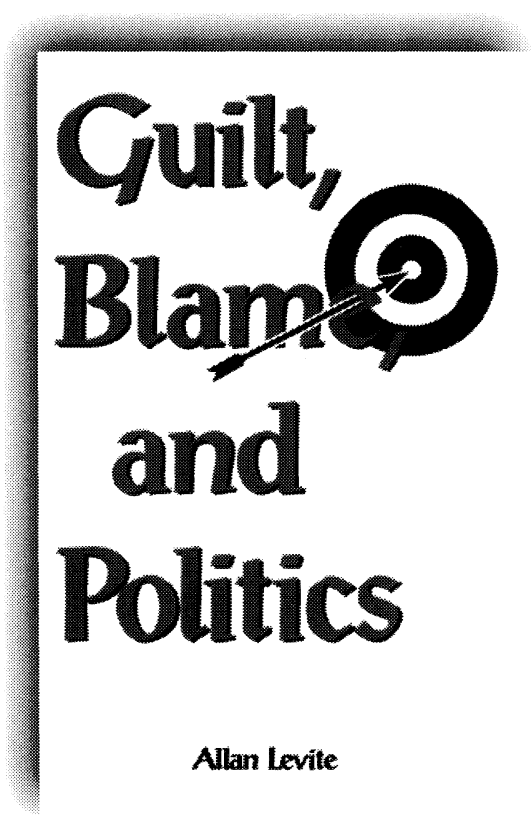

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Attack

Under the School Boardwalk

by Sarah J. McCarthy

The Supreme Court has ruled that boys can no longer be boys.

Now that Congress has inserted the Ghost of Anita Hill into every adult male-female interaction, the Supreme Court has decided it's time to go after the kids. Though school officials say that student sexual harassment is a delicate issue given the raging hormones of adolescence that cause otherwise normal teens to perform acts of superhuman stupidity, the Court is on its way toward blurring the line between adolescent bungling and criminal behavior by making school districts liable for punitive damages if anyone crosses the line. Parents and teachers have been trying to stop teenage stupidity since the beginning of time with little success, but Justice Sandra Day O'Connor and four other members of the divided Supreme Court think they have found the cure: damages, the legal profession's Johnny-One-Note-Magic-Bullet-Cure for everything. "Sue for $2,000,000 and call me in the morning."

Following classmates in the halls, riding past their houses, hang-up calls, ponytail-pulling and other stunts were once the signs of teenagers in love. The Smooth Operators in my high school used to snap off the girls' plastic pop-it beads and try for slam-dunks by tossing them down the girls' blouses. Today, any male peacock strutting his stuff on the way home from school by cruising past a girl's house in a souped-up car and revving his engine risks being turned in by a nosy neighbor as a stalker.

Back in the days before we knew these guys were stalkers and harassers, we thought their escapades were funny, even romantic. We used to thrill to songs like "Born to Run" about "dying on Highway 9 in an everlasting kiss" and "Leader of the Pack." Real American memories are like the things that happened in *American Graffiti* — memories we could never have had in a place like China, where Mao and his government killjoys had outlawed public handholding. Who would've ever thought it could've happened here?

The best kept secret in America is that for many of us being sexually harassed was one of the peak experiences of our lives. When I was 16, my steady boyfriend Harry and his gang, the Mad Mechanics, who wore black and silver bomber jackets and had low-slung cars that made a lot of noise, had heard on the school grapevine that I was going to a party at the home of a guy in my neighborhood. That night the Mad Mechanics drove by the party house in an impressive male dominance display, much like the chest-pounding behaviors they inherited from the Great Apes. The neighborhood guys turned out all the lights and hid under the furniture at the first roar of the engines, but in reality, no one was too scared. The party guys, no slouches at predatory sexual moves themselves, used the darkened house as a chance to take off their shirts and kiss the girls while the Mad Mechanics roared on by.

Sexual harassment? Maybe, but it was the only time that I got to feel like Natalie Wood in *West Side Story* in the middle of a rumble between the Jets and the Sharks. For Harry, who went on to fly hundreds of bombing missions in Vietnam, I'm glad he could go onto adulthood with his Air Force career untarnished by his teenage capers. (Harry and I broke up a few months later, when upon arriving at our school picnic, I discovered he'd been riding the Tilt O' Whirl with some girl that he'd probably convinced *she* was the star of *West Side Story*. He's now married to a woman who he says was Miss Alabama.)

In his *Newsday* column, "Lunatic Feminists Arise on the Right," Robert Reno, an ardent support of the Supreme Court's heavy-duty legislation to protect girls from sexist language and hurt feelings, rails against what he calls the new conservative "female TV gas bags" — women who he says are, "fetching, wall-to-wall right-wing and blond to

their roots, like Laura Ingram and Monica Crowley," women whom he designates as "silly," "lunatic," "dumb" and "deeply snide." But these women, bad as they are, are just "irrelevant distractions" compared to the objects of Reno's real wrath — "the more serious-minded crowd" of women over at the "gloriously right-wing Independent Women's Forum." (You have to wonder what would happen to American womanhood without chivalrous defenders like Robert Reno.)

It seems a woman on the Independent Women's Forum's Advisory Board had ruffled Mr. Reno's feathers by writing a *Wall Street Journal* article in which she remarked that for kids "A kiss on the cheek, a sexually suggestive remark, the persistent pursuit of a romantic relationship with someone who is not interested, even unwanted sexual touching, all may be normal parts of growing up when the individuals are peers."

"Who raised this woman?" Mr. Reno howls. "You'd never hear Phyllis Schlafly come out for kissing or touching in the classroom. She'd cane the whole lot of them."

"What a mouthful," he roars on, surmising that the Independent Women's Forum is some group of crazed right-wing female renegades defending the rights of third-grade harassers. *The Wall Street Journal* article, says Mr. Reno, "savages the Supreme Court decision that prohibits boorish little schoolboys from making repulsive pests of themselves by being sexually obnoxious to the girls in their class." The Court decision "seems the least we can do for the girls who are going to grow up to run this country," wails Reno, "the way they have run more socially advanced nations, including Norway, Britain, Israel and India." Reno glosses over the fact that these girl future presidents so in need of federal protection from third-grade boys will someday have to compete with male presidential candidates who often have been toughened in bigger battles like Vietnam, Desert Storm, Korea and World War II.

The best kept secret in America is that for many of us being sexually harassed was one of the peak experiences of our lives.

The Supreme Court and columnist Reno believe that repulsive third-grade pests will be cured of their sexism and revolting male behavior once damages can be levied against their school districts. One wonders if he thinks school districts should be liable for a hostile environment created by obnoxious kids who pepper their female classmates with names like Mr. Reno uses, names like "gas bags," "lunatics," "dumb," "irrelevant distractions" or "blond to the roots"?

But don't worry, Mr. Reno, Laura Ingram, Monica Crowley and the Independent Women's Forum are tough women, experienced enough at verbal sparring to come back at a gas bag like yourself. I'd suggest that when you're done battling with these women, you might try the feminist libertarians in the Women's Freedom Network. Though they'll disagree with nearly everything you say, they'll defend to the end your right to say it, with no punitive damages — and no petty comments about your hair.

What Reno and other damage aficionados miss is that those of us who argue against high-priced lawsuits as the magic-bullet for undesirable social behaviors are not in favor of harassment, but are simply concerned about the unintended consequences of current penalties. The constant threat of financial annihilation via lawsuits is not the best environment for freedom to thrive. Schools or workplaces that can have their entire annual budget wiped out by a single child-against-child or employee-against-employee lawsuit will be clearly pushed and tempted to go overboard in trying to control any speech or behavior that could appear questionable or actionable to a creative trial lawyer.

Parents and teachers have been trying to stop teenage stupidity since the beginning of time with little success, but the Supreme Court thinks it has found the cure: punitive damages. "Sue for $2,000,000 and call me in the morning."

"This is already the normal state of affairs in the workplace," says columnist John Leo. "Sexual harassment law has given employers a powerful incentive to act in a defensive manner, warning workers against comments, gestures, office chitchat about the latest naughty joke on a sitcom. Many schools already ban handholding, the passing of romantic notes and chasing members of the opposite sex during recess. One teacher's manual says that a child's comment 'You look nice' could be sexual harassment, depending on the 'tone of voice' and 'who else is around.' 'Next year, kids will be suspended for behavior nobody's ever been suspended for,' said Bruce Hunter of the American Association of School Administratiors."

Beyond concerns about emptying taxpayers' pockets and bankrupting school districts and businesses, we have to wonder what effect this centralized Orwellian behavior control is going to have on the kids. Squelching spontaneous behaviors like teasing, joking and chasing members of the opposite sex is an outrageous thing to do to an entire nation of school children because a few have gone out of bounds. Instead, on the individual level, third-graders who are truly creating a hostile environment can be punished with school suspensions or some other process without involving the entire school population of the United States in some sort of Americanized judicial version of China's Cultural Revolution.

The relative nonchalance with which Congress passes laws related to sexual harassment combined with an impassioned preference for overblown fines is a frightening prospect. Laws are passed with a casualness about defining the acts they are criminalizing, with drifting definitions such as the broadening of sexual assault to mean any unwanted touching. In an article titled "Could You Be The Next Monica?" by Nurith Aizenman in *New Woman Magazine*, Susan Molinari insisted that she didn't "set out to make Monica Lewinsky's life miserable when she pushed through ground-breaking sexual assault legislation five years ago. The Congresswoman only wanted to give a woman accusing a man of sexual assault the chance to bolster her case by showing that he had also attacked other women. Sensible

enough — but the law defined sexual assault so broadly (essentially any attempt at unwanted touching) that it allowed lawyers in the Paula Jones case to probe President Clinton's past for other violations. That investigation, in turn, set an unexpected precedent: Now any woman who's had a consensual relationship with a man accused of harassment could find herself subpoenaed — just as Monica Lewinsky was. Molinari was astonished to learn that her law was behind Lewinsky's interrogation. 'The law was supposed to target sexual *assault*.' she said."

Punishment should be placed directly at the door of the offending students rather than with the school or with the student body at large in the form of higher tuition payments to cover lawsuit expenses.

And consider, if you can, this revealing admission by former Congresswoman Patricia Schroeder (D. Colo): "It was so much more fun to legislate than oversee. You could find many reasons to put more regulations on. We didn't feel accountable as much as we should have to make sure regulations were being applied reasonably."

It would, of course, be a gross oversimplification to argue that most cases of school harassment are like the madcap adventures in *American Graffiti*, or that high school or college harassers are harmless guys like Fonzi on *Happy Days* or Sam Malone on *Cheers*, or that girls end up feeling like the stars of *West Side Story*. Even in *American Graffiti*, two kids nearly died when their car turned over during a macho drag race. There are, no doubt, serious cases of harassment that need to be remedied.

In Pittsburgh, there were fraternity parties like those in *Animal House*, where frat brothers at a local university held "Pig Parties" — parties where the brothers would invite the ugliest dates they could find, and the guy with the ugliest girl would win the contest. The girls, at first clueless about their dates' motives, eventually realized why they were invited and would flee the party in tears. In cases like these, the punishment should be placed directly at the door of the offending students rather than with the school or with the student body at large in the form of higher tuition payments to cover lawsuit expenses.

In the recent sexual harassment case, *Davis v. Monroe County Board of Education*, involving a fifth-grade boy who was prosecuted and found guilty of sexual battery in juvenile court, the Supreme Court ruled that the fifth-grade girl could proceed with her lawsuit seeking damages from the school district. School officials, said the Court, must be informed of harassment and be indifferent to it or ignored it before they could be held liable for it, providing a prudent safeguard for educational institutions — a safeguard that's denied to private businesses, which must operate under the "should have known" standard, a standard that says businesses may be sued even if they have no idea that any harassment is occurring in their workplaces.

And so the question remains: How can justice be achieved for victims of fifth-grade sexual batterers and pig parties without the collateral damage that tramples important quality-of-life freedoms for everyone else? Penalties that focus punishments on the wrongdoers themselves and minimize punishment of innocent members of society at large would be optimal, but current penalties do the exact opposite. If the Supreme Court and American law schools would explore possible alternatives to threats of financial annihilation as a wholesale method of behavior control, it would be a good start. At least when the Mad Mechanics showed up they had more than one tool in their box. ❑

Tracy, "Internet Privacy in Russia," *continued from page 32*

Volgograd-based Bayard-Slavia Communications has repeatedly refused to cooperate with FSB requests for information, demanding first to see a warrant. He has also refused to foot the bill for the required technology.

But in telephone interviews from Volgograd, officials at Bayard-Slavia Communications say they have recently been threatened by the FSB with losing their license. They also say they have faced a tax police audit that turned up nothing but was harrowing just the same. Watching from Moscow, Levenchuk says of his friends at Bayard-Slavia, "I am afraid that the official reason for withdrawing their license will not be related to SORM-2."

Boris Pustintsev, chairman of St. Petersburg-based Citizens' Watch, said he was pessimistic about the chances of an anti-SORM resistance movement among providers.

"I'm sorry to say that they will probably only be successful in going broke," he said.

But Pustintsev added that if more than half of all providers were to unite, then with the backing of human rights groups they could succeed.

"We will broadcast [news of the battle] throughout the world. The FSB can't close them all down. That would be a scandal of international proportion and Russia can't have that right now," Pustintsev said.

Citizens' Watch has set a self-imposed deadline of June to draft proposals, to be read in the State Duma, the lower house of parliament, on creating a system of checks and balances on SORM-2.

One such proposal described by Vdovin would involve giving a "key" to the FSB computers receiving information from SORM-2 black boxes and hotlines to an independent third party. That key would only be loaned to the FSB when its agents can produce a court order; the third party would also keep a log of all FSB SORM-2 eavesdropping activity.

But human rights and privacy activists are quick to add that SORM-2 raises fundamental questions about freedom that can't be solved with a few laws and clever ideas.

"It's a problem of educating the people — starting from the ground up," Levenchuk said. "It's no use fighting the FSB when no one understands what the fight is for." ❑

On page 33 of its August issue, *Liberty* quoted Nathaniel Branden as saying that his former wife Barbara had "given me an exaggerated idea of what her experience had been . . ." Branden actually wrote that "Wilfred [Schwartz] had given me an exaggerated idea . . ."

Report

Unwitting Victims

by S. H. Chambers

The last frontier of the civil rights movement . . .

Wally Reisenscheiner, a 30-something unemployed custodian, sits in his sparsely furnished studio apartment and explains why he dropped out of high school. "I didn't like it. They kept giving me D's and F's." He looks away, the memories painful. "It was too hard."

The most oppressed people in America today are the Intellectually Challenged (IC).

Wait. Don't stop reading. Like many Americans, you may be in denial about the plight of these folk. You may be wearing blinders that force you to look at issues only along racial, sexual, or ethnic lines, blinders that keep you from examining the more serious and pervasive issue of intellectual discrimination. It's time to take those blinders off.

Defining the Problem

The Center for the Study of the Intellectually Challenged (CSIC), a Boston-based, not-for-profit research institute, recently surveyed 5,097 IC people and compared them with members of other minorities. "We really weren't surprised," says Director Dr. Helen Schnitzler, "to find that the IC are the most at-risk group of all." Some of the findings:

- While 37% of African-Americans attend at least one year of college or junior college, only 13% of the IC do.
- While 62% of gays and lesbians live in households with annual incomes of $50,000 or more, only 6% of the IC do.
- While 14% of women live in poverty, fully 32% of the IC do.
- While 15% of the U.S. prison population is Hispanic, 86% of all prisoners are Intellectually Challenged.

To make matters worse, while other oppressed peoples have made progress in educating mainstream society, the IC continue to be faced with a profound lack of understanding. Phrases like "that's so stupid" and "it's a no-brainer" are uttered everywhere with seemingly casual malice. While it is no longer socially acceptable to use derogatory names when referring to African-Americans, gays, lesbians, women, or Hispanics, how often do we hear someone hurl epithets such as "airhead" or "bimbo," apparently without embarrassment? Such clearly discriminatory, hateful labeling deeply offends the approximately 42,000,000 Americans of both sexes, all ethnic groups, and all sexual orientations who happen to be Intellectually Challenged.

Deprived of a diploma, Wally found most doors to employment locked. He wound up cleaning fast-food restaurants on the graveyard shift. He was often fired, usually for "incompetence." "I did my best," he says now, eyes almost flashing with anger. "It isn't fair."

Other minorities are making progress on many fronts.

The Civil Rights Act ensures that historic injustices are being addressed for all racial and ethnic minorities. Gays and lesbians have succeeded in turning the tables by making homophobia, rather than homosexuality, the problem to be solved. But no civil rights laws protect the IC, and MENSA is still not viewed by most Americans with the same disdain as the Ku Klux Klan. Women have successfully organized and fought for more money, power, and prestige. But the IC are only now, slowly, beginning to organize.

The Americans with Disabilities Act ensures social and economic progress for the physically challenged, while denying employment to the IC because they are "unqualified" or

"incompetent" remains perfectly legal. It is an archaic double standard.

Dr. Schnitzler summarizes:

> In school, the smart kids get praise, gold stars, and A's. The IC get put-downs, black marks, and failure. Smart kids go to the university, while the IC, if they are lucky, languish in junior colleges. IQ tests which measure the very characteristic that is the basis for anti-IC discrimination are used to ensure that only smart kids are selected for grad school and are then allowed to get rich. Meanwhile, the IC are exploited in menial jobs with minimal wages. They struggle to make ends meet. When they fail, they're caught committing ill-conceived crimes that land them in prison. Smart criminals, you see, don't get caught. This systematic victimization of the Intellectually Challenged is America's greatest shame.

Every day the Intellectually Challenged are punished simply for being who they are. People do not choose to be IC, yet our society has institutionalized this blanket injustice. It is wrong and it must stop.

In 1987, Wally hit bottom. He was arrested for selling a shopping cart full of overdue library books to a pawn shop. "I just wanted some money," he explains. After serving six weeks, Wally was paroled. He now tries to steer clear of trouble; but, saddled with a criminal record, he finds it harder than ever to land a job. Sadly, he often seeks solace in a bottle.

Solutions

In education, we must scrap the inherently discriminatory intellect-based system that continues to trash the self-esteem of the IC and shunt them into second-class citizenship.

- The IC must get the same GPA's as their "bright" classmates. F's hurt and Pass/Fail is no better. Failure is failure, no matter how it is phrased.
- The IC must be awarded diplomas at the same rate as their "smarter" peers.
- To correct past injustices, the IC must be admitted to universities and graduate programs on a preferential basis.

In employment, all anti-IC discrimination must end immediately.

- The concepts of "competence" and "qualifications" must be recognized as prejudicial and discarded as irrelevant in all decisions to hire, promote or terminate.
- Fair pay must be recognized as equal pay, regardless of "performance evaluations" or "levels of responsibility."
- Steps must be taken to ensure proportional IC representation in such high-status fields as law, engineering, and medicine. For entrance to such fields, IC people must no longer be required to disguise their condition.

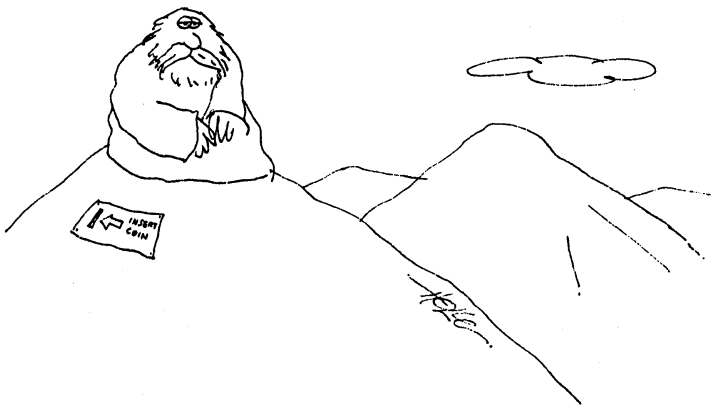

In politics, IC people must help themselves by voting as a bloc. The CSIC estimates that 12% of all elected offices could be won by the IC if they voted together. In fact, the outcomes of several electoral races have already been determined by heavy IC turnouts. As Dr. Schnitzler points out, "Eighty-six percent of all registered IC voters supported the Democratic presidential ticket in 1992. In reality, Bill Clinton was put in office by millions of Intellectually Challenged voters." Some cynics suggest that the payback was not long in coming; one of Clinton's first acts as President was to sign the pro-IC "motor voter bill" into law.

Every day the Intellectually Challenged are punished simply for being who they are. People do not choose to be IC, yet our society has institutionalized this blanket injustice.

The broader goal is an evolution of social consciousness. America must embrace, celebrate, and encourage intellectual diversity.

You Can Help

The Society for the Intellectually Challenged (SIC) held its charter meeting in Washington D.C. in June, 1998. Newly-elected SIC President Patricia Shroeder reports, "Our first priority is to lobby for the Intellectually Challenged Americans Act, better known as the Waxman Bill. This legislation would do for us what the Civil Rights Act has done for people of color."

The radical activist splinter group Dummies has recently gained notoriety by staging several controversial, but arguably effective, pro-IC demonstrations. At their "in-your-face" rally against the proposed elimination of "social promotion" in Chicago schools, members wore "Dumb and Proud" T-shirts and shouted "Duh!" in unison. A spokesperson for the organization, which was founded in the early '90s in response to the release of the movie "Forrest Gump," argues in this way: "Hanks played a gay in Philadelphia, then an IC man in Gump. He's neither! It's like Al Jolson in black face! When there are thousands of Intellectually Challenged actors dying for a break, what he's doing is simply unforgivable!" This view was shared by thousands of activists and film personalities who picketed the premiere of the film.

Meanwhile, Wally Reisenscheiner, an intellectually challenged unemployed custodian, faces a future of cheap beer, food stamps, and sit-coms with laugh tracks that let him know when a joke has been told. ❑

Reviews

***Make Gentle the Life of This World:** The Vision of Robert F. Kennedy,* **Maxwell Taylor Kennedy, editor. Random House-Broadway, 1998, 206 pages.**

The Eloquence of Bobby Kennedy

Stephen Cox

The editor of this book, Maxwell Taylor Kennedy, is Robert F. Kennedy's son, born three years before his father's assassination. Seeking to interest a new generation in RFK's mind and "vision," he provides a volume of selected passages from RFK's speeches and from a notebook in which he jotted quotations from other authors. The intention was to produce a book in the inspirational genre, a book that could "be read almost like poetry, or as meditations" (xvii). Apparently, the aim has been achieved; the book has become a best seller. Obviously, there is something about RFK's thoughts that continues to offer inspiration to literate (or at least to book-buying) Americans. This book helps us to see what it is that works as well in the nineties as it worked in the sixties.

One of the book's inspiring features is its ostentatiously intellectual quality, a quality that, in the sixties, was always supposed to be lurking somewhere around the Kennedy compound. The exact degree to which this quality afflicted Robert Kennedy is hard to fix. With a candor unusual among hagiographers, Maxwell Kennedy admits that his father "had help" in producing the all-important Quality; his writings display "the unmistakable polish of many speechwriters" (xvi). The argument might be made, however — and I will make it, since the author neglects to make it himself — that one indication of a statesman's taste and knowledge is his choice of speechwriters; and John and Robert Kennedy's choices in this area were about a hundred times better than those of succeeding politicians.

But that isn't necessarily saying much. The style of the Early Kennedys is pompous, unsubtle, hectoring ("Let the word go forth from this time and place"), numbingly theatrical ("The torch has been passed to a new generation of Americans — born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage," and so on, and so on), a style in which people are always making pledges, breaking bonds, seeking, acting, beginning anew, and saying things they don't really mean: "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe. . . . " There is as much of that high Kennedy style in this volume as there was in JFK's inaugural address, and a little of it goes a long, long way.

The height (or stiltedness) of the Kennedys' style came partly from their zealous quotations of other high-class authors. There are 137 such quotations in this book. The sources of 15 are not identified; of the remaining 122, 58 are culled from Americans, virtually all from the standard list: Lincoln 5, JFK 5, Jefferson 2, Webster 2, etc. Among the 64 contributions from foreigners, the largest number (19) come from a single source, Albert Camus. (Hence, perhaps, RFK's reputation as an existentialist — although Camus is the only existentialist he cites.) Ancient Greek authors provide 21 citations, although most of these are probably cribbed from Edith Hamilton (who is herself cited seven times), or from some other convenient modern source. None of Kennedy's quotations — American or foreign, modern or ancient — reveals any knowledge whatever of a surrounding plot, situation, or argument. He adheres strictly to the Bartlett's *Familiar Quotations* method; and although even this method is beyond the small powers of most politicians, it hardly bespeaks a comprehensive culture, or the ability to read all the way through a book.

The style of the Early Kennedys is pompous, unsubtle, hectoring, numbingly theatrical, a style in which people are always making pledges, breaking bonds, seeking, acting, beginning anew, and saying things they don't really mean.

Many of Kennedy's quotations, indeed, barely survive the act of quotation. Who was it who told him that Socrates said, "The world is my parish" — a few hundred years before Christians invented "parishes" (151)? Who told him that the famous passage

beginning "To everything there is a season" appears in the Song of Solomon, instead of Ecclesiastes, where it really does appear (97)? Both Ecclesiastes and the Song of Solomon are extremely short, easily readable in their entirety.

Kennedy adheres strictly to the Bartlett's "Familiar Quotations" method; and although even this method is beyond the small powers of most politicians, it hardly bespeaks a comprehensive culture, or the ability to read all the way through a book.

The fact that no one either read or checked them says more about Kennedy culture than readers in search of inspiration really want to know.

And — to continue in this biblical vein — what about the pregnant passage that is here attributed simply to "Scriptures":

> Your old men shall dream dreams, your young men shall see visions. And where there is no vision, life shall perish from the earth. (81)

Well! That's decisive, isn't it? Notice the dramatic juxtaposition of *youth* and the prospect of *apocalypse* — very fashionable in the sixties, still fashionable today. But would it detract from the dramatic and inspirational quality of this passage to notice that the biblical source of the first sentence (Joel 2:28, Acts 2:17) has nothing to do with the biblical source of the second (Proverbs 29:18), and that the original version of the second is completely lacking in apocalyptic vision? In fact, it's an appeal to law and order: "Where there is no vision, the people perish; but he that keepeth the law, happy is he." But never mind; the more ignorant you are, the more inspired you can get.

Of course, Kennedy's vision offers more than a hollow pretense to high culture; it also offers a hollow political message. He hoped to inspire people by preaching individualism at the top of his lungs, while simultaneously and just as loudly preaching collectivism.

The individualist Kennedy decries "the suppression of individuality" by a centralized government that continually talks down to "the passive citizen." He quotes Orwell. He talks wisely about the insidious effects of the welfare system (the "prying bureaucrat," the "all-powerful administrator"). He talks very wisely indeed about the callousness of people "who sit comfortably at home to form policy without full knowledge and consciousness of the costs to others" (92, 66, 164). But immediately after the individualist Kennedy has suggested that the survival of the republic is endangered by the "dependency" of "millions of our people" on welfare checks, the collectivist Kennedy declares that "fellowship, community, shared patriotism — these essential values of our civilization . . . come from a shared sense of individual independence and personal effort" (65). Not from independence and personal effort, mind you, but from a *shared sense* of them. It's the collective feeling that counts, and the togetherness. As for the economic and social specifics . . . his vision (without which, he imagines, life shall perish from the earth) sweeps him beyond all that.

It's obvious what Kennedy's political successors, down to and including the current president, have learned from this kind of oratory. They have learned that Americans are individualists with strong collectivist proclivities, that all the slogans, both individualist and collectivist, must be mobilized on every possible occasion, and that "feeling" is the goo that makes everything stick together. They, like Kennedy, have no difficulty with contradictions that would drive anyone with intellectual integrity crazy.

But there is one thing that neither they nor he is capable of imagining — the possibility of leaving anybody else alone. Kennedy's slogan is always "we must act" (56), even when the occasion for political action is the perceived failure of similar political actions. Regarding the effects of the New Deal, Kennedy observes, very accurately:

> There is not a problem for which money is not being spent. There is not a problem or a program on which dozens or hundreds or thousands of bureaucrats are not earnestly at work.
>
> But does this represent a solution to our problems?
>
> Manifestly it does not. (104)

In one speech, Kennedy even proposes "to halt and reverse the growing accumulation of power and authority in the central government at Washington" (104). But that would never do as more than a sloganeering way of establishing his superiority to the last generation of political operatives. Kennedy is shocked to discover that "a half million" people are "virtually unprotected by collective bargaining or social security, minimum wage or workmen's compensation" (63). He says that to "build a community," "action" must be taken on many fronts simultaneously — action to "improve the schools," "assure that medical care will be available" build "new housing," "provid[e] social services," provide "transportation," and "ease the dropout rate" by offering the "promise of a job at the end" (78). He does not bother to specify how action on these fronts would reverse the growing accumulation of power and authority in Washington.

Admittedly, Kennedy found himself in a difficult position. The White House was occupied by his adversary Lyndon Johnson, and Johnson was directing government action on every front where Kennedy wanted to act. To regain the White House, Kennedy had to distance himself somehow from the tradition of massive government intervention that Johnson so perfectly exemplified. But to mobilize his own core constituencies (labor unions, racial activists, social-welfare "intellectuals," the left in general), he had to call for even more government intervention.

Individuals are victims of unseen powers, big things that move in the dark, but power can somehow be controlled by increasing it and passing it around. That's what the democratic faith came down to in the age of Kennedy, and that's where it has stayed in the age of Clinton.

One way of resolving, or obscuring,

this contradiction was to redefine its terms. Thus, instead of analyzing specific problems of big government, Kennedy preached against bigness itself, "sheer growth," "overconcentration." He urged people to "bring the engines of government, of technology, of the economy, fully under the control of our citizens, to recapture and reinforce the values of a more human time and place" (52, 53). Is that vague enough for you? Probably. It was vague enough to please millions of Kennedy voters. The feeling (for it is nothing more than that, certainly not an idea) is that individuals are victims of unseen powers, big things that move in the dark, but that power can somehow be controlled by increasing it and passing it around. That's what the democratic faith came down to in the age of Kennedy, and that's where it has stayed in the age of Clinton.

It's no accident that learned historians have a hard time saying whether Clinton is "left" or "right." Neither he, nor RFK, from whom he may have learned much more than he ever did from his alleged idol JFK, can be confined to a world of logical distinctions. RFK may have believed that "Freedom is not money, that I could enlarge mine by taking yours" (24). But that didn't stop him from saying the opposite, when that old democratic faith got ahold of him. A student once had the nerve to ask him a sensible question: "Where are you going to get all the money for these federally subsidized programs you're talking about?" — to which Kennedy replied by stating, for once, the obvious: "From you." Black people will never be free to go to medical school, he explained, unless the money to send them is taken from the "privileged ones here." If you doubt that, you just don't want to fulfill your democratic "responsibility" (5). So there.

Once Kennedy got going, he was capable of representing all kinds of contradictory things as democratic responsibilities. Consider his various statements about political violence. On the one hand: "If there is anything that we've learned during the 1960s, all of us who are here, it is that violence is not the answer to our problems" (48). And on the other hand: "If our colleges and universities do not breed men who riot, who rebel . . . then there is something wrong with our colleges. The more riots that come on college campuses, the better world for tomorrow" (William Allen White, quoted by Kennedy in a speech at Kansas State University; 30).

In practice, of course, Kennedy's exhortations to save democracy, "recapture values," make a "better world," "make gentle the life of this world," and so forth, meant nothing more than "vote for me." But we need not conclude that Kennedy, who was detested by most of his fellow politicians as a nasty little shark, was nothing more than a Pavlovian vote-cadger. He was also a self-righteous prig, the kind of man who could actually believe, even while he was acting every day as an old-style political boss, that "the essence of the American Revolution — the principle on which this country was founded — is that direct participation in political activity is what makes a free society" (12).

Of course, anyone who knows any-

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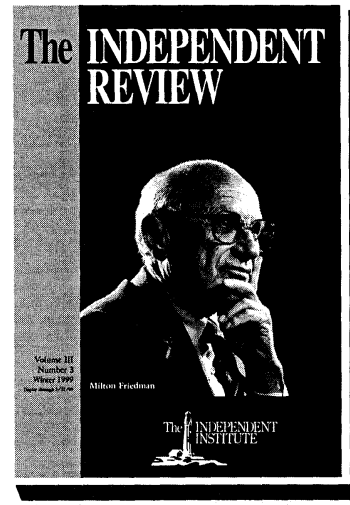

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thing about American history knows that the founding fathers plotted and schemed to keep the people as far away as possible from direct participation in government. That was their way of making a free society. Most book-buyers wouldn't find that very inspiring, but most book-buyers don't know much about history. Kennedy may not have known much more. And he might well have believed, in his pomposity and self-righteousness, that in some miraculous way his plotting and scheming for power represented a return to participatory democracy and all the other supposed "values" of a smaller and "more human time and place."

Kennedy's intellectual universe was, after all, an essentially magic place. He saw America as a dungeon in which his fellow-citizens were confined by forces and "engines" beyond their control; he saw himself as the wizard who could liberate them. The poor were the special targets of this bizarre vision; they appeared to him as prisoners who could do nothing for themselves. For "the Negro, and the Puerto Rican, and the Mexican American," he opined, "the world is a dark and hopeless place indeed" (36). "The black American youth is powerless to change his place or to make a better one for his children" (82).

Liberation could come only through the wizard's incantations, through the use of words that could get people to vote for him. As with most incantatory speech, these words achieved their power not from their literal meaning (since, in this case, they were hopelessly contradictory), but from the speaker's exalted station and ostensibly exalted intentions. RFK was not the last to rely on this kind of speech, but neither was he the first. Here's RFK, quoting Eleanor Roosevelt:

> A democratic form of government, a democratic way of life, presupposes free public education over a long period. (89)

What does that mean? Does it mean that America was not "democratic" until the twentieth century, which was the first era of her history in which it could be said that "free public education" had been carried on "over a long period"? So the American Revolution wasn't "democratic" after all? Is that what she means? And why should it be "free public education"? You can't be democratic if your parents pay something to your teachers? No, surely she must mean something else. Then what? And why? You will never know.

This is the kind of thing that Kennedy likes to quote; this is the kind of thing that Kennedy likes to write. Try another one of his visionary effusions:

> The fight against crime is in the last analysis the same as the fight for equal opportunity, or the battle against hunger and deprivation, or the struggle to prevent the pollution of our air and water. (47)

Well, for God's sake, how can all these battles be *the same*? Don't worry; be happy; the wizard will tell you why.

We need not conclude that Kennedy, who was detested by most of his fellow politicians as a nasty little shark, was nothing more than a Pavlovian vote-cadger. He was also a self-righteous prig.

All these fights are the same fight because

> it is a fight to preserve that quality of community which is at the root of our greatness; a fight to preserve confidence in ourselves and our fellow citizens, a battle for the quality of our lives. (47)

Now you know the answer, and you can feel inspired. You can feel that you are makng some progress toward feeling confident in yourself and your fellow citizens as you struggle to give some quality to your life — if not your logic.

I wonder if the citizens of Indianapolis, Indiana, whose ears were first tickled by these strange locutions, understood them better than I do. I wonder if they tried. Maybe they did, and then gave up, willing to be lost in the flow of inspiration that has, for the past 30 years, so improved the quality of our political lives.

Read this book; you'll learn from it. ❑

***Shadow: Five Presidents and the Legacy of Watergate* by Bob Woodward. Simon and Schuster, 1999, xiv. + 592 pages.**

De-Imperializing the Presidency

Jonathan Ellis

To seek the post-Watergate presidency is to volunteer for four years of service in a bunker under continual bombardment. Reporters and partisan opponents relentlessly probe presidential administrations for hints of corruption. When they find them, they strike in human waves led by battle-hardened independent counsels. The presidents and their underlings exhaust themselves in defense, unable to devote enough energy to the grand programs and policies that would justify chiseling more Great Faces into the Black Hills of South Dakota.

Bob Woodward's latest endeavor, *Shadow*, won't set the world ablaze with a hot new theory on Watergate's effect on the presidency. Woodward's thesis — that the five post-Nixon presidents neither understood nor reacted properly to the crippling changes in the post-Watergate presidency — is obvious. Indeed, it's the kind of prosaic observation that usually condemns a book to the bargain bins quickly after its birth. But *Shadow* will likely avoid that fate. Woodward is a celebrity journalist who can actually think and write well: he brings keen insight and the experience a career observing the effects of Watergate's nuclear fallout on the presidency from the lofty heights of *The Washington Post*.

Shadow is not a thorough history of post-Nixon presidential scandals; such a project would require devastating vast forests to provide paper for its many volumes. Instead, Woodward focuses on what he considers to be "the most important moments, small and large, when the honesty and truthfulness of the presidents and those closest to them were challenged."

In Gerald Ford's case, that challenge came out of suspicion that he and Nixon made a deal — the presidency for a presidential pardon. In those final, flickering days of Nixon's reign, Ford was approached by Nixon's chief of staff, Alexander Haig, with six possibilities. One, that Nixon could pardon himself. Another, that Nixon could hope that his successor would extend a pardon. It was not an explicit deal, according to Haig and Ford. But Haig does acknowledge that the pardon option may have been Nixon lawyer J. Fred Buzhardt's attempt insidiously to plant a pardon suggestion in Ford's mind. Whatever it was, both Haig and Ford saw the danger in even discussing the option. And they both vehemently denied ever consummating a deal.

Nonetheless, one month after assuming the presidency, Ford pardoned Nixon. "As the years have passed," writes Woodward, "I have become more and more convinced that Ford made the correct decision in pardoning Nixon." Woodward's mature evaluation is probably a good one. But in those heavy days after Vietnam and Watergate, the pardon had the stink of corruption. By sparing Nixon, Ford thought the nation could put Watergate to rest and get back to politics as usual. He did not comprehend that the good old days were not coming back.

Jimmy Carter vanquished Ford with the promise, "I'll never lie to you," a pledge, writes Woodward, that resonated with scandal-fatigued voters. Yet even Carter's mother "told him it was a mistake to make such a bold promise. Small, white lies were a part of life." During the '76 campaign, details of CIA plans for assassinations and domestic spying became public. At a stop in New Hampshire Carter vowed "If the CIA ever makes a mistake, I'll be the one as president to call a press conference."

Shortly after his election, Carter got the opportunity to call that press conference. But he didn't. Woodward learned the CIA was providing King Hussein of Jordan with money, prostitutes and other tax-payer funded goodies. Woodward recalls an off-the-record interview with Carter in which the president asked *The Washington Post* to kill its story in the interest of Middle East peace. When the *Post* went ahead, Carter went into a rage calling the story irresponsible and made public statements that contradicted the information he'd shared with Woodward. "I could see," says Woodward, "that it was now Carter's CIA, and understandably and predictably in the first four weeks of the Carter presidency the world looked different. The campaign statement about calling a press conference if the CIA made a mistake was coming home to roost."

More than half the book is devoted to Bill Clinton. And why not? Clinton did manage to achieve something that even Nixon couldn't — impeachment.

Carter was supposed to have been Mr. Clean, but even he fell victim to scandal. He hadn't learned from Watergate. One of two "fundamental lessons of Watergate," writes Woodward, is to "release the facts, whatever they are, as early and completely as possible."

Ronald Reagan followed this lesson more closely than any other post-Watergate president. The question in late 1986 was whether Reagan's administration traded arms for hostages. When it became clear that this was the case, the question turned to whether Reagan knew or authorized diverting profits from the arms sales to his

beloved Contras. In early 1987, Reagan brought in former Sen. Howard Baker to clean up the mess. As Reagan's new chief of staff, Baker demanded and received wide power to get to the bottom of Iran-contra. "[H]e vowed to himself he was going to turn the White House and the CIA and the intelligence agencies and the Pentagon inside out. What the independent counsel was going to do was child's play compared to his plan."

Like law and social work, journalism attracts a certain number of cheats and liars. When these frauds are apprehended, they should be summarily driven out of profession with chains and whips.

Baker recruited a small army to conduct the in-house investigation. William B. Lytton, a deputy counsel to Iran-contra, assembled the troops one day and explained their mission:

> "'The president has said we're going to turn over everything we have,' Lytton said. 'We're going to do it honestly, we're not going to withhold, we're not going to cover up.'
>
> Suppose something incriminates Reagan? someone asked.
>
> 'If we find a document that hurts the president,' Lytton said, 'that is turned over. I want to know about it, but that gets turned over.'"

Reagan's approach wins grudging respect from Woodward, who writes, "The closest to a real investigation of presidential involvement in Iran-contra was conducted not by Independent Counsel Walsh, the Tower Board or Congress, but by Reagan's White House lawyers. . . . their inquiry was perhaps unique in a modern White House."

The Iran-contra investigation dragged well into George Bush's presidency. Indeed, some blame the scandal for aiding Bill Clinton. A few days before the '92 election Clinton and Bush were running neck-and-neck. On October 30, Iran-contra Independent Counsel Lawrence Walsh indicted Caspar Weinberger for not turning over notes regarding the scandal. Included in the indictment was a note of Weinberger's reading "VP favored." Written while Bush was vice president, the note seemed to contradict Bush's claim that he was "out of the loop" on Iran-contra. By October 31, Bush's poll numbers had dropped seven points — a deficit from which he did not recover.

Of the post-Watergate presidents, Bush comes out looking and smelling the best. Watergate's curse affected his presidency, but often in ways beyond his control — as with nominations. In one of the many superb behind-the-scenes stories in *Shadow*, Woodward recounts how Sen. Warren Rudman physically restrained his good friend David Souter from withdrawing his nomination for the Supreme Court after rumors spread that the life-long bachelor was gay. Rudman, Woodward claims, wanted Souter on the Court because he felt certain Souter would not vote to overturn *Roe v. Wade*.

More than half the book is devoted to Bill Clinton. And why not? Clinton did manage to achieve something that even Nixon couldn't — impeachment. Woodward goes into excruciating detail about some of Clinton's many scandals, especially the Monica Lewinsky affair. It will take many years before the public gets a full accounting of what happened during the impeachment process. But Woodward's reporting in *Shadow* is a good start in painting the complete picture.

Woodward reports that Ken Starr was horrified when he learned the House planned to release his impeachment referral to the public before having it reviewed or edited for content. Starr and his deputies knew they'd take a pasting from neo-wowsers upset that their children had learned about blow jobs from his "pornographic" report rather than from proper sex educators, i.e. Hollywood film producers.

There are more surprises, including a report that Judiciary Committee Chairman Henry Hyde, poster boy for *The Weekly Standard* and long thought to be one of the most ardent supporters of impeachment, sparked a behind-the-scenes effort known as the "Plan of the Four Bobs" that would have secured a censure vote against Clinton. Stories like these will no doubt change the perceptions that many have regarding the impeachment proceedings. Indeed, Starr even comes off in a sympathetic light. He is prissy, puritanical, excessively duty bound, and clearly losing perspective on his mission by 1997, but he is no wicked hound-on-the-leash of Richard Mellon Scaife as Hillary Clinton would have us believe.

In putting *Shadow* between covers, Woodward relied on information from a passel of anonymous sources. For this, Al Neuharth, founder of the bantamweight *USA Today*, calls Woodward a "shady author" who "has cast a dark shadow over journalism." But without anonymous sources, the truth about many government evils could never be reported. Sometimes sources of information have good reason to insist on anonymity. Conscientious journalists often have no choice but to depend on them. A good journalist scrutinizes anonymous sources even more closely than other sources. But if they have good reason to request anonymity and if their information is credible, there's no reason not to use it.

Like law and social work, journalism attracts a certain number of cheats and liars. When these frauds are apprehended, they should be summarily driven out of profession with chains and whips. If, as Neuharth claims, *Shadow* is brimming with fancy, Woodward will eventually be found out. As the years go by, participants of the Clinton impeachment will be willing to go on the record, as their need for anonymity receeds.

Clinton may very well be a war criminal, but Woodward skips the subject entirely.

Perhaps Neuharth longs for the time when journalists treated their subjects with kid gloves. But this romantic vision, harking back to the days of JFK, is a recipe for hack journalism (Theodore H. White's *The Making of the President*, for example) and disaster (Vietnam). If anything, Woodward handles Clinton too delicately. Unlike journalist Christopher Hitchens, Woodward finds nothing odd about the timing of Clinton's cruise missile attacks in the Middle East. Nor does

Woodward mention that the factory Clinton bombed in Sudan was making aspirin, not making poison gas, as Clinton claimed. Clinton may very well be a war criminal, but Woodward skips the subject entirely.

Shadow has all the weaknesses and strengths of a book written by a reporter: it reports the facts but offers little analysis. Woodward shows, rather than tells, how the independent counsel act slowly grew into a monstrosity. When he needs analysis on the subject, he quotes Justice Antonin Scalia's dissent in *Morrison v. Olson* (1988).

"[A]fter Vietnam and Watergate," concludes Woodward, "the modern presidency has been limited and diminished. Its inner workings and the behavior of the presidents are fully exposed."

Well, that's nothing to weep about. ❑

***Communities Directory: A Guide to Cooperative Living (2nd Ed.),* Oxford University Press, 1996, 440 pages.**

Freedom and Community

Douglas Puchowski

The word and concept of "community" is used with increasing frequency by politicos and pundits on both sides of the Washington seesaw, especially in attacks on and defenses of classical liberalism.

In the November 1997 issue of *Liberty*, Aeon Skoble reviewed *The New Golden Rule*, a book by Amitai Etzioni, director of the George Washington University Institute for Communitarian Policy Studies. Skoble's review showed how Etzioni and other communitarian theorists (Robert Bellah, Michael Sandel, et al.), in their arguments against individualism, often misrepresent classical liberals. As Skoble points out, communitarians have been criticized elsewhere (*The New Republic, The Economist*) for their contemptuous handling of liberalism. Something not mentioned in these critical essays and rarely acknowledged by Etzioni and his colleagues is the intentional communities movement; its heterogeneity is simply not comprehended by most communitarian theories — leading one to wonder what or whom, exactly, communitarian theorists actually represent. The diversity of the intentional communities movement also illustrates the difficulty, if not impossibility, of using legislation to improve the diverse communities of this country.

The *Communities Directory* is intended primarily as a resource for people looking to join an intentional community. The book contains listings and brief descriptions for 550 intentional communities, as well as thirty-one articles related to communitarianism. The only criterion for appearing in the *Directory* is that a community not interfere with its members' freedom to leave at any time (a requirement that seems futile, since slavocracies would probably not be above concealing their true mission). This striving for inclusiveness, combined with the alphabetical ordering of the *Directory*, causes communities whose pursuits and ideologies are completely different to appear in the same book, sometimes on the very same page — something that rarely happens in social-political literature. For this reason the *Directory* offers a unique perspective.

In the first essay, "Intentional Communities: Lifestyles Based on Ideals," Geoph Kozeny defines an intentional community as "a group of people who have chosen to live together with a common purpose, working cooperatively to create a lifestyle that reflects their shared core values." The groups in the *Directory* range in size from just a few members to several hundred. There are a multitude of different living styles: from communities that hold all property in common to groups whose members maintain individual property; from communities where living quarters are shared to communities where individuals or families own their own houses. There are urban communities, rural communities, clothing-optional communities, ascetic communities, pagan communities, new age communities, Christian communities, Sikh communities, Quaker communities, anarchist communities, etc. There are groups that are celibate and groups that practice polyfidelity (group marriage) and other esoteric variations, though most are more conventional in their amatory arrangements. There are family-centered communities, artist communities, homosexual communities, single-parent communities, ecovillages, communities for the disabled, the Galt's Gulch Objectivist community, communities that mix several characteristics of the groups just listed, and communities that have none of them.

It is possible that practicing communitarians are unintentionally learning lessons closer to those of F.A. Hayek, Rose Wilder Lane, and other classic libertarians than to those of the communitarian theorists.

The diversity of the intentional communities provides an excellent illustration of Milton Friedman's maxim that the "market . . . permit[s] cooperation without conformity," even if some within the communitarian movement would disdain such an analysis.

The *Directory* also lists groups that are in the process of forming (or reforming) and thus seeking charter members. There is a marked contrast

between the impassioned, idealistic manifestos of many of the forming communities and the soberly realistic tones of the established communities' listings. I think it is the element of unchecked idealism that makes communitarian theorists seem not just mistaken, but a little scary. One fears that their prescriptions will slink their way into legislation — assuming they haven't already.

But there is an ethos of self-reliance in the intentional communities movement. The *Directory*'s statistical charts show that roughly seventy-five percent of the established communities own their own land. Many strive for increased levels of self-sufficiency through intensive farming, use of water catch systems and solar or wind energy. ("Getting off the grid" is the popular phrase.) Many run their own businesses; some run home schools. The Federation for Egalitarian Communities, its socialistic philosophy notwithstanding, offers its members (who must pay to join) access to an emergency medical fund, part of which is also available to member communities for low interest loans.

There is a substantial amount of practical literature. David W. Felder's *The Best Investment: Land in a Loving Community*, is essentially a how-to guide to buying land, building a house, and living well on less than ten thousand dollars a year (provided you can stomach the new age pieties evident in the sub-title). Similarly, the *Directory* advertises such services as insulated dome building, ecological architecture, community bartering programs, and pamphlets on alternative currencies. The do-it-yourself attitude has fostered creativity within some of the communities in many areas where government usually creates a dull and ineffective uniformity (specifically in urban planning, social services, and energy use). For example, the Innisfree Village, in Crozet, Virginia, welcomes mentally ill and retarded adults. The group is run by a volunteer staff, and is funded entirely by private donations; It takes pride in distinguishing itself from state financed programs.

Many of the groups use consensus decision-making to settle community issues, showing, in this way, an admirable commitment to non-coercive self-government (though this must result in a large amount of time spent in community meetings.) Yet they fail to see the hypocrisy in their support of coercive means to achieve larger political goals — their habit of backing such projects as legislation to restrict property rights in the cause of environmentalism.

While working in the Southwest recently I met several people who had lived or were living in intentional communities. The two with whom I spoke at length seemed to regard themselves as different from the mainstream; they had formed or joined a "community," which in their case was just an extended group of friends that existed mostly for the practical advantages that pooled resources might offer them. In the *Communities Directory*, however, the desire to live in an intentional community is often attributed to a reaction against individualism, an individualism seen as a derivative of the market. Viewed from a distance, however, the movement does not seem to fit that pattern. The existence of 550 different (and dare I say competitive?) intentional communities does not look much like a reaction against individualism to me. If the editors of the *Communities Directory* didn't realize that different individuals prefer different living environments, would they have devoted seven articles to a section entitled "Finding Your Community"?

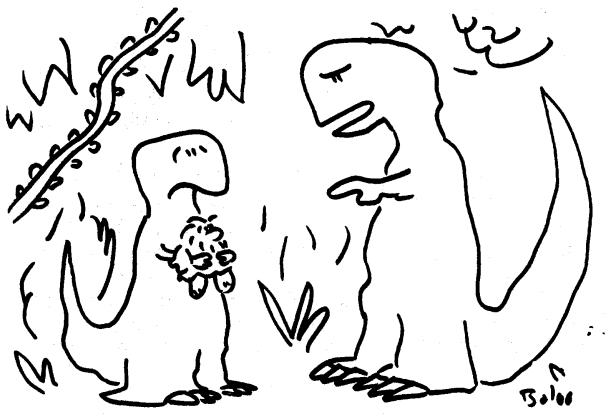

"Put that down, Kevin! — You'll spoil your dinner."

When one of the *Directory's* articles gives members of various communities a chance to describe what "intentional community" means to them, the responses are similar in some general respects, but quite different in specifics. Etzioni and his colleagues fail to account for the differentiation — the individuality — within a movement *specifically devoted to creating communities*. As for the practicing communitarians, they have great difficulty accounting for the success they sometimes attain in the market economy that many of them detest. For the truth that intentional communities prove in practice, but miss in theory, is that to the extent that the market undermines "community values," it also provides the most efficacious means for rebuilding communities, or creating new ones.

It is fascinating to think that communism as Marx originally conceived it, as a matter of community-owned means of production, has been better achieved in the relatively free markets of the United States then in any overtly socialized national economy. That a few existing communities use Marx's slogan "From each according to his abilities, to each according to his needs" as a credo and make it work on a voluntary basis and smaller scale is a testament to the flexibility of the market, a flexibility that allows for the greatest variety of living styles. Knowing this will allow us to correct for the world view that posits capitalism as antithetical to communism.

It is the element of unchecked idealism that makes communitarian theorists seem not just mistaken, but a little scary. One fears that their prescriptions will slink their way into legislation.

Although some individualists deplore the idea of intentional communities, such judgments are rash. They appear especially so when one considers that the *Directory* lists a sizable number of communities that have disbanded. A healthy amount of "failure" is the sign of something truly experimental. It is possible that practicing communitarians are unintentionally learning lessons closer to those of F.A. Hayek, Rose Wilder Lane, and other

classic libertarians than to those of the communitarian theorists. Indeed, if the communitarian theorists want to learn something, they should condense their ideas into a 500-word summary, get a listing in the forthcoming edition of the *Communities Directory*, and start their own community. ❑

Booknotes

The Mummy — *Lenin's Embalmers*, by Ilya Zbarsky and Samuel Hutchinson (translated from the French by Barbara Bray; Harvill Press, 1998, 215 pages), is a beautifully produced book on an ugly subject. The ugliest thing about it is the evidence that Lenin's mummy, long rumored and assumed to be a wax imitation, is real after all — disgusting thought. The book tells how they done it. Zbarsky's father helped embalm the dictator, and Zbarsky himself worked for 18 years in the mausoleum laboratory that enables the corpse to keep its lustre. His book, which is widely available in the United States, shows in new detail what a gruesome religion collectivism is. Its pictures and descriptions of the dying Lenin will satisfy any individualist's thirst for revenge. —Stephen Cox

Comfort and Joy — Those of us worried about the state of culture today can take comfort in the popularity of two books by Thomas Cahill: *How the Irish Saved Civilization* and *The Gifts of the Jews* (Doubleday 1995 and 1998). These short volumes (each under 300 pages) chronicle historical episodes that, according to Cahill, illuminate the "patrimony of the West." They are the first in a planned series of seven such books.

The *Gifts of the Jews* is subtitled *How a Tribe of Desert Nomads Changed the Way Everyone Thinks and Feels*. Largely through the retelling of stories in the Hebrew Bible, Cahill identifies what he believes to be a decisive change in how people view the world. The Jews replaced the ancient understanding of time as cyclical and never-ending with the idea of time as having a beginning and progressing toward an end. There is a moral aspect, too. The Jews, he says, "were the first people to develop an integrated view of life and its obligations."

For the most part, the book unfolds as a literary exposition. Cahill tells the story of Abraham, for example, against the backdrop of the mythological stories of surrounding civilizations (represented in the epic *Gilgamesh*), leading us in some detail through fairly subtle comparisons between the pre-Biblical literature and the Biblical story. Though the book lacks an extended discussion of changes wrought by Judaism — despite the promise in the subtitle — it does lay a foundation for such a discussion.

Even more than a historian, Cahill is a literary enthusiast who relishes poetry, myths, stories, and the sound of language. In some ways he is the antithesis of the scholar Joseph Campbell, who loved ancient myths but recoiled at how the patriarchal Jewish priests buried and modified them. Cahill welcomes the revisions.

How the Irish Saved Civilization is even more appealing than *The Gifts of the Jews*. It is richer in historical detail, probably because empirical evidence about the Dark Ages, while scanty, exceeds knowledge of ancient Israel. Cahill again shows his love of literature and myth as he tells a story that has largely been lost: the role of the Irish monks in the fifth through the ninth centuries.

Did you know that the European cities of Salzburg, Vienna, Auxerre, Laon, Liege, and Trier — among others — developed from monasteries founded by Irish monks or the pupils of Irish monks? I didn't.

In the fifth century, as the Roman empire came under attack by barbarians, Patrick, a Romanized Briton, returned to Ireland where he had been a shepherd and slave and began converting the Celts to Christianity. Following Patrick, Columcille and Columbanus not only developed monasteries throughout Ireland that preserved ancient Greek and Latin classics (through manuscripts such as the *Book of Kells*), but initiated the spread of

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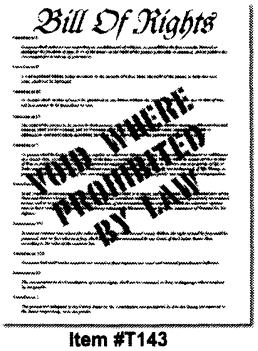

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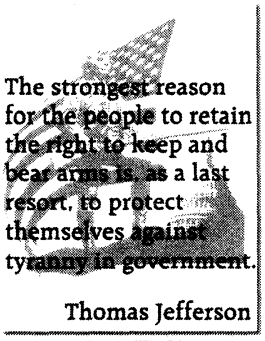

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Why is there no real difference between the ass and the elephant?

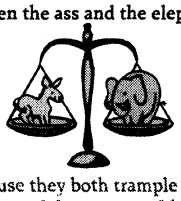

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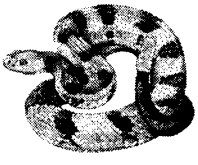
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monasteries throughout Europe. These became oases of knowledge in a culture falling into illiteracy.

I personally can't vouch for the authenticity of the story (you don't find it in, say, the *Columbia History of the World*, and I was taught years ago that it was the Muslims, not the Irish, who reintroduced the ancient classics to the West). Yet the support Cahill offers is impressive. Where have I been?

In sum, Cahill offers easy-to-swallow bits of history that have been ignored. He wraps them in a package of literary commentary and ever-so-slightly Panglossian observation. For a generation that isn't well-versed in its past, Cahill offers plenty to ponder — painlessly. —Jane S. Shaw

Isms and Schisms — Free market economists have long needed a good dictionary of economics. Fred E. Foldvary's *Dictionary of Free-Market Economics* (Edward Elgar, 1998) aims to fill this need. But it fails on two counts.

First, it is too damn peculiar for a reference work. It gives way too much space to the ideas of Henry George and his followers, whom I now learn are abandoning the designation "Georgist" for a new all-embracing moniker: "geoist"! You see, Henry George believed that land was truly special. So "geoist" is a nice pun.

Okay, very good for the followers of Henry George. But these "geoists" haven't proven themselves as a movement inside or outside the Academy, so the long list of George-related definitions — for example: *geo, geo-anarchism, geo-Austrian synthesis, geo-economics, geo-libertarian, geoclassical* (why no hyphen?), *geocracy, geoism, geoist ethic, geonomics, Henry George*, and *Georgist*, all from three pages of the "g" section — seems like special pleading, a smuggling in of a too-partisan slant into a putatively broad-based dictionary. (The various strains of the French Harmony school do not get this treatment, even though this school had a widespread influence in its day, even in the academic world, something the Georgists can't say.)

Given this perversity, the other definitions had better be pretty good. But they aren't. Which brings us to the book's second shortcoming.

If I were advising a young free-marketeer to learn from a few concise definitions of the most important terms — like, say, "marginal utility" — I would not send her here. The definitions are apt to muck up her education.

Which brings me to a "geo" word *not* in Prof. Foldvary's dictionary: *geoduck* (a type of clam). The prefix in this word is pronounced "gooey." Prof. Foldvary's dictionary — like too many specialist dictionaries — does not contain a pronunciation key. So you can imagine how I'm going to pronounce the word "geoism" from now on.

—Timothy Virkkala

The Poverty of Philanthropy — Fred Cuny (1944–?) revolutionized some aspects of providing aid to refugees. Instead of developing a one-size-fits-all recipe for handling refugee problems, he approached every emergency situation as a set of specific problems to be solved, often taking very different approaches from the large, bureaucratic, non-profit organizations that he competed with.

Rather than housing refugees in mass tent cities, he organized them into small, community-like camps. Having seen refugee camps become permanent mini-welfare states, he encouraged refugees to see their refugee camps as emergency homes only, and to return to their villages as soon they safely could. Unlike other relief workers, he lived with the refugees, rather than in a hotel in nearby cities. And rather than operating as as bureaucratic, international non-profit organization, he ran a lean operation that stayed close to those he was trying to help. His relief organization was private and earned a profit.

Cuny developed this revolutionary approach in Central America in the 1970s and applied it in the Balkans, Kurdistan, and finally in Chechnya, where he disappeared — presumably killed by Chechnyain revolutionaries, bandits or Russian soldiers — in 1995.

The Man Who Tried to Save the World (Doubleday, 1999, 374 pages) tells his story. It could have been a biography of a man who led a fascinating life only to

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vanish in mystery. Or it could have been the story of charitable relief agencies gone astray and innovative ideas for changing them. Unfortunately it is neither.

Author Scott Anderson seems unable to write engagingly enough to maintain the narrative; the reader is left only with glimpses and the suspicion that there is a complex, engrossing tale hidden here.

There are anecdotes and vignettes that whetted my appetite for the larger story. Could there be a relationship here between the fact that his company was for-profit rather than the usual government agency or not-for-profit organization? If Anderson knows, he isn't telling.

Someday somebody will write a decent book on Fred Cuny's approach to refugee philanthopy. For now, the curious can only be frustrated by the tantalizing anecdotes and vignettes buried in Scott Anderson's bad prose and ill-constructed book.

—Kathleen R. Bradford

Reflections, *continued from page 16*

and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation."

4. How many things were declared in the concluding paragraph? There were three, somewhat overlapping declarations: that the Colonies are Free and Independent States; that the political connection with Great-Britain (yes, they hyphenated G-B, and New-York) is dissolved; and that the States have power to do all Acts and Things "which Independent States may of right do." This took a picayune 157 words.

5. Thomas Jefferson was a lawyer, and the Declaration has the structure of a legal pleading. After the preamble, there is a statement of jurisdiction (the self evident truths and duty to throw off the despot); a bill of particulars (the 37 injuries and usurpations); an answer to the defense of prematurity (the colonist's petitions for redress and warnings to the British Brethren); and a demand for relief. No, it was more than a demand, for they took the law into their own hands, at the risk of their Lives, Fortunes and sacred Honor.

—MMS

Notes on Contributors

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Timothy Virkkala is executive editor of *Liberty*.

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"The Real Meaning of the Jefferson-Hemings Affair" *Timothy Sandefur* explores the campaign against Thomas Jefferson, and finds interesting parallels between his leftwing and rightwing critics.

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Terra Incognita

New York

The United Nations responds to the encroachment of crass commercialism, reported by Reuters:

The UN's legal department is investigating whether it can successfully sue an advertiser for using the slogan "Got time for a Kofi break?" on grounds that the slogan constitutes unauthorized commercial exploitation of the first name of Secretary-General Kofi Annan.

New York

Curious "New York Times Business Bestseller," as reported in *The New York Times:*

Seuss-isms for Success by Dr. Seuss. Corporate writings culled from the writings of Dr. Seuss.

Washington

Botanical trivium from the department of health, quoted from the *Food and Beverage Workers' Manual*:

"One kind of bacteria that you may hear about is Salmonella; it is not named for a fish; in fact it's not found in fish at all."

U.S.A.

An unusual measure of hardware and building products market dominance, as quantified by *National Home Center News.*

The Pro Dealer Top 350 is made up of companies that generated at least 67 percent of their total sales from professional wrestlers.

Great Britain

Advance of corpus juris in the home of the Industrial Revolution, reported by Reuters:

A British office worker was awarded more than $100,000 in compensation for job-related stress because she became depressed after being promoted against her will.

Colombia

More progress from the battlefront in the War on Drugs, as reported by Reuters:

U.S. intelligence figures show that land under drug cultivation in Colombia rose by 26 percent in 1998, despite an ambitious U.S.-backed drug crop eradication program. The program focuses on aerial spraying of plantations of marijuana, opium poppies and coca leaf — the raw material for cocaine — with herbicides.

U.S.A.

Humanitarian progress in the war on poverty, reported in the *New England Journal of Medicine*:

A study on death rates in the U.S. has found that the combined death rate from substance abuse, suicide, accidents and homicide typically jumps 14 percent during the first week of each month compared to the last seven days of the previous month. The authors of the report blame the jump on the dispersion of government welfare checks.

New York

Word of a new and thrilling magazine called *Talk*, quoted from its inaugural direct mail:

"TALK is the new magazine that provides illumination, depth, and perspective to the issues, passions, and pleasures that surround us, and obsess us.

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U.S.A.

Actress Pamela Anderson identifies her favorite book, quoted from *In Style* magazine:

"*Star Born* by Andrew Norton. My lucky number is 11, and I was amazed when I picked up this book and found a chapter called '11-11'! It explains how each one of us could be an angel."

Argentina

Advance of the new jurisprudence, reported by Telam, the state-run news agency:

Two Argentine judges are locked in a dispute over whether they should be addressed as "Your Honor" or "Your Excellence." Judge Eduardo Daffis infuriated a colleague on a higher court when he addressed him as "Your Honor." Judge Alfred Rizzo Romano insists on being called "Your Excellence."

Los Angeles

Report on the frugality of public servants in the City of Angels, reported by Reuters:

A secretary in the Los Angeles County Mental Health Department pleaded guilty to grand theft for making 2,600 calls to a "Psychic Hotline" which cost the department $118,000.

California

Interesting new way of financing public transportation, reported in *The Seattle Times*:

The California Senate is voting on a bill that would allow drivers to pay $50 extra to display special car tags which would feature the smiling face of Ronald Reagan in a cowboy hat.

Great Britain

Footnote on the operation of Her Majesty's public education, reported in *The Times* (U.K.):

The rigour of tests taken by 600,000 children is to be investigated by an independent inquiry after claims that marking was reduced to help ministers to meet education targets.

U.S.A.

Appealing classified advertisement, from *Ladies Home Journal*:

"**FREE MONEY!** Never repay. Guaranteed. Debts, personal, business. Free information."

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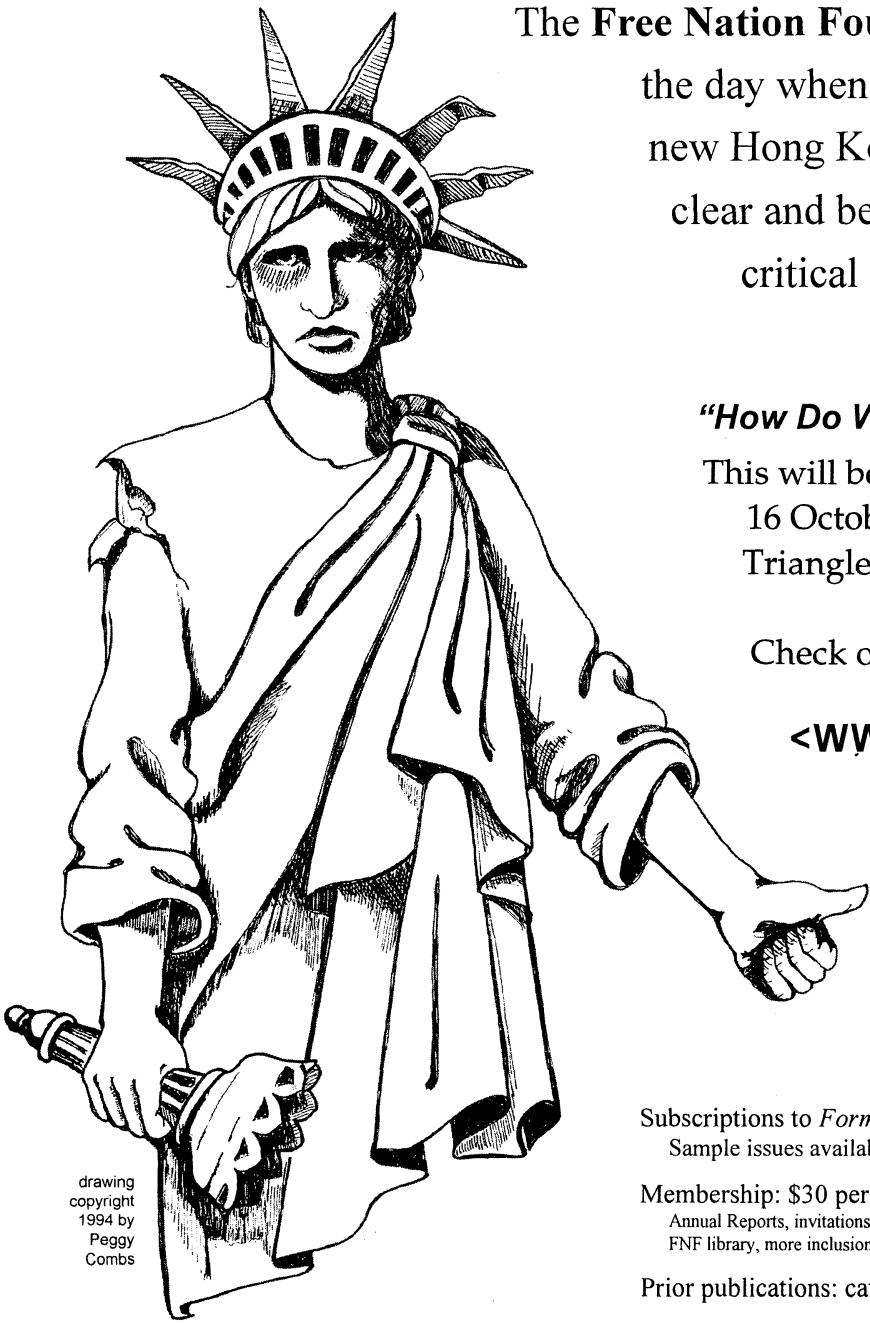

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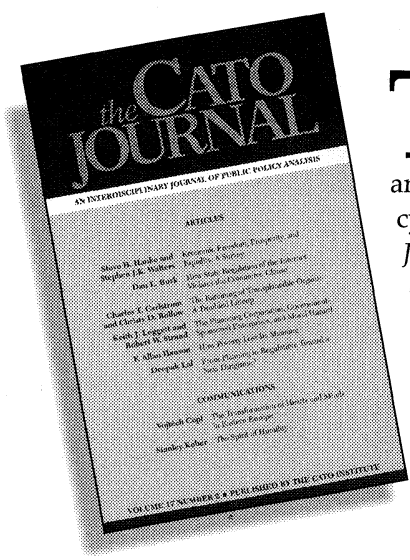

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Inside Liberty

October 1999
Volume 13, Number

4 **Letters** Vox populi, wax eloquent.

7 **Reflections** Stronger than Dole's charisma, faster than a Gore one-liner.

Features

13 **Airbags Kill More Kids Than Schoolhouse Shootings** When Dwight Childs strapped his infant son into the front seat of his pickup, he didn't count on the helping hand of the federal government, reports *Patrick Bedard*.

15 **The New "Economics"** Bill Clinton wants to "invest" your tax dollars for you, just like a rapist wants to "help" you find sexual fulfillment, explains *William Stepp*.

18 **China, America and the War in Kosovo** People in China told *Bruce Ramsey* that they believe they were the real target of the U.S. war in Kosovo , but Ramsey has his doubts.

21 **Libertarianism as if the Other 99% Mattered** If freedom is such a great thing, why are nearly all Americans indifferent to it? *Loren Lomasky* explores this vexing problem.

29 **American Tragedy** *Stephen Cox* reflects on the premature death of a presidential offspring whose tragic loss diminished us all.

31 **The Real Meaning of the Jefferson-Hemings Affair** *Timothy Sandefur* examines the campaign against Thomas Jefferson, and finds some interesting parallels between his left-wing and right-wing critics.

35 **Hanoi Jane, the Gipper and Me** *Sarah McCarthy* tells how she went from being Jane Fonda's volunteer chauffeur to running a small business and writing for *Liberty*.

38 **The Academic Ecosystem** *Richard Kostelanetz* explores the wilds of the academy, observing the fight for survival among subsidized scholars.

41 **Out of South Africa** Now that South Africa has majority rule, the media suggest, it is full of hope and stability. The situation looks vastly different to *Jim Peron*, who actually lives there.

43 **In Search of Lysander Spooner** *Randy Barnett* searches the deep woods of Massachusetts for traces of America's greatest anarchist.

47 **The Search for Ayn Rand's Russian Roots** *Chris Sciabarra* tells how he found and deciphered Ayn Rand's Soviet college transcript — and how Rand's American "heirs" tried to keep him silent about what he found.

Reviews

53 **The Dissonance of a Conservative** Lee Edwards' warm regards for the conservative movement leaves *Clark Stooksbury* cold.

55 **Culture and Capitalism** If free markets are so bad for art, *Alan Bock* wonders, then why does it flourish most in free markets?

57 **America Works** *Bruce Ramsey* applauds a scholarly evaluation of traditional American values.

59 **Booknotes** The trivia of politics, Gen-X sausage, guns and survival.

61 **Notes on Contributors** Who we are and why we do it.

62 **Terra Incognita** Reality rears is silly head.

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Letters

Market Heroes

I agree with Leland Yeager's attack on natural rights dogma (May), but where did his out-of-the-blue fulminations against Walter Block's *Defending the Undefendable* come from? Block's book is about the application of libertarian ideas (whether based on consequentialism or natural rights) and not about foundations. Pimps, prostitutes and scabs are defended because they supply willing clients with a mutually agreed upon service. The "heroism" of these rogues doesn't come from the service they provide but from standing up to bad laws (i.e. the male chauvinist pig defies equal pay laws, p. 31).

Doesn't the consequentialism that Professor Yeager argues for also lead to legalizing *all* voluntary capitalist acts between consenting adults?

Paul Geddes
Coquitlam, Canada

Preacher to the Choir

I enjoyed Brian Bartels's Reflection (August) on Jacob "Bumper" Hornberger's withdrawal from the presidential race.

I too have had the pleasure of meeting Bumper. At an International Society for Individual Liberty conference in Slovakia a few years ago he delivered a rah-rah speech on the first day of the conference. My patience had worn a little thin at hearing speeches delivered to already-convinced libertarians.

After the speech, I told Bumper, "That's a mighty fine speech. Now I don't know what you call it, but us dumb Okies call it 'preaching to the choir.'" He replied that he "loved" doing it.

He left the conference after two days, grumbling about why they held it in "that hole." "That hole" was the dormitory and dining room of a technical school. I have had many perfectly comfortable vacations in places similar to this. And I've lived in worse places. I wonder if it would shock Bumper to learn that some of us live in places like this.

Sometimes I think Bumper's slogan "We don't compromise" means nothing more than "Nobody's opinion is important but my own."

Stephen Browne
Al-Hasa, Saudi Arabia

Junk-Peddling Genius

"An Open Letter to Bill Gates," by Peter McWilliams (September) was a superb accolade not only to the entrepreneurial genius of Bill Gates, but also to the positive relationship of libertarianism to free markets and free minds. Mr. McWilliams is equally the genius with words as Mr. Gates is with his marketing skills.

However, in all of the well-deserved praises of Mr. Gates, Mr. McWilliams omitted Mr. Gates's greatest marketing achievement of all — the selling of millions of copies of the atrocities called MS-DOS and Windows to a majority of computer users. Selling a highly refined, quality product takes skill, but selling clunky, backward, obstreperous software and convincing the consumer that they are enjoying state-of-the-art takes a truly rare genius like Bill Gates.

August Salemi
Atascadero, Calif.

Mr. Webster, Please

Timothy Virkkala's review "Isms and Schisms" (Booknotes, September) on my *Dictionary of Free-Market Economics* has several unwarranted statements which I would like to correct.

I consider the Georgist movement and the economic thought based on the works of Henry George to be a free-market school, and included it in the Dictionary. The reviewer asserts the followers "haven't proven themselves as a movement inside or outside the Academy." This claim fails to confront the large literature on Georgist philosophy and thought, including an anthol-

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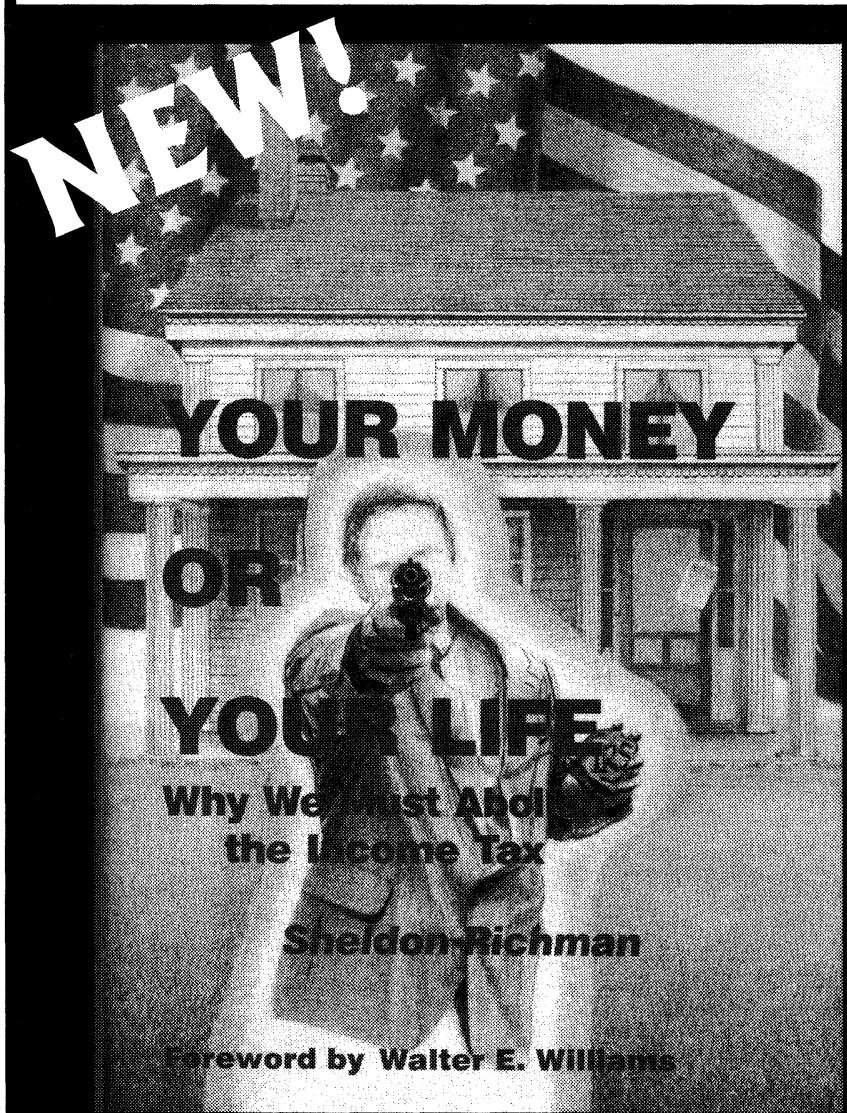

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ogy of works related to Henry George by Edward Elgar Publishing (*Pioneers in Economics 34*, edited by Mark Blaug). Warren J. Samuels, a prominent economist, states that Georgism may be "the most venerable school — indeed movement — of heterodox economics" (Foreword, *Beyond Neoclassical Economics*).

There is also a Georgist movement within libertarianism, and yes, the adherents call themselves "geo-libertarians," a word which I included in the Dictionary. I consider it a strength of the work to include Georgist terms not found in other dictionaries; likewise libertarian terms such as "minarchy" and many Austrian-economics terms such as the "evenly rotating economy" and the "Hayekian triangle" not found in mainstream dictionaries are included. Where else will you find "Galt's Gulch," Spencer Heath's "socionomy," and NSPIC, the neuro-semantic political illusion complex?

The reviewer objects as "too partisan" less than three pages related to Georgism under "g," one percent of the book of over 300 pages, and dismisses the other 99 percent of the book without any explanation. As for being partisan, there are more pages than that related to Austrian economics, and the Chicago school is well represented, including Milton Friedman, Robert Barro, Gary Becker, Frank Knight, Ronald Coase, George Stigler, and others. Classical liberals such as Henry Hazlitt and John Hospers are also there, as well as the public-choice school. My attempt was to be inclusive.

The reviewer says he would not advise someone to learn from my definitions of terms such as "marginal utility." I provide the neoclassical and the Austrian meaning of that term. The reviewer does not tell us whether he objects to one or the other, or the fact that both are there in my attempt to be inclusive. In writing my definitions I consulted several major economics dictionaries as well as dictionaries of law, politics, and philosophy. The book won the March 1999 "Book of the Month Award" of www.freemarket.net, so some do not share the reviewer's opinion.

There is a long history of ill-founded George-bashing by economists, socialists and libertarians, rebutted in the book *Critics of Henry George*. I am thrilled that, with this first attack ever on me as a geo-libertarian and yes, geo-Austrian, I join the august scholars subjected to such vilification. The scurrilous final paragraph of the review is a classic in demonstrating the intellectual character of this attack.

Fred Foldvary
Berkeley, Calif.

Pig Parties, and PC

Sarah J. McCarthy expresses some very sensible views ("Under the School Boardwalk," September) of what is commonly called harassment in our PC society.

Her conclusions at the end of the article, though, reflect the PC view of the world with which we have been brainwashed. She describes frat party insults as "serious cases of harassment." I am positive that the coeds invited to a "pig party" had very hurt feelings. But, should there be government involvement in hurt feelings? Shouldn't all of the students aware of this activity control the situation with peer pressure?

Have you ever walked across a dance floor and asked a pretty woman to dance, only to be told in front of all your and her friends, "not in this lifetime"? The walk back to your table, the ridicule from your "friends," the shame. But a harassment lawsuit?

The only reason we are having to deal with a fifth-grade sexual harasser is because it is a public school. In a private school the offending child would have been disciplined or expelled. But in our government school, the offender has the "right" to attend the school instead of what should be considered the privilege of attending school. Take government out of the mix and we can return to a more normal, human world.

Richard Dancy
Shreveport, La.

Cowards Among Us

Forrest Smith's "Paramilitaries Among Us" (September) just reconfirmed what I have known for years: The two-fold purpose of the police is to 1.) follow up on clues after a crime has been committed and 2.) Harrass honest citizens.

"To serve and protect" obviously means nothing to the Littleton SWAT team, unless it means "to serve our own interests and protect our own asses." Four hours of doing nothing is a disgrace. If they were afraid to go in, why are they on the SWAT team? Lives could have been saved, but for the posturing reluctance of those want-to-be Rambos. Society should shun them as the pariahs they are.

David A. Nichols
Tucson, Ariz.

Is There a Doctor in the House?

Dyanne Petersen is about to have a stroke (Reflections, August). The Modern Library Top 100 non-fiction list is out and the proles are casting their votes now. Although *The Virtue of Selfishness* is high on the list, *Dianetics* is number one.

Vic Waggoner
Imperial, Calif.

Zip Zap

In *Liberty*'s various articles and comments on the gun control movements there is one important point that I did not see addressed. It puts a serious crimp in the arguments claiming that gun controls would be effective.

Guns have been with us for something on the order of 800 years. While the first guns were unreliable and inaccurate, it was at about the time of their introduction that the concept of a knight in shining armor bit the dust, along with the knights themselves.

Compare the tools and materials available to gun builders around the year 1200 to what is available in the typical home workshop today. It is no more difficult to make a gun than it is to grow marijuana, or brew alcohol (see the history of the 18th amendment to the Constitution.)

I can remember when some friends and I assembled our first gun. Materials were a short piece of pipe, marbles, firecrackers and some matches. We stuck the pipe in the beach sand, dropped in a lit firecracker, and followed it by a marble. We wasted several marbles marveling at how far out in the water they landed.

Admittedly our gun was not a very practical weapon. However, it worked and you would not have wanted to be standing in front of it when it fired. Keep in mind that it was assembled in just a few seconds about 50 years ago by some pubescent kids using readily available materials and with no tools at hand.

Peter F. Wells
Rindge, N.H.

Reflections

Prince John — He was a president's son. An *assassinated* president's son. His image was burned into the public mind at the funeral, when he was three years old. He was a good boy and stood by his mother. He should be remembered for that. But what else? To call this handsome glitteratus a "crown prince" is an insult to the Republic; we have no princes here. And inaccurate: he was not a national leader of any kind, and apparently had no ambition to become one. George W. Bush might be called a "crown prince" (my teeth grit) but JFK Jr. was of no more significance than Amy Carter or Tricia Nixon. He was the editor of a magazine — and a silly one, at that. He was a celebrity because the press covered him; and they covered him, in the end, because he was a celebrity. —BR

A day of rest — Tax Freedom Day, the day citizens stop working for government and start working for themselves, was May 11, the latest it's ever been in the United States, reports the Tax Foundation in Washington, D.C.

In the Reagan and Bush years, Tax Freedom Day hovered between April 27 and May 4, and it fell on April 30 as recently as 1993. But it has been up every year since then, which the foundation blames on progressive tax rates and the economic boom. Since 1993, Americans have lived under a progressive president who doesn't believe in cutting rates.

Indeed, Clinton gave the U.S. tax code the 36 percent and 39.6 percent rates, on top of the 31 percent rate Bush had agreed to. The higher rates were supposed to be for reducing the deficit. Now that the deficit is reduced, those rates cannot be cut, because that would be giving public money to the rich. The Fraser Institute in Vancouver, B.C., reported that Tax Freedom Day in Canada, where medical premiums are collected by the government, was July 1. In Canada, July 1 is a national holiday. Well, they probably need a day of rest after working half the year for the state. —DB

Smoke signals — A lawsuit filed in Navajo court alleges tobacco corporations deceived Navajo Nation consumers, illegally targeted minors, and burdened the Navajo health-care system.

Just who originally introduced tobacco to western culture?

I suggest smokers sue non-smokers and Indian nations for the Social Security they're never going to see. Most smokers will be dead in the grave while non-smokers spend their Social Security checks a quarter at a time in slot machines at Indian casinos. —TS

When eggs kill — Ye who fear sunny-side-up; ye who run terrorized by soft-boiled . . . your savior hath arrived! The Clinton administration proposed that warning labels be put on eggs to alert morning-time cooks of salmonella, the bacteria that culled 100 of our fellow Americans in 1997, or about .00004 percent of the population. The United States Department of Agriculture reports that fewer than one percent of eggs are contaminated with salmonella, and even fewer contain enough of the bacteria to make a person sick. Now, thanks to Donna Shalala and her crew at the Department of Health, those egg warnings will make us a whole lot safer than before. —JE

Bringing Kosovo up to snuff — The occupation of Kosovo is going according to plan. Defeated on the ground by the Yugoslav army, the KLA has nonetheless been given the run of Kosovo because gutsy Bill Clinton possessed all the quiet manliness and steely presence of mind needed to bomb Yugoslavian babies for 78 days.

The KLA, quite understandably given its point of view, is killing or driving out the Serbs, the Roma, the Turks, the Muslim Slavs, and all those Albanians (possibly the majority) who dislike the KLA. These people are fleeing Kosovo and taking refuge in unoccupied Serbia. But thousands of replacements can be bussed in by the KLA from destitute Albania, to suck for evermore at the udders of the U.S. taxpayer, or so they will fondly hope.

Somewhat bemusedly, the Western media has described the KLA mayhem as "revenge" and "reverse ethnic cleansing." "Ethnic cleansing" is a phrase imported into the Balkans by Western journalists, who applied it to the methods of Kosovo Albanians long before they applied it to the methods of Kosovo Serbs.

The current KLA reign of terror is not "reverse" anything and is not "revenge" for anything. It's simply what the KLA has being doing all along, provoking the Yugoslav crackdown in 1998 (in the midst of which, it has been plausibly speculated, some Serbian irregulars did commit a few acts of "revenge" against Albanian civilians). The difference is that now there is no one to stop the KLA. They can do what they like — until such time as Washington tires of them and decides to bomb them, and that may be three or four years away.

The consolidation of this new province of the U.S. empire proceeds. The *New York Times* revealed (August 16th) that the OSCE (Organization for Security and Co-operation in Europe, nominally under the control of the UN, but in fact permeated by NATO intelligence agencies) has drawn up plans for the administration of the media in Kosovo.

"A senior Western official involved with the plan" is reported to have said: "The idea is to bring people up to Western standards, so you need to present Western standards to observe." Although it is denied that there will be "censorship," the system is to be modelled on that imposed in Bosnia, which amounts to a system of censorship.

Under Yugoslavian rule, Albanian, Turkish, and other Muslim media flourished in Kosovo. Some Yugoslavs claim (I have not been able to confirm it) that there were more ethnic Albanian newspapers, TV stations, and radio stations in

Kosovo than there were in Albania. But unlike the benighted Slobo, the new U.S. puppet regime doesn't feel that it can simply allow people to say what they want.

The extirpation of democracy in Kosovo is described as the introduction of democracy. The establishment of the rule of a small gang of racist thugs, and the ruthless imposition of ethnic purity, where ethnic diversity and peaceful co-existence formerly predominated, is described as a victory for racial tolerance. The legitimation of daily murder and terror in the streets is described as liberation. And now, regulation of the media by unelected bureaucrats is described as an introduction to press freedom.

These are the Western standards of journalism. Observe them. —DRS

Jabba at the bar — Cynics have long contended that the American Bar Association exists purely to restrict entry into the legal profession so that its members can enjoy monopoly profits. Pollyannas counter that the ABA provides a legitimate service of maintaining standards of professional ethics and competence.

This argument was dealt a death blow by Webb Hubbell's address to a ABA meeting in Atlanta in August. Hubbell, you'll recall, has been convicted of two separate felonies, both of which involve gross violation of legal ethics. He's already served 16 months in the Big House for bamboozling his law partners out of nearly half-a-million dollars, and two months ago he pled guilty to concealing legal work done for a crooked land development scheme.

What other profession would welcome into its bosom a former member who had committed such despicable violations of even the most rudimentary professional ethics? Would the American Medical Association invite a surgeon who had performed unnecessary open-heart surgery on a wealthy and credulous patient to address its annual meeting? Would an association of art appraisers welcome an appraiser who had authenticated a phony old master to swindle a collector?

Perhaps the august members of the ABA figure Hubbell's felonies weren't too serious. After all, he only stole from his law partners. It's not like he was taking advantage of innocent victims. —RWB

One from column A — Watching the *60 Minutes* program on Dr. Wen Ho Lee, the Taiwanese-American nuclear scientist alleged to be a spy for mainland China, I was reminded of a history of cunningly selective prosecutions in this country: Sacco & Vanzetti, Ethel & Julius Rosenberg, Timothy McVeigh, among others. Each prosecution seem designed to scare a potentially radical minority in America, respectively Italian immigrants, Jewish Communists, and independent militias.

Each prosecution depended upon marshalling media opinion based upon stereotypes prevalent at each time — that some swarthy Italians wanted to sabotage WASP America, that some dark-haired Jews wanted Stalin's Russia to take over America, and that rednecks were predisposed to mischief.

My own sense is that Sacco, not Vanzetti, was guilty of murder in a botched bank robbery, that the Rosenbergs were wanna-be spies who lacked serious secrets (unlike Klaus Fuchs before them), and that McVeigh was a pawn in a sting operation that failed when a truck carrying explosives inadvertently exploded. (Regarding the latter, see Hoffman's elaborate, 500-page expose, *The Oklahoma City Bombing and The Politics of Terror*; Ambrose Evans Pritchard's *The Secret Life of Bill Clinton*, tells of likely government complicity in the bombing.)

Now consider that Dr. Lee, who came to America in 1964, aged 26, to do advanced study at Texas A&M before working for decades at Los Alamos, is specifically accused of downloading classified files onto his office computer. This is technically illegal but apparently done frequently by scientists in his position. (One commentator in the *60 Minutes* program said he won't be prosecuted for this, because too many others would be vulnerable, beginning with the former CIA director John Deutsch, who reportedly downloaded classified files onto his laptop and then took them home!)

Dr. Lee was also accused of failing to report a suspicious contact during a government-authorized trip to mainland China in the mid-1980s. Here as well he is not alone. The current publisher of the *Bulletin of Atomic Scientists*, Stephen Schwartz, said on camera that Lee had previously cooperated with government intelligence agencies; his wife was even more active as an informant for American intelligence agencies. From this flimsy evidence, coupled with the myth that Chinese-Americans are ultimately loyal to China, some have concluded that Dr. Lee must have passed nuclear secrets on to aliens whose facial structure resembles his.

Since "evidence" is so thin, why is he being prosecuted? He cited the fact that he is the only "oriental" (to recall the old-fashioned epithet for Asian) in the Los Alamos lab. If that be true, regardless of whether he is eventually prosecuted, it is reasonable to suspect he is the victim of a selective prosecution, accompanied by publicity, designed to scare the hell out of all Asian-Americans, as indeed it probably shall, just as previous selective prosecutions made superpatriots of many Italian-Americans and many American Jews. —RK

Airbags, Freedom, and Princess Di — There were four people in Princess Diana's car that fatal night two years ago, and the only one to survive was the only one wearing a seatbelt. That is the first lesson. Driver Henri Paul was legally drunk; the second lesson is that it's unwise to ride in a car with a drunk driver. But there may be a third lesson.

Both the driver and passenger-side airbags deployed. If the car hit the pillar first, the bags did nothing to save Paul, but they did help to save the front-seat passenger, who was wearing a seatbelt.

But what if the car had a minor collision with a Fiat, as authorities believe, and only then hit the pillar? If the bag inflated during the initial, minor crash, it would have blinded and stunned Paul, as well as making

Who's Who

BR	Bruce Ramsey
DB	David Boaz
DCS	David C. Stolinsky
DRS	David Ramsay Steele
JDS	John D. Swanson
JE	Jonathan Ellis
LEL	Loren E. Lomasky
MMS	Martin M. Solomon
RWB	R.W. Bradford
RK	Richard Kostelanetz
RWB	R. W. Bradford
SLR	Sheldon L. Richman
SS	Sandy Shaw
TS	Tim Slagle

the steering wheel unusable. In this scenario, Paul would have swerved into the pillar not because he was too drunk, but because: (1) the bag hit him in the face, stunning him and perhaps knocking off his glasses; (2) the loud bang disoriented him, much as police "flash-bang" grenades stun criminals; and (3) the deflated bag covering the wheel made steering impossible.

The only deaths officially blamed on airbags are those that occur in low-speed crashes that clearly would not be fatal without bags. In higher-speed crashes, so-called safety advocates assume that airbags help "save" crash survivors, and failed to "save" them if they died.

Many crashes are multi-stage, where the car first hits one thing (e.g. sideswiping a guard rail or another car) and then hits something else, with the last impact often being the worst. Since airbags often explode even in parking lot fender benders, it seems safe to assume that they explode in virtually all highway crashes. In how many of these do airbags disable the driver, thereby causing far more injuries or fatalities than would otherwise occur?

By manipulating statistics, "safety" advocates make airbags seem more effective and less dangerous than they really are. It's no surprise that many police departments routinely disable their cars' airbags. How else could they retain control of their cars when their cars bump, or are bumped by other vehicles?

We recognize the concept of informed consent in medicine, where possible dangers must be explained before treatment begins. Why are the risks of airbags, particularly to children and small women, not detailed in a brochure handed out with every new car? Why are "off" switches not provided routinely for both driver and passenger airbags?

More broadly, if we cannot trust citizens to decide questions affecting their own and their families' lives, how can we trust them to vote for candidates and on issues affecting other people's lives? —DCS

Help wanted — Attention journalism students: The Associated Press is now accepting applications for its summer 2000 internship program. Up to 17 interns will be picked to work as print, broadcast, multimedia, photo and graphics journalists. Interns "will work in an AP bureau under supervision of a designated trainer and be paid a weekly wage based on classifiable experience." Those who come out of the program looking and smelling like the true, hard-core journalists that the AP fills its ranks with, can expect full-time probationary news positions. Candidates must be full-time college seniors or graduate students at the time of application.

Sounds like a great opportunity to burrow deep into the skin of this country's media beast, doesn't it? Oh, yeah. There's one other thing. Successful candidates must be black, Hispanic, Asian or Native American. —JE

Crazy-quilt Constitution — What is left of the Constitution's support for individual liberty? What remnant can be used in the courts to push for greater freedom at the expense of the federal government? Gene Healy, in his fine article "Liberty, States' Rights, and the Most Dangerous Amendment" (*Liberty*, August) discussed chiefly the Fourteenth Amendment (which stood the Constitution on its head by dramatically expanding, without apparent limits, federal power at the expense of the states). But other amendments and emendations also present problems.

Consider also the current feeble condition of the Ninth and Tenth Amendments, which were supposed to underscore the fact that if the Constitution didn't grant a power to the federal government, the feds didn't have that power. The Fourteenth Amendment overthrew that meaning by empowering the federal government to do whatever it decided needed to be done to ensure that the states treated the citizens of the United States the way the federal government thought they should be treated.

And, towering over the rest with sheer chutzpah, the Commerce Clause was expanded by the New Deal Courts to allow the feds to regulate any intrastate commerce that might "affect" interstate commerce. Since anything might have an effect, nearly everything has come under federal control. In the oral arguments of *U.S. v. Lopez* (1995), in fact, Justice Breyer admitted that while the Commerce Clause didn't allow the federal government to regulate everything, he could not think of a single example of something that the feds couldn't regulate.

To judge from recent decisions (for example, *U.S. v. Lopez*, *Prinz v. U.S.*), a bare majority of the current Supreme Court is trying desperately to "correct" the destruction of federalism by giving the Ninth, Tenth, and (most recently) Eleventh Amendments new meaning, and attempting to put some limits on federal Commerce Clause regulation of intrastate activity. The results, however, have added considerably more confusion to an already confused situation. The Court cannot simply throw out a federal law that it believes goes beyond the limits of the Commerce Clause. It has to provide a reasoned explanation why the decision applies to this particular situation and not to other situations that might appear to merit the same treatment. To do otherwise would mean the wholesale junking of huge bodies of federal laws.

The attempt by the Court to issue narrow decisions so as not to end up condemning large tracts of federal law has resulted in decisions that are very difficult to understand and even more difficult to apply.

For example, Durk Pearson and I have argued in our medical marijuana case that the Ninth and Tenth

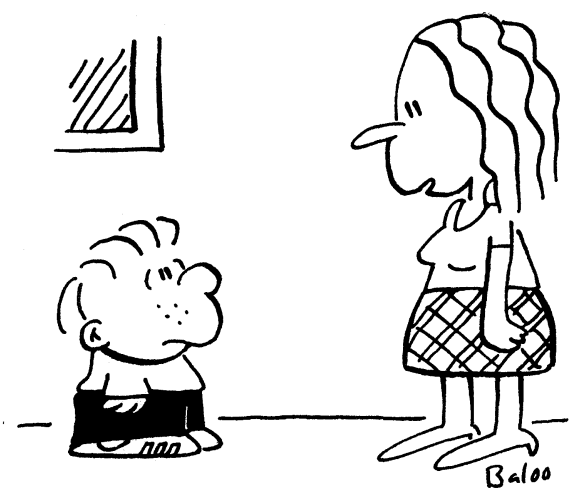

"You never knew your father — he was smothered to death by a mandatory air bag."

Amendments reserve medical freedom of choice to the states and the people and that intrastate medical practice is not interstate commerce. The Court realizes (and has admitted as much in some recent decisions) that the Commerce Cause was never intended to cover everything intrastate. If it did, why would you need a Constitution to separate the powers of the federal government from that of the states? But suppose the Court agrees with us. How are they to distinguish intrastate medical practice in the case of medical marijuana from intrastate medical practice in the case of private contracting with doctors, nursing homes, hospitals, medical insurance, and other things stringently regulated by the feds? That may be why, after a year and a half, the U.S. District Court of Columbia has yet to make a decision in our medical marijuana suit. Whatever that decision turns out to be, the case will be appealed to the Court of Appeals and then to the Supreme Court. Between now and when we slouch into the Supreme Court, we hope the Justices will realize that they have to either be willing to throw out large chunks of federal law or throw out the Constitution. —SS

Snitch in time saved by nine — There oughta be a law. In *United States v. Sonya Singleton*, Ms. Singleton was tried and convicted of money laundering and conspiracy to distribute cocaine. Her accomplice, Mr. Douglas, testified against her. In exchange for his testimony, the prosecutor promised to advise the court of his cooperation, to recommend reduced punishment for one offense, and to not prosecute him for other related offenses. Given human nature, he had a powerful motive to testify favorably for his U.S. Attorney benefactor.

But Singleton's attorney argued at trial and on appeal that the accomplice testimony was not admissible because it was obtained by a bribe: testimony in exchange for a reduced sentence.

Section 201(c) of Title 18 of the U.S. Code provides "Whoever . . . (2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial . . . shall be fined under this title or imprisoned for not more than two years, or both." A brave panel of the 10th Circuit Court of Appeals agreed in July 1998, taking the bold position that the time-honored practice of testimony bought with leniency was illegal.

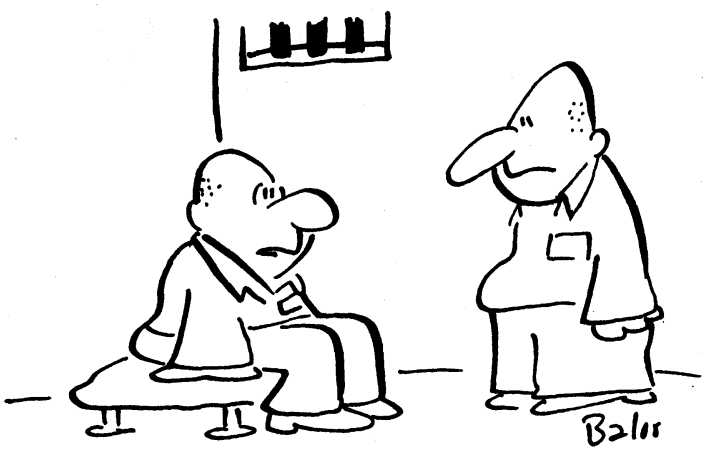

"Well, at least I avoided the *appearance* of impropriety."

But prosecutors have been doing these deals for hundreds of years, so they must be legal, right? So the *en banc* 10th Circuit majority opinion on January 8 overruled that decision, validating the purchased testimony. Banning such testimony would deprive the "sovereign" of a "recognized prerogative" in connection with prosecuting crimes.

The real reason for these deals is "case management," a euphemism for pushing defendants through the system quickly. One former federal prosecutor said that without leniency offers, defendants would have no incentive to cooperate and prosecutors would be forced to try every case.

The case against such testimony is a strong one. The law of evidence excludes certain types of evidence, such as hearsay, because of unreliability. The law of criminal evidence for the last 60 years has excluded evidence obtained through torture both because of its unreliability and because it besmirches the halls of justice. A reasonable evaluation of testimony given by a person facing criminal charges who is promised lenient treatment by a prosecutor casts grave doubt on the reliability of such testimony. Based on the large sums of money that many people spend on defense attorneys to stay out of jail (or spend less time therein), avoiding jail is worth a lot to a lot of people.

And such testimony is fundamentally unfair. If the defense had an agreement to pay an accomplice witness $100,000, for truthful testimony, all would agree the testimony is tainted. He who pays the piper calls the tune. But prosecutors are routinely allowed to exchange lenient treatment — a consideration worth far more than $100,000 to a person charged with a crime — in exchange for "cooperation" with the prosecution.

There is a law to stop such abuses. It is just not enforced.

In June, the Supreme Court refused to hear the appeal. The outrage of bought testimony will continue. —MMS

Not necessarily the news — Skepticism about authority continues to grow. On an airplane recently, the flight attendant announced that the video program would feature "NBC news and sports, along with other popular television comedies." — DB

Extortion by any other name — New York State Attorney General Eliot Spitzer is reported to be in "negotiations" with three major firearm manufacturers over a possible lawsuit concerning allegedly irresponsible marketing and sales practices. He's willing to let them off the hook, however, if they agree to certain concessions, including increased government supervision of their operations plus a cash ransom of an undetermined amount to be passed on to the Crime Victims Board, a state panel which gives money to victims of crime.

People of good will can, and do, disagree vehemently over the question of citizen possession of firearms. Using the essentially limitless resources of the state, however, to coerce behavior from a law-abiding — if much maligned — industry is not only improper, it's immoral.

I'm not a lawyer, but a dictionary definition of extortion calls it the crime of obtaining money, information or something of value by violence, intimidation or abuse of one's

office or authority. The attorney general may feel that such a good cause can justify his intimidation of firearm manufacturers. If, however, I were to threaten to destroy someone's business unless he gave me $1,000, which I intended to give for multiple sclerosis research, would my behavior be justified? Of course not. My good intentions with regard to Jerry's Kids cannot override the fact that I would be extorting the money. I fail to see any difference in principle here. When libertarians warn of encroaching government power, of arrogance toward the law-abiding citizenry and even disregard for the legislative process itself, we would be hard put to find a better current example of our fears. —JDS

No makeup, please, we're Australian — My travels to Australia have changed my life in many ways. But this trip is the first that transformed me into a conveyor of prohibited substances across international borders. This walk on the wild side began with an email from my Aussie friend, Mary. Could I, she inquired, bring with me on my next venture Down Under one or two jars of her preferred path to beauty, Estee Lauder "Country Mist Liquid Makeup," (beige). Neither then nor now did I understand the rationale of the request. Mary is an exceedingly handsome woman, and she no more needs this potion to look smashing than I need an extra hotdog to look large. But when a friend asks a friend a favor, a friend does a favor, so I agreed to track down the elusive item. Why, though, should a foreign import be necessary? Australia, the home base of INXS, Rupert Murdoch and the Sydney 2000 Olympic games is a country as well-launched toward the twenty-first century as America. Is it not endowed with its own supply of up-scale cosmetics? So it is, but with a catch. The splendidly pure Australian sunshine wondrously illumines surf beaches from Bondi to Monkey Mia, but it also nurtures nasty melanomas. Accordingly, Australian health authorities have decreed that all cosmetic creams be laced with sunblock. Mary, unfortunately, is allergic. When she applies the local goo, her face swells up and turns as blotchy red as a sizzling sausage on the barbie. Then she is not so beautiful. Wide-brimmed hats and awning shade are her preferred defense against the sun's ravages. You would suppose that this demonstration that she is neither mad dog nor Englishman would satisfy the bureaucrats, but you would suppose wrong. At no beauty counter in any department store in Australia, nor even in chemists' back rooms accessible only to those with a doctor's note in hand and the secret password, is the purchase of sunblock-free makeup licit. So if Mary's lucent skin is to be embellished by non-toxic Estee Lauder ministrations, this must be arranged via surreptitious exchanges with overseas visitors. And that is how I became a supplier: Mary's makeup mule, no less. Doesn't concern for the greater happiness of the greater number suffice to override the unusual circumstances of the minority? Perhaps on occasion it does, but in this case the conflict is entirely specious. There is no reason whatsoever why sunblock for the many cannot peacefully coexist with unfortified foundation for the few. Or rather, there is no reason except the petty authoritarianism and smug paternalism of the regulators. Their overweening sense of knowing what's best leads them routinely to suppose that they can cut their directives to a one-size-fits-all pattern. In a nation of 162 million sheep, they would count another twenty million of the two-footed variety. Sadly, they may have a point in doing so. The Australian people, estimably confident and self-assertive in so many ways, are oddly compliant with the heavy-handed writs of their so-called public servants. I guess it's hard to be mad as hell and not willing to take it any more if you live in the Lucky Country. However, it may not always remain so. For should the American pipeline be shut off by its own band of pesky regulators and the clarity of antipodean complexions thereby imperiled, perhaps that will finally lead Australians to make up their minds to face off against their benevolent oppressors. — LEL

Censorship begins at home — First Amendment advocates should be appalled at the August 23 issue of *The Weekly Standard*. The cover story is "The Case for Censorship" by David Lowenthal, with comments by William Bennett, Terry Eastland, Irving Kristol, and Jeremy Rabkin — spanning the ideological spectrum from A to B. The commentators all seem to agree on two things: Censorship would be a good idea, but it's not going to happen in the contemporary United States.

To be fair, Bennett says he's opposed to censorship (but his main argument is that the voters oppose it) and Rabkin says that censorship would be run by zealots, not distinguished citizens, so it wouldn't be prudent. But no one says "government should not censor what its citizens say and publish."

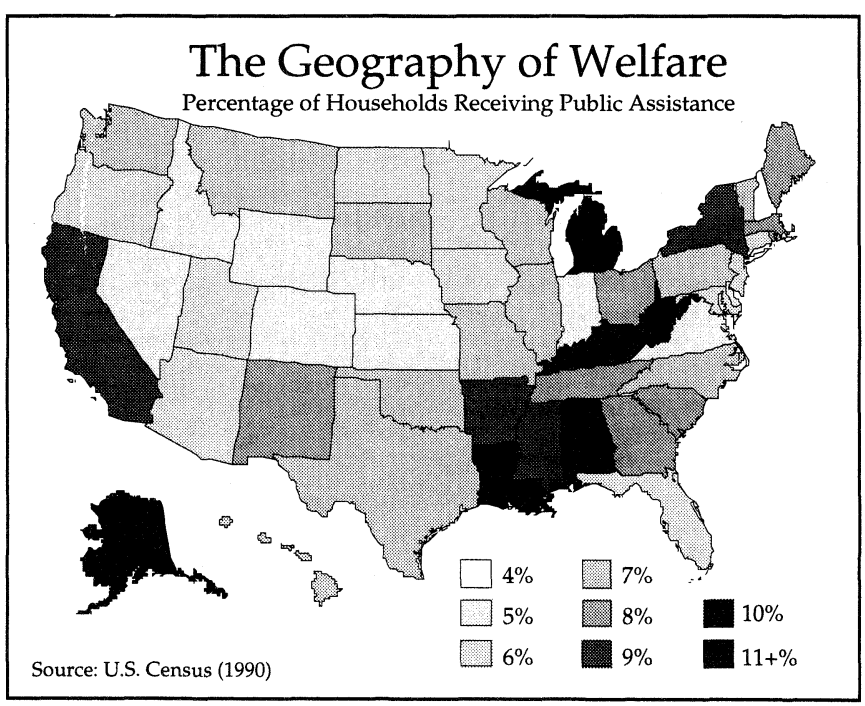

And it's a good thing for *The Weekly Standard* that *it* isn't running the country, or the Board of Censors might have censored its weekly parody, which in this issue features the First Lady of the United States writhing in black leather. —DB

Mayor Campbell, meet Gov. Maddox — The Southeastern Legal Foundation is suing the city of Atlanta over its Minority and Female Business Enterprise program, under which the city awards 35 percent of its construction and building contracts to businesses owned by minorities and women. Digging in his heels against the lawsuit, Atlanta mayor Bill Campbell declaimed, "There are some times in life when there are things that you must be willing to stand and die for. And so it is today. This is our Selma, this is our Birmingham, this is our march across the Edmund Pettus Bridge." Indeed it is. In those historic encounters, an entrenched government committed to racial inequality stood firm against people demanding equality under the law. And so, too, does Mayor Campbell. — DB

Cutting the Rothbardian knot — Bravo! to Gene Healy. I hope his article on the 14th Amendment is the opening salvo in the overdue contest between the centro-libertarians and the decentro-libertarians. The problem Healy identifies plagues all constitutionalism. The constitution will always be interpreted by those with the biggest interest in broad interpretation. As Bruno Leoni wrote some time ago, a supreme court will always be a de facto legislature. There is no alternative. (The line between interpreting legislation and issuing decrees is exceedingly dim.) This raises an essential question for libertarians: How to keep government limited? No one has yet given a satisfactory answer. All such attempts are mired in rationalism; they never provide a bridge to reality. As Murray Rothbard used to say, the limited statists are the wild-eyed utopians. Give me an example where *limited government* existed for more than a moment. In philosophy there is the conundrum that goes: Can God tie a knot so complex that he can't untie it? I'd like to know whether the polity can tie a knot so complex to bind government that it can't untie it. I doubt it. —SLR

An oily night in Georgia — The end of July found Defense Secretary William Cohen running unleashed through East and Central Asia. While visiting the former Soviet republic of Georgia, Cohen promised President Eduard Shevardnadze military support in patrolling its borders. Cohen's pledge was barely noted in the media. Yet here we have the U.S. pledging military support for a region overrun with Islamic fundamentalists, and situated just a hop, skip and jump away from Iran. Sounds like a good way to create a few more Osama bin Ladens.

But of greater concern is the fact that Georgia lies in the Caucasus, a region that has been in Russia's sphere of influence since the same period in which the thirteen colonies sent the British packing. In 1801, Russia even annexed Georgia. One has to wonder, then, how the Russians feel about Cohen's bold pledge. It would be like Russia sending troops to Mexico to assist in patrolling its border with the U.S. We shouldn't forget here that Russia is the only nation currently capable of nuking the U.S. into a piece of charcoal.

Why would the hot-shot foreign policy "experts" in Washington, D.C. do this? The Clinton administration, to the cheers of Republicans pining for the glory days of the Cold War, doesn't care about Russia, a fact which is evident with NATO expansion moving east. In fact, some decisions made by this administration seem calculated to wound Russia's pride. These Woodrow Wilson wannabees are into global domination, and there's no place for Russia at the top.

Another reason for America's move into the Caucasus is far more pragmatic than the ideology of pan-Americanism, or pan-NATOism. The Caucasus is rich with natural gas and oil. History buffs may recall a certain battle in which Hitler got whipped while attempting to get at the area's vast reserves. When Cohen praises Georgia's democratic reforms, what he's really saying is that we're sending in our muscle now to ensure that U.S. oil companies get their share of the loot. Don't expect George W. Bush to reverse this policy if he climbs to the top of the trash heap in 2000. —JE

Only one died at Chappaquiddick — The media frenzy over JFK Jr. makes me wonder if everybody is taking this Camelot thing a little too seriously. We expected such nonsense from the English over Princess Di, as Britons remain Royal Subjects. John Kennedy was nothing more than a bad publisher, and a worse pilot. The media virtually ignored his irresponsible killing of two women. Remember that this was not the first Kennedy who had trouble getting his girl home. When word came out that he was missing, I half expected to have him turn up a day later with an army of attorneys, a neck brace, and a transparent defense. To use the United States military to find him and then bury him at sea, after he had already done that himself, was an insult to the American Taxpayer. —TS

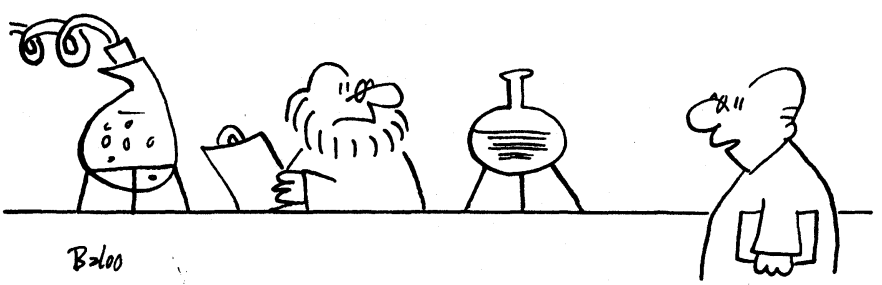

"Blumenkraft, I'm afraid your theory of overtime pay has been discredited."

John Watkins, R.I.P. — On July 26th, just weeks after completing his last book, *Human Freedom After Darwin*, John Watkins died of a sudden heart attack while sailing his boat, Xantippe, on the Salcombe estuary in Devon, England.

Though usually characterized as a Conservative, John Watkins had a strong commitment to individual liberty. His writing is not directly political, but he influenced many scholars in a libertarian

continued on page 14

Airbags Kill

by Patrick Bedard

Airbags kill more kids than school shootings. But for some reason, this doesn't bother the politicians who make a profession of worrying about "our children."

Life with airbags has turned out very differently from the one promised by Joan Claybrook back in 1977. That's when she told Congress that those friendly balloons in every car would pillow away 40 percent of crash deaths each year.

Last year, Dwight Childs, 29, of Broadview Heights, Ohio, screwed up. He ran a red light, resulting in a 10-mph crash. It was exactly the sort of mistake airbag supporters have always said "you shouldn't have to die for." Childs's two-month-old son, Jacob Andrew, strapped into a rear-facing child seat on the passenger side of a 1997 Ford F-150 pickup, was killed by the airbag, and Childs himself was charged with vehicular homicide.

The man's crime? He didn't *switch off* the airbag.

Judge Kenneth Spanagel piled on the punishment: 180 days in jail, suspended except for two cruel and unusual days; Childs must check in to jail on Jacob's first birthday and on the first anniversary of the crash. Childs was ordered to make radio and TV ads about airbag safety for the Ohio Department of Public Safety. He was also placed on probation for three years, his license was suspended, and he had to pay $500 in fines and court costs.

I'll boil it down for you. First, government forced this man to buy airbags, because bureaucrats in Washington know better than he what's needed for his well-being. Then, when he failed to deactivate the safety feature he was compelled to buy, it sent him to jail. Airbags have turned America's sense of justice on its head.

Judge Spanagel and the rest of society are groping now that we've bought fully into Claybrook's promise — about $40 billion worth of airbags on the road — only to discover that it defies common sense. Remember that airbags were sold as "passive restraints" for Beavis and Butt-head, that layer of society so brain dead it runs red lights and can't be bothered to buckle up.

We always knew whom we were dealing with; Beavis and Butt-head are the type who just don't get it, and they still don't. So we're making things better for them now by killing their kids?

Of course, you and I and the folks who listen to NPR and read *The Washington Post* all know that kids are supposed to go in the back seat, or if you're driving a Miata or an F-150 with no back seat, then switch off the airbag. But why are we expecting Beavis and Butt-head to get it when they never got the far simpler buckle-up message?

Dwight Childs is no Butt-head. He did almost perfectly what caring parents are supposed to do. His son was in a child seat. That seat was properly buckled into the only spot available; the truck had no back seat. His killer mistake was leaving Claybrook's friendly pillow switched on and for that small omission, he lost his son in a low-speed crash that would have been easily survivable without an airbag. The *Cleveland Plain Dealer* account of the trial said Childs "was visibly upset "and "unable to speak when prompted by the judge."

"I think they sentenced the wrong person, "says Sam Kazman, general counsel at the Competitive Enterprise Institute whose first case, back in Reagan times, tried to overturn the airbag mandate then being pushed by Transportation Secretary Elizabeth Dole. But blaming the victim is the only defense left for a government that insists these child killers be standard equipment in every car and truck.

Doesn't anyone notice the irony here? We live in an era in which the lowest political hacks grab for sainthood by push-

ing programs for "our children." In his state-of-the-union address this year, President Clinton hauled out the C-word 22 times to show how caring he is. "In memory of all the children who lost their lives to school violence, I ask you to strengthen the Safe and Drug-Free School Act, to pass legislation to require child trigger locks, *to do everything possible to keep our children safe*."

Just a few months later, the massacre at Columbine High School pushed to the redline our national anxiety about guns. Never mind that at least 17 weapons-control laws were broken by cold-blooded killers — anti-gunners call for still more laws. I understand their alarm. Since 1993, 82 students have been murdered in shootings at schools, according to the National School Safety Center.

Since 1993, 82 students have been murdered in shootings at schools, according to the National School Safety Center. During that same period, 99 children have been killed by airbag deployments.

But here's a greater tragedy. During that same period, 99 children have been killed by airbag deployments, including 21 yet be "confirmed" by the National Highway Traffic Safety Administration (one of the unconfirmed is Jacob Andrew Childs).

You'd think a President eager "*to do everything possible to keep our children safe*" would have noticed this looming body count from a child killer more lethal than guns. Unless, that is, our society has done the unspeakable and made a deal with itself to trade off the lives of these kids to save a few adults.

Will future generations look back at this airbag deal in embarrassment, just as President Clinton two years ago looked back from the White House at the Tuskegee Syphilis Study, which ran for 4 years starting in 1932? Black men with syphilis, 399 of them, were left untreated, so that medical observations about the disease could benefit the rest of society.

"We can look at you in the eye," Clinton said in a formal apology to survivors, "and finally say on behalf of the American people, what the United States government did was shameful, and I am sorry."

How many black men should society trade off to gain a syphilis cure for the rest of us? That's the shame of Tuskegee.

How many children should we trade off so that a few adults can escape crash deaths? That's the shame of airbags.

In his apology, Clinton made a point of saying that the Tuskegee men were used "without their knowledge and consent."

NHTSA and the safety establishment have never leveled with us about airbags either, and they're not coming clean in the case of Jacob Andrew Childs. As part of his sentence, Dwight Childs must do airbag-safety ads on radio and TV. The script thrust on him by the Ohio Department of Public Safety has him saying, "I made the fatal mistake of strapping my son's car seat, rear-faced, in the front seat of a vehicle equipped with a passenger-side airbag . . . don't make my mistake."

No, that's not his mistake. His truck had no other seat. The trial clearly establishes *not switching off the airbag* as his mistake. But the script never mentions switching off. That would crack open the door to choice. Why have an airbag in the first place if it makes that seat too dangerous? No, the airbag deal has already been made by our government, and it doesn't want Beavis, Butt-head, and the rest of us to be thinking about opting out. ❑

Reflections, *continued from page 12*

direction, most notably by initiating the debate over methodological individualism in the social sciences. His earlier writings list him as "J.W.N. Watkins," then he switched to "John Watkins."

Born in 1924, Watkins became a career naval officer. He was decorated for torpedoing a German ship in 1944, and later explained his award by a quota theory, pointing out that British ships rarely fired their torpedoes, and when they did, even more rarely hit anything. That year he read Hayek's new book, *The Road to Serfdom*, and and was so impressed he decided to go to the London School of Economics, where Hayek taught, though otherwise a hotbed of socialism. He later returned to the LSE as a teacher, and remained there for the rest of his life, Professor Emeritus from 1989.

Watkins became a friend of Popper's and exponent of Popper's critical rationalism. Though Watkins was for a while considered "Popper's bulldog," relations between the two cooled when Watkins conceded some merit in Lakatos's criticisms of Popper. On Popper's death, Watkins was contacted by a journalist and, upset by the news, let slip that Popper had been a difficult person to deal with. This remark received maximum exposure, and annoyed some of Popper's associates.

His books and articles display to the utmost degree a sense of fair-minded objectivity, going out of his way to meet his opponents' positions at their strongest, and always to represent them accurately. His books are all well worth reading: Hobbes's *System of Ideas* (1965), *Freiheit und Entscheidung* (*Freedom and Decision*), 1978; available in several languages, but not English), *Science and Scepticism* (1984), and *Human Freedom After Darwin* (1999). In his last book, he attempts to develop a new view of human freedom, owing something to Spinoza, combining scientific naturalism with a distinctive role for consciousness. —DRS

Analysis

Clinton's Fiscal Demagoguery

by William J. Stepp

Bill Clinton wants to "invest" your tax dollars for you, just like a rapist wants to "help" you find sexual fulfillment.

Politicians are demagogues whose skill at cloaking the coercion of the State under a veil of high-sounding rhetoric introduces a statist bias to public discussion. In the case of Bill Clinton, even when his rhetoric has a lower tone, his lies have exhibited an impressive certain demagogic flourish ("I want you to listen to me. I did not have sexual relations with that woman, Miss Lewinsky.") So it's not surprising that, after surviving impeachment and presiding over the mass murder of innocent civilians and massive destruction of property in Yugoslavia, Clinton turned his attention to the $792 billion tax cut proposed by the Republican Congress. He explained his opposition on July 21 in what *The New York Times* called a "wide-ranging news conference," portraying the tax cut as a "cost" that had to be "financed," and government spending as an "investment" in the future of America.

Political demagoguery is an old story, of course. Throughout history the State has resorted to myth-making to gain the passive acquiescence of its subjects and citizens, and to bamboozle them into thinking that its domestic depredations and foreign wars are conducted for their collective benefit. Fiscal policy at the end of the second millennium is especially well-adapted for this purpose because the budget numbers are so staggeringly high that they are beyond the ken of most people. In addition, the "benefits" of government spending are easily sold to the media, whose understanding of economics rivals Clinton's understanding of "family values."

And as Milton Friedman points out, there has been an unlegislated tax increase thanks to real bracket creep (taxpayers being forced into higher tax brackets as their incomes rise by more than inflation) and inflation creep (taxpayers paying more to the extent that the tax code is not indexed to inflation). One of the first things the Clinton administration did was to raise taxes, which included a top marginal rate hike from 28 percent to 39.6 percent, without offsetting deductions.

Tax Cuts as "Spending"

Clinton's attack on Republican tax-cut measures hinges on portraying them as a "cost" which would result in an "enormous loss to the American people." They would jeopardize the long-term growth of the economy, and threaten programs such as Medicare and Social Security. In the time-honored tones of the political quack, he proclaims his support only for "the right kind of tax cut" that wouldn't undermine "the national priorities of the American people." And what is the right kind of tax cut, according to this political carnival barker? One that wouldn't be a "giveaway to the rich." That rules out any cut in capital gains taxes or death taxes. One that we "can afford" and that maintains "fiscal discipline." And above all, one that enables us "to meet our basic responsibilities in education, defense, the environment," and other programs. So there can be no cut in individual income tax rates, and no elimination of the alternative minimum tax.

The president claims that tax cuts are tantamount to "spending" which cannot be financed without threatening the surplus. The establishment media never questions this preposterous claim. *The New York Times*, for example, editorialized vigorously against the tax cut, calling it "irresponsible." It recently ran an article on the capital gains tax debate which stated that equity owners with "inflated" capital gains

were "in effect" in receipt of an interest-free loan from the government because they were able to postpone paying a capital gains tax on their "inflated" gains. Bill Gates, take note.

Clinton's fear that the GOP plan is a serious tax cut was belied by the numbers. During the first three years of the plan, there would be no change in tax rates. Starting in 2003, the cut would amount to an insignificant 0.1 percent for a taxpayer in the 28 percent bracket. There would be a minuscule one percent across-the-board cut in 2010. The "marriage penalty" and the alternative minimum tax would be abolished, the latter much to his ire; but these provisions never accounted for a significant portion of the IRS haul. The capital gains cut from 20 percent to 15 percent would be a modest cut, but its failure to include indexing would minimize its impact.

Even the House GOP plan to scrap the estate tax was fraudulent. The "death tax" would be repealed in 2009, but buried in the fine print was its reincarnation: a provision that would recoup the "lost" revenue.

Even the House GOP plan to scrap the estate tax was fraudulent, as Bruce Bartlett showed in a *Los Angeles Times* piece August 3. The "death tax" would be repealed in 2009, but buried in the fine print was its reincarnation: a provision that would recoup the "lost" revenue by taxing the gains from the sale of inherited assets on the basis of original cost, rather than value at time of inheritance. In addition, several tax avoidance provisions would be repealed, the upshot being that the new system would be "revenue neutral" with regards to estate tax. In other words, this Republican tax "reform" is the latest round of the same old shell game that's been going on since 1916.

If anything is as sure as death and taxes, its that politicians will do whatever it takes to get elected and to retain their seats. The Republican fence sitters are sure to reverse course on taxes at the first sign of electoral opportunity. As anyone who's ever paid attention, projected statistics are rarely correct. Congress can be counted on to tinker with the tax code long before 2010. The projected $792 billion cut is chiseled in jello.

The truth about taxation is precisely the opposite of what Clinton thinks. Writing in *Slate* ("Budget Fudging," July 23), William Saletan posed the question "Whose money is it?," and claimed that the president's language obliged the media and the public to view government's finances as if *they* were tax collectors. Tax cuts limned as "spending" might be shrewd politics, but as economics it flunks. Tax cuts are never financed, because the taxes that are cut belong to the taxpayers, not the government. Even if the Slick One's obfuscation is effective on the surface, we needn't follow Saletan in accepting that Clinton's spinning is winning, at least not if truth is our lodestar.

Government Spending as "Investment"

Clinton invokes the language of capitalism — "We must decide whether to invest the surplus, to strengthen America over the long-term, or to squander it for the short-term." According to Clinton, a tax cut is money spent, whereas government spending is investment for "long-term goals." As Saletan observed, "Clinton constantly borrows capitalist terminology to make federal budget decisions appear as productive as corporate budget decisions." The president's recent Appalachian "poverty tour" allegedly highlighted the need for "investing in America's new markets," i.e., poverty programs. Welfare subsidies are now investment in Clinton's Orwellian world.

This use of capitalist terminology is a fraudulent attempt to make the federal budget look productive, as if the decision by Congress to "invest" in a poverty program is no different than a decision by Intel to build a chip manufacturing facility. The hallmark of investment projects is that they are made in anticipation of consumption decisions that investors think will result in their projects earning a return on capital that is greater than their cost of capital. For private individuals or corporations, investment projects must be financed out of equity, debt or preferred stock. Corporations undertaking investments that fail to earn their cost of capital are swiftly penalized with declining earnings, cash flows, and share prices, and become vulnerable to being taken over, or perhaps to being liquidated. Corporate revenues must be earned by selling goods and services that meet the test of the marketplace.

In contrast, government spending is not for products demanded by consumers and investors as expressed by their demonstrated market preferences. In an economic sense, government expenditures are consumption by all beneficiaries of government largesse. Moreover, the taxation (and often inflation) used to finance its spending is a coerced transfer of resources from taxpayers (or, in the case of inflation, holders of fiat money) to the State. Unlike corporations, governments face no market test, i.e., no test of profit and loss, and no test of share price and dividend performance. The subsidized and artificially low cost of "capital" facing government planners routinely induces them to undertake projects that couldn't pass muster in the market. The "socialist calculation problem," which pervades all government spending programs, even in democracies, leads to resource misallocation, shortages, surpluses, queues, corruption, production quotas and black markets.

This use of capitalist terminology is a fraudulent attempt to make the federal budget look productive, as if the decision by Congress to "invest" in a poverty program is no different than a decision by Intel to build a chip manufacturing facility.

The absence of ownership and equity in government "enterprise" leads to the lack of oversight of government spending often bemoaned by conservatives, who fail to understand the deeper roots of the problem, namely the triumph of coercion over market. The power wielded by the State allows it to engage in projects that would either never get funded in the private sector for lack of financial feasibil-

ity, or would be undertaken by risk-bearing entrepreneurs if the government did not interfere. And in contrast to government sinkholes, the costs of which are borne by the long-suffering taxpayers, corporate malfeasance is swiftly punished in civil lawsuits, and frequently results in declining shareholder wealth, management changes, and business restructuring. The "spend it or lose it" incentives inherent in the government budgeting process, which often results in spending programs running over budget, don't exist on the market.

Relations of State

In addition to the sharply contrasting measures of productivity between private investment and government consumption, there is another standard that sets the market apart from the State. Market transactions result in payment for service, whereas government expenditures necessarily result in a split between payment and receipt of service. In the market, Smith buys a tennis racket and receives a stream of services from the racket. He buys a security camera for his business in anticipation of reducing loss by theft. The value of the camera is capitalized on his business's balance sheet and results in a greater enterprise value of the business as well as higher cash flow.

In contrast to the market transactions of consumers and investors, taxpayers pay taxes which are then budgeted by bureaucrats for various operations, such as tennis rackets for municipal or public school athletic programs, or security cameras for the Pentagon. The users of the rackets and cameras don't pay for them and don't own them and thus have little incentive to maintain their capital value.

The difference between voluntary market transactions and coercive state intervention belies the notion implicit in Clinton's rhetoric that government is a caring benefactor of the people. Government spending and taxation divide society into two distinct camps, a productive sector of people who pay taxes out of income earned through market transactions, and the class of people, including politicians, bureaucrats, government contractors, and other recipients of state funding, that consumes the taxes. The inherently antagonistic fiscal relationship between the two groups was brilliantly outlined by John Calhoun. In his *Disquisition on Government*, he argues:

> The necessary result, then, of the unequal fiscal action of the government is to divide the community into two great classes: one consisting of those who, in reality, pay the taxes and, of course, bear exclusively the burden of supporting the government; and the other, of those who are the recipients of their proceeds through disbursements, and who are, in fact, supported by the government; or, in fewer words, to divide it into tax-payers and tax-consumers.
>
> The effect of this is to place them in antagonistic relations in reference to the fiscal action of the government and the entire course of policy therewith connected. For the greater the taxes and disbursements, the greater the gain of the one and the loss of the other, and vice versa. . . . The effect, then, of every increase is to enrich and strengthen the one, and impoverish and weaken the other.

Production versus Plunder: What the State Wants

Property rights and markets entail a range of business operations: producing products demanded by consumers, investing in operating and financing activities, and accounting for costs, revenues and cash flows. Government engages in none of these actions, Clinton's bluster notwithstanding, because it sells no products to consumers or investors who are free to shop elsewhere. The State owns nothing and invests nothing. It has no shareholders to whom it must answer, and to whom it must pay dividends.

Only the market focuses on long-term investing, and the creation of shareholder wealth and the cash flows that comprise that wealth. Politicians are institutionally incapable of focusing on a time horizon longer than the next election cycle. Contrary to the Slick One, it's the government that takes a short-term, hit-and-run approach to resource preservation, unlike the market, which tends to maximize the discounted present value of resources, consistent with maximizing shareholder value. In short, as Paul Johnson has observed, "the State is all stomach." ❑

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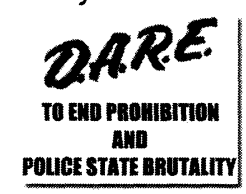

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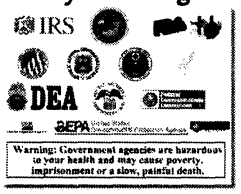

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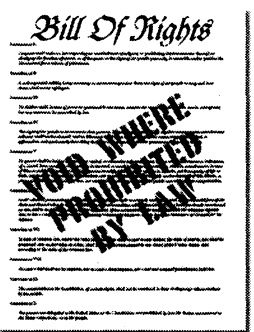

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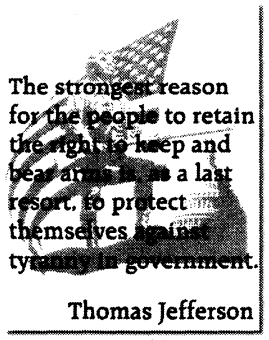

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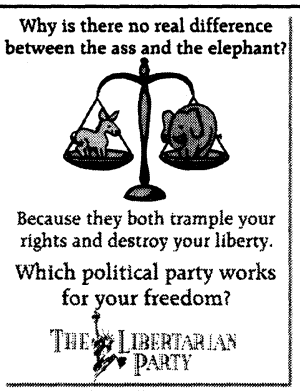

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Talking with the Chinese

by Bruce Ramsey

People in China have a lot to say when an American reporter visits. But how much of it makes sense?

The uniformed customs officer at Suifenhe, Manchuria, squinted at the red stamp in my passport. It indicated that I was a journalist with permission to enter the People's Republic of China. He mumbled something that was later translated as "Humph, I see we're letting them in again," and stamped me in: June 19, 1999.

I was part of a delegation from Washington state to evaluate a proposed container shipping route from northeastern China through Russia to the west coast of the U.S. But I had a second interest: to talk politics with the Chinese.

The trade delegation had meetings and banquets every day with mayors, provincial vice-governors, and heads of this, that, and the other departments. Only one of them mentioned Kosovo in conversation. He said, "Let's not talk about Kosovo," and we obliged him.

But I wanted to talk about it whenever I could. Although I was only in China for nine days and spent most of my time in or on route to various meetings and banquets, I talked to a number of students and also a train passenger, a man at breakfast, a taxi driver, a truck driver, a bus driver, an employee of a Danish company, an employee of Americans, two employees of China's government news agency, and my privately hired translator. Every one of them opposed the war in Yugoslavia. Only the handful who worked for foreigners were prepared to consider that the bombing of the Chinese embassy in Belgrade might have been an accident. The others said that that was impossible.

"The American map can't be wrong," one student said.

"America has the best technology in the world," another argued. "How can it be just a mistake?"

I replied, "Most Americans don't believe the bombing was on purpose. What would you say if it really *was* a mistake?"

"Then track down the criminal who did it," a woman said.

These were students at the Harbin Institute of Technology, where I visited with the translator. First, she took me to the cafeteria, where I wandered among tables of students busy with their rice, noodles, and private conversations. I'd pick a table, sit, and start talking. Later, when the cafeteria emptied out, I went to a bulletin board outside, addressed a group in English, and continued talking, backed up by my interpreter. In the cafeteria, I approached the students I wanted to talk to, and spoke with several women; in the group outside, I was the hub of a knot of students, most of them men.

The second question I put to them was: "If you think the bombing was on purpose, what was the purpose?"

I heard four theories:

1. Because China opposed the war against Yugoslavia. To force China into line, the U.S. attacked the Chinese embassy.

2. Because of Taiwan. The U.S. used the cover of war to remind China not to attack its province.

3. As a test. Under the cover of war, the U.S. attacked the embassy to see if China would stand up for itself. When the test was complete, China said, "Sorry."

4. The I-don't-know theory. The truth will come out someday. "Like the JFK assassination," one student added.

Clearly, these Chinese don't understand America. We are the country that botched Jimmy Carter's rescue mission in the Iranian desert. We are the country that bombed an innocuous pill factory in the Sudan. We act boldly and on bad intelligence. We are the people who coined the expressions, "Garbage in, garbage out," "Close enough for government work," and "Shit happens."

And that was essentially what we told the Chinese: "Shit happens. We're real sorry, but we've got a war on."

I was there six weeks after the bombing of the embassy. The students weren't throwing rocks, but they were still sore. They didn't accept Clinton's apology; they didn't want to accept it. Even if, privately, they thought his explanation might be true, they were still irritated by the incident. That Americans could have been so careless with the Chinese embassy — not someone else's embassy, but theirs — was a sign of disrespect.

Further disrespect was shown when Americans dismissed the rioting by the Chinese as government sponsored and their opinions as the braying of a government-controlled press. This angered students, too. It was laughable, they said, for Americans to say they rioted on government order; their anger was real.

"The American press doesn't want people to think seriously," a student said.

To be sure, the Chinese media are no paragon of objectivity. Xinhua, the Chinese news agency, denied that there was any "ethnic cleansing" in Kosovo before the war started. (However, I agree with its claim that the American press had clearly exaggerated the number of atrocities.)

One Chinese student from Harbin, who follows American press through the Voice of America and in Chinese translation, told me, "The American media always supports the government."

In fact, it usually does. It may be free, but it can still be the government's poodle. I recall all the strained comparisons with Hitler, and the cover of *Newsweek* with a close-up of Slobodan Milosevic with the cover line, "The Face of Evil."

Typically, I'll stack the American media against the Chinese media any day, but when we're at war and they're not, I'm not so sure. I had to admit that the Chinese had good reason to feel disrespected by the U.S. It was plain that the U.S. government didn't give a dog's biscuit whether China opposed the war. China is one of the five permanent members of the U.N. Security Council. The U.S. and our Security Council buddies, Britain and France, had traipsed on over to NATO and started a war without so much as a query of Russian or Chinese officials. The little countries of the world expect such slights; they're used to them. But Russia and China take them differently.

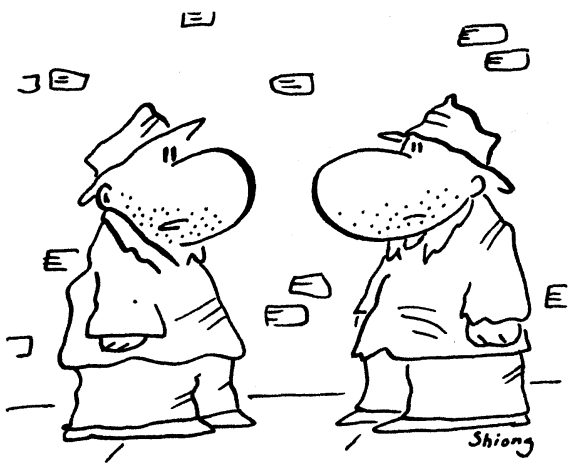

"Oh, poor relief, food stamps, welfare, and a little charity — what do you do for a living?

The Chinese are deeply nationalistic. Like Americans, they believe themselves to be a part of a big, important country, a country with nuclear weapons, a country with a future, a country that counts.

Thoughtful Chinese admit they have problems. One woman from Beijing told me, "We have human rights problems. But we are improving. During the Cultural Revolution, we could not say anything against the government. Now we can say what we think, though sometimes we cannot be heard by the leaders."

Every person I spoke to opposed the war in Yugoslavia. Only the handful who worked for foreigners were prepared to consider that the bombing of the Chinese embassy in Belgrade might have been an accident. The others said that that was impossible.

In Beijing, I talked to a retiree with long experience with the U.S. as bureau chief for Xinhua. "The United States never treats us on an equal footing," he said. "On human rights, you say you have the right to interfere in other countries. But can you permit China to interfere in American human-rights problems? No."

He added, "On human rights, we can learn from you. But you have no right to *teach* us."

China's complaint about the U.S. runs deeper than the recent war. It's the whole American attitude toward power. That attitude was expressed succinctly by an American with whom I was discussing the war, as we both strolled down a shopping street in Harbin. He said he supported the war: "We have the power. How can we stand by and let this happen?"

Americans have a tin ear for how imperious this sounds. *We* are the ones who decide whether to "let this happen" in somebody else's country. What gives us that right?

Because we have the power. We clothe the naked reality of this two ways. First, we talk a lot about our good intentions. We are the humanitarian with the sword; when others complain about our use of that sword, we remind them how humanitarian we are.

"But you've got a sword," so the objection goes.

"Well, yes; we have to, unfortunately," we reply, leading to our second justification. "But we're not doing this alone. We've got allies. We fight all our important wars with allies, and when we can, as NATO or the U.N. That way, we're on the side of humanity."

China finds this idea threatening. It's like someone forming a gang and starting to throw rocks through a neighbor's windows. China doesn't want to join the gang, because the gang is clearly run by the U.S. It doesn't want to fight the gang; it fought the gang in Korea, and got a bloody nose. And it doesn't need a gang to protect itself.

The Chinese accuse the Americans of "hegemony," a harsh, Marxist word that means the domination of other nations. Americans recoil, "We're not trying to dominate people. We're trying to do good."

"You Americans attack Serbia to protect the other side," a student said. "A heroic dream. Sounds very perfect. You Americans have the habit of being the hero."

We are the heroes. We devise a political settlement for the Kosovar Albanians, dubbing it a "peace accord" and announcing that if the Serbs do not accept it, we will bomb them into submission.

I was working at a magazine in Hong Kong in 1990 when Iraq invaded Kuwait. The Americans on the staff all began talking: "What are we going to do?" The Aussies and Kiwis didn't talk like that. Nor did the Indians and Filipinos. Only the Americans. They assumed that their country would have to *do something*. It always had.

Perhaps in the next century China will start thinking that way, too, and become a hegemonic power. Plenty of Americans, starting with Senator Jesse Helms, chairman of the Senate Foreign Relations Committee, think hegemony is China's goal. It is certainly the goal of some Chinese, perhaps those who stole U.S. nuclear secrets. At the moment, however, China is not in a position to challenge the U.S. in war.

It is in America's interest that China becomes a bourgeois nation, fat and satisfied rather than lean and angry. It is in our interest that China be joined to the world rather than cut off, tied by its investments here, and ours there; by trade and patents and treaties; and by its students in our universities—already 47,000 of them in the U.S.

Vice Premier Zhu Rongji, leader of the economic progressives, visited the U.S. in April, and offered a package of concessions for Chinese membership to the World Trade Organization (WTO). Clinton rejected the offer but leaked its contents, and then almost immediately changed his mind. But Zhu could not come tail-wagging back to Washington. He returned to China empty-handed, and was criticized that he had given away the store.

WTO, which represents world prices, intellectual property rights, and international standards, has become a litmus test for the ideological divide in the Chinese leadership. Zhu's faction wants membership as a battering ram to break down the walls of state industry. His opponents want to save state industry by keeping WTO out of Chinese affairs.

I saw this same division among ordinary Chinese. Most supported entry into WTO, which represents to them China's growing up. In many ways, membership in WTO is like the Internet: It's what other modern nations have, so the Chinese want it, too.

The pro-WTO faction also tended to be the most friendly to the Americans. "Most Chinese think the U.S. should be our friend," said one student.

There were others, though, who wanted WTO membership only on condition that China be treated fairly—not, said one man from Beijing, as "a sweet snack" to compensate for bad deeds.

Others opposed the WTO deal outright. A man from Xinhua said, "I read the full text of what the American leaders say they almost agreed to. These conditions are too harsh."

A student said, "I will go to America to study, but I will never serve the Americans. This event confirms that I will return to my own country."

A taxi driver commented, "Mao would not put up with this. China fought back in the Korean War."

Which faction should the U.S. encourage? That represented by the taxi driver or the student who told me, "We don't want to have a war with you. We want balance and equality"?

The more Bill Clinton tries to play Woodrow Wilson, the more he convinces that taxi driver that his position is justified.

The U.S. can influence China through our business and culture, but it cannot dictate it to do anything fundamental.

I left China optimistic about that situation. Perhaps that's because I was staying in Beijing then, in a high-rise hotel, two blocks from a Starbucks and a Dairy Queen. My room overlooked a freeway that clogged with traffic twice a day, just like the freeway at home. And just below my window was a pedestrian overpass. If I got up early enough, I could see it lined solid with human figures under blankets. They were not living in cardboard hovels, and they were not beggars. By midmorning they had packed up and gone somewhere in the city seeking their future. ❑

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Rethink

Libertarianism As If (the Other 99% of the) People Mattered

by Loren E. Lomasky

If freedom is such a great thing, then why are nearly all Americans indifferent to it?

I want to consider the implications for theory and practice of the following two propositions, either or both of which may be controversial, but which will here be assumed for the sake of argument:

(L) Libertarianism is the correct framework for political morality.

(M) The vast majority of our fellow citizens disbelieve (L).

The question I will address is how we as libertarians ought to respond to this pairing.

For members of a political minority that unsteadily oscillates between the minuscule and the merely negligible, the implications are of more than academic interest. They concern nothing less than how one ought to live one's life among others, where the others are substantially more numerous than oneself. This is, then, an investigation not only of libertarian theory but also of libertarian praxis in the actual political world and those possible worlds that are its near neighbors.

It may be useful to say a few words concerning what I do not intend to pursue in this essay. I am not trying to offer a definition, or necessary conditions, or even a rough-and-ready characterization of the essence of libertarianism. I well understand that libertarians argue furiously among themselves about which is the most pristine expression of that theory. I will have some things to say about the symptoms of that debate, but I will not attempt to decide who are the real libertarians and who the impostors. For purposes of the argument I will give maximum latitude to the term "libertarian."

Some will dispute the truth of (M). The perpetual location in electoral tabulations of the Libertarian Party somewhere between Ross Perot and Mickey Mouse, decidedly closer to the latter than the former, will be dismissed by some as quite epiphenomenal, not really indicative of underlying sentiment. I have heard this view espoused both by ardent libertarian activists and by the viscerally anti-libertarian.

The former are wont to bring to state fairs diagrams with the four corners assigned political labels, one representing the libertarian dispensation and the others combinations of economic and/or civil-liberties authoritarianism. When unwary visitors wander away from displays of apple pies and champion hogs and come within arm's reach of the libertarian booth, they are found to reject at cheeringly high levels these various authoritarianisms. Voila! They discover that have been libertarians all along. Similarly, those who fear the capture and subsequent dismantling of the state by cutlass-wielding libertarian buccaneers also find libertarians everywhere. Here, as elsewhere, pleasant daydreams converge with chilling nightmares.

The methodologies that generate these counterintuitive results are, I must confess, beyond my ken. If they should nonetheless prove to have been accurate, I shall be delighted to concede that the thesis of this essay has been rendered moot. Those who deny or doubt the truth of (M) are invited to transpose the investigation that follows into a conditional mode: What *would be implied* if both (L) and (M) were true?

The Tension Between (L) and (M)

So much by way of preliminaries. I now proceed to considering what may be elicited from the pairing of propositions (L) and (M).

One moral that may suggest itself is *fallibilism*. Even if one is abundantly certain in one's heart of hearts that libertarianism is the correct political stance, one may simultaneously suspect that intense subjective feelings of certainty are sometimes accompanied by profound error. Further, if those subjective feelings are matched by equal and opposed feelings held by others — and especially if those opposed feelings are held by *many* others — then, as a prudent individual, one may find oneself constrained to lend serious consideration to the possibility that one's belief that *p* is true may be best explained by something other than *p*'s being true. Fallibilism has a lot going for it.

The perpetual location in electoral tabulations of the Libertarian Party somewhere between Ross Perot and Mickey Mouse, decidedly closer to the latter than the former, will be dismissed by some as quite epiphenomenal, not really indicative of underlying sentiment.

But that is not the moral of the pairing. Recall that for the sake of the present argument (L) is presumed to be true. The question is: Given the truth of (L), what is the libertarian to say about those who persistently deny (L)?

One possible response is: So much the worse for the benighted masses! Their ignorance does not at all diminish the warrant or force of what they disbelieve. It is easy, after all, to display many rock-solid propositions that are denied by a majority. Most people believe that there are more natural numbers than there are even natural numbers. Most people believe that if the four previous tosses of a fair coin have yielded heads, then there is a better than even chance that the next toss will be tails. That they are mistaken is demonstrable. Majorities do not count in matters of demonstration. But neither do they count in ascertainable matters of empirical fact.

Suppose, as some surveys indicate, that most of our compatriots believe that early man coexisted with dinosaurs: what are the implications for the theory and practice of paleontology? Plausibly: none whatsoever. If in these areas there is a fact of the matter that is not constituted by counting noses, then why should morality, including its political component, be different?

Some people believe that morality is not different. If, for example, one holds to a divine-command theory, such that a Supreme Being issues ascertainable edicts which then become binding on all those to whom they are delivered, then there is a fact of the matter concerning what ought and ought not be done. If the majority disregards or disdains those edicts, then that is simply a sign of its wickedness. It is the righteous remnant, no matter how small or besieged, that is in possession of the truth.

Few libertarians are divine-command theorists. Many, however, suppose that the rights individuals possess can be derived in rigorous, unequivocal fashion from facts about human nature coupled with uncontroversial propositions such as "a = a." Even more significant, perhaps, than beliefs about what is needed to carry out such derivations are concomitant views concerning what is *not needed*, such as references to particular localized conventions and popular sentiments. The idea is that natural law or natural rights are logically prior to convention and ought to regulate it. Without too much violence to history or language, we may call this family of theories *Aristotelian libertarianism*.

A variation on this theme is the purported derivation of libertarian axioms by means of some transcendental conditions bearing on the possibility of action or assertion. This we may call *Kantian libertarianism*. On the former account, libertarian precepts are to be read off from nature — our nature. On the latter account, they are strict consequences of the logic of practical reason. The differences between these conceptions is considerable from the perspective of moral foundational theory, but they pose equivalent issues concerning the interplay between (L) and (M).

If libertarian civil association is the law of nature, then it is a law observed mostly in the breach. We see few examples of it in real life. But why? If libertarian precepts were extraordinarily recondite truths, comparable in their complexity and subtlety to, say, the principles of quantum mechanics or the geometry of seventeen-dimensional space, then the failure of most people to espouse libertarianism would be abundantly explicable and excusable. I am not aware, however, of any libertarian theorist who so conceives these precepts.

To be sure, many of us believe that a fully rigorous and elegant presentation of the theory of libertarianism in all its ramifications is not easy to come by. Nonetheless, libertarianism, at least in its rudiments, is not dauntingly inaccessible lore. Virtually without exception, expositions of it maintain that a relatively straightforward application of basic logical reasoning to evident facts about the human condition generates familiar libertarian principles of basic rights and nonaggression. It is well within the capacity of ordinary men and women to follow these demonstrations, if not independently to generate them. Yet for some reason only a very few people arrive at the libertarian summit — or even ascend to one of its foothills. As (M) asserts, the vast majority of individuals find libertarianism eminently resistible. The question that suggests itself with no little urgency is: Why?

Becoming a libertarian is not — or should not be — a commitment to don a hair shirt.

Two answers leap to the fore. One is that the vast majority of people are wicked; the other is that they are invincibly ignorant.

In the former case they are our moral inferiors; in the latter, they are our intellectual inferiors. Or perhaps they are *both* knaves and ignoramuses. Whichever branch of the explanatory tree is mounted, the inescapable conclusion is that there exists a vast, even unbridgeable, gulf between the libertarian few and the nonlibertarian many. This is the secular equivalent of Isaiah's depiction of the Saving Remnant.

Not surprisingly, although libertarians who fit this description typically display a virulently antitheistic orientation, their language and behavior are reminiscent of familiar sectarianisms. They recognize the authority of charismatic, inspired teachers. They take easily to denunciatory rhetorical tropes in which those outside the fold are held up for scorn and obloquy — not so much scorn or obloquy, though, as those who had formerly occupied a position within the favored group but who subsequently were seen to waver or defect from the pristine creed. Nonbelievers hover in limbo, but heretics are consigned to the deepest circle of libertarian hell.

Schism, purges, and ostracism are regular episodes in the libertarian drama. That this reduces the population of the saved from, say 1 percent to 0.1 percent is of no consequence when insistence on doctrinal purity is at issue. Nor is the fact that these mini-convulsions appear thoroughly ludicrous to outside observers. Libertarians are not, of course, the only denomination that affords this spectacle; American Trotskyites regularly put themselves through similar cathartic purges, and fringes of the contemporary paleo-right seem intent on choreographing equally arcane dances. Given the assumption of readily accessible but overwhelmingly neglected truths of fundamental importance, such practical consequences are almost unavoidable.

This sort of creedal wrangling is unlovely. But how is it to be avoided by those who are convinced that (L) is true, indeed a truth of the utmost practical significance? Heroic self-restraint in the face of invincible human obduracy is one path of egress, but heroism is an exceedingly scarce moral commodity. So the more likely route is that of abandoning the presuppositions that generate the contretemps.

One can, for example, give up the claim that moral principles are grounded in nature, and swing to the opposite pole, holding that they are purely conventional understandings rooted in local social mores. Perhaps these conventions will display considerable regularity across cultures, or perhaps they will be expansively diverse. In either event, the meta-ethical pigeonhole into which they fall is moral relativism. If moral relativism is true, however, then (L) is false. Libertarianism could be at most *a* correct moral framework, not *the* correct one. Therefore, whatever the merits of pure conventionalism may be, it is not relevant to the topic under consideration.

Locating Morality

I understand morality, including libertarianism, as neither the law of nature nor purely conventional. Rather, I believe it to be convention grounded in nature.

There are certain fundamental facts about the makeup of human beings and their circumstances that are, if not constitutive of what it is to be a human person, then so pervasive and characteristic of the world in which we act that they might just as well be necessary conditions. It is in virtue of these facts that we are a species that cannot dispense with morality. Least of all can we dispense with *justice*, the precinct of morality that houses libertarianism. However, only insofar as these needs stimulate the development within actual human communities of a technology of moral norms and practices will there come to exist an effective structure of rights and duties, oughts and obligations.

The fundamental facts I have in mind are thoroughly familiar, even banal. They can conveniently be put into three groupings.

First, human beings are *vulnerable*. When we are cut, we bleed. More specifically, we are vulnerable to incursions by others. As Hobbes noted, even the mightiest can be laid low by the humble while sleeping or unobservant.

Second, individuals' *interests conflict* — not always and everywhere, but enough so that my exercise of prudence does not carry any guarantee of your well-being. If nature had strapped us together like mountaineers at opposite ends of a rope, morality might be dispensable. Instead, nature has given us ropes that can easily be adapted to function as nooses around one another's necks. What we each need from all others is a little slack.

The vast majority of individuals find libertarianism eminently resistible. Why? Two answers leap to the fore. One is that the vast majority of people are wicked; the other is that they are invincibly ignorant.

Third, should we manage to mesh our actions, a *cooperative surplus* is available. However, to use the game theorists' term, the cooperative strategy is not dominant. In the absence of conventional forms, individuals will often be able to improve outcomes for themselves by following a beggar-thy-neighbor strategy. Thus dissolves the potential cooperative surplus.

Framed in this context, morality is seen to have a *point*, one embedded in concern for human interests. It is not a set of abstract propositions read off the book of nature or distilled a priori from pure practical reason. Like money, mattresses, and marriage, morality is artifactual. It represents a creative response to perceived needs and, as such, has the capacity to make life go better.

As some, for example Hobbes, tell the story, morality is constructed from whole cloth as a deliberately engineered violence-avoidance mechanism. In other versions, those of Hume and F. A. Hayek for example, moral structures are almost entirely the product of human action but not human design. They are born, mutate, evolve, die out, or thrive in almost Darwinian fashion.

I find the second way of relating the story more credible, but there is no need to take sides. A helpful analogy is to language. Particular phonemes are entirely conventional, at least within the constraints set by the human vocal mechanism. That we have language, though, and use it to describe, to ask questions, to give commands, to berate and praise, are not random bits of happenstance. Rather, they are grounded in deep facts about the human condition and the significance to us of communication.

Along with the three fundamental facts from which morality takes its point, we can identify three conditions that bear on how successful it is likely to be in meliorating the

human condition. Taking a cue from Hume and John Rawls, I refer to these as the *circumstances of morality*, though I claim no identity between my formulation and theirs.

1. *Moderate goodwill.* Most people most of the time are capable of being motivated in an appropriate direction by the weal or woe of others. A somewhat different dimension of moderate goodwill is that people are willing to bind themselves in schemes of cooperation with other willing cooperators. This is not to demand a general willingness to live by the terms of the Golden Rule or utilitarian impartiality; that would render morality utopian in the most literal sense of that word. It is, though, to invoke more than the calculative rationality that Hobbes and David Gauthier believe to be sufficient for bootstrapping one's way out of the war of all against all and into morality. The classic expression of the rationality-alone construal is Kant's bold announcement that "as hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding)."

Most people believe that if the four previous tosses of a fair coin have yielded heads, then there is a better than even chance that the next toss will be tails.

But even if it can be solved, it is also susceptible to being dissolved. Fresh outbreaks of deviltry will disrupt the delicate equilibrium. (Think of cease-fires in Bosnia.) For the sake of stability, if nothing more, we had better hope to have a population with greater moral aptitude than that possessed by devils.

2. *Moderate intelligence.* Most people most of the time are capable of learning at least the most central moral rules, recognizing situations calling for the application of those rules, and figuring out which actions on their part will constitute compliance with the rules. Beyond this, it will be useful if individuals are able sensibly to adjust their conduct when exceptional circumstances suggest that the usual considerations might not apply, to adjudicate conflicts among rules, to act in concert with others to meet new circumstances, and to assimilate new information by modifying the system of rules to which they declare allegiance. For the most part though, it suffices that morality be the province of proles, not archangels.

3. *Moderate demandingness.* From saints and heroes anything can be asked and they will provide it, and more. But this is a proposition of striking irrelevance to the quotidian practice of morality. The vast majority of individuals are neither saints nor heroes, and therefore the magnitude of the restraints they may be expected regularly and reliably to place on their own conduct is small. Morality can hold up ideals to which people are *invited* to aspire or admire, but what it can *demand* as a matter of strict obligation is sharply limited.

If, then, communities of human beings bring to the circumstances of nature (including their own nature) moderate goodwill and moderate intelligence regulated by principles under which ordinary men and women can comfortably live, then they will do better at shielding their vulnerabilities, brokering conflicting interests, and availing themselves of the potential surplus from cooperation. The point of morality will have been realized.

Morality and Libertarianism

Where do the precepts of libertarianism fit into this model?

By hypothesis, (L) is true: libertarianism is the correct framework for political morality. Minor qualifications aside, that is to say that libertarian precepts are not onerously demanding for moderately intelligent persons of moderate goodwill, and that if such persons manage to arrive at libertarian precepts as the regulative principles under which they commit themselves to live, then they will tend, under a wide, if not infinitely wide, range of conditions, to do better with regard to confronting the three natural facts.

General respect for libertarian rights will render them less vulnerable to breaches of the integrity of their persons, especially those breaches initiated by other individuals. Acknowledgment of a moral space within which each individual is sovereign will afford them epistemically accessible bases for peacefully resolving conflicts of interest. And robust rights over one's person and property will make possible exchange relations that tap the potential cooperative surplus for mutual benefit. This is the condensed version of the story that I (as well as many other libertarians) have spun at greater length. To it I add a pair of follow-up points.

First, although libertarianism represents the optimal solution to problems of human interaction, nothing that I say is meant to deny that other, less good but nonetheless creditable solutions can be crafted. A fine red Burgundy is the optimal beverage to consume with filet mignon, but a cold lager or, in extremis, water is better than nothing.

Second, libertarianism serves as the optimal solution only insofar as it is embodied within some actual community as its regulative political framework. A libertarianism that is the esoteric doctrine of a coterie of moral savants does not fulfill this function.

At present, libertarianism does not regulate our interactions with each other. That, alas, is the unavoidable upshot of (M). What does this hard fact imply for libertarian belief and practice? One thing that it does not imply is that one should reject libertarian precepts. (L) is, after all, true.

One might instead conclude that because libertarianism fails to obtain, one lives in a morally bankrupt society. Let us call this *rejectionist libertarianism.* Concomitant with adherence to rejectionist libertarianism is denial of legitimacy to all social institutions that are incompatible with pristine libertarianism. As much as possible the embrace of such institutions will be avoided. If it should prove feasible, one may choose to emulate the disaffected Essenes who withdrew from wicked Jerusalem to the Qumran caves, where they could establish their enclave of the godly and deposit their sacred texts. It has often been a fantasy of rejectionist libertarians to be able to retreat from the wider society to some offshore libertarian paradise. But if geographical isolation is too costly, then one can attempt to effect a spiritual retreat, avoiding as far as one is able the touch of any appur-

tenances of the state. What one cannot withdraw from one will defend against. Swiss bank accounts, multiple passports, a well-stocked bunker, a copious supply of armaments, the collected writings of Ayn Rand: these are the instruments of choice.

Without in any way denying the right of individuals to detach themselves from the greater society, I believe that this response to the conjunction of (L) and (M) is overreaction that borders on hysteria. It expresses the conviction that no moral technology other than full-blown libertarianism merits one's respect or allegiance. I suspect that this judgment is belied by the conduct of many of its adherents insofar as they implicitly rely on others, even agents of the government, to exercise moral self-restraint so as not to rape, assault, murder, and even not snatch too much of one's property. It also represents, I believe, a serious misestimation of what sorts of lives are rewarding and how inimical the presence of an overly large state is to prospects of individual flourishing.

Hysteria, though, is not something that people can easily be talked out of, and in any event I shall not attempt to practice such therapy here. The remainder of the discussion is directed to those who share the belief that the depressingly nonlibertarian character of the United States is not too depressing, that productive and morally respectful interchange with the unconverted is both feasible and desirable.

Cooperative Libertarianism

Those who believe that libertarian precepts can be read off the book of nature by all who enjoy the moral equivalent of a tenth-grade reading level almost unavoidably regard people who fail to subscribe to libertarianism as dumb or wicked. The alternative libertarianism, what I will call *cooperative libertarianism*, is more generous. It is willing to concede that nonlibertarians are mostly well-meaning, honorable people with whom one may cooperate without thereby dishonoring oneself.

Nature has given us ropes that can easily be adapted to function as nooses around one another's necks.

Nonlibertarians are, to be sure, importantly mistaken concerning a momentous matter, but that mistake discredits neither their intellect nor their character. Possession of moderate goodwill and moderate intelligence does not immunize people from statist persuasions. Indeed, neither does an abundance of goodwill and intelligence. That is because the moral terrain that must be traversed in order to arrive at the libertarian destination is steep, rocky, and dotted with mirages. Nongeneralizable items within one's personal experience heavily influence the likelihood that one will achieve the happy consummation. Rawls refers to such epistemic obstacles as the "burdens of judgment."

It is a mistake to hold that the government ought to fund and run school systems, but it is not an egregious mistake. People who believe this are not to be lumped with those who think that Jews have horns or that Elvis is pumping gas at the corner Texaco station. Ditto for those who believe that zoning enhances the livability of neighborhoods, that commercial establishments ought to be legally required not to exclude black customers, that Yosemite should not be auctioned off to the highest bidder. These are people with whom we literally and figuratively can do business.

Consider an analogous area in which toleration and blanket rejection are options. Perhaps no more vexing issue than abortion roils the American polity. Some hold that abortion is nothing other than the slaughter of innocents; others retort that opposition to abortion is opposition to women's sovereignty over their own bodies. It is news to no one that between these parties there is contention aplenty. At least equally noteworthy, although much less often remarked, is the extent of accommodation achieved between them.

Most people most of the time are capable of being motivated in an appropriate direction by the weal or woe of others.

Many abortion-is-murder believers work or live next to abortion-is-a-woman's-right exponents. They may even be friends who have learned to agree to disagree. They can do so despite the gravity of the issue if they perceive that the burdens of judgment are especially heavy in this domain and that one who sees matters differently may nonetheless be one's moral and intellectual peer. Of course the rhetoric peddled on both sides of the dispute is intended to disrupt such accommodation, and every so often someone is gunned down outside an abortion clinic. What is remarkable, though, is how few shootings there are. On any given day, such an abortion-related eruption is less probable than a California freeway fracas in which one enraged motorist pulls out his shotgun to blow holes in another.

The moral of the abortion analogy is not merely vapid praise of toleration, but rather a more capacious understanding of what is genuinely tolerable. Still, the implications drawn so far may not strike the reader as especially venturesome. Wasn't it Mom who said on the first day of kindergarten, "Play nicely with the other little boys and girls"? Perhaps the foregoing discussion is little more than an updated version of her wisdom. Accordingly, I now move to argue for more controversial implications.

Libertarians are wont to intone, "Taxation is theft!" It is our clever variation on Proudhon's "Property is theft!" Cleverness is to be applauded, but not when it leads to outsmarting oneself. It is one thing to *say* that taxation is theft, another to *believe* it.

Many libertarians who say it also believe it. They are mistaken. Moreover, they are mistaken in a way very difficult to achieve unless one is in the grip of an ideology. Taxation is *not* theft. It may resemble theft in important respects; it may be the case that some of the reasons that lead us to condemn theft will, if properly considered, lead us to condemn taxation; it may even be the case that taxation is as morally reprehensible as theft; nonetheless, and

with apologies for the repetition, it is not theft.

The point is not semantic but phenomenological. The perceived reality of theft is notably distinct from that of taxation. When I return home from a libertarian scholars' conference to find the lock on my door broken and my television set gone I am outraged. That which I expected to be secure from encroachment has been violated. The perpetrator of the theft has transgressed rules that both he and I recognize as *de facto* as well as *de jure* principles of cooperation that undergird a framework of civility from which all citizens can expect to derive benefit. The moral ire I feel is not some amorphous feeling that things are other than they ought to be. My animus is precisely localized: it is focused on *this* act by this individual.

Moreover, I possess a justifiable confidence that my animus will be seconded by those among whom I live. What is primarily a violation of my rights is understood by them as more than a private conflict of interest between me and the individual who coveted my television. Accordingly, I am able to avail myself of the formal apparatus of the legal system and the informal vindication afforded by a consensus among the members of the moral community that I have been violated and ought to be made whole. And if I am exceptionally lucky, this solidarity may even help me to recover the TV set.

Possession of moderate goodwill and moderate intelligence does not immunize people from statist persuasions.

In nearly all relevant respects the perceived context of taxation is significantly different. I look at my pay stub and observe that a large slab of my salary has been excised before I ever had the opportunity to fondle it. This is an annoyance, perhaps an intense one. But it is not focused on the particular extraction. Rather, its object is some or all of the 10,000 pages of the tax code, the political order within which the power to tax is lodged, and the constitutional foundations on which that political order is erected. I wish some or all of it were otherwise; that, though, is the inverse of a highly specific grievance.

Moreover, I cannot count on the solidarity of my fellow citizens. That is both a descriptive and a normative statement. If I have adopted the cooperationist rather than rejectionist attitude toward the society in which I live, I am thereby committed to acknowledging that although my fellow citizens' views concerning the ethics of taxation are, as I see it, mistaken, the perspective from which they adopt those views is not so unreasonable or uncivil as to disqualify them from moral respect. I am entitled, perhaps even obligated, to attempt to persuade them to think otherwise. However, until the dawning of that bright day in which the veils are lifted and freedom reigns, I will, if I am not a fanatic, concede the legitimacy (not, of course, the optimality) of the moral framework within which taxation takes place.

It is, therefore, not only misleading but also an exercise in borderline incivility to equate taxation with theft, for if it is taken in its straightforward sense, that pronouncement denies the legitimacy of the social order and announces that I regard myself as authorized unilaterally to override its dictates as I would the depredations of the thief. It says to my neighbors that I regard them as, if not themselves thieves, then confederates or willing accomplices to thievery. Is it pusillanimous to suggest that declaring war, even cold war, against the other 99 percent of the population is imprudent? I would therefore caution libertarians to shelve the "Taxation is theft!" slogan despite its sonorous ring, and if they cannot bring themselves to do that, then at least to cultivate a twinkle in the eye when they haul it forth.

Another example: Libertarians decry the Social Security system's enforced transfers from the young to the old. I share that antipathy. I do, however, part company from those who, when asked to contemplate a transitional regime, snarl that the geezers have been enjoying the fruits of illegitimate plunder lo these many years and that justice would be served by cutting them off forthwith. To these hard-liners it is entirely immaterial that for more than fifty years Social Security has enjoyed a level of popular support unmatched by any other welfare program, that it has garnered the electoral support not only of the old who are its recipients but also of the young who fund it. This hard line bears softening. The Social Security Administration is a blot on the body politic, but although it was an error to create these claims of the old on the young, now that they exist and have been repeatedly validated in a political arena that is far from ideal but not so defective as to merit wholesale rejection, the claims carry moral weight. Libertarians disregard it at their peril.

Libertarianism and Personal Conduct

I turn now to a different family of implications that flow from the conjunction of (L) and (M), implications concerning the personal conduct of libertarians as they warily confront the state and its various bastard progeny. Some libertarians are uneasy about driving on state-funded roads or using the state's postal services. That degree of scrupulousness seems extreme because there does not exist an alternative network of purely private roads or first-class mail delivery. Becoming a libertarian is not — or should not be — a commitment to don a hair shirt. The freeway isn't free; it is funded from coercively extracted imposts. But to regard it as off limits on the basis of moral scruples is a further, self-imposed restriction of one's freedom. So most libertarians will feel few compunctions about driving on an interstate highway or mailing back their sweepstakes entry to Publishers Clearing House.

Somewhat more troubling are activities like vacationing at a national park or attending a concert in a tax-subsidized auditorium. For these there are reasonably satisfactory private alternatives. Is one morally obliged, then, to vacation at Disney World rather than at Yellowstone? An affirmative answer evinces a high degree of scrupulousness. Donald Duck is not a close substitute for Old Faithful. Libertarians should not be required by their principles to lead geyserless lives.

Here is an example that strikes closer to home. Although I believe that there should be no such thing as a state university, I am employed at one. In the United States there exist hundreds of private colleges and universities; perhaps I could get a job at one of them. Failing that, I certainly could secure

some job in the private sector that would afford me a middle-class mode of life. (I have, for example, some cooking talents from which I probably could derive a flow of income.) Nonetheless, I have not attempted to do so. The position I currently occupy is, to the best of my knowledge, the most desirable one available to me. Securing alternative employment would involve bearing a non-negligible opportunity cost, not one so great as eschewing highway use, but nonetheless substantial. Should I, as a libertarian, accept that cost? Similarly, my children have been educated mostly in the public school system. There existed plausible private alternatives, though none that I judged worth the cost. Should libertarian scruples have led me to reconsider this decision?

Formerly I regarded these questions as posing a thorny dilemma for me and, by extension, for other libertarians whose involvement with the state is similarly deep. The response I gave when the questions were put to me, either by some mischievous interlocutor or by myself, was to haul out the "hair shirt" argument, although I had to admit that these particular garments were not insufferably scratchy. And I conceded that if one had the option of taking only slightly inferior employment in the private sector, then it would be an act of bad faith for a libertarian not to do so.

In part as a result of thinking my way through the preceding argument of this essay, however, I have convinced myself that this view was mistaken. Teaching philosophy in a state university is not morally inferior to teaching philosophy in a private institution. Some readers may take that as a reductio ad absurdum confirming the corrupting tenor of my argument. In response I note that even self-serving arguments can happen to be valid.

Libertarianism serves as the optimal solution only insofar as it is embodied within some actual community as its regulative political framework.

Consider the following analogy. The American League has adopted the designated-hitter rule, and the National League has rejected it. Baseball fans often feel strongly concerning which is the better arrangement. Those who oppose the designated-hitter rule tend to despise its effect on the great American pastime. Suppose that you are among their company. If you are offered a job managing a National League team and a slightly better job managing an American League team, do your principles oblige you to accept the former? I do not believe that they do. If you take the American League managerial job, would it then be morally better of you to decline to avail yourself of the option to designate a specialized hitter and instead have the pitcher bat in his spot in the lineup? I do not believe that it would be.

Some will reject the analogy on the ground that baseball is merely a game and thus is not a serious affair for serious-minded adults. That is to betray an egregious misunderstanding of the nature of baseball. I shall not, however, take up that particular cudgel in this essay. Rather, I note that reasonable people can differ concerning the rules under which baseball ought to be played, and reasonable people can likewise differ concerning the rules under which educational services ought to be provided. A disestablishment of education is desirable, but, to my personal and professional regret, the vast majority of Americans reject that proposition. They believe that the common good is better served by systems of tax-supported schools. Their endorsement of public education is, apparently, genuine. It is not just a thinly disguised cover for plundering one segment of the society for the sake of another. ("Public education is theft!" is, therefore, another no-go.)

One who is committed to cooperating with others on terms that all can reasonably — if not joyously — accept may unapologetically act as a consumer or producer of tax-funded educational services. My previous reluctance to accept this conclusion was, I now believe, the result of confusing considerations bearing on how one may permissibly act under a system of rules with considerations bearing on how one may permissibly act with regard to selecting and maintaining those rules. If a libertarian who enjoys a comfortable living within the public sector declines, because she cherishes that comfort, to oppose its extension and advocate its abolition, if she prudently decides to focus her political activities on areas the freeing-up of which will not affect her own welfare, if she refrains from suggesting to her students that she and they are the beneficiaries of an unjustifiable practice of transfers from the less well-off to the more well-off, then she has indeed been corrupted. One need not be so pessimistic as to suppose, however, that such corruption is the inevitable consequence of entente with the overinflated state. Nor, for that matter, need one be so pessimistic as to maintain that the preceding sentence itself necessarily manifests that corruption.

It can be objected that complicity with statist undertakings willy-nilly expresses support for those undertakings. That objection deserves to be taken seriously. To the extent that action under the rules implies or may seem to imply endorsement of those rules, libertarians are obliged to be wary. Conscientious objection and conscientious abstention are, therefore, honorable stances that acknowledge the force of one's expressive obligations. There are, however, other ways in which one can articulately convey one's attitude toward prevailing norms. The concept of a "loyal opposition" has application outside the legislative arena. It may be as difficult for a libertarian who is employed by a public body effectively to display his convictions as it is for a socialist who brings home millions from Wall Street (although, for the latter, the example of Engels is instructive). Difficult does not, however, mean impossible.

Indeed, it can be argued that if libertarians impose on themselves a social apartheid, then they will be less able to make their voices heard in precisely the domain where they are most needed. Nothing is more banal than a farmer plumping for higher agricultural subsidies, steel manufacturers lobbying for quotas on steel imports, educators advocating more dollars for education; but when representatives of these industries urge withdrawal of the governmental teat, that is striking.

Libertarians may, I conclude, honorably avail themselves of governmentally provided benefits. I hasten to add that it is also possible for them thereby to dishonor themselves. It all depends on how the game is played — and on how the

game of choosing the rules of the game is played.

The critic may complain that this is far too undemanding a prescription. Just so long as one footnotes in nine-point type one's demurral from the coercive practices of the prevailing regime, anything goes: are there no limits on the extent to which one may involve oneself in illiberal practices?

There are limits, and these limits are implicit in the model of cooperative libertarianism itself. These limits are not algorithmic; their application requires discernment and sophistication. But, contra those who wish to reduce ethics to an automated decision procedure, the need for discernment is endemic to moral life. Living well isn't easy; so what else is new? For the cooperative libertarian, the task of discernment is to distinguish between, on the one hand, those measures that can reasonably (if mistakenly) be construed as responsive to the interests of all citizens acting within a framework of reciprocity and mutual advantage, and, on the other hand, those policies that are designed to plunder some for the sake of serving the interests or prejudices of others.

To be a libertarian is a doleful fate if it entails despair on each occasion when the vast multitude fails to be persuaded by one's own lucidly compelling arguments.

Because legislative packages do not come neatly labeled as to which of these categories they fall under — rather, because those that ought to carry the second description are invariably packaged under the first — judgment must be exercised. It is therefore neither feasible nor desirable to offer a comprehensive demarcation of clean and unclean here. The following examples are presented as indicative, not clear-cut, and they are intended as a stimulus for further discussion among libertarians, not as the blueprint for a new libertarian paradigm.

One class of governmental enterprises that libertarians need not reject as inherently unacceptable are those that supply public goods. Insofar as their provision serves the interests of all individuals rather than treating some people as mere means for the ends of others, public goods can reasonably be considered fit objects of concern for a polity founded on terms of mutual advantage. National defense is the stock example of a good which, once provided to some citizens, cannot feasibly be withheld from others, and for which the consumption by some does not diminish the amount available to others.

Publicness in this sense is an economist's term of art, and within that context there is ample debate concerning the fine points of the concept. Although these discussions bear significantly on efficiency and equity questions surrounding political provision of items that more or less closely fulfill the criteria of being public goods, they need not detain us here. Arguably public in the relevant sense are police and firefighting services, roads, basic (as opposed to applied) research, environmental protection, and the like.

A second class of activities that may pass the test are social insurance programs. Medicaid for the indigent, unemployment insurance, and food stamps are examples. The argument for governmental provision taps into familiar equity considerations concerning the desirability of a social safety net, but also into somewhat more recherche arguments that attempt to establish that because of moral hazard and adverse selection phenomena, these insurance functions cannot satisfactorily be carried out by means of market arrangements. None of this may make a case for government involvement. The failure is not so palpable, however, as to prevent conscientious libertarians from soiling their hands with such matters. So, for example, a libertarian physician may treat Medicaid patients; a libertarian grocer may accept food stamps.

A third class of activities that may qualify as acceptable are measures that incorporate the practice of moderate paternalism. Some examples are a Food and Drug Administration that rules on the safety of pharmaceuticals, seat belt and motorcycle helmet laws, and forced savings for retirement. At the risk of becoming tiresome, I repeat that I am not hereby announcing myself in favor of such policies. Were I the philosopher-king who ruled America, I would shut down the FDA tomorrow and delegislate mandatory seat belts and helmets the day after tomorrow. But I am not the philosopher-king, and it is a very good thing that no one else is either. Our political order, though far from perfectly liberal, incorporates a much higher degree of consent among moral equals than Plato's *Republic*. For better or worse, the citizenry currently accepts the propriety of making people do some things for their own good whether they want to or not. These paternalistic practices do not constitute a summary abandonment of civility, but rather the adoption of a somewhat inferior version of it.

But a word about the qualifier, "moderate" paternalism. By that is meant measures that impinge on individuals in areas closer to the fringes than to the centers of their lives. If I am forced to buckle up when I drive, that only slightly affects my ability to devote myself to personal projects; if because I have had the temerity to don saffron robes and chant "Hare Krishna" I am kidnapped and subjected to the tender ministrations of the deprogrammer, that impales my pursuit of the good at its heart. No libertarian can conscientiously accord any legitimacy to the latter sort of paternalism.

That brings us to the question of what is beyond the pale of toleration by cooperative libertarians. I can offer nothing more exact than this rule of thumb: all those measures that deliberately or foreseeably trample on the rights-respecting activity of some to advance the interests or designs of others merit all the disdain and noncooperation libertarians can muster. If slavery still existed and enjoyed the support of millions of one's compatriots, it would still be the paradigm of an institution with which no accommodation is possible.

But it is not exactly bold and provocative theorizing to send one's moral principles into battle against Simon Legree. Since slavery is blessedly dormant, the War on Drugs is perhaps the best example of a contemporary practice enjoying wide popularity with which libertarians must conscientiously refuse any degree of accommodation. Hundreds of thousands of people have been jailed for illicit chemical consumption; civil rights have been obliterated by glinty-eyed G-Men; vast areas of our cities have been rendered unlivable

continued on page 51

Lamentation

Mourning an American Icon

by Stephen Cox

The premature death of a presidential icon is a tragic loss that diminishes us all.

The death of John Fitzgerald Kennedy, Jr., so terrible in itself, was rendered still more terrible by the memories it recalled. On hearing the news, I — like most other Americans — immediately remembered all those passings that have touched us so deeply in recent years.

I thought of Michael Kennedy, killed (so sadly and unjustly, by one of the trees he loved) at the age of 39; I thought of his grandmother, Rose Kennedy, who had barely passed her first century of life. And I thought of all those other members of presidential families, inhabitants of the charmed but fatal circle of true greatness, who have given us so much and expected so little in return. I thought of Bess Truman, Richard Folsom Cleveland, Billy Carter. And of course, I thought of Alice Roosevelt Longworth, "America's Daughter."

February 20, 1980 — how well I remember that terrible day. It was one of those days about which people would ask, in the long years to come, "What were you doing when you heard the news?" I was watching *Gilligan's Island.* Suddenly, I knew that something was horribly wrong. There was a disruption in the Force! Quickly, I turned on the radio and waited for the bottom of the news. The news was tragic: Alice Roosevelt Longworth was dead.

Alice Roosevelt Longworth! Daughter of one president, fifth cousin of another. First cousin of Eleanor Roosevelt. Wife of an Ohio congressman. What memories her very name evoked!

Little Alice the tomboy, flying downhill with her feet on the frail handlebars of her first bicycle. . . . Like all the other members of the fabled Roosevelt clan, she had been taught by Teddy, her legendary father, that she must lead "the strenuous life."

Little Alice, too rambunctious to succeed in a public school. . . . She knew already that her life would have some special purpose.

Little Alice, sharing the nation's mood when President McKinley was shot. . . . "Daddy's always wanted to be President," she shouted. "Now he *is* President. Hurrah for Daddy!", and she danced for joy. Only 17 years old — and already the consummate politician.

Unforgettable images of a girl who was, after all, just an American girl, just an All-American Princess.

Alice's wedding in the White House.

Alice's visits with European royalty, who often sought her out.

Alice's innocent mockery of relatives and friends.

America would look back on the days of the Roosevelts as an age of innocence and sophistication, blended as only the great could blend them. No wonder Alice always expressed astonishment that anyone but a Roosevelt should presume to occupy the presidency. As it was said, "everyone knew that Alice wanted a 99-year lease on the White House"— and most people knew that she deserved one. But she left the White House (girlishly putting a curse on her family's successors!) and went on to a brilliant success in that most difficult of all careers, that of Washington socialite.

A lesser woman would have collapsed under the burden. But Alice soldiered on, a good Roosevelt to the end. There were rumors of her husband's appetite for women and alcohol; there were rumors of her own "moral lapses"; but she faced every rumor down. Alice Roosevelt Longworth never faltered in the delicate act of flaunting her family's virtues while concealing its flaws.

Her strategy (always a spectacular success) was to deflect attention onto the flaws of others. Her best weapon was her rapier wit. Of President Harding, she said, "Harding was not

a bad man. He was just a slob." Touché! Of another Republican president, she observed that "the Hoover vacuum cleaner is more exciting." Of yet another: "Eisenhower. A nice boob."

The Roosevelt humor. The Roosevelt zest for life.

"I have a rather mean disposition," she said, smiling gaily. "I *specialize* in meanness." But those who knew her best, knew otherwise. Anecdotes of her kindness and generosity abound. One instance among many: when Robert Kennedy was assassinated, Alice said to her sister, "Why him? So young and attractive." That sums it up.

But neither a Kennedy nor a Roosevelt could be content with leading just one life, however adventurous that life might be. Alice combined her exploits as a socialite with forays into the risky realm of writing. She put her name on the line with a Washington column, daringly entitled "Capital Comment." She put her taste on the line by editing (with her brother Ted), *The Desk Drawer Anthology: Poems for the American People*. And who can forget the brilliance of *Crowded Hours*, her personally authored book of reminiscences, the book that helped Americans survive the difficult days of the Great Depression?

I thought of Michael Kennedy, killed (so sadly and unjustly, by one of the trees he loved) at the age of 39; I thought of his grandmother, Rose Kennedy, who had barely passed her first century of life.

But it wasn't anything specific that Alice did or said; it was her whole being that demonstrated, once and for all, that the American dream was alive and well. Alice Roosevelt Longworth stood for hope.

And always, there was that honesty and courage, that existential willingness to put herself on the line. Who but Alice would remark, "If you haven't got anything good to say about anyone, come and sit by me"? Who but she would call Thomas E. Dewey, the presidential nominee of her own party, "the little man on the wedding cake"? It might cost Dewey the election, but she had the guts to say what must be said.

She had wisdom as well as courage. It was she who observed, "You can't make a soufflé rise twice." Enemies, of course, were many. There are always people who carp at a distinguished record of service, people who think that it must be very easy to be a celebrity if you happen to be the wealthy daughter of a famous statesman. To such critics, Alice Roosevelt Longworth was nothing but "a silly old bat who goes around making nasty remarks." There have always been Roosevelt haters.

What may at first seem surprising is the fact that — in the shock and horror that followed her death, before the television networks had time to assume their role as public educators — there were people who admitted that they had never even heard of Alice Roosevelt Longworth. But this was understandable, of course. Seeker of publicity though she was, Alice had always tried to protect her privacy.

To the great majority of Americans, however, she would always be that little girl who danced and shouted, "Hurrah for Daddy!" It was a snapshot indelibly engraved on the nation's brain. Conscious we were, too, that this little dancing girl was forced to bear much more than her share of personal tragedy. Dying, as she did, at the age of 96 (and how unbearably ironic, that death should claim her just eight days after she celebrated one birthday, and just 357 days before she was scheduled to celebrate another!), she had seen the demise of literally scores of beloved Roosevelts. Her husband had also died.

These were misfortunes that few Americans have ever had to face.

And we must add to the list of sufferings the frustration of her most cherished wish: that her husband would become president and be succeeded by her brother, so that she could enjoy just four more terms as mistress of the White House — "back where she belonged," as her biographer rightly remarks. But it was not to be. The nation preferred a race of lesser men, the Tafts of this world, the Coolidges, the Eisenhowers.

How she bore such griefs, how she kept her childlike vigor and optimism, no one will ever know. Perhaps she took to heart her own maxim about the nature of innocence: "The secret of eternal youth is . . . arrested development!"

Given just a few more years of life, Alice herself might have taken up her family's electoral torch. She might finally have accepted one of the numerous invitations that she received to run for public office. She would have been a shoo-in, for instance, in a contest for Senator from New York.

It is certain that, had she achieved high public office, nobody would ever have gotten her out of it. Of Richard Nixon she said, "Dick is a weaker man than I thought him. Weak, weak, weak! Kennedy *never* would have shilly-shallied the way Nixon is doing. The tapes should have been destroyed and enough of this nonsense!" Insiders think that Alice was weighing her political choices, biding her time, adding to her war-chest, when death so unexpectedly intervened.

It is a fantasy, but an inspiring fantasy, to consider what Alice could have done to reclaim the Roosevelt legacy. The shape and pattern of her politics would of course have been totally unpredictable; any identifiable political platform or ideology was too confining for her free spirit. But how vividly we can picture her standing in the Senate and proclaiming her simple philosophy, so in accord with the spirit of American democracy: "Fill what's empty; empty what's full; scratch where it itches!"

Little Alice, sharing the nation's mood when President McKinley was shot. . . . "Daddy's always wanted to be President," she shouted. "Now he is President. Hurrah for Daddy!", and she danced for joy.

It's true that during the grim weeks following her death, Americans in general were too grief-torn to know exactly

continued on page 51

Essay

Anti-Jefferson, Left and Right

by Timothy Sandefur

Leftists aren't the only ones who hate the man who penned the Declaration of Independence.

A study recently published in the scientific journal *Nature* claims to prove conclusively that Thomas Jefferson fathered at least one child by his slave Sally Hemings. The allegation is nothing new, and the new evidence has attracted plenty of gossipy attention. But in the academic world, the story has taken on greater importance. To many historians, the Hemings story is less interesting for its biographical detail than as a piece of ammunition in an ongoing "culture war."

This war, under the euphemism of "multiculturalism," seeks to impugn such historical figures as Christopher Columbus, Abraham Lincoln, and Thomas Jefferson, or even remove them from the history books altogether, not out of an indignant respect for individual rights, but out of a hostility towards the cultural values which they represent — values which are anathema to the leaders of the multiculturalist left. Those values are reason, individualism, science, progress — or rather, the ethos of the Renaissance and Enlightenment eras, of which these values were a part.

The academic attacks on such classic authors as Shakespeare and Milton, the class textbooks that distort American history to please various politically correct pressure groups, and the claims that Jefferson and Lincoln were racists, are linked by a philosophy which sees history through a lens of tribalism, collectivism, and a traditionalist resolve against the analytic reasoning of individuals.

For a long time, the left has viewed Thomas Jefferson as a man ahead of his time in pushing the class war against aristocracy. But this old Marxist view is now subsidiary to the views of the multiculturalists, who see Jefferson as a vicious racist whose talk of freedom must always be seen as including a racist undertone. When Jefferson speaks of "life, liberty, and the pursuit of happiness," we are meant to keep in mind that he really means "white life, white liberty, and the pursuit of white happiness." It is taken as evidence of the pervasiveness of American racism that he did not find it necessary to include these words. Jefferson's alleged racism is not seen so much as discrediting his personal integrity as discrediting America's founding itself. This is *ad hominem* assertion on a national scale.

Historian Howard Zinn, despite his ridiculous Marxism, keeps Jefferson's struggle with slavery in perspective:

> Jefferson tried his best [to overcome his era's attitudes towards blacks], as an enlightened, thoughtful individual might. But the structure of American society, the power of the cotton plantation, the slave trade, the politics of unity between northern and southern elites, and the long culture of race prejudice in the colonies, as well as his own weaknesses — that combination of practical need and ideological fixation— kept Jefferson a slave owner throughout his life.

This is a far more charitable view than the multiculturalist left often takes. In Ken Burns's recent documentary on Jefferson, historian John Hope Franklin commented:

> The legacy of Thomas Jefferson is a gift and a curse. He's a blessing, in one way, for he gives us many important things that we can hold up as ideals, but he cursed us with a practice of inequality and of slavery, and the denial of justice that can scarcely be erased by anything we can think of.

This is a ridiculous charge. Slavery had existed on the North American continent for two and a half centuries before Jefferson wrote the Declaration of Independence — which included an attack on slavery that others in the Continental Congress struck out. To blame Jefferson for "cursing" America with the practice of slavery is remarkable. But to the multiculturalist left, this makes sense, because Jefferson represents the Enlightenment culture that founded

America, and therefore slavery. That culture is said to be steeped in racism, not only on the surface of political reality, but throughout the social structure, even its epistemology. Reason itself is racist. Biologist Meera Nanda says of the postmodernist left that it

> challenges the belief that a knowing and active subject can, in principle gain access to objective reality. . . . In other words, science's claim to provide a "God's eye view" of the world is a mere ruse to hide its historical, political, and cultural situatedness [sic] in the largely upper class, white, male Protestant culture of seventeenth-eighteenth century Western Europe. Such skepticism about the possibility and (in most cases) desirability of culturally transcendent criteria of truth has become widespread among feminists and other social critics.

To the multiculturalist left, individual actions are culturally determined; thus, what we may refer to as *reason* is in fact only *western* reason, or *white* reason, or *masculine* reason.

To the multiculturalist left, blaming Thomas Jefferson for "cursing" America with the practice of slavery makes sense, because Jefferson represents the Enlightenment culture that founded America, and therefore slavery.

This attitude is shared by a remarkable number of environmentalist, black, and feminist philosophers. Feminist theorists claim that science and logic are products of a male-dominated society and that a female-dominated society would have produced a different *sort* of reasoning. Some black professors argue that black forms of thought are different than white forms of thought. Even homosexuals are in on the work. Professor Robert Corner reports that so-called "Queer Theorists" have "even gone so far as to suggest that identity itself is inherently oppressive," and attack their opponents for "hostilly 'identitarian' modes of thought, which emphasize identity and sameness at the expense of other aspects of experience. . . ." All of this echoes the "Aryan" philosophers who denounced Einstein's relativity theory as the product of "Jewish science," or those communist backers of Trofim Lysenko who denounced practitioners of "bourgeois" science and wrote a "new" biology in accordance with dialectical materialism. Indeed, writes another critic, "The very idea of 'rationality' in fact may have to be replaced by a pluralized concept of 'rationalities' in the post-colonial era."

Interestingly, the multiculturalist left finds itself in agreement here with the academic wing of conservatism. To many conservatives, Jefferson is a violent revolutionary, dangerous because of his corrupting tendency to challenge tradition with reason. Jefferson's attitude towards traditionalist conservatism is summed up in his Second Inaugural Address, where he complains of

> persons [who] inculcate a sanctimonious reverence of their ancestors; that whatever they did, must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger . . . in short, they too have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason, and obeying its mandates.

For some conservatives, society is an organic whole, arising not from a social contract but from a process of sublimation. Cultural relativism lies at the base of the conservatism which holds that values are justified primarily not by such considerations as individual freedom or welfare but by a sort of divine cultural guidance.

James Madison asked

> Is it not the glory of the people of America that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration of antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience?

Many conservatives regard this sort of thing as radical nonsense. Irving Kristol says that "to perceive the true purposes of the American Revolution, it is wise to ignore some of the more grandiloquent declamations of the moment." To many conservatives, the founders are admirable for their piety toward tradition. Some members of the revolutionary generation were indeed pious — John Adams, for instance, or John Dickinson, who refused to sign the Declaration of Independence. Such men often occupy a disproportionately large space in conservative histories of the American founding.

For seminal conservative philosopher Russell Kirk, revolutionary individualism does not lie at the heart of the American Revolution:

> All in all, the Declaration's understanding of "natural law" is consonant with old "right reason," and is not an infatuation with the Goddess Reason whom the French revolutionaries would enthrone. . . . Although the Declaration describes the colonial past only in general terms, it was not by natural law arguments alone that the Patriots could justify their separation from the Empire.

Other conservatives go much farther. It was very telling that when historian Connor Cruise O'Brien published his attack on Jefferson, *The Long Affair*, which accused Jefferson of messianic bloodlust, it was roundly praised in the conservative journal *National Review* by historian Forrest MacDonald, who agreed with O'Brien that Jefferson should be "read out of the American pantheon." Yet O'Brien is not a conservative; he merely sees Jefferson as a "redneck," and an incorrigible hypocrite, indirectly responsible for the Ku Klux Klan, and even the Oklahoma City bombing. To him, Jefferson is the "prophet and patron of the fanatical racist far right in America."

For multiculturalists, Jefferson's whole political personality is seen as bound up in the sexual exploitation of a slave.

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Of course, Jefferson was really a passionate believer in individualism whose Declaration of Independence was very much a product of analytical reason. To some conservatives, western civilization is not justified by its discovery and protection of individual rights; individual rights are justified by their having been discovered by western civilization, or, as Robert Bork says, "for no better reason than that it is a majority" that accepts them. This is not the opposite, but the reverse, of the multiculturalist left; both believe that cultures should be judged, not by universal human criteria, but by a relativism that sees each culture as achieving what is "right for it." What Mary Lefkowitz says of multiculturalism can likewise be said of certain conservative historians. "In traditional historical writing," she observes, " arguments are based on the discussion of evidence. But in cultural history the quality of the argument depends upon its cultural merit."

Like the multiculturalist left, such conservatives may even suggest that the individual's proper role is that of a passive agent of his social structure. Kirk quotes historian Rowland Berthoff: "If men subvert or abandon the values embodied in a well-ordained institutional structure, and so dismantle the social foundations for cultural achievement and spiritual serenity, they proceed at their own grave peril." The proper operation of a culture, considered as a relationship between the "living, the dead, and the yet unborn," as Burke put it, was upset by the corrosive individualism of men like Jefferson.

Fortunately, from the point of view of some historians, his influence was not as large as is commonly thought. Kristol has said that Jefferson "wrote nothing worth reading, on religion or almost anything else." Kirk asserted that "to America, the mentality of the Enlightenment scarcely penetrated." But the multiculturalist is, in a way, more thorough. To him, the Enlightenment remains a potent enemy; it is influential, and it must be stopped. As Martin Lewis writes in an important book, *The Flight From Science and Reason*,

> Most committed Greens [i.e., environmentalist leftists] are also wary of the scientific endeavor, viewing it as complicit in planetary destruction. As one moves towards the more radical fringes, not only science but rationality itself is denounced as lying at the root of humanity's deadly estrangement from the natural world . . . It is now a common article of faith among the most concerned Greens that the very survival of human civilization, if not life itself, depends on a wholesale rejection of science and reason — on a repudiation of the Enlightenment project that alienated us from nature and set us on a course of accelerating destruction.

Where does Sally Hemings fit into all this? To the multiculturalist left, she represents a more literal version of feminist Sandra Harding's characterization of Isaac Newton's *Principia Mathematica*, which she called a "rape manual," guiding the scientist in a process which is much like "marital rape, the husband as scientist forcing nature to his wishes." Similarly, Jefferson's whole political personality is seen as bound up in the sexual exploitation of a slave. Jefferson's position as *the* Enlightenment figure in America can thus be seen as inseparable from his ownership and exploitation of slaves, and the Enlightenment can be dismissed accordingly.

Conservative writer Dinesh D'Souza describes a conversation he had with some thoroughly indoctrinated college students: "On Jefferson, the three were agreed: he was, in various descriptions, a 'hypocrite,' a 'rapist' (an apparent reference to Jefferson's alleged relationship with a dark-skinned woman), and a 'total racist.'" Jeffersonian principles of individualism, reason, science, and private property, all become tainted. Black historian Henry Louis Gates Jr. argues that racism is "a consequence of Enlightenment philosophy and humanism." During this era, he writes, "racism and — dare I say it? — *logocentrism* marched arm in arm to delimit black people in the most pernicious way." He warns that black intellectuals must avoid defending the Enlightenment's faith in universal human reason. To do so, he writes, would "allow our discourse to be incorporated into the discourse of Europe and then to be naturalized (seemingly) and colonized." Blacks must "beware of the neocolonial wolf, dressed in the sheep's clothing of 'universality.'"

What damns Thomas Jefferson in conservative and multiculturalist eyes alike is his appeal "to all men and at all times," and not to the considerations of race, class, and sex, of which the left approves, or to the "whispers of dead men" that the conservative hears.

The Jefferson debate arises from a relatively recent split between the old Marxist left, which still respected progress, science, and reason, and held to Marx's original line about the gradual progression towards communism, and the new, more romantic, multicultural left, which sees in science, reason, and progress the dangerous roots of individualism, capitalism, and environmental destruction. As one commentator puts it:

> Joining the recoil from Marxism is the much longer intellectual indictment of the entire epistemological and ideological underpinnings of the Enlightenment in which Marx's writings are embedded. In this criticism, the roots of rationality have been argued to be nothing more than a set of moral fictions that underwrite power and domination.

Were the anti-Jeffersonians motivated merely by a hatred for slavery, libertarians could hardly object. And it is doubtful that Jefferson himself would object. He said of slavery that it was "the most unremitting despotism. . . . I tremble for my country when I reflect that God is just: that his justice cannot sleep forever." But that's not where it stops. Kirkpatrick Sale, a radical environmentalist, writes, "Nothing less than a drastic overhaul of this civilization and an abandonment of its ingrained gods — progress, growth, exploitation, technology, materialism, humanism and power — will do anything substantial to halt our path to environmental destruction. . . . " Note what must be abandoned: values that lie at the heart of Enlightenment culture ("exploitation," of course, is a leftist buzzword for "division of labor"). Stewart Brand, writing in *Whole Earth Catalogue* follows the path still farther: "We have wished, we ecofreaks, for a disaster or a social change to come and bomb us into the stone age, where we might live like Indians in our valley,

continued on page 52

Hanoi Jane, the Gipper and Me

by Sarah McCarthy

How strange is an odyssey that begins as volunteer chauffeur for Jane Fonda and ends with support for Ronald Reagan and writing for *Liberty*?

If I were a pie chart, I would be about one-half libertarian, give or take a slice or two, one-quarter conservative and one-quarter liberal. I see myself as a dimmer switch (and sometimes just a dim bulb) trying to adjust political positions like the fine tuner on a TV. In the 60s and 70s, I was a socialist-feminist-peacenik, trusted enough among Movement Heavies to be chauffeur-for-a day for Chicago Seven radical Tom Hayden and his wife Jane Fonda. Fonda sat disdainful in the back seat of our Ford Fairmont station wagon munching on celery sticks, raw carrots and plain cold tuna out of a baggie, not saying a word to any of us all day, not even to her husband. Hayden, despite being a Chicago Seven radical, was bouncing around like an eager puppy in our back seat trying to jump through hoops for his wife. "Look Jane," he said enthusiastically as we zoomed through the streets of Pittsburgh, "the steel mills here look just like Liverpool, don't you think?" Jane made no response unless she just gave a slight nod of her statuesque head, which I could have missed from my vantage point in the rearview mirror. Perhaps she was saving herself for the moments when she came alive on stage.

Jane was in town to promote her new film, *Nine To Five*, about bosses who are insensitive to their underlings, and to do an anti-nuke speech at Carnegie-Mellon University. Jane, a full-blown egalitarian activist, couldn't even be bothered to say "Thanks" when she exited our car after a day of volunteer chauffeuring in which her life (and ours by association) had been threatened in a bomb scare, photos of our license plate had been snapped by a man who'd followed us to each stop, and after we'd been nearly stampeded in an alley by a crush of fans! But that was cool. In those days, I was just happy for the adventure of being around the Movement Heavies, the downside of which is relatives becoming suspicious that you know more about things in the news than you actually do. When Patricia Hearst was kidnapped by the Symbionese Liberation Army, my mother-in-law called to say that she knew I knew where they were holding Patty.

In the 70s, we heard Angela Davis and some other dashika-clad communists with Afros, who all had names like Rasheed, speak in Pittsburgh where they assured us that the Vietcong were "humanitarians" with daisies in their gun barrels. I read *Soul On Ice* by Eldridge Cleaver and felt sorry for poor black Eldridge because all his jailhouse pin-ups were of white girls! (Was I stupid or what???) I even had a copy of the *Eat the Rich* cookbook, a recipe book for dishes like Rockefeller Stew, Barbequed Capitalist Pigs and other class-envy concoctions. I couldn't help noticing that Leftists would forgive you anything except being rich. Such were my radical credentials that I considered the Chicago riot at the Democratic Convention to be a "police riot" (which it probably was) and subscribed to *MS.* the same year that body hair was declared to be the "Last Frontier." So deep and widespread was the socialist consciousness and class envy in America that I knew someone who accused a struggling small-business owner of feeding her employees dog food. "What do you do besides this?" I was asked by a feminist who was pointing at my two toddlers, and, in a precursor of the O.J. verdict, I heard a bunch of my white, middle-class Leftist friends defend a black kid who had raped and murdered a young white girl on the grounds that he was a member of an oppressed group.

I was there listening when the radically pacifist Berrigan brothers said it was against the principles of non-violence for women to fight back if raped, and was asked not to come back to a NOW group on the grounds that I was "too

Catholic" after I (mildly) disagreed with a woman who said she considered a fetus to be like a cancerous tumor. I hung out at a socialist bar/restaurant, Wobbly Joe's, run by The New American Movement, and watched it shut down because they couldn't afford pay raises or health benefits for their employees. Their socialist customers threatened to stage a boycott if the price of beer was raised a nickel.

Always intrigued by interesting times, I considered much of this stuff to be harmlessly fascinating, sometimes light-hearted fun to be taken with a grain of salt, and sometimes serious learning experiences and cultural work. The leftists that I knew were right about many things, well-intentioned, good people whose excesses (and my own) I now see as naive and misguided. Though some went too far in their critique of America, they were totally unlike the people David Horowitz describes in *Second Thoughts About The Sixties* as dangerous and manipulative radicals like the red diaper communists and Black Panthers who were perceived as idealistic revolutionaries but were in reality more like common street gangsters.

Fonda sat disdainful in the back seat of our Ford Fairmont station wagon munching on celery sticks, raw carrots and plain cold tuna out of a baggie, not saying a word to any of us all day, not even to her husband.

The meaning of the word liberal drifts and changes through the decades like ship smoke on the horizon (I can still quote Pink Floyd) but one thing most of us can agree on is that it went too far . . . way too far, and that most liberals have never given any serious thought or have any understanding of the other side of the story. Most liberals don't even recognize that there *is* another side to the story.

As the 70s rolled on into the 80s, I began to see things differently. Liberal-socialist Marxist theories were no longer just theories out there on the lunatic fringe, but had taken hold and were becoming so widespread that they actually began to undermine the economy and security of the United States. Things had become precarious. Despite repeated warnings from its management, I was shocked when U.S. Steel began to collapse under the weight of the crushing reality of government regulations and the relentless onslaught of big labor. In Pittsburgh, we thought U.S. Steel was omnipotent and would always be there, but just like Gulliver, the steel giant had been roped and tied, and was brought to its knees. Instead of merely harmless Davids bearing slingshots, unions, government agencies and other opponents had brought down Goliath, rendering U.S. Steel too weak to compete with the Japanese. The United States was suffering runaway inflation, out-of-control interest rates that reached 19 percent, increasing joblessness, out-of-control crime, and threats of terrorism. We needed a new sheriff, and we got one Ronald Reagan, who declared Carter's decade of malaise to be over. With an optimistic tough guy in the White House, it was Morning in America!

Reagan UN appointee Jeane Kirkpatrick, tough and defiant, was the first person in a long time who refused to be guilt-tripped by Third World socialist types and their American fellow travelers who had paralyzed the United States from within and without. Kirkpatrick correctly denounced them as the Blame-America-First crowd. No matter what happened, it was "Amerika's" fault. A former peacenik protester sickened by the bloody mess of the mismanaged Vietnam War, I cheered when Reagan sent two fighter planes to surgically remove a plane from the skies that was carrying the terrorists who had thrown a wheelchair-bound American into the ocean from the deck of the Achille Lauro cruise ship. Reagan's action was a symbolic act but in a country whose military had been rendered incompetent, impotent, shamed and emasculated, it was a breathtaking maneuver. Shortly thereafter, Reagan sent a much needed missile into the compound of Libyan premier and terrorist supporter Muammar Ghadafi.

The American economy, helpless and sagging, weakened by taxes, big government regulators and big unions whose demands were relentless, was given a jump start. Reagan lowered taxes and fired the illegally striking members of the Air Traffic Controllers Union whose salaries were in the $150,000 range in today's dollars. The firing of the air controllers was so symbolic that a decade later, Bill Clinton, in one of the first acts of his presidency, rehired them. Clinton was right to identify the firing of the striking air controllers as an event that marked a major cultural shift. Standing up to labor unionists, all of whom were to be considered poor, aggrieved and therefore unquestioned holders of the moral high ground, was unheard of.

Despite all of this, I'm afraid my own Leftist economic fog might not have lifted had I not had the concurrent experience of managing a small restaurant that Hillary Clinton would have called "undercapitalized." "I can't go out and save every undercapitalized entrepreneur in America," said the First Lady in 1993 while promoting her wildly expensive health care plan. A simple lesson that is obvious now, but wasn't obvious then: One cannot always be compassionate in business, cannot always grant raises, benefits and cushy jobs and remain functional. In a start-up small business, financial discipline and the need to discipline employees is taught firsthand, a process that can be as unforgiving as a ride through the rapids in a lifeboat. Bizarre as it may sound, it was like an internal taffy pull for me to twist myself out of a pro-worker, socialist mindset into a boss who had to throw uncooperative people off the sinking lifeboat. When he fired the striking air traffic controllers, Reagan gave me the moral courage to do what I had to do. Reagan had dealt fatal body blows to socialist thought which had been winning the culture war at home and abroad.

I hung out at a socialist bar/restaurant, Wobbly Joe's and watched it shut down because they couldn't afford pay raises or health benefits for their employees. Their socialist customers threatened to stage a boycott if the price of beer was raised a nickel.

Though feminists would never give him credit, Reagan made groundbreaking appointments of women to high office: Among others, the first female Supreme Court Justice, Sandra Day O'Connor, Dr. Jeane Kirkpatrick as UN ambassador, and Peggy Noonan as his head speech writer. Shocking as it may seem to some, in the days when feminism was about achievement, breaking down overly rigid sex-role behaviors for both men and women, and opening up choices — in contrast to feminism's current Cult of Victimization which focuses on little more than whining and punitive-damage lawsuits — it could well be said that Reagan shared many goals with feminists.

In the 80s, inspired in part by Reagan, many conservatives and libertarians found new hope and courage. Previously silenced by a juggernaut coalition of socialist, Leftist economists, feminists, Afro-American lobby groups, government workers, trial lawyers, unions and academics, conservatives and libertarians found their voice and brought forth a creative burst of new theories, new books, and radio talk shows that posed serious intellectual challenges to the Left. Conservatives and libertarians began writing about issues like fatherless homes, the dangers of single parenthood, the initiative-destroying welfare system, the dangers of too much regulation, litigation and taxation, the importance of private property rights and retaining the constitutional right to bear arms, the fight against speech codes, the destructive power of the victim industry and many other breakthrough ideas. The intellectual Right had delivered some heavy duty shots across the bow of the intellectually bankrupt Left who believed in little except big government solutions to everything, redistributive economics, class envy and an endless array of overwrought and petty racial and gender grievances.

But, on the other hand, (And shouldn't there always be an "on the other hand," in any sophisticated study of culture and political events?) there is no single political philosophy that can provide answers to all problems. Though the Free Market has a solid record of providing the greatest benefits and the most freedom to the greatest number of people, when I had to fire unproductive employees, some of whom were too old, too weak or tired, to do the heavy lifting necessary to save a struggling small restaurant tottering on the edge, I was intensely thankful there was a government to catch them in its safety net. An "undercapitalized" small business cannot sustain people who are old or sick and remain functional, but society-at-large can. The United States is wealthy and productive enough to voluntarily join in a social contract to help those who have fallen through the cracks if we so choose, and the majority does so choose, but how to help without destroying incentives of both taxpayers and beneficiaries is the question. While fully aware of how quickly "kinder and gentler" politics transforms itself into "compassion fascism," governmental compassion should be a part of any well thought out political philosophy.

In the 80s in the restaurant business in what seemed like an epidemic, I ran into many young guys who had wrecked their lives with alcohol and drug abuse. These drug users were not like the leftists I knew who smoked grass at Moody Blues concerts, but young blue-collar guys whose lives were out of control due to heavy use of cocaine, heroin, LSD, Quaaludes, ecstasy, and God knows what else. Their young lives were a trail of broken marriages, abandoned children, overdoses, drunk-driving arrests and lost jobs. On the issue of hard drugs, I am a conservative.

Though self-help groups like AA and Narcotics Anonymous appear to have the best record in helping drug abusers, many libertarians recognize that some "faith-based" agencies can be as oppressive as the government kind, especially when churches are on the receiving end of huge amounts of government cash through tax exemptions, vouchers or grants. Even when faith-based organizations are not the recipients of the forcible taking of others' property through taxation, there is often enough coercion and faith-related intimidation to make many of us uncomfortable with that brand of compassion.

The religious branch of conservatism is especially harsh to women. Author Alice Walker once wrote that a woman alone with one child is handicapped, but with two she is a sitting duck. A person enslaved to biology cannot experience liberty. Faith-based organizations often deny not only abortion information to a woman in serious need, even to one who has been raped or who has a life threatening illness, but even birth control or family planning information. Government blindness to biological gender inequalities is a government in denial. In his book, *Culture of Complaint*, Robert Hughes writes that when someone lays siege to an abortion clinic and declares himself to be "pro-life," you may be sure that he's not:

> worrying about the life of the scared pregnant teenager; what is at stake is not so much the survival of the fetus, as the issue of how much male control over the bodies of women this society will grant. For without the right to choose abortion over pregnancy, the ideal of equal opportunity for women fails; the involuntary mechanism of ovary and womb will always hamper their pursuit of degrees, appointments, jobs and free time."

Jane, a full-blown egalitarian activist, couldn't even be bothered to say "Thanks" when she exited our car after a day of volunteer chauffeuring in which her life (and ours by association) had been threatened.

Few would seriously argue as my radical feminist friend once did, that the destruction of a fetus is equivalent to the removal of a cancerous tumor. Abortion should always be a matter of grave moral choice, but this choice must be made by the mother, not by the state. Pro-lifers and churches have done their best work at saving babies through education and persuasion rather than by forcing women to continue unwanted pregnancies. The following speech by Ronald Reagan, ironically titled "A Time To Choose," or "The Speech," — the one that propelled him into the national spotlight, was delivered in 1964. Though the speech was not meant to apply to the abortion debate, its principles apply there as elsewhere, and define many of the political and cultural arguments that continue to this day:

> This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the

continued on page 46

Survey

The Academic Marketplace Today

by Richard Kostelanetz

To gain an education about higher education, start with the right lingo. Here's a helpful word: *schnorr*.

Some four decades ago, two academic sociologists named Theodore Caplow and Reece J. McGee published a remarkably illuminating book about American universities. Pointedly titled *The Academic Marketplace* (1958), it regarded our institutions of higher education as falling into four classes — major league, minor league, bush league, and Siberia. The last consisted primarily of community colleges and small denominational schools that required heavy teaching loads from their instructors without caring about whether they ever published anything and were thus, as institutions of learning, extensions of high schools. They represent Siberia on the academic map because few, if any, individuals teaching at that level would ever rise out of them.

A major-league university was one that could steal a prominent professor from another major-league university. Minor-league universities are defined primarily in relation to major league places: they got only the rejects from the major leagues, though a minor-league university became major through enviable steals. When New York University began hiring nationally prominent faculty two decades ago, a new status was bestowed upon an institution that was clearly lesser-leagued a decade before. A mostly minor-league university could have a major-league department if the department could steal in ways that the rest of the school could not. One way in which major and minor resemble each other, while differing from those below, is emphasizing research in both hiring and promotion.

Those who didn't get major-league tenure would customarily end up at a minor-league school, while those minor-leaguers who wrote prominent books or did prominent research would often be promoted to a major-league school. Forty years ago, Brown was Harvard's minor league; the four-year colleges comprising City University had a comparable relationship with Columbia. Similarly, the lesser California state universities were Berkeley's minor league.

Bush-league schools, not to be forgotten, exist largely within their own world. Because the gulf between bush and minor is greater than that between minor and major, it is rare that someone moves up from lesser state schools (such as teachers' colleges and former teachers' colleges) and truly provincial smaller colleges. If they move at all, it is from one bush-league school to another, as a friend of mine has gone in the past decades from Davis-Elkins College in West Virginia to the University of Evansville and now to Georgia Southern, notwithstanding his publishing the definitive book on French visual poetry.

When *The Academic Marketplace* was taught to me, the professor could think of only one example of a teacher moving out of the bush, and that occurred a few years before when a historian at Long Island University went directly to Columbia after publishing a best-seller about the Spanish Armada. Perhaps a decade ago a friend who had published both poetry and scholarship moved from the same L.I.U. to the University of Oklahoma, probably minor league, only because, so he told me, he agreed to assume the chairmanship that nobody already there wanted. He didn't go up or across again.

The quadripartite distinction remains valid, even though most professors, when told about it, are understandably inclined to rate their schools a rung higher than they are. When a dean at a state university told me that his university was minor league, rather than bush, I asked whether he could think of any colleague who left his school for a higher level. When he could only identify people who moved across the bush league, I knew his estimate was inflated. Similarly,

when another friend insisted that her small college was "major league," I asked again about people who left. By citing several who went on to "research institutions," as she called them, she had defined her school as minor, if not less.

I was reminded of the Caplow-McGee book when sociologist Dennis H. Wrong published a front-page article in *TLS* (formerly the *Times Literary Supplement*) implying that the old distinctions are incomplete. As he wrote me, "The stratification is, if anything, much steeper, but there have been a variety of new and formerly obscure institutions, mostly in the Sunbelt, that have lured away some quite big names with money and other perks, including, I suppose, the warm climate. This process has made the rank order much more complex." Maybe yes, maybe no. No bush-league university became minor, let alone major, by stealing a retiree, his prominence notwithstanding, simply because, to recall the measure of mobility, he won't be going anywhere else before retiring again. Nor will any of his colleagues be moving up solely because of that retirees' affiliation.

While a minor league university may become major, it is rare for a bush-league school, even with the best of intentions for raising its status, to get out of the bush.

While a minor league university may become major, it is rare for a bush-league school, even with the best of intentions for raising its status, to get out of the bush. A state university near a ten-month beach recently inaugurated two chairs — one in the humanities, the other in the arts — that paid in the six figures annually, in addition to offering an equally generous budget for the chair-holder's professional projects. Among the finalists for second chair was an English-lit professor best known for his interest in earning more money than anyone else, a famous hyperactive feminist, a prominent art historian who writes prolifically on contemporary art, and a woman known only to a few as "a personally abrasive feminist sociologist." The finalists for the arts chair included a film documentarian who had won an Academy Award, an artist-writer prominent in several domains, and a pianist internationally renowned. Since the humanities chair went to the least-known candidate, while nobody got the arts chair, this university failed to raise its status, not to mention its visibility (and incidentally disappointed its donor). While you can only guess how such opportunities are undermined, the truth is that without moxie, a pile of money and warm weather are not enough.

Beyond Mobility: Public-Private Differences

What I think is missing from Caplow-McGee's rankings, as well as Wrong's more recent critique, is a distinction that cuts across them. Universities that are privately funded differ crucially from those that receive most of their funds from state and local governments. Economically, which is a good place to start, private and public universities are essentially different businesses. The financial aim of the former is separating well-to-do people from large amounts of money, whether as parents of customers or donors, in endless schnorring (which is Yiddish for begging). The job of its president, in addition to administration that is customarily delegated to the provost, is to create a product that will entice big bucks and, even better, allow his university to constantly escalate tuition and fees. This escalation in private university costs depends upon the myth that attending "a good college" is necessary for social survival, if not success.

To keep his institution solvent, the private-u president must be in tune with fashions among people wealthy enough to afford his product, which is to say the moneyed classes. Among the changing fashions were emphasis upon the teaching of classics a century ago against more attention to pop culture today, heavy reading a few decades ago and less reading today, anti-Semitism a half-century ago and political correctness today, required daily chapel attendance a few decades ago (this is hard to believe now) against nothing comparable today, sexual suppression a half-century ago and polysexual tolerance today. After all, were a university to neglect such fashions, were the myth of "a good college" to explode, the worst thing that could happen is that no one would show up to pay tuition. (Continue to escalate the costs, and this may eventually happen anyway.)

A few private universities compete for big bucks by differing in one or another current fashion — say, more stringent parental rules, a more classical curriculum, more required religious observance, less sexual tolerance — but one truth common to all these unfashionable institutions is that they need a wealthy clientele. Without enough bucks they would go the way of Black Mountain College, which was, after all, a legendary art school. The private college president resembles a stockbroker or an art dealer who likewise succeeds by amicably extracting large amounts of money from otherwise value-conscious benefactors.

Perhaps the best qualified person to head a public university would be not an academic at all, but a lobbyist.

When I arrived at a second-level Ivy four decades ago, with tuition only a minuscule fraction of current rates, the dean gave a reception for us and our parents, I assume in retrospect to reassure them about their investment and to make himself available for any letters of concern. ("Dear Charlie," you could imagine one writing, "Remember meeting me last September. Well, my son Jimmy. . .") Such private-u solicitude accounts for why some parents of recent alumni of my college could tell me that its president "is doing a good job," indicating that their sense of the man justified their expenditure, apart from the intellectual quality of the education or its effect upon their children, and thus that the president had sold himself to them much as a successful mutual fund manager or high-end automobile dealer would. (You wonder why the private-u doesn't put its president's face in its promotional ads, much as mutual-fund directors or Cadillac dealers do.)

The chiefs of publicly funded institutions should be, by contrast, more skilled at hustling governors, mayors, and leg-

islators, none of whom have to dip into his own pockets for the money he gives to a school. These latter schnorrers depend upon the myth that university education should be made available to as many Americans as possible, or at least as many constituents as possible. (During the 1970s, I'm told, no one could get elected to the Puerto Rican legislature unless he advocated creating a local branch of the state university.) In that respect, public university presidents resemble the heads of other institutions claiming to benefit everyone at government expense — hospitals, social-welfare agencies, public libraries, prisons, and the military. It's hard to imagine them cultivating tuition-paying parents. Nor would the public-u parents necessarily know who their kids' college president is, while the football coach, who is probably better known, would be more effective at schnorring private money, in this case only for the university's team.

Perhaps the best qualified person to head a public university would be not an academic at all, but a veteran lobbyist. No wonder that the new chief of the University of Massachusetts was previously the president of the State Senate, William "Billy" Bolger, who established his new office not on the campus but in downtown Boston near the state legislature.

Certain hiring practices reflect the difference. When a branch of New York's City University recently hired a prominent French AIDS researcher at a salary considerably higher than the norm, even for a "Distinguished Professor," its president obviously intended not to please the students or the alumni, who don't give much money anyway, but the media, and thus their readers and, by extension, publicly elected officials to justify this school's payroll. No private university could pay this guy's salary without earmarked beneficence from an alumnus or another private entity.

Acknowledging this economic distinction, I wonder whether professors at private colleges don't differ mentally from those working at public universities, and whether they differ in more ways than they are probably aware (or are commonly known). Let me offer a few distinctions I've observed. Professors at the former are likely to show more loyalty to their institutions and their purposes than those at public places. That accounts for why even the busiest of them can be enticed to speak gratis at alumni functions. Private-u profs are less likely to flunk a weak student partly out of the recognition that their university would then be losing his or her parents' money. Consider the relationship of this reluctance and the pride that Ivy schools often take in how few of their students leave before graduation.

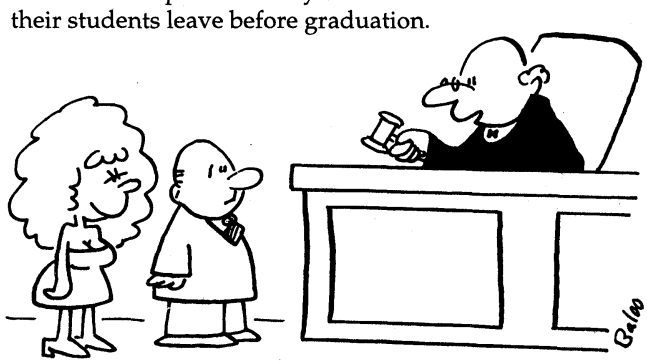

"I'm going to let your wife off with a warning, Mr. Digby, but I'm afraid it's the death penalty for you."

It is indicative that the highest professorial and administrators' salaries occur at private colleges, whose chiefs need to persuade only a board of wealthy trustees, rather than state officials, of anyone's greater worth. (One truth familiar here is that rich people are more predisposed to help aid the should-be-rich than those genuinely poor.) The kind of cushy contract that Maya Angelou has at Wake Forest, say, would be impossible at a public university if only because public and legislative support for black women celebrities, even in North Carolina, is less than that for an internationally renowned AIDS researcher. (And thus while Angelou might generate some negative yahoo press that a private university can safely ignore, the latter appointment does not.)

When certain prominent professors who were socialists in their youths said they would prefer to work at public universities over private, it is reasonable to ask why they would rather take money from taxpayers over rich people.

Peculiarities of Public Universities

Given that public universities were created to teach those unable to afford private colleges, it is reasonable to wonder why the former should compete with private employers for star researchers by offering them high salaries and reduced teaching loads. It's hard not to sympathize with those tightwad legislators who complain about extravagance at the public trough. When certain prominent professors who were socialists in their youths said they would prefer to work at public universities over private, it is reasonable to ask why they would rather take money from taxpayers over rich people. Top administrators at state universities should be less concerned with enticing faculty into fund-raising than with getting them to keep their noses publicly clean. God forbid that any professor should do anything that seriously offends legislators or their constituents. I've heard of a state university in Florida whose administrators' greatest fear is that pro-Fidel professors would upset legislators dependent upon Cuban immigrants' votes, and I wonder if a state university in Utah could survive with too many vociferously anti-Mormon faculty. Prominent professors at public universities are paid roughly as much as those at private places, in a false competition, because the former do little, if anything, to increase the value of the university with its primary benefactors (the legislators) or its potential students. They apparently suffer no more guilt about ripping off the public than do other civil servants.

It is harder for presidents at public universities to budget and to plan because legislators are forever adding and cutting money according to their last-minute whims. (To keep private donations apart from public funds, they often need to create "research foundations" that are wholly controlled by the school.) My friend Ronald Sukenick, who has taught at both, suggests, "At a private university, you're your own boss; at a state university, you feel like a worker in a produc-

continued on page 52

Letter

Out of South Africa

by Jim Peron

Now that South Africa has majority rule, the media suggest, it is full of hope, stability and prosperity. The situation looks vastly different to those who actually live there.

First, a bit of good news.

South Africa held its second "democratic" election June 2. By manipulating the rules for voting, the ruling African National Congress (ANC) legally eliminated over 1 million voters, most of them white. The predictable result was that the ANC won reelection with a greater majority than in the first election. In its drive to consolidate power, the ANC targeted the libertarian-leaning Democratic Party (DP) as its enemy and expressed affection for the former apartheid dictatorial National Party (NP). Top ANC officials repeatedly denounced the minuscule DP as "racist" and part of a white conspiracy to return apartheid as official policy. The DP argued that apartheid hadn't been abandoned at all, and that the ANC was now using similar laws to take over every aspect of civil society.

Curiously, considering the ANC's denouncements, the DP had been the center of white anti-apartheid activism before the first election. As such, it was a confused amalgamation of conflicting ideologies ranging from socialist to libertarian. Anti-apartheid sentiments glued this odd coalition together. In the previous election the DP only managed to gain slightly under two percent of the vote. It had no clear perspective on the issues.

Since then, DP leader Tony Leon and a handful of policy advisers pushed the party in a libertarian direction. For instance, in this election the DP campaigned for the complete privatization of public schools and the abolition of affirmative action laws. It attracted a large amount of support from the gay community and was regarded as the bastion of support for free enterprise.

The NP, no doubt infected with huge amounts of guilt over its apartheid-era sins, had barely acted as an opposition party to the ANC government after the ANC's victory in the first election. The tiny DP filled the opposition role unofficially, a fact that was widely apparent. This time, though, the NP lost over half of its supporters and imploded into a shadow of its former self. The DP increased its vote total to just under ten percent and went from five MPs to 39.

This massive shift to the DP was best exemplified by election results in the former NP stronghold of Pretoria. In the June 2 election not one voting district placed the NP in first place. Every district either supported the ANC or the DP. The NP was relegated to the status of a minor regional party with the bulk of its support coming from the Cape coloureds. The Inkatha Freedom Party, which came in third behind the DP, received almost its entire support in KwaZulu Natal. The upstart United Democratic Movement performed dismally, with most of its support coming from the region where its leader had been the former military dictator.

Contrary to ANC claims, the DP attracted relatively good multiracial support. It won some support in black areas of Johannesburg, took a majority of Indian neighborhoods around Durban and also did well in some coloured areas in Johannesburg. A survey by the Human Services Research Council found that one in ten DP supporters is black, while the ANC barely has one percent of white support. The DP also attracted the support of an organization founded for the unemployed. While the black elite are benefiting from ANC affirmative action policies and labor laws, the mass of poor blacks are suffering even more. In its first term of office the ANC managed to destroy in excess of 500,000 jobs. This is a country with a population of about 40 million people, so 500,000 represents a huge loss.

Today, the DP and ANC are the only two parties that received support across the country. When the election totals

were finally announced, the DP became the Official Opposition. And now it faces the real challenge. Many new DP voters do not understand the party's support for free enterprise and civil liberties. The DP MPs are a relatively decent lot of individuals, but there will be a lot of pressure for them to act like the old Nats. Meanwhile the old Nats are saddling up to the ANC and making political kissy face. Post-apartheid South Africa is a strange place, indeed.

On the Other Hand

And now, the bad news.

Fully three-quarters of all well-educated individuals, according to a survey recently conducted by the *Sunday Times*, were contemplating emigration. Predictably, government partisans dismissed the survey as unrepresentative.

Democratic Party leader Tony Leon and a handful of policy advisers pushed the party in a libertarian direction. For instance, in this election the DP campaigned for the complete privatization of public schools and the abolition of affirmative action laws.

The accuracy of the *Times*'s survey was bolstered by the results of another survey conducted by the Institute for Democratic Alternatives for South Africa, which found that 65 percent of "skilled" workers were considering emigration from South Africa.

The results of these surveys confirm what the World Competitiveness Yearbook has been saying. Its study ranked countries by the proportion of well-educated people who were thinking of emigrating. South Africa ranked 42nd out of 47 countries, just five spaces ahead of last-place Russia. Less than two in ten educated South Africans were planning on staying in the country.

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Other reports show that government figures regarding emigration are highly suspect. Official South African emigrants do not total up to official South African immigrants in other countries. The South African Institute of Race Relations found, for example, that far more South Africans officially moved to Australia than officially left South Africa.

Senior economist Tony Twine of the Econometrix research group says the surveys confirm "what people have been saying for years." They reveal a large trend of "semigration," in which people emigrate but hide the real reasons. People leave under the pretext of going on vacation to escape South Africa's overbearing currency controls.

This voluntary brain-drain is exacerbated by the involuntary deportation of thousands of whites, some long-term residents.* Over 1,000 physicians were ordered to leave the country, while at the same time the hospitals were short staffed. In just five years the public hospital system has completely collapsed. Fees for immigration have been radically increased for anyone seeking permanent residency, to discourage the migration of educated individuals into the country.

On the other hand, the ANC had a different policy when it came to black "illegal" immigrants from neighboring countries. In its first term as the ruling party, the ANC offered these immigrants "free" citizenship. Over 300,000 new voters were added to the rolls, most of them guaranteed to be life-long ANC supporters.

The explanations for racial disparities in immigration policy are obvious. By forcing educated whites out of South Africa, the ANC creates more elite positions for its supporters. And educated individuals from European countries are more likely to find ANC policies repugnant and offensive. They complain far too much to make the ANC happy. Plus many white immigrants are staunch DP supporters. With its policy of watered-down racial cleansing, the ANC increases its own support, rewards its followers, and reduces criticism of its illiberal policies.

Of course, any idiot can see that South Africa's brain drain, combined with the ANC's racist immigration policy, will be deleterious to the nation's economy. The *Global Competitiveness Report*, published by the World Economic Forum, finds South Africa sinking in its global competitiveness rating. Last year South Africa ranked 42nd out of 59 countries surveyed. In the current survey South Africa plunged five spots to 47th.

The fact that ANC policies favor a number of radical trade unions that are part of the coalition government isn't helping much. The World Economic Forum ranked South Africa dead last on labor regulations, labor/employer relationships, work ethics and hiring and firing practices. This union-inspired regulatory straitjacket has managed to reduce total jobs in the country by 500,000. This out of a total working-age population of about 20 million.

With the rise of the libertarian-leaning DP in South Africa, those South Africans interested in personal freedom have something to cheer about. The only question is: Will ANC policies destroy South Africa before DP sensibility prevails?❑

*The author, who has lived in South Africa for eight years, has been told by the government to leave the country. No reason was given and he was told that he had no right to an explanation. The matter is still being negotiated through attorneys hired for this purpose.

Rediscovery

In Search of Lysander Spooner

by Randy Barnett

The most individualistic and radical of all 19th century American anarchists has been nearly forgotten, but traces can be found, if you look hard enough.

The most striking thing about Lysander Spooner (1808–1887) is neither his curiously picturesque name nor the long, imposing beard of his most famous portrait — it is his legacy as an ancestor of the modern libertarian movement and his idiosyncratic career as a lawyer, abolitionist, entrepreneur, and anarchist pamphleteer. I think so well of Spooner's essay *No Treason: The Constitution of No Authority* (1870) that I regularly assign it to students in my jurisprudence classes and my seminar on constitutional theory. Three years ago I also became enamored of Spooner's earlier work on constitutional interpretation, *The Unconstitutionality of Slavery*, which appeared in two parts in 1845 and 1847. In this book Spooner argued with surprising persuasiveness that slavery was unconstitutional, notwithstanding the original intent of the framers or ratifiers of the constitution, and those passages of the document itself that apparently refer to and sanction property in men.

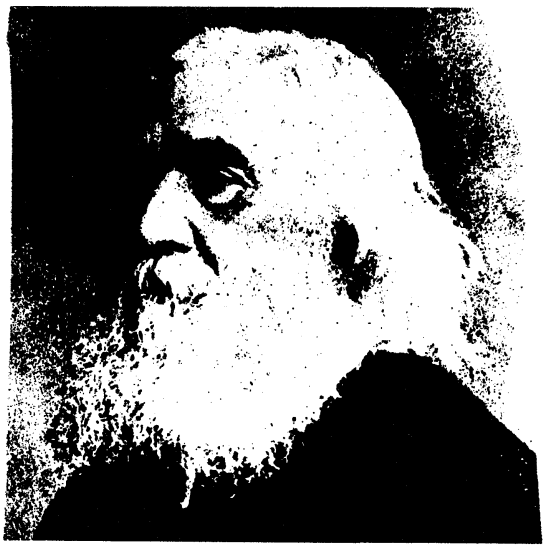

Lysander Spooner, 1808–1887

A year later, when I was invited to deliver a lecture at the McGeorge School of Law in Sacramento, I decided to devote both it and a subsequent article to Spooner's theory. The *Pacific Law Review* generously agreed to publish an abridged version of Spooner's original work along with my essay.

While preparing the lecture, I became aware that Spooner had written all of his works in rural Massachusetts and Boston, and that he was buried in Forest Hills Cemetery in Boston. I resolved to visit these sites as soon as possible. I am not sure why I was driven to go in search of Spooner and trace his footprints in Massachusetts. Perhaps it was because I had admired Spooner for so many years. Perhaps as a law professor in a generally left-wing academy I wanted to emulate his courage and solitary fortitude in the face of a hostile intellectual environment.

So last summer my wife Beth and I finally made the trip from our home in Newton. The grave is located in the oldest section of Forest Hills, the Field of Ephron. According to cemetery officials, Spooner was buried above another person, one Lucy A.B. Calhoun, who had died some 40 years earlier and who apparently bore no relation to him. The grave had gone unmarked until 1974, when Carl Watner, publisher of *The Voluntaryist*, thoughtfully arranged for the placement of a simple brass plaque, which reads:

Lucy A. B. Calhoun
LYSANDER SPOONER
To live honestly is to harm no one and to give everyone his due.

My first sight of the grave was disappointing. Between two

substantial granite tombstones lay a plaque embedded in concrete, flush to the ground, beneath the grass line, invisible to anyone who was not deliberately searching for it. The absence of any information about Spooner, even his date of birth and death, seemed far too modest even for this modest man. After lingering for a while and taking some photographs, I returned to the office and inquired about the possibility of adding a more fitting and informative marker.

Having located Spooner at the end of his life, Beth and I wanted to investigate his place of birth — Athol, Massachusetts. It was there, while living on his father's farm, that he wrote his book on slavery. It was there, too, that he founded the American Letter Company to compete with the U.S. Post Office, and where he wrote his pamphlet condemning the unconstitutionality of the postal monopoly.

Spooner argued with surprising persuasiveness that slavery was unconstitutional, notwithstanding the original intent of the framers or ratifiers of the constitution.

Athol is a rural blue-collar community, population 11,451, 70 miles west of Boston. Even before my trip to Forest Hills, I had not expected to find much, if anything, of Spooner's legacy in Athol. I had found a listing for the Athol Historical Society, but when I called, no one answered the phone. So I called the local library. It had some sort of file on Spooner. The librarians insisted that I should call a local historian and retired newspaper reporter named Richard Chaisson. I did, and Chaisson's voice boomed ever the receiver. "Oh, Lysander!" he exclaimed. When I told him I was coming to Athol to find Spooner's birthplace, he said cheerfully, "You know, the house is still standing. It belongs to a very nice couple who have restored it." I asked him if there was any marker designating the place as Spooner's birthplace. "Someone from New Hampshire talked to the owners," he replied, "but he wanted to play up Spooner's anarchism, and I think they were not entirely comfortable with that." He gave me directions to the house and told me he would leave his files for me at the library's help desk.

It was a bright, beautiful July day when Beth and I headed for Athol. As we drove, I began to realize just how remote Spooner's upbringing had been. Seventy miles from Boston seemed a long way, even at the rate of 60 mph (well, make that 70). It was hard to imagine him writing his 300-page scholarly broadside this far away from the libraries of Boston, where he would eventually do his later work.

We pulled off Route 2 onto Petersham Road. There, at the second building from the exit ramp, we found the designated address, 559, and the house itself. Beth and I approached the building slowly, examining it from the street. It was a two-story colonial with gray, worn clapboards. Sitting along a busy highway, it was hard to picture as the remote farmhouse it was when Lysander Spooner was born.

I knocked on the door, feeling a bit sheepish about disturbing whoever might be home; but for a long time there was no answer. I thought for a moment that we were out of luck when the door opened and a tall, youngish man in a T-shirt and jeans appeared. I identified myself as a law professor from Boston University and explained the reason for our visit. He seemed guarded and asked a few questions. When I mentioned that I had been a criminal prosecutor in Chicago, a smile broke out on his face. "Hey, I'm a cop. Come on in." Under the circumstances, it was an ironically friendly greeting for two anarchist-hunters to receive.

Andy Paton showed me around. He told me how he and his wife Elsa had exposed the original hand-sawn beams and the floorboards— boards so long and wide that no modern Massachusetts tree could furnish them. He explained how the house had been subdivided into two dwellings and how the original center chimney had been removed and along with it, much of the support for the structure and roof. We examined every room, even the large airy attic. I could see how he had reinforced the roof after jacking up the center of the house, which had been on the verge of collapse when he and his wife bought it.

As we were taking our tour, his wife returned. When we explained our interest, she searched for photos of the restoration, and she happened across the clearest, most detailed copy of the only picture of Spooner that I have ever seen. "The one where he looks like Walt Whitman," she said. She had two copies and insisted that I take one. She also produced an extra copy of a book on local landmarks, which featured the "Lysander Spooner House."

I discovered that the Patons hadn't known that Spooner had lived there when when they bought the place. They still knew little about him except that he had started a mail service that competed with the post office. I went to the car and retrieved a six-volume set of the complete works of Lysander Spooner, and placed it on the large dining room table that the Patons had made from spare floorboards. They seemed awed by the green volumes spread out before them. I opened volume 4 to *The Unconstitutionality of Slavery*. "Spooner wrote this in this very house," I told them. It was a moving moment — for everyone, I believe. Spooner had returned to his home.

The absence of any information about Spooner, even his date of birth and death, seemed far too modest even for this modest man.

We had been there an hour and a half, and I knew that Andy had to get to work, so I thought we ought to go. Before we left, he retrieved a metal container from somewhere and showed me the contents: original handmade nails that had been removed during the renovation and that dated to the time the house was supposed to have been built. "Take some," he said. I did. Then Andy took us on a short tour of the property, showing us the original post road that ran by the house. Spooner's company had used this road to carry letters in violation of federal statutes; for doing so, his employees had been prosecuted as criminals. Behind the house, we saw a beautiful lake that had been created, much later, by damming a river. The couple's large, gentle, dog, which Andy used for K9 rescue work, trotted right in and

swam around the shaky pier on which we stood.

As we said our goodbyes on the front porch, I broached the subject of placing a marker in front of the house and told them I thought of describing Spooner as a "Lawyer, Entrepreneur, Abolitionist, Scholar, Legal Theorist, and Anarchist." When I said the last word, Andy smiled and said "yeah, all right" or words to that effect.

He told me that he had considered having the house registered as a historic landmark but did not want to put up with the restrictions that such a designation imposed. I assured him that Spooner would not have wanted his home listed with the government and believed strongly in property rights. I also said that Spooner would want the house to be lived in precisely as they were doing, making it *their* home. Andy seemed relieved. It was as though Spooner himself had given his blessing to the Patons's endeavor.

Beth and I then drove from the house into Athol. I was struck by the distance between Spooner's home and even this small town. Athol is by all accounts economically depressed, but I found it more quaint than run-down. Beth and I had planned to eat what by now would be a very late lunch at the restaurant in town that Elsa had recommended, but before doing that, I decided we should get the file from the library to study while we were eating.

When I identified myself to the woman at the desk, she directed me to a man sitting at a nearby table. It was Dick Chaisson, and he had been awaiting our arrival. A not-so-old New Englander who, by his own account, had never in his life traveled beyond the region, Chaisson had been a local reporter and he was eager to talk about Spooner. He showed me his file, a collection of tiny folded clippings and notes on three-by-five cards in a grey cardboard box. Each clipping was filed in chronological order. He told me to take any duplicates, and that by doing so I would be doing him a favor.

I examined the clippings as we spoke. Unfortunately, there was little new information. Most of the newspaper stories he had written were about Spooner's mail service. The articles shied away from Spooner's politics, though not completely. One clipping by a local historian and antique dealer described Spooner's stamps. And there was a fascinating copy of Spooner's obituary from the *Boston Daily Globe* lengthy, detailed, remarkably accurate, surprisingly laudatory. It closed with the comment of Boston poet John Boyle O'Reilly, who described Spooner as one of the greatest men the world ever saw, a man whose nature was so large and whose love for humanity was so great that he distinguished no race or creed or nationality. In his own way, in his humble living, as an anchorite, Spooner made his beneficence felt on every hand; yet few had ever heard of him, and fewer still were privileged by his acquaintance. O'Reilly called Spooner's loss to the country the greatest since the death of Emerson. He prophesied that a monument would be erected to perpetuate his memory within 20 years, or 50 at the farthest.

That was not to be. The world continued to move away from Spooner's views. A century had to elapse before his

In Memory of LYSANDER SPOONER 1808-1887

Help the World Remember a Giant of Liberty

He was a giant of 19th century individualism, and a forebear of the modern libertarian movement. Lysander Spooner's achievements in the name of individual freedom and natural rights were momentous. He bitterly opposed slavery; he believed that juries should judge both facts and law; and he established the American Letter Company, which successfully competed with the U.S. Post Office until the federal government outlawed his business.

Sadly, Spooner's final resting place is marked only with a simple name plate. He deserves more. Which is why the Liberty Foundation has launched a campaign to raise donations to erect a monument to Spooner at his grave in Forest Hills Cemetery in Boston. Donations represent both an acknowledgement of Spooner's contributions to liberty, and of the rich history that libertarians boast.

Donations of all sizes are welcomed. Special gifts are available for those who donate the following amounts:

$100 — a reprint of "Was Slavery Unconstitutional Before the Thirteenth Amendment?: Lysander Spooner's Theory of Interpretation," by Randy Barnett

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ideas would even begin to come into vogue, a century in which the great socialist experiment that was beginning when he died was finally shown to be a catastrophic failure.

Near the end of our visit with Chaisson we had an exchange that left Beth and me amused. On the phone, Chaisson had told me of a letter to the editor strongly protesting one of his articles about Spooner because it glorified an anarchist. As I perused his files, he told me the story again. Just before we parted I read the letter. In fact, its author was clearly an anarchist or radical himself. His opening line, which went something like, "I never thought I would see the day when an article favorable to such a radical," etc., was clearly facetious *praise*. And for all those years, Chaisson thought he had been criticized for going too far. My suspicions about Chaisson's political bent tended to be confirmed by this, though I also suspected that it confirmed his status as a genuine liberal. He had promoted Spooner *in spite of* his politics. His approach was most commendable, and all too rare among the press today.

Shortly after our visit to Athol, we found the apartment house on Beacon Hill where Spooner lived during his last days, and where he died. It is now thoroughly converted from the rooming house it had once been into a stately, but undistinguished, three story apartment building. It's within a short walking distance of the Boston Athenaeum where Spooner wrote his more radical tracts during the last half of his life. (Locations and directions to all the Spooner locations can be found on the Lysander Spooner web page at www.lysanderspooner.org.)

Now we had seen where Spooner was born, where he worked, lived, and died, and where he was buried. We had shared for a while the circumstances of his life; and thus, in a way, we had come to know him better. The influence of a great mind transcends all circumstances; but knowing the circumstances can make the influence even more profound. I now feel even closer to the brilliant and headstrong lawyer, scholar, and theorist from the backwoods of Massachusetts. And I will always treasure the nails. ❑

McCarthy, "Unravelling," *continued from page 37*

American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves. You and I are told we must choose between a Left or Right, but I suggest there is no such thing as a Left or Right. There is only an up or down. Up to man's age-old dream the maximum of individual freedom consistent with order or down to the ant heap of totalitarianism.

The Founding Fathers knew a government can't control the economy without controlling people. And they knew when a government sets out to do that, it must use force and coercion to achieve its purpose. So we have come to a time for choosing. We are for a provision that destitution should not follow unemployment by reason of old age, and to that end we have accepted Social Security as a step toward meeting the problem.

You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done. ❑

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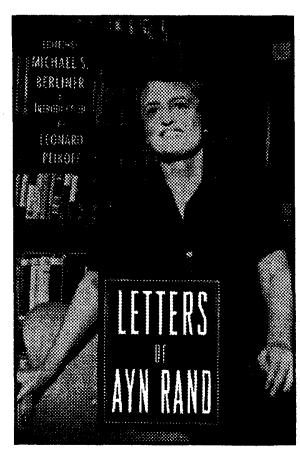

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The Search for Ayn Rand's Russian Roots

by Chris Matthew Sciabarra

All anyone knew about Rand's education in Leninist Russia was what Rand told her friends — until the Soviet Union collapsed and its archives became available. But there are still those who want to keep her years in Russia secret . . .

In the early 1990's, my research for *Ayn Rand: The Russian Radical* was aided by an extraordinary historical opportunity. As the Soviet Union collapsed, its archives were slowly opening to the eyes of scholars. In my efforts to probe these archives, I was fortunate to find — and gain — the cooperation of such historians as Boris and Andrew Lossky, sons of the distinguished philosopher, N. O. Lossky, with whom Ayn Rand claimed to have studied in her first year at Petrograd University. Boris, in particular, had close contacts with high officials at the Academy of Science Library for Scripts and Rarities. In July 1992, the Leningrad State University records were searched by the director of the archive administration and the vice director of the department dealing with the exchange of documents. N. T. Dering and L. V. Guseva discovered the college dossier of the young Ayn Rand — sealed with the official university stamp of the Archive Administration for the Committee of the People's Council of the Leningrad Region, the State Central Archive of the October Revolution and the Building of Socialism in Leningrad!

For all its fancy inscriptions, however, the document did not include any information on Rand's coursework, grades, or teachers, but it did provide some interesting facts: I discovered, for instance, that Rand's full name was Alissa Zinovievna Rosenbaum. It had been reported by Barbara Branden, in her biography *The Passion of Ayn Rand,* that Rand's father's name was Fronz. My discovery of Rand's patronymic, "Zinovievna," indicated that her father's real name was Zinovy. The dossier also detailed the year of Rand's birth (1905), and her enrollment in the three-year program of the *obshchestvenno-pedagogicheskoe otdelenie* or Department of Social Pedagogy in the College of Social Sciences. That department contained the historical and philosophical disciplines, and often prepared students for careers as social science teachers. The document listed Rand's date of entrance as 2 October 1921, and her date of graduation as 15 July 1924.

I was dismayed that no information existed on Rand's actual courses or professors. Hence, it was incumbent on me to reconstruct the historical record by my own effort in an attempt to resolve certain paradoxes concerning her education. The results of that reconstruction appear in the book, but some of my conclusions created controversy. For example, Rand recollected to Barbara Branden that she had studied with Lossky in her freshman year (1921-22). I discovered, however, that Lossky's life had been shattered when the Soviets had allegedly barred him from teaching at the university during that very academic period. In addition, Lossky suffered from ill health in the fall semester, and it seemed unlikely that he could have taught any courses at that time.

Before receiving the dossier, I had written Leonard Peikoff about this historical problem. Contrary to the public assertions of John Ridpath (*Intellectual Activist,* January 1996), that Peikoff's response was "dismissive," I received what I believed to be a promise from the Estate. Peikoff explained that the Estate was compiling Rand's biographical data and that if anything relevant turned up with regard to the Lossky-Rand connection, he would notify me. Hardly dismissive. I remained hopeful.

As my explorations continued, I discovered two interesting facts. Rand had claimed to have befriended Olga Nabokov, the sister of Vladimir, Russian writer of *Lolita* fame. Boris Lossky was also friends with the Nabokovs. He suggested that for Rand to have been classmates with Olga,

she would have had to have attended the Stoiunin gymnasium, a school founded by his maternal grandparents, N. O. Lossky's in-laws. Lossky actually taught logic and philosophy courses at the gymnasium from 1898 to 1922.

Eventually, I was led by Vladimir Nabokov's biographer, Brian Boyd, to Olga's surviving sister, Helene Sikorski. Helene confirmed that she and her sister Olga had attended the Stoiunin gymnasium during the period in question. My conclusion was that Rand had also attended this school, and that she most likely learned of the famous Lossky while enrolled there.

Another interesting fact that I uncovered pertained to Lossky's status at the university. Apparently, he had not been barred from teaching. He had simply been transferred to a university annex, the Institute for Scientific Research.

The Ayn Rand Institute's restrictive policies are compelling scholars to expend their time, energy, and money in an effort to get documents that already exist within the Institute archives.

The Soviets were disturbed by Lossky's anti-materialism and anti-communism, but their censure of him did not preclude him from continued lecturing. Unfortunately, any courses that Lossky may have taught at the annex were untraceable in the Lossky family "red-book." Boris suggested that this lack of evidence in his family's archive raised doubts about Rand's claims. Still, some of Rand's recollections were in accord with Boris's formal records. In the end, I gave Rand the benefit of the doubt, and accepted her version of the story as the best available explanation.

The reactions to this historical conclusion were mixed. Some praised my detective work and meticulous scholarship, while others condemned the results as fiction. A few of my critics had an ideological ax to grind: they simply could not accept that Rand had actually learned anything of value from her teachers, and if this required them to damn Rand's own recollections of the period, so be it. After all, I had offered Lossky as a symbol of a profoundly dialectical tradition in Russian scholarship, and I had insisted that virtually all the professors in the Leningrad history and philosophy departments of the period were of the same tradition. In essence, I declared, dialectics — with its contextual analysis of dynamic structured wholes — was in the intellectual air, and Rand had breathed its insights, absorbing its organic methodological techniques, even as she rejected the entire mystic, collectivist, and statist substance to which these were wedded.

But just as my critics were unsatisfied, so was I. I knew that somewhere more information existed, and it was only a matter of time for this information to surface.

Nearly two years after the publication of my book, I came upon an item in the May 1997 issue of *Impact*, newsletter of the Ayn Rand Institute. In discussing the possible origins of Rand's chosen name, "Ayn," the newsletter reported: "Last month, Michael Berliner was looking at a copy of Ayn Rand's university diploma and transcript from St. Petersburg (recently acquired by our Archive)." I was both stunned and ecstatic. Could it be that the long lost transcript of Ayn Rand had finally surfaced?

I had benefited from some dealings with the ARI in the past. In fact, in the aftermath of my book's publication, I received several letters of appreciation from ARI associates, who were impressed with the seriousness that I brought to Rand scholarship, even though they disagreed fundamentally with my approach. I even arranged for their use of a photograph of N. O. Lossky taken from my book, facilitating Boris Lossky's permission for such use in the Paxton documentary, "Ayn Rand: A Sense of Life." I was pleased to see both of us acknowledged in the credits of that Oscar-nominated film. Moreover, in the April 1997 issue of *Impact*, the Institute posted notification of my 16-page "objective" Rand biographical entry in the 1996 *American Writers* encyclopedia (though they never actually mentioned who *wrote* the entry). I was hopeful that further contact with the ARI could be fruitful.

I called the Institute and spoke with an individual connected to the archive project. Yes, the ARI had secured two versions of the transcript, with not much difference between them. I explained to the Institute archivist that the transcript was of enormous historical value because it would help us to substantiate whether Rand had actually studied with Lossky. But the archivist did not notice any listed courses on the history of ancient philosophy, the Lossky class that Rand claimed to have attended. And it did not appear that Lossky's name was even in the document, he said. In fairness, however, all of the professor signatures, allegedly inscribed after each course listing, were illegible, I was told. If Lossky's signature was actually on the transcript, it could not be deciphered. Perhaps I was correct in my thesis that this course was untraceable, the archivist suggested.

He seemed persuaded, however, that, with the Institute providing me with a copy of the document, I could marshal my own resources to probe its mysteries so as to gain important insight into Rand's college education. I told him that time was of the essence. I knew that both Boris and Andrew Lossky were in the twilight of their years, and that the former was now ill, residing in a Russian nursing home in Paris. I was blunt: "When these individuals die, a world dies with them." I proposed to act as a scholarly liaison, to work with the Losskys and with several other colleagues, including the distinguished philosopher George Kline, in an effort to preserve the integrity of the historical record.

I was told, in essence, that the Institute did not want me to ever write on this subject. In other words, I was supposed to do all the detective work, provide the ARI with the results of my research, and never benefit from it personally.

Nevertheless, the Institute was concerned that I would publish my work on the transcript prior to the publication of its authorized Rand biography, for which my research would be used. I assured them that if they wanted to make the "big splash" with this information, I would wait for them to

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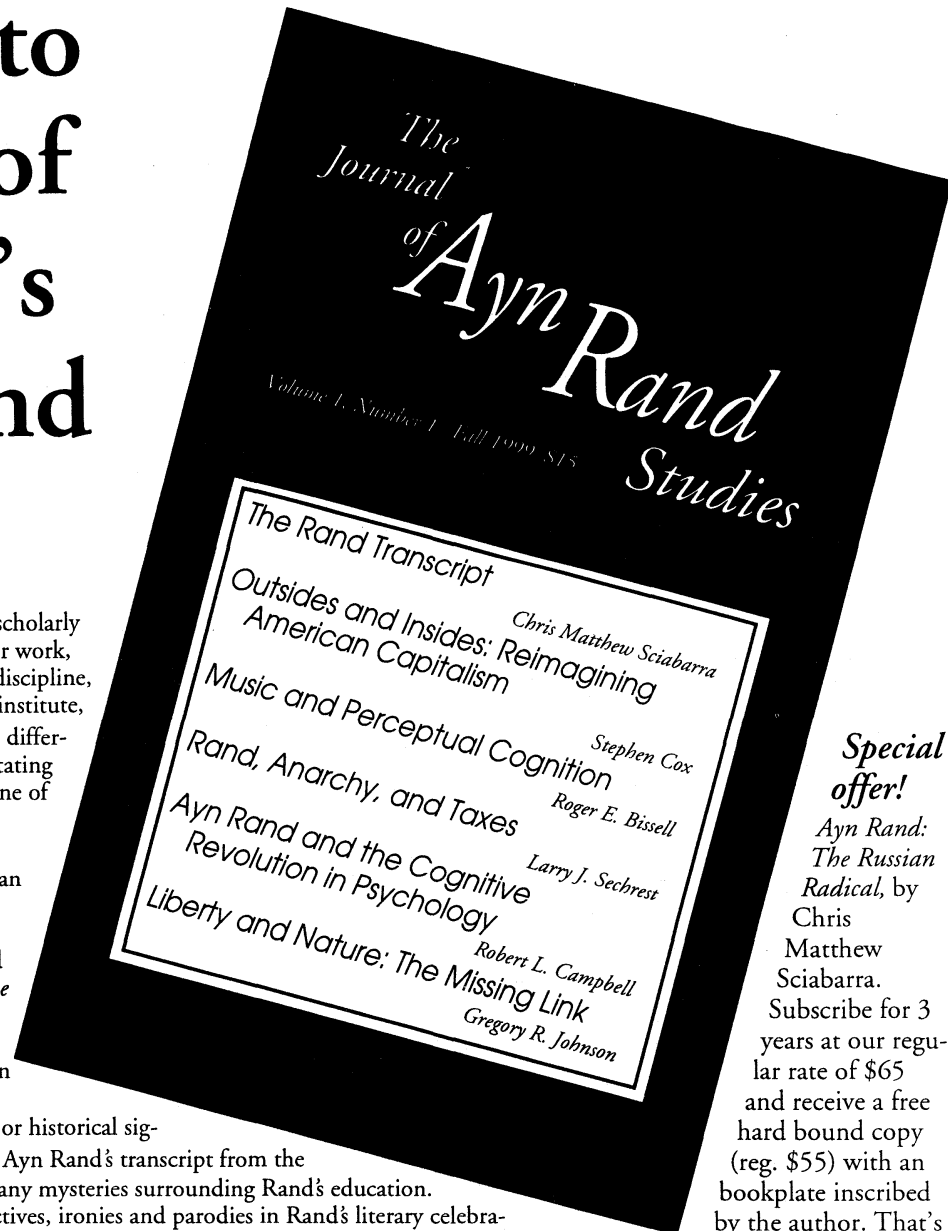

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publish it first. In any event, I explained, anything that I might publish — whether as an article or as an appendix to an extended second edition of *Russian Radical* — would be more of an interpretive, rather than a purely journalistic, essay on the transcript's contents.

It took weeks for us to hammer out the terms of a formal agreement. I sought no compensation for my work. I stipulated that I wished to retain the right to publish my own reflections on this material at a later date. I also insisted on an acknowledgment, in print, in their projected biography, for any material that I might specifically uncover.

Literally minutes before faxing me the document, the Institute wanted one last assurance. I was asked to sign a written guarantee that neither I nor George Kline nor Boris Lossky would publish the transcript or any articles about it. I was puzzled. My colleagues had never expressed any interest in publishing anything about this transcript. Yet, since I was not their agent, I could not bind either of them *legally* on such grounds. I assumed that the Institute wished to prevent publication of transcript information prior to the release of its authorized biography or an alternative negotiated date. My assumption was incorrect.

I was told, in essence, that the Institute did not want me to *ever* write on this subject. In other words, I was supposed to do all the detective work, provide the ARI with the results of my research, and *never* benefit from it personally. I wondered aloud: "Have you ever heard of the trader principle?" There was no response.

By the end of June 1997, our negotiations collapsed. I was told that since neither Lossky's name nor his course appeared to be in the transcript, there was really no reason to pursue this joint project any further. I was disappointed, but not surprised. I told the archivist explicitly that since the Rand transcript was a matter of public record, nothing could stop me from finding it on my own.

Finding it, however, proved nearly impossible. Boris Lossky's health had deteriorated, and I was unable to locate his colleagues from the university archives. Several other foreign correspondents could not find the document. Still others were asking for enormous sums of money to move the project forward. Hopeful leads disintegrated. After nearly a year and a half, I still had nothing to show for all my efforts.

And then, suddenly, there was a breakthrough. In October of 1998, with the help of a growing international network of committed individuals, Rand's transcript was discovered among the papers of the Central State Archive of St. Petersburg. It took phone calls, faxes, travel, patience, persistence, time, and money to get an official university copy of a document that the ARI had had in its possession for more than 18 months, a document that the Institute was unwilling to share because of my refusal to sign an agreement that would have demanded the abdication of my responsibility as an historian.

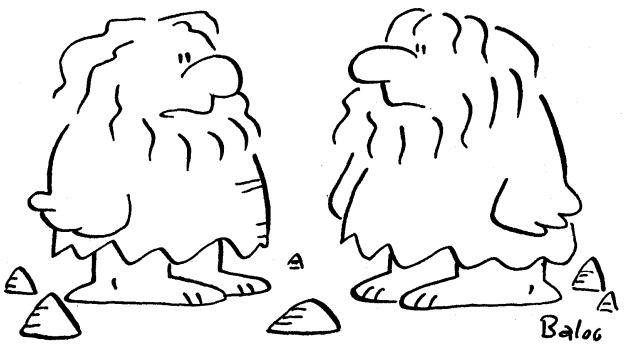

"I'd rather worship rocks — trees can give you *splinters*."

In the end, I suppose, some things turn out for the best. I now enjoy regular interaction with colleagues who constitute a model for joint intellectual ventures. By sabotaging our proposed cooperative project, the ARI undermined its own ability to decipher the transcript and its encryptions. Its associates saw no apparent evidence of Lossky or his course because they didn't know what to look for. I am happy to report that the transcript includes additional evidence in support of my historical contentions. My contact with Russian archival and historical specialists today has provided even more evidence, not only of the Lossky connection in particular, but of Rand's dialectical education in general. The results of my investigations will be published in the premier Fall 1999 issue of *The Journal of Ayn Rand Studies.*

In October of 1998, with the help of a growing international network of committed individuals, Rand's transcript was discovered among the papers of the Central State Archive of St. Petersburg.

Unfortunately, the lapse in time — from May 1997 to October 1998 — had its costs. Andrew Lossky passed away. And Boris Lossky, now in his late nineties, was simply not in a position to offer much additional reflection on the document. This is tragic, for nothing can substitute for the eyewitness accounts of those who were Rand's contemporaries at the university, and who may have shed additional light on the transcript.

There are essential issues in Rand scholarship that cannot be avoided. While the Ayn Rand Institute has no moral obligation to share any of its documents with anybody, it remains a repository for most of Rand's papers. Its archives include a wealth of material relevant to Rand studies. When I visited the Institute facilities for a brief, but fascinating, tour in April of 1999, I was told that the archives were still not open to the general public or to scholars, and that access to them was restricted to those working on Estate-approved publications. The Institute has yet to enunciate a policy of access for independent scholars in pursuit of legitimate research. Given my own extensive work on Rand's education, however, and my discovery of certain alterations in Rand's published journals, I expressed to the Institute my concern about the accuracy of the historical record.

More importantly, I am concerned that the Institute's restrictive policies are compelling scholars to expend their time, energy, and money in an effort to get documents that already exist within the Institute archives. How many more lost opportunities will there be? The future of Rand scholarship is at stake. And so is truth. ❑

Cox, "Alice Roosevelt Longworth," *continued from page 30*

how to express their grief. In those days, too, Americans lacked the healthy custom of visiting the various sites connected with a deceased individual's life (house, office, favorite parking spot) to deposit flowers and poems and balloons and beanie babies and other heart-felt tokens of remembrance. And that's too bad — Alice would have enjoyed her quota of votive . . . teddy bears!

Yet a few representative Americans, caught on camera in the act of paying their respects, really spoke for everyone. "I don't know anything about her," one woman said. "But I just can't stop crying." A man confessed, "I can't handle my emotions. She was much closer to me than any of the people I actually know." Many said, "There was something about her . . . the electricity . . . you could feel the aura when she passed. I saw her once, and she changed my life."

Public mourning in those days was more restrained than it has since become; but even then, as on more recent occasions, the life of the nation was visibly altered. Conversations seemed more muted; traffic moved more slowly, thoughtfully; the giddy games of childhood, touched by the reality of death, assumed a haunted quality. Overheard in a subway station in New York City: "Things just don't seem right these days." That was the kind of impact that Alice's passing had.

Meanwhile the tributes poured in, tributes from both the humble (the "rancid American people," Alice had affectionately called them) and the great. With the latter, especially, she shared a deep sympathy and understanding. This is what she said, for example, about the Kennedy family, whom she likened appreciatively to "the Bonapartes":

> I like the Kennedys. I have an affection for them. . . . What an extraordinary upbringing they had. Everything was put behind the boys so that they could concentrate on power and success.

I can think of no more fitting tribute, to either Alice or her beloved Kennedys. As the poet Heine said, "the peaks of the mountains see each other." ❑

Lomasky, "Libertarianism," *continued from page 28*

by fallout from the battles.

To be sure, drug crusaders have offered rationales for these policies, rationales that invoke time-honored moral concepts. Some drug warriors profess that by threatening to lock up drug users and then carrying out those threats, they are acting for the sake of the users' good. It is a wondrous if not entirely benign feature of human lips that they can be employed to say virtually anything. This is one of those cases where discernment is needed to distinguish between the plausible and the pathetic. The level of discernment that is needed to see through the various drug czars' rhetoric does not, I confess, seem to me to be great.

Whether it is great or small, though, I do not see that a conscientious libertarian can have any truck with this crusade. One may not relieve oneself of the burden of one's unpleasant neighbor by informing the authorities where he keeps his stash, and one may not become one of those authorities. Period.

Similarly, a libertarian cannot tolerate practices of punishing individuals for "victimless crimes." Nor can censorship from the religious right or the feminist left be accepted. Insofar as these are attempts to impose on individuals one's own conception of what is good and proper by making it too costly for them to hold on to their own conceptions, these practices cannot with any credibility be understood as passing the test of cooperating for mutual benefit with one's moral peers. These are the acts of would-be moral superiors imposing on their inferiors.

Enforced monopolies, coercively extracted rents, and restraint of competition are other clear-cut instances of plunder and, as such, are to be afforded no credibility. In a world distinctly suboptimal from a libertarian perspective, it may be impossible entirely to avoid their embrace without simultaneously donning the hair shirt (recall the example of the monopoly post office), but what libertarians may not do is endorse these, through word or conduct, as even plausible simulacra of policies reasonably conceived as respecting the interests of all citizens.

Could it not be objected that all of these measures are widely approved by the general public, the same general public toward whom cooperative respect has been urged? The short answer is: Yes. But how can one continue to display moral respect for those who have been gulled by the Drug Warriors, the vice-squad gendarmes, and the import restricters? The short answer is: With considerable difficulty. The somewhat longer answer is to respond to the question with another question: What is the alternative?

If the alternative is tacitly or openly to enter into a state of war with those majorities, then the choice of alternatives is truly momentous. One must not only realistically consider one's own prospects, to cite a 1996 sub-1 percent libertarian candidate, of finding freedom in an unfree world, but one must also attempt accurately to reckon the costs of foregoing cooperative activity with the exasperatingly nonlibertarian many. That, in turn, involves considering whether they suffer from localized and remediable patches of unreasonability or whether these are global and terminal. Someone who stodgily and unreflectively takes the president at his word that it is a good thing to continue to imprison pot smokers (presumably only those who inhale) is not automatically to be lumped with the fervent Nazi who willingly bore great hardships so as to be able, even as Allied boots could be heard in the distance, to continue with his mission of gassing Jews.

To be a libertarian is a doleful fate if it entails despair on each occasion when the vast multitude fails to be persuaded by one's own lucidly compelling arguments. It can, however, be a matter of some joy if one conceives oneself as a participating member of a society of mostly reasonable and civil individuals, enjoying in virtue of one's libertarianism a perch of honor in its 99th percentile. ❑

Kostelanetz, "Academic Marketplace," *continued from page 40*

tion line." From this follow different ways of treating colleagues and students. "You relate more vertically to the deans above you than horizontally to colleagues beside you or students, especially if you want to do anything," he continued. "There is less fraternity at public universities."

As a guest lecturer at schools across the country, I'm often struck by how often established professors at public schools don't know others of comparable eminence outside their department. At more than one place I've had the opportunity to introduce the tenured professor of one art to the tenured professor of another art. They'd never met before, even though both came to see me. I've taken a prominent professor in one department to the home of a prominent professor in another department. Though they had known about each other, they'd never visited before. In my observation, such collegial distance is less likely to happen at a private school. Since interdepartmental collegiality sometimes reflects the quality of the faculty club as a lunch place, it is scarcely surprising that these bargain-priced restaurants are typically superior at private institutions.

I remember having dinner once a week at a professor's home during my undergraduate years at a lesser Ivy — something that I'm told would be impossible at a state school — perhaps because the professor regarded me as likewise upper-middle class. Indeed, authorities at state schools are more inclined to police teacher-student relations for fear of sexual scandal. Whereas private universities emphasize the inculcation of politically correct sentiments, some even enforcing "speech codes" upon both students and faculty, public universities are more likely to police deviant actions. There are other differences between the two, I'm sure. One reason for my keeping these last paragraphs sketchy for now is to hear what others find.

Private University Opportunities for Growth

I wonder whether professors at private institutions don't give higher grades, if only to justify all the parents' investments. I recall one telling me with pride that over half his students got their degrees at least cum laude, without recognizing that such a high-end spread might undermine his school's claim to superior standards.

Scholarships at private universities are awarded not to aid the poor per se but to create a social mix acceptable to the paying customers. Changing patterns in financial aid probably reflect changing fashions in the moneyed classes. To my recollection, nearly all (perhaps all) my African-American (and African) classmates at Brown four decades ago paid their own way; many more African-Americans would have received generous scholarships nowadays. I can recall a Chinese-American classmate, the son of a suburban laundryman, on a scholarship then but wonder if any Asian-Americans get them now. The only Jews of my generation who got substantial financial aid from private colleges were the children of bohemians, teachers or athletes. Nonathletic scholarships four decades ago went instead to WASPs with insufficient income and the bright kids from nearby neighborhoods, on the grounds that they would become the future leaders of the local communities. If I'm wrong about these generalizations, which are hard to verify, I hope that readers will correct me.

With these distinctions in mind, I wonder why my own alma mater recently picked as its new chief a man who had previously been president of a huge state university. I recall that the announcement appearing in our alumni magazine cited his previous success with state legislators, even though it was obvious to me that this particular kind of fund-raising experience would count for little on his new job. (This choice made me wonder if the trustees of my self-consciously underfunded alma mater might have hired him to arrange something more typical recently of private American universities on the verge of bankruptcy — selling themselves off, or giving themselves away, to the nearest state. Only then would the new president's previous experience with state legislators be crucially important!)

The Lesser Evil

Politically I find private universities more sympathetic than public, but in education in America, as with our arts, relying wholly on private money would be culturally disastrous. ❑

Sandefur, "Jefferson," *continued from page 34*

with our localism, our appropriate technology, our gardens, our homemade religion — guilt free at last!"

Both the multiculturalist left and the traditionalist right long for their "localism, appropriate technology, and their homemade religion." And Thomas Jefferson is to them a figurehead of the "ingrained gods" of progress, technology, and humanism that questions their idyllic dream.

Abraham Lincoln — himself often the target of multiculturalist attacks — wrote:

> All honor to Jefferson — to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that today and in all coming days, it shall be a rebuke and a stumbling block to very harbingers of reappearing tyranny and oppression.

This is what damns Thomas Jefferson in conservative and multiculturalist eyes alike: that he appealed "to all men and at all times," and not to the considerations of race, class, and sex, of which the left approves, or to the "whispers of dead men" that the conservative hears. In fact, Jefferson's work was vital to the demolition of American slavery; intellectually and morally, his record of passionate and brave attacks on slavery speaks for itself. His thought was not bound by the dogmas of previous generations, and it was his corrosive reason that allowed him to help start slavery along its "course of ultimate extinction." Anyone who really cares for freedom and equality can hardly have better company than Thomas Jefferson. ❑

Reviews

***The Conservative Revolution: The Movement That Remade America,* by Lee Edwards. The Free Press, 1999, 391 pages.**

The Failure of Conservatism

Clark Stooksbury

American conservatives have developed an impressive movement over the last half century or so, as Lee Edwards of the Heritage Foundation retells in *The Conservative Revolution*. In the 1940s and 50s, conservatives could not capitalize on temporary political advantages because there existed no infrastructure to back them up.

Edwards begins his narrative in the immediate aftermath of the Second World War, a sensible choice as that war is a major dividing point in history, as anyone looking to buy a 1943 Chevrolet could attest. His narrative focuses on four major Republican political leaders: Ohio senator and presidential contender Robert Taft; 1964 Republican nominee, Barry Goldwater; President Ronald Reagan; and the former speaker of the House, Newt Gingrich. The rise, and perhaps decline of the movement is foretold in the highest level reached by each leader: unsuccessful candidate for the Republican nomination, Republican nominee, President, and then House Speaker. Edwards' history is a useful starting point for someone who is interested in learning about the post-war conservative movement, but with a few caveats. His memory is highly selective, and where he remembers what happened, he often fails to add any insight that would distinguish his work from previous books on the conservative movement. The purpose of a movement, such as conservatism, is to effect change in the country and the world, not just create a series of well funded think tanks, magazines, grass roots organizations and politicians. Edwards shows that they have done an outstanding job at the latter, but it is questionable how well they have done at the former.

The administration of Ronald Reagan has the most well-developed record to examine and explain away. Edward focuses on minor successes such as the government's reduction of spending in "some welfare areas . . . from $63 billion in 1980 to just over $49 billion in 1987, a decrease of about 22 percent." When a conservative critic like Richard Viguerie inconveniently pointed out that after Social Security tax increases were taken into account; the average American's tax payments increased under Reagan, Edwards treats this as mere nitpicking.

A prominent feature of *The Conservative Revolution* is its coverage of the Cold War and Right wing anticommunism. For Lee Edwards there was never any question about America's half-century crusade against Communism, or any serious thought about its effect on the expansion of the U.S. Government. The chapter entitled, "The Reagan Doctrine" is an especially unreflective paean to the president's warmongering ways. The centerpiece of Reagan's foreign policy was his proxy war in Nicaragua, which became a conservative obsession by the mid-1980s. But the Nicaraguan Contras, whom Reagan proclaimed the moral equivalent of the Founding Fathers, garnered little enthusiasm outside of the bunkers and war rooms of the Heritage Foundation, *National Review* and the National Security Council. Edwards implausibly claims that the president, "never contemplated sending U.S. troops to Nicaragua." They could not even consistently maintain congressional support for the Contra aid. As Newt Gingrich explained in 1986, "If you're on the pro-Soviet side, you get more equipment, more advisers, more money, more help, and when you're on the American side, you get more debates, more argument, more excuses and more evasion." In other words, only two years after Reagan's spectacular 49 state electoral shellacking of the hapless Walter Mondale, democracy was rearing its ugly head to restrain the president's foreign adventurism.

The most memorable facet of the Contra war was its Iranian-funded phase. Edwards has to go into full defense mode to justify the debacle that almost brought the administration down. He uncritically quotes Reagan's claim that, "It was the president's duty to get them home" and points out that the president was motivated by "humanitarian concerns."

This is the sort of vacillating weakness that conservatives despised in Jimmy Carter during his Iranian hostage crisis.

Memory Lapse

Whole episodes of recent conservative history disappear down the mem-

ory hole in *The Conservative Revolution.* Edwards only hints at cracks in the wall such as the significant conservative opposition to the Gulf War. The paleoconservative allies of Pat Buchanan are mentioned briefly and then dismissed with a non sequitur about their lack of cheery optimism at the sunset of the Reagan era.

Astonishingly, Edwards does not speak of the numerous attempts to place Pat Buchanan — an important figure not only as a politician and as a popularizer but as a staunch socially conservative opponent of gay rights and abortion — beyond the pale of respectable conservatism. A December 1991 special issue of *National Review* was given over almost entirely to the lengthy article, "In Search of Anti Semitism," written by William F. Buckley. It focused critical attention on the Jewish problems of, among others, Buchanan and former *National Review* senior editor, Joseph Sobran. Again, in 1996, after Buchanan won the New Hampshire primary and had success in several caucuses, *The Weekly Standard* focused critical attention on Buchanan's alleged anti-Semitism, his opposition to free trade and his ties to the paleoconservatives. An article in the March 11, 1996 *Standard* by David Brooks that featured explosive charges of racism and sexism among the paleos, makes it perfectly clear that they and the neoconservatives are scarcely a part of the same movement. The tone of Edwards' book is triumphal and I do not begrudge his celebration of a movement that has made undeniable progress in the last half century, but I can't forgive his omission of important events that don't fit the otherwise happy tone of the book.

I do not begrudge Edwards's celebration of a movement that has made tremendous progress. But I can not forgive his omission of important events that don't fit the otherwise happy tone of the book.

Edwards closes with a chapter that asks the question, "Can Conservatives Govern?" He answers in the affirmative and cites the passage of the Taft-Hartley Act by the 80th Congress, the tax cuts and economic growth of the Reagan years and the passage of welfare reform and the line-item veto in the 1990s. But he has a way of glossing over important issues that might undermine his case, such as when he quotes a friend as indicating that some conservatives are worried that, "in the process of defeating communism, the constitution was destroyed through the creation of a military-industrial complex and the whole character of the nation was changed. America, they say, is no longer a nation but a vast archipelago of disconnected human beings." But Edwards is here to cheerlead, so he drops this glum assessment as quickly as he raises it. Instead, he focuses on the success of lobbying organizations such as the Family Research Council and Concerned Women of America — a curious focus in a chapter ostensibly devoted to showing that conservatives can actually govern.

Oddly, much of the chapter ostensibly devoted to showing that conservatives can govern is actually given over to promoting the success of private lobbying organizations.

Ultimately, *The Conservative Revolution* is a failure. It has too many gaps to be a reliable guide to the past and Edwards is too much of a Pollyanna to be trusted to predict the future. He cannot grasp that the unmistakable im- plosion of left-liberalism does not necessarily correspond with victory for conservatism. In a couple of years, the country may have a Republican president and congress for the first time since Eisenhower's first term, but the odds of genuine conservative results emerging — a ban on abortion, a return to traditional morality, a government approaching the size and scope that America had in the 20s, or even the 50s — are remote. Conservatives wondering why their movement is so much better at creating and developing inputs — think tanks, magazines, organizations, histories of the movement — than outcomes should turn to David Frum's *Dead Right* (1994). Frum examines many of the critical episodes in recent conservative history that Edwards ignores and comes to the hard-headed conclusion that conservatives have failed to insist on reducing government. Even better, they should read the late Robert Nisbet's *The Present Age: Progress and Anarchy in Modern America* (1988), which places Edwards' hero Ronald Reagan, with his moralistic and universalist rhetoric, squarely in the tradition of conservative giants Woodrow Wilson and Franklin Roosevelt. ❑

A Generation Divided

The New Left, the New Right, and the 1960s

REBECCA E. KLATCH

SDS activist Jim Shock in the 1960s

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In Praise of Commercial Culture by Tyler Cowen. Harvard University Press, 1998, 278 pp.

Culture and Capitalism

Alan W. Bock

When I was a callow youngster in the 1950s, my father took every opportunity to denigrate the products of tin-pan-alley "six-week wonders." He claimed that music worth paying attention to is music that has stood the test of time.

Well, some of that music seems to have passed my father's test. Oldies radio stations are found in most cities of any appreciable size, television is cluttered with infomercials selling collections of greatest hits, and record companies are licensing all sorts of CD collections. But does that mean that "Maybelline" or "Wake Up Little Susie" have achieved the artistic stature of, say, Schubert's lieder?

In his provocative and valuable book, *In Praise of Commercial Culture*, Tyler Cowen slyly sidesteps that question. Cowen's discussion of contemporary commercial culture comes from a value-neutral position. He simply "attempts to show that market wealth supports creative artworks of many different kinds, appealing to many different tastes. My favored variety of aesthetic pluralism admits the validity of contrasting perspectives on culture, values diversity, and recognizes the ultimate incommensurability of many artistic values."

That said, Cowen makes a strong case for cultural optimism, arguing that a market economy (broadly defined) offers the kind of environment most conducive to a thriving and diverse cultural life. He brings economic analysis to bear on cultural issues, offering surprising insights into how technological progress and economic incentives have shaped the making of art, at least since the Renaissance. He also questions quite convincingly "the common identification of quality culture with high culture, and of popular culture with low-level or accessible culture. Shakespeare, Mozart, and Beethoven thought of their work as popular, while much of today's so-called popular culture is in fact a highly refined product that appeals only to a distinct minority."

That's hardly the prevailing view among people who consider themselves certified cultural critics. Cultural pessimism — whether rooted in a political agenda or simply in dismay at the limited capacity of most people to appreciate refined expression — is more common than optimism.

Even conservatives who recognize some of the virtues of the marketplace often blame cultural decline at least in part on capitalism. Capitalism favors a mass market, it is said, in which the lowest common denominator prevails. Alternatively, the market economy tends toward a "winner-take-all" culture in which a few wildly popular entertainers become disgustingly rich while more deserving artists languish in obscurity and poverty. Some conservatives associate capitalism with the permissiveness of modern society.

Meanwhile, neo-Marxist critics argue that market exchange leads to the commodification of culture and a degradation of critical faculties. Many neo-liberal critics, while rejecting Marxist solutions, agree that modern technology and corporate domination corrupt culture. Some in the politically correct crowd identify market culture with the suppression of women and minorities.

Against this legion Cowen bravely lifts his lance. "I focus on the following features," he writes, "which I identify with our modern, commercialized society: profit and fame incentives, decentralized financial support, the possibility of financial independence for some artists, the entrepreneurial discovery of new artistic technologies and media, and the ability to profit by preserving the cultural creations of the past." Rather than exploring every possible aspect of life that could be viewed as being part of culture or having an influence on culture, such as fashion or advertising, he focuses on "visual art, literature, and music, arguably the three arts most central to the Western tradition."

He reminds us that during the late Middle Ages and the Renaissance the commercial cities of Italy, central Germany and the Low Countries took the strongest interest in literacy. Such cities also had the material resources to support the visual arts. These sources of support became diverse enough to allow artists like Rembrandt, Leonardo, and Michelangelo to work for a variety of customers rather than a single wealthy patron. The increase of wealth enabled artists to gain economic and artistic independence.

Cowen makes a strong case for cultural optimism, arguing that a market economy offers the kind of environment most conducive to a thriving and diverse cultural life.

Cowen also stresses the importance of technological advances, which are the byproducts of quasi-capitalist commercial societies, as important in the development of the arts. Marble quarrying, for example, languished through the contraction of commerce that characterized the Dark Ages and only became practical again as commercial society encouraged the creation of wealth. The price of paper fell during the Renaissance. Printing made possible the dissemination of composed music of the kind we now call "classi-

cal." New electronic gadgets were crucial to the rise of rock music in our century, and computer-aided processes now give photographers new ways to tinker with their images.

Are modern technologies good for the arts? The debate over that question has been going on for centuries. In the 15th century, cultural pessimists attacked the idea of printed books: "the pen a virgin, the printing press a whore." In the 18th century, Jonathan Swift, Alexander Pope, Oliver Goldsmith, Joseph Addison, and others still revered as part of the canon, decried the commercialization of literature, while Samuel Johnson defended the spread of the printed word.

Cowen might be making too much of the idea that today's high culture is yesterday's popular culture, but the point is worth considering. Shakespeare, Mozart, Beethoven, Schubert, and Johann Strauss all viewed themselves as popular entertainers, while actively pursuing the artistic independence that financial independence could confer. Once their works were canonized and new music came along to capture the popular imagination, they became examples of "high culture." If anything, the process has accelerated in our era, with swing, jazz, and the "standard" pop music of tin pan alley — perhaps even "classic disco" — being viewed as achievements of the past against which the tinny outpourings of modern pygmies can be compared unfavorably.

The glory of the market, Cowen argues, is that it allows a wide variety of cultural tastes to be served, if only by small niche markets. He doesn't bother to argue against the idea that top-40 radio stations, most of television and a good deal of the movies cater to a mass market that tends toward lowest-common-denominator taste. But he reminds us that there are art movies designed for small, discriminating audiences, and capitalism is making them cheaper to make; that a steady market for classical music persists; that the "original instrument" or "authentic performance" trend in baroque music was only possible in an advanced commercial society; that there are markets for everything from obscure folk music to Gregorian chants and "world music."

Cultural pessimism tends to degrade the achievements of the present by making unfair comparisons to the best that has been produced in the past. Most art produced in recent Western history has been mediocre at best. What has survived as a legacy and a canon has been the best of this vast tide of mediocrity. Most of the popular art of today is ephemeral, but some will survive to be viewed as classic.

The fact that we don't have a Shakespeare and a Milton and a Beethoven and a Michelangelo and a Leonardo and a Verdi all living and producing today — or that some real artists are doing commercials or movie scores — doesn't mean that a good deal of high quality work isn't being produced. We'll just have to wait a while — or perhaps our descendants will — to see what is viewed in a hundred years as worthy of being called the work of genius. ❑

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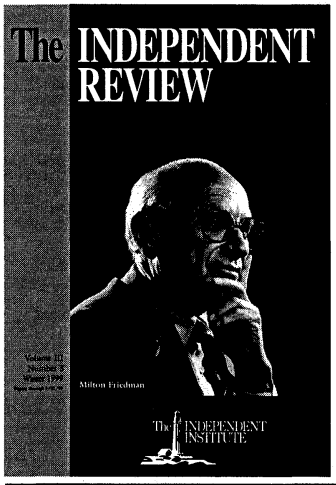

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American Beliefs, by John Harmon McElroy. Ivan R Dee, Chicago, 1999 259 pages, $25.

America Works

Bruce Ramsey

John Harmon McElroy believes that all cultures have beliefs in common, and he is interested in identifying the distinctively American ones.

What are they? Here's one.

When Franklin Roosevelt asked Congress in 1940 to enact Lend-Lease, a neutral America would give destroyers to Britain and thereby become embroiled in a foreign war, he described it as lending a next-door neighbor a garden hose to put out a house fire. "By using that particular figure of speech," Harmon writes, "he was able to win the support of the American people and the approval of Congress." Why? Because of an American frontier belief: *Helping others helps yourself.*

In America, despite half a century of exhortation by social workers, a stigma attaches to welfare that does not attach to Social Security and Medicare.

Another example has to do with welfare. In America, despite half a century of exhortation by social workers, a stigma attaches to welfare that does not attach to Social Security and Medicare. Part of the reason is that the latter have been packaged as insurance; a greater part is that they are intended for old people, people who have presumably completed their life's work. In America, handouts for people of working age are not respectable. They conflict with one of the primary beliefs of American culture: *Everyone must work.*

One caveat must be entered. Obviously, not everyone believes that anymore. The argument of McElroy's book is still important, but its title should be amended slightly. It should be called "Traditional American Beliefs."

McElroy is a good person to write on this topic. He's a conservative — not a tub-thumping conservative, but a thoughtful, historical one. He is well-read in Madison, Hamilton, Tocqueville, William Bradford's *History of Plymouth Plantation*, and many similar works. He knows America's traditional culture. His thesis is that every culture emphasizes some simple beliefs, philosophical one-liners, if you will.

Consider the belief that *Everyone must work*, and its corollary, *Manual work is respectable.*

Many other cultures reject such beliefs. In some Asian cultures, men grow one long fingernail as a way of bragging about their soft hands. Here a mechanic is respectable. And if fewer Americans these days make a living working with their hands, they remain the world's champion do-it-yourselfers. It goes back to the settlement of the country, when everybody had to work.

A belief in social equality is also a traditional American identifying mark. McElroy tells the story of Queen Elizabeth greeting a woman at an American housing project in 1991. The woman, Alice Frazier, 67, gave QE2 a big hug and said, "How're you doin'!?" It was, says McElroy, "a breach of English decorum of shocking proportions. . . No commoner in England would ever have hugged Her Royal Majesty on first acquaintance or on any subsequent acquaintance either, for that matter."

The belief in social equality and the belief in work are traditionally complementary. In America, social standing is based on individual success. "No one's social status in America is ever fully assured," McElroy writes. And status is a limited concept: The poor's deference to the rich is limited. Americans would make the world's worst servants, and America is probably the worst country in which to keep a servant. Writes McElroy, "The idea of 'one's betters' is repugnant to an American."

I'm reminded of H.L. Mencken's "Declaration of Independence in American": "Me and you is as good as anybody else, and maybe a damn sight better."

Unfortunately, most Americans don't know how American they are. The best way to find that out is to live abroad; the next-best way is to travel there. McElroy said he "began to discover [his] Americanness" living in Spain 30 years ago, when he had to devise a series of lectures on American culture.

In some Asian cultures, men grow one long fingernail as a way of bragging about their soft hands. Here a mechanic is respectable.

I recall the time when a Hong Kong physician prescribed some pills for me, and his nurses told me how many of the red ones to take and how many of the blue ones, but nobody told me what they were. When I asked the nurse, she looked at me as if I were a moron and said, "They're medicine." When I looked at her as if she were a moron, she said, "Do you want them or not?"

Confronted with something outrageous, you want to stand up and say, "Hey! This is crap." And you realize that you are the only one who thinks that way, because you are an American.

In 1972 I was approached in Turkey by a man who wanted to practice English. He started explaining why he hated the Greeks: they had burned Turkish villages in 1921. He spoke as if it were yesterday, though he was too young to have been there. I hear the same attitudes expressed by Albanians and Serbs — but not by Americans, who think they can "lend a garden

hose" (B-2 bombers, and such) and "put the fire out."

"Americans are future-oriented," writes McElroy. "Americans do not brood over past wrongs nor allow their lives to be determined by past events." The recent rise of identity politics contradicts that, but it also runs against a powerful American belief, that what counts is the situation now, and another powerful belief, too — the idea that "No group in society has a moral right to claim an interest that is paramount."

He argues, provocatively, that though Americans honor a self-made person, and though "property was the chief outward sign in America of presumptive honesty," most Americans do not hope to get rich. "Success for them has historically consisted of aspiring not to be poor."

Of course, some of the beliefs that McElroy lists are more firmly grounded in the public mind than others. "The people are sovereign" and "the majority decides" are indisputably popular, but "the least government is best" is clearly having a tough time of it.

A leftist would certainly have emphasized equality more than McElroy does, and critics of every stripe will find some American belief that seems more obviously foolish than he allows. Most people would have some basic American precept to add to his list. I would have put something in about a "right to know" certain things, such as what's in the little red and blue pills. I would also have put something in about the family — in America, your family does not choose your life partner, your profession, or your religion. In America you can get away from your family. Many Asians, for instance, revere their families more than many Americans do, and they criticize Americans for putting old folks into nursing homes. But when they come to America, it is often to get away from their families, to get some breathing space or opportunity to experience life unsupervised.

The strength of McElroy's book is its success in rooting characteristic American beliefs in the early history of the nation. Key American beliefs, he writes, "developed from the situation of civilized men and women living in a Stone Age wilderness" — an experience that is now at least a full century removed, and is beginning to fade, but in Europe is a millennium or more removed.

Other factors had to do with the policies of the colonizing countries. In the Spanish, Portuguese and French colonies, immigration was limited by number, religious affiliation, or nationality. In the English colonies the limitations were not nearly so strict, and a melting-pot identity developed more quickly. The English expected the colonies to create their own governments and pay for them, including the provision of their own defense. They did, and by doing so became self-reliant. When England started imposing rules and taxes, small taxes, at that, they rebelled. English America was settled far later than New Spain, but it declared its independence earlier. The reason, writes McElroy, is that it had developed a culture with different beliefs.

McElroy ends his book by proposing three super beliefs of Americans: individual responsibility, equal free-

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dom, and practical improvement. And in defining what is American, he tentatively and briefly defines what is un-American: "Organizations that aim to restrict the opportunities of other people or to regulate other people's freedom of advancement may truly be said to be un-American."

This book reminds me of James Q. Wilson's "The Moral Sense" (1994), which tried to discover the essence of morality through the study of history, anthropology, psychology, child behavior, and animal science. McElroy tries to piece together an American ideology from sources in fiction, history, diaries and other documents, and personal experience.

The book's drawback is its imprecision. It's easy to argue (as I have) that McElroy doesn't get his list of one-liners exactly right. The book's strength is its ability to get the reader to look more closely at American ideas, and recognize in them at least a shadow of himself. ❑

Booknotes

Almanac of the Absurd — *The Political Reference Almanac*, compiled by Anthony Quain, (PoliSci Books, 1999, 848 pages) seeks a place on the bookshelf of every political activist. It's an oversized paperback packed with information, some of it useful, some of it curious, some of it odd, and most of it trivial.

Political activists and junkies will probably find the 316-page section on the current Congress most interesting, mainly for the 268 pages of information on Congresscritters and their electoral districts. If you want to know the committee assignments of Eni F. H. Falemavaega, non-voting representative (oops, I mean "delegate") from American Samoa (International Relations and Resources) or the email address of dim-witted Sen. Charles Grassley of Iowa (Chuck_Grassley@grassley.senate.gov), this is the book for you.

More interesting (to me, anyway) are the demographic data and electoral history of each congressional district. I learned here, for example, that my own representative, the Hon. Norman Dicks, got 69% of the vote in 1998, compared to only 66% in 1996. President Clinton, a member of the same party as Mr. Dicks, got 52% of my district's vote in 1996 but just 44% in 1992. I also learned that my district is 60% urban, 55% white-collar, and 5% Black. Also 28% of households get Social Security welfare checks and 8% are on "public assistance." If you want still more, there's also a small photo of Mr. Dicks.

The 82-page section on the Executive Branch is lame, though it has its amusing moments. It is apparent that each department head was allowed to provide the description of his own career, sometimes with interesting results. Secretary of Agriculture Daniel R. Glickman, for example, mentions his membership in the Arthritis Foundation and his experience on a local school board, among the 160 words he selected to tell us what it takes to hold this august cabinet position. Vice President Albert Gore, Jr., claims to be "engaged in the homebuilding business" and mentions his membership in the Farm Bureau. President Clinton, with no further offices to aspire to, takes only 20 words to list the offices he's held and says he has also been a "lawyer" and "law professor." If you really need to know the name of Staff Director of the Office of Public Liaison, this is the place to find it.

The section on the judiciary, mercifully taking only 20 pages, serves up similar self-descriptions of Supreme Court justices. Justice Souter brags that he was a member of the Maine-New Hampshire Interstate Boundary Commission from 1971 to 1975). This section also provides a table showing how frequently every justice concurs with every other justice and another classifying their opinions. Quick trivium: which Justice has the most lone dissents? Answer: John Paul Stevens with 157 in the past five years. No one else has more than three and Ruth Bader Ginsburg has never written a lone dissent in her life. Way to go, Ruth!

The 152-page section on state and local governments includes a useful summary of state budgets, party breakdown of each state legislative body, a list of counties, and a chance for each governor and several big-city mayors to summarize their careers.

The 214 pages devoted to "World Governments" is trivial in the extreme. This section mostly is lists of officeholders, though it contains very brief summaries of recent elections. But if you have a hankering to know the name of New Zealand's Minister of Racing or Djibouti's Minister of Youth, Sports and Cultural Affairs (Tau Henare and Rifki Abdoul-kadar Bamakarama, to save you the trouble of looking them up), this is the book for you. Did you know that the Cook Islands, with a population of less than 20,000, has 39 members in its cabinet? They're all listed on page 137.

To fill out the 848 pages, compiler Quain has tossed in the complete text of nine political documents and 5 political speeches, 41 pages of economic statistics, 21 pages on American political parties, lobbyists and think tanks, and a really cool political calendar. I just learned that today is Independence Day in Vanuatu.

Excuse me, I'm going outside to light some firecrackers.

— R. W. Bradford

Gun Stories — The mainstream media seldom find the many incidents in which people defend themselves and their property with a firearm to be the stuff that news is made of. Murders, rapes, robberies . . . these crimes with victims are more sensational than a story about a man who scared off a would-be burglar by brandishing a firearm. *The Best Defense: True Stories of Intended Victims Who Defended Themselves With a Firearm* (Cumberland House, 1998, 212 pages) by Robert A. Waters chronicles 14 episodes in which the law-abiding had it out with human predators. In one story, a man puts an end to a mass murder. In another, a man debilitated by a brain tumor saves the life of a policeman after hoodlums ambush the officer during a traffic stop. Waters recounts these tales with skill, blending in just enough drama and suspense without making it maudlin or hokey like a cheap thriller.

—Jonathan Ellis

Gen-X Sausage — Sausage-making is fascinating to contemplate. Throw some discarded pig-lips, rectums, and assorted other "meat by-products" into a meat grinder, whip on the power for a few seconds, out comes tasty, wholesome sausage. I doubt if that is the image Michele Mitchell wished to conjure with her new book, *A New Kind of Party Animal: How the Young are Tearing Up the American Political Landscape* (Simon & Schuster, 1998), but that is what came to my mind. Mitchell, a former congressional staffer and current NPR commentator, seems to have been inspired to write this defense of the "18–35" set by media assumptions that Generation X is indifferent over matters political. This generation, she claims, is surprisingly interested in local politics and problem solving (those are distinct of course), less likely to fall into the dogma of the religious right or Maoist left, and more likely to vote independent. But the paeans to local action notwithstanding, the only provocative passages in her book are about life on Capitol Hill (where all her friends work), where she confirms the old law about law-making being as unwholesome as sausage-making.

During the Medicare reform debate, Mitchell reports, one congressman broke another honorable gentleman's finger in an altercation just off the floor. When Congress debated which nutrition programs to cut in the post-welfare reform world — fluff like federal money for senior center dinners and school lunch programs — the Ds and Rs cut a deal that horrified their 18–35 staffers, who let down their shields of cynicism just momentarily. "None of us should have been surprised," Mitchell comments. "When hadn't both parties failed us equally? The one time that young aides abandoned caution and actually committed to a party, and look what happened. We choked on our indignation. But on the House floor, our bosses delivered scripted parts."

At the campaign finance hearings in 1997, reporters crowded around Democratic "spin doctors" like pigeons at the feet of old ladies. "Of course," Mitchell recounts, "many journalists did observe in their articles the absurdity of this spin excess. But that overlooks the point: The media still flocked to the spinners, and it quoted whatever they said." She follows that with her own, generational spin: "No wonder so many young people consider news as it comes down through television, magazines and newspapers to be prepackaged drivel." You mean, 18–35s think about the media the same way everybody else does? Wow!

As for the central argument, it gets lost in this muddle of a book. Mitchell's cast of characters — some friends of hers from Capitol Hill and others community activists — isn't very distinguishable. But then they don't get much of a chance to distinguish themselves through the narrative. Mitchell's writing shifts erratically between quotations from her sources, Bob Woodward-style mind reading, and factoid stream of consciousness, all of which seem to shift backward and forward in time and across geography unobstructed by much organization. The earth-shaking message is that "18–35s" are . . . individuals! Not very wise individuals, unfortunately, as they see and experience the evils of centralized bureaucracy daily and don't do the logical thing: hoist the black flag and commence to cutting throats. Or live in the woods and mail bombs to their old colleagues. Or read Hayek and go to work for the Cato Institute.

Those reading *A New Kind of Party Animal* to learn how to convert the "18–35s" into partisans for liberty will be disappointed. Mitchell's sources are statist to the bone, whatever their rugged pronouncements recorded in these pages. After all, she wouldn't have had the chance to write about people who genuinely despised and avoided the political abattoir. But *Party Animal* will give you a glimpse of your enemy. Just a glimpse before it gets ground into the national sausage.

—Brien Bartels

Timely Advice — In the life of a freedom fighter, there's a time for reading Hayek and a time for stockpiling ammunition. Claire Wolfe, author of *Don't Shoot the Bastards (Yet): 101 More Ways To Salvage Freedom* (Loompanics, 1999, 230 pages) has made her reputation as an expert in the latter activity. A sort of libertarian self-help expert, Wolfe writes for people interested in maximizing individual freedom in a society gone bad with bloated government. Which is not saying that Wolfe isn't also an intellectual. She is, in my mind, one of the glittering gems of the freedom movement; her writing is thoughtful, witty, and for people interested in self-reliance and monkey-wrenching, extremely practical.

Don't Shoot the Bastards (Yet) picks up where Wolfe left off with her first book, *101 Things To Do 'Til the Revolution*. Both books advise the serious freedom fighter on choosing the right tools and methods of survival, ranging from gun selection, food and water storage, caching valuables, and more. For people who can't sit by and do nothing while government gobbles up civil liberties, Wolfe includes information on fighting back with both symbolic and serious activities of civil disobedience.

Perhaps Wolfe's greatest insight is in preserving privacy rights. In an era in which both corporate and bureaucratic stooges scrape for as much information as possible on those of us with respectable lives, Wolfe offers advice on staying clear of the mega-databases run by these snoops.

—Jonathan Ellis

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

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

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

David Ramsay Steele is the author of *From Marx to Mises: Post-Capitalist Society and the Challenge to Economic Calculation.*

Clark Stooksbury is an assistant editor of *Liberty*

William Stepp is an investor living in New York City.

David C. Stolinsky is a physician living in Los Angeles.

John D. Swanson is a writer living in East Amherst, New York.

Coming in *Liberty*

"Rediscovering Victoria Woodhull" Elizabeth Dole wasn't the first woman to run for president. More than a century ago, a beautiful libertarian feminist challenged the statist, patriarchal status quo. *Wendy McElroy* reports.

"The Best Way to Stand Up to the State" *Gary Alexander* explains what he learned and what the cause of liberty gained when he sought election to the Virginia House of Delegates.

"Inside the Russian Libertarian Movement" *Jen Tracy* reports on the nascent libertarian movement in the former home of communism.

"Sex Behind Bars" Political prisoner *Dyanne Peterson* reports first-hand how the media and Amnesty International twisted the facts about women prisoners having sex with guards to sell papers and raise money.

"The Libertarian of the Century" And the winner is . . .

Look for the November *Liberty* on newsstands or in your mailbox right by October 1.

Terra Incognita

Brazil

Curious fashion trend from the beaches of Brazil, reported by Reuters:

A Senate panel has approved a proposal to ban the use of the Brazilian flag in any "morally degrading" setting, which includes as a pattern for clothing or underwear, curtains, napkins, tablecloths, and drapes. The ban was proposed over outrage that Brazil's beach goers use the flag as a pattern for the country's notorious "dental floss" bikinis.

New York

The significance of Ayn Rand, according to actress Helen Mirren, who portrayed Rand in the film *The Passion of Ayn Rand,* as reported in *More* magazine:

"Rand is proof that sexuality doesn't come from good looks. And that sexuality doesn't end at thirty-five."

Ames, Iowa

Presidential aspirant Patrick Buchanan tells Iowa Republicans what he would say to Chinese leaders if he were president:

"Stop pointing your missiles at us or you've sold your last pair of chopsticks in a mall in the United States of America."

San Francisco

Intriguing advertisment published in San Francisco newspaper classifieds under "Cremations":

DONATE YOUR ASHES TO ART
Let your loved one live on. S.F. artist,
int'l exhibit. Yates 510-205-1023.

Iran

Progress in international trade, reported by the *Teheran Times*:

The sub-commander of the National Law Enforcement Forces of Iran said that between March 21 and May 21, 127 billion rials worth of smuggled goods had been seized from smugglers. Seizures included 21,400 packs of cigarettes, 3,539 satellite receivers, houshold items, textiles, cosmetics, toys, carpets, oil by-products, automotive parts, glass, and 21.3 kg of narcotics.

Rio de Janeiro

Advance in risk-management, reported by Reuters:

Television star Susana Alves has insured her buttocks for $2,000,000.

Williamsburg, Va.

Progress in the Thespian arts, reported by the *Washington Post*:

Skits performed under the new African American program at Colonial Williamsburg have so vividly portrayed slavery that some audience members have attacked white actors performing in the "slave patrol." Actors had to step out of character to restrain another visitor who tried to lead a revolt against "slave handlers."

Chandler, Ariz.

Advance in volunteerism in the 48th state, reported by the *Arizona Republic*:

The Chandler police department is encouraging vehicle owners to register with the department's new Combat Auto Theft (CAT) program. Participants are issued a CAT decal for their vehicle's rear window which gives police the authority to pull over the vehicle if it is being driven between the hours of 1-5 a.m.

Toledo, Ohio

Interesting educational reform, from an editorial in the *Toledo Blade,* a venerable daily:

"Let's be blunt about it. In a way it is an insult to one's parents, and one's hometown, to accept the nurturing, the encouragement, and, yes, the taxpayer-subsidized education, and then head off to some distant city, never to come home except for the occasional family renunion or holiday.

"That's why last Sunday's series of stories included a novel wrinkle on one of the most basic features of modern life, the contract. It provides a mechanism for young Toledoans to enter into a pact with their parents that they will come back home after furthering their education and give back to the hometown that invested so heavily in them.

"Is that servitude? Hardly. . . . Why shouldn't prestigious colleges and universities insert right into their admission requirements a contractual obligation calling for hometown service of, say, two years?"

New Orleans

Suppressing vice through advertising in the Big Easy, reported by *The New Orleans Times-Picayune*:

A state law that requires sex offenders to pay for newspaper ads in their hometown once they are released on parole has had the unintended consequence of publicizing prostitutes who are routinely convicted of sex offenses covered under the law.

U.S.A.

Incipient voice for unionizing farm animals, quoted from a tear-soaked letter in *The Progressive*:

"When is it going to sink in? In your May issue, you have a heart-rendering story about catfish farmworkers. Boo-hoo, they have miserable working conditions. What about the catfish?"

Wisconsin

Social Security reform in the home of Progressivism, reported by the *Milwaukee Journal Sentinel*:

Marcia D. Turner, a former mental health caseworker for the Wisconsin Correctional Service, is under investigation for allegedly using money from patients' Social Security disability accounts to buy items for herself and her family. Investigators were tipped off to the fraud when size XXL underpants and a large brassiere were charged to the account of "an extremely petite woman," and two pairs of hiking boots were charged to the account of a man who has no feet.

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

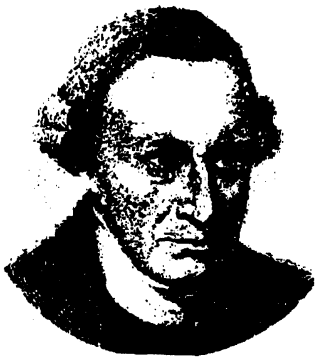

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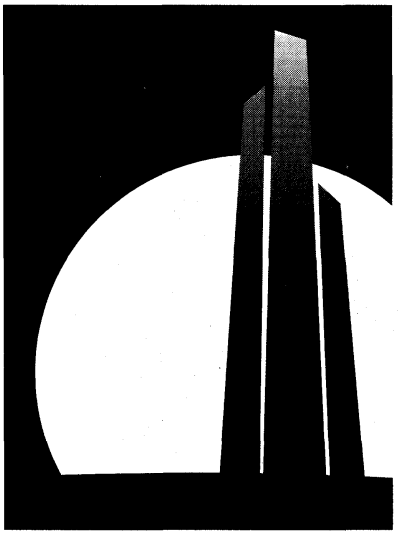

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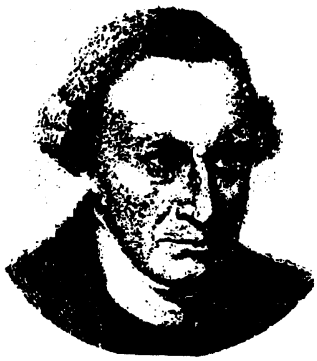

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Inside Liberty

November 1999
Volume 13, Number 11

4 Letters Our readers get the first word.

7 Reflections On terrorists — FBI and otherwise, Capital Government, and snorting governors. And if you think we forgot the Sixties, think again.

Features

15 Waco: Fire and Lies What happened at Waco was no conspiracy, it was standard operating procedure. *R. W. Bradford* sorts through the ashes.

21 *What* Are They Smoking? Medical marijuana advocates have the truth, the voters, and even a few brave politicians, observes *Alan Bock*. So why are they getting nowhere?

25 My Lunch with Liddy *Liberty*'s fearless political correspondent *Chester Alan Arthur* ventures into a huge mob of Republican faithful to size up two GOP hopefuls.

27 Beachhead in Russia *Jen Tracy* reports on Russia's nascent libertarian movement.

29 No More Columbines The only two ways to stop school shootings, argues *Mel Dahl*, are to abandon the Constitution or abolish public schools.

31 The Best Way to Stand Up to the State *Gary Alexander* tells what he learned and what the cause of liberty gained when he sought election to the Virginia House of Delegates.

35 Saigon in the Andes The War on Drugs is beginning to take on a familiar look, reports *Dyanne Petersen*.

37 NATO, Kosovo, and Cuba: A Fuzzy Analysis The logic that led to NATO's war against Serbia applies equally to Cuba. So why, wonders *Bart Kosko*, isn't NATO bombing Havana?

39 Arms in the Celestial Kingdom The sage of ancient China, reports *David Kopel*, knew a thing or two about how weapons make polite, honorable society.

41 The Woman Who Would Be President *Wendy McElroy* reports on Victoria Woodhull, anarchist, stockbroker, feminist, publisher, and America's first woman presidential candidate.

Reviews

45 Mainstreaming Libertarianism *Bruce Ramsey* examines the work of three real world types who favor free markets.

46 The Consequences of One Man's Moralism Those who want to advance freedom in the 21st century can profit from examining the life of a great 19th century radical, argue *Dyanne Petersen* and *Jeffrey Rogers Hummell*.

51 A Revolutionary Life *R. W. Bradford* reads the posthumous autobiography of Karl Hess.

❦ ❦ ❦

50 Classified Ads A small serving of the free market.

53 Notes on Contributors Who we are and what we do.

54 Terra Incognita Adventures in reality.

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Letters

California's Regulatory Nightmare

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

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

Miles Fowler
Clifton Park, N.Y.

Seeing Through the Fog

The failure of libertarianism, or any other non-mainstream system of political thought, to gain the allegiance of any but a small cadre of adherents ("Libertarianism As If (the Other 99% of the) People Mattered," October) can be traced to several different conditions which commonly prevail in any society that is not faced with a crisis so profound that it forces most people to re-evaluate the views they hold. Foremost is the fact that most simply don't care very much about politics, a topic viewed as boring and dirty. Sports scores, the misadventures of celebrities, and Martha Stewart's recommendations for home beautification occupy more of the public's attention than do questions regarding how society should function, who should run it, and at what cost to whom. Attention to the first set of concerns provides more certainty and timely gratification to those who have neither the time nor the preparation to become involved with issues that only affect their lives in the longer term.

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

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

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

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

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

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

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

The results of misinterpreting information are not lost on opportunistic politicians or pressure groups. Added to preexisting popular prejudices and an increasing disdain for logic on the part of many, this effect can explain fairly easily why a vast majority disbelieve, or fail to grasp, what seems obvious to some, even assuming that the majority is disposed to care in the first place. Our vice president has built himself a very successful career as a "technical expert" by pretending to speak to issues such as the one above, even though much of what he says is recognized as nonsense by those in a position to know better.

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

Thomas Sherwood
Mc Kinney, Texas

Moral Harmony

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

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

However, this distinction is false. Many massively destructive government programs have enjoyed widespread public sympathy and support, including the murder of innocents at Dresden and Hiroshima in World War II, the slaughter of helpless virgins by Aztec witch doctors, and yes, the War on Drugs. All government programs use force to enlist Peter as a means to Paul's ends, regardless of the public-good rationalizations employed by statists; and all government activities, to be sustained, enjoy public support. No government program, including public roads, the FDA, or social security, can be *reasonably* construed to benefit the public. Whether or not one's conclusions about how people ought to live together are reasonable depends, not on the outcome of a vote or the extent of public enthusiasm, but on evidence, logic, facts. A reasonable person recognizes that events in the world are important, that the character of his life is substantially affected by government policies, and that understanding at least something about how the world works is important, because she lives in it. A reasonable person takes responsibility to acquire knowledge about these issues, by learning at least the rudiments of philosophy and economics. A reasonable person recognizes that most people's opinions about which activities are justly performed by government are worthless, because most people acquire their opinions unconsciously, without much thought, or effort, or concern.

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

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

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

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

Mike Humphrey
Great Falls, Mont.

Defending the Ultra-defendable

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

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

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

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

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

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

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

Jacob "Bumper" Hornberger
Fairfax, Va.

Say It Ain't So, Sheldon

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

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

Richard Holasek
Cudahy, Wis.

Those Pesky Lifeboats

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

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

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

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

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

Curt Howland
Hayfork, Calif.

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Reflections

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

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

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

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

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

But he hasn't done so. Nor has he taken any action to suggest that the long sentences Texas courts typically hand out to drug offenders are excessive. Presumably the reason he has not taken any of these actions — the reason that Melinda George sits in jail with no prospect of parole — is that he believes locking up people who possess cocaine for lengthy stays in Texas prisons helps make Texas a better place.

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

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

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

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

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

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

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

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

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

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

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

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

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

Such questions are not merely intrusive; they have current policy relevance. And intrusive or not, they do arise; and how a candidate handles them is a clue to his intelligence, campaigning skills, and electability. Standard remarks about the greater importance of other issues — entitlement programs, education, taxes, defense, campaign reform, and so forth — are particularly fatuous. Answering intrusive questions does not preclude discussing the supposedly more real issues. A straightforward "no" to such questions, if honestly possible, would save time for the real issues. Clintonesque evasions only provoke more questions and prolong the discussion. They are a clue, moreover, to personal character, which is itself a legitimate issue. Let the Republican Party take heed before it is too late. — LBY

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

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

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

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

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

continued on page 10

Who's Who

AB	Alan Bock
BR	Bruce Ramsey
DB	David Boaz
DC	Douglas Casey
FLS	Fred L. Smith
JSS	Jane S. Shaw
LBY	Leland B. Yeager
RK	Richard Kostelanetz
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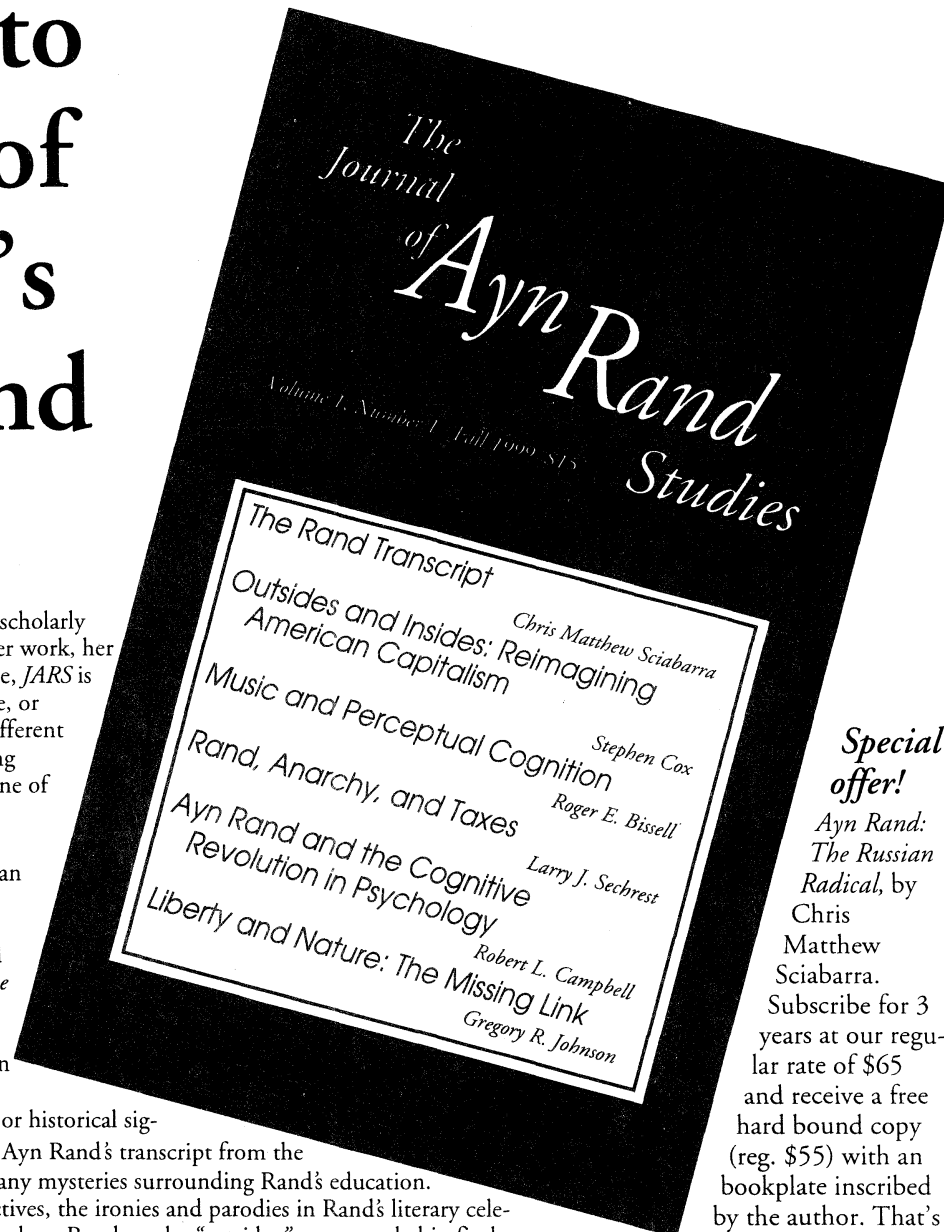

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editors, governments are a sort of floating Deity that should be venerated whenever they are mentioned, and in *The New York Times* that is all too often.

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

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

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

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

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

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

Well, I certainly hope so!

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

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

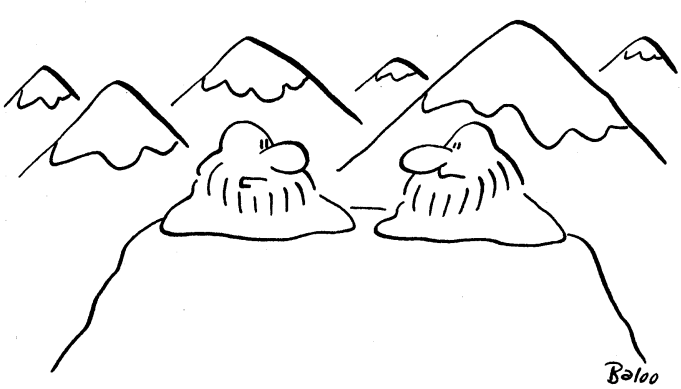

"Oh, I think reality is okay as far as it goes."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The tomb is the largest ever built for a president. It is a round tower of massive stone, 180 feet tall and 50 feet in diameter. A terrace, part-way up, provides an A-1 view of the Lake Erie shoreline. Above the crypt, which holds the big bronze caskets of Garfield and his wife, is the domed Memorial Hall. A stodgy statue of Garfield — not, to be fair, an especially attractive subject for any artist — stands in the center of this room. The circular wall is broken by allegorical stained glass windows representing states of the Union. These are quite good, as is the mosaic that runs around the wall above them. It shows a procession of allegorical figures, people of various races, classes, and occupations, engaged in making and carrying memorial wreaths.

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

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

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

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

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

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

And the whole family laughed at Janet Reno.

That's progress. —SC

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

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

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

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

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

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

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

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

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

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

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

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

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

States Whose Governors Have Used Cocaine

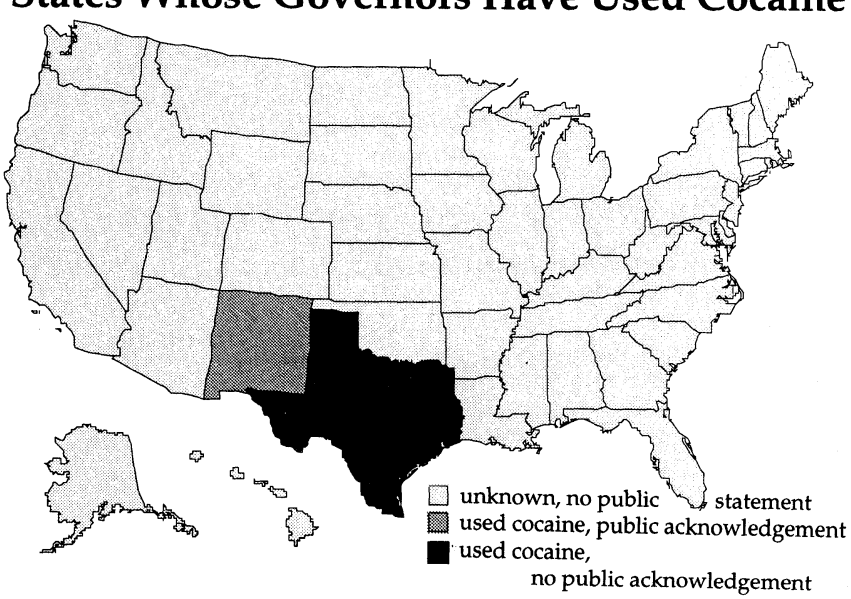

then EPA's programs are likely to lead to developments that the EPA believes will exacerbate global warming!

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

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

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

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

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

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

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

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

And some people think we should re-regulate telecommunications? —FLS

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

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

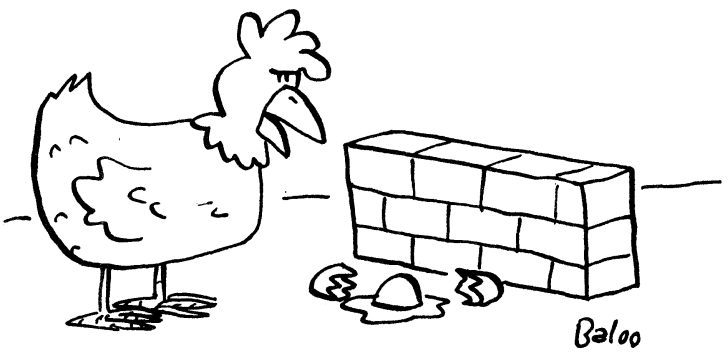

"How many times have I told you not to sit on the wall?"

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

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

When I was in my twenties, the Vietnam War had just begun. Women, if they were fortunate enough to go to college, were essentially limited to two careers, nursing and teaching, but what was really expected of them (all of them) was to become mothers and housewives. The birth control pill had just been invented, and the Catholic Church was adamant that no one should use it. I saw a frightening movie, "The Cardinal," about a woman dying in childbirth because the Church decreed that when given the choice the baby's life must take precedence over the mother's. Women avoided Catholic obstetricians who refused to prescribe birth control pills. Leon Uris' novel *Trinity* documented centuries of oppression of Irish women robbed of the right to control their own bodies.

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

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

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

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

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

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

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

—SMcC

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

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

continued on page 20

Waco: Fire and Lies

by R. W. Bradford

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

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

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

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

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

But the FBI's decision to burn over the entire property, thus destroying nearly all physical evidence of its assault, combined with its willingness to lie about what happened there, left open a number of questions, most notably: Who started the fires?

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

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

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

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

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

The Fires

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

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

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

> Richard Rogers: Are you saying he can penetrate the block covering over the construction on the green side?
>
> Stephen McGavin: Ten-four. He thinks he can get into position with relative safety utilizing the track for cover and attempt to penetrate it with military rounds.
>
> Rogers: Roger. Of course, if there's water underneath that's just going to extinguish them but you can try it.
>
> McGavin: Ten-four. Copy. He can try it?
>
> Rogers: Yeah, that's affirmative.

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

2) Local authorities examining the site discovered the remains of three flares in the ashes. The FBI had kept the entire scene illuminated with huge spotlights during the entire siege (partly to prevent the Davidians from sleeping), so it had no need for flares. No one has come up with any reason for the Davidians to have flares. So it is reasonable to surmise that the flares may have been fired by the FBI into the property, starting the fires.

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

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

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

What an absurd charade! Politicians and government officials lie all the time. It is what they do. To see a politician lying is no more unusual than to see water running downhill or to see a dog lick his balls.

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

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

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

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

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

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

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

"Conspiracy Types"

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

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

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

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

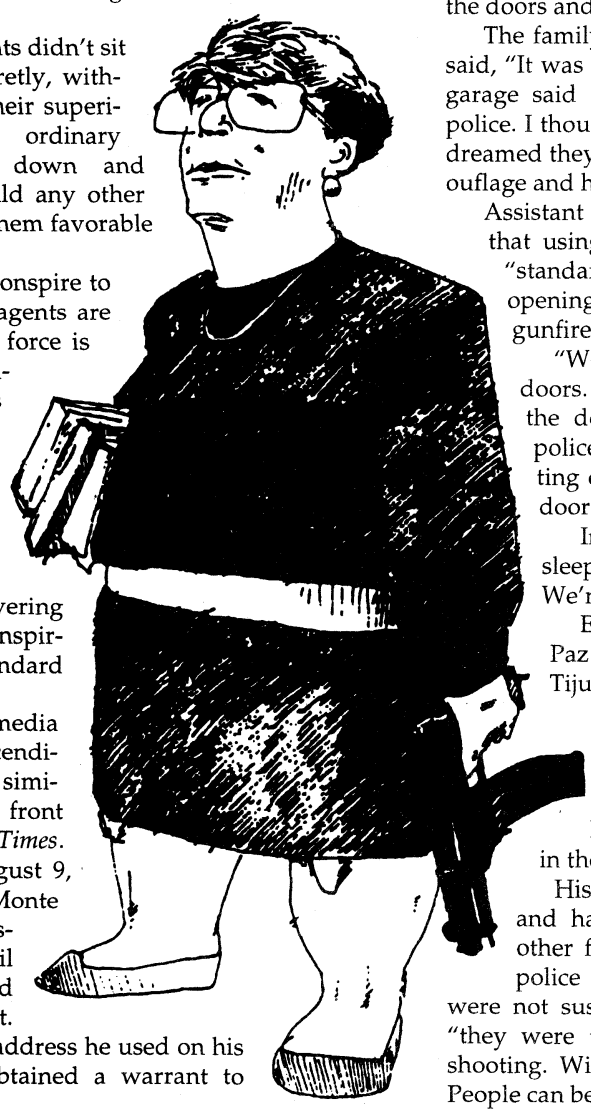

While the national media were focusing on the incendiary Waco revelations, a similar story made it to the front page of the *Los Angeles Times*. On the morning of August 9, police in nearby El Monte had arrested a drug suspect. He posted bail almost immediately and was back on the street. But they had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

At 11:00 p.m. that night, they approached the home at that address in nearby Compton. They considered the situation to be "high-risk" because in another search connected with the drug suspect, they had found rifles. So they followed the usual method of serving a warrant: they shot the locks off the door of the home, fired a "diversionary device" into a back bedroom window, threw a "flash-bang" grenade on the ground behind the house, and fired shotguns through the doors and windows.

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

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

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

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

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

Earlier that day, fearful of Y2K problems, Mario Paz had removed $10,000 in cash from his bank in Tijuana and stashed it beneath his bed. When he hit the ground, he reflexively reached under the bed to see whether his money was safe. As he did so, two policemen entered the bedroom. As his wife screamed "My husband is sick! He's an old man!" one of the officers shot him in the back twice, killing him.

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

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

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

Like Waco, the murder of Mario Paz, the invasion of his home, and the humiliating detention of his family were Standard Operating Procedure. The officers who planned and executed the raid were doing what they always do. The officer who shot Mario Paz in the back received no punishment at all.

The FBI murdered the Davidians whether its agents actually lit the fires or not, just as the Nazis murdered Jews, homosexuals and Gypsies who jumped onto electrified fences rather than continue to "live" in Nazi concentration camps.

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

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

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

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

The New Spin

It took nearly two weeks for Democrat apologists of the Davidian massacre to come up with a new spin. On September 2, House Judiciary Minority Counsel Julian Epstein appeared on Fox News's *The O'Reilly Factor* and unveiled the latest attempt to explain away the massacre:

> I think that the fact that the FBI didn't give us two pieces of information is going to reinforce the cynics and people like Timothy McVeigh who believe that everything the government does is corrupt and wrong, and that's unfortunate.
>
> There are two other issues that [are very important]:
>
> One, whether or not it was responsible for the government to conduct a raid in April of 1993. And while I may even disagree and think that it was done too hastily, I think the you have to remember exactly what was going on. There was a hostage situation and there were Davidians who wanted to leave the compound. We found out during the Congressional investigation that there was a child of 11-years-old who was being raped. There were 200,000 rounds of ammunition. While it's possible the FBI could have defused the situation by waiting, that's a very, very difficult call. And it's easy to Monday morning quarterback, but I don't think any of us would want to be in that position, given the fact that if the government did nothing real disaster could also have occurred.
>
> Secondly, the point about the fire, the Republicans conducted a Congressional investigation in 1995 with two different committees and they came to the conclusion that the fire was started by the Branch Davidians, not just because of the representations of the FBI but because the fire was started in three separate places within the compound, because there was gas on the clothes, there were others that were shot at point blank when the confrontation occurred.
>
> Now I think there is not much of an honest debate about where the fire started, but I think it is absolutely outrageous that the FBI didn't give us this information and I don't think the FBI can do it itself, to find out, to give us some explanation and see if there, in fact there is additional information.
>
> An 11-year-old came before the committee and testified she was raped. Before the committee. There were conversations with other children that said they wanted to leave and they couldn't. There were 200,000 rounds of ammunition. I'm not here saying the decision to go in was the right decision necessarily, but I'm saying to try to put yourself in the shoes of the Justice Department at that time when you're looking at a tinderbox with a group of Davidians who were loaded to the hilt with often-illegal ammunition, it was a difficult call. Again I'm not saying it was necessarily the right thing to do but a tough call.
>
> I think we should be careful not to use the word cover-up. I prefer the word screw-up, to tell you the truth.

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

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

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

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

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

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

But no matter. The Keri Jewell testimony, though absolutely irrelevant and almost certainly false, had captured news media attention and disarmed Republican members of the Congressional committee investigating Waco. Apparently, Epstein thought this tactic might again divert attention from the real issues.

What about Epstein's second reason for taking immediate action, the "200,000 rounds of ammunition . . . [some of which was] illegal"? This is a new twist, and a strange one. I don't know how many rounds of ammunition the Davidians had, nor whether any was illegal. But one fact is pretty well established: during the entire siege, the Davidians had not fired a single round of that ammunition. So there is little reason to believe that if the FBI waited further, its agents or the children inside would be endangered by all that ammo.

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

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

And what about the "Davidians who wanted to leave the

Investigating the Waco Massacre

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

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

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

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

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

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

Let's examine these bits of evidence.

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

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

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

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

Reflections, *continued from page 14*

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

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

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

Prosperity is a good thing. If output grows because of a larger or better-educated and healthier labor force or because of technology-based gains in productivity, fine. It is likewise fine if unemployment shrinks through better matching of workers and jobs and job vacancies, owing perhaps to improved management and even to the opportunities offered by a steady economic environment (as opposed to one beset by stop-and-go policy). Real factors like these, contributing to an impressive real growth rate, are of course not to be resisted by monetary policy. They permit an accommodating (and noninflationary) increase in nominal spending and in the supporting quantity of money. Such reality-based growth in output is distinct from an unsustainable spurt due to unwise policy. (An increasingly complicated money-supply-and-demand situation, partly the result of ongoing financial innovation, renders this distinction between a merely accommodating and an overexpansionary policy difficult, however, for the Fed to make.) The price increases that lag behind an unsustainable spurt in output and employment tend to reverse that spurt. A tightening of monetary policy delayed until then comes too late to stop the price inflation and tends to produce a slump.

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

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

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

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

— LBY

Analysis

What Are They Smoking?

by Alan Bock

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

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

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

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

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

Chuck Thomas of the Marijuana Policy Project tried to activate a phone and e-mail campaign before the vote. Some drug-reform activists, including Peter McWilliams, used their e-mail lists to encourage protests. But the trickle of protests and the editorial I did for the *Orange County Register* out on the Left Coast didn't impress the august members of the House of Representatives.

Why did this happen?

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

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

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

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

Recent events have obliterated whatever intellectual and legal rationale ever existed for extending marijuana prohibition to sick people whose doctors believe marijuana might offer them some benefit no other medication can. After California passed Prop. 215 in 1996, Drug "Czar" Barry McCaffrey threatened, fulminated, and commissioned a study by the quasi-independent Institute of Medicine. Issued in March of this year, that study offered a couple of sops to the drug warriors — for example, it concluded the future of medical marijuana does not lie in smoked marijuana — but on balance the report acknowledged that "the adverse effects of marijuana use are within the range tolerated for other medications," and that marijuana is useful in treating several medical conditions: nausea induced by cancer chemotherapy, AIDS "wasting syndrome," some kinds of chronic pain — especially chronic back conditions, and even some aspects of multiple sclerosis.

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

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

Legalization: the Road to Electoral Success?

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

Curiously, there is not a lot of evidence for this view. Not a single elected official who has questioned the wisdom of marijuana prohibition or called for legalization has suffered at the polls as a result. Kurt Schmoke was re-elected as mayor of Baltimore by a larger margin than his first election after questioning drug prohibition. Joseph Galiber, a New York assemblyman from the Bronx, introduced a drug legalization bill every year for a couple of decades and still had no problem getting re-elected. And Ron Paul, despite open hostility from the Republican establishment in Texas and the nation, seems to be able to be re-elected whenever he wants, despite his unremitting opposition to the War on Drugs.

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

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

This is true even (or maybe especially) at the state level, including in California, where the newspaper for which I write has the third-largest circulation in the state. Even elected officials who have publicly supported Prop. 215 wimp out in the face of the least little threat from the feds. From what I see, they pay no political price for their cowardice. The medical marijuana movement is substantial in this state, but not substantial enough to make any politician quake in his boots or even want to displease some of his more fascistic colleagues in government.

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

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

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

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

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

On the last day of the legislative session, Sen. Vasconcellos made SB 848 a "two-year bill," meaning no final vote was taken and it can be brought up again next year. Vasconcellos had flirted with law enforcement-backed ideas that might have mollified Gov. Davis, like making state registration mandatory or requiring doctors to report contacts with medical marijuana patients to county health officials (even if they had not prescribed or recommended it themselves) who would forward names to a state registry. Most patients and medical marijuana advocates opposed such notions vocally and there was no guarantee Gov. Davis would have signed it anyway. The effort to implement Prop. 215 will take even longer. And while a September 13 9th Circuit Court decision ordering a federal judge who had closed Northern California cannabis clubs to reopen the case and consider a "medical necessity" defense should have an impact on federal enforcement activities, it's too early to tell what impact it will have at the state level. Federal officials obviously sense the fear in California. Drug Czar Barry McCaffrey practically threatened to arrest

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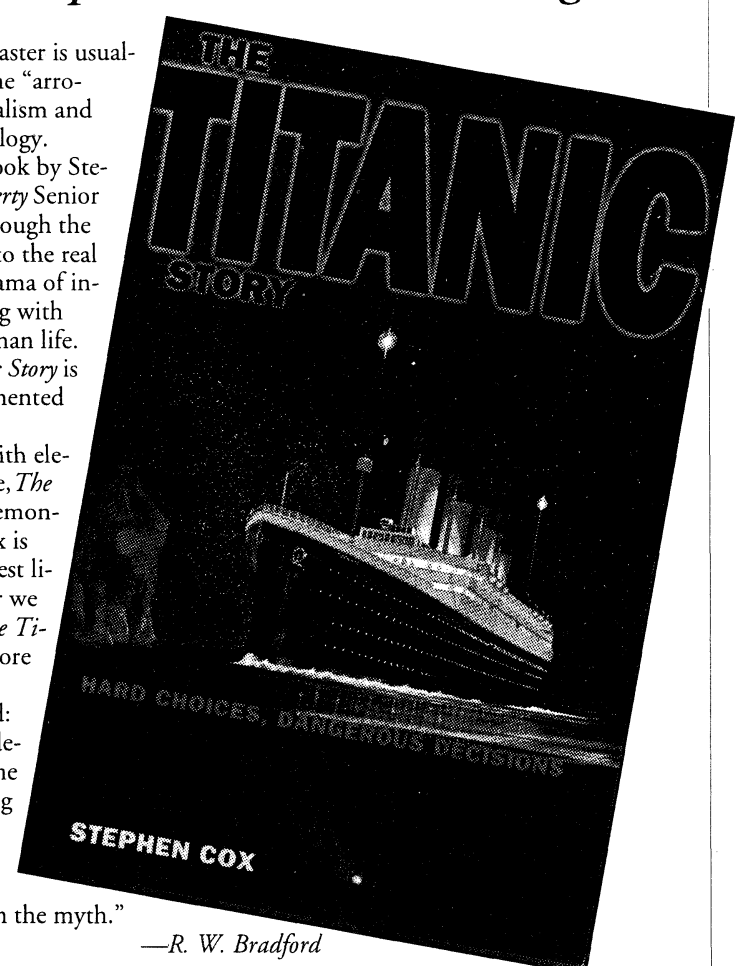

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—*R. W. Bradford*

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

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

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

Nor has Lockyer, who according to California law "shall have direct supervision over every district attorney and sheriff and over such other law enforcement matters as may be designated by law, in all matters pertaining to the duties of their respective offices," chosen to express a view about the case of medical marijuana activist Marvin Chavez, who was sentenced to six years in prison after the judge instructed the jury not to consider Prop. 215 in its deliberations.

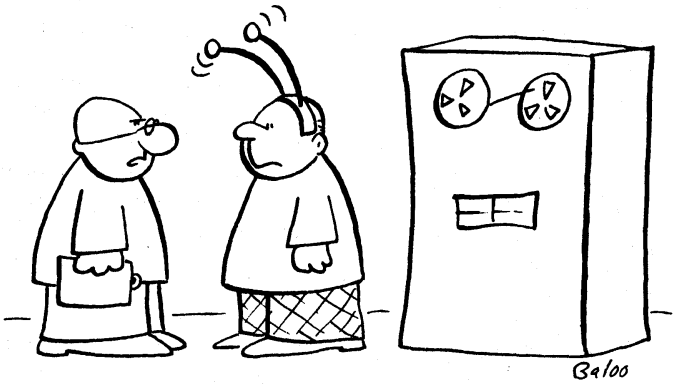

"Henderson, you just don't take your debugging duties seriously enough!"

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

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

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

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

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

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

continued on page 52

My Lunch with Liddy

by Chester Alan Arthur

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

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

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

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

I walked back to the press table to ask about the other promised press conference, this one with Liddy Dole, scheduled for 11:30. The press people, who'd so enthusiastically promised me the press conferences when I'd called the day before, said they didn't know where it would be, and told me to check with her staff. The candidate herself was stationed in a tent where she would allow her picture to be taken with anyone who'd cough up a $35 donation to her campaign. I wandered over to her headquarters and asked about the press conference, only to be told I needed to speak with someone with her national staff, "over there by the picture tent." I eventually found her press relations guy, who told me there was no press conference planned. I was vaguely annoyed, and told him so. He promised to set up a "few minutes for questions" after she finished her speech.

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

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

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

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

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

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

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

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

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

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

Eyeball to Eyeball with a Child Killer

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

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

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

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

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Beachhead in Russia

by Jen Tracy

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

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

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

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

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

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

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

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

As late as July, 1990, at the meeting of the 28th Party Congress (Gorbachev was still in power), the delegates voted by a large majority to ban the word "market" when referring to the economic reform commission that those same delegates appointed. That must have been especially exasperating to economists who were appointed to a commission for the specific purpose of introducing the market into Russia's ailing economy. And, though this may have annoyed Gorbachev, the banning only underlined the deep-seated beliefs of the majority of the party delegates. It also presaged where his reforms were headed — not far.

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

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

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

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

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

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

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

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

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

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

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

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

That is why the older generation is the fiercest protester of liberal changes. Many people are too old to be able to learn how to function in the market; they are too old to be able to support themselves in this way. They are afraid, as they should be. Although Russia has only half-embarked on liberal reforms, their stability has been removed, and many of them are now attempting to subsist on a salary of $16 per month or much less. They blame liberal market reforms for their plight rather than the mishandling of the government in implementing those reforms — or the unbridled corruption that invades every aspect of business and government.

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

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

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

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

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

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

Who are his favorite authors?

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

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

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

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

Pedagogy

Schools and the Constitution

by Mel Dahl

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

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

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

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

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

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

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

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

But what happened (as was bound to happen) is that it occurred to some that since students had some Constitutional rights, there was no philosophically sound reason to deprive them of other Constitutional rights. As a general rule, the Constitution is a package deal; government agencies do not get to pick and choose which rights they wish to respect. It must therefore logically follow that if a student has a First Amendment right to wear a black armband to protest the Vietnam War, she probably also has a First Amendment right to tell her teacher that he is an idiot (especially if the teacher in question really is an idiot). Or that if the Due Process Clause means a child cannot be expelled without a hearing, the Search and Seizure Clause probably prevents school administrators from taking a peek inside his locker to see if he is holding drugs.

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

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

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

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

This is one reason why private schools on the whole do a much better job of educating pupils than do public schools. Unencumbered by constitutional constraints and under no obligation to respect students' free speech or due process rights, they can concentrate on the business of getting students to learn. Disruptive influences can be dealt with quickly and efficiently. Students soon learn that their conduct must conform to certain standards; and their classes are places where people actually learn things.

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

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

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

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

One of the by-products of the Rehnquist court has been a sharp curtailment of student rights. Over the past ten years the Supreme Court has reversed course and given educators broader authority to control students, at least in some contexts. But rather than come right out and say that education is incompatible with the Bill of Rights and so it won't be applied to students, the Court has simply created a new series of nonsensical distinctions.

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

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

continued on page 34

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

by Gary Alexander

Do something. Not just anything, but something important.

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

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

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

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

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

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

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

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

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

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

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

In Fairness, There Are Some Negatives, Too

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

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

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

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

A little more problematic (to me) were the state's threats of fines and up to ten years in prison for a variety of minor infractions in campaign reporting requirements. I chafed under those threats for a while, but I finally realized that life is filled with such empty noise and — if you let them scare you — you'll throw up your hands and head for some palmy tax haven. Gritting my teeth, and complaining all the way, I did my best to obey all the silly rules, live a clean life, and chronicle all my income and expenditures on time and accurately. I wouldn't give them the satisfaction of scaring me out of the race.

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

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

After getting the necessary signatures on a petition and filing my major forms, I drafted a game plan. In order to keep my message simple, I stressed only three campaign points, which I hammered endlessly: (1) Richmond can say "no" to Washington, D.C., every day: "As your delegate, I will use the 10th Amendment to the U.S. Constitution to veto federal intrusions into your life." (2) I'll work to eliminate state income taxes entirely, and cut the budget at least 50 percent the first year. (3) Let's open the ballot to more voices of diversity, like mine (or yours, dear voter), so you're not stuck with the same old choices.

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

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

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

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

Exploiting JFK Jr.'s Death

by Sheldon Richman

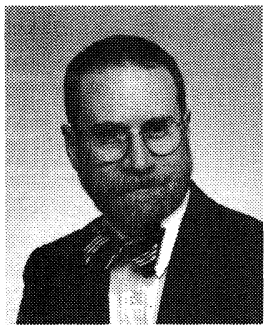

Advocates of activist, overbearing government claim to be against exploitation. But they did not hesitate to exploit John F. Kennedy Jr. in death.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Press Coverage Is Generally Thorough and Fair

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

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

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

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

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

Dahl, "Public Schools," *continued from page 30*

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

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

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

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

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

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

Saigon in the Andes

by Dyanne Petersen

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

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

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

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

For the past five years, Colombia's anti-drug police, backed by U.S. forces, have tried to eradicate coca in its southern jungles, where the U.S. reconnaissance plane went down. Light aircraft and helicopters dodge guerrilla bullets to spray nearly 350 square miles of coca plantations. In 1994, Colombians grew an estimated 45,000 hectares (175 square miles) of coca; 1997's total was 80,000 hectares. Faced with increased risks of losing part or all of their crops to the herbicides, farmers simply planted more; those who lost all and faced poverty were more tempted to escape it by joining the local guerrillas.

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

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

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

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

Peace talks between Colombia's government and FARC's leadership, rescheduled from July 7 to July 19, are now "indefinitely postponed." Between those dates, FARC forces launched coordinated attacks on army encampments, banks and other targets in 26 towns across the country in what was called "the biggest and most demented guerrilla offensive in the past 40 years." Hundreds of rebels, military personnel and civilians were killed.

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

Although President Pastrana and his peace efforts have enjoyed support from the U.S. government, Colombia's neighbors have been undiplomatically critical, a result of the troubles spilling over their borders. Peru's Alberto Fujimori, who has exhibited his no-nonsense and non-negotiation approach to rebels and terrorists, predicted the escalation of Colombia's civil war and saw Pastrana's poor performance as "a threat to the continent." After FARC guerrillas launched their offensive in early July, President Fujimori ordered his troops to the Peru-Colombia border as defensive insurance. In June, thousands of refugees flooded into Venezuela to escape the conflict between Marxist FARC rebels and right-wing paramilitary groups in northeastern Colombia. Eighty people were killed in cold blood and thousands driven from their homes in what Venezuela's President Hugo Chavez called a mini-Kosovo. Also in June, Panama sent troops to its border with Colombia to protect villagers threatened by the presence of FARC guerrillas who used the area as a resupply and rest stop.

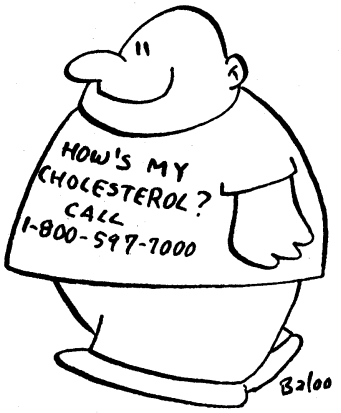

Of course, none of this is acceptable to the U.S. Talk of "Vietnamization" in early 1998, based on creeping American involvement in Colombia's wars against both drug traffickers and guerrillas (frequently the same people), has given way to speculation that Colombia will be the next Kosovo. When General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

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

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

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

NATO, Kosovo, and Cuba: A Fuzzy Analysis

by Bart Kosko

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

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

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

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

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

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

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

So why has the same logic failed to convince the people of South America? Are they not smart enough to see the strength of these arguments? Does their culture trump this reasoning? The oceans that protect and isolate the United States of North America also protect and isolate the independent states of South America. Europeans or Asians could have invaded South America as easily as they could have invaded the U.S. The independent states of South America share a common language and religious culture just as the first 13 states in the U.S. did. And the South Americans have had the advantages of time and evidence. They have had more than two centuries to observe the U.S. experiment in federalism. Even the recent experiment of a European Union among the culturally distinct and often antagonistic European states has not swayed them.

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

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

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

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

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

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

UN Article 51 itself does not support the NATO bombing because it allows member states to use force only if they act in self-defense: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

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

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

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

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

Critics charged that NATO applied this stop-the-killing argument selectively. NATO did not use force to stop the violence in Tibet or Ethiopia or in any of the 30 or more wars that factions now fight around the world. Some critics even pointed to NATO-member Turkey's violence against the Kurds.

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

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

continued on page 40

Arms in the Celestial Kingdom

by David Kopel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mencius, the most influential developer of Master K'ung's thought, also advocated revolution. In contrast to the Legalist philosophers popular in the imperial palaces, Mencius considered the people more important than the state. Quoting from the *Shu Ching* ("Classic of History," one of the Five Classics of Confucianism), Mencius wrote, "Heaven sees as the people see; Heaven hears as the people hear." And thus, the dissatisfaction of the people could remove the mandate of Heaven from a ruler, and place it on another ruler. The *Encyclopaedia Britannica* notes Mencius considered that revolution "in severe cases is not only justifiable but is a moral imperative."

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

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

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

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

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

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

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

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

Then why does NATO not invade or at least bomb Cuba? NATO has the power to crush Cuba's brutal dictatorship. Russia and China would surely oppose a NATO attack on Cuba. But so what? NATO showed with Yugoslavia that Russian and Chinese opposition does not matter.

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

continued on page 44

Biography

The Woman Who Would be President

by Wendy McElroy

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

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

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

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

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

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

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

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

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

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

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

Woodhull cannot be rediscovered without appreciating her ideological underpinnings.

Rediscovering Woodhull

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

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

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

Woodhull is perhaps most famous for her advocacy of free love. That is, she believed the State had no place in regulating the private sexual arrangements between consenting adults. Such matters as marriage, divorce, and the recognition of illegitimate children should be left to the consciences of those involved. The specific arrangements should be a matter of consent and contract, not of regulatory law. In a modern-sounding manner, she defended prostitutes as "victims," while excoriating the men who patronized them. At one point, she threatened to publish the names of prominent male customers in the *Weekly*. When unsolicited "hush money" flowed into her office, some people accused her of blackmail.

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

The Journey Toward Notoriety

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

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

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

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

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

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

Woodhull as a Popularizer of Andrews

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

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

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

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

In general terms, this was the nineteenth-century individualist view of economics: profits were stolen from working people through an alliance of capitalism and government. This union was a disease that could be cured only through "society by contract" and the free market system. This sounds odd to modern ears — the free market as a defense against capitalism. Even odder, many staunch advocates of the free market referred to themselves as socialists. By this term, they meant to advocate a society based upon cooperation rather than upon imposed laws. Consider the NELRL, an organization defined by individualists — Heywood, Tucker, Josiah Warren, and William B. Greene. The NELRL adamantly opposed "profit-taking." The self-expressed purpose of the NELRL was "[f]ree contracts, free money, free markets, free transit, and free land — by discussion, petition, remonstrance, and the ballot, to establish these articles of faith as a common need, and a common right, we avail ourselves of the advantages of associate effort."

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

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

Woodhull's Bid for the Presidency

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

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

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

Errata

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

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

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

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

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

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

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

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

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

Commodore Vanderbilt died in 1877, leaving the bulk of his estate to his son William. The rest of the family sought to overturn the commodore's will on the grounds of incompetence. Vanderbilt's dalliance in spiritualism and the influence of the Woodhull sisters were considered evidence of senility. Victoria and Tennie abruptly departed for England, amid rumors that William was funding their relocation to prevent their testifying.

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

The Self-Rehabilitation of Woodhull

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

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

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

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

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

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

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

There is no more real chance that NATO will invade Cuba than that South America will create a federal government. That is all to the good on both counts. But not invading Cuba or even threatening to do so makes Cuba's dictatorship a living counter-example to NATO's new extra-treaty logic of invasion. That alone suggests that NATO's moral argument for bombing Serbia was a sham. And there never was a legal or treaty-based argument.

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

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

Reviews

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

Mainstreaming Libertarianism

Bruce Ramsey

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

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

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

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

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

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

And you know something is going on when a book like *The Long Boom* comes out, not from libertarians, but from a business consultant, an editor of *Wired* magazine and from Joel Hyatt, the 1994 Democratic senatorial candidate from the state of Ohio.

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

The "ideology" the authors extract from all this talking is rather better than the "neither left nor right" label they put on it. Consider the book's comments on education. "Today the U.S. educational system is in a severe disconnect from the emerging New Economy," they write. Education needs to make people "veritable learning animals — adaptable, innovative people who can move confidently within an economic environment that is constantly in flux." But the U.S. educational system, they say, "does not have high enough standards, social discipline or parental involvement." Without using that right-wing unmentionable, "vouch-

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

ers," they call for a "GI Bill" of generous federal support for public and private education in higher and lower grades. They cheer the private schools as the vehicles of innovation. They also see charter schools following the lead of private schools and operating "in a symbiotic relationship" with them. They call for "a rapid expansion in new schools, both public and private, spurred by an entrepreneurial market for education reminiscent of the can-do ethos of Silicon Valley."

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

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

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

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

However, this libertarianism is not Libertarianism with a capital L. That formal Libertarianism has been associated in the United States with a party on the right-wing fringe that is fanatically antigovernment. Long Boomers are not antigovernment. They understand that we need good government for security, for roads, for securing an education for all people and help for those in severe trouble. Long Boomers aren't even too upset about taxes — they just want to be sure the money is going to be well spent. But when in doubt, when the choice is between two seemingly equal options of expanding government or letting people solve their own problems outside government, they'll tilt in the more libertarian direction.

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

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

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

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

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

The Consequences of One Man's Moralism

Dyanne Petersen
Jeffrey Rogers Hummell

No single issue provoked more controversy in the United States during the middle decades of the nineteenth century than slavery, and the moral high ground found itself highly contested. While many Southerners used scripture to defend human bondage as consistent with Christian charity, the faithful from the North interpreted the same Good Book as making slavery's abolition a moral imperative. Opponents of slavery, although united in their ultimate goal, were divided into numerous factions. They disagreed and fought over not only how best to achieve freedom for the country's slaves but also over how millions of Negroes should be treated once freed. Libertarian activists, particularly those who have engaged in all the movement's lively faction fights, caucus building, and platform arguments, can easily identify with the schisms within abolitionism; those who have participated in single-issue coalitions will recognize the many challenges that come when any group of politically, socially, and culturally diverse people rally around one unifying idea or event.

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

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

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

All On Fire, the result of a ten-year effort, restores Garrison to his rightful place in history as "an authentic American hero who, with a Biblical prophet's power and a propagandist's skill, forced the nation to confront the most crucial moral issue in its history." The author does justice to all of Garrison's most radical stances: his advocacy of disunion and denunciation of the Constitution, his opposition to voting and to political parties, his anarchism and pacifism, his early and hearty support for women's rights, and his disillusionment with and rejection of organized churches. Mayer gives these intellectual conflicts such drama, without ever oversimplifying, that the book propels you effortlessly through its nearly 700 pages and, in the process, provides one of the best narrative histories of abolitionism overall. In the end, *All On Fire* makes a strong case that without the crusading editor's inflammatory but compelling writing, speaking, and organizing, there may have been no effective antislavery campaign at all.

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

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

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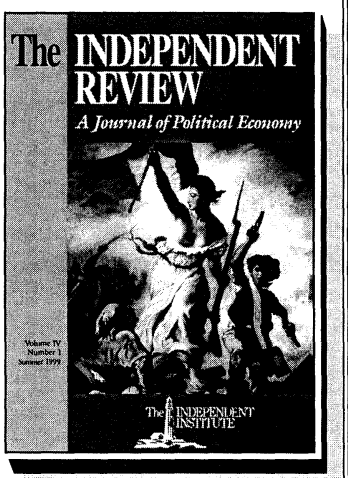

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subject, I do not wish to think, or speak, or write with moderation. No! No! Tell a man whose house is on fire, to give a moderate alarm; tell him to moderately rescue his wife from the hands of the ravisher; tell the mother to gradually extricate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

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

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

Garrison had arrived at this platform, which steadfastly subordinated politics to moral principles, only after some early, frustrating attempts to effect positive change with gradualist goals and strategies. One of his first jobs was as a political hack in Vermont writing for President John Quincy Adams's reelection campaign. Editing the party vehicle, *Journal of the Times*, Garrison rejected immediate abolition as "visionary" and "out of the question," but critics still branded him an insurrectionary. As late as 1830, the young antislavery activist had sought a political hero in Henry Clay, the "great pacificator" who had been instrumental in the Missouri Compromise. But the concessions, equivocations, and ultimate futility of Garrison's forays into practical politics marked, in Mayer's words, "an important way station on his journey from a strategy based upon an appeal to benevolent leaders to one that sought to change the climate of opinion in which leaders had to operate."

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

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

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

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

By adopting and maintaining a radical, moral consistency, Garrison successfully changed the contours of the slavery debate. His public addresses and actions complemented his explosive editorials each week. He exposed the hypocrisy of those sons and daughters of the American Revolution who defended a Constitution that required the return of runaway slaves, and proudly burned a copy at a 4th of July celebration, proclaiming "So perish all compromises with tyranny." To proponents of subsidized colonization, Garrison countered with a reminder that the "foreigners" were American born and asked "Does OUR color make us subjects of George IV?" Just as Garrison challenged the morality of the constitutional compact and defied any government to impose limits on his repudiation of slavery, so too did he denounce those churches that failed to profess the fundamental Christian principle that God had made people "equal in value, in dignity, in existence, in immortality." While keeping his deep faith in God and advancing abolitionism as the "holy cause of human rights," his exasperation with organized religion caused an irreparable split.

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

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

Author Henry Mayer generously shares details of Garrison's personal and public life, showing a loving, devoted father and husband, a faithful friend and comrade-in-struggle to women and persons of color, a devoutly religious and benevolent man, and a courageous, tireless, and talented speaker and writer. Mayer is equally generous in documenting the contributions of other heroic abolitionists, although the credit and sympathy he grants to Lincoln will irritate knowledgeable revisionists. Yet not once in *All On Fire*'s massive narrative does Mayer reveal an effective or influential consequentialist argument made by opponents of slavery. Garrison and his compatriots attached themselves instead to natural rights and nonaggression and fiercely condemned any person, agency, or decree that violated these principles. One fears that twentieth-century libertarian consequentialists, in contrast, would merely portray the Fugitive Slave Act as an unfunded mandate on Northern states, attack colonization because it would be too costly, and draw back from emancipation without compensation to the slaveholder as a violation of property rights. Gradualist libertarians might hold that slavery is wrong but express concern for the economy and the labor market if full and immediate abolition was instituted.

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

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

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

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

Garrison asked, if men of "high standing and extensive influence . . . shrink from the battle, by whom shall the victory be won?" And if libertarians descend from the moral high ground and choose instead consequentialism or gradualism, who will articulate the moral superiority of our ideas? If libertarians do not loudly proclaim that taxation *is* theft, conscription *is* slavery, and war *is* mass murder, who will? If libertarians do not burn with righteous moral outrage at such State atrocities as the killing of children at Waco and the bombing of innocent civilians in Kosovo, who will? Garrison employed the language of his times to raise a moral standard in the slavery debate. His fervor blazed with such passion and heat that it still singes us over one hundred years later. Libertarians, moralists and consequentialists, have much to learn from the example of William Lloyd Garrison, as scrupulously detailed in this truly inspiring biography. ❑

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

A Revolutionary Life

R. W. Bradford

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

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

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

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

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

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

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

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

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

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

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

Which is too bad. Karl did more

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

than develop a personal, idiosyncratic, dynamic libertarianism — a libertarianism that I think outshines many of its more formally systematic alternatives. He was a moral exemplar, a man always fascinated with life, a man who was loyal to his friends and to the truth as he saw it.

The world — and the cause of human liberty — would do well to have more Karl Hesses. And libertarians would do well to read *Mostly on the Edge*. For those like me who were Karl's friends, it brings back wonderful memories. For those who never knew Karl, it introduces them to a libertarian who was not merely great, but also good. ❑

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

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

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

I have no idea whether, as some reformers and drug warriors seem to think, a few cracks in the prohibitionist façade precipitated by authorizing the medical use of marijuana will undermine the entire drug war and eventually bring it to a halt. I'm inclined to think otherwise, that a good-faith effort to implement a system whereby marijuana can be prescribed and researched would leave the warriors with most of their empire intact. But I've met too many patients who get relief from marijuana yet remain fearful of law enforcement, even in a state whose voters have authorized them to use their and their doctors' preferred medicine. If we can't figure out a way to end this legally-induced cruelty, to let sick people get access to marijuana safely and legally, we forfeit a lot of claims to being a civilized society.

Barry McCaffrey is both right and wrong about people like me. I proudly cop to being for much more extensive drug legalization. But I've tried to stay away from that argument while there seemed to be a chance to get marijuana medicalization done for the sake of patients and common compassion. Maybe that makes me a "stealth" legalizer exploiting the medical marijuana issue. But he can co-opt me and others like me easily by showing a speck of common sense (and respect for federal law) on medical marijuana. That would satisfy many advocates of legalization of medical marijuana and take them out of the political battle. Then he could take on the remaining legalizers on a clearer and less emotional political playing field, where he presumably thinks he would have an advantage.

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

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

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

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Lake McMurray, Wash.

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

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

Washington, D.C.

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

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

U.S.A.

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

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

U.S.A

Advance in couch-potato technology, reported by Reuters:

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

Virginia Beach, Va.

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

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

Sao Paulo, Brazil

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

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

Indonesia

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

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

San Francisco

Victory for civil rights, reported by Reuters:

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

Norristown, Pa.

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

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

Great Britain

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

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

U.S.A.

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

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

Colorado Springs, Colo.

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

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

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or to email them to terraincognita@soft.com.)

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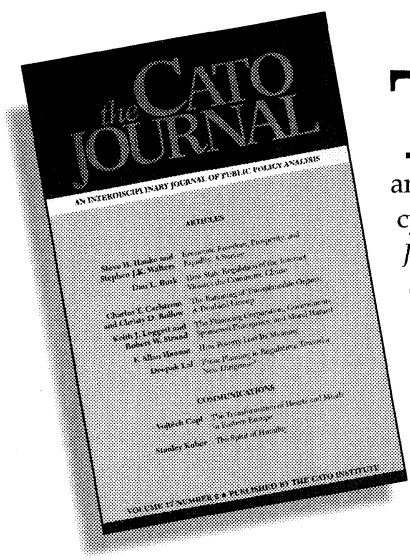

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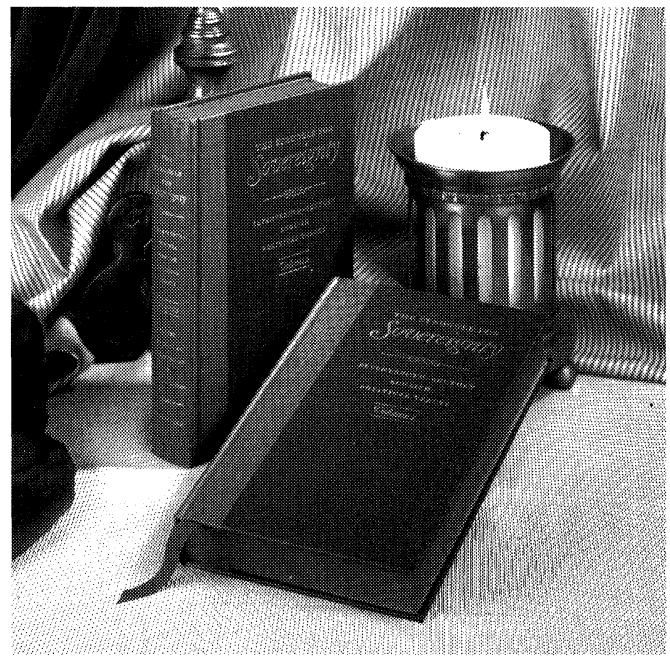

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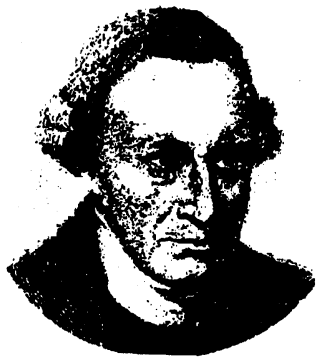

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Inside Liberty

December 1999
Volume 13, Number 12

4 **Letters** Our readers get the first word.

7 **Reflections** On Great Books, good economic news, bad art and Terrible Ted Turner.

Features

19 **Russia Invades, Chechnya Bleeds** *Yuri N. Maltsev* exposes Russia's centuries-long war to conquer another nation.

24 **An Opportunity for the Libertarian Party** In 27 years and seven presidential campaigns, Libertarians have learned how to finish fifth with one half of one percent of the votes. *R. W. Bradford* suggests that it's time to try something new.

27 **The First Antislavery Amendment** *David Kopel* explains how the Second Amendment nullified slavery.

29 **Tobacco War in a Small Place** *Gary Gissell* witnesses an attempt to ban tobacco in the controlled environment of a federal prison.

31 **Truth vs. Power** *Kyle Rothweiler* explores what happens when the will to power goes up against the will to truth.

35 **The Poverty of Moralism** The "moral high ground" is a dangerous place to stand if it's buttressed by the non-aggression axiom, argues *R. W. Bradford.*

37 **The New Branden vs. the Old** *Jeff Walker* and *Bryan Register* quarrel over the strange career of Ayn Rand's former intellectual major-domo.

40 **A Loyal American** *Bertram Benmeyer* has a fictional encounter with the sinister Federal Safety Bureau.

Reviews

45 **The Pugnacious Peacenik** *Bruce Ramsey* takes a hard look at Pat Buchanan's case for isolationism.

47 **Winners and Losers** *Fred Smith* explores the factors, natural and otherwise, that lead civilizations to success.

48 **American Apologist** *Gene Healy* takes a close look at Paul Johnson's neoconservative defense of state-building presidents and American imperialism.

51 **A Tax Upon You** *Ralph Reiland* looks at the devil in the details.

53 **Notes on Contributors** Who we are.

54 **Terra Incognita** The real world, in homeopathic doses.

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Letters

Driving Miss Fonda

I'm real impressed by Sarah McCarthy's radical credentials: that she was such a true prole that she once drove billionaire Ted Turner's wife around ("Hanoi Jane, the Gipper and Me," October), and her own mommy thought she knew the whereabouts of Patty Hearst. I'm also glad for her — that she was so inspired by Reagan's firing of the 11,000 air traffic controllers, that she found the "moral courage" to fire her own restaurant staff.

However, she slanders a lot of good people when she states that the PATCO workers' "salaries were in the $150,000 range in today's dollars." In fact the Consumer Price Index in 8/81 was 92.3. In 7/99 it stands at 166.7. Therefore $150K today would be the equivalent of $83,000 in 8/91. This is more than double the average PATCO salary, and in fact is more than the most senior Controller could have earned at the busiest facility in 1981.

Richard Strassberg
New York, N.Y.

Mixed Bill

Bill Gates, join the Libertarian Party? I suppose Peter McWilliams's suggestion ("An Open Letter to Bill Gates," September) sounds plausible enough on its face, given Gates's recent troubles with the U.S. Department of Justice. But when I surf over to the Libertarian Party website (using my evil, Janet Reno-approved Netscape browser) I notice the following plank in the Party platform: "We condemn all coercive monopolies. We recognize that government is the source of monopoly, through its grants of legal privilege to special interests in the economy. In order to abolish monopolies, we advocate a strict separation of business and State."

Correct me if I'm wrong, but if we abolish all coercive monopolies, wouldn't that include eliminating the copyrights on all Microsoft software? And mightn't that lead Bill to the conclusion that he's really a "mixed economy" libertarian?

Just wondering.

Matt Ruff
Philadelphia, Pa.

Standing up to the Majority

I was following Loren Lomasky's article ("Libertarianism as if (the Other 99% of the) People Mattered," October) rather nicely, expecting to be enlightened somewhere in his over-long and snobbishly verbose apologia.

When he got to the point where he rationalized his job as a publicly-funded professor (of philosophy at a state university) he lost me. He based his sell-out on the fact that the majority (who may not understand the actual coercive nature of socialism — or who may, but just don't give a damn, taking the perceived path of least resistance) want public education.

As to highways, there is no viable alternative to public roads and we are forced to pay for them. There is no conflict in using them for our necessary business or even our pleasure. We are captive owners of the "public" roads. Besides, a fee or tax for using something is not un-libertarian. It is just that government administration of anything always leads to unfairness, mediocrity, and wastefulness, at best.

When I was a poor blue-collar working man, I could not afford a private school for my children, but had I not been taxed for the public ones, I could have. So there was no conflict with my libertarian principles in sending them to schools for which I was already paying.

And, yes, Mr. Lomasky, baseball is a game. No one is forced to attend — designated hitter rule or not. (However, how the sports franchise owners feed at the public trough to build their stadiums is obscene and a "fleecing of America," as the saying goes. If the sports fans cannot support their teams

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How Environmental Regulation Prevents People from Protecting the Environment — Environmental expert and Reagan-administration economist **Rick Stroup** explains how iron-fisted regulators inhibit private land owners from caring for their property. (audio: A402; video: V402)

The Forest Service: America's Experiment in Soviet Socialism — The country's premiere expert on the U.S. Forest Service, **Randal O'Toole**, tells how communism regulates the tree-harvesting business. (audio: A403; video: V403)

Environmental Religion in the Schools — Journalist and policy expert **Jane Shaw** explores how schools indoctrinate children in the New Religion of Mother Earth. (audio: A404; video: V404)

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

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Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says **Randal O'Toole**. (audio: A409; video: V409)

Selling Liberty in an Illiberal World — Fred L. Smith, Jr. evaluates the methods and values that make freedom appealing. (audio: A410; video: V410)

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What Does Economics Have to Do with the Law, and What Do Both Have to Do with Libertarianism? — David Friedman, professor of both economics and law, explores how the two subjects relate to themselves and to the wonderful world of libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl: a hot-button issue of the '00 elections. Learn how environmentalists want you caged in cities, with **Jane Shaw, Richard Stroup, Fred L. Smith, Jr.**, and **Randal O'Toole**. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. (audio: A415; video: V415)

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Using the First Amendment to Smash the State — Durk Pearson and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the government. (audio: A417; video: V417)

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End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. (audio: A419; video: V419)

Juries, Justice and the Law — Fully Informed Jury Association President **Larry Dodge** explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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then the owners will just have to stop awarding multi-million dollar contracts, or go out of business.)

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Well once, the majority of the people agreed that enslaving blacks was just okie-dokie with them. And suffrage for women was a very long, hard — and at times violent — struggle. The majority of men and a great percentage of the non-voting women saw nothing wrong in not allowing women to vote. And today, the war on drugs is heartily supported by the unthinking masses.

Dr. Albert Schweitzer was asked by a reporter, in the 1920s, what he thought the biggest problem of humanity was. After a pause, he said that they just didn't think enough. They still don't.

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Mr. Lomasky, are you saying that because the majority believes in our socialist-welfare-state form of government, and because this is what the majority wants in the way of schools, highways, and so forth, then libertarians should take the stance of, "When in Rome, do as the Romans do?" Belly up to the trough and start feeding?

I have spent ten years in prison. I received a 27-year sentence for a first-time, non-violent, non-larcenous, consensual adult drug conspiracy, in which there were no drugs. The people willingly support both my illegitimate incarceration and your professorship. Anyone who helps the "State" to achieve its coercive goals — for the common good, of course — whether it be public schools, roads, or unnecessary prisons, regardless of whether 99.7% of the people agree or not, that person is a direct part of the evil created.

You, sir, are no libertarian. You are a cold liberal, masquerading as a libertarian.

David A. Nichols
Tucson, Ariz.

When Incantations Go Limp

Perhaps the most baffling aspect of the controversy over the principle of non-coercion ("The Transformation of Libertarianism," May) is the idea that it is nearly as esoteric and incomprehensible as relativity, the fourth dimension or the chupacabras, while some brain-cracking, ponderous and ultimately unprovable utilitarian calculus of social costs and benefits is in contrast quite straight forward and obvious. Is the abhorrence of the initiation of force really that obscure a notion? I'm no theologian, but some variant of it seems to be an important aspect of Christianity and every other world religion, even if the believers (and the founders themselves) often only pay lip service to it.

The bald fact is that the non-coercion principle is so simple that it is taught to millions of children every day, and that civilization, such as it is, couldn't survive in even its attenuated form unless most humans adhered to it most of the time in their everyday lives. The riddle wrapped in a conundrum wrapped in an enigma wrapped in putrefying gray matter is the peculiar mixture of superstition and corruption which prevents them from extending this laudable principle to the activities of the mystical entity called the State — or, more accurately, to the lowlifes who pretend to function in its name.

I have no idea how to dispel the idiotic faith that attaches to the State, but I do believe that an elementary knowledge of human psychology would show that so potent and long-lived a demon is not going to be exorcised by the limp incantation "Government doesn't work," even if, or especially if, the spell is backed up by statistical studies. Such arguments never faze the True Believer; utility simply counts for nothing with him. An excellent argument against Jehovah is the appalling amount of waste He allowed into the world in the form of evil, but I doubt that even Mark Twain ever converted TBs with such dialectic.

The rejoinder of the natural man, reared on the State with his mother's milk, to the doctrine "Government doesn't work" (although perhaps only rarely articulated) is "Maybe not, but without government things might be even worse! Can you prove otherwise?" And of course you can't, although you might momentarily confuse him into thinking you have. One of the great lessons of Mises is that such things can never be proven empirically. Statism (and I am going to descend into nasty old Objectivist dogma here, so be warned) is based on a moral principle, and the best, and maybe only effective way, to fight it is with a superior moral principle. Granted, this stratagem is probably hopeless, given the current state of Homo Sapiens, but it strikes me as even more hopeless to combat the ancient, beloved leviathan with the younger, much less popular behemoth of positivism.

Kyle Rothweiler
Bozeman, Mont.

We Were Only Kidding!

I read with interest Scott Chambers's report "Unwitting Victims," (September) initially thinking it a pleasant change of pace to see satire printed in the pages of *Liberty*. Imagine my dismay when I realized that the author and those people referenced actually believe this stuff!

I'm acquainted with my share of IC people. Most are decent, honest, hard-

continued on page 52

Reflections

Elephants have bigger noses — George Bush Junior's now saying it has been at least 25 years since he "might" have done illegal drugs. By my count, that means he was probably tooting up whilst daddy was the head of the CIA. (I'll bet there's probably a picture somewhere of GW shaking hands with Noriega.) I guess when Pops is in charge of the biggest Mafia on earth the sky's the limit. Didn't George Bush Sr. have to send troops into Panama to stem the tide of cocaine? And didn't a few brave young soldiers lose their lives in that skirmish? Has Junior's life ever been on the line? Naw, he skated through Viet Nam in the National Guard, serving alongside other rich kids like Dan Quayle.

—TS

Sing it, Dubya

I get no kick from campaign.
Mere folderol doesn't thrill me at all.
So tell me, why should it be so
That I get a kick out of snow.

—SLR

~~Liberté~~, égalité, ~~fraternité~~ — Those of you who do not believe that the path from the welfare state to the state of serfdom is a slippery slope, those of you who cherish the belief that societies can stabilize themselves at some point halfway between freedom and full collectivism, consider what is happening in France.

France, the homeland of *ideas* of liberty, supports its welfare state with savage taxes and regulations. As a consequence, the French economy is chronically ill. Unemployment is now at 12-13% — depression level. The government's latest response to the nation's economic plight is a scheme to reduce the work week from 39 to 35 hours, while commanding that workers still get paid for 39 hours.

The idea is that unemployed people will naturally be hired to take up the slack. This supposes that there will money lying around to pay them, which of course there won't be. And any government screwy enough to come up with a scheme like this can also come up with something even screwier when this one arrives at its inevitable failure.

Collectivism is inherently volatile. It can never fulfill its goals, and it can never rest until it does. When it is allowed to continue, it will consume everything in its reach. —SC

Another triumph for libertarianism — Of the 20 best non-fiction books of the 20th century, 17 are the work of libertarians. Five of the 100 best non-fiction books were written by editors of *Liberty*, and another five were written by other contributors to this magazine

So says a survey conducted by Modern Library. The list includes several books that are by any measure quite worthy: Ludwig von Mises's *Human Action* (8), Isabel Paterson's *The God of the Machine* (5), and arguably Ayn Rand's *The Virtue of Selfishness* (1). Mises's *Human Action* is a masterwork of meta-economics. Paterson's *The God of the Machine* is an often-overlooked brilliant and idiosyncratic exposition of social theory. Rand's *Virtue of Selfishness* contains some important and original thinking, but it's presence at the top of the list seems a bit strange, in that it is an anthology of periodical articles on related subjects, not written as a book nor even by a single author.

But what about the others? Coming in a strong third is Leonard Peikoff's *Objectivism: The Philosophy of Ayn Rand,* a book whose author admits does not contain a single original thought. Claire Wolfe's *101 Things to Do til the Revolution* is a fun book to be sure (I especially like #50: read *Liberty* magazine), but is it really the fourth best non-fiction book of the century? Vin Suprynowicz's *Send in the Waco Killers* is a collection of newspaper columns — how does it rank as #10 on the list?

The answer, of course, is that Modern Library conducted the survey on the Internet, and the libertarian books made the list as the result of ballot box stuffing. Libertarians may not be very influential in the world, but they seem to have a lot of time on their hands to surf the Net. Which also explains why so many obscure libertarian books made the list.

No doubt, we'll encounter the results of this survey in advertising for books and in libertarian public relations bullshit for a long time. —RWB

Spies like us — After the Berlin Wall fell, Western historians gained unprecedented access to the official records of Soviet Bloc nations. Even the staunchest anticommunists among them were shocked at the number of civilian informants employed by communist states. East Germany's Stasi, in particular, employed an extensive network of narcs, snitches, and stoolies: according to one estimate, the density of the informer network in the DDR was seven times that of Nazi Germany.

We Americans secretly enjoy such tales. We like to think we've got special antibodies against tyranny. Other peoples might turn in their neighbors to curry favor with authority, but we come from hardier stock; in a pinch we'd never turn on each other.

This is a myth, and perhaps it was ever so. During America's first Red Scare, the Wilson Administration's Justice Department relied on a privatized, volunteer spy network called the American Protective League. By 1918, the APL had over 250,000 members engaged in narcking on their neighbors for socialistic activity or insufficient Americanism. One APL leader, a Kansan, remarked that the League "had a great Moral Effect on the community by the people knowing that Uncle Sam was among them at all times and they not knowing who was keeping tabs on them."

But we needn't go back 80 years for examples of domestic finkery. This summer's newspapers provide plenty of current examples. As drought plagued the Northeast, Maryland,

New Jersey, and other states have enacted restrictions on water use reminiscent of Jimmy Carter's meddlesome and counterproductive energy conservation policies. In enforcing their water restrictions, these states can rely on a level of citizen cooperation that would do the East Germans proud. *The Washington Times* reports that police and public works departments across the Northeast are besieged with calls from officious do-gooders, seeking to turn their neighbors in for watering their lawns. A woman in Queen Anne's County, Maryland, complained that her neighbor was collecting condensation from her air conditioner for use in watering her plants. Police in Delaware shut off one offender's water after complaints that he was repeatedly sprinkling his lawn.

In Maryland — the "Free State," according to the license plate — Governor Parris Glendening has instituted one of the most draconian water-restriction regimes, despite the fact that the state's water reserves are more than adequate to compensate for reduced rainfall. Even citizens importing water from out of state to fill their pools can be fined up to $1,000 and jailed for up to six months. Patricia Darling, of Darling and Daughters, a Maryland water-hauling firm, told *The Washington Post* that when her company's trucks have attempted deliveries, neighbors have forcibly intervened: "They have jumped on the sides of the truck. They have threatened the drivers." One particularly aggressive Marylander blocked the road with his car and declared: "You're not allowed to do this. Don't move; you're under arrest."

America is not a totalitarian state, and Gov. Glendening's water cops are not the Stasi. But in a way, that makes it worse. Eastern Europeans living under communism faced difficult choices, and many were coerced into informing. Americans rat on each other out of latent puritanism, envy, and malice. If ever we go fully Red or Green, the Powers That Be can count on the assistance of many officious little busybodies making social control easier. —GH

Cable News Nitwit — According to the Drudge report, Cable News Network founder Ted Turner, one of the world's richest men, told a gathering in Shanghai that he is "a socialist at heart." I think we should enact a Stupid Remark Tax. Anytime a billionaire states a preference toward Socialism, it automatically bumps him into a 95% tax bracket. That way, he can get a taste of what Utopia really feels like. To make the idea even sweeter, why not forbid him from ever using any private health care, schools, or transportation again. —TS

Honor thy father's killer — In North Carolina, convicted cop-killer Lonnie Weeks was spared a date with his executioner after the Supreme Court stumbled on a technicality in the case against him. But that's nothing compared to the bizarre spectacle of his victim's children pleading for his miserable life. Meet Trevor Cavazos, 22, and Leslie Cavazos-Almagia, 26, appearing on National Public Radio. The brother and sister team are straight from central casting, he with his halting inarticulation, y'know?, and she with her frantic psychobabbling. "It wasn't until after I got out of college that I fully processed yada yada yada." Interestingly, both agreed that when first told of their father's murder, they felt they should be able to "do [Weeks] some sort of physical harm." In a clemency petition to the governor, Trevor wrote: "At the time of my father's death I personally would have loved to harm Lonnie Weeks, but that was pure hate, and I've grown up a lot since then. Now I know forgiveness is better than vengeance, and that love is better than hate," he wrote. How nice for him. Note how they wished to avenge their father's pointless murder, until they went to college and "grew up." To me, this is yet more evidence of the corrosive effect of academic indoctrination on our gut loyalties, whether to family, tradition, our God or our principles. —BB

Headlines we're bound to see:

- "Government Sues Gyms, Vitamin Makers to Recover Social Security Money"
- "Reno Says Profiteers in Life Extension Cost Taxpayers Millions" —SLR

Kinky, kicky, quirky! — In his first book, *The Rise of Theodore Roosevelt*, Edmund Morris proved himself a skilled exploiter of literary resources. Roosevelt lived an exciting life; Morris somehow found ways to convert the story of that life into ponderous dullness. Dullness has its rewards. President Reagan expressed his esteem for *The Rise of TR* by commissioning its author to write his own biography. Perhaps Morris seemed safe.

In writing that second book (which has now been published, with much attention from the press), Morris appears to have aimed in an opposite direction. He tried to produce a kinky, kicky, quirky, postmodern book. To do this, however, he needed to exploit but one resource. He turned to the tritest device of modernism — the idea of arranging a confusion of opposites.

The idea usually originates in guilt or embarrassment. Clergymen who would rather not admit that a church is, after all, a church, build "worship centers" that look like warehouses or supermarkets and function like Democratic Party precincts. Politicians who would rather not admit that government is, after all, a coercive institution masquerade as daddies and mommies and mental-health workers whose role is to "feel your pain." Composers haunted by the shadow of Beethoven and Brahms produce "scores" filled with "music" that is indistinguishable from its ancient enemy, mere noise. Writers who are bad at thinking up plots write reportage and call it "nonfiction novels."

Morris's particular way of being embarrassed by his job was to doubt his ability to understand Reagan's allegedly illusive character. He also doubted his ability to clue readers into the fact that historians aren't necessarily in command of the whole truth about their subjects. Of course, any reader who swallowed everything that an historian said would

Who's Who

AWB	Alan Bock
AD	Adrian Day
BB	Brien Bartels
BL	Barry Loberfeld
CS	Chris Sciabarra
DC	Douglas Casey
GH	Gene Healy
JSS	Jane S. Shaw
KS	Ken Schoolland
LBY	Leland B. Yeager
RK	Richard Kostelanetz
RWB	R.W. Bradford
SC	Stephen Cox
SLR	Sheldon Richman
SS	Sandy Shaw
TS	Tim Slagle

probably mistake *Macbeth* for a political science text and consider reporting Lear's daughters to the nursing-home inspectors.

But no matter. Morris came up with a way of dealing with the supposed problem: he made his biography partly fictional, thus advertising the great truth that historians don't always write the truth.

It's all a matter of Personal Feelings, in the best late-twentieth-century way. According to an AP news report, Morris "was feeling stuck on the book he was supposed to write," so he "decided to break his biographer's block by inserting himself as a sometimes-fictional character in the narrative." Biography thus shed its guilt by becoming autobiography — and fact gave way to fiction, to the betterment of everyone's understanding that there is no absolute truth.

But just so we're not too clear on even this concept: Morris now sharply criticizes Reagan's old admirers for failing to accept his version of . . . the truth. —SC

The "peace" dividend — President Clinton in late September did the world-statesman shtick when Yasser Arafat came to Washington, promising to press tirelessly to jump-start (yet again) the decades-long Middle East "peace process" that has kept generations of diplomats gainfully (if not necessarily usefully) employed. But the first step, of course, is for Congress to come up with more money from U.S. taxpayers for both Israel and the Palestinian Authority — money supposedly promised under the Wye River accords in 1998. So the various parties will play nice if they're paid enough? Or is it more likely that they'll continue to indulge in verbal threats and the occasional bombing to highlight the danger and keep the money flowing? Would they be more likely to make peace if the U.S. stopped subsidizing the never-ending "process?" —AWB

You get what you pay for — State funding of offensive art is in the news again, this time in New York City. Again, the urban elite have mistaken childish rebellion for art. Simple economics would solve the issue, as subsidies are only required for art no one wants to pay for. I can't see anyone buying animal carcass sculptures for the dining room. "Ooh look Bradley, that pile of elephant dung would look perfect in the kitchen!" Even First Lady Hillary said that, while she would oppose cutting the museum's funding, she "would not go to see this exhibit." Purists might resent the notion of allowing the market to dictate which artists get to eat; and suggest Snoopy and Norman Rockwell lithographs are the only works that would ever be produced under such tyranny. This is simply not true. Andy Warhol was a master of marketing, and is still considered a genius. The Arts community is absolutely littered with cash, and would continue their patronage despite a lack of government funding. —TS

Federalize this! — The U.S. Supreme Court might actually strike a blow or two for federalism during its current term. It has accepted several cases that give it an opportunity to follow up on its 1995 *Lopez* decision (invalidating the gun-free schools law) and the 1997 *Printz* case (calling Brady Law background checks an unacceptable unfunded mandate on local governments) that limited the previously almost unquestioned power of the national government. In the *Kimel* case, a professor in Florida sued to force the state university to enforce federal age-discrimination laws. The *Brzonkala* case challenges the federal Violence Against Women Act which gives women a right to sue attackers in federal court though they already have that right in almost every state.

Might the Supreme Court do what it is supposed to do, and limit the power of the legislative and executive branches when they go beyond the powers the Constitution grants them for a change? This might be William Rehnquist's last year as Chief Justice and he could be interested in leaving a mark. Setting the high court on a decentralizing course would be a worthy mark, indeed, almost enough to suggest forgiveness for some of his other decisions. —AWB

The fetal conceit — On September 29, readers of *The Washington Times* were treated to a full-length interview with conservatism's latest Great White Hope, presidential contender Steve Forbes. First question: "What would be your first act as president?" Forbes' answer: "signing the ban on partial-birth abortions." Really? What constitutional authority could Forbes offer for such an enactment? The *Times* interviewer didn't ask, and Forbes didn't say. But there are only two possibilities, neither of which pass the straight-face test.

Most likely, the ban would rest on Congress's power, under Article I, Section 8, "to regulate commerce . . . among the several states." That power was granted in order to create a nationwide free-trade zone, but after the collapse of the Court in the New Deal era, it became a catch-all clause invoked for all manner of social and economic regulation. Given that Forbes poses as a constitutionalist and proposes to scale back much of the New Deal, it would be odd to see him employ the tortuous constitutional reasoning that undergirds it.

Consider the kinds of arguments Forbes's solicitor general would have to make before the Supreme Court, when the constitutionality of the law was challenged, as it inevitably would be. To support the law, he'd have to argue that partial-birth abortion "substantially affects" interstate commerce. And, in the course of making that argument, he'd have to rely on the "aggregation theory" employed in the infamous case of *Wickard v. Filburn* (1942). Farmer Filburn thought he might peaceably grow some wheat on his own

continued on page 12

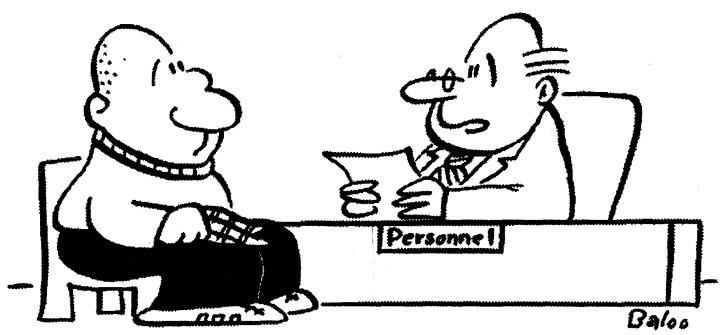

"Do you have any skills *other* than making license plates?"

THE COLLECTED WORKS OF JAMES M. BUCHANAN

"My interest in understanding how the economic interaction process works has always been instrumental to the more inclusive purpose of understanding how we can learn to live one with one another without engaging in Hobbesian war and without subjecting ourselves to the dictates of the state."

--James M. Buchanan

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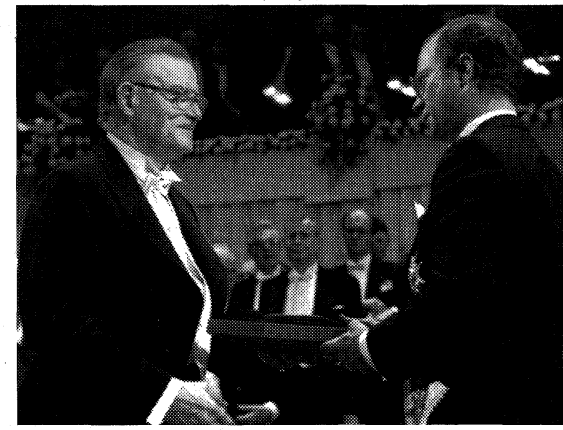

James M. Buchanan receiving the Alfred Nobel Memorial Prize in Economic Sciences from Carl XVI Gustaf, king of Sweden, 1986

In one of the major publishing endeavors of recent decades, *The Collected Works of James M. Buchanan*, the Nobel laureate in Economics in 1986, is being released in twenty volumes under the auspices of Liberty Fund, Inc.

The series will include ten monographs and all of the important journal articles, papers, and essays that Buchanan has produced in a distinguished career spanning more than a half-century. The monographs will appear in a new form and with the addition of indexes in those cases where no index or only a partial index was originally provided. In addition, each volume includes a foreword by one of the series' three editors, Professors Geoffrey Brennan, Hartmut Kliemt, and Robert D. Tollison, each of whom is a distinguished economist in his own right.

The principal monographs include such famous works as *The Calculus of Consent* and *The Limits of Liberty*, and also such gems as *Cost and Choice: An Inquiry in Economic Theory.*

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Volume 9: *The Power to Tax*
Volume 10: *The Reason of Rules*
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Volume 14: *Debt and Taxes*
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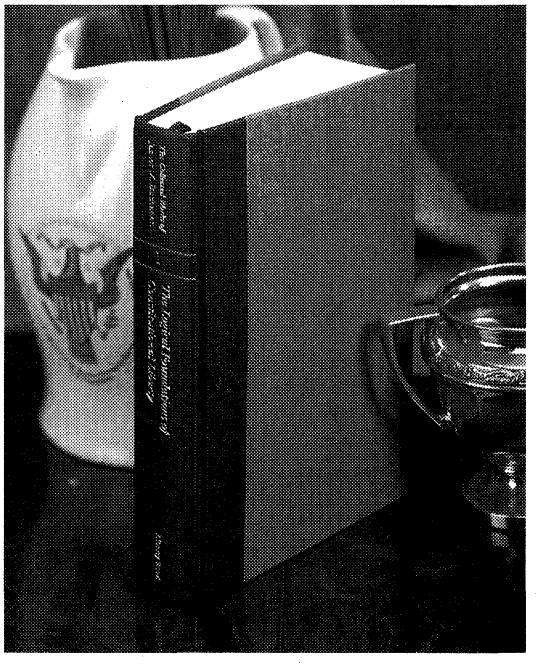

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Hartmut Kliemt is the author of *Papers on Buchanan and Related Subjects*, of 1990, and is a Professor of Philosophy at the University of Duisburg, Germany.

Robert D. Tollison is the Hearin Professor of Economics at the University of Mississippi, and is co-author of 1991's *The Economics of Smoking*, among many other works.

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farm to feed to his livestock. He ran afoul of a wheat quota set pursuant to the federal Agricultural Adjustment Act. Given that the wheat in question never left Filburn's property, let alone travelled in interstate commerce, you might think he had a pretty good argument that the fine imposed on him exceeded the bounds of Congress's power to regulate commerce "among the several states." Nonetheless, the Court upheld the penalty. Although Filburn's effect on interstate commerce was vanishingly small, the Court held, "taken together with that of many others similarly situated, [the effect] is far from trivial."

The constitutional argument for the partial-birth abortion ban would proceed according to *Wickard*: maybe one partial-birth abortion doesn't affect interstate commerce much, but all partial-birth abortions sure do. Across the country, quite a few future consumers are having their brains sucked out, leading to a considerable loss of purchasing power. Thus, using the aggregation principle, Congress can regulate purely intrastate abortions. And just about anything else. As Justice Thomas noted in his *U.S. v. Lopez* concurrence, "the aggregation principle is clever, but has no stopping point." In *Lopez*, which held that the Gun-Free School Zones Act exceeded Congress's power under the Commerce Clause, the Supreme Court took a cautious first step toward toward restraining the aggregation principle.

The second possible source for a partial-birth abortion ban is of equally dubious constitutional merit. G.O.P. legislators might ground the partial-birth abortion ban on the specious notion that the fetus is protected by the Fourteenth Amendment. Under this line of reasoning, the fetus is a "person" under the terms of the Fourteenth Amendment, and cannot be "deprive[d] . . . of life, liberty, or property, without due process of law." Nor can it be "den[ied]... the equal protection of the laws." This is creative jurisprudence, to say the least. What would "due process" consist of, a trial? Does the fetus have a right to confront its accuser, or call witnesses in its behalf? How are we to understand the "liberty" of a fetus? And how do you deprive a fetus of "property"? What does it own? Amniotic fluid?

But bizarre as it sounds, the pro-life movement has tried the Fourteenth Amendment argument before. In 1981, Jesse Helms and Henry Hyde proposed the following statute: "Congress hereby declares that for the purpose of enforcing the obligation of the States under the fourteenth amendment not to deprive persons of life without due process of law, human life shall be deemed to exist from conception."

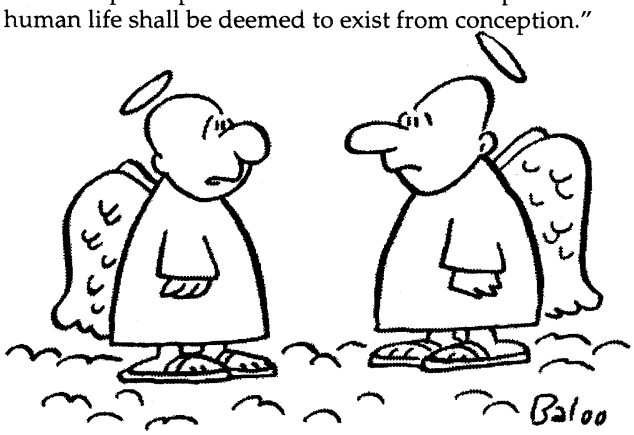

"Gee, I guess they were right — you *can't* fight city hall!"

Libertarian champions of the Fourteenth Amendment, take note. Your cherished amendment, our "last, best hope" for liberty, can, so long as five members of the Supreme Court agree, be manipulated to support all manner of federal regulation. After all, if the amendment can be used to ban partial-birth abortions, then why can't it be used to prescribe federal minimum standards for prenatal care? Make way for the pro-life, anti-smoking coalition!

Partial-birth abortion is a hideous procedure that surely tests the boundaries of "choice," even for those who favor that elusive concept. But the Tenth Amendment doesn't come with a "shock the conscience" clause, allowing federal regulation in the absence of an enumerated federal power. If no such power has been delegated by the people, responsibility for the matter is "reserved to the States respectively, or to the people." If conservative political candidates want to be taken seriously as constitutionalists, they ought to stop waving their pocket Constitutions — at least for long enough to read them. —GH

Another casualty of the War on Drugs— Hardly anybody who discusses the current crisis in Colombia bothers to mention that the U.S. Holy War on Drugs has made almost every aspect of the crisis worse. The basic reason is that military eradication efforts in Peru and Bolivia drove more growing to Colombia. Military and quasi-military eradication efforts in Colombia gave drug growers and traffickers a strong incentive in some areas to enlist the guerrillas, veterans of a 40-year civil war and in control of 40 percent of the country, or, in other areas, right-wing paramilitaries, as protectors. The War on Drugs means the most ruthless and capable of the guerrillas and paramilitaries now have more money, better weapons and more support — and less incentive to seek peace.

If the U.S. ended the drug war or even just its military aspect in Colombia the price of coca would fall, the resources available to the guerrillas would decline, and they would be forced to come to the negotiating table, setting the stage to resolve the civil war. The paramilitaries would likewise be weakened and face incentives to disband and go legit.

Naturally, the U.S. gummint wants to step up military aid to the Colombian government so it can fight the narcotraffickers. This might cull some of the weak sisters, which would make the most vicious traffickers even stronger, and would eliminate any incentive for the guerrillas to get real about peace. In other words, it would make almost every aspect of the Colombian crisis even worse than it is now. —AWB

The dung heap of history — It was an ingenious move, really, by our second-term mayor Rudolf Guiliani to threaten to close the Brooklyn Museum for importing from London an exhibition titled Sensation — truly ingenious because his persiflage benefitted everyone involved. This exhibition, I should explain, contains such contemporary art-world curiosities as an animal cut apart and embedded in formaldehyde in successive vitrines (a version of which was recently shown for weeks across the street from where I live without more effect than titters), a bust com-

posed from nine pints of the artist's own frozen blood, and a stylized painting, titled "The Holy Virgin Mary," of a black-faced Blessed Mother, apparently naked, with elephant turd covering her breasts. (The last comes from a Nigerian, purportedly Catholic, who can use turds in ways forbidden to caucasian Londoners.)

Our Rudy, now hustling for the Senate against Hillary Clinton, made a move that would appeal to upstate voters few of whom know where to find the Brooklyn Museum. Meanwhile, the museum, historically a sleepy oasis in an outer burg, has gotten more press attention and thus more paying customers than ever before. (Within a few days, the it sold out all the t-shirts and trinkets it had produced for the duration of the show — now that's measure of success!) Sensation came from the personal collection of a British advertising mogul named Saatchi who has been notoriously successful at manipulating politicians and the media, whose investments have probably become more valuable thanks to the publicity. Another beneficiary is an international auction house that contributed to mounting the show, for it will receive greater commissions should the works ever be sold. (Rudy spoke of suing this auction house for exploiting a public venue, even though, should its receipts increase, he deserves a hefty cut of their pie.)

Newspapers benefit with a hot subject in a down time; the lens lice of the art world benefit along with the New York Civil Liberties Union, whose chief addressed a rally in front of the museum. An otherwise unknown artist with an Italian name got his minutes of fame by pouring hot elephant dung, fresh from the Brooklyn Zoo, on the Museum, and radio talk shows were scarcely able to consider anything else for a week. In short, multitudes benefitted from Rudy's hitting a monumental home run. Every art museum should be in a city with a mayor so smart, or stupid.

Given what I've said so far, you can imagine how shocked we all are to discover that Rudy apparently missed his own joke. Rather than taking credit for everyone's success, he seems ever more serious about withholding city money from the Brooklyn Museum and then evicting them from a city-owned building, just as he was zealous a decade ago about jailing unpopular financiers whose principal public "crime" was making too much money.

The weekend after the exhibition opened, the transit department suddenly announced that all stations near the museum would be closed until Monday for "track work." (That was a sick joke reminding me of how, during Ronald Reagan's last visit to West Berlin, the local constabulary suddenly closed off completely for the entire day the neighborhood from which protesters might come!) A photo of the Ofili dung painting showed on one side a museum guard with a smile and on the other a NYC policewoman with a gun. There hasn't been so much circus in Brooklyn since the Dodgers left.

Understand this lunacy, and you can wager that this dumb bunny, our mayor, won't become our next senator. —RK

The Mao Tse-Tung heap of history — A good deal of blather was heard on the occasion of the 50th anniversary of Mao's takeover of China, muttering about the transformations and unfulfilled promises of communist rule. Might it not be more helpful and accurate to start referring to the communist episode as simply one more gang of authoritarians taking over China and putting some new faces and a few new wrinkles into a history that has featured despotic rule almost exclusively? Call it the Red Dynasty and hope it ends soon — although if Russia's experience is any guide it might take more than a generation before communism is replaced by something fairly decent rather than simply by gangsters of a different persuasion. — AWB

Vox potuli — Almost a year after the actual election took place, the results are in, and 69% of DC. voters approved Initiative 59, a measure to legalize the medical use of marijuana.

No surprise that in one of the nation's most crack-ridden cities, people are a little fed up with drug laws. — TS

Introduction to objectivist dianetics — This spring, Random House announced a list, concocted by a number of supposed experts, of one hundred purportedly "best" nonfiction books. You can judge the quality of that list when you know that the no. 1 book on it is the excruciatingly pretentious *Education of Henry Adams*. The experts' list is a list for fogies, old and young.

But Random House also began a readers' on-line poll. That poll has now been concluded, after having logged almost 200,000 responses; and the readers' final list of the 100 best books has been made available at http://www.randomhouse.com/modernlibrary/100best/.

On-line respondents had crankier and more interesting literary responses than the "experts." An item of particular interest is the frequency with which they voted for libertarian works. Of the 100 titles on the free-zone poll, I recognize 24 libertarian books, and there are probably more that I don't recognize as such.

Also of special interest is the top of the list, where, after a long grudge match, Ayn Rand's *The Virtue of Selfishness* finally triumphed over the Scientology warhorse, L. Ron Hubbard's *Dianetics: The Modern Science of Mental Health*. Another Randian work, Leonard Peikoff's *Objectivism*, is no. 3 on the list.

Just below the top, there is a trio of libertarian classics: Isabel Paterson's *The God of the Machine* (no. 5), followed by Henry Hazlitt's *Economics in One Lesson* (no. 8), and Ludwig von Mises' *Human Action* (no. 9).

Clearly, libertarian works, even very demanding ones like *Human Action*, arouse deep and warm sympathy — the kind of sympathy that stuff like *The Education of Henry Adams* could never get. This, the experts' *beau ideal*, came in at no. 53 on the commoners' list. —SC

Posse kosovarus — According to promises made when NATO ended its bombing campaign against Kosovo and Serbia in June, the Kosovo Liberation Army was to be demilitarized, disarmed and demobilized within three months, by September 19. While the KLA did turn over some weapons to the NATO occupation forces, it has shown every sign of staying together as a fighting force. Some attacks against ethnic Serbs were undertaken by people in KLA uniforms. And Chris Bird of the British newspaper *The Guardian*,

reported that the KLA has hidden many modern weapons and "the weapons handed in are often ancient hunting rifles and rusty shotguns."

NATO has not wanted to get into an outright battle with the KLA, which was a de facto ally during the bombing campaign, but it knows the KLA makes ethnic Serbs, Gypsies and others nervous. So it came up with a plan to convert the guerrilla army into a civilian police force, though such a notion was not part of the UN Security Council resolution that established the NATO "peacekeeping" force. The new organization will be called the Kosovo Protection Corps and its 5,000 members are supposed to have only 200 weapons available for guard duty (though most will keep sidearms). But almost all its members will be former KLA members.

This is almost certainly an unworkable notion for many of the same reasons the idea of U.S. military personnel being at the federal siege at Waco is so upsetting to those who cherish traditional American liberties. The military and the police are different kinds of organizations with different missions. To imagine that somebody trained for one kind of mission can simply undertake another kind with little or no transition is unrealistic. To imagine that an organization created for military missions can become a civilian police force in a twinkling is fantasy.

A military force is designed and trained to seek and destroy an identified enemy and kill as many of them as possible. A police force is designed and trained to keep the peace and capture criminals in an essentially peaceful society, protecting the general public while respecting the rights of those accused of crime. Both missions are difficult and specialized. Though an argument might be made that police work requires more judgment and subtlety, some would say military work is more difficult. The key factor is that they are very different kinds of work.

The American founders and early lawmakers recognized this and established civilian control over the military. In 1876, Congress passed the Posse Comitatus Act, which prohibits U.S. military forces from engaging in civilian law enforcement activities except with a special waiver from the president. An exception has been made in recent years for Drug War activities, but it has led to abuses and is still controversial.

To imagine that the KLA — trained not simply for military activity but for "irregular" military activity — will in a day or two become a police force able to enforce laws uniformly and dedicated to obeying laws itself is beyond unrealistic. Its creation is simply another acknowledgment of NATO's failure to build a civil society in Kosovo after destroying it earlier. —AWB

Political science — What would you think of a gardening show in which roses were judged, not only for their form, beauty, and color, but also on the basis of their grower's income, neighborhood, sex, and color?

Well, that's pretty much the way the National Science Foundation (NSF) wants reviewers to judge applications for grants these days. Judges are to consider "impact" — everything from student learning to geographic diversity — to the *same extent* as the quality of the proposed science. According to a news item in the 1 October 1999 *Science*, this "impact" policy was put in place in 1997.

The story goes on to explain that a recent informal survey of 17,000 reviewers found that "only" 48% were actually considering the "impact" (nonscientific) provisions of NSF's reviewing criteria. NSF director Rita Colwell has now sent out an " important notice" to university presidents and others asking for their help in "conveying the importance of both intellectual merit and the broader impacts of research and education" to reviewers. While NSF deputy director Joseph Bordogna says that "concern would be too strong a word" to describe the agency's reaction to the "noncompliance, " the "important notice" they sent out suggests to us that "concern" might be too weak a word to describe their reaction.

Perhaps "panic" would better describe it. —SS

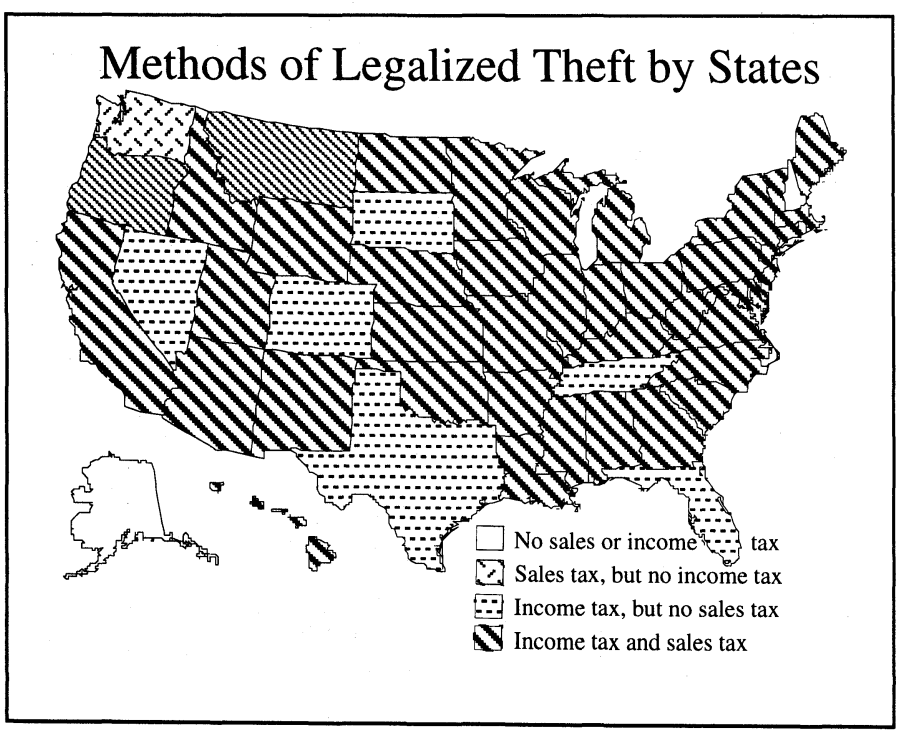

Finally, a use for the B-1 — As Hurricane Floyd tore through the Bahamas, I heard on CNBC and elsewhere that it would be good for the economy because of all the reconstruction. If destruction is so good for the economy, why don't we bomb every city in America so we can rebuild them all? —AD

Are you being served? — I first noticed the proliferation of "Help Wanted" and "Hiring Now" signs in 1997 while on a trip through New England. Now, of course, they are part of the landscape everywhere. The U. S. unemployment rate, 4.2 percent, is at a 30-year low.

What has surprised me is how little

trouble this tight labor situation has caused me as a consumer. Yes, I see children helping their parents at restaurants; I've noticed job solicitations along with department store or utility bills; more cashiers are in training; and the minimum wage has been left in the dust.

But for the most part, customer service hasn't deteriorated. Now, once I voiced this opinion, friends began to come up with exceptions. Lines can be long at McDonald's and telemarketers are less skilled than ever. (But if the job of telemarketer is as bad as I assume it is, it is amazing that they're still around.) By and large, however, the labor shortage is invisible.

This is a far cry from shortages of government personnel. Not that there are actual shortages; government pay and security is a strong draw, but government budgets are always too small to get the job done. In the government, this is something to proclaim rather than hide.

When government managers want to boost their budgets, they adopt what Richard Stroup calls the "Washington Monument strategy." They threaten to shut down the most popular landmark. Yellowstone National Park did that a few years ago. Claiming budget cuts, it closed a campground and two museums. Visitors were outraged, Congressmen were shocked, and the next year the park budget went up $1.8 million.

In the private sector, it's just the opposite. Because your budget comes from your customers, you must keep them happy. Survivors in the business world figure out how to cope with problems without alienating customers. As a result of their efforts, the economy hums along. —JSS

Fly the inquisitive skies — Crowded airports, packed planes, squalling kids, people dressed like they're coming from the gym (except they're usually too fat for that ever to be the case) — the whole atmosphere surrounding the experience of flying is reminiscent of Riding the Dog (taking a Greyhound bus) in years past. Actually, it's even worse, since bus travel never subjected passengers to impertinent questions, mandatory X-ray of luggage, or a possible strip-search by minimum-wage dingbats. If Hieronymus Bosch were alive today, he'd paint airport scenes.

I don't remember exactly when, although it seems like only a year or so ago, that they started the latest indignity: Ritual Interrogation Before Boarding. The FAA mandates that every passenger boarding a commercial flight in the US be asked, and answer, two (actually three) questions: 1) Have you packed your own luggage, and has it remained in your possession at all times since then? And 2), Has anyone unknown to you asked you to carry anything on this flight for them?

I abhor being interrogated, even when my wife attempts it, much less some robotic *petite fonctionnaire*. But, if you want to get on the plane, you have to submit. I closely observe fellow passengers as they answer these questions meekly, respectfully, often abjectly. It's as if they were grade-schoolers making their first confession. Watching this pathetic display fills me with disgust and makes me even angrier than the thought that I, too, will be subjected to a similar indignity.

But when you find yourself in a Kafkaesque situation, you just have to make the best of it. What I say depends partly on how I assess the intelligence and character of the person asking the questions, and partly on the mood I'm in. I have many wise guy responses, but I am careful to stay away from references to various controlled substances and objects; the idea is to subvert authority, not to make your life miserable. Examples. Q1: "Well, usually my butler packs for me, and my footman carries the bags; but since I knew you'd be asking, I did it all myself today". Q2: "No, my Mommy always told me never ever to take things from strangers."

Most often, however, I anticipate the questions and announce to the airline employee "In regard to the two pointless and degrading questions you're obligated to ask, the answers are 'no' and 'no'." Sometimes an especially dim clerk will then still ask me the questions. But more often than not they'll express exasperation at being forced to ask the pointless and degrading questions 500 times a day, as if both they and the passengers were no more than idiotic robots. Unfortunately, however, that's not far from the truth, since both parties play the game earnestly, with smiles on their faces.

You'd think the charade had gone on long enough at this point, but the situation is actually about to get worse. The FAA, an agency that still has air traffic controllers working with primitive computers from the 60s, is spending an incredible $2.8 billion to monitor flyers by putting its new Computer Assisted Passenger Screening (CAPS) program online. CAPS will program information in the airlines' computerized flight reservation system to identify possible "terrorists."

Although bureaucrats won't reveal the specific suspicious characteristics they're looking for, it's safe to assume that visiting unapproved foreign countries, being a national of the wrong country, looking like an Arab or Muslim, travelling frequently, displaying a bad attitude, traveling alone, or buying your ticket at the last minute could get you tagged as a possible terrorist.

If you fit the "terrorist profile," security agents will pull you out of line, search your luggage, interrogate you about your travel plans, tag your luggage with bright orange labels, or escort you onto the plane. In a worst-case scenario, you could be X-rayed, strip-searched, or subjected to a body cavity search. You can forget about the Fourth Amendment, which is just another meaningless dead letter in the Constitution. Last year, 50,892 airline passengers underwent some kind of body search by airport personnel.

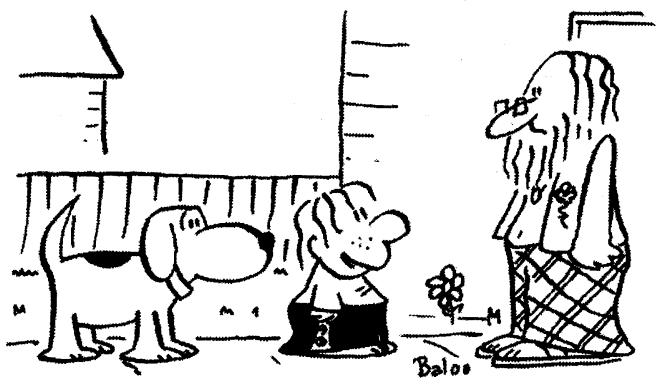

"He followed me home, Dad — can I radicalize him?"

The average American is such a whipped dog, such a spineless worm, that he'll graciously accept whatever indignities are imposed on him. And as the new CAPS program goes into effect, many who might otherwise protest will subserviently knuckle under for fear of getting in some kind of trouble, or getting put in a government computer bank.

Personally, I think maintaining your self respect is more important than having some bureaucrat put a gold star next to your name. —DC

Bozart über alles— If you really want to see first amendment rights trampled, why not rent a gallery and invite the "White Supremacist Artists Association" to do a show, perhaps in conjunction with NAMBLA. I imagine there are some tremendous works of art in Montana trailers that would really raise a few eyebrows. — TS

Judge a man by the enemies he makes — During the 1996 cycle of Pat Buchanan's perennial presidential campaign, Joe Sobran remarked that even though "Pat would leave government bigger than he found it" supporting him was hard to resist, given the caliber of enemies Buchanan's made.

I know how Sobran felt. The more the Respectable Right flusters and screeches about Buchanan, the better Buchanan sounds. Castigating Buchanan for his new book, *A Republic, Not an Empire*, most of the neocons have refused to debate the book's claim that U.S. involvement in World War II was unwarranted. Instead, they've engaged in the dissent-stifling tactic of *reductio ad hitlerum*. Virtue salesman Bill Bennett accuses Buchanan of "flirting with fascism." George Will also used the "f" word, denouncing Buchanan on ABC's "This Week." (Strong words, coming from the author of *Statecraft as Soulcraft*.)

Once again, the loudest squeals come from Bill Kristol, editor of what some disaffected right-wingers refer to as "The Weekly Reader." Kristol leads a pack of bellicose neocons, including Robert Kagan and David Brooks: puffy-faced armchair hawks whose closest encounters with hand-to-hand combat consist of throwing elbows at Georgetown hors d'oeuvres tables. Given to statements like "We'll kick [the Serbs'] skulls in!" Kristol and his lieutenants denounce dissenters from the interventionist party line with epithets like "McGovernik." It's no wonder that they find Buchanan's challenge to G.O.P. foreign policy orthodoxy so galling.

In the October 11 *Weekly Standard*, Kristol outlines a bill of particulars against Buchanan. Each charge therein sounds like a reason for libertarians to join the Buchanan Brigades. Buchanan's offenses? He "claim[s] that the United States had no business getting into World Wars I and II"; thinks "the American government has been hijacked by elite and ethnic interests that do America harm"; and "believes the American government [has] stupidly and malevolently sent hundreds of thousands of men to their deaths." Most disturbing of all, according to Kristol, is "the core belief" behind Buchananism: "that American government throughout the twentieth century has been a disgrace and a fraud." Yes! Sign me up! I'll man the phone banks! Gimme some bumper stickers!

Of course, when one achieves some critical distance, it becomes clear that Buchanan isn't quite the state-hating savior Kristol inadvertently makes him sound. As *Liberty*'s readers well know, Buchanan is an unrepentant statist and advocate of redistributionist policies. While Al Gore panders to the suburban anomie of Jane Cellphone, Buchanan courts Joe Sixpack with farm aid and trade restrictions. He's made his peace with Big Government, going so far as to criticize congressional attempts to slow Medicare growth. Buchanan's previous book, *The Great Betrayal*, is dedicated to the odd proposition that the American worker will benefit from an across-the-board tax increase on imports. His economic views consist of pernicious nonsense that no one seems capable of reasoning him out of.

Worse yet, Buchanan is given to using the royal "we," as well as talking about himself in the third person. There's a hint of megalomania here. How can you trust a guy who talks about himself as if he's a brand name? (Florence King satirized this tendency in 1996, imagining the teenage Bob Dole on the make: "You put out for all those other guys; how come you won't put out for Bob Dole?")

And even on foreign policy, Buchanan makes some significant mistakes. He's called for an increase in the defense budget, saying that America must "retrench and rearm." That's half-right. But why "rearm"? A peaceful "republic" doesn't need a quarter-trillion dollar defense budget. Indeed, the very existence of an oversized war machine feeds the imperial temptation. As Madeline Albright remarked to a flabbergasted Colin Powell: "what's the point of having this wonderful military you're always talking about, if we never get to use it?"

Libertarians know all of Buchanan's many flaws, and vigorously, even savagely, criticize Buchanan for them. Fair enough, but let's give credit where it's due. Buchanan is the only major candidate pushing withdrawal from the entangling alliances that threaten to embroil us in foreign wars, the only one to suggest that compulsive interventionism makes us vulnerable to terrorist threats at home. On foreign policy, he represents "a choice, not an echo," and this is a positive development.

And let's apply the same yardstick of ideological purity to the other non-LP candidates. I've heard self-described libertarians declare their intention to vote for Steve Forbes. It's true that Mr. Forbes often makes agreeable noises about tax cuts and Social Security, but on foreign policy — the one area over which a President has virtually unchecked authority — he's a hairtrigger interventionist maniac.

Forbes's foreign policy philosophy can be summed up as: intervene early; intervene often. Here are a few quotes from a recent *Washington Times* interview with Forbes. On China: "So you send the [U.S.] fleet to the Strait of Taiwan. Make it clear we will defend Taiwan." On East Timor: "The time to have sent in the peacekeeping force was before the referendum." On future Kosovos: "Make it clear to the Milosevics that if they want an offensive, we're going to hit them from the air. Don't wait for it to happen." On foreign policy, Buchanan takes his cue from Harry Elmer Barnes, Bill Kaufmann, and Murray Rothbard: our people; Forbes takes his cue from Bill Kristol.

I don't intend to vote for Buchanan, nor would I urge any libertarian to do so. I've only voted once since I read Gordon

Tullock's statement that one has a greater chance of being struck by lightning on the way to the polls than having a decisive impact on a state or national election. But I do intend to buy Buchanan's book, and I hope other libertarians do the same.

Years ago, the pugnacious young Buchanan was suspended from Georgetown University after kicking an abusive policeman in the balls. With *A Republic, Not An Empire*, Pat is up to his old tricks. The book is a well-timed and well-deserved shot to the Establishment's crotch. It took real courage for Pat Buchanan to challenge the dominant imperialist consensus, and weather the abuse that was sure to follow. Good for him. —GH

Politicians and elephant dung — What do presidential candidates and elephant-dung artists have in common? Both want taxpayers to pay for their exhibits. Politicians want taxpayers to pay for election campaigns and artists in New York want taxpayers to pay for a display of elephant dung art in the Brooklyn Museum of Art.

Presidential candidates say they have a right to freedom of expression. Fine. Let them express any way they want — but with money they raise voluntarily, not the taxpayer's. Elephant-dung artists say they have a right to freedom of expression. Fine. Let them express any way they want — but with money they raise voluntarily, not the taxpayer's. Why is there a problem with this?

While politicians and artists claim to have a right to "freedom of expression," they should recognize that taxpayers have the same right. Freedom of expression includes the right not to pay for ideas that are repulsive.

In 1777 Thomas Jefferson wrote, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical." Surely Jefferson would be surprised to see what people are compelled to pay for today.

Some people say that forcing taxpayers to pay for political campaigns will clean up politics. I think not. Politicians will always sell favors so long as they have valuable favors to sell.

Some people say that forcing taxpayers to pay for art will serve up great culture. I think not. Artists will always sell elephant dung so long as they have taxes to promote it.

Presidential candidates and elephant dung really have too much in common. I say, free the taxpayer from both. —KS

Curiouser and curiouser — In the October 1999 issue of *Liberty*, I wrote about my quest to find Rand's college transcript. The Ayn Rand Institute refused to share this document with me, making me go to considerable trouble to uncover it in the archives of the University of St. Petersburg. The results of my findings are published in the premier issue of *The Journal of Ayn Rand Studies* (Fall 1999).

Curiously, the October 1999 issue of an Ayn Rand Institute newsletter reports that a few items have been added to their in-house archives, including Rand's academic records and transcripts. The story is illustrated with a facsimile of "Ayn Rand's diploma from the University of Petrograd," which includes a Russian language listing of 23 of Rand's courses. It doesn't mention that the facsimile is actually only one page of a larger document.

Suddenly, the Institute, which had previous guarded this information so jealously, has suddenly revealed it to the world, promising that it and other "materials will eventually be made available to serious scholars." Of course, there's no telling just what their definition of "eventually" is. And there's no telling what their definition of "serious scholars" is. —CS

Snowballing interventions and unexpected consequences — Ludwig von Mises explained how particular economic interventions can have consequences that seem to require remedial interventions, which bring still further unwanted consequences. The same phenomenon occurs in government and politics. Violation of some Constitutional provisions, like those separating and limiting government powers, may seem to recommend violating others, like the First Amendment.

What needs to be said about that Amendment and its bearing on campaign reform is obvious, yet often evaded. (Sometimes, as Peter Bauer has said, the main responsibility of an academic is to keep insisting on the obvious.)

The First Amendment does not merely bar Congress from *suppressing* freedom of speech. "Congress," it says, "shall make no law . . . *abridging* the freedom of speech, or of the press" (emphasis supplied). Now, any law limiting expenditures on access to the media (and on campaign travel and the like) or limiting contributions toward such expenditures does abridge freedom of speech and press. Obviously. (Whether the Constitution also prohibits the *states* from doing what Congress must not do is debatable. A federal system arguably requires tolerating some measures, even ill-considered ones, taken by the component units of government. Anyway, national limits to money in politics are mainly at issue.)

Campaign reformers — the limiters — argue that unrestricted expenditures and contributions buy disproportionate attention to the speech of wealthy interests and of candidates adept at fund-raising. Unheard speech has slight impact. Unequal access to media audiences violates the democratic ideal of equal influence on the political process — if indeed there is such an ideal. Regrettably, politicians must cater to special interests to get money for their campaigns. Contributors naturally expect something in return.

All this may well be true, but it does not set aside the text and the rationale of the First Amendment. Let those who would wriggle around it try to make a case for forthrightly repealing or emasculating it. Let them reflect on *why* money has become so important in politics. The reason is the same one that explains the proliferation of lobbyists in

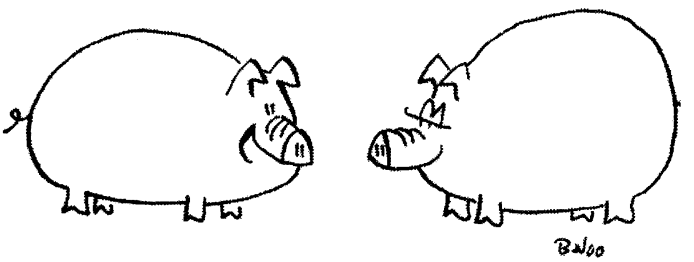

"You're all sow, baby!"

Washington and state capitals. It is the vast power that government has acquired to grant or withhold favors and to impose or abate burdens. Special interests must try to bring money to bear, if only in self-defense. Relative neglect of the general or common interest is amply understandable.

The law of unintended consequences is illustrating itself again. We observe parallels to the snowballing of interventions that Mises explained. The notion of government as source of all sorts of benefits has produced an overgrown monster eroding its citizens' freedom in many dimensions. It has created the very problems, among others, that the would-be campaign reformers so clumsily address. And their anti-free-speech reforms, if maintained and extended, would further abridge our freedoms in ways that we can yet only partially foresee. —LBY

Just say no! to nullification — In the beginning of the '90s, a new and intriguing enthusiasm grabbed hold of many within the libertarian movement. This passion was for an idea since promoted as a bold strategy for bringing our country closer to the ideal of a free society. And although its claims have been deflated many times over, support for it continues to rise. That strategy? Jury nullification.

The term stands for the idea that criminal juries have a right to judge the law as well as the defendant. Good juries will nullify bad laws. Presumably, the scenario would go as follows:

A libertarian attorney assumes the defense of an accused drug dealer. The preponderance of evidence indicates that the defendant did indeed violate the statute. Fortunately, our freedom-loving lawyer delivers an eloquent speech enumerating the standard libertarian arguments against drug criminalization. Struck by his irresistible logic, the jury uses its new-found power to declare the statute null and void . . . by returning a verdict of "not guilty." This develops into a pattern, which soon leads to a de facto state of drug legalization in all 50 states. Eventually, the precedent extends to all victimless crimes. A new liberty is born.

But as near as I can figure, what we have here is a course of human events in which the rule of law is usurped by a rule of lawless juries — i.e., of men above the law. In this Brave New World of crime and punishment, jurors are no longer charged with the responsibility of determining only whether the accused actually broke the law — "guilty" or "not guilty." Rather, it is now theirs to decide — by God knows what standard — whether the law should apply to the case before them. Yes, some juries might nullify drug laws; others, however, will not. What, then, is the law of the land? Even the most conscientious of citizens will never know until the verdict is announced.

There are no doubt many who will insist I'm granting criminal courts a "right to violate rights." Actually, I'm saying only that I'd love to know exactly how these emancipated-from-law juries will determine what are rights and what are wrongs. One example: A homeless black teenager is brought to trial for mugging a white factory owner — you get the picture. The defense attorney is a man who makes the late William Kunstler look like Robert Bork. He delivers an eloquent speech condemning our racist-capitalist nation and its oppressive laws. He explains that the accused is not a criminal but a victim; that he was forced by circumstances beyond his control to do what he did; that Society's haves have a duty to provide for the have-nots; that it is the factory owner, the plutocrat who procures his wealth through the exploitation of his workers, who is the real thief — and that the jury must base its determination of guilt or innocence on something "more important" than the evidence presented: Justice. Now the jurors, as it so happens, find this all very compelling — more so, in fact, than the case presented by the prosecutor, who tragically was laboring under the delusion that his sole responsibility was to prove beyond a reasonable doubt that the defendant committed the crime with which he was charged. Consequently, they return a verdict of "not guilty."

A jury empowered to nullify laws in deference to libertarian ideals is a jury empowered to nullify laws in deference to any ideals. There's no point in compiling a list of the possibilities; the given example is gruesome enough.

I suspect that many libertarians find jury nullification an attractive option because it emulates the manner in which the Supreme Court strikes down a law. But to do so, the Justices must prove (or at least offer a rationale) that the law violates the Constitution. A jury wishing to nullify a law must find that it violates . . . what? The former case involves a conflict between laws; the latter, an abnegation of all law. The point is, jury nullification isn't merely a bad means to a noble end — it is the abolition of that end. It is the rejection of limited government (where the rights of the individual, e.g., a defendant, are protected by law) in favor of its antipode: unlimited democracy (where the will of the collective, e.g., a jury, is subject to no law). It is the establishment of lynch-mob majoritarianism in our courts, especially given the trend away from unanimous verdicts. The right of the Jury "to Judge the law as well as the defendant?" That is the "right to violate rights."

In any mixed economy, the legal system that upholds laws that deny individual liberty is the same system that upholds laws that affirm individual liberty. Sabotage that structure and both will come crashing. Our only option is the removal of coercive statutes from that structure. In the plainest terms, this means judicial appeal and legislative repeal. That these have thus far not been very friendly to the aspirations of libertarians by no means suggests that jury nullification would — or even could — prove any friendlier. —BL

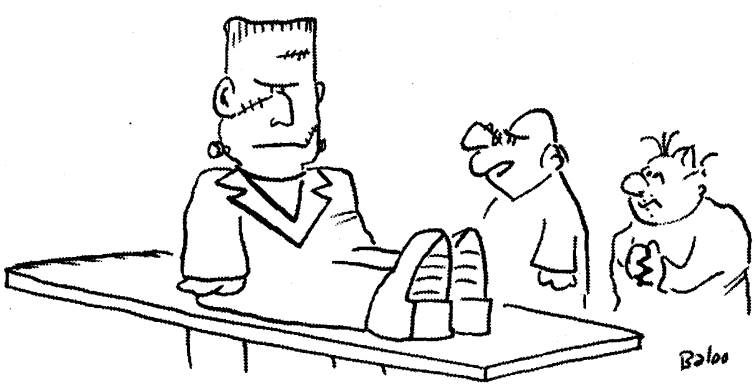

" What do you mean, you want a second opinion?"

Russia Invades Chechnya Bleeds

by Yuri N. Maltsev

Russia's war against Chechnya began over two centuries ago.

It has become apparent that Russia's ruling elite finds incessant armed conflicts necessary for its survival. With the Russian economy in chaos, inflation out of control, accusations of top-level corruption being investigated by prosecutors in the United States, Switzerland, and Russia itself, unbridled crime and terrorist attacks in several Russian cities, Yeltsin's government is unleashing another genocidal war against Chechens and other Muslims of Russia.[1] This war once again illustrates the Old Russian tradition of creating new problems rather than solving existing ones.

It also resembles the "Wag the Dog" scenario — Russian style. Bombings of apartment complexes in Moscow and other Russian cities conveniently distract public attention from the grim reality of corruption at the very top of the Russian hierarchy. From Peter the Great to Stalin, Russians were persuaded by their governments to rely upon theories of conspiracy to explain their history as well as current developments. Politically bankrupt, Yeltsin and family decided to boost their popularity with an alarmed population by conducting a swift, victorious war against a convenient scapegoat — "Chechen terrorist wolves."[2]

The Forgotten Nation

In almost all Western narrations on the war in Chechnya, all attention is devoted to the Russians. At best, the Chechens — who call themselves the Nokhchi — are present as some supernumerary performers on the bizarre stage of Russian politics. "There is something basic missing from most Western commentary on Russia's ferocious war against the secessionist Chechen Republic: the Chechens themselves," states the best Western authority on Chechnya, David Damrel of Oxford University. "While many analysts ponder Yeltsin's pursuit of his costly, unpopular war in the Caucasus or ask how the international community should respond to Russia's decimation of Grozny, the Chechens appear as little more than an unexplored foil to the Russians."

Most Western observers arrogantly dismiss the Chechens' hopes and aspirations, their culture and history. Last December an editorial in *The New York Times* decided that Chechens, unlike everybody else, lack any rights to freedom from oppression: "The three-year insurrection cannot be allowed to stand. Though a negotiated political settlement would be the best outcome, Mr. Yeltsin is justified in using military force to suppress the rebellion."

Only a few Western intellectuals are concerned with the fate of a small and proud nation that has been fighting for its independence for three centuries. Anders Aslund, a former Swedish advisor to Yeltsin, believes that "finally the West should stand by its values and call genocide in Chechnya by its true name and evoke the human rights provisions of the Helsinki Accords." "It is high time," writes Johanna Nichols, Professor of Linguistics at UC Berkeley, "to put a human face on a people of great dignity, refinement, and courage who have paid heavily for their resistance to conquest and

1. The majority of the Soviet Union's 51 million Muslims gained independence with the dissolution of the USSR in December 1991 and became citizens of Uzbekistan, Turkmenistan, Tadjikistan, Kazakhstan, and other new independent states, some of them officially Islamic. The Russian Federation is still a multinational state of over 30 different nationalities. Over 15 million are Muslim peoples, the Tatars, Chechens, and Bashkirs, to name a few.

2. A wolf is the symbol of the Chechen Republic. This animal is respected among Chechens; it is a symbol of freedom and independence for them.

assimilation."

The story of Chechen suffering is long indeed. It is also the history of Russian expansion into the Caucasus — a mountainous territory between the Black and Caspian Seas with a rich ancient history of the interaction of Greek, Persian, and Roman cultures and later of Islam and Christianity. After the collapse of the U.S.S.R. in December 1991, four independent states — Russia, Georgia, Armenia, and Azerbaijan — divided the region. Over 50 religiously, culturally, and linguistically diverse nationalities and ethnic groups populate the Caucasus. Northern Caucasus, a long-suffering province of Russia, is the home of three "autonomous" republics: predominantly Muslim Chechnya, Dagestan, and Ingushetia. Chechnya is home to a unique blend of Islam. "Islam, when it arrived in Chechnya," writes Edward W. Walker, "was mixed with traditional religious beliefs and practices, which may help explain why the brand of Islam adopted by the Chechens for the most part was Sufism — a mystical form of Sunni Islam that involves the "journeying" of a disciple (the murid) under the tutelage of an adept toward God, and that in part rejects sharia law in favor of customary law (adat). In this respect, Sufism was particularly amenable to the Chechens' traditional highlander culture, with its village-based individualism, egalitarianism, traditional practices, respect for elders, and opposition to hierarchy."

With the Russian economy in chaos, inflation out of control, accusations of top level corruption, unbridled crime and terrorist attacks in several Russian cities, Yeltsin's government is unleashing another genocidal war against Chechens and other Muslims of Russia.

Johanna Nichols picks up the historical thread: "The Caucasian highlands were apparently relatively populous and prosperous in ancient times. From the late middle ages until the 19th century, a worldwide cooling phase known as the Little Ice Age caused glacial advances and shortened growing seasons in the alpine highlands, weakening the highland economies and triggering migrations to the lowlands and abandonment of some alpine villages." This period of economic hardship coincided with the Russian conquest of the Caucasus that opened the first chapter in the ongoing tragedy of the Caucasus.

In the 1780s Russian Empress Catherine the Great[3] decided to expand Imperial Russia at the expense of its southern neighbors. Her troops under Field-Marshal Aleksandr Suvorov won a war against Turkey (1787-1792), and in 1792 signed the Treaty of Uassy, which confirmed the take-over of the Crimea and paved the way for the Russian annexation of the Caucasus. Russian troops, victorious over the Ottoman Empire, encountered fierce resistance by Caucasian Muslims led by their spiritual leader, Sheikh Mansur Ushurma, who declared a jihad (Holy War) on the Russians. Sheikh Mansur and his Muslim mountaineers inflicted a crushing defeat on Czarist forces at the Sunzha River in 1785 and were briefly able to unite much of what are modern Chechnya and neighboring Dagestan under their rule.

In the beginning of the nineteenth century Russia succeeded in subjugating Chechnya. This subjugation, however, was only formal. Colonial administration was present only in the capital city, Grozny. De facto, notes David Damrel, the country was controlled by the Sufi orders: "Naturally secretive and disciplined, with broad-based social support and foreboding mountainous terrain for cover, these orders have proven formidable adversaries for whoever has tried to rule the Caucasus."

Full-scale armed revolt against the Russian occupation of Chechnya and Dagestan resumed in 1824, when a series of Naqshbandis Sufi leaders called Imams began a ferocious guerrilla war that would last for over 30 years. The Russian Empire resumed control of Chechnya only after the Crimean War, with the defeat of the religious leader of the Chechens, the legendary Imam Shamil. Young Count Leo Tolstoy, who served in the Russian Imperial Army in Chechnya in the 1840s, was appalled by the unjust and atrocious colonial war. He resigned from the army and wrote about the war, praising Shamil. Shamil and his followers belonged to a branch of the Naqshbandis Sufi order, an Islamic mystical brotherhood that originated in fourteenth century Bukhara. Damrel observes that, "More traditional Muslim religious leaders often attacked the Sufi 'cult of saints' for non-Islamic practices, but from early on in the Caucasus, Sufism helped attract converts to Islam at a popular level and offered a powerful source of spiritual guidance and social identity."

Under the leadership of these Sufi orders, Chechens rebelled against the Romanovs again in 1865, 1877, 1879, and the 1890s, and plagued Czarist rule in the Caucasus during the Bolshevik Revolution.

Chechnya Under Communism

Vladimir Lenin referred to Chechnya as the most backward outskirt of the Russian Empire — that prison of nationalities — and declared that development of these regions would be the primary aim of the Bolshevik government. This promise became one in the long book of broken promises of socialism. A beautiful mountain country with proud and industrious people was completely destroyed by Communism. Stalin's purges of 1937 and consequent deportation of all Chechens and Ingush from their homeland to uninhabitable regions of Kazakhstan in 1944 belong in the

Young Count Leo Tolstoy, who served in the Russian Imperial Army in Chechnya in the 1840s, was appalled by the unjust and atrocious colonial war. He resigned from the army and wrote about the war, praising Shamil.

3. Originally Sophia Augusta Frederica of Anhalt - Zerbst. She ruled Russia in 1762-1796, greatly enlarged Russian territory and increased its power. She also imported engineers, architects, musicians, and intellectuals from Europe to westernize Russia.

grimmest pages of the murderous history of the Soviet Union.

Chechens tried to fight back: the independence movement led by Sheikh Uzun Haji battled for eight years against the White and the Red armies to create a "North Caucasian Emirate." The categorical and uncompromising Uzun Haji, whose tomb remains a major pilgrimage site for Chechen Muslims, saw little difference between the Czarist Russians and the godless communists. "I am weaving a rope," he was quoted by his enemies, "to hang engineers, students and in general all those who write from left to right." His uprising was brutally suppressed in 1925 and he, with many of his followers, was executed by the Soviet regime.

Since then there have been various Chechen rebellions against Soviet occupation, as well as resistance to collectivization, to anti-religious campaigns, and to Russification. Branding the Sufis "bandits," "criminals" and "counter-revolutionaries," the Soviets continued to arrest, execute, and deport the freedom fighters until the beginning of the Second World War. During that war, when disturbances occurred in Chechnya in 1940 and again in 1943, Stalin responded with genocide. Accusing whole nations of collaborating with Nazi Germany,[4] he forcibly deported Chechens and Ingush, as well as Karachay, Balkar, Crimean Tatars, and Volga Germans en masse to Kazakhstan and Siberia.

These nations lost at least one-quarter and perhaps half of their population in transit.[5] All told, more than a million Muslims from the Caucasus were deported, and by some estimates one-third to one-half of the population of Chechen-Ingushetia alone — well over 250,000 people — disappeared after the republic was liquidated in February 1944. The former Speaker of the Russian parliament, Ruslan Khasbulatov (an ethnic Chechen), told me that over half the Chechens were exterminated as a result of Stalin's "wise policy towards nationalities." Chechens I met in Grozny told me blood-freezing stories of deportation: people crowded into cattle cars without food, water, or sanitary facilities for several days, corpses transported with children, killings of innocent protesters at the railway stations by KGB guards. Chechen publicist Mohammad Shashani gives the following description of Soviet atrocities during deportation:

> On the eve of February 23, 1944 all citizens of the Chechen-Ingush Autonomous Republic were to celebrate the Red Army Day in the public squares of every town. Security forces surrounded each public square and the military commander read to the citizens of each town the Decree of the Supreme Soviet deporting the whole Chechen people to Central Asia with orderes to report to specific deportation centers in a few hours . . . Some men reacted in defiance to the order and were shot on the spot. The rest of the people were collected from their homes by the security forces and forcibly loaded on trucks and taken to deportation centers. In some villages where transportation to the deportation depots was not available the people were herded into barns, doused with gasoline and burned alive. In one town called Khaybakh 700 people, including men, women and children were burned alive, and this heinous act was repeated in twelve other villages in Chechnya. The deportation process itself was cruel and not worthy of human beings. Hundreds of people were packed into each wagon. I have talked to some survivors and they said that they had to stand in wagons packed like sardines with the windows of the trains boarded up and with no stops for food and hygiene. Many people suffocated and died and their bodies stayed in vertical positions until the train stopped at predetermined intervals and then and only then were the bodies taken out and dumped on the side of the railway with no permission to bury any of the dead. The deportation process included truck and train transportation and walking to reach the designated areas of banishment. Thousands died from lack of food and medicine. Typhus spread among the deportees and many perished from this disease. Once the deportees reached their destination they were sent to forced labor camps. The Chechens were the major source of slave labor that built highways in Kazakhstan, Uzbekistan and Kirghizia through rough mountainous terrain.

Chechens spent more than a decade in work-death camps in Kazakhstan. But by all accounts, the forced resettlement failed to break either the Sufi brotherhoods or Chechen national spirit. Describing the fearsome "psychology of submission" that prevailed in Soviet relocation camps, Russian author Alexander Solzhenitsyn observed that only one people refused to be broken by the ordeal: "There was a nation as a whole — the Chechens — who rejected the psychological submission . . . they were openly proud and hostile to authorities and never tried to please anyone in search of favors or better conditions for themselves."

Chechens are portrayed as possessing special "national" characteristics: "brutality, sadism, fanaticism and fascism." Chechens are even accused of "making Russians drunk by giving them vodka."

After Khruschev's denunciation of "Stalin's cult of personality" at the Twentieth Congress of the Communist Party of the Soviet Union in 1956, the Chechens and other exiled victims of Stalinism were proclaimed "rehabilitated" and returned to their homeland. They found that their land had been "Russified." Hundreds of thousands of Russian and Ukrainian farmers brought in to work the land had become permanent residents and now comprised a quarter of the region's population. Chechens lost land, economic resources, and civil rights. Under both Soviet and Russian governments, they have been the objects of official and unofficial discrimination.

Upon their return from the Gulag, Chechens, Ingush, and Dagestanis also discovered that they were no longer permitted to profess Islam. Soviet authorities decided to prohibit Islam in the region, closing over 800 mosques and 400 religious colleges or "madrasas." Mosques were demolished, converted into state museums, or made inaccessible. These measures against mainstream Islam had, however, very little impact on the Sufi brotherhoods, who had never relied on mosques and madrasas as their centers. Indeed, the orders themselves — particularly the Naqshbandis — are noted to

4. Tens of thousands of Chechens were conscripts in the Soviet army and were fighting against the invading Nazi armies at the time of deportation.

5. Communist genocide of the Chechen people in 1944 is well described in Robert Conquest's book *Nation Killers*.

this day for organizing their own clandestine Arabic classes and schools to teach the Holy books of Islam. A new Sufi brotherhood, called the Vis Haji after its founder "Vis" Haji Zagiev, was founded during the deportation years in the camps. The order combines adherence to fundamentalist Islam with fierce anti-Soviet and anti-Russian rhetoric. Damrel writes:

> Vis Haji zikr, employing violins and drums, accounts for some of the order's popularity. Attractive even to nonmembers, zikr performances sometimes provide the basis for public assemblies and displays during religious holidays in Chechen villages. In another unique practice, women are welcome to participate in Vis Haji zikr, and there are reports of women shaykhs leading their own circles of female adepts. Crucial in preserving Chechen Muslim identity during the exile, the Vis Haji are recognized today as the most active and innovative order in the Caucasus.

Gore visited Russia during the first day of war. Russian fighter-bombers and helicopter gun ships completely destroyed the capital city of Grozny and numerous villages, a cowardly, unfocused, nighttime bombing that went unpunished.

In 1978, Soviet authorities in the Caucasus decided to unban Islam. They allowed 40 mosques to reopen and staffed them with 300 registered ulema.

Kremlin's Madness

It was no surprise that long suffering Chechens declared their independence immediately upon the collapse of the Soviet Union in December 1991. So did fifteen other nations recognized today by the United States and the world community. But the case of the Chechens was different. According to Stalin's Constitution of 1936, only "sister union" republics were granted a right to independence — not "autonomous" republics like Chechnya.

The *only* difference is that Stalin assigned different status to different parts of his empire. Surely Chechens or Tatars or Dagestani have as much right to nationhood as, say, Georgians or Armenians, or East Timorese. The Chechens are a colonized people who have been conducting a struggle against imperial Russia and the imperial Soviet Union for more than 200 years. It is remarkable that Stalin's Constitution, repealed even by the Russian Parliament, is still a valid legal document for the Clinton administration and other Western governments now refusing to recognize the right of the oppressed nationalities of Russia to self-determination.

Although regularly stressing that Chechnya's residents were Russian Federation citizens, Russian authorities unleashed an unprecedented racist propaganda campaign against Chechens as a nation. In recent years, the Russian media have depicted Chechens as thugs and bandits responsible for organized crime and street violence in Russia. Russian "journalist" Yuri Mogutin wrote in the journal *Novy Vzglyad* (A New Glance) about the Chechen nation that "it had given the world absolutely nothing except international terrorism and drug business." He remarked also "that any Russian feels towards the Chechens a zoological, genetic, animal hatred."

Russian government propaganda (following traditions of Soviet indoctrination and employing the same people) is trying to portray Chechens as criminals and fanatics. One of the anti-Chechen publications, called *Criminal Regime: Chechnya 1991-1995*, is published by the Ministry of Interior of Russia. This publication tries to portray Chechnya as a "state of slavery." One of the chapter titles is "Slaves of the 20th Century." There are so many ethnographic and even geographic mistakes in the carefully crafted "accounts of witnesses" (the writers even mistake the Caucasus for Central Asia) that this falsification disappointed even Russian observers. Chechens are portrayed as possessing special "national" characteristics: "brutality, sadism, fanaticism and fascism." Chechens are even accused of "making Russians drunk by giving them vodka."

The aim of Russian propaganda against Chechens was exposed by the Director of the Institute of Ethnology and Anthropology of the Russian Academy of Sciences, Valery Tishkov:

> Thanks to the press not only in Russia but also abroad, an image of 'Chechen Mafia' has been created, which neutralized the sympathy towards Chechens that had formed internationally as a result of the war. If it was not for that image, the international support for Chechens would have been even more tangible. I also do not agree with the image of 'Medellin cartel' or criminal zone that has been thrust upon people. This is a myth. The level of crime among Chechens is no higher than among Georgians or Russians in Moscow. At the same time Chechens are very successful in business.

It is little wonder that the Chechens discern a direct continuation of Czarist and Stalinist politics when they read in the press utterances by Russian generals such as "we need a Caucasus without Caucasians," and "we are ready to fight until the last Chechen." Russian Prime Minister Vladimir Putin publicly accused the Chechens of criminal character and of running organized crime networks in Russia. Mikhail Barsukov, once a minister in the Russian government, told the press after the Russian military defeat in Pervomaiskoye in January 1996: "A Chechen is only capable of killing. If he cannot kill, he robs; if he is not capable of doing that, he steals, and there is no another kind of Chechen."[6] This is the Russian political view of Chechens!

U.S. taxpayers help pay for the war on the Chechens by financing economic and military aid to Russia. This is the true "money laundering" scam.

6. In 1991, the Soviet Communist Party weekly *Glasnost* in its effort to smear Yeltsin's reputation carried an interview with an anonymous police official who offered the absurd claim that "Yeltsin was the behind-the-scenes head of the 'Chechen Mafia,' a criminal gang coming from a particular Caucasus ethnic group . . ."(Scott Shane, *Dismantling Utopia: How Information Ended The Soviet Union*, Elephant Paperback, Chicago, 1994, p. 275).

The racist myth that all crime in Russia is perpetrated by Chechens makes many Americans parrot phrases like "the Chechen Mafia." "Maybe this is why both Democrats and Republicans, engulfed in the crime wave hysteria here, are giving Yeltsin the green light," writes Alexander Cockburn. If crime is Russia's number-one problem and if the Chechens supposedly run all "organized crime" in Russia, then the way for Yeltsin to fight crime is to wipe out the Chechens. It's his version of an anti-crime program.

It is unlikely that Boris Yeltsin and the Russian Federation can succeed in Chechnya, where generations of harsh, repressive rule and even genocide have failed. Because of an irresponsibly adventurous clique in the Kremlin, Russia is facing a long-standing confrontation with Chechens and the Muslim world at large. Earlier this year, Chechens moved to the neighboring republic of Dagestan, and the end of the Chechen war became as elusive as the Sufi orders themselves. In this tired battle of wills between Moscow and the Chechen Muslims, Boris Yeltsin and the Russian Federation rank as their weakest opponents yet.

The immorality of Russian actions and of Clinton's support of Yeltsin is apparent. So is the futility of winning the war: Russia and its army are in decay and Chechens have a long history of resisting tyranny.

Today the Russian government, with the silent blessing of the Clinton administration (good relations with Russia are one of its very few achievements), continues its aggression against vastly inferior but, apparently, highly motivated Chechen freedom fighters. The U.S. government brings confidence to Yeltsin, who first got his "Go Ahead" from Al Gore in 1994; Gore visited Russia during the first day of war. Russian fighter-bombers and helicopter gun ships completely destroyed the capital city of Grozny and numerous villages, a cowardly, unfocused, nighttime bombing that went unpunished. Today Chechnya is infested with Russian land mines, and Chechens are being killed or maimed by them every day.

Russian government statements reinforce fears that another deportation may soon come. Those fears stem not only from the sad memory of the 1944 deportation of Chechens and Ingush but also from the ferocious ethnic cleansing of the Ingush population from Prigorodnyi Raion in 1992 and 1993. This is an event completely ignored by the pro-Russian media and government policymakers of the West. Officials of the Russian Federal Migration Service have admitted that accommodation has been arranged for refugees from Chechnya in seven regions of central and southern Russia and that an operational group had been set up to coordinate the action. (Russia's Ministry for Emergency Situations claims that the number of refugees is close to 150,000.) But migration accommodation is a window-dressing used by Russian propaganda apparatchiks for a forced ousting of Chechens from their homeland while their aspirations for independence are crushed. In response, Chechen President Aslan Maskhadov declared martial law "to protect the country's sovereignty and territorial integrity." The economy will be placed on war footing, and Chechnya's Muslim clerics are expected to call for a new jihad — a "holy war" against Russia.

The "terror" in Moscow is the pretext for the new war on Chechnya. But there is little or no evidence linking any of the apartment bombings in Moscow to "Chechen terrorists," as has been charged. General Aleksandr Lebed, one of the most popular candidates for the Russian presidency next year, believes that the so-called "terrorist bombings" were actually fabricated by the Kremlin itself. Chechen rebel leader Shamil Basayev has proudly admitted to previous terrorist attacks on Russia, including a 1995 attack on a hospital in the village of Budyonnovsk, Southern Russia. This time, however, he denies having anything to do with the bombings. Like Lebed, Basayev believes these bombings are the work not of Chechens, but of the Kremlin or its politically active secret services, as a way of provoking chaos and sinking the coming presidential elections.

Vladimir Putin, an ex-KGB operative, may be the lynchpin: he is trying to secure his claim to the presidency in June 2000 in the aftermath of the present nationalist hysteria. Russian statists from Aleksandr Barkashov, the leader of the fascist Russian National Unity Party, to Grigory Yavlinsky and Alexei Arbatov, leaders of the so-called Liberal Democrats, have endorsed the war in Chechnya.

What Is Next?

Today the Clinton administration is still blindly pro-Yeltsin and seems to hold that the offensive against Chechnya is justified because of the "terrorist attacks" and because of the Chechen rebels' incursions into Dagestan. This position is similar to that of V. Zhirinovsky, who is openly anti-Muslim and anti-Turkish (he spent some time in a Turkish prison as an exchange student), and the communist leader Gennady Zyuganov, who are professing the preservation of Greater Russia and an expansion to the Southern Muslim world at large. Moscow Mayor Yuri Luzhkov has ordered a crackdown on residency permits aimed at forcing Chechens and all other non-ethnic Russians out of the city.

Meanwhile, U.S. taxpayers help pay for the war on the Chechens by financing economic and military aid to Russia. This is the true "money laundering" scam. American journalist Wayne Madsen, who specializes in intelligence matters,

continued on page 30

"We're supposed to go to Canaan and do some ethnic cleansing, whatever that is."

An Opportunity for the Libertarian Party

by R. W. Bradford

After spending tens of millions of dollars and hundreds of thousands of hours of hard work, the LP is not able to get even half of a percent of the popular vote in presidential elections. It's time to try something new.

The Libertarian Party presidential ticket finished fifth in the last election, gaining only about one-half of one percent of the vote. In response to that lamentable showing, the leadership of the party developed a strategy, which it implemented as "Project Archimedes," that sought a massive increase in party membership — and a similar increase in financing. The theory was that by getting 200,000 members, each of whom could be cajoled into donating the same amount that the average party member donated during the previous presidential campaign, the national campaign would have $50 million to spend — enough to ensure that it could not be ignored.

But Project Archimedes has failed. It has failed abysmally. First, the goal was cut from 200,000 to 100,000. Now the target is set for July 4th of next year rather than December 31st of this year.

Besides, the party is not on its way to 100,000 or 200,000 members. The last I saw, membership was around 33,000. When Project Archimedes started, it was only 22,000. Now 11,000 new members is a considerable achievement. But there's virtually no chance of getting another 167,000 needed during the next three months to reach Project Archimedes' original target. Or even 67,000 new members needed during the next nine months to reach the second, revised target. (See chart on page 23.)

And even if membership growth were on target, the numbers would not add up. You're not going to be able to get 100,000 or 200,000 people to make the same average donation that the first 20,000 — the hard core — make, especially if you start raising funds only five months before the election.

What we are looking at is a repetition of our past experience, and possibly something a good deal worse. It seems safe to say that at least four parties (Democrats, Republicans, Reform, and Green) will finish ahead of the Libertarians in the next election, and there is a real possibility that five parties will. Most people don't pay much attention to any fringe parties except their own, but I have paid some to the Constitution Party — formerly the U.S. Taxpayer Party — and I've noticed that it shows real growth. It has a chance to outpoll the Libertarian Party if Pat Buchanan is not selected as the Reform Party nominee. The nomination of Buchanan would hurt the Constitution Party; contrary to its name, its primary appeal is to pro-lifers, and Buchanan is sufficiently identified with that point of view to get a lot of pro-life votes.

However that may be, a somewhat ungainly but interesting fate may await the Libertarian party: it will cease to be a real political party and become a social organization that has more in common with a church than with anything else. Right now, the LP's principal function is to provide a place where people come to meet like-minded people and discuss what they don't like in this world. They — or, as I should say, we — put a little money into outreach (saving souls). When someone new joins the congregation, we extend our fellowship to them. Single people can meet one another and find someone to marry within the faith. When LP officials start making visitations to hospitals, I'll know we've gone all the way.

This isn't the worst fate in the world. But it isn't the best fate either. I retain at least some hope that the Libertarian Party can have a substantial impact on American politics. The problem is that you don't have much impact when you get one half to one percent of the vote at the presidential level. People in the Libertarian Party know this. In the past

year or so we have seen a huge increase in Libertarian Party organizations working to get people elected to city councils and on various other non-partisan elections, for the very good reason that elections of this kind allow you to run without labeling yourself a fringe candidate by a fringe party label attached to your name.

I think we have at least one other strategy left to try. I realize that there isn't a libertarian alive who doesn't think that if only the movement would do what he wants it to do we would all win. But I'm trying not to be one of those. I'm going to suggest an approach whose prospects for success I am frankly unsure about. But I think it's worth trying. Here is my theory.

For the last 15 or 20 years, the Republicans and Democrats have used what they call "wedge issues," issues on which people's opinions are strong and that can therefore be used to induce them to abandon their traditional political behavior. The first wedge issue that we know about in American political history was slavery, an issue that, beginning in the mid-1840s, caused people to abandon their traditional political behavior and established the Republican Party as the nation's majority party by the end of the Civil War.

What the LP needs today is a "wedge issue," and issue that can get major party voters and independents to ignore their lifelong habits and vote for a Libertarian. And I believe there is such an issue.

It seems to me that there really is a wedge issue that would allow Libertarians to be victorious, provided we redefine what "victory" means. I think the Libertarian Party would enjoy a great victory if it could get 4 or 5 percent of the presidential vote. Of course, that is not a victory in the sense of electing people to office. But right now we are not even on the landscape. We are not a factor in the national political dialog. Getting 4 or 5 percent would put us in league with really credible third party efforts. Perot got 6 percent. And there's a wedge issue that can get us our 5 percent.

I am talking about drug legalization.

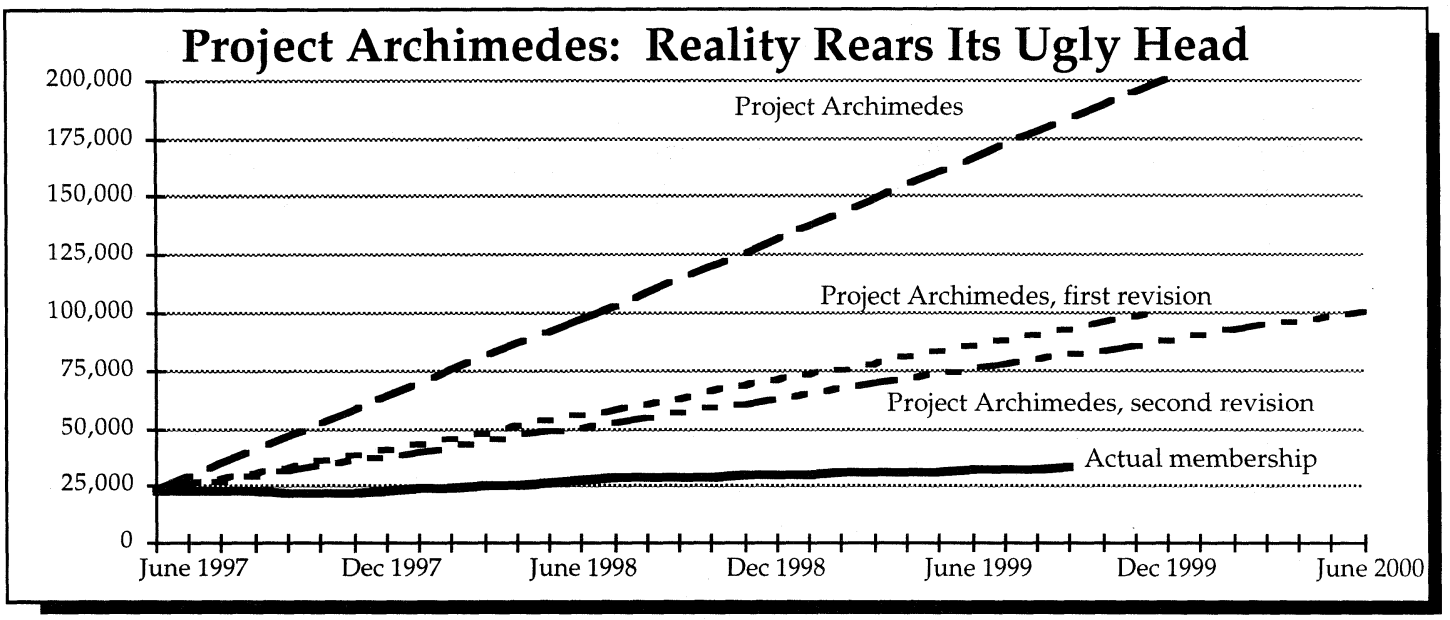

I'm *not* talking about medical marijuana; I don't think that impassions enough people. That's a good issue to use at the state level, because you can actually get a majority vote for it. But the surveys seem to show that most people who vote for medical marijuana don't feel very strongly about the issue. We didn't have revolution in Arizona when the state legislature undid the results of the medical marijuana initiative there.

But marijuana legalization can get us our 4 or 5 percent of the vote. Depending on which survey you read, which I suppose depends on how much people are lying to the pollsters on any given day, somewhere between 5 and 15 percent of Americans claim to have smoked marijuana fairly recently. These people are not all deranged loners sitting in their garret apartments smoking marijuana; very often they have families. And most of their families don't want to see them put in jail. Very often parents who know that their teenagers are smoking marijuana have another strong reason to favor legalization; under current practice they are liable to have their homes taken away because someone in their home possesses marijuana. Even parents who aren't sympathetic, who are ready to go out and hire a deprogrammer to kidnap the kid and force him into a drug program, want to keep their home. I suspect that some of those people would vote for a legalization candidate because they don't want to lose the family house or family car.

I think that the constituency for legalization is there, and I think that if enough noise is made it is possible for an LP nominee to get 5% of the vote by running on that issue. I'm not saying I'm sure that this would work, I'm saying that the strategy is plausible. And I don't know any other strategy

that is. Ordinarily, I'm an advocate of testing strategies before rolling them out — and testing them on a very low scale. But I don't think this is an issue that can be tested except at the presidential level. I don't think that getting a congressional candidate to run aggressively would work: most people are going to realize that it isn't going to make a big statement if the LP candidate gets 5 percent of the vote in the 17th congressional district. A good presidential campaign could easily run ahead of a congressional campaign.

I have discussed this with Peter McWilliams, a person I thought might be a good presidential candidate. Peter has AIDS and cancer and is using marijuana to alleviate the nausea that is a side effect of the anti-cancer, anti-AIDS drugs he is taking. Peter has two problems about running for president. First, he can't leave California because, as a person who publicly admitted to using marijuana for medical reasons, he has been arrested and charged with a felony. Second, he thinks it would be a better idea to have a celebrity candidate.

Well, I'm all for a celebrity, but if we can't get one I don't think it makes a great deal of difference. I think, for example, that if Harry Browne, the LP's most recent presidential nominee, would follow the strategy I've outlined, Harry would be a wonderful spokesman. So would Ron Paul. Both are highly respectable people who present themselves very well. If either of them were running for president and talked about legalizing marijuana, I don't think that people would be snickering behind his back and saying that he's probably running to his hotel room at night to smoke a few joints.

The important thing, however, is to give this new strategy a try.

We have invented the wheel and we have run it six or seven times, and except in 1980, when we had a very large amount of money, our method has resulted in less than half of one percent, no matter how good our candidate has been, no matter how hard he worked, no matter how hard all of us worked. As they say, "If you always do what you've always done, you'll always get what you've always got." In our case, that means spending millions of dollars and doing tens or hundreds of thousands of hours of campaigning and getting so few votes that we remain irrelevant, even invisible.

Right now, the LP's principal function is to provide a place where people come to meet like-minded people and discuss what they don't like in this world.

Making drug legalization the central theme of the Libertarian Party's 2000 campaign is not a magic bullet. It won't allow the LP to elect a president or even a member of Congress. But it just might help us leap over the hurdle of irrelevancy, that invisible barrier that keeps the Libertarian vote well under one percent, that keeps our candidates out of debates, that leaves us off the political landscape. ❑

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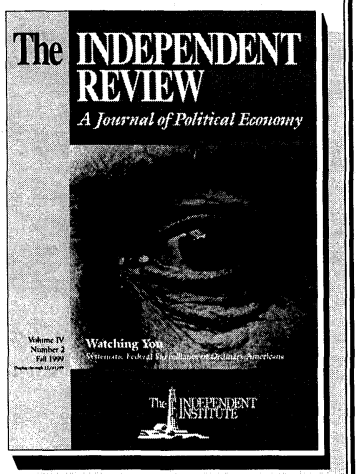

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The First Anti-Slavery Amendment

by David Kopel

The greatest human rights struggle in our history had a potent weapon in the Second Amendment's individual right to bear arms.

Slavery and firearms don't mix. If slaves had guns, they wouldn't be slaves for very long.

This has been true all over the world, in all ages, including the period when slavery existed in the United States. That's why some of America's greatest anti-slavery activists were strong advocates of the Second Amendment.

Lysander Spooner, for example, wrote books and pamphlets on scores of subjects, from intellectual property to the right to jury trial. But his greatest passion was anti-slavery. He was one of the leading radical theorists of the pre-war period, and a hero to many anti-slavery activists, including John Brown, whose 1859 raid on the federal armory at Harpers Ferry, Virginia (intended to spark a national slave revolt) was inspired by Spooner's writings.

Spooner's pre-war writing remained influential after the Civil War, making him among the most important of the abolitionists whose constitutional theories eventually became law through the enactment of the Fourteenth Amendment, which restricts the ability of state and local governments to infringe constitutional rights.

In contrast to abolitionist William Lloyd Garrison, who denounced the Constitution as pro-slavery, Spooner argued that slavery was unconstitutional. In the widely-distributed and frequently reprinted book *The Unconstitutionality of Slavery*, Spooner argued that the Constitution should be interpreted according to principles of natural justice. In applying this interpretation to the Second Amendment, Spooner wrote:

> The right "to keep and bear arms," implies the right to use them as much as a provision securing to the people the right to buy and keep food, would imply their right also to eat it. But this implied right to use arms, is only a right to use them in a manner consistent with natural rights as, for example, in defence of life, liberty, chastity, &c. . . . If the courts go beyond the innocent and necessary meaning of the words, and imply or infer from them an authority for anything contrary to natural right, they could imply a constitutional authority in the people to use arms not merely for the just and innocent purposes of defence, but also robbery, or any other acts of wrong to which arms are capable of being applied. The mere verbal implication would as much authorize the people to use arms for unjust, as for just, purposes. But the legal implication gives only an authority for their innocent use.

Spooner's explanation challenges modern anti-gun activists who claim that by recognizing a right to keep and bear arms, we can't stop people from using guns for murder and robbery. But as Spooner understood, the right to own and carry guns does not create a right to misuse guns any more than the right to drive a car from New York to California implies a right to run down pedestrians along the way.

The Second Amendment as Tool of Abolition

Spooner also used the Second Amendment to argue that slavery was unconstitutional: A slave is a person who cannot possess arms, but the Second Amendment guarantees that all persons can possess arms, and therefore no person in the United States can be a slave. He elaborated:

> These provisions obviously recognize the natural right of all men "to keep and bear arms" for their personal defence: and prohibit both Congress and the state Governments from infringing the right of the people, that is, of any of the people to do so; and more especially of any whom Congress have power to include in their militia. The right of a man to keep and bear arms, is a right palpably inconsistent with the

idea of his being a slave. Yet the right is secured as effectively to those whom the States presume to call slaves, as to any whom the States condescend to acknowledge free.

In other words, since the Second Amendment guarantees that everyone can own a gun, and since a person with a gun cannot be a slave, slavery must be unconstitutional.

Spooner continued:

> Under this provision any man has a right either to give or sell arms to those persons whom the States call slaves; and there is no constitutional power, in either the national or State governments, that can punish him for so doing; or that can take those arms from the slaves; or that can make it criminal for the slaves to use them, if, from the inefficiency of the laws, it should become necessary for them to do so, in defence of their own lives or liberties; for this constitutional right to keep and bear arms implies the constitutional right to use them, if need be, for the defence of one's liberty or life.

The right to own and carry guns does not create a right to misuse guns any more than the right to drive a car from New York to California implies a right to run down pedestrians along the way.

The right to keep and bear arms, Spooner reasoned, implies the right to buy and sell arms, and the right to use arms to defend liberty.

Spooner frequently used the Second Amendment's individual right to arms in his arguments. For example, in his 1850 pamphlet *A Defence of the Fugitive Slaves*, Spooner advocated the right of fugitive slaves to use weapons to resist recapture. He also cited the Second Amendment to bolster his point that neither slaves nor anyone else had an obligation to obey the federal Fugitive Slave Acts, which required everyone to assist in the recapture of runaway slaves:

> The constitution contemplates no such submission, on the part of the people, to the usurpations of the government, or the lawless violence of its officers. On the contrary it provides that "The right of the people to keep and bear arms shall not be infringed." This constitutional security for the right to keep and bear arms, implies the right to use them . . . [Spooner then repeated his analogy that the right to buy and keep food would imply the right to eat it.] The constitution, therefore, takes it for granted that, as the people have the right, they will also have the sense, to use arms, whenever the necessity of the case justifies it. . . .

Spooner next argued that unconstitutional laws need not be obeyed pending their repeal; to require obedience to unconstitutional laws would be "to allow the government to disarm the people, suppress the freedom of speech and the press, prohibit the use of suffrage, and thus put it beyond the power of the people to reform the government through the exercise of those rights." Thus, the right to arms provided one of the ways in which people could reassert control over an erring government.

Second only to Lysander Spooner as an anti-slavery theorist was Joel Tiffany. Tiffany made his living as reporter for the New York Court of Appeals, as an author of legal treatises, and as publisher of *Tiffany's Monthly* magazine. But like Spooner, he was consumed with the anti-slavery cause. The Spooner and Tiffany theory that the Constitution guaranteed certain rights to all citizens was the intellectual foundation of what would become the Fourteenth Amendment's guarantee that no state could violate the "privileges or immunities" of American citizens.

Like Spooner, Tiffany argued that the Second Amendment's guarantee of a right to arms applied to all persons, and since a slave could not be armed, slavery was unconstitutional:

> Here is another of the immunities of a citizen of the United States, which is guaranteed by the supreme, organic law of the land. This is one of the subordinate rights, mentioned by Blackstone, as belong to every Englishman and is accorded to every subject for the purpose of protecting and defending himself, if need be, in the enjoyment of his absolute rights to life, liberty, and property. And this guaranty is to all without any exception; for there is none, either expressed or implied. And our courts have already decided, that in such cases we have no right to make any exceptions. It is hardly necessary to remark that this guaranty is absolutely inconsistent with permitting a portion of our citizens to be enslaved. The colored citizen, under our constitution, has now as full and perfect a right to keep and bear arms as any other; and no State law, or State regulation, has authority to deprive him of that right.

After the Civil War, Tiffany remained active in public affairs. In 1867 he authored *A Treatise on Government and Constitutional Law*, in which he explained why the Second Amendment, in order to ensure there is a strong "militia," guarantees that "the people" have a right to keep and bear arms:

> The second amendment of the constitution provides that the right of the people to keep and bear arms shall not be infringed, because a well-regulated militia is necessary to the security of a free state. The militia are citizen soldiers, as distinguished from those who are trained to arms as a profession, and who constitute the elements of a standing army. To be an efficient militiaman the right to arms is essential. This provision had its source in that jealousy of power in the hands of the central government, so manifest in the people, at the time the constitution was adopted.

In contrast to abolitionist William Lloyd Garrison, who denounced the Constitution as pro-slavery, Spooner argued that slavery was unconstitutional.

Slaves Today

Lysander Spooner and Joel Tiffany were great human rights heroes of American history. Their words remain relevant today. Slavery still exists in some parts of the world, including the Sudan and Arabia. You can be sure that the slavemasters in those countries make sure their slaves do not have weapons. Moreover, one of the largest "trading partners" of the United States, Communist China, also makes

continued on page 33

Tobacco War in a Small Place

by Gary Gissell

A lesson in prohibition, in miniature.

During an eight-month stay at the Federal Prison Camp in Sheridan, Oregon, I was able to get a firsthand look at what a prohibition on the use and possession of tobacco products would produce in society. As one might expect, the results mirrored our country's earlier experience with alcohol prohibition.

Although the society I was in was made up of male federal prisoners, it did give something close to a cross-section of society in general: young, old, poor, rich, educated, uneducated, blue collar, white collar, and mostly white.

I "camped" with gangbangers, construction workers, truck drivers, college students (and at least one professor), doctors, lawyers, bankers, counterfeiters, entrepreneurs (some very creative); generally, a picture of working and non-working Americans.

By far, the most common federal charge was violation of the drug laws. My unscientific poll showed at least 50 percent of those doing time were there on drug charges.

The camp, with no fences, cells, handcuffs, or gun towers, seemed closer to an adult version of summer camp than a federal prison, except that the counselors (prison guards) were not as educated or compassionate as one would expect to find at summer camp. Most seemed to be getting revenge for all the times the school bullies took their lunch money.

The tobacco-free prison camp? Well, it happened a few years back when the bureaucracy at Sheridan decided that for the good of the prisoners (and general political correctness), Sheridan would become the first and only prison in the federal system to prohibit the use of all tobacco products by prisoners (the guards and staff could smoke and chew all they wanted).

And the reaction to Sheridan's tobacco prohibition by the prisoners? A black market (free market?) production and distribution system was quickly in place.

Production of tobacco products came through the various methods prisoners have always used to get contraband into prisons. With heroin easily getting into maximum security facilities, it was inevitable that tobacco products would find their way into a minimum security camp.

Even with the relative ease of bringing in tobacco products, supply could not keep up with demand. Guards spent much of their time intercepting a portion of the supply, and most prisoners were reluctant to be producers because they didn't want to break the law.

Possession of a single cigarette could be punished by a 90 day loss of commissary and telephone privileges. Being caught or even suspected of being a producer meant a stay of at least 30 days in the "hole" (locked down in a two-person cell virtually 24 hours a day) at the FCI (medium security facility across the road). Loss of good behavior time (54 days per year served) and transfer to a facility in another part of the country often followed a prisoner's time in the hole.

As should be expected, producers in the camp charged whatever the market would bear for their tobacco products.

Cigarettes that sold for less than three dollars per pack in free Oregon were easily selling for ten dollars in the camp. Chew (Copenhagen, Skoal, etc.), usually sold for about the same price.

During one critical shortage, I saw cigarettes sell for twenty dollars per pack for a short time, until the supply increased and prices stabilized around the expected ten dollar level.

Another result of Sheridan's tobacco prohibition was that many prisoners who smoked before coming to Sheridan

were now also taking up the habit of chewing. A pinch of chew was usually undetected by the guards and could satisfy the desire for a nicotine rush until the prisoner was able to have a smoke sometime later, in a relatively safe smoking environment away from the guards.

While there were many methods of procuring tobacco products at Sheridan, the most common was probably the simple expedient of having friends or relatives drive the roads near camp and drop a package at a designated site. Later, at night, the prisoner could leave the dormitory between bedchecks and retrieve the package.

Of course, anything could be in the package along with a carton of cigarettes (drugs, alcohol, pizza, etc.)

One prisoner I met at Sheridan was accused of conspiring with his wife (all telephone calls are subject to monitoring and taping) in a plan by which she would drop a package off when leaving in her car after an approved visit. One of the contraband items they were accused of conspiring to bring into the facility, besides a few cartons of Marlboros, was a 30-day supply of Rogaine. His suspected conspiracy cost him over 30 days in the hole, loss of a portion of his good time, loss of visiting rights with his wife, and eventually a transfer to a facility in a different state where he and his wife would have a much more difficult time cooking up conspiracies.

After about four years of Sheridan's tobacco prohibition, a prisoner brought about its downfall. While using his right of access to the law library, he decided to research the BOP (Bureau of Prisons) operating regulations. He found that the BOP required all prison wardens to provide a smoking area for prisoners who wanted to smoke.

The inmate began a paperwork war with the system that eventually led to a federal court ruling that Sheridan was in violation of BOP regulations. The warden was given a court mandate to allow the use of cigarettes by prisoners in some kind of reasonable fashion.

Needless to say, most of the guards were pissed. One of their favorite tools to hassle lesser beings was being taken away.

I finished my time at Sheridan about a week after the tobacco war (actually just one battle in a bigger war) ended.

Two days before leaving, I saw the updated prisoner commissary list: generic cigarettes, available with or without filters, for $1.90 per pack. ❑

Maltsev, "Chechnya," *continued from page 23*

believes that Clinton's National Security Agency helped Moscow kill popular Chechen President Dudayev in 1995:

> Both Moscow and the West wanted a quick end to the Chechens' two-year long war for greater autonomy. The conflict had become a mini-Afghanistan. It was draining the lives of hundreds of Russia's young soldiers, the country's precious cash reserves, and Yeltsin's chances for winning the June 16, 1996 presidential election against Communist leader Gennady Zyuganov. The West was eager to prevent the Chechen conflict from helping the Communists at the polls. For President Clinton, who also faced reelection, a Communist win was especially unwelcome. The rallying cry of "Who lost Russia to the Communists" would be heard over and over again at the Republican convention and would certainly have been used against him in the televised debates.

Dudayev was a moderate politician. He had risen through the ranks of the Soviet Air Force as a pilot and served in Afghanistan, attaining the rank of general. His last position was that of commander of a division of Soviet strategic bombers in Estonia from 1988 to 1991. He was reportedly very proud of having served the Soviet military. He was married to an ethnic Russian, lived only very briefly in Chechnya as a boy (he spent most of his youth in a deportation camp in Kazakhstan), and spoke Chechen poorly. There is no reason to believe that before 1990 he was deeply anti-Soviet or a Muslim fanatic.

The Chechen constitution adopted under him was essentially liberal and democratic. It established a secular democratic state and provided for freedom of religion and expression, partly because Dudayev hoped for, and expected, support for Chechen "self-determination" from the West. Dudayev's secularism began to fade only after it became apparent that the West would support Yeltsin, rather than Chechen demands for independence. In 1994 he visited Iran and called for a jihad against Moscow.

Like Dudayev, current President Maskhadov was an officer (Lieutenant Colonel) in the Soviet military. He is considered the head of the most moderate faction in Chechen politics. But with unexplained obstinacy Yeltsin's regime is trying to undermine and overthrow him and all other Chechen politicians who are willing to compromise and negotiate with Russians.

The immorality of Russian actions and of Clinton's support of Yeltsin is apparent. So is the futility of winning the war: Russia and its army are in decay and Chechens have a long history of resisting tyranny. "Instead of the hammer-blow of a powerful fist," comments the *St. Petersburg Times*, "what we saw was the clumsy groping of fat blindly spread fingers." The result will be more corpses of Russian soldiers and innocent Chechen civilians.

There is only one possible solution to the Caucasian crisis: the Russian government should immediately curb its military strong-arm tactics and permit independence-seeking regions like Chechnya to secede and decide on their own future. ❑

"Knock off the impersonations and balance my checkbook!"

Truth *vs.* Power

by Kyle Rothweiler

What happens when the will to power emasculates the will to truth.

There are nuggets of language, aphorisms or axioms, which through unintelligent overuse have had their manifest truth rubbed away until they've become dull and trite, pretty much ignored except by those who, for rhetorical purposes, want to trot out a well-worn bromide. One such dictum is Lord Acton's once-celebrated "Power tends to corrupt and absolute power corrupts absolutely." At this stage in the history of human mentation these wise words could be printed on a fortune-cookie scroll as uncontroversially as "Skunk who go to church must sit in own pew," and with about as much chance of massaging anyone's cerebrum. It is a dreary fact of human nature that at some point the anti-alchemy of stupidity and stupor converts wisdom into wallpaper, gold into dross.

And yet those nine words, if properly studied and heeded, might conceivably be instrumental in preventing the human race from destroying itself. I should state at once that by "preventing the human race from destroying itself" I don't mean that Acton's words should be used to inspire or to justify or to rationalize or to whitewash any political or social reforms. Such things don't interest me any more; the sorry history of them is sufficient argument against them, and besides, I find few things more abhorrent than the use of the products of human genius for the purposes of political propaganda.

No, I think the purpose of "Power tends . . ." is to be found, as the purpose of all such creations is to be found, in its influence on the behavior and character of individual humans. Rightly understood, it is not a political statement at all. It is a personal one, one which gives the most concise possible case for the loathing, dread, and shunning of power. It is addressed to the individual consciousness and points out to it why status-seeking is not to its advantage. If enough of us monkey-people understood what it means to be a corrupt primate, then perhaps we would drop our power-lust like a red-hot banana — and if that happened, then the apparent necessity for political reforms would evaporate, for it is exactly in the near-universal yearning for power that our political woes consist.

The *raison d'etre* of virtually every political organization, party, or pressure group in existence at present is "empowerment." Everyone wants it and no one sees anything wrong with wanting it; more precisely, no one sees why the acquisition of power is a dangerous thing to those who acquire it, because although everyone knows Acton's saying, no one pays any attention to it.

Corrupt Me!

Besides, who minds being corrupted today? To whom does it occur that it might be a fate worse than death, an abysm of character annihilation, an acid that destroys integrity, a strangler of spirit, a soul-destroyer? Nobody! Or if it does, they simply don't care. On the contrary: the ululation that pierces the heavens, the swan song of the vast flock of decaying 20th century birdbrains is: "Corrupt me! Corrupt me!" Most of 'em, so far from dreading it, are begging for it.

One can get a bead on the concerns of men and women about such things by studying their manifestations in the popular media. I am well aware of the trap of trying to squeeze too much significance from trivial cultural artifacts, but the fact remains that one can sometimes get a clearer picture of the engines driving general human nature from trashy magazines than from periodicals dealing with ideas. Example: in *Cosmopolitan*, issue of September, 1998, we find the article "Get a Man-Size Ego," which explains that,

according to a psychologist, "power is a difficult concept for women," and includes, in its advice on how women can be more like men, (why on earth they should want to be like men is beyond my comprehension, but the depressing fact is that they do) the following imperatives:

> BRASHLY BRAG TO YOURSELF THAT YOU CAN DO ANYTHING.
>
> So you have the big job interview, the crucial presentation, the hot date. But you're nervous, worried, not sure you can pull it off. So do what a typical guy would do: Fake it. Pretend you're the smartest, sexiest, most capable person ever. Not only will it work — most people are far too deep into their own insecurities to notice you're bluffing — but you may even start to believe it yourself.

The raison d'etre of virtually every political organization, party, or pressure group in existence at present is "empowerment." Everyone wants it and no one sees anything wrong with wanting it.

This, I suppose, now supplants Polonius's corny advice about being true to thine own self. (Maybe it always has.) There is no doubt that *Cosmo* has supplied a painfully accurate assessment of the mentality of the male mean of Homo sapiens, as well as sound counsel for the acquisition of power. But if it isn't also a lesson in the acquisition of corruption, then I honestly don't know what is. There is no more corrupt act than lying to oneself about what one is. I would like to think that women had better sense than to embrace the male delusion that one should develop as monumental an ego as possible instead of one that's just the right size.

The *Cosmopolitan* article is, of course, commonplace stuff these days, quite orthodox in its advocacy of mendacity. Under such cultural conditions, power holds no terrors; indeed, as a route to corruption, as well as on its own merits, it seems altogether tantalizing. The end not only justifies the means, but the means are their own justification. Like it or not, I think this is a fair summary of the current attitude of the world and the worldly to power and corruption. All this sad state of affairs results, possibly, from an inadequate comprehension of the meaning of corruption; and could be reversed, conceivably, by striving for such comprehension, which could lead, perhaps, to the renunciation of the power which tends to it.

Fibbing as a Law of Nature

One could begin the effort, I believe, by tracing back the connection of the "will to power" with the "will to corruption" to fundamental biology, where the latter exists simply as the "will to deception." For years I have studied the habits of various members of the animal kingdom (in books, magazines and television only; I'm too fat, lazy and impatient for fieldwork) and if there is a general conclusion one can come to about the birds and beasts and bugs it is that they are all liars. Deception is the great law of life.

Of course, this does not take the form of verbal dissimulation, but of behaviors and appearances intended to mislead. Camouflage is a basic tool in the eternal struggle to eat and avoid being eaten; the tiger's stripes aid his efforts to remain incognito in jungle terrain and the zebra's stripes provide a like service in his attempts to escape the tiger's relatives on the African plain. Ostentatious finery is used by birds in attempts to dupe a potential mate. The staggering feather architechtonics of the peacock or bird of paradise are in effect an elaborate ruse, as sneakily dishonest as a circus sideshow poster.

One could vastly amplify the catalog of lies which the animal kingdom indulges in; it should be sufficient to merely point out that the two main interests of animated nature, mating and eating, are thoroughly steeped in such legerdemain. I would be tempted to say that about the only time an animal isn't perpetrating a fraud is when it's asleep, except that some zoologists have theorized that sleep itself is a form of camouflage, a means of forcing a creature into an ersatz inanimate state so that it will hold still and shut up when potential enemies are about.

This hypothesis indicates how intricately deception is intertwined with animal life and how innocent it all is. It would be patently absurd to attach any moral evaluation at all to such behavior; my point is to show how unconsciously and naturally power leads to deception in the animal kingdom, but it would make no sense to call this "corruption." Corruption occurs at the point where this unconscious animal behavior is permitted by H. sapiens to flow unchecked within itself, and more especially where we allow it to control us in the form of self-deception. And the tendency seems to be almost inevitably for deception and self-deception to be reinforced and made a *modus operandi* when they are effective in the acquisition of power.

Why Power Corrupts

The reason that power corrupts is that sooner or later the possessor of it comes to believe that he deserves it. That is not the only deception and delusion of the powerful, but it is the elemental one. The "alpha male" of a primate colony, the big-cheese chimp or baboon, is often not much stronger physically than the other males, but has faked his way to the top by tricks of intimidation or by inflating his chest or cheeks a bit more than his competitors. The political subspecies of H. sapiens does the same thing with a tricky media campaign or inflated rhetoric. His bid for power is based on manipulation, on deluding his fellows, and if he is successful, he tends to forget this bald fact and to attribute his new power to his own superiority. Unlike the jungle ape, he believes his own propaganda. This is corruption in its essence and the model of the process Acton (and *Cosmo*) referred to.

The two main interests of animated nature, mating and eating, are thoroughly steeped in legerdemain.

It would, in fact, be hard to imagine a more horrible man-

ifestation of corruption than to lose oneself that way. It isn't for nothing that the ancient wisdom of Socrates and others admonishes us: "Know thyself." If one starts with that as the first step on the road to truth and sticks to it unswervingly, one can't go far wrong for long. And, contrarily, to the degree that one is estranged from oneself, to that degree is one handicapped in the search for truth. The degree of power that one holds is inversely proportional to the degree of self-knowledge that one possesses. "Power tends to corrupt and absolute power corrupts absolutely" can be paraphrased another way: "For what shall it profit a man, if he shall gain the whole world, and lose his own soul?"

Corruption is the process of losing one's own soul, and this is the tendency of power because it leads away from the "will to truth," the struggle for understanding, which is the most sublime activity of the human spirit — one could even say that it is the human spirit — and leads towards the "will to deception" — the path of least resistance which is characteristic of animal behavior and therefore requires no struggle at all. Fakery is easy; it is like a marble rolling down a groove in a bannister, and it takes a degree of character, of spiritual effort, to jump out of that groove into a more exalted path. It is precisely that effort, the fruit of a strange, unfathomable, mysterious yearning, that enables us to transcend our zoological heritage.

But perhaps there are those who think Acton underestimates human possibilities, who think that the "will to power" and the "will to truth" are compatible, that one can pursue political power and truth at the same time, that one can control one's fellows and simultaneously maintain an unlimited uncorrupted capacity for understanding, that one can be a philosopher king. This ancient myth is no doubt reinforced by the modern superstition that there are no limits on human desires, that anyone can have it all, that one can have both the whole world and his own soul. Anything is possible, of course, but unfortunately all the evidence points in the opposite direction. Personally, I'd prefer not to risk my soul, such as it is, in the pursuit and pretended pickling of so questionable a chimera as power, and perhaps there is a possibility that others who give due consideration to Acton's maxim may come to the same conclusion. ❑

Kopel, "Slaves and Guns" *continued from page 28*

extensive use of slave labor. Many of the cheap Chinese goods which Americans buy are cheap because they are manufactured with slave labor.

In one of the classic episodes of the television series "All in the Family," Sammy Davis, Jr. paid a visit to Archie Bunker's house. Archie was a racist, but he wanted to make a good impression on his famous guest. So he told Sammy Davis that "I've always been against slavery." Archie's daughter Gloria and her husband Meathead made fun of Archie, since being against slavery in 1971 — over a century after American slavery had been abolished — wasn't exactly a sign of being a progressive thinker.

But, it turns out that Meathead and Gloria were wrong. In modern times, it's not so easy being against slavery. Even if a person doesn't own slaves, if he purchases slave labor products (Alabama cotton in 1855, or Chinese goods in 1999), he is giving practical support to slavery.

If men of high character and principle, like Lysander Spooner and Joel Tiffany, were running our country today (in contrast to men like Bill Clinton), it is doubtful that they would encourage Americans to buy slave labor products from China. Instead, President Spooner and Secretary of State Tiffany might be formulating plans for sending a modern John Brown into China, to arm the slaves and begin revolt against Communist tyranny. The next time you have to choose between buying a product "made in China" and one made by free labor, think about what Lysander Spooner and Joel Tiffany would do. Archie Bunker was against slavery. Are you? ❑

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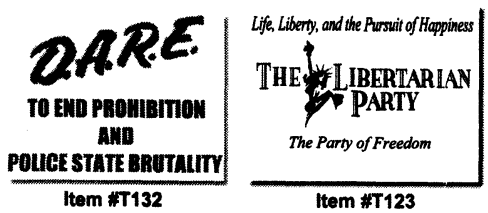

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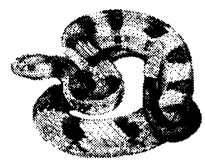
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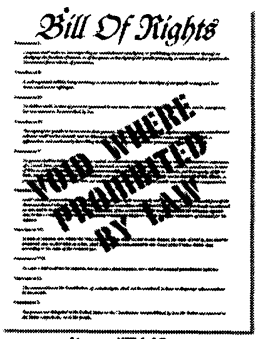

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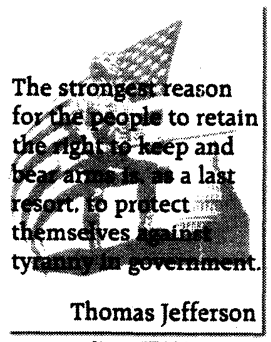

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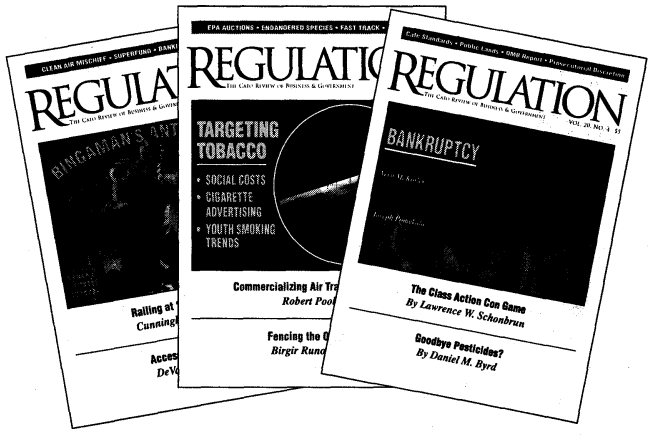

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Riposte

The Poverty of the Non-Aggression Imperative

by R.W. Bradford

Sometimes, the "moral high ground" is a dangerous place to stand.

It takes only a single white rose to disprove the proposition that "all roses are red." But suppose that, upon being presented with a dozen white roses, advocates of the proposition "all roses are red" responded, "Our belief that all roses are red does not require us to resolve definitively the question of every one of these white roses."

Would anyone take such an argument seriously?

Yet this is precisely how advocates of the non-aggression imperative — the proposition that it is always wrong to initiate force — react when they are presented with the equivalent of a white rose. "A moralistic argument," assert Dyanne Petersen and Jeffrey Hummel in a peculiar aside in their review of a biography of abolitionist William Lloyd Garrison (*Liberty*, November), "does not require libertarians (any more than it required Garrison) to resolve definitively every one of the age-old ethical conundrums." Petersen and Hummel specify that they direct their words at my essay "The Rise of the New Libertarianism" (March), in which I very carefully directed my criticism not at morality in general or libertarian morality in particular, but at what I consider a weird subspecies of libertarian moral thinking, the non-aggression imperative.

In their view, it is a huge mistake to abandon this imperative, despite the fact that it has apparent exceptions (those "age-old conundrums"). For them, indeed, the non-aggression imperative is just plain common sense:

> With or without religious conviction, most people agree that it is wrong — it is immoral, not just impractical — to steal, cheat, or rape, to murder, kidnap, or enslave. Philosophical quibbles about life-boat exceptions to the non-aggression axiom are not even germane.

P&H start here on solid ground: most people do believe that in a general way it is wrong for an individual to commit acts of aggression. And it is also true that most people reject "philosophical quibbles" in discussions of this sort. But the reason why most people are uninterested in the "quibbles" that undermine the non-aggression imperative is that they don't believe in the non-aggression imperative to begin with.

Most people see non-aggression as a general policy that has a great many exceptions, all evident in everyday life: taxes, conscription, regulation, licensing, etc. Since they are surrounded with exceptions to the general moral rule, and are fully favorable toward many or most of them (witness their voting behavior), they see no reason to attend to the sort of exceptions that critics of the non-aggression imperative find to illustrate the absurdity of accepting and applying the general principle in the way that so many libertarians do.

Petersen and Hummel are not content to observe that people generally believe individual acts of aggression are wrong. They continue:

> A moralistic argument does not require libertarians (any more than it required Garrison) to resolve definitively every one of the age-old ethical conundrums. It merely applies to the State the same moral principles, however imperfect and imprecise, that govern individual interaction. Like Garrison, moralist libertarians take shared premises and insist upon greater consistency.

But there is no "shared premise." There are two distinct premises:

1) *It is generally wrong to initiate force.* This belief forms the moral basis of civil society; not surprisingly, it is shared by most human beings.

2) *It is always wrong to initiate force.* This is the moral basis of the libertarianism of Murray Rothbard and the libertarianism that grew out of Ayn Rand's thinking.[1] Except

1. Actually, Rothbard's libertarianism and the libertarianism that grew out of Rand's thinking are one in the same; certainly, they are the same in essential respects.

for a few doctrinaire libertarians, virtually no one believes this.

That is why the Randian-Rothbardian typically has so little to show for his efforts.

Convincing people to accept the non-aggression imperative is not a simple matter of convincing them to be less "imperfect and imprecise" in applying a belief they already have. It requires them to abandon their belief that force initiated by individuals is generally wrong, and to replace it with the belief that it is *always* wrong for any person or combination of people to initiate force.

The reason why most people are uninterested in the "quibbles" that undermine the non-aggression imperative is that they don't believe in the non-aggression imperative to begin with.

P&H conclude their criticism of my attack on the Rothbardian-Randian libertarianism with these words:

> If libertarians descend from the moral high ground and choose instead consequentialism or gradualism, who will articulate the moral superiority of our ideas? If libertarians do not loudly proclaim that taxation *is* theft, conscription *is* slavery, and war *is* mass murder, who will? If libertarians do not burn with righteous moral outrage at such State atrocities as the killing of children at Waco and the bombing of innocent civilians in Kosovo, who will?

P & H plainly intend these as rhetorical questions, each to be answered with a thunderous "No one!" thereby devastating the criticism I offered of Rothbardian-Randian libertarianism. But, as you may suspect, I find such questions singularly undevastating, and I am quite happy to answer them.

> *If libertarians descend from the moral high ground and choose instead consequentialism or gradualism, who will articulate the moral superiority of our ideas?*

The moral superiority of liberty over statism will be articulated by everyone who believes that liberty is morally superior, most assuredly including people like David Friedman and me who have explicitly challenged the Rothbardian-Randian orthodoxy, as well as others, like Ludwig von Mises, Friedrich von Hayek, H. L. Mencken, and Milton Friedman, who have embraced liberty but eschewed the notion that initiated force is always wrong. And what's this stuff about "abandoning the moral high ground"? Who says that the Rothbardian-Randian position is the moral high ground? That's what we're arguing about, after all. If standing on "moral high ground" requires me to believe something as fallaciously derived and as absurdly and patently wrong as the non-aggression imperative, then let me walk the slippery slope any day.

> *If libertarians do not loudly proclaim that taxation is theft, conscription is slavery, and war is mass murder, who will?*

These slogans will be loudly proclaimed by their adherents, I suppose, or at least by those who think such sloganizing does any good. I am not convinced that proclaiming "Taxation is theft" is a particularly effective way of advancing the cause of libertarianism.

> *If libertarians do not burn with righteous moral outrage at such State atrocities as the killing of children at Waco and the bombing of innocent civilians in Kosovo, who will?*

Have P&H ever read this magazine? The ashes of Waco had hardly cooled when the June 1993 issue hit the streets boldly charging the federal government in general and Janet Reno in particular with the crime of mass murder. Throughout the entire Kosovo war, *Liberty*'s editors and other writers railed against it, excoriating the U.S. and other NATO powers; the "bombing innocent civilians" was only one of the outrages we charged.

Ironically, it has not been the Rothbardians or Randians among *Liberty*'s editors and writers who have most vigorously criticized the U.S. government's murder of innocent people at Waco and in Kosovo. The task of attacking those murders has been taken up most vigorously by David Ramsay Steele and me, people who are among the many libertarians who reject the facile but fallacious non-aggression imperative of Rothbard and Rand.

It seems that P & H have somehow come to think that unless one embraces the same morality that they embrace, one cannot claim to be moral at all. Frankly, I am tired of this crude *ad hominem* means of attack. The notion that libertarians like Milton Friedman, Leland Yeager, David Ramsay Steele, David Friedman, and me have abandoned morality altogether simply because we are critical of the non-aggression imperative is simply ridiculous. It is quite possible to oppose slavery and mass murder without buying into the non-aggression imperative. People condemned slavery and mass murder on moral grounds for centuries before Murray Rothbard or Ayn Rand was born. But knowledge of history has never been the strong suit of puritan moralists.

In the "Letters" section of the same issue in which Petersen and Hummel dismiss my criticism so cavalierly, Curt Howland raises another frequently heard objection to my way of criticizing the non-aggression imperative. Howland is not impressed by my observing that in certain hypothetical situations, one's life could require violating another person's rights to a trivial extent. He suggests that the initiation of force is still wrong, but it can adjudicated by the courts:

> It is wrong for me to violate [another's] rights, and I would expect to be held accountable [if I did so in an emergency.] A jury might find that it was a minuscule infraction on my part, and merely slap my wrist.

Howland is heading in the right direction. Of course, if one is lost in a snowstorm, freezing to death, and comes across a cabin in the woods where he might find warmth and shelter, he should ignore the "Positively No Trespassing" sign, break into the cabin, and face the consequences. But this doesn't solve the problem faced by the consistent proponent of the non-aggression axiom, whose morality requires that he should *never* initiate force and *always* condemn the initiation of force as immoral. Nor does it solve the problem of the moral standard by which the "jury" should judge guilt or innocence. Besides, if one suggests that morality requires one to act immorally and face the consequences, one is no longer engaged in moral thinking: a moral theory that advises one to do something that it condemns as invariably evil is no moral theory at all. ❑

The New Branden *vs.* the Old

by Jeff Walker and Bryan Register

The strange career of Ayn Rand's intellectual major-domo.

I doubt that it's due to Bryan Register's powers of observation that he "couldn't help but notice" the near-repetition of certain passages about Leonard Peikoff and Joan Blumenthal in *Judgment Day* and *Taking Responsibility* ("Nathaniel Branden Speaks," September). I would bet he noticed it because I pointed it out in *The Ayn Rand Cult*.

Branden's chuckling excuse for exposing supposed failings of Joan Blumenthal and Peikoff brought out in therapy — namely that he and his Objectivist psychologist colleagues made this standard practice for everybody within the cult back in its heyday — is appalling, given that the albeit-feeble cult excuse certainly does not apply to continuing such exposure decades later before a new audience of tens of thousands. Moreover, Branden's effort to diffuse personal responsibility with the passive-voice comment that "Everything that was wrong with anybody or thought to be wrong was publicly discussed" couldn't possibly pertain to all the revelations that typically arise in therapy. That is, unless the very prospect of public exposure persuaded clients to withhold what was most embarrassing from their therapist, which would indeed make for the kind of shallow, ineffective therapy that Robert Hessen attributes to Branden in those days.

Branden's denial of his ex-wife's characterization of him as being a worse holy terror than Rand when judging and denouncing students merely avoids Barbara Branden's rationale for that characterization: that what he lacked in Randian fury he more than made up for in the kind of psychological devastation that only a denuncee's therapist could unleash. That's why Rand was a pussycat in comparison, and why Barbara Branden would likely reaffirm her opinion in this matter.

Nathaniel Branden also tries to squirm his way out of conceding that an important reason for his keeping Rand dangling romantically was to obtain a glowing introduction to *The Psychology of Self-Esteem* before their inevitable split. "That's new to me" he blurts, forgetting that an interviewer for the newsletter *Full Context* had already extracted this admission from him. He does say that his thinking during that period was that such an introduction, owed him by Rand, "shouldn't have been contingent on whether or not I was in love with her." Well, it probably wasn't. It certainly was contingent on delaying her discovery that he had lied to and manipulated her for four years, a different matter entirely. Branden even proudly discloses that "close to six months prior to our break, Ayn Rand was declaring at public lectures that Nathaniel Branden is the apotheosis of what she writes about, and the embodiment of her philosophy." Even someone as critical of Rand as I am can only be appalled at the extent and duration of the gross lying and deception on Branden's part that perpetuated that delusion.

Register says to Branden: "Jeff Walker claims that you were a cult by eight of nine criteria that he lists." No, I was using Budd's criteria for whether a cult qualifies as a "destructive cult" or not, and I provide a rationale for why the ninth criteria can be disregarded in the case of Objectivism.

Branden insists in the interview that "[u]nlike Leonard Peikoff, I prefer not to offer assessments of books I haven't read" *and* assesses *The Ayn Rand Cult*, which he says he hasn't read, negatively for "mak[ing] a great many allegations and claims for which [Walker] doesn't offer anything remotely resembling evidence." The presumably worst (and most personally offensive) case of this is my allegedly having cited him as "if only through negligence, complicit in . . .

Patrecia's death." Yet in the one paragraph pertaining to this issue (on page 154), the word "negligent" is applied (hypothetically) not to Branden but to Patrecia's doctor, and the word "complicit" cannot in its dictionary definition be applied to Branden's not having intervened to the extent that a truly-loving mate might have been expected to. So not only does Branden flatly contradict himself on not assessing books he hasn't read, the worst-case example in his second-hand critique is a non-starter. Unfortunately Branden has chosen to emulate his former mentor in this, Rand having refused "on principle" to read Whittaker Chambers's review of *Atlas Shrugged* because of what an acolyte whose judgment she trusted had said, quite erroneously, about the review. Branden accepts an erroneous paraphrasing of a single paragraph of *The Ayn Rand Cult*, instead of simply reading some proffered photocopy of that page, and states further that "on that ground alone, I don't buy or read those kind of books." Yet no one is asking him to buy or even read the book, only to read the offending several lines first-hand. Even Peikoff, I seem to recall, had the courage to read parts of an early draft of *The Passion of Ayn Rand.* Branden hasn't sufficient Peikoffian courage for even a single paragraph.

What Branden lacked in Randian fury he more than made up for in the kind of psychological devastation that only a denuncee's therapist could unleash.

Contrary to Register's remarks, I didn't "claim" that Branden didn't have to write a master's thesis at NYU; Branden states this in his memoir. The real reason why he gets away with this omission is what Branden sidesteps and I provide.

It's certainly convenient for Branden that he's "not a person who's ever been especially excited about credentials" seeing as he has next-to-none. Oddly though, he never misses an opportunity to flaunt his (barrel-bottom-scraping) Ph.D. and Dr. credentials. Bravely he opts to be judged on the basis of his insufferably-moralizing junk-science tome *The Psychology of Self-Esteem* (or one of his dozen or so re-jiggings of it under new titles). Actually, the reason that credentials are very much worth examining here is that bogus or deficient ones — like Branden's — are so depressingly typical of cult leaders.

Branden claims I didn't do my homework in apparently not knowing that one technically can obtain a psychologist's licence with only an unaccredited California Graduate Institute Ph.D. Yet once again it is Branden who hasn't done his homework. I state that CGI is "no mere diploma mill" on page 156 and on page 157 I make plain that Branden's Ph.D. did make him eligible to take exams for licensing as a California psychologist.

As for Register's suggesting that I characterize the California Board of Psychology's dealings with Branden as "run-ins," I did not. Branden insists that "the authorities were never harassing me." Who said they were? Not I.

It's gratifying to see Branden admitting that it was far, far, far easier to get licensed as a psychologist in the east than in California, so the east is where he got licensed, despite his intent to practice in California. This reluctance to do the work required to get a California license he excuses with his "real interesting story" of how finding so many screwed-up current and former Objectivist clients in L.A. — "incredible" as he puts it — got him too busy to bother with obtaining the California license. Soon the District Attorney's office even calls, ostensibly about a petty complaint against him having nothing to do with his lack of credentials as a psychologist, but mainly it seems just to have an opportunity to acknowledge to him personally that, "Dr. Branden . . . you are a very, very well-known, very, very successful psychotherapist," doubtlessly a precise, authentic quote. Branden adds that, not wanting to encounter any further similar problems, he then on his own initiative asked his publisher to cease referring to him as a psychologist on the jackets of his new works. (Reprints of already-published books would remain unaffected.)

Actually, and "this is real interesting," when I spoke with the director of the California Board of Psychologists decades later, I believe it was 1992, he told me he'd never heard of Branden prior to a very recent complaint about Branden trying to pass himself off on book jackets as a psychologist. It was only after the Board queried Branden about this complaint that he responded by contacting his publisher. The California Board of Psychology had never heard of Branden, but according to Branden himself, "the whole world calls me a psychologist . . ." It would appear that Branden's instructions to his publisher came at the behest of the Board rather than on his own initiative, given that the Board eventually phoned him again to object that, still, he was implying he was a psychologist within the text of a new book ("an oversight," concedes Branden) *and* in blurbs on back covers (this, Branden avoids mentioning). Once Branden explains that his books, much like L. Ron Hubbard's and Mary Baker Eddy's I suppose, have even been translated (into English and other languages foreign to Objectivists?), and are taught in psychology courses (at CGI?), the Board comes to appreciate Branden's "special situation."

As for the revised version of *Judgment Day*, his spring-publication vehicle for cashing in on the spring airing of the Showtime movie *The Passion of Ayn Rand*, he concedes "that unless you read the book very, very carefully, you're not even going to notice [most changes] . . ." (This is just as true when trying to distinguish later from earlier self-esteem tomes coming off the Brandenian assembly line. And who on earth would feel the necessity of reading *My Years* "very, very carefully"?) So much integrity does Branden bring to publishing that unless bookstore browsers read through a bunch of boring stuff to get to the second page of the preface, (s)he may remain unaware that the book is actually 99.9 percent — not day-old donuts — but decade-old donuts. Nothing on the front or back covers indicates this crucial fact. Hundreds, perhaps thousands, will doubtlessly be thus hoodwinked into buying, as was an angry customer-reviewer at the Amazon.com Internet site for the book.

Register flubs again in reporting that Branden shocked an Institute for Objectivist Studies audience a few years ago by conceding, in effect, that Objectivist philosophy is as visibly riddled with holes as a Swiss-cheese. In fact, the shock must have worn off long before, given that Branden was merely

reiterating what he had written in a fall of 1984 *Journal of Humanistic Psychology* article. While Branden concedes that aspects of Rand's philosophy made him apprehensive prior to the 1968 Break, it was an unshakable intolerant sense of absolute certainty without any apprehension whatsoever that Branden was hypocritically communicating to his students.

Branden says he didn't "systematize" Objectivism but did "lay it out in a non-fiction . . . highly accessible academic format." Well, you couldn't call *Atlas Shrugged* a systematic presentation of Objectivism, whereas you could say that of Branden's lecture course on Objectivism. It really wouldn't kill Branden to haul out a dictionary every decade or so; this time I would suggest he look up the word "systematize."

Branden's refusal to peruse Mary Gaitskill's *Two Girls, Fat and Thin,* even just the parts of it that satirize himself and the rest of the Objectivist movement, doesn't do much for the cause of undoing Objectivism's reputation for being humor-deprived.

Bryan Register Responds

In his letter, Jeff Walker takes me to task for improper behavior.

Walker would bet that I learned that Nathaniel Branden talks about Leonard Peikoff and Joan Blumenthal both in his memoir and in one of his self-esteem books by reading his own book! Of course, it's only monumental conceit that leads a person to believe that such a pedestrian observation is somehow his own invention and could not possibly have been noticed by anyone else. What's interesting isn't the question of whether I noticed this myself, but the fact that Walker is criticizing me for having read his own book! All I can say is, it won't happen again.

Walker also seems to think I am wrong to say that he argues that Objectivism is a cult because it meets eight of nine criteria that he cites for being a cult (the ninth not being relevant to Objectivism). This charge leaves me even more confused than the last. The objection seems to be that I am wrong because he argues that Objectivism is a cult because it meets eight of nine criteria that he cites for being a cult (the ninth not being relevant to Objectivism).

Walker is also annoyed that I say that he says that Branden didn't have to write a master's thesis. According to Walker, he does not say this, because he cites Branden's own memoir as the source of the (tedious) detail. Well.

Walker would prefer that I not use the term "run-in" to describe Branden's encounters with California's psychological licensing boards. Where I come from, a "run-in" is exactly what Walker and Branden describe. Perhaps Canadians do not use this phrase the way Texans do.

Walker charges that "Register flubs [elegant term] again in reporting that Branden shocked an . . . audience a few years ago by conceding . . . that Objectivist philosophy is . . . visibly riddled with holes. . . . In fact, the shock must have worn off long before, given that Branden was merely reiterating what he had written in [the] fall of 1984. . . ." Now, Walker wasn't at that lecture, and I was, and the audience response in the break between the lecture and the evening after the lecture can safely be characterized as, in at least some cases, mild shock. Walker pretends to a deep concern with getting the facts straight. He should therefore attend to eyewitness testimony.

I interviewed Nathaniel Branden because I wanted to ask him about certain differences between the two editions of his memoir. But I am sure he agreed to be interviewed in part so that he could respond to some of the allegations that have been made about him, including those that came from Walker. In general, I found Branden's responses frank and sincere.

But Walker, who is deep in the grip of a theory, seems unable to understand what Branden said in response to some of my questions. Many of Walker's objections appear to rest on irrelevant verbal distinctions that seem to have been invented for the sake of having something to complain about.

Walker is bothered by the fact that Branden doesn't especially want to read his book. Of course, there are billions of people who feel that way; why should Branden be any different? But Walker seems puzzled that Branden apparently thinks that a book which accuses him of having been complicit in the death of his own wife, and a book that provides not even the thinnest shred of evidence for this bizarre accusation, is beyond the pale. I don't know how to respond to this.

But here's something that I will comment on. Since I've gotten in the middle of this thing, let me put up a statement, for the record, of what I think about Nathaniel Branden. This is for anyone who cares, or who was puzzled by the end of my interview with him.

I think that Branden has done some very smart work in psychology, and I know that some of it has helped me understand my own life better. I think that he has been a tad repetitive in an effort to reach different audiences with the same message. I think that he unknowingly led a cult in the 1960's. I think that he has done a great deal to make up for it. I think that his book, *Judgment Day,* was a very unkind book. I think that he sincerely, and for the most part effectively, tried to make up for it with the new edition. I wish he had done a somewhat better job. I think that he makes mistakes, some of which Walker points out in the more fact-based parts of his own book. But I think that he does a lot of things that are not mistakes: His books seem to have helped some people actually put their lives in order, not by some wacky cult definition but in the ordinary sense. I think that outweighs the harm he's done, but I would understand if the harmed thought differently.

I think that Branden has done some very smart work in psychology, and I know that some of it has helped me understand my own life better.

The story of Branden's life and career is one of significant achievements and relevant failings. But this is true of everyone worth talking about.

If you can find neither adulation nor condemnation in that, it's because neither is there. In a black-and-white world like Rand's and Walker's, this won't make much sense. For people in the real world, it's the best we can do. ❑

Fiction

A Loyal American

by Bertram Benmeyer

Loyalty has different meanings at different times.

"You are Harold Greene, Sir?"

The two men who had come up to him in the parking lot smiled. He liked their polite manner. Greene acknowledged his identity.

"We're from the Federal Safety Bureau. I'm Agent Jacobson. This is my partner, Agent Garner." Not as tall as Greene, they were bulky men; both held wallets in their hands. Flipping them open, they pushed their credentials at his face. Their fingers were large and thick. He looked at the small pictures barely long enough to confirm who they were. Jacobson's mustache was there, and Garner's fleshy face almost seemed a caricature of itself.

The sun had baked the parking lot all day. Greene could feel the hot concrete through the soles of his shoes. The interior of his car would be burning. After the comfort of his air-conditioned office, he found standing and chatting unpleasant. Perspiration formed on his body, but he was mildly intrigued at being approached by agents of a Federal bureau.

"What's this about? Federal Safety Bureau? I've never heard of you guys. What do you do?"

"Sir, we know it's late in the afternoon," said Jacobson, "but we have some questions to ask you." His raspy voice was flat, as if he were reading aloud. It vaguely reminded Greene of movie mobsters. "Would you mind coming with us? It will only take a little of your time and would be of great service to your government."

"Now?" Greene responded. "Sorry, guys, but this is the end of the day. I've got a date with a lovely lady named Susan, and I need to get home to clean up."

Jacobson frowned. "Sir, this is rather important. I'm afraid that I'm going to have to insist. "There might have been a slight smile on Garner's face, but Greene was intent on Jacobson.

"Gentlemen," said Greene, "give me a call tomorrow. My number is . . . what the hell are you doing? Hey, that hurts!"

Garner had stepped behind him and twisted his arm. After a moment his grip eased, but Greene remained sandwiched between the two men. Jacobson's breath was minty with a sour undertone.

"Sir," continued Jacobson as if nothing unusual had happened, "I must insist."

Greene stood well over six feet and half-seriously lifted weights. But he had moved through life as if protected by some invisible force that kept anyone from trying to hurt him. Violence was something he watched on television, not part of real life.

"Hey, you guys. Hey. Back off!" he half-shouted, not sure if he should make a public disturbance.

"The car is this way, sir," said Jacobson who, turning, took Greene's free arm and pulled him forward. Garner pushed him from behind. In a moment they were in the car, Jacobson driving and Garner sharing the rear seat with Greene.

"You are both in deep shit," Greene said, his voice almost an octave higher than normal. "You can't treat a citizen this way. " They ignored him. "Wait until I talk to your boss. Wait until I tell my congressman about this. Your asses are grass." Nothing moved the agents. Greene lapsed into silence. He trembled slightly.

The car moved with the afternoon traffic to I-70, turned west onto the highway and drove past downtown Denver toward the foothills.

"What the hell is going on?" His heart pounded. His dry mouth slurred his words. "Where are you taking me?"

Jacobson drove, indifferent to his questions. Garner looked bored. After traveling west about half an hour, they exited the highway at Morrison. Another few minutes brought them to an isolated frame house surrounded by trees.

"This is preposterous," said Greene. "You can't be government agents. No agents would treat me like this. What do you want with me? Whatever is going on, you've got the wrong man."

Jacobson got out and opened the door on Greene's side. "Sir, if you would please come in we'll get our business with you taken care of and then we can all get back to the city. You want to go on your date and we have families that are waiting dinner for us. " That they were family men was reassuring.

"The car is this way, sir," said Jacobson who, turning, took Greene's free arm and pulled him forward. Garner pushed him from behind. In a moment they were in the car, Jacobson driving and Garner sharing the rear seat with Greene.

They entered the house. Greene looked around. It was empty, bare, not a picture on the walls, no curtains in the windows, nothing except two straight-back chairs on one side of a scuffed conference table and a similar chair facing them. Greene had assumed there would be an office with file cabinets and a secretary. There was no one here to give him the proper complaint forms. Jacobson looked at Greene and pointed to the single chair. The three men sat down.

"Look, whoever you are, you've got the wrong man. You've made a mist . . ."

Garner's hand slapped hard against the surface of the table. The sharp crack startled Greene with its sudden violence. Jacobson seemed indifferent to it. "Sir," he said, "agent Garner is somewhat unhappy these days. He's having a hard time with his wife and doesn't want to be later than necessary. Please, just speak when you are spoken to. Just answer our questions. We'll get out of here a lot faster that way. " He placed a small tape-recorder on the table.

"Now," he said to Greene, "tell us your full name."

"For God's sake, don't you know who I am?"

Jacobson frowned. "Sir, can we just get this business taken care of? Tell us your full name."

"Harold Greene."

"Where do you live?"

" 1414 Semaphore Street, in Aurora."

"Occupation?"

"Accountant. I work for the government, just like you guys."

"Who is your contact in the Pentagon?"

"What? What did you say?"

"Who is your contact in the Pentagon?"

A flood of relief rushed through Greene's body. He laughed out loud. "Good grief, you guys have made a big mistake. Whatever Greene you're looking for, it's not me. The Pentagon? You think I'm some sort of spy?" He grinned at them. I'm Harold Greene, loyal American. Two years ago, I won the *Rocky Mountain Journal's* good citizenship award. Hey, I'm a scoutmaster, for God's sake."

"Who is your contact at the Pentagon?"

"Don't you get it? I'm not the man you want. You've made a mistake."

"Who is your contact at the Pentagon?"

"The hell with you morons. Am I under arrest? I'm getting out of here, or are you going to tie me down, or what?"

Jacobson leaned back in his chair. "It's not up to me." Garner rose to his feet, dragged his chair to the door, and sat in it.

"You're in charge," said Greene, looking directly at Jacobson. "Tell him to let me out."

"Why no, sir, I'm not in charge. Agent Garner outranks me. This is his operation. Why don't you ask him?"

Greene stood and approached Garner, whose face was crinkled in an enormous grin.

"Uh, excuse me, Agent Garner, but I think I'd like to leave now." At first, his voice was tremulous. "Unless you want to put me under arrest. Yeah, the hell with it. Put me under arrest. The joke's on you." His voice became stronger. "You guys are a perfect example of government incompetence. I can't wait to see the headlines: ' CIA Agents Arrest Wrong Man."'

"We're not CIA" Garner responded, "we're FSB. " His voice was soft, hardly menacing, but while speaking he took an enormous blackjack out of his coat pocket and began slapping his hand with it. Greene shuddered at the sound.

"If you don't start to cooperate I'm personally going to beat the shit out of you." The grin never left his face but it altered in some fashion so that he now seemed ready to leap at Greene and smash him to the ground. Greene's legs became weak. He staggered backward to his chair and collapsed into it.

"Oh . . . well, there's no need to get crazy . . . " Tears trickled down his cheeks. His body trembled. "Don't you see?" he quavered, "You've got the wrong man. I'm Harold Greene." The two agents were silent. He continued to cry.

Finally Jacobson spoke; his raspy voice sounded kinder. "Don't you see, sir, how much better it would be to cooperate?" Greene nodded and wiped his face with his handkerchief.

"This is preposterous," said Greene. "You can't be government agents. No agents would treat me like this. What do you want with me?"

"What is it you want from me?"

"Sir, who is your contact in the Pentagon?"

"As God is my witness, I don't know what you're talking about. You've got to believe me. What can I tell you? I don't know what you're talking about." Garner stirred. "For God's sake, Mr. Jacobson, keep him away from me." Greene began to tremble violently.

"Well, sir," said Jacobson, "if you insist on your charade, let me tell you how much we already have on you." Greene looked at him. "You have been spreading the idea that we will have a dictator in this country within the next fifteen to

twenty years. The only way you could know about that is if you have a confederate in the Pentagon privy to the Domestic Alteration Committee's proceedings. We know about you, but we need to know who he is."

Greene stared at Jacobson. "That's what this is about? You guys are crazy. It's a joke, for God's sake. You've got to understand. I've been kidding with people about it. It's sort of a game we play with each other, telling each other preposterous things and trying to make them sound plausible. You can't take that seriously. Wait a minute. I've only been discussing it on the Internet. How the hell do you know what I've been saying?"

"Everyone worried about using the numbers for ID when they first devised the system, but no one pays attention any more. Just read your little card. It says that it isn't supposed to be used for ID, but who doesn't use it that way?"

Jacobson smiled at him.

Greene stared back, careful to avoid Garner. "Do you mean that you've been monitoring me on Intertalk? How the hell can you do that?"

Jacobson looked at Garner, who shrugged and then nodded.

"Sir, we didn't start out monitoring you. We monitor Intertalk and other computer interactive systems to make sure that subversives don't use it to communicate with each other. We just look for key words. Dictatorship is one of them. By itself, that's no big deal, but when it came up in combination of fifteen to twenty years, that caused quite a stir. You began talking about the coming dictatorship about a year ago. We've been focusing on you ever since. It's obvious that you couldn't know what's going on unless you've been getting it from the Pentagon. We need to know who your contact is and what you do with the information."

"You monitor computer systems? That's outrageous."

Jacobson scowled. "Sir, we are straying from the subject. Who is your contact in the Pentagon?"

Greene leaned forward. "You dumb jackass," he shouted, "I don't have any contact in the Pentagon."

Jacobson leaped to his feet and shouted back. "Well, how the hell could you know about our plans?"

Dumbfounded, Greene stared at him. "Plans, what plans? Don't you get it? don't know anything. I've just been playing a game. And it's simple, when you think about it. So many disaffected groups hate the government that it's hard to see how we've kept going this far. Explosions are becoming a way of life for us. Over the next few years, it will become worse. It's not only the "patriot" groups, but also the minorities who can't seem to get into the mainstream. Don't you see?"

Greene's passion pressed the words out in a rush. "If they ever get organized, look out. And hardly anyone votes anymore. Presidential elections will become almost meaningless. One of the incumbents will just appoint someone, maybe his son, anybody, to run the country during the last year of his office. Then when the next election comes up, the few people left who actually vote elect him. After a few elections like that, the president declares that he's going to stay in office to protect our freedoms in 'the developing crisis' or some other political double-talk. Hell, even before that we'll all have our social security numbers tattooed on our arms."

Garner and Jacobson gave each other troubled looks. "That's all very interesting, sir, but it's all absurd," Jacobson finally responded. He leaned forward and stared straight at Greene. "That's the story you tell to cover up what you really know. Oh sure, some of it's right, but you're being cute.

"You know as well as I do that there are groups in this country who want to get back to the real Constitution, not the abomination that you damned statist, leftist traitors have made of it — and that they've been infiltrating the army and . . ."

Garner roared at him. "Shut up. Whatever he knows you don't have to confirm it. Keep your goddamn mouth shut." He turned back to Greene. "But who told you about the social security numbers?"

Fascinated for the moment, oblivious to his danger, Greene laughed. "Everyone worried about using the numbers for ID when they first devised the system, but no one pays attention any more. Just read your little card. It says that it isn't supposed to be used for ID, but who doesn't use it that way? And no one complains. Don't you understand?" Greene pounded the table with his fist. "No one complains. What's more logical than to have it tattooed on our arms so that we can be instantly identified?"

"Sir," said Jacobson, "you are describing outrageous things. Why won't there be any protests?"

"Protests?" Greene laughed. "No one believes in freedom anymore. As long as government takes care of us, why should we complain? Hell, people lost interest in freedom a long time ago. And the ones who are still interested? By then, everyone will be under some form of surveillance. Hell, the process has started already. You guys are monitoring communication systems. I bet in fifteen years there'll be a computer with everyone in it. All you guys will have to do is just punch in a name or a number and you got our entire life history to play with. You'll know who the potential troublemakers are before they figure it out themselves. " In a burst of awareness, he said, "Hey, wait a minute! Hell, all you have to do is stick microchips in them like ranchers are doing with cattle for ID. " Greene sagged back in his chair. He did not see the consternation on Garner's face.

"Good grief, you guys have made a big mistake. Whatever Greene you're looking for, it's not me. The Pentagon? You think I'm some sort of spy?"

"Oh, the hell with it," Greene said, "I need to take a leak. One of you want to come and watch me?"

Jacobson pointed to a door. "Through there. Hurry it up. You'll be a good guy, right? Don't try to escape, or anything. Right?"

In his passion, Greene had forgotten about his situation,

but Jacobson's rasped warning brought him back. He trembled so hard that he missed his aim and wet the floor. Afterwards, for a respite, he sat on the toilet trying to pull his thoughts together. He imagined he might go out the window and run for help. Everything looked green and peaceful outside. He heard distant cars drive by. But the memory of the blackjack dulled his energy. He washed his face and returned to his chair.

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They injected him with sodium pentothal. Everything became relaxed and comfortable for him. He wanted to please these two men who grossly misunderstood him. There was no secret he would not tell them to reassure them that he was a good person worthy of their friendship. Jacobson's raspy voice was reassuring. Time dissolved.

❦ ❦ ❦

"I've had enough of this," Garner said to Jacobson, cutting through one of Greene's lengthy answers. "He's giving us the same patriotic gibberish over again. Hell, he doesn't know anything. Mary is going to be pissed because I'm late. What a job. This jerk's just a jerk. Let's get the hell out of here."

"Listen," Jacobson said, "maybe we should dump him." Garner thought for a moment. "Nah, there's no need. He's just a guy with only the barest notion of what's going on. Let him stew in it. I don't want to have a body to dispose of. If I get back too late, Mary will kill me." They both laughed.

He turned to Greene who had sleepily listened with polite interest. "Into the car."

❦ ❦ ❦

"Sorry to have troubled you," Garner said. They were back in the parking lot. "You're an honest citizen. We just needed to check you out. Look, you're in no shape to drive. Agent Jacobson will take you home in your car. I'll pick him up there and that's the end of it as far as we're concerned."

Greene had trouble focusing his eyes. "You're letting me go?"

"Sure. Why not? You're a loyal American. Anyway, you don't know anything. You just made some guesses, right. No problem. Oh, I know tomorrow you'll be pissed. You'll complain to our boss if you can find him, or maybe go to the newspapers and tell how the Pentagon is going to take over the country. Well, you're a citizen. You have rights. Right? No problem. There's just one question. Who'll believe you? Better go and call Susan. If she's anything like my wife, you're in trouble."

Because of the Pentothal, Greene slept well that night. The next morning he went to his computer, eager to tell his friends about his adventure, but he remembered he was being monitored. He stared at the screen for a while and then turned away from it. At work, he was so confused that his secretary asked if he had a hangover.

That night he dreamt he was alone, diving deep into the ocean. Sharks kept him from swimming to the surface where rescue boats searched for him. He felt his lungs begin to burst and woke up screaming.

The next day he called the FBI. "Damn it," he screamed at the agent, "I'm a loyal American. I served in the Army. I don't deserve to be treated this way. You've got to do something about this FSB, or whatever they are."

"Well, sir," the agent responded, "I don't rightly know about them, but I'll check and call you when I get more information. No point in calling me again unless something else happens. Have a nice day, sir."

The police learned that the house in which he had been interrogated had been rented under his name. They concluded he had been the victim of an elaborate hoax.

His congressman's aide promised to find the FSB, but never returned his calls. Desperation and rage forced him to call again. "Sir," said the aide, "I was about to call you. Something very peculiar is going on. Could you meet with the congressman tomorrow at 3:30? A car can pick you up."

Greene laughed. "Can I meet with him tomorrow? Are you crazy? Wild horses couldn't keep me away. Thank God someone is taking me seriously."

"Sir, we didn't start out monitoring you. We monitor Intertalk and other computer interactive systems to make sure that subversives don't use it to communicate with each other."

"Yessir," said the aide.

❦ ❦ ❦

"Well Mr. Greene," the congressman said, "I gather you were given a rough time by the FSB. They sometimes go too far, but they do important government work." He smiled. "But after all, we all agree that something has gone wrong with the country. The Supreme Court has changed it so much that the Founding Fathers would think . . . God only knows what they would think."

"What? What are you talking about? The Constitution? That's what I'm talking about. They kidnapped me and treated me like a . . . like a, like a damned enemy. I'm a loyal American and they can't do things like that to me."

With a frown the congressman said, "Look, Mr. Greene, we can't have an important agency like the Federal Safety Bureau embarrassed over a minor mistake." His eyes narrowed and his voice became harder. "My advice, my very sincerest advice, is that you drop your inquiries immediately. Do you understand what I am saying?" He stared hard at Greene who could only gape back at him. "You have a good job with the government and can look forward to a solid pension." He stood and screamed at Greene, "Don't do anything to jeopardize it or I'll have your ass thrown out by the end of the week. Get it?" Greene could not speak. "I said, do you get it?"

His throat still constricted, Greene could only nod.

"Now get your whining ass out of here, you stupid son-of-a-bitch!"

An impotent rage Greene slammed doors, kicked things. At work he was more restrained, but his sharp tongue kept his secretary away from him. Susan told him that he had become a pain in the ass, and dropped him. He screamed helplessly whenever television told him that the rest of the world was learning to follow the American ideal of freedom and justice.

Spring blurred into summer that blurred into autumn. Greene morosely walked through a mall. He thought vaguely that he'd have to pull himself together, but "What's the point?" stopped each attempt to get back to himself. He walked as if there were nothing in the world of any importance — and bumped into a woman. Off balance, he went down.

"Goddammit . . ." he began as he stared up at her. Passersby glanced at him and continued on their way. He saw dark hair, a green dress, and a face that stared back at him, perhaps more amused than concerned. He got to his feet, but the urge to scream at her dissolved into the pointlessness of his life. He walked away.

"Wait," she called, then walked swiftly after him. "My name's Helen. Please, let me buy you a drink," she said, then took his arm and gently pulled him with her.

"We all agree that something has gone wrong with the country. The Supreme Court has changed it so much that the Founding Fathers would think . . . God only knows what they would think."

She sipped Chardonnay and casually looked around the dimly lit bar. He fiddled with a beer, then said, "Thanks, but I guess it's time for me to go." He slid off the barstool. She grasped his arm before he could take a step. "Sit back down, you idiot, we have to talk." Astonished, he complied.

"Don't say anything, just listen. I know what happened to you, but don't say a word" He gaped at her. "Damn it, look normal, smile or keep your mouth shut, but . . ."

"You know what happened to me?"

She smiled. "I told you to keep your mouth shut." His mouth hung open. "Damn you, grin at me like I'm making a joke or coming on to you." She looked around. "There aren't any of them here, I don't think, but we can't take any chances. They've got our offices bugged and we need to meet in places like this to do really confidential work."

Horrified, he tried to get off the stool, but her hand, high on his thigh, held him in place. His sense of public decorum, a holdover from the time of a more rational life, kept him from demanding to be released.

"We've got to be careful. There are revolutionaries everywhere." She searched the room once again, then turned to Greene.

"Look," she said, "Jacobson and Garner were way out of line when they interrogated you. They are mindless drones who just go out to do a job without thinking of the consequences." She snickered in a sour way. "Once they picked up a ten-year-old who carried on about becoming the country's first dictator, and what they did to him . . . I mean," she scowled, "they don't have a brain between them." Greene stared at her. "So, I'm here to apologize for the FSB." Her voice shifted to a soft monotone. "On behalf of the FSB, I wish to tender our regrets for the discomfort and harm that has been done to you." Greene could only continue to stare. "So, just settle down. There's more to come." She turned and called out to the bartender, "Dump the beer and bring my friend a single malt, and keep them coming." Greene, drained of all sense of self, remained quiescent while the bartender cleaned the area in front of him and poured his new drink.

A couple came in and moved to the bar as if to sit not far from Greene. Without a fuss, Helen arose and stared directly at the man who had been propelling his companion toward the empty seats. She looked at him, stared at him, pushed at him with her eyes. He stared back, then seemed confused and, still pulling his companion, veered off. The woman complained, "Are you crazy?" but let herself be led away. Helen reseated herself and sipped more wine.

Greene tossed the scotch down, then shuddered as the amber liquid burned its way down his throat. The bartender poured another; Greene again tossed it into himself and again shuddered, but not as deeply. He watched as the bartender poured yet another. That one went down smoothly.

As if created by the alcohol, a different Greene popped into place. He suddenly stood, looked down at the woman, and snarled. "You apologize? You admit your goddamned organization did me dirt and you apologize? What does that buy me, a bus ride, or a five-cent beer, a used rubber, or can I turn it in for a wooden nickel? You apologize? Goddamn you . . ." While he spoke, the bartender poured him another drink. He swiftly drank it down, again missing the subtle nuances of its flavor.

Helen's eyes narrowed. "Stop! Listen to me. We need people like you."

The hovering bartender poured him another drink. As Greene slugged it down, she said, "Come work for us. You've been causing trouble and, well, we need someone who's relatively sane. We can't let the Jacobsons and Garners take the damned place over."

Angry, Greene started to shake his head, but the drinks made it impossible to remember why. He felt strong, capable of destroying monsters. He grinned at her. "You want me as a counterbalance to those bastards? Sounds good, but what do I know about pushing people around? You think I'm qualified?" He sipped at the glass again filled by the bartender. "Hmm. Interesting taste." The bartender smiled.

"Training is all you need," she said. "It's an acquired skill and you sure are big enough and strong enough to do it; your record is clean and you're patriotic and proud of it." She opened her arms wide to him as if providing nothing but the truth. "So, with the right attitude and a little education, presto, we have us a reasonable alternative to the goons."

Greene sipped more of his drink. He felt as if whiskey fumes had permeated into every cell of his brain. Jacobson and Garner floated into his mind, but melted and dissolved into a meaningless sludge that dribbled down the drain of significance.

"Do I get to kick ass, particularly their asses?" She grinned. He thought he saw the barest of nods. "OK, here's the deal. They go down the tubes assisted, of course, by yours truly" — he gave her an enormous wink — "and you're included, right?"

She giggled and sipped more Chardonnay. Just before he slumped over, Greene thought about how it paid to be a loyal American. ❑

Reviews

***A Republic, Not an Empire,* by Patrick Buchanan. Regnery Publishing, 1999, 300pp.**

Pugnacious Peacenik

Bruce Ramsey

In his new book, *A Republic, Not an Empire,* Patrick Buchanan argues that America might have stayed out of World War II and avoided fighting Hitler.

Oh, my goodness.

"His comments are grossly insensitive to those Americans who gave their lives," said Elizabeth Dole.

"Buchanan denigrates the memory of those Americans who gave their lives," said Donald Trump, who's seeking the Reform Party's presidential nomination and the $13 million pot of taxpayer money that comes with it. "I am proud of the role that the United States played in defeating the Third Reich."

"I don't believe that Pat Buchanan is a part of the Republican Party when he uses statements and beliefs that we should not have fought against Hitler's Germany and Tojo's Japan," said Sen. John McCain. McCain's father commanded a submarine in the war, and his grandfather commanded a carrier force.

Buchanan had *insulted his ancestors.*

What had pugnacious Pat said? That it was morally wrong to fight Hitler? No; all he said was that we weren't morally obligated to do it. After all, we had not felt morally obligated to fight Stalin — history's massest mass murderer — or, for that matter, Mao Zedong, Pol Pot or Fidel Castro. That we avoided fighting Stalin does not make us Stalin-lovers.

Buchanan argues that had Britain and France not given Poland a sudden pledge of military assistance in 1939, Hitler would have left the West alone. It was in the East that he wanted to seize *lebensraum.*

By the summer of 1941, with France and Britain no longer a threat, Hitler turned his attention east. The German forces that had so easily mastered French and British forces the year before were redeployed for the great assault against the Soviet Union. Though isolated, Britain was effectively out of immediate danger. At this point, six months before Japan attacked Pearl Harbor, the war in Europe had become a fight between Nazis and Communists. America, argues Buchanan, could simply have let the two tyrannies slug it out, while continuing to aid Britain (and perhaps the Soviets, if that was in our interest) while building up our own defenses. "But Roosevelt," Buchanan writes, "immediately after he was safely elected to a third term, began to maneuver the United States into the war."

Buchanan is right about that. Even Roosevelt's friends admit the truth of that, and none of Buchanan's critics have faulted him on this account. What set them to sniffing was their feeling that Buchanan insufficiently appreciated their loved ones' sacrifices. But his point had nothing to do with appreciation, or with honor. His point — that the war might have been avoided — has nothing to do with denigrating or showing insensitivity toward "those Americans who gave their lives," as his critics have cried. Of course, there is no way to verify that America could have avoided the battlefields of World War II. No American president would have found it easy to stand by and watch the Nazis invade Britain or the Japanese invade the Philippines. World War II would have been a tough bullet for Roosevelt to dodge. Buchanan doesn't say it definitely could have been dodged; he merely says that Roosevelt didn't try.

Now, this is all very interesting stuff, but Buchanan is not a historian, and people aren't going to read *A Republic, Not an Empire* as a history book. It's a political book. It is an explanation of why Pat Buchanan, presidential candidate, follows a certain political line now.

All the emotion about Buchanan praising the America Firsters in a nation that gloried in "Saving Private Ryan," is a way of dismissing his arguments. *I will not talk to him because he insults me.* It's amazing how you can still use that one and get away with it. But sometimes you can.

For those who have not been insulted, the argument of this book is that America should look out for its own "vital interests." It should not, in the words of John Quincy Adams, go "abroad in search of monsters to destroy."

Buchanan argues not for a moral imperative, but for a strategy. Whether that strategy would have worked in 1941 is a side issue; the question is whether it would work now. Our world today is different from 1941.

Buchanan writes: "No malevolent empire threatens us today." Of China, he says, it "does not threaten any vital U.S. interest, and its emergence as a world power need not mean inevitable conflict." Of the Middle East, he writes, "No vital U.S. interest is at risk." And, "despite the efforts to create a new Hitler in Saddam, he falls short of the mark."

Buchanan was against the Gulf War, a conflict that was supposedly about America's ability to buy oil. Buchanan argues, in essence, that it mattered little to us that Saddam Hussein seized Kuwait; we could have bought Kuwaiti oil from him just as well. "Oil is worthless, even to hostile nations, unless they can sell it for cash," Buchanan says. "The United States does not need to defend the oil fields of the Near East to have access to their production."

Buchanan is not a historian, and people aren't going to read A Republic, Not an Empire *as a history book. It's a political book. It is an explanation of why Pat Buchanan, presidential candidate, follows a certain political line now.*

Buchanan is also against defending Taiwan. "Our last two Far East wars cost 100,000 lives, sundered our country, poisoned our politics and crippled two presidents. We are not going to send another army to fight a third. The nation would not tolerate it, and no vital interest justifies it."

He is for pulling American troops out of South Korea, while still helping the South Koreans, and for removing U.S. troops from Europe. He writes, "We are not Romans; we cannot remain in Germany four hundred years."

He is for ending an automatic U.S. guarantee of NATO, which effectively would mean U.S. withdrawal from the Atlantic alliance. He writes, "The Balkans are not our backyard; they are Europe's backyard."

Of Israel, he writes that the Palestinians should be given "a flag and land of their own," that the West Bank, Gaza and the Golan Heights should be demilitarized, that Israel should have "access to U.S. weapons" but that the $5 billion a year in aid to Israel and Egypt should end.

Buchanan argues that the United States has been acting as an imperialistic power, expanding its commitments while cutting its military budget. It is riding for a fall, as a result of "imperial overstretch."

He writes: "There is a fundamental question any foreign policy must answer: What will we fight for?"

This is a question worth asking — and not one the present establishment likes to hear. The establishment theory is that the way to a peaceful world is to weave a web of alliances and commitments. It holds that the world is safer in 1999 than in 1941 *because* of the UN, NATO, the Rio Pact, etc., etc. Our foreign policy elites can make a case for that; but it is worthwhile to hear the opposite case — that every commitment is a liability, that the liabilities rest on the United States, and that if the guarantees are ever called, we will have an insolvency of power.

All presidential candidates should have an answer to that question, "What will we fight for?" Buchanan has one: We will fight for ourselves and our vital interests, and no more. He says it forcefully and clearly. And despite his pugnacious manner, and the attempt by his enemies to portray him as friend of brownshirts, Buchanan is not a warmonger. He's not piling up grievances against other countries.

Buchanan's point — that the war might have been avoided — has nothing to do with denigrating or showing insensitivity toward "those Americans who gave their lives," as his critics have cried.

His other book, *The Great Betrayal*, did cultivate such a feeling — that America was wronged by other countries' low-cost goods and services. I cannot abide by Buchanan's economic nationalism, his hostility to immigration or his speaking of Mexicans, Chinese and other groups with disrespect. And as a practical matter, I'm leery of electing a president who has never run anything, a man who has built a professional career by making arguments. I have a career something like that, and it doesn't qualify me for executive office. I have not voted for Pat Buchanan, and probably never will.

But I like this book. It says some things that need to be said, and says them well. What my ancestors would have thought about it, I don't know. But then, I don't get insulted easily, and when I do, it's rarely on account of them. ❑

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***Guns, Germs and Steel* by Jared Diamond. W.W. Norton, 1999, 480 pp.**

Who Survives?

Fred L. Smith

Guns, Germs and Steel is a fascinating book that deals with one of the most basic topics facing society — what accounts for mankind's "successes" and "failures"? Why do some societies prove winners, others losers? Diamond rejects the racial determinist theories that are implicitly behind much of the thinking of modern liberals, seeing instead accidents of biology and geography.

Population, the bugaboo of modern Malthusians, is a positive factor in civilization according to Diamond. "A larger area or population means more potential inventors, more competing societies, more innovations available to adopt — and more pressure to adopt and retain innovations, because societies failing to do so will tend to be elminated by competing societies." Inventions need inventors and users — neither likely in small societies isolated from others. Moreover, a larger population with crop/animal compatible linkage corridors can more readily serve as a transmission belt of knowledge in both directions — allowing a discovery in one region to migrate swiftly to others, allowing people to recover lost technologies at lower cost.

Diamond reviews several situations where societies either lose or reject some technological advance. Tasmania — cut off from the Australian mainland by rising waters — lost almost all the skills required for agriculture and reverted to hunting and gathering. China and Japan, in contrast, elected to reject established technology (sea-going technology and the gun, respectively) and became stable albeit stagnant societies until outside pressures forced change many centuries later. Competition between states, Diamond suggests, is a good thing.

Diamond makes much of the Eurasian landmass's east-west axis, which allows crops and animals domesticated in one area to spread rapidly to others. An animal or crop domesticated in Turkey, for example, migrates easily to China, which shares a similar climate.

The Americas and Africa, in contrast, have north-south axes, making migration of agriculture and technology much more difficult: the crops of Mesoamerica would not again be viable until they reached Peru or even further south. Similar problems blocked the colonization of the Cape area of South Africa by the Bantus: when they migrated into the Mediterranean climate of that region, they had to abandon their agriculture, which depended on winter rains, and revert to hunting and fishing until the Dutch arrived in the 17th century.

Those fearful of change will find much evidence that progress is dangerous. After all, the "strength" of the Spanish — their resistance to disease — had been acquired by centuries of high-death rates. Moreover, many of these diseases were mutations of diseases afflicting domesticated animals. Living in a risky world makes us less prone to some risks, at the cost of incurring others. The push for world government makes sense in this framework — leaving anyone free to innovate means that the rest of the world is at risk. Only if one imposes uniform freezes on technology can one be sure the world is secure. Diamond is reluctant to endorse this position. His view — "Without human inventiveness, all of us today would still be cutting our meat with stone tools and eating it raw, like our ancestors of a million years ago" — suggests that he views progress as a useful, albeit messy, process.

In any book of this scope, the reader will have many questions of the "But what about . . . ?" nature. Mine dealt with the question of why the Polynesians, who colonized virtually the whole Pacific/Indian basin from Easter Island to Madagascar, failed to colonize South Australia. The strong role suggested by geography leads one to countless "what if" questions. Suppose, for example, the Americas had been rotated around their north-south axis so that the Carribean Islands had been in the Pacific — would the Polynesians have colonized America as they did New Zealand?

Timing is also important. Diamond notes that the Spanish took Peru rather than the converse because the Spaniards had writing, horses, guns and germs. But suppose the Spanish exploration of America had been aborted (as was the earlier Norse exploration) for a few hundred years — giving time for the diseases of the old world to become endemic, for escaped horses and livestock to diffuse throughout the continent much earlier, and for the Peruvians to adopt writing. Would the Indian empires that collapsed so readily have rebounded and become less subject to assault? Diamond does not explore such issues of timing — sometimes a foothold takes, sometimes the invading power retreats and never returns.

Civilization is the slow move from tribal socialism to individual freedom and responsibility. Societies that have approximated that form of social structure are clearly out-performing those who have not.

Diamond argues that "a large society must be structured and centralized

if it is to reach decisions effectively." He seems unfamiliar with classical liberal thinking on this score; at any rate if he is familiar, he doesn't bother to comment on it. He focuses more on the problems associated with traditional hunting band and tribal societies. As Richard Posner has noted elsewhere, primitive cultures resolve conflict by crude methods such as blood guilt — each family (as the more knowledgeable risk-avoider) is responsible for disciplining its errant members. The family unit is held collectively responsible. As societies grow, this form of conflict control becomes unwieldy and formal central governmental rules emerge.

I don't doubt that centralized hierarchy often will reduce such problems. But it does so at the expense of limiting society's ability to harness the energy and the creativity of its members — that is, it impedes progress. So while Diamond is right to observe a zero-sum society cannot compete with a "daddy-knows-best" society, he fails to realize that the latter cannot compete with a free society.

Developing the institutions of liberty, however, is not an easy task and we should not be surprised that mankind made little progress along those lines until the last few centuries. As Hayek notes, civilization is the slow move from tribal socialism to individual freedom and responsibility. Societies that have approximated that form of social structure are clearly outperforming those who have not — but that story moves us to recent history, the era that Diamond does not address.

Diamond discusses the failures of some civilizations and attributes them to their failure to achieve sustainable practices, but fails to discuss the evolution of cultural institutions in detail — dealing only with the gross categories — the hunting band, the tribe, the chiefdom, the state. He notes that the Fertile Crescent lost its fertility because of the damage its agricultural practices caused in an ecologically fragile area. He discusses how China lost its technological lead when its hydraulic civilization proved incapable of managing common property resources — the land, the forests, the waters, wildlife — in ways that ensured sustainability. He notes that the political fragmentation of Europe made it obvious that "unilateral disarmament" would swiftly prove suicidal. But isolated China and Japan viewed the outside world as non-threatening, and military innovation stopped.

I would have enjoyed Diamond's thoughts on the role of alternative institutional frameworks — for example, the gradual evolution of secure private property rights and contracts in Europe — and the energies these released. He does not explore in any depth the aspects of cultural evolution explored by Thomas Sowell in his series of books tracing the movements of peoples around the world. Diamond's readers will profit from reading Hayek or Sowell to link these features with the elements that Diamond emphasizes. ❑

***A History of the American People*, by Paul Johnson. HarperCollins, 1998, 1088 pages.**

Defending the American Empire

Gene Healy

Toward the end of his life, the irrepressible Murray Rothbard ended a speech with the rallying cry: "We shall repeal the twentieth century!" Libertarians who share Rothbard's quixotic goal owe a debt of gratitude to Paul Johnson for his *Modern Times: A History of the Twentieth Century*. Never was the case against the twentieth century — the century of collectivism and genocide — so forcefully made.

But those who admired *Modern Times* for its blistering indictment of statism may be disappointed with Johnson's treatment of American history. His *A History of the American People* is history as envisioned by the neoconservative mind. Throughout the book Johnson espouses a messianic American exceptionalism and applauds America's slide from Republic to Empire. Each state-building president, each move toward national consolidation comes about at precisely the right time to move America closer to its destiny as Superpower Savior of the West. Bill Kristol's "National Greatness" Conservatives will embrace *A History of the American People*. But those true patriots who love their country and hate their government will find an evening with Johnson's tome as exasperating as a morning spent listening to NPR.

Consider Johnson's treatment of the Civil War era. Johnson calls Virginia's desertion of the Union "shabby beyond belief." But Virginia, which had stayed its hand during the initial secession of the deep South, seceded only when Lincoln determined to keep the Union together by force. As Jeffrey Rogers Hummel put it in *Emancipating Slaves, Enslaving Free Men*: "Previously unwilling to secede over the issue of slavery, these four states [Virginia, North Carolina, Tennessee, and Arkansas] were now ready to fight for the ideal of a voluntary Union." The Civil War was in many ways a battle between two competing views of the Constitution, and of political obligation. Johnson needn't agree with the Southern perspective on these matters, but we might expect him to treat the issue with more subtlety and nuance than Ken Burns's docudrama.

The real embarrassment in the Civil War chapter is Johnson's hyperbolic fawning over Abraham Lincoln. Lincoln was "a kind of moral genius"; one who, "invariably did the right thing, however easily it might be avoided." He was "of a different order of moral stature, and of intellectual heroism." In fact, "It was as if [Lincoln] were of a different kind of

The Nationalization of Income

by Jacob G. Hornberger

It's election time and Republicans are making their quadrennial call for income-tax cuts. Democrats are opposing them because the federal government needs the money to shore up Social Security and Medicare. The entire debate obscures an uncomfortable truth — that in 1913, the 16th Amendment to the Constitution effectively nationalized the income of every American.

Although most Americans honestly believe that the income they earn in their jobs and investments belongs to them, nothing could be further from the truth. Because by having the power to determine how much money people are permitted to keep, the federal government, not the people, has become the ultimate owner of everyone's income.

People are born with certain talents and abilities that they use to sustain their life through labor. For example, suppose a farmer plants crops on land he has acquired. When the crops mature, he sells the produce to others in return for money that he then uses to purchase clothing and other essentials.

Although society benefits from the farmer's production of food, it is self-evident that the personal talents and abilities that the farmer uses to bring the crop to maturity are his and do not belong to "society." That is, other people have no "right" to force the farmer to devote his life and energies to them. The same holds true with respect to the crops — they belong to the farmer, not society, because they are the fruits of the farmer's own talents and abilities.

Suppose, however, that the government passes a law that decrees, "All farmers are now required to devote their efforts full-time to government service. All crops are now owned by the government, but farmers and their families will be provided their housing, food, medical care, and other necessities of life."

Most people would agree that this would constitute the very essence of slavery. After all, isn't that the relationship that plantation owners in the Old South had with their black farmhands?

The enslavement of people in a representative demoracy such as the United States has required much more sophistication because it has necessitated the consent and approval of the very people who are being enslaved. Nevertheless, by empowering their own government officials to control how much income they will be permitted to keep, the plight of the American people is no different in principle from that of other slaves in history.

In essence, the federal government has decreed to the American people: "You are free to work for whomever you want and to make as much money as you can. However, you and your employer are required on pain of fine and imprisonment to send us a certain percentage of the fruits of your earnings. We will periodically advise you of the exact amount of the percentage."

If the percentage were to be set at 100, every American would easily be able to recognize his enslavement. He would be devoting all of his life's energies to serving people he had been forced to serve rather than serving others voluntarily in the marketplace in the process of serving himself. To put it another way, if slaves in the Old South had had the right to elect their taskmaster (who undoubtedly would have advocated "reform" during election time), they might have been considered "free" in a political sense but certainly not in an economic one.

What do Americans receive in return for their enslavement? The same thing that slaves throughout history have received — a promise that their masters will take care of them (with the money that has been taken from them). In fact, government officials now use the promise of government-guaranteed care as the principal justification for the perpetual existence of the income tax and the IRS.

What we need in this country is not the customary quadrennial discussion over tax cuts and tax reform. What we really need is a national debate over such fundamental issues as the meaning of human liberty and the role of government in a free society.

Mr. Hornberger is founder and president of The Future of Freedom Foundation in Fairfax, Va., which has recently published Your Money or Your Life: Why We Must Abolish the Income Tax *by Sheldon Richman.*

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humanity: not a master-race, but a higher race." If the Johnson of *Modern Times* was the historian as hanging judge, the Johnson of *American People* is the historian as White House intern.

Those who appreciated *Modern Times's* rehabilitation of the much-maligned "do-nothing" presidents Harding and Coolidge, may be unpleasantly surprised by Johnson's praise for certain other chief executives in *A History of the American People*. Johnson's rhapsodizing over Lincoln is echoed later when the author turns to Woodrow Wilson. Of Wilson's election, Johnson writes: "Thus does providence intervene: for the second time in its history, the United States got itself a great president because the ruling party split." "Great" presidents? Lincoln and Wilson? The first murdered federalism and laid waste to half the nation to secure perpetual, coercive Union; the second was a self-righteous national headmaster, who, in the name of making the world safe for democracy, sent over 100,000 conscripts to their deaths and contributed to the rise of Hitler. If this is "providence," the Lord certainly works in mysterious ways.

Johnson's powers of assessment don't get any better as the book progresses. In Johnson's paean to Harry Truman he calls him "decent, gentle, thoughtful, prudent" and, the real howler, "a constitutionalist." This about the man who tried summarily to nationalize the steel industry under the rubric of executive authority. The diminutive haberdasher's power-grab was too much even for a post-New-Deal Supreme Court given to rolling over for the political branches. The Court, in *Youngstown Sheet & Tube Co. v. Sawyer* (1952), struck down Truman's order to seize the steel mills, noting gently that "the President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself."

If the Johnson of Modern Times *was the historian as hanging judge, the Johnson of* American People *is the historian as White House intern.*

When Johnson decides he likes a particular president, he can be as reflexively partisan as James Carville. For instance, nothing can shake him loose of the idea that the country was gravely wounded when Richard Nixon was driven from office. Of Watergate, he writes: "It was an ugly moment in America's story and one which future historians . . . are likely to judge a dark hour in the history of a republic which prides itself in its love of order and its patient submission to the rule of law." (904) What on earth is he talking about? Ousting Nixon was nothing if not a victory for the principle that no man is above the law. Occasional regicide can be therapeutic for a republic. The post-Watergate era, with its heightened cynicism about politicians, illustrates this.

Alas, the book is rife with unintentionally ridiculous statements, always expressed categorically and with disdain for opposing viewpoints. "Without the income tax, the United States could not in practice have played an active role in international affairs, or begun to address the inequalities of American society." (640) If there are better arguments against the 16th Amendment, I've yet to hear them. Left-wing criticism of bombings in North Vietnam was misplaced, since "the proportion of civilians killed [by America in Vietnam], about 45 percent of all war deaths, was about average for 20th-century wars." (882) Wow, not even half! So we hit a few hundred thousand noncombatants — at least we were more careful than Hitler and Stalin!

But disappointment in a historian's political judgments needn't translate into disgust with the book. The historian is, in a sense, an artist, and art ought not be judged by purely political standards. Any libertarian who adopted such a litmus test would find his reading list drastically narrowed. And, in fact, there's much to admire in sections of *A History of the American People*. At his best, as in *Intellectuals* and *Modern Times*, Johnson has an unerring eye for the grotesque detail, the outrageous quotation that captures the spirit of the age. Johnson hasn't lost that talent entirely. In a passage on Castro-worship by '60s leftists, Johnson quotes Abbie Hoffman: "[When Castro stands erect] he is like a mighty penis coming to life, and when he is tall and straight the crowd immediately is transformed."

But in the end, the few bright spots in *A History of the American People* are not nearly enough to redeem it. For one thing, there's too much missing in Johnson's treatment of American history: There is no index entry for the Second Amendment, only one cursory reference to federalism, and none for baseball. For another, the book seems pasted together — a series of ad hoc observations on historical events and figures, forcefully expressed yet smacking of an *ipse dixit* approach to the subject matter. As Johnson grinds on through the 20th century, *A History of the American People* begins to feel like another exercise in heavy lifting: "You've Seen Him Do Christianity, Judaism, and the 20th Century — Now Watch Him Tackle the United States of America!" It's hard not to be impressed with the breadth of Johnson's learning and the audaciousness of his task. But it should take more than that to convince most readers to join him on the Long March through 1000-plus pages. ❑

The book seems pasted together — a series of ad hoc observations on historical events and figures, forcefully expressed yet smacking of an ipse dixit *approach to the subject matter.*

"I'm *not* getting tired of you, dear — I just said we could have more fun together if you'd learn to talk."

A Guide to Pennsylvania's State Sales Tax. **Pennsylvania Department of Revenue, 1998, 24 pp.**

A Tax Upon You

Ralph Reiland

The last place anyone would go for comic relief is to the stacks of dull publications that are pumped out by Pennsylvania's state government. Who'd ever expect, for instance, to find any laughs in *A Guide to Pennsylvania's State Sales Tax*? Well, as it turns out, we may have vastly underestimated the comic value of red tape and bureaucracy.

On and on, for 20 pages of tiny print, the sales tax booklet lists which items are taxable and which aren't. Way back, when the sales tax was first enacted, politicians apparently tried to take it easy on the poor and soak the rich, i.e., exempt the necessities and tax the luxuries — to even things out a bit between the beer hordes and the wine cliques. They also seemed to try to follow the theory of taxation that says it's best to tax the things you want to discourage and exempt the things you want to promote.

And so, right off the bat in Section 1, we find there's a sales tax on comic books but not on Bibles. Comics, along with every other periodical and magazine, are taxed, as well as "instruction books for needlecraft, embroidery and knitting," plus crossword puzzles and dictionaries, but not "religious publications sold by religious groups." Seems like the moochers and crooks at the state capitol decided we need a pinch more religion.

With clothes, the politicians have shot for some economic leveling by taxing all "formal day or evening apparel," while specifically imposing a zero sales tax on "aprons." Fur gets taxed, too, of course, but only if it's on "articles made of real, imitation or synthetic fur where the fur is more than three times the value of the next most valuable component material."

Untaxed are the more basic wardrobe staples like belts, boots, and suspenders (this may change now that suspenders are popping up 0n the BMW crowd), while the more vain "accessories" and "ornamental wear" get fully taxed. There's no sales tax on work clothes, work uniforms, safety clothing, and yard goods ("to make clothing"), or girdles and underpants — and no tax on even some less essential items like leotards, tights, neckwear, headwear, lingerie, handkerchiefs, gym suits, stockings, scout uniforms and "camp clothes."

With gloves, things get tricky. They're untaxed if made of "cloth, leather and kid," taxed if made of "fur" or "sheepskin," and taxed if used for "baseball, golf, racket, etc." With "rainwear," it's all untaxed, unless it's an umbrella.

With big events like weddings and Halloween, the politicians have hit both the rich and the poor, taxing all "Halloween costumes" as well as all "corsages, boutonnieres, and bridal apparel and accessories," except garters and garter belts.

For farmers, "artificial breeding equipment" goes untaxed. But build a nice cozy shed where the animals might be encouraged to breed more naturally and the state taxes every nail and board. Cooling equipment on the farm is taxed. But not farm ice. Brooms and fire prevention equipment are taxed but not "dehorners" and "debeakers." Vegetable seeds are untaxed if bought by a farmer but taxed if "purchased by anyone not engaged in the business of farming." Unless, of course, the seeds are "purchased with food stamps." Farm fences are taxed if permanent, untaxed if portable. So are dentist's drills — they're taxed if reusable, untaxed if disposable. The same with hospital needles and bedsheets — taxed only if reusable.

At home, there's a sales tax on almost everything from ant traps to wigs, unless you're hurt or into sewing. There's no sales tax on zippers, buttons, buckles, thread, gauze and arm slings. But with what they label "Toilet Goods," politicians have thrown out every theory about not taxing the basics — and tossed aside all concerns for gender equity. Here, just about everything is taxed except toothpaste. On election day, Pennsylvania's women might want to remember that the boys in the state legislature have declared every single one of the following items to be fancy-shmancy, silly items that should be hit with the full sales tax: bath crystals, bleach creams, blush, bouquet liquids, breath sweeteners, bubble bath, antiperspirants, colognes, cocoa butter, compacts (including, in the rules from the boys in the legislature, "refills"), cosmetics, dusting powder, essences and extracts, eyebrow pencils, eyelash mascara, eye shadow, face creams and lotions and powders, face packs, foundation makeup, freckle removers, hair things (including "bleaches, conditioners, dressings, rinses, lotions, dyes, coloring, tints, pomades, removers, restoratives, sprays, straighteners, tonics, oils and creams"), lip ices and salves, lipstick (including "refills"), liquid lip color, manicure preps, mask preps, massage creams, mousse, mouthwash, nail things (including "bleaches, polishes, lacquers, paste, powder, liquid

Vegetable seeds are untaxed if bought by a farmer but taxed if "purchased by anyone not engaged in the business of farming." Unless, of course, the seeds are "purchased with food stamps."

or enamels"), polish remover, perfumes (including "novelties containing perfume"), rouges, sachets, scalp lotion, shampoos, permanent things (including "waving creams, lotions, kits and neutralizers"), liquid and cream powder bases, skin balms (including "creams, bleaches, fresheners, lotions, oils, tonics and whiteners"), sunburn allergy creams and preventatives, talcum powder, tissue creams, water piks, wave sets, wrinkle removing preparations, and vanishing creams.

My wife says she thinks she has everything on that list, give or take a few. All I have is a bar of soap and a disposable razor. What we're looking at, in short, is a special tax on women, a case of some tax-hungry and non-powdered dirtballs in the legislature making all the rules, men who don't know a sachet from a pomade. If it was me, and I was being soaked big time with taxes on all that stuff, I'd say it was time to apply some vanishing cream to the grubby chauvinists at the state capitol. ❑

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Letters, *from page 6*

working salt-of-the-earth types who have managed to have successful careers, own their own businesses, serve our country and raise decent families. That is because they never once considered themselves victims. Instead they used common sense and intestinal fortitude to overcome life's obstacles.

Then there are those IC people who are smart enough to work the artificial wealth systems of welfare, Food Stamps, Medicaid, disability and prison to perpetuate their kind, while honest working folks such as the previously mentioned and myself pay the bills.

Mr. Chambers's article espouses a new class of "victim," a group that deserves our compulsory altruism because "it's society's fault." Certainly not the kind of thinking one would expect to see published in a libertarian magazine.

Steve Weir
Fly Creek, N.Y.

When a Man Begs

In September's issue of *Liberty*, we had an entire piece on Nathaniel Branden's "relationship" with Ayn Rand, which, in my opinion, simply serves to make *Liberty* the individualist's *National Enquirer*. Now, in October, we get a story on Ayn Rand's Russian roots, as if anyone is interested. My question is this: why is *Liberty* so fixated on Ayn Rand? Yes, she was hip, dynamic and before her time; however, she was ugly, immoral and ran around with another woman's husband!

To be perfectly candid, I'm getting "sick and tired" of reading about not only her, but her cult of followers. Yes, she had a lot to say, most of which I heartedly agree with, however, she was *not* a candidate for sainthood . . . nor were her moral standards anything to write home to Mother about.

Gentleman, every day our freedoms are being eroded, and our worshiping the ground Saint Ayn walked on will simply not reverse this trend. Let's get off the Ayn Rand bandwagon and concentrate our efforts on preserving our God-given freedoms (Sorry! I forgot that Saint Ayn was an atheist).

Please, Please, Please, enough with Ayn Rand and her cult of sainthood.

Fred Bluestone
Lauderhill, Fla.

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by *Tom Garrison*

Look for the January *Liberty* on newsstands or in your mailbox by December 1.

Terra Incognita

Massachusetts

Eternal vigilance is the price of protecting the Leader of the Free World, as recounted in *Military Vehicles Magazine*:

State police issued an all-points bulletin in Massachusetts and surrounding states to be on the lookout for armed and dangerous people driving across New England in convoys of military vehicles. The bulletin warned that the vehicles, which included a tank, were armed with .30 and .50 cal machine guns and that they might be heading to Cape Cod where President Clinton was vacationing. Police officers with guns drawn stopped several vehicles, handcuffed their occupants — including two young boys — and seized non-firing replica machine guns before realizing that the convoys were heading to a military vehicle collectors' rally.

New Orleans

Singer Linda Ronstadt shares her insight into American-Cuban relations, from *Off Beat*:

"What we're doing to Cuba is so deeply inhumane. I've been there — it's a wonderful country with a government that really puts their people first. Anybody that tells you differently is lying. If you've heard different it's just propaganda. I've been in a lot of different Latin American countries and I've never seen a higher level of deliberate attempt to prioritize based on the needs of the people first.

"And it's racist. The people who left Cuba did so because Castro made it very apparent that he was going to completely involve black people in the government, in every aspect of it. Many Cubans are very racist. It's very much based on color. The lighter-skinned you are, the higher your status. And when Castro made it clear he was going to include people of color in his government, they all left. I hope there's somebody who can fill Castro's shoes when he's gone. He's been a very, very fine leader for his people. I hope there's someone who can fill his shoes."

U.S.A.

Interesting new vacation idea, reported by Reuters:

A New York travel agency is booking guests for NowAge 2000, a cruise aboard the Norwegian Cruise Line vessel *Norwegian Sky* to be hosted by Suzane Northrop, author of *The Seance: Healing Messages from Beyond*. During the cruise, Ms. Northrop will say a prayer and invite any dead persons on board to make themselves known. Northrop will be joined by "intuitives" Jeffrey Wands and Kim Allen for seminars and workshops dealing with psychic powers, intuitive healing, astrology, and holistic medicine.

San Francisco

Meaningful activism in the epicenter of Social Change, reported by the *San Francisco Examiner*:

A group of anti-nuclear activists led by Patch Adams, the doctor portrayed by Robin Williams in a recent movie, marched nude to publicize the potential dangers of a catastrophic Y2K atomic meltdown. Chanting "Disrobe for disarmament," the group warned nuclear accidents could occur around the world if computer systems can't handle the date change.

Canada

More evidence of the superiority of Canadian public education, reported by the *San Diego Union-Tribune*:

Prime Minister Jean Chretien told the forum that Canada was founded in 1863. Several hours later, Quebec Premier Lucien Bouchard said Canada was founded in 1868. Actually, Canada's official founding was in 1867.

Outagamie County, Wis.

The process of economic development in the Badger State, as reported in the *Milwaukee Journal Sentinel*:

Mike Maes Construction, Inc. has been ordered to pay Francis Grady $6,700 in disability benefits because the firm didn't offer him another job even though Grady was in jail without work release privileges.

Hong Kong

Capitalism survives in Hong Kong, more than a year after its takeover by the People's Republic of China, as reported by Reuters:

A woman lost $15,440 after con men persuaded her to buy stomach pills they said would cure the Y2K millennium bug. The con men convinced the woman that she could make a big profit by reselling the pills.

U.S.A.

The progress of historical revisionism, quoted from President Clinton's weekly radio address:

"The stakes are high. If our Senate rejected [the Comprehensive Test Ban] treaty outright, it would be the first time the Senate has rejected a treaty since the Treaty of Versailles which established the League of Nations after World War I.

"We all know what America's walking away from the world after World War I brought us in the Depression and the second world war."

France

A rare uprising in the paragon of welfare states, reported by Reuters:

Hundreds of French chefs wearing chef's hats and banging pots attacked riot police with eggs and flour, prompting police to respond with tear gas to keep them away from the National Assembly. The chefs were protesting the tax placed on meals in sit-down restaurants.

East Rutherford, N.J.

Avant-garde proposal for the Internet, from pop singer Sheryl Crow at the UN's NetAid concert, reported by *USA Today*:

"I've had sort of a beef with the Internet, because I think it creates and really propagates a pretty individualistic mind-set and a separatist attitude. I think if you can actually get people involved on the Internet to do something that's world-minded — I just thought it was an incredible idea and one that I would definitely want to support."

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

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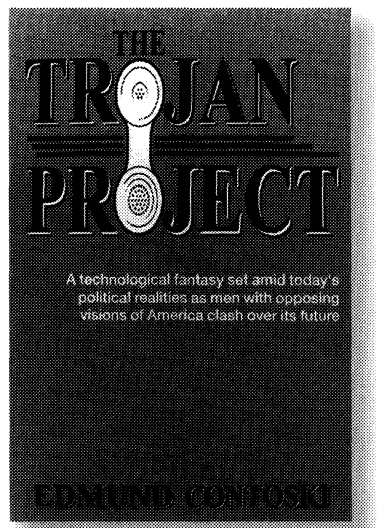

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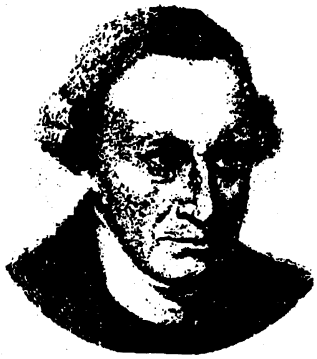

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Inside Liberty

January 2000
Volume 14, Number 1

4 **Letters** Backtalk.

7 **Reflections** *Liberty*'s editors swat Tony Blair, pin Jesse the Body, explain Warren Beatty, cast John Galt, and ogle alpha-male Al Gore.

Features

17 **Libertarian of the Century** And the winner is . . .

23 **The Jihad Against Microsoft** There's far more at stake than the profits of one company, argues *R. W. Bradford*.

27 **When the NAACP Went Armed** Today the Civil Rights movement lines up with the rest of the left against private ownership of guns. That wasn't always the case, recalls *David Kopel*.

29 **Sex Behind Bars** Sex between guards and female prisoners was consensual, but you'd never know it from the way Amnesty International and Fox News told the story. *Dyanne Petersen* reports from inside.

31 **A Woman's Right, a Man's Duty** In a single week in 1973, *David Roberts* explains, the Supreme Court gave women the right to have a child without permission of the father — and the right to force the father to pay for the child.

33 **Reaching for the Stars** Skyscrapers are more than just tall buildings, *Eric Miller* argues.

35 **The Strangulation of Kenya** While bloated bureaucrats in Brussels, Washington, and Nairobi enjoy haute cuisine in fine restaurants, the people of Kenya starve, laments *Andrew Muriithi*.

37 **Why I Left the Left** *Tom Garrison* explains why he abandoned socialism.

41 **What Libertarians Can Learn From History** Those who don't learn from history are doomed to get less than one percent of the vote. *James Bennett* reports on a minor party that changed history.

45 **Queen of the Soapbox** *Wendy McElroy* recalls a life of anarchism, agitation, and intellectual growth.

Reviews

51 **Reagan in Fact and Fiction** *Gene Healy* finds a lot of value in the much despised world of Edmund Morris's Reagan biography.

54 **Justice vs. Cosmic Justice** *Alan Bock* examines Thomas Sowell's latest look at the world of the Morally Anointed.

56 **The Two Faces of Orwell** George Orwell didn't just come out and explain his political views; you have to search, says *Martin Tyrrell*.

58 **Beneath the Surface** Submariner *Clinton Owen* looks into the depths of the Silent Service.

60 **Booknotes** The Turks clarified, a sniper explained and Heinlein interviewed.

62 **Terra Incognita** What this world is coming to.

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Letters

Repeal, Don't Legalize

R.W. Bradford is on the right train but the wrong track in urging the Libertarian Party to emphasize drug legalization in the next presidential campaign. What we don't need are more laws. And legalization of something may imply endorsement. Libertarians should abjure the notion that whatever is not permitted is prohibited. Imagine, for example, legalizing Judaism or Latin. This would be offensive, especially to the supposed beneficiaries. All we need do is the same thing we did with alcohol prohibition — repeal it. This should be, to put it simply, just another pro-choice issue. Why should we wage war against someone because they put in their minds and/or bodies ideas and substances we don't approve of?

What started as a metaphorical war is now a hot one with the Army involved on both domestic and foreign fronts. When they sold the American people on this war, they neglected to inform of the casualties. The war on drugs encompasses not only recreational drugs but orphan drugs, tobacco, and God knows what else in the future. If Libertarians don't bring this up, who will? It is up to us to make both the moral and practical case for the repeal of drug laws. It may happen all at once, or we may have to settle for piecemeal repeal, but either way we must paint the drug zealots as the self-serving liars and murderers that they are. Thus it would be more pointed to frame our argument not as legalize drugs, but as, stop the war.

David Kahn
Montville, N.J.

The Sensible Approach

R.W. Bradford's suggestion that the Libertarian Party focus on drug legalization as a wedge issue in the 2000 presidential election makes more sense than the party's current approach. I have another suggestion, one that I imagine others have explored before: moderating the party's message and political goals so as to make both seem palatable to the larger public. This ties into the moralism-versus-consequentialism debate that *Liberty* hosted earlier this year.

What would be wrong with a Libertarian Party platform that took its cues from the Cato Institute? More than any other libertarian organization, the Cato Institute seems to recognize that while freedom should always serve as a beacon for further change, a roadmap of the incremental steps towards it is a necessity in the real political world. Following this approach, the party could endorse a flat tax or a sales tax rather than the elimination of all national taxes. It could suggest a gradual decrease in American policing of the world rather than an overnight return of all soldiers to our shores. It could work on convincing people to decriminalize marijuana on the federal level rather than asking them to imagine heroin vials at their local liquor store. And so on. Such a shift in the Libertarian Party's platform and rhetoric would decrease its marginalization, and serve as an actual blueprint for action when and if it ever elected a sizable number of politicians. Finally, it would just make the party seem less silly.

Peter Pfarrer
Ithaca, N.Y.

Suggestion Box

Finally, somebody is talking about concrete steps the party should consider to become a factor in the presidential race. Permit me to suggest some alternatives to drug legalization.

1) If I had to choose one (sorry, it ain't drug legalization) it would be a freeze to the federal budget for X number of years.

2) Guns. Talk about a single issue that gets people passionate and into the voting booth!

3) Abolish the minimum wage. Nuff

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said.

4) Evict the United Nations from American soil.

5) Foreign aid.

I could go on for another hour but I have to make a living (and pay the taxman).

I totally support drug legalization (I have two teenage boys and have thought very hard about this issue) but the country is not ready for this. It is the kind of polarizing issue that will lose more votes than it gains.

Thanks for listening.

Mark Granger
Marietta, Ga.

That's Crazy Talk!

Re your suggestion that drug legalization be used by a Libertarian presidential candidate as a wedge-issue: You're joking, right?

God knows I hope so because, speaking for myself and other Vermont party members of my acquaintance, I can't think of anything better designed to cool our ardor for the party and its truly important goals. Frankly I can't even imagine any serious party candidate acknowledging to potential voters that the relatively trivial matter of recreational drug use ranks anywhere near the top of his political agenda.

Does that mean I oppose drug legalization? Certainly not. But in politics as elsewhere there is such a thing as a sense of proportion; and bearing that sense in mind requires that things like recreational drug use fall in line fairly down the list.

So what's a good alternative suggestion? That's easy enough, both I and my Green Mountain friends have been pushing it for years. How about the Libertarian Party adopting a central theme rather than looking for any kind of Silver Bullet issue? With that theme being Personal Responsibility?

No question about it, despite the obvious fact that personal freedom and personal responsibility are obverse sides of the the same coin, the party has never done anything more than pay lip service to the need for developing Responsibility positions and language. Which of course is a damn shame, because without a lot of emphasis on individualized responsibility, the Libertarian Party will never amount to anything more than a funny little footnote in the history books of the mid-21st century.

John M. Simons
Sheffield, Vt.

Ending the War on Drugs Is Not Noble

Having run for office, I can assure you that running on a "legalize marijuana" single issue platform would totally turn off your audience, and for good reason. We must stand for something noble, which resonates with middle America, like getting government off their back, getting our bombers out of world hot spots, keeping more of our hard-earned money for our kids, and, yes, stopping the insane war on drugs, not so that we can get high, but so that we can end the 7-11 robberies of hard-working immigrant clerks.

On a national level, this strategy wouldn't budge the 0.5 percent norm, in my opinion. But it would lower the stature of a Harry Browne or Ron Paul.

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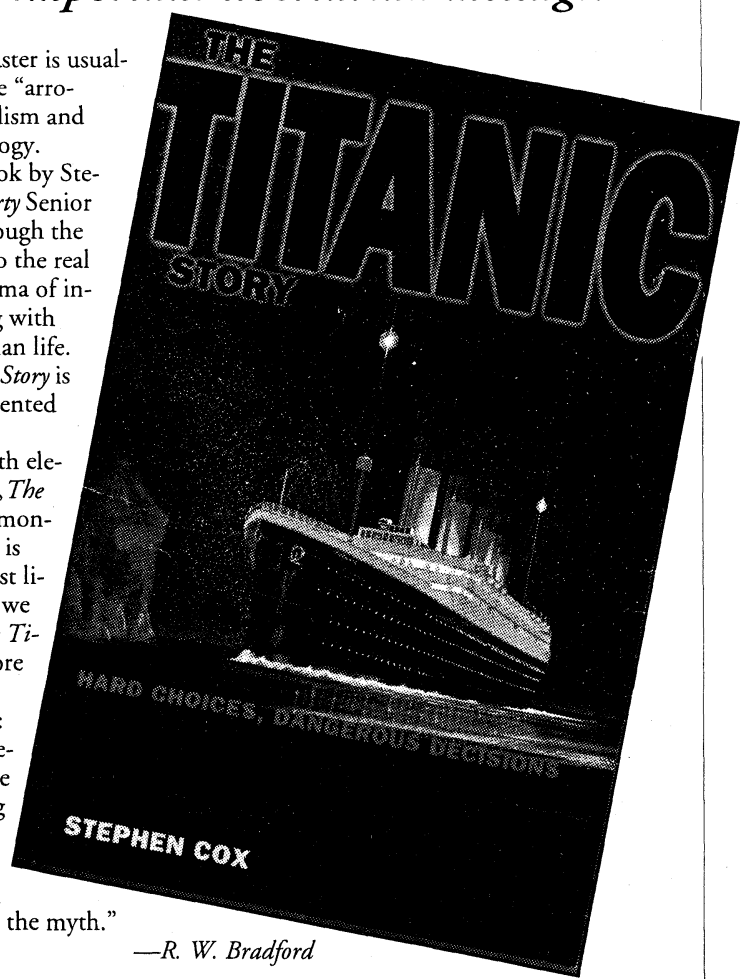

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—*R. W. Bradford*

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These men stand for higher principles, mostly financial freedom and personal property rights. Besides, these two potential candidates are older gentlemen, grayer eminences, if you will, and a drug platform doesn't seem to resonate with their character or appearance. Most of us would rather keep more of our money than have a good toke now and then, and we risk the danger of coming across as a narcissistic pack of spoiled brats by focusing on drugs, while the opposition has noble-sounding (but empty) causes like "improving education, for the children's sake." I've learned that we need to speak to the noblest needs and desires of middle America in our campaigns, because we truly reflect their best hopes.

Gary Alexander
Vienna, Va.

Tough Question

Unfortunately, I have to agree with R.W. Bradford about the poor progress the Libertarian Party is making. But if we can't build the LP significantly enough to make a difference, what is our alternative?

Jeff Kradin
Delray Beach, Fla.

Bradford responds: I agree with David Kahn that "ending the War on Drugs" is a better theme than "Legalize Drugs;" my article was about strategy and didn't explore the question of how to market the issue that the strategy I suggested called for. Like Peter Pfarrer, I applaud the work that Cato has done; unlike him, I doubt that adopting an approach that helps a think tank gain influence in policy debates inside the beltway would also help a fringe political party get more votes.

I don't think focusing on the issues that Mark Granger lists could win many votes. For one thing, all of them are issues that other parties share the LP position on. If you want to get the UN out of the U.S. A., for example, why vote for the Libertarian Party when the Constitution Party advocates the same thing? And I have serious doubts that anyone feels so passionately about minimum wage laws that they'd jump to a new party to protest them.

John Simons and Gary Alexander have a good point, although it's one that I made in my article: A campaign focused on ending the drug war isn't going to play well in all parts of the country and to all constituencies. My hypothesis is that the articulation of a broad libertarian program is an approach that has failed consistently for 26 years and that we might want at least to try an approach of focusing on a single issue that has a large constituency not served by any major party.

I strongly disagree with Simon's belief that ending the drug war is a "relatively trivial matter." It certainly isn't to the millions of Americans who have had a loved one thrown in jail or had their homes or other property stolen as a result of the drug war. I am astonished by Alexander's suggestion that a Libertarians would try to convince middle Americans to join them in trying to end the drug war "so we can get high." There are a lot of reasons to end the drug war (and to legalize drugs): to stop putting hundreds of thousands of people in jail who have done nothing but smoked an herb that the government doesn't like; to stop taking the property of people who are guilty only of having a friend or relative who has smoked or possessed such an herb, or, in the cases of many people stopped by traffic officers, guilty only of having in their possession United States currency; to save the $30+ billion per year spent on keeping drug war victims in prison; to reaffirm the right of Americans to be secure in their homes and property . . . the list goes on and on.

Needless to say, I do not see this cause as an "ignoble" one that would demean Harry Browne or Ron Paul or anyone else. I realize there is a danger that advocates of ending the drug war might be portrayed as "a narcissistic pack of spoiled brats" who seek to "have a good toke now and then," just as advocates of private property are portrayed as defenders of the rich. But I think a campaign that focusses on the injustice of the drug war, by televising advertisements with nice middle class couples telling how drug agents busted down their doors and confiscated their house because their visiting nephew had a single marijuana cigarette, could prevent drug war opponents from being branded as "narcissistic spoiled brats" at least as effectively as Libertarians' past efforts have kept them from being portrayed as defenders of the rich and privileged.

Suggestion Noted

Barry Loberfeld's half-baked ideas on jury nullification ("Just Say No!", Reflections, December) should have ended with BS, rather than BL.

Geb Sommer
Lexington, S.C.

Bad, Bad Boomers

Sarah McCarthy's piece (Reflections, November) issue sounded like it came from *Mother Jones*, not *Liberty*. The proof is in the pudding, as they say, and the generation that came of age in the sixties has not distinguished itself. By taking control of academia, boomers have given us socialist-style speech codes. Soccer moms are ready to vote for candidates who will take our guns away (or try!) Sixties social policies have led to the worst underclass ever seen in America. Boomer politicians have shown themselves to be statists to the core. The list goes on and on. I can only guess that in her excitement about "escape from sex role uniformity," she smoked one doobie too many.

Michell J. McConnell
Brookline, N.H

Liberated Before Friedan

Sarah McCarthy apparently hadn't delved into much history when she was in her twenties, or she wouldn't have come up with the self-congratulatory myth we've heard from some women in every generation since the suffragettes were around; namely, "My generation truly liberated women!"

It's simply not true that women were unable to go to college before the 60s, or enter any careers except teaching or nursing. As Carolyn Graglia points out in her book *Domestic Tranquility*, she was a practicing lawyer in the 50s, and encountered no obstacles, except poverty, to her career. In the 50s my mom was getting her Ph. D. And the Pope was saying the same thing then he's saying now — that human life, including mothers' is precious beyond all reckoning. If he'd been heeded, perhaps we wouldn't have our current horrifying market in dead baby parts.

Women, in general, prefer inside

continued on page 32

Reflections

Harry Browne was wrong — After only 28 years of operation, the government-owned passenger rail service Amtrak announced in August a new "customer-satisfaction" program that will "involve checking each train before departure for adequate food supplies and properly running plumbing." Who says government doesn't work?

—R. W. Bradford

John Chafee, RIP —Moderate Republican: a socialist who for some reason relating to political expediency or heredity registers Republican. —Sheldon Richman

Chicks dig alpha men — Al Gore's ties to wacky feminist Naomi Wolf came to light, appropriately enough, at Hallowe'en, when many supposedly grown-up people do wacky things to amuse themselves. The difference is that Gore never admits that he does anything wacky, and he can never do anything the least bit amusing, even to himself.

It was on a Halloween morning interview show that Gore was asked whether he had hired the notorious Wolf to give him campaign advice in exchange for a salary of $15,000 a month — the advice consisting of adjurations to stop being a "beta male" and start acting like an "alpha male."

This in itself was amusing, especially for a "feminist" to say; and if Gore had any sense of humor, or any humanity, for that matter, he would have replied to his questioners with any of the numerous witticisms that immediately come to mind. "Why beta? Why not at least gamma?" "Well, I've always thought of myself as an omega." "There isn't one iota of truth in that." "Beta! I'm a VHS!"

Of course, he said none of these things. The man whose lack of spontaneity is the very image of the planned society he champions muttered only things like, "She's a valued advisor, and she'll remain one." Then he lied about how much she got paid.

Among Ms. Wolf's accomplishments is reportedly the authorship of a book that advocates addressing the safe sex problem by teaching kids to masturbate. Naturally, in this vision of unspontaneous order, they would have to be *taught* to do that. —Stephen Cox

Medal heads — If you had been involved, however tangentially, in a debacle that ended in the murder of over 75 people — wouldn't you be a little bit ashamed? Wouldn't you show a little contrition, and conduct yourself with a decent respect for the victims' relatives? Wouldn't you have a little class? If so — well, then, you're just not FBI material, son.

FBI documents recently turned over to the Danforth committee contain a host of revelations about the agency's conduct at Waco in 1993. The most widely reported item so far has been that FBI agents did in fact fire incendiary devices at the Davidians' home. But another, less well-covered, revelation from the new documents shows the FBI's appalling lack of remorse over the carnage at Waco. It seems that FBI officials actually sought medals for the agents involved in the 51-day siege. One memo found at Quantico noted "there may be reluctance to award such a high number of shields of bravery, but the discipline and courage which was exhibited by the HRT [hostage rescue team] for the seven-week siege . . . cannot be overstated." (Funny, I don't remember any hostages at Waco.)

Just as revealing in its way was a little item printed in the *Washington Post*'s book review section on October 17. Reviewing *A Place Called Waco*, written by one of the nine survivors of the 1993 siege, reporter Robert Suro recounts a conversation he'd had recently with "a senior FBI executive." The two spoke on the day the Justice Department seized the documents the FBI had been withholding, and the agent was none too happy about the way things had turned out. "Reflecting on the indignity, the FBI veteran said, 'David Koresh won.'"

How do you like that? Koresh ends up six feet under, along with dozens of his followers, and some of his children. Six years later, thanks to FBI obstruction of justice, we still don't know how the fire started at Waco. What we do know is that the agency's behavior there revealed at best a reckless indifference to the loss of human life, and at worst, premeditated murder. Despite that, there have been no indictments for the crimes committed at Waco. And yet, somehow, in the agency's bunker mentality, Koresh "won." Harvard psychiatrist Alan Stone put it best in *Waco: The Rules of Engagement*. The problem isn't understanding the psychology of the people inside the compound; the real trick is trying to fathom the people *outside* the compound. —Gene Healy

Campaign update — Let's see. What's happening in the presidential race?

GOP-nominee-to-be George W. Bush is in hot water for failing to be able to name the heads of state of three countries and a region in Russia. Al Gore is under attack for hiring a highly-paid consultant to teach him how to be a "man." And Pat Buchanan is denounced as "pro-Hitler" because he doubted the wisdom of the United States's entering World War II.

Meanwhile, scant attention is paid to either of two subjects — *the* two subjects — that are genuinely relevant in choosing a president: character and beliefs.

No one cares that Pat Buchanan is a bully who still takes pleasure in recalling the unprovoked physical attacks he made on others as a young man. No one cares that George W. spent his college days partying, failing even to notice the Vietnam War. Or that he spent the first two decades of his adulthood strung out on drugs (aside from the question of whether the drug of choice was alcohol or cocaine). Or that his "career" as a businessman was largely a matter of exploiting his rich and politically powerful father's connections. Or that the one really profitable business deal that he was involved in derived virtually all its profit from a huge raid on the public treasury. And no one cares that Al Gore grew up in

a luxury hotel without a clue about how ordinary Americans live, or that he made much of his fortune by cashing checks from international swindler Armand Hammer.

Nor does anyone care that Gore and Bill Bradley advocate the virtual destruction of the market system in the name of protecting the environment or ameliorating poverty. Or that Buchanan wants to end free trade, thereby harming virtually everyone in the world. Or that Bush has virtually no stands on any issue at all.

If politics were really a serious business, of course, the indifference of the press and the people to such serious issues would also be a serious matter. But politics is not drama. It is a comic sideshow. And we should no more expect politicians to be men of character or wisdom than we should expect a porn star to recite Shakespeare's sonnets or a sword-swallower to lecture in fluent Sumerian. —Chester Alan Arthur

Show me the money — What do Jesse Ventura, Pat Buchanan and The Donald have in common? Large egos, and an appreciation of the fun they could have with $13 million in taxpayers money. What political beliefs do they have in common? None. It's not clear that Donald Trump has any political beliefs at all. Buchanan has them, but it's not clear that the Reform Party stalwarts, if any be left, share them. It doesn't matter; the party is a kind of shell corporation ripe for takeover. Under Buchanan, it could become the Nationalist Party; under Ventura and Trump, a kind of show. In either case, it will be an excellent reminder of the value of checking off $3 on one's federal income tax return for the support of presidential election campaigns.

—Bruce Ramsey

Crime seen — The Justice Department has rejected a proposal by Branch Davidian lawyers to participate in a reconstruction of the last day of the federal siege against the church at Waco in 1993. The idea was to fire weapons identical to those used on the day of the FBI assault at a firing range while a plane with an infrared camera like the one on a plane that flew overhead that day would take pictures. Then experts would supposedly be able to see if the gunfire created the same kind of images producers of the two films about Waco say indicate that the FBI (and/or the military personnel) fired weapons at Davidians attempting to escape from the church. Justice Department lawyers cited uncertainty over whether such a demonstration

continued on page 10

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How Environmental Regulation Prevents People From Protecting the Environment — Environmental economist **Rick Stroup** explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, **Randal O'Toole**, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author **Jane Shaw** explores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (audio: A404; video: V404)

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

Advancing Liberty in the Courts — Washington Supreme Court Justice **Richard Sanders** explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, **Ron Paul**, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — **R.W. Bradford** makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Exciting Minute of the 1999 *Liberty* Editors' Conference!

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says **Randal O'Toole**. (audio: A409; video: V409)

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

Contracts and the Net — The Internet will reshape contract law, argues **David Friedman**, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

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

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — **David Friedman** explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next elections. Learn why environmentalists want you caged in cities, and how they plan to do it with **Jane Shaw, Richard Stroup, Fred Smith,** and **Randal O'Toole**. (audio: A414; video: V414)

My Dinner With James Madison — **Scott Reid** views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives at the Constituional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — **R.W. Bradford** explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

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

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

Juries, Justice and the Law — Fully informed jury activist **Larry Dodge** explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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would have any validity. Could it be they were more concerned that it might be utterly valid? —Alan Bock

Homeless lords — On October 26, acting under coercion from Prime Minister Tony ("The Bruiser") Blair, the British House of Lords voted to commit suicide. More precisely, it voted to cast out its hereditary members and make way for a Canadian-style upper house composed of political yes-men appointed by the ruling party. It was, in effect, the end of the House of Lords.

Well, why bother? All the House of Lords is able to do anyway is to delay pieces of legislation until the next session of the Commons, and it's very bad about doing that. Its real job is simply to look arcane and traditional — sort of a living passenger pigeon. So why should Bonny Prince Blair want to throttle it?

A passion for the Scandinavian Modern style? Childhood memories of being whipped by a Viscount? A sick obsession with Oliver Cromwell? There's no good answer.

But consider this: the only time when modern liberals actually move to end a government institution, they go after one that has no power and that actually (simply because it has no power) provides a certain degree of mindless fun.

—Stephen Cox

None of that namby-pamby libertarian nonsense here, old chap — You can learn a lot about Third Way politics by listening to Britain's Tony Blair. Responding recently to criticism of New Labour's "tough-on-crime" policies — including local curfews, restrictions on jury trials, and compulsory DNA tests for arrestees — Prime Minister Blair averred that he was sick of "libertarian nonsense masquerading as freedom."

Last month, at the Labour Party's annual conference in Bournemouth, Blair outlined his vision for the coming millennium. According to Blair, "the 21st century will not be about the battle between capitalism and socialism, but between the forces of progress and the forces of conservatism." Nor will these reactionaries be found solely among old-style Tories, Blair tells us; instead progress will be opposed by adherents to the "conservatism of [either] Left or Right."

What characterizes these dark forces opposed to progress, motivated by what Blair refers to as "conservatism" or "libertarian nonsense"? The PM gives some examples: the forces of reaction cling to ridiculous old traditions like fox-hunting, which New Labour promises to ban; they oppose the use of military force in crusades for international human rights; they don't think crime control should be achieved with the sacrifice of basic freedoms; and worst of all, they resist integration into a monstrous European superstate.

In Blair's Bournemouth speech, we can see the true nature of Third Way politics revealed. It's the political Left shorn of its twin redeeming virtues: opposition to war and concern for civil liberties. New Labour's eagerness for war was made clear earlier this year by Blair's leadership role in NATO's attack on Serbia. Pushing for escalated bombing and ground troops in Kosovo, Blair showed himself bloodthirsty enough to draw the adjective "Churchillian" from Bill Kristol, America's leading talk-show hawk.

Blair's domestic policy, in turn, demonstrates that left-wing civil libertarianism will be left behind in the great leap forward to the Third Way. Under a telecommunications bill to be introduced next month, computer users who refuse to reveal their passwords to the government will face up to two years in jail. Internet service providers will be forced, at their expense, to make their networks wiretap-friendly, and to keep records showing to and from whom material has passed. One crusty old Tory MP saw the bill as a plan for "a state surveillance system like something out of Orwell's 1984." (See what Blair means? What a tired old metaphor!).

This, then, is a statism for the 21st century. Intrusive at home, pursuing safety and social justice; violent abroad, with cruise missiles and cluster bombs for foreign forces of reaction — and all of it coated in dulcet phrases about compassion, altruism, the future, and "progress." Meet the new boss; but for the rhetoric, same as the old boss. When G.K. Chesterton wrote that "the old tyrants invoked the past; the new tyrants will invoke the future," he might have been thinking of a character like Tony Blair. —Gene Healy

They'll still walk a mile . . . — The Centers for Disease Control and Prevention report that 24.7 percent of adults smoked in 1997. As a result, the CDC expects to fall far short of its goal of reducing smoking to 15 percent of the adult population by 2000. The human spirit is a disease that resists control. After ten years of congressional hearings, propaganda, censorship, lawsuits, regulation, taxation, indoctrination, and legislation, the statistics remain virtually unchanged. Maybe it's just time to leave us all alone.

—Tim Slagle

View the right thing — That a major museum in New York offered an image of the Virgin Mary spattered with elephant dung has raised the usual questions of whether the image is really art, whether the museum should have shown it and whether the blasphemer who did it should be sustained at the taxpayer's teat. It also poses the question of what you can get away with. Whom can you attack these days? The Virgin Mary? Yep. Absolutely anyone? I would think not. Could an artist have offered a Star of David spattered with shit? Would that have been accepted by a museum in New York City, or would the curator have found it "inappropriate?" Instead of spattering the Virgin with excrement, what if it was Martin Luther King, in doberman pinscher shit? Would that have been art? Would it have been defended as art?

I doubt it.

In my city a businessman bought a statue of Lenin in Eastern Europe. That statue is now erected on a public thoroughfare here, with the choreographer of the Red Terror thrusting forth in socialist certainty next to a dispensary of fish tacos. It's in a part of town known for its funky irreverence. When the statue went up, some Russian emigres put up a holler, but they were laughed down. Communism is dead. Get over it. We can laugh at it now. I tended to agree: I wasn't insulted by Lenin at the taco stand.

Suppose, however, it had been Adolf Hitler. Nazism is a lot deader than Communism. Can we laugh at Auschwitz? How about a statue of Mao Zedong? White people would find him funnier than Hitler, I'd guess, but the Chinese in this city, many of whom have Nationalist roots, might not.

I raise these questions not to suggest that one man's offense should trump another's freedom. But it's not only a

question of your freedom to do a thing; it's whether you do do it. Even in a free society, there are certain things that are not done.

I named my cat Mao — partly because "mao" is Cantonese for cat, and partly as a joke on the Great Helmsman. But the name is offensive to some people. A Chinese friend in Hong Kong told me it was in very bad taste. "It is an insult to the cat," he said. Of course, I was a foreigner, and I could be excused for my silliness. For a local to name his cat Mao might have interfered with its life expectancy. —Bruce Ramsey

Once more with feeling! — Dozens of people have called or written me supporting my call for the Libertarian Party to come up with a strategy that could help it do substantially better at the polls than it has in its past pathetic showings. These kind respondents have also supported my suggestion that making drug legalization the centerpiece of the campaign might just enable the party to win enough votes to show up on the political landscape. (My theory is that ending the War on Drugs is a "wedge issue" that would have appeal to a significant minority of voters, enough appeal to get them to "waste" their votes on a candidate who manifestly cannot win.) Many people have asked me whether I had spoken to Harry Browne about all this, since Harry will almost certainly be the LP's nominee again next year.

So I called Harry and asked him. Yes, he said, he'd read my article. "Maybe if you'd talked to me about it before you'd written it, you'd know that it was one of the three main campaign issues in my campaign the last time around." Of course, I knew he'd supported drug legalization in his previous campaign. But my proposal, I remarked, was not merely to make drug legalization a campaign issue. I wanted to make it *the* campaign issue, the central theme of the campaign, just as Eugene McCarthy made ending the Vietnam War the central theme of his campaign in 1968. If the LP could offer voters a way of making an unequivocal statement for drug legalization enough might vote Libertarian for the party to escape the ignominy of getting less than half of one percent of the vote.

"I understand what you're saying," Harry said, "but it would have been nice if you'd pointed out to people that I have been pushing for the end of the drug war for a long time." I reiterated that I knew he had been doing that, but I was arguing that ending the War on Drugs should be the central theme of the campaign. "It probably will be, anyway," he responded. "We're working on a video right now . . . and there are three issues covered: Social Security, the drug war and the income tax." But he didn't want to do a "one-issue" campaign, because "the press would get tired of hearing the same things over and over again." You'd end up like the "vegetarian" candidate, he suggested, or the "prohibition" candidate. I overcame my urge to point out that the prohibition movement had enjoyed considerable political success with its single issue campaigns. Instead I suggested that the issue wouldn't work unless it was the focus of the campaign, reiterating that one had to give people a way to make an unequivocal statement against the drug war.

But Harry would have none of that. He agreed that the strategy he used in 1996 had failed, but he believed a campaign based on a central theme like McCarthy's would go nowhere. But his idea of a way to energize the campaign and break through to voters was to explain to them that "if we could get just five percent of the vote we could change politics forever because we would now have the margin of victory in a lot of races around the country and that would be enough to cause the press to treat us as a major influence." "And how is this different from last time?" I wondered out loud. "We didn't set any goal last time," he replied.

Well, having a goal is a good thing. But I doubt that many voters will regard a Browne campaign that has the brave goal of getting five percent of the vote as that much more attractive than a similar campaign without that stated goal.

Harry is an old friend, and I was one of his first and most enthusiastic supporters in his 1996 presidential bid. But if the Browne campaign doesn't come up with a better idea than that, it looks to me like it's headed for another pathetic showing. —R. W. Bradford

Is that a missile in your pants, or are you just glad to fly with me? — During the test-ban treaty debate Sen. Teddy-Boy Kennedy three times referred to the Stockpile Stewardship Program as the "Stockpile Stewardess Program." It's a good thing he's such a sensitive soul who votes right or some feminists might have become slightly upset with such Freudian slips. —Alan Bock

Bye-bye, Buchanan — Pat Buchanan is a man with few real sympathizers, thanks in large part to his grab-bag approach to political consistency. While his noninterventionist views fit nicely with most libertarians, his rhetoric against trade, immigration, and free markets places him solidly in opposition territory.

But some recent comments about his decision to leave the GOP for the Reform Party show that, despite his renegade status among many Republicans, they'd prefer he stick around and take his lumps. Last month, *The New York Times* quoted Robert T. Bennett, chairman of the Ohio Republican Party as saying, "This is like a spoiled little kid who picks up his marbles and goes someplace else because he doesn't get his way," anticipating Buchanan's yet-to-come defection. After Buchanan's announcement, Bennett was parroted by the former first lady mom of current GOP presidential frontrunner George W. Bush, who said, "He's like a whiny child who picks up his marbles and leaves."

It's obvious that this name-calling has its roots in political expediency. With Buchanan staging a publicity campaign

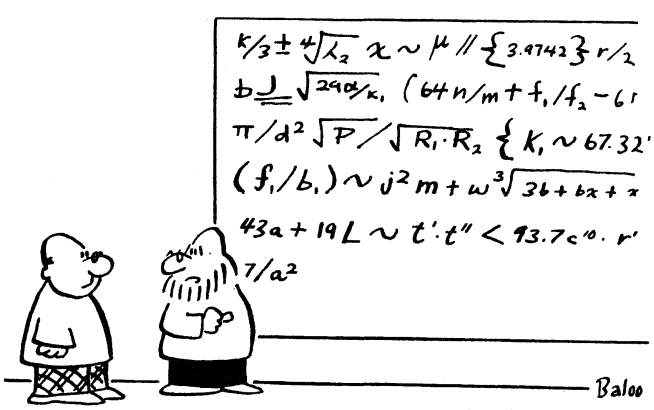

"This is rather embarrassing — I've forgotten what the question was."

with a rival party, GOP presidential votes are compromised. Yawn. But these comments should offend everyone who benefits from freedom of association. The liberty to associate with whomever you want is one of the best aspects of a free society. When an organization no longer supports your values, having the ability to leave is a good thing. So pardon me if I give a polite nod to Buchanan as he takes his marbles and leaves. Assuming he still has all his marbles to take.

—Eric Dixon

Calculus vouchers — How about a calculus voucher for children in K-12 schools? This voucher would pay for the tuition and travel costs of taking calculus courses at approved nearby community colleges, universities, training centers, and even other public or private schools.

Students would get a calculus voucher only if they passed a standardized math exam on algebra and basic trigonometry. The exam need not have an age or grade limit. Any student could take the exam. A high level of parental income could disqualify some students or require that their parents pay part of the costs. Failing or bad grades in a calculus course would end the voucher and could require partial or total repayment.

Calculus is the door to a career in science or engineering. No one can get a bachelors of science degree if they do not master calculus. The film *Stand and Deliver* dramatized this in its portrayal of inner-city high-school calculus teacher Jaime Escalante and his motto that "Math is the great equalizer." Economic progress and the cumulative nature of technical knowledge demand ever more intensive training in math.

Training in calculus is a powerful way to help achieve a scientifically literate society. Basic calculus shows why a thrown rock falls in a parabola. It shows which price a cola firm should charge for a can of cola if the firm wants to maximize its profit. Advanced calculus shows how light emerges from electro-magnetism. Still more advanced calculus shows how much a bank should pay for a futures contract on a foreign currency or how it should price any of the other "derivatives" contracts that underlie the global economy. How many Americans can explain these things? Pollsters at Oxford and Northern Illinois Universities found in 1989 that only half of American adults knew that the Earth orbits the Sun and does so once a year.

Calculus vouchers would be far less costly and more focused than vouchers for total K-12 education. And they would pose far less of a threat to teachers' unions and to the other political opponents of school choice.

Community colleges and universities offer calculus courses. So calculus vouchers would not require new schools, even though a sustained voucher experiment might lead to start-up training centers. Calculus courses tend to be the largest math courses that most colleges offer. Colleges could add new calculus sections or just expand their enrollment in current courses. Evening or late-afternoon courses would let voucher students commute to their calculus courses while missing little or none of their K-12 curricula.

Calculus vouchers would be too focused to directly threaten those who teach non-math subjects. But they are vouchers: They are coupons made of tax money. So they might at first provoke some ideological wrath from those who oppose all "choice" measures in K-12 education.

But the old arguments against school vouchers would not apply. Calculus vouchers would not displace public schools. Their cost would be low and would favor charitable contributions. Calculus vouchers would be value-neutral and need not subsidize private religious schools. And cities and states would risk little if they experimented with them. But such experiments would begin the slippery slope that might lead to vouchers for other subjects and might even lead to all-education vouchers. So be it.

Winning a calculus voucher would be much like winning a science contest. It would help students later with college admission and would add strength to their resumes. This prospect would induce many students to seek calculus vouchers and to make good on the vouchers if they received them.

The focused nature of calculus vouchers would let us measure their effectiveness over time. We could track how well calculus-voucher winners perform in terms of high-school and college graduation rates, standardized aptitude exams, grade point averages, job offers, and income levels. This objective data would help policy makers decide if experiments with calculus vouchers lead to a favorable ratio of social benefits to costs.

The final argument for calculus vouchers is pragmatic: How would society differ today or in 20 years if today twice as many people knew calculus?

—Bart Kosko

Au revoir, Claire — Life just got a little less interesting: Claire Wolfe, one of the living heroines of the freedom movement, has said she will drop out of sight indefinitely. She apparently got tired of being a libertarian rabbi, a shepherd to a flock of independent minds.

After three extremely helpful books, supplemented by a great weekly column at the website World Net Daily, she's going back to the straight world, and no longer responding to what she described as a torrent of email from dorks who wanted to argue endlessly with this or that point of her books and writings, or who wanted her to plan their lives for them, like an anarchist social worker.

I don't know many freedom lovers like the characters that appeared in Claire's books: Lawyer X, the Young Curmudgeon, the former special forces soldier who worshipped a Nordic war god (he was interviewed to prove that you don't have to be Christian to be a patriot). But then my friends are pretty stodgy. Party types. Runners of campaigns and policy wonks. They'll pour thousands into local races. They'll run as Republicans or Democrats, if they believe that will get them into office, where they can start to make a differ-

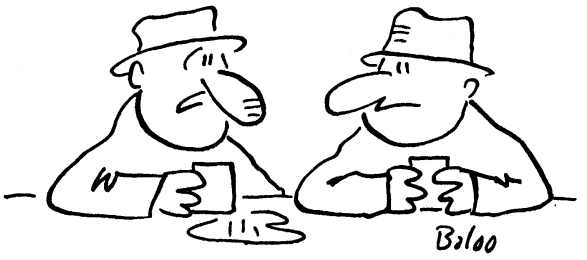

"I don't mind having the wolf at my door all the time — I just wish he'd stop *pissing* on it!"

ence. What the hell, I just ran for city council myself.

Claire's message for political libertarians is this: be ready for anything, and be able to play by other rules. The other rules are those followed by the residents of a police state, and of conquered republics. Disobey, evade, ridicule, defraud and be prepared, *in extremis*, to face down the oppressor. So my friends who study Austrian economics and campaign management should also know practical tax evasion and infantry tactics, the economics of Mises and the strategies of Mao. And you thought you were busy now. —Brien Bartels

A royal flush? — Given the docility of the subjects of the British dominions, I suppose it was inevitable that Australia's voters would reject a proposal to toss out the British royal family and declare Australia a republic, despite the fact that a substantial portion of those voters are descendants of people shipped to prisons Down Under for the compound crime of being uppity and Irish.

It is more difficult to fathom the affection so many Americans have for the Queen and her brood. Some years back, Elizabeth and her retinue passed through Puget Sound. It was possible to get a momentary glimpse of the Royal Yacht from a certain point on the waterfront in Port Townsend. To my astonishment, nearly half the town stopped what they were doing to take advantage of this once-in-a-lifetime opportunity. I can understand why Canadians, Kiwis or Australians might be impressed by the aura of the Royal Family. Americans, I recall, actually fought a revolution to get rid of it. —R. W. Bradford

One small step for monarchy — Here is one classical liberal who rejoices in Australia's vote to keep the Queen as Head of State. Constitutional monarchy is a reminder that democracy is not a good in its own right — certainly not in all areas of life, and not even in all parts of government itself. Democracy is merely a political method. In favorable circumstances it can help restrain government oppression; but it is no substitute for, and in unfavorable circumstances can even undermine, such restraint. Furthermore, constitutional monarchy is a sign of recognition that luck is a fact of reality: Luck, whether good or bad, can only be mitigated; and government action to override it in the name of equality costs liberty. May Australia's referendum set us to pondering the still further merits of constitutional monarchy.

—Leland B. Yeager

New Albrights for old — Six months ago, Madeleine Albright had morphed into werewolf mode. She fixed it so that NATO's Luftwaffe could bomb a peasant nation just southwest of Transylvania into submission. She howled in delight when the bombers and cruise missiles took to the air, and giggled orgasmically when word came that NATO bombs had incinerated maternity wards, refugee columns, television technicians, buses packed with children and old people, and all the other hits which sent at least 2,000 innocent civilians to their graves. She was as gung-ho for war as any warlord that ever roamed the Earth.

Today finds that the old, civilized Albright has reclaimed her body — she even cares about civilians! After Russian forces blasted dozens of Chechen civilians, the Madame denounced the attack as "ominous and deplorable," and told the Cossacks they are "taking a significant step in the wrong direction." What concern she now displays for human rights! Could a Nobel Peace Prize be in her future?

The Russkies don't get it yet. In the New World Order, only the United States and its allies can go around vaporizing civilians. —Jonathan Ellis

Forest for the trees — Public television used to have lots of nature shows. They were appealing and made PBS look non-controversial. That bipartisan appeal must explain why Republicans and Democrats in Congress are falling all over themselves to fund the Land and Water Conservation Fund to the tune of hundreds of millions of dollars a year. This money would enable the federal government to buy more land and set it aside for conservation. Meanwhile, President Clinton, seeking an environmental legacy, is setting aside more land by telling the Forest Service to decree that there will be no logging on at least 40 million acres.

Apparently, adding millions of acres to the land that no average American can ever see, visit, hunt on, camp in, or derive any benefit from is a way to win votes. We have been adding about 860,000 acres per year to the federal estate since 1960, according to Holly Fretwell, a research associate at the Political Economy Research Center. We now have 272 million acres of federal land preserved as wilderness, parks, wild and scenic rivers, wilderness study areas or some other kind of observation area. This is about 12 percent of the land mass of the United States.

Yet federal management is a documented disaster, and one of the signs is that these "conservation areas" are going to pot. The General Accounting Office reports that 39 million acres of Forest Service land have trees that are so old, diseased, and insect-infested that they could go up in smoke at any minute. Other land is utterly unreachable except by a few ardent backpackers and rich folks who hire outfitters to guide them there on horseback (motorized vehicles are not allowed). These "protected lands" could be providing recreation for middle-class Americans and lumber for middle-class homes. Yet the way to win middle-class American votes seems to be to keep them out of reach. —Jane S. Shaw

Stalking horse's ass — I think I've figured out the deal with Warren Beatty running for president; the Democrats are using him to pump up Al Gore's Image. Compared to Beatty, Gore seems brilliant. The press treats Al Gore as if he were smarter than Dan Quayle, but, at least Quayle had the cognizance to bow out when he realized he was a laughingstock. —Tim Slagle

Winning intellectual battles, losing cultural wars — While free market advocates wage the intellectual fight, the statists have conquered much of our culture. Twice recently, I was asked to contribute to UNICEF (one of the many UN affiliates). UNICEF opposes privatization, limited government, free markets and free trade — while endorsing population control, foreign "aid," larger government — all of course for the children (for details read Nicholas Eberstadt's chapter in the Cato Institute's publication, *Delusions of Grandeur: The United Nations and Global Intervention*).

My first solicitation came from the Westin Hotel in

Seattle. I was reviewing my bill and noted a $1.00 item for UNICEF. I queried the desk and was informed that Starwood (the corporation owning the Westin Hotels) was "proud" to support "children" and "presumed" that their guests would too. As you might imagine, the subsequent conversation was interesting. Then on a flight to Detroit on Northwest Airlines, the flight attendants came on the intercom to call our attention to Northwest's "Cause of the Quarter" which was again UNICEF. This time the contribution wasn't automatic, but the in-flight magazine devoted a full-page to this noble cause and the cabin crew was pushing the program.

This incident illustrates one of the many insights of Ayn Rand — that the left's real victories occur when they are granted legitimacy by their foes. The Show Trials of Stalin, the CEO of Monsanto's recent apology to Greenpeace (to an organization calling for ending the chlorinating of water!), pledges by business to be "green," Kathy Lee Gifford's eager willingness to deny economic opportunities to the children of the world, along with my UNICEF encounters — all indicate that whatever is going on in the War of Ideas, the Cultural War continues to go badly.

But there are occasional rays of hope. In a *Washington Post* review of *Princess Monokoke*, a recent Japanese anime film, Michael O'Sullivan noted the film's "heavy-handed ecological message," and suggested that the film might probably be enjoyed by anyone who can "sit through an entire hour of NPR coverage without screaming for air" and who isn't too irritated by "pro-environment sentimentality. . . " All this in the *Washington Post*! Can it be that even left-liberals are beginning to tire of the ranting of our Chattering Class elites? —Fred Smith

She's got eggs! — Big controversy over the auctioning of Supermodel eggs. Some worry that beauty should not be for sale. But isn't it already? Ever notice how pretty the Kennedys are? Do you think that's just a coincidence? Rich people can always get good-looking mates. What this auction really does, is make attractive genes affordable to the middle class. —Tim Slagle

WHO do you trust? — The World Health Organization — once one of the leading groups seeking to address the array of diseases crippling people around the globe — has "matured." Its new title may become the World Healthy LifeStyle Organization. Rather than focusing on the boring (but useful) task of conquering germs and reducing food contamination, the new WHO will discourage unhealthy lifestyle choices such as smoking, drinking and driving. Africans will soon view the same billboards that proliferate in America — "Kissing a smoker is like licking an ash tray."

This shift from involuntary to voluntary threats is significant. The WHO is almost certain to become the global counterpart of America's CPSC, NHTSA, OSHA, FDA and, well you get the picture. Our new global Nanny — protecting the world from the risks of cigar/martini bars and BMW convertibles by ensuring perpetual poverty. —Fred Smith

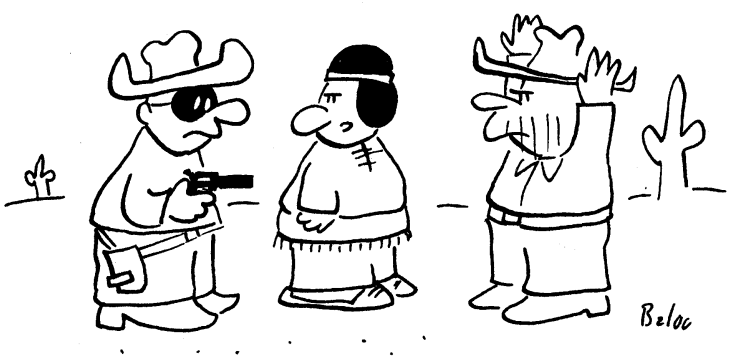

"He's right, Kemosabe — How do we know you're not Jesse James?"

What is the sound of one fat person eating? — Once again obesity is in the news, and TV news crews take to the streets to tape footage of fat people eating. According to the Centers for Disease Control and Prevention, more than half of Americans are overweight. We all know the average American is taller than he was just 100 years ago. Would the CDC come out with statistics that most Americans are now overheight, and more prone to helicopter accidents? I prefer to believe that the modern American just has a higher fat content than his ancestors. —Tim Slagle

A cowboy economy? — On recent trips to Europe, I've become increasingly aware of a reality disconnect between the way America is and the way we're viewed by Europeans. We're viewed as having a Cowboy Economy, a laissez-faire society of minimum taxation and regulation. The fact that America is only marginally less taxed and less regulated than Europe seems totally foreign to Europeans.

This misconception is a costly one. It enables the European statists to argue that any regulation or tax imposed in America must be costless. If America has a certain rule, the logic goes, it must be painless, otherwise it wouldn't have been imposed. The result is that the Brusselcrats are moving to import the whole American regulatory state. Europe was once relatively free from antitrust regulation but now they've bought our policies hook, line and sinker. The process of approving pharmaceuticals was once far less onerous in England, but no more. Poor Europe! To have finally escaped the relatively honest socialism of direct government ownership only to slip into the far less honest American version of the regulated economy. Europe has no future.

— Fred Smith

Why intellectuals hate Switzerland — Switzerland is an outcast nation — the only nation to reject membership in the United Nations and one of the few to stay out of the European Union. Many have recently criticized the Swiss for remaining neutral in WW II and for allegedly mishandling wartime bank accounts. In this world of global ideologies, the preferences of the Swiss people (recently reaffirmed in popular elections) seem strangely out of tune.

Let me suggest that current criticisms of the Swiss reflect more the virtues of these people than their faults. The Swiss are ostracized today largely because they are not PC, because they are too bourgeois. The Swiss seem immune to the popular wisdom that all problems are best resolved politically, that all political problems are best resolved at the highest possible level of government. The Swiss remain a nation where government remains largely a state and local matter; the Swiss have few international political entanglements. They retain a

vision of civil society in which the people retain power at the local level — we should not be surprised that this attitude finds little favor among today's elites who owe their prestige and power to the increasingly Mandarin nature of most societies.

They urge Switzerland to join Europe, the United Nations and perhaps even NATO. They see the Swiss canton system, which still sees local governments as more important than the national government, as outmoded. They view the Swiss engagement with the world via private institutions (both market and non-market) as an affront to the politicized elites of the world. Switzerland must get with it — adopt the system of centralized government and taxation, expand its political institutions. Only then will the elites of Europe and the world become comfortable with these peoples. Only a conformist Switzerland is ever likely to be admitted as a full-fledged if minor member of the global establishment.

But Switzerland is scarcely an isolationist nation. Few nations are more heavily engaged abroad. Swiss products — from chocolates to watches — are known throughout the world. Swiss Air is one of the world's premier airlines and, of course, Swiss banks have long been the one area where persecuted minorities could safeguard at least some of their hard-earned wealth against the exploitative urges of their home governments. Moreover, Switzerland has long recognized the non-profit side of voluntarism. Swiss organizations such as the International Red Cross have long played critical roles in a world where "humanitarian" concerns have become a cover for imperialistic interventionist strategies. Moreover, precisely because of its apolitical and neutral status, Switzerland has long served as a neutral ground where the warring ideologies of the world can meet — and perhaps advance more peaceful objectives. Switzerland reminds the world that everything is not politics. A nation can have a commanding world presence without an aggressive foreign policy or a guilt-driven taxpayer supported foreign subsidy program.

Switzerland is today one of the only countries to retain the classical liberal system of checks and balances that once placed limits on the utopian passions of the intellectual elites in democratic societies. In America and most of the world, progressive era "reforms" weakened such checks, seeing them as restraints on the "popular will" to use government to advance the "public good." History is likely to find that the Swiss model is far more creative than that of the other "developed" nations of the world. —Fred Smith

Casting Atlas — Ever since Ayn Rand's *Atlas Shrugged* was published four decades ago, fans of the gigantic novel have enjoyed the parlor game selecting actors to play their superheroes (and supervillains). Selecting the right people for the parts is critically important (ask anyone who remembers Gary Cooper's embarrassingly wooden portrayal of Howard Roark in Warner Bros.' filmization of Rand's earlier novel, *The Fountainhead*.)

Back in the mid-1960s, when I first encountered *Atlas*, my friends suggested Charlton Heston, Steve McQueen, James Garner and Peter Graves, among others, for the role of *übermensch* John Galt. These thespians are now too old or too dead for the part, but the parlor game goes on. In fact, it's suddenly somewhat more than a parlor game, now that the novel is actually about to be filmed for cable television.

If we are to believe a recent article by Jeannie Williams in *USA Today*, Al Ruddy, producer of the television film, "wants to hear your casting ideas!" and instructs readers to "Send them to me: JeannieWilliams@usatoday.com."

Well, I have my doubts: If a producer really wanted casting ideas from the public, why would he ask people to send them to a *USA Today* reporter? And how much insight into Rand's ideas would this indicate? After all, Galt didn't deliver a two-hour speech asking for suggestions about howto wrap up the plot?

But who knows? I've already emailed my suggestion that Gilbert Gottfried be cast as John Galt. —R. W. Bradford

InTELLigence test — This from the UCLA campus newspaper, *The Daily Bruin*, under the headline "Students with Drug Convictions Will Soon Be Denied Financial Aid".

"A new rule from the U.S. Department of Education will require students applying for federal financial aid to disclose any prior drug convictions.

"The new version of the rule states that institutions will not be required to question students regarding any drug-related matters. Students will have the responsibility of self-identification, which means the student is supposed to indicate any convictions for drug-related activity on the application for financial aid.

"The U.S. Education Department, however, is confident that students applying for aid will identify themselves because they may be randomly chosen to undergo a verification process when applying. If caught lying on the application, students will lose financial aid privileges."

So, if you admit to a drug conviction, you lose financial aid. If you deny a drug conviction and don't get caught, you get financial aid. If you deny a drug conviction and get caught, you lose financial aid.

By these rules, any student who admits to a drug conviction is obviously too stupid for college. —Peter McWilliams

Revenge of the idiots — Everyone appreciates the convenience of automatic teller machines, but only in the Soviets of San Francisco and Santa Monica do people expect to be able to use these machines for free. Those cities have now enacted laws making it illegal for anyone to charge for the use of ATMs. When some banks responded by limiting use of their ATMs to their own clients, Dan Rather reported the story as "the revenge of the banks."

I suppose soon we'll have cities make it illegal to charge a fee for the use of public telephones, and when public phones, like ATMS, become radically less available, Dan Rather will attribute this to "the revenge of the phone company."

But when San Francisco forbids restaurants imposing a charge for the meals they serve, and restaurants thereupon grow scarce as scarce as hen's teeth in that city of gourmands, will Rather call it "the revenge of the restaurants"?

When will he finally grasp the notion that people offer goods and services in anticipation of actually being paid for them? The enactment of a law forbidding television anchorman to charge for their work? —R. W. Bradford

Wrestling with regulations — Jesse Ventura calls himself a libertarian because he wants to legalize prostitution. But when it comes to managing urban areas through government regulation and pork-barrel spending, Ventura is

no libertarian.

The low population density of Minnesota's Twin Cities region, which includes more than 30 suburbs, has made it one of America's least congested and least polluted urban areas. The region's Metropolitan Council, which coordinates planning for the area, wants to change that. Recently it adopted a policy of building no new highways. "As traffic congestion builds," said the council, "alternative travel modes will become more attractive."

Some members of the council proposed building a $600 million light-rail line and rezoning nearby neighborhoods to high densities in order to promote congestion. But the council was far from united on such "Smart-Growth" policies — until Ventura became governor.

After beating Hubert Humphrey's son in the race for governor, Ventura put Walter Mondale's son, Ted, in charge of the council. Then he declared himself a light-rail supporter and replaced council dissenters with Smart-Growth advocates.

Mondale says he and the council will force suburban communities to build high-density housing and support mass transit. Towns that don't cooperate will be denied their share of federal and state funds. "If we're giving money to communities that are thumbing their noses at [Smart Growth], then what's it all about?" says Mondale. "It's a charade!"

The *Minneapolis Star-Tribune* reports that, under pressure from the council, the suburb of Rosemount ignored "spirited community opposition" and the community's own comprehensive plan when it approved a 1,000-unit, high-density housing complex.

Despite increasing congestion, Mondale opposes not just new highways but highway expansions. "The pattern we want to break is where you widen the state highway, you widen the county roads leading up to it, you widen the arterials, everything gets bigger. We want to make sure that doesn't happen." Of course, such highway expansions are built with highway user fees, whereas rail construction must be fully subsidized by non-rail riders.

The Reform Party can have Jesse Ventura. Voter revolts are exciting, but libertarians should be wary of professional wrestlers entering politics. —Randal O'Toole

Wait til next century — In the December 1999 issue of his modest little newsletter, *Liberty*, Mr. Bradford reported that "Of the 20 best non-fiction [sic: nonfiction has been one word for some time now] books of the 20th century, 17 are the work of libertarians." Rather than relish this fact, Mr. Bradford attributes it to libertarians who "seem to have a lot of time on their hands to surf the Net [sic: only the word Internet is capitalized; the abbreviation is not]" and "the result of ballot box stuffing." Mr. Bradford dismisses it all with the pungent literary criticism, "bullshit."

Time was when I would have written a terse letter to Mr. Bradford, wondering aloud if the lack of "Bradford" on any of those top-20 books, or even top-100 books, could be the cause of, to quote the great libertarian Aesop, "sour grapes."

But now that my book, *Ain't Nobody's Business if You Do*, has been enshrined as the 15th best nonfiction book of the 20th century, I Belong to the Ages and am now naturally above all that. I must take my place, humbly, in the Pantheon of nonfiction gods in my little velvet niche just below Milton and Rose Friedman (*Free to Choose*, #14), and smile with compassionate understanding as I look down on those unfortunate writers who will have to wait until 2099 for another best-of-century poll to take place. I wish Mr. Bradshaw (very) long life and better luck next time.

All satire aside, the Internet is a libertarian environment and we should make the most of it. The Modern Library List will inspire curiosity for libertarian books for years to come, and I say it's a good thing. We did not "stuff" the ballot box, we played by the rules, one person, one vote, per day. We libertarians are in on the ground floor of the most magnificent communication device ever invented. Let's make the most of it. —Peter McWilliams

Good wine, lousy economics — Jean-Claude Castex is surrounded by miracles, or at least the quest for miracles. As the official feutier, or tender of religious candles, at Lourdes, the spot in France where the Virgin Mary is said to have appeared in a grotto to a poor miller's daughter in the 19th century, Castex sees, on average, some 14,000 pilgrims heading his way each day. And now, on top of that, Castex is lucky enough to find himself on the receiving end of yet another miracle, this one more economic: A law passed by the Socialist-led government in France that guarantees him less hours on the job with no cut in pay, an idea that he sees as nothing short of divine.

"We used to work 39 hours a week," Castex explained to the *Los Angeles Times*. "Now we will work 34. I love walking in the mountains and hunting for mushrooms." Francis Dehaine, the manager of the $22.5 million budget at Lourdes, also sees nothing but good coming from the new law. "The more we reduced the time worked, the better the assistance we could give our visitors," he says. "We've been able to hire 32 more people." As a footnote, the new law doesn't apply to priests; at Lourdes, they work 45 hours a week, saying four Masses a day.

What's behind this new less-work-for-the-same-pay legislation is the 11.4 percent unemployment rate in France, a jobless rate that's expanded steadily as France has piled on more and more labor regulations, including more employee benefits, and raised taxes again and again. The miracle here, if we're to believe the French socialists, is that an unemployment crisis that's been caused by too many government regulations will now be solved by yet another regulation.

The problem, of course, is that while less work for the same pay sounds wonderful, its actual effect is to produce higher labor costs per unit, more inflation, less competitiveness in the international market and, ultimately, even higher levels of unemployment. What the French socialists are attempting to do is repeal the Law of Demand, the elementary principle from Economics 101 that concludes we generally buy less of something when the price goes up. In effect, with this share-the-work scheme to cut unemployment, the French bureaucrats are saying that employers will hire more workers as their price is increased. It's like telling GM that it would sell more cars if it just jacked up its prices.

To sweeten the package for French companies, the Socialists in government are dishing out some big subsidies to the nation's capitalist employers. Nouvelles Frontieres, a small company that organizes vacation packages, is getting a $2 million gift from the French taxpayers. The president of the company, Jacques Maillot, while only too happy to pocket his

continued on page 50

Libertarian of the Century

by The Editors

Earlier this year, *Liberty*'s editors cast ballots for Libertarian of the Century. The votes were counted, and five individuals stood head and shoulders above the rest: Milton Friedman, Friedrich A. Hayek, Ludwig von Mises, Ayn Rand, and Murray Rothbard. *Liberty*'s editors review the record and select the winner.

Milton Friedman

The complementary strengths of leading libertarians have made their combined influence greater than the total of what each could have accomplished separately. The economists Ludwig von Mises, Friedrich Hayek, and Milton Friedman influenced one another, in part, as founding members of the Mont Pelerin Society. Ayn Rand expounded the moral aspect of capitalism.

But it is Milton Friedman who merits the title Libertarian of the Century. More than anyone else, he made understanding of the free market and suspicion of government intervention respectable in the academic world. From there, ideas tend to filter through popularizers to politicians and eventually to the general public. A loose semi-socialism was the conventional wisdom among academic economists when I first began college teaching in 1949. How things have changed! Nowadays, many researchers on the supposed frontiers of the discipline even strive to outdo one another in expounding the real or imagined perfections of the free market.

More fully than Mises and Hayek, Friedman had the advantage of working at the center rather than the fringes of academe. He starred in the University of Chicago's admired graduate program, training generations of economists to spread his understanding worldwide. He earned his credentials as a hard-core scholar. Already as a young man, he made contributions of lasting importance to the theory and practice of statistics. Combining ample statistics with simple but penetrating theory, his *Theory of the Consumption Function* identified specific errors in Keynesian economics (as distinct from just fulminating against Keynesianism). So did his detailed historical and statistical studies of money, conducted in collaboration with Anna J. Schwartz and reported in *A Monetary History of the United States*, *Monetary Statistics of the United States*, and *Monetary Trends in the United States and the United Kingdom*. Friedman demonstrated (and with fuller evidence than Clark Warburton had already supplied) that the Great Depression of 1929–1941, far from being a mammoth example of inherent defects of capitalism, as was widely supposed, in fact resulted from avoidable blunders by the Federal Reserve System.

Friedman's writings are models of clear reasoning and clear exposition. Unlike all too many academic economists, he mounts no pretentious display of technique for its own sake (although he could easily do so). His passion for clear communication carries over into his activity as an indefatigable conference participant, lecturer, and informal consultant throughout the world. A joyful debater, he strives to understand and restate his opponents' ideas in their strongest possible versions, then pinpointing and demolishing their collectivist strands. Throughout all, he is engagingly polite, exposing error without unnecessarily personalizing his own triumphs and his opponents' defeats.

Friedman's scientific accomplishments (recognized, for example, in the Nobel Prize, the National Medal of Science, and presidencies of the American Economic Association, the Western Economic Association, and the Mont Pelerin Society) have bolstered the impact of his popular writings. These include *Newsweek* columns written from 1966 to 1983, *Capitalism and Freedom* (1962), *Free to Choose* (1980), *Tyranny of the Status Quo* (1984), and the acclaimed television series paralleling the latter books (written in collaboration with his wife Rose). The Friedmans published their joint memoirs, *Two Lucky People*, in 1998. Far from expressing mere ideol-

ogy, these writings derive from scientific research into how free markets and government regulations operate and how they contribute to or detract from individuals' prospects of achieving happy lives.

Beyond advancing the libertarian cause in economic policy, narrowly conceived, Friedman argues eloquently against the politicians' vastly counterproductive war on drugs. He supported making military service voluntary. He has long campaigned against government quasi-monopoly over elementary and secondary education. He and his wife have established the Milton & Rose D. Friedman Foundation for Educational Choice (headquartered in Indianapolis and accessible at http://www.friedmanfoundation.org). The remedy for current deficiencies, they believe, lies in allowing effective competition in education and allowing parents genuine choice about where to send their children to school.

More than anyone else, Milton Friedman made understanding of the free market and suspicion of government intervention respectable in the academic world.

Friedman is commonly classified among consequentialist as opposed to moralistic libertarians. Some of the latter even accuse him (and fellow Chicagoans) of an excessively open mind, hesitant to take libertarian stands on particular issues until and unless further facts and statistics, yet to be gathered, turn out so to recommend. This stance, thus caricatured, disregards principle and requires judging each individual case on its own apparent separate merits. Actually, the supposed distinction is not sharp. Friedman does insist on the principles of standard morality and of personal, including economic, freedom. But these principles are themselves ultimately rooted in the facts of reality (and in a preference for human happiness over misery). Even morality itself, sensibly understood, requires and has a fact-oriented basis (or so I could argue in a way wholly compatible with Friedman's teachings).

—Leland B. Yeager

Friedrich A. Hayek

Richard Dawkins, the famous Darwinian, likes to say that Charles Darwin's theory of evolution enabled him to be an "intellectually fulfilled atheist." I like to say that Friedrich Hayek's philosophy enables me to be an intellectually fulfilled Episcopalian.

I do not trivialize Hayek with this statement. I cast my vote for Hayek to be Libertarian of the Century for several reasons. Certainly, he was influential in defending liberty, especially with *The Road to Serfdom* and through his role in the calculation debate. However, his greatest contribution was to help us understand how this great global web of relationships we know as the market order comes about, both how it occurs at any moment in time and how it evolved through time.

Hayek's explanation begins with the idea that knowledge or information is dispersed throughout civilization. Individuals can use their knowledge (and their expectations of others' actions based on this knowledge) to obtain what they want, even though they may not be able to articulate this knowledge. Apart from their own wants, this information is conveyed by prices. As individuals adjust their actions in response to price changes, a "spontaneous order" emerges that coordinates people's activities without an overall designer or overseer.

Prices aren't just information in the usual sense; they are information backed by powerful incentives. Why? Prices reflect what people want and are willing to give up their resources for. Thus, government planning, which deliberately overrides market prices, can only work through coercion. Central planning cannot do better in achieving people's objectives than people can through the marketplace.

The market order has transformed the life of every person on the globe and permitted many more people to live than ever could before this market order developed. In the *Constitution of Liberty* and *The Fatal Conceit*, Hayek explains that this order evolved through the survival of the laws, rules, and customs that enabled some civilizations to succeed and other civilizations to copy their institutions. Through this evolution, people moved from a tribe-like existence highly dependent on a few nearby relatives to participation in the broad impersonal order that links together people from all over the globe, enabling them to be productive and, ultimately, wealthy.

Hayek's greatest contribution was to help us understand how this great global web of relationships we know as the market order comes about, both how it occurs at any moment in time and how it evolved through time.

Hayek warned against the conceit of believing that this evolution is a product of humankind's mind or design. The mind did not design culture; culture designed the human mind. We don't really know which institutions enabled civilizations to survive, and we don't know which institutions are maintaining them today. Thus, existing institutions, including religious institutions, should be viewed sympathetically and rejected cautiously.

"Paradoxical as it may appear, it is probably true that a successful free society will always in a large measure be a tradition-bound society," wrote Hayek in *The Constitution of Liberty*. For this humility, and for the humility that underlies his analysis, I am a grateful libertarian, and I remain an Episcopalian as well.

—Jane S. Shaw

Ludwig von Mises

Ludwig von Mises grew up in Europe when socialism was on the rise and people wanted government to regulate "profiteering" capitalists who "exploited" workers. Yet he

became the leading Austrian economist, an uncompromising advocate of free markets, and an indefatigable critic of government interference. He always stood for peaceful and voluntary cooperation.

Mises was born in pre-World War I Austria-Hungary and raised in Vienna. As a young man Ludwig surely had a healthy interest in fun and games, but he was also a conscientious student. At seven, he was already reading newspapers and collecting EXTRA newspaper editions. His early interest was in history. But when he read Carl Menger's *Principles of Economics* (1871) and encountered the subjective, marginal utility theory of value, he realized that economics was not history, but a science of reason and logic. As Mises wrote later, reading Menger made him an economist.

Mises showed us why a socialist society, without private property owners competing with one another, would not be able to discover where, when, and how best to use property in production.

While still at the Gymnasium, the equivalent of high school, young Ludwig adopted a motto from Virgil, "Do not yield to the bad, but always oppose it with courage." Menger's explanation that subjective values guide the actions of individuals enabled Mises to recognize that the "good," for which he would strive "with courage," was whatever promoted freedom for individuals to seek their subjective values. And anything that prevented individuals from pursuing their personal subjectively-chosen goals was the "bad" to which he would refuse to yield. Thus an understanding of subjective value theory made Mises an advocate of individual freedom.

With the realization that everyone's actions were always guided by his or her subjective values, Mises came to understand all economic phenomena as the results of what people do in the attempt, as Mises put it, to "relieve some felt uneasiness." Prices, wages, the division of labor, barter, media of exchange, trade, interest rates, even markets themselves, evolve as each individual, along with countless other individuals, acts, adapts, and readapts as he or she thinks best given the circumstances, each hoping to attain his or her various personal goals. Thus the economic phenomena we assume as "given" and on which we base our actions are the unintended consequences of countless positive actions of individuals.

I once asked Mises what original idea he had contributed. His reply: "Everything I have written and said I learned from someone else." True, no doubt. But the genius of Mises, like that of an inventor or entrepreneur, rests on creating something new and original by further developing something already known. By adding something to earlier theories, he made at least three major contributions. He developed economics as a logical science and integrated it with all other knowledge. He showed why a socialist society, without private property owners competing with one another, would not be able to discover where, when, and how best to use property in production. And by reasoning from Knut Wicksell's theory that a "natural interest rate" prevails on the market among would-be borrowers and lenders, Mises explained how the trade cycle was due to interest rates forced down artificially, distorting the "natural interest rate," disturbing the loan market and causing widespread business ups and downs.

By recognizing that all individuals, everywhere and always, act on the basis of their subjective values, Mises explained not only economic phenomena but also how individuals adapt when non-market forces distort market phenomena. Thus, Mises built on subjective value theory and added to knowledge. This was Mises' genius!

—Bettina Bien Greaves

Ayn Rand

Yes, Ayn Rand is the Libertarian of the Century. Others have presented libertarian ideas, but she set them forth with inimitable clarity and elan as only an accomplished novelist can do. What's more, she didn't just present the ideas, she gave them a foundation: she embedded her ideas in a philosophical context, including epistemology, metaphysics, and ethics. Not everyone agrees with the details of her "foundationalism" (she herself repudiated the name "libertarian"), but she was nevertheless the primary architect of libertarian thought in the twentieth century.

Mises, Friedman, Hayek, and Rothbard were all primarily economists who brilliantly defended the free market against its enemies. Mises, however, was a self-proclaimed utilitarian, believing that the market was the principal avenue toward economic prosperity; he did not distinguish (as far as I know) between a democracy (the rule of the majority) and a republic (based on the rights of individuals). Milton Friedman gives a primarily utilitarian justification for the market economy and for ethics in general. Rothbard presented an anarchist libertarian theory in *The Ethics of Liberty*, though some of his views appear to derive from his prior acquaintance with Rand's.

Rand set forth libertarian ideas with clarity and elan as only an accomplished novelist can do. What's more, she didn't just present the ideas, she gave them a foundation: she embedded her ideas in a philosophical context, including epistemology, metaphysics, and ethics.

How far can one go in presenting libertarianism without mention of human rights? (Thomas Jefferson without the rights of man?) This depends, of course, on how one defines "libertarianism." In the popular mind, since the word "libertarian" has become familiar in the last thirty years, the application of the term seems to be a matter of degree: the more you want to keep government out of your affairs, the more likely you are to be deemed "libertarian." At one extreme, there are those who say that you can't be a 100 percent liber-

tarian if you believe in any government at all, since all government is intrusive: on this view the Libertarian Party is not really libertarian. At the other extreme, many people will say "So you're a libertarian, are you?" if you believe not merely in government-run defense and courts, but also in (1) a few other measures designed to protect you, such as food inspection and animal regulation, (2) other enterprises designed to defend others but not necessarily yourself, such as laws about adoption and the care of unwanted children, and (3) still other activities conceded to government as "the least inefficient way to do it," such as the creation and maintenance of roads and ownership of deserts and rangeland. However, once more than this is conceded to government, the less likely the person is to be called "a libertarian."

But if the scope of government is to be limited, why should it be limited to some things and not others? The answer most often given is that of general overall utility: more people are better off if things are done this way. But this is not Rand's answer, nor the answer that most people who call themselves libertarians would give. The task of government, said Rand, is to protect individual rights; it is the concept of rights which provides the required basis for libertarian political theory. And utilitarianism, she held, is inconsistent with belief in individual rights. Utilitarianism might sometimes permit railroading an innocent person if thereby more people would be deterred from crime, and might approve a physician killing a patient (as long as no one would find out) in order to provide life-saving organs for half a dozen others — whereas Rand would condemn both of these as violations of individual rights. Rand's dictum that one should never initiate the use of force against others (the non-aggression principle) is often accepted as the foundation stone of libertarian thought — so basic that membership in (for example) the California Libertarian Party is made contingent on the signed acceptance of this principle.

Regardless of possible qualifications, Rand's principle of non-initiation of force is an instrument of enormous power, cutting across layers of qualifications and nitpicking. It is not, as some have claimed, the central principle of all ethics: ethics has other worlds to conquer, such as why one should do act A instead of act B when neither of them violates the non-aggression principle. But it has fair claim to be considered the central thesis of the branch of ethics called political theory. And since libertarianism is first and foremost a political theory, Rand's principle is rightly taken as its cornerstone.

—John Hospers

Murray Rothbard

Murray Rothbard — whose nickname was "Mr. Libertarian" — analyzed society along straight, clean lines. His approach was ". . . to place central importance on the great conflict which is eternally waged between Liberty and Power." Using the conflict of Liberty *vs.* Power as a core integrating theme, Rothbard created an interdisciplinary system of thought. He did so by weaving together the theory of several traditions that offered only partial bridges to liberty. The system that resulted was modern libertarianism.

There are many candidates for the title of "greatest friend of freedom" in the 20th century: Ludwig von Mises, Friedrich Hayek, Ayn Rand . . . the list is long and rich. But many of the candidates themselves would reject the label "libertarian," and some would reject it with scorn. Among the contenders, Rothbard is only one who embraced the word "libertarian" as a badge of political honor, perhaps because he had been instrumental in casting its definition.

In over two dozen books and thousands of articles (45 years of activism), Rothbard sorted the wheat from the chaff of various traditions and fused together: natural law theory, the radical civil libertarianism of 19th century individualist-anarchism, the free market philosophy of Austrian economics, and the foreign policy of the American Old Right.

Rothbard once complained, "Probably the most common question that has been hurled at me — in some exasperation — over the years is: 'Why don't you stick to economics?'" The answer: because he had a passion for social justice and for solving social problems. Nothing short of a philosophy of

Rothbard wove together natural law theory, the radical civil libertarianism of 19th century individualist-anarchism, the free market philosophy of Austrian economics, and the foreign policy of the American Old Right. The system that resulted was modern libertarianism.

Liberty could accomplish Rothbard's goals — a philosophy that included praxeology, history, political science, economics, ethical theory, artistic criticism . . . . Then, after laying this philosophical foundation, Rothbard used it to path break the strategies by which liberty could be achieved.

Like his mentor Mises, Rothbard emphasized the key role that human psychology and behavior — that "acting" man — played in economics. For example, he argued that the marketplace did not function according to mathematical calculations, but that it was the collective expression of human preference and, sometimes, had to expressed in terms of human psychology. Perhaps this is one reason why Rothbard was able not only to build a system for liberty but also able to popularize it in works that rang out with the irreverent joy of ideas.

Another reason may be the scrupulous manner in which he built his arguments. For example, for several years after the appearance of *Man, Economy, and State*, Rothbard historically documented his case for economic liberty by dealing with specific issues. The books from this period included *The Panic of 1819: Reactions and Policies* (1962, and his Ph.D. dissertation), *America's Great Depression* (1963), *What Has Government Done to Our Money* (1964), and *Economic Depressions: Causes and Cures* (1969). This was typical of Rothbard's meticulous approach to ideas.

I would not even know the criteria by which to argue whether Murray Rothbard had made a greater contribution to human freedom than several other figures such as Ayn Rand. But — if we are talking about the specific political movement called "libertarianism" — there is no question in my mind. Rothbard is the most significant libertarian of our century.

—Wendy McElroy

Libertarian of the Century

Ludwig von Mises

by R. W. Bradford

One individual stands a bit taller than the others.

To say that the vote for Libertarian of the Century was very close is an understatement: only a single ballot separated the winner from the other four. This is as it should be. Friedman, Hayek, Mises, Rand, and Rothbard all made enormous contributions to the resurgence of libertarian thinking during the twentieth century. If any single one of these individuals had not existed, the libertarian movement would be a very different thing today.

Milton Friedman (1912 –) has advanced liberty with good humor, brilliant thinking and boundless energy over a fruitful career that has lasted more than half a century. As an academic economist, he has explored economic history, putting to work sophisticated statistical tools, earning a reputation as a great economist. At the same time, he has taken part in popular dialogue, through his column in *Newsweek*, his television series *Free to Choose*, and popular books like *Capitalism and Freedom*.

His career began at the time when liberal thinking was in steep decline, brought on by what most people perceived to be the inevitability of depressions under free markets. Never discouraged, he held up freedom's banner during those dark years, cheerfully advancing both the moral and economic argument for free markets. His brilliance as a scholar earned him admiration even from those who disagreed radically with him.

But advancing liberty was never far from his mind. He has broadened the public dialogue, proposing a transition measure for getting the state out of education, opposing conscription during the Vietnam War and drug prohibition during the War on Drugs. At every opportunity, he found ways to inject libertarian concerns into public debate.

If one were to select the Libertarian of the Century purely on the basis of how much an individual influenced public debate, Milton Friedman would be the hands-down winner.

Like Friedman, Friedrich A. Hayek (1899-1992) had enormous impact both in the academy and in the "real" world. And he provided critical support for liberty during its darkest hours, with his publication of *The Road to Serfdom* in 1944. As the 20th century ends, it is difficult to appreciate its impact and easy to underestimate its libertarianism. I know that when I read *The Road to Serfdom*, I disliked the book: it countenanced the income tax and even limited redistribution of wealth. What kind of wimpy libertarianism is this, I thought?

But I read *The Road to Serfdom* in 1965, two decades after it was published. In 1944, it was not a wimpy attack on the state. At that time, libertarian thinking was at its nadir, and socialist thinking dominated public and intellectual opinion to an extent almost unimaginable today. Hayek argued simply that socialism was incompatible with democratic institutions like free speech and free press — and ultimately with democracy itself. Its impact was enormous and hard today even to fathom. Suddenly, opposition to the dominant statist ideology was again respectable. Suddenly, socialism was a debatable subject, not a foregone conclusion.

The impact of *The Road to Serfdom* was enormous, but in the context of his career it was relatively insignificant. He wrote on subjects as disparate as the epistemology of the social sciences and the way knowledge pervades society. He wrote voluminously, intelligently and originally, in a way that influenced not only libertarian thinking, but the thinking of intellectuals everywhere. It came as no surprise that Hayek was the first libertarian to win the Nobel Prize.

If one were to select the Libertarian of the Century purely on the basis of how much an individual influenced academic social philosophy, Friedrich Hayek would be the hands-down winner.

Murray N. Rothbard (1926-1995) was a very different sort of thinker. He was deeply critical of government and an ardent champion of *laissez-faire*, but he modeled his approach to ideology and social change on those of Marx and Lenin. He endeavored to make libertarianism a broad social science like the Marxism that dominated the ideological wars of his youth. He sought to combine Austrian economics, Randian rights theory, isolationism, Thomistic natural law philosophy, and class-struggle analysis into a "science of libertarianism."

Rothbard's first major work was *Man, Economy and State* (1962), a treatise on economics that more or less restated

Mises' economics in a much more readable form, in the process making it a bit more consistent. His major work in politics is *The Ethics of Liberty* (1982), an ambitious attempt to restate and expand Ayn Rand's political theory, a fact that Rothbard, who had quarrelled with Rand since 1958, did not acknowledge. He was a prolific writer, whose lively prose graced the pages of a great many academic journals, introducing libertarian thinking into many hostile environments.

His more enthusiastic followers liked to call him "Mr. Libertarian" and promulgated the myth that the libertarian movement began in his living room. Until he abandoned the libertarian movement for conservatism in 1989, he was much more movement-oriented than Friedman, Hayek, Rand and Mises, putting a good deal of energy into keeping the movement pure. He dubbed his column in *Reason* "The Plumb Line" and never hesitated in expecting other libertarians to hew to his line or leave the movement.

Ludwig von Mises is the wisest choice to be honored as Libertarian of the Century: his intellectual achievements exceed the others, and his devastating analysis of socialism by itself merits our acclaim.

If one were to select the Libertarian of the Century purely on the basis of how much an individual directly shaped the libertarian movement in the 1970s, Murray Rothbard would be the hands-down winner.

If it was Murray Rothbard who made libertarians toe the line, it was Ayn Rand (1905-1982) who brought them into the movement. Her enormously popular novels *The Fountainhead* (1943) and *Atlas Shrugged* (1957) captivated millions. The social theory she advocated in these novels — an uncompromising *laissez-faire* capitalism — brought her obloquy from virtually the entire American intellectual establishment. But it also attracted the enthusiastic support of tens of thousands of readers, and touched off a renaissance of libertarian thinking.

Fundamental to her social thinking was the notion that all human beings by their very nature possess rights, by which she meant that other human beings had an obligation to refrain from initiating force against them or their property. Rand herself believed that this line of thought led to limited government of the sort advocated by America's founders, but many of her followers quickly concluded that no government at all could exist without initiating force, touching off a controversy between anarchists and "minarchists" (advocates of limited government) that continues to this day.

This thinking so dominated libertarian thinking during the 1960s, 70s and 80s that many libertarians came to see it and libertarianism as identical. It stood at the center of nearly every libertarian debate during this period. But during the 1980s, libertarians began to grow critical of the approach and by the mid-90s, the libertarian movement was more or less evenly split between the more consequentialist approach of Friedman, Hayek and Mises and the strictly moralistic approach of Rand and Rothbard.

But two facts are plain. No one brought more people to the libertarian movement during the period of its greatest growth than did Ayn Rand. And no one influenced the ideological development of libertarianism during this period more than Rand.

If one were to select the Libertarian of the Century purely on the basis of the role played in the resurgence of libertarianism in the postwar generation, Ayn Rand would be the hands-down winner.

But *Liberty*'s editors did not select the Libertarian of the Century on the basis of influence on public debate or academic social philosophy or the movement itself. Instead, we chose an individual whose intellectual achievements surpassed the others, whose contributions to the development of libertarian social theory was greatest. We selected an individual who was a great economist and an original political thinker, a man who provided the first and best analysis of the inevitable failure of socialism, a devastating criticism of nationalism, and a stalwart defense of the traditional liberal social order. We chose an individual who lived through the tragedy of the Great War, who watched liberty as a political force decline everywhere in the world, who lived through the rise of socialism and nationalism, and who never compromised, never for a moment abandoned or softened his intransigent advocacy of *laissez-faire* and of political liberty.

We selected Ludwig von Mises.

Sadly, Mises died in 1973, before the death of socialism and before there were many signs of the resurgence of libertarian thinking. But his achievements during the 50 years between publication of his first book (*Theory of Money and Credit*, 1912) and his final book (*The Ultimate Foundations of Economic Science*, 1962) shaped that resurgence.

It was Mises whose economic writing, culminating with *Human Action* (1949), extended the fresh economic approach of the early Austrian economists, an approach that broke with the mechanistic models of the early economists and provided a rational means of understanding how the market economy actually functions.

It was Mises whose political writing, notably *Liberalism* (1927), provided a vigorous intellectual defense of the institutions of private property, free markets and democracy.

It was Mises whose *Omnipotent Government* (1944) provided a devastating analysis of nationalism, the scourge of the late 19th century which vied with socialism to be the most destructive force in the first half of the 20th century.

It was Mises whose *Socialism* (1922) devastated any scientific rationale for socialism, at a time when almost all other intellectuals were infatuated with socialism. The 20th century is the century of the world's tragic experiment in socialism, an experiment that directly cost over 100 million human lives and left poverty and misery in its wake. Mises first realized that socialism was bound to fail because it kept capital from being invested rationally, resulting in malinvestment on a grand scale. A few other intellectuals (including Hayek and others) saw the wisdom of his analysis, but it was not until the collapse of communism 70 years later that mainline economists appreciated the value of his analysis.

The vote among *Liberty*'s editors was so close that it is easy to see how Friedman, Hayek, Rand or Rothbard could have been selected as Libertarian of the Century. Ludwig von Mises won because he received a single vote more than each of the others. But in the final analysis, I believe Mises was the wisest choice: his intellectual achievements exceed the others, and his devastating analysis of socialism by itself merits our acclaim. ❑

Explanation

The Trial of the Century

by R. W. Bradford

From the Sanford White murder trial in 1906 to the trial of O.J. Simpson in 1995, the media have been quick to christen one after another unconsequential celebrity trial as "The Trial of the Century." But the most important trial in the 20th century may prove to be the one in which the information revolution is at stake.

In 1993, *Liberty* published a small book entitled *It Came From Arkansas*. Besides selling the book ourselves, we offered it to bookstores and distributors. One distributor drove a very hard bargain. It would buy several hundred copies of the book, but only if we agreed to sell them at 70% off the cover price. That price barely covered our costs, but we wanted the book to be widely read, so we agreed.

A few weeks later, I mentioned this fact to a friend who heads a moderate-sized book publishing company. He was aghast. "Do you realize," he said, "that you've violated antitrust law?" Of course, I'd read my Lowell Mason, Harold Fleming, and Dom Armentano and was well aware that antitrust laws make a crime out of selling at discriminatory prices in order to gain market share. But these laws were originally intended, I told my friend, to regulate railroads and monopolistic trusts around the turn of the century. Surely, they could never be applied against such a small and modern enterprise as *Liberty*.

"You're just plain wrong," he said, and proceeded to tell me horror stories about small publishers being legally pursued for selling at a discount. Small booksellers were upset by the fact that large booksellers like Barnes & Noble, Costco, and Wal-Mart drive such hard bargains when buying books that they are capable of selling to the public at prices lower than those of the small guys. So the small guys filed complaints.

After hearing all this, I dutifully prepared a new price list, offering our book at the 70% discount to anyone at all who would purchase 400 copies, and I mailed this nondiscriminatory missive to all who had purchased books from us or inquired about purchasing books. No one took us up on the offer; few distributors want to buy 400 copies of a new book from an unknown publisher. But more importantly, no one filed a complaint or launched a lawsuit.

I bring this up because it illustrates just one aspect of the perniciousness of antitrust law. Rather than allowing a producer or merchant to negotiate whatever price he can with individual buyers, the law forces him to establish fixed prices and stand by them. In so doing, it criminalizes what is arguably the most important part of the market process, the right of a buyer and seller to negotiate prices.

As Ayn Rand observed, taken as a whole, antitrust laws in the United States are "so vague, complex, contradictory and inconsistent that any business practice can now be construed as illegal." If antitrust laws were enforced uniformly, the economy would grind to a halt. That is to say, if–a manufacturer or merchant or laborer were required to publish a schedule of all prices he would charge, and if the federal government punished every deviation from those price lists, business as we know it would be virtually impossible. The market process would simply stop.

But of course antitrust laws have never been enforced uniformly. They've been enforced only when a businessperson files a complaint against a competitor or when a politician figures he can get some political gain from enforcing them. Which brings us to Microsoft.

Microsoft made two mistakes:

1) It competed so effectively that its competitors sought a way to hurt it in hopes of improving their own profitability. The case against Microsoft began with the complaint of a competitor who held a dominant share of the market for web browsers, but who feared Microsoft's competition. Sometimes it is easier to defend your quasi-monopolistic position by unleashing a political persecution than by

making a better product at a cheaper price.

2) It failed to make "contributions" to politicians in amounts that politicians thought appropriate. The Clinton administration, which is persecuting Microsoft, has authorized the transfer of top-secret military technology to the Communist Chinese government, an institution that understood the importance of making large monetary donations to Clinton's campaign. You can learn more about getting along in Washington, D.C. in the smoke-filled rooms of the people's palaces of Beijing than you can on a research campus in Redmond, Washington.

To put this more concisely, Microsoft acted as if it were operating in a free market.

Now it pays the price. And so do we.

The question today is, just what will that price be?

Microsoft is already paying for its supposed sins. It has started to spend huge sums of money on lobbying and to contribute generously to political campaigns. In days past, Microsoft pretty much ignored what was going on in the nation's capital. Now it spends millions lobbying and gives millions to politicians. In Washington state, Bill Gates has hosted fundraisers for both the Democratic governor and a Republican senator. Not surprisingly, both are now strong defenders of Microsoft.

And Microsoft is paying the cost of litigation defending itself against a government vendetta. That doesn't come cheap. And the company will probably pay much more before it's over. Proposed remedies for the crime include requiring it to subsidize its competition and dismantling the company itself, not to mention fines, penalties, and other cash costs.

But the costs that we ordinary Americans will pay will be much greater if the persecution of Microsoft continues on the course that Janet Reno's lawyers have set. Antitrust laws are fundamentally anticompetitive, subversive of the free market, and destructive of efficiency, innovation, and productivity.

Antitrust law criminalizes what is arguably the most important part of the market process, the right of a buyer and seller to negotiate prices.

Shortly after Netscape Navigator got the Clinton administration to try to hobble Microsoft by means of antitrust persecution, Pepsi filed a similar complaint against Coca-Cola. It seems that Coke, having worked hard for years to gain a dominant position in restaurants and fast-food outlets, while Pepsi chose not to compete aggressively, managed to get a dominant market share. Imagine! What a crime! I don't know how Coke's case is progressing. But one thing is sure: this is a harbinger of things to come.

When businesses that lose sales though inattention, neglect, or failure to provide products that consumers want choose to gain market share by siccing the government on their more successful competitors, rather than by improving their products and developing better distribution and sales channels, it is not merely the competitors who suffer. It is all of us. We are all better off when people try to profit by producing better products, and marketing them better, than when they seek profit by harnessing the forces of the state to guarantee them higher profits.

The simple fact is that investments in production and distribution make products better and deliver them to consumers at lower prices, while investments in government power can at most merely take property from one group of people and give it to another — thereby invariably reducing innovations in production and distribution that make our lives healthier, richer, more worth living.

In this connection it is absolutely bizarre to hear defenders of the antitrust persecution of Microsoft cite the breakup of the telephone monopoly as a good example of a case in which ending a monopoly benefited consumers. Microsoft maintains its overwhelming market share by producing a product that people prefer over alternatives; the telephone monopoly maintained its overwhelming market share by getting the government to outlaw competition.

Breaking up Microsoft — Eric Raymond, high-tech author, fierce critic of Microsoft and an advocate of open-source operating systems like Linux, liked the criticism of Microsoft in Judge Thomas Penfield Jackson's judicial finding. But he doesn't want the government to break up the software giant. "Governments don't break up monopolies, markets do," he told *Salon* magazine. "Governments create monopolies."

—Alan Bock

iMonopoly — In his determination of the "fact" that Microsoft had achieved a monopoly, Judge Thomas Penfield Jackson observed that "Microsoft's share of the market for Intel-compatible PC operating systems is extremely large and stable . . . Every year for the last decade, Microsoft's share of the market for Intel-compatible operating systems has stood above ninety percent."

If the law were to be applied uniformly and objectively, Apple Computer would be shaking in its boots. Apple produces the operating systems used by 100% of "Motorola-compatible" computer chips.

But of course antitrust law isn't applied evenly. And Apple has donated generously to politicians of all stripes. So don't hold your breath waiting to see Steve Jobs hauled in to be deposed about Apple's "anticompetitive business practices."

—R. W. Bradford

Guilty as charged — The first chapter of my antitrust law casebook had short descriptions of about 30 transactions. I was told that some violated antitrust law, some did not. I was appalled to see that there was *no* substantive difference between the legal and illegal deals. The recent decision in *U.S. v. Microsoft* is merely another episode in the Orwellian world of antitrust law

The government argued that Microsoft sought a monopoly position and benefited by gaining one. Microsoft denies any predatory intention. Even if *everything* the government witnesses and attorneys said is true, all it proves is that

Microsoft is a tough competitor. There were no allegations of espionage, sabotage, vandalism or other acts of force. Microsoft did not put viruses into its competitors' programs.

On November 5, Judge Thomas P. Jackson issued findings of fact in the case:

1. Microsoft had monopoly power in the operating system market. This is a question of status. The key point is that Microsoft offered an operating system so good that 85-90 percent of computers use it. The judge found that Microsoft could significantly raise the price for Windows without losing customers. Assuming the judge is right, Microsoft is *guilty* of producing a product that people want very badly.

2. Microsoft tried to divide markets with its browser competitors. This is called a horizontal restraint (between companies at the same functional level of the industry). If we are to believe witnesses from Microsoft's competitors, Microsoft proposed they cooperate. This is a *per se* (automatic) violation, although firms prohibited from dividing the market are often allowed (if the politics are right) to engage in the much more intense form of cooperation called merger. Microsoft is *guilty* of proposing voluntary cooperation.

3. Microsoft illegally tied products by bundling its browser to its operating system. This supposedly was an effort to monopolize by using vertical pressure (a seller dealing with its buyers) by tying its browser to its desirable operating system. In plain English, Microsoft said if you want one product, you will take another (free) with it. Microsoft is *guilty* of choosing to market its products together.

4. Microsoft illegally agreed with its customers to sell its software only if they would not use Netscape's browser. It offered exclusive sales agreements. MS is *guilty* of having such desirable products that customers will avoid dealing with other firms to buy them.

In 1863 Thomas "Stonewall" Jackson died from accidental fire of his own troops at Chancellorsville. In 1957, Thomas "Hurricane" Jackson lost to Floyd Patterson for the heavyweight championship. After this decision has crippled software development, the judge in this case may be remembered as Thomas "Technophobe" Jackson or Tommy "The Luddite" Jackson.

—Martin M. Solomon

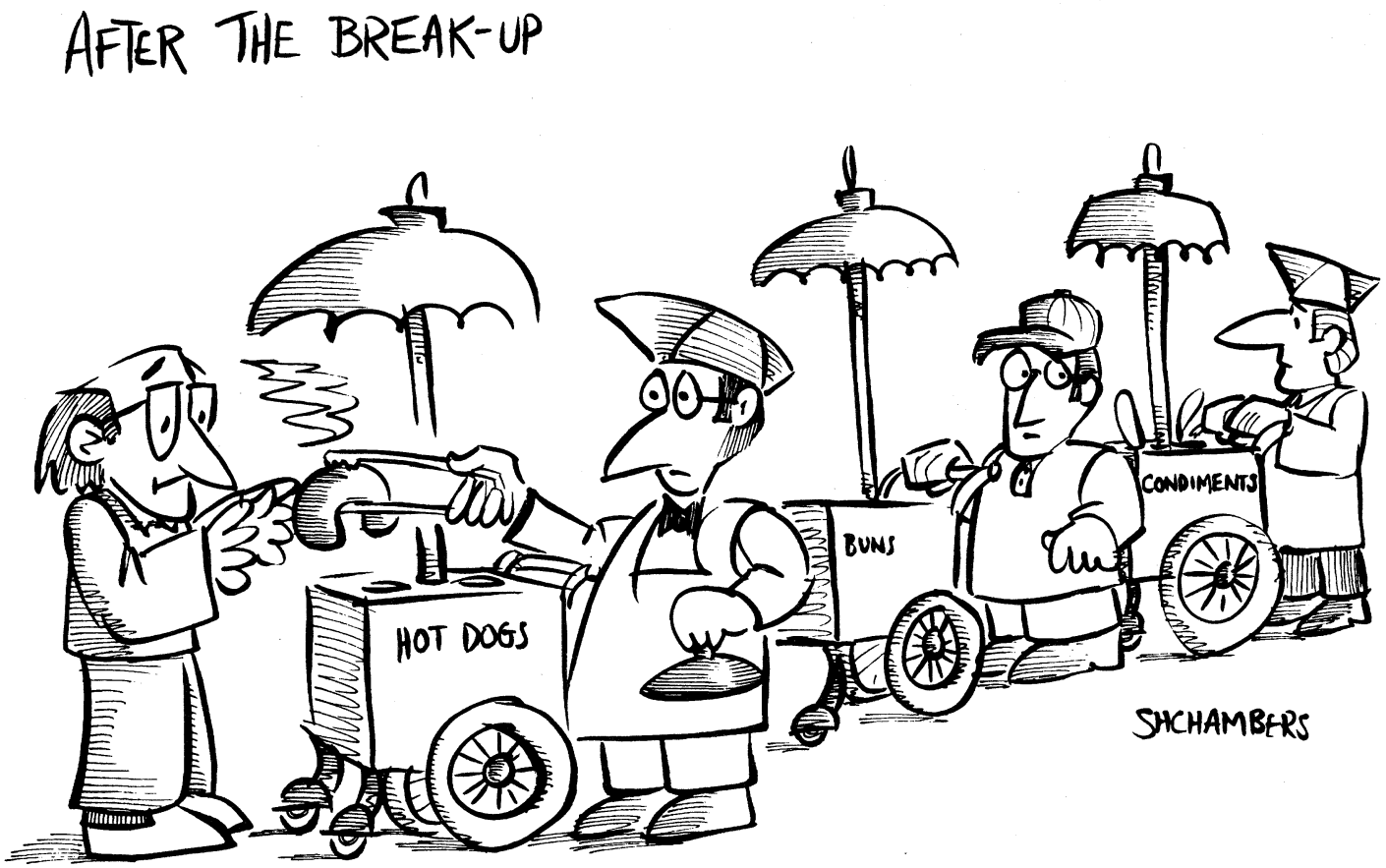

Wisdom is where you find it — "The social model of the Bolsheviks failed, as will any model that denies individual rights, property rights, intellectual freedom, and freedom of competing political parties." said Mikhail Gorbachev on the tenth anniversary of tearing down the Berlin Wall. "Without these freedoms and rights, there is no motivation for people to work. Such a system cannot be sustained, especially in light of the technological revolution of the information era."

On that same day, President Clinton was reportedly mulling over what sort of penalties ought to be meted out against Microsoft, the world's leading enterprise in the technological revolution Gorbachev was talking about, for the crime of producing computer software so popular that it is used by 80% of the world's computers. The former Communist boss of Soviet Russia apparently has discovered a few things that American political leaders are yet to learn.

—R. W. Bradford

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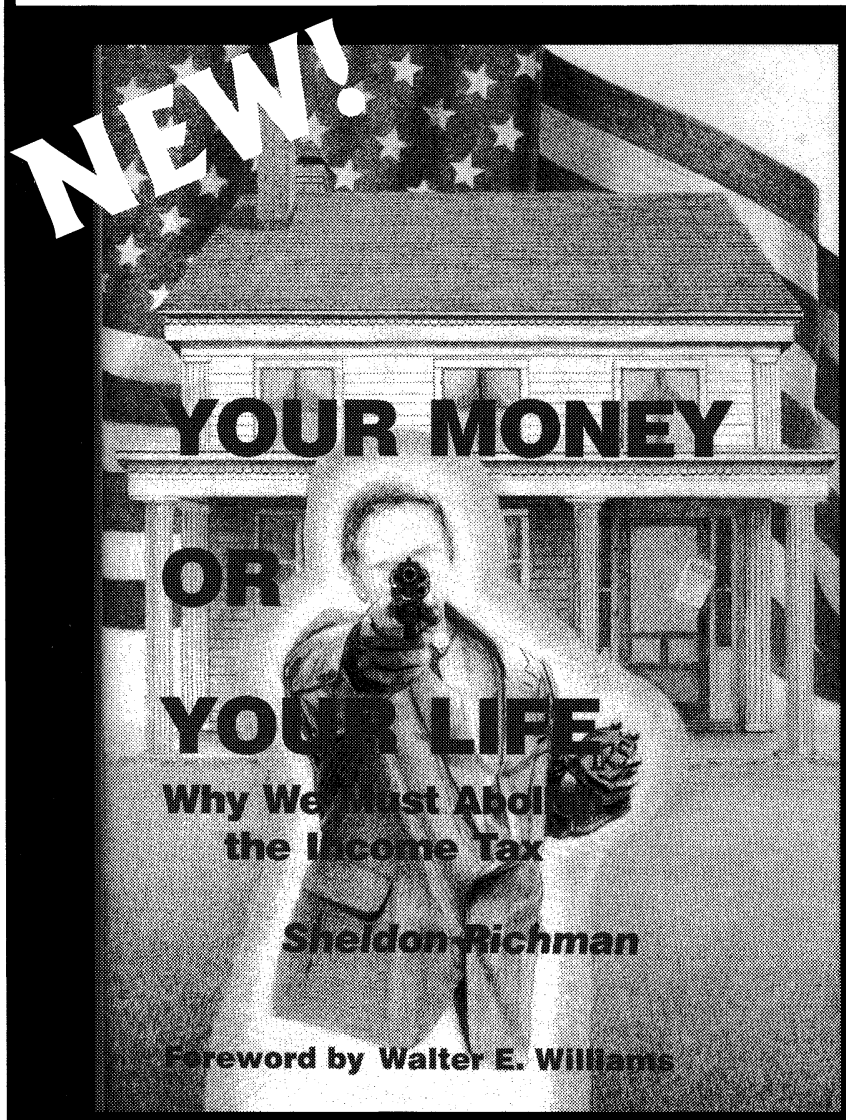

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When the NAACP Went Armed

by David Kopel

Time was when Civil Rights activists did not want to surrender their Second Amendment rights. And for good reason.

Recently the NAACP sued the nation's gun manufacturers. This frivolous and vexatious abuse of the legal system is a betrayal of its own history. During the hardest days of the NAACP's struggle against segregation, the Fourteenth Amendment and the Second Amendment marched hand in hand.

One thread of the story begins in 1957, in Monroe, North Carolina. Robert Williams, president of the local NAACP, chartered an official National Rifle Association gun club, where blacks were encouraged to learn armed self-defense.

At the same time that Williams was setting up an NRA gun club, he was leading demonstrations against the whites-only policy at the Monroe city swimming pool. Williams wasn't even asking that black children be allowed to swim at the same times as whites — only that black children be allowed in the pool at other hours.

The Ku Klux Klan death threats came to Williams by telephone. Thousands of people gathered at Klan rallies to denounce both Williams and Dr. Albert Perry, another Monroe civil rights advocate.

Collective Self Defense

Civil rights volunteers, in groups of 50 each night, took turns standing guard at Perry's house. They dug foxholes, piled up sandbags, and kept steel helmets and gas masks handy. They also stockpiled over 600 firearms, including automatic carbines and machine guns.

On the night of October 5, 1957, a Klan motorcade approached the Perry house. The civil rights workers opened fire, having been told not to shoot unless necessary. "The fire was blistering, disciplined and frightening," historian Harold Shapiro recounts. The Klan's "motorcade of about eighty cars, which had begun in a spirit of good fellowship, disintegrated into chaos, with panicky, robed men fleeing in every direction. Some had to abandon their automobiles and continue on foot."

The story of Monroe, North Carolina was repeated throughout the South in the Civil Rights Era. Over 100 civil rights workers were murdered during that era, and the federal Department of Justice refused to prosecute the Klan or to adequately protect civil rights workers. Help from the local police was out of the question; Klan dues were sometimes collected at the local station.

Blacks and civil rights workers armed for self-defense. The late Daisy Bates, publisher of a pro-rights newspaper and leader of the Arkansas NAACP during the Little Rock High School desegregation case, recalled that three crosses were burned on her lawn and gunshots fired into her home. Her husband, L.C. Bates, stayed up to guard their house with a .45 semi-automatic pistol. Some of their friends organized a volunteer patrol.

After the Bates' front lawn was bombed, Mrs. Bates telegrammed Attorney General Herbert Brownell in Washington. He replied that there was no federal jurisdiction, and told them to go to the local police. "Of course that wasn't going to protect us," Mrs. Bates remembered.

John Salter, a professor at Tougaloo College and chief organizer of the NAACP's Jackson Movement during the early 1960s, wrote, "No one knows what kind of massive racist retaliation would have been directed against grassroots black people had the black community not had a healthy measure of firearms within it." Salter personally had to defend his home and family several times against attacks by night riders. After Salter fired back, the night riders fled.

State or federal assistance sometimes came not when dis-

order began, but when blacks reacted by arming themselves. In North Carolina, governor Terry Sanford refused to command state police to protect a civil rights march from Klan attacks. When Salter warned Governor Sanford that if there were no police, the marchers would be armed for self-defense, the governor provided police protection.

Civil rights professionals and the black community generally viewed nonviolence as a useful tactic for certain situations, not as a moral injunction to let oneself be murdered on a deserted road in the middle of the night.

Based in local churches, the Deacons for Defense and Justice set up armed patrol car systems in cities such as Bogalusa and Jonesboro, Louisiana, and completely succeeded in deterring Klan and other attacks on civil rights workers and black residents. These modern black militias had the mobility to arrive quickly at the scene of Klan threats, thanks to automobiles and telephones. Sixty chapters of the Deacons were formed throughout the South. Almost none of the civil rights workers killed were armed.

Civil rights professionals and the black community generally viewed nonviolence as a useful tactic for certain situations, not as a moral injunction to let oneself be murdered on a deserted road in the middle of the night.

One of the people who spent nights standing guard at the homes of civil rights workers was a young man from Yale Law School named Don Kates. The crucible of the civil rights movement helped Kates see the connection between the right to bear arms and all other civil rights. Today, Kates is a San Francisco attorney and legal scholar specializing in the Second Amendment. As the intellectual microprocessor of the entire right to bear arms movement, Kates has done as much as anyone else in American history to preserve the right to bear arms. (In fact, it was a Kates article in the *Michigan Law Review* that got me involved in the issue.)

Folks like Kates and the Deacons for Defense fulfilled the highest purposes of the right to bear arms. But Robert Williams — the militant whose history began this article — fell prey to a less benign vision.

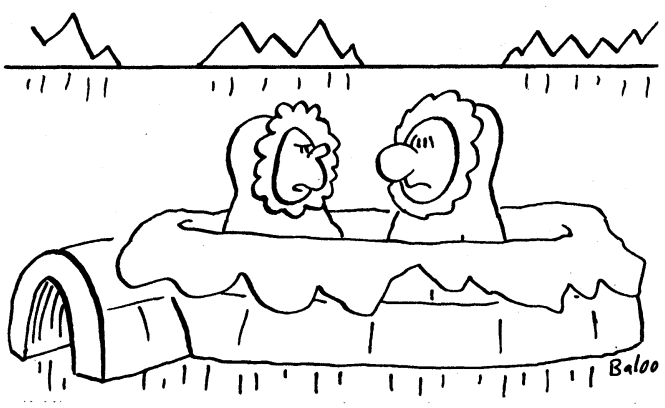

"You and your solar igloo!"

In 1959, Williams began to advocate more than mere resistance to white attacks. On the steps of a courthouse, following a trial in which a white man was acquitted of raping a pregnant black woman, Williams called for black lynching of white criminals: "[I]f it's necessary to stop lynching with lynching, then we must be willing to resort to that method."

Williams was suspended from the NAACP. When he appealed, the national convention upheld the suspension. Daisy Bates, the Little Rock civil rights leader whose family was armed for self-defense with a Colt .45, spoke in favor of the suspension of Williams.

While condemning revengeful retaliation in violation of the law, the NAACP defended the legitimate use of force, with a resolution stating: "we do not deny but reaffirm the right of individual and collective self-defense against unlawful assaults."

Malcom & Martin Agree

Dr. Martin Luther King, Jr. took the same position. King predicted that mass non-violent actions — boycotts, marches, sit-ins, and the like — would liberate blacks, and armed struggle would not. At the same time, King distinguished Williams' call for lynchings from violence "exercised in self-defense." King described the armed self-defense "as moral and legal" in all societies, and noted that not even Gandhi condemned it.

Although Dr. King differed with Malcolm X on many issues, the two agreed about the fundamental morality of self-defense. Argued Malcolm X, "It is criminal to teach a man not to defend himself when he is the constant victim of brutal attacks. . . . In areas where our people are the constant victims of brutality, and the government seems unable or unwilling to protect them, we should form rifle clubs that can be used to defend our lives and our property in times of emergency. . . . We should be peaceful and law-abiding — but the time has come for the American Negro to fight back in self-defense whenever and wherever he is being unjustly and unlawfully attacked. If the government thinks I am wrong for saying this, let the government start doing its job."

The moral issues raised by Dr. King and Malcolm X are the issues that arise today: when the government fails to protect your family, you have the right and the moral obligation to do the job yourself. If the government thinks you are wrong for doing this, let the government start doing its job. If the gun prohibition lobby thinks that you are wrong for owning a semiautomatic pistol, then let that lobby start finding ways to fill jails with violent criminals, rather than with people who didn't register their guns.

The gun prohibition lobby insists that when the government refuses to protect civil rights workers and other unpopular minorities, those people should passively accept being murdered. Supporters of gun rights believe that the moral choice is for innocent people to defend the lives that God gave them with force if necessary. This is the great moral question posed by the Great American Gun War. Where do you stand? What will you do to translate your beliefs into action? ❑

Sex Behind Bars

by Dyanne Petersen

At the federal prison in Dublin, California, sex between guards and female prisoners was consensual, a fact you'd never know from the way Amnesty International and Fox News reported the story.

On March 30, 1999, a special investigator for violence against women, Radhika Coomaraswamy of Sri Lanka, issued her report in Geneva to the United Nations Human Rights Commission. One of her conclusions was that sexual misconduct by prison guards is common in women's prisons in the U.S., based on her June 1998 visits to state and Federal prisons in six states and Washington, D.C. As reported in the *New York Times*, "In some prisons, she said that she was told that 'at least two-thirds of the female inmates have been sexually or physically abused.'"

A few weeks earlier, Amnesty International issued a report, "Not Part of My Sentence: Violations of the Human Rights of Women in Custody," which concluded that "sexual abuse is a fact of life for incarcerated women in the United States." Among other outrages, the study reported that rapes, sexual slavery and other sexual abuse had occurred at the Federal Correctional Institution (FCI) and Federal Prison Camp (FPC) in Dublin, California.

This was of more than academic interest to me. You see, I am an inmate at the FPC in Dublin, and I've had a chance to witness firsthand the activity alleged in these reports.

Federal Corrections Officer Jon C. Hyson was indicted February 17, 1999 by a federal grand jury in San Francisco on charges of engaging in sexual acts with female inmates at FCI and FPC Dublin where he had worked. The indictment included 17 counts of sexual acts and contact and five alleging that Hyson lied about the incidents to authorities. If convicted on all counts, Hyson could be sentenced to more than 20 years in prison and fined more than a million dollars. The prosecution followed a ten-month investigation by the FBI and the Department of Justice Inspector General.

Less than a year before the Hyson Sex Scandal hit the news, the Bureau of Prisons agreed to pay a half-million dollars to three female inmates who claimed that in 1995 they were sexually assaulted, beaten and sold by guards as sex slaves to male prisoners. Their lawsuit accused eight federal prison officials of actively participating in or knowing about the sex slavery ring, while refusing the plaintiffs' repeated pleas for help.

Not surprisingly, the story got a lot of media attention. TV crews swarmed our facilities almost as much as when Unabomber Ted Kaczynski briefly stayed across the street at the Federal Detention Center. My family and friends saw the reports from as far away as Chicago and New York. Needless to say, they were concerned for my safety. Some were terrified for me.

But the media lost interest in the Hyson story. The prison grapevine gave staff and inmates news that Hyson's attorney was negotiating a plea agreement to lesser charges of sexual misconduct. Gossip about the inmates who had cooperated in the Hyson investigation continued but, for the most part, I thought the controversy had blown over. Then, in mid-April, a friend sent me the Spring 1999 issue of Amnesty International's newsletter, *Amnesty Action*, which presented its sensational study of sex abuse in prison, including its account of abuse at FCI/FPC Dublin, my home away from home.

AI's Distorted Report

My friend was understandably frightened for me. I wrote to him explaining that I wasn't in any particular danger. AI's account, I assured him, was grotesquely inaccurate. Contrary to the impression given in *Amnesty Action*, sexual abuse is *not* a fact of life for women incarcerated in either the FCI or FPC.

Jon Hyson was the Officer-in-Charge (OIC) when I was

assigned to his housing unit upon my arrival at FCI Dublin in March 1994. During my first 4:00 stand-up count with OIC Hyson, I was shocked to see how my fellow inmates treated him. Wolf whistles followed him down the hall. Women stood in their doorways licking their lips, offering open mouths and tongues or making lewd comments and gestures.

Women flirted shamelessly with him. It was often impossible to reach him at his officer's station to ask a question or get one's mail because so many women were jockeying for his attention. And this was repeated on each of his work shifts. I witnessed scores of provocative women offer themselves to him during my full year at the FCI and for almost four years at the FPC.

The women's lack of respect for the officer and for themselves was disturbing and embarrassing. And the disrespect was not directed exclusively to Officer Hyson. Any relatively young or good-looking male staffer found an abundance of sexually willing and eager women to tempt and proposition them. Men who were less attractive or desirable were also propositioned, but the sexual favors they were offered often required payment in contraband cosmetics or other goodies.

I am safer from random acts of violence or rape than free women in Washington, D.C., Belfast or Kinshasa.

In this sexually charged atmosphere it is inconceivable to me that Officer Hyson would seek out "victims" for non-consensual sex. What I do find conceivable is that inmates who had consented to sexual activity, but were later dissatisfied with the level of emotional commitment or special favors they received, registered complaints. Inmates who were suspicious or jealous of relationships between other inmates and staff, or who were envious of the special gifts and favors that come with such relationships, would also be probable sources of complaints.

What happened is this: The prison administration attempted to enforce its own policies to prevent inappropriate physical contact between inmates and staff. The "investigation" of Officer Hyson included using inmates to entrap him, to lure him into acts of sexual misconduct that he neither initiated nor coerced. The incentives for inmates to cooperate with such investigations range from simple vindictiveness against staff/officers, to promises — real or imagined — of administration-directed favors. Cooperating "victims" have the added incentive of pursuing civil litigation for monetary awards if the criminal charges against the "offender" are proven. There are plenty of crusading and feminist lawyers to offer *pro bono* assistance to the "victims," and even more ambitious attorneys who are willing to pursue large cash settlements on a contingency basis.

Sex Vacations at Club FDC

Several months after my transfer to the FPC, across the street from the FCI, a friend and two other campers were ordered into the Special Housing Unit (SHU/disciplinary segregation) for a marijuana possession investigation. Campers were normally taken to the SHU at the FCI, but because of overcrowding at that time, the women were put in temporary segregated custody at the Federal Detention Center (FDC), which houses male inmates. During the first half of 1995, FCI inmates, including the three female inmates who won the half-million dollar settlement from the Bureau of Prisons, were also sent to the FDC for disciplinary housing when the FCI SHU was full or under renovation. My friend and her companions returned to camp from their extended FDC segregation with happy stories of repeated sexual activity with the male inmates, facilitated by one or more FDC officers. Although these women couldn't verify the arrangements made between the cooperating parties, we assumed that the inmates paid officers for opportunities to be with the women of their choice. My friend and her companions were willing, eager, consenting participants in the sexual activity.

Once their stories spread through the FPC, an epidemic of bad behavior broke out among campers hoping for disciplinary action and housing with the male inmates at the FDC. The same thing happened among the FCI women who sought sex vacations at the FDC. It's not a pleasant story. But it's also not a story of coercion, abuse or violence.

The impression that all women in prison are weak, helpless, potential victims is Victorian, insulting nonsense. Women, like men, are sexual beings and most women inmates, separated from their husbands, lovers or children, are hungry for physical and emotional affection. Others use sex as a tool or weapon with officers and staff to secure lighter work details, special privileges, money or contraband. And some women become the sexual predators other women fear.

Prison policy prohibits consensual acts of sex for the same reasons that universities, the military and many corporations prohibit superior-subordinate sexual relationships: discipline and objectivity are compromised and opportunities for abuse and coercion increase in these relationships. I believe this policy is a good one.

But I would never advocate civil or criminal penalties for *consensual* relations. Abusive, rogue officers here are dismissed and frequently criminal charges are filed and convictions obtained. But abuses are also perpetrated by inmates who, out of anger, frustration, boredom, the desire for monetary awards or early release, are quite willing to destroy an officer's or staff member's reputation, career and family.

There are real problems in our nation's prisons and I applaud AI's efforts to bring attention to and correct them. But more energy should be spent on reforming the draconian drug laws, mandatory minimums and sentencing guidelines that are filling up America's prisons.

I witness truly tragic human rights violations every day and most are the result of legislation and the court of public opinion, a misguided, paternalistic team that will remove

continued on page 49

A Woman's Right, A Man's Duty

by David Allan Roberts

In a single week in 1973, the Supreme Court gave women both the right to have a child without consent of the father and the right to force the father to pay for the child.

On January 22, the nation will observe another anniversary of the Supreme Court's landmark *Roe v. Wade* decision, an event that some sectors of society equate with the Fourth of July as a symbol of freedom. Ironically, January also marks the same anniversary of another Supreme Court case having to do with reproduction that rarely receives any mention at all.

Just five days prior to *Roe v. Wade*, the Supreme Court ruled in the case of *Gomez v. Perez* that men are liable for the financial support of their illegitimate children, on the theory if biological fathers are required by law to support their legitimate children, the law would have to require them to support their illegitimate children too.

Generally speaking, about four to six weeks after a case is argued before the Supreme Court, the Court issues its decision. In the 1972 Term, decisions were rendered in approximately the same order as the cases were argued before the Court. But there was an exception: *Roe v. Wade* was argued before the Court on October 10, 1972 and, after an unusual length of fourteen weeks, was decided on January 22, 1973. *Gomez v. Perez* was argued on December 6, 1972 and decided on January 17, 1973.

Had the Supreme Court followed its usual practice, it would have had a problem. How could the Supreme Court set a precedent, as it did in *Roe v. Wade*, holding a woman's pregnancy to be autonomous and affirming the concept of "freedom of choice" through a "right of privacy," and a week later render a decision that would assign an unmarried man a financial responsibility for that "autonomous" situation?

Obviously, the answer was to delay the decision of *Roe v. Wade* until after *Gomez v. Perez*.

Under *Roe v. Wade*, a man has no rights whatsoever in the issue of childbearing. While the man plays a role in fertilizing an egg, it is the woman's personal and private "choice" to cultivate that fertilized egg into a living and breathing entity. And the woman has the right to excise that fertilized egg from her reproductive system, without any regard for the wishes of the "biological father."

The Court created an unjust anomaly. A man cannot even require the woman to whom he is married to bear his child to term, thanks to *Roe v. Wade*. But thanks to *Gomez v. Perez*, a woman can require a man, with whom no relationship exists other than a casual sexual encounter, to support a child that she unilaterally chooses to have.

Adoption law is a second perversion of justice. Whether a child is supported by its biological parents is arbitrarily decided by the "choice" of the birth mother. Even after the birth of a child, the birth mother still has the option to decline her parental responsibilities through the adoption process. After a birth mother relinquishes her child through adoption, she is free of any further responsibilities to her child regardless of the future hardships that may befall that child.

In a disingenuous effort to balance the scales of justice, some states now require the consent of a biological father before an adoption is allowed. This is nothing more than legal sophistry. In the instance of illegitimacy, where a meaningful relationship seldom exists between the birth mother and biological father, the man is not liable to object to an adoption. If he did, the state would seize a portion of his income-as support for the child.

The One-Two Punch

Welfare exacerbates the unfairness in the relation of the biological parents. While both parents supposedly have an obligation to support a child, in many cases the State, funded in part by the father's taxes, will provide the birth mother's

part of the parental obligation, with cash benefits, housing allowances, food stamps, Medicaid, and other forms of assistance, while confiscating the biological father's income and sanctimoniously chastising him about his parental obligation.

In practice, child support and welfare payments enable birth mothers with little or no education or job skills the means of keeping the children that they choose to bring into the world without the benefit of marriage. They are further supported by the assumption by social service agencies that a child is naturally better off with a biological parent, despite the almost daily evidence of children who would obviously fare much better with loving adoptive parents. The result of this system is that having an illegitimate child offers some young women an opportunity for a lifestyle they otherwise could not afford.

After gallantly rushing to the defense of the young lady facing an unplanned pregnancy, the pro-choice movement stands by idly while the law denies equal protection to an unmarried man by forcing him into an 20-year obligation to pay for the consequences of that same unplanned pregnancy.

Is there any wonder that America's illegitimacy rate is skyrocketing?

While rape, incest, and the health of the mother are the most publicly touted justifications for legalized abortion, abortion is most often used to remedy a "mistake," or a malfunction of birth control. The Supreme Court's decision in *Roe v. Wade* essentially established legislation which provided women with a remedy to their mistakes, a means of undoing, or at least limiting, the consequences of their "mistake."

But "equal protection of the law" does not offer men the same option. Whether or not a man wants an unwanted pregnancy he helped cause ended, the woman and the woman alone decides. If a man resists paying for the consequences of a choice that a woman makes, he is liable to be vilified and forced, under the threat of incarceration, to be fully accountable for their mistakes.

Approximately 1.75 million conceptions occur annually because of contraceptive failure. Abortion rights activists insist that abortion remain a safe and legal procedure because a young woman should not have to suffer the consequences of having her life interrupted with an unplanned pregnancy. Should a failure of birth control or a "mistake" occur, the young woman should have the option to terminate her pregnancy for any reason. She may wish to continue her education, enter the job market or concentrate on her career. She may wish to travel, purchase a home or automobile, or just avoid the responsibilities of parenthood if she should so desire.

The true agenda of the pro-choice movement is exposed when they, after gallantly rushing to the defense of the young lady facing an unplanned pregnancy, idly stand by while the law denies equal protection to an unmarried man by forcing him into an eighteen to twenty-one year parental obligation for the same unplanned pregnancy.

In *Roe v. Wade* , a woman's pregnancy was determined to be autonomous and protected by a constitutional "right to privacy;" giving women an absolute right to choose between bringing a child into the world or terminating a pregnancy without any regard for the wishes of the man involved. For child support laws to be consistent with the equality of law that our system of jurisprudence demands, a certain relationship must exist between a birth mother and a biological father to create a duty of support. If the birth mother has a "contract" of marriage or an "implied contract" of a sustained relationship with the biological father of her child, only then should the law require that man provide support for a child that is the result of that relationship. If a birth mother does not have the obligatory contract with the biological father, then the man should not be required to support a child that the birth mother unilaterally chooses to bring into the world.

For the State to require an individual, not bound by contract, to be financially responsible for a "private" decision of a second party, violates the very essence of liberty, and justice that America stands for. ❑

"Letters" *continued from page 6*

jobs with no heavy lifting — it's this, and not insidious discrimination, that keeps us largely in the service and nurturing fields. I notice that Ms. McCarthy, for all her freedom, isn't a lumberjack, but a journalist — a career that's been open to women at least since Nelly Bly was around.

Alexandra Low
Newport Beach, Calif.

Casual About Casualties

Sarah McCarthy's reflection on the Sixties (November) omitted an important distinction, reading: "Opposition to the Vietnam War is the primary reason American politicians still strive to wage wars with no casualties." It should have read: ". . .with no U.S. casualties." As *Liberty* has repeatedly and humanely noted, the U.S. warfare state — since Vietnam — has inflicted terrible casualties on teenage infantry draftees and civilians in small countries which have never attacked or even threatened the U.S.

Michael Holasek
Cudahy, Wis.

Two Kinds of Conspiracy

I appreciate your November article "Waco: Fire and Lies" by R.W. Bradford. But I do have a comment concerning "Conspiracy Types" found on page 17. Three-fourths down the left column the author says, "Nor was a cover-up a conspiracy to hide the truth. FBI agents are trained to omit embarrassing details from their Action Reports. It was Standard Operating Procedure." Let's analyze the author's position.

Omitting embarrassing details from law enforcement reports is concealing evidence, which obstructs justice. Obstructing justice is a felony, no matter if you are an ordinary citizen or the president of the United States. Certainly

continued on page 50

Chicago's Ego

by Eric Miller

Skyscrapers aren't just tall buildings.

You might not have heard of Scott Toberman, but he could come to be known as the man who gave Chicago, and Capitalist America, its ego back. Toberman wants Chicago to be home to the "World's Tallest Building" again. He plans to pour enough concrete on the city's broad shoulders to take the title back from Kuala Lumpur, Malaysia.

In decades past, people in Chicago would have greeted Toberman's effort with enthusiasm. Today, however, Chicago has long since put aside concerns over empty pursuits like building the world's tallest buildings. It took Toberman more than a year to get the nod from the Chicago Plan Commission, this in the birthplace of the skyscraper. The Commission's hesitant decision has irritated those who want the city to retire from a century of progress.

Toberman's venture has exposed some interesting attitudes about the state of capitalism in America and Asia. He had to look beyond Lake Michigan, the Allegheny Mountains and the skyline of the world's financial capital to find investors in a project that's better mainly because it's bigger. Toberman's capital will come from a consortium of financial institutions from Asia and the Pacific Rim.

Scraping Bottom?

Inside the land of Louis Sullivan, George Pullman, J.P. Morgan and Louis Armour, interest in reaching for the sky has been limited in recent decades. Donald Trump sought several times to bring the world's tallest building to New York, but public interest has amounted to little more than a whimper. A few skyscrapers have been built in Philadelphia since the regulation limiting building size to the height of a statue of William Penn was lifted, but none this decade. And across the state in Pittsburgh, buildings are still limited to the height of the U.S. Steel building, forever keeping the city's skyline at the height of its grimy steel age.

"The age of the skyscraper is gone. This is the age of the housing project. Which is always a prelude to the age of the cave," said Gail Wynand in Ayn Rand's classic architecture novel *The Fountainhead*. *The Weekly Standard's* architecture critic, David Gelernter, seemed to agree when he wrote that while we were once proud of boasting of the Empire State Building or the Sears Tower as the tallest building in the world, now "we find the exuberance of the skyscraper builders incomprehensible and damned annoying."

"Tall buildings do not reflect brazen, adolescent cultures on-the-make," Gelernter wrote. "They emerge in fact out of eminently mature cultures flaunting their wealth, technology, design genius, and sheer radiant self-confidence. America no longer wants them, that's for sure, or at least her spokesmen don't. But that's not because we are too mature, but because we are too passive and tired."

As we see architecture moving from modernism to post-modernism and perhaps back to classicism, it is hard to deny that the United States as a culture is passive and tired. The loss of a vintage 18-story building on the site of Toberman's slender, proud and poignant skyscraper seems to aggravate those who view the idea of building the world's tallest building as meaningless and selfish.

Once the supreme symbol of a corporation, capitalism, progress and America itself, the skyscraper isn't a symbol we need or want anymore.

In contemporary America, modernity means horizontal buildings with large floors representing the lineation of company management. The advocates of the horizontal building argue that with automobiles and highways, we no longer need to be crammed into the city. Now, we can spread out in

an office park, no matter that the psychological image of an upright posture is now laying down.

They Knew How to Build 'Em

This argument fails to consider that skyscrapers weren't always built because they were useful, or to maximize building size on hyperexpensive sites. They were, for the most part, billboards boasting of capitalism and commerce, hailing the leaders in insurance (Metropolitan Life Building), sewing machines (Singer Building), cars (Chrysler Building), railroads (New York Central Building) and even media empires (Chicago Tribune Building). Architect Phillip Johnson, famed for the post-modern AT&T and PPG Buildings, asked if land values were the reason for the skyscraper, why were they being built in China? Frank Lloyd Wright didn't seem to like the idea of the vertical building and thought that if they were to be built at all, they should be alone in a field rather than in midtown Manhattan or inside the Chicago Loop. Le Corbusier complained, "The skyscrapers of New York are too small and there are too many of them."

Once the supreme symbol of capitalism, progress and America itself, the skyscraper isn't a symbol we need or want anymore.

The early American skyscrapers, ornately decorated and lavishly furnished, were unmistakably more than utilitarian. After the positive public response to skyscrapers, especially the Flatiron Building in New York and Monadnock Building in Chicago erected around the turn of the last century, the race for the sky was underway. Soon the towers of commerce included the magnificent Singer Building (1908) and the Woolworth Building (1913). But it wasn't the first time man had tried to build taller.

As Witold Rybczynski pointed out in his 1995 book *City Life*, in medieval Lucia, Bologna and San Gimignano there was competition among merchant families who built towers up to 300 feet high. Later they were demolished as communal authority "affirmed its power over private interests." But for most of this century, only the height restrictions of such cities as Washington, D.C. and Philadelphia prevented the race for the "world's tallest building" in the United States. Today the New York City Planning Commission is considering building height restrictions.

As later skyscrapers were built, and some older ones remodeled, the buildings lost their ornament and it seemed that the new buildings, no longer monuments to industry, were erected for practical economic reasons (or in part publicly financed in the name of economic development). The new breed included the Pan Am (now Met Life) Building (1963), the World Trade Center (1976) in New York, and the Sears Tower (1974) in Chicago. But as the glass and steel buildings bared their structure and reached new heights, some like Paul Goldberger, author of *The Skyscraper*, wondered if "The truly vast size of the new generation of skyscrapers seemed to make certain questions valid again. Did it make sense to build so tall?"

"I like to see man standing at the foot of a skyscraper," newspaper magnate Gail Wynand says in *The Fountainhead*, "It makes him no bigger than an ant — isn't that the correct bromide for the occasion? The God-damn fools! It's man who made it — the whole incredible mass of stone and steel. It doesn't dwarf him, it makes him greater than the structure. It reveals his true dimensions to the world."

The Age of Asian Towers

Meanwhile, on the continent of Mao Tse-tung, the race has been fast and furious to build symbols of capitalism in Shanghai, Hong Kong and Kuala Lumpur. If ego is the reason for building tall buildings, it shouldn't be a secret that there's more of it lately on the other side of the globe. While Americans raise their eyebrows and groan, in the East buildings are rising to new heights.

Using new construction techniques involving a high strength concrete, the currently tallest towers are twins built by the Petronas Oil Company. But more important than the new building techniques, they are the first towers to break height records built on foreign shores.The towers barely surpass the Sears Tower, and in actuality the highest occupied floors in Petronas are lower than those in the Chicago landmark. Steel masts capping the Malaysian buildings were determined by the Council on Tall Buildings to be integral to the building's design, while antennas on the Sears Tower were not, forcing Chicago to lose the record it held for 22 years. Maybe it doesn't matter in the U.S., but in Malaysia it surely does.

Malaysia is not likely to hold the record nearly as long as Chicago did. Taller buildings in Shanghai and Hong Kong, some delayed because of the economic crisis, await approval or completion, as others attempt to reveal the dimensions of emerging cultures and companies to the world.

Emulating America at the turn of the 21st century isn't so apparent as emulating her at the turn of the 20th. The new Asian towers in some ways more closely resemble the Art Deco examples in New York than the blank relics of the 1960s and '70s, such as the U.S. Steel Building in Pittsburgh.

Like the towers of the World Trade Center in New York, the Petronas Towers mirror each other. But they spire upward in a Gothic fashion rather than cut off at a flat plane. The Jin Mao Building, which had been planned for 1998 completion in Shanghai, tapers upward in a spire inspired by a pagoda. Stylistically, it would probably look quite comfortable in the company of Rockefeller Center and the Chrysler Building.

Chicago has long since put aside concerns over empty pursuits like building the world's tallest buildings.

Other new tall structures have been built outside Asia, though they didn't really aim to break records. Inside the United States, Philadelphia saw Two Liberty Place, the 50th tallest in the world in the 1980s, and Charlotte welcomed NationsBank Corporate Center in 1992. Nashville welcomed

continued on page 36

The Strangulation of Kenya

by Andrew Muriithi

While bloated bureaucrats in Brussels, Washington and Nairobi eat in fine restaurants, the people of Kenya are starving.

I am a Kenyan. It is a pity to watch our bureaucrats cart off to Washington, D.C. every year to pitch like beggars to international bureaucrats for "development money" in what are euphemistically referred to as "consultative meetings." This year, they went back home heads bowed, having been denied — at least for now. Not enough has been done to eradicate official corruption, the international bureaucrats said.

Our bureaucrats skipped the traditional triumphal press conference on arrival in Nairobi and were whisked to some unknown destination in the capitol. It illustrates how we Kenyans have been suckered. For 40 post-independence years, we have combined an unwieldy meld of African socialism and European collectivist welfare in our political and economic fabric. Despite empirical evidence that clearly demonstrates the monumental failure of our current setup, we persist. Our megalomaniac politicians continue to peddle statist propaganda and we readily buy.

When we realize that individual freedom and responsibility are the best way to encourage dynamism and innovation, we will have liberated ourselves. Today, we have government that plans our lives and decisions. We fail to understand that government works on the principle of collective coercion. That principle invariably leaves some people worse off in order to benefit others. In personal economic decisions, there is no way a broad consensus can be achieved. There can be no national economic agenda.

National development is a crock! We all have different wants and needs. We make decisions to meet those needs considering our personal resource constraints. Unfortunately, we Kenyans have convinced ourselves that "the good of the country" overrides our individual preferences. So have many other Africans.

Consider the following thought experiment. If a stranger knocked on your door, held up a gun to your face and demanded the right to use your money to pay for the education and health care of another stranger's children, you would be outraged, and rightfully so. For most Kenyans, this is a no-brainer. There is no moral basis for taking what rightfully belongs to one individual by force and giving it to another who has not earned it. But when the Kenyan government does precisely the same thing, we pass it off as custom — for the good of the country. It takes part of our hard-earned income and uses it on things like agricultural subsidies, "poverty alleviation", public education, building roads, airports and dams we never use, bailing out banks we do not deposit with, and funding political parties we may or may not support. If we fail to surrender part of our income, we get hauled to jail on pain of death. Even with all its "good intentions," the government creates a great deal of waste, corruption and suffering. But we still continue with the demagoguery. The "independent" national press decries the government's failure to provide this good or that service, and applauds ecstatically when so-called private sector experts are appointed to clean up corruption or to regulate private commerce.

The cost of public solutions to private problems is great indeed. Democracy, the rule of law and economic freedom solve many if not almost all of our ills. Those regions and countries that closest approach this ideal — Hong Kong, New Zealand, Switzerland, the United States — create the most welfare for their citizens and are the best places to live in. But we ignore their example, providing lame excuses like national sovereignty and neo-colonialism. Every year, after spiriting away the money they have looted from us, our

benevolent bureaucrats drive in their shiny European limousines to the airport for their first-class flights to Washington, D.C., hoping to convince their foreign cousins to fork over the hard-earned money of U.S. taxpayers. Citizens in Washington, D.C. and citizens in Nairobi both end up with the short end of the stick.

Damn the IMF, World Bank and donor bureaucrats! Damn the technocrats of the Kenyan Treasury and Civil Service! What good has all their benevolence done? Let's see: The structural adjustment candy of the last two decades has produced good things like revenue authorities, retirement benefit authorities, capital market authorities, transport authorities, telecommunications authorities, development authorities, export processing authorities, anti-corruption authorities, and all the other authorities one can concoct with a fertile imagination.

Yes! The only ones happy are all the new bureaucrats with new jobs and new authority. The rest of us humans — farmers, small traders, bankers, manufacturers, physicians, students and academics — continue to run the endless rat race under the heavy hand of the state. The lucky ones escape to the United States, Canada, the UK, Australia, Botswana or South Africa where they can breathe a little freer. Instead of the government concentrating resources on traditional functions like law and order, defense and the administration of justice, it regulates how much we get paid for our coffee crop, who gets to practice law or medicine, whether or not we should save money for our retirement and how we should invest it, paying "export compensation" transfers to unscrupulous businessmen (one recent financial scandal cost the country 12% of its GDP) and creating commissions to investigate devil worship in schools.

Why do we have a highly regressive value-added tax, income tax, dividend tax, estate tax, social security tax, customs tariffs and all manner of levies, fees and charges that discourage savings, investment and entrepreneurship? Can't a simple, flat, one-rate income tax or sales tax that allows economic growth earn the same amount of revenue for the government? Do we really need development authorities, farm produce marketing boards and parastatal corporations? Can't people coordinate their own economic activities? Do we need 20 ministries and nearly 100 departments? Can't elected local governments perform these functions better? Do we need more public universities? Aren't private schools already providing a higher standard of education? Should we spend on so-called poverty alleviation programs? What then would be the work of churches, volunteer groups, non-governmental organizations and private charities and foundations?

We Kenyans are desperate now. We suffer with grinding poverty, corruption, disease and hunger. Why haven't we corrected these things? Well, the reforms required would have to be so radical that the international bureaucrats, as long as it was within their power, would never allow them. Such reforms would destabilize prices and budgets from their "correct" levels, expose the failure of structural adjustment programs and reduce the influence of the bureaucrats.

Kenyans may be experiencing a classic case of what economists call "rational ignorance." The mindboggling deceit of our post-independence experiment may be too much to contemplate. No one likes to admit to being wrong, much less suckered. The clienteles of the state are also strong and not easily vanquished. They are a complex network of informal political and ethnic coalitions. The IMF, World Bank and bilateral lenders (NOT donors!) are part of that clientele. They need to continue lending to us and other developing countries in order to keep their triple-A credit rating with Standard & Poors. So then, why not just coast along until a real crisis catches up with us and bowls us over?

Perhaps this way purposeful change — like in some parts of Eastern Europe — will come. ❑

Miller, "Skyscrapers" *continued from page 34*

NationsBank Corporate Center in 1992. Nashville welcomed the boldly styled BellSouth building (known affectionately by locals as the Bat Building because of twin spires resembling a superhero) in 1994, but it hardly competed for the title of world's-tallest at 30 stories. In Canada, Toronto erected the 68-story Scotia Plaza in 1989.

In Europe, the Commerzbank Tower was completed in Frankfurt, Germany last year and became Europe's tallest building, while a "Millennium Tower" is being built in London to be completed in 2001, in time to celebrate the first year of the new century. At 1,265 feet, it would surpass the Empire State Building by a mere 15 feet, dwarf the tower in Frankfurt (984 feet), but not come close to the Petronas Towers (1,476 feet).

Of the 50-tallest buildings listed in the 1996 *Universal Almanac*, 31 were in the United States. Four of the top ten were in the U.S. and three of those in New York. One building under construction in the United States today will join the 100 tallest. In contrast, Xiamen, China has two buildings under construction that will enter the top 25.

Buildings that aren't the tallest don't get as much attention. Who knows (or cares) that Cleveland saw construction of the 38th tallest (Society Center) in 1991, Atlanta the Peachtree Center in 1992 and Philadelphia One Liberty Place in 1987?

Chicago Hope

What Kaoshiung, Taiwan and Shenzhen, China know, Chicago has forgotten — building it to be the tallest is something that goes with building a self-respecting skyscraper, at least one that makes more than economic sense to an assertive culture.

In New York and Chicago they knew and in Asia they know that, despite some rough weather and throwbacks to a dying communist system, capitalism means more than just an efficient use of resources. It means asserting to the world that the city, the company and the individual have arrived.

"This is very beautiful and exciting," Toberman said. "What an exciting time this is in Chicago." But the rest of the city must decide if new skyscrapers in America are excitement or irritation. ❑

Personal History

Why I Left the Left

by Tom Garrison

What does an honest leftist do when his ideals are betrayed?

I was a member of the Central Committee of the Peace and Freedom Party (PFP) — the only avowedly socialist party with ballot status in California — from the mid-1980s to the early 1990s, and observed firsthand the attitudes and behaviors of the leadership and, most painfully, of friends, acquaintances, and comrades. Gradually, over the past decade, I grew disillusioned with the way the left approached important issues in America.

Basically, there were four characteristics of the left that disillusioned me:

1) Its lack of respect for and understanding of the concept of personal responsibility for one's own actions;

2) its unnecessary lying, that undermines the democratic process;

3) its slavish adherence to affirmative-action preferences and quotas, identity politics, and multicultural diversity; and

4) its intolerance of a real diversity of ideas.

As time went on, I found myself more and more at the non-leftist part of the continuum. While not the only issues that split me from the left, these are representative of how the left (and contemporary liberals in general) just don't get it.

Personal Responsibility

Our local Socialist Party/PFP chapter held a meeting soon after the April 1992 riots in Los Angeles that followed the acquittal of the Los Angeles police officers involved in the Rodney King beating. During those riots, a white truck driver, Reginald Denny, was savagely attacked by several black men for no reason other than being a white man in the wrong place at the wrong time. Damian Williams, the prime attacker of Denny, used a piece of concrete to fracture Denny's skull in 91 places. Williams also performed the "revolutionary" act of pulling down the pants of another unconscious white man and spray-painting his genitals black, while a mob watched and laughed. Even though Williams's acts were captured on videotape, he was eventually acquitted of all serious charges.

At our meeting, one member proclaimed that we needed to understand the black thugs (not their words) who attacked Denny and to see that their actions were not their fault but rather a function of societal oppression. Incredible! This thug attacks a totally innocent white man, and we're supposed to tolerate it because the attacker is black. In our present culture, feeling trumps behavior.

Look at the facts. Damian Williams had a long history of gang-related violence. He could clearly make a choice between attacking a white man with whom he had no grudge and not attacking him — the choice was his. But at least one member (and most likely several other sympathizers) of our local socialist group accepted and advanced the idea that poor Damian Williams was not to blame for his purposeful and vicious attack on a truly innocent victim who happened to be white. Society made him do it. Amazing!

Another very popular and obvious example of dismissing personal responsibility is the fairly recent classification of alcoholism as a disease. Come on! If you believe that, then it is the only disease to have ever been eradicated by will power. Quitting may be a difficult process, but an alcoholic can put an end to his "disease" by simply *choosing* not to drink, that is, taking responsibility for his actions and not drinking.

If this were not the case, how else could we explain the millions of former alcoholics who simply choose not to drink

and don't? Does their "disease" simply go away? In a sense, yes, it does, once they decide to show some willpower and character.

It may be true that some folks have a genetic predisposition toward alcoholism. But that just means that once they know this, they shouldn't drink. Abstaining may not be easy and requires willpower, but that certainly does not mean that alcoholism is a disease.

It is true that society plays a role in molding people and that a black person in a racist society may face problems not of his own making. But contemporary America is not oppressively racist, and there are plenty of chances for any hardworking person who makes thoughtful choices to carve out a decent life. However, leftists and liberals are thoroughly immersed in the narcissism of minor differences. Noted civil rights activist James Meredith points out:

> [S]omewhere along the line, someone in power decided that the proud black race, a people who built cultures in Africa and built many of the physical structures of this nation, could not survive without a host of federal programs and giveaways. . . . A "dependency mentality" was created and fostered by black and white liberals looking to buy power. . . . I have come to realize that while white racism exists, our main roadblocks in the '90s are ones that have been created by our own so-called leadership.

It didn't matter that Bradley would offer at best lukewarm support for the goals of the Tenants Union, while the PFP candidate would wholeheartedly support them. Bradley was black. That was enough.

Dr. Laura Schlessinger, a radio talk-show personality who consistently stresses personal responsibility, is the bane of people on the left. I have yet to meet a leftist, or even a liberal, who likes her show. Her bluntness may offend some people, but she is worth quoting on personal responsibility:

> We have created a unique society in which those who do bad things are shown compassion and understanding, and those who point out the badness and expect consequences and justice are called judgmental and mean. I believe this attitude is so pervasive because it provides a huge gray area in which no one has to assume any responsibility for their actions, and they are immune from annoying judgment.

To be sure, leftists and liberals judge all the time, but they most often direct their judgments at those in society who are successful — dirty executives, entrepreneurs, etc. — and who take responsibility for their own actions and welfare.

Unnecessary Lying

During the 1980s, my wife and I were very active in the local Santa Barbara Tenants Union. Other than our local socialist group, the Tenants Union was the most active and progressive organization in Santa Barbara at that time. The leadership was dominated by members of the League of Revolutionary Struggle (LRS). Anyone on the left in the 1980s remembers them. They never admitted to membership in the LRS, but weren't shy about pushing their newspaper. The mantra was, "I am a supporter of the *Revolutionary Worker*." They didn't fool anybody.

But this transparent lying about their political affiliation means that, when the revolution comes, it will be led in Santa Barbara by political activists who are, if not skilled at lying, at least comfortable with it. A great start for a new humanistic order.

Of course, lying about one's principal political affiliation has a long tradition on the left. There may have been justification for underground political work (including lying about leftist political affiliations) in czarist Russia or in El Salvador in the 1980s. But in the U.S. today?

I ran for the Santa Barbara City Council twice (in 1985 and in 1987). In all of my years of intense political activity — which I had done openly as a member of the California PFP and the Socialist Party, USA — I never had a major hassle with the public because I was a socialist or advocated socialism. Neither did any of the twenty core members of our local socialist group.

The only real problem came from liberals who wanted me to lie and say I was simply another progressive Democrat — a stupid idea for several reasons. Progressive or liberal Democrats are a dime a dozen in Santa Barbara. At least one runs for every office in the county. I was not a Democrat, and was not about to lie concerning my basic political affiliations, even though I surely would have received more votes if I did. But that would have been a betrayal of the public trust and my own values. It still seems odd that Democratic Party activists encouraged me to lie.

Far Beyond the Melting Pot

Among the many interesting discussions during my two campaigns for Santa Barbara City Council was one that emerged in both campaigns and revealed an illogical pandering to the god of multicultural "diversity" and identity politics.

To become a U.S. citizen, one must demonstrate competence in the English language. My campaign committees had serious discussions about whether to print some of our campaign literature in Spanish. Many felt that doing so would help us gain the Hispanic vote. (More than one-third of the population in Santa Barbara is Hispanic.)

My wife and I consistently argued that since only citizens could register to vote and since naturalized Hispanic citizens must have competence in the English language (or they could not become citizens in the first place), there was no need for Spanish language campaign material. Those not competent in English could not become citizens and, thus, could not vote. Our logic won the day, but it was interesting that the thoughtful folks working in my campaigns even broached this subject in a serious manner. Their arguments

It was a bit of a shock for me that Mr. N — while not a leftist, but a strong liberal — could not accept as valid the idea that there exist people of good will who are not of his own political persuasion.

demonstrated the power of multiculturalism and their need to pander to identity politics.

The LRS folks and their supporters also exhibited an incredible ability to support almost anyone — excepting, of course, the most blatant conservatives — so long as that person had black or brown skin and, preferably, was also a woman.

They demonstrated this behavior when Democrat Tom Bradley, a black moderate, ran for governor of California in 1986. Other than being black, Bradley had almost no progressive or leftist credentials. The Tenants Union had a radical constitution, and my wife and I, being serious and open leftists, argued that the Tenants Union should endorse the PFP candidate, a Hispanic woman named Maria Elizabeth Muñoz, instead of Bradley. While we managed to convince several members of the Tenants Union to endorse the true leftist candidate, the majority voted to endorse Bradley.

Understand the underlying political context. An endorsement by the Santa Barbara Tenants Union for any candidate for statewide office would only influence at most a couple of hundred voters in Santa Barbara — almost certainly not enough to make a difference for any candidate. But, by openly backing a socialist (the PFP candidate), the organization would help build a base outside the Democratic Party for progressives and leftists. On the other hand, backing a tired, old moderate Democrat would mean almost nothing, and would build little except allegiance to what almost everyone in the leadership agreed was a corrupt Democratic Party. Moreover, it would show that the Tenants Union supported a black male candidate (over a Hispanic woman). It didn't matter that Bradley would offer at best lukewarm support for the goals of the Tenants Union, while the PFP candidate would wholeheartedly support them. Bradley was black. That was enough.

One of the most impressive examples of identity politics and race pandering was the hoopla surrounding the 1995 U.S. Supreme Court decision ordering that the 11th congressional district in Georgia be redrawn in a manner that omits race as the "predominant" factor. Subsequent redistricting of five "racially gerrymandered," black-majority districts into white-majority districts in Florida, Georgia, and Texas nearly spurred leftists, liberals, and so-called black leaders to predict the coming of Armageddon for black folks in America.

The ruling was "the first step in the resegregation of American electoral democracy," according to Wade Henderson, legal director of the National Association for the Advancement of Colored People (NAACP). He added, "If race can't be a factor, it's going to be almost impossible to preserve these black districts." Cynthia McKinney, the black Democratic incumbent in Georgia's 11th district, lamented the ruling as "a setback for democracy" and said she believed that "[t]he issue of fairness has been squarely left behind." That paragon of virtue President Clinton called the decision a "setback in the struggle to ensure that all Americans participate fully in the electoral process." And the Rev. Jesse Jackson said that this limit on racial gerrymandering would produce an "ethnic cleansing of Congress."

Guess what? The sky did not fall, and black folks are not once again in slavery. All five black incumbents in the former black-majority and now white-majority Southern districts won their races in November 1996. Maybe Americans, even white Southerners, are not as racist as the identity politicians would have us believe.

By early 1996, I had become fed up with affirmative-action preferences and quotas in government and college admissions. I took a small, unscientific poll of friends and co-workers to get a better sense of the extent to which discrimination against women exists on college campuses and in the workplace. I polled nine women, who ranged in age from their early 20s to their late 40s, asking if they had ever been discriminated against in school or the workplace because of their sex during the past ten years. (I used ten years because I figured that even the most retrograde men had at least heard of sexual discrimination by the mid-1980s and knew that it was unacceptable and could be illegal.) It turned out that none of the respondents reported *any* discrimination on account of their sex.

Of course, my sample was small, and my methods unscientific. But if sexual discrimination has been as rampant

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as leftists and feminists would have us believe, I figured that at least half the women I talked to would report some sexual discrimination in the past decade. And if we are to believe feminists and the advocates of preferences and quotas, it is impossible that not one of the nine women had been a victim of sexual discrimination.

In the March 23, 1998, issue of *Newsweek*, Meg Greenfield clearly stated the major problem with identity politics and, hence, the arguments in favor of affirmative-action preferences and multiculturalism:

> To let yourself be transformed into the emblem of some cause, any cause, or demographic category, and to draw your identity and take your marching orders from it is to kick away your freedom, your independence and your individuality. It is to suspend all these and basically to lose your influence over events that matter to you. You will find you have forgotten how to speak out with views that do not conform to those of the group or that you will have been led not to trust such views. You will see life through a very narrow lens and be very much in the control of those who do the defining of the group interest.

Intolerance for a True Diversity of Ideas

A couple of years ago my wife and I got into a political discussion with another couple. I related that I have two very good friends who are conservative. My friend — let's call him Mr. N — replied that he had never met a conservative who was not a fascist in disguise. No matter what I said, Mr. N would not accept the idea that a conservative could be a principled and decent person — that there exists such an animal as a Burkean conservative who is not racist, not sexist, not anti-democratic, though opposing many of the tenets of modern liberalism.

These same people began suggesting my views were racist. Never mind that during the preceding 15 years, I had voted for, contributed money to, and worked on the campaigns of candidates who were black or brown 70-80 percent of the time.

It was a bit of a shock for me that Mr. N — while not a leftist, but a strong liberal — could not accept as valid the idea that there exist people of good will who are not of his own political persuasion. He was clearly being intolerant of other political views. It was then I began to realize that perhaps even the much-touted cultural diversity of the past 15 years or so does not include the most meaningful type of diversity, a diversity of ideas.

Last May, I came across an interesting article in *The Wall Street Journal* that reported on a study of academic tolerance at the University of Colorado — or, should I say, lack thereof. Keep in mind that the University of Colorado is the premiere public university in a state in which registered Republicans outnumber Democrats by more than 100,000 — a state in which the Republican Party has controlled both houses of the state legislature since the mid-1970s. The article noted that in 13 social science and humanities departments at the university's main campus in Boulder, Democrats outnumbered Republicans by a ratio of 31 to 1. Of the 190 professors affiliated with a political party, 184 were Democrats. Not a single Republican turned up in major departments such as English (29 Democrats) and psychology (20 Democrats). There was a single Republican in anthropology (10 Democrats), education (21 Democrats), and sociology (12 Democrats), and there were two Republicans in political science (14 Democrats). Students can easily go through four years of "liberal" education without taking a social science or humanities class from a single Republican professor. Students find themselves in an environment in which liberal professors don't merely dominate the faculty, they essentially are the faculty.

This ideological hegemony is the obvious result of diversity that only takes ethnicity, gender, and sexual orientation into consideration. What happened to the idea that an undergraduate education was intended to provide diverse ideological stimuli and produce graduates who are able to think critically about a range of subjects? Unfortunately, the University of Colorado at Boulder is not an anomaly in its slavish adherence to a very narrow notion of diversity. How is this ideological bias different in method and result from the McCarthyism of the 1950s?

I personally experienced ideological intimidation during the campaign for Proposition 187, which was designed to deny state welfare benefits to illegal immigrants. I wrote a few letters to the editor and opinion pieces that were published in the local newspapers. Of course, some liberals replied, and I was referred to in print as "mean-spirited." In addition, a couple of friends simply refused to take my arguments seriously, and publicly derided me for questioning the left-liberal belief that the U.S. should be an open house with complete benefits for anyone who can sneak across the border. Almost immediately, these same people began suggesting my views were racist. Never mind that during the preceding 15 years, I had voted for, contributed money to, and worked on the campaigns of candidates who were black or brown 70-80 percent of the time, and women more than half the time. These people were not concerned with the particulars of my argument. Their concern was to threaten me with vile labels if I overstepped the bounds of politically correct thought.

Left Out by the Left

The left has betrayed me. As a young man I eagerly read about the left, Marxism, and socialism. I thought that the left was striving to create a society in which people could fully use their talents and together create a truly democratic society. It seemed obvious to me that taking responsibility for one's actions was a necessary part of the equation, as was being forthright about one's political views and not engaging in political lying. Equally obvious was the need to put an end to racism and sexism, but not by creating new systems where some folks are given extra consideration because of their skin tone or sex, which seemed to me a long-term recipe for polarization and divisiveness. I also expected the new society to show tolerance for a diversity of ideas. Real diversity is what I assumed then to be the keystone for a better society, and I still strongly believe that today. ❑

What Libertarians Can Learn From History

by James C. Bennett

Those who don't learn from history are doomed to get less than one percent of the vote.

The Libertarian Party has been attempting to influence the United States through electoral politics since its first Presidential election in 1972. Over the course of its history, two main strategies have been identified by those concerned with its success: one might be roughly summarized as the "become a major party" model; the other as the "Socialist Party" model. The first model advocates a strategy of fighting elections to win, with the intention of building a party organization which will eventually grow large and successful enough to replace one of the two existing major parties. The second model implies a strategy of fighting elections primarily to educate the public and to force the major parties, through the popularity of its proposals, to enact such proposals themselves. The latter model points to the experience of the Socialist Party, which had regional successes, but never rose to the status of a major political party. But Socialists saw many planks from their platforms — for example, the graduated income tax and government-run mandatory pension schemes — eventually implemented by major-party politicians.

Libertarians have been pursuing one or the other of these strategies for the bulk of the Party's history, expending large amounts of their money and energy, without any demonstrable success. Perhaps it is time to look at the validity of these models in light of historical experience to see whether alternative models might be more productive.

The Norman Thomas Model

The "Socialist Party" strategy seems simple enough: do well enough in local and regional elections — even win a few — that the major parties begin to hijack your issues; let the Republicans and Democrats implement your goals.

A good many libertarians believe this is exactly what happened. They observe that in the U.S. today the government substantially regulates the economy and transfers wealth by means of progressive taxation, and conclude that the Socialist Party has succeeded in its fundamental aims. But the simple fact remains that, *measured by its own standards*, the Socialist Party was a complete failure.

The Socialist Party of Eugene V. Debs was a hard-core socialist party based on Marxist theory and principles. Its members believed that the government should nationalize all means of production, including banks, railroads, mines, health care, farms, and factories, suppress entrepreneurism and the money economy completely, and run the entire economy on the basis of centralized economic planning. Their goal was complete state control of the economy. They differed from the radical socialists who took over Russia in 1917 only in that they were gradualists and democrats — they intended to build a party and union movement which would eventually gain political power, replace the existing Constitution with a socialist one, and then expropriate all industrial property. The original members of the Communist Party, USA, were members of the Socialist Party through this period. They split off in 1920-21 primarily because they believed (correctly) that the gradualist program could not be implemented by the ballot and (incorrectly) that they could effect a revolutionary *coup d'etat* on the Soviet model.

The Socialist Party platform measures that were enacted, such as graduated income tax and state pension schemes, were viewed as short-term tactical moves needed to weaken capitalism and build mass support for the more radical program of the party. (These planks, in fact, were taken over from earlier third parties, principally the Populists and

Greenbacks, in order to recruit their veterans. They were never core Socialist demands.) When these measures *were* adopted, it was by liberal reformers such as the Roosevelts, who were trying to save capitalism, not destroy it. Their parties, not the Socialists, benefited from the adoption of these measures. The strength gained by these measures was used to defeat the wider and more basic agenda of the Socialists, not to advance it. Recent free-market reforms enacted by Republicans, which are more rhetorical than substantive, serve the same function. They are mere window dressing that cover up an agenda of continued growth in government power — in such disparate forms as Internet censorship and asset forfeiture — capturing the Rooseveltian state for their own ends.

In order for the Libertarian Party to force major parties to co-opt even its most immediate tactical planks, it would be necessary for the Party to show much more electoral strength than it has to date.

In fact, as Democrats and Progressives co-opted short-term Socialist measures, the Socialists drifted further from realizing their fundamental goals. Some Socialists gradually convinced themselves that the adoption of their short-term program constituted success, and congratulated themselves on it, while others realized that they had failed in transforming the nation into a workers' paradise.

No matter how little we like the interference of the federal government in our economy, we have to admit that the present regulatory state is nothing at all like what the Socialist Party proposed. Libertarians would be ill-served to choose a strategy by repeating a myth invented by losers to excuse their failure.

Why did the major parties preempt certain Socialist short-term planks? Because the Socialist Party was beginning to represent a genuine electoral threat to their success. By 1912, the Socialists were running over 5 percent in the presidential vote, and had elected hundreds of state and local officials. In some places, the Socialist Party established itself as the second or even first party — the Socialists governed Milwaukee until 1962. In order for the Libertarian Party to force major parties to co-opt even its most immediate tactical planks, it would be necessary for the Party to show much more electoral strength than it has to date.

The Major Party Model

The other strategy is far more challenging: the LP should become a major party in its own right, supplanting one of the major parties, or emerging as a major national party during a period of confusion and realignment. The best way to estimate the chances of that happening, and to determine the most likely effective strategy for it happening, is to look at the historical record. How many times has a new political party ascended to major-party status, and by what means did this happen? How many parties have tried to emerge, and failed? And what can we learn from those successes and those failures?

The federal political system was launched around the time that the modern political party system began to emerge throughout the English-speaking world. The United States has one of the oldest and most stable party systems in existence; only the British party system could credibly claim to be older. Indeed, the American system has deep roots in the British system, as the ideals of the American Revolution are largely drawn from the principles of the English Whig party. Pre-revolutionary Americans identified themselves as Whigs and Tories, and the Revolution had much of the character of an armed civil war between the two parties. The losers were expelled, disenfranchised, or otherwise marginalized; the American Whig movement became the sole political interest. (In percentage terms, the American Revolution generated more political exiles than the French.) Soon, however, the question of ratification of the Constitution repolarized politics into Federalist and Anti-Federalist parties. Many returning or reenfranchised Tories joined the Federalists.

At the end of the struggle over ratification of the Constitution, the Federalists coalesced as a formal ruling party, while the opposition Anti-Federalists organized themselves as the Republican-Democratic Party. Over the subsequent decades, the Democrats (to use their modern name) became dominant, while the Federalists fell apart, primarily because they could not adopt policies relevant to the westward expansion of the U.S. The opposition to the Democrats reformulated itself, first as the National Republicans, and then as the Whigs. The Whigs never created a truly effective governing coalition, winning presidential elections only when they nominated popular war heroes. The Whigs failed when they could not deal effectively with the rising issue of slavery. Too many centers of support for the Whigs — even in the North — were dependent on slavery-related businesses, and the party was never able to develop positions on the issue that were acceptable to their own supporters and the electorate.

The experience of the Free-Soil Party demonstrated that a small group of experienced, ideologically motivated people with energy and organizational skills could provide leadership to a larger group accustomed to torpid, opportunist, and mercenary politics.

As the Whigs collapsed, a number of new parties attempted to replace them. The Anti-Masonic Party had some success appealing to fears of that Order; the American Party (commonly called the "Know-Nothing" Party), attempted to appeal to anti-immigrant sentiment. Both ran ex-presidents for the presidency, and broke into the 10–20 percent range at least regionally, but their focus was too narrow to break into truly major-party status. A third small party, the Free-Soil Party, focused on the issue of preventing the extension of slavery into the western territories. It started

by polling numbers comparable to the Anti-Masonic and American parties, and began to improve its numbers when it began to serve as the focus for disaffected ex-Whigs and American Party supporters. The Free-Soilers merged these blocs into a new party, the Republicans, which rapidly rose to major-party status in the elections of 1856. By the end of the Civil War, the American political system had settled into the bipartisan dominance which has lasted to this day — Republicans and Democrats. Voting preferences have changed only glacially, usually requiring at least a generation to solidify. However, if neither party has been replaced since 1860, it has not been for lack of trying. Just about every generation since then has seen a substantial third party arise and attempt to challenge the bipartisan consensus. The Greenback party; the Populists; the Socialists from 1900 through 1920; Teddy Roosevelt's Progressive or Bull Moose Party in 1912; LaFollette's Progressive bid in 1924; Lemke's Liberty Party running against Franklin Roosevelt; Henry Wallace's Progressives and Strom Thurmond's States Rights Party in 1948; George Wallace's American Independent Party in 1968, John Anderson's independent campaign in 1980, and Ross Perot's Reform Party in 1992 and 1996 all achieved significant electoral support that towered above the Libertarian Party's most successful efforts. Several of these polled over 10 percent; typically they polled around 5 percent nationally, and often much higher regionally. Despite this success, none was able to replace either existing major political party.

So, what lessons does this experience offer to Libertarians interested in major-party status? The first obvious lesson is that it will not be easy. Major parties seem to get replaced only when one major party fails to offer a viable position on an emerging and important issue of the day, one which cannot be addressed successfully within the coalition politics on which the party is built. Note that the position does not have to be universally acceptable — only acceptable to a substantial portion of the party's core support. The Republicans rose to major-party status by opposing extension of slavery; the Democrats retained that status by favoring it. The Whigs waffled, and disappeared.

The second lesson is that although it is difficult, it has been done before, and therefore can be done again. The trick seems to be latching onto a key issue on which a large number of people are or can be strongly engaged, and taking a clear position which neither major party can or will adopt, because of the nature of their governing coalitions. The latter part is essential.

Looking over the long list of would-be new major parties, they can be quickly divided into those centered around a great idea and those centered around a great man. The former have invariably failed when a major quickly adopted a position which satisfied its own supporters (not necessarily delivering on the goods, but making enough promises to steal the third party's constituency). The latter have invariably failed when it became evident that although the

No one over the age of 30 will ever suffer under another Democratic president!

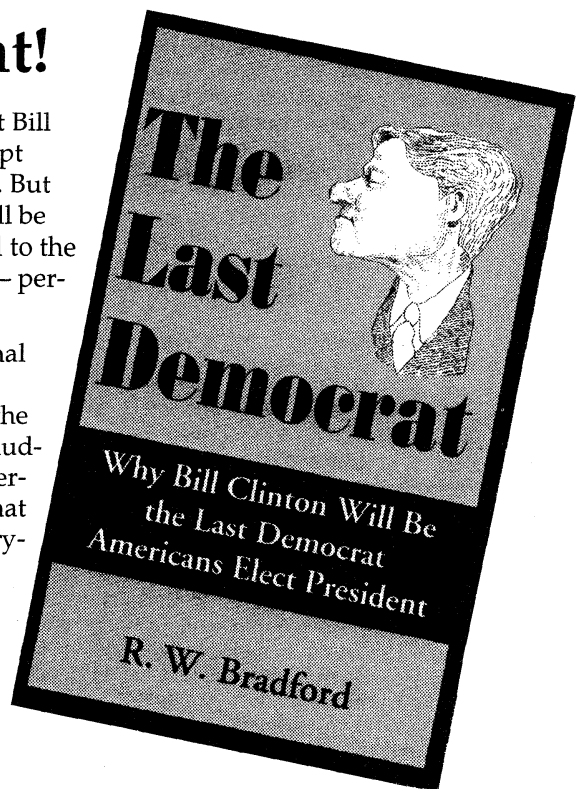

You already know that Bill Clinton is the most corrupt statesman since Caligula. But did you know that he will be the last Democrat elected to the presidency for decades — perhaps ever?

Dismissing conventional wisdom, R.W. Bradford explains why Clinton is the last, futile hope of the fraudulent dogma named "liberalism": the insane idea that government can rob everybody, pay off anybody, and leave us all richer in the process.

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central personality (Teddy Roosevelt, George Wallace, Ross Perot) had enough appeal to gather a significant mass of voters, he did not have enough to sway a plurality to abandon their comfortable hereditary party identifications, nor to attract viable candidates to build the party at the state and local levels.

The Third Way

A closer look at the last successful party replacement, that of the Republicans replacing the Whigs, demonstrates something interesting. As we have seen, the Republican Party was created by accretion — the Free-Soil party mobilized a core bloc of voters ("free-soil" advocates) who could not be satisfied by the Whigs, and added to this successful core ex-Whigs who now were attracted by the bandwagon effect of Free-Soil success. The Free-Soil party contested the elections of 1848 and 1852; by 1856 its members had become the core of the new Republican party, which was able to attract celebrity John Fremont as its presidential candidate. The Republicans won in the genuinely multiparty election of 1860 by adding the bloc of American Party voters to its Free-Soil and Whig core and capturing pluralities in the largest region of the nation. This, with the eventual addition of some of Bell's Constitutional Union voters in subsequent elections, became the base of Republican support from 1864 through 1936.

To apply the Free-Soil precedent, Libertarians must identify an issue which has the potential to excite and motivate the types of people not currently supporting their program, which neither party is likely to adopt, and which, would further the goals of the libertarian movement.

So, where did the Free-Soil Party come from? It was not formed out of thin air. It was built out of a smaller, regional party, the Liberty Party, which had built itself as an abolition party with most of its support in New England and New England-settled areas of the West. Its electoral performance was typical of small, ideologically-based parties: it captured 0.3 percent of the vote in its first Presidential election (1840), 2.3 percent in 1844, while showing strong regional performances in its core area of New England. In general, its national performance was comparable to the Libertarian Party, though of course it was far more successful.

By itself, the Liberty Party would probably have remained a minor, marginalized, and ineffective group of ideologues who enjoyed their moral righteousness, but who never moved significantly toward their stated goal of abolishing slavery. However, the Liberty Party took a fateful step: it decided to become the core of a larger mass party, one dedicated to a more short-term goal upon which others who didn't share the abolitionist fervor could also agree. By focusing on the free-soil issue, they created a movement which, no matter who supported it, or for which reasons, could only move the nation closer to Liberty's goal of freeing slaves.

Joining with the Free-Soil Party must have been a difficult choice for many Liberty Party abolitionists. It required appealing to, recruiting, and working with, persons with diametrically opposed views and values, except on the principal issue of extending slavery. Some free-soil advocates were violent racists who opposed extending slavery to the territories because they wanted to ensure that the new states would be all-white; many of them proposed and voted for laws excluding free blacks from the new territories, and their own states. Many others were indifferent to the issue of abolishing slavery in its existing regions. Yet the Liberty activists understood very well that the extension of slavery into the new territories of Alabama, Mississippi, and Tennessee, had been instrumental in preserving slavery in the early 1800s, and its extension into Kansas and other new territories would likely have helped preserve slavery even longer. The non-abolitionist free-soil advocates, on the other hand, accepted the leadership of the Liberty activists because they needed the energy, organizational skills, and eloquence that had been a hallmark of the Liberty Party's years of lonely struggle.

The experience of the Free-Soil Party demonstrated that a small group of experienced, ideologically motivated people with energy and organizational skills could provide leadership to a larger group accustomed to torpid, opportunist, and mercenary politics. Free-Soil and its Republican Party successor remained far more strongly influenced by the Liberty activists (eventually known as Radical Republicans) than by the former Whigs and Know-Nothings who later came under their banner.

What's a Libertarian to Do?

It is by now obvious that the LP is unlikely to grow to replace either of the current parties. It is equally apparent that it is unlikely that either major party will adopt enough of the Party's programs to make a difference, assuming it ever becomes enough of a threat to force them to do so. As an alternative strategy, the Free-Soil precedent is worth a look.

How could Libertarians apply the lessons of the Free-Soil experience? The Libertarian Party is closer to the situation of the Liberty Party in the late 1840s, than to any other historical parallel. To apply the Free-Soil precedent, it needs to identify an issue which has the potential to excite and motivate the types of people not currently supporting libertarian goals and principles, which neither party is likely to adopt itself, and which, if successfully pursued, would clearly further the goals of the libertarian movement. Even if one of the major parties tried to co-opt the issue, it would only increase the tide toward its adoption, moving the nation in a more desirable direction. Finally, one should try to be moving with the tide of history. The Free-Soil movement represented history's winners — the rising industrial market economy of the North. The Libertarian movement has the potential to form the core of the party of the emerging cybereconomy — as such, it would similarly be at the forefront of a historical trend. ❑

Portrait

Queen of the Soapbox

by Wendy McElroy

A life of anarchism, agitation, and intellectual growth . . .

To the legendary film producer Cecil B. DeMille, she was "The Godless Girl" in a Hollywood movie (1929) of that title which was modeled on her young life. For a teenager with the unlikely name of Queen Silver, the film was just one more in a continuing series of adventures. Queen had been born at the cusp of a social revolution that ushered in women's equality, world wars, the labor movement, and increased governmental repression of dissent. She helped to create the independence that some of us now carelessly view as the status quo. She was also my best friend.

Queen was born into radicalism. She attended her first political rally at six days of age. There, her mother, Grace Verne Silver, stood at the podium to denounce the laws and mores that restricted labor — in particular, the labor of women. Indeed, the fiery Grace had halted an intensive lecture tour only long enough to give birth. Political agitation was a tradition for the Silver women. Grace's mother, Azuba, had lost her health — and eventually her life — from working 16 to 18 hours a day in cotton mills from the age of eight. Azuba became a vocal opponent of child labor. Queen delighted in introducing herself as "a second generation *freethinker* [atheist], a third generation feminist, and directly descended from framers of the Constitution."

At eight years old — and already a veteran speaker at the Free Speech Zone on Los Angeles Street — the diminutive Queen stunned Los Angeles crowds by delivering a series of six lectures sponsored by the London Society of Science. The subjects ranged from Darwinian evolution to Einstein's then new theory of relativity. The internationally acclaimed botanist Luther Burbank praised one of her presentations as the best he had heard on the topic. In announcing an upcoming lecture, *The Los Angeles Recorder* (December 24, 1919) wrote, "A good share [of the speech] . . . will be extemporaneously delivered. She has already traveled 50,000 miles in work on the stage and lecture platform." Queen's lectures drew hundreds of people; hundreds more were turned away at the door.

Preaching evolution, "The Girl Scientist" became a major voice for the separation of church and state. Her most famous lecture (and pamphlet) was entitled, "Evolution, From Monkey to Bryan" — Bryan being the famous prosecutor in the Scopes Monkey Trial. (There, in Tennessee, a high school teacher was tried for teaching evolution.) The young Queen challenged Bryan to public debate. He declined to reply, but her well-publicized taunts resulted in national notoriety. Her pamphlet was translated into various languages, including Yiddish and Esperanto.

Grace's was a strong presence behind the scenes but, sometimes, she assumed center stage. For example, in late 1925, Grace physically attacked an evangelist who made unflattering comments about Queen. For several weeks, he and Queen had been verbally slugging it out on adjacent soapboxes. When Grace was arrested for assault and battery, headlines in the *Los Angeles Evening Express* (November 7, 1925) declared, "Modern Portia of 14 Fights for Mother Before Court." Queen defended Grace in criminal court, and won.

Meanwhile, *Queen Silver's Magazine* (1923-1931) — a periodical she published and edited — showcased the teenager's lectures and attracted over 5,000 subscribers worldwide. Best-selling freethought author William Smith Bryan (*Bible Stories*) wrote to his young protege, "Your talent belongs to the world, and there is no telling the amount of good that you may be able to accomplish if you should live to a reasonable old age." Queen lived to be eighty-seven, but she was

silenced by circumstances beyond her control.

The American Legion Attacks

Queen and Grace had been active in the early labor movement, especially in the left-leaning I.W.W. (Industrial Workers of the World). When the Russian Revolution rippled panic through America, deputized members of the American Legion — a patriotic veterans association — began to attend labor meetings. At a given signal, they performed a 'citizen's arrest' on the persons sitting to either side of them.

Queen explained what happened next: "[T]he Merchants and Manufacturers Association . . . was the group maintaining 'the files.' . . . When radicals were arrested, they were usually not taken . . . to the police department. They were taken to the Merchants and Manufacturers Association. On one occasion, they showed my mother her file. . . . They had everything from the time she had left the farm, to her speaking on Boston Common and every organization she'd ever spoken for and, I suppose, every man she'd been friendly with."

During World War II, when it became clear that internment of Japanese-Americans was imminent, she violated DMV rules to rush their paperwork so vehicles could be sold quickly.

Grace always pressed carfare and "a safe address" into Queen's hand before meetings. At a hint of trouble, she was to flee and ask "anyone but a policeman" for directions. One child was not lucky enough to get away in time. A man who had come to break up the meeting picked the child up and lowered him waist-deep into a cauldron of scalding coffee. At another meeting, a child was killed.

Queen also witnessed the destruction of Grace's bookstore — the first socialist bookstore in Los Angeles. It was "raided three times by the Legion" while the police stood and watched. Queen told me, "a truckload of books were taken out and burned, not only socialist literature but also scientific things by Darwin and Haeckel, fiction by Jack London and Mark Twain . . ." The store closed. Confronted by Grace's deteriorating health and increased government repression, Queen made a difficult decision. In the late 1930's, the "Girl Wonder" became a clerk at the Department of Motor Vehicles. Without complaint, she worked days and attended night classes to get her high school diploma and to boost her shorthand to the 210 words a minute that allowed her to become one of the first woman hearing reporters in California. She withdrew politically for decades, but Queen never abandoned the "prime social principle" of "harming no one." For example, during World War II, when it became clear that internment of Japanese-Americans was imminent, she violated DMV rules to rush their paperwork so vehicles could be sold quickly. When the L.A. schools gave up on several Hispanic children, she and Grace tutored them at night in basic language and math skills.

Grace died in 1972. Queen was both devastated and released. After experiencing what she termed "a nervous breakdown," she plunged back into women's rights and the First Amendment. Privately, she lived her principles. I vividly remember riding with her on a bus in which an old fellow was haranguing a well-meaning driver. Queen stood up and loudly proclaimed, "You are the type of old person who gives old people a bad name!" She sat down to applause. On a more public level, she donned her "uniform": a wig, a hat with a matching skirt and jacket, an empty purse for snatchers, and an underarm pouch for valuables. Day after day, she rode buses to the American Civil Liberties Union (where she sat on committees until her death), to deliver lectures, to preside at meetings, or to "woman" the literature table that she set up on Venice Beach, California every Sunday.

Grace once wrote, "I like to think what a century of honest thinking and brave living, particularly by women, could accomplish." Perhaps we could produce a generation of women who can say — as Queen said to me shortly before her death — "I have never been ashamed of anything I've done."

Creating a "Girl-Wonder"

A pivotal event in Queen Silver's life occurred at the age of three: she pronounced her first word, and she did so in a remarkable manner. Her mother Grace — a socialist lecturer — explained,

> . . . that first word ever pronounced developed into a speech, delivered when some friends lifted her to the platform, while I stood out of sight in the wings, and some one told her to "make a speech" like mother. She talked over five minutes, repeating verbatim the peroration of a speech I had been giving at one-night stands all winter.

At that instant, Grace decided to form her daughter into a lecturer and writer along her own mold by using an innovative style of home schooling. On November 1, 1916, when Grace and the almost six-year-old Queen arrived in Los Angeles, one of the first places they visited was the Los Angeles Central Public Library, from which Queen obtained a borrower's card. She proudly wrote, rather than printed, her own name on it. Queen's life-long affair with books had begun. And the public library became an integral aspect of Grace's ambitious plan to raise a girl-wonder — although she always insisted, a bit disingenuously, that Queen was merely an average child who had been given "proper" instruction. The "proper" education of other children, however, hardly included speaking on soapboxes at outdoor meetings of atheists and radicals.

A man who had come to break up the meeting picked the child up and lowered him waist-deep into a cauldron of scalding coffee. At another meeting, a child was killed.

Until the late twenties, the city of Los Angeles had a "free speech zone" that extended between 1st and 2nd Avenue on Los Angeles Street. Along this stretch, speakers were permitted to set up soapboxes and audiences were allowed to gather in an atmosphere relatively free from interference by police. It was a favorite outdoor auditorium for evangelists and radicals of all causes.

Much later in life, Queen gave a sense of how the free speech zone in Los Angeles had evolved: "A woman named Dorothy Johns in 1908 . . . along with three other women . . . was arrested for using the streets of L.A. to speak on freethought, since preachers were allowed to freely speak on religion. Thirty-five men were also arrested. The prisoners were all acquitted." Channing Severance wrote:

> The Socialists and Freethinkers of Los Angeles have won a notable victory for free speech — that is, the right to speak unmolested on the street — and religious ranters no longer enjoy a monopoly given them by pinheaded officials afflicted with the idea that only believers in the Christian superstition have any rights under a secular government.

I vividly remember riding with her on a bus in which an old fellow was haranguing a well-meaning driver. Queen stood up and loudly proclaimed, "You are the type of old person who gives old people a bad name!"

Queen also reminisced about her own experience of the free speech zone:

> By the time mother and I arrived in Los Angeles, the free-speech zone was well established. With the exception of people throwing rocks occasionally and of a truck that purposefully drove into a meeting one night killing two people and injuring several — (mother jumped off the soapbox just in time to avoid injury) — there were no incidents. That is, as far as the law was involved, we had no problems, except that my mother did get arrested once during a speech. She read a clipping out of the newspaper which said that the army camp near Riverside had issued a command that people should not kiss each other publicly on the streets of Riverside. The army people explained that they needed to protect the morals of the soldiers who were stationed at the camp. So my mother said that if these soldiers hadn't all had good Christian upbringings, they wouldn't need someone to pass a law to protect their morals. For that she got taken off on the charge of disturbing the peace.

Several photographs exist of Queen as a child lecturer, standing on a tabletop in the open air of Los Angeles Street. In one, Queen — who was always diminutive — is a tiny 7-year-old, poised on a soap box with arms spread wide open in front of a fascinated crowd of men. In another, her back is to the camera, her hands rest demurely by her side, there is no podium to hold any notes because she is speaking extemporaneously. To one side of Queen and slightly closer to the camera, with her face included downward, Grace is seated and seems to be following Queen's speech from a sheaf of papers in her lap. Again, a few dozen men have gathered and seem to be listening intently. How large the audience actually was in either case cannot be ascertained as the photograph captures only a segment of the scene.

Queen had become her mother in miniature.

Years later, Grace would still be grooming Queen to take her rightful place on the lecture circuit. On June 8, 1934, Grace wrote to her 23-year-old daughter:

> Now that I am traveling again I recall several rules for traveling speakers which you might also find useful:
>
> 1) The first thing when you get into a new town, before you leave the station, find out and write down what time train (etc.) leaves for your next stop, and how much it will cost to get there.
>
> 2) Get mail at P.O. first thing when you arrive and last thing before you leave. There might be something important. When you leave forwarding order, have mail forwarded to where you expect to be a week later. The P.O. is too slow to catch up with you sooner than that.
>
> 3) Look for room somewhere within 3 or 4 blocks of main Library. It is likely to be fairly reasonable, in the business district — or near — and semi-respectable at least. Besides, you can use the library.
>
> 4) Get some kind of city map and study it so you know where you are. Can get them free on hotel folders.
>
> 5) Pack suitcases, if you have two, so that literature for first meeting, and clothes for that night, will both be in same case and the other and heaviest case can be checked from one town to another and left 24 hours without charge at the station.
>
> 6) Sleep on trains or boats or buses with all your clothes on except dress and shoes. Better yet, if you must take off a dress, use another dress, not a nightgown to sleep in. Then if anything happens you are at least dressed. No night gown or kimonos when traveling. Use a loose dress instead.
>
> 7) Take your own collection if possible and watch that helpers in meetings don't go away with half your literature money.

But Los Angeles County would not merely be a stop on a lecture tour: it became home for both Grace and Queen, who would stay there virtually without an absence for the rest of their lives.

Inevitably, the spectacle of a girl-wonder delivering radical speeches in the streets of L.A. stirred curiosity.

Grace's home schooling philosophy was given credit and her methodology was later chronicled in an article that appeared in *National Brain Power Monthly* entitled "Making Your Child A Genius." It was written by Henry H. Roser, whom Grace married in 1921, making him Queen's stepfather. The article was subtitled, "Grace Verne Silver Tells the Secret of the Home Teaching Methods that Have Made Queen Silver the Marvel of the School World."

Roser described Grace as a "noted author, lecturer, and mother and educator of a so-called 'child prodigy.'" Like Grace, he claimed Queen was an ordinary little girl who had fulfilled the intellectual promise available to any other child who was appropriately educated.

Grace is quoted within the article as criticizing the public school system for inculcating compromise and mediocrity into its students. She contended:

> The educators of our schools worship a holy trinity of their own, namely, Average, Authority, and Standardized Methods. . . . We are fast becoming a nation of average people. Instead of statesmen, we have politicians of average ability; we aim at an average weight and height for every child and adult, at an average wage rate, based upon an average standard of life. . . . Average is the great god of modern life. A sausage machine is a fine thing — with which to make sausages. School administrators have generally considered it a good method of making brains for children.

Among the "fundamental principles of education" that

Grace believed were universally ignored by the current education system were: developing constructive thought until it became a reflex action; directing the child's energy into constructive pursuits, rather than destructive ones that wasted time; allowing a child's mind to develop according to its own natural tendencies, just as the body grew naturally; realizing that the child inherits its "chief bias" from its mother; and understanding that a successful education leaves the child with ultimately more knowledge than the adult from whom it learns.

Grace explained the process by which she tutored Queen, which included no lullabies or nursery rhymes. "A woman once repeated a nursery rhyme to her," Grace recounted. "'Stop, stop,' she [Queen] cried, 'that sound hurts my ears.' Another told her a fairy tale. 'Is that true?' she asked me. Upon being informed that it was not, Queen remarked, 'That woman must think that I am as ignorant as she is!' She was four-years-old at that time."

At eight years old the diminutive Queen stunned Los Angeles crowds by delivering a series of six lectures sponsored by the London Society of Science. The subjects ranged from Darwinian evolution to Einstein's then new theory of relativity.

In the early years of Queen's development, Grace claimed that she subordinated her own career. "I gave up traveling and remained in Los Angeles in order to make use of the unusually good library facilities in that city. In one year, between six and seven, I took her through the first six grades of grammar school work in reading, arithmetic, grammar, history and much besides . . . At seven and a half she was reading Darwin's 'Coral Reefs,' and 'Expression of the Emotions' in *Man and Animals*. Soon after, she began to read Haeckel's *Natural History of Creation*."

Roser went on to add that Queen had also been taught self-reliance and, from the age of seven, had been earning her own money by writing, speaking, and working in motion pictures.

Life as Women Radicals

Details on how Grace and Queen actually supported themselves during this period are vague. Despite Roser's claims of how Queen earned enough money to support herself, she later spoke of how desperately poor she and her mother had been. To acquire a little extra money, they sold fertile goose eggs. Queen recalled their joy when, during a day of particularly acute hunger, Grace suddenly discovered a crock of goose eggs that she had put away and forgotten. They also supplemented their food supply by going into the bean fields of farmers who permitted the poor to search through the vines after harvest, looking for beans that had been overlooked.

All three of them scrambled to pick up work as extras in the silent movie industry that had sprouted in Los Angeles. In the manuscript of a later article, Grace commented on the process of finding work as an extra. It involved nothing so much as constant driving. "There was no Central Casting Agency in those days, and all us extras used to make the rounds from one studio to another, morning and night, when we were not working. Universal City, Culver City, Hollywood, back and forth. One might easily drive 50 to 75 miles a day, looking for work and not getting it."

Several photos of Grace "in costume" exist. In one photograph, a saronged Grace with her skin browned to a Polynesian hue embraces a distressed monkey. In another, she poses in the all-concealing Puritan garb of 18th century New England. Meanwhile, because Roser sported a beard and owned a six gun (that probably didn't shoot), he generally received extra pay for work in cowboy movies. For her part, Queen used to speak delightedly of one movie set on which she had to climb up a rope to board a ship that was made to rock as though in a gale.

In a letter dated July 23, 1982, Queen, then 71, seemed to minimize her film experience: "While I did do some movie work, it was much earlier (1917-1928) and was only extra work." She also spoke of the boredom of being a face in the crowd. The extras used to mull about, chatting on whatever subject they wished, which could cause some trouble if audiences in the movie theatres were able to read lips.

At some point, probably in the early 1920's, the family moved to what Queen always referred to as 'the half-acre' in Inglewood, California, where they raised chickens for eggs and lived largely off vegetables from their substantial garden. They also acquired a cow named Bossy, who would give milk only if fed alfalfa hay. Queen became unusually fond of Bossy, whom she and Grace had chosen as "the one" when they found her down on her haunches looking under a car where her owner was working. In bad weather, Bossy had her own shed with a small wooden window that she could slide back and forth with her nose to adjust the ventilation.

In some ways, Queen's childhood seemed idyllic.

But an aspect of Queen's self-reliance that was not covered in Roser's article was later related to me by Queen herself: it was political street sense. And she acquired it while most other children were having *Peter Rabbit* read to them. Upon arriving in Los Angeles, Grace and Queen may have first visited the public library, but making connections in the freethought and socialist communities had not been far behind. In 1916, the main free-thought organization in the city was The Los Angeles Liberal Club, of which the well-known libertarian radical Charles T. Sprading was the President.

Grace physically attacked an evangelist who made unflattering comments about Queen. For several weeks, he and Queen had been verbally slugging it out on adjacent soapboxes.

Sprading became something of a point of contention between Queen and me. As a staunch libertarian, I often and openly favored individual and free market solutions to the social problems for which Queen often and openly favored

collective and legal solutions. On many occasions she and I found ourselves at ideological loggerheads, with our conflicting political assumptions allowing no chance of resolution. At some point in such conversations, Queen would exercise seniority and call a halt by saying, "as always, we must agree to disagree." The exaggerated patience of her tone left little doubt that she hoped libertarianism was a political phase I would outgrow.

Immediately after we experienced such a dispute, Queen seemed especially prone to recount a childhood encounter she'd had with Sprading, whom she knew I admired. The libertarian guru had attended a freethought meeting in someone's home, at which Grace and Queen were also present. He spoke with what must have been great enthusiasm or outrage on some subject or, perhaps, he was merely given to gesturing. The diminutive Queen stood beside him, listening. As Sprading drove home an argument, an impulsive sweep of his hand lightly hit her head, which must have come up to about his waist level.

She looked up at Sprading and stated, "Don't do that again." The meeting went on, passions flowed anew, until lo and behold, he did it again. Whereupon, Queen kicked him in the shins so hard that Sprading was still limping hours later when the meeting concluded and he left the house. Queen told me the story several times. She always smiled when she did so.

❑

Petersen, "Sex in Prison" *continued from page 30*

men and women from their families, friends, careers and communities for peaceful, non-aggressive, non-coercive, non-fraudulent and genuinely consensual activities, and warehouse them for years and decades with murderers, arsonists, terrorists, rapists and thieves. What outrages me, what I can't say loud enough or often enough, is that half the women don't belong here because they've done nothing wrong, they have no victims; the other half don't belong here because it's too good for them.

The model of egalitarianism that is prison, houses and feeds and punishes the marijuana grower and the serial killer together and in the same way — and at a cost to taxpayers of over $20,000 per year per inmate. This is an atrocity that far exceeds the questionable claims of possible sexual abuse from a nano-fraction percent of the thousands of women who have been in custody at FCI/FPC Dublin in the past five years.

Life in prison is far from my idea of a good time, but I've traveled enough in my pre-prison life to know and appreciate that women in FCI/FPC Dublin live, by any objective standard, better than three-quarters of the world's population. I am safer from random acts of violence or rape than free women in Washington, D.C., Belfast or Kinshasa. And I'm old enough to remember fugitive Black Panther Eldridge Cleaver's comment to the press when he returned from exile to face prison time in the U.S.: "I'd rather be incarcerated in America than free in Algeria."

There are real problems in our nation's prisons and I applaud AI's efforts to bring attention to and correct them. But more energy should be spent on reforming the draconian drug laws, mandatory minimums and sentencing guidelines that are filling up America's prisons, and on rallying support for the hundreds of thousands of victims of the War on Drugs, not just as "prisoners of war," but as "political prisoners" who are imprisoned for holding dear and expressing in practice the radical ideas of self-ownership and individualism.

Rape is *not* part of our sentence at FCI/FPC Dublin. It's not encouraged, condoned, sanctioned, nor is it a systemic problem: it is an anomaly, an ugly and infrequent exception to a vigorously enforced rule.

I don't fear sexual abuse here as much as I fear being released into an America with fewer and fewer personal freedoms and with increasing violations of the rights which used to enjoy constitutional guarantees and protections that made us the envy of the world.

I sent Amnesty International a letter detailing all this, suggesting that its report was inaccurate in many details. AI replied with a simple note that acknowledged receipt of my letter, and that was it.

About a week after I sent my letter to AI, Fox News ran a two-night "Segment Two" report on prison sex scandals, the first part devoted exclusively to FCI/FPC Dublin. One of the officials interviewed in the Fox News report was Ralph Paige, from the U.S. Justice Department Office of Inspector General, the agency that assisted in Jon Hyson's investigation and which has the responsibility of accepting and investigating new complaints of sexual harassment and abuse from federal inmates. He reported receiving, on average, one complaint per month from the Dublin facilities since his office's phone number had been made available for free calls from inmates.

What Paige failed to make clear, or what was edited out of his interview, was the fact that on any given day, there are 1400-1500 female inmates in the two facilities of FCI/FPC Dublin and that some percentage of those complaints are without merit and undeserving of active investigation.

I would bet a carton of cigarettes (at tax-free prison prices, thank you) that free-world, private or public sector ombudsmen would welcome that rate of complaint, given today's litigious society and the legions of gender feminists coming out of Women's Studies programs and into the job market. I sent Mr. Paige my Amnesty letter with a note suggesting that he remember my perspective every time he and his colleagues receive complaints from Dublin.

I'm still waiting for his response. ❑

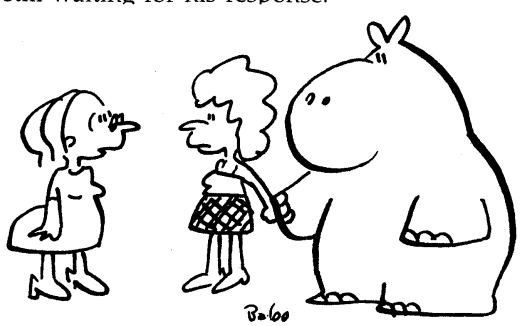

"Ask yourself dear — is this what you really want?"

Reflections, *continued from page 16*

fair share of corporate welfare, condemns the law as "idiotic and useless." On its own, he says, Nouvelles Frontieres would have created the 104 new jobs that he's now being rewarded for. At Lourdes, a $670,000 government check will help cover the cost of Castex's replacement while he's off collecting mushrooms. "The cost of the new hires at Lourdes is more or less going to be compensated for by the aid I get from the state," says Dehaine.

Not everyone, of course, is 100 percent happy with the new law. At Renault's Cleon factory, the Communist-aligned CGT union ordered a strike because management, in order to meet production requirements under the new mandate, wanted employees to work eight Saturdays a year. Others see Big Brother running out of control. A new squad of government labor inspectors, to ensure full compliance, is being sent out to workplaces to make sure no one is spending too much time on the job. Last month, the top executive of a company that makes military radar equipment was found guilty and fined for encouraging managers to put in overtime.

Others see the likelihood of less take-home pay. The government, previously promising the 35-hour week wouldn't mean new taxes, has now announced that, in part to compensate for business subsidies, it will have to raise more than $5 billion in new revenue next year. Special levies on excess profits and on industries that pollute are being considered.

There's growing concern, too, that the government is weakening France's competitive position in Europe. "This is a decision of a political nature that deliberately ignores economic realities," charges Bernard Boisson, counselor at the Movement of French Enterprises, the country's main Paris-based business lobby. "It's even graver, we think, because France is the only country to put this program in place, with no other European country doing likewise." Patrick Artus, research director at the Caisse des Depots et Consignations, a government-affiliated investment institution, believes the Socialists' legislation is foolhardy and could produce a supreme irony: the net loss of up to 200,000 jobs.

The lesson? Watch your wallet when the bureaucrats start promising something for nothing. —Ralph Reiland

Letters, *continued from page 32*

that includes law enforcement personnel.

Is omitting embarrassing details from a law enforcement document a conspiracy? Yes, if the agent has been trained to do so, as the author stated; for then we have the trainer and the trainee, the necessary two people conspiring to obstruct justice. Yes, if the supervisor directs the agent to do so, and the agent complies; for again we have the necessary two people conspiring to obstruct justice. Conspiracy is that simple and more widespread than we wish to admit. Why are we reluctant to consider conspiracy a possibility in our government? There are several reasons but the most compelling reason is fear.

We neither wish to be called "Conspiracy Types" nor conspiracy nuts because someone will immediately label us as being paranoid. Paranoia is a mental disease. Lord knows we do not wish to be known as being mentally ill. When the conspirator calls someone paranoid , he knows that victory follows. Wishing to avoid the mental illness stigma, we jump into the conspirator's camp, even repeating his bazooka word "paranoid" against other discerning people. Eventually, we become desensitized as to what is happening.

A good defense against the paranoid is to reply, "Rather than think myself as being paranoid, I would rather think of you as being naive." Or, less offensive, you can just make light of being paranoid. At that point, if you have the courage, quickly turn the conversation toward educating the person calling you paranoid. That is a skill I have yet to master.

Milton Scoutaris
Neosho, Mo.

Playing Monopoly with Bill Gates

Matt Ruff's letter in the December issue implies that Bill Gates and Microsoft have a coercive monopoly. He is wrong.

No one is forced to buy Microsoft's products. Why people do so without a gun to their heads I'm not sure, but people do buy them. A few years ago my new boss bought a Microsoft-made monstrosity that was so screwed up and ill-conceived that everything we do in my business was made more difficult. I don't blame my boss, really. He probably got suckered in by a slick sales pitch, and when haven't we all, at one time or another?

I've sworn not to buy any of that company's mediocre products for my own use. Let's see them make me!

Scott Williams
Denver, Colo.

Please, Eschew Euphuisms and Macaronics!

I consider myself to be an average American. I am a ten year veteran of the armed forces and of late, a new libertarian. I read your magazine because it gives me political thought that our media does not offer. In many ways I am like a dry sponge, I soak up all the information that I can from your articles. the only thing that I don't like about your magazine is that a few of your authors seem to think that only fifth year Harvard graduates who have an enormous vocabulary read your publication. Case in point, just what the heck is Mr. Kyle Rothweiler talking about?

I'm guessing even you aren't sure.

David L. Mckinney
Chesapeake, Va.

Go Ahead. Bust My Window

About Adrian Day's "Reflection" (December) on the reportage of Hurricane Floyd being good for the Bahamas' economy because of all the work it would generate:

This, of course, is nothing more than Bastiat's "Broken Window Fallacy," so ably recounted by Henry Hazlitt in *Economics in One Lesson*. And such idiocy is not new. In my own copy are marginal notes dated 1993 and 1994 after the LA riots and the SF earthquake; in both cases the *New York Times* wrote much as Day reports CNBC as doing. For example, on January 23, 1994, the *Times* said the earthquake "may actually give the economy a boost" and "GDP and employment [were] actually higher than they would have been."

This led me to suggest a remedy for recessions, very un-Keynesian but in agreement with Day: Next recession, simply burn everything in sight. Trash the city. Think of all the jobs we'll create rebuilding! (I wrote a letter to the *Times* to that effect back then. They elected not to print it.)

Albert S. Kirsch
Brookline, Mass.

Reviews

***Dutch: A Memoir of Ronald Reagan,* by Edmund Morris. Random House, 1999, 874 pages.**

Reagan in Fact and Fiction

Gene Healy

If you listen to conservative talking heads, or read the reviews of *Dutch* published in right-wing magazines, you'd think Edmund Morris was a literary John Hinckley, Jr. In *National Review*, Peter Robinson laments: "How . . . could Morris have engaged in such a grotesque betrayal of the confidence the Reagans had placed in him?" George Will, in his sometime role as Nancy Reagan's attack terrier, called Morris "dishonorable," while Robert Novak, writing in *The Weekly Standard*, groused that the book "presents — and embroiders — the conventional liberal wisdom about Ronald Reagan, and the book will be read with satisfaction by the president's detractors."

Whatever are they so upset about? It's hard to imagine that American liberals would be happy with a biography that dispels the myth that Reagan was a charming idiot, out of his depth in affairs of state, lavishly praises its subject's honesty and strength of character, and credits Reagan with great moral vision, which hastened the collapse of communism. Reaganites in the commentariat seem ill-disposed to accept any biographical treatment of Reagan with more critical bite than Dinesh D'Souza's 1998 hagiography, *Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader.* D'Souza's book, which could have been written by any young Republican with a few free months and a stack of Heritage Foundation policy papers, provided less insight into the man than one might get from a Reagan campaign brochure.

In contrast, Morris makes an heroic attempt to understand his subject, to crack the actor's facade and uncover the real Reagan. If he ultimately fails in this attempt, at least it can be said that he produces some lyrical and interesting passages along the way.

Of course, it's impossible to review *Dutch* without saying a word or two about Edmund Morris's unorthodox methods. Morris, as everyone now knows, made himself a quasi-fictional character in the book, and peopled it with several other fictional characters who observe Reagan and argue about him. At times, the device succeeds brilliantly; at other times, it's utterly obnoxious. But the idea, propounded by George Will and others, that Morris's method represents a sinister, postmodern assault on the truth, is as overwrought as the conservative cry of "betrayal!" There are far worse examples of the phenomenon Will critiques: Robert Reich's *Locked in the Cabinet*, for example, in which the diminutive former Labor Secretary repeatedly falsified important details of meetings with Congress and industry leaders — later defending his account as the truth as he "experienced it." Or Bob Woodward's latest book, *Shadow*, in which Woodward recounts privileged communications between the president and his lawyer in the Lewinsky matter, communications to which Woodward could not possibly have had access. With *Dutch*, on the other hand, one has little difficulty discerning what Morris made up and what he didn't.

And there's much here that's worth reading. Second Amendment aficionados will be charmed by Morris's description of Young Reagan armed and chivalrous: "A nurse. . . had been held up beneath Dutch's bedroom window in Des Moines. A warm Sunday night; the time about eleven o'clock; suddenly the sound of a man snarling something, and a young woman's voice, high and panicky: 'Take everything I've got but let me go.' Reagan leaps out of bed, seizes his latest acquisition, a .45 automatic (unloaded), and in the glow of a street lamp outside sees one of the girls from Broadlawn General Hospital with her hands in the air. The man menacing her is stooping to pick up her bag, when a light baritone that carries well on the air rings out: *'Leave her alone or I'll shoot you right between the shoulders!'*"

If you listen to conservative talking heads, or read the reviews of Dutch published in right-wing magazines, you'd think Edmund Morris was a literary John Hinckley, Jr.

Of particular interest from a political standpoint is Morris's chronicle of

Reagan's path to the political Right. Paleoconservatives have been known to mutter darkly about the Reagan administration being infiltrated and sabotaged by neocons who thwarted the promise of the Reagan presidency. But, as

Reagan's intellectual trajectory followed the standard neocon path: (1) Start out as a dedicated leftist; (2) become disillusioned with Communists and their fellow travellers; and then (3) dedicate yourself to the international struggle against Soviet Communism.

Morris shows, Reagan's intellectual trajectory followed the standard neocon path: (1) Start out as a dedicated leftist; (2) become disillusioned with Communists and their fellow travellers; and then (3) dedicate yourself to the international struggle against Soviet Communism. This may explain why, as president, Reagan was perfectly willing to scuttle his domestic agenda for his foreign policy goals.

In the '80s, Reagan often commented on his years as a "hemophiliac liberal" and dedicated soldier of the New Deal. Anyone who thought that was a rhetorical device designed to tweak American liberals will be set straight by *Dutch*. Indeed, Reagan's early leftism went significantly beyond mainstream New-Dealism. At the close of WWII, Reagan served as chairman of the American Veteran's Committee, a left-wing organization motivated by the "determination that the bad old days of isolationism would never return" and the idea of "expanding the Committee into an international lobby under the aegis of the United Nations, working to contain the A-bomb." The AVC's draft constitution, which Reagan approved, was "liberal enough to satisfy a Swede": full employment, national health care, federal civil rights legislation, among its planks. Reagan wrote an article for the AVC Bulletin decrying "native fascism": "I believe this is a great menace and is closely aligned with part of the present attack on labor and price controls."

Morris's contention that Reagan attempted to join the Communist Party has insufficient support to be fully convincing, though Reagan did serve in an activist group, the Hollywood Democratic Committee, which was "Communist-organized but not Communist-controlled." And he allowed his name to appear in a political advertisement in the Communist *People's Daily World*. But Reagan soon became disgusted with the tactics of Communists within the AVC, and concluded that "the extreme left . . . [was] as undemocratic as the far right of fascism." As Morris puts it, the AVC "went pink on him. Then in the fall [of 1946] the labor situation in Hollywood broke down again . . . [and] Reagan became a Red-baiter almost overnight."

Morris traces Reagan's rise from head of the Screen Actors Guild, to corporate spokesman, stump speaker for Republicans, Governor of California (where he presided over a near-doubling of the state budget), and — improbably — President of the United States. He gives Reagan full credit for the two singular achievements of his presidency: slashing marginal tax rates and speaking truth to Soviet power. Indeed, Morris suggests that the two were interrelated: "I can only note that what Dutch believed has largely come to be. Across America and Europe, and in huge areas of the world where commerce was once state-controlled, his philosophy of hard work and earned reward has made Marxism a memory. If [upon signing the '81 tax cuts] he had laid down his last pen on August 13, 1981, and said to the press, "Ten years from now, you fellows, there are going to be stock markets in Moscow and Shanghai," guffaws would have filled the valley. But who can doubt that somewhere deep down (as he leaned back in his chair, put one high-heeled boot on the table, and mugged for the cameras), Dutch *believed*?"

This moral certainty, and the rhetorical force with which Reagan conveyed it, Morris intimates, may have done more to topple communism than any multi-billion dollar increase in the Pentagon budget. Morris describes the dramatic effect of Reagan's March 1983 address to the National Association of Evangelicals, in which he urged the congregation to "pray for the salvation of all those who live in totalitarian darkness . . . the focus of evil in the modern world." The American press squealed, calling Reagan a bigot and a warmonger, but: "Western travellers who happened to be well connected and in Moscow at the time of the President's speech remember a feeling of instant shock. 'Within twenty-four hours,' one of them told me, 'I was hearing of the reaction spreading through society — of self-disgust and self-acknowledgment.'"

If Morris can interject himself into a biography, then perhaps you'll excuse me for inserting myself into this review. I have to admit, I'm soft-hearted (and perhaps soft-headed) when it comes to Reagan. Sure, he was a paper tiger when it came to rolling back government. But at least he had class. In four short years, we went from a guy too straight-laced to take off his jacket in the Oval Office, to one who could use that office's phone to lobby a congressman for American troops in Bosnia, undistracted by the slurping sounds below. We've gone from a man who basically meant well, to one whose will-to-power will not be constrained by any standard of honesty or decency. Given that we're now ruled by a degenerate war criminal, it's not hard to get sentimental about the essentially decent fellow who made such stirring speeches.

There's a particularly syrupy passage from Reagan's Second Inaugural Address: "A settler pushes west and

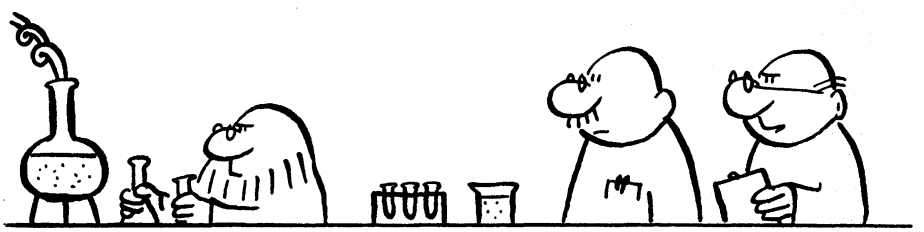

"A little squirt like Blumenkraft would theorize that the universe is contracting!"

sings a song, and the song echoes out forever and fills the unknowing air. It is the American sound: it is hopeful, big-hearted, idealistic, daring, decent, and fair. That's our heritage; that is our song. We sing it still . . . We raise our voices to the God who is the author of this most tender music. And may He continue to hold us close as we fill the world with our sound . . . one people under God, dedicated to the dream of freedom that He has placed in the human heart, called upon now to pass that dream on to a waiting and hopeful world." I've seen it several times on a documentary videotape , and each time I have the same, awkward reaction. I'm left wondering what the hell all that means, but the lump in my throat is real and palpable.

But for an honest appraisal of the Reagan legacy we need to go beyond sentiment. In that endeavor, one can hardly do better than the Cato Institute's *Assessing the Reagan Years* (1988). In chapter after chapter, its authors toss cold water on the fires of Reaganite optimism. We learn that under Reagan federal spending actually *increased* from 22 percent of GNP to 24, and that successive hikes in payroll taxes resulted in a net tax increase on most taxpayers during the Reagan years. Not only did Reagan fail to make good on his promise to abolish the two Carter-era cabinet departments, he put men dedicated to their preservation in charge of them. We learn that Carter's administration did more to deregulate the economy than did Reagan's; and that Reagan only eliminated one (one!) major federal program, the Comprehensive Employment and Training Act (and it was almost immediately reborn under another name). In the speech for Barry Goldwater that catapulted Reagan to national prominence, Reagan quoted Plutarch: "the real destroyer of the liberties of the people is he who spreads among them bounties, donations, and benefits." One wonders what Reagan had against farmers, who benefited from a tripling in government aid under his watch.

On issue after issue, as David Boaz notes in the introduction, "the Reagan administration 'never even showed up' for battle." Worse still, on some of the issues for which it did show up, the Reagan administration left the country notably less free. No other president did as much to escalate the drug war, dramatically increasing civil forfeiture, mandatory minimum sentencing, drug testing, and incarceration for drug offenses. Any assessment of Reagan's legacy will have to come to terms with his contribution to an evil empire of sorts at home.

What lessons can be drawn from Reagan's utter failure to downsize government? Several of the authors in *Assessing the Reagan Years* suggest that what we need is a political leader with Reagan's political skills, and a stronger commitment to limited government. I have my doubts. It's probably a mistake to wait for a presidential Shane, who will ride into town, shoot the bad guys, and make things right. It's damned unlikely that a figure accustomed to wielding political power, and good enough at it to rise to the presidency, will ever be fully committed to a radical reduction in such power. And strong, efficacious presidents, whatever their

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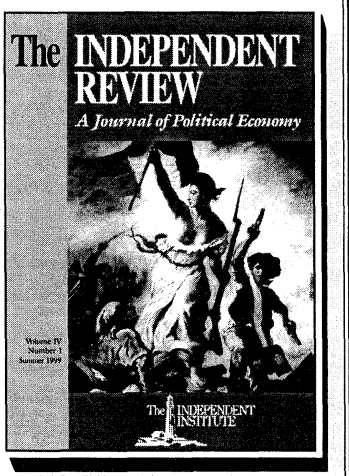

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politics, lend an aura of legitimacy to government; they tend to reinforce the notion that the state can be an effective tool for positive social change.

Enviro-anarchistic crank Edward Abbey condemned the latter notion. He declared that "Government should be weak, amateurish, and ridiculous. At present, it fulfills only a third of the role." In the Reagan years, government was none of the above. Today, we've got two out of the three: government in the Clinton era is *menacing*, amateurish, and ridiculous. In a strange way, perhaps this represents progress.

Herbert Spencer wrote of "the right to ignore the state." As the American political system continues to elevate mediocrity after untrustworthy mediocrity to high office, many Americans find themselves doing just that: ignoring the state. They send their kids to private schools, they live in private communities with private security forces, and they provide for their own retirement with private pensions. Their interaction with the public sphere comes when they pay their taxes, and perhaps when they make an occasional trip to the restroom in a train station. They find the private sector clean, pleasant, and efficient; the public sector, untidy and reeking of urine. They note that those who rule them are men of no particular merit or virtue, and they wonder if there's a better way. ⌋

***The Quest for Cosmic Justice*, by Thomas Sowell. The Free Press, 1999, 214 pages.**

Justice vs. Cosmic Justice

Alan Bock

Tom Sowell has an extraordinary ability to approach issues from unexpected angles, which induces people to think about them in different ways. Some people who are not particularly libertarian, and who might otherwise dismiss arguments laced with the standard jargon, are willing to consider his fresh-sounding arguments, especially when those arguments are backed by solid scholarship and expressed stylishly.

Sowell isn't the only writer to insist on using the term "preferences" rather than "affirmative action," of course, but he was influential in shifting the terms of the debate. His previous book, *The Vision of the Anointed*, caused some influential thinkers to see the arguments of socialists and other social tinkerers in a different light, as reflections of the psychology or psychic self-interest of the advocate, rather than as disembodied, disinterested and altruistic proposals for the betterment of society.

Sowell's new book, *The Quest for Cosmic Justice*, accomplishes a similar intellectual shift. He argues that there are two kinds of justice: traditional justice, a process of rules and procedures whose results most people accept even if they aren't satisfied with the outcome in a particular instance; and what he calls "cosmic justice" a process by which people try "to mitigate and make more just the undeserved misfortunes arising from the cosmos, as well as from society." It is just unfair, such advocates would argue, that some people are smarter than others, and are born into loving families with the resources to prepare them for success, while others are born into broken homes and cultural dysfunction, that some are healthy and some have handicaps, and on and on. Most people, Sowell acknowledges, do agree that all of this is unfair.

The rub comes when we try to use the blunt instrument of the law to com-

pensate for the advantages some people have over others. For starters:

> The knowledge required to sort this out, much less rectify it politically, is staggering and superhuman. Far from society being divided into those with a more or less standard package of benefits and those lacking those benefits, each individual may have both windfall advantages and windfall disadvantages, and the particular combination of windfall gains and losses varies enormously from individual to individual.

Traditional justice, which Sowell believes is the system appropriate to a society of free and equal individuals, requires no such superhuman knowledge. "To apply the same rules to everyone requires no prior knowledge of anyone's childhood, cultural heritage, philosophical (or sexual) orientation, or the innumerable historical influences to which he or his forebears may have been subjected."

Sowell argues that traditional and cosmic justice are not simply different degrees or interpretations of a common vision of justice, but fundamentally different and ultimately incompatible understandings of what justice means. Thus, a society in which the dominant vision is cosmic justice will eventually undermine the workings of traditional justice. Ultimately, as he titles his final chapter, it will lead to "the quiet repeal of the American revolution." That last chapter is a brief but magisterial summation of much of what Sowell has learned over the years. It is also a terrific introduction to the importance of a free society for any newcomer or fence-sitter.

In almost every society, around the world and through most of history, the most pervasive envy and hostility is directed at those who started off poor or disadvantaged and managed to achieve modest affluence through hard work and sacrifice.

For various reasons Tom Sowell has developed a reputation for reclusiveness, working mostly at home rather than his office at the Hoover Institution at Stanford (where he has been a Fellow since 1980) and seeing few people besides his family and close friends. This is not particularly surprising; he would almost have to be something of a recluse to write as much work of as high an intellectual quality as he has achieved. You simply don't get that much writing done when you have an active social life.

So I was quick to take advantage of a rare opportunity to meet with Sowell, when he was a guest at a recent editorial meeting at the *Orange County Register*. I naturally wondered whether he would be like some writers — eloquent on the page but almost tongue-tied in person.

I quickly discovered he's a terrific conversationalist, bubbling with ideas and enthusiasm, able to pull examples from around the world from his well-stocked mind. He cracks jokes, laughs often, listens carefully and respectfully, and responds promptly and with relevant (though sometimes surprising) examples and illustrations. Life, as he would be the first to point out, is a matter of trade-offs. I would love to see him on television and radio constantly, becoming a fixture in popular culture, sowing seeds of liberty far and wide. But if he did that, would he be able to write as copiously and as well as he has?

I hoped to get an idea of what made him such a stubborn, principled intellectual maverick. I'm not sure we got to much more than innate cantankerousness and confident individualism. By the age of three or so, he said, he decided that he wouldn't spend much of his life worrying about what other people thought of him, and he hasn't. That independent streak expressed itself in his Marxist beliefs held through the late 1950s, by which time he had an AB in economics from Harvard and a Masters from Columbia.

What changed his thinking, he told us, was not so much a book or a mentor, but the experience of working in a government agency. He worked for a subsection of the Department of Labor which had the job of setting the minimum wage for Puerto Rico. He was aware that some scholars viewed the occurrence of hurricanes as a good indicator of economic conditions in Puerto Rico, and suggested some empirical studies to determine if there was validity to the theory. This suggestion was greeted with a degree of horror and active bureaucratic resistance that went beyond the simple disinclination to make waves. If hurricanes were an important economic indicator, his superiors dimly understood, their work would be exposed as utterly useless.

"I gradually came to understand," he told us, "that the work done in most government agencies is simply independent of whether it harms the peo-

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ple, helps the people or has no impact on the purported beneficiaries of the work. Furthermore, most people in government are not just incurious about the impact of their work in the real world; they are actively hostile to anybody finding out. Because the maintenance and growth of the department is the real purpose. Anything that might even indirectly threaten that purpose is like a cross in front of a vampire."

As he discussed his worldwide odyssey to study ethnically-based preference programs and their results — which led to his three gigantic books on race, culture and migrations — he offered another initially surprising but ultimately obvious insight. In almost every society, around the world and through most of history, the most pervasive envy and hostility is not directed at those born with wealth, influence and other advantages. Instead, its target is those who started off poor or disadvantaged and managed to achieve modest affluence through hard work and sacrifice, e.g., ethnic Chinese in Malaysia (most of whom come from one very poor province) or Korean or Vietnamese shopkeepers in American inner cities. Such people are a living rebuke to those who haven't been willing to sacrifice as much or work so hard, or who have accepted poverty as their lot in life. So they are hated intensely wherever they appear, and the political system is brought to bear to punish them.

Traditional and cosmic justice are not different degrees of a common vision of justice, but fundamentally different and ultimately incompatible understandings of what justice means.

The Quest for Cosmic Justice is a distillation of Sowell's insights in a form that is delightful to read. It would be ideal for people teetering on the edge of really understanding freedom. Read his longer books for their thoroughness and depth, and for their responsible, genuinely original and independent scholarship. Read this one for pleasure and make it a gift to help others along the path to enlightenment. ❑

Orwell's Politics, by John Newsinger. St. Martin's Press, 1999, 224 pages.

The Two Faces of Orwell

Martin Tyrrell

"It is probably a good thing for Lenin's reputation," George Orwell once commented, "that he died so early." The same, I think, could be said for Orwell. He died as a socialist best known for two of the most accessible critiques of socialism in literature, his politics usefully ambiguous. Conservatives love him. If Orwell were alive today, they argue, he would be working for *The American Spectator* or *National Review.*

But many socialists like him too. In *Orwell's Politics,* John Newsinger is keen to assert Orwell's left wing — indeed, far left — credentials. Orwell, he argues, wanted British society revolutionized in the manner of the (nominally) anarchic socialism described in *Homage to Catalonia.* If, late in the day, he supported the mainstream British Labour Party, then it was a grudging endorsement, entirely conditional upon nothing more radical being available. In no sense did it indicate a preference for the compromise of piecemeal reform over more fundamental change. Had Orwell lived to see the party in its current, "New Labour" incarnation, Newsinger speculates, his only comfort would be that he had had the foresight to change his name from Blair.

By far the biggest problem facing any writer wishing to comment on Orwell's politics is that there is no actual "Orwellism." Rather, Orwell's politics tend to be expressed incidentally, through his novels, essays and reviews. And what is expressed is neither original nor particularly well thought through. In *The Road to Wigan Pier,* for instance, Orwell confidently asserts that there are already (in the mid-1930s) enough goods and services for everyone. Yet the same book finds him equally certain that everything is still so scarce that only the relentless exploitation of Africa and Asia maintains current British living standards. Ten years on and the same contradictory assertions are more or less repeated in a column written for the Labour Party paper *Tribune.* On the one hand, all commodities can "easily" be made as plentiful as air and water; on the other, Indian independence will result in plunging British incomes.

But Newsinger does not dwell on Orwell's inconsistencies. Were he to do so, I reckon that his view of the author as the radical conscience of British Labour would crumble. There is little mention of Orwell's reactionary side, for example. His frequently vicious comments on homosexuality are quickly passed over while *The Orwell Mystique,* Daphne Patai's feminist critique, is unfairly trivialized. You would not guess from Newsinger's account that Orwell opposed not just abortion, but contraception too. Or that he was capable of the crassest anti-semitism. ("What is bad about Jews," he once wrote, "is that they are not only conspicuous but go out of their way to make themselves so.") Having noted Orwell's claim that India was no more capable of independence than a domestic pet, Newsinger bizarrely goes on to describe him as "a committed supporter of the cause of Indian independence" (10) and finds some limp but leftish sounding reasons why he so disliked the Indian National Congress. In fact, Orwell's support for Indian inde-

pendence was thoroughly qualified. India would be as independent as London could tolerate. Or it would not be independent at all. Gandhi — whom he compared to Rasputin — would have spat.

Orwell's attitude towards India suggests something closer to nationalism than socialism. And Orwell is certainly a more consistently nationalist than socialist writer. England and the English are frequently eulogized, whether in banal pieces like "In Praise of English Cooking" or in highly political essays like "The Lion and the Unicorn." Certainly, it is a far from socialist Orwell who comments: "If the English took the trouble to make their own democracy work they would become the political leaders of western Europe, and probably some other parts of the world as well."

Far more supportive of Newsinger's thesis is Orwell's time with the fringe left; when he joined the Marxist Independent Labour Party, fought against Franco in the Spanish Civil War and made revolutionary socialist arguments for pacifism. But all this covered just two or three years in the late 1930s. With the coming of war in 1939, Orwell immediately broke with the left and became a passionate and, in time, salaried supporter of the Churchill coalition ("For the first time in decades we have a Government with imagination.") He was frank as to why he had changed, and changed so suddenly. It was, quite simply, the nationalist ideology in which he had been drilled at school making a comeback. Though there is socialism in wartime writings like the aforementioned "The Lion and the Unicorn" and "The English People," it is a nationalist socialism. Under it, people will patriotically defer to state directives regarding what and where they eat, the work they do, the clothes they wear and the number of children they have. The ideal is a regimented society based on a uniform and simplistic populism. "I don't believe that the ordinary man cares a damn about the totalitarianism of our economy as such," Orwell told the readers of *Partisan Review*, "I don't believe economic liberty has much appeal any longer." Elsewhere, he commends fascists for having addressed the "spiritual need for patriotism and the military virtues" and writes that there is "a very strong case for the Nazis, though not many people have the courage to utter it."

With the coming of war in 1939, Orwell immediately broke with the left and became a passionate and, in time, salaried supporter of the Churchill coalition.

Orwell later drew back from all of this. Its illiberalism seems to have got to him especially during the immediate post-war period. This was when Britain acquired its first majority Labour Government and there was serious talk of keeping some of the more coercive aspects of the wartime state in place. In other words, Orwell cooled towards his own plan-of-action just when it looked possible that it might be put into practice. And if he did not quite go on to denounce socialism, then he did at least reject much for which he himself had previously argued. *1984* is, I think, his "Lion and the Unicorn" program followed where he imagines it might lead. And in the essay "Literature and Totalitarianism," he suddenly sees value in economic liberalism mere weeks after he had viewed it with complete indifference, even drawing the distinctly Hayekian conclusion that intellectual freedom and economic freedom are causally related.

That there is something — perhaps a great deal — of Hayek in *1984* is almost certain. Sometime in the mid-1940s I think that Orwell took a look at Hayek, and at his own politics, and at the wartime state under which he lived and worked, and took fright. This was when *1984* was written. Fittingly, it has gone on to join *The Road to Serfdom* as a pat rejoinder to the socialists of all parties. The two books are almost complementary. Both Orwell and Hayek imagine the same kind of totalitarian potential in democratic socialism. Each envisages a dystopia in which the worst get on top, the pursuit of power has become an end in itself and the mass of the population conform to a cult of leader worship, cowed by a bland nationalist ideology.

John Newsinger does not consider the possibility that Friedrich Hayek might have influenced Orwell's post-war writings. But he is keen indeed to talk up a Trotskyist influence. Orwell seems to have been wise to Trotskyism, however, seeing it as a kind of dynastic challenge within Bolshevism. In *Animal Farm*, a thinly disguised Trotsky offers no alternative to the corrupted revolution and, on the contrary, shares in its corruption for as long as he is able. And in *1984*, the Trotsky character is a fiction of the state used to drum up collective antipathy and draw out the disaffected.

Orwell's Politics is least satisfactory in its handling of Orwell's post-war, *1984* period. Eccentric and unsubstantiated assertions do not help. "Far from advancing along the road to socialism," Newsinger writes, "the Labour Government was actually engaged in restoring the fortunes of British capitalism. Far from nationalisation undermining or supplanting capitalism, it

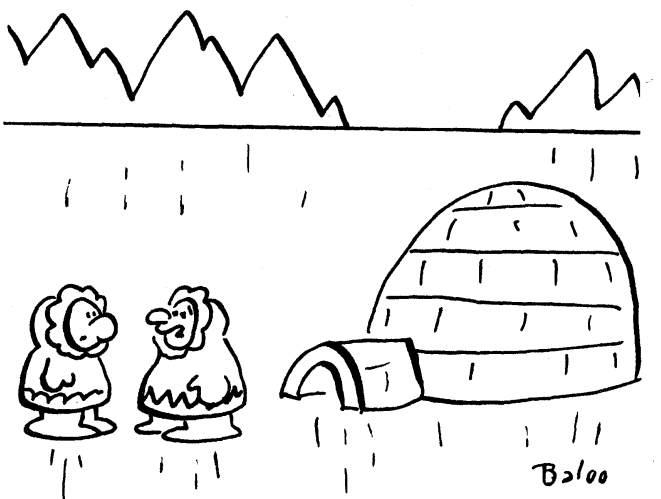

"Food, clothing and shelter are pretty reasonable — what kills me every month are the long-distance charges!"

was intended to make it stronger, more efficient, more competitive" (141). No evidence is presented in support of this sensational claim. Nor is any offered for the equally remarkable assertion that Britain, following Indian independence, ratchetted up its (unspecified) exploitation of Africa and the Caribbean.

It is with such shaky history that Newsinger hopes to discredit Labour in government and, thereby, show Orwell as commendably socialist for having opposed it. But it is not even clear that Orwell did oppose it. After all, he wrote in defense of its suppression of industrial action and volunteered some low level information to its intelligence services (all while *1984* was being written). These are hardly the actions of a grudging supporter from the far left. If Orwell is critical of the new government, his critique is not so much radical as shallow and unbalanced. The socialization of the medical service, the construction of social housing projects, the nationalization of key industries, subsidized university education — all are either overlooked or dismissed as incidental. What matters to Orwell is that the new government has not abolished the aristocracy or purged the old establishment from the national bureaucracy. And while he complained that elite private schools were not being closed, he could also take comfort. He wanted his own son to be educated privately.

Politically, the Orwell of the late 1940s is a spent force. He has none of the confidence of just a few years before when he could foresee red militias billeted in luxury hotels and much of the middle class emitting a collective squeal of pain. By 1945, his heart is no longer in it. He sees the dark side of his own propaganda. Had his own instructions been observed, "The Lion and the Unicorn" and "The English People" would have been allowed to go out of print. As it is, people continue to read those dated polemics only because they are by the chastened man who wrote *Animal Farm* and *1984*. If they are of any interest beyond that, it is because they illustrate the extent to which the nationalism Orwell absorbed in his youth could so easily trump the socialism he took in as an adult and show, as well, the illiberal path he took on the road to *1984*.

There is an interesting book to be written about Orwell's politics. It would look at the inconsistencies and contradictions in his various positions; at how anemic those positions usually were; and how enduring an influence his youthful dose of nationalism proved to be. John Newsinger has missed the chance to write that book. ⌋

***Blind Man's Bluff: The Untold Story of American Submarine Espionage*, by Sherry Sontag and Christopher Drew, with Annette Lawrence Drew. Public Affairs, 1998, 352 pages.**

Inside the Silent Service

Clinton C. Owen

As we like to say about the presence of nuclear weapons on board naval vessels, I can neither confirm nor deny the accuracy of any secret information presented in *Blind Man's Bluff*. During my 20 years in the submarine service I have not been directly involved in any of the cloak-and-dagger excitement, as far as I know. If I actually knew anything important, I would not be able to write this review.

The authors of *Blind Man's Bluff* are not military insiders, but investigative reporters. After six years of research and thousands of interviews, they have done an admirable job of getting inside the heads of my fellow submariners. To illustrate the breadth of their research, I can confirm one anecdote they mention in passing. In Chapter 10 they tell how Robert S. Holbrook, as executive officer of the *Seawolf*, always wore a belt buckle from a diesel boat, the *Chopper*. He considered it a good luck charm, because he had been wearing it when that boat survived a potentially deadly 85-degree dive. Years later, when he was the commanding officer of the ship I was on, he was still wearing the belt buckle, and still telling the story of the *Chopper*.

The portrait of life on board a nuclear submarine is extremely accurate. Being a submariner means dealing with long working hours, dense bureaucracies and hellish living conditions. Picture *Das Boot* rather than *Crimson Tide*. We used to joke that we would be treated better in prison, but we kept doing the job because we believed that we were making a difference. We really did go to sea with canned food stacked two cases deep on the deck between our bunks, with cases of eggs in the torpedo room and one of the heads (bathrooms) turned into a storage locker. The prologue story of a drunken sailor trying to call the president from a bar isn't just a cliché, it's the kind of tale that almost any one of us could tell about himself or about a buddy. One of the reasons to read this book is that it provides an insight into what these men were really going through, unknown to the general public or even to their surface navy counterparts.

Some of the most gripping material — and the most convincing evidence that the authors have done their homework — is in the chapter about the *Scorpion*. In 1968, it was returning from a routine deployment. Family members of the crew waited at the pier where she was supposed to dock. But the *Scorpion* never made it home. After several months of intense searching, the Navy confirmed that the *Scorpion* was the second of only two American nuclear submarines ever to be lost, when it found the wreck. All hands —

99 men — were lost.

For 31 years the *Scorpion* has been an open wound to the submarine force. There has never been a satisfactory explanation of how the ship was lost. One theory was that the ship's battery exploded. Another was that the ship collided with a foreign submarine, or even that it was torpedoed by a Soviet sub.

The *Scorpion* went down 11 years before I joined the service, and I am not privy to any classified information about its loss. However, the theory proposed by *Blind Man's Bluff* — that one of the ship's electric torpedoes had a battery fire which detonated the torpedo's warhead and sank the ship — is the most believable explanation I've heard. The Navy has always denied that there was any credible way for a torpedo to explode inside the ship, but it has never offered an alternative explanation. The sheer tenacity of the investigators, their unbelievable luck in tracking down the tiniest clues, and the painstaking reconstruction of the incident are worthy of Tom Clancy or Clive Cussler.

Submariners were warned: "Don't answer questions about this book, and don't confirm or deny any of the events mentioned." Could any publisher ask for a better endorsement?

When *Blind Man's Bluff* was published, an official message went out to every navy command and was posted on every available bulletin board. To paraphrase the message, we were warned: "Don't answer questions about this book, and don't confirm or deny any of the events mentioned." Could any publisher ask for a better endorsement? The text of this message was also posted to Amazon.com as a reader comment. I went to sea shortly after the book was first published, but several copies made it on board, including one in the commanding officer's stateroom.

One year later, as the paperback edition is released, things are a little different. Coauthor Sherry Sontag was allowed to speak and sign books on a military installation. The event was held at the Naval Undersea Museum, Keyport, Washington, just a few miles from the shops where electric torpedoes like those used on the *Scorpion* were built and tested. She kept the crowd of about 200, including many submariners and their wives, in rapt attention for over an hour. After her talk, I asked her if she and Christopher Drew were "taking any heat" from government sources regarding the *Scorpion* or any other material in the book. "They have been very receptive to it," she said. "They started an investigation into what we talked about. Unofficially, we heard that there is an official investigation." While still keeping all documents pertaining to submarine espionage since 1957 classified, the Navy has figured out that a little publicity is good for recruiting, and probably doesn't hurt when asking Congress for more money.

Blind Man's Bluff provides a compelling look at the unknown heroes who routinely risked their lives, and sometimes lost them in the underwater dungeons of the Cold War. It's a tale of patriots laboring in secret, unable to explain to their families or friends what they did for a living. It's also the story of the CIA's waste of hundreds of millions of dollars in a bungled attempt to raise an obsolete Russian submarine, including videotaping a funeral ceremony for six of its sailors whose bodies were recovered with the wreckage.

No fiction author would dare make this stuff up. ⌋

Booknotes

Decision to Kill — This is the unusual "true crime book" that is intelligent and well-written. *A Sniper in the Tower* (Bantam, 1998, 398 pages) is the complete story of Charles Whitman, who on August 1, 1966, ascended a tower at the University of Texas and began shooting people. Whitman, a shiftless loser, had decided to punish the world for its refusal to gratify his various ambitions without requiring any work from him. Gary Lavergne has researched this story thoroughly, and to him the salient word is "decided." He acknowledges that Whitman's actions were not the results of a well-balanced mind operating in optimal social conditions; and he recognizes that Whitman did, in fact, use a gun to commit his crimes. But he refuses to transfer the blame for Whitman's actions onto society, insanity, or guns. Whitman did what he did, Lavergne believes, because Whitman decided to do it. This persuasive study should be widely read. —Stephen Cox

The Other Side of Common Law — You might need nose plugs to get through Roscoe Pound's frequent attacks on "excessive" liberty and individualism, but *The Spirit of the Common Law* (Transaction Press, 1999, lxii + 224 pages) is nonetheless well worth reading, if only for its dispelling the notion that common law is more libertarian than statute law.

Writing in 1921, Pound saw the pro-liberty impact of common law as a recent development, and an iniquitous one. Until the 1700s, its emphasis was on "social interests" rather than individual interests. It had "a tendency to affix duties and liabilities independently of the will of those bound, to look to relations rather than to legal transactions as the basis of legal consequences, and to impose both liabilities and disabilities upon those standing in certain relations as members of a class rather than upon individuals."

Pound thinks that a reinvigorated common law responsive to "social interests," along with statutes, could implement the "progressive" program, with few if any administrative agencies needed. He approvingly cites examples of common law rewriting of insurance contracts and imposition of obligations on public service companies.

Antifreedom rules abounded in the common law. At the apogee of the common law in the 1800s, contracts were often invalidated for violating "public policy," wives were not allowed to make contracts, divorce was virtually impossible, and sovereign immunity reigned supreme in matters of tort and contract.

The "social interests" that courts

should serve, says Pound, are the interests in general security, security of social institutions, conservation of social resources, general morals, general progress and the individual human life. In the 78 years since *The Spirit of the Common Law* was published, statist decisions in contract, tort and property, based in part on such vague considerations, have been legion.

The common law, Pound argues, was the conscious (though often surreptitious) product of judges. And he wanted them to do so explicity, using the abovementioned social interests as criteria. (Curiously, this is the same method of imposed order held by some libertarians, who think that a new legal regime of freedom can simply replace the current mixed system.)

From a libertarian perspective, common law has a checkered past and dubious present. The common law occupies a role similar to that of federalism or the separation of powers. It can be useful but it is not sufficient to protect (or regain) freedom.

—Martin Solomon

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Literature

The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send $4 to Liberty Publishing, 1018 Water St. #201, Port Townsend, WA 98368.

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Turkey Reconsidered — Ever since there has been a Turkey, it has been despised in the West as a land of savagery and tyranny. Perhaps no country has been the object of more unfavorable — and more ignorant — opinions. Nicole and Hugh Popes' perceptive and judicious account of Turkish history (which focuses on the twentieth century but deftly sketches in the larger historical background) does much to correct common impressions. Turkey has often suffered under tyranny, but it has never been uncivilized. The various forms of civilization that it has evolved, and their accompanying political forms and problems, are among the most fascinating in the world.

The authors of *Turkey Unveiled: A History of Modern Turkey* (The Overlook Press, 1998, 389 pages) are judicious and unbiased people. They're not pushing an ideology, and they keep the nonsense to a minimum. Their writing has clarity and color; it memorably captures the complexity, and often the charm, of Turkish life, while illuminating a history that very few Westerners know. —Stephen Cox

Strange Interview with a Strange Author — In 1973, 20-year-old J. Neil Schulman, through a series of improbable circumstances, ended up interviewing Robert A. Heinlein for 4 1/2 hours. Schulman's interview, first published in *New Libertarian Notes* in 1973, has been available for some years on the Web, but it's now available in book form as *The Robert Heinlein Interview and Other Heinleiniana* (Pulpless.com, 1999, 200 pages).

Schulman's interview, at over 25,000 words, is the longest Heinlein interview ever published. Because of this, anyone interested in Heinlein and his ideas will find Schulman's book of interest.

In a preface, Schulman freely admits that his 20-year-old self, in hindsight, was more than a little geekish. "It's going to be a little obvious, reading this interview," he writes, "that the interviewer was a young ideologue with an agenda of his own, who wasn't quite sure which he wanted to do — interview Heinlein or argue politics with him."

Schulman's impressions are accu-

rate. Much of the time, Schulman's interview consists of a debate with Heinlein over arcane points of libertarian philosophy. Schulman comes across as someone who finds it shocking that Heinlein has never heard of Andrew J. Galambos, Harry Browne, or Morris and Linda Tannehill; Heinlein, by contrast, finds it shocking that Schulman has never heard of general semanticist Alfred J. Korzybski.

But once the interview gets past the political sparring, Heinlein expounds on all sorts of subjects: space travel, NASA, immortality, the meaning of life, UFOs, travel, Heinlein's hobbies. Heinlein also discusses his novels; in particular, fans of either *Stranger in a Strange Land* or *The Moon is a Harsh Mistress* will find extensive analysis of both books.

Heinlein also gives the most extensive explanation of his politics I've seen. "I would say that my position is not too far from Ayn Rand's," Heinlein says, "that I would like to see government reduced to no more than internal police and courts, external armed forces — with the other matters handled otherwise. I'm sick and tired of the way government sticks its nose into everything, now."

Schulman's interview is only half of the book, but the second half, collecting Schulman's writings on Heinlein, isn't very interesting. It's clear that Schulman reveres Heinlein; he thinks Heinlein began his career as a giant and kept on growing. Such pious prose makes for dull reading. Moreover, the book includes letters to Heinlein, but doesn't include Heinlein's responses, probably because of the severe restrictions Virginia Heinlein (Heinlein's widow) has placed on Heinlein's unpublished letters.

A better book would have combined Schulman's interview with other Heinlein interviews. For example, Harry Harrison conducted a Heinlein interview in the early 1970s that was commissioned — and killed — by *Playboy*. (A truncated version appeared in *Playboy's* sister publication *Oui*.) Unearthing and publishing this interview would be an important addition to Heinlein literature. There are also some Heinlein interviews conducted by libertarians that ought to be preserved, such as one done by Patrick Cox that appeared in *The Wall Street Journal* in 1985.

Still, despite its flaws, *The Robert Heinlein Interview* is an important book that fans of Heinlein ought to buy.

—Martin Morse Wooster

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email: rwbradford@bigfoot.com

Terra Incognita

Italy

Winning investment strategy from a well-known religious organization, reported in *Famiglia Cristiana,* Italy's leading religious magazine:

Giuseppe Mattai, one of Catholicism's premiere theologians, acknowledged that it is okay for Catholics to invest in the stock market as long as they act honestly and for "the common good." However, Mattai criticized those who "raise prices through speculation on the ignorance or need of their neighbor. In the current climate of neoliberalism, such games and speculation have become ordinary and routine, driven by greed."

South Africa

Innovation in insurance coverage from progressive South Africa, reported by Reuters:

Calling it "a sad indictment of our country," an executive for CGU Ltd Insurance announced the company will begin offering a "Rape Survivor" policy. Thousands of rape victims have been unable to get the care they need from the country's faltering socialist health care system. More than 50,000 women reported a rape last year in a country with one of the world's highest crime rates. The policies will cost 25 rand ($4.12) a month and will also be available for men and children.

Canada

Advance in battle against gender stereotyping, as reported by the *Boston Globe*:

Genevieve Ste.-Marie, director of the National Museum of Science and Technology, issued an order to the Central Experiment Farm to stop the practice of giving cows human-female names like Elsie and Bessie. "Some people are . . . sensitive to finding their name on an animal. I am, for example," said Ste.-Marie. "Let's say you came in and found your name on a cow, and you thought the cow was old and ugly." Names such as Clover, Rhubarb and Buttercup are still okay. Borderline cases such as Daisy will be decided on a "cow-by-cow basis."

U.S.A.

Interesting development in Biblical scholarship, as seen in an advertisement for Radio Shack:

"The Franklin Bible — The fastest, surest way I've found for reference and concordance work. And it's fun."

— (signed) Johnny Cash

Cambodia

Setback in the international effort to bring civilization to the wilds of Southeast Asia, reported by Reuters:

A former Khmer Rouge guerrilla recently inducted into the government army shot and killed a witch doctor and ate his liver after blaming him for the death of his two children. The soldier had been enrolled in a human rights course, but his commanding officer lamented that "he still didn't understand the concept."

Kenya

Footnote on the progress of women's rights in Africa, reported by the Kenya Federation of Women Lawyers:

A woman who sold her husband's cow to pay debts and buy food for her children has been sentenced to seven years in jail after her husband testified that she broke laws against cattle rustling.

U.S.A.

A sign that the Baby Boom generation marches ever closer to the age of Medicare benefits, as seen in a press release from Investors Real Estate Development:

"Investors Real Estate Development proudly presents an iconoclastic concept for the new millennium — The Final Curtain — a revolutionary, world-wide memorial theme park mall and timeshare plan for the deceased that will replace the cemetery and funeral industry as we know it.

"*The Final Curtain* is currently seeking creative individuals — artists of all kinds — who wish to design their own tombs, mausoleums, urns, and sculptural monuments and be perpetually exhibited in an upcoming memorial theme park."

Pittsburgh

Higher Learning at the University of Pittsburgh, from an Associated Press report:

Campus police have begun using 450-watt speakers to flood the streets around campus with classical music. The police are hoping that classical music calms students and convinces them to stay sober rather than head to area bars. The effort is part of a $1 million grant from the Pennsylvania Liquor Control Board to reduce college drinking.

Muscogee County, Georgia

Advance in primary education in the New South, reported by the *Atlanta Journal Constitution*:

Two school districts using the fifth-grade social studies book *United States in Modern Times* are taking steps to alter Emanuel Leutze's famous painting, "Washington Crossing the Delaware" which appears on page 38 of the book. School officials fear that children may mistake the watch fob lying across Washington's right thigh for the general's private parts. Teacher aides in Muscogee County Schools spent about two weeks painting over the area in 2,300 books.

England

Progressive approach to the problem of rock music shortages, reported by the *Milwaukee Journal Sentinel*:

A new government-financed program called the Programme enables struggling rock musicians to keep their welfare benefits while they perform in a studio and learn about the music business. Julia Craik, director of the program, said "Before this, there was a danger that young musicians could be pushed into unsuitable jobs."

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

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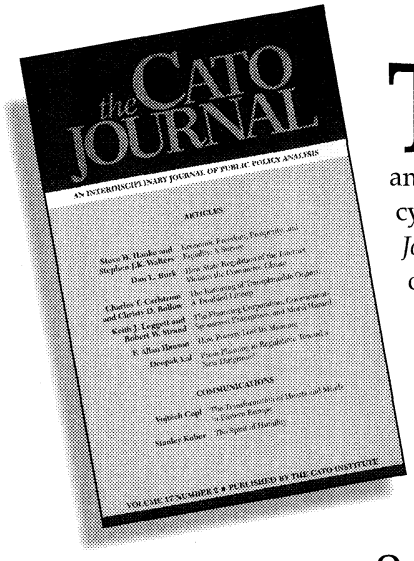

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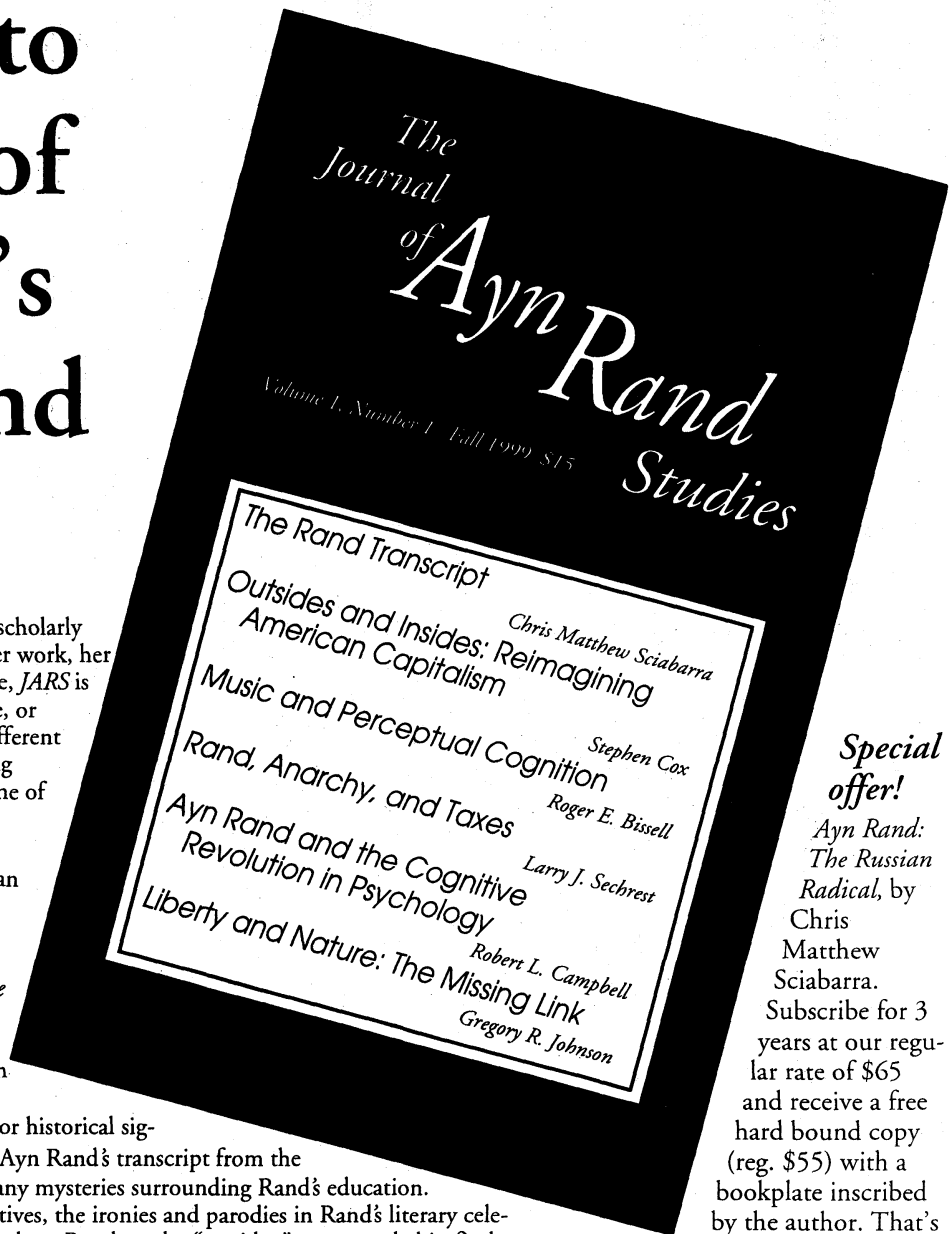

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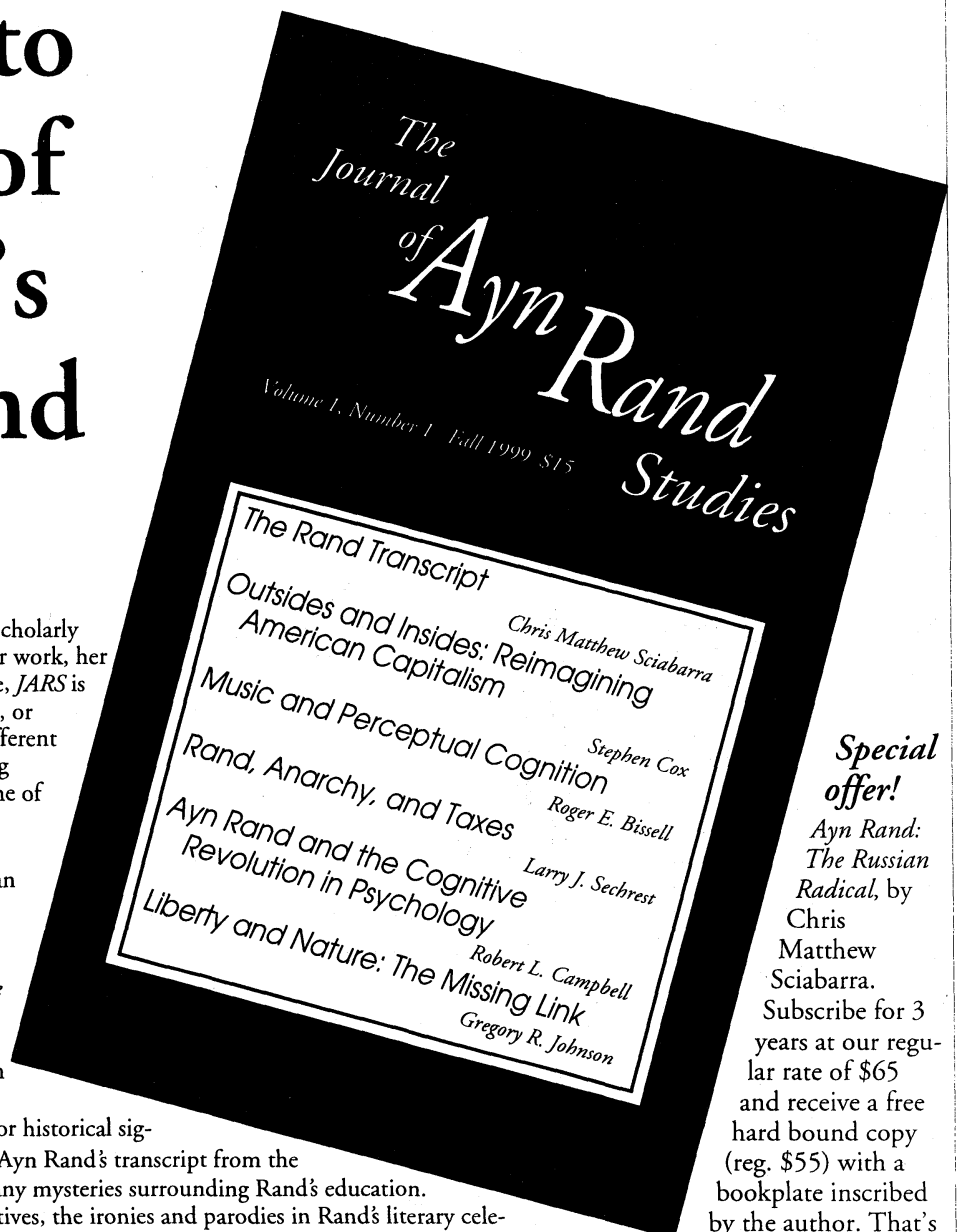

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Inside Liberty

February 2000
Volume 14, Number 2

4 Letters Mightier than the sword.

5 Reflections *Liberty*'s editors come to praise Alexander Cockburn, lambaste the Libertarian Party, proclaim amnesty for truants, celebrate GOP diversity, and explore the red planet.

The WTO Wars

19 The Streets of Seattle Protesters waged war on private property and free trade, while police waged war on innocent bystanders, reports *R. W. Bradford.*

25 Inside the WTO The protesters didn't have a clue what they were protesting against, explains *Bruce Ramsey.*

Features

29 Is It True What They Say About Hillsdale? The headline-grabbing incest-suicide scandal is not the only problem at America's most famous conservative college, reports our *Anonymous* correspondent.

33 Your PC as Big Brother A new campaign to spy on you via the Internet has some surprising allies, reports *Declan McCullagh.*

35 Strongarm Suits Unable to get Congress to pass new gun laws, Clinton tries something new, reports *Dave Kopel.*

37 Let's Teach Creationism! *Bart Kosko* agrees with Fundamentalist Christians that creationism should be taught in the schools. But he thinks they won't like the results.

39 Two Cheers for the Fourteenth Amendment *Roger Pilon* responds to Gene Healy's attack on the amendment.

46 Roger & Me Roger Pilon is still wrong, retorts *Gene Healy.* The Fourteenth Amendment was born in sin, and has gone downhill since.

Reviews

51 Kids, These Days! *Jane Shaw* finds much of value in an argument against allowing the next generation to raise itself.

52 It Once Began with Ayn Rand The fun of reading Jerome Tuccille has ended, observes *Martin Morse Wooster.*

53 Break On Through to the Other Side A famous economist crosses the sexual border. *Janice Presser* comes along for the trip.

55 Everyday Nationalism Sometimes, nationalism is so prosaic that you can't recognize it. Thankfully, it is in decline, says *Martin Tyrrell.*

58 High Hopes Lawrence Kudlow's writing recalls the style and optimism of the late Buckminster Fuller, according to *Richard Kostelanetz.*

60 Booknotes *The Fountainhead* revised; baseball law reviled.

61 Notes on Contributors Who we are.

62 Terra Incognita Roadmap to unreality.

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Letters

It's about blankety-blank time

R. W. Bradford's suggestion that Libertarians tackle drug legalization ("An Opportunity for the Libertarian Party," December) as a wedge issue in the upcoming presidential follies is a welcome approach. Largely because it is about damn time.

This Drug War, fomented by the Demopublicans and the Republicrats, is costing far more than money (although plenty of that for sure). We are losing our constitution and the voters necessary to maintain that document. The crimes of the drug war are costing many lives. Our police are now armed and trained by the military, leaving us on the verge of becoming a police state. The Mexican Border is the new Berlin Wall. Illegal drugs are creating gargantuan, tax-free profits for the world's criminal lords. The enforcers of the laws against drugs have become thugs.

There is no doubt in my mind that your quest is needed and that it may succeed. And, like the slavery issue, unless dealt with it may rent the fabric of our flag by creating a new civil war. Please continue on a course that has great promise for our future.

Allan Erickson
Eugene, Ore.

Dead right

I don't care if a corpse runs as the Libertarian candidate on the drug issue, he's got my vote. I believe that far more people than you realize would turn out to vote on this issue on a national level. I also feel that Clinton got a large number of votes for his *faux* candidness about his marijuana use.

Mike Plylar
Kremmling, Colo.

Rx for success

I enthusiastically endorse the idea of a presidential candidate running upon the plank of drug legalization, or at least marijuana legalization.

I can't think of a better stance to gain a beachhead and foothold in the consciousness of American political thought. The war on Americans ripping apart the fabric of our country called the War on Drugs is a main reason that many are becoming members of the Libertarian Party, as it is the only political party with this plank. I can think of no better way to salvage what is left of individual freedom from unjust persecution and incarceration than ending this ill-conceived war on "drugs," and in having our presidential candidate touting the message.

Robert Grayson
Aiea, Hawaii

Drugs will stunt our growth

I read with great interest R. W. Bradford's argument for the Libertarian Party using marijuana legalization as a wedge issue. Unfortunately, I believe that if the LP follows Brandord's advice, it will be in even more trouble membership wise than it already is.

The drug issue is probably the least effective reason that the average person would have for joining and voting for the LP. I remember all too vividly when I first joined the party 11 years ago that any time I tried to talk about it to someone I thought might actually join during one of our county party's events, the easiest and fastest way for my sales pitch to be destroyed was for someone to say "Oh yeah, you're the bunch that wants to legalize all the drugs, aren't you?"

I believe that promoting the LP simply as the "pro-drug" party will be a disaster for the LP because, while most tolerant people will understand why we are pro-legalization once they have been exposed to our platform, if the first thing that they hear about us is that drugs should be legalized, they simply will refuse to listen further.

Kevin L. Padfield
Kokomo, Ind.

Anti-ATF Platform

R.W. Bradford suggests that the wedge issue of legalization of marijuana

continued on page 38

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Reflections

History lesson — GOP presidential hopeful John McCain says that he admires President Harry Truman because Truman went to war in Korea without taking a poll. Indeed he did. Truman was so anti-poll that he refused to poll the U.S. Congress, as required by the Constitution.

—Sheldon Richman

Koo-koo-ka-choo — On December 11, President William Jefferson Clinton used the bully pulpit of the presidency to launch a new government initiative to protect Americans from unsafe eggs. It seems that a tiny percentage of ordinary chicken eggs somehow get contaminated with salmonella, and a small percentage of people (those already weakened by more serious deseases or old age) could get sick if they eat them uncooked.

Clinton's War on Eggs will be fought on two fronts. New regulations on egg producers are being prepared which will reduce the tiny percentage contaminated with salmonella to an even tinier percentage. And a public relations campaign will inform Americans of the need to wash their hands if they come in contact with raw egg and to refrain from eating eggs raw (say, in holiday eggnog), or partially cooked (soft boiled or fried).

And so it comes to pass that the president who began his term in office hoping to go down in history as the president who solved the medical care crisis (by having the government take over a sixth of the U.S. economy) now aspires to go down in history as the Egg Man.

A healthy thing for all Americans, I think. —R. W. Bradford

Silly suits — An outfit called the Second Amendment Foundation just filed a series of lawsuits against big city mayors who are suing gun manufacturers. The Foundation asserts that the suits interfere with Second Amendment rights. This action is as intellectually bogus as the lawsuits that the mayors are pushing. And it has my 100% support. —

Clark Stooksbury

Pot party? — I was mildly shocked by some of the responses to R.W. Bradford's article urging the Libertarian Party to use the drug issue as a wedge to gain respectable vote totals and build the organization. It would be foolish to take a viable idea like drug legalization and join it to a lost cause like the Libertarian Party.

Legalization is poised for a take-off. Two governors — Minnesota's Jesse Ventura and New Mexico's Gary Johnson — support it. Ventura did so *before* he was elected. The success of medical marijuana initiatives across the country is also a good sign, if only because it shows that people are ignoring their rulers on this issue.

What the issue needs is a well-funded educational campaign to bring the outrages involved in fighting the war into the public consciousness. If George Soros were to decide that legalization is a better approach than harm-reduction, he might start a campaign that illuminated the stories in the book *Shattered Lives* (See "Victims All," *Liberty*, February 1999). This would make the drug-war atrocities public knowledge .

I'm no Pollyanna, but I believe that most people would recoil at the human cost of the War on Drugs if they saw the faces of middle-aged home-owners gunned-down because somebody thought they might be growing pot, or if they knew that grandmothers are serving 30-year sentences for selling a little weed.

The Libertarian Party, on the other hand, has spent a generation mired in irrelevance, trotting its nominees out quadrennially for debates with nominees from the other nut parties and collecting something less than 1% of the vote. There is no indication that its platform of near-total abolition of government will ever have more than a microscopic constituency.

The anti-government program in general has floundered since the 1994 elections, while medical marijuana initiatives have succeeded, often against strong opposition from politicians like Bob Barr and Steve Forbes, who otherwise claim to oppose big government.

I'm not predicting a breakthrough on the drug issue. I always bet on the forces of evil. But there is more hope for that issue than for the success of the Libertarian Party, especially if the Party is tied down by the suggestions that some *Liberty* correspondents make in the January issue. These readers would send the LP into political battle with empty slogans like "personal responsibility" and "getting government off our backs." Don't hold your breath for anything good to happen because somebody shouts that.

—Clark Stooksbury

In to Africa — I recently attended a speech at which an assistant secretary of state explained U.S. policy toward Africa. There is more policy toward Africa than you might think: antiterrorist policy, antidrug policy, weapons proliferation policy, peace policy, war policy. It used to be, the assistant secretary said, that the United States let the European imperial powers take care of Africa. But "that time is passed," she declared.

One proof of her statement is provided by the war between Eritrea and Ethiopia. I had to admit, quietly, to the Ethiopians at my table, that I was a bit fuzzy on this war; I thought it ended when Eritrea won its independence. They assured me that this was a new war, and it had been going on for 18 months. But the U.S. government proposed a "peace accord" — i.e., a political settlement — and got the Ethiopians to sign it. The Eritreans were still being cagey, but at least they stopped fighting. "We will not countenance a resumption of the fighting," the assistant secretary announced.

Really. Well, why not? What's it to us?

That's not the sort of question one asks at this sort of event, and I didn't ask it. Nobody else did, either. Most of the questions were from Ethiopians, and they went the other way: Why are you Americans so unwilling to condemn aggression in Africa? Do you have a different standard for Africa than for the Balkans and the Persian Gulf?

Hey, cop, get with it. Make an arrest. It's your job.

—Bruce Ramsey

Bill "States' Rights" Clinton — When Clinton vetoed the Washington D.C. budget for a variety of reasons, including its ban on any future legalization of medical marijuana, he sent this message to Congress, bureaucratically titled: "District Of Columbia Appropriations Act, 2000 — Veto Message From the President of The United States (H. Doc. No. 106-135) (House of Representatives , September 28, 1999)"

No, he never used the m-m words. He phrased it thus, "Controlled Substances. The bill would prohibit the District from legislating with respect to certain controlled substances, in a manner that all States are free to do." Uh, the states are free to legalize medical marijuana. Right. And Clinton's Justice Department is free to come into those states and arrest those who try to take advantage of that legislation. I get it.

I guess this country is a lot freer than I thought!

—Peter McWilliams

Cigarettes and Windows™ and wild, wild lawyers— Instead of seeing Bill Gates as a monopolistic predator, most Americans see him as a central player in the country's increased productivity and enhanced international competitiveness. "I'm glad he's not Japanese," says my son. With no government subsidies, no special tax incentives, and without forcing anyone to buy anything, Gates has delivered a revolution in efficiency to every sector of American life.

"It's hard to say where we'd be now without him," says a medical researcher at a New York university. "Gates created a new environment of technology, nurtured it along. Twenty years ago, when a physician would ask for information on a surgical procedure, or on how to treat an illness, I'd have to go to the Index Medicus in the library, look up the citation, the article's title and journal source, and go to the medical journal collection in the library for the full text. If it wasn't in stock, we had to request a copy with an inter-library loan, or request a copy from the National Library of Medicine in Washington. It took 10 to 15 days, and requests for information came in while patients were in the operating room, under the knife, so to speak. Today, the information is available instantly, online. More times than I can remember, I've been told by a doctor that the information saved someone's life. I hate to think of the opposite, about what was happening when it took two weeks."

A few days after the Microsoft ruling, the lawyers began to circle. "Lawyers are scouring the judge's scathing finding that Microsoft used its monopoly to hurt consumers and competitors, looking for opportunities to seek monetary damages," reported *The Wall Street Journal*. "Veterans from the cigarette wars are plotting to sue Microsoft in a wave of private litigation," said the *Washington Post*. "If the onslaught unfolds as expected, teams of lawyers will turn Microsoft into the next Philip Morris, tangling the company in courts across the country."

Robert Hall, a Stanford economics professor (and potential "expert witness") estimates the price of a copy of Windows 98 might have been $10 lower, were it not for the misconduct described in Judge Jackson's findings. In the money game of class action lawsuits, that means $10 multiplied by more than 100 million copies, then tripled (triple damages), producing a jackpot of $1.5 billion for the lawyers — and $15 for each allegedly damaged customer.

"It's a sad day for entrepreneurs," said Brad Silverberg, a former Microsoft senior vice president. "It's a sad day for consumers. It's a sad day for innovation." It's not, however, all sad. The good news is that the richest man in the world is now on the side of tort reform.

—Ralph R. Reiland

Republican rainbow — I have little patience with politics, so my observations may be off-base. But I think that Republicans have benefited handsomely from their so-called debates. The strange assortment of competitors has shattered the media's stereotypes of Republicans as greedy, bombastic, and boring. The image had already started to blur when George W. Bush was tagged as a "compassionate conservative," but it cracked when the self-described descendant of slaves (Alan Keyes) and the son of a janitor (Gary Bauer) went on stage with multi-millionaire Steve Forbes, each of them running for president, and with about the same success.

Further crumpling the stereotype, Keyes surprises at every turn — he even expressed sympathy with the Seattle protesters. And Orrin Hatch turns out to be avuncular and plain speaking, no threat to anyone but, all in all, a nice guy. John McCain is probably closer to a Democrat than any in the bunch, so he's favored by the media.

—Jane S. Shaw

Crazy about cars — Here's a good one. It's from a New Yorker article by Joe Klein and Jane Mayer. It's a quotation from Al Gore.

"Bill Clinton sees a car going down the street and he says, 'What are the political implications of that car?' . . . I see a car going down the street and I think, How can we replace the internal-combustion engine on that car?"

Here's what I think: Is that a joke? If so, what does it mean? And what does it mean for someone like Al Gore to tell a joke?

I also think: What would this country be like if George Washington had seen a carriage coming down the street and had thought, "What are the political implications of that carriage?" What would this country be like if Grover Cleveland had seen his first lowly, dirty, sputtery Duryea car coming down the street and had thought, "How can we replace that internal-combustion engine?" And I think, how did we ever get to the place in political history where millions of people can take the thoughts of Gore and Clinton as anything but a joke?

—Stephen Cox

Hillary's hagiography — Gail Sheehy, who has written a book about Mrs. Clinton, was on Chris Matthews' show *Hardball* the other night, and she did a swell job of defending her heroine. In fact, she aggressed her heroine,

and she did it every bit as well as the heroine herself could have done.

To Matthews' astonishment, Sheehy refused to admit that the president's wife had ever done *anything* wrong. She hadn't been wrong about the health care plan, because Bill Bradley now plans to follow through on it. (Hooray.) She hadn't been wrong in blaming all her husband's troubles on a Right-Wing Conspiracy, because there really *is* a Right-Wing Conspiracy and it's always been out to get the Clintons. Mrs. Clinton believed all her husband's ridiculous lies, one right after the other, but apparently she wasn't wrong about that, either. It's only her critics who persist in being wrong

So I'll admit it. I've been wrong. I've been wrong about Gail Sheehy, in this very reflection. She did concede that Mrs. Clinton has been guilty of one little flaw: *She's "self-righteous"* (but we can easily forgive her that).

The fact that Hillary Clinton's gigantic, preposterous, stupefying, literally incredible self-righteousness is the cause of all her other manifold failings and failures never seemed to occur to the woman who knows all about her and is therefore qualified to harangue the nation about what really makes her tick.

Ms. Sheehy was in a position to let us know, however, that Mrs. Clinton's goal in life is to be elected the first woman president. I know that this laudable ambition will reassure you about all the other things. —Stephen Cox

The corn product is as high as an elephant's eye — Political pundits have a self-interest in keeping political races competitive. That's why no rational person should be surprised to see them promoting the viability of the campaigns of John McCain and Bill Bradley. Their function is pretty much the same as the "color man" in televised sports. They offer an occasional "colorful" comment and try to convince couch potatoes that the game is close and exciting even when it's a blowout. And that's why so little of what they say is perceptive in any way.

The most insightful comment on the current presidential campaign is Jane Shaw's observation, in this issue of Liberty, that the debates among Republican hopefuls show them to be a much more interesting bunch of guys than the Democratic candidates, who, as nearly as I can tell, are androids of some kind.

At the Iowa debate, candidate McCain (who isn't competing in Iowa) launched into an attack on ethanol subsidies, hoping to score points with voters in other states for his courage and candor. (Ethanol is the chemical name for grain alcohol, i.e. vodka undiluted by water. Its production has been subsidized for decades in this country, initially on the theory that it might be a good alternative to petroleum as fuel. Since it increases the prices paid to corn farmers, it is as popular in Iowa as peanut subsidies in the Jimmy Carter household.)

Except for Alan Keyes, the other hopefuls responded by swearing that they think subsidizing the production of ethanol is a great or at least a good idea. Steve Forbes tried to take a moderate position, or at least one consonant with his general opposition to government subsidies: he favors continuing the subsidy only until 2007, as a "test." Apparently, decades of subsidy haven't been test enough. He closed his comments by endorsing subsidized research for other uses for corn.

Front-runner George Bush wasn't about to let Forbes, his closest rival in Iowa, score any points on the issue:

> I support ethanol whether I was here in Iowa or not. (Applause) I support ethanol because it's good for the air. It's good for the air, good for the quality of the air. It also reduces our dependency on foreign oil.
>
> And if I become president, I'm going to spend money on research and development to find additional uses for agricultural products. This is a fantastic renewable resource. It's not only here in Iowa. It's all across the midwest. It's in the state of Texas. Forbes is right. Steve's right on that. We ought to spend money. We ought to spend money on better and more uses for agricultural products. Who knows? Maybe someday we'll be driving automobiles with 100% corn product. And guess what? We can grow it right here in Iowa.

I don't know about you, but I'm looking forward to driving a car made entirely of Iowa-grown "corn product."

Alan Keyes used the question to go off on a riff that moved me greatly:

> I was reading in the *New York Times* the other day where they were declaring the family farm dead, and I think it was then repeated on one of the major news shows. And folks look at the family farming system as if the only thing we get from the family farm is the food. It has actually been the case since the Republic was founded that the family farm from Jefferson all the way forward has been understood as one of the bedrock sources of the moral character of this nation, of the sense of the combination of individuality and commitment to community, of the ability to shoulder hard work, at the same time that you value the achievements of individuals in the context of their contribution to family and community. That sense of individualism that also knows how to dedicate itself to the good of others has been born and has been nurtured and has been sustained in America's family farming sector. We lose the family farm and we lose the nursery of America's moral character. We can't afford that. And I think we therefore have a stake that goes beyond money, it goes beyond food, it is vital to the future of this country. Where did we get the young men and women that were willing to sacrifice themselves in battle, rise to the extraordinary tests of war every time we ask them to, have the courage that used to be supposedly restricted to aristocrats? We found them in the fields of America, behind the plow, nurtured in the family farms of this country. We cannot let that die any more than we can let America's heart and individuality and courage die because it's not just a question of money. It's a question of America's moral decency.

This oration brought tears to my eyes; although, as the

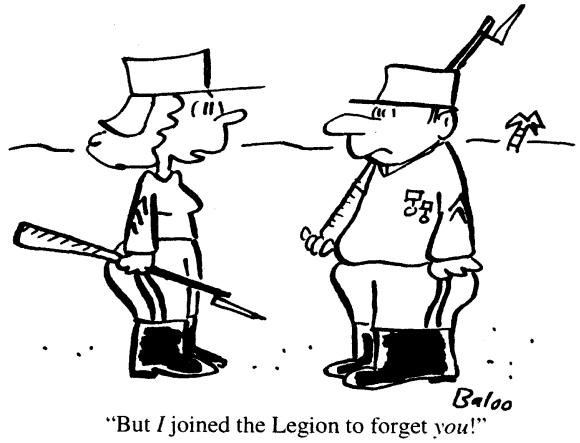

"But *I* joined the Legion to forget *you*!"

poet says, "I wiped them soon."

Orrin Hatch got into the general spirit of nuttiness when Tom Brokaw (can there really be such a person?) asked him whether he thought there was a relationship between legalized abortion and violence in schools:

> I sure do. There is insensitivity to life in our society today. When you have 40 million babies that have been aborted since *Roe v. Wade* there comes an insensitivity that affects all of us. But I'll tell you what I'd do. I think the president of the United States ought to do in order to try and change things, is not expect from the American people something that he himself is not willing to do. I think the president of the United States ought to set a moral tone in this country. And he ought to do what is right. He ought to be a person of integrity and decency. When he goes to the movie industry, a person like this — and that's what I would try to bring. When I go to the movie industry and I go to the videotape industry and I go to the music industry, I'll have a moral power to talk to those people and say look let's get together. There is too much obscenity, pornography, violence, and crime in our society today, and it is about time you people started living up to your responsibilities as well. These young kids that have committed these murders, let me tell you something, one in particular mentioned that it was videogame Doom that he was playing. The kid in West Paducah, Kentucky. He had never shot a gun before to my knowledge he went in and knew exactly what to do because he had been playing video games. They learn how to rape, they learn how to murder, they learn how to treat other human beings wrongfully. And I tell you, I'd set an example. I think that is the first thing the president can and should do and I think the American people will follow suit.

The senator's time ran out before he had a chance to carry his notion to one of its logical conclusions: the Pentagon could save a lot of money by replacing basic training with a huge video arcade, so that kids who never before fired a gun could could learn how to kill. Undoubtedly, this would also make military recruiting a lot easier.

One viewer asked the sensible question: "What political philosopher or thinker do you most identify with and why?" Forbes cited John Locke and Thomas Jefferson; Keyes cited the Founding Fathers in general and denounced the income tax. Bush responded, "Christ. Because he changed my heart." This was such a swell response

continued on page 10

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

Advancing Liberty in the Courts — Washington Supreme Court Justice **Richard Sanders** explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, **Ron Paul**, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — **R.W. Bradford** makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Exciting Minute of the 1999 *Liberty* Editors' Conference!

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says **Randal O'Toole**. (audio: A409; video: V409)

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

Contracts and the Net — The Internet will reshape contract law, argues **David Friedman**, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

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

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — **David Friedman** explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next elections. Learn why environmentalists want you caged in cities, and how they plan to do it with **Jane Shaw, Richard Stroup, Fred Smith,** and **Randal O'Toole**. (audio: A414; video: V414)

My Dinner With James Madison — **Scott Reid** views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives at the Constituional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — **R.W. Bradford** explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

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

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

Juries, Justice and the Law — Fully informed jury activist **Larry Dodge** explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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that Hatch seconded Christ's nomination, adding that Abraham Lincoln ("who fought for equality and freedom for everybody") and Ronald Reagan, whose denunciation of the Soviet Union as the evil empire was "one of the most profound statements philosophically that was said in our generation," were also major influences.

Then came a genuinely scary moment. John McCain cited his greatest hero: Theodore Roosevelt, who oversaw the greatest increase of government power of any peacetime president. Gary Bauer closed with his personal testimony about the saving power of Jesus Christ.

To summarize: half of the candidates saw Christ as the "political philosopher or thinker" with whom they most identify, one cited one of the most politically evil presidents in American history, and only two cited figures who could conceivably be described as political philosophers.

But the most preposterous moment came when Tom Brokaw, who spent the debate strutting around the huge stage in front of the candidates, posing pontifical questions, concluded the affair with these well-rehearsed words:

> Let me just say something that you need to hear from a reporter. Let me just say that it takes a lot of courage and it takes a lot of energy to run for president of the United States. We all owe all of these men a great debt as well as the Democrats who are running. It's a personal privilege for me to share the stage not only in Iowa but across the country because there are few more important things that we'll do in our lifetime than pull the lever for the president of the United States, especially as we enter a new century. There's no piece of software that will do that for us. It requires our commitment with our mind and our heart. Your presence here tonight is a great tribute to your commitment as citizens to this process as well. Thank you all very much.

Almost every word he uttered was utter nonsense, designed merely to flatter the candidates and the audience. It doesn't take courage to run for president; it takes power lust. And pulling the lever in the voting booth is one of the least important things that Americans do. The major party candidates from whom they choose seldom disagree on any substantial matter, and the candidate who gets elected will pretty much ignore everything he promised during the campaign anyway. That's why typically fewer than half of Americans bother to vote. The idea that this election is more important than most because we are entering a new century is just silly: was McKinley's election in 1900 anything special?

Perhaps the most preposterous nonsense that Brokaw uttered was his contention that voting requires using one's "mind and heart." The overwhelming majority of voters choose their candidates out of habit, and most of the others choose them out of whimsy.

One of the voters and candidates whose minds and hearts are now so prominently on display — most likely Bush or McCain — will almost certainly be our next president. And for most Americans, it will make hardly any difference at all.

—R. W. Bradford

Rebellion in Latteland — In November, thousands of protesters descended on Seattle to voice their support for global poverty. Union-inspired wage inflation has forced industrialization beyond our borders, and people want it stopped. More could be done for the plight of poor people overseas, had the protesters traveled there to organize the workers into unions like our own, but SUVs don't travel well over open oceans, and Third World police don't shoot rubber rounds. "Fair Trade, not Free Trade" was the mantra. So Fair is preferable to Free. But would Lincoln have been immortalized for being fair to slaves? Would Sir William Wallace have been an inspiration to Scotland, had he used his dying breath to scream the word "fairness!"? In reality, the protesters' biggest victory was chasing convention business away from Seattle, thus resulting in less work for union electricians, carpenters, and dock workers.

—Tim Slagle

The peaceable kingdom — A recent meeting between Christian Right leader, the Reverend Jerry Falwell, and gay rights activist, the Reverend Mel White, suggests that America may at last be sobering up. The view that America was a terribly racist, homophobic, sexist, xenophobic place — that laws mandating "fairness" were the obvious remedies — has been dominant for some time.

All this is surprising because America, unlike Europe, was never a consensus society. National unity, consensus, was Europe's game and many people died to determine whether God wanted mankind to be Catholic or Protestant. In America, we learned from that experience and separated church and state, not because we rejected religious (or other) values but precisely because we felt that values were best formed privately. In America, all faiths were free to proselytize; none was free to coerce.

Libertarians sometimes forget this fact. They seek to increase the number of libertarians (a commendable goal) rather than working toward a society of libertarian institutions. Far more people might support privatization, school choice, federalism, and so forth if we explained why these institutional arrangements improved their prospects for advancing their own values. Sometimes free market and business types seem more interested in converting people than in moving toward a liberal society.

Great American individualists such as Thomas Jefferson recognized liberty as the highest value. But America also knew the hierarchic values of Alexander Hamilton, with his preference for order and efficiency, and Thomas Paine's egalitarian preferences, which identified fairness to the "little guy" as the key social objective. The genius of America was not consensus but rather a culture and an institutional creativity that made it possible for diverse values to coexist in peace. The centralizing tendencies of the hierarchists were checked by an ad hoc alliance of egalitarians and individualists. Individualists never saw political power as the key to advancing their views, but in America neither did egalitarians from Paine through Andrew Jackson.

The balance was destroyed by the progressive movement's successful capture of the egalitarian high ground. Progressives — today's liberals — have consistently argued that anything worth doing is best done politically. Mankind, equipped with the proper set of federal laws and guidelines, can achieve heaven on earth. The statist abduction of egalitarian values accounts for our modern civil rights laws and our coercive environmental policies (God is banned from our schools; Gaia worship is compulsory).

Thus, I find it encouraging that two people, representing

groups that have argued strongly for government endorsement of their opposing viewpoints, have gotten together peacefully and as individuals. There is no way that government can endorse both their views — but it could recognize that it shouldn't seek to do so, that their favorite issues, like so many others, had best be resolved privately. Perhaps this means that America is coming to its senses about its own heritage. It's about time. —Fred L. Smith

Inches to centimeters, dust to dust — "NASA Failures Prompt Vow of Program Reform": so said the banner headline in the *Los Angeles Times*. Translated, those words meant that NASA officials planned to find out why their two 1999 missions to Mars had ended in total failure, taking 357 million innocent little tax dollars with them

But don't get your hopes up. The idea is *not* that NASA may be wasting your money, and that somebody finally needs to investigate and maybe put a stop to that. Quite the opposite. The rest of the article consisted largely of wailing from the agency and from science policy wonks about how *little* money the space program is spending. These people suggested that space missions might start being successful if their price could just be made a little higher. Maybe a lot higher

Well, no one knows why the latest Mars probe committed suicide. But the probe that died earlier last year, the Mars Climate Orbiter, perished because of what the *Times* delicately called "a navigation error." To put that in plain English, the first gang of guys who worked on the Orbiter did their calculations with English measurements, but the second gang of guys went metric, and nobody noticed the discrepancy

Tell me, space fans, was that a problem induced by "underfunding"? I mean, how much do you want us to spend on those little rulers that have inches on one side and centimeters on the other? —Stephen Cox

Swords and nudity don't mix — On November 28th a naked man brandishing a sword attacked a congregation at St. Andrews Catholic Church in a suburb of London, another sign that sword control is well overdue.

Swords have no legitimate sporting necessity; their only purpose is for killing people. Yet England's laws governing swords lag far behind the rest of the industrialized world. There are still more swords in the hands of private citizens in England than almost anywhere else on the planet. This is a residual effect from the "Knights of the Round Table" mentality that infects most British citizens, a violent heritage they refuse to abandon. Quite possibly, it also reflects the anti-Catholic sentiment that has prevailed in England for centuries. From the point of view of many English Protestants, it makes little or no difference how many Roman Catholics are mowed down by swords.

But people around the world are asking, how many more tragedies must Britain endure before it catches up with the rest of civilization? —Tim Slagle

Tax revolt, 1999 model — On Nov. 2, voters in Washington (the state, not the death star) had an opportunity to reduce radically the cost of vehicle license plates. On their ballot was an initiative to replace the state's license plate fees with a flat annual $30 charge.

One of the things you notice when you cross the Columbia River into Oregon is that the cars on the road are newer and more expensive than those you saw in Washington — a curious phenomenon, considering that residents of Washington enjoy higher incomes than Oregonians. Why the difference?

Two reasons: Washington has a substantial sales tax (around 8% in most counties), while Oregon has no sales tax. And Washington license plate fees (based on the value of the car) are among the highest in the country, while Oregon charges a flat $28 license plate fee for two years.

When Washington's secretary of state announced that a small group had gathered the hundreds of thousands of signatures needed to put the anti-tax initiative on the ballot, various special interests immediately organized a campaign to defeat it. The campaign was intense and well-financed, with thousands of television commercials, millions of pieces of direct mail, and organized campaigning by nearly every union and government body in the state. The campaign for the measure had virtually no money; it consisted primarily of an occasional interview on television of someone who favored the measure. The only support came from the Republican Party (which endorsed it by a small margin after having previously voted against endorsement) and the Libertarian Party.

The measure passed easily.

Understandably, foes of big government began to tout it as evidence of a rising anti-government feeling. I wish it were. But it isn't.

The measure passed because the government had simply gotten too arrogant and too greedy. The licensing fee had grown to a point where it was obviously ridiculous. The last

The Annotated Emma Lazarus

Give me your tired,[1] your poor,[2]
Your huddled masses yearning to breathe free,[3]
The wretched refuse of your teeming shore.[4]
Send these, the homeless, tempest-tossed[5] to me:
I lift my lamp beside the golden door.[6]

– Emma Lazarus

[1] October 12, 1998: Six illegal Mexican immigrants died as they slept on railroad tracks in Texas.

[2] November 29, 1982: Benita Rivera Hernandez was struck by a car while running from the Border Patrol. Her legs were amputated. Four other illegal Mexican immigrants were killed by the same car in California.

[3] September 5, 1980: Felix Tavarez and 21 other illegal Dominican immigrants died of asphyxiation in the hold of a freighter going to Miami.

[4] October 26, 1981: 33 illegal Haitian immigrants died near Florida when their boat capsized.

[5] December 17, 1998: Eight illegal Cuban immigrants died when their boat capsized en route to Florida.

[6] June 28, 1987: Hector Carillo Flores and 17 other illegal Mexican immigrants died of dehydration and convulsions in a locked railroad car in Texas. "They appear to have gotten excessively hot," said William Harrington of the Border Patrol.

—Martin Solomon

time I renewed the plates on my motorcycle — a nine-year-old model that cost $4,500 new — it set me back nearly $100. Owners of newer cars paid much more.

I have lived in Washington for 19 years. During that time, the property tax on my home has increased five-fold. The sales tax has gone up by 58%. The cost of water, sewage, and garbage collection is now more than five times what it was when I arrived here. Yet there has been little resistance to these increasing taxes because most voters saw them as necessary and even salubrious.

License plate fees, on the other hand, were inflated by the artificially high values assigned to vehicles; and they were raised surreptitiously, with tiny increases engineered to finance programs entirely unrelated to the ownership of cars.

One of the favorite tactics of those opposing the tax cut was to list the government services that would have to be cut if it were enacted. I suspect that this had a lot to do with why the measure passed. A huge portion of the money went to subsidize the state-owned ferry system, which is regularly used by only a small portion of residents of the Puget Sound region. Voters in the eastern portion of the state almost never use it, and couldn't see any reason why they should pay a substantial annual fee for its subsidy. The system needs a huge subsidy because (guess what?) it is an inefficiently managed government enterprise. But that's another story.

The license fee also financed a hodgepodge of other government services, including even marriage counseling. Voters simply couldn't see why these programs should be financed by owners of motor vehicles. Since the election, people have put off buying new license plates until the new law takes effect on January 1, and local governments have rushed to increase taxes before that date.

Of course, the best part of the measure from a libertarian perspective is the provision requiring a popular vote on all proposed increases in taxes or government fees. Most voters, I suspect, barely noticed this provision, which was added to the initiative to keep the state from raising other taxes to make up for the lost revenue from license plate fees.

The new law is the price that advocates of ever-bigger government paid for their arrogance. It will be much more difficult for them to raise taxes until and unless this measure is repealed. But I doubt it will be impossible: voters in Washington continue to favor a powerful and intrusive government.

Meanwhile, the passage of this anti-tax initiative makes Washington an even better place to live. It remains one of a handful of states that have no income tax at all, and its taxes on real estate remain low in comparison to real estate taxes in some other states, even after their growth during the past twenty years. Its constitution, and its supreme court, provide much better protection of individual rights than those of other states. It's no libertarian nirvana, but compared to the rest of the country, it's pretty good — especially now that its automobile taxes are among the nation's lowest, and state and local governments can't even raise fines for overdue library books without a vote of the people. —R. W. Bradford

Space junk — Another NASA lemon has disappeared into the black hole of Mars. Mars has now consumed more resources in one year than its nearest competing planet, the Corporation for Public Broadcasting. —Tim Slagle

Monomania — While on a recent trip to Seattle, I was tempted to ride on the local religious icon — the monorail relic from the 1962 world's fair. I discovered that it was "out of service" at the time — and that it is very often out of service. Like most political systems, this was a "special" project by a company that soon moved onto other areas. Parts, therefore, are a major problem — many have to be specially manufactured. In contrast, junk yards throughout America (and the world) keep old Chevies and Fords running forever. Isn't it time for the mass transit types to recognize that the automobile has already solved the problem? —Fred L. Smith

Barry's world — This is a portion of a speech that the nation's drug czar, General Barry McCaffrey, gave on Veteran's Day, November 11, 1997, at the Vietnam War Memorial in Washington:

> A ceremony at this site brings to mind the images of the nearly three and a half million men and thousands of women who served in the Vietnam theater. It also brings into sharp focus the faces of mothers, fathers, young wives, and children who braved the uncertainty of that conflict, waiting with anticipation for the return of loved ones.
>
> Our country did not treat any of you with the respect, support, and compassion you deserved. It was a shameful blot on our history to send our country's young men and women off to this terrible conflict and then use our soldiers as objects of blame for the divisive political struggle that ripped the nation apart for a decade.
>
> More than 58,000 died and over 303,000 were wounded. The bloodshed was terrible, and the suffering has not ended. At least 80,000 of our ranks still suffer from severe service-connected disabilities; around 6% of our Vietnam War comrades suffer from drug abuse or dependence; 11% suffer from current alcohol abuse; many are homeless; and others still suffer from war-related psychological and physical problems.
>
> This continuing heavy human toll demands that we Americans vigorously support the finest possible health care in our Veterans' Administration facilities and sustain strong outreach programs to assist veterans suffering from drug and alcohol dependency and physical and emotional wounds. Our nation needs to

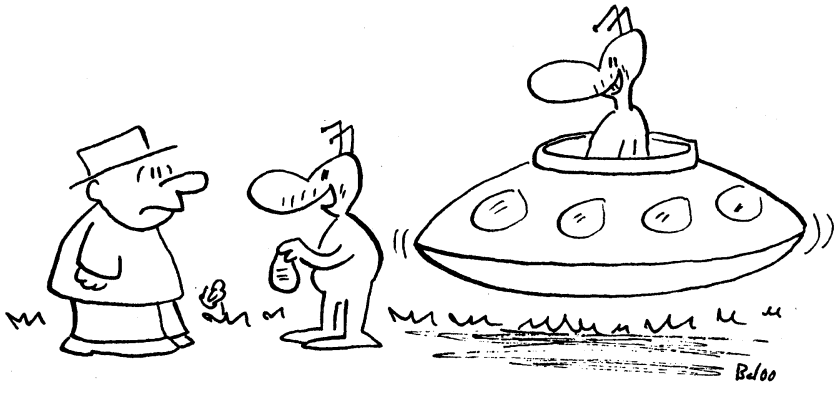

"You bet we're here to help you — we've got some *great* drugs to sell!"

make the sacrifice for those who sacrificed so much in Vietnam.

I wonder whether McCaffrey knows — or cares — that his deception about medical marijuana is the direct result of B.E. Smith's federal incarceration. B.E. served two tours of duty in Vietnam as "point man" for his platoon — the most dangerous position, as it draws "first fire" from the enemy and permits the other platoon members to take cover and prepare for battle. He courageously volunteered for his two tours of duty and for the heroic defense of his platoon.

B.E. served as "point man" for California medical marijuana patients by volunteering to be the first medical marijuana patient tried and sentenced by the federal government since the passage of Proposition 215. He turned down a plea agreement that would have netted him no prison time, so that people would see what the federal government was doing to both sick people and the voters of California.

B.E. is in federal prison now because he used medical marijuana to treat his Vietnam-induced post-traumatic stress disorder — one of McCaffrey's "others [who] still suffer from war-related psychological and physical problems."

Happy Veteran's Day, general.

Here's a letter from B.E. Smith's wife:

> For all of you who get this email, can you please forward his new address so people can write him. It encourages his heart, and helps keep him going. His birthday was November 6, and he couldn't even call home, so let's really pick him up with cards and letters now. He won't be able to call me as much, as this place is very big, with only a few phones, and they rotate in using them. Also, even in visiting they have to be pre-approved, so I don't know when I'll be able to see him. So, if you all help me get BE's address out, we can flood him with love and encouragement, and wish him Happy Birthday, and Happy Thanksgiving too! And then Merry Christmas! Love, Mary Gale Smith. His address is: B.E. Smith-11691-097, PO Box 6000, Sheridan, Oregon, 97378. Please be sure to put your first and last name and full return address, or B.E. will not get it.

I'm sure Mary Gale Smith would like to hear from you, too. She's a good Christian woman who doesn't understand why her man does the crazy things he does, but she loves him just the same. Her e-mail is: besmith@snowcrest.net

If only General McCaffrey would listen to commentators from Walter Cronkite to Bill Moyers to Geraldo Rivera to John Stossel who have called the War on Drugs "another Vietnam." If only Drug Czar McCaffrey would listen to Vietnam War veteran McCaffrey (again, from McCaffrey's Veteran's Day speech November 11, 1997):

> Nearly three decades have passed since our time in Vietnam. The historians may still be sifting through mountains of documents. However, most of us assembled here already know what we learned from the War.
>
> First, we must not commit our youth to war without the support of the American people. For in a democracy, lack of such support produces catastrophic divisiveness and weakening of national will, which are essential to winning.
>
> [Amen!]
>
> Second, we must not send our sons and daughters to war without a clear understanding of national aims and the costs for achieving them. For failing to articulate these requirements leads to flawed strategies and higher casualties.
>
> [Amen! Amen!]
>
> Third, victory will be paid for in blood by the men and women who serve and by loved ones at home who must bear separations, recoveries from wounds, and ultimate sacrifices.
>
> [Such as life sentences without possibility of parole for drug offenses.]
>
> And fourth, as individuals, we learned that to survive and succeed when conditions are appalling and your life is on the line requires: moral and physical courage, competence, self-discipline, and trust in your buddies.
>
> [I feel the trust; I'm not sure I have the other qualities in sufficient quantity to stand up to the $50 billion drug war machine, but I'm doing my best.]

But did McCaffrey listen? No.

Here's what General Drug Czar McCaffrey asked of America as he stood before the Vietnam Memorial:

> Our nation needs your help:
>
> First, help Vietnam veterans in need. Get involved in state, local, and veteran organizations. Offer your energy, time, money, and support.
>
> [Help get B.E. Smith out of prison, for example.]
>
> Second, battle the evil of illegal drugs. Get involved in state, local, and community anti-drug efforts.
>
> [There are none so blind as those who dare not see.]
>
> Third, Improve your community. Get involved in other activities to make your community better. Our nation's leadership system works from the bottom up."
>
> [Except when it comes to medical marijuana initiatives, of course.]

Watch while McCaffrey whisks past ironic, skinny dips in hypocritical, and winds up in endless orbit around arrogant ignorance. —Peter McWilliams

Battle of the Coral Sea — Colonies of coral have been found growing on North Sea oil platforms. Dismantling the platforms would destroy the habitat of a threatened species. So don't dismantle them, right? But when industry and nature are found coexisting peacefully, eco-Marxists show their true stripes: Greenpeace still battles the oil rigs, holding that they are destructive to natural coral reefs. —Tim Slagle

Alexander the Good — Libertarians have long been dedicated to the idea that the traditional, bipolar political spectrum obscures more than it reveals. This idea of getting beyond Left and Right spawned the LP's most charming outreach device, the "World's Smallest Political Quiz." But it sometimes seems that this approach — equal parts genuine insight and marketing ploy — itself obscures more than it reveals. Repeating the "Left is good on social issues/Right is good on economic issues" mantra may lead many libertarians to think there's more moral health left in the Left than there really is. These days, the largest threats to freedom of speech and freedom of association come from identity politics pushed by multi-culti-crypto-commies from the port side of the spectrum. And the old antiwar liberals seemed to have all but vanished when Clinton's cluster bombs rained down on the Serbs. In such times, it's hard not to be skeptical about the lingering hope of an "opening to the Left."

But then again, there's Alexander Cockburn. An occasional dose of the transplanted Irishman's "Beat the Devil"

column in *The Nation* is enough to restore one's conviction that the anti-state movement can find friends on both sides of the aisle.

In recent issues of *The Nation*, Cockburn's been giving hell to democratic socialist Daniel Lazare for his denigration of the Constitution. According to Lazare, overriding the Second Amendment would constitute a victory for "the fine old Jacobin principle that no right is inalienable except the right of the democratic majority to exercise its untrammelled sway over the whole of society." Cockburn will have none of this. He uses his attack on Lazare as a launching-off point for a broader critique of modern-day liberalism: "For some years I've argued here and elsewhere that on many fundamental issues of freedom liberals have either been asleep or on the wrong side." Among those: "a jury's right to nullify" "satanic abuse hysteria (denying due process to the accused)" and "the state run amok (Waco)."

On this last, Cockburn's outrage is palpable: "To this day one can meet progressive types who devote many of their waking hours to activities designed to save Mumia abu Jamal who didn't give a toss about the Branch Davidians and their terrible slaughter by the federal government, and who still don't." That sentence is taken from one of the single best columns I've read on the murders at Mount Carmel: "Waco and the Press." In that column, Cockburn quotes Ted Koppel on the recent unravelling of the FBI's Waco coverup; said Herr Koppel on *Nightline*, September 1, 1999: "The credibility of the FBI, which probably did tell the truth about most of what happened, that credibility is badly damaged, while the credibility of conspiracy theorists . . . is newly enhanced. It is on these two fronts that the greatest damage has been done." There's the real tragedy of Waco for you. As Cockburn puts it: "In this disgusting paragraph Koppel defines his career role as flack for state power. For him the issue is not that an agency of government planned mass murder, just as the so-called conspiracy nuts first surmised. For him the issue is the credibility of the state. For the liberal elite — in whose ranks most so-called conservatives can be numbered — this is always the issue." For that passage, I can forgive a hell of a lot of ideological impurity.

Cockburn himself is quite tolerant of what he sees as ideological impurity. Tolerance, that much-touted leftist virtue, is honored more in the breach than in the observance when it comes to ideological deviation from the progressive "norm." Yet Cockburn practices what many leftists only preach, reaching out to people with whom other progressives wouldn't deign to associate. As the exchange with Lazare reveals, Cockburn's talked a bit to Gun Owners of America's Larry Pratt without running screaming from the room. Cockburn can be found praising House Republicans for opposing the war on Serbia and cutting off funds to an FBI computer surveillance system. And a recent *American Spectator* piece by Brian Doherty on Rep. Ron Paul, has Cockburn praising Paul to the skies for, among other things, his opposition to Clinton's foreign wars. Pressed by Doherty to articulate some area of disagreement with Rep. Paul, Cockburn merely opines that the congressman's "reverence for gold is a little excessive."

More important than his stand on any given issue or his willingness to cross ideological divides is Cockburn's libertarian sensibility. Cockburn is gripped by the Irishman's innate suspicion that the powers that be are out to screw him, his neighbor, and anybody else that lacks the power to defend himself. This makes his writing bristle with the kind of high-octane state-hatred that hasn't been seen in *Reason* in quite some time.

It is true that Cockburn's bad on capitalism. Who cares? If any movement needs a big tent, it's the anti-state movement, lest we fragment into so many tiny bands of what Russell Kirk called "chirping sectaries." The struggle of our time is, in the main, not a question of Left vs. Right, but of Liberty vs. Power. In that fight, Cockburn is on our side. —Gene Healy

Cats are people too — Environmental activists want to curb sprawl by creating "urban growth boundaries" around cities. People would be allowed to settle within the boundaries but not outside them. To get an idea of how this might work, we can look at the policy adopted by the National Audubon Society for cats.

In the official cat resolution adopted by its board of directors, the Society points out that cats (like people) are "nonnative predators in all habitats in which they occur." They are "exceptional and prolific predators" who have had more of a role in "the extinction of more bird species than any other cause, except habitat destruction." Audubon wants its chapters to work with authorities to "restrict and regulate the maintenance and movement" of cats.

The goal for many cat owners, Audubon's website indicates, will be to "convert an outdoor cat into a contented indoor pet." This is just what they are recommending for humans, too: stay inside those boundaries, curl up in a ball, and stop messing with the wildlife. —Jane S. Shaw

A birdbrain in the hand beats a bird-brained Bush!— Funny, isn't it, to think that Dan Quayle's presidential bid stalled because the former Vice-President lacked brains and gravitas. After watching George W. Bush's recent pratfall in the Republican presidential debates, Quayle must be seething with indignation. Punch-drunk and tongue-tied, W. staggered through the debates mumbling "11th-largest economy in the world . . ." and generally making one wistful for the eloquence of his father.

Both Quayle and Dubya are men of stunningly average intellect. But the difference is this: Quayle, one could sense, wanted to be smarter, and tried doggedly to improve himself. His wife Marilyn,

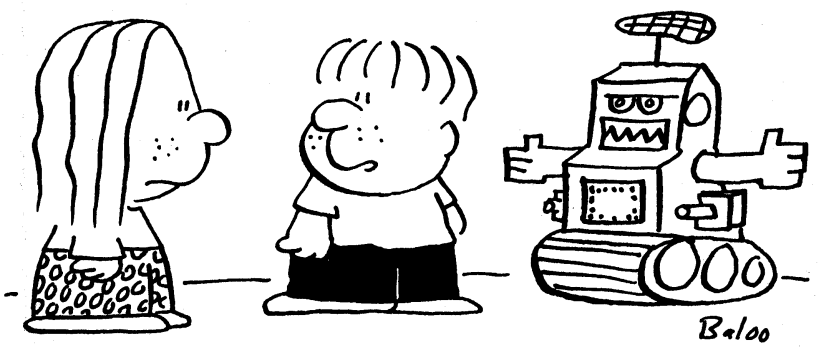

"I got it for Christmas — I only hope I'll never have to *use* it!"

clearly the brains in the family, once noted that for some years, every summer Dan would try to struggle through Plato's *Republic*. It says something good about Dan Quayle, I think, that he recognized his limited intellectual gifts, and worked up a bit of a sweat trying to improve himself. (Hell, I never made it all the way through the *Republic* either.)

W., on the other hand, never even tried. He thinks reading's for geeks. When asked by Tucker Carlson in *Imagazine* to name something he's not good at, W. responded: "reading a 500-page book on philosophy or public policy or something." Cute. The G.O.P. establishment has anointed a smirking trust-fund kid who can't talk, doesn't read, and considers his intellectual underachievement a badge of honor.

Danny Boy, come home. All is forgiven. —Gene Healy

Violent nonviolence — Reports from Seattle during the WTO meeting again raise the question of a supposed contrast between violent and nonviolent demonstrations. Much that happened was violent on any plausible definition, but television aired some complaints about police response to supposed nonviolence, such as demonstrators' chaining themselves to property or to each other and sprawling on streets and sidewalks. Such behavior deliberately blocks access to meeting places and obstructs people's ordinary comings and goings. It employs physical force: it intrudes physical objects, if only the demonstrators' bodies, into places where other persons have a right to pass. If not precisely the same as shooting people or beating them up, it is at least a *threat* of physical violence in the literal sense. Anyone trying to pass the obstructions risks being mauled himself or making contact with the demonstrators' bodies in a manner susceptible to being misreported as aggression.

Blockades harm people physically or impose risk on them in still other ways. They increase the risk of accidents by diverting traffic onto routes less familiar to drivers and by rattling drivers; they obstruct the passage of rescue vehicles; they divert police resources from their ordinary security functions; they contribute to a climate of confusion in which the police risk making mistakes at the expense even of perfectly innocent persons.

Let us be hard-nosed in our perceptions and our distinctions. We should not confer respectability on supposedly merely passive physical invasion of other people's space; we should not let it share in the dignity of free speech and reasoned argument. Blockades are not speech. What happened in Seattle was the opposite of free speech and reason.

— Leland Yeager

Is Congress obsolete? — The lack of decent training about the Constitution in public schools, coupled with government propaganda on the subject enabled Bill Clinton to state openly that he is deliberately violating the Constitution. The Constitution clearly provides in Article I, Section 1 that "[a]ll legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Yet, Clinton openly admits (even brags) that Executive Orders and Department of Justice lawsuits are intended to bypass the Congress in formulating law. For example, the White House made it clear that the threat of lawsuits by federal public housing against the firearms industry was at least in part because of the resistance of Congress to passing the national gun-control legislation desired by Clinton.

In a recent press conference, Joe Lockhart, the White House Press Secretary said, "The legislative branch certainly has enough authority [to pass laws]. Should they choose not to exercise that, we have other ways of doing it." Congresswoman Helen Chenoweth-Hage (R-ID) has filed suit challenging those extra-constitutional ways of legislating, arguing that Clinton's Executive Order 13061 that creates the American Heritage Rivers Initiative (a new set of rules to control users of rivers and owners of land near rivers) is an unconstitutional usurpation of the Congress's sole authority under the Constitution to make law.

The appellate court has already ruled that congresswoman Chenoweth-Hage does not have *standing* to file the suit! Yikes! If a Congresscritter does not have standing to challenge a violation of the separation of powers, then who does? The case has been appealed to the U.S. Supreme Court.

Clinton's creation of the immense Grand Staircase-Escalante National Monument in Utah by Executive Order coincidentally (ha!) halted the development of a multibillion dollar low sulfur coal mine that would have competed with James Riady's coal from Indonesia.

As Lockhart explained, "Stroke of the pen, law of the land. Kinda cool." —Durk Pearson & Sandy Shaw

Bombs over Texmexico — The FBI is investigating two mass graves near the Texas-Mexico border, which the Mexican Attorney General's office says may contain "hundreds of bodies" of organized crime victims.

I suppose NATO will begin air strikes south of the border any day now. —Brien Bartels

The comforting presidency — *The New Republic* has hypothesized that Americans have a natural attraction to dumb presidents. I suspect it's more a case that voters seem to be most attracted to presidential hopefuls who seem comfortable in their own skins — who have achieved either enough maturity or self-knowledge to have a pretty good idea of who they are and to have ceased worrying too much whether everybody will like them.

That was certainly one of the main appeals of Ronald Reagan, while a certain sense of trying too hard undermined Jimmy Carter. George Bush, I think, both benefited and was hurt by this tendency — he had a certain goofy, don't-give-a-damn charm but wasn't utterly comfortable with himself. Bill Clinton is a scurrilous scalawag bordering on the criminal in his utter disregard for others, but he also seems comfortable to be just that; he plays various pseudo-humanitarian games, but he knows he really isn't fooling too many of us and he doesn't care and we love him for it.

I would contend this comfortable-in-your-own skinness is the main appeal of John McCain and the major bane of Algore, who never seems to know who he is and is clumsy about trying to find himself. Forbes used to know who he is but doesn't seem to any more. Gary Bauer and Alan Keyes are content to make a living as fringe characters, so they are comfortable and thus have an appeal to certain elements. And the possibility that Dubya is still finding himself and that's why he doesn't like to appear in public worries Americans more than the possibility that he might not know

much. I'm not sure where Bill Bradley fits into this. He's a thorough phony but he may be a sincere phony who is comfortable with his phoniness. But I think the American people will eventually dope him out. —Alan Bock

Federalizing loco law enforcement — One of the more disturbing aspects of the Battle for Seattle during the WTO confab was the news, reported by CNN and others, that "more than 160 active duty military personnel, including a small number of Special Forces troops, were sent to Seattle by the Defense Department." These troops were deployed before it became obvious just how large-scale the protests would be (though not before most sentient Americans were aware something would happen on the streets of Seattle). CNN said the "military specialists are in place largely to provide expertise and assist in coordinating a federal response in the event of a terrorist attack during such a high-profile event."

Thus the blurring of the distinction between the military and law enforcement continues apace. The old Posse Comitatus law forbade the use of the military in domestic law enforcement, for the very good reasons that fighting wars and enforcing laws are different missions requiring different skills, and nobody wanted a military-dominated government. But exceptions were made for the Drug War. Some military forces got into trouble a few years ago when buttressing the Border Patrol. And now it seems that the remote possibility of terrorism furnishes yet another excuse for using military personnel in what are essentially domestic — and local, not even federal — law enforcement situations. —Alan Bock

Lies, gun lies, and suicide statistics— The headlines said it all — "Handguns Dramatically Increase Suicide Risk — Study." Research published in the *New England Journal of Medicine* (NEJM) seemed to prove that buying a handgun makes it more likely that you'll kill yourself. Gun control advocates immediately leapt on the study as more evidence that society needs stricter regulations — it "goes a long way to blowing away the argument that handguns are protectors," said a spokesperson for the Violence Policy Center, quoted in *The Los Angeles Times*.

But the study does not prove what the headlines claimed. More importantly, the headlines missed the point that suicide is about more than gun control.

The study looked at whether recent (legal) gun purchasers in California — an overwhelmingly prosperous, young, white, male sample — killed themselves shortly after buying a gun. The actual number of suicides amongst recent purchasers was very small — only 114 out of 238,292 in the survey period killed themselves with a handgun (and we do not know whether it was with the particular handgun purchased). In such a small group, the potential for statistics being skewed by "false positives" — where suicide follows purchase of a handgun, but the two events are not connected — is much greater. The statistical significance of the findings is therefore slightly suspect.

NEJM was also at pains to point out in an editorial that "the current findings do not demonstrate that the purchase of a firearm caused suicidal behavior or actually increased the risk of suicide among those who purchased handguns." In all probability, the suicide rate for recent purchasers of rat poison is greater than that of the general population. Having decided to commit suicide, a person is likely to use the most efficient method. Someone who has rat poison handy will take that. A gun owner will more likely use a gun than jump in front of a train.

These ideas are backed up by existing evidence. According to Gary Kleck, Professor of Criminology at Florida State University, nine out of thirteen previous studies found a significant association between gun ownership and gun suicide, but only one found an association between gun ownership and total suicides. In other words, the more guns there are, the more likely a suicide is to use a gun, but the number of guns has no effect on the overall level of suicide. This is borne out internationally. Japan, Sweden and Germany, with small numbers of guns in comparison to the United States, have higher suicide rates (16.72, 15.75 and 15.64 per 100,000 respectively, compared with this country's 12.06). It is safe to say that buying a gun does not mean that you're more likely to change from being contented to being suicidal.

Nor does the *NEJM* study "blow away" (odd language for a gun control advocate) the defensive argument for guns. An interesting observation that does emerge from the study is that the risk of death from homicide was lower among recent gun purchasers. This may mean that gun owners are more able to protect themselves; it may also mean that legal gun purchasers are less likely to be victimized in any event — unsurprising given their higher socio-economic status. But to claim that the study blows "away the argument that handguns are protectors" is flying in the face of what the study actually says.

Finally, in one piece of good news, it appears that Americans are getting less and less likely to kill themselves with guns. Figures released on Nov. 18 by the CDC show that the number of suicides by firearms has dropped from 19,213 in 1993 to 17,767 in 1997, a decline of 10%. Intentional self-inflicted gun injuries have decreased even further, from 6,514 to 3,699 in the same period — a decrease of 45%. This echoes a dramatic decrease in the number of homicides and assaults with firearms in those same years. Suicide is a probable measure of how generally discontented a society is, and so the falling numbers are to be welcomed. It can vary over time — suicide was once known as "the English disease," but England now has a rate much lower than that of the United States and many European neighbors.

A decreasing suicide rate is undoubtedly a good thing, but to think that gun control laws can magically reduce that rate is going too far. Suicide is far too serious a subject to be used as a pawn in the struggle over firearms. In terms of the cost in human lives, it inflicts much more damage on society than homicide. It is about time it was given the kind of attention it really deserves. —Iain Murray

Ricky Ricardo, call your office — Friends recommended Wim Wenders' *Buena Vista Social Club* and I often like films about musicians (beginning with Monterey Pop), so I went to see it.

It is hard for me to believe how inadequate and incomplete the film is. Technically, it suffers from a nervous cameraman, abetted by a nervous editor, so that the big

screen is never still, not even when it should be. The jumpy camera partially accounts for the absence of strongly memorable images, which are one measure of distinguished filmmaking. Conversely, some of the nonmusical scenes are cliches, beginning with the elderly Cuban musicians' awed impressions on their first visit to New York City, made worse by a limited and undistinguished representation of my home town.

The intellectual insufficiencies are many and more dangerous.

When the musicians individually introduce themselves, a much younger man, otherwise buried in the band, identifies himself as a kind of facilitator. What does that mean? What exactly does he do? The film doesn't say.

More than once the elderly musicians complain that their kind of music was unknown for many years, as though they were victims of changing fashions in commercial culture. Hold on, you say; there's no commercial culture in Cuba, and certainly no commercial music. If these guys were working other trades in recent decades, as they claim, the reason is that the state didn't support them as musicians. Nowhere in the picture does anyone ask why and how this happened. Nor does anyone ask why they didn't leave Cuba.

Knowing nothing in particular about this case, but knowing something about culture in Communist countries, I venture that the absence of support resulted from "cultural policy" that was favoring something else. The film says nothing about this.

Similarly, while the film shows the elderly musicians in New York, it doesn't deal with the crucial issue of how they were paid. When the Bolshoi Ballet came to New York decades ago, the Soviet government collected the promoters' money while giving the musicians change for expenses.

To my ears, this Afro-Cuban pop music scarcely compares with what I've been hearing in New York for the past decades, beginning with the band organized around Machito, which was the taken name of the late Frank Grillo — a band that in some form still exists. (The great Columbia University radio station, WKCR, celebrated Machito's birthday on 3 December with a 14-hour marathon.) Indeed, *The Buena Vista Social Club* reminded me of a far superior documentary about Machito that I'd seen over public television perhaps a decade ago. One point of that film was that independent Cuban culture survived better in America than it did in Cuba, just as much Russian culture survived better in New York during the Soviet decades.

That thought made me suspect that the music featured in the *Buena Vista Social Club* was dismissed in Communist Cuba as exemplifying a decadence that allegedly went north and that the elderly musicians featured in the film were those who had the misfortune to stay behind. While relieved to see their evident pleasure in returning to the music of their youth, I wanted a film with more clarity and less dishonesty.

—Richard Kostelanetz

Picture this — Rush Limbaugh sits at a banquet table with William F. Buckley, Jr, and Henry Kissinger celebrating the fact that Buckley's Public Broadcasting System program *Firing Line* is the longest running single-host talk show in television history. Some threat to big government these guys are.

—Sheldon Richman

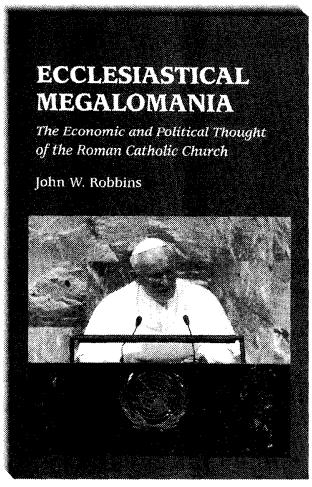

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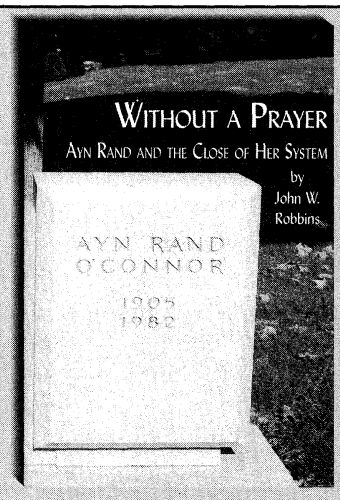

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Has Compassion Gone Astray?

by Jacob G. Hornberger

As part of his presidential campaign theme of "compassionate conservatism," Texas Gov. George W. Bush recently announced nearly $500,000 in state-financed grants to Christian groups in Texas. "America will be changed because people of faith and good heart are willing to help people in need," Bush said. "I believe rallying the armies of compassion, thanking the soldiers in the armies of compassion, is the next bold step in welfare reform."

Bush failed to explain, however, exactly who are the saints in the grant-making process — the state legislature, tax collectors, judges, sheriffs, the taxpayers, or the governor himself.

Here's how the system works. The state of Texas imposes sales and property taxes on the people of Texas. These taxes are not voluntary. For example, if a person refuses to pay his property tax, the state effects recovery of the tax by foreclosing a tax lien on the person's property. If the property owner continues to refuse to pay the tax, his property is sold at a foreclosure sale, and a state judge issues a writ of possession to the new owner. Law-enforcement officials serve the writ on the now-former owner and force him to vacate the property. If he refuses to vacate and instead decides to resist forcibly, he most likely will find himself in the hereafter for "resisting arrest."

When Governor Bush uses tax monies to assist Christian groups, is he acting compassionately? All that he has done is distribute money that the state has forcibly taken from other people. How does that make the governor a compassionate person? Doesn't compassion connote the willing use of one's own money for benevolent purposes?

What about the members of the Texas legislature? Does their mere enactment of sales or property taxes convert them into compassionate people?

Tax collectors, judges, and law-enforcement personnel? Does their use of force to recover the taxes entitle them to share in the collective compassion?

What about the Texas people? Since they paid the taxes, are they entitled to claim a pro rata share of the collective goodness? What about those who didn't like paying their taxes? Are they nevertheless to be considered soldiers in Governor Bush's army of compassion?

Let's ask a different question: Can Governor Bush's conduct be reconciled with religious principles?

Suppose a thief robs you of your money and tells you that he's donating the money to a local church. Wouldn't you still consider him a thief even though he was helping Christians with the money he had stolen from you? Wouldn't you still expect him to be criminally prosecuted for the robbery?

What church pastor, knowing that the money had been stolen, would accept it? Wouldn't ministers refuse the money and advise the thief to return it to its proper owner?

Is the process different, in moral terms, when Governor Bush assists people with the money that has been taxed from the people of Texas?

The Christian who supports and participates in this process must ask himself some uncomfortable moral questions. Is it morally permissible to use the force of the state to take money from a person to whom it belongs in order to give it to another person? Can a private act of immorality be converted into a moral deed simply by making it legal? Is the Christian who supports this process actually sanctioning a violation of Christian principles rather than participating in a charitable process?

How can compassion mean anything unless it comes from the willing heart of an individual? If a person is forced to commit an act of kindness, how can he truly be considered to have acted compassionately? For that matter, doesn't God's great gift of free will entail the right to say "No" — the right to reject one's neighbor?

How can the conscience of an individual be expected to develop when decisions on whether to love one's neighbor or not are made at the ballot box and as part of the political process?

Modern-day political campaigns provide politicians with the opportunity to garner votes by being charitable with the tax monies that have been forcibly extracted from the citizenry. Why not separate compassion and the state and restore moral decision-making to individuals?

Mr. Hornberger is president of The Future of Freedom Foundation, publisher of ***Your Money or Your Life: Why We Must Abolish the Income Tax*** *by Sheldon Richman.*

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War Report

The Streets of Seattle

by R. W. Bradford

Protesters waged war on private property and free trade, while police waged war on innocent bystanders.

"You cannot enter," the man said. He was dressed in blue jeans, hiking boots, and a hooded sweatshirt. He had a plaid bandana pulled up over his face, like a bank robber from a matinee film from the 1930s. "We won't let you enter," he added.

The setting for this confrontation was the Sheraton Hotel in Seattle. I was there to pick up my press credentials to attend the World Trade Organization meetings, which were about to begin. But I hadn't really planned on spending much time observing the assemblage of politicians, lobbyists and bureaucrats from 135 countries. The big story, I had figured, was going to happen in the streets.

The announced purpose of the WTO is the promotion of free trade. As soon as the Seattle meeting was announced, opponents started planning to protest that principle, the WTO, and life in general. It would be "the protest of the century." They planned it like a military operation. It would involve scaling buildings (to hang banners), disrupting meetings, and bringing WTO meetings — along with the entire city of Seattle — to a halt. Better still, it would involve preventing the conference from getting under way in the first place. Protesters hoped to accomplish this goal by the simple expedient of surrounding the sites of various WTO meetings, linking arms, and refusing to allow anyone to enter.

So far as I had been able to find out, there were no WTO meetings scheduled for the Sheraton, where the WTO's press office was set up. But the protesters were there anyway, arms locked in a double row, with a paramilitary officer corps supervising their lines, making sure that people kept their arms locked, propping up the will of wavering protesters, and confronting anyone who tried to get through the lines. Anyone like me, for example.

"I'm a journalist," I explained, "I'm here to get my press credentials." "You cannot pass," the masked man told me, signalling his minions to surround me and to shore up the line. "You're a journalist," he said. "You must be part of a union. You know the importance of respecting picket lines."

"Is this a union picket line?" I asked. "No," he said. "But this is the same as a union picket line. We're here to stop the rape of the planet by corporations. We have every right to be here. We're just exercising our right to be on the public streets. You should just go home." He and his locked-armed friends began to push me away. "This is a non-violent demonstration," shouted another organizer through a bullhorn.

I was tempted to suggest that the woman repeating "This-is-a-non-violent-demonstration" through the bullhorn had more than a little in common with the FBI agents who shouted "This is not an assault!" through their own bullhorns as they assaulted the Branch Davidians, and that the masked and hooded man had more in common with a Klansman than with Gandhi. I wondered: would he have presented the same defense of actual Klansmen, if the KKK had organized its members to surround and lock arms about a public building where Jesse Jackson was about to speak? "They're just exercising their right to be on the public streets, Reverend Jackson. You should go home. This is a non-violent demonstration."

But these people were plainly not there for dialogue, and I was not there to confront them. So I turned and walked away. A small cheer went up from the protesters in the immediate area. Another victory over corporate greed.

I figured I could pick up my press credentials later. Right now, I'd wander around downtown Seattle and take a good close look at the demonstration. First, I walked to a side

entrance. Like the first entrance I'd tried, it was blocked by a double row of arm-locked protesters. Between the protesters and the hotel entrance was a row of ominous-looking policemen, dressed from head to toe in black, carrying shields and clubs, wearing helmets with face masks, hiding their identities almost as completely as the protest honchos.

The streets to the north and east of the hotel were blocked by police, some on horseback, some on foot, in the same riot armor as those at the doors. I took a spiral route away from the hotel, but still within the area controlled by demonstrators. Here and there I'd encounter broken windows, and once in a while I'd see the breaking of windows and other acts of vandalism — mostly slogans being spray-painted on walls, but also violence to newspaper vending machines and dumpsters. People were scaling buildings to hoist signs. Others were standing around and shouting moronically.

Somehow, nutballs of both the left and right have come to imagine that the WTO is a Satanic conspiracy, perhaps because they have tired of other Satanic conspiracies, like the Council on Foreign Relations or Big Oil.

By my estimate perhaps 5% of the people in the streets were engaged in vandalism, 15% were blocking entrances to buildings, 40% were demonstrating "peacefully," 30% were curiosity seekers, and fully 10% were journalists. I was one of 2,500 who had press credentials, and many others were there without them. Seattle was like a giant soundstage, set up for our benefit — though not necessarily our comfort or efficiency.

It was also like a block party. People were exuberant, many of them singing, chanting, dancing or playing musical instruments. Well, that might be an exaggeration: mostly they were playing drums improvised from white plastic buckets. But there was always that undercurrent of violence.

I got my first whiff of tear gas, when, for no reason that I could fathom, police fired it into a crowd. It was sufficiently unpleasant to make me retreat. I ducked into (what else would an editor of *Liberty* duck into?) a Borders bookstore. But before I got a chance to check out the latest offerings in the political science section, journalistic duty called: I heard what sounded like explosions outside. I went back to the street, and someone told me the police were firing flash-bang devices, intended to scare people.

I'm not a young man anymore, and wandering about for hours in Seattle's intermittant drizzle carrying a 10-pound computer was not the most pleasant sort of exercise. Witnessing the ongoing riot was interesting at first, but it got a little boring. Someone breaks a window, some people over there chant some obscene slogans, across the street someone is playing drums and people are dancing, then the police fire tear gas grenades or flash-bang devices and everyone runs, except for the demonstrators who had thoughtfully equipped themselves with gas masks, then someone else breaks a window or tears down a sign . . . or whatever. A never-ending story can be a pretty boring one.

I returned to the hotel and decided to try breaching the lines of locked-arm protesters. This time, there were no line supervisors around, just comparatively normal folk. But soon I got myself into a heavy and hostile argument with them. For a while I thought that maybe one of them was going to deck me. But I kept talking and at last managed to convince them to let me through. They said, "If we let you through, the cops will just send you back anyway." I said, "Well, right now it's you who are holding me back and when I write my story, you're going to look like the bad guys. If you let me through and the cops hold me back, then they'll look like the bad guys in my story." It didn't hurt that with my beard, flannel shirt and levis, I looked a lot like they did. They were suspicious, but it helped.

Then I came up against the police lines. I explained my situation to one of the cops and asked to get through. He

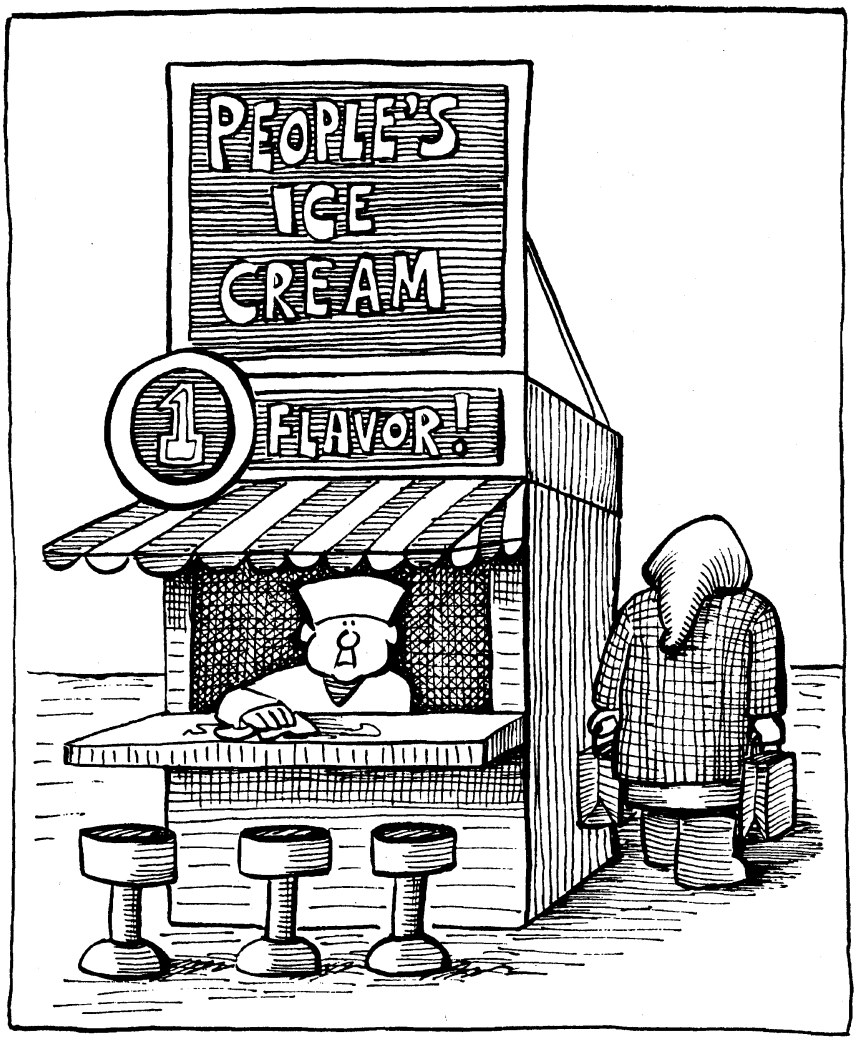

SHCHAMBERS

said that he couldn't unless someone from the WTO press office came out and told him it was okay. I said I'd try to call the WTO press office and arrange it. When I got back to the protest line (four feet away from the police line) one of the people who'd let me through offered to let me use her cell phone. I was clearly making headway. Unfortunately, I didn't have a phone number and it was very noisy in the street. So I thanked her and went in search of a pay phone in a quieter location. A bad move: every pay phone I could find was in use.

Finally, I went into a small business and asked to use its phone. Thank God for small business: my request was granted. I got the hotel, but the person who answered told me that the WTO press office had no telephone, so he couldn't connect me. This seemed a bit strange. He also said that he couldn't talk to me any longer because the police were clearing out the area around the hotel and the hotel was evacuating the lobby because tear gas was leaking in. Evacuating to where? I wondered.

"Where's the press office?" I asked. "Second floor," he said. "Well, when you evacuate the lobby why don't you give them a message for me?" He agreed; and, like a fool, I gave him my name and phone number and waited. I waited about fifteen minutes or so. Then I asked the kindly proprietor to take a message for me if the WTO press people called back. I wanted to get back to the Sheraton (some 4 or 5 blocks away) to see the battle that the phone guy described to me. I figured the police might have cleared the protesters with tear gas by now, and I thought I might be able to get into the hotel to get my credentials.

But the situation at the hotel was exactly the same as it was when I left it a half hour before. I returned to the same spot in the line and asked the same man who'd let me through what had been happening. "Nothin', man." The phone guy had fabricated his account of the tear gas attack as an excuse to hang up on me. Sheraton hospitality, I guess.

It took another ten minutes to convince the protesters to let me through the line *again*. Once more, I approached the police officer, explained my situation, and asked when he thought I might be able to get my credentials. This time, he responded by tersely telling me that he wasn't going to answer any more questions. I asked him his name, figuring that it might be an interesting detail when I wrote my story. He threatened me with a club.

The masked and hooded man had more in common with a Klansman than with Gandhi. I wondered: Would he have presented the same defense of actual Klansmen, if the KKK had organized its members to surround and lock arms about a public building where Jesse Jackson was about to speak?

Being unarmed and of as pacific a nature as Clint Eastwood at the start of "Thunderbolt and Lightfoot," I left.

I walked to another entrance, picking a spot where the protesters were wearing union bumper stickers and seemed to be having a good time. I explained my situation. Apropos of nothing, one responded, "We're Canadian postal workers, just down here for the day."

I believe that candor should be met with candor. "I thought Canadian postal workers just sat around all day smoking dope, throwing away half the mail and delivering the rest days late," I said, summarizing a perception fairly common among citizens of the socialist paradise to the north. "Yes!" one of my new friends responded. "We worked hard for those rights and we're not going to give them up." I wasn't sure whether he was joking. He seemed to be serious, in fact. But who can tell about people from another civilization? Mulling the problems of multiculturalism, which seemed to be at the root of all my difficulties that day, I decided that I had enough philosophical work to occupy myself. So I gave up my quest for official credentials. Obviously, I didn't need them to cover the story on the streets; and as Yeats said, there's more enterprise in walking naked.

Once more, I approached the police officer, and asked when he thought I might be able to get my credentials. This time, he responded by tersely telling me that he wasn't going to answer any more questions. I asked him his name. He threatened me with a club.

As I walked away, the word buzzed through the crowd: "The WTO has cancelled today's meetings!" Whee! It was like the celebration of some sports championship. There was more singing and dancing and drumming, and people eagerly made plans to come back tomorrow and the next day and every day that the WTO tried to meet.

But the violence continued to escalate, and the looting started. A group of perhaps 15 boys — I'd judge their age to be around 13 — ran into a Radio Shack store and started to help themselves. The store was open for business, so the gang simply entered through the front door, took what they wanted, and left.

I don't know what bothered me more, witnessing the violence of the so-called "protesters" or watching the police stand by doing nothing while two hoodlums wantonly destroyed private property only a few feet away. (Apparently they thought beating a newspaper vending machine to death with pieces of pipe made a powerful statement against capitalism.) Downtown Seattle had become totally lawless, literally anarchic. And it was a hideous sight. When I saw workmen trying to clean up the broken glass and cover the broken windows with plywood, I had an urge to help them, as an act of solidarity, to do something constructive amidst the orgy of destruction and maybe to demonstrate that I wasn't part of it.

According to news reports, police arrested fewer than 30 people that day, out of all those wantonly destroying property and interfering with the freedom of other people to assemble and speak and write and carry on their business. I spent seven hours in one area of the riot — it was impossible

to get to parts of it because of police lines — and I estimate that I saw at least 1,500 people commit acts of violence, mostly by locking arms to keep others from exercising their rights, or by trespassing on other people's property. I saw about 500 people committing crimes of overt violence. Based on these observations, I'd guess that about 10,000 protesters committed crimes — which means that, if the police arrest reports are accurate — the odds were more than 300 to 1 that a criminal would avoid arrest. No wonder those 13-year-olds were running out of Radio Shack with stereos.

The organizers of the protest achieved exactly what they were seeking. Their success was inextricably related to the looting and vandalism. Once they locked their arms and blocked the streets, the conditions were optimal for both ordinary crime and for vandalism and looting. The so-called "Eugene anarchists," who were most visibly engaged in vandalism and looting, had the conditions they needed to vandalize with impunity. Eugene, Oregon, is only a few hours away from Seattle by automobile, and the anarchists who have long been living there could come up to Seattle on any day. The reason they chose November 30 is the same reason the gang of 13-year-olds chose November 30 to loot the Radio Shack store: no one was there to stop them. And no one was there to stop them because the protesters had taken over.

I never saw a single attempt by a police officer to defend life or property or to arrest anyone engaged in criminal behavior. But I saw lots of police tear gas, pepper spray and rubber bullets fired into groups of people, most of whom were entirely innocent of any act of violence.

The Protesters

The WTO is a worldwide organization of governments that is dedicated to lowering import taxes and reducing non-tariff barriers to international trade. Now, I think cutting import taxes is an excellent idea, but I do have some qualms about the WTO. I don't see why you need an international organization to cut taxes and get rid of barriers. I don't see any reason why the United States shouldn't simply lower its import taxes unilaterally.

But it was quickly apparent that the demonstrators were not there to protest against reducing trade barriers. Indeed, they seemed remarkably uninterested in protesting the WTO. They were after bigger game. Their signs carried slogans like "Capitalism is cannibalism" and "Fuck Corporations." Mining, agriculture, lumbering . . . all were targets of their indignation. So, apparently, was offering higher wages to people in Third World countries, unless the wages were comparable to wages in the U.S. Trade itself was apparently a target. It was plain from my conversations with protesters that virtually all were there to struggle against the free market process, against private property, against almost any kind of economic activity whatsoever.

Actually, the protesters consisted of three kinds of people: those with leftist totalitarian motives, those with direct self-interest in issues like protectionism; and dupes of the first two groups.

It's easy to see why the totalitarian left opposes trade liberalization. Leftists are getting desperate: the collapse of Soviet communism, the abandonment of socialism by China, and the increasing prosperity of those parts of the world that have embraced more-or-less free economies have them horribly demoralized. And international trade is a convenient symbol of what leftists oppose more than anything else: free markets.

Of course, they seldom couch their arguments in purely anti-market terms: this sort of rhetoric doesn't work very well right now. So they argue that free markets despoil the environment — who doesn't like forests, natural beauty, clean air and clean water? — or that they harm workers in poor countries.

This argument is embraced by many in the second group of protesters: those who own or work in industries that cannot compete with producers in other countries. The sheep farmer in Wyoming has a strong motive to oppose free trade. He produces wool at a price several times the free market international price. If the U.S. allows free import of wool, he is out of business.

Of course, it wasn't sheep ranchers who filled the streets of Seattle. They work to protect their privileged position by diverting a portion of their protected profits to their representatives in Congress, who work very hard to keep the wool tariff in place.

The bulk of those in Seattle who were there to promote their narrow self-interest were labor union members, many of whom have managed to obtain wages far higher than any they could get in the free market, thanks to American labor laws, restrictions on importing the goods like those they produce, and restrictions on immigration of workers.

Those with a self-interest in restricting trade seldom reveal that interest. In the case of WTO negotiations, they actually claim that they want to restrict imports in order to help the poor foreign worker who is paid less than the American worker, and may also work under less salubrious or pleasant conditions. That's why well-heeled unionists travel hundreds of miles to participate with scruffy "anarchists" in frustrating the Seattle police force. Sure. They do it entirely because they are philosophically committed to ensuring that foreign workers get paid the same as American workers.

Of course, people who take jobs in third-world foreign-owned factories do so because the pay is higher and the working conditions are pleasanter than the other jobs available to them. And of course, they'd prefer to be paid American wages, work American hours, get American vacations, etc. But thanks to union-backed immigration restrictions, they cannot come to the U.S. and get one of those jobs. They take a job at a foreign-owned factory for the same reasons that anyone takes a job anywhere: the wages are better than those at alternative positions open to them, the working conditions are better, the work is more interesting or more fun. When a new employer opens shop, he increases the demand for labor. And when you increase demand for anything, its price tends to rise. Third World wages are rising, but not because of anything that American unionists or leftists are advocating.

Most of the protesters I spoke to in the streets of Seattle

were neither doctrinaire leftists nor workers nor owners of protected industries. They were merely fools, people who hadn't really thought the issues through. They believe — as nearly all people do — that it's better for people to earn more money than less, better to maintain places of natural beauty than to destroy them, better to enjoy clean air and water than to die of pollution. They just haven't the faintest idea of how to achieve any of that, nor have they any intention of devoting five minutes to learning. The fact that the only way their goals can be achieved is by freeing trade and freeing markets is as foreign to them as quantum mechanics or Sumerian syntax.

And so they protest. When properly organized and led by doctrinaire leftists bent on revolution and unionists determined to maintain their legally privileged status, they are a formidable force.

The WTO is an organization of marginally successful politicians and bureaucrats who mostly talk, talk, talk. Somehow, nutballs of both the left and right have come to imagine that it is a Satanic conspiracy, perhaps because they have tired of other Satanic conspiracies, like the Council on Foreign Relations or Big Oil.

I checked my email after I finally got my computer plugged in and wrote the first draft of this article. Someone sent me the *Drudge Report*, which carried on at length about the failure of the big media to cover the protest. I don't know whether Matt Drudge was right about this, but he was certainly wrong when he reported that the demonstrators were there to oppose "globalism." They were against private property and free markets. Not a single person I spoke to mentioned globalism and I don't recall seeing any antiglobalism signs.

It's hard to say who's more deluded: the leftists who see WTO as a conspiracy of bloated capitalists bent on despoiling Mother Earth and driving everyone in the world deeper and deeper into poverty, or the rightwingers who see it as a conspiracy of clever internationalists to undermine national sovereignty and impose socialism on a global scale.

The Seattle media were receptive to portraying the riot as a peaceful protest except for a few bad apples. After all, Seattle takes pride in being mellow and laid-back. Say what you like, smashing, burning and looting are not laid-back.

But I have no doubt that rightwingers like Matt Drudge who see the protesters in Seattle as opponents of globalism are the most deluded of all.

The most common thing I saw spray-painted on buildings was a capital "A" with a circle around it, intended as a call to anarchism, by punks too cowardly to battle in the marketplace of ideas or to commit their acts of violence when they face any personal risk. These are the kind of people who give anarchy a bad name. The second most common graffito was "We are winning. Never forget." Sure, I thought, you're winning. People who put on hoods and masks and engage in mass destruction of property are winners. Real winners.

The Thin Blue Line

During all this, I never saw a single attempt by a police officer to defend life or property or to arrest anyone engaged in criminal behavior. But I saw lots of police tear gas, pepper spray and rubber bullets fired into groups of people, most of whom were entirely innocent of any act of violence.

This, of course, is not new. During the past half century, police have come to see themselves much more as defenders of "law and order" than as defenders of life and property. I recall my surprise in 1972 when I heard a retired British policeman describe his job as "the protection of life and property." I'd never heard an American policeman express that sentiment, and I haven't heard one since.

I don't know what bothered me more, witnessing the violence of the so-called "protesters" or watching the police stand by doing nothing while two hoodlums wantonly destroyed private property only a few feet away.

The behavior of the police in Seattle was remarkably similar to that of the violent protesters. The latter claimed to be anarchists, opposed to government, but they chose private property as their target; the police were ostensibly there to protect life and property but engaged in indiscriminate violence against private individuals.

Protection of life and property, of course, would mean arresting those who vandalize or loot. It would mean apprehending, or threatening, or firing weapons at, only those who seemed to have committed a crime. Far too typical were episodes like one I saw on local television: a man walking to his apartment building was gassed by police along with a few protesters; when he approached the police, he had pepper spray shot directly into his face. Or the man who approached the police line shouting something (he was out of range of microphones) holding his arms extended from his sides, obviously not a threat to anyone. An officer ran toward him, kicked him forcefully in his sex organs, then shot him at point blank with a rubber bullet. Or the college students who were trying to get out of a parking lot when an officer approached. Thinking he was going to offer help, the driver opened her window; the officer blasted the students with pepper spray.

Then there was the police

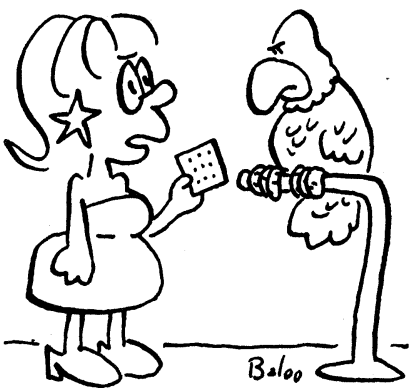

"I don't *know* whether it is biotech free!"

policy of first allowing protesters to commit violent acts ranging from vandalism to blocking access to public streets and sidewalks to looting, then, the next day, arresting people for no reason and confiscating (stealing) gas masks and cell phones from anyone who had them, on the pretext that such items might be useful to protesters. I dare say that gas masks are also pretty useful to innocent people who have to walk though clouds of tear gas to get to their homes.

Now I am sure that somewhere, some of the 1,200 Seattle policemen acted to defend life and property. But I never saw it happen, just as I never encountered any protesters who expressed opposition to the looting and vandalism or showed any sign of disapproval.

But from what I saw in the streets, there were two riots going on: anti-WTO protesters committing wanton and almost random violence against private property and police engaged in acts of wanton and almost random violence against the mostly-innocent people who happened to be on the streets.

Most of the protesters I spoke to in the streets of Seattle were neither doctrinaire leftists nor workers nor owners of protected industries. They were merely fools.

The Media

The news media, despite their tremendous resources, have a very difficult time getting a story right. The eleven o'clock TV news repeatedly assured the public that most of the demonstrators were non-violent and only a tiny percentage were engaging in violence. One news department even found some protesters who said that they deplored the violence and vandalism. I didn't. I asked perhaps twenty protesters — people carrying signs, locking arms to restrict access to buildings or engaging in sit-ins on the street — what they thought of the vandalism. They said things like, "Well, capitalism is ripping us off every day, so it's understandable why some people want to rip off big business." And, "Maybe they go too far, but we have to do something to save Mother Earth." And, "Tactically it's bad for our cause." But not one deplored the vandalism or the violence.

I was a guy who looked like one of them. They didn't perceive me as a reporter, but as a fellow protester, so they were probably being honest with me. If I'd shown up with a suit and tie and a cameraman and a sound man to record my interviews, the protesters might have answered differently. After all, they chanted, "The whole world is watching," so why not try to tell the media something that makes for better public relations? And the Seattle media were receptive to portraying the riot as a peaceful protest except for a few bad apples. After all, Seattle takes pride in being mellow and laid-back. Say what you like, smashing, burning and looting are not laid-back.

The Talks End

Of course, the protesters weren't the only people at the WTO meeting who opposed economic liberty. The European Union countries wanted to continue to subsidize their own farmers and exclude agricultural imports. The U.S. wanted to "link" labor laws and environmental regulation to trade, to exclude the products of countries who don't pay appropriate minimum wages or provide benefits like paid maternity leave, or who don't impose mandatory recycling on their populations. President Clinton eventually showed up to shilly-shally around these issues, and on the question of whether the protesters were violent criminals or courageous idealists. A little of both, he thought.

The Third World representatives would have nothing of the U.S. or European positions. They realized that if they couldn't undercut U.S. and Western European labor costs, they'd never be able to produce anything at a competitive price. And they knew that the European Union's restrictions on the import of agricultural, mineral and forest products have the effect of keeping the Third World poor. They stood firm in the face of western sophistry, and in the end, the talks got nowhere. Representatives of the poor, third world countries whom the protesters claim to be saving from the horrors of free trade were the most articulate advocates *for* free trade. I have my doubts that even a single one of the protesters knew or understood that.

The WTO is a bureaucratic institution whose stated purpose is to reduce those trade barriers. It isn't terribly good at this job, but its efforts seem more effective than past efforts to reduce trade barriers. The WTO came to Seattle to set an agenda for further reduction of trade barriers. The streets of Seattle were taken over by special interests and their dupes. The other two players in the protectionist drama — the consumer and the low-cost producer — were absent.

Whether the war in the streets contributed to failure of the talks I do not know. But it provided a lot of encouragement for those who oppose free markets, private property and free trade. As far as the forces against human liberty are concerned, the Battle of Seattle was a great victory.

* * *

Mayor Paul Schell, who at first encouraged the protesters to come to Seattle and ordered his police not to interfere with their violence during the first day, then outlawed all protest for the duration of the conference and ordered his police to engage in virtual war which inflicted great harm on thousands of innocent people, evaluated his performance in these words: "Seattle came through with flying colors, and only a little bit of broken glass. We preserved life, the WTO was not shut down and free speech was protected."

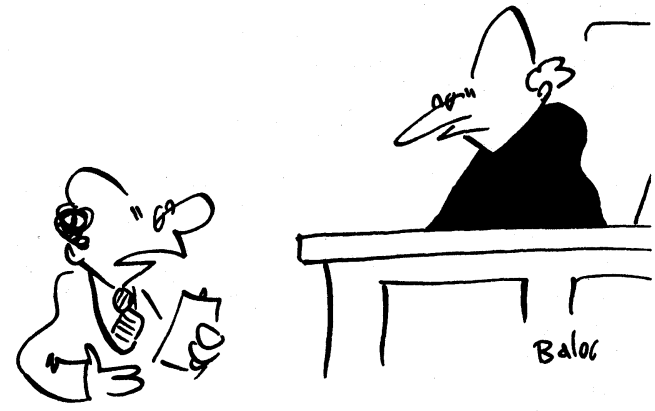

"My client has suffered enough, Your Honor — he was arrested by the Seattle police."

Inside the WTO

by Bruce Ramsey

There was a lot at stake in the WTO meetings. The protesters didn't have a clue about what was happening or what they were protesting.

The "Battle of Seattle," held in the streets November 29 - December 3, 1999, around the World Trade Organization, was a strange and revealing time. There were two sets of demonstrations. The first, on Nov. 30, was the "fair trade" parade by the AFL-CIO that attracted more than 30,000 people, including the federation president, John Sweeney. Sweeney said they were not against trade, but wanted a different set of rules for it. Officially, they wanted observance of the International Labor Organization's "core" labor standards, which have to do with the freedom to organize unions and the abolition of child labor, forced labor and discrimination. Unofficially, they wanted protection from cheap imports.

The unionists were entirely peaceful. Some of them even marched with their kids. But they were totally upstaged by a group led by something called the Direct Action Network. This group seized control of key downtown intersections, blocking delegates, press and vendors from the state convention center. Protesters linked arms, and for those who broke the chain, as I did twice, they rushed around and linked arms again. A few got through; I didn't. One guy yelled at me, "Hey, another unhappy customer!" and protesters laughed. It was a game. They weren't angry at me, but I sure as hell was angry at them.

"We have a right to do this," a young woman said.

I tried again at a different intersection, this time in front of a line of about ten cops in Darth Vader-type riot gear, 30 feet away. They did nothing.

That day groups of "anarchists" from a nihilist cult in Eugene, Ore., smashed the windows of Niketown, Nordstrom, Old Navy, Bank of America and Starbucks with hammers. They passed up Barnes & Noble, Gameworks and Bartell Drugs. Most of the targets had an international connection.

Seattle's mayor, Paul Schell, had the cops under heavy restraint. I saw a police car, four cops inside, come to the north end of Seattle's Pike Place Market, very slowly. A band of about 20 young men, all in black, with black cloths over their faces or black stockings over their heads, trooped by that police car. Here were masked men in the midst of civil disorder. The cops did nothing.

The next day the mayor stirred from his somnambulation and declared a no-protest zone. More than 500 demonstrators were arrested, most of them for protesting in the no-protesting zone. The WTO meeting got underway.

The demonstrators had tried to shut down the conference in order to be "listened" to. Of course, that meant delegates from 135 countries didn't get listened to.

Later in the week, inside the huge WTO press room, some people from the Rain Forest Action Network put up a big banner and began hollering. Everyone in the building had to have a badge, but the WTO had accredited a handful of people from some 750 private organizations, including the Rain Forest Action Network. Reporters, cops and cameramen all rushed toward the man hollering. I broke out laughing. An enviro looked at me in disgust and said, "So you're not going to listen to him."

Yeah, that's right. I wasn't.

The Rain Forest Action Network had just held a press conference out in the hall, and only two reporters had showed up. They were hollering because — well, that's just what the Rain Forest Action Network did. Ralph Nader had been in our press room and gotten lots of attention without hollering. The French farmer who had dumped cow poop on a French McDonald's was there, *sans* excrement, and had not had to holler.

I had been boning up on the WTO for six months. I had read the anti-WTO stuff — the written equivalent of hollering — and had listened to more rational opponents at some length. I didn't think most of them knew what they were talking about.

They called the WTO undemocratic because it wasn't "listening" to them. Said a colleague, "They aren't such good listeners themselves." That was true.

The opponents called the WTO "undemocratic" because they weren't in it. Only governments were in it. Most of those governments were democratic, but some not. In any case, the WTO does not have separate seats for the Ruckus Society.

The WTO is not a government. Thank goodness. It is a club for governments, where they get together and talk. It holds meetings. Most of the WTO's 500 employees are translators.

Under the U.S. Constitution, treaties require a two-thirds vote of the Senate. Since Harry Truman's days, trade deals like NAFTA and the WTO are called "agreements" and ratified by simple majorities in both houses of Congress.

The WTO is best thought of as a kind of treaty, under which governments make commitments to each other. U.S. officials are careful never to call it that. When WTO Director-General Mike Moore was in Seattle Oct. 1, he called it a treaty and immediately corrected himself. Under the U.S. Constitution, treaties require a two-thirds vote of the Senate. Since Harry Truman's days, trade deals like NAFTA and the WTO are called "agreements" and ratified by simple majorities in both houses of Congress. That name is not in the Constitution; it was cooked up by Secretary of State Cordell Hull during World War II and tried out during the Truman Administration. On the rare occasions when these "agreements" are challenged on constitutional grounds, they are justified under the foreign commerce clause. Anyway, the Republicans had a chance to kill the idea in the 1940s, and didn't. For half a century that's the way it's been done.

Still, it functions as a treaty. Because it's a complicated treaty, it has a tribunal for settling disputes. This tribunal is open only to governments — WTO members bringing complaints against other WTO members. If Canada brings a charge against Australia, and they can't work it out, Canada and Australia pick three judges. The protesters referred to these judges as "unelected." That's right. So are our federal judges. At least the WTO judges are chosen by the parties involved, as in a private arbitration.

These judges decide whether Australia broke the treaty. If it did, they can authorize Canada to retaliate by putting a discriminatory tariff on Australian goods — a power Canada had anyway, but had agreed under the WTO treaty not to use.

Unlike a U.S. judge, the WTO judges cannot define a remedy or impose one. It cannot force *anything* . . . The WTO has no army, no cops and no power to tax. Its annual budget, contributed by members, is about the size of the budget of a medium-sized school district.

The WTO cannot expel a member, or keep one in. But in spite of all its weaknesses, the WTO *has* gotten the U.S. government to change regulations that it did not want to change. And that is something.

A handful of these cases has been made into *causes celebres* by the WTO opponents.

Trading in Fear

There was, for example, the gasoline case. The Environmental Protection Agency had set a rule for the composition of gasoline. It was different for each refinery, because it was based on the output of that refinery on a date in the past. EPA bureaucrats had applied a different standard to the foreign refiners. EPA's defenders said it was because they did not trust the foreign refiners. Their opponents say the EPA was trying to do several U.S. refiners a favor. Anyway, the Venezuelan government took the case to the WTO, which ruled that the United States had discriminated against a WTO member. The ruling said the United States could set any environmental standard it wanted. But it had promised in the WTO treaty to treat all WTO members the same. And it hadn't done that.

To the anti-WTO people, this ruling meant the WTO had put profits before clean air and declared vital health regulations to be a trade barrier.

There was the tuna/dolphin case. The United States required its tuna fishermen to have nets that didn't entangle dolphins. The United States had then banned the import of all tuna not caught with that kind of net. Mexico took the case to the WTO and won. The United States had violated the WTO treaty, in which countries had agreed not to distinguish between products based on how they were made. A can of tuna was a can of tuna; if it was Mexican tuna, the production process was up to the Mexicans.

To the anti-WTO people, this ruling meant we couldn't protect dolphins.

Then came the shrimp/turtle case. It was essentially the same issue as the tuna/dolphin case. The United States had banned the import of shrimp not caught in nets with Turtle Excluder Devices. This time, the WTO ruled the other way, saying that sea turtles (unlike dolphins) are endangered, so therefore the United States could do this, even though it was trying to protect foreign turtles rather than its own.

But the United States had applied the law differently to the Asian countries than to the Caribbean countries, the WTO said, so the United States had broken the WTO treaty.

To the anti-WTO people, this ruling meant we couldn't protect sea turtles. Dozens of demonstrators at Seattle were dressed as turtles. Signs said, "Turtles are not a Trade Barrier."

They had *won* the turtle case on the main issue. It didn't matter. They didn't want to be seen to win. They wanted to be seen to lose. They *knew* the WTO was against turtles.

Another issue was forests. The United States proposed to cut tariffs on wood and paper to zero. The greens argued that zero tariffs would increase the demand for wood and paper, thereby increasing the cut of trees. That was bad.

The zero-tariff proposal was called "advanced tariff liberalization." It was not about cutting trees, a matter that had never been the subject of a WTO agreement. But the enviros called it "The Global Free Logging Agreement." Sometimes

they put that name in quotes and sometimes not; but they called it that so often that their own people thought that's what its name was. It was a wonderful name. "The Global Free Logging Agreement" neatly suggested global government, global profiteering and global ruin.

If you read their arguments, you'd see an estimate that free trade would increase logging worldwide by 3 to 4 percent. The estimate was attributed to a Finnish consultant. This was the old tactic of taking a "fact" from your enemy. It's a neat tactic, providing you get the fact right. They didn't. The U.S. Trade Representative circulated a letter from the Finnish consultant saying that the 3 to 4 percent was an off-the-cuff estimate of industry growth unrelated to any WTO deal. It had been said in the course of a dinner speech.

No matter. The greens kept calling the zero-tariff proposal the "Global Free Logging Agreement."

Fearing to Trade

The real issue of the WTO, and of the Battle for Seattle, was the freedom of commerce. To the AFL-CIO marchers, and to some of the others, it was "fair trade versus free trade." To some of the radicals, it was capitalism. One group unfurled a banner, "CAPITALISM KILLS." A graffito sprayed on the window of a fancy retailer said, "NO TRADE."

This was the Left speaking. It was a very organized Left. They had worked on the Battle of Seattle for months. They had gone to training camps. They had kept in touch by Internet. They had come from all over North America, and a few from abroad. It was amazing how many of them there were.

The trade community was organized, too, for the things it did. Seattle has a network of trade-related groups — the Asia Society, the Washington State China Relations Council, the World Trade Club, the Washington Council on International Trade. For years, these buttoned-down outfits have hosted luncheon and dinner speeches by eminent professors, international journalists, State Department officials and foreign politicians. They were proud that the WTO was having its conference in their city. President Clinton would be there. Trade ministers from about 160 countries would be there.

The WTO cannot force anything. It has no army, no cops and no power to tax. But in spite of all its weaknesses, the WTO has gotten the U.S. government to get rid of regulations that it did not want to change. And that is something.

And then came this horde of self-righteous Visigoths.

They came to do battle — to "speak truth to power," to validate their feelings, to market their ideas. They appeared to be in favor of a small-is-beautiful world. It was never clear. They were definitely against free trade, corporate profits and big business. The more intellectual ones held forth against "globalization," just as the more intellectual among the union leaders denounced "neoliberalism." Both of these were code words for capitalism.

The local capitalists were all in favor of the WTO. Seattle's two most prominent captains of industry, Boeing CEO Phil Condit and Microsoft CEO Bill Gates, were honorary co-chairman of the WTO Seattle Host Committee. Each had given public statements earlier in the year. To each of them, the issue was simple: Their enterprise was morally good. That was obvious. Much of its revenue, in Microsoft's case more than half, came from outside the United States. Boeing could not be in the airplane business, or Microsoft in the software business, without the world market. They simply had to have it.

The United States could set any environmental standard it wanted. But it had promised in the WTO treaty to treat all WTO members the same. And it hadn't done that. To the anti-WTO people, the WTO had put profits before clean air and declared vital health regulations to be a trade barrier.

Argument finished.

To the anti-WTO side, that argument just showed that the purpose of free trade was to swell Boeing's and Microsoft's profits. Obviously, that was bad.

Their issue was "democracy." If we Americans don't want to buy products from Burma, they said, we should have that right. If we have a campaign to save sea turtles, and decide we don't want to import shrimp caught with Turtle Excluder Devices, we should have the right. The right was stated in the traditional American way, of people against rulers. Except that the "we" was always collective.

This was a defense of the prerogatives of governments.

The trade groups, which late in the game were augmented by a national corporate lobby, countered with the principle of "rules-based trade." It was an unfortunate term, because the protectionist lobby — steel and textiles, mainly — used it to justify the U.S. anti-dumping laws. These were rules, too. What the free-traders meant by "rules-based trade" was rules to limit government discretion. That's mainly what the WTO is. The WTO is an organization of governments that provides due process of law to international business.

This is a useful idea. But it's a legalistic idea, and the Battle of Seattle was not a battle about legalisms. What was needed was an assertion of the individual's moral right to make a living and to buy and sell with foreigners. The Cato Institute talked about that, and the Competitive Enterprise Institute did too. Both had conferences in Seattle in the run-up to WTO. Jack Kemp of CEI came to town during WTO and gave a speech quoting Winston Churchill, speaking to the House of Commons in 1904, "We say that every [citizen] shall have the right to buy whatever he wants, wherever he chooses at his own good pleasure, without restriction or discouragement from the state."

But business generally didn't use the moral-right-to-trade argument. They don't think in terms of rights. They argued the economic benefits of trade, and when pushed, the social, human-rights and national security benefits. (They used the term "trade" rather than "free trade," but they were arguing

a free-trade position.)

They made a good case. But it was largely not a moral case.

As the WTO meeting approached, the trade groups found themselves invited to debates, many of them with audiences stacked hopelessly against them. To his credit, their chief spokesman always went; and if he tended not to match the moral fervor of their opponents, he certainly got better at pointing out the implications of the "fair" trade argument. He corrected their factual errors — over and over again.

In this battle, the free-traders were on the side of the President of the United States, Bill Clinton. That was nice, in a way, but in some ways, not.

In negotiating, the U.S. took largely a free-trade position. So did Clinton. He was clearly for freer trade, especially in the protected environs of agriculture. But Clinton always *said* "free and fair trade." He had to keep the unions in the tent, and they were restless. Clearly the 30,000-plus AFL-CIO demonstrators in this supposedly free-trade city had shown that. (Seattle is also more unionized than most American cities, starting with the 40,000-member Aerospace Machinists at Boeing.)

What the free-traders meant by "rules-based trade" was rules to limit government discretion. That's mainly what the WTO is. This is a useful idea. But it's a legalistic idea. What was needed was an assertion of the individual's moral right to make a living and to buy and sell with foreigners.

Clinton's negotiator, Charlene Barshefsky, did her best to keep the U.S. anti-dumping laws off the WTO agenda. Ditto for textile quotas. These two laws were blatantly protectionist. The Americans didn't want to talk about sugar, peanuts, milk, the Jones Act, or any number of protectionist things.

In addition, the United States was pushing environment and labor as talking points for trade agreements. This was to placate the enviros and the unions. We'd had to put that stuff in NAFTA, and it hadn't amounted to much. Europe, governed mainly by parties of the soft left, supported us. The low-wage countries wanted nothing to do with it. It didn't matter whether they were poor capitalist countries, like Panama, or poor socialist ones, like Cuba. Or middle-wage capitalist countries, like Brazil. They saw labor and environmental as excuses for rich countries to block their products.

And they were probably right.

If it was one-country, one-vote, the poor countries could have simply outvoted the rich ones. But the WTO does not operate by voting. It operates by consensus. In theory, one member who opposes an agreement can stop it. In practice, it is not so easy. The poor countries had always been railroaded. At Singapore, most of the deals were done by about 25 ministers in a place called the Green Room. This time, the little countries were determined to stand up.

Labor was the sticking point. The Americans and Europeans were asking only for a group to study it. Nothing on the negotiating agenda for the next four years. No sanctions. Just a talking shop. Nothing to worry about. The low-wage countries were suspicious as hell. It was the nose under the tent. No, no, no, they were assured. No nose. No tent.

Then Clinton came to town and told the *Seattle Post-Intelligencer* that eventually labor standards should be in trade agreements, and should be enforceable by sanctions. The U.S. delegation was stunned. He had undercut them. But he had stroked the unions, whose support Al Gore needed. Maybe this would help the vice president, a man who helped himself by staying out of town.

Fidel Castro almost came to town, though. The Seattle City Council, which had made common cause with the Sandinistas in the 1980s, invited him, and the University of Washington made a lecture hall ready for him. Cuba had been a founding member of the GATT in 1947, as had China; and though Mao had taken his country out of the GATT (to its regret today), Castro had stayed in. That gave Castro, a man generally forbidden to come to the United States, the right to come to Seattle. He was apparently going to do it. But the attorney general of Florida had asked the attorney general of Washington to arrest the Cuban President, as the British had arrested Pinochet. She would never have done it, of course. Imagine Fidel in the King County Jail! He must have known the risk of that was low, but still, he complained, he had been given no assurances from the U.S. State Department.

His foreign minister did come. Felipe Perez was just 34 years old, with close-cropped hair, a natty gray suit, and a pugnacious manner. He was hosted by Castro's local acolytes, by the United States Chamber of Commerce and by the Boeing Co. He complained to the press that he had not been able to line up anything with Microsoft in the short time the State Department had allowed him to stay.

In the end, the Third Ministerial Conference of the WTO failed. Its purpose was to set an agenda for trade talks that would go on for the next four years. But the trade ministers could not agree on what that agenda should be. For the first time all 135 members, plus about 30 observers (including China, Russia and Taiwan) had been given the right to be in all six working groups. Pascal Lamy, the chief negotiator for the European Union, bellyached that the process was so bloated as to be "medieval."

The WTO was also getting sensitive stuff. The focus was no longer tariffs. The most contentious issue was state protection for farmers. Governments were talking among themselves about how they were going to go home and cut off their own farmers.

Health standards were also at stake. In 1994, WTO members had agreed not to use phony health issues to block trade. Health standards for imports were to be based on science. Under that rule, a WTO panel had said Europe could not ban American and Canadian hormone-fed beef. The Europeans had not conducted a risk assessment of the North American beef, and they would not agree to conduct one and be bound by its findings.

Investors' rights was an issue. In the 1990s the industrial

continued on page 32

Report

Is It True What They Say About Hillsdale?

*by An Anonymous Alumnus**

"An old, mad, blind, despised, despotic king." — Shelley about George III

On October 17, 1999, Lissa Roche killed herself, with a single shot to the head. She was standing in a stone gazebo in the arboretum at Hillsdale College, in Hillsdale, Michigan. She had lived in the town for many years, as had her husband, George Roche IV (a teacher at the college) and her father-in-law, George Roche III, the college's president.

I knew Lissa Roche. She was dedicated, with an unexpected sense of humor, and she deserved her reputation as the hardest worker in the school's Central Hall. She once gave me a book, just because I admired it. But what surprised nearly everyone was the detail that made her suicide into national news: since 1980, she had been having an affair with her father-in-law, one of the most prominent figures in higher education and a widely-admired political conservative.

George Roche had served as director of seminars at the Foundation for Economic Education, and when he arrived at Hillsdale in the 1970s, he became the youngest college president in the country. By the time he resigned in disgrace on November 10, he was the longest-sitting college president in the country. He left behind him a school that had, under his leadership, become almost legendary — and also, in the process, had become what one student aptly called "a personality cult."

It started soon after Roche became president. The federal Department of Education had determined that federal regulations came along with government financing — if a school received federal grants, then certain restrictions were "incorporated" with that money, for example affirmative action. Hillsdale and several other schools simply shrugged at this: they had never received federal grants. Hillsdale, founded in 1844, had been among the first schools in the country to admit blacks and women: it needed no lessons in "racial diversity," and the government, so far as the school was concerned, could keep its money.

But that did not satisfy the Department of Education, which claimed also that "federal funding" was received by schools when their students received *personal* federal loans and grants. In other words, even though the student was receiving the money, and then deciding in turn where to spend it, the federal regulation followed the money like a stain. Roche and the Board of Trustees balked: this would imply that federal regulations applied to every college, store, or household in the country because they were "incorporated" with the federal loans and grants, with the money changing hands from one to the other to the other. If federal regulations followed the grant beyond its original recipient, then why not apply the title of higher education to the entire economy?

Roche took the case to court, along with Grove City College, in Grove City, Pennsylvania. The case went to the Supreme Court, and in 1984, in *Grove City College v. Bell*, the Court sided with the Department of Education. Justice Powell wrote "I [concur] reluctantly and write briefly to record my view that the case is an unedifying example of overzealousness on the part of the Federal Government."

What made Hillsdale remarkable, though, was its reaction: it did not give up, but instead began assembling the Hillsdale Independence Fund. If a student applied who could only afford to come by using a government loan — say, a GI Bill loan — the school would finance the student with Hillsdale's own money. And so, until 1998, when Grove City became able to do the same, Hillsdale was the only college in the country that refused all federal funding of any sort.

* The author wishes to remain anonymous because he has friends at Hillsdale and fears the possible recriminations of this article, a fear justified by the school's record.

Ludwig von Mises had been so taken by the place that his wife left his personal library to the school. Ronald Reagan spoke there when he was governor. Phil Gramm spoke there when he was still a university professor. Dan Quayle and George Bush spoke at the same conference once, long before they were a team. Hillsdale had already been a mecca for free-marketers, but now it became nearly a dream.

In an era when "political correctness" threatened traditional instruction in history, philosophy, or literature, Hillsdale stuck fast to a rigorous core curriculum, requiring all students to take a great books course and a Western Civilization course. Hillsdale stridently defends Western Civilization, and shuns race-oriented or sex-oriented courses. No Black Student Union exists on campus, although students have tried to start one, but student religious clubs, literature clubs, and even classical-civilization clubs are strong.

The Fatal Flaw

Yet Hillsdale had a terrible weakness, and that weakness was powerfully described in 1996 articles in *Lingua Franca* magazine and *The Chronicle of Higher Education* which, as I personally recall, caused quite a stir. *Lingua Franca* pointed out that Hillsdale had to draw a fine line between conservative supporters and libertarians: between, on one hand, the religious right, and on the other, believers in reason and free-market individualism. The school, and especially Roche personally, tried to steer a middle course. But in fact, the school fell deeper and deeper under the sway of religious conservatism. And that meant heavier restrictions on student freedoms, an extension of the *"in loco parentis"* policy by which the school was run, and heavy censorship of the college's newspaper, *The Collegian*.

Roche left behind him a school that had, under his leadership, become almost legendary — and also, in the process, had become what one student called "a personality cult."

A school that receives federal funding must permit a certain measure of student freedom in its campus newspaper, because the First Amendment is one of those regulations that comes along with government money. But the completely private funding at Hillsdale means that the Bill of Rights is simply not incorporated on that city block. Student freedom of speech is heavily restricted — the student handbook openly bans student demonstrations — and their lives are manipulated to a sometimes dystopian extent.

In 1991 student Mike Nehls had had enough, and he began publication of an underground student newspaper, distributed off campus, called *The Hillsdale Spectator*. He was immediately called in for disciplinary action, and forced to "voluntarily leave" the school — and to sign a nondisclosure agreement.

These non-disclosure agreements, and the similar intimidation of students who speak out against the administration, have a powerful "chilling effect" on those students who would criticize the administration. And it means that a great deal of the "news" that a student receives on the campus is through rumor and innuendo, rather than open channels. The facts are simply not forthcoming. Thus when some female students began, in 1998, to complain of a stalker on the campus, peering through their windows and hiding in the bushes, and when one of the rumors told of a student having been raped, *The Collegian* ran only a statement from Dean Barker discounting the stories. Whether there was a campus stalker remains a mystery to me, as to many other students. Federal regulations require student newspapers to print campus crime statistics. But Hillsdale doesn't have to — because it receives no federal money. In a 1997 case, when a student became violently intoxicated and assaulted several other students in a dorm, police were summoned. The police had to use pepper spray, and drag the student off in handcuffs. But no story about it appeared in *The Collegian*. One student reporter resigned, penning a furious resignation letter that was printed in *The Collegian*. Its allegations of censorship were made somewhat more powerful by the fact that the letter itself was censored — the editors had removed the portions relating to the incident and replaced them with the word "censored" in brackets. The irony, however, accomplished nothing. When that year's editor, Daniel Bielefeld, graduated, he admitted in an article that the only way to end censorship would be for the students to simply refuse to publish. That has not happened. Bielefeld now works at the Leadership Institute, an organization dedicated to free press on college campuses.

The censorship and the pervasiveness of rumor make it difficult to get to the bottom of nearly anything at Hillsdale. And that leads to an element of genuine fear in the students. After Bielefeld's departure, no students applied to serve as the *Collegian*'s editor — until the administration is said to have threatened one student reporter with the loss of her scholarship if she did not take up the duties. This, too, is a rumor: I asked her myself whether this rumor was true; she replied that she could not discuss it.

Many professors speak to reporters only on condition of anonymity. One told the *Lingua Franca* reporter he feared his phone was tapped. Another told the *Toledo Blade:* "One gets along with Dr. Roche as long as one uncritically accepts what he says. He once told me, 'There's room for only one idea man on campus,' to which I responded, 'That's a bad idea.' He said 'People who have raised questions on our campus in good faith about certain matters are no longer here.'"

Simply put, Hillsdale is not an "open society," and sometimes can even be a police state. Dormitory rooms are subject to search at any time without notice, and searches are frequent, usually at night. Following conservative intellectuals, the school scoffs at "the right to privacy" both in theory and in practice, and I can recall a conversation with Dr. Roche when he, too, scoffed at the notion.

In 1996, a member of a fraternity, Tau Kappa Epsilon, was accused of tarring and feathering a statue on campus. Some fraternity members still talk of gestapo-like tactics in the investigation of the fraternity that followed. One told me of being roused from his bed at midnight to have his hands and his room searched for tar or feathers. Of course, this too, is merely a rumor: not a word appeared in the *Collegian*. The fraternity was found guilty of various offenses, and lost its charter. Its house was torn to the ground.

Another rumor told of the student who had received an "entrepreneurship grant" from the school to start a cable-radio station that would serve only the dormitories — and who, at the last minute, had the grant revoked when the administration discovered it would have no control over the programming.

Some students have responded. Many have left, either voluntarily or "voluntarily." Some have started the "Hillsdale Liberation Organization," and rumor has it that the school is seeking to find those students responsible.

When news of the Roche scandal broke, Hillsdale responded characteristically. "One thing we could never be accused of is covering up anything," said the college's vice president, Ron Trowbridge, who promised to be entirely forthcoming with the students at a "convocation" to be held that week. The next day, however, Trowbridge told newspapers that the convocation would include no mention of Roche, and that the school had spoken its last about the incident. Few pointed out that the school had yet to say *anything* about the incident. Some students were frustrated at the administration's silence at the convocation. There, students heard only veiled references to "Dr. Roche's early retirement" and "the events of the past few weeks," and were informed that they would "have to make up their own minds" about what had happened. As *Weekly Standard* writers Tucker Carlson and Andrew Ferguson noted, "If you'd arrived on campus from Mars — or even from Washington — and had somehow missed the local news and the front pages of the region's major newspapers, you would have had no idea that the president of Hillsdale had just been forced from office in the wake of a suicide-sex scandal." What news the students have received has come almost entirely from the Internet and off-campus newspapers, although issues of the *Toledo Blade* (highly critical of the school) have been mysteriously disappearing from the library.

And the school's reason for not being more open with students? Trowbridge explains, "'What people are wanting us to do," he explains, "is to deny George his constitutional right to privacy. You can get sued for that." This may sound like hypocrisy, but as the *Lingua Franca* article pointed out, Hillsdale's careful tightrope between conservative and libertarian has meant a good deal of cutting and pasting of the ideas that the school loves to say "have consequences."

Simply put, Hillsdale is not an "open society," and sometimes can even be a police state. Dormitory rooms are subject to search at any time without notice, and searches are frequent, usually at night. The school scoffs at "the right to privacy" both in theory and in practice.

Walking the Tightrope

When one student body president complained about a brick in the "donor's walk" which had a pro-choice message inscribed on it, the brick was immediately chiseled out, and the money refunded: a point for conservatives. And it seems as though conservatives are winning. The student religious organization on campus — the Intervarsity Christian Fellowship — has tripled in size this year.

This points to another problem Hillsdale faces: its student body. Hillsdale may manipulate the students' lives, but many of the students like it that way. An active recruiter of home-schoolers, Hillsdale attracts the sort of students who have led intellectually cloistered lives, being taught comfortable traditions rather than challenging ideas. Many of these students arrive believing, for instance, that Genesis is the literal truth, and that evolution is a hoax. Roche himself wrote an entire chapter in his book *A World Without Heroes* attacking Darwin's theory of evolution.

Hillsdale, like conservatism in general, fosters obedience to established authority and tradition, not the corrosive inquisitive nature of science. Many of these students are simply not curious. The *Weekly Standard* reported that:

The censorship and the pervasiveness of rumor make it difficult to get to the bottom of nearly anything at Hillsdale. And that leads to an element of genuine fear in the students.

> Two days before [the convocation] a number of student leaders — editors of the paper, heads of various campus organizations — were summoned to a meeting with Hillsdale's chaplain and two of the college's deans. The purpose of the gathering was to talk about current events at Hillsdale. "There will be no discussion of President Roche," the group was informed moments after sitting down. This is the sort of thing that on an ordinary campus would spark a sit-in, maybe an effigy-burning. At Hillsdale, it provoked only tepid complaints, even from the local guardians of free speech. "I haven't gotten explanations," says Teresa Masterson, [a *Collegian* reporter] "They don't *have* to tell us. We don't have a right to know. We already know more than we need to know." Again, the others nod. More details, Masterson says, would just be fodder for "human curiosity." The way she says it, "human curiosity" sounds about as appealing as "human waste."

It's no wonder the students haven't followed Bielefeld's advice to cease publication: half the students are afraid of the school — the others have no objection to authoritarianism. It is fitting that Hillsdale is also the repository of the papers of Russell Kirk, perhaps the most influential conservative thinker of the century, who loved the school. As William Rusher once observed, Kirk held the banner of the "metaphysical dream of the Middle Ages against that of the Enlightenment."

Hillsdale does precisely the same thing. Its classical education is strong for the same reason that its science education is weak, and for the same reason that it regulates the students' conduct and expression: because tradition, dogma, authoritarianism, are central to Hillsdale College. And the students who are willing to accept that are intellectually docile, much like medieval peasants.

And this is why so many Hillsdale professors praise the Middle Ages, as a time when people "knew their place." Hillsdale education stops before the nineteenth century

begins — read Aristotle, Augustine, Aquinas and Adam Smith — but no Foucault, no Derrida, and *no* Darwin.

This intellectual outlook is backed up by Hillsdale's pervasive siege mentality. The entire world really is out to get them. Recently, the government began inquiring whether it could apply regulations to schools if their students' parents receive tuition tax breaks. When the government goes through such bizarre intellectual gymnastics as this, in order to get its fingers into Hillsdale, one can understand the school feeling paranoid. Every innovation, every challenge to its ideal of independence, becomes a danger. At Hillsdale, freedom merely means independence from outside interference.

Hillsdale as an institution, and George Roche as its leader, became intertwined over almost thirty years into a monument which one did not question, or challenge, one merely admired. How reminiscent of the Ayn Rand cult!

And yet Hillsdale provides a magnificent education. It is consistently ranked among the top of its category and region.

Only when donors demand an accounting of how their money is spent — and this is true of any college — will they see real change. And only with such oversight will Hillsdale realize that freedom means more than independence — it also means tolerance.

Its great-books course, like its history and classics courses, are powerful intellectual adventures. And the professors at Hillsdale are amng the finest people in higher education.

Incredibly dedicated men and women, these teachers care profoundly about their students, and some of them remain my good friends. The real tragedy of the Roche scandal is that this is a blemish on their resumes from which they may never recover.

I remember, when I first arrived at Hillsdale, the sense of adventure and excitement at being at such a monument to freedom. And I remember noticing immediately the cynicism and disillusionment of its seniors. I didn't understand it — until I was a senior. By then, it was too late: I had invested too much in my education in Hillsdale. I received a great education there, and I'm proud of that. But what made me cynical was to see a school with so much potential turn its back on the opportunity to nurture students' independent thinking; to see it coddle cherished fairy tales; to see it crush opposition, terrify students with gestapo tactics, encourage an us-against-them mindset that intellectually cripples far more students than it helps, or an intellectual resignation to authority that lulls, rather than awakens. And yet, in a way, it was a powerful education for me. I thought I knew what conservatism was — Hillsdale showed me what it *really* is.

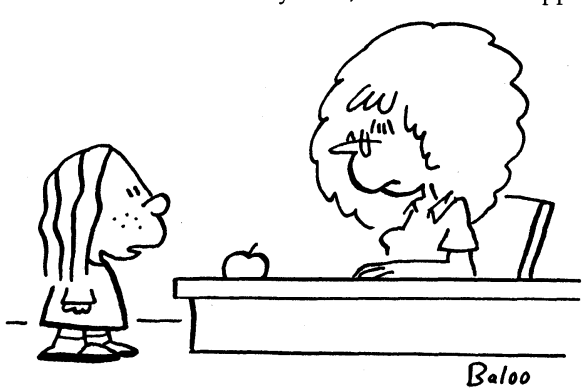

"I didn't do my science homework because I got caught in a time warp."

Hillsdale must now dig its way out of a humiliating dent in its religious right armor. It has appointed a committee, including William F. Buckley and William Bennett, to find a new president. (Bennett soon resigned in protest against the school's stonewalling on the whole subject of Roche's resignation.)

One hopes they will choose a president who believes more in fostering curiosity and tolerating different opinions. Since the prime candidate is acting president Robert Blackstock, who, as provost, was in charge of the *in loco parentis* system, and who — rumor, again, has it — actively encourages students to spy on their roommates for scholarship funds, the chances seem nil. Only when donors demand an accounting of how their money is spent — and this is true of any college — will they see real change. And only with such oversight will Hillsdale realize that freedom means more than independence — it also means tolerance. ❑

Ramsey, "WTO," from page 28

countries had negotiated a proposed investment treaty. They called it the Multilateral Agreement on Investment. The MAI promised equal treatment and due process of law for foreign investors. The Left went ballistic over the MAI, and in 1998, shot it down. A weaker version of it was proposed at Seattle by Japan, South Korea, Singapore, Switzerland, Panama, Poland and the European Union — but not by the United States.

Other issues included "competition policy" — antitrust, and global standards on patents and copyrights. And, of course, there were those issues of labor and environmental standards.

The reader may be getting uneasy. This thing that is not a government begins to smell like one. We start with anarchy, proceed to the rules of laissez-faire (which, indeed, is a rule-based system), and pass on to global social democracy.

The WTO was not designed for that. It cannot enforce that — in its present form. But there are those, such as Fred Smith, president of the Competitive Enterprise Institute (and a contributing editor of this magazine), who are raising the alarm about what the WTO could become.

In 1996 former WTO Director-General Renato Ruggiero made the statement, often quoted against him, that the WTO was creating "the constitution for the global economy." The current WTO treaty is not a Constitution; it's more an Articles of Confederation, but not really even that. But these things don't stay the same. Lamy's complaint about the "medieval" procedures may prompt a reevaluation of the WTO. The organization, which has largely been about expanding free commerce, may continue to do so; there is certainly more to be done. But it may also come to be something different. Perhaps, in the future, those who believe in free trade may find themselves out in the street.

At Seattle, the free traders were on the inside. They should stay on the inside if they can. But they will have to work at it. Their opponents have declared a victory, and are still cheering. ❑

Your PC as Big Brother

by Declan McCullagh

A new campaign to spy on you via the Internet has some surprising allies.

If you were already worried about your privacy, prepare to get really spooked. In the future the Feds may find it easier than ever to eavesdrop on your e-mail, Web browsing and Internet phone calls.

The group of technical experts who run the Net is weighing whether it should change technical standards to allow police and other meddlesome government snoops the means to conveniently wiretap our online actions.

There are so many things wrong with this intrusive idea, which the Internet Engineering Task Force (IETF) debated at its November meeting in Washington D.C., that it's difficult to know where to start criticizing it. The measure was defeated, but it is frightening to think that the IETF — generally a libertarian-leaning crowd — seriously considered adopting this scheme.

The thinking among some veteran participants is that U.S. law may require Internet snoopability in the future, so it is best to hold their noses, do the dirty deed, and get it over with now.

"The basic problem is that the government will probably demand of IP telephony the rules that govern wiretaps," says University of Pennsylvania electrical engineering professor Dave Farber, a board member of the Electronic Frontier Foundation and the Internet Society. ". . . I wish we didn't have the law. But given that the law is there, it's wiser to make sure it just applies to the stuff that's IP telephony and not all of our data traffic."

Farber might have a point if Congress had approved such a law, the president had signed it, and the courts had declared it to be constitutional.

But since that hasn't happened, it makes little sense for the IETF to race to support surveillance. "There is no reason for the IETF to build surveillance capabilities into the architecture of the Net," says Barry Steinhardt, associate director of the American Civil Liberties Union. (Adding snooping abilities also introduces security holes, something that IETF has vehemently opposed in the past.)

There are also good historical reasons for the IETF to be leery of law enforcement and wiretaps.

In the past, government agencies have subjected hundreds of thousands of law-abiding Americans to unreasonable surveillance, illegal wiretaps and warrantless searches. Eleanor Roosevelt, and Martin Luther King, Jr. are just two prominent examples. Feminists, gay rights leaders and Catholic priests have also been spied on. The FBI used secret files and hidden microphones to discredit political opponents, sway the Supreme Court and influence presidential elections.

Malfeasants at the Los Angeles Police Department are doing the same thing today. Last month the L.A. county public defender's office filed court papers detailing police and prosecutors' abuses of power and apparent perjury.

"All of the cases which the Los Angeles District Attorney denied, under oath, in November of 1998 were related to a wiretap, were in fact the result of the [government's] wiretap operations," the documents say. One single illegal wiretap produced over 65,000 pages of printed logs — so many that a forklift was required to move them.

Under U.S. law, courts are supposed to review wiretap requests to verify that they are reasonable. But judges are often complicit. One judge authorized the San Bernardino District Attorney to wiretap public pay phones for four months. The cops intercepted 131,202 conversations that the district attorney's office kept for a decade — but never made any arrests.

As a society, we have a choice: We can trust police never to become overzealous, trust prosecutors never to become too ambitious, and trust judges never to become too uncritical. Or we can just simply ditch wiretapping for good.

It may seem a radical idea, especially to lazy cops who have come to depend on that firehose flow of information. (Of course they could still bug rooms and use informants.)

Yet some law enforcement officials have in the past suggested exactly that. Attorney General Ramsey Clark prohibited federal police from using wiretaps and told Congress in 1967, "We make cases effectively without wiretapping or electronic surveillance." Detroit's police commissioner felt the same way, calling wiretapping "an outrageous tactic" that "is not necessary."

In a famous dissent in a 1928 Supreme Court case, Justice Louis Brandeis chose even more dramatic words: "The evil incident to invasion of the privacy of the telephone is far greater than that involved in tampering with the mails . . . As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping."

The so-called digital telephony law requires taxpayers to pay for phone companies to rewire their networks for police eavesdropping. The Cellular Telecommunications Industry Association estimates that complying with CALEA will cost over $4 billion.

Some modern civil libertarians like the ACLU take Brandeis' point one step further, arguing that wiretapping by its very nature violates the Fourth Amendment's prohibition on "unreasonable searches." They point out that private conversations with a spouse, doctor, or priest are often intercepted.

If the total cost is taken into account, wiretaps don't seem to be that efficient an investigative tool. According to government statistics, in 1998 police intercepted 2,313,210 conversations but the taps — 71% were for drug-related crimes — resulted in only 911 convictions.

An equally alarming — though less obvious — effect of allowing police to wiretap is that they become reliant on the tactic and start to demand even more. Consider the Communications Assistance to Law Enforcement Act (CALEA), which the FBI pressured Congress into approving in 1994. The so-called digital telephony law requires taxpayers to pay for phone companies to rewire their networks for police eavesdropping.

The Cellular Telecommunications Industry Association estimates that complying with CALEA will cost over $4 billion. According to the Personal Communications Industry Association, local telephone companies will have to spend $1.73 billion — and this money will come from higher taxes on Americans.

Worse yet, the Federal Communications Commission has indicated that CALEA, which applies to "telecommunications carriers," will spread to cover some forms of Internet telephony too.

What's most disturbing, though, is that CALEA has set an alarming precedent: The government has the right to alter new technologies for easy surveillance. The White House in 1991 planned to do just that. A "top secret" memo obtained by the Electronic Privacy Information Center through a Freedom of Information Act request said that President Bush had approved a plan to use CALEA's legislative momentum to ban encryption products that did not have backdoors for the Feds. "We will have a beachhead we can exploit for the encryption fix," a top Bush aide wrote.

Now the FBI is telling the Internet Engineering Task Force that they should build in surveillance. "If a standards-setting body is going to fully carry out its mission in addressing the needs of all groups, you've got to recognize government's legitimate need to protect public safety and, under specific circumstances, conduct surveillance," Barry Smith, supervisory special agent in the FBI's digital telephony and encryption policy unit, said.

Perhaps. But an even better way to protect the public's safety from the government might just be to eliminate wiretapping altogether, and let the IETF engineers go back to the much more valuable business of keeping the Internet humming. ❑

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Report

Strongarm Suits

by David Kopel

Unable to get Congress to pass new gun laws, President Clinton tries an end run through the courts.

Gun prohibition groups have had a rough time in recent years. Even after the Columbine High School murders, they were unable to push any major new anti-gun laws through Congress, or through any states other than California. The demand for new laws to "do something" about Columbine ran into the problem that none of the proposed new laws (like destroying gun shows through administrative regulation) could possibly have prevented Columbine.

But the anti-gun groups are nothing if not creative. Thus, the Center to Prevent Handgun Violence (the litigation arm of Handgun Control, Inc.) has orchestrated lawsuits all over the country against handgun manufacturers. The suits have been brought by the CPHV in conjunction with twenty-nine big-city mayors, including the mayors of New Orleans, Chicago, Miami, and St. Louis.

In late December, President Clinton and Andrew Cuomo (the Secretary of Housing and Urban Development) announced that HUD would sue also, unless gun manufacturers surrendered to the plaintiffs' demands.

HUD deceived Congress on August 4, 1999, when HUD's General Counsel, Gail Laster, told the House Subcommittee on Criminal Justice, Drug Policy, and Human Resources: "HUD has no authority on its own to bring litigation. . . . I repeat, HUD does not plan to bring any action on its own against the gun industry." And since HUD will be filing suit in the name of thousands of public housing authorities throughout the United States, rather than in its own name, Ms. Laster's testimony was deliberately misleading, but not, strictly speaking, a flat-out lie.

Political analysts speculated that the HUD lawsuit was an effort to raise Cuomo's profile, since he is rumored to be a leading contender for the vice presidential nomination, should Al Gore win the Presidential nomination. Additionally, President Clinton appeared to be displaying the antipathy to gun owners which is common among rapists and other violent predators.

If we put aside the motives of the suitors, we find that the suits are vexatious, and based on untenable theories.

First, there is the allegation that handgun companies have conspired to keep their products from having various child-proof devices, or devices to keep unauthorized persons from using the guns.

Product liability suits using this theory have already been tried in numerous courts, with private plaintiffs abetted by the CPHV. The cases have been a universal failure. For example, in the 1999 California case of *Dix v. Beretta*, not only did the CPHV lose, the California trial court ordered the CPHV to pay part of Beretta's litigation costs.

The cases founder because the "safety" devices which the CPHV demands make the gun less reliable. For example, a "magazine disconnect" prevents a gun from firing even if there is bullet in the chamber, unless the magazine (ammunition clip) is in the gun. So if someone drops the magazine clip while attempting to put it in the gun in an emergency, the gun becomes of no use, and the gun-owner could be killed by a criminal. For this reason, many police officers refuse to buy guns with magazine disconnects.

Other devices which the CPHV demands haven't been invented yet, like palm print recognition devices embedded in a gun's grip. Even if they were invented, many users would not want to trust their lives to a microchip functioning instantly and perfectly.

Even simpler devices are not foolproof. At a December 1998 mayors' meeting, CPHV attorney Dennis Henigan attempted to demonstrate how easy it is to remove a trigger

lock in an emergency; he wasn't even able to get it off the gun.

Spurred by an earlier round of failed suits by anti-gun groups, many states in the 1980s enacted "defectless product liability" laws which prevent product liability suits from being brought against firearms which work as intended.

Thus, some of the city suits evade the product liability issue by raising claims of "negligent marketing" and "public nuisance" — claiming that the handgun companies deliberately supply handguns to criminals.

One supposed proof of this claim is that in recent decades, handgun companies have brought out new models which are smaller and more powerful than previous models. This is certainly true, but it is hardly proof that the guns are made for criminals. Thirty-one states allow adults who can pass a background check and a safety class to obtain a permit to carry a handgun for protection. Many of the other nineteen allow handgun carrying in certain circumstances even without a permit (for example, in one's car while traveling).

If Clinton, Cuomo, and the gun-hating mayors actually believed that trigger locks, palm-print readers, and other "safety" devices do not make guns unreliable, they'd insist that their own bodyguards use guns equipped with such devices.

Thus, there is a large market of lawful purchasers who are especially interested in portable guns with enough stopping power to disable a criminal. The city lawsuits ignore this fact. The refusal to acknowledge the legitimacy of defensive gun sales is not surprising, since CPHV head Sarah Brady opposes all non-government defensive gun ownership. "To me, the only reason for guns in civilian hands is for sporting purposes," she explains.

In a direct assault on the First Amendment, suits have also been brought against three firearms industry trade associations, who do not sell guns; they do nothing other than educate the public and lobby against various measures pushed by the gun prohibition groups.

While the lawsuits are unlikely to succeed, the sheer cost of litigation could be fatal to many handgun companies, as former Philadelphia Mayor Ed Rendell (the first mayor to consider a lawsuit) happily noted. Even if all the gun companies in America were put together, they would not constitute a single Fortune 500 company.

The lawsuits are cleverly structured to prevent the defendants from filing a motion to consolidate the cases (which would reduce legal costs). And the lawyers working at CPHV's direction have been smart enough not to sue ammunition manufacturers, who are much wealthier than gun companies, and who could easily afford to pay for lawyers to handle every case from start to finish.

Unlike the cigarette companies, the handgun companies cannot buy off the tort lawyers and politicians by giving them a share of the companies' profits. And unlike cigarette executives, handgun company officers have never claimed that handguns do not kill.

But besides killing, handguns also save many innocent lives (sometimes by killing criminals). That is why every police department in America buys handguns from the very same companies that the mayors are suing. How hypocritical for the mayors to sue the very companies which enhance public safety by providing the mayors' own police departments with firearms.

Indeed, most of these mayors are protected 24 hours a day by taxpayer-paid police bodyguards who are outfitted with firearms supplied by the lawsuit victims. So are Andrew Cuomo and Bill Clinton, who are guarded by the Secret Service. If Clinton, Cuomo, and the gun-hating mayors actually believed that trigger locks, palm-print readers, and other "safety" devices do not make guns unreliable, they'd insist that their own bodyguards use guns equipped with such devices.

Legislation to outlaw the abusive lawsuits has been enacted in fifteen states, including Texas, where Gov. Bush enthusiastically signed the bill. (In fact, he signed it just a few weeks after Columbine.) Similar national legislation has been proposed by Rep. Bob Barr (R-Ga.). Notably, the legislation is supported by groups like the United States Chamber of Commerce, which have little interest in guns per se, but which recognize that if the gun cases succeed, then companies that make alcohol, automobiles, high-fat food, knives, and many other products will be next in line for tort lawyer predation.

Although the CPHV protests that the legislative reforms interfere with its litigation rights, there is no right to bring vexatious litigation which chills the exercise of constitutional rights; that is why the Supreme Court, in the 1964 case *New York Times v. Sullivan*, restricted libel suits which chilled First Amendment rights. Legislation to ban lawsuit abuse reaffirms the fundamental principle of our republican government that policy decisions about important matters (such as banning guns) are the responsibility of the legislature acting under the Constitution; a collection of tort lawyers, mayors, a cabinet secretary, and a violent criminal should not be allowed to usurp the legislative power. ⌋

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Argument

Let's Teach Creationism

by Bart Kosko

Fundamentalist Christians are correct: creationism should be taught in the schools. But they won't like the results.

The Kansas State Board of Education voted in August to allow state teachers not to teach evolution or the Big Bang theory of cosmic creation. Then New Mexico's State Board of Education voted 14-to-1 in October to ban creationism from the state curriculum.

The New Mexico decision went too far. There *is* one point where the creationists are right: Schools *should* teach creationism in science classes. Creationism offers an ideal case study of the scientific method. But creationists may not like the result.

All good theories should have a central claim and creationism does: God created the world. Most versions further claim that God created Earth and that He created the life forms on its surface.

But science demands mechanisms. It demands to know how something happens. So what is the mechanism of creationism? How did God create the world? Did He just say "Behold!" and the world appeared? Then how does this "beholding" work? Does it have a mathematical description? Does it obey the law of energy conservation?

Creationism just asserts that a miraculous power did something miraculous. It does not say how. So it barely counts as a theory at all. It also does not say what this miraculous power or creature is or how the power or creature works. It puts forth one miracle to explain another and yet it describes neither. So creationism looks more like a restatement of the creation event than an explanation of it.

Scientists do not have these problems when they explain where the latest variety of yellow sweet corn comes from. Farmers grow large fields of corn and look for an occasional mutation. Sunlight might cause the mutation when a random photon hits part of a DNA coil in a corn plant and changes its genetic blueprint. Farmers plant the seeds from the mutated corn and repeat the process until they produce a new variety. This theory of creation uses only the mechanisms of variation and selection.

Science also demands testability. That means that some evidence could lead one to reject the theory as false. What evidence would contradict the claim that God made the world? Does it matter if the universe expands until it ends in a heat death (as it looks as if it will) or if gravity makes it contract back to a point? What possible data would refute the claim?

Creationism must fill in the blank: God did not create the world if — what? Here science draws a hard line. No such negative data means no scientific theory. A scientific theory must in principle risk something in test. That is what makes it scientific.

We may not be able to directly test the Big Bang theory in a laboratory but we can test some of its logical consequences. We do not have to replay a video of the universe to see if there was a Big Bang just as we do not have to see a mountain form to test theories about mountains. Big Bang theories predict that the primordial explosion that created the world left footprints as background noise hissing throughout the entire expanding universe. Finding such background noise led to a Nobel Prize. But the more important point is that the lack of such data would in time have led scientists to reject the Big Bang theory.

Scientists would also reject the Big Bang theory if the universe contained more helium than hydrogen or if it contained less matter than anti-matter. They would reject the sweet-corn theory if variation and selection did not produce new varieties or even if they did not produce their gene frequencies at the predicted rate. Creationists have offered no

such critical tests of their theory.

And scientists have found indirect ways to test the Big Bang theory in their labs. Creationists have often said such tests were impossible.

The Big Bang theory asserts that the universe started cooling fractions of a second after the super-hot Big Bang explosion. That should have produced strings and other "topological defects" in the structure of space-time. But the same mechanisms should produce string-like vortices when heated liquid helium cools into a super-fluid state. Something like this happens when water freezes to ice in an ice-cube tray and leaves lines and cracks and other defects in the ice cubes. Two teams of scientists found just such vortices in 1996 and they might well have found otherwise.*

Creationists have offered no indirect lab tests of their theory. Science also demands evidence and it does so ruthlessly: It proportions belief to evidence. Strong claims require strong evidence. And no evidence requires no belief. So what is the evidence for creationism? Where are the footprints? To say that the Bible says God created the world is to reason in a circle because that just restates creationism. Creationists often criticize competing theories but they have so far failed to produce a single atom of evidence for their mechanism-free hypothesis. That alone warrants no belief in it.

Science also shaves with Occam's razor: It favors the simplest theory that explains the facts. That undercuts the conceptual need for creationism even if it does not address its popular appeal. What we can explain with creationism we can explain without it.

So creationism has its place in any study of the scientific method. It offers a rare example of a popular theory that has no mechanism or testable content and one that lives on despite a complete lack of evidence and predictive power. Creationism belongs in textbooks because it is a textbook example of pseudo-science. ❑

* Bauerle, C., et al., "Laboratory Simulation of Cosmic String Formation in the Early Universe using Superfluid 3He," *Nature*, vol. 382, 332 - 334, 25 July 1996; Ruutu, V. M. H., et al., "Vortex Formation in Neutron-irridated Superfluid 3He as an Analogue of Cosmological Defect Formation," *Nature*, vol. 382, 334 - 336, 25 July 1996.

Letters, *from page 34*

could motivate a significant number of people to vote libertarian. I agree with his thinking and believe it to be a good idea, especially considering the arguments he gives on property seizures and the medical argument. But unlike Bradford, I think there are other good wedge issues: tobacco, alcohol, and firearms.

The tobacco issue is a perfect issue. The government says that 25% of Americans smoke, which is around 50 million people. This is probably more people than belong to either the Republican or Democratic parties. These people are subject to a hate campaign that effects them every day, multiple times.

The other people who are subjected to the vicious treatment doled out to smokers — alcohol drinkers and gun owners — are probably 70 to 80 million people. I suggest that 75 to 80 percent of these people do not belong to a political party and rarely if ever vote. A strong stand by the LP would capture the attention of these potential voters.

Gene Leverett
Limon, Colo.

Affirmative Wedge

R. W. Bradford's argument for using the "wedge issue" of legalization of marijuana was, I think a good one. I hope the Libertarian Party's candidate for president the United States, whoever it might be, will seriously consider the suggestion. Properly submitted with perhaps a "White Paper" it might well pay considerable political dividends.

Might I suggest affirmative action as another possibility? Polls show that majorities of all of the racial and ethnic groups are against quotas and "minority set asides." As the voters of California and Washington have demonstrated, the American people will vote against this government plan to institute a racial, sexual or ethnic spoils system if given the opportunity. Few people are aware of how the Federal Government has permeated racial, ethnic, and sexual preferences throughout the economy through Federal Acquisitions Regulations (the "FARs", that govern contracting with the federal government) and through the coercive tactics employed by the Equal Employment Opportunities Commission. I speak from personal experience as a Federal employee in stating that the concept of "diversity" is being relentlessly pushed throughout the federal government by EEOC Managers, through endless diversity, and "sensitivity" training, all at taxpayer's expense. Frivolous EEO complaints by federal employees are constant. In the last year I have seen statistics on, one out or every 26 Federal employees filed an EEO complaint. That is nearly four per cent of Federal employees. Agencies "win,",if that is the correct word, about 95 percent of the complaints. The lowest cost for processing one of these complaints I've seen is $65,000. This means that it costs about $1,300,000.00 for each complaint that is found to have any validity.

As your readers might know, Gov. Jeb Bush of Florida recently, through an Executive Order, ended all racial, ethnic, and sexual set-asides in the government (or at least in the Executive Department of that government) of that State. This is something a Libertarian Party presidential candidate could promise to do. I recall then President George Bush stated he was going to issue such an Executive Order back in, I believe, 1991. The firestorm of outrage from the so-called "civil rights" lobby made him fearful of the possible political repercussions, so he changed his mind.

Loren L. Baker
New Highlands, Calif.

Bradford responds: While I think the LP should oppose the War on Tobacco and affirmative action, I don't believe its opposition would work as a "wedge issue." There are plenty of politicians in both major parties who oppose the tobacco war, and almost all Republicans oppose affirmative action.

continued on page 50

Criticism

In Defense of the Fourteenth Amendment

by Roger Pilon

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of the law." — U.S. Constitution, Article XIV, Section 1

In his "Liberty, States' Rights, and the Most Dangerous Amendment," (*Liberty*, August), Gene Healy takes me to task for my support of the Fourteenth Amendment. Sounding for all the world like a libertarian Robert Bork, he concludes with a counsel of despair: in the battle between my moderate view of the amendment and the radical views of the likes of Professor Catharine MacKinnon, the outcome has been all but foreordained, he says, thanks to the modern American legal culture. Thus, "given federal supremacy and the vast powers the Fourteenth Amendment confers on Congress and the courts, it matters little whether Roger Pilon is right about the amendment's original meaning." Healy's position, in contrast, appears to involve radical surgery: "If we can ever rid ourselves of federal supremacy, losing the Fourteenth Amendment will be no sacrifice at all."

That's a big "if," of course, about which Healy offers no counsel. Moreover, even if federal supremacy were to recede to within its constitutional bounds, we're likely to lose the Fourteenth Amendment in the fullest sense only by subsequent amendment — as with Prohibition — and the likelihood of that is rather less, I expect, than the likelihood that my views will eventually prevail. So perhaps we should learn to live with the amendment — and encourage others, especially judges, to better understand its meaning and import. At the least, let's see what there is to the dispute that Healy has brought to these pages.

Local Tyranny: An Enduring Problem

The enduring problem of local tyranny is the springboard for Healy's critique. As we all know, political decentralization in the name of liberty doesn't guarantee liberty. From the political machines that often control state and local politics to zoning boards, licensing commissions, inspection agencies, sheriff's departments, and much more, the horror stories are legion. The Fourteenth Amendment was written with local tyranny in mind: it affords a federal appeal when states or their subdivisions violate individual rights to life, liberty, and property. But things haven't always worked out that way, as we also know. In fact, no area of constitutional jurisprudence is more vexing today than that involving the Fourteenth Amendment. Often both Congress and the courts have used the amendment not to protect but to violate rights. Yet local tyranny in endless variety persists.

Thus, the question Healy poses is what should libertarians think of the Fourteenth Amendment? He answers, in effect, "not much." In fact, with seeming approval he twice invokes Lord Acton, writing to Robert E. Lee following the Confederacy's defeat: "I saw in States' Rights the only available check upon the absolutism of the sovereign will." In contrast, late 20th century libertarians "have come full circle," Healy notes: "Today, the libertarian orthodoxy holds that the Fourteenth Amendment perfected the Framers' design, fulfilling the promise of the Declaration of Independence." Those who promote the new orthodoxy urge "that the amendment be given robust application against the states, in order to secure our natural rights to life, liberty and property."

In truth, it was not the Fourteenth Amendment alone but the full set of Civil War amendments — Thirteen through Fifteen — plus the later Nineteenth and Twenty-Sixth Amendments that "perfected" the Framers' design. Nowhere is that more clear, of course, than with the Thirteenth Amendment, which erased finally the original design's oblique recognition of slavery. But the Fourteenth Amendment was crucial too in affording an important measure of protection against state and local tyranny. We all know

why the Bill of Rights applied only against the federal government, not against the states — a point the Supreme Court confirmed in 1833. Were it otherwise, the institution and practices of slavery could not have endured, and no union would ever have been formed. Upon that understanding the Constitution and, two years later, the Bill of Rights were ratified, with the hope and expectation by many that slavery would in time wither away. That didn't happen. It took a civil war to end the institution. The notorious "black codes" were soon enacted in the southern states. And the Fourteenth Amendment was the answer. In that sense, at least, the amendment "perfected" the original design.

But my case for the Fourteenth Amendment is "deeply flawed," Healy says, because (1) it ignores the circumstances of the amendment's inception, which call into question the amendment's political legitimacy, and (2) it depends, if the amendment is to be at all effective, on "a Panglossian view of judges and federal supremacy," which modern legal culture hardly supports. There's truth in both criticisms. But it's hardly fatal. Let's look more closely.

Consent: Always a Messy Business

Throughout my published work, Healy claims, I have tied political legitimacy to consent — although not, he grants, without qualification. And quite properly, he adds, I have excoriated those who've ignored constitutional provisions brought about through consent — whether it be the political branches arrogating power to themselves (as during the New Deal) or the judicial branch either ignoring its responsibilities (the unwarranted restraint of the post-1937 Court) or exercising unauthorized power (the later activism of the Warren and Burger Courts). Yet the Fourteenth Amendment, Healy claims, was hardly the product of consent. Indeed, it was ratified "at the point of a bayonet." Because the new orthodoxy ignores that history, preferring instead the story from "immaculate conception," it is fatally flawed, he concludes.

Not so fast. Let's start with the theory of the matter, then turn very briefly to the facts. As moderns, we all believe that consent of some kind is a *sine qua non* of political legitimacy. But there, of course, is the rub. Consent of what kind? Once we press the idea of consent — sometimes even in the ordinary contractual setting, to say nothing of the social contract setting — we start to see problems, both theoretical and practical. What process shapes the issues to be decided, for example? Or how does anything short of unanimity bind dissenters? (Prior unanimous consent is of course a myth.) Even if one found unanimity, how does that bind succeeding generations? Those are but a few of the questions that bring us to the qualifications in my discussions of legitimacy that Healy simply glosses, seeing me instead, in essence, as an all but pure consent man.

Thus, when he cites me as saying that consent, and only consent, is the ground of legitimate power, he doesn't say that in the cited essay I was not so much defending that assertion as addressing the line in the Declaration of Independence that speaks to the point. And I was doing so as part of a larger effort to show how difficult it is — indeed, impossible — to locate political consent in the real world that deeply satisfies. In fact, throughout my published work I have argued that the difficulty of locating such consent is one reason for concluding that there is an air of illegitimacy that surrounds government as such. Government is, as the Founders rightly understood, a necessary evil — a forced association to which we should turn only when we must, the better to avoid the resort to force that necessarily follows. Thus, in an essay on legitimacy that appeared in the *Cato Journal* in 1992 I argued that "legitimacy" is best understood as a function not simply of consent but, more deeply, of reason, a point I went on to discuss in some detail.

Nevertheless, however problematic a phenomenon consent may be in the real world, including the consent of the ratification process, it plays an important role in determining whether a given constitution or regime or law or legal decision is at least politically legitimate, if not morally so. Constitutional ratification, for example, is the "big bang" that gets a legal regime off the ground, affording it such legitimacy as it can in an imperfect world. And other forms of consent, including the subsequent ratification of constitutional amendments, help sustain the regime, from time to time, along the way. Again, consent is far from a perfect indicator of legitimacy, given the problems noted above. And at the margin it fails, falling into circularity: for not *any* form of consent will do. But if, at the other end, immaculate conception is all that will do (a conception that respects the rights of even the last hold-out), then only anarchy will pass the test. Anarchy is more satisfying morally, I admit, but not likely to be the state of affairs that any of us enjoys in this lifetime.

In determining the legitimacy of any given measure, therefore, we have to look beyond consent to reason (about which a bit more below). We have to determine not simply what the law is, insofar as possible, but whether it is just, which is not a matter of consent, in most cases, but of reason. Once we recognize all of that, once we realize that consent and reason together enter into judgments about legitimacy, we're in a better position to judge whether any given constitution, amendment, or statute is or is not legitimate.

We have to determine not simply what the law is, insofar as possible, but whether it is just, which is not a matter of consent, in most cases, but of reason.

Healy's first complaint about the Fourteenth Amendment, then, is that the process by which it was ratified didn't go by the book. As "legally reconstituted" southern states were busy ratifying the Thirteenth Amendment, he says, radical Republicans in Congress refused to seat southern congressmen, which allowed the "rump Congress" to propose the Fourteenth Amendment consistent with the two-thirds requirement of Article V. Then when (most) southern states rejected the amendment, which thus failed the three-fourths requirement of Article V, Congress responded with the Reconstruction Act of 1867, which effectively placed those states under martial law. It was to end military rule, Healy concludes, that southern states eventually ratified the Fourteenth Amendment, even as New Jersey and Ohio were rescinding their earlier ratifications. Nevertheless, by joint resolution, Congress declared the amendment valid.

I readily grant that the Fourteenth Amendment was not brought into being through immaculate conception. But

again, if that were the test, the Constitution itself would not pass it: the delegates to Annapolis and, later, Philadelphia were not really authorized to draft a new document, after all; moreover, when it comes to consent, very few of those who were in the original position — to say nothing of the rest of us — actually consented to be bound by the new Constitution. Yet Healy rests his entire argument from consent on the ratification procedures set forth in that document. And he begins his account of the wayward process by speaking of the "legally reconstituted" southern states. In precisely what sense were those states "legally reconstituted"? Was that done with the consent of the just-freed former slaves, for example? We all know what conditions were like in the South immediately after the Civil War. If consent is a problematic touchstone for legitimacy in the best of times, in times like those it can be little more than suggestive.

Again, why did radical Republicans in Congress refuse to seat representatives sent from the South? Healy invites us to believe that, regarding the Fourteenth Amendment, it was to enable Article V's two-thirds requirement to be met. Could the story be more complicated than that? Could the scars of the war, on all sides, be too fresh to allow for "normal" procedures? Georgia, for example, sent Alexander H. Stephens, vice president of the Confederacy, to the U.S. Senate, even though he was in federal prison awaiting trial for treason. And quite apart from the absence of black suffrage, the infamous black codes, instigated by many of those same newly minted southern representatives, argued that the war was far from over. War and its aftermath, as we know, are not the conditions that encourage respect for constitutional niceties.

Finally, regarding the Reconstruction Act of 1867, the initial failure of most southern states to ratify the Fourteenth Amendment was only one factor that led to its passage — and probably not the most important. Given uncontroverted evidence that southern officials were continuing to persecute blacks, the act imposed military rule to protect the civil rights of "all persons," maintain order, and supervise the administration of justice. Those perpetrating or supporting the violence that gave rise to the act were hardly in a position to complain about procedural unfairness. The procedures that led to adoption of the Fourteenth Amendment may be troubling from some distant, purist perspective, but the immediate times were hardly pure. What should Congress have done — turn a blind eye to what was going on? We should be grateful that constitutional measures were in fact "rammed through," under trying circumstances, the better to provide us all with a measure of protection against local tyranny in the future.

That historical sketch, like Healy's, is only a sketch, of course. My purpose is not to re-fight the Civil War, from slavery to secession to war and Reconstruction. Rather, it is simply to argue that abstract moral and legal principles must be applied in complex, often uncertain, factual settings, where "second-best" is sometimes the best there is. Again, that does not mean that anything will do. Thus, Healy is mistaken when he notes that "the squalid history of the Fourteenth Amendment poses serious problems" for my critique of Franklin Roosevelt's "extra-constitutional thuggery" during the New Deal — when FDR browbeat the Court into rewriting the Constitution by threatening to pack it with six additional members. Inviting us to liken those actions to the "thuggery" of Reconstruction Republicans, Healy raises the specter of "selective indignation." Is Pilon guilty of invoking the principles of consent and legitimacy, he asks, only against constitutional changes he "dislikes"?

No, I am not. Despite my dislike of the Sixteenth Amendment, for example, I accept its political legitimacy (although there too the history of its ratification is not without controversy). The issue, in the end, is not what I or anyone else likes or dislikes. Rather, it is whether, especially under extraordinary circumstances, the process and the consent it is designed to demonstrate at least approximate what one would hope to see under ordinary circumstances. Under extraordinary circumstances, the Reconstruction Congress took significant steps to approximate a normal ratification process, which doubtless would have been easier to do had there been anything like a regular franchise, including black voters, in the defeated southern states. The final procedure was far from perfect, to be sure, but at least there was a process that, given the circumstances, came close. By contrast, FDR never even tried to amend the Constitution. He simply rammed his unconstitutional programs through a pliant Congress, then threatened the Court when it indicated it wouldn't go along. The Court got the message. There was the famous "switch in time that saved nine." And the Court began reading the Constitution in ways it had never done before — all without even a pretense at amendment.

The Fourteenth Amendment was written with local tyranny in mind: it affords a federal appeal when states or their subdivisions violate individual rights to life, liberty, and property. But things haven't always worked out that way.

More recently, Yale's Bruce Ackerman has attempted to legitimate those changes by arguing that the election of 1936 amounted to a "constitutional moment." Nonsense! Article V cannot be ignored altogether. Thus, again, not *any* form of consent will do. FDR's respect for the Constitution was captured best, perhaps, in a letter he wrote to the chairman of the House Ways and Means Committee in 1935: "I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation." And his close confidant, Rexford Tugwell, one of the principal architects of the New Deal, put the matter plainly when he wrote some 30 years later: "To the extent that these [New Deal policies] developed, they were tortured interpretations of a document [i.e., the Constitution] intended to prevent them." Not much ambiguity there.

But there is a second ground on which to distinguish the actions of the post-Civil War Congress from those of FDR — without having to resort to likes and dislikes — and that has to do with the merits of the matter. Quite simply, the Reconstruction Congress got it right, substantively, whereas FDR got it very wrong. We come at last, then, to the substantive issues — and thus, indirectly, to the second of Healy's arguments against the new libertarian orthodoxy, namely, that it depends on "a Panglossian view of judges and federal supremacy." Unfortunately, this leg of Healy's critique is not

as focused as the first — doubtless in the nature of the matter. Let me summarize my own views, therefore, after which I will take up Healy's criticisms in the order he presents them.

Rights and Remedies: The Fourteenth Amendment

The "promise" of the Declaration, as noted above, was that Americans would enjoy their natural rights to life, liberty, and the pursuit of happiness under governments instituted to secure those rights and do the few other things their constitutions authorized them to do. It was a vision of limited government, dedicated to securing individual freedom and to upholding principles of individual responsibility. But again, the Constitution's oblique recognition of slavery and its practices compromised that vision. After the Civil War the Thirteenth Amendment abolished slavery as a constitutionally recognized institution, but it didn't abolish other state practices — whether or not connected with slavery — that also compromised the Declaration's vision. States in most cases were not subject to federal oversight regarding how they treated their own citizens, for the Bill of Rights continued to apply only to the federal government, not to state governments. Thus, it was to afford a federal remedy for state wrongs that the Fourteenth Amendment was written.

The idea behind the Fourteenth Amendment, then, was essentially remedial. Section one defined federal and state citizenship. It then prohibited states from making or enforcing any law that abridged the privileges or immunities of citizens of the United States; from depriving any person of life, liberty, or property without due process of law; or from denying to any person within its jurisdiction the equal protection of the laws. As the debates surrounding the amendment's adoption made clear, the Privileges or Immunities Clause was meant to be the principal font of substantive rights under the amendment. Blackstone had said that the phrase "privileges and immunities" referred to our "natural liberties." It was also understood to refer to our classic common law rights, grounded in property (broadly understood) and contract, as Healy notes. And of particular importance, those who drafted and debated the clause intended it to incorporate the Bill of Rights, for the first time, against the states. By contrast, the Due Process Clause, although mentioning "life, liberty, or property," was intended primarily to protect procedural rights against state infringement. And the Equal Protection Clause, as its language makes clear, was meant to ensure that states did not discriminate in applying the law.

By implication, those rights were to be protected by the courts, state or federal, through cases or controversies that were brought before them. Thus, in the infamous *Slaughterhouse Cases* of 1873, which eviscerated the Privileges or Immunities Clause, the plaintiffs sought protection from a Louisiana statute that erected a private monopoly, the effect of which was to deprive them of their right to a lawful calling, as they phrased it. In applying the provisions of the Fourteenth Amendment, judges did not have to make any new law; they had simply to apply the law that was already there, in the amendment, to the facts before them, much in the fashion of common law judges.

But section five of the amendment gave Congress a role too: "Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." The operative word there is "enforce," not "make." When it drafted the amendment, in the Reconstruction context, Congress surely had in mind the possibility that, in a given case, Congress might have to draft legislation to ensure that the rights secured by section one would be secured in fact, against obdurate state officials. In that regard, however, it is important to notice that the amendment protects not against private but against state action or omission; it is not a general police power of a kind reserved to the states. Nevertheless, if a state should deny to any person the equal protection of the laws — and especially if there should be a pattern of such denials, unaddressed or inadequately addressed by the courts, as happened during Reconstruction and, more recently, when Jim Crow laws were challenged — there is ample power in Congress to remedy those denials by "appropriate legislation." Such legislation should not create new rights, of course. Rather, its function is simply to better secure the rights we already have when states fail to do so or when states themselves violate them.

In sum, then, the role of both the courts and the Congress under the Fourteenth Amendment is relatively limited. Indeed, if states behaved as they ought to, there would be no role at all. It is only when states abridge, deprive, or deny that courts or Congress have any authority to step in. And even then, the authority is simply to take measures "appropriate" to remedying the wrong. States, in short, have the same obligations and responsibilities as ordinary people: they cannot violate rights; and they're responsible for carrying out their contractual duties to protect people equally. When they fail, there is a federal remedy, just as there is a state remedy when individuals fail in their duties toward others.

With that brief analysis by way of background, let's now return to Healy's critique of "the new orthodoxy." After arguing that the amendment cannot be justified from a consideration of its origins, he admits that by now the issue is "ancient history" and the amendment is not going away. Given what he believes about its illicit origins, however, he contends that if libertarians are to embrace the amendment, "they'll have to look for pragmatic reasons for doing so. The argument must be that the amendment has been, and will continue to be, an effective weapon in the struggle for individual liberty."

I readily grant that the Fourteenth Amendment was not brought into being through immaculate conception. But again, if that were the test, the Constitution itself would not pass it.

Not so fast, again. Unlike many libertarians, Healy comes across here as a pragmatic positivist. The amendment is justified, he contends, either by consent — he believes not — or by the fact that it "works." There is a third alternative, of course, namely, that the amendment is justified because it is right — because it captures and protects (at least in principle) all and only those rights that we have to be protected. The demonstration of that point is well beyond the scope of this response, to be sure. But as a general matter the point is not at all difficult to grasp. It's what the Founders asserted in the Declaration when they listed the "self-evident" truths —

truths grounded in reason. And Healy himself seems to appreciate the point when he calls my substantive account of the amendment "strong." In truth, whatever strength my account conveys stems from the amendment itself.

Nevertheless, even if I am right in believing that the authors of the amendment got it right, Healy is surely right in arguing, by implication, that libertarians should not embrace the amendment if, by and large, it's been and continues to be used not to protect but to destroy liberty. However correct or noble our theories may be in the abstract, that is, if their application leads to destruction, we should reconsider them. We turn, then, to the record, and to the series of practical and theoretical points Healy makes regarding it, taking them in the order in which he raises them.

The Actual Record: A Mixed Bag

Before summarizing the actual record of the courts and Congress in applying the Fourteenth Amendment — and this, like Healy's, will be a selective summary at best — three preliminary points need to be made. First, as already noted, the Court got off to a profoundly poor start with the *Slaughterhouse Cases* in 1873, barely five years after the amendment was ratified. In a bitterly divided five-to-four ruling, the Court eviscerated the principal substantive clause in the amendment, the Privileges or Immunities Clause, rendering it "a vain and idle enactment," as Justice Field put it in dissent. Today, in fact, that decision is widely thought to have been mistaken. In the term just finished, interestingly, the Court took tentative steps to revive the clause — for the second time in 126 years. The fact remains, however, that Fourteenth Amendment jurisprudence has been seriously distorted by its absence.

For about half that time the Court tried to do under the Due Process Clause what should have been done under the Privileges or Immunities Clause — applying a theory of "substantive due process" that was never entirely convincing. The effort eventually collapsed under the weight of emerging ideas about social justice, although it enjoys selective currency still. The Court then turned to the Equal Protection Clause, which afforded even less substantive guidance. Indeed, under the Equal Protection Clause, treated as a font of substantive rights, one can get almost any result one wants. Thus, in its current state, Fourteenth Amendment jurisprudence is an invitation to both judicial and congressional chicanery. The wonder is that we haven't had more. That we've had a fair measure is beyond doubt: Healy is surely right in that. But he overstates the matter, as we will see, and ends in unwarranted despair.

The second preliminary point concerns the deeper reason the Court and Congress have often appeared rudderless in interpreting and applying the Fourteenth Amendment — but not that amendment alone. It is that by and large they have had no serious theory of the matter, certainly no theory that goes to the heart of it, to the classical theory of rights that stands behind the amendment and, more generally, behind the Constitution as a whole. As a result, they fall prey too often to any transient theory of justice — when they themselves are not promoting such a theory. This too is a point that Healy homes in on. But here too it leads him to a counsel of despair, which I will try to avoid when I return to the point below.

Finally, the general absence of a well-grounded theory of the Constitution, and the press of "progressive" ideas during the first third of the 20th century, culminated in the constitutional revolution of 1937 and '38, the effects of which have been far-reaching, including for the Fourteenth Amendment. Healy does not address this complex issue, but it is a factor nonetheless in the jurisprudence of the amendment. In particular, after a browbeaten Court reread the General Welfare and Commerce Clauses in 1937 to allow for a vast expansion of Congress's redistributive and regulatory powers — thus eviscerating the doctrine of enumerated powers — it turned a year later to the Bill of Rights, which in principle still frustrated that expansion. In the notorious *Carolene Products* case, the Court distinguished two kinds of rights: "fundamental," such as voting, speech, and, later, certain "personal" rights; and "nonfundamental," such as property, contract, and the rights involved in "ordinary commercial transactions." Thereafter, courts would give "strict scrutiny" to laws implicating "fundamental" rights, finding most unconstitutional. By contrast, they would give "minimal" scrutiny to laws implicating nonfundamental rights, finding most to be constitutional.

The role of both the courts and the Congress under the Fourteenth Amendment is relatively limited. Indeed, if states behaved as they ought to, there would be no role at all.

That opened the floodgates not simply for federal but for local tyranny as well, especially in the economic area. And the tyranny continues as courts "defer" not simply to the political branches of the federal government but to states and their endless, often petty and corrupt regulatory schemes. Thus are rights that were meant to be protected by the Fourteenth Amendment invaded, thanks to judicial deference. But the bifurcated Bill of Rights has led to invasions on the other side too as courts have applied "strict" scrutiny to state measures affecting "fundamental" rights. Here, however, armed with no serious theory of rights, courts have often been persuaded to find "rights" that are no part of the design — extinguishing other rights, in the process, that were meant to be protected. And here, the breakdown of the line between "private" and "public" looms large. More generally, however, it should be clear that the problems of interpretation and application that Healy points to go beyond the Fourteenth Amendment. In the end, they concern the larger state of American constitutional law.

In the Courts

But despite that larger state of affairs, the record, surprisingly, is mixed. In fact, Healy himself, after cataloguing what he takes to be the failures, has to grant that he has not been "entirely fair" to the Fourteenth Amendment — citing free speech and criminal procedure as areas in which "the amendment has been the source of some of the Court's proudest moments, some of the greatest vindications of liberty in American constitutional law." Still, his catalogue of cases calls for attention, so let's turn to it.

The first thing that strikes one about Healy's list is that

almost every example on it involves the hopelessly confused area of discrimination — and racial discrimination at that. It would not be far afield to say that we are still fighting the Civil War. In fact, think how different our jurisprudence — and nation — might be if the *Slaughterhouse Cases* had been rightly decided and the Civil Rights Act of 1866, which the Privileges or Immunities Clause was meant to constitutionalize, had been faithfully applied. Jim Crow *de jure* segregation would have been prohibited. Private *de facto* segregation, including discriminatory contracts and restrictive covenants, would have been allowed. But since nothing in that arrangement prohibits people from associating if they want to, private barriers would likely have broken down in time. More important still, the legal distinction between "private" and "public" would not have been compromised by a legal regime that prohibited private association. When Jim Crow did fall at last with the Civil Rights Act of 1964, it was easy for Congress to move from the evil of public segregation to the evil of private segregation that resulted not from private choice, necessarily, but from the force of law. The law had forced segregation, both public and private. Now the law would end segregation, even where it should otherwise be permitted.

The problems of interpretation and application that Healy points to go beyond the Fourteenth Amendment. In the end, they concern the larger state of American constitutional law.

The moral and legal confusion over such matters is everywhere today, and it is captured in Healy's list. Thus, he begins with *Brown v. Board of Education* and argues that equality before the law "shifted effortlessly" thereafter into "forced equality of outcome." The problem with the line of cases he cites, however, is that they all involve charges of continuing *public* discrimination, where the issues — including especially the remedial issues — are far more complicated than in cases of private discrimination, where there should be no causes of action. Public institutions may not discriminate, except on grounds that are narrowly tailored to their functions. That does not mean, however, that forced busing, to say nothing of judicial taxation, both of which Healy rightly criticizes, are appropriate remedies for proven public discrimination. That courts have overreached in fashioning remedies for public discrimination cannot be doubted. It does not follow, however, that they ought not to have a power to fashion remedies for clear public sector wrongs. Thus, it is something of a stretch to say, as Healy does, that judges under the Fourteenth Amendment have seized "vast" coercive powers. *Missouri v. Jenkins*, the judicial taxation case, was an exception. What is more, as Healy himself notes, in recent years federal courts "have cooled somewhat" to desegregation lawsuits. That understates it. However uncertainly, courts today are leading us out of the mess that earlier courts led us into.

In Congress

The power of courts aside, what of the power of Congress under section five of the Fourteenth Amendment? On this issue, Healy seems to think that he makes his most telling points against my views. He begins, however, by overstating them. Thus, he has me arguing that Congress should "routinely" invoke section five to strike down state violations of individual rights; and he quotes me as saying that Congress can step in when states "fail to secure [rights] against private violations." I don't believe I've ever said the first; the second is taken out of context, as Healy later seems to acknowledge. But given that overstatement, I'm not surprised to find myself charged, in the case of Congress too, with opening the door to "vast federal power," with encouraging Congress to invoke section five to criminalize everything from school gun possession to carjacking to violence against women.

The issues here are complex, so let's sort them out carefully. As noted earlier, enforcement under the Fourteenth Amendment falls primarily to the courts, through cases or controversies brought before them by private parties. But if states should abridge, deprive, or deny — especially if there should be a denial of equal protection, and there should be a pattern of such denials, unaddressed or inadequately addressed by the courts — then clearly, Congress has the power "to enforce, by appropriate legislation, the provisions of [the] article." As a practical matter, that hardly amounts to a power to "routinely" strike down state violations or omissions: however much Congress may have papered the nation with law for the better part of a century, it simply cannot move that quickly or "routinely." That's one reason why case-by-case enforcement by the courts is the norm, congressional enforcement the exception.

But there are deeper reasons too, which go to the very structure and function of the Constitution. The operative principle of the Constitution, captured by the doctrine of enumerated powers, takes the form of a presumption: most power is reserved to the states or the people. The Tenth Amendment, the final documentary evidence of the original understanding, makes that clear. And, by way of illustration, it helps us to see why most of what Congress does today under the Commerce Clause is unconstitutional. That clause was written to enable Congress to regulate — or "make regular" — commerce among the states. It was meant to ensure the free flow of goods and services among the states, especially in light of the protectionist measures states were erecting under the Articles of Confederation. Thus, it was largely a defensive measure — put there to protect free trade. Since 1937, however, the Commerce Clause has been read as authorizing Congress to regulate, for any purpose, anything that "affects" interstate commerce, which in principle is everything. That transforms the clause from a shield to a sword. And it contradicts the very idea of a government of limited powers. Indeed, if the Framers had meant for Congress to be able to do virtually anything it wanted under the commerce power, why would they have enumerated Congress's other powers — or defended the doctrine of enumerated powers throughout the *Federalist Papers*? In sum, the larger, background presumption helps us to understand the clause and apply it properly.

The Fourteenth Amendment should be read and applied in the same way. To be sure, it gave a greater measure of power to the federal government — and greater security against state violations — but it did not fundamentally overturn the original design — including, in particular, the original presumption. Thus, an individual's first avenue of recourse against state violations, assuming efforts at the state level fail, is modest: it is with the courts. Only if that fails, or is otherwise inappropriate (perhaps because the cases are too

numerous or the issues too large), may Congress step in under a presumption against congressional action. But that doesn't mean that Congress need create a "federal crime," as Healy suggests. In fact, properly read, section five does not authorize Congress to create federal crimes, or even federal causes of action against private parties. Rather, it authorizes Congress "to enforce" provisions that obligate *states* to not abridge, deprive, or deny. Of those three modalities, the first two present few problems, at least in principle: if remediation through the courts should prove unavailing, for whatever reason, Congress can legislate to prohibit states from abridging or depriving, and the executive branch can enforce those provisions against the state officials doing the abridging or depriving. The third modality — which is where section five often arises — is a bit trickier. How should Congress enforce the obligation of states to apply the law equally? That means compelling states not simply to stop what they're doing but to do, affirmatively, what they've not been doing. In the extreme, as during Reconstruction, one imagines federal officials taking over state institutions that administer justice. Short of such extraordinary circumstances, however, Congress has authority to compel state officials, through whatever means may be necessary, to apply the law equally.

Properly read, then, section five does not grant Congress "vast" powers. Given the background presumption, moreover, occasions to use the powers section five does grant arise infrequently and only when the resources of the courts prove insufficient — as after the Civil War or when the nation decided to end Jim Crow in more than a piecemeal way. Thus, when I chided Congress in the *Washington Post* for using the Commerce Clause rather than section five when it enacted the Church Arson Prevention Act in 1996, I said, as Healy notes, that Congress would have had "ample authority" under section five "if the facts had warranted it." Right there, of course, is the crucial qualification. As Healy adds: "Reading between the lines, I surmise that [Pilon] doubts that the facts warranted it." Absolutely. On the facts, there was no denial of equal protection of a kind that would have authorized Congress to act under section five. Congress's power, like the courts' power under section one, is remedial. As such, it must rest on some factual predicate. Thus, not only was the act unauthorized by the Commerce Clause; it was not authorized under section five either.

But suppose Congress acts anyway, notwithstanding the absence of any factual predicate. Public choice theory predicts it will, Healy believes. If it does, and "if the only check against federalization of crime is to be found in the judiciary's willingness to overturn congressional findings of fact, then that's no check at all," he says. First, as I've argued above, federalization of crime is never authorized under section five. But second, regarding what might be authorized, Healy is right about the reluctance of courts to challenge congressional findings of fact. That may be changing, however. And it should change, for the practice bespeaks the kind of judicial deference to the political branches that came out of the New Deal, which reduced the judiciary to a less than equal branch. Thus, in a recent administrative law decision, the Court of Appeals for the District of Columbia Circuit took the EPA to task on its factual findings. And in the 1995 *Lopez* case, which limited Congress's commerce power for the first time in nearly 60 years, the Supreme Court was not at all reluctant to challenge Congress's implicit assertion (made by the solicitor general on behalf of Congress after Congress neglected to make such findings itself) that guns at school affected interstate commerce. Those are but two examples of an apparently growing willingness by the courts to get back into the business of, well, judging.

Restoring the Judiciary

And that brings me to what Healy seems to believe is his clincher, the inadequacy of the judiciary. I quite agree that despite the judiciary's many successes in applying the Fourteenth Amendment, as noted above, both the courts and Congress have abused it. Courts have ignored rights that were meant to be protected, found "rights" that were never there to be found, and fashioned remedies that were both inadequate and, more often, beyond their power. And Congress has sometimes done the same, with the sanction of the courts. But as Healy cites me as saying, the answer to bad judging is better judges and better judging. Yet he calls that answer "profoundly unsatisfying" — and calls me "a dreamer." In a striking admission, however, he himself says: "I don't have a more practical answer." Given that, let's look more closely at mine.

Today, there are a number of judges who are rediscovering those simple truths. Given the larger winds in the culture, they are often all that stand between us and tyranny. Given the vagaries of those winds, I want them to continue to stand until their numbers can be swelled by the Gene Healys of the world.

Early on in his essay Healy had said that my case for the Fourteenth Amendment was "deeply flawed" because, in part, it depended on "a Panglossian view of judges and federal supremacy." I believe I've answered the federal supremacy part: under the Fourteenth Amendment, properly understood, federal supremacy is not as vast as Healy has made it out to be. Regarding the judges part — and the "properly understood" caveat — there's no question that the amendment deserves better judging than it's had over the past 130 years, starting with the *Slaughterhouse Cases*. But as already noted, it's not the Fourteenth Amendment alone that has suffered at the hands of less than well-trained or well-intentioned judges. Thus, is it the Fourteenth Amendment alone that Healy would abandon? Perhaps it is the Constitution itself.

Regardless of the answer to that, the problem of errant judges is tied in part to the political process through which judges are selected. But that amounts to saying that the issues are rooted in the larger culture, which is also true. And the issues are rooted especially, as Healy notes, in that part of the culture that trains future judges, the law schools of the nation. That is not a uniform world, to be sure, but there is no question that it leans considerably in one direction, especially at the nation's more elite law schools. And Healy is right also in his contention that among many in those schools the classical theory of rights that stands behind

continued on page 49

Roger & Me

by Gene Healy

Roger Pilon is still wrong. The Fourteenth Amendment was born in sin and has been up to a lot of mischief since.

I thank Roger Pilon for his cordial and measured response to my tirade in last August's *Liberty*. To a considerable extent, we agree on matters of principle. Alas, in the application of principle to reality, a vast gulf separates us.

Let's begin where we agree. Ideally, political obligation is founded on consent. Government everywhere lacks this foundation. Lysander Spooner was right in this much, at least: that the kind of "consent" that undergirds our Constitution differs markedly from the kind that binds us in normal contractual relations.

Real consent — unanimous and formally expressed as Spooner would have required — would make government as we know it impossible. However appealing that may sound, as Pilon notes, we're not likely to see this state of affairs in any of our lifetimes. And so we search for second-best solutions. Constitutional "consent," expressed via Article V's amendment process, is one such solution, albeit quite distant from Spoonerian consent. It requires some people (those in state legislatures or ratifying conventions) to consent for others, including those without the vote, those who oppose the amendment, those not yet living who will be governed by it. Where the legislators or conventioneers got the right to consent for the rest of us remains to be convincingly explained.

But still, constitutional consent has a great deal to be said for it. In the political theory that informs the Constitution, power rests with the people, until that power is ceded by certain of their number through the amendment process. Getting two-thirds of Congress and three-fourths of the States to agree to an amendment is by no means easily accomplished. Thus, if we take Article V seriously, it requires a substantial degree of social accord to delegate any new powers to the federal government. This puts the presumption where it ought to be: against centralized power.

In a Cato Policy Report essay entitled "On the First Principles of Federalism," Pilon cogently describes that presumption, and the philosophy undergirding our Constitutional order: "Plainly, power resides in the first instance in the people, who then grant or *delegate* their power, *reserve* it, or *prohibit* its exercise, not immediately through periodic elections but rather institutionally — through the Constitution. The importance of that starting point cannot be overstated, for it is the foundation of whatever legitimacy our system of government can claim. What the Tenth Amendment says, in a nutshell, is this: if a power has not been delegated to the federal government, that government simply does not have it."

Well said. Thus far, Pilon and I agree: contractual consent where possible. Where such consent is not possible, then constitutional consent via the Article V amendment process, as a second line of defense. The Article V process may not always produce just results, or good amendments, but to the extent that federal powers can be legitimate, they must arise through that process.

I'd stop here, but in his response to my *Liberty* article, Pilon goes further. Contradicting the fine sentiments quoted above, he holds that, on occasion, when extraordinary historical circumstances present themselves and the federal government acts in the name of our natural rights, it can acquire powers never delegated to it constitutionally. Despite his protestations to the contrary, Pilon thus embraces a modified version of what is known in legal academia as "the Ackerman thesis."

Pilon chides Yale's Bruce Ackerman for his thesis that the Constitution can be amended by extraconstitutional means. Professor Ackerman argues that, in unique historical circumstances, there arise "constitutional moment[s]" whereby pop-

ular support for new federal powers obviates the need to amend the Constitution via the Article V procedure. Ackerman gives two main examples where this process occurred: one is the New Deal. The other, of course, is the Fourteenth Amendment.

Roger Pilon reviles the first, embraces the second, and denies the charge of "selective indignation" about abuse of constitutional process. He gives two reasons. First, Pilon argues that with the Fourteenth Amendment's ratification, though there were procedural flaws, "under extraordinary circumstances, the Reconstruction Congress took significant steps to approximate a normal ratification process." By contrast, "FDR never even tried to amend the Constitution." He merely intimidated the Court, which then capitulated to his will, "without even a pretense at amendment."

I suppose there is a difference there, but it seems to me largely an aesthetic one. It's the sort of sensibility that might lead one to prefer a Soviet show trial to a summary execution, as the former at least pays homage to the idea of the rule of law. For my part, I'd prefer force to present itself as force, rather than cloaking itself in the trappings of legal process.

Real consent — unanimous and formally expressed as Spooner would have required — would make government as we know it impossible. However appealing that may sound, as Pilon notes, we're not likely to see this state of affairs in any of our lifetimes.

Besides, insofar as the touchstone of the amendment procedure is "the consent it is designed to demonstrate," as Pilon suggests, then the Fourteenth Amendment never "came close." To the extent the Article V process occurred, the amendment was twice rejected: once when the Southern states voted it down, and again when New Jersey and Ohio rescinded their ratifications. It's true that FDR didn't play by the book either, but let's put things in perspective. FDR's abuse consisted of proposing legislation that violated the spirit of the Constitution's independent judiciary. The Radical Republicans' abuse consisted of securing "assent" to a constitutional amendment by means of a military dictatorship. At least a New Dealer can argue that, given the popularity of New Deal programs, had FDR taken his chances with Article V, he might well have gotten an amendment. We know to a moral certainty that the Radical Republicans wouldn't have: they tried and failed.

From a Moral "Ought," to a Constitutional "Is"

But what I find most intriguing is Pilon's second reason for distinguishing Radical Republican thuggery from the Rooseveltian variety. That reason, he says, goes to "the merits of the matter": "Quite simply, the Reconstruction Congress got it right, substantively, whereas FDR got it very wrong." Which raises a host of questions: When, exactly, does "getting it right" trump constitutional processes? How far will "the merits of the matter" take us? Can we go further than "ram[ming] through" amendments that are "right," as with the Fourteenth? Can we later take those amendments a little (or a lot) farther than text and history alone would justify, bending the law for the higher good of individual liberty? Can we even ignore amendments legitimately ratified, if those amendments "get it wrong"? Early on in his response, Pilon writes that "we are likely to lose the Fourteenth Amendment in its fullest sense only by [a] subsequent amendment" that repeals it. Let's say we did. In Pilon's worldview, why should Congress and the Court obey the repealing amendment?

Interesting questions all. The answers to some of them can be gleaned from Pilon's response in this issue of *Liberty*. In his "Defense of the Fourteenth Amendment," Pilon makes it plain that he approves of the Reconstruction Act of 1867, which made the amendment possible. That act, which was passed during peacetime, two years after Lee's surrender at Appomattox Courthouse, carved the South into five military districts under martial law. It did so without reference to an enumerated power that could plausibly support it, and in direct violation of the Constitution's guarantees of trial by jury and *habeas corpus*. How does Pilon square his support for the Reconstruction Act of 1867 with the stated goal of Cato's Center for Constitutional Studies: "to revive the idea that the Constitution authorizes a government of delegated, enumerated, and thus limited powers, the exercise of which must be further restrained by our rights, both enumerated and unenumerated"? The "merits of the matter" must take us quite far indeed.

The point here is not to "re-fight the Civil War," to engage in Southern revanchism, nor in any way to minimize the abomination of human slavery or the repugnance of the post-war Black Codes. The point is that violations of rights, however egregious, do not give rise to federal powers absent a constitutional delegation of authority. To hold otherwise is to repudiate constitutionalism. Say it ain't so, Roger.

Judges and Justice

Roger Pilon's treatment of the Reconstruction Act of 1867 and the Fourteenth Amendment suggest, I think, that he's willing to let moral theory trump constitutionalism. But whether I'm right or wrong about that, the larger issue raised by our debate is whether the Fourteenth Amendment gives the federal courts "vast power" to enact their own moral theories.

Pilon is somewhat underwhelmed by my parade of horrible Fourteenth Amendment decisions. He notes that "almost every example on it involves the hopelessly confused area of discrimination — and racial discrimination at that." But in our race and gender-obsessed country, that should be little comfort. One might just as well downplay post-WWII British socialism by pointing out that it involved issues intertwined with class.

I think it's significant that the centerpiece of Fourteenth Amendment jurisprudence — the first line of cases one reads when studying the amendment in law school — consists of a massive judicial power grab. Under *Brown v. Board of Education*'s coercive, centralizing progeny, federal judges have taken to running school districts like conquered provinces, ordering new construction, tax increases, and shoveling students around like human concrete. Pilon says, in this regard, that "courts are leading us out of the mess that earlier courts led us into." They're sure taking their time about it. November 8th's *Washington Post* reports that, although 40-odd school districts have been released from court supervi-

sion since *Brown v. Board,* some 500 more districts in 210 lawsuits remain under federal court orders.

But Pilon is right that things could have gone much worse. As George Mason University law professor David Bernstein — himself a supporter of a "strong" Fourteenth Amendment — noted in a Cato Policy Analysis published by Pilon's own department: "During the Warren Court era, liberal legal scholars hoped that the Supreme Court would even find a right to a minimum income in the Fourteenth Amendment. Had it not been for the Nixon administration's appointment of several new, more conservative justices, the Supreme Court might very well have entrenched the American welfare state in the morass of modern constitutional law."

Having narrowly avoided catastrophe, it seems to me we ought to do more than exclaim, "Whew! That was a close one!" We ought to pause for reflection before charging again to the edge of the cliff. But for Pilon, it's full speed ahead. The Privileges or Immunities Clause is, he thinks, the sword in the stone that, once freed, can be used to strike down meddlesome state and local laws that inhibit economic and personal freedom. But surely the Left will be eager to wield that sword, using it as a weapon for social engineering and redistribution. Indeed, when the Court dusted off the clause last term in *Saenz v. Roe,* it was not to vindicate economic liberty, but rather to frustrate welfare reform in California. As Justice Thomas noted in his dissent, the majority's decision in *Saenz* raises "the specter that the Privileges or Immunities Clause will become yet another convenient tool for inventing new rights, limited solely by 'the predilections of those who happen at the time to be Members of this Court.'"

Congress and Crime

Judicial abuses of Fourteenth Amendment authority are only half of the story. In my August article, I suggested that congressional abuses of the Fourteenth Amendment — actual and potential — are equally disturbing.

In his response, when Pilon turns to congressional enforcement of the Fourteenth Amendment, he suggests that I've overstated certain of his views. Specifically, he denies arguing that Congress should routinely invoke Section Five of the Fourteenth Amendment to strike down state violations of individual rights. It is possible that I've mischaracterized Pilon's position here. I based my assertion in part on congressional testimony Pilon gave on July 20, 1995, in which he argued that Congress has the power "to negate state actions that deny citizens the privileges and immunities of citizens of the United States." Since Pilon views our privileges and immunities as coextensive with our natural rights, and since states violate our natural rights routinely, I thought he was arguing for a good deal of congressional involvement in regulating state-level regulators. I think this is a monumentally bad idea (who regulates the regulators that regulate the regulators?).* If Pilon opposes using Section Five in this way, I'm glad to hear it, and I apologize for attributing to him views he doesn't hold.

We should promote a narrow view of Congress's enumerated powers because, as Roger Pilon has argued so often and so well, that is the extent of the powers authorized by our Constitution.

But, on the issue of federalization of crime, I confess I don't understand Pilon's position. If, as Pilon writes in his response, "federalization of crime is never authorized under Section Five," then why did he write, in Cato's Handbook for the 105th Congress, that "if the facts had warranted it, the Church Arson Prevention Act of 1996 might have been authorized not on commerce clause grounds, but on Fourteenth Amendment grounds"? The Act in question federalized the crime of church-burning. As Rep. Henry Hyde explained upon introducing the measure: "this legislation will give Federal authorities the tools necessary to prosecute and bring to justice people who burn, desecrate, or otherwise damage religious property." If Section Five does not authorize the creation of federal crimes, then it could in no wise authorize the passage of the Church Arson Prevention Act.

How come every time someone speaks favorably about states' rights, we have to hear about Orval Faubus, but when new federal programs are proposed, nobody brings up the Fugitive Slave Laws or Indian "relocation"?

State Action and Inaction

Pilon's discussion of the Church Arson Protection Act highlights some of the problems posed by the state action doctrine: that imperfectly honored tenet of Fourteenth Amendment jurisprudence holds that the amendment only allows regulation of state actors. What freedom we've enjoyed from unbridled judicial and congressional regulation under the Fourteenth is due to the state action doctrine. But Pilon wants to repeal the doctrine. In his "Defense of the Fourteenth Amendment," Pilon writes: "it is important to notice that the amendment protects not against private but against state action or *omission.*" (Emphasis added).

Of course, protecting against state "omission" is equivalent to protecting against private action. When the Fourth Circuit Court of Appeals held that Congress lacked the authority under the Fourteenth Amendment to enact the Violence Against Women Act, it based its opinion on the state action doctrine. If, when the Supreme Court hears the case this term, it adopts Roger Pilon's theory that Congress has the authority to "protect [citizens] against state . . . omission[s]," then the floodgates are open for a deluge of federal hate crimes laws.

Worse still, if it is legitimate for Congress to legislate

* If Congress has the power to "enforce" our natural rights at all levels of government, then woe betide the Republic when it elects a Congress with a different view of natural rights than Roger Pilon's. (Most Congresses throughout the 20th Century fit this description.) Luckily, the Court's 1997 decision in *City of Boerne v. Flores,* which restricted Congress's authority under Section Five, makes this particular nightmare scenario far less likely in the short term.

directly against private violence — like a church burning — in the absence of affirmative state action, then why isn't it legitimate to legislate against private racial discrimination? If the state action requirement is gone, then the public-private distinction is gone, and discriminatory hiring at Denny's is as open to regulation as discriminatory hiring of cops.

Pilon would doubtless answer that we have a right to be protected from violence, but not from other people's refusal to associate with us. I couldn't agree more. But the Supreme Court has not often understood these subtleties of classical liberal rights theory. Consider, for example, *Reitman v. Mulkey*, in which the Court struck down California's Proposition 14. That pro-freedom initiative, enacted by California's voters, forbade the state from denying "the right of any person [to] decline to sell, lease or rent [property] to such person or persons as he, in his absolute discretion, chooses." But according to the Court, a state constitutional provision that guarantees property rights would have "involve[d] the state in private discriminations to an unconstitutional degree." Combine a weakened state action requirement (which Pilon supports) with the modern passion against private discrimination, and you get cases like *Reitman*. "Intellectual fashions may come and go," as Pilon notes, but the rage against private prejudice is deeply rooted, and backed by federal power. We have not seen the last of it.

If, as Pilon writes, "federalization of crime is never authorized under Section Five," then why did he write, in Cato's Handbook, that "if the facts had warranted it, the Church Arson Prevention Act of 1996 might have been authorized not on commerce clause grounds, but on Fourteenth Amendment grounds"?

What Is To Be Done?

Pilon complains that I haven't provided a practical answer to the problems posed by the Fourteenth Amendment. It's a fair point; let me try to remedy that defect.

For the short term, my answer is for libertarians to make common cause with decentralist conservatives. We should join them in promoting a narrow view of Congress's enumerated powers under Article I, section 8 — and in promoting a narrow view of federal powers under the Fourteenth Amendment. The "Leave Us Alone Coalition" — that loose conglomeration of pro-freedom interest groups which Michael Greve has identified as the strongest political force behind a return to real federalism — wants to be left alone by the Court as well. And among conservatives on the federal bench, there's far more enthusiasm for reinvigorating enumerated powers constraints than there is for reviving the Lochner Court and feeding it steroids.

We should promote a narrow view of Congress's enumerated powers because, as Roger Pilon has argued so often and so well, that is the extent of the powers authorized by our Constitution. We should promote a narrow view of the Fourteenth Amendment, because that's the smart thing to do, and because the original meaning of that amendment doesn't matter much. Is this the sort of results-oriented constitutionalism for which I've criticized Roger Pilon? Hardly. Given that the Fourteenth Amendment was never legitimately ratified, we're freer to adopt a narrow construction of the amendment than we would otherwise be. By giving a narrow reading to the Fourteenth Amendment (which was not a product of constitutional consent), courts keep faith with the Tenth (which was). From this perspective, the post-Civil-War Court's crabbed construction of the Privileges or Immunities Clause in *Slaughterhouse* might well be justified as a blow for originalism.

The strategy outlined above is, it seems to me, more prudent and more practical than Pilon's plan to first push for a broader interpretation of the Fourteenth Amendment and then hope that broad interpretation isn't hijacked by the Left. As for a longer-term strategy — one aimed at restoring the kind of decentralist constitutional order I'd ultimately like to see — I can give but little guidance. For one thing, we ought to work toward restoring the good name of secession and states' rights. (How come every time someone speaks favorably about states' rights, we have to hear about Orval Faubus, but when new federal programs are proposed, nobody brings up the Fugitive Slave Laws or Indian "relocation"?). And toward that end, as libertarians, we ought to dethrone Thaddeus Stevens from atop our pantheon of heroes, and restore Jefferson to his rightful place.

Jefferson considered the states "the true barriers of liberty in our country." And rather than viewing federal judges as the surest guarantors of our freedom, he saw them as a "subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric." Doubtless he'd consider us fools for embracing a system in which so much of our liberty depends on what side of the bed Justice O'Connor arose any given morning.

Can we ever restore a Jeffersonian constitutional order? I don't know. I know it's worth trying. And I fear we'll never get there if the very people who should be leading the fight have decided instead to join the forces of centralization. ⌋

Pilon, "The Fourteenth Amendment," *continued from page 45*

the Constitution, and the Fourteenth Amendment in particular, "has the intellectual status of phrenology and creation science." "To which a good libertarian can answer," as Healy says in a closely related context, "'So what?'" Intellectual fashions come and go, especially in law schools, even the best of which are still trade schools. The beauty of law school is that, if you keep your nose clean, you'll eventually get out — into the real world. There you find that certain simple truths, like those in the Declaration of Independence, keep coming back as true. The theory of natural rights is not an arcane mystery, accessible only to the initiated. For centuries it has been the stuff of ordinary common law judges. Today, there are a number of judges who are rediscovering those simple truths. Given the larger winds in the culture, they are often all that stand between us and tyranny. Given the vagaries of those winds, I want them to continue to stand until their numbers can be swelled by the Gene Healys of the world who are asking questions that weren't even asked a decade or two ago. By my reading, the winds are blowing in the right direction. ⌋

Letters, *from page 38*

People strongly motivated on those issues will be incllned to vote for major party candidates. I agree with Mr. Padfield that drug legalization will get little support from the "average American." But it isn't the average American the LP should hope to reach at this point in its history. The average American is ill-informed and votes mostly out of habit and whim, almost always choosing a major party candidate. He has almost no interest in voting for a minor party unless it is very famous and well-financed, like Perot's past two campaigns and the Wallace campaign of 1968. Minor third parties like the LP have to seek their votes from unaverage Americans, people who are either better informed, or more intellectual, or who have a very strong motive to abandon their habitual support of major party candidates or their total indifference to the electoral process.

In harm's way

I have two questions for Gene Healy ("The fetal conceit," December).

Is it wrong to harm another if he is incapable of seeking justice or possesses no property?

If life does not exist from conception, exactly when or rather at what level of competence or value of property is "due process" accorded to an individual?

Lawrence Slavicek
West Chicago, Ill.

Gene Healy responds: I fear Mr.Slavicek has missed my point, which centered on constitutionalism, rather than abortion as such. Even if life begins at conception and abortion is murder, the federal government cannot act to proscribe abortion without reference to a power specifically enumerated in the Constitution. The Commerce Power won't do, and neither, I think, will the Fourteenth Amendment, which got us into this mess in the first place by federalizing the issue with *Roe v. Wade*.

Enough, already

I would like to add my own voice to that of Fred Bluestone (Letters, December): Enough, already, about who did what to whom when, why, and how often, in the Objectivist movement prior to the big break in 1968! While endlessly rehashing these old grievances may be therapeutic for those directly involved, it can get incredibly wearisome for those of us who weren't involved in the Big Schism, or even Objectivism, that far back.

Eric Oppen
Iowa Falls, Iowa

Fourth thoughts

As someone who has enjoyed *Liberty* for years, I have a hard time understanding what Sarah McCarthy is doing in its pages. Readers looking for sophomoric left-wing rhetoric can pick up *The Village Voice* for free nowadays. Her "Third Thoughts about the Sixties" paean in the November issue's Reflections section would embarrass Ron Kuby. When I read how thanks to the enlightened sixties, our rulers "strive to wage wars with no casualties" because they "recognize that Americans will not tolerate the tragic waste of human life," I started gasping for breath. Could it be that all the Yugoslav civilians our government has killed and maimed with cluster bombs are like the unborn, in that from a certain point of view they don't qualify as human?

As for Ms. McCarthy's incredible statement that the government now needs "very good explanations" before waging a war — which was the very good explanation for the war on Yugoslavia? Was it "We have to drop bombs on them because they are using our bombing raids as cover to sneak around and blow up their own buildings, thus creating refugees"? Or was it "We have to drive Serbs out of an important part of their own country because they are ethnic cleansers"?

David Blount
White Plains, N.Y.

Sarah McCarthy Responds: There was a time in America when the lives of young American males — as well as non-Americans — were considered expendable. Thanks to the rebellion of the 60s anti-war activists, at least this form of slaughter has become for the moment, obsolete.

No Sex, Please. We're Libertarians

Whose idea was it to stick a bunch of porno ("Sex Behind Bars," January) in your otherwise very fine magazine? We were revolted. What's wrong with leading good, clean Christian lives? If we wanted pornography, we'd subscribe to *Playoy*.

Mr. & Mrs. Rodney Peters
Los Angeles, Calif.

Liber-Tees.com

fully automatic assault doughnut

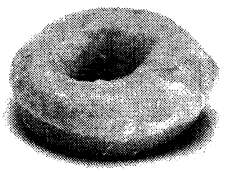

1. Leads to slow self-inflicted death.
2. Regulate, Register, Ban desserts.
3. Sue the dessert industry.

Item #T158

END THE WAR ON DRUGS

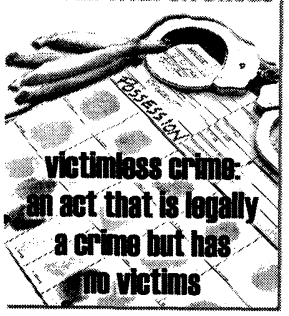

victimless crime: an act that is legally a crime but has no victims

Item #T151

OUTLAW SHOES

Over 90% of all crimes are committed by people wearing shoes.

Item #T152

OUTLAW SHOES

Shoes help criminals escape from the Police.

Item #T153

The Media Puppet

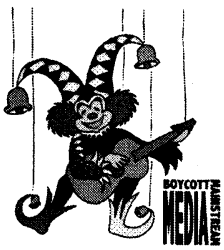

blatantly misinforms the American people.

Item #T160

The Media Puppet

has the hand of the socialist establishment up its @$$.

Item #T161

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Reviews

***Ready Or Not:** Why Treating Children as Small Adults Endangers Their Future—and Ours*, **by Kay S. Hymowitz. The Free Press, 1999, 292 pages.**

Kids, These Days!

Jane S. Shaw

At some point, members of each generation conclude that the younger set is going to pot. Jazz was viewed as degenerate, Mozart as frivolous, and I'm sure that aristocrats deplored the tinkerers who couldn't get a decent job but whose tinkering propelled the Industrial Revolution.

But some generations do change history for the worse, and I am uneasy about this one. For me, the school shootings represent a series of unprecedented events that is terribly troubling. Other changes, from casual teen sex to addiction to violent video games, are less profoundly worrisome, but they too suggest that something is different and amiss.

Apparently, a lot of Americans share my worries, which explains the interest in a new book that has received favorable comment in such places as *The Wall Street Journal* and *The New York Times*. *Ready or Not: Why Treating Children as Small Adults Endangers Their Future — and Ours* is a good place to start a much-needed evaluation of the state of childhood and youth. It is not, however, in any way scientific; rather, it's a set of intuitive conclusions of a thoughtful critic of today's culture.

In mulling over the state of childhood and adolescence today, we need to address two questions: First, is something fundamentally different — and unfortunate — happening with young people today? Second, if so, what should be done about it? Hymowitz suggests that something is different, and wrong. To cure it, she recommends going back to a more traditional child-rearing philosophy.

Hymowitz argues that today's child rearing reflects an ideology that emerged in the 1950s through the writings of psychologists and legal philosophers. This viewpoint perceives children as "autonomous, independent individuals discovering their own reality" rather than as beings that need to be molded into responsible citizens. Today's experts, Hymowitz explains, view a child as inherently "competent and self-sufficient," an "already complete, finished individual lacking only some skills and information." All you have to do as a parent or teacher is to let the child's inherent character emerge; that is, you need to get out of the way.

This attitude, says Hymowitz, departs from the 19th century American approach to child rearing, through which parents attempted to develop a person with an "internal moral compass." This approach was particularly American, adopted to produce citizens suitable for life in a republic composed of responsible individuals. Hymowitz calls this the "republican" tradition. Its replacement she calls "anticulturalism," because it is based on the idea that the child should develop "independently of the prevailing culture, and even in opposition to it."

The trouble with today's approach, explains Hymowitz, is that it leads parents, teachers and other adults to avoid responsibility for education and guidance and ultimately to prevent their children from developing into responsible adults. Children are treated as more mature than they are, with the result that they never really grow up. She argues that moral and ethical people cannot emerge by simply lifting societal and family pressures.

With anecdotes, contemporary quotations, and allusions to television sitcoms, Hymowitz argues that the anticultural ideology pervades each stage of children's development, from babyhood (in a chapter entitled "Baby Geniuses") to postadolescent youth, a period exemplified by the *Seinfeld* television show.

The trouble with today's approach is that it leads parents and teachers to avoid responsibility for education and guidance and ultimately to prevent their children from developing into responsible adults.

When Hymowitz marshals popular culture to support her argument, she is not very persuasive. To make the point that parents are encouraged to let their child develop naturally, she cites Benjamin Spock's advice, "Take it easy and follow your baby's lead." Yet Dr.

Spock was around for a long time; he nurtured the baby-boomer.* Similarly, I'm not sure it's quite fair to blame this ideology for the emphasis on creativity rather than learning that is found in elementary school. (To me, the creativity emphasis seems to be more an egalitarian technique for keeping bright children from excelling too much.)

Yet there is certainly something to her argument that parents and teachers are relying on letting the child's "selfhood" emerge and that their failure to provide guidance is related to the violence, incivility, and general lack of discipline that seem to characterize kids today. Many readers, thinking of their own childhood or their children's, will find much in *Ready or Not* that rings true.

But one feels a desire for data, not just anecdotal observations, especially since Hymowitz pulls her punches. Seeking acceptance from elite opinion leaders, Hymowitz, a senior fellow at the Manhattan Institute, takes pains not to sound like a cultural conservative. (It worked: *The New York Times* review applauded Hymowitz's "nuanced" argument.) The only two child liberationists I have heard of are Hillary Clinton and Marion Wright Edelman — neither one is mentioned. Nor does Hymowitz take on the public school establishment, which undoubtedly contributes to the trends she cites.

Nor was the "republican" childhood that Hymowitz prefers a Golden Age. When parents had more power over their children, some undoubtedly abused it.

Most important, Hymowitz avoids criticizing the lifestyle of today's families. My guess is that single parenthood and dual-income families have resulted in less parental supervision and involvement, which explain much about today's youth. Yet for the most part Hymowitz ignores these factors. She only faintly alludes to the probability that parents welcome the new ideology because it excuses them from having to spend a lot of time training their children.

Nor am I convinced that the problems Hymowitz identifies are as bad as she thinks. In spite of the tragedies surrounding today's teens, I see a lot of favorable signs in today's culture. The "postadolescents" that I meet do not seem to have turned out too badly — even if they are the products of a divorce or two.

Nor was the "republican" childhood that Hymowitz prefers a Golden Age. When parents had more power over their children, some undoubtedly abused it. The emphasis on sexual abstinence tended to encourage manipulative behavior among both boys and girls: Adolescent males developed strategies to overcome girls' resistance, while girls figured out how to entice and then reject them. And as sexuality was sublimated into romantic love, young people built up unrealistic hopes that led to disappointment and broken marriages.

Even so, I think *Ready or Not* offers a useful perspective on our youth, though it is far from the last word. The causes of violence and incivility and the question of whether today's youth are morally and ethically worse off than their antecedents are subjects that merit more research. ⌟

* My personal reliance on Dr. Spock's book was so great that I resent any criticism of him!

***It Still Begins With Ayn Rand*, by Jerome Tuccille, Pulpless.com, 1999, 183 pages.**

It Once Began with Ayn Rand

Martin Morse Wooster

In 1971 libertarian activist Jerome Tuccille decided to publish a New Journalistic memoir of late-1960s libertarian politics. The result was *It Usually Begins With Ayn Rand*, a hilarious, extremely well written account that's one of the best books ever written about libertarianism. (It's still in print.)

Tuccille drifted out of the libertarian movement, becoming an author of business books and biographies of Donald Trump, Rupert Murdoch, and the Hunt family. Now he has drifted back into libertarianism, producing a sequel to his best book. But fans of Tuccille's earlier book will find *It Still Begins With Ayn Rand* to be a major disappointment.

The first third of the book, and the best part, describes Tuccille's campaign for governor of New York on the Free Libertarian Party ticket in 1974. The remaining two-thirds are Tuccille's retelling of the political history of America from 1975 onwards.

Collectors of Libertarian Party political trivia will recall Tuccille's race as the one where they paraded a naked lady on a horse through the streets of Manhattan. Tuccille explains why this happened. (The horse, you see, was named "Taxpayer.") But the remainder of his account shows why most LP campaigns rarely get anywhere.

By Tuccille's account, many of the activists who nominated him to be their candidate actually thought they had a chance to smash the state. "This is the year to bring the libertarian revolution to New York," Tuccille recalls activist Louis Rossetto as saying. "It's do or die! Seize power now or fold up the tents!" (Years later, Rossetto went on to found *Wired*.)

But at the same meeting, Tuccille recalled, he met Arthur Finkelstein, just beginning his career as a Republican

political guru. Finkelstein, Tuccille recalls, "looked like an unmade bed. His hair hadn't been combed in a month and he had his stockinged feet tucked under his buttocks like a rumpled Buddha." But while part of Finkelstein's message was screwy, the core of his advice was sound: to achieve political success in New York cost (at the time) six dollars a vote.

Tuccille's memoir of the 1974 campaign is mildly enjoyable, but it is only one-third of the book. The remaining two-thirds are pretty dreadful stuff.

At first Tuccille tried to have thorough discussions of libertarian philosophy, but few cared. Then he decided to practice "stuntism," which garnered huge amounts of publicity. The naked woman on a horse was one memorable stunt. Showing up in a safari jacket with a fishing rod to show he was "fishing" for votes also worked. And Tuccille found riotous applause on college campuses whenever he talked about legalizing drugs and decriminalizing prostitution. (On college campuses, Tuccille recalls, "I was on safe ground with sex, drugs, sodomy, even bestiality. Save taxes for a different group.")

But in the end, Art Finkelstein was right. The Free Libertarian Party raised $70,000 and received 12,000 votes, far less than the one percent needed to obtain a line on the ballot.

Tuccille's memoir of the 1974 campaign is mildly enjoyable, but it is only one-third of the book. The remaining two-thirds are pretty dreadful stuff.

Tuccille tries to show that our last four presidents, viewed through libertarian eyes, were pretty bad. His revelations — Ronald Reagan was duped by his advisers! George Bush was a doofus! Bill Clinton can't keep his pants on! — are only shocking to readers who have spent the past quarter-century in a bomb shelter. Even his Dan Quayle jokes fall flat.

Moreover, Tuccille has no first-hand knowledge of the events he chronicles. Nor is Tuccille a professional historian, or someone who has spent a good deal of time studying primary documents or interviewing presidential aides. So why should we read him? Tuccille never satisfactorily answers this question.

His efforts to place himself, like Forrest Gump, in the center of national events, are not very successful. "In 1981," Tuccille writes, "when Ronald Reagan took command of the administrative branch of the federal government, his presidency offered the greatest hope for a libertarian revolution since the Tuccille for Governor campaign of 1974."

Does anyone outside the Tuccille family believe this?

At the end of his book, Tuccille argues that a tepid Christian libertarianism will be the winning political philosophy that will finally smash the state. But given the dull third-hand recounting of American political history Tuccille provides, it's likely that his readers will give up long before they reach the final chapter.

If you were involved in Tuccille's 1974 campaign or have an extremely deep interest in libertarian history, you may find *It Still Begins With Ayn Rand* provides some limited pleasure. But other readers would do well to skip this book. Tuccille was once a very talented and witty writer; he's now just a bore. ⌟

***Crossing: A Memoir*, by Deirdre N. McCloskey. University of Chicago Press, 1999, xvi and 266 pages.**

Break on Through to the Other Side

Janice Presser

"Does it have a happy ending, Mommy?" My daughter would ask me that question each time I wrote a book. I imagine her as she was then, my inquisitive little six year old redhead with the serious eyes, asking Deirdre McCloskey the same question, about *Crossing*, her book about her gender change: "Auntie Deirdre, does it have a happy ending?"

One might normally expect a memoir of an academic, free-market economist to focus on academic conflicts to gain acceptance in a field dominated by Keyensians and Soc- ialists. Deirdre McCloskey faced a different sort of conflict. A conflict within herself and with her family about who she was at a most basic level.

Ambiguity makes most people uncomfortable. Black and white only, no shades of gray, is the preferred color scheme of the unadventurous mind. But the memoir by the former Donald McCloskey forces the reader to examine the gray areas. Deirdre's story is about her crossing, not across an artificially constructed boundary, but one of biology. With no change of chromosomes, the black and white determinants of her genetic maleness, Deirdre crossed that border into womanhood; she left her male self, Donald, forever cast off.

In this account of her gender transformation from male to female, McCloskey notes that we pay little attention to the crossings people make when emigrating from one country to another. The experience of being, say, a Dane in Chicago, may be unusual, but not threatening to anyone. Denmark is not invading Illinois, and Chicagoans can safely assume that the visitor arrived via O'Hare, rather than being teleported from some alternative universe. There is no mystery in such crossings.

Deirdre's crossing was more dramatic, at once more personal and more

public. Like a private event, the most profound change occurred within: the eclipsing of Donald by Deirdre, the unfolding of Deirdre into the full bloom of mature womanhood. This process, shared with and supported by friends and fellow travelers — is there no feminine equivalent? sister travelers, perhaps? — should have proceeded unchallenged by any authority other than Deirdre. But challenged she was, with the full weight of a bureaucracy devoid of compassion, understanding, humanity.

Just as the medical establishment has planted its flags on the human body, the psychiatric establishment has claimed as its purview the human mind. DSM-IV, the current Diagnostic and Statistical Manual, bible to researchers and insurance companies, classes sexual and gender identity disorders together. Yet for Donald/Deirdre, it was more a matter of congruency of feelings and actions.

Donald's sister, a Harvard-trained psychologist, viewed her brother's personal, internal set of feelings as evidence of pathology and she therefore acted — on two occasions — to voice her disdain by arranging for involuntary psychiatric commitments, citing as her reason her love for him. Love cloaked in a coercive activity.

It is all too easy to force psychiatric "care" on the person whose situation or feelings have been defined as pathological. For the well-functioning crosser, such imprisonment is nothing less than political. Shades of the Zabriski Institute!

One of the diagnostic criteria of Gender Identity Disorder is "clinically significant distress or impairment in social, occupational, or other important areas of functioning." As Donald, we have a well-respected economist. As Deirdre, we have a well-respected economist. As Donald, a husband, father, colleague, friend — as men define their friendships. As Deirdre, an ex-wife, bereft mother, colleague, friend — as women define their friendships. Who do we declare the healthier? More importantly, do we have the right to ask that question? And do we have the right to allow the medical-legal complex to act on the answer?

Like Deirdre's psychologist sister, mental illness specialists learn to differentiate normal from abnormal. There are people who suffer mental illnesses which have organic bases — dementia, intoxication, schizophrenia, for example. Physicians have gained the power, from the state, to force treatment on such unfortunate people, all in the name of compassionate care for those deprived of reason. But Deirdre's crossing was reasonable, not the rash act of an impulsive person. While Deirdre exhibits some change in social attitudes and style toward a more typically feminine direction, the brilliant economist rationality never seems to waver.

Still, could something have been terribly wrong with Donald? There has been at least one case of a male with Dissociative Identity Disorder (formerly called Multiple Personality Disorder) where a strong, female alter ego maintained control of the body for time sufficient to have the final, irreversible genital surgery. These cases are difficult to screen out, especially by those mental health professionals who have never seen (or acknowledged), much less treated, those whose prior lives required that they dissociate to survive. (This is usually due to severe, unremitting, early abuse.) What does Dissociative Identity Disorder have to do with crossing? Very little, it turns out. The vast majority of crossers are no more or no less disturbed than the general population.

McCloskey's story is about her crossing, not across an artificially constructed boundary, but one of biology. With no change of chromosomes, the black and white determinants of her genetic maleness, Donald crossed that border into womanhood.

The DSM-IV defines mental disorder as "a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress (e.g., a painful symptom) or disability (i.e., impairment in one or more important areas of functioning) or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom." The absurdity of treating an illness so as to prevent "an important loss of freedom" by involuntary incarceration in a psychiatric facility is obvious.

The definition continues: "In addition, this syndrome or pattern must not be merely an expectable and culturally sanctioned response to a particular event, for example, the death of a loved one. Whatever its original cause, it must currently be considered a manifestation of a behavioral, psychological, or biological dysfunction in the individual. Neither deviant behavior (e.g., political, religious, or sexual) nor conflicts that are primarily between the individual and society are mental disorders unless the deviance or conflict is a symptom of the dysfunction in the individual, as described above."

What does it mean, then, that there is a diagnostic code for Gender Identity Disorder, but none for "Well Adjusted Person with Feelings of Being the Opposite Gender"? Gender dysphoria — unhappiness with one's genetic gender — even sounds pathological. But isn't it normal to be unhappy with what doesn't seem right?

"Gender dysphoric" is an interesting concept. If I am unhappy that I was not born with a silver spoon in my mouth, am I "class dysphoric?" If I sometimes wish that I were 5'8" instead of 5'2," am I "height dysphoric?"

Most distressing to me, an active feminist since the late 60's, was Deirdre's account of the treatment of crossers by the radical feminist establishment. By refusing to include these women-by-choice, by according a second class — or worse — status to crossers, the alliance of sisterhood that was the dream of the women's movement is fragmented. But Deirdre, the Heroine, found her own well where accepting women gather and from them she created community.

I return to my imagination and to the sound of my daughter's insistent question as she asked it more than 20 years ago. "Does it have a happy ending?" I urge Deirdre to answer. And my imagined Deirdre, in her wisdom borne in her analytic, economist scholar self, tempered by her more recently acquired, culturally feminine values,

answers thus:

> There was a time when I would have added up the pluses and the minuses, believing that economics, the study of predictable human action, would give me direction. Now I know that the most important factors would be on both sides of the equation, at the same time plus and minus, but never cancelling each other out.

In my mind, I respond to the puzzled look on my daughter's face. She is too young to understand the dialectics of gender, of life. I merely tell her that it is Deirdre's story, just as we have our stories, and that it must have a happy ending because at last Deirdre, like the Velveteen Rabbit, feels real. ❑

***Banal Nationalism*, by Michael Billig. Sage, 1995, 208 pages.**

Everyday Nationalism

Martin Tyrrell

Michael Billig's first book, *Social Psychology and Intergroup Relations* (1976) was important in popularizing Social Identity Theory, or the "new" social psychology, as it was then sometimes called. Social Identity Theorists like Henri Tajfel had found that powerful group loyalties could be established on the basis of trivial collective identities. In particular, student volunteers randomly assigned to so-called minimal groups were observed to discriminate against the unseen and anonymous members of equally minimal outgroups. To the researchers, this seemed illustrative of some fundamental psychological process, a tendency to identify with a wider group and then to act on the basis of the (social) identity it afforded. When a significant part of any person's self-esteem derives from being a member of a group, they concluded, many people feel motivated to act on behalf of that group and against other, rival, collectives. What is more, if minimal groups, with no relevance beyond the laboratory, could touch off feelings of loyalty and inspire their members to acts of meaningless discrimination, then real world collectives could be expected to do so to a much greater extent and over much longer periods of time.

Twenty years on from *Social Psychology and Intergroup Relations*, Billig seems less convinced by Social Identity Theory. In *Banal Nationalism*, his most recent work, he is dismissive of what he sees as its overly individualistic approach. Nationalism cannot be explained solely in terms of identity, he argues, for national identity is more than just a psychological state. It is also a way of life and of habitually seeing and interpreting the world, one which has become "enhabited." This is particularly true where the nationalism in question is the "banal nationalism" of the book's title.

Banal nationalism, Billig proposes, operates inconspicuously, establishing an almost subliminal loyalty until, eventually, it is unchallenged common sense. At its most unobtrusively mundane, the fact that it is nationalism at all might well be overlooked completely or even denied outright. Many commentators who can easily recognize nationalism in its more exotic, and therefore more marginal, forms (the nationalism of Neo-Nazis, for example, or of Third World National Liberationists) are, in Billig's view, slower to acknowledge its role in mainstream politics closer to home. Increasingly, he complains, the West is depicted as a series of blandly interchangeable liberal democracies, either post-national already or national in so inoffensive and inclusive a sense that post-nationalism cannot be far off. And yet, Billig argues, it is, in fact, in these more established societies that

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the most widespread sense of national identity tends to be found, the consequence of a subtle, but ubiquitous, national subtext. "The metonymic image of banal nationalism," he writes, "is not a flag which is being consciously waved with fervent passion; it is the flag hanging unnoticed in a public building" (8). It is through a succession of such mundane "flaggings" that banal nationalism is perpetuated and citizens "unmindfully reminded of their national identity" (154).

In short, simply existing in a particular place during a particular era leads to a particular national identity becoming "enhabited" and on so wide a scale that almost anyone is capable of at least the occasional nationalistic twitch. Anyone at all. Billig himself admits to a taste for international sport, confessing that "If a citizen from the homeland runs quicker or jumps higher than foreigners, I feel pleasure. I want the national team to beat the teams of other countries" (125). Many liberals — and many libertarians — have surely felt the same and over matters of far greater importance. Given the right conditions, national passions appear capable of stirring even in the mind of someone who, like Billig himself, earnestly disavows them. As a "collection of ideological habits" (6) nationalism is nothing, he suggests, if not resilient.

Other types of state might create a sense of loyalty and pride among their citizens, but nationalism is distinctive in that it considers nationals as born, not made, and nationality as irreversible.

One feature of *Banal Nationalism* is that the terms "state" and "nation" are used almost synonymously. That is understandable, I suppose, but objectively, it is not always easy to say which states are nation-states and which are not. Nationalism is possibly best thought of as a style of politics more conspicuous in some policies and attitudes than in others. Or as a temptation to which many political establishments find themselves succumbing. At any rate, in *Banal Nationalism*, all states are, by implication, nation-states. Similarly, citizenship and nationality are seen as being approximately the same thing. But this is not how most nationalists and many nationals have seen things. In nationalism, nationality has usually meant membership in an alleged ethnic community, something quite separate from the purely bureaucratic issue of citizenship. Historically, in most large modern states, some citizens have been more national than others and some of the more national citizens have felt the need to remind their less national fellow citizens that this was how it was. Sometimes the reminder was subtle, sometimes not so subtle. Such is nationalism.

It is, I believe, its reliance on an alleged ethnicity as the basis for political order which distinguishes nationalism. Other types of state — a monarchy, a multi-ethnic empire or federation — might create a sense of loyalty and pride among their citizens, but nationalism is distinctive in that it considers nationals as born, not made, and nationality as irreversible. Frequently, therefore, nationalist propaganda depicts the nation as a family, a stock, kith and kin. Groups which deviate from the alleged national type, where they have not been completely excluded, have usually been relegated to lower levels of citizenship than nationals "proper". They are guests, neighbors or, at best, distant relations. But they are not family.

Some commentators (Elie Kedourie, for instance) call what I have described "ethnic" nationalism and distinguish it from "civic" nationalism, a more benign variant less concerned with homogeneity. But empirical attempts at identifying existent civic nations (Michael Ignatieff's *Blood and Belonging*) have been disappointing whilst more theoretical efforts (David Miller's *On Nationality*) have been wishful and evasive. Billig rejects the idea of civic nationalism without actually committing himself to the view that nationalism must therefore be ethnic. But he is skeptical that nationalism can be other than exclusivist and is, I think, rightly so. Nationality is by definition a divisive concept; a national community which did not exclude someone is a contradiction in terms. As states become more national, so do their administrations become more choosy as to who can and cannot cross the border, and who can stay once they get across. Significantly, Billig sees the persistence of immigration as a political issue as a sign of (ethnic) nationalism's enduring appeal.

Nationalists oppose immigration primarily out of concern that immigrant communities will undermine the supposed ethnic solidarity of the nation and, in so doing, destabilize the nation-state. This was what Enoch Powell, a leading British Conservative, argued in the late 1960s when he suggested that a liberal immigration policy amounted to a nation building its own funeral pyre. "Rivers of blood" were confidently forecast. Powell died last year. A few years before he died, he gave a last interview to the BBC. In the course of this, it was put to him that he was a racist. Powell, usually evasive, replied that there was nothing wrong with being a racist and that racial and national homogeneity were inextricably connected both to each other and to the overall stability of national society in general. The interviewer was dumbstruck at hearing the nationalist argument followed to where it leads and voiced without the

American football, basketball and baseball have never caught on in Europe, where even Worldwide Wrestling cannot displace soccer. There is no conspiracy. It is choice and choice alone which ensures that parts of American culture play internationally.

Erratum

In the January issue of *Liberty*, we wrote concerning Wendy McElroy's article on Grace Verne Silver, "Wendy McElroy recalls a life of anarchism, agitation, and intellectual growth." Ms. McElroy has advised us that the subject of her article did not lead such a life. Our apologies.

slightest embarrassment. But Powell was a political maverick and this was becoming true even in the late 1960s. One of his several critical biographers has suggested that we will never see his like again. I would agree with that. These days, the reluctance of many mainstream politicians to oppose immigration on such purely nationalistic grounds is notable. A purely nationalistic response — which is to say a racist response — would not be popular, so politicians are reduced to hypocrisy when it comes to immigration, a sure sign that nationalism is in decline.

The Decline of Nationalism

It is this decline which Billig understates. Although nationalism continues to be a substantial conservative force, one whose fortunes might well revive, the present political order is no longer based on an imagined national homogeneity. These days, in Europe, you frequently meet a category of person which scarcely existed fifty years ago: people of no clear nationality. How should the child of a French mother and German father growing up in Luxembourg and attending an English-speaking school be categorized? And what will be the nationality of that child's children? These are not purely academic questions. There are already thousands of people like that in Europe and there will be many thousands more. Gellner thought that somebody without a nationality would provoke revulsion but, in fact, they provoke only curiosity, and every year they have been provoking less of it.

Banal Nationalism also overlooks the extent to which culture has become globalized. The foreign is no longer as foreign as it once was. The mass media, cheaper travel, greater access to education have all made it increasingly more familiar. We live in the least insular world there has ever been. Yet Billig is suspicious. What appears to be global is, he protests, really just American. Nor is this just another airing of the double standards of patrician British nationalism (Coca Cola bad, appellation controlée good; French bistro good, McDonald's bad) for Billig detects a political subtext. In globalized culture, he reads arguments for American hegemony. For the masses, there is Worldwide Wrestling ("You-Ess-Ay"); for the highbrows, Richard Rorty ("His postmodernist, anti-philosophical philosophising is the flight path of Uncle Sam's bald-headed eagle, flying across the globe at any time of its choosing," or so it says on page 158).

From this it is but a short step to conspiracy-lite and some further overwriting:

> The global culture is like water, pouring and trickling from higher ground, deluging valley and plane. The flow has the irreversibility of a Niagara. On the lower ground, embankments can only be built with great effort, and then, the water, as if in insulted anger, rushes with increased ferocity against the ramparts, seeking the parched markets beyond. (149)

A seemingly profound but, in fact, wholly inappropriate simile. Global culture, by which Billig means American culture, by which he means something or other, does not as a matter of fact wash over the world like one unending torrent, drenching everyone with its dubious politics. Some bits of

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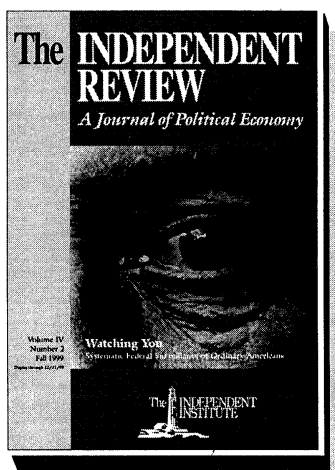

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American culture catch on, and some don't. American football, basketball and baseball have never caught on in Europe, where even Worldwide Wrestling cannot displace soccer. There is no conspiracy. It is choice and choice alone which ensures that parts of American culture play internationally. In contrast, the fundamentalist Islam over which he is, in a moment of cultural relativism (remember that?), sentimental, would offer him no choice at all.

Ernest Gellner said that nationalism was the style of politics which suited capitalism. Marx said otherwise. Marx was right. Freer markets have meant fewer nationalists and less fervent nationals.

Methodological Collectivism

In *Banal Nationalism*, not just global culture but nationalism itself are depicted as ahuman forces relentlessly imposing themselves upon individual lives. And imposing themselves to such an extent that those lives are almost incidental. It is as if, in order to be a properly social, social scientist, Billig feels obliged to eschew individualism entirely or as entirely as can be. "National identities," he at one point writes, "are ideological creations caught up in the historical process of nationhood" (24). And elsewhere there are other, similarly Marxish allusions: the dominant ideology thesis, for example, historical materialism, "late" capitalism. If Billig has cooled towards Social Identity Theory, he has not cooled towards some of its more improbable premises. As I recall it, virtually every conflict in the world — the Middle East, Northern Ireland, Quebec — could be explained using Social Identity Theory. Or rather, it could be described using Social Identity Theory jargon. But few solutions were proposed. Solutions were not in the spirit of Social Identity Theory, which was fatalistic. It was deemed to be inevitable that people should have social identities and it was deemed to be equally inevitable that, since they had them, they would fight over them. Whereas even Marx envisaged a Utopia that would end all conflict, Social Identity Theory offered only unending dialect. Thesis and antithesis but never synthesis.

Michael Billig might well protest that this is how things are. But this is not, in fact, how things are. Intergroup conflicts and the identities which sustain them are not, in practice, as inexorable as Social Identity Theorists imagine. Groups are, in the end, only the individuals that comprise them. And because they are comprised of individuals, they are vulnerable to individual differences in fervor. I think that, over the past half century, there has been a significant decline in collectivist fervor at the individual level, which is the only level that matters. Ernest Gellner said that nationalism was the style of politics which suited capitalism. Marx said otherwise. Marx was right. Freer markets have meant fewer nationalists and less fervent nationals.

Louis Althusser thought individuals were merely the bearers of economic forms; to Michael Foucault, they were an invention of recent date; to Jacques Derrida, illusions. Often, it seems as though some social theorists are out to abolish people. If Michael Billig is rarely quite so bold, still the urge is clearly there. Why, after all, should people — troublesomely unpredictable — be allowed to get in the way of a nice bit of theory? With some really good bathwater, who needs a baby? Though *Banal Nationalism* includes some sharp observations on national identity in particular and collective identity in general, these are, in the end, in spite of the bizarre methodological affectation of its author. ⌋

***American Abundance:** The New Economic and Moral Prosperity, by Lawrence A. Kudlow, Forbes, 1998, 177 pages.*

The Born-Again Optimist

Richard Kostelanetz

Three decades ago, many of us had a thrill hearing R. Buckminster Fuller (1895-1983) deliver extemporaneously brilliant lectures about how technological development was making the world better for everyone. Even before the availability of personal computers, Fuller would cite the popular dissemination of machines originally regarded as elitist (such as the automobile and the telephone); "ephemeralization," was his epithet for doing more with less (and less money); the potentiality for agricultural abundance, etc. It was a stunning performance that some of us saw again and again, if only to appreciate not just the details but the vision of so many indices pointing to better lives for all.

No one I've heard or read since reminds me of Fuller as much as Lawrence A. Kudlow, who bills himself as "currently Chief Economist, Director of Research and Senior Vice President [of] a financial services firm." This looks to me like one title too many for someone who also appears frequently on the financial television shows that I don't watch because the comments tend to be too vacuously general or self-interestedly specific.

Though Fuller and Kudlow scarcely resemble each other as lecturers — the former talking rapidly and looking like an eccentric inventor, while Kudlow speaks deliberately and wears tailored clothes — both have a spectacular capacity for presenting unfamiliar evidence to account for their optimism. "And the Census Bureau recently reported that the home ownership rate for native-born citizens in 1996 was about the same as that for foreign-born citizens, and that foreign-born Hispanic citizens were more likely to own a

home than those born in the U.S."

However, where Fuller based his optimism on technology, Kudlow focuses on economic preconditions. That 120 million Americans own stocks means that they learn to think like proprietors, rather than employees. 120 million is also the number of people employed, meaning that the American owner-class is now as large as its employee class. Since the value of stocks is twelve trillion dollars in recent years, a lot more Americans have a lot of money to spend as well as save. Kudlow also cites lower tax rates, the decreasing prices of oil, and the lower prices for machines whose markets are openly competitive (VCRs, cellular telephones, etc.) to document genuine progress. Long ago I was taught to disparage "trickle-down economics," because it supposedly benefited the rich at the expense of the poor. But I've learned that, thanks to the wealth created by economic activity, many people formerly poor get richer along with the rich.

Thanks to a connection made by Jack Kemp (the only prominent Republican who will ever get my vote), Kudlow became Associate Director for Economics and Planning Office of Management and Budget, at the beginning of the Reagan administration, and that experience becomes the center of his understanding of the government's role in creating (or at least not hindering) prosperity. His interpretation of recent politics is that Clinton at his best is extending Reagan's policies, and that accounts for why the general (but not universal) prosperity of the past fifteen years is continuing. One of Kudlow's more spectacular forecasts is that increased tax revenue will produce growing Federal surpluses in the coming years, providing the precondition for paying off the inflated national debt.

Kudlow's writing is filled with wonderful sentences that are the literary version of "sound bites":

> Tony Blair sounds more like Margaret Thatcher than John Major did.
>
> Population growth is a plus because of the potential creativity of individual men and women.
>
> Resources are not scarce; they are limitless — because technology is boundless.
>
> Unlike the private sector, the government is not disciplined by the marketplace, nor is it subject to bottom-line profit considerations.

These are the sorts of sentences you like to repeat to your friends, hoping they will think their brilliance is your own.

Even in his bad writing, Kudlow reminds me of Fuller, whose optimism drove him to pack more punches into a single sentence that it could hold, often

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deflecting his points into peripheral clauses and adjectives, rather than to the subject and predicate.

Consider this monstrosity from Kudlow:

> Led by an extraordinary burst of Information Age technological innovation and investment, which has transformed every nook and cranny of our new economy, and bracketed by free-market policies that have reduced taxes, virtually eliminated inflation, deregulated nearly all industrial, financial and labor market sectors, expanded market-opening free trade, reduced the Federal budget share of the economy, and the deficit, and ended the Cold War, the completely transformed U.S. economy is the strongest in the world.

Whew. Perhaps this is German in translation.

Kudlow draws from the brilliant historian David Hackett Fischer the yet more awesome theme that inflation accompanies moral deterioration while a stable economy, by contrast, becomes a precondition for moral improvement, all of which seems reasonable, given current statistical decline in welfare rolls and illegitimacy. (I can hear Bucky Fuller saying that technology will induce similar social benefits.)

Kudlow is the new Fuller: ahead of his time, brimming with insight. I look forward to more books from him, ideally elaborating his optimism much as Fuller did. In sum, Kudlow has offered the fullest explanation known to me of wealth-creation. ❑

Booknotes

Rewriting History, Episode 43-99 — The latest printing of the hardback version of *The Fountainhead*, again using the pagination and type (and typos) of the 25th anniversary (1968) edition, has bounced once more to a new imprint, Scribner Classics. It had been at Bobbs-Merrill and at Dutton. Its price has risen from $45 to $50. The jacket is elegant, retaining Frank O'Connor's painting (though smaller) and using an extended quote on the back instead of a picture of Rand. About all that's different in the book itself, apart from a handsome binding job, is a detailed list of Rand works that clearly has been inflated. I say "inflated" because some individual taped lectures, such as "Faith and Force," are now listed as distinct works under one of several categories. Nowhere does it note that these are *not* books.

Under the subheading "Essays on Art," along with *The Romantic Manifesto*, are listed two books that don't yet exist: "Fiction Writing" and "The Art of Fiction." These will be transcribed and redacted lectures, but both are at least many months, if not years, from being published. (At least they had the minimal decency to list Rand's original "New Left" book as one of her works, rather than Peter Schwartz's fingerprint-smearing, parasitical reworking of same.) Inflation, certainly, and ending up as misleading to anyone who delves into the very wordy jacket-flap blurb, wherein it's opined that none of her books "have ever been out of print." Half of the "books" on the author's-works page aren't existing books at all, and her novel *We The Living* was out of print from 1936 to 1959. And her novelette *Anthem* was out of print from 1938 to 1946.

The open rewriting of the past, however, is found at the end of the blurb: "Ayn Rand founded the Ayn Rand Institute in Los Angeles to carry on her legacy. It can be found on the Internet at www.aynrand.org." She didn't, of course. And she'd made very clear in public comment that she wanted no successor to NBI to exist, beyond some kind of grant apparatus, such as the Foundation for the New Intellectual. But her wishes were immaterial to Peikoff, who proceeded to set up the ARI, once he'd hooked Ed Snider to pay for it. (And who wriggled off the hook, to his credit, once Peikoff's repression of dissent showed itself.) — *Steve Reed*

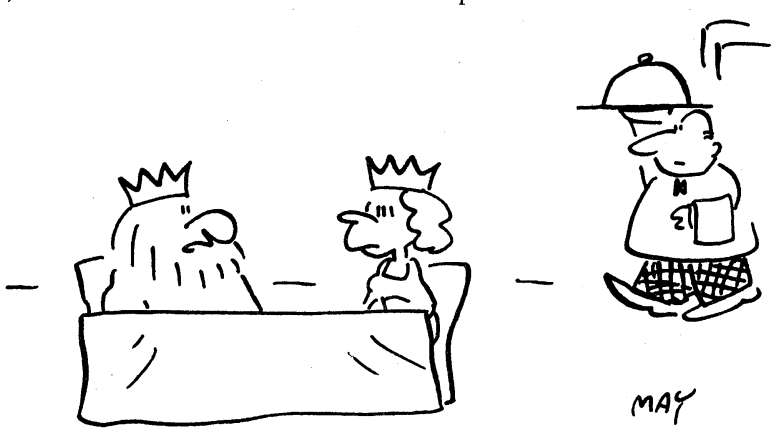

"Am I going to leave a big tip? — I'm not even going to *pay*!"

The New Federal League — You should put on a catcher's mask before reading *Legal Bases: Baseball and the Law* (Temple University Press, 1998, 226 pages). Roger Abrams, a law professor and baseball arbitrator, describes nine important legal incidents from the modern liberal perspective. Each chapter will be interesting to any baseball fan, and contains details known only to the aficionado.

Abrams sounds like a Hayek devotee when he glorifies private ordering and private dispute resolution, in his chapters on the baseball union and the Andy Messersmith and Carlton Fisk arbitrations. But when he gets into collective bargaining agreement (CBA) and arbitration thereunder, he's way off base. Without the threat of forced unionization and forced "good faith bargaining" under the Wagner Act, there would have been no CBA, or one with drastically weakened protections for players. Without the CBA there would have been no arbitration. The arbitrators' decisions, invalidating the reserve clause in Andy Messersmith's contract, and awarding large damages for owner collusion in not bidding for Carlton Fisk and other free agents, are both products of the Wagner Act. Abrams is a fan of coercive labor laws. Strike one against him.

While Abrams admitted that application of antitrust law is tremendously

uncertain, he misses the related point that the competition favored by antitrust advocates is opposed to the dynamic process described by Kirzner, Schumpeter and many others. Baseball's exemption from antitrust law, while seemingly helpful, is really a sword of Damocles hanging over professional baseball: whenever teams propose to do something unpopular — like move the franchise — you can count on the local U.S senator threatening to end that exemption.

Meanwhile, he ignores the real monopolies. The Federal Communications Commission blocked exhibition of baseball on cable television until the mid 1970s. This monopolistic policy of limiting the televising of baseball to a single favored group of government-granted monopolies kept fans from convenient access to their favorite sport and cost players and owners millions. Abrams doesn't even mention it.

Abrams is a fan of coercive antitrust laws but doesn't mind government-imposed monopolies. Strike two!

Abrams briefly discusses subsidies, but does not examine their implications. The large subsidies provided by many cities and counties in ballpark construction and operation have greatly increased the revenues of the clubs, and thus made each players' marginal contribution much higher. Thus taxpayers — whether baseball fans or not — bear the expense of multi-million dollar player salary increases. Abrams' failure to come to grips with subsidies: Strike three, you're out!

To top it off, Abrams makes egregious factual errors, obvious even to the casual fan: Jackie Robinson was Rookie of the Year in 1947, not 1946. Baseball expanded in 1961 from 16 to 18 clubs, not to 22. Even more idiotically, Abrams declares that Pete Rose is "the modern game's greatest hitter," apparently based on only one datum: that Rose accumulated a few more hits than any other player. Rose also created vastly more outs than anyone in baseball history and had poor slugging and on-base averages. By any objective standard, Rose doesn't even belong in the top 25 modern hitters.

Even so *Legal Bases* has some value: it can help one get a clearer understanding of how federal labor law has distorted the game. —*Martin M. Solomon*

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Coming in *Liberty*

"What if the U.S. Had Stayed Out of World War II?" When Pat Buchanan suggested that the U.S. might have avoided war with Germany, mainline politicians and journalists had fits of hysteria and name-calling. *Michael Drew*, in contrast, gives the question serious thought.

"Return to Belgrade" After the NATO aggression, *Stephen Browne* went to Yugoslavia to check up on old friends, engage in dialogue over the war and U.S. motives, and discover how people coped with the bombing.

"I Cop A Plea" *Peter McWilliams* tells of his ordeal over his use of marijuana for medicinal purposes.

"Bill Gates Shrugged" The World's Richest Man explains, through *Michael Giorgino*, why he went on strike.

"Was Orwell an Anti-Semite?" *David Ramsay Steele* and *Martin Tyrrell* debate the issue.

Terra Incognita

Port Angeles, Wash.

A sensible voice for public education, reported in the *Peninsula Daily News*:

"I would personally rather have my kid take Pokemon cards to school than a gun," said Tim Collins, in response to a move to ban Pokemon from an elementary school.

New York

A prurient observation from Eric Alterman in *The Nation*:

If the sixties were the age of the war reporter and the seventies the age of the investigative reporter, then the late nineties may go down in history as the age of the blowjob reporter.

Plymouth Township, Mich.

Public safety is victimized by inadequate funding, from the *Detroit News*:

The township's Board of Trustees voted down an $8,000 request from Police Chief Lawrence Carey to replace the police department's 12-gauge shotguns with rapid-fire AR-15 rifles. Carey wanted to equip patrol cars with the rifles because he claimed they are safer than shotguns. "You can't control the rounds when you use a shotgun in an urban setting," he said. "You can get rapid shots and controlled rounds with a rifle. And everything a shotgun can do, you can do with a rifle." Carey plans to request the rifles again next year.

Mexico City

The War on Drugs mutates into a war on stench, from Reuters:

The home of Andres Vazquez, who makes a living tanning goat and lamb hides, has been searched by police more than 300 times over the past eight years. They come looking for Mexico's most wanted drug lords, kidnappers, assassins and thieves.

"This man works in an environment with a very strong odor," said police commander Ruben Castillo, "as there is some rotting of the skins,"

Iowa

The travails of seeking the most powerful office in the world, reported in *The New York Times*:

Wherever Mr. Bush went, cameras and flashes heralded his way, and teenage girls squealed with delight to be near him.

Poland

A decade after the collapse of the Iron Curtain, Western decadence invades the birthplace of the Warsaw Pact, from Reuters:

Sex magazines were delivered to mailboxes of every Polish legislator Tuesday ahead of a debate on tightening restrictions on sexually explicit publications.

Portugal

Sad development for collectors of United Nations collectibles, reported in *Coin World*:

Portugal has recalled all of the 1999 100- and 200-escudo coins commemorating the work of UNICEF because the name of the country was misspelled.

The name of the country as it appears on coins is REPUBLICA PORTUGUESA. However, a typographical error was introduced when the hubs were made and the letter E was dropped, giving the name of the nation as REPUBLICA PORTUGUSA.

Minnesota

Internet gambling claims another victim, from the *Minneapolis Star Tribune*:

A University of St. Thomas sophomore has been charged with trying to swindle more than $75,000 from St. Thomas and other private colleges in order to cover losses from sports betting on the Internet.

According to court documents, Harberts faxed a letter Nov. 18 to the president of St. Thomas, demanding $20,500 to keep the sender from giving information to the news media that would result in investigations and fines by the National Collegiate Athletic Association. Similar letters seeking lesser amounts were sent in subsequent days to Macalester, Augsburg, St. Olaf and Carleton colleges.

Wisconsin

The Badgers of Wisconsin make an unprofitable trip to the "Granddaddy Of Them All", from the *Milwaukee Journal Sentinel*:

In the wake of last month's audit, Athletic Director Pat Richter has been busy fielding questions about why, even though the Badgers won the game, the University of Wisconsin ended up losing $286,700 on this year's Rose Bowl.

Washington

A clear-eyed vision of the future from the Washington State Department of Transportation:

The WSDOT has begun a study of State Route 104. The capacity vision for the roadway will need to reflect the area's vision for growth.

Cyberspace

What to get for the rightwinger who has everything, from *WorldNetDaily*:

WorldNetDaily Golf Balls: Top Flite Tournament Plus balls. Get golf's greatest name in quality, feel and distance with something extra: the WorldNetDaily.com logo. Emblazened in three colors, the Top-Flite/WorldNetDaily.com golf ball is the perfect gift for dads, friends, and the rich uncle who has "everything."

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

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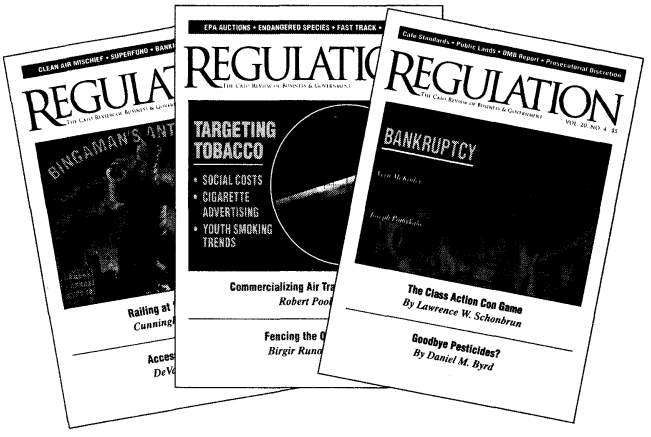

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Inside Liberty

March 2000
Volume 14, Number 3

4 **Letters** Our readers get the first word.

7 **Reflections** Liberty's editors on Americans who have everything, the cloning of fruit, Bill Clinton's campaign for the Nobel Peace Prize, and Y2K cranks, left and right.

Features

17 **The New Man in Russia** Boris Yeltsin resigned and left spymaster-terrorist Vladimir Putin in charge. Unlike America's political leaders, *Yuri Maltsev* does not think this is encouraging news.

19 **Greenspan Go Home!** Ron Paul reviews U.S. monetary policy and offers the Fed chief some friendly advice: get out while the gettin's good.

21 **Is There Room in America for a Little Cuban Boy?** A brave Cuban woman died to bring her son to America. President Clinton wants to send him back. *Liberty*'s editors prefer to send Clinton.

24 **The Spirit of Northfield and Coffeyville** A century ago, Americans knew how to deal with armed robbers. Some Americans still do, but, as *William Tonso* observes, America's elite doesn't have a clue.

27 **The Incredible Shrinking Serb Atrocities** When President Clinton wanted to bomb Yugoslavia, he told Americans that Kosovo was filled with mass graves with more than 100,000 corpses. Now that the smoke has cleared, *David Ramsay Steele* discovers no mass graves and hardly any bodies.

32 **Back to Belgrade** Life, mostly, went on in Yugoslavia, during the American bombing. *Stephen Browne* revisits friends in a city he loves.

35 **The Politics of Seizing Property** The War on Drugs offers an opportunity for Libertarians, argues *Miles Fowler*.

39 **Bill Gates Shrugged** Bill Gates has stepped down. Where will he go today, wonders *Michael Giorgino*.

41 **What if the U.S. Had Stayed Out of World War II?** *Michael Drew* answers the question that shocked Americans.

45 **Was George Orwell a Bad Guy?** *David Ramsay Steele* argues that Martin Tyrrell got it all wrong when he claimed that the author of *1984* was an anti-Semitic, homophobic imperialist. *Martin Tyrrell* stands by his guns.

50 **Vindication** What happens when a young woman faces a wall of indifference in her pursuit of liberty? A short story by *Tracey Rosenberg*.

Reviews

53 **The Law and the "Leave-Us-Alone" Coalition** *Gene Healy* examines the prospects for a return to genuine federalism.

55 **What Went Wrong With the Netherlands** How did the Dutch become the world's richest and freest country . . . and how did they lose it all? *Brien Bartels* looks into this mystery.

58 **Battle Hymns of the Republicans (and Democrats)** *Stephen Cox* hears America singing, "Throw the bums out."

61 **Notes on Contributors** Who we are.

62 **Terra Incognita** Reality intrudes.

Letters

Smile on Your Brother

Clark Stooksbury's contention (Reflections, February) that the drug legalization cause is being dragged down by the Libertarian Party was interesting. I'm sure he's aware that the argument is usually made the other way around, although most Libertarians I've spoken with favor speaking out forcefully on the issue.

While I share Stooksbury's anticipation of the end of prohibition, I think he does the cause of liberty a disservice by publicly downplaying the Libertarian Party's chances of success. The LP may not have a huge string of high-profile victories to its name (though what it has accomplished is impressive), but it's the only party the movement's got. Like it or not, it is the most visible representation of the libertarian movement. The general public is likely to see its success or failure as a barometer for the success or failure of the movement as a whole.

The fact that ours is a movement of individualists is both its greatest strength and greatest weakness. If all the libertarian-leaning people in this country turned out to support the party that stands for those beliefs, we could overtake the Democrats and Republicans tomorrow.

Still, is it too much to ask that people who are active in the cause, such as those who write for *Liberty* magazine, not denigrate the efforts of their fellow freedom fighters? All for one and one for all, united we stand, divided we fall.

Starchild
San Francisco, Calif.

We Could Call It the LFFF

So Ludwig von Mises is the Libertarian of the Century, is he? Is this the same Ludwig von Mises who endorsed military conscription in his magnum opus, *Human Action*, and denounced all who opposed it as "abettor[s] of those aiming at the enslavement of all"? Gee. A Libertarian of the Century who believed in chattel slavery. What's next? A national organization? We could call it Libertarians for Force and Fraud.

Jeff Riggenbach
San Francisco, Calif.

Ayn Rand: Statist

I was shocked to read that Ayn Rand was the selection of so many of your editors to be "Libertarian of the Century." She explicitly argued for government lotteries and gave her moral sanction to the Library of Congress when she donated her papers to it — not to mention her support of the presidential candidacies of Richard Nixon and Gerald Ford.

We must draw the line somewhere. Rand may have been a good novelist, but she was no libertarian.

Russell Martin
St. Louis, Mo.

The Corporate Mob

R. W. Bradford's account of the turmoil in Seattle ("The Streets of Seattle," February) is the best thing I have read or heard on the subject. As an individualist anarchist I have a morbid curiosity about mob activity, whether that of rioters or cops; from the individualist point of view it is just as disgusting as the mobs themselves find it exhilarating, and for the same reason: it represents the dissipation of individual responsibility to the point of complete annihilation. Who is to blame if a mob harms life, limb or property? There is no answer. One can't blame it on the leaders, since every human action is a result of individual will (including the will to passivity). On the other hand, it's extremely difficult to separate particular actions for condemnation when people are acting en masse. One is left with the unsatisfactory observation that "the mob did it." The difficulty of assessing blame for collective activity except in such vague terms indicates the source of its perennial popularity.

Unfortunately the above also applies to the corporations that the Seattle mob-activity was intended to attack. They, too, are collective entities in which no human being is responsible; in fact, they were created for the express purpose of evading responsibility by creating a "legal fiction" to the effect that the corporation is a "person" — a person with rights and no corresponding obligations. The usual results have followed. Who is to blame if a corporation harms life, limb or property? There is no answer. One can't blame the CEO and board of directors, since they are supposedly acting on behalf of the stockholders. On the other hand, the stockholders themselves are explicitly excused by law from anything beyond a "limited liability." One is left with the unsatisfactory observation that "the corporation did it." A corporation, in its social structure, is merely an organized, highly respectable mob.

What's odd is that so many libertarians cling to the superstition that these monstrosities have anything to do with a free market — which, by the way, I am fanatically in favor of (or maybe it isn't so odd; maybe it's a result of basing one's thinking on pragmatic utilitarianism instead of fundamental principles). Not only are corporations creatures of the State by definition, but many of them are thoroughly entwined with it, in the form of subsidies, government contracts and influence in regulatory bureaucracies like the WTO (which they wouldn't dream of wanting to get rid of). "Corporate fascism" is an accurate description of the current economic system in this country, although at present it may not be as virulent a case as occurred in Germany, Italy, Japan and now Red China. In her way Rand warned us about all this, as her more unreflective followers always seem to forget; she said were heading towards fascism 40 years ago, and some of most odious villains in *Atlas Shrugged* are businessmen fascists of a kind nauseatingly familiar now.

Kyle Rothweiler
Bozeman, Mont.

Gates & Landon

Two comments in the December *Liberty* made me cringe.

One was a letter from Matt Ruff in which he thought that the state protecting Bill Gates' right to hold copyrights was a manifestation of coercive powers of the state. I always thought the enforcement of contracts and the protection of private property were some of the functions of the state libertarians thought were legitimate. Copyrights (and patents) are private property of either the "author" or the person to

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whom the author sells the rights, and use of a copyright is a contract. Does Mr. Ruff intend that from now on contracts shouldn't be enforced by the state or that if someone steals my car the police shouldn't force the thief to give it back? Or does his thesis just apply to Mr. Gates?

The second was a reflection by R.W. Bradford in which he tried to divine the reason so many libertarian books were voted to be among the 20 best non-fiction books of the 20th century. Although he realizes the poll was taken over the Internet, he seems to think the results reflect that Libertarians have a lot of free time and engage in ballot box stuffing. The real reason, of course, is that, at the moment, libertarians "own" the Internet. (Libertarians should try to take advantage of this. Maybe the 2000 election would be a good time.)

As more and more people jump on the Net this may change. But even many of those out on the Net who consider themselves Democrats, Republicans, or independents think and live as libertarians. Modern Library may be faulted for inadvertently offering their referendum in such a politically slanted venue, just as the magazine whose famous survey in 1936 predicted Alf Landon would be the next president could be faulted for not realizing that most telephone owners of that day were Republican. But in neither case should you blame the respondents.

John Silveira
Brookings, Ore.

God Lit the Fuse

As a creationist, I believe that God created the universe and all forms of life within it. What proof do I have? I don't need any. I accept that on faith and have found no reason not to accept it. Furthermore, am I going to suffer if I am wrong?

I have no idea how He carried this out, and the Bible does not shed any light on the matter. When Genesis was written, we didn't have much in the way of science. If there was a "Big Bang", I believe that God "lit the fuse." There had to be some energy from somewhere; and the only answer I can conceive of is that God provided it. The evolutionists tell us that life began by the random combination of certain elements. If so, I believe that the combination was not really random, but that God caused it.

If you disagree with what I'm saying, that is your choice. It is not necessary to my happiness that we concur on this matter. After all, neither of us can give "eyewitness" proof of our views. Yes those who reject creation in favor of the other scientific theories have many facts that to them constitute proof; but in the final analysis, proof is what the individual accepts as proof.

So, isn't it a great waste of time, mental energy, and yes, ego to get into these arguments?

Bill Williford
Houston, Texas

Corn Into Puppies

Kosko's affinity for the "big bang" does not affect or enlighten us about what happened at the creation. He has the same difficulty with this theory that all scientists have. That is, as Charles Colson has ably pointed out, it interrupts the chain of cause and effects going back to the bang. Matter does not just come from nothing. Quoting Colson, "The theory of conservation of matter implies that matter cannot just pop up into existence or create itself . . . if the universe had a beginning, then something external to the universe must have caused it to come into existence. Someone or something transcendent to the natural world."

I accept Kosko's challenge to fill in the blank. Here goes: God did not create the world if Kosko can turn his mutant corn into a puppy. Oops, God didn't play by Kosko's rules. Since most creationists are not scientists, we don't see any blanks to fill in; no standards of testability to worry about. It is enough to look around and see that it is unlikely that all of this could randomly come about as we know it. The physical evidence is all around us. Yet I realize that some will never be convinced. I could call Kosko's science a "pseudo religion" and be closer to the truth than he was, but I won't.

This is a perfect example of why we need government out of education choices entirely. Kosko and I shouldn't have to argue about which theory should be taught in public schools. We should each be able to send our children to the school that reflects our beliefs.

Jim Printz
Decatur, Ala.

A Quick Lesson

I was delighted to read Bart Kosko's piece this month in *Liberty*. I have always considered creationists' wishes for equal time in the classroom somewhat puzzling. What would there be to teach? It seems all the teacher would

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have to do is say that the creationist theory of the origin of the cosmos consists of a divine "Poof!" Any questions that followed could not be answered, for there would be no body of knowledge to divulge: no principles, no equations, no methods, no processes, no experiments, no data, no nothing. Simply that God did it somehow. There would be no overhead projector slides showing million-year time lines, no morphing species, no DNA diagrams showing self-replicating protein chains, no nothing. Just, God did it. It would be difficult to do five minutes on the topic of divine poofery, much less an entire hour.

And as for teaching it as an example of bad science, I can only say, "Amen!"

Chuck Winegar
Seattle, Wash.

Keep the Faith Brother Kosko

Bart Kosko's "argument" contra Creationism failed to recognize two different approaches to Creationism, (1) the Fundamentalistic, generally visible in political activism, and (2) the Reformed/philosophical, as reflected for example in the works of Greg Bahnsen. The article only tackles the first form. Even at that, it fell short of rebuttal. To say that Creationism, to be compelling, must explain the "how!" of creation, and come up with a set of a priori predictions which must be confirmed, the absence of which counts as rebuttal, begs the question. If the existence of an intricate watch implies the existence of a watch-maker, it doesn't follow that one could "predict" anything from this — e.g. that the hands would be painted red, or the hours marked by dots rather than squares. Precisely the attributes of the needed watch-maker — i.e. a person having not only intelligence but also will — imply that such things could not, in the nature of the case, be predicted. It is merely an arbitrary manifesto, not a requirement of reason, to dictate that science requires otherwise.

The second form undercuts anti-Creationism more fundamentally. In brief, it argues that the self-revealing transcendent God is a necessary presupposition for the very possibility of logical, let alone scientific thought. In an atheist world, there would be no reason to believe that laws of thought such as mathematics should be "obeyed" by physical things, nor that thoughts themselves had truth-value as opposed to merely being brain secretions. In short, in an atheist world, there would be no reason to believe that the complicated chain of reasoning known as "evolution" had any external validity at all. The skeptic Hume saw the problem but many of his would-be followers seem to ignore it.

This form of the argument was not addressed by your article. The superficiality of screeds like Kosko's will probably confirm for many that trust in the Bible is indeed the most rational option.

Tim J. Harris
Rising Sun, Md.

No Need for Further Discussion

Bart Kosko's screed on Creationism is more worthy of a statist, than a libertarian. No government body should decide what is taught in schools. Government has no business in education, period. Schools should be in the voluntary sector, where these decisions will be made by the providers and their customers: the parents.

Jim Rongstad
Woodbury, Minn.

continued on page 20

Proof that truth is more fascinating than myth!

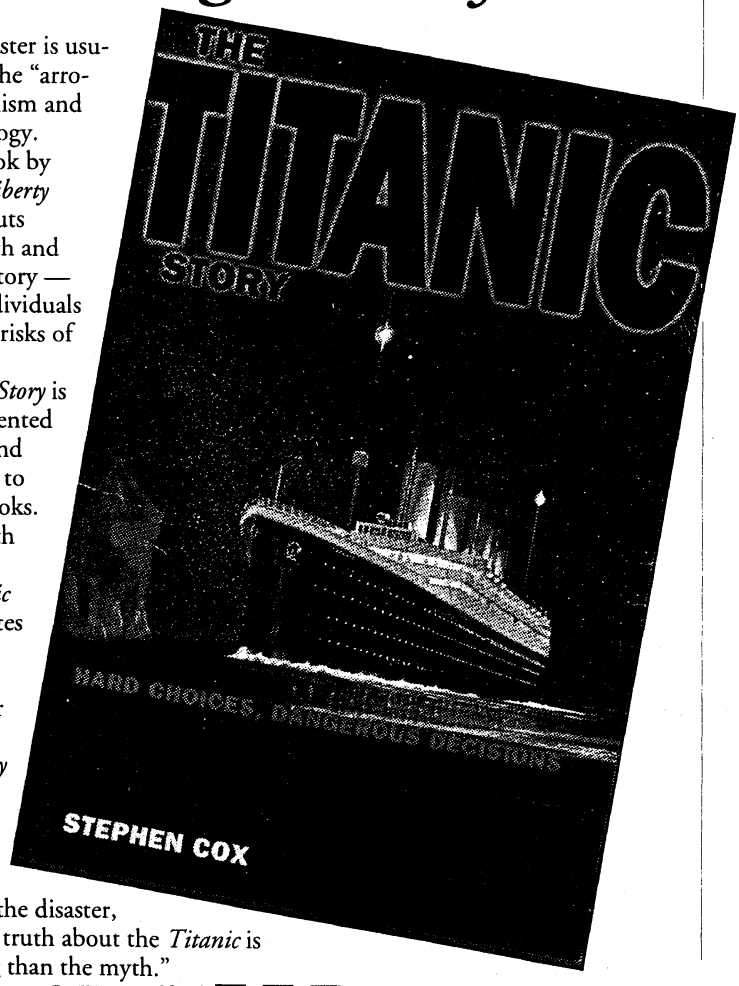

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—*R. W. Bradford*

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Reflections

Gary North fiddles . . . — Well, well. Y2K was *such* a good marketing tool. Consider the mailer sent out in July 1997 and again in December 1998 by Gary North, Ph.D., soliciting subscribers to his *Remnant Review*.

"A bank run like no other will hit every major bank on earth in 1999," the headline says. "A worldwide panic is now inevitable. It has literally been programmed into the bank's computers."

That, misplaced apostrophe and all, was just the beginning. The booklet was 32 pages long, replete with boldface, underlines and fire-alarm insistency. Y2K, said the prescient Doctor, "could be the biggest single event in the history of the West."

The Millennium Bug, he said, would cause the life insurance industry to go to Congress and ask that all cash-value life insurance contracts be suspended. Insurers would dump assets. Corporate insiders would bail out. Markets would crash. Interest rates would skyrocket.

"I ask you: is my scenario too exaggerated?" he wrote. "Too apocalyptic? Fine. Tell me, *where am I wrong*? If you tell me that this isn't really that big a problem, answer me this: Why is Allstate spending $40 million trying to fix it?"

Fear sells, even to CEOs. That's why. —Bruce Ramsey

. . . while the suburbs burn — Right-wingers weren't the only ones who salivated over the "coming Y2K crisis." Consider this bold prediction by James Howard Kunstler, author of "The Geography of Nowhere"; it appeared in *Sierra* magazine:

"The good news is that the Y2K problem is going to put the schnitz on the sprawling of America. Adios, business as usual. Hello, new paradigm. We are going to see disruptions in the global petroleum markets that will make the 1973 OPEC embargo look like the three-legged race at a Sunday-school picnic. One manifestation of this will be a spectacular loss of equity value in American suburban property. The more auto-dependent a place is, the more likely it will lose value, so you can kiss the Big Box stores good-bye."

Will people now be kissing *Sierra* magazine good-bye, or is this yet another journal that people buy for the vibrations, not for the actual words? —R. W. Bradford

Cosmology flash! — Maybe the world *did* come to an end at midnight on January 1. Maybe the papers are hushing it up. —Sheldon Richman

Clinton gets a piece, er, Peace Prize ? — Bill Clinton desperately wants some semblance of a non-Monica legacy. A peace agreement between Israel and Syria along the lines of the Camp David accords of blessed memory — except among certain U.S. taxpayers who are still paying for Jimmy Carter's elevation to secular sainthood— could fill the bill nicely. So came to pass the talks between Israel and Syria in the rural college outpost of Shepherdstown, West Virginia.

Cato Institute foreign policy guru Ted Carpenter suggests a more concrete goal lurking behind the meeting: he thinks it could be part of Bill Clinton's concerted campaign to secure a Nobel Peace Prize, especially if they come up with some face-saving formula to save the latest agreement in Northern Ireland and Der Schlickmeister gets some credit for that one in the same year.

The idea that the Mad Bomber of Belgrade, a man who callously ordered the destruction of two Sudanese pharmaceutical plants to divert attention from his impeachment, might be awarded an encomium with the word "peace" within spittin' distance of its title might seem disgusting to anybody who has even a residual distaste for unprovoked and unjustifiable aggression. But when you think about it, the Nobel Peace Prize has only rarely been bestowed on a real peacemaker. Teddy Roosevelt, the natural-born imperialist who once opined "What this country needs is a good war," snagged the prize in 1906. Woodrow Wilson, who had just dragged his country into an unnecessary war that changed the character of the American republic into a putatively benevolent empire, won the prize in 1919. The 1998 winners from Northern Ireland are no longer speaking to one another. Henry Kissinger, the ultimate international cynic, shared the prize.

The sad thing is that there is a chance that some semblance of peace will eventually break out in the Middle East. Driven by pure personal ambition, Clinton wants to force peace before its time, unlike the wise winemaker. Peace agreements that result from something other than a decisive military victory are more often the product of sheer exhaustion than diplomatic maneuvering. Hostilities, especially low-level border hostilities, are expensive and burdensome. People get tired of them eventually. At that point, a third party can sometimes be useful in providing a neutral site or a secure meeting place. But a paper "peace" forced through before the parties are really ready can fall apart in blood and bullets if some element proves to be rickety.

And the United States, whatever its self-perception, is not perceived in the Middle East as a disinterested third party, an "honest broker." —Alan Bock

Sociological note — A country is in sad shape when there can't be a tax cut unless those who don't pay taxes get a bigger cut than those who do. —Sheldon Richman

The thought umpires — Atlanta Braves pitcher John Rocker was no doubt stupid and insensitive when he allowed a *Sports Illustrated* writer to listen in on his adolescent ramblings about some of the unpleasant aspects of New York City. What's most amusing or dismaying about the incident is official baseball's response. Commissioner Bud Selig ordered the loose-lipped reliever to undergo a psychological evaluation before deciding what dread punishment

would be visited on him. He thus implicitly bought into the notion that only crazy people could possibly disagree with the ever-changing officious consensus on what it means to be sensitive in modern America. If Major League Baseball has become a satrapy of the Therapeutic State, what is left?

—Alan Bock

Our top story tonight — I watch television news as often as I can stand the shock. Where else can you find such impressive examples of human ingenuity?

Examples were plentiful during the holiday season, when the networks set themselves doggedly to reviewing the history of the past millennium. Their studies showed conclusively that Marilyn Monroe was a more important cultural figure than Dante or Shakespeare and that almost anything that happened during the 1960s was more "pivotal to humankind" than Columbus's first voyage.

Fascinating debates were staged, complete with authoritative man-on-the-street interviews, to determine the most important event of 1999: was it the impeachment trial of the President, or the accidental death of the publisher of *George* magazine? Of course, President Clinton never came up during television's ceaseless quest for "history's greatest villains'" discussion in that category focused resolutely on the big three: Hitler, McCarthy, and Nixon. The networks' expert consultants seemed to agree that the vilest deed of the twentieth century was the firing of several communists from their jobs in the Hollywood film industry.

While freeing itself from the burden of history, television still labored to keep up with important breaking news. Time — a great deal of time — was found to cover the story of a black church that canceled its New Year's Eve services in order to avert an anticipated terrorist attack. There had been no indication whatever that such an attack was planned, but reporters were doing their best to stay on top of anything that might be happening. Speaking of religious items, there was equally long and thoughtful coverage of a hitherto obscure Roman Catholic priest who has made the unprecedented discovery that some people regard the rituals of his church as "old-fashioned" and "joyless." "That's why," he said, "I learned to play the guitar."

As self-conscious servants of the democratic (or at least the Democratic) ideal, network newsfolk continued doing a heroic job of rescuing neighborhood meddlers and cranks from unjustified anonymity. As the year 2000 stole over the horizon, there were very few crusaders against tobacco, mobilizers of youth, academic Stalinists, environmental utopians, "advocates for the poor," scientific devotees of political causes, litigants for the obnoxious, unemployed political operatives, actors who long to perform before congressional committees, transsexual and transgender activists, vegetarians, people who are allergic to everything, people who think that leftwing books are continually being banned from the schools, people who think that rightwing books should be banned from the schools, people who think that Ronald Reagan was a Nazi, and people who think that O.J. Simpson was prosecuted because he is black — there were very few of these people, I say, who had not been discovered and engaged as expert consultants to one or more network news organizations.

But ingenuity has its limits. There are certain people whom television will never allow to have their providentially allotted 15 minutes (or was it 15 hours?) of fame. There are certain themes that no responsible person would ever dream of pursuing on a network television broadcast, certain stories that you will never see on CNN, no matter how many millennia of its "coverage" you endure.

You don't believe me? Just imagine being told that these stories will turn up on the six o'clock news:

Network Hysteria. Is television being used to incite racial fears? Paranoia — and who's responsible!

Secondhand Lies. How scientists misrepresented the tobacco danger.

A Contest of Tyrannies. New evidence indicates that Joseph Stalin may have committed worse crimes than even Joseph McCarthy. The latest on this astounding story.

Where Is She Now? The Tawana Brawley story.

Bill Gates: An American Hero. How a creepy little bastard enriches all our lives.

Think Globally, Act Locally. Antitax crusaders and their battle for democracy.

The Enemies List. How the liberal establishment targets and destroys its enemies.

Amazing Power. Will the Religious Left succeed in consolidating its hold on the Democratic Party?

The LBJ Tapes. From the National Archives: how a maniac transformed America.

Schools Without Sowell. Activists complain: why are black scholars excluded from the curriculum?

Ayn, We Hardly Knew Ye. Personal recollections of the century's greatest author.

You May Be Next! Antidrug fanatics, and the victims they prey on.

Buddy, Can You Spare a Dime? The minimum wage and its war on the poor.

Kids and Guns: A Terrific Combination. How the National Rifle Association trains our kids to be responsible adults.

It Takes a Village. Young Republicans struggle to find freedom and self-respect amid the hostility of New York's Greenwich Village.

Senator, Have You No Shame? The story of Teddy Kennedy.

The Million Man March. The latest conference of American militias: 10 hours of live coverage.

Star Aid. Hollywood's benefit for victims of homelessness under the Clinton administration.

No More Trickle Down! Public housing residents unmask the financial dealings of their local Democratic congressman.

Kennedy the Conservative. JFK cut taxes — and changed the nation!

While America Stands Idle. People around the world are wondering: when will the United States intervene on behalf of Asia's persecuted Christians?

Merchants of Deafness. Rap artists get rich while your kids lose their hearing. What you can do about harmful noise.

I Could Have Been Rich. Glenda Peters is old and poor, but she would have been a millionaire — if she hadn't invested in the Social Security Scam.

How Much Should You Really Pay? Our consumer affairs expert shops for the best deals in municipal services — and finds that they're all offered by nongovernmental operations.

Whose Life Is It, Anyway? Experts reveal: half your life is

taken by government! Don't miss it, on today's edition of *Oprah*.

No, these stories are far too remote from the concerns of real Americans to merit any attention from TV. —Stephen Cox

A geek is a terrible thing to waste — Part of President Clinton's $2 billion proposal to thwart what the friends of the megastate refer to as "cyber-terrorism" is a scholarship program for computer geeks. The federal government (otherwise known as "just us") would fund college education for computer specialists who agreed to serve a term of indentured servitude in the government, perhaps as part of a new institute designed "to help plug computer security research gaps."

The initiative came in the wake of several news stories bemoaning the fact that at civil service wages (even with all the security and pension benefits), the government has lately been unable to attract enough computer specialists to begin to try to keep up with the private sector. The opportunities in the private cyber-sectors are just too attractive; only the time-servers are willing to go into government. That strikes many of us as wonderful news, but not Mr. Clinton. So he'll just use the taxpayers' money to tweak the market. Is there any chance we can laugh this proposal out of existence by referring to it as a "cyber-draft"? —Alan Bock

What America needs is a better whoopee cushion — In the past, a staple advertising ploy of the gift-giving season was "for the man who has everything." If you were stumped for a present, you could give this materialist "something to put it in," or perhaps an extravagant non-essential like a gold toothpick or a gag gift like a pet rock.

Times have changed, however. Thanks to our incredibly productive society, the "man who has everything" is legion. He no longer merits merely a present — entire industries are organized to satisfy his whims. Nonessential extravagances are awesomely rich and complicated, whether they are video games, nouvelle American "lite" cuisine, genealogical research, California wines, Beanie Babies, or NASCAR race memorabilia. As for "something to put it in," we have larger homes than ever before, storage items from the "Hold Everything" catalog, and mini-storage units that we can rent. Only in the area of gag gifts may we be wanting. With all this wealth to manage, who has time to laugh? —Jane Shaw

Anarchists for big government — A Eugene, Oregon group calling itself the Anarchist Action Collective claims responsibility for window smashing at the WTO meeting in Seattle. A statement put out by the oxymoronic group says they believe in "total autonomy and personal responsibility." It adds that breaking windows is "a direct personal connection with a world that is ordinarily completely out of your control" that "tells McDonalds that for at least one day, they cannot use a shiny new window to make money at everyone else's expense."

The Anarchist Action Collective supports French farmers who want the government to subsidize them and protect them from foreign competition. That's not autonomy; that's dependence. They support AFL-CIO demands that the U.S. government protect workers from foreign competition. That's not personal responsibility; that's Big Brother. And they want to give Congress the power to prevent me from buying goods made in other countries. That's not autonomy; that's oppression.

The contradictions are too many and too obvious to enumerate. Maybe libertarians should forget about presidential politics and instead spend their money on educational programs for high-school and college students. —Randal O'Toole

Throw in a couple of virgins — Bill Clinton has announced a five billion dollar "New Markets" initiative that will help inner cities and needy rural areas compete with foreign markets for industry. The goddess misfortune must constantly be appeased by throwing money into the volcano of bureaucracy. —Tim Slagle

Inventions of the century — The twentieth century was a time of exploding new technology, of invention on a scale never before dreamed of. Trying to identify which invention has benefited mankind most is an almost impossible task. The automobile lowered transportation costs and increased human mobility on an unimaginable scale. The microcomputer increased human productivity geometrically. The Internet has already transformed information retrieval and it holds the potential to revolutionize the marketplace by minimizing transaction costs. Television has revolutionized how we spend our leisure time. All of these are plausible candidates for the title of "best invention." But how do you choose just one?

Sierra, the magazine of "exploring, enjoying, and protecting the planet" recently posed this question to a group of experts. The answers were edifying.

- "Fiber-optic cable," said Kevin Kelly of *Wired* magazine. Well, okay. There's a certain plausibility there: fiber-optic cable has already cut the cost of data transfer tremendously. But then things went off the deep end.
- "Permaculture," said Kim Stanley Robinson, author of *Antarctica*. Huh? Just what is "permaculture"? Happily, Robinson explains: "the creation of productive and sustainable landscapes through means that leave minimal human impact . . . with [a] fusion of justice, sustainability and meaning." Oh yeah. Humanity has benefited a lot from that.
- "Gaia Theory," said Paul Allen of the Centre for Alternative Technology. If Allen thinks "Gaia Theory" is the invention that's done the most good, then you have to wonder just what sort of "Alternative Technology" his center is promoting.

"Hello, 911? — All the liquor stores are closed!"

• "Public television," answered Gray Brechin, geographer. Why? Because, Brechin explains, it "was invented as a breathing hole through the thick ice of commercialism and government spin." (I am not making this up: Brechin actually believes that you can avoid government influence on television programming by having the government own and operate a television network. And the editors of *Sierra* apparently think this character's opinion is intelligent.)

But the most amusing answer I've heard comes not from the goofballs at *Sierra*, but from those at the United States Department of Commerce, which issued a New Year's press release touting the invention of Gross Domestic Product by Commerce Department bureaucrat Simon Kuznets. GDP is a big number that government bureaucrats and other idiots make a big deal out of: it's supposed to represent the total value of goods and services in the country during a year.

Unfortunately, it makes very little sense, since it does not include productive work that is not paid for. Suppose, for example, that Sally and John are married and share a home which John takes care of, and that Bob is Sally's assistant at work. Sally makes $50,000 at her job, Bob makes $12,000 as her assistant, and John gets paid nothing as a homemaker. The work of the three of them adds a total of $62,000 to the U.S. GDP.

Now suppose that John is better suited to be Sally's assistant and Bob is an excellent housekeeper. So Sally hires John for $12,000 per year, which John uses to pay Bob to do the housework. The outcome is exactly the same as in our first case: Sally and John have a net income of $50,000 per year and Bob has an income of $12,000. But in this case, the work of the three of them adds $74,000 to GDP. The increase in GDP is reported in the papers as evidence that the economy is more prosperous, various government bureaucrats start chaining regulations to the economy to reflect the higher GDP, etc.

Nevertheless, the Commerce Department touted GDP as the invention that "helped the country win World War II." Commerce Secretary William Daley also claimed that "Without the big picture the GDP gives us, [government bureaucrats] would not have had the information they need to figure out what's going on in our economy and take appropriate action." But now that they do have that exact, yet "big-

continued on page 12

Liberty Live . . .

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The 1999 Liberty Group — Join Bill Bradford, Tim Slagle, Fred Smith, Durk Pearson and Alan Bock as they presciently analyze the current political madhouse and slaughter sacred cows with abandon. This is a fast-paced journey of libertarian commentary that explores the issues of the day and predicts outcomes for the elections of tomorrow. (audio: A401; no video available)

How Environmental Regulation Prevents People From Protecting the Environment — Environmental economist Rick Stroup explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, Randal O'Toole, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author Jane Shaw explores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (audio: A404; video: V404)

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

Advancing Liberty in the Courts — Washington Supreme Court Justice Richard Sanders explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, Ron Paul, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says Randal O'Toole. (audio: A409; video: V409)

Share the Excitement !

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

Contracts and the Net — The Internet will reshape contract law, argues David Friedman, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

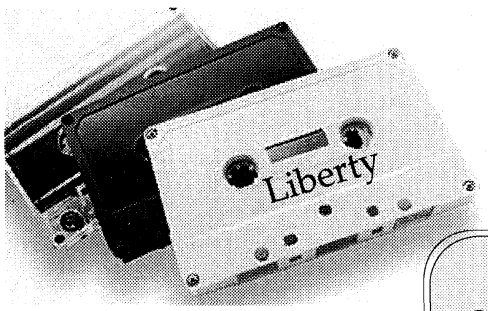

How to Write Op-Eds and Get Them Published — Join former *Business Week* editor Jane Shaw, *Orange County Register* senior columnist Alan Bock and *Seattle Post-Intelligencer* business reporter Bruce Ramsey for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that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

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — David Friedman explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next election. Learn why environmentalists want you caged in cities, and how they plan to do it, with Jane Shaw, Richard Stroup, Fred Smith, and Randal O'Toole. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives considered at the Constitutional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — R.W. Bradford explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — Durk Pearson and Sandy Shaw tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

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

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

Juries, Justice and the Law — Fully informed jury activist Larry Dodge explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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picture," information, I'm sure that they're taking that appropriate action.

I am happy to say that there is one important invention that did not have to wait until the twentieth century, an invention that is available for use whenever one encounters such opinions as those I have cited here. That invention is a sense of smell. —R. W. Bradford

Good shortage — An early January news story tells of a GAO report that the Immigration and Naturalization Service failed to hire the 1,000 new agents Congress had ordered it to hire. Three-fourths of the potential recruits failed to show up for initial interviews, and most who took the written test failed it. I see this as more good news. When the government has trouble hiring enough thugs to do jobs that shouldn't be done, how can it be otherwise? —Alan Bock

Eyes on the prize — Al Gore's campaign manager, Donna Brazile, race-baited the Republicans by saying they'd rather pose for photos with black children than help feed them. The Republicans took offense and whined something like, "That's not true!" Too bad the GOP isn't capable of saying, "Only a racist would think that black people need more than liberty to improve their families' living standards."

—Sheldon Richman

No pay, no play — The part of George W. Bush's proposed tax cut that worries us is that it would reduce by some 40,000,000 (or so Bush says) the people who have to pay *any* income taxes. While it is great that so many people will be free of income taxes, the fact that those people can continue to vote themselves benefits from the remaining taxpayers is a serious moral hazard. These folks will no longer have any incentive to favor reduced government spending because they will be receiving no signal (in the form of their own income taxes) that their demands are placing a burden on others.

As long as people can vote to spend other people's money, we think it best that they be required to share the burden that their demands create. Nobody should be paying nothing while being unlimited in what he/she can demand and receive.

Moreover, by putting so many people in the 10 percent or less bracket — more than half of the population — Bush would create an immense constituency that will oppose changing to a flat tax which would have to be somewhere in the 15% to 18% range, unless spending were cut, or eliminating the income tax altogether and replacing it with a national sales tax, which would also hit them harder.

Bush's tax proposal would thus have the terrible unintended consequence of locking us into the current steeply progressive Marxist income tax rip-off.

—Sandy Shaw & Durk Pearson

Deeper and deeper — When you're knee-deep in trouble, do you start to think about getting out or do you take steps to get yourself in even deeper? President Clinton, facing failure in the vaunted drug war in Colombia, wants to sink another $1.3 billion of our money into the morass. $600 million will be in military assistance, which means intervening in a civil war that shows few signs of being amenable to intervention. Some $145 million will go for economic assistance to farmers and villagers displaced by the intensified war. House Republicans, of course, complained only that it should have come sooner and have involved more money. —Alan W. Bock

Eat a clone — California may be the first state in the world to have honored cloning with a designated tourist site. State Historical Landmark 20 lies in Riverside between Arlington and Magnolia Avenues. There grows the Washington navel orange tree that Eliza Tibbets first planted in 1873. The tree still produces navel oranges. Tibbets ordered two navel-orange cuttings from Brazil by way of government scientists in Washington, D. C. She named the navel variety in honor of this Washington connection.

The navel oranges you have eaten likely grew on genetic clones of the Tibbets tree. Budwood from the Tibbets tree began the citrus boom in California. Washington navels remain the most popular navel-orange variety. Most other navel varieties (such as "Robertson" and "Late Lane") mutated from Washington clones.

Navel oranges have unstable genes. They propagate faithfully only through buds or twigs cut from the tree and then grafted onto the rootstock of other citrus. My neighbor once grew a Washington navel tree from seed. The tree was sterile and had twisted branches and wrinkled leaves. It looked like a prop from a 1950s science-fiction movie. We cut it down and replaced it with a proper grafted lime clone.

Navel orange trees are so unstable that the genes of branches can mutate away from the rest of the tree and produce "sports." A Washington navel in Brazil recently produced a sport branch that grew oranges with flesh the pink color of a ruby red grapefruit. Clones from this sport count as a new variety called "Cara Cara."

What holds for navel oranges holds for almost all commercial fruit: They grow on clones. Look at the base of almost any fruit or nut tree and you will see the scar or "callus" where someone once grafted a scion bud or twig cutting onto the rootstock. The bearing part of the tree has the same genes as the fruit tree from which someone cut the bud or twig. This is a botanical version of cuckoldry. The genes of the roots bear no relation to the genes of the upper fruiting part of the tree. The human analogue would be to remove one person's sex organs and replace them with someone else's.

The feds grant patents on new clones. The University of

"Okay, I'll let your people go — but don't come crying to me when the Arabs get after you."

California gets a royalty each time someone sells a grafted cutting from its new "Oro Blanco" grapefruit. This grapefruit blends the genes of the common white "Marsh" grapefruit with those of the larger and sweeter pummelo.

Fruit breeder Floyd Zaiger has become over the last 50 years perhaps the leading clone master in the world. He has 125 acres of experimental fruit clones in Modesto. Zaiger has to protect his clones from "cultivar rustlers" who try to steal budwood at night. Bounty hunters and DNA tests help him enforce his property rights in his patented clones. Zaiger's most famous creations are his "aprium" and "pluot" clones that combine apricot and plum genes. Apriums are mostly apricots while pluots are a more equal mix of apricot and plum. He has also created many other varieties of fruit trees that fruit well in warm regions of the southwest and southeast. Zaiger himself trained with nectarine creator Fred Anderson. Anderson in turn trained with Luther Burbank.

Now Zaiger's cloning empire could be at risk. Europe's "plum pox" tree virus has just arrived in the U.S. The virus first struck near Gettysburg and now threatens to spread to the whole U.S. prunus genus from plums to almonds. But new "vaccinated" clones may stop it. Fruit breeders used some of the plum-pox virus to create a resistant plum variety called C-5.

Governments also grant patents on parts of the human genome. The U.S. Patent and Trademark Office grants patents on genes and DNA clones. It honors like patents from the European Patent Office and Japanese Patent Office. You can't just patent any strip of DNA. But you can patent it if you "demonstrate utility" for the genetic "invention." The Japanese firm Helix Research Institute has filed for patents on more than 6,000 human (full-length complementary) DNA clones. Japan's Ministry of International Trade and Industry says it will patent a "portfolio" of DNA clones for a planned 20-firm biotech consortium. MITI also sponsors Helix.

Meanwhile some of us still look in awe at the seedless watermelon.

—Bart Kosko

Only his geneticist knows for sure — An interesting little tidbit appeared in the January 7, 2000 *Wall Street Journal*. It follows the reporting in *Nature* that a rare genetic polymorphism (variation) found in the "Y" chromosome of the men of Thomas Jefferson's family was discovered in a modern descendant of Sally Heming (T. Jefferson's slave). This might mean that Thomas Jefferson fathered a child with her. Then again it might not. As discussions that followed in the pages of *Nature* noted, the polymorphism was a feature that would have been carried by all the male Jeffersons at the time that Thomas Jefferson lived, as well as those in the subsequent unbroken paternal line of male Jeffersons. Hence, there were several men, includinq his brother Randolph, who could have been implicated. In the meantime, popular newspaper and magazine articles have appeared to revel in the idea of bringing Thomas Jefferson down by spreading the news of his supposed affair with Sally.

It is still possible, though, that Thomas Jefferson fathered one of Hemings' children since he did possess the rare genetic polymorphism on his "Y" chromosome. Now, reports the *Journal*, Herbert Barker has located in Kansas the long-lost grave of William Hemings, son of Madison Hemings, who (it is said here) maintained during his lifetime that he was Thomas Jefferson's son. DNA from the remains in the grave might provide an opportunity for directly testing the hypothesis because the DNA would come from an unbroken line of male descendants. Unfortunately, reports the *Journal*, Hemings' descendants oppose the tests, saying that the oral tradition is good enough for them. Right. But is it good enough when better evidence goes unexamined? On the slippery slope of genetic testing, you may find out things you never wanted to know and things you never wanted anyone else to know.

We would be sorry to hear that Thomas Jefferson had a kid by a slave of his, just as we were sorry that he had slaves in the first place. But, yes, we would like to know what the DNA from the new grave can tell us, so that we are not ruled by oral traditions rather than scientifically verified facts.

—Sandy Shaw and Durk Pearson

Republican justice — According to the 4th Amendment to the U.S. Constitution, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

On January 12, the Supreme Court ruled that it is reasonable for a policeman to chase, stop, and search a person who "flees" from them. This isn't exactly shocking: the Supreme Court has in the past ruled that neither government-mandated segregation nor tossing people of Japanese ancestry into concentration camps violates the 14th Amendment's guarantee of "equal protection under the laws."

What's interesting is the politics of the current decision. Whenever I suggest to any of my conservative-oriented libertarian friends that Democratic presidents are less harmful to the country than Republican presidents, I am immediately told that while Republican presidents make horrible policy decisions, the people they appoint to the Supreme Court are so much better than anyone a Democratic president would appoint that their terrible policies fade into insignificance.

So who voted against this decision? Not libertarian favorite Clarence Thomas. Not Mr. Justice Scalia. Not conservative Anthony Kennedy. Not Sandra Day O'Connor or her classmate William Rehnquist. Nope. Opposition came only from Justices Breyer and Ginsburg — the two justices that Bill Clinton appointed — and the two turncoat conservatives, Souter and Stevens.

So, thanks to these nominees of these Republican presidents, the next time you see a policeman, the best advice is to "freeze," whether or not the policeman orders you to.

—R. W. Bradford

Bucks for the bang — On December 9th, The United States agreed on compensation for NATO's bombing of the Chinese Embassy in Yugoslavia and damage to U.S. offices done by stone-throwing Chinese protesters. The United States agreed to pay $28 million for damage done to China's embassy in Belgrade plus $4.5 million in compensation to the Chinese injured and the families of those killed.

$28 million is a lot of money, enough so that some can be kicked back as donations to the Gore campaign. And $1.5 million per casualty seems excessive for a country where workers earn $75 dollars a month.

Considering the campaign contributions that came from China, and a bombing that was nothing more than a cover for a Presidential indiscretion, China had it coming. Not counting the cost of the bombs, that one mistake cost taxpayers $32.5 million. Compared to the comedy the $40 million Starr investigation provided, Ken Starr was a much better value. —Tim Slagle

Spare the rod, spoil the parent — Parents of chronic truants are going to jail more often. George E. Ward, a Detroit prosecutor, tells parents they must get their children to school or "face a misdemeanor charge of parental neglect." Considering the quality of public education in the Motor City and elsewhere, some parents should face a misdemeanor charge of parental neglect for *sending* their kids to public school.

Consider some other implications of seeing public schooling as it is. Surely some imaginative attorney will sue parents for negligent school selection when their child is murdered or badly injured at a public school. Also, perhaps the parent with primary custody of a child will lose custody because of sending the child to the wrong public school, or any public school. (Remember, the standard is the best interest of the child.)

The new program has destroyed some families. In Illinois, Angela Hesse was jailed for two weeks. She said she lost her job after caseworkers repeatedly called on her at work regarding her children's truancy. Illinois prosecutor Craig Chval said threats of jail time had improved attendance for many other chronic truants and were not intended to tear apart families. But Hesse's two teenage children have been taken away by the state. She said "It has torn our family completely apart. I'm getting ready to go through a divorce."

Schools are striving to improve low standardized test scores and reduce dropout rates. They are convinced kids can't learn without coming to class, and are trying new ways to dragoon the consumer. Jailing parents follows failure of revocation of a truant's drivers' license and rounding up kids at the mall during school hours. But for older kids, all the approaches are hopeless. Even when parents take kids to school, some are internal truants (hanging out in the lunchroom) and others run out after the parent leaves. A better solution: Entice kids with an interesting, competent education. What is the truancy rate at private schools?

—Martin M. Solomon

"If that's all you have budgeted, I'd recommend that you hitchike to Wichita."

Burning bright — We have been celebrating men of the century and, of course, the "man of the year." If we had been celebrating a man of, say, the past few years, I would nominate Tiger Woods.

As most people know, in 1997 at age 21, Tiger Woods became the youngest person to win the Masters Tournament, one of the four major golf tournaments. He could have rested on this success and looked good for years, but he was dissatisfied with his swing. In September 1997 he started over, completely revamping his attack on the ball. It was a costly change — after winning the Masters by 12 strokes (a record that still stands), he only won a single PGA tournament in 1998.

Many people wrote him off, suggesting that his victories had gone to his head — he appeared on the cover of *National Enquirer* and was later photographed at a nightclub dancing with a "buxom blonde" under an *Enquirer* headline saying "Tiger's Wild Night with Topless Dancer."

In fact, however, he spent most of his working time modifying his swing so that he could hit more accurately, even if it cost him some distance. And he achieved his goal. He began winning tournaments again in 1999, including the PGA Championship at Medinah, Illinois. His streak has continued. His new record of five consecutive PGA tour victories is the best in the past half-century.

Golf is just a sport, but sports surround us these days and the symbols and images of sports permeate our lives. I am impressed by this simple but powerful story. Tiger Woods looked objectively at his talent and saw its flaws. He was not dazzled — or discouraged — by what others thought. He corrected the weaknesses and built the foundation of an even more impressive future. We can all be inspired by his example. —Jane S. Shaw

Bailiffs need work, too — In a case in Tampa, it was discovered that undercover agents sold cocaine to people, and the FBI installed remote kill switches to immobilize their cars so State troopers could search the vehicles. One wonders why we even bother with trials. —Tim Slagle

Disparity Forever! — Public-policy experts and social reformers always have one cause for indignation when all else fails. Consider, for instance, a recent column by Walter Williams in the *Seattle Times*, headlined "Income Disparities Drive Nation Apart." (The author is a local academic, not the famous George Mason University economist.) According to him, something called the Center on Budget and Policy Priorities had just released a study showing that "In 1999, the richest 1 percent of the population is projected to receive as much after-tax income as the bottom 38 percent combined. *That is, the 2.7 million Americans with the largest incomes are expected to receive as much after-tax income as the 100*

million Americans with the lowest incomes." (Italics his.)

The misuse of one word in that statement makes a sham of the whole study. Income is not "received" but *earned*, as everyone who earns a living is well aware. Using the term "receive," the center insinuates that people's incomes have no relation to the value of their work, that a few somehow get far more than they deserve while many others get far less.

Williams goes on to complain that "wealth is far more unevenly distributed than income" — again, as if wealth were never built or earned by anyone, but only "distributed" unjustly. Even if we excuse these perversions, the study proves nothing anyway but a banal obvious fact of American life — that in a given time period, among the whole population of every age, occupation, skill, education, and temperament, there are huge "disparities" of income and wealth.

Williams concludes that "the critical need is for the poor and middle class to make reasonable gains on the wealthy." He has it all wrong, in the worst way. Income and wealth disparity are not only inevitable in a free society but beneficial. The true threat to civilization is not other people's success, but the griping and envy about it by the likes of Williams. Fortunately, in America, the result of this has been mainly wasted time, tax dollars and newsprint. In Bolshevik Russia and Nazi Germany, envy over wealth disparity led to famine, war, and genocide. Williams may be sincere in his wish for only "reasonable gains" here. But I challenge him to name one society in the 20th century that ever reduced this disparity, without imposing many far worse evils in its place.

The critical need is for Americans to smarten up! If we wish to improve our lot in life from poor to middle-class or from middle-class to rich, we need to exert our own selves first. Let us applaud one another's success, emulate it as we can, partake of the benefits it offers us, and damn all griping and envy about it to hell. — John Clark

Wired for an audit — Bill Clinton proposed a ten dollar tax credit to people who file taxes electronically. Treasury Secretary Lawrence Summers said the idea is to encourage more people to file returns via either the Internet or the telephone to improve efficiency at the IRS.

I don't want to make the IRS more efficient, I want to burden them with as much paperwork as possible. When I file, I prophylactically add schedules and forms that are not required, just to make them work harder. As far as filing electronically, I get nervous knowing that my hard drive will be linked to IRS computers, even if it's for only a millisecond. —Tim Slagle

IPO, RIP — I've recently joined a pre-IPO dot-com start-up called eGroups, Inc., so I have been giving quite a bit of thought to the Internet and Initial Public Offerings.

The stock options that I have been promised as part of my compensation will be substantially more valuable on the day after eGroups is publicly listed than the day before. Why? It will be the same company with the same assets, liabilities, customers, and competitors. The answer is liquidity. Because of the ready market for its stock, a publicly listed company is simply more valuable than the same company, not yet listed.

But this is going to change. The impact of the Internet on any market that is largely information driven (and capital markets are nothing if not information driven) will be revolutionary. The revolution in the securities market is going to be the emergence of a single, unregulated, global, twenty-four by seven market for securities.

The result of this vastly more efficient capital market will be that the ritual of being "publicly listed" will go away. A liquid market will exist even for companies that are very small and high risk. As these companies prove themselves, they will gradually, rather than suddenly, be seen as viable candidates for the portfolios of the typical investor.

So the IPO, made famous by the success of so many Internet companies, will be killed by the success of the Internet. Just so it doesn't happen before eGroups goes public! — Jon Kalb

I'll take the 14th — Since Gene Healy has now granted some of my arguments in defense of the Fourteenth Amendment, yet still casts me among "the forces of centralization," let me take a moment to address just a few of the confusions that remain between us. (See his "Roger & Me," responding to my "In Defense of the Fourteenth Amendment," both in February's *Liberty*. The latter was a lengthy response in turn to Healy's earlier critique of my views, "Liberty, States' Rights, and the Most Dangerous Amendment," which ran in August's *Liberty*.) To frame this response, like many modern libertarians, I support the Fourteenth Amendment as a protection against state and local tyranny, despite its over and under utilization by both courts and Congress. Properly understood and applied, the amendment grants courts and Congress *limited* power to protect individual rights, not the expansive power Healy rightly condemns. By contrast, we see in his latest effort that Healy would "make common cause with decentralist conservatives" in the short term, then would "work toward restoring the good name of secession and states' rights" in the longer term. His concern, plainly, is with federal tyranny. It's not at all clear what he would do about state and local tyranny. Nor is it clear, as a practical matter, how we would get from here to there. As I urged last month, it may be wiser, in both the short and long terms, to come to grips with the true meaning and import of the Fourteenth Amendment.

Responding to my arguments supporting the amendment, Healy again homes in on the question of legitimacy: the amendment is illegitimate, he says, because it was rammed through after ratification efforts failed. Again, I quite agree that the amendment was not the product of immaculate conception; but as I wrote, to one degree or another that point applies to all government, and to the Constitution itself, including the ratification procedures on which Healy's complaint rests. Thus, looking only to consent, we're left to argue about degrees of legitimacy, which is why I've never grounded claims about legitimacy on consent alone but have always said that substance matters too. It's important to ask, that is, not only whether those in the original position consented but whether they "got it right"—substantively. Since the answer to the first question can never be deeply satisfying, we look for the best we can find there; then we turn to the substantive question.

Regarding that first question, I believe I made a fairly

compelling case that we needed to put in perspective the initial failure of the southern states to ratify the amendment just after the Civil War concluded: those states, at that time, were hardly exemplars of representative democracy. Indeed, the very fact that Congress deemed it necessary to impose military rule, through the Reconstruction Act of 1867, speaks volumes about the aftermath of the war. Thus, when Healy chides me for discounting those rejections, or the illegitimacy of the Reconstruction Act, he invites us to believe that once the war "ended," it was back to constitutional normalcy. Would that the world were that neat. As for the contrast with FDR's machinations, where constitutional consent was never even sought, I'm afraid that Healy's contention that consent *might* have been given rings hollow. This is not the place to detail the differences between the two periods, but I do believe those differences support my contention that the post-Civil War efforts "came close" to satisfying the constitutional requirements that the New Deal crowd simply ignored.

Nevertheless, given the infirmity of consent under even the best of circumstances, we have to look to substance to buttress arguments for legitimacy. Here, unfortunately, Healy raises a host of questions, the effect of which is to come close to saying that I'm "willing to let moral theory trump constitutionalism." Let me state unambiguously that that is *not* my view, as my remarks about the Sixteenth Amendment should have made clear. Nevertheless, drawing upon both text and history, moral theory and constitutionalism must be put together in such a way as to do justice to both, insofar as possible. Obviously, that is a *very* complex and often subtle undertaking, well beyond my scope here. I've written about it extensively elsewhere.

Regarding Healy's second line of argument, that the Fourteenth Amendment confers "vast powers" on courts and the Congress, here too he misstates my views in certain respects, although in one case understandably. Taking the courts first, my remark that almost every example in Healy's "parade of horribles" involved the hopelessly confused area of race discrimination was meant to serve a larger point, as a careful reading of the relevant passage should show: Jim Crow laws, and our subsequent efforts to remedy them, have seriously compromised the distinction between private and public. Thus, Healy's analogy invoking British socialism and class simply misses the point.

But so does his contention that *Brown v. Board of Education* led to "a massive judicial power grab." Judicial overreaching and abuse did indeed follow *Brown*, as I fully granted. But the decision in that case, setting aside its rationale, was necessary to rectify the judicial *abdication* that occurred in *Plessy v. Ferguson*. I grant that judicial overreaching is no better than judicial abdication. But abuse of a power, in either direction, is no justification for abandoning it. The power must stand or fall on its own merits, except when abuses become so numerous or serious as to suggest that it *cannot* be rightly exercised. I do not believe we've reached that point here. Thus, I support reviving the Privileges or Immunities Clause, even though judges might abuse it, because in the end I am a constitutionalist — and the clause is right there, in the Constitution. Healy would ignore the clause. Indeed, he criticizes the Court for invoking it recently in the *Saenz* case because it was misused, he believes, "to frustrate welfare reform in California." No, it was used to ensure equal protection of the laws.

Turning to the role of Congress in enforcing the Fourteenth Amendment, here I need to clarify something. I do *not* believe that "Congress has the power to 'enforce' our natural rights at all levels of government," as Healy suggests in a note. I can understand how he might have thought that, however, because in an essay in Cato's *Handbook for the 105th Congress* I wrongly implied, as he observes, that some federalization of crime might be authorized under section 5 of the Fourteenth Amendment. The issues here are vexing, to say the least, and I admit that I have still not thought them out fully — nor, of course, has the Court. In brief, our natural rights against each other are enforced under the police power, which belongs to the states, not to the federal government. Section 1 of the Fourteenth Amendment ensures those rights against *state* violation only: "No *state* shall abridge, deprive, or deny." Ordinary enforcement of those guarantees is through the courts, state and federal alike. But Congress *also* has the power, in section 5, "to enforce" those guarantees against the states. But how? A strict, textual reading, which I am inclined toward, directs Congress's remedies against the *states*. That raises many questions, especially regarding the Equal Protection Clause. A broader reading allows Congress to create federal remedies when states fail to provide adequate remedies for private wrongs. That reading, I believe, is wrong, because the provisions of section 1 that Congress is authorized to enforce speak only of *state* wrongs, even though those wrongs may concern private wrongs a state may have failed to remedy.

Having clarified that ambiguity — which was drawn from the *Handbook* article, not from the *Liberty* response — I want to note that it should be clear also that I do *not* want to repeal or even weaken the state action doctrine, as Healy charges. He bases that contention on my view that the Fourteenth Amendment protects against both state *actions* and state *omissions* (as in equal protection cases). "Protecting against state 'omission,'" he writes, "is equivalent to protecting against private action." True, but not directly, and therein lies the crucial difference. If the narrow, textual reading is right, Congress is authorized, if necessary, to compel states to provide equal protection of the laws (I leave open just how, which is no small matter). It is *not* authorized to substitute and exercise its own general federal police power, which it does not have (except in federal territory). Indeed, that is just the issue at stake in the *Morrison* case the Supreme Court heard in January, which Healy mentions, in which Cato and the Institute for Justice filed a brief setting forth that position.

Thus, to conclude, I would take strong exception to Healy's conclusion that libertarians should promote a "narrow" reading of the Fourteenth Amendment because it's smart and because "the original meaning of that amendment doesn't matter much." As his entire argument makes clear, especially his defense of *Slaughterhouse*, Healey's "narrow" reading is tantamount to ignoring the amendment altogether. If protection against state and local tyranny matters, then the original meaning of the amendment matters too, and the smart thing to do is to rediscover it. Federal tyranny is a problem, to be sure, but it is not the only problem we face.

—Roger Pilon

Analysis

The New Man in Russia

by Yuri Maltsev

Boris Yeltsin resigned and left spymaster-terrorist Vladimir Putin in his place.

On the last day of the last Millennium President Boris Yeltsin melodramatically resigned, asking his fellow Russians for forgiveness for "frustrated hopes and betrayed aspirations." Rightly so, for his sins were great. Very few leaders in modern history approach his mastery of Orwellian Newspeak. With the active support of the Clinton administration, he betrayed Russian hopes for freedom and prosperity. The Russian Parliament was crushed in 1994 with the ferocity of a Waco operation and the words "free market" and "democracy" became a sad travesty. Nobel Prize winner Alexander Solzhenitsyn characterized Russian affairs in the following way: "Russia has no semblance of democracy and is far from real market reform. Russia's present rulers are hardly better than the Communists were. A stable and tight oligarchy of 150–200 people is deciding the fate of the nation. For the past ten years, leaders have robbed their own people of national wealth, pocketing billions of dollars, impoverished millions, possibly leading thousands to their death."

The widespread frustration with the failure of Gorbachev's perestroika and subsequent "free market" reforms of Yeltsin's government led to a situation where every new announcement of impending reform causes perverse public responses; every new law passed, ostensibly to increase freedom, only increases opportunities for fines and bribes. Every law that has promised stability in taxation and established rules of economic conduct has been overtly undermined in order to preserve the opportunity for willful government expropriations.

Yeltsin departed leaving not only frustrated hopes but a ruined economy, looted treasury, revived ethnic hatred and social envy, and endemic corruption. But these all pale compared to the worst part of his legacy: making Prime Minister Vladimir Putin the country's acting president.

There is no doubt that Putin will win the presidency in the March 26 elections. In Russian history people like him never gave up power once they were at the top. Especially people like Putin — a KGB spy, a believer in big centralized government, and a ruthless murderer of Chechens. Russian politicians immediately recognized the Arrival of the Master. The council of the political movement "Russia is Our Home" (NDR) on January 9 made the decision to support Putin's bid for the Russian presidency in the March elections. "The council recommended that grass-roots organizations be active in support of Putin's candidacy." Its leader, former Prime Minister and himself a presidential aspirant Viktor Chernomyrdin, was one of the first to pledge his allegiance to Putin. All others followed the party line, leaving other candidates like Yevgeny Primakov and Grigory Yavlinsky with virtually no visible support.

Putin's professional life revolved around the KGB, where he was a career spy, promoted to the rank of colonel, one can only guess for what kind of "merits." Most of his KGB "work" was done in East Germany. Some of his colleagues called him "Stasi" (the name of the infamous East German secret police). He was a consummate Cold Warrior, pulling the strings of the East German government, and an "advisor" to East German dictator Erich Honneker.

Our Man in Moscow

Here, in the United States, the Clinton government and its misguided supporters proclaim that Mr. Yeltsin was a defender of democracy and Putin another reformer, worthy of U.S. taxpayer support. Both President Clinton and Secretary of State Madeleine Albright reminded us that "We have to remember the great role that President Yeltsin played." Tim Russert of NBC asked Albright on *Meet the Press* on January 2: "Do you believe that Boris Yeltsin resign-

ing, accepting immunity from criminal prosecution, and setting the election date in Russia in March rather than June is undemocratic?" Albright replied: "No. I think that, actually, what has happened is they have done this transfer of power in a democratic, transparent way. We have to remember the great role that President Yeltsin played. I mean, he was the first democratically elected president of Russia. He has abided by a variety of democratic principles and I think that this transfer of power to an acting president is something that we believe has taken place democratically. . . . I think what is very important here, though, is that the democratic aspects of what Yeltsin has done need to be continued. We were quite encouraged by a speech that Acting President Putin made in the last 48 hours in which he talked about the importance of freedom of expression, of association, of press and his dedication to a rule of law."

A cynical Russian saying goes: "The only lesson of history is that it does not teach us anything."

Hiding behind his favorite mask of arrogant ignoramus, National Security Adviser Sandy Berger praised Putin's years as a "democratic reformer" in St. Petersburg. He also pointed out that "Acting President Putin enjoys strong support from the Russian people and a newly elected Duma." Yes, Putin was a Deputy Mayor of St. Petersburg appointed by the "liberal" Anatoly Sobchak, who sees Putin as the protector of "honest capitalism" and "true democracy."

I encountered Sobchak at an American Enterprise Institute function in 1999, where he presented the largely conservative audience with a talk on the merits of privatization. People in the room could not believe that Mr. Sobchak came out of the U.S.S.R. and not Thatcher's cabinet. He received a standing ovation, but there was something in his speech that placed me on alert. Feeling like a fool, I asked Mr. Sobchak whether he believed that some sectors should not be privatized. The answer I got proved my worst suspicions. I am quoting Mr. Sobchak's answer from my notes: "Many things. For example bakeries, which are too important for the people to be given to private hands." I approached him after his speech and meekly suggested that the most important sectors should be privatized first. Both Mr. and Mrs. Sobchak gave me such a hostile look that I became speechless and retreated.

Now the new buzzword of Russian "reformers" is this "honest capitalism" which I suspect, given the way "capitalism" works in Russia, is as oxymoronic as Gorbachev's concept of the "planned market economy." Really, what is dishonest capitalism? Socialism? Or Democratic Party fundraising? Or rent-seeking of our antitrust litigators?

In his New Year's Eve message Mr. Putin declared: "Any attempt to exceed the limits of the law and Russia's Constitution will be decisively crushed," stressing the last words of the sentence. Putin believes that the chief threat to freedom in Russia today is too little power in the central government, not too much. "Putin has a wonderful opportunity to become for Russia what the Roosevelts are for America," the "great reformer" Sobchak told *The New York Times*. "Theodore Roosevelt took on entrenched monopolies, helping small businesses to thrive and competition to flourish. Franklin Roosevelt reworked the federal government to aid the poor, improve education and create a less crash-prone financial system." Both men "amassed state power over the government and economy to shape the capitalistic system that exists today." This is the ideal of the so-called reformers in Russia: Teddy and FDR "saving capitalism."

The Russian media is slightly more realistic than U.S officials and newspapers: both pro-Kremlin *Kommersant* and pro-Communist *Sovietskaya Rossiya* described the transfer of power to Putin as an autocratic or even monarchist move. "Tsar's Gesture" was *Kommersant*'s banner headline, while *Segodnya* proclaimed the "Good Tsar is left in the Old Century." *Izvestia* described the transfer of power as "Hereditary Democracy." "Boris Yeltsin has given us to his successor Vladimir Putin as a gift," political editor Tatiana Malkina wrote in *Vremya*. "Perhaps not everybody can detect the fundamental anti-democratic character [of this]. But the general cynicism of this high-class political combination is obvious even to a baby." Russian papers describe Putin as a "dark horse," "black box" and a "blank sheet of paper." "The majority of Russian citizens indeed know nothing about him," Svetlana Babayeva wrote in *Izvestia*. "And, what is curious, they don't need to. It is enough for the people that he is 'tough, honest and principled.'"

Killing Chechens for Fun and Political Profit

Vladimir Putin goes even further than the Roosevelts in his racism. FDR only sought to incarcerate Americans of Japanese ancestry in concentration camps during World War II; Putin claims that the "dark-skinned people must be annihilated; find them in the latrine and kill them." Putin's first official visit was to Chechnya giving orders, medals and hunting knives to the Russian military. Putin dismissed all statements about shelling of civilians in Chechnya as "an evil provocation," and did not rule out the involvement of some mysterious "Moslem countries" in this provocation.

William Saletan writes in *Slate* magazine that to please Putin, U.S. officials have begun to rephrase complaints about the war. When asked about Russian "atrocities," they express regret about Russia's "actions." But they also frame the war as an unfortunate expression of a trait that could serve Putin well in other pursuits. When asked about Putin's vow to "annihilate" the Chechens, Albright called Putin "very determined" and "action-oriented." The media, too, have begun to use positive adjectives to describe Putin's conduct of the war: "aggressive," "tough-minded," "determined," "decisive," "uncompromising," and "no-nonsense."

Every law that has promised stability in taxation and established rules of economic conduct has been overtly undermined in order to preserve the opportunity for willful government expropriations.

It has become apparent that Russia's ruling elite finds incessant armed conflict in Chechnya necessary to keep its grip on power. With the Russian economy in chaos, inflation

continued on page 38

Suggestion

Greenspan Go Home

by Ron Paul

The media and political elites are unanimous in their enthusiasm for the reappointment of Alan Greenspan. But is the world's most famous Ayn Rand disciple in over his head?

President Clinton's nomination of Alan Greenspan to a fourth term as Federal Reserve Board Chairman has been met with nearly unanimous praise. From Congressional leaders to Wall Street gurus, the announcement brought a sigh of relief that good times will continue. The only reservation I noticed was written by economist Mark Weisbrot, who worried that Greenspan might not inflate the currency fast enough. Virtually no one in Washington, on Wall Street, or in the financial media has challenged the inflationary policy of the Fed. They all seem convinced that the present prosperity will continue as long as the money wizard stays in charge.

In good times it's easy to forget severe recessions and commodity price inflation. Today, just about everyone endorses the New Era in prosperity that technology and Alan Greenspan have delivered to us. Inflation, as defined by a rising CPI, has been declared dead.

Everyone seems delighted that Greenspan will stay in charge, believing he can prevent an economic downturn with proper monetary management.

Sorry, but it's too late. Instead of depending on production and savings for capital, today's economy depends on new "capital" coming from the Fed's credit machine. When credit is created out of thin air for investment purposes and interest rates are driven artificially low, mal-investment results. This monetary inflation, of which we have had plenty, has already set the stage for the next recession.

Fiat money is incompatible with free markets. The distortions are already in place, and because the most recent economic cycle has lasted longer than usual, it means there's been more credit creation and distortion than usual. Therefore a bigger downturn will result. The only policy available to the Fed today is to further inflate the currency in an attempt to delay the inevitable correction.

No matter how astute a chairman of the Federal Reserve Board is, it's impossible to avoid recessions when managing a fiat monetary system. Alan Greenspan has been quite generous when it comes to creating new money. Since 1987 when Greenspan took over, high-powered money, as measured by the monetary base, has increased by 138%. This has resulted in an increase of nearly $3 trillion of bank deposits as measured by M-3.* This new money creation keeps interest rates lower than they otherwise would be, making the banks and Wall Street happy. It also pleases the spendthrift politicians who during Greenspan's term have increased the national debt by $3.5 trillion. Almost the entire increase in the national debt since 1987 has been monetized or paid for by printing new money.

Of course, any of us would "thrive" if we could increase our wealth at that rate with borrowing and counterfeiting — but for us, it's illegal. For now, foreigners' willingness to soak up our inflated dollars while selling us goods at discount makes us feel wealthier. But that will eventually end with higher interest rates, a weak dollar and much higher price inflation. When this takes place, increasing interest rates will only accelerate the painful correction.

Every time the market in the past three years threatened to bring on a correction, Chairman Greenspan rushed to the rescue — to the delight of everyone in Washington and New York — with a massive influx of new money and lower rates. In 1997 the excuse was the Asian crisis; in 1998 it was the failure of Long Term Capital Management; and in 1999 it was the potential Y2K crisis.

* M-3 is the sum of currency, demand deposits, and commercial bank time deposits other than large certificates of deposit, plus deposits at nonbank thrift institutions. such as savings banks and savings and loan associations.

In the past three months, bank credit has increased at a greater than 30% annual rate. Greenspan, in this past quarter, talked about "tight money" and raised overnight rates, but at the same time, he was actively inflating the currency.

This inflationary policy does alleviate the immediate financial crisis. But it does so by further inflating the financial bubble. It delays the correction but makes the situation ever more dangerous for all Americans. There will be a price to pay. Borrowing and creating credit out of thin air will never prove to be the way to permanent prosperity. When it comes to money there are no "New Eras." Economic law will prevail. The law of supply and demand applies to money as well as goods and services.

Alan Greenspan has been at the Fed too long. It seems he now believes in his own greatness. He should read his own analysis, and decline the nomination

The Federal Reserve will always want to avert a collapse of the stock market, just as it did publicly with Long Term Capital Management. But it can only do that for a limited period of time. The markets will eventually rule. They always do.

Likewise, the world central banks have for years sold and loaned gold to keep the gold price artificially low. A rise in gold price is a vote of no confidence in paper. And it's in the interest of all central banks to keep this from happening. Their credibility is at stake. But we must remember, through the 50s and the 60s gold was "fixed" at $35 an ounce and in the 70s the markets overruled the powerful Fed and the U.S. Treasury and vetoed this price.

Alan Greenspan was once a free market adherent and gold standard advocate. Here's what he had to say about the Federal Reserve Board policy of the 1920s, when "experts" had also declared a "new era" of unending inflation-free economic growth:

> The excess credit which the Fed pumped into the economy spilled over into the stock market — triggering a fantastic speculative boom. Belatedly, Federal Reserve officials attempted to sop up the excess reserves and finally succeeded in braking the boom. But it was too late. By 1929 the speculative imbalances had become so overwhelming that the attempt precipitated a sharp retrenching and a consequent demoralizing of business confidence. ("Gold and Economic Freedom," *The Objectivist*, July 1966)

Maybe Alan Greenspan has been at the Fed too long. It seems he now believes in his own greatness. He should read his own analysis, decline the nomination, and hope the next chairman gets blamed for the correction already built into the system.

This is not to say that anyone else can do any better than the current chairman in the coming years. Central planning, whether it's in the monetary system or in the economy itself, just doesn't work.

The debate should not be over who is best at managing the economy, determining the money supply and knowing the proper interest rates. It should be over whether we should have a managed monetary system at all. Instead of arguing over whether and when interest rates should go up or down, we should debate whether or not market interest rates and commodity money are superior to fiat money in preventing price inflation, recessions and painful periods of unemployment. ⌋

Letters, *continued from page 6*

The Intelligent Amoeba

It was amusing to see Bart Kosko ("Let's Teach Creationism," February) make the usual mistake of assuming religion is in competition with science. Teaching creationism in science class makes as much sense as teaching physics in wood shop.

And measuring Creationism by the standards of science is like saying an apple is not sufficiently acidic to be an orange. Moreover it is absurd and laughable for human scientists to imagine that they can know what lies beyond our universe. Now just how exactly would they do that?

And since the scientific appraisal of our universe changes every 50 years or so, science's track record in cosmic matters is dismal. Kosko, like most of the scientific community, suffers from overweening human intellectual vanity.

These same people who are not clever enough to predict the weather tomorrow have the gall to tell us they know how the universe was made.

Most scientists know that size is relative. But their vanity prevents them from seeing that our understanding of God's universe may be limited by our ability to measure it — as with quarks. Our entire universe could be a dust mote in a closet in another universe. There is no reason to think that relativity stops at the edges of our ability to measure it.

Extrapolation is also a bum scientific tool. If you were living on a planet where the temperature never fell below 32°, what reason would you have to think that water would become a solid at that temperature — none whatever.

Science "proportions belief to evidence"? When did that start? History is full of evidence to the contrary.

Religion shaves more closely with Occam's Razor than science does, since God is an infinitely less complex explanation of everything than anything yet advanced — inadequately — by science.

Ultimately the electron goes around the neutron because God wants it to, and no scientist has ever come any closer to explaining it than that. Suppose you were an intelligent amoeba in your own bloodstream, struggling to comprehend the nature of the universe — could you do it? Probably not.

You are an amoeba in God's bloodstream.

Neil Elliott
Evanston, Ill.

Intolerance No Problem

I don't understand why *Liberty* devoted almost four pages to this author's silly concerns about the lack of tolerance at Hillsdale, a totally private institution. Indeed, having steadfastly

continued on page 38

Is There Room in the U.S. for a Little Cuban Boy?

President Clinton finally gets tough on illegal immigration.

An Alien Named Elián

by Martin M. Solomon

Can a child, whose mother was killed at sea emigrating from Cuba, and whose father stayed in that dictatorship, properly file a request for political asylum in the U.S., when his father opposes asylum? In whose custody will a child be better off after his mother has been killed trying to emigrate to a welfare/warfare state (the U.S.) from a dictatorship (Cuba)? His father, who remained in Cuba for reasons unknown, or his uncle who lives in the U.S.?

These are two of the many issues in the cause célèbre of six-year old Elián González. His fate is in the hands of the Immigration and Naturalization Service, and the Circuit Court of Miami-Dade County in Florida, though the U.S. Congress is threatening action.

The INS has ruled that his father is the only person it recognizes as representing the child's interests. (Many observers believe that the Clinton Administration, soon to commence negotiations with Castro, is bending over backwards not to offend his delicate sensibilities, and induced the INS decision.) His uncle can appeal the INS decision, but the courts rarely reverse the INS. If he does not get asylum, he would be deported, because he did not arrive in a lawful manner.

Does his father, Juan Miguel González, genuinely represent his best interests? It's difficult to tell whether he sincerely believes Elián will be better off in Cuba; he may be responding to the pressure of a regime that can starve or imprison any Cuban who dissents from its policies.

If Elián becomes a lawful resident, he still must prevail in Circuit Court before Judge Rosa Rodriguez on the custody issue. We do not know how Juan Miguel González rates as a father, or how good a parent Lazaro González (his paternal great-uncle) would be. The law begins with a strong presumption that a biological parent is the best person to have custody of his child, but the presumption is *not* conclusive. Let's assume they are both good men. What if this were 1952 and Juan Miguel González lived in the Soviet Union? What if this were 1938 and Juan Miguel González were a Jew living in Germany? Surely the nature of the regime makes a difference.

But not to Bernard Pearlmutter, director of the Children and Youth Law Clinic at the University of Miami:

> It seems to me that they are making a very tenuous claim that returning Elián to Cuba, where he would *perhaps* be deprived of freedom and of material well-being children have in this country, is sufficient basis to have the father declared unfit. That doesn't, to me, satisfy (sic) even a prima facie case under Florida law. (Emphasis added)

Can a person who believes that children belong to the State ever be a suitable, loving parent?

Consider an analogy. If Pearlmutter were a six-year old Jew who came to the U.S. from Germany in 1938 and Herr Pearlmutter requested return of custody of little Bernard in the Third Reich, the claim that Pearlmutter's deprivation of free-

dom and material well-being upon return to Germany would justify custody in the U.S. would be objectively solid, not tenuous.

So is his uncle's claim.

Indeed, what is the chance that his father has the opportunity to make an uncoerced decision about his son's custody or status as a political refugee? It is easy to imagine that Juan Miguel González desperately wants Elián to stay in the U.S., but is silenced by Fidelísta intimidation. In this case he is not unfit as a parent, just unfit because he is a victim of kidnapping and extortion by the Cuban state. Of course, if he is an enthusiastic Communist, that raises different issues of fitness for parenting. Can a person who believes that children belong to the State ever be a suitable, loving parent? ❑

Where Liberty Lives, There Is Our Homeland

by R. W. Bradford

People have asked me what I would do about the problem of little Elián González, the 6-year-old Cuban boy who made it to the U.S. half-conscious in an inner tube. "Who do you think I am?" I responded to one. "Well, if you were president . . ." he said. "Well, it's not possible for me to be president," I replied. "I don't want to be president. And nobody else wants me to be president." To another, I replied: "If I were president, I'd have to be a politician who sucks up to the idiot electorate. So I'd do whatever a suck-up politician does. What is President Clinton doing?"

Plainly, they don't believe in the supremacy of law, else why would they try to bring traffic in Miami to a halt with their demonstrations? So if they really care for the kid, why have they thrown him to the mercy of the judges and bureaucrats?

In my less dyspeptic moments, though, I admit it's a good question. Basically, I believe that the treatment one receives from one's parents is almost always better than the treatment one receives in a state institution. I'm not very enthusiastic about judges taking kids from their parents and giving them to other relatives either, if only because doing so in any but the most extreme cases would encourage a vexatious wave of litigation. Little Elián's father is very much alive and wants his son sent back to him in Cuba, so by this line of thinking, I'd ship him back where he came from.

On the other hand, Cuba is a poverty-stricken country, thanks to Fidel Castro. It's a communist dictatorship where human rights are not respected, where as a consequence a young boy can look forward to a life of meanness, deprivation, and quasi-starvation. Sending Elián back there, when he could be living happily in the United States, would be unbelievably cruel.

This isn't my decision. It's a decision reserved for heartless bureaucrats and judges. But I wonder: why have Elián's relatives and the Cuban-American community reacted as they have? Why the lawsuits and demonstrations?

Plainly, they don't believe in the supremacy of law, else why would they try to bring traffic in Miami to a halt with their demonstrations? So if they really care for the kid, why have they thrown him on the mercy of the judges and bureaucrats?

Surely, they could spirit him away to a new home whose whereabouts is unknown to the authorities, where he could grow up more or less like any American kid. Somewhere in America, there are families that would embrace this child, invite him into their hearts, keep his background secret, and raise him as one of their own. I believe I know several such families myself; I suspect there are millions more.

So why haven't his temporary guardians done this?

Politics is an ugly business. A few years back, when the Navy proposed to store nuclear bombs at a small base across the inlet from the town where I live, there was a hue and cry you wouldn't believe. Having all those bombs only a mile or so from town was dangerous, people said, and the Navy's denials rang hollow, since their stated reason for parking the bombs there was that they didn't want them on submarines that were going further up Puget Sound to more densely populated places.

So a meeting was called at the community center. Hundreds of people came. They were as mad as hornets. A letter was dispatched to our congressperson, who got the Navy to agree to keep the bombs away if the people of Jefferson County voted against them. It looked like shooting fish in a barrel: there was no way people would vote for the bombs.

But something else happened at the meeting. A committee was formed to organize the anti-bomb campaign, and a well-organized minority of doctrinaire leftists captured its leadership. They tied the issue of the bombs to just about every lunatic leftwing idea that was floating around those days, and began an energetic campaign. Voters were against the bombs, but once the ballot measure was transformed into a means of protesting sexism, militarism, racism, automobiles, non-organic food, etc . . . well, they began to have second thoughts. The referendum to get rid of the bombs failed.

And now, when I look out the window of my office at that peculiar glow emanating from the Navy base, I'm not sure whether I'm seeing the unnatural lights of sodium vapor lamps or the unnatural glow of nuclear bombs.

What had happened was plain: the people who ran the anti-bomb campaign weren't really trying to keep the bombs out. They were trying to gain publicity for themselves and to build their political movement. And they succeeded.

That is how politics works. Special interest groups find issues that they can use to advance their own agendas. They exploit these issues without regard for the outcome of the particular battle. This is a perfectly natural thing to do.

And this, I am afraid, is what the Cuba-Americans who control little Elián are doing. Which is too bad, because it

will likely result in a little kid who nearly died trying to get to America going back to a communist hellhole. ❑

The View From Little Havana

by Ralph Reiland and Sarah McCarthy

The northbound train from Florida was four hours late, so we found ourselves on the back lawn of the Bar Out Back, a serious biker bar in Sanford, listening to a rock-'n'-roll band playing "Two Tickets to Paradise" in the afternoon sun. "Caution: Does not play well with others" read the t-shirt on the guy sitting next to us.

Where better than South Florida to learn about freedom and sub-groups in America?

Earlier in the week, the Cuban exile community in Little Havana, a place where people still talk about freedom like they really mean it, took to the streets in an attempt to shut down Miami International and the Port of Miami over the fate of Elián González, the 6-year-old boy who was found clinging to an inner tube surrounded by dolphins in the waters three miles off Fort Lauderdale on Thanksgiving Day.

What at first looked like a routine custody case quickly escalated into an international tug of war when the Immigration and Naturalization Service ruled that Elián must be returned to his father in Cuba. Miami's Cuban exile community framed the problem as a freedom issue, a case of a child being robbed of the freedom his mother was willing to lose her life to provide. "Mom will have died in vain" read the protest signs. Exile leaders said Elián, if necessary, would be hidden away in safe houses.

The Versailles Restaurant in Little Havana is the place to go to talk to the Cuban exile community. On the morning after the tear gassing and arrest of some 200 demonstrators, the restaurant's patio and parking lot were filled with people waving their arms and talking in Spanish and English about Elián. "I was in Castro's militia at the age of 14," Benito García, a former city editor at *El Nuevo Herald*, told us. "My father was a doctor who treated Castro's revolutionaries in the hills. He opposed Batista's military dictatorship but soon saw that things were going to be the same with Castro. The turning point came when one day he was ordered to appear at a meeting. He refused, telling them he was not in uniform, that he didn't take orders from the military. Instead, he went back to what he wanted to do . . . saving his patients.

"Shortly after, we came to Miami, the year of the Bay of Pigs, 1961," he explains. "It's a question of opportunity for Elián," García contends, pointing to the successful Cuban businesses all around. "The owner of Versailles came here in the '60s with nothing. He had grocery stores in Cuba. Everything was confiscated. Now he has over 30 restaurants and hotels in Miami. It was that way in Cuba before Castro. It was not a paradise but you could pull yourself up from nothing. Today, it is a country of hate, with neighbors spying on each other for the government. Castro is a murderer."

The toll? "By conservative estimates, 40,000 Cubans have died at sea trying to escape over the past 40 years," says García. "You see the parts of the rafts floating. Another 20,000 have been killed by firing squads or died in prison for political crimes."

As we're talking, a van with two loudspeakers mounted on the roof and flying Cuban flags pulls into the parking lot. The driver, Juan Ramón García, begins handing out "Salvemos A Elián!" bumper stickers ("Let's Save Elián!") and newspapers. The headine reads "Los niños nacen para ser felices" ("Children are born to be happy").

"I was jailed by Castro when I was 15," Juan Ramón says. "I was in a Catholic youth group. They put 3,000 of us in a baseball stadium with guards with machine guns around the top. We had no food, just one hose for water.

Elián will have no life in Cuba, no parents. The government takes control of the children, what they eat and read. There's hard labor at age 10. There are no rights. When they allow you to live they consider it a favor. They own you.

They tried to humiliate us. They made the boys urinate in front of the nuns. We were taken from there to chicken coops.

"Elián will have no life in Cuba, no parents," he continued. "The government takes control of the children, what they eat and read. There's hard labor at age 10. There are no rights. When they allow you to live they consider it a favor. They own you. Everything is for the revolution. The red scarf on the children says you belong to the state."

Castro, of course, sees it differently. Holding Elián in Miami is "kidnapping," a plot by the "Cuban-American Mafia and the right wing in the U.S. Congress" to violate international law. At a state-sponsored rally in Havana, a 10-year-old girl was brought on stage to warn the crowd that Elián González would become a drug addict if he stayed in Miami.

At the University of Florida, Cuban-born law professor Berta Esperanzi Hernandez-Truyoe maintains that the issue has moved beyond a custody battle to a much broader question: "Should a child live in Cuba?" The Hague international Family Law Convention established that a child should be returned to his "habitual" country of residence unless showing can be made that there is a "grave risk" of physical or psychological harm. For the Cuban exiles who gather at Versailles, that's exactly the case. Every child, they say, is at risk in Cuba.

"I'm a veteran of the U.S. Navy and I'll return my honorable discharge papers to Clinton if he sends Elián González back," says Eloy Cepero, 54, a Cuban exile. "It will mean no freedom exists. Cuba is a place where people turn in their neighbors, where children turn in their parents."

It's a different story at the Bar Out Back where the customers don't have neighborhood investigations, and even brag that few know each other's names. "I've known some of these people for 20 years and still don't know their names," says Bar Out Back's owner Johnny Rotton. "These two I'm sitting with, I just know them by Bear and Karma." ❑

Comparison

The Spirit of Northfield and Coffeyville

by William Tonso

A century ago, Americans knew how to deal with armed robbers. Some Americans still do, but America's elite doesn't have a clue.

The James-Younger gang was a legend in its own time. Most, if not all, of its members had seen guerrilla action in bloody Missouri during the Civil War, and after that conflict they put their war-honed riding and shooting skills to use robbing banks and trains. They were a hard bunch, to put it mildly. But they didn't impress the citizens of Northfield, Minnesota. When Jesse and Frank James, Cole, Bob, and Jim Younger, and three other gang members rode into Northfield in 1876 and set about robbing the local bank, killing an uncooperative cashier and a confused Swede in the process, the locals armed themselves and massacred this gang of hardcases. Of the eight outlaws taking part in the attempted robbery, only Jesse and Frank escaped. All three Younger brothers were shot and captured by a citizen posse, and the three remaining gang members were killed during the attempted robbery or during their escape attempt.

The Dalton brothers, members of another legendary old-time outlaw gang and distant kin of the Youngers, apparently learned nothing from what happened to the Jameses and Youngers at Northfield. In 1892, Bob, Grat, and Emmett Dalton, and two other gang members, rode into Coffeyville, Kansas intent on robbing not one but two of that community's banks. The locals killed all but Emmett, who was wounded and captured.

Neither Northfield in 1876 nor Coffeyville in 1892 were wild-and-woolly frontier communities of the sort that Hollywood served up to us when it used to make westerns — places where most of the local males paraded around town packing six-shooters. Both towns were peaceful communities located in settled farming areas. Yet when threatened by heavily-armed toughs, their citizens had easy enough access to guns (Coffeyvillagers got most of theirs from a hardware store), enough familiarity in their use, and enough spunk to make a stand (several Northfielders without guns threw rocks at the robbers) and risk casualties (five Coffeyvillagers were killed in the fierce shoot-out with the Daltons), to destroy formidable outlaw bands.

The much romanticized horse-riding outlaws of the old West and Midwest are long gone. The most publicized criminal gangs nowadays are much larger than the old outlaw gangs, composed largely of young black or Hispanic males, and mostly operate in big cities. Unlike the old outlaw gangs, these criminal gangs don't stage daring bank robberies and ride off into the sagebrush. Rather they war against each other over drug turf and, through miscellaneous villainies, make things miserable and dangerous for decent people of various skin colors and ethnicity who live or work within their reach. But these thugs on occasion still encounter the spirit of Northfield and Coffeyville even in urban settings, though that spirit is much under siege in "enlightened" urban-centered political, media, and academic circles.

One Man's Story — Meet Lance Thomas

Two thugs walked into Lance Thomas' Los Angeles watch shop, and knocked a customer over the head. Then \pointed a gun at Thomas and demanded that he give them his watches. Thomas responded by grabbing his own gun and shooting the armed robber in the face. The thug survived and was sent to prison for five years. Three and a half

months later, two other armed thugs came to rob Thomas. He yelled for his customers to drop to the floor, went for one of his own guns, and called 911 in the middle of the gunfight during which he killed both of his assailants. He was seriously wounded himself — suffering a gunshot wound in the neck and three in the shoulder. Two years later, a single gunman came to rob Thomas. You guessed it. One guy didn't have a chance against him. He shot and killed the thug. And though Thomas received another neck wound, he was back at work the next day. Eventually, with their criminal pride on the line, two members of one of L.A.'s most violent black gangs came to make Thomas, who is white, pay for his prowess. Pretending to open the front door of his shop to leave, they turned, pointed their guns at him and said, "You're dead!" They were mistaken. Thomas shot and killed both of them. In four gunfights he suffered and survived five gunshot wounds, but he killed five thugs and wounded a sixth. The citizens of old Northfield and Coffeyville would have been proud of him. But the "enlightened" among his contemporaries really don't know what to make of Thomas.

In spite of his spectacular success in protecting himself against armed criminals, Thomas received no national attention until ABC's *Turning Point* special on using guns for self-defense aired on October 5, 1994, five years after his first shoot-out. *Turning Point* let Thomas tell his story: how a friend had advised him to get a gun for protection after other shopkeepers in his area had been robbed and killed, how the first robbery attempt had come not long after he had acquired his first gun, how he added security devices and acquired more guns and practiced with them as the robbery attempts continued, and how he eventually closed up his shop when he heard that the gangs were determined to take revenge on him. ABC reporter Don Kladstrup seemed genuinely baffled by Thomas' willingness to take on armed robbers, all of whom had had the drop on him. Thomas' reply that he refused "to be a victim of violent crime" made no impression on the reporter, who wanted to know why he hadn't just forked over the loot the robbers were after rather than take human lives and risk losing his own.

Thomas and Kladstrup seemed to be talking past each other — they were simply on different cultural wavelengths. To Kladstrup it was liberal simple — give the criminals what they want, watches that can be replaced, and they might leave without the loss of human lives that can't be replaced. To Thomas things were also simple. By pointing guns at him and demanding his watches, the criminals indicated that they were willing to take his life if he didn't cooperate with them. If they were willing to take his life for watches, how could he be certain that they wouldn't take his life, after he gave them the watches? Other shopkeepers who apparently cooperated with robbers had been killed. He was at the mercy of criminals. Whether he lived or died was up to them. A tug on the trigger by any of those thugs, and he was history. The only way that he could take that decision away from them and ensure his survival was to get the thugs before they could shoot him. Simple! But Kladstrup, the reporter, showed no sign of ever getting it, and neither did anyone else associated with *Turning Point*.

As mainstream-media treatments of anything pertaining to guns go, *Turning Point*'s examination of the use of guns for self-defense was far from the worst. Thomas was allowed to tell his story, and self-defense instructor and firearms authority Massad Ayoob and several of his students were interviewed and shown going through their firearms training. But the program left no impression that it was countenancing the notion that ordinary citizens should arm themselves for self-protection. Thus after Thomas' story was told, two other stories were used to illustrate how carrying a gun for self-protection could cause problems. In one of these, a Marine home on leave shot and wounded a person who was running away from him after trying to steal his car at a car wash. Though the thief was running away and posed no threat to the Marine, a grand jury, apparently fed up with criminals, refused to indict the Marine for shooting him. In the other case, a middle-aged motorist shot and killed a teenager who had punched him after the teen was called to task for reckless driving.

Gunfighter Nation author Richard Slotkin was called upon to make some solemn and politically correct comments about the continuing American attachment to guns, an attachment that he obviously considered to be retrograde. In response to Thomas' expression of concern that his fellow shopkeepers had come to view him as a hero, and might feel that they could arm themselves and follow his lead without preparing themselves as he had for such armed confrontations, Slotkin commented: "If you see Lance Thomas as a hero, then you're not really listening to what Lance Thomas is telling you about his life, because to resist force with force converts a situation of possible deadly threat into one in which firing back is more or less inevitable. It doesn't make you more invulnerable to such violence, in a way it makes you more vulnerable." Slotkin apparently thinks that heroism is risk-free.

Several mass shootings have been stopped by armed or unarmed private citizens acting in the spirit of Northfield and Coffeyville before the police arrived.

Thomas, who could easily have been killed by any of the six thugs who had been pointing guns at him when he shot them, apparently had, in ways understandable only in the enlightened circles inhabited by the likes of author Slotkin and reporter Kladstrup, acted unreasonably. Yes, as Thomas acknowledged, even though he survived his encounters with armed robbers, he felt strongly that he acted justifiably in each case, and in no way regretted his actions. Concerned about his own safety, he gave up his business and took steps to evade gang thugs looking for revenge.

But what was his alternative to meeting force with force? Cooperate with the robbers and hope that they wouldn't kill him (and some of his customers) as they had killed other shopkeepers? Cooperate with them and hope that they wouldn't show their appreciation by returning over and over again until they finally killed someone or destroyed his business?

If good people like Thomas (and the citizens of old Northfield and Coffeyville) aren't willing to put their lives on the line to combat thugs, who will? The police, who

weren't there, and couldn't reasonably be expected to be there, when he and his fellow shopkeepers needed them?

Consumers of Safety

Such concerns wouldn't faze Slotkin, Kladstrup, and other modern enlightened "consumers of safety," as attorney and Second Amendment defender Jeffrey Snyder has labeled them. Writing in the July 1999 *Liberty* after the Colorado school massacre of twelve students and a teacher by a pair of demented students, and after the citizens of Missouri voted down the right to carry concealed handguns for self-protection, Snyder noted: "The reason why laws selling crime prevention have such tremendous appeal is that most Americans conceive themselves as mere passive consumers of a product called 'safety,' created for and delivered to them by government." And, he continued, "Inhabiting a world in which everyone believes that having the desire and the wherewithal to confront murderers in the act of murder is beyond their ability, and someone else's responsibility, they call 911, flee in abject terror, or wait and cower, passive recipients of a service that they hope will be delivered in timely fashion."

Snyder knows that we're not all safety consumers. Florida State University criminologist Gary Kleck estimates defensive gun use in the United States at more than 2.5 million times per year (in most cases the gun wasn't fired), and other studies place that number between 760,000 and 3,600,000. And it should be noted that several mass shootings have been stopped by armed or unarmed private citizens acting in the spirit of Northfield and Coffeyville before the police arrived. The Pearl, Mississippi school shooting was stopped by an assistant principal armed with a pistol that he retrieved from his car which, because it had a gun in it, had to be parked far off campus. The Edinboro, Pennsylvania school shooting was halted by the shotgun-armed owner of the banquet hall where an eighth grade graduation dance was being held and where the shooting took place. An unarmed, wounded student stopped the Springfield, Oregon shooting by wrestling the shooter to the floor. Unarmed fellow passengers grabbed the Long Island Railroad shooter when he was trying to reload. Had any of those passengers been armed, they could have stopped him sooner.

ABC reporter Don Kladstrup seemed genuinely baffled by Thomas' willingness to take on armed robbers, all of whom had had the drop on him.

But surely the most spectacular example of ordinary people thwarting a mass shooting and exhibiting the spirit of Northfield and Coffeyville occurred far from the United States. Back in 1984, when three terrorists entered a Jerusalem cafe bent on machine-gunning as many people as possible before moving on to other crowded places to massacre more innocents, they managed to kill only one person before being shot down by pistol-packing Israeli civilians. The single survivor told the press the next day that he and his partners had not known that Israeli civilians packed heat. The Israeli government encourages civilians to carry guns for the protection of themselves and their communities. In contrast, in the United States most prominent Jews in politics and the media encourage the consumption of safety, and most of the Jewish community seems dedicated to such consumption.

In 1990, a gentleman claiming to be a Jewish survivor of Treblinka, the Nazi death camp, wrote to a gun magazine in the hope that he could convince even one gun owner to turn in his guns. Concerned about the "gun violence" he saw everywhere in New York, he associated it with the guns carried by the Nazis who came to take him to the camp. He was shocked to learn "that the United States says that Americans actually have the right to own guns." If not for the fact that so many American Jews, from the Diane Feinsteins and Charles Schumers in government, to the Richard Cohens in journalism, to the Barbara Streisands in entertainment, to the anonymous man and woman on the street, regularly express similar sentiments, it would be difficult to take that letter seriously. How could a people who have so often been horribly victimized by the armed agents of the state in various parts of the world trust the government in this country to keep them safe? The same question could be asked of blacks, prominent and otherwise, who support civilian disarmament in this country and look to the police for protection. As late as the 1960s, Ku Klux Klan meetings were advertised and members of that organization recruited at the police stations of some southern towns.

In 1892, Bob, Grat, and Emmett Dalton, and two other gang members, rode into Coffeyville, Kansas intent on robbing not one but two of that community's banks. The locals killed all but Emmett, who was wounded and captured.

But the spirit of Northfield and Coffeyville lives on in some American Jews, as indicated by responses of two Jews to the letter of the anti-gun Holocaust survivor. The first, from the founder of Jews for the Preservation of Firearms Ownership, stated: "There has not been, and I predict never will be, a time when people will be better off by being disarmed and naively allowing the government of any nation the power to determine who will be free." The second, from the son of a Holocaust survivor, stated that his father had determined that "never again would he or his family be rounded up like sheep for the slaughter! They would have the will, the training, and the means to fight back. He taught us that to die fighting tyranny like this is preferable to what happened to our friends and relatives under Nazis." Here is recognition, shared by the Founders of our country, that threats to the survival of decent people can come not only from criminals but from their own government.

* See David Kopel, "When the NAACP Went Armed," *Liberty*, January 2000

Continued on page 38

Body Count

The Incredible Shrinking Serb Atrocities

by David Ramsay Steele

When President Clinton wanted to bomb Yugoslavia, he told Americans that Kosovo was filled with mass graves containing more than 100,000 corpses. Now that the smoke has cleared, the casualty list has been revised.

In the weeks before NATO occupied Kosovo, they told us there were at least 100,000 victims of Serbian genocide to be found, mostly in the "mass graves" identified by aerial photography. Within a few days of the occupation, the word came out that evidence of Serbian atrocities was "beginning to mount."

If some number "mounts" it approaches a very large number. "Beginning to mount" might imply that a substantial number has been surpassed and a very large number is being approached. But since only a few dozen bodies had been found when this phrase appeared in the media, it might instead be an affirmation of faith that far more bodies would be dug up in due course. In fact, it was a successful attempt to confuse people by repeating the ominous word "mount," instead of honestly reporting the truth: that the thousands of bodies of Albanians killed in "Operation Horseshoe" by order of the Satanic Slobo did not exist.

A little later, NATO announced that they were scaling down their estimate of victims of Serbian atrocities by a factor of ten, to 10,000. But, they added, they had sincerely believed in the 100,000. I wonder why they bothered to say that. Nobody in the mainstream media would dream of taking NATO to task for conjuring up 90,000 corpses out of thin air. Meanwhile, official U.N. estimates went from 44,000 to 22,000, and then to 11,000.

Mountains Grow Into Molehills

Not only had NATO intimated that the number of Albanians killed by the Yugoslavian army during the War of Juanita Broadderick's Lip was 100,000, they had strongly implied that this was a conservative underestimate. Higher numbers were freely tossed around. On *The McLaughlin Group*, Eleanor Clift, one of NATO's Julius Streichers, stated as a proven fact that the number was at least a quarter of a million.

The U.S. State Department frequently referred to "genocide" in Kosovo, although it had primly refused to apply this term to earlier massacres, such as that of 500,000 Tutsis in Rwanda in 1993. The Clintons themselves repeatedly spoke of "genocide" against the "Koe-soe-varrs," these apparently being friendly elf-like creatures autochthonous to the hills of Kosovo, rather than Albanians who had migrated into this part of Serbia because conditions there, economic and political, were so much more comfortable than life back home.

Still, 10,000 is a lot of deaths, so why quibble? The number even jumped, for a day, back up to 11,000 or more, when Bernard Kouchner, chief U.N. administrator in Kosovo, announced that 11,000 bodies had already been excavated from "mass graves." Asked for the source of this figure, Kouchner said it had been given to him by the International Criminal Tribunal for the Former Yugoslavia (ICTY). The ICTY promptly denied this. In fact, at the time when Kouchner made his announcement (August 1999), the total number of KLA *allegations* of Albanian deaths at the hands of Serbs, mostly not yet investigated at all at that time, had not reached 11,000. As it happens, 11,000 is the total — presumably now final — of all such allegations.

No sooner had the 100,000 deaths "mounted" to 10,000, than they began to mount further. They have now mounted to 2,000. As with the original 100,000, there are winks and nudges hinting that the actual number may be much higher, while a thoughtful reading implies that the relevant number is much lower.

The especially sharp-eyed reader will have noticed the curious fact that, as the numbers mount, each successive

number is smaller than its predecessor. Where have we met this unusual mathematical phenomenon before? It comes from *Nineteen Eighty-four*, where the chocolate ration, having been 30 grams a week, is increased to 20 grams a week. No wonder that Winston Smith, the hero of *Nineteen Eighty-four*, wonders if he's the only person gifted with a memory.

Hunting for Bodies

It's very much in the interest of the NATO leaders to find, or cook up, any evidence of Serbian ethnic cleansing. This would damp down the feeble yet steadily growing criticism of the bombing in some NATO countries. It would also spread disaffection within Yugoslavia, increasing the likelihood of civil strife in that country, which would help to retrospectively legitimize NATO's bombing of civilians. For NATO has now arrived at the strange position of feeling the need to be vindicated by an electoral defeat for Slobodan Milosevic, even though Slobo has to leave office just over a year from now because of Yugoslavia's term limits.

There can be no question that if NATO had found one "mass grave," and even a half-credible story of a Serbian atrocity to go with it, the location of that atrocity would now be the best known, most filmed, and most photographed place on Earth. A dazzling hotel would have sprung up right next to it, with a perpetual exhibition of Serb atrocity pictures, and Hillary Clinton would have permanently rented a suite.

On The McLaughlin Group, Eleanor Clift, one of NATO's Julius Streichers, stated as a proven fact that the number was at least a quarter of a million.

A treasure hunt has been organized. Hundreds of investigators from more than a dozen Western agencies have poured into Kosovo since NATO-KLA took over. Most of these agencies have but one aim in mind: to find evidence of Serbian atrocities. There's little pretense that these people are impartial fact-finders. For the most part, they defend, condone, or actively abet the KLA campaign of murder against all non-Albanians plus dissident Albanians, a campaign which was going on before the bombing and has been resumed without inhibition since the occupation. The wretched ICTY, without a spark of integrity and completely in the pocket of the U.S., has effectively taken the position that mass killings of civilians by NATO and the KLA are by definition not war crimes but humanitarian acts, therefore the ICTY cannot investigate them.

First prize in the treasure hunt will go to anyone who can find proof of a real Serbian atrocity. Failing that, there are plenty of consolation prizes for those who find anything, however dubious, that will keep the media talking about Serbian atrocities.

"Investigators" are panting to find any corpse, anywhere, that they can present to the world as evidence of genocide against Albanians. Fame, promotion, and a guaranteed future as a highly-paid celebrity await any investigator who can turn up some semblance of a Serbian atrocity, while nothing but coldness, hostility and possible persecution await investigators who draw a blank.

Investigative teams went first to the most ballyhooed "mass grave" sites. In some cases a handful of bodies were found, in other cases none at all.

According to NATO, the worst atrocity had occurred at the mine at Trepca. NATO had informed the media that hundreds of Albanians, 700 at the very least, had been thrown down the mineshafts. The ICTY itself organized the investigation of the Trepca mines. They could find nothing. Nothing happened at Trepca. It was all NATO lies.

Many similar incidents have occurred. A mass grave at Ljubenic near Pec, site of a serious Yugoslav-KLA engagement, was predicted to contain 350 bodies. It actually contained seven.

Often the special aptitudes of agents Mulder and Scully have been called for. When confidently identified mass graves were opened and found to be empty, the KLA coolly explained that the Yugoslavs had crept back in the middle of the night, dug up the graves, whisked away the bodies, and refilled the graves, with impeccable landscaping.

The case of the Spanish forensic experts' visit to Istok, in the north of Kosovo, was reported by Pablo Ordaz in the reputable Spanish magazine, *El País* (September 23, 1999), but was not picked up by any of the mainstream U.S. media.*

The Spanish professional team, which included members with experience of the mayhem in Rwanda, were told they were going to the worst killing field in Kosovo and that they would have to perform over 2,000 autopsies over a period of three months. They left Madrid feeling "they were going on a road to hell."

They returned a few weeks later, having examined all the corpses in Istok: a total of 187, most of these having been occasioned when NATO bombed a prison. "There were no mass graves. For the most part, the Serbs are not as bad as they have been painted," stated one of the team, Emilio Pérez Pujo. Another member, chief inspector Juan López Palafox, contrasted the findings with those in Rwanda, where hundreds of corpses were found piled together. Aside from the prison bombing, all the bodies in Istok were individually buried, mostly oriented toward Mecca, and all without any signs of torture.

Palafox speculates that perhaps "the Serbs gave a choice to the families to leave their homes. If some member of the clan, for whatever reason, decided to remain, upon returning they were found dead from a shot or by whatever other method." Here we see the interaction of the Spaniards' prior belief in the NATO-KLA story of "Serb atrocities" with what they had found. Even when a legend is dramatically falsified, people often cling to whatever shreds of it they can. How likely is it that Yugoslav soldiers would cold-bloodedly murder Albanians, then bury them in conformity with Islamic practice?

Eight Questions for Carla

On 10 November, 1999, came the first, and so far, the only, official numerical claim. The ICTY Chief Prosecutor Carla del Ponte reported to the U.N. Security Council that the ICTY had received reports of 11,334 bodies in 529 graves.

* An English translation can be read at emperors-clothes.com.

About a third of the "graves" had been investigated, and from these 2,108 bodies had been exhumed. The figure of 2,108 has entered into media legend as the current number of deaths due to "Serbian atrocities," but this, of course, is at best a considerable exaggeration.

Since all the reputedly biggest graves were investigated first, and many of them found to be completely empty, and since it's also been admitted that many graves investigated contained just one corpse, it's a fair inference that the total number of corpses eventually found will amount to far fewer than 6,324.

Let's suppose that the number of corpses eventually turned up by ICTY will total 3,000. What we will then need to know are answers to the following questions:

1. How many of these 3,000 deaths occurred before the bombing, that is, how many of them are part of the acknowledged 2,000 deaths in the Yugoslav-KLA war prior to March 24th, 1999?

2. How many of them arose from natural causes, accidents, or ordinary non-political, non-ethnic crimes, including the inter-family blook feuds which are a normal part of traditional Albanian culture? (Kosovo, if you believe NATO, had two million occupants, or if you believe Yugoslavia, one million, before the bombing, so we would normally expect hundreds of deaths in any period of a few months.)

3. How many of the deaths arose from the ground war between the KLA and Yugoslavia which escalated sharply as soon as the NATO bombing began?

4. How many of them were the work of the KLA? (Remember that victims of KLA atrocities come from all ethnic groups, including substantial numbers of Albanians, whereas victims of alleged Serbian atrocities would be exclusively Albanian.)

5. How many of the deaths were the results of ethnically or politically motivated criminal groups of Yugoslavs ("para-militaries"), which we know have been severely discouraged by the Yugoslav authorities by means of arrests and long prison sentences?

No sooner had the 100,000 deaths "mounted" to 10,000, than they began to mount further. They have now mounted to 2,000 and there are winks and nudges hinting that the actual number may be much higher, while a thoughtful reading implies that the relevant number is much lower.

6. How many were victims of NATO's campaign of bombing against civilians (including the use of cluster bombs intended specifically to maim and kill civilians, especially children)?

7. How many were the victims of "war crimes" committed by members of the Yugoslavian army?

8. How many cannot be classified with reasonable certainty?

NATO and the mainstream U.S. media love to leave the impression that *all* 2,108 bodies recovered to date belong in category 7. That's obviously absurd. But it's by no means out of the question that *none* of them belongs in this category.

Operation Horseshoe

At the time of the NATO bombing, NATO-KLA claimed that the Yugoslavian government was deliberately killing and driving out Albanians from Kosovo, in a consciously planned campaign of "ethnic cleansing." As the bombing went on, this story was elaborated and even given a name: "Operation Horseshoe."

On the evidence we now have, the only reasonable conclusion is that no such official campaign of ethnic cleansing occurred. Operation Horseshoe was simply an invention of NATO-KLA propaganda. It is conceivable that new evidence might come to light causing a reversal of this verdict, but with every passing day, the complete fabrication of Operation Horseshoe by NATO-KLA appears more and more certain.

The U.S. State Department frequently referred to "genocide" in Kosovo, although it had primly refused to apply this term to earlier massacres, such as that of 500,000 Tutsis in Rwanda in 1993.

This conclusion is supported by other considerations, one of which is: Why would Yugoslavia do it? When NATO started bombing, the Yugoslavian army quickly drove the KLA out of the territory they had occupied. The Yugoslavian army and the local Serbian police had to hide from NATO bombs and re-establish civil authority in the parts of Kosovo that had been KLA-controlled. Why choose this vulnerable moment to do something they had never done before — conduct ethnic cleansing against the Albanians?

The Yugoslavs could rely on the support of thousands of loyalist Albanians, whom they armed against the KLA. Furthermore, inside Kosovo, non-Serbian non-Albanians easily outnumbered Serbs. Though all these ethnic groups were and are loyal to Yugoslavia, as their only protection against KLA attacks, they are overwhelmingly Muslim and many of them would have been disconcerted if they had heard of ethnic cleansing against Albanians. Why risk alienating these indispensable allies? It makes no sense from the standpoint of the Yugoslavs' political and military interests. And if ethnic cleansing had been conducted against Albanians by the Yugoslavian army, some of them would surely have talked, and some people in Yugoslavia, with its many competing political groupings, would have used their testimony against the governing Left coalition.

If there was no Operation Horseshoe, were there more informal, less orchestrated atrocities against Albanians? Did some local Yugoslav captains, driving the KLA out of one village after another, fail to exercise the most scrupulous diligence in distinguishing KLA fighters from innocent Albanian bystanders? Is it even possible that one or two of these commanders, motivated by vengeful feelings, took the

opportunity to murder or mistreat Albanians?

That this kind of thing may have happened in a few instances cannot be ruled out. If apprehended by the Yugoslavian authorities, the perpetrators would have been punished.

Such occurrences are a common accompaniment of military campaigns. In the last few months, more news has come out about American massacres of civilians in the Korean War, apparently caused by unwarranted jitters that ordinary South Korean villagers might have been in league with the enemy. These events have been reported in the U.S. press with a very ho-hum attitude, and I have heard no one calling for prosecution of those responsible or, for example, for disinterring their remains from Arlington National Cemetery.

This is not to make light of any possible atrocities that may conceivably have been committed by a few Yugoslavian soldiers. But bear in mind that if there were any such, they were vastly outweighed by NATO-KLA atrocities. Furthermore, it was NATO-KLA which began this war, after the Serbian parliament had voted to reject NATO's preposterous ultimatum demanding occupation of the whole of Yugoslavia by NATO, effective control of Kosovo by the KLA, and detachment of Kosovo from Yugoslavia. In conspiring to unleash a war of aggression, NATO-KLA bears some responsibility for all the deaths on both sides.

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The Selling of "Serb Atrocities"

NATO miscalculated badly in Kosovo. *NATO lost the ground war.* NATO had expected that the KLA, which controlled 40 percent of Kosovo territory at the start of the bombing, would rapidly seize the whole of Kosovo. No doubt Clinton would then have claimed that NATO was not responsible for the secession of Kosovo: it was just the way things turned out.

Instead, NATO air power was unable to hurt the Yugoslav army, even while the Yugoslavs were rapidly driving the KLA out of Kosovo. From that point on, NATO's plan was to degrade civilian targets across Yugoslavia until the mass slaughter and crippling of ordinary Yugoslavians of all ethnic groups, and the devastation of essential amenities, would persuade the parliament in Belgrade to vote to accept NATO-KLA occupation of Kosovo. The new rationale for the NATO-KLA war was the story that "Milosevic" was conducting "genocide" against Albanians. This, as we can now see, was an invention by NATO and NATO's instrument, the KLA.

A threat to this rationale was the move of thousands of Albanian refugees to return home under Yugoslavian protection, once Kosovo had been made safe from KLA attacks by the Yugoslavian army's swift defeat of the NATO ground force, the KLA. Since the KLA was unable to massacre these Albanians, NATO did the job itself, from the air.

All this was obvious at the time to anybody who watched and thought. It was not conclusive, of course. Atrocity stories, however convenient to the side which spreads them, sometimes turn out to be true.

A number of factors made the ethnic cleansing story easier to sell to the American populace. The blood libel against the Serbs has been disseminated since the Bosnian civil war and even earlier. But probably the biggest factor was the apparent eyewitness stories related by some of the refugees who poured into Macedonia and Albania following the bombing.

At first, refugees reported that they were fleeing NATO bombardment, but within a few days this story changed. American reporters arrived in the Macedonian and Albanian camps, concerned only to find whoever would give them the most horrifying account of Serbian atrocities. The KLA, and those afraid of the KLA, duly obliged.

This is not to say that all the refugees were lying. The classic case of atrocity propaganda is that of the tales of German atrocities, especially in Belgium, in World War I. Although a few of these stories were actually composed quite deliberately by propagandists in Britain, the great majority were reports collected from purported eye witnesses and compiled in the weighty report of the Bryce committee. Historians now agree that these stories were either all or almost all false.

What happens when you and your fellow villagers leave your homes because of bombing or shelling, or are brusquely directed to leave by some foreign military commander who shows up in your village square? Crazy rumors spread like wildfire. You hear from your sister-in-law that the troops have massacred a hundred people half a mile away. Possibly your sister-in-law heard this story from a neighbor, only then it was 20 victims. These stories grow by accumulation and amplification among people who are afraid for their lives, desperate to understand what's going on, and lacking any but the most meager information. Once you have heard the same massacre story from half a dozen different people, you will probably repeat it without qualification to any reporter or investigator who asks you.

What's necessary to establish a closer approximation to the truth is to question each informant closely, and if the story turns out not to be an eye-witness account (which it rarely is) to track down the informant's informant, then that informant's informant, and observe how the story changes as it moves back closer to its origin.

One of the journalists, or perhaps the only journalist, who actually did this during the war — did what every conscientious journalist should do, but almost no journalists actually do — was Audrey Gillan, whose account appeared in the *London Review of Books* (May 27, 1999). She was able to demonstrate, simply by asking obvious follow-up questions of informants, that many of the atrocity stories were without foundation or at least exaggerated. That this was a common pattern in Kosovo is corroborated by the high frequency

with which graphic accounts of the killing of various individuals were punctuated by the embarrassing re-appearance of the murderees.

Where This Is Leading

When Clinton bombed Yugoslavia, Kosovo was troubled by ethnic strife, roughly of the dimensions of Northern Ireland, but it was a multi-ethnic, pluralistic, essentially democratic society, in which, despite some general mistrust and despite violent harassment from the KLA, most people of different ethnicities cooperated. Newspapers, schools, TV and radio stations represented all the diversity of the many ethnic groups, with a richer and more prosperous Albanian cultural life than was available in Albania. Kosovo was a far safer place to live than any U.S. city.

NATO may believe that enabling the KLA to conduct the most draconian ethnic, religious, and political cleansing will homogenize the population and render the governance of this new U.S. colony so much easier. That seems an unlikely outcome.

Today the KLA, which had too little popular support ever to risk facing the voters in elections, but which was prepared to kill and maim people, has been given the run of Kosovo. Not only the Serbs, but the Roma, the Turks, the Muslim Slavs, the Croatians, the Jews, and all the many non-Albanian groups have been largely killed or driven out by the KLA. NATO has arrested a few of the perpetrators but can't decide what to do with them, since any court would be KLA-controlled and would acquit all the killers. Thousands of Albanians have suffered the same fate, including all of Kosovo's non-Muslim Albanians, mainly Catholics and Evangelical Christians.

All political groups which might compete with the KLA are effectively outlawed. Ibrahim Rugova, only a few years ago the revered leader of the majority of Kosovo Albanians, used to walk about freely under Yugoslav rule, with only one or two companions. Following the KLA takeover, he didn't dare return to Kosovo for eight months, then appeared in Pristina surrounded by 50 armed bodyguards.

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The KLA has never shown any interest in democracy or multi-ethnic tolerance, and now this little gang of young thugs is becoming habituated to getting its own way to a fabulous extent. Individuals whose human capital is exquisitely adapted to butchering and looting are being guaranteed the opportunity to butcher and loot without restriction. Prudence, restraint, and a spirit of compromise will not be among the lessons they learn.

NATO's bombing of the Yugoslavs points inexorably to NATO's bombing of the Albanians. ⌟

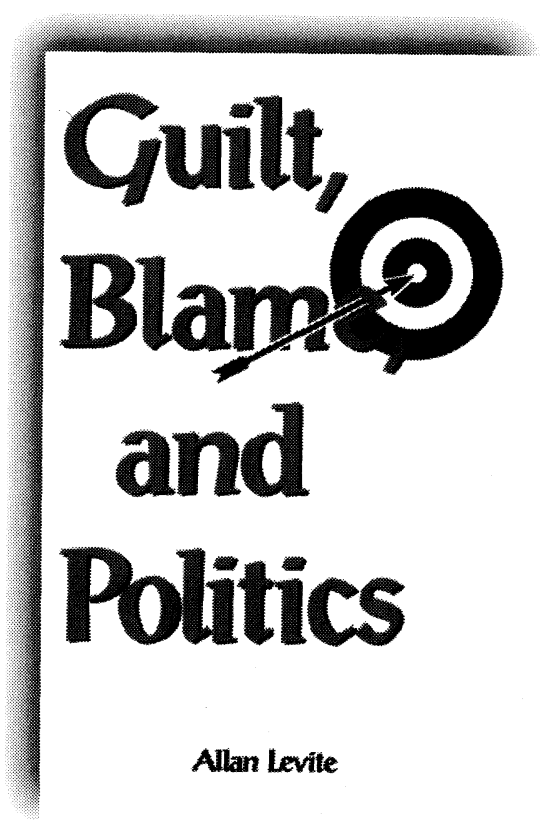

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Back to Belgrade

by Stephen Browne

Life, mostly, went on in Yugoslavia during the NATO bombing.

"I'd like to apply for a visa to Yugoslavia." I said, and handed the official my passport. He took one look at the seal of the United States on the cover and handed it back. "I'm sorry," he said. "It's impossible."

I reached into my passport sack and brought out a letter. "I have an invitation from the Ethnographic Museum." He looked it over. "Give me forty dollars and your passport. Come back tomorrow. We have to ask the Ministry in Belgrade, but in any case you'll get your money back."

I had come to Sofia, Bulgaria after a year in Saudi Arabia. I was trying to get to Belgrade to check up on my friends and colleagues, particularly Tomas Krsmanovic, long-time dissident, president and sometime presidential candidate of the Yugoslav Movement for the Protection of Human Rights, which had elected me an honorary member in 1997. I had been entrusted with some resources to deliver that I hoped would keep the lines of communication open over the winter.

While I was in Saudi Arabia the war started and because of the difficulty of communicating via email I had been frantic with worry about my friends. I'd received a message from Tomas that sounded horribly depressed. He said that Milosevic's popularity had soared as a result of the bombing and that dissidents were keeping their heads down.

At the underground pub I frequented in Dammam I had made myself very unpopular among intelligence types and military advisors for saying that I couldn't understand how in the world they bombed the Chinese Embassy by mistake. I used to live not far from it, and it doesn't look like anything other than a Chinese embassy — except perhaps a Chinese restaurant. It's in the same general area as some government buildings, but not really that close. And it sits in a rather open area.

I also was ridiculed for saying that if NATO had marched overland instead of bombing, it's possible they'd have been welcomed as liberators, at least in the city of Belgrade. Nope, Serbs were all diehard fanatics who would defend their territory to the death.

So with some trepidation, I'd shipped all my gear to Poland and transferred the contents of my bank account into my girlfriend's account in Warsaw. From Bahrain I flew to Athens and traveled overland to Sofia to wait for a faxed invitation that my friends had arranged for me and to brush up on my survival South Balkans Slavic *patois*.

The next day I reported to the Yugoslav Embassy at opening time with, I must admit, a feeling of relief. They'd say "No way, no how" and I'd be off for Poland. My Polish girl had been giving me hell for my plans. I said, "Honey, this is just like Poland during martial law." "Don't compare them to Poland! We weren't killing strangers!"

The embassy official arrived. "Here's your visa."

It was indeed a Yugoslav visa, taking up a whole page of my passport and good from September 3 to September 9. Now having no excuse not to go, I checked out of my hotel and bought a ticket on the overnight train.

For the first leg of the trip, to Nis, I shared a compartment with a mother and daughter who attempted to make light conversation. Later an elegantly dressed Gypsy woman with several large bags got in. If they guessed where I was from they didn't seem offended or upset at all. (I must explain something here. I speak fair Polish, and Bulgarian and Serbian on a survival level. The Slavic languages as a whole are a fairly close linguistic family and the South Slavic languages, Bulgarian, Macedonian and Serbian, have the same kind of "triangle relationship" as Polish, Slovakian and

Czech, i.e. A and B can talk to each other fairly easily, B and C can do the same, but A and C have problems. The upshot of it is, that I can make myself understood, with difficulty, on a basic level and that often I understand what people are telling me, without really being able to explain how I know.)

When we reached the border, I began to get tense. I'd had an ugly experience with a Bulgarian border guard last time I passed through that checkpoint, and I wondered how the Serbs would react to me. To say the least, I didn't like the idea of being asked to get off the train in the middle of nowhere in the middle of the night. The Bulgarian check passed without incident and then two Serb policemen came around checking passports. I handed them mine, "Oh, American!" the elder said in a loud sarcastic voice. "Oh shit," I muttered and quickly handed him the letter of invitation. "Okay," he said. Then they told the Gypsy woman to come with them and they disappeared for a few hours. She turned to me and told me to watch her bags and keep her place. The younger cop lingered behind and said to me, "I have family in America and I'm going to join them as soon as I can. This country is going to shit." It turned out that she was a cross-border trader (a specialty of Gypsies and certainly one of the reasons that sanctions don't seem to work) and they were negotiating their share of the goods in her bags. Before she left the train the older policeman explained to me that she had owned a factory, which had been bombed.

People prefer to believe themselves caught up in a vast conspiratorial web because the alternative is too terrible to contemplate; that one powerful man used their national agony to divert attention from domestic scandals and to try to leave a legacy of something other than sniggering jokes.

In the early morning the train pulled into Belgrade. Tomas was waiting for me, just as he had been two years before, so for sentiment's sake we went for coffee and rakia in the same hotel restaurant, where he could ask around for some street money changers who'd offer a good rate.

We then checked with my colleague Sasa Sreckovic, a curator at the Ethnographic Museum. "I knew you'd come. When you emailed that you'd come I knew you would." I'd been invited to speak during a film festival that the museum was putting on to try to restore some feeling of normalcy to the Belgrade community of anthropologists, folklorists, and kindred specialists. I had spoken two years previously on "Weapons Technology and Culture; Is the World Becoming the Balkans?" This time seemed to call for a lighter topic, so I spoke on "Linguistically Dependent Humor in English: Puns, Plays on Words and Spoonerisms."

Over the next five days I wandered about Belgrade and visited old friends and colleagues, and made new friends. I listened to what they had to say about their recent experiences during the war. The opinions I gathered, of course, came mostly from educated English-speaking Serbs, but I got more than one earful from cabdrivers as well.

The Allied bombing had been incredibly precise; there was surprisingly little damage in Belgrade itself. I walked by a couple of buildings which were gutted shells. The ones next door had perhaps had the windows blown out. The bombed buildings were mostly government buildings, of no importance to the infrastructure of the city itself. I was astounded to hear people joke, "Well, the bombing was a terrible experience but you know, I didn't really mind some of the targets!" Another said, "Why did they kill the innocent and let the guilty live?" (These conversations took place on the busy mall of Knez Mihailova at an outside table on a bright summer day and in a normal tone of voice, in English.)

A new acquaintance told me that the buildings were hit at night and that there were usually no casualties, not even watchmen or cleaning staff. To him this meant that someone was getting information ahead of time as to what would be hit when. "There is no other way to explain the low casualty rate."

However I was told that other cities and small towns had been horribly damaged by the bombing and that the infrastructure had suffered enough damage to make power unreliable during peak demand — and that they are afraid of the coming of winter.

One old friend expressed delight at the bombing of the Ministry of the Interior. "I spent an uncomfortable afternoon there being grilled as to why my name appeared on a list at the American Embassy," he said. "I asked them, 'Could it be because I'm an American citizen and have an American passport?'" "They said 'Why are you in Belgrade?' I replied 'Because my mother is seventy years old and won't leave.'"

Another colleague, Marianne, of mixed heritage but with an American passport, also stayed in Belgrade during the bombing. Marianne is a smoker and has to have her favored brand of cigarettes. During the war the only way she could get them was to go to the black market. She admitted that she felt like she was taking her life in her hands, but she went to a kiosk where the owner dealt black market goods out the back. He told her to step inside away from public view. "My God he wants to murder me!" she thought, but went in anyway. He handed her two cartons. "I don't have enough money for that many." "Take them. Pay me when you can and tell your people what kind of people we are."

My second day in the city I took a cab across the Brotherhood and Unity bridge over the Sava River to Novy Beograd to visit my colleagues at the Galindo School. The cabbie asked where I was from. "I'm American." "Oh, journalist?" "No, I'm a teacher." He then took me on a tour of the bombing sites near the confluence of the Sava and Danube.

"A bed-wetter? Great! — I win my bet with my receptionist."

"That's the TV building, owned by Milosevic's daughter. Communist bitch! Tell your people Serbs good, Milosevic bad. Of course we don't like Americans. Oh here we are. Have a nice day!" Now the truly remarkable thing is, that of perhaps four cab rides I took, not once did a cabbie try to shortchange or overcharge me. Here in Warsaw, where they like Americans, you have to be very careful about which cab you get into.

The attitude I universally ran into was that they were all caught up in an immense conspiracy and that seemingly inexplicable actions must have an ulterior purpose. A colleague of mine, a lawyer and business manager, spoke for the general opinion: "Come on Steve, you can't tell me that with the immense power of the United States that they couldn't get rid of one man without a war? This is an excuse to demonstrate American power in Europe."

This type of thinking seemed universal among the population. One fellow asked, completely seriously, "Do you think Milosevic is working for Clinton?" I answered, "Well, I don't think he gets a paycheck from Clinton, but I do think they find each other's existence very convenient."

Aside from the fact that conspiratorial thinking comes easily in the Balkans, people prefer to believe themselves caught up in a vast conspiratorial web because the alternative is too terrible to contemplate; that one powerful man used their national agony to divert attention from domestic scandals and to try to leave a legacy of something other than sniggering jokes.

Right about this time I was breathing a sigh of relief that I hadn't lost any friends and that the city I loved was largely intact. Then a friend told me that her cousin had sent her two little girls, nine and eleven, to Montenegro for safety, where they'd both been killed by a stray cruise missile.

My last night in Belgrade I talked late into the evening with Tomas and a neighbor, a Pakistani married to a Serbian woman. Tomas said, "Serbs not guilty, Albanians not guilty. They think Serbs oppressed them but the truth is that the government oppressed everyone, Serbs and Albanians." His neighbor pointed out that because of government agricultural policy people were deserting the farmlands. "It's totally crazy, you could grow anything in this soil, but you either have to haul it to the city to market yourself or sell it to the government at the price they set."

The attitude I universally ran into was that they were all caught up in an immense conspiracy and that seemingly inexplicable actions must have an ulterior purpose.

So I asked, "I know that there has been a lot of propaganda and exaggeration, but the evidence is that bad things were done in Kosovo. Who did them, the army or the paramilitaries?" They replied together, "The paramilitaries." Tomas said, "You remember during the demonstrations how the army said they would stay in their barracks and Milosevic used the paramilitaries to keep control? When they aren't robbing and killing in Bosnia or Kosovo they are perfectly happy to do it in Belgrade! Six apartments in this building alone have been looted by paramilitaries."

"So do you think is this not a war of ethnic nations but of gangs and tribes?"

Both replied, "Yes, definitely."

I mentioned to my colleagues and former students that I had suggested that an overland march by NATO forces might have been welcomed as liberators, at least in the city. I was wrong. Every person I asked replied with blank looks, "Of course." One former student I spoke to while her mother entertained a member of the Belgrade city council in the next room reminded me, "Don't you remember we were carrying NATO flags during the demonstrations?" (I didn't recognize the NATO flag, a compass rose, and feared it was some kind of neo-fascist banner.)

The cabbie took me on a tour of the bombing sites near the confluence of the Sava and Danube. "That's the TV building, owned by Milosevic's daughter. Communist bitch! Tell your people Serbs good, Milosevic bad. Of course we don't like Americans. Oh, here we are. Have a nice day!"

I then asked her about the reported surge of support for Milosevic. "Well the truth is that for the first month people rallied around him. But after a month the bombing was driving everybody so crazy that the attitude changed to, 'Oh, just give them what they want so we can get some sleep.'" So much for the affection for Kosovo, "the historical heart of the Serb nation." During my entire stay in Belgrade only one person acted the least bit unpleasantly towards me — a Serbian academic with American citizenship, who described himself as an "ex-American." During an evening of drinking with the museum staff he got progressively more insulting. When he said "You and your Polish whore!" I had had enough.

"All right asshole! That did it. You've got every right to speak about my, our, country in any way you like. But now we've got to step outside and go to it in any way you like, fists, knives or whatever you please!"

Then a really weird thing happened. He apologized profusely, the museum staff breathed a sigh of relief, and we changed places, figuratively. He said, almost sobbing, "But I still believe in America!" I asked, "Do you think that George Washington could get elected in this day and age? He was a slow and deliberate speaker, Sam Donaldson would tear him apart. James Madison? Physically tiny with a high squeaky voice. Abraham Lincoln? Spectacularly ugly. No, today we get a charming, photogenic sociopath like Bill Clinton."

I love Belgrade but there has always been something about it that drives me crazy. I don't think I was really entirely sane when I left in '97. It was time to leave. Tomas took me to a night bus going to Budapest. The train to Budapest was inconveniently routed over a bridge destroyed in the bombing. ❑

Proposal

The Politics of Seizing Innocent Peoples' Property

by Miles Fowler

Drug police have lined their pockets with property seized from drug users and their innocent families. Opposing these outrages is not just the right thing to do — it's good politics too.

Through asset forfeiture, the War on Drugs has undone constitutional limitations on the scope of government's power. Governments seize people's property without due process, without a jury trial, often without reasonable cause, and even continue to punish property owners after they have been found innocent. Asset forfeiture thus seems to subvert most of the Constitution's Articles of Amendment from IV through VIII, and section one of XIV. It might even violate Article III, section 2, paragraph 3, in the body of the Constitution, which also mandates trial by jury for all crimes except impeachment. Asset forfeiture began as a federal tactic but quickly spread to state and local governments. Enacted as a tool of the wars on drugs and organized crime, it is now used against those who solicit prostitutes or those charged with vague economic and environmental crimes. It has been used against a farmer who accidentally ran over a member of an endangered species with his tractor, and an attempt has been made to use it against right-to-life organizations.

In the December *Liberty*, R.W. Bradford proposed that drug legalization be the central issue of the next Libertarian presidential campaign. He based his proposal, in part, on evidence that as many as 15 percent of voters have smoked marijuana and that even those who haven't are liable to have family members who have, and do not want their relatives jailed or their own property confiscated.

While I think Bradford's proposal is a good one, I'd like to suggest that such a campaign focus equally on asset forfeiture and drug legalization. For one thing, I think more people are likely to be hostile to asset forfeiture than to drug legalization by itself, which is liable to alienate people who are thoroughly brainwashed by the War on Drugs. I am sure there are people who cannot be convinced that government drug policies are leading us to a more totalitarian society who would nevertheless sympathize with the plight of victims of property seizure.

Like drug legalization, securing people's property against arbitrary seizure is an issue that the LP can have an exclusive on. Federal, state and local governments have abrogated the Law of the Land, and the majority of established-party politicians and their judicial appointees show no great alarm about the peril they have wrought. It has become an important source of funds for law enforcement and other governmental uses, and has built up a considerable constituency.

This strategy may attract voters from other parties, as well as independents. My significant other, who has sometimes voted Green, tells me she would seriously consider voting for a Libertarian presidential candidate who made legalization the central issue of the 2000 campaign, especially if Al Gore and George W. Bush are the nominees of their respective parties. Another non-libertarian friend found legalization an attractive campaign issue but noted with alarm that one could not hope to win with the issue. As Bradford said, this strategy could increase the libertarian vote without bringing about an electoral victory.

The extent to which the LP has been too small to receive much attention has been a mixed blessing. It has been relatively unmolested at its most ineffectual, but whenever it has been successful or identified with a hot issue — usually in state or local contests — it has been attacked with tooth and claw. This would be the case if the legalization-forfeiture strategy worked on the national level. Undoubtedly, Rush Limbaugh, who says nice things about libertarians as long as they act as conservative mascots, would devote at least one monologue to attacking legalization and would predictably continue to do so as long as the issue appeared prominently in the news. That would be good, of course. The kind and

amount of opposition to legalization would indicate its significance and that it poses some threat to the established parties.

I agree with Bradford's idea of campaign ads reporting horror stories from innocent victims of the War on Drugs, demonstrating that it leaves no one safe from either the criminals or the police, and illustrating Ben Franklin's dictum that those who trade liberty for security will have neither. While fear is a tactic that can backfire, voters need to realize that there is legitimate reason for them to fear the out-of-control policies of the drug warriors. The harm that has been done could be presented clearly, factually, and understatedly yet powerfully.

These victims and potential victims are a constituency libertarians should have reached already. This failure is the product of the LP's timidity on this issue, by not advancing legalization as the central issue.

Opponents always try to draw legalizers into debates over which drugs are to be legalized. This is, of course, a trap and a distraction from the real issue. Obviously, arguments for legalization of one drug apply to the legalization of all drugs, but the LP must affirm positively that prohibition, *not the commodity prohibited*, is the problem. The return to legalization, which existed before prohibition created all of our drug-related problems, is the only rational solution.

Ultimate Dilemma: Votes or Principles

Actually, what Bradford proposes is a way of doing what all electorally successful political parties do: appeal to a group of voters or a coalition of voters. Victims of the War on Drugs are otherwise honest, law-abiding citizens. They are threatened by drug laws, including mandatory drug sentencing and forfeiture laws that impose penalties entirely out of proportion to the harm claimed. These victims and potential victims are a constituency libertarians should have reached already. This failure is the product of the LP's timidity on this issue, by not advancing legalization as the central issue.

While we are at it, we might as well ask what constituency or constituencies the LP already reaches. For example, not all entrepreneurs are libertarians, but many libertarians are entrepreneurs. Is there a wedge issue that would help the LP win votes among those entrepreneurs who are Republicans, Democrats, or Greens? Is legalization somehow part of it? It would be smart to "keep it simple, stupid," making only one issue central to the campaign; however, the Justice Department's opening attempt to regulate the computer industry through prosecution of Microsoft has given the LP an opportunity to reiterate its opposition to government regulation, promising particularly that a Libertarian president would keep the government's hands off the U.S. economy's golden (silicon?) goose. This ought to be a secondary campaign message at the least.

The LP has never fully answered Ludwig von Mises' argument in *Liberalism*, that no political party can truly represent liberty. Political parties cater to groups that form the coalition of supporters whose votes and contributions give the party the power to enact public policy. Politicians are elected because they sound as if they will promote whatever programs are advocated by the interest groups they address, regardless of whether such programs favor the interest of society on the whole or individual liberty in particular. Appearing before these groups, politicians answer the question "If elected, what will you do for me?" When asked this question, the LP's first nominee answered, "I'll leave you alone." That is magnificent political philosophy, but it isn't politic. Most people won't support candidates who offer them only this answer.

By appealing to coalitions of interest groups for whom the LP can, almost paradoxically, do something for them by doing nothing to them, the party has some chance for electoral progress. Drug legalization and ending confiscation of private property seem to answer Mises' argument, at least partially. But there might not be enough such issues to give the LP any broad appeal in future elections. Harry Browne's question "Would you be willing to give up your favorite government program if you never had to pay taxes again?" was an attempt to appeal to a universal leave-me-alone sentiment, but it evidently did not have the hoped-for mass appeal.

Until such time as Libertarians convince a majority of citizens to vote for their long-term as opposed to their short-term self-interests, sticking to its principles risks a perpetual dry campaign message at the least.

In New Zealand, perhaps the most successful libertarian party in the world is called the Association of Consumers and Taxpayers (ACT), which may be the world's most inclusive coalition name. (Meanwhile, in the same country, the Libertarianz party is as marginalized as the LP is in the U.S.) However, even ACT could be in trouble. As Mises might have asked, what happens when the narrow, short-term interests of those consumers who are not taxpayers conflict with the interests of those who are? Is it that the more votes a party wants to win, the more it must be tempted to compromise the integrity of its principles?

The ultimate success of the LP is uncertain, but it will never be successful if the party does not start somewhere. This may be the place to start.

Other strategies for garnering more votes have related dangers. Celebrity candidacy, to which Bradford alludes, is a variation on being led by the whims of voters rather than by principles. When Howard Stern ran for governor of New York, an official of the NYLP said he was unsure whether it was his dream come true or his worst nightmare. It was evidently both. Stern attracted much publicity to the LP when he won the nomination, but the party was publicly embarrassed when he subsequently dropped out of the race. American voters often seem to vote for personalities or sim-

continued on page 38

Surplus Balderdash
by Sheldon Richman

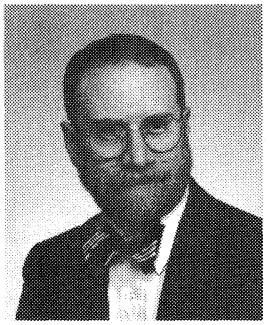

The projected budget surpluses are useful in revealing the political philosophies of Democrats and Republicans. The Democrats hold that lowering taxes in light of the surpluses constitutes a form of government spending and should be judged against other ways government could spend the money. That approach implies that government has a claim to 100 percent of our incomes and that we should be grateful for any amount it lets us keep.

The Republicans object to the Democrats' refusal to consider a surplus-based tax cut. In doing so, they have shown an appalling naivete about government that raises doubts about whether they can be trusted in any political office. If it isn't naivete, it is a profound dishonesty.

Republicans have responded to the Democrats along these lines: A budget surplus is equivalent to citizens' being overcharged for government services. Therefore, they should have their taxes cut.

The call to cut taxes is unobjectionable (repeal is preferable), although the GOP proposal is outrageously small. What's philosophically wrong with the Republican response is the premise that taxes are charges for government services. This is untrue. It has never been true. And since taxes are not charges for services, there can't be an overcharge.

The purpose of taxes is to raise money (by force) for the government. True, the government uses the money to provide some services — whether wanted by taxpayers or not. But there is no direct connection between taxation and services.

When the government plans a new fiscal year, the budget people do not estimate how much money they will need to render services and then adjust tax rates to raise that amount of money. Rather, they estimate how much money they expect the tax system to harvest in the following year and then make plans to spend it. If they see they will have more money than they are currently spending, they increase spending or start new programs. That is what the Clinton administration wishes to do. At times, politicians cut taxes to score points with voters or to stimulate the economy. They never cut taxes, however, because people have a right to their own money. Tax-cutters sometimes say that people have a right to keep more of their own money. But if they have a right to that, why don't they have a right to keep all their money?

There are other reasons to reject the idea that taxes are charges for services. When the government taxes you and gives the money to someone else (as in Social Security, food stamps, corporate subsidies, you name it), what service is being rendered to you? What about when your money is taken so the government can put peaceful drug users in prison? Or so it can bomb Serbs and Iraqis?

Another tip-off that taxes are not charges is the income tax itself. Under the income tax, the more you earn, the more you pay. Yet a wealthy person may get fewer government services than a poorer person. Where's the connection between tax and service?

No sober person really believes taxes are payments for services rendered. When the income tax was being promoted by social engineers in the early 20th century, some of them said that people should pay on the basis of the benefits they get from government. The pro-tax economist Edwin Selig-man, however, knew that was a poor argument and in its place advanced the ability-to-pay argument. A person, he said, "does not measure the benefits of state action to himself...because...such measurement implies a decidedly erroneous conception of the relationship of the individual to the modern state.... [It] is now generally agreed that we pay taxes not because the state protects us, or because we get any benefits from the state, but simply because the state is part of us."

That astounding presumption is at the heart of government. Any intelligent self-supporting citizen knows he is not part of the state and would just as soon keep his money in his own pocket.

Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va.; author of its book ***Your Money or Your Life: Why We Must Abolish the Income Tax****; and editor of* ***Ideas on Liberty*** *magazine.*

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ply for names that they recognize rather than for policies and issues; but it is not so much that voters care more for personalities than issues as that they have usually been presented with make-believe issues that made them yawn even more than the personalities did. Bradford is right that it does not matter whether the advocate of legalization is a celebrity. The issues of legalization and anti-confiscation transcend personality. Those who care about these issues will vote for anyone who champions them.

Legalization has come a long way since the day it had no mainstream advocates. If the LP can win a significant number of votes with this issue, the consequences are bound to be good. It would certainly raise the party's visibility and help it grow. It might also pave the way to actual victories. It might force other parties to confront the issue. Maybe other parties would co-opt the issue. Championing this issue is worthwhile regardless of what lies ahead. The ultimate success of the LP is uncertain, but it will never be successful if the party does not start somewhere. This may be the place to start. It would help greatly, too, if libertarian candidates for local offices echoed the issue and exposed police drug war murders and prosecutorial thefts in their own precincts. The LP is as right about the War on Drugs as it is right about anything, and will benefit itself while performing a service for liberty of all if it establishes visible leadership on this issue and gives it priority in a national campaign. ❑

Tonso, "The Spirit of Northfield and Coffeyville" *continued from page 26*

When you get right down to it, the spirit of Northfield and Coffeyville is the spirit of self-governing people and of the Constitution and the Bill of Rights. The Founders didn't expect us to consume safety; they expected us to be directly involved in the ongoing defense of ourselves, our families, our communities, our country, and our way of life. When the citizens of Missouri, the home state of the James-Younger gang, had the chance to determine by vote whether or not they would be allowed, like the citizens of 31 other states, to obtain permits to carry handguns concealed for defensive purposes, the urban counties containing St. Louis and Kansas City were responsible for the narrow defeat of that measure. No surprise.

Unfortunately, as we move into the 21st century, American urban and suburban areas are producing far more consumers of safety than self-defenders like Lance Thomas. ❑

Maltsev, "Yeltsin's Worst Legacy" *continued from page 18*

out of control, accusations of top-level corruption being investigated by prosecutors in the United States, Switzerland and Britain, unbridled crime and terrorist attacks in several Russian cities, Putin's government is engaged in a genocidal war against Chechens and other Muslims of Russia. This war once again illustrates the old Russian tradition of creating new problems, rather than solving existing ones. It also creates a nationalist-militarist psychosis in Russia in which the worst are coming to the top. In Russian history the kakistocracy has ruled in similar periods. But as a cynical Russian saying goes: "The only lesson of history is that it does not teach us anything." ❑

Letters, *continued from page 20*

demonstrated its intolerance of tax funding, Hillsdale has my permission to be intolerant of anything they please. Their library can even ban *Liberty* for all I care.

Perhaps it's time to reread Nock's *Our Enemy, The State*. Hillsdale College — with or without George Roche — is not part of our problem.

Dan P. Dougherty
Roseville Calif.

Hillsdale, Love It or Leave It

The dirt about George Roche and Hillsdale made a sad story indeed. Especially sad if it is true that Hillsdale "coddles cherished fairy tails, crushes opposition, and terrifies students with gestapo tactics." But even if these things are true, it sounds like no contracts were broken and no rights violated. Hillsdale's famous assertion of its rights to run its educational business free of bureacratic meddling has apparently been paralleled by an assertion of its rights to deal with students as it sees fit. Students can play by Hillsdale's rules or they can walk. From a libertarian perspective, it's a sad story, full of immorality, bad judgment, and narrow thinking, but in no way was it a situation that justified outside intervention. The Hillsdale story raises a larger question for libertarians to think about. Suppose we go all the way with Rothbard to the conclusion that property rights are the only human rights. Then there would be no freedom of speech as such, only the freedom to use one's own property to make speeches, or to contract with others to use theirs. An entire town or district might be privately owned and the owners could practice what would normally be called censorship, racial discrimination, arbitrary searches, etc., with the understanding that anybody who didn't like it could leave. My point is that Hillsdale is only a warm-up for some very ugly private arrangements that would surely arise in a Rothbardian society. Is that what we want?

Warren Gibson
San Carlos, Calif.

High Market

I applaud Eric Miller's love of the skyscraper ("Chicago's Ego," January), and the none-too surprising revelation that policy-makers tend to be a thorn in the side of those who desire to push the edges of human ingenuity ever further. However, I must disagree with one of the central themes of his article: that symbolism should be central to the urban landscape. That seems too close to the attitude of our contemporary invasive urban planners. Building with symbolism as a foremost goal defies the market, especially when individuals are willing to go to "any lengths" to arrive at them (in other words, "I don't care if it makes money, just make it BIG!" — sounds like something a Green legislator would say about creating a new wilderness preserve). The phallic building is indeed a sign of America's (and the capitalist world's) commercial achievements. But I think that it is becoming more a sign of an older market. Today's market is dominated more by lower transit costs and lower-density urbanization. This change from urban

continued on page 61

Fantasy

Bill Gates Shrugged

by Michael Giorgino

Bill Gates has stepped down. Where will he go today?

Microsoft's general counsel waited impatiently. He was not accustomed to being kept waiting by the "boy genius" inside. He glanced at the clock over the silent, older woman who guarded the entrance to his office. He could not understand why her quiet, purposeful efficiency annoyed him so much at this moment.

"Who is he in there with?" he snapped.

"The gentleman did not give his name, but Mr. Gates knew he was coming," she calmly replied.

"This is one helluva time to be chatting with old friends."

"Oh, they've never met. They introduced themselves when he went in."

"He must be fishing for something. Ever since Bill created that charitable trust, money grubbers have been coming out of the woodwork."

"No," she replied, "He's not one of those . . . it's strange."

"What?"

"He was the most self-confident, self-assured man I have ever seen. He looked like he was here to collect a debt. He had the strangest eyes — dark green and penetrating. He had the serene look of a saint — or an executioner."

The lawyer breathed an expletive. "If he's going to execute someone, I wish he'd get it over with. I still need to discuss the judge's findings of fact with him, and I've been cooling my heels out here for three bloody hours."

Suddenly, the door opened. Gates walked out, took his legal strategist's hand, and said with a distant smile, "Go home. Call a special meeting of the shareholders for Thursday at noon."

"Just a damn minute, we have to discuss this case. There are some hopeful signs in the ruling. Fairness dictates that the government should cut us a decent break, given your commitment to the overriding social purposes . . ."

Gates held up his hand, and the lawyer stopped. He saw a look of uncompromising determination on the Microsoft chairman's face that he had seen previously only when scientific or technical matters were at stake — never in a social context.

"What did he say to you?"

Gates just smiled, this time brightly.

On Thursday, all of Redmond was talking about the case, and how the company would respond to the antitrust ruling. 2,500 shareholders and the entire board and management were assembled. The international press hovered in the rear, barred by strict orders of the chairman from the front tier, which was reserved for the company's most loyal workers and longest-term stockholders.

Bill Gates walked in precisely at noon, and strode purposefully to the podium. It was suddenly apparent to everyone just how young this industrial giant was. They sensed a magnificent innocence, an untroubled purity in his manner — a pride which is serene, not aggressive. More than anything else, his face was utterly devoid of guilt.

"Good afternoon. I have called you here today to tell you that I am resigning as Chairman of Microsoft, Inc., effective immediately."

A gasp was heard in the audience, and shouts of "No, no!" The general counsel rose from his seat to approach the microphone, but Gates continued.

"I do not want this action to be misunderstood. I will state it publicly, for the record. I work for nothing but my own profit, which I make by selling a product that they need to those who are willing and able to buy it. I developed Windows and Microsoft's other products as an expression of my own creative ability. I did not produce them for the benefit of society, nor at their expense. Consumers of these products, the free men and women who stood in line to

order Windows 98 while I was being grilled on Capitol Hill, dealt with me as equals — by mutual consent for mutual advantage.

"I am rich. I made my first billion dollars in my 30's. I am proud of every penny I own, because I have earned it. I have made my money through the voluntary consent of every man I dealt with in my life — the first man who hired me when I was starting out, those who joined me in my first commercial enterprise, those who freely work for me now, and those who buy my products.

"All my life I accepted the moral code that it is good to live for the sake of others. In church, schools, and from our government, I heard that the goal of one's life is self-sacrifice. 'Ask not what your country can do for you; ask what you can do for your country.' I didn't question that code. I worked hard and offered my best effort to others, expecting the same in return. When these government troubles began, my wife and I were advised to show the public that we had their best interests in mind. I thought I had done that with our products, unleashing unlimited human potential in information systems and mass communications. However, with all the wealth we had amassed, I thought it also would be beneficial to support worthy charities. Who would not like to have the economic power to cure disease and provide educational opportunity to the deserving poor? I have been told that our charitable donations have been the largest in history. I was shocked by the public reaction. The silence hurt. The sneering and 'It's about time' attitude from so many quarters raised the first question in my mind about the morality of a code that preaches self-sacrifice.

"I cannot and will not continue to work under a system of arbitrary and unjust laws. Microsoft will close its doors."

"I want to assure our long-term workers that their pension plans are sound, and all contractual obligations will be honored. Those who have worked with us for less time will be given generous severance bonuses, based upon seniority. To our loyal shareholders, my associates and I will be announcing a tender offer later today, to minimize the impact of this action on your investments. However, I cannot and will not continue to work under a system of arbitrary and unjust laws. Microsoft will close its doors. Its patents and copyrights will be guarded against use. We will leave the market open for the 'underdogs' and the government to fight over what remains. The government says I have hurt consumers by giving them the best product at the lowest price? I am removing the source of that 'harm' — my mind — from their reach.

"The heart of the altruistic code is the idea that we do not have a right to live for our own sakes. I am here to tell you today that I do, and that I will not deal with men on any other basis. Do you hear me, Washington? I refuse to accept as guilt the fact of my own existence and the fact that I must work in order to support it. I refuse to accept as guilt that I am a businessman; that I make money; that I create wealth. I refuse to accept as guilt the fact that I am better able to accomplish these things than my neighbors, and that they are willing to pay me accordingly. I refuse to apologize for my success — my ability — or my money.

"I see now that the public good was never the purpose of my work. It was always to offer my kind of man my best effort in return for his. It is not a particular state policy I challenge today; it is their moral premise. If it is now the belief of my fellow men, who call themselves the federal government, that they demand sacrificial victims, then I say: The public be damned! I will have no part of it."

"The government says I have hurt consumers by giving them the best product at the lowest price? I am removing the source of that 'harm' — my mind — from their reach."

Suddenly, his wife was at his side. They looked into each other's eyes, and knew it was time to leave.

The general counsel blocked his exit. "What did that sonofabitch tell you?" he snarled.

Gates laughed in recognition. "He asked me if I saw Atlas, the giant holding the world on his shoulders, blood running down his chest, knees buckling, struggling to hold up the world with the last of his strength, what would I tell him to do? I asked, 'What could he do . . . what would you tell him?' He replied, simply, 'To shrug.'"

That evening the plane landed on a remote airstrip in Colorado. A small group of people waited to greet Gates and his family. At its head was the intense, confident stranger who had visited his office. His green eyes gleamed with pride as he claimed his greatest conquest. He stood beneath a 12-foot golden monument — the sign of the dollar.

John Galt said simply, "Welcome home." ❑

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What if the U.S. Had Stayed Out of World War II?

by Michael Drew

A critical look at Pat Buchanan's anti-European war theory — without the shrieking and namecalling.

It's no surprise to see Pat Buchanan almost universally reviled for arguing that the West should have avoided war with Nazi Germany. Dwight Eisenhower's "Crusade in Europe" stands alongside the American Revolution and Civil War as sacrosanct in our history; hence the alliance of Buchanan-bashers from war-hero Senator John McCain to the unheroic Geraldo Rivera. Even George W. Bush got into the act with a rare statement (for him) about other countries: "Pat sees an America that should have stayed home while Hitler overran Europe and perpetrated the Holocaust."

While "playing the Hitler card" in any form makes for questionable campaign strategy at best, what about Buchanan's historical judgment? One would think a price of fifty million dead in World War II, with the chief result of elevating a marginal Soviet Russia to global superpower status, might at least allow us to talk about it a little. Buchanan's theme in *A Republic, Not an Empire* is consistent: that Britain and France would have been better off allowing Hitler the free hand he wanted in Eastern Europe in 1939, and that even after the fall of France in 1940, the United States could have, and should have, remained neutral and safe from all harm — albeit aided by a vigorous rearmament program. In short, Buchanan resurrects the terminally un-hip platform of Charles Lindbergh and the "America First Committee," claiming the discredited isolationists were right even in hindsight.

As the title of Studs Terkel's bestseller *The Good War* would suggest, much of the outcry against Buchanan's Hitler heresy is simple moral indignation. Hitler was the greatest war criminal of all time as author of the Holocaust. It was our moral duty and the finest act of the 20th Century to put him out of his misery (or more precisely, to strongly encourage him to do so) deep in his Berlin bunker in 1945.

One problem with the moral argument in favor of the war is that the U.S. did not go to war for moral reasons in the first place. Our country maintained official neutrality toward Nazi Germany for nine of the twelve years of the Third Reich, until Hitler suddenly declared war on us following the Japanese attack on Pearl Harbor in December 1941. Up to that moment, as Buchanan points out, the great majority of Americans did not want war with either Germany or Japan, despite the fact that both countries had attacked their closest neighbors and committed widely publicized atrocities on a mass scale. Furthermore, if Hitler had not insanely declared war on the U.S., in the words of George Ball (the State Department official who later interrogated Nazi Armaments Minister Albert Speer) "there would have been an enormous sentiment in the United States . . . that the Pacific war was now our war and the European war was for the Europeans and we should concentrate all our efforts on the Japanese."

Whether these reasons for war were right or wrong, Buchanan's argument should be put in perspective; it reflects the overwhelming attitude of Americans at the time. There was no popular consensus for any kind of moral crusade to help anyone, although Americans overwhelmingly chose to defend themselves once attacked. On the latter point, historians generally agree that Franklin Roosevelt maneuvered aggressively with both Germany and Japan to provoke a war which he felt was inevitable, but which the public would not support until it was forced upon them, as indeed it was at Pearl Harbor.

A third problem with the moral argument for World War II is that we did not save the Jews of Europe; the great majority were exterminated during the period of U.S. intervention, from 1942–45. Many of those who did survive emigrated from Nazi-held territory either before or during the early

years of the war. If Hitler had systematically planned an extermination campaign during the thirties and then begun to carry it out in the forties, the moral argument would still hold great weight — that we at least had to go to Europe and save as many Jews (and other victims) as possible. While this is the impression many Americans still have, bolstered by gruesome footage of Allied forces liberating the death camps, the actual history of the period is somewhat different.

In Hitler's *Mein Kampf* and other writings and speeches from the twenties, the "final solution" to the European Jewish question was usually envisioned as emigration (voluntary or otherwise) of Jews to other parts of the world. This remained the core of Nazi policy when Hitler came to power, and Jewish emigration accelerated through the pre-war years. Internal Nazi security reports reveal part of the motivation for the anti-semitic Nuremberg Laws and other persecutions as being "to strengthen the compulsion (of the Jews) to emigrate." A well-known tragedy of this period was the tight restriction on Jewish immigration imposed by the U.S., Britain, and other western governments, including British restrictions re Palestine. These eventually cost many Jews their lives and reinforced the Nazis' impression that nobody else wanted them.

One problem with the moral argument in favor of the war is that the U.S. did not go to war for moral reasons.

As tensions heightened and war with England and France seemed likely, Hitler declared before the German Reichstag in January 1939:

> If international Jewry . . . should succeed once more in plunging the peoples into a world war, then the consequence will not be the Bolshevization of the world . . . but on the contrary, the destruction of the Jewish race in Europe.

Many heard this speech; naturally few took it literally. Despite Hitler's (well deserved) reputation for brutality, the Nazis monitored Western public opinion closely during the pre-war years. As a result, the foreign press indirectly imposed a relative level of restraint on Hitler's actions. The escalation to a war footing with France and England thus put the Jews in far greater immediate danger. Not only did emigration to the West become impossible under wartime conditions, public opinion in the (now) enemy countries suddenly became irrelevant. Most importantly, in keeping with his "prophecy," Hitler vented his rage progressively on the scapegoat Jewish hostages as pressures and setbacks of the war mounted. The correlation between the Holocaust and the war itself is no mere speculation, as seen in the diary entry of Propaganda Minister Joseph Goebbels on March 27, 1942:

> The Fuhrer's prophecy (of 1939) is being realized in the most dreadful way . . . If we didn't act against them, the Jews would destroy us . . . .Thank God the war offers us possibilities which would have been barred to us in peacetime . . .

Tragically, the record shows the mass murder of the Jews deliberately accelerating as the war intensified. In May 1941, further emigration from occupied Europe was banned. In January 1942, the Nazis convened the infamous Wansee conference to map out the systematic roundup and murder of the Jews across Europe. In November of that year, the first large-scale American battle began with Operation Torch, the invasion of North Africa. SS Chief Heinrich Himmler told his confidant Felix Kersten at the time that "since the landings in North Africa the Fuhrer has given orders to proceed ruthlessly against the Jews." This is corroborated in Hitler's speech the day after the Torch landings, when he reiterated his earlier prediction and declared that "those who still laugh today will probably not be laughing much longer."

As the tide of war turned for good in the summer of 1944, Americans mostly read headlines about General Patton's record-breaking race across France toward the German border. Unfortunately another kind of record was being set at the time; as American, British and Russian forces streamed toward Germany, the Auschwitz gas chambers and crematoria reached their highest numbers of victims per day. Crucial German war shipments were delayed at the height of the military crisis to make way for more trainloads of Jews since, in the words of historian Peter Padfield, "the most pressing goal, acquiring fresh urgency as the Red Army advanced . . . was the elimination of the Jewish race in Europe."

Whether the Jews would have fared any better under a different diplomatic or war scenario is impossible to say; what seems clear is they could not have done much worse. From the perspective of the Holocaust, the Allied assault on Europe resembles a gigantic, unsuccessful hostage rescue mission in which the terrorists shoot their prisoners as the doors are broken down. The four years it took to storm Hitler's Fortress Europe, coupled with our repeated calls for "unconditional surrender" of the Axis, all but ensured the final outcome.

Of course, the Allies were probably powerless to stop Hitler from taking his perverted "revenge" on the Jews once total war was underway. Even so, the West rebuffed Himmler's attempts to negotiate the release of a million Jewish hostages to neutral Spain and Portugal late in the war — though the terms and reliability of the negotiator were admittedly suspect. And the Allies refused to bomb the rail lines leading to Auschwitz and other death camps, which would have slowed the killings. The only moral victory possible in retrospect would have been to allow a massive Jewish emigration to the West and Palestine during the 1930's and beyond (not that Buchanan recommends this in his book!)

The European Gameboard in 1939

Buchanan's argument against the war is actually weakest where he makes his strongest stand — based on realpolitik and the layout of dominoes on the gameboard of Europe in 1939. He is correct in that Hitler's life ambition was always oriented to the East: to gain *lebensraum* ("living space") for a Greater Germany in Eastern Europe, and to smash Soviet Russia and Communism in the process. Many in the West viewed Hitler favorably out of simple self-interest. After all, Communism called for world revolution while Hitler's goals were primarily regional (and in a region other than theirs). Given that the Communists wound up murdering more people than the Fascists by any count, one might fairly question why the West began the war to free Poland from Hitler, only to end it by handing Poland over to Stalin, in the process creating a world more dangerous than ever.

To suspend disbelief in Buchanan's hands-off-Hitler sce-

nario, we might imagine the anti-interventionist Herbert Hoover defeating Franklin Roosevelt in 1932 and being sworn in for his second term within a month of Hitler taking power in Germany. Unlike Roosevelt, who talked a neutral game while provoking the Axis in every way possible, we imagine Hoover (and his anti-interventionist successors) sticking to his guns (so to speak) and maintaining genuine neutrality throughout any European or Asian crises to come. England chooses the anti-Communist line and France cannot fight alone, thus giving Hitler his free hand in Poland. The West also acknowledges its genuine inability to help Poland — painfully borne out in the war that actually ensued.

What then? With Hitler getting the Buchanan green light from the West all along, there would have been no Nazi-Soviet nonaggression pact in 1939; the battle lines would have been literally drawn in the East. Most likely Hitler would have clashed with the Russians in 1940, the year he actually overran France. The Germans were keenly aware they had gotten a jump on the rest of the world in modern rearmament; they believed everyone else was catching up and were always anxious to strike sooner rather than later. Without large German occupation and defense forces tied down in the West and North Africa, without the critical extra year of breathing space the Soviets used to produce their next generation of weapons and officers (after the purges of the thirties), it is very likely the Germans would have taken Russia down in a single knockout blow, with far fewer losses than in the stalemated blitzkrieg of 1941.

Buchanan makes the same mistake as the Hitler appeasers of pre-war Europe. In assigning reasonable, rational motives he fails to factor in the ultimate wild card of Hitler's personality.

We now know from Soviet archives that Stalin had considered giving up in October 1941, even with his British ally still in the game and American intervention growing ever more likely. The trump card which saved Moscow in December of that year was the large Soviet army transferred from the Far Eastern front facing the Japanese — an army Stalin was only able to move because he had learned through a spy that Japan was going to attack the U.S. and leave Russia alone. With no U.S. intervention in the Far East (also part of Buchanan's program) the Japanese would most likely have attacked Stalin in the rear and helped carve up Russia in concert with the Germans, creating an Axis Empire from the Rhine to the Pacific.

This is where Buchanan thinks the Germans would have stopped, and it is not an impossible outcome. Hitler was always outspoken about his goals and never showed much interest in conquering Western Europe, much less the Western Hemisphere. At the same time, it is difficult to imagine this head of a mighty German superpower, with his Eastern flank clear and the oil and other resources of Russia at his disposal, resisting the temptation to settle a score with his old adversaries from World War I, authors of the hated Versailles Treaty.

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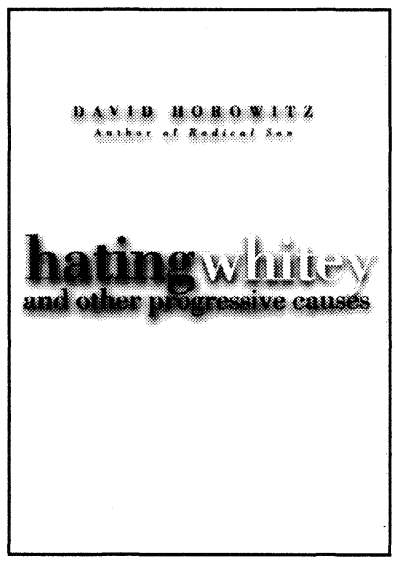

"Indignant Sanity"

"Horowitz is as much despised among [racial intellectuals] as Whittaker Chambers was at Georgetown dinner parties during the Alger Hiss case years ago. Among racial intellectuals, Horowitz is "Not Our Class, Dear." *Hating Whitey*—with its inflammatory title—deserves a reading. Horowitz is angry and polemical, but he is also a clear and ruthless thinker. What he says has an indignant sanity about it. For cautionary perspective in an argument like this, it pays to remember that Hiss was guilty and Chambers was right."

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Although Hitler wasn't planning to colonize the West as such, he said this in his second (unpublished) book:

> Germany should never forget for a moment that regardless how, and along what ways, she thinks to change her fate, France will always be her enemy, and that France can count on any combination of powers that turns against Germany.

Hitler likely would have demanded, and then grabbed for, the Alsace-Lorraine region ceded to France after World War I at Versailles. The French would have had to fight and the British would certainly have joined them, as in 1940. The military buildup Buchanan recommends for the West at this stage might have been enough in itself to provoke Hitler to strike.

The vision of a "Pax Buchanan" grows progressively weaker when Pat argues that the Allies could have stopped a hostile Hitler at this stage if they, instead of the Russians, had had the additional year or two to rearm. The Western powers were brushed aside in 1940 not for lack of arms; they were equivalent to the Germans in manpower and superior in both tanks and artillery (though short in aircraft) and in orthodox terms should have won a defensive battle. The difference was strategy. Allied military leaders neither believed in nor understood the combined-arms blitzkrieg tactics perfected by the Germans; it took several years of heavy German losses in Russia, massive American support, and great improvements in combat organization before the West could face Hitler directly on the ground. A battle-hardened German army would probably have rolled over the Allies on this single front as fast as or faster than in 1940.

With no Lend-Lease aid and no U.S.-armed convoys (two of Roosevelt's provocations bitterly opposed by the America First isolationists), England might then have been strangled by a continental German colossus with time on its side and no other distractions. More likely the British would have accepted a Hitler peace offer similar to the one spurned in 1940, when Churchill prophetically counted on either the Russians, Americans, or both, to save him — as they did.

At this point we're with Pat back inside Fortress America. In vouching for our continued safety, even with a Europe hypothetically under Nazi rule, Buchanan cites Charles Lindbergh's 1941 testimony before the House Foreign Affairs Committee:

> . . . the United States is not in great danger across the Atlantic Ocean . . . Not a single squadron of trans-oceanic bombing planes exists anywhere in the world today . . . I do not believe there is any danger of an invasion of this continent, either by sea or by air . . .

Note the key word "today." Although Lindbergh was correct at the time he made the statement, history is not a collection of snapshots but an ongoing longitudinal study. Over the next two decades, Russians and Americans squared off with fleets of intercontinental jet bombers and missiles, courtesy of captured German designs (and designers). Despite the perils of the Cold War, the rough balance of forces carved out in the struggle against Germany did provide a successful deterrence, even if a lot of money was wasted in the process. By contrast, the prospect of a victorious Hitler astride the Eastern Hemisphere, with a leisurely timetable for expanding the wide German technical lead in jets, submarines, ICBMs and ground-to-air missiles, is not something most of us would want to hang our hats on.

The escalation to a war footing with France and England put the Jews in far greater immediate danger. Not only did emigration to the West become impossible under wartime conditions, public opinion in the (now) enemy countries suddenly became irrelevant.

In the end, Buchanan makes the same mistake as the Hitler appeasers of pre-war Europe. In assigning reasonable, rational motives he fails to factor in the ultimate wild card of Hitler's personality, although he admits "no one can know the mind of Hitler." Indeed. To say Hitler was driven by personal demons is almost a comical understatement; the two are practically synonymous.

From the perspective of the Holocaust, the Allied assault on Europe resembles a gigantic, unsuccessful four year hostage rescue mission in which the terrorists shoot their prisoners as the doors are broken down.

One thing we do know is that Hitler regularly risked all, and kept on risking. From his days as a decorated dispatch runner on the Western Front to the armed Beer Hall Putsch, to the early territorial grabs in Europe, the surprise attack on Russia, the declaration of war on America and the final Ardennes offensive, Hitler's actions point to a compulsive gambling problem of truly global proportions. Combine this with the German one-on-one military superiority, which tended to produce lopsided victories beyond even the Germans' expectations, and the traditional European balance of power goes out the window. In retrospect, given how well Hitler did against virtually all the other great powers combined, would any of us want to bet on our prospects for taking him on one at a time?

Upon review it seems the conventional wisdom about World War II is right after all, though not always for the reasons imagined. There is also plenty of unadulterated speculation to support either viewpoint. In this context, the public branding of Buchanan as a "Hitler lover" by the renowned historian Donald Trump and others is preposterous. In fact, no sanctioning or praise of Hitler appears anywhere in Buchanan's book — only a comparison to Stalin as roughly equivalent "monsters" who well deserved each other. But then, even finding a bookstore willing to carry *A Republic, Not an Empire* in "Free Speech" Berkeley was no mean task for the author of this article, so it appears reading the book is not a necessary prerequisite for attacking it.

All of this points up perhaps the most disturbing aspect of the current Buchanan-Hitler flap: the sorry state of our public discourse. ❑

In Defense of George Orwell

by David Ramsay Steele

Martin Tyrrell got it all wrong when he claimed that the author of *Nineteen Eighty-four* was an anti-Semitic, homophobic imperialist.

Martin Tyrrell (*Liberty*, January) maintains that George Orwell "was capable of the crassest anti-Semitism." Tyrrell's evidence is Orwell's statement: "What is bad about Jews is that they are not only conspicuous but go out of their way to make themselves so." Torn from its context, that sentence may seem to support Tyrrell's charge, but once the context is restored, the charge is seen to be ludicrous.

Orwell was interested in the phenomenon of anti-Semitism and frequently referred to it. (Collected together, his writings paying serious attention to anti-Semitism would make a solid book). The quoted sentence is from his wartime diary (25th October, 1940), in which he recorded events going on in London, including those which it was difficult to mention publicly because of wartime censorship.

One of the things Orwell carefully observed and reflected upon was the response of native Londoners to the sudden influx of refugees from Europe, many of them Jewish. The quoted statement refers to the behavior of these new Jewish refugees in London at the time, and is not a universal statement about Jews in all times and places. For Orwell, what is "bad" about these continental Jews' behavior is that it tends to arouse anti-Jewish and anti-foreign feelings among the Londoners.

Orwell was anxious to discern whether there was any growth of anti-Semitism in wartime England, partly because of his interest in the psychology of nationalism, and partly because any such growth would be a propaganda gain for Germany. Orwell was not afflicted by the acute sensitivity that makes some people unwilling to grant that individual members of groups which are victims of prejudice may be in some degree responsible, by their obnoxious behavior, for perpetuating that prejudice.

Orwell also observed and commented upon the mutual hostility between English people and American troops based in England, and did not hesitate to identify the arrogant behavior of many of the Americans as one element in the mix. British-American hostility was another of these taboo topics, highly indicative of the popular mood, which Orwell candidly reported on in his diary. It's obvious to anyone who knows Orwell that he wasn't anti-American.

The above is not the only misleading claim in Martin Tyrrell's review of John Newsinger's book, *Orwell's Politics*. Although I agree with Tyrrell's overall evaluation of Newsinger's book, I think Tyrrell's picture of Orwell is highly inaccurate. I will not cover all Tyrrell's misunderstandings here, but I will touch lightly on a few of them.

In another misleading use of a quotation torn from context, Tyrrell gives Orwell's remark that "there is a very strong case for the Nazis, though not many people in this country have the courage to utter it." What? Is Orwell a National Socialist fellow traveler?

The context of this remark (the brief essay "No, Not One") is an attack by Orwell on pacifism, where he makes his usual points: 1. that some people can preach pacifism because they are protected by other people's guns; 2. that to be a pacifist in England in 1941 is to be objectively pro-Nazi; 3. that one can also detect, in the writings of the pacifists of the time, that they tend to become subjectively sympathetic to Naziism; 4. that pacifists often talk as though the repression in England is just as bad as in Germany, when this is factually incorrect.

In arguing for this position (which he did many times) Orwell here uses the rhetorical device of provocatively suggesting that if you are going to be pro-Nazi, you would show more courage if you argued for National Socialism directly, instead of arguing against "war." And it's in this context that Orwell writes: "You can be explicitly pro-Nazi without claim-

Nazis, though not many people in this country have the courage to utter it — but [it's not true that political repression in England is as horrific as it is in Germany]." A little later in the same piece, Orwell again refers to "a strong case" for Naziism, this time explicitly stating that he doesn't agree with that strong case. Orwell is consciously using the phrase in such a way that he thinks "a strong case" can be quite wrong. Roughly, a "strong case" means an argument which would appeal strongly to a lot of people, given their current beliefs.

Orwell, who was just about as uncompromisingly anti-Nazi as anyone in the world at that time, is depicted by the Tyrrell method of selectivity as though he had National Socialist leanings!

Orwell expected a war against "fascism" to unleash a democratic socialist revolution in Britain. He later frankly acknowledged how fanciful this expectation had been.

Tyrrell writes that "Orwell opposed not just abortion, but contraception too." Though he never went into the subject at length, Orwell often made remarks critical of those intellectuals who zealously promoted birth control for the poor. In the 1930s and 1940s it was widely believed that industrialized societies were faced by a fertility collapse, an underpopulation crisis, and Orwell shared this common opinion.

That underpopulation scare was later replaced by an overpopulation scare. A new dogma became predominant in the early 1960s, that we were facing an overpopulation crisis. We're now returning to the former view, which in my judgment has been correct all along. There never was an overpopulation crisis, but there is an under-reproduction crisis, a chronic birth dearth, in the economically most advanced populations.

I would be surprised to find that Orwell was ever opposed to people being legally free to practice birth control if they wanted to. He was hostile to missionary work in behalf of birth control as a panacea for poverty and backwardness — and he was right about that.

Orwell believed in the manly virtues, thought of homosexuality as a vice (no doubt rooted in capitalism), and was fond of calling intellectuals "pansies" if they were blatantly disingenuous or irresolute. Yes, he was wrong, but it's anachronistic to refer today to this kind of thing, said in the 1940s, as "reactionary" and a bit of an exaggeration to refer to it as "vicious." Orwell did not argue for coercive measures against homosexuals. Like many leftists, then and now, he believed in privacy and personal freedom except in "economic" affairs. To his credit, Orwell didn't like vegetarians or teetotalers either.

Orwell's support for the war was conditioned by his revulsion for both the National Socialist and Soviet regimes. Along with others at the time, Orwell sincerely believed that there was a real threat that National Socialist Germany, then allied with Socialist Russia, might invade and conquer Britain. Tyrrell may now think this belief woefully misguided, but it helped motivate Orwell to support the war. Another motive was that Orwell expected a war against "fascism" to unleash a democratic socialist revolution in Britain. He later frankly acknowledged how fanciful this expectation had been.

To say that Orwell switched from pacifism to support for the war "quite simply" because of the nationalist ideology in which he had been drilled at school leaves the false impression that Orwell would have supported any war regardless of the enemy or the issues at stake.

As for Orwell's patriotism, he described in detail his growing love for England, or more precisely, for surviving fragments of the England which had begun to disappear around 1914, and the things he found to cherish were, virtually without exception, decidedly *not* those celebrated in the nationalist ideology of his school days.

Tyrrell's remarks about Orwell's attitude to the British empire are also misleading. Newsinger's characterization of Orwell as "a committed supporter of the cause of Indian independence" is the truth. Orwell was a long-time advocate of pulling out of the colonies, though he didn't understand that the empire cost Britain more than it brought in, and he therefore wrongly imagined that decolonization would make Britain poorer. His wartime views were modified by concern that parts of the British empire, including India, might become strategic assets on the Axis side.

Tyrrell quotes Orwell as reporting on the English scene to the American *Partisan Review* in 1941: "I don't believe that the ordinary man cares a damn about the totalitarianism of our economy as such. . . . I don't believe economic liberty has much appeal any longer." A somewhat distorted impression is given by omitting to mention that Orwell is here reciting back the language of questions put to him by American leftists. ("From over here, it looks as though there has been a very rapid advance towards a totalitarian war economy in the last few months . . ." and so forth.) At any rate, these are factual assertions about English working-class thinking in 1941, and I don't think Martin Tyrrell can deny that they are accurate.

Like more than 90 percent of intellectuals at the time, Orwell completely swallowed the Marxist theory that competition automatically gives way to monopoly and that therefore a free market can never be recovered.

The influences on *Nineteen Eighty-four* have been identified pretty exhaustively by now, and it's uncontroversial that *The Road to Serfdom* was one of these, though almost certainly much slighter than other sources such as Burnham's *Managerial Revolution*, Zamiatin's *We*, Wells's *Sleeper Wakes*, Huxley's *Brave New World* (by negative example), and the contemporary influence of totalitarianism, refracted through such works as Koestler's *Darkness at Noon* and media accounts of the Moscow Trials, as well as Orwell's own experience of the Communist Party in both Spain and England. *Nineteen Eighty-four* is just packed with passages which are unmistakably the elaboration of ideas Orwell put on paper

continued on page 49

Rejoinder

The Truth About Orwell

by Martin Tyrrell

George Orwell was a fine writer, but he was no saint.

What interested me about John Newsinger's book *Orwell's Politics* was that, in trying to claim Orwell as a far left icon, he generally fails to discuss aspects of the author which conflict with that view. Newsinger is not unique here. Orwell's various prejudices with regard to, among others, feminists, Catholics, pacifists and homosexuals are often overlooked, frequently by people on the left who would not usually overlook this kind of thing in a writer. There are exceptions, however. Bernard Crick's *George Orwell: a Life*, for example, acknowledges Orwell's "mild and conventional, but nonetheless clear anti-Semitism" and notes that he was free of it by the end of the war.

"What is bad about Jews is that they are not only conspicuous but go out of their way to make themselves so." In a review, it is not possible to quote at length but I do not think that when the quotation is returned to its context my suggestion that Orwell was capable of crass anti-Semitism becomes ludicrous. Orwell kept two wartime diaries. The first of these covers the months leading up to the war and is little more than a series of informal notes culled from the press and from conversations with friends and acquaintances. It is not included in the *Collected Essays, Journalism and Letters* published at the end of the 1960s. In this first diary, Orwell briefly notes the influx of Jewish refugees to London and the reaction that this caused among Londoners. ("Appears that German Jewish refugees are settling in great numbers in certain parts of London and buying houses which they have plenty of money to do," August 2, 1939; "Refugee problem stated to be becoming serious in London especially East End. Mosley [i.e., the British Fascist leader] said to have not greatly increased his following however.") Nothing here would suggest that, on this subject, Orwell was a particularly careful or reflective (let alone exhaustive or balanced) observer or that he intended to be one. In any collection of Orwell's writings on anti-Semitism, this impromptu research would not, I think, be among the more distinguished content.

The second wartime diary is more extensive and self-consciously literary. Orwell even tried to have it published. The diary entry I quoted in my review is from this second diary. When Orwell wrote it, there was a view that Jews were over-represented among the people unofficially using the stations of the London Underground as makeshift air-raid shelters. Orwell decided to investigate this for himself. The diary entry reports his findings. Again, he cannot be said to have been a particularly careful or reflective observer. He takes a look at just three underground stations and writes that, in his opinion, there was "a higher proportion of Jews than one would normally see in a crowd this size." It is not clear on what basis he arrives at this conclusion. Nonetheless, it is in this context that he observes "What is bad about Jews is that they are not only conspicuous but go out of their way to make themselves so" which is surely a universal statement, and hardly a very positive one. There is no indication that this remark is limited to any specific group within the wider Jewish community, even a relatively large one like the recent Jewish immigrants to London. He goes on to cite an unnamed acquaintance who holds that Jews will respect any leader who ill-treats them, then he writes:

> What I do feel is that any Jew, i.e. European [Continental European?] Jew, would prefer Hitler's kind of social system to ours if it were not that he happens to persecute them. Ditto with almost any central European, e.g. the refugees. They make use of England as a sanctuary but they cannot help feeling the profoundest contempt for it. You can see this in their eyes, even when they don't say it outright. The fact is the insular outlook and the continental outlook are completely incompatible.

Prejudice can be a reaction to actual behavior. But obnoxious, or even plain bad, behavior by the members of a group which is already disliked can be exaggerated and used to confirm an existing prejudice. Or behavior might be judged more harshly when it is displayed by the members of a group which is perceived negatively than when it is displayed by the members of a more favored group. Unlike the American soldiers, Britain's Jews were a settled minority which had been the object of both discrimination (Jews were disenfranchised until the 1840s) and an enduring negative prejudice. I think that Orwell was sometimes influenced by that prejudice and that he was influenced by it when he wrote up his diary for October 25, 1940. Orwell mentions, for example, how "A fearful Jewish woman, a regular comic paper cartoon of a Jewess, fought her way off the train at Oxford Circus, landing blows on anyone who stood in her way." But he does not say how he decided that the woman in question was Jewish and the relevance of the observation to the sentence I quoted in my review is not clear. However, I would agree with David Ramsay Steele that Orwell later wrote interesting and reflective pieces on both anti-Semitism and nationalism (the latter essay being one of his best).

Orwell at one point declares that all goods and services could easily be made as plentiful as air and water. Yet he also suggests that socialism will mean a drop in living standards due to decolonization and that this could adversely affect the electoral prospects of socialists in Britain.

Steele's assessment of Orwell's views on birth control is as charitable as his assessment of his wartime diary. For whatever reasons, Orwell favored stricter enforcement of the laws against abortion and warmed to government action that would make childlessness a greater economic burden than having children. Certain of his wartime writings (e.g. "The Art of Donald McGill") display a sour disapproval of the implied hedonism of the voluntarily childless. The people who advocated contraception in the 1930s were challenging taboo and prejudice. If they had been less zealous, they might have had less impact. And though birth control was, it is true, no panacea for backwardness and poverty, many people have appreciated it nonetheless and have been appreciative that the taboos surrounding it were broken. As for homosexuality, Orwell had no need to call for coercive measures. Such measures were already in place. True, he did not argue for these to be extended or applied more rigorously. But he did not argue for their relaxation either. Orwell's dislike of vegetarians and teetotalers (and men who wore shorts and sandals) is not quite the same. None of these lifestyle choices was officially defined as criminal or liable to prosecution or imprisonment. When Orwell describes other writers as "nancy boys" and "pansies" — the abusive terms of the day — it is not because he believes that they are "disingenuous" or "irresolute." It is because he believes that they are homosexual or considers them to be effeminate.

I assume David Ramsay Steele is being ironic when he writes that "To his credit Orwell didn't like vegetarians and teetotalers." Disliking people because they choose not to eat meat or drink alcohol is not to anyone's credit.

The left with which Orwell broke in 1939 was that faction on the left of which he had been a part — the Independent Labour Party (not the British Communist Party towards which Orwell appears to have been consistently hostile). The ILP had been skeptical of the anti-Nazi propaganda of the late 1930s, seeing this as the prelude to an aggressive imperialist war. Orwell shared this outlook. Then he became a supporter of the war. And not always reluctantly. At times, he even seems to have relished it. He is certainly critical of those advocating a negotiated settlement. Anyone, of course, can change. Positions sincerely held can be set aside in favor of positions held thereafter with equal sincerity. Orwell explicitly attributed his own change of position to an impulse arising from his school days: "The long drilling in patriotism which the middle classes go through had done its work; once England was in a serious jam it would be impossible to sabotage." This is not to imply that Orwell would have supported Britain in any war whatsoever. But it is the reason he himself gave for supporting the kind of war he had hitherto said he would not support. The sudden break between Orwell's prewar and wartime positions when he virtually reverses many of the views he held previously has interested me for several years. The explanation Orwell himself supplies is the only one I have found in the texts available.

What is remarkable about Orwell's pre-war writings (as presented in the *Collected Essays, Journalism and Letters*) is how relatively little he has to say on the subject of Nazi Germany or the USSR. To say that the pre-war Orwell was revolted by these states is something of an exaggeration. Clearly influenced by the ILP position, Orwell seems keener to put them in perspective, trying to show parallels between the excesses of the totalitarian regimes and those of colonial states like Britain. And, on Nazi Germany, the Orwell of the late 1930s is usually a restrained critic, often seeing anti-Nazism as hypocritical war-mongering. An argument that Orwell makes on several occasions is that fascism is simply a form of capitalism, that there is a need for a revolutionary war against capitalism in all its forms — fascist and democratic — and that a capitalist democracy engaged in a war with fascism will quickly show its incipient fascist tendencies.

Orwell favored stricter enforcement of the laws against abortion and warmed to government action that would make childlessness a greater economic burden than having children.

It was in no way my intention to suggest that Orwell was sympathetic to Nazism in toto, which he clearly was not. But he did see merit in the economics of national socialism and was impressed by the way in which fascists mobilized public opinion by appealing to patriotism. "The Lion and the Unicorn" aspires to a patriotic socialist society but clearly not an (especially) repressive one.

Orwell at one point declares that all goods and services could easily be made as plentiful as air and water. Yet he also suggests that socialism will mean a drop in living standards due to decolonization and that this could adversely affect the electoral prospects of socialists in Britain. I think that Orwell conceived these positions separately and did not try to establish a relationship between them. The post-imperial Britain he envisages in *The Road to Wigan Pier* is, as I recall, a bleak place where people will have to work hard and subsist on a diet comprising mainly herring and potatoes. He does not propose that socialism will remedy it or that socialists might benefit from arguing that decolonization will mean short-term hardship but longer-term improvements. Overall, my impression of Orwell on socialism is that sometimes he argues that it will mean a deterioration in living standards and, sometimes, that it will mean an improvement.

I would describe Orwell as a grudging supporter of Indian independence rather than a committed one (e.g. the essay "Shooting an Elephant") This grudging support was qualified during the war. Any independent state can become a strategic asset (a conquest, an ally, a benevolent neutral) of any other. That is in the nature of independent statehood.

I was careful not to make too great a claim for Hayek's influence on Orwell. My intention was to compare and contrast the leftist influence Newsinger exaggerates — Trotsky's — with a liberal influence he overlooks but for which I feel there is evidence. Few commentators on Orwell mention the possibility of a Hayekian influence. From memory, neither Bernard Crick, Michael Sheldon nor Peter Davidson do but W.J. West might mention it in passing .

It is clear enough from "The Lion and the Unicorn" that Orwell favored — albeit briefly — what he saw as the totalitarian turn in the British economy. In his commentaries for *Partisan Review*, he was not reporting dispassionately. In no way do I "despise" his move away from this position. Quite the opposite. And I readily concur that Orwell's best output was produced in the late 1940s. But it was, in my opinion, produced in reaction to the kinds of politics he had previously endorsed in, for example, "The Lion and the Unicorn." It is clear what the Orwell of *Nineteen Eighty-four* is against, but not so clear what he is for. One can be a political spent force and still manage to produce enduring works of literature, though Orwell left no substantial work in progress. Likewise, one can be a political spent force, only to revive with an interesting new political position. Perhaps Orwell would have done so. And perhaps not. We can only speculate, then speculate again as to what that position might have been. Orwell's early death just when many on the left were facing tough Cold War choices means that he can be claimed by many different political positions as someone who would, in the longer term, have joined them. Had he lived this might not have been as possible. We would have seen how he responded to the events of the 1950s.

But I fully agree. It is, indeed, *Nineteen* Eighty-four, not 1984. Like David Ramsay Steele, I am apparently one of the few to whom this matters. ❑

Steele, "In Defense of George Orwell" *from page 46*

before the appearance of *The Road to Serfdom*.

Like more than 90 percent of intellectuals at the time, Orwell completely swallowed the Marxist theory that competition automatically gives way to monopoly and that therefore a free market can never be recovered. This is why Orwell and others could essentially agree with Hayek's argument about the totalitarian implications of central planning, without entertaining the notion that the trend towards central planning could be reversed.

In the last few years of his life, Orwell came to recognize that there was a close connection between capitalism and freedom of thought, but since he was also convinced that capitalism was doomed, this recognition merely made him try to think of substitutes for private ownership, ways of somehow safeguarding freedom of thought under socialism.

Tyrrell repeatedly finds discontinuities and inconsistencies in Orwell's thinking which are not really there, or if there, are common to nearly all socialists. For example, to say that Orwell "broke with the left" in September 1939 is a deceptive half-truth. Virtually all leftists who supported vigorous prosecution of the war against Hitler wanted a Churchill government.

Orwell broke with the pro-Stalin left, which was then close to its height as a proportion of the left. But until the Nazi-Soviet pact, which was extremely troubling to leftists, the Communists had been the most militant of anti-Nazis and the Nazis the most militant of anti-Communists. Calling for a Churchill government was a Communist demand before the pact, and after Hitler attacked Russia, the Communists and Conservatives became the closest of allies, with the Communists using their union influence to break strikes and the Conservatives helping the Communists go after suspected "Trots."

Tyrrell dismisses as "contradictory" Orwell's maintaining simultaneously (1) that all commodities could be made plentiful and (2) that loss of India would lead to a precipitous drop in British living standards. Orwell shared the socialist view that capitalism was extremely wasteful, therefore the introduction of socialism would lead to a great expansion of output. He also shared the "imperialist exploitation" view that British living standards were augmented by exploitation of the colonies, therefore loss of the colonies, given a continuation of capitalism, would drastically cut British workers' wages. Now, I think these two positions, each of them typical of the 1940s left, are *both false*. But they are not in any way contradictory.

There's an insinuation in Tyrrell's remarks that is downright mystifying. He thinks it was good for Orwell's reputation that he died when he did. "Politically, the Orwell of the late 1940s is a spent force." It's almost as though Tyrrell despises Orwell for his departures from socialist orthodoxy.

Orwell's influence, his persuasiveness, the quality of his writing, and the perceptiveness of his analysis of culture and politics grew from strength to strength, year by year. His lungs were a spent force, because of tuberculosis. His mind and his will were more potent than ever at the end. In the last seven years of his life he wrote, as well as many riveting short pieces, the two most widely read political novels of the century, and he showed no sign of running out of ideas.

Finally, something which may strike some people as frivolous, but it matters to a few of us. The title of Orwell's last book, tolling like the strokes of a great plague-warning bell, is *Nineteen Eighty-four*, and absolutely not *1984*. ❑

Fiction

Vindication

by Tracey Rosenberg

Anna refolded the letter along its creases and nestled it back into the envelope. As she pulled her hand away, the diamond of her engagement ring scratched her chin. She winced and half-slapped at it.

From the kitchen, David's whistling ceased. The floorboards shifted: down the hall, into the tiny foyer, through the door of her office.

"No," she said, holding up the envelope. "Again, no."

"Oh, Anna." David clasped her shoulders. His hands smelled lightly of oregano.

"I knew this would happen. I should have transferred after the master's." She dropped the envelope, resting her head on her fists as David began kneading her shoulders and the back of her neck. "But that would have been far too easy. I had to prove I could stay at a state-funded institution and keep my principles intact. . . ."

"I thought you had personal reasons for not transferring," David said in a tone of utter flatness.

She shifted forward, twisting out of his grasp. The bulletin board above her desk was ringed by yellow Post-Its inscribed with bibliographic references. In its center, a miniature print of Mary Wollstonecraft shared a corner thumbtack with a postcard acknowledging receipt of the application. Anna pried the tack away with her thumbnail, then jammed the postcard into the rejection letter's envelope.

"Shortlisted two years in a row," she muttered, smoothing the ragged edge where she had torn the envelope open. "If I were such a bad candidate, why didn't they just tell me to go to hell in the first round?"

David took a step back. "I've left the dumplings to simmer. They're ready any time you want them. You really should eat. I'll be back right after the GSI meeting —"

"Oh, damn it!"

Her arm lashed out. A Wollstonecraft biography thumped to the floor, and a sheaf of red-inked essays cascaded in a fan on top of it.

David remained motionless.

"Can you please stay home tonight?" Anna half-turned towards him. "God, you know how much this meant to me. I'll have to stay on at the bookstore and scramble to pick up enough work. Hell, I can kiss my research trip to France goodbye. . . ." She struggled to keep her voice level. Her hands twisted in her lap. "You've been incredibly supportive. I can't tell you how much I appreciate everything you've done. Maybe I shouldn't have put all my hopes on this one scholarship, but after the phone interview went so well. . . ."

"I understand. I'll come back the minute I can. But I have to attend this meeting. The entire graduate school is voting on whether or not to strike. You should be there —"

"I have no reason to be there. I'm not a teaching assistant, and even if I were I wouldn't protest against state budget cuts." She leaned over and gathered the essays back into their manila folder. "I told you it doesn't bother me if you take government money, but you know perfectly well what I think about it."

The essays had to be returned to the tutoring center, and another three or four dozen would be waiting for her, hours of grading at minimum wage . . . she pushed the folder to the back of her desk and dropped the biography on top of it.

"Anna, I know you wanted this scholarship. I can't tell you why you didn't get it. You have a major publication and your research is within the foundation's range; sometimes committees are simply insane." David half-folded his arms and rubbed his hands along the sleeves of his gray sweater. "But you knew the risks when you won the Lambeth Fellowship: you might not be able to complete your doctorate without resorting to loans or teaching work. There are too many graduate students and not enough private funding. God knows I've been having a hard enough time, and I'm squeezing every last penny out of my lender. You've been killing yourself with editing and the bookstore and tutoring, and it's only been eight months. Do you really want to go on like that for another four years?"

Anna slumped down in her chair, twisting her fingers. The diamond of her engagement ring flashed coldly. "We agreed not to have this argument again."

"Am I supposed to watch you run yourself into the ground, without protesting?"

"Since it's my choice, yes. I won't take government funding. It's immoral, it rewards mediocrity —"

"I've asked you not to use that phrase." David's voice edged over the desktop.

"You know I don't mean you." She brushed her hair down over her forehead, toying absently with a snarl of curls.

You're ruining your life and your career. Yes, you have principles. I have never suggested that you discard them — I've only asked you to take other factors into account. Unless you can create some libertarian utopia, you won't be able to live without interacting with government money.

"You're ruining your life and your career," he said bluntly. "Yes, you have principles. I have never suggested that you discard them — I've only asked you to take other factors into account. Unless you can create some libertarian utopia, you won't be able to live without interacting with government money. Taking a loan to survive graduate school isn't a sin. You pay taxes, for crying out loud."

"And you know how I feel about it," she muttered.

"You pay, what, less than two thousand dollars a year? If you teach two sections of freshman comp, with the tuition waiver thrown in you won't need much more than that in loans. Meanwhile, I've offered a hundred times to cover your half of the rent."

Anna laughed bitterly. "Terrific. I get to compromise my principles and be a kept woman."

A cool breeze edged through the half-open window. Papers rustled on the edges of her bookshelves.

The floorboards creaked indignantly as David left the room.

Anna pulled open the bottom drawer of her filing cabinet and shoved the envelope down into the REJECTION file. As she flipped through the pages of her only pending application, an essay prize worth three hundred dollars, water gushed in the kitchen, followed by the cool slam of the freezer.

She was sorting through unread essays on female thinkers in the Enlightenment when the chain on the front door rattled. A few moments later the door closed and the bolt slammed home.

Her office settled into the impending dusk. She listlessly stretched her arms and stared at the bookshelves stacked double and triple, the green spines of Virago reprints, the piles of plastic-wrapped photocopies she'd ordered from the British Library during her snatched trip to England the summer before — on a plane ticket she still hadn't fully paid off. She'd budgeted some of the first stipend installment to clear that debt . . .

Yanking the file drawer open, she pulled out the envelope and tore the letter free.

Dear Ms. Ward, Thank you for your recent application. We regret to inform you that we were unable to select you as a scholarship winner in this year's competition. Because we operate without an endowment, the funding for this program is limited. . . .

They hadn't even bothered to rephrase the wording from one year to the next. Just because they were the only private foundation that offered fellowships for doctoral candidates writing theses on neglected feminist philosophers, did that mean a humanities major on a summer internship couldn't change one stupid paragraph?

She turned the letter over and wrote:

— Tell bookstore I'm keeping the job — Ditto ESL coordinator — Place ads for private tutoring — campus paper, English dept. broadsheet, bulletin boards — Talk to department head about postponing general exams.

In the encroaching darkness, she could hardly read the final words as she scribbled them below the second crease. Her engagement ring was no more than a shadow over her finger; the bookshelves were featureless monoliths. Even Mary Wollstonecraft's dainty white mob cap was swallowed up in gloom.

"Spare me." Anna dropped her pen. "You have no excuse to feel sorry for yourself. Think about Mary." Wollstonecraft had truly struggled; not even her most virulent detractors could deny that. She suffered the personal constriction of being a poor companion to a wealthy woman; she attempted suicide twice after a passionate relationship disintegrated, leaving her to care for an illegitimate child. After her tragically early death from a subsequent pregnancy, her intellectual legacy had been nearly obliterated — her own husband, attempting to immortalize her in his memoirs, depicted her as a stereotypical female, an emotion-driven romantic. Instead of being viewed as one of the great thinkers of the Enlightenment, she was condemned.

Anna shivered violently. So much anguish, personal and scholastic; and for what? So that two hundred years later a graduate student could lead an equally miserable life, reducing herself to the fragments of what she might have accomplished — only this time, choosing voluntarily to do so?

Her heart began to pound. Her mind was melting from hours of reading freshman composition essays, inventorying fiction, skimming incomprehensible texts in order to write cogent reviews. On her breaks at the bookstore she devoured selections from the list of required texts for her general exams, but even as she forced herself to concentrate, the tantalizing hope of the fellowship slithered between her eyes and the words: if they offer support, you won't need to waste your time here. You can devote yourself to Wollstonecraft. It won't matter what David thinks. You'll prove you were right. You won't need to be afraid . . . .

Anna pushed herself back from the desk. The envelope tumbled to the ground. She grabbed her jacket and hurried to the door.

* * *

"I don't really think they'll capitulate; the fact of the matter is their budget is being cut, and we're simply another line-item to be squeezed. But I think we have useful strategies, and in any case, as long as we're making noise, the

administration can't ignore us — not without consequences." David dipped the ladle into the pot. "Do you want another dumpling, or only broth?"

"Broth is fine," she murmured. The heel of her hand felt warm against her forehead, as though the soup had raised her internal temperature.

"Here, take the last dumpling. These are certainly some of my better ones, if I do say so myself." David placed the bowl in front of Anna and practically danced back to the stove. "I managed the spices correctly, after a hundred attempts. Oh, I meant to ask. . . ." He turned the ladle over in his hand, frowning at it. "Would it bother you if a few of the other GSI's came over some night this week? We need to discuss strike logistics. I can schedule it on a night you're at the bookstore."

"Why? I'm walking the picket line just like the rest of you." She dipped the curve of the spoon in and out of the soup. The liquid gathered and broke apart across its back. "Or am I? Did voting in favor of the strike absolve me of having to prove myself?"

"Of course — Anna, of course." David slid into the seat across from her, his face tilted in concern. "You're more than welcome to take an active role in this. I only thought you might not want to. . . ."

"Be reminded of it?" She let the spoon fall into the bowl. "I should get some reading done. Since I don't have to postpone my general exams, I need to study for them."

In her office, she grabbed the top book from the stack piled on the edge of the desk. After a few minutes spent glancing through pages she'd already read, she dropped the book and tucked her arms against her chest. Mary Wollstonecraft placidly watched her circular path as she paced.

So much anguish, personal and scholastic; and for what? So that two hundred years later a graduate student could lead an equally miserable life, reducing herself to the fragments of what she might have accomplished — only this time, choosing voluntarily to do so?

Anna stopped in front of the portrait, but instead of staring at it she closed her eyes to the bulletin board, to the desk, to the fallen envelope sitting under her chair, to the filing cabinet with its lowest drawer ajar and the REJECTION file sticking up. She stood for several moments, her heart thumping madly, her skin twitching.

Everything began to drop away, even the sound of her breathing. The fear went last, and slowly — the clinging, morbid tendrils. She felt them scream as they uncurled, spider legs slick with philia. As she stood quietly, calming, they softly laid themselves aside and vanished.

She opened her eyes and nodded at Mary.

In the kitchen, David was wiping down the counter. The soup pot rested upside-down in the drying rack, with the ladle and spoons and bowls surrounding it like an uneasy crown.

"I can't do it," Anna said.

David stared at her. The yellow sponge continued its circular motions as though he were not controlling it.

"I know my life would be ten times easier if I did, but I can't."

"But you said . . . you came to the meeting —"

"I was terrified tonight. All I could see was the way Mary Wollstonecraft struggled all her life, because she had no choice about it. I bolted for safety because — for a moment — I thought that she would have done the same thing, if she'd only had the chance. But it isn't safety after all. It's just a different type of fear. And since that's true, I might as well stick with my own, because at least I can be honest with myself."

She pressed her fingertips to the table and began drumming them softly.

"It's funny, but I'm not even ashamed of myself. Fear does strange things to people. It makes them grab for security because they're afraid they can't succeed on their own. Sometimes they can't — because society tells them they can't; God knows Mary learned that the hard way. But I can. So if I can't fund my way through graduate school with private money, I'll . . ."

"Give up everything you've been working for?" David squeezed the sponge. Dreary water plummeted into the sink.

"Oh no. I'll write this thesis. But I'll have to change how I'm doing things. I can suspend my status this year, work full-time and save money. Maybe I'll even apply for the fellowship again — though I won't set all my hopes on it this time around. If things don't start looking better within six months, I'll make arrangements to transfer to one of the private schools I was looking into."

"That won't guarantee you can survive without loans."

"I'll find a school with its own fellowships, or private loans. Or I'll drop to part-time status and work all the way through."

David shook his head. "This is going too far. You told me once that you felt you had to write about Mary Wollstonecraft, that something was driving you. Now you're saying you're willing to take twice as long, and go through a hell of a lot of hassle, and risk giving it up altogether — you can't pretend that isn't a possibility — at the very least you're going to skewer your job chances, taking twice as long to write your thesis as anyone else."

"I think she'd understand. She knew how hard it was for women to work on their own, without being supported by a man."

David dropped the sponge and stared down into the sink.

"We should talk about the rest of it another time."

He turned away, pulled a plastic bowl out of a cupboard, and began pouring the remaining broth into it. "The rest of it?"

She smiled wanly. "Let's face it, David. We're not entirely arguing about loans."

When she walked back into her office, Mary Wollstonecraft smiled at her from over the desk.

Anna sat down before the portrait, staring deep into the mysterious eyes, twisting her hands in front of her. When she stood up again, smiling fully, her hands were bare, and her heart light. ❑

Reviews

***Real Federalism: Why It Matters, How It Could Happen*, Michael S. Greve. AEI Press, 1999, 200 pages.**

The Law and the "Leave-Us-Alone" Coalition

Gene Healy

Libertarians and conservatives who favor a radically decentralized politics are often given to despair. Understandably so: in *fin de siècle* America it seems that no concern is too localized or parochial to escape the juggernaut of centralization. Where teenage smoking and yuppie angst over suburban sprawl are fit subjects for national legislation, what hope can there be for restoring the federalism of the Old Republic?

In *Real Federalism*, Michael Greve suggests that all is not lost. Greve, executive director of the libertarian public-interest law firm the Center for Individual Rights [full disclosure: I worked briefly as a summer law clerk for CIR], counters the funeral dirge for the Tenth Amendment with a cautious note of optimism. He argues that two developments have created the preconditions for a more decentralized politics. The first is the current composition of the Supreme Court, four and a half members of which flirt with serious decentralization. The second is the emergence of a loose and shifting, but nonetheless discernible constituency opposed to federal coercion: the "Leave-Us-Alone Coalition."

The Cases

The heart of Greve's book is an analysis of the former phenomenon: the accession of a Supreme Court near-majority that is haltingly, tentatively testing the waters for a radical shift of power to the states. Over four chapters, Greve examines several comparatively recent decisions evidencing that trend: *U.S. v. Lopez*, *City of Boerne v. Flores*, *Printz v. U.S*, and *Seminole Tribe v. Florida*. These cases, suggests Greve, could be the start of something big.

In *Lopez* and *Boerne*, the Court struck down acts of Congress — the Gun-Free School Zones Act and the Religious Freedom Restoration Act, respectively — for having traduced the bounds of Congress's enumerated powers. In *Printz*, a 5–4 majority led by Justice Scalia struck down provisions of the Brady Act which ordered state law enforcement officials to carry out federally imposed duties. *Printz*'s invigoration of the Tenth Amendment was matched by *Seminole Tribe*'s revitalization of the Eleventh. *Seminole Tribe* used that amendment to hold that private citizens may not sue states in federal court, except under civil rights statutes which reveal a clear congressional intent to abrogate sovereign immunity.

Throughout these cases, there's a tension between what Greve calls "sovereignty-centered federalism" and "enumerated-powers federalism." Is the Court trying to reestablish Constitutional limits on federal power, or is it merely carving out immunity from federal coercion for the states qua states? (*Lopez* and *Boerne* might suggest the former, *Printz* and *Seminole Tribe* the latter.) As Greve has noted elsewhere, the Court's federalism jurisprudence, with few exceptions, "take[s] for granted Congress's constitutional authority to legislate practically anything — and proceed[s] to grant state governments exemptions from many of those laws." He argues that the Court's focus on state sovereignty, as opposed to constraints on federal power, has allowed Congress to consume the core of federalism, leaving only the rind. "To advance a federalism that is worth having," Greve maintains, "the Supreme Court must move from protecting the states to limiting Congress."

The restoration of pre-1937 enumerated powers jurisprudence will depend on more than convincing five members of the Court to make it so.

It is just possible, Greve suggests, that an enumerated-powers federalism will burst forth from the cocoon of the Court's new states'-rights jurisprudence. *Lopez* hinted that the Court might be willing to take back some of the virtually unlimited power Congress has seized under the Commerce Clause. *Boerne* clamped down on Congress's attempts to redefine constitutional rights via the enforcement clause of the Fourteenth

Amendment. And even *Printz*, more of a "sovereignty-centered" case at first blush, suggests a possible reinvigoration of enumerated-powers constraints. As Greve notes, Scalia's majority opinion holds out the promise of a Necessary and Proper Clause with teeth, a hope that's been moribund since Chief Justice Marshall rejected such a challenge to the Second Bank of the United States in *McCulloch v. Maryland* (1819).

The Constituency

But the restoration of pre-1937 enumerated powers jurisprudence will depend on more than convincing five members of the Court to make it so. Justice Brennan is said to have remarked "With five votes you can do anything around here"; but it has never been as simple as that. The Court has no Archimedean lever. Ultimately, it needs political support to overturn the enactments of temporary legislative majorities.

That is where Greve's analysis of the "Leave Us Alone" Coalition comes in. "LUAC," for lack of a better acronym, consists of "loosely connected, partially overlapping grass-roots constituencies — property rights advocates, the term limits movement, home school and school choice organizations, right-to-life groups, gun owners . . . small business owners, and others." This disparate coalition was instrumental in the Republican takeover of the House in 1994. Greve puts forth the tantalizing prospect that the LUAC and the Court could begin — may already have begun — a "virtuous cycle" of cooperation. In the scenario he sketches, the LUAC can provide the Court with political support; in turn, the Court can reward the LUAC with decisions ceding more autonomy to the states and the people. As the two reinforce each other, Greve suggests, our politics can shift to a more decentralized equilibrium.

Greve suggests that an enumerated-powers federalism will burst forth from the cocoon of the Court's new states'-rights jurisprudence.

Greve's approach here is promising, because he steps away from abstract analysis of legal doctrine and thinks seriously about the political preconditions for federalism's revival. Unfortunately, the discussion of the contours of the LUAC is all too brief. The reader is left unsure of the potential strength and permanence of the coalition. Does it possess the numbers and intensity of preference to permanently reshift the political landscape, or is it a mere think-tanker's construct, the product of wishful thinking? The genesis of the term, "Leave-Us-Alone Coalition" might suggest the latter. It was coined by Grover Norquist, a Republican strategist who seems at times to have drunk too deeply at the well of Reaganite optimism. Before the 1998 mid-term elections that nearly cost the G.O.P. the House, Norquist was predicting massive Republican gains. Greve might have strengthened his case for moderate optimism by producing more polling data and political science research on the strength of the LUAC.

In addition, *Real Federalism* might have benefited in some areas from a longer historical view. For instance, Greve writes that "in the twentieth century at least, the battle cry of 'states' rights' has consistently sounded in the defense of statist, majoritarian schemes (most notoriously, Jim Crow) and never in the defense of a federalism of limited government." "Never"? Here Greve paints with too broad a brush. Opposition to *Brown v. Board of Education* and the Civil Rights Act of 1964 was too often rooted in populism and prejudice, but a principled defense of "a federalism of limited government" was equally central. Chapter Four of Barry Goldwater's *The Conscience of a Conservative* makes that abundantly clear. In that chapter, Goldwater expressed his distaste for segregated schools, but argued that "the Constitution does not permit any interference whatsoever by the federal government in the field of education. . . . Let us, through persuasion and education, seek to improve institutions we deem defective. But let us, in doing so, respect the orderly processes of the law. Any other course enthrones tyrants and dooms freedom."

Furthermore, as Greve's "twentieth-century" qualifier suggests, the full history of states' rights includes many occasions on which states' righters stood in opposition to the tyranny of the majority. Several such instances that come to mind include: Jefferson and Madison's Kentucky and Virginia Resolutions, offered in opposition to the despotic Alien and Sedition Acts; Calhoun and South Carolina's resistance to a federal revenue system based on expropriating the Southern planters to protect Northern industry; and the Northern states' resistance to *Dred Scott* and the abominable Fugitive Slave Act of 1850. (This history was chronicled by another principled opponent of *Brown*, James Jackson Kilpatrick, in his out-of-print classic *The Sovereign States*.)

The Court's focus on state sovereignty, as opposed to constraints on federal power, has allowed Congress to consume the core of federalism, leaving only the rind.

The Prospect

In Greve's vision, the Supreme Court ushers in a return to pre-New Deal federalism. Other supporters of real federalism have seen the Supreme Court as federalism's most determined enemy. Thomas Jefferson described the Court as "an irresponsible body . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one." Greve is aware of the Court's centralizing tendencies — its essentially nationalist and elitist orientation — but suggests

that, with the right political preconditions, they can be overcome. Is Greve's proposal realistic? Perhaps a better question is, does anyone else have a better idea? As Greve puts it, "there is no point to thinking about real federalism unless one can imagine some scenario that leads from here to there." Having indulged themselves in secessionist fantasies and (justified) lamentations over the illegitimacy of the Regime, hard-core decentralists are ill-positioned to charge Greve with quixotism. The scenario Greve sketches could happen. He does not claim that it inevitably will.

Real Federalism is elegantly written and cogently argued. Even if, like me, you're given to millennial pessimism, you may find it largely convincing. And the pessimists have been wrong before. Most recently, we awoke on the morning of January First to find civilization (such as it is) and our liberties (such as they are) intact. Maybe we're wrong, too, about America's inevitable slide into centralized tyranny. Take a few hours away from redecorating your concrete bunker, and give *Real Federalism* a read. ❑

***The Dutch Republic: Its Rise, Greatness and Fall, 1477-1806,* by Jonathan I. Israel. Oxford University Press, 1995, 1,231 pages.**

Dutch Retreat

Brien Bartels

The Dutch are my personal favorites in the contest for Most Libertarian Culture. They have a congenial policy toward illicit drugs, and a regulated tolerance toward prostitution and assisted suicide. The Dutch barely have a standing military, and their policy of allowing homosexuals and long-haired kids into that establishment indicates just how seriously they take it.

There is also the Dutch mastery of trade. Recently a participant in a roundtable of futurists in *The Wall Street Journal* referred to them as "historically, the world's greatest traders." *The Economist* forecasts that the Netherlands will be the best place in the world to do business after the turn of the century, in terms of market potential and political environment, displacing Hong Kong.

I have always believed that the current congenial atmosphere in the Netherlands must have something to do with the reputed libertarian outlook of the Dutch Republic in its Golden Age, roughly from 1588 to 1672. This was the tiny country that founded a world-wide trading empire to rival that of the British, that sheltered Descartes and Spinoza, that accepted the English Pilgrims on the way to Plymouth, and that provided Thomas Hobbes with a publisher. Besides, I have always been looking for confirmation of my own prejudice about those of us in the libertarian movement who are of Dutch descent. As my nutty Dutch aunt might say, everything is "in the blood." An enclave of Protestants, martyrs, refugees both religious and political, and canny businessmen could give rise, over time and after a certain amount of in-breeding, to a genetic strain of intransigent free-thinkers.

So I was delighted to find Jonathan Israel's *The Dutch Republic: Its Rise, Greatness and Fall, 1477-1806.* This entry in the *Oxford History of Early Modern Europe* winds out to an intimidating 1,231 pages. But Israel's book is far more readable than the equally hefty *An Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age,* by Simon Schama. The opening chapters of Schama's book consist in large part of captions for indecipherable engravings — the decorations of the author's scattered musings. A quick scan of the books in print at Amazon.com shows that most comparable books are either long out of print or vastly more expensive than this paperback re-issue.

Israel traces a complex political story in clear, relatively engaging fashion, despite what I imagine is an English academic's compulsion to overuse parentheticals and subordinate clauses. Israel also commits the sin of never translating French quotations into English. More importantly, however, he shows a pretty good understanding of economics, unlike many "progressive" scribblers who call themselves historians.

And yet . . . I can't recommend *The Dutch Republic* to many people except graduate history students and writers contemplating historical novels. The book is too vast and detailed, and it rarely gives its actors the descriptive flesh that someone like Barbara Tuchman would have given them. Still, it offers clues for the reader who would learn how advanced, free societies get that way, as well as some details that contest folkloric understandings of Dutch society.

Israel doesn't break it down this way, but there are four main themes in the story of the Dutch. First, factionalism. The Netherlands, which at the outset of the period included the area of modern Holland, Belgium, Luxembourg, and some German territories, were continuously riven by factions based on class or religious confession. Catholic versus crypto-Protestant in the 1520s. Calvinist versus everybody else, thereafter. Republicans versus Orangists.

Faction was apparent in every phase of history, and so was the strangely subdued manner in which ideological battles were fought. It was mostly a matter of propaganda, which rarely burst out into fighting or resulted in executions. The people of the early Netherlands seemed to value

their skins more than their causes — which leads to the second major theme, dissimulation.

If you were a Protestant or a humanist in Catholic, Hapsburg Low Countries, you obediently went to mass and practiced your real faith secretly. Dissimulation was the fortress of William the Silent, Prince of Orange, proponent of freedom of conscience in religion and architect of the revolt against the Hapsburgs that culminated in 1588. The crypto-Lutheran William was actually quite loquacious, Israel assures us; he got his sobriquet ("the Silent") by concealing what was really on his mind. The Dutch humanists, living under the direct control of the Catholic Hapsburgs, not the restless German princes who sheltered Luther, had to keep their Protestant lights hidden under a bushel. In fact the Inquisition of the Emperor Charles V took its first kill in Brussels, burning a pair of Augustinian monks in the town square. This repression, Israel writes, compelled "the country's intellectual elites to draw a veil of concealment over their religious beliefs, discussions, and reading, creating a duality, a gulf between conviction and practice, which shattered and traumatized the spiritual world of the Netherlands. The divorce of appearance from reality, and prevalence of subterfuge, hypocrisy, and pretense, quickly pervaded every corner of Low Countries life" (83).

The third major theme of the Dutch existence is trade. While Flanders was famous for its textiles throughout the middle ages, Holland, the province most exposed to the North Sea, went heavily into the more prosaic economic niche of long-distance bulk freight. While Swedish timber, Spanish salt, and grain from Denmark and Riga weren't worth nearly as much pound for pound as the cloth of Holland's Flemish neighbors, the freight haulers of Holland evolved the cheapest and fastest bulk transport system in Europe. Holland and its satellite provinces sat astride the Rhine, a major outlet for goods from the European interior. Although frequently cut off by the region's wars, the barge traffic of the Rhine provided the Dutch with customs revenue and eventually gave them an array of "rich trades" to re-export.

As the nexus of many trade routes and steward of the North Sea herring fishery, Holland became an entrepot, achieving unprecedented economic synergies. Trade dispersed wealth widely among the republic's citizens. The hot Hollandish economy suffered chronic labor shortages and paid the highest wages in northern Europe, inviting immigration and creating an urbanized middle class, almost any member of which could invest in a small share of a trading ship. Dispersed wealth was one of the keys to the stability of the republic, even during the frequent hard times caused by war.

This brings us to the fourth theme — war, learned the hard way. Enemies frequently besieged the republic. The Dutch infantryman was never a match for the Hapsburg Spanish soldiers, or for the French under Louis XIV, or for the Prussians, or the revolutionary French. Nor were Dutch warships equal to the more massive British fleet. The Dutch survived behind the natural barriers formed by rivers and polders, by innovations in fortification and tactics, and, despite the faction of the republic, by uniting at critical moments to achieve some stunning upset that would keep the republic in existence a little longer.

The only people who really talked about Dutch freedom were visiting foreign gentlemen, who often hated the fact that ordinary men, and even women, would speak to them in public as if they were equals.

As Israel's book shows, other, commonly supposed themes of Dutch history may not have been so powerful. Toleration of different faiths was not achieved until the eighteenth century, when the rest of Europe was already flirting with the Enlightenment. "Descartes complained," Israel tells us, "that the United Provinces were not as 'free' as he had originally supposed" (677). The only people who really talked about Dutch freedom were visiting foreign gentlemen, who often hated the fact that ordinary men, and even women, would speak to them in public as if they were equals. Tolerance was actually, Israel says, "an ambivalent semi-tolerance," a "partial toleration seething with tension, theological and political, both within, and between, the principal church blocs and between these and their dissident offshoots" (676).

The Private Empires

Some comment must be made on the East India and West Indies Companies. During the 1500s and 1600s, the ports of Europe opened and closed from year to year because of the strategic whims of kings. Traders who made their boodle by re-exporting Eastern spices from Portuguese entrepots to northern Europe found themselves in a dilemma: if the English privateers didn't get them one day, the Spanish might close one of their vital ports the next. In response, a courageous group of Dutch investors funded their own expedition to Asia, and their success made Holland a center for ventures to the Spice Islands of Indonesia.

Private companies proliferated, profits fell, and soon the United East India Company (VOC was the Dutch acronym) incorporated, with a directorship constitutionally divided among the main cities of the North. The less successful West Indies Company formed later. The companies had their own armies and navies, staffed primarily with Protestant Swedes, Balts, and Germans, and they bludgeoned into India, Ceylon, Indonesia, and Brazil. Dutch toleration, such as it was, extended to the Hindu and Tamil subjects of the companies' managers, but less to the Muslims of the East, and of course still less to the African slaves the WIC shipped to its plantations in Brazil and the Caribbean isles.

But by the 1700s, the Portuguese had retaken their outposts in Brazil, the French and British had beaten the Dutch in China, especially in the tea

trade, and the Dutch overseas empire, like so much of the Netherlands at that time, simply fell apart. Even Holland was de-urbanizing and assuming a more typically European density. Second-generation regents subsisted on the interest of government bonds, the products of innumerable wars, while unemployed artisans survived in the tatters of a civic welfare system. The Jews, the Huguenots, the proto-capitalists, moved on to greener pastures — Surinam, Curacao, London. And despite the role that the Netherlands played as an arsenal for the American revolutionaries, the republic was on the downward slope.

A republic gone rotten can't be brought back to health by force of arms and pamphleteering alone. The future of this American republic depends on us to find the "something else" that was lost in the twilight of the Dutch republic.

But what caused this? Was it too much of a good thing? Too much freedom? Money? Tolerance? Probably not, since those amenities coexisted with centuries of conflict between states and in the state, and structural changes in power and wealth in Europe. This dissipated the Netherland's economic advantages, leading to economic decline and finally concentration of power in the hands of the Orangists, who, as Israel describes, were the beneficiaries of continuing uncertainty and anxiety in the deflating Netherlands. That surrender, not freedom running riot, marked the real end of the Dutch experiment.

The People in Arms

One interesting spasm took place in the 1780s, in the aftermath of the American revolt. This is a story with particular relevance to the modern day "militia" movement and other obstacles to the New World Order.

In 1781, a Baron van der Capellen distributed an anonymous pamphlet blaming the collapse of Dutch freedom on the Orange regime, which two hundred years earlier had handed too much political power to provincial rulers at the expense of town councils, guilds, and militias. The solution was for the people to arm themselves, choose their own militia officers and representatives, and begin to agitate for democracy. Catholics, Mennonites, Lutherans, and Jews should be included in political life, not merely kept as "tolerated" dissenters, barred from militia and government.

Thus began the Patriot revolt of the middle class against the Orangist elite and its lower-class supporters. Israel refers to "a form of national feeling more akin to the liberal nationalism of the early nineteenth-century Europe than any sense of identity which prevailed in the United Provinces during the Golden age" (1101). Once again the Dutch were on the leading edge of a wave.

But the wave broke. The Patriots were crushed by neighboring monarchies, and by 1806 the Netherlands were a satellite of revolutionary and then of Bonapartist France, while Britain became heir to its overseas possessions. The story follows the classic arc of tragedy.

There may be a lesson here for our own Patriots, the militias, but it is not a comforting one for those remnants. A republic gone rotten can't be brought back to health by force of arms and pamphleteering alone. The future of this American republic depends on us to find the "something else" that was lost in the twilight of the Dutch republic.

This, and the whole of Israel's narrative, is a great story if you have the time to devote to its telling, but it doesn't explain how this country with its unique heritage evolved a constitution whose articles include two very different ideas: "Everyone shall have the right to the inviolability of his person" (Article 11) — and also: "It shall be the concern of the authorities to secure the means of subsistence of the population and to achieve the distribution of wealth" (Article 20).

There are clues as to how we all declined from golden age to omnipotent state in this book, but no final explanations. ❑

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***Presidential Campaign Songs: 1789-1996*, sung by Oscar Brand. Compact disk, 69 minutes. Smithsonian Folkways Recordings, 1999.**

Battle Hymns of the Republicans (and Democrats)

Stephen Cox

This is a presidential election year, and I am very much afraid that the readers of this journal will waste it in unprofitable and unpleasant activities, such as listening to candidates' speeches, compiling lists of mendacities and absurdities, demanding to know whether friends and acquaintances "actually believe that crap," wistfully attempting to find new friends and acquaintances, damning the ignorance of the electorate, and damning the impotence of oneself.

You've done that before, and what did it get you?

This year, you should try something new. Cultivate an attitude of Olympian detachment toward the electoral process; better still, learn to have fun with it. In either case, you can start by taking the long view of history. These songs will help you. Here is all the idiocy of the past 200 years of electoral politics, presented in irresistibly attractive musical form.

If you buy this album, you won't wake up in the morning with Al Gore's environmental policies on your mind. You'll wake up singing a battle-cry from 1856:

There's right and wrong in parties,
And the right is on our side,
So mount the Fillmore wagon,
And through the nation ride!

Wagon? Why is it a wagon? Well, because there was a popular song called "Wait for the Wagon" —

Then come with me, sweet Phyllis,
My dear, my lovely bride,
We'll jump into the wagon,
And all take a ride —

and that song had a really good tune. It was a little hard to get the wagon into a campaign song, but the job got done:

The Union is our wagon,
The people are its springs,
And every true American
For Millard Fillmore sings.

(refrain:)

Wait for the wagon,
The Millard Fillmore wagon,
Wait for the wagon,
And we'll all take a ride!

But that's not all. We learn still more about the wagon:

Our wagon is a noble one,
'Twas made in '76,
'Twas driven by George
Washington
Through stormy politics.

(refrain:)

Wait for the wagon,
The Millard Fillmore wagon, etc.

What fun! I can hardly stop. Of course, some of the songs are less lighthearted and high-minded than that. A lot of them, in fact, are downright mean; but that's fun, too:

Let the Democrat named Hill
All his evil venom spill,
Yet he'll taste the bitter pill:
Roosevelt the cry!

That's Theodore Roosevelt's campaign of 1904. Hill wasn't Roosevelt's opponent; his opponent was, as you remember, Alton B. Parker. Hill was presumably a New York politician named David Bennett Hill . . . but who cares? He's already spilled his evil venom.

Here's an even more amusing item — from 1840, when William Henry Harrison and John Tyler (a.k.a. Tippecanoe and Tyler, Too) ran successfully on the Whig ticket. Their campaign propaganda associated Harrison with log cabins, hard cider, and military brilliance. Democrats replied in this way (the tune is "Rockabye, Baby"):

Rockabye, baby,
Daddy's a Whig;
When he comes home,
Hard cider he'll swig;
When he has swug,
He'll fall in a stew,
And down will come Tyler
And Tippecanoe.

Rockabye, baby,
When you awake,
You will discover
Tip is a fake.
Far from the battle,
War-cry and drum,
He sits in his cabin
A-drinking bad rum.

That having been said, we can now look on the bright side:

Rockabye, baby,
Never you cry;
You need not fear
Old Tip and his Ty.
What they would ruin,
Van Buren will fix;
Van's a magician,
They are but tricks.

These songs offer a lively solution to every problem, even the most politically vexing. The friends of James K. Polk, the dark-horse Democrat of the 1844 campaign, knew that few people out in the hinterland had ever dreamed of his existence, let alone backed him for president, while everyone had heard of his great opponent, Henry Clay. Well, what could be done? When all else fails, try honesty:

His choice occasioned
some surprise;
Good Democrats rolled
up their eyes,
All asking, tell us, who is he?
James K. Polk from Tennessee!

Well! That's good enough for us.

Hark! The people, rising, say,
He's the man to cope with Clay!

Ah ha! such a nominee!
James K. Polk from Tennessee!

I love the way the nation is always rising up and demanding, en masse, that its hero be elected:

Who has heard the great
commotion, motion, motion,
All the country through?
It is the ball a-rollin' on,
For Tippecanoe and Tyler, too,
For Tippecanoe and Tyler, too.

Throughout the land there's
such a cry,
And we all know the reason why.
[It's Zachary Taylor!]

"Grant, Grant, Grant!" the
country's calling!

McKinley is the magic name
That sweeps the country through!

Hear the call throughout the land:
Come and proudly take your stand,
Now uphold your chieftain's hand!
Roosevelt the cry!

And now, in the year 2000, you too can "swell the throng and join the song." If you buy this album, and listen to it, and sing along with it, you will no longer be a lonely misfit, nursing in pathetic secrecy your political wounds and grievances. Oh no! You will be part of a great national movement. What great movement, movement, movement? Any movement whose tune you like! And there are a lot of good tunes in this album.

Nothing, of course, is perfect — except the Millard Fillmore Wagon. Honesty compels me to admit that the album has some defects. It omits some songs that you might expect to be included. You will seek in vain for "Happy Days Are Here Again," or "We Are Coming, Father Abram" (not, strictly speaking, a campaign song, but close enough), or "Old Abe Lincoln Came Out of the Wilderness (Down in Illinois)." These are irreparable losses.

They are certainly not repaired by two songs that have been added to the end: a song from the Wallace Progressive Party campaign of 1948, falsely suggesting that the two major parties are really the same, and a dumb song about all the presidents in order of their accession to office. These are unfortunate additions. The liner notes are also unfortunate. They refrain from telling you much of anything that you really want to know about the songs, contenting themselves with tiresome and not especially accurate remarks about American history.

I'm not entirely happy, either, with the version of a 1960 campaign song that is presented here. As I remember, this catchy little number began,

We're walking down to Washington
To shake hands with John F. Kennedy;
We're walking down to Washington
Like we used to do.

But the way this album has it,

We're marching down to Washington
The way they used to do.

Now, who is "they," if "they" ain't us? Besides, up until the late 1960s, Americans preferred to "walk," not "march." That was a good habit, worth preserving in song.

Another thing is: some of the songs in this album are just plain bad, really bad, no matter how you look at them. By a not very subtle or unpredictable irony, the worst of them is "Why Not the Best?", a song in honor of (you

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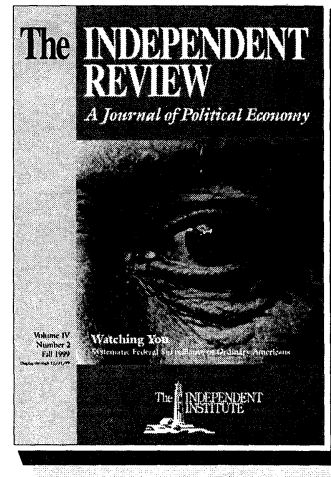

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guessed it!) Jimmy Carter. The liner notes bravely pretend that this is "a fetching country music campaign song," but its countriness is disgustingly faux. This lugubrious ditty may be the only song in American history that is worse than "Mr. Piano Man." It starts, "I heard a young man speaking out / Just the other day." The "young man" is Jimmy Carter (age at election, 52). It ends, "We need Jimmy Carter, / We can't afford to settle for less." No, I guess we can't.

This awful song is not to be blamed on the people who made the album; they needed to put in something from Carter, and what else could it be? Neither are they to be blamed for the tide of smarm that starts creeping over American political songs in the mid-nineteenth century, when "Lincoln and Liberty" hails the Republican candidate as "the [51-year-old] boy from Kentucky," and the "pride of Hoosierdom, too." But that song is a masterpiece of dignified emotion compared to successors like "I'm Just Wild About Harry [Truman]," "Hello, Lyndon!" (sung to the tune of "Hello, Dolly!"), and "I'm Feeling Good About America" (because of Gerald Ford). Take this away, please, and give me the malice and aggression of the early songs. Those songs knew their business, which was a bellicose and dogmatic insistence that our candidate is a giant among giants, whereas your candidate is a helpless moron who is therefore to be whipped and beaten until there is nothing left of him.

This historic change in attitudes is a problem with America, not with this album; and as you recall, I'm writing to cheer you up, not to bum you out. So I'll suggest that if you have any problems with self-esteem, the few horrifyingly bad songs on the album will miraculously restore your sense of your own intellectual, aesthetic, and moral superiority. As to the rest of the album, it's sublime.

The chief singer and instrumentalist, Oscar Brand (abetted by John Foley, Jordan Brand, and Jonathan Pickow), has an unerring gift for the right arrangement and the right dramatic presentation. He sings clearly and engagingly and without apparent concessions to political correctness. (Maybe that's why the liner notes print hardly any of the lyrics.) He's never "knowing" and "contemporary," or above his material; he sings each song with the spirit that originally enlivened or convulsed it. It's hard to listen to him and not be infected with the imbecilic good spirits of these little historical artifacts. So go on, be infected. And hey, have a good year. ❑

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Letters, from page 38

to suburban predominance is due not primarily to bureaucratic interference or the common complaints of crime and decay, but because as people have become more prosperous, they have acquired an increased urge to live and work in a more spacious setting. Low petroleum costs and more efficient autos have encouraged this as well. In addition, businesses have begun spreading out more and the work of the factory has increased in efficiency by incorporating a more horizontal design. We should applaud such a transformation. It is the free market at work. Today, those who stand in the way of capitalism aren't the ones standing in the way of skyscrapers as much as the ones screaming bloody murder at "urban sprawl," the result of this change in the market's urban landscape. Whilst an endeavor such as Chicago's is noble, and a sign that a market must obviously still exist for phallic buildings, I would hate to see us applaud such structures whilst ignoring their dwindling market importance. Such ignorance is the area of the anti-sprawl lobby, who would bar us from moving to the suburbs or building more spacious business communities, in favor of a less desirable high-density vision of what "they" think "cities" should look like.

Mark Kratt
Clovis, Calif.

The Fine Print

In his sidebar to the January 2000 article on "The Trial of the Century", Martin Solomon stated: "In plain English, Microsoft said if you want one product, you will take another (free) with it." Obviously, Mr. Solomon has not read Microsoft's license. Otherwise, he would know you do not "buy" a Microsoft "product." You license the right to use the software under the most restrictive terms in the industry. If you don't agree to the terms, Microsoft "refuses" to license it to you.

Garnet Harris
Hagerstown, Md.

Unfit News

David Kopel's "When the NAACP Went Armed" (January) brought to mind the case of Vernon F. Dahmer Sr., a civil rights leader in Mississippi who was murdered in 1966. When nightriders attacked his home with firebombs, he grabbed his loaded shotgun (*sans* trigger-lock, no doubt) and used it to hold off the attackers so that his wife and three children could escape out a back window to safety. Dahmer, a hero the likes of which cannot be found in today's NAACP, died from smoke inhalation, but his wife and children were saved.

The New York Times reported on this in 1998 but did not make note of a possible gun-rights angle — space limitations, no doubt.

Russell B. Garrard
Seattle, Wash.

A Strange Addiction

I hope it won't be much longer before the truth of the drug war becomes as obvious to the public at large and the media (including your publication) as it has to me. There is no profit in an end to the drug war. In short, the alternative to prohibition — legalization — will not produce the profits that the drug war does for its proponents. The drug war's proponents have never listed victory as an objective. Presidential and politicians' boasts of "Drug free by the year 2005" or "2007" etc. are laughable. The same was boasted by past presidents and politicians about 1980, 1985 and 1990 etc. ad nauseam. The true (and hidden) objective is that it is imperative that the drug war must never be won. In that way it perpetuates itself and all the revenue it produces. Prohibition can never succeed. In over one hundred years, prohibition has never even come close to succeeding.

Our law enforcement institutions and even our very economies are now addicted — financially — to the war on drugs. For this reason two conditions will always exist with prohibition. They are contradictory yet interdependent:

1. Prohibition can't work.
2. The war on drugs must never end.

Myron Von Hollingsworth
Fort Worth, Tex.

Notes on Contributors

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Martin Tyrrell is a writer and researcher based in Europe.

Terra Incognita

USA

Interesting observation from the Vice President's daughter-advisor, Karenna, about her father's values, from the *Washington Times*:

> He thought that there were horrible injustices going on in the country, and that people should be more socially conscious. And it meant something to me that I was hearing the same thing from him as I was hearing from the punk band I liked to listen to.

China

The Drug War continues on a new front, as reported in the *Los Angeles Times*:

> Opium has been banned once again in China because of its harmful effect on society, but this time it's not the drug.
>
> It's the perfume.
>
> Fearful that the name might lead to the "spiritual pollution" of Chinese youth — and mindful of the heavy price China paid in the Opium Wars and addictions of the 19th century — the government has ordered the popular Yves Saint Laurent fragrance off the shelves of department stores across the country.
>
> The perfume was still available in a Shanghai department store, and a Beijing saleswoman brought out two bottles from under the counter. "This is for the mature, sexy woman," she explained, before a co-worker told her to put the bottles away.

Downey, Calif.

Pathbreaking strides in water policy in the Golden State, reported in the *Bellflower (Calif.) Herald-American*:

> While Caltrans spends millions of dollars to pump ground water from underneath the Glenn Anderson Freeway here, another area agency is replacing that ground water and charging the state Transportation Department for it.
>
> Officials of the Cerritos-based Water Replenishment District of Southern California say they are mandated by state law to replace water pumped from the ground by cities and water providers.

Eau Claire, Wisconsin

A new use for an old tool, from the *Milwaukee Journal Sentinel*:

> A group of advertising students at the University of Wisconsin-Eau Claire is attracting the attention of the U.S. Census Bureau with an idea to educate college students about the importance of the 2000 Census by placing stickers on condoms.

Iran

Report on what Drug Czar Barry McCaffrey's fanatical counterpart is up to in the desert wastes, from the *Teheran Times*:

> Mohammad Fallah, head of Iran's Anti-Drug Campaign Headquarters, proclaimed that increasing his budget and mobilizing other countries to fight the production of narcotics in Afghanistan were among his more significant achievements.

New York

The United Nations exposes the negative aspects of private charity, reported by the *Washington Post*:

> Using funds from media mogul Ted Turner's $1 billion donation to the UN, the World Health Organization is preparing to launch a global counter-advertising campaign against the tobacco industry. The World Health Organization plans to tailor each ad to cultural sensitivities. For example, an ad featuring a cowboy with a limp cigarette that warns smoking can cause impotence will be shown in Asia, but not in the Middle East.

Pacific Palisades, Calif.

Even the Bill of Rights has its limits, from a letters-page correspondent in the *Los Angeles Times*:

> "Freedom of speech should end when people embrace a philosophy and political goal that have clearly shown in the past to lead to mass murder."

England

Political corruption visits the borough of Crewkerne, reported by the Associated Press:

> Police stormed a raucous, late-night party held in the town hall after residents complained of whoops and shrieks coming from the hall. In attendance was the mayor, and two leading members of the town's noise abatement committee. The chairman and vice chairman of the anti-noise squad resigned their positions.

USA

The smirk issue haunts presidential contender Bill Bradley, from the *Washington Post:*

> "I could see the expression on his face every time Gore was speaking," said Susan Lewandowski, 39, a word processor from Hollis, N.H. "He was, like, smirking, and he was arrogant."
>
> Raquel Perez, 42, a high school Spanish teacher from Merrimack, N.H., agreed. "I cannot stand an arrogant man," she said. "I think I counted four smirks."

Port Townsend, Washington

Renaissance men can be found in small town America. From the *Leader*:

> Christopher Love, spiritual teacher, author, poet, composer and recording artist, has moved to Port Townsend, where he will continue to offer both private and group integrative healing sessions.
>
> Love is a clinical hypnotherapist, neurolinguistic program practitioner, ordained minister, spiritual counselor, registered counselor, hypnotherapy instructor, Reiki master and teaching master in the Usai system of natural healing. He is known for a spiritual teaching known as Satsang — a Sanskrit word meaning "truth community" — as well as Shamanic spriritual healings. He is the founder and director of the Kamalatara Temple of Peace and Awakening Spirit and the Kamala Healing Center & Institute.

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

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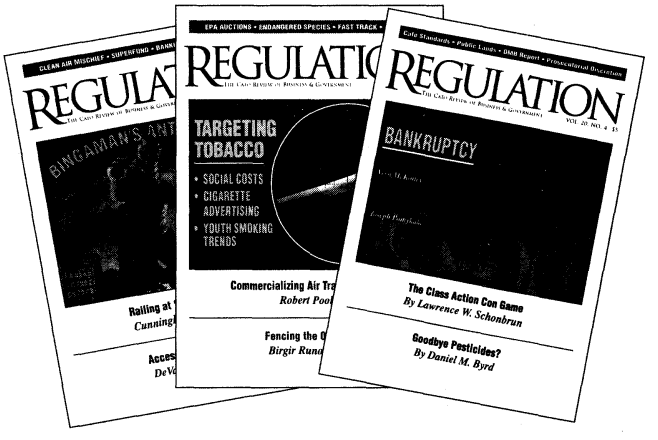

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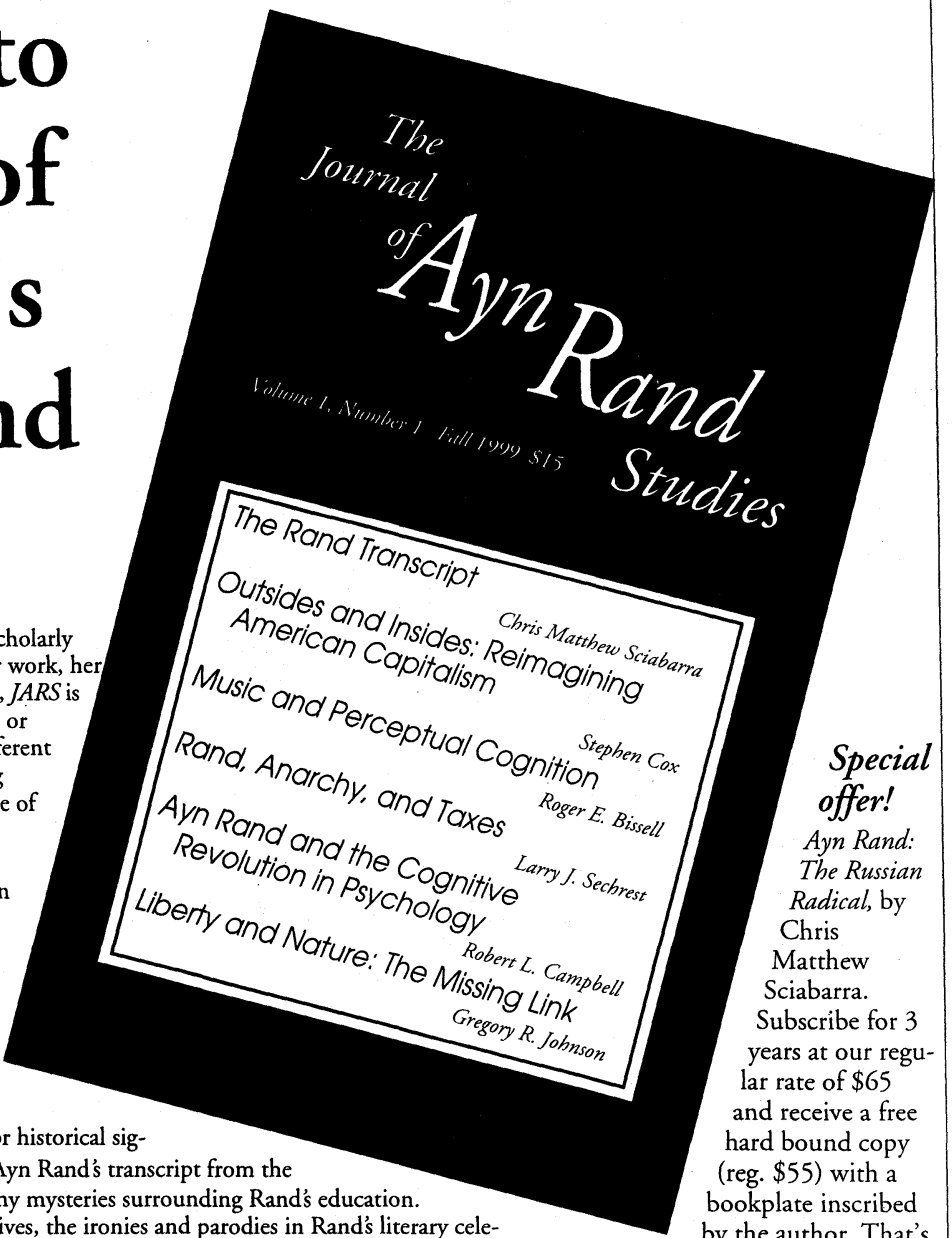

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Larry J. Sechrest revisits the debate over "minarchy" and "anarchy," arguing that the various Objectivist proposals for limited government fail to offer a convincing rebuttal to the case for anarchy.

Robert L. Campbell shows how Rand's theory of knowledge drew explicitly on the ideas and findings of the Cognitive Revolution, the mid-century change in American psychology that overthrew behaviorism.

Gregory R. Johnson critiques Rand's ethics and political philosophy, rejecting her argument for classical liberalism, and her conception of human nature.

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"We are not to expect to be translated from despotism to Liberty on a featherbed." —*Jefferson*

Why Shouldn't We Question the Good War?

by Jacob G. Hornberger

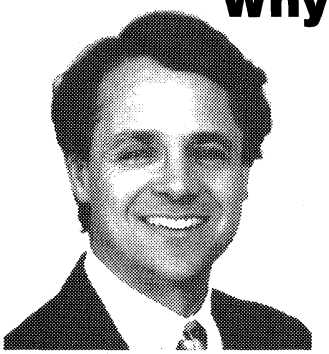

By raising questions about America's participation in World War II, Pat Buchanan has horrified American interventionists. People are simply not supposed to raise questions about America's role in what has become known as the "good war."

Was Nazi Germany a direct threat to the United States after 1940? It's difficult to see how she was. After all, if Germany was incapable of crossing the English Channel to invade Great Britain, how would she have been able to cross the Atlantic to invade the United States?

In examining the European part of World War II, it's also important to reflect on *all* the consequences, not just the good ones.

When Great Britain and France declared war on Germany (it is easy to forget that Germany did not declare war on them first), the goal was to save the Polish people from Nazi tyranny.

What was the result at the end of the war? It's true that the Poles were no longer suffering under Nazi tyranny, but they were suffering under communist tyranny and continued to so suffer for 50 long years.

Now, it's true that the Soviet communists were American allies during the war, but why should that matter with respect to the Polish people? Were they supposed to be happier suffering under Stalin and the communists than under Hitler and the Nazis, just because Stalin had been a Western ally during the war?

In fact, I wonder how all those American, British, and French soldiers who died in the European conflict would have responded if they had been asked, "Are you willing to give your life so that the Polish people can suffer under Soviet communism rather than German national socialism?"

"But we couldn't have just sat back and watched Germany invade Poland," interventionists tell us. "That would have been appeasement of a brutal dictator and undoubtedly would have encouraged him to go further."

The Soviet Union, however, invaded Poland about two weeks after Germany did. If the Soviet Union's invasion of Poland was tolerable, why wasn't Germany's invasion of Poland?

"But we couldn't have permitted Hitler to survive," interventionists claim. "He would have been a threat to world peace, and might even have acquired nuclear weapons."

But didn't the world survive both Stalin and Mao, both of whom acquired nuclear weapons? The express aim of the communists was worldwide conquest and domination. (Recall Krushchev's famous line to the West, "We will bury you.") Why would a similar threat by Nazis have been more dangerous?

One of the worst consequences of World War II, of course, was the rise of international communism. At the end of the war, communists controlled East Germany, Eastern Europe, the Soviet Union, China, and much of Asia and other parts of the world. It's difficult to see how any of this benefitted the United States, especially when we consider the Cold War, Korean War, and Vietnam War.

As Buchanan points out, if Germany had continued moving east and ultimately gone to war against the Soviet Union, it is entirely possible that the West would have been significantly better off sitting back and watching these two collectivist giants weakening each other through war.

In all of the furor that Buchanan's book has raised, it's also important to remember that prior to Japan's attack on Pearl Harbor, most Americans opposed America's intervention into the European conflict. President Franklin Roosevelt himself vowed in October 1940, when he was seeking an unprecedented third term in office, "I have said this before, but I shall say it again and again and again: Your boys are not going to be sent into any foreign wars." (Some Roosevelt supporters acknowledge now that FDR didn't really mean what he said, and point to all the secret steps he was taking to involve the United States in the European conflict.)

Roosevelt knew that Americans wanted no part in the European conflict because the consequences of World War I were still on their minds. Not only had that war entailed a horrific waste of American lives, but contrary to President Wilson's hopes and dreams it had not turned out to be the war to end all wars and had not made the world safe for democracy. In fact, World War I — along with the vengeful Treaty of Versailles — actually set the stage for the rise of Adolf Hitler and World War II.

Perhaps worst of all, for the rest of the 20th century, America's involvement in World War II set America on a road of continual war and intervention in an endless quest for everlasting peace. Perhaps that's why American interventionists don't like anyone raising questions about it.

Mr. Hornberger is president of The Future of Freedom Foundation and co-editor of the Foundation's book ***The Failure of America's Foreign Wars.***

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Inside Liberty

April 2000
Volume 14, Number 4

4 **Letters** Pieces of your minds.

7 **Reflections** We enjoy the American political circus, open our hearts to Little Elián, celebrate Y2K at America's largest phallic symbol, and explore new ways to make big money in your spare time.

Features

17 **A Survivor's Tale** *Peter McWilliams* smoked marijuana to keep himself alive. Then one day, police broke down his door and arrested him. He tells how he survived after the government took away his rights.

20 **Media Bias: A User's Guide** *Bruce Bartlett* explains how the left still controls newspaper and television news — but its monopoly is ending.

23 **Toward a Genetic Utopia** Science promises a better future. What could possibly go wrong? Plenty, says *James Wood.*

29 **Handcuffing the Nutrition Cops** The days when the Food & Drug Administration could ignore the First Amendment are coming to an end, and not a moment too soon, say *Sandy Shaw* and *Durk Pearson.*

31 **Defender of Laissez Faire** There was a time when America was a free and peaceful republic, and the most widely read economic writer in America was a fierce proponent of laissez faire. *Bruce Ramsey* reports.

41 **I Was a Peace Corps Dropout** *Andrea Gregovich* naively thought that being a Peace Corps "volunteer" meant that she would have some kind of veto power in what she was doing.

44 **The Truth About Hillsdale** In the February *Liberty*, an alumnus argued that the incest-suicide scandal is only symptomatic of the problems at that conservative college. *Gary Wolfram* presents a different perspective.

46 **The Thought Police Discover Orwell's Diary** *David Ramsay Steele* examines the evidence and concludes that Orwell was no anti-Semitic, homophobic imperialist.

49 **Orwell: Warts and All** George Orwell was a great writer, *Martin Tyrrell* observes, but the evidence still demonstrates that he was an anti-Semitic, imperialist homophobe.

52 **Street Urchin** A vignette by *Tracey Rosenberg*

Reviews

53 **The President and His Enemies** Bill Clinton got the defenders he deserved, observes *Gene Healy.*

55 **Justice: Libertarian Style** *Richard B. Sanders* explores a radical approach to law.

57 **Apocalypse Reconsidered** The world will not come to an end before you finish reading this magazine, though you might think so if you read *State of the World 2000*, says *J. Bishop Grewell.*

58 **Booknotes** The universe systematized, and science fiction optimized, the incumbency minimized.

62 **Terra Incognita** The real world, take it or leave it.

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Letters

"This is Francisco d'Anconia Speaking"

I enjoyed Michael Giorgino's short story, "Bill Gates Shrugged" (March). I often say to friends that if I were Bill Gates I would do something drastic — similar to what Francisco d'Anconia did in *Atlas Shrugged* when he destroyed his copper mines rather than have them taken over by the state.

Too bad Mr. Giorgino's story is fiction.

Jim Fleming
Tobyhanna, Pa.

Atlas Shrunk

Bill Gates stood on the shoulders of the great computer scientists that came before him in order to create his operating system products. Core features such as virtual memory, memory protection, file systems, his beloved graphical interface, and many others all originated in earlier systems such as UNIX and MacOS (who in turn grabbed the idea of the graphical user interface from Xerox). This is a good thing. Microsoft properly borrowed those features because they are great technical ideas and drastically improve the robustness and usefulness of any computer system. Unfortunately, Bill Gates has claimed more credit for these "innovations" than he deserves (because Microsoft did not do the "innovating" in most cases) and is given inappropriate credit by Michael Giorgino ("Bill Gates Shrugged," March).

Microsoft has done some innovative things in their software, but those things are mostly limited to bells and whistles (like flying folders and dancing paper clips) that do not contribute to the real functionality of a computer system. In fact, Microsoft's inclusion of both core features mentioned above and other minor features is quite similar to Orren Boyle manufacturing Rearden Metal (oops, I mean "Miracle Metal"). How else could one view the inclusion of the MacOS trash can (oops, I mean "Recycle Bin") in Windows 95?

Up until recently, I could not purchase a PC class computer without a Microsoft operating system. Microsoft would only sell to PC manufacturers who agreed not to sell any alternative operating system on any of their systems. Because of Microsoft's dominance in the operating systems market, no PC manufacturer could hope to survive without selling most of their machines with Microsoft products installed.

Some fraction of those machines were going to customers like me who never had any intent of using those products. Many manufacturers would have preferred to sell me the machine as I, their customer, wanted it. They were forced, by Microsoft, to sell me a product that I did not want to buy. The exchange of computer hardware for money was by mutual consent and mutual benefit to myself and the PC manufacturer. The forced sale of Microsoft products accompanying the hardware had neither my consent nor was it to my benefit.

Why didn't I take my business to a manufacturer who had no such agreement with Microsoft? Because none existed. None could have existed in the presence of Microsoft's ruthless campaign to destroy all PC manufacturers who did not sell their operating systems exclusively (see Wendy Goldman Rohm, *The Microsoft File* for well researched specifics). So much for Giorgino's claim that Microsoft was "selling a product that they need to those who are willing and able to buy it." Or "I have made my money through the voluntary consent of every man I dealt with in my life . . . and those who buy my products." This is an outrageous statement, certain to enrage people like myself who are routinely forced to deal with (and even support through the forced purchase of product) Microsoft in order to complete their professional obligations.

In the setting of *Atlas Shrugged*, this would have been the equivalent of Hank Rearden refusing to sell Dagny Taggart

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any rails without being forced to also use Rearden Metal exclusively for spikes, locomotives, bridges, and roundhouses.

The fact that Rearden Metal is useless to Taggart Transcontinental for locomotives (no manufacturer is willing to use the material) is of no concern to Hank Rearden. He can use his monopoly on Rearden Metal to force Dagny Taggart to buy more product than she can use.

Think what you will of antitrust law and the government's actions with respect to Microsoft, but Bill Gates is no Hank Rearden.

John Galbraith
Los Alamos, N.M.

¡Guns Sí, Taxes No!

David Kopel's article ("Strongarm Suits,"February) regarding the President's alliance with various mayors and trial lawyers who are hostile to the most basic of civil liberties is right on the mark — excluding his implication that all thirty-one right-to-carry states require government approved training. Fortunately, this is not the case. Of the states that recognize that carrying concealed weapons is a right, eleven (Alabama, Georgia, Indiana, Mississippi, Montana, North Dakota, New Hampshire, Pennsylvania, South Dakota, Vermont and Washington) do not have government training requirements. Moreover, one of these states (Vermont) does not require a permit to carry a concealed weapon.

It is perhaps noteworthy that the states with no income tax — Alaska, Florida, New Hampshire, Nevada, South Dakota, Tennessee, Texas, Washington and Wyoming — are all right-to-carry states.

Russell Greenidge
Palm Springs, Calif.

It's the Rail Thing

I once believed that drug legalization (Letters, February) was at least as much a "third rail of politics" as Social Security used to be. But I've discussed this issue with others on many occasions, only to discover people listening in with looks on their faces that say "Why didn't I think of that?"

I think the American electorate will respond positively on this issue — but only if we do it properly. Simply ranting that we must "end this insane War On Drugs" (as Harry Browne did in 1996) will not work without an explanation of why it is insane. The average voter sees the self-destructive effects of the drugs and sees the murders, robberies, and other mayhem "caused by drugs," and thinks that not fighting this evil is what would be insane. A little bit of effort spent pointing out that the real crimes are caused, not by the drugs themselves, but by the fact that they are illegal, could go a long way towards lighting the cranial light bulb.

Steven J. D'Ippolito
Colorado Springs, Colo.

Hackles on Edge

Normally I don't reply to reviews of my books, whether favorable or unfavorable. However, Martin Morse Wooster's review of my sequel (February), *It Still Begins with Ayn Rand*, was such a nasty piece of work that I feel an obligation to respond. I don't take issue with the opinions of my book expressed by Mr. Wooster. He read my book and obviously found it not to his liking, which is fair enough. I've been around the track enough times to know that you win some and lose some in the book-writing business. A rave from one reviewer today, followed by a knock a day later, is par for the course. Any writer who attempts to satisfy everyone's reading tastes is destined for a lifetime of frustration. However, what I do take issue with is the tone of Mr. Wooster's review. He sounds like someone with an ax to grind. His review reads like a missile lobbed by a closet conservative masquerading in libertarian clothing. Perhaps my less-than-favorable portrayal of the Reagan years set his hackles on edge. Or maybe it was something else. I don't pretend to fathom the diabolical workings of a mind that felt compelled to turn a book review into a vitriolic attack. All I ask is that others read the book for themselves and come to their own conclusion.

Yours in Liberty!

Jerome Tuccille
Severna Park, Md.

No Sex Without Obligation

David Allan Roberts' obvious misogyny and anti-abortion bias discredits his

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libertarian discussion of the rights of fathers ("A Woman's Right, a Man's Duty," January).

It's hard to imagine more egregious coercion than allowing the State to force a woman to either maintain or abort a pregnancy against her will. There can be no philosophy of liberty, human freedom or self-determination that puts the right to make this decision in the hands of anyone other than the pregnant woman herself. Roberts complains of the unfairness of an age-old human agreement: women will help propagate a man's genes into the next generation, and in return he is expected to pay at least some of the expenses for the child. Roberts' misogyny has led him to wrongly identify the point at which this contract is made. It doesn't occur at marriage or at the birth of the child. The contract is made when a man consents to have sexual relations with a woman of reproductive age.

Amy Brunvand
Salt Lake City, Utah

The Death of Words

Want to improve your zine??? Go to glossy stock and include lots of pictures.

In case you don't get out much, the written word is dead . . . it is the modern equivalent of the spoken word handed down through the generations in a Baffin Island eskimo village. . . . gone, done, kaput. Look at the way the streaming porn industry (TV, net, web, video, movie) demolishes the opposition — PICS! Example. Notice the way unflattering pics of Hanoi Jane are showing up now that she has been born again??? Barbarella is now shown as a menopausal harridan . . . all those wrinkles, dried up features of a natural predator, bad hair, hiding behind shades . . . the camera doesn't lie . . . just the elitists who mediate the images. So get with it and start mediating!!!

George Briendel
Sumas, Wash.

More Guns, Less Blubber

Regarding the debate over the Fourteenth Amendment ("Two Cheers," "Roger and Me," February; Reflections, March): The reality is that what confers "vast powers" on the government is not an interpretation of the Constitution but the fact that the state has guns and the organization to use them. What has guaranteed rights in this country has not been the Constitution or the courts, but the willingness of the people to fight for those rights, including breaking the law in acts of civil disobedience and (horrors!) initiating force when necessary.

All this goes to indicate a deeper libertarian problem, and that is the belief that somehow, someway, the struggle for freedom can be won by some sort of trick: a debate on the Constitution, a celebrity candidate, changing the name of the party, and presto chango, tens of millions of Americans will vote for us.

Whenever liberties have been gained in this country, it has only been through mass popular action, from the American Revolution, through Abolition, to the smashing of segregation, and on to the sexual revolution. If Libertarians really mean what they say about liberty, they might organize protests, acts of civil disobedience and other forms of direct action as the anti-WTO movement did quite successfully in Seattle.

If we are really serious about preventing the imprisonment of Peter McWilliams and Steve Kubby, for example, then we might follow the example of last year's anti-police protestors in New York City, who shut down city hall until they got justice. What do you think is going to appeal more to citizens who have been victimized by the system in this country, another libertarian debate on the Bill of Rights, or a movement which is able to paralyze the ruling class?

Joseph Miranda
Northridge, Calif.

Hillsdale, No Problem!

As a former Hillsdale College student, I just wanted to let you know that all of this ruckus about the administration ("Is It True What They Say About Hillsdale?" February) was much ado about nothing. At Hillsdale, I listened to punk rock, wore tee-shirts with impudent social messages, and boasted about my Atheist/Idolatry "religious" status on their marketing survey. Needless to say, I lasted only one semester. So what? Nowadays, I can take continuing education classes online, and I can read *Human Action* on the internet. All of the information that I need comes from the internet, without the nosy Hillsdale administrators looking over my shoulders. Hallelujah!

Benjamin S. Parkinson
Redwood City, Calif.

The Fallacy of Falsifiability

Bart Kosko's interesting and cogent article, "Let's Teach Creationism," (February) makes the unfortunate, but

continued on page 61

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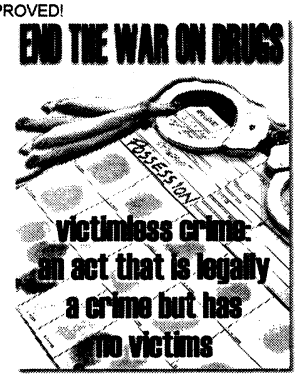

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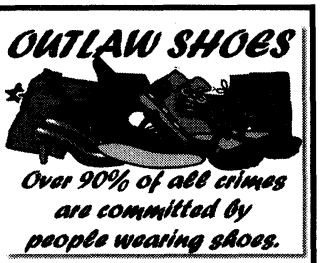

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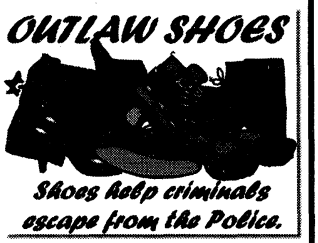

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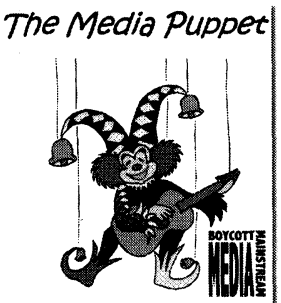

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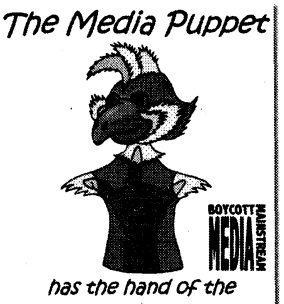

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Reflections

A new leaf — On a positive note, Janet Reno intervened in the Elián González case several weeks ago, and as of press time, she has not killed him. —Clark Stooksbury

Straight-shootin' spin artist — John McCain has denounced George W. Bush in the harshest terms imaginable: he has called him another Bill Clinton. Which is curious, since the salient characteristic of Clinton's political career has been his ability to "spin" any event in a way favorable for himself.

As I write, McCain has won one primary (New Hampshire) by a comfortable margin, lost one primary (Delaware) and finished near the bottom of the pack in the Iowa caucuses.

But to hear McCain tell it, his 5% showing in Iowa is a "victory" because he did only a little bit of campaigning there, and his being clobbered by a margin of more than two to one in Delaware is a "great victory" because he didn't campaign there at all. By the time you read this, I suppose he'll have lost the South Carolina and we'll know whether he managed to call his loss there another "victory."

I don't know what it is, but something about McCain bothers me. It's not just his spinmeistering. There's something dark about him that's worrying. Perhaps it's his easily-aroused moral indignation, always dangerous in a politician. Perhaps it's his self-righteousness, which is especially scary in a politician who accepted money from convicted savings-and-loan swindler Charles Keating. Somehow he scares me a little: he seems like the sort of man who could use the "mandate" of an electoral victory to do something really crazy.

Not that Bush is a great deal better. He's pretty much your ordinary politician, distinguished primarily by having the exceptionally good luck of being born to wealthy parents who greased his way to success, first in business and now in politics, and of emerging so early as an overwhelming front-runner that zillions of dollars were dumped in his lap.

Bush is not the sort of man I'd allow to enter my home, but if I were forced to choose between him and McCain, I'd take Bush in a minute.

But the most likely scenario is that McCain will not be heard from after he loses a few more primaries. His victory in New Hampshire, purchased by flattering the locals — he attended over 100 town-meetings and promised not even to visit other early primary states in order to help maintain New Hampshire's status as the premier early primary — will be as forgotten as Henry Cabot Lodge's write-in victory there in 1964. —R. W. Bradford

Paleopols — Re John McCain and Bill Bradley: Nothing is older than a "new politics." —Sheldon L. Richman

Have you no decency, CNN? — When Steve Forbes, the best of all the major-party candidates, withdrew from the presidential race, *CNN Headline News* formally characterized him as a "rich, geeky presidential candidate." I don't know why — it's just some defect in my inner child — but I still expect at least a modicum of decency and fairness from the national media. Actually, just a pretension of decency would do. But that is obviously far too idealistic a demand.

I don't remember CNN describing John F. Kennedy as a "rich, puffy-haired president," or its calling Bill Clinton a "smarmy, bankrupt president," or Teddy Kennedy an "obese, sneering old senator," or Robert Reich a "dwarfish member of the cabinet," or Janet Reno a "gawky, horsefaced attorney general," or Bill Bradley a "superannuated former senator with triple chins," or John McCain a "baby-faced senator with bad hair days," or Al Gore a "rich, geeky presidential candidate."

If that had happened, it would have been media bias.

For the record, I have met quite a number of politicians, and Steve Forbes struck me as one of the most normal people among them. He is not a geek, and he is not a stereotypical plutocrat, and he is not a stereotypical politician. Maybe that's why the media have gratuitously insulted him throughout his campaigns for office. —Stephen Cox

Nuts for Forbes — The story is told that in 1958, after losing the Democratic gubernatorial primary to an even more radical segregationist, George Wallace vowed never to be "out-segged" again.

Steve Forbes began his quest for the presidency in 1996 as a quasi-libertarian, focusing on issues like tax cuts, privatization and deregulation. After losing the nomination that year, he apparently decided that his failure resulted from insufficient pandering to the nutball religious right. Like Wallace, he vowed never to be "out-nutballed" again.

As evidence of this strategic decision, I refer you to his attack on George Bush for signing a bill which named a stretch of Texas highway for a Houston physician, John B. Coleman. The Texas legislature honored the physician supposedly because he was a leading proponent of better schools, though it certainly didn't hurt that his son was a member of the Texas legislature. But Forbes' highly paid staff discovered that Dr. Coleman had performed abortions at some time or other. This gave Forbes an opportunity to accuse Bush of being soft on abortion. Not only did Bush sign the legislation — he also failed to "rename the highway immediately" when he found out that Dr. Coleman was a baby-murderer.

It is this sort of pandering that left me unmoved when Forbes withdrew from the race, some $32 millions poorer. Yes, I am happy that he put tax cuts at the center of the Republican agenda, and broadened the constituency for school choice, the gold standard and privatizing social security. But his agenda-changing all happened in 1996, when he

made far less effort to pander to the religious right. In 2000, his programs were hardly different from those of his opponents, all of whom he "out-nutballed." Maybe he'd have done better this time if he'd struck to his original agenda. But we'll never know. —R. W. Bradford

Big Bill — Whoever said talk is cheap never heard a Bill Clinton State of the Union Address. —Sheldon L. Richman

Gunlovin' Gore — Bill Bradley discovered a new tack in his desperate campaign to overtake the Vice President for the Democratic nomination. The Deep Thinker from New Jersey accused Al Gore of being a gun-nut pawn of the NRA. Bradley's campaign pointed out the high marks Gore received from the NRA (Boo, Hiss) when he was a member of the House. "Since being elected to Congress in 1976, Al Gore has been there each and every time sportsmen and gun owners have needed a friend," according to a 1984 NRA scorecard. The subtext to this shocking revelation, as it often is when a politician deviates from his ideological script, is regional. Al Gore used to represent a rural middle Tennessee district that no doubt has a higher percentage of hunters and gunowners than Bill Bradley's New Jersey.

Gore is sort of like the late Senator Frank Church in this respect. Church was an Idaho senator who was fairly left wing. But he was from Idaho, so his progressive pals had to overlook his pro-life and anti gun-control positions. The major difference between the two is that Church stood out as a foe of the Vietnam War and of CIA abuses, while Gore stands out only as an opportunist willing to trim his sails to meet the current fashion. —Clark Stooksbury

The boy and the state — About the competing familial claims for the young Cuban raft-survivor Elián González, I have no opinion. Parents and even grandparents can be just as dangerous as uncles and aunts. I do believe, in general, that the sooner most of us escape from elders the better off we are. This is an issue of children's rights for which, alas, there are few articulate spokesmen. What does matter, from the libertarian point of view, is establishing once and for all, the principle that no state is endowed with the right to ship anyone off to another country, regardless of his or her age. Ever.

One of the great scandals lost in the

continued on page 10

Liberty Live . . .

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How Environmental Regulation Prevents People From Protecting the Environment — Environmental economist Rick Stroup explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, Randal O'Toole, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author Jane Shaw explores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (audio: A404; video: V404)

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

Advancing Liberty in the Courts — Washington Supreme Court Justice Richard Sanders explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, Ron Paul, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says Randal O'Toole. (audio: A409; video: V409)

Share the Excitement !

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

Contracts and the Net — The Internet will reshape contract law, argues David Friedman, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

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

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — David Friedman explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next election. Learn why environmentalists want you caged in cities, and how they plan to do it, with Jane Shaw, Richard Stroup, Fred Smith, and Randal O'Toole. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives considered at the Constitutional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — R.W. Bradford explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — Durk Pearson and Sandy Shaw tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

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

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

Juries, Justice and the Law — Fully informed jury activist Larry Dodge explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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recent discussion is the American practice of returning Haitian refugees who have landed on our shores and even settled here. Once here, they should be allowed to stay, no matter how they arrived, on the grounds of amnesty. I personally can never forgive the administration of Woodrow Wilson for deporting Alexander Berkman and Emma Goldman. (The latter would make my list of the five greatest libertarians, if only for her early recognition of women's rights to control their own bodies and the failure of Soviet Russia.)

Nor should states forbid voluntary emigration. Should Elián González want later in his life on his own initiative to return to Cuba or go anywhere else, may we wish him well. People should move to another country only when they want to, not because the state or its agencies deport them.

The Cuban-American community has made the keeping of González an occasion to demonstrate its political muscle, which many people find disagreeable, if not distasteful. The issue here is not whether one is for or against Castro but the rights of governments, beginning with the U.S.A.

The effects on children moved from one country to another should not be lost. A few years ago I contributed to these pages an extended profile of Vladimir Pozner, then a correspondent for Soviet radio, later a sparring partner for Phil Donahue. After quoting his story that he emigrated on his own initiative from New York to Moscow while attending Columbia College, I reported that Pozner actually left New York while in his middle teens to go with his parents to East Berlin before they moved him to Moscow. The point of Pozner's fib, made in his late forties, was that the crucial decision in his life — emigration to the Soviet Union — was made by someone else, in this case his parents. But it was important for Pozner to make me, and perhaps himself, think otherwise. The conflict over young González reminded me of Pozner, who in his fantasy espoused the principle, false though it was to his own experience, that we all not only want but deserve to control our fate. —Richard Kostelanetz

Sinister politics — It was 5:12 on a Friday evening, and we were all still at our desks. No one quite had the courage to leave yet. That would have required an excuse of some kind: "I have a racquetball date." "I have to get ready for that party." Or "My kid's probably hungry."

My obsessive zillionaire boss was at the work station of a colleague, raking over a database, and both were awkwardly trying to control the computer's mouse with their left hands. Apropos of nothing my colleague said, "When you were young, were they still trying to break you of using your left hand?"

"Oh, yes," said my boss with a shudder.

"How cute," I said. "the lefties are bonding." The other people in the office laughed, and my boss gave me a narrow and poisonous glance. He said the obstacles made for lefties by a right-hand world made them stronger and more successful in the long run than their peers. Just that afternoon, the topic of my boss's after-lunch monologue had been his own success, relative to that of his own peers, most of whom were presumably right-handed.

"There was an article in *The New York Times* pointing out that a majority of the presidential candidates are left handed," my boss boasted that evening. Not to be outdone, I started officiously trotting out my store of campaign trivia.

"In 1992, all three finalists—Bush, Clinton and Perot—were left-handed," I said. "The same was true in 1996, but of course Bob Dole was only left-handed of necessity, his right arm being withered by a chunk of Nazi shrapnel." I admitted I had not paid enough attention to the current presidential beauty contest to know who was a southpaw.

This was a typical episode of tension-breaking office banter, but not too far beneath its veneer was a history of pain inflicted by the ignorant upon victims too young to comprehend why they should suffer. I had been told by a distant relative how the nuns of his parochial school had rapped the knuckles of dominant left hands, forcing the lefties to conform in handwriting classes. It was another curious punishment of bygone days to me, but to my boss it was apparently still a deep scar, like Wounded Knee.

One wonders if, at least on the level of national politics, the lefty chickens are coming home to roost. Was it a subconscious sense of grievance that drove the presidential candidates to offer such evil proposals as government-run health care, an outright ban on abortion, licensing of handguns, tax cuts that scarcely merit the name, a new and improved drug war, battering down the wall between church and state, muzzling political donors in the name of "reform," and further federalization of the public schools? It's like something out of science fiction: genetic mutants turning the tables on their oppressors. We righties made them. Now they threaten to be our undoing. —Brien Bartels

Not Everybody Loved Raymond — Word has leaked out of Port-au-Prince that Lt. Gen. Claude Raymond, Haitian Army, ret., has died. His death occurred on either February 6 or February 9. The ambiguity results from the fact that Haiti, which has been experiencing one of its periodic restorations to liberty, equality, and fraternity by the occupying forces of the United States, had kept Gen. Raymond in prison for the past four years, despite repeated judicial orders to release him. Gen. Raymond's offenses were no doubt grievous. He had served successive generations of the Duvalier family, which is probably sufficient notice of his wickedness. The current government apparently holds him responsible for the murder of a number of political opponents in 1987. But since his arrest during what is described as "a voodoo festival in Haiti's Central Plateau area," that government has neither tried him nor presented evidence sufficient to try him. Is this one of the reasons why Haiti, formerly the great crusade of the Clinton administration, the mecca of all Democratic apostles of uplift, and the bottomless reservoir of footage for thirsty liberal media, now appears only in section B, page 7, "World and National Obituaries"? —Stephen Cox

The littlest defector, part II — Anyone who thinks a definitive decision in the Elián González case will be reached anytime soon should revisit the story of Walter Polovchak. Remember him?

In 1980, 13-year-old Walter and his family left their home in Lvov, Ukraine to visit Chicago-based relatives and to explore the possibility of staying and working in the U.S. But after several months, the senior Polovchaks decided to return

to the Soviet Union. Walter, with his older sister, Natalie, chose not to leave the U.S. The battle was on.

The Ukrainian community in Chicago rallied active and vocal support for "the littlest defector" who ran away from his parents and sought political asylum. The ACLU took up the case for Walter's parents; Walter received pro bono legal assistance in a battle that dragged on in the federal courts and with the State Department until the issues became moot on Walter's 18th birthday. One of Walter's generous and heroic attorneys was Henry Mark Holzer, at the time a professor of constitutional and administrative law at Brooklyn Law School and formerly Ayn Rand's attorney.

There were two distinct and equally passionate camps then as there are now to argue points of international law, parental and children's rights, immigration/refugee policy and the quality of life under communism. But unlike today's White House and Attorney General, the Reagan administration did not support the repatriation of our young guest.

Standing with both feet firmly planted in the camp fighting for Elián's freedom to stay in the U.S. is the adult Walter Polovchak, who became an American citizen in 1985. Walter still lives in the Chicago area, and has an American wife and a six-year-old son. Since the collapse of the Soviet Union in 1991, Walter has visited his parents and siblings several times in his former home of Ukraine.

I seriously doubt it will take four years to settle the issues surrounding Elián González. Long before the legal case becomes moot on Elían's birthday I'm betting that Walter, Elián and Cubans everywhere will be celebrating the collapse of Castro's government and of Castro himself. The happiest ending to the González story would be for Elián to freely visit his father and for his father to freely visit him.

—Dyanne Petersen

Think globally, speak hyperbole — "People have to decide who they're going to trust with their life and with their job, 'cause that's what [the presidential election] is really about." — Bill Bradley, Feb. 1, 2000.

Excuse me, Mr. Bradley. But do you really mean that? Do you really believe that every American's life and livelihood depends on whom he votes for? Do you really believe that the president has (and by implication, should have) enough power to control the lives of every American?

Aren't our families and friends at least a little bit involved in our lives? What about our teachers, our bosses, our employees? Hasn't the invention of the computer or the automobile had more impact on most of our lives than anything any president has ever done?

How different will our lives be if Al Gore or George W. Bush or John McCain is elected president instead of you? Will that possibly make as much difference to us as whether the computer revolution continues to cut the cost of everything from product design to marketing? Or whether my local community decides to "spend" its budget surplus by subsidizing a "non-profit, educational" tourist attraction rather than cutting taxes? Or whom the local church chooses as its new pastor? Will it make even as much difference as whether our high school football team has a championship season?

Just where did you get the idea that if we elect *you* president we will be "trusting you with our lives"? Oh, I know some politicians have had this power. I read somewhere that every night before he went to bed, Stalin made a list of people he wanted killed, and by morning every person on the list was dead. The citizens of Stalinist Russia really had to "trust" their leader with their "lives."

But we don't have to. Our lives depend on our genes, how well we take care of ourselves, our friends, our families . . . the way I look at it, whether you're living in the White House or back shooting hoops at your think tank in California is pretty low on the list of most people's worries. This isn't Stalinist Russia, you know.

Haven't you noticed that most people don't even *care* who's elected president? That half don't even vote? That many others decide whether to vote after checking the weather? Or that most who care enough to vote ignore the issues and base their decisions on trivia? Do you think they're all stupid? Or perhaps you've noticed these things, but you're in a state of denial.

The simple fact is that politics is greatly overrated. Does any intelligent person believe that Bill Clinton is more responsible for the current boom than Bill Gates? That William Howard Taft had more impact on the lives of Americans than Henry Ford? That whoever was Prime Minister of Britain in the early 19th century had as much effect on the lives and jobs of Britons as James Watt?

Or that you are really worth listening to on any question of serious human concern?

—R.W.Bradford

A cruel accounting — I just finished writing a story on the three-month merger battle between Pfizer Corp. and Warner-Lambert Co. The maker of Viagra and the maker of Bubblicious gum gave Wall Street what it always needs: a soap opera, complete with secret dealings, venomous rancor, huge piles of money and personal enmity between corporate leaders. The business writers will be sad to see Warner-Lambert finally disappear into Pfizer's Viagra-powered honeymoon suite.

Much has been made of mergers these days. AOL-Time Warner. British Petroleum-Amoco. SmithKline Beecham-Glaxo Wellcome. It seems to evince a trend. I'm waiting for *Liberty* magazine's unfriendly takeover of The Future of Freedom Foundation.

The more hyphenated companies accumulate, the more I think of Edward Bellamy's book *Looking Backward*. The socialist fable describes how capitalism became extinct as the big firms merged into what became a kind of syndicate.

"Oh, you poor man — here, have some carrot sticks."

The question is, did AOL's Steve Case and Time Warner's Gerry Levin enter their partnership under the pernicious influence of Ted Turner? Turner's an avowed socialist, after all. Perhaps in greasing the AOL deal he saw himself as midwife to the new order.

I don't think these mergers are the end of the free market, such as it is. Mergers get more press than divestitures and spin-offs, but these reorganizations happen in their season. The centrifugal forces of information technology, higher productivity, mobile capital, and (we should hope) deregulation will drive today's merged corporations apart. It will start happening just as soon as their losses are tallied by DeLoitteTouchePricewaterhouseCoopersErnstYoungAndersenPeatMarwick, the Big One accounting firm. —Brien Bartels

Pardon me, Mr. President. . . — Who said "The president should be more forthcoming in being willing to grant pardons when it's not really for the purpose of pretending that it didn't happen, but of liberating people to make the most of their todays and tomorrows"?

a) Mumia Abu-Jamal, death row inmate
b) Julie Stewart, President of Families Against Mandatory Minimums (FAMM)
c) Dylcia Pagan and Carmen Valentin, freed FALN members
d) Ira Glasser executive director of the ACLU
e) Bill Clinton

Okay, here's a hint. The quotation comes from a January interview "after a breakfast of 'good grits.'" Narrow it down any?

Yes, it was Bill Clinton, in an interview with the *Christian Science Monitor* (January 20). According to the *Monitor,* the president also "intimated that he will look to grant more pardons this year, despite the controversy that erupted over the clemency he gave several Puerto Rican nationalists last fall."

"Several?" The number was 16.

"Puerto Rican nationalists?" Members of FALN, the Spanish acronym for the Armed Forces of National Liberation, used to be called terrorists, particularly those freed by Clinton who were convicted of crimes including armed robbery, seditious conspiracy and interstate transportation of firearms and explosives and who were professed Marxists. (I spent one year at FCI Dublin with four of the released FALN women before I was transferred to the lower security camp across the street in 1995.) Clinton's grant of leniency to the convicted terrorists was condemned even by his own Democrats with 93 crossing party lines in a 311 to 41 vote by the House of Representatives in September of last year.

The forgiving, "liberating" Clinton has granted fewer clemency petitions, including commutations of prison sentences or pardons for past crimes, than either of his Republican predecessors and than any other president in modern history. And he has achieved another distinction: his offer to the FALN prisoners is the first time any U.S. President has granted conditional clemency to persons convicted of terrorist acts. Justice Department records in 1999 showed 3,042 clemency petitions with reductions in sentences by presidential power in only three cases during the Clinton years.

Mr. Clinton's first "liberating" act for the new year was a high-profile, noncontroversial, politically-correct and motivated, no-brainer pardon for Freddie Meeks, the black seaman convicted of mutiny in the racially charged Port Chicago incident 55 years ago.

Mr. Meeks was interviewed in *The New York Times* after the public ceremony in Washington where he received his long-overdue pardon. "President Clinton took it upon his own to grant the pardon. I think he is a nice President."

I hate to rain on your parade, Mr. Meeks, but that "nice president" most likely pardoned you to buy his own pardon in the court of public opinion for "liberating" terrorists. We can only hope that they can "make the most of their todays and tomorrows" — just as you did, Mr. Meeks, for 55 years before Mr. Bill "liberated" you. —Dyanne Petersen

An Empty Shell — Rising some 555 feet above the national mall in Washington, D.C., the Washington Monument was built to be a symbol, not just of the nation, but of one our most respected founding fathers — a man who, according to legend, could not tell a lie. It is interesting, then, that this symbol of that perfectly honest man of American mythology would serve to highlight the perfectly devious tendencies of the 41st president of the United States. As the year 1999 sped to a close, millions of people around the world made plans for the dawn of the new millennium. With the second and final term of William Jefferson Clinton winding to a close, the President and his staff wanted to go out with both a figurative and literal bang, so a team of White House staffers was created to plan the nation's "Millennium New Year's Eve," celebration on the mall.

For more than a year, the Washington Monument has been surrounded by an complex network of scaffolding itself swathed within a blue blanket of decorative fabric. The National Park Service has been conducting regular maintenance and cleaning on the exterior surface of the nearly 120-year-old monument.

The monument's scaffolding and blue brick-like wrapping were designed by the architect Michael Graves, hitherto best known to Americans as the artistic mastermind behind the new housewares collection at Target discount stores. Graves's design was sufficiently attractive that the scaffolding has itself been the subject of much attention during the last 16 months. Some wags have claimed that it is more aesthetically pleasing than the actual monument — providing a much needed update to the monument's outdated look. A few critics have even argued that the scaffolding should remain permanently, even after completion of the makeover.

As the maintenance project neared completion, a bidding war has erupted over the roughly 37 miles of aluminum tubing that comprise the current scaffold. Some bids are reported to be in excess of $1 million. Once the scaffolding is totally removed, this shell, complete with wrapping, is likely to be re-erected on another site as an ideal bit of postmodern public art. Call it the Washington D.C. Monument: an enormous empty shell, useless, but occupying space, consuming resources and energy, and existing mainly for show. Such an attractive but empty shell fits nicely into the Clinton legacy. White House staffers have been looking back at what they've accomplished during their seven years in office, and have found their legacy, well, a little thin. Clinton failed in his first

term quest to bring American health care — fully one-seventh of the economy — under complete government control. And his second term goal of mending the breach of American race relations did even worse still.

And the two genuine accomplishments of the last seven years — ending welfare as we knew it, and bringing the federal budget into balance — have less to do with the political achievements of Bill Clinton than they do with fortuitous circumstances. The former is more easily attributed to Republican majorities in the House and Senate beginning in January 1995. The latter can be attributed to the confluence of a robust economy and the relatively parsimonious Republicans in Congress. Bill Clinton will be best remembered for his multiple ethical and legal violations, the chronic philandering that ultimately resulted in his becoming only the second president ever impeached, and perhaps his ruthless military attacks on such targets as Sudanese aspirin factories and Iraqi bus depots. Like politicians everywhere, Clinton seems more concerned with symbolic acts of celebrity than with substantive public policy. Which brings us back to the Washington Monument and the celebration planned for midnight, December 31, 1999.

Event experts hired by the White House planning staff decided that the typical style of fireworks display, used every year to celebrate Independence Day on the mall, just wouldn't do. Instead, the decorative scaffolding around the Washington Monument could be used as a framework for actually holding the pyrotechnic charges aloft. The resulting display would feature fireworks cascading down the surface of the monument. This plan was brilliant in conception, but it had one flaw: exploding fireworks produce fire and copious amounts of smoke. The National Park Service had just spent some 18 months and approximately $5 million dollars cleaning the exterior surface of the Washington Monument. One can almost hear the Park Service middle manager chuckle as he rejected the event planners' ridiculous request to attach fireworks to the freshly cleaned monument.

But Bill Clinton didn't go to the bother of getting himself elected president in order to have an underling — even one with responsibility for the nation's best-loved monument — say "no" to his requests. All the White House needed to do was clarify its request, and make the National Park Service an offer it couldn't refuse. The guys in green got the picture, and the permit was approved. The rest, as they say, is history.

I was among those watching on that chilly New Year's Eve. But I think I may have been all alone on the mall, in perversely hoping that something would go wrong — that ash, or soot, or something would stain the monument just as Bill Clinton has stained the presidency. It would be a perfect memorial for his presidency. But the evening went off without a hitch, and one more unremarkable tale of political machinations will go unremembered.

I have lived in or around Washington nearly all my adult life, and though I've seen many egregious assaults on liberty and common decency, this episode irks me in a way that defies explanation. Washington, D.C. is the kind of place where heavy-handed explanations are made all too often. Vito and Michael Corleone would feel at home in a place like this: where the appearance of propriety or accomplishment are all that matter, and where nothing's ever wrong unless you get caught.

—Greg Conko

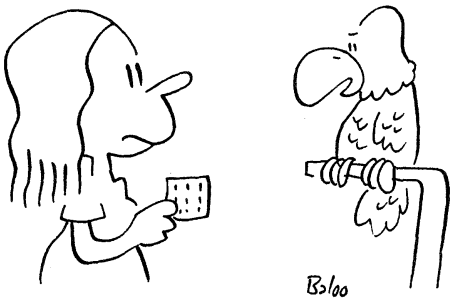

"Yeah, I wanted a cracker. But just as an *appetizer*."

Payable on demand — The Clinton administration is trying to get the power to levy enormous fines on tobacco companies if teenage smoking is not reduced within the next few years. If the administration succeeds, its legal innovation will undoubtedly be extended, as other meddlers and fanatics find uses for this new punitive power of government. The next target will be gun manufacturers. We all know how harmful guns are to kids, and we all know that gun manufacturers are responsible for all illegal holding of firearms, whatever. Some gang of bigots, I mean, some "children's advocacy organization," will be commissioned by the government to "assess" how many guns are still in the hands of infants under the age of 21, and the gunmakers will then be fined a million dollars or so for each offense.

But what about pornography? We know how terribly harmful that is. And despite those warning labels about how you must be 18 years of age to see it, pornography can still be detected under the bunks of 17-year-old soldiers and college students. By the same logic as that alleged for the tobacco fines, *Penthouse* will get socked with a bill for something around one hundred billion dollars (conservatively estimated).

And why stop there? Clearly, certain toys that are made for "11 yrs. old and up" can be found in the hands of 10-year-olds, some of whom proceed to put their eyes out with them. This must be stopped. Mattel must be made to pay, and pay in plentiful amounts.

But toys don't screw up, people do. For every 35-year-old couch potato whose life revolves around Fritos and "I Love Lucy" reruns, we can surely find a 65-year-old couch potato who brought him up to be that way. To deal with this situation, a national obesity index can be constructed, showing all the relevant correlations and providing a basis for assessment of fines on the offending families, not to mention Desilu and Frito-Lay.

Yet there is still one source of evil left unfined, one Factor that has not been Held Responsible. I refer to the great pater familias, the world's most enormously recumbent couch potato, the world's greatest purveyor of educational videos, our national government.

Who is it that constantly promises to destroy all poverty, transform every school child into Leonardo da Vinci, provide a really adequate income for every citizen, both old and young, fully guarantee the safety of all products, services, and means of transportation, end all racial hatred, provide

complete and mindless happiness to everyone on earth, and balance its own budget? The answer, of course, is the United States government. Yet some of its promises remain unfulfilled.

Fortunately, we now have the means to end our disappointment. The solution is to fine the government, and fine it so heavily that it will never offend again. Studies can be commissioned to determine how many millions of young adults remain illiterate after 13 or more years of government education. The number of penitentiary inmates who have been graduated from government schools can also be computed, to estimate the extent of the moral damage wrought by those insidious institutions. Poverty persists among old people, and its relationship to a lifetime of payments extorted by the Social Security Administration can be identified. The government's role in inciting animosity among racial groups is harder to represent in mathematical terms, but no harder than the tobacco companies' role in promoting teenage smoking. Then calculate all the dangers incident to government roads, government control of medicinal and recreational substances, and government harassment of peaceful citizens by means of its licensing, regulating, and tax-gathering functions.

I have done some rudimentary calculations and have discovered that the appropriate fine would be about 1.84 trillion dollars a year. Funny, that's approximately the size of the federal budget. —Stephen Cox

1.5 cheers for Steve Forbes — As I write, Steve Forbes has just given up his quest for the presidency. Though still conservative, Forbes was the standard-bearer of the Republicans' libertarian wing. His four major proposals were all designed to increase private freedom and shrink the state: a flat-rate tax with a large net cut in taxation, school choice, medical savings accounts and private Social Security accounts. None went all the way; all were big steps in the right direction.

Forbes was an opponent of abortion rights and a supporter of the drug war. I abandon him there, but I liked him nonetheless.

I particularly recall an article in which he wrote:

> Just ask yourself: how did America — the most pro-individual, anti-statist nation ever invented — come to permit its government to assume the size and scope it has today? The answer is war — the great shaper of this century. Throughout history, warfare fostered government centralization. You cannot face a major external threat unless you have a strong government to marshal the resources necessary to meet that threat. For most of the last 80 years, America has faced a major external threat of one sort or another — first World War I, then World War II, and finally the Cold War.
>
> These conflicts have been cited to justify government expansion in every direction. How did we justify federal aid to education? The initial rationale was national security. Federal aid for research and development and the space program? National security. Even the interstate highway program begun in the 1950s was partially justified on national security grounds. It seemed natural to some that if government could mobilize resources to fight external enemies, it could solve an array of domestic problems as well. Hence, the "War on Poverty."
>
> It has taken us thirty years to learn, very painfully, the limitations of big government. Now that the Cold War is over, we no longer need such a massive, centralized federal government.

Forbes lost. But he defined a position and demonstrated a constituency — a major party constituency — for a position that could be called conservative-libertarian.

That's progress. —Bruce Ramsey

"That so-called 'gentleman farmer' cut my *balls* off!"

Voluntary pigritude — Now that the Amadou Diallo trial begins in Albany, I'm reminded of the myth of police brutality. Believe that and you can be persuaded to think that four cops shot nineteen bullets into an African immigrant for no reason at all (or other than his race). You might then believe that such wanton police brutality can happen at any time, or even happens all the time, which it doesn't.

Let me suggest a contrary myth, no more flattering of the police, but perhaps more true — police pigritude (or laziness). As police in America are paid not to do work but to show up for a requisite number of hours, much as other public employees are paid, they have an incentive for doing nothing more than putting on their costume and displaying it in public. (The protective value of such theater is not inconsiderable.) Anything else is a kind of "overtime" for which there is no extra pay. I once heard a retired cop complain on New York talk radio that the lower standards in police admissions make the brandishing of weapons more likely. As he explained, in the old guys two beefy guys above 5'10" could quell a minor disturbance simply by getting out of their car. Now smaller guys, not to mention gals, lack that "police presence."

Most farmers keep guns in their houses because they know from experience that summoning a plumber in an emergency is more likely to succeed than summoning a policeman. The plumber, unlike the policeman, knows he will be paid for showing up in the farmer's house. The insufficiency of the police is to many an argument against strong gun control. The one time I knew many policemen, while teaching at New York's John Jay College, I was surprised to learn how many had never fired a gun (and then how surprised they were at my surprise at acknowledging a truth familiar to them). No doubt the job attracts some with sadistic impulses, especially in countries with little public control over police excesses; but I suspect that sadists have trouble getting partners where police travel in pairs, as in New York, because every cop knows a sadist beside you can

get you into needless trouble.

So every time I read about a policeman brandishing, let alone firing, his gun, my first thought is that something serious must have provoked him — not something trivial, which could easily be avoided, but something serious. This doesn't happen for nothing. And the sooner we think of policemen as typical government goofoffs, the closer we will come to understanding the unfortunate accidents that are initially classified as misbehavior. —Richard Kostelanetz

Borrowing from Peter to sue Paul — "Your Web-based Business Will Exploit An Untapped Need for Venture Funding of Pending Personal Injury Lawsuits" proclaims an advertisement in a "business opportunity" magazine. You can become a Certified Funding Consultant and analyze pending personal injury cases, cases in which "personal injury victims" are "pressured into accepting sub-par injury settlements" because "their immediate financial obligations were forcing them to accept less than their cases merited!" You find the plaintiffs, the "venture capitalists" who train you to front their expenses, and you take a chunk of the "profit" when the judgment comes in.

While this system could conceivably help some poor schlimazel with a stiff neck and a totalled car recover some extra medical reimbursement from a negligent driver's insurance company, the subtext I read in this ad is "Get a piece of the next frivolous lawsuit against a fat corporation."

This is, as they say, Sad Commentary. Apparently, the venture capitalist has inspired this unhappy hybrid of loan-sharking and piracy. —Brien Bartels

Good man in a bad trade — For libertarians, there's good news and bad news from the forthcoming race for Senator Dianne Feinstein's (D.-Calif.) seat. Among the challengers lining up to do battle with one of the Left Coast's most insufferable soft socialists is Rep. Tom Campbell (R.-Calif.).

The good news is that Tom Campbell is, on several issues, the best Republican to come down the pike in some time. Rep. Campbell, a Stanford law professor and former McGovernik, has been the Imperial Presidency's most dedicated enemy in the Clinton years. When Clinton began his legacy-building war on Serbia without so much as a by-your-leave to Congress, it was Campbell who made Congress take a stand. Campbell forced one vote on a declaration of war, and another, under the War Powers Act, to bring the troops home. (Both failed.) What motivated Campbell to compel these votes? As he put it, "the thought that I carry with me is one of tremendous disappointment that our representatives [in the '60s] said nothing, and year after year voted the money and never put the question to the people's representatives: 'Is this a war that you wish to declare, is this a war that you wish to authorize?' I thought that I would never let that happen if I had the opportunity to stop it in my own lifetime. I am redeeming a pledge from Vietnam."

After Congress refused to authorize the war on Serbia, Campbell sued the President under the War Powers Act, charging that Clinton's cluster-bomb humanitarianism usurped Congress's constitutional authority to declare war. Though *Campbell v. Clinton* was ultimately thwarted by judicial cowardice, those of us who like to think we still live under a small-'r', republican form of government owe Campbell our thanks for defending that form of government at considerable political risk to himself.

We owe Campbell our thanks, too, for his latest endeavor. For nine years, the American government and its NATO allies have maintained a blockade against Iraq that keeps basic foodstuffs and medicines from Saddam Hussein's unfortunate subjects. As a result of the blockade, several thousand children under five die every month. Our ghoulish Secretary of State, Madeleine Albright, has said of the Iraqi death toll, "we think the price is worth it." Campbell doesn't. He crossed the aisle to join up with John Conyers (D-Mich.), one of the House's most partisan Democrats. The two unlikely allies co-signed a letter to President Clinton urging him to lift the murderous embargo, and are actively seeking co-signers among their colleagues.

It's not often, since the death of Robert Taft, that you meet a Republican who's even half-right on the warfare state. Campbell is that rare creature, and he'd be a welcome voice for constitutionalism and noninterventionism in the Senate.

So what's the bad news I mentioned? Ironically, it stems from Campbell's attempt to cast himself as a "libertarian Republican." Campbell has long been known as a moderate — some politicos were surprised when he voted to impeach Clinton — but he's lately trying to spice up his centrism with some quasi-libertarian ideas. Alas, one of these new ideas — on drug policy — is quasi enough to make one queasy, while the other — on tax policy — is actually dangerous.

Campbell supports a quarter-step in the direction of legali-

zation. December 9, 1999's *L.A. Times* reported that Campbell would "encourage the federal government to permit a pilot project to distribute certain illegal drugs to addicts." Though I appreciate the sentiment behind this idea, I'm not even sure it's a step in the right direction. I resent every dime that is stripped from me to put my fellow citizens in jail for ingesting disapproved substances. But that doesn't mean I want to subsidize my neighbors' crack habits. For someone like Campbell, who considers himself a constitutionalist, it should suffice to say that no enumerated power in our Constitution authorizes the War on Drugs. (Note that in simpler days, when people took constitutionalism a bit more seriously, the 18th Amendment was necessary to legally authorize Prohibition.)

But worse still is Campbell's plan to replace the federal income tax with a sales tax. While there's nothing wrong with Campbell's idea in principle (except, of course, the idea that the income tax, once eliminated, should be replaced with anything), there's quite a bit wrong with it in the execution. Campbell wants to phase out the income tax over five years, while gradually phasing in the sales tax.

You can see, even if Campbell can't, where this is going. As Sheldon Richman has noted, one of the problems with replacing the income tax with a sales tax — as opposed to simply eliminating it — is that we're likely to end up stuck with both. Any unexpected revenue shortfall will be seized on by the feds as an excuse to keep the sales tax and the income tax. Campbell practically invites this result when he says "the importance of a gradual phaseout [of the income tax] is that if I am wrong, if I am making a mistake, we can turn it around."

Despite his ideological errors, Campbell's heart is in the right place on several important issues. Campbell seems to be, as H.L. Mencken said of Grover Cleveland, a good man in a bad trade. But if someone gave him a good talking-to, he might become an even better one. Any volunteers? —Gene Healy

Mises and the draft — Shocking as it may seem to most libertarians, Mises really did say, as Jeff Riggenbach quoted him as saying (Letters, March), that anyone who opposes military conscription is an "abettor of those aiming at the enslavement of all." The legendary Mises, who spent his lifetime teaching about the importance of limiting government and leaving people free, who wrote dozens of books and hundreds of articles about economic principles and free markets, did actually write those words; he said, on page 282 of *Human Action,* that those who opposed conscription were aiding and abetting the destruction of freedom. But why? To most libertarians, this is heresy. But don't think for a moment that Mises recommended conscription to support a government interested in power, interventionism, tyranny, or imperialism at home or abroad. In explaining his position, he spoke of government force figuratively as a "bayonet." He used to say that a government could do certain things with bayonets. But not everything!

According to Mises, the role of the bayonet was not to operate the market economy but to "crush the onslaughts of peace breakers." And in Mises' view, this was the only task of a bayonet. If a government failed in this task, which is its *raison d'etre,* it left the people at the mercy of the "peace breakers." For one dramatic example, see William Tonso's tale of Lance Thomas ("The Spirit of Northfield and Coffeyville," March); Thomas was forced out of business as a result of the repeated "onslaughts of peace-breakers."

Mises was not an anarchist. On that he was clear! He held that a government was necessary to protect the lives and property of individuals. Government is necessary to create the conditions under which individuals may be free. Government is necessary for society to exist, necessary for peaceful social cooperation to prevail, necessary for people to live in freedom. As Mises wrote in *Human Action,* "The state is essentially an institution for the preservation of peaceful human relations. However, for the preservation of peace it must be prepared to crush the onslaughts of peace-breakers" (149).

Mises confronted head on the question as to how the state was to accomplish this. A free nation is continually threatened by aggressor states, tyrants, and terrorists. And a free people are also continually threatened by robbers and others who seek short-term gains by injuring others. "If society were not to prevent such [antisocial] conduct, it [antisocial conduct] would soon become general and put an end to social cooperation and all the boons the latter confers upon everybody" (280). "In order to establish and to preserve social cooperation and civilization, measures are needed to prevent asocial individuals from committing acts that are bound to undo all that man has accomplished in his progress from the Neanderthal level. . . . The essential implement of a social system is the operation of such an apparatus commonly called government. . . . What is restrained [by government] is merely conduct that is bound to disintegrate social cooperation and civilization, thus throwing all people back to conditions that existed at the time homo sapiens emerged from the purely animal existence of its nonhuman ancestors " (pp. 280-281).

In order to maintain peace and freedom for individuals, therefore, government must curb antisocial elements, in other words "crush the onslaught of peace-breakers" domestic and foreign — this but no more. To do this, government needs money and men. Mises posed "the often-raised problem of whether conscription and the levy of taxes mean a restriction of freedom." In a truly liberal economy, a government would not be engaged in promoting the interests of ambitious, power-hungry politicians, bureaucrats, interventionists, tyrants, or imperialists; it would be strictly limited to its legitimate role of protecting life and property. When such a government "conscripted" money and men for this limited purpose, it would be helping to preserve peace at home and abroad and making individual freedom and peaceful social cooperation possible. Insofar as government "confines the exercise of its violence and threat of such violence to the suppression and prevention of antisocial action, there prevails what reasonably and meaningfully can be called liberty" (281).

Shocking as it may seem, therefore, the "conscription" of men and money to support such a limited goal is pro-freedom; those who oppose the "conscription" of men and money for this limited purpose are aiding and abetting, as Mises said, the enslavement of all.

I might add that Mises looked on a people's army, an army made up of the general public, that is, of conscripts, although an army of volunteers might do as well, as a safeguard against the likelihood of a military takeover or coup.

—Bettina Bien Greaves

Account

A Survivor's Tale

by Peter McWilliams

The Federal drug police can't keep a good man down.

I love to paraphrase Oscar Wilde. His original line — the third-to-the-last of the witty lines credited to him — was, "The way England treats her prisoners, she doesn't deserve to have any." (The last two were made as he lay dying at only 45 shortly after his release from prison, a butterfly broken on the wheel. When presented with his final hotel bill he replied, "I am dying beyond my means." At the end, he looked around him and observed, "Either this wallpaper goes or I do.") A century ago, Wilde was incarcerated in a British prison for sodomy.

I may soon be incarcerated in an American federal prison as the result of sodomy. Apparently, time, oceans, and Revolutionary Wars don't seem to change the nature of oppressive government intrusion into the private lives of homosexual eccentrics. I have AIDS.

As I was unable to convince my parents that I was Haitian, and as I have a well-documented aversion to needles, I had to admit I got my HIV in the Oscar Wilde way. Although I had not used illicit drugs in more than two decades, in 1996 I began using medical marijuana to relieve the nausea caused by my cancer and AIDS medications. In July 1998, I was arrested on federal medical marijuana charges, even though I live in California, a state in which the use and cultivation of medical marijuana by the sick is legal. The "official" reason I was arrested was that I gave a book advance (I blush to confess I have been a publisher for 32 years, the progeny of my press having appeared five times on the *New York Times* Bestseller List) to an author for, *How to Grow Medical Marijuana* (available at Amazon.com). A fellow medical marijuana patient, he used a portion of his advance to grow medical marijuana. The government arrested him in June 1997.

Because I was the source of the funds he used to finance his grow, I was arrested as a drug kingpin — the head of the notorious Medicine Cartel, I suppose. By this federal logic, if a *New York Times* reporter used a portion of his or her meager salary to engage the services of a prostitute, the owners of the *New York Times* could be arrested on federal pandering charges.

I also grew some marijuana for my own medical use, in the time-honored tradition of Washington, Jefferson, and Timothy Leary. The actual reason I was arrested, however, was that I had written *Ain't Nobody's Business if You Do: The Absurdity of Consensual Crimes in Our Free Country.* During questioning after the pot-growing author's arrest in 1997, four DEA Special Agents told me that they had found my book on the shelf of *every* drug dealer they had ever busted. I, naturally, was flattered. To the DEA, however, I represented the lowest of the low. To them, my libertarian view of the War on Drugs provided the intellectual underpinnings and philosophical justification for the most nefarious criminals in our country — those who are poisoning our precious children with pernicious drugs.

Thirteen months of harassment later — including five subpoenas for voluminous documents; dragging all my employees, an unknown number of past employees, my contractor, my electrician, and my neighbor before a federal grand jury; and a dawn raid on my home by eight DEA agents and one IRS agent (documented in my article "The DEA Wishes Me a Nice Day" in *Liberty,* May 1998) — I was arrested.

Bail was set at an astounding $250,000. My attorney had sent a letter to the federal prosecutors months before saying that I knew I was going to be arrested, that I was not about to flee the country, and that I would willingly appear for arraignment at the time and place specified by the government. Nevertheless, I was deemed a "flight risk." I spent a

month in federal custody while my mother and brother had their houses appraised and navigated their way through the endless labyrinth of federal obstacles required to use real estate as collateral for my bond.

Live Free and (Nearly) Die

Once released, I was not permitted to use the medical marijuana I needed to keep down my nausea-producing AIDS medications. For more than two years prior to my arrest, thanks to medical marijuana, I had a perfect retention rate. My viral load — the measure of active AIDS virus in the body — was undetectable. Unable to keep down the life-saving prescription medications, by November 1998, four months after the arrest, my viral load soared to more than 256,000. In 1996, when my viral load was only 12,500, I had already developed an AIDS-related cancer, non-Hodgkin's lymphoma (now in remission, thank you).

Even so, the government would not yield. It continued to urine test me. If marijuana were found in my system, my mother and brother would lose their homes and I would be returned to prison. As both the President and the Vice-President of the United States had admitted to marijuana use themselves, I was — as were the other 4 million Americans arrested for marijuana during the Clinton-Gore watch — caught between a rock, a hard place, and deplorable hypocrisy.

For the next year, with essentially no immune system, I fully expected daily to develop one of the thirty-or-so AIDS-related opportunistic illnesses and die. If I lived, I faced a ten-year mandatory minimum sentence, with no possibility of parole. (Already over capacity, the government would merely release a murderer earlier to make space for me.) I slept eighteen hours a day. I was unable to work. My personal fortune, not that fortunate to begin with, had evaporated. I filed for bankruptcy — which one must do, ironically, in federal court. My publishing company — once a $6 million-a-year enterprise employing eighteen people — fell apart. (This was partly due to my inattention and inability to write new books, and party due to the DEA telling my employees during its search of my offices in December 1997, "You'd all better look for other work. The DEA will own this place in six months." Three months later, all my employees had followed the DEA's advice.) My waking hours were consumed with nausea and vomiting. Every productive hour was spent working on my defense. Of thirteen motions submitted to court, twelve-and-one-half were denied; every motion submitted by the federal prosecutors was granted. My boyfriend of eleven years deserted me.

I grew some marijuana for my own medical use, in the time-honored tradition of Washington, Jefferson, and Timothy Leary.

By the way, did I mention that during this year I was depressed?

Don't Confuse Them With the Facts

But in November 1999 came the most crushing blow. The federal prosecutors successfully obtained an order prohibiting me from presenting to the jury that I am a cancer survivor, that I have AIDS, that marijuana is medicine according to the federally funded March 1999 Institute of Medicine report, that since 1974 the federal government has been supplying eight patients with medical marijuana, or that California passed a law permitting the very act of cultivation that I was accused of violating federally.

How could the government do this? Well, federal law, you see, is far tougher on criminals than state law. The rate of federal convictions is astonishingly high — 85 to 90 percent. Federal criminal law was originally designed to dispense with the wily and slippery destroyers of the nation, such as traitors and spies. In the late 1940s and 1950s, the federal tough-on-criminals code was expanded to break up organized crime — organized, as it turns out, as a direct response to federal Prohibition. Thanks to the War on Drugs, this guilty-until-proven-innocent-beyond-all-possible-doubt mind-set is now being applied to cancer-surviving AIDS patients treating their illnesses while trying to help other gravely ill people treat theirs.

The federal prosecutors successfully obtained an order prohibiting me from presenting to the jury that I have AIDS or that California passed a law permitting the very act of cultivation that I was accused of violating federally.

The specific peg on which the government barred all evidence of medical marijuana in my case is a nifty federal rule saying that no evidence can be presented that might "confuse" the jury. Due to the nefarious criminals and horrific crimes federal law at one time addressed — back when "to make a federal case out of it" actually meant something — this rule has essentially been interpreted by the courts as applying to any evidence that might "confuse" the jury as to the guilt of the defendant.

In my case, because marijuana is a Schedule I drug under the federal Controlled Substances Act, and since Schedule I drugs are, by definition, of no medicinal value, marijuana can have no medicinal value because it is, after all, a Schedule I drug. To tell a jury otherwise would tend to "confuse" them.

As to the federal government distributing marijuana to the sick each month, that "Compassionate Use" program (as it was called) was discontinued by the federal government in 1992 because too many pesky AIDS patients were imploring the government for medical marijuana. The federal health officials did not want to send "the wrong message" to children, so it closed down the program. The program is now being "phased out" by "attrition," meaning that the government is waiting for the last eight people in the program to die (everyone else from the original program is already dead). Information about a defunct federal program would tend to "confuse" the jury.

As to California's medical marijuana law, well, every federale knows that federal law trumps state law (something about the "supreme law of the land" in that otherwise-

completely ignored-by-the-federal-government document, the Constitution), so there's no need to "confuse" the jurors about the long-ago-settled supremacy issue, either.

As I never denied my medical marijuana cultivation, that left me with no defense whatsoever. To avoid an almost-certain guilty verdict and a ten-year mandatory-minimum sentence, I pled guilty to a lesser charge (The whole, sad story is at www.petertrial.com).

I am overjoyed to end this article on a jubilant note. My most recent viral load came back undetectable. This brings to mind the telegram Mark Twain sent to a New York newspaper that had printed his obituary: "The reports of my death are greatly exaggerated."

Over time, I tried various techniques to keep the AIDS medications down a little longer before vomiting. In addition to large doses of Marinol, which is essential, I added herbs, lying in hot water, curled up in a fetal position in bed, and two electric massagers — a smaller one to stimulate the acupuncture points for anti-nausea, and a larger one for my stomach.

Gradually, over many months of trial and mostly error, I was able to increase the length of time I could hold down my medications from 30 minutes to one hour and fifteen minutes. That 45-minute increase is apparently enough for the medications to get into my system.

Since November 1998, I had been living week by week, fully expecting any day to redevelop non-Hodgkin's lymphoma (my viral load now 20 times higher than the first time I developed it) or some other AIDS-related opportunistic illness, and die. Now, I can look ahead to a series of books and web sites that will not be completed until the end of 2003.

My personal physician, as well as the foremost AIDS physician in Southern California who recently examined me, are both writing strong letters to the judge saying that I have medically proven that I can take care of my illness at home using methods not available in federal prison. This is an excellent argument for serving whatever time I may be sentenced to under home detention.

The procedure of keeping down the medications is agonizing, exhausting, debilitating, and I must do it three times a day. It would be entirely unnecessary if I could use medical marijuana. But it seems to be working. I have gotten my life back the old fashioned way — I *earned* it. ⌟

May It Please the Court . . .

I do hope you are asking yourself, "Can I do anything to help?" Yes, thank you, there is. Would you please take the time to send a letter, or a fax, or even an e-mail, to the judge on my behalf? It would make all the difference in my world. My sentencing for this charge will be in late May 2000. The deadline for turning in letters of support is May 10, 2000.

The letter need not be long or eloquent. One sentence is sufficient.

The judge can sentence me to anything from 0 to 5 years. The federal sentencing guidelines place my recommended (but not mandatory) sentence in the 5-year range. It is probably unavoidable that I get a sentence to serve some time — perhaps the full five years.

What I am asking the judge — and what I am asking you to ask the judge — is that I be able to serve my sentence under "home detention," also known as "electronic monitoring." An electronic transmitter would be permanently fastened to my ankle and my whereabouts would be monitored 24 hours a day. (Hillary now has a similar device on Bill as well as all White House interns. She can monitor everyone's location from her campaign bus.) I would not be able to leave my home except for medical or court appointments. As I live in Los Angeles, this will allow me to write books, including *Galileo L.A.*

In writing to Judge King, please observe these commonsense guidelines:

1. Please be respectful. The judge owes me, or you, nothing. You are asking for a favor. When Judge King was asked to allow me to use medical marijuana while out on bail, he said to the attorneys on both sides, in a voice trembling with compassion, "I am struggling mightily with this. Please, struggle with me." Alas, there was nothing in federal law that permitted him to allow me to break federal law, even to save my life. But I believe his struggle was sincere. Judge King is a good judge upholding a bad law. My sentence is at his discretion. I believe he will be fair, that he will read the letter you send, and that he will be moved by your heartfelt request.

2. Please focus on my health, my contributions to society (through my books), and, of course, most significantly, my contribution to *Liberty* magazine, as reasons why I should receive home detention or electronic monitoring (the term can be used interchangeably). The legal arguments will be made by my attorney.

3. If you know me, please say so. Kindly state any positive character traits you may have noticed wafting by from time to time. (Although this letter is going to a federal judge, it is not written under oath, so you will not be arrested for perjury.)

4. If you have read any of my books, please say so. If they helped you, please say how. (Exception: Please do not mention *Ain't Nobody's Business if You Do*.)

5. Please do not give your opinion of the War on Drugs (unless you're in favor of it), how the government treated me in this case (unless you approve), your views on medical marijuana (unless you're against it), or anything else critical of the status quo. Save those remarks, however well-reasoned and accurate, for letters-to-the-editor and conversations with your friends. They may be counterproductive in a letter to a federal judge.

6. If you can, please keep the letter to one page, and no longer than two.

Actual letters (those things popularized during the last millennium, printed on paper, put into envelopes, and sent through the Post Office) are best. Typed is better, but handwritten is fine. Please use the most impressive letter-

continued on page 40

Media Bias: A User's Guide

by Bruce Bartlett

Newspaper reporters and television newsreaders tell you what to think, not what happened. But that's changing.

A while back, I was watching C-SPAN and saw a dinner sponsored by the Media Research Center "honoring" the most biased press coverage during the 1980s. It certainly was amusing to see so many journalists make fools of themselves, but I felt that the "awards" were painted with a bit too broad a brush. As someone who has observed the media closely for many years and is well aware of its overwhelmingly left-liberal orientation, I would like to add my perspective to the question of bias.

For many years, the people who presented the news, primarily in newspapers, were simply reporters. They went to events and told us what we would have seen and heard if we were there. It was not a particularly glamorous profession, it didn't pay well, and many of its practitioners were not especially well educated.

These early "journalists" made no pretense of objectivity. In many cases, they worked for papers aligned with political parties or owned by publishers with definite points of view. If they didn't submit stories consistent with their masters' perspectives, they would either find their articles killed or they would have to find new employment.

This sort of bias in press coverage, however, was quite different than today. For one thing, it was displayed openly and proudly, not hidden behind a cloak of "objectivity." For another, press competition was far more intense than it is today, with every major city having several independent newspapers. Everyone knew where each paper stood, politically and ideologically, and they read the one that most closely reflected their views. If they wanted a different view — and many did, with multiple newspaper purchases being common — they knew where to find it.

In short, the situation was somewhat like what one finds in courtrooms. Strong advocates did the best they could to present their side of an issue — and only their side — while an impartial group of jurors sought to find the truth within the evidence presented. Although there were no judges to ensure that the rules were obeyed, competition did a good job of taking their place. A paper that consistently got the facts wrong would cease to be an effective advocate for whatever position it represented, for its competitors ensured that any mistakes were well publicized.

Enter the Box

The advent of television changed all this. Suddenly, reporters went from being anonymous and faceless to being performers, rewarded more for their ability to present the news than report it. This was not immediately apparent because many of the early stars of television news — like Edward R. Murrow and David Brinkley — were competent journalists of the old school. But as they faded from the scene, they were replaced by those whose only skill was in reading copy written for them. Such people have nothing in common with those whose job it is to actually find and report the news. They are simply performers not unlike Hollywood actors, who at least have the virtue of not pretending to write the lines or think up the characters they portray on screen.

Cutting the link between those who actually report the news and those who merely present it created an enormous problem for journalism. Because those who "reported" the news to most people now had no meaningful connection to the actual events being reported, a basis of legitimacy was lost. Henceforth, "journalism" was on a slippery slope between reality and make-believe.

This transition from true reporting to Hollywood-style line-reciting was clouded by an offsetting effect: television allowed citizens to actually see events as they happened, oftentimes live. Thus in the beginning, television newscasters tended to limit themselves to describing actual events. But soon it became obvious that skillful editing could transform almost any set of pictures so as to present whatever image

was desired.

With the volume of video images increasing exponentially, more and more power was vested in the hands of television producers and editors. It is doubtful than many consciously told themselves that the editorial decisions they made were for the purpose of having a political effect, but the result was the same. Severe time constraints — the major networks still devote just 30 minutes to the evening news, just as they did in the days before video cameras, satellite hookups and fiber optic cable — and the pressure to give high-priced news "anchors" maximum face time, inevitably meant that snippets of pictures had to replace more thorough coverage of events. Like newspaper photographs, they illustrated stories, rather than being the story.

The result of this evolution was to cut the linkage between being a reporter and being a journalist. Now people could simply sit behind a camera and call themselves "journalists" without ever having to dirty their hands going to crime scenes, war zones or boring political rallies. In the process, they lost their connection to the real world.

Compounding the problem is the fact that television "journalism" became extremely lucrative. Top tier news anchors make millions of dollars per year and even second tier television journalists can break into seven figures. Such rewards soon attracted those who were still trained and committed to serious reporting. This transition was facilitated by the proliferation of talk shows, like *The McLaughlin Group*, featuring reporters heretofore confined to the print medium. Not pretending to be news programs in the traditional sense, these new media encouraged — indeed forced — serious journalists, previously constrained by the need to base their work on hard reporting and facts, to let loose and voice opinions on every conceivable issue.

C-SPAN is a throw-back to what news reporting used to be before it became journalism — just the facts, straightforward, unvarnished and unconstrained by time or space limitations.

Thus the blurring of the line between reporting and journalism was complete. Instead of hiding their political opinions, even serious reporters were encouraged to glorify them. And as more and more of their incomes came from television appearances and attendant revenues, such as books and speaking engagements, they had less and less incentive to adhere to norms of accuracy and objectivity.

This would be less of a problem if today's news media faced the same competition that existed in earlier times. Unfortunately, economics has led to the closing of vast numbers of newspapers. There are but a handful of cities left with as many as two major newspapers and only one — New York — with as many as three. At the turn of the century, even small towns had several papers and big cities had a dozen or more. Consequently, most papers have monopolies in their markets, which inevitably leads to less effort being made to get stories first and get them right. It is not surprising that some of the worst papers in the U.S. are some of the most profitable.

Nowadays, many of the nation's most well known "journalists" are as far removed from actual reporting as a chef is from the farm where the food he prepares was grown. And their product bears as much resemblance to reportage as a meal in a fine restaurant does from unprocessed meat and grain. In short, there is a linkage, but a distant one.

One can go down the list of people who once had been serious reporters, but now make most of their income from blathering on TV about things they often know nothing about. Indeed, ignorance is bliss. It is harder to be provocative and present predictable views if one has firsthand knowledge of what one is talking about.

Nevertheless, there are still reporters out there. These are people whose bylines appear in the paper frequently, but are generally unknown even to those who read them daily. They do not appear on TV because they are ill-at-ease expressing a personal viewpoint.

This brings me back to the Media Research Center awards. It appeared to me as if the Center made no effort to distinguish between those journalists who openly taint their reporting with personal views and those who essentially are paid to spout off. It seems wrong to me to criticize someone like Eleanor Clift for making absurdly biased comments as if she is really still a reporter for *Newsweek*. (I can't remember the last time I saw her byline in the magazine she allegedly works for.) She is the TV equivalent of a newspaper editorial writer or columnist — someone expected to reflect a point of view, however silly.

Unsanctioned Bias

On the other hand, I think I was even more appalled than the Media Research people at the growing number of people maintaining that they are in fact reporters who have publicly made the most unbelievably biased comments without sanction. That is inexcusable. It is a far worse offense, in my book, to present a standard news story in a biased way than to voice the same view on *The McLaughlin Group*. There should be a Chinese Wall between reporting and opinion on TV as there is (at least in principle) between the two in newspapers.

This gets at one of the real problems with TV news. It really cannot separate the two. Nor does it have the ability to present contrary views. TV time is too precious to allow the equivalent of letters to the editor or commentators with a differing perspective. That is why TV newscasts need to make a much greater effort to ensure objectivity and accuracy than newspapers and magazines. Yet ironically, the latter do a far better job than the former.

I would rather rely on the left-liberal *Washington Post* than the similarly biased broadcasts on ABC, CBS, NBC and CNN. For one thing, the *Post* occasionally allows other voices on its pages, unlike the networks. Also, the volume of news is far greater in the *Post*, so that some useful information still leaks through. And I think there is a greater level of professionalism among the print media, including the *Post*, than even at the best TV news operation.

I think it is inevitable that almost everyone who works in journalism today will reflect a left-liberal viewpoint to some degree, at least among those covering national affairs. But unlike most conservatives, I think this is for institutional reasons, not a conscious strategy by a few devout liberals. It is hard to explain why this is the case. Clearly it has much to do with the increasing distance between those who present the

news and those who actually cover it. It also has to do with the increasingly corporate ownership of most newspapers and TV stations. Their owners don't have an ax to grind, they just want to make money. And as long as they do, they really don't care what the so-called journalists in their employ say or do.

Thus there is a lack of accountability. Newspapers, often monopolies with owners far removed from the city in which they are published, are very profitable. Even those publishers with a conservative point of view, such as Rupert Murdoch or Conrad Black, make little effort to rock the boat as far as news coverage is concerned. They content themselves with running a few conservative editorials, knowing that these have almost no impact — least of all on their own reporters. Thus *The Wall Street Journal* maintains a reputation as a free market paper solely because of its editorial page, even though most of the reporters for the paper remain conventionally liberal, a fact reflected daily in its news coverage, especially from Washington.

Furthermore, these publishers often own so many media properties, including TV stations and even networks, that they make almost no effort to reflect their views. Even Murdoch, who supposedly established the Fox News Channel as a conservative alternative, has never had the nerve to say that this channel actually is conservative, nor has he made any effort to inject a conservative viewpoint into any of his over-the-air outlets. Instead, the Fox News Channel advertises itself as being objective and unbiased. Presumably this represents a move toward the right from the totally left-liberal perspective of the other news networks. (CNN is not called the "Clinton News Network" for nothing.)

I do not mean this as criticism of Rupert Murdoch. Rather, it shows how ingrained the institutional constraints are. If he were to advertise the Fox News Channel as a conservative alternative, he would have difficulty getting on a single cable system. This is not so much because cable system owners are themselves leftists, but because they don't want to rock the boat. They know that left-liberals are far more likely to complain about any hint of conservatism on the air than conservatives are to complain about liberalism. Partly this is due to their nature and partly because conservatives are so demoralized about pervasive bias that they don't even try to do anything about it anymore.

I would rather rely on the left-liberal Washington Post *than the similarly biased broadcasts on ABC, CBS, NBC and CNN. For one thing, the* Post *occasionally allows other voices on its pages, unlike the networks.*

Hope on the Horizon

But there is a ray of hope from new media. These include talk radio, the Internet and outlets such as C-SPAN. Talk radio is overwhelmingly conservative, owing mainly to the success of Rush Limbaugh. He came along at a time when AM radio was virtually dead, eclipsed by FM , which delivers music in much higher quality. When the Reagan Administration abolished the "fairness doctrine," Limbaugh recognized that there was an opportunity for talk radio with a sharp conservative edge. It dominates the AM airwaves and conservatives, denied a more conventional voice for their views, have responded overwhelmingly. High listenership has led to new advertising and high profits for station owners — more than enough to compensate for any misgivings they might have over presenting views generally considered "outside the mainstream."

The Internet has, of course, spawned a massive growth in web sites devoted to news of every viewpoint. Not only are there any number of openly conservative news and commentary sites, but even those run by major media, such as CNN.com and MSNBC.com, now released from the constraints impose by a 30-minute news broadcast, provide a much more balanced presentation of the news than their on-air counterparts. In short, the same constraints that have limited bias in newspapers now limit bias on the Web.

Now people could simply sit behind a camera and call themselves "journalists" without ever having to dirty their hands going to crime scenes, war zones or boring political rallies.

The Internet also provides direct access to news sources in a way that ordinary consumers have seldom had before. If someone wants to know what Steve Forbes or Gary Bauer or Alan Keyes had to say, they are not limited to the possibly biased presentation of it by a leftist reporter, they can log on to their web site and see for themselves. (Of course, the greatest left-liberal bias is often simply to ignore libertarian and conservative views, which may be worse than misrepresenting them.)

This access to the raw material of news is also the reason why C-SPAN is in effect a conservative voice. While resolutely nonpartisan, C-SPAN makes a strenuous effort to present all sides. So a conservative or libertarian, accustomed to seeing no reflection of his views on television, seeing it even some of the time is an enormous improvement. (Also, unlike many other television outlets, C-SPAN treats its conservative and libertarian guests with respect, rather than derision.) C-SPAN is also an admirable throw-back to what news reporting used to be before it became journalism — just the facts, straightforward, unvarnished and unconstrained by time or space limitations.

The Media Research Center is right to call attention to egregious examples of leftist bias, but those who are doing the most to counter it are talk radio hosts, those who are making the Internet a pervasive fact of life, and Brian Lamb (who started C-SPAN). Given that the ratings and circulation of the broadcasts and newspapers dominated by left-liberal views are dropping like rocks, while those with a conservative and libertarian content are rising like rockets, I am inclined to think that the problem is taking care of itself. Sooner of later some nonpolitical businessmen will get the idea of replacing Dan Rather and his ideological twins on the other networks, with a real reporter who also happens to be conservative or libertarian. I think ratings would shoot through the roof. ⌋

Better Living Through Genetics

by James Wood

Science promises utopia. What could possibly go wrong?

Utopia beckons. Its promises are already beginning to come to fruition.

Genetic analysis during in vitro ("test tube") fertilization enables couples to eliminate sickle cell anemia and a host of other diseases from their offspring. Gene therapy experiments have reversed brain deterioration in aged monkeys and show great promise for humans with Alzheimer's disease. The unprecedented convenience of Internet shopping has caused some shoppers to go overboard, at great risk to their credit standing.

But we should be neither worried nor judgmental: addiction to binge shopping, as well as to sex or gambling, is (according to many scientists) linked to genes, rather than to weakness of character. A little more research, and we will know how to tweak the genetic makeup to cure or avoid such problems. On other fronts, we are informed that Global Positioning Satellite technology will enable insurance companies to refine premiums to reflect when, how much, where, and under what circumstances each insured's car is driven. Sophisticated analyses of Internet messages and computer hard drives enable police to catch criminals who thought they were safely anonymous. Thus the miracles of genetic and cybernetic technology are said to be carrying us toward a crime-free, disease-free, ultra-convenient, well-regulated utopia.

The people I've drawn on for coherent descriptions of the coming utopia are responsible academics, often holding directorships or chaired positions, and specialist journalists. They include, among others, Nicholas Negroponte at MIT, Gregory Stock at UCLA, Kevin Kelly, formerly executive editor of *Wired* magazine, and Lee Silver at Princeton. These people predict a swift and radical shift into a new global culture, a shift which goes beyond biological evolution. Though varying in some particulars, their descriptions of the world to come show remarkable commonality. These visions ensue from careful consideration of technological advances in genetics and cybernetics, advances commonly reported in major newspapers. Perhaps most telling is the fact that even forceful critics of the emerging utopia — Jeremy Rifkin and Bryan Appleyard, for example — accept most of the assumptions on which these predictions are based.

The most fundamental new technologies will control the genes which determine the nature of humans and all other living organisms. "Bad genes" can be detected and eliminated, and "good genes" can be fostered. Current practices of combining genes from different sorts of organisms will be expanded to create entirely new species and to modify humans. In the new utopia, humans and computers will combine into a global system to reverse planetary warming, prevent famine in sub-Saharan Africa, or resolve ethnic clashes in the Balkans.

Presumably, such social and economic problems will be too complex for human direction and too important to be left to short-sighted, self-interested human deliberation in the marketplace of ideas. Air traffic control and management of electric power grids, already slipping beyond human control, are trivial challenges compared with integrating a global economy while preserving a livable environment. The Internet is a crude prototype of this entity's nervous system. Individual humans will function much as cells in the human body do now. We humans will scarcely understand bits of what's going on, much less control anything of importance. For this global organism, Gregory Stock coined the useful, if somewhat melodramatic, term "Metaman." Kevin Kelly parallels Stock with his own notion of a "whole world wired into a human/machine mind."

Will we face overpowering incentives to abandon individual autonomy and meld into Metaman? Kelly, for one, thinks so; he suggests that our chief psychological task in the

coming century will be "letting go with dignity" (127). We may want to explore our situation and options more fully before "letting go."

It's easy either to dismiss the projected future as science fiction or to accept it as inevitable. But it is neither fiction nor inevitable. It is a genuine threat to our autonomy as humans, grounded in the eugenics implicit in genetic research, the narrowing views of what is acceptably normal for both humans and cultures, and the erosion of personal identity and moral responsibility.

Genetic Research And Eugenics

The vast sums spent on basic research in human genetics, most evident in the project to map the Human Genome, are based on an underlying assumption of genetic determinism: the significant characteristics of a person, both mental and physical, are determined by that person's genetic makeup. Genetic testing can detect potential defects. The meaning of "defect" will become very elastic: today it usually refers to catastrophic congenital diseases, but in the future it is liable to include wrong eye color or lack of athletic prowess.

The miracles of genetic and cybernetic technology are said to be carrying us toward a crime-free, disease-free, ultra-convenient, well-regulated utopia.

To prevent children from having precisely predictable defects, parents will have the current options of embryo selection during in vitro fertilization (IVF) procedures or abortion when defects are detected after normal conception. In the emerging utopia they will add far more powerful options for actually altering genes in early stage embryos to achieve what biotechnologist Lee Silver calls "designer children." Alterations in germ-line cells will determine traits to be carried down through generation after generation.

Such genetic engineering in pursuit of improved humans *is* eugenics. It doesn't really matter much for purposes of definition whether it's market-driven or government-ordered. Genetic engineering does seem a more humane procedure than genocide to remove "impurities" and to "improve" the ethnic group or society. It is also a much more precise means for controlling human evolution. The prospect of changing — "designing" — the genetic makeup of human embryos to control evolution did raise enough ethical issues to cause a meeting of concerned scientists at UCLA in 1998. As reported in *The New York Times* (March 20, 1998), several scientists present expected to see the process in use within twenty years, at least by parents who can afford it.

Would ready availability of the technology place irresistible pressure on parents-to-be to use genetic testing and act on the results? Or to put it differently, would substantial portions of the population find themselves participating in eugenics, even without storm troopers at the door? Several reasons suggest that the answer is yes. Lee Silver provides the most direct argument: some parents will use these procedures, including genetic modification in IVF, to give their offspring advantages, and other parents will have to follow suit in order to have kids who will be competitive.

I have yet to read an informed author who disagrees with Silver's line of reasoning here. The strength of parental ambition is illustrated by past examples, as from northern India in which use of amniocentesis had the unfortunate side effect of leading to abortion of large numbers of embryos whose only defect was that they were female. The greatest pressure will be on parents who find themselves in a dilemma: revolted by the notion of interfering in natural evolution but driven by responsibility to give their offspring a competitive edge in, for instance, memory capacity, stature, or good looks.

Another factor driving parents to practice eugenic control begins with the inclination of insurance companies and employers to discriminate against those who may be genetically risky. In a free market who can object to the insurance company which refuses health insurance to a family in which one member has been diagnosed with Huntington's disease? Who can blame the oil refinery manager who declines to invest time and money training a highly effective engineer because her family history shows several emotionally unstable individuals? As genetic testing of individuals becomes more refined such discrimination should become more rational. Inaccurate predictions for individuals will continue, however, as many decisions are made on the basis of statistical probability that certain combinations of gene-forms will produce certain characteristics. The point is that parents-to-be will feel compelled to have embryos tested — and if necessary, "corrected" — in order to make sure their progeny do not face these sorts of discrimination.

Defensive eugenics goes beyond merely avoiding discrimination in the marketplace. If a couple insists on having a child without use of readily available genetic testing, then society can hold them responsible for any ensuing problems with that child, whether its mild social maladjustment or catastrophic illness. What once would have been cause for sympathy and financial support from society now becomes cause for social stigma.

Governments will be sorely tempted by the benefits of applying genetics. Genetic determinism provides a very attractive theoretical basis to planners for solving such problems as homelessness, poverty, and crime: mandatory testing can isolate the genetic predispositions toward such sad states, and then the state can terminate at least the capacity of such individuals to reproduce. Involuntary sterilization is rather coercive! If this seems implausibly extreme, reflect on the fact that by 1931 some thirty states had sterilization laws, many of which were being actively applied to reduce undesirable classes. Then Hitler gave eugenics a bad name. Memories pale. Now the miracles promised by genetic research reinforce a growing faith in genetic determinism, laying the groundwork for a new eugenics.

A Narrower Range of Acceptable Normalcy

How much deviation from an ideal norm will be acceptable in utopia? Less than we might initially expect. Medicines job is to cure diseases. Obesity, alcoholism, and clinical depression are diseases; at least, some people consider some of these to be diseases. At the minimum, the propensities toward such defects are found in the genes, so corrections at

that level will be sought. Most people consider cynicism and pessimism to be less conducive to a cheerful life than optimism; so presumably these qualities will be identified as defects in want of correction through genetic engineering. Rifkin gives short stature as one current example of the shift from acceptable personal characteristic to an "illness" that doctors can now treat with hormones. How far will the trend go to purge departures from a social concept of "normal"?

The philosopher Philip Kitcher, certainly one of the more conservative writers on the subject, provides a hypothetical depiction of the scene a couple of generations hence: genetic medicine, practiced in a culture of "reproductive responsibility," has virtually eliminated such congenital defects as Tay-Sachs and Down's syndrome, and has gone on to eliminate obesity and homosexuality; now the issue is whether to eliminate left-handedness.

A subtler and often unjust constriction on acceptable normalcy will stem from increasing reliance by parents, physicians and officials on statistical probabilities. At the present time, to avoid congenital illnesses genetics relies on selection from a couple's embryos in vitro, and is based on equations of single defective genes with virtual certainty of specific diseases, such as Tay-Sachs. It is unlikely, however, that the cause of, say, colon cancer or clinical depression will be confidently linked to a single defective gene. Rather, the geneticist will be looking at complicated patterns of causation involving several genes and environmental factors. The solution will almost certainly be to link propensities toward specific defects to combinations of specific gene-forms on the basis of statistical probability, e.g., someone with such and such combination of genes has an 83% probability of exhibiting violent criminal behavior. Lack of complete reliability may seem a small price to pay for preventing cancer deaths, suicidal depressives, and serial killers.

But there is a problem. We must wonder about early-stage embryos whose suspect genetic combination would condemn them, by a shake of the statistical dice, to non-existence even though these particular individuals would have grown up innocent of the feared defect. In reflecting on an actual instance from the mid-1970s, Kitcher wonders how many mothers did the "responsible" thing and aborted male embryos which were found, through amniocentesis, to carry an extra Y chromosome. It was then believed that such offspring were highly likely to become violent criminals. Later, of course, this belief was found to stem from an error in statistical inference.

In the new utopia, humans and computers will combine into a global system to reverse planetary warming, prevent famine in sub-Saharan Africa, or resolve ethnic clashes in the Balkans.

As the technology improves, parents and doctors will be able conveniently to achieve relatively trivial, even cosmetic, results. Preventing serial killers may justify some gambling on statistical probability and some narrowing of the human genetic pool. Preventing hyperactive or introverted children does not justify that. But both advocates and critics of the new genetic engineering agree that if the technology is available some parents will use it and others will feel compelled to follow suit, until the eschewed characteristic, whether shyness or shortness, is banished from the range of acceptable normalcy.

Thus we have an irony. The promise of genetic engineering is to give parents greater choice in designing their offspring. Actually, in the long run, economic and social pressures to use a ready technology will reduce parents' options to a narrower range of conformity.

The meaning of "defect" will become very elastic: today it usually refers to catastrophic congenital diseases, but in the future it is liable to include wrong eye color or lack of athletic prowess.

Bounds of acceptable behavior are being constricted on another front. Cybernetic technology is ubiquitous. Refusal to rely on it is to place oneself outside the pale in a business or professional culture, and the costs can be high. One use of the Internet (as reported in *The New York Times* on April 29, 1999) illustrates the power of current cybernetic technology to shape and constrict human behavior. College students seeking their first professional jobs are compelled to focus a great deal of energy on application documents that can be easily scanned for key words and will look professionally polished in a variety of text languages. Such adaptations have very little to do with communication of relevant information. One applicant was quoted in the *Times* as saying, "It seems as if a computer is reading it. It's too impersonal." Her suspicion is quite correct. Many large colleges and corporations do, in fact, initially screen applications by such computerized processes as key word searches. Successful applicants have always felt forced to adapt to the expectations of prospective employers. But in these Internet applications the medium, not the interviewer, makes the decision.

Cybernetic technology will also be the primary agent for narrowing the limits of acceptable normalcy for cultures. Nicholas Negroponte, founder of MIT's Media Lab, captures the essential nature of the new world order in the title of his best-selling book *Being Digital*. He foresees cybernetic culture pervading every aspect of life and unifying all peoples around the globe into a homogeneous world society. He provides ample evidence that the expansion of digital culture worldwide is well under way. In *Metaman*, Gregory Stock describes just how inexorably this cybernetic culture will dominate: "Cultures that try to preserve their cherished traditions by blocking out the rapidly changing world cannot long succeed."

A spate of news reports on a study published in *Science* illustrates subconscious assumptions which drive acceptance of the cybernetic monoculture. The study shows that blacks paired with whites on the basis of income and education are much less likely than the whites to own computers.

Newspaper reports of the study found the disparity in computer use to be a "disturbing" problem in want of correction. It apparently never occurred to anyone to investigate the worth of cultural values which produce *less* enthusiasm about joining the digital age. Negroponte and Stock are on the mark: enthusiastic immersion in cybernetic culture will be the norm to which all societies will eventually be expected to adhere.

But reduction in human and cultural diversity would have a high cost. In the long run, survival of a species depends on adaptations to changing circumstances — it depends, in effect, on the capacity to evolve, which in turn depends on having a diversity from which to draw. As Kevin Kelly explains, "A uniform entity [whether species or culture] must adapt to the world by occasional earth-shattering revolutions, one of which is sure to kill it. A diverse heterogeneous entity, on the other hand, can adapt to the world in a thousand daily minirevolutions." Kelly, certainly not a sentimentalist, argues for the value of preserving esoteric cultures, such as aboriginals.

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From a more abstract perspective scientist Ray Kurzweil arrives at the same central notion: to adapt and evolve, a species or culture must draw on a range of choices. Perhaps ironically, Kurzweil's reasoning is buttressed by computer simulations of evolution. Kurzweil himself, however, remains sanguine: within a century, machine intelligences will be in every way superior to current, primitive human intelligences. Perhaps with a thousand different cultures on which to draw, from Navajo to Irish poet, we might duck that bullet. We might retain some sorts of spiritual and creative human superiority. But with a global monoculture built around computer technology our chances of dodging Kurzweil's well-argued prediction seem considerably less.

Technology And Personal Identity

The notion that each of us is a complexly integrated being with a unique identity is under attack, partly in the form of a double-barreled reductionism. One type of reductionism views each human as essentially an information-processing system, arguing that we differ from other information-processing systems, whether organic, social, or mechanical, only in our brain's greater capacity to contain and internally arrange information. This capacity marks our superiority over the amoeba and the orangutan . . . and our presumed future inferiority to new generations of supercomputers. The other type of reductionism splinters the individual into a conglomerate of discrete characteristics, each of which can be defined by DNA analysis and be subjected to manipulation by genetic engineering. As the technology becomes more reliable, transgenic engineering could combine genes from other species into human embryonic cells, thus "improving" the human species, at least for those individuals and their progeny. After all, in this view, there is nothing significantly unique about humans, either as individuals or as a species.

Another attack on individual autonomy results from our virtually unavoidable integration into broad networks of information. Can a person under constant scrutiny develop and flourish as a unique being? Probably not, or various rights to privacy would not have been so gravely protected from chilling invasions since before the founding of this nation. Privacy is a source of personal freedom, most clearly freedom from self-incrimination under the law, but also, though less dramatically, freedom from self-revelation in a host of areas from financial activity and health to entertainment preferences. In the cybernetic world, individual citizens' privacy is evaporating. Repeatedly at issue are government initiatives to protect sensitive agencies and financial infrastructures against cyberterrorists. The power that these initiatives would give government agents to access, for example, innocent persons' e-mail, draws vigorous objections, even from some politicians. But such issues of security versus privacy are largely a matter of posturing rather than real policy making. Our dependency on cybertechnology makes serious threats to its reliability unacceptable, regardless of what privacy rights must be trampled to assure that reliability.

Invasions of privacy by commercial and partisan interests, unwarranted by even a pretense of social need, are chilling. A brief article in the May 1999 *Harper's* describes an unusually sophisticated piece of software, GeoVoter, which can provide a political candidate with "potential constituents' attitudes toward everything from private property rights to taxation," drawn from "any list ranging from activists to anglers, from corporate officials to NRA members," and of course with classification according to income, occupation, age, profession, and party affiliation. It provides the candidate this analysis of target audience down to the household level. GeoVoter, according to *Harper's*, was used in twenty-one states in 1998.

A decision announced on August 18,1999 by the United States Court of Appeals, 10th Circuit, gives the tone of the era: "Although we may feel uncomfortable knowing that our personal information is circulating in the world, we live in an open society where information may pass freely." *U.S. West Inc. v. Federal Communications Commission* gave telephone companies the right to sell lists of numbers called and services used by customers to other companies. Joe Smith should bear that in mind when he calls his therapist or his bookie. Of course, this loss of privacy is vastly compounded in cyberspace by interlocked data banks, to say nothing of hackers. If we assume that developing individuality requires some privacy, then personal development must be stunted by the oppressive, subconscious awareness that there are no longer many secrets.

Emotional depth, as a dimension of personality, is also stunted by the new technologies. Antonio Damasio, a chaired professor of neurology at the University of Iowa College of Medicine, drew largely on clinical observation of brain-damaged patients to formulate a theory that rational thought is driven by emotions which in turn depend on physical sensation and experience. His book *Descartes' Error* reverses the famous maxim to read: "I am, therefore I think." Damasio's

thought is driven by emotions which in turn depend on physical sensation and experience. His book *Descartes' Error* reverses the famous maxim to read: "I am, therefore I think." Damasio's findings on the primacy of physical experience in emotional development have profound implications for a society increasingly existing in the mediated world of cyberspace. A *New York Times* article on September 2, 1999 was titled "The Digital Brain Drain: So Many Computers, So Little Interest in Hard Science." It ended with an elementary teacher contrasting physical lab experiments, which produce continued interest, with computer-mediated simulations, which bored students after one exposure. She concluded: " [Students] can learn from computers, but they need . . . hands-on experience to get hooked on science." Other evidence is based on the first comprehensive study, reported in 1998 by researchers at Carnegie Mellon University, of the psychological and social effects of Internet use (*The New York Times*, August 30, 1998). The researchers were shocked to discover that even "social" uses of the Internet "decreased psychological well-being" and increased depression among normal adults.

The perception of the human mind and soul as a machine or a congeries of genetically determined characteristics, the disappearance of personal privacy, and the atrophying of emotional capacity are consequences of emerging technologies or perhaps the misuse of emerging technologies. The most salient shrinking of the human soul, however, would be negation of free will and with it personal moral responsibility.

Intuitively, we reject this ultimate attack on our identities as autonomous individuals. We insist that morality exists. Genetic determinists have a ready answer: A central theory of evolutionary psychology tells us that "morality" is what has over time proven to be the most effectual means for genes to assure their continued survival generation after generation. Philosophy, religion, serious literature, and political idealism, all are merely subterfuges to conceal a genetic determinism which can theoretically be described with mathematical precision. Francis Crick, as quoted by Appleyard (29), warns, "The development of biology is going to destroy to some extent our traditional grounds for ethical beliefs, and it is not easy to see what to put in their place."

Sex or gambling, is (according to many scientists) linked to genes, rather than to weakness of character.

Substitution of genetic determinism for free will has unpleasant consequences beyond demeaning the human spirit. The notion that an individual is responsible for his or her actions — free will — is a central assumption in our legal and moral systems. But in utopia individuals can hardly be held responsible for their genes or for actions deterministically flowing from those genes. Nevertheless, society will still have to protect itself from criminals. The only practical solution, until defects are purged from the species, is mandatory genetic testing and preemptive action, including preventive incarceration. Recall that many of the links between genes and criminal traits are based on statistical probabilities. The notion of political agitation as sign of criminal defect opens still further possibilities for controlling large societies in the name of the greater good. Some readers may feel secure that preemptive incarceration on the basis of a likelihood, or even a possibility of criminal behavior, is impossible in America. They should recall the preventive detention in internment camps for Japanese-Americans during World War II.

In sum, the new technologies invite conceptualizing future humans as information-processing systems genetically pre-set to fit narrowly defined ranges of acceptable normalcy. Decisions of any importance will be made, as for example they are now in an increasing number of major investment houses, by machine intelligences with minor roles for human input. Denied significantly unique identity and free will, the individual can appropriately be subordinated to the welfare of the global society, to Metaman. Those few hardy souls who resist utopia will, like recalcitrant cultures, be banished to the fringes; they will cease to matter.

Microsoft or Monsanto or Genentech has no more right to dictate our futures than does a federal government.

Let Go With Dignity?

In dozens of books, articles, and speeches, I encounter the phrase "brave new world(s)." This allusion must resonate deeply, even with people who have only a vague notion of Huxley's novel. It's hard to sort out the emotions which may be stirred: respect, yes, and perhaps awe for technology; though Huxley's title seems, as he intended, more often to suggest irony, even fear, than enthusiasm. We buy into the little conveniences and welcome the big promised breakthroughs, especially in health. Still, if the anxieties of a society can be detected in its popular novels and movies, then large numbers of people in the United States and Europe are having serious subconscious problems accepting the technologies that will usher in Metaman.

The fundamental question is: Do we have any choice? The prophets for the new world — Negroponte, Stock, Silver, Bill Gates, and others — are generally quite forthright: No, we don't have a choice, at least not on any of the important issues in, for example, genetic engineering or reliance on machine intelligence. I think otherwise. To accept their future as inevitable is tantamount to being imprisoned in that future. We do have choices.

Pockets of resistance have formed in both scientific communities and the general public. At the level of technical capacity, Joseph Weizenbaum, a pioneer computer scientist at MIT, argued forcefully in his 1976 book *Computer Power and Human Reason* that computers were inherently incapable of some sorts of thinking and therefore some sorts of decisions should be left to humans. Although writers such as Stock and Kurzweil extol the vast increases in computer power and range, I don't think they have ever convincingly refuted Weizenbaum. Echoes of Weizenbaum's reservations live on in public school teachers who object to the assump-

tion that providing every student with a computer and an Internet connection will necessarily produce happier people or wiser citizens.

As early as the late 1960s, as Appleyard among others describes at length, many scientists urged caution and restraint in genetic research. After the discovery of recombinant DNA in 1974, a nonbinding moratorium on DNA research was agreed to. During the late 1960s and the 1970s scientific cautions, including the moratorium, were overrun by ambition for commercial exploitation. This pattern has continued ever since. On September 2, 1999 *The New York Times* reported that Dr. Joe Z. Tsien at Princeton had discovered gene manipulations which produced more intelligent mice and which showed promise for the same results in humans. Fellow scientists praised Dr. Tsien's discovery, but at the same time urged caution. Dr. Eric Kandel, for example, pointed out that enhancing human intelligence "is a very slippery turf from a moral point of view.") Scientists are far from unanimous in viewing full development and application of genetic research as either inevitable or desirable.

Has resistance to these new technologies ever been effective? Yes, at the political level it has. In Europe where the new genetic technologies have been vigorously opposed, a European Parliament committee in 1989, according to Appleyard (90), recommended against genetic modification which would interfere with human evolution. More recently, under intense public pressure from some farmers, officials and followers of Jeremy Rifkin, Monsanto disavowed any intention to commercially market seed containing the so-called Terminator gene, which would compel farmers to buy new seed each year (*The New York Times*, October 5, 1999). And on November 6, 1999, the *Times* reported that public resistance persuaded the British government "to extend its current ban on commercial growing of genetically modified crops for three more years." Public intervention *can* shatter the arrogant facade of "inevitability" assumed by the futurist technologists.

Acceptance of the coming utopia takes place incrementally and on several fronts at once. So the critic must select which aspects to accept and which to oppose. One can, for example, agitate against manipulation of the human germ cells which control evolution, while accepting use of transgenic animals to produce medicines for human use. Or one can oppose making cybernetic technology central in public education, while accepting the Internet as one communication tool.

Almost every one of the myriad incremental steps toward utopia appeals to some value such as competitive advantage or convenience. Unintended, long term, or more fundamental effects are often ignored. Thus, those who feel ethically responsible to oppose some technological innovation are challenged to persuade others to see beyond the temptations of short-term appeals.

The rhetorician Richard Weaver advised that the strongest foundations for arguments are to be found in what he called first principles. For critics of utopia these would be fundamental assumptions, such as the need to preserve moral autonomy and to value the identity of humans as both individuals and species. The raw material from which to dialectically refine first principles is found in the humanities — history, serious literature, philosophy — not in the data of science.

Now we probably stand on the threshold of genetically engineered improvements in human intelligence. Scientists and informed lay persons express misgivings about using the technology, but their reasons often seem without solid persuasive foundation. On the use of nuclear weapons after WW II, by contrast, there were tangible reasons for "why not?" Unfortunately, even sound reasons like "respect natural diversity within the human species" lack the palpable impact of reasons like "avoid incineration or agonizing death from radiation."

Thus, persuasive effect depends on making first principles vividly and forcefully important as arguments against excesses of technology. This requires what Weaver called the art of emphasis and what Cicero described as the means of "copious amplification": wit, vivid description, argument by literal analogy, figurative analogy, multiplicity of arguments appealing to various motives, and other types of language choice calculated to stir deep-seated emotions.

So far, such amplification has taken place largely in fiction, as in the popular entertainment films *The Net* and *Gattaca*. Even serious critics of the approaching utopia have for amplification often reverted to two classic novels, *Frankenstein* and *Brave New World*. But despite Marshall McLuhan's compelling argument that creative artists are the early warning system for humankind facing the impact of new technologies, fiction is easily dismissed as merely fiction. One rhetorical strategy would be the explicit combination of fiction and fact. Simon Mawer did this effectively in his novel *Mendel's Dwarf*, which intertwined a well-informed history of genetic research with a dramatized dilemma about whether to apply it — in this case, through embryo selection — at cost to the personal identity of the central character.

Commercial interests pushing the new technologies try to capitalize on libertarian resistance to government. However, key policy issues cannot be reduced to a simple matter of government versus the rights of entrepreneurs. The fundamental rights are those of private citizens. Microsoft or Monsanto or Genentech has no more right to dictate our

continued on page 40

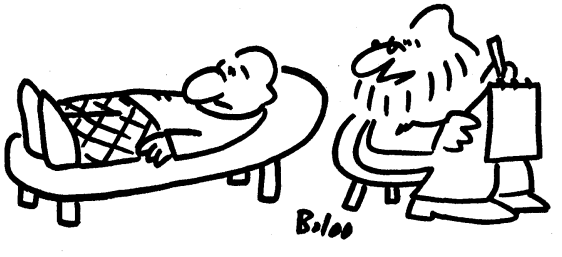

"Oh, I wouldn't recommend a mental hospital — It took me *years* to get out of one of those."

Report

Handcuffing the Nutrition Cops

by Durk Pearson and Sandy Shaw

The days when the Food and Drug Administration could violate the First Amendment with impunity are coming to an end.

The FDA continues to act and to plan as if the Congress hadn't intended that the FDA implement the provisions of the Nutrition Labeling and Education Act of 1991 (NLEA) and the Dietary Supplement Health and Education Act of 1994 (DSHEA), one of which is to increase the flow of health information to consumers by approving truthful health claims. The FDA is also refusing to comply with the decision in *Pearson v. Shalala* (1999) in which the U.S. Court of Appeals for the District of Columbia Circuit ruled 3-0 (later voting 11-0 to deny a rehearing) that the FDA's health claim approval process for dietary supplements violated the First Amendment. This decision is now the law of the land, since the FDA did not appeal to the U.S. Supreme Court during the statutorily allowed period.

The FDA has now denied a health claim petition which sought permission to claim that saw palmetto may reduce the symptoms of benign prostatic hypertrophy on the basis that the claim went beyond mere reduction of risk and actually amounted to a disease treatment and was therefore (in FDA's view) a drug claim, not a dietary supplement claim. This is plainly in violation of the law: the Dietary Supplement Health and Education Act of 1994 defines herbals as dietary supplements that were not to be regulated as drugs. The DSHEA made it clear that health claims for dietary supplements were not to be held by the FDA to the prescription drug standard of evidence. Clearly, the reason for the FDA's denial of a health claim for saw palmetto — in violation of congressional statute and court ruling — is to protect the market for the prescription drugs that are used to treat benign prostatic hypertrophy. (Saw palmetto is as effective as these drugs, is much less expensive, and has far less potential for adverse reactions.) We have sued the FDA on First Amendment grounds for denying this claim, as well as on grounds that it has violated the DSHEA.

The new suit is a continuation and expansion of the process we started by filing our original suit (resulting in the landmark ruling in *Pearson v. Shalala*) that will eventually result in the FDA's losing its current authority over dietary supplement health claims, There now exists — thanks to the NLEA and DSHEA and various court decisions— a nearly free market in dietary supplements, an important part of modern medicine. The FDA can run but can't hide from the ultimate consequences of its resistance to this new, powerful, and growing market.

The FDA has also denied two recent health claim petitions: one for the claim that folic acid, vitamin B-6, and vitamin B-12 may reduce the risk of vascular diseases, by reducing homocysteine levels; the other for the claim that vitamin E may reduce the risk of cardiovascular disease. The evidence for these claims is powerful, though not conclusive. (In science, of course, nothing is ever conclusive in the sense that one knows all there is to know about something. There is always new information being discovered and, hence, one must continually modify one's model of how things work. This sort of change is anathema to the FDA's attempt to say everything is either 100% conclusively true or 100% false and there are no gradations in between.) We have petitioned the FDA to reconsider these rulings. If they refuse (which is likely), we will sue them again. [You can download our petitions and briefs at www. emord. com.]

The goal of the new FDA Ten Year Plan for Dietary Supplement Strategy (http://vm.cfsan.fda.gov/-dms/) is to establish by 2010 a "science-based regulatory program that fully implements the Dietary Supplement Health and Education Act of 1994" — in other words, that it will need only sixteen years to implement the DSHEA. One wonders how the public would have reacted if, in 1970, the Justice

Department had announced that it was working on a plan to implement the 1964 Civil Rights Act by 1980.

Many of the items listed in the Ten Year Plan which the FDA proposes to define — for example, the difference between a dietary supplement, and a drug, or when a disease claim for a dietary supplement becomes a drug claim — have already been decided by statute. Apparently, the FDA's theory is that it can debate matters already decided by law for more than a decade in order to evade the law.

FDA also proposes to "clarify" the regulation of a "dual status" product, which is a substance that is used both as a drug and as a dietary supplement. An example is beta carotene, which is used at very high dose levels in the treatment of xeroderma pigmentosum and in much lower doses as a component of dietary supplements. But there is nothing to "clarify" since beta carotene qualifies as a dietary supplement under DSHEA and, as such, cannot be regulated as a drug.

The First Amendment and Nutritional Information

One of the provisions of the DSHEA is that a dietary supplement may contain information on its label about the relation between a dietary supplement and a structure or function of the body without receiving prior FDA approval, provided no claim is made for the treatment or prevention of disease. In a "clarification," the FDA has ruled that one can point out that a supplement "helps maintain a healthy cholesterol level," but cannot claim that a supplement "helps prevent an unhealthy cholesterol level" because the latter would suggest prevention of a disease, while the former somehow wouldn't. The FDA published 50 pages of rules on when and how these "structure/function" claims can be made, making it unlikely that any important information can be provided.

The FDA doesn't like structure/function claims because even if such claims don't explicitly mention a disease, a consumer may know the relation between that effect on a function and the risk of a disease. Hence, the FDA is trying to eliminate any structure/function claims where somebody might *infer* that the supplement would have an effect on a disease. Most structure/function claims would end up in this category and thus be converted to "health claims" which require pre-approval from the FDA.

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The final structure/function rule provides examples and explanations that supposedly make it clear what truthful statements can be made without the FDA's permission. But after reading though the 50 pages of the *Federal Register* (http://vm.cfsan.fda.gov/~lrd/fr000106.html), it appears the FDA has instead provided guidance that is so vague that every structure/function claim has to be judged on a case-by-case basis, thus increasing the cost of making such claims and punishing those who attempt to exercise their First Amendment rights. For example, the FDA claims that advising that a particular dietary supplement "helps maintain cardiovascular health" is not a health claim (and therefore can be included on the label of the supplement), but to say that the same dietary supplement helps "to reduce the risk of cardiovascular disease" *is* a health claim and thus cannot be included on its label.

It is appalling, but not surprising, that the FDA's First Amendment analysis of their structure/function rule is filled with legal nonsense. For example, the FDA cites (page 1038) commercial speech cases from the 1940s to the 1960s, during which time the courts accepted much greater government authority over "commercial speech" than rulings in recent cases, such as *44Liquormart v. Rhode Island, Rubin v. Coors, Central Hudson Gas & Electric Corp. v. Public Service Commission, and Virginia State Board of Pharmacy v. Citizens Consumer Council.*

The fall of the FDA and the opening up of freedom of choice in medicine could have a major impact upon the public's scrutiny of other agencies — such as OSHA and the EPA — that claim to protect public health and safety.

Perhaps the most ridiculous FDA claim is its assertion that "As a government agency with no financial stake in either permitting or denying claims, FDA is in a position to evaluate the strength of the safety and efficacy evidence objectively" (1039). This is just plain false: the FDA receives hundreds of millions of dollars each year as "users' fees" from pharmaceutical companies to approve drugs. If the FDA cannot protect the market for these drugs from dietary supplement competitors, pharmaceutical companies may decide to stop supporting the FDA. Contrary to its claim, the FDA stands to lose a lot of money.

Finally, and most astonishingly, the FDA simply rejects the Court's decision in *Pearson v. Shalala*. It asserts that if it permits, as the law requires and the Courts mandate, claims about the effect of dietary supplements on diseases (even when they are not "inherently misleading" and are accompanied by appropriate disclaimers), "the longstanding system of drug regulation in this country would be eviscerated" (1040), presumably because drug companies could avoid the expense and time required to comply with FDA regulations. One of the clearly stated purposes of the DSHEA was to allow marketers of dietary supplements to avoid "the time and expense of complying with new drug regulations" in the communication of truthful information about supplements. And of course the First Amendment trumps any "longstanding system of drug regulation."

To support its claim, the FDA brings up the old, discredited argument that the average consumer "does not possess the medical and scientific expertise necessary to evaluate claims about the effect of a product on disease." There will always be those who receive information that they do not understand, but the courts recognize that the First

continued on page 40

Defender of Laissez Faire

by Bruce Ramsey

There was a time when the United States was a free and peaceful republic, and the most widely read economic writer in America thought it should stay that way.

There are those who still think they are holding the pass against a revolution that may be coming up the road. But they are gazing in the wrong direction. The revolution is behind them. It went by in the Night of Depression, singing songs to freedom. There are those who never ceased to say very earnestly, "Something is going to happen to the American form of government if we don't watch out." These were the innocent disarmers. Their trust was in words.

A man with the extraordinary name of Garet Garrett wrote those words in 1938. Garrett saw the New Deal was a "revolution within the form" of the law. "Like the hagfish," he wrote, "the New Deal entered the old form and devoured its meaning from within."

Garrett was the chief economic writer for the *Saturday Evening Post*. In a time before television, the *Post* wielded immense influence in middle-class America. Garrett, as its writer on political economy, defended the old values against the New Deal. He called the old system Laissez Faire, and he knew what Laissez Faire meant. At the time, he was thought of as a conservative, a defender of a world that was slipping away.

"It was a world many people grew not to want, or wanted so little they were unwilling to defend it," he wrote at the end of his life. "Only the strong could love it. Anyhow, it is gone. The number of those who knew it is rapidly declining. In a little while nobody who knew it will be able to remember it at all."

He was born Edward Peter Garrett in 1878 in the village of Pana, Illinois. He wrote often of his upbringing on a farm, and he went back to living on a farm, in Tuckahoe, N.J. as an adult. Although he was fascinated by machines, and called Americans the machine people, his personal ideal was rural self-sufficiency. Like many people who were brought up on a farm, his formal schooling ended at the third grade. He learned thereafter by reading books.

"I was born in the Mississippi Valley, handled a team at ten, wore overalls, as all the men did, made by the women out of striped cotton material called bed ticking," he wrote in the *Post* of Aug. 22, 1936. It was a time, he wrote, "when automobiles, tractors, motor trucks and combines were unknown, and except for the steam-engine threshing outfit, the only power was animal power."

At 20, Garrett hopped a freight for Chicago. He started work as a printer in Cleveland, then as a newspaper reporter. He went on to Washington, D.C., and covered President William McKinley. He took the name Garet as a pen name, to make his name more memorable. Later, he would make it his legal name as well.

At age 25, in 1903, he became a financial writer for *The New York Sun*, moving on to *The New York Times*, *The Wall Street Journal* and the *Evening Post*. In 1911 he published his first book, *Where the Money Grows*, a compendium of Wall Street sketches. He wrote for muckraking magazines. From there he went into newspaper management until, in 1919, he abandoned management to be a writer of magazine articles and books.

On December 24, 1921, the Post began serializing Garrett's second novel, *The Driver*. The story begins in the 1890s. In response to populism, Congress has ordered the coinage of silver dollars with half the value of gold dollars. "Anyone would know what to expect," Garrett wrote. "People ran with white dollars to the Treasury and exchanged them for gold." Bank runs were followed by depression.

Garrett, who had lived through it, said the depression of the 1890s was worse than the 1930s, because the country was much less wealthy when the 1893 depression began than in 1929. Out West, union gangs commandeered railroads. The

army was called out to protect mail trains. That depression brought "a great swell of radical thought," Garrett wrote. A man named Jacob Coxey, owner of a sandstone quarry in Ohio, organized a march of the unemployed on Washington, demanding that people be put to work building roads. To pay for it, Coxey proposed that the Treasury should sell $500 million in zero-interest bonds.

"Coxey's Army" set out on Easter Sunday, 1894, holding a banner:

Peace on Earth.
Good Will to Men.
But Death to Interest-Bearing Bonds.

The newspapers printed the story as light news. "Then everybody begins to talk about it," Garrett wrote, "and the response is amazing. People laugh openly and are secretly serious."

The New Deal could have begun right there. William Jennings Bryan would have done it. President Grover Cleveland did not.

Garrett's novel tells the story of Henry Galt*, an investor who buys up shares in a midwestern railroad and takes control in receivership. "The country is rich." Galt proclaims, "Nobody knows it. Nobody will believe it." But Galt does.

All the years he has spent memorizing the railroad's curves and grades, its cost of fuel, its sources of freight, he puts to use. He pores over a map. "Cut that grade down to 3 percent," he says, "and freight can be moved at a profit."

But it would cost money the railroad doesn't have, his assistant says.

Borrow it, Galt says.

"You and Coxey ought to confer," says the assistant. "You are not so far apart. He wants the Government to create work by the simple expedient of borrowing money to build good roads. And here you say the railroads, if they would borrow money to reduce their grades, might employ all the idle labor there is."

"It isn't the Government's business," Galt says.

Garrett would try to maintain that distinction in the Depression of the 1930s. He, too, would remind people how rich they were, though they were in no mood to hear it. He would also argue that the way out was to take advantage of cheap capital and labor, and invest to cut costs.

In 1932, with the Depression around him, a mature Garrett went looking for such successes. He found them: a producer of ruffled curtains who had devised a new sales system; a producer of lawn rakes who pioneered a new design; a producer of toys who developed penny toys. There was the Harvard Business School prof who bought a failing woolen mill, broke up the cast-iron machines and replaced them with new ones. This man went to buyers in Manhattan, and found that their big complaint was having to wait four to six weeks for merchandise. "Well, here was a man who would undertake to make delivery in two weeks, or, under extreme pressure, in eight days," Garrett wrote in the *Saturday Evening Post* of August 6, 1932. The professor got the business.

Although he was fascinated by machines, and called Americans the machine people, his personal ideal was rural self-sufficiency.

Garrett summed up, "The man who beats depression is in every case a pattern breaker who has in him the business passion . . . He wastes no more of his thought matter on universal solutions, or on how, by some act of monetary legislation or government policy, prosperity may be restored at one stroke. He gets all his energies free to act upon one problem." His problem.

The economy posed less risk than people thought. "The factory yards are bare," Garrett wrote. "Where normally there would be piles and pyramids and stacks of raw material, now there is little." In stores, he wrote, "the whole of a merchant's stock is on the front edge of the shelf."

The bubble had burst — that was the bad news. The good news was that it could not burst twice.

For the economy to recover, psychology had to change. "Everyone is afraid," he wrote. "And where, three years ago, it was shrewdness in the manufacturer to buy first and then sell, lest his cost of raw materials should rise overnight . . . now in that same manufacturer it is acumen to sell first and then buy."

What that meant, Garrett wrote, was that "if suddenly the idea should break through that prices are on the ground, because there is nothing more to be liquidated and nobody has anything to sell, then a slight impulse to build up stocks and inventories might easily produce a universal buyer's panic."

For enterprises like the railroads, the old way of dealing with financial panics was to let capital values deflate. If claims were unpayable, write them off. Let new hands take control of the tracks and rolling stock. "By that healthy process we had again and again, after every crisis, in fact, junked what was dead in our capital structure," Garrett wrote in the *Post* of September 29, 1934. "And it was one secret of our economic strength that we did it in a ruthless manner, no matter how much it hurt. Between 1892 and 1896, 200 railway companies, representing one-quarter of the country's total railway capital, went into receivership and were reorganized. In the next ten years the entire railroad system was rebuilt with new capital."

What brought recovery was an "heroic and competitive reorganization of industry," he wrote in the *Post*, December

*Justin Raimondo argues in *Reclaiming the American Right* (1990) that this is where Ayn Rand got the name of John Galt for *Atlas Shrugged* (1957). I suppose she may have, but the similarities between the books are superficial. Rand opens with the line, "Who is John Galt?" which appears again and again, and has a mysterious significance. *The Driver* twice uses the line, "Who is Henry M. Galt?" but it is a simple question. Henry Galt is a businessman emblematic of laissez-faire, but presented more in terms of macroeconomics than a moral ideal. He is not a Rand character. His motivation isn't to build things, but to run them properly. He runs his railroad financially; you never see him on a train. And *The Driver* doesn't have the atmosphere of *Atlas Shrugged*. The sense of doom in the first third of Rand's book is more like that in Garrett's later essays, "Rise of Empire" and "The Revolution Was."

16, 1933. "Those who got their costs down and their profits back immediately swept the field."

"Such a thing now is forbidden," he wrote. Under the banner of the Blue Eagle, Franklin Roosevelt's National Recovery Administration required industry to get special licenses to buy new labor-saving machines. The policy was, "Wear out the machines we have." This was part of a broader attack on machine efficiency. Bills were introduced in Congress to forbid patents on labor-saving machines, and to tax machines on the amount of labor they saved.

In earlier depressions, Garrett wrote, the first to recover were the makers of machine tools. Not this time. Machines would be put in their place — an idea Garrett found disturbing. In the *Post*, November 12, 1938, he wrote, "When you speak of taming the machine, what you are really suggesting is that the creative power of man shall be restrained."

But in the short term, limiting production held out hope for owners whose investments were under water. "That fact was let pass as a minor inconsistency," Garrett wrote in the *Post* of February 23, 1935. "The New Dealers themselves never stressed it, and besides, this was the sweetness that reconciled business and finance to much else that was sour to their taste."

On the farm, the New Deal began by plowing under cotton and slaughtering pigs.

The farmer's problem predated the Depression. Agriculture had boomed during World War I, when America fed Europe. After the war, the boom predictably collapsed. In the *Post* of April 12, 1924, Garrett was writing about the farm depression in Minnesota, the Dakotas and Montana.

It was an old story. When food prices went up, land went up, and the farmer's credit at the bank went up. "Practically all these bankrupt farmers," he wrote, "besides having mortgaged their land, borrowed money also on their notes at the local bank."

The city man had got much more out of the 1920s than the farmer had. The New Deal promised the farmer to restore his rightful position. "But suppose the trouble is that the farmer's contribution to the total product of modern wealth is unequal," Garrett wrote in the *Post* of August 22, 1936. "Suppose that the trouble is that the contributions of others have increased more than his. In that case, the problem is how to increase the farmer's contribution."

Bills were introduced in Congress to forbid patents on labor-saving machines, and to tax machines on the amount of labor they saved.

Garrett's answer was the same as for industry: accept low prices. Reorganize. Use new technology. "The chemists have taught the textile makers to get a silklike yarn from the cellulose of wood," he wrote. Instead of subsidizing cotton farmers, let them clear out the cotton and plant their land in pine trees. Create a new industry of Southern forestry, logging, paper and rayon.

All this would happen, but not in the 1930s.

The main industrial policy of the later New Deal was unionism. Before the New Deal, Garrett wrote in the issue of September 23, 1939, "the attitude of the Government toward labor relations was neutral. Freedom of contract was supposed to make all persons equal. Labor was free to organize and bargain collectively if it could; the employer was free to resist and keep open shop if he could. Thus the crucial thing — namely, the price of labor — was fixed by trials of economic strength. . . . It was generally true that the employer had the advantage in bargaining. That he used it systematically to depress wages was not true. This was the highest wage country in the world . . . and an open-shop industry might be the highest wage industry of all, paying more than union wages — for example, the motor industry, which for that reason was for many years the despair of the organizer."

The New Deal made the worker's right to bargain for himself subject to the vote of his co-workers. In the *Post* of October 27, 1934, Garrett described the strike at the Kohler Co., where 1,105 workers had voted for the union, 647 against it, and 400 hadn't voted at all. Old Mr. Kohler was willing to recognize the union as representing the 1,105 — but not the rest. But under the Blue Eagle, and after that, the National Labor Relations Act, the union represented all of them. The result of this principle in the late 1930s was the largest increase in unionism in American history — from 13.7% of the non-farm workforce in 1936 to 27.5% in 1938.

The city man had got much more out of the 1920s than the farmer had. The New Deal promised the farmer to restore his rightful position.

In the issue of March 18, 1939, Garrett described Seattle, "the perfect closed-shop town" under Teamster boss Dave Beck.

"The hotel men of Seattle were fearful of a strike," Garrett wrote. "They appealed to Beck. He made all hotel employees Teamsters . . . then he fixed wages at what the hotels could afford to pay, which was just at the point of ouch; appointed hours and conditions, imposed discipline. There was no strike. The hotel men, half hating him, all trusting him, were properly grateful."

Garrett wrote, "What Beck says to business is, 'Let us collaborate. We fix wages. You fix the prices that are necessary to pay the wages and leave you a fair profit, and let us both be reasonable. We will police your prices to see that no chiseler breaks them down.'"

This was not socialism. But it was not the old capitalism, either. It was the Teamsters as the Blue Eagle.

Garrett wanted to ask Beck, "But are you sure that under such happy conditions Seattle would not decay at the roots? What incentive would there be for a man to improve his methods, to risk his capital in new machinery . . . ? What is to save you from becoming a static community . . . ?"

It was a question for the whole country. The New Deal had tried the theory of prosperity through scarcity. "High wages, high costs, high prices, limited competition and controlled production — that was the formula for recovery," Garrett wrote. "A surplus measure of grain, a surplus pig, a

surplus bolt of cloth, was regarded as a social calamity."

Did it work? A measure of recovery occurred between 1935 and 1937, but it was slow. In 1937, the market crashed. In twelve weeks stocks fell by one-third. Steel production fell 80 percent from its 1937 peak. General Motors laid off 30,000 employees.

Garrett supplied the verdict in the *Post* of March 5, 1938. Even at the top of the recovery in 1937, industrial production had barely reached the level of 1928. Per-capita production was still behind. There was still an army of the unemployed.

The most telling comparison was international. The Depression had been deeper and longer in America. Of the industrial countries, the only one doing worse in 1938 was France, which, Garrett wrote, "was the only one that tried to copy the New Deal."

Part Two: Revolution

World War I brought the Communists to Russia, and after them, a wave of radicalism to the West. In Germany, the Spartacists tried to seize power. Seattle had America's first general strike. In the "Red Scare" of 1920 the Wilson administration deported thousands of suspected Bolsheviks.

Garrett was dismissive of all this radicalism. In his story, "Red Night," in the April 3, 1920, *Saturday Evening Post*, industrialist Anthony Gault is confronted in his private study by anarchist Jacob Mygatt. The anarchist had wounded him a quarter-century before, and gone to prison. This time Mygatt aims to kill Gault as part of a "red night" of revolution.

Gault is not impressed. "Mygatt," he asks, "how do you account for the fact that your trade is so unsuccessful?"

To Gault, the revolutionaries are romantics. They ignore science and technology. "You employ archaic weapons in a modern world and they break in your hands," he says. "And because people see you do this over and over, they instinctively distrust you to manage their complex industrial affairs."

Gault tricks the anarchist. The "red night" fails.

Radicals of a less crimson stripe took over North Dakota. The anti-capitalist Non-Partisan League, founded in 1915 by A.C. Townley, elected a governor and a legislature from 1919 to 1921. It built a state-owned mill and grain elevator at Grand Forks and a cooperative packing plant at Fargo. It created a state-owned bank to make credit plentiful to the farmer.

North Dakota's experiment became the basis for Garrett's novel, *Harangue* (1928), subtitled *The Trees Said to the Bramble Come Reign Over Us*. It follows the course of a red heiress and her New York cabal, who are invited out West to create socialist institutions. They make a mess of it, and are chased out.

As they retreat, one admits, "The people are not radical here. They are conservative. Radicalism in this country is a pale ferocity. A personal attitude." The farmers had been enjoined to rise like peasants against the castle. "They are not peasants," he says. "They are proprietors of the land they work. And there is no castle."

A decade later, the attitude was different. The Depression of 1929-1939 put many Americans in the mood to try something new and even radical. Money had always been a favorite topic of homespun social engineers. In the *Post* of October 6, 1932, Garrett noted that writers about money "will be immediately overwhelmed with letters of five hundred to ten thousand words long . . . " If he checks in to a hotel, he will be "waked on the telephone, or else taken unawares at breakfast, for fear he may escape without hearing a new formula of exorcism."

A Midwestern banker gave a radio speech entitled, "If I Were King." In earlier years, people would have laughed at a banker who talked like that. But "a change has taken place," Garrett wrote. "All the prophets have failed. Unknown roads lie open in all directions. There is a medley of voices proposing this way and that way to go, just to see what will happen."

He was thankful that there was no wild man like Bryan running for President: "In the presidential campaign of 1932 the worst is a choice between Hoover and Roosevelt." Garrett was friends with Herbert Hoover, reports biographer Carl Ryant in *Profit's Prophet* (1989), and had corresponded with Roosevelt.

Franklin Roosevelt was no radical. On the gold question, the Democratic platform promised "a sound currency to be preserved at all hazards." Roosevelt, pinned down, had affirmed that.

The Depression had been deeper and longer in America. Of the industrial countries, the only one doing worse in 1938 was France, which, Garrett wrote, "was the only one that tried to copy the New Deal."

Yet there were dangerous currents. In the *Post* of January 21, 1933, Garrett wrote, "Leaders of industry themselves are proposing to do what only the antagonists proposed before — namely, to stabilize industry by coercion and restraint, to limit production by a plan beforehand, to control change. A planned economy hereafter."

Roosevelt took office in the midst of a banking panic, on March 4, 1933. He ordered the banks closed for a week. On March 9, he ordered all citizens to turn in their gold. They were not told why, other than that it was an emergency. "It was not expedient for people to realize clearly what the purpose really was," Garrett wrote. On June 5, Congress annulled all contractual promises to pay in gold money. Over the next seven months the gold value of the dollar on foreign markets was devalued to 59 cents.

Roosevelt asked Congress for huge sums to be spent at his own discretion. He got them. He asked for wartime powers over industry, labor and agriculture. He got them, too.

Garrett held off in attacking Roosevelt. But in the *Post* of August 12, 1933, he let fly. Congress had granted "a complete temporary dictatorship in the person of the President," Garrett wrote. "The country is in a state of revolution." It had been done, he wrote, "with no conscious intention, with no serious debate about it, by implied consent . . .There was no program. There was no time to think one out. Yet action was imperative."

The public response was enormously favorable. "The first and all-controlling fact was a change in the feeling of the entire country from worse to better," Garrett wrote. "It began at once and grew steadily as in every direction signs multi-

plied of a real physical improvement in the state of economic being. How much of this was owing to any new cause and how much of it was but the deferred reaction from a state of abnormal depression, nobody was able to say . . . The psychic relief was so tremendous that nobody really cared."

To Garrett, it was unforgivable to default on the promise to back currency and bonds with gold. To be sure, default eased the bind on debtors. Garrett approved of doing that piecemeal, through the bankruptcy laws. If it were done in that way, a price would be paid in reputation and in control of assets. If it were done in Roosevelt's way, it would allow a nation of debtors to get off scot-free.

Default let the Treasury keep the gold. "This gold did not belong to the Government," Garrett wrote in the *Post* of August 18, 1934. "The Government was merely the custodian of it." And repudiation was not necessary. In the issue of September 29, 1934, he reported that the United States owned one-third of the world's monetary gold. If Roosevelt had kept the country on gold, Garrett wrote, "we should have been able to command the free capital of the whole world, offering the only absolute security there was."

Was repudiation constitutional? By five to four, the Supreme Court said it was. The Constitution gave Congress the power to coin money and "regulate the value thereof." Were bondholders cheated? Well, yes. But Garrett reported (May 4, 1935) that, according to the Court, "the holder of a Government bond was not damaged by this act of repudiation, or, that if he were, he could not prove it." Bondholders couldn't prove their loss because "it was impossible to price anything in gold, which no one could possess, or in a dollar worth 25.8 grains of gold that no longer existed."

This judicial sleight-of-hand foreshadowed worse to come. "Many of the things the New Deal proposed to do were of doubtful constitutionality, as everybody well knew; the Government, nevertheless, was resolved to do them. And so it hired lawyers, very subtle with words and periods, to find holes in the Constitution and ways to go around it." This Garrett wrote for the *Post*'s issue of Aug. 18, 1934, three years before the Court gave up fighting the New Deal.

The New Deal changed America. Farmers were no longer lords of their land. During the Blue Eagle, business owners no longer controlled their enterprises. Workers lost the right to negotiate on their own behalf and to collect their entire pay.

Defenders of the Old Republic — including such Democrats as Senator Carter Glass and 1928 presidential candidate Al Smith — said that the New Deal's actions on gold, on spending, and on the centralization of power had repudiated the tradition of the Democratic Party.

But all these things came with perceived benefits. As Garrett wrote years later, "People were willing. They were not coerced."

Business was remarkably complaisant, particularly during the early New Deal, when the system was not tipped so obviously in favor of the unions. Though the Blue Eagle was supposed to be voluntary, almost everyone complied. The outstanding exception was Henry Ford. He went to see Roosevelt and Blue Eagle boss Hugh Johnson (soon to become a Roosevelt foe), and announced that he would have nothing to do with their program.

"But for the Ford Motor Company, it would have to be written that the surrender of American business to government was unanimous, complete and unconditional," wrote Garrett in *Henry Ford: The Wild Wheel* (1952). "Its representatives went to Washington in relays and signed Blue Eagle codes, binding themselves under pain of fine and imprisonment, not to compete any more, not to cut prices, to limit production . . . "

Many beneficiaries of the old system were too demoralized to fight for it. In the *Post* of October 14, 1933, Garrett pictured a typical capitalist:

> He believes in the system he grew up with — rationally he believes in it . . . He believes in competition, struggle, survival, success. The Government is mad. You cannot restore prosperity by decree . . . Then a strange thing happens. In a moment he turns heretic. "But my God!" he says. "Look at this unemployment . . . Millions of them . . ." No one feels personally responsible, of course; yet there is again and again this sense of guilt about it, especially on the part of those who know how to take care of themselves.

In his inaugural address, Roosevelt had attacked "a generation of self-seekers" and "unscrupulous money-changers" who had "fled from their high seats in the temple of our civilization." In "The Revolution Was" (1938), Garrett wrote, "This was the pattern and it never changed. The one enemy, blamable for all human distress, for unemployment, for low wages, for depression in agriculture, for want in the midst of plenty — who was he? The money-changer in the temple. This was a Biblical symbol and one of the most hateful . . . Capitalism was the one enemy, the one object to be hated. But never was it directly attacked or named; always it was the *old order that was attacked*." The enemy was not the business man, but the *economic royalist*.

In the *Post* of March 28, 1936, Garrett noted a change in the idols of the popular press. Its tone had become cynical; its focus was on poverty and failure; its image of the wealthy was hateful. "The theme of achievement is missing," Garrett wrote. "Ten years ago that had been the ruling theme; and even though what it celebrated had been materialistic only, nevertheless there was with it a sense of direction, and that, too, has been lost."

In the November 7, 1936, issue, Garrett recalled coming to New York as a young man in the '90s. New York was "a hard, unfriendly city" then; it expected you to make it on your own. If you asked for a handout, "you were a bum." He then described a New Deal band in Central Park, playing tunes for unemployed men:

> I said to myself, "Here is civility of a very high order. . . . But it then occurred to me to project these people into their own future . . . These who were saying, "No matter what happens, I shall be fed and clothed and housed. The Government will see to it." And then, by contrast, to project in like manner another crowd of the same general char-

acter, but only that each one is saying to himself, "This is very nice, but I ought to be thinking of tomorrow." . . . At the end of twenty years, how will the works of one crowd compare with the works of the other?

A 24-year-old listening to all of this replied that people are out of work because of the economy. It wasn't their fault. Speaking of himself in the third person, Garrett responded, "Suddenly he began to see where the impasse was. His way of thinking was individual. Theirs was not."

Defenders of the Old Republic — including such Democrats as Senator Carter Glass and 1928 presidential candidate Al Smith — said that the New Deal's actions on gold, on spending, and on the centralization of power had repudiated the tradition of the Democratic Party. Voters had not known in 1932 what they were getting. In 1936 they knew — and they endorsed it. Shortly thereafter, resistance collapsed on the Supreme Court. In 1937 a militant new union federation, the CIO, began organizing through the sit-down strike, which involved the temporary seizure of property.

Garret believed in liberty, individualism and self-reliance — inside the United States. At the border he became a nationalist.

Where was the New Deal going? In "The Revolution Was," Garrett said that every choice the New Deal made "was a choice unerringly true to the design of a totalitarian government, never of course called by that name here or anywhere else."

It seems a painful exaggeration today. But government today is not leading a great national crusade to conquer the private domain. It was in 1938, as were governments throughout the world. Garrett had no idea where it would stop.

In the *Saturday Evening Post* of January 22, 1938, he described a gloomy dinner conversation with two business lawyers, an electric power executive and a public relations man. "They talked about the Government . . . and what it was doing to business . . . It went on for a long time, and with frequent references to the Constitution." But, "Listen, you economic royalists," Garrett says. "Do you realize that everything you have said could have been expressed in one word? . . . The word is 'fear.' You are all afraid of the Government . . They admit it; they are afraid.

Years later, historians would question why private investment collapsed in the 1930s, and whether the explanation that business gave then, the lack of "confidence," was correct. Garrett knew that it was; concern for the safety of capital ran through much of what he wrote during the New Deal.* In the *Post* of August 31, 1935, he wrote, "Wealth is looking for holes in which to hide itself; it is running to and fro in the world, seeking places of asylum, and willing to pay for them."

At that dinner in Washington, Garrett describes the change in the relationship of citizen to state.

"When I first came to Washington," he says, "the attitude of every man . . . was that the Government was his Government. He supported it. He had something to say about it because he paid the bill." Now "that feeling is entirely gone," Garrett says. "In place of it is fear. No man is sure what his immunities are. He may be suddenly confronted by a law he knows nothing about."

"Yes, we agree," the lawyers for business reply. So Garrett tells them that they should fight for the right ideas. They should stop pinning their hopes on the Constitution: "There is no power on phrases written on a piece of skin to stop government."

"Why don't you write that?" the lawyer says.

He did. But there were too few like him.

Part Three: Empire

After World War I Garrett wrote a political fantasy, *The Blue Wound* (1921). He imagined that by 1950, Germany has invented a superweapon that could destroy everything within 300 miles. America does not have the weapon because it has relied on German imports instead of building its own chemical industry.

Garrett liked the idea of self-sufficiency, especially at times of crisis. At the bottom of the Depression, he wrote, "There is nothing — almost nothing — in Europe that we need" (*Saturday Evening Post*, July 1, 1933). After the fall of France, 1940, he wrote, "We are the most nearly self-contained nation of modern times" (*Saturday Evening Post*, July 20, 1940).

He believed in liberty, individualism and self-reliance — inside the United States. At the border he became a nationalist.

He would accept a protective tariff (for security reasons or to develop an industry), but he thought that trade should otherwise be left alone. In *American Affairs* (January 1950), he wrote, "Free trade and freedom of trade are not the same. Free trade, as we ordinarily understand the term, means to abolish the protective tariffs, whereas freedom to trade means that people should be free to produce and exchange wealth with other people as they please, and make their own bargains at their own risk, with no direct intervention of government."

He rejected the claim of the free traders that the Depression had been caused by the Smoot-Hawley Tariff of 1930. Imports and exports together added up to just 7 percent of the economy in 1930. The implosion of trade was too small to cause the Depression. What seized up the financial engine, Garrett argued, was unpayable debt, particularly the war debts of Europe and the foreign loans made during the 1920s

* Robert Higgs, a contributing editor of *Liberty*, argued in *The Independent Review*, Spring 1997, that investors' political fears prolonged the Depression by reducing long-term investment. As evidence, he cites statements, poll data, short-term and long-term investment aggregates, and, most interesting, a comparison of bond rates. The gap between short and long rates on high-grade corporates jumped in 1935 and remained high until 1941 — as high as 6 percent on 30-year bonds, up from a percent and a half. Higgs notes that this was the most radical period of the New Deal. With the coming of World War II, hard-core New Dealers were replaced by businessmen. The political problem, which Higgs calls "regime uncertainty," ended, and long rates fell.

by American banks. Those were not acts of "isolationism," but of a soft-headed internationalism.

In *The Bubble that Broke the World* (1932), Garrett's book about the credit bubble of the late 1920s, he wrote, "It had long been the darling theme of a few world minds among us that as a people we should learn to 'think internationally.' To 'think internationally,' if it had ever been defined, was a way of thinking not of ourselves alone, but of others too, as all belonging to one world."

It is this that Garrett stood solidly against, even as it rose up around him.

The two oceans had given America the option of going it alone. In Garrett's view, that was what it should do. America should mind its own business.

Mostly it had. But there was always the lure of the moral crusade. "People may think they do it for the good of mankind," he wrote in his last book, *The American Story* (1955). "In fact they do it with intent to change the world, to make it over more to their liking."

They had done it in the war against Spain. And they had done it again in World War I, the war to save the world for democracy. That war, Garrett wrote, had been "a total loss."

Then came the stirrings of World War II. In the April 8, 1939 *Saturday Evening Post*, Garrett observed "the steady onset of the idea that we shall have to save the world for democracy again . . . You can feel it . . . The American character is inhabited by a strong crusader spirit. Many voices, for different reasons, have been calling to it, and it responds."

Garrett didn't want to give weapons to the British. America needed them itself. America should get ready to fight Hitler, whatever the financial cost. But Garrett objected to starting the fight. In the September 7, 1940, editorial he wrote, "For all we think and feel about Hitler, he has not attacked us."

In the spring of 1939, Garrett wrote, the catch phrase of the war party was "all aid short of war." The United States should oppose Germany and Japan by measures greater than words but less than blows. That meant economic sanctions. And sanctions, wrote Garrett, "are measures of war."

News stories spoke of Roosevelt's policy toward war. "*His* policy." Garrett sniffed. "The President does not make the foreign policy of the United States. He has not that constitutional power. He can negotiate treaties, but he cannot make them; a treaty is not made until the Senate confirms it. He cannot declare war. Only Congress can do that. Nevertheless, he can, if he is so minded, provoke war. He can create situations and entanglements such as to make war inevitable. He can, as we have seen, condition the national mind to thoughts of war."

In September 1939, Germany and Russia began the war in Europe. In May 1940, Germany invaded France. Roosevelt declared a national emergency and, in June, 1940, issued an executive order to send military aid to England and France.

Garrett had recently become the *Post's* chief editorial writer. On June 10, 1940 (for the issue of July 13) he wrote, "The private citizen of a neutral country may sell arms and war material to a belligerent power . . . The government that does it is no longer neutral. It has taken part. It is, in fact, at war."

Garrett didn't want to give weapons to the British. America needed them itself. America should get ready to fight Hitler, whatever the financial cost. But Garrett objected to starting the fight. In the September 7, 1940, editorial he wrote, "For all we think and feel about Hitler, he has not attacked us."

In August 1940 Congress passed the conscription law.

The New Deal, said Garrett, was a "revolution within the form" of the Constitution. There is no such revolution underway today. The portion of gross domestic product taken by government has changed little since 1954. In Garrett's lifetime, it changed enormously.

Garrett reluctantly accepted it. In a September 24, 1940, editorial, he concluded, "In the extreme case, even freedom is subject to necessity, and one of its rights would be the right to conscript itself."

Garrett didn't accept the argument that a country that refuses to defend itself with volunteers is not worth defending. The American republic was worth defending, and in the kind of war being fought in 1940, conscription was unfortunately necessary. But Roosevelt's purposes went beyond necessity. The war party was embracing conscription with too much enthusiasm, without even trying voluntary enlistment first. "These and many other signs and omens, all clothed in the arguments of defense, were bound to produce forebodings that could hardly name themselves," Garrett wrote. There was the foreboding of "being dragged backward into war," and the greater foreboding that "in order to overcome the totalitarian principle, or not to overcome it, we shall have to surrender our liberties."

To Garrett, the nation's crucial choice was not about conscription, or even war as such, but about what to fight for. In the *Post*'s November 9, 1940, editorial, he observed, "The thought of fortifying America, instead of saving the world, may have been a selfish thought; yet we loved it. The dream of keeping a New World of our own may have belonged but to the youth of our destiny, yet we believed it. Say not it was impossible. An America strong enough to save the world was strong enough to stand alone."

In the December 14, 1940, editorial, he noted that in the last four weeks of the campaign between Franklin Roosevelt and Wendell Willkie, both had talked up peace: "It was very remarkable that a positive expression by either candidate against taking the country into war was sure to receive quick and prolonged applause . . . .The propaganda of the war party abated almost to the vanishing point." Yet the Washington correspondents predicted that when the elections were over, the war campaign would resume — which it did.

In January 1941, Roosevelt asked Congress for Lend-Lease, which virtually authorized him to give war material to

to countries at war. This law, Garrett wrote in a February 15, 1941, editorial, would give Roosevelt "power in his own discretion . . . to conduct undeclared war anywhere in the world" and to mobilize the nation behind him. "These are the standard powers of a dictator."

Lend-Lease became law on March 11, 1941. To Garrett, that was Congress's real declaration of war. In his May 24, 1941, editorial, he said flatly that the debate over intervention was over. "From the beginning we had been on the losing side of it," he wrote. "Not that the people were resolved to embrace the war. They were not. Walking straight toward it, they would not believe it. The directional signs were all reversed, reading, 'This way to stay out of the war,' and they believed the signs. Nothing was called by its right name."

Garrett wrote of the nature of imperialism: "What is the very essence of it? Absolutely, at last it turns out to be the power to kill." He would be appalled at how casually Americans accept their obligations to wield that power.

Whatever it was called, America was on a crusade. "The truth is that the only way now to avoid the shooting . . . is to repudiate the Government."

What were the implications of this war? In the editorial of March 29, 1941, he wrote, "From now on there is for us no foreign war. Any war anywhere in the world is our war, provided only there is an aggressor to be destroyed, a democracy to be saved or an area of freedom to be defended."

He wrote, "We do not yet know what that means." He noted that Hitler's invasion of the Soviet Union meant that the United States would now aid Stalin. America had changed. "It is a strange land," he wrote, "and if it is ours we are strangers in it" (*Post*, August 2, 1941).

He imagined what would happen if Germany were defeated and the Soviet Union became the paramount land power in Europe: "Having saved the world from Nazism, should we not be morally obliged to go on and save it from Bolshevism?" (*Post*, November 8, 1941).

Such a thought.

On December 7, 1941, came the attack on Pearl Harbor. The *Post* supported the war, as it said it would; furthermore, it would support the rest of the government's policy. On March 12, 1942, Garrett and the *Post*'s editor, Wesley Winans Stout, resigned. The war between the *Saturday Evening Post* and Roosevelt had ended. In a letter to Herbert Hoover, Garrett wrote that the *Post* "has lifted up her garments to the New Deal."

Garrett did not get a writing job during the war. He organized a Home Guard unit in Tuckahoe, N.J., and worked on a lathe in a factory. He wrote *A Time is Born* (1944), an update of *The Blue Wound*. One of his few published pieces was "The Mortification of History," published in Colonel Robert McCormick's *Chicago Tribune*, September 19, 1943.

In it, Garrett attacked the term "isolationism." Americans had never been isolationists, he argued. They were nationalists. They put their country first — most of the time. But they had an occasional internationalist itch.

> Deep in the American heart lies a longing for the heroic errand — the errand of the plumed knight . . . going forth to perform feats of crusade, rescue and deliverance, at any sacrifice whatever. But we are not like that in fact. We love the fantasy and sometimes indulge it to the point of ecstasy. Then just in time we remember that we do live in this world.

It was a lost hope. As he had postulated in 1941, the crusade against Nazism was followed by a crusade against Bolshevism. And, as with Nazism, the danger to America was real. Garrett did not argue that it was conjured up. But he preferred a response that looked much less like an American empire.

After the war, Garrett's friends in industry gave him an outlet as editor of *American Affairs*, the organ of the National Industrial Conference Board. His attention was focused on economics. He wrote about such Truman policies as aid to socialist Britain, the Marshall Plan, and support of the General Agreement on Tariffs and Trade (now the World Trade Organization). He was against all of them — and, it's worth noting, he misread the GATT, which he considered an instrument for planned trade.

It was later, in *The American Story*, that he penned his thoughts about Harry Truman, the man who made the American empire permanent. Garrett saw Truman as "a sudden, brittle little man . . . His notable qualities were quick pugnacity, valor of prejudice, heroic mediocrity and an easy way with the words yes and no. As Commander-in-Chief of the Armed Forces he could say: 'All right. Let them have the atomic bomb.' That decision seemed to involve him in no prayerful anxiety. He had no capacity for awe."

"A surplus measure of grain, a surplus pig, a surplus bolt of cloth, was regarded as a social calamity."

Truman "was not a Caesar, not a dictator, not a conscious demagogue, only a haberdasher . . . Nothing could ever have been more improbable than that under the leadership of a man like that the American nation was launched on a career of global empire."

Garrett summed up his case in "Rise of Empire" (1952), an essay that has been quoted by anti-imperialists of both the Right and the Left. He began it in his characteristic way:

> We have crossed the boundary that lies between Republic and Empire. If you ask when, the answer is that you cannot make a single stroke between day and night; the precise moment does not matter. There was no painted sign to say, "You are now entering Imperium." Yet it was a very old road and the voice of history was saying: "Whether you know it or not, the act of crossing may be irreversible." And now, not far ahead, is a sign that reads, "No U-turns."

He listed the signs of empire and checked them off, one by one: the dominance of the President over Congress, the subordination of domestic policy to foreign policy, and so

on. "War becomes an instrument of domestic policy," he wrote. "Among the control mechanisms on the government's panel board now is a dial marked *War*."

Another sign was a system of satellite nations. "We use that word only for nations that have been captured in the Russian orbit, with some inflection of contempt," he wrote. "We speak of our own satellites as allies and friends or as freedom-loving nations. Nevertheless, satellite is the right word. The meaning of it is the hired guard. When people say we have lost China, or that if we lose Europe it will be a disaster, what do they mean? How could we lose China or Europe, since they never belonged to us? What they mean is that we have lost or may lose a following of dependent people who act as an outer guard."

Garrett summed up, "The man who beats depression is in every case a pattern breaker who has in him the business passion . . . ."

Was this a voice of the Right? When I read these words in the late 1960s, I wasn't sure what to make of them. He didn't sound like Barry Goldwater. As Justin Raimondo wrote in *Reclaiming the American Right* (1990), there was no room on the American political spectrum for a man like Garrett "for as long as the Cold War lasted." Garrett's most enduring book, *The People's Pottage* (1953), which contains "The Revolution Was" and "Rise of Empire," was reissued in 1961 by the John Birch Society. It was quite a come-down from the *Saturday Evening Post*.

Garrett died in 1954. One wonders what he would say of today's world, and what today's world should say of him.

That world would certainly call him a pessimist. Even in his lifetime, his libertarian friend Rose Wilder Lane complained of his excessive gloom. All the reader of "The Revolution Was" could do, she wrote, was to "wail with Garet for the happy past that is no more and can never be again."

But some things return. When Asia fell into depression in 1997, the universal advice was to let prices fall, sweep away the dead capital, deregulate markets and let entrepreneurs act.

I recently asked a high economic official in the Clinton administration whether this was an admission that the New Deal had failed. He looked at me quizzically. Roosevelt was his hero, he said. The New Deal had created bank deposit insurance.

And the strategy of propping up prices?

"Policy errors."

Consider also the unions. Garrett was right about the effect Dave Beck would have on Seattle. Historian Roger Sale wrote in *Seattle: Past to Present* (1976), of Beck's no-chiseling policy: "This made labor costs high, rewarded existing businesses, but discouraged everyone else." Until the mid-1960s, the Seattle skyline looked like it did in 1929.

It doesn't now. Seattle's new companies — Microsoft, Starbucks, Amazon.com — are dynamic (and non-union). The city's economy, including its labor market, is as fluid as it has been in more than half a century. So is America. Culturally, we celebrate the entrepreneur in a way we have not since Garrett's youth.

Garrett celebrated dynamism. He wrote in *American Affairs*, April 1947: Life (is) inherently unstable. So are dynamism and progress unstable. 'Stability,' said Ford in one of his moments of inspiration, 'what is it? It is a dead fish floating downstream.' "

The New Deal, said Garrett, was a "revolution within the form" of the Constitution. There is no such revolution underway today. The portion of gross domestic product taken by government has changed little since 1954. In Garrett's lifetime, it grew enormously. Government has retreated from "the commanding heights" of industry. Yet the constitutional territory taken in the New Deal has not been relinquished.

Garrett, defender of the Old Republic, would say: You lost something in the 1930s that you never won back.

Psychologically, too, something crucial was lost. In *The American Story*, Garrett said of laissez faire: "Let the people be; let them make their own mistakes and absorb their own troubles. Few Americans now living have any idea how strong that conviction was." That conviction is still there, but is nowhere near universal.

And what of empire?

The Cold War is over. No longer do most young men expect to spend time in "the service." No longer is there an "ascendancy of the military mind." Conscription is gone.

But Empire is not gone.

Its defenders argue that the two oceans no longer protect the New World in the way they once did, and that its security interests now span the globe. To some extent, they are right. But to what extent? There is an American act of war just about every year — nasty little police actions, mostly, in which the dead are mainly foreigners. Wars without new controls and taxes. Wars without new war powers. But wars nonetheless.

The one enemy, blamable for all human distress, for unemployment, for low wages, for depression in agriculture, for want in the midst of plenty — who was he? The money-changer in the temple.

In his final book, Garrett wrote of the nature of imperialism: "What is the very essence of it? Absolutely, at last it turns out to be the power to kill." He would be appalled at how casually Americans accept their obligations to wield that power.

I think he would have liked the impeachment, though. It was messy, it was over the wrong issue, and it failed. But it was republican. America dusted off a piece of the Constitution that hadn't been used in over a century, and used it on the President.

Other parts of the Constitution could be dusted off, if Americans desired it. Garrett's bitter recounting of the "revolution within the form" is a reminder that the form is still there. ⌋

McWilliams, "May It Please the Court," *from page 19*

head to which you have legitimate access. (Your business stationery is better than your personal stationery, for example, unless your company is Bongs 'R Us.) If you don't have stationery, you can create a letterhead on any word processor in about two minutes.

Please address the letters to: "The Honorable George H. King" and begin the letter: "Dear Judge King." But mail the letters *to me* at: Peter McWilliams, 8165 Mannix Drive, Los Angeles, California, 90046.

If you know you're probably not going to get around to writing a letter, and I know just how you feel — I don't know where to find an envelope any more, much less a stamp — please send a fax (signed, on letterhead stationery, if possible, but if not, that's fine) to: 323-650-1541.

If you think you might not get around to sending a fax, please send an e-mail. Please write at the bottom of the e-mail "You have my permission to reformat this letter, edit it, print it, and sign my name at the bottom."

Your name will be signed for you, next to which will be the initials of the person signing it. Please include your complete mailing address. The e-mail address is peter@mcwilliams.com

Finally, please circulate this request as widely as you can — post it on bulletin boards, send it to receptive people on your e-mail list, send it out in newsletters. Kindly use your creativity, but, please, no spamming.

If you cannot post the entire missive, the online address of this request is www.petertrial.com/letters.htm.

Thank you from the bottom of my weary but very grateful heart. — Peter McWilliams

Wood, "Toward a Genetic Utopia," *from page 28*

futures than does a federal government. On some key issues the government should simply stop its present intervention. For example, government could end, or at least radically curtail, patent protection for discovered or modified genes. Whether such patenting does more to aid valuable research by giving it incentives or to retard it by limiting the use of new technology is a complex issue. In any case, there is nothing in our social or political system which would justify this key to massive exploitation of the genes of living things, including humans. The whole idea of "patenting life" was initially rejected by relevant government agencies and lower courts. It was finally upheld, in the instance of a patent for a genetically engineered microbe to combat oil spills, by a narrow five-four decision of the Supreme Court.

Governments at all levels could end measures to saturate with computer technology schools which can't really afford it, or can pay for it only by curtailing other aspects of schooling. Conditioning people to depend on one medium is to deny them balanced opportunity to select their own blend of media, sources, and modes of thinking. Yet such conditioning is precisely what is sought by policies that exalt cybernetic technology in public schools.

Some issues call for government intervention. Perhaps the most important is a ban on altering human germ-line cells. Objections to such engineering are based on the inherent dignity of the human species as well as the dangerous arrogance of attempting to control its evolution. Most catastrophic congenital illnesses can be eliminated by the much less drastic process of embryo selection.

On a personal note: I have on several occasions found myself, cash in hand, waiting behind someone using the "convenience" of a credit card to pay for a three or four dollar purchase. Such events, trivial in themselves, reinforce my suspicion that many so-called conveniences provided by the new technologies don't actually make life any more convenient. On a deeper level, I wonder in what other ways the committed credit card devotee trades off privacy and personal space and time in exchange for electronic convenience. Is this person also, via cell phone and Internet, constantly linked into the electronic nervous system of Metaman? Existence in a constant, electronically-mediated "now" no doubt increases people's efficiency in moving ahead. But moving ahead *where*? Silver, Shock, Negroponte, and others have answers. But I really don't want to go there. ❑

Shaw & Pearson, "Nutrition Cops," *from page 30*

Amendment does not permit the FDA to prohibit communication of truthful information on this basis.

"Products intended to treat or prevent disease are subject to regulations as drugs unless they qualify for an authorized health claim," the FDA concludes, contrary to both statute and court rulings. The FDA just doesn't get it.

In our judgment, the FDA will eventually lose its battle to restrict free speech rights on dietary supplement labels and advertising. The agency will also lose its battle to control market availability of dietary supplements. Continuing its legal struggle using poorly reasoned arguments only reveals its arrogance, its contempt for the constitutional rights of Americans, and the lengths it will go to retain — even temporarily — its illegal power. It only hastens the day when Congress will withdraw even more authority and reduce its funding further.

"Health" and "safety" are key buzzwords that the state uses to manipulate and expand its power over an unwitting populace. The FDA currently has more power than any other agency with a mission of protecting the public health and safety. The fall of the FDA and the opening up of freedom of choice in medicine could have a major impact upon the public's scrutiny of other agencies — such as OSHA and the EPA — that claim to protect public health and safety, particularly when the agency makes coercive decisions in areas where individuals can make their own choices to improve their own health and safety, like the recent OSHA attempt to regulate safety in home offices.

It is fascinating to see how the explosion of information availability is leading to irresistible pressure for greater access to products based on that information. Maybe — just maybe — we do have a chance for much greater freedom in our lifetimes. ❑

Memoir

I Was a Peace Corps Dropout

by Andrea Gregovich

Joining the Peace Corps seemed like a good idea at the time.

For as long as I can remember, the Peace Corps marketing department has been sneaking its mantra into my subconscious: "It's the toughest job you'll ever love." For some reason, I thought they must know what was good for people like me.

I was the sort of college student who refused to think about the future. I did what felt good: I majored in Russian and creative writing, spun CDs at my college radio station, and worked crummy jobs over the summers. I had no focus or experience that would launch me into the fun and exciting career that I figured I'd have after college. So when I came across a Peace Corps application at the career center, the wheels started spinning in my brain.

If I join the Peace Corps, I thought, I can travel the world! I can put an amazing blurb on my resume that will boost my career to new heights, and I will be helping save the world, to boot. I would have a great job in an exotic locale, where my life would instantly become cinematic and poignant.

How could I go wrong?

So after an intensive application process, Peace Corps offered me a spot as a trainee in their English teaching program in Ukraine, and I signed up without thinking twice.

My romantic ideas faded less than an hour after arriving in the capital city of Kiev when I discovered the nearest ladies room to be a hole in the ground. Reality hit me — Ukraine was going to be rough and raw, not exotic.

Ukraine is bleak. Dealing with the Chernobyl nuclear disaster requires an ominous portion of the national budget, and the unstable reactor under its cracking sarcophagus remains a serious health hazard. Big stretches of rich Ukrainian land were ravaged over the years by heavy industry and Soviet carelessness.

Ukrainians spent most of their existence under the cruel and oppressive rule of the Mongols, Poland, Lithuania, and finally Russia and the Soviet Union. So in 1991, when the Soviet Union collapsed and Ukraine suddenly found itself independent, the people lacked any experience with self-government and were not remotely prepared to deal with the free market and democratic ideas that were pouring in from the West. The economic situation is desperate, too, with staggering international debts and a reputation as one of the most corrupt and riskiest investment climates in the world.

It is also a complicated place to be an American woman. Ukrainians appear more or less Western — they have light skin, wear pants and skirts, shop in department stores, and watch *"The X Files"*. But the subtle differences make most Americans in Ukraine stand out like freaks. The Ukrainian concept of fashion and beauty keeps women in high heels, sexy short skirts, and heavily applied make-up. They're comfortable in this get-up, and can't fathom why American women might prefer to wear jeans, a sweatshirt, and hiking boots in public. And a Ukrainian woman's place is definitely in the kitchen. Women aren't supposed to look men in the eye or shake their hands, and they're generally supposed to respect them as the authority.

I wasn't even supposed to be seen in public with my coat unzipped because — I'm not making this up— if I was so warm I needed my coat open, I must have been all sexed up and looking for trouble. Otherwise why wouldn't I want to be as warm as possible? I was a happily single 22 year old in a culture where unmarried women my age were regarded with suspicion and I knew what Thomas Pynchon was talking about when he described a despair you feel when you are sexually irrelevant to everyone around you.

Ukrainians like to think of themselves as modern Europeans. I think it would have been easier to be sent to an

African village where everyone had a mud hut and wore loin cloths. At least I would have known exactly where I stood.

But as days turned into weeks, things got easier. I didn't mind peeing in weird toilets anymore. I got used to open manholes, packs of stray dogs roaming the alleys, and shoving myself between two old men on a trolley so crowded that the doors behind me couldn't close. I dealt fine with frequent outages of electricity and water, and I began not to care that men leered at me wherever I went.

There were things, too, that I loved about Ukraine. I lived with a family who treated me like one of their own. I could buy a fantastic loaf of fresh bread on almost any street corner for less than fifty cents. Traditional Ukrainian food was delicious, from the borsch to the little dumplings called vareniki. And I did get a thrill from the Dostoyevskian images I experienced — the dark figures huddled in shabby, dim-lit corridors, the accordion player in the subway who seemed to read my mind with his morose and beautiful tune, and the mysterious woman in a bus station who grabbed my hand and promised that I would meet my husband within the next two months.

As training wore on, I began to realize that I hadn't known what I was getting into. I naively took the word "volunteer" to mean that I would have some kind of veto power in what I was doing. But the only voluntary part of Peace Corps was signing up. Beyond that, there was a rigorous training schedule, job placement, secondary project requirements, quarterly reports, and mandatory in-service training. And there were rules about travel, voicing political opinions and making public statements.

For all this, I would receive free housing, an American standard of medical care, and a stipend that worked out to something like $2,000 a year. That sounds meager, but it was more than four times what average Ukrainian teachers made in a year, and they had rent and family and other expenses that I didn't have. Besides, I was being granted a unique cultural learning opportunity.

The Peace Corps calls itself an apolitical organization, but I felt more like a political pawn than a development worker.

My romantic ideas faded less than an hour after arriving in the capital city of Kiev, when I discovered the nearest ladies' room to be a hole in the ground.

Language was a controversial issue: Ukrainian was made the national language in 1991, but most of its people still prefer to speak Russian. Our language teachers told us the situation was shameful — people were forced to speak Russian under Soviet rule and were now too lazy to relearn their own language. It would do them good, they said, to hear Americans speaking Ukrainian better than they could. This may have been true, but it seemed to contradict the notion that the Peace Corps was there to promote crucial sustainable development, not to embarrass people about their linguistic inabilities. I spoke Russian comfortably, and I wanted to learn Ukrainian, too. But even though the two languages are quite similar, the teachers frowned and scoffed when I tried to grasp Ukrainian grammatical structures by comparing them to Russian ones, and they snapped at me when I accidentally said Russian words in Ukrainian class. Eventually I gave up and spoke Russian defiantly. It was one of the only civilly disobedient things I could do.

I questioned other issues that came up in training, like when we discussed how to cope if we sensed we weren't wanted at our job placement. I was stunned — why would the Peace Corps stick me somewhere I wasn't wanted? We were supposed to be teaching practical English (as opposed to the very bookish English they knew from their Soviet textbooks) to give them the tools to understand Western literature and ideas. But that came very close to being a political motive for me as well. And when I heard one of my Peace Corps colleagues say she was teaching her class the Pledge of Allegiance, I wondered if things weren't going awry.

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Peace Corps literature lauded the powerful impact you can make when you live and work among the natives, no matter how successful you are at completing your mission. But I felt more like a show pony. I knew I was a nice cultural exchange for the university I was assigned, but not a dire need.They wanted an expert American teacher to be proud of, and my being an American was more important than my accomplishments or abilities.

And not only was I far from being an expert, I was only a few years older than the students I was to teach. And when I happened to mention to a Peace Corps administrator that I would be working at a university with only a bachelor's degree, he said, "Don't worry, just tell them you are working on your Ph.D." My assigned university wanted me to teach English literature classes, and I and to wonder: is this really a need? Or is it more of a want? I suspected the latter, in which case, I didn't think American taxpayers should be paying my salary and expenses.

The Peace Corps would have answered that the school would assign me what they thought was needed, and it was up to me to assess their true needs and develop my own projects, using my assignment as a platform. But how could I decide what was best for them, and still work and live humbly among them? I found myself trapped in an corner, with no idea how to rationalize my way out. The Peace Corps office was staffed mostly by Ukrainians, who ran things with a lingering Soviet mentality — trust the system to decide what's best for the common good, and be grateful for what you are given. They were no help.

Other volunteers said I'd get used to working for a government organization. They told me that I could easily

become a ghost in the Peace Corps bureaucracy, which had to keep track of more than 100 volunteers spread across a country the size of Texas. If I was slick and kept to myself, nobody would notice if I went to Poland for a few days without permission, or didn't complete the required secondary projects I proposed. But I have always felt much better living under a reasonable set of rules that I can follow with a good conscience.

They also told me that Ukrainian ethics and values would start to wear into my psyche, and that I would have an easier time assimilating if I just stopped questioning everything. But this was far more serious to me than remembering to zip up my coat all the time or peeing in a hole in the ground. I valued my free-thinking and individualism more than anything else, and the thought of letting them lapse to adapt to a country I didn't even like that much was something that kept me awake at night.

The evening after our swearing-in ceremony, I sat in my hotel room while the rest of my training group was partying in the restaurant downstairs. I was in over my head, and I didn't even believe in the cause.

I tried to call my mom that night for a second opinion, but I couldn't find a phone that would let me dial out of the country. So I told myself I would give things a try and headed off the next morning to the town of Chernigiv, where I was supposed to live and work for two years.

Chernigiv is about 70 kilometers east of Chernobyl. The State Department had warned us not to eat any Ukrainian mushrooms or berries, which, I guess, were setting off Geiger counters, so I was a bit concerned about being so close to the site of history's worst nuclear accident. But the Peace Corps assured me that the prevailing winds had blown all radioactivity in the opposite direction, so I put my worries to the back of my mind.

I spent about two weeks as the only American in this lovely historical city, hiding my internal conflict from my very welcoming hosts and spending most of my time sulking in the two room apartment they had arranged for me that, despite its patchy heat, electricity, and hot water, was quite adequate by Ukrainian standards.

But none of this made me feel any better. I packed up my bags one night when I felt particularly disgruntled, and early the next morning I found a taxi to help me lug them to the bus station, where I climbed on the next bus for Kiev.

Over the next two weeks, I sucked down a lot of government-issue Pepto Bismol. There was a whole new batch of paperwork to deal with, and I had to come out of the closet and tell everyone I was bailing out. Since Ukrainian currency can't be exchanged, I started handing out my leftover grivnas to beggars and street musicians, figuring that doing something to stimulate the economy, if even minutely, was the least I could do. And my Peace Corps director made me return to Chernigiv to say goodbye, since I had left so abruptly. This makes perfect diplomatic sense to me now, but at the time I had no idea how to act. I was cold and distant, and told them I had problems in America that I had to attend to. I thought that if I was honest with them, they would find a way to talk me out of leaving.

In some ways, I felt like I left without giving the whole thing a fair chance. I was in the textbook depths of culture shock, which usually gets better with time. And I couldn't decide which option was more detrimental to my conscience — leaving Ukraine when I did, or staying to do something productive with the thousands of government dollars it took to transport, feed, and train me there. I also felt extra guilty for blowing off the teachers in Chernigiv, after they had been so kind to me. I felt stigmatized, and I feared nobody would ever want to hire me in the States after I'd quit the Peace Corps.

But most of the other volunteers understood. A few of them even said I was brave to quit. And I wasn't the first or the last to quit the Peace Corps. Worldwide, about 29% of volunteers leave the Peace Corps before completing their two years of service.

I questioned other issues that came up in training, like when we discussed how to cope if we sensed we weren't wanted at our job placement. I was stunned — why would the Peace Corps stick me somewhere I wasn't wanted?

Eight months after my return to the States, I got the terrible news that the next volunteer they placed in Chernigiv was murdered soon after moving into his apartment — stabbed once, with no sign of robbery or forced entry. This made me wonder if my extreme need to leave was a little psychic, like something on *Unsolved Mysteries:* woman has a breakdown in the airport terminal and refuses to get on her plane. That very plane breaks up in the sky, killing all three hundred passengers.

Maybe I'm having romantic ideas again.

Two years later, I'm still not sure how I feel about Peace Corps as an organization. But there is one thing I can say for certain. "It's the toughest job you'll ever love" is a slogan, not a promise. ⌋

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Rejoinder

The Truth About Hillsdale

by Gary Wolfram

In the February *Liberty*, an anonymous alumnus reported that a lot more was wrong at Hillsdale College than the incest-suicide scandal that was making headlines. A distinguished member of Hillsdale's faculty offers a different perspective.

I was greatly disappointed by the article, "Is It True What They Say About Hillsdale College?" The accurate pieces of the article, like the fact that Hillsdale College is consistently rated by national publications as one of the best liberal arts colleges in the country, can be verified through independent sources. But the majority of the story consists of rumor and innuendo, and is filled with statements that clearly cannot be true. Take, for example, the statement that "half of the students are afraid of the school — the others have no objection to authoritarianism." This is simply ludicrous. How could a college survive, much less thrive, if 600 of its 1,200 students were in fear of it?

Nearly every statement in the article, aside from the first page documenting Hillsdale's court case regarding its independence and federal funding, is rumor or the author's supposition. The anonymous author acknowledges this. He writes of the pervasiveness of rumors but seems to be too lazy to find evidence to deny or confirm them. He writes: "Of course, this too, is merely a rumor," and "Another rumor told of the student who," and "Rumor has it that the school is . . ."

Anonymous makes blanket statements with no facts. Take for example his assertion that "Many professors speak to reporters only on condition of anonymity." This is a complete falsehood. I have been an economics professor at Hillsdale College since 1989. During that time I have taken one leave of absence to serve as Deputy State Treasurer for the State of Michigan and one to serve as Chief of Staff to Congressman Nick Smith. I am president of my own consulting firm and have written numerous articles for clients, held dozens of press conferences and published opinions in the *Detroit News*, *Detroit Free Press* and several other local and national papers. Never once have I been spoken to about this by the college's administration, other than in positive terms. Even when a colleague of mine and I published a piece as part of my consulting work that went against the interests of one of the college's donors, we heard not a word from the administration.

The Business of Hillsdale

What Anonymous feels he has discovered is merely what occurs in every business in America. There will always be employees who feel that "the boss is out to get me." To find that, among a faculty of more than 80, there are one or two who feel persecuted is not surprising. What is surprising is that anyone would try to imply that all or a majority of employees feel that way.

Anonymous asserts that the Christian Right rules the College. I have published several letters, the latest just last week in the *Detroit News*, discussing the advantages of casino gaming. How is it that I am able to be so public in support of casino gaming, as well as to teach in my classes the follies of the government's drug war, without one complaint in eleven years? Indeed, I recently participated in an on-campus debate where I took the position that the government should decriminalize drugs and received the greatest applause of all the panelists.

Anonymous seems simply to be irritated that he or she was not allowed to use college funds to express his rumors and allegations in the college newspaper. He lacks a fundamental understanding of how private higher education works. Hillsdale College is not Camelot. It is a firm that must compete for customers and sell a product. That product is classical liberal arts education. It produces as good a product as any other higher education institution in the country. Students are not forced to go to Hillsdale, nor are they subsidized by the

federal government to go there. Hillsdale must protect its image in the same way that Nike, Pepsi, General Motors, or Disney must. Nike does not provide its employees with a company newsletter to publish allegations that Nike's product is not as the commercials say it is.

The college newspaper, the *Collegian*, is not paid for with taxpayer dollars. It is a private paper that is part of the college. The college does not and cannot censor anything in the student newspaper. It edits it. Governments can censor newspapers. If you are a reporter for the *Washington Post* and the editor doesn't like your story, the story doesn't get published. That is the job of the editor. It would be ridiculous for the college administration to allow students to print articles that did damage to the college's reputation. If these rumors that *Liberty* magazine allowed Anonymous to spread had been factual, they would have appeared in the local newspaper, the *Hillsdale Daily News*. For example, take Anonymous' statement about "one of the rumors told of a student having been raped." This was not covered in the *Hillsdale Daily News*, nor is there a police record of it. Does Anonymous believe that the entire Hillsdale County judicial system is afraid of Hillsdale College's administration? I am a personal friend of the county prosecutor, the district court judge and the circuit court judge, and I can assure Anonymous that this is not the case.

As for Mark Nehls, he was a student of mine. Mark came into my office and asked my opinion about starting a newspaper that would publish allegations and rumors about things that were going on in the administration and on campus. I told him that Hillsdale College is a business and businesses take care of problems internally and that the line of communication was directly open. Mark could have arranged to speak with any member of the college administration at any time. He could have asked me or any other of his instructors to speak to the president, or any of the trustees for that matter. At least four members of the board of trustees live locally, attend seminars and sporting events on campus and are quite available. Unfortunately, Mr. Nehls was more interested in making noise than he was about solving problems, and that is probably not unusual for an undergraduate. But there is no reason the college should have assisted him or encouraged him.

Hillsdale College is not Camelot. It is a firm that must compete for customers and sell a product. That product is classical liberal arts education.

The Tau Kappa Epsilon fraternity was not, as implied by Anonymous, simply a group of well-meaning fraternity members falsely accused of malicious destruction of property. There is ample evidence that the TEAKS, as they were called, had a history of unsettled conduct. When the fraternity lost its charter, the house was in such disrepair that the cost of rehabbing it was not worth the property's value as a parking lot. Anyone wishing to dispute this can ask the fraternity's faculty advisor.

All we know of the author is that he knew Lissa Roche, something the author claims in the first paragraph and then never connects with the rest of the story. I also knew Lissa Roche, and I suspect for a good deal longer time than Anonymous did. I am sure that Lissa would agree with me that the *Collegian* is not like a taxpayer-funded student newspaper and needn't allow a forum for every rumor that comes down the pike.

Anonymous claims, "Dorm rooms are subject to search at any time without notice, and searches are frequent, usually at night." I have trained with the cross country and track team here at Hillsdale for eleven years. I have served as faculty advisor to several student organizations. During this time I have learned of many things about student life, ranging from what girlfriends are doing, to what parents are doing, to which professors are boring. I have never heard one student complain of his room being searched. Anonymous does not provide the name of one student or provide evidence of one incident of a dorm room being searched. Anyone who has rented an apartment is aware that most leases provide for unannounced searches by landlords. Landlords put such

It would be ridiculous for a college administration to allow students to print articles that did damage to the college's reputation.

continued on page 51

How Hillsdale Obtained the Mises Library

Anonymous made one factual error in "Is It True What They Say About Hillsdale?" (February). His claim that "Ludwig von Mises had been so taken by the place that his wife left his personal library to the school" is simply not true. Neither Ludwig nor his wife Margit bequeathed his library to Hillsdale; the college paid for it!

Mises had known George Roche when George was Director of Seminars at the Foundation for Economic Education but to the best of my knowledge he never visited Hillsdale himself.

Mrs. Mises had been concerned for some time about what would happen to Mises' books when he died, but Mises wouldn't discuss the subject. On her own, she put out feelers through Professor Israel Kirzner at New York University and with several Austrian universities. She wanted money for the books. And she asked also that they be kept together as a unit. To this NYU would not agree, although I believe they would have taken the books as a gift. The University of Innsbruck, where Böhm-Bawerk had taught, wanted them and was willing to set aside a room as a memorial to Mises. The only comment Mises had to this was that he preferred that the books stay in the United States.

After Mises died, Mrs. Mises *sold* the Mises library to Hillsdale for $25,000. It is my understanding that George Roche collected $25,000 from two separate donors, each of whom was led to believe that it was his donation that made the purchase possible.

After the sale, I believe Mrs. Mises donated Mises' desk to the college. —Bettina Bien Greaves

Argument

The Thought Police Discover Orwell's Diary

by David Ramsay Steele

The author of *Animal Farm* and *Nineteen Eighty-Four* had his peculiarities, but he was not an anti-Semitic, homophobic imperialist.

Orwell once wrote in a letter that "by my own experience it is almost impossible to mention Jews in print, either favorably or unfavorably, without getting into trouble." [1]

In his lifetime Orwell mainly got into trouble from anti-Semites for his numerous writings defending Jews and attacking anti-Semitism, but 50 years later he's catching it from Martin Tyrrell, who continues to defend the assertion (*Liberty*, March 2000) that George Orwell "was capable of the crassest anti-Semitism."

Publicly, Orwell was strongly opposed to anti-Semitism.[2] He enjoyed friendly relations with a number of people of Jewish background (Tosco Fyvel, A.J. Ayer, Arthur Koestler, Fredric Warburg, to name but a few). Orwell called for lifting restrictions on immigration of Jews into Britain. He greatly admired Chaplin's movie *The Great Dictator*. His original outline for *Nineteen Eighty-Four*, written in 1943, had the horrific ruling party, Ingsoc, as explicitly anti-Semitic.[3] He wrote a couple of lengthy analyses of anti-Semitism, one of them for a Jewish journal, and often made derogatory passing remarks about anti-Semitism.[4]

Tyrrell seems to acknowledge that Orwell was not anti-Semitic by the end of the war; the charge becomes narrowed to Orwell's attitude early in the war [5], and arises from a diary entry in the context of the influx of Jewish refugees into London. Orwell was concerned about the possible growth of anti-Semitism in response to this influx. He was also, under wartime censorship, anxious to check both official propaganda and unofficial rumor against his own observation, wherever that was feasible. [6]

Tyrrell's exhibit is Orwell's remark "What is bad about Jews is that they are not only conspicuous, but go out of their way to make themselves so." Tyrrell insists that this is a universal statement applying to all Jews at all times and places. I say it is a response to the influx of new, non-English-speaking arrivals in London, and that what is "bad" about it, in Orwell's opinion, is that it tends to provoke anti-Jewish feelings in the native population. [7]

This is a sentence in a diary that has many clipped sentences, and the most likely meaning is "What is bad about these Jews." (The sentence two before this lacks a subject. The sentence immediately before it lacks a true finite verb. The sentence two later lacks an article where one is needed.)

It doesn't look too promising for Tyrrell's interpretation that the very portion of this diary entry he chooses to quote shows that what Orwell is saying of these recent Jewish arrivals from the continent applies to "almost any central European," and that the incident of the Jewess fighting her way off a train "took me back to the old days on the Paris Métro" — continentals again, rather than specifically Jews. [8]

In the same diary entry [9], Orwell passes quickly from the behavior of Jews in the air raids to the behavior of all "foreigners" in the same air raids, in a way that shows him almost equating them (most of the obvious newly-arrived foreigners in London at that time were indeed Jews).

Tyrrell makes various remarks about Orwell's methods of observation. I think what he's trying to insinuate is that Orwell couldn't tell who was Jewish and who wasn't. Speaking a central European language, not knowing English [10], gesticulating a lot, wearing clothing more typical of central Europe than of London, having characteristically Jewish physiognomy and coloring, would all be indications, though not of course conclusive in every individual case. Orwell may well have checked his impressions by engaging people in conversation, and he was candidly a bit tentative ("I think") on this very point.

And let's not forget, in scrutinizing the minutiae of this

diary entry, that Orwell's main conclusion was simply that the people sheltering in the subway were *not* all Jews and by implication not predominantly Jews. Orwell was refuting by his own observation the (arguably "anti-Semitic") tale related by his unnamed acquaintance.

Ordinary English working-class and lower-middle-class people in those days were typically gentle and well-behaved when engaged in such pastimes as queuing for a bus.[11] They would never push; they would always wait their turn. In many parts of continental Europe, the custom was for such matters to be adjudicated by shoving, or lashing out with one's fists or with any hard object one might be carrying. When an isolated individual came over from Europe and behaved according to his native mores, he would be directed to the back of the queue, and if he had boarded the bus, it would be stopped until he left it. He would be treated like a misbehaving child and told: "This is England."

But when thousands of such continentals, who were mostly Jews, came over at the beginning of the war, this system of informal policing broke down for a while, and some resentment was caused among the native English. Hostility to the war, hostility to the government, and hostility to the Jews were strongly associated.

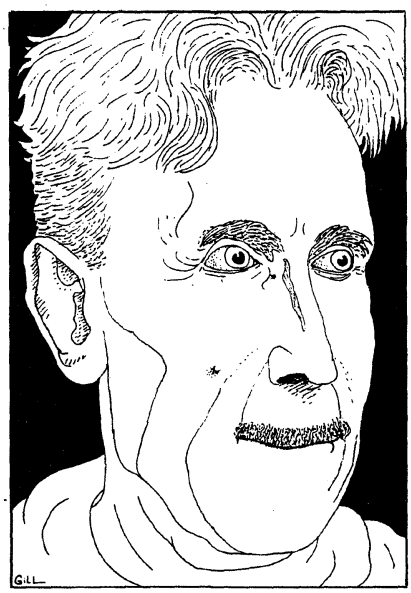

Orwell's Support for the War

Before war was declared in September 1939, Orwell had switched from being an opponent of the coming war to being one of its strongest supporters. It was common at this time for intellectuals who began with a general expectation that any war would be an indefensible "imperialist" conflict like that of 1914–18 to painfully come round to the view that this war was different and would have to be supported.

We would not find Orwell's change of view unusual or puzzling except for his later recollection that he had changed his mind because of a dream. Orwell recalled that he had awakened from a dream on the morning when the Nazi-Soviet alliance was announced, determined to help defend his country if war came. He inferred from this dream-prompted change of heart that it must have been the result of his early indoctrination with patriotism.

My guess is that Orwell's switch was not as sudden or as linear as Orwell's reminiscent account makes it appear. I conjecture that there was a long period in which Orwell was wrestling with doubts about his antiwar position, while hearing the news of Germany's alarming territorial gains, and reading the growing literature on "totalitarianism," which depicted National Socialism as a revolutionary new anticapitalist ideology akin to Russian Communism.

Once he had definitively made the transition, Orwell looked back on his own complicated inner struggle and saw the dream as a turning point. Perhaps it was, but if so, it must have been the precipitating factor in resolving a dilemma which had been troubling him intermittently for years.

Martin Tyrrell mentions one feature of Orwell's antiwar arguments: the claim that "fascism" was simply a form of capitalism. This was the characteristic stance of the antiwar leftist. Antiwar leftists typically denied that the Hitler regime was very different from the British and American regimes, and insofar as they acknowledged some difference, predicted that the British and American governments would soon become just as bad. By contrast, pro-war leftists held that National Socialism was radically different from, and much worse than, the democracies.

After he had become pro-war, Orwell vehemently maintained that the National Socialist regime was anticapitalist, revolutionary, even "socialist."[12] He constantly flailed the "pacifists" (mostly antiwar leftists of exactly the type he had earlier been) for denying that Germany was a much more repressive regime than Britain. It's likely that the accumulating information on Nazi Germany which Orwell read before the war helped make up his mind to support the war. Space doesn't permit extensive discussion here but in *Homage to Catalonia* (1938), for instance, Orwell contended that the triumph of "fascism" (by which term he most often meant mainly National Socialism) might lead to "centuries of semi-slavery,"[13] a view which sits uneasily with his antiwar argument of that period that Naziism was "just capitalism." There were other factors as well, notably Orwell's new awareness that he didn't have to choose between patriotism and revolutionary socialism.

Orwell's Anti-Imperialism

Like nearly all leftists at the time, Orwell held 1. that socialism would raise British living standards; and 2. that giving up the colonies would lower British living standards. (He did not argue that socialism would tend to lower living standards for any reason other than that it would be accompanied by decolonization.) For some years, he adhered to both these positions without raising the question of what the net outcome would be if both socialist revolution and decolonization occurred simultaneously in the near future.

Eventually, Orwell did try to assess the combined effect of the interaction of these two factors; he decided that there would be reduced living standards for some years, "At best . . . a long and uncomfortable reconstruction period," before socialism could raise output sufficiently to compensate for the loss of colonies. The British worker "may ultimately decide that it is better to remain an imperial power . . ."[14] This outlook was based on the left's wildly incorrect economic analysis, but Orwell was unusually thoughtful and consistent in developing that analysis — just the opposite of the sloppy thinker described by Tyrrell.

Tyrrell calls Orwell a "grudging" rather than a "committed" supporter of Indian independence. His first novel, *Burmese Days*, is fiercely anti-imperialist [15], and he maintained this stance for the rest of his life. He was always raising the issue of imperialism in a militant manner. For example, his main criticism of Gandhi was that Gandhi's non-violent tactics were ineffective and played into the hands of the British.

Tyrrell may believe that Britain should have made peace with the Axis, rather than continue to fight the war. But given that Orwell did support Britain's waging of war (which involved capturing some territory Britain obviously had no intention of holding onto after the war), it made no military sense for the British to just pull out of India and, in effect, give this strategic plum to Japan (although in the event of Britain's doing anything so nutty, the U.S. would doubtless have seized India to prevent the Japanese from walking in). As soon as the war was over, people in London who thought like Orwell on this issue set in train the process by which India got its full and effective independence within a couple of years. (About a million people died in Hindu-Muslim violence, in part because of the clumsy haste with which the Labour government terminated British rule of India.)

The only episode which may be considered a lapse from extremely militant anti-imperialism was Orwell's proposal that the countries of the British empire form a federated political entity. [16] This was written at the time when Orwell was most under the influence of the mistaken notion, disseminated by James Burnham, that small or industrially weak nation-states could no longer survive as independent entities. Even here, Orwell makes clear that under his proposal, the colonies would be offered their independence and asked to voluntarily join such a federation, with "the unconditional right to secede."

Other Issues

Tyrrell is right that Trotsky's influence on Orwell is much over-rated by Newsinger (in his book, *Orwell's Politics*), while Hayek's influence is neglected in the Orwell literature. However, the latter is slight. Orwell was impressed by *The Road to Serfdom*, but not a single element in *Nineteen Eighty-Four* can definitely be attributed to Hayek's influence, whereas many elements can confidently be attributed to other writers (and, of course, Orwell outlined the story before he read Hayek). *The Road to Serfdom* and *Nineteen Eighty-Four* have a lot in common because they reflect the same influences: the writings on totalitarianism which began to appear in the mid-1930s.

Orwell once wrote in a letter that "by my own experience it is almost impossible to mention Jews in print, either favorably or unfavorably, without getting into trouble."

Tyrrell may have misunderstood my point about Orwell and the "totalitarian economy." Sad to say, Orwell never did "move away" from support for a centralized economy, but he would not have praised this as "totalitarian." Orwell maintained that it was possible and desirable to achieve a centrally planned economy without totalitarianism, though he considered totalitarianism a likely "perversion" of a centralized economy. The main, but not the only, reason he took this view was that he believed a centralized economy, totalitarian or not, was inescapable.

I don't know whether Orwell would have come up with "an interesting new political position," but he rarely did so (as opposed to giving interesting new arguments for existing political positions). I don't think this means he was a spent force politically. But if Tyrrell is thinking of actual policy formulations, I think that is a very minor aspect of Orwell's importance. Tyrrell mentions that Orwell left "no substantial work in progress." That was because he was so desperately ill in the final months of his life; the hospital even took away his typewriter as part of its discouragement of his writing.

Tyrrell talks about tough Cold War choices, but Orwell did maintain a firm line on the necessity for Britain to side with the U.S. against the Soviet Union in the Cold War. [17] Again, Tyrrell may not like Orwell's decision here, but it was clear, it was "tough," and it was the solid position of the Labour Party.

True, Orwell is "claimed by many different political positions as someone who would, in the longer term, have joined them," but (contrary to Tyrrell) he doesn't owe his reputation to this phenomenon. Rather, the phenomenon exists because of Orwell's reputation, which derives from the unparalleled power of his writings.

Orwell decided that there would be reduced living standards for some years, before socialism could raise output sufficiently to compensate for the loss of colonies.

The Communist Parties, who ruled about a third of the world for 40 years after Orwell's death, were an exception: they never claimed Orwell as anything but an enemy. Probably, as it turned out, he was their most effective single enemy. If *Animal Farm* and *Nineteen Eighty-Four* had not achieved such extraordinary success, the Soviet Union might still be with us today, and if we ever came across the name "George Orwell," it would signify only an obscure, pathologically morbid anti-Communist pamphleteer. ❑

Notes:

1. CEJL III, p. 105. (References are to the four-volume *Collected Essays, Journalism, and Letters* of George Orwell.) 2. CEJL III, pp. 85, 199. 3. Bernard Crick, George Orwell: A Life (Boston: Little, Brown, 1980), pp. 408–09. 4. For example, anent Ezra Pound: "Antisemitism . . . is simply not the doctrine of a grown-up person" (CEJL III, p. 85). 5. There are other aspects of Orwell and anti-Semitism which I will not pursue here, since Tyrrell doesn't raise them, notably Orwell's argument, offered in defense of T.S. Eliot, that some statements about Jews might be regarded as unexceptionable if made before 1934 even though anti-Semitic if made later (CEJL IV, p. 450). 6. For example his visit to see the smashed windows of Italian-owned shops (CEJL II, p. 347). 7. See for instance CEJL II, pp. 178, 290. 8. Orwell's observation that continental Jewish refugees tended to agree with Hitler on policy issues other than the ethnic question was later to be voiced by Hayek in *The Road to Serfdom* (Chicago: University of Chicago Press), p. 184. 9. CEJL II, pp. 377–78. 10. A remark by Orwell's acquaintance, "D" (CEJLII, p. 377) confirms that the Jews under discussion are assumed to be non-English-speakers. 11. In the laconic British dialect of English, "queuing" means waiting in line. 12. CEJL II, pp. 25–26. 13. *Homage to Catalonia* (San Diego: Harvest/HBJ), p. 178. 14. CEJL IV, pp. 373–74. 15. So is the essay "Shooting an Elephant." I'm mystified that Tyrrell can read it differently. 16. CEJL II, pp. 91, 99–100. 17. CEJL IV, p. 398, and see p. 323. Orwell would have preferred Britain to become part of a democratic socialist federation of Western Europe, but he accepted that the appearance of such a federation was very unlikely, and that in any case Britain would not join it without U.S. approval.

Orwell: Warts and All

by Martin Tyrrell

George Orwell was a great writer, but the evidence still demonstrates that he was an anti-Semitic, imperialist homophobe.

In my review I was careful to say only that Orwell was *capable* of the crassest anti-Semitism. The charge has not narrowed. It was narrow enough to begin with.

The context in which I raised the comment from the wartime diary was a review of a book — John Newsinger's *Orwell's Politics* — which goes to some lengths to present Orwell as a far leftist and which, to that end, largely overlooks instances of his various small prejudices where these are at odds with current far left tastes. However, Newsinger does discuss Orwell's views on women and feminism, albeit only briefly, probably because this was the subject of a substantial book — Daphne Patai's *The Orwell Mystique*..

I notice, incidentally, that Patai shares my interpretation of the diary entry and Bernard Crick seems to as well. These are the only opinions I have seen on that text (aside from David Ramsay Steele's) and both are in line with my own interpretation (Patai much more obviously so than Crick). Of course, that in itself does not make that interpretation correct. But Crick and Patai are responding to what is actually in that text. David Ramsay Steele's interpretation is more reliant on assumptions.

Steele alleges that when Orwell wrote "What is bad about Jews is that they are not only conspicuous but go out of their way to make themselves so" he was generalizing about just one group of Jews, the recently arrived refugees from Central Europe. He suggests that Orwell has not fully conveyed his own meaning. Steele infers Orwell's meaning to have been approximately that "These newly arrived Jewish refugees are very visible and very identifiable and they compound this by flouting English social customs. All this annoys a lot of English people and feeds their anti-Semitism. This is bad."

But if that is what Orwell meant, why did he not write it? One possibility is that a diary, like a letter, cannot be judged in the same way as a published work like a novel or an essay. Published works tend to be polished and edited whereas letters and diaries are more likely to have been written in haste. I do not think, however, that that argument can be offered with regard to this particular diary. The version of the diary that has survived and is reprinted in the *Collected Essays, Journalism and Letters* is taken from a typescript based on Orwell's earlier handwritten notes. The typescript exists because Orwell wanted to try and interest a publisher in the diary. (The original notes are lost.) Though the extant version retains the diary style, the fact that it has been prepared for possible publication would indicate that there has been some editing and reworking. The diary style of the piece has been worked for; it is a literary device. During the drafting stage, Orwell would surely have made any changes he felt were necessary to enhance lucidity.

In any event, I think that it is unfair to imply, as David Ramsay Steele does (e.g. the title of his reply), that I am making too much of private material. For a time at least, Orwell was sufficiently content with what he had written that he sought to present it to a wider public.

Orwell's diary entry of October 25, 1940, generalizes variously about Jews, continental European Jews, central Europeans, foreigners and continental Europeans and these are quite distinct generalizations. He implies that some of the characteristics of the continental Jewish refugees are "typically" Jewish (he finds them conspicuous and also deliberately conspicuous) and some, "typically" Central European (an alleged taste for authoritarian government, an alleged contempt for democracy). Orwell's acquaintance "D" is cited as having claimed that "the Jews in business circles" (by which is almost certainly meant English Jews rather than

Jewish refugees) are turning pro-Hitler. Orwell not surprisingly finds this "incredible." It is only then that he proceeds to distinguish what he sees as a specifically continental Jewish desire for authoritarian government. It is at this point only that he narrows his subject and clearly qualifies his terms ("any Jew, i.e. any European Jew"). The text seems to shift from generalizing about Jews as a whole, to generalizing about one particular group of Jews. Moreover, the particular group in question is quite a large one (a significant proportion of the entire Jewish population of the world at that time) and the generalization Orwell makes is sweeping (and unsupported).

Orwell's earlier and wider "conspicuous" generalization suggests that Jews in general are a visible minority, that they somehow compound their visibility (possibly, given the remark about the "Jewess," through rude, aggressive, behavior) and that this is in some sense a bad thing. The "bad" is ambiguous.

Either the alleged Jewish visibility is bad because, to varying degrees, most people (Orwell included) find it so; or it is bad because other people, though not Orwell himself, find it so. Either way, it seems to me a thoroughly unbalanced apportionment of blame. It is certainly at odds with Orwell's later, more considered writings on anti-Semitism. All in all, I doubt that too many of his Jewish friends and colleagues would have enjoyed reading it.

Orwell's generalizations are based on little or no evidence: "You can see it in their eyes even when they don't say it outright."

Orwell's generalizations in the diary entry are in my opinion based on little or no evidence ("You can see it in their eyes even when they don't say it outright" is preposterous). I do not agree that he was, on this occasion, the kind of careful or reflective observer Steele claims. Rather, Orwell, in response to the rumor that the people sheltering in the underground stations are predominantly Jewish, decides on the basis of one night's visit to just three stations, and going by sight and stereotype alone, that there is probably something in it. He writes that there is, he thinks, "a higher proportion of Jews than one would normally see in a crowd this size." Thus, Orwell's conclusion, as presented in the diary, does not on balance refute the rumor. It somewhat ("a bit") tentatively supports it. So Orwell tentatively supports a rumor which is at best insensitive, at worst dangerous, and supports it in a work he tried to have published. That strikes me as an error of judgment.

Steele's comments about the different queuing cultures found in much of Continental Europe and England can only be anecdotal. It seems unlikely that people made their way to the bus or Métro quite as rowdily as Steele proposes.

Or that the English were quite so polite. My experience of southern Europe is that, at cinemas and the like, a kind of a queue tends to be formed but that people are usually much less inhibited about sidling ahead of someone if they see the opportunity. It's infuriating, but it's hardly a free-for-all. As for northern Europe — and many of the refugees were Germans — I don't think that people queuing there would tolerate an interloper any more than would an Englishman. At any rate, neither of us can say for sure how foreign refugees, Jewish or otherwise, behaved in London in 1940. Orwell himself provides only one example of conspicuously bad behavior by someone whom he assumes to be Jewish. Controversial claims demand appropriate evidence. Orwell offers none.

Orwell and the War

Orwell made at least one other reference to his change of position on the war in which he seems to attribute it to his legacy of schoolboy patriotism (there is even an allusion to Henry Newbolt's *Vitai Lampada*). In a review of a book by Malcolm Muggeridge he notes that, with the coming of war, Muggeridge has joined the army, throwing in a well-paid job in order to do so. Orwell writes:

> . . . I know very well what underlies these closing chapters. It is the emotion of the middle-class man brought up in the military tradition, who finds in the moment of crisis that he is a patriot after all. It is all very well to be "advanced" and "enlightened"; to snigger at Colonel Blimp and proclaim your emancipation from all traditional loyalties, but a time comes when the sand of the desert is sodden red and what have I done for thee, England my England? As I was brought up in this tradition myself I can recognize it under strange disguises, and also sympathize with it, for even at its stupidest and most sentimental it is a comelier thing than the shallow self-righteousness of the left-wing intelligentsia.

It is true that Orwell sometimes had difficulty maintaining the dogmatic "fascism = capitalist democracy" position. (He cannot quite stay indifferent, for example, to the prospective demise of the democratic Spanish Republic and its probable replacement by a fascist state.) However, I would say that this kind of inconsistency is more likely to be due to the empirical weakness of that position Orwell was trying to defend and not necessarily evidence of some growing change of heart. The fictional George Bowling's reaction to the Left Book Club lecturer in the anti-war *Coming Up for Air* suggests that, around late 1938 or early 1939, Orwell still saw anti-fascism as overstated and propagandist. Overall, moreover, his pre-war writings offer relatively little opinion on the totalitarian aspects of states like Nazi Germany. If he was reflecting on these, it is surprising that this does not come out more in his writings, particularly his private correspondence. What does appear is a concern that England is in danger and must be defended, revolutionary socialist scruples notwithstanding — "My Country Right or Left."

Orwell and India

If *Burmese Days* is unflattering in its portrayal of British imperialism, it is equally unflattering in its depiction of the Burmese and Indians. The later and much better "Shooting an Elephant" has the same ambivalence. There is a kind of abstract support for independence but no real sympathy for the colonized people.

Both of these works are, on balance, more sympathetic to the people caught up in the imperial administration. In *Burmese Days*, for example, there is a strong suggestion that the experience of imperial administration has corrupted the imperialists. In contrast, the Burmese are simply corrupt.

And in "Shooting an Elephant," there are passages where almost every critical comment on the imperial administration is counterbalanced by an aside at the Burmese. That's what I mean by grudging support.

It did not necessarily follow that an independent ex-colony would automatically become neutral or a conquest or ally of the enemy. Of the former British territories which were independent in 1939, only Ireland did not ally to Britain within days, if not hours of the declaration of war. One of Orwell's arguments was that India could not have defended its independence. Yet there were thousands of Indian soldiers in the British Army. Throughout the war, India was largely defended by Indians. It was mainly these Indian troops who saw off the pro-Axis Indian National Army. And Indian soldiers also fought in France and North Africa.

Other Issues

Orwell, when he died, had clearly cooled towards the politics he had espoused in the early 1940s. The political pamphlets "The Lion and the Unicorn" and "The English People" were among the works he wanted to go quietly out of print. *Animal Farm* and *Nineteen Eighty-Four* focus on the totalitarian potential in that earlier position. He seems to me to have turned his back on one position. I think that it is significant how little he has to say about the Labour Party in power, the first ever majority Labour government in British electoral history, and the various measures it introduced. David Ramsay Steele previously suggested that Orwell showed no sign of running out of ideas. Perhaps. But all that Orwell left by way of work in progress are some very rough notes for a semi-autobiographical novel. At his death, his political position was sufficiently ambiguous to suit all manner of rival claims. He left something for everyone. Had he lived a decade more, there would, I think, have been less for some.

Whether or not Orwell, like Solzhenitsyn, significantly affected the USSR is debatable. Certainly, I think he helped ensure that Britain's small Communist Party only ever got smaller. But British Trotskyism owes him a favor. Until a few years ago, the various, mutually antagonistic sects of British Trotskyism could be sure of an annual blip of new undergraduate members. It was in *Animal Farm* that I suspect most of these erstwhile student Trotskyists first met Trotsky. ❑

Wolfram, "The Truth about Hillsdale," *continued from page 45*

clauses in to protect their property. To the extent that such clauses make it less likely that an apartment will be rented, the landlord might exclude such a clause. The dorm rooms are owned by the college and leased to the student. To argue that the college reserving the right to search its property unannounced makes it a police state again reflects a fundamental misunderstanding of the difference between government and private property. If the government searched the dorm room, it would be a violation of the Fourth Amendment. The dorm room is the private property of Hillsdale College, and the College may search it with impunity. If room searches were frequent and unwanted then Hillsdale College would have trouble attracting students, which is clearly not the case.

Anonymous disparages home-schooled students. Any reader of *Liberty* should realize that home schooling is the ultimate answer to government ownership of the educational system. People who homeschool their children are not likely to be those who instill in them subservience to authority. With absolutely no evidence, Anonymous asserts that home-schooled students "live intellectually cloistered lives, being taught comfortable traditions rather than challenging ideas." In my seventeen years of teaching at colleges and universities, I have not found this to be the case. One can search studies of home-schooled children and find no evidence that this is the case. Common sense would tell you that this is not the case. And even if it were the case, home-schooled students only make up a small minority of students at Hillsdale and they do not dominate the atmosphere of the student body.

You Could Look It Up

Let us do something that Anonymous does not do: look at the facts. Hillsdale College is nationally ranked by several sources, including *U.S. News & World Report*, the *Templeton Foundation Honor Roll*, *Peterson's Guide for Competitive Colleges*, *National Review's College Guide*, *Barrons Best Buys*, and ISI *Guide: Choosing the Right College*, *The Whole Truth About America's 100 Top Schools*. Are we to believe that all of these organizations have overlooked the "police state" that supposedly exists at Hillsdale? Hillsdale College received 1008 applications for its 300 freshman openings last year. Are we to believe that these students all have done so little research that they cannot recognize a place which has an atmosphere of fear? Hillsdale College retains nearly 85 percent of its freshmen students from the first year to the second year, and has a graduation rate in excess of sixty-five percent, far higher than the national average. Is this consistent with the assertion that "half the students are afraid of the school," and that "many have left?"

The 16 member science department is made up entirely of Ph.D.s. The physics faculty holds Ph.D.s from institutions such as Johns Hopkins and Stanford; the chemistry department faculty holds Ph.D.s from the University of Michigan, Wayne State University and Case Western University; and the biology faculty holds Ph.D.s from the University of Michigan and Purdue. From the class of 1998, 80 percent of the graduates in physics and chemistry were accepted to graduate school, the rest were employed in their field, except for one who was staying home with her child. Of the 20 biology graduates, 13 were employed in their field, 3 were in graduate school, 2 were employed in another field, 3 were staying at home with children, and one was unemployed. Is this consistent with Anonymous's offhand remark about Hillsdale that "its science education is weak?"

Anonymous is correct that Hillsdale has an outstanding faculty. But the George Roche "scandal" has not put a "blemish on their resumés from which they may never recover," any more than Roger Pilon will have a blemish on his resumé from having his article published alongside Anonymous's article. ❑

Street Urchin

by Tracey Rosenberg

Bangs poked out in a ruffled fringe from beneath the edge of the girl's stocking cap, once pink, now a dingy salmon. Her hand stroked my arm.

"Sorry. No money." I ducked from her grasp.

As I walked rapidly towards the concrete stumps ringing the edge of the Piata Mihai Viteazul, the girl nipped along at my side, murmuring in Romanian.

Behind us stood a box-like blue wagon adorned with red swirls. Its shafts stood empty but expectant, as though the horse had recently wandered off to find a locale more amenable than the paved streets of Cluj. I had passed the wagon after leaving the street market, taking note of the battered decoration and drawn gauze curtains as I purchased a bottle of soda from a street kiosk, but I had not associated the gypsy-like transport with the child in pink pants and a baggy jacket who darted around the plaza.Not until she found me.

"I'm sorry," I protested again. "No money."

After a day and a half in Cluj, I could accurately greet museum employees with "buna ziua" and express my gratitude to the hotel staff with a simple "multumesc." I had no way to articulate the concept of "I donate to charities as much as possible but I cannot in all conscience give you money when I know it will go straight to the local breweries via your family members, and even if the money does help you somehow, encouraging a nine-year-old girl to beg from strangers is not the way life is supposed to work, it's certainly not how I want the world to be, so I simply cannot give you money, no matter how little these 50 and 100 lei coins mean in the Western world, where the metal alone would be worth more than the face value."

Halfway across the street, with her small footsteps still echoing my own, I doubled back and recrossed the plaza across its narrow end. She wouldn't leave her territory. The parents who sent her out to beg from tourists wouldn't force her to follow her marks out of the immediate area —

She jumped up on the curb before me, chattering in Romanian, smiling up at me with dark beseeching eyes.

I ducked past a squat red Dacia parked halfway up the sidewalk and continued over a bridge, its paint rippling in scales off the gray metal, and down another street, its façades stretching away flat except for the wooden trim arching like eyebrows over window panes. The girl clung to me, her faint pleading voice rising over the rumble of the street traffic and my own horrid thoughts: she will lose me, or give up the chase when another mark cuts through our path, a more obvious tourist with a video camera and a wad of travelers' checks instead of a student in denim jacket and gym shoes who eats from street kiosks instead of restaurants; her eyes will remind someone of other eyes, and they will give her money; but that will not be the point. . . why can't I give her a few coins when it doesn't matter in the end, when nothing I do or fail to do can make any real difference in her life, and even if it does there are thousands more like her — there's nothing I can do to help her. . .

I stopped.

Her hand had long since moved from my arm. Grimy fingers, dirt rimming their nails, clutched the top of my soda bottle.

"This is what you want?" I asked slowly, half-releasing the bottle from the crook of my elbow and holding it up.

She nodded, her eyes glowing.

"But . . .I've already drunk out of it."My feeble statement made no dent in her pleading grin.

"Of course. Here."

I held the bottle to her. She pulled it smoothly away.

"Multumesc," she whispered, patting my hand one final time, and then she was gone.

In my hotel room that night, after rearranging dirty clothes in favor of clean, I flipped through the British Airways in-flight magazine and found myself reading an article in which rock star Sting spoke about his pilgrimages to India. In some areas, terrible poverty drives people to mutilate their children in order to make them successful beggars. Giving the children money would only encourage the deliberate mutilations.

Therefore, on at least one occasion, Sting and his wife gathered as many children as they could find and treated them all to candy at the nearest sweet shop. The event made no difference to the fundamental nature of begging in India, but as Sting pointed out, it was a way to do something special for the children themselves, which could not be taken away or used against them.

The next day I returned to the street market and bought a set of pink hair clips, metal slides with abstract decorations painted on the ends. I walked through the plaza several times during the remainder of my stay in Cluj. Once I saw a boy haranguing passers-by and knocking on the windows of cars stopped at the streetlight. A wagon stood at the edge of the plaza, but I could not tell if it were the same one. Groups of people gathered on the benches or straddled the concrete stumps. No flashes of pink cut through my landscape.

A week later, in England, while seeing an old friend and his family, I unbuttoned the pocket of my jean jacket while searching unsuccessfully for a tissue.

"Does your daughter like barrettes?" I pulled out the package and handed them to my friend, "I bought these in Romania."

The four-year-old girl grasped them lovingly, pulled them from the plastic and began stabbing them into her hair. I gently took them back, slid them correctly into place, and watched as she jumped up and down, fingering the new adornments, laughing in glee. ❑

Reviews

***A Vast Conspiracy:** The Real Story of the Sex Scandal That Nearly Brought Down a President*, **by Jeffrey Toobin. Random House, 1999, 422 pages.**

The President and His Enemies

Gene Healy

Early on in *A Vast Conspiracy*, Jeffrey Toobin takes us to a May 5, 1994 conference call between Paula Jones's attorney, Gil Davis, and President Clinton's lawyer, Bob Bennett:

> "I've talked to the president about this for hours and hours," Bennett said, "and this just didn't happen. You have no case." The two men sparred inconclusively for a few minutes, and then Bennett raised the stakes. "Did you know there are naked photos of your client?". . . Davis said he didn't know about any naked photos, but he would be interested to see them if they existed... Then it was Davis's turn to spring a surprise. "My client says your guy has a unique mark on his penis, and she can identify it." What followed was a considerable silence.

In this irresistible passage and several others throughout *A Vast Conspiracy*, Toobin perfectly captures the mixture of high drama and low farce that made the Clinton impeachment imbroglio such a guilty pleasure. Think *Inherit the Wind* meets *Benny Hill*. Toobin, the *New Yorker* reporter who chronicled the O.J. Simpson trial in the tightly paced bestseller *The Run of His Life*, seeks to repeat his success with this account of the Lewinsky Scandal.

Unfortunately, Toobin's considerable skills as a narrator are undermined by his heavy ideological investment in defending Clinton. *Time* magazine reporter Nina Burleigh famously remarked in the *New York Observer*, "I would be happy to give [Clinton] a blow job just to thank him for keeping abortion legal . . . American women should be lining up with their presidential kneepads on to show their gratitude for keeping the theocracy off our backs." Toobin, too, has packed his kneepads along with his reporter's notebook, and the results are embarrassing.

Toobin sets the stage in the book's prologue, when he declares that "Clinton was, by comparison [with his enemies], the good guy in this struggle." At every turn, Toobin casts Clinton's behavior in the most flattering light imaginable. Discussing Clinton's videotaped grand jury testimony, Toobin burbles that "In a peculiar way, one could see that Clinton cared for Monica Lewinsky . . . there was, if not gallantry, a kind of affection as well." Of the president's August 17, 1998 televised non-apology, the failure of which nearly drove Clinton from office, Toobin declares, "Clinton displayed on this evening the skills that made him the most extraordinary politician of his generation." Remember the White House prayer breakfast that took place shortly thereafter? At that event, Clinton, family Bible in hand, intoned: "As you might imagine, I have been on quite a journey these last few weeks to get to the end of this, to the rock-bottom truth of where I am and where we all are." Toobin weighs in on this as well: "Clinton's remarks — at once passionate, earnest, and humble — demonstrated a kind of eloquence rarely seen in American life." To the less star-struck among us, what they demonstrated is a kind of arrogance and self-absorption that borders on the pathological. Who the hell cared "where" the phony bastard was, and what could that possibly have to do with "where" the rest of us were?

But it gets worse. Toobin mangles the facts and the law in an attempt to clear his man of serious wrongdoing. Of Clinton's attempt to get Monica Lewinsky to file a false affidavit in the Paula Jones case, Toobin says that it was "not even close" to obstruction of justice. He explains that Clinton could have been urging her to file "a truthful, if limited, affidavit that might have gotten her out of testifying in the Jones case." For instance, writes Toobin, "she could say that she had no evidence relating to sexual harassment." Yes, and that would surely stop the Jones lawyers from seeking to depose her. Does Toobin really believe this nonsense? Clearly, nothing short of a false affidavit — one denying sexual contact altogether — could avoid piquing the Jones lawyers' interest and spurring a subpoena for Lewinsky. Just as clearly, that was the kind of affidavit Clinton encouraged her to file, and which she did file.

By the time Toobin gets to his discussion of the constitutional standard for impeachment, the screeching of Eleanor Clift rings in your ears. The president's adversaries, Toobin writes, "were willing to trample all standards of fairness — not to mention the Constitution — in their effort to drive

him from office." Toobin, of course, argues that Congress's impeachment power can properly be invoked only where there is an abuse of official power. But historical practice in England and America never drew such a line. Nor could it. Those left-wing academics who, in an uncharacteristic attempt to divorce the personal and the political, tried to argue that impeachment was limited to grave abuses of political power, soon found themselves tripping over their own logic. My personal favorite was University of Chicago law professor Cass Sunstein, who suggested in the *University of Pennsylvania Law Review* that murder may not be an impeachable offense. No kidding: "a hard case" if committed for nonpolitical reasons. (Let's hope that Our Bill hasn't figured out that the Sunstein standard immunizes him from impeachment for rape as well.)

What is it about Clinton, and what was it about the impeachment period, that inspired such acts of journalistic and academic self-debasement? Reporters like Toobin and professors like Sunstein peddled their credibility as cheaply as Monica's virtue in an attempt to cover for a man who little deserves it. Why?

During the impeachment "crisis," President Clinton waged war and murdered powerless foreigners in order to serve his private political advantage. But to Jeffrey Toobin, the real scandal is that Henry Hyde and Tom DeLay are hypocritical, moralistic prigs.

Well, for one thing, Clinton's left-wing defenders perceived the entire episode as a politically driven attempt to "get" the President. Moreover, they associated that attempt with what they saw as moral Babbittry and conservative sexual repressiveness. Though their view was greatly exaggerated, it wasn't entirely without foundation, as Toobin shows. In particular, Paula Jones's second set of lawyers — conservative Christian activists connected with the Rutherford Institute — used the lawsuit as an excuse to troll through Clinton's sexual past and expose him as an adulterous lecher. If Nina Burleigh's would-be theocrats were anywhere to be found in the scandal, it was here. Interestingly, Toobin writes that "the Clinton team began to refer to their new adversaries . . . as the Branch Davidians." Maybe Jones's lawyers are lucky they weren't gassed and barbecued.

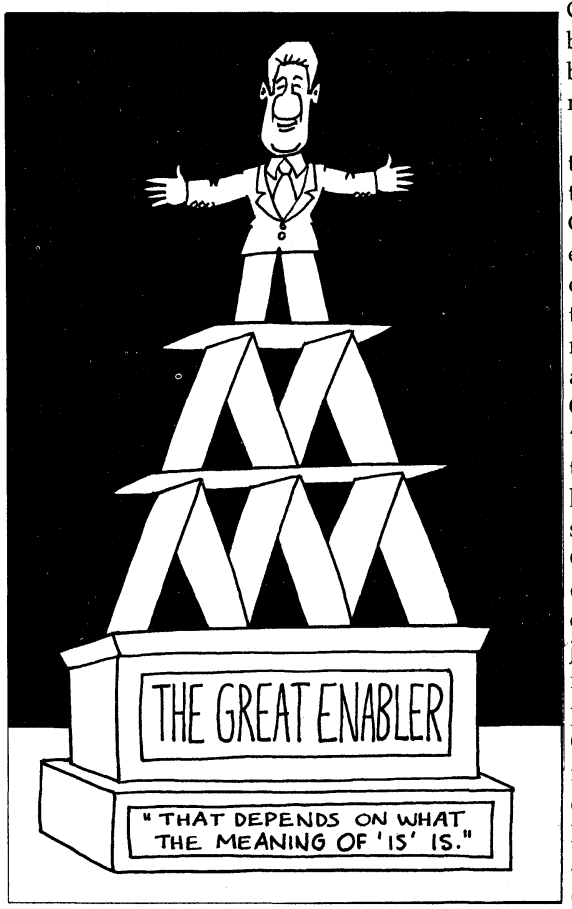

When, a year later, a significant part of the perjury article of impeachment revolved around where Clinton kept his hands during Monica's ministrations, the president's defenders were able to construct a narrative of right-wing prudery and inquisitorial moralism. Of course, believing in that narrative required a good deal of cognitive dissonance. For instance, the so-called "theocracy" wouldn't have gotten far without legal "reforms" that the Clintonites backed: amorphous sexual harassment law and changes to the Federal Rules of Evidence pushed by feminists and signed by Clinton himself.

But no matter. The obvious personal venom with which many of Clinton's enemies pursued him allowed the president's defenders to feel like they were acting in the service of principle. They insisted that the cause was larger than the man (in this case, almost any cause is) and declared that they were fighting to preserve the separation of powers, to protect our Constitution from being trampled by a GOP lynch mob.

But it's hard to treat the posturing of Clinton's defenders with anything other than contempt. If they really gave a toss about the Constitution or "destructive partisanship," they'd have switched sides when Clinton twice decided that foreign lives might justifiably be sacrificed to save his political viability. Clinton's eve-of-impeachment decision to bomb Iraq came shortly after the president learned that he did not have the votes to prevail. In that, it was of a piece with August 1998's "anti-terror" attacks on Sudan and Afghanistan, which came three days after the president's grand jury testimony and in the midst of a media firestorm over his televised non-apology. If Toobin, Sunstein, et al. couldn't find anything suspicious about that chronology, then I've got a bridge to the 21st century I'd like to sell them.

Toobin can muster only a couple of oblique references to the biggest story of the impeachment crisis. He briefly mentions "controversy" over the president's decision to bomb Iraq, clears his throat nervously, and then quickly resumes his narrative of a tragically flawed but good man hounded by moral zealots.

Toobin is not alone in focusing on the sex-and-celebrity related aspects of the impeachment scandal to the exclusion of Clinton's gravest crimes against the moral law and the Constitution.

The media as a whole has shown criminal disinterest in Clinton's application of Clausewitz's dictum that war is politics by other means. Since the end of impeachment, Monica's contract with Weight Watchers and Linda Tripp's facelift have consumed far more column-inches in major newspapers than the steadily accumulating evidence that the bombing of the El-Shifa pharmaceutical plant in Sudan was utterly without justification.

The *Washington Post*, the paper that made its mark with Watergate, did run a comprehensive, well-researched piece on the bombing of the El-Shifa factory. The article, which ran on July 25, 1999, made a sober and compelling case that the administration's stated rationales for the missile attack could not withstand serious scrutiny. The plant did not, despite what Clinton claimed, manufacture nerve gas; it made painkillers and repackaged imported pharmaceuticals for resale in Sudan. Westerners intimately familiar with the plant, including a British engineer who served as technical manager during the plant's construction, emphatically denied that it was used for the manufacture of chemical weapons. Independent tests conducted by the chair of the chemistry department at Boston University confirmed that no nerve-gas precursors were present in the soil around the factory. The CIA refused to release the sample it claims to have relied on. Nor did the plant's owner, Salah Idris, have any connection whatever with Osama Bin Laden. Idris's property had been destroyed — and his assets seized — on that pretext; however, when Idris filed suit, the U.S. government summarily issued an order unfreezing his assets, rather than have to come forward with its evidence in open court. The *Post* article closes with a quote from Milt Bearden, former CIA station chief in Sudan: "There's something wrong here. This won't go away."

Sex and scandal on the front pages, presidential war crimes next to the funnies and the horoscopes. That's "adversary" journalism in the Clinton era.

All in all, the article was a fine piece of journalism. But it didn't quite make the front page, or even the "A" section. Instead, it was relegated to the *Post*'s "Style" section. Sex and scandal on the front pages, presidential war crimes next to the funnies and the horoscopes. That's "adversary" journalism in the Clinton era.

So, to recap: during the impeachment "crisis," President Clinton waged war and murdered powerless foreigners in order to serve his private political advantage. But to Jeffrey Toobin and his ideological compatriots in the academy and the establishment press, the real scandal is that Henry Hyde and Tom DeLay are hypocritical, moralistic prigs.

This president attracts the kind of defenders he deserves. ❑

***The Structure of Liberty: Justice and the Rule of Law*, by Randy E. Barnett. Clarendon Press, 1998, 347 pages.**

Justice: Libertarian Style

Richard B. Sanders

Liberty has a structure, argues Randy Barnett. From natural rights at the foundation to the utopian view from the observation deck, he constructs a model of a free society, a society structured by institutions, both public and private, that are designed to meet its purpose. His analysis is not easy reading, nor is it intended to be. All too many people lack the example set for the author in his early years by his father's "overriding concern for principle, right and liberty." But those who follow his argument will be challenged and rewarded.

In *The Structure of Liberty*, Barnett defines justice as respect for individual rights and sketches a system of laws and institutions that can protect the private domain of each citizen from interference by others. But there is something more fundamental: human nature itself. From the human's natural instinct to survive and prosper necessarily come the rudiments of the social and legal structure that is most likely to serve those ends. Thus, Barnett begins with a natural law analysis that proceeds from human nature and the physical facts of the world to a system that can best accommodate human aspirations. His reliance is on the law of nature, discernible by reason.

The structure of liberty must then be designed, and designed with sufficient skill to enable it to withstand the gravitational forces which seek to bring it down. It must also be made free of any contradictions that might weaken it from within.

One of those contradictions is exposed by Barnett's challenging thesis that the more types of rights we recognize, the more violence we legitimate. To put this in another way, every legal right of one person is a legal obligation of another, because every right, by its nature, is subject to enforcement through the coercive power of the state. We do not have legal rights so that we may do things; we have rights only so that others shall do, or must not do, something. Legal rights are therefore a necessary evil because they compel or constrain what we would otherwise not

do by choice.

First among those rights is the recognition that individuals and associations have control over physical resources within their domain, and, concomitantly, over the right to transfer those resources through contract. Implicit in the recognition of these rights is the legal obligation of others to refrain from nonconsensual physical interference. This is only just, as justice is respect for the rights of individuals and associations. Accordingly, violating these rights by force or fraud is unjust.

It is justice, in this sense, which our government and legal system were designed to protect. The Declaration of Independence says as much: ". . . governments are instituted among Men" to secure the "unalienable Rights" of "Life, Liberty and the Pursuit of Happiness." The idea is reiterated in various state constitutions. The Washington State Constitution, for example, begins by stating governments "are established to protect and maintain individual rights" (Wash. Const. art. I, 1).

I have no doubt that natural law, and the natural rights which follow from it, profoundly influenced the Founding Fathers; although, as Barnett says, the results of the Founders' method are far from self-evident from a 21st century perspective. Barnett points out, however, that laws which are not consistent with natural rights are laws only by force, not laws of conscience that are self-equipped with their own reason for observance.

The more types of rights we recognize, the more violence we legitimate. To put this in another way, every legal right of one person is a legal obligation of another.

It is not clear that modern protections, and often extensions, of rights are more effective than the old common-law protections. The common law was uniquely suited to protect individual rights by deciding each case, and no more, so as to define the boundaries between one man's rights and another's acts. It was certainly no place for social revolution or radical innovation. Legislation was originally designed to correct the occasional errors of the common law and occupied a relatively small role on the legal landscape. However all that has changed as the modern day legislature sees its role not as correcting the common law but as supplanting it. According to Barnett, "Where the legal system has moved away from a conception of justice based on several property and freedom of contract it has been largely a result of legislation inspired by academic, self-styled reformers" (125).

Handling the Baddest of the Bad

If we are to construct a classically liberal conception of justice focused on the protection of individual rights, and sparingly define them at that, we must still consider what to do about those who violate the rights that we may carefully and sparingly, but necessarily, define. Here Barnett opts for a system which emphasizes self-defense and restitution in lieu of punishment.

Of course, incarceration is the ultimate form of societal self-defense, although incarceration beyond what is necessary for self-defense would not serve that end, and could not be justified on that ground. (I tried to make this point in my lone dissent to Washington's three strikes law, arguing it was unconstitutionally cruel punishment in *State v. Rivers*, 921 P.2d 495, [1996].) But there are other forms of self-defense as well, e.g., security guards, limited access facilities, etc. Privately owned facilities are more defensible than public ones as there is more incentive to defend one's own private property than someone else's. Defense of private property is also easier than defense of public property because of the "dilemma of vulnerability" which prevents government from restricting access to public property in the interest of liberty; a dilemma not faced by private owners.

Then there is the more traditional self-defense whereby individuals use coercive force in a self-help fashion to defend themselves and their property against attack. The burglar predictably fears an armed homeowner much more than possible police apprehension. Unfortunately, self-defense against unlawful arrest or state-sanctioned rights-violating conduct in general is not discussed by Barnett, though it is well recognized in the common law, if not consistently so by the court on which I sit. (See my dissent in *State v. Valentine*, 935 P.2d 1294 [1997].)

Restitution from criminal defendants also has much to recommend it. This is perhaps the only way for the true victim of the crime to have any hope of being made whole again. Under the current system, restitution is underutilized and hard even to recognize in theory. This is true because the offense is considered to be against the state, not the individual. In my state, for example, talk of "victim's rights" usually translates into the right of the victim merely to be informed of the course of the criminal prosecution and have some input at sentencing. (Compare Wash. Const. art. I, 35.) Under Barnett's proposal, however, the offender would be "confined to an employment facility" until the restitution was paid as a condition to release. Although this would do something for the victim (assuming that he isn't dead), the nature of the underskilled deadbeats who make up the lion's share of our criminal population may present some practical challenges, which Barnett also, perhaps optimistically, thinks can be overcome.

The structure of liberty must then be designed to enable it to withstand the gravitational forces which seek to bring it down. It must also be made free of any contradictions that might weaken it from within.

Of course, there are still those who will slip through our public and private defenses, and neither be deterred nor be willing to make restitution.

What of them? These are the "outlaws." Barnett suggests that, in lieu of incarceration, they be deemed outside the protection of the laws themselves or perhaps be banished to secure areas to fend for themselves, with their own kind. Perhaps over time such communities (like Australia) would be once again fit for social intercourse; however until then, good riddance.

Although this proposal seems pretty utopian, Barnett strives to be practical. He notices that punitive sanctions are difficult to administer because of the high burden of proof that is necessary to avoid the error of subjecting innocent people to punishment. Moreover, while the degree of deterrence is more a function of the expectation of being caught and sanctioned than it is of the severity of the sanction, a nonpunitive sanction could operate on a mere preponderance of the evidence rather than the principle of "beyond a reasonable doubt."

There remains the problem of who guards the guardians. The "single power" principle which places all force in government hands inevitably leads to the abuse predicted by Lord Acton: "Power tends to corrupt and absolute power corrupts absolutely." Barnett's answer to this is decentralization and competition among private, competing court systems and enforcement agencies. We already have seen more than the beginnings of this. Many litigants currently prefer to take their disputes to private arbitration services which insure quicker and perhaps more consistent results than the government court system. And private security agencies now employ more security guards than the government provides police. Government courts and police agencies are only accountable in a political way, whereas private adjudicators and security agencies are accountable to the market's standards of performance.

Clearly, Barnett's book is full of ideas to examine, matters to look into. The view from the observation deck on the top floor tells us the ground is a good many stories below; however, the structure of liberty is more visible now than it was before this book was written, even if it is still a bit in the clouds. ❑

***Earth Report*, Ronald Bailey, editor. McGraw Hill, 2000, 362 pages.**

Apocalypse Reconsidered

J. Bishop Grewell

In 1995, Ronald Bailey offered up *The True State of the Planet* as an antidote to the poisonous scare-mongering of Lester Brown and the Worldwatch Institute's annual reports on planet Earth's health. This year, Worldwatch frightens again with its *State of the World 2000* and Bailey has once more answered the challenge, with a new collection of essays.

Earth Report 2000 gives Mother Earth her regular checkup. Following in the footsteps of *The True State of the Planet*, *Earth Report 2000* provides charts and numbers on the planet's health with relatively easy-to-read analysis of what the cat scans show.

Dedicated to Julian Simon, who died in 1998, *Earth Report* begins with an eloquent chapter by Bailey on escaping the Malthusian world view, showing that continued economic growth and prosperity will not outstrip the planet's ability to provide the necessary resources, resulting in environmental catastrophe. The discussion of Malthus provides the necessary preface to New Growth Theory.

Developed by Paul Romer of Stanford University and other economists, New Growth Theory treats resources merely as inputs for a specific output, with man not caring what the inputs are so long as he gets the desired output. New Growth theorists trust the human mind and the advance of technology to find new ways to change inputs or use them more efficiently in order to continue producing more and more of the desired outputs. Bailey contrasts Malthusians and New Growth theorists in the following way:

> Contemporary Malthusians often liken modern human society to a car going 100 miles per hour on a foggy road. They ask if it wouldn't be better if we slowed down, so that we don't crash into a wall hidden in the fog. New Growth Theory suggests that a better analogy might be that human society is in an airplane going 600 miles per hour. If the plane slows down too much, it will lose airspeed and crash before arriving safely at its destination.

After the opening chapter establishes the book's perspective, *Earth Report* gets down to details, exploring alleged problems like global warming, overpopulation, depletion of fish stocks, energy shortages, declining biodiversity, and endocrine disruption. In each case, the numbers find Mother Earth healthier than many green groups lead us to believe.

Which is more desirable? Preventing 500 million new cases of malaria by enabling poorer countries to prosper so they can improve their public health? Or preventing a million cases that might occur if the global warming menace actually happens as the result of our failing to stifle economic growth?

Earth Report provides cogent arguments for the view that economic growth and environmental quality are not incompatible. And it then backs those arguments with hard data. Its appendix provides more than thirty

charts that clearly illustrate the trend toward environmental improvement and more abundant resources. It also provides the numbers that support the charts' visuals.

Earth Report's structure could be improved. After discussing Malthus and New Growth Theory, the book steps away from the link between the theories and the practical world with a chapter by NASA scientist Roy Spencer questioning whether global warming is a serious problem that man should address.

Somewhat technical, Spencer's chapter may frighten the casual reader away from the rest of the book. Spencer's chapter is interesting and informative, but it is the next chapter by Lynn Scarlett that provides the logical lead-in for the rest of the book. Scarlett discusses man's inclination to use less material to get the same products. For instance, she notes that compact discs are replacing phone books at telephone companies offering information services: "A single disc carries 90 million phone numbers that would once have been displayed in 5 tons of phone books." It's a succinct example of what the theorists are talking about.

In a particularly enlightening chapter on why growth is the answer rather than the problem, Indur Goklany looks at climate change. He argues that it is wiser to foster prosperity, which creates wealth that can be used to deal with problems that might arise under global warming, than to hamper growth in hopes of preventing a crisis that may not even occur. For example, an additional 25 to 40 million cases of malaria might occur because of global warming during the next sixty years. But with or without global warming, 500 million cases will develop thanks to poor standards of public health in impoverished countries. Which is more desirable? Preventing 500 million new cases of malaria by enabling poorer countries to prosper so they can improve their public health? Or preventing a million cases that might occur if the global warming menace actually happens as the result of our failing to stifle economic growth?

Earth Report's final chapter explores biological diversity. Heavy on discussion of definitions and theories within the biological community, the chapter lost my interest several times. For example, a section on equilibrium theories introduces the concepts of equilibrium resilience and ecosystem resilience, ". . . the former being the manner in which a system returns to an equilibrium state after minor perturbations, and the latter reflecting conditions far from any equilibrium where systems may even change state." Much of the chapter reads like an academic paper. Clearly the author knows his stuff, but it was work to decipher it.

Earth Report skips some very big issues, like urban sprawl, biotechnology, and the environmental impact of trade. These are hot button issues, and it's too bad they weren't examined. It is also unfortunate that it did not occur to Ron Bailey that an anthology like *Earth Report* needs a final chapter or epilogue to unify the different threads of its argument and to focus on the big picture. When I finished the book, I reread the first chapter for this purpose, and I recommend readers do the same.

Nevertheless, this volume is a valuable resource. Along with the *Index of Leading Environmental Indicators* and *The True State of the Planet*, *Earth Report* provides plenty of data to show that Mother Earth is indeed in robust health, and makes a strong case that should she get sick, technology and economic growth are likely to provide a cure. ❑

Booknotes

The incumbent racket — Halfway through *Monopoly Politics* (Hoover Institution Press, 1999, 152 pages), former Reagan budget director and academic James C. Miller III describes one of the games played by Washington's career politicians. Making the rounds of U.S. Senate offices prior to his confirmation, Miller recounts how he was "often taken into a senator's private quarters and told about the importance of such-and-such a program to him or to his constituents." Sometimes, Miller explains, "it was alleged that the [Reagan] administration had previously assured" the senator "of support on his special interest and that he expected the same from me. Often, after confirmation, I would testify before some congressional committee and be berated for not being sufficiently tough on overall spending or some specific aspect (such as defense)." Miller, upon returning to his office, would find a call waiting for him "from the offending member," who wanted "to remind me that while she was a budget hawk, the programs in her district or state had clear and convincing priority."

I observed similar behavior during six years as a Michigan state representative (1993-1998) before term limits ended my tenure. One example should suffice: As a freshman legislator, a senior colleague told a group of us, newly-elected, to "Eat Yes, Vote No." The "Eat Yes" referred to dining privately with lobbyists at their expense. A loophole in Michigan law permits special interests to spend up to $35 per month on each legislator without disclosing the activity. In contrast, lobbyists in neighboring Wisconsin are proscribed by law from purchasing even a cup of coffee for lawmakers. "Vote No" meant publicly casting votes against the pet projects these same lobbyists demanded in our appropriation bills. More than one political career has been built around such behavior.

Public choice economics has contributed a great body of knowledge about the political process by analyzing the behavior of career politicians. Public Choice theory holds that politicians act in their own economic self-interest, as well as the perceived self-interest of their constituents. Pork-barrel projects exemplify the latter; the former is manifested by political pay raises, self-created pensions and laws that restrict political competition and keep minor parties and independents off the ballots.

Miller argues that the political marketplace is so rigged to protect incumbents that it amounts to a monopoly. "When observing poor performance in commercial markets, most people will suspect anticompetitive behavior — price fixing, limits on entry, discrimination, and the like," Miller writes. "Yet, voters seldom suspect that limits on competition explain much of the poor performance that characterizes political markets."

The solution "is not to drive money

out of the system," Miller contends, "but to reform the political marketplace to make it more competitive and more responsive to voters." Among his suggested reforms:

- Limit the abuse of incumbent office perks, including "occupant"-addressed mass mailings at taxpayer expense, excessive congressional staff, and "pork-barrel" spending;
- Prohibit use of the Internal Revenue Code to distribute favors;
- Revise federal election laws to lift limits on spending, require full disclosure of campaign contributions, and tighten laws against intimidation by incumbents; and
- Reform Congress through term limits and other measures.

Miller's final proposed reform is especially important. One significant fact has been obscured in recent media coverage about Congress ignoring self-imposed spending caps. A small group of term-limited members of Congress continues to fight for fiscal restraint in the appropriations process. The National Taxpayers Legal Foundation concluded recently "that when politicians plan to make a career in Washington, they will change their behavior" and exhibit less fiscal restraint. The group reached its conclusion by comparing the costs of term-limited members' legislative agendas with those who oppose term limits.

Monopoly Politics is a quick but valuable read for citizens who wish to reform the U.S. political process.

— Greg Kaza

Ride the Wave — Robert Prechter is perhaps the world's leading proponent of the "Elliott Wave Theory" — a hypothesis that financial markets move in a definable eight-phase pattern, consisting of a five-part "upwave" followed by a three-part "downwave." This theory was first presented by Ralph Nelson Elliott in 1938, and has enjoyed a certain grudging acceptance in financial circles ever since.

Many Elliott Wave devotees, including Prechter, believe there is a connection between this pattern and the Fibonacci series, a sequence of numbers obtained by adding any two integers, then taking their sum and adding it to the series and repeating the process — for example, 1, 2, 3, 5, 8, 13, 21, 34, 55, 89, 144, etc. Interestingly, no matter what two numbers you start with, the ratio of the two final terms in the series always converges quite rapidly to 1.618. If you divide this number into 1, you get 0.618, the solution to the equation X plus X-squared = 1. This ratio, sometimes called "phi" or the "golden mean," occurs frequently in nature, often manifesting itself as a spiral growth pattern.

In his new book, *The Wave Principle of Human Social Behavior and the New Science of Socionomics* (New Classics Library, 2000, 463 pages), Prechter argues that the Elliott Wave pattern applies to a range of human activities far broader than financial markets — that, in fact, it is common to a wide range of social and cultural trends. He ascribes this to what he calls "herding behavior" — the behavior of people in large groups, which tends to be easily swayed by a desire to belong, or a fear of being left out.

Prechter emphasizes that while individuals acting alone often make decisions on a rational and informed basis, few can resist getting swept up in the larger mood of the moment when a

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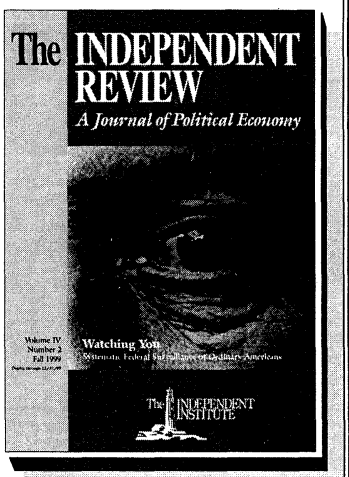

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"wave" is in full force — as in the final stages of a roaring bull market. (Prechter was dismissed as kooky when he predicted that the Dow Jones average would reach 3,800, back when it was still below 1,000. Now that it has soared well past 10,000, he has turned bearish.)

Socionomics is filled with a plethora of information on all kinds of social and economic patterns, ranging from tastes in music to politics and fashions in clothing. It is packed with charts, diagrams and equations — some of them fascinating, others arcane. Prechter is careful to distinguish among facts, observations and speculations, but at times one must wonder if he is reaching just a bit too far. In the book's final chapters, which are perhaps the most thought-provoking, he suggests that the entire universe is governed by Fibonacci-like patterns. This may be true, but some of the evidence he presents to make the case seems shaky and contrived — for example, his contention that the ratio of the planetary orbits in our solar system follows a Fibonacci series. It doesn't.

Overall, *Socionomics* is an ambitious and intriguing effort. It is not a book to be swallowed whole, but one that should intrigue anyone who delights in finding patterns, especially in the realm of human behavior. — David Nolan

A Deepness in the Thought — In the story "Between Shepherds and Kings" in the anthology of libertarian science fiction called *Free Space*, John Barnes asked a very cogent question about the space opera: Why is there space travel in novels? One of the explanations, trade, makes no sense. Any civilization with the energy to fling a starship to even the nearest star system could probably create any resource through some process of molecular manipulation. Going on a sub-light speed errand to Alpha Centauri for dilithium, for example, would be made irrelevant by the obsolescence of the dilithium consuming devices, or else a cheaper mode of producing the stuff at home in the time between your interstellar trader's departure and return. This poses a particular challenge for libertarian authors, since libertarian heroes ought to succeed at business when not thrashing authoritarian regimes. Mucking about with interstellar trade can muddle the credibility of even the best yarn. This could be a handicap for the libertarian storyteller.

Vernor Vinge is one of few freedom oriented novelists to impress the sci-fi community at large. Not only is his prose completely readable, he is a conjurer of memorable characters both human and alien, and he creates a universe big enough, detailed enough, and realistic enough to fill a great novel.

A Deepness in the Sky (Tor, 1999, 608 pages) is a great novel. Pham Nuwen is a failed Caesar, a man who tried to unite the trading fleets of the wandering Qeng Ho into a real space-borne empire. Having been run out of the galaxy on a rail, he simmers in anonymity on a

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Qeng Ho starship bound for a variable star called OnOff, a star which blinks out and freezes its inhabited planet with regularity. The arachnoid residents build up a culture of technology in thirty year increments between hibernations. Thus the object of the Qeng Ho is to reach OnOff when its civilization is on the cusp of an Information Age, creating the most opportunity for favorable trade. Without trade with an advanced culture, such expeditions are one-way trips for ships with exhausted stores, hundreds of light-years from their starting points.

The central conflict comes when the Qeng Ho must share OnOff with the Emergents, a degraded human society. Rather predictably, the feudal Emergents treat the traders with contempt, but it is contempt hidden behind dissembling on an almost Clintonian scale. Things get rolling when the Emergents turn out to have some nasty tricks up their tunic sleeves.

But what of the economics of interstellar trade? Is Vernor Vinge just churning out space operas with flawed premises now? No. Vinge writes over such vast swaths of time that a very different economy reigns. Thousands of years from now, only space-faring species survive. Even humane, technological societies can survive only until their technology is capable of, in Vinge's phrase, ubiquitous law enforcement and surveillance. Spacefarers simply disperse if their loose-knit society shows signs of ossifying. Thus, the Qeng Ho view societies bound to one planet or star system as mere blossoms, destined to wilt for all their beauty. In the meantime, they make good customers for the Qeng Ho's travelling software franchise. I will not write more about the plot of *A Deepness in the Sky*, which is replete with twists, duplicity, lively dialogue and ambivalent villains. But Vinge's Wagnerian view of planet-bound species is more provocative. I feel an awful foreboding to see humanity on the edge of a new cold war between America and Russia and China, with increasingly picayune regulations enforced by alarming technological invasions of our privacy. At the same time, our sallies into space are limited to pop-gun powered excursions to orbit Earth and Mars, conceived and funded by the institution least suitable for such adventures. By Vinge's criteria, I guess humanity will eventually join the ranks of the wilted blossoms in the galactic garden.

— Brien Bartels

Letters, Continued from p. 6

forgivable error of claiming that Creationism's inherent inability to subject itself to the test of falsifiability disqualifies it as a scientific theory. Actually, as an increasing number of philosophers of science have pointed out in recent years, *no* "scientific" theory is falsifiable since one can always argue for, or suppose, a collective of certain circumstances or factors to save the theory. For example, what would it take for the law of gravity to be falsified? For me to float away into space as I sit here at my keyboard typing? What's more likely: that the law of gravity is actually false, or that an alien spaceship is hovering overhead sucking me up with a transport beam (or that x, or that y, etc.)? The same is true of atheism: what would it take for atheism to be falsified? Perhaps, say, God talking to me (or a group of people) out of a lightning bolt But what's more likely: that God has suddenly decided to reveal himself through a lightning bolt after an eternity of seclusion (to me, no less), or that I'm actually insane?

Yes, it is true: Creationism, atheism and all empirical theories should not be subjected to the test of falsifiability to determine their worthiness, for falsifiability is an empty notion. The criterion which *should* be applied is simply the degree to which the evidence (which includes the empirical data and the sum total of all our other well-established, integrated world-views) supports the theory. By that criterion, Creationism does indeed fail miserably.

Joseph Siprut
Chicago, Ill.

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Gene Healy is a lawyer practicing in Virginia.

Greg Kaza is executive director of the Citizen Legislators' Caucus Foundation, a Washington-based public policy group.

Richard Kostelanetz recently published a book of his Political Essays with Autonomedia.

Peter McWilliams is the author of 35 books and has appeared five times on the *New York Times* Bestseller List.

David F. Nolan is one of the founders of the Libertarian Party. He is the LP's candidate for Congress in the 47th District of California.

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

Dyanne Petersen is a longtime libertarian activist and writer, currently a resident of Federal prison camp in Dublin, California.

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James A. Wood is a writer living in Arlington, Texas.

Terra Incognita

USA

Compassionate conservative approach to quotas, reported in the *National Post* (Toronto):

"What I'm against is quotas. I am against quotas." said Republican front-runner George W. Bush. "Quotas, they basically delineate based upon whatever. However they delineate, quotas, I think, vulcanize society. So I don't know how that fits into what everybody else is saying, their relative position, but that's my position."

Libby Creek, Wash.

The good old days, recalled in the *Seattle Times*:

There was a time, on Libby Creek Road, when it didn't matter so much that no one had a phone.

This was before answering machines, before the Internet, before children moved away and couldn't call home, before diabetes and cancer and aging parents, when bones were young, time abundant and standing at an outdoor pay phone wasn't much of a problem.

Washington, D.C.

Black Entertainment Television is victimized by unequal distribution of funds for anti-drug propaganda, from *Cableworld*:

Bad news for the federal Drug Czar's office. The brouhaha over paying networks to run anti-drug ads isn't over yet.

Last week Black Entertainment Television complained that it received only $890,000 in federally-dispensed anti-drug funds. Small potatoes, says BET, compared to MTV and USA receiving $3.4 million each.

Colombia

The Colombian Army's Christmas greetings to that country's rebels, from Reuters:

"Feliz Navidad, Prospero año, guerrillero!" (Merry Christmas and Prosperous New Year, guerrilla!) reads the greeting in 100,000 cards the army sent out to their archenemies. "Make your family happy and share the season's joys with them. Desert your (rebel) unit and enjoy your freedom . . . Long live freedom! Long live Christmas!" continues the message, signed simply "The National Army."

Canada

Ethnic sensitivity comes to professional hockey, according to the *Seattle Post-Intelligencer*:

Ottawa Senators center Vaclav Proposal escaped suspension for his ethnic slur against Montreal Canadiens defenseman Patrice Brisebois, but must attend a diversity-training session.

Proposal called Brisebois a "Frog" in a Dec. 27 game. He was ordered to come to New York to meet with NHL-appointed diversity trainer Zach Minor for education and discussion regarding diversity-related issues.

Texas

Tennessee Titans' owner Bud Adams on signing players in the old days of the American Football League, from *The New York Times*:

"We'd get them cattle, girls, whatever it took," Adams said today. "Back then, you didn't need a contract."

The U.S. Department of Housing and Urban Development had admirable motives when it ordered pamphlets written in Creole to inform Haitian-Americans about their rights and responsibilities as residents of federally subsidized housing.

USA

How the federal government helps the family farmer, from *The New York Times*:

Federal Funds purchased $2.5 million of unwanted bison meat in 1998, and $6 million in 1999. Our government paid $3.45 a pound, which is more than twice the price of beef. The biggest recipient is Ted Turner.

Ghana

Monarchy survives into the new millennium, reports the *Washington Times*:

While visiting the hometown of his Ghanaian-born wife Mamaa Awo Mepeyo Kpui in 1995, Henk Otte was identified as the reincarnation of the late chief, his wife's grandfather. He has been coronated tens of thousands of Ewes.

Korsi Ferdinand Gakpetor II is revered by tens of thousands of Ewes, who revere him as Togbe, or king. In the Netherlands, the middle-aged, paunchy, unemployed white man is an unemployed construction worker, who lives in an Amsterdam housing project with his wife and two children.

USA

Interesting new Bar Mitzvah ritual, reported in *The Wall Street Journal*:

The Village People squeeze a few private social events a year into their schedule of festival and casino appearances, performed at a recent bar mitzvah. The fee: about $40,000.

Miami

The Department of Housing and Urban Development goes the extra mile to communicate with Haitian tenants, reports the *Milwaukee Journal Sentinel*:

Unfortunately, the nearly 5,000 pamphlets approved, published and distributed actually were written in an imitation Jamaican dialect. The document, titled "Rezedents Rights and Risponsibilities," was signed by HUD's top executive, "Seckretary Andrew M. Cuomo fella."

"Yuh as a rezedent," said the publication, "ave di rights ahn di rispansabilities to elp mek yuh HUD-asisted owzing ah betha owme fi yuh ahn yuh fambily."

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

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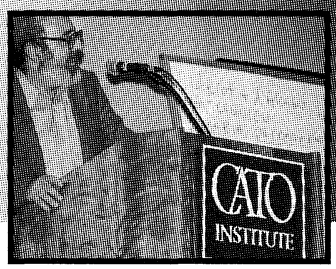

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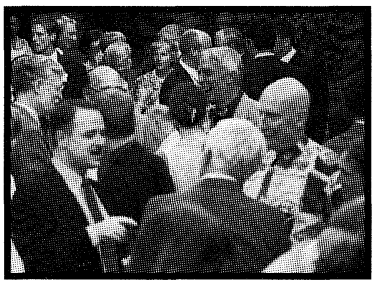

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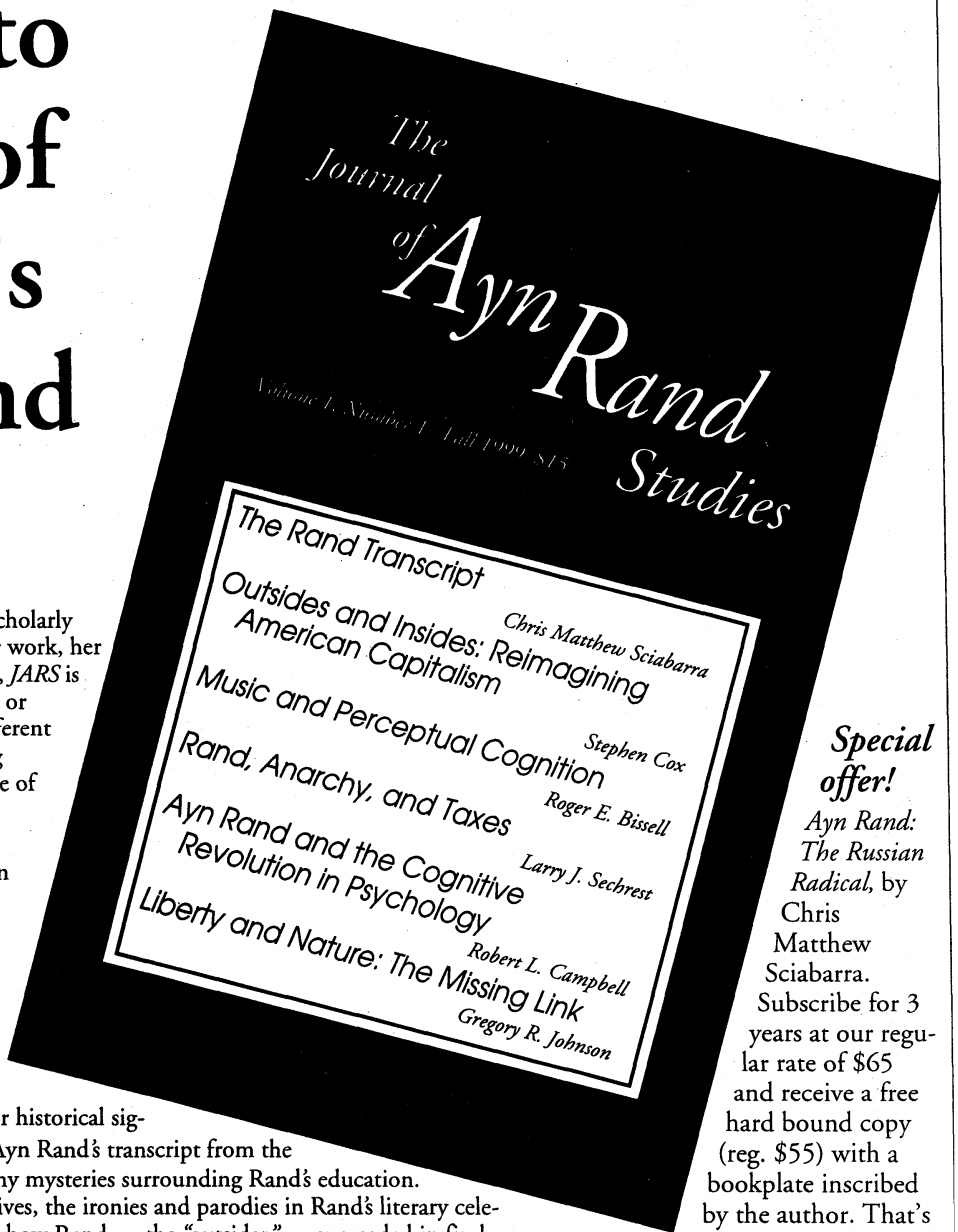

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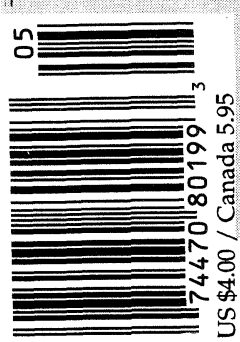

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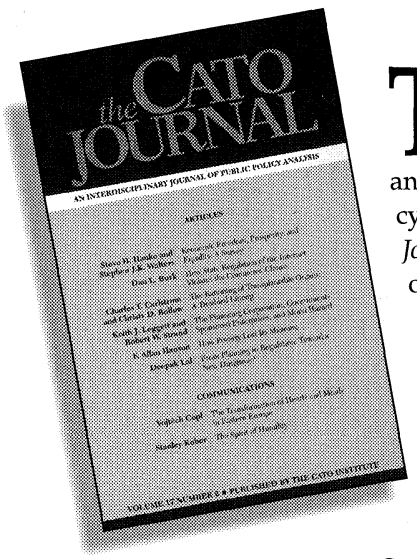

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Inside Liberty

May 2000
Volume 14, Number 5

4 **Letters** Off the couch and onto the soapbox!

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

Features

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

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

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

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

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

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

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

Reviews

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

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

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

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

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

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Letters

On Terminating Agreements (and Pregnancies)

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

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

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

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

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

David Allan Roberts
Gate City, Va.

It Takes Two

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

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

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

Charles Kluepfel
Bloomfield, N.J.

L.A.'s Finest Gang

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

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

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

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

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

Joseph Miranda
Northridge, Calif.

Hitler, Stalin, Whatever

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

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

We could have, as we did with the Russians, closely monitored German and Japanese activity. By limited military actions — commando raids or precision bombing — we could have taken out their atomic weapons projects or missile facilities. In other words we could have still bombed say, Peenemunde, from fortress America or an island outpost such as Greenland, Iceland, Ireland or Great Britain, without necessarily declaring total war on the Axis powers, or without necessarily trying to liberate the Eurasian mainland.

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

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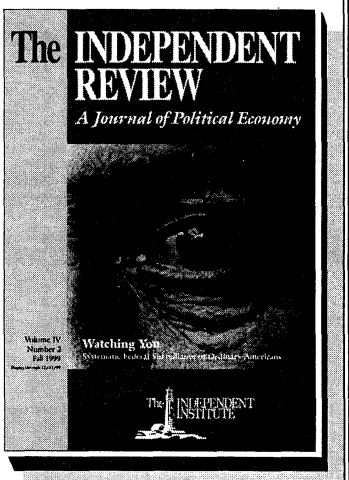

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French or even the British, who were not threatened with total annihilation the way the Jews were. Think of the ultimate implications of what Drew is saying: that morally and strategically it makes sense to go to war to defeat one unstable madman (Hitler)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

Jonathan Miller
Chevy Chase, Md.

The Hemings Are Covered

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

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

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

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

James Harrold, Sr.
Decatur, Ark.

M-ty Criticisms

Ron Paul ("Greenspan, Go Home!", March) has fallen for the myth that Wall Street brokers, populist investment advisors and the media have perpetuated, namely that Alan Greenspan has inflated the money supply. Problem is, it's not true.

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

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

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

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

continued on page 38

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Reflections

With further apologies to Cole Porter

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

—Sheldon Richman

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

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

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

Calling all eunuchs — January 5th's *South China Morning Post* reports that "cynical voters" in the central Indian town of Katni have elected a eunuch as mayor, and three other eunuchs as councilors. Reports the *Post*, "Voters said that as male councilors had been useless, they had given eunuchs a chance to run the municipality." Prabhat Jha, senior Bharatiya Janata Party leader in the province, explained the eunuchs' victory as a result of popular disgust with established parties: "We are perceived as corrupt and inefficient. Things have come to such a pass that frustrated voters chose to experiment with eunuchs who were earlier looked down upon by most people." Hmm. In 1994, when the GOP took over Congress, tough talk, testosterone, and chest-thumping were the order of the day. Phil Gramm growled about "getting the people ridin' in the wagon to git out and he'p the rest of us pull." Newt Gingrich puffed out his chest until it almost cleared his waistline, and threatened to abolish the Departments of Education and Energy. Today, George W. Bush mewls about block-granting the National Endowment for the Arts out to the states, and plans to expand the Department of Education. And John McCain's idea of machismo is to threaten to napalm anyone who wants to trim FDR's nanny state. The tough guys in the Republican party promised serious cuts in government. But when the time came to deliver, Republican officials found they lacked the stomach for them. I say we recruit some eunuchs to run for Congress. When you need some serious cutting done, why not turn to the experts? —Gene Healy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Primary dolors — The open primary system — where Democrats can help choose the Republican candidate and vice versa — is a serious threat to what little difference remains between the two parties. A good example is what happened in Michigan, where Democrats made an organized effort to get Democratic voters to vote for McCain in the Republican primary. As a result, about half the voters in that Republican primary were not Republicans. The Republicans overwhelmingly supported Bush, but the non-Republicans tipped the election to McCain.

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

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

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

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

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

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

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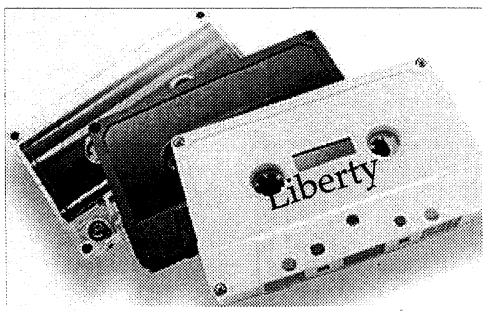

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Why the Great Depression Lasted So Long • **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: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

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

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

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

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

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

Are we that far from Huxley's dystopia? In public schools today, those who display boyish precociousness are fed Ritalin, and pigtail-pulling is punished with sexual harassment re-education. Huxley's vision of "Death Awareness Education" has already made it to some schools, and mutual masturbation lessons (to listen to Joycelyn Elders and Naomi Wolf) can't be far off.

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

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

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

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

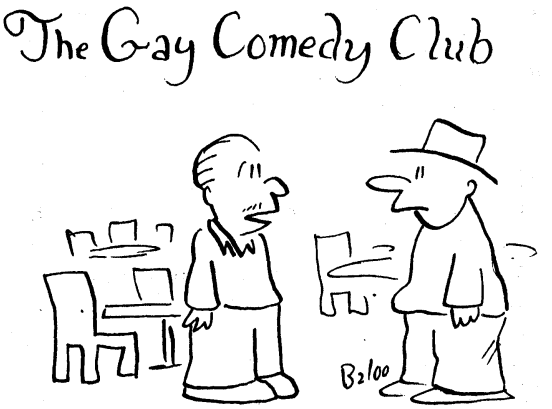

"It just isn't working out — we can't find any straight men."

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

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

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

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

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

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

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

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

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

Oops! What was I thinking?

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

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

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

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

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

All this in one term.

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

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

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

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

The old man's man — The extensive and worshipful coverage by the American media of Republican White House aspirant John McCain has created the perception of the Senator from Arizona as this year's "cool" presidential candidate, kind of the MTV nominee of the 2000 campaign. This is the guy who is challenging his political party's "establishment" and those religious crackpots, who is a "reformer" and a "straight talker" (hey, his campaign bus has been named The Straight Talk Express), and who has this very impressive record as a "war hero" (well, his war experience was very, very short; but he did spend several years in a North Vietnamese prison camp). He is married to this very cute lady, has adopted an orphan girl from Bangladesh, seems to have a sense of humor and is clearly more intelligent than George W. Bush (which doesn't say a lot, I suppose; but those are our current low standards).

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

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

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

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

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

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

—Leon Hadar

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

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

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

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

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

—Gene Healy

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

An uncommon problem — Outraged by increased private funding for academic research and the proliferation of licensing agreements between universities and private firms, Eyal Press and Jennifer Washburn of the Open Society Institute write in *The Atlantic Monthly*: "The proliferation of ownership claims threatens not only to stifle the free exchange of ideas but also to impede economic growth. James Boyle, an expert on intellectual property law at American University, warns that if current trends continue, 'creators will be prevented from creating,' as the public domain is 'converted into a fallow landscape of walled private plots.'" That must be why we hear so much about the *triumph* of the commons. —Matthew Brown

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

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

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

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

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

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

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

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

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

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

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

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

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

—Stephen Cox

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

—Barry Loberfeld

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

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

and application of individual rights. What is not so interesting — in a good way, at least — is the manner in which the opponents of Prop 22 went about their task of defending individual rights to the marriage contract.

They knew they were going to lose, so they should have had no temptation to compromise the individual-rights theme by appealing to any other issue. But no! The wave of smarm that sweeps over every American electoral contest caught up with them too. Their signs and brochures read: "FOR FAMILIES: NO ON 22."

For "families"? Please. If it's wrong for Jerry Falwell or Focus on the Family to try to get me to vote their way just because Adam and Eve were a family, then it's wrong for the anti-Prop 22 people to try to get me to vote their way just because Adam and Steve are also a family. The whole point should be to get government out of the business of deciding about "families." But of course, this sort of propaganda is simply an attempt to spin and confuse.

The really exciting, because uncertain, campaign in California was the effort to pass another proposition, no. 26, which was a wicked scheme to substitute a simple majority for the current requirement of a two-thirds majority needed to raise property taxes for schools ("For Kids," "For the Family"). This one, thank God, was defeated by a 2 percent margin.

Seven years ago, however, when the state was in serious economic trouble, a similar proposition got only 30 percent of the vote. The capitalist system is often a victim of its own success; in prosperous times, people are willing to shovel more money into the government's rapacious maw.

The two greatest sources of funding for the nearly-victorious Prop 26 were the teachers' union (of course) and a couple of Silicon Valley businessmen who each contributed $4 million in the effort to make poorer people give up billions more of their own funds. How right were the early libertarians — Isabel Paterson, Rose Wilder Lane, and Ayn Rand — to distinguish between capitalism (good) and the capitalists (*%!&*). There is some good news, though. The proponents of Prop 26 shelled out a total of $22 million for their doomed crusade. Their gallant opponents produced a victory with only $1.4 million. There is hope for the common people still. —Stephen Cox

Closer than Lourdes — During the Super Bowl, fans were impressed to see Christopher Reeves get up out of his wheelchair, and appear quite agile, thanks to computer animation. Probably the person most interested in the computer stunt was Democratic candidate Al Gore, who found new hope for his image. —Tim Slagle

Atlas Cast — Albert S. Ruddy, producer of the movie based on Ayn Rand's *Atlas Shrugged* (tentatively scheduled to premiere on Turner Network Television in 2001), has received many suggestions for casting the movie, but he's told *USA Today* he has his own ideas. Ruddy, who may not have reread Rand's novel recently, seems fuzzy about how old some of the characters should be. He would like to consider 28 year-old, green-eyed Jude Law (*The Talented Mr. Ripley*) for the role of John Galt who the producer says has "such a mystical quality. You never know where he's come from. He could be almost any age." Ageless, indeed. Law's portrait may well be aging in his attic.

It would be poetic to portray Galt as ageless, but Galt is a classmate of Francisco D'Anconia, who is a little older than Dagny, so it seems safe to presume Galt to be older than Dagny, too. Ruddy sees Dagny Taggart being played by someone no younger than 27, which is fine, but he doesn't seem to realize that Hank Rearden should be at least a decade older than Dagny and Galt. (Rand puts Dagny in her mid-thirties and Hank in his late forties.)

Jeannie Williams of *USA Today* at first asked readers to send her their suggestions for casting *Atlas Shrugged*, but has since written, "please don't send me any more." She passed "scores of suggestions" on to Ruddy who told Williams that there will be a Website, at some unspecified point, where any further suggestions can be flushed . . . er . . . submitted. There is no such Website at this writing.

At least Ruddy sincerely seems to like the project. "I've waited 25 years for this opportunity. It is a dream come true," he said through a TNT press release. Ruddy's feature films include *The Godfather*, *Bad Girls*, *Cannonball Run*, *The Scout* and *The Longest Yard*. His TV movies include *Married to a Stranger*, a drama about a woman with amnesia. He also created the television shows *Walker, Texas Ranger* and *Hogan's Heroes*. A mixed bag.

A new screenplay, written by Susan Black, who wrote *Married to a Stranger*, is scheduled to be submitted for approval to Rand's literary estate as early as April. (I thought that Sterling Silliphant had already written a screenplay for *Atlas Shrugged* in the 1970s and that Rand approved it.) Black has previously written two made-for-TV movies.

Atlas is anticipated to be four or five hours long. (TNT said four hours in October, but Ruddy subsequently gave *USA Today* an estimate of five hours.) No word yet on how much of Galt's hours-long speech will be trimmed.

—Miles Fowler

One socialist deserves another — The United States representative at the inauguration of Chile's first socialist president since the timely demise of Salvador Allende was . . . guess who? Janet Reno. How appropriate.

—Stephen Cox

The English eclipse — The events of August 11, 1999 have removed any remaining doubts that the character of the British people has degenerated greatly from previous centuries — when Britain was the greatest exemplar of liberty in Europe.

As astronomy fans know, England and other parts of Western Europe were privileged to be able to see a total eclipse of the sun last August 11. For many years, eclipse watchers all over the world of have used cardboard "eclipse glasses" to view solar eclipses safely. (The glasses have cardboard frames, and the lenses are coated with aluminum, chromium or silver.) Looking directly at the sun (whether in eclipse or not) without special glasses is likely to cause serious eye damage.

About two weeks before the eclipse, a spokesman for the British government began appearing on the government-owned television and radio stations, warning people that use of the eclipse glasses could cause people to go blind. The government spokesman asserted that the only safe way to watch the eclipse was on television.

The British media promptly began their own hysterical warnings about the "controversial" eclipse glasses. Some British Broadcasting Corporation reporters told people that instead of using the eclipse glasses, people should observe the eclipse by watching a reflection on the water or by looking at the sun through a pinhole — both methods are quite dangerous, and really could cause blindness. As result of the government and media fright campaign, millions of Britons were so intimidated that instead of enjoying one of the greatest natural phenomena they would ever have the opportunity to see, they stayed indoors to look at the telly.

Meanwhile, in France (once derided by Britons as the epitome of an overgoverned state), the government managed to let people watch the eclipse without any government intervention. In Belgium, the Royal Observatory — proving that not all civil servants are idiots — supplied accurate information about eclipse watching — informing people that eclipse glasses with a CE rating were safe, and that looking at the eclipse's reflection in water was unsafe.

The French and the Belgians enjoyed the eclipse with eclipse glasses. Back in Britain, the national health care system's eye treatment centers were deluged by hysterics who thought that they had damaged their eyes by watching the eclipse. Weeks later, the British Department of Health announced that no actual eye injuries from the eclipse had been found. But, warned the British government, damage might surface later.

The next total solar eclipses are June 21, 2001 (in southern Africa) and December 4, 2002 (India and Australia). The African dictatorships are so busy with their more elementary functions of extortion and murder that they will probably leave eclipse-watchers alone. The India-Australia eclipse will offer an opportunity to observe if the government and people of these democracies have become as foolish as their one-time colonial masters in Britain.

The great nation that gave us Henry Hudson, the Duke of Wellington, and Winston Churchill has decayed into an easily-panicked gaggle of nincompoops. If the people need the government to tell them whether it's safe to go outdoors, no wonder most of the population doesn't consider itself capable of owning a handgun. Britain has gone into eclipse, as the bright sun of liberty and common sense has been blotted out by the dark moon of childish reliance on witless paternalistic government. —David Kopel

Imelda Rodham Clinton

— Hillary Rodham Clinton made it official that she is running for office. A leap of faith, considering her resumé. On it is her failed attempt to socialize one sixth of the United States economy. We were lucky to skate by with only a research cost of 13 million dollars. I would rather she had spent the money on shoes. A well dressed first lady would have been far more impressive than a thirteen hundred page lump of solid waste. —Tim Slagle

Not the marrying kind —

Stan Baker wanted to be bound *in vinculo matrimonii*. Nothing masochistic, for these are the chains of matrimony. The town clerk refused him a license

continued on page 52

The Legacy of Ayn Rand

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Account

The Saga of Jarbidge Road

by Sandy Shaw and Durk Pearson

Coming to a town near you: federal closures of your roads.

Hundreds of years ago American Indians climbed through what is now called Jarbidge Canyon to their rich summer hunting grounds, making a road as they walked over the same throughway year after year. About 150 years ago white men began using the road the Indians had established there.

In 1995, a storm washed out the Jarbidge Road, making it impassable to the wheeled vehicles that had used it for well over a century. Area residents, including Shoshone Indians, wanted to repair it and the Elko County Commissioners voted to do so. But the U.S. Forest Service told them not to bother because the agency would repair the road. Two years later, the road was still unrepaired and the U.S. Forest Service announced that it would never repair the road, on the theory that doing so would endanger bulltrout that live in the stream that runs along the road. To prevent its repair, the Forest Service dumped thousands of tons of dirt and boulders on the old road.

"Bull," said local old-timers who had fished these waters all their lives. The real purpose of this, they said, is to close the road to keep people out of the undeveloped "public lands." The bulltrout are located upstream of the road, so that the Forest Service's claim that dirt from the road endangers the bulltrout doesn't hold water. And if the Forest Service was really motivated by a desire to protect the bulltrout, then it wouldn't have dumped the dirt and boulders onto the old road, since doing so meant that the next inevitable washout would dump far more debris into the stream.

Local people were determined to restore use of the road. The state of Nevada requires a permit to use mechanical equipment for road repair, so they organized a work party with shovels and horse-drawn equipment to remove the tons of dirt and huge boulders that the U.S. Forest Service had dumped on the road. The Forest Service responded by getting a federal judge to issue an injunction blocking the work, on grounds that it would likely "result in a 'taking' of a federally threatened species." The Forest Service also asked the judge to order Elko County to pay $400,000 in "damages" for the work done in 1998, plus $27,500 each day since, which amounts to more than $16 million to date. The rebels responded by organizing a shovel collecting campaign they call "Shovels for Solidarity" to demonstrate resistance to the Forest Service's illegal closing of Jarbidge Road. Thousands of shovels from all over the country have arrived in Elko for the collection. In addition, the group commissioned a 28-foot-tall shovel, which is now on display at the Elko County Courthouse. More than 2,200 people have shelled out a dollar to affix their names to the giant shovel.

Gloria Flora, the U.S. Forest Service supervisor and road destroyer-in-chief of Nevada's Humboldt-Toiyabe National Forest, in which the Jarbidge Road is located, began complaining about threats, intimidation, and harassment against the employees of the U.S. Forest Service living and working in Elko, the nearby town. When investigated by the Forest Service, however, no prosecutable incidents could be identified. Flora took a leave of absence and was last seen giving speeches in which she compares "fed bashing" to racism. Flora says, "It's not much different than racism to pick a class of people and systematically make them unwelcome in your community" and "it's not about winning or losing. It's about sharing and caring for our resources." She adds that "Nevada has a reputation in the Forest Service and the Bureau of Land Management as being one of the toughest places to work."

The Jarbidge Road is at the center of a nationwide battle over public rights of way over "public lands" established through public use and custom under Revised Statute 2477

(recodified as 43 U.S.C. §932). This Act of 26 July 1866 stated simply that "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." The right to create public rights of way under R.S. 2477 was in effect until the passage by Congress in 1976 of the Federal Land Policy and Management Act, FLPMA. Under FLPMA no *new* roads can be created over the public lands under R.S. 2477. But it explicitly preserved the public's right to continue to use of all R.S. 2477 rights of way established prior to 1976. The Department of Interior chose to interpret the word "road" to mean only those roads that were maintained by mechanical equipment, and to interpret the FLPMA to authorize its closing roads that were not so maintained.

On October 5, 1977, Tom Foley and 24 other members of Congress wrote a letter to Assistant Secretary of Land and Water Resources Guy Richard Martin firmly stating that the intention of Congress was that FLPMA would not interfere in any way with the continued use of R.S. 2477 rights of way established prior to the passage of FLPMA:

> The Department has apparently made a preliminary determination that it is the will and intent of Congress that a road is not a road, unless that road has been improved and maintained by mechanical means other than the regular traffic of vehicles. That was not the intent of Congress.
>
> Using the [Department's] definition, the traditionally recognized network of improved vehicle ways that traverse millions of acres of public lands is suddenly no longer recognized. These numerous and necessary access routes are called roads in official government maps and literature, they are used as roads by hikers, campers, hunters, fishermen, cattlemen, miners, loggers and prospectors. The roads are evident on maps and on the ground. They are the traditional public vehicle ways . . .
>
> . . . [We] the undersigned offer the following direction in determining the true will and intent of the Interior Committee, and of Congress:
>
> 1. The basic rule of common sense must be exercised.
> 2. The method of construction, the condition of upkeep, and the type of vehicle that can make use of the road should *not* be the dispositive factor in determining what a "road" is.
> 3. Of primary concern is whether a way has traditionally been used as a road by the public — whether it has accumulated enough beneficial use to have accustomed the public to its availability.
> 4. We wish to stress that those vehicle tracks created by mindless joyriders in environmentally sensitive areas do not constitute a "road."

The law and the plain intent of Congress notwithstanding, federal land agencies have used the FLPMA to justify closing R.S. 2477 roads to create "roadless" wilderness areas and to keep people out of the King's forests, in effect nationalizing over 30 percent of the land area of the United States.

Local people were determined to restore use of the road. The state of Nevada requires a permit to use mechanical equipment for road repair, so they organized a work party with shovels and horse-drawn equipment to remove the tons of dirt and huge boulders that the U.S. Forest Service had dumped on the road.

That isn't enough land for the feds, who are now trying to get Congress to pass bills giving them a slush fund of a billion dollars or more a year — as an entitlement with no Congressional oversight — to buy up more private lands.

In the West (and much of the East as well), much of the vital infrastructure, such as rights of way for telephone lines, electric power lines, water pipelines, and access to private property and to private water on public lands, consists of rights of way created under R.S. 2477 prior to 1976. If the federal government can extinguish those rights without compensation, it would be a catastrophic blow to the independence of most towns and cities in the West and many similar entities in the East. The feds could hold these towns and cities up for ransom by demanding all sorts of concessions in order that the feds allow them to continue using these rights of way.

We have been active in the battle over R.S. 2477 rights of way for several years, filing a number of public comments (to establish standing for a suit against the government) in response to the proposed rules on R.S. 2477 rights of way published in the Federal Register by federal land agencies. Our attorney, Jonathan Emord, has done thorough analysis of court rulings on R.S. 2477 rights of way. The agencies have abandoned for now their attempts to establish new rules, but are simply closing R.S. 2477 roads without any legal basis for doing so. They believe, as did Chairman Mao, that political power grows out of the barrel of a gun, and they have the biggest guns. Consent of the governed? Rule of law? The Constitution? All are irrelevant to the feds. The stakes are high. The rebels of Jarbidge deserve our support. ❑

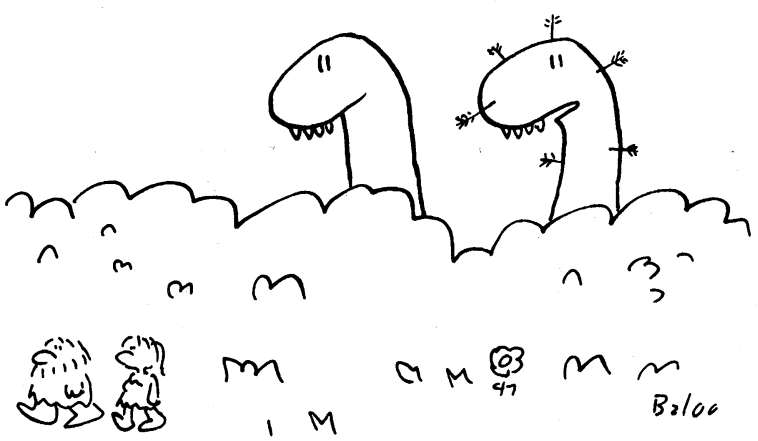

"Forget it — They're sort of tasty, but they're not worth the hassle."

For more information on the "Shovels for Solidarity" program, contact Nevada Assemblyman John Carpenter, P.O. Box 190, Elko, NV 89803, (775)738-9861.

For a copy of Jonathan Emord's analysis of R.S. 2477 rules, send $5 to cover postage and copying costs to: People for the Constitution, PO Box 3666, Tonopah, NV 89049.

Epistle

Open Letter to the People of Japan

by David Kopel

Before you denounce American ownership of guns, you might want to consider how your own country's history supports the wisdom of the Second Amendment.

In the past several years, the Japanese government has worked very hard in the United Nations, and in nations around the world, to spread its gun prohibition policies all over the globe. From funding gun buybacks in South Africa, to presenting petitions against gun possession by Americans, to pushing for major United Nations policies against private gun ownership, Japan has turned gun prohibition into one of the nation's major exports. But this aggressive export campaign, as applied to the United States, is premised on a deep misunderstanding, and a failure to understand the important differences between Japan and many other nations, including the United States.

In Japan, there is little need to own a firearm for protection against crime. But in America, although crime has declined in recent years, the violent crime rate remains very high in large part as a result of mistakes made by Americans in the past. Unlike the Japanese, white Americans kidnapped slaves from Africa, and, after the slaves were freed, kept black people in miserably poor conditions. Much of America's current crime is a direct result of prior racist mistreatment of black people.

In addition, the American police spend an enormous amount of their resources enforcing the drug laws; consequently, there are fewer police resources to fight violent crime.

And, of course, America's government-run schools are a disaster. Many students graduate from American high schools unable to read; such people often find that they cannot find a job which will pay as well as does a life of crime.

With so much crime, police are simply unable to protect all people at all times. In fact, under the legal doctrine of "sovereign immunity," American police forces have no legal obligation to protect people before a crime is committed; police only have the legal duty to investigate crime after it has taken place.

If the government in Japan failed to supply clean drinking water, people would find their own water. In the United States, where the government cannot provide personal security, people provide their own. Firearms are an option that many people choose for security.

On the whole, firearms in the hands of law-abiding people make America safer than it would otherwise be. According to criminologist Gary Kleck of Florida State University, Americans use firearms over two million times a year to defend themselves against criminal attack.

About half of all American homes contain a gun, and the prevalence of guns in American households plays a major role in reducing burglary. As a result, an American burglar's chance of getting shot is about equal to his chance of getting caught and going to jail. In countries such as Great Britain, Canada, or Australia, where people are not allowed to own guns for protection, the burglary rate is much higher than in the United States.

Burglars in America generally break in during the daytime. They take the extra risk of daylight entry because they realize that if they break in at night, people are more likely to be at home, and the burglar stands a good chance of getting shot. Burglars in other English-speaking countries, in contrast, are much more willing to attack a home when people are present.

Another reason so many Americans choose to own guns is the example set by government. The Japanese police

almost never draw their revolvers, and instead use their expertise in judo and other martial arts to subdue criminals. In America, on the other hand, about one person a day is fatally shot by the police. The frequent use of guns by American police legitimates the use of guns in general.

The Futility and Evil of Home Gun Bans

Although hundreds of thousands of Japanese have signed petitions demanding that the American government ban the possession of guns in the home, such a measure would be unlikely to succeed. Whenever American cities or states have enacted laws forbidding the possession of particular types of guns, or simply requiring that people tell the government what kinds of guns they own, most Americans have refused to obey such laws. Depending on the law and the region, disobedience rates range from 75 percent to 98 percent. In the case of a prohibition against owning guns in the home, at least 50–60 million Americans in at least 38–50 million households would refuse to comply.

Unlike the Japanese, white Americans kidnapped slaves from Africa, and, after the slaves were freed, kept black people in miserably poor conditions. Much of America's current crime is a direct result of prior racist mistreatment of black people.

The American criminal justice system, which cannot even control a few hundred thousand violent criminals at present, would simply collapse under the weight of 50 million new "criminals."

And, incredible as it may sound to Japanese, many Americans would shoot a policeman who came to confiscate their guns. And perhaps even more incredibly (from a Japanese viewpoint), the American Constitution implicitly endorses such behavior.

Americans are, in their hearts, deeply afraid of the dangers of government abuse. The Second Amendment of the American Constitution guarantees the right to own and carry firearms. The historical record shows that the core purpose of the Second Amendment was to ensure that if the central government ever became dictatorial, the American people would be able to overpower it. The people who wrote the American Constitution presumed that any government that would confiscate guns would be doing so as a first step toward enslaving or murdering the people.

Indeed, the Japanese historical experience validates the importance of an armed populace. As the Japanese historian Hidehiro Sonada explains, the military was able to dominate Japan in the 1920s, 30s, and early 40s partly because "The army and the navy were vast organizations with a monopoly on physical violence. There was no force in Japan that could offer any resistance." Many Americans would not be surprised that when the dictator Hideyoshi disarmed Japan in 1588 with the Sword Hunt, he did so because, as he put it, the possession of weapons by peasants "makes difficult the collection of taxes and tends to foment uprisings." And once the peasantry had been disarmed, it became increasingly oppressed. American historian Stephen Turnbull notes that after the Sword Hunt was completed, "The growing social mobility of peasants was thus flung suddenly into reverse." Having once enjoyed the freedom to choose jobs as they pleased, the disarmed peasants were forbidden to leave their land without their superior's permission.

To many Japanese (and to the American lobbies which advocate disarming the people) the idea that an armed populace could resist a powerful army seems preposterous. But as America learned in Vietnam, Russia learned in Afghanistan, and Japan learned in Manchuria, an armed population can wear down even the mightiest imperial army. Indeed, the United States won its own independence in 1783 after armed citizens, using their own muskets, rifles, and handguns, fought an eight-year war against the mighty British Empire.

Dictator Hideyoshi disarmed Japan in 1588 with the Sword Hunt. He did so because, as he put it, the possession of weapons by peasants "makes difficult the collection of taxes and tends to foment uprisings."

The American ownership of guns is deeply tied to American concepts of individualism, self-protection and freedom from oppressive government. To Japanese, whose orientation tends to focus on the group rather than the individual, the American attitude may seem absurd or even barbaric. But just as Japanese would resent and reject Americans who gathered petitions telling the Japanese how to run their own affairs, Americans will not change their ways based on pressure from abroad. Perhaps the best path to international harmony between America and Japan is for each nation to respect the other nation's basic values, and not attempt to force one country to become like the other.

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Report Card

How Congress Rates

by David Boaz

Is there a libertarian in the House?

Last year the British libertarian political scientist Nigel Ashford asked me who were the most libertarian members of Congress. I was chagrined to realize that despite following Congress for more years than I care to remember, I didn't really know the answer — beyond Rep. Ron Paul (R-Tex.), of course, who was the 1988 Libertarian Party nominee for president. So I set out to select some key 1999 votes from the House of Representatives and find out.

Over the years I've read lots of ratings of congressional votes — from the traditional liberal ratings of Americans for Democratic Action and conservative ratings from the American Conservative Union, to the taxpayer-issue ratings of the National Taxpayers Union and the competition scores from the Competitive Enterprise Institute, to the libertarian ratings done for some 10 years now by Clifford Thies for the Republican Liberty Caucus. My concern with many of the attempts at libertarian ratings I've seen is that they always overemphasize economic issues (which dominate congressional voting) and "right-wing" civil liberties issues, thus making conservative Republicans look better than they deserve. At last, I decided, I'll do my own rating. I'll include foreign policy and civil liberties issues. And we'll really find out which members of Congress are most libertarian.

So guess what? If anything, in this fairly sketchy rating, I skimped on economic issues. I included civil liberties votes that could hardly be construed as right-wing. And conservative Republicans still predominate among top scorers.

So does that mean that conservative Republicans are indeed more libertarian than moderate Republicans or liberal Democrats? There's still room for doubt. I certainly could have included more of the votes that the American Civil Liberties Union includes in its ratings, many of which are indeed libertarian. There are basic issues that don't come up for votes in Congress very often that might trip up conservative Republicans if they did. And 1999, the year of impeachment, was an unusually partisan year; it's quite possible that if a Republican president had proposed sending troops to Kosovo, he would have received more support from Republicans and less from Democrats. And the Republican tax cut certainly ended up as a party-line vote. But it's surely true that you can't be a defender of liberty if you don't support private property, freedom of enterprise, lower levels of confiscation, and a limited role for the federal government — no matter how strong your commitment to freedom of speech and other civil liberties.

Rating the Parties

Democrats	41
Republicans	52
Overall	47

One problem with some of the votes that ACLU-type civil libertarians might stress is that they involve the complicated issue of how to deal with the use of government funds or with people who enter into special relationships with government. For instance, what kinds of conditions should the government be able to attach to money it hands out? Should federal employees be free to engage in partisan polit-

ical activity? Should Congress tell the National Endowment for the Arts not to fund homoerotic art (while keeping the NEA's budget the same)? Should states be allowed to use their federal AIDS funding for needle exchange? Should the public schools be allowed (or required) to display the Ten Commandments, or to ban gay teachers? I've avoided such votes because I think it's difficult to find a clear libertarian position on such issues; there's obviously a difference between banning the display of a dung-covered painting of the Madonna, and refusing to fund such a display, and libertarians might come to different conclusions on the latter question. (For a scholarly look at some of the complexities involved in these issues, see Richard Epstein's *Bargaining with the State*.)

You can't be a defender of liberty if you don't support private property, freedom of enterprise, lower levels of confiscation, and a limited role for the federal government.

Some Libertarian Surprises

So enough with the disclaimers. Let's go to the tape. Who were the most libertarian members of the House of Representatives on the twelve votes selected for 1999?

It won't surprise anyone to find Ron Paul at the top. Throughout his tenure in Congress, Paul has maintained a remarkably consistent and principled voting record. Out of these twelve votes, he voted against the libertarian position on only one — voting for Rep. Steve Largent's amendment to prohibit gay or unmarried couples in the District of Columbia from adopting children.

The Top 10

Name	Liberty Rating	State	Party
Paul, Ron	92	Texas	Republican
Hoekstra, Peter	92	Michigan	Republican
Sununu, John E.	89	New Hampshire	Republican
Schaffer, Bob	83	Colorado	Republican
Camp, Dave	83	Michigan	Republican
Pryce, Deborah	78	Ohio	Republican

Twenty Representatives, all Republican, tied for seventh place with a Liberty Rating of 75.

It may be more surprising that Paul was joined at the top by Rep. Pete Hoekstra (R-Mich.), who voted libertarian on the same 11 votes. Hoekstra also scores highly on the latest version of the RLC ratings. Right behind the leaders was Rep. John Sununu (R-N.H.), son of President George Bush's White House chief of staff, but it should be noted that he missed 3 of the 12 votes, as did the high-scoring Rep. Deborah Pryce (R-Ohio).

Reps. Dave Camp (R-Mich.) and Bob Schaffer (R-Colo.) were next, each voting for the constitutional amendment to ban flag desecration, a vote that tripped up most of the Republicans.

The first large group is the 20 members who scored 75 percent, all Republicans. Most of them voted to ban gay adoptions and flag desecration, and each of them voted opposite the libertarian position on at least one other vote. Interestingly, they represent a wide spectrum of the House Republicans — traditional conservatives like Rep. Philip M. Crane (R-Ill.), self-limiting South Carolinians Jim DeMint and Mark Sanford, religious conservative Steve Chabot (R-Ohio), and moderates Jim Leach (R-Iowa), Tom Campbell (R-Calif.), Tom Petri (R-Wisc.), and Jim Kolbe (R-Ariz.).

The highest-ranking Democrat, at 72.7 percent, would surprise many congressional observers. Rep. David Obey (D-Wisc.) has served for more than 30 years. *The Almanac of American Politics* describes him as "a true believer in traditional liberalism, in Keynesian economics and economic redistribution." In this rating he is probably helped by having voted "Present" on sending troops to Kosovo, when most Democrats supported President Clinton. But his score makes one thing clear: any Democrat who supported civil liberties and opposed corpo-

The Bottom 10

Name	Liberty Rating	State	Party
Maloney, Jim	8	Connecticut	Democrat
Shows, Ronnie	8	Mississippi	Democrat
Turner, Jim	8	Texas	Democrat
King, Peter T.	17	New York	Republican
Stenholm, Charles W.	17	Texas	Democrat
Lazio, Rick A.	18	New York	Republican
Quinn, Jack	18	New York	Republican
Skelton, Ike	18	Missouri	Democrat
Berry, Marion	20	Arkansas	Democrat
Reyes, Silvestre	20	Texas	Democrat

rate welfare could have done well on this rating. The astounding fact is that so few of them did. Obey got his high score by voting against censorship of the Internet, a gun control bill, the flag desecration amendment, the gay adoption ban, export subsidies, and the Selective Service Agency, and by voting for civil asset forfeiture reform and cuts in space station funding. What's so difficult about any of that for a liberal?

The next-best Democrats, at 67 percent, showed the same pattern. True-blue liberals George Miller (D-Calif.), Lynn Rivers (D-Mich.), and Lynn Woolsey (D-Calif.) voted mostly like Obey, except that they all voted for the bill to regulate sales at gun shows.

The group of members at 58 percent presents some interesting contrasts. Texas conservatives Bill Archer and Dick Armey are followed alphabetically by Tammy Baldwin (D-Wisc.), the first openly lesbian member of Congress. She and Armey voted almost exactly opposite — they only agreed on civil asset forfeiture reform and export subsidies — but ended up with the same percentage right. Libertarians would no doubt be disappointed at Armey and surprised by Baldwin. Further down that list we find Rep. Bob Barr (R-Ga.), a fiery right-winger often found on *Crossfire* and often found taking strongly libertarian stands on issues like the national identity card. But he voted for steel import quotas and space station funding, among other failings. Also at 58 percent is Virgil Goode of Virginia, perhaps the most conservative Democrat in 1999, but now an independent who caucuses with the Republicans.

Whom do we find at the bottom of the rankings? Lots of Democrats, mostly, the sort who are dubbed "Authoritarian" in the RLC rankings. But some might be surprised to find conservative Republicans Tom Bliley (R-Va.), Saxby Chambliss (R-Ga.), James Hansen (R-Utah), John L. Mica (R-Fla.), Christopher Smith (R-N.J.), Mark Souder (R-Ind.), and C. W. (Bill) Young (R-Fla.) at 33 percent, with the likes of Harold Ford, Jr. (D-Tenn.) and John P. Murtha (D-Pa.).

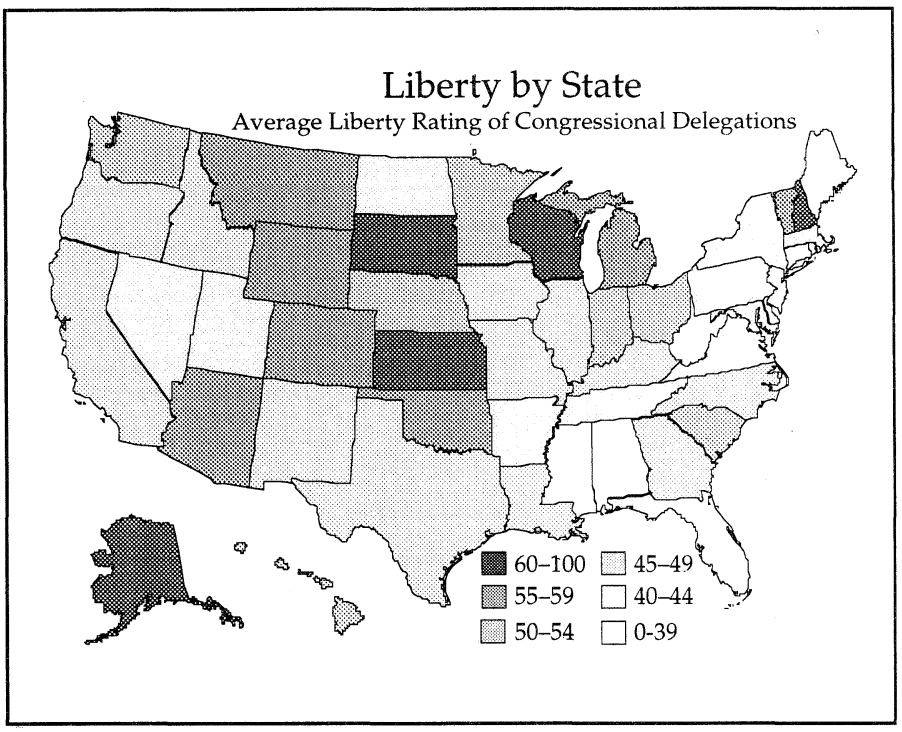

Bringing up the rear are the ten members who score below 25 percent. They're an interesting group. Rep. Charles W. Stenholm (D-Tex.), longtime leader of the conservative Democrats, scores 17 percent — voting libertarian only on gun control and forfeiture reform. New York Republicans Rick Lazio, Jack Quinn, and Peter T. King are among the bottom dwellers, making one wonder why the New York Conservative Party prefers Lazio to Mayor Rudolph Giuliani as a Senate candidate. Tied for last place, managing to vote for freedom over coercion only once in twelve tries are three moderate to conservative Democrats squarely in the ideological center of the House — which may tell us a lot.

In the end, no ratings system is perfect. Any interested voter should watch the actual votes of his own representatives in Congress, not rely on a selective rating. But this rating draws on a wider selection of issues, each with a clear libertarian position, than most others. ❑

Any Democrat who supported civil liberties and opposed corporate welfare could have done well on this rating. The astounding fact is that so few of them did.

How "Republican Libertarians" Rated

Name	State	Party
Paul, Ron	Texas	92
Hayworth, J.D.	Arizona	75
Smith, Nick	Michigan	67
Tiahrt, Todd	Kansas	67
Shadegg, John	Arizona	58
Foley, Mark	Florida	58
Metcalf, Jack	Washington	58
Salmon, Matt	Arizona	55
Chenoweth, Helen	Idaho	50
Johnson, Sam	Texas	50
Bilbray, Brian P.	California	40

The above Congresspersons are members of the "Advisory Board" of the Republican Liberty Caucus.

The Liberty Rating

Congresspeople are listed in alphabetical order by states. The names of congresspersons are followed by their party affiliation (P), as follows: D=Democrat, R=Republican, I=Independent. The third column is their Liberty Rating (LR), the percentage of the time that each member voted for the libertarian stand on the issues selected. The remaining 12 colums list how each member voted on each issue (1=libertarian, 0=anti-libertarian, x=no vote, p=present, a=abstained.)

The Votes:

1. Authorize peacekeeping operations in Kosovo, H. Con. Res. 42 Roll Call Vote no. 49). March 11. Libertarian vote NO.
2. Reduce volume of steel imports, HR 975 (Roll Call Vote no. 56). March 17. Libertarian vote NO.
3. Protect children from sexual or violent material, Hyde amendment to HR 1501 (Roll Call Vote no. 213). June 16. Libertarian vote NO.
4. Regulate sales at gun shows, McCarthy amendment to HR 2122 (Roll Call Vote no. 235). June 18. Libertarian vote NO.
5. Constitutional Amendment to Prohibit the Physical Desecration of the U.S. Flag, H.J. Res. 33 (Roll Call Vote no. 252). June 24. Libertarian vote NO.
6. Civil Asset Forfeiture Reform Act, HR 1658 (Roll Call Vote no. 255). June 24. Libertarian vote YES.
7. Eliminate the "Know Your Customer" bank regulations, Barr amendment to HR 10 (Roll Call Vote no. 269). July 1. Libertarian vote YES.
8. Financial Freedom Act of 1999 (federal tax cut), HR 2488. (Roll Call Vote no. 333). July 22. Libertarian vote YES.
9. Ban adoptions by gay or unmarried couples in District of Columbia, Largent amendment to HR 2587 (Roll Call Vote no. 346). July 29. Libertarian vote NO.
10. Prohibit any funds for new Overseas Private Investment Corporation projects, Andrews amendment to HR 2606 (Roll Call Vote no. 359). August 2. Libertarian vote YES.
11. Restore Selective Service Agency funding, Cunningham amendment to HR 2684 (Roll Call Vote no. 391). September 8. Libertarian vote NO.
12. Reduce funding for the international space station program, Roemer amendment to HR 2684. (Roll Call Vote no. 392). September 8. Libertarian vote YES.

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Alabama														
Aderholt, Robert B.	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Bachus, Spencer	R	33	1	0	0	1	0	0	0	1	0	1	0	0
Callahan, Sonny	R	36	P	0	0	1	0	1	1	1	0	0	0	0
Cramer, Robert E.	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Everett, Terry	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Hilliard, Earl F.	D	42	0	0	1	1	0	1	0	0	1	0	1	0
Riley, Bob	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Alaska														
Young, Don	R	60	1	0	1	1	0	1	1	1	0	0	x	x
Arizona														
Haywor th, J.D.	R	75	1	1	1	1	0	1	1	1	0	1	1	0
Kolbe, Jim	R	75	1	1	1	1	1	1	0	1	1	0	0	1
Pastor, Ed	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Salmon, Matt	R	55	1	1	1	x	0	1	0	1	0	1	0	0
Shadegg, John	R	58	1	1	0	1	1	1	0	1	0	1	0	0
Stump, Bob	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Arkansas														
Berry, Marion	D	20	0	0	1	0	0	1	0	0	0	0	x	x
Arkansas (continued)														
Dickey, Jay	R	58	1	0	1	1	0	1	0	1	0	1	0	1
Hutchinson, Asa	R	50	1	1	1	1	0	0	0	1	0	0	1	0
Snyder, Vic	D	42	0	0	1	0	1	1	0	0	1	0	1	0
California														
Becerra, Xavier	D	36	x	0	1	0	1	1	0	0	1	0	0	0
Berman, Howard L.	D	36	0	1	1	0	1	x	0	0	1	0	0	0
Bilbray, Brian P.	R	40	x	1	0	0	0	0	0	1	1	x	0	1
Bono, Mary	R	58	0	1	1	1	0	1	1	1	0	1	0	0
Calvert, Ken	R	33	0	1	0	1	0	1	0	1	0	0	0	0
Campbell, Tom	R	75	1	1	1	0	0	1	1	1	1	1	1	0
Capps, Lois	D	36	x	0	1	0	0	1	0	0	1	0	1	0
Condit, Gary A.	D	50	1	0	1	0	0	0	0	1	1	1	1	0
Cox, Christopher	R	67	1	1	1	1	0	1	0	1	0	1	1	0
Cunningham, R.	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Dixon, Julian C.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Dooley, Cal	D	42	0	1	1	0	0	1	0	0	1	0	1	0
Doolittle, John T.	R	67	1	1	1	1	0	1	1	1	0	1	0	0
Dreier, David	R	50	0	1	1	1	0	1	1	1	0	0	0	0
Eshoo, Anna G.	D	50	0	1	1	0	1	1	0	0	1	0	1	0
Farr, Sam	D	50	0	0	1	0	1	1	0	0	1	1	1	0
Filner, Bob	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Gallegly, Elton	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Herger, Wally	R	67	1	1	0	1	0	1	1	1	0	1	0	1
Horn, Steve	R	42	1	0	0	0	0	1	0	1	1	0	1	0
Hunter, Duncan	R	42	0	0	0	1	0	1	1	1	0	1	0	0
Kuykendall, Steven	R	50	1	1	1	0	0	1	0	1	1	0	0	0
Lantos, Tom	D	33	0	0	1	0	0	1	0	0	1	x	x	x
Lee, Barbara	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Lewis, Jerry	R	67	0	1	1	1	0	1	1	1	1	0	1	0
Lofgren, Zoe	D	55	P	1	1	0	1	1	0	0	1	0	1	0
Martinez, Matthew	D	36	0	0	1	0	0	1	0	0	1	0	1	x
Matsui, Robert T.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
McKeon, Howard	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Millender-McDonald	D	36	0	0	1	0	x	1	0	0	1	0	1	0
Miller, Gary G.	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Miller, George	D	67	0	0	1	0	1	1	1	0	1	1	1	1
Napolitano, Grace	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Ose, Doug	R	58	0	1	1	0	0	1	1	1	1	0	1	0
Packard, Ron	R	45	1	1	0	1	0	x	1	1	0	0	0	0
Pelosi, Nancy	D	55	0	0	1	0	1	1	x	0	1	0	1	1
Pombo, Richard W.	R	58	1	0	1	1	0	1	1	1	0	1	0	0
Radanovich, George	R	42	0	1	0	1	0	1	1	1	0	0	0	0
Rogan, James E.	R	42	1	0	1	0	0	1	0	1	0	1	0	0
Rohrabacher, Dana	R	75	1	1	1	1	0	1	1	1	0	1	1	0
Roybal-Allard, L.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Royce, Ed	R	75	1	1	1	1	0	1	1	1	0	1	1	0
Sanchez, Loretta	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Sherman, Brad	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Stark, Pete	D	58	0	0	1	0	1	1	0	0	1	1	1	1
Tauscher, Ellen O.	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Thomas, Bill	R	60	1	1	x	x	0	1	0	1	1	0	1	0
Thompson, Mike	D	33	0	0	1	0	1	0	0	0	1	0	1	0
Waters, Maxine	D	36	0	0	1	0	1	x	0	0	1	0	1	0
Waxman, Henry A.	D	55	0	0	1	0	1	1	0	0	1	x	1	1
Woolsey, Lynn	D	67	0	0	1	0	1	1	1	0	1	1	1	1
Colorado														
DeGette, Diana	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Hefley, Joel	R	67	1	0	0	1	0	1	1	1	0	1	1	1
McInnis, Scott	R	64	1	0	1	1	0	x	1	1	0	1	0	1
Schaffer, Bob	R	83	1	1	1	1	0	1	1	1	0	1	1	1
Tancredo, Tom	R	67	1	1	0	1	0	1	1	1	0	1	0	1
Udall, Mark	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Connecticut														
DeLauro, Rosa	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Gejdenson, Sam	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Johnson, Nancy L.	R	33	0	1	0	0	0	0	0	1	1	0	1	0

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Connecticut (continued)														
Larson, John B.	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Maloney, Jim	D	8	0	0	0	0	0	0	0	0	1	0	0	0
Shays, Christopher	R	58	1	1	0	0	1	0	0	1	1	0	1	1
Delaware														
Castle, Michael N.	R	25	0	1	1	0	0	1	0	0	0	0	0	0
Florida														
Bilirakis, Michael	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Boyd, Allen	D	25	0	0	1	1	0	0	0	0	1	0	0	0
Brown, Corrine	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Canady, Charles T.	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Davis, Jim	D	33	0	1	1	0	0	1	0	0	1	0	0	0
Deutsch, Peter	D	25	0	0	1	0	0	0	0	0	1	0	1	0
Diaz-Balart, Lincoln	R	25	0	0	1	0	0	1	0	1	0	0	0	0
Foley, Mark	R	58	1	1	1	1	0	1	0	1	1	0	0	0
Fowler, Tillie	R	50	1	1	1	1	0	1	0	1	0	0	0	0
Goss, Porter J.	R	50	0	1	1	1	0	1	1	1	0	0	0	0
Hastings, Alcee L.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
McCollum, Bill	R	50	1	1	1	1	0	1	0	1	0	0	0	0
Meek, Carrie P.	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Mica, John L.	R	33	1	0	0	1	0	0	0	1	0	1	0	0
Miller, Dan	R	75	1	1	1	1	0	1	0	1	1	1	0	1
Ros-Lehtinen, Ileana	R	33	1	0	1	0	0	1	0	1	0	0	0	0
Scarborough, Joe	R	64	1	1	1	1	0	1	1	1	0	x	0	0
Shaw, E. Clay Jr.	R	33	0	1	1	0	0	1	0	1	0	0	0	0
Stearns, Cliff	R	50	1	0	0	1	0	1	1	1	0	1	0	0
Thurman, Karen L.	D	33	0	0	1	1	0	1	0	0	1	0	0	0
Weldon, Dave	R	50	1	1	0	1	0	0	1	1	0	0	1	0
Wexler, Robert	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Young, C.W. Bill	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Georgia														
Barr, Bob	R	58	1	0	1	1	0	1	1	1	0	1	0	0
Bishop, Sanford	D	42	0	0	1	1	0	1	0	1	0	0	0	1
Chambliss, Saxby	R	33	1	1	0	1	0	0	0	1	0	0	0	0
Collins, Mac	R	42	1	0	0	1	0	0	1	1	0	1	0	0
Deal, Nathan	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Isakson, Johnny	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Kingston, Jack	R	67	1	1	0	1	0	1	1	1	0	1	0	1
Lewis, John	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Linder, John	R	58	0	1	1	1	0	1	1	1	0	1	0	0
McKinney, Cynthia	D	58	1	0	1	0	1	1	0	0	1	1	1	0
Norwood, Charlie	R	50	1	0	0	1	0	1	1	1	0	1	0	0
Hawaii														
Abercrombie, Neil	D	40	P	0	1	0	1	1	0	0	1	x	0	0
Mink, Patsy T.	D	64	P	0	1	0	1	1	1	0	1	0	1	1
Idaho														
Chenoweth, Helen	R	50	1	0	0	1	0	1	1	1	0	1	0	0
Simpson, Mike	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Illinois														
Biggert, Judy	R	58	0	1	1	1	0	1	0	1	1	0	1	0
Blagojevich, Rod R.	D	42	1	0	1	0	0	1	0	0	1	0	0	1
Costello, Jerry F.	D	45	1	0	1	1	0	x	0	0	0	0	1	1
Crane, Philip M.	R	75	1	1	1	1	0	1	1	1	0	1	1	0
Davis, Danny K.	D	36	0	0	x	0	1	1	0	0	1	0	1	0
Evans, Lane	D	58	0	0	1	0	1	1	0	0	1	1	1	1
Ewing, Thomas W.	R	42	1	0	0	1	0	1	0	1	1	0	0	0
Gutierrez, Luis V.	D	33	0	0	1	0	0	1	0	0	1	0	0	1
Hastert, J. Dennis*	R	50	0							1				
Hyde, Henry J.	R	36	0	1	0	1	0	1	0	1	0	0	x	0
Jackson, Jesse L. Jr.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
LaHood, Ray	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Lipinski, William	D	30	x	0	0	0	0	1	x	0	0	1	1	0
Manzullo, Donald	R	75	1	1	1	1	0	1	1	1	0	0	1	1
Phelps, David	D	50	1	0	1	1	0	1	0	0	0	0	1	1
Porter, John E.	R	58	0	1	1	0	1	1	0	1	1	0	0	1
Rush, Bobby L.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Schakowsky, Jan	D	42	0	0	1	0	1	1	0	0	1	0	1	0

* Traditionally, the Speaker of the House does not vote.

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Illinois (continued)														
Shimkus, John	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Weller, Jerry	R	64	1	0	1	1	0	1	1	1	0	0	x	1
Indiana														
Burton, Dan	R	50	1	0	1	1	0	1	0	1	0	1	0	0
Buyer, Steve	R	40	0	0	0	1	0	1	1	1	0	0	x	x
Carson, Julia	D	55	0	0	1	x	1	1	0	0	1	0	1	1
Hill, Baron P.	D	33	0	0	1	1	1	0	0	0	0	0	1	0
Hostettler, John	R	50	1	0	0	1	0	1	1	1	0	1	0	0
McIntosh, David M.	R	50	1	0	0	1	0	1	0	1	0	1	x	x
Pease, Ed	R	67	1	0	1	1	0	1	1	1	0	1	1	0
Roemer, Tim	D	58	1	0	1	1	0	1	0	0	1	0	1	1
Souder, Mark	R	33	1	0	0	1	0	0	0	1	0	1	0	0
Visclosky, Peter J.	D	58	1	0	1	0	1	0	0	0	1	1	1	1
Iowa														
Boswell, Leonard L.	D	25	0	0	1	1	0	0	0	0	1	0	0	0
Ganske, Greg	R	33	1	0	1	0	0	1	0	0	0	0	0	1
Latham, Tom	R	50	1	1	1	1	0	0	0	1	0	0	0	1
Leach, Jim	R	75	1	1	1	0	1	1	0	1	1	0	1	1
Nussle, Jim	R	58	1	0	1	1	0	1	0	1	0	0	1	1
Kansas														
Moore, Dennis	D	33	0	0	1	0	1	0	0	0	0	0	1	1
Moran, Jerry	R	75	1	1	1	1	0	1	1	1	0	0	1	1
Ryun, Jim	R	67	1	1	0	1	0	1	1	1	0	1	0	1
Tiahrt, Todd	R	67	1	1	0	1	0	1	1	1	0	0	1	1
Kentucky														
Fletcher, Ernie	R	67	1	1	1	1	0	1	1	1	0	1	0	0
Lewis, Ron	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Lucas, Ken	D	25	0	0	0	1	0	1	0	1	0	0	0	0
Northup, Anne M.	R	58	1	1	1	1	0	1	0	1	0	0	1	0
Rogers, Harold	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Whitfield, Edward	R	50	1	0	0	1	0	1	0	1	1	0	0	1
Louisiana														
Baker, Richard H.	R	50	1	1	0	1	0	1	0	1	0	0	1	0
Cooksey, John	R	55	0	1	1	1	0	1	0	1	1	x	0	0
Jefferson, William J.	D	30	0	0	1	0	0	1	0	0	1	0	x	x
John, Chris	D	36	x	1	1	1	0	0	0	0	0	0	1	0
McCrery, Jim	R	42	1	1	0	1	0	0	0	1	0	0	1	0
Tauzin, W.J. "Billy"	R	58	1	1	1	1	0	1	0	1	0	0	1	0
Vitter, David	R	40			0	1	0	1	0	1	0	0	1	0
Maine														
Allen, Tom	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Baldacci, John	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Maryland														
Bartlett, Roscoe G.	R	50	1	0	0	1	0	1	1	1	0	1	0	0
Cardin, Benjamin	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Cummings, Elijah	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Ehrlich, Robert L	R	67	1	0	1	1	0	1	1	1	0	1	1	0
Gilchrest, Wayne T.	R	30	0	0	0	0	x	x	0	1	1	0	0	1
Hoyer, Steny H.	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Morella, Constance	R	33	0	1	1	0	0	1	0	0	1	0	0	0
Wynn, Albert R.	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Massachusetts														
Capuano, Michael	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Delahunt, Bill	D	42	0	0	1	0	0	1	0	0	1	0	1	1
Frank, Barney	D	64	1	0	1	0	1	1	0	0	1	x	1	1
Markey, Edward J.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
McGovern, Jim	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Meehan, Martin T.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Moakley, Joe	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Neal, Richard E.	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Olver, John W.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Tierney, John F.	D	58	0	0	1	0	1	1	0	0	1	1	1	1
Michigan														
Barcia, James A.	D	58	0	0	1	1	0	1	1	0	1	1	1	0
Bonior, David E.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Camp, Dave	R	83	1	1	1	1	0	1	1	1	1	0	1	1

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Michigan (continued)														
Conyers, John Jr.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Dingell, John D.	D	50	0	0	1	1	1	1	0	0	1	0	1	0
Ehlers, Vernon J.	R	58	1	1	0	1	1	1	0	1	0	0	1	0
Hoekstra, Peter	R	92	1	1	1	1	1	1	1	1	0	1	1	1
Kildee, Dale E.	D	42	0	0	1	0	0	1	0	0	1	0	1	1
Kilpatrick, Carolyn	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Knollenberg, Joe	R	50	0	1	1	1	0	1	0	1	0	0	1	0
Levin, Sander M.	D	58	0	1	1	0	1	1	0	0	1	0	1	1
Rivers, Lynn	D	67	0	0	1	0	1	1	1	0	1	1	1	1
Smith, Nick	R	67	1	1	0	1	0	1	1	1	0	1	0	1
Stabenow, Debbie	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Stupak, Bart	D	42	0	0	1	0	0	1	0	0	1	1	1	0
Upton, Fred	R	50	1	1	0	0	0	1	0	1	0	0	1	1
Minnesota														
Gutknecht, Gil	R	50	1	0	0	1	0	1	1	1	0	0	1	0
Luther, Bill	D	50	0	0	1	0	0	1	0	0	1	1	1	1
Minge, David	D	55	0	0	1	x	1	1	0	0	1	0	1	1
Oberstar, James L.	D	58	0	0	1	1	1	1	0	0	1	0	1	1
Peterson, Collin C.	D	42	1	0	0	1	0	0	1	0	0	1	1	0
Ramstad, Jim	R	50	1	1	0	0	0	0	0	1	0	1	1	1
Sabo, Martin Olav	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Vento, Bruce F.	D	55	0	x	1	0	1	1	0	0	1	0	1	1
Mississippi														
Pickering, Charles	R	42	1	1	0	1	0	0	1	1	0	0	0	0
Shows, Ronnie	D	8	0	0	0	1	0	0	0	0	0	0	0	0
Taylor, Gene	D	25	1	0	0	1	0	0	1	0	0	0	0	0
Thompson, Bennie	D	36	x	0	1	0	0	1	0	0	1	0	1	0
Wicker, Roger	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Missouri														
Blunt, Roy	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Clay, William L.	D	45	x	0	1	0	1	1	0	0	1	0	1	0
Danner, Pat	D	58	1	0	0	1	0	1	0	1	1	0	1	1
Emerson, Jo Ann	R	42	1	0	0	1	0	1	0	1	0	0	0	1
Gephardt, Richard	D	36	0	0	1	0	0	1	0	0	1	x	1	0
Hulshof, Kenny	R	58	1	1	1	1	0	1	1	1	0	0	0	0
McCarthy, Karen	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Skelton, Ike	D	18	0	0	0	1	0	1	0	0	x	0	0	0
Talent, James M.	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Montana														
Hill, Rick	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Nebraska														
Barrett, Bill	R	50	1	0	1	1	0	1	0	1	0	0	1	0
Bereuter, Doug	R	42	1	1	0	0	0	1	0	1	0	0	1	0
Terry, Lee	R	58	1	1	1	1	0	1	0	1	0	1	0	0
Nevada														
Berkley, Shelley	D	33	0	0	1	0	0	1	0	0	1	1	0	0
Gibbons, Jim.	R	50	1	0	1	1	0	1	1	1	0	0	0	0
New Hampshire														
Bass, Charles	R	75	1	1	1	1	0	1	0	1	1	1	0	1
Sununu, John E.	R	89	1	1	1	1	0	1	1	1	x	1	x	x
New Jersey														
Andrews, Robert E.	D	33	1	0	1	0	0	0	0	0	1	1	0	0
Franks, Bob	R	50	1	0	0	0	0	1	0	1	1	0	1	1
Frelinghuysen, R.	R	33	0	1	0	0	0	1	0	1	1	0	0	0
Holt, Rush D.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
LoBiondo, Frank A.	R	58	1	0	0	1	0	1	0	1	0	1	1	1
Menendez, Robert	D	42	0	0	1	0	0	1	0	0	1	0	1	1
Pallone, Frank Jr.	D	42	0	0	1	0	0	1	0	0	1	0	1	1
Pascrell, Bill Jr.	D	33	0	0	1	0	0	0	0	0	1	1	0	1
Payne, Donald M.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Rothman, Steven R.	R	25	0	0	1	0	0	1	0	0	1	0	0	0
Roukema, Marge	R	33	1	0	0	0	0	0	0	1	0	0	1	1
Saxton, H. James	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Smith, Christopher	R	33	0	0	0	0	0	1	1	1	0	0	1	0
New Mexico														
Skeen, Joe	R	42	0	0	1	1	0	1	1	1	0	0	0	0

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
New Mexico (continued)														
Udall, Tom	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Wilson, Heather A.	R	50	0	1	0	1	0	1	0	1	1	0	1	0
New York														
Ackerman, Gary L.	D	45	0	0	1	0	1	1	0	0	1	0	1	x
Boehlert, Sherwood	R	33	0	0	0	0	0	1	0	1	1	0	1	0
Crowley, Joseph	D	25	0	0	1	0	0	0	0	0	1	0	1	0
Engel, Eliot L.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Forbes, Michael P.	R	25	0	0	1	0	0	1	0	0	1	0	0	0
Fossella, Vito J.	R	64	1	1	1	1	0	1	x	1	0	0	0	1
Gilman, Benjamin	R	42	0	0	1	1	0	0	0	1	1	0	1	1
Hinchey, Maurice	D	50	0	0	1	0	1	1	0	0	1	1	1	0
Houghton, Amo	R	30	0	1	x	x	0	0	0	1	1	0	0	0
Kelly, Sue W.	R	50	0	0	0	1	0	1	0	1	1	0	1	1
King, Peter T.	R	17	0	0	0	0	0	1	0	1	0	0	0	0
Lafalce, John J.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Lazio, Rick A.	R	18	0	0	0	0	0	x	0	1	0	0	0	1
Lowey, Nita M.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Maloney, Carolyn	D	50	0	0	1	0	1	1	0	0	1	0	1	1
McCarthy, Carolyn	D	33	0	0	1	0	0	1	0	0	1	0	0	1
McHugh, John M.	R	40	1	0	0	1	0	1	0	1	0	0	x	x
McNulty, Michael	D	42	1	0	1	0	0	1	0	0	1	0	1	0
Meeks, Gregory W.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Nadler, Jerrold	D	58	0	0	1	0	1	1	0	0	1	1	1	1
Owens, Major R.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Quinn, Jack	R	18	x	0	1	0	0	1	0	0	0	0	0	0
Rangel, Charles B.	D	50	0	0	1	0	1	1	0	0	1	1	x	x
Reynolds, Thomas	R	50	1	1	0	1	0	0	1	1	0	0	1	0
Serrano, Jose E.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Slaughter, Louise	D	45	P	0	1	0	1	1	0	0	1	0	1	0
Sweeney, John E.	R	25	1	0	0	1	0	0	0	1	0	0	0	0
Towns, Edolphus	D	38	x	0	1	0	x	1	0	0	1	0	x	x
Velazquez, Nydia.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Walsh, James T.	R	50	1	0	1	1	0	1	0	1	0	0	1	0
Weiner, Anthony	D	27	0	0	x	0	1	0	0	0	1	0	1	0
North Carolina														
Ballenger, Cass	R	50	1	1	1	1	0	1	0	1	0	0	0	0
Burr, Richard M	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Clayton, Eva	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Coble, Howard	R	75	1	0	1	1	0	1	1	1	0	1	1	1
Etheridge, Bob	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Hayes, Robin	R	42	1	0	0	1	0	0	1	1	0	0	0	1
Jones, Walter B. Jr.	R	42	1	0	0	1	0	0	1	1	0	1	0	0
McIntyre, Mike	D	33	0	0	0	1	0	1	1	0	0	1	0	0
Myrick, Sue	R	64	1	x	1	1	0	0	1	1	0	1	0	1
Price, David E.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Taylor, Charles H.	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Watt, Melvin	D	42	0	0	1	0	1	1	0	0	1	0	1	0
North Dakota														
Pomeroy, Earl	D	42	0	0	1	0	0	1	0	0	1	0	1	1
Ohio														
Boehner, John A.	R	67	1	1	1	1	0	1	1	1	0	0	1	0
Brown, Sherrod	D	55	P	0	1	0	0	1	0	0	1	1	1	1
Chabot, Steve	R	75	1	1	0	1	0	1	1	1	0	1	1	1
Gillmor, Paul E.	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Hall, Tony P.	D	27	0	0	0	0	1	1	0	0	0	x	1	0
Hobson, David L.	R	50	0	0	0	1	0	1	0	1	1	1	1	0
Jones, Stephanie	D	36	0	0	1	0	1	1	0	0	x	0	1	0
Kaptur, Marcy	D	50	0	0	1	0	0	1	0	0	1	1	1	1
Kasich, John R.	R	56	1	0	x	1	x	x	0	1	0	1	1	0
Kucinich, Dennis J.	D	42	0	0	1	0	0	1	0	0	1	1	1	0
LaTourette, Steven	R	58	0	0	1	1	0	1	1	1	1	0	1	0
Ney, Bob	R	50	1	0	1	1	0	1	1	1	0	0	0	0
Oxley, Michael G.	R	42	0	1	0	1	0	1	0	1	1	0	0	0
Portman, Rob	R	42	0	1	0	1	0	0	0	1	0	0	1	1
Pryce, Deborah	R	78	1	1	1	1	0	1	0	1	1	x	x	x
Regula, Ralph	R	33	0	0	0	1	0	1	0	1	1	0	0	0

Congressperson	P	LR	1	2	3	4	5	6	7	8	9	10	11	12
Ohio (continue)														
Sawyer, Tom	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Strickland, Ted	D	64	x	0	1	1	0	1	0	0	1	1	1	1
Traficant, James A.	D	42	1	0	0	1	0	1	0	0	1	1	0	0
Oklahoma														
Coburn, Tom	R	55	P	0	0	1	0	1	1	1	0	1	0	1
Istook, Ernest	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Largent, Steve	R	58	1	0	0	1	0	1	1	1	0	1	1	0
Lucas, Frank D.	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Watkins, Wes	R	58	1	1	0	1	0	1	1	1	0	0	0	1
Watts, J.C. Jr.	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Oregon														
Blumenauer, Earl	D	42	0	0	1	0	1	0	0	0	1	0	1	1
DeFazio, Peter A.	D	58	0	0	1	0	1	1	0	0	1	1	1	1
Hooley, Darlene	D	33	0	0	1	0	1	1	0	0	1	0	0	0
Walden, Greg	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Wu, David	D	45	x	0	1	0	1	1	0	0	1	0	1	0
Pennsylvania														
Borski, Robert A.	D	45	0	0	1	0	1	1	x	0	1	0	1	0
Brady, Robert A.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Coyne, William J.	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Doyle, Mike	D	25	0	0	1	0	0	1	0	0	1	0	0	0
English, Phil	R	50	1	0	0	1	0	1	1	1	0	0	1	0
Fattah, Chaka	D	50	0	0	1	0	1	1	0	0	1	0	1	1
Gekas, George W.	R	42	0	0	1	1	0	0	1	1	0	0	1	0
Goodling, Bill	R	50	1	0	0	0	0	1	1	1	0	0	1	1
Greenwood, James	R	42	1	0	0	0	1	1	0	1	1	0	0	0
Hoeffel, Joseph M.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Holden, Tim	D	33	0	0	0	1	0	1	0	0	0	1	0	1
Kanjorski, Paul E.	D	50	0	0	1	1	0	1	0	0	1	1	0	1
Klink, Ron	D	50	1	0	1	0	1	1	0	0	1	0	0	1
Mascara, Frank R.	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Murtha, John P.	D	33	0	0	1	1	0	1	0	0	1	0	0	0
Peterson, John E.	R	44	1	0	0	1	0	1	0	x	x	x	1	0
Pitts, Joseph R.	R	55	1	x	0	1	0	1	1	1	0	0	1	0
Sherwood, Donald	R	36	0	0	0	1	0	1	1	1	0	x	0	0
Shuster, Bud	R	60	x	0	0	1	0	1	1	1	0	x	1	1
Toomey, Patrick J.	R	67	1	0	1	1	0	1	1	1	0	1	1	0
Weldon, Curt	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Rhode Island														
Kennedy, Patrick J.	D	45	0	0	1	0	1	1	0	x	1	0	1	0
Weygand, Bob	D	42	0	0	1	0	1	1	0	0	1	0	1	0
South Carolina														
Clyburn, James E.	D	33	0	0	1	0	0	1	0	0	1	0	1	0
DeMint, Jim	R	75	1	1	0	1	0	1	1	1	0	1	1	1
Graham, Lindsey	R	58	1	0	1	1	0	1	1	1	0	1	0	0
Sanford, Mark	R	75	1	1	1	1	0	1	1	1	0	1	0	1
Spence, Floyd D.	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Spratt, John M. Jr.	D	25	0	0	1	0	0	1	0	0	0	0	1	0
South Dakota														
Thune, John	R	67	1	1	1	1	0	1	0	1	0	0	1	1
Tennessee														
Bryant, Ed	R	25	1	0	0	1	0	0	0	1	0	0	0	0
Clement, Bob	D	25	0	0	0	1	0	1	1	0	0	0	0	0
Duncan, John J.	R	67	1	0	0	1	0	1	1	1	0	1	1	1
Ford, Harold E. Jr.	D	33	0	0	1	0	0	1	0	0	1	0	1	0
Gordon, Bart	D	33	1	0	1	1	0	1	0	0	0	0	0	0
Hilleary, Van	R	58	1	0	0	1	0	1	1	1	0	1	0	1
Jenkins, Bill	R	42	1	0	0	1	0	1	1	1	0	0	0	0
Tanner, John	D	33	0	0	1	1	1	1	0	0	0	0	0	0
Wamp, Zach	R	75	1	0	1	1	0	1	1	1	0	1	1	1
Texas														
Archer, Bill	R	58	1	1	0	1	0	1	1	1	0	1	0	0
Armey, Dick	R	58	1	1	0	1	0	1	1	1	0	1	0	0
Barton, Joe L.	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Bentsen, Ken	D	36	P	0	1	0	0	1	0	0	1	0	1	0
Bonilla, Henry	R	75	1	1	1	1	0	1	1	1	1	0	0	1
Brady, Kevin	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Combest, Larry	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Texas (continued)														
DeLay, Tom	R	50	1	1	0	1	0	1	0	1	0	0	1	0
Doggett, Lloyd	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Edwards, Chet	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Frost, Martin	D	27	x	0	1	0	0	1	0	0	1	0	0	0
Gonzalez, Charlie	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Granger, Kay	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Green, Gene	D	45	0	0	1	1	0	1	x	0	1	0	1	0
Hall, Ralph M.	D	50	1	1	0	1	0	1	1	1	0	0	0	0
Hinojosa, Ruben	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Johnson, Eddie	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Johnson, Sam	R	50	1	1	0	1	0	1	1	1	0	0	0	0
Lampson, Nick	D	42	0	0	1	1	0	1	0	0	1	0	1	0
Lee, Sheila Jackson	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Ortiz, Solomon P.	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Paul, Ron	R	92	1	1	1	1	1	1	1	1	0	1	1	1
Reyes, Silvestre	D	20	x	0	1	0	0	0	0	0	1	x	0	0
Rodriguez, Ciro D.	D	25	0	0	1	0	0	1	0	0	1	0	0	0
Sandlin, Max	D	30	0	0	1	1	0	1	0	0	0	0	x	x
Sessions, Pete	R	58	1	1	0	1	0	1	1	1	0	0	1	0
Smith, Lamar	R	42	1	1	0	1	0	1	0	1	0	0	0	0
Stenholm, Charles	D	17	0	0	0	1	0	1	0	0	0	0	0	0
Thornberry, Wm.	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Turner, Jim	D	8	0	0	0	1	0	0	0	0	0	0	0	0
Utah														
Cannon, C.	R	50	1	0	1	1	0	1	0	1	0	1	0	0
Cook, Merrill	R	50	1	0	0	1	0	1	1	1	0	0	1	0
Hansen, James V.	R	33	1	0	0	1	0	1	0	1	0	0	0	0
Vermont														
Sanders, Bernard	I	58	0	0	1	0	1	1	0	0	1	1	1	1
Virginia														
Bateman, Herbert	R	42	1	1	1	0	0	1	0	1	0	0	0	0
Bliley, Thomas J. Jr.	R	33	0	1	0	1	0	1	0	1	0	0	0	0
Boucher, Rick	D	50	0	0	1	1	1	1	0	0	1	0	1	0
Davis, Thomas M.	R	42	0	1	1	0	0	1	0	1	0	0	1	0
Goode, Virgil H. Jr.	I	58	1	0	0	1	0	1	1	1	0	1	0	1
Goodlatte, Robert	R	75	1	1	0	1	0	1	1	1	0	1	1	1
Moran, James P.	D	42	0	1	1	0	1	1	0	0	1	0	0	0
Pickett, Owen B.	D	33	0	0	1	1	0	1	1	0	0	0	0	0
Scott, Robert C.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Sisisky, Norman	D	25	0	0	1	1	0	1	0	0	0	0	0	0
Wolf, Frank R.	R	33	0	1	0	1	0	1	0	1	0	0	0	0
Washington														
Baird, Brian	D	42	0	0	1	1	0	1	0	0	1	0	1	0
Dicks, Norm	D	50	0	1	1	0	1	1	0	0	1	0	1	0
Dunn, Jennifer	R	50	0	1	1	1	0	1	0	1	0	0	1	0
Hastings, Richard	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Inslee, Jay	D	42	0	0	1	0	1	1	0	0	1	0	1	0
McDermott, Jim	D	56	0	1	1	0	1	1	0	x	x	x	1	0
Metcalf, Jack	R	58	1	0	0	1	0	1	1	1	0	1	1	0
Nethercutt, George	R	58	1	1	1	1	0	1	1	1	0	0	0	0
Smith, Adam	D	50	0	1	1	1	0	1	0	0	1	0	1	0
West Virginia														
Mollohan, Alan B.	D	27	0	0	0	1	0	x	0	0	1	0	1	0
Rahall, Nick J.	D	42	0	0	1	1	0	1	0	0	1	0	0	1
Wise, Bob	D	27	0	0	0	1	0	x	0	0	1	0	1	0
Wisconsin														
Baldwin, Tammy	D	58	0	0	1	0	1	1	0	0	1	1	1	1
Barrett, Thomas M.	D	58	0	1	1	0	1	0	0	0	1	1	1	1
Green, Mark	R	67	1	1	1	1	0	1	1	1	0	0	0	1
Kind, Ron	D	58	0	1	1	1	1	0	0	0	1	0	1	1
Kleczka, Gerald D.	D	42	0	0	1	0	1	1	0	0	1	0	1	0
Obey, David R.	D	73	P	0	1	1	1	1	0	0	1	1	1	1
Petri, Tom	R	75	1	0	1	1	1	1	0	1	0	1	1	1
Ryan, Paul D.	R	58	1	0	1	1	0	1	1	1	0	0	0	1
Sensenbrenner, F.	R	75	1	1	1	1	0	1	1	1	0	1	1	0
Wyoming														
Cubin, Barbara	R	58	1	1	0	1	0	0	1	1	0	0	1	1

Essay

Learning from Hillsdale

by R.W. Bradford

The scandal at Hillsdale College is not merely a tawdry story of incest and suicide: it has important lessons about the abuse of power and the meaning of liberty.

The sad events of the past few months at Hillsdale College, an institution that has been an important source of pride for libertarians and conservatives alike, underscore two important lessons that even we are sometimes prone to forget.

Lord Acton's famous maxim, "Power tends to corrupt and absolute power tends to corrupt absolutely," applies to non-political power, as well as to political power.

There is a temptation to see former Hillsdale President George Roche as a tragic figure, a man undone by giving in to temptation (in his case, to have a sexual relationship with his son's wife). But this was neither the first nor the only temptation that got the better of him.

Economist Robert Anderson, who brought Roche to Hillsdale, has written how Roche, shortly after he arrived, acquired a very expensive new sports car — a Porsche 911 Targa. This was in the days before he developed his extraordinary ability to raise funds, and the college was on hard times. Anderson explains:

> During the fiscal year 1971–72 the administration had all of us on an austerity budget to keep the operating deficit to a minimum. Faculty were requested not to incur any expenses unless absolutely necessary. It was a "belt-tightening" time at Hillsdale. So imagine my shock when it was discovered that the expensive sportscar had been purchased at college expense, at George's request!

Ordinarily, people with corrupt inclinations inhibit them because of pressure from others or in order to try to maintain a good reputation. But once Roche began to develop his remarkable ability to get wealthy conservatives and libertarians to part with large piles of cash, those around him were reluctant to provide that feedback or to speak publicly about what they knew. The funds he raised transformed Hillsdale from a quite respectable but undistinguished small school that had a more or less hand-to-mouth existence into an extremely well-endowed small school with a national reputation as a liberal arts college with a conservative inclination. To some at Hillsdale, that accomplishment was so great that they looked the other way when Roche spent extravagantly and limited the free play of ideas on campus. Others were so unhappy about the situation that they simply left Hillsdale. But they, too, were reluctant to speak publicly about the subject: who would believe them? And, I suspect, they also were reluctant to harm the reputation of an institution like Hillsdale.

And so, as time went on, Hillsdale built upon its reputation as a conservative bastion so steadfast that it refused to allow its students to accept federal loans. As Roche got better and better at raising money — he raised $45 million in 1998 alone! — he not surprisingly got more and more brazen.

I suspect he began to think of himself as somehow apart from mere mortals. When the opportunity to have an affair with his daughter-in-law came around, he probably figured he'd have as easy a time getting away with it as he had had while getting the college to purchase him an expensive sports car at a time when its professors were trying to conserve paper clips.

Roche's corruption was certainly known to many around him. He and his daughter-in-law kept their affair secret, but when his son told others that his wife had told him about the affair shortly before her suicide, no one at Hillsdale responded with disbelief, as nearly as I can tell from reading press reports. They knew what kind of man Roche was.

Of course, if he had had a clear moral compass, he would not have been corrupted. He also would have been less adept

as a fund-raiser, since he would not have been able to play fast and loose with donors, as Bettina Bien Greaves describes him as doing in the April *Liberty*. But he did not seem to have a moral compass at all. His moral failure has harmed both the conservative cause and the libertarian cause.

When the opportunity to have an affair with his daughter-in-law came around, Roche apparently figured he'd have as easy a time getting away with it as he had had while getting the college to purchase him an expensive sports car at a time when its professors were trying to conserve paper clips.

Let us never forget: Private power can be just as corrupting as state power.

The second lesson of the Hillsdale scandal is:

It takes more than lip service to libertarian ideals and a refusal to accept government funds to create a good libertarian college.

A surprising number of readers argued that it's somehow inappropriate (or even wrong) to publish an article about an institution that receives no government funding. Typical is the following:

> I don't understand why Liberty devoted almost four pages to this author's silly concerns about the lack of tolerance at Hillsdale, a totally private institution. Indeed, having steadfastly demonstrated its intolerance of tax funding, Hillsdale has my permission to be intolerant of anything they [sic] please. (Letters, March, pp 20, 38)

I don't understand this complaint. I suspect its author has conflated the non-aggression principle with the totality of morality. While the prohibition of initiated force is certainly a good moral principle, the notion that anyone who complies with it is morally pure and should not even be written about is just plain silly.

Liberty is not an avenging angel bent upon exposing people who violate libertarian ethics. Our readers are interested in more than the question of whether one or another individual or institution has violated the non-aggression principle. We seek to publish intelligent and provocative writing that is of interest to people who value human liberty. "Is It True What They Say About Hillsdale?" is an intelligent and provocative piece of writing. Its subject, serious problems at a libertarian-oriented college, is manifestly of interest to friends of liberty. If I had an opportunity to decide again whether to publish the story, the only thing I'd do differently is to feature it more prominently on our cover.

Over the years, I've met a good many Hillsdale graduates. Most were intelligent and thoughtful people. Some were conservative, some were libertarian, and one was a left-liberal. Usually, they were reluctant to talk about their Hillsdale experience, but as I got to know them, the subject of the college's intellectual atmosphere almost always came up. Every person I've spoken with on the subject has told me that there were severe boundaries on discussion and intellectual inquiry at Hillsdale. While all but one were appreciative of many aspects of the college — it is one of the few schools where one can get a solid liberal arts education today — all were relieved when they left and could finally discuss the ideas they had encountered more freely and openly. All complained that the boundaries on inquiry were established by George Roche. More than one accused him of creating a "cult of personality."

I don't know why Roche didn't want an atmosphere of free and open inquiry. Perhaps, like many sociopaths, he was insecure and wanted a high degree of control. Perhaps he feared that open inquiry would result in publicity that would undermine his ability to get money from conservatives. Perhaps there was an authoritarian strain in his soul.

But it seems certain that Hillsdale would have offered its students a better education if its intellectual atmosphere had been more open. "The marketplace of ideas" should be unregulated.

There is more to libertarianism than refusing government funding. ❑

Hillsdale and the Standards of *Liberty*

According to Gary Wolfram of Hillsdale College, we had a lapse in judgment when we decided to publish an article on the Roche regime, "Is It True What They Say About Hillsdale?" (February). This raises an interesting question: what standards does *Liberty* employ in deciding what to publish?

The first thing we look for is simple: writing that promises to interest a fair number of libertarians and other intelligent readers.

It is pretty obvious that "Is It True What They Say About Hillsdale?" is important and interesting. It's important because Hillsdale is a unique educational institution, of special importance to libertarians and conservatives. By refusing federal funding, the college gained a supremely well-deserved reputation for independence. And by staffing its faculty with prominent libertarians and conservatives, it gained a reputation for offering education free of the left-liberal nonsense that passes for education in schools that accept government funding and the regulation that goes along with it.

It's equally obvious that the article we published is interesting. It involves the famous, highly-visible, highly-paid president of a small but very well-known college and the accusation that he had a long-time affair with his daughter-in-law, an affair that led to her suicide. The story is interesting enough to have appeared in many venues, ranging from daily newspapers to intellectual reviews to major magazines. Most of the stories dwelled on sensational and

continued on page 32

Hillsdale as an Ordinary College

by Robert Campbell

Hillsdale College's advocates like to think of that institution as something special, but one observer sees parallels to a state-funded college.

The recent articles about Hillsdale College ("Is It True What They Say About Hillsdale?" February and "The Truth About Hillsdale," April) raise some questions about the management of academic institutions that are rarely discussed in the libertarian press.

I agree with Professor Wolfram that Anonymous failed to make elementary distinctions when he (or she) called a private institution a "police state" and referred to the administration's heavy-handed editing of the *Hillsdale Collegian* as "censorship." What's more, if Hillsdale wants to conduct night-time searches of dormitory rooms, it can proclaim, in the housing contracts that it offers its students, that it reserves the right to do such things. (Whether it ought to be doing so, and whether students and their families are in their right minds to sign such contracts, are another matter.)

Anonymous doesn't seem to know any better. But surely a Professor of Political Economy would understand what kind of organization Hillsdale College is. Wolfram characterizes Hillsdale as "a firm that must compete for customers and sell a product," like Nike or General Motors. Hillsdale, however, is a non-profit institution. It has no bottom line and no shareholders. There is no way for investors who think that the Board of Trustees is in the President's pocket and that Hillsdale is inadequately managed to mount a takeover bid. Moreover, Hillsdale's students are its customers, not its employees. Yet Wolfram implies that students are employees: for him, permitting a college-funded student newspaper to run stories that the Hillsdale administration doesn't want run is like allowing a Nike-funded employee newsletter to criticize Nike's management or knock the quality of its product lines.

What's more, Wolfram discerns no differences between a corporation whose product is athletic shoes and an organization whose product is a classical liberal education. These days, a lot of management experts doubt that a corporation like Nike will continue to function adaptively in the shoe market if its employees are never allowed to question the rationale for a management decision. But insofar as open inquiry and open voicing of criticism — something approximating a free exchange of ideas — are among the ingredients of a quality liberal education, we might expect an organization with Hillsdale's declared mission to draw well back from squelching any kind of criticism, even criticism of its own administration.

Wolfram, however, sees nothing wrong with systematically withholding information about Hillsdale's internal workings or about the conduct of its managers. (He never does get around to saying what ex-President George Roche III did that led to his forced retirement, or, for that matter, why he was allowed to retire and keep his golden parachute instead of being fired. Like the Hillsdale Board of Trustees and the college's public relations apparatus, he implies that what Anonymous says about George III and Lissa Roche is false, while adamantly refusing to specify what is true. He cannot even mention the ensuing "scandal" without putting the dread word in scare-quotes.) He maintains that "Hillsdale must protect its image in the same way that Nike, Pepsi, General Motors, or Disney must." Any published statement about the college that does not meet the approval of Hillsdale administrators must consist of "allegations and rumors"; indeed, "it would be ridiculous for the college administration to allow students to print articles that did damage to the college's reputation."

To Wolfram it doesn't seem to matter whether statements that, in the opinion of administrators, might harm the college's reputation are true or false. I don't think I am being unfair in concluding that, from his standpoint, true stories about embarrassing episodes on campus and true revelations of mismanagement ought to be contained at least as vigorously as false ones.

The company line that Wolfram is taking is wearyingly familiar to me — even though I work at a taxpayer-funded university, not at a private institution that has fought incredibly hard to stay beyond the reach of Federal tentacles. The administration at my university is not allowed to interfere editorially with the student newspaper. And senior faculty cannot be fired for criticizing the administration in public (unfortunately, their protection comes from the tenure system, which means that they also cannot be fired for being incompetent). Within these constraints, however, upper administrators at my university behave a lot like upper administrators at Hillsdale College (while most likely longing for their counterparts' enhanced authority to silence criticism). And, I regret to say, my upper administrators' yes-men and women on the faculty behave a lot like Prof. Wolfram.

Like their peers at Hillsdale College, administrators and trustees at Clemson University are morbidly preoccupied with negative publicity. At Clemson, administrators generally refuse to acknowledge past or present mismanagement because, they claim, such admissions will result in bad press and reductions in the annual appropriation from the state legislature. At Hillsdale, the corresponding fears are of bad press and offended donors. In both cases, covering up mismanagement takes priority over correcting it. (There is a documented case in which the President of Clemson concealed evidence of massive embezzlement by an administrator out of fear that the annual legislative appropriation would be cut. I don't know whether anything comparable has taken place at Hillsdale. After all, it took 70 years before the cover-up at Clemson was exposed.)

Hillsdale is a non-profit institution. It has no bottom line and no shareholders. There is no way for investors who think that the Board of Trustees is in the President's pocket and that Hillsdale is inadequately managed to mount a takeover bid.

Like their counterparts at Hillsdale, Clemson administrators want students and faculty to go through channels when there is a problem, and denounce those who make such problems known externally as traitors. Of course, going through channels rarely gets the problem solved at a state agency like Clemson. Prof. Wolfram is sure that Hillsdale is different: "Hillsdale College is a business and businesses take care of problems internally and . . . the line of communication [is] directly open." Well, in some businesses, higher management will listen to what employees have to say and will honestly investigate charges of mismanagement. In other businesses, higher management will ignore employees who dare to bring complaints, or single them out for reprisals. Wolfram doesn't tell us what kind of response Hillsdale students can expect from administrators. But at a college that reportedly didn't just expel Mark Nehls for publishing an unauthorized newspaper off-campus, but intimidated (or bribed) him into signing a non-disclosure agreement, it is pretty clear which sort of business is being emulated.

Open inquiry and open voicing of criticism are critical ingredients of a quality liberal education.

Prof. Wolfram puts remarkable trust in local newspapers to bring to light what college administrators don't want known. "If these rumors that *Liberty* magazine allowed Anonymous to spread had been factual, they would have appeared in the local newspaper, the *Hillsdale Daily News*." Yeah, sure. How much investigative reporting has the *Hillsdale Daily News* ever done? How does its editorial board feel about running stories that might antagonize the trustees and the administration of Hillsdale College? A South Carolina paper with much more influence and a much higher circulation than the *Hillsdale Daily News* periodically runs stories planted by the Clemson Board of Trustees, or editorials that suck up to them.

Again just like Clemson administrators, Hillsdale administrators point to the *US News & World Report* rankings as irrefutable answers to every question about their performance. I am not bringing this issue up to cast aspersions on the quality of the faculty at Hillsdale, or their dedication to teaching and learning (though I do kind of wonder what those biology professors with degrees from Michigan and Purdue are allowed to teach about evolution). My point is, rather, that all of these competitive rankings of universities are heavily dependent on information that administrators are willing to disclose to the ranking service. It might be useful, for example, to score universities on the percentage of their revenue that they spend on administration, but none of the rankings could depend on this information, because no American university reports it to the public (and very few bother to keep track of it for themselves). There is a lot going on at colleges and universities that ranking services have no way of knowing about — and a fair amount of administrative effort goes into making sure that it stays that way. Indeed, universities sometimes fry the numbers that the ranking services request from them. *US News* has steeply discounted raw student to faculty ratios after learning the hard way that the ratios can be padded with "faculty" who do no teaching or research. Other kinds of misleading information are harder to catch and harder to compensate for.

Prof. Wolfram says of his numerous press conferences and op-eds, "Never once have I been spoken to about this by the college's administration, except in the most positive terms." Have any of his public utterances pertained to the administration of Hillsdale College? Have any of them criti-

cized any manager, or any management decision? The faculty members who, according to Anonymous, didn't dare talk to reporters were obviously faculty members who were critical of the administration.

Higher education in America is so dominated by taxpayer-funded or subsidized institutions that Hillsdale College, which for too many years was essentially alone in being neither, has been asked to satisfy too many expectations. According to a piece in *Lingua Franca* a few years back, efforts to placate both libertarian and social conservative supporters of the institution have often led to weird compromises not terribly pleasing to either faction. If most colleges and universities were private (either for-profit or non-profit) a wide variety of market niches would be filled, and which ones Hillsdale might be trying to fill wouldn't matter a whole lot except to prospective customers. Nonetheless, Hillsdale has been out there by itself. What's more, under George Roche III it claimed to set an example that would outshine standard operating procedure in the taxpayer-funded sector. Well, the taxpayer-funded sector has no shortages of administrators who lie, intimidate, stonewall, and keep everyone in the dark in order, so they claim, to preserve the reputation of their institution. Nor do taxpayer-subsidized institutions lack for faculty members who have given up expecting their administrators to behave with integrity, and have turned to admonishing the rest of the world not to expect such an awful thing. No matter what the faculty and the students are contributing, an administration tolerant of bad management and intolerant of criticism will degrade the quality of a liberal education. ❑

"Hillsdale and the Standards of *Liberty*," *from page 29*

sordid details; our story mentioned them, but focused on the more substantial issue of how the Roche administration initiated and maintained policies that seem inimical to good education.

I don't think that Dr. Wolfram, or any of the readers who complained about our running the piece, would claim that the story isn't interesting or important: their complaints and criticisms are evidence to the contrary.

The second thing we look for in a story — one we always insist on — is that it be as factual as its author and our editorial staff can make it. We strongly encourage our authors to check their articles to make sure they're factual in every respect. Our editors "fact-check" every article we publish. This doesn't mean that we never make a factual error; publishing 600,000 words a year is a big job, our staff is small, and inevitably we miss an error or two, which we try to correct in subsequent issues.

An article like "Is it True What They Say About Hillsdale?" presents us with two special challenges in this regard.

First, its author's insistence on remaining anonymous undermines his or her credibility. Any intelligent reader will naturally wonder, "The author wants to keep her name secret. What else is she trying to hide from us?"

Secondly, some of the facts it includes concern events witnessed only by its author or revealed to the author by a single witness. These are not subject to independent verification. It's a simple matter to check an author's claim that, say, George W. Bush never graduated from college. It's not so easy to check an author's claim about his own experience.

We publish anonymous articles only if (a) the author insists on anonymity, (b) the author has a credible reason for wanting anonymity, and (c) we have good reason to believe the author is careful about the facts.

In this case, the author had a credible reason to maintain his anonymity: he is an alumnus of Hillsdale whose friends at the college (people who provided some of the testimony he recounts) had reason to believe they might face reprisals from the school. So the issue quickly reduced itself to the question of whether the author was telling the truth.

There are two ways to evaluate the truth and accuracy of an article like this: you can check the credibility of its author and you can check the facts as he presents them against other available information.

The first thing I did was review what I knew about Anonymous. I have known her for a considerable period of time and have always known her to be an honest person who is careful about getting the facts right.

I checked the story against what I knew about Hillsdale. I have known several people who studied at Hillsdale during the Roche regime. Anonymous's charges are entirely consonant with what these other individuals have told me about life at Hillsdale.

I circulated the story to individuals who have first-hand knowledge about the college. They said it rang true. One noted a minor factual error, which the author happily corrected.

I compared the story to what I read elsewhere, in area newspapers and in national publications that covered events at Hillsdale. The story was consistent with their accounts.

As I do with any story that uses unnamed sources, I asked Anonymous to tell me the identities of his sources and explain why he believed them to be accurate. He was happy to do so and the sources were credible.

—*R. W. Bradford*

". . . And when I regained consciousness, the silver lining was gone!"

The State and the Arts

by Alan Bock

A highbrow attack on lowdown arts bureaucrats.

We haven't heard much recently about cutting funding for the Corporation for Public Broadcasting, the National Endowment for the Arts or the National Endowment for the Humanities. Sen. Jesse Helms and a few others were willing for a while to endure the obviously overwrought, alarmist rhetoric — cut this funding and decent, intelligent broadcast programming, independent and innovative artistic endeavor . . . indeed, culture itself will dry up and shrivel away. But even Helms could not be expected to endure this onslaught of nonsense forever, not without some visible signs of support more intense than was forthcoming from the electorate.

Where I work, in Orange County, California — home of one of the few entirely privately-financed world class performing arts centers in the country and some of the most conservative voters and members of Congress in the land — the demand to get the government out of the arts resonated hardly at all. Rep. Dana Rohrabacher, who used the NEA issue to gain a certain amount of notoriety when he first entered Congress, has moved on to other issues. And an effort by wealthy donors to take over the local Republican central committee under the suitably vague banner of "promoting diversity" (which wasn't the issue; the real issue was being tired of the local leader) saw the coining of a new term that explains much of the difficulty around the issue of government and the arts: "Music Center Republicans."

It's difficult to see any ideological difference between these worthies and the precinct-worker types; it's more a matter of style. Some of them are new dot.com billionaires, most of them recent money (which in Orange County terms means the last 15 years or so) who like to attend events at the music center, whether to enjoy the offerings (most of which are first-rate) or to be seen as cultured. Some of them are virtually libertarians, some are moderate, some are quite conservative. But almost all see the usual kind of criticism of government funding of the arts — they're making the taxpayers pay for porn — as simply too, well, lowbrow and hickish to be endured, let alone encouraged.

When conservatives feel that way, there's not much leverage for those who think government funding of the arts deserves critical attention. Perhaps the way to make the case is to explore how government funding in its present form tends to reward cultural mediocrity and stifle people's critical and appreciative faculties and judgment.

Rather than making a lowbrow argument, in short, those who see government subsidies for culture as potentially dangerous or at least not helpful to the cause of a more cultured nation should come at the issue from a highbrow perspective, noting the ways in which government funding rewards political skills like schmoozing, flattery and faking accountability in grant applications more than it rewards genuine artistic merit or authentic innovation.

Here's a datum about government funding that I for one find at least mildly alarming. I have become convinced that what most of the media call the arts community in the United States doesn't actually want government funding because the pittance received from the state is necessary or especially important for cultural endeavors to flourish (though the extra bucks are not unwelcome and most are more than ready to plead poverty if that's the approved game). They really want the programs and the money because they want the seal of approval from government authorities that the funding implies.

Even sadder is that many private philanthropists and other supporters of cultural endeavors want government funding to continue for similar reasons. Frightened to death of making independent cultural judgments based on their own knowledge and taste, many private funders want the

government to take the lead by declaring what is officially approved and officially sanctioned in cultural matters.

This is a sorry state of affairs. And considering the money involved (which in a total federal budget approaching $2 trillion quite frankly isn't much), it's even sadder for the future of arts and culture in this country than it is for the taxpayers. Those who claim to be the guardians of art are selling their birthright for a mess of pottage.

Those who look at the figures are sometimes surprised at how little government actually contributes to the total budgets of many artistic and cultural organizations. Public radio and public television, for example, get only about 14 percent of their funds from the national government.

Government funding rewards political skills like schmoozing, flattery and faking accountability in grant applications more than it rewards genuine artistic merit or authentic innovation.

A study of nonprofit arts agencies in Orange County, done in 1990 by Chapman University, showed that these organizations got only 5.3 percent of their income from government grants. Even looking only at donated income rather than earned income, only 13.3 percent of donated income came from government — compared to 29.6 percent from individual donations, 14.6 percent from businesses and corporations, 15.3 percent from foundations, 16.4 percent from fundraising events. Those figures are still typical.

But government gets a lot of leverage from that relatively minuscule forced contribution. Of the 37 organizations surveyed in the Chapman study, 11 said government had a "significant" influence on their presentations and nine said government has "somewhat" of an impact.

Again, that's hardly atypical. Only once in a blue moon does public broadcasting present a program that seriously undermines the image of government as an institution (though occasionally it mildly criticizes one or another particular agency or policy). More typical is, for example, the expansive series on fighting poverty, which was a paean of praise for government programs (despite cursory acknowledgment that they have failed to eliminate or significantly reduce poverty) concluding with a call for more of the same.

Pacifica Radio, criticized in congressional hearings a few years ago for presenting anti-white and anti-Jewish tirades from black activists, used to be supported only by subscribers. But it went on the government dole some years ago. I haven't done a systematic survey, but I've listened to Pacifica off and on for years. It's still radical, but it seems to me it's not as feistily leftist and anti-establishment as it used to be.

Could that be in part because Pacifica is taking government money? Will acceptance of government money furnish a lever whereby it will be made less feisty, more "respectable" over time? Much as I disagree with most of what Pacifica presents, that would be a shame.

An ancient maxim holds that "he who takes the King's shilling becomes the King's man." To be sure, many sterling artists down through the ages have been quite comfortable to be kept agents of royalty or of private patrons — though many have chafed in this role. The belief in "art for art's sake" and the notion that artists are by nature avant-garde, anti-establishment rebels are quite recent in origin and relatively shallow in their cultural roots.

But the image of the feisty, independent cultural maverick is still strong in the arts community, coexisting, more often than not, with the firm belief that all arts should be subsidized by government. That translates in practice to something like this: The only way we can be feisty, anti-establishment rebels pushing the frontiers of innovative art while maintaining our self-respect as independent creators is for the establishment to give us some money.

Sound like perfect logic to you?

You might think that a truly independent rebel artist would be proud of getting no money, no support, no encouragement from the government and the establishment, thus validating his independence and maybe his dangerousness. And some — Lawrence Ferlinghetti comes to mind — have that independent, risk-taking attitude. But all too many so-called artists prefer brave avant-garde rhetoric issued from the safety of the dole.

The results of government patronage in this country are rather as you would expect. The government mostly funds the most respectable possible activities — symphonies, ballets, museums and the like — along with a few utterly banal examples of trendy pseudo avant-garde stuff like gay photographers or feces-smeared Madonnas, and a few organizations promising to preserve various stuff called folk art on an informal "diversity" quota system. Aside from the occasional piece that scandalizes Jesse Helms, much of this is worthwhile and is supported rather nicely from private sources.

But I can't think of a single masterpiece in any branch of the arts that came about as a result of the National Endowments for the Arts or Humanities. I've never heard anyone claim that a masterwork or even a new school or trend began as a government-funded effort. The NEA funds the safe and respectable, the mediocre and the shallow. Genuine innovation, as usual, takes place outside of official channels. And the more influence the official channels have, the less innovation or excitement American culture is likely to nourish. A look at the numbers suggests that the arts wouldn't die at all in this country if taxpayer support was totally ended. Indeed, a case can be made that since government leverages a tiny amount of money into a large and stultifying amount of influence, the arts would be less bureaucratic, more innovative and adventurous.

I've never heard anyone claim that a masterwork or even a new school or trend began as a government-funded effort.

But until those recognized as spokespersons for the arts change attitudes developed over generations — that art is best validated by state support — such an artistically interesting development is unlikely.

My Roman Holiday

by Robert Higgs

All roads may lead to Rome, but thank goodness there are roads out.

My Roman holiday began well enough, in France. Or, to be exact, in Belgium. But that's just a detail. Anyone who has been to Belgium can attest that it is little more than an industrial exurb of Paris. Or maybe of London. As the Spanish say, *no importa.*

The French driver who met us at the Brussels airport weaved his way south, moving from freeway to country highway and through many a treacherous traffic circle. After a drive of two hours, he delivered us to a small, faux-medieval inn tucked within the small town of Vervins-en-Thiérache, France, northeast of Paris, not far from the Belgian frontier. In the First World War the opposing armies turned this area into a merciless killing field, but today it is a placid region of well-tended fields and spiffy little towns.

At the inn, our host and the men with whom I would spend three days in amiable discussions — technically, this sort of conference falls under the rubric of "the leisure of the theory class" — made us feel ever so welcome. Aside from my wife Kathy and an observer from the sponsoring foundation, I was the only American in attendance, so good manners prevailed and the atmosphere remained congenial despite differences of opinion. The dishes prepared by the chef de cuisine, Annie, a middle-aged blond well furnished with spices and bursting with good will, ranged from good to exquisite. Excellent wines flowed freely at lunch and dinner. Intellectually and gastronomically, I had no complaints.

But nothing good lasts forever. After we had spent three days at Vervins, the driver returned us to Brussels, whence we winged our way to Rome via Virgin Express, which settled for collecting a $99 Europe-by-Air coupon from each of us. At the time, this seemed like a good deal.

But I was making my first trip to the Eternal City, and I wasn't sure exactly what lay in store for me. Of course I had heard the tales about pickpockets. But I am a careful traveler, and I proceeded with a light heart — well, as light a heart as I can muster at this stage — and in curious anticipation.

At Leonardo da Vinci (Fiumicino) Airport the customs officers took no interest in us. Half a dozen of them stood around joking with each other as we wheeled our excessive luggage past them into the lobby. We might have been bringing tons of cocaine or bales of hashish into their country. But maybe they already knew the details of the smuggling business and therefore understood that we played no part in it.

A convenient airport ATM coughed out hundreds of thousands of lire in exchange for what seemed an absurdly small number of dollars. I was reminded of Jimmy Carter's attempt to comfort his countrymen in the late 1970s by suggesting that we look at the bright side of inflation: pretty soon we'd all be millionaires. Well, the Italians beat us to it by a country mile. In Italy, a million won't even get you a decent seat at the opera. No wonder the Italians have such a positive outlook; they're all rich. (I was also reminded of Tricky Dick's priceless ejaculation, forever captured on the Nixon tapes: "Fuck the lira." But that's another story.)

Fiumicino is on the coast, Rome is not. By taxi, it takes forty minutes and a good deal of bobbing and weaving to make the journey from the airport to the heart of the city. As the cab scoots hither and thither through the tangled streets of the suburbs and the inner city, the visitor, if he be a wary sort, may suspect that he is being "taken for a ride" by the cabby. But how is a stranger to know, until it is too late? So we decided against leaping from the taxi, and in due course the driver delivered us to our hotel, on the Piazza Trinità dei Monti, at the top of the Spanish Steps. He settled for a fare of

73,000 lire, one third of the total being assessed as a supplement to the metered amount — you know, for the luggage.

The Piazza Trinità dei Monti features one of those phallic monuments so frequently encountered throughout the city — nobody ever accused the Italians of prudery. The piazza also affords a splendid vista across the city, a panorama displaying the dome of St. Peter's Basilica and countless other church domes and assorted spires. Rome has no skyscrapers, so in American eyes it seems underdeveloped. But what it lacks in verticality, it makes up for in compression. Many of the streets are narrow and crooked, and the locals whiz through them at high speeds, with numerous noisy motor scooters and motorcycles darting among the cars and buses. Astonishingly, during our four days in the city, we witnessed not a single pedestrian being struck by a motor vehicle.

They dress, as nearly every Roman does, entirely in black. They smoke, as nearly every Roman does, incessantly. How I envied the man who owns the Marlboro franchise in that city!

The hotel at which we stayed bills itself as "Your Home in Rome." I suppose I can't argue against the motto, conceptually. But perhaps it suggests a slightly unwarranted sense of security. On the second day of our stay, the kindly and helpful desk clerk volunteered to act as my middleman in acquiring two tickets to *La Traviata* for 200,000 lire. (Note well: that's for a neighborhood production; the big-enchilada opera downtown, which was not in season, costs a great deal more.) As it turned out, circumstances precluded the consummation of the clerk's intermediation, and later I bought the two tickets at the door of the opera for 90,000 lire. Who knows? Maybe Romans try to cheat each other at home, too, making "Your Home in Rome" not such a bad description for our hotel.

From the small piazza adjacent to our hotel, we could proceed down the long, artistically curving Scalinata di Spagna, built in the 1720s, to the larger Piazza di Spagna. Near the top of the stairs is a landing abutted by a marble plaque that makes a picturesque backdrop for a tourist's photograph. Like others visiting for the first time, we paused for a picture. But tourists do not linger long there, we discovered, because four slits in the pavement in front of the plaque evidently provide ventilation for an underlying sewer, and the area stinks, as they say, to high heaven.

Farther down the stairway, whether in daytime or at night, one finds hundreds of older teenagers and twenty-somethings lounging on the steps. They dress, as nearly every Roman does, entirely in black. They smoke, as nearly every Roman does, incessantly. How I envied the man who owns the Marlboro franchise in that city! The young people gather in tight little clusters of six, eight, or ten persons, shoulder to shoulder, those in front often leaning back to rest their heads in the laps of those behind. They chat idly and gaze about languidly. Clearly they are looking for love, and in such a teeming sea of possibilities, it would take some atrocious luck to catch nothing at all. Some of the haul, I would imagine, is bacterial or viral, but perhaps that opinion is nothing but an old man's sour grapes. In any event, the young wannabe lovers form a human obstruction through which the passerby must pick his way with care, as the thick cigarette smoke limits visibility and challenges the lungs.

In the Piazza di Spagna, as in many other piazzas throughout the city, is a large sculpted fountain, around which adults sit and talk. Some of the younger ones kiss, and kiss, and kiss. Prolonged public kissing has been raised to an art form by the Romans. They can hold a kiss longer than a Polynesian pearl diver can stay under water. When they tire of simply locking their mouths together, they lick, bite, and suck each other's faces as if they were trying to score a perfect 10 in front of Olympic judges. I enjoyed the spectacle immensely. It reminded me of the continuing importance of making love, not war. Kathy and I tried to imitate the public kissers of Rome a few times, but we never got far before breaking the spell by laughing.

Of course, no visit to Rome would be complete without a trip to the Vatican. But one who is neither Roman nor Catholic may find some of the sights puzzling in the Pope's neighborhood. A friend of mine has observed that the modern world is teeming with medieval minds. She wouldn't find anything at the Vatican to disabuse her of that idea. One might even say that the Vatican specializes in medieval practices and trappings, as well as in displaying some great works of Renaissance art and architecture. The Basilica's dome, designed by Michelangelo, and the ceiling and maps of the Map Room at the Vatican Museum pleased me best. The Sistine Chapel is overrated. If you see one Sistine Chapel, you've seen them all. Besides, it's too crowded, even in February. I shudder to imagine what it must be like in July.

In the grottoes beneath the Basilica are buried many of the popes. The highlight of the collection is a reliquary said to contain the remains of St. Peter himself. As a connoisseur of reliquaries, I spent a long time holding my place among the crowds of devotees who strained to gain access, crossing themselves earnestly while glimpsing the small metal box through the glass shield holding them at bay. The Vatican Museum also has a large case of assorted medieval reliquaries that I highly recommend. For a long time, I stood blissfully before it, surveying its contents with a rare sense of fulfillment, until Kathy threatened to leave the museum without me if I didn't come along. Truly, life's keenest pleasures are but fleeting.

Prolonged public kissing has been raised to an art form by the Romans. Kathy and I tried to imitate the public kissers of Rome a few times, but we never got far before breaking the spell by laughing.

In the Basilica, not far from the high altar's imposing

canopy built of bronze ripped from the roof of the Pantheon, stands a famous bronze statue of St. Peter. Pilgrims line up to kiss or touch the right foot, worn shiny by centuries of such expressive adoration, in order to gain some miracle, great or small. Notable among those who took their turn at the saintly toes were a prodigious number of giggling Japanese girls, who paused in pairs, each girl touching the sacred foot and smiling stiffly toward a third girl who photographed the scene for the folks back in Osaka. That photographic delay did not seem to amuse the old ladies in wheelchairs or the other afflicted pilgrims who had to wait even longer to gain access to the statue's miraculous foot.

After three days of hemorrhaging lire on taxi fares, spicy roast lamb, genuine (thin) Italian pizzas, and museum admission tickets, I realized that still another raid on an ATM would be necessary to carry us through the remaining day in Rome. So I set out early to locate one of those magical cash-dispensing contrivances with which Rome is amply equipped. Little did I realize that, lurking along the street, waiting for just such a man as I, were a gypsy woman and her accomplice, a brat of perhaps eight or ten years. Had I not been looking about for the sought-after ATM, I would, upon spying them, have immediately protected myself, but my attention was focused at long range, and my misfortune turned out to be all too near.

Little did I realize that, lurking along the street, waiting for just such a man as I, were a gypsy woman and her accomplice, a brat of perhaps eight or ten years.

Suddenly, the woman and the boy fell upon me, the woman jabbering plaintively, as if begging, in a language I could not understand while thrusting toward me a small placard containing writing I could not read — at least, not in the one or two seconds I had to react. Not wishing to give the beggars anything, I continued to stride forward along the sidewalk, but the woman interposed herself in front of me, blocking my progress, still jabbering animatedly and shoving the placard toward me. Determined to proceed nonetheless, I pushed on. But at that instant the kid latched firmly onto the coat sleeve of my right arm with both his grimy little paws. The woman was still bumping into me, but I managed to fling the offending urchin onto a parked car and break free of the dirty duo, whose curses followed me. (You don't have to know a language to understand when you are being cursed.) The whole encounter had taken no more than four or five seconds.

I interpreted the event as nothing more than one of the Continent's characteristic nuisances — I have spent enough time in Europe to know that you can't travel far there without having to fend off gypsies. But five minutes later, when I had located an ATM and reached into my jacket pocket for my wallet, I instantly realized that I had been victimized in a textbook execution of pocket picking. Obviously, as I had turned to fling the boy away, the woman had artfully reached into my inside jacket pocket and

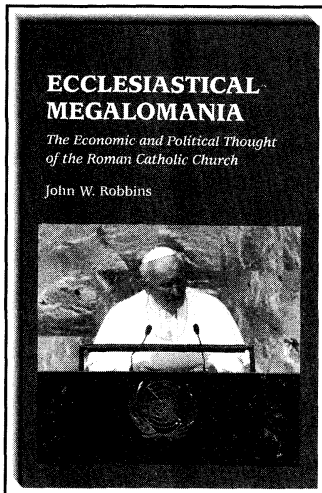

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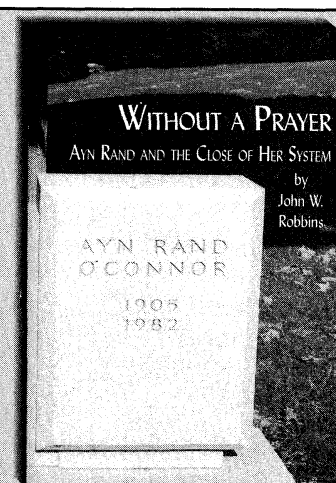

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--Edmund A. Opitz

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snatched my wallet. If you admire people who are good at what they do, you have to admire those two damnable thieves.

I would be less than frank, however, if I said I was overwhelmed with admiration. The wallet contained not only a couple of hundred dollars worth of currency but my driver's license, a VISA card, an ATM/debit card, and assorted other things of substantial value to me if not to anyone else. So I was pretty pissed off. And afterward I looked forward without regret to my impending departure from the Eternal City. Of course, one might have had his pocket picked anywhere, but the fact remains that I spent fifty-six years in other places without having my pocket picked, and I lasted only three days in Rome before suffering that particular misfortune. (My money belt, which Kathy always ridicules me for wearing when I travel abroad, contained my reserve stash, so my loss was substantially less than total.)

After placing several frantic phone calls to cancel the VISA and ATM/debit accounts and making other adjustments to cut our losses, we escaped from Rome the following morning, heading back to Seattle with a stopover in London. Heathrow Airport had never looked better. I still couldn't understand a word the natives said to me, but somehow I felt a little less vulnerable than I had in the vicinity of His Holiness. ❑

"Letters," *from page 6*

February, the long term rates actually dropped. I predict that if those rates stay down, that the Fed's next move will be to drop rates no matter what the economy is doing.

Greenspan, good libertarian that he is, has apparently said that he doesn't think that the Fed is necessary. An appraisal of what he is actually doing suggests that he is doing nothing to "manage" the economy. As a matter of fact, he may well be laughing at the wise fools who make a good living by calling themselves "fed watchers." The economy is doing well. If Mr. Paul wants to know how the Clinton administration is helping the economy become great, he should read *The Fable of the Bees* by Mandeville, a work now almost 300 years old. Mandeville pointed out that powerful nations become prosperous because vice is rampant.

Erwin J. Haas
Grand Rapids, Mich.

Be Careful What You Wish For

I was very pleased to read Ron Paul's "Greenspan Go Home." What he said badly needs saying. However, I think that he has made at least one mistake, not in economics, but in politics. I think that Paul underestimates the strength of the agitation for even more inflation and credit expansion than Alan Greenspan is willing to create. This agitation is coming from some rather surprising places. For example, it was one point of Dan Quayle's now defunct presidential campaign.

More surprising still is the view of Richard Salsman, a professed Objectivist and author, believe it or not, of a book called *Gold and Liberty*. In an interview published in the on-line *Capitalism Magazine* in December 1999, he states that if the economy does not do well in the coming years, it will be because the Federal Reserve raises interest rates. Evidently, he does not see a problem in the fact that the Fed has kept interest rates down for decades. Paul's possible mistake is to assume that Mr. Greenspan does not understand the consequences of his policies. I cannot deny that this is possible, even considering his past writings; it is hard to overestimate the human capacity for self-deception. Even so, five words keep running through my head, and I cannot help thinking how appropriate — and how true — those words would be as a farewell message when Greenspan does leave office. The words are: "Brother, you asked for it!"

Michael P. Underwood
Arlington, Va.

The Dark Ages in a Nutshell

Why is *Liberty* wasting valuable paper, ink and time on publishing the grunting and flatulenceation of bible thumping Neanderthals (Letters, March)?

The ultimate Christian virtue is not neither brother-love, nor sacrificing oneself for the benefit of others, nor charity, nor faith, nor piety. The ultimate Christian virtue is the "virtue" of "not knowing." It is the one which guarantees the others. The infamous period known as the Dark Ages, with its brutish ignorance, unquestioning faith, tyranny of the church, grinding poverty, filth, disease, superstition and bloody holy wars, was the Golden Age of Christianity. In this age people ascribed everything to a presumed something called "God" or "Satan," depending upon whether the "thing" ascribed was considered good or bad; they died in droves from plagues, and cringed in paralyzing terror from the bellowing threats of eternal damnation which were incessantly hurled at them by priests; an age when an inquisitive mind would likely get its owner burned alive on the town square, and people were "sainted" for the glorious "achievement" of living their whole lives without ever having bathed any part of their filthy, stinking, rag-covered bodies except their fingernails. Does the world need more of that? Or perhaps you fancy that rejection of science and returning to faith in "God" (whatever that is) could not produce a re-run? Some fools imagine that science and religion can co-exist. Good luck, should you be among them.

Robert A. Markley
Phoenix, Ariz.

Orwellian Warts

I'm content to leave most of the issues between Martin Tyrrell and myself to what we have each said already on those matters in the pages of Liberty. But there are a few points raised by Tyrrell in his last contribution (April) where a brief comment will clarify matters.

1. Tyrrell emphasizes that Orwell typed up his diary with a view to interesting a publisher in it. But Tyrrell is mistaken to infer that Orwell wouldn't have edited it further if he had found a publisher. Even in 1940s Britain, publishers would be disinclined to look at handwritten manuscripts. There is a difference between what you show to publishers and what you actually see

continued on page 52

Reviews

A Home of Another Kind, by Kenneth Cmiel. The University of Chicago Press, 1995, 243 pages.

Child Abuse by the State

Patrick Quinn

Child welfare work consists of one party taking over some or all of the process of rearing children when another party, usually in the nuclear family, has failed in some egregious way. Since the nuclear family is one of the most important components of any civil society, this is extremely important work. Children whose families fail them in some catastrophic way — either through abuse, neglect or abandonment — eventually become adults, and often prove to be formidable social nuisances. And the ability of any society to deal with such children is all the more crucial given that such problems seem to be pretty durable over time. Concern with exceedingly poor child rearing dates at least as far back as ancient Sumeria, and probably farther.

America's approach to child welfare work has undergone a dramatic shift over the past 100 years, but the nature of the work done has remained fundamentally the same. When families are unwilling or unable to raise their children — for whatever reason — the rearing process must be assumed by someone else. What has changed in American child welfare work over the course of the 20th century is who that someone is. In the past, child welfare work was almost entirely private. Today, the assumption of the rearing process is handled almost entirely by government.

It is time to consider the likelihood that this transition was a tragic mistake.

Does gross ineffectiveness bother you? In 1995, a *Chicago Tribune* report revealed that the Department of Children and Family Services (DCFS), the state child welfare bureaucracy, did not know the whereabouts of more than 20,000 of its wards. Think about that for a moment: *The physical location of roughly half of the children under the direct responsibility of the state was unknown to the state's bureaucrats.*

Does fiscal insanity bother you more? In Illinois, DCFS has been under fire almost constantly since its creation via legislative fiat in 1964. A steady stream of exposés has uncovered blunder after blunder: children sleeping on the floors of DCFS offices, a group of children housed without supervision in a local motel with regular access to adult movies, children actually dying while in the state's care. The state finally gave in to the immense political pressure that comes with such tragic and chronic embarrassments and went on a knee-jerk spending spree, with the help of some changes in state Medicaid laws. In the early 1990s, the DCFS budget soared more than 300 percent. Today, that budget is well over $1 billion. The clearest result of all of that spending is that children in the system now have a lot more people to "care" for them.

Imagine a troubled child trying to adjust to a new group home. Now, after all that spending, that same child of limited coping abilities is expected to adjust to a new set of "parents" every 8 hours, along with numerous ancillary workers. And since all of those bloated budgets need to be justified, those who work in the system have been turned into paper jockeys. As a therapist co-worker once told me, "I got into this field to try to help children, but 60–70 percent of my job is paperwork."

Or perhaps you are particularly bothered by arbitrary power. Now, imagine combining arbitrary and largely unstoppable power with the pseudo-sciences of psychiatry and social work. That mix is what exists in much of child welfare work. I have had the utterly enervating experience of witnessing this combination of forces used to dismantle children psychologically and spiritually.

One of the group homes where I worked was set in a quiet residential neighborhood on Chicago's northwest side. One of the boys, Shannon, was a model child, not just in our institution, but among all of the neighborhood children as well. Shannon was utterly reliable. We allowed him free reign in the neighborhood, gave him an allowance, let him join the local YMCA, and even sent him shopping when essentials ran out.

One day, some psychiatric social workers from the state visited the home, a "private" contractor with the state. Their putative function was to act as a kind of meta-authority within the system, looking into special cases, or performing investigations of problems, and so on. They were interested in Shannon because of his unique situation. Altogether, he had nine family members in the custody of the state,

including two younger brothers who lived with him at our home, and his oldest brother, who had just been convicted of murder and sentenced to life in prison in Arizona. Shannon didn't know his oldest brother, but the social workers thought it appropriate to probe his thoughts on the sentencing, and in the process to review his situation to see if any changes were warranted.

For reasons known only to themselves, the workers began suggesting to Shannon that they would separate him from his two younger brothers at the home by placing him elsewhere. Most likely, they were simply under pressure to change his "treatment plan," which is the name given to the state's plan for dealing with individual wards. Treatment plans represent an effort to quantify the services given to wards (e.g., length of stay in the system), as well as to specify the nature of the services rendered (e.g., foster care vs. institutional settings, medication vs. behavior modification). Since treatment plans are tied to state budgets, there is constant pressure to tinker with them, a process that often does not consider a child's best interests. From the vantage point of those actually raising Shannon — me and my co-worker — there was absolutely no reason to move him.

Shannon became combative with the workers. Not violent, mind you; just angry enough to raise his voice to the complete strangers who were proposing to shatter what was left of his life. In response, they had him summarily committed to a psychiatric hospital.

Not surprisingly, Shannon was bothered greatly by the suggestion. As I've said, he was a sweet, good little kid. But every human has a touchy spot, and the thought of separation from his brothers, understandably, was his. Loving and watching over his two little brothers was a responsibility Shannon had understandably (and proudly) bestowed upon himself, given the condition of his family.

So he became combative with the workers. Not violent, mind you; just angry enough to raise his voice to the complete strangers who were proposing to shatter what was left of his life. In response, they had him summarily committed to a psychiatric hospital. Shannon, the good kid, was no more.

As justification for their move, the social workers engaged in a bit of revisionist history. As it turned out, Shannon had the swimming ability of a rock, and about a week earlier had nearly drowned at the YMCA. He was revived on the pool deck, and was fine after a short observation. The social workers decided to call this a suicide attempt. Suddenly, Shannon was a depressed youth suffering from suicidal ideation. And of course, on the psychiatric ward, he was medicated for the first time in his life. When he began having nightmares (presumably from the drugs, as is so often the case) he was tagged as suffering from a psychotic episode. And, his (perfectly sensible) refusal to cooperate at all at the hospital was taken by the social workers as "evidence" of their having made a keen diagnosis, and as justification for their intervention.

Such is the circular, arbitrary reasoning of psychiatric social work.

Monolithic Welfare

One of the most troubling aspects of all this is that child welfare work in America is a monolith. The problems I've been describing are systemic and nationwide. Just as public education has withered the private school sector, so too has the government's role in caring for delinquent and dependent children reduced the options for such children. Sure, there are a few largely private organizations that have endured the state's takeover of child welfare work. Boys Town, one of the largest and most famous, accepts only about ten percent of its income from the state. But these institutions are the exception. The rule for children whose families don't function for them is the labyrinth of public and quasi-public homes and agencies that the government has created, including the perennially troubled juvenile court system. Even the "private" homes like I worked at are funded and controlled by the state. One group home that I worked for called itself a private organization, but it received nearly 80% of its operating income directly from the state and was thoroughly controlled by the state, right down to the minute detail of what the children could have on the tops of their dressers. Even the option for children that is furthest removed from the state — foster homes, private homes where children are placed by the state — is tightly regulated by government bureaucrats.

And the results are what one might expect of government bureaucracy. Child welfare bureaucrats constantly claim that resources are too scarce. But in reality, inefficiencies and politics are squandering resources that desperately need to be utilized. In Illinois in 1991, for example, DCFS admitted that of the 14,000 foster homes it had licensed, only 6,000 were in use at any time.

Given all of this, it is more than worthwhile to take a closer look at the system that was supplanted by government control. Kenneth Cmiel's *A Home of Another Kind* does just that. Cmiel is a historian who examines the history of one child welfare institution, Chapin Hall, over the course of its 124-year life. In the process, he produces an invaluable description of how the influence of government slowly destroys social institutions, and how it comes to take over roles that used to be filled more effectively by the private sector. Along the way, he provides a road map of the last 100 years of child welfare work, showing where our society turned away from private efforts and relative freedom in child welfare.

In 1995, the Illinois Department of Children and Family Services did not know the whereabouts of about half — more than 20,000 — of its wards.

The first and perhaps most important contribution that Cmiel makes is to dispel some popular myths about early American child welfare provisions and about philanthropy in general. America in the 19th century was an incredibly dynamic society, and few places experi-

enced the tumult of this dynamism like Chicago, where the population tripled during the 1850s and again during the 1860s, and continued to grow rapidly thereafter. Displacement and dislocation were understandably commonplace, so there was ample opportunity to help children and families who were in varying stages of distress. That help came in the form of an active welfare "market" that was responsive, diverse, and virtually 100 percent private:

> In 1885, there were twenty-three orphan asylums in Chicago; by 1900 there were fifty-eight; and by 1910 a total of eighty-seven. The Chicago Nursery and Half-Orphan Asylum was, as late as 1890, one of only twelve orphanages in the city. By 1905, there were twenty-two. [The] social service directory in 1915 . . . listed not only forty-eight homes for dependent children, but also thirty-seven day nurseries and twelve home-finding societies. The first settlement house, Jane Addams' famous Hull House, opened in 1889. By 1916, there were seventeen such settlements in Chicago (39).

To say that the staggering diversity of private efforts contrasts sharply with today's efforts is an understatement:

> Between 1885 and 1910, Swedish, German, Polish, Danish, Bohemian, and Jewish groups each built their own asylums. Methodists opened an orphanage in 1894; Baptists the next year. There were asylums for Danish Lutherans, German Lutherans, German Evangelicals, and for the children of deceased Freemasons. The Chicago Home for Jewish Orphans was founded in 1893 by wealthy Reformed Jews from Central Europe. In 1905, Orthodox Jews from Eastern Europe created the Jewish Orphan Home. Moreover, each of these ethnic and religious groups also built increasingly specialized institutions. Homes for homeless boys, for working boys, for newsboys, for delinquent boys, for working girls, for orphans, for abandoned children, were all deemed necessary (40).

All this changed during the Progressive Era. Enamored with notions of scientific management and rational order and antipathic to the market process, progressives sought to "fix" child welfare. As they saw it, child welfare suffered precisely in that it was a "market" — dynamic, responsive, self-correcting, and almost completely uncoordinated and unregulated. "To twentieth-century welfare reformers," Cmiel observes, "the . . . system seemed as chaotic as the cities that spawned it. To [its] founders, however, the institutions seemed logically divided along religious, ethnic, and functional lines" (13).

From the start, progressives' values were reflected in their methods. They didn't seek to compete with what they deemed an inferior service; they sought control. They designed their own parallel system, one that didn't have much to do with actually helping any children, but had plenty to do with telling others how best to do so. "Between 1890 and 1910, progressive welfare reform and actual child welfare were not the same thing(38). "Chicago . . . had developed two distinct kinds of welfare institutions — those providing care and those coordinating the system" (82).

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It was in this context of rapid social change that Chapin Hall was born. As it struggled to formulate its mission and identity, Chapin Hall underwent nearly constant change in its early period, moving five times in its first five years. Cmiel describes in detail the vagaries of the day-to-day and year-to-year survival of the home, touching on everything from how it handled finances to how children came into its care, from how the home's managers dealt with parents and guardians to how it maintained its public image in a large city with an increasingly crowded welfare market. By itself, this makes for very compelling reading.

Over time, the home's managers increasingly found their efforts and energy diverted from their core mission into dealing with the various "umbrella" agencies and other organizations seeking control over child welfare work. It is these groups who are really the central actors in the book.

Many of the progressive reformers in Chicago — leading business people, philanthropists, and others — were united under the emerging concept of "private power for the public good." They sought to pursue their goals by creating new mechanisms (such as community funds) to finance their efforts, new graduate-level professional schools whose putative purpose was to bring a higher quality of care to children and the destitute, and agencies that worked cooperatively with caregiving entities to improve the delivery of services. The first elements of a child welfare "system" were developing as part of a larger, mostly private welfare services delivery network. "Progressives had attempted to create an urban welfare system, largely but not entirely outside the public sector . . ." (76). During the first half of the twentieth century, there was a constant interplay of authority and autonomy between care-providing organizations such as Chapin Hall, and the private managerial agencies which, as Cmiel points out, "[b]y the 1920s, were becoming far more important than the Cook County Juvenile Court [the state's main child welfare component]" (65).

It is fascinating to speculate as to what might have become of child welfare had this system of give and take among private groups in addressing social problems continued to evolve and grow. But it did not. Private welfare gradually eroded, thanks to the rapidly developing fascination with technical expertise, and, more importantly, the growth of government at all levels.

The clearest influence of the expertise zeitgeist in child welfare work was the increasing role of psychiatry.

> After 1957, the shift toward more psychiatric care was especially pronounced . . . The staff was trained to not present themselves as "family," one sign of the new professional ethos. Throughout the case records are reports of Chapin Hall social workers telling children that "they are caseworkers, not mommies." Yet children with little in their lives often clung to caseworkers; the departure of a caseworker could be as traumatic as the change of a foster parent. The whole

system too easily tipped into cruelty. One particularly poignant report tells of a caseworker asking a neglected eight year-old boy how it felt not having a family. As the boy fell apart, descending into rage, the caseworker would not back off, trying to force the boy to answer, reporting that she gradually faced "a pervasive, persistent, snarling, pettish, destructive kind of anger" (138).

The direct influence of government, however, took longer to develop. As Cmiel notes, the public sector in the early twentieth century was notoriously weak. But the vogue of social engineering was spreading fast in the U.S., and progressives were leading the way. In child welfare, experts created bureaucratic institutions to assert the agenda of technical expertise. The new experts "devised policy, did research, trained social workers, and managed the care-providing agencies. Rarely, however, did they deliver any direct services to the needy" (82). At first, the new institutions of this nascent ruling class were mostly private. Even then, the limitations of bureaucracy were apparent. Chapin Hall actually withdrew from one of its relationships with a private funding agency in 1961, "citing the crush of paperwork involved in membership" (149). Care-providing agencies were still largely free, as late as mid-century, to participate or not with the system, or various parts of it, such as it was. This autonomy was an important hedge against the fledgling "expertise" of the psychiatry and social work establishments, but it was a freedom that would disappear entirely in the coming years.

Cmiel seems unaware of the relationship between the growth of state power and the rise of the technical expert. In *The Rise of the Therapeutic State*, Andrew Polsky explains how technocrats' frustration over their lack of power led them to lobby the state for increasing amounts of power in society. Specifically, Polsky describes the alliance between the federal government and university schools of Social Service Administration and Public Policy that churned out armies of disciples of the therapeutic state faith. Cmiel misses this very important connection almost entirely, but he does an excellent job of chronicling the end result — the government takeover and virtual destruction of the child welfare system.

The most crucial element in this takeover involved a steady transfer of the financing of services from the private sector to government. When progressives first moved into government, Cmiel points out, they created agencies that put less of a regulatory burden on institutions that delivered relief than did private agencies. This made public funding an attractive alternative.

Over time, public money flowed in ever-increasing amounts, especially after the New Deal began. "In 1935, Illinois massively revamped its welfare law, expanding the public presence in dozens of ways" (111). Again, the state bureaucracies were initially very weak compared to the private ones, which had developed their agendas over several decades, and had carefully insinuated those agendas, wherever possible, into the care-providing agencies. Thus, "Chapin Hall [and others] became rather serenely addicted to public money." (112)

In the State's search for economy and quick change, they were transferring cases, decentralizing, then centralizing, then decentralizing again, changing workers with frightening speed, changing offices and phone numbers, and generally being incredibly chaotic.

The Great Society continued this trend, with one important difference. As financing became increasingly socialized, it became increasingly politicized, and the only way for the state to arbitrate the mad dash for exorbitant amounts of public money was to take control of the system. "One reason the Illinois state legislature created the Department of Children and Family Services in 1964 was to administer the social security funds now available" (153). At first, this increased role for the state developed gradually. "As late as 1969, just under 50 percent of Chapin Hall's residents continued to come from either parents or private agencies" (157). The next step in the saga is an object lesson in the tendency of the state to "ratchet up" its control:

> With one dramatic move, however, it was all different. In the summer of 1969, the Department of Children and Family Services managed to collect all Cook County child-placing under its own auspices. In part this was done in response to further expansion of federal social security coverage. [The] historic "children's division transfer" of 1969 made the state bureau the sole child-placing agency for the whole of Chicago and suburbs. In one day, DCFS's foster care caseload doubled, and the number of Cook County children receiving some sort of service jumped from 12,000 to 20,000. Over two hundred employees moved from the county to the state payroll (157).

The destruction of Chapin Hall as a private social institution was underway. In the early twentieth century, Chapin Hall's attentions were oriented towards the community it served, towards the parents whose children it cared for, and towards other agencies that provided standards of progress and quality. Once the Hall became dependent on the state, its focus moved towards satisfying the wants of its new benefactor. And once all of that money was available, the sole, driving goal was to make sure it continued to come in. The obsession even caused the home's managers — who were, by the second half of the twentieth century, mostly products of the progressive mission — to cease thinking of themselves as being of service to those in need. "Why spend energy fighting quarrelsome parents for back payments when DCFS supplied so much more money . . ." (159).

Keeping in the good graces of the state proved a difficult task indeed. Not surprisingly, DCFS was instantly incompetent at the new responsibilities it had arrogated to itself. "[By 1971] DCFS had been wracked by scandal, charged with warehousing children in out-of-state institutions and being unresponsive to abused children" (167). And the political winds changed direction often. One of Chapin Hall's social workers "spoke of mayhem inside the state agency":

> In the State's search for economy and quick change," [the social worker] argued, "it seemed they threw out the

baby with the bath water. This was done by transferring cases, decentralizing, then centralizing, then decentralizing again, changing workers with frightening speed, changing offices and phone numbers, and generally being incredibly chaotic" (167-8).

Thus, the progressives got exactly what they wanted. In place of a private system that they deemed uncoordinated and chaotic, and thus unacceptable, they erected a system that was "coordinated" and chaotic, and entrenched through the highest levels of government in American society. The old system was smashed almost overnight. When DCFS whimsically decided that large institutions were no longer good for children, it unilaterally pulled funding for such homes. "Angel Guardian, which during the Depression housed up to 1,200 children at times, and even in the late 1960s had a capacity of 400, closed its doors in 1974" (167). Ten years later, Chapin Hall suffered the same fate, after over 120 years of caring for children.

In place of such giants of service is a collection of cookie-cutter homes and agencies, most less than twenty-five years old, that all say and do just the right things to get state funding.

Cmiel concludes with an epilogue describing the cowardly political shenanigans that have come to characterize much of child welfare work:

> By the 1990s, the crisis in child welfare was national. . . . All over the country there was talk of overwhelmed welfare bureaucracies unable to handle the flood of children; of the gross mismatch between services delivered and real needs; of lawsuits against state agencies. To take but one of dozens of examples, in the summer of 1991 then-Governor Bill Clinton worked fervently to settle a suit charging that Arkansas child welfare agencies were not doing their job, a suit filed after several children under state guardianship were either severely beaten or died. Clinton managed to settle the suit without it going to trial, something he wanted to do to avoid bad publicity before he began his run for the Presidency (189).

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It's hard to imagine a more appropriate end to the century for child welfare — children being sold out by a man who would go on to take the highest office of the very system that allowed them to be sold out in the first place.

This is a national disgrace. But there is hope. The private system was not perfect. Before the government takeover of welfare, the managers of Chapin Hall and other homes and agencies dealt with serious threats to the care they offered, such as epidemics and overcrowding. But so long as the system was free from centralized political control, it was moving aggressively towards solving those problems in efficient and creative ways. The bewildering diversity of its efforts offers evidence of what private efforts in a free society can achieve.

Whatever the problems of private child welfare, there is no excuse for having replaced it so entirely with today's misenfantic government leviathan. Anyone concerned with child welfare work who reads *A Home of Another Kind* will wonder what might have been if freedom and diversity of care, funding and oversight had survived. And it should leave us thinking very hard about how we can recover at least some of that freedom, and the fruits that it provides, in caring for children whose families fail them.

May they one day receive the justice they deserve, rather than the wicked "mercy" under which they currently suffer. May they one day receive freedom. ❑

***The New Military Humanism: Lessons from Kosovo*, by Noam Chomsky. Common Courage Press, 1999, 208 pages.**

Killing for Peace

Stefan B. Herpel

The distinguished MIT linguistic theorist, Noam Chomsky, has pursued a second career as a relentless critic of American foreign policy from the Left. One of Chomsky's main projects is to deconstruct government propaganda that has been used to promote American military adventures abroad to the public. A large part of his analysis attempts to show that the official reasons for various military actions are pretextual, and that the U.S. government's reliance on these reasons is characterized by gross inconsistency and hypocrisy. In his 1992 book *Deterring Democracy*, for example, Chomsky contends that one of the West's stated reasons for waging the Gulf War — to punish aggression — was simply a cover for its pursuit of other interests. And Saddam's aggression against Kuwait, he suggested there, was not materially different than other recent cases of aggression by one nation against another that "the West has readily tolerated, or supported, or perpetrated directly." (181).

Analyses of this kind, even when they are compelling, have always seemed to me to be largely beside the point as a basis for assessing the morality or wisdom of particular military engagements. The fact that the U.S. government may have lied to the public about its true reasons for entering, say, World War II would not demonstrate

that our involvement in that war was morally wrong. The same is true of the fact that the U.S. opposed Japanese and German aggression in World War II, but had not opposed aggression in other parts of the world, or had itself previously engaged in unjustified aggressions of its own. Logically speaking, whatever moral calculus one uses to evaluate a particular war need not depend on whether the government's public justification for its actions is genuine, or whether the principle invoked in that justification has been consistently applied. In the case of the Gulf War, for example, one might well conclude that the propaga-

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tion of this war was morally justified insofar as it countered aggression, quite independent of whether the U.S. has regularly applied (or itself observed) the non-aggression principle in its foreign policy, or whether its real interest in fighting the Gulf War was to reduce the ability of Hussein to exercise de jure or de facto control over a large portion of the world's oil reserves in the Middle East.

The limitations of arguments of the kind frequently made by Chomsky became especially conspicuous in connection with the NATO bombing and missile campaign in Serbia and its Kosovo province. For unlike many military campaigns of the last four decades, NATO's war in Kosovo had a significant amount of support from the Left on humanitarian grounds. And those on the Left who supported the NATO intervention were perfectly willing to agree with others who pointed out (correctly) that the U.S. has not involved itself in other situations calling for humanitarian intervention, or that it has been guilty itself of unjustified military aggression against other nations in recent history. They took the perfectly logical position that neither of these considerations precluded support for this particular military campaign.

Presumably to meet these arguments from the Left, Chomsky takes a somewhat different tack than usual in his critique of the NATO military campaign that he develops in *The New Military Humanism*. For example, Chomsky acknowledges early in the book that, as a general matter, it "might be appropriate" to "support" American military "actions [that were] undertaken on cynical grounds, or worse," if those actions could "plausibly" produce "beneficial consequences" (15). And he offers World War II as the "most spectacular example" of a military action whose stated humanitarian motives were pretextual, but which had the "benign" consequence of defeating Nazi Germany (80).

Chomsky's concession that "consequences" may be more important than "motive" or "intent," which runs against the grain of a lot of his foreign policy writing, informs much of the analysis in *The New Military Humanism*. To be sure, Chomsky makes his familiar argument that the stated reasons for the NATO intervention — the "humanitarian" desire to protect the Albanian Kosovars from "ethnic cleansing" — were pretextual. But the book's real emphasis is on the "consequences" of the bombing, and it is here where Chomsky is at his most compelling in his condemnation of NATO policy. He argues with considerable force that, "[NATO's] resort to bombing, whatever its intention may have been, 'greatly accelerated [the] slaughter and dispossession' of the Albanian Kosovars." (81).

Chomsky is almost surely correct in asserting that the NATO bombing "greatly accelerated" the pace of the violence and expulsions, at least relative to what would have occurred during the 78-day period of NATO bombing (March 24, 1999 to June 10, 1999) had there been no bombing. Serbia had few options against NATO's superior firepower, and the war gave it both a reason and an opportunity to, at the very least, accelerate the rate (and perhaps increase the absolute levels) of expulsions and violence. These expulsions and acts of violence are, it must be said, trivialized by the Orwellian term "ethnic cleansing" that the West has curiously borrowed from the Serb lexicon.

Chomsky goes on to suggest that NATO military planners expected the acceleration of violence against the Kosovars that occurred during the two-and-a-half month war, but insofar as he means that they expected the full extent of this increase in violence, the evidence he presents is rather thin. Chomsky's principal support for that belief is the statement made by NATO's then Supreme Allied Commander in Europe, General Wesley Clark, that the Serb reaction was "entirely predictable." Although Chomsky invokes Clark's use of the word "predictable" throughout his book to imply that NATO military planners thought all of the violence that followed was likely (see, e.g., page 51), this is really a distortion of General Clark's observations. General Clark's comments were made two days after the onset of bombing and referred to Serb activities undertaken in that initial period of bombing. They cannot necessarily be taken to mean that all or even most of the killings, expulsions, and property destruction which ensued in the next two and a half months were "entirely predictable," or even that NATO military planners expected the war to last that long.

But though Chomsky has used General Clark's statements out of context to support his point, it does seem likely that our intelligence services predicted at least the essential character, even if not the full scale, of the Serb response. In an article written a day before the onset of the NATO air campaign, Dr. Jonathan Eyal, a distinguished military analyst from the U.K., predicted that NATO bombing would be met with "a massive ground offense . . . against the Albanians, sustained by the estimated 36,000 Yugoslav troops already stationed there." Eyal added, presciently, that "[t]he result will be a huge wave of refugees streaming out of Kosovo": "The West is justifying the operation as necessary in order to avoid a humanitarian disaster. In fact, the biggest humanitarian disaster will unfold when the air attacks start."

Dr. Eyal is a perceptive and intelligent analyst, and while he is the only one I know of who publicly forecast Milosevic's response to bombing, one has to believe that our intelligence services made much the same assessment of the likely Serb response to NATO bombing. Dr. Eyal himself later confirmed that that was the case, when he advised me that "trying to work out what Milosevic might do in case of an air attack by NATO was actually quite easy. It was also what the intelligence chiefs in both the U.S. and Britain told the politicians in the run-up to the air offensive." In a similar vein, the *London Times* reported in a March 28, 1999 article that, on March 15, General Shelton, the Chairman of the Joint Chiefs of Staff, told President Clinton that, in the *Times'* words, "[t]here was a danger . . . that far from helping to contain the savagery of the Serbs in Kosovo . . . air strikes might provoke Serb soldiers into greater acts of butchery."

Chomsky's basic argument, then, is that because the bombing resulted in a fairly predictable escalation of Serbian violence against and massive expulsions of ethnic Albanian Kosovars over the levels that existed before the bombing began, it deserves to be condemned. Supporters of the NATO action would counter with the argument that, well prior to the commencement of the air campaign, Milosevic planned similar absolute levels of ethnic violence and ultimately would have carried out those plans, bombing or no bombing. Under this view, NATO bombing merely accelerated the timing and the rate of ethnic violence that Milosevic had independently planned to effect over a period of a year or even several years. As Dr. Eyal put it in a June 7, 1999 article in *Irish Times*, "Ethnic cleansing could not have been bigger if NATO did not intervene; NATO's involvement merely meant that this disaster [to the Albanian Kosovars] happened much more quickly . . ." than it otherwise would have. Thus, the best that those who support the NATO intervention can say about it is that it facilitated the repatriation of those who would have ultimately become refugees anyway, and that it may have deterred other leaders from emulating Milosevic's policies of ethnic violence, property destruction, and expulsion.

NATO held "the vaguely racist belief that the 'little people' in the Balkans were no match for NATO air power: drop a few bombs on these 'natives' in Yugoslavia and they would sue for peace."

In the final analysis, however, such a *post hoc* justification for bombing seems woefully inadequate, which is undoubtedly why the President has chosen a different spin. In his State of the Union speech this past January, President Clinton took credit for having "stopped the ethnic cleansing in Kosovo [and] enabling a million people to return to their homes." The real truth of the matter is that, while NATO policy did enable the expelled Kosovars to be repatriated, NATO's bombing campaign triggered their expulsion in the first place, and NATO actually did little or nothing to stop the expulsions (and other barbarities) as they were occurring. Dr. Eyal is far more honest than the President in his characterization: while he does not blame NATO for the barbarities perpetrated by Milosevic, he does acknowledge in his June 16, 1999 *Irish Times* article that ". . .[i]t is a fact that air strikes unleashed the biggest humanitarian disaster Europe has known since 1945," which included the flight or forced exodus of more than a million ethnic Albanian Kosovars. But in light of that seemingly undeniable fact, how can one say in retrospect that the bombing policy was a success? In his May 31, 1999 *Newsweek* article, "The New World Disorder," Henry Kissinger may not have been exaggerating when he observed the NATO strategy "produced more refugees and casualties than any [other] conceivable alternative mix of force and diplomacy would have."

Chomsky is thus correct to suggest that, if faced with a choice between the kind of military action NATO undertook in Kosovo and doing nothing at all, the West would have been better to do nothing at all (other than to make genuine attempts to promote a diplomatic solution). At the same time, he does not at all consider a third possible course of action, which would have been to undertake a qualitatively and quantitatively different military intervention. Some contend that NATO should have been prepared to use air power against Serbia proper as soon as Milosevic began responding as he did, and there should have been contingency plans to introduce ground troops. NATO, some maintain, could have greatly limited Milosevic's ability to respond in the way he did by immediately escalating the bombing of Serbia to include targets that were vital to civilian life and to the military, and by introducing ground forces, if necessary, to do battle with Serb forces. The bombing of targets in Serbia did not begin until several weeks after the start of the air offensive. Indeed, in an interview in the September 1999 issue of *Air Force Magazine*, Lt. General Michael Short, who directed the air campaign, rued that, because of NATO's early self-imposed limitations on the bombing of targets within Serbia, "10 or 12 days into the war, . . . [Serbians] were

"NATO's resort to bombing, whatever its intention may have been, 'greatly accelerated the slaughter and dispossession' of the Albanian Kosovars."

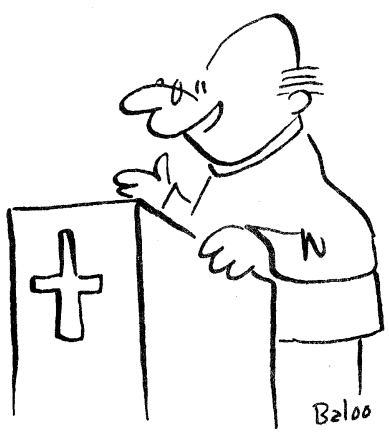

"You can't take it with you, so why not wire it ahead?"

holding rock concerts in downtown Belgrade. . . ."

The quick introduction of ground troops to do battle with the military and paramilitary forces that were actually perpetrating the barbarities against the Albanian Kosovars, as a supplement to the bombing campaign, presumably would have greatly limited the scale of Serb barbarities against the Kosovars. As for those who say air and missile power should have been used to strike targets vital to civilian life in Serbia proper immediately after Milosevic began his attacks on innocent Albanian citizens, that method of "asymmetric" warfare has gained more acceptance today as a means of waging war. But the use of such a method in a conflict that is said to serve humanitarian objectives seems inherently self-contradictory, since the civilians who are made to die or suffer are not those who are perpetrating the barbarities. In addition, one could not be certain in advance what degree of bombing of this kind would be necessary — and thus how much Serbian infrastructure vital to civilian life would have to be destroyed — in order to force Milosevic to capitulate. The stated humanitarian aims of the NATO action made too much "asymmetric" warfare especially problematic. As Henry Kissinger, the devoted practitioner of realpolitik, skeptically observed in his *Newsweek* article, "[W]hat kind of humanism expresses its reluctance to suffer military casualties by devastating the civilian economy of its adversary for decades to come?"

Yet whatever the force of the argument that there should have been plans to introduce ground forces to counter Milosevic's anticipated response, and that those plans should have been carried out, the fact is that Clinton and the other NATO leaders were unwilling at the outset to use the ground force option for domestic political reasons, and even ruled it out publicly. Indeed, they adhered to that stance for weeks even as they watched Milosevic carry out his barbarities, though there is some evidence that NATO may have finally been ready to approve a ground force option in June, only because the "credibility" of NATO was by then perceived to be in serious jeopardy.

If NATO was reluctant to use ground forces even as they watched Milosevic kill thousands of ethnic Albanians and saw over a million refugees leave Kosovo, it is clear that it would under no circumstances have committed in advance to using ground forces to prevent anticipated future ethnic violence and expulsions. In other words, for better or for worse, the plight of the Albanians was simply not deemed worthy of a commitment that could result in significant casualties on the NATO side. And even if NATO had been able to foresee the full extent of the humanitarian disaster that would be unleashed by an air and missile campaign, it almost surely would not have opted instead for introduction of ground forces.

Humanitarian Objectives

Chomsky contends that the decision to launch the air and missile campaign is one that should be condemned even without the benefit of hindsight, and on the basis of the information that was then available to NATO leaders. His reasoning is based almost entirely on the dubious assumption that NATO leaders were acting with a complete absence of good faith. (Indeed, Chomsky comes very close to accusing NATO of embarking on a policy that was intended to escalate ethnic violence.) This seems to me to be the weakest argument in his book. In making it, he overlooks entirely a critical miscalculation which seems to me to be central to an understanding of the ill-fated decision to bomb. That miscalculation may evince negligence, or even recklessness, but it does not support Chomsky's accusation that NATO's policy was completely bereft of humanitarian motivations.

Chomsky's basic argument is that because the bombing resulted in a fairly predictable escalation of Serbian violence against Albanian Kosovars over the levels that existed before the bombing began, it deserves to be condemned.

In asserting the absence of any humanitarian objectives in the formulation of NATO policy, Chomsky conveniently ignores the fact of NATO's belief (and that of many other observers in the West) that Milosevic had independent plans to kill and drive massive numbers of Albanians from Kosovo, and to destroy their villages and homes, and that he would have eventually sought to effect those plans quite apart from whether NATO instituted bombing. Chomsky acknowledges that Milosevic had plans to engage in ethnic violence and purges, but assumes that they were strictly contingent in nature, and were only to be implemented in the event of NATO bombing (35-36). This assumption is highly dubious, however. The Bosnian experience gave the West ample reason to believe that the ethnic conflict in Kosovo would culminate in large-scale ethnic violence by the Serbs against the Albanian Kosovars. It demonstrated all too clearly how Milosevic had fomented ethnic conflict for political purposes, and then waged that conflict by means of widespread atrocities against and uprooting of civilian populations. Milosevic had stripped Kosovo of its autonomy in 1989, and the Kosovars had initially resisted peacefully. But by the late 1990's, the KLA had emerged as a significant force, and fighting between it and Serbian military and police forces had become serious. The fighting claimed some 1,500 Kosovar lives, and led to the flight or expulsion of several hundred thousand people (Chomsky's estimates of 200,000 to 300,000 are lower than some) from their homes. Given Milosevic's track record, and the fact that Serbia was far stronger militarily than the KLA, it was not unreasonable to believe that there would be a repetition of the Bosnian atrocities in Kosovo against innocent civilians as the conflict escalated, unless something were done to prevent it. Finally, the fact that Milosevic engaged in these activities as a response to NATO bombing is itself evidence that he would have engaged in similar activities in response to intensified military action by the KLA.

Chomsky also attempts to disprove the existence of any humanitarian

motives by suggesting that the U.S. has tolerated or promoted aggression abroad, most notably in Turkey, where the U.S., he says, is assisting the Turkish government in a form of "ethnic cleansing" against the Kurds. Chomsky more or less asserts this as fact, and relies on several footnoted sources to support this accusation. Chomsky is correct in his view that the Turkish conflict with the Kurds has received an embarrassingly small amount of discussion in the American media, and that it deserves much greater scrutiny. But his conclusory assertions about that ethnic conflict do not enable a neutral reader to make any meaningful assessment of the respective culpability of the Turks, the U.S. and the major Kurdish opposition group, the PKK (Kurdistan Workers Party) in the conflict. (Even commentators and scholars sympathetic to the Kurdish cause, such as Michael Gunter, Gerard Chaliand, and Chris Kutschera have acknowledged the violence of the PKK, some of which has been directed not only against members of the Turkish military, but also against those Kurds whom they regard as "collaborators" with the Turkish government — and against their families.) Moreover, as suggested above, even if U.S. policy in Turkey has promoted or tolerated unjustified ethnic violence in that country, its policy in Turkey would fail to prove that NATO leaders were not guided by humanitarian concerns in formulating policy regarding Kosovo, though it would demonstrate that NATO adheres to an egregious double standard.

As Henry Kissinger, the devoted practitioner of realpolitik, observed "What kind of humanism expresses its reluctance to suffer military casualties by devastating the civilian economy of its adversary for decades to come?"

Finally, Chomsky quotes General Clark as saying that the NATO operation was never intended to "block" Milosevic's "ethnic cleansing" (36), thereby implying that Clark was suggesting that the U.S. and its allies had other reasons for initiating the bombing. But presumably what Clark meant was that the original NATO plans did not include measures (such as introducing ground troops) that were specifically designed to stop whatever ethnic violence and purges Milosevic might engage in as a response to the bombing campaign.

Gross Miscalculation

A far more plausible view than the one advanced by Chomsky regarding the motives of NATO leaders is that they genuinely did want to avert significant ethnic violence and purges there, and hoped to accomplish that objective by means of an arrangement whereby international peacekeeping troops would be introduced into Kosovo. For whatever reason, they decided at some point before March 24, 1999 (and perhaps long before then) that they would use air strikes to bring about their desired resolution, as opposed to continuing to negotiate and applying other pressure in an attempt to bring this about. In so doing, NATO diplomats and leaders made a fundamental miscalculation regarding the duration of bombing that would be necessary to bring about the resolution they desired. They assumed incorrectly that, within days of the onset of bombing, Milosevic would quickly capitulate and agree to withdraw his forces from Kosovo and allow the introduction of peacekeeping troops. As Jonathan Eyal put it in an April 10, 1999 piece for the *Irish Times*, NATO held "the vaguely racist belief that the 'little people' in the Balkans were no match for NATO air power: drop a few bombs on these 'natives' in Yugoslavia and they would sue for peace." If President Clinton and Prime Minister Blair expected only a largely symbolic bombing campaign of a few days duration, then this would explain why they did not anticipate the scale of the "humanitarian disaster" that bombing itself would trigger, even though American and British intelligence predicted at least the basic nature of Milosevic's response to the bombing.

The view that NATO leaders and diplomats made this gross miscalculation is widely shared. In his comprehensive draft study entitled "The Lessons and Non-Lessons of the Air and Missile Campaign in Kosovo,"* Professor Anthony Cordesman suggests that the bombing campaign "began under the assumption that a short campaign using limited numbers of cruise missiles and air strikes could rapidly force Serbia to concede." Dr. Eyal likewise concluded that Prime Minister Blair and President Clinton both assumed the Serbians would quickly capitulate. And, as reported in the October 1999 edition of *Air Force Magazine*, at a symposium following the war, a panel of experts that included General John P. Jumper, commander of the U.S. Air Force in Europe, "generally agreed that the Western governments calculated that Milosevic would fold after a few days of relatively light bombing attacks."

The plight of the Albanians was simply not deemed worthy of a commitment that could result in significant casualties on the NATO side.

What the intelligence of the NATO countries had to say about the likely duration of the bombing campaign is unclear at this point; perhaps Professor Cordesman's study, which is ongoing and subject to updating, will eventually address this point. Cordesman does say, however, that General Clark reportedly assessed the probability that the war would end within three days to be 40 percent, which suggests that he was at least somewhat less optimistic than President Clinton about the likelihood of a short war.

The apparent belief of NATO leaders and diplomats that the war would be short was a colossal and, one would have to say, arrogant miscalculation. For reasons of self-preservation alone, there was ample reason to believe that Milosevic would not capitulate quickly. But, as Henry Kissinger noted

*See the website for the Center for Strategic and International Studies at www.csis.org for this draft study.

in his May 31 *Newsweek* article, "Before the start of the bombing, it was conventional wisdom in Washington that Serbia's historic attachment to Kosovo was exaggerated and that Slobodan Milosevic was looking for a pretext to get rid of the incubus it represented — which a few days of bombing was supposed to supply." Compounding that miscalculation by NATO leaders was their inexplicable failure to develop back-up plans to deal with the possibility that Milosevic would not quickly capitulate, and that his response would unleash the very humanitarian catastrophe the bombing was supposed to avert. Remarks made by President Clinton and his National Security Advisor to the Italian Prime Minister are telling. As reported by *The New York Times* on April 18, 1999, at a meeting in Washington with President Clinton on March 5, Italy's prime minister, Massimo D'Alema, asked what the plan was if NATO air strikes should fail to subdue Milosevic and "300,000 to 400,000 refugees" entered Albania and even Italy. According to the *Times*, President Clinton "looked to [National Security Advisor] Mr. Berger for guidance." Berger's facile response that "NATO will 'keep bombing'" suggests strongly that he and the President had no real plans to deal with this contingency. In the same vein, Retired Royal Air Force Marshall R.A. Mason, said, with some understatement, that "the spectacle of [President Clinton] one day threatening to destroy the Yugoslav military, but asking for triple reinforcements over just a couple of weeks . . . suggests there were question marks to be raised over initial planning assumptions."*

Chomsky contends that the decision to launch the campaign is one that should be condemned even without the benefit of hindsight, based almost entirely on his dubious assumption that NATO leaders were acting with a complete absence of good faith.

The enormous miscalculation about the duration of bombing, and the failure to draw up contingency plans as a hedge against such a miscalculation, put the "coercive diplomacy" used at Rambouillet in an even worse light. Chomsky's close textual analysis of the Rambouillet Agreement (which should more accurately be called the Rambouillet "Proposal" because it was never signed by Serbia) reveals that it contained conditions which were almost certain to be rejected by Milosevic, or for that matter, by any sovereign government. These included one condition that gave NATO personnel and equipment the right to "free and unrestricted passage and unimpeded access throughout the FRY [Federal Republic of Yugoslavia]," including the right to "billet" or quarter troops in "any areas or facilities." The second, which called for the convening of an international meeting within three years "to determine a mechanism for a final settlement for Kosovo," was construed by some to mean that there would ultimately be a referendum on independence for Kosovo. So construed, and given the ethnic makeup of Kosovo, agreeing to this condition would be tantamount to agreeing to a secession of Kosovo from Serbia.

Chomsky points out that, in the Peace Accord signed on June 3 to end the bombing by NATO, the two most problematic conditions were dropped, which leaves open the possibility that they may have been included in the first place to actually prevent a diplomatic settlement, and thereby to justify the bombing option to the public in the U.S. and other NATO countries. It is, of course, possible that NATO was simply giving itself negotiating room in making these two demands, and would have dropped them before the onset of hostilities if Milosevic had shown a willingness to agree to other terms of the proposal. But Chomsky insists that this proposal was presented as a non-negotiable "take-it-or-get-bombed" ultimatum (106), and in this view he is supported by mainstream analysts, including Henry Kissinger, who declared in his *Newsweek* article, "The New World Disorder," that "Rambouillet was not a negotiation — as is often claimed — but an ultimatum."

In speculating about the motives for the NATO intervention, Chomsky is far closer to the mark when he suggests that the need to maintain American and NATO "credibility" played a role, though the miscalculation regarding Milosevic's response made this factor more important after the bombing began, rather than before. Although Kissinger opposed the commencement of bombing, as he wrote in *Newsweek*, "Now that the credibility of the Atlantic Alliance has been staked, we must persist — with ground troops if necessary — until Serb military forces leave Kosovo and the refugees are allowed to return." Once the bombing started and did not quickly lead to capitulation by Milosevic, but instead led to an acceleration of the kinds of ethnic violence and purges the bombing was supposed to prevent, Clinton and other NATO allies almost surely felt that the need to maintain "credibility" required a continuation of the bombing until they could claim "victory," even if it meant that many more ethnic Albanians would be killed or expelled, many more villages would be destroyed, and many more Serb civilians would have to be sacrificed on the altar of NATO omnipotence and the desire of its political leaders to avoid casualties to their own forces. "Victory," such as it were, would only mean that Milosevic would withdraw his forces from Kosovo, and that all of the Albanian Kosovars whose expulsion was triggered by the bombing would be permitted to return home to their destroyed homes and villages.

Absolving Clinton

Of course, the motives of political leaders in undertaking a military engagement abroad are rarely reducible to a single factor. It is therefore surprising that, in speculating about various other motives for initiating the bombing campaign, Chomsky overlooks the possibility that President Clinton's own political interests may have played some role in his decision-

*Quoted in James A. Kitfield, "Another Look at the Air War That Was," *Air Force Magazine*, October 1999.

making. First, significant segments of the public on both ends of the political spectrum believed that Milosevic was going to embark on a policy of ethnic violence and purges in Kosovo like those he had promoted in Bosnia, and that something had to be done to prevent a replay of that awful scenario. Second, President Clinton appears to have been well aware that limited military strikes abroad often are met with broad public support (especially if they involve no loss of American life), and he has used his enormous powers as Commander-in-Chief to launch more missile and air strikes than any president since Richard Nixon. His military strike against the Sudanese pharmaceutical plant in August 1998 (which the evidence strongly suggests was unjustified), and at least the timing of his Iraqi strikes in December seemed to many to have been motivated at least in part by domestic political considerations. In deciding to engage in what he thought would be "limited" bombing attacks in Kosovo, President Clinton may, to some extent, have been continuing military policies that have proven to be useful to him politically. Moreover, perhaps illustrating the paradox of presidential strength in weakness, Clinton's own brush with impeachment may have impelled him to pursue bombing in Kosovo in order to demonstrate to the world that he had not been weakened by the impeachment drive.

Chomsky is correct to suggest that, if faced with a choice between the kind of military action NATO undertook in Kosovo and doing nothing at all, the West would have been better to do nothing at all.

Finally, Chomsky examines the broader implications of the Kosovo intervention, and concludes that the "new military humanism" has the potential for grave mischief. He suggests that the Kosovo intervention has intensified fears in other parts of the world that the U.S. has become what foreign affairs analyst Samuel Huntington calls a "rogue superpower." Ironically, Chomsky's old nemesis Henry Kissinger expresses similar concerns in "The New World Disorder" when he contends that "a country that thinks of itself as acting in the name of universal values is seen by too many others as acting arbitrarily, or inexplicably, or arrogantly." Indeed, Kissinger goes so far as to say that "almost all nations of the world" will have a "visceral reaction . . . against the new NATO doctrine of humanitarian intervention." In China and Russia, Kissinger asserts, political leaders will "ascribe our motives not to altruism but to a hidden agenda for domination," which is more or less what Chomsky ascribes our motives to in this book. With that in mind, what will be our response to future calls for humanitarian interventions, especially since, as Kissinger suggests in another *Newsweek* article (April 5, 1999), we have not intervened "in East Africa, Sri Lanka, Kurdistan, Kashmir and Afghanistan — to name just a few of the places where infinitely more casualties have been incurred than in Kosovo. . . ."

Chomsky also contends that "there is no serious doubt that the NATO bombings further undermine what remains of the fragile structure of international law" (150). Kissinger, too, made a similar criticism when he said in testimony before Congress prior to the bombing that "the introduction of American ground forces and of NATO military forces . . . on the territory of a sovereign country for the purpose of detaching a province . . ." is, among other things, "an extraordinary assertion of international law." Further, in "The New World Disorder," he criticized the use of "coercive diplomacy" at Rambouillet as an "astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures." To be sure, Kissinger's invocation of international law is rather disingenuous, since, as National Security Advisor and Secretary of State, he was hardly fastidious about its observance in the implementation of U.S. foreign policy. As for his ostensible opposition on grounds of principle to ultimata of the kind presented at Rambouillet, the U.S. has used such ultimata before as a prelude to military interventions, most recently in the Gulf War, and Kissinger's book, *Diplomacy*, contains no objections to its use there. Notwithstanding Kissinger's own inconsistencies, the substance of what he and Chomsky are saying now about the undermining of international law in this context has considerable force.

The curious parallels between Chomsky and Kissinger on the "new military humanism" should not be overdrawn, however. Kissinger is willing to use force in many instances to defend what Chomsky would regard as "crass" (13) American interests, while Chomsky's advocacy of the Hippocratic Principle — "First, do no harm" (156) — would, in practice, require a pacifist military policy. To Kissinger, the maintenance of "credibility" is a legitimate and important objective of realpolitik, and it facilitates a more stable world order. (Indeed, Kissinger's early opposition to the NATO policy of forcing Milosevic to agree to the introduction of peacekeeping troops in Kosovo was in part the product of his unwillingness to risk NATO credibility for that cause.) Chomsky, on the other hand, likens U.S. actions abroad taken for the purpose of maintaining its "credibility" to those of the Mafia don who punishes in a very public way a storekeeper who is failing to pay extortion money (135-6).

Chomsky's didactic and rather leaden rhetorical style detracts from this book and has the unfortunate effect of making some of his ideas seem more radical than they truly are. The late philosopher and sociologist Ernest Gellner, who was a great admirer of Chomsky's linguistic insights, once suggested that Chomsky's "denunciations of the sins of the West seem a totally unreasoned populist moralism," and *The New Military Humanism* occasionally descends to that level, especially in its discussion of the West's "motives" for commencing the air war. Even with these shortcomings, however, this book offers a much-needed antidote to the facile analyses of the war that dominated media coverage in this country, and it makes a genuine contribution to debate about the war in Kosovo and its wider implications for U.S. foreign policy. ❑

A Necessary Evil: A History of American Distrust of Government, **by Garry Wills. Simon and Schuster, 1999, 320 pages.**

Extremism in Defense of the State

Matthew Brown

The Clinton years seem a good time to explore popular distrust of government and its leaders. During this time of soaring wealth and general satisfaction with the status quo, many Americans still agree with the old adage "that government is best which governs least." After all, isn't this the traditional belief we inherited from our Founders?

Not so according to Garry Wills, who makes the case that Americans are the victims of their own foolish historical ignorance in *A Necessary Evil: A History of American Distrust of Government*. Wills argues that many of the quaint historical anecdotes we have been brought up to believe about American history are nothing more than myths that prevent us from seeing the true "blessings of government." We use these historical myths, he contends, to justify our quest for smaller government in contemporary times. If we had a better understanding of American history, Wills believes we would realize how misguided this quest really is. In order to understand just how blessed we are by our expansive state, we have to peel away these myths.

He begins his debunking with an overview of the American Revolution. Apparently, everything we were taught in school about our gun-toting ancestors going off to join the militia and fight the Redcoats is wrong. In fact, according to Wills, just 14 percent of our Revolutionary forbears even owned guns and the unreliable things were of little use (53 percent were broken or unusable). Wills further indicts early American militias by pointing out that they were used by local governments to imprison loyalists and keep close watch on slaves in southern states. "There is a delicious irony in this. Modern defenders of the militias value them as a force that can defend the people from authority, but the Revolutionary militias were put in the position of defending the war authority against dissidents." Thus Wills believes we should abandon our contemporary idealization of the Minutemen and the militia as defenders of freedom.

The fundamental flaw of Wills' argument is already evident in this early chapter. Even if we grant that Wills is factually accurate, his conclusion that American distrust of government is misplaced simply doesn't follow. If even this early form of government force, the militia — as limited as it was — could be used to deny rights to political dissenters and enforce the enslavement of others, what evils might we expect from the stronger, more expansive form of government that developed over the following two hundred years?

The fact that American history is marred by numerous unjust episodes that we have whitewashed in our popular mythology does not imply that we should abandon our distrust of government. On the contrary, it suggests that we should be even more wary of political power and the mischief it can lead to.

On the issue of term limits, Wills contends, we are once again misguided by our faulty understanding of history and our Founders' intentions. Citing the Massachusetts Declaration of Rights "which stated that the people had the 'right' to institute term limits but failed to actually ever codify them into law," Wills concludes, "After saying that they have a right . . . the Massachusetts framers nowhere did it. . . . Those crafting the Declaration of Rights wanted to believe they believed in a creed, but they did not want to live by it." Utility maximizing politicians even then!

Wills' arguments concerning the role of Thomas Jefferson and James Madison in early debates over the ability of states to nullify federal laws are particularly self-defeating. "When local passions have been inflamed against others, it is hard to get a reasonable hearing for all sides. That is the story of every lynching. If a larger arena is engaged in the sifting of such matters, local bias will not be the only force involved." Here Wills astutely points out one of the shortcomings of local authority — it can be captured by one group and used to abuse the rights of the minority. But he seems unaware

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that this same abuse can happen on the national level. He quotes Madison, "It must be admitted on all hands that the state governments are as liable to attack the invaluable privileges as the general government is, and therefore ought to be as cautiously guarded against." Madison envisioned a federal government that took very little action, so that the states may have been the more likely to impede rights. But the federal government has grown a great deal since. Would Madison still be so concerned with state rather than federal abuses today, when dozens of federal regulatory agencies have armed policemen and agents that routinely pry into our personal lives?

But we need not look to contemporary history for such abuses. During his presidency Jefferson, Wills points out, enacted an embargo on trade with England. According to Wills, Jefferson "became as pigheaded in his refusal to admit his mistake as Americans would be in slogging through year after year in Vietnam. . . . Since the interruption of external trade deranged the entire internal market of the nation, Jefferson asked for and received the power to redistribute necessary items like foodstuffs on a rationing basis." Jefferson went even further. Suspending the presumption of innocence, he proclaimed, "we may fairly require positive proof that the individual of a town tainted with a general spirit of disobedience has never said or done anything himself to countenance that spirit." About the punishment of smugglers who dared break Jefferson's embargo the President stated, "My hope is that they will send me full statements of every man's case, that the most guilty may be marked as examples [i.e. Jefferson wanted to decide who was to be executed], and the less suffer long imprisonment under reprieves from time to time."

If a champion of individual liberty like Jefferson can, when in office, engage in actions that deny liberty, what comfort do we have that other leaders — less schooled in the virtues of freedom than the Founders — will not engage in even more detrimental actions? Wills seems to miss the profound importance of Jefferson's tyranny; no elected official can be completely trusted not to abuse power. Rather he would have us take from it that even Jefferson was not as anti-government as we have been led to believe. He points out "the oppressive act in our early history remains, for most libertarians, Adams's four alien and sedition laws, not Jefferson's four embargo enforcement laws." But libertarians should loathe both and see them as examples of just how justified the concern about government's power is.

The "myths" Wills attacks are the result of our long quest to guard against tyranny, be it from a foreign crown, an expansive central government, or state laws designed to deny individual liberties. That even some of the Founders sacrificed freedom for political convenience only underscores the importance of eternal vigilance in the cause of liberty.

Extremism in the defense of liberty is no vice. But denying that liberty needs to be defended is. It is the unnecessary evil Wills presents in this book. ❑

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"Letters," *from page 38*

off the press. This was a private document, which Orwell probably never dreamed would be read in its raw state by anyone other than a prospective publisher.

2. In my remarks about Orwell's change of position on the war, I left unsaid something I should have made explicit. Orwell offered considered arguments for opposing the war, and then later for supporting the war. These two sets of arguments reveal two different and incompatible analyses of the world situation and of the Third Reich in particular. (There is much less surviving detail in the former, but we know that Orwell wrote an antiwar pamphlet, now lost.) Possibly Tyrrell holds that Orwell's pro-war arguments are merely rationalizations of his patriotism but I find this completely implausible. I'm proposing that Orwell's specific arguments against and then for the war (which do not appeal to patriotism) should be taken seriously, and that Orwell's remarks about his change of view being nothing but patriotism should be classed as an instance of his well-known penchant for occasional reckless overstatement. After all, Orwell's earlier antiwar arguments turned out to be mistaken, and his later pro-war arguments turned out to be mainly correct: Britain did not, in fighting National Socialism, itself become just as bad as the National Socialist regime.

3. Orwell saw the Burmese people, as he saw the English working class, as having unsavory qualities. It does not in the least follow that his support for Burmese independence, or English working-class advancement, must have been "grudging." This support was wholehearted and enthusiastic.

4. Tyrrell suggests that an independent India in 1939 might have defended itself against Japan, and might even have supported the Allied war effort. But Gandhi's followers, who would have become the Indian government (and later did) openly proclaimed that they would "resist" the Axis only by "non-violent" means. Indian troops could repel invasion, but troops can do nothing without orders.

Indian Muslims tended to support Britain, while Hindus tended to be neutral or to support the Axis. Muslims preferred British to Hindu rule, while one of the Hindus' main gripes was that as India steadily acquired more self-government, Britain allowed autonomy and eventual right of secession to Muslim areas. In March 1942 the (Hindu nationalist) Indian National Congress was offered dominion status (effective independence, like Canada) after the war in exchange for supporting the war effort. Gandhi contemptuously rejected this on the ground that under the British proposal Muslim areas would be allowed to secede. His motivation was probably partly the hope that Britain might be defeated, and the Axis might then squelch Muslim secessionism.

India was important to the Allied war against Japan; even neutrality would have been a serious setback, but if Britain had pulled out and the U.S. had done nothing, India could have been controlled by the Axis within a few weeks.

5. I doubt that, as Tyrrell claims, Animal Farm made converts to Trotskyism. At any rate, Animal Farm is objectively anti-Trotskyist. It does give some comfort to Trotskyists in painting a rosy picture of the first days of the Bolshevik regime, yet it conveys Orwell's view (which we can confirm from his other writings) that Stalinism was the natural outcome of Bolshevism and that as head of the Soviet government Trotsky would probably have been little better than Stalin.

David Ramsay Steele
Chicago, Ill.

"Reflections," *from page 16*

because Mr. Baker's proposed yokemate was a yokefellow. Two lesbian couples who wanted to become one bone and one flesh got analogous brushoffs. The Same Sex Six separately sued the State of Vermont, and three localities, to get marriage licenses. They won. Or lost. Probably both. The opinion is generally favorable to liberty, but is regrettable both in reasoning and remedy.

The Vermont Supreme Court decided *Baker v. State* on December 20. It held that the Six and others so oriented have a right to the benefits of marriage, but will have to wait for the legislature to decide whether they will get full marriage, or a quasi-marriage called something like "domestic partnership". The pleasures of connubial bliss may follow. But for now:

> The current statutory scheme shall remain in effect for a reasonable period of time to enable the Legislature to consider and enact implementing legislation in an orderly and expeditious fashion. . . . In the event that the benefits and protections in question are not statutorily granted, plaintiffs may petition this Court to order the remedy they originally sought.

Marriage is a civil contract, and a very important one. Under general contract law, no license is needed to enter into a contract. If we are going to accept the proposition that marriage ought to require a license, all competent persons should receive licenses. The same-sex ban should end.

Vermont does not have a constitutional clause guaranteeing equal protection of the laws. The Court relied on its Common Benefits Clause, which is parallel to the federal equal protection clause:

> That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community.

On first reading, this sounds like typical Commie bull. But the clause was written in the high tide of liberty in 1777; it has only changed since to convert man to person. And further reading satisfied me that the Common Benefits Clause is consistent with both the rule of law and limited government.

All homophobes and many conservatives would argue that homosexual relationships should be discouraged for the common benefit of the community. They are blissfully una-

ware that the common benefit is better served by letting competent adults contract in this sphere, as in others. As Judge Jessel wisely wrote in 1875:

> If there is one thing which more than any other public policy requires it is that men of full age and understanding shall have the utmost liberty of contract, and that their contracts when entered into freely and voluntarily shall be held sacred and shall be enforced by courts of justice.

The Court ignored the Jessel approach, engaging instead in a balancing test, weighing the liberty of the plaintiffs against the public good:

> The legal benefits and protections flowing from a marriage license are of such significance that any statutory exclusion must necessarily be grounded on public concerns of sufficient weight, cogency, and authority that the justice of the deprivation cannot seriously be questioned.

The Court found that the dozens of marital rights lost by the excluded gays and lesbians far outweighed the interest of Vermont in providing a stable home environment for children and for legitimation of children via marriage of heterosexuals; this is largely because same-sex couples already are raising children (some of which are the biological children of one of the partners), and because many heterosexual couples have no kids and intend to have none. Opposite-sex marriage is neither necessary nor sufficient for child rearing.

For me, there was nothing to balance. Some gays and lesbians wanted to wed. Other people who hate homosexuals or think marriage requires traditional procreation don't want them to wed. They should have no more standing on this issue than they have to decide if the couples will be vegetarians, Methodists, wiccans, or Buddhists.

The other oddity involved the remedy.

> We hold only that plaintiffs are entitled under Chapter I, Article 7, of the Vermont Constitution to obtain the same benefits and protections afforded by Vermont law to married opposite-sex couples. We do not purport to infringe upon the prerogatives of the Legislature to craft an appropriate means of addressing this constitutional mandate, other than to note that the record here refers to a number of potentially constitutional statutory schemes from other jurisdictions. These include what are typically referred to as "domestic partnership" . . . acts . . .

This remedy was not consistent with the separation of powers between the judiciary and legislature. The Six sued for licenses. The function of the court was to decide the case before it. The Court found existing law invalid, but instead of going ahead and granting the marriage licenses, it delegated the decision to the legislature, while retaining the right to review what the legislature does.

The Court's reason was clear. In Alaska and Hawaii, constitutional amendments overrode court decisions granting some same-sex marriage rights. The Court feared the same from an overly radical decision. Voters are less likely to amend their constitution to overturn a law than a court decsion. Their thinking was probably politically sound, but it's the function of courts to make correct legal decisions, not political ones. The court flubbed it.

—Martin M. Solomon

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Terra Incognita

U.S.A.

Consistency, loosely defined, in the pages of the *Weekly Standard*:

To his credit, Dr. Seuss consistently decried racism. "Gracious! Was that in my head?" a bewildered John Q. Public asks, after Uncle Sam sprays "Mental Insecticide" in Public's ear, dislodging an ugly "Racial Prejudice Bug." The artist's "progressive" philosophy, however, did not cover the Japanese. In countless cartoons, bucktoothed, slit-eyed, pig-nosed "Japs" are seen threatening America.

New Jersey

The New Jersey Transit Agency registered the following domain names in their .com, .net and .org varieties:

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NJtransitbites	NJtransit-bites	

Chile

A cutting edge art exhibition, reported by the *Associated Press*:

Daniela Tobar woke up Wednesday, walked to the bathroom, undressed and took a shower — as scores of people watched.

The 21-year-old actress is spending two weeks in a house in central Santiago made of nothing but glass as part of an exhibition, funded by Fondart, a government cultural agency, designed to gauge how the public feels about a person's right to privacy.

"The idea is for her to live a completely normal life," said architect Arturo Torres, who developed the idea with a colleague. "We want to show a way of life which is unusual."

Scores of people gather along the sidewalk each day, gawking as Tobar does laundry, cleans, eats, receives visitors — even goes to the bathroom. Every corner of the 8-foot-by-8-foot structure can be seen from the sidewalk.

"As I stepped out of bed, the crowd starting chanting, 'undress, undress!'" she observed.

South Carolina

Curious piece of legislation proposed in the Palmetto State, reported by the *San Jose Mercury News*:

South Carolina state Sen. David Thomas drafted a bill to ban the sale of urine. The bill carried a penalty of five years in prison for selling or giving away urine.

U.S.A.

America faces a new challenge, reported by *Elder Update*:

Becoming an elder-ready nation requires the same single-minded effort that dealt with the Y2K challenge.

Florida

Reuters reports on an important lawsuit for all of those who are victimized by drunken electrocution:

A Florida man who said he was shocked by 13,000 volts of electricity after climbing up a transformer in a "drunken stupor" has sued a public utility for his injury.

Ed O'Rourke sued Tampa Electric Co., arguing that the utility did not do enough to prevent him from slipping into a fenced, gated and locked substation and scaling the electrical transformer late one night in May 1996.

He also sued six businesses that had sold him liquor. The owner of The Waterhole Sports Bar, one of those O'Rourke sued, said he remembers the transformer incident but denied that O'Rourke drank at his bar the night it happened, "because he was previously thrown out of here because he was writing on the bathroom walls."

Canada

Our Neighbor to the North defends religious freedom, reported by *National Post*:

The federal government has removed the Jewish holidays, Halloween and even Mother's Day from calendars produced for Canada's members of Parliament, after an Arab-Canadian complained last year that the daytimers included only Catholic, Protestant and Jewish religious holidays.

Switzerland

The New York Times reports on immigration policy in a direct democracy:

A new citizen review of personal details about foreigners seeking to become Swiss citizens resulted today in the rejection of most applicants, including all those from the Balkans.

Provided with information about an applicant's salary, tax status, background and hobbies, voters in an industrial suburb of Lucerne decided that only four families, all of Italian origin, were suitable to become Swiss — 8 individuals out of a total of 56. The rest, many from the former Yugoslavia, were voted down, most by considerable margins.

"This is Swiss direct democracy," said Urs Ischi, a Peoples Party member who promoted the new system, in which voting on citizenship was conducted with national referenda. "It was not only against Yugoslavs but also against others, including Turks and Hungarians."

Wall Street

The meaning of the computer revolution, from an editorial in *The Wall St Journal*:

The information age, however, isn't just about Web surfing. It's about living in a nation of people with the means at last to make individual choices — about their children's education, their health care, their retirement funds — indeed, about the appropriate uses of the nation's wealth.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

Tax Cuts Are Free
by Sheldon Richman

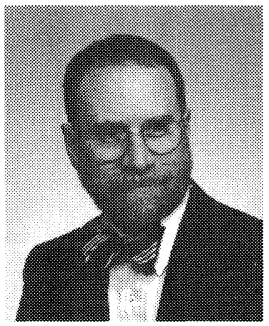

President Clinton insists that a tax cut is as irresponsible for the country as a pricey vacation would be for a family that can't pay its mortgage and meet other important expenses.

Speaking to a women's group, the president said, "One of my bright staff members said, it's kind of like a family sitting around the kitchen table saying, you know, we have always wanted to plan a really fancy vacation to Europe — let's just do it and blow the works, and when we get home, we'll figure out whether we can pay the mortgage, the car payment and send the kids to college."

That staff member is more clever than bright. If Mr. Clinton is listening to him or her, he's not quite as bright as he's reputed to be. Actually, this is not a matter of intelligence but ideology. Mr. Clinton's premise is that the country is like a family, only bigger. This is collectivism pure and simple and must be rejected. The analogy jeopardizes the principles of liberty that this country was founded on and, ironically, subverts the integrity of real families.

Taxes are forced extractions from productive people that are used to finance projects chosen by politicians. Most of these projects consist of transfers of wealth to favored constituencies of nonproducers (some of whom are wealthy). Much of the money is taken from families, leaving them less not only for vacations, but for housing, education, medical care, and other priorities. Many people pay more in taxes than they do for food, clothing, and housing.

Mr. Clinton went on to say, "Why are we even discussing it [a tax cut] before we decide what it takes to save and strengthen Medicare, and what it takes to save Social Security, and what we have to invest in the education of our children, the defense of our nation, the protection of our environment?"

Because the money doesn't belong to Mr. Clinton and his fellow spenders of other people's money. He himself proposes a trillion dollars in new spending. He'd rather expand the welfare-warfare state than let people keep what belongs to them — an outrageous, inverted set of priorities.

As for saving Medicare and Social Security, Mr. Clinton continues either to engage in rank demagoguery or to live in deep denial. These programs are doomed and there is no saving them. They have always been pay-as-you-go schemes, which means they simply transfer money from producers to nonproducers. No money is invested, and the systems are susceptible to the aging of the population. When the baby boom retires, two taxpayers will be forced to support each retired person. The cost of Medicare skyrockets well beyond the government's projections. Mr. Clinton's heralded plan to save these disastrous programs only pushes the problems a bit further off into the future, when someone else will have to deal with them. His budget magic would get a private financial officer thrown into the hoosegow.

If he were more interested in people and less in government, Mr. Clinton would dump the programs and recognize each American's right to keep his money and invest for his own retirement. Not only would citizens make better provision than a bureaucracy ever could, they would regain their autonomy and dignity. Why should Americans be dependent on shortsighted, scheming politicians for retirement income and medical care?

Finally, Mr. Clinton's collectivism is starkly revealed whenever he asks how tax cuts are to be paid for. Tax cuts don't have to be paid for. They are not a form of government spending. They consist of leaving money in the hands of the people who made it. If there's a cost, it's only to the people who haven't made it. It's the same as the cost to a robber who is scared away by his would-be victim before he commits the crime.

The Republican tax cut is pitifully small. That Mr. Clinton is so adamantly against it shows what a man of government he is.

Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va., author of its book ***Your Money or Your Life: Why We Must Abolish the Income Tax****, and editor of* ***Ideas on Liberty*** *magazine.*

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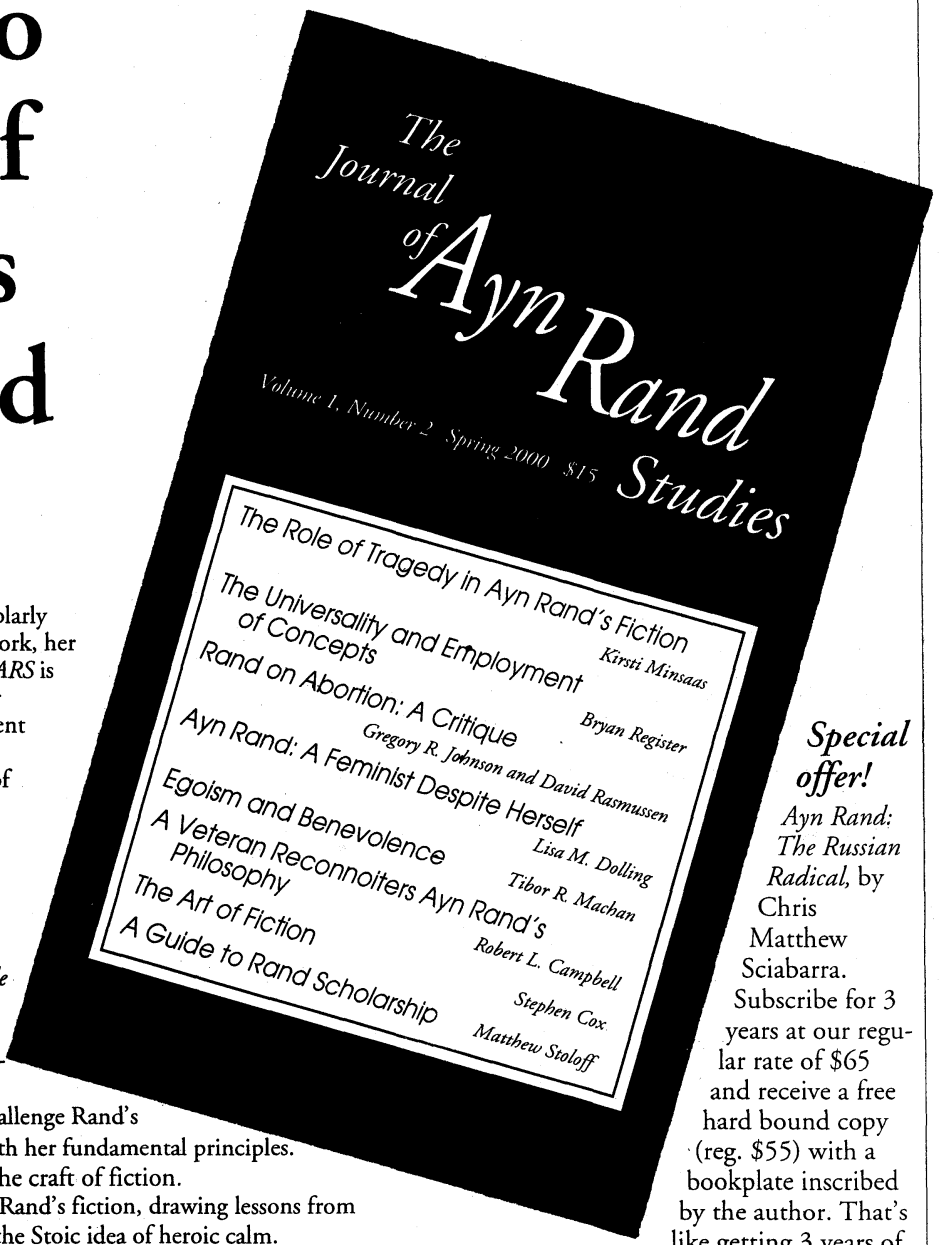

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Bryan Register criticizes Rand's theory of concept-formation, seeking relief in the work of H. H. Price.

Was Ayn Rand a feminist in spite of herself? Lisa M. Dolling reviews Gladstein and Sciabarra's *Feminist Interpretations of Ayn Rand.*

Is benevolence a selfish virtue? Tibor R. Machan reviews Kelley's *Unrugged Individualism.*

Robert L. Campbell reviews a new primer, Machan's *Ayn Rand.*

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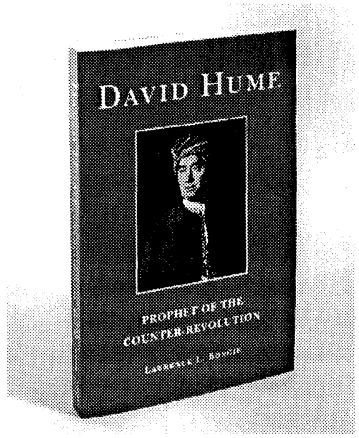

Though usually Edmund Burke is identified as the first to articulate the principles of a modern conservative political tradition, arguably he was preceded by a Scotsman who is better known for espousing a brilliant concept of skepticism. As Laurence Bongie notes, "David Hume was undoubtedly the eighteenth-century British writer whose works were most widely known and acclaimed on the Continent during the later Enlightenment period. Hume's impact [in France] was of undeniable importance, greater even for a time than the related influence of Burke, although it represents a contribution to French counter-revolutionary thought which, unlike that of Burke, has been almost totally ignored by historians to this day." The bulk of Bongie's work consists of the writings of French readers of Hume who were confronted, first, by the ideology of human perfection and, finally, by the actual terrors of the French Revolution. Offered in French in the original edition of ***David Hume*** published by Oxford University Press in 1965, these vitally important writings have been translated by the author into English for the Liberty Fund second edition. In his foreword, Donald Livingston observes that "If conservatism is taken to be an intellectual critique of the first attempt at modern total revolution, then the first such event was not the French but the Puritan revolution, and the first systematic critique of this sort of act was given by Hume."

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HISTORY AS THE STORY OF LIBERTY

By Benedetto Croce
Translated by Sylvia Sprigge
Foreword by Claes G. Ryn

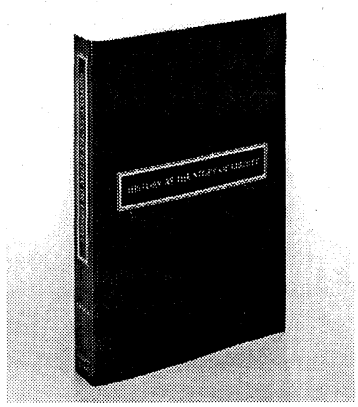

Benedetto Croce (1866–1952) is perhaps best known as the author, in 1902, of *Aesthetics*, a work of enduring influence. ***History as the Story of Liberty*** was written in 1938 when the Western world had succumbed to the notion that history is a creature of blind force. A reviewer at the time noted the importance of Croce's belief that "the central trend in the evolution of man is the unfolding of new potentialities, and that the task of the historian is to discover and emphasize this trend: the story of liberty." As Croce himself writes, "Even in the darkest and crassest times liberty trembles in the lines of poets and affirms itself in the pages of thinkers and burns, solitary and magnificent, in some men who cannot be assimilated by the world around them." The first edition in English of ***History as the Story of Liberty*** appeared in London in 1941. The new Liberty Fund edition includes modest improvements to the translation by Folke Leander and arranged by Claes Ryn.

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Inside Liberty

June 2000
Volume 14, Number 6

4 **Letters** A bully pulpit indeed.

7 **Reflections** Liberty's editors take stock in hysteria, take note of good and evil in England, take aim at mis-named "liberals," take a look at Al Gore's grades . . .

Features

17 **A Sage at Eighty** *R.W. Bradford* celebrates the ninth decade of Thomas Szasz.

19 **Hillary, Newt, and Elian** *Gene Healy* explains why children rights' activist Hillary Clinton wants to send little Elián back to his father and parents' rights advocate Newt Gingrich does not . . . and why the case is such a difficult one.

23 **The Drug Czar Takes a Hit** *Paul Rako* takes a close look at Drug War Chief Barry McCaffrey's case against drug legalization.

29 **The Messy Business of Rating Congress** In baseball, you can't tell the players without a scorecard. In Congress, *J. Bishop Grewell* explains, you can't tell the players *with* a scorecard.

32 **Plagiarism on the Nile** *George Hollenback* examines the Afrocentrist claim that the Greeks stole their mathematics from black Egyptians.

35 **Childhood Isn't a Bowl of Cherries** Psychologist *Dolores Puterbaugh* observes parents tying up their kids, force-feeding them, and drugging them, and wonders: what will these kids be like when they grow up?

37 **Back Where You Came From** A bureaucrat learns how the other half lives. A short story by *Scott Gossard*.

Reviews

41 **A Dumber Shade of Green?** *Jane Shaw* examines a conservative manifesto on environmentalism.

43 **The Origin and Consequences of the First World War** *Martin Tyrrell* takes a close look at a new book on the war that gave us the triumph of communism and naziism.

46 **Straight Shooting Reference** This new gun encyclopedia isn't perfect, but it's full of useful information, opines *Brien Bartels*.

47 **Thieves Take, Minds Make** *Bettina Bien Greaves* looks at a new book on the relationship of ideas to rights.

54 **Notes on Contributors** Who we are.

54 **Terra Incognita** The real world, really.

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Letters

A Simple Explanation

I hate to disappoint Jerome Tuccille, but I don't have a candlelit shrine to Ronald Reagan in my house. Like most libertarians, I have a healthy skepticism towards politicians. In fact, one joke I like to tell is that my favorite spectator sport is "Pile on the president! Pile on the president!" But I am very careful not to specify which president.

Nor were my motives for reviewing *It Still Begins With Ayn Rand* "diabolical." I have a deep interest in libertarian history and greatly enjoyed *It Usually Begins With Ayn Rand* when I read it a few years ago. So when I heard about a sequel, I asked to review it. I bear no personal animus towards Tuccille (whom I have never met). My goal in the review was simply to tell *Liberty*'s readers that a writer who has written so many good books came out with a pretty awful one.

Martin Morse Wooster
Silver Spring, Md.

The Author of Liberty

I agree with the two lessons that R. W. Bradford found in the Hillsdale scandal ("Learning from Hillsdale," May). I'd like to add a third; The moral or other failure of Christian or libertarian individuals does not constitute proof of the incorrectness of their views, but only of the weakness of their characters.

Unfortunately, just as some Christians paint this tragedy as evidence that libertarianism doesn't fit well with Christianity, some libertarians see it as evidence that Christianity is incompatible with liberty.

In his letter (May), Robert Markley portrays Christianity as an enemy of science, enlightenment and liberty. He's wrong on all three points. Christianity places a very high value on knowledge, as witnessed by its preservation of much of ancient knowledge during the Dark Ages (caused not by Christianity, but by the moral and political meltdown of Imperial Rome). Christianity affirms the basic postulates which make scientific inquiry possible, such as the existence of a rational, objective reality and the possibility of human understanding of it (many, if not most, pioneers of science were believers). And Christianity promotes liberty in theory (and led to it in practice) by insisting on a higher God-given basis for the unalienable rights of man. Indeed, in the final analysis, I believe this is the only sure bulwark for liberty.

It is, of course, true that many medieval Christians, like modern ones and people generally, committed acts of stupidity and cruelty, especially those who held positions of power and authority. Along with Markley, I'd affirm that any version of religion that rejects science, the Enlightenment and liberty is wrong and that organized religion, like the state, must be viewed with Actonian suspicion. However, I reject his claim that *all* religion is, by definition, antithetical to these values. In fact, one good test for religion is how well it upholds these human needs. I'd assert that Christianity properly understood passes this test, to say the least.

As a Christian who is also a libertarian sympathizer, I have both a warning and a promise to offer. If libertarians leave God out of the picture, they will fail to secure liberty for themselves and those they love. And there is a very large audience for the message that God is the author of liberty and not only wants us to be free, but has designed reality in such a way that freedom works best.

Steve Sawyer
Fountain Hills, Ariz.

In Defense of Homeschooling

Liberty has published one of the most amazing — even preposterous —

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and cowardly (because anonymous) swipes at home-schoolers.

Pages 31-32 of the February 2000 *Liberty* say:

> This points to another problem Hillsdale faces: its student body. Hillsdale may manipulate the students' lives, but many of the students like it that way. An active recruiter of home-schoolers, Hillsdale attracts the sort of students who have led intellectually cloistered lives, being taught comfortable traditions rather than challenging ideas. Many of these students arrive believing, for instance, that Genesis is the literal truth, and that evolution is a hoax. Roche himself wrote an entire chapter in his book *A World Without Heroes* attacking Darwin's theory of evolution.

He goes on to say:

> . . . tradition, dogma, authoritarianism, are central to Hillsdale College. And the students who are willing to accept that are intellectually docile, much like medieval peasants. And this is why so many Hillsdale professors praise the Middle Ages, as a time when people "knew their place." Hillsdale education stops before the nineteenth century begins — read Aristotle, Augustine, Aquinas and Adam Smith — but no Foucault, no Derrida, and *no* Darwin.

I think that I have hardly ever read anything so uninformed and outright inane. Even though I read a lot of things about home-schooling from various political views, including the hard left at times, I scarcely find such bald and baseless insinuations or attacks. Of course there are exceptions, but home-schoolers are widely recognized for having exceptional academic achievement and ability.

My wife and I have home-schooled our children for over eight years with considerable success. None of them has ever attended a public or private school. Yet they are all socially adroit, enjoy neighborhood sports, skiing, swimming, and chess, and are computer-competent for their ages.

Our kids also excel academically, and are perfectly bilingual (English and Spanish) and are learning French to boot. Our two oldest boys read for pleasure for 2 or 3 hours a day (we do not have a television). The kids do receive strong "tradition" in their education but they are not isolated from opposing or a liberal dose of different views. Of course, I must admit that my children are ages 3 to 11 and the oldest is only in 9th grade. Thus, there is not as much discussion of conflicting premises as there will be later. The younger ones especially do not find much need to discuss different theories of cursive writing or whether 3 + 3 is really 6, and we do not encourage such debate.

I know some home-schooling families who are less successful than ours, but I see a general tendency towards betterment and success in all of them. One young lady we know well has been a straight A student at a secular Texas college for two years and has received a full scholarship. She was home-schooled by Genesis-believing, Baptist

From the Editor . .

Editing each issue of Liberty is a bit like preparing the menu at a fine restaurant. You see what's in season, find fine chefs to prepare it, present it in the most attractive way you can and hope it satisfies the tastes and pleases the intellectual palates of your patrons.

This month we had hoped have as our featured entrée an investigation into the charges that Jacob Hornberger of the Future of Freedom Foundation has leveled against Harry Browne and the leadership of the Libertarian Party. Martin Solomon, Peter Gillen and I have examined thousands of pages of documents, interviewed dozens of people, and assembled a huge amount of information. But as deadline loomed, gaps in the story remained and our conclusions remained tentative. We decided the story would not be ready in time for publication in this issue.

Happily, our editors and contributors were more successful in preparing their entrées than were we, resulting in a *Liberty* with something to satisfy every appetite for fine intellectual cuisine. Consider the following . . .

The case of Elián González has had some genuinely weird effects. Child rights advocate Hillary Clinton, who normally is happy to snatch kids from their parents, is strangely silent. Meanwhile, Newt Gingrich, normally an advocate of parents' rights, calls for keeping the little boy away from his father. Gene Healy sorts through the issues, where he discovers some important truths for libertarians.

Somehow, Paul Rako got hold of Gen. Barry McCaffrey's case against drug legalization. He got off his motorcycle long enough to examine the Drug Warrior-in-Chief's argument. This is Paul's first contribution to our pages since his celebrated "Letter to the President."

Last month, we offered David Boaz's Congressional scorecard; this month we offer Bishop Grewell's case against Congressional scorecards. George Hollenback checks out claims that the Greeks stole their math from the black Egyptians. Dolores Puterbaugh takes a look at the consequences of the sad fact Americans are so busy these days that they tie their children up for hours at a time. Scott Gossard tells the story of a bureaucrat getting his just desserts.

In our book review section, Jane Shaw takes a close look at a conservative manifesto about the environment. Martin Tyrrell examines a new book about World War I, the great war that led to communism, naziism, and massive growth of the state even in the countries that managed to avoid totalitarianism. Bettina Bien Greaves reviews a new book on how the world works, Brien Bartels examines an encyclopedia on guns and gun rights, and Richard Kostelanetz trolls the net for rare books.

And as always, we lead with an appetizer cart full of *Reflections*, from regulars like Steve Cox, David Boaz, Bart Kosko, Tim Slagle, Alan Bock . . . to amuse, inform and stimulate your intellectual appetite!

R. W. Bradford

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parents with little more than high school diplomas.

Moreover, not believing Darwin hardly makes one cloistered intellectually. After all, many academics and scientists — some of whom do not accept Genesis as "literal truth" — also reject Darwin. Think of Berkeley's Paul Johnson or Lehigh's Michael Behe, to name just two of the more prominent ones. Roche (despite his sins) is neither singular nor academically loony on account of his views on Darwin. So far as I know, no one has refuted biochemist Behe's claim that "irreducible complexity" makes it impossible for a Darwinian scheme to explain the development of the eye or certain specialized cells.

Maybe Darwin is not read as much any more because he is simply not believable anymore, just like so many other forgotten giants of the past. No one in my family devours Pelagius, Anselm, Newton, or Semmelweiss nearly as much as people once did. Does that mean we are akin to "intellectually cloistered" and unchallenged "peasants"?

By the way, in spite of being in universities for 10 years and having 5 earned degrees — and I didn't go to Hillsdale — I have no idea who Foucault and Derrida are. Should I care? I did have the misfortune of attending public schools. Perhaps I missed Foucault and Derrida there, whereas I would have got them if I were homeschooled or at a private (even cloistered) school.

If the writer of this piece really wants to blame a primary and secondary system of education for producing "intellectually cloistered lives, being taught comfortable traditions rather than challenging ideas," and for causing pupils to miss out on intellectual greats like Foucault and Derrida, perhaps he should find another whipping boy besides home-schooling.

John Cobin
Santiago, Chile

Anonymous responds: Good grief. The only thing I said about home-schooled students was that Hillsdale College is an "active recruiter" of them, before going on to say that "Hillsdale attracts the sort of students who have led intellectually cloistered lives, being taught comfortable traditions rather than challenging ideas."

Where is the "swipe" here? It seems to me to be a pretty plain statement of two different facts: (a) that Hillsdale recruits home-schooled students; and (b) that Hillsdale "attracts" students who've had "intellectually-cloistered" lives.

Both propositions are patently true. Hillsdale in its appeal to politically conservative students does in fact recruit the home-schooled. And it does tend to attract the "intellectually-cloistered."

Cobin goes on to assume that my general observations about Hillsdale students are aimed primarily at the home-schooled, and further, that I believe that these observations are true of all home-schooled students, not just those that choose Hillsdale. I cannot find a scintilla of evidence to support either.

I generally do not care to speculate about other people's motives, but I wonder why an intelligent man would attack a straw man at such length. I surmise that perhaps Mr. Cobin is, well, I hate to say it, a little paranoid about criticism of home-schooling. He seems to go overboard very quickly. I mean, does he really believe that any piece written anonymously is "cowardly"? Would he apply this rule to *The Federalist Papers*?

Hillsdale's Reign of Error

The more I reread Gary Wolfram's "The Truth About Hillsdale"(April) and Anonymous' "Is It True What They Say About Hillsdale?,"(February) the more I am inclined to agree with Anonymous. That's not to say that I don't find some things missing or shaded in Anonymous' account, but those are far less glaring than those in Mr. Wolfram's essay.

For instance, on the subject of ran-

continued on page 22

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

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Reflections

Mr. Rearden meets Mr. Thompson — Perhaps it is a sign of a civil society that the richest man in the world can sit down and politely chat with the President of the United States, even though the President is trying to destroy his company and in fact has just succeeded in reducing his net worth by $11 billion. The April 5th conference on the "new economy" in which Bill Clinton and Bill Gates shared a panel was full of praise for the technological marvels that Bill Gates has helped bring to billions of people, but all the praise Bill Clinton could muster was to compliment Gates for giving $750 million to charity. Charity is good, but the achievements of Bill Gates, market entrepreneur, have changed our world in ways that his philanthropy can never hope to mimic. Too bad Bill Clinton declines to acknowledge that. —Jane S. Shaw

Gentlemen's D — As the walls of privacy continue to crumble around the seekers of power, the *Washington Post* recently obtained Al Gore's high school and college transcripts. While the relevance of 30-year-old college grades is certainly doubtful, there are some interesting tidbits. The environmentalist author of *Earth in the Balance*, for instance, got a D in Natural Sciences 6 (Man's Place in Nature) and a C-plus in Natural Sciences 118. As the *Post* put it, "the self-proclaimed inventor of the Internet avoided all courses in mathematics and logic," but you knew that. He got a C-minus in economics, a tad better than he would deserve today. He got a C and a C-minus in his first two government courses, but he soon took to the study of power, rising to a B, a B-plus, and A-minus in his junior year, "and he aced his senior government thesis on the impact of television on the presidency." (Somehow you can get all Cs your first two years at Harvard and still graduate cum laude.) Sadly, as a graduate of Vanderbilt University, I am embarrassed to report that Gore briefly enrolled in the Divinity School there, where he received an A-minus in Ethics. As I said, the relevance of old college grades is dubious. Since I never took an ethics course, maybe I should just conclude that Al Gore's forgotten more about ethics than I ever knew. —David Boaz

Microfallout — Far be it from me to suggest new ways for trial lawyers to make money, but it seems to me some sharp lawyer could devise a class-action lawsuit for shareholders of Sun, Oracle, Novell and other high-tech companies that urged the Justice Department to go after Microsoft. The grounds? Most of those companies' stock prices went down and therefore lost shareholder value in the stock-market debacle that followed Judge Jackson's announcement that Microsoft was Guilty-Guilty-Guilty. —Alan Bock

Tubin' Cubans? — Little Elián González looks bound for Cuba, and he probably will be an outcast the rest of his childhood. Other Cuban boys, who entertain themselves in the streets of Havana by playing cat's cradle with rat entrails, will never believe his fantastic tales about Toys R Us and Disney World. I'm sure eventually even he'll doubt some of the things he witnessed, like air conditioned buildings and cars. The only evidence of his trip, his new puppy, will be lucky to make it past Christmas Dinner. The State Department has its hands tied here though. If they didn't send him and his father back, parents in Cuba would start stuffing their children into inner tubes and heaving them out to sea like Frisbees®. —Tim Slagle

The torch is passed — Keep an eye on Robert Kennedy's eldest daughter, Kathleen Kennedy Townsend, presently lieutenant governor of Maryland, longshot prospect for vice president, likely the next governor, and — who knows — someday maybe the first female president. She's a Democrat's dream — a Kennedy who's never raped or killed anyone. —David Boaz

Teach your children good — Presidential candidate Bush has proposed a multibillion-dollar program designed to combat illiteracy in the public schools. It's a revolutionary idea, designed to meet the revolutionary conditions of our time.

Unfortunately, however, more than a few billion dollars will be required if we want to deal with the problems of illiterate schoolteachers. —Stephen Cox

Take stock in hysteria — As we prepare this issue of *Liberty* for the printer, the stock market is falling sharply. This week alone, the NASDAQ fell 25% and the aggregate value of stocks fell an amazing $2 trillion. These are astonishing numbers, but what's more astonishing is that practically no one seems worried. Those few who do proclaim their distress mostly seem to be partisan opponents of Bill Clinton, anxious to blame any crash on his decision to extort a few billion from Microsoft Corp. by means of an anti-trust suit.

There's a scintilla of logic to their case: the crash was touched off by a court decision against Microsoft, instigated by Clinton's administration. But blaming the crash on that decision is like blaming the Civil War on the Confederate officer who fired on Fort Sumter. Does anyone doubt that the Civil War would have occurred if the Confederacy had decided to allow Union forces to continue to occupy an island in Charleston's harbor?

Trees don't grow to the sky, and stock prices cannot rise rapidly forever. If the sharp declines of this week portend a genuine crash, on the magnitude of 1929 — and it's not evident to me that they do — it won't be the result of Clinton's ridiculous persecution of Microsoft. If and when the crash comes it will happen for the same reason that every other crash has happened: because assets got ridiculously overvalued, and fear overcame greed. In a market inflated by

speculation, collapse is inevitable.

I lived through the silver boom and collapse of 1979–80. At the time, I was a major dealer and a substantial speculator in the white metal, doing hundreds of thousands of dollars of business each week. I was well aware that prices were crazy and that the price of silver could not sustain itself. But knowing that doesn't help you much in the real world: if you liquidate your position at $20, you missed a lot of the profit you'd have made if you held on to $30, at which point the price was even crazier and less sustainable. If you sold at $30, you kicked yourself when it got to $35, etc, etc.

I survived by keeping my position relatively stable, playing spreads between different forms of silver and making good profits as a broker. When the inevitable crash came, I lost a lot of money, but far less than I made on the way up. To tell the truth, it was a relief.

I think the stock market today is in the same kind of situation. The fact that otherwise rational people think it makes perfect sense for a stock like Amazon.com to rise higher and higher as its firm's losses become greater and greater is just as loony as the claims in January 1980 that silver would soon be trading at $1,000 per ounce. But people who bought silver at the ridiculous price of $25 doubled their money if they liquidated at $50, just as people who paid absurd prices for shares of Amazon.com a few months ago made ridiculous priofits if they sold out at the right time.

The problem is that I don't know where the top will come or whether we've already seen the top, just as I didn't know where the top would come in silver prices in 1980. For all I know, we've already seen the top and the Dow will fall to 4,000 and the NASDAQ to 400 in the next month — or maybe this is just a temporary correction and the Dow will top 15000 and the NASDAQ top 10000 by the end of the year. Sorry, I'm not running seances here.

One of the things that helped me live through the silver boom and bust was my conviction that prices are ultimately subjective, the product of expectations that can change very quickly and unpredictably. It's basic Austrian economics, though a great many people who claim familiarity with

Liberty Live . . .

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The 1999 Liberty Group — Join Bill Bradford, Tim Slagle, Fred Smith, Durk Pearson and Alan Bock as they presciently analyze the current political madhouse and slaughter sacred cows with abandon. This is a fast-paced journey of libertarian commentary that explores the issues of the day and predicts outcomes for the elections of tomorrow. (audio: A401; no video available)

How Environmental Regulation Prevents People From Protecting the Environment — Environmental economist Rick Stroup explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, Randal O'Toole, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author Jane Shaw explores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (audio: A404; video: V404)

The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Advancing Liberty in the Courts — Washington Supreme Court Justice Richard Sanders explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, Ron Paul, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says Randal O'Toole. (audio: A409; video: V409)

Share the Excitement !

Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

Contracts and the Net — The Internet will reshape contract law, argues David Friedman, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

How to Write Op-Eds and Get Them Published — Join former *Business Week* editor Jane Shaw, *Orange County Register* senior columnist Alan Bock and *Seattle Post-Intelligencer* business reporter Bruce Ramsey for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; video: V412)

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — David Friedman explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next election. Learn why environmentalists want you caged in cities, and how they plan to do it, with Jane Shaw, Richard Stroup, Fred Smith, and Randal O'Toole. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives considered at the Constitutional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — R.W. Bradford explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — Durk Pearson and Sandy Shaw tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

Making Terror Your Friend — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition.The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Juries, Justice and the Law — Fully informed jury activist Larry Dodge explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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Austrian economics seem to have missed out on this insight. For a good explanation of the uselessness of economics (or any other rational discipline) as a means of predicting stock or commodity prices, see Mises' *Human Action*, especially chapter 30, "The Place of Economics in Learning," especially the subsection "Forecasting as a Profession.) —R. W. Bradford

Capital punishment — The Clinton administration, in its usual manner, spent one day shedding crocodile tears over the fact that Americans are saving less of their money than ever before, then moved on to the next sound bite. Nobody suggested the obvious: eliminating taxes on savings. —Alan Bock

Genetic fallacy — Get your hands off of my genes! That's what I felt like saying as I read "Better Living Through Genetics" (April) by James Wood. It was a surreal experience to find this article in *Liberty* and definitely rubbed my libertarian nature and my scientific sensibilities the wrong way.

Woods starts off by telling us that learning how genes work and then altering them is a utopia promised by Science. He then suggests (by asking the rhetorical question: "What could possibly go wrong?") that something terrible is about to happen as a result. He describes in chilling detail the awful things that could happen when people make the wrong choices with a powerful new technology. People might try to change their kids-to-be's genes so that they'll be smarter, prettier, taller, healthier, or even (gasp) have green eyes. People might try to alter presumed weaknesses of character by genetic modifications. "A little more research, and we will know how to tweak the genetic makeup to cure or avoid such problems," the author warns (or perhaps just scoffs).

As a result of the existence of these new technologies, we are forced to make choices we really don't want to make since, if we don't, somebody else is likely to get a competitive edge on us or our kids. He finds this alarming: "Microsoft or Monsanto or Genentech has no more right to dictate our futures than does a federal government."

Wow. This is a far cry from how I see things. I expect people to make lots of mistakes, especially with powerful new technologies, but I expect that people will eventually learn as a result of these mistakes. One does one's best to keep out of the way of other people's idiocies. Unless the government forces us all to make the same stupid decisions, only those who make stupid choices will suffer the consequences of doing so.

Of course, it is an awesome thing for people to be gaining access to technologies that allow them to fundamentally change what it means to be human and certainly any sensible person will think carefully before making use of such technologies. But these technologies offer us wonderful opportunities, among them longer life, greater intelligence, and more happiness. I don't see how Microsoft or Monsanto or Genentech dictate the future any more than Ford or General Electric or AT&T do.

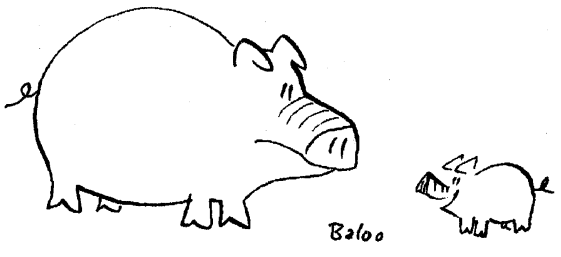

"Hey, Pop — how about a people-back ride?"

The idea that the existence of choices forces you to make choices in order to keep up with other people strikes me as peculiar. You could get along without cars or airplanes if you really felt that was important, but it is undeniably true that people who did use cars and airplanes would be able to travel a lot faster and a lot farther than you ever could. You could even live in a remote place without electricity and telephones, to avoid being "forced" to make choices about electricity and telephones. What it really comes down to, it seems to me, is that Mr. Wood doesn't like other people's choices, such as buying high tech products by Microsoft or Monsanto or Genentech.

"In sum," says Mr. Wood, "the new technologies invite conceptualizing future humans as information-processing systems genetically pre-set to fit narrowly defined ranges of acceptable normalcy." Really? I think most people today have a rather narrowly defined range of acceptable normalcy. Provided central authority does not prohibit market choices beyond that narrow range, the new choices should increase diversity, not decrease it. (For example, it has recently been discovered that hair follicles are immune-privileged sites, that is, are not attacked by the immune system; hence, it will be possible in the fairly near future to grow a full head of hair with follicles from somebody else or perhaps even a full coat of fur from mink hair follicles. Just think of what a new generation of biopunks could do with this!)

I don't believe that many scientists or people in general think that human behavior is "genetically set." Genes interact with environmental factors. I suspect that those people who actually believe human behavior is genetically set will eventually learn better the same way people usually learn better: by observing the results of genetic tinkering.

Wood's article reminds me of people who hate the marketplace because it leads to choices of which they disapprove, just as FDA Commissioners believe people are too dumb to make their own choices of prescription drugs, medical devices, dietary supplements, and foods, or too dumb to understand complex information about biochemical mechanisms. The FDA's "solution" to this problem is to stick guns in people's faces to protect them from their own mistakes. In so doing, the FDA has become a major threat to life, liberty, and the pursuit of happiness. It is not clear from Woods' article what "solution" he proposes as to the availability of genetic engineering to people who make choices other than those he approves.

As for me, I welcome the new opportunities — even if it means that a few biopunks will be growing glow-in-the-dark green feathers. —Sandy Shaw

The wages of perjury — So there's a chance the Arkansas Bar will actually suspend President Clinton's license to practice law because of his propensity for perjury. What a tragedy that would be. I really expected Our Boy Bill

to open a storefront law office in Hope and focus on making legal services available to the poor and disenfranchised at cut rates, didn't you? —Alan Bock

Siege heil! — You don't find the word "siege" in news stories about peaceful countries very often. But one day recently (March 18), the front page of *The New York Times* used the word twice above the fold, in headlines reading "Under Legal Siege, Gun Maker Agrees To Accept Curbs" and "Seeking Clues By Simulating Davidian Siege." The striking thing is that both these stories involved a siege by the United States government of some of its citizens. It's a good thing we live in a free country or we'd really be in trouble. —David Boaz

What's in a name? — Libertarians often complain that American liberals have no right to a label based on the word "liberty." American liberals base their ideas and policies on government control. And the old "classical liberals" pretty much were libertarians. *The Economist* still calls itself liberal in that sense as it calls for an end to drug prohibition and calls for less government control in most cases.

So let's give liberals a name we can live with. American liberals won't accept anything with "socialist" in it and that term can provoke too many debates about definitions and history. The name "socialist" would also not be fair because we could just as well apply it to their conservative opponents. Both groups favor a double-digit state in terms of how much of gross domestic product the state consumes.

I suggest we call American liberals "controllers." They want to control the economy through taxes and regulations and lawsuits. They want to control guns and tobacco and toys. They want to control speech and education and sexual conduct. They want to control the environment and even outer space. Government is just their preferred means to their end of control. So let's give them their logical due and call them as they act and not as they describe themselves. Calling them "controllers" also makes it easier to describe their policy goals in the more accurate terms of control: gun control, speech control, education control, sex control, health control, corporate control, etc.

The clear problem with this idea is that in some cases we could call conservatives "controllers" with equal merit. Conservatives want to control drugs and abortions. They want to control the content of films and TV and the Internet. These control points are defining issues for many conservatives. But conservatives on the whole do not want to control guns or the economy. Many conservatives have fought hard for economic freedom and can take credit for at least slowing the advance of "liberal" economic control in the last seven or so decades. American liberals will surely call for more economic control in the years ahead as Baby Boomers age and demand more state subsidies and as more debate focuses on how humans affect the environment. So the "controller" label favors liberals on net — on matters of money. And a strategic point is that conservatives are a minority in the intellectual trades. Real progress comes when you bloody the bully's nose.

Recent history shows that you can give birth to a label through sheer repetition. That happened with "sexual harassment" and "political correctness." It has even happened to some degree with "drug prohibition." And no one speaks of "gun freedom." Yet gun freedom is just the issue we debate under the loaded label "gun control."

Definition is destiny in modern politics. The digital sound-bite era favors one-line arguments and one-word pigeonholes. So we should choose our labels as we would choose our dueling weapons. Why keep saying "liberal" if we don't mean it? Why not say "controller" or something else if we do mean it? To repeat a label is both to reinforce it and to accept it. It is politics through other means — through definition. —Bart Kosko

Smoking on the Thames — Britain's Labour government now plans to legalize cannabis (or marijuana) for medical uses, according to a March 24 report from Reuters. The move surprises some, but is said to be a compromise between Mo Mowlam, the cabinet minister in charge of anti-drug strategies, who wanted a study on full decriminalization of marijuana, and Prime Minister Tony Blair, who preferred no change. The move may have been prodded also by a report from the Police Foundation, headed by Prince Charles, which recommended that marijuana use be "depenalized." Meanwhile, in California, the people voted for medicalization of marijuana in 1996 and patients still have trouble getting authorities to recognize their rights instead of throwing them in the calaboose. —Alan Bock

The hole truth — Scientists now claim that unusual cold in the Arctic stratosphere over the last winter might delay recovery of the ozone layer. Oh, that's why eliminating Freon from air conditioners has had no effect upon the ozone hole. The extra energy required for them to run on Freon substitutes has increased carbon dioxide, and accelerated Global Warming, which in turn causes Global Cooling, which inhibits ozone production. Does anyone still doubt that the envi-

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ronmental movement is being led by Witch Doctors?

—Tim Slagle

The generosity tax — Let's see, the federal government is wallowing in multibillion dollar surpluses, yet some flack in the IRS gets newspapers to run stories about how evasion of gift taxes is "costing" the federal government all of $275 million a year? Why not just get rid of the gift tax? Or is penalizing generosity what the government is really all about?

—Alan Bock

This little Al had to work, that little Al got to play — In 1926, the redoubtable Al Smith was running for reelection as governor of New York; his opponent was one Ogden L. Mills. Smith had been reared in poverty. His mother worked in an umbrella factory; his father was a wagon driver. Mills, on the other hand, was a wealthy socialite. But there was one delightful thing about him — his final campaign slogan, which was probably the worst campaign slogan ever invented. Trying to capitalize on the notion that poor people are just into politics for the money, while rich people can give the public the benefit of truly disinterested service, one of Mills's p.r. guys came up with this battle cry: "Al Had to Work or Starve; Mills Never Had to Work."

That did it. Smith won with a margin of 257,000 votes.

Unfortunately, we will probably not hear any Mills-like slogans in this year's presidential election, because neither of the major-party candidates ever Had to Work. They are both rich boys, and they both act like it. On the great scale of privilege, however, Gore ranks somewhat ahead of Bush.

Gore was born to power as well as wealth. He was reared, not as a tobacco farmer, as once he claimed (to an audience of tobacco farmers), but as a Little Prince Charming of the Washington elite — the elite that Bush's daddy eventually entered, only to be expelled by the machinations of, among others, Little Prince Charming.

Gore constantly proves that he sees the world from the Ogden L. Mills perspective. He never entertains the slightest doubt that he who Never Had to Work is best qualified to shape the lives of everybody else. That shaping, of course, requires no actual, socially demeaning, mentally debilitating effort from him. After all, he invented the Internet simply by Congressional decree.

Gore has a terrible case of rich-boy political myopia, and we can confidently expect him to stumble over quite a few sofas as a result. The man who claimed to have invented the Internet will certainly continue to lecture the country like a kindergarten teacher, and he will certainly say many things that Barney the Dinosaur would never permit to escape his purple jaws. Whether people will notice, or care, or even enjoy being talked to in that way — that is another question. They wouldn't take it from Ogden L. Mills, but that was a long time ago. They've been taking it from the Kennedys for almost 40 years.

—Stephen Cox

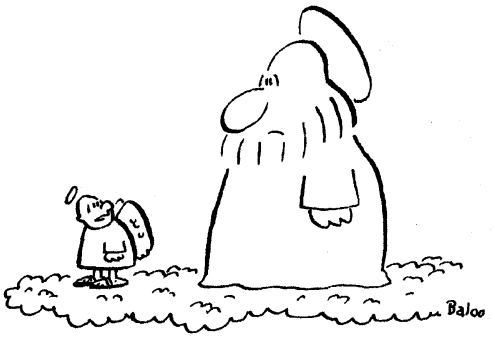

"You told me to be fruitful and multiply? — But what about *geometric progression?*

The Fabian approach — For the first time in my lifetime, people have become suspicious of the United States census. The recent report that the Census Bureau provided information to help authorities round up and incarcerate Americans of Japanese ancestry during World War II certainly did not help its case.

In some cities, up to sixty percent of the people flat out refused to fill out the form. On April 6, Census director Kenneth Prewitt agreed to limit the intrusiveness of the long form, by mailing it continuously to 250,000 households a month, rather than 2 million once every 10 years. That would ensure that 30 million households will have to fill it during each decade, rather than the 20 million that are required presently. When all else fails, resort to gradualism, and make it bigger.

—Tim Slagle

Limeys, lorries and levies — In the February *Liberty*, R. W. Bradford reported how the citizens of Washington state rebelled against rising road license fees and voted themselves a substantial cut. I wish the citizens of the U.K. had the means to do the same.

Bradford recorded his own dismay when the license fee hit $100. In the U.K. it is now £150, or about U.S. $237. But that is just the beginning. Fuel averages over 70 pence per litre, or (with the pound at $1.58) about $5.00 per Imperial gallon, and can be as high as $5.57 (if my math is right). What is that in U.S. measures? $6.60 a gallon?

Of that sum, approximately 80 percent is tax, levied in cunning ways. Part is a landing tax on the crude, which is extracted from beneath international waters in the North Sea. There follows a hefty excise tax on the refined fuel. After fuel company and dealer have added their costs and markup, a 17.5 percent sales tax (VAT) is levied to produce the retail price. The poor U.K. motorist ends up paying more for fuel than any other driver in Europe, the bulk of the bill being made up by a tax, upon a tax, upon a tax. Furthermore, Britain has the most congested roads in Europe — by actual study — while some 30 percent of road accidents are due to poorly designed or poorly maintained roads. Yet, of the £30 odd billion raised directly from motorists in taxes each year, only one sixth is spent on roads (in some years, less).

The most frustrating thing is foreign travel. In France and Spain, which have superb highway networks, the fuel tax is vastly lower. One can fill a small diesel car for about $20.00. In the U.K., it costs $60.00. If traditionally statist nations can build far better roads while charging much less tax, why do the citizens of a traditionally free country have to pay three times more for a road system consisting largely of upgraded medieval cart tracks?

It's even worse if you're in the trucking business. The European average license fee for a tractor/trailer is about £1,100. In the U.K., it is about £4,500. That, added to the high

price of fuel, has driven many small firms out of business, while others are being forced to move, or consider moving, across the Channel.

Bravo, the citizens of Washington! But spare a thought for the poor Brits, bled white by their government, and with no constitutional means to stop the torment. —Nicholas Dykes

The limits of the Bill of Rights — I grow so weary of hearing Liberal Urban Professionals (Lippies), claim that the Constitution was never meant to be taken seriously; that our founders left loopholes so that modern societies could reinterpret the document. Usually the Second Amendment falls victim to this "Organic, Living, Breathing" argument.

I would suggest that the Founding Fathers could never have envisioned that the First Amendment would be misinterpreted by modern civilizations, and give people a right to utter such nonsense. Along with not having a right to yell fire in a crowded theater, I think that no person should have the right to endanger my liberty by saying something so ignorant and uninformed. Let's rewrite the First Amendment, to get stupid remarks out of the mouths of imbeciles and make our streets safer. —Tim Slagle

It's not your father's census — Some libertarians sound as if the census only got objectionable after the feds started asking about race, income and home ownership. I think they're nuts.

The Constitution clearly authorizes an actual enumeration. Does it follow that every resident must identify herself? Applying the doctrine of contemporaneous construction, the answer is a resounding NO. The first census, administered by people most familiar with the deliberations of the Constitutional Convention on the census, gives the best guidance. The first census did *not* mandate self-identification:

> In the census of 1790, the federal marshalls were simply instructed to count the population and were told what items of information to secure. The marshals then posted the information which they had assembled in a public place for all to see, and to give persons who had not yet been included the *opportunity* to have their information added to the returns for the appropriate district. . . (*Population: The Vital Revolution*, ed. Ronald Freedman, pp 86–87, emphasis added)

Let's go back to the censual ways of our (Founding) Fathers. —Martin Solomon

Blinded by ideology — On March 23, the *New England Journal of Medicine* reported a case where a vegan went blind due to a vitamin B-12 deficiency. This should serve as ample warning to any PETA members trying to get state legislatures to legislate against meat. Thirty-three years old and 100% blind! I bet he doesn't hang out with his PETA buddies much anymore. Kind of hard to swallow that, "Humans were meant to be vegetarians" crap when you're bumping into walls. I wonder: Is it wrong for a blinded vegan to exploit a seeing eye dog? Since cows aren't as smart as dogs, isn't it less cruel to eat a cow than to exploit a dog? —Tim Slagle

Back to the place from which he came — I note with sadness that, as we go to press, the Clinton administration is about to succeed in its attempt to force six-year-old Elián González back to Cuba. Yes, I know. As a general rule, a child belongs with his parent. But general rules do not apply in every case — that's why they're general rules. There *are* cases when a child does not belong with his parent. No humane person, for example, would insist that a child belongs with a parent who seriously abuses him.

I believe the hurdle that must be exceeded for the state to intervene is an extraordinarily high one. I don't want the courts to take a child from his parents unless the harm to the child is real and very serious. This isn't because I have even the slightest sympathy for those who abuse children. It's because I believe that, in general, the risk that the state will abuse a child is much greater than the risk that his parents will. The justice provided by the state is very rough on all concerned, and especially rough when the state gets involved with families. A family has to subject a child to terrible abuse before I'd countenance state interference.

I think the prospects are plain in Elián's case. Far more and far worse abuse will await the little boy in Cuba than could possibly occur to him in the custody of his relatives in Miami. The problem is not that Cuba is a poor country. The

Coming in Liberty

White Paper on the Browne Regime

In early March, Jacob Hornberger of the Future of Freedom Foundation issued a lengthy indictment of the Harry Browne presidential campaign and the leadership of the national Libertarian Party, charging them with serious conflicts of interest and wasting $1,000,000 of donors' money.

Liberty's staff is conducting a thorough and independent investigation of the charges. We've already examined hundreds of documents and interviewed dozens of people.

The cases for and against the charges, the evidence and our conclusions will be presented in a special "White Paper," in our July issue, available on newsstands and mailed to subscribers in late May.

problem is that it is a totalitarian country. It abuses people in ways that mere poverty cannot: it denies them freedom of speech, freedom of belief, freedom of movement . . . freedom of just about everything. Cuba's poverty is a consequence of its totalitarianism, but it is far from the worst consequence.

I believe I've read or heard a thousand commentaries about what should be done about Elián. And I can only think of two — one in *The Wall St Journal* and one in *Liberty* — that give any reasonable consideration to the question: what's best for him? The others talk about the law, about the importance of family, about the way in which the Cuban community in Miami is exploiting the case, about how the Castro regime is exploiting the case . . . but virtually no one cares about the six-year-old child who is about to be sent back to the same totalitarian hellhole from which his Mother gave her life for his escape.

Republican conservatives are critical of Clinton's desire to help the abusers. They say they support Elián's right to stay here but haven't even introduced the citizenship legislation that would prevent Clinton from sending him back to Cuba. Their reason? The Democrats would filibuster. But since when is fear of filibuster sufficient reason to countenance evil? And who knows whether there would be enough votes in the Senate to kill a filibuster? There's always a chance that senators would somehow find enough sympathy in their hearts for this unfortunate little boy to give him something that all their children should get for free, something that costs them nothing at all.

Meanwhile, Elián's father has the best lawyer money can buy, the repulsive Gregory Craig, erstwhile mouthpiece of Bill Clinton. who , according to his own sworn testimony, explained to his children that his client had "misled the American people, misled his family, and misled his colleagues and that is wrong and the president should have made full disclosure earlier," thereby distinguishing himself as a mouthpiece who will even spin-doctor to his own kids. What better person to take a small child from his loving family and send him back to a totalitarian nightmare from which his mother gave her life for his escape?

And how did Elián's father come up with the money for a high-priced attorney like Craig? Well, he didn't. The United Methodist Board of Church and Society is paying for his services. There's no surprise here. The Methodists, I recall, funded the revolutionary activities of Robert Mugabe in Zimbabwe. Just last week, their friend confiscated all land in his country that is owned by white people in order to help finance his dispatch of troops to the Congo to support yet another dictator, in hopes of getting part ownership of the Congolese mining operations. These will be immensely profitable as soon as the Congolese dictator gets the popular rebellions in his country under control and his slaves back into the mines — but don't bother fashionable churchmen with complicated things like that. Compared to the human tragedy that their investments in Mugabe have had as dividends, sending one little boy into Hell may not seem like much of an opportunity. Still, you take what you can get. With international communism a spent force (no thanks to the mainline churches), you have to be satisfied with less bang for your buck. —R. W. Bradford

For a few dollars more — Congress and the administration seem bound and determined to send more of our money to Colombia to help fight the misbegotten drug war. Let's see, Colombia is now home to the most aggressive herbicide spraying program in the world and the recipient of more U.S. military aid than any country outside the Middle East. The program hasn't worked, but enlarging it will do the trick? Spending $250 billion since 1980 has done almost nothing to affect the propensity of Americans to do drugs, but $1.7 billion for helicopters for Colombia will finally get it done? Sure. —Alan Bock

Charity, forced and unforced — The man who gave his country the Internet and a robust economy has been laying plans in his campaign speeches to extend this Gore-given period of unparalleled prosperity. He's concerned "that too many will be left behind" as the vast majority of Americans enjoy the benefits of advanced technologies and their increasing wealth. Al Gore fears that we as individuals and as a nation will "squander our prosperity." And he has a pocketful of proposals to prevent us from robbing the future of its potential.

What is Gore's evidence that Americans' prosperity will be squandered? He should log on to the World Wide Web to see how charities are reaping record contributions online from individuals who wish to exercise their social consciences and match their charitable giving to their personal concerns and interests.

Most well-known charities now maintain Web sites. One site, guidestar.org provides information on more than 620,000 different charitable groups, with a sophisticated search engine to locate areas of interest — and with financial data, online profiles and 501(c)(3) status.

The levels of giving in recent years are as impressive as the variety of funded causes, online and off, suggesting that

Al Gore's fears and concerns are irrational or disingenuous. According to *The NonProfit Times*, the top five U.S. charities, ranked by total income, fall into the human services category:

1. National Council of YMCAs: $3,248,700,000.
2. Catholic Charities USA: 2,309,000,000.
3. Salvation Army: 2,078,200,000.
4. American Red Cross: 2,057,800,000.
5. Goodwill Industries International : 1,503,700,000.

All rank between 88.6 percent and 73.1 percent in total revenue devoted to programs — higher percentages than any government give-away program ever.

The next 45 organizations listed include health, conservation, civic/cultural, religious, relief/development and many more human services groups. Number 50 on the list is Father Flanagan's Boy's Home with $138.3 million. Fascinating to me are the off-list causes able to attract substantial funding support, including over $110,000 committed to the Leo Reward Fund, established to catch the man who hurled a 10-year old dog named Leo to its death after a minor traffic accident.

And over $500,000 has been raised for a private effort to bring down an estimated three tons of garbage from the slopes of Mt. Everest. An eight-man team of climbers with a larger team of Sherpas will haul out the debris over a two month period this year. If you check guidestar.org, you'll find 27 Celtic culture organizations competing for donation dollars.

Total giving for 1999 should come in at over $180 billion, up from $175 billion in 1998, reported Daniel Borochoff, president of the American Institute of Philanthropy. "When times are good, such as now, people tend to give more," said Ann Kaplan, editor of *Giving USA*. In October 1999, the White House held a conference on philanthropy, its first such "official" conference ever held. The "recommendation" was made that individuals should give up to 5 percent of their asset value, as philanthropic organizations do. "Charitable contributions would quickly reach 9 percent of GDP, instead of the current range of around 2 percent," Ann Kaplan predicted.

I've not heard recommendations or proposals coming from Mr. Gore nor from his tax-and-spend Congressional comrades for returning tax dollars to their producer victims so that charitable giving goals can be achieved. All the benevolence and generosity expressed in $180 billion of charitable contributions last year came from a tax-burdened American population with relatively little tax benefit for their donations.

Mr. Gore, like politicians and policymakers on the left and the right, doesn't really want more privately-made contributions because that kind of giving is controlled and directed by the donor rather than caterers to special interests and recipient constituencies. The proposals I hear from Gore and his cronies are for more spending of tax funds, like the $2 billion in foreign aid to escalate the War on Drugs and to prop up Pastrana's government in Colombia.

As strange as the Leo Reward Fund may seem to some, the $100,000 contributed by pet-loving, cruelty-curbing citizens may actually produce and punish the dog killer. And achieving that goal is obviously very important to those contributing voluntarily to the fund with their hard-earned and hard-taxed dollars. Foreign aid, however, and most other government redistributions of wealth, are not only ineffective but too often are counterproductive. According to Doug Bandow of the Cato Institute, "aid to such nations as Ethiopia, Somalia, Sudan and Zaire subsidized the very worst autocratic and corrupt dictators. This made chaos and war more, not less, likely."

Since World War II American taxpayers have had more than $1 trillion "contributed" to foreign assistance. But a United Nations report in 1996 showed that 70 of the recipient countries were poorer than they were in 1980; 43 were in sadder shape than in 1970.

The decision to squander or not to squander prosperity should be left to the prosperity producers, Mr. Gore. It might be an interesting experiment for your poll-driven administration and campaign to set up its own Web site — deathstar.org? — and offer all giveaway programs to gauge support from the potential givers rather than the takers that are already speaking loudly and clearly to you. I wouldn't be a bit surprised if dead-dog Leo and Father Flanagan were voted more dollars than Colombia's President Pastrana.

—Dyanne M. Petersen

Wouldn't that be heartless? — The House voted to rescind new rules on organ transplants, promulgated by the Department of Health and Human Services, that would have sent more organs across state lines. The issue was whether the "sickest" anyplace in the country should be moved up in the queue or whether most organs should be used in the state in which they were donated. Unfortunately, nobody proposed the single step that would do most to alleviate the chronic shortage of transplantable organs: allowing them to be bought and sold. Nobody expects the surgeon who does a transplant to work for free; why should the person providing the organ? —Alan Bock

Joy in Mudville — The stock market downturn of April 14 (which was, by coincidence, the anniversary of the "Titanic's" sinking) prompted a lot of thoughts, real or alleged, in a lot of craniums. I know someone who must have lost, given what I know about his portfolio, over 100 million dollars. Probably he did not have cheerful thoughts on April 14, although he should have: during the past year, the market had given him over twice that amount. But I haven't heard from him yet.

I did hear from Fox News, by far the best of the news channels, though not a distinguished source of opinion in regard to this particular event. Fox pronounced April 14 "Wall Street's worst day ever"— a patently ridiculous thing to say. The Dow's decline of 617 points may be the worst in its history, but its percentage of decline, 5.66, is not at all on the historic scale.

Oddly, Fox went on to present a feature about someone who analyzes the traumas of people who have recently made enormous profits on Silicon Valley stocks. This man claims that such people suffer from "sudden wealth syndrome," a curious collection of symptoms that include tasteless spending, suspicion of other people's designs and approaches, and a besetting fear of losing one's money as easily as one acquired it.

I take this particular symptom, not as a sign of sickness, but as a sign of robust health. It reflects an instinct for the

economic truth, an instinct that Americans have often notably lacked. During the depression of the 1930s, pioneer libertarian Isabel Paterson found herself constantly listening to the complaints of people who simply could not fathom the idea that their investments had turned sour. To them, it seemed somehow unnatural, inconceivable in the literal sense of that word. They insisted that there must be a way to keep anything like that from happening. To these people, Paterson replied in the following immortal words:

> Let us begin with the elementary fact that in any economic system by which one can make a couple of million dollars, one can LOSE the same amount. The two possibilities, dear children, are equally inherent. You can't have one without the other, sad as this may seem.

Paterson herself lost money, a lot of money, in the market. But she knew what to do with that fact. She could take her loss without becoming cosmic about it.

The important thing, as it seemed to her, was to scotch this idea that Something Ought To Be Done to Prevent These Things. It's true, of course, that people can improve their odds by putting their money into companies that actually make a profit, as opposed to companies that just put "dot com" in their names and let it go at that, or by pulling the money out a minute before all the other suckers and gamblers do. But sooner or later, there's going to be a downturn. Bad investments — including unpredictably bad investments — are going to be cleared out.

If you think that this can be Prevented, you will have to turn to government to do it. Government won't be able to, of course, short of abolishing markets altogether, but it can make a pretty good show of screwing things up while it tries. Watch out, then. If the market stays down the rest of this year, you may see some scary proposals coming out of the political candidates.

It is possible, though — wait a minute, I'm not saying it's true, I'm just saying it's possible — that we as a people may slowly be learning something about markets. We may be reaching the point where a big downturn can happen and the neighbors will *not* all leap to embrace the first New Dealish plan that comes down the pike. We may be reaching that moment of zenlike serenity in which people who lose (and most people lose something in a big market decline) can still keep smiling. In San Diego, where I live, more money was lost last week in tech stocks than anywhere else in the world, except the San Francisco Bay area. But looking out my window today, I see only sunshine and happy people. There is still joy in Mudville, even though mighty Qualcomm has struck out. —Stephen Cox

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Don't trust any law over 30 — Defenders of Al Gore dismiss his illegal fundraising phone calls from the White House as merely violations of "an obscure 1883 law." Now, the fact is that everyone involved in politics in Washington knows that you can't raise campaign funds on federal property. That's why the two parties maintain office suites near the Capitol so that members of Congress can dash over there and make fundraising calls. And every few years the *Washington Post* runs a story about a senator being accused of accepting a campaign contribution in his office — no doubt a situation that frequently arises, since members of Congress meet most of their constituents, lobbyists, and other visitors in their official offices. But they're not supposed to solicit and accept funds there, and everybody knows it. Certainly a man who was a son of a senator, a House member for eight years, and a senator for eight years knows this law.

But what is perhaps most interesting about this way of dismissing Gore's transgression is the implication that the law's great age makes it an obscure anachronism. It's a law from 1883; who could be expected to take it seriously? In fact, of course, laws should probably be taken more seriously the older they are. Sure, there are the laws that have become an embarrassment, like the remaining laws against sodomy. And there are the merely ridiculous laws, like the law against painting birds in Harper Woods, Michigan. But many old laws are those that have stood the test of time, perhaps because they are just obvious. Indeed, the origins of the oldest laws are lost in the mists of history. When was the law against murder passed, for instance? But to Gore's defenders, perhaps the law against murder is "an obscure premodern law." Serious laws, laws you could expect people to follow, are new laws — the Clean Air Act, the Americans with Disabilities Act, the Violence Against Women Act. I guess that's why Gore pledges to pass new and oppressive campaign-finance laws even as he violates the existing laws with impunity. —David Boaz

The Borking of Science — Those who can recall the Bork debacle will remember how the nominee tried to scurry away from his 1971 *Indiana Law Journal* essay's view of the First Amendment (viz., that the freedom of speech clause protects only political speech) by insisting that he now believed that all speech (somehow) contributed in some measure to political discourse — except pornography. Why was that the sole exception? No doubt because it was the only thing he could get away with claiming was subject to censorship.

It might seem strange to look back upon 1987 as some kind of platinum age for free speech, but apparently that's exactly what it was. Since then, the proposed candidates for the censor's ax have come to include everything from "commercial speech" (advertising? all persuasive rhetoric?) to the "falsification of history" (e.g., Holocaust denial) to the much-

continued on page 18

Thomas Szasz: A Sage at 80

Thomas Szasz is one of the greatest libertarians of the 20th century.

He is one of a handful of libertarians who have risen to positions of intellectual prominence in the world at large, thanks to his pathbreaking work in psychiatry, and perhaps the only libertarian intellectual who is better known to non-libertarians than to those in the movement. His reputation in the world at large has been achieved by his brilliant criticism of his own profession — a criticism that is so vigorous that I wonder whether Szasz himself considers psychiatry to be a valid scientific discipline.

Most libertarians who achieve acclaim in the world at large soft-pedal their beliefs to one extent or another; Szasz never has. His books bristle with trenchant logic and positions so radical that they make Murray Rothbard and Ayn Rand seem like moderates.

Yet Szasz has never received the acclaim he merits among libertarians. The reason for this, I think, is that his field is far from the center of most libertarians' interest. The simple fact is most libertarians are far more interested in matters politic or economic than in matters psychologic. And those who do find psychology interesting seem mostly to be interested in feel-good pop psychology of the sort found in the self-help books that make their way onto best-seller lists. There's an irony here: Szasz's interest in psychiatry focuses on an aspect that is far more relevant to libertarian thinking than is the psychology of, say, Nathaniel Branden.

The publication of Szasz's *The Myth of Mental Illness* in 1960 was a turning point in American psychiatry. At the time, psychiatry in the United States hardly differed from that in Soviet Russia: It was a pseudo-science that enabled the political and economic elite to segregate people with unpopular or eccentric views or behavior into special "hospitals." Szasz identified these hospitals as prisons for holding people who had committed no crime, and their inmates as innocent victims. For Szasz, imprisoning someone who had committed no crime is such an egregious violation of rights that it cannot be tolerated in any civil society.

This was not a popular belief. But it was one that Szasz stated boldly and defended ferociously. He was always ready to grapple with the rationales of those who disagreed with him, always willing to point out the errors in their arguments. His responses to the arguments of his critics were as devastating as any I've ever heard. His battle against psychiatric tyranny was often a lonely one, but he has never tired, never lost his good humor.

And he made substantial inroads against tyranny. Eccentric people in America are no longer routinely locked up for the convenience of their families or communities. Were it not for Tom Szasz, they would be. In this alone, he has accomplished more actual good than any other libertarian I can think of.

But he has done far more than fight against the incarceration of innocent people. Just as fearlessly as he took on his own profession, he has taken on those who claim that ingesting drugs is a crime or a disease. *Ceremonial Chemistry* (1974) was a potent attack on the prohibitionists. He hasn't won this battle yet. But I wouldn't bet against him. Similarly, he has fought the notion that people who are overweight, alcoholic, or otherwise not meeting some puritan's standards suffer from a disease.

Sometime in the 1950s, Ty Cobb is said to have given an after-dinner speech to a group of sportswriters. At the time, Cobb was pretty much universally acclaimed as the greatest hitter baseball had ever known. His talk, as those of old-timers so often are, was a litany of complaints about present-day players: they didn't work as hard, they hadn't honed their skills, etc., etc. Afterwards, he was approached by a sportswriter who asked him what he thought his batting average would be if he played in the 1950s rather than between 1905 and 1928. Cobb responded, "Oh, somewhere around .320." "What!?!" the sportswriter said. "You, the greatest hitter of all time, the man who hit over .400 three times, who retired with a batting average of .367 . . . you could only hit .320 against today's pitchers?" "Well," Cobb responded, "you have to remember, I'm over 70 years old."

When I learned that Tom Szasz turned 80 on April 15, I thought of that anecdote. In a movement full of brilliant people, his brilliance stands out. If I were asked to choose someone to defend just about any aspect of libertarianism in public debate, I'd pick him. The last time I saw him give a lecture, it was in front of a libertarian group, but he managed to make an argument or two that was so radical that several people in the audience posed hostile, argumentative questions. He instantly analyzed each argument put to him, ripped it into its components, identified its flaws and politely devastated it. Somehow, he did this with neither acrimony nor anger.

He's always a gentleman, always polite, without a mean bone in his body. If a young person came to me and asked me what libertarian I'd recommend as a moral and intellectual exemplar, Thomas Szasz would be the person.

—R. W. Bradford

discussed "hate speech" (i.e., speech the Left hates). Now it seems that the latest victim could be scientific dissent. At a recent conference in Washington, the president of the International AIDS Societies, Canadian Dr. Mark Wainberg, pointedly denounced Peter Duesberg (*Inventing the AIDS Virus*) and his fellow HIV skeptics (a group that includes such reprobates as Nobel laureates Kary Mullis and Walter Gilbert) and suggested that their heterodox advocacy is worthy of criminal prosecution.

Consider instead the precedent this would set. Soon we may thrill at the sight of environmentalists calling for the heads of those scientists who don't toe the (current) green line, not to mention those of evolutionists and creationists struggling to decapitate one another. Those, of course, are only some of the wonderful possibilities.

There are those who might suggest that we cut the good doctor some slack, since there is no First Amendment in Mark Wainberg's Canada, which, quite amazingly, has the ability to inspire a certain nostalgia for Robert Bork's America. —Barry Loberfeld

Federalism inverted — The Supreme Court recently considered whether the state of Massachusetts can impose economic sanctions on Burma, by refusing to purchase goods from companies that do business in Burma. The National Foreign Trade Council argued that the Massachusetts government was usurping the foreign policy-making powers of the federal government. (A Cato Institute study issued in 1998 made the same claim.) Sen. Edward M. Kennedy joined an *amicus curiae* brief urging the Court to uphold the Massachusetts law. As the *Washington Post* put it, "Although Kennedy usually doesn't favor states' rights as a guideline in other areas, the group he joined argued that the Massachusetts Burma law was within the state's powers under the federal system." So Kennedy doesn't think states should be able to make their own rules about minimum wage, church burning, hate crimes, welfare, health care, or virtually anything else — but he does think a state should be able to have its own foreign policy. It's hard to imagine that that's what the Founders intended when they wrote the Constitution and the Tenth Amendment. Indeed, it's hard to conceive even a theoretical case for such a division of powers.

But don't think that Republicans understand the federal system any better. On the same day that the *Post* reported Kennedy's constitutional theorizing, it also reported that House Republican leaders were proposing to provide financial incentives for states that agree to strengthen their gun-law enforcement policies, as if the people of the several states were not in a better position than the distant federal government to decide what sorts of gun control and law enforcement policies they needed. —David Boaz

William P. Moulton, RIP — On April 11, William P. Moulton was found dead in his room at the Lincoln Lawns Motel in Grand Rapids, Michigan, the victim of an apparent heart attack. He was 52 years old. Bill was a contributing editor of *Liberty* from 1987 to 1995, during which time he wrote several fine articles.

Like many libertarians, Bill was extremely intelligent but never lived up to his potential. He always had trouble getting along with people. I imagine that when he was a child growing up in Traverse City, Michigan, his grade school teachers wrote "doesn't play well with other children" on his report cards. He was expelled from one high school and one university, and had trouble getting along wherever he went.

His National Merit scores were so high that he could choose nearly any college in America. He chose a conservative Roman Catholic school, the University of Dallas. Once there, he fell hopelessly in love and was spurned. The experience left him so depressed that he committed some acts of minor vandalism sufficient to get him expelled. He was admitted briefly to Michigan State University, but was asked to leave the school after they heard from Dallas. Northern Michigan University wasn't so fussy, and he enjoyed a semester there, successful enough that the University of Michigan offered him a full scholarship. But a few days after he began classes, he suffered an anxiety attack and returned to his home in northern Michigan without bothering to inform the university. There would be no more scholarships.

He was, however, admitted to a couple more colleges. At one of them his career ended in spectacular fashion. During a lecture in medieval history, he was so visibly bored that his professor interrupted himself to say, "Mr. Moulton, are we boring you? I suppose you have such mastery of the subject that you could give this lecture . . . would you like to come up here and lecture the class?" Bill replied that the professor had surmised correctly and proceeded to deliver a superb lecture on the day's subject. After the class, the professor took him aside and advised him that so long as he was head of the college's history department, Bill would never graduate with a history major.

His magnificent intellect took some strange turns. I remember he took an interest in Albanian numismatics. When he discovered that an important book on the subject was available only in Albanian, he bought an Albanian grammar book and dictionary and learned enough of the language to read the book. He learned to read a dozen languages by this method, though he never bothered to learn how to pronounce a word in any of them. His studies of ancient Assyrian wom him repute among experts in the field.

From high school on, he interested himself in politics, usually in feckless ways. In 1968, for some bizarre reason, he volunteered to work in the campaign to elect as president the southern bigot George Wallace, who he thought was in some way libertarian. He was well-liked by his fellow volunteers (though they were puzzled by his long hippie-like hair) and by all accounts was a very successful campaign worker. He happily accepted an invitation to attend a reception for Wallace. But even dressed in his best suit, his long hair made him look countercultural. The local police and Secret Service protecting Wallace challenged his right to attend the reception. He made a remark sufficiently sarcastic that the polizei beat him up, smashed his watch, ruined his $300 suit and bruised him badly. The local sheriff, informed by a Wallace campaign co-ordinator that Bill's invitation was indeed genuine and that he was not a hippie intent on assassinating the candidate, got him to agree not to sue, and returned to him the broken pieces of his expensive watch. I asked him whether this experience had changed any of the idiosyncratic right-wing beliefs he had at the time. "Well, I did remove the 'Support Your Local Police' bumper sticker from my car."

continued on page 52

Explanation

Hillary, Newt and Elián

by Gene Healy

Why is a children's rights advocate trumpeting parental authority while pro-family conservatives advocate having the federal government come between father and son?

One of the luxuries of being a reflexive antistatist is that you can usually figure out what you think about any given political issue in the time it takes your knee to jerk. But the Elián González case has proven, for me at least, to be an exception to the rule. On one side, you have communist tyranny and the Clinton Justice Department. On the other, you have a father seeking reunion with his son, obstructed by a gaggle of politicians who claim to know better than he does what's best for his kid. What's a libertarian to think?

As tough a time as I've had deciding what I think about the case, I've had an even tougher time figuring out why Hillary Clinton thinks what she thinks about it. I don't normally concern myself with what's inside Ms. Clinton's head. As a general matter, I suspect that the answer is: (1) a ravenous appetite for power, (2) smoldering resentment, and (3) a collection of liberal platitudes that would embarrass a fifth-grade social studies teacher. But given that the case of Elián González is intertwined with the question of children's rights — on which Ms. Clinton has spilled so much ink over the years — it's worth exploring why the First Lady hasn't spoken up forcefully for allowing the child to stay in the United States.

We know from the events of the past year that Ms. Clinton has enough influence with her husband to get him to free Puerto Rican terrorists and bomb the Serbs. But in the Elián González case, she's chosen not to exercise that influence. Asked by a reporter about her views of the situation, she responded tepidly: "I would like to have this case with good testimony being presented in court so whatever decision is made, it can be made as soon as possible." This is passing strange, given Hillary Clinton's background as a "children's advocate." In her early writing on children's issues, Ms. Clinton argued that children's interests often conflicted with the interests of their parents, and that in some cases, the state might legitimately override parental rights. Bear with me, dear reader, as I quote at length from her 1973 *Harvard Educational Review* article, "Children and the Law"; it is written in a style rather more bloated and turgid than you are accustomed to read in these pages:

> The basic rationale for depriving people of rights in a dependency relationship is that certain individuals are incapable or undeserving of the right to take care of themselves and consequently need social institutions specifically designed to safeguard their position. It is presumed that under the circumstances society is doing what is best for the individuals. Along with the family, past and present examples of such arrangements include marriage, slavery, and the Indian reservation system. The relative powerlessness of children makes them uniquely vulnerable to this rationale. Except for the institutionalized, who live in a state of enforced childishness, no other group is so totally dependent for its well-being on choices made by others. Obviously this dependency can be explained to a significant degree by the physical, intellectual and psychological incapacities of (some) children which render them weaker than (some) older persons. But the phenomenon must also be seen as part of the organization and ideology of the political system itself. Lacking even the basic power to vote, children are not able to exercise normal constituency powers, articulating self-interests to politicians and working toward specific goals. Young children in particular are probably not capable of organizing themselves into a political group; they must always be represented either by their parents or by established governmental or community groups organized to lobby, litigate, and exhort on their behalf.

Thus, as with slaves, Indians and women in the bad old days, children today have their interests subordinated in a

dependency relationship protected by the state. And, as with slaves, Indians, and women, progress demands erosion of that dependency relationship. Accordingly, Ms. Clinton argued for reversing the legal presumption of incompetence under which minors labor, and, in some cases, allowing children's advocates to obstruct the wishes of parents in important decisions bearing on the welfare of the child.

One would think that Elián González, then, would have been a perfect test case for Ms. Clinton's view of children's rights. Young Elián, by all accounts, wants to stay in the United States. He told Diane Sawyer as much himself. Moreover, there is little doubt that he'd be better off staying here. Here, he would grow up in a society where free expression is allowed, and the government is constrained by law. There, he'd be a possession of the total state, and grow up materially poor and spiritually impoverished.

Ms. Clinton's refusal to embrace her child-advocate principles, I suspect, stems from a latent affinity for Cuban socialism. Ms. Clinton is a child of the New Left, and thus inherits the New Left's romantic fascination with Castro.

Why then does Ms. Clinton consider it an open question as to whether the child can stay here? Given what she's written in the past, it's a little late in the day for her to claim that she's motivated by solicitude for the rights of the father. Nor can her ambivalence toward Elián González's fate easily be explained by political calculation. Even if she couldn't convince her husband to reverse course, she'd likely benefit by dissociating herself from his decision — particularly if federal officials go in with force and violence ensues. Instead, I'd suggest, her ambivalence has a simpler explanation. She's a communist sympathizer.

Ms. Clinton's refusal to embrace her child-advocate principles, I suspect, stems from a latent affinity for Cuban socialism. Ms. Clinton is a child of the New Left, and thus inherits the New Left's romantic fascination with Castro. Norman Mailer captured the tone in an "Open Letter" to Castro in the early '60s: "You [Fidel] belong not to the United States nor to the Russians but to We [sic] of the Third Force. So long as you exist . . . you give a bit of life to the best and most passionate men and women all over the earth . . . You are the one who can show the world that a revolutionary belongs to no one, that his actions cannot be predicted because he is possessed by a vision: he knows the world must grow better at a breathless rate or there will be no mankind." Crazed Yippie Abbie Hoffman did Norman one better, declaring that when Castro stood erect "he is like a mighty penis coming to life, and when he is tall and straight the crowd immediately is transformed."

The new century finds Fidel flaccid and withered, a decrepit and decidedly unromantic despot, presiding over a prison-state with no higher end than the preservation of his own power. But for some, Fidel's revolutionary afterglow still lingers. How else to explain the "send him back" stridency of some of Congress's hardest leftists, such as Maxine Waters (D.-Calif.) and Jose Serrano (D.-N.Y.)? It seems to me that sympathy for the devil lies at the heart of Ms. Clinton's inconsistency on this most prominent of children's issues. Somewhere in the back of her mind, no doubt, she's thinking "At least little Elián will have guaranteed health care."

But if Ms. Clinton has dropped her child-advocate principles in this case, some of the most unlikely characters have been eager to pick them up. On Fox News's "O'Reilly Factor," former Speaker of the House Newt Gingrich maintained that, even if Juan Miguel González's honest and uncoerced wish is to raise his son in Cuba, he should not be permitted to do so.

Gingrich argued that upon his return to Cuba, Elián González will be subjected to indoctrination and denied a myriad of opportunities that would be available to him in a free society. In this, Gingrich is surely right. But if that's what Juan Miguel González honestly wants for his son, then is it really any of Newt Gingrich's business?

The idea that the state should be empowered to second-guess competent and nonabusive parents in parental decisions has disturbing implications. Suppose a zealous, American-born commie wants to emigrate to Cuba, and take his young son with him? Should a court have the power to stop him? Suppose another father wants to move out to Idaho, join a white separatist cult, and have his child indoctrinated into the Christian Identity philosophy? Should the "best interests of the child" test trump the father's wishes where he is the sole surviving parent?

How odd that a nominally right-of-center public figure like Gingrich should embrace the doctrine that the state can interpose itself between a child and his father, in order to guarantee the child opportunities his father may not want him to have. The doctrine that Gingrich espouses in the case of Elián González was perhaps best expressed by Justice William O. Douglas, the most liberal member of the Warren and Burger Courts, in his dissent in *Wisconsin v. Yoder*. In that 1972 case, the Supreme Court held that the First Amendment's free exercise clause protected an Amish citizen's right to remove his children from school after the eighth grade. Justice Douglas argued in his dissent that there was a potential conflict of interest between Amish parents and their children: "While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist or an astronaut or an oceanographer. To do so he will have to break from the Amish tradition. It is the future of the student, not the future of the parents, that is imperiled by today's decision. If a parent keeps his child out of school beyond the grade school, then

The idea that the state should be empowered to second-guess competent and nonabusive parents in parental decisions has disturbing implications.

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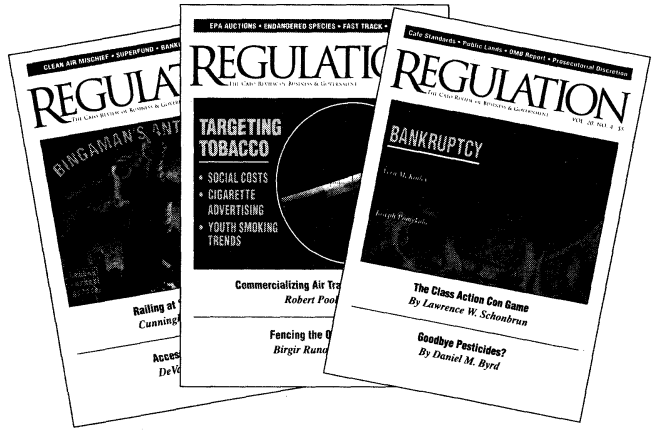

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the child will be forever barred from entry into the new and amazing world of diversity that we have today. The child may decide that that is the preferred course, or he may rebel. It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny."

If children are to be masters of their own destiny in the sense that Justice Douglas intended, they'll need help from the state. When their desires conflict with those of their parents in important matters, they'll need to turn to Ms. Clinton's "established governmental or community groups organized to lobby, litigate, and exhort on their behalf." The doctrine of children's rights is thus a stalking horse for the empowerment of Ms. Clinton and her ilk. Libertarians and conservatives who argue for Elián's freedom ought to be careful about flirting with the doctrine of children's rights. They might wind up kissing the very beast herself.

What then was the right thing to do in the case of Elián González? As everyone from Newt Gingrich to Hillary Clinton agreed, the matter ought to have been decided in family court. But the inquiry there should have been a narrow one, focusing on two issues: (1) is it Juan Miguel González's uncoerced wish to take his son back to Cuba? (2) does life in Cuba meet the standard for child abuse under Florida law? It's quite possible that the answer to the first question is no. There's some evidence that Mr. González acquiesced in his ex-wife's decision to take their son to America. And it's hard to believe that he can speak freely, surrounded by Cuban officials and with his mother a hostage back in Castro's island prison. If in fact Mr. González is not speaking freely, and there is good reason to believe he actually wants his son to stay in the United States, then without question Elián González should stay.

But it's less likely that the answer to the second question — does the regime meet the standard for child abuse? — is yes. Cuba is a repulsive and despotic state, but it is not Cambodia under the Khmer Rouge. It's unlikely that the Cuban government will torture or murder Elián González.

The image of that six-year-old boy being shuttled off to Castro's police state is a horribly sad one. And it must be a cold principle that demands it. But principles are cold and dispassionate, and heart-rending cases make bad law.

He will have adequate food, clothing, and shelter. And — no small matter — he will be with his father.

Nonetheless, the image of that six-year-old boy being shuttled off to Castro's police state is a horribly sad one. And it must be a cold principle that demands it. But principles are cold and dispassionate, and heart-rending cases make bad law. The idea that the state can, in cases that fall short of the standard of child abuse, trump parental rights, is exceedingly bad law. If Juan Miguel González honestly wants his son to grow up in communist Cuba, then he's a lousy parent and a poor excuse for a human being. But he's within his rights as a father.

That's my view as of this afternoon, anyway. Tomorrow it may be different. ❑

Letters, *continued from page 6*

dom searches, Wolfram writes, "I have never heard one student complain of his room being searched." This evasion is worthy of Bill Clinton! Do students not complain because random searches are the Hillsdale Way, and all right-thinkers have nothing to hide? I agree that it would be good if Anonymous could provide specific cases, but considering that the faculty expelled Mark Nehls for writing and publishing a newspaper off-campus, then making him sign a non-disclosure agreement, I can understand why no student would actually raise his hand and say, "Yes, Prof. Wolfram. My room was searched for no apparent reason and I didn't like it."

Mr. Wolfram apparently thinks Nehls' expulsion acceptable, for he makes no attempt to defend the administration's action. On the other hand, Anonymous doesn't say whether it was Nehls' publishing of *The Hillsdale Spectator* that caused him to be expelled — but then, how could he verify it, given that Nehls was forced to sign an NDA? And what exactly does Wolfram mean when he says Nehls was "more interested in making noise than he was about solving problems"? What "problem" had to be "solved" here?

Wolfram writes a great deal about censorship or the lack thereof in Hillsdale's *Collegian*, but this misses the larger point that if, as Wolfram repeatedly claims, Hillsdale is a business, then its students are customers, yet they apparently are not treated thus. Hence, Nehls' expulsion. Hence, the school's appalling "no comment" regarding Lissa Roche's suicide and Dr. Roche's resignation. Wolfram wants it one way only, that is, he wants the flexibility of a business in its dealings with the world without any of the same culpability a business faces when it fails to satisfy its customers. He fails to realize that a business has to keep its reputation, not with Rotarian smokescreens or the suppression of its unhappy clients, but by honest dealing when the unfortunate does happen.

Rob McMillin
Garden Grove, Calif.

Keep the Faith

In his May 2000 essay, "Learning from Hillsdale," R. W. Bradford wrote, "Private power can be just as corrupting as state power." With that insight he undermined the libertarian faith. A libertarian society would have far greater economic inequality than we currently have. Consequently, the rich would have considerably more power over the rest of us than they presently do.

As one who was hectored by a bully whenever the teacher left the room, I have learned to appreciate the presence of a power capable of restraining the

continued on page 39

Refutation

McCaffrey's Brain on Drugs

by Paul Rako

A vivisection of the drug warrior in chief.

With regard to the position taken by Mr. Barry R. McCaffrey opposing the legalization of drugs, there are a few concepts that need clarifying. The first and foremost is what Mr. Barry R. McCaffrey means by the word "drugs." It may be assumed from context and inductive reasoning that what he is referring to are not drugs in general such as aspirin, or even prescription drugs that enjoy quasi-legal status in that one need only find a doctor to write a prescription for them. What Mr. Barry R. McCaffrey means when he says "drugs" are psychotropic substances such as marijuana and cocaine.

To state that these two drugs should be illegal is even a little misleading since there is no better bronchodilator known to man than THC, the active ingredient in marijuana. Cocaine is of value as a topical anesthetic and was often prescribed by dentists and physicians until recently. Would Mr. Barry R. McCaffrey object if the child unfortunate enough to have him as a father was choking to death from asthma and somebody gave the kid a hit of marijuana? What if the kid was screaming in agony from poison oak or shingles or bee stings and someone had the presence of mind to whip up a cocaine poultice and apply it topically to the affected areas? No, I think not.

What Mr. Barry R. McCaffrey objects to is that someone would give his unfortunate offspring marijuana or cocaine for the psychotropic effects these substances have. I assume that this is because his children will need a lot of psychotropic substances to ease the pain of knowing that their father is a bigoted jerk who likes to see people suffer for no reason and that Mr. Barry R. McCaffrey does not want his children hitting him up for cash all the time in order to try different drugs to see if the emotional pain and embarrassment will go away.

My dictionary defines "psychoactive" as "influencing the mind or mental processes." Thorazine, Valium and Viagra are such drugs, but they are legal. Apparently Mr. Barry R. McCaffrey thinks it's OK to take Viagra and get happy for having an erection but it's not OK to take marijuana and get happy whether your member becomes tumescent or not. So I can't see exactly what Mr. Barry R. McCaffrey means by "drugs," other than things which he objects to for reasons that are inconsistent with reality and human nature. Well, so much for trying to make sense out of what Mr. Barry R. McCaffrey considers to be "drugs."

Let's look at his first paragraph:

> *The so-called harm-reduction approach to drugs confuses people with terminology. All drug policies claim to reduce harm. No reasonable person advocates a position consciously designed to be harmful. The real question is which policies actually decrease harm and increase good. The approach advocated by people who say they favor harm reduction would in fact harm Americans.*
>
> —*Mr. Barry R. McCaffrey*

We can see a glaring need for another definition at this point: It's the definition of the word "harm." Mr. Barry R. McCaffrey's definition of the word harm is: "Causing anything I don't approve of." I think a better definition of the word harm is: "Causing suffering." Like the suffering caused by the knowledge that your dad is a bigoted jerk and that you can't even take a puff or a toot or a couple of pills to ease the pain until he gets out of the public eye and stops bringing disgrace to the family name. So we immediately see a simple contradiction caused by Mr. Barry R. McCaffrey's prejudiced view of what constitutes harm. He thinks psychoactive drugs would harm his children. I think his children should have an IV installed and try the whole pharmacopoeia until Dad stops being an jerk. It won't keep Dad from

being a jerk but it might make the emotional distress bearable. Yes, psychoactive drugs are indicated for the treatment of mental illness and people like Mr. Barry R. McCaffrey make us sick.

The second paragraph goes on to say:

The theory behind what they call harm reduction is that illegal drugs cannot be controlled by law enforcement, education and other methods; therefore, proponents say, harm should be reduced by needle exchange, decriminalization of drugs, heroin maintenance and other measures. But the real intent of many harm reduction advocates is the legalization of drugs, which would be a mistake.

— Mr. Barry R. McCaffrey

To which my reply to this arrogant assertion is: Intelligent people present the facts and then draw conclusions from those facts. Mr. Barry R. McCaffrey states a conclusion after citing a series of facts that refutes his conclusion. What does that say about Mr. Barry R. McCaffrey?

Yup, abuse does wreck lives. That is the definition of abuse whether it's drug abuse, car abuse, child abuse or abuse of power, which is a specialty of Barry R. McCaffrey and his gang of jackbooted henchmen.

The third paragraph:

Lest anyone question whether harm reductionists favor drug legalization, let me quote some articles written by supporters of this position. Ethan Nadelmann, director of the Lindesmith Center, a Manhattan-based drug research institute, wrote in American Heritage *(March, 1993): "Should we legalize drugs? History answers 'yes.'" In* Issues in Science and Technology *(June, 1990), Nadelmann aligns his own opinion with history's supposed verdict: "Personally, when I talk about legalization, I mean three things: The first is to make drugs such as marijuana, cocaine and heroin legal." With regard to labels, Nadelmann wrote: "I much prefer the term 'decriminalization' or 'normalization.'"*

— Mr. Barry R. McCaffrey

If Mr. Barry R. McCaffrey's confusion weren't self-evident from the previous paragraphs, he goes on to cite highly intelligent and respected professionals whose position directly contradicts his fantasy world conclusion. Hey now.

The fourth paragraph:

"Oh, there's nothing wrong with your memory — that's a completely new 'Star Trek' with all different characters."

People who advocate legalization can call themselves anything they like, but deceptive terms should not obscure a position so that it can't be debated coherently. Changing the name of a plan doesn't constitute a new solution or alter the nature of the problem.

— Mr. Barry R. McCaffrey

Hang on, I'm still laughing. OK, OK, no, no, wait, I'm losing it again, hold on, wait, I need a drink. OK, OK, now I'm better. Well, Barry is still slinging conclusions without any facts to support them. Can you say "pedantic semantics" Barry? I bet you can. I guess Aristotle would call this an inferred ad hominem argument. Kind of imply the other guy's choice of words are somehow sneaky or deceptive and therefore everything the guy says is false. Aristotle saw through this sort of stuff two thousand years ago, while the McCaffreys were just learning to sodomize sheep in the Irish Highlands.

The Evils of Drugs

The fifth paragraph:

The plain fact is that drug abuse wrecks lives. It is criminal that more money is spent on illegal drugs than on art or higher education, that crack babies are born addicted and in pain and that thousands of adolescents lose their health and future to drugs.

— Mr. Barry R. McCaffrey

Wow, what a pillar of cogent reasoning. Yup, abuse does wreck lives. That is the definition of abuse whether it's drug abuse, car abuse, child abuse or abuse of power, which is a specialty of Mr. Barry R. McCaffrey and his gang of jackbooted henchmen. Notice how Mr. Barry R. McCaffrey goes from arguing about drug use to making a rhetorical statement that abuse is bad. So is logic abuse Barry, and you should be incarcerated for it. But wait, no kids, we're not done yet. After pretty much saying Bad = Bad as a causative position, Barry goes on to say that it's criminal that people spend more money on drugs he doesn't approve of than on art or college.

No, Barry, it's not criminal, it's human nature. People have different values than you and even if you make us all pray in school and all go to your church, people will still have different opinions as to what is worthwhile. After seeing the Phish concert last week I can assure you that drug use is often done to greater appreciate the arts; the fact that drugs are more valuable to our society than college shows how useless our academic infrastructure has become now that the government is running so many schools.

As to Barry's heart-tugging bleatings about crack babies, well, we're back to that use/abuse dichotomy again and anyway, studies have shown that the low birthweights and other health problems of crack babies are overcome as early as 18 months after birth.[1] As to teenagers: oak trees and cars claim a lot more than do drugs.[2] Is Mr. Barry R. McCaffrey going to outlaw '57 Chevys and bridge embankments too?

The sixth paragraph states:

Addictive drugs were criminalized because they are harmful; they are not harmful because they were criminalized. The more a product is available and legitimized, the greater will be its use. If drugs were legalized in the U.S., the cost to the individual and society would grow astronomically. In the Netherlands when coffee shops started selling marijuana in

small quantities, use of this drug doubled between 1984 and 1992. A 1997 study by Robert MacCoun and Peter Reuter from the University of Maryland notes that the percentage of Dutch 18-year-olds who tried pot rose from 15% to 34% from 1984 to 1992, a time when the numbers weren't climbing in other European nations. By contrast, in 1992 teenage use of marijuana in the United States was estimated at 10.6%.

— Mr. Barry R. McCaffrey

Here's that pedantic semantic guy again. OK, so maybe I was wrong about Mr. Barry R. McCaffrey's ancestors sodomizing sheep in the Irish Highlands. Maybe they were in Salem, Massachusetts unleashing little gems like: "Witches were criminalized because they are harmful; they are not harmful because they were criminalized." Then another dose of rhetorical observation: this time his brilliant assertion is Good = Good. Yup Barry, availability and legitimacy are driven by demand and demand is caused by people thinking something is good. Then another burst of the good old semantic pedantic Barry with the bald-faced assertion that drug legalization will increase costs. Sorry Barry, it's Economics 101. You must have gone to a government-supported school.

You see, fines and jail are real costs of using the drugs your gang doesn't approve of. When you remove those costs, net costs go down Barry, not up. In addition, when you remove the enforcement costs and the price of those expensive jackboots for you and your cronies, social costs are reduced even further. And yes, Barry, you are right that use will go up. It's that Econ thing again. But when you say costs will rise and so will use, you are violating a fundamental law of economics. Oh well, you are a few sandwiches short of a picnic, so I guess I can understand. What I really like about this paragraph is that you trot out some real life, albeit unsupported, statistics to make a slam dunk case for your idiot position. You seem to have confused us with Homer Simpson: "Ohhhh! . . . Statistics! . . . This guy must really know what he's talking about! . . . Pass me a doughnut." Unfortunately your examples are so pathetic they self-destruct upon the most cursory inspection. I won't argue legalization won't increase consumption. This is because drugs are good when used according to valid medical needs. We need a lot of drugs in a world full of people like you. What nauseates me is your implication that teen use will skyrocket. Sorry Barry, I read the examples and I've got a few problems right off the bat. You compare teen drug use in the U.S. to that of 18-year-olds in the Netherlands. Well Barry, guess what? The statistics for 18-year-olds and the statistics for 13 to 18-year-olds are sure to be different no matter what. And there's a difference between "use" and "just trying." Are you too stupid to make a valid comparison or are the numbers so close as to be statistically insignificant? Pass me a doughnut.

The new generation is at risk for drugs because their older brothers and sisters have realized that most of what you say is a lie.

Paragraph seven goes on to say:

Many advocates of harm reduction consider drug use a part of the human condition that will always be with us. While we agree that murder, pedophilia and child prostitution can never be eliminated entirely, no one is arguing that we legalize these activities.

— Mr. Barry R. McCaffrey

Back to Aristotle again, but this time its guilt by syntactic association. If murder, pedophilia and child prostitution are bad, so is anything else mentioned in the same sentence.

There would be no HIV risk from needles if do-gooder slime like you would mind your own business and let people get a clean rig at the store without filling out a lot of paperwork.

Yes, Barry, love, marriage and baseball cards will always be with us too and guess what? No one is arguing that we criminalize these activities.

Heroin Maintenance

Oh boy, let's jump right into paragraph eight:

Some measures proposed by activist harm reductionists, like heroin maintenance, veer toward the absurd. The Lindesmith Center convened a meeting in June to discuss a multi-city heroin maintenance study, and a test program for heroin maintenance may be launched in Baltimore. Arnold Trebach argues for heroin maintenance in his book Legalize It? Debating American Drug Policy. *"Under the legalization plan I propose here, addicts . . . would be able to purchase the heroin and needles they need at reasonable prices from a nonmedical drugstore."*

— Mr. Barry R. McCaffrey

There you go again Barry, slinging conclusions first and then no facts to back them up. Who died and made you King, Barry? Which is worse in your twisted worldview, Barry, veering toward the absurd or slouching toward Gomorrah or what? If veering toward the absurd is so bad in your book, it's a good thing you didn't go to The Other Ones concert with us last weekend. I noticed you didn't mention that individuals such as William F. Buckley and Nobel Laureate Milton Friedman have come out for legalization, as well as the refusal of many federal judges to take drug cases because the mandatory minimum sentencing laws end up destroying lives for no reason, especially African American and Hispanic lives.[3]

On to paragraph nine:

Why would anyone choose to maintain addicts on heroin as opposed to oral methadone, which eliminates the injection route associated with HIV and other diseases? Research from the National Institute for Drug Abuse shows that untreated addicts die at a rate seven to eight times higher than similar patients in methadone-based treatment programs.

— Mr. Barry R. McCaffrey

I'll give you one good reason, you know-it-all, Barry, because kicking methadone is brutal compared to kicking heroin, and that comes from my pal Doug, who has the San Quentin degree and the experience to state a simple fact. There would be no HIV risk from needles if do-gooder slime like you would mind your own business and let people get a clean rig at the store without filling out a lot of paperwork.

And I just love your statistics. Statistics used to show that a lot of people died of tuberculosis in Arizona, so you wouldn't want to take the advice of your doctor to move there, since figures don't lie. (But liars do figure, hey Barry?)

Intelligent people present the facts and then draw conclusions from those facts. McCaffrey states a conclusion after citing a series of facts that refutes his conclusion. What does that say about McCaffrey?

Paragraph ten:

Dr. Avram Goldstein, in his book Addiction: From Biology to Drug Policy, *explains that when individuals switch from heroin to methadone, general health improves and abnormalities of body systems (such as the hormones) normalize. Unlike heroin maintenance, methadone maintenance has no adverse effects on cognitive or psychomotor function, performance of skilled tasks or memory, he said. This research indicates that the choice of heroin maintenance over methadone maintenance doesn't even meet the criteria of harm reduction that advocates claim to apply.*

— Mr. Barry R. McCaffrey

Ohhh! . . . A Jewish doctor! . . . You must be telling the truth! Pass me a doughnut. Sorry Barry, Doctor Goldstein is full of it. I can say this with authority since after Dave's mom died of cancer he gave me one of her methadone pills. I was nodding so hard I almost knocked myself out against the wall. This Goldstein is on somebody's payroll, probably the company that makes methadone.[4] The patents for heroin have expired so there isn't as much juicy corporate money in peddling it as there is in banning it.[5]

How We Won/Will Win the Drug War

Oh golly Paw, let's peruse paragraph eleven:

Treatment must differ significantly from the disease it seeks to cure. Otherwise, the solution resembles the circular reasoning spoofed in Saint-Exupéry's The Little Prince *by the character who drinks because he has a terrible problem, namely, that he is a drunk. Just as alcohol is no help for alcoholism, heroin is no cure for heroin addiction.*

— Mr. Barry R. McCaffrey

And just as circular logic is circular logic so is circular logic circular logic. Heroin use is not a disease Barry. Mental illness is a disease and heroin use can help people with mental illness. You say addiction. I say maintenance. Ohhhh! . . . Saint Exupéry! . . . Pass me a doughnut.

Let us not ignore paragraph twelve:

As a society, we are successfully addressing drug use and its consequences. In the past 20 years, drug use in the United States decreased by half and casual cocaine use by 70%. Drug-related murders and spending on drugs decreased by more than 30% as the illegal drug market shrunk.

— Mr. Barry R. McCaffrey

These numbers are patently false,[6] Barry.

Paragraph thirteen:

Still, we are faced with many challenges, including educating a new generation of children who may have little experience with the negative consequences of drug abuse, increasing access to treatment for 4 million addicted Americans and breaking the cycle of drugs and crime that has caused a massive increase in the number of people incarcerated. We need prevention programs, treatment and alternatives to incarceration for nonviolent drug offenders. Drug legalization is not a viable policy alternative because excusing harmful practices only encourages them.

— Mr. Barry R. McCaffrey

Yeah, Barry, and I bet if we peons just send you all our money you'll institute a whole host of programs just as useless as the ones in place now, but at least all your pals and relatives will have lifetime jobs pursuing a goal that can never be reached. The new generation is at risk for drugs because its older brothers and sisters have realized that most of what you say is a lie. Drugs and crime are a cycle only because your billions of dollars of criminalization programs raise the cost of drugs to the point where crime is the only income option for many people. I love when you want more of my money to try and fix a problem caused by your stupid policies to begin with.

Why is using some drugs so bad to you Barry, but alcohol and Valium and Xanax are just A-OK? Why do you insist that casual non-abusive drug use is harmful? Why must you weave this tissue of fallacies around your unfounded positions?

You seem to have confused us with Homer Simpson: "Ohhhh! . . . Statistics! . . . This guy must really know what he's talking about! . . . Pass me a doughnut."

Paragraph fourteen:

At best, harm reduction is a half-way measure, a half-hearted approach that would accept defeat. Increasing help is better than decreasing harm. The 1998 National Drug Control Strategy — a publication of the Office of National Drug Control Policy that presents a balanced mix of prevention, treatment, stiff law enforcement, interdiction and international cooperation — is a blueprint for reducing drug abuse and its consequences by half over the coming decade. With science as our guide and grass-roots organizations at the forefront, we will succeed in controlling this problem.

— Mr. Barry R. McCaffrey

Well, Barry, I was getting worried that I would run out of brilliantly reasoned trenchant analysis, but I can see now my

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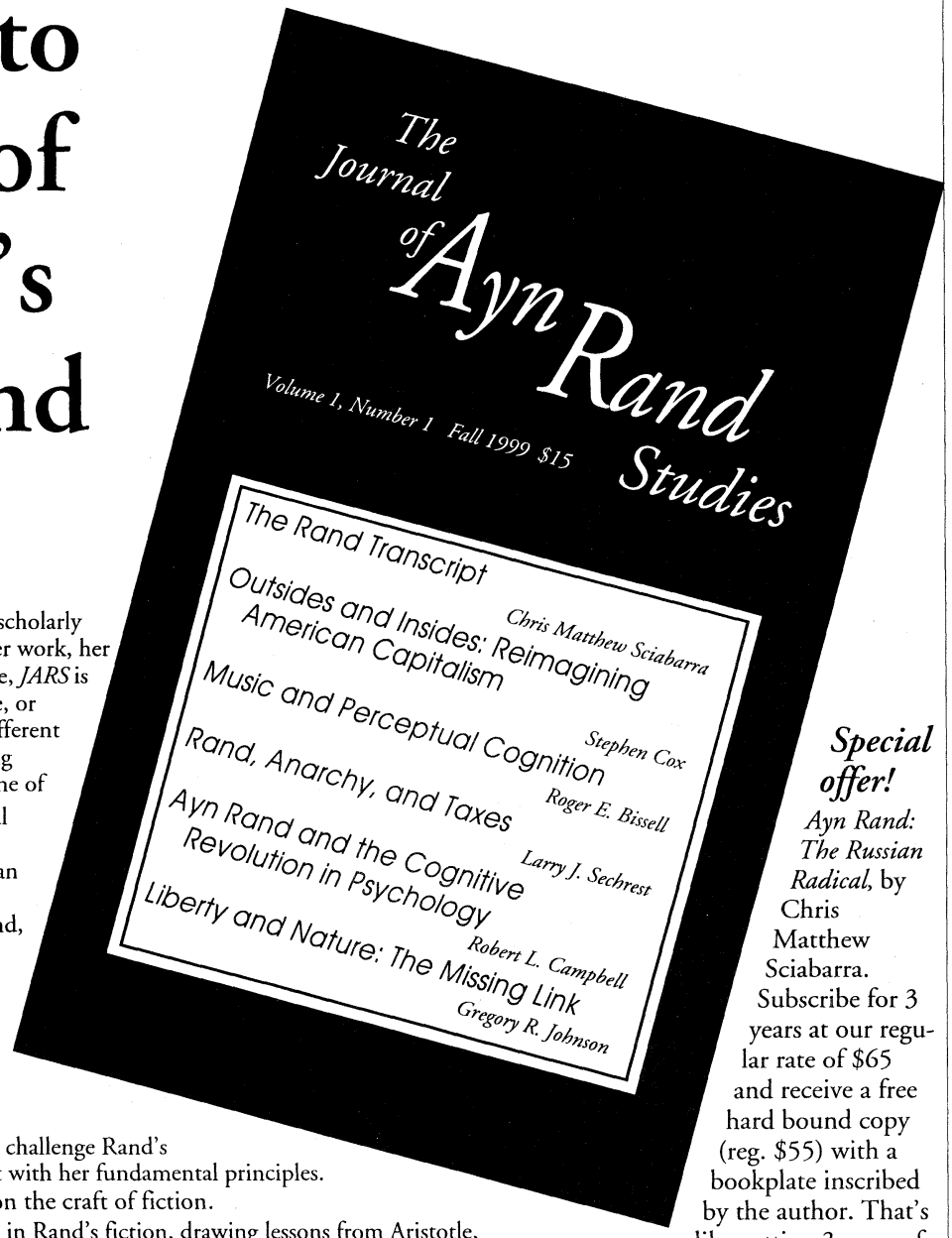

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concerns were unfounded. Actually I still am a little concerned because the second sentence, you know, the one after the stupid bald-faced assertion that has no basis in fact, yeah, Barry, that second sentence has struck me speechless. Let's savor it one more time:

"Increasing help is better than decreasing harm."

So I guess when your spiritual brethren nailed Jesus to the cross you would be up there dabbing mercurochrome on His palms, right, Barry? I want everybody to read Barry's second sentence again. Now, again. OK, one more time. Now say aloud the word "Evil." Thank you, folks. This is it, folks; there you have it; the crux of the entire government biscuit, as Zappa used to say. Take our money and harm us. Then get more of our money to help us. Repeat until no money. Next chump, please.

But wait, this paragraph goes on to detail how some big important sounding Office has devised a solution. Ohhhh! . . . An Office! . . . Pass me a doughnut please. The solution is so good it will be the final solution. Yes, Barry, it sure will be. The big important sounding Office had such a familiar name but I just couldn't place it until I scrolled up to the beginning of this letter and saw that the Office of National Drug Control Policy is the selfsame office of which you are the Director. Wow Barry, some coincidence that it was your office that came up with the solution and not Harvard[7] or Hoover Institute[8] or all those other places that think legalization is the solution. How about you just let us all keep our money and let us decide which drugs to do and then when we get addicted we can go to Betty Ford Center and hang out with all the movie stars and politicians? Your advocacy of this study wouldn't be a tiny bit self-serving, would it Barry? Science and grass roots? You pig, how about vengeance and tyranny? That's what really drives you Barry. May your head be carried on a pike through the streets while the screams of your loved ones echo from the burning buildings of your crumbling institutions. You pig. You dirty pig.

The pig's paragraph fifteen:

Pretending that harmful activity will be reduced if we condone it under the law is foolhardy and irresponsible.

— Mr. Barry R. McCaffrey

Huh? Barry? BARRY? It's the not condoning it that is doing all the harm. Harming people so you can help them is the sign of a psychopath. You know Barry, maybe I was all wrong about you. Maybe you're not a pig. Maybe you are a psychopath. You know, crazy. You know, mentally ill. Maybe you should take some psychoactive drugs, Barry. They help treat mental illness. It beats a straitjacket or prison anyday. ❑

(Mr. McCaffrey's remarks Copyright 1998, Los Angeles Times. All Rights Reserved, although I wouldn't be too proud of them if I was a prestigious West Coast Daily.)

Notes:

1. "'Crack babies' catch up", by Dana Kennedy, The Associated Press, 12/6/92, http://www.druglibrary.org/schaffer/cocaine/crackbb.html

2. Traffic crashes are the greatest single cause of death for every age from five through twenty-seven. Almost half of these crashes are alcohol-related. (NHTSA, 1996) http://www.madd.org/stats/stat_gen.html

3. By May 1993, 50 senior federal judges, including Jack B. Weinstein and Whitman Knapp of New York, had exercised their prerogative and refused to hear drug cases. Federal District Judge Stanley Marshall remarked, "I've always been considered a fairly harsh sentencer, but it's killing me that I'm sending so many low-level offenders away for all this time." A Gallup poll of 350 state and 49 federal judges who belong to the American Bar Association found 8 percent in favor of and 90 percent opposed to the federal mandatory minimums for drug offenses. http://www.famm.org/history9.html

4. A little research shows the doctor to have started the first methadone program in California, so this also explains his prejudices. A choice quote: "Consumers of medicines have no expertise to evaluate claims." http://nytsyn.com/live/Alcohol/ AND GET THIS KIDS: For Dr. Goldstein's views on marijuana refer to: Quotes from the National Institutes of Health (NIH) Workshop on the Medical Utility of Marijuana — Roundtable Discussion, February 20, 1997 Natcher Conference Center — NIH Campus, Bethesda, Maryland.

"[I]f someone is seriously ill and is not feeling well, and marijuana makes them feel better, who is to say that that's a bad thing?" (page 83, Avram Goldstein, M.D.) "[W]e know that there are no extreme immediate toxicity issues. It's a very safe drug, and therefore it would be perfectly safe medically to let the patient determine their own dose by the smoking route." (p 82) http://www.mpp.org/nihquote.html

5. Another leading authority on drug pharmacology, Dr. E. Leong Way, comments that — despite its fearful public image — "heroin does not have major effects on the motor and cardiovascular system and hence, the user can function effectively if access to the drug is not prevented." E. Leong Way, "Pharmacologic Assessment of Dependence Risks," in Krauss and Lazear. (p 394) http://www.rahul.net/liberty/liberty/features/53nelson.html

6. "Back to the '70s: The MTV Generation Inhales", by Robert L. Maginnis. Drug abuse among teenagers has risen significantly in recent years. A nationwide survey by the National Institute on Drug Abuse (NIDA) in 1994 found that annual marijuana use among eighth graders rose from 6.2 percent in 1991 to 13 percent in 1994. The trend is also evident among tenth (16.5 percent to 30.4 percent) and twelfth (36.7 percent to 38.2 percent) graders. And cocaine, crack, heroin, and LSD use among teenagers is also rising and may soon rival the high rates of the 1970s. [1] http://townhall.com/frc/insight/is95b3dr.html

7. Son, Avery, *Legalize It: Optimality Conditions Under a Taxed Legalization Policy*, Mimeo, Harvard University (1994) http://icg.fas.harvard.edu/~ec970/olson.html

8. *Stop the War: A Former Police Chief's Plea to Clinton's New Drug Czar*, by Joseph D. McNamara (Hoover Institute) //www.druglibrary.org/schaffer/debate/mcn/mcn1.html

"Armed or unarmed?"

The Pseudo-Science of Rating Congress

by J. Bishop Grewell

Voting records don't tell the whole story.

As the political season heats up, one of the best indicators of what a candidate will do in the future is what he or she has done in the past. That means deeds, not words; and voting records are the clearest deeds of a candidate. Recognizing this, political groups and non-partisan research institutes often devise scorecards that measure the voting records of elected officials. Americans for Democratic Action, the American Conservative Union, the League of Conservation Voters, the Chamber of Commerce, the National Tax Limitation Committee, The American Civil Liberties Union, the Christian Coalition and countless others play the scorecard game. In last month's *Liberty*, David Boaz of the Cato Institute took a turn at bat with a scorecard designed to show whether there was a libertarian residing in the 1999 U.S. House of Representatives. Creating these scorecards, though, is often more art than science.

Two summers ago, I undertook a scorecard project for the Political Economy Research Center (PERC). The plan was to measure the affinity of each congressperson for FME (free market environmentalism), with an ultimate goal of creating a little press for PERC upon release of the card and an award for the highest scoring member of Congress. Scorecards, after all, are generally useful to three specific entities: Political candidates who score highly, the group sponsoring the card, which enjoys press coverage while getting the candidates to consider its viewpoints, and finally, professors of political science, who find the cards useful for attempting to quantify ideology as a statistical variable in research projects.

The result of the project was a lot of wasted time on my part and on the part of my colleagues: time spent poring over votes recorded by *Congressional Quarterly* — and trying to determine whether each vote earned a positive or negative mark. We failed to come up with a rating system that we thought was valid. But our experience did provide a few clear lessons. And as my teachers always said, you should learn from your mistakes.

1. Bills are messy.

Free market environmentalists have long heralded the value of the CAMPFIRE Program in Zimbabwe, which turns over the management of African wildlife to the local communities who then conserve habitat in return for trophy fees from the sustainable hunting of big game. The involvement of U.S. Agency for International Development (USAID) in helping to fund the program, however, has been a point of much skepticism. Some biologists on the ground in Africa have accused USAID funds of hurting CAMPFIRE by creating perverse incentives and bureaucratic webs that lessen the community's direct ties to the wildlife. So when a vote arose in the House to prohibit USAID funding from being "used to directly support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns," the FME position on the issue was not clear. While FME'rs may oppose government funding in general, they did not oppose it on the grounds that others did — those who found trophy hunting immoral or thought that it would hurt wild game populations. PERC was forced to exclude the vote from inclusion so as not to sully the scores.

Another roll call vote dealt with releasing funds for international family planning early. PERC does not believe that family planning programs need government subsidies. For one, private institutions can fund such measures through voluntary donations. Secondly, population growth is tapering off on its own with the United Nations projecting no growth after 2050. Hence, this vote would seem to deserve a "nay" from the free market position. From testimony in

Congress, however, it was clear the vote was really about abortion. With no free market environmental position on abortion, the vote was scrapped from the scorecard.

David Boaz attempted to avoid such issues by carefully picking the votes in his libertarian scorecard, but the complexity of bills even managed to trip him up on at least one vote. Boaz listed the eleventh roll call vote in his card as a vote to restore Selective Service Agency Funding. On the surface, this vote is clearly something libertarians would oppose and Boaz gave credit accordingly. If, however, one looks more closely at the vote and its surrounding debate, many of those who voted against restoring the funding did so because it would have resulted in $17 million worth of cuts from FEMA and the EPA. When asked about the vote, Republican Thomas M. Davis III of Virginia didn't talk about the freedoms Selective Service violates, rather he said, "Nobody likes these cuts." Do protectors of the EPA deserve libertarian credit?

2. The voting process is messy.

One of the best arguments any libertarian can make for the cause is simply displaying the kind of votes that regularly take place in Congress. Consider the following vote description from the *Congressional Quarterly*:

> Senate Vote 131. S 949. Fiscal 1998 Budget Reconciliation — Revenue/Mining. Gregg, R-N.H., motion to waive the Budget Act with respect to the Murkowski, R-Alaska, point of order against the Bumpers, D-Ark., amendment to revise the Internal Revenue Code and repeal the "depletions allowance" tax break available to hardrock mining companies. Motion rejected 36-63: R 7-47; D 29-16(ND 26-11, SD 3-5), June 26, 1997. A three-fifths majority vote (60) of the total Senate is required to waive the Budget Act. (Subsequently, the chair upheld the Murkowski point of order and the amendment failed.)

What in the world does this mean? Short of using the Rosetta stone, the average U.S. citizen would have a difficult time deciphering what legislators were actually voting on. As best as I was able to interpret from the *Congressional Record*: Senator Murkowski raised a point of order that the Bumpers amendment was not germane under an obscure section of the Budget Act. Senator Gregg, in response, proposed waiving the Budget Act in order to allow the Bumpers amendment to stand. Hence, a vote for Senator Gregg's waiver is a vote for the Bumpers Amendment.

Or consider a measure to authorize spending on transportation programs, including mass transit, which passed the Senate 96 to 4. It's pretty plain that free-market proponents would oppose this measure. But the *Congressional Record* made it clear that those who took the FME position did not do so for free-market reasons: the only reason they opposed the bill was because their own states were not getting enough pork. Bad intentions don't warrant a pat on the back; we decided against including the vote in our scorecard.

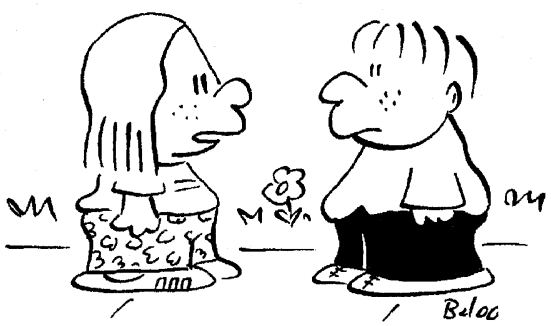

"School is okay in some ways, but it sure cuts into my day."

3. Even when votes are clean, they are messy.

The content of bills and the intent of the member of Congress were not the only problems. There were also procedural difficulties in choosing which votes to include. In the Senate in 1997, PERC considered eighteen roll call votes to be environmental in nature. Of those, only six merited inclusion in our scorecard. One reason was that of the entire eighteen, seven were related to disposal of nuclear waste. Not wanting to overweigh an issue, we included only two of those disposal votes for our project: Our purpose, after all, was to create a scorecard of "free market environmentalism," not a scorecard of candidates' views on nuclear waste.

Rating Congress is like trying to tell time at night with a sundial. One may know that the hour is nearer to sunrise than sunset, but it is still an educated guess as to exactly when the cock will crow.

Another procedural question that arose was whether unanimous votes or votes where only a few members of a congressional body were opposed should be included. Senate Vote 207 dealt with a bill to end the embargo on Latin American tuna and redefine the "dolphin safe" label. The bill passed unanimously. By including the vote, the entire Senate's score would shift in one direction. This is useful in that it helps demonstrate the body's changing attitude. But including unanimous votes or overwhelmingly one-sided votes dampens the differences between individual members within a congressional body, thereby undermining the main purpose of the scorecards.

4. Scorecards — based on messy bills and messy votes — are messy.

In the 105th Congress (which included the years 1997 and 1998), we were able to find 30 votes in the U.S. House that we felt were environmental in nature, had a clear FME position, and had no strikes against them that would warrant exclusion. In the Senate, however, we could only find eleven roll call votes that matched all of these criteria. (Five votes from 1998 were added to the six votes from 1997 already mentioned.) With so few votes qualifying, the differences in scores between legislators lacked nuance. For instance, two senators who only voted differently on one issue would find themselves separated by nine points. In addition, twenty-one members of the Senate, or over 1/5 of the body, received an identical score. The same happened in David Boaz's scorecard, with 21% of the House receiving a score of 42. Lack of a substantial number of votes lessens the impact of the scorecard because senators and representatives may seem much further apart or much closer together in philosophy than

they really are.

An interesting point made by my PERC colleague Matthew Brown is that Boaz actually has an option to add nuance to his card that many scorecards don't. At the end of *Libertarianism: A Primer*, Boaz notes that there are two planes for defining the political ideology of libertarianism: economic freedoms and personal freedoms. Boaz could separate the roll call votes along these lines and give three scores for the representatives and senators: overall libertarian, libertarian on economic issues, and libertarian on personal issues. That way socially liberal but economically conservative representatives who score the same as socially conservative but economic liberals would be demarcated into different groups. While it may be messier, it would help add more detail.

So How Do They All Do It?

With all of these problems in creating a scorecard, how do other organizations accomplish the feat?

For one, broadening the scope of the scorecard solves several problems. Trying to pin down the philosophy of Congress on environmental issues alone is much more difficult than labeling senators and representatives as conservative, liberal, or libertarian. By including more votes, the differences between members of Congress become clearer and there is less lumping of legislators.

Oddly though, scorecard groups that measure these larger philosophies often limit the number of votes in their card for purposes of space, not wanting to scare off potential readers. For instance, Americans for Democratic Action, which has measured the liberal leanings of Congress since 1947, only uses twenty votes in each of the House and the Senate. This is despite the availability of many more votes every year meeting the organization's ideological criteria.

The basic problem with scorecards is that they give a false impression of accuracy and precision.

Boaz offers one legitimate reason for limiting the spectrum. His scorecard attempted to eliminate votes that fell into the messy category, votes that — like the one on CAMPFIRE — clearly have several possible interpretations, though, as I mentioned, not even all of Boaz's votes were squeaky clean.

Scorecards that are short on the vote tally, not by their own choosing but because their narrow interests limit the spectrum (as ours did), occasionally try to compensate by including indicators of congressional philosophy other than votes in their scorecard, but that leads to problems, too. For example, in 1997, the League of Conservation Voters, an environmental group, gave credit to congressmen who signed on to cosponsor a bill shifting air quality standards from Congress's jurisdiction to the EPA's jurisdiction. This begs the question: Why are some cosponsorships included and not others? Is it to help a candidate that the organization likes, but who did poorly? The more items included in a scorecard, the more they need justification.

More often than not, I think the organizations that score Congress solve the problems by simply ignoring that they exist and plowing forward, arguing that the benefits of ranking Congress outweigh any troubles with the process itself. Disclaimers and detailed description of methodology are used to sidestep questions of effectiveness.

Remember the family planning vote that PERC chose to eliminate from its scorecard because debate had framed the issue as one of abortion? The League of Conservation Voters did not feel the same twinges of doubt. It included the vote, essentially labeling those who voted against the funding because they were pro-life as also anti-environment. While the two camps may indeed overlap, no doubt several congressmen were unfairly categorized.

No scorecard takes into account the intentions of a congressional member's vote. Votes are designated as black or white and if a member of congress votes incorrectly despite doing so for reasons that match that of the organization rating Congress, he or she is still punished.

The basic problem with scorecards is that they they give a false impression of accuracy and precision. When a legislator is assigned a number, the reader of a scorecard more or less assumes that the congressman's philosophy has been accurately quantified, and this is simply not true. No scorecard organization takes into account the intentions of a congressional member's vote. Rather, votes are designated as black or white and if a member of congress votes incorrectly despite doing so for reasons that match that of the scorecard organization, he or she is still punished.

Rating Congress is like trying to tell time at night with a sundial. One may know that the hour is nearer to sunrise than sunset, but it is still an educated guess as to exactly when the cock will crow. As Boaz wrote, "In the end, no ratings system is perfect. Any interested voter should watch the actual votes of his own representatives in Congress, not rely on a selective rating."

While there may be some merit to creating a general spectrum of where congressional members lie philosophically, the real value of a scorecard lies in explanations of each vote. This includes the underpinnings behind why it was or was not included and why each yea or nay vote is considered positive or negative by the organization. (Political scientists using the scores in their statistical analysis could use the explanations to adjust scores according to whatever it is they are trying to measure.) As it is unlikely, however, that the casual reader will take the time to read these explanations, scorecards generally lack value beyond that of lobbying tool, campaign pinup, and publicity stunt for the political fodder of slow news days. Perhaps that's enough. ❑

Historiography

Adding up Afrocentrism

by George M. Hollenback

It was the Egyptians who stole mathematical ideas and called them their own, not the Greeks.

In 1972, Richard A. Parker, an eminent professor of Egyptology, published a collection of Egyptian mathematical texts called the Demotic Mathematical Papyri. Dating from the third century BCE to the second century CE, the five texts are arranged in chronological order, their combined problems consecutively numbered 1–72.[1] Little does the good professor realize, however, that his scholarly tome is actually an intellectual time bomb, ticking away, waiting to explode nearly three decades later amidst the culture wars being waged between extreme Afrocentrists and their critics.

The major tenet of extreme Afrocentrism is that the civilization of ancient Greece — the cradle of Western civilization — was based on the much older civilization of "black" Egypt. George G. M. James articulated these views in *Stolen Legacy* (1954), arguing that the Greek philosophers were initiated into an Egyptian "mystery system" where they learned the secrets of Egyptian wisdom. Aristotle, however, took a shortcut. Accompanying Alexander the Great when the latter occupied Egypt in 332 BCE, Aristotle ransacked the great library at Alexandria, plagiarizing Egyptian works and claiming them as his own or assigning them to his cronies. There are a number of problems with James' account, not least that the great library of Alexandria was actually a Greek library built only after Alexander and Aristotle were both dead. Apparently unaware of this little problem, Afrocentrist Yosef A. A. benJochannan later reiterated the same views in works such as *Africa: Mother of Western Civilization* (1971). Other Afrocentrists, such as the late Cheikh Anta Diop, have also espoused the stolen legacy thesis, albeit not in as reckless a fashion. According to the version of the argument found in Diop's *Civilization or Barbarism: An Authentic Anthropology* (1991), the Greek invaders looted the accumulated knowledge of ancient Egypt from existing temple libraries. Diop writes at length about the mathematical knowledge that was supposedly plundered from the Egyptians, the very claim that will be explored in this article. Afrocentrist views were given a boost when Martin Bernal — a white scholar — published the first two volumes of his provocative *Black Athena* series in 1987 and 1991, arguing that Greek civilization was indeed profoundly influenced by Egyptian civilization.

In 1991 Mary Lefkowitz, professor of classics at Wellesley College, was asked to write a review article of *Black Athena* and its relation to the Afrocentrist movement for *The New Republic*.[2] Because she dared point out the wrongheadedness of certain Afrocentric claims, Lefkowitz found herself bearing the brunt of hostile responses that went far beyond the pale of normal scholarly disagreement. Then in 1993 the aforementioned Yosef A. A. benJochannan — billed as a "distinguished Egyptologist" — was invited to Wellesley to give the Martin Luther King, Jr. memorial lecture. During the lecture, he once again parroted the claims made nearly four decades earlier by James that Aristotle had stolen his philosophy from the great library of Alexandria. During the question and answer period, Lefkowitz asked how Aristotle could have stolen from a library that hadn't been built until after his death. Obviously unable to answer the question, benJochannan responded that he resented its tone. Afterwards several of Wellesley's best and brightest approached Lefkowitz, accusing her of racism and suggesting that she had been brainwashed by white historians. Not one to take this kind of nonsense lightly, Lefkowitz responded by writing *Not Out of Africa: How Afrocentrism Became an Excuse to Teach Myth as History* (1996). In the process of debunking a number of blatant Afrocentrist falsehoods, Lefkowitz was also able to demonstrate through

scholarly detective work that the whole "Egyptian mystery system" embraced by James, benJochannan, Diop, and others was largely based upon eighteenth-century European fiction and Masonic myth. As the battle lines in the culture wars now stand, Afrocentrists rally around Bernal and *Black Athena*, while their critics rally around Lefkowitz and *Not Out of Africa*. Both titles have sold surprisingly well for works dealing with ancient history, and both continue to attract media attention.

The Demotic Mathematical Papyri are vitally important to the ongoing debate because the first two (comprising problems 1–40 and 41–52) date from the Greek Period (332–30 BCE) and therefore reflect the state of native Egyptian mathematics during the time the Greeks controlled Egypt. If the Greeks had indeed made a practice of pillaging texts from Egyptian temples as suggested by Diop, papyri like these would have been representative of their booty. Conspicuously absent from these Egyptian texts, however, are the axiomatic proofs and theorems associated with Greek mathematics. What is found in the texts are simply practical examples of how to work specific problems. Most curious, though, is that a number of these problems are based on specific antecedents from much older problems in Babylonian mathematics that date from the Old Babylonian Period (ca. 2000–1600 BCE). The same kinds of problems do not appear in the older "classical" Egyptian papyri that date from the same time period as the Old Babylonian texts.[3]

The major tenet of extreme Afrocentrism is that the civilization of ancient Greece — the cradle of Western civilization — was based on the much older civilization of "black" Egypt.

What follows below is a summary of the relevant problem categories (some overlapping) of the Demotic Mathematical Papyri and their Old Babylonian antecedents:[4]

Pole against a wall — Problems 24–29 all involve a pole of a given length standing vertically against a wall, the top of the pole then sliding down the wall a certain distance as the bottom of the pole slides out from the wall a certain distance. Given the necessary information, one is to calculate either how far down the pole slid or how far out it slid. A problem set up in exactly the same format appears in the Old Babylonian text BM 85196 (ix).[5]

Diagonal of a rectangle — Problems 34–35 give the length of the diagonal of a rectangle together with the area of the rectangle and ask for the dimensions of the rectangle. The illustrated Old Babylonian text Db_2–146 sets up and solves the same kind of problem.[6]

Triangle in a circle — Problems 36 and 38 involve circles inscribed with equilateral triangles whose sides are given and ask for the areas of the triangles and the segments of the circles cut off by the sides of the triangles. These problems very closely resemble the illustrated Old Babylonian text TMS 1 which depicts a circle inscribed with an isosceles triangle whose sides are given and from which information the height of the triangle and the radius of the circle were calculated.[7] Given triangle height and circle radius, the areas of the triangle and segments could then also be calculated.

Volume of a truncated cone — Problems 42–45 calculate the capacity of copper sheaths used to cover enormous, tapering, round masts, objects that in geometric terminology would be described as elongated truncated cones. The not-so-accurate method employed averages the circular areas of the ends, or bases, of the sheaths and then multiplies this average circular area by the length of the sheath. The Old Babylonian text Haddad 104 (ii) employs the same basic method in calculating the capacity of a container having the shape of a truncated cone.[8]

Pi value of 3 — Finally, and most notably, problems 32–33, 36, and 38 explicitly make use of the Old Babylonian pi value of 3, and problems 37 and 42–45 implicitly reflect the same value. This is most unusual because the older classical Egyptian method for finding circle area — squaring 8/9 of the diameter — actually implies a much more accurate pi value of approximately 3.16. Because classical Egyptian mathematics did not deal with circumferential measurement, however, the Egyptians were never able to link their circle area/diameter relationship with circumference in order to come up with an explicit circumference to diameter ratio, i.e., pi. The Babylonian system, on the other hand, was able to link diameter, circumference, and circle area with an explicit pi value. Although the Babylonian pi value of 3 wasn't that accurate, it was nonetheless part of a fully integrated system of circle measurement. Because classical Egyptian mathematics had no such integrated system, the Egyptians ended up appropriating the Babylonian system, never managing to improve upon the accuracy of its circumference to diameter ratio.[9]

Just how did Old Babylonian mathematics come to supplant classical Egyptian mathematics in the first place?

Conspicuously absent from these Egyptian texts, however, are the axiomatic proofs and theorems associated with Greek mathematics.

Parker himself believed that Babylonian mathematics was transmitted to Egypt via the Persian invasions that began in the latter part of the sixth century BCE.[10]

This scenario is not without its problems, however. For example, it is highly unlikely that Babylonian mathematics could have existed in complete isolation from Egyptian mathematics for a millennium and a half, only to be suddenly injected into Egypt during the Persian invasions. Furthermore, there was a much earlier foreign invasion and occupation of Egypt that set a much better stage for the transmission of Babylonian mathematics into Egypt: the Hyksos Period (Fifteenth Dynasty, mid-seventeenth to mid-sixteenth centuries BCE).

The Hyksos were a predominantly Semitic people who

had been migrating into northern Egypt from Canaan and settling there in numbers great enough that they were eventually able to take control of the country. Many innovations appeared in Egypt in the wake of the Hyksos Period: horse, chariot, spoked wheel, composite bow and other small arms, helmet and armor, the shaduf (an irrigation device), vertical loom, advanced metallurgy, new fortification techniques, and certain musical instruments, just to name a few. It is only reasonable that this list of innovations that forever changed Egyptian culture probably included Babylonian mathematics as well. The recent discovery of a cuneiform multiplication table at Hazor in northern Israel confirms the existence of a Babylonian mathematical tradition in Canaan as early as the Middle Bronze Age, which coincides with the Old Babylonian Period.[11] Babylonian mathematics therefore could have already been well established in Canaan by the time the Hyksos moved from Canaan into Egypt.

When Afrocentrists gloat that Greek tradition venerates Egyptian mathematics and has early philosophers such as Thales and Pythagoras (who both flourished in the sixth century BCE) studying mathematics in Egypt, they don't realize that those visiting sages probably would have been studying Babylonian mathematics that had made its way into Egypt perhaps a millennium earlier. To those early Greek visitors, the long-established, transplanted Babylonian mathematical tradition would have seemed as impressively Egyptian as the pyramids themselves. When Afrocentrists angrily denounce later Greeks for supposedly plundering mathematical texts from Egyptian temples, they don't realize that those supposedly plundered texts would have been replete with the same kind of Babylonian mathematics — shortcomings and all — as found in the Demotic Mathematical Papyri. Afrocentrist accusations thus amount to the claim that the Greeks stole the Egyptians' Babylonian mathematics!

This presents Afrocentrists with a conundrum: If the invading Greeks had stolen texts similar to the Demotic Mathematical Papyri from Egyptian temples, how could they have then produced their axiomatic proofs and theorems, a distinctive brand of mathematics not found in the Demotic Mathematical Papyri? And if the Greeks had stolen their proofs and theorems from the Egyptians, what were the Egyptians doing producing the likes of the Demotic Mathematical Papyri that are totally devoid of axiomatic mathematics, even the later papyri from the Roman period? Why couldn't the Egyptians simply have copied back what had been plagiarized from them, producing Demotic Mathematical Papyri featuring proofs and theorems similar to what appear in the Greek texts? At approximately the same time the second of the Demotic Mathematical Papyri was being produced — with its implied pi value of 3 in problems 42–45 — Archimedes (287–212 BCE) was busy proving that pi had a value of approximately 3.14. This value is not only more accurate than 3, but also more accurate than the 3.16 value inferred from the classical Egyptian texts. If Archimedes had stolen his pi value and the proofs behind it from the Egyptians, why weren't the Egyptians using it in their own texts? Why were they using the Old Babylonian value of 3 instead?

The whole "Egyptian mystery system" embraced by James, benJochannan, Diop, and others was largely based upon eighteenth-century European fiction and Masonic myth.

The inescapable conclusion is that it was the Egyptians, not the Greeks, who "stole" someone else's mathematical tradition and tenaciously clung to it as their very own. The Demotic Mathematical Papyri indisputably substantiate that conclusion. ❑

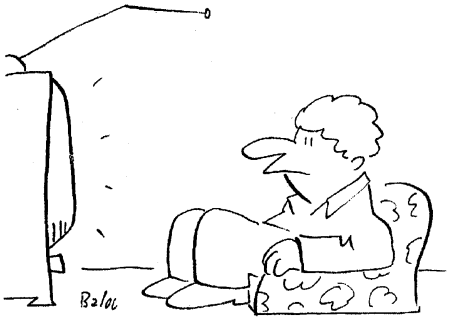

"Had this been an actual emergency, you'd have been instructed to call your mother . . . "

Notes

1. Richard A. Parker, *Demotic Mathematical Papyri* (Providence, RI: Brown University, 1972; reprint, Ann Arbor, MI: University of Michigan Press, 1997).

2. Mary Lefkowitz, "Not Out of Africa," *The New Republic*, February 1992, 29–36; revised and reprinted as "Ancient History, Modern Myths," in Mary R. Lefkowitz and Guy MacLean Rogers, eds. *Black Athena Revisited* (Chapel Hill: University of North Carolina Press, 1996), 3–23.

3. See Lucas N. H. Bunt, Phillip S. Jones, and Jack D. Bedient, *The Historical Roots of Elementary Mathematics*, rev. ed. (New York: Dover, 1988) for a concise treatment of Egyptian, Babylonian, and Greek mathematical traditions.

4. The abbreviated references to the Old Babylonian texts are standard in the literature; see, e.g., the "Index of Texts Discussed" in Eleanor Robson, *Mesopotamian Mathematics* 2100–1600 BC: *Technical Constants in Bureaucracy and Education, Oxford Editions of Cuneiform Texts*, vol. 14 (Oxford: Clarendon Press, 1999), 307–324.

5. Joran Friberg, "Methods and Traditions of Babylonian Mathematics: Plimpton 322, Pythagorean Triples, and the Babylonian Triangle Parameter Equations," *Historia Mathematica* 8 (1981): 307–308.

6. T. Baqir, "Tell Dhibati: New mathematical texts," *Sumer* 18 (1962): 11–14; pl. 1–3.

7. E. M. Bruins and M. Rutten, *Textes mathematiques de Suse, Memoires de la mission archeologique en Iran*, vol. 34 (Paris: Libraire Orientaliste Paul Geuthner, 1961), 22–23; pl. 1.

8. Farouk N. H. Al-Rawi and Michael Roaf, "Ten Old Babylonian Mathematical Problems from Tell Haddad, Himrin," *Sumer* 43 (1984): 186–188.

9. See George M. Hollenback, "The Myth of Egyptian Pi," *Skeptic* 5/4 (1997): 58–62 for a more detailed treatment of this subject. It should also be noted that certain Old Babylonian texts implicitly reflect a pi value of 3.125, even more accurate than the implied classical Egyptian value of 3.16.

10. Parker, 6.

11. W. Horowitz, "A Combined Multiplication Table on a Prism Fragment from Hazor," *Israel Exploration Journal* 47 (1997): 190–197.

Accusation

Suffer the Little Children

by Dolores Puterbaugh

Sit down. Shut up. Be still. Welcome to the New World Order for children.

Imagine yourself in a wingback chair. The sides are so deep you can only see what is directly in front of you. You are tilted slightly backwards. Your movements are restricted by heavy shoulder straps, which converge and buckle between your thighs. You will be in this position as long as eight hours each day. If you protest you will be gagged or forcefed.

Torture in some backward nation? The means to control violent psychotic patients? No, sadly, this is daily life for many Americans, namely, babies.

Humans evolved with rotating shoulders to reach and carry. Adult females have wide-set hips for carrying children, both in the womb and the arms. Technology renders these attributes obsolete, as infants now come in convenient carrying cases.

These padded plastic carriers have an array of features; they can be put in a shopping cart or a minivan without the parent having to remove — and actually hold — the baby. A child can be put in the family car for a Saturday outing, go to a restaurant for breakfast, off to the mall, stop for a light lunch and a drive home, and never leave the confines of the carrier. This frees parents from having the burden of the everyday banalities of childcare. But the level of entrapment carriers impose would be considered cruel and unusual punishment for any but the most violent adults. Yet children may spend up to eight hours a day tied into a tilted chair, with limited mobility, view and access to tactile stimulation — including the essential touch, breath and heartbeat of another human being.

From experiments with lower primates we know what a lack of physical affection does to the psychological and physical well-being of infant monkeys. Harlow's experiments in isolating infant monkeys produced monkeys which were extremely withdrawn, self-isolating, unable to attach or relate normally to others. In psychiatric terms, they were autistic. Some of them physically suffered with what is termed "failure to thrive" in humans: retarded growth and development, often with permanent effects. It is documented that isolation has a similar devastating effect on human children.

In primitive societies, children are carried on their mothers' bodies (recall the drawings of "squaws" with "papooses" in mid-20th century history books) or allowed to roam free under the watchful eye of adults or older children. When exploring, these infants are free to use their senses to learn about their world; when held securely against the body of a loving adult they gain security, trust and the sheer pleasure of physical contact.

Parents deny their children these benefits when they rely on baby carriers to transport and imprison their young. After a busy day, it is easier to have your little one safely strapped in one place than prepare a meal and attend to a baby at the same time. At least, it is easier for the adult.

It is hell for the baby.

For older children, electronic media can provide similar restraint. Why read or speak with your child when you can do chores undisturbed while they play computer games or watch television? The problems of unsupervised viewing of violence are well documented; here the concern is the use of such media to avoid parental responsibilities for listening, loving and laughing with your child. Portable computer games bring the same benefits to the family car; there's no need to discuss the day at school or sing together when the grownups can focus on the radio or one another while the kids are hypnotized by the glories of "Game Boy." Some new minivans and SUVs feature separate stereo and headsets for front and back listening. Parents and children need no longer share a musical culture.

Twenty years ago, I received a baby seat as a shower gift;

flimsy by modern standards, it was meant only as a temporary convenience. It had no handles to carry; it could only be propped into an approximate sitting position. I recall my daughter Kristen sitting in it on the kitchen table where I could have her at eye level, while preparing food or paying bills, talking or singing to her throughout my chores. It never occurred to me to strap her into the chair and set it aside, out of my way, so I could get through my tasks without interference.

A generation later, I rarely see a parent holding a child in a restaurant or waiting room; usually they tote the baby in the carrier like groceries in a handy basket. There are toys, a pacifier and a bottle ready to thrust at the baby if it dares express a desire to be freed from inhumane restraints.

If an adult criminal were treated this way while imprisoned, the ACLU would be on the scene with high-priced attorneys, providing brilliant essays on the op-ed page and a national news conference.

Baby Carriers, Ritalin and Absentee Parents

It is intriguing that as the use of baby carriers has grown, there has been a dramatic increase in the number of children diagnosed with various mental or behavioral disorders. Attention Deficit/Hyperactivity Disorder, Oppositional Defiant Disorder, Conduct Disorder, various adjustment disorders and attachment disorders, are diagnosed more frequently with each passing year. Parents and professionals bemoan the lack of conscience and empathy in today's children — and not only schoolyard shooters.

Many of these children have spent time strapped into baby carriers and then alone glued to the "tube" or hypnotized by computer games for the convenience of adult caretakers. These caretakers are now seeking drugs to induce compliance and sedate behaviors, since a ten-year-old boy cannot legally be strapped into a chair for the convenience of parents. Ritalin has become an emotional convenient carrying case.

Despite the ease with which experts at the White House Conference on Mental Health quote statistics on children's mental illnesses in order to lobby for treatment money, the National Institute of Mental Health has been unable to provide me with such simple data as the approximate number of diagnoses of various categories of mental illness in the United States per year. My hypothesis that the increased rate of diagnoses correlates to a similar increase, several years earlier, in the use of infant carriers, has gone untested because no data are available.

Currently more children are diagnosed and drugged for behavior problems than at any time in our past. Many of these diagnoses are dubious. They are diagnosed by checklists: if enough problem behaviors occur (fidgeting, not waiting one's turn, interrupting others), a child is diagnosed as suffering from behavior problems. Children today do not significantly differ from children of the past: they have fidgeted, interrupted and had difficulty waiting their turn since Eden. Our culture of convenience is hostile toward children, who are, by their nature, inconvenient.

For example, many schools no longer have recess. Reread the "Little House" books by Laura Ingalls Wilder; the one-room schoolhouse had recess twice a day. In the uninformed, pre-psychology days, schoolmarms knew that children needed a long walk to school and a chance to run around and shout and play every couple of hours. Today children have tedious bus rides, long sedentary school days, restrictive after-school programs, and parents too busy to play — or even to pay attention.

"What do you do for fun?" I will ask a child during the initial family interview for counseling. Typical responses are, "I play computer games," or "Television." "What do you do with your mom or dad?" I wonder, and the response is often, "We watch wrestling," or, "Umm, nothing really. I guess we talk sometimes." The parent looks uncomfortable during this exchange. If a very young child is present, they are being corrected in an ongoing monologue ("Be quiet," "sit down," "be still," "stop fidgeting") or else they are strapped into a carrier. Plastic keys are shaken in their face, or pacifiers pushed in their mouth like a cork if they dare to cry or make their own noises to join to our conversation.

When children have no freedom to move or speak, they have no freedom to learn and grow. They are hostages of a strange and hostile adult world.

Many adults have ignorant and unrealistic expectations for children. "She has *no* attention span — I mean, maybe ten minutes," a parent will complain. The child in question is only four. Ten minutes beats most adults holding a television remote control. Parents expect children to be able to switch gears to match their own crazy schedules, and want counseling or drugs for the child when it is the parent whose worldview and expectations are dysfunctional.

When children have no freedom to move or speak, they have no freedom to learn and grow. They are hostages of a strange and hostile adult world. As with any hostage, their combined rage and helplessness leads to incredible frustration and low thresholds for "acting out," the detached adult description of the child's reaction to abuse and neglect.

Here is a challenge to parents: accept that children are children. Expect them to cry a lot. They will "get into" things; they will shout and yell and cry and challenge you no matter what kind of day you've had. They will want to sleep with you when they are scared or sick or just insecure; young have slept with their parents across species for millennia. If you tie them up and strap them down, turn them over to the care of strangers via electronic media or extensive babysitting, ignore them and fail to involve them in your daily tasks, they will suffer terribly. They will not switch gears, moods and energy levels on your schedule. They need to move and use all their senses to explore this amazing world. They need to be loved. □

"She hasn't responded to *any* stimulae, Dr. Pavlov — maybe we should switch to a *dog*."

Fiction

Back Where You Came From

by Scott Gossard

Justice comes to a bureaucrat.

"You haven't filled these forms out properly. You'll have to fill them out properly before I can see you." Roger Cutner handed the old woman the three pink sheets of paper she had given him a moment before. His chair creaked loudly as his formidable mass changed its distribution on its surface.

"But, sir. I've already stood in line for two hours. I'll lose my place — "

"Sorry. You'll have to fill out these forms properly before I can see you," Roger repeated. "We need to be precise about our services. We must monitor our costs, and we best do this by filling out these forms properly. It would take me — Health Services, that is — an inordinate amount of time if I — we — had to help every person through all the little steps of information processing."

A quiver started on the woman's lower lip. "But, sir. I really need to speak with you today about my health plan. My arthritis has been so terrible lately. I don't want to take up your time, but . . ." She still had not reached for the sheets which Roger held out to her.

"Sorry, no." Roger put the sheets down on the desk in front of her. "Go fill these forms out properly." Roger slowly stood up, helping to lift his mass with one hand on the arm of his chair, the other hand flat on his desk. The chair creaked a sigh as his weight came off it. Roger paused a moment, catching his breath. He wiped a small sheen of sweat off his forehead with the back of his hand. Finally, he slid the chair away from the desk and slowly, laboriously, made his way toward the woman.

"Mrs. Winters. I'm sure we can take care of your problem. But right now I'm going to see. . ." Roger glanced back at his desktop, "Mr. Vincente. He has problems, too. You don't want to take up Mr. Vincente's time, do you?"

The old woman — now suddenly older — glanced down at the three pink sheets. She slowly lifted a hand to them.

"That's good, Mrs. Winters. Mr. Vincente will be very happy."

"Well, Mr. Vincente, I see you've finally filled the forms out properly. If you'd have asked me for the B forms earlier we could have been done with this many months ago. But . . ." Roger shrugged.

Mr. Vincente sat stiffly in his chair, his eyes wide and apprehensive. His hands gripped a chipped and scratched cane in his lap.

Roger looked at the sheets again, his expression blank. Suddenly his head cocked slightly as his eyes lit up. "Oh, no. This won't do." Roger shook his head.

Mr. Vincente had the look of a man seeing an ambulance pull up in front of his house.

"Mr. Vincente. I hate to tell you this. I really do," Roger sighed. "Our department doesn't handle these types of cases. No, no. You should have seen — "

Suddenly Roger Cutner grabbed his chest. His eyes widened, he sucked in his breath. And then his upper torso fell forward onto the desk with a loud thump.

Mr. Vincente looked on aghast. "Mr. Cutner? Mr. Cutner! What's wrong?"

Mr. Vincente stood up from his seat, backing away from the unmoving bulk collapsed on the desktop, his cane rattling to the floor. His right hand reached behind him, groping for the doorknob, as his left hand fluttered near his

throat. His voice was hoarse at first, but soon it was clear enough to carry loudly through the halls of Health Services.

Roger Cutner walked lightly through the huge hall. It was soothingly lit by dim lights set in low-hanging lamps. The white marble walls gently reflected the illumination, while the ceiling and far corners of the room were in light shadows. He noticed his footsteps made no sound, and looking down saw that he wasn't wearing shoes. He was draped in a loose robe which flowed lightly over his bulk.

"It would take me — Health Services, that is — an inordinate amount of time if I — we — had to help every person through all the little steps of information processing."

He wasn't cold, however; the temperature was comfortable.

There was no shock or mystery. Roger knew where he was. He knew he had died of a heart attack. The only surprise was how unsurprised he was by the whole situation. He noted with pleasure how smooth the transition was from life on earth to life — if that was the word — here. A phrase came to him that summed up the situation: But of course. But of course it would be like this. But of course it would look like this. But of course it would feel like this. They — or should he say He — would make it a smooth transition. Why would you be shocked when you first came to . . . this place. Roger nodded, smiling.

He was alone in the great white room but for the lone figure who stood behind a light blue stone partition. The man, visible from the waist up, wore — a white coat. He looked up as Roger approached.

"And how are you doing today, sir?" Roger said, laying his hands on the top of the partition. Roger stood a moment smiling, but his smile faltered as the other man stood there immobile and silent, his expression blank. Roger cleared his throat and attempted to smile again. The smile lapsed in the continued silence.

"Well, sir?" the clerk asked.

"Well? Well, what?"

"Have you filled out your papers?" The clerk noted Roger's expression and sighed. "You need to go to the desk at the back of the room to your left and fill out the yellow forms twice."

Roger started to speak, but the clerk pointed an imperious finger to the back of the room. "Next!"

Roger turned, only half aware that there was no Next behind him. Roger stumbled to the first desk he saw and sat down heavily in the stiff-backed plastic chair. Papers? Forms? Roger shook his head. Oh, well. A small price to pay for entrance into the fabled domain. Roger grabbed two yellow sheets of paper and the pen lying on the desk. He noted amusingly that the pen wasn't chained to the desk.

Roger cleared his throat. The clerk looked up.

"Yes?"

"I — I filled out my forms. I was here . . . just a minute ago."

"Really, sir. I can't remember everyone I see. Well, let me see your papers." The clerk took them from Roger, scanning both sheets briefly. He handed them back to Roger.

"You've filled out the wrong forms. You need to go to the desk on your left, not your right. Two copies of the yellow forms, please."

Roger tried to interrupt but was met by the imperious finger.

"Next!"

"Okay. Here's the forms you asked for. Left desk. Yellow forms. Two copies."

The clerk quickly glanced at the papers.

"You've filled the forms out improperly." The clerk crumpled the yellow sheets in his hand. "You'll have to fill out the forms properly."

"But — "

"Next!"

Roger was sure he had followed instructions properly. But still, a nervous lump had formed in his stomach . . . next to the angry lump. The clerk's expression was inscrutable as he leafed through the sheets. Roger's heart skipped when the clerk abruptly flipped the first page on top of the second. He looked up at Roger.

"Our department doesn't handle these types of cases. No, no. You should have seen — " Suddenly Roger Cutner grabbed his chest. His eyes widened, he sucked in his breath. And then his upper torso fell forward onto the desk with a loud thump.

"You're at the wrong department. You need to see Mr. Hawkins. Down the hall to your right. Room 312."

Mr. Hawkins smiled wanly at Roger. "No, no. You need to see Mr. Townsend. Up the stairs on your left. Second door on your right. Room 410."

"You need to see Mr. Hawkins. Down the — "

"I know, I know. Down the stairs on my right. Room 312. Look. He sent me to you." Roger put his hands on the two sheets of yellow paper on the desk. The edges were curled, one corner dark and damp with sweat.

"I'm sure it was a simple misunderstanding." Mr. Townsend removed his glasses and set them on the desk. "We used to handle these forms until three weeks ago. Mr. Hawkins is new to the job. I'm sure he'll see his error when you go down there. He's probably already aware of it."

Mr. Hawkins looked at him. "Well, I didn't make a mis-

take. The office forgot to notify me of the change. I'm sure I never would have — "

Roger waved his hand in the air between them. His other hand reached back from his forehead through his damp hair. "I don't care. I just want to take care of all this right now."

"Of course, of course. Well, just let me stamp this . . ." Mr. Hawkins reached for his stamp and pad, pulling the yellow papers toward him.

Roger sighed. "And now I can . . . go in?"

"And how are you doing today, sir?" Roger said, laying his hands on the top of the partition. Roger stood a moment smiling, but his smile faltered as the other man stood there immobile and silent, his expression blank.

"You are already where you should be, Mr. Cutner." He waved a hand over the papers on the desk. "This is only a formality. We get this done and you can enjoy yourself. Just take these to the clerk out front." He smiled at Roger.

This was getting ridiculous, Roger thought as he made his way back down the hall. They should know all this stuff here of all places. Why would anyone need to fill out papers? He was beginning to notice the tiny features and nuances of the hallway that the less well-traveled would easily miss: the small break in the light blue door trim across from the room he had just exited; the small chip in the marble wall above the door to Room 309; the scratch on the lamp hanging in the middle of the hall, 21 steps away from. . . .

Roger took several deep breaths as he made his way toward the familiar clerk in the large hall. The clerk with the left eyebrow lower than the right; with the crooked and yellowed lower teeth; with the mole on his right earlobe. . .

"Here. I've filled them out correctly. They've been stamped in triplicate. They are from the right department . . ."

The clerk handed them back. "But they are not to the right department. You need to go to — "

Roger had had enough. "Why are you making it so difficult for me? You know how I've conducted my life. You know everything about me that you need to know. You know things about me that you don't need to know. So why all this paperwork?" Roger repeatedly hammered his fist on the counter, under the stony gaze of the clerk. "I should be in there already. Having fun. I should already be in Heaven!"

Roger's hand paused in midair, hovering over the counter. The last word he had spoken seemed to jar something in his memory. Stories from when he was a child.

Roger stepped back from the clerk, his eyes widening. "Oh, my Lord. Now I understand. I'm not in the outskirts of Heaven, waiting to get in. I'm . . ." Roger gasped, one fat hand going to his chest. "I'm in . . . Oh, God!"

Roger almost stumbled as he took another step back, warily watching the stone-faced clerk. "I'm trapped in the very situation I put others in. I see it now. God, yes, I see it. I was wrong! But this is so much worse. Oh, my Lord! It's not fair."

Roger fell to his knees, clasping his hands, tears welling in his eyes. "Oh, God. I see the error of my ways. Please, please, forgive me." Roger looked up toward the dim ceiling. "Please, Lord. Have mercy on me."

The clerk looked down at him, annoyed. "Please, Mr. Cutner. Get up, please. The Lord has had mercy on you. What makes you think you're in Hell?" ❑

Letters, *from page 22*

power of the person who is my immediate problem. More recently, I have had many more occasions to feel and resent the power of whoever was my immediate supervisor than the combined power of my local, state, and federal governments. The second of these personal realities is probably true for most Americans. It explains why libertarianism is and shall remain a minority perspective. Libertarianism assumes that most Americans have the same economic interests as Bill Gates. Most Americans know that this is not true.

John Engelman
Walnut Creek, Calif.

Joseph Goebbels, Meet Linda Wertheimer

Alan Bock's article, "The State of the Arts" (May) is too cerebral. My mother got there more quickly. She lived with her parents on a small farm in Bavaria and left in 1935 when Hitler had been in power for two years.

They had a crystal radio. The only thing heard on that state-supported medium was praise of the government and of the "party." She thought it dangerous, and exited before things went to hell. And I learned early that Joseph Goebbels, minister of education and culture, was the father of National Public Radio.

Erwin J. Haas
Grand Rapids, Mich.

It Takes a Bully

Once again, U.S. policy toward Cuba seems based on a cardinal Hitlerian principle: might is right. If Elián had come from Russia or China, or any other nation of similar size or strength, he would have been returned immediately to his homeland.

Jay Higginbotham
Mobile, Ala.

Bias? What Bias?

In *Media Bias: A User's Guide,* Bruce Bartlett, a high-level official in the Reagan and Bush era, seeks to perpetuate a Republican myth about how left-liberal the American media is. The truth is more complicated, and more troubling: The media too often defends the state, even at the expense of the public's right, and need, to know the truth.

In *The Captive Press,* Ted Galen Carpenter of the Cato Institute recounts how, though *The New York Times* knew

the administration's disavowal of responsibility for the U-2 spy incident in 1960 was a lie, to please CIA chief Allen Dulles, *Times'* publisher Arthur Ochs Sulzberger killed a story telling the truth. The "Newspaper of Record" then published an editorial supporting the government's lie, and so joined the U.S. government's disinformation campaign that fooled no one but Americans. And up until the moment the lie was exposed, most U.S. media outlets presented Washington's story without a hint of skepticism. Is this "left-liberal bias"?

When the *New York Times'* Harrison Salisbury began reporting accurately on the civilian casualties in North Vietnam from U.S. bombing, his patriotism was challenged by "establishment journalists who immediately came to the government's rescue," as Carpenter put it. Is this "left-liberal bias"?

On January 27, 1982, correspondent Ray Bonner reported in the *New York Times* the massacre in El Salvador of 800 unarmed civilians, including many women and children, by the U.S. armed and U.S. trained Atlacatl battalion. He was vehemently rebuked by the U.S. State Department, and ridiculed as a communist dupe in the *Wall Street Journal*. *The Times* yanked Bonner from El Salvador and demoted him to a desk job. It took 10 years, and a U.N.-brokered peace agreement, for the truth to come out that Bonner was right in virtually every detail. Left-liberal bias?

When Senator John Kerry's committee determined that some U.S. agencies knew about, and did not stop, right-wing Contra supporters who were importing cocaine during the U.S.-supported anti-Sandinista war in Nicaragua, the major dailies buried the explosive findings in short, back-page stories. And they then never followed up. Later, the Reagan administration, citing Drug Enforcement Administration evidence, publicly accused the leftist Sandinista government of complicity in the drug trade. *That* story got wide coverage. But then when high-level DEA officials subsequently denied there was any such evidence against the Sandinistas, the mainstream media virtually ignored the refutation. Left-liberal bias?

The government rewards "cooperative" media members with privileged access to much of the information the media "sells" the public as news. This arrangement provides a greater threat to the public than any left media bias.

Gary L. Aguilar
San Francisco, Calif.

Credit for Campbell

Rep. Tom Campbell deserves credit, not the blame cast upon him by Gene Healy, for his courageous, anti-prohibitionist stance on drug policy (Reflections, April).

In Congress, Campbell has distinguished himself as a leading opponent of the drug war, voting against costly and draconian sentences, opposing meddlesome anti-drug mandates, sponsoring legislation to legalize medical marijuana, supporting reform of the forfeiture laws, and opposing military anti-drug aid to Latin America.

By contrast, his opponent, Sen. Feinstein, has been one of the Senate's foremost drug warriors, voting for tougher penalties against both users and traffickers, opposing California's medical marijuana law, calling for anti-drug trade sanctions against Mexico, supporting confiscatory civil forfeiture laws, and sponsoring censorship of drug information on the Internet.

Disregarding this dramatic contrast, Healy complains that Campbell has proposed government distribution of drugs to addicts. To be sure, this is not a libertarian policy, but it is far less costly than prohibition. In particular, what Campbell has in mind is Switzerland's experimental program of heroin distribution to addicts, the impressive results of which make it an apt model for public debate. As for the alternative of free market legalization, this, alas, is still beyond the political pale, being in conflict with current international treaties that forbid commercial trade in narcotics.

Given this limitation, what Campbell is proposing is that local governments be permitted to establish narcotics distribution programs on their own. That is, Campbell is advocating reduced federal restrictions and increased local control. Perhaps this is not a 100% libertarian solution, but it is certainly in line with constitutionalist principles of limited government, and light-years ahead of present U.S. government policy.

Dale Gieringer
Berkeley, Calif.

Include Me Out

Hard work. Planning. Fair play. Team effort. Once upon a time, it was understood that these paved the road to a better life in this country.

Not any more. Now if you want to get your piece of the American pie, make sure that you get in line with your hand stretched out. As R. W. Bradford pointed out (Reflections, May), that is the underlying message of the propaganda currently running on television and radio to promote the 2000 Census.

Your government has pillaged your fellow citizens and now it is time for you to partake in the plunder. Everybody else will be grabbing all they can, so don't miss out on your share of the booty. Come suckle upon the great, benevolent, bottomless teat that is the federal government. The message of the ad campaign is clear: without maternalistic government providing for you, your lives can and will descend into unchecked squalor.

These shameless ads perpetuate the fiction that through the glory of government, I have the right to live at somebody else's expense. The ads pander to our most base instincts: fear, envy and sibling rivalry on a national scale.

Fifty-six years ago Friederich Hayek wrote a book entitled *The Road to Serfdom*. I can't think of a more appropriate image for the state of affairs in America today. While we are still the freest society on earth, our individual freedoms are decreasing on a daily basis. Little by little, we have been abdicating our rights and responsibilities to those who would govern us. If the ideology at the heart of these ads prevails, we will all become dependent — not upon our own desires and abilities — but upon the whims of the mighty lords and their chosen vassals. We are on the road to serfdom.

It is time to put a stop to ever-encroaching, arrogant government. It is time to reclaim our lives as our own. The 2000 Census is upon us. While others may stand to be counted, I am going to sit down and get back to work.

Jack VanNoord
West Dundee, IL

Reviews

***Hard Green: Saving the Environment from the Environmentalists: A Conservative Manifesto*, by Peter Huber. Basic Books, 2000, 224 pages.**

A Darker Shade of Green

Jane S. Shaw

For nearly two decades, talented writers have tried to loosen the hold of environmental sensationalism on the American people. There have been polemical books, reportorial books, eloquent books, and fact-filled books. Authors such as Julian Simon, Ron Bailey, and Elizabeth Whelan have tried to puncture the hyperbolic exaggerations, challenge the assumption that only the government can protect nature from human intrusion, and inject common sense into debates that have became unhinged from real life.* The latest in the down-to-earth march to realism is *Hard Green* by Peter Huber, a senior fellow with the conservative Manhattan Institute.

Trained at MIT and Harvard Law School, Huber has his own take on how to counter arguments about environmental poisons and apocalyptic hazards. His hero is Theodore Roosevelt, who championed what Huber calls "traditional conservation" or environmentalism that "happens in places we can see and draw on a map." Roosevelt, in Huber's scheme a "Hard Green," loved wild animals, nature, and awe-inspiring places like Yellowstone and Yosemite. Against his concrete environmentalism Huber poses the "Soft Greens," champions of micro-environmentalism, which he defines as "the realm of huge populations (molecules, particles) paired with very weak (low-probability) or slow (long time frame) effects." Their environmentalism is the "Green of the invisible, the Green of the highly dispersed or the far future." It is environmentalism in which "the model is everything."

While this division between "hard" and "soft" greens seems at first simplistic and artificial, it works reasonably well and gives Huber a framework for the book. He compares the ludicrous fears (Micro particles will kill us all!) and hopes (In the future, solar energy will provide us all the energy we really need) of the "soft" environmentalists with common-sense realities understood by the "hard" Greens.

Hard Greens, he explains, approve of digging under the earth for coal, oil and other energy sources because it preserves the surface of the earth for other uses, including recreation. In contrast, Soft Greens such as Amory Lovins want to cover vast expanses of the earth's surface with solar panels and gigantic windmills. "We should dig up our energy, bury our wastes, fly high, tunnel deep, and leave more of the surface alone," says Huber.

Huber understands what was wrong with the 1972 book *Limits to Growth*, which claimed that the world would run out of resources. It was based on a computer model designed by Jay Forrester. The model was brilliant in its way; it reflected "the methods of people who successfully design jets and coordinate our national defense," says Huber. Where Forrester went wrong was to assume that the "basic constraints defined by existing technology, markets, and patterns of supply and demand" were going to determine the future. Huber goes on to say (citing the work of Julian Simon) that "the closest we come to getting a grip on human ingenuity is in the marketplace, which is not a model at all; it is a process."

Supremely self-confident, Huber has an easy, unfettered way of writing about these issues. He doesn't bother much with footnotes or citations. He discusses Soft Green concepts — misconceptions, actually — and then undermines them with better ideas. Given this approach, he is somewhat disdainful of facts. When discussing Jay Forrester's errors, he comments that "in the standard Hard Green tract" it is typical to bring up "illustrative figures" such as "all our trash would fit in a pyramid just 2 miles high in southern Connecticut" and "all our drinking water could be supplied by the rainfall of Oregon." Then he says, "Where did I get all these numbers? I made them up." He is, in fact, making fun of the many writers (I am one) who feel an almost obsessive need to footnote every factual reference, especially when it counters conventional wisdom. We keep hoping that such supporting data will make our views convincing to the other side. Huber seems to think this is a waste of

*I, too, have participated in this trend as co-author with Michael Sanera of *Facts, Not Fear: Teaching Children about the Environment.*

time, and for all I know, he is right.

While *Hard Green* has much merit, there are problems with it. First, as with most books in this category, it is not clear whom Huber is trying to reach. Is he trying to change the minds of traditional environmentalists? Probably not. Does he hope to validate the suspicions of traditional conservatives and free market environmentalists? That might sell a few books, but is unlikely to bring about much change. Or does he hope to persuade the undecided?

While this undecided bunch seem to be the group Huber wants to reach, few people fit this category. Environmentalism is immensely popular, and people generally seem to accept the views of environmental activists who contend that dangers lurk everywhere and that governmental action is the only way to address them. Rational analysis and detailed factual data are not likely to change their attitudes, both because their minds are made up and because factual analysis tends to be boring.

Environmentalism is immensely popular, and people generally seem to accept the views of environmental activists who contend that dangers lurk everywhere and that governmental action is the only way to address them.

This is a problem not for *Hard Green* alone but for most books that challenge dominant environmental thinking. The late Julian Simon is about the only person who successfully broke the mold — reaching the uncommitted. He combined a Hayekian vision of how the world works with a powerhouse of detail and was able to capture some people's imaginations.

"The chicken or the beef?"

Wilderness Apostasy

Hard Green is not a libertarian book. Indeed, one of the best sales tools Huber has going for him is the debate the book has provoked among free market environmentalists (unfortunately for sales, this is not a very large group). While Huber generally supports markets to address problems, he also allows, even welcomes, a major role for the government to protect what he calls "wilderness."

Theodore Roosevelt is his hero in part because T. R. recognized a major role for the federal government in protecting land. Huber builds on the example of Roosevelt to argue that "conservation may be a mission that government can learn to perform reasonably well. The one thing that big government is capable of doing well is doing nothing, which happens to be the paramount objective of conservation."

While this claim may elicit a chuckle, Huber's analysis quickly breaks down here. He justifies government ownership of national parks and other unspecified areas on grounds that some things are too big or too special to be private. "Some values depend on doing things on a scope and scale that is inescapably public," he writes, even though he agrees that "[i]n every way an accountant, economist, or even an ecologist might measure, Disney would operate Yellowstone much better than the National Park Service."

Huber says that the government should designate "particular places for conservation alone." These are places where "the forests are hiked, camped, and, up to a point, hunted, but not lumbered or grazed." He suggests that as long as the "human footprint is kept light," it's about the same as the government "doing nothing."

The facts do not support this claim, however. It is true that setting aside land as wilderness (which has a specific legal meaning, signifying land with very tight restrictions on use) does not require the level of management that growing and selling trees does. However, simply keeping people out of wilderness requires a government that does more than "nothing." And so does rescuing people lost in the wilderness.

Hard Greens approve of digging under the earth for coal, oil and other energy sources because it preserves the surface of the earth for other uses, including recreation. In contrast, Soft Greens such as Amory Lovins want to cover vast expanses of the earth's surface with solar panels and gigantic windmills.

Recreation, which Huber loosely associates with wilderness, requires management, too. According to federal figures, the Forest Service spends approximately $364 million per year for recreation in our national forests, building trails, maintaining campgrounds and boat ramps, and so forth. Although this figure is probably not very accurate — federal funds are notoriously poorly monitored — it seems plain that this does not constitute "doing nothing."

Huber simply ignores the details of actually managing land, especially the vast tracts of land that he considers especially suitable for federal ownership. Whether this is because he is a sentimental admirer of Theodore Roosevelt or whether he intentionally avoids the full implications of his arguments, I do not know.

I am not confident that *Hard Green* will bring about change on the issues that he grasps more effectively. But I wish him well; if he changes people's minds he will have achieved success where plenty of others have failed. ❑

The Pity of War, by Niall Ferguson. Penguin Press, 1998, 624 pages.

The Great War Rerevised

Martin Tyrrell

Around nine and a half million people died in the First World War. Millions more received debilitating injuries. And further millions had their lives indirectly damaged by the conflict. In economic terms, too, the costs were enormous whilst, politically, the end of the war initiated a period of instability and, in time, further violence and loss. It is no surprise, then, that in retrospect, it has sometimes seemed inexplicable, if fascinatingly so. Niall Ferguson's *The Pity of War* is a recent attempt at explanation. A history of the war — though not a conventional chronological narrative — it sets out to answer some of its more puzzling questions. Why did it happen, for example? Why, if conditions were so bad, did so many fight and keep on fighting? And if the Allies won the war, who won the peace?

All this makes for a book that is frequently stimulating and thought-provoking but also somewhat disjointed and, in places, contradictory. Inevitably, not all of the questions it poses are equally interesting. Nor do I find all Ferguson's answers equally convincing. In explaining why so many men fought, for example, Ferguson relies too much on Freud's theory of the death instinct, ignoring more recent ideas about collective psychology. There is, too, an over-reliance on elaborate statistical analysis, not all of it of obvious relevance to the point being made. The socialist share of the vote in selected states is a fairly weak indicator of the extent of anti-militarism in pre-war Europe, for instance (The membership figures for more avowedly pacifist organizations would have been more informative). Nor is it especially meaningful to be told that only thirty-one of Wilfred Owen's 103 collected poems had a genuinely anti-war theme, since it is the anti-war poems which have lasted, transmitted through the English Literature syllabus.

One particularly good example of this number-crunching approach and its limitations is the way in which Ferguson supports his claim that Germany and its allies were the more economically efficient fighting force. In a macabre piece of accounting, he apportions each side's total military expenditure across the opposing side's total war dead. On this basis, he demonstrates that the Central Powers used far fewer economic resources per kill than did their opponents. Put bluntly, it cost the Allies an average of $36,500 every time they killed a German, Austrian or Turkish serviceman; more than three times what it cost the Central Powers to kill an Allied serviceman. Seductive though it is, analysis like this should, I think, be approached with caution. Even if the cost data are accurate and comparable (and that would be something), the number of fatalities inflicted by one side on another is a somewhat crude indicator of military success. For one thing, not all fatalities indicate the same level of achievement. Losses sustained in the more important theaters of war matter more than losses sustained in less important theaters. Similarly, some fatalities are incurred in the course of a rout, some in the course of pyrrhic victories. And some important military gains can be made with little loss to either side. In short, all of the many fatalities inflicted cannot be assumed to be equally indicative of military success and aggregated in the way Ferguson has done.

The German Threat to England

Among the book's more controversial suggestions is the argument that at no time during the approach to 1914 was Britain under any real threat from the German Empire. British intervention in the war was, Ferguson concludes, based on an exaggerated perception of Germany and its aspirations. That Germany was hostile to British interests was, by around 1905, a firmly established position within diplomatic and military circles, one soon shared by more hawkish ministers in the incoming Liberal government such as Herbert Henry Asquith, Edward Grey and Richard Haldane. It was also, Ferguson argues, an illusion. In military terms, Britain was decades ahead of Germany and, economically, well able to ensure that things remained that way. To overcome Britain's massive superiority at sea, Ferguson proposes that the Germans would have had to build battleships at a faster rate than the British whilst at the same time, maintaining a substantial army. He is satisfied that the German economy of the early 1900s could not have done both of these things at once. Germany could have had an army capable of invading the United Kingdom or it could have had the naval superiority required to ensure that that invasion could go ahead. But it could not have had both. On this basis, he concludes that Britain's intervention in the European war of 1914 was ill-conceived. Without it, he argues, the conflict would have been more localized. And if it had been more localized, it would have been over sooner and claimed far fewer lives.

If British policy makers generally over-estimated Germany's military capacity, Ferguson surely underestimates it. Germany might have been

poorly placed to compete with the United Kingdom but, compared with France and Russia it was in much better shape than his analysis would suggest. True, the Russian and French armies had a two to one edge over Germany and Austria in terms of manpower. But this is just arithmetic. As Ferguson himself acknowledges, it takes no account of factors such as training, discipline or equipment. Russia's army, though numerically strong, was weak in almost every other respect and, just as important, Russia itself was politically fragile. These defects had become clear during the Russo-Japanese War of 1905 when defeat by the Japanese had led to near revolution. And by 1917 they were, of course, all too clear. As for the French, Britain's military planners were far from confident that they could have held a German invasion and, in practice, the Germans did come close to taking Paris right at the beginning of the war. This and other wartime evidence (Russia's collapse, the Ludendorff offensive) suggests that the official British pre-war assessment of German military capacity was more accurate than alarmist. Militarily, a German-dominated Europe was more feasible than Niall Ferguson allows.

Ferguson further alleges that dominating Europe was never a serious policy objective in Berlin. Germany, he claims, had no plans to establish a post-war European superstate, as Grey and his officials must have known from intelligence reports. Ferguson therefore speculates that they deliberately talked up the German threat merely so as to justify the tacit military commitments they were making to the French. These commitments, in their turn, pressured an increasingly isolated Germany into ill-considered acts and, ultimately, its support for Austria in the summer of 1914. Grey, Ferguson concludes, "wished to commit Britain to a possible war with Germany — because otherwise there might be war with Germany" (73). His policy, in other words, was absurd.

All of which seems a little too neat. I have never had much liking for Edward Grey's foreign policy or the anti-German feeling that was built up behind it, but I cannot see that it was as mindless as Ferguson suggests. If Germany, in the early 1900s, was indeed capable of dominating Europe in the way that France had done under Napoleon, then it was conceivable that the military and economic resources available to this greater German-centered Europe could have been deployed against Britain. Given such a possibility, the strategy of supporting Germany's closest rival — in this case France — at least makes sense. In this respect, Grey's policy was nothing new. Quite the opposite. British attempts at preserving a Continental balance of power against potential centralizing forces can be traced back to at least the time of Louis XIV.

Four decades after the First World War ended, Fritz Fischer, a German historian, offered evidence suggesting that Grey and his supporters had been right in their assessment of German foreign policy. Germany's outline war aims of September 1914 included a comprehensive program of annexation. Parts of France, Belgium and the Netherlands would be incorporated into a greater Germany; much of European Russia, broken up into German client states; and Germany would help itself to a bigger and more promising share of Africa.

If actual German conduct in Belgium was deplorable, so was the conduct of the British during their war to annex the two Boer Republics or of the Americans during the war to suppress the Confederacy.

But Fischer, Ferguson argues, never succeeded in demonstrating that these were the foreign policy aims of the German state before 1914. All that this "September Program" conveys is the kind of territorial expansion the German government began contemplating once it was actually at war. And even then, the September Program Ferguson reproduces is tentative, with several propositions obviously speculative. Some, indeed, are contradictory. All things considered, Ferguson appears to have a good case against Fischer. Alas, he then proceeds to spoil it by arguing that parts of the Program — primarily those relating to the establishment of a German-dominated customs union — were, after all, genuine German pre-war aspirations. In effect, he uses the post-1914 Program in precisely the way he criticizes Fischer for having used it — to impute pre-war policy. Ferguson and Fischer differ less in approach than in degree.*

Re-bunking the War-Guilt Myth

One reason Germany's actual war aims are important is that the alleged aims subsequently and strongly influenced the content of the Versailles settlement. Implicit in the Versailles treaty is the image of Germany as a belligerent, expansionist state with a tendency towards brutality. This was nothing new. Prior to the war, there had been a vogue in Britain for novels speculating on what a German invasion might be like. Though Ferguson is somewhat dismissive of these, I think that they were important in at least two ways. First, they indicate how (and how rapidly) popular culture picked up on the government's perception of a German threat. Second, they suggest the way in which Germany was popularly imagined not so much foreign as alien — clinically authoritarian and, in some versions, given to wanton atrocity. Wartime reportage revisited these pre-war stereotypes. Whilst Ferguson, like most commentators, accepts that much of this material lies somewhere between mere exaggeration and outright mendacity, he is not entirely dismissive. He concludes that there was a moral superiority on the Allied side, that the more effective bits of Allied propaganda tended to be factually based and that this was espe-

*Fischer wanted to draw parallels between Imperial Germany and Hitler's Germany and to imply a certain inherent rottenness to Germany as a whole; he was a very post-1945 German historian. Ferguson, on the other hand, is bang up to date which is why he sees Imperial Germany aspiring to become a kind of forerunner of the European Union; mischievously, he writes of "the Kaiser's European Union." But both historians are really only speculating. Ferguson, no more than Fischer, can satisfactorily demonstrate what Germany's pre-war aims actually were.

cially true of two of its recurring images — the German atrocities in Belgium and the sinking of the *Lusitania*.

The fate of the merchant ship *Lusitania* and more than a thousand of its passengers is well known. The Belgian atrocities (civilian reprisals, infanticide, mass rape) are less familiar today, though they were an integral part of the image of the violated Belgium for which the war was allegedly waged. Ferguson is careful to sift out the more obviously fabricated of the stories (mutilated children and so on) but seems confident that around 6,000 civilians were killed by the invading German army, mainly in Belgium but also in Northern France. Thereafter, however, he is uncharacteristically short on numbers. Some of the 6,000 dead were women and children. And some were priests. Also, some towns and villages were razed and sometimes civilians were used as human shields.

Ferguson rejects as "fantastic" the claim that 750,000 Germans died on account of this "hunger blockade."

With regard to the German invasion of Belgium, much of the moral superiority Ferguson alleges on behalf of the Allies depends on whether the Allies would have behaved differently. Of course, that cannot be answered for certain. However, Ferguson himself cites the evidence of Cabinet papers to show that Britain would have at least blockaded Belgium if the Belgians had tolerated a German incursion and that they might have bombarded Antwerp. At any rate, if actual German conduct in Belgium was deplorable, so was the conduct of the British during their war to annex the two Boer Republics or of the Americans during the war to suppress the Confederacy. In the end, the categorization of the German army's behavior in Belgium as morally inferior has less to do with what the Germans actually did and a great deal more to do with what they didn't do. They didn't win the war. Atrocities tend to be in the eye of the victor.

Both Belgium and the *Lusitania* allowed the Germans to be portrayed as having broken the accepted rules of warfare. And, in each case, the Germans protested that they themselves were simply responding to those rules having been broken. What they did in Belgium, they claimed, was not gratuitous violence but reprisals against guerrillas and their supporters who had carried on an informal war following the withdrawal of Belgium's official armed forces. Ferguson is largely dismissive of these claims and doubts that there was any significant guerrilla activity in occupied Belgium. But his brief acknowledgement that "the reserves of Belgium's Civil Guard" (247) fought in a uniform so rudimentary it can scarcely be described as a military uniform suggests that there might be more to this controversy.

Whatever doubt there is about the Belgian guerrillas, there is none regarding the *Lusitania*'s cargo. No one today seriously disputes that the ship was ferrying munitions. Its manifest clearly shows that it was carrying shells, cartridges and aluminum powder for use in making explosives. Such a cargo was in violation of the rules governing merchant ships in time of war. There was nothing unusual in that. The First World War saw a general disregard for pre-war agreements concerning merchant shipping. Germany, for example, was, from 1914 onwards, subjected to a naval blockade intended to starve the country of resources. Commentators generally acknowledge that this contributed to wartime hardship among the German civilian population and that this hardship in turn led to many premature deaths. Here, estimates vary. Ferguson rejects as "fantastic" the claim that 750,000 people died on account of this so-called "hunger blockade" but does not report, let alone discuss, more conservative estimates. Generally, in fact, his assessment of this controversy is brief. He focuses on the blockade's impact on Germany's ability to wage war, and does not consider whether it, too, might be considered an atrocity, though he does, in passing, note that the female mortality rate in Germany in 1913 was 14.3 per 1,000 and that, during the war, this increased by 7.3 per thousand. In contrast, the corresponding English rate increased by 2.4. During the war, therefore, the female death rate per thousand showed a markedly greater increase in Germany than in England. If these increases are accurately reported and genuinely comparable and they were the product of wartime social conditions, it's plain that over the four years of the war, around 670,000 women died on account of specifically German wartime conditions. Given the importance of the blockade to these conditions (Ferguson states that the blockade restricted Germany's supply of imported food and also hampered the country's ability to produce food since it made imported fertilizer scarce) and the fact that non-combatant males (children, men too old or too unfit for military service) were likely to have been affected, the figure of 750,000 might not be that fantastic after all.

Validating Versailles

This image of a relatively barbarous Germany fighting relatively moral Allies was one which strongly influenced the content of the Treaty of Versailles in 1919. The credibility of the image is therefore important to the credibility of the Treaty. Article 231 of the Treaty of Versailles — the famous "war guilt clause" — does not blame a specific German government or the individuals comprising it for having started the war. It explicitly blames the war on Germany.

During the war, 670,000 women died on account of specifically German wartime conditions. Given the importance of the blockade to these conditions and the fact that non-combatant males were also affected, the figure of 750,000 doesn't seem fantastic after all.

The German state which concluded the 1918 armistice and signed up to Versailles was a quite different state from the one which had entered the war in 1914. The new Germany was a

republic, not an empire. There were different people in the government and there had been a significant change in its ideological character (the least militarist of the German electoral parties were now in power) and a change of policy. The German Government of 1914 and the German system of government from 1871 to 1918 were defunct. All of these changes were interrelated. But this cut no ice with the Allies at Versailles. The Allies had objected to both the Government and the system, and had implied that a change of both would be looked on favorably. But in practice, Germany was Germany.

In *The Pity of War* Ferguson never formally concludes whether or not Versailles was justifiable. Ferguson offers instead that the treaty and its provisions were not particularly harsh and that even the large indemnity was in theory repayable. That it was the largest demand for postwar reparations ever imposed upon a defeated state (a fifth larger than the indemnity the Germans had planned to impose upon all of the Allies put together and, allegedly, larger in value than all the gold reserves in the world combined) is inadequately addressed. Instead, Ferguson argues that if Weimar Germany had been more monetarist than Keynesian, it could have cleared its debts in style. Perhaps. But whatever might have happened in theory, in practice the indemnity proved impossible to repay. At the very least, I do not think that the issue of war guilt and the German indemnity can be dissociated in the way Ferguson attempts.

The huge indemnity was, by implication, proportionate to the size of the alleged guilt; an ongoing reminder of it. Germany was, as it were, fined on the basis of accusations perceived as inflated by many Germans. This is why they objected to being made to pay. Ferguson compares the war debts incurred by the victors to the German indemnity and suggests that, America aside, every state, victor or vanquished, entered the post-war world with significant financial commitments. I cannot see that the comparison is fair. Those loans, while substantial, were not the same thing as the indemnity. They were not as big. And they were not accompanied by a sense of injustice, which was the important thing.

Likewise, Ferguson's comparison between post World War I reparations and the enormous subventions modern Germany makes to the European Union. These have only the most superficial resemblance to the repayments Weimar Germany was obliged to make. There is a world of difference between a state making large annual contributions to the budget of an international organization in which it is an important and influential participant, and a state repaying an indemnity widely seen and depicted as a piece of vindictive humbug.

Had there been no First World War, Ferguson conjectures that Europe would be remarkably similar to what it actually is. A Continental economic union would still have evolved and this would have been centered on Germany. The big difference would be that Britain, not having exhausted its resources on Continental wars, would be able to stand aside from this bloc. Coexistence, not gradual and grudging absorption, would have been a feasible policy option. It is on this basis that Ferguson reaches the somewhat surprising conclusion that the war was not simply a tragedy, since tragedy, properly speaking, is inevitable. Far worse than that, it was a pity, "the greatest error of modern times" (462). Ferguson's fondness for counterfactuals has been criticized and, in the case of the concluding arguments of *The Pity of War*, at least, I think those criticisms are valid. At times the book makes it seem as if history is a kind of airplane journey. Without the en route turbulence, we would arrive at the same destination, but far less shaken up. Is it reasonable, though, to assume that if there had been no world war in 1914, there would never have been one? Or to suggest that Europe today would be no different does not reflect the harsh lessons of the First, then Second World Wars. No, without the First World War, I rather suspect that Europe at the beginning of the twenty first century would be very different, not much the same. ❑

***The Encyclopedia of Gun Control and Gun Rights*, by Glenn Utter. The Oryx Press, 1999, xxiii + 376 pages.**

Straight-Shooting Encyclopedia

Brien Bartels

In writing *The Encyclopedia of Gun Control and Gun Rights*, political scientist Glenn Utter set out to do the impossible and proved it to be merely Very Hard. His object was to compile an unbiased and reasonably comprehensive album of the facts, personalities and events that shape the debate on the right to keep and bear arms. He is not entirely successful, but *The Encyclopedia* does a lot of good for his trying.

There seems to be pretty good coverage of federal court cases modifying the right to bear arms. The book is also sprinkled with capsules on the swarm of advocacy groups which push gun control or gun rights, with contact information in an index. It biographs the major players, including the Senate's Gang of Four: Schumer, Lautenberg, Feinstein, and Boxer. Their capsules contain toothy publicity photographs so you can put a face to the name that makes you grind your teeth. You can even see a photo of that dapper *Liberty* contributing editor David Kopel, noted in *The Encyclopedia* for his work on gun rights at the

Independence Institute. Almost all the capsules have notes with further reading, including web sites and scholarly articles where applicable.

When this book was brought to my attention, I asked myself, Who the hell would read such a thing? But one reader would be a friend of mine who wants to do some free-lancing for gun magazines. This would be a good reference for such a writer's desk. And its unbiased commentary on the laws, court decisions and political turning points in the debate makes it a valuable resource. The factual information, for example, on *U.S. v Lopez*, the case in which the Supreme Court overturned the Gun Free Schools Act, is a signal service. I can think of a few members of the media, especially those honest scribblers on the legal beat who toil in ignorance, to whom I would recommend this encyclopedia. Too often journalists in all areas reduce their dependence on factual research by simply reporting spin. Having a handy reference such as *Gun Control and Gun Rights* would at least neutralize one excuse for their errors.

It clarifies more than it obscures, which in these dark times is about the most you can ask for in a book about the right to bear arms.

The problem is, Utter creates credibility problems for himself. Consider the bio of firearms pioneer John Moses Browning: "Browning, still active, died in 1926 from a heart attack in his son's office in Liege, France." Browning may have been in Liege, but I'm pretty sure Liege was in Belgium in 1926. Indeed, Browning's name is forever and gloriously bound up with Belgium's Fabrique Nationale, manufacturer of the FN Browning Hi-Power.

Secondly, there's the sometimes condescending tone which Utter adopts when writing of the opinions of gun nuts . . . I mean, gun rights advocates. For example, in his bio of John Lott, the author of *More Guns, Less Crime*, he quotes a gun control think tank's attack on Lott's research as "indelibly stained with the taint of the gun industry." But he follows this with his own observation: "Lott critics regret such personal attacks in part because they give [Lott's] research greater credibility than is deserved." Nothing remotely like such editorializing appears in the adjacent bio of Jens Otto Ludwig, an academic whose research runs counter to Lott's.

Thirdly, his "further reading" is sometimes limited to the anti-gun works. Utter includes capsules on Ruby Ridge, Waco, and the Oklahoma City bombing (which has the encyclopedia's O section all to itself). The only "further reading" references listed for these articles are *Gathering Storm*, an anti-militia screed pumped out between mailings by direct marketing genius Morris Dees in 1996; and Jonathan Karl's *The Right to Bear Arms: The Rise of America's Militia Movement*. Where's Alan Bock's *Ambush at Ruby Ridge*? Or *Waco: The Rules of Engagement*? Or David Thibodeau's *A Place Called Waco*? I wouldn't have expected Utter to hunt down Adam Parfrey's monograph *Oklahoma City: Cui Bono?* but I would have been impressed by any effort to balance the propaganda of careerist left-wing blatherers.

As you can surmise, Utter's encyclopedia is not without its problems, and a closer reading by bona fide experts in constitutional law could probably uncover many more. But it clarifies more than it obscures, which in these dark times is about the most you can ask for in a book about the right to bear arms. ❑

***Makers and Takers*, by Edmund Contoski. American Liberty Publishers, 1997, viii + 464 pages.**

Making Sense of Wealth & Progress

Bettina Bien Greaves

In *Makers and Takers*, Edmund Contoski describes the histories of man and civilization in a way that is dramatic yet easy to understand. He portrays world history as a conflict between men who use their minds to achieve their objectives and those who use force. Those who use their minds conceive ideas that help themselves and also inevitably help others; they are responsible for all production and progress. Contoski calls them "Makers." On the other hand, those who use force to take what they want have an invader mentality and are anti-mind; Contoski calls them "Takers."

Contoski starts with a truism: Every new idea originates in the mind of one individual. The originator of a new idea notices something his fellowmen missed and arrives at a different conclusion. All production, all progress, starts with such an idea in the mind of a definite individual. Contoski reasons, therefore, that men should be free to differ from their fellowmen and to conceive of new ideas. On this reasoning he builds the case for individual freedom and individual rights.

The first application of mind led men to abandon the life of hunting-gathering-foraging and to begin farming. With the development of agriculture they settled down and started producing; they became "Makers." They began accumulating property, which aroused the envy of outsiders, who banded together to use force, to invade their territory and to take what

the Makers had produced. By using force, the invaders revealed they were anti-mind; they produced nothing themselves; they were "Takers." Throughout world history Makers who used their minds have found themselves aligned against the anti-mind Takers with an invader mentality.

Contoski refers to Copernicus, Galileo, and Kepler to show how progress comes from ideas developed in the minds of definite individuals. Each of these three men saw the same physical world as his predecessors. But they thought things out for themselves and reached different conclusions. By developing a new understanding as to *how* bodies moved in the heavens and on earth, these three men laid the groundwork for a revolution in knowledge and science. Those who came later made advances and produced "beneficial consequences" beyond the significance of the original idea. "Seemingly unrelated ideas, such as those of Galileo and Kepler, were combined to provide the base upon which further progress was pyramided" (368). Their ideas as to *how* the earth, sun and other planets moved enabled Sir Isaac Newton to understand the law of gravity and to explain *why* they moved as they did.

But the development of new ideas concerning the physical world did not stop there.

> With their new mastery of the physical world, it was not surprising that men began to apply the same successful mental process to ethical, social and political subjects. Newton had taught men that there were universal principles of physical order which could be discovered by studying the *nature of things*. Men now began studying the *nature of man*, in quest of universal principles of social and political order (369).

John Locke was one who showed the way. This was the age of the men who drafted the Declaration of Independence and the U.S. Constitution; it was the age of men who produced the ideas of natural law and natural rights; it was the Age of Enlightenment. "The same reasoning which led men to both a theoretical understanding of the world and to practical inventions for enhancing their lives also led them, "in Contoski's words, "to the greatest political invention ever made. It was at once profoundly theoretical and immensely practical. It was founded on *universal principles of human nature*. It was the Constitution of the United States" (370).

One of the most important "universal principles of human nature" on which the Constitution was based is that individuals have natural rights:

> If, as the Declaration of Independence states, 'all men are created equal,' it is in the sense that each man has an equal right to life, that class or bloodline is not the basis of rights, that *life itself* is. The right to life is the basic right from which all others are derived. The basis of rights is thus a *natural* phenomenon. Rights are not an arbitrary convention but a logical derivation from a physical reality: a man's existence (371-372).

Contoski describes the reasoning behind the U.S. Constitution's division of powers and system of checks and balances. He shows how these "universal principles of human nature" have been ignored, rejected, amended, violated and overruled. He explains more clearly than I have seen elsewhere the thinking of the Founding Fathers in establishing a separate Electoral College to choose the nation's president. As it was set up, it complemented and reenforced the Founding Fathers' desire to disperse authority, and prevent the rise of political corruption and centralization of power, while retaining to the people the opportunity to express their views by indirect election. Those responsible for amending the Electoral College in the Twelfth Amendment (ratified June 15, 1804) failed to appreciate the thinking of the Founding Fathers in setting up the Electoral College the way they did and, as a result, they weakened one of the Constitution's significant checks and balances.

Those who use their minds conceive ideas that help themselves and also inevitably help others; they are responsible for all production and progress.

It may be said that the right to property is as natural as the individual's right to life itself. "Property is the effect of which labor is the cause. If a man has the liberty to labor for himself, can he logically be denied the effects of his labor? If he is so denied, then he does not really have a right to his life since his life is the source of his labor. Property is the recognition of the causal relationship between a man's actions and their material consequences. It is the legal means by which men can provide themselves with the physical means for sustaining and satisfying their lives without the use of force against each other. It is the hallmark of a civilized society, where men deal by reason rather than force." He continues "Property rights are inextricably tied to the rights to life and liberty. All three are simply different aspects of the nature of man — and those governments which have been most vigorous in attacking property rights have inevitably been the greatest violators of life and liberty. The posed opposition of 'human rights versus property rights' is an absurdity because property rights *are* a human right. Property, as such, has no rights. The term 'property rights' simply means the rights of humans to possess property" (372).

Contoski explains that all production and progress stem from individual rights.

> [I]t's the importance of the individual that leads to the upgrading of values and to a chain of beneficial economic consequences in a free market. It's because each man considers himself important that he acts for his own interests in the marketplace, that he seeks to obtain greater values for himself in exchange for lesser ones. It's a consequence of each side in a voluntary transaction acting for its own interests that both sides benefit. . . . It's a consequence of individuals acting for themselves that waste is limited, that efficiency is promoted, and that such affluence is created for satisfying the needs and wants of others. But deny the individual the freedom to serve his own self-interest, and you deny the consequent benefit to others. Negate the value of the individual, and you stop the complex economic machinery of progress. It's the machinery of progress. That machinery is fueled by individual motivation and operated by individual economic

> decisions. It's run by human thought, not human force. It's the machinery for creating values, not implementing invasions (81).

When Contoski explains that all progress originates with ideas in the minds of individuals, he reasons that the role of government should be strictly limited to defense, the defense of individuals, their freedom to think and to differ from their fellowmen, their property and their equal rights, so long as they do not infringe on the equal rights of others. "Since rights are an attribute of individual life, not of human numbers, men acting together in the name of government have no more rights than any individual. . . . Since self-defense — a corollary of the right to life — is the only justification for the use of force by individuals, it is the only justification for government. . . . Government is logically limited to a defensive role, too, by the principle of *equal* rights. Government cannot serve *all* its citizens equally if it violates the rights of *any* of them. To prevent government from violating anybody's rights, Americans devised the concept of *limited* government. The idea was to give government only enough power and authority for its proper function, no more" (374).

The Takers Take Over

However, during the last hundred years, the democratic idea, "a collectivist concept," has been displacing constitutional government, based on the principles of individualism, equal rights, and limited government. Contoski reminds us that democracy "is 'a form of government in which the supreme power is lodged in the hands of the people *collectively*.' It is a system of collective coercion, whereby every individual is forced to conform to the rule of the majority. The Founders sought a system of individual choice, where every man would be free to go his own way. They wanted a system where no man would have a master, not one where the majority would be the master, as in a democracy" (378). Under a democratic government, however, force is used to impose majority rule; the rights of all are not protected equally.

Contoski then cites case after case to show that progress and production are the result of the ideas of individuals and that when government uses force, even in response to majority demand, the effects are not only anti-mind and antagonistic to the equal rights of individuals, but usually unproductive, costly and even destructive. "[I]n the same way that progressive action causes beneficial, if unintended, consequences for others, coercive action, however well intended, produces detrimental secondary effects in addition to the original injury. The 'heavy hand of government' performs exactly the opposite of Smith's 'invisible hand' and inflicts damage in unexpected ways" (260).

If a man has the liberty to labor for himself, can he logically be denied the effects of his labor? If he is so denied, then he does not really have a right to his life since his life is the source of his labor.

The "people-are-the-enemies" persons, the anti-mind, anti-industry people, fail to understand that one man's gain on the market does not mean a loss for someone else. They do not understand that producers, — "Makers" — help others as they help themselves, that the more they produce, the more is available, not only for themselves but for others. The Takers' intentions are admirable; they want to help the poor, conserve natural resources, protect the environment, eliminate pollution, prevent overpopulation, wipe out disease, starvation, and food shortages, and improve medical care. But the method these invader types suggest is government force.

Government interventions are always counter-productive:

> Government intervention can only force people to take actions they consider uneconomic or to refrain from taking actions they consider economic. . . . What the proponents of economic intervention have never understood is that economic progress is a result of man's mental faculty and any attempt to forcibly displace the role of the mind in the marketplace is economically counterproductive *because* it is anti-mind (70).

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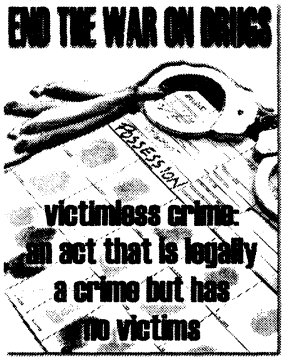

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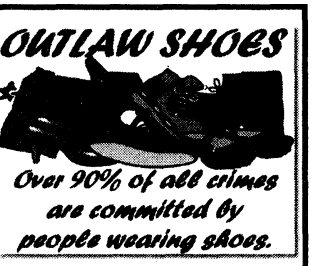

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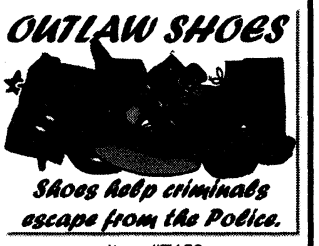

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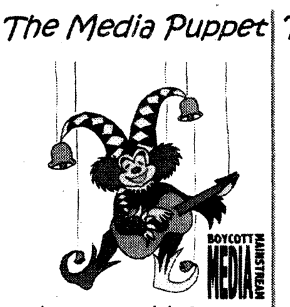

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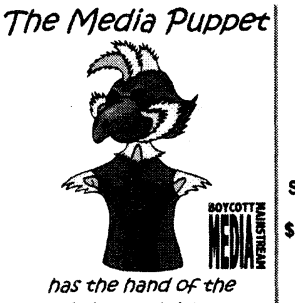

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Contoski delineates three main weapons of the Takers. If government increases taxes to bring about its laudable goals, it is hurting some persons by forcing them to subsidize others. If it inflates, it is increasing the quantity of money and raising prices while adding nothing to the wealth of society; it is destroying the means of economic calculation and future planning, depreciating the value of money and so enabling the government to spend it at a loss. If it tries to bring about the results it wants by regulation, it is forcing some people to trade with others at prices or on terms they would not otherwise agree to. Thus it discourages voluntary market transactions which would improve the situation of both parties to every trade.

After discussing these weapons, he turns his attention to claims that capitalism is injurious. We are bombarded by propaganda claiming that industry is responsible for society's ills, that it is industry that causes pollution, is wasteful and produces carcinogens. Yet the world's producers, the Makers, did more to eliminate pollution than EPA government regulations. Ideas of the Makers made it feasible and economic for people to transform the sticky, black gooey substance oozing out of the ground in some places into fuel oil, natural gas, and gasoline — cleaner fuels than the wood and coal people had used for centuries. Thanks to the ideas of individuals, Makers discovered oil on the northern slope of Alaska, drilled for it and built a massive pipeline to bring it to the lower forty-eight states. Then while the OPEC embargo created a shortage of gasoline and drivers waited in long lines at gas stations, anti-mind forces used lawsuits and new regulations to delay oil deliveries from Alaska.

We have been almost scared to death by threats of industry-related environmental hazards. It has been charged that global warming is caused by increased carbon dioxide, but scientists have discovered much higher concentrations of carbon dioxide than today's in the ice sheets of Greenland formed 130,000 years ago. We have been warned that CFCs (chlorofluorocarbons) were destroying the ozone layer, leading to increased solar ultraviolet radiation which would cause many thousands more cases of skin cancer every year. But the ozone hole was first discovered in the 1950s, before there were any appreciable CFC discharges; volcanic eruptions seem to have much more effect on the ozone layer than industrial CFCs.

Industry and population growth have been blamed for wasting nature's resources. However

> More of the nation's forest products come from the industry's 65 million acres than from the government-managed 135 million acres. But don't jump to the conclusion that industry is merely depleting its resource faster. Just as with privately-owned game and farm animals, maximum profit from privately-owned forests is obtained by operating the asset for sustained yield. Concerned with continuing profits, the industry is actually growing 13 percent more timber than it is cutting — and this figure has been rising steadily since the 1920s (302).

And the industry is actually wasting less. According to a Georgia-Pacific ad in *The Wall Street Journal* (October 11, 1977): "For a typical 320 square foot log cabin, our forebears used 70 trees. And burned what was left over. Today,

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Literature

The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send $4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

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that same number of trees would provide a 3500 square foot home — plus enough tissue and paper products for an average family — for over 30 years" (304).

Contoski gives example after example illustrating that the cost of government's programs intended to promote "the public good," help the poor, protect employees on the job, assure that food and drugs are safe and effective, clean up the environment, and protect endangered species, have not only failed to achieve their objectives but have led to a vast waste of valuable resources and exorbitant, out-of-control government spending.

John A. Hill, former deputy administrator of the Federal Energy Administration said: "The government has spent more than $100 billion over the past 35 years for clean coal technologies, solar energy, conservation and synthetic fuels; none of these programs added one viable technology to the commercial marketplace" (266).

The Force of Ideas

Contoski shows that one economic gain leads to others. On the other hand,

> [E]very . . . attempt to 'direct' the use of private property through government stimulation or controls results in too much of something, too little of it, or puts it in the wrong place. . . . In a free economy men tend to employ their property in ways complementary to others because the greatest profits can be obtained from doing so . . . And because men's interests aren't naturally in opposition, many harmonious consequences are produced incidentally which couldn't have been foreseen or provided for by central authority (323).

There can be no doubt that the world is richer, people are better off, enjoy more conveniences and comforts, live longer and are healthier than ever before in history. We owe these improvements to Makers who conceived ideas and implemented them in the attempt to improve their own situation and, in the process, improved the situations of countless other persons also. Their economic profits and their technological advances became "the basis for further progress. They also create[d] a variety of unintended secondary benefits for other people. The economic losses inflicted by government intervention have the opposite effect. They lead to even greater losses through greater government activity — more laws, more controls, more bureaucrats to 'correct' the problems — while creating a variety of unintended secondary losses throughout society" (327).

Contoski has done an admirable job of outlining the theory that underlies natural rights libertarianism, and provided excellent illustrations and explanations of how the theory works in practice. ❑

Finding Rare Books on the Web

Richard Kostelanetz

I was slow to sign onto the Internet because I already had too much information in the house and too many friends who merited attention, both of which remain legitimate problems now that I'm on-line, as we say. My principal discovery was the ease and efficiency in purchasing scarce out-of-print books. I used to keep in a pocket notebook a list that I would test in used bookstores that I visited around the country. Only rarely did any of them have titles I wanted, so esoteric were my needs. Now on-line, I simply ring up abebooks.com, type in the titles I need, and invariably get a rich list with various prices. For one title I thought truly scarce, the English translation of Michel Seuphor's *Dictionary of Abstract Painting*, a few dozen copies were listed! There were several copies of Stanley Berne's and Arlene Zekowski's *First Book of Neo-Narrative* (1954) at prices ranging from $15.00 to $100.00. For those titles meriting purchase, I click on the bookseller's name and simply type in my name, address, and credit card number. Within a few days the book is at my door with a credit card slip as a kind of receipt. I threw away my want list, having already obtained *all* the titles.

Physically located in western Canada, Advanced Book Exchange is a consortium of several thousand antiquarian booksellers, some of them abroad, who pay twenty dollars a month if they list less than 100 titles (more money for more titles), who collectively have over ten million books for sale. In the great Internet tradition of indiscriminate commerce, ABE doesn't impose false obstacles to membership (such as recommendation or approval by other members).

Having published several dozen books over the past thirty-five years, I then began to check out my own titles on various sites, some of them representing more than one retailer. Bibliofind.com isn't bad. Nor is Alibris.com. I should warn that the used book channel of Barnes & Noble offers titles from its affiliated booksellers that are available elsewhere (often from the same booksellers) for roughly 33 percent less. For ease and efficiency, nothing in my experience rivals ABE.

At ABE I found more than three hundred thirty of my titles available (while John Hospers has 64 titles, Murray Rothbard only 16, Milton Friedman over 400, Thomas Szasz over 450, Samuel R. Delany over 500, and Ayn Rand a whopping 1,525 the last time I looked). Some of my 300+ were books that had been recently remaindered, such as *John Cage (Ex)plain(ed)*, here available at prices close to those recently requested by the remainder houses. Some of these booksellers are in provincial locales, making me wonder how titles of mine ever got there or, conversely, making me appreciate the truth that books really do take my work and name to places I've never been.

Other books of mine that haven't been in print for years are now available for prices sometimes as low as a few bucks. Though most of the titles

came from commercial houses, those from small presses were amply represented. Some items acknowledged an inscription by me, thankfully only to recipients who have passed away. The highest price, $250.00, is for a book made valuable by someone else — the copy of my anthology *On Contemporary Literature* that the novelist Raymond Federman inscribed to his mother-in-law. The retailer adds: "A poignant document, even haunting at first glance, as Federman's own parents were annihiliated in the Nazi roundups of Jews in occupied Paris." Ask no more questions. Others were books that I keep available as Archae (RK) Editions, often at drastically lower or higher prices. One dealer wants $12.00 for the newsprint edition of *One Night Stood* (1977) that I sell for $2.00. On the other hand, I found one copy of *The End of Intelligent Writing* (1974) offered for ten bucks and another for thirty-five. Since I sell the hardback for one hundred, and have only two copies, I purchased the first for myself. For *Master Minds* (1969), which I sell for $75.00, I found a price of $40.00 from one place, $10.00 from another. Inexplicably, nobody seemed to be selling *The New Poetries and Some Olds* (1991) or *Autobiographies* (1981), among other favorite titles of mine. Two booksellers took works of mine, offered at a discount, in exchange for titles by others that I wanted. While on one hand I should, I suppose, be disappointed that people are (re)selling books of mine without offering me royalties, I should on the other hand be gratified that so many are out there, still moving around, representing for my work a kind of survival. ❑

Notes on Contributors

Baloo is a *nom de plume* of *Rex F. May*.

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Dyanne Petersen is a longtime libertarian activist and writer, currently a resident of Federal Prison Camp in Dublin, California.

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Sandy Shaw is co-author of *Life-Extension: A Practical, Scientific Approach*.

Tim Slagle is a stand-up comedian living in Chicago.

Martin M. Solomon is an assistant editor at *Liberty*.

Martin Tyrrell is a writer and researcher based in Europe.

William P. Moulton–RIP

from page 18

As a young man, he worried constantly about his inability to get along with women, which was understandable, given a problem with and his utter self-absorption. I recall how he solved the problem. One day he told me that he'd decided it was time for him to find out what sex was like. "I drove down Division Street," he explained, referring to a street then famous for its streetwalkers in a rough neighborhood in Grand Rapids, "until I saw a young woman who was dressed flashily. I stopped my car, opened my window and asked, 'Excuse me, miss, are you a prostitute?' She replied that she was . . ." It was a parody of the rationalist approach to life.

Bill drifted from job to job, never getting along very well with his employers. He was always a hard worker, but he had a tendency to rub people the wrong way. Once when an employer threatened him with a broomstick, Bill took a punch at him and ended up spending a weekend in jail for assault. After he got out, his employer hired him back. His work was worth it.

While he drifted, he found time to write a some pretty good book-length manuscripts, one on the history of the third parties in America, another a history of the John Birch Society. He was, indeed, a master of arcane knowledge about fringe politics. But he never even sought to have either of those manuscripts published. At the time, I suspected that he feared rejection more than he feared failure.

When I launched *Liberty* in 1987, I invited Bill to write for it. He turned in a number of exceptional pieces. I especially treasure "My Dinner With Gus," (September, 1988) his memoir of how he had talked his way into a conference held by the Communist Party USA and so impressed party boss Gus Hall that he was invited to dine with him. But his knowledge was diverse, and he treated readers to a great many other articles, covering topics ranging from Ivan the Terrible to the Libertarian Party's place in history.

I offered him a full-time position even before launching the magazine,

hoping that *Liberty* would provide him to put his immense intelligence to constructive use. In 1990, he accepted my offer, mostly because he was desperate for money. He came to Liberty headquarters in Port Townsend, but things didn't work out: he had his usual problems getting along with people, and he steadfastly refused to learn how to use a computer. He left after a few months.

Once home to Michigan, he asked to be paid for writing in *Liberty*. I was reluctant to agree. *Liberty* had always been a labor of love. Even staff members did their writing for our pages on their own time. Karl Hess was the only contributor who had been paid for his writing. I'd come up with money to pay Karl because I thought him a very special case: he was a hero of libertarianism whose contributions to the movement were immeasurable, and he was on hard times.

I decided to make a similar arrangement with Bill, but such was his perverse nature that he wrote hardly anything afterwards. In early 1992, he even stopped corresponding with me. The only contact I had with him was indirect: a couple of times he called a mutual friend, and in the course of conversation explained that he was calling from a pay phone so that his number could not be traced. I had lent him a fairly substantial sum of money a few years earlier, and he apparently feared that I might try to collect it. He needn't have worried.

Bill spent his last years selling high-rate mortgages to people with bad credit, a job where his immense size — he was terribly overweight, often tipping the scales at nearly 400 pounds — was not a handicap. I searched the Net occasionally to see whether he was back writing, but I never heard from him until April 12, when an old mutual friend from Michigan called to tell me that he was gone. Financial pressure had forced him to sell the small house he had inherited in his home town, and he had moved to a room the same motel in Grand Rapids where'd he'd lived as a student a quarter century earlier. It was there he died.

It's always a shock when an old friend dies, but his death was not entirely surprising. Bill was the sort of person who was intellectually fastidious — he considered a trivial misquotation of a 400-year-old poem to be a moral crime — but was never inclined to pay much attention to the details of life. I recall once noticing the engine of his car smoking and insisting on checking the oil. It was five quarts low. Unfortunately he was about as punctilious about taking his blood pressure medicine as he was about checking the oil in his car.

Bill Moulton was one of the most intelligent people I've ever known, but he was never able to channel that intelligence into productive activity. He resented people who succeeded and wallowed in self-pity. He was never happy and seldom even pleasant, though his trenchant wit earned him a few friends. It's hard to imagine a person wasting such an obvious and magnificent intellect — although that is the terrible fate of many individualists whom I have known. Nevertheless, the impact of his intelligence, which would never surrender its own cranky sense of self, will always remain with those who knew him. —R. W. Bradford

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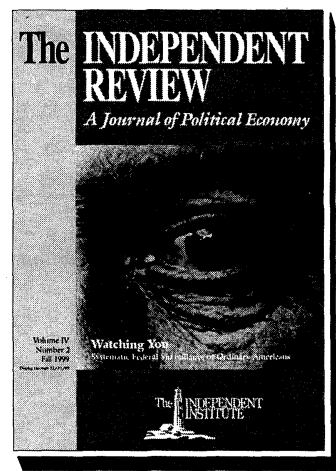

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Terra Incognita

New York, New York

Even a trendy art exhibition sometimes persecutes minorities, from *The New York Times* :

The work, which is called "Sanitation," will go on view March 23 as part of the Whitney's 2000 Biennial. It includes a wall that juxtaposes the First Amendment with statements made by Mayor Rudolph Giuliani and antiart quotations by three conservative politicians, written in the Gothic Franktur typeface once favored by the Nazis and sometimes used by neo-Nazis. Beneath the passages is a row of trash cans that blare the sound of marching troops.

Last week, the Anti-Defamation League protested the exhibition, saying it denigrated the memory of those killed by the Nazis.

Canada

America's Neighbor to the North's progressive methods of crowd control, from the *Associated Press*:

Students at the University of Toronto are being "tortured" by campus police with the music of the Backstreet Boys in an attempt to end a six-day-old sit-in at the president's office.

USA

Not all television crimes are excessively violent, but still are inventively terroristic, from a television listing in the *Seattle Times*:

"Profiler." Now a member of the VCTF team, newly relocated Agent Rachel Burke sorts through a series of murders where the killer singles out successful career women and subjugates them to humiliating housework.

New York, N.Y.

Chef in the Big Apple gets the thrill of his life, from *The New York Times*:

"You cook a great dish 7,000 times over and over," Mr. Wang said, "it's nice to have it be more exciting because you know the food we're touching is actually going to the president."

Carrboro, North Carolina

The advance of culture in the Tar Heel State, reported by the estimable *Chapel Hill News*:

"I was talking about how Shakespeare's plays, which are of course full of beautiful language, are so long and talky, so verbal, up until the last five or ten minutes," Mark Dorosin, a Carrboro Alderman said. "And then, at the very end, all hell breaks loose. People stab each other. They stab themselves. They drink poison. They fall on their swords. People start dropping right and left. And at the end you have all these dead folks sprawled all over the stage.

"And I just thought, 'Wouldn't it be fun to pick up at that point, where one of those plays ends?' You know, when the police come in and go, 'Oh, my God, what happened?' I went, 'I should write a play like that.'"

The next weekend, he sat down at the typewriter.

And tonight, "Hamlet II: The Investigation" — produced, directed, co-written by and starring Mark Dorosin — opens at the ArtsCenter's West End Theater.

Turkey

Reuters reports on a popular sporting event the Middle East :

Turkey's oil wrestlers — burly men who cover themselves in olive oil and grapple with each other wearing leather trousers — are trying to stop a group of homosexuals coming to watch. A group calling themselves Bears of Turkey is advertising on the Internet for a tour to watch the 639th Kirkpinar oil wrestling championships to be held on July 1 and 2 near Turkey's northwestern city of Edirne.

The wrestlers, their muscles rippling in olive oil under the hot sun, try to pin each other to the ground. Putting a hand down the opponent's trousers to get a better grip is a common tactic.

Rocky Mount, Virginia

Law enforcement setback in the Dominion State, reported by *The New York Times* :

"It's an awkward situation," Allen G. Hudson, deputy director of the Virginia alcohol agency's Bureau of Law Enforcement Said. "Moonshiners hire people locally and buy materials locally. We don't get a lot of cooperation, because they see them doing more good than we can do them."

Charlotte, North Carolina

The *Charlotte Observer* follows the Vice President on a visit to a local middle school :

At 9:00 a.m., Vice President Gore went to science class where seventh-graders were creating molecule models out of toothpicks and marshmallows. He helped students create models of water and hydrochloric acid. After Gore left, student Andrew Spohn said that "Everyone was trying to eat the marshmallows that he had touched."

USA

There is one segment of the population whose health care needs have been overlooked, from the *USA Today* :

When Chicago Mayor Richard M. Daley was rushed to the hospital with chest pains, his illness prompted other big-city mayors to think about their own high-stress lives.

"It should be a wake-up call," says Providence, R.I. Mayor Vincent (Buddy) Cianci, 58. "Mayors are always talking about health care and early intervention for kids, but we never do it for ourselves."

Massachusetts

Bay State schools discover an ironclad way to improve test scores according to *The New York Times*:

In the latest example of cheating on high-stakes standardized tests, administrators, teachers and students in at least 19 Massachusetts schools violated the rules when taking statewide exams last spring.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

The White Rose: A Lesson in Dissent

by Jacob G. Hornberger

The date was February 22, 1943. Hans Scholl and his sister, Sophie, along with their best friend, Christoph Probst, were to be executed by Nazi officials that afternoon. The prison guards were so impressed with the calm and bravery of the prisoners in the face of impending death that they violated regulations by permitting them to meet together one last time. Hans, a medical student at the University of Munich, was 24. Sophie, a student, was 21. Christoph, a medical student, was 22.

This is the story of the White Rose. It is a lesson in dissent. It is a tale of courage — of principle — of honor. It is detailed in three books: *The White Rose* (1970) by Inge Scholl, *A Noble Treason* (1979) by Richard Hanser, and *An Honourable Defeat* (1994) by Anton Gill.

Hans and Sophie Scholl were German teenagers in the 1930s. Like other young Germans, they enthusiastically joined the Hitler Youth. Unlike so many other Germans, however, they later turned against Hitler and his Nazi regime.

Open dissent was impossible in Nazi Germany, especially after the start of World War II. One day in 1942, however, copies of a leaflet entitled "The White Rose" suddenly appeared at the University of Munich. The leaflet contained an anonymous essay that said that the Nazi system had slowly imprisoned the German people and was now destroying them. Germans needed to rise up, the essay declared, and resist the tyranny of their own government.

The leaflet caused a tremendous stir among the student body. It was the first time that internal dissent against the Nazi regime had surfaced in Germany. The members of the White Rose, however, did not limit themselves to leaflets. Graffiti began appearing in large letters on streets and buildings all over Munich: "Down with Hitler! ... Hitler the Mass Murderer!" and "Freiheit! ... Freiheit!" ("Freedom! ... Freedom!")

The Gestapo was driven into a frenzy. It knew that the authors were having to procure large quantities of paper, envelopes, and postage. It knew that they were using a duplicating machine. But despite the Gestapo's best efforts, it was unable to catch the perpetrators.

On February 18, 1943, however, luck ran out for the members of the White Rose. Hans and Sophie Scholl were caught leaving pamphlets at the University of Munich and were arrested, along with their friend Christoph Probst. All three were immediately indicted for treason.

On February 22 — four days after their arrest — their trial began. Sophie Scholl shocked everyone in the courtroom when she said to the judge: "Somebody, after all, had to make a start. What we wrote and said is also believed by many others. They just don't dare to express themselves as we did."

In the middle of the trial, Hans's and Sophie's parents, Robert and Magdalene Scholl, tried to enter the courtroom. Magdalene said to the guard: "But I'm the mother of two of the accused." The guard responded: "You should have brought them up better."

The judge pronounced his judgment on the three defendants: Guilty of treason. Their sentence: Death.

That afternoon, the prison guards permitted Hans, Sophie, and Christoph to have one last visit together. Sophie was then led to the guillotine. One observer described her as she walked to her death: "Without turning a hair, without flinching." Christoph Probst was next. Hans Scholl was last; just before he was beheaded, Hans cried out: "Long live freedom!"

Today, every German knows the story of the White Rose. A square at the University of Munich is named for Hans and Sophie Scholl. There are also streets, squares, and schools all over Germany named for the White Rose. The German movie *The White Rose* is now found in video stores in Germany and the United States.

Richard Hanser summed up the story of the White Rose: "In the vogue words of the time, the Scholls and their friends represented the 'other' Germany, the land of poets and thinkers, in contrast to the Germany that was reverting to barbarism and trying to take the world with it."

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

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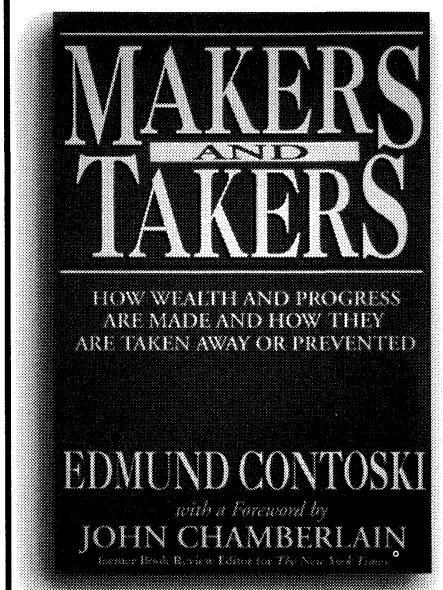

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—John Chamberlain, co-founder of *The Freeman* and its long-time book review editor.

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Also: *Jane Shaw* on the lost friendships of Norman Podhoretz, *Richard Kostelanetz* on the avatar of audacity, *Peter Gillen* on "fuzzy logic" . . . plus other articles, reviews & humor

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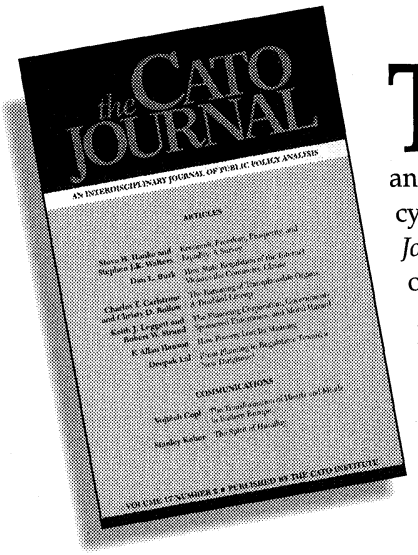

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Inside Liberty

July 2000
Volume 14, Number 7

4 **Letters** If you're so smart, why don't you write us a letter?

7 **Reflections** We resist the Census, scrutinize the stock market, explore the political spectrum, suffer the poverty of welfare economics, expose un-Americanism in the American pastime, and unspin the spinmeisters.

Features

15 **Under Cover of Darkness** Why did Janet Reno order the seizure of Elián González *after* Elián's Miami family had agreed to surrender him on her terms? *R. W. Bradford* explains.

16 **Come, Child** a poem by *Pam Singer.*

17 **The Eyes of Janet Reno** *Stephen Cox* explores the weird psychology of the special sort of person willing to kill or endanger children in order to "save" them.

22 **Elian Gonzalez and Dred Scott** Under what conditions is it right to send a person back to slavery? *Timothy Sandefur* wonders.

25 **The Trail of Cuban Tears** The betrayal of Elián González is not the first time Americans have betrayed Cuba, *Miguel A. Faria, Jr.* points out.

27 **A Little Boy's Nightmare** *Ron Scutt* shudders at Americans' indifference to the terrorizing of a little boy.

29 **"A" is for Activism** *Chris Bernard* learns that chatting with IMF protesters may not illuminate issues, but it does offer insight into the leftist mindset . . . and a few laughs.

31 **Crisis in the Libertarian Party** *Liberty*'s editors investigate charges that the Libertarian Party's 1996 presidential nominee Harry Browne suborned loyalty of LP employees, with disastrous results.

Reviews

47 **The Mind is a Terrible Thing to Replace** *Peter Gillen* takes a close look at "fuzzy logic," according to which, he discovers that a house not only is not a home, it's not a house either.

48 **Friendships Lost** What's a nice libertarian like *Jane Shaw* doing rubbing literary elbows with a bunch of New York socialists?

50 **Introducing Ayn Rand** Not all Ayn Rand primers are equally bad, opines *Bryan Register.*

53 **Guilt-Edged Politics** *Michael Allen* examines the theory that socialism is a misguided attempt by wealthy people to assuage guilt.

55 **The Avatar of Audacity** *Richard Kostelanetz* looks at a modern-day Mencken.

58 **Notes on Contributors** Stuff about us, should you care to know.

62 **Terra Incognita** Reality, should you care to accept it.

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Letters

The Raid Went Like Clockwork

The seizure of Elián has had the effect of taking a sledgehammer to the house of cards I call my optimism. The video of the abduction drove me to tears. I am truly ashamed to be an American. As a lover of freedom, I try to remain optimistic, despite the overwhelming evidence that we are doomed to a sinking ship of socialism.

If you have any doubts as to where to stand on the Elián issue, all you have to do is ask any escaped Cuban. (The Cuban exile community prefers "escaped" to "defected.") Go ahead, ask one. Those who have lived under Castro's oppression overwhelmingly object to sending anyone back to that prison. In Cuba, the father has no custody — the child belongs to the state. Furthermore, neither the son nor the father have any rights whatsoever. These actions by both the Cuban and U.S. government are strongly reminiscent of Anthony Burgess's *A Clockwork Orange*, with two slightly different socialist regimes using a child to further their agendas.

Like it or not, young Elián has become a symbol of freedom, and look what happened to him. Heavily armed soldiers burst through the doors of his loving relatives' house and took him by force. They didn't even bother with the formality of a proper warrant. The poor child's "re-education" most likely started via a syringe the second he was in the helicopter headed to Andrews Air Force Base. Can Clinton stand on any higher moral ground than Castro? The chilling answer is a resounding "no", and Slick Willie is the leader of the (formerly) free world.

Doug Smith
Akron, Ohio

Just Following Orders

The Border Patrol, aka the SS, seized Elián González, aka Anne Frank, and sent him off to a concentration camp, aka the gulag of Cuba.

If it wasn't so tragic it would have been comical.

L.J. Copas
Corpus Christi, Tex.

Children Belong to the Future

Gene Healy's excellent article on the Elián González case ("Hillary, Newt and Elián," June) is an intelligent analysis of the principal dilemmas involved. And his conclusion (return the boy to his father) is defensible, though hardly inescapable.

I would assess the risks differently. We normally assume that biological parents are the best custodians for children because genetic connection makes their interest in the child's welfare presumptively stronger than anyone else's. But this is a rebuttable presumption.

Ultimately, children do not "belong" to their parents any more than they "belong" to the state. They belong instead to the future, and our interest in defining that future depends upon what sort of adults we want them to become. This is inevitably a political judgment on our part. If we wish to see them develop into autonomous moral agents, with a broad sense of their own powers and possibilities, then Justice Douglas' dissent in *Yoder* has a point. We may have to interfere with a parent's desire to narrow a child's education in order to ensure that future. Similarly, we may have to deny a parent's political choices to prevent the child from growing up in conditions of moral and economic slavery.

The risk, of course, is that the power to make such interventions may be misused, and Healy is right to worry about vesting such power in the state. But an inflexible rule that biological parents should always have the power to control their children's future, so long as they are not abusive, does not seem to me to work very well either. Elián's return to Castro's Cuba looks to me

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much like the return of fugitive slaves in an earlier period of American history.

Tom Redkal
Seattle, Wash.

Guilt by Association

Gene Healy's "Hillary, Newt and Elián" (June) is more an ill-conceived attack on Hillary Clinton than a cogent explanation of the Elián controversy. After extensive quoting from a 27-year-old law review article by Hillary to support his characterization of Hillary's views on children's rights, he lamely argues that her position on Elián that the family court should decide is only explained by his conclusion — "she's a communist sympathizer"!! His support for this character assassination? "Mrs. Clinton is a child of the New Left . . . " He then seals his "argument" by quoting from a 1960s open letter to Castro from that other child of the New Left — Norman Mailer! Anyone who was able to continue reading Healy's explanation after these insights then learned that Healy's solution to the case of Elián González was that the matter should be "decided in the family court." He agrees with Hillary! What should we call Healy? An apologist for a communist sympathizer?

Robert Miller
Brooklyn, N.Y.

Healy responds: My characterization of Hillary Clinton as a communist sympathizer was admittedly rather flip. I included the quotes from Abbie Hoffman and Norman Mailer as amusing illustrations of Castro-worship by New Leftists, and not, in the main, for any probative value they have toward establishing Ms. Clinton's communist sympathies. That Ms. Clinton sympathizes with collectivist authoritarianism hardly needs proving, I should think.

Mr. Miller's statement that I "agree with Hillary" because I wanted the Elián González case decided in a family court doesn't strike me as a very interesting or insightful observation. Everyone from Tom Delay to Al Gore wanted it resolved in family court. The interesting question for purposes of libertarian theory isn't in what forum the case ought to be decided, but what principles ought to be used to resolve it. I said that the inquiry ought to be limited to (1) what does the father really want; and (2) does life in Cuba constitute child abuse? Ms. Clinton hasn't said what principles should be used to resolve this specific case. But the Hillary of old would have favored an open-ended inquiry into what's best for the child, regardless of what his father actually wants. And all too many conservatives and libertarians have started to echo her "kiddie lib" arguments when talking about the Elián González case.

Bradford's Blindness

As a long-time fan of R.W. Bradford's thoughtful, reasoned analyses, I was stunned to read his piece on Elián González (Reflections, June). Go back again, Mr. Bradford, and look at the pictures of Elián while he was held a captive of his Miami relatives. Are you so blind that you cannot see they don't give a damn for the boy's health as long as they can use him as a prop for their political games?

As for the conditions in Cuba, yes, they are terrible, and yes, Castro is a despicable dictator. So why doesn't Bradford call for an end to the embargo that strangles the nation, even as it gives Castro the bogeyman he needs to

From the Editor . . .

You may have noticed this is an extraordinarily large issue of *Liberty*. That's because we have some really exciting features and reviews for you this month. And because you have so much for us: The real stars of this issue of *Liberty* are our readers, who correct our mistakes, tell us off, offer their insights into the controversies that fill our pages — and generally demonstrate why we have the smartest readers in the world!

If you think the case of Elián González is unimportant, think again.

If you are like most Americans, you're sick and tired of the whole matter of Elián González. You probably figure that a child belongs with his parents and you wish it hadn't required federal police to reunite little Elián with his father, but sometimes in dealing with stubborn and unreasonable people, naked force has to be used.

If, like most people, you're sick and tired of reading about Elián González, I have a wager to make with you. Read the very thoughtful articles about the González case beginning on page 15 and see whether your thinking changes. Our writers have a variety of perspectives, but they all agree that the Elián episode reveals a lot more about America than most people think. It goes to critical issues like the rule of law, how we treat our children, how we treat people of other cultures . . . and, most importantly, how much we value human liberty.

For the past two months, the editors of *Liberty* have investigated charges that the Libertarian Party and its presidential candidate have entered into a dysfunctional marriage, resulting in deception of party members and campaign supporters. We spoke to dozens of people, examined thousands of pages of relevant documents, and tried to get straight answers from the people involved. It's dirty work, but somebody had to do it. (Scandals are a lot more fun when they aren't happening to your friends.) You can read what we discovered beginning on page 31. Even if you're not particularly interested in the Libertarian Party, you're liable to learn a lot about the dynamics of a small political group and the ways it raises funds from its members.

Of course, this issue is not all small-party politics and Cuba.

Chris Bernard spends a couple days talking with anti-capitalist protesters at the World Bank/IMF meetings in Washington. Peter Gillen takes a penetrating look at "fuzzy logic," popularized by *Liberty* contributing editor Bart Kosko. Bryan Register examines two new books that purport to provide an introduction to the philosophy of Ayn Rand.

Jane Shaw enjoys Norman Podhoretz's account of how he lost his friends, Richard Kostelanetz celebrates the greatest American critic since H. L. Mencken, and Michael Allen looks at a book about how the left uses guilt to get what it wants.

America is a grand circus, full of spectacles and sideshows. As always, we begin with *Reflections*, our Editors's enjoyment of that circus . . . we hope you enjoy that too!

R. W. Bradford

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stay in power? He manages to ramble on for paragraph after paragraph without even acknowledging the issue.

It is the height of irony that I find myself in support of Bill "Weenie" Clinton and Janet "Waco" Reno, two people whose actions 99% of the time leave no doubt as to their loathsome character. But for once they did the right thing, unlikely as it seems.

Bradford usually hits the bullseye, but he shot the arrow behind his back this time.

John A. deLaubenfels
Longmont, Colo.

Totalitarian Bliss

Concerning R.W. Bradford's statement (Reflections, June) "The problem is not that Cuba is a poor country. The problem is that it is a totalitarian country." I am glad there was no R.W. Bradford around with the power to kidnap me when I grew up in Nazi Germany. You could not have found a happier and busier little guy in the whole wide world than I was in Berlin in the 30s. Apparently my parents provided the right environment for their son, because even today I remember those years fondly. I seriously doubt that I would have been a Libertarian Congressional candidate in 1988, 1990 and 1992 — which I was — had one of FDR's 'humane persons' interfered and done to me what R.W. Bradford suggests be done to Elián González.

Geb Sommer
Lexington, S.C.

Bradford responds: For the life of me, I cannot figure where reader Sommer got the idea that I favor removing children from their homes in totalitarian countries and relocating them elsewhere.

It's true that if his parents had been divorced prior to his birth and his mother had died trying to escape Germany but her efforts had succeeded in getting him into the U.S., I would not want him returned to Germany without a hearing in an appropriate court, at which he himself would have a say.

If I were a judge in the court that should have heard the case of Elián González, I don't know what my verdict would be. As I said in my piece, the law should have a strong prejudice in favor of the parent, but Cuba is a terrible place. I want to hear the case for both sets of his relatives as well as what he has to say.

The Truth of Mental Illness

Yeah, Thomas Szasz, what a saint.

I was thinking about him just the other day, when the homeless squeegee man growled and bared his teeth at me after I refused to let him smudge up my windshield. The crazed look in this fellow's eyes put a chill down my spine. I guess I should be relieved, though, that this guy's liberty has not been unjustly abrogated by the state.

The fact that he (and thousands like him) are walking the streets of our fair city is the true legacy of the movement to deinstitutionalize the mentally ill. R.W. Bradford ("A Sage at Eighty," June) may be right that fewer people are being institutionalized unjustly because of the work of Szasz and other abolitionists. And Szasz does make a compelling argument that mere variance from prevailing social and ethical norms should not be taken as evidence that a person has an illness requiring medical or psychiatric intervention.

If that were Szasz's only point, he'd get no disagreement from me. There is more to his argument, however, and most of it is gravely mistaken.

I just finished reading Szasz's celebrated *The Myth of Mental Illness* for my bioethics class. Here he says, "[The psychiatrists'] aim is to create in the popular mind a confident belief that mental illness is some sort of disease entity, like an infection or a malignancy. If this were true, one could catch or get a mental illness . . . one might transmit it to others, and finally one could get rid of it. Not only is there not a shred of evidence to support this idea, but, on the contrary, all the evidence is the other way . . ."

This is the single most patently false statement I encountered in all of the

continued on page 56

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*
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Reflections

What goes around — At his first press conference in more than two months, Vice President Gore said that George W. Bush has a credibility problem, claiming to be an environmentalist when Texas has serious pollution problems. "These things just catch up to you over time," he said. Then, as the *Washington Post* put it: "When asked if he thought his own past statements on his accomplishments would catch up with him, Gore replied, 'No, I don't.'" Sadly, he's probably right. —David Boaz

A new horse to cheer for — Hail Yahweh! Rudy Giuliani dropped out of the Senate race in New York. Prior to his run for the New York mayor's office, Giuliani proved himself the most vile of all the blackguards ever to be a federal prosecutor, a man so indescribably evil that I could not imagine feeling even the slightest sympathy for his campaign against Hillary Clinton. Politics in America is a sport, and being unable to cheer for either candidate in this highly visible race left me feeling a bit alienated. Who's taking his spot on the ballot? Lazio? Fazio? Who cares?

Vote for Lazio! or Fazio! —R. W. Bradford

Concrete symbolism — On April 19, Oklahoma City dedicated its memorial to the victims of the worst domestic terrorist bombing in the history of the United States. One Hundred and Sixty-Eight marble chairs. Am I the only one who finds humor in using stone butt cushions as a memorial for fallen Bureaucrats? —Tim Slagle

Lon Horiuchi, please call your office — Watching the overwhelming display of force put on by the jackbooted child advocates who "extracted" Elián González from his adopted home in Little Havana, I couldn't help but wonder: where was federal sharpshooter Lon Horiuchi in all of this? After his heroism at Ruby Ridge, in which he picked off archcriminal Vicki Weaver as she stood in her front door with her baby in her arms, the feds made sure to have Horiuchi handy at the Waco standoff as well.

So wouldn't things have gone much easier if eagle-eyed Lon was on the scene in Miami? Set him up in a safe house across the street with a sniper rifle, and he could have whacked Marisleysis and Donato the Fisherman any time either of them stepped near a window. That would surely have smoothed the feds' entry into the González home. (Sorry, I meant to say "compound.") —Gene Healy

Send the boys home — "We are at war, and we're experiencing the consequences of that war in terms of violent encounters, and I only see that increasing," one DEA agent was quoted in a deeply disturbing *Los Angeles Times* article "War on Drugs Taking Toll on Border Agents."

The men and women of law enforcement offer their lives to protect our own. They are modern-day heroes who deserve our deepest respect, admiration, and, above all, care. Need we continue risking the lives of these courageous, self-sacrificing, precious human beings fighting a War on Drugs that, most experts agree, cannot be won?

—Peter McWilliams

From the horse's mouth — This is what the *Washington Post* reported on Friday, April 21, about 22 hours before the seizure of Elián González: "I'm trying to do it the right way; I don't know whether I will be right, but I am dead set and determined to do it the right way, the safest way, the least violent way and the soonest way I possibly can under the law," Attorney General Janet Reno said.

—David Boaz

"Get this: I want nothing." — I like to get the biggest bang for the smallest buck, so as a general rule, when it comes to responding to intrusive government, I am inclined toward passive resistance. That's why I wrote a reflection a couple of months ago explaining that I would not be among those filling in part of their census forms but protesting the more intrusive questions, and I expected I wouldn't bother to answer the door when strangers call during the next few months.

No more. I've decided that if a census taker should happen my way I'll openly refuse to provide information. No, it's not that I have a hankering to go to jail or pay a fine. What happened is I finally listened carefully to one of the ubiquitous ads the Bureau of the Census has been running on television. Here's a transcript:

> Where does a school go? Or that firehouse? You tell me. Is it needed in your neighborhood? You say where it belongs by answering Census 2000. Your answers can help decide who gets what, like a job training center or a building for health care. You can answer Census 2000 and get what you need, or you can leave it blank, and get this: nothing. Welcome the community census worker representative when they stop by.

I've got enough schools and firehouses and job-training centers in my neighborhood. I don't want more. And the Bureau of the Census (oops, I mean "Census 2000") has told me what I should do if I don't want more government spending in my neighborhood: "You can answer Census 2000 and get what you need, or you can leave it blank, and get this: nothing." So I will.

And since it is Census 2000 itself that is giving me permission to do nothing, I don't think I'll do it in a passive way. —R. W. Bradford

The face without pain or fear or guilt — Two recent quotes from Our Maximum Leader:

"The rule of law has got to be upheld. If we don't do it here, where do we stop?" Bill Clinton, in Atlanta on April 14, commenting on the Elián González case

"One of [Congressional Republicans'] great strengths is,

by the way, they have no guilt and no shame. I mean, they'll say anything. You know, you'll never see them blink about it." Bill Clinton, remarks before DNC fundraiser, March 30.

As I see it, there are two possible explanations for these statements:

(1) brazen contempt for civilized norms and decent people's sensibilities: i.e., fuck-you-Jack-I-got-away-with-it; (2) a lack of self-awareness so staggering as to deserve its own entry in the Diagnostic and Statistical Manual of Psychiatric Disorders.

Which it is hardly matters. What matters is that a man characterized by either (1) or (2), above, has command of the world's largest military and easy access to the nuclear football. The worst get on top indeed. —Gene Healy

Looking for locks in all the wrong places — Conspicuously absent from the gun, in the now famous Elián González "rescue" photo, was a child-proof trigger lock. You'd think if there ever was a time and place for one, it would be on a machine gun pointed at a six-year-old boy's head. —Tim Slagle

Ministry of Truth, The Nation branch — In the very last days of the Socialist Century, ideologue-savant Christopher Hitchens seized the opportunity to fire off one final iconoclastic dissent — right in the direction of all those "many intellectuals who thought that the 20th Century was uniquely cruel and violent, marrying medieval barbarism to modern technology," with socialist totalitarianism virtually defining the nadir of man's inhumanity to man. Ah, but how mistaken they were. "Nazism and Stalinism. . . were utterly and comprehensively defeated . . . because even at the time they could be analyzed as fraudulent and obscene." (When next he finds himself alone at *The Nation*'s home office, Hitchens might think to peruse its archives to learn how his journal, to say nothing of the other organs of the Left, actually analyzed the Stalinist regime "at the time.")

Contrast the 20th Century with "the 14th Century, [when] men and women had to endure war and despotism and plague in the belief, shared by even the most intelligent, that such things were supernaturally mandated. No tyranny over the mind could be worse than that, which means in turn that it is wrong and ahistorical to describe Hitler and Stalin as unprecedented."

I can't imagine what could explain it, but evidently Hitchens just doesn't recognize that there is something immeasurably more heinous than telling a man his slavery is simply the fate dealt him by faith, religion and tradition: telling him his slavery is really the freedom given him by reason, science and progress. It is precisely this marriage of medieval barbarism to modern *terminology* — exploiting the language of liberalism to narrate the reemergence from the crypt of pre-liberal oppression — that is the real revolution socialists brought to human events. Their weapons and prisons were ancient; it's their Newspeak that was novel.

—Barry Loberfeld

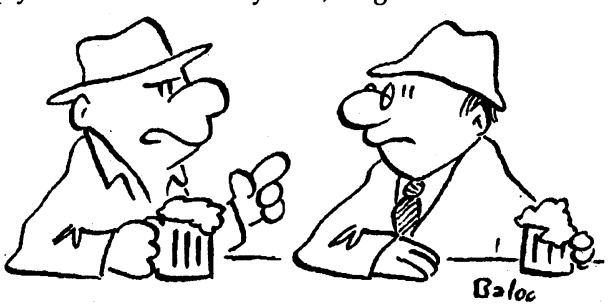

"Never mind the minorities — I say the Democratic Party had better stop taking us *drunks* for granted!"

Stock-market jumpiness and the undefined dollar — Journalists offer several explanations for wild swings in stock prices these days. One strand has traders paying rapt attention to changing clues and hunches about what the Federal Reserve, to "fight inflation," will do to "interest rates" (wrongly supposed to be the essence of monetary policy). Actual or supposed clues about inflation dangers form a major factor. But why should such disruptive uncertainty prevail about future price levels? The answer is the undefined character of the dollar, an absurdity dating from 1971 and indeed from 1933. The purchasing power of today's dollar depends precariously on nothing better than interaction between a highly changeable demand to hold money and a quantity of money indirectly and loosely managed by the Federal Reserve.

Alan Greenspan is arguably doing a much better job than his predecessors, given the institutions that he has to work with. These institutions are what require reform. A suitable and operational definition of the dollar, making its purchasing power dependable, would go far toward curing the arguable irrationality and the wide gyrations of the financial markets. —Leland B. Yeager

Across the spectrum — A major national news page of the *New York Times* on April 17 included two stories in which the protagonists were libertarian. One described Silicon Valley venture capitalist Tim Draper's school choice initiative for California. The story quoted Draper as calling public schools "socialistic" and endorsing the legalization of drugs and referred to "familiar . . . free-market and libertarian strains" in Silicon Valley. The other article, continued from the front page, described a father in a small Texas town who objects to mandatory drug testing of his 12-year-old son. "His stance seems far more libertarian than liberal: he also says that growing gun control efforts violate the constitutional right to bear arms," the *Times* reported. So what's the connection? Well, at least arguably, the two stories demonstrate that libertarians are not a small band of intellectuals and outcasts; rather, libertarian strains run deep in the American soul and crop up repeatedly from Lockney, Texas, to Silicon Valley. —David Boaz

Chunky commie ice cream — In April, America bid a fond adieu to Ben & Jerry's Homemade Inc. $326 million capitalist dollars was the bloody ransom paid for the greatest corporate social experiment since Twentieth Century Motor Company. This funky ice cream brand now sits in the Unilever portfolio, alongside Skippy Peanut Butter, Hellman's Mayonnaise, and Pepsodent Toothpaste. And with the Ben and Jerry's deal, Unilever also acquired Slimfast, to insure they have you coming and going.

Founders Ben Cohen and Jerry Greenfield had stumbled

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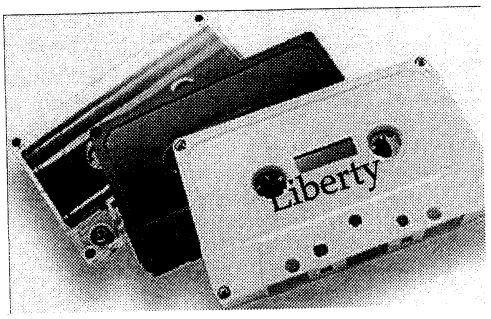

Sexual Correctness • A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. **Wendy McElroy** runs down the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. (audio: A155; video: V155)

Searching for Liberty Around the World • Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear **Doug Casey**, *Investment Biker* author **Jim Rogers**, international journalist **Bruce Ramsey**, and travelers **Scott Reid** and **Ron Lipp** — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

Selling Liberty in an Illiberal World • **Fred L. Smith, Jr.** offers a revolutionary approach to spreading Libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video:V410)

How to Write Op-Eds and Get Them Published • Join former *Business Week* editor **Jane Shaw**, *Orange County Register* senior columnist **Alan Bock** and *Seattle Post-Intelligencer* business reporter **Bruce Ramsey** for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; V412)

Making Terror Your Friend • In a world overrun with authoritarian creeps, **Douglas Casey** highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; Video: V418)

Does the Libertarian Party Have a Future? • **R.W. Bradford** makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. (audio: A408; video: V408)

Using the First Amendment to Smash the State • **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the FDA. (audio: A417)

Why the Great Depression Lasted So Long • **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

The Liberty Group • **R.W. Bradford, Tim Slagle, Fred Smith, Alan Bock,** and **Durk Pearson** look at the hottest topics of the day and presciently analyze the current political madhouse and slaughter sacred cows with abandon. You listen to conservative and liberal pundits on the radios and television. This is a fast paced journey of libertarian commentary. Find out how libertarian pundits measure up! (audio: A401; no video available)

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into the greatest marketing scheme of the eighties. Their ice cream is nothing more and nothing less than a frozen half pound candy bar. Flavors like "Chubby Hubby" mock how truly decadent their confection is. This would normally cause your average liberal to shiver with guilt, for adding lipids to their already excessive forms, while societies are starving in Africa.

Ben and Jerry's ice cream was the biggest vendor of guilt relief in the modern world. Health consciousness had forbidden the kind of fat-laden, cholesterol-rich delight that lives in those recycled paper tubs. But who can resist? Instead of relieving your guilt by promising 100% of your daily vitamin requirements, Ben & Jerry offer something a little more substantial, *social* nutrition. Sure you're clogging your arteries and gaining weight, but never mind, We'll help save the earth with every mouthful. Yum, was that a saturated fat-filled nut I just sank my tooth into? Yes, but don't worry, it was a Brazil nut from the South American rain forest; every one you eat saves a little bit of forest. Sure, that was a mouthful of rich Swiss Chocolate, but it came from a chocolate company that never starved infants. Yes, our cream is 100% milk fat, but that milk fat came from family farmers, and was blended with 100% pure cane sugar in a plant where everybody makes almost the same wage.

The company also became an unintentional experiment in the nature of the CEO. Marxists like Michael Moore find humor in the fact that the CEO of IBM cannot reconfigure a hard drive. The assumption, of course, is that anybody can be a CEO. Women and minorities constantly decry the "Glass Ceiling" that prevents their ascension to the top floor offices, held back solely by their gender or race. When Ben & Jerry decided to retire and enjoy the largesse of the capitalist system, they went in search of a socially responsible CEO. Certainly a woman or minority would be preferred. But because they organize their corporate structure in a socially equitable pattern, the highest paid employee could only make five times the pay of the lowest. The companywas flooded with applications for the $60,000 per year position, but not one was qualified.

To great fanfare they announced in February of 1994 they had succeeded in their search for a qualified CEO. Robert Holland, an African-American, took the helm of the company for a much greater salary than the $60,000 advertised. The truth is that Qualified Women and Minority CEOs are in such high demand that they can pretty much write their own tickets. Holland was forced to resign two years later amidst rapidly plummeting stock prices.

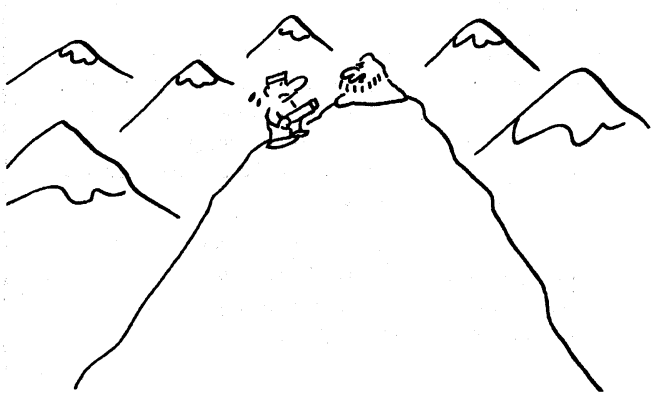

"I said no anchovies!"

Ben and Jerry, obviously consumed with greed, then hired a white executive from a gun manufacturer to replace him at an even higher salary. Apparently social justice is only important when your stock price is up. Ben and Jerry, now very well educated in the truth about capitalism, decided to take the money and run. Godspeed, blessed comrades, Godspeed. —Tim Slagle

The most dangerous drug — Someone sent me a new product that contained concentrated coffee and was marketed to give a "lift." He asked my opinion, no doubt wanting my view of the packaging or marketing. Instead, he got this:

> Are you letting people know that caffeine is an addictive drug to which the body builds up an immunity within two weeks, and after that you're pretty much taking it to ease the pangs of addiction and to get back to "normal" again? A little warning label such as that, and you'll have a great product, marketed with integrity!

Caffeine is marketed to children as Coca-Cola and a dozen other "sodas." Yes, Coca-Cola is a drug-delivery device. Pepsi-Cola has a six-year-old pitchwoman. Caffeine is a harsh drug, closely akin to cocaine. It should be used sparingly by adults — once or twice a week at most. Children should *never* use it. What it does to their developing nervous systems is nothing short of horrific!

That tens of millions of kids swill "sodas" every day is the most serious drug problem in this country. That's why I call it the most dangerous drug in America.

—PeterMcWilliams

Earth first! — According to Peter Ward, author of the pretty convincing *Rare Earth*, the chance that there is *life*(let alone the intelligent kind) in outer space is about as close to zero as a finite number can get. Furthermore, even if it were out there, it'd be so far away as to make space travel impractical (unless you were *that* committed to the notion that your great-great-great-grandchildren would be the first to make contact with the Exotopians).

I, for one, am happy to hear it. Would we really want the worst to be true, viz., that there are indeed folks just like us out there — except that they're all living on a subsistence level? Can anyone doubt what the fallout would be? Immediately the universal economy would come under fire for giving us so much and leaving them so little. The Ivory Tower would demand to know why we Earthlings — who, as it turns out, happen to comprise only 2% of the universe's intelligent life — nonetheless control over 95% of its wealth. Of course, the U.N. (Universal Nations) would begin debate regarding the best possible foreign aid program — and anyone who mentions honest-to-God free trade would be denounced for advocating Terran imperialism, Terraism and cultural genocide.

So good riddance to the possibility of extra-terrestrial intelligence; we have enough problems fighting for liberty on this planet. —Barry Loberfeld

Defining poverty up — In the March 23 edition of *The New York Review of Books*, Robert M. Solow reviews *The Real Worlds of Welfare Capitalism*, a comprehensive study of the Dutch, German, and American approaches to reducing

poverty. After crunching mountains of data, the authors of the study concluded that the Dutch way is best, the American is worst and the German is somewhere in between.

What caught my eye was the way poverty was defined.

The idea of making the actual cost of necessities such as food, clothing, and shelter the poverty line within a given country was rejected, both by Solow and the authors of the book. One problem with this absolute standard, Solow says, is that what was thought to be middle class fifty years ago will, if trends continue, be considered poverty fifty years hence. He points out that a family in 2050 with the median income, adjusted for inflation, of a family of 1950 could not be called poor using the absolute definition even though they would be "excluded from nearly everything that the society values as part of a decent life." He calls this a paradox and shows how it can be escaped by defining poverty in relation to the median family income within the country being studied. Solow and the authors define as poor any family that has an income that is less than half the median family income of the country in which they live.

Solow's defense of this definition includes the following:

> . . . it is what has to be done for international comparisons, because there is no good way to define equivalent absolute poverty lines in say, Denmark and Bulgaria. Clearly the concept of relative poverty mixes together the notions of absolute poverty and gross inequality, but maybe that is appropriate. Most of us would want to describe as "poor" a child whose clothing and diet are regarded as shameful or laughable by ordinary children in the class, even if she gets just enough calories and clothing to survive.

Absolute poverty and relative poverty, as Solow uses the terms, overlap, but are quite different. The absolutely poor cannot afford necessities such as food, clothing and shelter. I have lived in India and have seen the absolutely poor. Theirs is a harsh physical reality.

In contrast, many of the relatively poor, those with less than half the median family income, may have, depending on the country in which they live, adequate food, clothing and shelter, though not of the quantity or quality enjoyed by the rest of the population. In fact, relative poverty need not involve physical deprivation at all. In some cases it may refer only to the psychological problem caused by social and personal expectations. Solow says as much when he refers to a child's clothing and diet as being "shameful" and "laughable." It is also entirely possible that a family could qualify as relatively poor and not suffer from even this psychological malady. A family could have adequate food, clothing, and shelter and have a loving, strong family raising healthy, happy children and still fall within the definition of relatively poor. I know such families. I have been in their homes. They do not think that they are poor. Neither do I.

Solow writes that "maybe" it is appropriate to mix together the concepts of absolute poverty and gross inequality. Maybe not. The harsh physical reality of absolute poverty and psychological problems caused by jealousy and cruelty based on inequality are very different phenomena. Absolute poverty can be eliminated once the necessities of life are acquired. The psychological problems caused by inequality will always be with us. Just as cruel teen-agers will always laugh at unfashionable shoes, so cruel adults will always find some status symbol to try to elicit jealousy in others. As long as cruelty and jealousy exist, these psychological problems will exist. They have little to do with poverty, relative or otherwise.

It is probably true that what was thought of as a middle class family fifty years ago will be thought of as a poor family fifty years hence. But where is the paradox? It simply means that people are getting wealthier. People realistically expect to live better than their grandparents did. It is called progress. It is what market economies do best. To call a family with the equivalent of 1950 middle class purchasing power "poor" by any definition brings to mind the overweight and overfed child who bursts into the kitchen and whines, "I'm starving!" They aren't and he isn't. And would this family in 2050 really be "excluded from nearly everything that the society values as part of a decent life?" Such as what? Annual vacations on Mars? Even if we were all to agree on the meaning of "decent" in this hypothetical context, the honest answer would still be, "I don't know."

—Scott Chambers

Metaspin — Administration flacks, and even many ordinary people in conversations and in letters to editors, say that the rule of law requires the Castro-Clinton-Reno position in the Elián González case. Well, what is the rule of law? It is a metalegal principle meant to serve individual freedom. It requires laws to be general, applying impartially to all persons in the circumstances covered, including legislators and government officials as well as private citizens. It calls for protecting individuals, their property, and their contracts from arbitrary government action. To this end, ideally anyway, the legislative, executive, and judicial powers are kept separate. The rule of law enhances predictability in people's lives and expands opportunities for voluntary cooperation.

The principle does not suppose that specific laws already

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exist in exhaustive detail, unambiguously and definitively dictating the exact outcome in every individual case that might arise. It does not bar further factual investigations nor eliminate all scope for judgment and flexibility in interpreting particular laws and applying them to specific cases. That preposterous supposition would imply replacing judges with computer programs.

Agreed, ordinary law strongly presumes that a young child's sole surviving parent is his proper care-giver and spokesman. But this presumption is not always immediate and conclusive. A child is no mere chattel of his parent. The González case cries out for further investigation. It is truly exceptional — in the harrowing circumstances of Elián's trip to the United States, in worries about his future life back in Cuba, and in doubts whether the boy and especially his father are free to express his interests and his wishes forthrightly, free from surveillance and free from fear of reprisals.

The prospect of a classical tragedy of faulty communication looms. Will the mother's death and the boy's ordeal have been in vain? Will his and perhaps also his father's readily imaginable yearnings for asylum be cruelly frustrated by American failure to read between the lines of their quite possibly programmed actions and words? No "rule of law" dictates courting this tragedy. None precludes further detailed investigation, aired before impartial courts and conducted in the context of adequate U.S. protection of and assurances to the boy and his father and other relatives. Circumstances have thrust onto the United States the moral responsibility of assuring them full opportunity to express their wishes, free from fear. Yet sadly, to judge from opinion polls, most Americans accept the comfortable thought that the law already unambiguously dictates one result, leaving no room for investigation, judgment, and compassion, and maybe later for remorse. Parenthetically, how galling it is that lectures about respect for law should come from, of all people, Clinton and his Attorney General! —Leland B. Yeager

Voodoo economics — A front-page *Washington Post* headline blares, "In Haiti, Push to Free Markets Has Local Costs." Here we go again. Another media story about the victims of heartless markets. Inside, the drumbeat continues: A figure caption reads, "Annual income per person in Haiti has declined since the start of free-market policies." A photo caption: "Rice paddies lie abandoned . . . after free-market policies forced farmers to seek work elsewhere." A pull quote: "In the past 15 years . . . Haiti has moved from a subsistence economy to one based on free markets. But most Haitians are worse off now than before." The text of the story repeatedly refers to "a prime example of the failure of free-market policies" and "a gap between free-market theory and Haitian reality."

By now readers are probably thinking, "Haiti has free markets? Who knew?" and reaching for their copies of *Economic Freedom of the World: 2000 Annual Report* to check it out. Well, guess what. Haiti doesn't have free-market policies, as the author makes perfectly clear, apparently not realizing what his words tell us.

In fact, this is what happened (according to the website of the anti-globalization group Global Exchange, which seems to have it right this time): "The IMF forced Haiti to open its market to imported, highly subsidized U.S. rice at the same time it prohibited Haiti from subsidizing its own farmers." The reporter goes on to say, "Development economists point out that the competition between Haitian and American rice growers was hardly fair, since U.S. rice production is subsidized through a wide variety of mechanisms."

Turns out there is no "gap between free-market theory and Haitian reality" but rather a gap between the myth that the International Monetary Fund supports free markets and the actual policies that the reporter described. Obviously, subsidized rice production is a prime example of corporate welfare, not free markets. And when it's subsidized for export, it's mercantilism, not capitalism. And when you send subsidized products into a poor country, you make it impossible for local farmers to produce at a profit. To be sure, getting something cheaper than you can make it yourself should be good for an economy; Haitian rice farmers should be able to move into fields where their skills are more highly valued, as American farmers have been doing for more than a century and Chinese farmers for about 21 years. But Haiti's economy may be so underdeveloped that it has not developed any alternative industries; or more likely, the economy may be so crippled by state intervention that other industries can't develop. Global Exchange is right to criticize the IMF and the U.S. government. The only error is that the IMF and Global Exchange conspired to convince a *Washington Post* reporter that the IMF supports free markets and that corporate welfare and mercantilism are "free-market policies."

—David Boaz

"Whatever happened to 'In God We Trust'?"

The principal of the thing — Margaret Loder-Healy was the principal of Memorial Elementary School in Newton, New Hampshire. She was noted for her part in making that small town's school into New Hampshire's best.

She resigned her position in November of 1999. It seems she had a small problem. She had been a heroin addict for years — years during which she substantially improved the school she was in charge of.

To my way of thinking, her problem wasn't so much the heroin. Obviously, the use of that drug did not interfere with her ability to do her job and do it well. No, the problem was the present scheme of drug prohibition laws. They, not the heroin, caused her downfall.

What if Loder-Healy had been an alcoholic, not a heroin

user? Suppose she was one of those millions of alcoholics we are surrounded by every day, in every walk of life (including politicians, prosecutors, judges, and the police), and hardly notice — the ones who "nip" from the bottle all day long and go home to several stiff drinks in the evening.

Could Margaret still have done as good a job as school principal then? I'm not sure. Perhaps. Or, perhaps not. Different drugs affect different people in different ways. But here is the important question: Would you choose a good principal who was known to have a alcohol problem over an excellent principal who was addicted to heroin — assuming there were no laws in place to criminalize either drug choice?

What I am sure of, is that Margaret would not have been arrested for federal alcohol possession charges, stemming from a police investigation into an alcohol ring.

—David A. Nichols

ZOWIE! Discovering an entry on oneself in Britannica.com — One of the ironic disadvantages of professional unaffiliation is that you rarely know how well you are doing. Money is no measure in art or writing, in part because it is more easily earned elsewhere, but mostly because it is commonly known that money in culture generally flows to bad stuff. Academic position is no reward either, because everyone who needs to know knows that most artist-professors are professionally inconsequential. Power is no measure, because it is inherently transitory, bringing temporary visibility to those who have it (and, thus, invisibility when power is given up or taken away). Reviews, no matter how favorable, don't last because most appear in periodicals that are swiftly discarded. Prizes are no measure either, because they result from either conspiracies or accidents, and are for that reason rarely remembered beyond the initial press release.

What ultimately counts are milestones that survive — acknowledgments in the histories of one's art, entries in encyclopedias that are selective, citations by others in permanent media such as books. That accounts for why I've come to treasure the entries under my name that have appeared in such directories as *Contemporary Poets*, *Contemporary Novelists*, *Baker's Biographical Dictionary of Musicians*, the *Merriam-Webster Encyclopedia of Literature*, *A Reader's Guide to 20th Century Writers*, and the like, if only because they represent the surest way known to me to anticipate the survival of my work.

Now that I've hooked my computer to the Internet, I've discovered measures that reflect independent decision making — unsolicited votes, to speak. When I open a super-search engine such as Google.com, I find it offering 1,650 entries under my name in websites around the world: publishers' lists, reviews, articles, private reading lists, etc. (Isaac Asimov scores 28,597; Samuel R. Delany, 4,708.) Though many citations duplicate one another or incidentally identify a site that has my esoteric surname miles apart from my common first name, most of these 1,650 actually mention me, crediting the appearance of my name in an article or sometimes a bibliography. Some even cite texts I didn't know about before, such as a reprint in a science fiction anthology two decades ago. (As far as I can tell, the publisher disappeared along with the book.) I've printed out some of these citations on paper for my scrapbook, if only because they might disappear from the computer storing them. (Although purportedly a medium more substantial than a periodical, Internet Central might eventually be just as fragile.)

The biggest surprise, however, was discovering an entry in Britannica.com — I say "surprise," because no one had told me about it before. In my experience, someone else usually discovers this sort of recognition before I do; or someone desiring credit from my account boasts of arranging it. (That's why I've established the Jewish Mother of the Week Award for whoever spots my name in print first. The prize is something worthy of a Jewish mother — a blintz in the flavor of your choice, to come in the mail.) Whereas some encyclopedia entries about me are insufficient, if not peculiar, in emphasizing one or another of my activities to the neglect of all the others, this one was thankfully accurate and remarkably comprehensive:

> American writer, artist, critic, and editor of the avant-garde who is productive in many fields.
>
> Kostelanetz attended Brown University (B.A., 1962), Columbia University (M.A., 1966), and King's College, London. He served as visiting professor or guest artist at a variety of institutions and lectured widely.
>
> In 1971, employing a radically formalist approach, Kostelanetz produced the novel *In the Beginning*, which consists of the alphabet, in single- and double-letter combinations, unfolding over 30 pages. Most of his other literary work also challenges the reader in unconventional ways and is often printed in limited editions at small presses. Kostelanetz's nonfiction work *The End of Intelligent Writing: Literary Politics in America* (1974) charged the New York literary and publishing establishment with inhibiting the publishing and promotion of works by innovative younger authors. His "visual poetry" consists of arrangements of words on a page, using such devices as linking language and sequence, punning, alliteration, parallelism, constructivism, and minimalism.
>
> Among his other works are *Recyclings: A Literary Autobiography* (1974, 1984), *Politics in the African-American Novel* (1991), *Published Encomia*, 1967-91 (1991), and *On Innovative Art(ist)s* (1992). His films include *A Berlin Lost* (1984) and *Berlin Sche-Einena Jother* (1988), both with Martin Koerber. Kostelanetz issued many recordings and audiocassettes on his own label and edited works on musicians such

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as B.B. King and Philip Glass. His *A Dictionary of the Avant-Gardes* was published in 1999.

The descriptions of my works in more than one art are accurate; so are the spellings of some of my unusual titles. The description of my criticism is as free of error as the characterizations of my poetry. My radical moves both esthetically and professionally are accepted without qualification or snotty remarks. My mother couldn't have done much better if she could write. The only major detail missing, to my mind, is acknowledgment of institutional independence. This short entry is so generous and reasonable that I wonder who wrote it. Would the author please come out from behind the Britannica wall of anonymity? I'd like to emboss the stamp of my personal "D. Kosti" on his or her forehead.

You see why I've come to regard Google.com as a well from which, if you fish, pennies emerge.

—Richard Kostelanetz

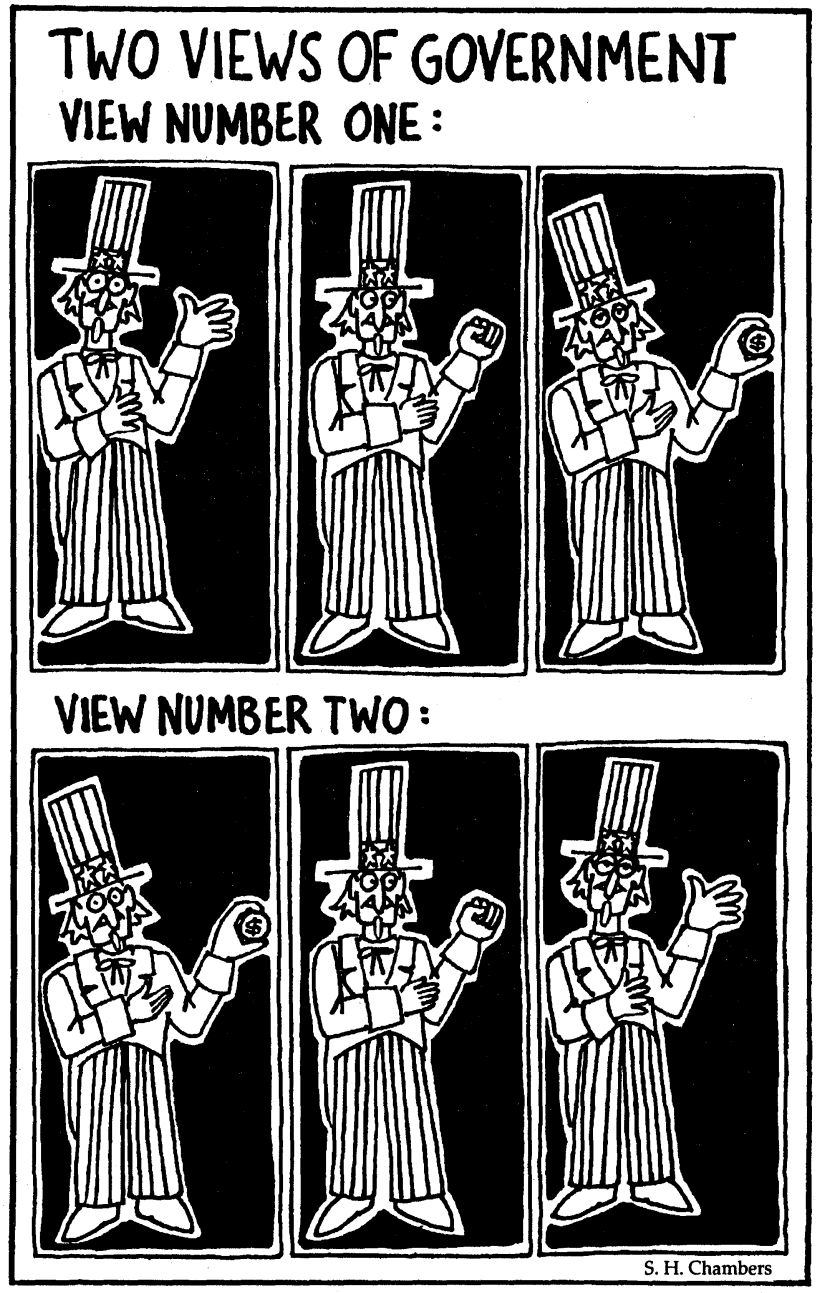

S. H. Chambers

Tyranny's team

— Emotional as sports fans sometimes get about their teams, it's rare when a professional sporting event actually involves a choice of good versus evil. But now, Americans have their first opportunity ever to root against a team which is actively managed to promote tyranny.

That team is the Baltimore Orioles, owned by tort lawyer and tobacco extortionist Peter Angelos. In May, Angelos announced that his team would become the only team in baseball to refuse to sign Cuban defectors.

Last year, Angelos arranged for the Orioles to play an exhibition game in Havana, against a Cuban all-star team. Angelos sat next to Castro in the stands, and cooperated with Castro's jackbooted thugs to make sure that none of the Cuban players defected. One Cuban all-star, considered a defection risk, was not allowed on the field.

Angelos' policy violates the Civil Rights Act of 1964, which prohibits job discrimination on the basis of national origin. But the baseball establishment has ignored Angelos' announcement of his intention to break the civil rights law. Contrast this treatment with how Atlanta Braves relief pitcher John Rocker was treated (a two-week suspension, plus mandatory psychological treatment) for expressing bigoted thoughts to a *Sports Illustrated* reporter, after the reporter told Rocker that the remarks would be kept private.

Other than the Orioles, the closest any American baseball team has come to promoting tyranny was the Cincinnati Reds. In the 1950s, they rejected requests to change their nickname, which happened to be same as the nickname of supporters of the Stalin Khrush- chev Evil Empire. The baseball Reds retorted, quite correctly, that their name was simply a shortened version of their original 1869 name, the Red Stock- ings. And besides, the baseball team had the "Reds" name before the Bolsheviks did — so the Bolsheviks were the ones who ought to get another nickname.

In the 1990s, Cincinnati Reds owner Marge Schott was forced to sell the team, after she made some admiring remarks about the Nazis.

If saying nice things about a totalitarian regime that was destroyed fifty years ago makes a person morally unfit to own a baseball team, what about actively helping an existing totalitarian regime — and breaking American civil rights law to do so?

Major League Baseball has spent tremendous energy in recent years celebrating Jackie Robinson. If MLB had actually learned from the celebration — if MLB wished to retain any legitimate claim to still be "the American pastime," Peter Angelos would have been promptly expelled from baseball.

In football, many people all over the country root for the Dallas Cowboys as "America's team." Perhaps Americans who care about freedom and civil rights will start rooting against Peter Angelos' Orioles, who have now become tyranny's team.

—David Kopel

Report

Two Minutes and Thirty-Four Seconds

by R. W. Bradford

Shortly after the Miami family of Elián González had agreed to surrender custody of the little boy to the Justice Department, Attorney General Janet Reno ordered heavily armed agents to seize the little boy at gunpoint.

On April 20, a federal court refused Janet Reno's request for authorization to remove Elián González from the home of his Miami relatives. It also refused her request to deny the little boy a hearing on his request for asylum.

This presented the Attorney General with a problem. She was 0-for-2 in court and little Elián was happily ensconced with family members in Miami, visible to the entire world. Reno was losing face and it looked like she might very well fail in her attempt to return the little boy to the socialist paradise of Cuba.

Reno realized she had to act fast to save her reputation as a decisive leader. The federal court had refused her request to authorize her to seize the little boy — but it hadn't prohibited her from doing so. She had better grab him quickly before she lost any more court cases. She couldn't grab him right away, since the next day was Good Friday, a sacred holiday in the heavily Roman Catholic neighborhood in which he lived. Easter Sunday was out for the same reason, and the following week . . . well, more adverse court decisions might come down by then and her reputation would certainly take a beating on the Sunday talk shows if she didn't do something quickly. That meant she had to grab him on Saturday.

And not just any time Saturday. Little Elián's home had been surrounded by people protesting Reno's attempt to return the little boy to the dictatorship of Fidel Castro. But President Clinton had solemnly promised Senator Bob Graham (D-Fla) that he would never allow the both boy to be removed from the home under cover of darkness, and Reno herself had promised not to do anything sneaky. "You don't go in, you don't pick up little boys like that," she told reporters, "You work through an issue, and everybody sits down and figures out how you comply with the law."

So it had to be Saturday, under cover of darkness in the early hours of the morning, when protesters would be few and the element of surprise the greatest. But still one problem remained.

Reno had been negotiating with Elián's Miami family. On Friday evening, Reno was told that the family agreed to her terms and agreed to surrender the boy. This plainly took Reno by surprise. She had insisted on one condition she thought Elián's Miami family would never accept: that both Elián's Miami family and his father have access to the boy until his asylum case was resolved. But the Miami relatives had accepted it.

It appears that the main reason the family had agreed to accept Reno's position was the very strong counseling of leaders of the Miami community. These Americans of Cuban ancestry had a strong desire to see the rule of law maintained and to avoid any kind of confrontation in the streets. So they persuaded the family to accept Reno's offer.

Joint access to Elián meant that he would still be free to speak to the press, still be free to say he preferred America to Cuba, still be free to ask to stay with his Miami family. Bad publicity was the likely outcome. Plus, joint custody was plainly a compromise, and having just been beaten in a court of law, Reno was in no mood to be perceived as a wimpy compromiser.

What could she do? Simple. Call off the deal, impose new terms, then seize the boy before the new terms could be agreed to. One of the negotiators, Carlos Saladrigas, a Miami businessman, philanthropist and civic leader, described what happened in these words:

> We had a deal that we signed at 5 o'clock in the afternoon

[the day before], and we heard from the attorney general that there were problems with that deal at approximately four thirty in the morning of Saturday. So, obviously the terms of the deal changed all of the sudden [and] we only had five minutes to react to those changes. And we were doing our darn best to get the family to agree to those changes when the stormtroopers came in. . . . We were minutes away from the family accepting the two conditions that were thrown upon us by the attorney general at the very last minute at about 4:30 that morning.

The other negotiator, Carlos de la Cruz, president of Eagle Brands and Chairman of the Board of Trustees of the University of Miami, described the scene this way:

> We were around the dining room table, all standing up and on the dining room table, was a small cell phone that had a speakerphone capability. And so we were all cramming over the table, trying to listen to the cell phone and to speak and we realized that basically that it was very urgent

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> . . . then we heard noises. I mean it was a cacophony . . . huge, noises like banging . . . and then there were lights, very bright lights, cause remember this was still before daybreak, way before daybreak, so it was in the middle of the night. And all of the sudden you see . . . you're blinded with lights, and banging, . . . we could hear things breaking . . . there was the sound of people screaming and whiffs of tear gas started coming at us from the front of the house. . . . We were screaming "Why? I mean we have a deal. Why? Why are you taking him away? This is terrible!"

In less than three minutes, it was over. The terrified child was in the hands of government agents. Less than an hour later, Janet Reno stood before television cameras announcing that she had "taken action to restore the rule of law and unite a family" and the little boy was on his way back to his father.

And so it came to pass that a gang of heavily armed men fired gas at the handful of people in the streets near the home, broke down the fence around the home, broke down its front door, fired gas into the home, knocked down the only photographer they saw on the scene, grabbed the terrorized little boy and hauled him out to a van to be loaded onto a government plane and shipped northward to the nation's capital where he could be held in seclusion from reporters, where his father could try to withdraw his petition for asylum, and where Janet Reno could regain her reputation without having to worry about the interference of the courts or the family that had cared for the little boy, and the Clinton administration could get on with its business of improving its relations with the sole remaining communist dictatorship in the hemisphere. And the American people could get on with their lives, no longer having to worry about the complexity of the case of the little boy whose mother died trying to bring him to a new live in a free country.

The Justice Department officers who had executed the lightning raid celebrated the way winners of the NCAA basketball tournament celebrate: they issued themselves a commemorative T-shirt. On its front are the words "Operation Recovery;" on its back the words "Miami is Behind You" and the numerals "1", "5", and "4," commemorating the fact that the entire kidnapping took only 154 seconds. This was a sign of progress: after the massacre at Waco, the Justice Department officers celebrated by posing with their weapons over the smoldering ashes of the people they had incinerated. ❑

Come, Child

Come, child, and see my world
View the dreams that lay before you,
Watch fantasies uncurled.
Come, child, and see my land
Where the ocean greets you warmly
As it melts into the sand.
Look, child, at my mountains towering high
Away from all that plagues you—
From the world that's gone awry.
Tap your toes into my rivers
Feel the mud surround your feet
Hear the birds that sing your beauty
As earth and heaven finally meet.
Meander through the water, child
Feel its warmth seep through your skin
You're on the path to bliss now, child
So let your life begin.
Gaze into the sunset—it's eternal if you please.
Watch pink and red melt into gold
Breathe in the crimson breeze.
Come, child, wander up my hill
Watch eternal joy grow near.
Leave emptiness in the cold hard world
Bring only hope, child, here.
Hear laughter echoing in the fields beyond
Feel your toes tickle in the grass
Run toward it child—don't be afraid
We've heard your cries at last.
Come, child, into my arms
See all I have to give:
Warm homes and long embraces
Hearts that all forgive.
The dreams that nightly greet you, child
Shall dreams no longer be.
Come into my world, now, child
Come taste true life with me.

—Pam Singer

Profile

The Eyes of Janet Reno

by Stephen Cox

What lies behind Janet Reno's perverse willingness to kill or endanger children in order to save them?

One of the unforgettable remarks that emerged from the American side of the Vietnam War was the declaration that our forces had to destroy a certain village "in order to save it." The remark was as cruel as the war that gave it birth, but it was not wholly illogical. To "save" something in warfare means to prevent the enemy from getting it. There is no pretense about doing good to the thing itself.

Consider, by contrast, the paramilitary campaigns of Janet Reno. In 1993, Reno ordered forces under her command to invade a religious compound at Waco, Texas. Her action was motivated, she asserted, by concern for the welfare of the many children who, with their parents, inhabited the compound. These children, she feared, were being subjected to "abuse." At the time, R. W. Bradford observed in these pages that the abuse seemed to consist solely of the United States government's "denying them proper food, water, and sanitary facilities." But as a result of Reno's acute sensibility for the well-being of the young, the compound was burned to the ground and the children were incinerated.

This April, in another excess of concern for families and children, Reno ordered an attack on the Miami residence of Elián González, a young refugee from communist Cuba whose mother had sacrificed her life during their harrowing escape. The attack on the tiny working-class home was performed by machine-gun-toting stormtroopers possessing enough firepower to level the Reich Chancellery. It might easily have resulted in the slaughter of Elián, his family, and all the other civilians on the block. From Reno's point of view, however, the raid was obviously worth the risk, if only Elián could be snatched from his doting relatives and returned to Castro's soviet state.

To effect that lofty purpose, she labored with all the resources of her office as Attorney General of the United States, tirelessly planning tricks, waging legal battle, plotting with communist sympathizers, and disseminating misinformation. Once Elián had been delivered to the safe custody of the Cuban goons and thugs who "protect" his father from public scrutiny or escape, once all impartial sources of information about his safety had been closed off, Reno tearfully told the nation about the deep satisfaction she felt in seeing the boy united with his "daddy."

The word "daddy" is a peculiarly sentimental and peculiarly American word. It may remind us that every nation has its own type of cruelty, which is the shadow cast by its own type of virtue. The virtue of the French (to cite one example) is respect for reason; the cruelties of the French — the cruelty of the guillotine, of Devil's Island, and of all their other manifestations of insensate law — are the results of "reason" running wild.

The American style of cruelty is a reflex of our passion for Doing Good. The adherents of the prohibition movement were sincerely determined to save American manhood from the evils of demon rum, no matter how many American men they had to send to prison in order to do it. The exponents of socialized medicine will keep struggling to bring free health care to all Americans, no matter how many old men, young men, women, and babes they kill off in the process.

Every cruel and destructive American crusade — against dirty movies, against recreational drugs, against masturbation, against politically incorrect pronouns, against the Dominance of Gold, against the selling of margarine and the importation of *Ulysses*, against the teaching of German in the public schools and the infestation of our streets by Hunnish dachshunds — every one of them has been motivated by a high moral purpose. The cruel American is typically a crack-

pot and a crank, a professional busybody and demented meddler. He is Upton Sinclair and William Jennings Bryan, Henry Wallace and Carry Nation. He is old John Brown, whose soul goes marching on. But if you are looking for the Platonic form of this seemingly endless parade of tyrants with teary eyes, you need look no further than Attorney General Janet Reno.

In popular parlance, people like her used to be known as "horse-faced hypocrites," and there is obviously some accuracy in the phrase. Such people always "mean well" by others; they just define "well" in their own eccentric terms. They never worry about anything that the target population of their benevolence might have to say; they just start firing. Their benevolence is unerringly coincident with their will to power.

Not for a moment do they imagine that something good

A Nation of Loss — When the Justice Department tells us we are a nation of laws and the Attorney General states her intent to enforce them, we should brace for an assault on the Bill of Rights. The SWAT assault on six-year old Elián González and his family is the most recent example.

We who live in South Florida watched as events unfolded. There was little opportunity to watch anything else. There for all to see was a picture of a federal agent pointing an automatic weapon at the boy. Reportedly the agents had not had a search warrant. The Cuban-American community and many others were outraged. Shortly thereafter a triumphant Justice Department issued two statements. First, they said, the picture was clearly favorable, since it proved that the agent did not have his finger on the trigger. My magnifying glass shows that his finger was about a half inch away, but I'm splitting crosshairs. Secondly, the Department proudly produced the search warrant. Except for a few quiet voices, that was the last we heard on the question of their authority to invade a private residence.

The Justice Department engaged in blatant forum shopping, legal shortcutting, lack of patience, fuzzy statements about the possibility of firearms nearby, and an ugly, ugly raid on the private home of some pretty decent individuals.

No court issued the type of order necessary for such precipitous acts. No officer politely knocked at the door with such a document and asked for Elián. Strangely dressed people shouting epithets and brandishing weapons in the middle of the night were the chosen messengers from the "nation of laws," about which Janet Reno's defenders have had so much to say.

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To invoke the concept of "a nation of laws" to justify jack-booted breaking and entering is sheer hypocrisy. Such activities have no place whatever in a nation of laws. Our concept of law is a protection against that very thing. The authors of our Bill of Rights feared the tyranny of the majority nearly as much as the tyranny of King George. They designed a system in which government and majority rule were tempered by the requirements of the Constitution and its amendments. Whatever the political agenda, whatever the emotion of the moment, whatever the mood of the mob, we were to be that kind of nation of laws. The fourth amendment declares "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . . " The executive branch, in its enforcement of law, may not invade homes without the cool, considered approval of the judicial branch and the issuance of an appropriate order.

Sanctity of the home was a major issue in 1776. Unwarranted searches, the quartering of troops, and forced entries were all common complaints. The Declaration of Independence complains specifically of Americans' being subjected to jurisdictions from beyond and usurpation of local authority.

Child custody is one of the few issues not yet preempted by the Federal government. State courts generally decide custody matters. What is the federal interest here? If Elián were an adult, the INS would have no problem granting perfunctory asylum. Granting of asylum does not mean he must remain here, only that he has permission to do so. If an appropriate court gave custody to the father, Elián would certainly be free to leave. The only interest the INS could have here is that it wants to be the entity to determine custody. Is that its function? The Justice Department must fear that a Florida court might not decide custody in the way the Department would like. If that's its purpose in preempting the state procedure, it certainly violates the spirit of federalism. It is using the power of the federal government to micromanage affairs better left to others. The principle employed is no loftier than "might makes right."

I don't know whether Elián should be with his father, wherever his father goes, or whether he should remain here. I am uncomfortable making decisions about others' lives. I do understand the issues. As Reno and everyone else reminds us constantly, the objective is to do what is best for Elián. U.S. custody law contains a strong presumption in favor of a natural parent. But the argument that this would subject Elián to the Cuban "Code of the Child" is a credible rebuttal. These are issues upon which reasonable people may differ. I am less concerned about Elián than about the Constitution of the United States. I have great faith in the resilience of six-year old boys — particularly those who have already survived shipwreck, the American press, and the loving care of the Attorney General. The Bill of Rights is less resilient. Losses from it are rarely recovered.

—Dan Kiely

might possibly get done without their violent intervention. Not for a moment did Janet Reno consider that Elián González's domestic problems could possibly be solved, in the normal way, by the deliberations of a family court. Other people — hundreds and thousands of other people — suggested that possibility to her. But she could never regard it as an option, because it would leave *her* with nothing to do, and that would be ridiculous, inconceivable, emotionally intolerable.

American puritanism is always on an emotional debauch; in that sense, of course, there is nothing pure about it. It is always a contradiction in terms and an exercise in hypocrisy. Janet Reno is a hypocrite. But at a deeper level,

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she and her cronies — an administration composed of people almost exactly like herself, people who will defend her every action even unto the death, even unto the last sign-off of the last television station — are perfectly sincere in their view of life. Any self-criticism that they may entertain only leads them to continue being exactly the kind of people that they are, only more emphatically.

In Nirad Chaudhuri's wonderful memoir, *The Autobiography of an Unknown Indian*, there is an archetypal story about the puritan character. One day, Chaudhuri says, a leader of an Indian religious movement was walking down the street, when he was accosted by a stranger who asked him for directions to a theatre. The religious gentleman highly disapproved of stage plays, so he answered, "I don't know." He did know, but he was trying, in this way, to prevent the stranger from indulging his wicked predilections. Having made that attempt, the puritan walked on; but then, suddenly "realizing that he had told a lie, [he] ran back to the man and this time said to him: 'I know but I won't tell.'" There is no indication that any self-righteousness was misplaced or lost at any stage of this affair. A puritan is always *in the right*, whether or not he does an occasional wrong *thing*.

Though told about a Hindu savant, the story makes a remarkably American and Renolike impression. Faced with an emergency of any sort, Reno's first impulse is to invent some silly, self-righteous lie. Explaining her gestapolike raid on Elián's home, she maintained that she needed to exert the maximum force at her disposal because she feared that the family was storing weapons. Evidence? On entering the house, her soldiers were attacked with "ropes." As you know, Ms. Reno is not a person of very high intelligence, and you cannot expect her lies to be very intelligent, either. The vicious "ropes" turned out to be . . . camera cables. But the plausibility of the lie is immaterial. It's just one more symbolic attempt to assert her moral purity.

When lying doesn't work, or when she discovers, to her surprise, that she has actually told what might possibly be regarded as a lie, Reno's second impulse is to stonewall. Like the gentleman in Chaudhuri's story, she knows, but she will never tell. To tell what she knows about the curious domestic arrangements to which Elián has now been subjected, to expatiate on her still more curious "negotiations" with the American members of Elián's family, or to fill the country in on any of the other bizarreries of this case would obviously do her fellow-citizens no moral good at all. It would be as empty of moral stimulus as, say, the revelation of all the things she knows about the financial dealings of Bill Clinton or Al Gore. It might even lead people to question her own moral leadership. So she'll say no more. The "ropes" will never be brought up again, and neither will the fate of Elián González, after he is placed on the inevitable plane to Cuba.

What we will continue to get from her, in lieu of facts, is her implacable conviction that she is right even when she takes upon herself the august duty of being wrong. If she was trying to save the children of Waco from abuse, and the result was their agonizing death, that was clearly not *her* fault. Their end merely justified her means. If Elián ends up in a prison camp, or floating face-down somewhere off the coast of Florida, his fate will merely prove what a tough set of problems she was dealing with.

This is the thing that maddens Reno's enemies. Here is a woman who, when not engaged in persecuting people who disagree with her, busies herself by protecting her notoriously crooked boss from the just recompense of his deeds — all the while maintaining her ridiculous faith in her own moral integrity. We know that no person of common intelligence and decency would keep working, for eight long years, as the auditor for a crooked plumbing firm. But that is how long the incorruptible Ms. Reno has served as "justice" minister for the most outlandishly corrupt administration in American history. Those are the plain facts, and they madden me, too. But we need to take a somewhat wider view of the phenomenon.

All would-be spiritual dictators have a crooked side, simply because the force they crave is never merely spiritual.

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They want the ability to bend other people to their will, and they know, as surely as they permit themselves to "know" anything about themselves, that they can get this ability only by accepting Satan's offer of worldly power.

If artists were still being trained to do what used to be called "history painting," the next Republican administration could commission a series of canvases for the East Room, each of them depicting an episode in recent American politics. One of them could show the moment at which Janet

Reno first encountered Webster Hubbell, the Clinton crony who acted as her "handler" in the Justice Department, before he was sent to prison for the crimes he had committed back in Arkansas. But I digress. The artist could pose Ms. Reno, the would-be Christ, on the brow of an imaginary mountain, gazing down abstractedly at the Washington Beltway. Hubbell could be shown coming up behind her and whispering in her ear — looking like Satan, but a whole lot fatter. The piece could be entitled, "Let's Make a Deal."

The Devil has little need to bother with common crooks, who lie and cheat for what they frankly recognize as their own advantage. He spends most of his time with refined spirits like Janet Reno, who refuse to admit that they are corrupt or even self-serving in any way, even when they are using their utmost ingenuity to do some corrupt, self-serving deed. The products of Reno's ingenuity are pretty predictable stuff, by now, but people can be twisted without being in the least creative. I am sure that Reno believes implicitly that she possesses more honesty and courage than has ever before been collected on a single continent, and that she will be heralded to the remotest era of American history as a national hero and exemplar to the young. I am sure that her eyes really did well with tears when she had little Elián returned to his "daddy." I am sure that she regards the day on which she delivered him up to the tyranny of Castro as one of the greatest days of her life.

She does not try to win respect by offering honest and careful explanations of her conduct; honesty and carefulness would exact too high a price. They would ruin the emotional effect.

"Castro" is a common Latin American name, but Reno is presumably aware of exactly who this particular Castro is. She presumably knows that he is the same person who for the past four decades has been starving, enslaving, and torturing the people of his country. She presumably knows that he is the man who urged his Russian sponsors to attack her own country with atomic bombs. Yet she has consistently behaved toward Castro's Cuba as if it were a southern province of Canada: a little different from the United States, but still . . . differences like that aren't worth quibbling over. Whether her behavior indicates an active sympathy for the Cuban political experiment or some more contorted conception, having to do with her self-appointment as the messiah of detente, is a question that need not detain us here. Few political ideologies could be less interesting than Janet Reno's. Her notions, however nondescript, are evidently of a leftwing cast; that is all I know of them, and all I need to know. More interesting is her public conduct, and the illustration it provides of the typically American alliance between a raging puritanism and a treacly sentimentalism.

The political culture of the United States was shaped in the late eighteenth and early nineteenth centuries, which were not only a great age of liberalism in its classic form but also the world's first age of institutionalized respect for sensibility, sensitivity, and what is known as "sentiment." This respect was, in a way, the emotive side of liberalism itself. Like the liberal concept of limited government and absolute personal rights, it signified a belief in the value of the individual human being. Feelings are primary expressions of human individuality; therefore, it was thought, they should be cherished and honored.

So far so good. But sentiment in its defective or degraded form becomes the grievous vice of sentimentality. Proper conditions for the transformation were supplied by "progressive" education, permissive child-rearing practices, and the antics of mass media, all of which conveyed to our susceptible fellow-citizens the false impression that it is better to share a feeling than to analyze a fact. Sentimentality became the staple of American political life and the measure of every participant's political correctness. A politician who has the right ideas but does not display his *feelings*, and specifically his *sensitivity* toward other people's feelings, however dopey or even criminal those feelings may be, is a politician who will soon be out of a job.

And once more, Janet Reno exhibits the Platonic form of America's characteristic mental disabilities. When she got into trouble over Waco, the first thing she did was to go on television to display her anguished feelings about the children who had supposedly been abused by David Koresh and who had actually been killed by Janet Reno. When she testified before Congress about the incident, her voice still quivered with these emotions. No one, she maintained, could possibly *feel* more than she did; and therefore, she must have acted rightly.

She chose the same way of extricating herself from the bad press engendered by the Miami raid. She fulminated, she prevaricated, she dispatched apologists to argue that the gun shown pointing at Elián in the famous photograph was not in fact pointed anywhere near him or could ever have been dangerous to anyone. And, of course, she stonewalled. But most of all, she whined and whimpered. She took her case directly to the Supreme Court of Sentiment, the Oprah Winfrey Show, gladly presenting herself as one more poor soul in the regiment of huggy, teary, snivelly incompetents who populate daytime television.

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No politician of similar prominence has ever dared to do such a thing, at such a juncture. Can you imagine John Mitchell, Reno's almost equally incompetent predecessor as Attorney General, turning up on daytime television to share his distress about the Watergate affair? Even Jimmy Carter, a man of appalling sentimentality, never dreamed of doing anything like that, even after the disastrous failure of his expedition to free the hostages in Iran. Ronald Reagan, that

master manipulator of other people's sentiments, never considered using gals like Oprah to "humanize" his "image" after he fired the air-traffic controllers or got caught bungling the Contra thing. Reno's invasion of the Oprah show was an astonishing new victory for the cause of gush.

I do not suggest that real emotional sensitivity, authentic sentiment, should always be repressed. Profound feeling, warm commitment to ideas, true respect for other people's feelings and commitments, are all too rarely seen in America's political discourse. When they appear, they may indeed have a humanizing and liberalizing influence. Ronald Reagan harbored a genuine passion for liberty (somewhat narrowly defined), and he made his feeling dramatically evident in his remarks about the Evil Empire and the Berlin Wall. That was an overt display of sentiment, but there was no whining appeal for sympathy for the speaker himself. Reagan used sentiment to get his listeners to think about a serious issue, not to relieve himself of his own responsibility for doing so.

Sentimentalism acts in quite a different way. Oscar Wilde said that every sentimentalist is a cynic at heart: he wants to enjoy a feeling, but he does not intend to pay for it. It's a perfect description of Janet Reno. She does not try to win respect by offering honest and careful explanations of her conduct; honesty and carefulness would exact too high a price. They would ruin the emotional effect. Instead, she offers lugubrious accounts of her anxiety, her sadness, her helplessness to discover any alternative to the decisions that she had to make; then she ruefully takes "responsibility." But that taking of responsibility always turns out to be just one more cheap emotional demand. It is worth nothing, and it costs her nothing.

She has no intention whatever of taking responsibility in the traditional way, by resigning her office. She made that clear in her congressional testimony about the Waco incident, when Congressman Conyers made the obvious suggestion and she reacted as if he had deliberately blasphemed. Her plan is never, never to resign from anything, but merely to keep trying to garner as much sympathy as if she had.

There is no question about her sympathy for herself. Looking into those tiny eyes as they fill up with tears, that is what one sees. But one sees something else, as well; one sees anger and hatred. These, too, are sentimentality. The sentimentalist makes her cynical demand for unearned sympathy; she whines, she cries; but when the sympathy of others cannot be guaranteed, when other people have the impertinence to ask her to explain her actions, then she lashes out in fury.

This is the emotional style, not just of Reno, but also of the administration in which she serves. It is the whole story of the Clintons. Caught red-handed in scandal after scandal, they defend themselves with demands for sympathy that are also threats. They say that they feel your pain — and they require you to feel their own. If you refuse, you are immediately classified as a member of the vast rightwing conspiracy, and they unleash their forces to destroy you.

Have you any doubt about what Bill and Hillary Clinton would do to their opposition if they had an ounce more legal and political power? Have you any doubt what their Attorney General would do? The picture of a machine gun pointed at a tiny boy is frightening, but still more frightening are the little eyes of Janet Reno. ❑

The Littlest Subversive — Whatever else one might say about little Elián González, most would agree that the innocent little kid has been a most subversive presence, simply because he has made everyone look bad.

1) Fidel Castro looks like a two-bit deceptive dictator willing to risk his prestige not by attacking economic problems in his impoverished country but fishing a kid back home.

2) Miami's Cuban-Americans look like a bunch of loathsome hysterics who would alienate the rest of Miami, not to mention America, to pursue their relentless anti-Castro agenda.

3) General Janet Reno reminds us that she is a superthug, willing to send out over-armed agents to kill, as at Waco, or threaten to kill, as here, who ought to be indicted for mass murder in the first instance and overkill in the second. By Nat Hentoff's account, "This is the first time in American history that a federal SWAT team has been used to raid a private home in a custody case."

4) Those responsible for curbing government abuses have undermined their own authority by their failure to prosecute Reno for her actions, if only to discourage further federal lawlessness.

5) Bill Clinton looks dumb if he thinks he can swap the fate of a child for the hope of better relations with a dictator not likely to last long as the head of his country.

6) Albert Gore, and other politicians, look like spineless wafflers as they fluctuate between "positions."

7) The American press look like vulgarians who reported nearly every trivial detail about a kid who did not want or need publicity and then largely supported government force in kidnapping him.

8) The National Council of Churches looks like a blindered apologist for Castro to a degree that compromises whatever other do-gooding programs it might have. (No wonder I'd not heard of them before. What else have they done? Or overdone?)

9) 60 Minutes, normally a pillar of independent integrity, looked like a dupe of the National Council of Churches in portraying Elián's father as an earnest, politically correct clean-cut liberal who could think of nothing better to do on his first Sunday in Washington than attend a black church.

So many people wanted to make fools of themselves and others, that more important issues got lost.

continued on page 28

Case Study

Elián González and Dred Scott

by Timothy Sandefur

No government has the right to enslave its people and no parent has the right to enslave his child.

Libertarians believe some oddly contradictory things, sometimes. By far the most dangerous, and most common, is the idea that a nation has the right to form any government it wants. It's rather often that one sees a libertarian who, to paraphrase T.S. Eliot, is formulated and sprawling on a pin by the devastating question: "But what if the people *want* communism?" A common libertarian answer is that if the people genuinely want communism — or any other form of government — they have the right to choose it, and others have no right to criticize. This, they believe, is what the Declaration of Independence means when it invokes the right of the people to "institute new government, which to them shall seem most proper."

Unfortunately, this position represents a sad misunderstanding of the nature of government by consent. And it is responsible for the contradictions that libertarians sometimes express, for instance, when Walter Williams defends the old Confederacy, or when Murray Rothbard argued that America was the aggressor and Russia the victim in the Cold War, or when Gene Healy, in a recent article about the Elián González case, wrote that although "Elián González will be subjected to indoctrination and denied a myriad of opportunities that would be available to him in a free society. . . . " (And one should keep in mind that such "opportunities" include the right to his own life), ". . . But if that's what Juan Miguel González honestly wants for his son, then is it really any of Newt Gingrich's [or our] business?"[1] The answer, of course, is *yes*, it is profoundly ours. Juan Miguel González, who, it seems quite clear, is not free to make any "honest" decision in the matter to begin with, has no more right to return Elián to Cuba than he has to sell the boy into slavery. And, for the same reason, the whole people of Cuba — even if its vote were *unanimous* — has no right to create a communist state.

One encounters this argument most commonly with regard to the Civil War, a war that is still unable to lie mouldering in the grave. Many libertarians despise Abraham Lincoln and argue that the South had as much a right to secede from the Union in 1860 as the colonies had from the British Empire in the 1770s. Secession, they argue, was simply an antigovernment protest, and the South should have been let go.

One libertarian partisan to the South was H.L. Mencken. He described the Gettysburg Address as merely a lovely sounding lie. "The Union soldiers in that battle actually fought *against* self determination; it was the Confederates who fought for the right of their people to govern themselves. What was the practical effect of the battle of Gettysburg? What else than the destruction of the old sovereignty of the States; *i.e.*, of the people of the states? The Confederates went into battle free; they came out with their freedom subject to the supervision and veto of the rest of the country." [2]

Mencken's view is shared by people who would blush at the idea of defending slavery, including Healy and economics professor Walter Williams. Williams writes, "The problems that led to the Civil War are the same problems today — big intrusive government. The reason we don't face the specter of another Civil War is because today's Americans don't have yesteryear's spirit of liberty and constitutional respect."[3]

The argument seems simple. The Confederacy is analogous to the American colonies that fought the Revolution; if the colonies were justified in bucking the control of a despotic, overtaxing monarch whom they did not choose to govern them — if, "when government becomes destructive to these [rights], it is the right of the people to alter or abolish it" — then why was the South not justified in seceding? As one writer put it, "Individuals have the right to ignore the state. If so, it follows that a group of individuals also has the right to

ignore the state, and enter into some new political arrangement if they choose. That is, they may secede."[4]

"The Civil War was not about slavery," Williams argues, and that is partly true. But slavery can not be separated from the nature of the Confederacy. Its own vice president, Alexander Stephens, said as much when he declared, "Our new government is founded upon the great truth that the Negro is not the equal to the white man. That slavery — the subordination to the superior race, is his natural and normal condition." In the days of the American Revolution, Stephens argued, the Founding Fathers were laboring under a delusion. "They rested upon the assumption of the equality of the races. This was an error. It was a sandy foundation, and the idea of government built upon it."[5] The Confederacy was, indeed, based on "subordination."

John C. Calhoun, the intellectual father of the Confederacy, was under no illusions about that. When discussing the Declaration of Independence, Calhoun argued, without embarrassment, that "There is not a word of truth in it." "All men are not created. According to the Bible, only two, a man and a woman, ever were, and of these, one was pronounced subordinate to the other."[6]

The Revolution was not fought over equality anyway, said Calhoun. The "equality" mentioned in the Declaration was only the equal right of the American people as a community to create a government. It was not the equality of man and man. "Breach of our chartered privileges, and lawless encroachment on our acknowledged and well-established rights, were the real causes [of the revolution] and of themselves sufficient." But the rights of man? "It is a great and dangerous error," Calhoun said, "to suppose that all people are equally entitled to liberty." [7] And yet the libertarian journal *The Freeman* has called Calhoun a great man, and a defender of the Constitution.

Like conservatives today, Calhoun began with society, not the individual. A *people — not a person* — has a fundamental right to self-government, no matter how it may organize itself. In the case of America, the people decided to create a federal republic, but they could, with equal justification, have created any type of government. The choice of a federal republic was based only on experience and tradition, not abstract, rational principles of equality.[8]

The whole people of Cuba — even if its vote were unanimous — has no right to create a communist state.

Calhoun died in 1850, but he had worked his wickedness. The South did not give up on the notion of State sovereignty — of the right of "the mere will of the sovereign communities" first, with the individual second. If the South wanted to have slavery, it should be permitted to do so, it would argue — and many libertarians now agree. "The great principle" of government by consent, Walter Williams writes, "was overturned by [Lincoln's] force of arms. By destroying the states' right to secession, Abraham Lincoln opened the door" to tyranny.

But as Lincoln pointed out in the debates over "popular sovereignty" in the western territories, Southern partisans have an interesting definition of self-government, which includes the government of others — an entire race of people who had no choice in the matter. "I agree with Judge Douglas that [the black man] is not my equal in many respects," said Lincoln, "certainly not in color — perhaps not in intellectual and moral endowments; but in the right to eat the bread without leave of anybody else which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of *every other man.*"[9]

> [Stephen] Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying: 'The white people of Nebraska are good enough to govern themselves, *but they are not good enough to govern a few miserable Negroes!!*' Well, I doubt not that the people of Nebraska are, and will continue to be, so good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other's consent.* [10]

It was Lincoln, not Calhoun, who defended the true nature of the Declaration of Independence. According to the Declaration the equality of man is the fundamental principle of self government. If all men are equal — none born, as Jefferson said "with saddles upon their backs" — then no man can own another; each owns himself. Ironically, even Walter Williams writes, "Our Founders inherited [the principle of freedom] from philosophers such as John Locke, and it's: each person owns himself."[11]

Because each person owns himself, he has the right to be free from the control of others without consent — so long as he leaves that right equally to everyone else. But he cannot simultaneously embrace and deny that concept. He cannot assert the right to self-government while claiming the right to control another person, or derogating the very notion of self-ownership. There can be no freedom to enslave, and this is equally true of individuals and societies. As Ayn Rand wrote, "Whether a slave society was conquered or *chose* to be enslaved, it can claim no national rights, and no recognition of such 'rights' by civilized countries — just as a mob of gangsters cannot demand a recognition of its 'rights' and a legal equality with an industrial concern or a university, on the ground that the gangsters *chose* by unanimous vote to engage in that particular kind of group activity."[12] Individual rights come first; state's rights only come second.

This is the principle that makes Nazi Germany or Soviet Russia or Castro's Cuba *illegitimate states*. People do not have the right to create a government that is antithetical to the foundation of the right to create a government. That right rests on each individual's ownership of himself. If he creates a government that abolishes property rights, or abolishes the right of self-ownership, he is undercutting the very principle that makes government-creating possible. It is like selling the keys to buy the car. There cannot be government by consent to a government that does not permit consent, either in the case of Southern slavery or in the case of Cuban communism.

This may seem a fine point, but it's crucial: a revolution does not justify itself. It is justified only insofar as it is founded on the rights of individuals. The principle of self-government is limited, just as the rightful powers of any government are limited, to *those things which may be governed.* No government may enslave its populace, be it authoritarian

or democratic. And an act of revolution must have some legitimate basis. A gang of outlaws is not a nation; it remains a gang of outlaws, despite the subtlest arguments of sympathetic economics professors. As Harry Jaffa writes,

> Individual human beings could not form a body politic, nor have a government whose "just powers" are derived from their consent, had there not been such an equality in the original endowment of rights. . . . The Framers of our Constitution clearly and wisely believed that there must be a lawfulness antecedent to positive law for positive law itself to be lawful. . . . The "consent of the governed" from which "the just powers" of government are derived is intelligent or enlightened consent; it is not anything whatever to which men may agree. There is no such thing as a right of the people under the laws of nature to form Nazi or Bolshevik constitutions. Nor was there a right simply to the institution of chattel slavery. . . . [13]

It is sadly ironic that so many libertarians find themselves on the wrong end of this debate. Of course it is a complex issue; it raises questions like, should the United States declare war on Cuba to liberate it? Or China? And what about all the refugees we send back to their homelands? These are not simple questions, and I do not propose to answer them. But when libertarians argue that a slave state is justified "so long as the people really want it," they are undercutting their own argument in a tragic way. We should recall that, as John Adams suggested, the American Revolution was only supported by about a third of the population of America. Liberty is right, whether people know that or not.

All this talk of the Civil War may seem irrelevant to a debate in 2000 about a child from Cuba. But it's actually the same question. In fact, the statutes of the United States once included a clause that would have required the immediate return of Elián González. It's been repealed, but it was called the "fugitive slave clause," and it required that slaves who escaped their masters be returned to slavery. It was one of the dark spots on the law of the nation. Yet today many libertarians in effect defend that clause; after all, such a slave might "have adequate food, clothing, and shelter. And — no small matter — he will be with his father."[14] (Of course, slaves did *not* have *adequate* food, clothing and shelter, but neither will Elián. No matter; at least he will be enslaved *with his father*.) A people has no right to create slave states; and a father has no right to return his child to slavery.

People do not have the right to create a government that is antithetical to the foundation of the right to create a government. That right rests on each individual's ownership of himself.

Libertarianism is about *liberty*, not about *democracy*. It is about life, not suicide. It is a philosophy of individual rights, not of voting patterns. (Remember that Bastiat's libertarian classic *The Law* is really an argument against the universal franchise.) This often makes us seem unrealistically philosophical today; when some liberal asks us something like "How much should welfare payments be decreased?" we often answer, "Wipe them out entirely!" The other person rolls his eyes and walks away.

But we never *have* cared much for popularity. If we did, we would be Democrats. We care about what is *right*. To ask, "What if the people vote for slavery?" undercuts us not only philosophically, but personally. The people of America *have* voted for slavery, time and time again. Yet we march on, and write on, and work toward a day when our children or our grandchildren will be free. I am sure Gene Healy believes in that cause as much as I do. I know that Walter Williams is just kidding when he says, "What do I care for future generations; what have they ever done for me?" Libertarians have fought — for as long as we have existed — for the rights of man, whether or not they were popular.

Libertarianism is about liberty, not about democracy. It is a philosophy of individual rights, not of voting patterns.

This is a situation that can no longer be ignored. The ideals of American liberty have taken a sharp and painful blow in the whole Elián affair. America's position as the refuge for oppressed peoples has been betrayed by an administration that, frankly, doesn't much object to Cuba's form of government. And an American home has been invaded, by armed Federal agents, who seized a little boy by force, to drag him back into slavery in a country that, over the past half century, has murdered over a hundred thousand people[15] — the regime of a thug left over from the days of Stalinist dictatorship. We should not abide any longer the arguments of those who claim that murder and slavery are *acceptable if only the people vote for them.*

We may, in fact, stand at the final curtain of American liberty. And if that is the case, I, and Gene Healy, and Walter Williams, will probably all still write and fight for our freedoms, regardless of whether the people vote for or against us. We will say, as the great libertarian poet John Milton did, in a day when he thought the cause of liberty was done for,

> What I have spoken, is the language of that which is not called amiss "The good old Cause:" if it seem strange to any, it will not seem more strange, I hope, than convincing to backsliders. This much I should perhaps have said, though I was sure I should have spoken only to trees and stones; and had none to cry to, but with the prophet, "Oh, earth, earth, earth!" to tell the very soil itself what her perverse inhabitants are deaf to. Nay, though what I have spoke should happen (which thou suffer not, who create mankind free! nor thou next, who didst redeem us from being servants of men!) to be the last words of our expiring liberty.[16]

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Notes:

1. Gene Healy, "Hillary, Newt, and Elián ," *Liberty* , June 2000, p. 20.
2. H. L. Mencken, *The Vintage Mencken,* Alistair Cooke ed, 1955, p. 80.
3. Walter Williams, "The Civil War Wasn't About Slavery," *Jewish World Review*, December 2, 1998.

continued on page 26

The Trail of Cuban Tears

by Miguel A. Faria, Jr.

The betrayal of Elián González is not the first time Americans have betrayed Cuba.

The political and legal battle for the fate of Elián González is no longer about whether "he belongs with his father," as cleverly sold to the American people by the liberal media. He has been forcibly reunited with his "father." The conflict was always about something deeper. It was about the difference between freedom and oppression. Distilled to its essence, it was about the struggle between good and evil that every generation must face.

Elián was forcibly reunited with Juan Miguel, his biological father, but a very deficient sort of father, the type that had been carried away with the tide of the communist revolution. The media has described Juan Miguel as "fit" and "loving of his son," but was he really? In a fit of angry machismo, he threatened to come to Miami and shoot as many people as he could. It took him four months to get to the U.S. and then he insisted, while surrounded by Cuban agents, that he wanted to take Elián back to totalitarian Cuba. Is this loving and fit? Juan Miguel said that he feared for his life in going to Miami to pick up his son from his uncle's home, even though Lázaro González invited him to do so peacefully.

All this time after arriving here from Cuba, he stayed in the Cuban Interest Section near Washington, D.C., in a known nest of Cuban spies and communist agents who have nothing but hatred for the U.S. Is that the normal behavior of a "fit and loving father"?

Yet returning Elián to his real father, Fidel Castro, appears to be a done deal between him and the President of the United States, who wants at all costs to leave a legacy of normalization of relations with Cuba — a better legacy, in his view, than his relations with "that woman, Monica Lewinsky."

And Juan Miguel, by refusing to go to Miami to pick up his son, abetted and encouraged his forceful removal from those who loved and nurtured him. Gun-wielding INS agents wrestled the frightened child from the fisherman who had rescued him from the ocean.

The scene of bucket-helmeted, jack-booted federal agents seizing a young child from a loving family is something I never expected to see in America. The scene, graphically depicted in photographs by Associated Press photojournalist Alan Diaz, has nevertheless not made so deep an impression with the general American public. Americans in their comfortable homes must think that this can only happen to refugee children of illegal aliens, not to American families.

The much-maligned Cuban-American community, armed only with crucifixes, rosaries, Biblical quotations, and flags, felt betrayed once again. Here is a partial list of betrayals.

First, there was the all-but-forgotten disinformation spread in 1957-1959 by *New York Times* reporter Herbert Matthews, who knew the truth about Fidel and lied to the American people about his past history of violence and communism, history that wasn't known even in Cuba. Matthews was seconded by our own State Department, which insisted that Fidel was a nationalist agrarian reformer and a savior of the Cuban people.

Second, there was the disastrous Bay of Pigs invasion of April 1961, which John F. Kennedy, then in office, adroitly blamed on the CIA. Cuban exile patriots were abandoned without air support by Kennedy to die at the hands of the communists, who outnumbered them by 100 to 1. They fought heroically until they ran out of ammunition, killing more communist enemies than their entire 1,500 man force.

Third, there was the October 1962 Cuban Missile Crisis and, in its wake, the secret understanding between Kennedy and Soviet Premier Nikita Khrushchev that Cuba would remain enslaved to communism in exchange for the removal of Soviet missiles from Cuba.

Fourth, there was the Mariel boatlift. This should, of course, have been an embarrassment to Fidel. If Cuba is such a paradise, why are people fleeing in makeshift rafts and inner tubes, risking their lives to cross an uncertain sea? But in the hands of President Jimmy Carter, it became an immigration nightmare. Fidel turned the tables on him, emptied his jails and mental facilities, and sent their occupants to the United States, where their presence could intimidate this country into future cooperation with Fidel's regime.

Fifth, there was the slap in the face of the immigration agreement by which another young president, Bill Clinton, capitulated to Fidel Castro's insistence that the U.S. government return freedom-seeking refugees rescued in the high seas, instead of abiding by the Cuba Adjustment Act of 1966 that granted political asylum to all Cuban refugees (note: regardless of age).

Sixth, there was the barbaric and criminal ramming and sinking of the tugboat loaded with families attempting to escape from Cuban tyranny on July 13, 1994. The act has been shown to have been ordered by Fidel Castro. Forty-one people, including women and children, were killed. Protests in Cuba were brutally suppressed by communist thugs, the Blas Roca brigades, who were the Cuban model for the turbas divinas ("divine mobs") of Marxist Nicaragua.

Seventh, there was the heinous aerial assassination of four Cuban exile members of Brothers to the Rescue, who were American citizens. Their two humanitarian planes were shot down by heavily armed Cuban MiGs in February 1996. The Cuban government, that is Fidel, used the same excuse as the Soviet Union did after the downing of KAL 007 in 1983, in which U.S. Representative Larry McDonald, a staunch anti-communist, was killed along with 269 other people. Fidel, like the Soviets, said that he was acting to protect national air space!

And now, there is the Gestapo-like raid on an American home and the forceful removal of a terrified boy at gunpoint, for delivery back to Castro.

In a fit of angry machismo, Juan Miguel González threatened to come to Miami and shoot as many people as he could. Is this loving and fit?

Despite the betrayals and offenses, the Cuban-American community has reacted with stoic restraint and continues to love these United States passionately. Up until the time of this raid, they believed that such a thing could never happen here in America.

A telling example of this attitude is that of Metro-Dade Mayor Alex Penelas, who has been much maligned for standing against the federal authorities. Perhaps I should quote what he said about the federal government's intention of seizing Elián from his loving family, Lázaro and Marisleysis González. Penelas stated, "We will not lend our respective resources, whether they be in the form of police officers or any other resources, to assist the federal government in any way, shape or form to inappropriately repatriate Elián González to Cuba." He was, in fact, the one abiding by the rule of law, law passed pursuant to and in accordance with the U.S. Constitution, and not the other way around, as we were led to believe by the establishment media.

Mayor Penelas had previously joined the bandwagon of mayors filing lawsuits against the gun industry, a misguided effort to bypass the Second Amendment and instigate gun control through the back door of litigation, thereby making an end run around the Constitution and eroding the rights of law-abiding citizens. I wrote Mayor Penelas a letter pointing this out in which I concluded:

The much-maligned Cuban-American community, armed only with crucifixes, rosaries, Biblical quotations, and flags, felt betrayed once again.

> I know you are a young man who was probably born here, but your father and uncles would have known by personal experience that before 1958, dictator Fulgencio Batista had all citizens register their firearms. After the sweep of the revolution, Raul and Fidel Castro had their communist thugs, aided by the newly formed Committees for the Defense of the Revolution (CDR), go door to door and, using the registration lists of the old regime, confiscate all firearms. In the end, my Cuban brethren lost not only their guns but also their freedom. And yes, as the Elián González raid demonstrated graphically, it can happen here!

Yes, America is rapidly becoming Amerika.

Our Founding Fathers bequeathed to us a constitutional republic for informed and vigilant citizens. But we could lose it within one dormant generation. Will America, absorbed in the enjoyment of material plenty, lose the memory of freedom? Material abundance without character is the path to destruction. ❑

"Elián González and Dred Scott," *from page 24.*

4. George Leef, review of *Secession, State and Liberty* ed. David Gordon, *The Freeman*, June 1999.
5. Edward McPherson, ed., *The Political History of the Great Rebellion* (1865) p. 103.
6. Richard Current, *John C. Calhoun* (1963) pp. 46, 48.
7. Currant, p 45.
8. For an insightful discussion of Calhoun's politics, see Charles Edward Merriam, *A History of American Political Theories* (1969 [1903]).
9. Paul Angle, ed., *Created Equal? The Complete Lincoln-Douglas Debates* (1958) p. 327.
10. R. Basler, ed. *The Collected Works of Abraham Lincoln* (1953) 1:266.
11. Walter Williams, "General Principles" *Jewish World Review* May 14, 1999
12. Ayn Rand, *The Virtue of Selfishness* (1964) p. 104
13. Harry Jaffa. *Original Intent And The Framers of the Constitution* (1994) p 94-95.
14. Healy, p 22.
15. [141,000 according to R.J. Rummel, <http://www2.hawaii.edu/~rummel/SOD.TAB16A.1.GIF>];
16. "The Ready and Easy Way to Establish a Free Commonwealth"

A Little Boy's Nightmare

by Ron Scutt

Why are Americans so indifferent to the terrorizing of a little Cuban boy?

Three weeks ago, April 22nd, I was in Seattle preparing to attend an education conference. Waking up in my motel room at 2:15 A.M. (5:15 A.M. EST) and unable to go back to sleep, I turned on the TV. I was emotionally, intellectually and spiritually unprepared for the scene developing before my eyes.

For the past twenty-three years I have taught children ranging in age from five to fourteen in Stehekin, Washington's one-room school. Working with children in such an intimate manner for this length of time made it almost impossible to comprehend the sordid spectacle on the screen. Before my eyes, Elián González was taken from the González family. He screamed and cried out in terror. It seemed as if I were witnessing a scene that could only occur in a country that cared nothing for the needs of children. I could not fathom the reason why any child in any nation should be subjected to such terror.

As a father and a teacher, I was shocked to the core. Everything I know about the needs of children was violated that morning. I felt as if a sliver of Hell had pierced my heart. I could not go back to sleep. As the reporting continued, my emotions vacillated between tears and anger. How could any government subject a child to such trauma? I found the abduction of Elián González profoundly disturbing.

Three days later, April 25th, I was stunned again. The headline in *USA Today* boldly stated: "Poll: Most back raid for Elián: 68% oppose hearings." I asked myself, "How is this possible?"

It was incomprehensible to read that a majority of Americans found this adrenalized attack and seizure of Elián acceptable. If the survey is accurate, then too many adults have abandoned the needs of too many children for far too long. I can only conclude that the majority of Americans no longer recognize the sacred responsibilities we share to protect and nurture the physiological and psychological needs of children. It seems to me that you do not subject any child to such trauma unless the life of the child is truly in danger. And I do not believe that Elián's life was in danger until the moment of the attack on his home.

If the nation condones this type of treatment of children, we are a worthless people. You simply don't sanction the use of such force to tear a child from the only home and family he has known since his mother perished in the sea unless that child is in mortal danger. Elián was plainly not. This fact seems especially obvious when one realizes that a negotiated settlement was near completion, and that the González family signed an agreement, hours before the raid, which guaranteed that Elián would be reunited with his father in a peaceful manner.

Please remember: the door to the González home was broken down while negotiators, empowered by the Justice Department, were in the home and on the phone with Janet Reno. The negotiators have testified that they were putting finishing touches on an agreement and that "the family was negotiating in good faith." They have also testified that they saw no reason or need for the armed attack.

I believe that a convincing case will be developed for the idea that the Justice Department surprised the negotiators and the González family by raising the negotiating bar during the early morning hours just before the raid. While the bar was going up, the attack on the González home was put into motion. I believe the facts will show that the government did not exhibit meaningful concern for the safety of negotiators acting on its behalf or for the González family.

The Justice Department reported that federal agents stormed the house with such force because there were reports of guns in or around the home. Why, then, were

armed agents sent into the home at all while negotiators were on the premises? Why did the government put its own negotiators at risk? It would seem that reports of guns on the premises were either highly exaggerated, or that the government acted irresponsibly, placing negotiators and Elián in grave danger. I don't think the government can have it both ways. I am also curious to know whether there are any previous examples of law enforcement agents making such a forceful raid on a home while government negotiators were on the premises?

Too many citizens no longer have the capacity to comprehend the fact that the seizure of Elián González tore at the fabric of a child's soul in a way no child should experience.

It was the stated goal of the González family to ensure that Elián not be taken back to Cuba by anyone until he had his day in court, where all the facts of this custody case could be heard. Would any of us, confronted with a custody decision of this magnitude, want anything different for a child?

Fishermen plucked Elián from the sea and brought him to the American shore on Thanksgiving Day. He touched base. He was home free. His mother, who had tied him to an inner tube before she perished, was unable to leave a legal statement of her wishes for Elián. There is no doubt, however, that she gave her life in an attempt to reach American shores with her son. Shouldn't that count for something?

Elián was loved in the González's home. He was surrounded by those who celebrated the miracle of his rescue, by those who understood and celebrated the principles of human liberty. Miami Cubans understand these principles because they are intimately aware of what life is like in a totalitarian state where individual rights do not exist.

I can only hope more Americans will question the use of such force to remove Elián González from the only home he had known in America. It is obvious that too many citizens no longer have the capacity to comprehend the fact that the seizure of Elián González tore at the fabric of a child's soul in a way no child should experience. History should record that many thoughtful Americans refused to condone either the timing of the raid or its violence. As a father and a teacher, I want to go on record now. ☐

Reno's reward? — Janet Reno's tormenting of young Bobby Fijnje in Miami from 1989 to 1991, the Waco cremation, the seizure of Elián González, and Reno's recent TV performances, all adorned by her professed concern for "the children," form a pattern. Reno comes across as self-righteous and stubborn (though not necessarily decisive). Even traces of sadism appear. Why does Clinton tolerate such behavior from a subordinate? Could his tolerating the way she gets her kicks be her reward for helping keep bothersome investigations under wraps? I don't know, but his and her characters and behavior do invite that conjecture.

—Leland B. Yeager

"The Littlest Subversive," *continued from page 21*

10) Caucasian Cubans both here and there implicitly remind us that black Cubans by their absence from these political machinations don't count in the Cuban world, their visibility in sports notwithstanding.

11) Aggressive advocates of "family values" look as though certain other values, beginning with anti-Communism, are more pressing to them.

12) Friends of mine struck me dumb when they supported the Reno Raid on the grounds that "the kid should be returned to his father," as though fathers, even once-divorced fathers with new wives who bore younger children, are ipso facto better guardians than other relatives. This last assumption is so obviously untrue you wonder how anyone can think it, given the record of those raised primarily by attentive uncles, aunts, grandparents, and siblings.

13) To this list I add everyone who kept secrets about the Elián experience that should have been revealed, that will be revealed as governmental and journalistic investigations proceed, to their embarrassment.

In sum, the innocent little bowling ball knocked down everyone who chose to get involved but, conversely, improved the appearance of those who kept a distance.

Isn't it clear by now that everything would have been better for everyone concerned, beginning with young Elián, if the press and the politicians simply forgot about the kid and resisted every attempt to make him a press celebrity or a political prize?

As I've argued before in these pages, if the Elián episode were to be publicized, it should have been an occasion to discuss not fathers vs. great uncles, Havana vs. Little Havana, crazy Marisleysis vs. crazy Fidel, but whether the state had the right to move anyone to another country — what we normally call deportation. However, since so many people wanted instead to make fools of themselves and others, that more important issue got lost, to my regret.

Too bad Elián wasn't old enough to get book and film contracts that would have enabled him as a nouveau celebrity to profit personally from everyone else's foolishness. Nothing today is more pathetic than an unwitting celebrity unable to gain from everyone else's prurient interest.

Those predisposed to conspiracy theories might want to ask: Given how pervasively subversive Elián was, knocking down Communists as well as anti-Communists, what alien force sent him?

Should Elián's father and stepmother want to remain in America — a possibility that becomes more likely every day they stay here — consider that all the fools would have another chance to look foolish again.

—Richard Kostelanetz

Political Travelogue

"A" is for Activism

by Chris Bernard

Chatting with IMF protesters may not illuminate issues, but it does offer insight into the leftist mindset. And a few laughs.

I've always wondered what an "activist" is. When I learned that activists from all over the country were descending on Washington, D.C. to protest the International Monetary Fund (IMF) and the World Bank, I took advantage of my proximity to the nation's capital to learn about activists. On April 16th and 17th I went down to the District, with my friend Todd, to check out the protest.

We arrived at 2 p.m. There had been clashes between the police and protesters earlier that morning. By the time we arrived, the protest was diffuse and unorganized. There were hundreds, maybe thousands, of protesters walking around, eating and peacefully carrying signs. The protest was spread out because the police had created a huge perimeter around the building where the meetings were being held. There was no natural spot to protest. I couldn't even see the buildings. I asked a cop where the protest was and he said it had already died down. He was eager to tell me, however, that I had missed topless women protesters by an hour or two.

Todd and I noticed that many protesters were heading towards the Ellipse (an elliptical lawn between the Washington Monument and the White House). We joined them.

At the Ellipse, there was a stage with speakers giving passionate but incoherent speeches. Hundreds of protesters and dozens of activists manning information booths communed. As we approached, a guy handed me a newspaper and said "communist newspaper." At first, I thought he was kidding. He wasn't. I had assumed that most of the protesters would be union members; to my surprise, almost everyone there was a communist, socialist, or left anarchist.

People with bullhorns were giving speeches about the evils of capitalism and glories of communism. Others carried signs. One sign read, "Workers of the world unite!"

We went to the exhibition area, and took an informal poll of the people running the booths distributing propaganda. I pointed out that most capitalist countries are relatively rich while most communist countries are poor and suggested that it did not seem to be a matter of natural resources, culture, or history, since countries like East and West Germany or North and South Korea had shared the same culture, history, and land. So I asked them to solve the mystery of why West Germany and South Korea were so much more prosperous and less polluted than East Germany and North Korea.

Many answered that capitalist countries steal from and exploit communist countries. I was shocked at this answer. Then I asked if it was fair to summarize their answer this way "Communist countries are, in themselves, economic powerhouses, but capitalist countries victimize and use communist countries to get rich, leaving the communist countries poor." To my surprise, they all agreed that was a fair summary.

The best answer I heard was from the person manning the booth of the Democratic-Socialist party. Overweight and unkempt, he looked so strikingly similar to the owner of the comic book store in *The Simpsons* that I half expected him to say "Get your greasy hands off my collector's edition of *The Communist Manifesto*!" He explained that the difference between the two Koreas and two Germanys is not all that mysterious: communism is weak but socialism works well and West Germany and South Korea were really democratic socialist countries, not capitalist countries.

Many booths focused on issues seemingly unrelated to the IMF: the U.S. Navy's operations at Vieques, Puerto Rico, vegetarianism, food irradiation, the "political prisoner" (and convicted cop-killer) Mumia Abu Jamal. I asked "What does this have to do with the IMF?" A typical response came from the "Free Mumia" people: Mumia spoke on global affairs and the World Bank is a global institution. I guess the connection is that the word "global" can be used in a sentence with both of them.

There was an old lady selling books, stickers, and buttons. As people walked by she hollered to them, "Buy 'capitalism stinks' buttons here!" I pointed the irony out to her. Her response was "I don't make a profit on the products I sell."

I stopped by the Communist Party table, where I was eagerly handed literature praising Chinese communism. I pointed out that China oppresses its population much more than the IMF allegedly oppresses anyone. He agreed that the current regime in China is tyrannical. They have forsaken Mao's revolution and only Mao's revolution should be used to judge Chinese communism. I asked about Tibet and he defended China's repression because "Tibet is historically a part of China."

The rally itself had a carnival atmosphere. Three women, for example, dressed in what looked like red prom dresses, carried red flags and props that were supposed to be copies of the Communist Manifesto. From time to time, they would raise their flags and Communist Manifestos and sing songs in praise of communism. Not exactly Rio or New Orleans, but better than nothing.

We left the rally around 4 p.m. and went home. Our plan was to go back early Monday morning to see some serious protesting.

We arrived downtown on Monday morning at about 7:15. It had been raining and there were no protesters in sight. We walked around until we heard some chanting. A group of about 50 protesters was marching towards us shouting, "There's no power like the power of the people because the power of the people can't be stopped!" We fell in behind this unstoppable group.

They marched past the Ellipse to the corner of 18th and Constitution Avenue. The whole march reverberated with mantras. A cheerleader shouts out "For third world poverty, who do we have to thank?" And the crowd roars back in unison, "The IMF and the World Bank!" "For environmental destruction, who do we have to thank?" "The IMF and the World Bank!" By the end of the march they had blamed all of the world's ills on the IMF.

The protesters got word that the police were going to attempt a mass arrest like they had on Sunday and soon 25 or so police officers clad in riot gear started arriving on the opposite side of Constitution Avenue. An additional 15 officers on motorcycles showed up, followed by about ten more on horseback. Then came police vans and a black police riot vehicle. The crowd dispersed at this show of force. We followed the general flow of the people towards the Ellipse.

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Protesters from around the city were again converging on the Ellipse. Someone showed up with a bullhorn and announced that at a meeting of 400 protesters the night before that they had decided to do civil disobedience in the morning before Tim Robbins and Susan Sarandon showed up to speak at the noon rally. The group divided into those who were willing to risk arrest and those who weren't. We followed the group willing to risk arrest. They formed a huge circle and then invited the spokespeople of the various "affinity groups" to the center of the circle to discuss the form of civil disobedience they wanted to perform.

They wrangled over it the way my friends and I wrangled over deciding which movie to watch or which restaurant we'd eat at, except that with 400 different opinions that all had to be respected and taken into account, consensus was hard to achieve. These people who think they can run an entire society didn't seem up to the challenge of planning their own arrests.

They eventually decided to shut down the intersection of 18th and K Street. So, Todd and I headed there, a cumbersome process involving crossing a police line. When we finally arrived, there were no protesters. We waited a considerable length of long time. Figuring that they had changed their minds about where to protest, we went to Wendy's and got some food. Just when we started eating, we heard shouting and motorcycle engines.

They formed a huge circle and then invited the spokespeople of the various "affinity groups" to the center of the circle to discuss the form of civil disobedience they wanted to perform. These people who think they can plan a society were unable to competently plan their own arrests.

We followed the noise. The police had decided to set up a line of riot cops to keep the protesters from blocking K Street, an important thoroughfare. Then they called in motorcycle police and herded the protesters toward 20th and Pennsylvania Avenue. The police created a perimeter around the protesters and moved in on them, compressing the crowd.

About 600 protesters were beating drums, chanting, singing, dancing, and carrying signs. Many had gas masks. The anarchists sprayed their symbol on street signs. Some protesters did little skits.

As the police closed their net, Todd and I feared we were about to be included in a mass arrest. So we tried to escape. As we walked toward the perimeter, a cop in riot gear told me I could not pass. I told him I was not part of the protest. He asked me why I was downtown then. I said I was a tourist who heard noises and went to see the commotion. He looked at my sweatpants and at Todd in his baggy jeans and apparently concluded we were white, 20-something Gen Xers of the liberal persuasion. He told us in a stern voice that he is giving me a lawful order to move away from the perimeter. So, I turned around and walked back into the midst of the protesters. I saw that the same cop let out two older people. So I went back and asked him why they could leave. He said "they're press." So what, I replied. I am a tourist. He was not impressed. Eventually we noticed a section of the perimeter that the cops had abandoned. We quickly took advantage of this opportunity to escape. ❑

Investigation

Crisis in the Libertarian Party

Serious and credible charges have been raised against the leadership of the Libertarian Party and the LP's 1996 presidential nominee.

"The national Libertarian Party has suffered what might be its worst debacle in the party's 28-year history." With these words, Jacob Hornberger, longtime Libertarian Party activist, launched a broad attack on the direction the Libertarian Party has taken during its past few years. "Project Archimedes, the four-year direct-mail campaign to bring party membership to 200,000 members by the year 2000, has fallen 170,000 members short of its goal," Hornberger continued. "An estimated $1,000,000 of donor money spent on the campaign has gone down the drain."

What caused this unprecedented "million dollar" disaster? In two words, Hornberger's answer seems to be: Harry Browne. Browne was the LP's presidential nominee in 1996 and is the overwhelming favorite to capture its nomination this year.

The failure of Project Archimedes, according to Hornberger, is rooted in "the five-year marriage between Harry Browne and the national office of the Libertarian Party." This "marriage" involved "unethical interlocking relationships, conflicts of interest, and improper payments to LP staff members, LP National Committee members, and 'independent consultants' to the LP national office."

Hornberger published his piece on his own personal website (jacobghornberger.com), apparently set up solely for the purpose of making his case. Entitled "The Libertarian Party Needs a Divorce," Hornberger's three-part broadside went on for more than 7,000 words, plus an appendix of another thousand.

Within days, Browne and LP chair David Bergland had responded at even greater length. Hornberger's "accusations are misleading and mean-spirited," they asserted. "And he knows that. This isn't an honest misunderstanding. It is deliberate slander." Three times Browne accused Hornberger of "mud-slinging." He accused him of "slander"(sic) fourteen times. Bergland was even less temperate, calling Hornberger a "sanctimonious self-appointed Inquisitor General" whose charges are "lies, defamation, innuendo and misdirection."

The charges that Hornberger made have been floating around LP circles for several years. Both as a longtime supporter of Harry Browne and as a journalist, I was interested in them, and I investigated.

I was also curious about how the charges had been received by LP members and activists. Within hours of reading Hornberger's article, I began to contact acquaintances who were involved in the LP. "Have you read Hornberger's criticism and Browne's response?" I asked. "What do you think of them?"

The answers surprised me. With only two exceptions, those who had read Hornberger's article and Browne's response were (a) quite willing to take sides, and (b) not inclined to comment on any of the charges themselves, limiting their reactions to saying either that they thought Harry was a grand fellow and that they wished Hornberger would stop making these accusations, or that they believed Harry's top-down approach to Libertarian Party activism had always been a bad idea and thus sided with Hornberger. Most were quite willing to attack the motives of either Hornberger or Browne, but only four of them commented on the merits of the charges themselves.

In these circumstances, an independent investigation of the charges was clearly called for. My first thought was to find a disinterested person of unquestionable integrity who was highly regarded within the movement and the party. I approached one such individual. He was familiar with the

charges and the evidence, but he didn't want to perform a full investigation because he tentatively believed that at least some of Hornberger's charges were valid and he didn't want to damage Browne's campaign. So I approached another such respected and disinterested person.

In all, I approached five such persons. All refused. And all but one refused on more or less the same grounds as the first. On one hand, they tentatively believed that the Browne campaign had committed some fairly serious mistakes; on the other, they believed that despite these wrongdoings, Browne was the strongest or even the only plausible candidate the LP could muster for the 2000 race, and they were reluctant to do anything that could hurt his efforts.

I sympathized with their concern. I have long supported Browne and believe him to be by a wide margin the best candidate the LP can nominate. I realized that if an investigation concluded that substantial wrongdoing had occurred it could harm his campaign. But my commitment to truth is stronger than my commitment to any individual, so I reluctantly decided that *Liberty*'s editors would conduct the inquiry into the charges ourselves. We set out to investigate them and examine the defenses offered by Browne and his supporters, seeking to substantiate or disprove each charge.

In the thousands of words in Hornberger's original indictment, there were three substantial charges:

> 1) The national Libertarian Party has suffered what might be its worst debacle in the party's 28-year history. Project Archimedes, the four-year direct-mail campaign to bring party membership to 200,000 members by the year 2000 has fallen 170,000 members short of its goal. An estimated $1,000,000 of donor money spent on the campaign has gone down the drain.
>
> 2) [Project Archimedes'] failure is rooted in unethical interlocking relationships, conflicts of interest, and improper payments to LP staff members, LP National Committee members, and "independent consultants" to the LP national office. The debacle is also rooted in the five-year marriage between Harry Browne and the national office of the Libertarian Party.
>
> 3) Browne and Bergland knew that they were being . . . deceptive . . . [by] sending out . . . printed fundraising letters that contained what Browne knew was a false representation of fact with respect to the FEC threat of criminal prosecution. . . . the law of fraud inflicts punishing damages on those who intentionally omit material facts with the intent to deceive. [Brown had written supporters advising them that it appeared they faced no risk of prosecution if they joined his protest by making contributions in excess of the maximum allowed by federal law, when he knew that the FEC had threatened to prosecute such individuals.

We made a decision to focus on those charges. I would focus on the claim that Project Archimedes had wasted $1,000,000 in failing to achieve its goal; Peter Gillen would focus on the conflict-of-interest charges; and Martin Solomon would focus on the charge of fraudulent misrepresentation of the risk of joining Browne's FEC protest.

I made these assignments on the basis of each of our backgrounds and expertise. Martin Solomon is a Columbia-educated attorney, a 20-year member of the bar well-versed in the law and qualified to evaluate the specific charge of fraud. Peter Gillen is a young journalist with a graduate degree in philosophy, well suited to evaluate the ethical subtleties of conflict-of-interest issues. I am a journalist who has a quarter-century of experience in direct mail, so I am well situated to evaluate the complexities of the ambitious Project Archimedes direct mail campaign. I also served as editor of the finished reports and wrote this introductory note.

The task we faced was an extremely complex one, involving interviews with dozens of individuals, assembling and reading over a thousand pages of documents, and creating an extensive database of expenditures by the Browne campaign.

Before we report on our investigations, I think it only fair to say that all of us are libertarians, but our past contact and experience with, and knowledge of Browne, Hornberger, and the Libertarian Party vary considerably.

Martin Solomon has been a libertarian activist whose involvement with the Libertarian Party goes back to his work processing petitions in the LP New York gubernatorial campaign in 1974. He has served in a variety of positions within the party and was a supporter of Harry Browne before and during his 1996 campaign. He has supported him since then. Also, he has met Browne only once, at a fundraiser. Solomon briefly met Hornberger once at the 1999 LP Washington State Convention, and he has subscribed to Hornberger's *Freedom Daily*.

Before his involvement in this investigation, Peter Gillen was vaguely aware of Browne and the LP, though he had never voted for any LP candidate for any office. He had never heard of Hornberger.

I had extensive experience with both Browne and Hornberger. I first became acquainted with Harry Browne back in 1987, when he sent me a nice letter telling me how much he liked *Liberty*, which had started publication a few months earlier. This pleased me considerably, as I'd long been a fan of Harry's writing. During the next few years, he wrote a few articles for *Liberty* and we spoke occasionally on the phone. Late one evening in the summer of 1994. Harry called me to tell me he was going to seek the LP nomination for president. My first reaction was that he was joking; after all, Harry had long been the most eloquent opponent of libertarians engaging in political action. But he was quite serious, and I was immediately enthusiastic: I thought he'd make a terrific candidate. A few weeks later, I introduced Harry at a conference and publicly endorsed him. I put my money where my mouth was, giving $1,000 to help him run for office. I also recruited LP activists I knew to his campaign. I wrote and spoke about his campaign in public, and was a member of his campaign committee. After his defeat, I offered him a position as a "Senior Editor" at *Liberty*, and raised over $50,000 to fund that position

Our relationship was always friendly, though of course we had our differences. I disagreed, for example, with his belief that the only effective way to recruit people into the libertarian movement was to appeal to their naked self-interest. I also debated him in print on the question of whether Project Archimedes could possibly achieve its

stated goal of recruiting sufficient new members to the LP to swell its membership to 200,000 by the end of 1999.

I've known Jacob "Bumper" Hornberger nearly as long as I've known Harry. Shortly after I launched *Liberty* he contacted me to inquire about his efforts to launch the Future of Freedom Foundation. We shared a lot of information and encouraged each other's efforts. About a year ago, I accepted for publication in *Liberty* an essay by Bumper that was critical of the Browne campaign strategy.

It was with these experiences behind us that we began our inquiry. — *R. W. Bradford*

Project Archimedes: Expensive Disaster?

by R. W. Bradford

The Libertarian Party's "Project Archimedes" promised to recruit more than 175,000 new members. It recruited only about 12,000. Does that mean it was an expensive disaster?

After taking a terrible drubbing at the polls in 1996, Libertarian presidential candidate Harry Browne made an announcement that surprised many. "I won't run again," he exclaimed, "if it has to be the same kind of campaign we ran in 1996."

Why had Browne's 1996 campaign done so poorly? Not because of any shortcoming by Browne or his staff, he argued. He had gotten so few votes because the LP was so small and so poor. As he explained a month after the election:

> The party now has a little over 20,000 members. If we could enter the year 2000 with 200,000 members, membership dues alone would be $5 million for 2000. In 1996 we raised roughly $250 for everyone who was a member at the start of the year ($3 million from 12,000 members). The same yield with 200,000 members would be $50 million. If we obtain more than 200,000 members, so much the better.

Harry argued that this massive growth was possible because some 22 percent of American voters have been labeled "libertarian" by some pollsters, usually because they consider government too big and intrusive. He argued that these individuals could be recruited by using direct mail, a test of which could be implemented at a cost of hundreds of thousands of dollars.The failure of this program, which was dubbed "Project Archimedes," was the subject of Jacob Hornberger's first charge against the Browne-influenced LP:

> The national Libertarian Party has suffered what might be its worst debacle in the party's 28-year history. Project Archimedes, the four-year direct-mail campaign to bring party membership to 200,000 members by the year 2000 has fallen 170,000 members short of its goal. An estimated $1,000,000 of donor money spent on the campaign has gone down the drain.

As a person who has managed very large direct mail campaigns for more than two decades, I believed that Project Archimedes could not possibly achieve its goal and, on the other hand, I also believed that testing and implementing the program could not cost anywhere near the figure Harry and the LP leadership had suggested.

There were several reasons why I — and every other direct mail professional that I discussed it with — believed the proposal could not possibly result in membership growth of 176,000. But they all came down to simple arithmetic. Let's suppose you could get a 2 percent response rate using repeated mailings. This is a generous assumption — it's very unusual for any direct mail package to get a response anywhere near this level. But let's suppose that you manage to come up with such a great direct mail package that you get this response. You'd have to mail 8.9 million pieces of mail.

That doesn't mean you'd need a mailing list of 8.9 million. You could reuse the same mailing list. Assuming that during the following 30 months you mailed every 90 days, you could get by with a master list of just 890,000 — if you could sustain a 2 percent return rate.

But first, where are you going to get such a list? If you combine and remove duplicate names from the mailing lists

of all libertarian and quasi-libertarian organizations, you'll come up with about 80,000 names, 22,000 of whom are already LP members. Obviously, you cannot get 176,000 responses from a mailing list of 58,000.

But libertarian direct mail pitches usually get a response rate of 1 percent to 1.5 percent from libertarian lists. Obviously, you cannot get even a tenth of the 176,000 new members whom you need by working libertarian lists.

If you throw in conservative names, you might get up to 4 or 5 million, though it'll be even harder to get a 2 percent response rate. In fact, when the LP mailed to conservative lists, it typically got response rates well below 0.7 percent. And the conservative lists used were subscription lists — proven mail order respondents — from whom any direct mail professional would expect a much higher return than from a broader list.

The most obvious and most important lesson of the tests is that the key element of the Archimedes proposal simply would not work. The party had sent almost 80,000 pieces of mail to people on compiled lists, and gotten only 87 responses.

But Perry Willis, Browne's and the LP's direct mail expert, had a theory that by filtering larger lists demographically, one could come up with lists that would respond at a decent level. In theory this is possible: some direct mail marketers have used demographic filters successfully. If you are selling diapers and the list you start with is a list of all residents of a certain place, you can improve your response by eliminating single men and all people over 50 years of age. The problem for libertarians is that there are no such obvious demographic filters to use to increase the response rate.

Libertarians are disproportionately male, well-educated and white. It's probably true that if you filter a general list to get only well-educated white guys, you're going to get a higher response rate. But chances are that you're going to increase it from somewhere around 0.10 percent to somewhere around 0.11 percent. With an average cost of $350 per thousand pieces mailed, and a response rate of 0.1 percent, your cost per response is $350. Getting 176,000 members by that method will cost about $62 million.

I pointed this out to Harry but failed to convince him. He responded:

> No one knows what the outcome will be, and experience is no guide because no one has tried this before. But we do know that with every passing year, more millions of people become aware of the futility of government solutions and become more responsive to libertarian ones. And the best libertarian minds have been discovering ways to make our message more self-evident and attractive to people.

My second objection was that the plan proposed to spend far more on testing than was needed:

> Further, to me the notion that a reasonable test should cost $250,000 is ridiculous. The standard test is 5,000 names which suggests that with a [rental] cost of say 10¢ to 25¢ per name, the total cost of a test should run under $2,000. How many tests do you have to run to know whether the project is feasible? Using these very realistic numbers, the LP is asking for funding sufficient for 125 tests. To me, this seems like more tests than you need to run to see whether your approach is fruitful.
>
> The LP's numbers don't add up very well. The proposal calls for testing an average of 7,500 names from 56 lists. That's a total of 420,000 names. At a cost per thousand of $350 (a pretty generous figure) that amounts to $147,000. I haven't included the cost of the "demographic and psychographic database" work in these figures, but I suspect the major portion of the extra $103K are the fees the LP pays its fundraisers for raising the $250K (the LP has paid fundraisers commissions as high as 40 percent, though I think Harry told me he got only 15 percent), or the fees it pays its copywriters and administrators (which I understand are pretty substantial).*

Even if the cost of the "demographic and psychographic database" work, the cost of fundraising, and the fees for copywriters totaled the remaining $103K, a full $250K would not be needed, unless one expected zero income from the tests. I'd like to think that if, say, the first 50 tests resulted in income of $0, that the final 6 tests would be canceled.

In mid-1998, after its first three test mailings, the LP sent out a fundraiser that included a fairly detailed report on Project Archimedes. The Party had mailed to a total of 54 lists, some libertarian, some conservative, some investment-oriented, some from consumer magazines and some compiled. The data were reported in tiny type with no analysis, but anyone with an inclination to examine them could easily see how well the tests had worked.

Here are the results:†

Mailings	*Total Mailed*	*Total Responses*	*Response Rate*	*Cost/Response @$335/M*
libertarian:				
10	97,323	1,398	1.44%	$ 23.32
conservative-libertarian:				
4	19,449	156	.80%	41.77
investment newsletter subscribers:				
11	72,244	503	.70%	48.11
conservative magazine subscribers:				
8	143,554	1,115	.78%	43.13
consumer magazine subscribers:				
9	49,774	102	.20%	163.47
compiled lists:				
11	79,840	87	.11%	$307.43

The most obvious and most important lesson of this group of tests is that the key portion of the Archimedes proposal simply would not work. The party had sent almost 80,000 pieces of mail to people on compiled lists, upon which

* I quote here a memo I wrote to a friend who was thinking of supporting the program and asked me to evaluate the proposal for him. I shared these thoughts with Harry, who found them unconvincing, but I never published them in *Liberty*.

† There was also one small test of a list that didn't fit into any of these categories. It bombed: 0.10 percent responded, with total revenue of $225 on an investment of $1,607.)

the LP fundraisers had pinned their hopes of increasing LP membership eight-fold, and gotten only 87 responses, for a minuscule response rate of 0.11 percent. Based on the LP's figure of $335 per thousand pieces of mail sent, each response cost a whopping $307.43. The LP had managed to raise a total of $3,463 at a cost of about $27,000. Worse still, the best of the compiled lists had yielded a response rate of just 0.22 percent, yielding revenue of $605 at a cost of approximately $1,700.

Plainly, compiled lists were just not going to do the job.

There was another group of test mailings, unpublicized by the LP, from a category large enough to increase the party's donor base substantially if a reasonable response rate could be achieved. The category was subscribers to consumer magazines — *Forbes, Business Week, Fortune, Entrepreneur, U.S. News, The Economist, Playboy, Fast Company,* and *Wired.* Mailings to this category had an average response rate of just 0.22 percent and yielded just $5,875 in revenue, at a cost of $16,675. The best target among them — subscribers to *Wired* — had a response rate of 0.31 percent, and raised $1,308 at a cost of $3,333. Another total failure.

The other four groups all showed promise: response rates ranged from 0.78 to 1.44 percent. Mailings to them were sufficient to be self-funding or even profitable.

Not surprisingly, the best response rate came from libertarian lists: 1.44 percent of those contacted sent donations, yielding $53,693 in revenue at a cost of just $32,603. This is not even remotely surprising, of course. If the LP cannot raise money from libertarians, it may as well give up.

Somewhat more interesting were the responses from subscribers to conservative magazines, donors to conservative-libertarian lobbying groups, and subscribers to hard money investment newsletters.

But that was not the conclusion reached by the unidentified writer of the fundraising letter (labeled "Growth Plan") that reported the data. He concluded that "the news so far is very good regarding Project Archimedes — the Libertarian Party's effort to recruit in excess of 100,000 members by the year 2000."

Conservative magazine subscribers responded at the rate of 0.78 percent, yielding $49,489 in revenue on an investment of $48,091. That doesn't leave much left over to fund LP activities, but it's safe to expect that the 1,115 donors from among the 143,554 letters sent would make further donations in the future. The total number of subscribers to conservative publications is somewhere between a half million and a million, so this looks like a good place to develop further financial support. Best of all, two of these lists (*National Review* and *Human Events*) had response rates of over 0.85 percent.

The test of lists of donors to conservative-libertarian lobbying groups — National Taxpayers Union, U.S. Term Limits, Citizens against Government Waste, Americans for Tax Reform — responded at a rate of 0.80 percent, yielding $4,341 on an investment of $6,515. Because these donors can be safely expected to donate more in the future, this was another profitable mailing and showed real potential, especially in view of the fact that the low-responding ATR (0.14 percent) could be eliminated from future mailings. (The other lists responded at rates ranging from 0.94 to 1.15 percent.)

There are only two ways to explain what happened:

(1) The professional staff of the LP consciously chose to misrepresent on a grand scale both the costs and the potential benefits of Archimedes in order to raise money to be used for other purposes; or

(2) The professional staff of the LP are idiots when it comes to direct mail.

Mailings to investment newsletter subscribers were also worthwhile. They had an average response rate of 0.70 percent and yielded $15,067 on an investment of $16,042.

But it is important to remember that these three groups of lists had long been used for libertarian direct mail offers and fundraising with roughly the same success.

So what did the test of Archimedes show? It pretty much confirmed what libertarian direct mail people had known for years: you can mail libertarian lists very profitably and you can mail conservative, conservative-libertarian, and certain investment newsletter lists with some success. But general interest lists — like subscribers to consumer magazines — don't work at all, even when run through demographic filters.

All this was obvious, to anyone with the slightest experience in direct mail, from the data the LP sent out as part of its fund-raisers in the summer of 1998.

But that was not the conclusion reached by the unidentified writer of the fundraising letter (labeled "Growth Plan") that reported the data. He concluded that "the news so far is very good regarding Project Archimedes — the Libertarian Party's effort to recruit in excess of 100,000 members by the year 2000." Alert readers noted that the previous goal of recruiting 176,000 new members had been cut almost in half. Apparently, the notion that the LP could get 100,000 new members during the next year and a half was sufficiently intoxicating that the reduction of the target was hardly noticed.

Appended to the "Growth Plan" was a memo from Perry Willis, the LP's (and Harry Browne's) direct mail

fund-raising expert, which was called an "assessment of where we stand." It brimmed with optimism about the use of "demographic and psychographic filters," claiming that "we should be able to nearly double the size of the party" with just three more mailings to proven lists. It also celebrated the higher-than-expected response rates and donations, concluding enthusiastically, "We're getting very close to liftoff!"

So far as I know, that's the last time the LP revealed any of Project Archimedes' actual results. But it was not the last time it Proclaimed The Project A Great Success, used it as the basis for raising funds, or reduced its stated goal. Fundraiser after fundraiser continued, and by the summer of 1999, the goal had been reduced to 72,000 new members and the target date pushed back to July 2000.

Is it wrong for fundraisers to misrepresent the goals and costs of Libertarian Party activities in order to maximize the amount of donations? Ultimately, this is for individual donors to decide, every time they receive a fundraising appeal from the Libertarian Party.

One cannot know for certain what Project Archimedes did after this point, because the LP has kept specific information about its activities private. But it seems pretty obvious that the LP acted like any intelligent direct mail manager: it abandoned hope of using Willis' much ballyhooed "demographic and psychographic" filters, abandoned hope of raising funds from consumer magazine lists, and did what libertarian direct-mail managers have always done: mailed to libertarian lists, conservative lists, and hard money investment lists.

As of December 31, 1999, LP membership stood at 33,437. During the 30-month duration of Project Archimedes, membership had increased by 10,172, far short of its original target of 176,745. According to figures provided by the LP National Director, Archimedes recruited about 12,000 members.* (This also fell far short of Archimedes' first downward revised target of 100,000 new members, set in the summer of 1998. It was also far short of the total membership target of 100,000 by the end of 1999 that Archimedes had set in early 1999. It seems safe to say that Archimedes will also fail to come close to its latest downward revised target of 100,000 total members.

In sum, Project Archimedes failed ignominiously even to approach the most modest goal set by its managers. If you believe that the purpose of Archimedes was to obtain 176,000+ new members (its stated goal in 1997), 100,000 new members (its stated goal in 1998), or 76,000+ new members (its stated goal in 1999), you'd have to conclude that its failure was complete — as Hornberger argues.

What about Hornberger's other point? Was "an estimated $1,000,000 in donor money" wasted on it?

According to information provided by National Director Steve Dasbach, the total out of pocket cost of Archimedes was less than zero. The party invested a total of about $1.13 million in the project. But Archimedes has produced total revenue of $1.25 million through April, and is continuing to produce revenue. Far from being a waste of donor money, as Hornberger believes, Archimedes has been profitable.

How did Hornberger come to believe that Archimedes had wasted $1,000,000? I suspect it was the same reason that he believed it was a colossal failure: he had believed the Archimedes fundraisers, which had repeatedly pled for money to finance the program, when in fact it was run pretty much on a pay-as-you-go basis and yielded a profit very quickly.

So what exactly happened?

A project that was ostensibly undertaken to increase membership by a huge amount at substantial cost resulted in modest membership growth and a modest profit. Which raises the question: how could the architects of Archimedes go so wrong?

Or did those who designed and executed Archimedes ever actually believe it had a chance of bringing in 176,745 new members? As I pointed out in the analysis I offered in these pages back in 1997 when Archimedes was still just a proposal, that goal was virtually impossible to achieve. The initial test mailings, which were sent to all party members as part of a fundraising effort in 1998, proved that I had been right: they showed that while Archimedes could recruit a modest number of new members and donors at negligible cost to the party, it could not possibly result in the kind of growth that the LP's fundraising letters claimed it could.

Did the Party, then, knowingly misrepresent the situation when it continued to raise funds to finance Archimedes? It certainly based its fundraising on propositions that were patently false: (1) that Project Archimedes required substantial donations to fund it; and (2) that Project Archimedes could achieve its goal of increasing membership by 176,745 or 100,000 or 76,745.

There are only two ways to explain what happened:

(1) The professional staff of the LP and/or Perry Willis, its outside direct mail manager and copywriter, or both, consciously chose to misrepresent on a grand scale both the costs and the potential benefits of Archimedes in order to raise money to be used for other purposes; or

(2) The professional staff of the LP and/or Perry Willis are idiots when it comes to direct mail.

But the evidence that I've seen over the past decade suggests that Perry Willis is a smart and highly skilled direct mail manager and copywriter. I suppose it's remotely possible that prior to any tests Willis managed to convince himself that Archimedes had a remote chance to achieve its goals, but by early 1998 there was ample and conclusive evidence that doing so was impossible. And I cannot see how

* Without including the gains from Archimedes, the LP would have have had a small net membership loss during this period.

at any point he could have honestly believed that Archimedes could cost anywhere near the amount that he stated in his fundraising letters.

Whether Steve Dasbach, the LP's National Director, who oversaw the project, understood all this as well, I am not so certain. He seems to me to be a very intelligent person and, based on communications that I've had with him during this investigation, I'd have to conclude that he has an excellent understanding of how direct mail works. Judging from the minutes of Libertarian National Committee meetings during the period in question, Dasbach seemed quite knowledgeable about direct mail. But I don't think the evidence about how much he understood during this period is conclusive.

The evidence is that Archimedes had two real purposes: (1) to provide modest growth in membership and a modest increase in net revenue; and (2) to provide a way to ask party members for substantial contributions during a period when no political activity is taking place and people are generally less generous in supporting political activities. Both these purposes were achieved.

One thing appears certain: some members of the Libertarian National Committee were not party to the false information to stimulate fundraising. Minutes of past LNC meetings reveal that many expressed reservations about Archimedes, mostly based on its failure to achieve its purported goal of greatly increasing the party's membership. Some of those defending Archimedes may have been similarly unaware of the apparent real purpose of the effort. At the April 1999 meeting, for example, Ken Bisson of Indiana reported on his own fundraising efforts for Archimedes and exhorted other LNC members to donate personally, if they had not already done so.

The Archimedes episode raises an interesting issue: Is it wrong to raise funds for a project that you know the funds will not be used for? For that is surely what happened: the funds raised ostensibly for Archimedes were actually used for other activities.

The answer to this question is not so simple as it seems.

Once when I was a child, missionaries from "darkest Africa" came to my church and asked for support. Their explanation to the kids in Sunday School was that the funds would be used to bring the Good News of Jesus to the uninformed people of Africa. But I am confident that some of the money was used for different purposes: paying their expenses during their fund-raising tour, for example, and paying the expenses of the overseas mission board.

A case can be made that people expect fundraisers not to tell everything, or even much, about how the pie, once baked, gets cut up. If this is the case, then the stories told in fundraising appeals are not really so misleading as they might otherwise appear. Ordinarily, of course, knowingly giving people false information to induce them to give you something of value is pretty clearly fraudulent. But perhaps we should make an exception for charities.

I bounced this theory off a number of LP activists and donors. Most were very dubious about it, but two donors told me that they had been aware all along that LP fundraisers generally misrepresent what the funds they seek will be used for, yet they are still happy to support the LP. And the LP is certainly not the first organization whose leadership tries to manipulate members for their own or their organization's benefit, or to have an elite that that keeps its actual agenda secret from its members.

The issue is whether it is wrong for fundraisers to misrepresent the goals and costs of Libertarian Party activities in order to maximize the amount of donations. Ultimately, this is for individual donors to decide, every time they receive a fundraising appeal from the Libertarian Party.

Was Project Archimedes a debacle? Well, if you believe that its real purpose was to increase party membership to 200,000, or 123,265 or 100,000, it certainly was, since it fell absurdly short of even the lowest target claimed by its managers.

But in reality, Project Archimedes was something very different from what it was purported to be. It was an ordinary effort to increase the party's donor base: the direct mail package focused on giving the party money, not joining it; the version I received included an explanation of how you didn't have to quit being an active member of your current party. On this level it was modestly successful. And it was a means of raising funds to be used for other purposes, presumably for paying salaries, rent, etc. On this level it was also successful. The only level on which it may have failed is that it may have cost party leadership credibility, making it harder for them to raise money in the future and making it impossible for them to regain the trust of the Party's members.

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(2) to provide a way to ask party members for substantial contributions during a period when no political activity is taking place and people are generally less generous in supporting political activities. Both these purposes were achieved.

However the dispute between Hornberger and Browne may eventually resolve itself, one sad reflection is almost inevitable: the Libertarian Party has so far failed to do what political parties are supposed to do, make themselves imposing and influential forces on the political scene. It is said that Archimedes remarked, "Give me a lever and a place to stand, and I will move the world." It is also said that Archimedes was killed by a Roman soldier who did not even know who he was. ❑

Campaign Audit

The 1996 Browne Campaign

by R. W. Bradford

Was Project Archimedes the first case of Libertarian misrepresentation of how campaign contributions would be spent?

Suppose for a moment that you donated to the 1996 Browne campaign specifically for the purpose of increasing its visibility and support by the purchase of advertising. Perhaps you responded to one of the many letters the Browne campaign sent informing you of the desperate need for money for advertising and the dramatic impact that such advertising might have.

Here are some samples of those fund-raising efforts, quoted from letters sent to donors by the Browne campaign:

March 1995: "We need $100,000 to $150,000 to produce a high quality 30-minute Libertarian Infomercial. And we'll need to raise thousands more to air our Infomercial."

September 1995: "Between now and November 7th, we need to run strategic advertising in several cities."

February 1996: "Michael Cloud is working on the infomercial and other radio and TV advertising. (Did I tell you we're getting valuable volunteer help on this project from fitness guru, infomercial success, and campaign supporter Covert Bailey?)"

June 1996: "The July 4th weekend is the date of our national nominating convention. And it already looks to be the greatest single media event in the party's history. If we can add powerful multi-repetition advertising on Washington's talk radio, we may be able to generate even greater interest . . . I need your help to do this. Advertising during morning drive time on WTOP, the biggest news and talk station, costs $135 a minute. We plan to buy three or four spots per hour of drive time for as many days as possible. The more money we raise with this letter, the more spots we'll be able to buy, and the more days we'll run them."

August 1996: "Now we need to take the next step, which is to quickly expand our radio advertising program to the point where it blankets the entire nation. Our ability to do that depends on you. Can you contribute $1,000, $500, $250, $100, $75, $50, $35, or any amount you can afford, so that we can buy **more** radio ads **more** times on **more stations** — with the eventual goal of blanketing the nation?"

October 1, 1996: "A few days ago a reporter from *The Detroit Free Press* called for an interview because he had heard our ads. ***And that will ocur*** (sic) **more often if we expand our campaign to more shows.** Can you help make this happen by sending a contribution today — $1,000, $500, $250, $100, $75, $50 or whatever you can afford?"

October 25, 1996: "Can you send $1,000, $500, $250, $100, $75, $50 or whatever you can afford, today, to let us . . . buy our last national presidential TV and radio spots for four years? . . . Now is our last chance for four years." (all bold, italics, underscoring in originals)

With all this effort, it seems plain that the Browne campaign must have spent heavily on advertising. Suppose you wanted to know just how much the campaign invested in that way. Where would you look to find out?

Probably the first place you'd look would be the *1996 Presidential Campaign Report*, written and published by "the Staff of the Harry Browne for President Campaign & the Libertarian National Committee, Inc." This fat book includes a seven-page list of advertising, showing ads purchased on the following:

Advertising Medium	*Outlets*	*Cost*	*Other**
Cable Television Networks	2	$55,336	
Local Television/Cable	11	2,469	4
Syndicated Radio Programs	8	92,465	
Daily Newspapers	5	15,697	2
Local Radio	64	72,706	12
Total		$238,673	

*Media outlets listed in the *Report* with the amount spent not reported.

Harry Browne for President ads appeared on two cable networks, eleven local television or cable affiliates, eight nationally syndicated radio programs, 64 local radio stations, and in five daily newspapers. The total cost was $238,673. A pretty impressive record, isn't it?

But on closer examination, the record of the Browne campaign seems a little less impressive. Most of the local television and radio spots were purchased by either a "supporter" or an "affiliate/local," according to the *Report*. It failed to indicate who paid for four of the ads on nationally syndicated radio, on ten of the local radio stations, in one of the newspapers, and on two of the local television stations. Only the following were paid for by the Browne campaign, and all of them, according to the *Report*, were partially paid by the Libertarian Party:

Media Outlet	*Type*	*Am't Spent*
A & E Television Network	cable television network	$ 19,506
America the Beautiful	syndicated radio	4,410
Art Bell	syndicated radio	6,885
CNN/Headline News	cable television network	33,830
Doug Casey Show	syndicated radio	420
Imus in the Morning	syndicated radio	1,200
Anchorage Daily News	daily newspaper	4,167
Honolulu Advertiser	daily newspaper	7,137
Rocky Mountain News	daily newspaper	4,393
WTOP	radio station	41,862
Irv Homer Show	radio program	5,040
Total		$128,850

Still, it's a pretty respectable record, including over half the total identified media spending. Those who donated to the Browne campaign for the purpose of getting advertising over the air or in print might still be puzzled by the fact that each of these items was partly paid for by the LP. How much did the Harry Browne for President campaign pay for?

No answer to that question can be found anywhere in the 532 pages of the *Presidential Campaign Report*. The donor curious about how much the Browne campaign spent on advertising has to look elsewhere.

Liberty's editors were curious about this matter, as well as about other aspects of how the campaign spent the money it raised. So we downloaded 703 pages of documents filed by the Browne campaign with the Federal Election Commission (FEC), printed them up, and entered all the data about spending into a gigantic database. We double-checked our work and did our best to eliminate errors.

Here is a complete list of advertising expenditures the Browne campaign reported to the FEC:

Media Outlet	*Type*	*Am't Spent*
WBZ News Radio 1030	local radio	$ 550.00
WGIR AM610	local radio	2,473.50
WMVU 900 AM	local radio	992.00
WRKO Radio	local radio	850.00
WTOP Radio	local radio	3,975.00
Total		$8,840.50

That's right: less than $9,000 of the $1.45 million spent by the campaign was spent to purchase advertising. That's less than the campaign spent on bank service fees, and a far cry from the total that one might reasonably surmise was spent if one read only the *Presidential Campaign Report*. The Browne campaign reported that it spent not one cent on television, newspapers or syndicated radio, or any advertising except for a handful of radio spots in Boston, Washington, and New Hampshire. The Browne campaign did not report even one cent of the more than $75,000 of advertising that the *Report* says it purchased with the Libertarian Party on cable television, in major metropolitan newspapers or syndicated radio. Of the $128,850 that the *Report* claims was paid for jointly by the Browne campaign and the Libertarian Party, the Browne campaign contributed just $8,594, with the LP contributing $120,009.50.

So what did the Browne campaign spend its money doing? Here is a list of the ten largest recipients of money

That's right: less than $9,000 of the $1.45 million spent by the campaign was spent to purchase advertising.

from the campaign, along with the purpose of the expenditures, as reported by the Browne campaign to the Federal Election Commission:

Libertarian Party	143,554.51	administrative services, contract services, list rental, literature, shipping
Sharon Ayres	128,089.98	consulting, travel, supplies, shipping, photos, catering, copying, phones, etc.
Mount Vernon Printing	100,977.50	printing
Carlson Travel	100,267.87	travel
Accumail	97,877.51	mail
Michael Cloud	86,855.85	consulting, office,travel, phone, postage
Harry Browne	67,064.66	office supplies, travel, phone, photos
Stuart Reges	62,551.45	consulting, travel, copying, phone, supplies
Terry Bronson	59,305.46	consulting, payroll, postage, supplies, copying, expenses, etc.
Robert Martin	43,753.91	consulting, payroll, travel, supplies
Lisa Paley	37,615.04	consulting, postage, supplies

These ten recipients received over 63% of all the money spent by the campaign.

Three of the items seem pretty straightforward: just under $200,000 was spent with two contractors for printing and mailing of fundraising letters, and another $100,000 was spent with a travel agent. The payment of $143,000 to the Libertarian Party for a wide array of services also seems straightforward.

But the remaining six are a bit troublesome. One is to the candidate himself, reimbursing him for expenses that you'd

think would be paid directly by the campaign. And five are to people who received payment for consulting plus other expenses. FEC regulations require that expenditures for consulting and payroll be reported separately from other expenses. Indeed, an extraordinarily large amount of money was paid to consultants:

consulting, etc	41.8%
printing	10.3%
mailing	9.7%
misc to LP	9.0%
travel	7.2%
misc candidate expenses	5.1%
phones	2.4%
postage	2.4%
books	2.0%
publicity & booking	1.4%
mail lists	1.1%
business wire service	1.0%
rent	.8%
catering, events	.6%
bank fees	.6%
advertising	.6%
payroll	.5%
video	.4%
buttons, bumperstickers	.4%
moving expenses	.4%
equipment, supplies	.4%
signs	.2%
photos	.2%
booth rentals	.2%
polling	.2%
other	1.2%

Probably the most interesting aspect of the Browne campaign is the huge portion of its financial resources that went to campaign consultants and the small portion spent on traditional campaign activities, most notably advertising.

Is there a problem here? On April 24, 2000, campaign manager Perry Willis reported that the Browne campaign was shutting down because it was out of funds. Willis's report was part of a fund-raising email, so it may have included some of the hyperbole that characterized Browne's 1996 pleas for money to purchasing advertising. Browne told me in an interview during the suspension of the campaign that it hadn't laid off any employees and that he expected to be attending state conventions that weekend. In any event, a few days later, Willis reported that donors on the campaign's email list had come up with enough additional money to get the campaign up and running again.

Over 40% of the money spent by the Browne campaign in 1996 went to consultants.

What's interesting is that by mid-April of this election year, the Browne campaign had already spent $1,240,293. That's more than 85% of what it spent in the entire 1996 campaign, and the nomination was more than ten weeks away and the most active (and expensive) portion of the campaign months away. Willis blamed the campaign's insolvency on the effect Hornberger's criticisms were having on donors, but it was hard to see the effect on the cash flow sheet: the campaign was raising money much faster than in 1996.

Willis attached an appendix to explain how the campaign had spent so much money so quickly, reassuring donors that the money had been well spent. "Our largest single expenditure," he wrote, "has been $197,251.84 for advertising, including the production costs for the video, one national airing, and 16 local airings in Atlanta, Denver, St. Petersburg, and Jacksonville."

A month ago, the Browne campaign was broke, having already raised and spent nearly as much as it did for its entire 1996 campaign.

But he appended a list of actual expenditures, detailing 288 different payments to vendors. A total of 12 mentioned "advertising" as their purpose:

Purpose	*Amount*
advertising	35,290.00
advertising - video production & duplication	134,000.00
advertising - video expenses	244.84
advertising, liability insurance	2,717.00
Total	172,251.84

Once again, the numbers don't add up: the total falls $25,000 short of the total Willis had said was spent on advertising a few paragraphs earlier. And at least one of the figures looks like it might be erroneous: the payment of $2,717 for "advertising, liability insurance" paid to "Abacus Insurance." And by far, the largest amount was spent on "video production & duplication." How much was actually spent buying advertising time? It's difficult to say. The $35,290 spent for "advertising" that isn't described further consists of $20,200 paid to "The Firm Multimedia" which does production work and produces "a nightly half-hour television news program reaching over 73,000 households in Central Florida" and "Polaris Productions," the same firm which received the $134,000 for "video production & duplication." I called and emailed candidate Browne, campaign manager Willis and accountant Reges of the Browne campaign asking for an explanation of the internal inconsistencies and clarification about the other peculiarities regarding advertising expenditures. Only Reges responded: he emailed me that he had "very little involvement in that [i.e. purchasing advertising]. I'm fairly certain that all of the payments to Polaris were for production, not for airing. You asked about "The Firm Multimedia." I think they are the PR firm. I'm fairly certain that we aren't doing any direct booking."

In 1996, there were substantial inconsistencies between the *Presidential Campaign Report* and the reports filed with the FEC. This time, there are serious inconsistencies within a single report. But the bottom line is this: the campaign was broke by April 24 and had spent at *most* $35,290 buying advertising time, a paltry 2.8% of its total spending. ❑

Ethical Review

Browne and the LP: Conflict of Interest?

by Peter Gillen

Did Harry Browne suborn favorable treatment from LP officials by unethical payments?

On March 9, Jacob Hornberger charged that something had gone terribly wrong with the Libertarian Party. The party was entangled, he claimed, in an unwholesome relationship with Harry Browne, its 1996 presidential nominee. That relationship involved, according to Hornberger, "unethical interlocking relationships, conflicts of interest, and improper payments to LP staff members, LP National Committee members, and 'independent consultants' to the LP national office."

Hornberger's charges have at least surface plausibility.

In the third quarter of 1994, at the very outset of his Libertarian presidential campaign, Browne's primary staffer was Kiana Delamare, the significant other of Perry Willis, national director of the LP.

Then, in early 1995, Browne hired Sharon Ayres as manager for his next campaign. She also was a member of the Libertarian National Committee (LNC). Hornberger claims that Ayres violated her fiduciary duty to the party and its members by accepting the position with Browne.

In 1995, Browne hired both Perry Willis (again, the LP national director) and LP staffer and future *LP News* editor Bill Winter to do consulting work. Willis helped draft a campaign plan to boost interest in ballot access; Winter did design and layout work for Browne's printed materials. Both, according to Hornberger, also owed a fiduciary responsibility to the LP and its members. And both, he said, violated that responsibility by working for Browne.

Hornberger believes that the payments to Ayres, Willis, and Winter were improper, because the interests of the LP do not necessarily coincide with the interests of the Browne campaign. Party officials serve all members of the party, including members who support other presidential candidates. After accepting money to work for Browne, could Ayres, Willis, and Winter retain the impartiality necessary to set policy and equally provide all candidates with support and information? And even if that were possible, wouldn't their work for Browne indicate their preference for him as a candidate, thereby discouraging other candidates from running, or using the LP as a resource?

In April 1997, the LP changed its conflict of interest policy, probably in response to the controversy generated by the matters discussed here. The new policy explicitly prohibits party employees from doing contract work for presidential campaigns prior to nomination. That might have been the end of the story, and if it was, the controversy would be a tiny hiccup in the history of the party.

But the "interlocking relationships" between Browne and the LP continued, albeit in modified form. And the controversy, stoked by Hornberger's allegations, has continued.

In late September 1997 Perry Willis resigned as national director of the LP and joined the Browne campaign as campaign director. But Willis continued to work for the LP as a contractor, earning over $80,000 from the party after resigning as national director and while on the Browne campaign's payroll.

Browne's payments to Ayres, Willis, and Winter during the 1996 campaign form the first set of possibly improper interlocking relationships. Willis's role since September 1997 as both Browne campaign director and a highly paid consultant for the LP is a different case. Here the payments clearly entangle Browne with the LP. But were they improper and unethical, as Hornberger claimed in his March 9 missive?

Unfortunately Hornberger raises a whole set of tangential, irrelevant or largely inconsequential conflict of interest issues which have muddied the debate and clouded the central questions. Only one such tangent deserves mention, because it illustrates how paralyzing — and how complicated — this kind of dispute is.

In June 1998 David Bergland, husband of former Browne

campaign director Sharon Ayres, was elected national director. Harry Browne co-chaired his exploratory committee and nominated him. Bergland's opponent, Gene Cisewski, had made the goal of eliminating conflicts of interest a part of his campaign platform.

Bergland found himself enmeshed in the politics surrounding the issue of conflict of interest. He had earlier "refused" to recuse himself as interim chair of the December 1997 meeting of the Bylaws Committee dealing with a proposal by Hornberger. Hornberger proposed separating entirely the LP and presidential campaigns prior to nomination. Hornberger argued that Bergland should have recused himself because he is legally entitled to half his wife's earnings, and she had earned money from the Browne campaign.

When it became obvious that his measure would fail, Hornberger withdrew his proposal before the committee convened, claiming that he couldn't get a fair hearing. Bergland argues that he himself was only *interim* chair, and therefore would not necessarily have presided over Hornberger's proposal. Also, party procedures didn't offer an opportunity for him to recuse himself until after the committee officially convened. Finally, he claims the proposal was an attempt to micromanage LP affairs. He might also have argued that his wife no longer worked for Browne, so he had no financial interest at stake.

After accepting money to work for Browne, could Ayres, Willis, and Winter retain the impartiality necessary to set policy and equally provide all candidates with support and information?

The issue of Bergland's failure to recuse himself from the Bylaws Committee illustrates how charges of ethical impropriety multiply. Bergland experienced the curious phenomenon of being accused of a conflict of interest infraction because he *almost* took part in proceedings about conflict of interest policy. It is easy to get lost in the complexities of party politics and forget the substantive issues.

The 1996 Campaign: Willis and Winter

Let's get to those. At the heart of the matter are the payments to LP employees during the 1996 campaign and Willis's consulting work for the party after he resigned as national director.

Addressing these questions does not require abstruse ethical theory; it merely requires rigorous application of common sense.

Common sense tells us that the best way to avoid conflicts of interest is to have clear policies about it. Common sense tells us that those who hold the trust of others should not act so as to violate or damage that trust. Common sense also tells us that conflicts of interest may sometimes result from good intentions and that they sometimes may cause no significant harm.

Let's do our best to apply common sense to the current situation.

Before doing consulting work for Browne in the 1996 campaign, Willis and Winter read the LP policy manual for guidance on conflict of interest. That policy specified:

> Neither the National Director nor any other employee of the Party shall: 1. Endorse, support, contribute any money, or use his or her title or position to aid any candidate in any Party primary, or in any campaign for office, or nomination, within the Party or any State Party. 2. Serve as a delegate to any National or State Party convention. 3. Permit LPHQ to be used by anyone at any time to aid any candidate in any Party primary, or in any campaign for office, or nomination, with the Party or any State Party.

That's a pretty clear policy. How was it interpreted?

Willis and Winter determined that performing contract services for Browne did not violate the policy, because they were not endorsing, supporting, or volunteering for Browne. Willis reasoned that volunteering for a candidate would be "support," but doing contract work would not, because an outside contractor for Browne would not necessarily be "supporting" (in the sense of backing) his campaign. Winter claimed that he thought the contracting work for Browne was proper because he did the work as Bill Winter private citizen, not as Bill Winter LP official (Minutes of the LP meeting, August 1995).

An outside contractor could indeed have done work for Browne without "supporting" him as a candidate. But the case is very different for an employee of the LP, and especially for its national director. One wouldn't expect Willis to start drafting campaign plans for Gore.

Willis absurdly read the conflict of interest policy as if his primary interest (and duty) was irrelevant. If doing contract work for Browne did not constitute "support," what, other than volunteering, would? It would be a curious way to write a policy to include the word "support" if the word "volunteer" was all that was meant.

And, if working for a candidate does not constitute using one's title or position to aid a candidate, what would? Letting him use your parking space at party headquarters?

Individuals cannot turn their professional roles on and off like light bulbs, as Winter suggested. Professional duties often restrict what an individual can ethically do in private life.

By doing contract work for Browne, whether it technically violated the Libertarian Party policy or not, the persons in question created what the policy was designed to prevent — an appearance of partiality and favoritism.

Now, it is important to recognize that Willis and Winter may have performed their duties as LP officials efficiently, fairly, and objectively. It seems unlikely that a few thousand dollars for contract work would lead them to favor Browne. But by working for him they necessarily demonstrated their preference for him as a candidate, and that was wrong.

They should have considered the appearance of favoritism that their consulting work would engender.

Willis Changes Roles

In the 1996 campaign Browne lacked professional staff. The way to remedy this situation for the next campaign, he

reasoned, was to hire professional consultants. Despite the debates about conflict of interest improprieties, Browne advocated *increased* cooperation between presidential campaigns and the LP. His 1996 *Campaign Report* states, "All potential conflict of interest (owing to cooperation between the nomination campaigns and the national office) can be managed through well-constructed contractual relationships and auditing procedures" (p. 11).

It would be very interesting to know how a potential conflict of interest could be "managed" in an ethical manner through auditing procedures. It is a wonder that Browne, after having made statements like this, is surprised when his finances come under scrutiny by political opponents. And what did Browne mean by "well-constructed contractual relationships"?

The LP and the Browne campaign remained intertwined in much the same way as they were before Willis's resignation from the LP. One might even wonder whether Willis's workday changed at all.

In any event, the sort of contractual relationship he had with Willis and Winter in 1995 would eventually become unfeasible.

In April 1997 the party amended the conflict of interest policy so that it would explicitly prohibit LP employees from doing contract work for campaigns before the candidate's nomination:

> "No employee of the Party shall endorse, support, or contribute any money; use his or her title or position; or work as a volunteer, employee, or contractor, to aid any candidate for public office prior to the nomination."

Perry Willis claimed in an LNC meeting (December 1995) that if he could not work as a consultant he would resign. Clearly the new policy prohibited him from doing consulting work for Browne. Willis resigned in late September 1997 and went to work as Browne's campaign director. But he didn't exactly disappear as far as the LP was concerned. Hornberger notes sarcastically:

> . . . Willis's resignation will forever stand as one of the most bountiful resignations in the history of the Libertarian Party, for the money paid to Willis and Octopia [the name under which Willis does business] after Willis's resignation from the party totals $84,113.57.

Willis's roles simply became inverted. Instead of an employee for the LP contracting for Browne, he was a Browne employee contracting for the LP. Through this arrangement, he could work for both organizations without violating the Party's amended conflict of interest policy. The LP and the Browne campaign remained intertwined in much the same way as they were before Willis's resignation from the LP. One might even wonder whether Willis's workday changed at all. After all, his consulting work for the LP involved writing direct-mail prospecting letters, a task that was a part of his former job as national director.

But even if Willis's workday didn't change much, his professional duties did.

When Perry Willis worked as a contractor to the LP while working as an employee of the Browne campaign, he no longer had a fiduciary duty to the party. As a Browne employee his primary duty was to Browne. As a contractor, his duty was to perform a specific service. If his work for the party in this capacity appeared to demonstrate "support," there was no problem. What is the harm if a candidate or a candidate's employees support the Party? They are expected to do that.

Hornberger claims that the direct mail letters that Willis wrote both before and after resigning as national director promoted Browne. Willis very nearly acknowledged as much, when he said of the letters (July 97 *LP News*), "We use Harry Browne's basic campaign platform to illustrate the kinds of things a libertarian candidate would talk about." (He made this statement before resigning as national director to work for the Browne campaign in September 1997.)

As a contractor, Willis had no final authority over those letters. If LP officials thought they were unfairly slanted to promote Browne, Willis could be induced to revise them. Any favoritism toward Browne in the fundraising letters that Willis wrote after he resigned as national director was undertaken with the LP's acquiescence. If anyone is at fault, it is the LP, not Browne or Willis.

This isn't just scholastic hairsplitting. The role of a consultant to the LP is clearly different from the role of an LP employee.

By doing contract work for Browne, whether it technically violated the Libertarian Party policy or not, the persons in question created what the policy was designed to prevent — an appearance of partiality and favoritism.

Favoritism

Hornberger has good reason to resent that Browne's campaign manager was writing the LP's fundraising letters. One assumes that this injudicious assignment of duties was made because no one else with comparable marketing skills could be found in the Party.

Hornberger also has good reason to believe, on the strength of Willis's statement in the *LP News*, that the party was showing Browne favoritism in its direct-mail fundraising letters. But neither Willis nor Browne should be excoriated for advancing Browne's political career through the use of LP's fundraising letters. Again, let's use our common sense. Politicians take advantage of opportunities.

Winter now edits *LP News*, and Hornberger questions his editorial independence and objectivity. National Chairman Bergland has ties to Browne's campaign through his wife,

Sharon Ayres; Browne nominated him and endorsed his candidacy. Hornberger questions Bergland's independence. This questioning is understandable.

And consider the following: National Director Steve Dasbach, then National Chair, initially approved payments by Browne to Willis and Winter during the 1996 campaign. The party has in the past, and recently, bought Browne's book, *Why Government Doesn't Work*, to give away to new members. And the party launched an unprecedentedly large membership drive just months after Browne said he would not run for president unless the party had 200,000 members.

Browne's LP connections make favoritism possible. Actual favoritism by the LP toward Browne cannot be proven, but seems likely. Yet — the Party might have favored Browne even if he didn't pay LP staffers, simply because he was the best known candidate and had brought many members into the LP. We will never know.

As for the future: Harry Browne continues to lead a strong faction in the Libertarian Party, but factions come and go. The next faction will probably also consist of interlocking relationships. Its leader will no doubt be a successful presidential candidate.

There is nothing unethical about being well connected or being part of a ruling faction. And just because you were in violation of conflict of interest principles once does not mean that everything you do is unethical.

Ethical violations are great fodder for political opponents. That we know. But we are also capable of putting them into perspective. Browne's opponents have exaggerated their charges of unethical interlocking relationships. These relationships can be as harmful to an individual's career as they can be helpful. If Browne loses power in the party, if his viability as a candidate diminishes, his associates are likely to lose power as well.

Here we are in the realm of politics. It may be unwise or even outright foolish for a political party to allow the extensive interlocking relationships between its staff, its leadership and its presidential candidate that have characterized the LP for the past five years. But this is certainly not the first time such extensive relationships have occurred in a political party, and it probably won't be the last.

The question that lingers about this episode is political, not ethical. Has Browne spent too much energy on his relationships within the Libertarian Party and not enough energy establishing a relationship with potential voters? And what does common sense have to say about the purpose of a political party? ❑

Fraud at the FEC?

by Martin Solomon

Is it fraudulent to withold relevant information about the risk of violating federal law?

On March 12, Harry Browne sent an email fundraising letter advising his supporters of a proposal to protest federal election laws by refusing to obey them. He declared his intent not to disclose the finances of his campaign to the Federal Election Commission and suggested that some of his supporters might want to protest by donating sums to his campaign in excess of the $1,000 limit set by federal law. "There appears to be no risk of criminal prosecution from defying either the contribution limit or the reporting rules," he told his supporters. The letter itself, however, solicited money to get a legal opinion about the protest.

The Browne campaign also released details of the proposed protest to the news media. One news organization, MSNBC.com, contacted the FEC to see whether Brown's risk assessment was correct. On March 15, MSNBC.com reported on its website that an FEC spokesman had said that both civil and criminal penalties were possible.

The Browne campaign crowed about the publicity its proposed protest had received in an article it posted on its website on March 22. It had links to features on the CNN and Investor's Daily websites, but only mentioned the item on MSNBC.com's site. Also on March 15, it removed from its own website the now-discredited claim that there was little risk of prosecution for joining the protest.

A week later, the Browne campaign sent out a 50,000-piece fund-raiser, again ostensibly to raise money to

get a legal opinion on the proposed protest. It repeated the claim that joining the protest would be virtually risk-free, which had been discredited a week earlier and removed from the Browne website.

Jacob Hornberger, who had previously been an unofficially-announced competitor of Browne's for the Libertarian Party presidential nomination and had already advised LP members that joining Browne's protest might result in serious criminal or civil penalties, argued that this amounted to fraud. Browne had knowingly made an erroneous statement which, if relied upon, could have caused substantial financial penalties or criminal prosecution to his donors. Is Hornberger right? Was Harry Browne, Libertarian presidential candidate in 1996, guilty of fraud?

"Fraud" is an ugly word, one that should not be bandied about. The law recognizes this by making fraud one of very few civil matters in which a plaintiff will not prevail on a mere preponderance of the evidence. She must show clear and convincing evidence of each element of her claim.

In torts, fraud is a special kind of misrepresentation causing a loss based on justifiable reliance. In contracts, fraud is a defense to a suit demanding damages or specific performance, a ground for obtaining rescission (a refund), and discharges the victim of her duty to perform. In criminal law, fraud is a misdemeanor or felony. In the law of restitution, fraud is a basis for reimbursement from a person who is unjustly enriched.

The Elements of Fraud

The tort of fraud is most applicable here. A tort is a non-contractual civil wrong, such as an traffic accident. To prove fraud as a tort, one must prove that all these elements are present, by clear and convincing evidence:

- Misrepresentation: a false statement of a material (e.g. important) past or present fact.
- Scienter: that the maker knew the statement was false, or made it with reckless disregard as to its truth or falsity.
- Intent to induce reliance: that the maker intended to get another person to act based on the statement.
- Actual reliance: that someone actually did rely (acted) on the false information.
- Justifiable reliance: that it was reasonable for someone to rely on the false statement.
- Damages: someone incurred an actual loss owing to her reliance.*

So whether Browne committed fraud depends on whether all these elements are present. Did Browne make a false statement about an important fact? If so, did he do so while knowing that what he said was false? If so, did he intend people to rely on that false information? If so, did anyone actually rely on it? If so, was it reasonable for them to rely on it? And finally, did anyone relying on the false information suffer damages as a result?

More concretely, to what extent, if any, did the Browne campaign knowingly understate the risk of criminal prosecution faced by persons who would contribute more than $1,000, with intent that the contributors make donations based on that understatement, inducing reasonable reliance (a contribution) and loss (legal expenses for defense of a criminal prosecution) based on that reliance?

More concretely, to what extent, if any, did the Browne campaign knowingly understate the risk of criminal prosecution faced by persons who would contribute more than $1,000?

The Facts

Let's examine what happened. The March 12 fundraising email (which was also posted on the Browne website) announced that Browne was considering not filing FEC reports and accepting donations in excess of the $1,000 limit, and planned to do legal research on doing so. It included this assessment of the risk of doing so:

> I am giving very serious *consideration* to asking people to violate the law by sending me more than the $1,000 allowable contribution. There appears to be no risk of criminal prosecution from defying either the contribution limit or the reporting rules. . . . (Emphasis added)

The legal research for which funds were sought would also cover the donors' exposure; but as Hornberger correctly noted, the lawyer hired by the Browne Committee would have a duty only to the Browne Committee. He would have no responsibility to donors, whose interests might conflict with the campaigns'. Or might not.

Three days later, MSNBC.com ran a story which included the following:

> Kelly Huff, a spokeswoman for the Federal Election Commission, said in cases where donors violate federal campaign contribution limits, the FEC can levy a civil penalty. The maximum civil penalty would be $11,000 or 200 percent of the amount exceeding the $1,000-per-donor limit. *The FEC could also refer the matter to the Justice Department for possible criminal prosecution.* (Emphasis added)

Hornberger observed that "after the MSNBC.com story came out, Browne immediately removed his March 12 fundraising communique from his website and hasn't re-posted it since then." So far as I can determine this is correct; at any rate, as of May 15, the original posting or an amended posting was no longer on the website.

A Browne fundraising letter, mailed to 50,000 people after the MSNBC.com story, which I received on April 10, asked for donations for legal research on the election law questions. It repeated that Browne was *considering* asking donors to vio-

* State laws on fraud as a tort are generally similar, so there is no need here for a detailed analysis of which state law applies. When two or more states are involved in a transaction the court determines where the suit is brought. If a donor sued in her home state, that state court would determine if its own tort law, that of the state from which the posting and letter were issued, or some other state law applied. Courts tend to apply the law of their own state, based on an analysis of all interests. For this analysis, we do not need to specify which state's law is involved. If there were suits in more than one state, there could be laws of two or more states that applied.

late the law by making more than a $1,000 donation, and repeated "There appears to be no risk of criminal prosecution from defying either the contribution limit or the reporting rules."

It's pretty clear that by this time, Browne knew that this statement was false. If a representation is made by a campaign about the unlikelihood of criminal prosecution, and the applicable agency makes a statement indicating a greater likelihood of prosecution, that difference would be enough to show that there is a substantial chance that the statement by the campaign is false. (It is not certainly false, because agencies change policies, and representatives of agencies make errors, both negligent and intended.)

So his action met the first two conditions of fraud: he'd stated a falsehood knowing that he had done so.

Browne went on to say:

> Until that research is completed and we've decided whether to proceed further, we won't file any reports with the FEC. . . . [p.6]
>
> The job of defying the government falls mainly to Campaign Manager Perry Willis and to me.
>
> However, if the attorneys' research prompts us to proceed, we will need donors who are willing to deliberately exceed the $1,000 campaign contribution limit. If many people do so, it will establish a broad base for the fight against the limit. The more people involved, the better for our case and the more publicity we can generate.
>
> If you contribute an amount above the $1,000 limit and we lose the case, you might incur a small fine.
>
> If you would like to be a Libertarian hero by violating the contribution limit, let us know on the enclosed form. We'll get back to you when we have a better idea of what your risk will actually be. *Please do not send an over-limit donation now.* (Emphasis added) p.7

At the beginning, this look like he's about to ask his supporters to violate the law — that he intended to "induce reliance," in legal terminology on his misrepresented statement — by saying violators of the law would be "libertarian heroes." But he concludes with an explicit request that they do not violate the law, at least for the time being. So Harry is off the hook, legally speaking.

What about the other elements that need to be present for fraud to occur?

So far as I can determine, no one made a contribution in excess of $1,000. So there was no actual reliance; the question of justifiable reliance does not even arise; nor were there any damages.

In ordinary life, most of us would consider what Browne did to be fraudulent. He may have been skating on thin ice, but what he did is not fraudulent in the legal sense. Law is not the sum of life, but in legal matters it is controlling. ❑

A Time for Prudence

Because people invest so much — emotionally as well as financially — in political activity, they are liable to go to excesses in reacting to political judgment. During his long career in LP politics, Murray Rothbard was almost always outraged about the behavior of his opponents, whoever they happened to be at the moment.

Some party activists I've spoken with have described Browne and his staffers as "criminals" and "thieves," while others have denounced Hornberger as an individual bent on destruction of the Libertarian Party. David Bergland was so upset about Hornberger's criticisms that he concluded his lengthy response to Hornberger with a solemn proclamation that "PURGES HAVE NO PLACE IN THIS PARTY" — an odd sentiment from a man who has said that Ludwig von Mises should not have been allowed into the LP. By the thirteenth time he used the word "purge" to characterize Hornberger's call for an end to the "marriage" between the Browne campaign and the national LP office, I was wondering whether he had somehow confused Hornberger with Joseph Stalin. Since our investigation concluded that the Browne campaign was innocent of the most serious charges, but had nevertheless engaged in certain ethical lapses, we believe we can safely predict that many partisans of Browne as well as his critics will denounce us and even doubt our dedication to the cause of human liberty and of discovering and telling the truth.

That would be too bad. The libertarian movement has for too long been subject to bouts of infighting characterized by emotional excesses. Twice during the 1980s, major factions of the Party walked out en masse, never to return. And the LP has long had a high turnover rate, as members tire of the eternal fighting, the raising of false expectations, and the inevitable disappointments that follow. We think this is too bad, also.

We think that both Browne and Hornberger are assets to the Libertarian Party. We think that both the strategy advocated by Browne's advocates — a strong national campaign to raise party visibility— and the strategy advocated by his critics — an increased focus on state and local races, where victory seems more attainable — have merit.

Politics has a vital moral aspect. Prudence also matters. So does remembering why we enter the political arena. We are convinced that libertarians have more in common with one another than with those indifferent to human liberty, and that while the debate over strategy and even at times over principle should continue, it should be conducted in a civilized manner. Just as there are circumstances where it is appropriate to debate these issues among ourselves, there are also situations where we should put our differences aside and focus on advancing the cause of liberty.

We hope that what we have done in these pages is in service of that cause.

— R. W. Bradford, Peter Gillen, and Martin Solomon

Reviews

Fuzzy Future: From Society and Science to Heaven in a Chip, **by Bart Kosko. Random House, 1999, 353 pages.**

The Mind Is a Terrible Thing to Replace

Peter Gillen

Scientists and technologists have taken center stage in contemporary ethical and metaphysical debates, largely displacing academic philosophers and theologians. This makes sense, on the one hand, because it is science that is creating the metaphysical and ethical hot button issues. On the other hand, the hard-edged rationality and strict standards of evidence of the hard sciences traditionally led scientists to eschew speculative metaphysics. But the positivism of the last century, with all of its limitations and prohibitions, is toast. The Information Age will brook no such pessimism. Nor will it deal with mere abstractions. Not with genetic engineering and artificial intelligence pushing (and questioning) the boundaries of humanity. Besides, they're more fun to read.

Fuzzy Future well suits the new century. Its optimism and speculativeness rival that of the stock market. In it, Bart Kosko has derived a set of social, political and ethical prescriptions from a mathematical concept which he helped pioneer: fuzzy logic. He merits a certain amount of credibility as a master of the gnostic lore of computers and mathematics. But while the mathematics of fuzzy logic might be difficult for those of us who almost flunked pre-calculus, the concept is fairly simple.

Take, for instance, a house. Each day remove one brick. On what exact day, with the removal of which precise brick, does the house cease to be house and become something else? Kosko argues that this question is faulty because we think in binary terms — in black and white. According to fuzzy logic, the "house" with which we start is never 100% house. It is some percentage house and some percentage not-house. Removing bricks simply reduces the percentage of "houseness" of the object in question. Consider this thought at length as you lie in your mostly bed with the light mostly turned out.

Kosko claims that a fuzzy model is, in fact, more accurate than the binary model. He then sets out to apply fuzzy logic to a myriad of social and political problems. In other words, Kosko boldly moves from the "is" of mathematical modelling to the "ought" of social and political prescription.

An example is the abortion debate. Viewed from the perspective of fuzzy logic, unborn babies are partly human and partly not human (actually, so are adults). Since there are no absolutes, why not find a statistical standard of popular opinion concerning the time when life begins? Many, if not most people believe that a two-celled being has very little in the way of rights, while a nine-month old fetus is a being of moral concern if not an entire person. Kosko recognizes that this view is not likely to satisfy zealots on either side of the debate.

In general the dictates of a fuzzy metaphysics lead Kosko to argue against the intrusiveness of state-drawn black and white rules. But Kosko argues against fuzziness of property rights on the strength of the Coase Theorem. Most libertarians will approve of this limited absolutism, but some readers may wonder whether such an exception undermines Kosko's metaphysical edifice. This is especially the case if they consider that binary logic models work in a large number of areas, and that fuzzy logic employs very black and white mathematics.

Guided by fuzzy logic, Kosko makes cogent arguments for private ownership of the oceans and whales; proposes voters choose how the government spends their tax money; argues in favor of keeping other people from stealing your DNA; argues against federal funding in science; and anticipates computer-generated art. These arguments are supported by, but do not wholly rely upon, Kosko's fuzzy metaphysics. A truly original writer and thinker, Kosko combines a bold capacity for common sense with an equally bold, some might say extreme, optimism.

Kosko's argument that we may be able to gradually replace our brains with computer chips until our minds are completely silicon, and thus achieve immortality, is the *coup de grace* of both fuzzy logic and scientific optimism. This can be done, he claims, in a fuzzy way. If you replace the bricks of a house with bricks of another color, eventually you will have the same house, only one with different color

bricks. Similarly, Kosko suggests we may be able to replace the organic matter of our brains with computer hardware, piece by piece. Presumably our organic matter would transfer memories, ideas and the like to the silicon replacement. Eventually our minds become all silicon, no carbon. Kosko does not deal directly with the thorny issue he raises: whether or not there is a soul, a transcendental ego, or a center which forms the unity of conscious experience. He assumes there ain't no such animal. Or, if there is, it must be transferable.

In any case, we are a long way from conscious computers, whether self-generated or created through transferring "data" from the brain to chips. We still have very little notion of how psychic life works. When we look at the green grass, what actually apprehends the grass? The eye receives the light, the brain processes the data, but what ultimately *sees* it? Brain waves can't see, nor can neurons, nor can any agglomeration of diffused parts. How does the physical process of the ocular reception of light waves from grass become a psychic experience? We are a long way from solving this puzzle, and we may never solve it.

Viewed from the perspective of fuzzy logic, unborn babies are partly human and partly not human. Actually, so are adults.

Kosko's unstated premise is that all of reality is mathematizable, albeit in a fuzzy way. Kosko, like so many scientific minded cosmologists, falls back on determinism. Notably, he extends his mathematical determinism to the most unlikely of places — art. Art can be produced by computers once we program them to recognize "art space." According to Kosko, we can look forward to "art for computer's sake."

Determinism goes way beyond unseating the traditional concept of the soul. It negates the concept of will, and accordingly demolishes moral accountability and responsibility. If our minds are nothing more than computers, churning inputs into outputs automatically, then it makes no more sense to hold a human being accountable for a crime than it does to prosecute a computer for crashing. It makes no more sense to worry whether humans are oppressed than it does to worry whether computers are oppressed or enslaved. They are either both rational concerns or both absurd.

Traditionally, the human being has been at the top of the ontological ladder, and therefore they have the greatest value on earth, even intrinsic value. Philosophers have traditionally based the concept of rights upon such a foundation. The claim that the mind is no different in essence from a computer necessarily topples the human from the top of the ontological ladder and undermines the claim that humans have rights due to their very nature.

I have mentioned that scientists and technologists enjoy more prominence today in philosophical issues than in preceding generations. This may be due to the nature of science. Science requires optimism. Why spend hours in the laboratory if you do not think that nature's secrets may thereby be disclosed? And indeed, many of them have. Science and philosophy begin with wonder. Both require evidence and clear thinking. But there the similarities end. Science begins with the assumption that what is real is what is physical and it can best be known through measurement and quantification. Good philosophy makes no such assumption. Philosophy has often, if not always, been guided by Socrates' maxim: know thyself. This may indeed be more difficult a project than knowing the totality of the physical world, which explains why philosophers tend to be epistemologically pessimistic. It doesn't explain, however, their general lack of humor.

Political freedom is meaningless without spiritual freedom. And spiritual freedom is negated in the mechanistic sort of systems promoted by Kosko and other scientific cosmologists. The scientist, alas, always relies on the tools of his trade — measurement and quantification. She finds a mechanical universe, because that is what she is equipped to understand through measurement and quantification. When all you have is a hammer, everything looks like a nail. ❑

***Ex-Friends: Falling Out with Allen Ginsberg, Lionel and Diana Trilling, Lillian Hellman, Hannah Arendt, and Norman Mailer,* by Norman Podhoretz. The Free Press, 1999, 256 pages.**

Friendships Lost

Jane S. Shaw

While browsing the "new nonfiction" shelf at the local library, I picked up *Ex-Friends* because it featured a New York circle that was always hazy to me: postwar intellectuals like Lionel and Diana Trilling, Lillian Hellman, and Hannah Arendt. I had become aware of these people as I approached adulthood in the 1960s, seeing them as largely historical figures bearing a lot of political baggage that I could never quite sort out. Here was a chance to learn about them — maybe. But what made me decide to take *Ex-Friends* home to read was a disarming Norman Podhoretz, who won me over with his opening line, "I have often said that if I wish to name-drop, I have only to list my ex-friends." It portended an intriguing book.

But *Ex-Friends* is more than name-dropping. Except for Allen

Ginsberg, Podhoretz knew the subjects of his book quite well. Exactly what the book is, I find it difficult to say — a mix of gossip and autobiography, with a little serious history thrown in. But one thing is certain: it's fun. I loved it.

As a young man, Podhoretz was apparently something of a protégé of the New York intellectual crowd he calls the "Family." He is meticulous (as he always is) about who and what they were — a footnote explains that "there is a general impression that all members of the Family were Jewish. Not so." And then he cites individuals such as Mary McCarthy and Dwight Macdonald, as well as "kissing cousins" such as Robert Lowell and Ralph Ellison. Jewish members included himself, Irving Kristol, Nathan Glazer, and others.

While the stories tell about how he broke with former friends, the "ex-friends" concept seems to me mostly a literary device to hold a variety of essays together. The stories of their relationships, most of which were disappointing in the end, are told in great detail, often with supporting documentation. The 256-page memoir is exceedingly heavy with set-the-record-straight footnotes — one, for example, explains the context of an excerpt from a Yeats poem; others offer historical embellishments. Why some elaborations are in the footnotes and others in the text isn't clear to me.

What this book is about, really, is Norman Podhoretz. It's about his essays, his background, his politics, his Puritanism (in comparison with the ex-friends' lifestyles of drug use and promiscuity), and his relationships, which (partly because of his politics) have had the ups and downs chronicled in the book. Sometimes I almost broke into laughter at his smug self-assurance. Speaking of his college days, for example, he explains, "I had come to know a fair number of great figures in the intellectual world, and while always deferential, I usually managed to treat with them on a more or less equal footing." While, years later, he cringed at the epic poem he had written for the Columbia literary magazine at age 16 (which Allen Ginsberg, then an upperclassman, had liked and published), Podhoretz took some satisfaction in the "precociously poised and accomplished critical essay" he wrote for the same magazine a few years later. Indeed, through ample documentation we get the idea that he was a powerhouse of literary criticism. That may have contributed to some of his "ex-friendships." For example, Podhoretz didn't think that either Ginsberg or Norman Mailer (another "ex-friend") lived up to his initial literary expectations of them, and he said so.

Exactly what the book is, I find it difficult to say — a mix of gossip and autobiography, with a little serious history thrown in. But one thing is certain: it's fun. I loved it.

Podhoretz was something of a lackey to Lillian Hellman in his youth (he was quickly disillusioned with her writing but kept his assessment a secret from her). He suggests that Mary McCarthy was not far off the mark when she famously remarked that "every word [Hellman] writes is a lie, including 'and' and 'the.'"

And I learned a lot about the Trillings. As I knew already, Lionel Trilling was a leading exponent of the "New Criticism," which flourished in the 1950s and 1960s. Its proponents attempted to analyze literary works on their own merits without interpreting them as products of history or social forces. Podhoretz never really broke with Lionel, but Diana, who survived her husband, and who began writing books after he died, got into conflicts with Podhoretz. The details are complicated — to the point where Podhoretz remarks that "I realize how bizarrely sectarian all this must sound to ears not attuned to the ideological wars of the intellectuals." Indeed, it does.

There is one genuinely serious essay in the book, the one about Hannah Arendt, author of *The Origins*

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of *Totalitarianism*. In Podhoretz's words, in this book Arendt revealed that Nazism and Communism "were in truth brothers under the skin." This had a profound effect on him. Ultimately it may have contributed to his move to neoconservatism but more immediately it led him to support the publication of an article by Arendt commenting on the desegregation of the public schools of Little Rock, Arkansas. This article was so controversial that Podhoretz was unable to convince his co-editors at *Commentary* to publish it. Hannah Arendt wrote:

> The most startling part of the whole business was the federal decision to start integration in, of all places, the public schools. It certainly did not require too much imagination to see that this was to burden children, black and white, with the working out of a problem which adults for generations have confessed themselves unable to solve.

The article was eventually published by *Dissent*.

Podhoretz broke with Arendt, too. Their dispute was over a series of articles she wrote for *The New Yorker* in 1963 about Adolf Eichmann, who was arrested and tried in Israel for crimes against Jews in Germany. Arendt criticized the Israelis for prosecuting him and Podhoretz criticized her for "judging Jews by one standard and everyone else by another." I'm not an expert, but from my perspective Arendt looks pretty good on this issue, as on others.

All in all, some of these intellectual conflicts become pretty byzantine. But the people are vivid, partly because Podhoretz is so painstakingly careful with his descriptions.

He ends his book with an afterword intended to explain the significance of the "Family." Recognizing that most were socialists (but all anti-Stalinists, he insists), he comments, "On balance, however, I remain convinced that it is good for a country's culture to have an intellectual community like the Family, even if it promotes bad ideas as often as it does good ones." I don't think he makes a convincing case on this point. But he does tell a lot of good stories. ❑

Ayn Rand, by Tibor Machan. Peter Lang Publishing, 2000, 163 pages.
On Ayn Rand, by Allan Gotthelf. Wadsworth Publishing, 1999, 100 pages.

Introducing Ayn Rand

Bryan Register

The recent burst of academic publications on Ayn Rand now includes two primers on Rand's thought, each in a series of lay or undergraduate introductions to major philosophers: Tibor Machan's *Ayn Rand*, in Lang's series on "Masterworks in the Western Tradition," and Allan Gotthelf's *On Ayn Rand*, in the Wadsworth Philosophers Series. While Objectivists and sympathizers should be pleased that this dissident intellectual is finally being allowed her say in academia, we should be concerned that Rand's personality may be dominating the presentation of her thought, that her thought is not being conveyed in the clearest way to students, and that the presentation has struck an inappropriate balance between various issues, to the detriment of the student's comprehension of Rand. While Machan's work is far from perfect in these respects, Gotthelf's is essentially devoid of merit.

Machan spends about five pages on Rand's life. Most of this appropriately minimal introduction lists Rand's important publications and compares Rand and her thought with often contrary trends of the 20th century. Steering clear of irreleventia, Machan points to Chris Matthew Sciabarra's work as the source of the current wave of academic interest in Rand.

Gotthelf's work, on the other hand, is vitiated by a hagiographic dedication to the person of Ayn Rand. Nearly one-third of his 100 pages are devoted to discussing Rand's own life in the most celebratory tones possible. But despite all of this attention to Rand's personal development, he entirely ignores the events in her life which are actually important for understanding her philosophical vision: Rand's education in the Soviet university system, and especially her assimilation of the dialectical tradition which was central to every facet of the Russian intellectual scene during Rand's youth.

This history was brought to light in Barbara Branden's biography of Rand and discussed in great depth by Chris Matthew Sciabarra in his magisterial study, *Ayn Rand, Russian Radical*. Gotthelf mentions the Branden biography only to dismiss it as "psychologizing" (a category which does not apply to Ms. Branden's explorations of a figure she not only clearly admired, but had been on very intimate terms with for almost twenty years), and forgets to inform his readers of the title of her book (*The Passion of Ayn Rand*), making it difficult for the undergraduate student to check Gotthelf's assertions against the facts. Sciabarra's work is not mentioned at all, though Gotthelf does say that, "There is, unfortunately, not much of serious interpretive value among the secondary material that has been published on Ayn Rand in books and academic journals to date" (27). Again, Gotthelf's failure to mention his foils (e.g. Sciabarra's *Ayn Rand: The Russian Radical*) makes it hard to check his assertions against the facts.

Appropriately, he does cite as a source for facts on Rand's life Leonard Peikoff's idolizing portrayal *My Thirty Years With Ayn Rand: An Intellectual Memoir*, which concludes with an exhortation not to be concerned with the objective facts about Rand's life.

Bizarrely, Gotthelf does mention the unfortunate and irrelevant incident of the 1968 break between Rand and the Brandens, citing only Rand's less-than-honest account of the events.

But the main goal of the works is to introduce Rand's thought to a wider audience and clarify that thought for those who find it confusing. Here, neither Machan nor Gotthelf is fully satisfying.

Machan sees Rand's theory of axioms as her most powerful philosophical theory, and he dedicates substantial space to discussing this issue. Machan proposes that Rand's axiomatic concepts, such as "existence" and "identity," are important because they "figure in all awareness" and "are indispensable for any and all awareness" (35). Moreover, they stem from the kind of Aristotelian first principle which identifies an assumption which is ever-present in human discourse. The axioms are not foundational in the sense that other items of knowledge can be deduced from them, rather they are guides to all good thinking: ". . . the axioms may serve as the cornerstones of the structure, but not its foundations" (38). Machan relates Rand to various positions to which she stands opposed, and he does it without caricaturing those thinkers and with a recognition that Rand often does radically misrepresent alternative intellectual positions.

Machan tries to clarify Rand's most obscure theory by quoting some of history's most obscure philosophers.

But Machan's discussion leaves a great deal to be desired. Consider this sentence: "The identification of existence, identity, and consciousness is not 'informative,' if informative speech is arbitrarily restricted to the production of 'synthetic' propositions" (41). Undergraduate students and philosophical neophytes will be put off by such technical terms. Hopefully the student knows these terms already, because Machan provides no help. Or, worse: "Instead of predicating p as S, we can take S as p — and we can take ourselves backward to appreciate S as S. For instance, we can investigate being as moving . . . or simply being as being" (42-43). Here even the expert begins to lose track of what is going on, to say nothing of what the novice Rand student will think.

What Machan is trying to argue is that even the overarchingly obvious (something like "Existence exists") can yield insight. To support his argument, and make a comparison between Rand and some other thinkers, Machan moves from this discussion to an equally obscure comparison of Rand's view of axioms with Hegel's and Heidegger's metaphysics. While to someone familiar with the history of Continental philosophy, this comparison is striking and intriguing, to the undergraduate student it will be of no use. One can hardly clarify Rand's most obscure theory by quoting some of history's most obscure philosophers. But while Machan is sometimes esoteric, he is at least interesting. Gotthelf's approach is so intellectually and even stylistically dependent on Rand that one wonders why he didn't just write an annotated bibliography.

Consider this passage, also on axioms:

> "We start with existence — that which is — and the first thing we recognize about it is: that it is. In Ayn Rand's words: 'existence exists .' This is the axiom of existence, and it is the first philosophic axiom. Its axiomatic status is clear . . . : any attempt to deny that something exists accepts and uses the fact that something does exist." (37)

Like Rand and some of her other less creative followers, Gotthelf engages in the practice of italicizing rather than clarifying. But let's actually think about this alleged axiom for a moment. If "existence" is "that which is," then it doesn't take very much to realize that "it is": surely "that which is," "is." But if this is the case, then the axiom that existence exists is quite consistent with nothing existing. Surely that which is is, but that doesn't mean that anything is. That is, it is not axiomatic that the word "existence" actually refers to anything. Gotthelf does also say that "something exists" (37), and while this is true, it's not the same statement. Faced with this line of thought, Machan involves himself in the ill-fated discussion mentioned above, but Gotthelf doesn't seem to be aware that there is even a question to be addressed.

The problem is not so much that Rand's axiom is unclear. The problem is that Gotthelf hasn't said anything at all which provides any clarity to the theory. What is the point of writing a primer on a difficult thinker if you're not going to clarify and explain the author's work? What's the point of calling it an introductory volume if you're not going to introduce, but merely reiterate?

Like Rand and some of her other less creative followers, Gotthelf engages in the practice of italicizing rather than clarifying.

Gotthelf's attempts to relate Rand to the tradition are also good illustrations of this point. Consider this passage: ". . . an entity is its attributes – there is no bare 'substratum' that possesses them. . . . An entity is not, however, a 'bundle' of attributes; it is a whole, a unity, of which its attributes are aspects" (Gotthelf, 40). Gotthelf fails to give an historical context to the problem. So if the student wishes to compare Rand to the traditions of bare

"If you think that's good, just wait till we invent black velvet!"

particularism or bundle theory, he'll get no help from this work.

But moreover, even if the student is familiar with the historical context of this debate, he is liable to be puzzled. The two views are mutually exclusive and mutually exhaustive of the options. For Rand to accept no version of either of them is simply incoherent on its face. Likewise here: "It is perhaps clear already from what has been said about concepts and definitions . . . that she would reject both the traditional Fregean view that 'meaning determines reference' and the more recent 'direct reference' theories" (69). Students will wonder: What's a "Fregean" view, and who has Fregean views? What are "meaning" and "reference"? What is "direct reference", and who has talked about it? And, since again these two views (particularism and direct reference) seem to divide the field between them in such a way that no third alternative is possible, how can Rand possibly reject both of them? That she rejects standard versions of these theories does not mean that she can reject the theories as such and retain intellectual coherence.

Finally, Machan and Gotthelf organized their books very differently, and the difference is important to their interest. Machan spends about twenty pages introducing Rand's philosophy and contextualizing it, almost thirty pages on Rand's theory of axioms, over forty on her ethics, almost twenty on comparisons to Marx and Kant, and thirty pages on projecting room for development and improvement in Rand's philosophy. One can complain about some of the decisions — especially his seemingly exaggerated sense of the importance of the axioms, in contrast to other issues in metaphysics — but Machan was trying to strike some kind of balance between breadth and depth, and trying to focus on points which are essential, interesting, and most provocative to the new reader of Rand.

Gotthelf, on the other hand, is interested in metaphysics and epistemology, to the virtual exclusion of Rand's most well-known positions. Now, these deeper issues are important and they deserve attention; one can definitely complain that others have unfairly ignored these foundational areas. But Gotthelf overcompensates. He spends fifteen pages on ethics, including the page on politics and page and a half on aesthetics. To spend three (unhelpful) pages on Rand's deeply obscure meta-ethical argument and half a page on the problem of the possibility of conflicts of interest between persons — and providing only a soundbite on the latter, very serious problem — while wasting thirty pages on a fruitless discussion of Rand's life and spending almost fifty pages on issues in metaphysics and epistemology is not a reasonable priority.

Rand is going to be brought into the academy, sooner or later, and introductory volumes like Machan's and Gotthelf's are going to be one of the ways this happens. We can hope that future efforts take little guidance from Gotthelf's fawning and pointless re-hash, but that they learn a bit from Machan's daring, even as they struggle to shed more light than he manages to.

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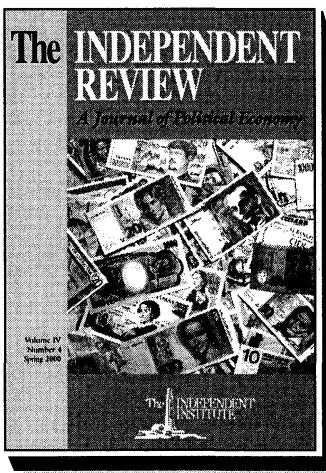

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Guilt, Blame, and Politics, by Allan Levite. Stanyan Press, 1998, 259 pages.

Guilt-Edged Politics

Michael R. Allen

The average critic of modern liberalism reserves particular disdain for the "limousine liberals" and wealthy celebrities who tell middle America that it is too greedy and ignorant. These liberals are easy targets, too, since they usually aren't going to give up their possessions and live in the ghettoes. So their detractors will accuse them of blatant hypocrisy.

One couldn't make a worse mistake, as Allan Levite points out in his intriguing book, *Guilt, Blame, and Politics*.

Levite begins his polemic with an illuminating tale of an Indian prince, who one day long ago, was returning from a hunting expedition and passed a man in agony. The prince's bodyguard explained that sometimes people are poor and suffering. The next day, this prince saw an elderly man. Again, his bodyguard offered an explanation: old age does occur. The Indian prince next witnessed a funeral procession. Puzzled by the concept of death, he was informed by his non-sheltered bodyguard that people do die.

The prince began to question his own wealth and status, eventually venturing out of the palace into the commoners' marketplace. There, he saw a monk begging for a meal. The prince was inspired by the monk's happiness in poverty — so much so that he too became a monk and dedicated himself to the betterment of the world.

This prince, of course, is Siddartha Gautama — the Buddha — and his brushes with sickness, old age, death, and poverty are known as the Four Sights. Levite sees more than simple humanitarian concern in the Buddha: "Had he been born poor, the Four Sights would have been so routine to him they would have produced no such catharsis: their meaning to him would have been much different" (1-2). The prince's affluence enabled him to feel guilty about other people's suffering, says Levite. A poor man would not have disrupted his own life to "fix" society.

Levite's thesis is that guilt — not hypocrisy or authoritarian urges — has been the driving force behind left-wing politics. Those who fit his "Guilt Profile" view their status in society as wrongful as long as others must work and suffer. Levite is not writing about guilt in the simple psychological sense: he is dealing with ". . . guilt as a societal institution, springing from the conflict between what we have been taught to do and what we actually do (fail to do)" (3).

After stating his thesis, Levite looks at a litany of wealthy socialists and other leftists. Often his citations do not come with proof of guilt felt on the part of his subjects, as Levite readily admits. What this section does establish, though, is that a) many socialists — and most socialist leaders — are well-educated and financially secure and b) many wealthy people, especially those who did not work actively to become wealthy, are prone to lament the gap between the workers and themselves.

In many cases, this lament turns into guilt which they try to ameliorate through philanthropy and, of course, radical politics. Besides some of the more famous examples of contemporary guilty socialists, Levite also mentions some forgotten figures who fit his Profile: W.H. Auden, Lord Louis Mountbatten, George Sand, Peggy Guggenheim, Charles Baudelaire, George Pillsbury, and Corliss Lamont.

A major drawback of *Guilt, Blame, and Politics* is that the Guilt Profile fits a wide range of people, including some who don't seem to have advanced the socialist or leftist agenda, or who advanced it inconsistently. Does William Saroyan, ardent opponent of FDR's war policies, belong in the same category as socialist Upton Sinclair? Can't radical politics, even those of Sinclair, sometimes be wrong without being immoral? Levite makes no such fine distinctions.

He also fails to indict those who do not fit his Guilt Profile but are equally willing to use coercion to achieve their ends. When Levite is angry that no "pro-Helms people" (191) were contacted for a *San Francisco Examiner* article on Senator Jesse Helms, his anger at the Guilt Profile class overrides his own support for liberty. The liberal *Examiner* staff is doing the free society a favor by writing negatively of a senator who supported the illegal bombing of Yugoslavia. Those who fit the Guilt Profile are not always the enemies of a free society, nor are their enemies necessarily friends of freedom.

Elsewhere, Levite writes that "logically, leftists should come *only* from the lower classes . . . Yet in the ranks of radicalism as a whole, affluent individuals abound, especially among the leadership" (85). History shows that the sons of nobility, capital, and education, such as Lenin and Marx, are all-too-eager to identify with the working class and aim to overthrow the systems from which they came. However, working-class people are usually not nearly so revolutionary.

Noting that upper class socialists dominated the Communist movement in Europe, Levite posits that the working class, while seeking to use government intervention in its favor, were at most reluctant Marxists. At the Second Congress of the All-Russian Social Democratic Labor Party in 1903, four delegates were of working-class backgrounds while over fifty were of the bourgeois classes. In 1903, Bulgaria's Socialist Party was only 41 percent

working-class; in 1919, that country's Communist Party was only 43 percent working-class. Even in the 1946–1958 period, merely 31.6% of Italy's Communist Party were actual manual workers. If communism was devised to save the masses from exploitation, then why was it dominated by the sons of "exploiters"?

Levite correctly observes that workers are generally ambitious; that is, they want a better life. While their unionization and progressive politics show a socialist impulse, the common people wanted to improve their situations, not overthrow "the system." They allied with Marxism only inasmuch as they saw it would better their conditions. Communism could not last because, in the end, the workers wanted more wealth — not the end of capitalism.

The revolutionary intellectuals did not understand the classes to which they were drawn. Guilty for their own success, the intellectuals tried to assuage their feelings by "helping" the disadvantaged classes. Levite emphasizes that radical politics, at least in communist or socialist varieties, often aims to ease the guilt of its followers.

Presently, the revolutionaries are "symbolic analysts" rather than blatant communists:

> Drastic action might be needed to reduce inequality, but to alleviate guilt's discomfort, words can be as fulfilling as deeds, statements can replace results, and properly-configured gestures can substitute for actions (95).

Symbolic analysts are behind political correctness, outcomes-based-education, and other modern follies. They see their programs as moral and righteous because they themselves attach value to them. They zealously guard them because they are a way of reducing their own guilt. Attacks on the actual effects of, say, the Aid to Families with Dependent Children program, are viewed as attacks on the morality of aiding the poor, regardless of the validity of such claims.

By attaching morality to a word, symbolic analysts have made words like "archconservative" into general pejoratives and words like "disadvantaged" unassailable. Simply attach the word to an object, and the moral value of the word is then transferred to that object. The guilt of intellectuals is mitigated by the language they employ.

Often symbolic analysts spawn totalitarianism, and rush to defend its

While their unionization and progressive politics show a socialist impulse, the common people wanted to improve their situations, not overthrow "the system."

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Literature

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horrible consequences. Levite quotes Simone de Beauvoir: "Women should not have that choice [full-time parenthood], precisely because if there is such a choice, too many women will make that one" (124). Levite does not criticize this claim by pointing out its hypocrisy or authoritarianism. He insists she is being honest, since she wants to be ruled along with everyone else in her world of no choices. Honest she may be, but he should not dismiss her authoritarianism. One who wants people to be ruled, even if not by herself, is still calling for authoritarianism. De Beauvoir was not an autocrat personally, but she endorsed the notion that someone should be dictator.

Levite continues by examining determinism and its "abhorrence of [free] choice" (162). Instead of using environmental determinism to escape blame, the guilty use it to become even more guilty. "If the rapist's childhood 'caused' his crimes, then 'we' must be to blame for not doing enough to 'end' child abuse," is the reasoning that places greater, not less, guilt on society under the determinist philosophy (164-5).

Levite maintains that this impulse is emphasized by non-Protestant Christianity. With its emphasis on the onerous guilt of original sin, Roman Catholicism has fostered scholars who promote Marxism as a way to alleviate guilt. But what the Marxist Catholics don't understand is that — even under their own faith — sacrifice is a means to charity, not an end. Levite thinks that turning Jewish and Christian religious thought away from self-sacrifice is "not . . . as challenging to religious doctrine as it might sound" (186). After all, Mother Teresa saw her sacrifice as a way to help others, not to alleviate her own discontent with her status — and she lived austerely, unlike the Marxists to whom symbolism, not action, is more important.

Levite manages to defend his thesis throughout the whole book, though his Guilt Profile sometimes leads him to some flawed conclusions. The wealthy left has shown itself to feel extremely guilty, and has substituted symbolic gestures for real solutions to the world's problems. *Guilt, Blame, and Politics* does not reexamine the fallacies of Marxist and other socialist thought. Instead, it aims to explain why privileged proponents of such ideology aren't proud to be wealthy and successful. Levite asserts that they see a gap between themselves and the working public, and are intimidated by their own relatively lazy lives. They turn to action that will help to relieve their guilt — but not wanting to totally disrupt their own lives, take up radical politics instead of actually leaving their class.

In the end, the author says that the way to get rid of the guilt is simply not to create it in the first place. He recommends that wealthy socialists see themselves as deserving of their status — and I concur. Acceptance of their social status could save the world from more political discomfort, but it will not come about until people stop looking to society or government for permission to be free. ❑

***A New Fiedler Reader*, by Leslie Fiedler. Prometheus, 1999, 588 pages.**

The Avatar of Audacity

Richard Kostelanetz

Long one of the great independent American literary and cultural critics, Leslie Fiedler based his expository style on ironic audacity. In 1948, as a young academic teaching in Missoula, Montana, he published an essay suggesting that a principal recurring myth of American literature was the interracial homoerotic romance, "as physical as a handshake," where white and colored males leave civilization for life together in open territory. Since his examples included such familiar characters as Huck and Jim, Queequeeg and Ahab, Natty Bumpo and Chingachgook, Fielder's thesis did not suffer from a lack of evidence.

This essay, "Come Back to the Raft Again, Huck Honey!" was included in An End of Innocence (1955), Fiedler's first collection, and has since been reprinted many times, sometimes with disclaimers. For good reason. Like all classic essays, it can be reread many times over for its subtleties and witty turns. And it opens this book, which is the second Fiedler Reader. The first appeared well over two decades ago.

One problem with this new book, however, is that, given the invitation to produce a second selection from his work, if not a reinterpretation, Fiedler missed the opportunity. Instead, he simply recycled the previous Reader, adding a few more recent pieces, thereby inevitably disappointing those of us who expected something more audacious, if not Fiedlerian.

Nonetheless, even these more recent writings contain classic sentences with a wealth of ideas amid elegant, original phrasings. Consider this about gun control:

> But anyone familiar with the long struggle of the rising bourgeoisie for equality, which climaxed in the French and American Revolutions, cannot doubt for a moment that this key passage in our Bill of Rights, like earlier revolutionary manifestoes,

Fiedler is one of the few whose style can be compared with H. L. Mencken's.

unequivocally demanded that along with such other privileges as the rights to vote and to learn to read, once reserved for the ruling class, the formerly oppressed classes should be granted the right to carry guns, which, appropriately enough, to this very day are called in the vernacular, equalizers.

This is marvelous writing.

I've always ranked Fiedler among the great American essayists in the late 20th century, one of the few whose style can be compared with H. L. Mencken's; but, though he is essentially an essayist, his prose hasn't recently appeared often in American magazines, so many of them devoid of irony and other subtle humor, not to mention contributor independence. What *A New Fieldler Reader* suggests to me is a depressing thought: given current editorial limitations, he may well be the last of a kind. ❑

Letters, *from page 6*

reading I did for this class. Szasz seems unaware that a condition need not be communicable to qualify as a disease. My mother, who has suffered from multiple sclerosis for 30 years, could have set him straight on this point. As for the evidence, Szasz may not have been being (too) disingenuous at the time this was written. But to stand by that statement today — after a mountain of evidence has accumulated linking severe behavioral dysfunction with neurochemical and neurophysiological causes — would be sheer folly.

Topping it all off is Szasz's contention that mental illness is a myth cooked up by the psychiatric establishment, presumably for the purposes of social control, a conspiracy theory worthy of the X-Files. I'm sure it's true that Thomas Szasz is a brilliant thinker with an impeccably logical mind. All the logic in the world, however, doesn't do you a bit of good when you're arguing from a false premise. There is such a thing as mental illness, and people who suffer from it. Szasz and his compatriots have done much to make their lives worse. As the author of my textbook puts it, "In practice, deinstitutionalization has often meant the wholesale dumping of the mentally incompetent onto the streets, the provision of largely imaginary care facilities, and a burgeoning population of bewildered people left to fend for themselves as best they can."

Libertarians can keep their ideological blinders on if they like, but they should not be proud of their contribution to the disaster of the homeless.

Joseph Whitehurst
Houston, Tex.

Shoulda, Woulda, Coulda

George Hollenback's suggestion that the ancient Egyptians adopted Babylonian math during the Hyksos period ("Plagiarism on the Nile," June) is rather speculative. Each step is a might. The Hyksos might have had Babylonian math. They might have imported it into Egypt, which might have adopted it. And there is the general image of the Hyksos as barbarians. This is largely the Egyptian view of course, but most of the innovations listed are military, and Hollenback does not say that any were imported by the Hyksos (though the military ones largely were.) But assuming any intellectual adoption is still working against the grain.

Essentially, there is no real advantage to assuming the adoption was done in Hyksos times instead of Persian. In either case, a long-standing Egyptian system was replaced with a Babylonian one, presumably at the will of the new rulers.

David Argall
La Puente, Calif.

Medieval Ignorance

Steve Sawyer (Letters, June) says "Christianity places a very high value on knowledge, as witnessed by its preservation of much of ancient knowledge during the Dark Ages." I'm sure that's the case and any good Christian knows the earth is flat (with four corners), lightning is created by devils who hurl the bolts at the earth (usually at high church towers), and of course the earth is the center of the universe with the sun and all the planets rotating around earth just like it says in the Bible.

Galileo was convicted of heresy by the church and sentenced to burn at the stake when he lied and said that the earth rotated around the sun. However the church commuted Galileo's sentence to house arrest for the rest of his life when Galileo came to his senses and admitted the the sun really rotates around the earth as the Bible says. It wasn't until 350 years later in the 1980s that the pope admitted the Bible might be wrong and Galileo might be right. With science like that the last thing we need to do is mix religion and government to secure our liberties as Steve Sawyer goes on to say in his letter.

Mike Ross
Tempe, Ariz.

Viagra vs. Marijuana

In Paul Rako's excellent analysis of Drug Czar Barry McCaffrey's illogical support of failed drug policies, he asks why some drugs are demonized while others are A-OK. The answer is really quite simple. The goal of a "drug-free" America only applies to certain drugs. Specifically, natural drugs which cannot be patented by the pharmaceutical industry, one of the most powerful lobbies in Washington, D.C. New lifestyle drugs are routinely granted fast-track FDA approval, while marijuana, which has been used medicinally and recreationally for thousands of years, allegedly requires further research studies.

In the short time the blatantly recreational drug Viagra has been on the market it has already killed more people than marijuana, a relatively benign drug whose pharmacological qualities have never been shown to cause a death. Nationwide, cancer and AIDS patients are being locked up at the taxpayers' expense for smoking medical marijuana, while 2-year-olds are prescribed Ritalin and anti-depressants. So much for protecting the children.

If McCaffrey is truly concerned about children's access to drugs he might want to reconsider marijuana legalization. Current drug policy is, in effect, a gateway drug policy. While there is nothing inherent in the marijuana plant that compels users to try harder drugs, its black market status puts users in contact with unscrupulous individuals who push hard drugs.

Equally disturbing is the manner in which children have an easier time purchasing marijuana than beer. Given that marijuana is increasingly recognized as being safer than alcohol or tobacco — it is impossible die from a marijuana overdose — why not end marijuana prohibition?

The answer, of course, is culture. The marijuana leaf represents the counterculture to Americans who would like to turn the clock back to the 1950s. This misguided culture war has gone on long enough. As counterintuitive as it may seem, legalizing marijuana would both limit access and separate the hard and soft drug markets which serve to introduce youth to the truly deadly drugs.

Robert Sharpe
Washington, D.C.

Follow the Money

Just remember that the drug czars' jobs depend on the perpetual prosecution of, but *never* a victory in, the drug war. Also, remember that the politicians depend on the drug war and its rhetoric to scare up votes (by scaring voters). And remember that politicians rely on the drug war to sustain their constituent industries that depend on the economics of prohibition in order to make generous profits and campaign contributions that keep the drug warrior politicians in power and, thereby keep themselves in business.

Maybe the politicians are required to adhere to the party line of prohibition because law enforcement, customs, the prison industrial complex, the drug testing industry, the INS, the CIA, the FBI, the DEA, the politicians themselves et al can't live without the budget justification, not to mention the invisible profits, bribery, corruption and forfeiture benefits that prohibition affords them.

Myron Von Hollingsworth
Fort Worth, Tex.

An Honorable Man

Today I received my first copy of your magazine in the mail. I am a former Republican, and recent (2 year) convert to the Libertarian Party. Also, I served under four-star general Barry R. McCaffrey's leadership during the Persian Gulf War. At that time, he was the most highly decorated soldier on active duty. He is a recipient of the Congressional Medal of Honor, and literally dozens of other awards and citations for gallantry in combat. 2000 years ago, he could easily have been a Caesar in ancient Rome. He is a man that endures through hardship in every sense of the word, and I admire him for this. His character as a general, as a husband, as a father, and as a man, *is* impeccable. He has truly led an honorable life, and *nobody* has any right or reason to assassinate his character. Attack his policies if you must, but the man, any man, deserves civility.

Paul Rako's article, "McCaffrey's Brain on Drugs," (June) is nothing more that a libelous and slanderous diatribe of a smarming sycophant. I was not academically or intellectually impressed. By my count, a full 15% of his article was devoted to smearing a person with unfounded allegations, rather than attacking the policies of the person with logic and reason.

I have placed Rako's article in my shitter, so that I may make proper use of it, and wipe out hate as it were.

Let's get the real facts here:

• Barry R. McCaffrey is a war-horse, Medal of Honor recipient, and civilized gentleman.

• Barry R. McCaffrey was forced back into government service by a draft dodger. (What hypocrisy!)

• Barry R. McCaffrey was not, and is not, a drug policy wonk. He is only doing his best to carry out a mission forced on him. His role is only that of an unwilling figurehead. He is a victim of the twisted logic of the Clinton crew, i.e., if you're going to wage a war on drugs, get a war-horse to lead the charge.

• Barry R. McCaffrey is obviously doing a good job of executing his orders, goofy as they are. Look at how well he is jerking Rako's chain! He has the man practically foaming at the mouth.

• Barry R. McCaffrey would be just as effective if he were called out of retirement to end the war on drugs. That's right, end it. He is not a Nazi or a "jack-booted thug." His boss may be, though, so he is being held guilty by association.

In the future, I hope you put a muzzle on Rako's libel and slander. I don't think *Liberty* needs or wants this type of gutter journalism. Hopefully, Mr. McCaffrey will sue Rako to his senses. A mind like Rako's could be world-class, if he had some adult supervision and guidance. Please see that he gets some. I will not let myself be guilty of association with uncivilized and foaming-at-the-mouth fanatics. I pay good money to get factual information on contemporaneous issues. If I wanted a rag full of libel and slander, I'd read *National Enquirer*.

Jack D. Null
Fairborn, Ohio

Rako, the Drug Warrior

I just finished reading Paul Rako's hilarious rebuttal of Mr. Barry R. McCaffrey. He made me laugh so hard I didn't bother smoking the joint I had ready to go. Since it stopped me from using drugs (today), I suggest you submit this article to the Office of National Drug Control Policy for credit in its payola for propaganda program.

Christopher A. Joseph
Parma, Ohio

Arresting Government

John Engelman contends (Letters, June) that R. W. Bradford's statement ("Learning From Hillsdale," May) "Private power can be just as corrupting as State power" undermines the libertarian faith. Engelman goes on to write, "Libertarianism is and shall remain a minority perspective."

Engelman exemplifies a common misunderstanding of libertarian principles. The vast majority of libertarians are not anarchists expecting all citizens to protect and defend themselves. Libertarians as a matter of principle "oppose the initiation of force" or fraud whether by individuals or the state. We support a strong police force to protect and avenge victims of crime, but we oppose prosecution of victimless criminals. Private criminals can be brought to justice through the courts. It's harder to "arrest" a government.

But there are a lot of us trying, and more joining every day. The fight for liberty didn't start in 1972. It's been going on since the first bully crowned himself King. Liberty is not a place; it's a direction. The last hundred years we've been going the wrong way, but the pendulum is starting to swing.

Scott A. Wilson
Concord, Calif.

Farce and Fraud

The Hillsdale black farce ("Hillsdale as an Ordinary College," May) is the most entertainingly lurid libertarian saga since the Rand/Branden debacle. This latter was mischaracterized by some as tragedy; it was, on the contrary, the perfect subject for an opera buffa, with solo SATB [soprano, alto, tenor, bass], a chorus of "The Collective," and the opportunity for drinking songs and a "mad" scene all set to neo-Rossinian music. The Roche yarn, on the other hand, would make an ideal satirical novel of academia, if such things hadn't already been done to death.

Objectivists and libertarians give a rough equivalence to force and fraud (the State, they claim, supposedly protects us from both), and with justification; Nietzsche reached a like conclusion. The "will to power" and the "will to truth" are opposed in the very nature of things, and in *The Gay Science* he points out how fakery is entangled in the very guts of the Life Force: " . . . it does seem! — as if life aimed at semblance, meaning error, deception, simulation, delusion, self-delusion . . . " which appear to be the same things that the power-mad George III of Hillsdale was aiming at. He did not, of course, have the power to force a single person to attend his college or contribute to it; but he did have the power to defraud people and allegedly did. I don't necessarily mean legal fraud, by the way; I mean the creation of a Potemkin universe out of the stuff Nietzsche mentioned, a constant temptation of Homo sapiens. Fraud, after all, is a subtler thing than force and is infinitely various, as the number of species of stick insects attests.

By the way, I don't think anything should be "done" about Roche, any more than anything should have been "done" about such other pigeonpluckers as P.T. Barnum, Alfred C. Kinsey, L. Ron Hubbard or John Cage — except to eliminate whatever political power they have.

Kyle Rothweiler
Bozeman, Mont.

Homework Therapy

In his review of Kenneth Cmiel's A Home of Another Kind, ("Child Abuse by the State," May) Patrick Quinn writes:

> Cmiel seems unaware of the relationship between the growth of state power and the rise of the technical expert. In *The Rise of the Therapeutic State*, Andrew Polsky explains how technocrats' frustration over their lack of power led them to lobby the state for increasing amounts of power in society.

Quinn seems unaware that the term "therapeutic state" was created by Thomas S. Szasz in 1963.

Polsky's writing about the therapeutic state pales in comparison to the work Szasz has done over the past forty years.

Mr. Quinn has not done his homework.

Jeffrey A. Schaler
Silver Spring, Md.

Quinn responds: I don't recall a single sentence in my article addressing the origin of the phrase "therapeutic state." Dr. Schaler might just have said, "While Quinn writes about children, he seems unaware that my children are aged 11 and 14." In other words, his comment has nothing to with my review.

Nonetheless, I am happy to acknowledge the credit he has given to the good Dr. Szasz, who has had a profound influence on my development as a social scientist. I have proudly defended the work of Szasz in academic environments that are largely unaccommodating of his point of view. The reason I referenced Polsky's work is because it is a very specialized application of Szasz's work, which, of course, is a credit to Szasz. Polsky

Notes on Contributors

Michael Allen is editor and publisher of the online journal *SpinTech Magazine*.

Baloo is a *nom de plume* of *Rex F. May*.

Chris Bernard is a graduate student in the Philosophy Department at the University of Maryland.

David Boaz is the author of *Libertarianism: A Primer* and the editor of *The Libertarian Reader*.

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Scott Chambers is a cartoonist living in Arizona.

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David Kopel is the author of *The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?*

Richard Kostelanetz is an independent critic of culture and politics living in Manhattan.

Barry Loberfeld is the president of the Long Island chapter of the Freeman Discussion Society.

Peter McWilliams is the author of 35 books and has appeared five times on the *New York Times* bestseller list.

David Nichols is a writer and a prisoner in Federal Correctional Institute in Tucson, Arizona.

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Timothy Sandefur is a law student at Chapman University in Orange County, California.

Ron Scutt is a teacher living in Stehekin, Washington.

Jane Shaw is a senior associate at the Political Economy Research Center in Bozeman, Montana.

Pam Singer is a student in Phoenix, Arizona whose interests are psychology and writing.

Tim Slagle is a stand-up comedian living in Chicago.

Martin M. Solomon is an assistant editor at *Liberty*.

Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

deals, in great detail, with the institutionalization of the therapeutic state, and the endurance of that apparatus over time, all of which research is intimately relevant to my review.

Unlike Schaler's comments. Ironically, his irrelevant hair-splitting is more reminiscent of the technical experts of the therapeutic state than of a defender of freedom.

The Nazi Threat

Jonathan Miller (Letters, May) offers some thoughtful comments on my article ("What if the U.S. Had Stayed Out of World War II?," March). In response I should clarify just how, in my opinion, a capitalist, technically advanced Nazi empire would have posed a greater threat to our survival than the socialist, technically backward Communist empire.

Miller's idea that we might have taken out Nazi missile sites with long-range bombing first of all ignores the huge technological gap between Germany and the rest of the world at that critical time (i.e., Hitler's probable lifespan). Aside from the fact that England would not have been available as a base as Miller suggests (had we not participated in the initial round of war which the Germans would likely have won), the Nazi monopoly on the earliest military jets and rockets would have made them invincible in an extended global conflict. Even under the rain of Allied bombs, the Luftwaffe produced almost two thousand jet fighters by 1945 (fortunately they had neither the fuel nor the trained pilots to put more than a handful in the air by war's end).

How this relates to Miller's argument is simple: our big, slow propeller bombers would never have made it across the ocean. For that matter, Hitler had already moved his jet and rocket programs deep underground later in the war, making them invulnerable to our bombing even at that time.

On the other side of the ledger, the Germans had the blueprints for a B-52-like jet bomber aptly christened the "Amerika." Much of our own future technical progress, from Korean War jet fighters to the Apollo moon mission, was the fruit of captured German hardware, data and scientists we would not have had access to had we not conquered Germany.

The further suggestion that we might have carried out such bombing attacks without actually going to war with Germany is a flight of another kind — pure fancy. Superpowers don't bomb each other intermittently without going to war, especially with a war-loving maniac like Hitler in the equation. A case in point: we never "took out" missile sites inside Russia for the simple reason that they would have taken us out in return. We've only recently become accustomed to kicking explosive sand in the faces of the puny Iraqis and Serbians at our leisure, because they can't hit back. As to Miller's alternative suggestion of commando raids, these would have been immeasurably more difficult in a Nazi-dominated Eastern Hemisphere, and even if successful would also constitute a direct act of war.

While the Russians obviously could have nuked us at any time (and still could for that matter), they were well aware this meant instant suicide for them, given our great technical lead and massive counterstrike superiority.

Evil as they may have been, the Soviets usually behaved rationally during the Cold War. By contrast, Hitler's evident desire to destroy Germany along with himself toward the end gives a frightening glimpse of a Nazi nuclear era that never was. A parallel Cuban missile crisis might have turned out quite differently. How Miller concludes "we are now actually more insecure today" is difficult to understand, unless you're that worried about global warming.

Since we survived world Communism but will never know about world Nazism, all of this remains pure speculation. The only thing one can say with certainty is, it beats the hell out of talking about Bush and Gore.

Michael Drew
Berkeley, Calif.

The Last Roundup

James Wood's April article, "Better Living Through Genetics," correctly states that Microsoft, Monsanto, Genentech and other companies do not have a right to dictate the future of the species, but they have the means and ability. In a way, such companies give Margaret Mead's often quoted statement (about the only thing ever changing the course of society being a small group of determined people) a perverse twist.

Not only are Monsanto and other companies in a position to direct what humanity will become (for better or worse), they can do so because they are so deeply intertwined with the government that the citizenry is powerless to resist their fiats. It is difficult to find a top EPA or FDA official who has not worked for Monsanto, or to find top people in Monsanto who were not in the EPA or FDA earlier in their careers. With the government spending large sums buying Roundup to spray on drug crops in Colombia, a domestic boycott of Monsanto's products would accomplish little. Moreover, in spite of new evidence that Monsanto's bovine growth hormone may pose health risks to humans, Monsanto has enough influence to keep negative information limited to publication in alternative media.

Whatever happens to our species because of genetic engineering will be irrelevant. The species will not be subject to the "human condition." Members of such a species will not be what a person in the year 2000 would think of as human, so it is a non-issue for us humans, and if we create a species that outcompetes us, great. After all, isn't that what free markets and unimpeded competition are supposed to do, create betterment? And if our efforts go disastrously wrong, it won't matter because we shall deserve the misery and possible extinction risked with every large-scale experiment undertaken.

Garrick Cicero
Wilmington, N.C.

Technology and Freedom

I am puzzled that Sandy Shaw found the appearance in *Liberty* of ideas with which she strongly disagreed to be a "surreal experience." ("Reflections," June, commenting on my article "Better Living Through Genetics," April.)

Shaw and I do have opposing ideas, which, I think, come down to one fundamental issue: I argued in some detail that powerful new technol-

ogies have altered the relationships among individuals, private companies, and government in ways which threaten human identity and personal autonomy. Shaw, apparently more concerned with my psychological state than with my arguments, seems to dismiss my reasoning as merely showing narrow-minded fear of progress. She touches on one technology: altering human genetic structures, including introduction of non-human characteristics. Perhaps she's right that we should welcome radical modification of individual humans and even of the species. But at best, I don't think we should welcome this without a good deal of thoughtful *dialogue* leading to conscious decisions, both personal and public. Ridicule, ad hominem attack, and retreat into a simplistic doctrinaire "government=bad; business=good" position won't cut it in that dialogue.

Bill Joy (co-founder of Sun Microsystems, and hardly an anti-entrepreneur) had an article appear in *Wired* magazine almost the same day as mine in *Liberty*. His concerns focus on nanotechnology and robotics as well as genetic engineering, and his warning against the untrammeled development and use of new technologies makes me appear almost an optimist. The common message here: It's time to get real, to realize that the rules of the game balancing public and private have changed radically in our generation. I hope the editorial staff of *Liberty* will continue to publish articles, from authors other than me, which take a long cold look at the effects of new technologies on individual liberty — even if such pieces strike some readers as confusingly surreal.

James A. Wood
Arlington, Texas

Boaz Knows

I agree with David Boaz, that if a Republican president had ordered troops to Kosovo, or, for that matter, had ordered the paramilitary raid on the González home in Miami, most Republicans in Congress would have fallen into line. (Nevertheless, I hope that Governor George W. Bush, who expressed misgivings about both operations, would not do such things.) Thus, the conclusion that Republicans are somewhat better than Democrats on civil liberties, which he reaches in his attempt to rate the Congress, and as I have been recently reaching in my own scorecard, is tenuous.

To his fine analysis, I would like to add that the last Democrat I found who finished among the very top is former Minnesota Congressman Tim Penny, nowadays a Fellow with the Cato Institute.

I would also like to state that we in the Republican Liberty Caucus do not represent the members of our Advisory Board to be "Libertarian Republicans" (although some are). Indeed, at one time or another we have asked most of the top scorers onto our Advisory board, but for various reasons those so asked have usually declined. Also regarding relatively low-scoring Congressman Brian Brilbray of California, I'll just say we have a soft spot in our hearts for Republicans that have signed on to the legalization of medical marijuana. I sure hope that Governor Bush's endorsement of state initiatives on this matter will break the stiff-necked resistance of conservatives to this compassionate and politically-popular position.

Clifford F. Thies
Chairman
Republican Liberty Caucus
Washington D.C.

England as a Tax Haven

I read the piece by Nicholas Dykes (Reflections, June) with tears in my eyes. I realized that it was not so much enormous sympathy with his, and his fellow Brits, plight as it was a desert allergy at this time of year. In fact, Dykes et al are much better off than they realize. Since an imperial gallon (imp gal) is larger than a U.S. gallon, the equivalent price of an imp gal at 5.57 is $4.72 for a U.S. gallon, not $6.60. Mr. Dykes multiplied by 1.18 (the conversion factor) instead of dividing. Thus, at the price of $1.54 per gal that I recently paid, gasoline in the U.K. is only 3.06 times higher than here, instead of 4.29 times more, as Mr. Dykes erroneously suggested. Count your blessings, Nicholas! Until the Euro dropped against the dollar, the price of gasoline in France was also about the same as the U.K.. But now it is only $3.75 per gal. A real bargain for us Americans who are going to France this year.

The tax on gasoline is one of the few items that is higher in the U.K. than in France. If Mr. Dykes wants to compare taxes, France beats the U.K. by a kilometer. It's a sad, but nevertheless hilarious fact that the French now consider the U.K. to be a tax haven, as many companies and individuals are fleeing the former for the latter. The latest example is the very symbol of France, Mariane. The "top model" who was chosen for this role recently, and very publicly, announced that she was leaving France for the relative tax freedom of England. The April 7 cover of the French magazine *Le Point* has a cartoon of Mariane with a British flag tattoo on her arm, bidding adieu with a "French salute." Actually, France is only the second highest taxed country in Europe. Top honors go to Finland. Yes, those plucky little Finns, who fought the Soviets to a standstill in 1939; now they too are socialists.

L. Hatzilambrou
Phoenix, Ariz.

A Fine Way to Treat Kids

In "Suffer the Little Children" (June) Dolores Puterbaugh ignores the root cause of our nation's infants and young children being hauled around in high-impact, expensive, cumbersome carriers — mandates by the federal government. Drive to the grocery store with your infant held snugly by your spouse or older child and, if caught, you are subject to a fine; just as you would be if caught with your child in the front seat targeted by an unwanted, expensive, federally mandated air bag. Watch in an airport as couples with young children change planes lugging all the paraphernalia from gate to gate. Upon destination, they can't legally get in a vehicle without it.

The truly sad part of this is that we have been successfully conditioned to meekly accept whatever the bureaucratic mind conjures up, and then expectantly wait to see what comes next.

C. Hugh Campbell, Jr.
Hartsville, S. Car.

The First Census

Martin Solomon maintains (Reflections, June) that the first census did not require each person to identify herself. That is not quite right. Section 1 of "An Act Providing for the Enumeration of the Inhabitants of the

United States," adopted March 1, 1790, prescribed that, for each family, census-takers complete a schedule consisting of the following categories: "Names of heads of families"; "Free white males of 16 years and upwards, including heads of families"; "All other free persons" (i.e. free blacks and Indians who were taxed); and "Slaves." (Italics added). The information demanded isn't so different from the short form which most states received this year.

Nor did the first census evidence the "consensual ways of our (Founding) Fathers," to which Mr. Solomon alludes. Section 6 of that Act required that :

> Each and every person more that 16 years of age, whether heads of families or not, belonging to any family, . . . shall be, and hereby is, obliged to render . . . a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant [i.e. the census-taker], the one-half for his own use, and the other half for the use of the United States.

Libertarians often overstate libertarian predilections in Revolutionary America and the Early Republic. There is a substantial gap between the heritage we claim from that era and what the Founding Fathers and the general population believed, how they acted, and the laws their governments enacted and their judges and juries enforced.

Andrew S. Rotter
Los Angeles, Calif.

Dialogue With a Stranger

I have recently completed my U.S. census examination on the entry landing to my house. It went pretty well, to wit:

After first proceeding by asking questions, prior to making an identification, I initially dismissed her as a salesperson; whereupon she flashes the badge hanging on a string around her (scrawny, now that I recollect) neck . . . with the exclamation "U.S. Census Bureau," and the following exchange then occurred.

(I was already prepared with two copies of a Liberty Lobby booklet called Citizens Rule Book, which I went to retrieve. I gave her a copy which she merely held with disdain, without opening it to see what it was. Of course it was the Declaration of Independence, U.S. Constitution, and a couple other apparently not very important government documents.)

ME: Here, you may use this little booklet to find the answers to any questions I may have about this interview.

Are you going to offer me payment for my answers to your questions?

HER: No!!! It is your civic duty to answer these questions.

ME: At this point I will exercise my right to remain silent under the First Amendment to the U.S. Constitution and my right against involuntary servitude under the Thirteenth Amendment, as well.

HER: Well, this census is required under the Constitution!

ME: I think you are mistaken in that belief. The constitutional purpose of the census is not even mentioned in one word of your supposedly required questionnaire. It is my civic duty to exercise all of my constitutional rights in order to do my part to keep tyranny at bay. My opinion is that your intrusion here is right at the very brink of tyranny. You don't have a clue, but I will not tolerate your ignorance, regardless of who you claim to represent.

HER: Well, you could be prosecuted for not answering these questions and be forced to pay a $100.00 fine!

ME: I DARE YOU! Perhaps I have read this booklet a little more carefully than you seem to have. In order for you to prosecute me, dummy, you . . . personally will be required to swear out a complaint, supported by an affidavit, attesting that you have personal knowledge that I am breaking some law by standing on my constitutional rights at this time, on this matter!

Now, after you provide me with an affirmative answer to my first question we will discuss the matter further; otherwise, if you wish to continue to take up space on my porch, be prepared to get a warrant to do so, or I will be forced to call the local police. Bye . . . (for now?)

Gary Zink
Los Angeles, Calif.

The Wrong Flag

Barry Loberfeld (Reflections, May) repeated an error heard frequently in the media, referring to the Confederate battle flag as "the Stars and Bars." As Webster's points out, the Stars and Bars was the first official Confederate flag, having three bars of red, white and red respectively, and a blue union with white stars in a circle.

The Stars and Bars is one of the flags flown prominently at the Six Flags over Texas amusement parks. Few visitors realize what it is, and there is no controversy.

Thomas Giesberg
Rosharon, Tex.

Coming in *Liberty*

"The Founding Father No One Knows" — Timothy Sandefur looks at the career of America's least known (and most libertarian) Founder.

"The Best Little Whorehouse in Idaho" — Michael Freitas recalls the last time he met an honest policeman.

"Ayn Rand and the Craft of Fiction," — best-selling science fiction novelist David Brin reviews Rand's book on how to write fiction.

"Guns and Movies" — *Playboy* has "The History of Sex in Cinema." *Liberty* is interested in another aspect.

"The State that Shagged Me " — *Logan Brandt* had an interesting adventure when he went to renew his driver's license.

Terra Incognita

Ontario, Canada

A new crisis hits the Great White North, as reported by the *Toronto Globe and Mail.*

More fake guns are winding up in the hands of young people and threatening public safety. Though they are a growing problem for police, the sale of such weapons remain legal.

"Good for the police for taking the steps to do something," said Member of Parliament Michael Bryant, referring to police seizure of fake weapons. "Now what they need is the legislation to back them up."

Liberia

Curious statement from Liberian President Charles Taylor:

"Information Minister Joe Mulbah and his deputy, J. Milton Teahjay, have been suspended for one month; three weeks by President Taylor for disorderly conduct without pay," The punch-up was sparked by Teahjay's suspension of a government official without Mulbah's authorization while the minister was out of the country.

Baghdad

Extraordinary honor accorded Mesopotamia's leading journalist, from a dispatch to *The Times* (London):

The flamboyant eldest son of President Saddam Hussein, Uday, whom dissidents claim is barely literate, has been voted "journalist of the century" by his dutiful colleagues. They hailed his "defense of honest and committed speech." All but four of the 702 members of the Iraqi journalists' union voted for Uday.

Lexington, N.C.

Interesting dispatch from the battlefront in the War on Drugs, from the *Lexington Dispatch*:

(March 21, 2000)—Lexington police seized more than 7 pounds of methamphetamines with a street value of $350,000 Monday and charged a West Sixth Avenue man for trafficking in the drugs. Police arrested José Guadalupe Pedro-Cruz, 33, after they found in his car a package mailed from Mexico that contained a plastic bag of the powder form of the drug and another bag of colored, waxy-textured blocks.

The package also contained a plastic frame containing a photo of Jesus on the cross. Detectives said the framed photo was used as a charm to keep the shipment safe. The powder form of the drug resembled wheat flour, while the blocks were in different shades of reds, yellows and greens and resembled candle wax, but tested positive as the drug, officers said.

Lt. Ralph Michael said the blocks were a new way of disguising the drugs that Lexington officers had never seen before. "They're constantly coming up with different ways to disguise and transport it," he said.

Michael said one ounce of the drug, which is about the same amount as the sugar found in a single serving packet, is worth $100 on the street, making the seven pounds seized Monday the largest single bust of methamphetamines the department has ever seen.

Pedro-Cruz is being held in the Davidson County Jail under a $100,000 secured bond. He is scheduled to appear in district court April 11.

Lexington, N.C.

Follow-up dispatch from the battlefront in the War on Drugs, from the *Lexington Dispatch*:

(April 3, 2000) — According to State Bureau of Investigation tests, the substances Lexington police thought were part of the department's largest methamphetamine bust are actually cornmeal, flour and candy, a police spokesman said today.

José Pedro-Cruz was charged with trafficking in drugs and was held in the Davidson Jail until late last week when officers discovered the true identity of the substances. The charges against Pedro-Cruz have been dropped.

Pedro-Cruz had picked up the package from the post office and had consented to having his car searched by officers, Capt. Mike Brown said.

Brown said the true identity of the substances was discovered when an officer took the substances to the SBI lab in Raleigh late last week and was told by agents that the flour-looking substance was actually flour and the blocks were a Mexican candy made of squash.

The officers made their arrest after field-testing the substances, Brown said. Brown said the SBI told the department that field tests are not 100 percent reliable, but at the time of the arrest officers had no reason to think the substances were not drugs. "We have done everything in good faith," Brown said.

St. Paul, Minn.

Insightful observation from the estimable governor of the Gopher State, the Hon. Jesse Ventura, as seen on CBS Television:

"My military always rears its head in me at certain times."

United Kingdom

Disturbing example of child labor in contemporary England, reported in *Supermarket News*:

Tesco here has reportedly hired a 7-year-old boy to help explain the Pokemon craze to bewildered adults. Store manager Laurie Sleator hired him after overhearing him explain the phenomenon to his parents and other shoppers. "Our research has found that the Pokemon phenomenon is incomprehensible to most adults," said John Gildersleeve, Tesco commercial director.

Clinton, N.C.

The emotional growth of powerful law enforcement officials in the New South, reported by WCNN-TV of Raleigh:

Sampson County Sheriff Buck McCullen is reportedly "upset" and "hurt" about the fact that five of his deputies — the entire Sampson County drug task force — have been indicted on charges ranging from theft of drugs, embezzlement of $30,000, drug dealing, and attempted murder in the course of a botched

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

Crackdown on the War on Drugs ... or End it?

by Jacob G. Hornberger

In a proposal termed SABRE (Substance Abuse Resistance Effort), Virginia Republican governor James Gilmore III recently asked the Virginia legislature to get tough in the state's war on drugs. The governor's proposals include harsher penalties for drug users and drug sellers.

No one, including Governor Gilmore, would argue that the decades-long war on drugs has been successful in achieving its aims. Hardly a month goes by without law-enforcement officers' announcing a new record drug bust, which would seem to be fairly powerful evidence that the war isn't achieving what it's supposed to achieve. And after all, if the war had already achieved its goals, there would be no point in continuing it, much less escalating it.

The purpose of measures such as those that Governor Gilmore is proposing is to diminish both the demand for drugs and the supply of drugs. On the demand side, the hope is that by increasing the punishment a drug user faces if caught, the demand for drugs will be reduced. The analysis is similar on the supply side. The hope is that drug sales will decline because drug sellers must now face a harsher punishment if they're caught selling drugs.

All too often, however, the prospect of facing increased punishment doesn't seriously affect drug users. For one thing, many of them don't believe that they are the ones who are going to get caught. For another, their addiction often causes them to continue consuming the drugs even though the price has increased; it's what an economist would call an "inelastic demand curve," one in which changes in price have a minimal effect on changes in demand.

Harsh penalties on the supply side also have had little effect on the supply of drugs. Why? Because as the price of drugs and the profits from drug sales increase because of a constriction in supply arising from stricter law enforcement, more people are induced to enter the drug trade, which brings supply back up. That is why we see "regular" people, such as airline workers, entering the illegal drug business.

Harsher enforcement of drug laws also has a serious negative consequence in society. In order to get the money to pay for the artificially higher-priced drugs, the user often resorts to violent means — robberies, muggings, thefts, and the like. (When was the last time you saw a wino committing a robbery to get the money to pay for his habit?)

Why then do so many government officials continue to call for an escalation of the drug war? Some officials are well-intentioned. They honestly believe that their proposals will finally stop people from ingesting harmful substances. But should good intentions play a role in public policy, especially when the policy has been tested for decades and has not only failed but also has produced serious negative consequences for society?

There's an alternative explanation, however, for harsher drug-war measures, one that is based on self-interest. No one can now deny that the two financial beneficiaries of drug laws are drug sellers, who make lots of money selling drugs, and government officials, who make lots of money from asset-forfeiture laws.

For example, in 1998, in Chesapeake, Virginia, local prosecutors collected more than $160,000 in assets, including $80,000 in cash. The money was divided among the state, the police department, and the prosecutors. State officials also get a piece of the action when they help the DEA or FBI in a drug bust; this brought $100,000 to Chesapeake over a three-year period. In Prince George's County, Maryland, investigators recently discovered that the sheriff's department kept a cash seizure of $45,000 hidden from county officials for seven years, in the hope that the legislature would enact a law that would enable the sheriff's department to keep the money.

In a free society, people should ask why the state should have the power to punish someone for engaging in self-destructive behavior. People should also ask why a decades-long war that has failed and that is corrupting society should be escalated. Recently New Mexico Republican governor Gary Johnson called for an end to the war on drugs. Which state will lead the nation by being the first state to do so?

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

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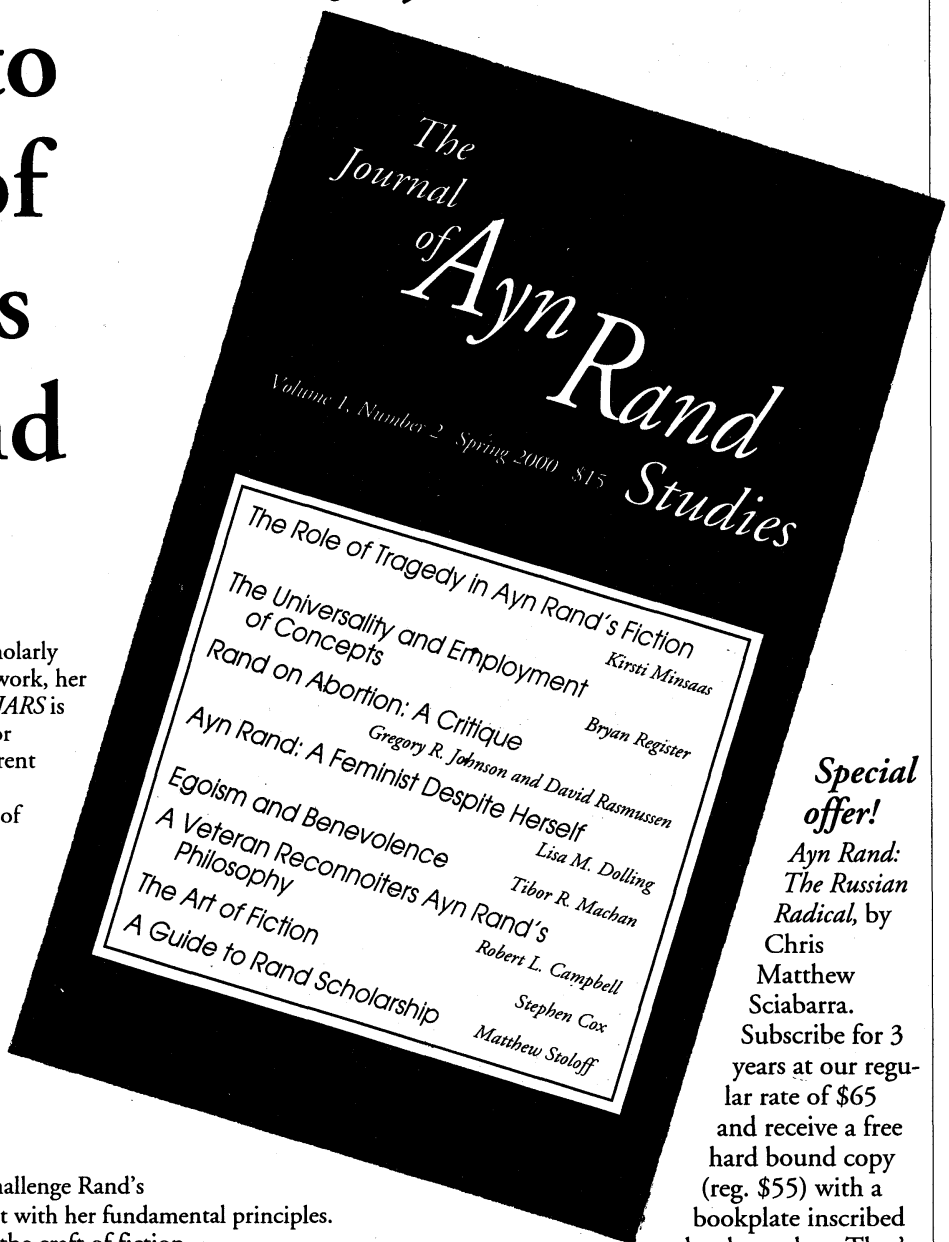

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Sex and the City

Who Burned Los Alamos?

by Robert H. Nelson

The "Greatest" Generation

by Merrel Clubb

Reclaiming the Republican Revolution

by Stephen Cox

Why the West Tolerates Genocide

by Oliver Becker

The FBI's Killing of Vicki Weaver

by Judge Alex Kosinski

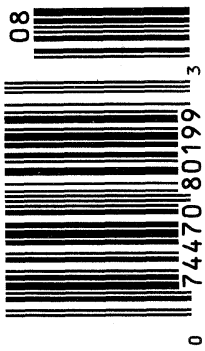

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"The supreme goal of all human development is liberty" —*Michael Bakunin*

It's Time to Put Public Schooling behind Us

by Richard M. Ebeling

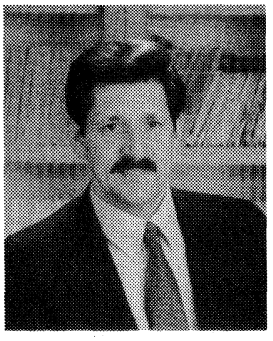

There is no better indication of the failure of and increasing disappointment with public education in the United States than the growth in the number of charter schools and homeschooled students. A new study released by the federal government reported that the number of charter schools in the 27 states in which they operate increased by 40 percent in 1998–1999. Almost 1,700 of them serve more than 400,000 students.

The number of children being homeschooled by their parents has also grown by leaps and bounds. In 1996, the Department of Education estimated that the number of homeschoolers was somewhere between 700,000 and 750,000. Homeschooling advocates say that the number increased to as many as 1.5 million in 1999.

Since charter schools operate with public funds that cover the tuitions of the students attending them, they remain a part of the state educational system, But the private-sector managers of charter schools are given greater latitude in structuring teaching methods to meet the needs of their students. And equally important from the parents' point of view, they are able to impose more demanding standards on student conduct to prevent antisocial and violent behavior.

The benefits of homeschooling have also become apparent. There is more individual attention, and the child is able to learn at his own pace. And more and more homeschoolers are outperforming their counterparts in public schools, in terms of both classroom performance and college admission.

Moreover, homeschooling isn't limited to Caucasian religious families concerned with an excessively secularized education in the public-school system. It is estimated that 4 percent of homeschooling families are black, with another 4 percent in the Hispanic community.

It is clear that a growing number of American families have lost confidence in the public-school system. An increasingly dumbed-down curriculum, with an emphasis on "politically correct" fads and fashions, as well as a concern about the safety and security of the school environment, has resulted in more and more parents' trying to opt out into a better alternative.

The problem, however, is that the government continues to be a giant stumbling block standing in the way of parental choice. For millions of families, homeschooling is simply not feasible, either because they cannot afford for one of the parents to stay home to educate their children or because of the parents' own inability to satisfactorily educate their children in various subjects. At the same time, the burden of federal, state, and local taxes imposes too great a strain on family budgets to afford the costs of a private school, especially when there is more than one child to educate.

Charter schools seem to offer a partial answer to this problem, since some of the tax dollars paid by the parents to the state or federal government pay the costs of tuition on a per-pupil basis. Charter schools, however, are not the same as independent, private schools. They remain part of the public-school system, especially since they still have to conform to a state-mandated curriculum and are mostly limited to hiring teachers certified by the state. Qualified college-level chemistry or math professors, for example, cannot be permanently employed in a charter school unless they have gone through the additional layer of a state certification process enabling them to teach at the primary or secondary level of schooling.

Furthermore, it is inevitable that over time, charter schools will become another vested interest determined to limit any innovations or new competitors that may threaten their enrollments and the tax dollars they receive from the state.

It's time, therefore, to rethink the entire idea of public schooling in America. It's time to consider whether it would be better to completely privatize the entire educational process from kindergarten through the Ph.D. With the state no longer responsible for education, the local, state, and federal government taxes imposed for the present system could be abolished. The tax dollars left in the hands of the citizenry would then be available for families to use directly to pay for their own children's education. The free market would supply an infinitely diverse range of educational vehicles for everyone. And families would finally be free to select the best educational vehicle for each of their children.

Professor Ebeling is vice president of academic affairs for The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., and the Ludwig von Mises Professor of Economics at Hillsdale College.

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Inside Liberty

August 2000
Volume 14, Number 8

4 **Letters** As always, our readers get the first word.

7 **Reflections** *Liberty*'s editors celebrate the rights of rats, beat back the Nanny State, join the anti-tech revolution, expose the latest assault on freedom of thought, and wonder what New York's finest are good for.

Features

19 **The Life and Death of Peter McWilliams** *R. W. Bradford* remembers his friend, Peter McWilliams, the best-selling author killed by a federal government crusade.

21 **Why Liberty Is As Much Fun as Medical Marijuana** *Peter McWilliams* talks about his love of liberty and about the illegal drug was saving his life until the state took it away from him.

25 **In the Matter of the Killing of Vicki Weaver** In 1992, FBI agent Lon Horiuchi shot and killed a mother holding her baby in her arms. On June 14, a federal court ruled that the Constitution prohibits Horiuchi's being tried for his offense. Judge *Alex Kosinski* dissents.

32 **The Greatest Generation?!?** *Merrel Clubb* explains why Tom Brokaw's "Generation" bestsellers do not begin to describe the generation that fought World War II. Parental discretion advised.

35 **Who Really Burned Los Alamos?** A bureaucratic blunder touched off the conflagration in New Mexico, but, *Robert Nelson* explains, the real cause is the politics of the Clinton administration and the Forest Service.

37 **Between a Rock and a Hard Case** *Gene Healy* explains why the kind of libertarian thinking that would keep Elián González in the U.S. leads to tyranny.

39 **Sex and the City** *Sarah McCarthy* denounces the New Puritanism, which enabled Bill Bennett to drive Rudy Giulani out of the race against Hillary Clinton for the New York Senate seat.

41 **Genocide: Good and Bad** *Oliver Becker* reports from Europe on the strange notion that Austria should be punished for tolerating a right-wing political party, while Russia is rewarded for attempting genocide in Chechnya.

Reviews

43 **Liberty, Property, and Mr. Madison** *Timothy Sandefur* looks at the career of America's least known (and most libertarian) Founder.

45 **Reclaiming the Republican Dream** *Stephen Cox* reviews Robert Novak's case for a renewed attack on the state.

47 **Middle-American Quack** *Bruce Ramsey* looks at the career of America's looniest vice president.

51 **The Politics of Honor** *David Kopel* recalls an America where honor mattered, and the politics of expediency was reviled.

52 **Notes on Contributors** Who we are and what we do.

61 **Terra Incognita** Dispatches from reality.

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Letters

Did you hear the one about the little boy kidnapped at gunpoint in the middle of the night?

Your July issue (emphasis on Elián) was a joke, wasn't it? Just trying to see how your readers would react? How else to account for your multi-faceted departures from sound, objective journalism?

Don F. Hanlen
Benton City, Wash.

The Climax of the Sandefurs

WOW! Timothy Sandefur wrote the best article in your July issue.

I was a modern day Copperhead, but I ain't no longer. I stand corrected and inspired by his writing. Good luck, Mr. Sandefur! Keep your aim high!

Mike Mueller
Bakersfield, Calif.

El Carcel Grande

Gene Healy concludes "Hillary, Newt, and Elián" (June) on a tentative note that accords with his thoughtful essay. He writes of Cuba's "communist tyranny" and "Castro's island prison," yet begrudgingly contends Juan Miguel González is "within his rights as a father" to bring his son back to Cuba since that "repulsive and despotic state" does not meet the standard for child abuse.

I respectfully disagree. As deprivation of natural rights constitutes criminal, abusive conduct, so it does when the victim of deprivation is a child. The Cuban regime's deprivation extends from freedom of assembly and expression to the most basic right of emigration. As Walter Block observes, "A country which will not allow its citizens to leave is nothing better than a vast jail." Surely a jail is an abusive environment, especially when the imprisoned individual is an innocent child. (Compulsory child labor — The Sugar Cane Chain Gang? — doesn't help.)

Healy further contends, "It's unlikely that the Cuban government will torture or murder Elián González." On the contrary, if Elián comes to part with communist dogma and has the audacity to do so openly — in a pamphlet or protest, for instance — several provisions of the Cuban Penal Code and Constitution (so-called) will have been violated. Having displayed such criminal "dangerousness" and "disrespect," Elián will become intimate with Castro's terror apparatus (tip-top despite the U.S. embargo). If Elián maintains his dissent in silence, he'll only have to endure compulsory labor and rationing.

Suffice it to say a country predicated upon self-determination and freedom ought not promote the imprisonment and abuse of children.

Myles Kantor
Boynton Beach, Fla.

Darth Bradford?

I was a bit concerned to read R.W. Bradford's remarks (Reflections, July) about Giuliani dropping out of the NY Senate race. ("Who's taking his spot on the ballot? Lazio? Fazio? Who cares? Vote for Lazio! or Fazio!")

I am annoyed by the mainstream media's constant concern about celebrity candidates in New York. There is a Senate race in my state and a vote by the winner will count just as much as the senator from New York, or any other state. It was a shock to read something in *Liberty* which seemed to emulate the "media."

Also, the column was very "bipartisan." Are there no other choices available to the voters? Turns out there is another choice. John Clifton is also running for the Senate as a Libertarian.

There may be more, but "Who cares?" Has R.W. Bradford gone over to the Dark Side?

Jim Maas
Stevens Point, Wisc.

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Two Nice Guys

Paul Rako's article ("McCaffrey's Brain on Drugs," June) was not kind. If McCaffrey understood the havoc his positions cause, he could not continue as the drug czar in good conscience. I'm sure that, in his own way, Hitler was also a nice man who wanted to do good. But suggesting that Mr. McCaffrey is an evil self-serving jerk and psychopathic pig does nothing to move the discussion forward. Let's just call him "misguided" and deal with the issues.

McCaffrey cannot accept that heroin addicts in England lead peaceful, productive lives when enrolled in medically monitored programs. He would be fired if he suggested that medical doctors administer heroin to addicts in this country. As long as the Drug Enforcement Administration classifies marijuana as a Schedule 1 drug, he can not publicly acknowledge that persons responsibly use marijuana recreationally.

One of his medical consultants probably told him about the rat allowed to self-administer pleasure. An electrode was implanted in the "pleasure center" of the rat's brain. Once the rat learned that pressing a lever delivered a brief stimulus, the rat pressed the lever hundred of times per hour. Ignoring food, water and sex, the rat finally collapsed of exhaustion. McCaffrey may believe that a similar fate will befall our youth if unrestricted access to pleasure enhancing drugs is available. When the social cost of personal tragedy is considered prohibitive, drug warriors act to constrain liberty.

Matthew Hine
Bartlett, Tenn.

Enemies in High Places

I keep wondering if Dolores Puterbaugh ("Suffer the Little Children," June) is aware of how intrusive she is being on the caste, turf and budget of lots and lots of Very Important People, cadres of bureaucrats, and The Drug Industry.

John Simpson
Bandon, Ore.

Locking Up the Unclean

Thomas Szasz is the only voice of sanity in a world of psycho-witch doctors who have a vested interest in turning every non-standard behavior into a diagnosable, treatable (government payable) disease. (It's not the X-Files, it's the bank account files, stupid!)

As for that guy who wants to ruin Joseph Windhurst's life (Letters, July) by smudging your windshield — he's homeless, hungry, dirty — what sort of look do you expect to see in his eyes? Zen-like bliss?

Maybe he's not insane at all. Maybe he's homeless for other reasons (like government redevelopment projects that have destroyed cheap housing). But in your world, that doesn't matter — let's just call him insane because he's bothering you!

We'll call in the SWAT team to take him away to a so-called "hospital" that's really a prison, stuff him full of drugs until he hardly knows he's alive, shuffle him around like furniture, confine him, demean him, make him live in conditions that are worse than an animal in a zoo! Brutalize him to the point that he can't survive as an independent human being! But, most importantly, keep him out of sight — so you and others like you will never, ever have to deal with an ugly,

From the Editor . . .

On June 14, Peter McWilliams died, a victim of the idiotic and vicious War on Drugs. Peter's death was a genuine tragedy, a loss to every human being who, like Peter, treasured life, liberty, and the pursuit of happiness. We begin this issue by celebrating his life, with a brief tribute and publication of his wise and witty address before the Libertarian Party convention two years ago.

Also on June 14, the Ninth Circuit Appeals Court upheld a lower court's ruling that the U.S. Constitution sanctioned the murder of Vicki Weaver, who was shot by an FBI sharpshooter as she held her baby in her arms. The implications of the decision are enormous and horrible. Federal Judge Alex Kosinski vigorous and eloquent dissent from the decision will explain why . . . and, I hope, provide an argument for a successful appeal to the Supreme Court.

Are you tired of all the assertions that the generation that gave us the most horrible war in human history and the most stupendous growth of state power in American history is somehow the "Greatest Generation"? Well, so is Merrel Clubb, who draws on his experience as a naval officer in the Pacific theater during World War II to explain why he disagrees with this nostalgic nonsense.

Most people see the recent fires that burned over thousands of acres, destroyed dozens of homes, and endangered the nuclear facility at Los Alamos as the product of a single federal bureaucrat's screwup. Bob Nelson discovers that the real problem is a lot more fundamental and the risk of massive conflagration is worse than almost anyone thinks. Worse still, the Clinton administration is powerless to do anything about it.

Gene Healy takes a close look at the logic of libertarians who would keep Elián González in the U.S. . . . and finds it downright dangerous. Sally McCarthy decries the end of the Senate campaign of Rudolph Giuliani, and Oliver Becker reports from Europe about the massive hypocrisy that enables the western powers to denounce Austria for allowing a right-wing party in its government, while still doing business with perpetrators of outright genocide.

To help us celebrate Independence Day, Timothy Sandefur takes a look at the life and thought of the greatest libertarian among the Founding Fathers. Steve Cox looks at the failure of the Republican Revolution. Bruce Ramsey examines the career of the goofiest vice president in history. And Dave Kopel looks back at a time when honor was a more important political force than expediency.

As always, we begin with *Reflections* — remember, it's the world that's skewed, not us!

R. W. Bradford

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unpleasant, difficult person.

Daniel Smith
West Hollywood, Calif.

Straight Shooting

David Kopel's "Open Letter to the People of Japan" (May) is an excellent analysis of why Americans have gun rights, although he does make one questionable statement: "The Second Amendment of the American Consititution guarantees the right to own and carry firearms."

Not quite true. It was supposed to guarantee that the right would "not be infringed" upon by Congress. It was never intended for Congress to "guarantee the right." That would require Congress to define by law what the right consists of, and penalties for those who violate such law. The Founders didn't want Congress to have *any* power over their hard-won rights.

The preamble to the Bill of Rights referred to them as "restrictive clauses" and that their purpose was to "prevent misconstruction or abuse of its [Congress'] powers" to infringe on those rights. It started with "Congress shall make no law" concerning rights. The 9th Amendment states that restriction applies to "other" rights not enumerated. And the 10th Amendment reminds Congress that "powers not delegated," such as the above, "are reserved to the states . . . or to the People."

James Harrold
Decatur, Ark.

When Good Editors Go Bad

I was pleased with my first ever issue of *Liberty* until I got to the ranting of Paul Rako in "McCaffrey's Brain on Drugs" (June). You describe *Liberty* as a review of thought, culture and politics. Rako's contribution does not fit under any of the above.

Rako's tirade can only hurt the cause of thoughtful citizens who realize that the drug war is just another method of further subjugating the people.

Most people over nine years of age don't try to win an argument by calling their opponent names. How old is Rako anyway?

Please try to be more selective in choosing contributors in the future. Don't allow those of us who believe in the cause of liberty to be embarrassed by authors like Paul Rako.

Don Johnson
Filer, Ida.

Nazis vs. Communists

Michael Drew, in his July letter, claims that "a capitalist, technically advanced Nazi empire would have posed a greater threat to our survival than the socialist, technically backward Communist empire." The facts do not support this observation.

It was not so much technical advancement, per se, with which Germany stunned the world with its swift victories as it was with military technique — namely, the blitzkrieg. The chief weapon of the blitzkrieg was the tank, but even France had more and better tanks than did the Germans. Drew should read Guderian's *Panzer Leader* where he would discover that the "technically backward" Soviet Union developed the best tanks in the world.

The claim that Nazi Germany with jet aircraft and rockets would have been invincible has no realistic foundation.

Robert E. Walters
Winter Park, Fla.

Wash Your Mouth Out

I object to the growing use of four-letter vulgarities in Liberty (e.g. Gene Healy's Reflections, July). It is unnecessary and offensive to many. Of course, there is much that finds its way into *Liberty* that might be deemed "unnecessary" and certainly, I trust, offensive to many. But the gratuitous use of four letter vulgarities does not signify intellectual strength, but the opposite.

Adrian Day
Annapolis, Maryland

Free to be a Determinist

I recognize that a book review

continued on page 42

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

Send letters to: Liberty, P.O. Box 1181, Port Townsend, WA 98368. Or use the internet: letterstoeditor@libertysoft.com.

Reflections

None dare call it collusion — Headline on lead story in the business section of the *New York Times*, June 12: "U.S. Pursuit of Microsoft: Rare Synergy with Company's Rivals." — Ralph Raico

Luke 6:41, updated — It's interesting that the FBI recently arrested 120 members of a mob-backed stock manipulation ring that reportedly cost investors $50,000,000; meanwhile, the Justice Department's antitrust action against Microsoft has cost investors in excess of a thousand times that amount. — John Haywood

Pizza delayed is pizza denied — Domino's Pizza has promised the Justice Department that its drivers will not limit deliveries to any neighborhood without reliable evidence of a safety threat. The accusation, of course, is that Domino's and its drivers are refusing service to black customers out of racism or simple perverseness. As if corporate managers and tip-seeking drivers would arbitrarily refuse to serve some customers.

One assumes that this will not change Domino's policies in the slightest, since obviously its drivers would only refuse delivery in neighborhoods where there is a credible risk. It seems to me a fair compromise would be that, any time a Domino's driver is afraid to deliver to a particular address, a Justice Department lawyer would stand ready to make the delivery without a SWAT team. And of course the lawyer should be able to keep the tip. — David Boaz

Not our kind of addiction — Two moves you don't want to force on drug-dependent people are making them feel sorry for themselves and giving them nothing to do. The results will be obvious. Bad publicity is enough punishment for a public figure such as Darryl Strawberry, who hasn't been caught with prostitutes since his last infraction. Come on, guys; wise up. In suspending Strawberry, Bud Selig, in the name of Major League Baseball (aka MLB), was not only contributing to an individual's demise, he was jeopardizing the game.

MLB was also violating the law. Doesn't Selig know that the Americans with Disabilities Act (aka ADA) forbids the termination of an employee for a list of afflictions that specifically includes drug addiction? Should Strawberry in the next months have another relapse, which the MLB decision makes more likely, can we blame him or his smart lawyer for suing MLB for every cent he can get? It would be gratifying to see Selig and his colleagues get their comeuppance for being so stupid when they thought they were sanctimoniously smart.

Don't give me any nonsense about Strawberry being a Bad Example. In the hallowed monuments section of center field in Yankee Stadium are plaques memorializing three former Yankees who died prematurely of illness or accidents caused by alcohol or tobacco dependency: Babe Ruth, Mickey Mantle, and Billy Martin. Until Bud Selig physically removes those plaques, he's implicitly accepting one kind of addiction while decrying another, a sort of move that was once called hypocrisy. — Richard Kostelanetz

O glorious day! — On Flag Day, 2000, Howard Kurtz of the *Washington Post* revealed the fact that George W. Bush had "acknowledged" that he did not even know "who Leonardo DiCaprio was." — Stephen Cox

Relieving himself of responsibility — Al Gore was not aware that he might have been breaking campaign finance laws because he had been drinking excessive amounts of iced tea, and was probably in the bathroom during the meeting where fundraising was discussed. I don't know about Al Gore and Bill Clinton. For people that are constantly striving for more control over our lives, they certainly don't seem to be able to control much of their own bodies beneath their navel. — Tim Slagle

True colors — For most of this century, left-liberals have defended the rights of people to hold unpopular, unconventional, and even outrageous views. They courageously defended the rights of birth control advocates, black nationalists, pornographers, and communist revolutionaries.

Now at least one prominent left-liberal has turned against freedom of opinion. In his June 9 column, *New York Times* pundit Thomas L. Friedman observed that "if you read carefully Judge Thomas Penfield Jackson's ruling to split up Microsoft, you'll see that this was . . . a case about attitude. . . . an indictment of the attitude of the high-tech community in general toward government." Lest anyone get the impression that Pulitzer Prize recipient Friedman opposes selective prosecution based on people's beliefs, he quickly adds, "Bless Judge Jackson's heart for that."

What are the beliefs that justify selective prosecution? "For many in Silicon Valley," Friedman explains, "government is irrelevant at best and obstructionist at worst . . . an institution of tax-seeking bloodsuckers."

In case someone somehow manages to miss his point, he repeats himself: "And that is the real point of Judge Jackson's ruling: Microsoft isn't a threat just because it's big. G.E. is big. Intel is big. Microsoft is a threat because it is big and *deaf* to some of the bedrock values of the American system." Disagree with Friedman's political thinking? You risk being broken in two.

Well, shouldn't Microsoft be allowed to defend itself? Not according to Friedman. "As far as I'm concerned, the government had grounds to break up Microsoft simply for what Mr. Gates did last year — which was to hire an army of Washington lobbyists to try to get Congress to cut the budget of the Antitrust Division of the Justice Department *while Microsoft had its case before that department.*"

What would Thomas L. Friedman have said two genera-

tions ago, when the House Committee on Un-American Activities was investigating communists, who, in turn, were calling for the abolition of the committee? "As far as I'm concerned, the government had grounds to jail communists simply for what communists did last year — which was to hire an army of Washington lobbyists to try to get Congress to abolish the Committee on Un-American Activities while *the communists were being investigated by that committee.*"

Of course, the same logic that dictates that the Communists had the right to lobby against agencies that they believe unjustly and arbitrarily persecuted communists also dictates that Microsoft executives have the right to lobby against agencies that they believe unjustly and arbitrarily persecute them.

Cynics have long suspected that the Clinton administration launched its jihad against Microsoft for reasons far different from its ostensible purpose of securing justice and protecting consumers from the predations of a dangerous monopoly. Friedman's frank admission that Microsoft is being punished for thought crimes — and, indeed, his celebration of that persecution — goes far toward showing that the cynics are right. So does the absence of any outcry from his fellow journalists or his friends in the Clinton administration.

A half-century ago, right-wing cynics suggested that left-liberal support for free speech was really a manifestation of liberalism's sympathy for communism. The fact that liberals have turned against free speech without even noticing that they've done so suggests, sadly, that the right-wing cynics were more insightful than they seemed.

Without a trace of irony or even self-awareness, Friedman concludes his column with a call for "the rule of law." If the rule of law means selective persecution of people for unpopular political beliefs, I want none of it.

— R. W. Bradford

Note from Nanny — I recently received a postcard in the mail from Anne Arundel County Traffic Enforcement, informing me that I should stop for red lights. "That's the message we're sending drivers," adding that if I run a red light, I could get a ticket.

Does anyone else find this offensive? Now, I believe wholeheartedly that drivers should stop for red lights. But I am not a child and the local county is not my parent. Further, the requirement to stop at a red light is a law that is known to every single driver. What next? A postcard telling me not to rape the girl down the street?

Before Margaret Thatcher, Englishmen referred to their government as "the nanny state," because the government was trying to take care of every aspect of our lives from cradle to grave. America has now replaced Britain as "the nanny state."

— Adrian Day

"You call these *blessings*?"

Bad medicine — Reading the *Journal of the American Medical Association*, the *New England Journal of Medicine*, and *The Lancet*, the three leading medical journals, means suffering through more and more editorial material of a socialist nature. A good example (and a surprisingly perceptive one) appears in an unsigned editorial entitled "A manipulated dichotomy in global health policy" in the June 3 issue of *The Lancet*, which asks, what should be the priorities of those planning global public-health policies? (Somehow, these editorials never ask the basic questions like who should be planning people's medical choices in the first place.)

The Lancet editorial responds to recent comments in *The Wall Street Journal* and *The Times* of London that appeared on May 15, just before the yearly meeting of the World Health Assembly. According to *The Lancet* piece *The Wall Street Journal* editorial(by Roger Bates) argued that "'socialist' health elites have perverted the health agenda 'at the expense of big business,' and that, for example, smoking is merely 'a free choice with health consequences.' He [Bates] preferred to see these issues not in the context of public health, but as matters of 'commercial free speech and individual choice,' rights that must be upheld against attacks by 'leftist' bureaucrats." *The Times* meanwhile called the "preoccupation with 'lifestyle diseases' — cancer, heart disease, and hypertension — an instance of pure and mistaken political correctness."

In response, *The Lancet* makes the remarkable statement that the pieces in *The Times* and the *WSJ* help explain the stand being taken by the World Bank in "shoring up the World Trade Organization's troubled position on free markets. By converting tobacco into an issue of individual choice rather than one of collective responsibility for public health, the Bank is appealing, successfully in the case of *The Times* and *Wall Street Journal*, to our natural instincts of resisting undue government interference in our lives." But, of course, *The Lancet* continues, the real issue is not free choice but "trade and unrestricted profit."

How terrible! People don't just want to be free. They want to be free to actually do something! What other outrages will follow?

The Lancet is right about one thing, though: Commercial free speech is spreading. A new Israeli law repeals the ban on physician advertising. The Knesset overwhelmingly supported the bill presented by the Justice Ministry that allows doctors the right of self-promotion as "an expression of free speech and practice." The Justice Ministry argued that, given Israel's Basic Law guaranteeing personal freedoms, a ban on advertising could not be upheld in a court of law.

Meanwhile, the German Medical Association has relaxed its ban on public advertising for physicians. They argued that patients can exercise their right to choose their own doctor and their right to self-determination in medical treatment only when they have the necessary information.

— Sandy Shaw

Sell the State! — Last year, several government agencies hired private lawyers to lobby the Hawaii state leg-

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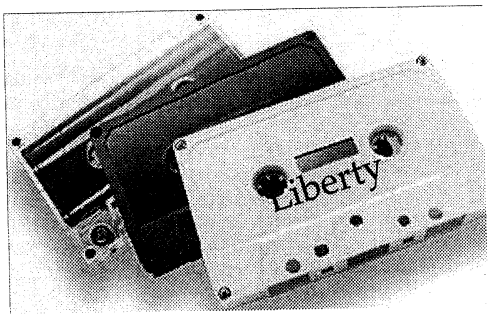

Sexual Correctness • A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. **Wendy McElroy** runs down the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. (audio: A155; video: V155)

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Selling Liberty in an Illiberal World • **Fred L. Smith, Jr.** offers a revolutionary approach to spreading Libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video:V410)

How to Write Op-Eds and Get Them Published • Join former *Business Week* editor **Jane Shaw**, *Orange County Register* senior columnist **Alan Bock** and *Seattle Post-Intelligencer* business reporter **Bruce Ramsey** for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; V412)

Making Terror Your Friend • In a world overrun with authoritarian creeps, **Douglas Casey** highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; Video: V418)

Does the Libertarian Party Have a Future? • **R.W. Bradford** makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. (audio: A408; video: V408)

Using the First Amendment to Smash the State • **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the FDA. (audio: A417)

Why the Great Depression Lasted So Long • **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

The Liberty Group • **R.W. Bradford, Tim Slagle, Fred Smith, Alan Bock,** and **Durk Pearson** look at the hottest topics of the day and presciently analyze the current political madhouse and slaughter sacred cows with abandon. You listen to conservative and liberal pundits on the radios and television. This is a fast paced journey of libertarian commentary. Find out how libertarian pundits measure up! (audio: A401; no video available)

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islature. In one case, the state Department of Health paid a law firm to win support for fluoridating Hawaii's drinking water, and paid thousands of dollars to a public relations firm to "educate" the public about the "benefits" of fluoridation.

This reveals that state officials lack confidence in lawmakers and the public — implying that lawmakers and the public are uneducated, unable to think for themselves, easily overwhelmed by emotion, and not as wise as the bureaucrats under their authority.

While all this may be true, it is ironic that the highest state officials also lack confidence in their own agencies. That is why they hire private firms to lobby for them. Indeed, top officials recognize that for really important things that need to be done, like propagandizing lawmakers and the public, they can always depend on the competence of the private sector.

So here is my modest proposal. Why not hire private sector alternates for everyone in the Governor's cabinet. Since private lawyers and public relations experts are so competent, they can stand in for all department heads and even the Governor himself. Then the real work can be done competently by substitutes while elected and appointed officials can retire to the golf course or Las Vegas.

The double cost of salaries would be a small price to pay for competence. Surely lawmakers and the public will understand the importance of all this, if state officials can just hire the right private public relations firm to "educate" everyone else.

— Ken Schoolland

Life, liberty and the pursuit of rats —

Once again I am struck by a glaring example of the wealth of this nation. We are so rich and well-fed that people can obsess over nonsense. On June 16, a group of skinny, anemic PETA protesters gathered around a CBS office to protest an episode of the hit show "Survivor," where a group of people compete to be the last inhabitant of a deserted island. They were outraged at the footage of the cast eating rats. I felt more sorry for the humans than for the rats. It would probably take more than a chance at a million dollars to get me to do that. After all, rats were put onto this earth for the sole purpose of being eaten by small predators and third world residents.

In India, there are people who eat little more than rat their entire lives. In a marvelous example of the free market at work, they charge farmers to get the rats out of the grain piles, and spend the evening grilling whole, unskinned rats over an open fire. Of course the wealthy American Survivors were spoiled — they ate only the rat meat. They threw away the sweetbreads.

How can animals have rights? Okay, when animals start publishing a newspaper, I won't outlaw it. I believe that animals have the right to worship at any church they choose. I might have a bit of a problem letting them organize freely though.

In the third world they have rights, but they're just a little bit different: "You have the right to be dinner. Any part of your body can and will be used for said meal. You have the right to be accompanied by a side dish. If you do not have a side dish, one will gladly be provided for you."

— Tim Slagle

A fatal collision —

Earlier this year, two pickups collided on Interstate 90 near Snoqualmie Pass in Washington state. It was a head-on crash: one of the pickups was travelling west in the eastbound lanes.

The driver of that vehicle was Audrey B. Kishline, aged 43, who suffered severe internal and head injuries. Two occupants of the other pickup were killed: Richard D. Davis, aged 38, and Lachelle Davis, aged 12.

As *Liberty* goes to press, no one in the mainstream media seems to have noticed the significance of this traffic accident, though very likely some journalist will have made the connection before this issue hits your mailbox. Audrey Kishline is a prominent figure in the movement to provide alternatives to Alcoholics Anonymous (AA).

AA was founded in 1935, and has been a remarkably effective spiritual cult. Some years ago it was reliably estimated to have over two million members worldwide, most of them in the U.S. Among AA's tenets are: that heavy drinking is a disease, that an "alcoholic" (a drunk) is incapable of reforming himself and can only recover by relying upon "a higher power" (God), and that a drunk can never return to social or moderate drinking — the only hope for recovery involves lifelong total abstinence.

All "Twelve Step" programs are offshoots of AA and share its religious underpinnings. The addiction treatment industry is largely staffed by veterans of AA, who cease-

lessly proselytize for its distinctive views. Many people don't appreciate that these are religiously-motivated theories, and are contradicted by the findings of research into heavy drinking and other addictions.

A number of organizations have sprung up to challenge AA and offer alternatives. The Secular Organization for Sobriety (SOS) was founded in 1985 and Rational Recovery Systems (RRS) in 1986. Though these organizations disagree with AA about God, they seem to agree with AA that total abstinence is required for recovery.

Audrey Kishline's organization, Moderation Management (MM) broke new ground. It appeared to reject total abstinence in favor of moderate drinking. MM was founded in 1995 by Kishline and a couple of associates, following the success of Kishline's book, *Moderate Drinking: The New Option for Problem Drinkers* (1994). Kishline, a "recovered alcoholic," had been a member of AA, had become disenchanted with it, and had then read Herbert Fingarette's persuasive book, *Heavy Drinking* (1988).

In 1995 Kishline enjoyed more than the statutory minimum fifteen minutes of fame. She appeared on numerous TV talk shows and was featured in several national magazines. At first, she may have seemed to agree with writers like Fingarette and Szasz that there is no such disease as "alcoholism" and to oppose outright the AA view that total abstinence is essential for recovery.

Then Kishline began to emphasize something she had already broached in her book: her view that moderation works only for "problem" drinkers and not "chronic" drinkers or alcoholics, who ought to practice abstention. This issue became a point of contention within the organization, and one of Kishline's principal collaborators subsequently left.

In fact, any distinction between problem drinking and alcoholism is arbitrary. In any case, Kishline's followers were easily able to diagnose themselves as problem drinkers, not chronic drinkers. People who knew Kishline reported their impression that in practice her conception of "moderation" was fairly flexible.

Media attention to MM died down after 1995, only to flare up again in April 1998. Larry Froistad, a twenty-something computer programmer and participant in an MM Internet discussion list, divulged the fact that he had murdered his own five-year-old daughter. Some list members reported Froistad to law enforcement agencies. In the ensuing controversy, Kishline was criticized because she seemed to show more concern for protecting the "confidentiality" of Froistad's confession than for investigating the cold-blooded killing of a child.

Those list members who had reported Froistad's online confession received hate mail from pro-Kishline members. Froistad subsequently made several further confessions to the murder, and retracted each one in turn. Now claiming innocence, he was tried, convicted, and sentenced to 40 years for the killing.

Another organization, SMART Recovery, was founded in 1994, as a breakaway from RRS, and has grown very rapidly, to become easily the most active group favoring moderation. Whilst rejecting the notion that recovery always requires total abstinence, most members of SMART Recovery believe that in many individual cases abstinence is the best practical chance. Kishline's MM has therefore appeared unique in its strong emphasis on moderation rather than abstinence. A fuller account of all these organizations is given in Jeffrey Schaler's book, *Addiction Is a Choice* (2000).

Will the Kishline auto accident be a boost for total abstinence and a blow to moderation? I hope not, since the Twelve Step cult, by undermining individuals' sense of personal competence and responsibility, does a lot of harm.

And this story does have one more little wrinkle. A short while before the accident, Kishline announced that she had relapsed into excessive drinking and had again begun attending AA meetings. — David Ramsay Steele

The thin blue line — On June 10, a celebration of National Puerto Rican Day in New York's Central Park got out of hand and at least fifty women were sexually assaulted by gangs of young men. New York's Finest were out in force but did nothing to stop the assaults that were happening in front of their eyes. They told women who asked for assistance not to bother them.

Not since the Los Angeles police stood by while violence erupted in the wake of the exoneration of the policemen who had beaten up Rodney King has the nation witnessed such widespread dereliction of duty by policemen. Although the scale of violence was lower — the mob didn't destroy any buildings or actually kill anyone — the police pusillanimity was even more outrageous in Central Park than in Los Angeles.

In the case of the Rodney King riots, the police had an excuse: they faced serious danger. It's not a very good excuse — after all, it is a policeman's job to face danger — but feeble as it was, it was an excuse, and one that New York's Finest didn't even have.

To say that police standing by doing nothing while women are sexually assaulted is the result of some kind of "lapse" in "strategy" or "tactics" or "communications" is the equivalent of saying that the Holocaust was a "bureaucratic mixup."

Sure there may have been some cases where breaking up an assault might have had a small element of danger. A single cop wading into a group of ten or twenty drunks assaulting a woman might have risked injury. But the risk was hardly great, given the fact that the police wore protective gear and were heavily armed and the drunks were, well, drunk — and unarmed.

In some cases, however, the police refused to act even when they could easily have gained the upper hand, dispersed the drunks and saved the women from further harm. Consider the following vignette from *The New York Times* :

> Richard Walsh, a 43-year-old businessman, was running laps around the reservoir in Central Park when he noticed several young men spraying water on women and yelling lewd insults at them. On three consecutive laps, Mr. Walsh said, he alerted a nearby contingent of some 40 police offi-

cers taking cover in the shade to what happened. The officers, he said, never budged in the 90-degree heat, and the young men continued to menace women.

Why had this outrage occurred? The same *New York Times* news article that reported the phalanx of cops ignoring the assaults while relaxing in the shade explained why they failed to respond:

> Just as a thundercloud is fueled by moisture and heat, Sunday's attacks on women in Central Park were fueled by an alchemy of alcohol, marijuana, oppressive weather, testosterone and lapses in police *strategy, tactics and communications.* (emphasis added)

This, I submit, is absurd. Time and time again, women who were molested reported their plight to the police. Time and time again, witnesses to the assaults reported them to the police. Time and time again, police actually saw assaults take place. Yet the police refused to respond. So far as the news media can discover, not a single police officer did anything whatsoever to come to the aid of the victims.

Worse still, when confronted with the charges that they had stood by and allowed numerous episodes of mob violence to occur, the police denied having done so. It was not until various members of the public who happened to videotape some of the assaults turned their tapes over to local television stations, and people could actually see the assaults taking place while the police stood by doing nothing, would the police admit that anything out of hand had happened. To call this outrageous dereliction of duty the product of any kind of "lapse" in "strategy" or "tactics" or "communications" is the equivalent of saying that the Holocaust was a "bureaucratic mixup."

It's not possible, of course, to look into the minds of the hundreds of New York policemen who refused to do their jobs and identify their precise motivations. But it's pretty plain that there were a couple factors the *Times* reporters missed: cowardice and laziness. Police acted as ordinary bureaucrats do when faced with work: they tried to avoid it.

Almost as outrageous as the mass dereliction of duty were the explanations offered by conservative defenders of the police. At first they denied that anything had happened. When shown incontrovertible evidence, their first reaction was, so help me God, to *blame the public.* You see, last year a group of four New York policemen fired 41 bullets into an unarmed young black man who they thought might have committed a crime. The public was so outraged that the cops were actually charged with wrongdoing. The case went to trial and the cops were let off. But, according to conservative "pundits" like Sean Hannity of *Fox News*, this public criticism left cops understandably reluctant to take action against criminals who happen to be members of a racial minority.

"Help! Police! Sexual harassment!"

Right. People get unhappy when cops kill an unarmed, entirely innocent young man, mutilating his corpse by pumping 41 bullets into it, so police figure they'll get in trouble if they intervene when groups of 10 or 20 young drunks sexually assault women in broad daylight in Central Park.

Faced with the videotapes showing the police standing by as women were assaulted, Hannity retreated a bit from his "it's-the-public's-fault-for-having-the-gall-to-criticize-the police" explanation. In a show of sympathy for the victims, he allowed that there may be a few bad apples in the New York Police Department, and they should be dealt with.

But this is not just a case of a few bad cops. Central Park is a big place and there were numerous sexual assaults in different parts of it. Within a week of the event, more than 50 women had come forward to report their assaults — yet there has not been a single report of a single policeman doing anything to help protect the life or safety of even one of those assaulted.

This is not about a few bad apples. This is about a subculture that has a lot of terrible values. Far too many New York cops are unwilling to do what they're paid to do. Far too many are bullies who see the general public as the enemy. Far too many are cowards (a class of people proverbially identified with bullies). Far too many are simply too lazy to do what they're paid to do.

It was an amateur video that started the Rodney King case. Had the videotape not existed, the perpetrating policemen would have gotten away with their lies. And it was amateur videos of the assaults in Central Park that prevented the police from getting away with the lie that no assaults had happened. A still photographer played the same role in the case of the snatching of Elián González by the Border Patrol in April — the federal agents wisely knocked down the sole video cameraperson there, but failed to notice the still photographer. One wonders what sort of lies the federal cops would have told if the still camera had not been present — and what other misdeeds they perpetrated out of view of the camera.

But one thing is certain: the ubiquity of videocameras is putting a check on the outrageousness of the police lies.

— R.W. Bradford

Public privacy — I live in Central Nevada in an area so far away from the expected amenities of "civilization," that the Post Office doesn't deliver to your house; you have to rent a post office box and come in to get your mail. (Private parcel delivery firms, of course, deliver to your door.) Because of this inconvenience, the Post Office offers "free" rent on post office boxes here. On the form you fill out to qualify for a free box, the Post Office provides a "Privacy Act Statement" about the information that is collected.

The Statement promises that the information they have collected on you may, "as a routine use, be disclosed to anyone, when the box is used for the purpose of doing or soliciting business with the public; to an appropriate government

agency, domestic or foreign, for law enforcement purposes; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants, or other benefits; to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to a labor organization as required by the National Labor Relations Act," as well as others that I don't have space to list. It would have been much more informative if the Post Office had simply stated when, if ever, it *wouldn't* give out the information. Perhaps its Privacy Act Statement should read: You should not expect us to keep private any information you give us. — Sandy Shaw

We are all Berliners now — Remember the sneaky amendment to the more than 600 page Kennedy-Kassebaum health portability act, passed in 1996, in which anybody who renounced his or her U.S. citizenship for the purpose of saving money on taxes would be forced to pay U.S. income taxes for the next ten years? Well, it appears that wasn't good enough. According to Rep. Charles Rangel and the Clinton Administration, wealthy U.S. expatriates are "easily" avoiding millions in taxes because of loopholes in that law.

They propose a new, one-time tax on all expatriates at the time they leave, regardless of their motive for renouncing their U.S. citizenship, hoping to grab from Americans over 10 years $2,000,000,000 (Rangel's plan) or $2,900,000,000 (Clinton's plan).

Remember when people were actually outraged because would-be escapees from East Germany had to pay the government $20,000 to leave the country or be shot in the back at the border? — Sandy Shaw

The Luddite virtues — Luddites are attacking technology again — most recently, bio-engineered crops. Well, I too worry about technology. After all:

If we didn't have computer models, we wouldn't be worried about global warming;

If we didn't have airplanes, we wouldn't see clearcuts;

If we couldn't measure quantities in parts per billion, we would ignore carcinogens in our drinking water;

If we couldn't aggregate economic statistics, we would never have embraced so much government control.

— Jane S. Shaw

Condemn nation — Years ago the Hawaii legislature passed a law requiring the state to spend up to one percent of state construction funds for the purchase of art. This led to the buildup of a massive inventory of art that has, ironically, been taken off the market and kept out of public view in government warehouses. A cynic might come to the rather unflattering conclusion that this policy has paid artists to hide their work.

Well, the governor has put such speculation to rest. He wants to display more of the hidden art in the historic Hemmeter building. Under this plan, not only would taxpayers pay for art, they will also pay for additional architecture to display the art.

Some people were concerned about the $22 million cost, so one lawmaker declared that the government should use its condemnation powers in order to get a better price for the Hemmeter building. What an impressive attitude this represents. If politicians want something and are not willing to pay the voluntary price, then they use force by "condemning" it.

The term "condemnation" used to mean that the government determined that a building was a public hazard and had to be condemned for public safety. Now the term applies broadly to architectural jewels that lawmakers can't wait to get their hands on.

Well, if condemnation is an acceptable way for politicians to take architecture, why not just save more tax money and condemn the art inside, taking it for less than the asking price? Or condemn the artist and take what he produces? After all, that's how politicians treat the taxpayer.

— Ken Schoolland

Uptalk and downtalk — You can tell a lot about people by the words they use. You can also tell a lot about them by the syllables they emphasize.

During the past two decades, American speech has been deeply affected by a certain pattern of emphasis that has aptly been termed "uptalk." Uptalk is what happens when people (I mean stupid people) tweak their sentences by giving some of the words a rising accent. They turn everything they say into a question:

> I went out to the movies last night? And I went with Bart? And he had this car? Y'know? And he was drunk? And there was like, this accident? OK? And he's all 'Wha' happend?' And I'm all, 'You bastard? My parents are gonna kill me? When I get home?' And he's all . . .

You understand. Uptalk is the speech of the totally ("tolly") ignorant, people so ignorant that they know but one thing in this world: when they speak, others may not be listening. That's why they enunciate every phrase as if it were a

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question. "Like, man, are you lisning? Y'know?"

Now the American language is being subjected to another intonational tendency, and worse. It comes at us from the purportedly opposite side of the linguistic spectrum, the narrow but determined bandwidth of the brahmin class of politicians. (Think of Hillary Clinton, Jesse Jackson, Al Gore, and all those White House lawyers.) It is downtalk. It is the falling accent that is inserted into a sentence to tell you that *we* know this, and if *you* don't, you had better pretend you do.

Downtalk is ordinarily reserved for argument, and for the most speculative and questionable parts of argument, where it enables bizarre contentions to mask themselves in a haughty (or a theatrically weary) matter-of-factness. It's an excellent accompaniment to finger-wagging. Examples abound:

I did *not* have *sexual relations* with that *woman*, Ms. Lewinsky . . . .

Instead of discussing *false charges* about some kind of *purported sexual misconduct*, it's time we talked about the *really important* issues: *child care, global warming* . . . .

These *allegations* have been made *before*, and they have already been *addressed* . . . .

There is, of course, *nothing new* about these allegations . . . .

This is, of course, nothing but *another partisan attack* . . . .

If we don't do something about the *real causes of violence, like guns in this country* . . . .

If we don't do something about the *real causes of violence, like poverty in this country* . . . .

If we don't do something about the *real causes of violence, like racism in this country* . . . .

My lawyers have informed me that there is *no controlling legal authority* . . . .

Well, it's not "downtalk" just because of the falling accent. You know that old expression about people who "talk down" to you?—Stephen Cox

I'll have seconds on the Viagra, if you're paying — Lifestyle drugs are drugs that treat conditions not usually considered "diseases," such as baldness, mild obesity, and impotence. Treatment is optional and not expected to have an effect on general health or lifespan. Nevertheless, people want these treatments for improved quality of life, especially when they are paid for by somebody else as in a taxpayer-funded "free" health care system. The increasing availability of lifestyle drugs poses an ever greater threat to the viability of these government programs.

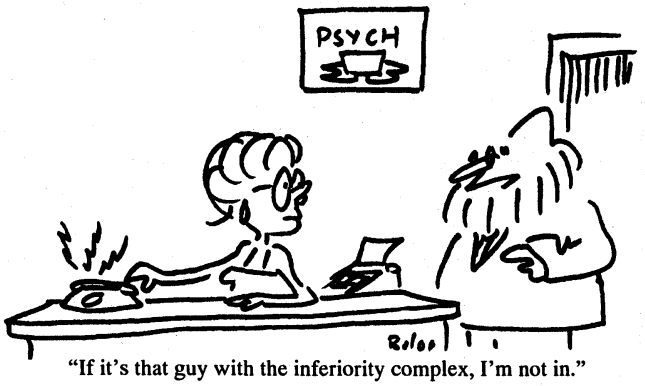

"If it's that guy with the inferiority complex, I'm not in."

An interesting article appeared in the June issue of *Modern Drug Discovery* on this subject, from which all the quotes that follow were derived. David Gilbert, a fellow at Britain's Office for Public Management and author of the Scrip report *Lifestyle Drugs, Who Will Pay?* notes that "No healthcare system in the world can cope with lifestyle drugs. Decision makers need a sensible framework to determine whether or not to include these drugs in formularies. The boundary between a lifestyle need and a health need is socially constructed." A good example is drugs that make you feel good. John Werry, a leading New Zealand expert on psychiatry, believes that many adults taking antidepressants do not have a psychiatric disorder, but a personality variation. People take these drugs not to treat a disease but to correct a "natural shortcoming." The demand for "free" health care is unlimited and people are starting to agonize over it as the availability of new lifestyle drugs is beginning to soar.

Viagra has inspired a great controversy in Europe. Britain's secretary of state for health declared that only those who "really need" Viagra should have it paid for by the state. But in a "democracy" where everybody votes for their own wish lists to be paid for by everybody else, how do you decide who "really needs" the drug? Viagra might even be considered a "recreational drug." In actual fact, Viagra sales in Britain are tiny because the government will not reimburse for it and because laws prohibit advertising of drugs to consumers. Over the next few years, however, the Internet will make hash of the restrictions on advertising.

The availability of lifestyle drugs merges with the issue of pharmaceutical drug prices. Lifestyle drugs, like drugs to treat disease, are expensive and the system of third party payers adds immensely to the costs. Greg Whatley, a pharmacist at Rite Aid in Grants Pass, Oregon says, "Pharmaceutical companies do not base prescription drug prices on what a cash-paying customer can afford, but rather at the level that a third-party payer is able to bear. Customers paying cash represent only ten to twenty percent of the total volume of prescriptions dispensed in Oregon. If third parties dissolved, prices would plummet to what the market could withstand."

Egalitarian socialists will try to prevent people from purchasing these pharmaceutical drugs with their own money so as to "equalize" everybody at the level of government program availability.

To make matters even more complex, it is profits that pay for the pharmaceutical research that generates all these new drugs. In most European countries, the government is the largest purchaser of pharmaceuticals, using its immense bargaining power to negotiate (or coerce) the prices of drugs down. The end result is far fewer profits for drug companies and less revenue available for research. William Steere, Pfizer's chair and CEO says, "Between 1975 and 1994, the United States was responsible for nearly half of the new major drugs. In contrast, the United Kingdom produced 14

percent, Germany seven percent, and France three percent. By 2002, it is predicted that European pharmaceutical companies will supply only five of the world's top-selling drugs."

Those who cannot tolerate "two-tier" health care systems (i.e., in which those who have more money can buy more and better health care or lifestyle care) are sure to be disturbed over the threat to their "equal" access to "free" health care posed by all those expensive new individual choices. Their usual response is to attempt to close down choice by restricting advertising, for example. What happens when the "free" system can no longer provide enough to maintain the fiction of "equal access?"

The greatest danger will probably come from the extreme egalitarian socialists who are likely to try to prevent people from purchasing these pharmaceutical drugs with their own money so as to "equalize" everybody at the level of government program availability. This has already happened in the case of Medicare, which has regulations denying those over 65 who "qualify" for Medicare from freely contracting with doctors for treatments of their choice in Medicare-covered diseases. Durk and I keep telling the alternative/complementary medicine folks that the last thing they should want is to have alternative medicine become respectably included (i.e., monopolized) by government health care systems such as Medicare. That could be the end of freedom of choice in alternative medicine.

— Durk Pearson and Sandy Shaw

Homeschoolers s-w-e-e-p — The top three winners in the 73rd National Spelling Bee were all homeschoolers. Do you suppose all those bureaucrats who resisted the "risky scheme" of home schooling back in the early 1980s when it was starting to catch on (even arresting a few parents) can spell E-A-T C-R-O-W? I didn't think so.

— Alan Bock

Counterintelligence — The Clinton Administration became the most paranormal administration in history when two lost hard drives full of nuclear secrets appeared behind a copier at Los Alamos Nuclear Laboratory in New Mexico. If you remember, it wasn't that long ago when the subpoenaed billing records of the Rose Law Firm appeared shortly after the statute of limitations expired.

Only a bureaucrat would think it's a good idea to store unencrypted top secret documents on a hard drive. Hard drives are notorious for their portability and their ability to be duplicated in milliseconds. At least back in the early days of espionage, we made spies bring a little camera.

If I had some intelligence I didn't want transmitted, I sure as Hades wouldn't put it onto a hard drive. It'd be stored in an enormous leather-bound volume of parchment, the script would be in hieroglyphics, guarded 24 hours a day, and lit only by candlelight. If someone wanted to steal it he would need a forklift.

— Tim Slagle

Another donut, please — The Imperial City, Washington, D.C., offers a prime example of how well government can run things if it really has the opportunity. Congress runs the place fairly directly. So how is it doing, especially since the government manages to spend about $2,500 per capita on health care, compared to a national average of around $1,000? Well, let's see: it has the highest poverty rate in the country (about 28 percent) and the highest out-of-wedlock birth rate at around 64 percent. The District's infant-mortality rate is the highest of any large city in the country, the AIDS rate is the third highest, and the cancer rate is the seventh highest. Yeah, give us all some of that!

— Alan Bock

The great impostor — Like most other thinking people, I am chronically at a loss to understand the weird phenomenon of William Jefferson ("Bill") Clinton. It is a phenomenon as strange and unaccountable as those stories about the woman in Kansas who was sitting on her sofa when she was vaporized by spontaneous combustion, or that village in Texas that was deluged by frogs falling silently from an empty sky.

Any reference to Clinton-like phenomena in the literature of the past is worthy of attention as a possible source of insight into the strange visitation that we call "Bill." If we can discover entities that have exhibited similar characteristics, if we can identify some pattern in events and motives, then we may, perhaps, be able to solve the Clinton riddle.

I was therefore very excited when I recently uncovered descriptions of an historical personality who bears an uncanny resemblance to the man who currently stalks the White House grounds. I found his semblance and analogue in the title character of A. J. A. Symons' classic of investigative writing, *The Quest for Corvo* (1934). Corvo — "Baron" Corvo, real name Frederick William Rolfe — was a writer who lived during the Edwardian period. He spent his life pretending to be a variety of things he wasn't. Incapable of working for a living, he existed mainly by defrauding gullible friends. While deluding others, he also deluded himself, cherishing among many other fantasies the idea that he should rightfully be elected the Pope of Rome. Well, and why shouldn't he? It's only a little more ridiculous than Clinton's fantasy about being qualified to serve as President of the United States.

Symons contacted various people who knew Frederick William Rolfe, one of whom furnished the following insight-

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ful description and analysis. It applies with uncanny accuracy to impostors of all kinds, up to and including the above-said "President" Clinton. It will do well enough for a political obituary, too. We may say of Clinton, as the following account says of Rolfe, that:

> He had a very clear and discerning eye for outside values and superficialities — and little else. . . . Forms, manners, colours, sounds, shapes, and, beyond, a region of vague uninteresting shadows — a sort of spiritual and intellectual myopia — there, I hold, you have the key. . . . There was in him little pride, in the better sense of the term. He did not disdain to beg. In fact he seemed to consider that he had a right to expect assistance and favours from those in a position to grant them — I have heard him say so. As to gratitude — less said the better.
>
> There was a sort of ruthless selfishness in him which led him to exploit others, quite regardless of their interest or feelings or advantage. . . .
>
> Take him all in all, he was not very human: he was a sort of sub-species. He must have been very tough and elastic, or he would have been utterly crushed and destroyed by the opposition and enmity he met with, and did so much to excite. Was there an element of greatness in him to account for this? Or was it perhaps something more analogous to that appalling saying of Parolles: "If my heart were great 'twould burst at this"?

This tells us a good deal about Mr. Clinton; unfortunately, it does not reach as far as an interpretation of his wife. *There* we have a phenomenon that may never be explained. — Stephen Cox

Riddle me this — In the hopes of burying knock-knock jokes, let us start a new tradition: What's the difference between a right-wing bigot and a left-wing bigot? To get the ball rolling . . .

- A right-wing bigot uses four-letter words; a left-wing bigot, four-syllable ones.
- A right-wing bigot chews tobacco; a left-wing bigot chain-smokes it.
- A right-wing bigot has a website; a left-wing bigot, a six-figure book deal.
- A right-wing bigot receives an unemployment check; a left-wing bigot, tenure.
- A right-wing bigot thinks *The New Republic* is "run by a bunch of Jew liberals"; a left-wing bigot thinks it's "controlled by an elite of white male neocons."
- A right-wing bigot admits he's a bigot; a left-wing bigot tells you *you're* the bigot. — Barry Loberfeld

Chickenhawks — When the Israelis pulled their troops from southern Lebanon a couple of months before the deadline, I called a friend in the Israeli consulate to ask what was up. He could barely contain his glee. Not only had the thing been done quickly, efficiently and neatly, reflecting a certain level of competence in the planning, but it put pressure on the Lebanese semi-government to demonstrate a greater level of independence from Syria, and notably weakened Syria's bargaining position vis-à-vis the Golan Heights. In short, from the Israeli perspective, it was a coup. What about all the Hezbollah spokesmen who were crowing that it was a great defeat for the Israelis and showed the perseverance of the Arab militias, demonstrating that Israel wasn't invincible, I asked. Let them babble, he replied. We never intended to stay there forever, we probably stayed too long, the Israeli people wanted out, and we were able to do it in a way that inflicted a little embarrassment and a few minor wounds on our adversaries. They know who won this round.

Somebody should have gotten to Charles Krauthammer, the comfortably Washington-based Israeli warhawk, who lamented in the neoconservative circle jerk called *The Weekly Standard* that this was proof positive that Israel had lost the will, the spark, the drive, to keep up the struggle against its unrelenting enemies. Ah, Zion, thy days are numbered.

It strikes me that this is a more widespread phenomenon than is often acknowledged that the denizens of the Imperial City want to keep wars and conflicts going long after those on the ground are ready to find a way to resolve them. Watch for handwringing over the possibility that Israel and Syria might find a way to resolve conflicts now that old Hafez Assad has croaked (though I wouldn't expect it anytime soon and wouldn't be surprised to see backsliding until the Syrian succession is sorted out). And if the meeting between the two Kims in Korea leads to the beginning of a resolution of that old conflict and maybe even the beginning of a withdrawal of the increasingly superfluous U.S. troops, look for the national security nuts to be terribly concerned.

— Alan Bock

Disorder in the court — On June 7th, Judge Thomas Penfield Jackson approved the final judgment proposed by the plaintiffs in *U.S. v. Microsoft*. Most of his order dealt with (and rejected) Microsoft's request to deny the remedy of breaking MS in two. Judge Jackson's order — riddled with gaffes including a market definition that excludes Macs, Linux, and anything other than Intel machines — was reminiscent of the infamous Star Chamber trials.

Judge Jackson's reasons for denying Microsoft's motion were most instructive. He asserted "Microsoft as it is presently organized and led is unwilling to accept the notion that it broke the law or accede to an order amending its conduct." What were his grounds for concluding that this company was going to commit contempt of court regarding an order to change its conduct?

"First, despite the court's findings of fact and conclusions of law, *Microsoft does not yet concede* that any of its business practices violated the Sherman Act. Microsoft officials have recently been quoted to the effect that the company has 'done nothing wrong' and that it will be vindicated on appeal." (Emphasis added)

In plain English, Judge Jackson is punishing Microsoft for having the audacity to disagree with him about its culpability — and to appeal his holy writ. For that *lèse-majesté*, Microsoft will be punished with vivisection.

"Second, there is credible evidence that Microsoft, convinced of its innocence, continues to do business as it has done in the past and may yet do to other markets what it has already done in the PC operating system and browser markets."

In other words, Microsoft had egregiously continued to do things that were perfectly legal until this order. Where did they get the idea that due process of law protects them

until final judgment? Not in Judge Jackson's court.

Judge Jackson shows his knowledge of practical politics in this reasoning on why he approved the remedy proposed by plaintiffs. "Plaintiffs won the case, and for that reason alone have some entitlement to a remedy of their choice." Not in the Anglo-American system. The remedy under the rule of law is decided by the judge, not chosen by the prevailing party.

He added, "Moreover, plaintiff's proposed final judgment is the collective work product of senior antitrust law enforcement officials of the U.S. Department of Justice and the attorneys general of 19 states, in conjunction with multiple consultants. These officials are by reason of office obliged and expected to consider — and to act in — the public interest. Microsoft is not." It appears that the insights of public choice theory have not penetrated the chambers of this Bush appointee. Is he not aware of the hyperpolitical nature of the Clinton Justice Department, and the ties of many of the attorneys general to the centimillionaire tobacco litigators? Apparently he has forgotten the blood of the 84 Waco victims of other law enforcement officials of the Justice Department.

In plain English, Judge Jackson is punishing Microsoft for having the audacity to disagree with him about its culpability — and to appeal his holy writ.

He also observed "The final judgment proposed by plaintiffs is perhaps more radical than might have resulted had mediation been successful and terminated in a consent decree. It is less so than that advocated by four disinterested amicus curiae." Ah, the Golden Mean. This is the essence of the modern growth of the state. Party 1 proposes a modest increase in state power, Party 2 counters that a much greater increase is needed, and the decisionmaker splits the difference.

Antitrust law has been an archetypal deviation from the rule of law since its modern inception in 1890 with the Sherman Act. Vague rules, politicized enforcement, huge windfalls for the connected private bar. All these have come together in *U.S. v. Microsoft.* The Tariff of Abominations has a sister in the Lawsuit of Abominations. — Martin Solomon

Take our secrets. Please. — The most remarkable aspect of the flap over the disappeared "nuclear secrets" from the Los Alamos National Laboratory is the sheer, breathtaking level of incompetence it displays. These hard drives, if we are to believe the news reports, contained all the information the Nuclear Emergency Search Team (NEST, isn't that cute?) would need to disarm a wide variety of U.S. and Russian nuclear devices including detailed designs of almost every nuclear weapon known to exist. And they were held in a vault to which 86 people had access, but there wasn't even a "sign-in" system for 26 of these guys. The disappearance was noted May 7 but maybe the last time anybody remembers seeing the drives in the vault was April 7. Maybe the disappearance was earlier, maybe it was later. But the underlings didn't report to their bosses for at least a couple of weeks, and then the notification to higher-ups in the Department of Energy didn't come until weeks after that. Can these guys do anything right?

The *Orange County Register* printed a cool letter from a Santa Ana private investigator who noted that he had kept all kinds of secret stuff, sometimes under order from a U.S. District Judge, and had never lost a thing. It takes a certain amount of attention, he said, but it's just not all that difficult. He offered to keep nuclear secrets (if there still are any) for free.

Chances are this isn't such a big deal really. More than likely most of the really bad guys in the world already knew most of the stuff on those hard drives, and maybe it would be better to stop pretending to keep secrets and operate on the theory that what is paid for with taxpayers' money belongs to the public and shouldn't be involved in any kind of classification system at all. But if you're going to have a security system, couldn't you at least run it with a modicum of competence?

And these guys want to rationalize the economy, cure the mistakes of the free market and make things just hunky-dory on the Internet. Right. — Alan Bock

Waging war on the FDA — There has been an exciting development in our continuing battle with the Food and Drug Administration. As we explained in the April *Liberty*, the FDA is still refusing to comply with the unanimous January 15, 1999 decision of the U. S. Court of Appeals for the District of Columbia in *Pearson & Shaw et al. v. Shalala et al.* , in which the Court ruled the FDA's prohibitions on truthful health claims to be unconstitutional. The Court ordered that the FDA consider the use of disclaimers when a health claim is potentially (but not inherently) misleading, rather than banning such health claims in their entirety. Since that decision, we have been trying to compel the FDA to comply with the First Amendment, the Nutritional Labeling and Education Act of 1991 (NLEA) and the Dietary Supplement Health and Education Act of 1994 (DSHEA), which allow vitamin manufacturers, under certain circumstances, to provide truthful nutritional claims about their products. As we pointed out in our briefs and as the Court noted in its decision, the First Amendment favors increased information rather than enforced silence when information is judged by the government to be inadequate (e.g. potentially misleading).

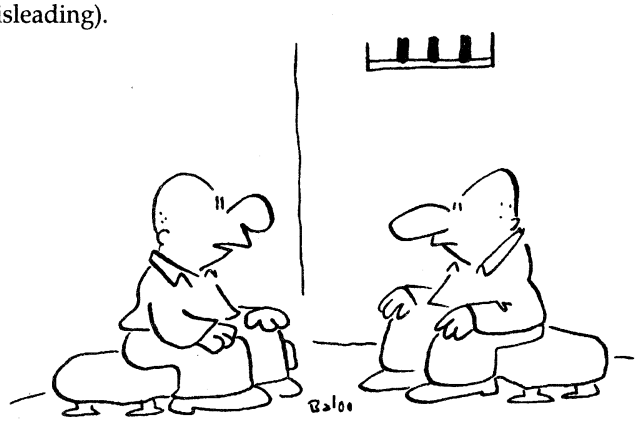

"Are you doing anything special this Friday?"

Now, we have been joined in this battle by the Grocery Manufacturers of America (GMA), a gigantic trade organization representing companies such as Bestfoods, General Mills, Campbell Soup, and Coca-Cola, with total U.S. yearly sales of more than $460 billion, roughly 100 times the yearly U.S. sales of the entire dietary supplement industry.

GMA has filed a Citizen Petition with the FDA strongly endorsing *Pearson*. The trade group criticizes the FDA for failing to implement the decision promptly and fully, and demands that the agency do so at once. The GMA also demands that the FDA discard its so-called "guidance" on significant scientific agreement, since (1) the FDA has yet to clearly define what it means by significant scientific agreement, and (2) its efforts to date are not following the intent of Congress, which was to increase the flow of information that accurately depicts the current state of knowledge rather than waiting until it had met the drug standard of evidentiary support.

Incredibly, the GMA's petition and the accompanying press release contain strong language in support of the First Amendment and not a single "compromise" of principle that one expects when large trade groups deal with a regulatory agency.

Of course, GMA is not motivated by its love of the First Amendment. Its members want to increase freedom of speech in the commercial arena because of the potentially immense profits to be made from truthful claims about foods.

We don't know whether it has occurred to them, but food companies might emulate the growth rates of high tech companies on the NASDAQ if truthful health claims could be made about their products. It would become profitable for food companies to invest much more money on research into the relationship between foods and disease. Foods would become "value added" products by the addition of important and useful health information.

It would also become profitable to develop new foods (using genetic engineering), such as fruits and vegetables that may contain much more vitamin E, omega-3 fatty acids or other healthful ingredients. This is the way to get public support for genetic engineering, with genetically engineered foods that are more healthful than their non-engineered counterparts.

The GMA asks that the FDA immediately withdraw and revise its unconstitutional disease claims rules and "apply the principles set forth in *Pearson* to its regulation of food labeling." They warn that "[b]y failing to incorporate the *Pearson* mandate into its regulatory approach, the FDA threatens the market with chaos and threatens to undermine its own guardianship of public health. *Pearson* and other precedents indicate that further attempts by the FDA to prohibit disease claims would not survive a First Amendment challenge. Thus, manufacturers could bypass the FDA petition process on the assumption that the FDA either would not challenge the claim or that the FDA's challenge might well fail, as it did in *Pearson*."

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GMA also warns that unless the FDA embraces a free flow of truthful and nonmisleading information to consumers, "it will face constant First Amendment challenges that will further undermine the respect and authority that the FDA commands in its role as the protector of public health."

The FDA has clearly been in something of a panic ever since the *Pearson* decision came down. The past level of panic is probably nothing compared to what is likely to be going on at the agency now in the face of mutiny by the food industry. The FDA's obsessions (that disease can only be cured through swallowing and injecting pharmaceuticals, and that food and supplements have little or no value in preventing disease and maintaining health) are threatened. The continuous legal action and the spending to support it that is required to restrain a powerful agency have been quite a burden on those of us in the dietary supplement industry and the libertarian community who have been battling in court for the past several years to get the FDA to obey the law.

The surprise entry of the food industry into the battle has made victory more certain and more imminent — a wonderful development in every sense of the word.

However, not all the news from the front lines against the FDA is good. On June 13, Julian M. Whitaker, M.D., Pure Encapsulations, Inc., Durk Pearson & Sandy Shaw and the American Preventive Medical Association filed a Motion for Summary Judgment against the FDA in their suit challenging the agency's rejection of a health claim that saw palmetto may reduce the symptoms of benign prostatic hypertrophy. Not only did the FDA reject the claim, but it maintained that the saw palmetto health claim was a drug claim (requiring compliance with drug approval regulations), despite the fact that saw palmetto is a dietary supplement and the health claim meets the statutory definition of such claims. Thus the FDA continues to fight to maintain its pharmaceutical industry empire (and the hundreds of millions of dollars it gets each year from pharmaceutical industry user fees) by preventing dietary supplements from competing with prescription drugs.

The good news is that Congresswoman Helen Chenoweth-Hage and four co-sponsors have introduced The Consumer Freedom Protection Act (H.R. 4604). The bill amends "the Federal Food, Drug and Cosmetic Act to compel Food and Drug Administration compliance with the First Amendment to the United States Constitution and to protect freedom of informed choice in the dietary supplement marketplace consistent with . . . *Pearson v. Shalala*." The bill would codify the Appeals Court's decision in *Pearson v. Shalala*. Moreover, the bill requires that, if the FDA refuses a health claim and is subsequently reversed by the US Court of Appeals for the District of Columbia, the FDA must pay all ordinary legal fees and expenses out of its own budget!

But this is an election year and the politicos are busy, so it is unclear whether there is a chance for this bill to pass.

— Sandy Shaw and Durk Pearson

Tribute

Peter McWilliams

by R. W. Bradford

Another casualty of the War on Drugs.

On June 14, Natalie Fisher went to Peter McWilliams' home, where she worked as housekeeper to the wheelchair-bound victim of AIDS and cancer. In the bathroom on the second floor, she found his lifeless body. He had choked to death on his own vomit.

As regular readers of *Liberty* know, Peter, a world famous author* and a regular contributor to these pages, was diagnosed with AIDS and non-Hodgkins lymphoma in early 1996. Like many people stricken with AIDS or cancer, he had great difficulty keeping down the drugs that controlled or mitigated those afflictions. He began to smoke marijuana to control the drug-induced nausea. It saved his life: by early 1998, both his cancer and his AIDS were under control.

In 1996, California voters enacted a law legalizing the use of marijuana by people, like Peter, who needed it for medical reasons. Peter was an enthusiastic supporter of the new law, both because he believed in maximizing human liberty and because marijuana had saved his life and was, indeed, keeping him alive.

But Peter was more than an advocate. After the Clinton administration announced it would ignore the state law and continue to prosecute marijuana users who needed the drug to stay alive, it remained very difficult for others who needed medical marijuana to get the drug. So Peter helped finance the efforts of Todd McCormick to cultivate marijuana for distribution to those who needed it for medical reasons.

His articulate advocacy of legalizing medical marijuana brought him to the attention of federal authorities, who got wind of Todd McCormick's attempt to grow marijuana for medicinal purposes and of Peter's involvement with it. And it came to pass that in the early morning of December 17, 1997, federal agents invaded his home and business, and confiscated a wide array of his property (including his computers, one of whose hard disks contained the book he was writing). In July 1998 they arrested him on charges of conspiring to grow marijuana.

His mother and brother put up their homes as bond and he was released from jail to await his trial. One of the conditions of his bail was that he smoke no marijuana. Unwilling to risk the homes of his mother and brother, he obeyed the order. His viral load, which had fallen to undetectable levels, now soared to dangerous levels:

> Unable to keep down the life-saving prescription medications, by November 1998, four months after my arrest, my viral load soared to more than 256,000. In 1996 when my viral load was only 12,500, I had already developed an AIDS-related cancer. . . . Even so, the government would not yield. It continued to urine test me. If marijuana were found in my system, my mother and brother would lose their homes and I would be returned to prison.

Peter's health wasn't all that was ruined. Unable to work because of the disease and facing mounting legal bills, he was forced into bankruptcy. But he didn't give up: he experimented with various regimens and eventually managed to keep his medication down for as long as an hour and a quarter, long enough for some of the medication to work its way into his system. But the process had weakened him to the point where he was wheelchair-bound.

His publishing venture destroyed and his assets gone, Peter focused on his upcoming trial. He relished the chance to defend himself in court: medical marijuana was legal

* He wrote several best-sellers, including some of the first books about using microcomputers, *How to Survive the Loss of Love* (which sold more than four million copies, several books of poetry (with total sales of nearly four million), and *Ain't Nobody's Business If You Do*, a brilliant analysis of consensual "crimes."

under state law and he believed a spirited defense could both exonerate him and help establish a legal right to grow marijuana for medical purposes.

Last November, news came that would have crushed a lesser man: the judge in the case ruled that Peter could not present to the jury any information about his illness, the fact that the government's own research concludes that marijuana is virtually the only way to treat the illness, or that using marijuana for medical purposes was legal in California.

Unable to defend himself against the government's charges, Peter concluded that he had no choice but to plea bargain. He agreed to plead guilty, in hopes that any incarceration could be served under house arrest, since sending him to prison, where he would not be able to follow his life-saving regimen, would be tantamount to sentencing him to death.

I thought about the judge who had denied him his day in court and had ordered him to forgo the medication that kept him alive. I suppose he's happy, I said to myself, now that he's murdered Peter.

On June 11, there was a fire in his home, which destroyed the letters to the judge that he had acquired and the computer containing the book he was writing on his ordeal. Three days later, he died, apparently as a result of his inability to keep his medication down.

When I heard that Peter had died I was grief-stricken. I'd known him only for a couple of years, but that was more than enough for me to come to respect and love him. I became acquainted with him shortly after the drug police raided his home, the first in the series of calamities that befell him.

Three things about Peter were truly amazing.

Despite the government's persecution, which resulted in the loss of virtually all his property, his freedom, and ultimately his life, he never descended into hatred. Time and time again, he cautioned friends against falling victim to hate or giving in to the desire for revenge. "My enemy is ignorance," he'd say, "not individuals."

I was also astonished by his ability to focus on the future and not get depressed about the calamities that befell him. I spoke to him dozens, perhaps hundreds, of times during his ordeal, and I do not recall a single time when he even remotely sounded down or acted as if he were seeking my sympathy.

The third astonishing thing about Peter was his remarkable generosity of spirit. He always offered help and encouragement to others, no matter what his own circumstances were. A few months ago, I was contacted by a publisher with a request to reprint an article of Peter's that had appeared in *Liberty*. The publisher was one of the few who routinely is willing to pay for reprint rights, so I called Peter with the good news, and asked him how much he'd like me to ask for his article. "Nothing," he said. "I want to encourage people to reprint my writing on the drug war." I reiterated that this publisher happily paid $100 to $200 for reprint rights, that it was very prosperous and that he could use the money. (By this time, Peter was so broke that he was asking friends to use his website as a portal to various shopping websites so that he would receive the small commissions that they offer.) But Peter would have none of it. "We are in a war of ideas," he said. "And I want my writing to have the widest possible effect."

I must admit that when I learned the tragic news of Peter's death, my spirit was not so generous as his. I thought about the judge who had denied him his day in court and had ordered him to forgo the medication that kept him alive. I suppose he's happy, I said to myself, now that he's murdered Peter.

I'm one of those libertarians who generally tries to look at government policies more as folly than as evil. But sometimes, the evil that government does transcends simple folly. Sometimes I have to be reminded that there is a real human cost of government. It happened when I learned of the government's killing of 86 people at Waco and its murder of Vicki Weaver at Ruby Ridge. And it happened with Peter, too.

Peter never wanted to be a martyr. But he wanted to live in a free country, where people respected each other's rights and choices, and he did what he thought was best to keep himself alive and to advance the cause of liberty. He was one of the most joyous people I've ever known, a hero in every sense of the word.

One of the conditions of his bail was that he smoke no marijuana. Unwilling to risk the homes of his mother and brother, he obeyed the order. His viral load, which had fallen to undetectable levels, now soared to dangerous levels.

So rather than belabor his tragic death, *Liberty* will celebrate his life by publishing for the first time the full text of his address to the Libertarian Party National Convention in 1998. It's vintage Peter McWilliams: funny, wise, charming, intelligent, full of piss and vinegar.

I invite you to read and enjoy it — and join with other people of good will in celebrating the life of this good, kind, decent, generous, and brilliant man. ❑

Explanation

Why Liberty is as Much Fun as Medical Marijuana

by Peter McWilliams

On July 4, 1998, Peter McWilliams addressed the Libertarian Party National Convention.

Thank you, thank you very much. Good afternoon. Where are the Teleprompters? How am I expected to do a political speech without a teleprompter? You mean, I'm just supposed to stand here and say what I think and believe? What kind of political party is this?

I want to tell you about a pair of epiphanies that I had in 1996. The first happened in March of 1996 when I was diagnosed with both AIDS and cancer. I tell you this early on because I want your sympathy throughout the rest of this speech. When you mention AIDS or cancer, people are so afraid of their own death that they treat you very nicely.

Remember that. For example, I am going to demonstrate it here. I am going to show you how much sympathy this audience currently has. As an AIDS patient, if Bill Clinton had followed his campaign promise to start a Manhattan Project-style federal program to end AIDS, I would not have AIDS today.

Do you see how much sympathy I'm getting? Normally somebody saying that at a Libertarian event would be booed off the stage. Because, in fact, if Clinton had started his federal Manhattan Project-style cure for AIDS, I wouldn't have AIDS now.

I'd be dead.

It's the greedy pharmaceutical companies who wanted to exploit and profit from my misery and my tragedy who are keeping me alive today. Speaking of greedy manufacturers, tonight those of you coming to the banquet will receive a free copy of my book, *Ain't Nobody's Business if You Do*, as sort of a first course. I do this not because I like any of you, but because I get to hold this up on C-SPAN. That wasn't a shameless plug; the book is online, as all my books are, for free, at www.mcwilliams.com. So that was a plug to go online and read the book for free, please.

Back to March 1996. I was being pumped full of chemotherapy, which causes nausea, and radiation, which causes nausea, and AIDS medications, which cause nausea, and none of the prescription antinausea medications were working. The nausea, however, ended instantly with medical marijuana. With one puff of marijuana, the nausea turned to hunger. Thank Mother Nature for that (Mother Nature is one of Nature's Gods, from the Declaration of Independence). Medical marijuana has been around for more than 5,000 years and it hasn't killed anyone.

It is astonishing how well it works.

And you have to understand how serious it is when you can't keep your medication down — it's not just uncomfortable, if you can't keep that medication down, it's not going to save your life. And that is the important point. We're talking about life and death when we're talking about treating AIDS and cancer. Half the people not taking the AIDS combination therapy — some 40 percent of all who try — do so because of nausea. This is a shame, because the AIDS medications are working so well for those who can tolerate them. I am one of them. But 20 percent stop because of nausea. I wonder how many of those 20 percent, if they had access to legal, inexpensive marijuana, would have that same problem. Every day people are denied cancer chemotherapy because the doctors stop treatment knowing that they will die of malnutrition if they go another day without eating. Nausea is an unsolved problem of medicine and marijuana is the finest antinausea medication known to science.

At the same time our leaders have lied about this consistently. Our leaders whom we trust, whom we look up to. From the Democratic president to the Drug Czar to the Republican leaders in Congress, in both the House and the

Senate. They have lied to us about medical marijuana. They have lied to us about the harm of marijuana. There is no more benign medicinal substance known to human beings. And we have been lied to about this. And so this was my first epiphany, watching my normal run to the bathroom, with one puff of marijuana, turn into a meandering raid on the kitchen. And with that epiphany I said, "I am not going to rest until medical marijuana is available to every sick person who needs it in the United States."

Epiphany two came exactly two years ago, probably today, when I lay in bed smoking marijuana — see, I hadn't smoked marijuana for a couple of decades. I believed all those lies having to do with lack of mental, um, uh, clarity . . . and short term . . . where was I? Anyway, all of that nonsense is really a lot of nonsense and boy, do I regret those two decades I wasn't smoking pot. I can honestly say I was not a pot smoker until I started using medical marijuana. So there I was in July two years ago and I was smoking pot and boy, was I enjoying myself. And I was channel surfing, and I was smoking pot, and I was really grooving on this whole thing called chemotherapy. And I flip to these people talking, mostly men with pot bellies and t-shirts, and they would be talking and one of them would tell the truth, and I kind of sat there stunned — who expects the truth on C-SPAN?

In this War on Drugs they are not stopping the battle and allowing the Red Cross on the field. In fact, they are shooting directly at the sick and at those who are trying to help them. And they are shooting to kill.

So there I was watching, and one person would tell the truth, and then another person would tell the truth, and then another person would tell the truth. What on earth is going on, I mean, this must be really good pot. It turned out to be the Libertarian National Convention. I said, oh great. But then I thought, where is it, in Denver? Because you see, in 1993, when I completed *Ain't Nobody's Business if You Do*, I wanted to join and praise the Libertarian Party and in 1993 I called information in Washington, D.C. and there was no listing for the Libertarian Party. I called 800 information; there was no listing for the Libertarian Party. And I thought, as much as I love these people, someone who doesn't at least have an answering machine in Washington, D.C. can't be very serious about the whole political thing.

So you can imagine my epiphany when here, totally without my interference, the libertarians had matured into a political party. And then in the two years, the two years in which I have been single-mindedly working on medical marijuana, when I wasn't ducking bullets, the Libertarian Party got an entire office in Washington, D.C., until today, now, July 4, 1998, Washington, D.C., my two epiphanies meet in this speech before the Libertarian National Convention.

Although I have not joined the Libertarian party yet, I know I stand for a lot of [audience begins yelling for McWilliams to join the Libertarian Party] — remember, I have AIDS! Come on; get that sympathy up, huh? Come on, back, back! Boy, it's like saying I haven't accepted Christ at a Christian Coalition meeting. Down! I never thought I'd tell a Libertarian to be less aggressive politically. I thought those were words you'd never hear out of my mouth.

I would like to suggest to you that you — not necessarily the party but you individually, maybe not as a party plank but more as a pet project, kind of a little Chia pet project — actively work for medical marijuana in this country. I have four reasons for this. The third one is in your own best interest, so listen up when I get to the end of number two. The first two are that I believe medical marijuana currently stands for the most hideous ongoing example of government interference in the private lives of individuals today.

The first reason: Medical marijuana prohibition is an outrage within an outrage within an outrage. The first outrage, of course, is the War on Drugs itself. Prohibition does not work, has not worked, cannot work, and anyone who says it can is either deeply delusional or is making money on the drug war.

The next layer of outrage is marijuana prohibition. Marijuana 61 years ago was unjustly criminalized based upon lies by the self-serving drug czar of his time to a Congress who lapped it up like milk because it was hot and they wanted to go home. It happened in the summer. And so they voted in the Marijuana Tax Act of 1937 after ninety seconds of debate. The prohibition has been unrelenting. More than 12 million Americans have been arrested for marijuana since that time. This is a plant that has never hurt anyone in 5,000 years in a country where 400,000 people die prematurely of cigarettes and 100,000 people die prematurely from alcohol. That this herb, this plant, this weed should be so illegal in this country that since the 1995 Omnibus Crime Bill, if you possess enough of it, our government will put you to death. If you don't think marijuana is still prohibited keep in mind that 645,000 people were arrested in 1996 alone, the most ever. That's one arrest every 48 seconds. Meanwhile we have a speaker of the house and a president and a vice-president who have all admitted to smoking marijuana. These are pothead baby boomers and it's outrageous that they should put their fellows in prison.

Finally, the outrage within the outrage within the outrage is the War on Drugs, unlike any war in American history, unlike any modern civilized war of the past two centuries. In this War on Drugs they are not stopping the battle and allowing the Red Cross on the field. In fact, they are shooting directly at the sick and at those who are trying to help them. And they are shooting to kill. A friend of mine named Todd McCormick was arrested for growing marijuana in his own home after Proposition 215 passed in California that allowed for cultivation. He had cancer nine times before he was 10. The DEA came in, destroyed his plants, and wants to put him in prison for the rest of his life, a ten-year mandatory minimum. Plus a $4 million fine. That's shooting to kill. It's been going on for 11 months now.

As you know, the DEA and their bosom buddy, the IRS, have investigated me for 11 months now. The DEA and the IRS came into my home and they took away my computer containing a book on medical marijuana and a book critical of the DEA, which very quickly became three books critical

of the DEA.

Don't tread on this faggot.

You know, the only way to discharge the hate words of the bigots of the world is to embrace them. When I was growing up, queer was the worst thing you could possibly call anybody. I don't know where the word faggot was in my town, but queer was the worst. And then all sorts of people started calling themselves queers, all sorts of gay people, and now it's a perfectly acceptable word. You yell "Queer!" and they'll go, "What, yes?" And I think it's the same thing with faggot. It's like legalizers. That's the new demonized buzzword, like communist. If they accuse you of being a legalizer, please, don't resist. Say, "Yeah, I'm a legalizer, absolutely. I believe that everything should be legally sold in the free market, equally and open to competition. That's what I believe as a libertarian."

You know, of all the compliments I got for *Ain't Nobody's Business if You Do*, from people as diverse as Archbishop Tutu and Sting and Hugh Downs and Larry King, all those people were very kind, but the thing that meant the absolute most was when Milton Friedman, unasked, sent me a very nice letter, and Milton is a great hero of mine, and I know of many people in this room. If you're watching, Milton, know that we send you our love and Nature's God's blessings, from the Libertarian Convention. [Applause.]

When I say medical marijuana is the most egregious ongoing federal intrusion, there are, of course, incidents that are worse. There's Ruby Ridge, there's Waco, there's William Bennett getting his own children's show on PBS . . . . These are greater outrages of the federal government going where it never should have gone in the first place.

You know, the DEA agents who came into my house and even the two federal prosecutors who would prosecute me and try to put me in prison for the rest of my life, they're patriots. They are doing something for their government, and they're doing it because they love America, because they love the United States, because they think they are protecting and defending the Constitution of the United States. They believe this, they just misunderstand the facts, and they're caught in a bureaucracy that won't teach them. These are ordinary, decent Americans. Anybody who's willing to go into covert operations and put their lives on the line like that for their country, is a hero.

Prohibition does not work, has not worked, cannot work, and anyone who says it can is either deeply delusional or is making money on the drug war.

So here's William Bennett, on the other hand, who I think is personally culpable for this entire mess we're in right now. The fact that the man would ride through a Republican administration, first of all leeching off of the NEA, and then he went to the Education Department, and then he ingratiated himself very carefully, just like Iago misleading Othello, with Bush as Othello, and Bennett as Iago, and Lady Liberty there [points to large replica of Statue of Liberty onstage] as Desdemona.

About now young people are saying, "What the hell is this guy talking about?" [Member of the convention yells, "That's because they went to public schools."]

I don't know why libertarians have this image as being dry and kind of living in desert climates and being on a ranch all day, I don't know what this is all about because libertarians have the best sense of humor of all. We can laugh at everything! Because if we're not enjoying the moment, what the hell is there? It's a very Zen party.

So, William Bennett is personally responsible for the fact that needle exchange was not put into effect 10 years ago.

If they accuse you of being a legalizer, please, don't resist. Say, "Yeah, I'm a legalizer, absolutely. I believe that everything should be legally sold in the free market, equally and open to competition."

Ten years ago the studies were there showing that needle exchange significantly reduced the spread of AIDS and at the same time did not increase the use of drugs. Bennett at the time said yes, of course, we care about the AIDS epidemic, but we care about the signal we're going to send our children more. He personally fought for and got not only not federal funding for needles, but also got them made illegal. As a direct result of him, 200,000 heterosexual people in this country now have AIDS. It is about the only way AIDS got into the heterosexual population. One-third of all AIDS cases now are from drug use or their partners. Sixty percent of all new AIDS cases next year will be female partners of those 200,000 people who got it intravenously and will pass it on to their lovers, wives and children, often without even knowing it.

Thank you, William Bennett.

Ten years later, the government finally admits that, yes, indeed, needle exchange works, it doesn't make drug use go up, and it certainly reduces the spread of AIDS. Who in the entire administration fought the hardest and even went to the Republicans in order to get federal funding for needle programs banned? Drug Czar Barry McCaffrey. So I move that we call heterosexual AIDS the Bennett/McCaffrey illness, or the BM disease.

We all know that William Bennett has been taking money from dark organizations so that he can continue to perpetrate the War on Drugs so the dark organization can continue to prosper. One of those is the Partnership for a Drug-Free America. Bennett is bribed. You sit in his office, and all day long these platinum Halliburton cases go in full and they go out empty; they go in full and they go out empty. They're full of éclairs.

Have you seen that man? I'm fat, but he's obese. Not that I have anything against obesity. If you're fat you're fat, so what? What I hate is hypocrisy. Here this man cannot stop

putting food in his mouth and he wants to tell me to stop taking the medicine that is saving my life and put me in prison if I don't.

William Bennett personally went to Arizona and convinced the Arizona legislature that two-thirds of the people's will should be overruled by new legislation. So, for all the people who have been suffering in Arizona for the past two years who could have had relief were it not for Bill Bennett, thank you very much again, Mr. Bennett.

I mean, I've read the Bible, too, and I know that gluttony is punished in the Bible, the very same Bible that Bill Bennett points to to support his "moral" attack on gays and just about everyone else he doesn't agree with.

- and put a knife to your throat if you are given to gluttony. [Proverbs 23:2]
- for drunkards and gluttons become poor, and drowsiness clothes them in rags. [Proverbs 23:21]
- a companion of gluttons disgraces his father. [Proverbs 28:7]
- Cretans are always liars, evil brutes, lazy gluttons. [Titus 1:12]

One Biblical punishment for gluttony is to be stoned to death. As long as it's not done with rocks, this can work. In some African tribes, the punishment for any crime is to sit and smoke marijuana endlessly — marijuana smoke is forced into the small tent so that all the criminal can do is breathe marijuana for the prescribed period of time. It is the cure for all crimes.

Where's my, I had my medicine here [takes out golden Art Deco cigarette case]. The nice thing is, if you're gay — I'm a gay libertarian, I'm one of those laissez fairies — you get to carry around delightful things like this: a cigarette case that Gary Cooper gave Marlene Dietrich for a good, [clears throat] well, anyway, for a good time. So I'll have it there just in case I need it, but I know you won't mind. So, gluttony is punishable by stoning to death, or being cut off from one's people. I believe that that will be the fate of William Bennett; he will be cut off from his people. There's no need to punish the drug warriors; they are already punishing themselves.

Libertarians have the best sense of humor of all. We can laugh at everything! Because if we're not enjoying the moment, what the hell is there?

Reason number two: unlike any other issue currently in political play, public opinion polls are outrageously in favor of medical marijuana and almost every politician vigorously opposes it. Public opinion polls show that somewhere between 65 and 80 percent of the population, but never below 65, favor marijuana use under a doctor's supervision. They do that even though all five living presidents and Nancy Reagan said it was a hoax, even though C. Everett Koop said it was a hoax. People still believe that if a doctor says it's okay, it's okay, and if you're sick it's okay to take medicine, and we make exceptions when people are sick. Compassion has not been beaten or tricked or propagandized out of the American people. It is still there and we can appeal to it.

The drug warriors have been so opposed to marijuana, especially medical marijuana, they have done it on the record, and they have done it recently. In December, the National Academy of Sciences Institute of Medicine report will come out. This is the one that McCaffrey spent a million dollars of our tax money on, about the only good federal expenditure last year, if you ask me. And he took that money and he used it for a study that was going to last 18 months, and he's been hiding behind that ever since. He won't talk about the medical marijuana issue, he'll say, "We've turned that over to the doctors. Let them decide." Well, we know pretty much what the doctors are going to decide. They are not under federal control, like the National Institute of Health, or NIDA, National Institute of Drug Abuse (groan) and so they will come up with an honest report.

What report did the Institute of Medicine issue in 1982? In 1982 it determined that the prohibition of just regular marijuana, not medical marijuana, was doing more harm than good and it should be legalized at once. The same august body of independent scientists is not going to reach the conclusion that under a doctor's care, under a physician's instructions, you can't take marijuana? It is inconceivable to me for that to happen. So sometime around the end of the year, the beginning of next year, McCaffrey will be in a very tight place. Because there's 18 months of videos of him saying, "I'm not talking about that, I'm turning that over to science and we're going to let science decide." So science will decide, then what? Stick around; it's going to be the best show in town.

I invite you to be not just ringside seat holders, but direct participants, because, boy, this has been fun the last two years. It's not just public opinion polls, it's been reflected in the polling booth. As you know, in California 56.4 percent of the population voted for medical marijuana. That's more than voted for [California Attorney General] Lungren, who's been trying to suppress it. In the same election more Californians voted for Proposition 215 than voted for Bill Clinton.

Point number three: Many of you are asking, as libertarians do when pondering deep moral issues, "What's in it for me?" You see, the Libertarian Party can embrace a political cause that is in very, very dire need of friends, and by embracing, there's a marvelous line from Shakespeare, by embracing the two make more than the one. Or is that Milton Friedman? Anyway, I think there is a synergistic possibility here between medical marijuana and the Libertarian Party at this particular juncture of time. Because when medical marijuana is truly accepted for what it is, we will see a phenomenon that makes Viagra's phenomenon seem limp. You know, I kind of think of the Libertarian Party as a kind of political Viagra.

On October 19, 1997, the Society for the Study of Neurosciences published a report based on scientific evidence from four universities. It began, "New research shows that substances similar to or derived from marijuana, known as cannabinoids, could benefit more than 97 million

continued on page 31

Dissent

In the Matter of the Killing of Vicki Weaver

by Alex Kosinski

On August 20, 1997, the state of Idaho filed a criminal complaint against FBI sniper Lon Horiuchi for manslaughter for killing Vicki Weaver in the notorious confrontation at Ruby Ridge, Idaho. The court ruled in favor of Horiuchi's attorney's argument that he could not be charged with the crime on grounds of immunity under the Supremacy Clause of the Constitution, which protects federal bureaucrats from prosecution by states, provided the employees acted objectively reasonably. Idaho appealed the ruling.

On June 14, the Ninth Circuit issued a ruling supporting the trial judge's decision. Judge Alex Kosinski, a member of the three-judge panel that issued the decision, wrote a particularly eloquent dissent.

> [W]e conclude that the second shot violated the Constitution. We recommend that the circumstances surrounding the second shot be reviewed by the appropriate component of the Department of Justice for prosecutive merit.
>
> —U.S. Department of Justice, Office of Professional Responsibility.[1]

Besieged by a platoon of FBI agents with high-powered rifles, two armored vehicles and a helicopter, the suspects at Ruby Ridge posed no immediate danger. There was no chance they could escape and take hostages. There was plenty of time to call out a warning, and there were many occasions to give the suspects a chance to surrender. Instead, FBI Agent Lon Horiuchi shot and killed Mrs. Weaver.

A Senate Committee, the Justice Department's Office of Professional Responsibility and a prior panel of this court all have concluded the shooting was patently unconstitutional.[2] Because the majority's contrary ruling creates a square intracircuit conflict and throws a monkey wrench into our law governing the proper use of deadly force, I strongly dissent.

I.

The facts here are largely not in dispute. The one key factual dispute cuts against the majority's conclusion. While the majority claims Horiuchi was unaware of Mrs. Weaver's presence behind the door,[3] there is evidence that he should have known, which could make his decision to shoot blind through the door objectively unreasonable:

> However, even if Horiuchi's judgment on the necessity to use deadly force was supportable, we believe that his second shot was taken without regard for the safety of others near Harris. Although Horiuchi could not see behind the front door of the cabin, he had reason to believe that someone might be on the other side when he took his second shot. At trial he testified that it appeared that Harris "was trying to hold the door open or moving somebody out of the way" when Horiuchi fired. When asked if he "knew there was somebody behind the door, " Horiuchi responded that he "wasn't shooting at the individual behind the door." However, by fixing his cross hairs on the door, when he believed someone was behind it, he placed the children and Vicki Weaver at risk, in violation of even the special Rules of Engagement: If any adult male is observed with a weapon prior to the announcement deadly force can and should be employed if

the shot could be taken without endangering any children.... In our opinion he needlessly and unjustifiably endangered the persons whom he thought might be behind the door. (from Report of the Ruby Ridge Task Force, Department of Justice)[4]

Six Deputy U.S. Marshals, dressed in camouflage gear and armed to the teeth, came onto the Weaver property in the dead of night, without announcing their presence or wearing visible identification. They got into a shootout which left one deputy and the Weavers' son dead. More than thirty hours later, FBI agents surrounded the Weaver cabin, which was located in the middle of the forest, far from any bystanders; they overflew the area by helicopter several times. The FBI agents did not announce their presence nor did they give the occupants an opportunity to surrender. Instead, the agents remained concealed and watched the cabin through the scopes of their rifles. Those in the cabin first learned of the FBI's presence when Horiuchi opened fire.

Besieged by a platoon of FBI agents with high-powered rifles, two armored vehicles and a helicopter, the suspects at Ruby Ridge posed no immediate danger.

Horiuchi fired two shots. The first was arguably justified by what he claims was a menacing gesture from Mr. Weaver in the direction of the helicopter. How Horiuchi could tell the man was threatening the helicopter is a bit of a mystery, since Horiuchi admitted that he had no clue where the helicopter was. ("I don't know where the helicopter was, sir, I would be guessing if I told you where it was." [Excerpt of Testimony of Lon T. Horiuchi, *United States v. Weaver and Harris.*])[5]

But Idaho is not prosecuting Horiuchi for that shot. Rather, it is the second shot — fired some twenty seconds later — that is the basis of the state's prosecution. When Horiuchi was taking aim for this shot, the three people who had ventured outside the cabin were running headlong toward it. They were facing the cabin and away from the helicopter. They were not aiming their weapons. They were making no menacing gestures. Running for their lives, they threatened no one. As the Department of Justice investigators observed: "[E]ven giving deference to Horiuchi's judgment, we do not find that the second shot was based on a reasonable fear of an immediate threat to the safety of officers or others."[6] The DOJ investigators relied on Horiuchi's own words in concluding that he acted unreasonably in taking the second shot: "In a statement Horiuchi prepared later that evening, he explained that, just before Harris entered the cabin, he 'stopped at the door looking for either the helicopter or where the shot came from . . . .' Thus, even Horiuchi does not characterize these movements as threatening or as provocation for the second shot."[7] Yet, Horiuchi calmly took aim and shot to kill. That he aimed at Harris, thinking it was Mr. Weaver, but actually killed Mrs. Weaver does not help Horiuchi. His confusion as to the target only proves he was reckless in pulling the trigger.

What justification can there be for shooting a man who is completely surrounded by heavily armed law enforcement agents? The sum and substance of the majority's reasoning is as follows: "Had [Horiuchi] hesitated for even a few seconds or called out a warning . . . Harris could have fled into the cabin, taking up a defensive, armed position."[8] ("he was running to a place where he could rearm, regroup, and take up a defensive position");[9] ("Once inside [the cabin] Harris could take up a defensive position where he could shoot out, but the officers could not shoot in without the danger of harming a child.").[10]

Since when does taking up a defensive position justify the use of deadly force? Taking a defensive position may have kept the suspects from being apprehended right away, but it would have posed no immediate threat to the officers. Missing from the majority's justification for the shooting is any indication that, once inside the cabin, Harris would pose an immediate threat to life and limb. Absent a threat, the FBI agents were not entitled to kill; rather, they should have employed one of the many other measures at their disposal, such as:

-Announcing themselves and demanding a surrender
-Commencing negotiations
-Waiting until the inhabitants ran out of food
-Shutting off water and electrical service to the cabin
-Sending in an armored personnel carrier to knock down various out-buildings and impress the inhabitants with the futility of resisting

Once the trigger is pulled and life is taken, all these options are foreclosed; the chance for a bloodless resolution is lost. Allowing the suspects to take a defensive position gives them time to think, to consider, to weigh their options, to calculate the risks to themselves and their children. It can lead to a peaceful surrender, as it did eight days later. It is therefore immensely troubling that the majority today holds — for the first time anywhere — that law enforcement agents may kill someone simply to keep him from taking up a defensive position.

This conclusion runs contrary to a long line of deadly force cases, all of which hold that only an immediate threat to life and limb will justify an intentional killing by law enforcement agents (review of officer's use of force requires "attention to the facts and circumstances of each particular case, including . . . whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.");[11] ("Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so.");[12] (Police "may not shoot to kill unless, at a minimum, the suspect presents an immediate threat to the officer or others, or is fleeing and his escape will result in a serious threat of injury to persons.")[13]

Horiuchi claims he was entitled to kill Harris to prevent him from shooting at the helicopter from inside the cabin. But killing Harris was not even remotely necessary to ensure the safety of the helicopter. To begin with, while Horiuchi may have heard the helicopter's engine, he did not see it or know where it was. Idaho does not seem to dispute that Horiuchi heard the helicopter, but the Senate Subcommittee

expressed doubt. At the very least, there is conflicting evidence. Randy Weaver testified that "all was quiet" at the time of Horiuchi's first shot. Moreover, "Weaver maintains that, had they heard a helicopter at this moment, they all would have run back to the cabin immediately."[14] All factual disputes must be resolved against Horiuchi at this stage of the proceedings.[15]

During his direct examination in the Weaver criminal trial, Horiuchi implied that he had a general idea as to the location of the helicopter:

> Q: When you saw the activity in the house area, could you tell from the sound where the helicopter was at that particular time?
>
> A: Generally, sir, it was either behind me or to my right or to . . . my left.
>
> Q: You couldn't see the helicopter at the time you saw the . . . activity, is that correct?
>
> A: No, sir, once the activity started, I was concentrating on the three individuals that came out of the building, not the helicopter.[16]

However, on cross-examination, he admitted that he had no clue as to the helicopter's location:

> Q: The helicopter was behind you?
>
> A: I don't know where the helicopter was, sir, I would be guessing if I told you where it was.[17]

He had no reason to believe that it was hovering within range of small arms fire from the cabin. Quite the contrary: During a reconnaissance mission earlier that day, he had observed the helicopter pilot taking precautions. According to Horiuchi, the helicopter "popped over the hill low and then came back over."[18] Horiuchi presented conflicting testimony about whether he thought the helicopter was in danger. At Weaver's criminal trial, he claimed the helicopter "wasn't necessarily out of rifle range" during the reconnaissance flight he took. But on cross he was impeached by a statement that he made previously to the effect that the helicopter "stayed well out of [rifle] range" during his flight.[19]

There was plenty of time to call out a warning, and there were many occasions to give the suspects a chance to surrender. Instead, FBI Agent Lon Horiuchi shot and killed Mrs. Weaver.

The helicopter had also flown several other missions over the area without incident.

Moreover, Horiuchi was in radio contact with the FBI command center and could have called out a warning. At oral argument, Horiuchi's counsel represented that the agents were under orders to maintain radio silence. Counsel did not provide record support for this assertion and it turns out not to be true, as one of Horiuchi's fellow agents did use the radio to alert the FBI command center that individuals outside the cabin were on the move: "I believe it was Special Agent Love in Sierra 1 position who saw them coming out at the same time, pretty much the same time I did, and he radioed back to the command post that three individuals had come out of the building."[20] Horiuchi testified that the only reason he didn't radio himself was that a momentary malfunction caused Agent Love to "beat [him] to the punch."[21] At the time he fired, Horiuchi knew that the helicopter pilot had been warned that there were people outside the cabin, and that additional warnings could be given if necessary. In the time it would have taken the three to run into the cabin, take positions at the windows and commence shooting, Horiuchi could have warned the helicopter to move out of range. While an officer need not exhaust remote alternatives before resorting to deadly force,[22] his failure to employ an obvious non-deadly alternative can make his use of deadly force unreasonable.[23] (Inquiry into reasonable non-deadly alternatives is important to establishing that deadly force was necessary to prevent escape).

What justification can there be for shooting a man who is completely surrounded by heavily armed law enforcement agents?

But put all else aside and consider only Horiuchi's admission that he made no separate decision whether to take the second shot: "I had already made that determination after that first shot, so if I saw him again[,] I was going to shoot at that individual again."[24] Horiuchi's testimony, which the majority overlooks, is crucial in light of *Hopkins v. Andaya*,[25] where we held that the justification for the use of deadly force, once established, does not continue indefinitely. If circumstances change and the threatened danger abates, deadly force may cease to be reasonable. As the DOJ investigators observed, "the circumstances which justified the first shot were significantly changed by the time the second shot was taken. There had been no return of fire or further threatening action, there had been no surrender announcement, and most significantly, the targets were retreating into the cabin."[26] The majority creates a direct conflict with *Hopkins* by holding that law enforcement officers are entitled to gun down a suspect even after he no longer poses an immediate danger to anyone.

There is another big problem with Horiuchi's second shot: He was aiming at the wrong target. The individual he claims to have observed holding a long gun and looking menacingly in the direction of the helicopter was Weaver, not Harris. Horiuchi then observed three people — two of them similarly dressed males — running toward the cabin. In his testimony, Horiuchi admits he could not tell the two men apart; in fact, he shot the wrong one. The DOJ investigators recognized the same problem: "Horiuchi also confused his targets. He erroneously believed that the last man returning [to] the cabin [w]as the man he had originally tried to shoot. Thus, Horiuchi never saw Harris, the target of his second shot, take any threatening action toward the helicopter."[27]

Any suspicion Horiuchi had that Weaver might shoot at the helicopter could not be attributed to Harris simply because he was nearby and dressed alike. The matter would

be different if Horiuchi had reasonably believed he was in the grips of a firefight.[28] But Horiuchi makes no such claim, and by adopting its "defensive position" rationale, the majority recognizes that this was not a firefight. While we will not lightly second-guess decisions made by law enforcement officers in the heat of battle, this was not the heat of battle and caution was therefore appropriate.

The Senate Subcommittee expressed a similar view:

> We do not want in any way to hamstring the police officer involved in a hot pursuit or close range confrontation with a dangerous criminal. Those women and men have to make snap judgments every day, and we have no wish to increase their personal risk by requiring undue hesitation before they protect themselves. But in the case of the snipers on Ruby Ridge, no such personal or immediate danger existed. When Horiuchi fired, he was in a concealed, safe and remote firing position. He had time to think before he shot, time to be briefed before he was deployed, and time to calmly plan his actions. Under those circumstances, what Horiuchi saw as Weaver, Harris and Sara fled back toward their cabin — where one child (two, as far as law enforcement officers were aware) and one infant were present — gave him insufficient justification to fire his weapon.
>
> It is not our purpose to urge (or to urge against) prosecution or other sanction against Agent Horiuchi. But it is the Subcommittee's firm purpose to make sure that in the future, in similar circumstances, inappropriate and unconstitutional deadly force like the second Ruby Ridge shot will never again be used.[29]

A menacing gesture by one of the individuals outside the cabin did not give Horiuchi the right to gun all of them down in cold blood.

I also find it highly significant that Horiuchi, alone among the agents surrounding the cabin, considered the danger serious enough to open fire. Even after Horiuchi's first shot rang out, Harris and the Weavers were not peppered by bullets from the other sharpshooters hidden in the hills above the cabin. As the DOJ Report observed, "Many of the sniper/observers saw three people running to the cabin after the first shot. None reported any action that could immediately be interpreted as threatening to the helicopter or the sniper/observers."[30] If Horiuchi was justified in shooting, all the other FBI sharpshooters must have been derelict in holding their fire.

It is immensely troubling that the majority today holds — for the first time anywhere — that law enforcement agents may kill someone simply to keep him from taking up a defensive position.

Finally, I return to the immovable fact that the occupants of the cabin were given no opportunity to surrender before deadly force was unleashed against them. Giving a warning and opportunity to surrender is not just an aspirational goal; it is a required step before deadly force may be used. It is true that we have qualified this requirement with such phrases as "where feasible,"[31] but this does not mean warnings can be dispensed with whenever they would be inconvenient. A warning and an opportunity to surrender must always be given before deadly force is used, unless doing so would materially increase the danger to law enforcement personnel or bystanders. This contemplates a narrow class of cases, such as where the suspect has opened fire, pulled a gun, or credibly threatened vulnerable targets.

A menacing gesture by one of the individuals outside the cabin did not give Horiuchi the right to gun all of them down in cold blood.

It is conceivable that Horiuchi was entitled to take his first shot without giving a warning. The Senate Subcommittee expressed doubt on this score: "Although we are not prepared to conclude that the first shot was unconstitutional, we are concerned for several reasons that the perception of an imminent threat to the helicopter was not what caused Horiuchi to take the first shot. . . ."[32] But thereafter neither Harris nor Mr. Weaver nor anyone else connected with the cabin was shooting or even aiming weapons at any vulnerable targets. To become a threat again, as Horiuchi supposedly feared, they would have had to enter the cabin, take their places at a window and start shooting. This interval gave Horiuchi plenty of time to shout out a surrender demand. The majority doubts that Horiuchi could have been heard,[33] but Horiuchi testified that he was near enough to hear voices from within the cabin[34] (agents heard "screaming, a single male voice" from their positions). It is therefore likely that a shouted warning from one or more of the agents would have been heard by the three as they fled toward the cabin. Or, Horiuchi might have alerted the helicopter or one of the armored transports to call out a surrender demand using loudspeakers. At the very least, this is a disputed fact that must be resolved against Horiuchi at this stage of the proceedings .[35]

Nor was this the only interval when a warning could — and should — have been given. FBI agents had staked out the Weaver cabin since earlier that morning, while the shooting took place in late afternoon. Obviously, those involved in the operation had ample time to give the necessary warning before deploying agents with shoot-on-sight orders. The Special Rules of Engagement, which have been criticized by everyone including FBI Director Louis Freeh,[36] were indeed shoot-on-sight orders .[37]

Many who have looked at the second shot have speculated that it was the patently unlawful Rules of Engagement that may have been responsible for Agent Horiuchi's action, rather than the make-shift justification he cobbled together later. Because the Rules have been found to be unconstitutional by virtually everyone who examined them,[38] Horiuchi's counsel explicitly declined to rely on them to exonerate his client:

> The Court: If your client is relying on [the Rules of Engagement] as a part of his justification, we have to deal

with [them].

Mr. Hoffinger: He's not. And let me make that very clear.... He's not relying on the Rules of Engagement to . . . justify his conduct.[39]

Even after Horiuchi and his team had taken their places around the cabin, approximately half an hour passed during which the Hostage Rescue Team members could have called out a warning and given those in the cabin a chance to surrender. It was wholly unreasonable for Horiuchi to open fire, knowing that the civilians at whom he was aiming were unaware of the danger and had no chance to surrender rather than die.[40] That all the other sharpshooters held their fire tells us all we need to know on this score.

II.

As the majority recognizes, the standard for granting a motion to dismiss on grounds of Supremacy Clause immunity is whether the officer's actions were objectively reasonable.[41] Precisely the same standard applies to qualified immunity claims in police brutality cases.[42] ("Under the Fourth Amendment, police may use only such force as is objectively reasonable under the circumstances.")[43] The identity of language is no coincidence; it reflects the fact that the question, in both types of cases, is exactly the same: Did the agent's conduct violate the Constitution? Our cases, as well as those from the Supreme Court, make it clear that law enforcement officers may not take human life unless they reasonably believe that doing so is necessary to prevent death or injury to officers or to bystanders. Here, there were no bystanders; the operation took place in the middle of nowhere. And there was no legitimate threat to the agents as they were concealed from view hundreds of yards away from the cabin.

This case is therefore quite different from *Clifton*, on which the majority relies. In that case, federal agents stormed the cabin of a suspected drug dealer.[44] During the raid, it looked as if the suspect had shot one of the agents. An agent who sees a colleague felled before his eyes obviously has a reasonable fear he might be next. Even then, Clifton gave the suspect an opportunity to surrender by twice shouting for him to halt and each time waiting to see if he would comply. Only when it looked like the suspect would reach the woods, where he might escape and take hostages, did Clifton fire.[45] Here, Horiuchi shot — and then shot again — without giving the suspects a chance to surrender. Nor did Horiuchi believe that the suspects had just shot a fellow officer; there had been no shooting on the property for over thirty hours. As the Senate Committee that spent many months investigating this incident concluded, Horiuchi's second shot was objectively unreasonable:

It was wholly unreasonable for Horiuchi to open fire, knowing that the civilians at whom he was aiming were unaware of the danger and had no chance to surrender rather than die.

We do not believe that there is any credible evidence that the three individuals who were running into the cabin presented a threat of grievous bodily harm or death to Agent Horiuchi or anyone else. The three were running for the cover of the cabin. They had not returned the sniper's fire and, according to Horiuchi's trial testimony, they were running faster than when they emerged from the cabin. The FBI had not previously considered the Weavers and Harris a significant threat from within the cabin. The FBI had decided to accept the risks posed by these suspects as they remained in their cabin, in making plans to negotiate with them while they remained inside. The helicopter had taken several flights earlier in the day, and the Weavers had not shot at it from the cabin. The second shot, therefore, was not objectively reasonable.[46]

The Department of Justice rejected Horiuchi's justification for the second shot in even more categorical terms:

We find Horiuchi's explanation of the threat and necessity of the second shot speculative. Based on the facts known and the actions of the subjects, we do not believe it was reasonable to perceive an immediate threat as they ran back into the cabin. Once the family was back in the cabin, the potential threat to the safety of the helicopter and law enforcement personnel was more remote than when Horiuchi had earlier believed that the armed male was about to position himself to shoot at the helicopter. Although we believe Harris and the Weavers knew that law enforcement personnel were present, no call out or surrender announcement followed the first shot.

The subjects were never given a chance to drop their arms to show that they did not pose a threat. The subjects simply did what any person would do under the circumstances: they ran for cover. . . . Although we agree that Harris and the Weavers could have fired from inside the cabin, we do not believe that this potential, especially considering the circumstances of the this [sic] case, warranted law enforcement to perceive an immediate threat. Since the exchange of gunfire at the Y [30 hours earlier], no one at the cabin had fired a shot. Indeed, they had not even returned fire in response to Horiuchi's first shot. Furthermore, at the time of the second shot, Harris and others outside the cabin were retreating, not attacking. They were not retreating to an area where they would present a danger to the public at large or take members of the public hostage. Instead, they were retreating into a cabin and within rifle shot of well equipped law enforcement personnel. Finally, as we discussed below, prior to this time, law enforcement personnel had not viewed the presence of Weaver and Harris in the cabin as posing a particular threat. In our view these facts undercut the immediacy of the threat that Harris posed to Horiuchi and his colleagues.[47]

Our own court considered this question in *Harris*, a case involving the same incident. *Harris* was the Bivens action brought against Horiuchi and other federal agents for injuries suffered as a result of the shooting. Horiuchi argued that he was entitled to qualified immunity, raising the same "defensive position" argument the majority embraces here: "Horiuchi asserts that the shot he fired while Harris was trying to return to the cabin was objectively reasonable because Harris presented a greater danger when he was in the cabin than when he was outside. . . ."[48] *Harris* categorically rejected this argument:

Law enforcement officials may not kill suspects who do not pose an immediate threat to their safety or to the safety of

> others simply because they are armed. Whenever practicable, a warning must be given so that the suspect may end his resistance or terminate his flight. A desire to prevent an armed suspect from entering the place he is residing because it may be difficult to persuade him to reemerge is insufficient cause to kill him. Other means exist for bringing the offender to justice, even if additional time and effort are required. When Horiuchi shot Harris, without any warning, as he was retreating toward an area of safety, he acted in a patently unreasonable manner that violated clearly established law. That the conduct at issue violated Harris's constitutional rights should have been plain to any reasonable officer.[49]

The majority tries in vain to distinguish *Harris* by arguing that the panel there "did not consider many facts apparent on the record in this case, such as Horiuchi's belief that the armed man was a threat to the helicopter."[50] But any threat to the helicopter could justify only Horiuchi's first shot — which he took after he allegedly saw one of the men look menacingly in the direction of the helicopter. Once the man started running toward the cabin, the immediate threat to the helicopter ceased. The helicopter could have been warned to move out of range, if such warning were even necessary.[51] Neither this fact, nor any other, distinguishes this case from *Harris*.

The majority also suggests that Horiuchi is entitled to more latitude because different standards should apply to claims of Supremacy Clause immunity than to those of qualified immunity.[52] This might be a plausible argument but for the fact that precisely the same test applies as to both: Did the officer act constitutionally? I don't understand how an officer could have acted unconstitutionally for purposes of qualified immunity and yet constitutionally for purposes of Supremacy Clause immunity. Either the officer's actions complied with constitutional norms or they did not. Nor do I see how the standards can be disaggregated conceptually. What protects an officer from civil and criminal liability is the lawfulness of his actions. But if the officer's actions are found to be unlawful, it is difficult to see how or why the Supremacy Clause would stand in the way of a state's legitimate interest in the enforcement of its criminal laws.

In an effort to protect a defendant who lost his head and acted in a patently unconstitutional manner, the majority has materially weakened the standard that heretofore constrained all law enforcement personnel.

The majority creates a square conflict with *Harris*, and with many of our other cases that strictly limit the circumstances under which an officer may use deadly force.[53] Perhaps most troubling, the opinion waters down the constitutional standard for the use of deadly force by giving officers a license to kill even when there is no immediate threat to human life, so long as the suspect is retreating to "take up a defensive position." This has never been the law in this circuit, or anywhere else I'm aware of — except in James Bond movies. Because the 007 standard for the use of deadly force now applies to all law enforcement agencies in our circuit — federal, state and local — it should make us all feel less secure. In an effort to protect a defendant who lost his head and acted in a patently unconstitutional manner, the majority has materially weakened the standard that heretofore constrained all law enforcement personnel in the Ninth Circuit. Because I fear this change in our long-standing law, I must register my dissent.

Because the 007 standard for the use of deadly force now applies to all law enforcement agencies — federal, state and local — it should make us all feel less secure.

Liberty *presented Judge Kosinski's dissent exactly as it was published, except that, in hopes of increasing its readability:*

(1) we incorporated various explanatory notes into the text and moved all source notes to "Notes" at the conclusion of the article and;

(2) we added a very brief source note at the end of the lengthy paragraph quoted on page 1.

Source Notes

1 United States Department of Justice, Report of the Ruby Ridge Task Force to the Office of Professional Responsibility of Investigation of Allegations of Improper Governmental Conduct in the Investigation, Apprehension and Prosecution of Randall C. Weaver and Kevin L. Harris, June 10, 1994, [hereinafter "DOJ Report"] at Section IV.F.4.
2 See *Harris v. Roderick*, 126 F.3d 1189, 1203 (9th Cir. 1997), cert. denied sub nom. *Smith v. Harris*, 522 U.S. 1115 (1998).
3 Maj. Op. at 6278-80.
4 DOJ Report, note 1 supra, Section IV.F.3.c.(3) (footnotes omitted).
5 No. 92-080-N-EJL [hereinafter "Horiuchi Testimony"] at 259 (June 4, 1993).
6 DOJ Report, note 1 supra, at Section IV.F.3.c.(3) (internal quotation marks omitted).
7 DOJ Report, note 1 supra, at Section IV.F.3.c.(3) (footnote omitted).
8 Maj. Op. at 6274 (emphasis added).
9 See also id. at 6275.
10 Id. at 6274.
11 See, e.g., *Graham v. Connor*, 490 U.S. 386, 396 (1989).
12 *Tennessee v. Garner*, 471 U.S. 1, 11 (1985).
13 See also *Harris*, 126 F.3d at 1201.
14 The Federal Raid on Ruby Ridge, ID: Hearings Before the Subcomm. on Terrorism, Technology, and Government Information of the Senate Comm. on the Judiciary, 104th Cong., First Session, at 1115 (1995) (Appendix, Ruby Ridge: Report of the Subcommittee) [Hereinafter "Senate Report"].
15 See Morgan v. California, 743 F.2d 728, 733 (9th Cir. 1984).
16 Horiuchi Testimony, note 3 supra, at 67-68 (June 3, 1993).
17 Id. at 259 (June 4, 1993).

18 Horiuchi Testimony, note 3 supra, at 191 (June 4, 1993).
19 Id. at 258 (June 4, 1993).
20 See Horiuchi Testimony, note supra, at 77 (June 3, 1993).
21 Id.
22 See *Forrett v. Richardson*, 112 F.3d 416, 420 (9th Cir. 1997).
23 See *Brower v. County of Inyo*, 884 F.2d 1316, 1317-18 (9th Cir. 1989).
24 Horiuchi Testimony, note 3 supra, at 107 (June 3, 1993).
25 958 F.2d 881, 887 (9th Cir. 1992)
26 DOJ Report, note 1 supra, at Section IV.F.4.
27 DOJ Report, note 1 supra, at Section IV.F.3.c.(3).
28 See *Clifton v. Cox*, 549 F.2d 722, 729 (9th Cir. 1977).
29 Senate Report, note 5 supra, at 1120.
30 DOJ Report, note 1 supra, at Section IV.F.3.c.(3).
31 See, e.g., *Forrett*, 112 F.3d at 420.
32 Senate Report, note 5 supra, at 1116.
33 Maj. Op. at 6274.
34 See Horiuchi Testimony, note 3 supra, at 13 (June 3, 1993).
35 See *United States ex rel. Drury v. Lewis*, 200 U.S. 1, 8 (1906); *Morgan*, 743 F.2d at 733.
36 See The Federal Raid on Ruby Ridge, ID: Hearings Before the Subcomm. on Terrorism, Technology, and Government Information of the Senate Comm. on the Judiciary, 104th Cong., First Session, at 1087 (1995) (statement of FBI Director Louis B. Freeh).
37 See Senate Report, note 5 supra, at 1111.
38 See id.; *Harris*, 126 F.3d at 1205.
39 Audio Recording of Oral Argument in Idaho v. Horiuchi, No. 98-30149 (before the 9th Circuit Court of Appeals, recorded in Pasadena, California, June 9, 1999).
40 Accord *Harris*, 126 F.3d at 1203.
41 Maj. Op. at 6272.
42 See *LaLonde v. County of Riverside*, 204 F.3d 947, 959 (9th Cir. 2000).
43 (citing *Graham v. Connor*, 490 U.S. 386, 397 (1989).
44 *Clifton*, 549 F.2d at 724.
45 See id.
46 Senate Report, note 5 supra, at 1119 (citations omitted) (emphasis added).
47 DOJ Report, note 1 supra, Section IV.F.3.c.(3) (footnotes omitted).
48 126 F.3d at 1203.
49 Id. at 1204.
50 Maj. Op. at 6279.
51 See pp. 6265-67 supra.
52 See Maj. Op. at 6279-80.
53 See, e.g., *Forrett*, 112 F.3d at 420; *Hopkins*, 958 F.2d at 887.

"Why Liberty Is as Much Fun as Medical Marijuana," *by Peter McWilliams* *(from page 24)*

Americans who experience some form of pain each year." Ninety-seven million Americans! Marijuana has the unique property of filtering out pain while allowing the sense of touch and the sense of pleasure to pass through. All other analgesics that work beyond the level of aspirin work by suppressing feelings overall. Marijuana filters out only the bad stuff. So imagine those 97 million people turning around and asking, "Why?" People who have been in intractable pain for years, for decades, asking, "Why didn't I have this medication before now? Why was this kept from me?"

And they'll look to the Democrats: guilty. They'll look to the Republicans: guilty. They'll look to the Libertarians [imitates inhaling from a joint]: "We told you so!" If the Libertarian party has the gratitude of those 97 million people, and believe me they will, we can elect everybody to every office everywhere.

I am tired of people thinking that libertarians don't have morality, that they don't have values. That's a lot of hogwash. Libertarians are the only politicians with values.

And finally, I ask you to support medical marijuana now because it is the right thing to do. I am tired of people thinking that libertarians don't have morality, that they don't have values. That's a lot of hogwash. Libertarians are the only politicians with values. "I won't physically harm your person or your property without your consent. Therefore, I am a moral person." And for those who choose to go above and beyond that, who choose to work for change, to make the government more moral, more accountable, more "right," who look at what is and say there is great harm being done and we must stop it because we can stop it and we can stop it now — these are my heroes, my friends, my compatriots.

You know, on C-SPAN those bars, those great pillars of the Capitol Building [indicates a replica of the Capitol Building onstage behind him], it almost looks like I'm standing in front of prison bars. And I look there and I think, that's where the federal government wants me for the rest of my life for taking my medicine — prison. And so I ask you who are the beacons of liberty in this country, and I ask you in the name of her, that Lady Liberty there [indicates model of Statue of Liberty]. (I'm gay, but that woman turns me on. In fact, she is only one of three women I've ever been inside. My mother told me that joke. She stole it from Woody Allen.) I ask the Libertarian Party to take this healing herb and use it to heal, [a baby cries] yes, you too, we'll be doing it for you,

that baby crying in the corner there, we'll be doing it for you, our children, and I ask you to take this herb, this healing herb, and I ask you to heal the body politic with it. And I ask you, Lady Liberty, to once again lift your shining lamp above the golden door. [Takes a joint out of the golden cigarette case and holds it to his mouth].

"Hey, lady, got a light?" ❑

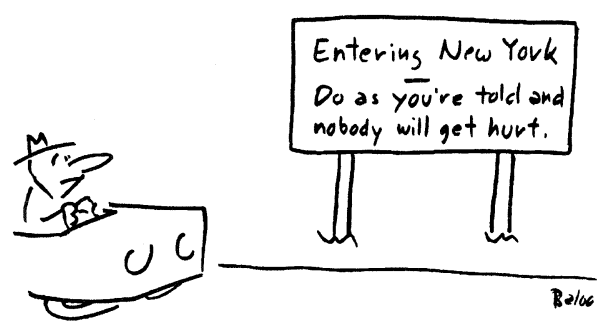

The Greatest Generation?

by Merrel Clubb

Tom Brokaw got it all wrong.

I belong to the "greatest generation," the World War II generation eulogized by Tom Brokaw in his book *The Greatest Generation* (1998). Born in 1921, I volunteered for the United States Navy on April 23, 1942, only to spend most of my combat time as a shore fire control officer in the Pacific, making amphibious landings and fighting with either the army or marines. I am a member of the great generation that, even before we were formally engaged in World War II, refused entry to a shipload of Jewish refugees, forcing them to return to Europe, some eventually to Hitler's gas chambers.

After entering the war, my generation burned, bombed, and otherwise destroyed the lives of countless, often innocent, people caught up in a total war all over the world: Europe, Africa, Asia, and islands in the Pacific Ocean. Members of my generation destroyed hospitals, killed and mistreated civilians, tossed hand grenades into houses and cellars — "just in case"—where civilians as well as soldiers might be hiding. Men of my generation bulldozed dying men into holes with the dead. In the Pacific we sometimes buried the dead with their penises or testicles in their mouths.

Men in my generation shot at and killed enemy airmen parachuting from burning planes, strafed men struggling in the water after their ships had been sunk, strafed lifeboats full of men from bombed and sinking ships (as George Bush, the last President from my generation, may have done, according to a "naval action report" published in *Harper's Magazine*, September 1993, pages 44-45.) Men of my generation killed enemy POWs in cold blood. On Iwo Jima I observed men of my generation killing wounded Japanese struggling painfully up through holes from underground caves which had been blown up. And we shot wounded Japanese soldiers rather than take them prisoner. We regularly killed enemy soldiers attempting to surrender — so efficiently, I remember one time on Guam, the higher command pleaded that prisoners be taken so that information about Japanese strength on Orote Peninsula could be obtained.

Men of my generation cut off the ears, and sometimes a hand or other appendage from dead Japanese as souvenirs. We knocked or cut out gold teeth from the jaws of the dead, but also occasionally from the jaws of the still living as their bodies thrashed about, until on one occasion on Peleliu a marine took pity and shot a suffering man to put him out of his misery (as described by E. B. Sledge in *With the Old Breed*, 1981). Collectors of gold teeth were not always depraved men, for I remember on Iwo Jima a bright-eyed young officer, whom any mother would have been happy to have for a son-in-law, proudly show me a small bag of gold teeth he himself had collected from the jaws of dead Japanese.

Men of my generation sometimes placed Japanese skulls on posts as decorations, or cut off Japanese heads, then boiling the flesh off so they could send the cleaned skulls to sweethearts back home, as illustrated in a famous (at least then) photo reproduced in *Life* magazine. On another occasion someone in the Pacific sent a letter opener carved from a Japanese leg bone to President Roosevelt (who was too squeamish to accept it.)

The practice of not taking prisoners in the Pacific was widespread, partly because the Japanese did not believe in surrendering, often shooting their own men who appeared to be giving up to the enemy, and partly because those who did seem to Americans to surrender often carried grenades which they exploded, killing both themselves and their would-be captors. But sadism and ghoulishness, though not so common, were not uncommon either. And if asked today,

most men who engaged in acts of savagery would not want to talk about it to their wives, children, grandchildren — or anyone else — and might not even remember, for over time we tend to blot out memories such as strafing lifeboats, shooting surrendering enemies and dying men, and all the worst and most disturbing aspects of our actions during the war. I know I remember little of what I did during the fighting on Makin, Guam, and Iwo Jima.

But all this is not to say the Japanese did not engage widely in similar and even worse acts of wartime savagery, for they were even more barbaric, as illustrated by their systematic savage treatment of POWs in southeast Asia, Japan, and elsewhere, and by their cruelty and brutality during the Bataan death march and later in Manila after MacArthur landed on Luzon, and by Japanese germ warfare experiments carried out on live human beings, including prisoners of war, at the infamous Unit 731 in Manchuria, to mention only a few examples.

Men of my generation placed Japanese skulls on posts as decorations, or cut off Japanese heads, then boiling the flesh off so they could send the cleaned skulls to sweethearts back home.

Nevertheless, this does not condone the evil that men of my greatest generation were capable of during World War II. It has been acknowledged that terror bombing entire cities does little to win wars, and for the most part in Europe we kept to what was euphemistically called precision bombing. Yet my generation fire-bombed and virtually destroyed some sixty cities in Japan toward the end of the war, including a huge section of Tokyo in one night when over 100,000 people died. And although there are those who still see the atomic bomb raids as necessary to end the war, the general consensus today among historians who have studied the primary documents from 1945 and others relating to the use of the bombs and the end of the war is that the bombs were not necessary to end the war or to save American lives, that there were other possible ways of ending the war known to President Truman and his advisors which were never pursued. Those two bombs, for which my generation is responsible, unnecessarily killed upwards of 400,000 people, including many who died horrible deaths from radiation poisoning.

But many of our worst acts of individual savagery were not limited to World War II, for recently evidence has come to light that men of my great generation fire bombed and strafed hundreds of South Korean civilians in 1950 and 1951 during the Korean War. And there is evidence, too, that we massacred 300 or more South Korean women, children and old men under a bridge near No Gun Ri early in the same war; that such an atrocity is possible on the part of Americans was confirmed by a later generation at My Lai during the war in Vietnam.

My generation provided the ideas and the leadership that guided our country, not only during World War II, but for nearly the next fifty years, if we arbitrarily take President George Bush as representing the end of the influence of my generation on national affairs.

Atrocities at Home

Members of my generation shattered democracy as we once knew it in this country. Soon after we entered the war, we deprived thousands of Americans of their rights by sending them to Japanese-American Internment Camps. Shortly after the war Congress, infused with newly-elected members from my generation, passed laws establishing the Atomic Energy Commission, the National Security Council, and the Central Intelligence Agency, all staffed and controlled by members of my great generation, who were responsible to virtually no one except an unelected few running them, and whose policies and actions were shrouded in secrecy. In creating these agencies, we destroyed the kind of open government envisioned by the framers of our Constitution, an open arena where issues could be freely debated in full public view.

Our new form of semi-democracy had begun earlier in late 1942 with the creation of the Manhattan Project and with the secrecy, perhaps understandable at the time, surrounding my generation's construction of the first atomic bomb. But in our semi-democracy, civilians of my generation made the decision to use atomic bombs on two Japanese cities with no serious consultation at all with the military leaders charged with conducting the war, namely, the Joint Chiefs of Staff and the commanders in the field, General MacArthur, Admiral Nimitz, and General LeMay. All (with the exception of General Marshall, one of the Joint Chiefs) later decried the use of the bombs. Thus, the decision to release atomic bombs on two almost defenseless cities was a political decision made in secret by a small group of government civilians and, one might add, with no input from Congress representing the American people on political matters.

After the war, members of my generation embarked upon a military "catch-up" program in the 1950s that culminated in the largest military buildup in history under President Reagan, always insisting to the American people that we were behind the Soviets in building nuclear weapons, in spite of the fact that, according to the best evidence, we were almost always ahead, far ahead. For example, in 1950 we had 350 nuclear warheads to the Soviet's five, and in 1960 about 18,000 to 1,700. How many nuclear warheads would it have taken to destroy Russia?

At the same time, members of my generation in the AEC created a nuclear testing program that tended to stifle any dissent and criticism from the American people or their representatives in Congress. The first plutonium bomb had been secretly tested in 1945 with no consideration of the effects radioactive fallout might have on American citizens living downwind of the test, and further tests of bigger and better nuclear bombs had taken place at Bikini in 1946 with a similar lack of concern about the effect of radioactivity, this time on thousands of servicemen, mostly sailors, involved in the tests.

Then, in 1951, the AEC initiated a long series of atmospheric nuclear tests at its Nevada testing site, some of the bombs exploding so close to the ground that huge clouds of

radioactive fallout showered the farms, ranches, and small towns downwind from the tests in Nevada, Arizona, and Utah. This fallout led ultimately to hundreds of deaths from cancer, not to mention the earlier deaths of some 5,000 sheep, which should have alerted the AEC, if it had not already known, to the dangers of radioactive fallout. Instead, those of my generation in the AEC embarked upon a huge program of denial, a campaign of misinformation and lies, that the threats from the tests to the public were not dangerous, that radioactive fallout was harmless, even when they knew better. Eventually, atmospheric nuclear tests were driven underground by the Limited Test Ban Treaty with the Soviets in 1974, but not before the AEC on numerous occasions intentionally released radioactive materials over populated areas of our country, one of the most well-known from the Hanford reactor in eastern Washington in 1949.

By not informing the "downwinders" of the dangers of radioactive fallout possible from nuclear bomb tests and of the release of radioactive material from reactors, members of my generation in the AEC were in effect using those downwinders as guinea pigs in medical experiments, experiments which had been declared crimes against humanity by our own American judges in the Nuremberg Trials in 1947.

And by ignoring further such trivialities as crimes against humanity and international law, my great generation conducted many more medical experiments on live Americans, shades of Japan and Nazi Germany. An earlier generation had, of course, already begun such experiments back in 1932 in the "Tuskegee Study of Untreated Syphilis in the Negro Male." But my generation continued this experiment, unknown to the 399 African-American participants, even after a cure, penicillin, was discovered in the early 1940s. Many of the Tuskegee African Americans died, went blind or insane.

Later, from 1945 to 1947 my generation injected terminally ill patients with bomb-grade plutonium at various medical centers in New York, Tennessee, San Francisco, as well as at the University of Chicago and the University of California; some of those injected were not terminal, as evidence revealed in 1995 showed. During the Cold War, my generation conducted many other medical experiments: the CIA, run by members of my generation, authorized a series of secret tests on unsuspecting soldiers, and even its own employees, to find out if they could be brainwashed when fed mind-altering drugs; we injected 751 pregnant women in Tennessee with radioactive iron to find out the effects on their fetuses; we fed young boys in a state school radioactive iron and calcium to see what would happen; we exposed 200 cancer patients to high levels of radiation in Oak Ridge, Tennessee; we irradiated the testicles of prisoners in Oregon and Washington to see what effect it would have on their sperm; we sent military personnel near or to ground zero of nuclear tests to see if there would be any effect from ground radiation on them — all such medical tests having been defined earlier as crimes against humanity.

Terror bombing entire cities does little to win wars, yet my generation fire-bombed and virtually destroyed some sixty cities in Japan toward the end of the war, including a huge section of Tokyo in one night when over 100,000 people died.

Members of my generation, of course, were involved in every event that occurred during our time: an unnecessary Korean War; the witch-hunts of McCarthy and the House Un-American Activities Committee; the Cold War loyalty program, which destroyed numerous careers; the FBI's maintenance of dossiers on people J. Edgar Hoover considered disloyal or disapproved of, including presidents of our country; the CIA's tracking the actions of American citizens travelling abroad; the Bay of Pigs fiasco; a futile war in Vietnam where the lives of over 58,000 young American men were uselessly wasted, not to mention the lives of more Vietnamese; the Iran-Contra debacle, which, if President Reagan can be believed, illustrated how even the President of the United States could be kept in the dark in our new democracy by his own National Security Council, and so on. Yes, my generation must be "the greatest generation."

My generation was not the greatest generation nor was it the worst. We in my generation were simply human, with all the good and bad qualities common to every human being.

Of course, my generation did win the war in the Pacific and helped to win the war in Europe; and it has produced many fine, sometimes great, men and women, and ideas. We have set in motion important social changes with far-reaching results in our society. We have made great contributions in art, in literature, in science, and in technology, but there is no point in my embarking upon yet another litany of specific illustrations. The U.S. remains a great country in many ways: we have freedoms and rights not found in many other countries, and we are still a democracy, even though not quite the democracy we of my generation supposedly fought for.

There is a point, however, in suggesting that no generation in our history can be thought of as the "greatest." A book such as Tom Brokaw's Panglossian *The Greatest Generation*, though well intentioned, does a disservice to all generations in our history, both past and current. Other generations have fought and won wars: the Revolutionary War, the Civil War, World War I. Other generations have made equally outstanding contributions to the development of society in many different ways. We have reason to be proud of every generation in our history, but we also have reason to be shamed by every generation in our history, for in every generation the government and individuals in the government have committed egregious acts against groups in our society and against other countries in the policies they have pursued: slavery, segregation, the treatment of Native Americans over the years, the subjugation of women come

continued on page 53

Analysis

Who Really Burned Los Alamos?

by Robert H. Nelson

Bureaucratic blundering was the immediate cause of the fires in New Mexico. But Forest Service policy makes conflagrations like Los Alamos inevitable.

Last December, the Los Alamos National Laboratory identified "wildfire as the greatest threat to Los Alamos operations." Just last month, Diana Webb, the chair of the Los Alamos Ecology Group, told a meeting of concerned citizens that "It's not a matter of if but *when* wildfire will again threaten the Lab, Los Alamos and surrounding areas. We can't stress this enough."

Los Alamos was not alone in facing a large fire hazard. In 1998, Barry Hill, associate director of the Government Accounting Office, testified to Congress that an "increasing number of large, intense, uncontrollable, and catastrophically destructive wildfires" were being seen across the West. As a result of past fire suppression, "vegetation [had] accumulated, creating high levels of fuels . . . and transforming much of the region into a tinderbox."

This was not news to forestry experts. In 1994 the National Commission on Wildfire Disasters had already warned of "an extreme fire hazard from the extensive build-up of dry, highly flammable forest fuels." In their current incendiary condition, new forest fires posed a constant risk of becoming "so hot and fast-moving that control by human means is impossible." The Commission recommended immediate and drastic measures to address the widespread danger to lives and property across the West.

However, such expert warnings, as the entire nation learned last month, were not heeded. At Los Alamos, an uncontrollable fire burned more than 35,000 acres, required the evacuation of 25,000 people, destroyed 260 homes, and spread to parts of the Los Alamos National Laboratory — where the first atom bomb had been built and many nuclear residues remain.

Conditions similar to those at Los Alamos exist today on about 40 million acres — more than twenty percent of the total area — of the National Forest system. Although the Los Alamos fire started as a prescribed burn on Bandelier National Monument, the fire soon moved to the Santa Fe National Forest where most of the burning occurred. If this National Forest had not been a torch waiting to be lit, the Park Service errors in judgment would probably have proven harmless.

Unintended Consequences

In reality, National Forests throughout the West face a very high fire hazard because forest fires were suppressed for most of the twentieth century.

Smokey the Bear was wrong. Suppressing fire does not eliminate the risk of fire. It only postpones fire, as wood levels continue to build up. It is like a lottery where the pot continues to grow, as long as there is no winner. Then, when a forest fire does inevitably break out, if not suppressed rapidly, it burns much more intensely, posing a major danger to lives and property and doing much harm to the environment itself.

Interior Secretary Bruce Babbitt, Forest Service Chief Mike Dombeck and other top Clinton administration officials know all this. However, they are caught in a rigid ideological bind that has prevented them from taking effective fire preventive action for the past seven years.

Eventually, one of three things will happen to the excess wood that past fire suppression has left standing in western forests. It could be burned in small prescribed fires, as the National Park Service was trying to do at Bandelier. It could be removed mechanically by cutting down and physically carrying out the trees. Or it could be left to burn up in occa-

sional large and unintended conflagrations — which means more of the potentially catastrophic forest fires like the one that broke out at Los Alamos.

The Clinton administration has opted for the first option. Prescribed burning has become almost the official religion, the one proper way that forests must be cleansed of excess wood "naturally" (as if a fire deliberately set is "natural"). Forest managers have been under strong pressure to raise the levels of prescribed burns.

Yet, prescribed burning faces major constraints. There is always the risk, as seen at Los Alamos, that the fire will get out of control. Future federal forest managers are now bound after this experience to be much more cautious in this regard. More and more homes, cabins, resorts and other buildings are being located in heavily forested areas. The weather and moisture conditions also have to be just right, and there is a further serious problem of air pollution in many parts of the West. Finally, prescribed burning — with all the fire precautions necessary — is expensive. Hence, the overall level of prescribed burning in recent years has fallen far short of that necessary to clean western forests of their excess fuels and resulting fire hazard.

Smokey the Bear was wrong. Suppressing fire does not eliminate the risk of fire. It only postpones fire, as wood levels continue to build up.

If anything is to be done, the Forest Service in many areas will simply have to bite the bullet and remove brush and other vegetation by mechanical means. In other words, wherever the wood is worth anything and can be sold, there will have to be a much expanded program of timber sales. The money earned and the timber supplies yielded may be incidental to the fire prevention goals, but it will be a timber sale nonetheless.

But that is where the problem for the Clinton administration comes in. In the very same week that portions of the Santa Fe National Forest near Los Alamos burned up, the Forest Service announced a new moratorium on road-building on 43 million acres of National Forests. It was yet another step in a virtual agency war on timber harvesting over the past decade. Since 1989, harvest levels on National Forests have fallen from twelve million board feet per year to less than four million.

"Talk about being in synch with the Universe — Every Spring, he *sheds!*"

National environmental organizations want timber harvesting to fall further still. Some see harvesting of timber as a virtual evil in and of itself. The members of the Sierra Club voted in 1996 to press for a total ban on new timber harvesting of any kind in the National Forest system. Dependent on environmentalist support, the Clinton administration has shown little ability or inclination to resist such pressure.

With prescribed burning unable to do the job and mechanical removal foreclosed for political and ideological reasons, the de facto policy amounts to waiting for large and unplanned fires to burn. Many cities in the West have in effect been entered into a new national game of Russian roulette. It was just the bad luck of Los Alamos that it happened to catch the fire bullet this time around.

Last year, the wheel spun for northern California, where a prescribed fire set by the Bureau of Land Management got away and burned twenty-three homes. Even as Los Alamos was burning, another prescribed fire was out of control in Grand Canyon National Park, fortunately in an area free of structures, but postponing the opening of the North Rim to visitors.

The latest unlucky winner in the wildfire lottery is Colorado, where nearly 20,000 acres had been destroyed at the time of writing. Arizona, California, Florida and New Mexico have recently endured similar blazes. The toll this year alone from wildfires is up to 1.2 million acres — nearly twice the annual average. How much of this is due to the Clinton administration's inept forest policy? Politicians and the press rushed to heap blame on the superintendent of Bandelier National Monument, who it is easy to see in retrospect set a prescribed fire in unfavorable weather conditions at Los Alamos. He has now been put on administrative leave. It is an old story: blame the sergeants and let the generals go free.

If the Clinton administration and the environmental movement continue to put a rigid ideology above common sense, we can expect to see many more fire disasters like Los Alamos in the future.

But it was national policy that set the stage for the Los Alamos fire. If not this time, as local Los Alamos residents had already been informed, the forests around Los Alamos would still have had to burn another day, as long as their huge inventories of excess fuels remained. The only way to remove these fuels now — and the same holds true for many other places across the West — will be to go in and cut the wood for sale for whatever money it will bring.

If the Clinton administration and the environmental movement continue to put a rigid ideology above common sense, we can expect to see many more fire disasters like Los Alamos in the future. ☐

Riposte

Between a Rock and a Hard Case

by Gene Healy

In the July *Liberty*, Timothy Sandefur made a powerful moral argument for allowing Elián González to remain with his American relatives. But should other factors be taken into account?

One of my textbooks in law school — civil procedure, I think it was — described a psychological study purporting to show that once a person has heard both sides of a debate, he usually comes away more convinced of what he already believed in the first place. If that's case, then maybe I shouldn't think much of the fact that the more arguments I hear for keeping Elián in the states, the more I'm persuaded that we have to let him and his father go.

The July issue of *Liberty* did nothing to change that, despite some fine pieces making the case for Elián liberationism. Timothy Sandefur ("Elián González and Dred Scott") writes with passionate conviction, but his fugitive-slave example just won't wash. I could be wrong, and doubtless someone will correct me if I am, but I don't recall that abolitionists ever got themselves into the nasty business of liberating slave children over the protests of their parents. Indeed, it would be surprising if they had, given that a central charge in the abolitionist indictment of slavery was that slaveholders had the power to break up slave families. As historian James M. McPherson notes, the "breakup of families was the largest chink in the armor of slavery's defenders. Abolitionists thrust their swords through the chink." McPherson gives several examples, among them that Harriet Beecher Stowe's novel *Uncle Tom's Cabin* "homed in on the breakup of families as the theme most likely to pluck the heartstrings of middle-class readers." To get a real parallel to the González case, you'd need a Dred Scott who wanted to return with his kids to slavery, and a passel of abolitionists who wanted the state to seize his kids.

Certainly some of the arguments put forth by Mr. Sandefur and others are quite compelling. The problem is, however, that every good argument that can be advanced for separating Elián and his father is equally valid as applied to Juan Miguel González's other son, Elián's infant half-brother.

There are two ways to make a principled argument that parents can't take their children to live in totalitarian countries such as Cuba. You can either argue (a) that life in Cuba constitutes abuse or neglect; or (b) that the "best interests of the child" standard should be applied outside of its normal context (i.e., in custody disputes between two biological parents), to allow a third party to win custody as against a competent and nonabusive parent. But I cannot think of any way to make argument (a) or (b) without reaching the absurd result that Elián's little brother has to be forcibly liberated as well. Let's look at the problem from both angles.

Argument A: One can make a principled argument that bringing a child to live in Cuba constitutes abuse or neglect, thus overturning the presumption of parental custody. But that argument cannot be based on the fact that Elián González will have a lower standard of living there. Despite what Timothy Sandefur asserts in "Elián González and Dred Scott," it's clear that young Elián will have more than adequate food and shelter in Cuba. Elián's father, a stocky little guy, evidently eats well enough, and Castro won't let a "hero of the Revolution" like Elián go unsheltered or underfed.

Nor is the fact that the Cuban Constitution explicitly repudiates parental rights of any relevance to the abuse or neglect inquiry. In other contexts, we recognize that parents can cede certain parental rights in order to secure the kind of upbringing they want for their children. Those who entered the Branch Davidian "compound" knew that David Koresh claimed and would exercise authority over their families inconsistent with normal family life. And one would certainly have the right to take one's child to live in the sort of

arrangement once favored by certain Israeli kibbutzim, where children are separated from their parents and raised collectively. If we assume what may very well be the case, that Juan Miguel González is a dedicated commie who wants to raise a communist kid, then he understands that communism entails state interference with the family. Like a Davidian convert or an Israeli socialist, Juan Miguel González is voluntarily ceding parental dominion in order to raise his child in accordance with his wishes.

Instead, the case that childhood in Cuba constitutes abuse or neglect must center around the denial of the right to exit. Castro's denial of that basic right is one of the most salient differences between Cuba on the one hand, and the Branch Davidian community, Amish country, and kibbutzim on the other. A kid raised in Amish country, on a kibbutz, or with the Davidians has an eventual right to leave. Barring Castro's death, for which all good people fervently pray, a kid raised in Cuba does not. Thus, Juan Miguel González is permanently alienating Elián's rights by deciding to raise him in Cuba.

When you start to invoke the concept of liberty as a rationale for state empowerment, you're asking for trouble.

One can make a very persuasive argument that this constitutes abuse. But if taking a kid to a country that denies the right to emigrate is abuse, it's abuse whether the kid is six years old, or eight months. If we can't let Juan Miguel González take Elián, we can't let him leave with the infant half-brother either.

Argument B: We reach a similar result if we argue that the "best interests of the child" standard should apply outside of its normal context. As noted above, in family law, the "best interests of the child" standard is generally applied to custody disputes between two parents. The inquiry for the judge is: is it in this child's best interest to stay with his mother, or with his father? Under normal circumstances, judges are not empowered to grant custody to a third party, even if such a grant would truly be in the child's best interest.

Some libertarians intimate that the general rule should be loosened, at least in this one case, to allow Elián's best interests to trump parental rights. There are two problems with this proposal.

First, it invites judicial tyranny. One of the great debates in legal philosophy is between rules and standards. Rules — abstract, cold, impersonal, formalistic and rigid — cabin in discretion. Standards — warm, fuzzy, personal and malleable — invite the exercise of arbitrary power. Distrusting political power and knowing men to be the corruptible wretches they are, libertarians opt for rules. The "best interests of the child" test is a standard, currently confined by a rule (presumptive custody to a parent, as opposed to a third party) that restricts the authority of officious do-gooders like children's advocates and social workers.

If we let the "best interests of the child" standard loose in Elián's case, can we bottle it back up again without a revolution in domestic child-custody law and permanent harm to parental rights? Perhaps we can. The Polovchak case, in which a 12-year old boy successfully defied his Soviet parents and got to stay in the United States, didn't lead us to Hillary Clinton's dream-world in which American children can divorce Mom and Dad. However, I wouldn't want to press our luck.

The second problem with "Argument B" is, once again, the "little brother" problem. Elián isn't the only González with an interest in liberty. It's in no child's best interest to be raised in a communist country. If the "best interest of the child" test demands that we take Elián , it also demands that we take his brother.

Is there any relevant distinction between Elián and his brother that makes it possible to argue for the freedom of the former, but not the latter? I can't think of one. It's true that, unlike his brother, Elián is old enough to express himself, and at one time voiced a desire to stay here. But that's not much to hang a distinction on. While with the Miami family, Elián González said he wanted to stay; now that he's with his father, he'll most likely say he wants to go back to Cuba. The problem of trying to figure out what Elián González really wants is much harder than the problem of trying to figure out whether Juan Miguel González's desire to return to Cuba is genuine. In general we don't automatically take six-year-old children at their word — they're insufficiently reflective and too easily manipulated. If they're not, then libertarians have made much ado about nothing in arguing against child-abuse witch-hunts all these years. Maybe all those kids were telling the truth when the shrinks got them to describe being raped by evil clowns with knives.

One of the great debates in legal philosophy is between rules and standards. Distrusting political power and knowing men to be the corruptible wretches they are, libertarians opt for rules.

If there is no distinction that separates Elián and his brother, then each possible rule that can be articulated to govern this case generates an absurd result. But, strangely enough, I've yet to read a libertarian argument for Elián's freedom that bothers to articulate a general rule that should govern this case and others. When you start to examine what libertarians are arguing when they urge the separation of Elián and his father, it begins to look as though they are not in fact articulating any principle of general applicability. Instead, they're applying something like an ad hoc, totality-of-the-circumstances test preengineered to generate the outcome that most of them desire — that the kid gets to stay. "When a child's mother is fleeing tyranny, and she puts him on a raft, and she dies trying to get him to freedom, and he gets here on Thanksgiving, and he says he wants to stay . . . [etc., etc.] . . ., then that child gets to stay in the United States." It's odd for members of the political movement of

continued on page 40

Sex and the City

by Sarah McCarthy

Rudy Guiliani joins the legion of public figures vilified for sex by the conservatives and feminists.

On the morning of Rudy Giuliani's resignation from the New York Senate race because of his prostate cancer, *The Wall Street Journal* ran an editorial by William Bennett calling for him to drop out because of his extramarital friendship with Judy Nathan. The Virtue Czar called for Giuliani to hang a scarlet "A" around his neck and slouch off into the sunset, despite accomplishments as mayor of New York City that Bennett acknowledges are "among the most impressive governing achievements of modern times."

Bennett dismissed the real problem, Giuliani's cancer, as a mere blip on the radiology screen next to the more important problem as Bennett sees it — searching out and destroying sexual sinners. I could not help but compare Bennett's uncharitable reaction to Giuliani's troubles with the announcement by Bennett's other chosen pariahs, the Log Cabin Republicans, who offered Giuliani heartfelt compassion.

After the Clinton uproar, one hoped that the sexual scandal hounds would have finally had enough, that their appetite for sexual purges would have finally been sated. But no. Who, besides William Bennett and a handful of social conservatives and an occasional feminist, could relish another such episode?

Bennett believes that the Gary Hart brouhaha, in which the candidate was chased through the streets by citizens of Salem posing as reporters, was a good thing. Hart, nabbed red-handed on a yacht known as the *Monkey Business*, was forced to withdraw from his presidential campaign, "affirming an important public standard," says Bennett. Well, I can understand that. After all, Hart was a Democrat.

But Rudy is a Republican, a member of Bennett's own party, and one who turned the worm-infested Big Apple back into a thriving metropolis, causing one to wonder what "public standard" it is that Mr. Bennett would like to affirm. That witchhunts are high points in the cultural life of a nation? That we consider hanging out with Judith Nathan more important than beating back the mob? That we are arrogant and presumptuous enough to understand the inner workings of the Guiliani-Hanover marriage? And that micromanaging this marriage is more important than say, revitalizing Times Square or civilizing the subways?

Does Mr. Bennett believe we should continue careening hell-bent down the road of making ourselves into a nation of sexual hysterics? That we should look upon sexual transgressions as a litmus test and the biggest blackball for presidential candidates, military officers and CEOs? Does he think that we should reaffirm a sexual standard that causes Supreme Court nominees to have their garbage cans ransacked and their videotape rentals scoped for pornography? That we should elevate sexually questionable jokes to the level of thought crimes that can destroy one's career? I have a thesaurus, but the only word I can come up with that describes America's recent preoccupation with sexual minutiae is "insane." Not only are we obsessed with these witchhunts, we seem comfortable exacting exorbitant punishments from transgressors.

I was horrified by the image of Clarence Thomas, who worked his entire life against great odds to become a judge, lying on the floor of his home in the fetal position, crying from the pain of the insane confirmation process which he had to suffer through. Even if Anita Hill was telling the truth — even if Thomas had, in fact, told her a couple of dirty jokes — should we cancel out a lifetime of achievement? Kill his career?

Shall we reaffirm the "public standard" that caused the first female bomber pilot, Kelly Flinn, to have her career reduced to rubble because she dated a man she thought was separated from his wife and then lied about it to her commanding officer? This woman lied about an affair, she'll lie about anything, bellowed the Rush Limbaughs and Bill Bennetts. This woman disobeyed orders, she'll disobey them again, they gloated, as they blackballed a woman from the "feminized" military. "What's a woman doing flying a B-52 bomber anyway?" roared Patrick Buchanan. This slutty loose cannon, went the right-wing scuttlebutt, is liable to do any-

thing. This nut might drop a 20-megaton bomb on Chicago!

And so, Bill Bennett wants us to reaffirm a "public standard" that says we are single-minded and simple-minded enough, yea stupid enough, to expunge Rudy Giuliani from public life, possibly ceding the New York Senate race to a Hillary Clinton?

It seems almost preposterous now, but I remember a time, back in the days before the puritanical Right and the feminist Left joined forces, before the joint triumuph of sexual litmus tests and sexual harassment laws, when America was so outrageously laissez faire that I could actually do something as mundane as hiring chefs for our restaurant because they could cook well. There was a time in America, I will tell my grandchildren, when I could hire someone without contemplating whether or not he was a Romeo, but because he made the best soup. There was a short time in America, I will tell my granddaughter, when women were free. I'll tell her there was a time, sometime between the Victorian era and the 90s, when I could enthusiastically hire a female bartender and not worry that she was so delicate and offended that she might hear herself called "Honey" and bring down the house.

Insane as it may seem, there was a time in America, I'll say to the grandkids, when privacy existed, when people's career accomplishments were actually separated from their sexual lives.

Insane as it may seem, there was a time in America, I'll say to the grandkids, when privacy existed, when people's career accomplishments were actually separated from their sexual lives, when you knew that your heart surgeon was there because of his surgical skills rather than because of the state of his marriage or on the basis of some jokes he told to some nurses. Think of it. Suppose you go for heart surgery and get the guy who's number four in line? Number one was eliminated due to an affirmative action quota, two was a sexual harasser and three was an adulterer. The more litmus tests, the less quality job performance, whether it's heart surgery or public service.

If lust shall be a litmus test, I'd like to ask Bill Bennett about the other deadly sins. What about about gluttony, pride and sloth? Does Bennett think fat guys should be barred from publishing books?

It is time this overstuffed turkey be asked some serious questions about the state of his own soul, and if he, with all that excessive girth, should be still cluck, cluck, clucking about who should resign due to their sins.

As for Rudy Giuliani, I don't care if he's too sexy for the slow lane, too sexy for William Bennett or too sexy for the church guys. I don't care if he has a whole harem tucked away behind the pantry door. The only one who needs to be concerned with that is Donna Hanover.

And speaking of the church guys setting sexual standards, didn't the original church guy, Jesus, do just that a long time ago? When an adulteress was brought before him by an angry mob, didn't he ask who among them would like to cast the first stone? Well, Jesus, we finally have a volunteer! Bill Bennett has just stepped up to the plate with a truckload of rocks. ❑

If lust shall be a litmus test, I'd like to ask Bill Bennett about the other deadly sins. What about about gluttony, pride and sloth? Does Bennett think fat guys should be barred from publishing books?

"Between a Rock and a Hard Case," *from page 38*

principle to find themselves on such muddy footing.

Of course, that isn't the only place for Elián liberationists to stand. I've been assuming for this entire argument that even the most principled libertarians blanch at the thought of resuiting Reno's Raiders for a predawn incursion aimed at tearing the youngest González out of the arms of his mother. (Or, less dramatically, preventing the family from leaving the country with Elián and his little brother.) But the argument from absurd results won't faze someone willing to embrace the absurd result. It's quite possible that some of you read the arguments in this essay and said: "Yeah, we need to free the baby brother too. So?" To those of you who fit into that category, I say: I admire your devotion to principle. I also want to keep you as far away from political power as possible. A state that invokes liberty to separate parents from children by force is a state without limits.

Liberty is the highest political end; indeed, it's the only political principle worth fighting for. But when you start to invoke the concept of Liberty as a rationale for state empowerment, you're asking for trouble. You end up with a libertarian universalism that's inches away from slipping into libertarian imperialism. You end up, like Timothy Sandefur, musing about whether "the United States [should] declare war on Cuba to liberate it . . . [o]r China." You end up quoting Abraham Lincoln to the effect that "no man is good enough to govern another man without that other's consent" — oblivious to the irony.

In their devotion to Liberty, Mr. Sandefur and other Elián liberationists have forgotten Liberty's necessary corollary: hostility to Power. They've made arguments the necessary implications of which would justify: (1) forbidding communists from emigrating with their kids; (2) forcibly separating those kids from their parents; and perhaps (3) invading communist countries to bring other kids the blessings of Liberty. I can't help but fear that the libertarian jihad this implies would end up dramatically expanding Power and constricting Liberty. Elián González is a sympathetic child with a compelling story. I don't want him to grow up with a tyrant's bootheel in his face. But I don't want my kid to grow up that way either. ❑

Analysis

Genocide: Good and Bad

by Oliver Becker

The West may not be able to tolerate mild apologies for the Nazi past from the mouth of an Austrian politician, but it can tolerate genocide when it is conducted by a powerful country with resources for sale.

Now we can finally all live in peace, quite assured that ours is a brave new world indeed. When the Austrians recently elected a coalition government which included the party of the "right-wing populist" and so-called neofascist Jörg Haider, we all saw how wonderfully the free and civilized nations of the world had learned their lesson: There shall be no contact with the extreme right, wherever it may raise its ugly head.

Not all American readers may be familiar with this man and his party, now deemed to be the premier threat to world civilization. So who is Jörg Haider?

In 1986, the then almost unknown Haider took over the helm of the centrist Austrian Freedom Party, then the junior partner in a governing coalition with the Social Democrats. Under his leadership, though, the direction of the party took an unexpected turn towards the right. Soon, the Social Democrats concluded that the coalition with the Freedom Party was no longer tolerable, and Haider found himself in the opposition, where he was able to draw huge crowds with a crusade against corruption leavened with a bit of wild right-wing rhetoric. So the astonished world came to hear that the old SS included some "pretty decent people" and that the Third Reich had had a "decent employment policy." These slogans, together with a program that promises everything to everyone, soon brought Haider the governorship of Kärnten, a small Austrian state, and eventually a position as equal partner in a coalition with the center-right "Austrian People's Party," governing Austria. Though Haider does not occupy a cabinet post, he is widely accepted to be the brains behind the party and the one who will determine its course in government.

And how did the world react to this right-wing menace?

Israel withdrew its ambassador from Vienna. The European Union suspended bilateral talks with the little nation. The Belgian secretary of state even called for a boycott of the Alpine republic. The German Chancellor, who as leader of a nation with four million unemployed people had no other worries than the freely expressed will of the Austrian electorate, reminded his neighbor to the south that Europe was a community of people with the same values, and with Jörg Haider representing them they might not really fit in. And the United States, always the watchful guardian of world freedom, let it be known it was "watching events carefully."

So all is well. Free nations will not accept as a partner a country in whose government sits the party of someone who has shown sympathy with the Nazi regime.

The West's response to the threat in Austria contrasts in an interesting way with its policy a little bit further east. A few people still remember that just a few weeks ago there was a different story, buried somewhere down in the depths of the news: the story of Russia's assault on the free Republic of Chechnya, which only three years ago had won its independence from its Russian colonial master in a bloody war.

In the fall of last year, bombs had exploded in three Russian apartment buildings, killing 300 people. Without presenting a scintilla of evidence, Russian authorities blamed these bombings on Chechen "bandits" and started an invasion of the country. In the course of this assault, the Russian army virtually wiped out the Chechen capital Grozny, shelling it for weeks with weapons of massive destruction, ignoring the fact that in addition to some two thousand alleged Chechen terrorists (i.e. citizens of Grozny who bravely defended their homes), there were still about 40,000 civilians trapped in the city. Refugees who had been promised safe passage from the city were bombarded by heavy artillery.

According to survivors of the Russian onslaught, drunk Russian soldiers celebrated the conquest of Grozny with a spree of deliberate killing and looting, murdering at least 60 civilians in one neighborhood alone. Not being content with the annihilation of a city, the Russian juggernaut moved further into the Caucasus Mountains, setting villages aflame, torturing and murdering men, keeping captive their families.

But surely the virtuous leaders of the free world, who acted so decisively in the case of Austria, hesitated not for a second to stop subsidizing murder in Russia with billions of dollars in development aid every year?

Not quite. Expressing its general support for Russia's alleged anti-terrorist mission, the U.S. government let it be known that it thought Russia "overreacted" a bit. And the oh-so-courageous European presidents sent a human rights commissioner to Chechnya, who came back home without having come close to the places where massacres had taken place. Sanctions against Russia? "Not in our interest," was the unanimous proclamation of Western leaders.

Despite constant talk of the meaning of morality in foreign policy, only one factor really counts: the perceived short-term interest of their own state, i.e. their own power machine.

So where was all the concern for freedom, the rights of minorities and tolerance that came so easily to their lips in the case of small and harmless Austria?

The truth is that when Western leaders face internal difficulties, they look for a cheap shot elsewhere. Austria is a small country with a record of good global citizenship and peaceful dealings with its neighbors that could be relied upon to be a willing sacrificial victim.

But what about Chechnya? Russia has oil to export. And billions of dollars to launder. And, of course, some dangerous weapons of its own. Opposition to the Russian genocide in Chechnya would actually demand of Western leaders the courage to stand by their loudly proclaimed convictions, something none of them has ever possessed.

So what lesson can we learn?

Despite constant talk of the meaning of morality in foreign policy, only one factor really counts when the leaders of Western democracies determine whose friendship to seek and whom to turn into a pariah on the world stage: the perceived short-term interest of their own state, i.e. their own power machine. When push comes to shove, a "statesman" from Washington or Brussels still feels closer to his murderous colleague in Moscow than to a dying peasant in the Caucasian mountains, who happens to be poor and of a different religion. If Cardinal Richelieu and Chancellor Bismarck were still around, they would be smiling.

Which international law is valid for you depends on who you are. If you are a small nation whose electorate happens to have opinions somewhat unpopular in Western capitals, beware! The long arms of the law of the Bill Clintons and Tony Blairs are coming after you!

But as for powerful nations, even after a century of unparalleled murder, pillage and destruction by communist and fascist regimes, every modern-day Jack the Ripper in the disguise of a mighty statesman, be he named Hitler, Putin or Stalin, can still do with his population as he pleases, provided he has something to offer to the West, especially if the people he kills are people Washington and Brussels happen to dislike. ❑

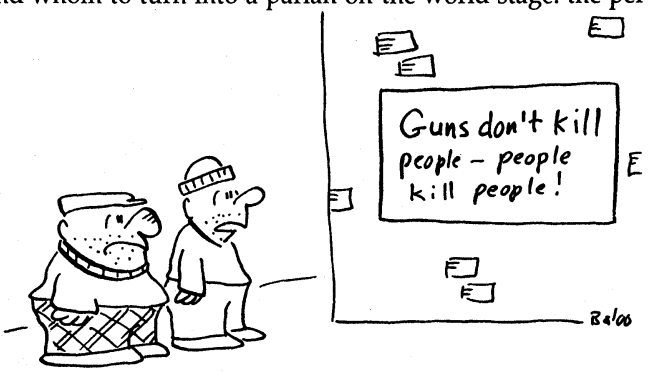

"Oh-oh — they're *on* to us!"

Letters, *from page 6*

("A Mind Is a Terrible Thing to Waste," July) is not the best forum to present all the intricacies of the free will versus determinism debate. Nevertheless, Peter Gillen, as a person with philosophical training, should know better than to attempt to refute a determinist's concern with moral responsibility by making statements such as, "If our minds are nothing more than computers . . . then it makes no more sense to hold a human being accountable for a crime than it does to prosecute a computer for crashing."

If there were good reason to believe that prosecuting my computer for crashing would affect its behavior, then prosecuting it would make a great deal of sense. That prosecuting it would, in fact, do no good is a function of its programming and, possibly, its lack of complexity when compared to the human brain, not evidence against determinism.

For myself, I suspect that determinism is false — but that is because I suspect that at a very basic level random processes are at work. However, I try to keep an open mind about it. And I suspect this sort of indeterminacy offers little comfort to the free-will ethicist.

Gordon Sollars
Kinnelon, NJ

Understanding Media 101

I'd like to correct a misunderstand Michael R. Allen made in his review of my book ("Guilt-Edged Politics," July). He wrote that I criticized an article in the *San Francisco Examiner* because it quoted six anti-Helms people and no pro-Helms people, overooking the fact that "The liberal *Examiner* staff is doing the free society a favor by writing negatively of a senator who supported the illegal bombing of Yugoslavia."

But I wasn't criticizing the *Examiner* for being anti-Helms. I criticized it for violating journalistic ethics by blatantly editorializing the news. If these anti-Helms opinions had appeared on the editorial page, I'd have had no complaint

continued on page 53

Reviews

American Compact: James Madison and the Problem of Founding, by Gary Rosen. University Press of Kansas, 1999, 236 pages.
James Madison: Writings, edited by Jack Rakove. Library of America, 1999, 966 pages.

Liberty, Property, and Mr. Madison

Timothy Sandefur

What's disconcerting about Rosen's book is that it is revolutionary. For half a century, led by Madison biographer and New Dealer Irving Brant, interpreters have said that there are two James Madisons: a big government Madison and a small government Madison. The first showed up at the Constitutional Convention, arguing for an expanded federal government, which would subsume the states and build national highways. The second showed up, under the control of his friend Thomas Jefferson, in time to protest the National Bank, attack Alexander Hamilton in the newspapers, veto highway construction projects that even the strictest constructionist in the Senate had approved, and — perhaps because of his quaint libertarianism — almost lose the War of 1812.

This interpretation has survived for more than fifty years, partly because of the paucity of Madisonian scholarship. Books on Jefferson fill shelf after shelf, while Brant's six volumes remain the most extensive of the few Madison biographies. (Ralph Ketcham's one volume *James Madison: A Biography* is excellent, but leaves a good deal out.) Madison was 5 feet, 4 inches and always wore black, so that he often got lost in Jefferson's tall shadow during his lifetime — and now he continues to do so in death. Whole generations of Americans know very little about James Madison, the greatest political thinker the Revolution produced, and certainly one of the most prolific. Of the four great documents of the era — the Declaration of Independence, the Constitution, the *Federalist Papers*, and Washington's Farewell Address — Madison wrote or helped write the last three.

But there are not two Madisons, and there never were, as even the most cursory examination of his writings discloses. The satisfying appearance of *James Madison: Writings*, edited by Jack Rakove for the Library of America, finally brings to the casual scholar a comprehensive single volume of Madison's writings. There, and in Rosen's book, one can see that Madison was a remarkably consistent political thinker. It is today's false political dichotomies that lead to charges of hypocrisy. Today's political science professors, reared on 20th century gospel that "the people" are oppressed by "the elite," or that property rights are different from — or opposed to — personal rights, or that the federal government is a combination parent-and-insurance-company, see Madison's ideas as fractured, in a way that libertarians would recognize. Libertarians (who are Madison's intellectual progeny) are often accused of being "socially liberal" and "fiscally conservative," by those who ignore the consistency of the libertarian argument of self-determination. Likewise, Madison is ridiculed for what seem to be inconsistencies only to those who are themselves incapable of detecting Madison's unchanging political principles.

Fortunately, a number of recent books have sought to resurrect Madison. They are incomplete works: Lance Banning's *The Sacred Fire of Liberty* forcefully demonstrates Madison's consistency, but it closes just as Madison becomes president, leaving out some of the most interesting parts of his career. Likewise, Drew McCoy's masterful *The Last of the Fathers* provides a beautiful defense of Madison's work in his retirement — including his service in the dreadful "nullification crisis," probably Madison's most noble crusade. But a single book covering Madison's whole career is still wanting.

This is what Gary Rosen, an associate editor of the neo-conservative magazine *Commentary*, has sought to present in this slender volume. It delves deeply enough into abstract state-of-nature theory to turn away the average reader, and it is too brief to finish the work of rescuing Madison, but it is a magnificent book of integrity and intellectual honesty.

Democracy and Freedom

When it came to politics, James Madison was the greatest of the many geniuses who helped found America. Of course he hated tyranny, but unlike Jefferson, Paine, or Henry, Madison did not react with all the characteristic 18th century faith in "the people." Majoritarianism, which often held

sway with his compatriots, disconcerted the deeply educated Madison. He too well remembered the lessons of the Greek democracies, with their bloody redistributions of wealth, their periodic massacres of aristocrats, and the internecine warfare that finally left them helpless before the conquering Macedonians and Romans. While he believed the people were a safer repository for power than an aristocracy, he was never under the delusion that democracy was ideal. "Wherever the real power in a Government lies," he lectured Jefferson, "there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents. This is a truth of great importance, but not yet sufficiently attended to." As Ketcham explained, Madison's primary concern was not with political forms, but with the safeguarding of each individual's rights. "Madison had at the foundation of his political education a supreme emphasis on the *ends*, not the *means*, of government. Rule by one or by a few could be good if conducted justly, while rule by the many could be bad if not so conducted." This is another way he diverges from 20th century politics, with its mantra that "if the people vote for it, it's okay." Madison's consistency on this point led him to protect both the wealthy from the poor and the poor from the wealthy. "A just security to property is not afforded by that government, under which unequal taxes oppress one species of property and reward another species: where arbitrary taxes invade the domestic sanctuaries of the rich, and excessive taxes grind the faces of the poor. . . ."

Today's political science professors, reared on 20th century gospel that property rights are different from — or opposed to — personal rights, see Madison's ideas as fractured.

Madison's most famous writing is *Federalist* 10, an essay which reviews his concern that majorities will oppress minorities, and his belief that balancing one faction against another will serve to enlarge freedom. But even better is his essay "Property." Madison argues, like Locke, that the term property "in its larger and juster meaning" refers both to material possessions and one's opinions. Government should secure both against the interference of others, while not trampling on them itself. "[T]hat alone is a just government which *impartially* secures to every man, whatever is his *own*." Madison wrote this in 1792, at the height of what critics call his Jeffersonian phase. But in 1774, he had praised the Boston Tea Party, saying it was "necessary to instruct in the Art of defending Liberty and property." And in 1829, he would write, that "the rights of persons, and the rights of property cannot be separated. The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection, as a social right."

To this, liberals would blanch, while conservatives would cheer. And yet Madison was even more concerned with the rights of conscience. One of his first public writings was a "Memorial and Remonstrance" against putting preachers on the government payroll, and in 1776, he persuaded George Mason to change his Virginia Declaration of Rights, so that instead of merely "tolerating" religion, it would unambiguously protect the "free exercise of religion, according to the dictates of conscience." So now the liberals cheer, while the conservatives groan. But all along, Madison is consistent.

Federalism

Rosen sees Madison's consistency in terms of Hobbesian/Lockean social compact theory. (He rightly notes that Madison was deeply troubled by Rousseau's version of this theory, and consciously used the word "compact" instead of "contract" to avoid being associated with it.) Locke had argued that in entering the state of society, one could not give the government complete sway over one's life, but only the limited power of self-defense. And Madison believed that the social compact and the political compact were two separate things, so that although the American Revolution had overthrown the political compact to which the British Americans had formerly been party, the social compact remained, and bound them as a nation, permitting them to write a new constitution. These subtle distinctions were to serve Madison very well in the days of the nullification crisis, when Madison would desperately try to stave off civil war by showing how the Constitution was not a compact between the states — as Jefferson had embarrassingly insisted on calling it — but was itself a binding government.

"The rights of persons, and the rights of property cannot be separated. The personal right to acquire property, which is a natural right, gives to property, when acquired, a right to protection, as a social right."

This would seem to make Madison a big-government modern liberal, as opposed to the states'-rights conservatism popular today. But in fact, Madison very much believed in states' rights. In the *Federalist,* Madison had written that the powers of "the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite." It was this vision of a strictly limited federal government that he served throughout his career. Accusations of inconsistency often focus on Madison's cooperation with Hamilton in erecting a strong central government — and then later opposing Hamilton on the National Bank and the idea of implied powers. But in fact, Rosen writes:

> These indictments of Madison are based on a false premise. They assume that his "nationalism" neces-

sarily implied the broad construction of national powers, that the Constitution was a meaningful reform only if animated by Hamiltonian principles of administration. From this perspective, it is not enough that both Madison and Hamilton sought a more energetic national government as the Articles of Confederation crumbled; it must be supposed as well that they were of a single mind as to the extent of the government's powers, its relation to the states, and the substantive ends of its economic policies. As Lance Banning has so ably demonstrated, this line of reasoning is insupportable. It turns the real but limited consensus among the Constitution's supporters into a monolith of thought and action. . . . Despite his concerns in this period about the feebleness of the national government, Madison never suggested that the solution lay in giving it a general and unrestricted authority to seek the public good.

All his life, Madison insisted that the American Constitution was entirely new, unlike any previous government ever formed. This new charter was "neither wholly national nor wholly federal." It left the states largely in control, but on certain national topics, the federal government was supreme. When, at 80 years old, he attended his state's constitutional convention, he would tell the delegates, "The essence of Government is power; and power, lodged as it must be in human hands, will ever be liable to abuse." It presented a dangerous tool for those disposed to redistribute property, or control religious opinions. What Madison achieved at the Constitutional Convention was a federal government which would operate without interference on a limited number of national questions — but would leave the states to do the rest; a government which would protect the wealthy from the depredations of the poor, and the poor from spoliation by the rich; which would both prevent an "establishment of religion," but also not "prohibit the free exercise thereof." How relevant is this view today? Rosen concludes, "As Madison feared, utility rather than constitutionality has become the ultimate test for public policy. As a result, one seldom hears it said anymore that the federal government simply lacks a constitutional warrant for a given program or regulation. The argument would be seen as little more than a diversionary tactic, prompted by the inability to block a proposal on policy grounds. For Madison, by contrast, such limits were the deepest source of republican dignity, the bulwarks that he expected citizens to defend in order to remind themselves of their sovereignty."

Madison was a political engineer, who created a lasting engine from the principles of Locke, Hume, Smith, and his friends Jefferson and Hamilton. It is a shame that so few Americans know much about him — and even worse that libertarians often know little about him. Rosen's book is an excellent contribution, not only to Madison biography, but to the understanding of the American Constitution. ❑

When it came to politics, James Madison was the greatest of the many geniuses who helped found America.

***Completing the Revolution: A Vision for Victory in 2000*, by Robert D. Novak. The Free Press, 2000, 255 pages.**

Reclaiming the Republican Dream

Stephen Cox

A lot of people dislike Robert Novak, probably because he's so smart. He is one of only a handful of commentators on American politics about whom that could ever possibly be said. For years I have watched CNN's "Capital Gang" — where Novak is ranged each week against such deep thinkers as Margaret Carlson, Mark Shields, and Al Hunt — for the sole purpose of watching Novak. (Why does the *Wall Street Journal* continue to lend its prestige to the egregiously ignorant and stupid Mr. Hunt? Is it because the publisher believes that every intellectual community should contain a slum?) Novak is virtually the only journalist in America who has sense enough to ask the obvious questions.

Consider his Cap Gang performance of June 10. Novak remarked, as no one else would think to do, that a certain Democratic senatorial candidate is a real left-winger. The other commentators, concerned only about the fact that the guy is a wealthy businessman who is spending a great deal of money on his election campaign, seemed aghast that anyone could possibly want to mention the man's political convictions. Hunt, who is always sneering about rich people, now decided that it was his duty to defend one of them. It was just plain silly, he opined, to try "to paint the former chairman of Goldman-Sachs as a left-wing socialist."

Novak's response was simple. "Why?" he asked.

Nobody else on the panel saw the point of that, but it went to the heart of the issue. The assumption that social class determines political behavior is, like many other socialist ideas, so commonly held among American journalists that most of them do not even know that they hold it. It was that assumption that they should have been analyzing.

Of course, any libertarian would

see the point. Novak, who considers himself a conservative, usually makes libertarian arguments, and he does so with much greater skill than libertarians can usually muster. On questions of political strategy, as well as political ideology, he has shown himself an acute critic of conservatives as well as modern liberals, Republicans as well as Democrats.

These are some of the reasons why I was interested in *Completing the Revolution*, Novak's not very kindly letter of advice to the Republican Party. Much of the book is a disgusted chronicle of the way in which the Republicans squandered the fruits of their electoral victory in 1994, when they reconquered the House of Representatives. As Novak says,

> They have tended to abandon legislation or issues that are controversial or difficult, even if they are desirable. They have pulled away from term limits, from school choice, from opposing racial quotas, from the elimination of government departments, from radical deregulation. They have even pulled away from truly radical tax reduction, historically the Republicans' best issue (76-77).

Instead of rolling back big government, the Republicans let President Clinton regain the advantage and press on with what Novak does not doubt is his socialist program.

Clinton's priority, as Novak says, is "to make the great American middle class dependent on government, so that ordinary citizens will attest to this credo: 'I need government to get through my life.' . . . Clinton really believes that government can solve all problems. He adores government in all its internal complexities, and that is a very unusual trait" (63). Clinton's way of battling the 1994 "revolution" was to mount a "permanent campaign," not just to re-elect himself, but to rope the American middle class into one government program after another, thus ensuring his place as a Big Man in history.

This is pretty sick stuff, and the fact that it no longer seems to shock us is a measure of how far we've already fallen, intellectually. But why have the Republicans let Clinton get away with it? Novak's answers are those of a person who has spent his life researching Washington personalities and psychopathologies. Some of his reasons are as follows:

1. Newt Gingrich wasn't up to his job. In early 1995, immediately after the Republicans' "revolution" began, Novak asked him about the rumors that he might turn his attention from Congress and run for president. Gingrich "said, 'Well, don't you think I've done all I can do here?' I almost fainted, because he hadn't done anything" (36).

2. The Republican leadership as a whole has been characterized by stupidity, ineptitude, and invincible ignorance. Witness presidential candidate Bob Dole: "He ran four national campaigns, each one worse than the one before. He learned "nothing" (47).

Novak, who considers himself a conservative, usually makes libertarian arguments, and he does so with much greater skill than libertarians can usually muster.

These brilliant political strategists always "let the process drive them rather than driving the process themselves" (56).

3. Congressional Republicans imagined that they could intimidate Bill Clinton as the Congressional Democrats had intimidated George Bush; and when he wouldn't be intimidated, *they* were: "The intimidating factor of sitting across from the president of the United States was just too much to avoid giving away things" (40).

4. Republicans wanted to hang onto power as badly as Democrats, once they got some power; so they readily abandoned such controversial but potentially winning issues as Social Security reform, tax cuts, and (of course) term limits.

Novak's analysis is cogent, though one often feels that his brain-power is somewhat wasted on the simple-minded grandees of the G.O.P. Still, it's good to have him here to confirm that one's suspicions of them were true. One can also derive some comfort from having him here to share one's pain, for he, too, suffers from the recurrent nightmare of every good person, the horror of visualizing life in 2001 with Al Gore enthroned in the East Room and the Democratic leadership, which is as red as any political formation north of the Straits of Florida, romping eagerly through the Senate and the House — and later the Supreme Court.

How can this catastrophe be averted? (Sorry, *mon frere, mon semblable*, it's not by voting for the Libertarian Party.) Novak's answer is again that of the Washington insider. I don't mean the kind of insider who trims and waffles and loses because of his pious faith in legislative compromise; don't mistake Bob Novak for Bob Dole. I mean the opposite kind of insider, the insider who puts his faith in dynamic legislation.

Some of the planks in his legislative platform (e.g., a certain kind of campaign funding reform that is just too tedious to discuss) strike me as unworthy of his intelligence. Some of them are perfectly sensible (elimination of racial quotas, privatizing Social Security), and he gives excellent advice about how to sell them. And some of them look good enough, if only they could be passed in the form suggested.

Americans have always had a weakness for a Single Tax, and Novak's notion — a national sales tax to replace all other federal taxes — is, in terms of quality, in the upper 99th percentile of all tax nostrums. A national sales tax would encourage saving and investment, it would be fair to both rich and poor, its size and nature would be clearly visible at point of contact, and it could be collected without intruding into the private records or affairs of taxpayers. Indeed, it could be collected with complete anonymity.

Yes, yes, it would still be a tax, and it could still be increased, and it could still be used to fund the National Endowment for the Arts. But it would be better than the income tax, that's for sure — so long as we didn't have an income tax *also*. The income tax would have to be abolished, and stay abolished. Hence Novak's idea of a constitutional amendment to abolish it.

Fine. But the chance of passing an

amendment to kill the income tax is a lot smaller than the chance of just passing a bill to start up a sales tax. So Novak's attempt to heat the Republicans' blood for the sales tax is likely, if it does anything at all, to give us two horrible taxes in place of one. He doesn't see that. Why?

What he does see, and see pretty well, is that the Republicans have got to stand for something if they mean to get elected. It's not enough, as he emphasizes, that they attempt not to lose; they've got to aim at winning, and "winning" doesn't mean emerging victorious from the political equivalent of badminton. Nobody except Bob Dole cares whether the Bad Guys score two points less than the Good Guys. We want the Bad Guys to stop writing the rules.

The assumption that social class determines political behavior is, like many other socialist ideas, so commonly held among American journalists that most of them do not even know that they hold it.

So Novak's basic advice to the Republicans is to stop thinking small. If they don't stand up for a national sales tax, that's all right with him, but they need to stand up for large American principles and refuse to bargain them away.

What are those principles? Basically, they are the libertarian principles of limited government and individual freedom. Libertarians will quarrel with Novak over the exact interpretation of those clauses, but his strategic advice to the Republicans (and other opponents of the welfare state) is clearly right. He's trying to stiffen their backbones, so that the next time (that is, about 20 minutes from now) the Democrats come along with another socialist program and insist that everyone agree to it because it "helps the children," the Republicans will be able to say no, and mean it, and be able to explain why they mean it.

Novak thinks that if the Republicans follow that advice, the American people will listen to them, and vote for them. I'm not sure that I share this degree of faith in the American people, but it's worth a try, and nothing else in the electoral process is worth one. The strategy of No Compromise on the Big Ideas does seem to have worked in 1994, when the Clintons' socialized-medicine plan was killed in Congress, by popular pressure as much as by the Republicans themselves. Then, when the Republicans momentarily wised up, it worked again, in their Contract with America election win.

Novak's book is not written as effectively (alas) as Novak speaks; if it had been cast as a series of interviews and reminiscences, instead of a series of strategy arguments, it might have been a classic of American political colloquy. But there are interesting moments, especially when the author divulges some of the experiences he's had during his many years as a Washington journalist. (He is the author of America's longest-running syndicated column.) He tells a story, for instance, about how Newt Gingrich, supposedly the wild man of the far right, "lost all stomach for the fight" against racial quotas when black congressman, former civil-rights leader, and fellow-Georgian John Lewis opposed him on the issue.

> Gingrich then began to doubt himself and often raised the point of how he could make this fight on affirmative action if it was against the inclination of John Lewis (who, incidentally, was merciless in chastising Gingrich on every conceivable issue, including the Speaker's ethics and had compared him to Hitler) (168).

Occasionally, Novak tells a story that reflects well on someone. He says that Senator Phil Gramm once told him, "The longer I live, the more convinced I am that there are only two ideas in history: government and freedom. When government is the answer, the Democrats are in the ascendancy. When freedom is the answer, we are in the ascendancy" (223).

Sometimes, there's a ray of hope, even in Washington. ❑

***American Dreamer: A Life of Henry A. Wallace*, by John C. Culver and John Hyde. Norton, 2000, 602 pages.**

Middle-American Quack

Bruce Ramsey

Henry Wallace was the fanatical New Dealer who almost became president of the United States. Largely forgotten today, Wallace was, his new biographers say, "the emblematic leftist politician of his time." He was a politician of ideas — mostly bad ones. The story of his rise and fall is a reminder that the New Deal did end, despite those who wanted it to go on and on.

Retired Senator John Culver, D-Iowa, and newspaperman John Hyde, formerly of the *Des Moines Register*, have written a sympathetic book in *American Dreamer*. It is also well-researched and, unlike so many of today's ten-pound doorstop biographies, a pleasure to read.

Wallace was the cerebral son of a family that published *Wallaces' Farmer*, an Iowa agricultural paper. His father Harry became Secretary of Agriculture under President Harding. Harry Wallace had a fight with Harding's ambitious Commerce Secretary, Herbert Hoover, over price supports for farmers, and lost. Hoover wrote

that the elder Wallace was "in truth a fascist, but did not know it. . . ."

Young Henry was fascinated with statistics and genetics, and founder of Pioneer Hi-Bred International, a seed company whose dividends would provide him an affluent retirement. He was also a mystic, a dabbler in oddball religions — the sort of person who would find God in a pail of milk. And he was a fanatic about ideas. The authors quote an anonymous friend who said, "Henry would cut off his right hand for the sake of an idea — and yours, too, for that matter."

In the 1920s, young Henry was a tub-thumper for federal price stabilization for farmers. Later, after price supports failed under Hoover, Wallace championed production controls. No price-support program would work, he argued, until government forced farmers to cut production. In March 1933, Wallace got his chance when the new president, Franklin Roosevelt, made him Secretary of Agriculture. That year Wallace ordered the plowing under of 10 million acres of cotton and the slaughter of 6 million little pigs.

The Quintessential New Dealer

The Agricultural Adjustment Act made Wallace czar of American agriculture, with the most power a cabinet member had ever had. The Supreme Court struck the law down, Congress reenacted it in a slightly different form, and production controls remained for half a century. It was a very political move. In 1936 Roosevelt ordered Wallace to keep cotton up at 12 cents a pound until election day, and Wallace did it.

Wallace became one of the New Deal's prophets, arguing in magazine articles and speeches that laissez-faire could not protect the farmer and the poor. His approach was in tune with the times. The authors note that reporters "never tired of noting that he walked to work, enjoyed cheese sandwiches for lunch, and wore rumpled suits." Presented with a lavish banquet in wartime Russia, Wallace surprised his hosts by asking for a glass of milk.

Wallace's big chance came in 1940, when Roosevelt decided to be "drafted" for a third term. Roosevelt dumped his vice president, John Nance Garner, and said he wouldn't run unless the convention instead picked Henry Wallace. The convention revolted — Wallace was too much of a leftist — but Roosevelt had his way.

Wallace was a dirty fighter. He branded the Republicans as "the party of appeasement." The election of the Republican candidate, Wendell Willkie, he said, "would cause Hitler to rejoice." Later, he said that though the Republicans were not friends of Hitler, "you can be sure that every Nazi, every Hitlerite and every appeaser is a Republican."

America's commitment to save Europe was a turning point. Henry Luce, publisher of *Life* and *Time*, published a long editorial predicting that the war would bring on "The American Century." Wallace, an avid internationalist, responded with a call for "The Century of the Common Man."

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Literature

The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send $4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

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Roosevelt's war on business ended when the war broke out, and businessmen were invited into the government. But Wallace, who spent the war as a kind of central planner, continued to speak out for "economic democracy" and against "greed." Wallace went on a speaking tour. "By the time Wallace finished touring," the authors observe, "he had tossed about the word, 'fascist' so widely and provocatively that the *New York Times* decided the time had come for him to explain himself." He wrote an article for the *Times* asserting that "that virtually anyone opposed to his ideas could be termed a fascist."

In 1944 the question was whether Wallace would stay on the ticket. Roosevelt played coy. Wallace, thinking it was entirely up to Roosevelt, as in 1940, went off on a trip to Russia and China. When he returned, he learned that a revolt had begun among the Democratic kingmakers. They knew that Roosevelt was on his last legs, and that whoever was being nominated for vice-president had better be someone they could tolerate as president.

Wallace was the emblematic leftist politician of his time. He was also a mystic, a dabbler in oddball religions — the sort of person who would find God in a pail of milk.

Roosevelt said his choice was Wallace, but made it clear the convention could choose whomever they wanted. On the first ballot, Wallace polled 429 versus 319 ballots for Senator Harry Truman and 327 for 14 other candidates. The other candidates' delegates went to Truman, and Wallace was out of a job. Three months after Truman took office, Roosevelt died, and it was the haberdasher from Missouri, rather than the leftist dreamer from Iowa, who became president of the United States.

Truman's Secretary of Commerce was Henry Wallace. It was one of Roosevelt's parting gifts. In that position, Wallace pushed Keynesian economics and such central planning efforts as the Employment Act of 1946. But the big issues at war's end were what to do about the Bomb and Russia. Wallace was for cooperation; in a cabinet meeting he argued for cooperation with Russia about the Bomb. Someone leaked to the *New York Times* that Wallace had proposed "to give the secret of the atomic bomb to Russia." The report, which the authors believe was false, caused a stink. It was the beginning of Wallace's downward spiral.

On March 5, 1946, Winston Churchill gave his famous speech at Fulton, Missouri, where he coined the term, "Iron Curtain." Wallace thought Churchill was trying to push Stalin into a corner. Though only Secretary of Commerce, Wallace kept speaking out on peace with Russia, apparently with Truman's blessing. But Truman eventually wrote in his diary that Wallace "is a pacifist one hundred percent. He

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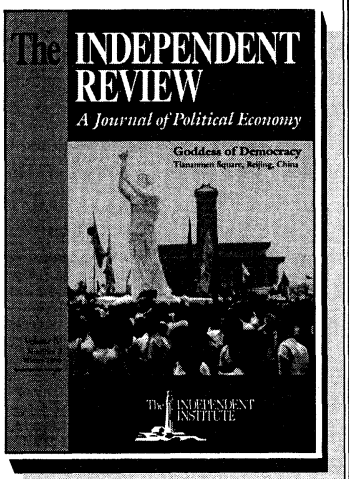

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wants to disband our armed forces, give Russia our atomic secrets and trust a bunch of adventurers in the Kremlin Politburo . . . The Reds, phonies and 'parlor pinks' seem to be banded together and are becoming a national danger."

Progressive Dissident

In September 1946, Truman fired Wallace, who then spoke to a left-wing rally in New York, saying, "We must make it clear to the administration that we, as progressives, would prefer the election of an out-and-out reactionary like Taft in 1948, to a lukewarm liberal." The rally was the beginning of the Progressive Citizens of America, which proclaimed membership open to all. "Roughly translated," the authors say, "this meant the PCA would admit Communists."

On January 4, 1947, other New Dealers to the left of Truman, including United Auto Workers leader Walter Reuther, Minneapolis mayor Hubert Humphrey, and Harvard professors Arthur Schlesinger and John Kenneth Galbraith, founded what became the Americans for Democratic Action. The ADA promoted New Dealism at home while supporting the Marshall Plan and denouncing Communism. Eleanor Roosevelt was the group's first speaker. Wallace was not invited.

Wallace was not a Communist. He called himself a "progressive capitalist" who believed in God. But there were Communists in the PCA. Its legal adviser, John Abt, had been a member of a Communist cell in Wallace's Agriculture Department in 1934. Wallace apparently hadn't known about it then, but in 1947 Wallace was asked if he cared that Abt's wife was publishing a magazine called *American-Soviet Friendship*. He didn't. He was in favor of American-Soviet friendship.

He was against the Marshall Plan, because it left out Russia.

In December 1947, Wallace announced his candidacy for president on what became the Progressive ticket. His major financial backer was Anita McCormick Blaine, heiress to the fortune of the *Chicago Tribune* — ironically, an America First paper that backed conservative Republicans.

An early Gallup poll gave Truman 48 percent; Thomas Dewey, 41 percent; Wallace, 7 percent.

The PCA became the Progressive Party. George McGovern (who provides an enthusiastic blurb on the dust jacket) was a delegate. Wallace did not write the party platform, and the authors say he "didn't like its call for public ownership of large banks, railroads, the merchant marine, electric power and gas utilities, and several industries dependent on public funding such as the aircraft and synthetic rubber sectors." It was, the authors admit, "a socialist platform."

It was not a good time to be cozy with communism. In February 1948, the Reds seized power in Czechoslovakia. A few days later the non-communist foreign minister, Jan Masaryk, fell from a three-story window and died. Wallace was asked whether he thought it was murder. He said he didn't know, and then added, "Maybe Masaryk had cancer."

One of his friends observed, "Henry would cut off his right hand for the sake of an idea — and yours, too, for that matter."

If that wasn't enough, there was the episode of the "guru letters." Wallace had been enamored of a number of gurus in the 1920s and 1930s. He had written a number of naively credulous letters to Russian mystic Nicholas Roerich. In 1934, while Secretary of Agriculture, he wrote:

> Long have I been aware of the occasional fragrance from that other world which is the real world. But now I must live in the outer world and at the same time make over my mind and body to serve as fit instruments for the Lord of Justice.

In 1940, a packet of this gibberish was given to the Willkie campaign. Willkie refused to use them, the authors say, because the Democrats threatened to out Willkie's mistress. But in 1948, the guru letters got into the hands of right-wing columnist Westbrook Pegler, who went public with them and demanded that Wallace own up to them.

Wallace refused to answer. At a press conference other reporters demanded an answer. "I will not engage in any discussion with any stooge of Westbrook Pegler," Wallace said. Then H. L. Mencken of the *Baltimore Sun* stepped forth and said, "Mr. Wallace, do you call me a stooge of Pegler? If you won't answer the question as to whether you wrote those letters, tell us, at least, the reason you won't answer it."

"Because it is not important," Wallace said.

In a four-way race that included Truman, Dewey and Strom Thurmond, Wallace got 2.38 percent of the vote, and came in fourth. He carried just 30 precincts nationwide, most of them in black and Jewish areas in New York and California. To his credit, he had been a vocal opponent of racism.

On June 24, 1950, North Korea invaded South Korea. The United Nations Security Council (with Russia boycotting) voted to send military help to South Korea. The executive committee of the Progressive Party — John Abt, Lillian Hellman, Paul Robeson, and others — voted to oppose intervention.

Except Henry Wallace. "When my country is at war, and the United Nations sanctions that war, I am on the side of my country and the United Nations," he said. He resigned from the Progressive Party. It was effectively the end of the party and the end of Wallace's life in politics. He went back to live on his farm, where he could experiment with plant genetics and chicken breeding.

In 1956 he voted for Dwight Eisenhower, who he thought was better able to control the military than Adlai Stevenson. In 1960 he privately met with Richard Nixon. Kennedy invited Wallace to his inauguration and luncheon at the White House. In 1964 Wallace came down with Lou Gehrig's disease, and died of it in 1965.

He was a fascinating man, and in the field of plant genetics, a pioneering entrepreneur. But he would have made a dangerous president. After reading this book, my reaction was: Thank goodness Roosevelt stayed alive as long as he did. ❑

The Partisan Leader by Nathaniel Beverly Tucker. University of North Carolina Press, 1971, 392 pages.

The Politics of Honor

David Kopel

Having realized that the government in Washington, D.C., plans to destroy the constitutional republic, the American people rise up with their firearms to resist tyranny. This is the plot of a number of books published in the past few decades, most notably *Unintended Consequences* by Albert Ross. That book generated so much controversy that there have reportedly been several incidents of BATF agents "suggesting" that people selling the book at gun shows refrain from further sales. But the controversy involving *Unintended Consequences* is relatively small compared to what happened after the publication of the very first "Americans against their government" novel — *The Partisan Leader*, first published in 1836.

Written under a pseudonym by Nathaniel Beverly Tucker, a former judge, and then a law professor at William and Mary, *The Partisan Leader* is subtitled "A Tale of the Future" and set in 1849. By then, most of the American South has long since seceded from the Union, and is enjoying the prosperity resulting from free trade. Virginia, however, had chosen to stay in the Union, and is now beginning to regret the choice. President Martin Van Buren, first elected in 1836, is making himself dictator for life, destroying the sovereignty of the states; while maintaining the form of constitutional government, he is implementing direct military rule.

Like the novels of Sir Walter Scott, after which *The Partisan Leader* is consciously modeled, the book tells the tale of family divided by political conflict. There are beautiful women who epitomize Virginia graciousness, gallant and honorable men, treacherous Yankees, and one man who finds himself torn between his honor and his oath of allegiance to the United States Army.

At the request of his friends, Tucker rushed *The Partisan Leader* to publication in time to influence the 1836 election. Tucker, though, thought Van Buren was unstoppable, and Tucker was right. "The Little Magician," as Van Buren was known, defeated several Whig candidates, winning about 51 percent of the popular vote, and a much larger share of the Electoral College. Van Buren carried about half of the South, including Tucker's Virginia.

And it turns out that Tucker was drastically wrong in his assessment of Van Buren's character and policies. When Van Buren lost the election of 1840 (in part because of outrageous lies such as Davy Crockett's claim that Van Buren wore ladies' underwear), he surrendered his office without incident.

Contrary to Tucker's prediction, President Van Buren was not anti-Southern. He fought for free trade, negotiating with other nations to eliminate tariffs on the import of American tobacco, a major crop of the South. He opposed the abolition of slavery in the District of Columbia, unless the slave states assented. And he was the first President ever to mention slavery in his inaugural address, urging that the institution be left alone.

And President Van Buren worked to shrink, rather than expand, the federal government. He continued his predecessor's successful battle against central banking. Despite an economic depression (the Panic of 1837), Van Buren balanced every single budget. The national debt had recently been paid off, and he resisted all entreaties from the banking and allied interests that new debt be incurred. He also warned, correctly, that the creation of a permanent national debt would lead to oppressive taxation, and to "the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes."

But *The Partisan Leader* had far broader significance than a single election. In *The Partisan Leader*, one finds a crystalline example of the mindset which, twenty-four years later, impelled the South to defend its honor by departing from the United States.

During the Civil War, *The Partisan Leader* was re-published, separately, in both the North and the South. In the South, the book was a version of *Why We Fight* (a popular book published during World War II explaining the significance of the war against fascism).

In the North, *The Partisan Leader* was republished and advertised as "one of the most astounding revelations of political treason and conspiracy that the world ever witnessed," as the book which "foreshadows with uncanny accuracy every event now transpiring. A work which exposes most completely the machinations and diabolical plans of the political demagogues who for so many years have been plotting the overthrow of the United States government."

The book is also an excellent distillation of Virginia ideology. The Virginia characters in the book hardly do anything without considering how a potential act will reflect on their honor.

To modern sensibilities, Tucker's presentation of the Old Dominion's attitude towards the proper place of women is unsettling. Decent women never express political opinions in mixed company. The only appropriate thing for a woman to do is to be "the wife of a Virginia gentlemen." Only the depraved women of the North write books or run boarding schools or get involved in political societies.

And where *The Partisan Leader* goes

most wrong is its analysis of slavery. Tucker repeats the platitude that Negroes are unsuited for freedom, just as whites are unsuited for slavery. In Tucker's world, the slaves agree. In one episode, a slave named Jack and two dozen of his fellow slaves, armed with firearms donated by their master, drive off a bunch of Yankee soldiers who showed up to free to slaves and to impose military rule on the whites.

The Northerners are criticized for their inability to comprehend the "generous" spirit of the slaves. An early multi-culturalist, Jack's master reasons, "it may be that what is best for me is best for my friend Jack there, and vice versa; but as long as neither of us thinks so, why not leave each to his choice?"

Tucker's view about the supposed contentment of slaves with slavery was common in the South. A glowing review of the book in an 1837 issue of the *Southern Literary Messenger* particularly commended the slavery sections as educational reading for abolitionists about the futility of their enterprise.

Yet the contrary evidence was clear enough: the slaves ran away whenever possible. Tucker should have known better, for own father, St. George Tucker, had been the leading abolitionist in Virginia, calling abolition his "dearest wish."

When the Civil War did break out, the Confederates would have won easily if their states had had the nerve to arm the slaves, and the slaves had fought for Southern independence. But of course slaves with guns rarely remain slaves, and the vast majority of slaves who did fight fought against slavery, and for the North.

While wrong about slavery, Tucker was prescient in many respects — not only in predicting disunion, but in understanding the ideology of the type of men who would lead a war against the Union. As the *Southern Literary Messenger* observed in an 1862 review of the brand-new reprint of Tucker's book, "Of all the deeds done in this war, those which ring loudest and longest in our ears, and of which we are most proud, are the daring, dashing exploits of Ashby, Morgan, Stuart and Forrest, all 'Partisan Leaders.'" Just as in *The Partisan Leader*, the hills of Southwestern Virginia were the scene of daring guerilla warfare against the federal army.

While slavery was an unworthy cause for partisans, there were other causes for which Tucker's characters fought: free trade (the Tariff of Abominations and the Nullification Crisis had taken place only a few years before), state sovereignty, and the original United States Constitution.

And Tucker reminds us of the genius of the authors of our Constitution. Their system of checks and balances was not limited to the division of

Resistance to a superior power may, however dangerous, sometimes be the only honorable choice.

Notes on Contributors

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power within the federal government. Again to quote the *Southern Literary Messenger*, "The check must be extraneous to the government itself." That is why there is a First Amendment, so that the power of speech can check the federal government; that is why there is a Fifth Amendment, so that the power of property can check the federal government. That is why there is a Tenth Amendment, so that the power of state governments can check the central government. And that is why there is a Second Amendment, so that, if all else fails, the power of physical force can check the power of centralized tyranny.

Edgar Allen Poe praised another book that Tucker wrote in 1836, *George Balcombe* , as "the best American novel . . . its interest is intense from beginning to end . . . its most distinguishing features are invention, vigor, almost audacity, of thought." These traits also grace *The Partisan Leader*, although it is somewhat weighed down by the stilted language of the Southern heroes, who, like Ayn Rand's characters, launch into political expostulations at the drop of a hat.

Although *The Partisan Leader* is not currently in print, used copies of a 1933 reprint and a 1971 reprint (University of North Carolina Press) are available, and the book can of course be found at many high-quality libraries.

Thomas Jefferson, in a 1787 letter to Abigail Adams, wrote, "The spirit of resistance to government is so valuable on certain occasions that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all." Although Tucker's moral vision was severely impaired by his defense of slavery, the positive value of *The Partisan Leader*'s best moral instruction is that resistance to a superior power may, however dangerous, sometimes be the only honorable choice.

And for today's readers, enthralled with books about a coming war against the modern federal government, the devastating results of the Civil War are a reminder that when one moves from novels about resistance to actual warfare, not even the best novelist will foresee all the unintended consequences. ❑

"The Greatest Generation?", *from page 34*

most easily to mind.

Brokaw's *The Greatest Generation*, however admired by many of my generation and later generations, as he illustrates in his sequel, *The Greatest Generation Speaks* (1999), does a particular disservice to my generation because it gives a highly idealized picture of only a small number of individuals who fought in the war and of others who were related to it directly in some way. His book is not a realistic appraisal of my generation and it gives a false picture of the many men who fought the war, and implicitly, of the war itself. No one learns integrity from any war. There was nothing glorious about World War II, even if it might have been necessary. Undeniably, there were many fine men and women in the armed forces during World War II and many fine men among the relatively small minority who saw combat in all its brutality. And many were able to maintain some sense of moral rectitude during the atrocities of war — but many were not.

A generation is made up of living men and women, and, it cannot be repeated too often, each of us has the capacity for both good and evil. Sometimes the good is in command; sometimes the evil explodes. It only follows that any one generation is also both good and evil in what it is capable of and that every generation accomplishes many good things as well as many not so good. My generation was not the greatest generation nor was it the worst, and there is no sense in exalting it any more than there is in overly demonizing it. We in my generation were simply human, with all the good and bad qualities common to every human being. And we performed accordingly. ❑

Letters, *continued from page 42*

at all. Editorials are supposed to be opinionated. But this article appeared in the news section and was written in the format of a news story.

It seems to me that whenever any segment of the media is making an effort to defend freedom, it's purely by accident. In other areas, such as gun rights, ecology, government regulation, and the tobacco issue, the prevailing media winds blow in the opposite direction — and I am referring to the news, not to editorials. The jubilant front-page main headline of an early edition of the *Examiner* last April 7 was: "3 smokers beat Big Tobacco." (This reminded me of the sort of headline that would have appeared on November 11, 1918: "Our Doughboys Beat the Kaiser.")

Allan Levite
San Francisco, Calif.

Drawn and Quoted

Thank you for reviewing Norman Podhoretz's *Ex-friends* ("Friendships Lost," July). There is a very good explanation for your reviewer's enjoyment: Norman Podhoretz is just great and everything he writes is readable — including no doubt his notes to the milkman.

As for his vanity — well, maybe he *is* as great as he thinks he is.

Your reviewer's agreement with Hannah Arendt that Israel should not have tried Adolph Eichmann is also quite right. What they should have done was summarily drawn and quartered him — while still alive — in a public square in Tel Aviv, and thrown his remains into a dumpster.

Anything else is sophistry. The Jews do not have to justify, qualify, or apologize for their right to exist.

This is the world, not a think tank.

Neil Elliott
Evanston, Ill.

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West Allis, Wisconsin

Avant-garde art from the Badger State, as reported in the *Milwaukee Journal Sentinel*:

> Visitors to the 107-year-old State Fair Park will be greeted by a mosaic of an 8-foot Holstein cow, whose face was splotched with white cream, munching on a cream puff at the Greenfield Ave. entry gate. The mosaic, which cost taxpayers about $18,000, was incorporated into the floor to comply with the Percent for Art Law, which mandates that .2% of money spent on state building projects be spent on art. The State Fair Park Board Chairman said, "This piece of art just fits with the whole theme of what we're doing."

Toronto

America's National Pastime has been exported to Canada, with curious consequences. From a report in the (Toronto) *National Post*:

> During a Toronto Blue Jay's game with the California Angels last week at Toronto's SkyDome, club personnel fired hot dogs at the fans with a cannon called the Hot Dog Blaster. The cannon packed enough power to shower fans with fragments of franks and bits of buns. Sarah Higginson, a vegetarian seated just above the visitor's dugout, did not care for the special entertainment. "If I get sprayed with meat, I'm suing SkyDome," she said. "I don't think they considered the whole vegetarian thing. What if I had my mouth open and a piece of hot dog landed in my mouth? I can't even walk by a hot dog stand without gagging. Imagine being sprayed by wiener shrapnel. I would've died."

Plymouth, U.K.

Innovation in the military defense of the British Empire, from *Reuters*:

> British Royal Navy recruits are being ordered not to fire live shells. At the gunnery school in Plymouth, southwest England, gunnery mates check co-ordinates, line up a target and prepare to fire the shells, which cost 642 pounds sterling each. Then they shout "Bang."

United Kingdom

Another advance in military science from the Empire Upon Which the Sun Never Sets, as reported in *Soldier of Fortune*:

> British admiralty instructions dealing with the storage of warheads and torpedoes: It is necessary for technical reasons that these warheads should be stored with the top at the bottom, and the bottom at the top. In order that there may be no doubt as to which is the top and which is the bottom, for storage purposes, it will be seen that the bottom of each head has been labeled with word TOP.

Madison, Wisconsin

Peculiar crime at the West Towne Mall in Madison, reported in the *Milwaukee Journal Sentinel*:

> Police arrested a costumed Easter Bunny who punched her assistant after her assistant had pushed her, causing her to fall over her bunny head.

Honolulu

In the *Honolulu Advertiser*, Hawaii's latest measures to improve state employees' productivity:

> State Sen. Rod Tam has introduced a measure to authorize state employees to take naps while on the job and to appropriate $600,000 for "refreshments" for state employees. He told reporters that he "feels sorry for those who criticize others for their ideas," and asked, "Remember in history when people ridiculed the Wright Brothers for their desire to fly in an airplane? Well today we all fly."

Miami

Janet Reno remembers the good times among the people of her native Florida, from a speech to a group of women lawyers, as reported in the *Florida Bar News*:

> "I am so glad to be home with all the people of the community I love, people who have touched my life in so many ways, with loving kindness, with joy, with support, and sometimes with anger and rejection."

Mill Valley, California

A small problem encountered by an environmentalist, reported by the *Seattle Times*:

> Michael Reppy's attempt to call attention to the plight of whales and dolphins in Japan by breaking a trans-Pacific sailing record, ended after he sailed his boat over a pod of whales on his first day out, damaging the keel.

Portland, Oregon

Dispatch from the front in the never-ending crusade to rid our cities of vice, from the *Peninsula Daily News*:

> As part of a campaign to rid a section of Sandy Boulevard of prostitutes, Jenifer Young, 40, pepper-sprayed a 15-year-old girl and her mother, whom she mistook to be practitioners of the World's Oldest Profession. Ms. Young reports she is being "pressured" by neighbors to resign from the local School Board.

United Kingdom

Progressive regulation of hiring practices in this Labour-ruled nation, reported by *The Sun*.

> A Job Centre told two businessmen they couldn't advertise for "hard-working and enthusiastic" staff as the words would offend disabled people, thereby contravening antidiscrimination laws.

Hawaii

Hawaii's vehicle inspection is experiencing technical difficulties, from the *Honolulu Advertiser*:

> Drivers having their cars inspected in early January couldn't get stickers indicating that their cars passed inspection because the state Department of Transportation forgot to order the stickers on time. When asked about the problem of being stopped by police for failure to display the required sticker, State Highway Safety Manager John Levstedt advised, "It should be a very minimal inconvenience," and declined to comment further.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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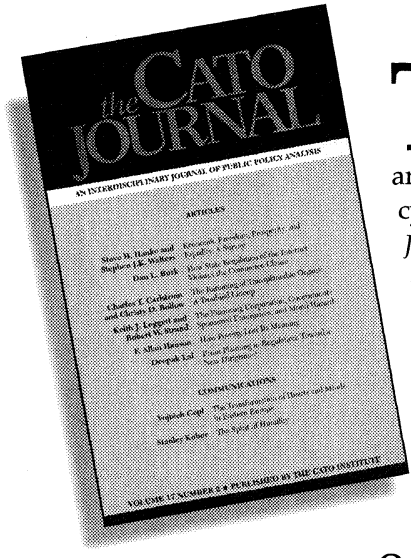

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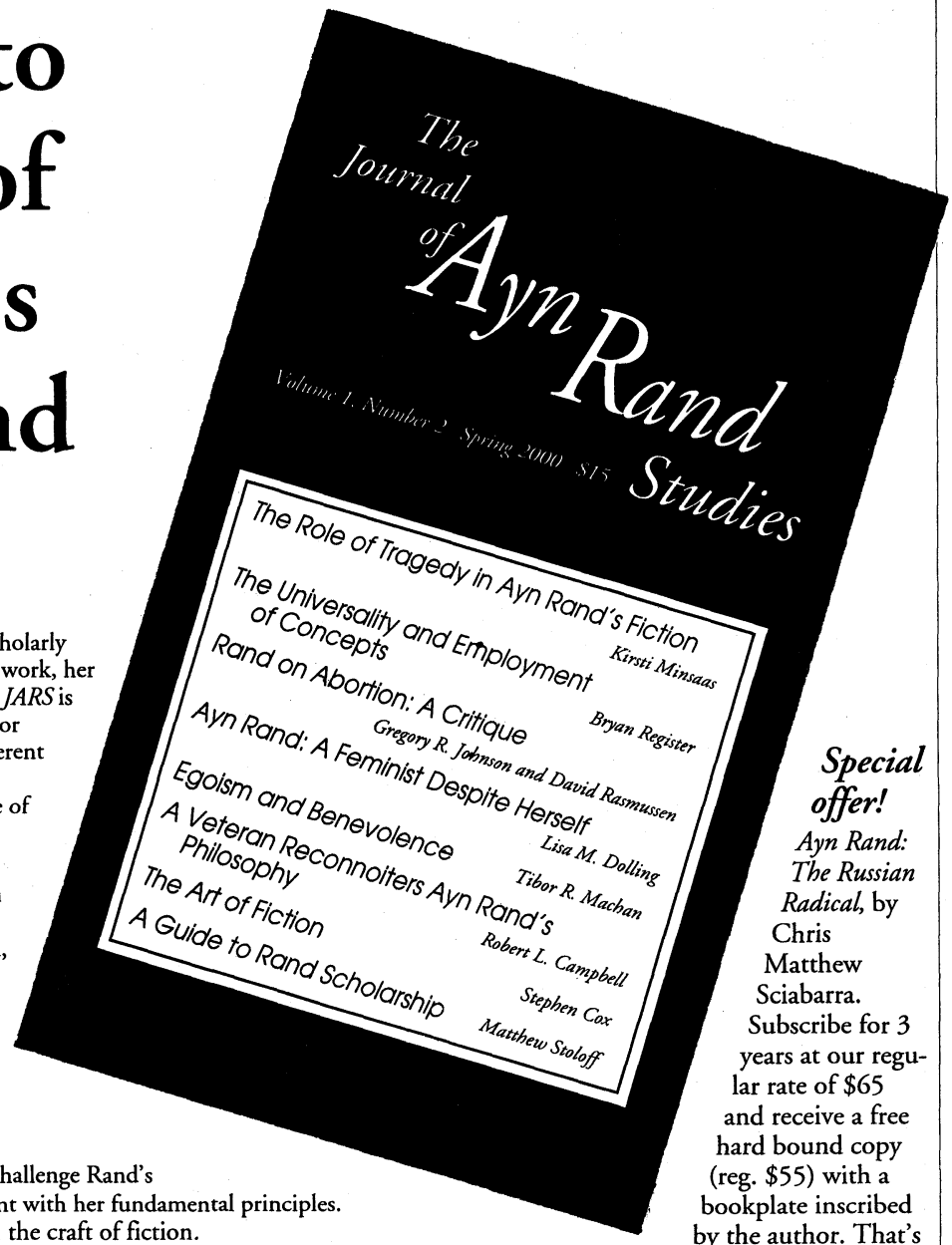

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Kirsti Minsaas examines the role of tragedy in Rand's fiction, drawing lessons from Aristotle, Nietzsche, the Prometheus myth, and the Stoic idea of heroic calm.

Bryan Register criticizes Rand's theory of concept-formation, seeking relief in the work of H. H. Price.

Was Ayn Rand a feminist in spite of herself? Lisa M. Dolling reviews Gladstein and Sciabarra's *Feminist Interpretations of Ayn Rand.*

Is benevolence a selfish virtue? Tibor R. Machan reviews Kelley's *Unrugged Individualism.*

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"Brethren, ye have been called into Liberty." —*Galatians 13:50*

Sighting in the Second Amendment

by Jacob G. Hornberger

We should not let the hoopla associated with the Million Mom March cause us to lose sight of the real purpose and meaning behind the Second Amendment: the ability to protect ourselves from the tyranny of our own government.

Virtually all the arguments in the gun-control debate have revolved around gun violence in American society. The proponents of registration, licensing, waiting periods, gun buy-backs, and even gun confiscation aim to rid our society of gun-related deaths.

But as their opponents have so ably pointed out, the means that the advocates of gun control are advocating are not likely to achieve their ends. People who violate laws against violence are not likely to feel constrained by gun-control laws. And people who do obey the gun-control laws are going to be less able to defend themselves against those who don't obey the laws.

Moreover, there is no reason to believe that a war on guns will rid American society of guns any more than that a war on drugs has eradicated drugs from our society. Those who wish to purchase illegal guns will be able to do so on the black market as easily as they purchase drugs on the black market.

Thus, the ultimate consequence of gun control would be a society in which violent antisocial people are armed while peaceful, law-abiding people are disarmed. Of course, that's a prescription for disaster for those who are disarmed.

But despite its obvious importance, being able to protect oneself from murderers, rapists, robbers, burglars, and the like is not why the people of the United States enacted the Second Amendment to the Constitution in 1791. The true purpose of the amendment — one that modern-day Americans forget at their peril — was to protect us not from private thugs but rather from government ones.

Don't forget that revolutions are, by their very nature, wars against one's own government. Keep in mind that when George Washington and Thomas Jefferson revolted against England in 1776, they were British, not American, citizens. At various times throughout history, people have taken up arms against their own government because of what they considered to be nasty and brutal acts that their own officials had committed against them.

Historically, the biggest threat to the freedom and well-being of a people has lain not with some foreign government but rather with one's own government. And as Thomas Jefferson pointed out in the Declaration of Independence, if a government "crosses the line" by engaging in overly tyrannical conduct against its own citizens, it is the right of the people to meet force with force, even to the point of violent revolution.

Resistance to tyranny and violent revolution, however, requires an essential ingredient — weapons. In the absence of weapons, there is only one course of action in the face of government brutality — obedience. A disarmed society is an obedient society, a society in which, at the extreme, people obey their own government's orders to follow the line into the gas chambers.

This point was recently reflected by what Fidel Castro said about the U.S. government's raid on the home of the Miami relatives of Elián González. He commented that his forces would not need to be armed to conduct a similar raid in Cuba because Cuban citizens are not permitted to own guns. What he failed to say, of course, is that because of gun control, the Cuban people also lack the means to overthrow the gun-toting communist thugs who rule over them.

"But in America, our leaders are democratically elected. We are the government. There's nothing to fear here." But given the proper circumstances, a democratically elected government can be even more tyrannical than a totalitarian one. Remember: the very purpose of the Constitution and the Bill of Rights is to protect us from our own democratically elected government officials!

When citizens are well-armed, government officials must think twice before going too far down the road to tyranny against their own citizens. Thus, the right to bear arms protected by the Second Amendment is the best insurance policy that the American people could have against tyranny.

Mr. Hornberger is president of The Future of Freedom Foundation in Fairfax, Va., (www.fff.org) and co-editor of ***The Tyranny of Gun Control.***

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Inside Liberty

September 2000
Volume 14, Number 9

4 **Letters** A word from our best critics.

9 **Reflections** *Liberty*'s editors romp through the Wild, Wild Web, break for a smoke with Chelsea, cast a vote for President Zorro, hunt for liberty in the courts, and take a vacation in low-earth orbit.

Features

21 **Let Freedom Honk!** A million blaring automobile horns convinced Tennessee's politicians not to enact an income tax, as *Rod Smith* reports.

23 **Robbing Peter to Pay General Motors** *Ronald Powers* exposes the weird corporate welfare programs of the Great Lake state.

25 **Dusk Comes to the Dark Continent** Corrupt politicians use bribery, fraud and murder to win elections in Zimbabwe, *Len Brewster* reports. And you thought Chicago politics was rough!

27 **The Day the Israelis Left** *Bradley Monton* tours South Lebanon the day the Israeli Army pulled out.

29 **Libertarian Party Agonistes** *R. W. Bradford* examines the issues that Libertarians faced — and evaded — as their convention approached.

33 **In the Shadow of Disneyland** Libertarians may not know much about winning elections. But they sure know how to party. *R. W. Bradford* visits the hospitality suites and the smoke-filled rooms to find the story that you couldn't see on television.

41 **Up the Down Escalator** *Stephen Cox* discovers that there's a lot to do in Anaheim, even if you can't stand Mickey Mouse.

47 **We Believe in You** *Harry Browne* explains why he should be elected president.

52 **Revolution!** Indian activist *Russell Means* calls for more than just the same-old, same-old.

55 **Jesus Christ: Family-Hating Communist** Christians don't really know their Savior. *Bart Kosko* exposes the historical Jesus.

Reviews

59 **The Subjectivism of Ayn Rand** A best-selling novelist of the 21st century compares how he writes his book with how a best-selling novelist of the 20th century wrote hers.

63 **Triumph of the Stuff** *Don Boudreaux* explodes some oft-repeated fallacies of U.S. economic performance.

65 **Hooked on Addiction** *Jeff Riggenbach* debunks a litany of myths used to justify America's War on Drugs.

66 **The Conflicted Patriot** *John Haywood* relishes in the anti-PC message of the *The Patriot*.

68 **Notes on Contributors** Who loves you, baby.

70 **Terra Incognita** Curiosities from the margin.

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Letters

Fight Fire With Fire

The recent death of Peter McWilliams ("The Life and Death of Peter McWilliams," August) as the result of state persecution ought to be a wake-up call for libertarians. It is time to realize that libertarian objectives will never be achieved by endless debates over the Constitution, blind adherence to a party program, or via non-initiation of force. As the history of the United States demonstrates, every struggle for liberty has been won only by mass movements in which people get out in the streets and fight for freedom. Playing by the rules only leaves us vulnerable to increased statist attacks.

Libertarians have several major opportunities to get out in the streets in the year 2000. Two of them are at the upcoming Democratic and Republican conventions. A third is the annual day of protest against police brutality, October 22nd, in cities nationwide. A libertarian presence at these demonstrations would be a way of striking back at the state and establishing ourselves as a serious movement, as well as giving us media coverage.

I plan to be out there in the streets — what about you?

Joseph Miranda
Northridge, Calif.

Hate Thine Enemy

Peter McWilliams's inability or disinclination to loathe his murderers doesn't strike me as particularly noble. I think it's creepy. I'm a student of Marcus Aurelius myself, but I think Stoicism has physiological limits. If McWilliams had been able to work up some good seething malevolence he might be alive today. I know people who are still kicking just because of all the bile coursing through their veins.

And such a- or un- or anti-moralists, or whatever they call themselves — those who believe that the State's depraved minions are not evil but merely stupid (more like Godzilla than Orwell's O'Brien) — would be wise to steer clear of the subject of morality lest they embarrass themselves. For example, I don't know why the libertarians McWilliams was addressing ("Why Liberty is as Much Fun as Medical Marijuana," August) would consider it much of a compliment for him to tell them how moral they are, since a few paragraphs before he was referring to DEA agents not only as "ordinary, decent Americans," but as heroes, thus rendering anything he might say about good or evil meaningless. Are we really supposed to admire such drivel? I suppose the Gestapo were just a bunch of good German boys who loved their country too.

I have been subjected to pap like that for years, and, frankly, have had a bellyful of it. "Government bureaucrats are fine, honorable citizens caught in a bad system." Bullshit. Those who enter a corrupt, rotten system either (a) know exactly what they're doing and want some of the power and loot or (b) are innocent greenhorns who find out almost immediately what they've gotten into. They then either get out, turn into (a) types, or delude themselves about it, corrupting their minds with a deliberate, willed stupidity that is just as bad as power-lust. Unless an anti-state movement is willing to acknowledge these unpleasant but elementary facts it hasn't a prayer and might as well close up shop at once.

Kyle Rothweiler
Bozeman, Mont.

Rest in Peace

I was absolutely stricken with grief when I read in the August *Liberty* about Peter McWilliams's death. It was only a few months ago that he wrote how he was coping without medical marijuana; I really hoped he'd beat the terrible tyranny that the government had heaped

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upon him.

What to do now? Somehow it seems so urgently vital that his terrible death not go quietly into the night. Yet, where is the outrage? I didn't hear a thing from the mainstream media on the occasion of his death. Yet, they still quote Barry McCaffrey's nonsensical pompous pronouncements without question. Are we to live in a world gone permanently mad?

Oh grief, thou hast thy grip upon me; can I ever be free of thee?

John deLaubenfels
Longmont, Colo.

Fact, Logic, and Elian

In "Hillary, Newt, and Little Elián" (June), Gene Healy wrote that "If Juan Miguel González honestly wants his son to grow up in communist Cuba, then he's a lousy parent and a poor excuse for a human being." One might therefore wonder why such a man's interests should weigh very heavily against his son's right to political freedom in any custody proceeding. His answer comes in a second, more extensive essay "Between a Rock and a Hard Case" (August), which offers two reasons for opposing the use of governmental power, especially judicial power, to invoke the political rights of children as a basis for defeating parental authority.

The first is that doing so "invites judicial tyranny." There is a social consensus in this country that harm to children includes physical abuse, and therefore we can rightly abridge parental authority to protect children's rights against such abuse. But once we move beyond this consensus, once we expand the concept of the "best interests of the child" to include something as ambiguous as the child's right to political freedom, then we encourage the "officious do-gooders" among us to use that precedent as an excuse for employing state power in ways that libertarians will inevitably find deplorable and intrusive.

This is an argument from prudence rather than principle. There is no effort to show that children do not, in fact, have a right to political freedom, but rather a warning that the use of governmental power to affirm such a right is politically dangerous because it encourages misuse. Such an admonition seems to be the libertarian version of unilateral disarmament: So long as we are good little boys and girls, and do not become too aggressive in advocating the use of state power to defend the rights we consider important, our political opponents will be equally restrained and life will go better for all of us. Frankly, I see little evidence for this. Conservatives and libertarians have been singing variations on the theme of judicial restraint for the better part of sixty years now, ever since Justice Frankfurter first set the melody in the early 1940s. But we're the only people restrained. The statists seem to be perfectly capable of dreaming up new excuses for state intervention without relying upon rights advocated by libertarians. So if there is a principled case to be made for the use of governmental power to protect human freedom, let us make it. And if there is no principled way to do it — if mutual deterrence is all that is possible — perhaps the best demonstration of the double-edged nature of the sword of power comes through wielding it on occasion.

Healy's second argument against recognizing a child's right to political freedom as an exception to parental authority rests upon a kind of *reductio*

From the Editor . . .

It's summer, the time when Americans head for the beach with an enormous, succulent novel. May I suggest you take enormous, succulent issue of *Liberty* to the beach instead? There's so much happening in the world that we had to publish 16 extra pages this month, making this our biggest issue in years.

It's also one of the best. For one thing, the funniest political cartoonist in the world, John Bergstrom, is back with some of his most trenchant work ever. For another, we take you to the world's most exotic places.

We go to Zimbabwe to look at the aftermath of a violent and corrupt election. Then on to south Lebanon to join half the country for a party the day Israel's occupying army left. Next stop is darkest Tennessee, where ordinary citizens surround their state capitol and raise such a ruckus that they are saved from the income tax. On to Michigan, whose citizens aren't so lucky: their politicians give away millions in corporate welfare and get back . . . well, nothing at all. And on to Anaheim, permanent home of Disneyland and the temporary home of thousands of Libertarians, determined to have fun and change the world.

Of course, we haven't forgotten our old friend, Controversy: family-value conservatives will be in for a shock to learn that the historical Jesus Christ was a communist who hated families. (At least that's what Bart Kosko says. Next month, Stephen Cox will explain where Kosko went wrong.)

Our review section is full of hot stuff. Since the dog days of summer time to curl up with a good big novel, it's a good time to think of the author of some of the best and biggest novels ever written, Ayn Rand. David Brin, himself an extremely successful novelist, examines her just-published book on how to write fiction.

Don Boudreaux explodes some myths about how we got rich. Jeff Riggenbach exposes the lies that underlie the War on Drugs. And John Haywood goes to the movies to see about a real revolution.

As always, we let our readers take a shot at us first.

And our editors take a few shots at the world in *Reflections* — but only after our readers take a few shots at us, in the liveliest letters any magazine gets.

Have fun out there! Slather on the sunblock and enjoy this issue of *Liberty*.

R. W. Bradford

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ad absurdum. There is no principled way, he says, to distinguish Elián González's right to freedom from similar rights held by all the children of the world. Consequently, using Elián's right to freedom as an excuse for trumping parental rights will commit us to all sorts of absurd actions, such as kidnapping the children of visitors from totalitarian nations, or declaring war on regimes that fail to protect children's rights. And if we fail to pursue such obviously silly policies, this will reveal an embarrassing inconsistency on our part.

The trouble with this argument is that, if true, it applies with equal force to any exception to parental authority, including physical abuse. For if children have a right to protection from physical abuse doesn't that commit us to kidnapping the children of foreign visitors who may be guilty of it, or of launching attacks on regimes guilty of ignoring it? The answer, of course, is no, because there is a difference between recognizing a moral right and committing oneself to vindicate it in all circumstances regardless of the cost or consequence. This really is a case where political prudence is called for. One does what one can for human liberty, in the circumstances as they present themselves; but reluctance to embrace moral fanaticism is not a failure of principle.

The Elián González case is now over, and, if the polls are to be believed, his return to Cuba has the overwhelming approval of the American public. I imagine this includes a majority of libertarians as well, given their almost visceral suspicion of the use of state power to interfere with parental rights. But that only shows how far respect for human freedom has fallen in our culture and how difficult it will be to raise its status.

Tom Rekdal
Seattle, Wash.

Law, Legislation and Gene Healy

Gene Healy is trying to pull a fast one by basing his argument on the premise that Juan González has custodial rights with Elián just as he has with his son by his current wife. ("Elián González and Dred Scott," July)

In the states where I've seen the custody laws in action, and one of those states is Florida, Juan González would have to fight all comers in court for custody of Elián. Healy's statement, "Under normal conditions, judges are not empowered to grant custody to a third party . . ." is a ludicrous attempt at misdirection or subliminal influence. There is no third party. There is no second party. Only *one* party had custody — Elián's mother. Custody of a child of divorced parents does not revert to the non-custodial parent after the death of the custodial parent any more than your ex-wife's bank account reverts to you if she hasn't remarried. Once custodial rights are abrogated by a court, only a court can restore them. Since this, of course, is meaningless in Cuba where the *state* has custody, we must examine past cases of Cuban refugees to find that had Elián arrived with his mother living she would have been recognized as his legal custodian.

The only conclusion one can make is that Elián was kidnapped by a non-custodial parent with the aid of Janet Reno or was declared a fugitive slave and shipped back to his master in the company of other slaves.

Healy tries to assume facts not in evidence with this stuff about "general rules." He is building a straw man with a rule book tucked under his arm and calling him Libertarian Man. This is a transparent obfuscation (so to speak). Libertarians have principles, not rules.

Since Healy is a lawyer I *expect* him to presume mass ignorance of the law in his audience enabling him to make a sophistical argument. (Much like the Clinton administration when they display that look of blushing innocence, bemusement and superiority and proclaim — "It never occurred to me that was against the law.") However, I never like to read insulting statements, such as "González is *voluntarily* ceding parental dominion . . ." to have Elián raised as a Commie, or the equally

continued on page 20

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

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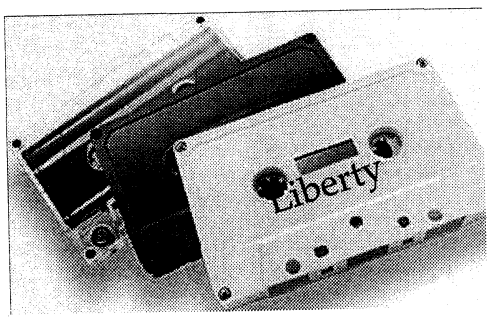

Sexual Correctness • A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. **Wendy McElroy** runs down the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. (audio: A155; video: V155)

Searching for Liberty Around the World • Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear **Doug Casey**, *Investment Biker* author **Jim Rogers**, international journalist **Bruce Ramsey**, and travelers **Scott Reid** and **Ron Lipp** — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

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Making Terror Your Friend • In a world overrun with authoritarian creeps, **Douglas Casey** highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; Video: V418)

Does the Libertarian Party Have a Future? • **R.W. Bradford** makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. (audio: A408; video: V408)

Using the First Amendment to Smash the State • **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the FDA. (audio: A417)

Why the Great Depression Lasted So Long • **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

The Liberty Group • **R.W. Bradford, Tim Slagle, Fred Smith, Alan Bock,** and **Durk Pearson** look at the hottest topics of the day and presciently analyze the current political madhouse and slaughter sacred cows with abandon. You listen to conservative and liberal pundits on the radios and television. This is a fast paced journey of libertarian commentary. Find out how libertarian pundits measure up! (audio: A401; no video available)

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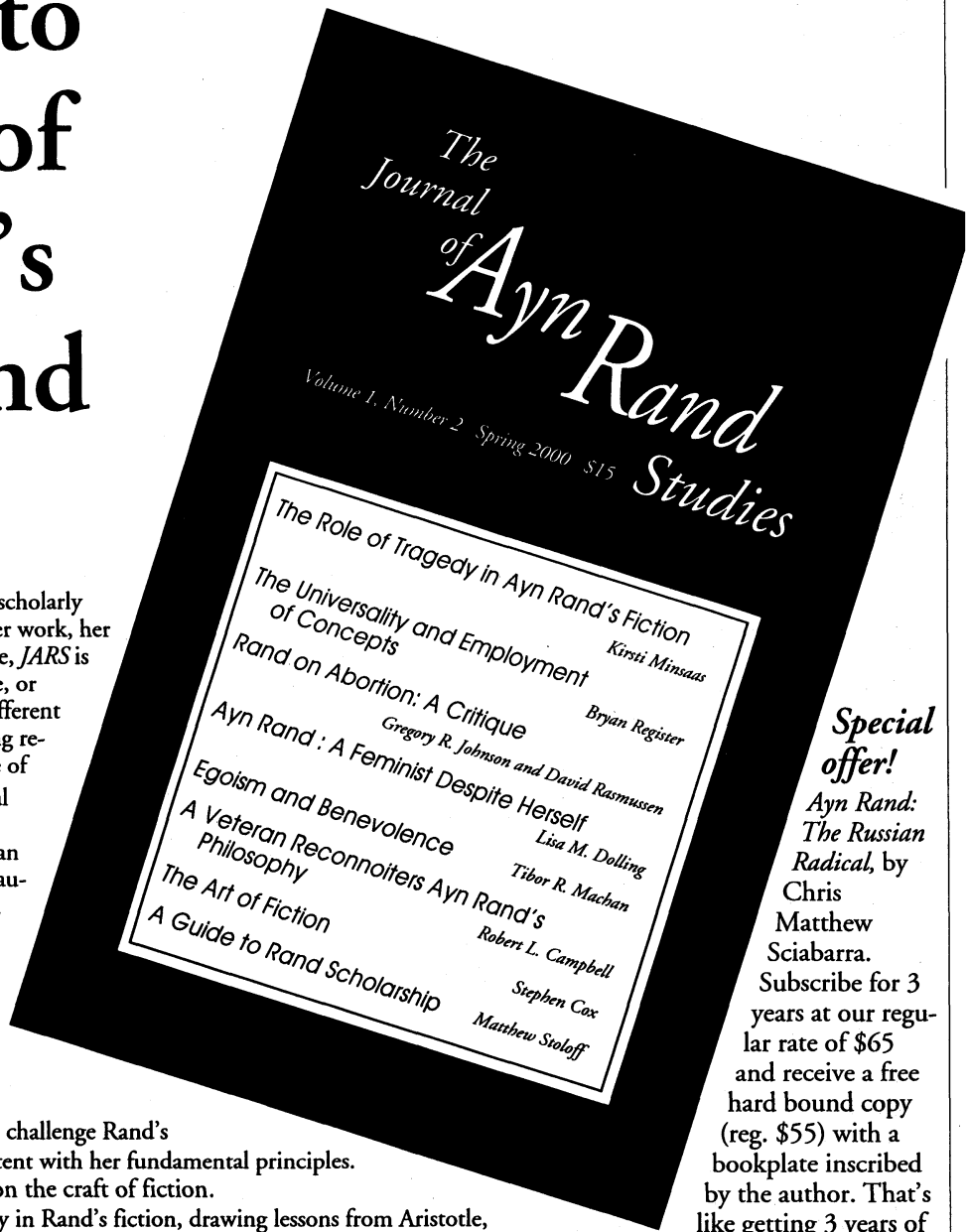

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Reflections

Got Gas? — Have you seen the price of a gallon of milk? Why isn't the government doing something to bring it down to the price of a gallon of gas? — Sheldon Richman

A is not A — Friends of liberty like to argue that many government policies, like plans to control prescription drug prices, are simply illogical. But this is wrong. Congress uses logic too, as we can see from the following syllogism:

Major Premise: A shortage of pharmaceuticals would be a public-health catastrophe that'd make the Ebola virus look like a mild bunion.

Minor Premise: Price controls cause shortages.

Conclusion: We need price controls on pharmaceuticals.

And we're all going to die. Q.E.D. — Andrew Chamberlain

Look what she's learned at college — So Chelsea Clinton was seen in a D.C. coffeehouse "smoking like a chimney." Who would have thought that even the first daughter had been victimized by tobacco advertisers? Hillary, the woman who wants to control our lives and let the government raise our children, is incapable of controlling the log in her own eye. I imagine there was probably quite a maelstrom on the residential floor the night that story broke. You have to feel sorry for poor Chelsea though: for the first time she was witness to the wrath that is usually only reserved for her father. And I would bet the White House manifest indicates one less lamp. — Tim Slagle

Colonies sold separately — TV producer Norman Lear recently paid $8,000,000 for a copy of the *Declaration of Independence* printed on July 4, 1776. It's nice to see that some prominent person still values that document in some way. — John Haywood

Another Jewish conspiracy . . . — What should be made of the fact that four of the five most influential libertarians, as identified by *Liberty*'s editors, came from a Jewish background (Mises, Rand, Rothbard, Friedman) and that, conversely, appreciations of the Great Five were all written by gentiles? Until recently, I used to think that Christianity and Marxism were the last Jewish conspiracies to con the heathen. — Richard Kostelanetz

Engarde, gringos! — My wife and I were driving around and the radio was NPR-ing about the Mexican election. We discussed, as we usually do in such cases, how odd it is that we're always surprised to hear of a Mexican with a non-Spanish name, though we know very well that the country was settled by all kinds of people. My wife went on to say, "What would 'Fox' be in Spanish, anyway?" Then it hit me. For the first time in a lot of years, the Mexicans finally really, truly mean business.

They've elected "Zorro"! — Rex F. May

Reality Gulf — Remember the Gulf War? It was fought to achieve two purposes. One was to remove from the scene a local despot who, according to then-president Bush, was "worse than Hitler." The second was to avert the sort of economic strangulation that would follow from soaring petroleum prices. Almost ten years on, Saddam is still in power and, indeed, with the recent death of Hafez al Assad now is indisputably the most vicious tyrant in the Middle East. As for the other, well, have you looked at a gas pump recently? — Loren Lomasky

Government 100, Accountability 0 — Now let's see if I understand all of this: the U.S. government brings tanks, SWAT teams, armed helicopters, and machine-gun toting thugs to Waco and wipes out 80 some men, women, and children, but are *not* responsible for such deaths. Tobacco companies sell cigarettes to people who make willing and informed choices to smoke — everyone knew cigarettes were unhealthful when I was a small kid — but the tobacco companies *are* responsible for the illnesses experienced by the smokers. Hmmmmmmm!

Does this mean that, if people buy cars capable of driving upwards of 150 mph, auto manufacturers are responsible for the deaths/injuries of those who get out on the freeway and drive at such speeds and get into accidents? And what about the meat packers who sell products that cause clogging of the arteries and, thus, heart attacks? And the distillers whose products cause cirrhosis of the liver? And, of course, the gun manufacturers whose products are used in the commission of crimes!

I have long maintained that the dread most people have is that of their own responsibility for their actions. Much better to project such "causation" onto scapegoats (e.g., tobacco companies, Branch Davidians, etc.) than bear our own sense of responsibility. Gosh, maybe the Nuremburg defendants weren't guilty after all: maybe the real culprits were the manufacturers of Zyklon-B and the barbed wire used to imprison

people! Maybe the tobacco companies can make use of this "anti-responsibility" theme: "we weren't responsible: what choices did we have to manufacture cigarettes?" And there are some people who still don't believe that modern civilization is in its final stages of collapse! When the decline and fall finally comes, just make sure you're not standing beneath an institution! — Butler Shaffer

Cosmopolitan Redneck — John Rocker became one of the most reviled figures in the world last year when he carelessly opined to a *Sports Illustrated* reporter his dislike for New York City, its baseball fans and its now famous Number 7 subway passengers including, "some kid with purple hair next to some queer with AIDS right next to some dude who just got out of jail for the fourth time right next to some 20-year-old mom with four kids." Major League Baseball suspended him and subjected him to psychiatric "counseling." Just a couple of weeks ago, he required presidential level security to protect him from ravenous New York Mets fans when the Atlanta Braves returned there. It just goes to show how bigotry will not be tolerated in today's world. Some of the time.

A column in the Sunday, July 9th edition of the *Atlanta Journal & Constitution* featured bigotry every bit as virulent as that expressed by Rocker. This time the culprit was a New Yorker and his target was Southerners in general and rural East Tennesseans in particular. For some reason, John R. MacArthur, the publisher of *Harpers*, briefly abandoned the tony confines of Manhattan to visit Kingsport, Tennessee — a place he imagined to be inhabited by "scrawny dogs, fundamentalist preachers and scary, gun-toting adherents to the frontier 'patriotism' of Daniel Boone and Davy Crockett." He appeared to qualify his prejudice: "I know my stereotypes about this part of the South to be unfair." But not really.

On arrival he was perturbed to find a gun show in this town he thought peopled by "resentful Bible thumpers whose commitment to the U.S. Constitution extended only to the Second Amendment and the establishment clause of the First." MacArthur was careful at all times to qualify his bigotry and strike an ironic pose. Actually all he was doing was peppering his prose with liberal use of the word "irony," a tactic that Rocker should adopt for his next interview: "Speaking ironically, I don't like foreigners and fags."

Shall we now send MacArthur in for psychiatric counseling? Suspend him from his position at *Harpers*? Alas, MacArthur's two-minute hate directed at rural Tennesseans has so far gone unpunished. Why the disparity in treatment between the Brave's relief pitcher and the publisher of *Harpers*? They both expressed prejudice against people based on place of birth: Rocker, foreigners; MacArthur, Southerners. They both used offensive terms: Rocker, "queer"; MacArthur, "Bible thumper." The similarities end there, and the differences favor Rocker. He had at least the minimal excuse of provocation by battery-throwing New York Mets fans. But what did the good people of Kingsport, Tennessee ever do to MacArthur, other than peacefully put on a gun show in his presence and have the audacity to boast of the celebrity visits of Richard Petty and Tammy Wynette instead of Alec Baldwin and Barbara Streisand?

Rocker didn't dress up his statements as anything other than his own opinion. Nobody would even have known what he thinks had a reporter not asked him and then printed the results. MacArthur, on the other hand, published his thoughts as a column in a prominent newspaper, the purpose of which is to bring other people around to his way of thinking. Nor did Rocker blame New Yorkers for the problems people confront in Macon or Atlanta. The whole point of MacArthur's column was to suggest that it is the fault of recalcitrant gun-toting Southerners that New Yorkers go around shooting each other with reckless abandon.

He offered the South a grand compromise. He would graciously allow us to keep — along with our run-down double-wide trailers and Loretta Lynn eight-tracks — all the long guns (including assault rifles) we want and leave handguns only in the possession of trusted professionals like the New York City police.

This tripe would be easier to take coming from someone not representing our country's Cultural Capital. Let's face it. New York City has a thug for a mayor, cops whose tactics would embarrass Bull Connor and a populace that gleefully engages in one riot after another. One would think that the leading citizens of that town would have enough to worry about in their own backyard.

In the future, before risking the scary backwoods of East Tennessee and other benighted burgs, MacArthur should heed the advice on a bumper sticker I saw recently, ironically at a gun show. It said, "Happiness is a North Bound Yankee." Amen. — Clark Stooksbury

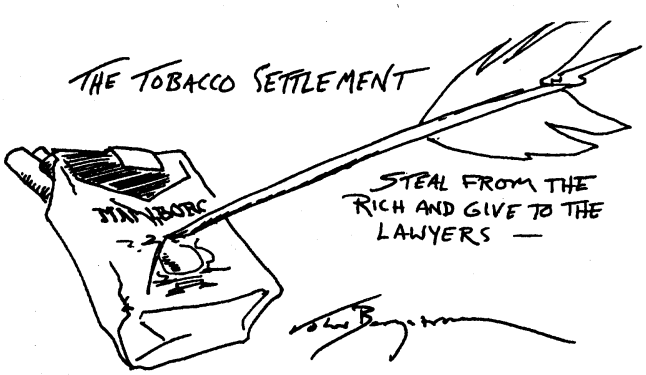

Investigations — A special federal commission ruled that the federal government is not responsible for the deaths of 80 people at Waco, not responsible for the gay-bashing murder of a soldier in his Ft. Campbell barracks, and indeed not responsible for anything, ever. — David Boaz

The Solo Concerto — Social isolation, captured by Robert Putnam's phrase "bowling alone," is the latest quality-of-life problem. Putnam is concerned that people just don't do things together the way they used to. There is something genuine to this concern, but the downside of doing things alone can be overstated

I don't know much about bowling but I do enjoy listening to classical music. Not too long ago, if I wanted to hear genuinely beautiful music I had to stand in line for tickets (or pay extra-high Ticketmaster prices) in order to attend a concert on a day and time not of my choosing, in order to get a chance to hear several selections, some of which I might not care for. Once I arrived at the concert hall I might be tired and fidgety, my neighbors might be coughing, and the

orchestra might be having a mediocre night.

Today, however, I choose from hundreds of exquisitely rendered concert selections on my CDs — and I can run out and buy another CD at almost any time. I can sit and listen in comfort in my home, or in the acoustically friendly space of my automobile. Beethoven's Fifth while driving to work — what an alternative to NPR! — Jane S. Shaw

May I take your spontaneous order, please? — To Joseph Schumpeter, good economics was the art of "seeing the one in the many and the many in the one." This is a simple enough insight, so it's remarkable that no one at *The Economist* has picked up on it.

Under the heading "Regulating the Internet," a recent column explored the "myth" that the cause of the Internet's thriving dynamism is its anarchic, regulation-free environment. "In fact," it explains, "cyberspace is highly organized and even regulated, and not just for technical standards."

The "regulations" that *The Economist* is talking about are simply the social norms of the Internet community — standards set by private-sector bodies governing everything from domain-names to communication protocols. After presenting a laundry list of problems faced by these bodies, *The Economist* essentially concludes that it's just a matter of time before Congress shackles the Internet like a public utility.

The Economist has no trouble finding a role for state intervention on the Internet. But what's lost on them is the "many in the one": the fact that the emerging privately-produced "law" of cyberspace is a well-functioning system of "private law," something few mainstream economists talk about.

Just because Econ. 101 textbooks claim that government "defines the rules of the game" doesn't make it true. In fact, this government-as-the-source-of-law dogma makes it hard for otherwise good economists to escape their mental box long enough to appreciate informal law.

Repeated interactions and private property rights make "law and order" a good that markets can supply in some situations. The Internet happens to be one of these cases. The resulting law is a bottom-up spontaneous order that can't be captured by special interests or manipulated for political ends. Non-state legal systems are voluntary, dynamic and are consistent with individual rights and decentralized power — a pretty good mix of attributes.

Spontaneous orders make for good law, and good economics. Shouldn't someone explain this to *The Economist*? — Andrew Chamberlain

Liberty in the court — It was a pretty good year for the Supreme Court. In several high-profile cases the Court continued its recent practice, begun in 1995 in the *Lopez* case, of striking down federal laws that exceed Congress' powers under the Constitution. Notably, in two cases in which the Cato Institute's Center for Constitutional Studies filed *amicus curiae* briefs, it struck down part of the Violence Against Women Act and a federal arson law, ruling in each case that Congress had intruded into areas of state authority. It wasn't simply a state's-rights Court, however; the Court unanimously struck down a Massachusetts law imposing sanctions on Burma, ruling that in that instance the state had unconstitutionally intruded into federal territory. In another crucial case in which Cato's center filed a brief, the Court ruled 5–4 that the Boy Scouts of America could exclude gay scout leaders because opposition to homosexuality is part of the group's expressive message. The good news is that a private, voluntary, nonprofit organization was allowed to make its own rules; the bad news is that it was only allowed to do so *because* it is an organization with a strong moral message, and that four members of the Supreme Court of the United States thought that even that decision gave too much freedom to private organizations.

Some journalists had trouble understanding the Court's actions in 1999–2000; they wrote that the Court was mostly conservative, but with some striking exceptions on criminal justice and sexually explicit television. Such reporters would have done well to look at a report issued by the Institute for Justice on the last day of the term. The Institute found that "the Court has been quite reliable in protecting individual liberties. Out of 45 cases examined [from 1992 to 2000], 35 (or 78 percent) resulted in a pro-liberty decision. . . . The pro-liberty perspective of the Court applies to a wide range of issues. It has, for example, generally resisted attempts by government to abridge free speech, interfere with private property rights, and classify Americans on the basis of race." The Institute found that Justice Clarence Thomas had the best record, voting for individual liberty 87 percent of the time. He was closely followed by Anthony Kennedy (who had ranked first in an earlier Institute analysis) and Antonin Scalia. Justices Stephen Breyer and John Paul Stevens brought up the rear, finding in favor of government power about two-thirds of the time. Many libertarians may argue that if individual liberty rests on a slim 5–4 majority in the Supreme Court, that is a strong case for voting for a Republican president. Indeed, recalling the infamous Louisiana gubernatorial battle between the ethically challenged Edwin Edwards and KKK leader David Duke, I'm tempted to print bumper stickers reading "Vote for the Pinhead; it's important."

In the last few weeks, liberty seems to have fared less well in the lower courts. Various courts have recently ruled that a government shooter at Ruby Ridge couldn't even be tried (despite Judge Alex Kozinski's eloquent dissent printed in last month's *Liberty*), that federal agents were not responsible for 80 deaths at Waco, and that tobacco manufacturers must pay $145 billion to adults who for years and years bought products containing warnings that "this product will kill you." It's enough to make you pray for the health of the Supreme Court justices. — David Boaz

Fireworks and Red Meat — The European Vegetarian group VIVA wants an anti-meat commercial to run prior to screenings of *Chicken Run*, a clay-animated feature about a group of chickens determined to escape the dinner table. Never before in the history of the earth has a species been so uncomfortable with their place on the food chain as the *Homo sapiens*. Self-consciousness has allowed our species to adapt to any environment and survive any adversity, but this gift of Nature is a curse to those who are uncomfortable with our dominance of the earth. Two and a half million years ago, the world entered into the last Ice Age, a time of great necessity, a spin of Darwin's roulette wheel. The species *Homo habilis* walked the earth. When the

weather got cold and food became scarce, they learned to make tools and hunt. They survived not because they were able to find a cache of canned beans abandoned by herbivores, but by consuming those animals less quick-witted than themselves. A couple million years later, *Homo sapiens* emerged.

The North American continent was settled by *Homo sapiens* migrating down its western coast, consuming one endangered species after another. The settling of this hemisphere was precipitated by the prospect of an all-you-can-eat mammoth buffet. Many creatures like the sabertooth tiger and the giant sloth never saw the Ice Age end. It is no coincidence that every modern species has an innate fear of Man. When the glaciers receded and the carnage ceased, only two types of beasts were left: Humans and animals afraid of them.

I personally have much respect for the sacrifices of my ancestors, and I refuse to dishonor them by handing over our place in the food chain. So I encourage you to enjoy your meat without guilt. It is not only healthy and natural, but your birthright. It is more than proper to celebrate Independence Day grilling meat in the backyard. Not only are we paying tribute to those brave men that signed the Declaration of Independence, and delivered us from tyranny; we also celebrate our original founding fathers who fought an ancient war, a war of much greater consequence.

— Tim Slagle

And Speaking of Darwin — According to an AP article by Anna Dolgov, the scrap metal industry in poverty-stricken Russia has started a new crime wave. The infrastructure is often crippled by missing railroad parts and phone lines. In fact, 544 people were electrocuted last year trying to steal high-tension copper cable. What a marvelous study of Social Darwinism: an omnipotent Nanny State breeds people incapable of surviving outside of a totalitarian regime. — Tim Slagle

National Missile Offense — The failure of the latest national missile defense (NMD) test has not dissuaded the GOP from continuing to tout the program. On July 13th, the Senate authorized $1.9 billion in increased funding for NMD development.

On the surface, the idea of an NMD system is quite appealing. For one thing, it would begin to undercut the insane logic of Mutually Assured Destruction which has undergirded U.S. strategic policy for over 40 years. The only legitimate, constitutional rationale for the Pentagon is, as our national charter puts it, to "provide for the common defense." Surely shielding the American homeland from nuclear annihilation fits under that rubric. Even as reliable a noninterventionist as Harry Browne laments on his Web site that "we are still completely vulnerable to the whims of any two-bit dictator who can get his hands on a nuclear missile." (Though, as his 1996 book *Why Government Doesn't Work* makes clear, Browne does not support giving the Pentagon money to develop the system.) But as with any government enterprise, a closer look at NMD provides ample reasons for caution. NMD might end up at best an enormous, ineffectual boondoggle, or at worst, a dangerously destabilizing initiative.

First, despite the expenditure of over $60 billion on the development of NMD technology, it is far from clear that NMD is technologically feasible. Most recently, the Pentagon's chief weapons tester conceded that missile defense tests conducted thus far have "significant limitations" given that the Pentagon knows the type of rocket launching the target as well as the nature of the target; where the missile is coming from, and when it is being launched.

Second, given new developments in the technology of terror, even a functioning NMD system might be a sort of 21st century Maginot Line: providing a false sense of security, but easily bypassed. From the perspective of a "rogue state" or terrorist group, the ballistic missile is not the most logical delivery system for chemical, biological or nuclear weapons of mass destruction. An attack on the American homeland may be more likely to come by way of a destructive device smuggled in across the border. If that's the case, then, as David C. Morrison, former national security correspondent for the *National Journal* put it, "missile defense is a job for U.S. Customs, not the Pentagon."

But most disturbing of all is the fact that many of NMD's most vocal proponents view it as a sort of offensive weapon — a means of perpetuating America's role as global policeman. In a recent column, George Will argued that we desperately need a missile shield so that the U.S. can defend Taiwan, Kuwait and South Korea without risking nuclear retaliation. Robert Kagan of the Carnegie Endowment for International Peace and *The Weekly Standard* states the perceived danger plainly: "nothing is more likely to push the United States toward an isolationist foreign policy than our increasing vulnerability to missile attack."

But given that America's role as armed international busybody is a major source of terrorist and rogue state enmity toward the U.S., NMD may exacerbate the very problem it seeks to solve. If the existence of a missile shield further emboldens America's bellicose foreign policy establishment, Americans could reap the rewards in the form of chemical, biological or nuclear attacks on the homeland, whether by way of a ballistic missile that penetrates a porous NMD shield, or via a low-tech delivery system. For that reason alone, "whatever it is, I'm against it" remains the sensible policy as applied to missile defense. — Gene Healy

Usurping legislation — The July 5, 2000 *Journal of the National Cancer Institute* gleefully reports that Medicare is now directed to cover routine care costs in clinical trials. After years of attempting to get legislation through Congress to accomplish that, Clinton has, with a stroke of the pen, written an executive order that does just that. Senator Jay Rockefeller, one of the congresscommies who worked to get the legislation passed, calls the executive order the victory of "an enormous legislative battle." Of course, that is exactly what it is not, since the executive order is not legislation at all. — Sandy Shaw

Medicine and markets — Have you been to your local hospital lately? If it's like ours, the medical office building attached to it is looking more and more like a mall. The otolaryngologist has a growing cosmetic surgery business (he is board-certified in both fields) and has started up a skin care business across the hall that rivals an Elizabeth Arden spa. The ophthalmologist has teamed with the opti-

cian to provide trendy sunglasses and fashion-colored contact lenses. (No laser vision correction yet; for that you go to a clinic in Canada that offers $1,000 specials with performance guarantees.) And if you can't find the orthopedic doctors, that's because they're marketing their services at places like Gold's Gym.

Entrepreneurial doctors, feeling squeezed by insurance companies and Medicare reimbursements, realize something that others may not have grasped: medical care as it is usually viewed (curing serious injuries and diseases) is only part of a broad continuum of goods and services. As our society grows wealthier (and older), Americans want more of these goods and services and are willing to pay for them. Doctors, who do not resemble sheep lining up to be shorn, are going to respond to that market. Whether those doctors will be around when we need resuscitation from a heart attack or surgery for cancer is another question. — Jane S. Shaw

Did they find the gene for government incompetence? — The announcement that scientists have completed the first "rough map" of the human genetic material, decoding the 3 billion chemical "letters" in human DNA, is a major scientific milestone. Perhaps just as important, in a story many seem to have missed or downplayed, it might provide a model for future scientific projects or at least a reminder of how things get done in the real world. I'll reserve judgment on whether it's the biggest thing since the moon landing. But it will make a huge difference in health care when the genes that make people susceptible to cancer, AIDS, Parkinson's or Alzheimer's are more fully understood. The hidden lesson is the importance of the private sector in Big Science.

Competition works to spur achievement. And maybe it wouldn't be a bad idea to get government out of the way and let private-sector organizations compete to do the best job. The Human Genome Project began some ten years ago as a cooperative venture among government science centers and universities around the world with the then-ambitious goal of mapping the entire human genome by 2005. In 1998 one of the scientists, John Craig Venter of the Institute for Genomic Research in Maryland, proposed contracting some of the work to a private venture. He got mostly icy stares and barely veiled hostility. So he formed a joint venture with Perkin-Elmer, which made the equipment used to analyze DNA, and announced that the new company, Celera Genomics, would complete the entire mapping project in three years, at a total cost of $200 to $250 million (compared to $200 million a year the government project cost). Government spokesmen downplayed the competition, but when it became clear that the private venture was going to finish the project quicker and cheaper than the government, it merged its efforts.

Maybe it would be better if they kept competing.

— Alan Bock

Hotel Mir — An extremely important story has received very little press coverage. MirCorp, an Amsterdam-based company, is planning to pay the Russian Space Agency to keep the Mir Space Station in orbit. Their intention is to turn it into a hotel for anyone who has the desire to go into space and the tens of millions of dollars needed to pay for the trip. They already have at least one candidate lined up for the trip.

NASA has been critical of these efforts; they're concerned that Mir is too dangerous for tourists, and, more importantly, that the efforts to keep Mir aloft will distract the Russians from their participation in the International Space Station. NASA itself has done little in the past decade to advance space exploration and colonization — the International Space Station has a very vaguely defined mission, is billions of dollars overbudget and more than a decade late (I remember predictions that it would be complete by 1993). It's been thirty years since NASA sent anyone to the moon, and NASA hasn't even set a date for its manned Mars mission.

If NASA doesn't want to take the lead in space colonization, it should at least stay out of the way of someone who does. — John Haywood

Disk error — Building on its triumph in the Microsoft antitrust suit, the administration has devised a comprehensive plan to restructure the entire U.S. computing industry so as to enhance yet further its efficiency and openness. Unfortunately, the files containing the plan are on two hard drives that unaccountably have been misplaced.

— Loren Lomasky

Million Mome March — Not even in the heyday of the Ku Klux Klan did demonstrations against civil rights enjoy so much enthusiastic and credulous media puffery as is currently enjoyed by the political operatives in charge of the "Million Mom March."

The media ignored the fact that the "Million Mom March" has all the genuine grassroots nature of a "spontaneous" demonstration in Havana in honor of Fidel Castro's birthday. Far from being a grassroots organization, the "Million Mom March" is merely a subsidiary of the Bell Campaign, a California gun prohibition organization funded mostly by George Soros.

The MMM's fraudulent claim to have 815,000 people in attendance at their rally was treated seriously by the Old Media, but quickly debunked in *Internet Time* by Web pictures showing that the crowd was about 75,000. The Old Media also ignored where the name "Million Mom March" had come from. The MMM organizers were apparently so inspired by Rev. Farrakhan's "Million Man March" that they decided to imitate the name of a rally organized by a racist, anti-Semitic hatemonger who believes that he has traveled on a spaceship from Orion. The 2000 version of the MMM

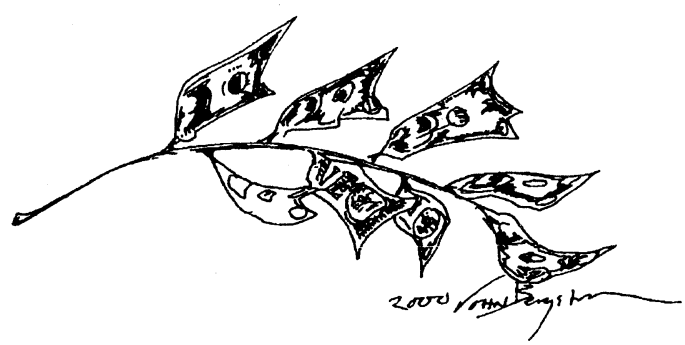

OLIVE BRANCH

was just as meanspirited, and as disconnected from reality, as was Farrakhan's original event. And, fortunately, neither rally came close to attracting a million people. Real mothers, like real men, aren't inspired by deluded bigots who hate the Constitution. — David Kopel

Surviving gun hysteria — Following the Columbine High School murders, the nation's gun prohibition groups declared Colorado "ground zero" and set out to use Columbine as a pretext for the most widespread assault on Second Amendment rights in Colorado history. The gun ban groups received a considerable boost in the summer of 1999, when Republican Governor Bill Owens — whose 10,000 vote victory in 1998 never would have happened without major NRA support — announced his own anti-gun program. When the legislature convened in January 2000, Governor Owens began twisting arms very hard for his anti-gun package. Veteran lobbyists could not recall any governor making so many behind-the-scenes threats to members of his own party.

What was the result? When the legislature went home in mid-May, the Owens agenda was in ruins — except for items which had been endorsed by most gun rights groups. In addition, the two major new laws protecting Second Amendment rights were enacted.

Item one on the Governor's agenda was to have the Colorado Bureau of Investigation, rather than the FBI, do the instant background check on retail gun sales, which is required by federal law. This passed, as did a measure to open up juvenile records for background checks.

So did a bill to outlaw giving long guns to minors without parental consent. This was the one bill that was relevant to Columbine. The two murderers had obtained three long guns from Robyn Anderson, an 18-year-old student who acted as their gun moll.

Pro-rights groups also supported the successful enactment of a measure to prohibit "straw purchases" — when one person buys a firearm as a "strawman" for a person who is legally ineligible to possess a firearm.

Finally, most Second Amendment activists endorsed legislation to strengthen existing law against giving handguns to juveniles. (The law contains exceptions for sports, home defense, etc.)

That most of Colorado's Second Amendment community supported the above laws puts the lie to the claim that Second Amendment defenders are totally opposed to any reasonable form of gun control. But the Second Amendment groups, including the NRA, the Colorado State Shooting Association, and the Firearms Coalition of Colorado remained strongly opposed to legislation to take rights away from law-abiding people.

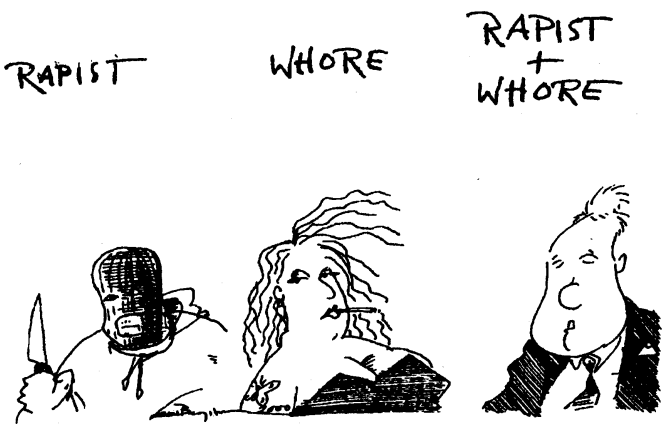

Defeated were measures to ban handgun purchases or possession by people 18–20 years old, to ban people from carrying licensed concealed handguns on school property, to ban graduate students from possessing firearms in their school-owned apartments, to mandate "safe storage" (burglar protection); to restrict so-called "assault weapons."

The biggest battle was over Governor Owens' demand for government control, in the form of background checks, for gun sales by people who are not in the business of selling firearms, whenever those small-scale private sales take place at a gun show. The gun show bill passed the House Judiciary Committee by a single vote, and then was defeated by a single vote in the House Appropriations Committee.

After this Second Amendment victory, the Sunday edition of the *Rocky Mountain News* ran a color cartoon showing an NRA flag flying over the state capitol.

Legislation to prohibit most forms of city or county gun control, and legislation to set up a state-wide system of concealed handgun licensing had the votes to pass both the House and the Senate, but was stymied by being assigned to the one committee in the Senate that had a 4–4 deadlock on gun issues.

Three other reform measures did pass both houses, though, and ended up on the Governor's desk. The first bill is the strongest law in the country to outlaw frivolous lawsuits against gun manufacturers. Unlike the reform laws in approximately two dozen other states, the Colorado law prohibits private lawsuits, as well as government lawsuits.

The second bill guaranteed the right of automobile drivers to carry handguns for protection (no permit needed) on any trip which crosses a city or county border. This bill was aimed at Denver property confiscation law which had been used to seize cars and guns from people traveling through Denver. The final bill exempted the names of concealed handgun permit holders from the state's Open Records law.

Governor Owens signed the tort reform and automobile bills, but vetoed the privacy bill.

Colorado really was ground zero. If anti-gun-rights bills had passed in Colorado, the Congressional anti-gun package which almost passed in the summer of 1999 would have become law.

The anti-gun lobbies are indignant that, the year after the Columbine murders, the Colorado legislature refused to pass anti-gun laws that had nothing to do with Columbine. Sometimes the good guys really do win. — David Kopel

Slouching Towards Equality — On July 2nd, the Americans with Disabilities Act celebrated its 10th anniversary. In its ten years of existence, we've seen it applied to everything from professional sports to strip clubs. It has been abused by fat people to get first-class seats at coach prices and drunks that didn't want to get fired — and made the Federal Government appear petty and silly. In deference to those who claim the Libertarian Revolution will never start until things get a whole lot worse, I applaud the ADA for its

contributions to Liberty, Comedy and an Orwellian Society.
— Tim Slagle

Death tax, R.I.P. — More proof that good ideas really can win in the long run comes from the summer votes of both the U.S. House and Senate — with considerable Democratic support — to abolish the federal estate tax. For most of the 20th century, the estate tax was even more unchallengeable than Social Security. Confiscating over half the property of successful people, to prevent them from giving the property to their family, was regarded by both the right and the left as an important way of guaranteeing "fairness."

Even after the Reagan Revolution of 1980, the best that could be done was to reduce the estate tax rate. Now, the death tax is on its deathbed, saved only by a Clinton veto. Should George Bush win the Presidential election, the tax will almost certainly be abolished. Not lowered, abolished. The estate tax falls mostly on the wealthy, and so was protected throughout the twentieth century by the politics of envy. That even a large number of Congressional Democrats are now rejecting the mean-spirited politics of confiscation and jealousy is one reason to hope that politics in the 21st century are starting to return to the principles of America's founding.
— David Kopel

The age of consent — A *Washington Post* headline reads, "Shareholders Back AOL Pact/Time Warner Deal Needs Agency Consent." In the beginning we Americans declared that governments derive their powers — "their just powers," that is — "from the consent of the governed." Now some people seem to take it for granted that Americans need "agency consent" — that is, the approval of the unelected bureaucrats at the Federal Communications Commission, and the unelected bureaucrats at the Federal Trade Commission, and indeed the unelected bureaucrats of the European Union — before they can merge two businesses.
— David Boaz

The "cost" of lower taxes — I have a nit to pick — maybe it's more than just a nit — with most of my journalistic colleagues. Every news story I read about the repeal of the inheritance tax referred to how much the measure would "cost" the government. Not a single one referred to how much money would be "returned to taxpayers," or, even more accurately, "left in the hands of those who earned it." Even aside from the fact that with the federal government expected to run a "surplus" of $220 billion this fiscal year — a term that might more accurately be rendered as "tax overpayment" — shedding tears over the 10-year phase-out of a tax expected to bring in a mere $23 billion this year seems odd.

This terminology is far from neutral or objective. The word "cost" implies a loss to society at large, when in fact a tax cut is the prevention of a transfer from an earner to the government. Prattling on about the "cost" of a tax cut reflects the assumption that it is more socially beneficial for the government to have money than for private citizens to have it, that for the government not to seize some money some time in the future that it had expected to be able to seize exacts a price from society at large. This is not only an ideological position, it is a pernicious position. Most journalists, however, would not even recognize it as a position at all.

Why do journalists so routinely use words in purportedly objective news stories that bolster the cause of larger government? Twenty years in the business and I still don't know. — Alan Bock

Messing with Texas — Several years ago, the Smithsonian Institution took a lot of flack for its Enola Gay exhibit, which blamed the 1941–1945 War in the Pacific on American racism and imperialism.

While public outcry forced the Smithsonian to change the Enola Gay exhibition, the Smithsonian's hate-America-first work continues in a quieter way.

Consider the Smithsonian's two-CD set, *Moving West Songs* — a collection of American folk songs from the 19th century. The song selection itself is fine, and so are the performances. But the narration and the liner notes are not.

For example, my favorite song on the album is the *Texas War Cry*. It's an inspiring song of freedom — even for a Coloradan like me, for whom disliking Texans is one of the few legally-sanctioned forms of prejudice. The song is sung to the tune of the *Star Spangled Banner*:

Oh Texans rouse hill and dale with your cry.
No longer delay, for the bold foe advances.
The banners of Mexico tauntingly fly,
And the valleys are lit with the gleam of their lances.
With justice our shield, rush forth to the field.
And stand with your posts, till our foes fly or yield.
For the bright star of Texas shall never grow dim,
While her soil boasts a son to raise rifle or limb.
Rush forth to the lines, these hirelings to meet.

Our lives and our homes, we will yield unto no man.
But death on our free soil we'll willingly meet,
Ere our free-templed soil, by the feet of the foe men.
Grasp rifle and blade with hearts undismayed,

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And swear by the temple brave Houston has made,
That the bright star of Texas shall never be dim,
While her soil boasts a son to raise rifle or limb.

But the Smithsonian is so distressed by the lyrics that it precedes the song with narration which blames the Texan Revolution exclusively on the fact that many Texans "did not take their Mexican citizenship seriously." In fact, the primary cause of the Texan Revolution was that the Mexican dictatorship was systematically obliterating the right to self-government which the Mexican government had guaranteed to Texan settlers, as well as other rights guaranteed to all Mexicans by the 1824 Mexican Constitution. When Stephen F. Austin petitioned for redress of grievances, the Mexican government threw him into solitary confinement in a dungeon for fifteen months, and then kept him on a ball and chain for six more months.

On April 21, 1836, the Texan army won the decisive battle in Texas' war of independence against Mexico at San Jacinto. The Alamo siege, six weeks earlier, had delayed the Mexican dictator, General Santa Anna, and had provided crucial time for Sam Houston to rally the Texan people. Santa Anna's 1,500 men were "the flower of the Mexican army," according to historian William J. Jackman. The Texan army numbered only about half that. But the Texans launched a surprise evening attack on Santa Anna's fortified positions. As the Texans rushed into battle, they yelled "Remember the Alamo!" and "Remember Goliad!" (Goliad was a site where Santa Anna had murdered 280 American prisoners.) As the Texans advanced with their rifles and Bowie knives, a single fife and a single drum played the love song "Will You Come to the Bower?"

The death of Mexican soldiers in combat makes the Smithsonian cry, but they shed no tears for the Texas prisoners of war murdered in cold blood at Goliad, or for the brave defenders of the Alamo — who unlike the poor Mexican soldiers, were fighting for liberty.

In the first hour of battle, the Texans killed 600 Mexicans and captured 200 more. Within a day, all the rest of the Mexican army, including Santa Anna himself, had been captured. Texan casualties were six dead and 30 wounded.

The Mexican standing army was crushed, and, although Mexico refused formally to recognize Texan independence, the dictatorship gave up trying to conquer Texas.

A wonderful day in the history of free men? The Smithsonian bemoans San Jacinto as "a tragic slaughter." The death of Mexican soldiers in combat makes the Smithsonian cry, but they shed no tears for the Texas prisoners of war murdered in cold blood at Goliad, or for the brave defenders of the Alamo — who unlike the poor Mexican soldiers, were fighting for liberty. The Battle of San Jacinto deserves a place of high honor among the greatest victories of freedom over tyranny, such as Normandy, Inchon and Saratoga. And the Alamo deserves its own place of honor among great battles such as Thermopylae, where freedom warriors fought to last man, and by their ultimate sacrifice saved their people's liberty.

What a disgrace that our tax dollars are wasted to produce the anti-American, anti-freedom lies of the Smithsonian Institution. — David Kopel

Come back soon (or else) — One of the evils of regulation is that regulated industries all eventually become arms of the Big Brother State. We've seen it happen in banking. Now it seems to be infecting airlines as well. Soon you won't be able to get there from here.

Heading home to Costa Rica recently at the end of a trip to the Land of the Free, I showed up at the American Airlines desk to pick up a boarding pass on my electronic ticket.

"That's funny," the agent said, "I can't seem to find the return segment of your flight."

"This *is* the return segment," I said helpfully. "I live in Costa Rica."

"You live in Costa Rica?" She read her computer terminal for a bit. "Do you have some document that shows you live in Costa Rica?"

"No," I said, but made a mental note to take a picture of my house sometime, and have it notarized by the Ministry of Jesus.

She read some more. "Do you have a visa?" she asked.

"Nope. Don't need one."

"I'm just going by what it says in the computer," she apologized. I shrugged.

She punched and probed, and after a while called over a supervisor. "He doesn't have a return ticket. He says he lives in Costa Rica." The supervisor didn't look at me. He also looked to see what it said in the computer.

"Do you have a tourist card?" they finally asked.

"No, don't need one."

"But you are only allowed to stay in Costa Rica for 90 days. So how can you be living there? You have to have a return ticket."

Now it was my turn to be puzzled. What business was all this of American Airlines? Who was to say I wasn't going on to Panama in another week? And if I was indeed returning to the U.S., who said I had to book my return flight through American Airlines? However, nice guy that I am, I skipped over these considerations and told them the simple truth:

"I'm too restless to stay anywhere for 90 days. So it's not a problem."

The supervisor whispered: "See if he has a security passport." They punched buttons in the computer for a while, and eventually satisfied themselves I didn't have a security passport (whatever that was).

They looked at me. "I don't care," I said. "Book me a return flight 90 days from now." While the agent did this I pointed out: "You realize why you're just wasting your own time, don't you? I'm simply going to change the reservation later."

Confession time on her part. "Well, if there is not a return flight booked, we get fined."

"You get fined by whom?" I asked.

"By the government." I pondered this. Did Costa Rica require a return ticket as a condition for landing rights, to

avoid being buried in an immigrant wave of gringos?

"By which government?" I asked. "The Costa Rican government or the U.S. government?"

"The U.S. government," she said.

So there you have it: American Airline administers a nonexistent U.S. law that you can't go to Costa Rica without a return ticket. I didn't bother to further point out how idiotic this was, nor did I inquire as to the reasons for the new rule. I speculated that it had something to do with the lack of an extradition agreement between the U.S. and Costa Rica. After all, Janet Reno had come down recently and, when she was not sleeping or shaking in public, threatened all the expatriate Americans that she was going to get them.

So I flew home to Costa Rica, and promptly cancelled my "return" flight to the U.S. After all, I'll soon be out of here again, on my way to Brazil to investigate the national security implications of the demise of the thong bikini. And I won't be flying American Airlines. — Orlin Grabbe

The curse of Reagan — Ronald Reagan's greatest failing as an executive was probably his personnel selection. As governor of California, when he had the opportunity to name a new lieutenant governor — a job that can put a politician on the road to the governorship, the Senate, or even the White House — he chose an undistinguished congressman whom he had met once at a reception. As president, he promised to abolish the federal Department of Education, then named a career educrat as Secretary of Education. Even the secretary said he was surprised to get such an appointment. And most notoriously, of course, his poor decision in 1980 gave the country four years of President George Bush. One might even say it was Reagan's selection of Bush that gave us President Clinton. And now, in some real-life *Friday the 13th Part III,* Reagan's hurried decision in July of 1980 may well give us yet another George Bush presidency. (I trust no one thinks the pinhead, as *Atlantic Monthly* editor Michael Kelly calls him, would be a candidate for president if his father had not been president.) I do think we owe Reagan our thanks for many things, but twelve years and counting of disastrous presidents must be weighed in the Reagan balance sheet. — David Boaz

Weakheart — In the climactic scene of the film *Braveheart,* Scottish warrior William Wallace (played by Mel Gibson), is being tortured to death by the English. The executioner asks if he has any last words, hoping that he will beg for mercy and acknowledge the sovereignty of King Edward of England. With his dying breath Wallace shouts, "Freedom!" Braveheart was a great commercial success. Of course, it's easy to cheer for a hero who lived far away and long ago. We don't necessarily identify with his heroic qualities, but we feel an emotional rush from the thrilling image.

But what if the story took place in present-day America? How would the screenplay be written, and how would the film be cast?

To start with, we would have to get rid of Mel Gibson. He is just too gritty, too muscular, and definitely too much of a rebel. He exudes an unashamed disrespect for authority and a blatant disregard for rules. If he were a swimmer, he would swim against the current. Such a person is not at all suitable to portray a modern American.

Then, we would choose someone who's classically handsome, but has a softer, more gentle way about him. His face would be smooth, with none of the wrinkles that might suggest he'd ever suffered, struggled, or had a deep thought. He would have spent his days looking only at things nearby, so there would be no crow's-feet around the eyes from squinting to see into the far distance. His skin would show a uniform tan — tan arms and a pale chest from outdoor work would never do. The muscles would be well rounded from a fitness program, not stringy and lumpy from actual hard work. Of course, there would be no scars, which might suggest that this man believed in anything enough to fight for it.

The star would be smooth in dealing with others. He would have no strong beliefs, so there would be no reason for arguments — much less fights. In the unlikely event a dispute arose, he would not become upset, regardless of the reason; he had attended anger-management workshops. Without God at the center of his universe, he himself would be the center. Most people would not see this as narcissism, because they have a similar approach to life.

He would have many acquaintances and business associates but few close friends. He would have been married and divorced at least twice, and might have fathered children by other women. Lasting commitments were not his "thing." Besides, he knows that one does not advance his career by displeasing those in authority, or by sticking by friends who do so.

Having replaced the star, we would now update the screenplay. The story would be set in modern-day America, because studio executives would correctly suspect that most of the potential audience would have learned little of past times or other places in public school, and would therefore have difficulty relating to anyone unlike themselves. True, they might have had a smattering of "multicultural" curriculum, but it would probably not have included actual knowledge of other cultures.

The basic theme of an oppressive ruler might be retained, but in the guise of a ruthless corporate executive. Naturally, the relation of the hero to the executive would not be one of

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rebellion, which would be viewed as bad for his career and therefore, unbelievable. There could be friction, but in the end the conflict would be resolved amicably. The hero might regain the favor of the executive by helping him stab associates in the back — figuratively, of course.

The story would end with the hero celebrating his

Left					Right			
Far Left	**Left**	**Left Liberal**	**Moderate Liberal**	***Libertarian***	**Moderate Conservative**	**Conservative**	**Right**	**Far Right**
Noam Chomsky	Hillary Clinton	Al Gore	Bill Clinton	Gov. Gary Johnson	Bob Dole	Ronald Reagan	Pat Buchanan	David Duke
Jane Fonda Hayden	Jane Fonda Turner	Eleanor Clift	Jane Fonda Vadim	Jesse Ventura	Jane Fonda Fonda	Rush Limbaugh	G. Gordon Liddy	Jared Taylor
Rep. Bernie Sanders	Sen. Paul Wellstone	Sen. Ted Kennedy	Sen. Tom Daschle	Rep. Ron Paul	President George Bush	Newt Gingrich	Gary Bauer	Lou Sheldon
Catharine MacKinnon	Patricia Ireland	Donna Shalala	Geraldine Ferraro	Ayn Rand	Liddy Dole	Lynne Cheney	Phyllis Schlafly	Marge Schott
Z Magazine	*The Nation*	*New York Times*	*The New Republic*	*Reason*	*The Economist*	*National Review*	*Human Events*	*Middle Amer. News*
Covert Action	*The Village Voice*	*Washington Post*	*WSJ* Features	*Orange County Register*	*Readers' Digest*	*WSJ* Editorials	*Chronicles*	*American Renaissance*
Pacifica Radio	NPR	CNN	ABC, CBS, NBC	John Stossel	Fox	Firing Line	Most talk radio	Radio Free Idaho
Homer's mother	Lisa Simpson	Mayor Quimby	Marge Simpson	Apu	Homer Simpson	Mr. Burns	Ned Flanders	Sideshow Bob
Rev. Communist Party	Congr. Black Caucus	Democratic Party	Dem. Leadership Council	Libertarian Party	American Reform Party	GOP	U.S. Taxpayers Party	Freemen
Greenpeace	Both NEAs	Urban Institute	Brookings Institute	Cato Institute	Hoover Institution	Heritage Foundation	Rockford Institute	John Birch Society
Campus Org. Committee	MacArthur Genius Awards	Ford Foundation	Carnegie Endowment	Liberty Fund	Nixon Library	Bradley Foundation	Von Mises Institute	Liberty Lobby
Verso	Most University Presses	All NY book publishers	The Free Press	Laissez Faire Books	Yale University Press	Regnery	Spence	Barricade Books
Queer Studies	English Lit.	Political Science	Languages	Economics	Physics	Business	Football	Eugenics
Order of Ché	National Book Award	Pulitzer Prize	Humanitas Awards	H.L. Mencken Award	4H Club Badge	Templeton Prize	Edmund Burke Award	Burning Cross
Louis Farrakhan	Toni Morrison	Spike Lee	William Raspberry	Walter Williams	Shelby Steele	Ward Connerly	Reggie White	Louis Farrakhan

Radicals of the center — Last year the Center for the Study of Popular Culture, headed by David Horowitz, launched a campaign to identify "the left" in American politics. The Center's complaint was that the major media often identify conservatives, libertarians, archconservatives, right-wingers, and so on in discussing politicians and interest groups, but few people and organizations are ever identified as liberals or leftists. Horowitz set out to restore honesty in political labeling. The Center published ads in political-affairs magazines showing a spectrum of groups and individuals on both left and right.

Oddly, however, the ads omitted libertarians entirely. Recognizing this, the Center headlined its ad in *Reason* "Our Libertarian Friends Are Eccentric (so you don't appear in the chart below)." Eccentric? Eccentric?!? Libertarianism is the current manifestation of the political philosophy of John Locke, Adam Smith, the American Founders, the abolitionists, the freetraders, the young John Stuart Mill, and such modern thinkers as Milton Friedman and F. A. Hayek. The philosophy of economic and political freedom is more consistent than that of modern conservatives who favor economic freedom and restrictions on free speech and personal freedom or that of modern liberals who favor free speech (well, except for campaign finance restrictions, college speech codes, etc.) and restrictions on economic freedom.

So to help the Center out, I've added the libertarian column to its list. And I've put libertarians in the middle, as we are at the heart of Western political thought; we can regard both left and right as unfortunate deviations from the main line of Western civilization: individualism, limited government and free markets. Now everyone can find a place on the political spectrum.

—David Boaz

promotion and large bonus in his new luxury townhouse with several scantily clad young women, who of course would be co-workers with equal salaries. Just as he was climaxing with one or more of these beauties, the hero would shout, "NASDAQ!"

This film might not be an artistic triumph, but it would depict characters and situations modern-day Americans could identify with. We live in a country where consumer spending and debt reach new highs and charitable contributions drop. We are a society in which an unpopular religious cult is besieged by heavily armed government agents and 84 human beings — including 26 children — are gassed and incinerated, with virtually no public protest. The President lies under oath, but it's just about sex. A six-year-old boy is found clinging to an inner tube after his mother drowns attempting to bring him to America, but most people believe he should be returned to the communist dictatorship in Cuba, so they can see new stories on TV. Both Republicans and Democrats propose new spending for more government programs, and most people approve, asking only how much they will benefit personally. Universities and businesses decree speech codes. The President proposes reducing the protections of the Fourth Amendment. The crime rate has fallen, but the government plans to disarm citizens while turning police into paramilitary units who point submachine guns at children while few object.

William Wallace shouting "Freedom!" with his last breath made for an exciting scene, but one we can no longer relate to. We just don't have the heart for it. — David C. Stolinsky

Waiting to Exhale — The Environmental Protection Agency has stated its intention to regulate emissions of carbon dioxide (or CO_2). According to a recent article in *Science*, the EPA will make this startling announcement within the next few weeks.

Until now, the EPA has been content to do what Congress authorized it to do: regulating emissions of toxic material into the environment. In response to a petition filed last October by the environmental organization International Center for Technology Assessment ("ICTA"), the EPA is expected to publish a Federal Register notice asking for comments on ICTA's argument that the EPA should regulate CO_2 by its current authority under the Clean Air Act as a pollutant that is "harmful to public health and welfare."

CO_2 is about as harmless as any substance known to man. It's the gas that plants breathe in and animals breathe out. That means, presumably, that the EPA wants to treat all animals as sources of pollution, subject to its regulation.

Of course, the EPA does not have statutory authority under the Clean Air Act. Congress never intended that the control of toxic emissions would include CO_2 which is not toxic at even the most imaginatively projected levels. (One can drown if submerged in pure CO_2 the same way one can drown if submerged in water. But it's no more toxic than water.) Nor is there any scientific evidence to support the view that CO_2 at current or projected levels is harmful to "public health and welfare" any more than water is.

There are also serious legal problems with this power grab. For one thing, regulating CO_2 emissions would entail regulation of energy consumption, the keeping of domestic animals, and ultimately even human life itself. (Every human being exhales CO_2 in every breath.) So it would inevitably create a huge "takings" problem since large amounts of private property would be "taken" for a public purpose and would require just compensation under the Fifth Amendment. It would also cost more than $100 billion to implement, so the EPA would have to do an immense impact study. Leaving aside these problems, the EPA's charter solely authorizes it to regulate toxic substances released into air and water, and CO_2 is certainly not toxic.

Remember that every animal on earth emits CO_2. If the EPA manages to establish its authority over CO_2 emissions, it could require a permit for you to breathe! One can assume reasonably that individual human beings would be exempted from the regulations, at least at first. But who knows what the EPA might try in the future. Remember that the federal government now regulates virtually all commerce in the United States, basing its authority on the argument that even the smallest of economic transactions, in aggregate, affect interstate commerce, the regulation of which is authorized by article 1, section 8, subsection 3 of the U.S. Constitution (which grants Congress the power to "regulate Commerce with foreign Nations, and among the several States").

The theory that CO_2 is subject to EPA regulation is based on the notion that it causes global warming. Contrary to popular opinion, the evidence for this is weak. Scientific knowledge of the workings of the atmospheric CO_2 cycle is still very limited, but one fact is known for certain: all human activity — energy consumption, the keeping of domestic animals, breathing as well as anything else that emits CO_2 — accounts for a scant 2 percent of atmospheric CO_2 so regulation is unlikely to have a significant effect anyway. Centrally planning the atmosphere is far beyond the capability of any human being, let alone a ponderous, bureaucratic and idiotic government agency. — Sandy Shaw & Durk Pearson

Letters, *from page 6*

touching "González is permanently alienating Elián's rights by *deciding* to raise him in Cuba." Please.

Healy says, "when you start to invoke the concept of liberty as a rationale for state empowerment, you're asking for trouble." History demonstrates this is true, but he's still using his straw man to lay that on libertarians.

Given that defense of liberty is the *only* reason for state empowerment and given the historical record that the empowered state is the greatest enemy of liberty, Elián's plight being only the most recent confirmation, we can safely say that Healy has pointed out his own condition — "oblivious to the irony."

Mike Doege
Shelby Township, Mich.

Who Is Bill Gates?

John Galbraith's diatribe against Bill Gates ("Atlas Shrunk," Letters, April) misses the point: If one wishes to analogize between *Atlas Shrugged* and the current Microsoft drama, one must cast Gates solidly in the role of Hank Rearden. Both Gates and Rearden possess a product which the market has determined is superior to those of their competitors. In each case, those competitors, rather than competing in the marketplace, turn to those who have a monopoly on force, the government bureaucrats, to reverse the market's decision. In both instances, the government, acting on behalf of those competitors alone, but claiming to act for the benefit of all persons, asserts that it is unfair for Gates/Rearden to enjoy the sole benefit of the success of his product.

Galbraith's misconception stems from his failure to recognize that it is the government, acting on behalf of Gates' competitors, not Microsoft, which is using force. As Mr. Galbraith states it: "Many manufacturers would have preferred to sell me the machine as I, their customer, wanted it. They were forced, by Microsoft, to sell me a product that I did not want to buy."

Did Microsoft force the kindly computer manufacturers to sell its products by posting armed agents at their facilities or by threatening to imprison their officers and employees? No. As Galbraith himself states: "Because of Microsoft's dominance in the operating systems market, no PC manufacturer could hope to survive without selling most of their machines with Microsoft products installed."

In other words, all of Galbraith's innocent PC manufacturers made the economic determination that the business advantages and profits they obtained by agreeing to Microsoft's exclusivity requirements exceeded those to be gained by catering to customers, such as Galbraith, who wish to compute in a Microsoft-free environment. It is curious that Galbraith does not assert that the computer manufacturers "forced" him to purchase Microsoft products as a condition to the purchase of their computers.

I will accept Galbraith's invitation to think what I will of the government's assault on Microsoft. I think that it is an assault by those with a monopoly on the use of force against a company which has gained its power and prestige in the market.

Douglas Tyler
Lexington, Va.

Smash the Corporations!

One thing all the "free-marketeers" seem to forget when "boohooing" about Microsucks (Microsoft) being attacked by the Justice Department is that Microsucks is a corporation.

Corporations are "creatures of the state." Their status as persons (artificial persons as opposed to natural persons) is a privilege — not a right — granted by law.

As "creatures of the state," in contrast to individuals, sole proprietorships, partnerships, consortia, perhaps even trusts to some extent, they are subject to the state, even to what may seem arbitrary whims of the state. The state has the right to regulate them in any manner whatsoever that the state may choose.

The rise of the corporation in the twentieth century has been a major cause of problems and abuses.

As much as I hate government intrusion into and regulation of natural persons' (individuals') lives, I have no problem with government regulation of corporations. In fact, government regulates them far too little.

Just think how much better things would be if corporations were forbidden to contribute to political candidates, causes, and PACs; if they were forbidden to hire lobbyists; if they were forbidden to contribute to (mostly) "left-tie-louie" foundations and charities; if they were forbidden to offer "benefits" packages to employees. . . .

(Note re "benefits" packages: Just look at how screwed up affordable medical care has become since it has been "third-partied" out through corporations to insurance companies and HMOs [themselves corporations]. Not to mention retirement plans. The "third-partying" of "benefits" has created a two-tiered society, where those working for privileged [large] corporations have affordable medical care and retirement plans, and those working for small companies or for themselves, mostly do not.)

Yes, as far as I'm concerned re Microsucks — chop, chop, chop. And all the rest of the mega-corporations, to start. By the way, same for unions.

David Bean
Santa Monica, Calif.

Empty Chairs, Empty Heart

I'm disturbed that Tim Slagle would find humor in the way that the Oklahoma City community chose to remember the victims of the Murrah building bombing. (Reflections, July) Each of the 168 chairs (made mostly of bronze and glass) is etched with the name of a victim. The empty chairs symbolize the void felt by their families and friends. I wonder whether Tim is also laughing at the 19 smaller chairs representing the 19 dead "bureaucrats" who were under the age of five — like little Baylee Almon, whose family had celebrated her first birthday the day before she was murdered.

Slagle's insensitivity is matched only by the poor judgment of *Liberty's* editors, who showed great courage by publishing a two-bit, throwaway comment that was, insensitivity aside, neither clever nor humorous.

Hank Newmark
Oklahoma City, Okla.

Inequality, Poverty and Pollution

In his July letter Scott A. Wilson wrote, "Libertarians as a matter of principle 'oppose the initiation of force.'" This may be an appealing principle, but history demonstrates that appealing

continued on page 22

Tax-Rebellion

Let Freedom Honk!

by Rod Smith

A lame-duck Republican governor decides to leave a very special legacy to the people of Tennessee: a state income tax. They are not properly grateful.

Lately, it seems that Tennesseans have been governed by Mr. Sundquist and Governor Hyde. After being reelected on the pledge of "no income tax," Governor Don Sundquist quickly turned the ship of state government toward the rocks. In his State of the State Address last spring, he vowed "to repeal the state sales tax on food, and work for meaningful tax reform," by which he meant saddling all Tennesseans with an income tax.

Over the past year, he has been barnstorming the state, in one public appearance after another, trying to sell citizens of the Volunteer State on his theory that they'd be better off with an income tax. But they're not buying it. His quest for fire has been doused with the cold reality that Tennesseans were not only unreceptive to the idea, but downright hostile. So hostile, in fact, that the governor was soundly booed during a speech given at the Tennessee Titan's conference championship celebration held at Nashville's Adelphia Coliseum by the crowd of over 50,000 otherwise elated fans.

This has put state legislators in an uncomfortable spot. They want to keep on good terms with the governor, but they don't want their constituents to boot them out of office. After dillydallying for weeks over the state budget for this fiscal year, they managed to agree on just one thing — self-preservation. Wary of any anti-income tax fallout in an election year, they sought instead to build a political firewall.

First, they moved the election-filing deadline to April 6 from May 16. This would allow lawmakers to know how strong a challenger they face during a reelection bid before deciding how to vote on the tax measure: presumably, those without serious opposition in the fall election could safely risk voting for the universally unpopular proposal. Not surprisingly, this measure quickly became known as the Incumbent Protection Act.

Then they voted to quadruple state-provided funds for "constituent communications," i.e., sending voters campaign propaganda at taxpayers' expense. The Constituent Communications Act provided each legislator with a $8,316 slush fund for the year 2000, up from $1,955 a year ago.

To sharpen the competitive edge for incumbents, lawmakers gutted "The Fair Ballot Access Act of 2000" intended to enable alternative parties to have a party label beside the names of their nominees on the ballot. Tennessee banned such a practice in 1961, which now gives the state's major parties a huge advantage in the ability to effectively use soft-money campaign spending.

All these shenanigans came to naught. The proposed measure remained so unpopular that the governor and his high-tax buddies in the legislature couldn't get the measure through. What to do?

Call a Saturday-morning, unannounced, closed-door special session of the legislature to enact the measure without any public scrutiny.

So on June 10, the doors to the Tennessee state legislature were locked for the House to consider the most important piece of legislation in Tennessee history. The legislature passed a measure that would create the state's first income tax out of a Conference Committee on a voice vote, without reporting which legislators voted for the measure.

The result? The evolution of the revolution began in earnest. The state capital came literally under siege. Day after day people from all walks of life came and sat in the sweltering 90-degree heat to let freedom honk. They came from all over the state to circle the station wagons 'round the capitol building, honking their horns in defiance of the state leaders. Talk show hosts Halorin Hill from Knoxville and Phil Valentine from Nashville spent several days broadcasting live from the Legislative Plaza, urging listeners to partici-

pate. Jim Coffer, Libertarian candidate for congress, laughed and said, "I blew out five fuses in my car, so for Father's Day my family got me an air horn."

Frank Cagle, the managing editor of *The Knoxville News Sentinel*, painted a vivid description of the state of Tennessee politics in a recent editorial, "I went to the circus this week. I didn't see any elephants, but there was a parade. Honking horns going around our state capitol. Inside there were various people performing high-wire balancing acts without a net. There was also a full contingent of clowns."

The battle had its casualties. Sen. Pete Springer died of a heart attack. Sen. Ben Atchley had a bypass. Sen. Gene Elsa had angioplasty. Sen. Curtis Person had a blood pressure attack. House members Kathryn Bowers and Raymond Walker collapsed on the house floor and were taken to the hospital.

After dillydallying for weeks over the state budget for this fiscal year, the legislators managed to agree on just one concept — self-preservation.

Outside the capitol, an unidentified man was fired from his job with a local home improvement chain because someone wrote down his license plate number and called the store to report he'd honked the horn on the store's delivery truck. Nine business owners offered him a job within 24 hours of his plight being broadcast on the radio.

With the mass of phone calls, E-mails and horn-honking subjects, the Legislature finally bowed to the will of an angry public. In order to avoid a government shutdown on July 1, the Legislature passed a budget without any new taxes. Sundquist became the first governor in Tennessee history to veto a state budget.

He also became the first governor to commit political suicide. The House voted to override the veto just two hours after the governor's move.

At last, all is quiet at Tennessee's Legislative Plaza. The station wagons that once circled the capital are now gathering groceries. Legislators have gone home to campaign. Reporters have gone back to reporting accidents on the freeway. The dragon of public opinion, spawned by the madness of the Sundquist administration and fed by legislative boondoggles, has gone back to sleep.

Philadelphia has the Liberty Bell, and now Nashville has the Liberty Horns. Reality bites, Elvis is dead, and politicians break promises. ❑

Letters, *from page 20*

principles can inspire appalling policies.

I have two questions about this libertarian cliché. What does this mean? And what would a society based on this principle look like?

If I trespass on Wilson's property without damaging anything and he beats me up, who has initiated force? Who has initiated force if an employer tells an employee that she must have sex with him in order to keep her job, and the government tells him that he cannot do that?

What I suspect is that libertarians use "the initiation of force" as a phrase to cover everything that violates their pro-business value system. I suspect that it includes efforts by labor unions to win better wages and working conditions for their members, but that it excludes violence fomented by business leaders to crush those unions.

I also suspect that "the initiation of force" includes efforts by democratically elected governments to curb pollution, save endangered animal species, and to require employers to behave more decently toward their more expendable employees than the law of supply and demand necessitates.

Finally, I suspect that a society based on libertarian principles would combine more economic inequality — hence more poverty — with a dirtier environment. Most Americans are opposed to such a society. That is why libertarianism is unlikely to become a majority persuasion.

John Engelman
Walnut Creek, Calif.

Official Cowardice

Judge Alex Kozinski's dissent ("In the Matter of the Killing of Vicki Weaver," August) is on the money. Horiuchi's evasions and lame excuses are nauseating: If he hadn't shot first, Weaver might have fled and taken up a defensive position? Well, so might any wanted man! Is the federal government now adopting a policy of just shooting down all suspects, rather than arresting them?

Weaver *might* have fled, and *might* have resisted, but we'll never know, because people like Horiuchi, with an overwhelming preponderance of force on their side, were unwilling to give a suspect a chance to surrender peacefully. That sounds more like rank cowardice than anything else.

And when you add the fact that Weaver was entrapped by agents of the government — how wrong does something have to be before this administration will punish it?

Larry Eubank
Bloomington, Ind.

The Forgotten Generation?

I noted your article *The "Greatest" Generation* by Merrel Clubb (August). I have read BS before but this worthless piece of junk tops the list. I think that maybe I fought in a different war than this noble hero. I was there as a PFC in the U.S. Marine Corps and sure didn't see the atrocities pointed out by Clubb.

Two other things: First, Jap (I still use that word) teeth were worthless low-grade gold and those of us overseas for any length of time knew it and avoided them. Second, "take no prisoners" was a joke. We always tried to take prisoners; on three occasions I walked and guarded three different prisoners to a prison camp on Okinawa ten miles. By the way, it is hard to take a prisoner when they are shooting at you.

continued on page 28

Erratum

In the August *Liberty*, we misspelled the name of Federal Judge Alex Kozinski. Our apologies to our readers and, of course, Judge Kozinski.

Field Report

Robbing Peter to Pay General Motors

by Ronald Powers

When Michigan competes to see who can attract businesses with tax breaks and subsidies, everyone loses but the politicians.

In recent months, Michigan has seen several instances of cities using corporate welfare to pick employers out of each other's pockets. This was not supposed to happen. The rationale behind the entire mercantilist empire presided over by the Michigan Jobs Commission (called by some the Department of Corporate Welfare) is that business subsidies are needed to compete with other Midwest states like Indiana and Ohio, not other cities within the Great Lakes state. Yet it is happening, seemingly at an accelerating rate.

In 1974 Michigan was an economic basket case. The energy crisis had made Detroit gas-guzzlers a drag on the market, and the state's economy was heavily dependent on auto production. Citizens were fleeing in droves from the R Rust Belt to the oil patch; bumper stickers reading "Will the Last Person to Leave Michigan Please Turn out the Lights?" were a common sight. The legislature responded by creating a local property tax abatement option, which allows cities to give a twelve-year 50 percent tax cut to selected companies.

A generation later, Michigan's economy is booming, and has become much more diversified. But the old abatement law remains on the books, and not unreasonably, corporations have learned to use it very effectively to play one city off against another in search of lower property taxes.

Jousting for GM

There's one minor catch: The law requires approval by any city losing jobs before the new location can offer the corporate tax break. Last summer this "exit visa" clause created a comedy when Troy, which stood to lose 1,200 jobs, withheld an exit visa which would have let General Motors get a $91-million-dollar tax break from the neighboring city of Warren on a billion-dollar Tech Center expansion.

Meanwhile, Troy's own economy is bursting at the seams. The suburban Detroit city of 80,000 residents and 108,000 jobs has become the corporate headquarters for a host of Fortune 500 companies, and boasts a negligible unemployment rate. It is in the midst of a growth-induced traffic congestion crisis far more threatening than GM's move of a measly 1,200 jobs to the next town.

Troy elected officials postured that they do not give exit visas to communities not suffering economically. This is belied by numerous examples where they did just that. Some observers think Troy officials just got a kick out of sticking it in the eye of a $43 billion corporation. But this could have brought about the opposite result of what state industrial planners had in mind when they adopted the abatement scheme: GM threatened to cancel expansion projects in several nearby towns, and promised further regional cutbacks.

The action shifted to the legislature, where the representative from Warren introduced a bill to repeal the exit visa clause. Naturally the legislature declined the opportunity simply to do away with an obsolete law. Instead they passed the bill, and along the way responded to several special interest groups by expanding the types of business that qualify for an abatement.

Combat Over Compuware

Another megabuck municipal hijacking involved Compuware, an $11 billion business software company which suddenly announced it would move a few miles, from the suburb of Farmington Hills to downtown Detroit. The employer of 11,000 denied it had sought any tax exemption but, suspiciously, the Detroit council voted just days later to offer a break on the personal property tax applied to capital tools and equipment. (Yes, believe it or not: Michigan companies actually pay property tax on the capital assets used to create jobs.)

One might ask, why offer a tax break if the decision had already been made? That aside, the council had to act quickly, because there was rumbling in the legislature about repealing the 1998 law which gave Detroit and 50 other "depressed areas" the authority to abate personal, as opposed to real, property taxes. Democrats, mostly from Detroit, controlled the state House in 1998. In 1999 control shifted to Republicans under their new floor leader, the representative from Farmington Hills.

Once again in came the clowns. A measly $5.9 million tax credit from the Jobs Commission's "Michigan Economic Growth Authority" was jeopardized by the move. This credit was granted in 1996 as an incentive to expand the Farmington Hills facility. It was to apply against another economically destructive Michigan tax, the value added tax (the only VAT in the nation. This was small change next to the hundreds of millions of dollars at stake in the Detroit personal property tax abatement. Sorry, Farmington Hills. Are you starting to get the picture why the state's central-planning mandarins feel a need for corporate welfare to prop up the economy?

Elected politicians are like country "rubes" in the hands of slick corporate operators; they will fall for almost any scheme to sucker taxpayers out of millions in tax expenditures.

Fighting Over Ferries

The action shifts to the Lake Michigan shoreline with the latest installment of corporate welfare follies. In 1998 the legislature placed a $675 million "environmental" bond issue on the ballot, mostly intended to redevelop abandoned industrial property (brownfields) and boost waterfront development. Environmentalists claimed that the so-called Clean Michigan Initiative was a sham, and simply provided cover for another form of corporate welfare to be directed at politically well-connected industrial corporations and developers of increasingly valuable shoreline property. The debt issue passed easily; everyone is for the environment, and times are good, right?

Last spring the legislature approved the first grants from the fund, including $18.4 million for Muskegon to acquire and develop property for a new high-speed ferry service across the lake to Milwaukee. There is just one little complication: Since 1992 the Lake Michigan Carferry company has operated a similar service between Manitowoc, Wisconsin and Ludington, 60 miles up the coast from Muskegon, without the benefit of multi-million dollar state subsidies.

What really burns people up is that the subsidized competitor is not even a Michigan company — it is based in Eau Claire, Wisconsin. "I don't think it (the Clean Michigan Initiative) was meant to take jobs out of Michigan and place them in Wisconsin," said the owner of the Ludington ferry. But the state representative from the rival city had a different take: "This is great news for Muskegon."

The final case study is a new twist on what has become a commonplace extortion scheme, whereby billionaire sports team owners play on the emotions of hometown fans and the gullibility of officeholders to wrest millions of taxpayer dollars for new stadium boondoggles. The twist here is that the interurban competition arose between two cities in the same metropolis.

In 1996 the Detroit Lions announced they wanted a better deal from economically depressed suburban Pontiac on their Silverdome stadium lease, or they would, yawn, move to another city. Unlike local politicians nationwide who ask how high when the big league franchise billionaire says jump, Pontiac said jump right back — jump in the lake, that is. Thus began the usual huffing and puffing about taking the Lions to Tennessee, or Toledo, or Timbuctu if the taxpayers didn't pay up.

Pontiac hung tough, but the City of Detroit stepped right up with an offer to help build a stadium next to the new baseball statium, another state taxpayer-funded boondoggle. So the Lions and the Tigers both will benefit from a $55 million infrastructure grant from yet another arm of the Jobs Commission, called the "Strategic Fund."

The $55 million was a contentious issue in the legislature. After the Lions made their deal, one of the few principled conservatives in the House proposed holding up the funds until the team reimbursed taxpayers for $14 million government spent on the Silverdome. The latter bill was DOA, of course.

What can we learn from these taxpayer shakedowns? One obvious point is that elected politicians are like country "rubes" in the hands of slick corporate operators; they will fall for almost any scheme to sucker taxpayers out of millions in tax expenditures. Corporations are not at fault here: In seeking to maximize shareholder value and returns, they are simply responding rationally to a perverse set of incentives put in place by governments.

GM is particularly adept at this form of gamesmanship. In 1992 Ypsilanti Township sued the automaker for $13.5 million, claiming the decision to close its Willow Run plant violated promises made in connection with an earlier abatement. A state Appeals Court ruled that no contract existed requiring GM to keep the plant open; specifically, the "hyperbole and puffery" that might be expected of one seeking an abatement does not constitute a contract.

In 1998 Orion Township offered GM an abatement for a $139 million assembly plant expansion, on condition the firm would retroactively pay the abated taxes if the plant were closed. GM refused, and two weeks later announced it would shelve another Orion plant upgrade, a $250 million paint shop.

While GM has tremendous clout and skill in this game, its success is by no means unique. The record is rich with companies large and small in effect extorting tax breaks out of local communities, often with such flimsy threats that any experienced private sector manager would call their bluff.

Second, Michigan has some highly destructive taxes, but rather than address that fundamental problem, the state's political establishment has resorted to blatant mercantilism. The capital asset tax and value added tax seem almost deliberately intended to sabotage economic growth in the state. This year a bill was enacted to repeal the VAT — over 23 years! One middle-aged businessman quoted in news

continued on page 28

Dusk Comes to the Dark Continent

by Len Brewster

The rule of law is on hold in Zimbabwe.

Wildlife specials on The Discovery Channel have made the cheetah as familiar as your neighbor's Siamese. Detailed reports appear in almost every issue of *The Economist* about some aspect or other of the Dark Continent. But nowhere is there less access to public officials, so much mendacity, and less right of appeal against arbitrary arrest and government thuggery than Africa. Indeed, the tourists, the specials, the images are a darkness of their own, legitimizing the status quo by serving as a popular distraction.

Many in Europe and the U.S. believe that despite some preliminary ructions in which a few white farmers were killed, last month's parliamentary elections in Zimbabwe went off peacefully, and that the result (the ruling party winning 62 seats to 57 for the opposition) reflects the "will of the people." Some might even be persuaded that the election was centered around the legitimate desire of a majority for land reform.

This is all an illusion. Thirty people, mostly from the opposition Movement for Democratic Change (MDC), were killed just before the election, and hundreds more were tortured by members of the Zimbabwe African National Union-Patriotic Front (ZANU-PF, the party in power). Dr. Chenjerai Hunzvi, head of the War Veterans Association, donated his medical office to be used as a torture chamber. (Dr. Hunzvi's providential guerrilla nickname is "Hitler.") At least 10,000 MDC supporters had to flee their home areas because of the intimidation, and were thus denied access to voting. Sydney Sekeramayi, Minister for National Security, announced that he had means of knowing who had supported the opposition, and that they would be punished. The ruling party even let on that they had a huge computer showing how each person voted, and a magic telescope through which members of the government could watch them mark their ballots! This at least gives a new meaning to the term "transparency."

The most effective ZANU-PF electioneering device was a massive government-sponsored invasion of private property. Twelve hundred white-owned farms were forcibly and illegally occupied by war veterans, common thugs and members of the secret police. Many farmers and farm workers were killed. Planting was disrupted, large areas were stripped of precious tree cover, and property of all kinds was vandalized.

President Mugabe publicly supported this, insisting that "the people" were only "demonstrating" against white farmers owning too much land. The occupations were, in fact, an attempt to undermine support for the MDC. This was obvious to those who live here, but was apparently obscure to some foreign observers harboring residual socialist sensibilities. Mugabe has milked the land issue for the twenty years he has been in power, leaving it to fester between elections and demagoguing it to crisis as they approach. I suspect that little will be heard of land reform until just before the Presidential contest in two years. The whole performance was reminiscent of Kristallnacht or the Cultural Revolution, on a smaller scale.

The actual voting was characterized by systematic fraud and intimidation, despite the swarms of observers, reporters, political scientists, shifty do-gooders, and murky consultants. In the Buhera-North constituency several ballot boxes disappeared only to turn up half-burnt. In Kariba a colorful war veteran and supporter of the government strutted about a polling station threatening anyone who voted MDC. An exit poll conducted by the Helen Suzman Foundation indicated that the MDC should have won 87, not 57 seats.

Nonetheless foreign observers burbled approval. Perhaps they were so desperate to find signs of democracy in Africa

that they dismissed the widespread fraud and violence as unimportant. Perhaps some were motivated by that morbid benefit of the doubt, that psychic affirmative action, which seems to sweeten judgments of all things African.

The precise cause of their self-deception may not be known, but the effect of it is: it encourages further internal colonization as officials are held ever less responsible, and

The ruling party publicly announced that they had a computer showing how people voted, and a magic telescope so members of the government could watch them mark their ballots.

become wealthier and more powerful. The woolly good intentions, the condescending pats on the head, and the sickly sympathy endorse the darkness.

Following the election the army joined criminals and war veterans as they resumed their attacks on the farms, in defiance of two court decisions. (Mugabe has referred contemptuously to "the little law of trespass.") The government continues to do its best to blame the MDC for every misfortune including a stampede during a July soccer match which killed 13 people.

The President holds Roman Catholic Archbishop Pious Ncube responsible for ZANU-PF's defeat in Bulawayo and Matabeleland, the home area of the largest ethnic minority, the Ndebele. The clergyman has received death threats widely believed to originate in the President's office. The real problem for ZANU-PF is that in the early 1980s, it used the North Korean-trained Fifth Brigade ZANU to slaughter about 6,000 people, ostensibly in an effort to suppress a threatened uprising, but really to break the back of Zimbabwe African People's Union, its main opposition party.

Despite all of this, the results of the election are mildly encouraging. For the first time in its history, Zimbabwe has a powerful, broadly-based opposition. The MDC's strength in parliament is just sufficient to block constitutional amendments, which require a two-thirds majority. Furthermore, the party is protesting 28 of the electoral results. Should it win court actions in six or more, it would have a majority. In any case, ZANU-PF shows some signs of disintegration, and there have already been some minor defections to the MDC.

"A second opinion? — I wouldn't push my luck if I were you."

The opposition is in striking distance of the presidency in 2002, given some semblance of a fair contest. It is difficult to predict how they would differ from the present regime, though they have promised to lower the budget deficit (now at 10 percent of GDP), restrain the 60 percent rate of inflation, and do something about the 50 percent rate of unemployment. They also pledge to pull out of the war in the Democratic Republic of the Congo, which has cost Zimbabwe about $3 billion.

However, the MDC is an odd political party. It developed out of the labor movement, and along the way attracted professionals, academics, and businessmen of all races. It is the first serious multi-racial party in Zimbabwe's history, and one of the few political organizations in the world that more or less equally represents business and labor. This is admirable in its own way, but it indicates a serious potential for instability. It will be interesting to see what the party's position will be on the minimum wage.

The MDC is currently campaigning to have Mugabe resign — thus bringing forward the presidential election, which is currently scheduled for 2002. The campaign will likely fail, giving Mugabe at least two years in which to do mischief to the opposition and the economy. He has already promised to re-establish price controls, and he will continue to squeeze the land issue until he feels that all the political juice is out of it. A fair number of farms will by then have been expropriated, and those he does not award to himself and his friends (several thousand acres have already met this fate) will be duly resettled by peasants hoping for a better life.

Unfortunately, they won't get it. They will not actually own the land, but will only have it on lease from the state

Several farmers and many farm workers were killed. Planting was disrupted, large areas were stripped of precious tree cover, and property of all kinds was vandalized.

until whoever is in power decides to redistribute it once again. Private banks will not loan money for seed and farm machinery under such conditions. Eventually, the farmers will have to turn to the government in hopes of borrowing money (which, by the way, it does not have) thus encumbering themselves with another layer of political dependence. Ironically, the result of fifty years of leftist vaporing over land reform is feudalism.

The real tragedy, which the misfortunes of Zimbabwe so crudely illustrate, is how easily, even inevitably, the devices of enlightenment are made to serve the cause of darkness. Elections are manipulated to confirm what despots wanted in the first place. Parliaments are stuffed with praise-singers or those who oppose politely and always superficially. Courts pettifog to the decision favorable to the State of which they are a part. Observers patronize: "We must understand them, after all." And the country, eventually the world, reverts to bush. ❑

Travel

The Day Israel's Army Left

by Bradley Monton

In the wake of the Israeli withdrawal, South Lebanon throws one big party.

On May 24th, 2000, Israel ended 22 years of occupation of south Lebanon. May 25th was declared a Lebanese national holiday in celebration. Two friends and I went down to the formerly occupied zone to check things out. The roads in the south were packed with cars, most of them flying some flag or another. Most often we saw Hezbollah flags, then Lebanese flags, then Amal flags. (We were flying a Lebanese flag.) Despite the fact that one sees Syrian flags throughout Lebanon, we didn't see anyone with a Syrian flag in the formerly occupied zone.

We first went to the Beaufort Castle, a beautiful 1,000 year-old castle which has commanding views of south Lebanon and northern Israel. (We didn't yet realize that what we could see from the castle was northern Israel; like most everyone else, we had never been here before.) On the roads people kept stopping and asking each other for directions but no one knew the answers. I think we were one of the few cars that had a map (since foreigners carry such things), so we managed to navigate pretty efficiently.

There were hundreds of cars parked all along the roads up to the castle, and lots of people were walking all around the castle and among the ruins of the adjacent Israeli base. Everyone seemed both amazed and happy — lots of people were taking pictures and videotaping the whole scene. The Israelis had blown up a lot of the base they had constructed, but there were still parts of buildings standing that one could walk into. There was trash all around: we saw lots of empty packets of chips and water bottles with Hebrew writing. Poking through the ruins, we found an Israeli army jacket and took it as a souvenir.

The whole thing had the feeling of a festival, with no one in charge. Someone was collecting gasoline from a gas tank the Israelis left behind, and some kids were proudly displaying machine gun ammunition they had found. Lots of people were eating ice cream bought from one of the ice cream trucks parked next to the castle. (On the way we saw a Pepsi truck driving away with a sign in Arabic: "Free Pepsi in celebration of the liberation of the South.") Everyone was very friendly and waving flags about. We got two young kids carrying a huge Hezbollah flag to pose for a picture amidst the rubble.

We didn't see any other foreigners on the whole trip, except for one news photographer. People were surprised to see us, and assumed we were journalists, but were happy to talk to us. I followed one person into a ruined concrete bunker, and he started talking to me in English: "What do you think of this? It's wonderful that the enemy has left. Hezbollah only did this!" On top of the castle, there were Hezbollah and Amal flags, but no Lebanese flag.

The Western media tends to portray Hezbollah in a negative light, but it's the Israelis who were the clear aggressors here. Hezbollah was fighting to stop the Israeli occupation of Lebanon, an immoral occupation that violated international law and a U.N. Security Council resolution. The Hezbollah fighters were nothing less than freedom fighters, and they deserve to be commended as such.

From the castle there are wonderful views of steep valleys and lush rolling hills. South Lebanon is truly beautiful, even more so because, as a result of the occupation, there hasn't been much development. Unfortunately, though, the area is land-mined, so we won't be able to go hiking any time soon.

After the castle we navigated the traffic jams and headed to the Israel-Lebanon border. On the way there we saw on a hillside what looked like a suburban American community: lots of small identical-looking evenly spaced houses, and sodium streetlights illuminating well-paved streets. We still

hadn't figured out exactly where the border was, but it suddenly occurred to me that such a community wouldn't have been built in the occupied zone. We had trouble believing that was Israel, though, because it was so close; we were still of the mind-set that in Lebanon one can't get close to the Israeli border. Sure enough, though, as we parked our car and walked to the border fence to avoid the traffic, we realized that that was Israel (or, as we made sure to call it when talking there, "occupied Palestine").

There were hundreds of people walking along the border fence on the Lebanese side, cheering and waving flags and taking pictures. There were various abandoned Israeli military buildings on the Lebanese side, one that was on fire, and others that were being searched through for valuables. (One of the buildings had a gate in front of it; the sign on the gate said "No Parking" in Hebrew and Arabic.) We didn't want to go in the buildings because we had heard that some of them were booby-trapped, but on the side of the road (in with more trash with Hebrew writing) we found two more Israeli army jackets. They smelled of gasoline, so perhaps the Israelis were planning to set them on fire but hadn't gotten around to it in their haste.

I followed one person into a ruined concrete bunker, and he started talking to me in English: "What do you think of this? It's wonderful that the enemy has left. Hezbollah only did this!"

On the Israeli side, by contrast, nothing was happening. The closest houses to the border were about 100 meters away, but we didn't see anyone walking around. We did see a couple of cars driving through the town, Metulla, so people were still out and about to a small extent. I don't know if the town was abandoned, or if the people were just in bomb shelters. (Hezbollah is threatening to retaliate for six Lebanese civilians who were killed by Israelis during the pullout, but I doubt they'll retaliate by firing into Israel because Israeli Prime Minister Ehud Barak has promised a massive retaliation on Lebanese infrastructure if they do that. So far, Hezbollah hasn't done anything.)

We didn't even see any Israeli military patrols driving along the border during the hour or so that we were there; with just a couple unsophisticated barbed-wire fences, it didn't look very well defended. (The area was probably heavily land-mined, which provided a sufficient deterrent to crossing.) After walking along the border for a while we came to the Fatima gate border crossing, also called "The Good Fence." (It's not yet clear whether good fences make good neighbors.) Here there were three Israeli soldiers on the second floor of a building about five meters from the border. There were about 100 Lebanese standing there, most of whom were just watching the Israeli soldiers (presumably in amazement that they were that close), though a few were chanting and waving flags. It was a surreal experience, with the building on fire just behind us and the smoke drifting toward the Israeli soldiers sitting impassively just beyond the fence in front of us. As it got dark the crowd dispersed. A few people started throwing rocks at the soldiers. Their whole two-story building was protected by a fence, so the rocks weren't going to do anything; people were just venting their anger regarding the fact that tens of thousands of Lebanese had been killed by Israelis since the occupation started in 1978.

Leaving Fatima gate, we joined the thousands of other cars on the narrow roads snaking their way through the hills of the formerly occupied zone, and two and a half hours later we were back in Beirut. I turned on CNN to watch a report on the latest happenings; it's exciting enough to watch it all on TV but it's another thing altogether to actually be there. ❑

"Robbing Peter to Pay GM," *from page 24*

accounts said "I'll be dead before that tax goes away." Even young businessmen must wonder if future legislatures won't be tempted to stretch the phase-out, or stop it altogether.

The combination of these destructive taxes and the annual payout of hundreds of millions for state and local corporate welfare lends weight to arguments of free-market opponents of mercantilism: Replacing the targeted giveaways with across-the-board-tax cuts will do far more to promote growth than misguided attempts to pick winners and losers. Their case is bolstered by the fact that, despite the good times and the corporate welfare, Michigan's is 45th in the nation in job creation.

Congressman and economist Richard Armey has called the unintended consequences of state policies (often greater than the *intended* consequences) the "invisible foot of government." Using state taxpayer dollars to snatch businesses from one part of a state and move them to another is a classic case of the "invisible foot" — in this case inserted in some very high profile posteriors. ❑

Letters, *from page 20*

As for Brokaw's book, *The Greatest Generation,* my big objection was that his book is very stereotyped. Humble boy (or girl) goes into the service for WW II, becomes a hero, wins many medals, comes home and marries his childhood sweetheart, has six children, all of them highly successful, and he still won't talk about his tragic war experiences.

I don't give a damn about being the "greatest" generation; I just don't want to be the forgotten generation.

Grady Coker
Colorado Springs, Colo.

More on the Rating Game

On May 22, I had a chance to read J. Bishop Grewell's "The Pseudo-Science of Rating Congress" (June), an article which urged that Americans take Congressional voting ratings with a large grain of salt. Earlier that same day I watched as Senator Robert Bennett (R-UT) made the identical point during a thirty-minute diatribe on the Senate floor. When a practicing politician and a writer for *Liberty* take the same

continued on page 58

The Issues at Hand

Libertarian Party Agonistes

by R. W. Bradford

Twenty years ago the Libertarian Party got almost 1 percent of the nation's vote. And that's the best it ever did. As delegates went to the LP's national convention, they had to wonder: Will it ever get off the ground?

"Libertarian politics is to real politics as the Special Olympics is to the real Olympics." It was the night before the Libertarian Party convention and I was sitting in the bar at the Marriott in Anaheim shooting the breeze with a group of conventioneers when a Libertarian activist made this observation. During the next few days, I had ample opportunity to test its truth.

Libertarians came to Anaheim ostensibly to choose a national ticket, write a platform, elect new officers and consider possible changes in their rules and by-laws. Unofficially, most were there to visit friends, to party and to have fun.

Yet there is a history behind the Party's big party. The Libertarian Party is nearly 29 years old and has already contested seven presidential elections. It's had two minor successes during those seven presidential campaigns: its first nominee, John Hospers, got a single electoral vote when a renegade Republican elector in Virginia cast his vote for the LP ticket; eight years later, its national ticket received nearly a million votes, or one percent of the total. No candidate since then has managed to get even half that total.

Officially, the party claims to be the nation's third largest party, but in fact it finished third in an election only three times and hasn't finished that high in more than a decade. Despite this, the LP continues to maintain that it is challenging the major party duopoly and will one day become a major party and actually win elections.

Only one party has ever managed to displace one of the two major parties, and its success came very quickly. The Republican party won its second race for the presidency, along with its third, fourth, fifth, sixth and seventh. When it was 29 years old, it had already won five presidential elections, started and won a Civil War, established a military occupation of nearly half the country, amended the Constitution to reflect its thinking, filled the Supreme Court with its members, controlled both houses of Congress and most state legislatures. At the same point in its history, LP candidates can point to a total of four victories in races for the state legislature in Alaska, five in New Hampshire and one in Vermont.

One might think, therefore, that Libertarians meeting in Anaheim might be thinking about whether they should change their goals: perhaps abandon hope of taking over and focus instead on providing direction for the major parties, as the Populists and Socialists have done for the Democrats in the late 19th and early 20th centuries. If there was interest at the convention in such a refocusing, I didn't hear of it. Instead, everyone seemed to be operating under the delusion that the LP was about to emerge as a major party any minute now — or at least by the end of the decade for sure.

One might think that a party in the thrall of such a collective delusion might have little to contend about. If so, one would be wrong.

In fact, the race for the presidential nomination shaped up as the most interesting since 1988, when Indian activist Russell Means challenged former GOP congressman Ron Paul for the nomination. After getting less than half of one percent of the popular vote in 1996, Harry Browne didn't pause for a moment. He kept his campaign staff intact and began his quest for the nomination in 2000 immediately.

No previous LP nominee has sought a second nomination. With one exception, members were so disappointed with the vote totals that they wouldn't even consider picking the same candidate again. Roger MacBride's largely self-financed campaign in 1976 managed to obtain ballot status in

31 states and the District of Columbia — a much harder task then than now — and got 171,200 votes, but the election was barely over before activists were speaking darkly about how bad a campaign he had run. In 1984, candidate David Bergland ran an invisible campaign that got only 226,100 votes; no one wanted him to take a second shot. In 1988, Ron Paul got nearly twice as many votes as the LP had captured in 1984, but he was virtually read out of the party. In 1992, candidate Andre Marrou fell far short of the 1988 total and was never heard from again. Much of the reason why the LP fell so far short of expectations was that the candidates and their campaigns had, in an attempt to build enthusiasm among volunteers and financial supporters, generally raised their predicted vote totals as the campaigns progressed.

Furthermore, the campaigns had shown evidence of less than competent management and had never really bothered to explain how they had spent their money, leaving rank-and-file members to conclude the worst. In 1976 and 1980, the campaigns were financed mostly by the candidates (MacBride in 1976 and vice-presidential nominee David Koch in 1980), so it wasn't terribly surprising that their managers didn't feel a particular need to spell out to party members how the campaigns had been run. Even so, there were complaints and rumors of waste. The 1984 campaign was such a miserable affair that no one really cared how it was run. The 1988 campaign had promised a new level of professionalism and a return to television advertising, the tactic that had gotten the LP ticket nearly a million votes in 1980, but it never got around to buying any ads. In 1992, the campaign again promised extensive television advertising, but purchased only a handful of inexpensive ads on low-rated cable networks.

Ed Clark's 922,001 vote total was more than five times better than the previous nominee had managed. There was a fair amount of resentment against him for failing to get the 5 or 6 million votes that his supporters had thought possible, but he probably could have gotten the 1984 nomination if he'd sought it.

I suspect that with the exception of Clark and 1972 nominee John Hospers, the past nominees would have been happy to run again. But the level of hostility against them was such that none even tried.

The Browne campaign learned from this sad experience. Rather than raising supporters' expectations throughout the campaign, Browne began to lower expectations during the final weeks before election. And once the election was past, his campaign managers did two things to pave the way for his renomination:

1) They claimed that they had learned a great deal from the campaign and promised to publish a detailed report on how the campaign had been conducted. This led members to believe that a second campaign would be more professional and more successful than the first.

The campaign eventually released its report, which read more like an elaborate fundraising pitch than a business report. This wasn't really surprising, since it was written largely by Perry Willis, who wrote the campaign's direct mail fundraisers. Using large type and big margins to maximize its bulk, the report gushes over success after success in the campaign, occasionally stopping to explain important lessons learned.

The report included an elaborate list of advertising expenditures, presumably to dispel the traditional you-promised-to-spend-a-lot-on-advertising-but-never-did criticism that had dogged the 1988 and 1992 campaigns. In fact, the reported expenditures for advertising included large amounts spent by others as well as expenditures that simply never were made, if we are to believe the reports the campaign filed with the Federal Election Commission (FEC). It turns out the campaign spent less than $9,000 to purchase advertising, out of $1,430,000 spent. But so far as I can tell, not a single Browne supporter ever bothered to compare the figures in the report to the FEC figures until I did so earlier this year.*

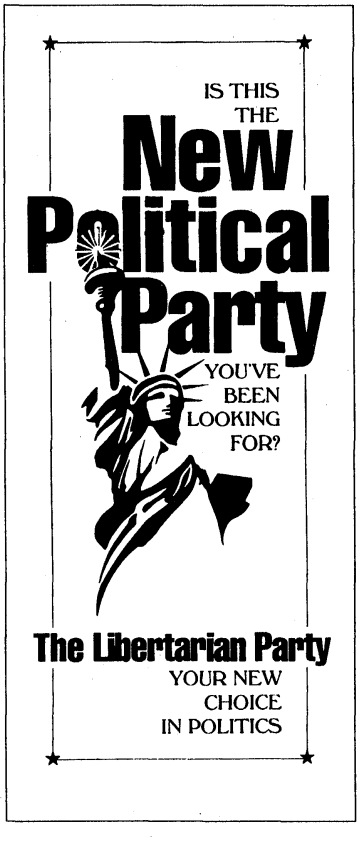

The Libertarian Party: still new at age 29?

The report had more than boastful summaries of campaign activities, optimistic lessons learned and inaccurate accountings of money spent on advertising. It also announced a new strategy, one that would enable the LP to have a major impact if it nominated Browne again.

2) Browne proposed taking a new approach. It wasn't his or his staff's fault that the campaign had done so poorly: the reason for its embarrassingly low vote total was the fault of the membership, which was way too small. Never again, Browne promised, would he run as the candidate of a small party like the LP.

Happily, Browne's staff had come up with a solution to that problem: the LP should implement "Project Archimedes," which would recruit more than 170,000 new members by the end of 1999 by using exotic new

* I would have done so earlier, but I was unaware that the report had actually been published. Both Browne and Perry Willis had promised me a copy of the report as soon as it was published and I had asked them both about it several times as its scheduled publication date came and went. They told me publication was delayed and eventually I concluded the report was not ever going to be published. About a year ago, I discovered it did indeed exist. I asked Willis for a copy; he told me that the campaign did not have a single copy left. Eventually, an LP activist heard of my problem and sent me a copy of the report, in time for the analysis of it that appeared in the July *Liberty*.

methods of direct-mail solicitation. Browne went so far as to promise that he would not run again unless Project Archimedes achieved its goal.

It very quickly became evident that Project Archimedes didn't have a ghost of a chance. By summer 1998, any attempt to pursue the goal had been abandoned, and Archimedes focused instead on getting lapsed members to rejoin and recruiting members from the same mailing lists that libertarians had long used.

This fact was kept secret from members and donors. Browne campaign manager Perry Willis, who also managed Project Archimedes, continued to claim that it was "on target" in its massive recruitment campaign and continued to raise funds for its implementation. The funds raised were not used for the scaled-back Archimedes, since it was self-financing. The LP has never revealed how the funds were spent; presumably they went into the LP's general fund.

Few within the Party paid much attention to this. Those who were active in the 1996 campaign continued to receive lots of optimistic fundraising letters and "progess reports," and many accepted them at face value. Some lost interest in the LP and dropped out, but only a tiny handful were inclined to examine what was going on and raised a cry of alarum. Leading among these were Gene Cisewski, John Famularo and Janice Presser, who decided to challenge Browne's control of the party at the 1998 convention. Cisewski challenged Browne's hand-picked candidate for National Chair, David Bergland, the husband of Sharon Ayres, who received nearly $130,000 as campaign manager of Browne's 1996 debacle.*

The hard-fought battle for chair was won only after Browne directly intervened, telling delegates that it was imperative that Bergland be elected. In 1999, the LP learned that Cisewski's firm had used the LP mailing list without permission. Cisewski, who was in California working on the LP gubernatorial campaign at the time of the unauthorized use, admitted that his firm may have used the list without permission, apologized and offered to go to binding arbitration to make an appropriate settlement. The LP refused, sued him in federal court and forced him into bankruptcy and out of the party. It cost the LP more than $40,000 to do so — a lot of money for a small organization like the LP — and it recovered only $1,000 from Cisewski, whose legal expenses had exhausted his entire life savings.

When the GOP was as old as the LP is today, it had elected five presidents, started and won a Civil War, amended the Constitution to reflect its thinking, filled the Supreme Court with its members, and controlled both houses of Congress and most state legislatures.

As 1999 began, it looked as if Browne would sail easily to a second nomination. But Jacob ("Bumper") Hornberger began to make noises like he might run. Hornberger's dynamic speaking style and no-compromise attitude had won him considerable following within the party, and the Browne forces were worried. When Hornberger decided not to run — ostensibly because he had figured out that doing so would mean leaving his Future of Freedom Foundation without a manager — the Browne campaign heaved a collective sigh of relief.

Browne's campaign report read more like a fundraising pitch than a business report. The expenditures it claimed were spent on advertising included large sums spent by others as well as expenditures that simply never were made.

By this time, many of those who had been critical of Browne's performance and his control of the party had given up hope. But some remained. Late in 1999, E-mail messages began to circulate arguing that the LP should nominate someone who had actually been elected to office. This was an obvious call to disqualify Browne, and was widely suspected to be an oblique attempt to draft Don Gorman, a New Hampshire chimney sweep who had served two terms in the New Hampshire legislature as a Libertarian. Gorman eventually announced his candidacy and began to campaign. His campaign was managed by John Famularo, former Treasurer of the LP and long-time vocal critic of Browne's finances and ethics.

In March, Hornberger resurfaced. By now, it was obvious that Project Archimedes had failed ignominously to achieve its goal of 170,000+ new members, and Hornberger had long been displeased with the way Browne had taken control of the party. Over the Internet, Hornberger published a series of criticisms of the Browne campaign, charging that it had engaged in conscious deception of its supporters and had suborned the loyalty of various employees of the Libertarian Party. Browne, Willis and Bergland responded with a series of personal attacks on Hornberger. Publicly, Gorman took the high road, focusing his campaign appearances on Browne's well-known aloofness from other Libertarian candidates. Privately, he made several attempts to talk to and meet with Hornberger for the purpose of coordinating their anti-Browne efforts. Hornberger rebuffed his approach. A couple other candidates entered the race, but none had any real support.

While Gorman was taking the high road in public, Hornberger was taking a shellacking in his battle with Browne, mostly because of a single action he had taken. He had asked the FEC what action it might take against donors

* This figure comes from FEC reports filed by the Browne campaign and includes an unspecified amount of expense reimbursement. The Browne campaign has never revealed how much of Ayres was actually paid for services.

who break the law, an action that Browne partisans charged amounted to turning the Brown campaign in to federal law enforcement authorities. (See "Bumper Hornberger: Stool Pigeon," p. 34)

Liberty Investigates

For more than two years, *Liberty* had been conducting an independent investigation of Project Archimedes and an investigation of the conduct of Browne's 1996 campaign. Our focus was on the misrepresentation involved in Archimedes and the disparity between how the Browne campaign had promised to spend the money it raised and its actual expenditures, as reported to the FEC.

We expanded our investigation to cover two other charges Hornberger had leveled: that Browne had suborned the loyalty of employees of the Libertarian Party's national office by hiring them on a contract basis and that Browne's proposed protest against the FEC misrepresented the risk that Browne donors would be prosecuted by the FEC.

The *Liberty* report, written by Martin Solomon, Peter Gillen and me, ran 16 pages; not surprisingly, its conclusions were sometimes as complex as the charges.

In brief, it found:

1) There was no merit in Hornberger's claim that Archimedes had wasted more than $1,000,000 in a failed attempt to recruit 170,000+ new members. But it hardly exonerated the architects of Archimedes. It also concluded that Archimedes had been misrepresented from the beginning. It had never actually been intended to recruit 170,000+ new members at all, but had been portrayed in this way to members for the purpose of getting donations that could be put to other uses. Long after there was absolutely conclusive evidence that Archimedes could not possibly achieve its purported goal of 170,000+ new members, its proponents claimed that it was in fact succeeding.

The Browne campaign solicited funds many times for the purpose of buying advertising, but in fact spent only $8,840 of its $1,412,368 war chest on the purchase of advertising. About 70 times as much — nearly $600,000 went to pay "consultants."

2) There was some merit to Hornberger's charge of conflict of interest, but while the close relationship between the Browne campaign and the paid staff of the LP gave an appearance of partiality and favoritism, it fell short of actual conflict of interest as ethicists use the term.

3) There was also some merit to Hornberger's criticism of Browne's fundraising efforts relating to his proposed FEC protest. While Browne had knowingly misrepresented the risk faced by individuals who might make donations in excess of the legal limit, doing so did not legally constitute fraud because he had failed in a technical sense to "induce reliance" on the false information he promulgated.

4) The Browne campaign in 1996 solicited funds on numerous occasions for the purpose of buying advertising, but in fact spent only $8,840 of its $1,412,368 war chest on the purchase of advertising. That amounted to 0.6 percent of its budget. About 70 times as much — nearly $600,000 went to pay "consultants."

Neither the Browne campaign nor the LP had any public reaction to *Liberty*'s investigation. In an interview after his nomination Browne said that while he hadn't read any of the articles in *Liberty* "entirely," he had "skimmed through them to see what the gist of [them] was."* LP National Director Steve Dasbach told colleagues and later told me that he considered *Liberty*'s investigation to be "factually accurate" but that he "disagreed with some of the interpretations."†

While Gorman was taking the high road in public, Hornberger was taking a shellacking in his battle with Browne, mostly because of a single action he had taken.

Three days before the convention, I got an E-mail from Gorman's campaign manager asking whether *Liberty* would give permission to reprint the report on its investigation of the Browne campaign and the LP. I granted permission to reprint for the usual reprint fee. I doubted that the report would have much impact at the convention: it's sixteen pages long and my experience is that most people come to conventions to socialize, not to read lengthy reports.

The presidential nomination was not the only race that looked interesting this year. Several of Browne's long-time critics — Hornberger was not among them — had launched the Clean Slate Action Program Committee, which proposed several reforms intended to make the national office more focused on supporting state and local campaigns, getting rid of the favoritism it had shown toward the presidential candidate, "open" management of its operations, without "favoritism," and full disclosure of payments made "to LNC members, staffers and their relatives." Its chairman, George Phillies, threw his hat into the race for National Chair, and other members ran for National Committee positions. ❑

* He added that "if anyone had bothered to ask us what was going on to get some clarification on any of these claims there might have been a different result." When I pointed out that I posed a series of questions to him, LP National Director Steve Dasbach, and campaign staffers Perry Willis and Stuart Reges, but got no answers, he responded "You cannot expect, number one, [that] at the last minute we will drop other things we consider more important than to come to answer your questions and secondly . . . I've come to feel that there are a lot of important things I can do in my life than to respond to your questions."

† Another LP staffer responded to the article, though rather obliquely, as I learned on the final day of the convention (see "Behind the Scenes in Anaheim," p. 33).

Convention Diary I

Behind the Scenes in Anaheim

by R. W. Bradford

Libertarians convene, caucus, nominate, elect . . . and party!

Thursday, June 29

I arrive in Anaheim along with most delegates the night before the convention begins. The big news is that Hornberger has declared his candidacy for the nomination. The other interesting development is LP founder David Nolan's quasi-announcement for National Chairman, on a platform of making the Chair a full-time paid position.

After picking up my press credentials, I immediately set about interviewing just about everyone I encounter. It doesn't take long to conclude that a substantial majority of delegates are supporters of Browne and that few of them had examined Hornberger's criticisms. I fail to find a single delegate who planns to vote for either of the other two announced candidates — Arizona businessman Barry Hess and California bus driver David Hollist — but Hornberger and Gorman each have support of about 20 percent of the delegates.

The sentiment on the Chair race is less clear: there's a lot of goodwill for David Nolan, but few like his idea of making the Chair a paid position. Most delegates have little idea of the issues in the race for chair.

Don Gorman tells me he's glad Hornberger has entered the race, since "any vote for Bumper is a vote against Browne." He tells me that if Browne fails to get the nomination on the first ballot, he'll fade quickly. It seems to me that splitting the anti-Browne vote would benefit Browne, though based on my own delegate-counting Browne really doesn't need the help. I point out to Gorman that every single delegate I spoke to who supported Hornberger had formerly supported Gorman and I hadn't seen any sign of declining support for Browne. He maintains his eternal optimism.

I also speak with individuals involved in the Gorman, Hornberger and Clean Slate campaigns to see how their delegate counts are going. To my surprise, they all tell me that they haven't counted any delegates and do not intend to. None even has people working the floor. They pin their hopes on what they believe is the softness of Browne's support.

By the time I return to my room in the wee hours of the morning, I'm convinced that unless something really stunning transpires, Browne will walk to the nomination and status quo chair candidate Jim Lark will be elected National Chair. None of the insurgents is even bothering to track delegate support, an indication of outright incompetence, or at the very least a lack of serious purpose.

Friday, June 30

I get up far too early Friday as a favor to Bill Winter, who has a bank of talk shows doing remotes from the convention and not enough guests willing to go on early. The opening day agenda isn't terribly exciting, and I don't pay much attention to the official convention business at the podium, since I can watch it all later on videotapes of C-SPAN's coverage. But I hear a good part of Barbara Goushaw's excellent keynote speech. Goushaw is probably the best campaign manager within the LP and a terrific speaker as well.

Mostly I wander about the hall, interviewing delegates, LP bigshots, and people involved in the various campaigns. The big story of the day emerges: there are two delegations from the Arizona LP there, one recognized by the national LP (and loyal to Browne), the other the legal party recognized by Arizona (and hostile to Browne). The credentials committee seats the non-legal party, but rumors of a coming floor fight over the decision fly around. From time to time, I see members of the unrecognized delegation, dressed in kilts with their faces painted blue, as a homage to *Braveheart*. But

nothing happens.

Trying to escape the hothouse political atmosphere and — figuring there must be some interesting restaurants nearby — I leave the hotel for lunch. Bad mistake: after driving around for 15 minutes without finding a suitable restaurant, I end up eating at a Taco Bell.

When I return, Bill Masters is being introduced at the podium. He's sheriff of San Miguel County in Colorado and he's speaking on the War on Drugs. His talk is brilliant. Afterward I invite him to write something on the subject for *Liberty*. He agrees.

Gorman tells me that if Browne fails to get the nomination on the first ballot, he'll fade quickly.

I run into financial writer Mark Skousen in the lobby. He's there to deliver a speech. I invite him to a dinner with *Liberty* editors and other contributors that evening, but he has plans to go to Spago. Harry Browne, who'd been somewhat distant from me, comes over to say hello to Mark and to ask Mark's son how tall he is.

I wander about, chatting with old friends, interviewing delegates. I finally find a person who supports Hess; she turns out to be Hess's wife. I ask her why he would be such a good candidate. "Because he's such a wonderful speaker," she tells me. I run into Bumper Hornberger and ask him whether he would allow a reporter from *Liberty* to sit in on his campaign strategy meetings, with a promise not to reveal anything that went on there until after the nomination. Hornberger agrees.

Late in the afternoon, Steve Cox arrives and picks up his press credentials. He and I flip a coin to see who will attend Hornberger's 7:30 strategy meeting. Cox loses the flip so I'll get to sleep in. We find other *Liberty* editors and contributors and get together for dinner. It's a special pleasure to see Brien Bartels, who interned at *Liberty* and was briefly an assistant editor here; John Bergstrom, the best political cartoonist in the world; and Logan Brandt and Michael Freitas, both of whom have articles coming up in our pages. After my Taco Bell lunch, dinner at the hotel restaurant seems like a gourmet treat; after a day of political chitchat, conversation with this group is scintillating beyond imagination.

That night I make the rounds of hospitality suites and parties, schmoozing and interviewing people until 3:00 a.m.

As I get to my room for a few hours sleep, I muse: nothing has happened to change my prognosis of another Browne nomination, and it's beginning to look as if nothing will.

Saturday, July 1

The first person I run into in the morning is Hornberger, who tells me that Cox hadn't shown at his meeting that morning. (I discover later that Cox could not find out where it was.) He suggests that we go to a private place and he'll brief me on his strategy, subject to the same conditions of secrecy. We go to the bar — pretty quiet at 9:00 a.m. — where he tells me that

Bumper Hornberger: Stool Pigeon? — In March, the Browne campaign announced that it was contemplating refusing to file reports with the FEC as a public protest. Hornberger was convinced that the real reason for the protest was that the campaign didn't want to make public how it has spent the $1.25 million dollars it had raised during the previous two years and feared that Libertarians who donated money to Browne in excess of the legal limit might very well face legal action, a risk the Browne campaign had minimized. So on March 20, Hornberger wrote a letter to the FEC asking whether individual donors might be prosecuted.

Browne responded by charging that Hornberger had written the FEC "to call attention to the fact that we haven't filed reports yet and that we are in violation of the law." Browne's claim was outright false: Hornberger's letter to the FEC contained no such information. LP Chair David Bergland attacked Hornberger with a somewhat more nebulous charge: the letter was an "invitation to the FEC to hammer the Browne campaign and anyone who might participate in or support the effort to overthrow the unconstitutional FEC regime."

Most LP activists concluded that Hornberger had turned the Browne campaign in to a federal law enforcement agency and were understandably outraged. Over and over again at this year's convention, delegates told me that Hornberger's FEC letter was similar to someone coming to a party at your house where someone was smoking marijuana and calling the police.

The notion that Hornberger had turned in Browne was an absurd one for two reasons:

1) The Browne campaign had announced its plan to disobey the law as a public protest and issued press releases seeking publicity; it would be more accurate to say that it was turning itself in; and

2) News organizations had already contacted the FEC and reported the FEC's reaction by the time Hornberger wrote to it. One news organization, MSNBC.com, had reported the FEC's response to its own inquiries about Browne's planned protest.

But the charge stuck and Hornberger could never shake it. Part of the reason, I suspect, is that Hornberger's E-mail list is a lot smaller than Browne's, so Browne's attacks on Hornberger were received by a lot more people. More importantly, I think that most Libertarians' support for Browne prejudiced them in the matter. And the charge that Hornberger is a tattle-tale is a lot simpler than the somewhat complicated explanation Hornberger offered.

— R. W. Bradford

he has decided not to participate in the candidate's debate that afternoon. He has several reasons for this startling decision: he thinks it might take Browne by surprise and rattle him; it will impress the delegates as the kind of innovative campaign tactic they might expect from him if he wins the nomination; he figures that the debate would quickly degenerate into a series of attacks on him for "turning Harry in to the FEC"; and he believes that if the subject of Browne malfeasance comes up at the debate on C-SPAN, delegates will hold him responsible for washing the LP's dirty laundry in public.

To maximize the element of surprise, he plans to keep his decision secret until just prior to the debate, at which time he'll announce that he won't participate and invite delegates to hear him speak at length and answer their questions at an adjacent hotel. One possible fly in the ointment: if anyone from the LP asks whether he intends to participate in the debate, he will tell them the truth.

I spend the rest of the morning chatting with delegates and comparing notes with my colleagues, who were doing the same. None of us has encountered anything to get me to change my evaluation of the night before: Browne in a walk.

As the afternoon session began, Hornberger announced his non-participation in the debate by distributing a flyer to all concerned. Convention officials invited all candidates to a meeting to set ground rules for the debate. Hornberger figured that if a representative of his campaign attended, it would imply that he would participate in the debate. "We had two options at that point," Hornberger explained to me later, "We could skip the meeting, which wouldn't work for long because they would likely come looking for us before starting the meeting, or affirmatively disclose to them that we weren't participating. Either way, the other campaigns would know. So we told them that I wouldn't participate in the debate, and got the fliers from my room and passed them out to the delegates."

The element of surprise was lost. But the convention was getting down to business.

An attempt to allow time on the agenda for a debate among candidates for National Chair had failed, so an impromptu debate was scheduled in a breakout room near the lobby at the same time Hornberger has planned his presentation. The race for Chair is a bit more open than the presidential race, if only because few people have strong opinions about the candidates, and the debate will offer interested delegates a chance to compare the candidates. (By now, David Nolan has "come to his senses," in his words, and dropped out of the race.)

If any of the challengers are to mount a real challenge to Browne, it would have to happen now, either in the debate or at Hornberger's presentation immediately after the debate.

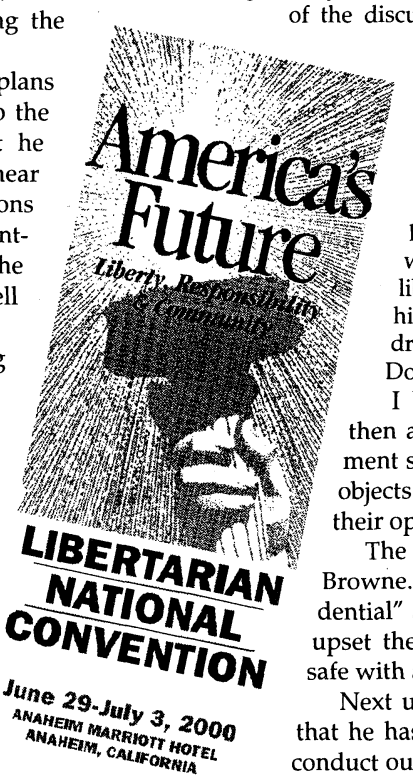

The Debate

Talk show host Gary Nolan introduces the debate with these words:

> This is the part of the entire affair that I look forward to the most, finding out how these guys stand up under questioning, hearing all there is to know about their platforms, probably the most informative, undoubtably, the best part of the discussion in the entire Convention. As a talk show host, I want to point something out. In the questions and answers that we're going to ask, we're not going to talk at all about drugs. An awful lot of people have the impression that the Libertarian Party only believes in legalizing drugs, which isn't of course the case. But as a talk show host I just want to — just an aside here — when you hear your favorite conservative/libertarian talk show host, and hopefully I'm him, and they start talking about legalizing drugs, if you're doing drugs, do me a favor. Don't call.

I believe this is intended as a joke. Nolan then asks the candidates their views on government subsidy of prescription drugs. Don Gorman objects that the candidates are supposed to get their opening statements, and Nolan apologizes.

The first opening statement is from Harry Browne. His strategy, obviously, is to act as "presidential" as he can and hope that nothing happens to upset the status quo. Not surprisingly, he plays it safe with a plain vanilla statement.

Next up is Don Gorman. He begins with a boast that he has promised to "take the high road, always conduct our affairs as gentlemen and with honor. I am happy to report today that we have done exactly that." He proceeds to stitch together platitudes with an enthusiastic promise to campaign on behalf of Libertarian candidates for local offices. Plainly, this tepid approach is not going to convince anyone who wasn't already convinced.

He and I flip a coin to see who will attend Hornberger's 7:30 strategy meeting. Cox loses the flip so I'll get to sleep in.

Hess, on the other hand, offers delegates a good reason to vote for him: if delegates will nominate him, he said, he can actually win the election. Dave Hollist uses his five minutes to make a pitch for financing government via "contract insurance."

Moderator Nolan follows by repeating the question he'd asked earlier. Each candidate gives variations of the standard libertarian response to this question. Nolan follows with four

more softball questions that can't possibly enable any candidate to differentiate himself from another. The candidates posture for the C-SPAN cameras.

Any doubt that the "debate" has turned into a lovefest is removed when each candidate is allowed to ask a question of another candidate. First up is Gorman, who directs his question to Browne: "This question goes to my good friend Mr. Harry Browne and it goes like this: when I win the nomination my good friend what are you going to do to help my campaign so that we can move this party onward and upward and forward?" His good friend Harry Browne smiled with the confidence of a candidate with a huge lead and a good organization on the convention floor. "I will be your slave. . . ."

From time to time, I see members of the unrecognized Arizona delegation around, dressed in kilts with their faces painted blue, as a homage to Braveheart.

Browne is next. He coyly insists it won't be fair to direct his question to only one other candidate. As the moderator tries to invoke the debate rules, Browne poses this tough question: "This question is for all three of the other candidates, because otherwise I'd be playing favorites. The question is very simple: will you gentlemen join me for dinner tonight?"

No one bothers to answer, and the lovefest continues, with Hess asking the other candidates, "Will you join me behind my nomination to do exactly what you've promised to do, so that we can have a four-pronged attack and we can take out the Republicans and Democrats not next time but here now in the year 2000?" and Hollist asking "I'd like to ask the gentlemen why they treat me so well. I'm a new member — a relatively new member and to a man they've treated me like long lost friends. I don't understand that. I was raised in a large family and there was physical violence going on."

The closing statements continues in the same vein. Insurgent Gorman, plainly winging it, says this:

> Good morning Mr. Gore. Good morning Mr. Bush. I want to know if you're paying attention or if you're sound asleep at the switch. Because the Libertarian Party is those feet that you hear going thundering in your backsides. We are coming up to get you my friends because you are not serving the American people — the Libertarian Party is. (applause) I'm wondering if you're paying any attention Mr. "One Note" Nader. You've got a great note but we've got a great program — it's called freedom and liberty — we're coming out to get you. (applause)
>
> I wonder if you're paying any attention Mr. Buchanan. This is what you don't get when you open the trap door and you only have one person at the top and there's nothing underneath it — any one of us can get knocked off and all of you are still out there working for freedom. (much applause)
>
> For those of you who I've talked to both in your home state or out in the hall or up in the room or whatever, you know that I have made a pledge and a commitment that I will come to your state, I will campaign with your troops. I don't care if they're a water and sewer commissioner or the United States Senate. I will get out there and I will work with them. I will work with them in the malls. I will work with them in the airports. We will visit your state houses. We will work with your chairs. I will get out there and lead and show and push and control — whatever it takes to get your people elected to office. Because the answer to the problems of all government is [that] we do not have enough elected Libertarans in public office. I intend to change that if you give me this goal. (applause, standing ovation)
>
> And I am so serious about that statement that I have made a promise that if I get this nomination I will shave off my beard. (applause mixed with laughter, one voice shouts out "Keep the beard!")

Whatever the reason for

A lovefest instead of a debate — Why did the debate turn into a lovefest? It was plainly in Browne's interest to do so, and it's difficult to see how the hapless Hess or Hollist could have accomplished much of anything, given the paucity of their support. But why was Gorman such a pussycat? During the past two days, his campaign had distributed copies of *Liberty*'s investigation of the Browne campaign in an obvious attempt to challenge the legitimacy of the Browne campaign, so why didn't he bring up any of those questions in the debate?

Two explanations seem plausible. One is that he was snookered by Browne, who had shamelessly flattered Gorman during much of the campaign, focusing his vitriol on Hornberger even before Hornberger jumped into the race. The other is that Gorman realized the campaign was lost and didn't want to rock the boat. My guess is that both factors played a role.

Incidentally, Gorman's distribution of the *Liberty* reprint at the convention had no apparent effect. Part of the reason, I suspect, was that so few copies were distributed. Part of the reason was that the document was longer than conventioneers wanted to read. Browne campaign staffer Michael Cloud thoughtfully prepared a one-page report on Project Archimedes, citing the *Liberty* investigation as its source. Cloud's summary characterized Archimedes as "the most successful recruiting program in Libertarian Party history," and did not mention that it had been misrepresented to party members as part of a fraudulent fund-raising campaign. My guess is a lot more people read the summary than the report.

— R. W. Bradford

the non-debate debate, one thing is sure by the time it ends: the delegates will nominate Browne on the first ballot — unless Hornberger manages to perform a miracle in his rented room at the Hilton across the street.

I hoof it over to the Hilton, leaving my colleagues to cover the debate for National Chair. But before I arrive at the room where Hornberger was scheduled to make his case, I run into delegates pouring out of the room and back toward the Marriott. "Hornberger's pushed back his talk for an hour so people can go to the debate for chair," one explains, so I reverse course and return to the Marriott.

The breakout rooms are packed, with nearly every seat full and people standing around. I manage to find a seat. By the time the debate starts, it's standing-room-only with people packed uncomfortably tight against one another.

The chair debate is dramatically different from the presidential debate: the candidates actually talk about substantive issues. All three candidates surprise me. Jim Lark sounds very competent and professional and not at all like Browne's candidate. George Phillies, who had seemed to be the Hollywood stereotype of the shy, socially-awkward college professor when I met him earlier at the convention, makes a very strong case for refocusing the national party's efforts and shows surprising wit. Gary Copeland argues for a more businesslike approach to managing the LP. He's founder of the Libertarian Wolf Pack and every time he mentions the phrase "wolf pack," its members howl like wolves. He is also the only candidate who has experience in business — Phillies and Lark are college professors — and sounds like he could do an excellent job as CEO of the LP.

He celebrates the fact that Don Gorman has actually been elected to public office, as if the more successful third party candidates — Perot, Buchanan and Nader — owed their success in part to their winning such tiny local elections.

Part of the reason that the chair debate is actually a debate, I suspect, is that its outcome is not so certain. Another reason is that it's not on C-SPAN, so the candidates don't feel they have to put on a nice show for the neighbors.

As the appointed hour for Hornberger's talk approaches, I leave the packed breakout rooms and head over to the Hilton. This room is also standing-room-only. Hornberger has already started. He patiently goes over his charges against Browne. A good share of the audience is pro-Browne and very confrontational. Hornberger is patient and answers all questions. He does what Gorman had failed to do: give delegates a reason to support him rather than Browne. While his criticism of Browne is cogent, his campaign strategy seems prepostrous: he promises a "guerilla" campaign, focusing on politically marginal groups, going to "swap meets" to look for votes. But it doesn't really matter how well or poorly he makes his case: only about a quarter of the delegates are here, and most seem to have their minds made up.

Sunday, July 2

Today's agenda includes nominating speeches, a roll call vote and an acceptance speech. It's all over but the shouting, but there's a lot of shouting left to do.

Nominating speeches are limited to sixteen minutes. The first to be nominated is None of the Above, who always gets a smattering of sentimental votes. NOTA's nominating speeches mercifully last less than five minutes. The first human candidate to be nominated is Hess. Five delegates solemnly tell the audience that he can actually win the election. Hess himself takes the stage, repeating, to tepid applause, this obvious hallucination. "We may be deluded," one delegate tells me, "but we're not *that* deluded." The Hess nominators finish with more than six of their sixteen allotted minutes unused. Things are going fast.

Copeland is founder of the Libertarian Wolf Pack and every time he mentions the phrase "wolf pack," its members howl like wolves.

Massachusetts Senate candidate Carla Howell takes the podium to nominate Harry Browne: he can do the most to "grow our Libertarian Party membership," he can get the "most radio and TV coverage," and he "stands the best chance of smashing through the one million vote ceiling." She concluded by getting "personal": he got her active in the Libertarian Party and inspired her with "his commitment, his organization and his effectiveness. . . . Thank you, Harry Browne for the 'Carla Howell for U.S. Senate' campaign!"

Fred Collins, an LP member who was elected to nonpartisan office in his town in Michigan, seconds the nomination. He's there to counter the only argument Gorman has made in public: "what we don't need is a presidential candidate campaigning for city council races around the country. If we have candidates who cannot get out and run their own campaigns, form campaign teams such as I did and win the races, how can one man crisscrossing the country allowing a few minutes to each campaign, make a difference?"

There's another seconding speech, this time from a "talk show legend" who happens to be an African-American. Then the real stars are introduced: four sixty-second commercials, all of which are hits with the delegates. The final ad, in which Harry claims government programs are "Rosemary's Baby," is followed by tumultous applause. His nominating speeches run just under 18 minutes and are followed by an organized demonstration.

Hornberger's nomination is next. After four eloquent but concise speeches, Hornberger takes the podium. He begins with a litany of outrages committed by the state and sup-

ported by the major parties, then proposes to do something about it:

> For almost 30 years Democrats and Republicans have insulted us, they have abused us, they have ridiculed us, they have censored us with their ridiculously high ballot access barriers, and perhaps worst of all, Democrats and Republicans and Reform Party people and Green Party people, presidential election after presidential election have ignored us.
>
> They have destroyed the fabric of this society with their immoral and destructive War on Drugs. They have damaged the minds of countless children in their government-run schools. They have assaulted families and family values with Social Security and other anti-family welfare programs. They have attacked immigrants, repatriating them into Cuban communist tyranny and incarcerating them for committing the heinous crime of crossing a border in search of work. They have engendered class envy and class warfare in this society by waging war against tremendously successful companies who have done so much to raise the standard of living of people of the world, such as Microsoft. They have terrorized and brutalized and murdered through such agencies as the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms. And now they have embarked on a program of total gun confiscation.
>
> My fellow libertarians, this is not the time to play it safe. This is not the time to talk about four years from now, or eight years from now. This is not the time for timidity. This is not the time for caution. This is not the time to hold the dice in your hand and squeeze.
>
> This is the time to roll the dice. This is the time for risk-taking. This is the time for boldness. Because the victims of all this tyranny cry out for that boldness. They will not wait for four more years.
>
> The thirst that you have felt in your hearts and your minds for ever so long is the thirst to know what it's like to live and die a free man or a free woman cries out for that boldness.
>
> Now is the time to fight. Now is the time to take these people on directly. And it would be a tremendous honor to lead this fight on your behalf, not in the rear, but leading this fight directly from the front lines and to take what these people have done to the people of this country, the people of this party, the people of the world, and *cram it down their throats*.

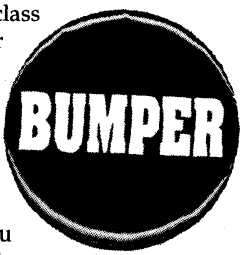

It's the strangest nominating speech since 1987, when candidate Harry Glen proposed uniting the abortion and gun control issues by arming fetuses so they could shoot their abortionists.

It was powerful rhetoric, powerfully delivered. If it were possible to change the minds of delegates in 4 minutes and 46 seconds, this speech would have done it. You can see emotional conflict on the faces of many delegates: they are angry with Hornberger for his criticism of the ethics of the Browne campaign and the LP . . . but this is the kind of red-meat rhetoric that inspires them, that explains why they are Libertarians in the first place.

Next up is Richard Boddie, nominating Don Gorman. On the surface, getting the former presidential hopeful and perennial LP candidate for lower offices to nominate Gorman seems like a good idea. But Boddie's speeches always focus more on himself than on his candidate. He begins by welcoming delegates "not to Disneyland but to Orange County" which seems to be distinguished primarily by being the home of Dick Boddie. He explains that he is here because he promised Gorman "in February" that he would nominate him. Well into his remarks by now, he still hasn't mentioned a single reason why a delegate might want to support Gorman. And he is not about to. He returns to his favorite subject, himself, observing that many delegates probably mistook him for Frederick Douglass or Ed Bradley. Then he reads the following original verse:

> Friends and fellow libertarians,
> come gather round people wherever you roam
> and admit that the waters around you have grown
> and expect that soon you will be drenched to the bone;
> if your time to you is worth saving
> you'd better start swimming
> or you'll sink like a stone
> for the times they are a-changing.

Having gotten this drivel out of his system, he finally seems to be getting to the point: "it's time for a change." But then he digresses about how no Libertarian can be elected this year (a point agreed upon by all candidates but the hapless Hess) and undercuts his "time-for-a-change" theory by saying "we might be on the right track but my goodness if we don't move faster we're going to get run over." He briefly jumps to Gorman's theme ("Local is the difference! Bottom up is the difference! Not top down!"), but then he's back to denouncing the idea that a Libertarian can actually be elected. "I believe we need a change and with that I believe we must nominate Don Gorman as our presidential candidate for this year 2000. He's the only libertarian who has ever served as a party's leader as a Libertarian in an elective office." But he's off on a tangent again with a joke about nominating "Boddie and Sowell" for president in 2004. He continues to weave plugs for himself with celebrations of the fact that Don Gorman has actually been elected to public office, as if being elected to a state legislature whose average electoral constituency consists of fewer than 3,000 people constitutes evidence of ability to win votes at the presidential level and as if the more successful third party candidates — Perot, Buchanan and Nader — owed their success in part to their winning such tiny local elections. He concludes with another verse of doggerel, just as moronic as the first. The delegates give him a huge round of applause.

The seconders — Bonnie Flickinger, Lorenzo Gaztanaga, Nancy Lord Johnson — all stick to their subject better, returning to the twin themes of "Gorman-has-won-an-election" and "Gorman-will-work-with-local-candidates."

Finally there is the nomination of Dave Hollist by Don Kilmer. It's the strangest nominating speech since 1987, when candidate Harry Glen proposed uniting the abortion

and gun control issues by arming fetuses so they could shoot their abortionists.

Kilmer is a friend of Hollist, but he's not a member of the Libertarian Party, so he's grateful that the party is allowing him to speak. In the course of his speech, he explains his admiration for Hollist and lectures Libertarians on where they go wrong (they shouldn't be so critical of government). He concludes with these words: "Because I am not a member of your party, I don't know if it's permissible for me to actually nominate Mr. Hollist. If I am, I nominate him. If I'm not, I call for a nomination from the floor."

"We may be deluded," one delegate tells me, "but we're not that deluded."

The chair asks for a second from the floor. There is an embarrassing pause. Not a single delegate steps forward. Finally a delegate steps up and points out that Hollist should not be considered to be a nominee, since in fact he has been neither nominated nor seconded. The chair overrules this, saying that the 30 delegates who signed Hollist's "nomination paper" are his actual nominators, news to most people here.

Another delegate takes the floor with a point of order: the nomination speech has run over the 16-minute limit imposed by the rules and he wants Hollist disqualified. The chair refuses to do so on grounds that in fact the speech for Hollist had run slightly under 15 minutes. He leaves the impression that if any candidate had exceeded the 16-minute limit he would have been disqualified from consideration. One wonders what would have happened if a delegate had asked to have Harry Browne disqualified because his nominating speeches had exceeded the limit by nearly two minutes.

Finally it's time to vote. The LP has chosen a very peculiar method of conducting the vote: the party has added a new procedure to the traditional way of nominating a candidate. As usual, the state delegations will caucus. But instead of following the caucus with a roll call of the states, each state will report its totals to the convention secretary, who will figure out who was nominated. But since television likes the drama of a roll call, the secretary will keep the vote secret and a roll call will be staged for the television camera.

The convention recesses for delegations to caucus. I wander into the lobby, where I say hello to Perry Willis, Browne's campaign manager. I ask him how many votes Browne will get, and he says he's done no polling, but that staffer Michael Cloud has done some and believes that Browne will get 62 percent on the first ballot. I tell Willis my own estimate is 57 percent, based on my unscientific survey and my vague memory that Harry's faction had gotten this percentage in a past convention.

Back in the hall, tedium reigns. It takes a lot of time for the state chairs to report all their vote totals to the secretary and there are several clerical problems. So instead of a five-minute break followed by the dramatic rollcall, there's a break of more than an hour, punctuated by occasional announcements along the lines of "There's a problem with the votes recorded from North Dakota. Would someone from the North Dakota delegation come to the podium?"

Finally, an hour and a half after the delegates recessed to caucus and an hour and twenty minutes after they finished voting, the roll call begins. I wonder why a party that was so worried about looking bad on C-SPAN that its presidential candidates refrained from disagreeing with one another during their debates and which kept debates for National Chair and Vice President off the agenda would interrupt the most dramatic part of its proceedings with 90 minutes of utter tedium.

Problems persist. New Hampshire has four votes, and delegation chairman Don Gorman reports them as "three for Gorman and one for Browne." But he's called back to a microphone at the insistence of the secretary who espies some sort of discrepancy. He repeats that there are three votes for himself and one for Browne. The effect of the long delay and the miscues is to convert a dramatic ritual into a tedious one.

Browne wins the nomination with 56.2 percent of the vote. The chair recognizes Gorman, who pleads for a unified party, but doesn't call for making the nomination unanimous. The chair then recognizes Browne, who thanks Gorman and Hess for their "constructive" and "wonderful" and "positive" race, adding that "negativism" and "attacks . . . have no place in this party." Presumably, I suppose, he's talking about Hornberger's attacks on his campaign, not his and Bergland's attacks on Hornberger.

Delegates quickly adopt Browne's campaign platform, a platform prepared by the campaign to be distributed to the press and to inquirers to save the party the embarrassing problem of defending the rather exotic platform that the delegates themselves compose. Mercifully, it's time for lunch.

As I leave the convention, I am accosted by a member of Browne's campaign team, who asks me not to allow anything critical of Browne to appear in Liberty *until after the election.*

As the convention prepares to come to order after lunch, a movement is afoot to draft Gorman for the VP spot. Even the Browne people support the idea, since Gorman has assured one and all that he'll turn down the nomination because he thinks the party owes it to those who declare their candidacy and actively campaign for it. Party statesman Ed Clark moves to suspend the rules to allow the nomination of Gorman. The rules are suspended and Gorman is added to the list of candidates. When it comes time to place his name in nomination, he withdraws to the applause of the guests.

The convention recesses for the vice-presidential voting.

But there's no time to announce the results: Browne's acceptance speech is scheduled for now, and no one even thinks of delaying it, lest C-SPAN's viewers might change channels.

Browne delivers his well-rehearsed speech from memory, in front of the podium. His theme is "We believe in you." His speech focuses on how Libertarians want to let people make their own decisions, and focuses on the War on Drugs (he's against it) and government efforts to restrict gun ownership (ditto). It is the best speech I've ever heard him give.

Bill Winter tells me he cancelled Liberty*'s press credentials because he didn't like the investigation of the LP and the Browne campaign that we ran in our July issue.*

(See "We Believe in You," p. 47.)

I retreat with friends and other *Liberty* editors to the Hilton for dinner. It's been a very long day, but I won't have an opportunity to talk with delegates again until the next convention, so I make the rounds of hospitality suites until 3:00 a.m.

Monday, July 3

I'm up at 7:45 a.m. so I can join Steve Cox in interviewing Harry Browne at 8:00 a.m. Harry is his usual charming self and the interview holds a few surprises. When Cox asks him what he thinks of Russell Means as a candidate for the 2004 nomination, he quickly changes the subject and praises Carla Howell, LP candidate for Ted Kennedy's Senate seat, at great length. When asked how this campaign will differ from his 1996 campaign, he says it will focus on wedge issues, an approach he eschewed in an interview with me only last November. (See "A New Harry Browne," p. 53.)

I've arranged for an interview with Steve Dasbach, the LP's national director. Dasbach immediately agrees, but he's busy handling minor emergencies, and it's lunchtime before he and I can sneak away for the interview. By then, the convention has awarded its vice-presidential nomination to Art Olivier, former mayor of a Los Angeles suburb, on the second ballot. He seems like a good choice: he's intelligent and articulate and is willing to spend the time and money needed to campaign full time. Jim Lark, the status quo candidate, is elected National Chair.

Dasbach is affable and informative in our interview, leaving me convinced that the LP's national office is well-managed. As the interview winds down, my curiosity gets the best of me and I ask how the party decided to rescind the press credentials it has promised *Liberty*. He tells me the decision had been made by Bill Winter, the party's Communications Director.

It's getting late and Kathy and I have 1,300 miles to drive to get home, but I want to verify that Winter made the decision, so I return to the pressroom and ask to interview him. I ask him whether he had made the decision (in E-mail correspondence, his assistant told me the decision was made by the "media department"). He said that he had. I ask why. He says he cancelled our credentials because he didn't like the investigation of the LP and the Browne campaign that *Liberty* ran in our July issue. I am surprised: I hadn't expected him to be so frank. He explains that *Liberty* had long been hostile to the LP and he didn't see why it should make itself accessible. I suggest that no one who had read our coverage of past conventions could possibly think we'd been systematically hostile, and he admits that he had read our coverage of only one other convention. Eventually, he begrudgingly apologizes for his decision. I have trouble understanding why he would do such a thing in the first place; e's obviously a talented individual who's been a major asset to the LP. I hope he isn't making decisions like this about other news media.

The convention is over. Nearly a thousand delegates had come to Anaheim to choose a presidential ticket and to elect the officers and committemen who will run the party until the next convention. They did a pretty good job — whatever Browne's ethical shortcomings, he's really the only plausible candidate. Art Olivier was obviously the best choice for the vice-presidential spot. And Jim Lark should give the party new energy that old warhorse David Bergland obviously lacks. Sooner or later, the party will have to face the issues raised by Hornberger and the Clean Slate people. But right now, it has an election to contest.

It is time to leave. As I walk into the lobby, I am accosted by a member of Browne's campaign team, who asks me not to allow anything critical of Browne to appear in *Liberty* until after the election. I explain to him, as I have explained to Browne himself and to others in the campaign, that *Liberty* is not the *LP News*: its function is to tell the truth as its editors and writers see it, and suggest that the libertarian movement needs a place where critical discussion can take place. I don't think I convinced him.

A few minutes later, I am on the road out of Anaheim. ❑

Gorman's post mortem — Since returning from Anaheim, I've done interviews by telephone and E-mails with several of the *dramatis personae*, mostly asking them to verify or disverify information that I got secondhand. But one interview turned out to be very interesting. I called Don Gorman to ask him to send me a political button we could photograph to use as an illustration. He agreed and we got to talking a bit about the convention. He spoke affectionately about Browne and expressed tremendous animosity toward Hornberger. He also told me that he would have won the nomination if Hornberger had not entered the race at the last moment, leaving me wondering what possible evidence he had for this amazing opinion, especially since he hadn't done any survey of delegates. He also said he planned to try to convince the LP to adopt a by-law making it illegal for a candidate who had earlier abandoned the presidential race, as Hornberger had done in 1999, to re-enter the race. — R. W. Bradford

Convention Diary II

Up the Down Escalator

by Stephen Cox

All dressed up and nowhere to go but the Libertarian Party National Convention.

Friday, June 30

The Year 2000 Libertarian Party National Convention is being held today in the conference wing of the Anaheim Marriott Hotel, adjacent to the Anaheim Convention Center in sunny, sparkly, concrete Anaheim, California.

It is not being held in the Convention Center itself. Let us be very clear about that. The Republicans or the Democrats would fill the big building; Libertarians can fill only part of the little one. Will that situation ever change? The mission of this convention, and every other LP convention, is to find some way of making that happen. I'm here to see how the efforts are going.

As I park my car, I study the aforesaid Convention Center. At the moment, it's closed, empty, abandoned to the institutional emptiness of Fourth of July weekend. But just behind its immense curtain windows, I can see four escalators, endlessly spooling and slithering from one floor to another, oblivious to their cost of operation. It's both a disturbing and a reassuring sight.

Reassuring, because I, as a good American, relish every lavish and prodigal proof of my country's energy and power. "We've got it," those escalators are saying, "and we can afford to waste it."

Disturbing, because I, as (I hope) a good libertarian, understand that when Americans think they have enough of everything, they are, indeed, very likely to waste a great deal of it.

That's true about the major parties. When the stock market is up, there's no control on the way they spend. And it's also true, in a funny way, about the Libertarian Party, which is run by people so well supplied with optimism that they can afford to lavish energy on what other people regard as an obvious waste of time.

During all the years since its founding in 1971, the LP has operated pretty much like one of those escalators — dependably, predictably, reassuringly. And its vote total has never exceeded what it was able to get in the election of 1980.

Perhaps the party should continue to run in its predictable grooves, on the off-chance that some day a crowd of brand-new people (late at night, perhaps, on a giddily patriotic July Fourth weekend) will want to take a ride on it. To me, that seems an honorable employment for such a machine. But it's eerie to see those escalators running and running, with nobody on them.

Mulling this over, I pull my bags out of the car and go looking for the Party. Once I get inside the hotel, it all seems familiar: the littered carpets; the mercilessly cold A/C; the orange placards with blocky black lettering, eccentrically spaced; the stacks of campaign "literature" announcing the principles of caucuses unknown yesterday and never to be recalled tomorrow; people conferring with one another as seriously as if they weren't wearing Styrofoam hats adorned with plastic bumper stickers; suits and sandals, randomly distributed; pint-sized security guards protecting the doors of the auditorium, out of which delegates constantly rush as if they couldn't stand even one moment more of this. I've been to lots of conventions, but it's good to be back home.

The one place where I don't feel at home is the place that is meant to make me feel the most that way — the media room, where I go to pick up my credentials to enter the convention and report on this stuff. *Liberty*'s management has had *issues*, major issues, with the media room, involving the party's limits on the number of credentials we can have. I feel like one lucky libertarian son of a gun when I leave that room with my little yellow pass — even though the pass has

to say *Journal of Ayn Rand Studies* so that *Liberty* won't exceed its quota

Liberty, by the way, is virtually the only independent journal that takes a serious and detailed interest in the Libertarian Party. Looking around me, I don't see crowds of reporters breaking down the door to cover the Libertarian National Convention. Basically, I just see me. Well, maybe the party is waiting for precisely the right people to show up.

As far as I'm concerned, the right people are already here, and I have no difficulty finding them: Bill and Kathy Bradford from *Liberty* HQ, and our California contingent, Carl Isackson, Carolina Beroza and Paul Beroza. We pick up Brien Bartels and several other *Liberty* writers and throw ourselves a banquet.

Whenever you go to a convention, I urge you to take these people along. Don't be caught without them. They are a convention in themselves. I'd even hang out with the Democrats if I thought that these people would be there. On second thought, maybe I wouldn't. It's nice to eat at least one dinner with folks who don't talk about the need to rescue "Sosh Scurty."

Saturday, July 1

The neighborhood's No. 1 sightseeing attraction (except for something called "Disneyland," but who would want to visit that?), is the world-famous Crystal Cathedral. Not wanting to reduce our lives to the political process, a most unlibertarian thing to do, the California contingent takes the morning off to tour this cultural monument. Bill and Kathy, sad victims of the electoral mentality, refuse to go.

The Cathedral (actually, it's not a cathedral at all, because to have a cathedral you have to have a bishop, and they don't have one here . . . but that's another story) was built by a televangelist who once operated a drive-in church. It was designed by architect Philip Johnson, long considered a *very* big deal in the World of Art. The building is a large, oddly shaped glass and metal structure containing theater seats instead of pews. Next to it is a "prayer tower" with a goofy little crystal thing in the base of it that Paul thinks is supposed to represent a cross. No, you can't go up in the tower, but at Christmas you can go into the main building and attend an enormous pageant with camels and sheep, and angels flying around on wires. All quite impressive, in a strictly nonreligious way.

The Libertarian Party is run by people so well supplied with optimism that they can afford to lavish energy on what other people regard as an obvious waste of time.

Each Sunday, more people worship in the Crystal Cathedral than have ever gathered for any kind of libertarian event.

The Cathedral is surrounded by gardens most reminiscent of a miniature golf course — little paths and pools and cement streams — although Carl points out that they don't have a windmill or a swinging log. An *easy* miniature golf course, then. But the gardens do offer some amazing sights. Here you can see some of the very worst statuary in the world: lifesize "realistic" evocations of concepts like "the smiling Jesus," which Carolina initially mistakes for a werewolf, or "Moses at the burning bush" (a gas-powered burning bush). There is also a reflecting pool on which a large metal Christ appears to be walking. This morning, a pool-cleaner is wading around in it. "Must have lost his faith," Paul says.

Back at the convention, we discover that this is one place in Southern California where faith has not been lost. A man is running frantically around the halls and lobbies passing out signs advocating the presidential nomination (in 2004 — can't start too early!) of Russell Means, losing candidate for the party's nomination in 1988. Means's only apparent qualification (the only one that's apparent to me, anyhow) is the fact that he is an American Indian and sometimes appears in movies. I remember Russell saying, in one of his inspirational chats at the convention of 1987, that he had never read Ayn Rand. He said it with some complacency. It's hard for me to think of a book, even Marx's *Capital*, that could be considered a recommendation for a person *not* to have read. But now, after 12 years of dormancy, Russell's campaign for the presidency is growing like a Chia Pet. While I'm reading the Means-for-President handout, I hear roars from the auditorium and see people running in. I run in too, just in time for the peroration of Russell's speech, which is modestly entitled "Revolution!" When I arrive, he's castigating "consumerism," which, he claims, is "the ultimate melting pot" that has "caged" and "colonized" the American people. Then, after some kind of transition in which he appears to be calling for an increase in party activism, he proclaims his respect for the "libertarians" at "Waco." (See "Revolution!", p. 52)

The audience shouts and puts its hands together mightily. I can only stand there wondering, *what* libertarians of Waco? What is this man talking about? And why is anyone applauding? I go looking for someone who might be able to tell me. No one can, but a number of prominent party people who evidently were *not* applauding let me know that in their opinion Russell's speech was "preposterous" and "ridiculous" and that it was "obviously" just "a collection of meaningless phrases." How can libertarians, of all people, whoop for a candidate who's running against "consumerism" — one of the meanest, angriest bees in the anticapitalist bonnet?

I ponder that question as I wander through the exhibition rooms where the people who so recently cheered for Russell Means are buying and selling and taking no heed of the spectre of consumerism. Maybe they just don't recognize consumerism in its homely libertarian form.

Admittedly, the rooms are much less funky than their equivalents among the Republicans and Democrats. The exhibitors are woefully short on big Styrofoam elephants and cute little plastic donkeys. As far as I'm concerned, a party without animal icons has come way too far from our Stone-Age origins. But I can't resist indulging in the best kind of consumerism, the consumerism that libertarian meetings

always offer you the chance to indulge. I buy an armful of books, whether I need them or not. Take that, Russell Means! I even visit the Laissez Faire Books table and ask the nice guy who runs it to put my own book in a more prominent place. He flatters me by requesting my autograph on the two remaining copies. Ah, celebrity. I hope that he came with 50 copies, but it could have been more like three.

Leaving the marketplace while I still have money, I discover a true celebrity — John Hospers. John was the party's first presidential nominee, and by some standards the most successful; he obtained its one actual electoral vote. He deserved that vote. He is a philosopher by profession, but he has the strange and unprecedented ability to make complicated issues clear and accessible for anyone who listens to him. *Liberty* is honored to have him as a senior editor. Today he's in particularly good form, commenting on the convention and discussing articles he plans to write for *Liberty*.

How can libertarians, of all people, whoop for a candidate who's running against "consumerism" — one of the meanest, angriest bees in the anticapitalist bonnet?

VP candidate Art Olivier spies John in the crowd and comes over to pay his respects. Art is a former mayor of Bellflower, California, so I get to ask a question that I've always wanted to put to somebody: How did his town get its beautiful name? He brightens. Oh, he says, people used to grow the belle-fleur apple there, and some settlers came along who mistook the name and called the place Bellflower. We all start talking about immigrants and languages, and when the conversation turns to Olivier's Dutch forebears, John surprises me by saying that his own first language was Dutch. "Do you ever dream in Dutch?" I ask. "Yes," he says, "I do."

I'll take that as a metaphor for this political party, and this convention. We all dream in a number of languages, some of which turn out to be incomprehensible when we try to relate our dreams to others. Even when we think we're using the same language, your "belle-fleur" becomes my "bellflower." Sometimes it works out beautifully. Sometimes it doesn't work out at all. Ask Jacob G. (Bumper) Hornberger, head of the Future of Freedom Foundation. Bumper is running for president, and he's the odd man out, at least at the moment. He doesn't seem to speak the other candidates' languages at all, the others being chiefly Barry Hess, a businessman from Arizona, Don Gorman, a former New Hampshire legislator, and Harry Browne, the LP's candidate in 1996. Barry, Don, and Harry pose together in a chummy photo on the front page of the omnipresent convention issue of *LP News*. Bumper's not in the picture. And today he announces that he's not going to appear at the candidates' debate. He invites people to go over to the Hilton afterwards to hear him talk about his "ethics fight with Browne and the national party office" and about the necessity for the party to "take some risks" rather than continue to "play it safe."

The party is certainly playing it safe at the "debate." The whole thing has obviously been arranged for the C-SPAN cameras. This convention is so C-SPAN-conscious that when my colleagues from *Liberty* appear with C-SPAN tote bags, delegates continually accost them to express thanks for the great job that C-SPAN does. Even Bumper declined to join the debate because he thought his "disagreements" should not "be nationally televised on C-SPAN."

The debating candidates denounce the Republicans and Democrats, not one another, they pick up and expand on one another's comments, and they are happy to offer their services to whoever in their group is fortunate enough to get the convention's nod.

Only one non-C-SPANable candidate appears — Dave Hollist, a guy from Alta Loma, California. ("Where's Alta Loma?" I ask someone, and he replies, "Just above Baja Loma." A California joke; ignore it.) Hollist has no discernible following, but he does have a big idea, and his idea is this: you can finance the government without taxes if you just convert it to the principle of "contract insurance." Here is a person who has read Ayn Rand. In her essay "Government Financing in a Free Society," she speculates that people who wanted their contracts to be enforced (and who doesn't?) could pay money to the government when they made those contracts, and those fees would be enough to fund the legitimate functions of government.

Dave appears to be devoting his life to the contract insurance cause. "With this system," his leaflets say, "for the first time in history, people could live in peace." I'm sure they could. But how do you make them peaceful enough to buy the system in the first place? I guess you could start by getting them to vote for Dave.

The audience is tolerant of Dave and his program, but it loves the other candidates. It especially loves Don Gorman, a little terrier of a man with a sharp New England accent (no r's, please, and easy on the l's), and Harry Browne, who is by far the most effective, publicly accessible speaker. Harry is so tall, compared to the other candidates, that he seems to be standing up while they're sitting down.

One of the good things about libertarians is that even the leadership never surrounds itself with guards or milling fans.

Don and Harry disagree — very amicably, of course — about campaign strategy. Don says he would travel anywhere and everywhere in the country, speaking on behalf of any local candidate who wanted his help. Harry says he would raise the "name recognition" of the party on the national level, and that, in itself, would help the local candidates. Harry is obviously right. When Don turns up in Anytown, USA, to campaign for the LP candidate for city

council, he'll be lucky to get an item in the *Anytown Shopper*, let alone make a splash on the 6 o'clock news.

The big division in this convention is between the Pros, the LP professionals like Harry, and the Others, the people like . . . well, the people like me. I sympathize with Don. I sympathize with Bumper. But Harry has the best chance to make a dent in the national psychology. He's a very bright and able guy, and there's something more. He looks like a presidential candidate. He talks like a presidential candidate. He acts like a presidential candidate. If you don't want somebody like that, don't run a presidential candidate.

The Libertarian Party is (perhaps necessarily) made in the image of the two major parties. It spends most of its time on ballot access and campaigns for public office — almost entirely unsuccessful campaigns, but never mind that now. It shapes its conventions for television, and it bends the truth for televisual effect. Facing C-SPAN's glassy, all-distorting lens, Harry claims that under Ronald Reagan "government grew by two-thirds," and Barry Hess comes out with the standard Libertarian line that "there's no difference between the Republicans and the Democrats."

Question: How many Clintonistas will the Libertarian Party succeed in electing, by taking votes away from Republicans? And how will you feel if the LP really does throw the election to Al Gore? If you want to see what government looks like when it grows by two-thirds, that will be your chance.

No, I'm not a fan of the Grand Old Party, but I do know that Libertarian ideology can't account for all the libertarian things that happen in this world. It was Richard Nixon, of all people, who freed us from conscription, at a time when the Democrats wanted to make the draft fairer by drafting everyone. And it was the tax-and-spend Democrats who were favorable to gay rights when the Republicans were still chatting about "faggots." Most libertarian ideas that get somewhere in politics get there because they've filtered into one of the two major parties.

The LP has a natural following among Hispanic voters. But that's not because of the immigration issue; it's because of the Hispanic tradition of hard work and economic ambition.

After the conclusion of the "debate," that feast of intellect and flow of soul, I proceed to the Hilton, expecting some kind of fireworks from Bumper's address. Hundreds of people pack into the room, and there is strong feeling from the start. Mostly, it's grief aroused by Bumper's "divisiveness." Some people seem to have shown up for his remarks only for the purpose of stomping out on them, and when he opens the meeting up for questions, there are several impassioned verbal challenges.

But the event is inconclusive. Bumper's account of his quarrel with the LP powers-that-be is both too long and too short to have much effect, and his proposal for a presidential campaign of "guerilla war" strikes me as unlikely to generate more than a few votes for his nomination.

Bumper wants to make open immigration a major LP priority and to focus the presidential campaign on Hispanic voters and people too politically disaffected to vote. He proposes to campaign in such hangouts of the disaffected as swapmeets and trailer parks. I think he's right about one thing: the LP has a natural following among Hispanic voters. But that's not because of the immigration issue; it's because of the Hispanic tradition of hard work and economic ambition. I think that most Hispanic Americans would agree with me that open immigration would be fine, if we first got rid of the welfare state. As for campaigning for the votes of nonvoters, all I can say is, good luck.

If anybody can get those votes, Bumper can, but it isn't the right strategy for a party that has only one chance, every four years, to make a statistical impact on the nation's political life. If there wasn't a Libertarian Party, or a Libertarian Party that was structured mainly to make such an impact, a thousand flowers like Bumper's might bloom. But C-SPAN is not going to follow Bumper to more than one swapmeet.

After Bumper's presentation, the *Liberty* mob gathers for a prandial debriefing. John Hospers arrives for the dessert course and some discussion of the philosophical problems of libertarianism. Again, a different language makes itself heard. John never talks "politics." His thoughtfulness and inwardness, his true courtesy toward variant ideas, his ability to focus on the main issue of individual freedom, without regard to electoral strategy — without this, libertarianism is nothing. The problem is how to speak in all our languages, and still carry a message to the public. Perhaps the Libertarian Party is not the best way to do that. Yet John's campaign for the presidency was indispensable to everything that the party has later been able to do.

Bill and I go looking for parties and find a pretty lively one in the quarters of the Texas delegation. Here I meet John's running mate from 1972, Tonie Nathan. Tonie is tiny, vivid, electrically energetic; she shocks me with the casual revelation that she is 77 years old. I ask her how she felt in 1972 when she realized that she had won a vote in the Electoral College. After the November election, Roger McBride, a Virginia elector, called her out of the blue to say that he was planning to vote for her. That was Tonie's turn to be shocked. "Oh," she said, "does Virginia vote at a different time?" "It's the Electoral College," he explained, "and I'm an elector"; and he informed her that she was about to become the first woman in history to receive an electoral vote.

When the votes were counted in the Senate, Vice President Agnew heard the name "Theodora Nathan" and assumed, in the simplicity of his mind, that this was some guy named "Theodore." He had to be told that the mysterious individual wasn't a guy at all.

Sunday, July 2

I find Paul and Carl and Carolina standing anxiously in line for breakfast, inspired by the false impression that balloting for the presidential nomination will occur on schedule.

Despite its besetting concern with the multitudes of people out in C-SPAN Land, the convention management has hit on an ingenious method of wasting time. Every state delegation is supposed to assemble, count its votes for the various candidates, and then deliver them to the convention secretary. Most delegations do this, but some don't, and those who don't have to be begged from the rostrum to go ahead and *do it*, for God's sake. This merely clears the decks, however, for a second vote, conducted in a traditional roll call of the states, during which there are opportunities to stop and try to reconcile discrepancies between the votes already delivered and the votes now being announced. Nice job.

I don't mind the roll call, of course. Why would you go to a national convention of anybody's party if it wasn't going to have a roll call? And as roll calls go, this is a pretty good one.

> The great state of *Superior*, home of the Leaping Lemurs, 1997 champions of the Northern Great Lakes Indoor Soccer League [sporadic applause], and *also* home, *to our dismay*, of Republican Governor Jerome T. ("T" for Taxation) Frink [chorus of boos], who has raised sales taxes three times in the past seven years [louder chorus of boos and hisses]; the state which last year elected Libertarian Party candidate Carol Kennicott as Eleventh District Commissioner of the Alcohol, Cosmetics, and Library Board [applause and rebel yells], the state whose Libertarian Party registration now stands at the highest in its history, with nearly *seven hundred* eligible voters [pause for effect, followed by politely diminishing applause], *proudly* casts two votes for Bumper Hornberger; two votes for Harry Browne; one vote for Don Gorman; and two votes for None of the Above. [loud cheers from the Gorman caucus]

What a magnificent place America is.

Near the end of the roll call, Harry wins the nomination. He scores 57 percent of the vote, a percentage that is precisely what Bill Bradford predicted before the start of the balloting. Bill, who is sitting next to me enjoying the festivities, looks solemn for a moment, then makes the strategic decision not to become insufferable.

A few minutes later, I see Harry out in the lobby, conferring with a couple of other people. One of the good things about libertarians is that even the leadership never surrounds itself with guards or milling fans. Harry has also made a decision not to become insufferable.

Later in the afternoon, I call Jim Babka, Harry's excellent assistant, to arrange an interview. Jim puts me through to the candidate, who graciously explains that he'd like to meet with me now, but he has only an hour to work on his acceptance speech, so he'd prefer to see me tomorrow morning. I wonder whether Al Gore ever says things like that. I suspect he doesn't.

Unwilling to return to whatever is going on Inside the Hall, I wander through the lobby and discover a quaint little footnote to intellectual history. It's a leaflet setting forth a proposed amendment to the Libertarian Party platform. Subject: "The Right to Property." It all harks back to the origins of classical liberalism.

John Locke (stay with me now) said that people established property rights in land by "mixing" the land with their labor. During the ensuing 310 years, many other liberals, and libertarians, too, by the score and by the bushel, have presented their own answers to the question of what do we mean by "property," and how did it ever get that way. The Thomas Paine Caucus, submitter of the "Right to Property" amendment, considers it essential that this matter be cleared up, once and for all.

The Painites agree with Locke that "property is produced when labor is applied to land," but they are certain that land "is different from human-made products, because land was not produced by any person." Individuals should be able to "claim some land," but how much? That's the issue on which the fate of the Libertarian Party hangs.

The answer, according to the Caucus, is to allow everyone (a) to claim land equal to the total rental value of *all* land, *divided* by the number of persons who might be available to claim that land; and (b) to acquire additional land, subject to the requirement that the acquirer render compensation "based on the annual market rental value of that additional land (not the buildings on that land)," such compensation to be paid either (i) "directly to any individuals whose freedom of movement and self-sovereignty were restricted due to that person's additional land claims," or (ii) to "a person or agency that has a record of accurate assessments and reliable allocation of land rent compensation."

I try to calculate how much I would pay not to have to fly around the country eating horrible meals and showing up at TV stations to argue with morons about "healthcare" and "education" and "Sosh Scurty." Poor Harry.

If the Painites get their way, all of this (and more) will be incorporated into the party platform. Should the party not take a position on the matter, "it risks continuous strife and confusion."

What's especially quaint about this is the fact that although the Caucus acknowledges intellectual debts to Locke, Jefferson, Smith, and (naturally) Paine, its major creditor is obviously dear old Henry George, author of *Progress and Poverty* (1879), one of the most popular books ever published in America and the source of the most ingenious theory in America's long history of crackpot political theories. The Painite caucus has now added its own considerable ingenuity to that of Henry George. The tradition lives on. *Mes compliments aux chefs*.

It's a shame that the Painite proposal doesn't seem to have been taken seriously. I can remember a libertarian conference where people spent all afternoon vigorously debating whether a certain document ought to declare that "you can't resist reality." What, they worried, does "reality" really mean? Isn't resistance to "reality" part of reality? Does "can't" mean that it's impossible for you to *start* resisting, or only that you can start, but you won't *succeed*? What did

Immanuel Kant have to say about these things? And was Kant a libertarian, or an anti-libertarian? Those were the days. Libertarians today don't seem to have the stamina for real intellectual labor.

But, returning to my old topic of wasted energy, I wonder how much the party wastes on activities even less momentous than the cause of contract insurance and land rent compensation. Wouldn't more be accomplished if the LP stopped spending centuries of man-hours seeking ballot access, holding nominating conventions, and running roll calls of the states (however delightful those may be to every true American), and just did something else with its time?

One option might be to convert the LP from a party like the Republicans and Democrats into a giant grass-roots organization devoted to exposing the errors of government and fighting them wherever likely targets came to light. There could be as much national togetherness and esprit de corps as there is now; there could be just as many national conventions and national leaders; but good people could stop pouring their energy into electoral contests that are almost always hopeless, even as educational campaigns.

Dinner tonight with Bumper Hornberger. Just for fun, I try to talk him out of his swapmeet strategy, but of course I can't. You've gotta love him. He can take as much criticism as you can give, but he comes back undismayed to his own ideas, and his eyes still darken with intensity as he lays them out. He says he's determined to stay with the party — which is a good thing for the party. The LP would be a whole lot poorer if people like Bumper decided to leave. And you can see why these quarrels within the party make everyone so edgy. It's an embattled little family, and no one is really replaceable.

At the moment, I'm voting for All of the Above.

Monday, July 3

I wake up an hour before my interview with Harry and turn on the television, only to find that Harry is already there on the screen, being interviewed by our friends at C-SPAN.

How will you feel if the LP really does throw the election to Al Gore? If you want to see what government looks like when it grows by two-thirds, that will be your chance.

While he repeats his (effective) lines from the presidential "debate," I try to calculate how much I would pay *not* to have to fly around the country eating horrible meals and showing up at TV stations (at 6:30 a.m., in this case) to argue with morons about "health care" and "education" and "Sosh Scurty." Poor Harry.

Last night, when the *Liberty* gang gathered for a dose of champagne, Bill and Paul seized the occasion to discuss all the places in the Rocky Mountains that you can get to at the risk of your neck. Just take route 79 for about 60 miles past that place where the guardrails are down, then turn left — no, right, left is where we got stranded two years ago when the transmission gave out — and when you see that creek with the broken-down bridge. . . . Gradually it dawned on me that these people were talking about having *fun*. They think it's *fun* to drive 400 miles out of your way and break an axle or two so you can finally get to see a bunch of rocks and trees and if you're lucky a big sow bear who doesn't like the way you're looking at her cubs. When we got out of that den of machismo, Carl and I, whose notion of a good vacation is hunkering down in a comfortable hotel, conferred in secret and agreed that Reagan was right when he said that once you've seen one tree, you've seen them all. We'd say the same about rocks, and much the same about bears.

Now think of a politician spending every waking hour rushing from one media venue to another, and you grasp the similarity. Think about it long enough, and you may even start to pity Al Gore. No, I refuse to do that, but I do pity the fate of Harry Browne.

When Bill and I arrive at the media room, Harry confesses that he got only three or four hours of sleep last night — though he seems not to need much more. He's vigorous and articulate and appears to be happy. I'd be in a terrible mood. Apparently, however, even Harry has his limits. When I inquire about the possibility of his running again in 2004, he rates the chances at "one in a thousand."

Asked about the prospective candidacy of Russell Means, Harry answers, "I know very little about Russell Means, so I can't say." Then he notes that there are a lot of other good people who might be nominated in 2004, and he comments, very accurately, that Libertarians are always "dying for celebrities" but that celebrities may not represent us well. (Among Libertarians, Russell qualifies as a celebrity.) Asked whether he plans to request Bumper Hornberger to help out in the current campaign, Harry answers sharply, "No." He goes on to deplore "personal attack[s]" from one libertarian on another, and he stipulates that "nothing like what Hornberger has done is necessary."

Harry is equally sharp in responding to a question about his reaction to *Liberty*'s July issue, which reviewed various criticisms of the LP leadership. He says that he hasn't "read any of the articles in their entirety" but confesses a "deep skepticism" he has long felt about *Liberty*'s coverage. On a more positive note, as they say on television, he says that his goal in the current campaign is the shattering of the "one-million vote barrier" that leads people to regard the LP as a fringe party.

It's a modest goal, I reflect, as Harry is escorted away for his next interview. In 1920, Debs, the Socialist candidate, got just over 900,000 votes out of an electorate much smaller than the current one. His portion of the total vote was about three and a half percent. But in 1996, when Clinton's reelection was assured and votes for Harry Browne could be cast with complete political impunity, he received less than half a million votes — half of one percent. The election of 2000 is much more important than the election of 1996, and much more in doubt. People who normally vote Republican will be much less likely to "throw away" their vote this year.

So can Harry get his million? And if *he* doesn't, who

could? Harry is an attractive candidate, a guy who knows his business. If he doesn't get a million, after trying so hard for it, how much will the party be damaged?

My guess is that the party will be substantially benefited by a "win," but that it won't be fatally damaged by a "loss." People work for the Libertarian Party because they want their views to be heard, not because they insist on seeing a certain total of votes. They work for the party because they enjoy being libertarians.

As the convention winds down, it's increasingly easy for me to understand that motivation. I spend the rest of the day haunting the lobbies, chatting with Kathy (the best person in the world for a leisurely chat) and with whoever else comes by, comparing political notes and making political forecasts, enjoying the courtesy and the friendliness of everyone I talk with, and I begin to notice that I'm finding it difficult to leave.

Outside is a world where people actually believe that guns cause crime, that prison is the cure for smoking marijuana, and that taxes really aren't that high, so long as they're used for good purposes. Outside is a world of political discourse that makes anything that happens in a Libertarian Party convention look like a dialogue among philosopher kings. So maybe the party won't get its million votes, and maybe it will get them and still not have much effect. There remains something about the Libertarian Party that you can't find anywhere else.

As I shoulder my bag and go out to find my car, I consider making a little detour past the Convention Center to find out whether those escalators are still running, so wastefully, all day long.

Nah, I think. Let it alone. ❑

In His Own Words

We Believe In You

by Harry Browne

Harry Browne's remarks to the Libertarian Party National Convention, upon receiving its presidential nomination.

Thank you. Thank you very much. Thank you. Thank you very much. This is a proud day in my life and I have to say that aside from the day that Pamela gave me her hand in marriage, this is probably the proudest day of my life. I thank you and I am honored by your nomination.

And I will end the suspense right now. Yes, I do accept your nomination for President.

I am running for President because it is obvious that no Democrat or Republican is ever going to stop the relentless growth of the federal government.

Only a Libertarian is going to free you from the income tax. Only a Libertarian is going to unlock the door and let you out of Social Security. Only a Libertarian is going to end the insane War on Drugs. Only a Libertarian is going to end the reckless foreign policy that puts your children at risk of fighting and dying in a foreign war, and targets your city by terrorists. Only a Libertarian is going to return us to constitutional government.

Only a Libertarian is going to set you free.

Who are we, these Libertarians that you've been watching on television — who are these Libertarians who presume to challenge the Republicans and Democrats?

Harry Browne

It's very simple. We could talk philosophy, we could talk economics, we could talk morality, we could talk a lot of things. But it all boils down to one thing: We are the people who want you to be free — free to live your life as you want to live it, not as Al Gore or George Bush thinks is best for you.

We are the ones who want you to be free to raise your children by your values, not the values of some bureaucrat who's trying to create a Brave New World.

We are the ones who want you to be able to keep every

dollar you earn — to spend it, save it, give it away as you think best, not as the politicians are going to allow you to do.

As this election season goes along, you're going to see Al Gore, George Bush Pat Buchanan, Ralph Nader talking about the issues — the issues of the environment, education, health care, foreign policy, foreign trade, jobs, all of these things. And yet they're only going to be talking about one thing. The one issue in this campaign as far as they are concerned and the press is concerned and the political pundits are concerned is simply this: Which one of those men is best capable of running your life for you? That's all they're talking about.

Which one is best able to decide exactly what kind of school your children should go to, and every other child in America should have to go to? Which one of them is best able to decide what kind of a health care system you should encounter when you go to the doctor's office or to the hospital? Which one is best able to decide how to run your life?

Well, do you know what makes Libertarians different? Now this is going to be an earth-shaking conclusion — it's going to be a revelation, an epiphany perhaps — but we think *you* should run your life. (ovation)

In short, we believe in you. We believe you are a responsible individual — that you can take care of yourself, that you know what is best for your children, that you know what is best for you, that you know what is best for your family, that you know how to live your life. And whether you make mistakes, whether you do the right thing or the wrong thing, you will find your way through life a lot better than Al Gore can run it for you — or George Bush or Bill Clinton or Newt Gingrich or Pat Buchanan or Ralph Nader or any of these people who presume to know best what you should do in your life. We believe in you.

Now do you want to know how we stand on the issues? It's very simple. Whatever the issue, we come down on the side of you your running your own life, making your own decisions, keeping your own money — spending it, saving it, giving it away as you think best. It always comes down on your side — and taking the government out of your life.

We are the people who want you to be free — free to live your life as you want to live it, not as Al Gore or George Bush thinks is best for you.

We're talking about Social Security. We want to unlock the door and let you out — let *you* decide how much you should put aside for your retirement, let *you* decide where to put it. Of course, the Republicans and Democrats have some wonderful ideas. Al Gore is going to be your investment advisor. George Bush (though, you remember, he's the one who believes in smaller government) thinks you ought to be able to keep 2 percent of the 15 percent Social Security tax. And he thinks you ought to be able to invest it on your own — as long as you do it within the government's guidelines, of course. Now Al Gore, predictably, says, "That's a risky scheme." I disagree with Al Gore. I don't think it's risky. I think it's puny.

Now, let me just ask a simple question: Who earned that money? Who went to work every day? Who got up at the crack of dawn? Who went to work, put in 8 hours, 10 hours, 12 hours and earn that money? You did. So who died and made Al Gore your investment advisor? Who died and made George W. Bush your nanny? We believe in *you.*

What other issues? We believe in — how do we stand on other issues? On foreign policy, foreign trade, whatever it is, we believe you should be able to make the decisions. We don't think anybody should tell you where you can buy things, what countries you're allowed to buy from, what you're allowed to buy, how much of it you can be allowed to buy.

We don't believe that, in health care, somebody should design a health care system for you. We want the kind of health-care system that existed before the federal government moved in, where a hospital stay cost a few days' pay instead of a year's pay; where a doctor's waiting room doesn't look like a Grand Central Station; where they weren't a thousand people sitting around waiting to see the doctor; where doctors, in fact, made house calls; where low-cost insurance was available to everybody in a price of some kind; where nobody was left out of the stream.

All of that existed before the federal government moved in. And if that wasn't the right kind of assistance for you, you could choose another system and then you could choose another system. We didn't want something designed in Washington. And it doesn't make any difference to us whether it was designed by Republicans or Democrats.

If it's not designed by you, it is not right for you. You should make the choice, because we believe in you.

Now, we could go through a lot of issues. We could talk about a lot of things. But there are a couple of issues that I want to stress particularly, particularly today, because you don't hear as much about them as you should.

What are the gun laws in this country?

Every time there is a problem, a gun incident of some kind, the Democrats are right there to say, "We need new gun laws. We need to do something about this" — even if 25 laws were broken in the incident that created the event. The Republicans of course, get right on the defensive and say, "Oh no no no, we don't need any new gun laws, that would offend the NRA. What we want to do is to enforce the gun laws that exist. We want to prosecute the people breaking those gun laws."

Ladies and gentlemen, those gun laws are the primary source of gun violence in America today.

Armed criminals, *armed criminals* do not worry about gun laws. Armed criminals do not buy guns in ways that involve gun registration or waiting periods or any of these great panaceas that are going to bring peace to American cities. So these laws do nothing but intrude upon your privacy and your ability to defend yourself. Like so many well-meaning laws in this country, they wind up injuring the innocent

while the guilty continue to slip through the net. And in the case of gun laws, in the case of gun laws, it is particularly tragic, because it results in so many deaths. If just one person, *one person* at Columbine High School had had access to a gun, there might be eight or ten teenagers alive today who, instead, are buried there under a mountain of America's gun laws. If we care about making our schools safe, if we care about making our neighborhood safe, if we care about making our cities safe, we will stop disarming innocent citizens to the advantage of armed criminals.

The other issue I'd like to discuss with you is the insane War on Drugs.

You've heard a lot about this, if you've been watching C-SPAN, and our convention. You've heard people referring to it. Some people say that Libertarians are a party full of druggies. I look around this room and I find it hard to believe that. The fact of the matter is we are violently opposed to the drug laws, not because drugs are so important to us personally — but because our lives, our safety, our family, our children are important to us. The War on Drugs is probably the greatest domestic catastrophe that has ever hit the American Republic.

It has spawned violence in our cities; it has spawned law-enforcement corruption; it has spawned overcrowded prisons that have allowed murderers, rapists and child molesters to get out on early release; it has spawned the greatest destruction of our own personal liberties in the history of this country. And I'm not talking about the liberty to take drugs. I'm talking about the liberty to have your bank account safe from prying eyes. I'm talking about the liberty to know that your E-mail is safe from prying bureaucratic eyes. In the last 30 years, nine out of every ten intrusions on our personal liberty has been done in the name of the War on Drugs.

And who gets hurt? The drug dealers? Of course not. Innocent people like you and me are the ones who have our privacy destroyed Innocent people like you and me are the ones who have our cars torn apart Innocent people like you and me are the ones who are strip-searched at airports Innocent people like you and me are the ones whose bank accounts are rifled through by Treasury agents looking for suspicious transactions.

This has got to stop and it has got to stop soon.

Now, all of this seems so far away. I mean, who does this really affect? Just some people who want to smoke marijuana, or what is it all about? I'd like to tell you three short stories, if I may.

The first one is about somebody who you've been hearing about here, Peter McWilliams, who in 1996 was diagnosed as having AIDS and cancer both and who was given a regimen of an enormous number of pills that he had to swallow and put down in his stomach everyday. It was so overwhelming to his system that he immediately just vomited them back up again. There was no way to keep this medicine in his stomach until he turned to marijuana. I believe he told me that he had not smoked marijuana in something like 25 years — since he was a hippie kid in the '60s or whatever. But he found that marijuana kept him alive, that kept the medicines down in his stomach.

That wasn't good enough for the federal government, though, because imagine the message this sends to our children — that we're letting people save their own lives by smoking marijuana. So as a result the Feds moved in on him, took his marijuana away from him, and to make the story short, a couple of weeks ago Peter McWilliams died. You've heard a lot about him here. Of course, Democrats and Republicans love it when somebody dies because they can tell maudlin stories about it and the need for new laws and all these other things at their conventions. The reason people here have said so much about Peter McWilliams is because

We don't think anybody should tell you where you can buy things, what countries you're allowed to buy from, what you're allowed to buy, how much of it you can be allowed to buy.

he was a friend to all of us, because he was an inspiration to all of us.

Peter McWilliams, despite all of his travails, always said that his enemies were not human beings but really his main enemy was ignorance. He showed a dignity and a benevolence in his travails that was beyond the limits of a saint as far as I'm concerned, and it truly was a sad experience when he died two weeks ago. As Steve Kubby pointed out, he was a victim of an overdose of government.

Yes, yes, we want it possible for people who are sick, people who have glaucoma, people who have cancer, people who have AIDS ,to be free to smoke marijuana to relieve their pain, to relieve their nausea, to be able to live like human beings in dignity. But it's more than that. That isn't enough. The Drug War itself is an abomination.

Let me tell you the second story. A woman by the name of Debbie Vineyard had never touched drugs in her life. But one day she received a phone call from some man she barely knew. The fact that she accepted the call and acknowledged the fact that she knew this man was good enough for the Feds. It confirmed the man's story that she was his drug dealer. He had been arrested and, because of these insane laws that we have today, the only way he could reduce his sentence was to point the finger at three or four other people. It didn't matter whether they were guilty or innocent, because it isn't necessary to produce drugs at trial It isn't necessary to produce money at trial. All you need is the testimony of somebody who has already confessed to the crime and you can put anybody you want in jail.

And so Debbie Vineyard, who was pregnant with her second child, was sent to prison for ten years, was separated from her family, was taken in shackles to a prison hospital to deliver her second baby.

This is the face of the War on Drugs. This is what hap-

pens not to drug users, not to drug dealers, but to innocent people like you and me. We are the ones who are in jeopardy because of the War on Drugs.

Finally, let me tell you a third story, the story of Lonnie Lundy — a 33-year-old businessman who had never smoked in his entire life, never touched alcohol in his entire life, never done drugs of any kind in his entire life. An employee of his got into trouble with the law for dealing drugs. The employee was faced with a 20- to 30-year term and his only hope was to put the finger on other people. So he identified Lonnie Lundy as his supplier, as the kingpin drug dealer and the case went to court. Again, no drugs were produced, no money was produced. Nothing was produced except the testimony of this convicted drug dealer.

Lonnie Lundy received a sentence of life imprisonment without parole.

There's more to the story. Lonnie's father, Jerry Lundy, obviously very concerned about his son and his wife's (Lonnie's mother's) grief over this, wrote to his Senator — Senator Richard Shelby of Alabama, a Republican Drug Warrior. He pleaded with Senator Shelby for help. Senator Shelby wrote back, "I understand how you feel. I sympathize with you. But I believe very very strongly in the drug laws that we have and I believe these punitive sentences are necessary if we are ever to rid America of the scourge of drugs." One year later Senator Shelby's son, flying back from London and arriving at the Atlanta airport, was found to possess 12 ounces of hashish on his person. *Senator Shelby's son.* Senator Shelby's son received an administrative fine of $500 and has never served a day in jail. Senator Shelby is still a prime Drug Warrior in Washington — as is Senator Gramm and Representative Cunningham and all the others whose families have gotten into trouble with drugs — and who never served the sentences that you or I would have to serve if somebody were to put the finger on us. Now,

People are coming to recognize, if nothing else, that this Drug War is an enormous failure, that it is an enormous tragedy, that it is an enormous disaster.

Senator Shelby still believes, and all these other people still believe, that somehow, if we put these young people in prison for 10, 20, 30 years without parole they will somehow be better people — as though Al Gore and George Bush would be better people today if, for their "youthful indiscretions," they had served ten years in prison.

I said earlier that the War on Drugs is the worst scourge that has ever descended upon the American Republic. That's the bad news.

The good news is that it is turning. The good news is that public opinion has switched tremendously over during just the last five years. People are coming to recognize, if nothing else, that this Drug War is an enormous failure, that it is an enormous tragedy, that it is an enormous disaster. They may not understand fully yet what the solution is They may not understand that the complete absence of drug laws would be the greatest thing that happened to this country just like the complete absence of alcohol laws at the end of Prohibition ended the crime, ended the drive-by shootings, ended the police corruption, and ended all the other ills that were plaguing the American society.

They may not realize yet what the solution is, but they know now what the problem is. The problem is not so much drugs as the War on Drugs. And so, today, to all those people whose lives have been harmed, injured, or even destroyed by the War on Drugs; I would like to say to those families who have loved ones in prison; to those people who have lost property to government through the ridiculous asset forfeiture laws which were spawned by the War on Drugs; to people who have been searched and harassed and had their doors beaten down; to the people whose families have been broken up; to those people who are suffering and who cannot use medical marijuana; to all these people we say to you:

Lift up your hearts.

We will not forget you. We will not forsake you.

We know what has happened to you. We care what has happened to you.

We are Libertarians, and we will not rest until your lives are made whole again.

Well, I said that the War on Drugs is living on borrowed time and I do believe it. I freely admit that I'm an optimist. As a matter of fact, confide in you that I went for my physical a few weeks ago and I was diagnosed with chronic euphoria, with Pollyanna syndrome. But as I look ahead, I see an America that gets better and better and better, whereas throughout my entire lifetime I have seen government getting bigger and bigger and more intrusive and more expensive and more oppressive. But I can look ahead and see what is coming.

People ask me, "Why are you running for President? Do you think you can win?" I get asked that question in almost every interview. But the real issue is not whether I can win this year. The real issue is that we will not have a free country again until we do have a Libertarian President — whether that's in the year 2000, 2004 or 2008. And every vote we get this year puts us one step closer to that day when we do have a Libertarian President.

So I say to the people at home, because I'm pretty sure of your vote [in the audience], that if you are sick and tired of the Drug War, if you are sick and tired of the government taking your income and doling a little of it back to you like a child on an allowance, if you're sick and tired of seeing the Constitution shredded, if you're sick and tired of seeing more and more and more of your liberty taken away from you, you really have only one choice. Maybe we will win this year, maybe we won't win this year, that's not the issue. But if you want people to know what you believe, if you want to get government out of your life, if you want control of your life back, then the only choice you have, the only possible

way to make that known is to vote Libertarian.

And you need to send that same message all up and down the ticket. You need to send it to your local government, to your state government and to the federal government. That means voting Libertarian for President, for Governor, for Senator, for Congressman, for Assemblywoman, for whatever it may be. This is the only way you can tell them how you feel. Or you may say, "Yuck! I can't stand Al Gore; I've got to vote for George W. Bush." Do you think that when George W. Bush gets your vote he's going to say "Well, they voted for me because they don't like Gore." No, he's going to say "They voted for me in order to put my voucher plan in effect," — which is going to help take over the private schools and make them wards of the State. Or "No, they voted for me in order to put my health-care plan instead of Al Gore's plan. They voted for me because they liked my record in Texas where I made government bigger and bigger and bigger. They voted for me for all the things I've done in my political career so I'm going to continue doing that." And if you vote for Al Gore because you don't like George W. Bush or you're afraid of the Religious Right or whatever your reason is, I can guarantee Al Gore isn't interested in your reason. He's only going to use your vote as an endorsement to make government bigger, bigger, bigger, more expensive, more intrusive. The only possible way to cast an unmistakable vote to get government out of your life, to get control back to your life, is to vote Libertarian. And if that doesn't result in a victory this year, it will put you closer to a victory. And victory is what you want in the end — not the lesser of two evils.

Now, I said I was an optimist. I've got to be an optimist. But I truly am here for one reason only. Because I can see into the future, not to foresee, not to predict, not to promise, not to guarantee anything, but I can look into the future and see how things can unfold in a way that by the end of this decade we could have a Libertarian America, a Libertarian America in which you pay no income tax because a government limited to its constitutional functions would not need an income tax.

An America in which nobody roped you into a bankrupt retirement scheme like Social Security; an America in which there is no Drug War; an America in which we have a foreign policy that is focused totally on national defense, and completely scraps this enormous national offense that we have now that butts into everybody's affairs around the world.

I can see *that* at the end of the decade and only Libertarians can bring that about. Only Libertarians can do it because only Libertarians believe in you. Only Libertarians recognize that you are the rightful owner of your life — not Al Gore or George W. Bush.

And beyond all the obvious benefits of that Libertarian America is an America that's at peace with itself — an America in which blacks are no longer so afraid of whites, and whites not afraid of blacks — where gays are not afraid of Christians and Christians not afraid of gays — and old people are not in competition with young people because the government is no longer the instrument of imposing one group's values upon another.

And because of that, nobody has to be afraid of anyone else. If you want power, if you want respect, if you want benevolence, if you want diversity, there is a simple answer: get the government out of it and set people free.

That is the kind of America we want to see — an America that's at peace with itself; an America that believes in you.

And that is the kind of America that we once had. That was the promise of America — an America that continually moved towards greater personal responsibility, greater individual liberty, greater personal sense of sovereignty. It was an America that was able to overcome slavery, an America that was able to get rid of laws that made men and women unequal before the law. It was an America full of promise that got derailed in the 20th century and became just like all the Old World countries of Europe — so that now you can hardly distinguish America from Germany, Sweden, or any other country in which the politicians know best how to run your life, and in which they have the power to impose their way upon you.

The War on Drugs has spawned violence in our cities; it has spawned law-enforcement corruption; it has spawned the greatest destructions of our own personal liberties in the history of this country.

We Libertarians want to return to the America that promised every individual the freedom to pursue his own dreams. That was an America that said to people: It doesn't matter who you are or where you come from or what you were there. You might have been the king of your country or the lowest member of society. But once in America you will be a free, responsible, sovereign individual.

No one will ask for your papers. No one will stick a number on you. No one will extort a percentage of your income as the price of getting a job. You will be free to pursue the life you've always dreamed of.

And I believe that's the meaning of the Statue of Liberty — holding aloft that great lamp beside the Golden Door. I believe that's what Emma Lazarus meant when she wrote those wonderful words inscribed on the base of the Statue of Liberty:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore;
> Send these, the homeless, tempest-tossed to me.
> I lift my lamp beside the Golden Door.

That is the America we once had.

That is the America we *should* have — the beacon of liberty providing light and hope and inspiration to the entire world.

And, by God, I am determined that this is the America we *will* have. ❑

In His Own Words

Revolution!

by Russell Means

Russell Means, the frontrunner for the Libertarian Party's presidential nomination in 2004, gave this short speech that electrified the assembled delegates.

Hello my relatives. I am an ally and I come from Yellow Thunder Village in a very sacred holy land: the Black Hills.

I want to talk about revolution from my perspective. To me, a revolution is going back where you began and, of course, the United States of America, which got its concept for individual liberty through representative government from American Indian people, is where I'd like to return. Individual liberty through representative government.

When over 90 percent of the laws of this country are passed by the administration every year, and *not* by the representatives in Congress, we're faced with totalitarianism. Because — as you know — the rules and regulations passed by the bureaucracy of the civil servants — civil service servants — have the force and effect of law. Just read the Supreme Court decisions. And so, when Americans think that they are living in the greatest democracy in the world, they're hollering upwind. They don't realize that they're actually swimming upstream in rapids, and they continually lose their ground.

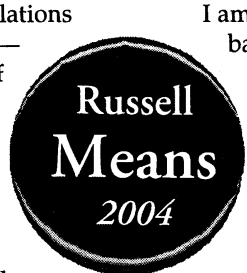

And when you live in a country that's ruled by mob rule — fifty percent plus one — and those that lose have to accept what the victors have, that's mob rule. Sorry. I want to see revolution. You know, the Constitution of the United States of America represents only approximately one-third of the Iroquois Great Law of Peace, and that's of course from whence it came, as recognized by Congress itself in 1988 when they passed a unanimous resolution thanking the Iroquois Confederacy for its input into the formation of United States of America and the formation of its Constitution.

You know, it's a relief standing up here in the year 2000 before you all, because in 1987 I had to visit about 46 states to try to convince you all I was a Libertarian. And I damn near did it. Three votes!

That was an exciting time and a lovely time in my life, a great time, as I've stated so in my book, my autobiography, *Where White Men Fear To Tread*, and they fear to tread with those of us who believe in freedom.

You see, the one thing I've always maintained is that I'm an American Indian. I'm not a Native American. I'm not politically correct. Everyone who's born in the Western Hemisphere is a Native American. We are all Native Americans. And if you notice, I put "American" before my ethnicity. I'm not a hyphenated African-American or Irish-American or Jewish-American or Mexican-American.

I am an American Indian, and that's what we have to get back to.

We are Americans first, and if once we accept that fact then these political divisions, the "Demopublicans," will not be able to exist; special interests will disappear because we're going to be Americans first.

Look at this government and its census. They tell each ethnic group "You've got to respond to the census because you'll get money."

Talk about a dependency status. Everyone that answers the census, to me, is a dependent Irish-American or African-American or Native American. I want this country to know what it's like to be American. I know what it's like to be American.

I love this land. I love it with every fiber of my being. It is the land of my ancestors. It is the land of my future generations. And the only way we can ever come together as Americans is that we have to *feel* this, and we've also got to feel and walk our talk.

The Libertarians have the message for every individual in America and in the world. And I'm tired of the Libertarian Party being stuck in a rut and spinning its wheels. I'm here to try to get behind that — I don't care if I get splattered with

mud — but I want to push that out of the rut.

We need to *feel* what our message is. We need some passion! We're the only ones using the word "free." And you know what happens in this country now if you talk about being free and freedom. The United States Government surrounds you with its military might. They immediately start surrounding you. I don't care if you're from Montana, Idaho or Texas.

Or South Dakota.

We have the right to be free. That is the basic right of every living thing. You know, if you cage an animal, a free animal, it will always try to escape that cage. But if that animal has offspring that's born in the cage, those animals that are born in the cage will cease to want to leave that cage. And as I look across America, and I see my own people's children — my own children — being caught up in consumerism, the ultimate melting pot — consumerism. And that's the way they're being caged. And they're happy. You know what colonization means to me — and the American people *are* colonized — it means you're perfectly happy to be miserable.

Everyone who's born in the Western Hemisphere is a Native American. We are all Native Americans.

Thomas Jefferson said it best. You know, he said: "A revolution should happen in America every 20 years." It's overdue! But first, *feel* being American and *feel* about individual liberty, and *feel* like you are right — because that's how we're going to put passion into the movement. That's how we're going to grab a hold of those voters. That's how we're going to get new voters and new members. I am proud to find out that the Libertarian Party is continuing to grow.

There are 33,000 members and you're shooting for 100,000 by the year 2004. Well, you better do it with some passion. You'd better do because you're right! You have the right message!

America has been coerced into believing that politics is compromise. Well, we know better because politics is principle — the art of principle — and you have it!

It's amazing to me why we're not marching in the streets.

It's amazing to me that the only time we see my fellow Libertarians risking anything was at Waco. I want to see it all the time. I want to see us active and proactive, and damn the torpedoes, full speed ahead!

We are Libertarians! We want to be free! Let's move! ❑

Inquiry

A New Harry Browne?

by R. W. Bradford

Did the Libertarian nominee learn anything from his disastrous loss in 1996?

After Harry Browne got fewer than 500,000 votes in 1996, he told the California Libertarian Party convention, "I won't run again, if it has to be the same kind of campaign we ran in 1996." The way the party could run a better campaign was to recruit a huge number of new members. "When it [membership] reaches 200,000," he wrote in this magazine, "it will have the fundamental base that can support a $50 million presidential campaign; it will have the troops who can carry the message door-to-door if necessary; and it will have the resources to run advertising that will get rid of the income tax, free them from the Social Security hoax, and restore safety to their neighborhood by ending the insane War on Drugs . . . the vote total [in the 1996 election] suggests that the LP has a marketing budget far too small to reach a significant number of Americans. With 200,000 members it would have at least $50 million to spend on the 2000 presidential campaign. . . . If the LP has no chance to grow substantially, if it has no chance to raise the money needed to run a first-class campign, then why does it even exist?"

Once it became evident that Browne's plan to get those 200,000 members had failed miserably, Browne was forced to abandon this plan, but contrary to what he had promised, he didn't drop out of the race. Instead, he went ahead with the same campaign plan that had failed so miserably in 1996: a

campaign book, lots of talk radio, and what he calls "The Great Libertarian Offer," namely asking people whether they'd give up their favorite government program if they never had to pay income tax again. Curiously, none of the other contenders for the nomination brought up the fact that the strategy he pursued in 2000 was a proven failure.

In the meantime, three other strategic approaches had been suggested:

1) Build the movement by winning local elections. Local elections are cheaper to run and easier to win than national elections, and you have to begin somewhere. Winning local elections can provide a foundation on which success higher on the ticket can be built. This approach has long had a following within the party: it was the centerpiece of Gene Cisewski's campaign for chair in 1998, of George Phillies' campaign for chair this year, and of Don Gorman's campaign for the presidential nomination.

"I won't run again," he told the California LP, "if it has to be the same kind of campaign we ran in 1996.

2) Try guerilla campaigning among America's dispossessed. The poor and minorities are constantly victimized by the state, with minimum wage laws, social security taxes, lax police protection and immigration laws. Yet libertarians have approached them seldom, if ever. This approach was advocated by Bumper Hornberger's campaign for the presidential nomination.

3) Exploit a "wedge" issue — an issue which has enthusiastic support among a substantial number of voters and that neither the Republicans nor Democrats will address. Campaigning on such a wedge issue is the only way you can get people to jump to a radical third party candidate.

The only such issue today is legalizing drugs. So the LP presidential campaign should focus on drugs. This approach won't likely win an election, but it could conceivably get a Libertarian candidate 5 percent of the vote — which is ten times Browne's vote total in 1996. This approach has been advocated by me at Libertarian Party conventions and in *Liberty*'s pages.

Last November, after my argument for this third approach was published in *Liberty*, several people asked me to approach Browne about it. So I called him for an interview and asked him what he thought of the argument for using drug legalization as a wedge issue. He agreed that opposing "the insane War on Drugs" — Harry always seems to speak in sound bites — was a fine idea. In fact, it was one of the themes he intended to use in his coming campaign. No, no, I explained. The theory isn't to make it one of many themes, like you did last time. The idea is to focus on it, so that people will vote for you in order to make an unequivocal statement in favor of drug legalization. Harry rejected this approach altogether, arguing that the campaign should focus on a wide variety of issues.

In an interview with *Liberty* the morning after his nomination, we asked him about his campaign and the possible use of the drug issue. He responded:

> What we have to find are the people who have very compelling interests to vote for us. In the last election, for instance, I could go to a gun rights group and speak and everybody would think it was just wonderful because I just said all the right things but when the time came they wouldn't vote for me because they thought "well, Dole would, you know, be a little better than Clinton or whatever;" so there's no point to the whole thing. What you have to find are groups that get no satisfaction whatsoever from either the Republicans or Democrats and the only way they can state their dissatisfaction is by voting Libertarian. Now this year, the gun rights groups are better than — they should be better than — they were last time because the Republicans have taken this "enforce the gun laws" stand and that leaves them wide open for me to walk in and say "No, no, you don't understand. It's the gun laws that are causing the problems, so we need to repeal them all." Now this is not going to appeal to all gun rights advocates but it is playing very well with some of them and I think we should be able to do better. The drug war is the quintessential example of a compelling interest target group because there is just absolutely nothing of any satisfaction that they will get from the Republicans or Democrats so there's no point in saying which one — Bush or Gore — will be better on this issue.

So it appears that he is at least looking at possible wedge issues.

That's not the only hint that his strategy may be different from 1996. His acceptance speech was noticably free of "The Great Libertarian Offer." Instead of trying to appeal to the narrow self-interest of voters, his theme was that "we believe in you," i.e., that Libertarians believe that people should be able to make their own decisions about how to live their lives. He expanded his point by attacking the government's War on Drugs and efforts to restrict gun ownership.

So maybe the 2000 campaign will not be a rerun of the 1996 campaign. Maybe Browne will not center his campaign on "The Great Libertarian Offer." Maybe he'll focus on the drug issue, or identify some other wedge issue.

Maybe. But I'm not holding my breath. For one thing, none of his TV commercials focus on any wedge issue. And all conclude with a pitch for a videotape entitled, you guessed it, "The Great Libertarian Offer." And Browne's E-mails since the campaign have mostly consisted of lists of his appearances on talk radio. Still, he is actually buying television commercials. And I'm not about to become part of the cottage industry that gets its jollies e-mailing each other snippy remarks on everything Browne does. ❑

Instead of trying to appeal to the narrow self-interest of voters, his theme was that "we believe in you," i.e., that Libertarians believe that people should be able to make their own decisions about how to live their lives.

Jesus Christ: Family Hating Communist

by Bart Kosko

The fatal inconsistencies of the Christian Right.

Republican presidential candidate George W. Bush said that the philosopher he most closely identifies with is Jesus Christ. Both he and his former-president father say they are "born again" Christians. Even William F. Buckley publicly proclaims his "commitment to Christian truths."[1] These statements of faith reflect an odd statistical fact: Most conservatives are Christians. The fact is odd because Christian conservatism involves a stark logical problem even if Christian conservatives seldom address it: They are pro-family capitalists while Jesus Christ was an anti-family communist.

Consider first whether Jesus was a communist. Just what does it mean to be a communist?

Karl Marx and Frederick Engels gave a decisive answer in their *Communist Manifesto*: "The theory of the communists may be summed up in a single sentence: Abolition of private property."

Formal definitions of communism use the same property criterion. The *Columbia Encyclopedia* defines it as "the system of social organization in which property (especially real property and the means of production) is held in common."[2] Communists clearly need not be atheists or agnostics. Nor need they call for the violent overthrow of the "capitalist" order. So-called "big C" Communism is the Soviet-style species that is both atheistic and violent. So Jesus was plainly not a big-C communist. But the question remains whether he was a little-C voluntary communist.

Did Jesus want to abolish private property?

We know from the New Testament that Jesus had only contempt for wealth and the wealthy while he promised the poor the kingdom of heaven. He knocked over the tables of the moneylenders and uttered what may be the most famous anti-capitalist metaphor: "It is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of God" (Mark 10:25 and again at Matthew 19:24). Some have tried to argue that this statement is not the anti-capitalist slogan that most people see it as being.[3]

Jesus repeatedly tells his followers in the Gospels to give their property to the poor and follow him. Luke gives a typical example: "if you are not prepared to leave all your possessions behind, you cannot be my disciples" (Luke 14:33). The Acts of the Apostles describes how believers practiced voluntary communism: "And all that believed were together, and had all things in common; and sold their possessions and goods, and parted them to the men, as every man had need" (Acts 2:44–45).

We also know from the *Dead Sea Scrolls* and other sources that the communistic order of the Essenes likely influenced the teachings of Jesus or at least his early followers and biographers.[4] The Essenes' "community rule" required that each full-fledged member give up all his private property to the commune. Such a ban on private property is common among ascetics. Hindu and Buddhist holy men predate Jesus in this regard by at least a half millennium. And modern Roman Catholic and Eastern Orthodox priests still practice it. That extreme and continuing practice is itself evidence of the "pure" Christian view of property.

So there is good reason to believe that Jesus wanted to abolish private property. The Religious Left has had little trouble with this view. That is the gist of Harvard theologian Paul Tillich's famous remark that "Every serious Christian must be a socialist."

But those in the Christian Right often deny this anti-property bias. American Enterprise Institute scholar Michael Novak finds capitalist solace in Pope John Paul's 1991 *Centerimus Annus* even though that document's Section 34 "demands that the market be appropriately controlled by the

forces of society and by the state so as to guarantee that the basic needs of the whole of society are satisfied."[5] Pope John Paul II has also made clear that the Roman Catholic Church has not adopted the "spirit of capitalism" but has adopted the labor-protest spirit of communism: "What we refer to as Communism has its own history. It is the history of protest in the face of injustice, as I recalled in the encyclical *Laborem Exercens* — a protest on the part of the great world of workers, which then became an ideology. But *this protest has also become part of the teaching of the Church*." [6] (emphasis in the original)

Some fundamentalists even claim that Jesus somehow favored capitalism and the accumulation of property despite his clear words to the contrary. Pat Robertson bases his "theology of capitalism" on the golden rule and a parable in Matthew.[7] These strained efforts simply do not square with the anti-property language of Jesus and his apostles. And they find little or no published support from Biblical scholars.

Jesus thought that the apocalypse was imminent. So Jesus' radical path to salvation trumped matters of family or law or private property.

Consider next whether Jesus was anti-family. Both the Religious Left and Right hold overwhelmingly that Jesus was pro-family. Many Christians cite the New Testament as the very basis of "family values." The Christian Coalition's Web site even lists its "pro-family" agenda ahead of its "pro-life" agenda. But Jesus himself had as much contempt for the family (including his own) as he did for the rich and for property.

Indeed Jesus seems to *hate* the family: "If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple" (Luke 14:26). Other parts of the New Testament echo this anti-family message as does the Coptic Gospel of Thomas (discovered in Egypt in 1945): "The one who does not hate his father and mother will not be worthy to be my disciple" (Thomas 55). Note that Jesus does not here or elsewhere divide his followers into disciples and non-disciples. His followers are his disciples.

Perhaps the closest parallel to Jesus' extreme anti-family creed comes again from Marx and Engels in the *Communist Manifesto*: "Abolish the family! Even the most radical flare up at this infamous proposal of the communists." Yet abolishing the family is just what Jesus preached. At times he sounds almost like a Marxist radical: "Think not that I am come to send peace on earth: I came not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter-in-law against her mother-in-law. And a man's foes *shall be* they of his own household" (Matthew 10:34–36). (The author of this passage deliberately exaggerated a similar but prior statement from the Old Testament prophet Micah who described the coming savior of Israel (Micah 7:6).)

The question is not whether Jesus was anti-family but why. Biblical scholar Bart Ehrman gives an answer based on the New Testament record: Jesus thought (as did the Essenes per Dead Sea Scroll 4Q521 — the "resurrection fragment") that the apocalypse was imminent. So Jesus' radical path to salvation trumped matters of family or law or private property:

> The common sense shared by modern proponents of 'family values' notwithstanding, Jesus was quite unambiguous that even parents, siblings, spouses and children were to be of no importance in comparison with the coming Kingdom. . . . These 'anti-family' traditions are too widely attested in our sources to be ignored (they are found in Mark, Q, and Thomas, for example), and show that Jesus did not support what we today might think of as family values. But why not? Evidently because, as I've already emphasized, he wasn't teaching about the good society and about how to maintain it. The end was coming soon and the present social order was being called radically into question. What mattered was not ultimately the strong family ties and social institutions of this world. What mattered was the new thing that was coming, the future Kingdom.[8]

Other Biblical scholars have also called out Jesus' clear anti-family stance.[9]

A related but simpler answer is that Jesus acted as a typical sect or cult leader.[10] Charismatic cult leaders often try to sever their members' family ties and replace such ties with fanatical veneration of the leader .[11]

The Inconsistency of Conservative Christians

The Biblical record is clear: Jesus told his followers to give up their property and their families. That logically places him in the communist region of the political landscape. And his anti-capitalist and anti-family message does not depend on a fundamentalist interpretation of the Bible as the literal word of God.

But there are good secular reasons to support capitalism and the family. The evidence on capitalism from the 20th century is plainly positive: Economic freedom promotes wealth for all even if it does not do so equally. Countries with the most economic freedom tend to have citizens with the longest life spans. Those countries also tend to have the cleanest environments. These findings have long since passed from controversial to common place.

Communism can make sense for small bands or tribes who live in harsh environments if they face uncertain food supplies.[12] This still holds today for the hunter-gatherer !Kung tribe in Africa but not for their Gana neighbors who practice primitive agriculture. But it makes no sense for modern societies with their vast populations of strangers and their stable and complex food supplies.

Holding property in common creates the "tragedy of the commons" where each member has no incentive to maintain the common property or to see that those who use it match their costs to their benefits. Each member has instead an incentive to hitch a free ride on the efforts of others. The social cost of this "tragedy" scales directly with the size of the population. This tragedy applies with the same force to today's "common" waters of the ocean as it would to Jesus' proposed social order based on voluntary communism.

And the data on families is clearly positive. Stable families tend to raise children who are less likely to drop out of

school or commit crime or get pregnant as teenagers. Experts debate the reasons and the extent to which single-parent (or no-parent) families tend to harm children but not the tendency itself.[13]

The facts on markets and families simply do not support the radical message of Jesus. Yet most conservatives accept these facts and at the same time say they support the teachings of Jesus. This is not just denial or cognitive dissonance on a staggering social scale. It is a textbook logical contradiction that calls into question the very foundations of much of the modern conservative movement. ❑

Notes

1. Buckley proclaims his Roman Catholicism to a convention of Baptists as follows: "You should know that I was raised in the faith, that I live comfortably in it however uneven my compliance with its higher demands, and that I hold my commitment to Christian truths to be the singular blessing in my life," Buckley, W. F., Jr., *Nearer, My God: An Autobiography of Faith*, p. 224, Harcourt Brace, 1997.
2. "The Neoplatonists revived the idea of common property, which was also strong in some religious groups such as the Jewish Essenes and certain early Christian communities. These opponents of private property held that property holding was evil and irreligious and that God had created the world for the use of all mankind. The first of these ideas was particularly strong among Manichaean and Gnostic heretics, such as the Cathari, but these concepts were also found in some orthodox Christian groups (e.g., the Franciscans)," from "Communism," *The Columbia Encyclopedia*, 5th edition, p. 612, Columbia University Press, 1993.
3. "Jesus did not mean that there was something wrong with being rich. Jesus said these words to explain what God expects of a person in order to gain admission to heaven — and the special, even higher, obligation to help others that God expects of those who have achieved economic success," Pilzer, P. Z., *God Wants You to be Rich: The Theology of Economics*, p. 17, Simon & Schuster, 1995. But Jesus plainly said there was something wrong with being rich — it rules out going to Heaven.
4. "Turning to the relationship between the Scrolls and the New Testament . . . more specific features, such as monarchic administration (i.e., single leaders, overseers at Qumran, bishops in Christian communities) and the practice of religious communism in the strict discipline of the sect and at least in the early days in the Jerusalem church (cf. Acts 2:44–45) would suggest a direct causal connection. If so, it is likely that the young and inexperienced church modeled itself on the by then well-tried Essene society," Vermes, G., *The Complete Dead Sea Scrolls in English*, p. 22, Penguin, 1997.
5. Novak does acknowledge that many Roman Catholics are anti-capitalist: "Even today, one needs to confront the rather common Latin Catholic bias against capitalism," Novak, M., *The Catholic Ethic and the Spirit of Capitalism*, p. 13, The Free Press, 1993.
6. John Paul II, *Crossing the Threshold of Hope*, p. 130–131, Knopf, 1995.

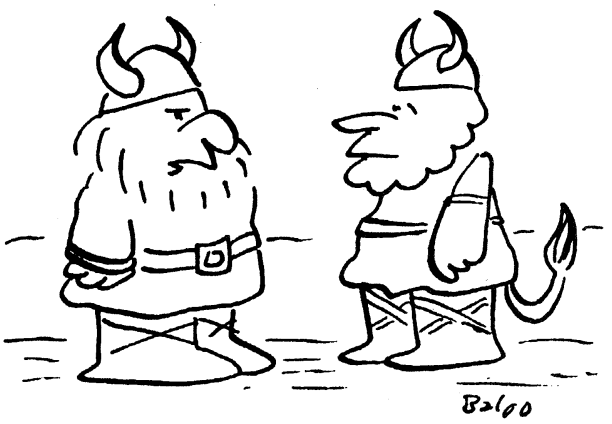

"Just the horns, Gustafson!"

7. "Robertson's 'theology of capitalism' is founded on the parable (Matthew 25:14–30) in which a servant who puts his master's money into a business and makes a profit is praised, while a servant who buries the master's gold in the ground is rebuked," Bawer, B., *Stealing Jesus: How Fundamentalism Betrays Christianity*, p. 168, Three Rivers Press, 1997.
8. Ehrman, B. D., *Jesus: Apocalyptic Prophet of the New Millennium*, p. 170–171, Oxford University Press, 1999.
9. Biblical scholar John Dominic Crossan sees Jesus as "tearing the family apart": "There is, first of all, an almost savage attack on family values, and it happens very, very often. . . . It is the last aphorism [Matthew 10:34–36] that the point of Jesus' attack on the family becomes most clear. . . . The family is society in miniature, the place where we first and most deeply learn how to love and be loved, hate and be hated, help and be helped, abuse and be abused. It is not just a center of domestic serenity; since it involves power, it invites the abuse of power, and it is at that precise point that Jesus attacks it. His ideal group is, contrary to Mediterranean and indeed most human familial reality, an open one equally accessible to all under God," Crossan, J. D., *Jesus: A Revolutionary Biography*, p. 59–60, Harper Collins, 1995. Scholar Marcus Borg makes a similar point:

"Jesus was no champion of family values. People are invited to leave their families, indeed to hate father and mother. Christians (scholars as well as ordinary folk) have often been perplexed by the negative attitude toward family and have sought ways of reconciling family life with taking Jesus seriously, most commonly by suggesting that Jesus basically meant that God must come first and family second. But such an approach abstracts the family sayings from their social contexts," M. J. Borg, *Jesus in Contemporary Scholarship*, p. 107, Trinity Press International, 1994.

10. Biblical scholars point out that Jesus created a sect of Judaism but his followers turned it into a cult with their allegation of the Resurrection: "During his ministry, Jesus seems to have been the leader of a sect movement within Judaism. Indeed, even in the immediate aftermath of the Crucifixion, there was little to separate the disciples from their fellow Jews. However, on the morning of the third day something happened that turned the Christian sect into a cult movement. Christians believe that on that day Jesus arose from the dead and during the next forty days appeared repeatedly to various groups of his followers. . . . Christians were participants in a new religion, one that added far too much new culture to Judaism to be any longer an internal sect movement. Of course, the complete break between church and synagogue took centuries, but it seems clear that Jewish authorities in Jerusalem quickly labeled Christians as heretics beyond the boundaries of the community in the same way that Moonies are today excluded from Christian association," Stark, R., *The Rise of Christianity: A Sociologist Reconsiders History*, p. 44–45, Princeton University Press, 1996.
11. "A cult is characterized by Veneration of the leader . . . Inerrancy of the leader . . . Omniscience of the leader . . . Persuasive techniques . . . Hidden agendas . . . Deceit . . . Financial and/or sexual exploitation . . . Absolute truth . . . Absolute morality," Shermer, M., Why People Believe Weird Things: Pseudoscience, Superstition, and Other Confusions of our Time, p. 119–120, W. H. Freeman, 1997. Michael Shermer heads the Skeptics Society and illustrates these cult properties in his book with what he calls in a chapter title the "Unlikeliest Cult: Ayn Rand, Objectivism, and the Cult of Personality."
12. "Foraging peoples, to be sure, really do share with nonrelatives, but not out of indiscriminate largesse or commitment to socialist principles. The data from anthropology show that the sharing is driven by cost-benefit analyses and a careful mental ledger for reciprocation. People share when it would be suicidal not to. In general, species are driven to share when the variance of success in gathering food is high. . . . The !Kung San of the Kalahari Desert are perhaps the closest thing the world has to primitive communists. . . . In both the Ache and the San, high-variance foods are shared, low-variance foods are hoarded," Pinker, S., How the Mind Works, p. 505, W. W. Norton & Company, 1997.
13 Conservative political scientist James Q. Wilson sums up the findings on the family this way: "The importance of the family will remain beyond dispute no matter how the debate on day care turns out. Not even the scholars most convinced by the studies that claim to find no harmful effects in group care doubt that nurturant and controlling families are important to the well-being of the child," Wilson, J. Q., The Moral Sense, p. 161, The Free Press, 1993.

Letters, *from page 28*

position, attention must be paid.

Since 1990, Gun Owners of America has produced a rating of Congress. I like to think we have not wasted our time.

Mr. Grewell says that bills are messy, that people may vote "wrong" for all kinds of reasons, that votes are complicated and that scorecards based on all this messy data produce unreliable results. As he puts it: "the basic problem with scorecards is that they give a false impression of accuracy and precision."

The problem with Mr. Grewell's analysis is that he may well have sought to impose more precision than required on the data he attempted to analyze. An inexact measurement is still quite useful, as America learned after its first successful test of the atomic bomb in 1945.

One of the scientists present supposedly complained that the blast was so powerful, it had overwhelmed his calibration instruments. A general is said to have replied that if the blast broke the scientist's instruments, that meant the blast was a big one and that, after all, was what the military wished to know.

Similarly, candidate scorecards are incapable of precise calibration of the gradation of each Congressman's ideological standing on some absolute scale. But if you seek to know where your elected representative stands on an issue you care about deeply, scorecards are ideal.

Actually, the secret to an accurate rating of Congress is quite simple: wrong votes are wrong votes, no matter what good reasons (or excuses) are offered for these votes. The GOA rating, like other good ratings, judges actions, not hearts.

Identifying a key vote is relatively easy. *The key votes are cast long before final passage of a bill.* Many Congressmen voted for final passage of the McClure-Volkmer Firearms Owners Protection Act. For GOA to have only rated that particular vote without also considering the previous votes on weakening amendments would have conveyed a false impression. It turns out that the closest vote on that particular bill was on an amendment relating to interstate sales of handguns. There were several Congressmen who voted for both the weakening amendment and for the bill.

In addition, a number of Representatives refused to sign the discharge petition to even get the McClure-Volkmer bill onto the House floor in the first place. When that discharge petition ultimately succeeded, these folks voted for the bill — but each refusal to sign the petition was akin to a "no" vote.

Our elected officials in Washington are all too aware that people are watching their every move. They don't like it.

Allow me to quote a bit from Senator Bennett:

> We have roll call votes around here on everything. We will have a resolution to memorialize Mother's Day, and someone will ask for the yeas and nays, and we will spend a half hour voting, 100-0, and it slows everything down. Why do we do that? . . . it is something that never would have been done 30 years ago. We do it to build a record for campaign purposes, not for legislative purposes. . . .
>
> When I ran in 1998, my opponent stood up before the crowds, on television, whatever, and said, "Senator Bennett is pro-tobacco" [an incendiary charge in heavily Mormon Utah]. . . . I didn't remember voting with the tobacco interests once. "No, he is lying about his record. Here it is."
>
> Then we go into the web site where he has all of this listed under the fetching title, "What Senator Bennett Doesn't Want You To Know," and here is the list of all of my "pro-tobacco" votes. What were they? They were procedural votes, votes on motions to table, votes in support of the leader moving legislation forward. On the one tobacco vote that counted, which was a cloture vote on Senator McCain's bill, I was in the antitobacco forces . . . . All of the people who were involved in the tobacco fight knew I was on their side. They knew the process around here well enough to know these 12 votes about which my opponent was talking were meaningless as far as the real issue was concerned.

I have yet to see GOA issue a scorecard on gun rights and not hear similar arguments from incumbents who disagree with their scores. They want me to remember only the good things they think they have done and forget the bad. Or they urge me to look at their bad votes "in context." Or they remind me how bad their opponent is and to urge me to stop picking on them because, by comparison, they are relatively better on the Second Amendment. (I have raised four children. These pre-Election Day excuses for bad behavior bring back memories.)

The boundless talent of the political class for muddling the record is the main reason why the GOA rating of Congress deals with actual votes, not other things such as cosponsorships of pro-gun bills.

There is another good reason why we rely on the objective data of a voting record, rather than to attempt to analyze other factors. Many times a legislator who has been indifferent or worse on the issue of Second Amendment rights can be transformed by the mere prospect of facing a close race in his district.

Such folks suddenly add their name to every pro-gun bill floating around the Congress. Then when confronted with an actual anti-gun vote, they can point to "all the good bills my name is on." Or they give a pro-gun speech that makes Charlton Heston sound like Bambi by comparison and send copies of that speech to citizens who write in about the gun issue. Or they stage a photo-op at a trap range or duck blind. Or they take out a membership in a pro-gun rights group and wave their membership card in the air when asked pointed questions.

Most successful politicians are rather good at convincing their constituents that they agree on virtually everything. As someone who has not only seen the process as a lobbyist, but as an elected official, I have seen how legislators actually think closeup.

One day while I was serving in the Virginia legislature, one of my colleagues voted for a non-binding resolution on an issue even though he was well known as an opponent of that particular cause. I asked him why he cast that unexpected vote. He informed me that by casting that single, meaningless vote, he could keep the activists on that issue at bay for the rest of the legislative session.

As the years have passed, politicians in both parties have learned how to manipulate the process to avoid controversial roll call votes whenever pos-

continued on page 69

Reviews

The Art of Fiction, **by Ayn Rand, edited by Tore Boeckmann. Peguin Press, 2000, 180 pages.**

A Subjective Manifesto

David Brin

There is something deeply appealing about the notion of recovering a "lost classic" — a work of human innovation that has been missing and longed after for generations. Imagine discovering the intact statue of Athena Nike, buried under the Parthenon, or a stash of scrolls rescued from the burned Great Library at Alexandria. The news would be as electrifying as any new discovery of science — say that of fossil life on Mars.

All right, that may be hyperbole. But it only barely overstates the glad cries I hear from many libertarian pals, eager to finally acquire *The Art of Fiction* by Ayn Rand. Why has this legendary work been missing for so long? Because it's a book that Rand never wrote! Not exactly. Rather, its sole existence for four decades was in rare tape recordings of a series of lectures that she gave just once in her own living room, shortly after the publication of *Atlas Shrugged* in 1957. Using just a few written notes, Rand offered her course to about twenty friends and acquaintances across twelve sessions, each lasting approximately four hours.

Now, at last, the tapes have been transcribed and edited by Tore Boeckmann, with an introduction by the eternal Rand hagiographer Leonard Peikoff, consolidating everything into a volume that clearly and eloquently expresses Rand's strong beliefs about her life work — at least the part of it that involved writing fiction. The part that reached millions and paid the bills.

Indeed, this delineation is noteworthy. One of the first things that a reader of *The Art of Fiction* cannot help noticing is Rand's renowned sense of discipline as she strives to keep on topic. Known best for hard driven polemic, she actually speaks very little about political philosophy, as such, in *The Art of Fiction*. Instead, this work is a *meta*-commentary on the methodology of conveying persuasive drama and ideas, with much less emphasis on re-expressing her own particular ideas. After all, those ideas get full attention elsewhere. But here at last we are treated to exposition about *how* she imparted them well enough to join the polemical icons of our age.

Before reviewing Rand's book, I will honor her honesty by admitting in advance my own biases. As an avowed libertarian, I am nevertheless very much a heretic — one who believes that a future of fully emancipated individualism will be far better achieved through pragmatic evolution — by continuing the Periclean-Galilean traditions that were exemplified and expanded upon by the Scottish-English Enlightenment — as opposed to the far more common prescription of idealistic revolution touted by French, German and Russian philosophers. In novels such as *Earth* and *The Postman*, as well as nonfiction (*The Transparent Society*), I tend to frown on the broadbrushed Platonic *essences* that enthrall Ayn Rand's most ardent followers. Moreover, as a novelist I find much to disagree with in her polemic oriented technique.

Nevertheless, there can be no doubt at all that Rand was a figure of great substance. She had a truly fertile mind, vivid and eager, with an infectious enthusiasm that positively leaps out of the page. Even when her novels culminate in grinding passages of notorious speechifying, one feels somehow compelled by her intensity and passion. This is an author who never coasted on momentum. She did nothing by rote.

The Art of Fiction is Ayn Rand in true form. With her famed prim logicality, she divides fiction writing into four essential elements — theme, plot, characterization and style — then proceeds to show how each element can be dissected, deconstructed and the pieces assembled rationally . . . *objectively* . . . into novels that combine deep structural soundness with aesthetic infallibility. In other words, she would be to authorship what her most famous character — Howard Roark — would be to architecture. "In regard to precision of language," she writes, "I think I myself am the best writer today."

Peikoff extends this claim in his introduction. "*The Art of Fiction* serves as an extended concretization of the Objectivist esthetics, and thus an invaluable supplement to the *Manifesto*."

We do need a brief aside about Objectivism, which begins by proposing that reality exists independent of its perception. This contrasts refreshingly against the subjective-relativism

offered by today's fashionable neo-leftist philosophers, who claim (in blithe and total ignorance of science) that "truth" can always be textually redefined by any observer — a truly pitiable, easily disproved, and essentially impotent way of looking at the world.

So far, so good. Unfortunately, any fledgling alliance between Rand's doctrine and actual science breaks down soon after that. For she further holds that objective reality is readily accessible by solitary individuals using words and logic alone. This proposition — rejected by nearly all modern scientists — is essentially a restatement of the Platonic worldview, a fundamental axiom of which is that the universe is made up of ideal essences or "values" (the term Rand preferred) that can be discovered, dispassionately examined, and *objectively* analyzed by those few bold minds who are able to finally free themselves from hoary assumptions of the past. Once freed, any truly rational individual must, by simply applying verbal reasoning, independently reach the same set of fundamental conclusions about life, justice and the universe. (Naturally, any mind that fails to do so must, by definition, not yet be free.)

These conclusions, perfected in Objectivist tracts, represent a reification of human wisdom. Metaphorically, imagine Plato wedded to both Descartes and Henry Ford . . . with some lively bits of Hegel and Sigmund Freud mixed in.

Freud? Oh yes.

"All writers rely on their subconscious," writes Ayn Rand in *The Art of Fiction*, readily conceding that there is a mental realm deeper than the rational mind, from which much of our creativity arises. Only then she asserts that this realm can be pierced, diagramed and harnessed by logical volition alone. "(Y)ou have to know how to work with your own subconscious . . . . A rational writer can stoke his subconscious just as one puts fuel in a machine."

This belief — that objective truth is directly accessible to rational, word based analysis by solitary individuals, that all levels of human mind and motivation can likewise be accessed and understood with low levels of error or self-deception, and that this understanding can be put to immediate use by lone individuals — consummates in a statement that is simultaneously both bold and chilling:

> If to any extent you hold the premise of nonobjectivity, then by your own choice, you do not belong in literature, or in any human activity, or on this earth.

The Art of Fiction *is filled with advice that any would-be author should ponder with respectful seriousness.*

Phew! This is why we pragmatists find polemicists — even those with whom we share some political beliefs — rather scary at times. But in time you learn to take such statements with a few truckloads of salt. In this case, I am pretty sure that Ayn Rand was exaggerating for instructional effect. By example, she was showing us *how* to be scary, a useful authorial tool!

Indeed, it is in the range and richness of her examples — and their logical presentation — that Rand truly shines, presenting theme, plot, characterization and style with the same pure clarity and certainty that Aristotelians once invested in air, earth, water and fire. *The Art of Fiction* is filled with advice that any would-be author should ponder with respectful seriousness.

For instance, she sagely counsels that writers should always *show* character traits with concrete behaviors, rather than *tell* the reader that someone is "strong" or "jealous." Her comments on the nature of suspense offer excellent insights. And in dishing out justifiably scathing criticism of the naturalist school of literature, she demonstrates that coincidence and happenstance are simply crutches used by bad writers. An honest person in *any* profession — especially one that involves creating new worlds — must keep track of causal relationships. Plot is about actions and their effects, not a meaningless series of "colorful" events.

It comes as no surprise, therefore, that when Rand talks about "character" she extols *purposefulness* as a primary trait. Even a villain should be shown (via concrete, exemplifying behaviors) to have a vivid internal compass — a clearcut mental map of the universe with a path already laid out, showing how and where he or she plans to take the world. And yes, Rand means *the world*. Her greatest respect is devoted to world changers . . . to those hyper-alphas who set the tenor of an age, piping the tune that makes a multitude dance. To those who see clear values, who have agendas and pursue important goals. According to Rand, plot is about strong opposing wills, actively and knowingly grappling with each other over nothing less than destiny.

It's heady stuff, all right. Rand doesn't talk very much about reader-character identification in *The Art of Fiction* — a distinct flaw in the book — but if she did, I'm sure Rand would admit and avow that giving her customers the opportunity to identify with hyper-alphas like John Galt goes a long way toward explaining the pleasure that so many derive from her novels, allowing even the timid, confused and ineffectual to imagine themselves wearing such shoes . . . if only a few bureaucratic impediments were taken out of the way. Elsewhere I talk about the macro-tradition this is part of, an *ubermenschen* or superman ethos that originated before Homer and contin-

ues thriving to this day, in comix and much of science fiction. It helps explain why Rand devotees make up a wing of the libertarian movement that is notably disinclined to compromise with the gammas, betas and mere alphas who comprise most of today's voting electorate! It's a key element to her work and one could wish that Ayn Rand had discussed it openly in *The Art of Fiction*.

Rand does use a wonderful technique to demonstrate several points about what she considers key elements of writing. Throughout *The Art of Fiction*, she offers passages from other famous works of literature — e.g. Victor Hugo's *les Miserables*, Sinclair Lewis's *Main Street*, Leo Tolstoy's *Anna Karenina* — as well as her own works, in order to demonstrate crucial differences in style and substance. She even writes variations on some of her own most famous scenes, explicating in detail why she chose specific character interactions or turns of phrase. As you might expect, she portrays her own craft as having the precision of a science.

Of course, it doesn't. It never did and no work of fiction or polemic ever will. Alas, like nearly all the great minds of her era — (a time of ideology fixation that turned the middle of the Twentieth Century into a hellish pit) — her worst affliction was that of temporal chauvinism . . . a belief that all of history and philosophy climaxed precisely with her. That those who preceded her, and nearly all of her contemporaries, were fools unable see Truths that (to her) seemed clear as day. In saying this, I do not condemn. Temporal chauvinism is insidiously attractive — many large minds fall for it, I know I have at times.

Her High Priestess status and self-imposed isolation from peers ensured that she would never, ever get an opportunity to correct those mistakes by learning from others.

Ayn Rand called her worldview *Objectivism*, implying that all other philosophies were merely subjective, muddled by illogic, impulse and wishful thinking. But today, college sophomores do a devastatingly simple experiment; they survey classmates, relatives, people on the street, and find the same pattern recurring over and over again — an apparent constant of human nature.

"Whatever we and our friends believe, we attribute to logical appraisal of the evidence. Whatever others — and especially our opponents — believe can nearly always be attributed to flaws in their intelligence, morals or character." This phenomenon is seen in every culture and every political faction. It is the reason why rivals so often scream *past* each other at simplistic caricatures they create in their own minds, instead of negotiating with the real people standing opposite them.

It is the same reason that Freud and Marx and so many others — including Rand — surrounded themselves with worshipful sycophants, instead of the rambunctious graduate students, rivals and critics who swarm around *true* scientists, even the most revered Nobel laureates. Rand demonstrates this in *The Art of Fiction* through a nearly total lack of reference to any contemporary authors worthy of her own respect, and by a nearly complete absence of *falsifiable* propositions — opinions that might be tested by independent experiment. Instead, the litany of bold statements that fill *The Art of Fiction* are offered to readers as facts, declared *ex cathedra* by an unquestionable font of wisdom.

While I think any eager and talented writer can learn much by reading *The Art of Fiction* — by weighing Rand's arguments, examples and metaphors and learning from the fecundity of her brilliant mind — there are some areas in which I must say flat-out that she was positively clueless and occasionally crafted wretchedly amateurish prose. Moreover, her High Priestess status and self-imposed isolation from peers ensured that she would never, ever, get an opportunity to correct those mistakes by learning from others. One example of such a literary blind spot is *point of view* — an author's careful control over what the reader knows about the story, as compared to what the characters know, and above all the art of governing through whose eyes the story will unfold. Rand hardly addressed point-of-view in her *Art of Fiction* lectures because she clearly thought it unimportant, and this shows in her novels. In several of them, point-of-view bounces all over the place without rhyme, reason, pattern or anything approaching consistency. Perhaps there is some cleverly hidden paradigm, but if so I'm sure she would have elucidated in *The Art of Fiction*.

No, I do not expect to win friends by saying any of this in a libertarian magazine! Nor do I claim to be perfect in my own writing. (I fully expect to receive my own varied appraisals by those who follow.) My aim in pointing out these faults is not to disparage a notable and effective writer of the past, but to comment on what Ayn Rand left out of *The Art of Fiction*: specific issues like point-of-view and more general ones, like the role that criticism plays in real life as the sole known antidote to error. No novel of mine sees press without circulating to about fifty of the harshest pre-readers I know, lively and independent souls who are always eager to pounce on any sign of illogic or (horrors!) the slowing o!f pace that might actually let someone put the book down.

As you might expect, Rand portrays her own craft as having the precision of science.

To me this is simply professionalism — a pragmatic habit that spilled over from my years in science. But to Ayn Rand, critique seeking manifests nothing less than self-betrayal. *The Fountainhead's* Howard Roark expresses this by advising that a creative person must *never* ask anyone about his work.

This difference in creative approach is not one of style, or even philosophy since Rand professed to believe in science, which thrives on criticism. No, the root difference plunges much deeper, to the level of *personality*. Whatever values they may share, across all spectra of politics and ideas,

there will always remain a vast gulf between pragmatists and idealist-polemicists, over what words like "subjective" and "objective" ultimately mean.

"I always reproduce human awareness as it is experienced in reality," Rand states in this book. She further adds that ". . . language is an objective instrument."

To which I can only reply: "You gotta be kidding, right?" No scientist would ever say such things.

Certainly you can always *improve* your view and description of reality, through combinations of experiment and reason. That's what scientific progress is all about, and science is no temporal chauvinist. Nevertheless, human awareness and language are the two most *subjective* things ever invented. They are the very essence of subjectiveness. It's a matter of basic definition, and if we disagree over this, the very disagreement proves I'm right.

If women are from Venus and men from Mars, then what far apart planets do pragmatists and idealists come from? If those gritty pragmatists Galileo and Ben Franklin collaborated on a sci-fi novel, would they benefit by first reading the prim prescriptions contained in idealist Plato's *Republic* and Aristotle's *Poetics*? Maybe, in the same way that an ambitious young writer today will gain some advantage by perusing Ayn Rand's *The Art of Fiction* . . . picking and choosing among her brilliant examples and metaphors, while taking absolutely nothing "on authority."

After all is said and done, there is one irreducible, fundamental requisite for any fiction or nonfiction that deals with matters of human liberty. Any true individual must always rediscover for himself or herself how to create new realities in prose. ☐

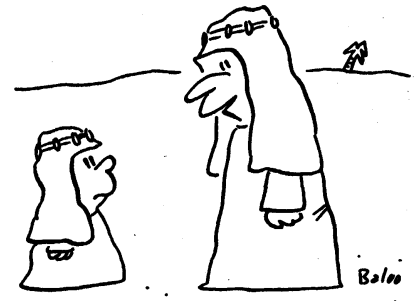

"I don't know, son — ask one of your mothers."

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Myths of Rich & Poor, by W. Michael Cox and Richard Alm. Basic Books, 1998, 256 pages.

Triumph of the Stuff

Donald J. Boudreaux

PBS's recent series, "1900 House," provides a striking look at life in a typical London household of a century ago. A modern family's daily goings-on were filmed as they lived for several weeks in a house retrofitted to be just like a typical middle-class house in 1900. The routine inconveniences and drudgery that each member of this family suffered are almost unimaginable to us today. Indeed, that's the appeal of the program. We cannot really imagine how hard life was just 100 years ago unless we are shown the actual experience of life back then.

It wasn't pretty. Simply doing laundry required an incredible amount of time. What is done today in a single forty-minute cycle by a modern washing machine took 12 hours of human labor in 1900!

Anyone today who romanticizes the late Victorian past — anyone who regrets not living in those "simpler" times — should watch this program. Such a romantic yearning will be promptly destroyed. To compare forthrightly our present to the past of 100 years ago is to appreciate the truly astounding prosperity that capitalism has brought to us all during the 20th century — automatic washers and dryers, hot-water heaters, electric and gas ranges, refrigerators and freezers, central heat and air conditioning, television, and on and on and on.

Of course, "1900 House" remains a grand anecdote: one particular family living in one particular house in one particular city at one particular point in time. To see just how prodigious and reliable capitalism is at continually raising the living standards of ordinary men and women requires historical comparisons of today with many points in the past, both distant and recent. Further, these comparisons are more revealing and trustworthy the more they are based on quantifiable measures drawn from readily available data.

Such comparisons are the specialty of W. Michael Cox and Richard Alm. Since the early 1990s, Cox (Chief Economist at the Federal Reserve Bank of Dallas) and Alm (a reporter for the *Dallas Morning News*) have written ingenious and illuminating reports on Americans' living standards. These reports have now been gathered into a remarkable book, *Myths of Rich & Poor*. The result is one of the most important books of the past decade. Using readily available government data, Cox and Alm document compellingly the remarkable and continuing increase in prosperity enjoyed by Americans during the 20th century.

Each of the nine chapters puts to rest several widely held misconceptions about American economic performance. For instance, Cox and Alm refute the popular belief that the living standards of ordinary Americans are today no higher, and perhaps even lower, than they were in 1973.

For example, in his recent book, *Illusions of Prosperity* (Oxford University Press, 1999) Joel Blau asserts that the real wages of ordinary American workers have "stagnated":

> Indeed, in 1967, at the height of the [post WW II] boom, *Fortune* magazine predicted wages would rise another 150 percent by the year 2000. Just five years later, however, income began to decline. The optimism faded quickly; by the mid-1980s, Wall Street economists were predicting that wages in the United States would erode for another quarter century. This time, unfortunately, their prediction was right.... The Census Bureau first determined median household income in 1967. From 1973 to 1994, it dropped 2.2 percent.

According to Blau, it was in 1973 that Americans reached "the height of U.S. economic prosperity." It's been downhill ever since, at least for ordinary workers.

Blau's reading of recent economic history is as common as it is mistaken — and it is mistaken to a fare-thee-well, as Cox and Alm show.

Cox and Alm concede that the official average hourly real wage in the United States is lower today than it was in 1973. But Cox and Alm's one-two punch on this fact renders it almost meaningless.

Their first punch reveals just how unrevealing is the reported trend in real hourly wages. These wages do not include employer-provided fringe benefits (which have increased dramatically in value over the past quarter century). Nor are economists happy with the measure of inflation that has been used to translate actual wages into real wages — that is, wages adjusted for inflation. Not only do economists now widely agree that the Consumer Price Index overestimated the rate of inflation during recent decades — thus causing an excessive adjustment downward in actual hourly wages to estimate *real* hourly wages — but this index also doesn't account for changes in product quality. The real price of a 2000 Chevrolet Malibu might well be higher than was the real price of a 1973 Malibu, but the two products are so different that to compare the price of one to the price of the other is far more misleading than enlightening.

But these are easy punches to land. It's Cox and Alm's second punch that is most impressive. Here, they directly measure ordinary Americans' ability to acquire goods and services for consumption.

Cox and Alm's method is brilliantly straightforward. Avoiding any need to adjust for inflation, it measures directly what is ultimately of most concern to those who debate Americans' standard

of living, namely, how long must the average American worker work to earn enough money to purchase the goods and services that he desires.

To answer this question, Cox and Alm first gathered information, for a number of different years, on the actual hourly wage earned by the typical American who worked (to use the U.S. Department of Labor's term) in a "production and non-supervisory" capacity. Cox and Alm then compared this wage for each of several different years in the past to the actual prices of goods and services during each of those same years. Dividing prices by wages, Cox and Alm calculated the amount of time it took the average production and non-supervisory worker, during any year, to earn enough money to purchase each of a wide variety of goods and services.

For example, because the average production and non-supervisory worker in 1973 earned about $4.00 per hour, and because the average pocket calculator in 1973 was priced at about $100, this worker in 1973 had to work twenty-five hours to buy a pocket calculator. Comparing, then, the time that it took this typical American worker in 1973 to earn enough money to purchase a pocket calculator to the time that it takes his counterpart today to earn enough to buy a calculator — about 40 minutes — we get a measure of the price of calculators in terms of work effort. When done for a wide array of goods and services, a clear and meaningful picture emerges of changes over the years in Americans' material prosperity. This picture is a pretty one:

> Over the past quarter century, consumers benefited from declines in the work-time cost of at least 80 percent for kitchen stoves, 60 percent for dishwashers, 64 percent for clothes washers, 56 percent for vacuum cleaners, 54 percent for clothes dryers, 40 percent for refrigerators, and 39 percent for lawn mowers (42).

To compare forthrightly our present to the past of 100 years ago is to appreciate the truly astounding prosperity that capitalism has brought to us all during the 20th century.

A partial list of other consumer items that today require less work time to acquire than in the early 1970s includes milk, bread, ground beef, chicken, oranges, kilowatt hours of electricity, television sets, movie tickets, long-distance telephone calls, air travel, and most types of automobiles.

The consequences of this reduction in the cost of almost all goods and services are predictable — people today have lots more stuff. Especially interesting is Cox and Alm's Table 1.2 which shows that, in 1994, the percentage of *poor* American households that owned most basic household appliances was greater than was the percentage of *all* American households in 1971 who owned these appliances. For example, in 1971 83.3 percent of all American households owned a refrigerator; in 1994, 97.9 percent of poor American households owned one. The rich might be getting richer, but so are the poor.

Speaking of which, Cox and Alm masterfully explain that modern American capitalism does not promote increasing material inequality. Chapter Four, "By Our Own Bootstraps" offers the most accessible analysis of the dynamics of income earning and wealth accumulation that I've ever read. Among Cox and Alm's many achievements in this chapter is their documentation of how fluidly Americans move from one income quintile to another. Even if it's true that the income earned by Americans in the top fifth of income "distribution" is growing increasingly larger than the income earned by Americans in the bottom fifth, the Americans who today are in the bottom fifth aren't likely to remain there long:

> Only 5 percent of those in the bottom fifth in 1975 were still there in 1991.... [A]lmost 3 out of 10 of the low-income earners from 1975 had risen to the uppermost 20 percent by 1991. More than three-quarters found their way into the two highest tiers of income earners for at least one year by 1999 (73).

Most revealingly, "the poor made the most dramatic gains when one looks at income distribution. Those who started in the bottom 20 percent in 1975 had an inflation-adjusted gain of $27,745 in average income by 1991. Among workers who began in the top fifth, the increase was just $4,354" (73).

How's that for puncturing myths?!

Myths of Rich & Poor is indeed a book that does just that. In addition to putting to rest the myth that income has stagnated since the early 1970s, as well as the myth that the poor are hopelessly mired in poverty, Cox and Alm refute other myths, including the following:

The poor made the most dramatic gains when one looks at income distribution.

- The myth that American economic performance compares unfavorably with that of Europe and the industrialized nations of Asia (Chapter 5).
- The myth that corporate downsizing results in a net loss of jobs or a general reduction in workers' wages (Chapter 6).
- The myth that large firm size, or large market share, immunizes firms from competition (Chapter 6).
- The myth that service-sector jobs pay less than manufacturing jobs (Chapter 7).
- The myth that whatever economic growth America has enjoyed during the second half of the 20th century is unlikely to continue into the 21st (Chapter 8).

I admit to a bubbly enthusiasm for this book. Cox and Alm gather the germane facts, explain those facts clearly, interpret their meaning in a way that debunks a whole raft of popular economic fallacies — and do all this in a way that is fun and eminently readable. This isn't a book of deep theory — it's not meant to be — but it paints a detailed and fascinating picture of the American economy and of the welfare of the American worker.

I don't mean to say that the book is perfect. Near its end, for example, Cox and Alm inexplicably endorse antitrust laws. But missteps like this are few and minor. The relevance and accessibility of *Myths of Rich & Poor* make it truly one of the most important works on recent economic history. □

Addiction Is a Choice, by Jeffrey A. Schaler, Ph.D. Open Court, 2000, 179 pages.

Hooked on Addiction

Jeff Riggenbach

Most people who oppose the War on Drugs — including, alas, most libertarians — never question the propaganda that is used to justify it. "Yes," they say, "it's true: drug use destroys the user's health and, not infrequently, his entire life. We stipulate to that. But, after all, people have a right to destroy themselves." Or, alternately, they say, "But, after all, the results of attempting to prohibit these drugs are even worse than the (undeniably horrible) effects of the drugs themselves."

The question is whether the effects of drugs like marijuana, cocaine, or heroin really *are* all that horrible. And the answer is *no*, they aren't. The history of the War on Drugs, which goes back more than a hundred years to the first drug prohibition laws adopted in San Francisco and other localities in the late 19th century, is overgrown with the exaggerations, oversimplifications, and outright lies of anti-drug propagandists. The result is a tangled thicket of mostly baseless myths. Anyone interested in the truth about "dangerous drugs" and the American war to stamp them out must hack his way through the thicket in order to find the truth. There's the myth of "addiction," the myth of the "heroin overdose death," the myth that "drugs cause crime," the myth that "drugs cause poverty and ill health," and the myth of "drug treatment," to name just a few of the more pernicious.

Jeffrey Schaler, a psychologist in private practice who counts teaching posts at American University and Johns Hopkins among his academic credits, explodes two of these myths: "addiction" and "drug treatment." Anyone who labors under the delusion that drug addicts are helpless to control or change their bad habits without "drug treatment" desperately needs to read his new book, *Addiction Is a Choice*.

Schaler begins his line of inquiry by asking the fundamental question, "What is addiction?" He answers that until about two hundred years ago, the word "addiction" was universally understood in English-speaking countries to mean "commitment, dedication, devotion, inclination, bent, or attachment." He begins his Introduction and eleven of his thirteen chapters with quotations, many of them charming, from writers of the 16th through 19th centuries. In each quotation, the word "addiction" is used in its original sense. Thus we read of addiction to virginity, to melancholy, to the dance, to hot countries, to sports, to other people's money (written, not surprisingly, of members of the ruling class), and, inevitably, to vice.

In the late 18th and early 19th centuries, Schaler explains, activists and writers in the Temperance Movement (and certain medical doctors too — the American Benjamin Rush and the Scot Thomas Trotter among them) began speaking of addiction as something quite different. Now, suddenly, one was addicted, not to, say, drunkenness, but to alcohol itself. And this addiction was to be looked upon as a disease, from which the addict was suffering.

Schaler writes:

> Neither Rush nor Trotter offered scientific evidence to support this new claim, but Rush was a powerful rhetorician and exerted an influence on public opinion. The newly invented medical language grew to be accepted as fact.

Schaler examines this new theory, which he calls the "disease model," in detail. "If addiction is a disease," he writes, "it's either a bodily or a mental disease." There is a problem with regarding addiction as a physical disease, however. It doesn't have the right characteristics. As Schaler puts it, "pathology . . . requires an identifiable alteration in bodily tissue, a change in the cells of the body, for disease classification." This is the reason that "a simple test of a true physical disease is whether it can be shown to exist in a corpse. There are no bodily signs of addiction itself (as opposed to its effects) that can be identified in a dead body. Addiction is therefore not listed in standard pathology textbooks."

Schaler acknowledges that "a doctor might conclude that someone with cirrhosis of the liver and other bodily signs had partaken of alcoholic beverages heavily over a long period, and might infer that the patient was an 'alcoholic,'" but this does not show that there are bodily signs of addiction. As he observes a few pages later:

> . . . diseases are medical conditions. They can be discovered on the basis of bodily signs. They are something people have. They are involuntary. For example, the disease of syphilis was discovered. It is identified by specific signs. It is not a form of activity and is not based in human values. While certain behaviors increase the likelihood of acquiring syphilis, and while the acquisition of syphilis has consequences for subsequent social interaction, the behavior and the disease are separate phenomena. Syphilis meets the nosological criteria for disease classification in a pathology textbook. Unlike addiction, syphilis is a disease that can be diagnosed in a corpse.

Well, then, is addiction a mental disease, a "mental illness"? The American Psychiatric Association, Schaler tells us, does not list addiction in its *Diagnostic and Statistical Manual of Mental Disorders IV*. The Association does list certain "substance-related disorders" in the manual, but, as Schaler comments, "they would not fit the category of organic disorders because they are described in terms of behavior only. They would conceivably fit the

functional disorder category but probably would be subordinated to one of the established [functional] disorders such as discouragement or anxiety." These "functional disorders," Schaler writes, "are mental in the sense that they involve mental activities." But, "as [Thomas] Szasz has pointed out, they are diseases only in a metaphorical sense."

Perhaps the most telling comment Schaler makes on the "disease model" comes during his first references to Alcoholics Anonymous, whose Twelve Step Program is the basis for almost all of the "drug treatment" programs into which local, state and federal governments in this country pour taxpayers' money. Alcoholics Anonymous, he maintains, is nothing more nor less than a "religious cult."

The question is whether the effects of drugs like marijuana, cocaine, and heroin really are all that horrible. And the answer is no, they aren't.

To say that Alcoholics Anonymous is a religious cult is not, of course, to say that it is ineffective. But, in fact, it is. As Schaler puts it,

> treatment generally doesn't work. I'll repeat that: *addiction treatments do not work.* This doesn't mean that individuals never give up their addiction after treatment. It's simply that they don't seem to do so at any higher rate than without treatment. One treatment tends to be just about as effective as any other treatment, which is just about as effective as no treatment at all.

In Schaler's view, addiction is not a "disease" that requires "treatment"; it is a choice that requires individual responsibility. "Drugs don't cause addiction," he writes. "No thing can 'addict' any person. Moreover, addiction doesn't mean you can't control your behavior. You can always control your own behavior. Drugs are inanimate objects. They have no will or power of their own."

Why, then, do people choose to use drugs? "People use legal and illegal drugs like Prozac and heroin," Schaler answers, "to avoid coping with their lives. The reasons people avoid coping with their lives may be judged good or bad. Addiction is the expression of a person's values. Therefore, whenever we talk or write about addiction we are dealing with an ethical issue, not a medical one. Addiction is not a disease, nor is addiction a public health problem. Addiction is a choice."

The myth of addiction has made ignominious contributions to public issues other than the War on Drugs, of course. It is, after all, the nonsensical concept of the addictiveness of tobacco that has been used to justify the recent financial assault on cigarette manufacturers by larcenous state governments and unscrupulous personal injury lawyers. Jeffrey Schaler's crusading little book is poised to do a whole world of good, if only it can reach and persuade a broad enough public. Let us fervently hope that it does so. ❑

***The Patriot,* Directed by Roland Emmerich. Columbia Pictures, 2000, 164 minutes.**

The Conflicted Patriot

John Haywood

Roland Emmerich is one director whose films don't reflexively spout the politically correct line. *Universal Soldier* centers around a small group of soldiers who, after being killed in Vietnam, were turned into zombie-like cyborgs by the government. *Stargate* is the story of a small group of soldiers, guided by a nonconformist archeologist, fighting to free slaves held on another planet by an alien posing as the Egyptian god Ra. *Independence Day* depicts a world almost destroyed by an alien invasion; after government officials badly bungle many aspects of Earth's defense, a war hero manages to turn things around. Skepticism of power and respect for war heroes are common themes in Emmerich's work.

The Patriot shares these themes, though Emmerich chooses a very different backdrop from his earlier films. It opens in 1776. Ben Martin (played by Mel Gibson) is a plantation owner who is troubled by his past. Many people see his actions in the French and Indian War as heroic, but others (including himself) see them as barbaric. His main challenge is building a rocking chair that won't collapse under his weight. The Revolutionary War soon disrupts his comfortable, pastoral life.

As a member of the South Carolina colonial legislature, he is summoned to Charleston to vote on a levy to support the Continental Army. He hates the taxes imposed by Britain and believes that America will one day be independent, but he opposes the measure because he does not yet believe the time has come to fight. His desire to keep his seven children out of the war also weighs heavily on his mind. The same day that the measure passes despite his opposition, his eldest son Gabriel (Heath Ledger) joins the Continental Army. Two years later,the British advance brings the war literally to the doorstep of the Martin Plantation, and Ben is soon embroiled in the conflict.

Dozens of well done battle sequences depict the war in all its horror. The depiction of war as brutal and bloody clarifies why Ben Martin is reluctant to fight. Beyond the battles, the construction of the film's sets shows great care: if there were any

anachronistic props, I couldn't spot them in four viewings.

The Patriot is that rare action film where a major character has an internal conflict. Martin doesn't want to fight: besides the reasons he states in the legislature, he believes that American General Horatio Gates's preference for traditional firing line tactics will not be effective against the better trained and disciplined British. But it's clear the real reason for his reluctance is his fear of his own vicious side.

Beyond Martin's personal struggle, the film also tells a good adventure story. The movie has more than its share of exciting moments. There is also a wonderful wit about the movie. An example of all three is the episode where Martin raids the British party carrying Cornwallis' personal baggage. Near the end of the brief but exciting raid, Ben Martin and a number of other troops shoot a couple of surrendering British soldiers. Gabriel and Reverend Oliver (another member of Martin's militia played by Rene Auberjonois) complain that it's murder; though some in the militia have no qualms about this, Martin realizes Oliver is right and responds by ordering the militia to give full quarter to wounded and surrendering troops in the future. Then another member of the militia, John Billings (Leon Rippey) makes a suggestion regarding the contents of the wagon train: "I say we drink the wine, eat the dogs, and use the paper as wadding." The Reverend is not quite ready to eat the dogs.

"Why should I trade one tyrant 3,000 miles away for 3,000 tyrants one mile away?"

Despite the historic accuracy of many details (e.g., its depiction of colonials picking off easy targets like the British officers' copious personal baggage), many reviews of *The Patriot* focus on how it handles history. There seem to be three main complaints: "The British weren't that brutal," "*The Patriot* ignores slavery," and "Francis Marion, who some say Gibson's character was based on, was no hero."

There seems to be little doubt that the British generally behaved worse than the Americans in the Revolution. At the start of the war, a third of the colonists were for independence, a third were loyalists, and a third were undecided or ambivalent; by the end of the war, the majority clearly favored independence. Opinion changed partly because some loyalists fled to Canada, Florida, or England. But mostly it was the result of the brutality of the British Army. Washington would not allow his troops to raid the surrounding countryside and for the most part, they didn't, while the British soldiers frequently took anything and everything of value they could. In *The Patriot*, the British frequently burn the homes of those who oppose them, shoot wounded Continentals and civilians, and even, in one scene, lock dozens of people in a church and burn it to the ground. This episode may never have happened, but the destruction of prop-

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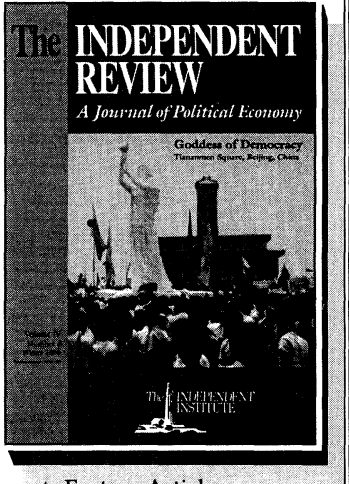

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erty and lack of quarter for wounded and surrendering soldiers wasn't unheard of. American misdeeds aren't completely ignored in *The Patriot*; Americans also shoot surrendering British soldiers. Nor are the British completely reprehensible. Cornwallis (Tom Wilkinson) tries to rein in the brutal Colonel Tavington (Jason Isaacs) on many occasions. While there is no doubt that the Americans are heroes and the British are villains in *The Patriot*, they aren't perfect heroes or perfect villains. Allowing for some artistic license, the film is plausible.

Nor does the film completely gloss over slavery. Probably what upsets most critics on this point is the scene where, in response to Tavington's offer of freedom to any slave who fights for the British, one of the black workers on Martin's plantation replies that they're freed men. It's possible that he lied in order to avoid having to serve in the British Army. (It didn't work: Tavington forced them into service anyway.) It's also possible that they really were freed men. Elsewhere in the film, Gabriel hopes that slavery will end with British rule. The more interesting character on this subject is Occam (Jay Arlen Jones), a slave who is signed up by his ailing master to fight in his stead. Though originally reluctant, he is spurred on by Washington's promise to free and pay any slave who serves a year in the Continental Army, and even passes up two opportunities to desert and escape.

Slavery figures in a subplot, but the movie doesn't spend much time on it. Nor does *The Patriot* deal much with the politics of the Revolution, beyond the vote for the levy, several references to taxation, and Martin's skepticism about the future American government. In one of the movie's most memorable lines, he asks "Why should I trade one tyrant 3,000 miles away for 3,000 tyrants one mile away?" The reason for this is appallingly obvious: *The Patriot* isn't about taxation or slavery, but rather is about Martin's conflicts both with his own pacifist leanings and with Col. Tavington.

The criticism regarding Francis Marion is particularly baffling not only for those who only see the movie, but for those who look closer as well. The Internet Movie DataBase's "Studio Briefing" quotes Christopher Hibbert, described as a British expert on the American Revolution, as saying that Marion "was a wily and elusive character, very active in the persecution of Cherokee Indians and not at all the sort of chap who should be celebrated as a hero. . . . The truth is that people like Marion committed atrocities as bad if not worse than those perpetrated by the British." Francis Marion reportedly shot Indians for sport and raped his slaves.

There is no doubt that the Americans are heroes and the British are villains in The Patriot, but they aren't perfect heroes or perfect villains.

Whatever good or bad Marion did is irrelevant, however. There's no good reason to believe that Martin is supposed to represent Marion. Perhaps the filmmakers didn't like Francis Marion once they took a close look at his biography, or they simply wanted more flexibility in how the characters would interact. Either way, they went beyond just changing the name. Marion didn't serve in the South Carolina Senate until after the war, whereas Martin was a legislator in 1776. Neither was married during the war, but while Marion didn't marry until after the war, Martin's wife passed away before the war. Most significantly, Martin is reluctant to join the fighting, but Marion joined the Continent-als in 1775. While they did keep some similarities between Martin and Marion — a brutally violent past, familiarity with rural South Carolina, and a willingness to use guerrilla tactics — Martin clearly *isn't* Marion.

"Hey! — You know darn well the rules say gruel only!"

Nor is Martin the only fictional character in the film. His comrade in arms, Col. Burwell (Chris Cooper), doesn't seem based on anyone. The movie's official Web site says he was "suggested by Virginia's Lt. Colonel Henry 'Light-Horse Harry' Lee," though, aside from being from Virginia, it's hard to see much similarity. Martin's advisor Major Villeneuve (Tchéky Karyo) is a cross between Lafayette and von Steuben. Tavington is clearly based on Banastre Tarleton whose brutality led to the term "Tarleton's quarter" being applied to any instance when wounded or surrendering soldiers were shot. There are some historic figures depicted in the movie. George Washington rides past Gabriel Martin in one very brief scene. Nathanael Greene even has a couple of lines. But the only major character who was a real person is the British General Cornwallis.

Despite all the attention to detail, there are two glaring historical errors. *The Patriot* claims that the British captured Charleston in 1778, but British forces didn't take the city until 1780. Worse, the climactic battle — a large engagement several months before Yorktown where Greene and Cornwallis go head to head — simply never happened. Neither of these gross inaccuracies were needed. Martin's activities against the British could just as easily have started in 1780 instead of 1778. The story turns on what happens between Tavington and Martin; their armies' actions and Greene's presence in that battle are not crucial.

I suspect the reason why many critics seem to hate *The Patriot* is that it spits in the face of the political correctness movement. *The Patriot* is strongly pro-militia and is pro-gun to such an extent that it portrays children with guns as a good thing. It depicts its hero as brave, pious and honorable, in the War for Independence, not racist or thuggish.

In the year 2000, that's downright daring. ❑

Letters, *from page 58*

sible and to muddy the water when such votes become unavoidable. It is for this reason that identifying a critical vote often involves analyzing such procedural nightmares as "voting against cloture on the motion to proceed" (an important vote, if it keeps a bad bill which is likely to pass from even reaching the floor), voting to waive a point of order or voting for a motion to substitute.

Grewell notes, correctly, that on votes of this nature, "the average U.S. citizen would have a difficult time deciphering what legislators were actually voting on." That is *precisely* what the legislators want to accomplish — confuse everybody, then run for reelection on issues of their choosing.

One last quotation from Senator Bennett:

> Let's stop using the rules of the Senate that can allow votes and that can call up amendments solely for the purpose of creating campaign records. Let's recognize that the purpose of the Senate is for legislation, not campaigning.

Readers of *Liberty* know all too well that most legislation is about campaigning for somebody's vote. If it wasn't for scorecards and ratings, you and I would have to take the politicians at their word.

I think that eliminating Congressional ratings would be a grave mistake. I encourage Mr. Grewell to take a second look at the process.

Larry Pratt
Executive Director
Gun Owners of America
Springfield, Va.

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Terra Incognita

Golant, U.K.

A village defends its heritage, reported by *Reuters*:

A proposal to rename Cowshit Lane was defeated in the village of Golant. "I live there and I have no objection to the name," said a local councilman.

Nova Scotia, Canada

The latest victory in the fight for cleaner air, disclosed in the *London Observer*:

Nova Scotia has outlawed perfume in public places. The ban includes all fragrances, including hair spray and gel, mouthwash and deodorants.

Seattle, Wash.

As reported from the *Seattle Weekly*, there is a marketplace for art:

Four paintings by Karen Liebowitz were stolen from a gallery. The pieces were studies of a larger piece called "Chaos Bound," featuring a "naked woman lying on her stomach on a seder table with her hands tied with rope and her mouth gagged with a golden apple." Liebowitz explains that the woman is Eris, the Roman goddess of chaos and discord, and urged police to look for "someone who worships Eris."

Rio de Janeiro, Brazil

Advance in the administration of justice, in the Southern Hemisphere's largest country, reported by *Reuters*:

"Most courtrooms are battlefields, but with aromatherapy, music, diffused lighting and a little light-green paint, we've turned it into a place of peace," said Judge Portugal. "I sit down with these people, serve coffee and cookies, and we talk in a calm environment," Portugal said.

Oakville, Ontario

Progressive move to eliminate gun violence in the Dominion of Canada, reported by the *Toronto Globe and Mail*:

Peel Regional Police called a news conference to display what they had seized from an Oakville toy store: 3,200 air pistols, each a "disaster waiting to happen," according to Chief Noel Catney. No charges have been filed. Member of Provincial Parliament Michael Bryant commented, "Good for the police. Now what they need is legislation to back them up."

Milwaukee, Wisc.

Creative accounting practices, as reported from the *Milwaukee Journal Sentinel*:

Milwaukee Public Schools recently spent $2,600 to pay for 200 parents to lobby the legislature for more money. The money was from a federal fund to help needy students.

Washington, D.C.

Bill Clinton's innovative method of promoting peace, described by journalist Randall Mikkelsen of *Reuters*:

"The president is trying to wrap up the marathon talks, after rescuing them from failure last Wednesday by asking both sides to work through his absence."

The United Sates of America

A member of the new, modern army explains an important aspect of military science, from *Soldier of Fortune*:

"In the instructor's training course, we were taught that the proper way to erase a chalkboard is with vertical strokes, not horizontal strokes. Horizontal strokes may cause a woman's breasts to jiggle."

Ho Chi Minh City, Vietnam

Latest consumer protection measure in the progressive Socialist Republic of Vietnam, reported by *Reuters*:

The government has begun to require licenses to sing and dance, in the wake of a government investigation that determined that many musical performances have been "low quality."

Portland, Ore.

Crime wave in America's Rose City, reported by the estimable *Statesman-Journal*:

A 24-year-old man has been arrested and charged with two felonies and three misdemeanors for tricking elderly women into spanking him while wearing women's clothing. The women were called by the man claiming to be an officer in charge of a juvenile who had been ordered to undergo an unusual punishment and asked for their assistance in this manner. The women agreed and the man, claiming to be the juvenile in question, would show up at their homes and told the women "Please help me. I need to be spanked." The women complied. Apparently the women believed him to be the troubled youth and didn't question his attire nor form of punishment.

Mexico City

Bold ambition of the new president of Mexico, reported by *Reuters*:

In a packed meeting with foreign correspondents, Vicente Fox of the National Action Party said the one firm commitment of his government would be to reduce corruption in the government "to normal levels" within six years.

Bogota, Colombia

Strange bureaucratic snafu, reported by *Reuters*:

An 87-year-old Colombian man died of a heart attack waiting in line to obtain a government certificate to prove he was alive.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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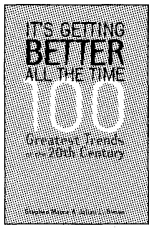

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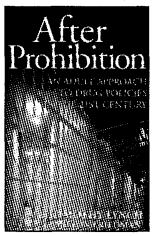

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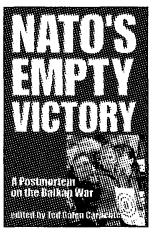

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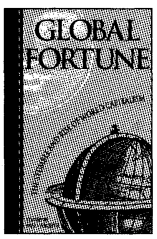

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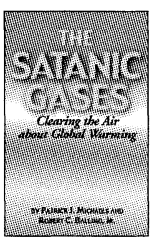

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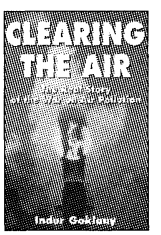

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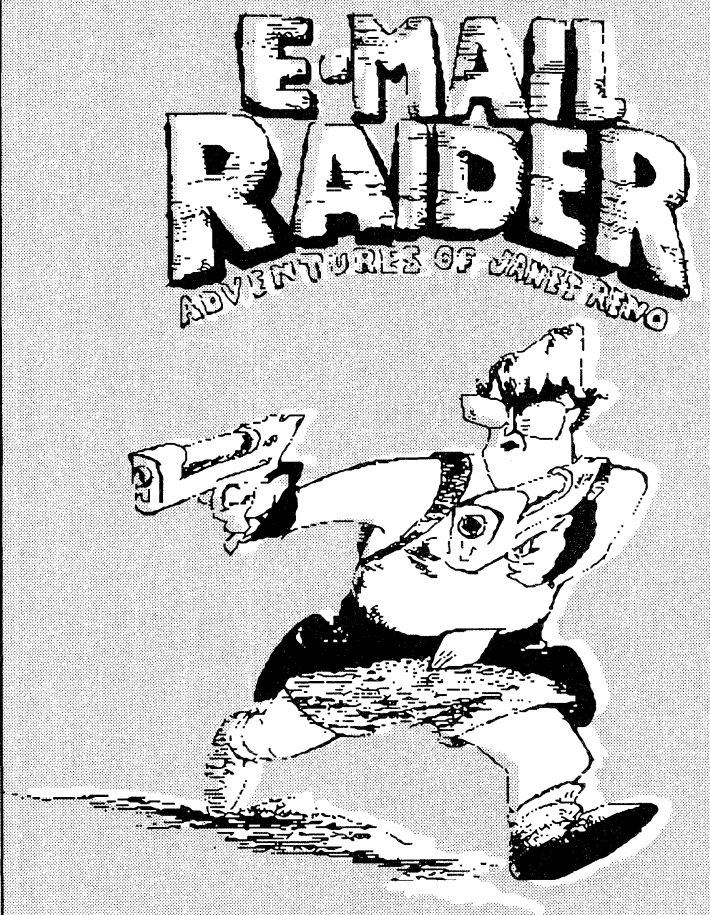

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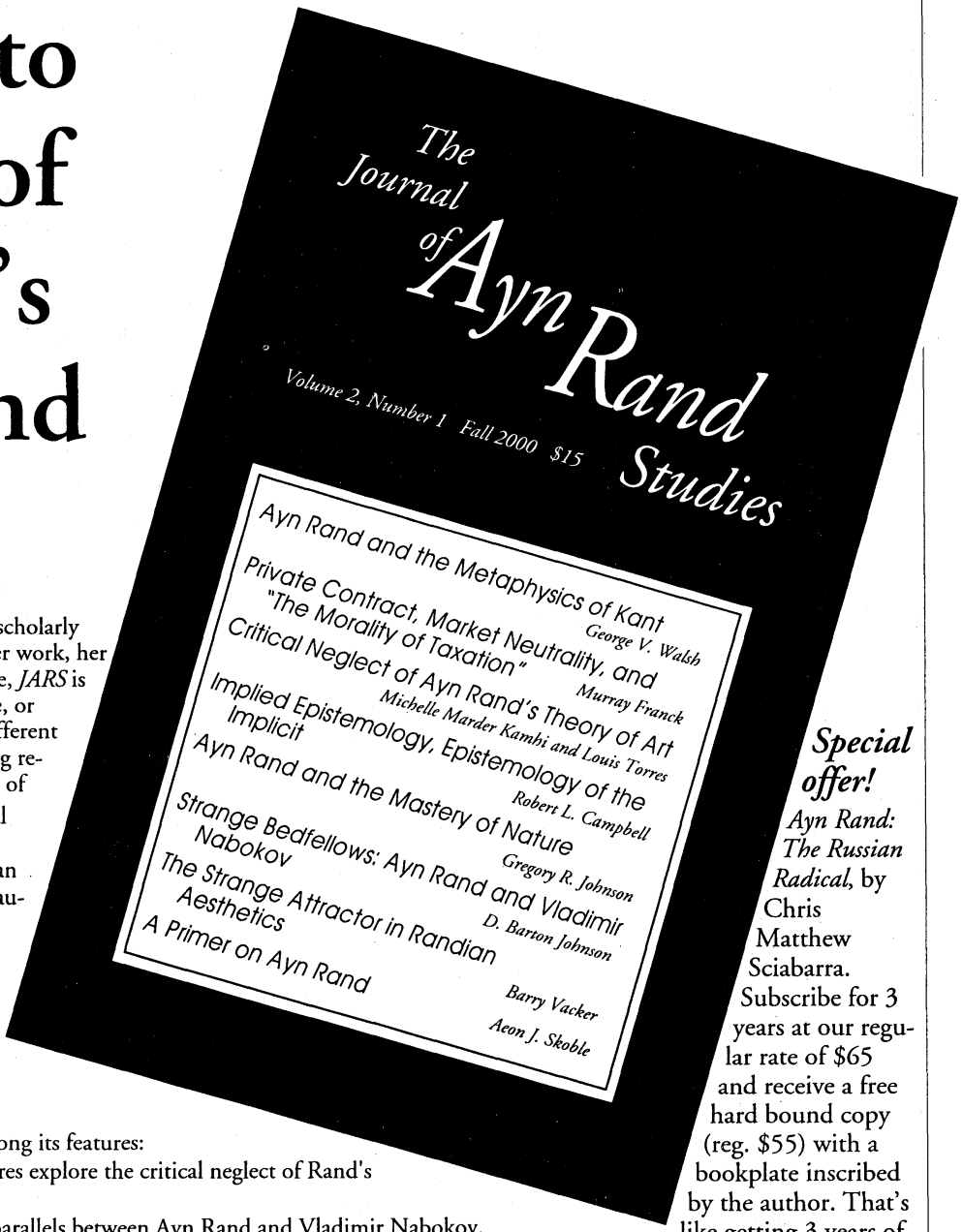

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Inside Liberty

October 2000
Volume 14, Number 10

4 Letters Comments from the peanut gallery.

7 Reflections *Liberty*'s editors have breakfast with Albert J. Nock, sing a paean to intellectual piracy, party with the East German bikini team, espy an eminento extolling the symbol of fascism, and track the polls on America's irrelevant politicians.

Features

21 The FBI's Pet Carnivore *Bart Kosko* exposes the FBI's newest tool for invading your privacy.

29 Rockin' for the Free World *Sarah J. McCarthy* celebrates the liberating art of Neil Young.

33 Logical Synapses, Sins of Omission In last month's *Liberty*, Bart Kosko argued that Jesus Christ was a family-hating communist. *Stephen Cox* has a different view.

35 Guns and the Movies *William R. Tonso* looks at how Hollywood's portrayal of firearms has changed with prevailing political sentiments.

39 American Justice, Up Close and Personal *Logan Brandt* tells what happened when he tried to renew his driver's license.

46 Heroes of Freedom *Jim Powell* explores the lives and times of history's greatest defenders of freedom.

Reviews

51 American Socialism *Bruce Ramsey* wonders why socialism has been tremendously influential in every Western country but one.

53 A Life of Hard Knocks *Gene Healy* looks at the skull-cracking story of America's most fearsome boxer.

56 Taking Property Seriously *Bettina Bien Greaves* tells why private property is the bedrock of civilization.

59 Politicized Science 101 *Douglas Puchowski* explores the weird world of science under the influence of politics.

57 Notes on Contributors We round up the usual suspects.

62 Terra Incognita *¡Yo quiero realidad!*

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Letters

Mistaken Identity

David Boaz (*Reflections* , September) has added a Libertarian column to David Horowitz's chart of the political spectrum. To my continuing dismay, once again Jesse Ventura, my governor, is listed as a libertarian. Please, just because he once claimed to be libertarian doesn't mean it is so. Since Jesse has been governor, he has been a ceaseless champion of government education, light rail and "smart growth" government land-use planning and control. In addition he favors state programs to promote economic development, job training and tourism.

Jim Rongstad
Woodbury, Minn.

Same Old Song

In his otherwise amusing take on Richard Boddie's nomination speech for Don Gorman at the LP convention ("In the Shadow of Disneyland," September), R.W. Bradford made my eyes pop when he cited the following lines as Boddie's "original verse":

Friends and fellow libertarians,
come gather round people wherever you roam
and admit that the waters around you have grown
and expect that soon you will be drenched to the bone;
if your time to you is worth saving
you'd better start swimming
or you'll sink like a stone
for the times they are a'changing.

While the first line is undoubtedly Boddie's own (and not much to his credit), the rest is taken almost word-for-word from the opening verse of Bob Dylan's classic '60s anthem, "The Times They Are A-Changin.'"

Now, perhaps Bradford was chiding Boddie's shameless appropriation of classic song lyrics without proper attribution, but I don't think so. I wonder: What kind of timewarp was Bradford in during the '60s that he did not immediately recognize the words Boddie spoke as Bob Dylan's? He must have spent too much time at NBI lectures and not enough time listening to the radio.

"The Times They Are A-Changin'" is a fantastic song, only one of the hundreds of wonderful songs which have helped make Dylan's reputation as arguably the best popular songwriter of the second half of the 20th century. Dylan is also the author of some of the most devastating anti-war songs ever written, including "Masters of War" and "With God on Our Side."

Kevin O'Reilly
Chicago, Ill.

Bradford responds: O'Reilly's assiduous research has undone my carefully contrived cover story, so I may as well confess. Yes indeed, I spent the '60s as a cloistered inmate in an Objectivist monastery and am thus unable to recognize the lyrics of pop songs, even immensely popular ones, from that decade. Before Mr. O'Reilly's diligent investigation embarrasses me further, I may as well confess that I spent the '70s in an ashram in India, the '80s as an inmate of Werner Erhart's "EST;" the '90s, as monk in the Trappist monastery in Gethsemene, Kentucky.

This Little Piggy Went to Washington . . .

I regard *Liberty* as a rare opportunity to read things written by people who actually think. In fact, my only quibble with you and your fine contributors was in your June issue, when Paul Rako characterized our drug warrior in chief as a pig ("McCaffrey's Brain on Drugs"). I must protest, since this is a gross and unwarranted slur upon a family of magnificent creatures.

In fact, Mr. Rako's (surely innocent) mistake prompted me to suggest that the Libertarian Party adopt the wild boar as its logo. If you examine the traits of the wild boar you'll probably be surprised by how much they have in

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common with libertarians. The wild boar has a stiff neck, a thick skin, a cast iron digestive system, lots of endurance, amazing maneuverability and sprint speed, the ability to live almost anywhere on almost anything, and is quite capable of defending itself. These are qualities that we all should aspire to, and as a logo the boar would have the added advantage of never being confused with a behemoth or a jackass.

Kurt E. Magens
San Marcos, Tex.

A Hero Walked Among Us

I first found author and activist Peter McWilliams at a Barnes and Noble bookstore in Boulder, Colo. in 1996. I was searching for something different from the current crop of ideological books that view political and moral questions from either a "right" or a "left" wing perspective. That's when I found McWilliams.

To this day I deeply regret that I was not one of the privileged people that had a chance to meet him, but in that bookstore I found the next best thing to the individual — his writings.

Ain't Nobody's Business If You Do was a political and moral awakening for me. My copy has been read, highlighted, and passed around to family and friends a dozen times over. I sent letters to the judge in McWilliams's defense. My required speech for my senior year of high school spoke out in favor of getting rid of consensual crime laws. My first major college paper this past year was about the origins of marijuana prohibition.

When I read about Peter McWilliams's death, I did something that I have rarely done in my life — I wept. Our nation and the world lost a truly compassionate person, someone who stood up for individual liberty. Even as the government sought to deny him of his own liberty and even his life he remained true to his libertarian convictions and that "My enemy is ignorance . . . not individuals."

Edward Brown
Perham, Minn.

An Exercise in Futility

I enjoyed Kosko's article "Jesus Christ: Family-Hating Communist" (September), but then I got to thinking about it.

When you ask a man what his religion is, and then you look through the historical record under that label to discover what he believes, you have initiated yourself into a fool's errand. Such information is not there. A man's religion is what he truly believes. The only way to discover it is to watch what he does; the sole reliable evidence of religion is conduct. While it may be fun to paw through the historical record digging up stuff to toss in the face of the people who call themselves Christians, it is a meaningless exercise.

Kosko's essay is interesting reading, but his thesis is as meaningless and as misleading as reading the Constitution in order to discover how this country is governed.

Jack Dennon
Warrenton, Ore.

Having His Mind on Other Things

Bart Kosko distorts the evidence. To call Christ a communist is to label most of the world's vaguer thinkers as communists. Jesus simply had a set of unfocused and often contradictory ideas about politics and property, which he really had little interest in. As noted in the article, Jesus deemed the End to be arriving, and these were matters of little more importance than arranging deck chairs on the Titanic. Besides, Mark 10:25 is not in particular anticapitalist. For starters, it covers all rich people, a large number of whom got that way by government actions. And it does not rule out going to Heaven — it just makes it as difficult as driving a camel through the eye of a needle. Jesus just didn't think much about these issues, and supposing we can distill a political philosophy out of his thoughts is just going beyond the evidence.

David Argall
La Puente, Calif.

A Man of the Spirit

Bart Kosko thinks Jesus was a communist.

But Jesus accepted as followers well-to-do as well as poor, and did not require them to give away their property. Moreover, he often lampooned those who made economic justice their top priority. In the Parable of the Vineyard Laborers (Mt. 20:1-15) the proprietor pays those who worked only an hour the same amount as those who have worked all day. In the Parable of the Ten Talents (Mt. 25:14-29), more is given to the servant who has the most already while the one with the least has even that taken away — the very antithesis of socialism! He rebuked those who objected to the woman pouring expensive oil on his head instead of selling it and giving the money to the poor (Mt. 14:3-7).

Not only was Jesus not in agreement with those who sought to redistribute wealth, he also dissented with those whose primary concern was wealth accumulation — and for the same reason: the priorities of both are wrong. His whole emphasis was that seeking the kingdom of God is of completely overriding importance — and once you have found that, you need have no concern about material things because they will be added unto you (Mt. 6:23-33).

Thus neither the left nor the right has any business trying to conscript Jesus to its political agenda. His agenda was spiritual.

Martin P. Choate
Los Angeles, Calif.

Just Wild About Harry!

Now that the two Browne campaigns have been thoroughly raked over the coals ("Crisis in a Small Party," July), I would like to suggest that everyone brush off the dust and debris, consider the air as cleared, and get behind this candidate.

Harry is not only more presidential than any other current candidate but more presidential than any candidate you can remember in your lifetime. Roughly 99 percent of the time, when confronted with a hostile host or listeners during radio interviews, Harry turns snarling tigers into silent tabby cats — sometimes even purring ones. He has done his homework, run his laps, lifted all the weights and it shows. Harry is a champion.

We don't know if we will ever have a candidate of this caliber in the future. We don't know what might happen in the next four years to Bumper Hornberger or Russell Means or whoever. Right now, we have the best candidate the LP has ever had. Let's not blow it!

I do not believe that Harry has *ever* consciously intended to deceive anyone, neither in this campaign nor the previous one. No one is ever 100 per-

doing 100 percent of the time. Otherwise, we would never forget a phone number or lose our car keys. A friend who has known Harry for over three decades told me recently, "In the more than 30 years I have known Harry — and that includes in Switzerland and in Canada — I have never seen him do anything dishonest. Not once."

We all know what a rough, and sometimes nasty, game politics can be. Harry has been handling it with as much wisdom as anyone could possibly muster. What he has done from the beginning is his best. And it's the best best I've seen since Ron Paul carried the LP banner in 1988.

Harry is not the least interested in his own glory, nor is he chasing power for its own sake. When he tells audiences "I want you to be free," this really *is* what he wants. He wants all of us to live in a free country because *he* wants to live in a free country. Isn't this the way we all feel? Isn't this is what constitutes loving one's neighbor? You give what you want to get.

Not every libertarian is meant to take on the role of David against Goliath. We all have different talents and are at different stages of spiritual strength and maturity. Harry is at the stage where he can whirl that sling above his head, let loose and hit the target with no innocents getting bruised in the trajectory. He doesn't carp. He doesn't criticize. He doesn't accuse. He has only one target, and that target is the Philistine giant.

In ancient Israel, before people were so foolish as to want a king, there was no central government and no taxes, only the practice of tithing for God's work. Wouldn't you agree that freedom is "God's work"? If you hate Goliath, if you want his hands out of your wallet and his spies out of your life, it's time to put aside rancor and close ranks. As Russell Means pleaded at the convention, it's time for some *passion*. This isn't just an election; it's a holy crusade. It's time to tithe.

Regardless of the apparent outcome this November, every piece of bread you cast upon the waters now will come back to you multiplied many times over in the future. I plead with every libertarian, and with every almost-libertarian, to think about all of this — and to get going. Freedom first! We can argue with each other later.

Joanna Parker
Ocean Shores, Wash.

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Church, State and Liberty

John Engelman's letter (Letters, September) exposes the soft underbelly of libertarian policy: we presume society, for the most part, is composed of individuals with strong moral ethics. The framers presumed the same thing. I believe it was John Adams who said, "Our constitution was made only for a moral and religious people."

Engelman, however, seems to ignore the lesson taught by modern history: a society that can not handle liberty is even less capable of handling government and bureaucracy. Perhaps William Penn had that in mind when he said, "Those who will not be governed by God will be ruled by tyrants."

Grant W. Kuhns
Carlsbad, Calif.

Hey, What's a Little War Crime and Torture Between Friends?

Merrel Clubb ("The Greatest Generation?," August) was mistaken on two counts. First, the Tuskeege Study has already been the subject of a Presidential apology (unwarranted in my view) and an accusatory drama on HBO, *Ms. Evers' Boys*. The fact everyone seems to overlook is that in 1932 there was no effective treatment to combat syphilis. Wealthy victims of syphilis were given mercury compounds or other toxic substances. There was no way of knowing whether the nerve damage that appeared was due to the syphilis or the mercury or other poisoning. The subjects of the "Tuskeegee Study" were probably better off because of the neglect they received, regardless of whether the neglect was benign or malicious. Remember, the general public did not have access to penicillin until after 1945. By this time, the Tuskeegee group (and anyone else who had had syphilis

continued on page 20

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Reflections

California Schemin' — I just heard that Hillary Clinton is having a $25,000-a-head fundraiser in Los Angeles just before the Democratic convention. That's a smart way for her to deal with that carpetbagger charge.

— Clark Stooksbury

Finally — The other day, I heard Bill Clinton complain that George W. Bush only got where he is because "his daddy was president," or words to that effect. I wish I'd paid closer attention and written down the exact quotation because it was freakish, perhaps even unprecedented: Clinton told the truth. — John Haywood

It's Pat! — Pat Buchanan's campaign "is leaking air like a punctured Zeppelin," crowed Steve Dasbach, national chairman of the Libertarian Party. Dasbach's own candidate was not doing so well: Harry Browne was listed that day at 0.6 percent by the Rasmussen Poll. But Buchanan had indeed plunged like the Hindenburg from a previous apogee of 4 to 5 percent. At his moment of triumph in Long Beach, after finally receiving a nomination for President of the United States and choosing a black female running mate to show that he is absolutely not a racist, Buchanan had fallen to 0.9 percent. He had some interesting things to say and some cranky things to say, but nobody was listening. He had become a sideshow, a man who rails against perverts and battles against a quack.

— Bruce Ramsey

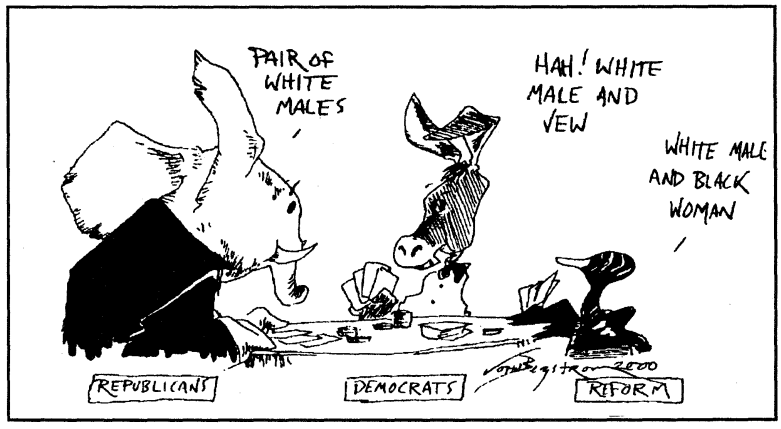

Polling error — Marjorie Williams reported in the August 4 *Washington Post* that "In a recent poll by the Pew Research Center for the People and the Press, 54 percent of those questioned said that Bush 'has relied on family connections to get ahead.'" The other 46 percent said they had recently arrived from another planet. — David Boaz

Reach out and touch 37 people — A friend of mine who works for Ameritech recently prepared a Doubletree Inn for an Al Gore stay. The Gore campaign required 37 hard telephones lines to be installed for a one night visit. So many lines had to be laid that fire doors were left propped open for a full week in advance and the cables had to be duct taped to the carpet, violating even the most conservative of fire codes. One can only imagine the cost, presumably picked up by taxpayers. I could see perhaps if this was a Presidential visit, but this was the Vice President. The standard two lines would suffice for the only two important calls that might come through. Either: There is a tie in the Senate — we need your vote. Or: Mr. Clinton has been hit with a lamp — come back to Washington and take the oath. — Tim Slagle

GoreTax — Democrat Presidential candidate Al Gore promises "a full range of targeted tax cuts." Hmm. If it's really a full range, it would be an unconditional tax cut, not a targeted tax cut. But Gore opposes unconditional tax cuts. There's no power for him in those. — Sheldon Richman

Get ready for President Cheney — I have this sneaking suspicion that about 18 months from now, President George W. Bush will announce that being president is *boring*, with far more reading than he had anticipated, and resign to go fishing. — David Boaz

Potemkin convention — At the Democratic convention just past, Al Gore's name was entered in nomination by his college roommate, an individual hitherto not known to be involved with his party. Rather than presenting a single reason for anyone to vote for his old roomie, he rambled on about what a swell guy Al has always been. He concluded with an amazing delusion. "We need a person with Al Gore's commitment," he said, "and we need a person with your heart, Al, because the office of the president represents every child on earth." I half expected the convention to break into that ole progressive Sunday school song. "Jesus loves the little children, all the children of the world. . . ."

His nomination was seconded by a "Tennesseean, a woman, an African-American, a citizen of this republic and a person who has had the privilege of working with Al Gore for more than 25 years" who had been given the "honor to second his nomination to be president of these United States." This was followed by another seconding speech, this one from his daughter, who talked about "my father, as a father." What a swell guy he is! A man who thought it important to "do your own physical labor and clean up your own mess . . . and I think his old-fashioned politeness is refreshing in today's world." At the conclusion of her well-rehearsed panegyric, Dad himself came out and hugged her. What a swell dad! If "all the children of the world" for whom Al Gore will presumably soon take responsibility turn out as well as she did, what a wonderful world this will be!

The next night, the new nominee was introduced for his acceptance speech by . . . his loving wife, whose introduction consisted almost entirely of a film of their courtship and family life.

Who else would you expect?

— R. W. Bradford

No market for history — Wildfires not only threatened the famous cliff dwellings at Colorado's Mesa Verde National Park; they also jeopardized artifacts stored there. It turns out that the park has warehoused two million artifacts (shards, tools, jewelry, etc.), some still lying in the crates where they were placed when they were collected in the 1930s. The materials that might tell us more about the fascinating people who lived in the cliffs from 600 to 1300 A.D. are gathered in boxes that no one ever opens.

There is a reason for this. As Richard Stroup and Matthew Brown report in a new study from the James Madison Institute, archaeologists hate markets. Their code of ethics states that archaeologists should "discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects. . . ." The purported reason is that commercial value leads to looting. And in the current "market" this is true. "Ethical" archaeologists do not participate, so only unethical providers — "pothunters" or looters — supply the market.

But it may be that the refusal to take advantage of commercial value is what holds archaeology back. Experts are forever complaining about not having enough money to investigate sites, interpret them, and showcase and more carefully preserve their findings. Mesa Verde's crates aren't unusual. The Museum of London has 10,000 items on display, according to the *Daily Telegraph*, but it has more than a million in storage, not even accessible to researchers. Two prominent archaeologists say that only 27 percent of the excavations sponsored by the National Science Foundation since 1950 have been described in professional journals.

The demand for antiquities is great, but the market for archaeological artifacts is a gray area wracked with regulations. The stigma attached to buying

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How Environmental Regulation Prevents People From Protecting the Environment — Environmental economist Rick Stroup explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, Randal O'Toole, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author Jane Shaw explores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (audio: A404; video: V404)

The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Advancing Liberty in the Courts — Washington Supreme Court Justice Richard Sanders explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, Ron Paul, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says Randal O'Toole. (audio: A409; video: V409)

Share the Excitement !

Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

Contracts and the Net — The Internet will reshape contract law, argues David Friedman, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

How to Write Op-Eds and Get Them Published — Join former *Business Week* editor Jane Shaw, *Orange County Register* senior columnist Alan Bock and *Seattle Post-Intelligencer* business reporter Bruce Ramsey for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; video: V412)

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — David Friedman explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next election. Learn why environmentalists want you caged in cities, and how they plan to do it, with Jane Shaw, Richard Stroup, Fred Smith, and Randal O'Toole. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives considered at the Constitutional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — R.W. Bradford explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — Durk Pearson and Sandy Shaw tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

Making Terror Your Friend — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition.The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Juries, Justice and the Law — Fully informed jury activist Larry Dodge explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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and selling artifacts discourages legitimate buyers and keeps the market from being a source of funds that could finance legitimate archaeological research. Right now, markets cause looting because nobody (not even a landowner whose property holds antiquities) can readily profit by, say, taking royalties from archaeologists (as a landowner would from oil drillers). Archaeologists get no revenue, pay nothing, and therefore provide little incentive to protect sites for proper research.

Stroup and Brown argue that a market in artifacts based on clear property rights could provide the funds to end the current negligence. The situation could change if markets were accepted and the regulations that discourage trade were minimized. Landowners could value potential archaeological sites the way they value other buried treasure such as oil or gold ore. Funds for archaeology would abound. Archaeologists could even write sale contracts to make sure that unusual artifacts could be recalled for further research as investigative techniques and other knowledge grows. Archaeological digs are fertile ground for private enterprise, if only the potential beneficiaries would recognize it.

— Jane S. Shaw

Watershed election — I am sick and tired of all of those people who don't believe that the race between Gush and Bore, er, Bush and Gore is of critical importance. This election will decide several critical issues:

• The Supreme Court. Al Gore will name two Souter clones while George Bush will emulate his father and name a Souter clone and a Thomas clone.

• Energy issues. George Bush is captive to the interests of Big Oil while Al Gore exclusively serves the needs of Occidental Petroleum.

• National pride. Al Gore will serve as a constant reminder of the shameful Clinton years while George Bush will recall a kinder, gentler time when we could be proud of our government.

• Foreign policy. George Bush will bomb foreign schools and hospitals in the name of combating terrorism and "national security," while Al Gore will bomb them in the name of democracy and "human rights."

• The Drug War. Al Gore, an admitted pot smoker, will hypocritically pursue a policy of domestic terrorism and foreign adventurism to combat drug use. George Bush will pursue the same policy less hypocritically since he has only "failed to deny" his past illegal drug use.

So remember, in the coming fall election it is critically important that we join together to defeat the rich kid from the Ivy League school. Or do we elect the rich kid from the Ivy League school?

— Clark Stooksbury

Breakfast of Intellectuals — So there I was, enjoying a box of Honey Nut Cheerios (hey, it was half price, and it had a "free Dinosaur Chomping Magnet") when I read the following quotation on the back of the box:

> The mind is like the stomach. It is not how much you put into it that counts, but how much it digests.
>
> — Albert Jay Nock

Now Nock is my favorite libertarian thinker, but the last place I'd expect to find his writing is on the back of a cereal box. I was curious. Could there be libertarian moles hiding in the depths of the cereal box design department at General Mills?

So I decided to find out. I wrote to General Mills, explaining that Albert Jay Nock was my favorite writer, and that he was quite obscure. I asked how the quote came to be on the box, and where the quote appears in Nock's writings. I carefully did not mention the word "libertarian."

I received the following response from Susan Stewart of General Mills Consumer Services. "Thank you for contacting General Mills regarding Honey Nut Cheerios. We appreciate the time you have taken to share your comments. The information you provided will be carefully reviewed with other members of the product team. We hope you continue to enjoy the products and services offered by General Mills."

Now you will note that the response does not answer my question. Perhaps General Mills Consumer Services does not get many letters from people who actually read cereal boxes. Or perhaps the Nockian at General Mills has decided to cloak himself in mystery.

But hey, I did get a coupon for a free box of cereal.

— Martin Morse Wooster

Teaching a new dog some old tricks — On August 2, I got an e-mail missive from an old friend, who thought the emphasis in *Liberty*'s coverage of the LP in our July issue was misplaced. "The problem with the Libertarian Party," he wrote, "is that its strategy isn't working. Something else is needed. Imagine if you were a tennis player and your strategy each year lost 6-0, 6-0. Or you were Floyd Patterson who trained two years straight 12 hours a day, totally abstinent, and then got knocked out by Sonny Liston in 15 seconds. Something's wrong. And it's not that they're diverting a few bucks nepotistically or incestuously."

My friend had a good point. The real problem with the Browne campaign is not its nepotism or misspending donor funds. It's the fact that it is using a strategy that is a proven failure. Sure, the campaign has presumably learned from its past experience and refined its approach a bit. But it's still using the same basic strategy: put most of your energy on talk radio, buy a few ads if you can afford them, and base your sales pitch solely on appeals to voters' individual self-interest.

To become a factor in American politics, a presidential candidate has to get 5 percent of the popular vote. That's ten times what Browne got in 1996. Incremental improvements

could achieve incrementally better results. Perhaps by some miracle, Browne could double his vote. As magnificent as this would be, it would leave the party where it was in 1980, invisible on the political seismograph.

Pointing out that Browne's strategy is doomed to fail, as my friend and I have done, isn't very satisfying to most libertarians because it doesn't answer a very important question: what strategy should an LP nominee use? Without an alternative, the Browne strategy wins by default: at least it can get 0.5 percent of the vote.

The alternatives offered by Browne's challengers didn't seem much better than Browne's. Gorman's idea of campaigning tirelessly with local candidates would generate less publicity and press coverage than Browne's approach. And Hornberger's "guerrilla" strategy of taking the campaign to swap meets and trailer parks . . . well, it's hard to imagine it would do even as well as Gorman's.

At least it was hard for me to imagine it amounting to anything until August 14, when I got an e-mail from Ken Sturzenacker, who noted that the Browne campaign was going nowhere, and suggested several activities that Browne might try to get media attention. In additiona to being chairman of the Pennsylvania LP, Sturzenacker was for years newswriter and news producer at WBBM-TV, the CBS network station in Chicago, so his suggestion merits our attention. (See box at the bottom of this page.)

It occurred to me that these are precisely the kinds of things that a "guerrilla" campaign would do. It seems possible that these sorts of stunts might generate some real publicity and interest in a campaign. In my judgment, each of these stunts is a longshot, and for all I know, all might fail.

But that doesn't mean the approach shouldn't be tried. It may be a longshot, but it does have a shot at success.

I would favor combining this approach with the strategy I proposed a year ago: focusing the campaign on legalizing drugs, the one issue that could conceivably provide a break-

Go for it, Harry!

Media advice for the LP nominee, from a long-time Libertarian activist and former television news producer.

Today is the final day of the sixth week since Harry Browne won the LP presidential nomination. One-third of the LP's fall campaign is over. It is 12 weeks, 84 days, until the election. And today, I received a fundraising letter from "Harry Browne 2000" with bold copy across the length of the envelope:

Next Task: End the TV News Blackout

You can end it, Harry! *Go* someplace and *do something newsworthy*! No television news editor in America is going to send a camera crew to take videotape of a talk show host talking to you on the telephone.

Create an event.

All those "business attire requested" people who show up at your hotel fundraisers? Invite 'em to join you in jeans, sneakers, and Harry Browne 2000 T-shirts, to work a soup kitchen with you for an eight to ten hour day. Let people see you sweat a little!

Walk through the Badlands of North Philadelphia with a hundred of your supporters after dark some Friday or Saturday night . . . and show America what the insane "War on Drugs" you're so fond of talking about has done to the inner cities. Make the media confront the reality of their enthusiasm for Barry McCaffrey. Or go take a tour of some of our federal and state prisons, talking to "prisoners of war," in the "War on Drugs."

Go embrace Steve and Michele Kubby, at their trial for the criminal offense of growing marijuana to relieve Steve's fatal illness.

Stand at a fence outside the Hanford Reservation in Washington and talk about government pollution of the land. Or the Six Mile and Van Dyke area of Detroit, near the Detroit City Airport, where it looks as if the Kosovo War were fought there, and the houses that do remain, each look like small federal prisons with their bars on the windows and doors.

Take off your jacket, roll up your sleeves, stick your arm up to the elbow in the pollution in any of a dozen rivers or harbors the government claims to have cleaned up. Go stand on the beaches along lower Lake Huron, and talk about the *E. coli* bacteria that's prevented the beaches from being used all summer.

Go to Los Alamos and talk with the residents of the 200 homes destroyed by the government's land management practices. Go down to Waco, and spend the day helping to rebuild the church and living quarters there.

Spend three to four days in the West . . . and get the firefighting crews to tell you how much their training and budgets have been cut over the past couple of years . . . government management of the land!!! How many states are burning, Harry?

You should be able to get media attention in every one of 'em.

Get your "business attire requested" guests to listen with you to the stories of a group of homeschoolers about their experiences fighting the bureaucracies. Berkeley might be a good place to start. Go to some retirement or nursing home, anywhere, and ask the folks there how well they're living on Social Security or how well Medicare is taking care of them, and what they've got remaining to leave for their children or grandchildren.

And while you're at it, make sure the state and local LP candidates get invited.

One good event can get you media for three or four TV stations, two to four radio stations, and a couple of newspapers. Over two days, people can see you, hear you and read about you . . . all from one event.

Going places, *doing things*. Sharing the spotlight. Finding and highlighting stories that illustrate our ideas. It's what the big guys do, Harry. It's why they're getting the media attention . . . and you're not.

You've got only 12 weeks left. *Go create events*!

— *Ken Sturzenacker*

through. Drug legalization is strongly supported by a substantial minority of Americans and no other major party is willing to risk alienation of the anti-drug-freedom majority by supporting even modest drug-law reform.

We should remember that only one minor party ever became a major party, and it became a major party by embracing an issue that all the major parties were afraid to get near. The Republicans became a major party by opposing slavery, a legal institution that neither the Whigs nor the Democrats would challenge for fear of losing support in the South.

Of course, support today for ending the drug war is no where near as extensive as was support for ending slavery a century and a half ago. So the party that embraces this issue will not quickly find itself, like the Republicans, in control of virtually the entire U.S. government. But it could very well surpass 5 percent of the vote total, sailing over the "hurdle of irrelevance" and showing up on the political seismograph.

With few exceptions, past LP presidential campaigns have suffered from two different problems:

1) They've lacked the issues powerful enough to get support from even 1 percent of voters; and

2) They've lacked the resources (money, volunteers), the campaign management skills and/or a sufficiently articulate candidate to carry that message to the voting public.

Focusing on the Drug War addresses the first of these problems. Sturzenacker's suggestion addresses the second, by providing a means of leveraging limited resources.

— R. W. Bradford

You'll have to pry my cold dead fingers off my Krazy Glue™ — I was shocked, *shocked.* The letter to the editor of *The Wall Street Journal* said that applying Krazy Glue™ to a bullet will defeat bulletproof vests. I need to be protected from Krazy Glue™! I demand that Krazy Glue™ and its use be licensed! Borrowing from personal experiences within The People's Republic of New York City, I suggest the following licensing regimen be implemented immediately in order to prevent a tragedy.

Those wishing to possess Krazy Glue™ should be required to obtain a licence. The licensing procedure should be as simple as it can be, consonant with the imperative of keeping Krazy Glue™ out of the hands of assassins. Applicants should submit, with their filing fee of only $1,200, notorized copies of their birth certificates, passports, social security cards, driver's licences, voting cards, gas bills, light bills and deposit slips to Krazy Glue™ Control, a special police division. They should be finger- and palm-printed, photographed, and required to provide proof of a strongbox, for secure storage of their Krazy Glue™. Once an applicant's background is thoroughly checked and his reason for wanting Krazy Glue™ is verified, he will be able to join the "Krazy Glue™ User's Club," to learn how to use Krazy Glue™ safely, and the importance of keeping it out of the hands of those who would abuse it.

"I know how you feel, but I'm not sure it's *possible* to keep rocks from falling into the wrong hands."

If everything goes right, an applicant could be awarded his Krazy Glue™ license within a year or so. The cost of these procedures, training and safeguards will probably amount to no more than a few hundred dollars or so. Human life is priceless, so this is a small price to pay.

Just think of the good this procedure could do if enacted immediately! Think of the children whose lives we can save! Call your elected official today!

— Ivan Santana

Telephone abuse — Libertarians don't run to government for solutions to all problems, but their attitude doesn't require denying or ignoring a problem. Repeated complaining may be part of a solution. Perhaps the culprits can be shamed into desisting.

We all know about intrusive phone calls making sales pitches or seeking donations. Lately I have been getting such calls from recorded voices. That practice values my time less than that of any live human being whom the responsible company or organization might have hired. Some calls even have silence on the other end of the line. According to the August 7 issue of *U.S. News & World Report*, the explanation is not necessarily that some snoop is checking whether I am at home. More likely, some company or organization is making calls *en masse*; and if more calls are answered than was statistically expected and that the equipment or available personnel can handle, the surplus responses simply get disconnected. That practice implies that my time and trouble in interrupting my own activity and hurrying to the phone, as well as my uneasiness about who might have been calling and why, counts for nothing.

Recently I got a call from someone who, when pressed, said he was "Mike" from Parsons Technology. He had asked for "Leland" and persisted in asking whether he was speaking to "Leland." At first I thought the call might be from some old friend; but, growing suspicious, I answered that whether he was speaking to "Leland" or to "Mr. Yeager" depended on who was calling. "Mike" resented my making this distinction; after all, *he* was using *his* first name.

So intrusiveness gets compounded by deceptive familiarity and by argumentativeness.

I suggest that we all complain, and repeatedly, about these abuses of the telephone. Perhaps the culprits can be persuaded that their abuses are not even good business.

— Leland Yeager

Ego in balance — As if being the inventor of the Internet and savior of the ozone layer weren't enough, Al Gore has now officially taken responsibility for American economic performance.

In a recent interview with *USA Today* Gore took full credit for all policy measures that have "fostered prosperity," gloating that "those are my policies; I've helped to shape them."

Interestingly, Gore's megalomania may turn out to be

good news for the American public: now that Internet Al is behind the wheel of the U.S. economy, can't we hold him financially liable when we hit the next recession? Can you say C-L-A-S-S A-C-T-I-O-N? Now that's what I call a "controlling legal authority." — Andrew Chamberlain

Predicting the Libertarian vote — Anyone who tries to predict how many votes a Libertarian Party presidential candidate will get faces a very difficult task. For one thing, almost no one is interested in the subject except LP partisans, who generally have difficulty separating their hopes for the ticket with its actual prospects — most Libertarians are habitually optimistic in their projections. For another, there's so little interest in what's happening at the margins of American politics that virtually no polls have been taken that include the names of the candidates of tiny parties like the LP. Indeed, so far as I am aware, the only national poll of voters on a LP candidate was the September 17, 1996 poll that *Liberty* commissioned, which reported Browne the favorite of 1 percent of likely voters.

There are two sets of factors that determine how well a Libertarian does: on the one hand, there are endogenous factors, like the quality of the candidate, the resources of the campaign, the strategic and tactical ability of its managers; on the other hand, there are exogenous factors, like the presence or vitality of other third party campaigns, the closeness of the major party race, and the degree to which voters are dissatisfied with the political status quo.

As the election year began, the exogenous factors were pretty grim for the Libertarian nominee, whomever might win the nomination. With no incumbent president, the race shaped up to be much closer than 1996's. Further, the Reform Party nominee would be Pat Buchanan, who had wooed millions of voters in Republican primaries, rather than the obviously shopworn Ross Perot. And worse still, Ralph Nader of the Green Party planned to run an active campaign and appear on the ballots of all states; he had managed to get more votes from California in 1996 without campaigning than Browne had gotten from the entire country.

The endogenous factors didn't look much better. True, Harry Browne was running again and would almost certainly win the nomination, and Harry is perhaps the most articulate LP candidate ever. But Browne was planning a rehash of his failed 1996 campaign, using the same management, the same strategy, the same tactics and even the same slogan.

If I'd had to predict the LP's 2000 presidential vote at that time, I'd have suggested 350,000. Things got no better during the first six months of the year. There was some good news: George W. Bush pulled into a solid lead in the major party race and the campaign of Pat Buchanan failed to attract much interest. But the Browne campaign found it harder to raise funds — or at least to raise enough money to pay its bills — and had to close shop briefly. And it was rocked by charges from Jacob "Bumper" Hornberger that it had an incestuous relationship to the management of the LP and that it had misused funds.

But things began to look up at the convention, where Browne delivered a new speech. "We Believe in You" veered considerably from Browne's "Great Libertarian Offer," and seemed to signal a modest change away from the failed "Great Libertarian Offer" sales pitch. It also began to purchase television advertising. In early August, according to one fundraiser, it proposed to spend $10,000 on television advertising each day through the election — a big change from 1996, when it spent less than $9,000 on advertising during the entire campaign.

The challenge of trying to predict accurately the LP's vote total became a lot easier when Rasumssen Research began to include Browne's name in its daily presidential polls. Since June 15, Rasmussen has included minor party candidates in the surveys of likely voters that it conducts six days a week and reported the moving average of the previous three days.

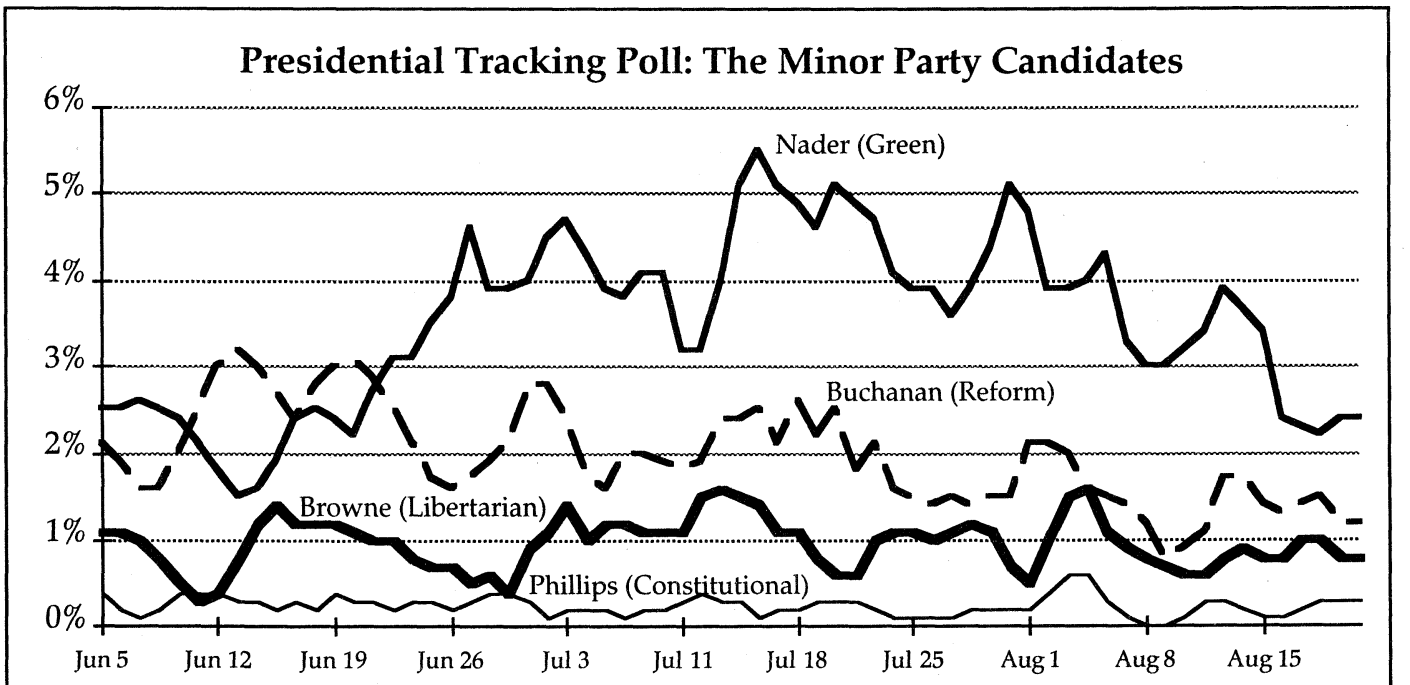

Rolling average of three daily surveys of 2,250 likely voters. Margin of error ±2%, with a 95% confidence level. Source: Rasmussen Research

The graph on the bottom of page 13 shows Browne's vote share through August 21.

It's dangerous to attach too much significance to the numbers. The poll has a margin of error of 2 percent, and Browne's highest share has been 1.6 percent. And it's pretty plain that most of the variation is statistical noise: obviously, support for Browne isn't routinely doubling and falling in half in a single day as the survey shows.

It also appears to be evident that Browne consistently and handily beats Howard Phillips of the Constitution Party, as he did in the 1996 election. More intriguingly, the Browne vote share seems to be on an uptrend. Indeed, on August 5th, Browne actually tied Buchanan for fourth place. It was Browne's best showing ever and Buchanan's worst to that date, and Browne hasn't equaled Buchanan since. But it holds out hope of a fourth place finish for America's self-proclaimed "largest third party."

But it's hard to know what to make of the data. For one thing, we have no track record to give us a clue about how the poll numbers correlate with the actual vote, or whether support for fringe party candidates tends to soften as an election approaches, or whether poll numbers tend to overestimate or underestimate fringe party vote totals.

Enough hedging. As of today, how many votes do I think Browne will get?

Four hundred fifty thousand. That's about half what the Rasmussen Poll shows him getting, and in 1996 he got about half what the Rasmussen Poll commissioned by *Liberty* showed him getting. — R. W. Bradford

Free minds and free music? — Libertarians brim with "principle." Libertarian custom prescribes that basic concepts like individual rights be rigorously applied to policy questions until the sky clears, the waters recede, and we happily arrive at a unified theory of everything.

But is this how things really work? The response of many libertarians to the recent lawsuit against Napster shows that the libertarian policy machine works differently in practice.

Curiously, libertarian opinion of Napster falls mostly into two categories: "Napster is, like, kind of cool" and "no comment." Almost no libertarians have objected to the company's actions, which is puzzling. Napster's file-sharing business depends on intellectual piracy. Where is the outrage from libertarians who are normally such staunch defenders of private property? Their silence in the face of such brazen violation of property-rights is deafening.

The most common defense of Napster is that "sharing" music files is a "victimless crime," and doesn't hurt anyone.

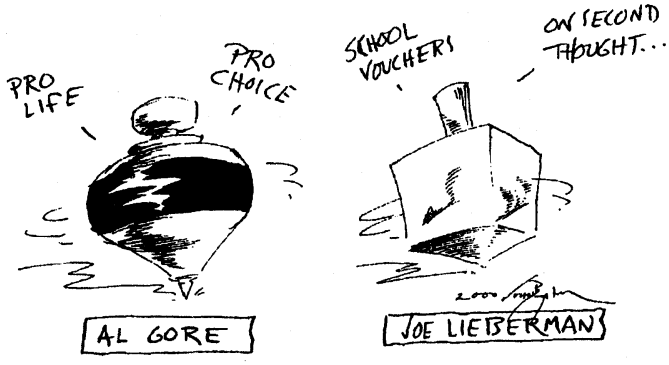

Sure, downloading files on your home PC doesn't *feel* like theft. But existing copyright law clearly holds that it is. Artists and record companies operate on the assumption of copyright protection, and justice demands they be respected. The same libertarians who proclaim "taxation is theft" ought to be outraged to the point of rioting by Napster's theft-driven business model.

But the fact is they're not. And frankly, neither am I. The reason Napster doesn't seem criminal is simple: the emergence of the Internet has made copyright law unenforceable, and it has fallen out of line with our intuitions about ownership. Technological advances like the Internet allow for low-cost interactions that have never been possible before, and it's not surprising that the official libertarian rule book doesn't have a complete chapter for them yet. After all, there was no "libertarian position" on possession of nuclear arms before they existed, and some issues like abortion will be contentious forever. Friedrich Hayek's theory of morality as an evolving beast is working before our eyes as we discover whether intellectual property law can survive in a post-Internet world.

Since the shutdown of Napster, dozens of similar services have cropped up and are booming. There is no stopping digital file replication and transfer, short of a wholesale dismantling of the Internet. The real problem with Napster isn't widespread violation of property rights. It's that the definitions of those rights are outmoded and unstable in the Internet world. It's impossible to completely stop Napster-like file transfers, and intellectual property law needs to adjust to this new environment — along with libertarians' conceptions of property rights. — Andrew Chamberlain

Don't step in the gravitas — The word of the month for July was "gravitas." Does Bush have it? Does Gore? Do their VPs?

I graduated *magna cum laude* from a private university with a BA in English, and I'm now a professional writer and editor. Yet I had never heard the word "gravitas" before. Nor, apparently, had my computer spell checker. Nor had the first dictionary I checked, though the second defined it as "seriousness or sobriety, as of conduct or speech." Based on that, I have misgivings about any major Democrat or Republican having "gravitas" — though their posturing makes it hard to tell.

The lengthy discussions about "gravitas," however, bring to mind another word: obfuscation. — John Haywood

Catch-65 — When people want to campaign for some sweeping measure which has no hope of swift success, they often select a narrower aspect of that measure and focus all their attention on that aspect.

Most people support the legality of abortion, for instance, so the anti-abortion campaigners have selected "partial-birth abortion" as the more limited area where they can hope to make headway.

The same principle has now emerged in the campaign to end capital punishment for murder. Execution of murderers is popular, so the anti-execution crusaders have hit upon a narrower question: the execution of stupid people. Foes of the death penalty are now arguing that convicted murderers who score below 70 or 65 on an IQ test ought to be reprieved.

Some states have such laws on their books; in other states, legislation of this kind has so far failed to pass.

In all such cases, the prosecution has already had to convince a jury that the accused premeditated the crime, understood what he was doing, and was capable of understanding that it was wrong. The argument, therefore, is that even when all that has been proved beyond reasonable doubt, the murderer should be exempted from execution if he has a low IQ.

This argument comes from people who, in the overwhelming majority, take the position that IQ results are meaningless. They believe it would be grossly unfair for employers to use IQ tests in hiring, for example. But now they are arguing that life or death is to be determined by points in an IQ test.

We are in for years of interesting arguments about the IQ scores of convicted murderers. If it becomes accepted that scoring below 65 keeps you alive, violent criminals will become experts at scoring low, something that is, of course, easier than scoring high.

A person's IQ score normally fluctuates a little. If someone scores 66, then he'll ask for another chance to score lower. And if a second chance, why not a third chance? And if despite this a murderer qualifies for execution by one point, the anti-death penalty campaigners will raise the pitiful cry: "Killed [not because he butchered his mother with a rusty ax and then drank her blood, but] just because of one IQ point!"

The IQ limit will creep up, until we arrive at the natural culmination of this line of argument, which we might call Catch-65: by being stupid enough to get caught, the murderer demonstrates that it is unjust to execute him. This is a spectacular reversal of the old Spartan theory, which, as I understand it, was that the only crime for which you could be punished was being caught. According to tomorrow's theory, being caught automatically exempts you from punishment, so no one can be punished.

Our sense of fairness immediately tells us that this principle cannot be confined to murder. Once accepted, it must be extended to all crimes. Can we really square it with our consciences if we make retarded shoplifters do a week's community service, just the same as averagely competent shoplifters?

Exactly why is it wrong to execute someone who isn't very bright? If you think you know, just consider the case of double-murderer Rickey Ray Rector. He was executed in Arkansas in 1992, under the watchful eye of Governor Clinton, then running for president and determined not to step in deep Dukakis of the Willie Horton kind.

Legend claims that Rector left the dessert of his last meal, explaining that he was saving it for later. This tale has become emblematic of the campaign against executing stupid people. Yet to me the interesting thing is that Rector's stupidity was self-inflicted after the murder for which he was condemned to be executed. On the point of being arrested, he had shot himself in the head.

From the popularity of the Rector story with anti-death-penalty activists, it appears that this doesn't matter. It's wrong to execute a stupid person even if he wasn't stupid at the time of the crime. This conclusion points to the possibility of offering all condemned killers a choice: undergo brain surgery to reduce your IQ, or be executed.

Fairness requires that this principle too be extended to all crimes and misdemeanors. We could draw up a sliding scale: so much of a reduced penalty for every IQ point deleted by surgical intervention.

Now this seems to be taking us in a direction we may not want to go. Surely there's something perverse about letting people off the consequences of their conduct to the extent that they can prove they are unintelligent. How long will we wait before we see the first case of the condemned killer who challenges the constitutionality of some such law by pointing out that he is being discriminated against because of an involuntary genetic condition, high or average IQ?

Furthermore, it can be argued that the less intelligent the offenders are, the *more* severe should be the punishment they face for breaking the law — if we suppose that deterrence is the point, or a point, of punishment and that we have to shout louder to get the attention of someone who is, so to speak, hard of hearing. — David Ramsay Steele

Extremism in defense of abortion/the right to life is no virtue — Having sat through a good portion of the major parties' conventions, I am struck by a strange phenomenon: both parties are captive of abortion activists who take a position on abortion that is held by only a relatively small minority of Americans. The Republicans insist that their candidates agree that abortion is wrong and should be illegal and vigorously prosecuted, even in cases of rape. The Democrats insist that a woman has a right to abort a fetus, even a half-born one. Most Americans abhor the notion that women should be prosecuted for early term abortions but are squeamish about late term abortion, and pretty much would like to see abortion

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illegal during the final 3 months of pregnancy and are downright disgusted by the notion of partial-birth abortion.

Yet the situation seems remarkably stable. The Republicans do precious little to enact their categorical anti-abortion agenda, sitting by idly as the courts strike down what measures it enacts. The Democrats push for partial-birth abortion with occasional success. But most Americans just yawn and decide how to cast their votes on different matters. The reason, I think, is that most Americans are more-or-less satisfied with the status quo: early term abortions are everywhere legal and the point at which killing the organism becomes unacceptable fluctuates from place to place, but is, they hope, about where they think it ought to be where they happen to live.

Meanwhile, the anti-abortionists, mostly deeply religious Christians, manage to have veto power over the Republican nominee, achieved by their willingness to vote in primaries, work for and give money to their party, and attend dreary party meetings. And the adamant pro-abortionists, mostly feminists and other "liberals," hold veto over the Democratic nominee, by voting in primaries, working and donating . . . and neither side is able to make much headway among the great, wise, and nearly indifferent middle.

— R. W. Bradford

The biggest casino — Bart Kosko's attack on conservative Christians (September) reminded me of just how foreign religion is to many people these days. In the 17th century, at the dawn of the scientific age, Blaise Pascal urged skeptics to make a cost-benefit calculation to determine whether to believe in God. If God exists, he said, eternal salvation will be the reward for believing, and the infinite benefits bestowed will outweigh any costs. Thus, doubters should bet on God.

I don't know how many skeptics Pascal won over with this logic, but philosophers have treated his formulation seriously (it's called Pascal's wager). Today's skeptics make the same calculation, but the terms have changed. They view the idea of an afterlife of any sort as an infinitesimally low-probability event compared with the knowable reality of everyday life. It carries minimal weight against the tedium of going to church, reading the Bible, saying confession, and so forth. There's much to be said for this version of Pascal's wager, but the new calculation makes religious faith so unfathomable to nonbelievers that it spurs ridicule of the sort that Kosko so blithely embarked on. — Jane S. Shaw

Vote for Barney! — Since everybody has the right to vote, I think children should also, because as soon as "a child is conscious of itself, then it has to me an existence and a stake in what happens," as Gertrude Stein once observed. ("A Transatlantic Interview," 1946)

Though one great theme of the 20th century has been the elimination of unacceptable social discriminations, that revolution is not finished. One issue rarely confronted, to my recollection, is the current rule restricting the right to vote only to those above seventeen. Recall that a century ago women were forbidden to vote — that was why we witnessed the suffrage movement — and African-Americans in many states found it almost impossible to vote. Not too long ago the voting age was lowered from twenty-one to eighteen, on the reasonable grounds that any one old enough to be conscripted into the military was old enough to vote. Both reforms depended upon the realization that certain groups of people, in the last case those between 18 and 20, were not, as we say, second-class citizens.

Think about it seriously, and you'll realize that there is no reason to restrict voting to those eighteen or over — no good reason at all. Not only are teenagers' lives affected by political decisions, they are, in general, are no less knowledgeable or passionate about electoral politics than their elders, and certainly no stupider, no less discriminating, or no less susceptible to vulgar appeals. Simply because the best preparation for adult voting is childhood voting, one result might well be a higher level of general citizenship. Since we don't discriminate by exempting teenagers from taxes, depriving them of the vote raises the question of whether any taxation is legitimate without the availability of representation.

Why hasn't this happened already, not only here but elsewhere? One universal truth is that young people, unlike other social minorities, lack an articulate spokesman who can represent their interests on a national stage year after year. Women remain women and blacks remain blacks though their entire lives, but teenagers inevitably grow up. The Libertarian Party would be wise to become identified with this issue, not only because it extends our prinicples about governmental nondiscriminaton but because advocating the 12-year-old vote would bring us to the attention of every politically curious teenager in America. Consider making it a major issue along with drug legalization, prison depletion, term limits, and social security reform. I wrote about this before in these pages and, in truth, wish I didn't need to write about it again. Once the electorate is expanded to Americans as young as thirteen, as it should be, we might, of course, think about lowering it further.

— Richard Kostelanetz

Investigations — A special federal commission ruled that the federal government is not responsible for the deaths of 80 people at Waco, not responsible for the gay-bashing murder of a soldier in his Ft. Campbell barracks, and indeed not responsible for anything, ever. — David Boaz

What's in a name? — This must be Murphy's Law of public relations. The clipping services show that not only did the Libertarian Party drop off the face of the media during the fractious Reform Party convention, the party lost control of its adjective. Everyone from pundits like the egregious Kevin Phillips to lowly wire service reporters started attaching the word "libertarian" to the non-Buchanan faction of the Reform Party.

In American political discourse, where words are defined by how your buddies use them, apparently, rather than by recourse to a dictionary, libertarian means "having no opinion or position." While the Reformers had no position on many issues of the day, that's different from having a libertarian position. According to former Reform honcho Jack Gargan, the Reform Party originally tried to focus on restoring the integrity of the institution of government without taking any positions on divisive social issues. But it's frequently social issues — drug prohibition, for example, or gun control, or affirmative discrimination — that lead to the corruption of the institution.

Or it may just be that libertarian has come to mean "nutty" in the context of American politics. This is derived logically, although it suffers from the same factual deficiency shown above. The "libertarian" faction of the Reform Party (the non-Buchanan faction) is associated with alpha-Nut Ross Perot. Libertarian = Perot, Perot = Nut, therefore Libertarian = Nut. QED. — Brien Bartels

Tobacco terrorism — Federal authorities arrested 18 people in July and charged them with smuggling tobacco in order to raise money for Hezbollah, classified by the U.S. government as a terrorist organization, in Lebanon. Essentially, the group was buying cigarettes in North Carolina, where the tax is about a nickel a pack, and smuggling them to Michigan, where the tax is 75 cents a pack. Supposedly the group has been carrying out this scheme since 1996 and has sent somewhere in the neighborhood of $1.36 million to Hezbollah in Lebanon.

I must confess, during all the debate and controversy over high cigarette taxes in the past, I never came up with the "it might finance terrorists" argument. Besides the inherent prejudice against high taxes on anything, I've mainly argued that high taxes encourage an illicit trade and illegal activity, as has been the case between Southern and Northern states at a low level for some time, in Canada, where they were eventually forced to reduce tobacco taxes a bit, and to some extent in California.

But it makes sense. Profits in the illicit drug trade can be huge, and historically they have been used to finance guerrilla movements, terrorist groups and some government intelligence and counter-intelligence activities. The difference between 5 cents and 75 cents a pack in taxes is not as large as the difference between the licit pharmaceutical price of cocaine and the illicit street price. But apparently it is large enough to make smuggling cigarettes attractive, not only to small-time criminals but to terrorists. Will governments get the message that high taxes can have unfortunate side effects? Or will they try to attribute this scam to something inherently evil in the chemical composition of tobacco?

— Alan Bock

OldFaithful.com — In July, National Park Service Director Bob Stanton nixed a plan that could have brought in $300,000 annually to Yellowstone National Park and possibly even more financing in the future. Entrepreneurs at Yellowstone thought they would take advantage of a popular website showing live coverage of Old Faithful to bring in some funds. The Park Service's most popular website would display a banner with a link to a sponsoring corporation or individual's website in return for $5,000. The banner would go up for six days. It was a creative solution intended to provide some funding for a park beleaguered by crumbling sewage systems, worn-down trails, and roads with potholes more at home on a bombing range than in a national treasure.

Two environmental groups were particularly vocal in opposition to the banners. Tony Jewett of the National Parks and Conservation Association called the plan the first step towards increasing commercialization of the national parks. Jon Catton of the Greater Yellowstone Coalition spouted sound bites, saying, "People want signs pointing them toward Old Faithful, not Old Spice."

Apparently though, the environmental groups are immune to the harms of commercialization. The Greater Yellowstone Coalition lists over one hundred business sponsors on its website. The NPCA's website links to an online mall where visitors can buy from over eighty brand-name stores. Five to fifteen percent of the shopper's purchase benefits NPCA at no extra cost. — J. Bishop Grewell

All Things Not Considered — The FCC is pushing to expand licensing of low-power radio stations and one of the most vocal critics is National *Public* Radio. How dare they, after all the grief Bill Gates took from the same network with accusations of stifling competition. In his defense, Sir William Gates never once tried to destroy competition through government regulation. The word "public" became synonymous with "government" long ago. Lately, it is becoming synonymous with "monopoly." — Tim Slagle

Progress report — Recently, George W. Bush announced the catch phrase that will serve as his campaign theme: "Renewing America's Purpose." Like many political slogans, it manages to be vacuous, silly and offensive at the same time. Do nations have a collective purpose? Do they derive that purpose from politicians? And if we did need help "renewing our purpose," why in the world would we seek it from a guy who couldn't figure out what he wanted to do with his life until he was well past 40? If Dubya wants to bring an end to the Clinton-Gore era, rhetorically and otherwise, he ought to come up with something better than a right-wing version of Hillary Clinton and Michael Lerner's "Politics of Meaning."

But, as campaign slogans go, it could be worse. Think back to Bill Clinton's theme for the 1992 campaign: "The New Covenant." Where Dubya's slogan is dopey and mildly insulting, Clinton's catch phrase was downright profane. The Old Covenant, presumably, was the one between God and the people of Israel: "And I will establish my covenant between me and thee and thy seed after thee in their generations, for an everlasting covenant, to be a God unto thee and to thy seed after thee." In the 1992 version, as Clinton envi-

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sioned it, the State steps in for God, and government giveaways for people who "work hard and play by the rules" are raised to the level of gifts from on high. One needn't be religious to find this blithe sacralization of the secular blasphemous and repugnant.

A Republican with a sense of humor once commented that American politics was dominated by the Stupid Party and the Evil Party, and declared "I'm for the Stupid Party." Accordingly, the Bush-Cheney ticket, with its vapid goal of "Renewing America's Purpose," has taken us rhetorically from evil to dumb. Given Bill Clinton's debasement of American political discourse, this, in a strange way, represents progress. — Gene Healy

Senatore Duce — On August 15, Senate Minority Leader Tom Daschle (D-S.D.) told the delegates at the Democratic National Convention (and the PBS cameras) the following: "There's a wonderful movie, 'The Straight Story.' It's about an old farmer . . . [who] meets a young woman who's in a lot of trouble. He tells her that when his children were little, he would hand them a stick and tell them to break it. And they would, just like that. Then, he'd put the sticks in a bundle and ask his kids to break it. They couldn't. He gave them some advice: 'That bundle is family. That bundle is our community. We are stronger together than we are alone.' That is the simplest description I know of our party's core belief."

In ancient Rome, that same bundle of sticks, tied firmly together with the blade of an ax projecting outward, was the symbol of the unbreakable power of the state. That bundle is called a fasces. It is both the namesake and symbol of fascism. Centuries later, Benito Mussolini adopted it as the symbol of his collectivist, authoritarian social order.

This is not to suggest that Tom Daschle is a fascist. It is, however, both apt and telling that the Democratic leader of the Senate would unwittingly select the fasces as the symbol of his party. Later in the speech, the Senator makes this promise: "Al Gore and Joe Lieberman will strengthen America's bundle." Give me a break. — Scott Chambers

Post Hoc, Propter Hoax — Today's news informs us that the homicide rate is up in the Bronx and that most of these murders are "drug-related." Now Joe Six-pack hears this and naturally concludes drugs cause crime. Just imagine old Joe Six-pack's opinion if he heard instead that the deaths were "Drug War-related" or "related to the continued illegality of drugs." — Barry Loberfeld

He had soul — I now believe in the soul. I've seen Joseph Lieberman sell his. — Sheldon Richman

The East German Bikini Team — For years, everyone joked about the masculine appearance of the East German women athletes. Even a beer company made commercials, using overweight middle-aged men in women's swimsuits to play the East German women's swim team. Leftward journalists laughed off any accusation of hormonal manipulation as paranoid fantasy. Medical experimentation was the realm of Right Wing Fascists, and would never occur in the Workers' Paradise. Just recently, a Berlin court convicted Manfred Ewald and Manfred Hoeppner of giving steroids to East German women athletes, under the guise of vitamins, throughout the Seventies and Eighties. Apparently 142 women were given male hormones, one of them in such quantity as to require a complete sex change. The Olympics are supposed to be a competition of pure human achievement, of human beings stretching the limits of their physical selves, and the games have strict rules against doping and has equated it with cheating.

Yet the Games are hospitable to other ways of enhancing performance with modern technology. Bicycles and shoes are made of space-age composites, designed on supercomputers, and tested in wind tunnels. Swimmers now wear specially designed clothing to make them move through the water faster. Olympic athletes use video recording and computer imaging. Can you imagine how high today's pole vaulters would go if they still used bamboo poles instead of today's high-tech poles of exotic materials designed to give maximum spring?

But for some reason, when an athlete gets an advantage through pharmaceutical science, he is forced to resign in disgrace. I think if we're already going to use technology, we should involve bio-tech. Why not let scientists develop super-athletes through the use of growth hormones? Even start from the womb with genetic manipulation. Imagine what a runner you could create if you could splice giraffe genes into a human embryo. Think how fast a dolphin/human hybrid could swim. I predict there will be tests in the future to ensure genetic purity of athletes.

A truly modern Olympiad would also involve motorsports. As long as we're breaking running records, why not go for the land speed record at the same time? Let American Indy race cars go up against European Grand Prix. Invite monster trucks from all over the world to compete in a World Championship Crush-off. (I think America would be undefeated in a monster truck competition.) The snooty Olympics committee would forbid such a show, but damn their whiny euro-attitudes. You want Capitalist American Dollars, you take Capitalist American Sports. Up next, drag racing and surfing, the California Biathlon! — Tim Slagle

Shrugging off Mugabe — I read in *The Wall Street Journal* that Robert Mugabe and his gang of thieves have cut off lending to Zimbabwe's white farmers, raising food shortage concerns. Too bad. Perhaps a famine will be incentive enough for the populace to provide passage for Mugabe and his entourage to a safe haven. Perhaps France. Until then, maybe the white farmers should accede and give up their land.

Remember the scene from *Atlas Shrugged* in which Ellis Wyatt was faced with the same looting mob? The farmers should take heed to the sign in front of Wyatt Oil as it was burning to the ground: "I am leaving it as I found it. Take over. It's yours." — Ivan Santana

Serving the hive — In *Earth in the Balance*, Al Gore discusses his collective vision of society: "Each individual, like a single small part of a holographic plate, reflects, however, faintly, a representation of the sum total of the values, choices, and assumptions that make up the society of which he or she is a part." All of us are part of everything — everything must be decided, therefore, "democratically and collectively."

Gore doesn't understand that civilization has become possible only by specialization, by creating institutions that compensate for our inability to become knowledgeable about even a modicum of the knowledge base on which our modern society exists. (Recall Leonard E. Read's famous little essay, "I, Pencil," in which he points out that nobody knows how to make a pencil.) Gore doesn't know much science — no surprise for the Chief AirHead of this Administration — but he doesn't know much about politics either, and that's a bit more surprising. — Fred Smith

Anarchy, State, and Dystopia — Growing up in late-20th century America, most of us were taught to view the state as the necessary condition for social peace. Especially if we went to public school, we absorbed a kind of subliminal Hobbesianism: without a strong central government, we'd all be at each other's throats, in a bloody war of all against all. Of course, the study of history teaches us that life under the worst states — Stalinist Russia, Maoist China, Nazi Germany — is far worse than life under the worst statelessness. Still, it's sometimes hard to get above your raisin', intellectually. Perhaps that's why when genocide swept Rwanda in 1994, I thought to myself: "My God: it's total anarchy!"

I should have known better. In his horrific — and horrifically interesting — book on the Rwandan genocide, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families*, reporter Philip Gourevich dispels the popular myth that the mass murder of the Rwandan Tutsis was the result of anarchic, unplanned violence. Gourevich writes, "In 1994, Rwanda was regarded in much of the rest of the world as the exemplary instance of the chaos and anarchy associated with collapsed states. In fact, the genocide was the product of order, authoritarianism, decades of modern political theorizing and indoctrination, and one of the most meticulously administered states in history." The genocide was planned at the highest levels of the Rwandan government, and orchestrated with the help of state-run radio. Mass murder followed logically, if not inexorably, from the governing philosophy of Rwanda's ruling class: systematic discrimination against the Tutsi minority by the Hutu majority. This philosophy, racial identity politics taken to staggering extremes, was known as "Hutu Power." The Hutu Power Elite had, years before the genocide, adopted a system of state-sponsored discrimination that would give even Al Sharpton pause. As Gourevich describes it, "to give extra teeth to the quota system a reverse meritocracy was imposed on Tutsis competing for the few positions available: those with the lowest scores were favored over those who performed best."

As Gourevich's book demonstrates, Rwanda's problem was not a weak central government — just the opposite. The Hutu Power State created the conditions for the worst mass killings since the Khmer Rouge. And, more broadly, the Rwandan example suggests that our teachers were wrong: if it's the war of all against all you're worried about, establishing a state is a loser's gamble. — Gene Healy

Teach this! — Al Gore admitted that he spent the night before his acceptance speech with a teacher. Probably just brushing up on the spelling of potato, and his knowledge of world leaders in case he's subjected to any of the grade school questions his Republican counterparts had to answer. — Tim Slagle

Cookie, Monster — Wasn't it interesting to learn that the White House slammed Barry "Czar" McCaffrey ("B-Czar") for forcefeeding "cookies" to unknowing visitors to his office's website? Apparently, the Adminstration realizes that B-Czar's cookies are as unpopular with the public as hash brownies are with B-Czar. — Douglas Tyler

Saints be praised! — A recent wire story (Reuters) quotes Fidel Castro as saying that Jesus Christ chose fishermen as his first disciples because he was a communist. He also noted that Ernesto "Che" Guevara would have been canonized if he were Catholic because he had "all the virtues."

Saint Guevara? That has an interesting ring to it. Maybe we should recap the "virtues" that Castro was referring to (courtesy of *The Black Book of Communism*):

• In his will, he praised the "extremely useful hatred that turns men into effective, violent, merciless, and cold killing machines."

• As state prosecutor in La Cabana prison, he executed a great number of people, including his former comrades-in-arms who refused to abandon their democratic beliefs. "I can't be the friend of anyone who doesn't share my ideas," he once said.

• Though claiming to despise money, he spent his life in one of the rich, private areas of Havana.

Ah yes, the virtues of Che. — Niklos Leverenz

Net taxes — Politicians get nervous when they think something is going to take away the tax revenues that they lovingly redistribute in an effort to buy votes.

And the rise of the Internet and electronic commerce has state and local governments — especially those that rely heavily on sales taxes — terrified.

So scared out of their wits that South Dakota Governor William R. Janklow, a Republican, has threatened to have state troopers pull over United Parcel Service delivery trucks so taxes can be assessed and collected on purchases coming in from out-of-state.

Those who want to keep the tax floodgates wide open argue, just as the opponents of California's Proposition 13 did, that government revenue reductions could have a devastating impact on government-provided services such as education, emergency fire response, and road building.

Those who would tax so-called remote — or out-of-state — sales say that if the Internet continues to grow exponentially, as many expect it will, states stand to lose out on more than $10 billion a year in uncollected sales tax revenues by 2003, and they fear the foregone revenues could balloon in subsequent years. There is, however, no evidence yet of a trend toward such a revenue drain. And even if there were, $10 billion is pocket change in the age of the gigantic welfare state.

Austan Goolsbee, a University of Chicago economist, suggested some officials may have ulterior motives: "Most state revenue officials, whenever they see growth rates of the magnitude that we've seen with e-commerce, get very nervous . . . they don't like the activity and want to control it."

Admittedly, at first glance it does seem "unfair" that

some transactions conducted over the Internet escape sales tax.

But there's a very good reason for that.

The fact that some sales escape the clutches of the tax man, is the result of an eminently sensible 1992 Supreme Court decision, *Quill Corp.* v. *North Dakota*, 504 U.S. 298. In *Quill*, the court correctly decided that permitting states to force out-of-state sellers to collect their sales taxes would be unconstitutional because it would place undue burdens on interstate commerce. In other words, the forty-five states that have a sales tax are free to tax commerce within their physical borders, but not outside them.

Had the court not ruled this way, the constitutional ground rules governing commerce in this country would have been fundamentally altered. The seeds could have been sown for what some have recently called an "Electronic Confederacy" or an "Internet Iron Curtain" in which states would be free to establish "Internet toll booths" and levy taxes beyond their borders.

Years before most people had heard of the Internet, the court recognized the danger of changing the rules. Referring to the relative chaos that was America in the 1780s, the court made it clear that it wanted to avoid the situation "under the Articles of Confederation," in which "state taxes and duties hindered and suppressed interstate commerce." The court noted that "the Framers intended the Commerce Clause as a cure for these structural ills."

And Fred L. Smith Jr., president of the Competitive Enterprise Institute, has raised another serious constitutional concern.

Smith has said that changing the current rules governing taxing out-of-state purchases would lead to "taxation without representation."

"When you can extend the tax reach to people who do not have a chance to vote you out of office, it is far too tempting, and I think it's far too politically attractive and wrong," he said.

Expanded collection duty advocates already had a previous kick at the can. Out of fear that untaxed mail-order and catalog sales would drain their treasuries, state and local governments raised parallel arguments in the 1967 case, *National Bellas Hess, Inc.* v. *Department of Revenue of Illinois*, 386 U.S. 753, which the Supreme Court also correctly rejected.

To prevent a sales tax free-for-all and protect the principles of limited government embodied in the *Quill* decision, Rep. Christopher Cox (R-Calif.) and Sen. Ron Wyden (D-Ore.) have championed the proposed Internet Nondiscrimination Act. The bill would continue the 1998 prohibition of "new, multiple, and discriminatory" taxes online an additional five years to 2006, rescind existing Internet access taxes and preclude the imposition of Internet access taxes in the future, in accordance with the majority recommendations of the Advisory Commission on Electronic Commerce.

The pending legislation, although it would also prohibit the taxation of recorded music, books, and their "digitized" equivalents capable of being downloaded, would not — contrary to misinformed media reports and popular opinion — touch the existing sales and use tax system which sets new records for revenue collection just about every year.

In May, just a month after the advisory commission handed down its report, the House of Representatives approved the bill on a 352-to-75 vote. Despite the vocal support of leading Republicans, opponents have stalled the measure in the Senate.

The issue has split lawmakers who normally revel in anti-tax rhetoric, the congressional Republicans, pitting GOPers like Speaker of the House Dennis Hastert (R-Ill.), Rep. Dick Armey (R-Texas), and Senate Majority Leader Trent Lott (R.-Miss), against Sen. Phil Gramm (R-Texas), Sen. Pete Domenici (R-N.M.), and Sen. George Voinovich (R-Ohio), who say the bill is an attack on states' rights.

Most of the states are currently pushing hard to expand sales tax collection duties to sellers beyond their borders. Even Minnesota Governor Jesse Ventura, whom so many libertarians admire, has been enlisted in the campaign.

But Virginia Governor James S. Gilmore, the Republican who chaired the advisory commission and who promotes himself as a tax-hating crusader, has pointed out that state treasuries are "overflowing with liquid cash" and simply do not need the money.

Gilmore has said the only thing the rise of Internet-based commerce threatens is existing government structures.

The Internet is altering the way people make purchases and the way they think. Private companies have to adapt to changing times, and governments do too, he said.

If electronic commerce renders the current sales tax system obsolete, then governments will just have to come up with new methods of raising the revenues they need, he said.

In other words, expanding tax collection duties will only fatten the tax monster and help maintain the status quo: big government.

— Matthew Vadum

Letters, *from page 6*

would have undoubtedly been in the tertiary stage of syphilis and not responsive to antibiotics.

Also, burning down Japanese homes and industry had a major effect on the collapse of the Japanese War Machine. On VJ Day, the Japanese industrial output was essentially zero. For the High Command to continue the war, they would have had to rely solely on stockpiles of weapons and fuel.

Ron Greimn
Orange, Calif.

Smile When You Say "Sellout"

I sat down to read Stephen Cox's review of Robert Novak's new book ("Reclaiming the Republican Dream," August) on the day after the Republican Convention. A marvelous sense of timing, I would say, since it allowed me to consider Cox's comments from the perspective of the convention.

I have been, over the years, a regular viewer of "The Capital Gang," and have, to some small degree, appreciated Novak's attempts to bring some measure of intelligence to the show. And, perhaps like Cox, I would like nothing better than to wipe the smirk off of Margaret Carlson's face, not to

continued on page 32

The FBI's Pet Carnivore

by Bart Kosko

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

— Fourth Amendment, United States Constitution

Now the FBI wants to recruit Internet service providers (ISPs) to spy on U.S. citizens. The FBI already works with the credit companies to secretly snoop large portions of our digital credit reports per the 1996 Intelligence Authorization Act. The FBI has installed digital wire-tapping equipment directly in phone companies per the Communications Assistance to Law Enforcement Act that passed in the last hours of the last Democrat Congress in 1994. And the Treasury Department's Financial Crimes Enforcement Network has "deputized" all banks to monitor our bank accounts and to secretly file "suspicious activity reports" that it shares with the FBI and IRS and even with some foreign governments.

The FBI calls its new ISP surveillance software "Carnivore" and developed it at its Engineering Research Facility in Quantico. An agent connects a laptop computer to the ISP server and then reads at least the header of every e-mail message that passes through the server. The FBI claims that Carnivore can scan millions of e-mails per second. The Carnivore software itself uses the Microsoft Windows NT operating system.

Carnivore breaks new legal ground because it searches through all the ISP's communications and not just that of the suspect. The ISP has no control over the process or any knowledge of what the FBI removes from its server. Yet the FBI's own Carnivore website states that "The system is not susceptible to abuse because it requires expertise to install and operate, and such operations are conducted, as required in court orders, with close cooperation with the ISPs."

Attorney General Janet Reno has called Carnivore a "wonderful tool." She said on August 10th that she will now let an unspecified "university review team" study at least part of its source code to address mounting privacy concerns both from civil libertarians and from members of Congress. Assistant Attorney General Steve Colgate said the Justice Department will work with the FBI to pick the university. The Justice Department says it does not want to release Carnivore's source code because it contains commercial (Microsoft) code and because suspects might use the source code to beat Carnivore. But the Justice Department may have no choice.

The ACLU and the Electronic Privacy Information Center (EPIC) have each asked the FBI for the source code to all these sniffer programs and for all related FBI correspondence under the Freedom of Information Act. The ACLU and EPIC also asked for all software and information related to the FBI's other Internet "sniffer" programs called "Omnivore" and "Etherpeek." The ACLU and EPIC argued that the FBI should expedite these document requests because of privacy concerns and pending Congressional legislation.

A federal court dealt the FBI its first blow on Carnivore on August 2nd: U.S. District Court Judge James Robertson granted EPIC's motion for an injunction against the Justice Department. Judge Robertson's ruling gave the FBI until August 16th to provide EPIC with a timetable of how it will give EPIC the software and documents it seeks. The FBI said it would release 3,000 pages of documents starting in 45 days. EPIC asked Judge Robertson on August 17th that the FBI complete its document release by December 1st. The ruling is a breakthrough in itself even though the Federal Circuit Court of Appeals for the District of Columbia can overrule all or part of it. The FBI has in the past refused to comply with like Freedom-of-Information-Act requests that

deal with its tools and methods of electronic surveillance. The Act itself contains several exemptions for law enforcement.

The FBI Testifies Before Congress on Carnivore: Trust Us

The first news about Carnivore broke on April 6th when Attorney Robert Corn-Revere testified before the House Judiciary Committee's Subcommittee on the Constitution. Corn-Revere testified on behalf of ISP Earthlink. The FBI had forced Earthlink to install Carnivore to carry out a "trap and trace" wiretap order. Such wiretaps give the state the right to intercept only the telephone numbers of calls that someone makes or receives from a given phone line. Trap-and-trace orders do not allow the state to intercept the content of a phone conversation. Earthlink feared that letting Carnivore scan the headers of all its e-mail traffic revealed too much user information.

This 'trust us, we are the Government' approach is the antithesis of the procedures required under our wiretapping law.

Then the FBI ran a public Carnivore "demo" at the June meeting of the Telecommunications Industry Association in Washington. The Federal Communications Commission had asked the FBI to demonstrate Carnivore at this meeting as part of the FCC's partial oversight of FBI surveillance procedures. An FBI technician supposedly said that the FBI chose the name "Carnivore" because the software system is smart enough to "find the meat" in targeted e-mails.

The Wall Street Journal ran a short Carnivore article on July 11th. Then House Majority Leader Dick Armey issued a statement on July 12th that asked Janet Reno and FBI Director Louis Freeh to "stop using this cybersnooping system until Fourth Amendment concerns are adequately addressed." Many newspapers have since mentioned the story (the *Los Angeles Times* ran my own Carnivore editorial on July 27th and then released it for syndication).

The big event occurred on July 24th when FBI officials testified before the same House Constitution Subcommittee before which Earthlink's attorney had testified in April. FBI Assistant Director Donald Kerr told Congress that the FBI has used its Carnivore software 25 times in the last two years to search for terrorists or drug dealers or child pornographers. Kerr oversees the FBI's Laboratory Division. He said that the FBI has used Carnivore 16 times so far in 2000: six times in criminal cases and ten times in national-security investigations. None of the cases have yet come to trial.

Kerr told Congress that the FBI needs Carnivore's search-'em-all software to find and catch criminals when they use the Internet. But Kerr insisted that the FBI conducts such electronic surveillance only with a court order except in emergency cases when "the Attorney General, the Deputy or the Associate Attorney General may, if authorized, initiate electronic surveillance of wire or electronic communications without a court order but only if an application for such order is made within 48 hours after the surveillance is initiated." Kerr said the FBI was well aware of the penalties for abusing wiretaps: "The illegal, unauthorized conduct of electronic surveillance is a federal criminal offense punishable by imprisonment for up to five years, a fine, or both."

But Kerr said he opposed releasing the software blueprints of Carnivore: "We would have a problem with full open disclosure. When is enough enough?" That explains why EPIC had to get an injunction to force the FBI to comply with the federal statues that permit expedited document release under the Freedom of Information Act (5 U.S.C. Sections 552 and 701).

Kerr dismissed the rumor that Carnivore was an open-ended search engine: "It does *not* search through the contents of every message and collect those that contain key words like 'bomb' or 'drugs.' It selects messages based on criteria expressly set out in the court order, for example, messages transmitted to or from a particular account or to or from a particular user." But that is just the kind of dragnet content search that the National Security Agency conducts through its global Echelon program. And Kerr here evades the crucial question of how much "content" an e-mail header contains. The FBI needs a full-blown "Title III" search warrant to search content.

Kerr touched on the ambiguity of the search-warrant status when he tried to give technical details of Carnivore: "It works by 'sniffing' the proper portions of network packets and copying and storing only those packets which match a finely defined filter set programmed in conformity with the court order. This filter set can be extremely complex, and this provides the FBI with an ability to collect transmissions which comply with pen register court orders, trap-and-trace court orders, Title III interception orders, etc." It is just this broad "ability to collect transmissions" that may violate federal statutes (18 U.S.C. Sections 2510–2522) and the Fourth Amendment.

The FBI's Congressional testimony on Carnivore was far more guarded than its testimony just 11 days before on July 13th when Principal Deputy Assistant Director David Knowlton testified before the House Judiciary Committee's Subcommittee on Crime. Knowlton spoke in support of a pending bill in the House called Child Sex Crimes Wiretapping Act of 1999 (H.R. 3484). He flatly asked Congress to give the FBI more Title III surveillance power for the alleged sake of children: "We are of the opinion that an expansion of the list of predicate offenses for Title III electronic surveillance (codified at 18 U.S.C. Section 2516(1)) to include three additional statutes pertaining to sexual exploitation of children is not only warranted but necessary."

Knowlton explicitly relied on the fuzzy notion of "child pornography" to greatly extend the FBI's wiretap authority: "Enabling the FBI to obtain Title III authority for the interception of wire and oral communications will expand our investigative and prosecutive efforts which are aimed not only at the proliferation of child pornography but at the pedophiles and sexual predators who are sexually exploiting children. For all these reasons, the FBI would like to see Title 18 U.S.C. Section 2252A Certain Activities Relating to Material Constituting or Containing Child Pornography, Title 18 U.S.C. Section 2422 Coercion and Enticement, and Title 18 U.S.C. Section 2423 Transportation of Minors added to the list of Title III predicate violations as proposed by your bill." This pending bill will likely become law. The FBI will likely use

Carnivore and other e-mail sniffers to enforce it.

The FBI has also tried to directly rebut newspaper editorials critical of Carnivore. FBI Assistant Director John Collingwood published a rebuttal letter to the editor in *USA Today* on the same day that Kerr testified before the Subcommittee on the Constitution. Collingwood oversees the FBI's Office of Public and Congressional Affairs. He too said that Carnivore is not a content-only search and that the searches are lawful and involve careful judicial oversight:

> Carnivore does not snoop through every Internet communication, does not spit out everyone's e-mail, and is not an unrestrained Internet wiretap. Court orders authorizing the intercept of a criminal's e-mails come only after rigorous review and the conclusion that there is probable cause that a crime is being or has been committed, the e-mails are about or in furtherance of that crime, and the intercept is necessary to gather evidence about the crime. The orders are specific as to whom and what can be intercepted and then the courts supervise the interception to ensure compliance. Evading those court orders is a serious crime which would, of course, produce absolutely nothing of evidentiary value.

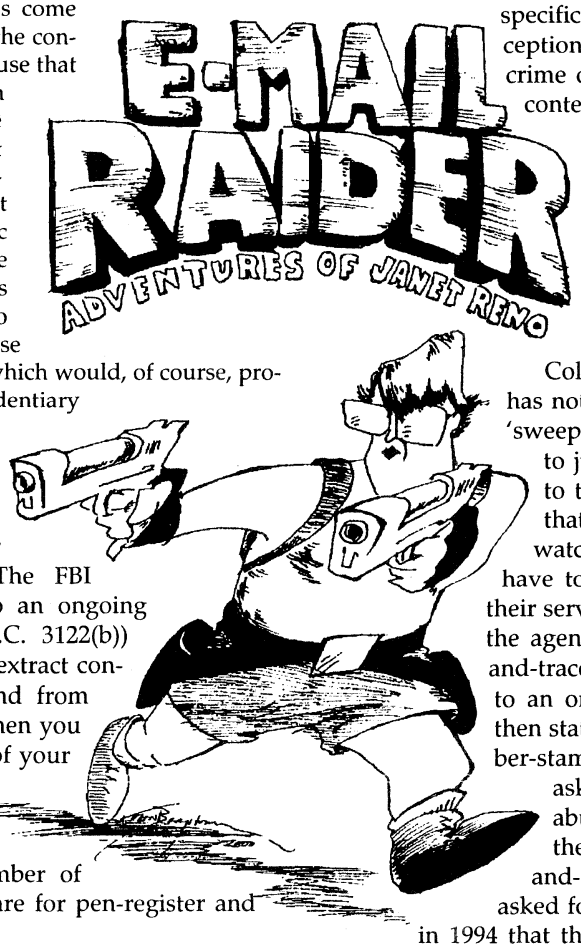

But Collingwood knows full well that the FBI need not meet the high threshold of "probable cause" to get a trap-and-trace or pen-register search warrant. The FBI need only show "relevance" to an ongoing investigation (per Title 18 U.S.C. 3122(b)) even though such warrants can extract content from e-mail headers — and from those extra digits you type in when you work through the phone menu of your bank or broker. Only Title III content searches must surmount the probable-cause hurdle. The overwhelming number of wiretap orders the FBI obtains are for pen-register and trap-and-trace wiretaps.

Collingwood also knows that such illegal searches have evidentiary value to an ongoing investigation even if the FBI cannot use such evidence in court. Title 5 statutory exemptions to the Freedom of Information Act allow the FBI to indefinitely withhold many kinds of data and files that may well have come from an improper search. These exemptions range from information "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. Section 552(b)(2)) to "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . could reasonably be expected to disclose the identity of a confidential source, including state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis . . . would disclose techniques and procedures for law enforcement investigations or prosecutions" (Section 552(b)(7)).

Collingwood even honored me with a letter to the editor of the *Los Angeles Times* on August 12th. He did not cite a single complete sentence from my July 27th op-ed in the *Times* about Carnivore. But he did repeat his earlier claim that Carnivore "intercepts the specific e-mails or other computer traffic going to or from specific individuals to the exclusion of all other computer communications." This evades the central point that Carnivore must first search through thousands or even millions of e-mails before it finds the "specific e-mails" it wants to intercept. He claimed that "Only after a court concludes that there is probable cause to believe that a serious crime has been or is being committed, the e-mails to or from a specific person are about that crime and the interception is necessary to obtain evidence about the crime can an order be obtained to intercept the content of any e-mails." This ignores the fact that e-mail headers can contain content. The FBI intercepts these often content-rich headers with pen-register and trap-and-trace court orders that do not involve probable cause or any judicial finding (per statute 18 U.S.C. 3123(a)). This has led to the ACLU-Telecom lawsuit discussed below.

Collingwood further claimed that "The FBI has not been granted any new powers, let alone 'sweeping' ones, and we are not asking anyone to just 'trust' us." But the FBI asks everyone to trust it with new dragnet-search software that it so far refuses to share with privacy watchdogs. ISPs have complained that they have to trust the FBI with how Carnivore uses their servers. Judges have to trust FBI agents when the agents "certify" that the pen-register or trap-and-trace wiretap orders they seek are "relevant" to an ongoing criminal investigation — because then statute 18 U.S.C. 3123(a) forces judges to rubber-stamp the wiretap orders. And the FBI has asked Congress to trust that the FBI will not abuse the new nation-wide jurisdiction for these rubber-stamp pen-register and trap-and-trace orders that Director Louis Freeh asked for in March. Yet Freeh promised Congress in 1994 that the FBI would never use the then-pending Communication Assistance for Law Enforcement Act to expand the FBI's search power or to identify the physical location of cell-phone users. These new powers are indeed sweeping and have also led to the pending ACLU-Telecom lawsuit.

The Legal Status of Wiretaps

The Carnivore controversy takes place amid the government's largest reported use of wiretaps in U.S. history. The FBI's own website states that "electronic surveillance has been extremely effective in securing the conviction of more than 25,600 dangerous felons over the past 13 years." But these absolute numbers do not reveal the growth in wiretaps of all forms.

Consider first Title III wiretaps for content. The term "Title III" refers to Congress's Omnibus Crime Control and Safe Streets Act of 1968 even though the relevant statutes are

in Title 18 of the U.S. Code (Sections 2510–2520). These are the gold standard of wiretaps. Only a high-ranking official at the Justice Department can approve a Title III application and then only for specific and serious crimes. A state or federal judge must approve the wiretap based on "probable cause" of criminal activity.

The Administrative Office of the U.S. Courts publishes data on Title III wiretaps in its annual Wiretap Report. State and federal judges approved a total of 872 Title III wiretaps in 1990 and that grew to 1,350 in 1999. So such wiretaps grew at an average annual growth rate of about 5 percent. But the federal Title III wiretaps grew at twice the average annual growth rate of state Title III wiretaps during the 1990s. State judges issued 548 Title III wiretaps in 1990 and 749 in 1999 for an average annual growth rate of roughly 3.5 percent. But federal judges issued 324 Title III wiretaps in 1990 and 601 in 1999 for an average annual growth rate of roughly 7 percent.

The Administrative Office data also shows that each Title III wiretap intercepts on average 1,608 innocent communications. That implies that the state monitored at least two million innocent communications in 1998 alone. The government estimates that roughly 80 percent of its wiretap intercepts are innocent. That error rate is up from about 50 percent in the late 1960s.

The Justice Department has also released data on the number of foreign wiretaps that judges have granted under the 1978 Foreign Intelligence Surveillance Act (FISA) as now codified in Title 50 U.S.C. Section 1801. These are the wiretaps that the National Security Agency often seeks. A panel of judges secretly issues them in the so-called Foreign Intelligence Surveillance Court. This secret court issues FISA content wiretaps in matters of "national security" and without the probable-cause requirement of Title III content searches. These judges granted 595 FISA wiretaps in 1990 and 886 in 1999 for an average annual growth rate of roughly 4.5 percent.

Note that in 1999 FISC judges issued more FISA wiretaps than all federal judges issued Title III wiretaps (886 versus 601). Also note (as explained below) that statute 18 U.S.C. 3122(b) forces judges to grant the less powerful but far more common "pen-register" and "trap-and-trace" wiretap orders based on little more than an *ex parte* request for them from a law enforcement officer or government attorney.

The most startling finding is the number of Title III wiretap requests that state and federal judges have denied. State officials have requested over 20,000 Title III wiretaps from 1968 through 1996. But state and federal judges have denied only 28 of these requests or fewer than one request per 714. They denied only one Title III request in 1996. That was the first Title III request they had denied since 1988. The denial rate fell during the period 1989 through 1996 more than a full order of magnitude to just one in 7,747. So the alleged judicial oversight that Kerr and other FBI officials often cite regarding even Title III wiretaps is plainly a sham.

Carnivore and related e-mail sniffers promise to truly extend state electronic surveillance to the digital age. But Carnivore has at least six problems and each may prove fatal.

Problem 1: Carnivore Violates The Fourth Amendment

The first and core problem with Carnivore is that it undermines the Fourth Amendment's ban on unreasonable searches if it does not violate it outright. The FBI must still get a judge to issue a search warrant based on "probable cause" for Title III content searches. The above statistics show that this in practice means no more than that the FBI asks for the warrant.

But the Fourth Amendment further demands that the warrant be *specific* — "particularly describing the place to be searched." Carnivore seems to violate this provision on its face because it searches blindly through all private e-mails that flow through the ISP server while it looks for a suspicious few. This is as if the police have a warrant to search someone's bedroom closet and then they search all houses in a city until they find it. The search itself invades privacy.

ACLU Associate Director Barry Steinhardt made a similar point when he testified on Carnivore before the House Subcommittee on the Constitution on July 24th:

> Carnivore is roughly equivalent to a wiretap capable of accessing the contents of conversations of all of the phone company's customers with the 'assurance' that the FBI will record only conversations of the specified target. This 'trust us, we are the Government' approach is the antithesis of the procedures required under our wiretapping law. Law enforcement is required to 'minimize' its interception of non-incriminating communications of a target of a wiretap order. Carnivore is not a minimization tool. Instead Carnivore maximizes law enforcement access to the communications of non-targets. . . . [The FBI] asks you to trust it with unsupervised access to the entire stream of communications over an ISP's network, which can amount to literally millions of innocent

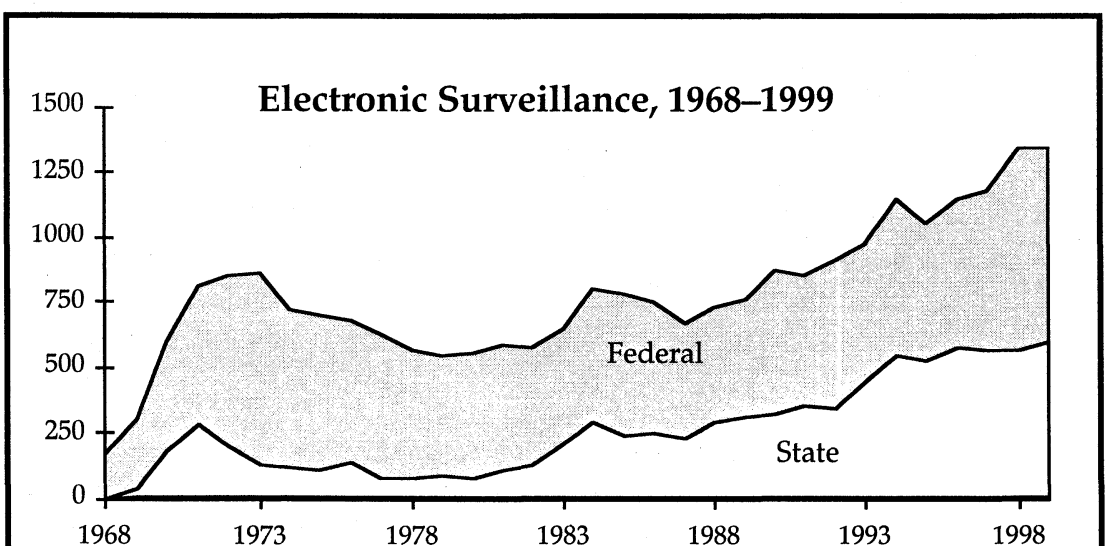

(Orders approved by state and federal judges. Source: Administrative Office of the U.S. Courts)

communications of non-targets of any interception order. If you accept this premise, you reject the Fourth Amendment. It is built on the opposite premise: that the Executive cannot be trusted with carte blanche authority when it conducts a search.

Carnivore switches the order of search and identification. Traditional search first identifies the suspect's property and then searches it. Carnivore searches through private databases until it identifies a suspect's property — and perhaps learns some new things along the way. This is a big leap down the slippery slope of state invasion of privacy. And the very existence of such a monitoring system produces a chilling effect on e-mail-based free speech. Knowing that a state police agency will read at least part of your e-mail message affects what you say in that message.

The very existence of such a monitoring system produces a chilling effect on e-mail-based free speech.

Problem 2: Congress Cannot Trust The FBI

The second problem with Carnivore is that neither Congress nor anyone else can trust the FBI based even on its recent anti-privacy actions. FBI spokesmen continue to claim that the public can trust the FBI to police itself with Carnivore and like e-mail sniffers. But the recent experience with the 1994 Communications Assistance for Law Enforcement Act (CALEA) shows otherwise.

CALEA forced phone companies to install wiretap devices or so-called "call setup information" systems directly at the companies. The FBI argued for this law because it said it was losing its ability to tap digital phones. FBI Director Louis Freeh assured Congress that he sought no new powers for the FBI under the proposed CALEA legislation. Freeh told Congress that CALEA would "provide law enforcement no more and no less access to information than it had in the past" (Testimony of Louis Freeh, H.R. Rep. No. 103-827, pt. 1 at 22, 1994).

Freeh specifically said that the FBI would never use CALEA authority to find the physical location of someone speaking on a cell phone: "[Call setup information] does not include any information which might disclose the general location of a mobile facility or service, beyond that associated with the area code or exchange of the facility or service. There is no intent whatsoever, with reference to this term, to acquire anything that could properly be called 'tracking' information" (Joint Hearing on H.R. 4922 and S. 2375, 103rd Congress 29, 1994).

Yet last year the FBI convinced the Federal Communications Commission (FCC) that CALEA gives law enforcement the power to force a wireless carrier to give them a cell-phone speaker's location at the start and end of his call. The FCC issued this shocking order despite the plain language of the CALEA statute that denies law enforcement just such power: "Call identifying information shall not include any information that may disclose the physical location of the subscriber" (47 U.S.C. Section 1002(a)(2)(B)).

The FBI has also argued before the FCC that CALEA gives it the right to acquire the content of digital (packet-based) phone calls solely on the authority of a pen-register or trap-and-trace order even though such orders authorize law enforcement only to intercept phone numbers. This is a plain attempt to sidestep a Title III order. The FBI has further argued that CALEA endows the same pen-register or trap-and-trace orders with access to those extra digits a caller punches in after dialing a number for connection even though most of those extra digits convey content. This is another attempt to sidestep a Title III order and to broaden the FBI's surveillance powers.

The FCC's pro-FBI decisions in the CALEA case have led to a major lawsuit. Privacy firms and telecommunications firms filed suit in January against the FCC in the Federal Circuit Court of Appeal for the District of Columbia. The suit asked the court to vacate the FCC's pro-FBI CALEA order from last August. The petitioners include the ACLU, EPIC, the Electronic Freedom Foundation, the United States Telecom Association, and the Cellular Telecommunications Industry Association. Intervenors in the litigation include Air Touch, Sprint, U.S. West, and the Personal Communications Industry Association.

The appeals court dealt the FBI a major blow on August 15th when it vacated the FCC's 1999 order that had let the FBI gain access to phone digits dialed after a connection. The court plainly said both that "post-cut-through dialed digits can also represent content" and that "it may be that a Title III warrant is required to receive all post-cut-through digits." The court remanded this portion of the FCC order back to the FCC and thus back to the FBI for "further proceedings consistent with this opinion." But the appeals court did agree that CALEA forces wireless carriers to give law enforcement the first and last antenna towers that a mobile phone uses to connect at the start and end of a call. But it confirmed that "antenna location information could only be obtained with something more than a pen register order." The court did allow access to packet-data content but only with the appropriate Title III warrant: "although the [Federal Communications] Commission appears to have interpreted the j-standard as expanding the authority of law enforcement agencies to obtain the contents of communications, the Commission was simply mistaken.

Carnivore breaks new legal ground because it searches through all the ISP's communications and not just that of the suspect. It's as if the police have a warrant to search someone's bedroom closet and then they search all houses in a city until they find it.

The appeals court flatly denied the new content-search powers that the FBI had sought and has been using since at least last August: "CALEA authorizes neither the Commission nor the telecommunications industry to modify either the evidentiary standards or procedural safeguards for securing legal authorization to obtain packets from which call content has

not been stripped, nor may the Commission require carriers to provide the government with information that is 'not authorized to be intercepted.'" The court also made clear that the FBI cannot use CALEA powers in anyway to search e-mail: "CALEA does not cover 'information services' such as e-mail and Internet access."

The FBI has simply lost its credibility in pursuit of new CALEA powers. That should not just keep Congress from trusting the FBI to police itself with how it uses the ever-evolving software of Carnivore and the FBI's other Internet sniffers. It should be enough for Congress to investigate the FBI.

Problem 3: E-mail Headers Contain Content

The third problem with Carnivore is that it often reads e-mail content when it has authority to read only e-mail addresses. This problem is both legal and technical. It involves the Supreme Court's view of the Fourth Amendment and stems from the packet-switching nature of Internet communication.

Consider mailing a letter to a friend. The letter's envelope contains the public address. Anyone who handles the envelope has a legal right to read its address. The letter inside the envelope is the "content" and has legal privilege. The state needs a court order to see that content.

Internet users might think twice before they visit some websites if they knew the FBI would see their names or addresses there.

The same holds if you phone the friend and speak the same message content to him. The message itself enjoys a constitutional privacy protection while the phone number does not. The Supreme Court held in its 1967 case *Katz* v. *United States* that the Fourth Amendment gives you a reasonable expectation of privacy in your phone conversations. Thus the state needs a Title III warrant to intercept a phone conversation. But then the Supreme Court held in its 1979 case *Smith* v. *Maryland* that the Fourth Amendment does not give you a reasonable expectation of privacy in the numbers you dial. So law enforcement agencies do not need a Title III warrant to intercept the phone numbers you dial or the numbers of those who dial you.

The state needs only a pen-register or trap-and-trace order to intercept these phone numbers (per 18 U.S.C. Section 3123). These orders involve little more than a judicial rubber stamp. Statute 18 U.S.C. 3123(a) states that a law enforcement officer or government attorney need only have "certified to the court that the information likely to be obtained by such installation is relevant to an ongoing criminal investigation." The statute does not even require that a judge make the finding of relevance let alone require a finding of probable cause or imminent criminal action. The state agency need only *assert* or "certify" this relevance and indeed do so in a semi-secret *ex parte* hearing. The statute forces the judge to issue the pen-register or trap-and-trace order when any law enforcement officer or government attorney asserts this relevance. That itself explains why almost all FBI and other state wiretaps are pen-register or trap-and-trace orders rather than Title III content orders. State agencies need do little more than ask for them.

Yet FBI Director Louis Freeh has asked Congress to extend the power of these rubber-stamp orders. Freeh testified on March 28th before the Senate's Judiciary Committee's Subcommittee for Technology, Terrorism, and Government Information. He first called out the non-content limits of pen-register and trap-and-trace orders and then asked the Senate members to extend the scope of these rubber-stamp orders from local court jurisdictions to the entire nation: "Like all law enforcement agencies, the FBI relies upon the pen-register and trap-and-trace provisions contained in 18 U.S.C. Sections 3121 (et seq.) to seek court approval to acquire data identifying non-content information relating to a suspect's communications. . . . Under current law, however, valuable time is consumed in acquiring individual court orders in the name of each communications company for each newly discerned link in the communication chain even though the legal justification for the disclosure remains unchanged and undiminished. [Proposed Senate bill] S. 2092 would amend 18 U.S.C. Section 3123(a) to authorize Federal courts to issue one nation-wide order which may then be served upon one or more service providers." Freeh's proposed new powers would further weaken the already weak limits on pen-register and trap-and-trace orders and do so just when Congress needs to clarify and strengthen them.

The FBI has used pen-register and trap-and-trace orders to search for content both in the post-connection digits that a suspect dials and in phone-pager messages as well. That again is what the FBI persuaded the FCC to let it do under the 1994 CALEA statutes. But the FBI also persuaded the FCC that CALEA gives the FBI access to both the header and content of e-mail packets — hence the ACLU-Telecom lawsuit. The D.C. Circuit Court's ruling on August 15 plainly forbids this. And Justice Department officials told the House Sub-committee on the Constitution in April that the Justice Department regularly obtains e-mail addresses through the 18-U.S.C.-3122(b) process for obtaining pen-register and trap-and-trace orders. This shows one legal strategy that the FBI can and likely does use to feed millions of e-mail addresses to Carnivore without ever getting the Title III probable-cause court orders that Assistant Directors Kerr and Collingwood described.

Carnivore's software blueprints and performance quirks will leak to the digital underground despite of those who oversee it.

The packet-switching nature of e-mail traffic tends to endow e-mail addresses and header information with content. Suppose again that you send your friend a message but this time you send it by e-mail. Many users think that the e-mail shoots from your computer to his in one long stream of 1s and 0s. But that postal analogy fails. Your computer chops the message into sub-messages and attaches header information to each sub-message to form a packet much as if you cut up the hardcopy letter into pieces and mailed them separately in tiny addressed envelopes.

A sub-message's header information states where the sub-message came from and where it is going and how it fits together with the other sub-messages (somewhat like the word endings in an inflected language like Latin). Then the packets take off over their own Internet paths to get to their final destination. The packets each tend to arrive at different times and from different paths that in some cases may involve different countries or even different continents. Carnivore reads the headers of all such packets as they leave and arrive at the ISP. Then it tries to identify those packets that somehow deal with the suspect. This is a far more complex and dubious process than just opening everyone's letters at the local post office. Carnivore can also read the packets involved in chat rooms and other forms of Internet communication.

E-mail headers can contain content in many ways. The most obvious way is the subject line: "She said yes!" or "Call 911" or simply "No." You can communicate the content of any message simply by putting enough parts of it in enough e-mail subject lines. Would-be terrorists and other cautious types have surely found clever ways to communicate with subject lines. The address itself tends to be alphanumeric and can contain content. And e-mail addresses clearly are more personal than phone numbers. Clever users might use different address names to convey different messages. This is especially true for those who send messages. We do not yet know whether the government counts the subject lines and the carbon-copy or "cc" lines as part of the e-mail address. But it is a good bet that they do or at least have in the past. So pen-register and trap-and-trace orders can give the FBI access to these sources of content just as the FBI already uses them to gain access to the content in e-mail addresses.

Internet users might think twice before they visit some websites if they knew the FBI would see their names or addresses there. This reflects the behavioral aspect of content. Law enforcement can now use pen-register and trap-and-trace orders to see the e-mail addresses of those who visit a website or download a file or enter a chat room. That information itself can help build digital profiles of suspects and non-suspects alike. The FBI might also use these same rubber-stamp orders to find out the file names or web addresses or other header information that a suspect uses. Any of these FBI actions may prove illegal and may even be illegal right now.

Congress clearly should strengthen the statutory requirements for getting a pen-register or trap-and-trace wiretap order. And the Supreme Court may well have to intercede to draw the line between digital content and non-content. Meanwhile Carnivore and the other FBI dragnet sniffers draw their own lines.

Problem 4: E-mail Has Less Legal Protection Than Phone Calls

The fourth problem is that Carnivore takes advantage of e-mail's weak legal protections. The legal irony of e-mail is that the e-mails we tend to value most are those that we store the longest — yet these are just those that have the least legal protection.

We speak spontaneously on the phone and in e-mail messages. We seldom store phone messages but we cannot even read an e-mail message unless a server has already stored it

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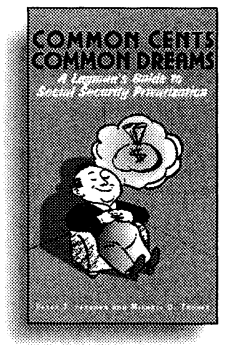

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for at least a few seconds or even a few fractions of seconds. We talk on the phone to each other in real time but we seldom speak in real time through e-mail. That distinction makes all the difference to the Electronic Communications Privacy Act (ECPA) of 1986 and the Title 18 statutes that codify ECPA.

The FBI still needs a Title III warrant under ECPA to intercept the contents of an e-mail message in *real time*. But statute 18 U.S.C. Section 2703 greatly lowers the bar for a stored e-mail message even if the storage lasts only seconds: "A government entity may require the disclosure by a provider of electronic communication service of the contents of an electronic communication, that is in electronic storage in an electronic communications system for one hundred eighty days or less, only pursuant to a warrant issued under the Federal Rules of Criminal Procedure or equivalent State warrant."

The Justice Department says it does not want to release Carnivore's source code because suspects might use the source code to beat Carnivore. But the Justice Department may have no choice.

This means that FBI agents need only get a probable-cause search warrant from a federal magistrate rather than a full-blown Title III court order from a federal judge. And "any attorney for the government" can approve the warrant application. It need not be a high-ranking official at the Justice Department. FBI agents can exploit this storage technicality when they seek authorization to intercept the content of e-mail messages that pass before Carnivore in real time. They need wait only one second while the system stores the message. Then the legal limits on their surveillance powers will have loosened.

A stored e-mail's legal status falls further after 180 days of storage. Then statute 18 U.S.C. 2703(b) applies and the FBI can obtain the entire e-mail message with only an administrative subpoena and a mere showing of "relevance" to an ongoing investigation. There also is no statutory "exclusionary rule" for this or any other type of e-mail as there is for wiretaps and electronic bugs. This absence means law enforcement officers need not follow the same strict procedures for wiretaps or bugs.

It is not the FBI's fault that an e-mail message has less legal protection than an equivalent phone call has. That fault lies squarely with the Supreme Court and Congress. The growing use of e-mail may someday lead either of these two law-making bodies to revise the ECPA statutes and give stored e-mail messages the same legal status that real time phone messages have. Or Carnivore abuses themselves may lead to these changes.

Problem 5: The FBI Does Not Need Carnivore

The fifth problem is that the FBI does not need Carnivore to search for alleged criminal e-mails. House Representative John Conyers Jr. (D-Mich.) raised this issue to FBI Assistant Director Kerr when Kerr testified before him at the July 24th hearing on Carnivore: "Why do we need to put terminals on site at the ISPs rather than let the ISP itself turn over needed information much in the way that telephone companies do?" Kerr conceded this point but claimed that the FBI still needs Carnivore for those ISPs that lack filtering software. Note that the FBI's whole case for Carnivore rests on this one contingency.

The FBI's Carnivore website echoes Kerr's point: "Because many Internet Service Providers lacked the ability to discriminate communications to identify a particular subject's messages to the exclusion of all others, the FBI designed and developed a diagnostic tool called Carnivore. . . . This type of tool is necessary to meet the stringent requirements of the federal wiretapping statutes. The Carnivore device works much like commercial 'sniffers' and other network diagnostic tools used by ISPs every day, except that it provides the FBI with a unique ability to distinguish between communications which may be lawfully intercepted and those which may not."

But this FBI argument is plainly specious: the FBI or oversight sources could simply give such ISPs this filtering software or instruct them on how to modify their own filtering software. There is simply no need to grant the FBI such sweeping powers of search and then trust the agency to police itself as those powers inevitably grow in time.

Problem 6: Carnivore Will Ultimately Fail

The final problem is that Carnivore ultimately will not work despite all its costs. The criminals whom Carnivore tries to watch are the very persons who will take the two obvious steps to evade it: they will change their fake digital IDs more often and they will use ever more powerful digital encryption to scramble their messages. It does not take a hacker to make these simple Internet adaptations. Many criminals have likely already made them.

The FBI has in the past refused to comply with like Freedom-of-Information-Act requests that deal with its tools and methods of electronic surveillance. The Act itself contains several exemptions for law enforcement.

Carnivore's software blueprints and performance quirks will leak to the digital underground despite or because of the best efforts of those in Congress or the judiciary who oversee it. Janet Reno's "university review team" will itself leak this information. And hackers will surely study the software system and maybe crack it.

The final result is a textbook policy inversion: the only persons Carnivore can reliably watch are the innocent citizens whom it has no right to watch. This sets a foolish and dangerous precedent for the type of heavy-handed government surveillance one would expect to find in Myanmar or China.

The only thing right about Carnivore is its name: this digital beast devours both personal privacy and constitutional limits on state police power. Congress should kill it. Then Congress should investigate the investigators. ❑

Rockin' for a Free World

by Sarah J. McCarthy

Rebellion against authority is what rock 'n' roll is all about.

This past May, on the 30th anniversary of the 1970 Kent State shootings of anti-Vietnam War protesters by the Ohio National Guard, Grove City College professor Paul Kengor wrote an article in The *Pittsburgh Tribune Review* denouncing as "slanderous" Neil Young's haunting lyrics from "Ohio":

> Tin Soldiers and Nixon's coming,
> We're finally on our own,
> Four dead in Ohio.

Kengor, an earnest social conservative and free-market advocate with libertarian leanings condemns the lyric as a "true abomination" that "underscores Young's ignorance and unfairness, as well as those who exalt the line." He cannot resist piling on:

> The fact is that Young's famous song "Ohio" suggests Nixon is responsible for the killings of those four kids at Kent State. That's wrong. That's bad. That shouldn't be excused. I grew up thinking Nixon ordered the killings of those four kids, and it was because of the lyrics in that song. Now that I know better, I'm outraged. To borrow a phrase from Young, you can't always be 20 on Sugar Mountain. [Young's use of] artistic license is dishonest because it enables the writer to escape responsibility through obfuscation and subtlety by using a clever line that is not totally clear.

Well, hey, hey, my, my, the politically correct never die. Young's weaving of compelling music with leftish-libertarian political commentary has long annoyed and upset Southern men and social conservatives. What is it about the tone and nuance of the arguments of many social conservatives, who otherwise like to think of themselves as freedom lovers, that so often reminds me of the rigorous political correctness of Catherine MacKinnon, the Queen of Sexual Harassment Law? Like hard-core victim feminists lacking in restraint and tolerance, social conservatives seem to have a special revulsion for American popular culture — Gertrude Himmelfarb in *The De-Moralization of Society*, Judge Robert Bork in *Slouching Towards Gomorrah*, William Bennett in *The Death of Outrage*.

"Abomination" is a word that few people other than religious zealots use, an Old Testament, Elmer Gantryish sort of word that most people use only in connection with things like mass killings, exterminations in concentration camps or genocide. Applying words like "slander" and "abomination" may occasionally apply to the woman-hating sexual violence of certain rap groups, but applying such vitriol to the lyrics of a masterful musician like Neil Young is quite a stretch, and to use such terms against gays, a frequent target of social conservatives, sounds pharisaic and almost evil in its cruelty. How tiresome it has become to listen to the religious zealots of conservatism — Jimmy Swaggart, Jim Bakker, and the rest — railing against the wrongdoings of their neighbors (or in Newt Gingrich's case, against his sister's sins), and then watch the next day as they do the same things (or worse) themselves.

Anyone who laments the squelching of free speech in the American workplace, and most particularly the penalties that have been placed upon offensive speech, should get nervous about editorials by people at both ends of the political spectrum claiming that another's speech is a "true abomination, nothing to shrug off," and that songwriters or other artists are "escaping responsibility." Responsibility to whom? Excused from what? Surely Professor Kengor cannot mean that songwriters' opinions escape the consequences from the free market of ideas, because they do not. Everyone is free to refute the musings of a poet or the ragings of a rock star.

I have long been concerned that a coalition of ideologues from the Feminist Left and the Virtuous Right and their enterprising lawyers will claim that speech controls enacted

for the workplace should be expanded to society at large. If artistic expression, off-color humor and outrageous rap or rock lyrics are actionable in the workplace, why should abominable speech and hostile environments be tolerated elsewhere? This sort of argument is used by governments bent on enacting their own versions of political correctness and cultural revolutions since the beginning of time. I'm no lawyer, but it seems to me that the legal underpinnings are already in place. We're probably just a baby step away from a hostile environment law for the country at large. After all, every place is somebody's workplace. When the final tyranny comes to America, it will come in the form of a well-argued lawsuit.

How tiresome it has become to listen to the religious zealots of conservatism railing against the wrong doings of their neighbors, and then watch the next day as they commit the same sins themselves.

To accuse Neil Young of "slander," which is primarily a legal term, for his difference of opinion, or to dismiss the entire antiwar movement as a bunch of communists who wanted the other side to win, as former radical leftist and neo-conservative David Horowitz habitually does, is beyond the pale. Shall we sue Neil Young for his opinion? Convict him of treason? Shall we make all rock stars accountable for those clever implications and allegations, hyperboles and subtleties? Let's see if they can support these wild statements under "cross." Send these rock stars a message with some punitive damages! Call Tipper Gore and Catherine MacKinnon! Suspend artistic and poetic license altogether and put lawyers in charge of poets and songwriters! Let's take Neil Young downtown, put him in the witness chair, get him sprawled and wriggling on a pin for obfuscations in the clever phrases and opinions he formulates! Let's make him be precise! Make him explain exactly what he meant when he wrote, "Tin soldiers and Nixon's coming/We're finally on our own/Four dead in Ohio."

Why not prosecute Shakespeare too? Along with anyone else who repeats his inflammatory incitement that we kill all the lawyers? Before you laugh, just remember that Harvey Saferstein, president of the California Bar and the greatest living example of *chutzpah* run amok, has already proposed that lawyer-bashing be designated a hate crime.

It's not just that I love Young's music, or that my all-time single favorite rock performance was Neil Young and Crazy Horse a few years ago at Star Lake Amphitheater near Pittsburgh (when his electric guitar seared through the summer night with a 30-minute version of "Like A Hurricane," so wild you felt that any moment the chairs and the amphitheater itself would become airborne), but I am blown away by conservatives' failure to recognize Neil Young as a liberty lover — a spokesman for freedom whose message against government violence is recognized by music lovers the world over.

I once read a rock critic who said Mick Jagger plays at being a madman but that Neil Young really is one. Neil Young is a madman for individual freedom. He was authentically mad about the shootings at Kent State, just as many of us were angered about the killings at Waco. As the Commander-in-Chief and escalator of the Vietnam War, President Nixon was fair game for Young's ire. Richard Nixon can no more be removed from the chain of events at Kent State than Bill Clinton can be removed from the chain of events that led to Waco or even Oklahoma. Legal responsibility is not the same as moral or political responsibility. Violence begets violence, actions lead to reactions. It is impossible to imagine conservatives denouncing as slanderous or dishonest a song called "Waco" that might say "Reno's tanks and Clinton's coming, 80 dead at Mt. Carmel."

The Puritanical Coalition

It's amazing how quickly the tyrannical coalitions of speechophobes and purification zealots of the political Left and Right can gel almost overnight into legislative combines when the need arises, as it did to enact, for example, the Civil Rights Act of 1991. Though insisting until the last minute that he wouldn't sign a bill that for the first time permitted jury trials and punitive damages for sexual harassment in the workplace, President Bush was prodded into signing by a politically unbearable and unbeatable coalition of MacKinnon-style feminists, trial lawyers and social conservatives. With the enactment of that law, employers could be penalized $300,000 per incident for their employees' off-color comments; the sheer size of the liability causing employers to monitor workplace speech and behavior like never before, in ways reminiscent of the prohibition of hand-holding and other sexual behavior controls that existed during the Cultural Revolution in Red China.

There was a time in America, not that long ago, when we were shocked at Cuba's use of neighborhood committees that conducted roundups of the politically incorrect, where neighbors turned in neighbors for "thought crimes" — speech against the state. Now we have our own Committees for the Defense of the Revolution in our workplaces — lethal financial injections for speech crimes that offend a growing group of government-designated official victims.

Neil Young's weaving of compelling music with leftish-libertarian political commentary has long had a special penchant for angering southern men and social conservatives.

This coalition of Purification Zealots have suspended free speech and freedom of association in the American workplace without a shot being fired, nor an amendment being amended, and created an instantaneous well-paid and well-trained secret police force of enterprising lawyers certain to profit from the criminalization of workplace speech. It was feminist zealotry on sexual harassment, after all, that brought us the Clarence Thomas-Anita Hill hearings as well as the Paula Jones-Bill Clinton spectacle that opened the door to the Bill Cinton-Monica Lewinsky shamefest.

Both the Right and Left ends of the American political spectrum are engaged in increasingly punitive measures to control the speech and behavior of their respective list of sinners, punishments like the megabucks punitive damages in tort litigation, public humiliation, shunning and banishment, and the ending of sinners' careers. Deviations from their own moral code and/or political beliefs (which are one and the same) are both typically greeted with the self-righteous intolerance of the True Believer. Differences are not seen as the product of different experiences or viewpoints, but as black and white, good and evil. Those who do not share their sexual preference or their view of how a particular marriage, or marriage in general, is conducted, are *persona non grata*. Their fellow humans are not seen as works-in-progress capable of growth and change, but as evil icons.

Whatever happened to the American belief that the answer to offensive speech was more speech? A growing number of Americans are buying whole hog into the idea that unpleasant, controversial speech is a bad thing that has victimized, offended and harassed them as well as their wives and their children. Legal and religious nomenclature has bled into the culture. They speak not of being in an argument, but of being "verbally assaulted." When they don't like the conversations of their fellow workers, they say they are subject to "a hostile employment environment." To criticize a particular religion is to blaspheme. To prefer a different marital arrangement than another is an abomination. In his song "Keep On Rockin' in the Free World," Young sums up such demonization processes succinctly. "Don't feel like Satan but I am to them," he wails, "so I try to forget it anyway I can/Keep on rockin' in the free world."

If Neil Young and those who exalt him and his lyrics are guilty of ignorance and unfairness to President Nixon, then let's hear the other side of the argument. Those who are outraged at ignorant and offensive speech should welcome and relish it, which I suspect deep-down they do, as a chance to fight and set the record straight, to refute the erroneous ideas of their opposition. Truth is the best defense against slander. The emphasis, in a discussion of whether or not Neil Young is guilty of slandering Nixon, should focus on what it was that Nixon did or did not do, rather than outrage over "abominable speech."

Far, however, from being just the out-of-leftfield irresponsible ravings of a lunatic rock star using his artistic license dishonestly, "Nixon's vicious, unrelenting policies and his blatant scoffing at the anti-war movement had ignited serious domestic upheavals, including the shooting of 15 students at a Kent State anti-war demonstration," states a source as bland and generic as *Grolier's Online Encyclopedia*.

Though Nixon ran on the pretext of having a secret plan to end the Vietnam War, and that he would "bring us together," by 1970, the year of the Kent State killings, 53,849 Americans had been killed in Vietnam. Nixon, like Clinton, was among the most divisive of American presidents. He hated the antiwar movement, and went so far as to have thugs beat up and remove a lone war protester whom he could see from the Oval Office windows. John Dean, Nixon's special counsel, told of an incident when Nixon dropped by the Lincoln Memorial at four in the morning to confront anti-Vietnam protesters: "The rumble around the White House was that he was drunk. I heard he'd had several before going out that night."

John Ehrlichman, Nixon's chief domestic advisor, was imprisoned for violating the civil rights of psychiatrist Dr. Lewis Fielding, for approving a "covert entry" into his office to obtain derogatory information about one of Dr. Fielding's patients, Daniel Ellsberg. Ellsberg had leaked the Pentagon Papers to the newspapers. At the Watergate hearings, Senator Howard Baker asked, "What did the President know, and when did he know it?" The hearings demonstrated that Nixon knew a lot and that he knew it early.

We know that Nixon was hardly an innocent or an honorable man. In 1971, he created the Special Investigations Unit that included the "plumbers" whose job it was to plug news leaks. According to his special counsel, Jeb Magruder, Nixon's Attorney General, John Mitchell, approved the middle-of-the-night break-in at the Democratic headquarters in the Watergate Hotel.

People will long be listening to Neil Young sing about the warnin' signs on the road ahead, about tin soldiers and machine guns and other signs of big governments on the move.

Good people disagreed about the Vietnam War, and contrary to the trendy belief among conservatives that '60s Leftists are responsible for all of society's current ills, antiwar Leftists were not demons, and Nixon was no angel. The antiwar movement mounted one of the most massive rebellions by a grassroots movement against big government arrogance, drawing a line in the sand that remains to this day. Thanks to the antiwar movement, far fewer Americans have died in subsequent wars. The reckless and wanton squandering of American blood in war has been slowed.

As a result of Nixon's paranoid ranting about protesters being "outside agitators" instead of mainly college students and other mainstream Americans, there was speculation that Nixon had conspired with Ohio's Governor Rhodes to fire on the protesters at Kent State to teach the antiwar movement a lesson. It was a shocking moment when American soldiers opened fire and shot wantonly and recklessly into a crowd, shooting 15 students on an Ohio campus and killing four. "Soldiers are cutting us down. What if you knew her, and found her dead on the ground?" wails Young in "Ohio." No one will ever know if Nixon gave the orders or just set the prevailing attitude, just as no one will ever know Bill and Hillary Clinton's actual role in the Waco massacre. But Nixon was the Commander-in-Chief, the leader of the anti-peace forces.

"It's still hard to believe I had to write this song," says Neil Young about "Ohio." "It's ironic that I capitalized on the death of these American students. Probably the biggest lesson ever learned at an American place of learning. David Crosby cried after this take." Those words do not sound like the irresponsible words of a thoughtless, reckless rock star abusing his artistic license. I don't like to sound melodramatic, but Neil Young's poetic lyrics, guitar and harmonica

strike chords in my spirit. Music is where the more earthbound among us gain solace. Perhaps social conservatives can understand that to smear Neil Young is to blaspheme a saint in my church.

Dylan's Double Standard

Though first written about President Bush in Desert Storm, Young's line, "We've got a kinder gentler machine gun hand," from "Keep On Rockin' in the Free World," endures to so aptly mock Janet Reno's assurance that there was no finger on the trigger of the kinder and gentler machine gun aimed in the middle of the night at 6-year-old Elián González.

Though one of Young's song lines is that "It's better to burn out than it is to rust," the truth is that he and the rest of the '60s vanguard are rusting away on Sugar Mountain, guilty of a double standard, writing only songs about Republican presidents. Neil Young should have written a song about Waco, and it's high time Bob Dylan wrote a song about Elián González! Where is Thunderclap Newman now that we've found out the "something in the air" was incendiary tear gas, and how many years do we have to wait before Peter, Paul and Mary weigh in on what's really blowin' in the wind?

Young even sounds a bit Republican in a couple of his songs. One is "Even Richard Nixon Has Got Soul," from the album "Campaigner," and the other, "A Man Needs a Maid," with lines like "Just someone to clean my house up, fix my meals and go away," an obscure little song, recorded with the London Symphony Orchestra, and possibly one of the worst songs ever to make it out of a recording studio. "Some people thought this arrangement was overdone," says Young, "but Bob Dylan told me it was one of his favorites."

But conservatives are rusting too. To their unrecognized misfortune, they, on the whole, have closed their ears to rock n' roll. It is their loss. No conservative or libertarian musicians have risen from the masses of liberty lovers on the Right. That means something, but I'm not sure what. The only real freedom anthem we've got from the down-home conservative movement is the Thelma and Louise of music, "Earl Has To Die" by the Dixie Chicks.

The '60s were a creative burst of epic proportions, and rock music remains a freedom force in rebellious political movements against tyrannical governments around the world. Because he is an artist speaking in the universal language of music, people will long be listening to Neil Young sing about the warnin' signs on the road ahead, about tin soldiers and machine guns and other signs of big governments on the move.

"The limits of tyrants," said Frederick Douglass, "are prescribed by the endurance of those whom they oppress." ❑

Letters, *from page 20*

say that of Al Hunt and half a dozen (is that all?) pundits who regularly sound off on the assumption that the Republican Revolution is dead.

Unfortunately, they are correct. It is dead, at least in the Republican Party for the foreseeable future. The convention, if it did nothing else, put the lid on the coffin. Unless things change radically, the next Congress will drive home the nails.

Consider the recent *Policy Analysis* from the Cato Institute that demonstrates the Republican complicity in the 106th Congress' increase in nondefense spending by some 13 percent. Oh, sure, several departments and agencies were abolished or significantly downsized. But no doubt, still other programs would have been axed or reduced by a Democratic Congress. The difference in policy makes no difference in principle. We're still talking about taking money from taxpayers, dropping some of it in the pockets of the bureaucracy, and doling out the rest to the citizens of this country as though they were on an allowance.

Everything that Robert Novak says about what is wrong with the Republican Party is true. But I fail to see any evidence whatsoever that they intend to take any of his advice, even if I thought that any of it was any good.

Indeed, the general advice Cox mentions, that the Republicans "need to stand up for large American principles and refuse to bargain them away," that they "stop thinking small," seems to fall on increasingly deaf ears, a fact that the convention only served to confirm (despite Novak's praise on the following Sunday).

Which principles does Cox say they ought to stand up for? Not surprisingly, libertarian principles. And who has those principles down pat? Who has the backbone Novak and Cox think is so necessary to win the day? Why, the Libertarian Party candidates running for office at all levels of government this year.

Cox seems to be so fearful of what might happen if Gore is elected that he passes this choice over with a mere wave of a hand, and the kind of condescending admonition a parent might give to a thoughtless child.

Sure, the country may not be ready for the kind of libertarian society we want. But will continuing to vote for those who are more than willing to live in a mixed economy welfare state bring them any closer? Sure, maybe the country isn't willing to accept the full libertarian message. But will effectively silencing it by voting for what they are willing to hear make the message any louder? Will giving Margaret Carlson one more thing to smirk about help?

Thomas Rowland
Dublin, Ohio

Make Mine Tofu

I was amused by Tim Slagle's Reflection (September) in which he practically equates red meat eating with human progress, patriotism, and liberty. As a vegetarian libertarian (yes, there are some of us out there), I can assure Mr. Slagle that one's diet doesn't necessarily have any connection at all to one's social values. In fact, the freedom to ingest whatever you want into your body, and the willingness to tolerate the accompanying lifestyle choices others make, are among the highest values which we libertarians hold dear. I too enjoy barbequed burgers when celebrating the Fourth of July. But please, please make mine with tofu.

David Grappo
Oakland, Calif.

Rejoinder

Logical Synapses, Sins of Omission

by Stephen Cox

In the September *Liberty*, Bart Kosko made the case that Jesus Christ was a family-hating communist. Not everyone was convinced.

More has been written about Christianity than any other subject. Every possible opinion has been expressed about Jesus and the implications of his teachings, from the most idiotic claims (e.g., he never existed) to the most pious orthodoxy.

There are two traditional libertarian views of Jesus and Christianity.

One is the view of such people as Thomas Jefferson and John Adams (deists and classical liberals), Lord Acton (Roman Catholic and classical liberal), and Rose Wilder Lane and Isabel Paterson (deists and radical libertarians). These people were, with one exception (Lane), profound historical scholars, and they regarded Christian ideas as crucially important to the development of modern conceptions of liberty.

The other tradition of libertarian thought is fundamentally hostile to religion of any kind and anxious to portray Christianity, in particular, as irrelevant or hostile to individualism. The most influential advocate of this view was Ayn Rand, who was an atheist long before she became an exponent of libertarian ideas and who always associated freedom in general with freedom from belief in God. Of historical interest in what Jesus did or taught, Ayn Rand had none.

Why is this important? For several reasons. There is, of course, the issue of truth and fact. Libertarians ought to know the history of their own ideas, as accurately as possible. There is also a practical issue. Most people in this country are Christians. If there is something in the teachings of Jesus that is important to libertarian ideas, libertarians ought to know it and let other people know it, too.

In the September issue of *Liberty*, Bart Kosko took a different course. Attacking the American religious right, he argued that Jesus, far from being a "family values" conservative, was actually an "anti-family communist." So much for the possibility of a libertarian connection with Jesus. But let's examine Kosko's argument.

Some of it, I am sorry to say, could easily be read as self-parody. Kosko excoriates the ill-logic and ignorance of the Christian conservatives, while committing, almost advertising, egregious logical and historical blunders of his own. One reason we know that Jesus was a communist, he suggests, is that other people have been communists: the Jewish sect of the Essenes, "modern Roman Catholic and Eastern Orthodox priests," even "Hindu and Buddhist holy men" who "predate Jesus in this regard by at least a half millennium." On this evidence, I suppose that all of us are communists.

The cream of the jest, however, is Kosko's idea that his adversaries just aren't reading what is plainly in the Bible, and that he is.

Consider his discussion of Jesus' "famous anti-capitalist metaphor": "It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God" (Mark 10:25). Rose Wilder Lane, who wasn't long on cash but who knew a lot about what she called the psychological "illusions" of wealth, considered Jesus' message perfectly sensible. But whether his saying makes sense or not, it would be sensible for us to recognize that being "rich" and being a "capitalist" aren't quite the same thing. They certainly weren't the same thing in Jesus' day, when very few people got rich by trading on the stock market.

But never mind. The funny thing is that Kosko, who roundly declares that Jesus "had only contempt for wealth and the wealthy while he promised the poor the kingdom of heaven" doesn't even bother to read the next two verses after

the "camel" part. I'll quote them:

> And they were astonished out of measure [apparently, Jesus had never discussed his all-important economic theories with his followers before], saying among themselves, Who then can be saved? And Jesus looking upon them saith, With men it is impossible, but not with God: for with God all things are possible. (Mark 10:26-27)

So even Bill Gates *can* go to heaven.

There's a saying that "the Bible is an old fiddle on which you can play any old tune." It simply means that the Bible is like any other book — you can interpret it in whatever way you want, just by dropping the context of whatever you choose to quote. The "communist" interpretation of the New Testament has been tried many times before. It always goes the same way.

First someone cites Mark 10:25, without mentioning Mark 10:26-27. Then it is alleged, as Kosko alleges, that "Jesus repeatedly tells his followers in the Gospels to give their property to the poor and follow him." Kosko's evidence for this, said to be "typical," is Luke 14:33: "Whosoever he be of you that forsaketh not all that he hath, he cannot be my disciple." This is supposed to show that Jesus wanted to "abolish private property."

Of course, Luke 14:33 doesn't say that, even if one drops its context. But what is the context? Is Jesus talking about how society should be run? Or is he, an itinerate preacher, tramping around Palestine with little more than the clothes on his back, and in bad repute with the authorities, letting people who want to follow him know just what they're up against? He introduces his statement by making several references to the importance of "count[ing] the cost" before you do things. He also says, "whosoever doth not bear his cross, and come after me, cannot be my disciple" (Luke 14:27). That, in the context of what actually happened in the first

This is yet another whopping proof of "communism" — people actually pooling their resources while visiting in foreign parts. How strange. How startling. By this definition, again, we have all been "communists."

century, was true enough. But it has precisely nothing to do with communism.

Speaking of dropping the context, let's go on to the next, entirely predictable stage of the old, old argument. Here it is always alleged, as Kosko alleges, that the early Christians practiced "communism," and the citation, which Kosko also cites, is always Acts 2:44-45. These verses describe Christ's followers, who were gathered in Jerusalem from many parts of the world to celebrate the Feast of Pentecost, having "all things common" and selling "their possessions and goods" so they could share them "as every man had need."

This is yet another whopping proof of "communism" — people actually pooling their resources while visiting in foreign parts. How strange. How startling. By this definition, again, we have all been "communists."

That passage from Acts, by the way, is the last time we hear of any "communist" social arrangements in the New Testament. What we do hear, several times and in much detail, is Paul's asking people for contributions to church charities, thanking them for their "liberality" (query: why beg for money, if we have "all things in common" anyway?), and urging everyone to give "according as he purposeth in his heart . . . not grudgingly, or of necessity" (1 Corinthians 16:1-3, 2 Corinthians 9:7). We also hear Paul congratulating himself on his ability to earn his own living, instead of accepting a salary from the church (1 Corinthians 9).

This doesn't sound much like communism, and of course it's not. Neither does it sound like communism when Jesus

There's a saying that "the Bible is an old fiddle on which you can play any old tune."

tells a parable likening God to a strict businessman who fires his assistant for not investing his money profitably:

> Thou oughtest therefore to have put my money to the exchangers, and then at my coming I should have received mine own with usury. (Matthew 25:27)

Jesus the capitalist? No; to say that would be dropping the context, too. But it is not too much to talk about Jesus the individualist — the Jesus who refused to try seizing political power, the Jesus who saw life as an investment that individuals must make by counting costs for themselves, the Jesus who founded a religion whose central act is conversion, which is a decision to follow your own conscience, even if it means getting in serious trouble with the law, the community, and the family.

In the same passage in which Jesus urges people to count the cost before following him, he says, with as great practicality as rhetorical emphasis,

> If any man come to me, and hate not his father, and mother, and wife, and children, and brethren, and sisters, yea, and his own life also, he cannot be my disciple. (Luke 14:26)

A hard saying! But true enough in context. Is it an "anti-family" saying? If you insist that it is, you are turning practical observations into social philosophy, and Jesus did not set himself up as a social philosopher. His concern was purely with individual choices. When a woman shouted out to him in a crowd, "Blessed is the womb that bare thee, and the paps which thou hast sucked!", Jesus responded, "Rather, blessed are they that hear the word of God, and keep it" (Luke 11:27-28). He wasn't preaching against his mother, or motherhood; he was preaching in favor of adults who take responsibility for their own moral actions.

Conservative preachers who insist on Christianity's "family values" are actually neglecting a central emphasis of their own religion, which is on choice and freedom of choice, and on liberty as opposed to law: "Stand fast therefore in the liberty wherewith Christ hath made us free" (Galatians 5:1). Kosko, by citing such verses as the one about hating your father and everyone else in the family compound, provides a valuable corrective to some modern Christians' patently silly notions.

But it is just as silly to go to the opposite extreme and picture first-century Christianity as resolutely anti-family. To do so is to ignore Jesus' happy relationships with certain mem-

continued on page 38

Exploration

Guns and the Movies

by William R. Tonso

Once guns were merely tools. Today, they are icons of evil.

It read like a Who's Who of the entertainment industry: Meryl Streep, Rosie O'Donnell, Madonna, Henry Winkler, Rosemary Clooney, Jerry Seinfeld, Barbra Streisand, Fannie Flagg, Tony Bennett, Richard Gere, Spike Lee, Jack Nicholson, Cher, Mary Tyler Moore, Dick Van Dyke, Barry Manilow, Bruce Springsteen, Richard Dreyfus, Alec Baldwin . . . and some 200 others. The names of all these celebrities appeared in a full-page "Open Letter to the National Rifle Association" in the June 9, 1999 edition of *USA Today*. The purpose of this letter, published by Handgun Control Inc. in the wake of the horrendous school shootings in Littleton, Colorado, was to promote various additional gun controls — everything from the mandatory sale of trigger locks with every gun purchased to a complete ban on large-capacity magazines and "assault weapons."

No surprise here. With the exceptions of such pro-gun actors as Charlton Heston, currently serving as president of the NRA, Tom Selleck, and a few others, Hollywood has provided massive celebrity support for the gun-control movement for more than three decades. But the spate of school shootings over the past few years has encouraged a considerable public reaction against the mindless violence found in the movies, music, video games, etc., that the entertainment industry has been producing for teen consumption. Reformers have long argued that movies, comic books, and other manifestations of popular culture have a negative impact on the young and that past popular culture was positively pacifistic compared to what is currently available. The actions of several of the teen monsters who have shot their classmates and teachers are so similar to scenarios depicted in movies, rap songs, and video games that it has become increasingly difficult to ignore the possibility that popular culture has greatly influenced their actions.

So the entertainment industry in general, and Hollywood in particular, has been taking much heat from the public and politicians, liberals as well as conservatives. Even Bill Clinton, in spite of the strong support through thick and thin that he has received from Hollywood, has felt obliged to order a government study of the possible connections between violence in popular culture and real teen violence. And the entertainment industry has predictably responded to the criticism it is receiving by attempting to deflect it to the favorite target of those in enlightened mainstream-media and politically-liberal circles when it comes to placing blame for our high violent crime rate — the easy access to guns in this country.

Extreme violence in popular culture can't explain our violent teens, Jack Valenti and other industry spokespersons argue at every opportunity, because if it did other countries such as England and Japan that consume our popular culture, or even more violent popular cultures of their own, would have teens as, or more, violent than ours. Since these other countries consume violent popular culture but don't have our violence problems, our violent popular culture can't be blamed for our violent teens. So what do we have that other countries don't have that explains why we're violent and they're not? We have guns and easy access to them, the Valentis and O'Donnells are quick to point out, and they are seldom challenged through the mainstream media.

The 1950 western "Winchester '73" nominally starred Jimmy Stewart as the hero and Stephen McNally as the villain. But in a sense, the star of the movie was its namesake, the very fancy Winchester Model 1873 rifle won in a shooting match by the Stewart character early in the movie, and stolen from him shortly thereafter by his nemesis, the McNally character he had bested. Much was made over that gun, both in the movie by the shooting match participants

and onlookers, and during the promotion and opening of the movie when the rifle used in it was put on display. The film in no way presented its star negatively. The Winchester was presented as a fine tool that a good man would take great pride in owning. And it was a neutral tool that could be put to bad use in the hands of a bad man or good use in the hands of a good man.

Skip ahead to 1971 and "Dirty Harry," the first of several movies in which Clint Eastwood plays an unruly but honest and dedicated cop whose trademark is the huge Smith & Wesson .44 Magnum revolver he carries. Eastwood's Smith & Wesson is also a fine precision instrument, but the characteristic emphasized in the movie is the damage it can do, or at least, that the moviemaker wants us to think it can do, to the human body. Pointing his revolver at the face of a criminal he has apprehended, Eastwood's character Harry informs him that "this is a .44 Magnum, the most powerful handgun in the world, and would blow your head clean off. . . ." This gun is not merely a tool, it's a very powerful and destructive device, and as such it is menacing even in the hands of a cop who, though unruly, is dedicated to combating criminals.

In the 1950 movie "Winchester '73" that rifle was presented quite positively as a fine tool that good men would take great pride in owning. And it was a neutral tool that could be put to bad use in the hands of a bad man or good use in the hands of a good man.

These two movies come to mind when I think about Hollywood's symbolic transformation of the gun since the '60s. Prior to the mid- to late '60s, Hollywood seldom presented guns themselves as menacing or focused on their destructiveness. As in "Winchester '73," guns were tools that good people used to defeat bad people who also had guns but, fortunately, were somewhat less skilled in their use. Guns, their inventors, and sharpshooters were celebrated in the titles of such movies as Randolph Scott's "Colt .45" (1950), Gary Cooper's "Springfield Rifle" (1952), Stewart's "Carbine Williams" (1952), and Betty Hutton's musical "Annie Get Your Gun" (1950), and such 1950s TV westerns as Chuck Connor's "The Rifleman," James Arness's "Gunsmoke," and Richard Boone's "Have Gun Will Travel." Distinctive guns, usually one or two ivory- or stag-handled six-shooters, but sometimes, as in the case of Steve McQueen's "Wanted Dead or Alive" and Connor's "The Rifleman," altered rifles, served to mark off almost all B-, TV-, and many big-budget-western heroes from those with whom they mingled.

In the 1955 film "The Desperate Hours," Fredric March's character comes home from work to find his family held hostage by three escaped convicts. He keeps a semi-automatic pistol in the house for protection, but the cons, already armed with a revolver acquired during their escape, have found it. No issue is made of the fact that a gun was kept in the house for protection, or the fact that the cons acquire it. But toward the end of the movie, when March is sent on an errand by the cons, he acquires a semi-automatic pistol from the police, unloads it, and takes it back home, knowing that he will be searched and the pistol found, hoping that the cons won't check to see if it's loaded, and that reliance on that empty gun will eventually lead to their undoing. Of course, that's what happens. What's significant is that here is a movie where a gun kept in the home for protection and an ordinary, modern, urban citizen's knowledge of firearms are simply taken for granted, not an uncommon Hollywood occurrence before the mid-60s. In "His Kind of Woman" (1951), Robert Mitchum and Vincent Price, the latter playing a ham movie actor who is an avid hunter and owns a number of guns, also are ordinary, modern, urban citizens who display enough prowess with guns to best mobster Raymond Burr and his henchmen with little help from comical Mexican provincial police.

By 1975's "Mahogany," however, the mere proud display of a handgun collection was enough to confirm the spookiness of one of fashion model Diana Ross's admirers, played by Anthony Perkins. And during the '70s and '80s, a number of situation comedies (such as "All in the Family"), crime dramas (such as "Night Caller"), and other TV series aired episodes illustrating the alleged dangers associated with ordinary people keeping guns for personal protection. One TV movie was ominously titled "A Gun in the House." Needless to say, none of the characters in these TV offerings who armed themselves for their own protection were able to ward off criminal attack successfully — guns were turned on their owners by criminals, or their owners shot the wrong person, etc.

The self-reliant and gun-wise folks of the Old West have been out of favor with Hollywood since the late '60s, though they still show up occasionally in the likes of TV's "Lonesome Dove" (1988) and "Conagher" (1993). "Matewan" (1987), by independent filmmaker John Sayles, "The Milagro Beanfield War" (1988), and John Milius's "Red Dawn" (1984) all depicted small, 20th century armed communities fighting off oppression (coal company goons, a politically-connected land developer, and communist invaders, respectively). "Star Wars" (1977), a George Lucas creation, and its successors have civilians in a "galaxy far, far away" fighting off oppressors with guns and other weapons; and another Lucas creation (1981), archaeologist Indiana Jones, also handles guns well. But since the '60s, modern urbanites and suburbanites on big and little screen alike far more often than not have been incapable of gun-assisted self-help and have been in need of police protection. In the real world, research indicates that every year there are anywhere from 760,000 to 3.5 million defensive uses of guns by private citizens.

Eastwood's Smith & Wesson is also a fine precision instrument, but the characteristic emphasized in the movie is the damage it can do, or at least, that the moviemaker wants us to think it can do, to the human body.

From the '50s on back, western movie heroes regularly, if unrealistically, disarmed their opponents by shooting guns out of their hands. The hands those guns were shot out of were seldom more than stung, if that, and the guns shot out of those hands suffered no damage at all. In other words, Hollywood regularly ignored the power of guns. For the past three decades or so, however, Hollywood has tended to exaggerate the power of guns. This exaggeration apparently started with "Shane" way back in 1953, when the farmer shot by Jack Palance's villainous gunfighter is lifted off his feet by the impact of the bullet and slammed back in the mud. It seems to have taken awhile for such laws-of-physics-defying nonsense to catch on, but gunshot victims knocked head-over-heels by the impact even of cinema slugs fired from guns far less potent than Dirty Harry's .44 Magnum eventually became standard fare in TV police shows like "Miami Vice" and "Hunter," and on the large screen as well.

But Hollywood hasn't only transformed guns from neutral tools, useful to good people concerned with protecting themselves and their significant others from bad people, to destructive devices useless and dangerous to ordinary good people who are incapable of handling them safely. It has also transformed those deemed worthy of handling guns. Eastwood critic Pauline Kael has written: "This is no longer the romantic world in which the hero is, fortunately, the best shot; instead, the best shot is the hero." Kael's comment is cited in Richard Schickel's *Clint Eastwood: A Biography*, which though a worshipful tribute to its subject's acting and directorial skills, nevertheless offers numerous interesting insights into modern, or even postmodern, popular culture and its consumers.

Schickel notes that sometime during the cultural upheaval in the '60s filmmakers began to realize "that the audience really doesn't care a rap about who shoots whom or why, so long as the matter is handled with — yes — a certain 'panache.'" He continues: "That this revised context to some degree revises the nature of screen heroism, encouraging us to root for our guy on the basis of his superior style, not his heavier moral weight. . . . What could be more subversive to our traditional codes of heroism than the idea that its largest imperative is to style, to cool improvisation in the heat of the deadly moment?" Mister amoral cool himself, James Bond with his "007 license to kill," preceded Dirty Harry to the big screen by nearly a decade and was followed by a host of imitators. And in the mid- '60s came Eastwood's nihilistic spaghetti westerns (made in Italy but popular here) and their imitators.

While Gary Cooper's title character of "Sergeant York" (1941), like the real-life York, had to overcome his pacifism before he could kill enemy soldiers, and movie-cowboy heroes prior to the '60s often shot guns out of the hands of villains rather than kill them, many, if not most, post '60s "heroes" (James Bond, the Terminator, John MacLane) joke about killing. And Eastwood apparently spoke not only for himself but for many other '60s and later action stars when he told an interviewer, "I do the stuff [John] Wayne would never do. I play bigger-than-life characters, but I'll shoot a guy in the back. I go by the expediency of the moment." So has Paul Newman, one of Hollywood's most vociferous gun prohibitionists. In "Hombre" (1967) Newman's "hero" shoots outlaw leader Richard Boone while the latter is under a flag of truce, something that no traditional hero would have ever considered. Nor would any traditional hero execute even deserving thugs as coolly as Charles Bronson did in his vigilante "Death Wish" movies, starting in 1974. The lid came off in the '60s and cinema killings by "heroes" became casual, cool, remorseless, even humorous, and without moral context. Now the '90s have given us films like "Basketball Diaries" which depict self-righteous, disgruntled youths massacring fellow students.

Hollywood and Conservatives: Both (Half)Right

Guns are neither good nor bad; they are inanimate objects, hunks of metal and other durable materials that are developed and used within social-cultural contexts that assign them their meanings and guide the uses to which they're put. Where cultural contexts and intact communities encourage the socially acceptable use of guns, as is the case in Switzerland, Israel, and still to a great extent in small-town and rural areas of the United States, *even though their possession is widespread,* guns are seldom misused. Where cultures or subcultures encourage the misuse of guns and/or families or communities are fragmented, as is often the case in underclass urban areas in this country (but is more and more the case even in small-town and rural areas) gun possession can prove troublesome.

By 1975's "Mahogany," however, the mere proud display of a handgun collection was enough to confirm the spookiness of one of fashion model Diana Ross's admirers.

Storytelling has been a prime socializing tool from the dawn of man to the high-tech present. Through most of man's prehistory and history, the young heard from their elders stories that provided them with maps for living their lives as families or whole communities gathered around fires in the evening. By the time I came along in 1933, such stories came from public schools and mass-produced popular culture transmitted through mass media as well as from family settings, but in my experience the lessons to be learned from these different story sources in those days generally reinforced rather than undermined each other.

That's less likely to be the case for today's young, particularly when it comes to what they learn about guns. In the United States, many of today's young come from single-parent or fragmented families, and few among those intact urban or suburban families that still manage to monitor the activities of their offspring know much about acceptable gun use to pass on to them. That means that many American youngsters know little or no more about guns than what they get from an entertainment industry that caters to the young and their teen culture; an industry that has demonized guns, exaggerated their power, and transformed those popular cultural "heroes" skilled in their use into cynical, cool, amoral killers. This doesn't happen in Switzerland where teenagers are closer to their parents (who know a lot about guns) than to their peers; family and community ties are still strong, and as David Kopel has noted, "Rambo" guns are owned but Sylvester Stallone's "Rambo" movies and other violent films

are banned.

Fort Worth Star Telegram columnist Bill Thompson has written, "We could pile up guns and pipe bombs and hand grenades in front of well-adjusted youngsters all day long, and not one of them would consider grabbing those devices and using them to slaughter teachers and fellow students. What has happened to kids who would do such a thing?" Many things have happened to them, most related to the undermining of family, community, and widely-accepted normative systems by gradual, if uneven, modernization, and now postmodernization that have affected different social-cultural systems in different ways. Cultural elites and the entertainment industry both reflect and promote the normless aspect of this modernizing-to-postmodernizing process.

Since literally millions of kids consume the movies, music, and games provided them by the entertainment industry, but very few, even of those millions who have easy access to weaponry, go on murderous rampages, it should be obvious that neither the consumption of nihilistic popular culture nor easy access to weapons in and of itself *causes* any given rampage. But today's entertainment industry tells the young stories to which they would never have been exposed 30-plus years ago. And as isolated as many young people now are from responsible adult input into their lives, it should hardly be surprising that some of the more isolated and resentful ones (spurred on by their craving for certain mass-media-generated celebrity) occasionally act out this nihilism through violent rampages while they're still young or even later in life.

More common fallouts of the current state of society and what Tipper Gore has called its "toxic popular culture" are risky behaviors involving drugs and sex that have been incorporated into adult-free teen culture. There was very easy youth access to guns in the '40s and '50s I experienced, and even grade-school boys commonly carried pocket knives; I started carrying one in the third grade. But there was negligible youth violence. Boys and girls were physically equipped then as they are now, yet there were no unwed schoolgirl mothers when I was in high school. And there were no school-supplied condoms then. I understand that during World War II, the government encouraged Midwestern farmers to plant hemp for the war effort, and that it came to grow like weeds in these areas, yet, my friends and I knew nothing of marijuana or other drugs.

Gun-related violence has skyrocketed, and youth marijuana use and unwed schoolgirl mothers have both become common, despite stricter gun controls, the War on Drugs, and the much easier availability of contraceptives. But it apparently has never occurred to the Hollywood celebrities who signed Handgun Control Inc.'s advertisement that availability is not the primary cause of gun violence, any more than it has occurred to most conservatives that availability is not the cause of increased marijuana use. In a world where kids spend more time watching Hollywood's products on television than they spend with their parents, somehow these Hollywood celebrities have forgotten entirely the role that morality plays in people's lives — and the increasing role that they play in the morality that kids learn. ❑

"Logical Synapses, Sins of Omission", *by Stephen Cox, from page 34*

bers of his own family, especially his cousin, John the Baptist; Jesus' working through family relationships (the brothers Zebedee, the brothers Peter and Andrew, his own brother James, the siblings Mary, Martha, and Lazarus) in the calling of his disciples; Jesus' emphasis on family relationships in some of his sayings and stories (superlatively, in the parable of the Prodigal Son); and his favorite description of his relationship to God, which is that of a son to a father.

Now, in strict terms, all this talk of communism and libertarianism, family values and anti-family values, is misleading and unhistorical. It is an attempt to make ancient religious documents answer modern political questions, using terms that appear nowhere in the documents themselves. Jesus wasn't a communist, and he wasn't a member of the Libertarian Party, either. But the issue that Kosko raises is a valid one: What, in the broadest terms, is the relationship of Jesus to our own ideas? Who was Jesus — friend or foe?

Everyone is capable of judging that question independently. But here's some evidence that might interest you.

The kingdom of heaven, Jesus said, is like a big pearl that a merchant finds and is willing to pay a lot for, because it's worth a lot. And the kingdom of heaven is like a treasure that someone finds while he's out walking in the fields, and he rushes to buy the land (without telling anybody else, of course) so that he can enjoy all the profit (Matthew 13:44-46).

The kingdom of heaven, Jesus said, is like someone who hires a bunch of temporary employees to help him out on the busiest day of the year. The people he hires in the morning contract with him for a certain wage, but when he pays everybody at the end of the day, they notice that he, being sort of eccentrically benevolent, has paid the same amount to the people he hired in the afternoon. This infuriates the first group. If they were still working, they would go on strike. But the landowner says to them, "Look, we had a contract, and you got what I said I would pay you. The rest of it is none of your business. I can do what I want with my own money" (Matthew 20:1-16).

A traveler, Jesus said, was coming down the Jericho Road when he noticed an injured man lying in the ditch. This man had been mugged by the usual gang of hoodlums that the government, for all its laws, never seems to get rid of. Anyway, two local people with official jobs came by, and they pretended not to notice him. But the stranger, who was of a different race and religion, and who consequently wasn't very popular around those parts, picked up the injured man, bandaged his wounds, took him to a nearby motel, and paid the bill for his lodging while he recuperated. No one made the stranger do that. He didn't promise to support the victim for the rest of his life, and he didn't try to get him to sign a petition for socialized medicine. He just helped him out, and went on his own way (Luke 10:30-37).

Communism — or individualism? You decide. ❑

American Justice, Up Close and Personal

by Logan Brandt

In modern America, you never know what might happen when you try to renew your driver's license.

Houston Roadkill

It was late August '98, and I couldn't put it off any longer.

Time to stand in line for Texas, get a driver's license. Having already experienced the rigmarole of car registration with Harris County, and been soaked for the Texas sales tax ($650) on a vehicle leased in Michigan, I just want to get the whole bureaucratic mess behind me.

Similar to the county clerk, these folks at the Department of Public Safety (DPS) have their panties in a bunch about extracting social security numbers from you. Whatever. So I give them some proof-of-SSN stubs and write my numbers in the boxes of their form in fine, bold strokes. Immediately the clerk sends the form to a scanner.

The reason I know it goes straight to a scanner is that as I leave — I have a smile on my face because I'm finally done with this crap and even took a decent picture — a large black trooper, fully accessorized in the Lone Star law-enforcement package, i.e., Stetson hat, cowboy boots, Colt Border Patrol .357 Magnum, and bulletproof vest, stands infront of me pointing emphatically to the right:

"Come this way."

"Thanks, but I don't need a driving test today," I counter.

From his stern demeanor, it's clear something of more import than a driving test is on the agenda. So, with a quick jolt of primal apprehension, my mind races into the realm of things I might have done that could generate unpleasant system attention . . . IRS? Red Squad? Donut Pilferage?

"Damn!" I know what it is.

Trooper R asks me my name again, then indicates he has a record in the LEIN (Law Enforcement Interstate Network) database that matches. To make a long story short, the SSN has drawn a hit on me for an outstanding arrest warrant from Michigan. I tell him there's no way, "I don't even have kids," knowing they publicly justify their SSN fetish by nabbing out-of-state deadbeat dads.

Bo', you in a heap o' trouble.

While Trooper R is checking it out, he makes special seating arrangements for me in the DPS office. The handcuff to the steel folding chair symbolizes the new relationship I would have with the state of Texas for the next few days: unwilling guest, varying degrees of discomfort, caged or tethered in proximity to hard surfaces.

So, on account of some ancient police foulup, here I wait, a fugitive from justice, 1,400 miles away . . . waiting for the bailiff to come and cart me away to the Harris County Jail. "Look, trooper" — I have quickly discerned these DPS officers like to be called troopers — "how about I just go out to my car and get a few things?"

No dice.

My one phone call, to a co-worker (who might be able to get my car from the lot, hence avoid its impoundment), goes to his answering machine. Internally, my adrenaline-drenched central nervous system has gone into full-tilt panic, and I can barely point and grunt, much

less generate full sentences.

Eventually the bailiff arrives in his county car and strolls amiably into the office. Trooper R is a big man, but this "County Mountie of Fetching and Toting" blocks the sun at 20 paces, easily 6 feet 8 inches and 350 pounds, and not chubby either, a giant. Referrin' to him as Trooper Sir. Then Sir, R, and R's supervisor start chewing the fat, talking about the wives, girlfriends, jobs, partying, working out, etc.

After maybe 25 minutes, during which I'm just sitting there cuffed to the chair, dry-throated, wide-eyed, slack as a fish on a stringer, trying to adjust to what is obviously going to be a very bad day, Sir decides it's time to mosey with his charge.

Sir gives me the surreal courtesy of piping in public radio at 80 decibels for the half an hour it takes to drive me to the Jail Annex at 701 N. San Jacinto. Even if I want to chat, or if he could hear me, I figure he probably exhausted his scintillating repartee on his buds at DPS, and is now wholly focused on world affairs with Nina Totenberg and "All Things Considered."

I'm sitting there cuffed to the chair, dry-throated, wide-eyed, trying to adjust to what is obviously going to be a very bad day . . .

When you finally reach the place of steel bars and concrete, you become part of an unyielding and systematic process . . . not, for a moment, to imply rational or efficient. The preliminaries — appearing briefly before a magistrate (required for show of due process), fingerprints, checking in your stuff, answering some questions for filling out forms, getting some papers — are perfunctory.

Then the fundamental jail-entry process is a multi-hour period of moving from one crowded concrete-block and grated-steel enclosure to another. When you move, and with what select group of detainees, is sadistically random and arbitrary.

You will pass through approximately three milestones leading to the ultimate objective of getting a bunk with a mat: 1) shower and uniform, 2) a formal hearing in court, and 3) medical interview and assignment to a cell block. In between each of these milestones you move several times to different holding cells — I marched to 15 to 20 cells, and only repeated one or two.

You begin to get an idea of the cross-section of people who have been caught in the same web. There's obviously a basis for conversation: "Man, does this suck, what'd they get you for?" A few DWIs, some spouse-abuse types, lots of small-time drug possessors or traders, petty transgressors of firearms laws, parole/probation violators, several DWBHs (driving while black or Hispanic).

The uniforms are comical, and obviously part of the "Psy War." Orange, they consist of a pocketless short-sleeve, heavy cotton pullover shirt and pocketless pants. The pants have elastic waistbands in varying degrees of disintegration, and in many cases the bands have given way entirely and the separated sections have been ingeniously though crudely kept together with mop rope. On the back is stenciled "Harris County Jail," in case, I'm speculating, you escape and people mistake you for a hospital orderly.

I'm lucky, in that my pants will stay up without having to tie any knots in them and the shirt doesn't have too many holes in it. The hard plastic sandals are another story. One thing you need to do if you suspect imminent incarceration in America: wear tennis shoes and white socks. They let you keep only these for footwear. Whatever the origin, keeping your own shoes and socks is hugely preferable to standard issue.

The sandals are elevated at the heel, and it's difficult to lift your feet to walk in a normal fashion. What you do is shuffle along trying to minimize the chafing of the wide hard-plastic strap that rides over the top of your bare foot. Socks are not standard issue, and neither, for that matter, is underwear. These you can order every Wednesday from the commissary once you reach your cellpad.

It's Wednesday morning now, and I figure for sure I'll be reaching the cellpad in a few hours. I've been marched around all night, since six o'clock p.m. Tuesday, meeting new guests, striking up an occasional conversation, seeing them come and go depending on the holding-tank roulette.

I even manage to catch some cold-concrete-floor shuteye maybe fifteen fitful minutes at a time. Shortly after the longest stretch of sleep, about 07:00, we get rousted for the court hearing, which is actually a more formal arraignment process in my case. Seven of us are accommodated in this cold, dark, dank 20 x 20 x 20 foot anteroom with iron-clad walls and an iron bench.

A tall, lanky guy is in here shaking from the cold. "Sir, would it be possible to turn up the thermostat in here?" I say to an officer. "It's freezing and one of these guys is really in pain." His ears practically start spewing little steam puffs. I thought this oversized oinker was going to take his oversized pistol off his oversized butt and either pistol-whip or shoot me. He mutters something about never speaking to him again unless somebody dies in there.

Our time to go before the judge finally comes. We have attained the status of petitioners in a courtroom, so naturally we are shackled and cuffed together — walking in a line wearing these goofy orange pajamas. Several people fill the courtroom benches, along with the judge and prosecutors in front, and various defense attorneys, mostly court-appointed. My case is not a good one for getting bailed. Technically, I'm a fugitive charged with two felonies from a different state, so my only choice is to fight extradition or to accept it. If I fight, bail is permissible until the preliminary hearing, but my court-appointed attorney (lackey) informs me it means fronting about $50,000 to the State of Texas, with "right-now" money of $10,000.

The irony is that the system has caught me just a few weeks before I expect to take a new contract as a computer consultant back in Michigan. I had planned to give notice to my current Houston client and Dallas consulting firm in a couple of days.

But I can't realistically make bail, and so, according to state law, Texas can keep me in jail for 45 days before the Guv (former scholar and party-boy G. W. Bush) even gets to hear my appeal. Plus, there would be the attorney fees, the attempt to find one — I hardly know anyone outside of work — and so forth. I doubt I can make much of a case, anyway, certainly

not from jail.

The choice is easy: extradition. The public defender recommends this course, too, and hands me his business card. Naively, I assume I'll be able to contact him for free legal advice down the line. The bunch of us that had collected in the antechamber, and then the courtroom, now resume routine entry processing in the jail proper at 09:00, Wednesday.

Schmoozing With the Locals

So the day wears on, going from tank to crowded tank, I'm thinking any time I'll arrive at the cellpad and actually have a soft surface to sleep on. The tedium grinds me down. But I keep meeting interesting people. One of the young Hispanics strikes up a conversation:

"Hey mon, wha' ju in for? Ju know somethin', ju look jus' like Carlito . . . in Carlito's Way."

I was wearing my prescription blueblocker shades when I was detained. Some of the esteemed enrollees think I have that tough criminal-enterpriser look. I explain my situation, and he asks animatedly how much weed you can get from a Growtronic system. I tell him what I remember.

I strike up another conversation with a guy who's been in the system previously, and in fact has gone to the state prison at Huntsville. So what's it like? Apparently, it has some advantages to the county because most of the guys perform work and are not constantly confined in a cell.

Violence is normally not a problem if you exercise a little caution and are fortunate enough to avoid being locked up in proximity to big, mean, crazy guys. Here, in the whole time it's taken to be processed, I see three or four out of 4:00 or 5:00 guys who had that unfed psycho look. Anyway, at Harris County, the herders and watchers keep a close eye, and are ready to intervene in any assaults they aren't part of.

At midnight, Wednesday, in subdued light, walking into the cellpad with pillow and blanket, like a kindergartner late for his nap, I finally reach what will be home for the next six days.

Harris County Hilton

Some faint conversation in the background, almost everyone is sleeping; two rows of double bunks and some overflow cots bring the total occupancy to about 40. I get an upper bunk next to a wall, and climb up carefully, close to exhaustion. I really need this semi-soft surface to catch up on the sleep missed over the past 30 hours of crawling on concrete floors.

Turns out this is an unusually quiet midnight. A brother two bunks down is awake and asks me what I did.

"Grew some weed, had an illegal gun in Michigan."

"Man, they ain't going to come to get you for that."

"Dunno." And I'm in z-ville.

About 3:00, the lights come on, a guard wakes us up with an announcement over the intercom, and some trustees wheel in racks containing trays of food. This is universally referred to as "chow," and chow is an apt term; it's a nondescript mass with low nutritional value on which to chew. As for the unusual hour, I don't have that figured out yet.

After breakfast, most of the guys are awake and dialoging up a storm. Difficult to sleep. I check out the sanitary facilities, which are Spartan: one communal toilet — with a handmade sign that states "Shiter only, no pissin" — two urinals, and a shower in the corner with a short concrete modesty wall.

"Privacy? Privacy? You don't need no stinkin' privacy!"

Back to the mat. More sleep for me, even though the general population is boisterously awake. The next chow time is 10:00, and again the message comes over the intercom, after which everyone stands in line to get his tray. Unlike roll call, these mealtimes are optional, so no rule prevents you from ignoring them.

Some of the guests are playing checkers or chess on picnic tables with checkerboards painted on top. There is also a steel table, without the checkerboards, occupied with a dominoes game, at the end of which are socks, t-shirts, and underwear drying, hanging off the bench edges. A few tenants are reading the *Houston Chronicle*, delivered daily, but there's a distribution pecking order of slow readers, so most of us get old news.

I thought this oversized oinker was going to take his oversized pistol off his oversized butt, and either pistol-whip or shoot me. He mutters something about never speaking to him again unless somebody dies in there.

I begin to work my way into the social order. A lot of primal socializing is associated with barter, particularly trading food. At lunch, someone offers me an apple for a hockey-puck sweet roll, which I take him up on.

Some chess, some dominoes. Then I start rapping a little with one of the brothers, who seems to have the King Rat position within the cellpad. He asks me if I could use a pair of socks, which I sure can.

He's just going to give me the socks, though they're on the short, thin side. The expectation is when I leave, he'll get the majority of the stuff I have to leave behind. No problem.

"Could I get a pen and some paper somewhere?" A cheap pen and three sheets of paper costs me a chocolate milk, which someone tells me is high.

Irwin is an artist of sorts, using a lot of his commissary resources to purchase handkerchiefs, cardboard items, and ballpoint pens. He then creates ink sketches on the handkerchiefs and cardboard mostly of a Christian theme — Jesus in the manger, Jesus admonishing the moneychangers, Jesus on the cross, and so on — and colors them using extreme pressure. He breaks lots of pens.

Irwin, too, is a long-timer, but I never do find out his transgression. My guess is his sentence is a few more months, and for something like shoplifting or reading bad poetry in the Galleria and "resisting arrest." Houston cops are big in the news; just a few days ago six of them gunned down an unarmed Hispanic teenager on whom they found traces of dope.

And I notice how loud it gets in general, not just when there's a party going on — particularly, now that I decide to use the telephones. Yes there are telephones, three of them, two of which function. A detainee can make as many collect calls as he wants — calls do not come in, they only go out — and whoever you contact gets a banner message in an automated, loud, officious male voice:

"This is a collect call from the Harris County Jail. To accept the charges, press the star key."

Mom hardly expects to get a call from jail, and she has no clue of the particular incident back in Michigan behind all this. But she has long been dimly aware of my political notions and of my antipathy toward the state in general. So, eventually figuring out the key to push, she picks up on the second call, thinking it could at least be a friend of mine.

"Hi, Mom. Well, geez, you're not going to believe this, but . . ."

I tell her the circumstances that led to my confinement, then I try to remember some telephone numbers for people I had planned to be visiting up there in three days.

Poor Mom. This can't be easy for her, either. She's back in Michigan, 72 years old, trying to get all the instructions right, press the right keys, talk to the right people, etc. And worrying about me.

"No, Mom, it doesn't really seem dangerous in here or anything. Just boring and noisy. I get to watch a lot of TV, particularly all those African-American sitcoms I missed the first time. Everyone seems to get along all right."

I ask her to call the secretary of the company where I work in downtown Houston. I had planned to give them a month's notice tomorrow, but now I have no idea when I can even get back to my desk.

"Tell her I have some legal problems, and it'll be a few days."

Then I try to reach my court-appointed attorney, but no one takes the collect call there. Duh.

It's mostly too loud for making phone calls, and when it isn't loud, the telephones tend to be monopolized by certain individuals, mainly the redneck alkies who mix sweet nothin's and verbal abuse as they palaver with the old lady they beat up a day earlier.

Friday 8/29

Roll call at 05:00 is plain harassment, psy war. No way anyone can disappear in here, and you sure can't get out.

One thing you need to do if you suspect imminent incarceration in America: wear tennis shoes.

Concrete block on all sides except for some bulletproof glass and a door that exits to a central area where the guards staff an electronic control console, inside a steel and bulletproof-glass enclosure. Vent-shaft grates are the size of an envelope.

Regularly scheduled activities? Three. If you don't count the infirmary:

- Religious services and study groups — Christian, Muslim, Jewish. Nothing for devotees of Great Pumpkinism.
- Library visits — the library contains some legal material, but mainly Bibles and Christian literature.
- Exercise sessions.

I try an exercise session, just to get out of the cellpad. We go downstairs to a non-airconditioned gym, where a volleyball net and a makeshift handball court have been set up. If you don't get into one of the games, you can walk around aimlessly and enjoy Houston in Summer, Unplugged. Eventually, an opening occurs on one of the volleyball teams, and I play for half an hour. In ninety minutes, we file back to the cell, drenched in sweat.

Most eschew the scheduled out-of-cell activities. The television is on all the time, except when lights-out is officially called, and the brothers mainly control the program selection process. During the day, it's the soap operas.

There is virtually no theft, certainly nothing of your major *stuff*, which everyone keeps unsecured near their bunks. The social environment has a natural laissez-faire quality, a spontaneous order. When it seems right to vote on something, like a TV program, we do it and accept the vote.

Heck, if you lived in a society of guys like these, no one would put you away for smoking a joint or having a gun. They wouldn't draft you into the army or launch wars in your name or with your money. They wouldn't roust you for gambling or whoring. They'd pretty much leave you alone. As I told a friend later, "I hate to say it, but I think these are my kind of people."

Like Irwin, several others are taken with the Christian message, displaying high biblical understanding. And you have to admit there is an appeal and comfort in believing you have some father-figure or buddy in the sky who watches over you and cares about you personally . . . especially under these circumstances, or worse ones that can easily be imagined.

Laundry happens once a week. They call roll and you give them your orange jammies, marking them with a pen in some way. The uniforms come back early in the morning (04:00 or 05:00) in a damp pile, and we sort through it to find our stylish monogrammed threads. They dry to a fine array of wrinkles by afternoon.

Weekend 8/30, 8/31

This hyperconversational brother, Stanley, arrived a day ago. His life was going just fine until he made the mistake of picking up a hitchhiker a few years ago.

The hitchhiker wanted to stop at a party store. While he's parked outside, the hitchhiker robs the store. Stanley doesn't know anything about it. They get caught. With Texas justice, and a lousy court-appointed lawyer, the sentence is 10 years.

After three years, Stanley is paroled and put on a tether. He throws the tether on a passing truck, then takes off to California for work. Pulled over for some car problem in California, he was arrested on the parole violation, and, after 45 days, extradited to Texas. Now he's here, and probably is going to spend another year or two in jail.

Okay, so don't believe the story. I do, and it's representative. All I know is if you're looking for dangerous criminals who need to be put away for the safety of society, they ain't here. Generally, the system is a ruling-class, money-making operation preying on the unfortunate and the naturally disobedient or defiant.

Homecoming

Little was I aware that this Sunday would be my last night in the Harris County Hilton. It had already seemed like an eternity, and I was doubtful that any of the narcocops in Michigan would care enough about a nothing case like mine

to hustle for it.

So about 05:00 Monday morning I awoke to my name spoken over the intercom, with a mixture of astonishment, relief, and apprehension. This was it: they had come to get me, and I had only a few minutes to get my items together — only a folder containing my papers, and the jammies on my back. Everything else, mainly some nonperishable food items, pens, paper, soap, and TP was left to Irwin.

For the past few days I'd been troubling my mind with thoughts of what these narcs were going to do with me on the way back. I had an image of being cuffed and stuffed in the back of a van, beaten regularly with a battle mace, and showing up in the Oakland County jail three days later as a smelly — more smelly — black and blue hulk.

It wasn't going to be like that. Two 30ish white middle-class, mild-mannered plainclothes cops, driving a big airport-rental car, show up at the check-out room.

Everything's cool. I'm even helping them with instructions to get back to the airport. We take a 727 from Houston Intercontinental to Detroit Metro. Cuffed in front while walking or in the car, but not cuffed on the plane — FAA regulations prohibit that. Walking through an airport with cuffs, escorted by cops, just like the movies. Real badass.

Another night in jail, this time my hometown variety. Like Houston, worse in some ways, better in others, just as crowded, less supervised, with slightly more-menacing gang types.

Tuesday, September 2, is the point of release, a lucky set of circumstances. Keep in mind, there are a lot of poor blokes in this jail, too, innocent victims of the state who got stuck mainly because they're black and/or poor.

I'm fortunate to have managed to reach a Michigan attorney through calls to Mom and to my ex-wife, Ariana. He's Walt Puchalski, personal acquaintance, former beau of Ari's twin sister, former prosecutor, now criminal defense attorney, and occasional political ally. He agrees to take the case.

Step one is arraignment before a magistrate for setting of bail.

Magistrate Janice Haviland presiding. As she reads incredulously through the warrants and the recent history of the case, my mind drifts back to the fateful day. . . .

Fear and Loathing in Drayton Plains

On the evening of January 8, 1992, at approximately 2030, in the storage unit of Building 6, at the Clearview Apartment Complex, in Drayton Plains, Michigan, one or more persons intentionally started a serious fire.

Minutes before, Anne Lewis, living on the second floor, heard loud, angry male voices and violent crashing sounds in or near the apartment directly above hers. Indeed, according to the fire report, she thought someone had broken the window of that overhead apartment. She went to her balcony and looked up.

She then smelled smoke, gazed down and saw billows lapping up toward her window. Quickly, she called for help and, while the fire trucks were on their way, worked frantically with the apartment manager and other residents to get everyone out of the building.

Thanks to these efforts, everyone who had been at home in their apartments that night made it to safety. One older woman in the adjoining set of apartments suffered severe smoke inhalation and had to be helicoptered to an intensive care facility in Ann Arbor. She recovered, but had she been in the hallway minutes longer, she'd have certainly perished.

Many firefighters that night were treated for smoke inhalation at Beaumont Hospital in Royal Oak. So was D, a well-known hyperactive Drayton Plains traffic cop and Walter Mitty wannabe. As officer D was running to and fro without a mask, firefighters informed him that in a bedroom of the third-floor unit, they had located a device growing marijuana.

When D left the hospital early the next morning, he valiantly returned to the scene and dutifully called his buds at the State of Michigan Narcotics Aggression Alliance (NAA), a countywide, state-funded collection of rotating municipal cops specializing in investigating and/or busting people for drugs.

Some of the esteemed enrollees think I have that tough criminal-enterpriser look. I explain my situation, and he asks animatedly how much weed you can get from a Growtronic system. I tell him what I remember.

Without obtaining a search warrant, NAA Detective Sergeant G entered the premises, examined the growing system and made a determination that marijuana, indeed, was present. At that point, the apartment was identified as a "crime investigation scene" and sequestered along with the fire-damaged surroundings.

Early Wednesday morning, G obtained a search warrant, and with a fellow narc, ransacked this third-floor apartment, turning up an illegal firearm, some legal firearms, some cannabis literature, along with the Growtronic unit, and a handful of plants holding maybe a half-ounce of weed.

He left the search warrant on the dining room table. The charges, though on the same warrant, were significantly separated, one for "manufacture and/or delivery of a controlled substance" and the other for the illegal firearm.

I work late on January 8, 1992, and it's close to 10:30 by the time I arrive at my apartment. The yellow-taped area gives up the fact that a fire has occurred. A crowd was milling about. My neighbor downstairs, Anne Lewis, majorly geeked and all aflutter, tries to give me an idea of what's been happening.

"Where were you? It was exciting, we got all these people out. I almost fainted from the smoke. We were running and yelling, and the firemen got here really fast. You know somebody up there was *really* loud tonight, like having a fight."

I'm trying to think, "What the hell, who could possibly have come by that evening? I don't have that many friends, certainly few who would drop by, and no enemies that I know of either. And nobody has a key." I make arrangements to spend the night elsewhere, and return to the scene late the next morning.

The guy who escorts me in is fire-department cleanup. My plan is to gather up a few things, then see if some other friends or family can put me up for awhile. The apartment is lost to smoke damage, which has made an acrid stench everywhere that's hard to bear even through the disposable breath-

ing filter. As I gaze around, it slowly registers that my crib has been sacked.

Then I see the search warrant and list of property seized on the dining room table, and I get that primal fear of apprehension in the pit of my gut. The growing system is gone along with the weapons (and some coins and other valuables that don't show up on the seizure list). Now I realize what this is all about, and shaking, I quickly put a few items in an athletic bag along with the search papers, aiming to get out of there fast.

My fire-person escort mentions some officials have come through and hauled out some things, but "we don't have anything to do with those guys," and suggests I go down to the Drayton Plains police department and check it out. I think, yeah, right, and *you* just go over to that balcony there and do a swan dive.

One of the men walking through the building, apparently a fire department employee, pulls a badge and asks me to stick around to talk with a fire investigator. My heart is in my throat, but I say sure. I get to a phone in the temporary Red Cross unit, call work, return a call that my ex-wife has left with the fire department. I assure her I'm fine, but may have some other problems.

The fire investigator, H, interviews me. He's polite, simply inquiring where I was (Don's, Bloomfield Hills bistro) and whether anyone has it in for me (No). As an arson investigator, H is no ball of fire, just a county employee going through the routine motions of a job. And that's fine with me at this point.

Walking through an airport with cuffs, escorted by cops, just like the movies. Real badass.

"Anything unusual, you can think of?" he asks.

"Nope."

I leave him and drive to work, where I ask an esteemed colleague the name of his divorce attorney (need a lawyer, any ol' lawyer, pronto). Hal Crockett is an old salt who knows the rules in the criminal world, too, and his assistant will handle the matter of contacting the detective and giving me up voluntarily upon service of the arrest warrant, if/when one exists.

The next days are filled with insurance claims, removal and restoration of items from smoke damage, moving in with some friends for two weeks, and, of course, trying to find out the status of the arrest warrant.

I remember going to the apartment that weekend with a friend to pick up some things. He's taking some boxes to the truck, and casually asks two women who live downstairs across from the storage area:

"Anybody have an idea of what started this?"

"We heard it was the cops."

But as far as I know, no official, including NAA personnel or their boys, have been considered suspects, nor has any work gone forward as to who the two (or more) men were at my apartment the night of the fire. I get a twinge of conscience, in case no one has mentioned these dudes to H, and express my misgivings to Crockett:

"You know a lady almost died at that place. I'm thinking the reason NAA isn't coming after me is they don't want to open any investigation into their own activities that night, or activities of people who may have been working under their guidance or loose authority. I'm thinking of going back to H, tell him what I've heard, maybe go to the newspapers."

Hal, the veteran barrister, leans back slowly in his chair, then issues his carefully weighed response:

"Are you out of your fucking mind?!"

After more contacts by the attorney with G and others at NAA, no arrest warrant is forthcoming. They don't return calls. We get written notification of a forfeiture hearing on the guns, which there is no point in fighting. Three years later, a "come-in" letter arrives in my mailbox, and again we contact the signer, and, again, no one knows jack about a warrant. Nothing in LEIN.

Time to forget about it and move on.

The Trial

A few months later, I go to Houston for that contract job.

Two years more and here I am in cuffs standing before the magistrate.

She shakes her head, having a hard time accepting 1) this is a seven-year-old incident, 2) the prisoner volunteered to come in back then, 3) the arrest warrant was just made public (put in LEIN) six months ago, and 4) the county had suddenly gone to all this trouble to bring him in. My escort cops even somewhat gratuitously testify:

"Your honor, we don't think Mr. Brandt poses any risk of flight."

She gives me what Puchalski calls the "Get Out of Jail Free" card (a personal recognizance bond of $10,000) with the proviso I can travel to Texas, wind up my affairs there, and return for the preliminary exam in three weeks. No out-of-pocket money.

Mom and I tag-team her '86 Ford Aerostar to Houston, pick up my car 50 miles away from where it was towed off (some vultures in Baytown relieve me of $200.00 for that), then we crash at my efficiency near the Galleria. Mom leaves for Michigan the next day in the van with most of my apartment contents. I hang around and give notice, then finish up work there in ten days, and head north with the rest.

It's time to face the music.

In a normal criminal court proceeding, you have two stages: a preliminary examination, to determine if there is reason to go to trial, and, assuming no plea agreement is reached, a trial. In Michigan, preliminary exams are held in district court, and any subsequent felony proceedings in circuit court.

The cards are stacked against you, as a defendant, even with a good attorney, and I have, arguably, the best in Michigan. The cops and the prosecutors are against you, as a matter of system function and job security — they represent the state. Judges, with few exceptions, function as cheerleaders and sacerdotal scorekeepers for the prosecution.

The prelim is quite an eye-opener. Detective G testifies to the events of the early morning of January 9, 1992. His manner upon examination by Puchalski is apologetic: "did not have a warrant initially, somebody at Oakland County said it was OK, long time ago . . . remember most but not like yesterday, physical evidence disappeared, we may have

pictures."

Puchalski: "Move to dismiss."

Assistant Prosecutor: "Inevitable discovery."

Visiting judge: "The court will adopt the argument of the prosecution and bind the defendant over on both of the charges. Bond will continue."

G knows Puchalski from Puchalski being a former assistant prosecuting attorney, and he indicates to Puchalski, in private, that the cops have no axe to grind here against his client and hopes the case can be dismissed or a good plea deal made.

My next milestone is the evidentiary hearing before Circuit Court Judge W for which Walt puts together a formal motion consisting of five due process reasons to dismiss the case:

1) Delayed justice
2) Illegal search
3) Loss of physical evidence
4) Questionable and nonverifiable conclusions from the evidence
5) Improprieties in issuing the warrant

Quite a compelling document. Naturally, the circuit court prosecutor finds nothing there to cause him to deviate from his customary punitive advocacy. And Judge W may dwell on the left side of the bell curve intellectually, but he also lacks initiative.

He tells Puchalski "Yes, yes, I understand we'll deal with all that at the pretrial," failing to grasp that, no, the judge is supposed to listen to and rule upon evidentiary issues *now*. That's why it's called an evidentiary hearing. Walt is astounded that W doesn't even realize how the system works, especially when this is a case, due to all its irregularities, that normally "gets kicked," i.e. routinely dismissed.

In the meantime I want to get the fire investigation report. I call Oakland County Arson and find out that the case is still open and they won't release the report. Puchalski gets a court order and they give us an incomplete report. It contains nothing of H's interview with me, and nothing of his exculpatory interviews with Don or the Bloomfield Hills barmaid.

But the fire investigators do narrate what Anne Lewis reports about the noises made by the men upstairs, so they've known about that all along. Who *were* those guys? Now, if you're a real fire investigator, you'd want to find them, wouldn't you?

If we go to trial, the question of who set the apartment fire will not be considered relevant, unless we have clear proof that it was set by police to obtain evidence. Even then, Puchalski tells me the evidence issues can't be resubmitted after they've been ruled upon in the evidentiary hearing. That hearing never happened, anyway, because W was such a dimwit.

So if the cops bust down your door without a warrant, kill your wife and rape your dog, and then catch you rolling a joint, don't expect to bring up any unprofessional police behavior at trial. "Inevitable discovery," absolves any police action if drugs exist. Judges are 90 percent pro-goon, at least in the People's Republic and budding fascist theocracy of Michigan.

Sorry, I lost it there. Where was I?

Eventually, the persecutor offers guilty to the "manufacture" felony, dropping the gun charge. Probation is acceptable to him — no need for doing time on a first offense — which is in accord with Michigan sentencing guidelines. Plus, with only the one felony, I can get it removed by petition in five years.

It was significant how the charges were eventually written up against me — separately. If the firearm charge had been connected with the other charge, then, *by statute*, it's an *automatic two-year prison sentence!* So G did me a big favor; he could have shattered my life with the stroke of a pen.

The probation interview precedes the sentence. One question is "Are you a homosexual?" to which I answer "No." Rather emphatically as I remember, because Puchalski told me one of his other heterosexual clients, who eventually had to do some time, got it mistakenly marked "Yes" by some careless or malicious probation officer).

When the sentencing day arrives in January, sure enough the report notes me as a homosexual. Further, it suspends my driving license for a year. This last is a consequence of another get-tough-on-drugs statute, but the statute was implemented after my "crime" was committed. Both issues Puchalski handles successfully with Judge W.

A few months later, on early release, it ends just as it began, sitting on my butt in a state office waiting for its byzantine machinery to process me and spit me out.

Why? I grew a natural plant that George Washington and Thomas Jefferson grew a bunch of. I liked it. My actions were peaceful and friendly (and uncharacteristically considerate, if you really want to get into the whole Tony Robbins motivational story). Did I deserve this treatment? Does anyone?

We have attained the status of petitioners in a courtroom, so naturally we are shackled and cuffed together — walking in a line wearing these goofy orange pajamas.

Until you've been there — through a tax audit, a profile traffic stop, a BATF raid, or any of a growing number of police-function assaults on peaceful, consensual activities — you can't feel the violation.

Today I was pumping gas and thought, "What if someone came up, held a gun to my head, stole my money, and drove off?" The *last* thing that crossed my mind was that I'd call the cops. Protecting people from violent crime is just a sideline for them now, a dying art. Their main task is harassment of ordinary people for victimless acts.

The law is an ass, and has become a grand oppressor: it has turned the nonaggression principle on its ear and made crimes of things that are not crimes. It has turned the government itself into a predatory criminal enterprise resting on odd new forms of slavery, where *anyone* can be shanghaied and tied to the next yoke on the road to the detention center.

As a meagerly defiant and average middle-class victim of this predatory system, I would be doubly proud if my story sounds an alarm of some kind and helps generate some corrective action. There's this dream I have where a group of people are milling around at a party talking about football scores and movies, while this 800-pound gorilla destroys the furniture. If we don't pay attention quick and do something smart, the party's gonna be over. ❑

Heroes of Freedom

by Jim Powell

The triumphs, trials and tribulations of liberty's greatest heroes.

Like many libertarians, I had long focused on the role of ideas in the history of liberty. I had also read widely about economic history and the history of law and culture relating to liberty. I was fortunate to have been at the University of Chicago when F.A. Hayek, Milton Friedman, George Stigler, Ronald Coase and Aaron Director were around, because they had an enormous amount of knowledge about the history of liberty.

It has only been during the last decade that I focused on a dimension of the story hardly anyone seems to have paid much attention to, namely the lives of liberty's great heroes. I pored through all the biographies I could find, drawing on major libraries and booksellers around the world. In addition, I read published diaries, published letters and original manuscripts.

The lives of these people turned out to be far more dramatic and poignant than I had imagined. I didn't realize how daunting the obstacles they faced were, how much they suffered and how much persistence, resourcefulness and courage was needed to prevail. Nor had I known how many friends of liberty inspired and helped each other. Long before political correctness became a scourge, there was a vigorous libertarian tradition in which an Englishman inspired Americans, an American awed the French, a Frenchman influenced the Greeks, a Dutchman helped save the lives of the English, an Italian reached out to people in India, a Swede inspired Jews and a German inspired people on every continent.

There were so many critical times in the history of liberty when everything involved in getting a job done — writing a book, giving a speech, soliciting volunteers — depended on a single individual or a very small number of individuals. Miraculously, these individuals seemed to come out of nowhere and often from the most humble circumstances. I wrote about some 65 people in my new book *The Triumph of Liberty*. Two were former slaves, one was a farmer's daughter, another was a pencilmaker's son, one was a hobo, and so on. These people transformed themselves into activists, writers, educators and political leaders who changed the world.

The Great Orator

I began the story with Marcus Tullius Cicero (106–43 B.C.), the earliest figure about whom much biographical material is available. He expressed principles of natural law, and amidst a violent age, he was a man of peace. He refused to build a personal army like other leading Roman politicians, and he spoke out against violence. "It is a hard thing to say," he declared, "but we Romans are loathed abroad because of the damage our generals and officials have done. . . . Do you know of a single state that we have subdued that is still rich, or a single rich state that our generals have not subdued?"

When the chips were down, Cicero displayed the courage of his convictions. He opposed Julius Caesar's schemes for one-man rule. After Caesar's assassination, he denounced Mark Antony's bid to become dictator, and Antony had him beheaded.

For centuries, though, people read Cicero because of his beautiful Latin prose. He had transformed Latin from a utilitarian language, serving generals, merchants and lawyers, into a poetic language. The first century A.D. Roman writer Quintilian remarked that Cicero was "the name not of a man, but of eloquence itself." As a writer, Thomas Jefferson called Cicero "the first master of the world." Historian Edward Gibbon, who elegantly portrayed Rome's decline, recalled that when reading Cicero "I tasted the beauties of language, I breathed the spirit of freedom, and I imbibed from his precepts and examples the public and private sense of a man."

Murray Rothbard hailed Cicero as "the great transmitter of Stoic ideas from Greece to Rome. . . . Stoic natural law doc-

trines heavily influenced the Roman jurists of the second and third centuries A.D., and thus helped shape the great structures of Roman law which became pervasive in Western civilization."

The First Pacifist

The Dutch-born monk Desiderius Erasmus (1469?-1536), endured wretched poverty and became a pioneering champion of peace. Historian Preserved Smith described the place where Erasmus lived in Venice:

> roots were burned as fuel, making nothing but smoke. . . . In summer the house was overrun with fleas and bugs. The wine was made by adding water to dregs of ten years's standing. The bread, made of spoiled flour twice a month, became hard as rocks. . . . In the autumn the fare consisted of small portions of shellfish drawn from the sewers. When the guest complained of these he was given soup made of the rinds of cheese, followed by a bit of meat, taken, two weeks previously, from the viscera of an ancient cow. The batter with which it was covered was just enough to deceive the eye, but not the nose.

Amidst such squalor, Erasmus scratched away with a quill pen and became perhaps the first to fully take advantage of opportunities opened up by Johannes Gutenberg's movable type. Erasmus translated Greek plays and the New Testament, wrote satires, letters, all sorts of other things, which enjoyed a wide audience across Europe. His *Dulce Bellum Inexpertis* (1515) is credited as the first book in European history making a case for pacifism, and the theme of peace runs throughout his writings. He attacked "the vengeful furies whenever they let loose their snakes and assail the hearts of men with lust for war."

Erasmus scorned those "whose belief in communism of property goes to such length that they pick up anything lying about unguarded, and make off with it without a qualm of conscience."

Erasmus risked the wrath of Europe's most powerful rulers when he wrote that a king is "carnivorous, rapacious, a brigand, a destroyer, solitary, hated by all, a pest to all. . . . Villages are burnt, fields are devastated, temples pillaged, innocent citizens slaughtered . . . while the king plays dice or dances, or amuses himself with fools, or with hunting or drinking." Ahead of his time, Erasmus urged a "limited monarchy, checked and decreased by an aristocracy and by democracy."

"Do you know of a single state," Cicero declared, "that we have subdued that is still rich, or a single rich state that our generals have not subdued?"

A Man of Common Sense

Thomas Paine (1737-1809) took big risks with every one of his major works. As an English immigrant to the American colonies, he risked being charged with treason for his pamphlet *Common Sense* which convinced Americans to pursue independence. *The American Crisis* inspired Washington's men and made clear that Paine was our most passionate pamphleteer.

After the Revolutionary War, Paine traveled to England, and he was there when his book *The Rights of Man* came off the presses. Pro-government newspapers denounced him as "Mad Tom." Churchmen delivered sermons attacking Paine. On May 17, 1792, the government charged him with seditious libel — a crime punishable by hanging. Excise tax collectors ransacked Paine's room. He hastened to Dover and boarded a boat for Calais, France in September 1792, avoiding an arrest warrant which arrived only 20 minutes later.

French officials considered Paine suspect because he was born in England — even though he could be hanged if he returned. In the middle of the night before Christmas 1793, Jacobin police hauled him away to Luxembourg Prison. On July 24, 1794, Paine's name was added to the list of prisoners who would be beheaded, but he got lucky. Prison guards mistakenly passed by his cell when they gathered the night's victims. Three days later, people had simply had enough of the Reign of Terror, and they beheaded Maximilien Robespierre, the most fanatical promoter of Jacobin violence. The worst was over, and Paine was freed.

Erasmus risked the wrath of Europe when he wrote that a king is "carnivorous, rapacious, a brigand, a destroyer, solitary, hated by all, a pest to all. . . ."

Paine's *The Age of Reason*, offering a critique of organized religion, outraged almost everybody, and he returned to the United States an outcast. President Thomas Jefferson, however, welcomed Paine, saying that Paine is "too well entitled to the hospitality of every American, not to cheerfully receive mine."

The French Revolutionary

Marquis de Lafayette (1757-1834) is one of my favorite heroes. He was wounded at Brandywine, Pennsylvania, during the American Revolution. He personally paid the cost of buying shoes for his soldiers, and helped corner British General Charles Cornwallis on the Yorktown peninsula, which led to victory. During the 1780s, he bought a plantation in French Guiana, liberated the slaves and showed them how to earn a livelihood on their own. Playing an important role in the early stages of the French Revolution, he ordered the capture of King Louis XVI who had tried to escape, and when Jacobins turned on Lafayette, he fled only to be captured by the Austrians and imprisoned for five years. Biographer Brand Whitlock described one of the prisons where "under the cross-barred windows of their dungeons drained the open sewers of the town. The stench was insupportable; vast swarms of mosquitoes rose from the river; dense fogs hung over it, and it bred pestilential fevers."

Lafayette emerged with little money because most of his assets had been expropriated, but he became a principal adversary of Napoleon who had established the first modern police state. After being defeated at Waterloo, Napoleon tried to retain power at home, but Lafayette demanded his

resignation. Eventually, Napoleon was forced to resign. Lafayette also played a key role bringing down King Charles X in 1830.

Meanwhile, Lafayette did more than anybody else to link friends of liberty everywhere. He was in touch with Thomas Jefferson, Thomas Paine, George Washington, Benjamin Franklin, James Madison, James Monroe, John Quincy Adams, Daniel Webster, Andrew Jackson and James Fenimore Cooper, among other Americans. He was a friend of Pierre-Samuel Du Pont de Nemours, Germaine de Stael, Benjamin Constant and Horace Say in France. He corresponded with Charles James Fox in England and Simón Bolívar (who helped secure the independence of Venezuela, Colombia, Ecuador, Peru and Bolivia). Lafayette encouraged Italian liberals, Spanish constitutionalists, and Greek and Polish freedom fighters — he even hid some Polish exiles in his attic.

Twentieth century historians generally belittled Lafayette as a simpleton, but even a tart-tongued biographer like Oliver Bernier acknowledged that:

> whatever his limitations, it is to Lafayette's glory that the one idea he seized on was that of liberty. Nothing can replace the right to speak, think, organize, and govern freely: from this all benefits derive. With his vanity, his obstinancy, his self-satisfaction, his thirst for popularity, Lafayette never lost sight of that all-desirable principle. For that, he deserved the gratitude of his contemporaries and the esteem of later generations. In a world where liberty is in very short supply, there are worse heroes than a man who never stopped worshipping freedom.

The Liberal Poets' Society

Then there's Friedrich Schiller (1759-1805), the greatest German playwright. He wrote one play about liberating the Swiss (*Wilhelm Tell*), another about liberating the Dutch (*Don Carlos*) and yet another about liberating the French (*The Maid of Orleans*). In his unfinished poem *German Greatness*, he urged his compatriots to renounce politics and war.

Hayek observed that Schiller "did probably as much as any man to spread liberal ideas in Germany." Ludwig von Mises declared, "Schiller became the preferred poet of the nation; in his enthusiastic devotion to liberty the Germans found their political ideal." That's why Schiller's work was banned by both Napoleon and Hitler.

Schiller displayed heroics in his personal life, creating his finest work despite severe asthma, tuberculosis, and liver and heart disease. The last nine years of his life, when he was virtually an invalid, were his most productive. A visitor reported in 1796:

> One cannot help seeing in what an uninterrupted state of tension he is living . . . for every moment of spiritual slacking off produces physical illness. And that is why he is so hard to cure, for his mind, accustomed to never-resting activity, is spurred to still greater efforts by physical suffering.

Thomas Mann wrote:

> It is not easy to stop, once I have begun to speak of Schiller's special greatness — a generous, lofty, flaming, inspiring grandeur such as we do not find even in Goethe's wiser, more natural and elementary majesty. . . . Schiller's mighty talent . . . his libertarian sentiments . . . he is a poet who knows how to bring tears to our eyes while at the same time rousing us to indignation against despotism.

William Lloyd Garrison

While Anthony Benezet, Thomas Paine and others had spoken out against slavery in the eighteenth century, there had never been a sustained antislavery movement in America until William Lloyd Garrison (1805-1879) came along. When Garrison came on the scene, two antislavery views dominated: that slavery should be ended gradually, and that slaves should be "colonized" back to Africa. Garrison launched the movement which aimed at immediate emancipation without compensation to slaveholders.

Garrison was a bold man of action. With the help of some friends, he founded (and for 35 years edited) the best-known abolitionist newspaper, *The Liberator*. He organized the New England Anti-Slavery Society which launched the abolitionist movement. He was a founder of the American AntiSlavery Society and he traveled continuously to speak about the horrors of slavery. He brought the great English antislavery orator George Thompson to America, and he recruited Wendell Phillips and Frederick Douglass — who

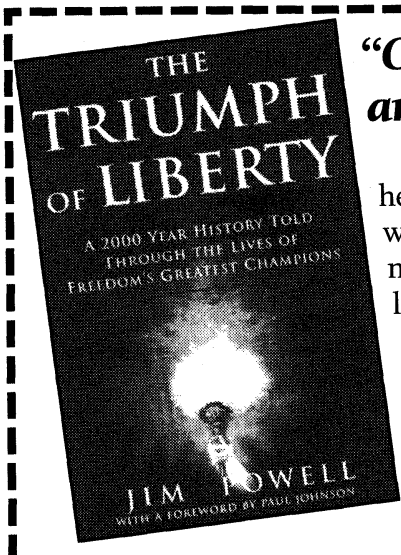

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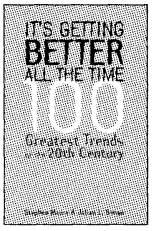

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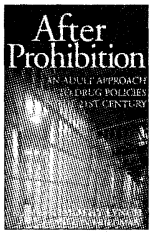

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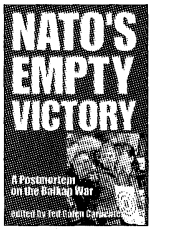

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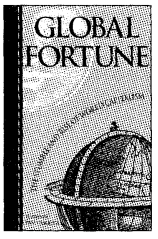

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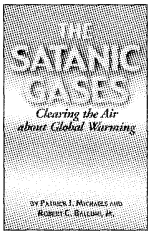

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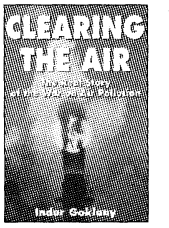

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became the most famous American anti-slavery orators.

Garrison's actions showed considerable courage, since most people in the North didn't want to hear about the slavery issue. Antislavery talk threatened to disrupt business and split the Union. And besides, even people who opposed slavery didn't generally like blacks. For his efforts, Garrison was jailed in Baltimore. North Carolina indicted him for provoking slave revolts. The Georgia legislature offered $5,000 — a huge sum in those days — for anybody who brought him back to their state for trial and probable hanging. Six Mississippi slaveholders offered $20,000 for anyone who could deliver Garrison. Proslavery goons put up a nine-foot-high gallows in front of Garrison's house. A Boston mob tried to lynch him.

Elizabeth Cady Stanton

Equal rights for women didn't just happen. Elizabeth Cady Stanton (1815-1902) insisted women must have the right to own property, to enter into contracts, to share custody of children and, as an important way of securing these rights, women must have the right to vote. Stanton launched the movement, wrote a substantial number of the most important speeches (for herself and others, including Susan B. Anthony) and helped start four organizations to promote equal rights.

Stanton kept at it tirelessly. Frederick Douglass recalled:

> [Y]ears ago in Boston, before the snows of time had fallen upon the locks of either of us, and long before the cause of woman had taken its high place among the great reforms of the nineteenth century, Mrs. Elizabeth Cady Stanton, then just returning from her wedding tour in Europe, did me the honor to sit by my side and by that logic of which she is master, successfully endeavored to convince me of the wisdom and truth of the then new gospel of woman's rights.

Susan B. Anthony (1820-1906) wrote her last and most poignant letter to Stanton, reminiscing that:

> It is fifty-one years since first we met and we have been busy through every one of them, stirring up the world to recognize the rights of women. The older we grow, the more keenly we feel the humiliation of disenfranchisement and the more vividly we realize its disadvantages in every department of life and most of all in the labor market.
>
> We little dreamed when we began this contest, optimistic with the hope and buoyancy of youth, that half a century later we would be compelled to leave the finish of the battle to another generation of women. But our hearts are filled with joy to know that they enter upon this task equipped with a college education, with business experience, with the fully admitted right to speak in public — all of which were denied to women fifty years ago. They have practically one point to gain — the suffrage; we had all. These strong, courageous, capable young women will take our place and complete our work. There is an army of them where we were but a handful. Ancient prejudice has become so softened, public sentiment so liberalized and women have so thoroughly demonstrated their ability as to leave not a shadow of doubt that they will carry our cause to victory.

After the suffrage amendment became part of the U.S. Constitution, suffragist Carrie Chapman Catt reflected that women had conducted:

> fifty-six campaigns of referenda to male voters; 480 campaigns to get Legislatures to submit suffrage amendments to voters; 47 campaigns to get State constitutional conventions to write woman suffrage into state constitutions; 277 campaigns to get State party conventions to include woman suffrage planks; 30 campaigns to get presidential party conventions to adopt woman suffrage planks in party platforms, and 19 campaigns with 19 successive Congresses.

Raoul Wallenberg

It's hard to imagine a more dramatic story than that of the amazing Swede Raoul Wallenberg who saved 100,000 Jews from Nazi death camps. In Budapest, 1944, he persuaded the Nazis that Jews holding his special passes should be under the protection of the Royal Swedish Legation, and he rented almost three dozen buildings to house these people. The Nazis figured they could get the Jews anytime they wanted, but the Allies had landed in Normandy, and the Russians were advancing from the East, so Wallenberg figured that the more deaths he could delay, the more would be avoided.

Of the major 20th century thinkers for liberty, F.A. Hayek, Ludwig von Mises, Ayn Rand and Thomas Szasz were political exiles.

The challenge was getting these special passes to as many people as possible, and Wallenberg was incredibly resourceful and courageous. For instance, Wallenberg's driver Sandor Ardai told biographer Harvey Rosenfeld:

> We had come to a station where a train full of Jews was on the point of leaving for Germany and the death camps. The officer of the guard did not want to let us enter. Raoul Wallenberg then climbed up on the roof of the train and handed in many protective passports through the windows. The Arrow Cross men fired their guns and cried to him to go away, but he continued calmly to hand out passports to the hands which reached for them. But I believe that the men with the guns were impressed by his courage and on purpose aimed above him. Afterwards, he managed to get all Jews with passports out from the train.

When the Russians entered Budapest in January 1945, they arrested Wallenberg and imprisoned him. He disappeared in the Soviet gulag. I interviewed his half-sister Nina Lagergren who lives outside Stockholm and his half-brother Guy Von Dardel who's in Geneva, and they reported that human rights investigators have been unable to track his movements through the Soviet prison system. Around the world, though, there have been tributes to Wallenberg since he redeemed hope for liberty and humanity.

Recent Heroes

Of the major 20th century thinkers for liberty, F.A. Hayek, Ludwig von Mises, Ayn Rand and Thomas Szasz were political exiles. Milton Friedman and Murray Rothbard were the sons of immigrants who fled from Eastern Europe and Russia respectively. All these individuals overcame resistance from hostile academics, journalists, editors and publishers. We owe much to their courage as well as their intellectual firepower.

I'm sure the future will bring more threats from politicians, terrorists and conquerors. But I have no doubt that in the new millennium, as in the past, new heroes and heroines will emerge to keep the torch of liberty burning bright. ❑

Reviews

It Didn't Happen Here: Why Socialism Failed in the United States, by Seymour Martin Lipset and Gary Marks. W.W. Norton & Co., 2000, 379 pages.

Socialism in America

Bruce Ramsey

The small minority of Americans who call themselves libertarians often miss how comparatively libertarian their country actually is. One indicator is that the United States has never had a major socialist party.

In their new book, *It Didn't Happen Here*, academics Seymour Martin Lipset and Gary Marks point out that America is the only industrialized Western country that can make that claim. Of course, government in America grew enormously in the 20th century, socialist party or not. In 1996, government at all levels in the United States absorbed 28.5 percent of the gross domestic product — far higher than in 1900. But it was still the lowest among comparable western countries.

Australia was at 31 percent of GDP; New Zealand 35.8, Britain 36, Canada 36.8, Germany 38.1, Italy 43.2, France 45.7 and Sweden 52. All have had socialist parties, and all but Canada have had socialist governments.

There *was* a movement in the United States to bring about a socialist government. The Socialist Party, formed in 1901, won 6 percent of the vote in the presidential election of 1912. It topped 10 percent of the vote in six states: Washington, Idaho, Montana, California, Arizona and Oklahoma. That was the best it ever did, though it hung around until the 1960s when it was run by poverty maven Michael Harrington.

Why the poor results? One reason is America's two-party system. Despite numerous efforts from the Populists to the Perotistas, no party has replaced the Democrats or Republicans. But plenty of causes have infiltrated and influenced them. The Nonpartisan League, founded in 1916 by an ex-Socialist, took over the Republican Party in North Dakota. During its reign it set up a state-owned bank, grain terminal, flour mill, packing house and cold storage plant. It imposed a graduated income tax and mandatory eight-hour day. The Nonpartisan League spread along the Northern-tier states from Minnesota to Washington.

In the 1930s came the Commonwealth Federations in Washington and Oregon, which included Socialists and Communists but worked within the Democratic Party. In 1934, Socialist Upton Sinclair, author of *The Jungle* (1906), launched a movement called End Poverty in California and won the Democratic nomination for governor. For his efforts, the Socialist Party expelled him. It even ran a candidate against him. The Socialist Party had reacted the same to the Nonpartisan League and the Commonwealthers. It wanted all or nothing.

In America, the authors say, a political movement has to be opportunistic. The Socialists were too doctrinaire. "Socialists tended to see politics in terms of absolute right and wrong, and it was difficult for them to envisage a strategy that involved institutionalized coalitions with non-Socialists."

In other Western countries, the key coalition for socialists was with organized labor. But in America, the Socialist Party made itself too radical for most unions. In 1911, Socialist Party leader Eugene Debs wrote "Not for all the votes of the AFL and its labor-dividing-and-corruption-breeding craft unions should we compromise one jot of our revolutionary principles." Debs bet his chips on the Industrial Workers of the World. It was a bad bet: the Wobblies, most successful with unmarried men in logging camps, peaked in membership in 1912 and were suppressed during and after World War I.

The Great War was a watershed. Labor shortages and regimentation invigorated organized labor and labor parties all over Europe. In America, the American Federation of Labor became a patriotic partner of Woodrow Wilson's crusade for democracy, and expanded to a size it would not see again until the New Deal. The Socialist

Party opposed the war. In 1918, Debs went to federal prison. In strongholds such as Oklahoma, where most Socialist membership was native-born, the party was tarred as anti-American, and wiped out. It survived best among the Germans of Milwaukee and anti-czarist Jews of New York.

Then came the Red Scare. Socialist writers argue that repression is what wrecked socialism in the United States, but the authors don't agree. Socialist parties in other countries survived far worse. Debs was allowed to run for president from his prison cell and won a million votes in 1920. President Harding let him out, which was both the right thing and the smart thing: Debs was no threat to bourgeois society.

In America, a political movement has to be opportunistic. The Socialists were too doctrinaire.

The high tide of the left in America came in the 1930s, a time when one-quarter of the American electorate told pollsters it favored "some kind of socialism." For the Socialists, the authors say, the Depression decade was the "final opportunity to build a viable political party." But the Socialists ran into master politician Franklin Roosevelt, who veered the Democrats to the left. Socialist intellectuals who had supported Norman Thomas in 1932 when he got 2.5 percent of the vote defected to Roosevelt in 1936. So did the garment workers' unions, the Socialists' last labor stronghold. Norman Thomas's vote shrank radically in 1936.

Then came World War II. Once again, the national government was pro-union and committed to supporting the Allies "short of war." The Communists, who had thumped for Roosevelt in 1936, were antiwar in 1940 because Stalin had signed a peace pact with Hitler. The Socialists were also antiwar — an unprofitable position on the Left. Norman Thomas got just two-tenths of 1 percent of the vote. The Socialists' final urban stronghold, Milwaukee, fell that year as mayor Daniel Hoan lost his reelection after 24 years in office. Hoan, like other "sewer socialists," became a Democrat.

Thus ended the Socialists as a party worth watching. Why had it failed? Partly it was the American political system, which tends to absorb any third party that matters. Partly it was their own zealotry, which kept them aloof from labor and from allying with other leftists. But there was another reason, the authors say: the deep-seated American ideology of "antistatism, laissez-faire, individualism, populism and egalitarianism."

For example, it wasn't just that the Socialists didn't want anything to do with the AFL. The AFL didn't want anything to do with the Socialists. The AFL, the authors write, "was the only union federation among those in western industrialized societies not to give its support to a working-class political party."

In antistatist America, the labor movement tended toward syndicalism, and was suspicious of the state. What changed labor's mind about such ideas as the minimum wage, state pensions and unemployment pay was the New Deal, and the New Deal cemented labor to the Democrats.

"I figure that says it all, sir."

One can argue, though the authors don't, that the Democrats became the *de facto* socialist party in 1932. In terms of the welfare state, they did. But there is more to socialism than government checks. The Democrats never advocated nationalization, and have since backed away from socialist ideas such as subsidized interest rates, guaranteed jobs, unlimited welfare and industrial planning. The shift rightward by the Democrats in the 1990s and the continuing decline in unions, the authors say, are "the best evidence of the enduring influence of libertarian values" in the United States.

The European socialist parties have also shifted right, and in that sense it can no longer be said that America is unique. In what sense is Tony Blair running a socialist party? But Europe has also seen the rise of the Greens, with a different sort of leftist vision. In 1999, the Greens were part of the governing coalition in Belgium, Finland, France, Germany and Italy. But not here. The authors end their book with the observation that the United States "once more stands out politically among western democracies in that it lacks even a minimally effective Green Party."

Nor does the U.S. have even a minimally effective libertarian party, one might add. The Libertarian Party of today, like the Socialist Party of the early 20th century, is a party of pure doctrine, suspicious of alliances, a party with no ties to a social or economic group, and stuck at 1 percent of the vote. As such, it is doomed to failure.

The Libertarian Party of today, like the Socialist Party of the early 20th century, is a party of pure doctrine, suspicious of alliances, a party with no ties to a social or economic group, and stuck at 1 percent of the vote.

But its agenda is not failing. Just as socialist ideas took root in the Democrat Party, libertarian ideas have percolated through the culture in the past 30 years and have taken root in the Republican Party. If the libertarian agenda is to be put into practice, it will be the Republicans that do it. ❑

The Devil and Sonny Liston, by Nick Tosches. Little, Brown & Co., 2000, 266 pages.

A Life of Hard Knocks

Gene Healy

Something about boxing attracts writers in search of the Masculine, and impels them to embarrass themselves. Gerald Early, Norman Mailer, Joyce Carol Oates, and others have imbued the sport with such dramatic, metaphorical significance — about Men, Race, Class, America — that it's easy to forget how uncomplicated an enterprise boxing really is: "Two guys trying to give each other a concussion," as a neurologist once unsentimentally described it to me. A.J. Liebling, author of the classic *The Sweet Science*, had a direct, laconic style that befit the sport. But few pugilistic chroniclers since Liebling have been able to avoid sentiment and nonsense. For instance, Norman Mailer's *The Fight*, a chronicle of the Ali-Foreman "Rumble in the Jungle," complete with passages on Negritude, Bantu "philosophy," and Manhood, contains such delightfully impenetrable passages as "When laughter presents such power, what are we to make of the African's attitude toward lust, the inevitable kuntu of *fuck* — yes, every word will have its relation to the primeval elements of the universe."

Nick Tosches has nothing but scorn for Mailer, whom he calls a "tough-guy manqué," representative of a pretentious "white intelligentsia who sought meaning and metaphor in boxing." But Tosches's new biography of Sonny Liston, heavyweight champion from 1962 to 1964, is as full of incomprehensible dreck as Mailer at his worst. Hemingway wrote that every writer needs a "built-in, shock-proof, shit detector;" Tosches's detector is keen when applied to other chroniclers of the "sweet science," but sadly defective when turned on his own work.

That Tosches has something of a flair for pompous portentousness is evident even from the book's jacket, which identifies him as the author of *"Dino: — A Brilliant Biography of the Man Who Embodied Menace for Mid-Century America."* Dino? Dean Martin? The charming souse who sang "That's Amore?" You've got to be kidding.

But he's not. And if Tosches can turn a character like Dean Martin into an archetype of menace, imagine what he can do with someone truly menacing, like Sonny Liston. Liston, probably the most intimidating heavyweight champ in boxing history, came out of the Deep South — Arkansas, Tennessee, the date and the place of his birth have always been a bit murky — and made his way to St. Louis, where he embarked on a career of petty, violent crime. A string of assaults and muggings soon landed young Liston in the Missouri State Penitentiary at Jefferson City, where he learned to box. He brought to the sport cold fury and natural physical talent. As author and former boxer Thom Jones put it, Liston was blessed with a left jab that "would decapitate anyone with less than a seventeen-inch neck."

The earning potential that jab represented wasn't lost on boxing's shadowy Powers that Be. Once out of prison, Liston became a wholly owned subsidiary of underworld characters with names like "Blinky" Palermo. In the early years, he apparently moonlighted as a legbreaker for the mob. Soon moving on to better things, Liston rose through the ranks of the heavyweight division and in 1962 knocked out gentleman champ Floyd Patterson to gain the heavyweight crown — though the phrase "knocked out" doesn't really do the act justice. Before the fight, Liston said of Patterson, "I'll kill him. I'd like to run him over in a car." He did the closest thing to it, utterly demolishing Patterson in two minutes and six seconds. Liston was champ for less than two years, and then lost two fights in controversial circumstances to Muhammad Ali, *né* Cassius Clay (Clay "came out" as a Black Muslim and changed his name after the first bout). After losing — or throwing? — the second fight to Ali, Liston had a few more fights, and died under mysterious circumstances in Vegas in 1970, of a heroin overdose, despite a well-known fear of needles.

Liston's story, then, is an intriguing and dramatic one; but is it as dramatic as Tosches makes it? Consider:

> [Sonny] spoke as one who knew in his blood what few others admitted: that no man — neither he nor they who had claimed him; neither prisoner nor he who sat in judgment; neither he in the gutter nor he who ruled from the Big House; neither he who knelt before God nor he who knelt before the indwelling darkness of himself — was ever his own man. No one in this world was free . . . that and that alone was nature; and to be aware of this, in thought and in blood, or in blood alone, was to possess something of wisdom, and therein lay the only manumission, the only elusive wind-blown cornsilk strand of freedom that was real amid the illusive and delusive freedom that all professed and praised.

Whew! Sonny Liston: not just a mobbed-up heavyweight who took a few dives, but a metaphor for the human condition and a walking refutation of Free Will!

While this purple prose may fit comfortably within the genre of post-1965, novelistic bloviations about boxing, by chapter three of *The Devil and Sonny Liston*, "Big Time," Tosches has reached what is surely a low point in pugilistic chronicling, with a passage that might make even Mailer blush. Tosches breaks off an account of the Kefauver hearings into mob influence on boxing for an (ahem) extended discussion of Sonny's penis. "Let's talk

cock," Tosches says, by way of subtle transition. Sonny, in case you were wondering, was big enough to "scare a horse."

It's a shame that so much of *The Devil and Sonny Liston* is so tough to take, because much of the rest is terrifically entertaining and absorbing. No one can match David Remnick's splendid 1998 book *King of the World* for its account of the Patterson-Liston-Clay/Ali fights, but Tosches does an admirable job nonetheless. He recalls for us the racially charged atmosphere of the first Liston-Patterson fight. Though both men were black, Patterson had been cast — and was somewhat complicit in his own casting — as the "white man" in the fight. The soft-spoken, gentlemanly Patterson was the sort of athlete who gave rise to the condescending phrase, "a credit to his race." We get a real sense from Tosches, as we did from Remnick, of how different things were in America before the Sixties properly got started. The NAACP openly rooted for Patterson and against the surly, menacing, mob-connected Liston; Percy Sutton, the organization's president, said that Patterson "represents us better than Liston ever could or would." Today, when Jesse Jackson travels to Decatur, Illinois to embrace hoodlums kicked out of school for rioting, it's hard to imagine that there once was a time when civil rights leaders felt an obligation to denounce thuggery. (Plus: A black guy named *Percy*?) At the time, even James Baldwin, famed literary apologist for Black Rage, lamented Patterson's ignominious defeat. Baldwin left the fight depressed, and went off "to have a drink, with love, for Floyd."

Sonny Liston: not just a mobbed-up heavyweight who took a few dives, but a metaphor for the human condition and a walking refutation of Free Will! Whew!

After his rematch with Patterson, which Liston won by knockout in two minutes and 23 seconds, Liston would lose his belt to 22-year old Cassius Clay. After six rounds, Sonny said "*no más*" and refused to answer the bell for the start of the seventh, complaining of numbness in his left arm. As infuriatingly suspicious as this ending was, it could not equal the rematch for controversy. Ali won the second bout with a first-round knockout, sending Liston to the canvas with, as Tosches puts it "a blow so slight that few could see it: a short right hand that seemed

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intended only to fluster and to fend off, a short right hand followed by a left hook that missed."

As David Remnick suggested in *King of the World*, watching the second Liston-Ali fight and trying to figure out whether the "phantom punch" really knocked Sonny out is like watching the Zapruder film and trying to figure out whether there was a second shooter from the pitch and roll of J.F.K.'s head. Remnick concluded that the knockout was real; Tosches doesn't buy it. He calls the second fight "a flaunted fix."

In fact, Tosches makes a fairly convincing case that both fights were fixed. Intercontinental Promotions, a mob-connected promotional enterprise of which Liston was a partner had, prior to the first fight, paid $50,000 for the rights to promote Clay's next fight, "a staggering amount to pay for the future rights to a single bout by a fighter who was facing almost certain defeat in his upcoming match with Liston." And both Liston's bodyguard and Liston's half-brother confirmed to Tosches that Sonny admitted throwing the fight at the mob's behest. To believe that Liston really lost both fights, Tosches suggests, one has to believe (a) that a man who in an insignificant fight once went the distance with a broken jaw would quit in the heavyweight championship because of arm pain; and (b) that a man who had been knocked down only once before would be knocked out by a punch that looked incapable of even ruffling him.

As interesting as Tosches's account of the Clay-Liston fights is, the most powerful passages in the book are not written by Tosches himself. They're the words of Liston's opponents, recalling the "new dimensions of pain" they experienced from the punishment Sonny meted out. Tosches has the good sense to let Liston's victims go on at length, uninterrupted. Heavyweight Marty Marshall, who actually beat Liston in an early fight, recounts their April 1955 rematch in tones of awe, fear and bewilderment. You can almost hear his voice crack as years later he recalls the indignity of the beating Sonny gave him. You see, Marshall had the audacity to knock Liston down in the fourth round of their rematch, and still wishes he hadn't: "I'm sorry to this day about that. Man, am I sorry. He hit me after that like — *nobody* should be hit like that. I think about it now and I hurt. He came out after me in the fifth round. He hit me with a right hand on my ear. It didn't knock me out and it didn't knock me down, but it hurt so much I just had to go down anyway. The next round, he knocked me down three times. He hit me in the stomach with a left hand in the sixth. That wasn't a knockdown, either. It couldn't be: I was paralyzed. I just couldn't move. I couldn't move enough to fall down."

Chuck Wepner, who lost to Liston on June 29, 1970, in Liston's last fight, recalled that "after the fifth round, I was target practice. My one eye closed, my equilibrium was off. Broken nose, broken left cheekbone, seventy-two stitches. They iced me down for two straight days. I was in shock for three days, I really was. . . . It got so bad near the end [that] when the guy landed a jab . . . I could hear the bone shattering." Wepner, who later fought Ali for

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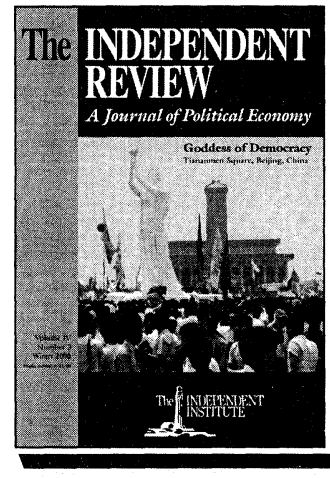

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the championship, said, "Liston was a lot tougher to fight. Ali didn't hit like Liston. Liston was the only man that ever hurt me."

Nick Tosches sees in Sonny Liston an emblem of fallen humanity, of our powerlessness over our own fate and the dark forces that tempt us. I don't know about any of that. But *The Devil and Sonny Liston* has convinced me of this much at least: Sonny was a mean son of a bitch and as formidable a heavyweight as we've seen before or since. In his prime, he'd have made Tyson his jailhouse punk and beat the British accent out of Lennox Lewis. One suspects that Liston, whose epitaph reads simply "A Man," would have been happier with that assessment than with Tosches's ungainly attempts to imbue him with transcendent significance. ❑

***Property Matters: How Property Rights Are Under Assault–And Why You Should Care,* by James V. DeLong. The Free Press, 1997, 390 pages.**

Taking Property Seriously

Bettina Bien Greaves

There just aren't enough things in the world for everyone to have everything he wants. If each of us is to obtain food, clothing, shelter and the other things that we need or want, there must be some arrangement for determining who gets what. Otherwise we would have to fight over everything; it would be Hobbes's war of all against all. The system of property ownership based on private contract that has developed over centuries provides such an arrangement, and made possible the development of voluntary social cooperation and markets. And the profit opportunities markets offer provide people with an incentive to cooperate and produce. This voluntary cooperation has enabled us to produce more and more of the goods that enable us to live more comfortably.

Production depends on private property; trade depends on private property; peaceful social cooperation depends on private property. Without private property and the assurance that the property rights of individuals will be protected, production, exchange and social cooperation are drastically reduced. The very survival of the world's six billion people, even the survival of civilization itself, depends on private property. Private property is the bedrock of civilization. Yet for some peculiar reason, books explaining the importance of private property have been few and far between.

But now we have James V. DeLong's *Property Matters.*

DeLong presents the case for private property, analyzes its difficulties, and explains the problems that result when private property rights are violated by government, the very entity obliged to protect property. DeLong begins by presenting the arguments for private property which have been made over the centuries. These arguments have been based on (1) justice, (2) economic efficiency, (3) political freedom, and (4) personal autonomy.

DeLong starts with John Locke's theory based on justice. According to Locke, "property" is created when a person mixes his labor with land. Thus it is unjust to seize another's property. To do so is an affront to the God-given nature of man: it is unjust to take from an individual the fruits of his labor.

The second argument for private ownership DeLong presents is that it is economically efficient. Ownership of property leads to ingenuity, and fosters economic well-being, investment, long-term conservation, efficiency, exploration and development. Following 18th century British jurist William Blackstone, DeLong describes property as consisting of a bundle of several interests, each of which may be sold or leased separately, increasing productivity by permitting one piece of property to serve several purposes at the same time.

According to DeLong, a third argument for private property ownership is that it promotes political freedom. The right to own private property makes owners free and independent citizens, self-responsible individuals, not subjects of a government that controls their every act and their role in life.

DeLong's fourth argument is from the point of view of personal autonomy; the right to acquire private property makes it possible for individuals to accumulate economic investments and to become economically independent; they no longer need to kowtow to the economically powerful.

So private property is vital! If private property were not protected, if no one knew what belonged to whom, social cooperation would disintegrate and the market would collapse. We would soon find ourselves in a dog-eat-dog society of the fittest and strongest, or forced to pay racketeers or corrupt officials for "protection."

Defining Property

Demonstrating that property is necessary for humans to flourish is only part of the challenge that DeLong tackles. There remain other, more vexing questions, the most important of which is determining who owns what property.

A person's property seldom exists in complete isolation. It touches, is connected with, and may impinge on the properties of many others. The consequences of what I do on my property may spill over onto yours. I might use fertilizers or pesticides that flow downstream or seep into groundwater which you use. I might drain a pond and flood your land. Or I might dam a stream and deprive you of water. Our properties may be reached by a public

road to which others have access and over which we have no control. Environmental changes and technology may alter the way we use our property and lead to unanticipated consequences that adversely affect others. If property rights are respected, however, such differences can usually be settled peacefully — by discussion, compromise, contract, arbitration, or adjudication in court.

But what of property that is not owned privately? DeLong argues that when property is collectively owned, those with access have an incentive to use its resources as fully and as promptly as possible; no one has an interest in conserving it. As a result, unless regulated or rationed, common property with any value will be overused. This is the "tragedy of the commons." We have witnessed the decline of whale, tuna, and salmon populations in unowned oceans; we have seen the pollution with sewage and manufacturing wastes of unowned lakes and rivers; we find overcrowding, littering, and deforestation of non-private highways, public parks and on the slopes of non-private mountainsides.

DeLong argues that when property is collectively owned, those with access have an incentive to use its resources as fully and as promptly as possible and no one has an interest in conserving it.

DeLong tackles some of the complexities involved in protecting intellectual property — such as songs, books, movies and plays. They deserve to be treated as property. But there are now additional problems due to the computer "revolution" and new techniques of reproduction — taping, photocopying, scanning, downloading, etc. What is needed, DeLong says, is some technical solution that can prevent copying. Property rights must satisfy the formula of the "three Ds" coined by Richard Stroup. "[T]hey must be (1) *defined* clearly so as to reside with a specific person or entity; (2) *defended* easily against nonowners who might wish to use or steal the asset; and (3) *divestible*, or transferable, by the owner to others on whatever terms are mutually satisfactory to buyer and seller" (156).

Endangered Species: A Market Solution

After demonstrating that property really *matters*, and arguing that protecting private property should be government's principal task, DeLong analyzes the effects of legislation intended to protect "endangered species" and to preserve "wetlands." He recites many horror stories. To comply with government's rules and regulations, property owners are often forced to spend substantial sums of money for alterations and/or to engage in expensive litigation. Their ownership rights become practically meaningless; they not only lose the freedom to use their property as they wish, but some owners even lose their entire investment.

To illustrate, DeLong cites the "endangered species" legislation, which began innocuously enough. At first it listed a mere 83 species of domestic fish and wildlife to be protected, but the number has been increased until now some 950 plants and animals are classified as "endangered" with several hundred others enroute to inclusion. At first the law applied only to federal agencies and federal lands, but by now it has also become a nationwide program of control over the use of all private land in the United States. At first the law made it illegal to "take," i.e., to kill or capture, an "endangered" animal species, but it has been made criminal to "harass, harm, pursue, wound, kill, trap, capture, or collect, or to attempt

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to engage in any such conduct," (101) and *harm* has been redefined to include any modification of habitat that injures wildlife by interfering with behavioral patterns. This made it a crime for private landowners to modify the habitat of an endangered or threatened species located on their own property, even if they don't know the creature *is* there, or that their land *is* its natural habitat. DeLong suggests that this legislation has drastically undermined private property rights and dramatically increased the power of government: "To uphold this rule would require a court to say that in 1973 Congress gave the secretary of the interior the power to control every acre of ground in the United States and to 'impose unfairness to the point of ruin . . . upon the simplest farmer who finds his land conscripted to the national zoological use'" (102). In 1995, the Supreme Court said "this was precisely what Congress meant to do, and upheld the rule" (102).

Landowners are well aware that finding an endangered species is a disaster. The species, not you, now owns the property.

The impact on habitat for endangered species and for wildlife generally has been severe, but not quite in the way the framers of the law intended. If a member of an "endangered" species is found in the neighborhood, owners who do not want to lose control of their property are foolish to allow it to remain attractive as a habitat; massive destruction is the wisest course. The economically rational course of action is to scorch the earth. "In the late 1980s, as the golden-cheeked warbler moved toward listing, a wave of habitat destruction swept through the area around Austin, Texas. . . . Ergo, Texans got out the chain saws and down came the oak and juniper" (103). The protections given the spotted owl in the Northwest also led to panic cutting, especially by small landowners who, while not immediately affected, owned forest land to which the owls might migrate. As in Texas, out came the chain saws:

> Nor is destruction limited to habitat. It extends to actual animals. Landowners are well aware that finding an endangered species is a disaster. The species, not you, now owns the property. The shorthand description of a common outcome is "shoot, shovel, and shut up." Again, the people who shoot a spotted owl do not hate the owl; they hate the government for putting them in a position where they felt they must shoot it. (105)

DeLong claims that market incentives would be more effective than punitive government action against property holders:

> Property rights advocates like to point out how different things could be if the incentives facing landowners worked the other way. What if the government paid a bounty for every species found on your land? Owners would compete to make their property attractive so as to lure the species. If one landowner found it more profitable to develop the land, it would not matter. This would open a market niche for a neighbor (105).

Preserving Wetlands

DeLong also discusses in some detail the government's program to preserve so-called wetlands. Here government has followed a similar path from definition to redefinition to jurisdictional expansion. The responsibilities of the Army Corps of Engineers for navigable waterways and those of the Environmental Protection Agency to prevent contamination have become intertwined. When representatives of the two agencies disagree, property owners cannot get clear answers to questions and are bound to run afoul of one agency or the other. Arbitrary and conflicting rulings have been the norm. Many property owners have been fined, imprisoned, or forced to tear down structures which they had been led to believe were permissible, and some have even lost their entire investments.

DeLong argues that because there is no effective limit on what the EPA and the Corps may spend to protect the environment, they face no logical stopping point. They may always argue that some additional step, or many additional steps, are necessary before the environment can be regarded as truly protected.

> Since the EPA and the Corps are spending other people's money and are not responsible for the financial health of either the people they regulate or the country as a whole, they lack any incentive to decline these additional steps. The single mission is the environment. Why should they listen to arguments that they should stop short of perfection? . . . The moral is simple: it is not wise to give an agency like EPA, which has the single mission of protecting the environment, the authority and responsibility to determine when the environment is now officially protected. . . . It will never reach that point. (151)

The result of the ambiguity over property rights has been misuse of resources, conflict, inflexibility, and continuing environmental harm. What

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Look for the November *Liberty* on newsstands or in your mailbox by October 1.

is needed is not more bureaucratic decision making, but a good dose of property rights.

One of the virtues of DeLong's book is that he argues eloquently against the idea that securing property rights will lead to the demise of community values or goals.

> The institution of property, one of the bedrocks of human liberty and autonomy, is a great engine of the wealth with which this nation has been blessed. The reasoning that places private property in opposition to community values is precisely wrong. Property is one of the major tools by which the community achieves its values. Given all this, defining property rights and protecting people's personal right to property should be a major, and a highly honorable, preoccupation of the legal system. (304-305).

Civilization depends on peaceful social cooperation. And the right to own property is essential for peaceful social cooperation. When individuals are secure in their property, when they cannot be deprived of it arbitrarily and are free to use it, trade it, and dispose of it as they choose, so long as they do not use force or threat of force to harm others, peaceful interpersonal relationships are fostered. Peaceful interpersonal relationships enable individuals to make contracts for the exchange of goods and services, and engage in other productive activities. New opportunities arise; people will come up with new ideas, dream of new and better ways of doing things, and develop resourcefulness and ingenuity. In this way, the right to own property is responsible for production, peace, prosperity and even for civilization itself. Many persons will agree with this. But few realize the extent to which the very survival of life as we know it in our global society, which depends on finely divided division of labor, rests on the protection of the right of individuals to own property. ❑

The shorthand description of a common outcome is "shoot, shovel, and shut up."

***Prometheus Bedeviled: Science and the Contradictions of Contemporary Culture,* by Norman Levitt. Rutgers University Press, 1999, 416 pages.**

Politicized Science 101

Douglas Puchowski

In *The Future and Its Enemies* Virginia Postrel posited a useful approach for viewing the contemporary political landscape. Cutting across the left-right dichotomy, she distinguished dynamists, or those acceptant of an open-ended future, from stasists, those seeking a fixed destiny. The distinction, in its similarity to the Nolan chart, was familiar to libertarians, but the book has resonated outside libertarian circles, even attracting *The New York Times* attention. Should it command a second edition a chapter might be added, identifying those dynamists who are also stasists and those stasists who pose as dynamists.

Norman Levitt is an example of the latter, a purported dynamist in science and math, but truly a stasist because of his support for state science and state control of other areas. He has written a broad ranging inquiry, examining the incongruities between the elitist character of advanced science and the equalitarian tenets of a democratic society. Some of the phenomena considered in *Prometheus Bedeviled* are familiar: creationists dismissing the evidence for evolution, postmodern philosophers challenging western epistemology with opaque tracts, the scientific illiteracy of the daily newspaper. Yet as microbiology and genetics continue to revolutionize human possibilities it seems clear the reverberations of this issue have only begun.

Prometheus Bedeviled is comprised of fifteen chapters, all but one having single word titles such as "Mathematics," "Credulity," "Technology," and "Culture." The chapter on education is among the strongest and offers a synopsis of Levitt's thinking. It begins by accounting for the United States' continued preeminence in science despite its poor rank in science education. The country's international reputation, material prosperity, and relative ease of immigration draw an influx of foreign scientists, who help fill the void left by poor schools. Another important factor was the post-Sputnik increase in government funding for science and engineering education. Taking a stance uncommon in academia, Levitt writes:

> for the science-recruitment policies of the sputnik era . . . [and] their unabashedly elitist character. . . . The operating hypothesis was that talent, whatever its origins in genetic endowment or early childhood experience, is a relatively rare resource, that positive measures are necessary to seek it out, and that once found it requires and deserves special treatment.

Yet Levitt notes that many contemporary educators hold students' self-esteem in higher regard than their intelligence. He writes that a mix of relativist epistemology and ed-school constructivism have led to educational practices that coddle more than teach. Identifying an idealistic egalitarianism that undergirds these ideologies, he counters with a pointed observation: "Research mathematicians [are] well aware of the great disparity of talent that exists even within their extremely selective profession." One general consequence of these educational practices is the increasing number of high school and college students who graduate without a real sense of their strengths and weaknesses. While graduate schools, at least in the sciences, have

maintained a high level of excellence, Levitt notes that this kind of egalitarian thinking has begun to slink into once-preeminent state institutions:

> The National Science Foundation — the patron . . . of some of the most science-friendly (and unabashedly elitist) programs of the 1950s and '60s, [is] an organization whose commitment to first-rate research has noticeably flagged. . . . Even as funding for top-flight research declines, the NSF has initiated a number of new programs explicitly hostile to traditional notions of excellence and eager to supplant them by the canons of political virtue long prevalent among postmodernists.

As an example of these programs, Levitt singles out a symposium entitled "Teaching the Majority" edited by Susan Rosser, a pedagogical theorist and Senior Program Officer for Women's Programs at NSF. About "Teaching the Majority," Levitt writes, "Its aim is to create new forms of science instruction that will supposedly be more accessible to women, non-whites, and homosexuals." Though I have not read Rosser's symposium, its goals seem odd: not long ago I had a girlfriend in an Ivy League med-school where, as I recall, roughly half of the students were non-white. Perhaps these numbers differ for strict science programs, but at this level it would seem mostly a matter of career choice.

Levitt is a dynamist in science and math, but a stasist because of his support for state science and state control of other areas.

Levitt's professional proximity to the academic left makes his critique particularly acute. His first book *Higher Superstition: The Academic Left and Its Quarrels with Science*, co-authored with Paul R. Gross, was the purported impetus for physicist Alan Sokal to propagate his now-famous "Sokal Hoax," a lengthy, farcical essay titled "Transgressing the Boundaries: The Transformative Hermeneutics of Quantum Gravity." The essay duped the editors of the postmodern journal *Social Text*, who published it. (Where were the scientists with a sense of humor when I was in school?) Unlike the ed-school theorists he disputes, Levitt's primary concern is for effective math and science education. There is real frustration when, in an earlier chapter, he writes of "having been through several rounds of 'reform' in calculus teaching." One problem is that science and math are taught, at least in the schools I attended, as disconnected from their histories, and hence from real-life applications. I recall several math professors, even at the university level, throwing their hands up when asked: "What use does this have in the real world?" It seems a typically American question, yet never was the development of mathematics from a practical to an abstract science explained (or how it moves from abstract to practical). Neither were any of the great mathematicians discussed.

Levitt closes his critique of the educational practices of the left by noting that:

> Hypertrophied political piety lies at the root. Constructivism and its variants offer convenient pretexts for the display of self-perceived political virtue. They make it possible for well-meaning math teachers, and the well-meaning ed-school theorists under whom they study, to think of themselves as activists addressing urgent political and social problems through their educational practices.

After twenty-two pages building this extensive critique, Levitt writes, "this is a society that, by and large, has little use for leftist ideas in its politics, in the way it thinks about economic issues, or in its approaches to public policy." The religious right is the greater problem. It is a point I will dispute momentarily, but assuming it is true, why spend so much of this chapter and of the entire book critiquing the left? The answer is not clear. My thought is that Levitt thinks in sentences, not chapters; this accounts for his stylish prose and explains his tendency to hedge his positions as a chapter progresses. The book is difficult to review without doing the same.

Creationists present obstacles to teaching biology, cosmology, and related subjects, but learning the truth about evolution or the origins of the universe requires a mere change in perspective, one obtainable with some inspired study. The controversy surrounding the topic is even likely to spur the curious to investigate further.

Constructivism and similar leftish educational practices enter at a fundamental level, thus the effects are more enduring. For example, I have several Hispanic friends, who detest the bilingual education they received, beginning in elementary school, which has contributed to their inability to speak fluently in either Spanish or English. Needless to say, it is not easy to write even a simple term paper when your locution mixes the syntax of two languages. This is the kind of setback requiring a serious commitment to overcome.

Levitt's professional proximity to the academic left has a downside: it informs his critique of the right. Regarding creationists he writes, "[m]uch could be said — but little needs to be." And he is correct, but when encountering a more challenging argument the results are unfruitful. In the chapter entitled "Plutocracy," he argues against Terence Kealey's *The Economic Laws of Scientific Research*, a book which makes a strong case for laissez-faire science. Kealey is a classical liberal who Levitt lumps in with the right — a flaw that clouds his rebuttal. Levitt notes that "technology often develops on serendipity rather than on developments undertaken with the aim of short-term profitability. A wide growing base of basic knowledge seems the surest warrant for technological advance." He misses that Kealey's argument is not one that necessarily favors applied science over basic research. Kealey's greatest concern is how each is funded. Drawing on studies done by B. Martin, J. Irvine and

It is hard to fathom how this group of highly intelligent and unabashedly rational people can appreciate the benefits that competition has within their own field, while condemning others to a state-enforced economic mediocrity.

others, Kealey shows that Japan, though more reliant on private funding for academic science, publishes a higher ratio of basic to applied research papers than do Britain, Canada, or the U.S. Instead of engaging with the details of Kealey's argument, Levitt builds his case against laissez-faire science on a number of questionable assumptions, including that research done for its practical applicability is not at all "curiosity driven" and that science funded with the hopes of realizing a profit necessarily has short-range applicability.

Levitt seems to forget that objective truth cannot be forced upon a human mind any more than unfounded belief can.

His weak response to Kealey's book has deeper roots. An avowed elitist in his own field of expertise, Levitt is, economically, an egalitarian socialist. It is a perspective he shares with a fair number of scientists from his post-Sputnik generation. It is hard to fathom how this group of highly intelligent and unabashedly rational people can appreciate the benefits that competition has within their own field, while condemning others to a state-enforced economic mediocrity. Levitt's intellectual history, however, offers a clue. The NSF began contributing to his intellectual development while he was a student at The Bronx High School of Science, one of the country's top five public high schools; it then provided fellowships for graduate school, and later a grant for his position at Rutgers. Since science is able to identify talent with an alacrity that eludes say, social service organizations, the result has been that state-supported science has made significant contributions, while limiting, or at least identifying, its excesses. As a measure of his earnestness, Levitt condemns the emphasis on military technology and the extravagance of the space program. The realization of Lord Acton's truth about power and corruption has, for these scientists, been slowed by the objectivity of their endeavor.

I notice that, aside from Kealey, very few libertarians have made practical arguments against government-funded science. It is partly because any attempt at writing a disinterested history requires an untangling of costs and benefits that is not easy. Yet, I sense there is also another reason, a conflict of interest perhaps, for it is safe to say that a mere fraction of the private wealth gained from patents transferred out of, say, Los Alamos Labs ends up in the hands of those who initially (and unwillingly) pay for the research.

In the book's penultimate chapter "Democracy" Levitt asks, "Is it possible to love democracy and yet remain vigilantly suspicious of the demotic?" Regarding the question as "Toquevillian," Levitt has the right author, but the wrong question. Most of the serious majoritarian ills he identifies are the kind that unchecked, state bureaucracies pullulate. More appropriately framed, the question would ask: How are we to regain a self-ruling democracy now that, to paraphrase de Toqueville, the majority is omnipotent? Further in the chapter Levitt writes, "purely democratic values are in perpetual contention with elitist ones," but he fails to distinguish between the elite arrived at through the disparate distribution of energy and talent, and the self-proclaimed elite that imposes its will on others.

For him endorsing epistemological hierarchies is among the state's functions. "The libertarian creed more or less insists 'every thinking being for himself,'" writes Levitt, "so that every aspect of a world view, every lineament of philosophy, must be created anew within each individual." It is pointless here to rebut the ridiculous half of this statement. Levitt seems to forget that objective truth cannot be forced upon a human mind any more than unfounded belief can. It is a lesson one can draw from the German physicists who rejected relativity not for problems in the theory itself but for its Jewish progenitor. One reason science has thrived in America is that the truths it reveals require no official seal of approval. People thinking for themselves: That this is the only way is obvious. That such freedom might encourage one to think is apparently not. ❑

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Terra Incognita

Cardiff, Wales

Evidence of the consequences of inadequate professional licensing in Great Britain, from the *Express:*

"I didn't see it coming," said Agnes Destiny, a professional clairvoyant, after her house collapsed. "I was totally shocked and surprised by what happened."

Boulder County, Colo.

Progress in the battle to protect the public from unlicensed businesses, as reported *The Associated Press*:

Health officials in Boulder County, Colorado, closed down 11-year-old Caitlin "Soda Girl" Rezac's lemonade stand because she lacked both a sink and a $110 operating license. Rezac's business was able to reopen when her father paid the licensing fee and a local sink manufacturer donated a portable sink capable of using a garden hose.

Bangor, Wash.

Local environmentalists protest the Navy's latest outrage:

A word-of-mouth report claimed that one of the Navy's nuclear submarines was going to shoot "water slugs," prompting protests by local environmentalists. The protesters were dispersed by an announcement from the Navy that "water slugs" are blanks fired from torpedo tubes to clean them out.

Portsmouth, Va.

The Navy has also angered animal rights activists in Virginia, as reported by *The Virginian-Pilot*:

The Navy hired wildlife experts from the U.S. Department of Agriculture for $21,621 to capture dozens of feral cats in the Norfolk Naval Ship Yard, despite protests from animal right activists from Peru.

Port Townsend, Wash.

Dealing with school violence in 21st century public schools, reported by the *Jefferson County Leader* :

A public school "educational assistant" told a Superior Court judge that "Being a victim has traumatized me beyond my wildest fears. It seems as if my life (as it once had been) has been taken from me at that moment on." The teacher's aide, who remains anonymous, had witnessed the brandishing of a red and yellow plastic toy gun by Elizabeth "Beth" R. Daubner. The toy gun resembled "in shape" a .38-caliber revolver.

The perpetrator was sentenced to 30 days detention, $390 in court fees and restitution, and counseling.

New York

Interesting cultural observation, from *NBC News*:

"The importance of the sports bra to American women really cannot be overestimated," Katie Couric observed.

Seattle, Wash.

Eternal vigilance is the price of a non-sexist society, as reported by *Seattle Weekly*:

A life-size female-shaped inflatable doll was briefly left in a staff restroom at a roadside truck-scale station operated by the Washington State Police, where it drew a few chuckles. About one year later, a supervisor saw passing reference of the doll in an officer's journal and launched an internal investigation of this incident of sexual harassment, which lasted for three months, produced over 200 pages of documents and interview transcripts.

Minneapolis, Minn.

Advance in police science in the North Star State, reported by the estimable *Star Tribune*:

Minneapolis police, fearing possible protests against an animal genetics conference scheduled to begin July 21, 2000, announced plans to screen pedestrians on a two-block stretch of Nicollet Mall, to verify that every one has a legal reason to be there. Inspector Sharon Lubinski said the screening may involve stopping, questioning and even searching people.

Inspector Lubinski declined to say what will constitute legal reasons to walk on the mall or what would happen to people whose reasons for being there are disputed by police.

Altamonte Springs, Fla.

Interesting community relations activity by police in central Florida, reported by the *Orlando Sentinel*:

A 14-year-old girl asked police officers Michael LaVoie and Thaddeus Antoszewski to take a photo at the Red Hot & Boom celebration in Altamonte Springs. Instead, Officer Antoszewski took a close-up picture of LaVoie's genitals.

Annapolis, Md.

Curious observation about child psychology, by the Hon. Cynthia A. Carter, an alderman in Annapolis, from an interview in *Small Arms Review*:

Question: Should it be illegal to make these toy guns?
Answer: Absolutely!
Q: Really?
A: Absolutely! And if I had my way it would be.
Q: Making toy guns should be a crime?
A: Yes.
Q: And what should be the punishment?
A: The same as it would be if you made a real gun. Not every child can distinguish between a real gun and a toy gun. Their minds are not developed that way.

Washington, D.C.

One American politician, the choice of 1.2% of the electorate, is still able to dream boldly, from *WorldNetDaily.com*:

Patrick J. Buchanan says that he could win the November 7th election if he were allowed into the debates with Bush and Gore.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

Sighting in the Second Amendment

by Jacob G. Hornberger

We should not let the hoopla associated with the Million Mom March cause us to lose sight of the real purpose and meaning behind the Second Amendment: the ability to protect ourselves from the tyranny of our own government.

Virtually all the arguments in the gun-control debate have revolved around gun violence in American society. The proponents of registration, licensing, waiting periods, gun buy-backs, and even gun confiscation aim to rid our society of gun-related deaths.

But as their opponents have so ably pointed out, the means that the advocates of gun control are advocating are not likely to achieve their ends. People who violate laws against violence are not likely to feel constrained by gun-control laws. And people who do obey the gun-control laws are going to be less able to defend themselves against those who don't obey the laws.

Moreover, there is no reason to believe that a war on guns will rid American society of guns any more than that a war on drugs has eradicated drugs from our society. Those who wish to purchase illegal guns will be able to do so on the black market as easily as they purchase drugs on the black market.

Thus, the ultimate consequence of gun control would be a society in which violent antisocial people are armed while peaceful, law-abiding people are disarmed. Of course, that's a prescription for disaster for those who are disarmed.

But despite its obvious importance, being able to protect oneself from murderers, rapists, robbers, burglars, and the like is not why the people of the United States enacted the Second Amendment to the Constitution in 1791. The true purpose of the amendment — one that modern-day Americans forget at their peril — was to protect us not from private thugs but rather from government ones.

Don't forget that revolutions are, by their very nature, wars against one's own government. Keep in mind that when George Washington and Thomas Jefferson revolted against England in 1776, they were British, not American, citizens. At various times throughout history, people have taken up arms against their own government because of what they considered to be nasty and brutal acts that their own officials had committed against them.

Historically, the biggest threat to the freedom and well-being of a people has lain not with some foreign government but rather with one's own government. And as Thomas Jefferson pointed out in the Declaration of Independence, if a government "crosses the line" by engaging in overly tyrannical conduct against its own citizens, it is the right of the people to meet force with force, even to the point of violent revolution.

Resistance to tyranny and violent revolution, however, requires an essential ingredient — weapons. In the absence of weapons, there is only one course of action in the face of government brutality — obedience. A disarmed society is an obedient society, a society in which, at the extreme, people obey their own government's orders to follow the line into the gas chambers.

This point was recently reflected by what Fidel Castro said about the U.S. government's raid on the home of the Miami relatives of Elián González. He commented that his forces would not need to be armed to conduct a similar raid in Cuba because Cuban citizens are not permitted to own guns. What he failed to say, of course, is that because of gun control, the Cuban people also lack the means to overthrow the gun-toting communist thugs who rule over them.

"But in America, our leaders are democratically elected. We are the government. There's nothing to fear here." But given the proper circumstances, a democratically elected government can be even more tyrannical than a totalitarian one. Remember: the very purpose of the Constitution and the Bill of Rights is to protect us from our own democratically elected government officials!

When citizens are well-armed, government officials must think twice before going too far down the road to tyranny against their own citizens. Thus, the right to bear arms protected by the Second Amendment is the best insurance policy that the American people could have against tyranny.

Mr. Hornberger is president of The Future of Freedom Foundation in Fairfax, Va., (www.fff.org) and co-editor of ***The Tyranny of Gun Control.***

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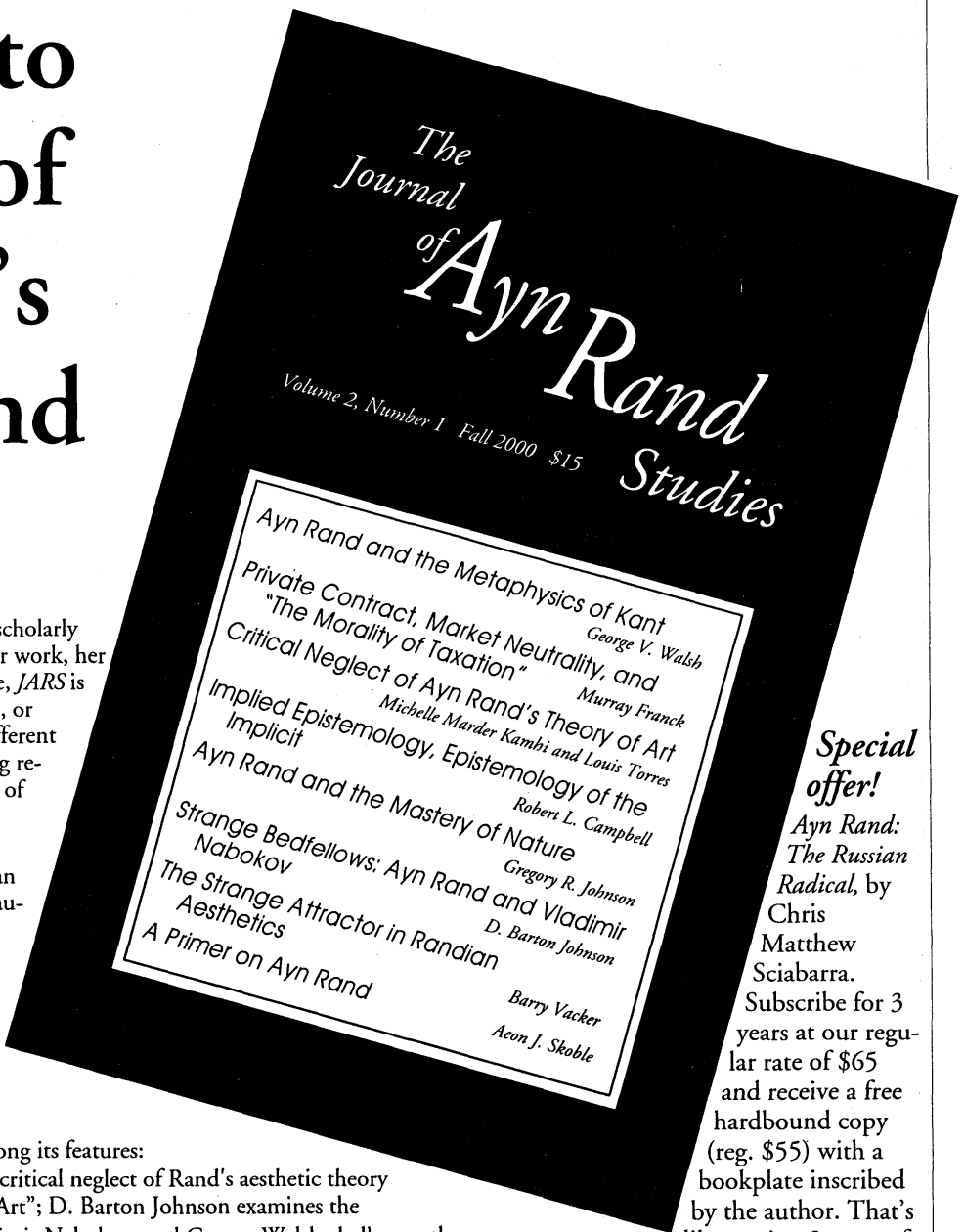

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Our first year was a milestone for Rand scholarship, and our second year promises to be even more exciting!

Our Fall 2000 issue is our largest ever. Among its features: Michelle Kamhi and Louis Torres explore the critical neglect of Rand's aesthetic theory in "Critical Neglect of Ayn Rand's Theory of Art"; D. Barton Johnson examines the strange parallels between Ayn Rand and Vladimir Nabokov; and George Walsh challenges the Objectivist view of Immanuel Kant in "Ayn Rand and the Metaphysics of Kant."

Provocative book reviews: Lester Hunt on Tara Smith's *Viable Values*; Mimi Gladstein on Douglas Den Uyl's *The Fountainhead: An American Novel*; and Aeon J. Skoble on Allan Gotthelf's *On Ayn Rand*.

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Inside Liberty

November 2000
Volume 14, Number 11

4 Letters Who is Bart Kosko, and why are so many people mad at him?

7 Reflections *Liberty's* editors propose building a new mountain range, joust with Coach Knight, devour some presidential pastry, crash some major parties and throw another billion on the fire.

Features

21 Confessions of an Ex-Drug Warrior *Sheriff Bill Masters* tells the frightening truth about the jihad that he now protests.

23 The Peasants Revolt The British have never had much inclination to protest taxes. But with gasoline taxes at $4.25 per gallon, things were bound to change. *Stephen Berry* reports.

25 How Al Gore Will Save America From Tax Cuts *Stephen Slivinski* did the unthinkable: he actually read all 191 deadly dull pages of Al Gore's economic plan. And it scared the bejesus out of him.

27 War on Privacy: News From the Front *Adrian Day* confirms your worst fears.

29 I Go Down *R. W. Bradford* gets to know the open road very intimately.

33 Walking the GOP's Abortion Plank *Sarah J. McCarthy* examines a weird Republican dance.

37 Mid-Life Crisis in the Browne Campaign *Ken Sturzenacker* and *R. W. Bradford* audit Harry Browne's second crusade for the White House.

43 The Best Little Whorehouse in Kooskia, Idaho *Michael Freitas* recalls the last time he met an honest lawman.

48 No Place for Friends *Dave Kopel* discovers that these days, you can't even choose your own friends. At least you had better not try to if you're a student in a government school.

Reviews

51 Inside Al Gore Behind his wooden facade, Al Gore is . . . a wooden politician. *Clark Stooksbury* checks for termites.

52 The Devolution of Liberalism *Bruce Ramsey* looks at the degeneration of liberalism within three generations of one family.

56 The Tech Shall Make You Free *Jane Shaw* discovers that even a *New York Times* reporter can figure out how changing technology is making government regulation obsolete.

58 The Indian Mystery *Matthew Brown* wonders how a country born in nonviolence and sustainable enterprise became a country that brandishes atom bombs and despoils its countryside with gigantic dams.

59 Notes on Contributors Who we are and what we do.

62 Terra Incognita Go figure.

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Letters

To Serve and Protect

R. W. Bradford rightly decries the dereliction of duty of New York City Police (Reflections, August) for doing nothing while 50 women were assaulted in Central Park. I suspect Rodney King wished the police just "did nothing," likewise the cameraman at Elián González's "liberation," and police suspect Louima who was sodomized with a broom.

It is very unfortunate that no one helped those 50 women, but perhaps we should all give a sigh of relief that the "subculture with terrible values," "too many bullies" and "cowards" did nothing. Just think how bad it could have been!

Personally, I'm tickled with the vision of 40 cops, huddled, and afraid to "do something."

Joe Dabulskis
Adams, Ore.

Bad Libertarian, Bad

Based on his "Reflections" (October) on the implications of Napster for libertarians, Andrew Chamberlain leaves the impression that he was dozing off a little during the lectures in Introduction to Libertarianism. Supporting special favors to businesses, such as copyright laws, is not libertarian.

When artists and recording companies sell recordings they may be operating "under the assumption of copyright protection," but they have no right to rely on this governmental privilege. Had they truly desired to protect their material from being duplicated, they could have obtained the express agreement of purchasers (a) not to copy their recordings and (b) to agree to whatever kind of monitoring and liquidated damages the record sellers deemed appropriate to enforce such a contractual provision.

Sellers of unique products are free to negotiate contractual limitations on the use of their products if they so desire, but any alleged violation of such agreements would simply be a garden variety breach of contract, not a theft, since nothing is taken from the seller.

Some artists (e.g. Grateful Dead lyricist John Perry Barlow) have already advanced very libertarian and technologically sophisticated arguments in support of music consumers who seek to trade their tracks. For the artists, the key to ultimate prosperity is getting as many people as possible to listen to their music (thereby enhancing revenues for personal appearances, new releases, t-shirts, etc.).

There is no need for "intellectual property law . . . to adjust to this new environment," as Chamberlain suggests. People who claim to be artists should learn to be more creative in marketing and distributing their products, instead of calling on "Big Brother" to kill the goose that laid the golden egg.

Richard Allen Vinson
Novato, Calif.

A Challenge for Browne

I just read "Go for it Harry!" (October). We all need to grow up and put our beliefs to the test. Having armchair discussions of hypothetical situations on liberty is adolescent. My own Randian roots have changed as I have confronted the real world of Corporate America, my "calling" and intimate relationships. I have grown stronger in my philosophy by putting my ideas into action. I can only hope that Harry Browne will have the good sense to either make Ken Sturzenacker his campaign manager or at the very least use the ideas he has presented.

The LP is like an adolescent waiting to grow up. Harry Browne can do it. He can move the LP to the next level and in the process move himself to the next level. Life has a way of challenging people in their most fundamental strength. Harry Browne is an honest man. Life is challenging his honesty. It is saying "OK, Browne, can you stay true in the most corrupting profession?"

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Harry Browne, are you up to the challenge or are you a coward that chooses the safe rear guard?

Gary Rhodes
Issaquah, Wash.

It's What's for Dinner

Tim Slagle has a lot of fun at the expense of vegetarians (Reflections, September), but the issue he raises is an interesting one.

For many years the human race has needed to kill and to eat animals in order to survive. In many parts of the world, such needs still exist. But, closer to home, improvements in technology have changed the circumstances of man's dependence upon eating animals. For many, animals are no longer killed for survival but for culinary pleasure. Alternatives to killing animals for food exist. Should we not be legally obligated to exercise such options?

As a man, I demand my liberty, and as a libertarian, I demand it for others. I do not suppose that somewhere along the evolutionary ladder humans gained a genetic voucher to do with animals whatever we wish to do.

Why are animal rights important? Because man's conscience will be the next battlefield for freedom. Individuals are sorely mismatched to go hand-to-hand with today's technologically equipped state. To win this war, ideas of might makes right will ill serve our cause.

I do not take this stand for the animals, although like everyone, I love the cute little devils. But, were I to witness a child mistreating an animal, my concern would be more for the child.

Jeremy Jay Lynes
Atlanta, Ga.

The Propaganda Generation

I enjoyed immensely Merrel Clubb's (August) summation of the more savory aspects of "his generation." However, Professor Clubb left out an important aspect of Tom Brokaw's cheery attitude to those who seemingly served in a different war — the utter hypocrisy of Brokaw and his generation in making millions of dollars from the bloody efforts of men who did what they saw as their duty.

In the recent dedication of the World War II Memorial, the usual cast of propagandists showed up. Tom Hanks, Steven Spielberg, Secretary of Defense Cohen and the aforementioned Brokaw were all on hand to celebrate America's glorious victory over the evil Japanese and the obviously more evil Germans (no one mentioned the Italians). Now, what does this glorious cast of characters all have in common? Unlike Clubb, they each managed to avoid serving in the wonderland of Vietnam. Spielberg and Hanks have made millions upon millions of dollars using the exploits of real dead guys who died charging up beaches no actor or director would think of visiting without his attendant to brush the sand out of the way. Brokaw has got in hundreds of thousands, if not millions, of dollars. Cohen, this administration's Republican star, has had to make do with sending American planes and soldiers into harm's way without bothering to ensure they were bombing the right targets. Perhaps, though, his is the biggest thrill.

Matthew M. O'Connell
Honolulu, Hawaii

Defending the Greatest Generation

Merrel Clubb ("The Greatest Generation?," August) and Tom Brokaw ignore the fact that the Japs had been raping, enslaving and killing in East Asia for seven years before Pearl Harbor.

For their bestial, subhuman behavior, pulling the gold out of their teeth and summarily shooting them was very light punishment indeed. They should have been fried like animals on a spit, starting with Hirohito.

Neil Elliott
Evanston, Ill.

Box Office 1, History 0

As a Scottish libertarian, it is puzzling to read that some LP members see "Braveheart" as a libertarian movie (September). Academic research of the limited records of William Wallace's life suggests that, whilst he was a hero to many, he may also have been responsible for the murder of innocent women and children. If so, he was no libertarian.

The acclaim for Mel Gibson's "Braveheart" is equally puzzling. The opportunity to make a true epic was lost as historical accuracy was sacrificed in the pursuit of box office "success." Wallace's men were depicted as a tartan-clad, blue-faced and ill-equipped mob. The joke "kilt lifting" scene was copied from "Carry On Up the Khyber." They would, in fact, have been dressed and armed in a similar way to their English adversaries (helmets, chain mail, etc.). The tartan and the kilt emerged several centuries later. The Scots were tactically astute but the vital role of Stirling Bridge was omitted from the battle scene. Wallace's affair with Edward I's daughter-in-law was, of course, Gibson's self-indulgence. The portrayal of Robert the Bruce as a dithering wimp was a huge insult. Also, records suggest that Wallace was a fierce, towering figure who was well over six feet tall in contrast to the diminutive Gibson.

If American libertarians seek inspiration, they should look elsewhere.

Kenneth Irvine
London, England

A.A. Q & A

As a dues paying member of the Libertarian Party, a subscriber to *Liberty*, an opponent of the "War on Drugs," and a member of Alcoholics Anonymous I read with great personal interest Jeff Riggenbach's review of *Addiction Is a Choice*, by Jeffrey A. Schaler (September). I agree with everything in the review except the reference to Alcoholics Anonymous. Its religious allegiance is described in the A.A. pamphlet "44 Questions":

> Question: Is A.A. a religious society? Answer: A.A. is not a religious society, since it requires no definite religious belief as a condition of membership. Although it has been endorsed and approved by many religious leaders, it is not allied with any organization or sect. Included in its membership are Catholics, Protestants, Jews, members of other religious bodies, agnostics and atheists.

My own experience in Alcoholics Anonymous has given me freedom from the bondage of alcohol, and thus the liberty to act in a manner of my own choosing. I encourage any suffering alcoholic to leave the door ajar. You might find that A.A. will give to you what it has given to me — freedom and liberty.

Gardner M.
New Haven, Conn.

Take No Prisoners

Three cheers for Kyle Rothweiler! ("Letters," September) At last a libertar-

ian who, like myself, has had it with the "forgiving" approach that seems to be in fashion with some libertarians. I'll cut right to the chase: I hate the government and its agents and I live for the day when we can have trials for these scumbags and they are dealt with once and for all! The enemies of liberty in the government, the media, the churches and so on will never be nice to us; any libertarians who think we can win them over with kindness are deceiving themselves. Rothweiler is right: people in government choose to be in that line of "work" and they deserve no sympathy when the long overdue uprising in America finally occurs. If we truly want our liberty back we must think as revolutionaries and not be squeamish about what must be done.

Perhaps pro-freedom activists should start keeping lists of all the government parasites and pigs they know of in their town, so we'll know who to nail when the time comes. I've started mine already!

Mark Richards
West Milford, N.J.

The Last Refuge of Scoundrels

John Haywood's review of *The Patriot* stresses many of the same points that I mentally noted when I viewed the movie earlier this summer. I found myself agreeing with him on almost everything, with one very big exception. Near the beginning of the film, Mel Gibson's character, Ben Martin, is reluctant to join the rebellion. Having done so, the writers need a powerful image to demonize the British and justify his involvement in the rebellion. What better way than to have the English act as proto-Nazis by herding the population of a village into the local church, securing all the exits, and torching it.

My reaction when I saw the movie was quite different. I subsequently tried to search for the truth, including asking some historians whom I knew. I will admit that my research was by no means exhaustive, but I could not find any evidence of such an incident in the Revolutionary War. I have thus concluded that, as noble as the rest of the movie was, this gross historical distortion invalidates the entire film.

Why such a harsh judgment on my part? For the reason that including this incident in an otherwise excellent film goes beyond the pale. The English may have been nastier than the Americans, but they were not Nazis. If the writers of the film had reflected on this, they could have devised an incident that would have been both plausible and historically accurate, or at least not grossly inaccurate, to cause Ben Martin to join the revolution. The writers failed to do this, and went far beyond the limits of artistic license. A work which could have been an unqualified success was transformed into another failed Hollywood attempt at historical fiction.

L. Hatzilambrou
Scottsdale, Ariz.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

Send letters to: Liberty, P.O. Box 1181, Port Townsend, WA 98368. Or use the Internet: letterstoeditor@libertysoft.com.

The Truth About Lebanon

Perhaps Bradley Monton ("The Day Israel's Army Left," September) is too young to remember how Israel got into Lebanon, in which case he should learn history, and so should you before publishing falsehoods and half-truths.

When Israel went into Lebanon, the northern towns of Israel were under constant rocket attack by the P.L.O. and other terrorist organizations, who were using Southern Lebanon as an operating base. They were also launching constant armed attacks on Northern Israel from Lebanon, including one in which several Jewish infants were murdered in a nursery. This is how the high-minded murderers so beloved in the United Nations conduct themselves. If I may be be so bold, no moral authority can be created by taking a collection of tyrants and bringing them together in a building by the East River in New York City and calling them the "United Nations." One-sided resolutions have no moral force, even if Monton likes them.

When Israel went into Lebanon, the Lebanese government controlled only a small part of its own capital. The rest was controlled by a collection of militias, warlords, and an alien occupier calling itself the Palestine Liberation Organization.

Under international law every country has the right of self-defense, and both the right and the obligation to protect its citizens and territory from attack. That is apparently every country except Israel. We sent the U.S. Army under General Pershing into Mexico because of one attack by Mexican bandits on one Texas town, and the Army stayed in Mexico several months. Israel was under constant attack from Lebanon for several years, and to my mind a Jewish state has as much right and obligation to protect itself as a Christian state, even if the Security Counsel does not agree.

Edward S. Raskin
Deer Park, N.Y.

Corporations, Not Persons

I disagree with David Bean's contention ("Letters," September) that the best way to handle corporations is by more government regulation. The best way to handle corporations is quite the opposite: take away all the privileges and rights granted to them, including limited liability for their owners and managers. The law should stop regarding corporations as persons with rights, and hold individuals responsible for the actions and crimes of "corporations."

Jonathan Miller
Chevy Chase, Md.

A Different Kind of Communist

As is often the case with men writing intentionally inflammatory rhetoric, Bart Kosko has overstated and decontextualized a few things in his "Jesus Christ: Family Hating Communist," (September).

First, there is little doubt that Jesus and his followers were communists (or at the very least communalists) but there is no indication that they were statist, which while not implied in the article at least should be pointed out for the sake of the reader. In fact Jesus was no friend of either the Roman Empire or the Hebrew Sanhedrin. It would be wiser to say that he was anti-materialist than communist.

Second, the context of the gospels quoted (Luke 14:26, Matthew 10:34-36 and Thomas 55) is dropped, and is arguably very important. Whether from translation or neglect, the object of these is not that Christ is against the family as a unit or a concept. What he is against is divided loyalty. He isn't saying you must hate your family, you just can't

continued on page 20

Reflections

A good law — I can think of one law I'd support: a law against urging people to vote. If you can't find out on your own that there's an election, you shouldn't be allowed to vote. — Sheldon Richman

Next window, please — If the government were sincere about its desire to increase voter turnout, they'd conduct polling on April 15 at post offices. — John Haywood

The other white meat — The *Times* of London reports that the first artificially grown nipples in human trials were "constructed from cartilage that has been derived from purified pig ear cells." Tits today, silk purses tomorrow. Ain't technology grand? — Paul Rako

This warning may be hazardous to your health — Several legislators are rallying around the Canadian idea of forcing larger warnings on packs of cigarettes. I guess that near-sighted people have been coming down with cancer at an alarming rate. No research is planned to find out whether the notion had any positive effects on the health of the unfortunates in our pinko neighbor to the north.

But never let facts and statistics get in the way of a perfectly good theory. Some of the warnings suggested for the cigarette packs include graphic pictures of tumors, mouth cancer, and receding, bleeding gums. I like the idea, and think we should apply it to other areas. How about pictures of Waco burning on the cover of tax forms? Include the warning, "Your tax money may be used to incinerate innocent people!" Or on the cover of the census form, grisly photos of citizens of Japanese descent behind the barbed wire internment camps, "Information gathered by this Department may someday be used for racial profiling and ethnic cleansing." Or a picture of Anne Frank on gun registration forms? — Tim Slagle

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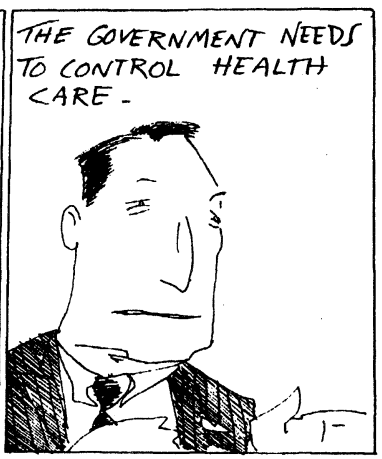

AL GORE

Eight thoughts on the western fires —

1) "Advocates of the environment" (i.e., Democratic Party flunkies) vigorously criticize G.W. Bush's purportedly half-assed cleanups of the toxic sites that mar the fair face of Texas, insisting that the land has not been "restored to its original state." Yet the same kind of people want the government to suppress the forest fires that periodically attempt to return the western landscape to its original state.

2) When you hear the routinely hysterical reports that "Thousands of acres of western land are burning!", you should do your nerves a favor and recall that it takes 640 acres to make a single square mile. The western county where I live contains over two and a half million acres.

3) Ecology-conscious ancient Indians used to clear their land by starting fires.

4) I would like to see a detailed comparative report on the management of fires and conservation of timber resources on (A) public lands and (B) private lands in the west. Weyerhaeuser somehow keeps a lot of trees in stock.

5) In days of yore, before the white man came, there were forest fires. How large did these fires become? Did they start in what is now Seattle and burn until they reached Lake Michigan? No, I don't suppose they did. They burned themselves out somewhere.

6) Some "national forests" are filled with noble Douglas firs, others with scrubby third-growth trees or with the kind of thing that most people call "brush" and try to cut down when it shows up in their backyards. In national forests, firefighters risk their lives to "save" this vegetation.

7) How many times have you seen pictures of western firefighters battling a blaze with little more than hatchets in their hands? Wouldn't chainsaws be more efficient? Or would that frighten the bears away — or the "viewers like you" who give money to PBS?

8) Trees grow back. — Stephen Cox

Vive le similarité — I've spent my whole life as a libertarian, which means I've heard about a million denunciations of the fact that the two main parties are almost identical. Those who've lived on other political fringes have the same experience. Everyone from George Wallace to Henry Wallace, from Ralph Nader to Barry Goldwater, from Harry Browne to Gus Hall have decried the sad fact that "there's not a dime's worth of difference between the two parties," in George Wallace's memorable phrase. As often as not, people on the fringe blame the failure of the major parties to offer "a real alternative" for low voter turnout and evidence that, somehow, the will of the people is being subverted, usually by some vast hydra-headed conspiracy. This is just plain nuts.

People don't vote because they don't care. And usually they don't care because they are satisfied with the status quo, which is secure whichever party wins the election.

This is obviously the situation this year: the differences between the programs of Bush and Gore are subtle to the point of being hard to detect. Most of the nation's voters will have three or four other candidates on their ballots — green socialist Ralph Nader, nativist conservative Pat Buchanan, libertarian Harry Browne and anti-abortion conservative Howard Phillips. Even with all these choices, more than 90 percent will vote for tweedledee-dum or tweedledee-dumber.

The major parties end up with very similar programs because they know that moving away from the status quo will cost them votes. Republicans accept Democratic welfare programs, though usually watered-down versions, because people want those programs. Democrats accept Republican law-and-order initiatives because people vote for candidates who are tough on crime. Swimming out of the mainstream loses votes and losing votes loses elections.

The tendency of the major parties to imitate each others' success is intensified by the nature of the political marketplace. When a commercial product has the second-largest market share, producing and marketing it is almost certainly going to be a very profitable endeavor. But getting the second-largest market share in an election means losing. And the major parties are in the business of winning elections.

So next time you hear a talking head on television say that "this is the closest election in memory" or struggle to find a meaningful difference between the presidential nominees of the major parties, remember that these men and their virtually identical programs are what your fellow Americans want.

Every once in a while, people don't care enough to vote because they believe neither major party can address the problems they face. But almost always, the major parties are quick to adapt: when the Greenback Party began to make headway in the 1870s, a bipartisan Congress passed legislation for an inflationary currency; when the Populists were building a new party with a new program in the 1890s, the Democrats nominated William Jennings Bryan and co-opted their program almost entirely; when the Socialists and Communists began to gain popularity in the 1930s, the Democrats adopted much of their program and rhetoric; when Ross Perot got 19 percent of the vote in 1992 on an anti-deficit platform, both parties quickly adopted that idea. Franklin Delano Roosevelt was a master of this sort of fancy footwork, co-opting the two largest political nut movements of the mid-1930s, the Townsend Plan and Huey Long's "Share the Wealth."

The challenge fringe parties face is two-fold: voters seldom want to change things except incrementally, and when they do, the major parties are quick to adopt the sort of

Liberty Live . . .

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How Environmental Regulation Prevents People From Pr tecting the Environment — Environmental economist Rick Stroup plains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, Randal O'Toole, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author Jane Shaw e plores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (dio: A404; video: V404)

The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Fried man and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Advancing Liberty in the Courts — Washington Supreme Cou Justice Richard Sanders explains how libertarians get more bang for the buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, Ron Paul, on the art of building coalitions and on how he led the effort to slay t privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws c immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines v propel the LP into the big leagues. (audio: A408; video: V408)

Al Gore's War on Freedom and Mobility — Al Gore hates the int nal combustion engine. If he gets his way, America's cities will look a lot mor like the cities of communist Europe, so says Randal O'Toole. (audio: A409; vic eo: V409)

Share the Excitement !

Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

Contracts and the Net — The Internet will reshape contract law, argues David Friedman, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

How to Write Op-Eds and Get Them Published — Join former *Business Week* editor Jane Shaw, *Orange County Register* senior columnist Alan Bock and *Seattle Post-Intelligencer* business reporter Bruce Ramsey for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; video: V412)

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — David Friedman explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next election. Learn why environmentalists want you caged in cities, and how they plan to do it, with Jane Shaw, Richard Stroup, Fred Smith, and Randal O'Toole. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives considered at the Constitutional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — R.W. Bradford explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — Durk Pearson and Sandy Shaw tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

Making Terror Your Friend — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition.The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Juries, Justice and the Law — Fully informed jury activist Larry Dodge explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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changes they want. The only third party that ever became major — the Republican Party of the 1850s — managed to displace a major party because neither major party adapted to changing voter opinions about slavery.

The reason why the prospects for any of the nation's third parties are so poor this year is that people are prosperous and happy and have no reason to rock the boat.

The most popular fringe candidate is Ralph Nader, a more-or-less doctrinaire socialist; according to the polls, he is the choice of 2 to 4 percent of voters. Americans are skeptical about socialism and pretty happy with the welfare state; only a small minority share Nader's views, and of the small minority that do, many will be inclined to vote for the Democrat anyway, on the theory that Gore's calls for slightly more government controls are preferable to the Republican's program of slightly fewer controls.

Pat Buchanan, running on a nativist program that combines an isolationist foreign policy with opposition to international trade, is the choice of 1 to 2 percent of voters in recent surveys. If unemployment were higher, more people might support his program, but as it stands right now, hardly anyone cares.

Harry Browne has an even harder row to hoe. His program calls for a radical decrease in state power. Most Americans are so prosperous that they simply don't care about high taxes and onerous regulations and so few are victims of the war on drugs that he is stuck in the 0.5 to 1.5 percent range in polls.

Howard Phillips is in the worst shape of all. His major issue is opposition to abortion, a view shared by the Republicans and by Reform nominee Pat Buchanan. So Phillips is reduced to saying that he'd fight abortion more strenuously than either Bush or Buchanan. But only the the most fanatical right-to-lifers support him, leaving him the choice of fewer than 0.5 percent of voters.

So next time you hear a talking head on television say that "this is the closest election in memory" or struggle to find a meaningful difference between the presidential nominees of the major parties, remember that these men and their virtually identical programs are what your fellow Americans want. And, if you are a radical libertarian like I am, remember that your vote won't have much impact unless Americans become dissatisified with the present welfare state and genuinely want more freedom. — R. W. Bradford

God help this honorable court — We might as well go ahead and officially recognize June 28, 2000 as the date when the Supreme Court openly jettisoned all pretense that its Justices were in any way the "judges" our Constitution envisioned. Now, only the self-blinded could mistake what they are: political advocates who merely rubber-stamp *constitutional* on their polemical tracts.

Writing for the 5-4 majority, Chief Justice William Rehnquist found that the Boy Scouts, contrary to a New Jersey civil-rights statute, did indeed have the right to oust an openly gay man because of their "freedom of association." Missed that clause in the Constitution, did you? Evidently you didn't look right next to the one specifying the right to a federally funded third-trimester abortion. Actually, what happened (by the justice's own account) is that Rehnquist looked at "freedom of speech" and *saw* "freedom of association" — a specimen of hallucinatory jurisprudence that has less in common with traditional conservative notions (e.g., "judicial restraint," "original intent") than with the tenured sophistry of Laurence Tribe, who looks at the same First Amendment clause and sees a right to produce, market and consume narcotics. In his dissent, Justice John Paul Stevens ridiculed Rehnquist's decision as "odd," "far-fetched" and "mind-boggling" — terms that arguably could be applied to his own opinion. His concern, we learn, is that the majority's decision threatened to "turn the right to associate into a free pass out of antidiscrimination laws." Here, in plain view, is a Supreme Court Justice who cannot grasp the concept that when constitutional push comes to legislative shove, it is the latter that must yield. He is not so much worried that this "freedom of association" fails to conform to the text of the Constitution as he is that it fails to conform to the ideology of "civil rights." Indeed, could you ever imagine Justice Stevens warning that a pro-*Roe* ruling threatened to "turn the right to privacy into a free pass out of anti-abortion laws"?

Of course not — because he really does see the right to a third-trimester abortion in the Constitution, a fact he affirmed that very same day by joining the five-man majority that overturned Nebraska's ban on "partial birth abortion." Apparently he does not consider it "odd," "far-fetched" or "mind-boggling" to see in the Constitution a right to "privacy" between an abortionist and a woman nine months pregnant. What *we* may find "odd," "far-fetched" and "mind-boggling" is that this association of abortionist and woman (or fourteen-year-old, as the case may be) seems to be the only one that Justice Stevens recognizes as possessing this right. And Rehnquist? He dissented, thus evincing a fondness for phantom clauses every bit as selective as Stevens's.

My point here was not to take sides in the debate over judicial philosophy, "unenumerated rights," etc., but to demonstrate that what is going on is not a debate. Rehnquist's approach is no more like Bork's than Stevens's is like Blackmun's. The Court's "right" and "left" both adhere to the same credo: desired ends justify any and all "interpretive" means. — Barry Loberfeld

Equal education — Democrats and teachers unions want to require homeschooling parents to get teaching certificates and use state approved textbooks. A good plan. I'm sure we all want homeschooled kids to have the same advantages as those in public schools. But I don't believe the plan goes far enough. Homeschooling parents should be required to bring bullies in to terrorize their kids and to steal from them. They should be required to fill them full of Ritalin, but suspend them for bringing aspirin to class. And they should occasionally be required to shoot up the place. Then, and only then, will homeschooling parents be providing the same high quality education as the government.

— Clark Stooksbury

The Mason-Dixon straits — In 1857, a mother and child fled slavery in the South. They worked their way North where the young woman had relatives who were free. But tragedy struck. The young mother died in the woods before reaching freedom. Her son was found by strangers

and taken to the relatives. He was free. But then the owner of the mother and child found out and demanded his return. The father of the boy, also a slave, demanded his return as well. The relatives were reluctant to let the boy go. The authorities hesitated, but not for long. The boy was seized and returned to his rightful owner.

A totalitarian state like Cuba is very much like a slave plantation. Hundreds of thousands of Cubans have risked their lives to flee north to freedom. Many have died. One of them was the mother of Elián González. Elián made it to freedom. Then he was seized by the American government and sent back to slavery. It was the Dred Scott decision of our time. The question was complex, yes. Fundamental values were in conflict, yes. But in the end, it was shameful.

— Scott Chambers

Send in the clones — Compare the opening paragraph of the Introduction to the Democratic Party Platform,

> Today, America finds itself in the midst of prosperity, progress, and peace. We have arrived at this moment because of the hard work of the American people. This election will be about the big choices we have to make to secure prosperity that is broadly shared and progress that reaches all families in this new American century. In the year 2000, the Democratic Party stands ready to meet that challenge and to build on our achievements.

to the opening paragraph of the Preamble of the Republican Party Platform:

> We meet at a remarkable time in the life of our country. Our powerful economy gives America a unique chance to confront persistent challenges. Our country, after an era of drift, must now set itself to important tasks and higher goals. The Republican Party has the vision and leadership to address these issues.

Strike out the party names, and they sound like one was plagiarized from the other. Delve further into the platforms and you will learn that both parties say they support a balanced budget. Both claim to support high academic standards. "Republicans are the party of peace through strength," while "Democratic leadership has brought peace and security to Americans and to millions of freedom-loving people around the globe." Many of their positions are vague — barely stopping short of saying they're for motherhood, America, and a hot lunch for orphans — and many positions are the *same* position. Both platforms can be summarized pretty much as: Everything right in America, that's our doing; everything wrong, that's theirs.

Who will win the election? I predict that a Southern white guy in his fifties who went to an Ivy League school and is the son of a prominent politician will be elected president — even though he stands for pretty much the same stuff as his next closest opponent.

— John Haywood

Beltway definition — Budget surplus: money the politicians haven't figured out how to spend yet.

— Sheldon Richman

The doctor will see you in a moment — Of course, I've often told my American friends who envy the British or Canadian health care system that citizens of those countries pay far more for their health care through their taxes than Americans do in their bloated insurance premiums and that they get worse care. The *Toronto Star* reported that in Ontario, there are about 25,000 people on radiation treatment for cancer. Only 40 percent are treated within the recommended four-week wait time. Fully half wait more than six weeks, with "most" beginning treatment within three months! It's no wonder that more and more Canadians are visiting the United States for treatment, particularly on elective treatment where the waits can seem endless in Canada, and for sophisticated treatment on life-threatening matters. It's the same in Britain. I know people in Britain who have had to wait six months for surgery on a torn ligament in a knee, nine months for melanoma on the face (an older man, not a priority, you see) and more. A friend was referred to a local hospital for treatment on a painful shoulder. He received a letter from the hospital stating they could not see him, "At this time, we are accepting only top priority and urgent cases. You may wish to try again in six months." Oh, for free government medicine!

— Adrian Day

Condemned to repeat it — I recently watched *The History Channel*'s program about the wars between the United States and the Indians of the Old Northwest during the 1790s. There was some video footage of guys pretending to be early Americans creeping around in a swamp along the Maumee River in northern Ohio, and a voiceover that said something like, "Here they were, American soldiers 1,000 miles from the nearest settlement." What? A thousand miles would take you far beyond New York, Boston, Philadelphia, Williamsburg, or any other settlement in Anglophone North America, not to mention Detroit, which lay about 60 miles from the battle site.

Do you remember being told in second grade that if you multiply 10 by 12 and end up with something like twelve million, your common sense should tell you to recheck your work? But there is no such thing as common sense when Americans go to work on history.

When historical assertions make their way into political arguments, even the opponents of those arguments seem willing to swallow almost anything. How many times have you heard the Friends of Bill "pointing out" that "most American presidents have done things far more corrupt than President Clinton is alleged to have done"? The Republican antagonists of the "pointers-out" should demand that they list five or six of those corrupt presidents, but they never do. The most you get is Nixon. I'm not suggesting, of course, that earlier presidents were wholly innocent of crime, but the notion that most of them committed acts similar to Clinton's reveals a complete ignorance of American history. This ignorance should itself be immediately "pointed out." I have heard George Washington called a crook who died of syphilis from having sex with slaves, while conservative pundits listened silently and seemed to acquiesce.

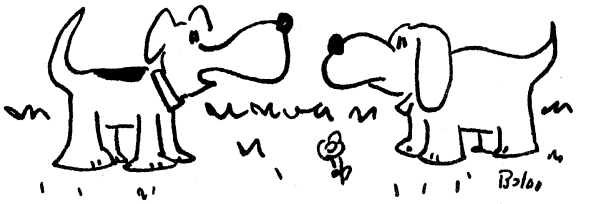

"There's no point in trying to reason with people — the only thing they understand is biting."

The same thing happened when G.W. Bush is called, by supporters of the "superbly prepared" Al Gore, "the least qualified man ever to be nominated for the presidency." Occasionally, someone will mention the fact that Bush is the governor of one of America's most populous states. But no one ever refers to the fact that most of America's presidents, including such major figures as Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson, had less impressive political résumés than G.W. Bush.

If the Republicans started addressing this sort of thing, they would perform a service more fundamental than getting their guy elected. They could show that the Ivy-educated modern-liberal snobs who lecture us so solemnly about the meaning and destiny of America, and the messiahship of intellectual phonies like Gore, are themselves more ignorant than any high-school student possessed of common sense and a willingness to read some actual books. The Republicans could expose the popular myth of credentialing that equates long résumés with large "qualifications," intellectual or political. To expose the myth, the only thing the Republicans need is to get a little common sense themselves. Oh, and a couple of books. — Stephen Cox

More tripe, anyone? — November is the time we all gather with our families for a day, and dwell on being thankful. I usually reiterate my gratitude for being born in a place that is truly the most prosperous in history. America is home to the fattest poor people on earth. We have conquered starvation. There are more stray animals roaming the streets here than anywhere else in the industrialized world. I'll bet that there aren't many strays wandering around places like North Korea or Cuba. In fact, I doubt there are too many pets left. In this country we are so well-fed, that people will pay a dollar extra for a dozen eggs if the chicken was treated nicely. We should all be thankful that we didn't grow up in Europe; where people spend dinnertime eating parts of animals Americans use for pet food and fertilizer, wash it down with a couple gallons of wine and a carton of cigarettes, praying that the combination of lung cancer and socialized medicine might mercifully shorten their miserable lives. We should be grateful to those early settlers, the Pilgrims, who after starving through two winters, abandoned their original notion of community property, and for the first time on record proved to the world that free-market capitalism holds the key to prosperity. — Tim Slagle

The courage of policy makers — During the Republican primaries, presidential hopeful Steve Forbes was so bellicose on foreign policy that one wag termed him the "Flat Tax, Flat Cities" candidate. That incongruous orientation — parsimonious and noninterventionist on the domestic front, promiscuous and blood thirsty in foreign affairs — is rather typical of *genus neoconus*. For reliable expression of the "cut taxes, cane the wogs" outlook, nothing beats *The Wall Street Journal*.

Case in point: on September 11, the *Journal* ran "Will Bush Bury 'Bodybag Syndrome'?" an op-ed by Max Boot. For Boot, a willingness to risk American soldiers is essential if we are properly to "police the Pax Americana." Thus, his *Journal* piece largely consists of the typical hairy-chested harrumphing about politicians' deplorable unwillingness to risk American casualties in such worthy causes as "arrest[ing] Bosnian war criminals." Who authorized this Pax Americana? How did we get authority over alleged criminals a whole ocean and half a continent away? Can we really shrink the U.S. government while at the same time expanding its jurisdiction until it encircles the globe?

Boot is predictably oblivious to all of these concerns. But for neocon myopia, the following remark takes the cake: Boot chides the Clinton administration for "wag[ing] push-button warfare, as in the ineffectual cruise-missile strikes against Sudan and Afghanistan in 1998." "Ineffectual" rather misses the point, doesn't it? In those missile strikes — carried out the day Monica Lewinsky was returning to the Starr grand jury, and in the midst of a media firestorm over the President's televised nonapology — Clinton ordered the destruction of a miserably poor Third-World country's only domestic source of pharmaceuticals on the pretext that the factory owner was linked to Osama bin Laden, and the factory was manufacturing nerve gas. The administration has since produced precisely no evidence to substantiate those claims, leading careful observers to conclude that in fact the President ordered the attack to distract America from his inability to keep his pants up. Caligula presides over Boot's Pax Americana, and Boot's main concern is that the Emperor isn't ruthless enough. It's enough to drive a man back to *The New York Times*. — Gene Healy

Intolerance, 2000 — It amazes me how the press in the Pacific Northwest raises the alarm over the Idaho national-socialist Richard Butler. If he were a Wobbly, they would do one or two sympathetic features about the octogenarian "activist" and be done with it. But he's an 83-year-old neo-Nazi, which calls for different treatment. Newspapers and TV have run hundreds of stories over the last decade about him and his "Aryan Nations," often based on nothing more than the passing out of leaflets, attendance at a meeting or application for a parade permit. Consider the parades: In July 1999, two dozen neo-Nazis showed up for the group's much-feared parade through the town of Coeur d'Alene. Thousands showed up to jeer, outnumbering the brownshirts at least 40 to 1.

Last month, Klan-fighter Morris Dees won a $6.3 million court judgment against him. It seems that Butler employed two security guards who mistook a backfiring car for a weapon and ran out to the street, guns blazing, at a woman and child. The shooters missed; one of them claimed in court he'd been so drunk he couldn't remember about it. For this performance, the two goons were sent to prison. In addition, Butler was to pay $330,000 in actual damages to the woman.

The court added on $6 million in punitive damages. The goal of the punitive damages: To take all of Butler's assets — "every desk, typewriter and computer" in the compound, Dees said. The goal is to shut him up.

The sensible thing and "the American thing" is to simply let him blabber on and not listen to him. There is no more chance of a meaningful Nazi movement in Northern Idaho than there is of an infestation of Stalinists. And yet the mere fact of this guy saying *those* things and waving *that* flag is not tolerable to people who tolerate almost anything else. They have to fight it. They thereby provide excitement and interest in Butler's old age. They puff him up into an important man.

They provide him with followers. They provide him with enemies.

— Bruce Ramsey

Subliminal silliness — If Presidential politics weren't absurd enough, in mid-September, coverage of the presidential race focused for several days on the issue of whether the Bush campaign had unethically used a subliminal advertising trick in a television spot criticizing Gore's plan to socialize prescription medicine. It seems that as the word "bureaucrats" flies across the screen, the letters "rats" are on-screen for a fraction of a second. In theory, by flashing a message across the screen so fleetingly, one can manipulate viewers into doing something they would otherwise not do — in this case, presumably, voting for George Bush on the unconscious understanding that his opponents are pestilential rodents.

It's difficult to figure what's most absurd about this controversy. Consider:

1) By definition, advertising is subliminal only if the viewer cannot actually recognize the image that flits across the screen. I noticed the letters "rats" on the screen the very first time I saw the ad. If you notice the message, it is not subliminal.

2) There is no evidence that subliminal advertising actually works. Indeed, experiments have shown that it doesn't work: if people cannot recognize the message of an ad, they don't respond to it.

3) The matter became an issue only after a Gore campaign staffer gave the story exclusively to *The New York Times*, which promptly featured it on its front page, from which the story was picked up by other news media and dominated campaign news for several days. What's interesting is that the *Times* was not the first to report the story. The fleeting image of the word "rats" had been reported two weeks earlier by Fox News, which suggests that the *Times* is easily manipulated by the Gore campaign and that the rest of the media supinely follow the *Times'* lead — and illustrating that with the possible exception of Fox News, the nation's political press has proved itself astonishingly unresourceful and lazy.

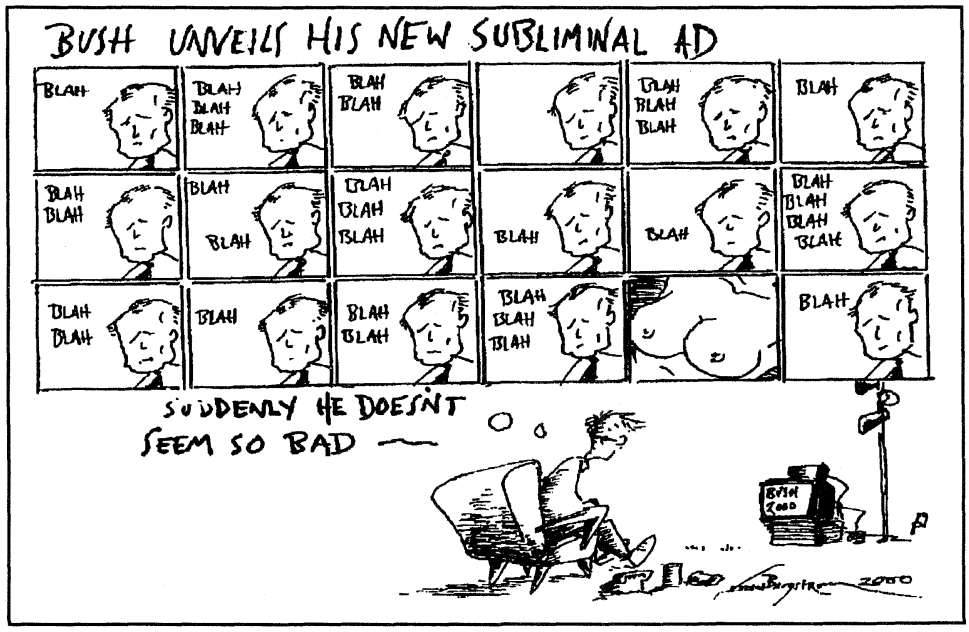

— R. W. Bradford

Is there a cosmetician in the house? — As the government inserts its nose ever further into the realm of health care, the effects of the intrusions multiply. Some of these are no doubt intended, others probably not. But it's hard to say which is which.

For example, fixing the prices that Medicare pays physicians has resulted in a somewhat slower growth of the cost of that government program. That was intended. That physicians treating those patients took a pay cut as a result was probably foreseen, though perhaps not intended. The consequence that may not have been intended was the migration of doctors to procedures that are not covered by Medicare, and therefore not subject to price controls. Medicare regulation has discouraged bright, young interns from the miracle of angioplasty and toward the wonders of liposuction.

Should the government now take upon its increasingly massive shoulders the burden of drug costs, we should predict a similar dislocation of market forces. As with Medicare, the government will: (a) accept the burden, (b) complain it is too heavy, then (c) fix the price that it is willing to pay for pills. And pharmaceutical research will move away from the highly regulated, life-saving miracle drugs and toward the unregulated cosmetic drugs. Get ready for a parade of new products that cure the scourges of baldness, wrinkles and B.O. But how will we measure the void where a miracle drug might have been had the market been left unleashed?

— Scott Chambers

Stuff in the pipeline — Dozens of statewide voter initiatives are on ballots this year. Here are several to watch for: Alaska, to legalize marijuana; Arizona, to compel growth management plans; California, to establish school vouchers; Colorado, to legalize medical marijuana and to require background checks for guns bought at gun shows; Maine, to legalize physician-assisted suicide and to ban discrimination against gays; Maryland, to allow the Prince George's County Council to immediately take private property for redevelopment; Massachusetts, to reduce the state income tax to 5 percent and to reform asset forfeiture laws relating to drug offenses; Michigan, to establish school vouchers; Missouri, to restrict outdoor ads; Montana, to repeal the estate tax; Nebraska, to impose term limits on legislators; New Mexico, to repeal term limits on county officials; Oklahoma, to liberalize the retail sale of wine; Oregon, to reform civil asset forfeiture laws, to require background checks for guns bought at gun shows, to subsidize political candidates, to compensate owners if regulations reduce their property's value, to limit state spending to a fraction of state personal income, to limit the use of union

dues for political purposes without consent, to require voter approval of tax increases, to repeal mandatory minimum sentences for certain felonies, to link teacher pay to job performance and to allow the regulation of sexually oriented businesses through zoning; South Dakota, a constitutional amendment to prohibit an estate tax; Utah, to reform civil asset forfeiture laws; Washington, to limit property taxes, to redirect transportation money to roads and to establish charter schools; and Wisconsin, to use all gambling revenues for tax relief. — Bruce Ramsey

Render this! — One local bishop has issued a statement as to how it is the duty of all good Catholics to pay their taxes. He cited Matthew 22 as the obvious precedent, "Render unto Caesar that which is Caesar's; render unto God that which is God's."

He missed an obvious problem. It is not Caesar's money. It is not God's money. It is my money. Just because I can't take it with me doesn't mean I have to give it up now.

— John Bergstrom

A Knight in shining squalor — While observing the frolicks and triumphs of "Mr. Knight," at Indiana University, I always come back to the words of Lord Acton, "Power tends to corrupt and absolute power corrupts absolutely." It's hard being a demi-god in a world of videotape. For years I've pondered over Robert Anton Wilson's claim that Hitler was really effective only as a speaker on the radio. If the Germans had actually seen him on TV, they might have realized what a fool he really was. Chaplin saw. It took one clown to know another. — Michael Freitas

Majority rule — The election is once again illustrating the shortcomings of the democratic process. Even if astute in their personal affairs, voters (and nonvoters) are mostly ignorant of political matters over which they individually have scant influence — and rationally so, as public-choice theory explains. The major parties recognize this and fashion their appeals not to the well-informed and public-spirited, but to the uninformed and indifferent. The presidential candidates seem unconcerned about Constitutional issues of the legitimate scope of the federal government. Instead, they try to project fabricated images, and they promise ever more government favors to be paid for by who knows or cares.

When will we learn the lesson? It is not to abolish democracy, for any alternative political method would likely be worse, but to limit the areas of life into which the democratic process intrudes its incompetent and irresponsible decisions.

This lesson holds whoever is elected president: (1) A man who increasingly proves intellectually shallow, whose unremarkable lifetime accomplishments trace to family connections, and who, like his father, is almost proud of lacking any political vision; and (2) a collectivist-minded power seeker who will owe his election to the preposterous nomination of his rival, who then proceeded to wage a blatantly incompetent campaign. — Leland B. Yeager

"I need a *really* good denture adhesive."

Enlightened terraforming — Now that Washington has a surplus, I just can't stop thinking of new ways for the government to help people.

I must admit that most of these are ways my own life could be made easier. One idea I've had is to pass a law requiring that all TV remotes be equipped with a device which will deliver an electric shock to anyone under twenty-one. Just to be on the safe side, make that fifty-one.

Vulnerable children, who don't know any better, sometimes get hold of the remote. They're always in danger of switching from a demanding work of art that speaks eloquently to the human condition, like Buffy, to something trashy and needlessly upsetting, like Crocodile Hunter. Having changed the channel, the kids invariably contrive to hide the remote.

This means that I have to get up from the couch, walk as much as eight feet, and change the channel at the set, an obsolete skill which I find increasingly difficult to recollect on the spur of the moment.

The organization of programming leaves a lot to be desired. When the ads come on, I rollerskate around some of the other channels and find nothing but ads, sometimes the very same ads. I don't mind hearing William Shatner crooning about priceline.com several times in succession, but must I really witness, over and over again, that one about the blindfolded babe who strips off the blindfold and stomps out because she thinks the pizza was delivered?

This kind of market failure obviously calls for salutory intervention by the responsible authorities. Simply pass a law making it a federal crime for any channel to run ads at the same time as another channel. Only one channel should air ads at any one time.

I have lots of other suggestions for ameliorating the plight of the civilized TV viewer, but you may object that I never think of anything except my own selfish preoccupations. Also, that these statutes wouldn't spend enough money. However, I've now come up with a daring and expensive scheme for human betterment, something that will bring enormous benefits, none of which I or my children will live to see.

Why is the United States east of the Rockies unfit for human habitation? Because of the climate. And why is the climate so atrocious? Because North America has no east-west mountain ranges, only north-south mountain ranges. This, by the way, is one of my proofs that there is no God.

My solution to this problem is stunningly simple: replace Canada with a mountain range.

All the garbage generated in North America could be conveyed by truck and deposited in a line stretching from Calgary to Montreal. Over the centuries these piles of disposable diapers and phone directories would accumulate until,

in time for the millennial celebrations in 3001, we would have two thousand miles of towering snow-capped peaks, with ski lodges and bobsled runs on the lower slopes.

From its northernmost to its southernmost foothills, this new sierra would be over 200 miles wide, covering everything from Saskatoon to the U.S. border, for instance.

The major effects would be a warm but temperate climate south of the new mountain range, and an arctic waste north of it — but there's nothing there anyway. To the south, the mountain snows would generate rivers which would transform the now desolate Plains and Southwest into a vast virtual garden overflowing with fecund flowers and fruits.

Why is the United States east of the Rockies unfit for human habitation? Because of the climate. And why is the climate so atrocious? Because North America has no east-west mountain ranges, only north-south mountain ranges. This, by the way, is one of my proofs that there is no God.

Fresh forests would spring into being, where now there's nothing but barren, boulder-strewn badlands.

This is obviously a devoutly desirable social goal that the much-vaunted free market, with its atomized rationality of cynical monads, can never attain. It certainly requires the decisive smack of the visible fist to accomplish anything on so vast and inspiring a scale.

I know what you're thinking. Would the U.S. be able to absorb millions of displaced Canadians, with all the pathologies attendant upon mass immigration from an underdeveloped society?

There's a simple way round that. Resettle the Canadians in Patagonia, a place, by all accounts, almost exactly the same as Canada. From prolonged proximity to Americans, many Canadians have picked up a smattering of technological culture, and so this resettlement program would actually constitute a form of development aid for South America. Everyone would benefit. Even the llamas, who always seem to look so mournfully unimpressed with life, would at last have something to amuse them, eh? — David Ramsay Steele

Throw another billion on the fire — President Clinton has just proposed to "invest" one billion dollars in America's nursing homes. He says it's for increased staff to ensure adequate care. I'm impressed, not by any help it will provide America's grannies and gramps, but with Clinton's political savvy.

I mean, a billion dollars. Wow. A *billion dollars*. No one can fail to be impressed with a billion dollars. That will assuage a lot of guilt over putting granny in that seedy nursing home so the boomer vote is right there, not to mention the seniors lap this stuff up like Geritol and Ex-Lax.

To see the beauty of the scheme, you have to read the fine print. Way, way, way down in the news story (which is a reworked press release), we see it's a five-year plan.

Okay kids, it's time for some of that boring dull math stuff you hate so much. A billion dollars divided by five years results in 200 million dollars per year. If there are 280 million people in this great country that means each of us (including the kiddies) gets to kick in 71 cents a year. That's not too painful, after all, it's for granny and gramps and everything. And it's only for five years. I guess the staffing shortage will go away by then.

There are 1.6 million people in 17,000 nursing homes (my dad's in one this very minute). Okay, 1.6 mil into 200 mil means every inmate of a nursing home gets 125 bucks. For the year. For five years. That won't buy a whole lot of staffing. I'd say around 10 hours a year if you can find people to work for less then ten bucks an hour and then add all the taxes and other stuff for a burdened rate of $12.50 an hour. So gramps will get a little more then a day of some candy striper puttering about the room. But this is a government program, so administrative will consume 50 percent to 75 percent of the money. So gramps will get an extra three to five hours a year with the candy striper, or 15 to 25 minutes per month.

It is obvious the Republicans don't quite get the program yet. They will be promising a 748 million dollar package in a few weeks. Their immediate response was that this was just going to help Clinton's pals, the trial lawyers, since they get to sue the nursing homes a lot. To this any rational person must reply: "Huh?" I thought we were talking about granny and gramps and the Republicans can only whine about trial lawyers? What did these dorks score on reading comprehension in school?

It's obvious what Harry Browne ought to do is offer even more money to the nursing homes. I know, I know, we're Libertarians! We ain't gonna give squat to granny or gramps, let 'em die on an ice floe. But before swirling into another geek-fest of individualism, maybe we could use some of our

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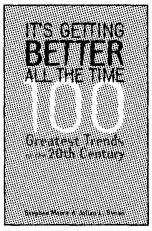

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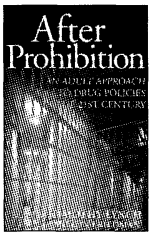

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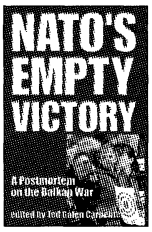

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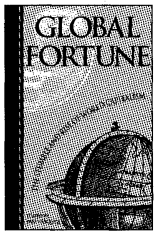

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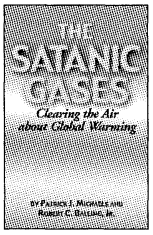

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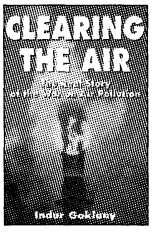

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considerable brainpower to do the right thing — politically right, that is.

The Republicans are not selling out when they come up with the same giveaways. They are demonstrating how democracy works. The Democrats know what works and they dish it up. No one notices it dished off a paper plate with a plastic fork. A billion dollars sounds good. I mean really, really good. One hundred and twenty-five bucks a year sounds pretty pathetic. I mean really, really pathetic. But, a billion dollars for 71 cents? Now that's New Math at its finest.

I saw Harry Browne give his speech at the California Libertarian convention a few years ago. It was quite moving. There was one point in the speech I still remember clear as a bell. Harry said: "We are selling liberty and freedom. What could be more compelling then that?"

What Harry Browne ought to do is offer even more money to the nursing homes. I know, I know, we're libertarians! We ain't gonna give squat to granny or gramps, let 'em die on an ice floe. But before swirling into another geek-fest of individualism, maybe we could use some of our brain power to do the right thing.

Excuse my jaded mob-soldier outlook but at the time I remember thinking: How about "Something for nothing"? That's way more compelling then liberty and freedom because you can't spend liberty and freedom down at the mall.

It is obvious the Democrats have done the market research and it is obvious that "something for nothing" is the eight-lane highway to the White House with no speed limit and no cops to enforce one anyway. Even the Republicans are starting to figure it out. You are not going to succeed telling people that by eliminating onerous taxation there will be plenty of money and that gramps could afford the best nursing care in the world. Sorry, it's a little late for that.

I can see the Libertarian Party press release: "Libertarian Party responds to Clinton's $1 billion dollar nursing home plan with least squares regression analyses of present value calculation applied to time adjusted return on investment algorithm to show." Sorry kids, that dog won't hunt. Attacking this kind of proposal is like taking a spoiled 7-year-old's pacifier away and then throwing her out of the crib. She is not going to suddenly "Stand straight and erect, with her palms pointed outward, her head tossed back in defiance, realizing for once she is free and fully in charge of her own boundless destiny." No, she is going to start crying. She definitely is not going to vote for you.

A tiny bit of marketing savvy ain't gonna kill anybody. It is obvious that the headline can only read one way: "Libertarian Harry Browne calls for $3 billion investment in nursing homes." Period. No, no, shut up, you purist know-it-all in the back, I said *period*. That's the headline. That's the headline that works. Anything else is suicide or political masturbation.

The first three or four paragraphs of the Libertarian press release should describe the dismal state of America's nursing homes. The next couple of paragraphs should point out all the wonderful ways Harry's plan will help granny and gramps, not to mention their worried offspring. Only in paragraph six, if at all, should the trivial, boring, detail-work part of the plan be revealed which could be something like a 375 dollar tax credit for seniors in nursing homes or some such nonsense. I leave the details as an exercise for the guys at the Cato Institute. It's the headline that's important, not the details.

Of course, the tax credit would be only for five years so Harry can promise it again in five years with the subsequent good press. As a matter of fact, let's make it a $469 credit and have it run four years. Then Harry can haul it out for the next election. While we're at it, let's elect Harry Dictator and Supreme Emperor of the Libertarian Party so we can show we really are on the leading edge of world politics.

Let's get realistic. The sideshow barker routine howling about "And then, there ain't gwanna be *no* taxes at all!" Just won't cut it. Not now, probably not ever. — Paul Rako

Getting what we deserve — The depressing thing in this election cycle is that both parties have moved to the left. George W. Bush is the "compassionate conservative." As he edges toward Al Gore, Gore edges back toward the ghosts of Franklin Roosevelt and Hubert Humphrey. Gore opposes school vouchers, private accounts within Social Security and honest tax cuts. Despite talk of paying down the national debt, Gore promises the entire projected surplus on such things as free federal kindergarten and federal welfare grants to people who save money. His big Christmas present is a 50 percent discount on pills, starting from the first dollar. Most retirees don't need that, but they'll like it.

One can fantasize different candidates. The fact is, the candidates refine their pitches through consultants and focus groups. Gore can be a New Democrat or an Old Democrat. Bush's oxymoronic "compassionate conservatism" could be just about anything. They are what they are because that's where the American electorate is. — Bruce Ramsey

Helping the National Pork System — George W. Bush says that instead of adding to the federal land base as the Clinton Administration is doing, he would make sure that there is enough money to adequately maintain existing national parks. That sounds like a laudable goal. But Bush proposes to spend $5 billion over five years

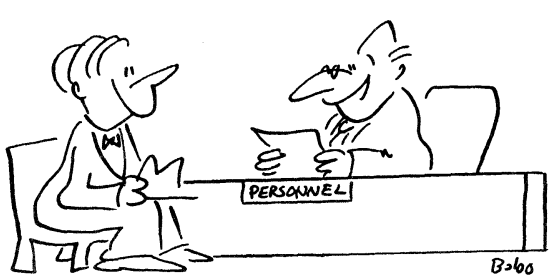

"Really — You majored in federal grant application writing?"

on park repairs and maintenance, which would represent a 60 percent increase in Park Service budgets, apparently because he believes the claims of Park Service officials who say that the agency has a $5 billion "backlog" of needed repairs. In fact, the agency has long overestimated this backlog. It diverts a quarter of such "repair" money to overhead. Much of the money goes into employee housing even though almost all parks are within fifteen minutes of cities and towns where employees could live. It spends way too much on construction and reconstruction — spending more than $300,000, for example, to build a two-bedroom house. Bush's plan would be a lot more credible if he found a way to trim the agency of its overhead and fund parks out of increased user fees. — Randal O'Toole

Thankless tasks — Members of Earth First! are upset over the cult growing around tree-sitter Julia "Butterfly" Hill. They don't like the scenario she is currently promoting, that she staged the protest as a solo effort. Apparently, there were many people who built the platform, hauled in supplies, and barricaded access to the tree. Most notably upset were the groups of men who were assigned the task of carrying away buckets full of excrement. Isn't that the way it always goes, those responsible for the infrastructure are never given credit? — Tim Slagle

Extra! Extra! Death Star Destroyed! — Good news from our nation's capital: September 4th's *Washington Post* sports the following front-page headline: "Death of 'Big Government' Alters Region." — Gene Healy

A dangerous precedent — Congress has authorized the CIA to invest in high tech start-ups The rationale is that the U.S. government has fallen behind in the computer revolution and only by owning a stake in entrepreneurial, profit-driven companies will it have access to cutting edge technology. I have no doubt there's a lot of truth to that. People with any real ability almost always choose to work for private companies, so government agencies are left with the poorest and worst available workers.

It's hard to see this as a positive development. In today's world a citizen's main line of defense is actually the backwardness and incompetence of the State.

Even worse, it sets an ugly precedent. It's the first time (to my knowledge, anyway) that the U.S. government has actually made investments in start-up companies in a growth industry. It already has established a pathetic record of putting money into companies like Amtrak and Conrail and bailing out companies like Lockheed and Chrysler. But here the camel is getting its nose under a whole new tent.

— Douglas Casey

Scapegoat — Government scientist Wen Ho Lee has been released from prison, after nine months of solitary incarceration for espionage. He pled guilty to a computer download, thus averting a lengthy trial and mental breakdown. Another observer might accuse the feds of torturing a confession out of him. The fact that there was absolutely no evidence that he had done anything wrong didn't seem to dampen the enthusiasm of federal prosecutors. It now seems that the only evidence against him was that he was an Asian in a sensitive area. Turns out, he wasn't even from China, but Taiwan. For those readers who might be federal prosecutors, I would like to mention that Taiwan was a renegade province of China, has declared independence from them, and is considered their enemy. I'm sure all his Japanese co-workers blew a sigh of relief the day the marshals escorted Lee out of the facility. The biggest proof he wasn't responsible was the fact that sensitive information still wandered around the facility while he was locked up.

In fact, the Chinese probably didn't even need to hire a spy. The blueprints for the W-88 warheads were probably left alongside a mint, on a pillow, in the White House Lincoln bedroom. — Tim Slagle

Demand creates its own supply — The police in Jacksonville, Florida, have broken up a drug ring that was "importing" crack cocaine from Miami and delivering it to street dealers in Jacksonville. I'm not cheering. No, I don't use crack cocaine, but I do smoke cigarettes, so I understand addiction. More importantly, I understand the law of supply and demand. When the supply decreases and the demand remains steady, the price has to rise. Many addicts support their habit by stealing. That means that the cocaine-related theft rate will rise in direct proportion to the increase in cost, keeping the police busy. Talk about job security.

— Laura W. Haywood

Petits fools — On September 13th, Franette McCullouch, an assistant pastry chef at the White House, sued both Head Pastry Chef Roland Mesnier and President Clinton because Mesnier sexually harassed her. This raises a lot of questions.

Does the White House really need two (or more) full-time *pastry* chefs? I know Clinton has a sweet tooth, but how much pastry can he consume? Can't the Executive Department get by with one full-time pastry chef and borrow the Congressional Pastry Chef?

And wouldn't it have been sensible for the White House to investigate the charges before another scandal broke? If Mesnier did what he's accused of, does he even have the

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intelligence and attentiveness to make a bowl of Jell-o, let alone Presidential Pastry?

On the other hand, if the accusations are false, is McCullouch stable enough to make Buddy's dog biscuits, let alone the first cakes? — John Haywood

Burning books, burning publishers — As I watched TNT's fine production of "Nuremberg" in July, the question I kept asking myself was: why was Nazi sympathizer and publisher Julius Streicher tried, let alone hanged?

Streicher was convicted of "crimes against humanity," which the London Agreement defined as "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated." So, the question is, who was Julius Streicher and what did he do to be found guilty?

According to Leo Kahn's *Nuremberg Trials* (Ballantine, 1972), Julius Streicher "had never held a government post. . . . He had remained the publisher of the notorious newspaper *Der Stürmer*, which printed antisemitic propaganda of the crassest kind with a large dose of primitive pornography." Simply put, he was a bigot, a pervert . . . and a publisher. What should the Nuremberg court have done with such an individual? As a nation, what should "We the People" do with such individuals? Do we arrest, jail and execute them? Or do we show them political toleration and social opprobrium? If the Nuremberg court's decision was right, then our Constitution is wrong.

The court pointedly stated that it was Streicher's continued hatemongering — up to and including the war period — that constituted "persecution on political and racial grounds in connection with War crimes" — even though the court itself, in finding Streicher not guilty of "crimes against peace," conceded that he had no "connection" with the war in any way. In short, the court established 1) that an expression of hatred in and of itself constitutes "persecution" of the hated, and 2) that promulgators of ideas are legally responsible for the crimes of practitioners of ideas. This is identical to the "hate speech" theory of censorship that has been entrenched in the halls of academia and soon may find its way into the halls of justice, and to the antiquated notion that pornographers are responsible for any sexual crimes committed by those who read pornography.

"But isn't Nazi Germany the worst example you could bring up," you're saying, "the very one the censors of the Left would themselves love to point to as making their case?!" All right then, we'll play a little historical what-if. Suppose a Russian national named Sergei Ivanov began publishing his vicious antibourgeois propaganda early in this century — and continued doing so right up to the end of World War II, which saw the defeat of Bolshevik Russia by the Allied forces of England, America and Germany. Though Stalin had committed suicide, many top Soviet officials were captured and later put on trial in Moscow for "crimes against humanity." Included among the defendants was Ivanov — a Communist Party member, yes, but still only a publisher.

Look, forget about libertarians, "civil" or otherwise. What I want to know is, what *socialists* would execute Ivanov for the crimes of Stalin? — Barry Loberfeld

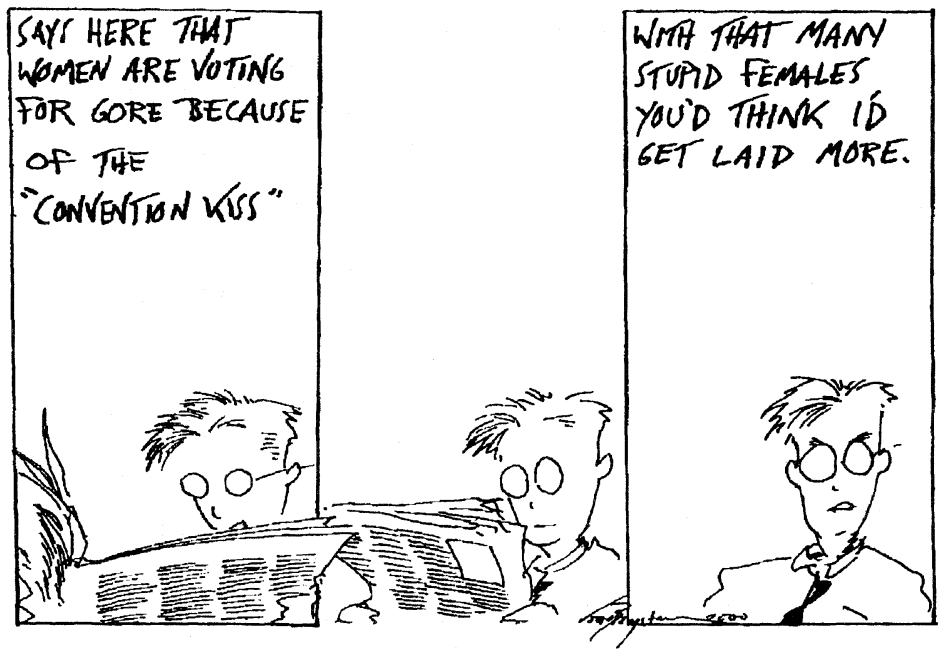

The chickens come home to roost — There are similarities among the Ostankino Tower fire, the Alaskan Air-lines tragedy, the Bridge-stone / Firestone tire recall, and reports of high school and college cheating: Lack of pride, shame, manners, moral judgment and fear of failure.

The next time you fly, take the elevator or rotate the tires on your SUV, consider the type of people whose work you rely on.

Their lack of pride allows shoddy workmanship to be stamped with their imprimatur by thinking "It's good enough," "It's OK," and "No one is going to notice that."

They lack shame and have the audacity of believing the feeble lie of having done a "good job."

Their lack of manners enables them to abdicate completely the responsibility for the lives of those who rely on them.

Their lack of *cojones* prevents them from facing the relatives of those injured or killed by their products, saying "I'm sorry," and really meaning it.

By capitulating to the fear of failure, adding to the corrosion that surrounds us, diminishing the glory that's within each of us by cheating in tests during high school and college; by taking the easy way out and not accepting accountability and responsibility, by not daring to dream about the greatness of the human condition, and by accepting as normal the stagnation that goes along with doing the barest minimum.

Caveat lector. — Ivan Santana

Letters, *from page 6*

put your family ahead of your faith. A conservative whose allegiances are "God, Family, Country" in that order falls in line with these teachings.

Jason Hoffman
West Des Moines, Iowa

Fuzzy Fantasy

Like Bart Kosko and most libertarians, I am an atheist, thanks to an inability to shrug off my Objectivist heritage. I have at most a passing familiarity with the Bible, but I can still recognize nonsense when I see it. Consider, for a moment, the following, cited by Kosko as evidence that Jesus was a communist:

There is evidence that "suggests" that the Essenes "influenced" Jesus.

The Essenes believed in "religious communism."

Therefore, Jesus was a communist.

May I suggest that when Kosko is studying his ancient texts he pay more attention to Aristotle, whose logic is not sufficiently fuzzy to allow such conclusion-jumping?

Ronald Martin
Minneapolis, Minn.

A Capitalist for Christ

Bart Kosko appears to have an irrational and uninformed hatred of Christianity. I am a capitalist, an electrical engineer, a former Libertarian candidate for Congress *and* a Christian. I mention this because I find no inconsistency in these descriptions. It was Christians whose motto was "no king but Jesus" that won our liberties and defined them as God-given rights, not privileges granted by a government.

David Knight
Cary, N.C.

Christ and the Family Man

I don't pretend to be a great biblical scholar, but even I can tell that Kosko's article is drivel. Kosko makes the same mistakes that many people make: taking the Bible word for word without consideration for translation errors, historical context, social context and the like. If you do that, you can use the Bible to support any position you like.

Consider Jesus' teaching on marriage and divorce. "But from the beginning of creation 'God made them male and female.' For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh. Therefore what God has joined together, no human being must separate." (Mark 10:6-9) Also, how about this one: "When Jesus saw his mother and the disciple there whom he loved, he said to his mother 'Woman, behold, your son.' Then he said to the disciple, 'Behold your mother.' And from that hour the disciple took her into his home." (John 19:26-27)

He certainly sounds anti-family, doesn't He? Pity more people don't actually follow His pro-family teachings.

Kathryn Groening
Midland, Mich.

Don't Blaspheme on Me!

What prompted this letter was Bart Kosko's article on the Lord Jesus Christ. He really opened a can of worms. I see that he is an electrical engineer, a dummy and a non-Christian. The Bible says that non-believers do not understand the Word of God nor can they. Free speech is one thing, blasphemy is another. I'm ashamed that you printed this article. You went too far. You're going to need a larger mailroom to hold all the replies you're going to get on this article.

Lila Roberts
Abilene, Texas

Christ and Property

Bart Kosko's attempt to define Jesus as a "small c" communist indicates "he doth err, not knowing the scriptures." (Well, maybe just enough to twist them.) The whole New Testament — and the Old, which Jesus "fulfilled" — is full of passages assuming, allowing, endorsing, and maybe flat commanding markets, private property, profits, etc.

I'm not pushing the "Christian Right," but the Communards' cry of robbing Peter to pay Paul has no scriptural base. As one victim of big C communism put it, "The early Christian said, 'Brother, what's mine is yours.' The Communist says, 'Comrade, what's yours is mine.'" I remember as a kid when Mom gave me a candy bar and my little brother snatched for it. "Jesus said to share," he wailed as I jerked it away. I replied, "But he didn't say to grab."

The Bible denounces theft — which implies an owner. Christ spoke of people working in a field to receive different amounts of hourly pay as OK. In the Talents Parable, he told of the master (God) taking the money from the security-motivated man with one unit and handing it to a productive man with ten.

Christians are told to bear fruit, to be not idle, to feed not the idle, to be serious in business, and to do with our hearts what our hands find to do — as unto the Lord.

Dennis Brossman
Lander, Wyo.

The Way, the Truth and the Light

Bart Kosko would have us believe that fundamental Christianity is inconsistent with conservatism. But you cannot read documents written by our Founding Fathers without running into constant references to God. It is no coincidence that Rome fell when it did, or that our nation was miraculously raised up when it was, against such a powerful foe as the British Empire. Haven't you noticed that the extent to which *this country has failed to put God first* is the extent to which our freedoms have eroded?

How can it be otherwise? The American people are growing more and more enslaved to debt, gambling, alcohol, drugs, tobacco, sex, licentiousness and perversions. This great nation will only survive if we guard it as a republic, one nation, under God.

Jesus is neither Capitalist nor Communist. He is the Way, the Truth, and the Light. When you know Jesus, you will know the Truth "and the Truth shall set you free."

Sandra Lacey
Winter Springs, Fla.

Jesus vs. Marx

Kosko's article was a flashy but failed attempt to use the secular vernacular and rationale of the godless world to describe the genuine spiritual change that resulted from the Love of God in the early church.

Acts 2:44-45 describes the result of the change which the Love of God had manifested in their hearts, including forgiveness and repentance from sin. Their actions of having all things in common and the selling of possessions to meet the needs of others was the physical result of the change in their

continued on page 36

Confession

Telling the Truth about Drug Prohibition

by Bill Masters

A deserter from the War on Drugs tells the frightening truth about the jihad that he now protests.

A few years ago I attended a meeting of investigators from all over the nation who were working on a serial murder case. Each of us was investigating a homicide that we thought might have been committed by the same person — a former police officer. The meeting was arranged by the Child Abduction Serial Killer Unit (CASKU) of the FBI and held at the FBI Training Center in Quantico, Virginia.

CASKU has been portrayed in books and movies as having hundreds of agents with large computer banks that bring up pictures of suspects and track their movements with satellites until they catch the guy in the act of committing some gruesome murder. So it was a bit disappointing when I realized that the unit is in fact just a few overworked FBI agents and clerks with desks piled high with folders full of pictures of mutilated young bodies and the happy, young faces of the "before" pictures of missing, tortured and murdered children.

During the breaks in our meeting I wandered through the building. Hundreds of bright, enthusiastic young people swarmed the hallways. They were all going through the FBI academy training. At lunch we would all go up to the large cafeteria in the academy building, once again surrounded by a sea of new recruits. Once, as I sat drinking coffee with one of the CASKU agents, I commented that maybe when all these new recruits graduated from the academy the CASKU unit might get some more help investigating the crimes that drive fear and despair into every parent's heart when they lose track of their child for even a moment while at the park or shopping mall.

The agent said, "Sheriff, these aren't FBI agents — they are all DEA agents. The Drug Enforcement Administration is using the FBI Academy to train more agents for the Drug War."

Through the rest of the day the CASKU agents and I went over homicide cases as pictures of murder victims flashed on a screen. The next day on the plane home I stewed silently and thought: What kind of peace officer — what kind of society would allow a peace officer — to use one minute of time, spend one dollar, or use one jail cell for a marijuana smoker, when vicious child murderers are on the loose?

After being a drug warrior for many years — and being good at it, after receiving the DEA's award for outstanding achievements in the field of drug-law enforcement — I realized I had failed my community by not carefully analyzing the problem.

I had become part of the drug hysteria.

Using what Glenn Fry called the "politics of contraband," I had used the Drug War to get re-elected. I played the tough guy, but not toward hardened criminals: murderers, burglars, thieves, rapists; no, I had played the tough guy on the easy ones — the dopers. Busting drug users is not rocket science. It's a lot easier than — God forbid — getting stuck with a "who done it" like investigating burglaries, murders, or cases of missing children.

A million Americans are arrested each year for drug violations. And $50 billion dollars a year are spent on fighting the Drug War.

Meanwhile CASKU has trouble paying for thumbtacks to put up one more missing, smiling face on their wall.

I don't know about medical marijuana; it may just be a ruse to get marijuana legalized. But I do know that if I am ever so unfortunate as to catch a painful disease, I am not going to consult the law books. I am going to consult my doctor, and then I will decide — not the Sheriff, not the Chief of Police, not my Congressman, and not the DEA — but *I* will make the decision about what is best for my body. This is a God-given right that no one should be able to take away. My body, my decision.

If someone is a doper, that is his problem and he needs to deal with it. My advice to him is, "Get a life, deal with your problem." Some might say to me, "Sheriff, you just don't care

about these people anymore." But the truth is that I do care, and that's why I advocate personal responsibility.

I want people to accept proudly the fact that they alone can change their lives. Our current "bust them and dry them out" policies do little more than enable people to continue their self-destructive lifestyles. We need to help people understand — through changes in the law — that their dependency is not the drug dealer's fault any more than the bartender is to blame for drunks, the pharmacist is the cause of people getting hooked on prescription drugs, the tobacco grower is to blame for nicotine addiction — or that their problem was caused by the police officer, the judge, the government, or their own mother.

Let's try something new, like telling people to accept responsibility for themselves. After all, most people will take care of themselves, if given the choice.

Those of us who are peacekeepers should be outraged at the racism of the Drug War. Blacks make up 13 percent of population, 35 percent of the drug arrests and 76 percent of the inmates who are in prison for drug offenses. Few white people go to jail for long periods of time for drug offenses, if they get caught at all.

The truth is, if you are the President's wife and have a drug problem you get a drug-rehab clinic named after you. If you are poor, black, or Hispanic and you have a drug problem, you will languish in jail for years. This racism of our drug laws tarnishes every lawman's badge in America.

Our current law enforcement tactics for controlling drugs do little more than create job opportunities for new drug dealers every time we arrest an old one. The supply of illegal drugs seems to never end. In fact, during the past 25 years illegal drugs have increased in potency and quantity, and the distribution systems have spread from major cities to every town and village in the nation. Our policies have succeeded in making a bunch of punks, who couldn't run a garden hose without instructions, so fantastically wealthy that they now influence politics in America and in foreign nations.

What kind of peace officer — what kind of society would allow a peace officer — to use one minute of time, spend one dollar, or use one jail cell for a marijuana smoker, when vicious child murderers are on the loose?

Law enforcement leaders need to be truthful with the public and admit that by all measurable criteria the criminal justice system has failed to control the drug supply and will continue to fail in the future.

A few years back I was speaking to a Los Angeles police officer, proudly telling him how we were conducting road blocks on our rural highway in order to stop crack cocaine from coming into our county. He just laughed in my face and said, "What are you going to do, Sheriff, build a wall?"

I realize now that our existing situation, as bad as it may be with crack, meth, heroin, pot, GHB, ecstasy, or whatever, is not as bad as what I see coming on over the horizon tomorrow. Unless policies change, the future is one filled with designer drugs — like meth — that can be made today, at home, out of supplies obtained from the local convenience store. These new drugs will be able to be made anywhere by anybody who has attended a high-school chemistry class. The supply will be endless and we, the police, will be even more overwhelmed than we already are.

Take a walk in my shoes or any lawman's shoes and you will see liberty mostly alive and well. But the corresponding virtue of responsibility is ill and dying.

"We the people" have virtually abandoned responsibility for protecting ourselves, for our health, for our children's education, for planning and providing for our own retirement, for moral guidance of our families, for conservation, for substance addiction, for abusive domestic relationships — to name only a few of the responsibilities we now expect government to take care of. We've turned these responsibilities over to government. And government made a mess of all of them. But what did we expect?

The truth is, if you are the President's wife and have a drug problem you get a drug-rehab clinic named after you. If you are poor, black, or Hispanic and you have a drug problem, you will languish in jail for years.

I trust the Nature Conservatory more than I do the Forest Service, I trust my IRA more than I do Social Security, I trust the Salvation Army to give to the truly needy more then I do the Department of Social Services, and I trust my informed choice about what is right for my children more then I do anyone else's.

As Americans we have abdicated our responsibility for issues such as drug abuse, spousal abuse and raising children. We turn over these responsibilities to a deliberately Godless government, and then we are astonished when government programs can't solve these fundamentally moral and spiritual problems.

Our churches and spiritual advisers have abdicated their responsibilities as much as the rest of the public has. When did you last see your minister walking among the crack users, outside of bars at closing time, in the jails in the morning? They sure can preach to the choir. But they tell me, "Sheriff, you've got to stop these drug users." This process is backwards — we should be calling them and asking them to do something about moral failures.

The criminal justice system no longer supports the concept of enforcing personal responsibility for violent conduct. Instead, it supports the excuse-making industry made up of counselors, drug-rehab centers, half-way houses, and the like. Cops know that most criminals blame someone or something else for their own actions: mothers, fathers, wives, girlfriends, police, drugs or alcohol. Amazingly, the criminal justice system buys into these excuses and fails to punish people for their criminal behavior.

Let people put whatever they want into their bodies. But demand that any aberrant conduct that hurts or endangers others be judged harshly. ❑

The Peasants Revolt

by Stephen Berry

The British have never had much inclination to protest taxes. But with gasoline taxes at $4.25 per gallon, things were bound to change.

Widespread protests in France this August against motor fuel taxes barely registered in Britain. They were snootily dismissed in the United Kingdom as Gallic high spirits, precisely the sort of thing one might expect from unruly Frenchies — "we do things differently over here" was the typical response.

But on Thursday, Sept. 7, the news broke that truckers and farmers were staging a protest outside a refinery in the northwest of England. Over the following weekend the demonstrations spread to all of Britain's major refineries and by Monday there was panic buying of fuel in London. By Tuesday evening 90 percent of filling stations in Britain had run out of petrol. All this happened with a speed which would have left the German generals of 1940 gasping with envy. And all this had happened with massive popular support and without the intervention of a single major labor union.

Britain has the highest fuel taxes in Europe. At over 80 pence per liter (about $4.25 per gallon), the recent OPEC rises in the price of oil meant that U.K. motorists were faced by the very real prospect of a £4 gallon (roughly $5.60). But, despite the very best efforts of the politicians, people in Britain are refusing to blame OPEC or the oil companies. The majority of them take their holidays abroad and they know that the cost of petrol is lower in Greece and Spain (I make no mention of the U.S. where it appears to us that the stuff is given away virtually free). No, U.K. citizens know that tax contributes more than 70 percent of the whopping price of gasoline and they know who is to blame.

Both of the major political parties have contributed to this sad state of affairs. It was the Conservatives in 1993 who first introduced the so-called fuel escalator, the policy of raising duties on petrol and diesel by more than the rate of inflation. Presented as a way of preventing global warming, fuel taxes were annually increased by 5 percent above the rate of inflation. The election of a new government in 1997 changed little. Gordon Brown, the Labour Party's chancellor of the exchequer, continued with the fuel escalator for another two years, before its increasing unpopularity meant that he had to get rid of it earlier this year. But the damage had already been done. By this summer, the price of petrol had risen by 44 percent since Labour took office — from 59 to 85 pence per liter — and 34 percent of that was tax. It was of little use to have the politicians bleating that direct taxes (income tax etc.) were considerably lower in the U.K. than in Continental Europe. This merely brought into clearer focus the absurd situation where indirect taxes on certain goods such as fuel, cigarettes and alcohol are so high that it could actually pay someone in England to travel all the way to France or Belgium to purchase these products.

What was the government doing whilst this was going on? "New Labour" is pursuing what is amusingly called "an ethical foreign policy." In addition to bombing the living daylights out of Serbs and Iraqis, this has meant taking sides in an incomprehensible civil war in the former British colony of Sierra Leone. The resultant capture by rebels of a number of British soldiers meant that while the fuel tax protests were building up, Prime Minister Blair was heavily involved in plans to rescue these soldiers from their West-African hellhole. Eventually when he stumbled into view at a press conference on Sept. 12, he promised to get things moving again within twenty-four hours. Two days later, after nothing of any significance had occurred, it was clear that Blair's inter-

vention had merely had the effect of making him appear both impotent and ridiculous. On the morning of Sept. 14, with Britain almost at a complete standstill, the truckers and farmers called the protest off and gave the government sixty days to come up with some formula to bring fuel taxes down — or else face the music once more.

The results of the fuel protest seem at this stage to be almost entirely positive. The Green Movement has been remarkably quiet during the dispute, and wisely so. The average trucker may not realize that only a very small proportion of total carbon dioxide emissions on this planet are the product of human activity. He does grasp however, that high fuel taxes threaten his livelihood here and now and that their supposed beneficial effects on the weather 100 years from now are rather speculative and of little consolation to an unemployed man. The importance of gasoline for an advanced economy was made crystal clear to the dullest brain when food on the supermarket shelves started to run low. The Greens' vision of a pastoral nirvana must now appear as the most hopeless naiveté to many people.

The importance of gasoline for an advanced economy was made crystal clear to the dullest brain when food on the supermarket shelves started to run low.

The present government has taken a most fearful hit. For almost three years, the Labour government has held a seemingly unassailable lead in the opinion polls, the longest political honeymoon in living memory. Blair has increasingly conducted himself with all the pomp of a Roman emperor who is here to stay, the economy has been performing remarkably well and taxes have been increased with little protest. Now everything has changed — "Never glad confident morning again!" During the dispute, Blair has seemed hopelessly out of touch, and worse, incompetent. An opinion poll published on Sept. 17 gives the Conservatives their first opinion-poll lead since 1992 and tax-cutting will definitely be an important issue in the run-up to the next election.

The dispute has had its ironic side too. One of the items high on the wish-list of the Trotskyite-Maoist-style revolutionaries of yesteryear was a spontaneous revolution of the masses without leaders. Remarkably, this supremely anti-elitist achievement seems to have been accomplished by the truckers, though without any fanfare from the left-wing, who were still busy chattering about the unwholesome profits of the oil companies. More strangely still, whilst the dispute was going on, the Trade Union Congress was holding its annual get-together, and the union barons found time to condemn the protesters — but all to no avail.

The conduct of the protesters was law-abiding and the model of good humor. Fuel for the emergency services was allowed to pass without question and shameless attempts to exploit this issue by the government fell completely flat. The truckers and farmers are responsible working men worried that a ridiculously high tax would put them out of work, and they are in no way to be compared with the anti-capitalist riffraff who violently wrecked property in London recently whilst demonstrating against "Globalism."

The reporting of this issue by the media has been instructive. The British Broadcasting Corp., uniquely for a broadcasting organization in the English-speaking world, is dependent for its revenue on a licensing fee which all citizens with a television sets are legally compelled to pay. Predictably, it is desperate not to offend the government of the day and, for various other reasons, is particularly comfortable with New Labour and Mr. Blair. Listening to the BBC, one might have picked up the impression that the country was split down the middle on the fuel issue. But ITV, the main commercial broadcasting channel, was bold enough to conduct polls asking such questions as:

- Is fuel duty too high?
- Do you support the truckers?
- Is Blair handling this crisis in a competent manner?

In all cases, more than 90 percent (yes, more than 90 percent) of respondents gave verdicts opposed to what the Government would like to hear. It was hard indeed to pick up any of this from the BBC. Anyone who cares seriously about freedom must realize there is a major problem to address here.

H. L. Mencken once observed:

> The average man, whatever his errors otherwise, at least sees clearly that government is something lying outside him and outside the generality of his fellow men — that it is a separate, independent and often hostile power, only partly under his control and capable of doing him great harm.

The average man in the U.K. has perceived clearly that the fuel taxes are doing him great harm and has made a dignified and powerful protest. Would that there were a strong and consistent anti-statist party in Britain which could provide the substantial analysis to enable the average man's perception to flourish and grow.

The average man in the U.K. has clearly perceived clearly that the fuel taxes are doing him great harm and has made a dignified and powerful protest.

But I don't wish to end on a pessimistic note. A quarter of a century ago in the U.K., inflation was rising towards 20 percent, unemployment was set to rocket and state sector workers were demanding that the government hand over ever more taxpayers' money to them. In the year 2000, inflation is the lowest in living memory, the unemployment rate is 3.6 percent and falling, and there is the delightful prospect of workers periodically and vigorously demanding that their taxes be reduced.

Welcome to the brave new millennium! ❑

How Al Gore Will Save America from Tax Cuts

by Stephen Slivinski

The budget surplus doesn't belong to the public. It's Al Gore's — and he has plans for it.

Scaling back government is simple to explain, despite the difficulty Republicans seem to have in doing so. But increasing government control over our lives apparently requires 191 pages of dreary prose, if Al Gore's economic plan is any evidence. Needless to say, reading it is not a pleasurable experience.

The platitude-to-page ratio in Gore's *Prosperity for America's Families* is astronomical, even by the standards of past presidential campaign literature (does anyone remember Lyndon Johnson's *My Dream for America*?). It's also tiresome in its redundancy. But the most frightening aspect is its assumption that we have to get someone to save us from tax cuts that might otherwise "drain" the budget surplus.

An honest accounting of how much Gore's spending initiatives will cost shows that it will virtually double the size of the federal budget in ten years. Here are a few specimens of new spending he proposes:

- $12 billion to decrease school and class size, despite the fact that the research published by the Democratic Leadership Council shows that smaller class size has no direct effect on student achievement.
- $338 billion prescription drug benefit for Medicare.
- $67 billion for a "Technologies for Tomorrow's Challenge" program. This new program would make grants to corporations who undertake research into environmentally sensitive energy and production technologies. This new corporate welfare program would spread cash among some of the largest corporations in America, and give them substantial unfair advantage over their competitors.
- At least $5 billion in new spending on the War on Drugs, specifically a new program titled, "Stay Clean to Stay Out," which will "enforce zero tolerance drug supervision for probationers, prisoners, and parolees."

There are also proposed federal mandates that do not have a federal cost, but will cost taxpayers at the state and local level — and tramp on civil liberties. The plan proposes, for example, a federally mandated, state-run photo licensing system for all "potential handgun purchasers." It also includes programs whose actual cost is difficult to quantify. It promises to spend, for example, an unspecified amount of money to get NASA and the EPA to ensure "access to high-tech, high-wage jobs" for women.

The plan calls for an inflation-adjusted annual growth rate for the federal government of around 6 percent — fifty percent faster than government growth during the past decade. The federal government would continue to consume 19 percent of GDP, assuming conservative growth rates in the economy — reversing the downward trend predicted in the last Clinton budget and far higher than the 5 percent it would need to simply run the constitutionally mandated functions of the federal government.

When you strip away the fluffy rhetoric, you're left with two fundamental policy statements: a Gore administration will make America "debt free by 2012" and will provide targeted tax relief to "typical" middle-class families. But even these statements mean a lot less than they seem to upon first examination.

Consider Gore's tax cuts. At $480 billion they account for barely 27 percent of the projected 10-year on-budget surplus (excluding Social Security). That, of course, begs the question: what is the surplus, after all, if not excess tax revenue that should be returned to taxpayers anyway? Of course, this question never occurs to Gore. All that matters is that it's a surplus, it arose on Clinton's watch, and Gore's not going to let anyone get any part of it, least of all those who made it possible. The surplus is not the property of the taxpayers. It's Gore's.

But Gore is a good enough politician to realize that a presidential candidate cannot get far without paying lip service, at least, to tax cuts. So Gore proposed his targeted tax reductions. This is a fundamentally flawed approach no matter how you look at it. To use Gore's own terms, the goal should be to reduce the tax burden on "typical working families." So what is a "typical working family"? Well, yours is if you happen to drive your child to day care in a fuel-efficient car on your way to your job which doesn't offer health insurance, after which you will spend your evening and weekends in your solar-powered home. There are other iterations of behavior that you need to undertake before you get any money back, but the fact that you are simply a taxpayer weighed down by the highest ever peacetime tax burden is not sufficient reason to receive a tax cut. You must first conduct your life in accordance with President Gore's preferences.

In fact, you don't even need to be a taxpayer. One of the sneaky parts of the Gore tax plan is that most of it consists of refundable tax credits. That means you don't even need to actually pay taxes to get the tax credit. As long as you do the things President Gore wants you to do, the federal government will send you a check. What used to be called handouts are now called tax cuts.

In a contrived scenario on page 100, Gore's tax plan explains how a single mother working as a waitress for $30,000 a year who has two children will receive a $1,528 tax "cut" from the government. Under the Bush-Cheney tax cut proposal, this family will receive nothing. The reason is "she has no federal tax liability and thus does not get any tax cut." This is, apparently, a dangerous flaw that must be remedied at all costs.

The debt reduction component of the plan is the centerpiece, the policy solution around which the entire Gore plan revolves. The rationale for paying off the entire publicly held debt (which doesn't include the government-held debt of Social Security — an even greater problem) stems from three particular goals of the Plan: to "meet the challenges of Social Security and Medicare," keep interest rates low, and continue to increase business investment and economic growth.

Gore's spending initiatives will virtually double the size of the federal budget in ten years. His plan calls for an inflation-adjusted annual growth rate for the federal government of around 6 percent — 50 percent faster than government growth during the past decade.

All of this plays into a shockingly widespread phobia of the national debt. The debt has been used as a bogeyman by all sectors of the political map for various reasons, usually to preclude tax cuts. And to great success, too. When the government ran deficits, tax increases were proposed as a means of lowering the deficit so as not to add to the federal debt (which is simply the sum of all previous deficits). President Clinton's first budget in 1993 used this to explain why he was inflicting a huge tax increase upon taxpayers.

Now that the budget is in surplus, incumbent politicians, Democrats and Republicans alike, have scrambled to capture the glory of paying down this seemingly onerous burden on future generations. As recently as September 13, House Republicans decided to beat a hasty retreat from their previously less-than-staunch support for tax cuts and endorse the idea of devoting 90 percent of the surplus to debt reduction.

The 1980s saw a large increase in the national debt amid incredible prosperity. There is simply no correlation between lower debt levels and prosperity.

There are numerous problems with this, all of which run to the heart of why the Gore economic plan is built on a wispy foundation. One argument in favor of debt reduction says that the more debt that is retired, the lower interest payments will be for the federal government. While true, this implies that interest payments wouldn't otherwise go down. Yet, that's exactly what's been happening because the economy has grown faster than the burden of debt. Debt has fallen this year to 35 percent of GDP from 40 percent last year. The important point to realize is that a growing economy is more important than a shrinking national debt, because the former is a necessary condition of the latter. The government must step back to allow that to happen.

Gore proposes to use virtually all of the surplus tax revenue over ten years from Social Security and Medicare payroll taxes to pay down the debt. He proposes no substantial reform or privatization of either program, both of which are careening toward a crash. Instead, he proposes an increase in Medicare commitments by providing a new prescription entitlement. He also proposes to deposit interest payment savings from paying down the debt into Social Security's phony "trust fund." But he does not accompany these proposals with any structural change or promise that these savings won't be spent, too.

Gore alleges that paying down debt will do wonders for the economy. But even when debt levels were higher than today, they weren't threatening the economy. Debt levels have been rising for most of this century. The 1980s saw a large increase in the national debt amid incredible prosperity.

Gore claims that lowering debt levels will also lead to lower interest rates. But again history fails to bear out Gore's point. As pointed out by economist William Niskanen, the average yield on 10-year Treasury securities increased from 5.68 percent in August 1993 (when Clinton's so-called Deficit Reduction package was passed) to 7.96 percent in November 1994 (when Republicans were elected to a majority in Congress). As Niskanen speculates (and he's not alone in this), the borrowing of the federal government is only a

continued on page 36

War Correspondence

The War on Privacy: News from the Front

by Adrian Day

Your government wants to know what you're up to.
Everything you're up to.

The United States government has instigated a broad international attack on financial privacy. The most visible aspect of this renewed war against privacy is a group of regulations, scheduled to take effect January 1, 2001, that require foreign brokers and banks to provide the IRS with the true identities of all owners of U.S. stocks and bonds.

The new rules introduce a new draconian 30 percent tax on gross proceeds of any U.S. securities, unless the overseas bank or broker agrees to become a "Qualified Intermediary." To become a "Qualified Intermediary," a bank must file on each of its clients a detailed IRS form documenting clear evidence of his identity. The choice is between financial privacy or a 30 percent tax rate. The only other alternative for U.S. account holders is to avoid investing in the United States altogether.

These regulations are another nail in the coffin of privacy for U.S. investors, and will have the effect of driving more offshore money underground. They also represent an important step backwards for Switzerland and many other countries that have chosen to cooperate with the IRS in its taxing of U.S. investors.

These countries argue that as a practical matter they have no choice but to cooperate. Under the rules, if a bank does not become a "Qualified Intermediary," then its clients will not be allowed to invest in the U.S. markets. So the banks agreed to act as agents of the IRS and to add burdensome paperwork for another country's government. They will identify clients according to IRS rules, marking accounts for withholding, and so on. This degree of cooperation with the IRS is very unsettling, and one must wonder, now that the IRS's foot is in the door, what its next step will be.

The Swiss, running scared after their Holocaust compensation experience, are cooperating. To their credit, however, they did negotiate with the United States a procedure whereby U.S. account holders would not be reported to the United States without their prior consent (though at the cost of not investing in the United States).

The Austrians have also been under attack ever since Haider's Freedom Party entered the coalition government. After some defiant words, Austria has now decided to go along too, and Austrian banks will seek to become Qualified Intermediaries like their Swiss neighbors.

Much is still unclear. The IRS regulations have not been finalized, and many definitions are subject to clarification (including even what is meant by "U.S. securities"). As a practical matter, individuals who have a foreign bank or brokerage account should contact their banker or broker for additional information and decide how to proceed. Those who are a "U.S. person" (including the spouse living abroad of a U.S. citizen) will need to either sign new IRS forms, sell all their U.S. securities by the end of the year, or accept the punitive 30 percent tax on the gross proceeds when they sell their securities in the future.

The reaction of people using foreign banks and brokers has been mixed. Most are refusing to sign the new forms. Many U.S. investors already report their foreign holdings on their tax forms, but nevertheless resent the additional invasion of privacy. As for non-U.S. investors, most resent the fact that the U.S. government is, once again, intruding on their privacy, but most are providing the necessary information to their bank in order to continue their normal investment practices.

What is the result of these new regulations? A few U.S. offshore accounts are being repatriated, while most offshore investors are liquidating their U.S. holdings. Not a single individual, according to my sources, has now decided to

declare his overseas accounts that he previously had not! In short, a lot of U.S. stocks are being sold, creating no additional revenue to the U.S. government. Once again, the United States is driving more offshore money underground.

These new withholding regulations are but one front in a global war on privacy and in favor of high taxes, part of a multi-pronged international attack on offshore tax havens. In recent months, the U. S. and the European Community have opened three additional fronts in this war:

These regulations are another nail in the coffin of privacy for U.S. investors, and will have the effect of driving more offshore money underground.

1. The attack on "money laundering." The Financial Action Task Force, linked to the Organization for Economic Cooperation and Development (OECD), has published a blacklist of countries considered uncooperative in dealing with money laundering. These are not necessarily tax havens: Russia and Israel make the list. The targets are countries whose banks are alleged not to obtain sufficient information on clients' identities and the source of their funds.

2. The attack on tax havens. The OECD has launched a well-publicized attack on so-called tax competition, essentially aimed at countries that permit residents of other countries to bank and invest through their country at lower rates than they would pay in their own countries. This is the most insidious of the battles, because the victims are not gangsters or criminals, nor are the tax havens themselves in any way encouraging in immoral activity. This is a war on ordinary people who put money in foreign banks in order to escape high tax burdens imposed by their own countries. By denouncing people who use tax havens as "gangsters" and "money launderers," the anti-tax-haven warriors mask the real purpose of this battle.

High-tax countries do not like the fact that "their" citizens can put money in tax havens in order to earn tax-free income and maintain their privacy. For many years, most tax havens have had clear rules regarding the identification of new clients, and most have cooperated in investigations of ill-gotten funds. But most refuse to cooperate in cases of people who came by their money honestly and merely seek to maximize their privacy or reduce their taxes.

The OECD has identified a list of putative tax havens, and given them a year to eliminate both secrecy and two-tier tax regimes or face unspecified sanctions. Many countries have caved in promptly upon being named, including two favorites of Americans, the Cayman Islands and Bermuda. Cayman's government said it would henceforth share information in normal (that is, non-criminal) tax cases, while the new Bermuda government said it "shares the concerns of harmful tax competition."

This is a major escalation in the war against tax havens. It's also grossly hypocritical. Most high-tax countries (including the United States, Canada and Britain) promote two-tier tax systems when it suits their purposes. Both Britain and Canada, for example, offer special tax incentives to attract foreigners and their investments. The United States offers special tax treatment to foreigners investing in real estate. The U.S. government stated the goal of all this clearly, when it said the moves will "ensure [that] global mobility of capital does not subvert national interests."

The same logic that applies in the attacks on tax havens would seem to apply within the United States. There are very substantial differences among the several states. Residents of North Dakota, for example, pay an income tax of as much as 12 percent, while their neighbors in South Dakota pay no state income tax at all. But somehow the individual who moves from North Dakota to South Dakota is spared the moral opprobrium that is heaped on those who move themselves or their funds from the United States to the Bahamas.

The very words "unfair tax competition" are Orwellian. It has apparently not occurred to any of these high-tax countries that a simple way to stop their citizens from putting money into tax havens would be to cut their own taxes.

3. The convergence of Europe. Moves are afoot at various levels within the European Union to establish a single continent-wide system of taxes, withholding, exchange of information and so on. Ireland, for example, is being accused on "unfair tax competition" because European companies that set up shop there pay lower rates than they would if they were headquartered in France or Germany.

There have been proposals for a European withholding tax, a move abandoned after strong — self-interested — opposition from Britain, among other countries. Austria also strongly opposed the withholding tax proposal, and fought a rearguard action against the alternative, an agreement enforcing disclosure of financial information among European countries. By going along with a compromise to postpone the introduction of information exchange for five years, Austria was preventing the introduction of the tax on savings. But if that proposed tax is implemented, it will mean the effective end of banking privacy in Austria.

For some time, Austria has been under serious attack from its EU neighbors, and has been forced to make various concessions. Already, it has agreed to abolish its famous anonymous passbook accounts, not only for foreigners but also for Austrian citizens, within a designated time frame.

It has apparently not occurred to any of these high-tax countries that a simple way to stop their citizens from putting money into tax havens would be to cut their own taxes.

At the same time the U.S. government is attempting to end the last vestiges of financial privacy abroad, it is showing new concern for financial privacy at home . . . but not where the government itself is concerned. A new law, the Gramm-Leach-Bliley Act, requires financial institutions to implement information protection policies and procedures,

continued on page 32

Report

I Go Down

by R. W. Bradford

There are only two kinds of motorcyclists: those who have had an accident and those who will.

One or two seconds after I saw that I was in trouble, it was over. I'd lost control of my motorcycle, fallen on my right side, and slid along the pavement. I didn't know it then, but my face was a piece of raw meat.

I've driven almost every highway in the United States that has a reputation for natural beauty and Washington's State Route 20 is the most beautiful of them all. It goes up and over the northern Cascade Mountains. Air temperature declines three degrees for every thousand feet of elevation, and the Cascades rapidly rise thousands of feet from the coast. Cool air can hold less humidity than warm air. At this northerly latitude, this means that it snows heavily in the Cascades for months each winter, and there is considerable rain during the rest of the year. This gives the northern Cascades a wonderful wildness: spectacularly rugged terrain, wild cold clear rivers, crashing through black-walled basaltic valleys covered with magnificent evergreen forests, turquoise lakes, snow-capped mountains and alpine meadows.

Snow closes the only road for half the year, and only heroic snow-removal efforts can carve tunnels through the snow by the first of May.

SR-20 begins at the bottom of Discovery Bay on the Olympic Peninsula. It runs a dozen miles northerly to Port Townsend, where I live, then it crosses Puget Sound by ferry to Whidbey Island, then across red-rocked Deception Pass and onto Fidalgo Island and over a tediously long bridge to the mainland. After jogging a few miles north, it follows the crystalline Skagit River, where only a blind man could fail to see bald eagles swooping down to snatch their prey from the roaring whitewater below. Then it goes up the mountains, past an absurd series of socialist dams and into the high Cascades. The route's high point, esthetically and literally, is Washington Pass, a mile above sea level, just before the road descends steeply into the Methow Valley to the east. A wonderful little picnic area sits almost on a precipice, overlooking the valley thousands of feet below, where one can sit among noble firs and look at views that seem to go on forever.

It is not merely the scenery that makes SR-20 the magnificent driving experience that it is: somehow, it combines twisty curves and undulating elevation in a way that . . . well, makes it a sensual pleasure to drive.

Anyone who lives as close to all this as I do would be a fool not to drive it as often as possible. And the best way to drive SR-20 is on a motorcycle, on which you are inundated in the world around you, without your senses closed off by glass and steel. On the right day, your internal rhythm synchronizes with your bike and the road and you become a part of the sensuous world that surrounds you. On the North Cascade Highway, SR-20's formal name, you drive as fast or as slowly as you want, accelerating around lumbering recreational vehicles whenever the oncoming traffic clears, smelling the evergreen forests, gliding up and down the long ascents and descents, leaning into the sharp curves, catching glimpses of the raging river below, and of waterfalls crashing down the moun-

tains along the road, and riding through the thin waterfall that sputters wind-blown across the road.

I like to ride the highway a couple of times each year, generally once in the spring before the tourists come and again in the fall after they're gone. This year, I was too busy with *Liberty* to take my spring ride and by mid-August I was afraid I might miss my autumn ride as well. But in late August, things at the magazine were pretty well caught up, and on August 27, I decided I could take a day off and ride the road.

I called up Jim Switz, *Liberty*'s crack computer guru and fellow biker, told him my plan, and invited him to join me. We'd catch the 11:45 a.m. ferry, ride as far as Washington Pass, have a picnic lunch, and return by dark.

It had been foggy that morning, as it occasionally is in a Puget Sound summer, but we weren't much concerned about the weather, since clouds and fog usually stayed west of the mountains. By the time we left, the fog had given way to partly sunny skies with occasional flecks of low-lying clouds.

I was riding my 1984 Honda Nighthawk 650, a light, quick bike with a four-cylinder engine that runs as smooth as silk and Jim had his Honda ST-1100, a crotch-rocket touring bike, bigger, faster and more comfortable than mine.

We met some other bikers on the ferry, one of whom told us how he'd run into his high school sweetheart 35 years after graduation, fallen in love again and gotten married. A few months later, his bride had asked him whether he thought it was time he outgrew the childish pleasure he got from motorcycling and how he soon discovered that what he'd outgrown was a woman who couldn't understand the pleasure he got from biking. He told us about a route that would take us around the congestion of Oak Harbor, a town where we'd always run into traffic. We thanked him for the tip, and thanked him again silently as we glided around the town, over the hills and along the seashore. We stopped on Canoe Island, in the middle of Deception Pass. A little boy asked Jim if he could take a picture of his bike, and Jim made the boy's day by suggesting perhaps the kid would like to sit on his bike and have Jim take his picture. We wandered into the woods to find a private spot to relieve ourselves and returned to our bikes, where I put on my leather chaps to keep me warm and dry. Leather also provides a level of protection in an accident, so anytime the weather is cool enough that you can tolerate wearing it, you do.

On the right day, your internal rhythm synchronizes with your bike and the road and you become a part of the sensuous world that surrounds you.

The next portion of the trip was, as usual, the least fun. A few miles past Deception Pass, SR-20 joins the highway between I-5 and the city of Anacortes, where the traffic is always relatively heavy and the scenery uninteresting. But within a half hour or so we were driving along the Skagit River and having the sort of pleasure that you have to ride a motorcycle to understand.

An hour or so later, we passed through Newhalem, a nasty socialist town owned lock, stock and barrel by the City of Seattle's municipal power company and one of the worst speed traps in the entire country. We were about to enter the high Cascades, the portion of the road where one cannot help but be hypnotized by the beauty.

I was riding in front, going about 35 or 40 mph when we came to the first place where tourists like to stop and gape at nature: a waterfall crashing down the mountain and under a steel-grated bridge. Steel-grated bridges are a special hazard to motorcyclists: they combine slipperiness (especially when it's raining) with a tendency to make your wheels weave a bit that is, well, unnerving. But, I've driven across steel-grated bridges dozens of times and never had any problem. I've always done what you're supposed to do: keep your bike upright, your speed constant and your front wheel pointed straight ahead.

Without warning, I began to feel my bike weave. Before I could do much of anything, I was down, sliding along the grated deck of the bridge and then the concrete of the road. When I came to a stop about 100 feet down the road, I knew that after years of riding and tens of thousands of miles, I had finally had a serious motorcycle accident.

I'm not really sure what happened in the next few minutes. My glasses had been broken, traffic had stopped, and Jim was at my side asking me how I was. I told him I was okay and got up and walked to the side of the road. Apparently, I was shaky enough that Jim and people from other stopped vehicles were trying to steady me. With my glasses broken, I couldn't see very well. People from a couple of stopped vehicles got their first-aid kits and began to clean me up a little. Jim moved my bike off the road.

It gradually dawned on me that I was hurt pretty badly. There was an awful lot of blood down the front of my jacket and my face hurt a lot. I've gone down on bikes many times before, and had sometimes hurt myself. But all of those falls had happened at slow speeds — two-wheeled vehicles are a lot less stable at slow speeds — and I'd always walked away with nothing more than a few cuts and bruises.

I'm a pretty determined person and it hadn't yet dawned on me that I was hurt so badly that my motorcycling was over for the day. I have to say that if you're ever going to have an accident like this, you had better have someone like Jim Switz around. Not only did he supervise the first aid offered me by the passing samaritans, he also had the good sense to convince me that I needed medical care and that I was probably not going to ride any more that day. Thank goodness he didn't try to tell me what I had to do — he had enough respect for me (or maybe for my contrariness) not to try that. He simply told me that he didn't think it was a good idea to go on until I had rested a bit and got patched up and maybe, just maybe, we should go back to Newhalem and find someone trained in first aid to look at me.

I told him I wanted to rest a bit and see how I felt before I decided. I had no idea how preposterous this was. I am sure Jim did, but he also figured correctly that it would be better for me to figure it out myself. After they got me patched up

as best they could and I had walked around for a few minutes hoping the pain would pass, I agreed to go to the Newhalem ranger station where an EMT could take a look at me.

At the ranger station, I went into the restroom to look at myself. My face was a bloody mess. It was pretty obvious even to me that I wasn't going to be riding any more that day.

In a few minutes, a ranger/EMT arrived. He picked shards of plastic from my glasses out of my face, cleaned the dirt out, and wrapped a bandage around my head. Then he checked me for concussion and checked my arms and legs for fractures. Nothing seemed broken, except possibly some bones in my head. He suggested I return to Sedro Woolley where there was a hospital with an emergency room. We told him where we had parked my bike and he said he'd contact the state patrol and ask them to leave it alone for a day or so. I told him about the cooler on its luggage rack and the submarine sandwiches inside, and suggested that he take them, lest they attract bears.

By now I realized that both legs and one arm were badly bruised and my face had begun to swell up. It was painful and difficult to get onto the pinion seat of Jim's bike, but I managed. My legs were so stiff and sore that I couldn't bend my knees enough to put my feet on the foot-pegs, so I had to dangle my legs on either side of the bike. I was wearing my sunglasses, but my right eye was so swollen that I couldn't see out of it. It was all I could do to keep track of the curves in the road so I could lift whichever foot I had to to avoid it hitting the pavement as Jim leaned the bike.

Jim took it easy and drove as comfortably as he could, but it seemed like it took forever to get to the hospital at Sedro Woolley. He dropped me off at the emergency room and parked his bike.

By now I had forgotten just how awful I looked. I sat down to be interviewed by the nurse and took off my glasses, under the impression that they were discovering the extent of my injury. I filled out some admission forms and was told that the physician on duty would get me x-rayed

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and checked out as soon as he could, but there would likely be a wait of about an hour.

Jim came in and took my picture, "a souvenir for Kathy," he said. Kathy's my wife; she was away in Iowa at a funeral for an uncle. A half hour or so later, I was called to an examination room, where a young physician took a look at me. As he cleaned me up a little and sewed up the wound on my face, he told me to see my own physician in five days to have the stitches removed. I asked him whether I needed an x-ray, and he said I didn't. I wondered whether this had anything to do with the fact that I had indicated on the admission form that I had no medical insurance: it occurred to me that perhaps they figured the grungy-looking, bloody mess, clad in ominous black leathers would not likely ever pay his bill, and they didn't want to provide any more care than was absolutely needed to get me on my way.

The hour and a half ride to get me to the ferry was even more miserable than the ride to the emergency room. By now, the area around my right eye had swollen up so much that my dark glasses wouldn't stay on my head, and whenever they touched the right side of my face it hurt like blazes. But I had to keep them on so I could see when Jim was turning the bike. So I held the glasses a half inch from my face with one hand while clutching the back of the bike with the other.

As we neared the ferry I remembered belatedly that the state had rerouted ferry traffic several miles out of its logical path. We were trying to catch the last ferry of the evening

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and because of the detour we were running late. I again thanked goodness that Jim is such an excellent motorcyclist, as he smoothly shifted gears and raised our speed to as much as 80 mph along the rural road. We just barely caught the ferry.

By the time I got home, I was a wreck. I couldn't see, my legs were almost solid pain, my face was excruciating and I was bone cold. I stumbled around my house and found a contact lens which I put in my good eye. I fed my cats and called Carol Evanger to tell her what had happened and that I wouldn't make it to work the next day. I stumbled upstairs where I soaked in a hot bath for a half hour, then I stumbled back downstairs. My good eye itched so I rubbed and my contact fell out. Now virtually blind, I couldn't find it. I managed to find another contact lens and install it. I went to an easy chair, where one of my cats sat on my lap. I hurt just about everywhere it was possible to hurt. The acetaminophen I took didn't provide much relief.

I got up after a very difficult night's sleep interrupted by bouts of pain, not feeling a whole lot better than I had the night before. I figured out a reasonable way to see — by cutting off part of my broken glasses I was able to Scotch tape the half pair of glasses to my head so that I could see through the badly scratched but unbroken left lens.

Jim had told me he'd go back with me to get my bike the next day, though I wasn't sure I was up to it. But fearing the hassle of getting my motorcycle back if the police were to haul it away, I called the state patrol and the sheriff's office. The state patrol had no record of having picked it up, but several calls to the sheriff's office had enabled me to speak only to answering machines. I wasn't sure the bike would be there, but I was pretty sure that it would be gone if I didn't get it pretty quickly, so decided to bite the bullet and go back to the scene of the accident.

Again, I thanked God that I have a friend as good as Jim. We didn't really know whether the bike was ridable and I

was in no shape to drive either a car or a bike, so we figured we'd haul it back. Jim had a sturdy trailer and a bunch of good tie-downs. We caught the noon ferry and retraced our steps. It turned out the bike was hardly damaged. With considerable difficulty, we got the bike onto the trailer. The ranger/EMT who had patched me up the day before stopped by to see how we were doing, and I thanked him once more for his help and was again reminded that not all bureaucrats are sons of bitches. We got back to town about 9:30 p.m. We unloaded the bike a block from my home — it was easier to do it there on level ground than on the steep street by my house — and I started it up and rode it home.

By the time I got home, I was a wreck. I couldn't see, my legs were almost solid pain, my face was excruciating and I was bone-cold.

Kathy was due home very late that evening, and I did my best to clean up the mess I had created stumbling around the house the night before. I hadn't called her to let her know about the accident and had asked the people at work not to mention it to her if she called, because she is nervous flying under any circumstances and I figured worrying about me would make her return flight all the more stressful. Now I was worried that she'd be shocked by my appearance: the right half of my face being a swollen mess of scabs, blood and pus.

I turned out the lights and waited. When she came in I warned her that my face was a mess and turned on the lights. To my relief, she wasn't too upset, and set about to nurse me.

Three days later, the swelling around my right eye subsided to a point where I could again see with it, though my vision remained even more blurry than usual. The following day I got my stitches out — all but one that the nurse didn't notice — and had my knee x-rayed. My physician said everything would heal and that the scars would pretty much be hidden in my eyebrow.

I've worked every day, but I still feel weak and tire very easily so my productivity has been below normal. Thank goodness *Liberty*'s staff — Andy Chamberlain, John Haywood, Ivan Santana, Carol Evanger and my wonderful wife Kathy — have picked up a lot of the slack. Just about the first thing I did after the accident was send an e-mail to our contributing editors, reporting my injury and apologizing for the fact that I was likely to be slow responding to their inquiries and getting back to them about manuscripts. A number graciously responded by sending in unexpected contributions, again, making my job a lot easier.

Today, twenty days since I went down, I am walking more or less normally though my bruises are not entirely healed and I can see out of my right eye almost as well as usual. When I got my hair cut last week, my barber didn't notice my messed up face until she had nearly finished the job.

One more thing. I've decided to take the advanced safety course from the Motorcycle Safety Foundation. And as soon as this issue of *Liberty* goes to press, I'm going to ride up to Washington Pass and enjoy a submarine sandwich among the noble firs and the view of the valley thousands of feet below. ❑

"The War on Privacy," *from page 28*

allowing customers to opt out of any disclosure of such information.

At first blush, that appears to be a noble objective. But the devil is in the details. Under regulations drawn up by the Securities and Exchange Commission (SEC), all financial institutions will be required to send you, annually, a notice outlining their financial privacy policies and guidelines. These will not be simple one-paragraph statements; given the breadth of issues that the SEC requires statements to cover, investors can expect long disclosures, written in unreadable legalese. Naturally, the government itself is exempt from the Act.

The SEC has notified financial firms of the kind of language they must use to describe their privacy policy ("short sentences . . . active voice . . . [avoiding] multiple negatives . . . [with] wide margins . . . [and] a distinctive type face."). The SEC's own regulations in this matter would violate every one of its own prescriptions. Ironically, the SEC issued its directions in the form of 40 pages in small type.

Of course, the government is the biggest violator of individuals' financial privacy, and the new laws do not even mention this aspect of the problem, let alone do anything to inhibit the government's appetite for private information on investors.

Various government agencies, including the SEC, claim the legal right of access to your private financial data. Employees of the SEC may enter the office of any investment advisor (or mutual fund broker or dealer) at any time, without any subpoena and without any notice, and rifle through the files of any client, copying any such private financial information at whim. Financial firms have no legal standing or basis on which to prevent this intrusion of your privacy.

Of course, such invasion of your financial privacy is not covered by the SEC's 40 pages of regulations. In short, there is *no such thing* as personal financial privacy in the United States, and the biggest culprit by far is the government. Now the government is trying to end privacy abroad. It is too early to tell how this war will end, but given the way many foreign countries have just rolled over, the early signs are not encouraging. ❑

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Hypocrisy

Walking the GOP's Abortion Plank

by Sarah J. McCarthy

How can a political party advocate individual rights, smaller government, and still tell a rape victim she must die bearing the child of the man who brutalized her?

As women arrived in Philadelphia carrying placards saying "W is for Women," one of the first pieces of business at the Republican convention was the ratification of a longstanding principle calling for a constitutional amendment outlawing abortion without exceptions, a policy that would make opposition to abortion a litmus test in the appointment of federal judges. The GOP platform also toughens language against gay rights and family planning counseling for teens.

The first night of the GOP convention was proclaimed "Women's Night" in the City of Brotherly Love. Lynne Cheney and Laura Bush were showcased along with Dick Cheney's lesbian daughter Mary who, much to the consternation of the social conservatives, was actually allowed onstage. Republican moderates must be content with small favors.

Although it claims to be the party of limited government, the Republican Party reaffirmed its position as a reactionary advocate of intrusive government in the most crucial, private and personal areas of our lives. It is a platform of cultural imperialism, one that advocates the subjugation of women, which the restriction of family planning counseling surely does, and if you are pregnant, it wants to nullify your right to choose, quite literally, whether you shall live or die.

What the GOP platform means by a ban on abortion without exceptions is that all abortions should be outlawed — most preposterously, even those done to save the life of the mother. If you are a mother with two children and run into dire complications in your pregnancy, the official position of the GOP platform is that an embryo or a fetus has rights that must trump your own. In short, forget your rights to life, liberty and the pursuit of happiness. If social conservatives prevail in their fight to get more pro-life judges appointed to the Supreme Court, these rights will be gone. The GOP platform proclaims that only one person should have the right to live in a beleaguered pregnancy, and it's not you. Anti-abortion extremists favor a constitutional amendment stating that women have fewer rights than a day-old cell cluster, even if the cell cluster is the product of a rape. The party of limited government is saying Big Brother should be calling the shots over your emergency room gurney, where women will presumably be drugged or handcuffed into compliance if they refuse to cooperate in their own demise. The party of personal responsibility and individual choice is saying, in effect, that it doesn't trust a pregnant woman to make decisions about her own life or her baby's. The GOP platform calls for these decisions to be made in Washington, D.C.

Senator Rick Santorum's charge that only selfish and self-centered women get late-term abortions is simply false. In a recent issue of *The Humanist*,[1] John Swomley, professor emeritus of social ethics at St. Paul School of Theology, reviews several cases of women whose lives would have been endangered had the partial-birth abortion ban been enacted into law at the time of their pregnancies:

> Vicki Stella from Naperville, Ill., the mother of two daughters: Vicki and her husband Archer discovered at thirty-two weeks of pregnancy that the fetus had only fluid filling the cranium where its brain should have been, as well as other major problems. They decided to terminate the pregnancy. Because the procedure preserved her fertility, she was able to conceive again.
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> Mary-Dorothy Line from Los Angeles, Calif., in the summer of 1995, was told at 21 weeks that her fetus had an advanced, textbook case of hydrocephalus — an excess of

fluid on the brain. It was acute and untreatable. The medical experts told her that her own life was at risk, and so the Lines decided to end the pregnancy.

Coreen Costello from Agoura, Calif.: In April 1995, seven months pregnant with her third child, Coreen and her husband Jim found out that a lethal neuromuscular disease had left their much-wanted daughter unable to survive. Its body had stiffened and was frozen, wedged in a transverse position. Amniotic fluids had puddled and built up to dangerous levels in Coreen's uterus. Devout Christians and opposed to abortion, the Costellos agonized for two weeks about their decision and baptized the fetus in utero. Finally, Coreen's increasing health problems forced them to take the advice of numerous medical experts that the [dilation and extraction] was indeed, the best option for Coreen's own health, and the abortion was performed.

Maureen Mary Britell from Sandwich, Mass. and her husband Andrew, practicing Catholics, were expecting their second child in early 1994 when, at six months gestation, a sonogram revealed that the fetus had anencephaly. No brain was developing, only a brain stem. Experts at the New England Medical Center in Boston confirmed that the fetus would not survive. The Britells' parish priest supported their decision to induce labor and terminate the pregnancy. During the delivery, a complication arose and the placenta would not drop. The umbilical cord had to be cut, aborting the fetus while still in delivery in order to prevent serious health risks for Maureen.

Ironically, a week after Santorum led the effort in the Senate to ban partial-birth abortion, his wife Karen, who was five months pregnant with their fourth child, was told that their fetus was suffering from an almost invariably fatal problem — its bladder wasn't emptying. Not wanting to abort, Karen continued the pregnancy, but as a result, soon developed a life-threatening infection and 105 degree fever. She was shivering and becoming delirious and had gone into labor.

Pro-life extremists favor a constitutional amendment stating that women have fewer rights than a day-old cell cluster, even if the cell cluster is the product of a rape.

Karen was adamant that her labor be stopped to keep the baby, but the doctors refused, saying that Karen was suffering from an intrauterine infection and that there was the possibility of septic shock if they made any effort to stop the labor. "They said that if the infection wasn't treated there was a real chance it would kill Karen," the Senator told journalist Joe Klein.[2] "In a situation like that, you are completely lost in the storm," said Karen. "Now I can see that I was caught up in the grief and the anguish. But I had three other children at home. It was wrong to even think about risking my life."

Though Senator Santorum had previously told the *Philadelphia Inquirer* that with the baby almost certain to die, it would have been an "easy call" to opt for an abortion if Karen's life were threatened. "The Senator," wrote Klein, "has trouble talking about what they would have done if Karen hadn't gone into labor on her own."

"The Santorums had every right to make the choices they did," Kate Michelman, president of the National Abortion Rights Action League told Klein. "What we believe is that every mother in those circumstances should have the right to make her own choice, even if it is different from the one the Santorums made. This [partial-birth] debate is a political strategy designed to overturn *Roe* v. *Wade*, to weaken the constitutional protections for a woman's right to an abortion, to put women at risk, and to put doctors under political supervision. I've never defended this particular procedure. I just believe that this is not an arena for political interference."

Michelman is right, the crucial question here, of course, is whether decisions of this sort should be made by individuals with the advice of their physicians or by politicians. The major medical associations oppose government intervention in abortion decisions. The American College of Obstetricians and Gynecologists states, "The physician, in consultation with the patient, must choose the most appropriate circumstances." The American Nurses Association concurs, stating, "It is inappropriate for the law to mandate a clinical course of action for a woman who is already faced with an intensely personal and difficult decision."

Despite his personal experience, Senator Santorum's bill banning partial-birth abortions allowed doctors no exceptions except to save the life of the mother. Ill health, risk of infection, future infertility, nor the mother's suffering with a prolonged labor instead of the quick solution of abortion in beleaguered pregnancies, made any difference to Santorum. Tom Delay suggested compromise language that included "grave risks to the health of the mother," but Santorum refused the compromise.

"His insistence that there could be no other health exceptions made even his allies at the American Medical Association a bit uneasy," writes Klein. John Nelson, an AMA trustee from Salt Lake City said, "you can't get the ink dry on a protocol [a prescribed method for handling a medical situation] before you find yourself in the operating room facing a situation you hadn't thought of."

A legislative ban on abortion, as John Swomley has pointed out, "would force doctors in many cases to select what they consider a second-best method in order to avoid criminal prosecution."

One unintended effect of prohibiting abortion may be to make abortion *more* common than it is when legal. Jack Hitt[3] argues that doctors who do abortions believe that "the existence of safe, available procedures reduces the suffocating sense of desperation a pregnant woman feels, and heightens overall awareness of birth control, so that legalization actually results in fewer abortions. . . . There is good evidence," he adds, "to support this view." He observes:

> Chile, for example, has banned abortions, and the penalty can be stiff: up to five years in prison for the mother. Chile also has one of the highest per capita abortion rates in Latin America. Ireland, the only large Western European country to prohibit access, is thought to have an

abortion rate higher than the Netherlands, where laws governing access have long been liberal.

It's not surprising that Catholic countries where abortion has been outlawed would have the highest numbers of abortions since those countries are more likely to prohibit sex education, family planning information and birth control. Women's worth in some of these countries is primarily determined by her biological role as the bearer of children.

Though the pro-life movement in the United States has done its best work through education — demonstrating the ugliness and inhumanity of abortion if performed without good cause, it's primarily seeking to deny women, doctors and medical ethics committees the right to choose by denying women's constitutional rights.

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Women, especially pro-choice women, are treated as second-class citizens in the Republican Party. The pro-lifers have effectively blackballed quality candidates, such as Governor Christine Todd Whitman, from further advancement in the GOP simply because they fight for the health of the mother as a consideration in a partial-birth abortion ban.

In 1996, as Dole moved toward the nomination, the Religious Right accelerated its march to take over the Republican Party at the state level. "This became particularly clear in June, during the Texas Republican convention," wrote Sidney Blumenthal.[4] "Senator Kay Bailey Hutchison, a party regular with an American Conservative Union lifetime rating of 92 percent, had been slated as a Dole delegate to the national convention, but the Religious Right held her accreditation in abeyance because she is reservedly pro-choice. Hutchison's safe passage was ultimately secured, but several other Dole delegates were removed from the slate."

Dolly Madison McKenna, a moderate GOP activist and businesswoman, attended the Texas convention and was not shocked. "They're not interested in moderate women. They're not interested in moderate anybody," she told Blumenthal. McKenna ran for the Republican nomination for Congress in 1994 and faced an assault from pro-life groups charging her with being a "baby killer." She lost the nomination, but she got a chance to make a statement to the whole party, a remark that became notorious: "the Republican Party is not a church."

"For moderate Republicans like Olympia Snowe of Maine," says Blumenthal, "it had become second nature to think of themselves as upholders of the mainstream; it was a shock to realize that they had become a mere faction — and, worse, outcasts." Snowe had told Blumenthal:

> From our traditional roots, the party is becoming unrecognizable . . . These groups on the right are driving the Republican Party. It's a question of whether Senator Dole can divorce himself from their demands. Can we sustain ourselves as a majority party in Congress moving in that direction? I would say not.

"The good Republican women have been smoked out," said former GOP State Senator Susan McLane of New Hampshire, who defected from the GOP's conservative politics in 1996. In February of that year, McLane announced that she would vote for Bill Clinton. "I told the Clinton White House I'd be happy to do anything. I'm an old-line Republican who's had enough."

The gender gap appears to be growing wide enough to influence presidential politics. In 1996, an *NBC/Wall Street Journal* poll found that women preferred Clinton to Dole by a 23 percent margin. In this year's election, if early polling by *The Pittsburgh Tribune Review* pans out, there's no longer a gender gap in Pennsylvania, a key swing state — there's a gender chasm. Polls show that the gap is nearly 30 percent, and that many GOP professional women in the southeast corner of the state near Philadelphia will be voting for Gore. Nevertheless, continuing the politics of cutting off their noses to spite their faces, pro-life conservatives near Pittsburgh have told me that they will not "deal with" pro-choice Elsie Hillman, who is heading up the Bush campaign here.

Not only in election politics are women disdained, but in Congress, where Republicans, led by Rep. Chris Smith (N.J.) fought to deny "morning-after pills" to women who had been raped and literally ground into the muck by invading armies in Rwanda. "Morning-after pills" are viewed by social conservatives as "abortifacients" since they prevent uterine implantation of the fertilized egg. What a pity that would be, particularly in view of the catastrophic living conditions in Rwanda!

Although it claims to be the party of limited government, the Republican Party reaffirmed its position as a reactionary advocate of intrusive government in the most crucial, private and personal areas of our lives.

For the pro-life crowd, these ravaged women are nothing more than human incubators. If the radical pro-life bloc, currently holding the Republican Party hostage to its continuous threat to cut and run, has its way in demanding the appointment of pro-life federal judges, it is not just Rwandan women, but American women too, who could be denied any procedure that militant pro-lifers consider an abortion. Under a constitutional amendment to deny abortion without exceptions, a pre-med student raped on the streets of Philadelphia after her night shift could be denied treatment. Forget the argument that her economic needs, life goals, and marital prospects might be derailed by a forced pregnancy. If pro-life extremists have their way, that rape victim will have fewer rights than a 12-cell cluster forcibly injected into her by

a street thug.

Too bad, they say, if a mother of three is abandoned by her husband while pregnant with her fourth child and is living in poverty. It's time to have another baby and get a job. Considerations regarding the economic and psychological quality of her life are dismissed with sneering condemnation and jokes about women getting abortions so they can fit into bikinis and prom gowns.

There is nothing compassionate or conservative about the militant positions of pro-lifers. Our best hope is that George W. Bush and Dick Cheney will have the backbone to resist their demands. A constitutional amendment banning abortion without exceptions is profoundly reactionary, an attempt to reduce American women to the primitive stature of the barefoot and pregnant chattel of 12th-century Ireland, or the victims of religious patriarchies who are forced to die in childbirth in backwater theocracies like Iran.

Republicans who advocate smaller government while tolerating a platform that proposes banning all abortions are not merely slouching toward Gomorrah. They are goose-stepping at full throttle toward hypocrisy. How would Republicans react if radical pro-lifers demanded a constitutional amendment to outlaw war without exceptions? Babies, born and unborn, are killed by the tens of thousands in wars fought for economic reasons. Fetuses were killed by American bombs in Iraq. But at the GOP convention war was celebrated, generals and war heroes honored, and the need to develop bigger and better weapons systems applauded. A speech was made by a retired general from the deck of a killing machine, the battleship USS *New Jersey*. The quality of a country's economic life is worth killing for. The destruction of a woman's life is not. No, there will be no pro-life constitutional amendment against mass killing in war or any murmured regrets about Desert Storm. That was different. The Persian Gulf War was a male thing and the killing was for oil. ❑

Notes

1. "The Partial-Birth Debate in 1998," *The Humanist*, March 1998.
2. "The Senator's Dilemma," *The New Yorker*, January 15, 1998.
3. *New York Times Magazine*, January 18, 1998.
4. "The Doll's House," *The New Yorker*, August 19, 1996.

"Al Gore's Spending Plan," *from page 26*

small fraction of the overall debt instruments in the world. Lowering the national debt will not alone have a substantial influence on interest rates.

There's something else more substantial working in favor of economic growth here: tax cuts. Sound macroeconomic theory based on historical evidence concludes that lowering taxes has substantial positive effects on the economy. The capital gains tax cut of 1997 had a greater effect on capital growth than any statement or action regarding the national debt. On the other hand, monetary policy (over which the President has no direct control) and tax policy have a substantial and proven effect on interest rates.

Gore simply assumes that lowering debt is better than lowering taxes across the board. Since the government needs to run surpluses to pay off the debt, it needs to keep taxes as high as they are now to pay for Gore's substantial increases in spending. Gore assumes that budget surpluses lead to economic growth. The truth is the opposite: economic growth leads to surpluses.

Gore simply misunderstands economics. A tax cut — or substantial tax reform that replaces the current tax code with one that encourages saving and investing — is a better economic policy than debt reduction. And Social Security privatization is also better than debt reduction. Gore's plan opts for a third-best solution.

The moral of the story is the opposite of what Gore suggests, although hardly more comforting: surpluses might be potentially bad for the future of the economy because they tempt politicians to keep the money and spend more, or avoid giving tax cuts under the presumption that it's more important to pay down the national debt. And the result is higher taxes for everyone and bigger government on the horizon. With an ending like that, Gore's economic plan is likely to become favorite bedtime reading of social engineers across America. ❑

Letters, *from page 20*

lives.

Communism, in contrast, as envisioned by Marx and Engels, was an external and natural process to produce a "social state." There is no genuine comparison here with the supernatural work of the Love of God.

E.S. Gatch
Mountain City, Tenn.

In Defense of the Christian Right

By taking scripture out of context and failing to think in the spiritual realm, Bart Kosko comes to the conclusion that Jesus Christ was a family-hating communist.

Jesus simply did not have contempt for the wealthy. In Matthew 27:57-60 (and again in Mark 15:43, Luke 23:50-53, and John 19:38), we read of one Joseph of Aramathaea, a wealthy man who counted himself a disciple of Jesus. After Jesus' death, Joseph buried Him in his own freshly hewn tomb. In Matthew 26:7 (and again in Mark 14:3, Luke 7:37 and John 12:3), we read the account of Mary anointing Jesus' feet with an expensive perfume.

Kosko argues that the early Christians' practice of voluntary communism is inconsistent with the ideals of the Christian Right. The early Christians faced severe persecution from both the Roman civil authorities and the Jewish religious leaders. One way they dealt with uncertain food supplies was to pool their resources. Even within this "communist" arrangement, members were free to do whatever they wanted with what was their property. Ananias and Sapphira lost their lives because they lied to God, not because they kept part of a sales proceeds for themselves.

After salvation, God expects us to continue to be submissive to His will. That may or may not include forsaking earthly possessions or familial closeness for His work. Jesus does not expect us to hate our physical families. "Hate" is

continued on page 61

Mid-Life Crisis in the Browne Campaign

by Ken Sturzenacker

Halfway through the Harry Browne's race for the presidency, problems are becoming increasingly evident.

On the seventh day of the tenth week after he won the Libertarian Party presidential nomination for the second time, the Associated Press national news services finally mentioned his name. Twice. An AP report said Harry Browne was at 3% in a Colorado poll with a margin of error of ± 4%. The poll had been conducted over a dismally inaccurate eight days, a near eternity of shifting attitudes in a volatile election.

The other was in a national story: "Bleak Future for Third Parties?" Browne was mentioned in the first paragraph, after the Reform Party's Pat Buchanan and the Green's Ralph Nader. Reporter Eun-Kyung Kim wrote, "Libertarian candidate Harry Browne often elicits a, 'Harry who? '"

Harry must have had very mixed feelings. He could not have anticipated that his 10-week drought, which started the day he left Anaheim with the LP nomination, would end in acid rain, with the election only eight weeks away.

Several thousand newspapers, radio and TV news operations are only the most visible of the many subscribers to the Associated Press's news services. Far more than Harry Browne had been able to reach on radio or cable TV.

The convention was held in Anaheim, California, near the offices of the *Orange County Register*, perhaps the nation's most editorially libertarian newspaper. Both the *Register* and the *Los Angeles Times* put their reports of the convention and Browne's nomination on their local, rather than national, pages. Their judgments told the rest of the nation's editors that the Libertarian Party isn't very important.

At the LP's 1996 nominating convention in Washington, D.C., the dean of national political columnists David Broder wrote both the AP's national story and a column for the *Washington Post* about Browne's prospects.

The differences in coverage may well have set the tone for what followed in Anaheim. Three versions of the AP's final national story ran on July 3. All misidentified Browne as a "former Tennessee investment banker." One said he was the nominee of the nation's "top third party," a statement that is true only if third parties are ranked by membership numbers rather than vote totals. The tone of the other two changed considerably, saying Browne hoped to revive his "ailing" party.

A week after Labor Day, with over half the 18-week general election campaign behind him, Browne was still looking for a break out of the radio and cable TV talk shows and into the national political media. "Bleak Future for Third Parties?" and "Harry who?" was not the kind of attention he wanted.

Harry did get a post-convention bounce. On July 13, eleven days after winning the nomination, Browne rose to 1.6% in Rasmussen's "Portrait of America" poll for the first time.

When Reform Party rival Pat Buchanan dipped to 1.6% on August 5, Browne's campaign was quick to make the comparison, and *Wall Street Journal* columnist Paul Gigot noticed:

> People have said harsh things about Pat Buchanan before, but nothing quite so cruel as this week's Libertarian Party press release:
>
> "Libertarian Harry Browne catches Pat Buchanan in new national poll," it declared. "Candidates tied at 1.6%; Buchanan deflating like punctured Zeppelin."

This is where ambition has taken the man who won the New Hampshire primary only four years ago. Not only is Pitchfork Pat trailing Ralph Nader, he's testing polling

depths only hitherto occupied by the ideological outcasts of American politics.

A month later, on September 5, the LP's national director Steve Dasbach issued a "NEWS FLASH" press release trumpeting Rasmussen's finding that Browne had finally passed Buchanan. Browne's lead was 0.1%, 1% to 0.9%. Dasbach celebrated the fact that Browne had passed Buchanan, though it might have been more accurate to say that Buchanan spent August slipping even faster than had Browne. Two days later, when the Zogby Poll put Browne at a dismal 0.3%, both the LP office and the Browne campaign were silent.

"Bleak Future for Third Parties?" and "Harry who?" was not the kind of attention he wanted.

During the 10 weeks starting the Fourth of July, Reform Party candidate Patrick Buchanan was mentioned 125 times and Ralph Nader of the Green Party 200 times, or about two to three national newswire stories respectively each day. Both made the headline news a number of times.

Just as he had in early 1995, Browne touted plans during most of 1998 and 1999 to project himself as the first third-party candidate national political journalists think of and report on. He was emphatic that this had to be done early, before the media started shining floodlights on other fringe-party candidates. Browne believed that a media tour during December 1999, and $1,000,000 of TV and other media advertising in January 2000 would be enough to put him in the spotlight.

But reality was very different.

On August 11 Fox News chairman Roger Ailes took a phone call on-air from a self-identified libertarian caller who complained about the total lack of news coverage Browne was receiving. Ailes responded that it was the responsibility of the campaign to create coverage by staging events. Ailes then said he would arrange for Browne to get more coverage on Fox, a promise he began to fulfill within a couple of days. Other than Fox News, however, Browne was not getting much coverage even on the cable TV networks. Both John Hagelin of the Natural Law and Reform parties, and Howard Phillips of the Constitution Party, got more attention than Browne.

By Labor Day, Browne had made the AP's national newswire on only three occasions: in February when he announced his formal entry into the race, again in March as part of the coverage of the California primary, and during the June-July weekend in which he won the LP's nomination.

As do many conservatives, Harry Browne distrusts the print media, fearing the tendency of liberal scribes to misquote, quote out of context, or simply misrepresent his positions. A mid-May interview with former LP member Don Feder served only to feed Browne's paranoia. Feder cited the LP platform's call for "the elimination of all restrictions on immigration":

> If 50 million Mexicans chose to move to California and Texas, resulting in chaos and the obliteration of national identity, why should that concern Libertarians? If these new Americans (then constituting a majority in the state where they settle) wanted to secede and reunite the territory with Mexico, presumably libertarians would not stand in their way.

It reinforced Browne's determination to concentrate on using talk shows so that he could get his message out in his own words, rather than filtered through reporters and editors.

Talk shows, especially on the radio, can be done from almost anywhere; and improvements in cell phone technology have enabled Browne to conduct many interviews via cell phone. During his 1996 campaign, Browne's schedulers were reluctant to book short interviews. This year, they've learned that five to ten minute interviews are likely to be edited to make sound bites, and thus are no less effective at getting a message across than longer interviews.

But as useful as talk shows can be, they lack the permanence of print. A print article is there when you're ready to read it. You can mark a print article for someone to read later, you can cut it out, post it on the door of your refrigerator, fax it to friends, make copies for co-workers and mail it to relatives. Newspapers and magazines are available whenever you're prepared to give them your full attention. You cannot say the same about radio.

Research from the Tribune Company — owners of the *Chicago Tribune*, the *Los Angeles Times*, many other newspapers, TV and radio stations, cable systems and websites — indicates that more than 80% of voters who always vote in a statewide election read a Sunday newspaper and 75% read a daily paper. Compare that to the 40% who watch prime-time network TV and just 25% who listen to morning drive-time radio.

More than once, Harry Browne's campaign has teetered on the verge of financial collapse.

On August 29, campaign manager Perry Willis e-mailed the campaign's "key volunteers," telling them he had not purchased any airtime for Browne's TV ads for the past 10 days "because we ran out of money." With that, Willis said he would "write the next check for ad purchases tomorrow." Although it was not reported on Browne's electronic newsletter LibertyWire, Perry Willis recently informed *Liberty* that ad time was purchased on MSNBC for August 24, 26 and 27, and on CNN Headline News for September 9, 10 and 13. On September 18, Willis announced that some spots were being purchased on CNN Headline News and the Discovery Channel.

Pleading poverty to 8,000 people on your e-mail list to raise money in April is one thing; telling your key volunteers you will buy TV ads "tomorrow" but then buying no ads for two weeks is quite another.

By August "we ran out of money" was an all too familiar refrain. The start of Browne's active campaign was delayed for lack of money in December 1999, through January and into mid-February 2000. The problem was compounded by long delays in completing a 30-minute television infomercial that was to be the centerpiece of the campaign.

Browne had expected his campaign to have more than $1,000,000 in the bank and the LP to have 100,000 members on January 1, 2000. (As late as July 31, 1998, enthusiastically promoting the LNC's Project Archimedes, Browne campaign manager Perry Willis wrote that he believed the LP might by then have as many as 400,000 members.) But by the beginning of the year, the LP had only 33,000 members and Browne's campaign had less than $45,000 on hand.

Things didn't get much better. On April 24, Willis e-mailed supporters that the campaign had "suspended most of its operations," with no cash on hand and more than $83,000 in bills to be paid.

The FEC reports for April and May filed by the campaign painted a different picture. "Suspending most operation," for example, did not stop Perry Willis from getting paid $1,000 that same day.

Handicapping the Presidential Race

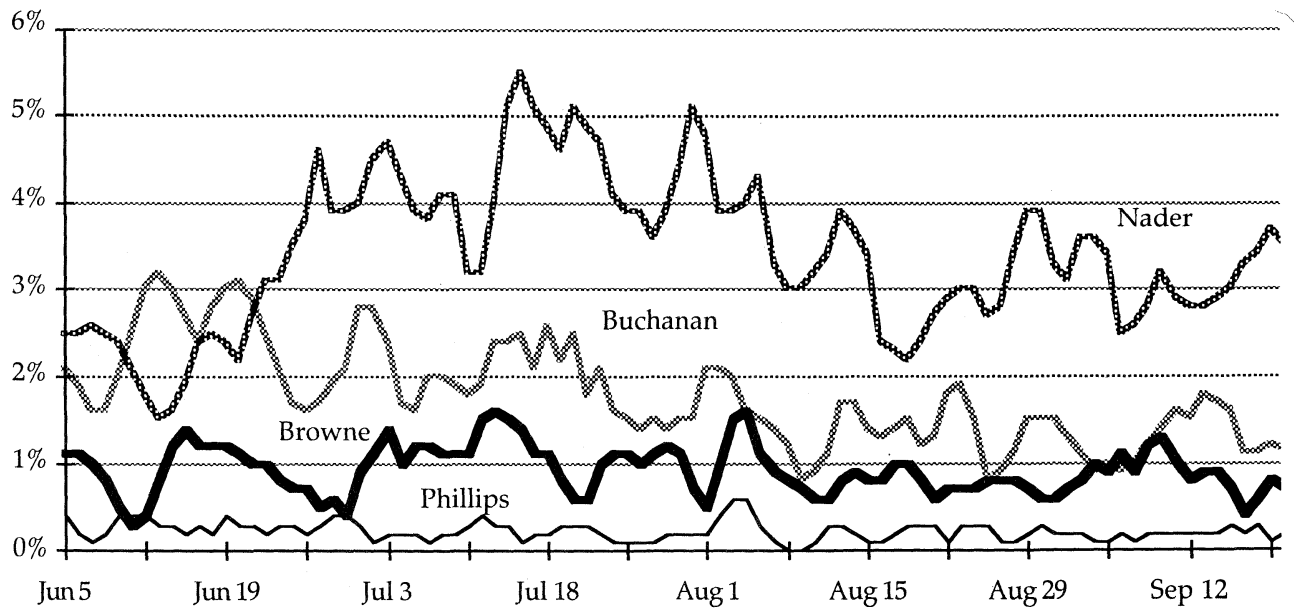

Rolling average of three daily surveys of 2,250 likely voter. Margin of error ±2%, with a 95% confidence level. Source: Rasmussen Research

Two months ago, it was possible to examine Harry Browne's performance in the presidential polls conducted by Rasmussen Research and conclude that he was gaining support. There was considerable variation in his vote share, mostly a simple matter of statistical noise: after all, Rasmussen polls have a margin of error of 2%, and Browne has never exceeded a 1.6% share. Even so, his occasional highs were higher than previous highs and his occasional lows were higher than previous lows.

But since late July, any discernible trend has been downward — not surprising, since the Browne campaign has been troubled by a shortage of funds. A careful reading of the campaign's "LibertyWire" suggests it has purchased no television advertising at all since August 10, though campaign spokesmen say that some ads have run.

At the same time that fundraising has gone poorly for the Browne campaign, it has faced two unexpected drains on its resources: the failure of the Pennsylvania state party to get enough signatures to put Browne on the ballot in the Keystone State and the decision by the renegade Arizona LP (unrecognized by the national LP, but recognized by Arizona) to put a ticket of science fiction writer L. Neil Smith and newspaper columnist Vin Suprynowicz on the ballot, leaving the Browne campaign furiously trying to get petition signatures for and independent candidacy and to get the Arizona to accept the petitions long after its deadline. Together, according the LP national director Steve Dasbach, these two crises cost about $115,000.

Last month, I estimated that Browne would get about 450,000 votes in November. With competition for fringe votes likely to heat up as Buchanan begins to buy advertising with the $12.6 million in federal funds he was awarded on September 12, voters in no mood to rock the boat, and Browne still pulling less than 1%, this estimate still seems like a sensible one.

Of course, it's possible the campaign will begin to advertise at a serious level, that Browne might find a way to break into the news, or that the stock market might collapse leaving voters in a mood for a radical change . . .

— *R. W. Bradford*

Pleading poverty to 8,000 people on your e-mail list to raise money in April is one thing; telling your key volunteers you will buy TV ads "tomorrow" but then buying no ads for two weeks is quite another. How many potential donors can you expect to remain enthusiastic?

According to LibertyWire, eleven ads were scheduled to run on MSNBC between 7 and 11 p.m. on the evening before the start of the Democratic national convention. But Perry Willis admitted on August 29th, the ads were pre-empted; and more than two weeks later, had still not aired.

Willis had been buying "direct response" time for Browne's 60-second TV ads, because they are relatively inexpensive. With the lower price, however, comes a risk: Local cable systems have the right to preempt direct response ads for any commercials they can sell at a higher rate. Willis indicated as many as 40% of Browne's TV ads were bumped. Many wound up in less favorable time slots or delayed indefinitely.

So, even though Willis bought national ads, Browne's TV ads actually air only when all of those local cable systems whose operators fail to sell the ad time to other, regular advertisers. And their total audience is less than the audience of a single broadcast television station in a medium size market.

Browne's convention hype promised the TV ads would start to air on July 5. But no ads ran until July 26. During the 19 days from July 26 through August 13, Perry Willis says HB2000 and the LNC combined to spend an average of $6,935 a day on TV ads. By September 17, the daily average had fallen under $2,000.

The campaign is under enormous pressure to buy enough airtime to give supporters the impression that Browne's campaign was competing with the major candidates.

Much of the airtime was purchased on DirectTV, a system for bouncing TV signals off satellites to home receivers. With so many more channels to choose from, how many DirectTV viewers were likely to see Browne's ads on one of the seven networks Perry Willis had chosen?

The audience for any of these ads was small to tiny, usually fewer than 200,000. After Browne's failure to make a long-promised national media tour during December 1999, and his failure to spend a penny on the $1,000,000 TV ad campaign set for January 2000, Willis was under enormous pressure to buy enough airtime to give supporters the impression that Browne's campaign was competing with the major candidates.

According to Willis (LibertyWire, July 26), DirectTV was the choice for seven networks; the 12 spots on each network would "air on all of the networks at approximately the same time." The scheduled times ran not more often than once per hour between 8:19 p.m. until 12:19 a.m. EDT on Thursday, July 27 through the following Sunday. By mid-August, HB2000 had run out of money to buy more TV ads.

Having no ads on the air for four weeks after August 13 reduced support from donors, both old and new — as well as public awareness of Browne's candidacy.

At the end of July (the most recent month for which figures were available at presstime), Browne's campaign had raised less than $675,000 during 2000; just $110,000 during the month of his nomination. Browne started August with less than $20,000 in the bank, and he had $21,000 of loans to repay.

Federal campaign finance laws limit an individual to a maximum of $1,000 in donations before the nomination and another $1,000 afterward. Like all candidates, Browne wanted a fast start on fund-raising. He didn't get it. Of 317 $1,000 donations he had received, 36 came in June, after it was fairly obvious Browne would be the nominee again; only 61 were made during July.

Some 1,135 donors had given more than $200, the minimum for reporting to the FEC. As Willis told the campaign's key volunteers August 29, some 30,000 dues-paying members of the LP had not yet made any contribution at all, though he predicted many of them would give during the campaign's final weeks. Surprisingly, despite the hours of coverage of the convention on C-Span, LP national membership actually dropped during the month of July.

In terms of fund-raising, John Hagelin's campaign, with one foot each in the Reform and Natural Law parties, was most similar to Browne's. Hagelin raised $125,000 from individuals during July, and had less than $19,000 on hand at the end of the month. For the first seven months of 2000, Hagelin raised slightly more than $664,000, some $31,000 less than Browne.

Ralph Nader took in more than $440,000 in individual donations during July. He had $452,000 available in his campaign account at the start of August, more than one-third of the $1,384,000 individuals had given him during the first seven months of 2000.

Pat Buchanan's campaign reported donations of $261,000 from individuals during July, and had $30,000 cash on hand as August started.

On September 12, the FEC decided Buchanan was the legitimate nominee of the Reform Party, and awarded him the $12.6 million of matching funds.

The Browne campaign's work is clearly cut out for it. It has managed to buy only a nominal amount of advertising, has attracted little news coverage, and is trailing its minor party competition badly in the polls. If something doesn't happen soon, it will be another colossal failure. ❑

"I just invented the pollution-control device!"

The Browne Campaign

by R. W. Bradford

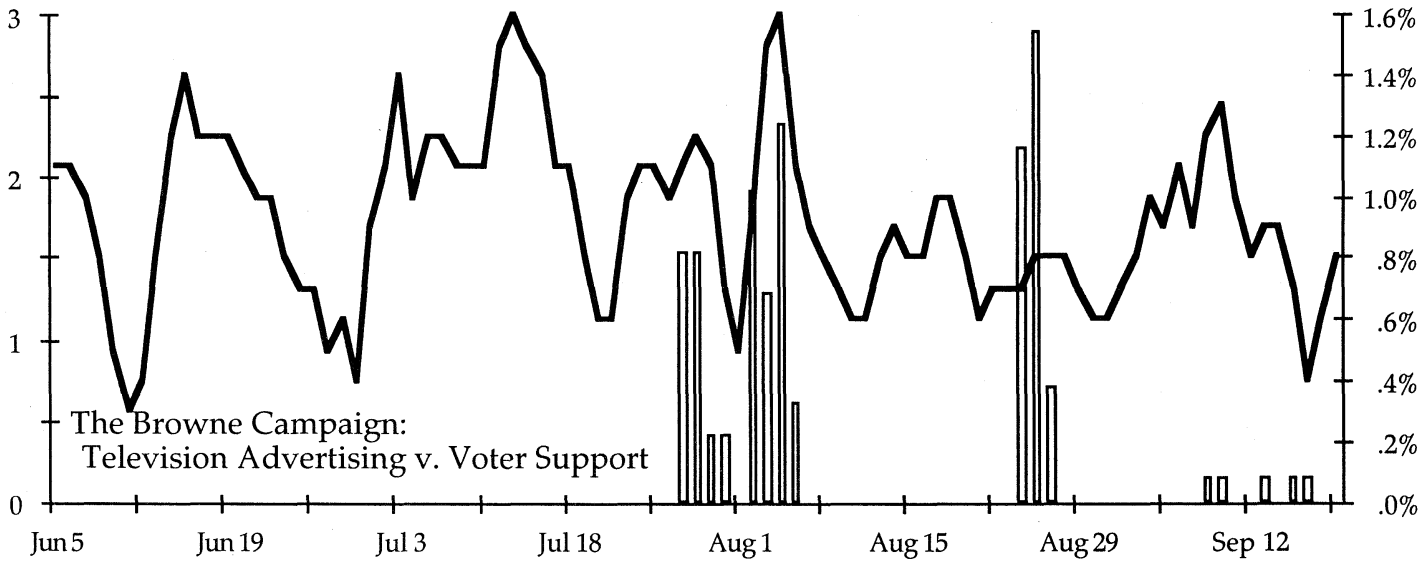

Left scale and bars: household exposures to Browne television advertising (in millions). Right scale and solid line: Browne vote share (source: Rasmussen Research).

The most important thing a political campaign does is communicate its appeal for votes, and the way most Americans learn about political candidates is by watching television. So it is not surprising that the biggest expenditures of successful political campaigns are for television advertising.

The graph above compares the Browne campaign's television advertising with Browne's standing in the polls. It is immediately apparent that there doesn't seem to be much correlation. Browne ran a flurry of ads in late July and early August, then went blank until late August, then went blank again until running a handful of ads in mid-September. There seems to be an upswing in support for Browne when the first ads were run, but the second groups of ads were not followed by any perceptible change in Browne's support and the third preceded a substantial decline in Browne support.

There are two reasons for this lack of correlation:

1) Browne's ads have been almost negligible. All have been purchased on low-rated cable and satellite channels. The total number of person-exposures to a Browne ad is under 25 million. That means that if no one had seen any of the ads more than once, fewer than one in ten Americans has seen one. But of course, many people have seen the ads multiple times, so in fact, the percentage of voters who have seen them is far below 10%. So it shouldn't be surprising that they have had little effect.

2) The polling data for candidates with so little support is negligible is not very reliable. The Rasmussen poll has a 2% margin of error with a 95% confidence level. That means that if an election were held the same day as the poll, there is a 95% chance that any given candidate would get a vote share within 2% of what the poll predicted.

If you are George W. Bush who shows 43.5% in the Rasmussen poll today, that means that if the election were today, there's a 95% chance that you'd get between 41.5% of the vote and 45.5% of the vote. This is pretty useful and meaningful information.

But if you are Harry Browne, who shows 0.8% of the vote today, it means that there's a 95% chance that you'd get between -1.2% of the vote and 2.8% of the vote. Of course, it's not even meaningful to talk about getting a negative portion of the vote, and the possibility that a Libertarian would get 2.8% is extremely remote — which illustrates just how foolish it is to read much into poll reports that show changes in Browne's support.

In fact, most of the variation in Browne's support in the poll is a product of random polling variations — an entirely unpredictable and meaningless phenomenon.

Of course, television advertising is playing a relatively small role in the Browne campaign, and a case can be made that it has purchased its advertising with an eye toward pleasing its donors rather than maximizing its appeal to voters.

The campaign has invested substantially more in gaining Browne exposure on talk radio and on television news programs. Here it has had some success: Browne has appeared several times on cable news channels, and on PBS's *News Hour* and on ABC's *Politically Incorrect* comedy program. By far, his greatest exposure has come on these last two, each of which claims to have about 2.5 million viewers. And his appearances on these programs came at little expense. Neither was the result of either the campaign's or its outside consultants publicity efforts: *News Hour* customarily invites minor candidates to appear for an interview and *Politically Incorrect* decided to invite all minor candidates to participate in its comic discussion of current affairs.

Browne's appearances on these programs as well as on the cable news channels have reached far more people than the tiny amount of advertising the campaign has placed so far. Campaign manager Perry Willis has prepared a database which figures each television appearance as if it were and advertisement. His method makes sense, though in my judgment he grossly overestimated the impact of Browne's appearance on *Politically Incorrect.* (He figured the 30 minute program was the equivalent of 30 one-minute advertisements, but Browne was on camera for only about 5 minutes.)

The graph in the center of the page compares Browne's television exposure, both from advertising and personal appearances.

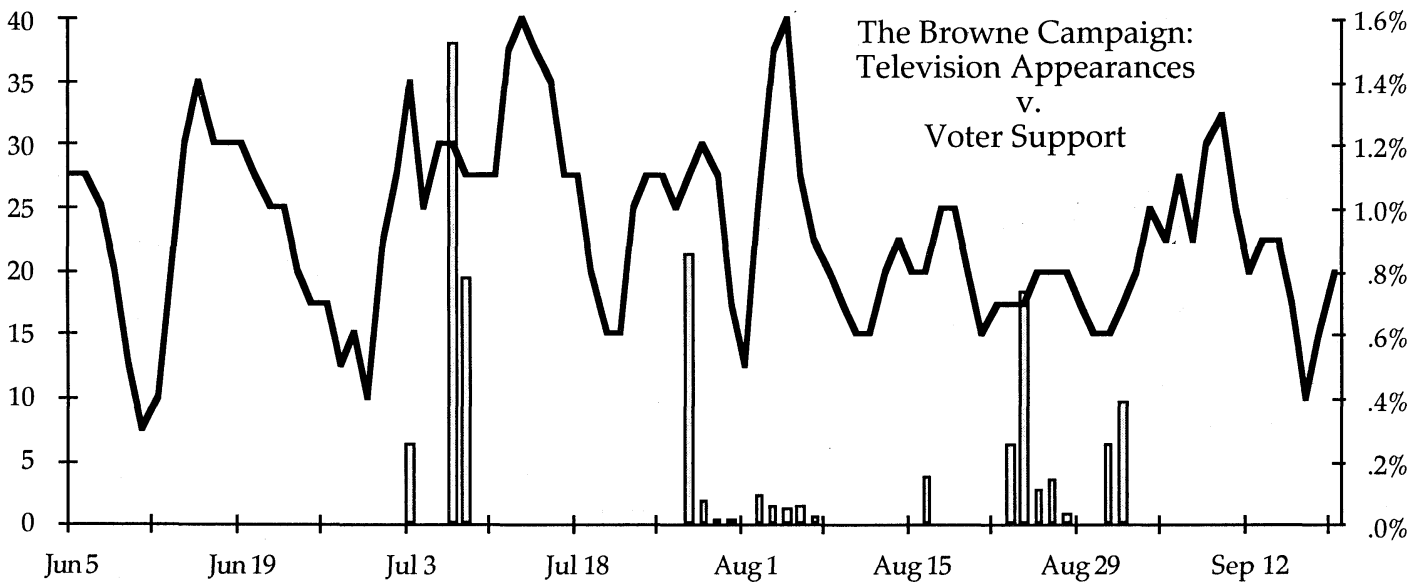

Left scale and bars: individual exposures in millions (source: Perry Willis). Right scale and solid line: Browne vote share (source: Rasmussen Research).

Here we begin to see what looks like some correlation: each burst of publicity is followed by what appears to be some growth in support.

What are the implications of all this? Well, given the unreliability of the poll data, there may be little to learn from it. But it does appear that more appearances means more support. So the question is what can the campaign do to get more appearances?

First, it can attempt to make some news, as Ken Sturzenacker suggested in the September *Liberty*. Its most important appearances — those on the *News Hour* and on *Politically Incorrect* — were one-shot deals, unlikely to be repeated. Browne has managed to get some local coverage of his campaign rally-fundraisers, but so far national coverage has pretty much eluded him.

Secondly, it can spend more on television advertising. The simple fact is that the only two LP campaigns that ever got significant exposure on national television were its 1976 and 1980 campaigns, both of which got significant donations from wealthy candidates. Unless the campaign can get the money to buy the spots — and this appears unlikely at this time — it won't get the exposure.

On Sept 18, Perry Willis announced what seemed like an extensive schedule of additional TV spots to run during the last six weeks before the election. But by Willis's own figures, those spots will have a total of about 8.2 million exposures, or about a third the total advertising exposures between July 25 and Sept 19. The campaign again bought spots on low-rated cable channels, giving the appearance of substantial exposure but without delivering much audience, presumably to encourage donors to come up with more money.

Whether this will succeed is impossible to say. My guess is that it won't. The Browne campaign raised and spent a lot of money early, without buying an television spots. It hoped that it would be able to continue to raise money at the same clip as the campaign progressed. But it appears to be running into sales resistance and it's easy to see why it might: many donors may be tapped out, and the campaign has had credibility problems.

Managing a campaign is an extraordinarily complex and difficult task. The Browne campaign has had its share of successes and its share of failures. Let's hope that it learns from both. ❑

The Best Little Whorehouse in Idaho

by Michael Freitas

In 1972, a young draftee was sent to wildest Idaho, where the rivers run free and the lawmen offer unusual advice to visitors.

In his report on the riots in Seattle, (*Liberty*, February 2000), R. W. Bradford wrote, "During all of this, I never saw a single attempt by a police officer to defend life or property . . . I recall my surprise in 1972 when I heard a retired British policeman describe his job as 'the protection of life and property.' I'd never heard an American policeman express that sentiment, and I haven't heard one since."

Like most people my age, I grew up watching movies in which the cops acted like the British policemen Bradford quoted. They were usually Irish, in New York, and they seemed to do things that mainly helped the people in the neighborhood. They were stern, but friendly, and they always seemed to have your best interests at heart. Though most of us have never met that cop, the image lingers. Today, most of us look at cops with disdain and various degrees of apprehension, depending on our willingness to obey or not to obey the mountain of laws we must scale or go around to live our lives.

I'm 48 now, and unlike most people, I once experienced a cop like the one in the movies. He was a defender of the people in his small town, who took his job of protecting life and property seriously.

In 1971, I won a #3 spot in the draft lottery, and when push came to shove I didn't have the guts to go to Canada. Though unlucky in the draft lottery, I was lucky in my assignment. I was stationed at Fort Lewis, Washington, where I never saw a rifle fired in the heat of battle. I came home with two years gone from my life, but otherwise intact.

I made my time there as interesting as I could. I had a van, more freedom than you could imagine, and I fell in love with the Pacific Northwest and Canada. Earlier, I had fallen in love with Joni Mitchell, and the ladies in Canada didn't disappoint. I went there as often as I could. I met many other interesting people in and out of the Army, and during 1972 I read Ayn Rand for the first time. I started with *The New Left: The Anti-Industrial Revolution*, and then the rest of her non-fiction. I worked my way through her fiction from small to large. I was a 20-year-old ex-Catholic schoolboy who came under the complete spell of her words.

Once I completed basic training, I went from being pond scum to being part of the ruling class in a single day. I worked in supply. I kept the rifles in working order and learned to be a crook on the side, a requirement when you work in supply. (The way I saw it, I wasn't really stealing, since the Army owned every man, woman, truck, building and the ground we walked on. It

owned us 24 hours a day. They don't call you Government Issue for nothing. So I was just involved in redistributing things from one piece of property to another, plus it was a major part of my own personal mission to screw the Army as much as possible.) I never had to do KP, stand guard duty or do much of the other crap that soldiers hate so much. There were always 200 other guys who had less time in service than I did. I did my job well. In the Army, sheer incompetence is the norm, so the officers and NCOs left me alone. The Drill Sergeant had other fish to fry and the Supply Sergeant needed my help in various redistribution schemes, plus he needed me to keep quiet about them. It was sweet duty.

All good things do come to an end and the training center closed down in early 1972. I was too "short" to be sent anywhere, so I was assigned to the 9th Division, which made Fort Lewis its home. It was a paper Division, with very few soldiers and almost nothing to do. I bided my time, and did what was necessary. When there was work, I did it. It's easier to do work than to pretend to be busy, and once again I was mainly left alone.

Our ragtag bunch had come in, acted like soldiers and buried one of our own with dignity and respect. It wasn't much, but in '72, in Kooskia, Idaho, it was very good.

One day they were looking for volunteers to form a burial detail, to bury soldiers off base, and I signed up. You've seen the drill. The flag-draped coffin, the folding of the flag and giving it to the mother or wife, the shooting of the rifles into the air. We weren't very military, but if we were going to do it, we'd do it right. It would get us off the post during the week and we made a little extra money. I became head of the coffin crew, gave the orders and presented the flag to the family. We were a motley bunch: short, tall, slender and fat. But we looked the best we could, and at least it was something to do. We were far from the top — we wouldn't be in demand at Arlington — but we weren't bad.

We got the call to go to Kooskia, Idaho, to bury a young man who had drowned while swimming in the Snake River. He was 19, just out of basic and home on leave, before going to his permanent posting. His family wanted a military funeral and we were sent. We drove all day across the state of Washington and pulled into Kooskia late that night. We checked into a motel and collapsed in beds and on floors, six or eight to a room.

A friend and I got up early, got dressed and went to see the sights. It was a cold, crisp fall morning, with the sun shining bright. It would get warmer as the sun moved across the sky. We saw a bridge made of stone across the river. A mean, tough river; it was easy to see how someone could drown in it. Kooskia had fewer than a thousand people. The homes and cabins radiated up the hills from the main street. It had a gas station, two bars, one motel, a general store, one church, one sheriff's office and a coffee shop.

As we walked down the street we watched a long, tall man walk toward us. He was about six foot five, slender, wearing a cowboy hat, a western long sleeve shirt, Levi's and cowboy boots. He was wearing a badge over his heart and a can of Mace on his belt over his right hip. He stopped a few feet in front of us and introduced himself as the sheriff. If he told us his name, I don't remember it. He asked us if we were with the boys from Fort Lewis and we nodded, not knowing what to expect.

He then said, "We don't have any VD or any of that other stuff in this town. If I find out that we have any after you boys leave, I'll hunt you down in Fort Lewis and take care of business as needed. You tell your friends to leave the local girls alone and you won't have any trouble from me."

He told us to turn around and he pointed to a hill at the other side of town. We saw a building and he said, "That's the local whorehouse. Take care of your business there."

I was surprised and I'm sure it showed in my face. I'd never seen a cop like him except in westerns, even if he had no gun. I'd never heard a cop talk like him either — he'd just told us where the whorehouse was. He saw the look on my face and since his speech had been made, he smiled and stood there. I asked about the whorehouse since, damn, he had brought it up.

He said, "We get a lot of loggers working and passing through here and it's just better to have women available this way, than to have a bunch of crazy, drunk men chasing after the local women. That would just get everybody mad, so the whorehouse is the simple answer." Very matter of fact. A is A.

I asked him about the can of Mace on his hip, leaving out the question of why he wasn't wearing a gun.

"Well," he said, "we don't have much crime around here. The main problem I have is folks drinking too much and getting into fights. When they do, I spray them with Mace, throw them in jail, let them sleep it off and let them go in the morning. A crime wave around here is fights on Friday and Saturday nights."

He smiled and said, "So you tell your friends to leave the local women alone and I'll leave them alone. And tell them that I'm very serious about this. I will hunt them down."

He shook our hands, turned and walked away.

We looked at each other, shook our heads and went to spread the word.

My friend and I went back to the motel and told everyone about the message from the sheriff. We enjoyed the looks of disbelief, shock and surprise that our news brought to their faces. The guys looked up the hill at the outside of town, to make sure that there was indeed a house up there, alone.

We had breakfast at the town coffee shop and dressed for the funeral. It seemed that most of the town had turned out for the service. The coffin was the largest and heaviest that I had ever seen. It had taken them about a week to find the body, so it was sealed in an industrial strength bag to hide the decay. We carried the coffin to the graveyard next to the church. We folded the flag and gave it to the grieving mother. Words were spoken over the grave, taps was

played and the rifle shots even quieted the birds. We left the family at the grave site and walked back to the motel. It had been a solemn ceremony and the mood continued as we stood and watched the town come back to life.

We assumed that we'd soon be getting back on the bus and heading to Fort Lewis, but the word came down that the family wanted us to go to their home for food and refreshments as a thank-you for what we had done. We filtered down to their home in small groups and found a large spread of food, sodas and beer. We were surprised; we had never received such treatment, and as the people in the town thanked us and shook our hands and patted our shoulders, the solemn mood began to lift. Soon laughter could be heard. The noise level rose as the food and drinks began to flow.

The people of the town were grateful that the Army had actually sent our burial detail to their backwater town. It was 1972, before the election, and the Vietnam War had been going badly for some time. Everyone knew that the war was lost, the U.S. was pulling out and nothing seemed like it was supposed to be. Our ragtag bunch had come in, acted like soldiers and buried one of our own with dignity and respect. It wasn't much, but in 1972, in Kooskia, Idaho, it was very good. Who knows what the town had expected, but we had delivered and they were grateful. As the thanks and warmth flowed from them and our "aw shucks, we were just doing our job," foot scraping, bowed-headed humility was observed, it somehow became all right. The gloom really began to lift and a party really began. We had buried the dead, now it was time to celebrate the living. One young man was gone, but there were plenty more around.

The mother of the boy who had died led the way. As she talked to each of us, she seemed to pick up strength and resolve as each moment passed. Her sadness would never leave her, but our presence had started to fill the hole in her heart, if only a little. She had boys to feed and take care of and the town followed her lead.

After a while, we were told that we'd be spending another night in Kooskia and the party really gained momentum. My friend and I hooked up with some local kids; two girls and three guys. We were the battle weary

"We don't have any VD or any of that other stuff in this town. If I find out that we have any after you boys leave, I'll hunt you down in Fort Lewis and take care of business as needed."

hardened vets, right, of 20 and 21 and they were locals who had never been far from Kooskia and were 17 and 18. We had seen the world, at least Washington and Oregon, and we were the stars. Why, I was even from California and they wanted to know what that magic place was like. We talked and flirted, drank and ate, and felt the excitement level rise. As the afternoon wore away, it became time for the young folk to escape the old ones and head out into the night.

We seven piled into a car, a 1960 Ford four-door with a 390 V-8 and a jacked-up rear end, and headed to "make-out point" in the hills above the town. We stopped at the store for beer and ice. We roared up the winding, hilly road, with dreams of beer, sex and rock 'n' roll. What could be more American, and the night was coming fast.

Our first job was to convince one of the young guys who was a month away from 18, not to join the Army. He was going to sign up when he turned 18 and was very set on it. As the music played from the car radio, we hit him with every horror story we could think of to dispel his romantic view of the Army. Hell, we'd never been in combat and didn't know true horror and suffering, but just being in the

When we got there we saw a door that looked like it had been carved out of some huge tree. There was a big ring knocker on it and an opening above it. The door was so large and intimidating that we actually stepped back once we reached it.

Army was the worst thing we'd ever been through. We talked, begged and pleaded with him. We gave him both barrels, in stereo, but he wouldn't budge. He'd nod his head and he understood what we were telling him, but the bottom line was that he wanted out of Kooskia. He didn't want to spend the rest of his life there. He wanted to see the world. If he didn't make the break now and join the Army, he'd be stuck in the town like his dad and he didn't want that. The Army was his ticket to freedom. It was the only way out for him. We really couldn't argue against him and we just ended up giving him some advice about what to expect.

At least the war was almost over and the odds of him getting his ass blown away were getting less every day, thanks to Nixon's secret plan to pull out of Vietnam, with honor. Whenever I heard about our pulling out of Vietnam, I always heard George Carlin in the background, "Pull out, pull out, why that doesn't sound manly to me, we oughta just stay in and keep fucking them until we get the job done right." You knew that the old cold warriors hated leaving that war, especially the ones in D.C. who weren't doing the dying. But the war was ending and I had made it through the service in one piece, it was better than nothing. And it was the kid's life anyway. There was beer to drink, music to dance to and girls to chase. We proceeded with abandon. The Sheriff had told us something earlier in the day, but that was eons ago and we couldn't remember exactly what it was anyway.

The young ladies weren't above a little kissing and much flirting, but that was all they would allow. Free love hadn't made it to Kooskia, Idaho, but we were all full of good humor and we had a good time. The girls had been watching the clock and at 9:30 we piled back into the car. They had to be home by 10:00. We drove back into town, with the

squealing of tires, the squealing of girls and the laughs and yells of young men. They dropped us off at the bar and after a long goodbye, we were left standing alone on Main Street watching the car lights fade into the distance.

We looked at each other, smiled in regret and turned toward the bar. It was ablaze with light and the joint was jumping. You could almost see the building sway and shake in the night. We opened the door and saw a room full of people. Soldiers and townsfolk plied with booze and good cheer, the jukebox blaring and many people on a small stage playing guitars and singing. One of the guys in our troop had the last name of Presley and he was from Tennessee. He claimed to be related and he probably was. He could play the guitar and he could carry a tune and old Hank Williams and the King would have been proud of him. Shit-kicking music was the order of the day. Rock 'n' roll hadn't made it to this jukebox and there was a lot of stomping and dancing going on. We were welcomed, as if we had been on some dangerous mission, given a glass of beer and we watched as we sat at the last open table.

The people in the bar had been at it for many hours. They'd been drinking, singing and dancing. Hugging, laughing and crying. The booze and the companionship had made them all friends for life. They had bonded in a way that happens in a bar when the mood is right and the spirits are flowing. They were all out to chase away the blues and death and they were kicking them in the ass. We watched and laughed and drank more beer. We were welcomed there, but we weren't a part of it. We were hours too late. We felt totally left out.

Being 20, I started to think about my favorite subject, sex. As I watched the women in the bar, I turned to my friend and said, "Have you ever been to a whorehouse?" He said, "No." I said, "Neither have I, let's go."

We finished our beers, waved goodbye and walked out the door. We looked up the hill and began the walk up to the whorehouse.

When we got there we saw a door that looked like it had been carved out of some huge tree. There was a big ring knocker on it and an opening above it. The door was so large and intimidating that we actually stepped back once we reached it. We gathered our courage and slammed the knocker. The curtain behind the opening was soon moved and we saw two pairs of female eyes looking down at us. The curtain closed and the door slowly opened. There they were, the whores.

One of the women was slender and of medium height with brown hair. Her best asset was her legs and she showed them off with a short dress. The other was a pear-shaped blonde who looked like a German milkmaid who had just walked in from the barn. She was mine. I'm not sure how this was decided, but we had nothing to do with it.

We were welcomed in, given a beer and directed to a couch. The women sat across from us and asked us a few questions and generally made us feel at home. When we had loosened up a bit, business was discussed. It was a dollar a minute, with a 15 minute minimum and the ladies assured us, that it would be plenty of time. They knew their young men, but they hadn't figured in the enormous amount of beer that we had been drinking.

My friend soon left with his lady. They stopped at the beginning of the hall, she put his money in a lock box and rang a bell. They went to a back bedroom. My lady smiled at me, got up, and I followed her. She took my money and rang the bell. It was a signal that they used to let the others know that the money had been collected and that they were all right. We made our way to a back bedroom, she proceeded to inspect me, then washed me. It wasn't very sexy, but with only 15 minutes on the clock, which was running, foreplay was superfluous. And I wasn't trying to talk her into anything; I had bought it and it was guaranteed.

It was a dollar a minute, with a 15 minute minimum and the ladies assured us, that it would be plenty of time. They knew their young men, but they hadn't figured in the enormous amount of beer that we had been drinking.

She told me to get undressed and get on the bed. I did and discreetly hid my wallet in my cowboy boots. It seemed like a smart thing to do. She went behind a screen and emerged with a large towel wrapped around her. She walked to the bed, looked at me and let the towel drop.

I won't bore you with the details, but 15 minutes proved to be too little time and I happily paid for 15 more. I sheepishly got my wallet from my boots and she grabbed her towel, put the money away and rang the bell. The mood had been broken and when she returned to the bed and lay next to me, we began to talk. Understand that I was 20 and my three favorite things in life were sex, beer and trying to find the meaning of life. Plus I have always loved to listen to people's life stories. I was steeped in the work of Ayn Rand and most of us know what that means. I had the answer to most everything and I wasn't afraid to let anyone know it. The beer made me even more eloquent, of course, and made her stories even more interesting. As much as I wanted sex, the pleasure of talking to a woman and sharing my thoughts and ideas was too much to pass up. We talked for three hours. We finally finished what we had started, but it had become a mere afterthought.

She had swept me up into her world of being a mother with two children and the struggles that she went through

"I wish you didn't have to bring your work home with you, dear."

to live her life. Being a whore was the best way to make the most money and it left her with plenty of time for her kids. She really was the proverbial whore with the heart of gold. I didn't fall in love with her, but I admired her greatly and would have done anything for her. She laughed and called me sweet and listened to my pontificating about life and about what needed to be done to save the world. Me, who was still wet behind the ears, drunk on beer, full of the certainties of Rand and uncertain about everything that really mattered. We made a good connection that night, my whore and I. Leaving that safe haven of that room was something I didn't want to do.

That night I learned the secret of sex for money. A whore will listen to a man and make him feel important, they'll stroke his fragile ego and make him whole, they'll give him the power to go on and take on the world. It's also the secret of a good woman, but it's easier for a whore because she gets paid up-front and the deal is temporary and not till death do us part. She gets the money and the undivided attention of a man for awhile. She will be desired. She can have someone listen to her thoughts and concerns and both people can walk away better for the exchange.

I always felt that I got the better part of the deal. I paid 30 bucks, got more than three hours of attention and I got laid. Not bad for one night. Hell, I'd had months that weren't that good.

After we got dressed, we walked back to the front of the house arm in arm. My friend and the other lady were asleep on the couch. They awoke when she called her friend's name. My friend looked at his watch, his eyes opened wide and he looked at me in disbelief. I smiled, and I didn't stop until I fell asleep that night.

We said our goodbyes at the huge front door and I walked away with a spring in my step. I was close to sober, but high on life.

My friend continued to look at me with disbelief. "How did you get more than three hours? Did you pay for it all? What were you doing? You must have done everything. Three hours, damn. What happened?," he asked.

"Mostly we talked," I said, "I just gave her another 15 dollars."

"You must have done everything. Three hours, damn. What happened?," he asked. "Mostly we talked," I said, "I just gave her another 15 dollars."

"Yeah, well I heard that, but come on — you did more than talk."

"Sure, but we mainly talked. We didn't screw for three hours," I said.

"You lucky shit, I bet you did."

I shrugged and we walked back to the motel. The town was asleep and soon enough so were we.

My friend woke up before I did and a legend was born. I had spent over three hours with a whore and had only paid for 30 minutes. Everyone wanted to know what magic I had used. What unspeakable things had I been doing for more than three hours? The questions came from everyone and everywhere. I told them the truth, that we had spent most of the time talking. They weren't buying it. It was much more fun to let their imaginations run wild about what we had done. They wanted to focus their fantasies on the more than three hours with the whore. They didn't want to buy the truth, it would cramp their flights of fancy. I gave up trying to correct them. It was a waste of time and at 20 being known as a superstud has certain rewards that I was all too willing to accept.

We finally all got on the bus and were ready to leave. The bus was full of stories from the day and night before.

My friend woke up before I did and a legend was born. I had spent over three hours with a whore and had only paid for 30 minutes. Everyone wanted to know what magic I had used.

Mine was one, but there were many others.

I sat with my back to the window and I had my legs across the bus seat. Exhausted and hung over, but very pleased with myself. When you're 20 and a soldier, getting drunk and getting laid is about as good as it gets.

One of the black guys in our troop walked up to me and asked me what time had I gone to the whorehouse. I didn't know him well, he was from another company, but he was a friendly, likable guy. He was a round man, with a willing smile and a ready laugh. He looked serious and asked, "What time did you go to the whorehouse?"

I said, "It was after 10:00, probably 10:30."

"It couldn't have been," he said.

"You saw us come into the bar, we left after one beer and went there."

"No, I went there at 8:30 and they told me that they were closed for the night."

We stared at each other, I didn't know what to say and then I saw his eyebrows rise, he nodded his head and looked down at the ground. We both knew what had happened. The ladies had opened the curtain on the door, saw a black man and decided that they weren't going to go there. There was nothing I could say. I felt sorry for him, but he didn't want my pity. He looked at me, shook his head, muttered, "shit," and walked back to his friends.

It was 1972, in Kooskia, Idaho, and the town had treated our black troops with respect and as equals when there was drinking and singing and laughter and tears to be shared. But the ladies had drawn the line and I doubt that anyone in the town would have disagreed.

He and all of us had forgotten that he was black, but reality has a way of kicking us all in the ass when we least expect it.

A is A, and sometimes shrugging is all we can do. ❑

Be Friends — Or Else!

by Dave Kopel

These days, you can't even choose your own friends. At least you better not try to if you're a student in a government school.

One father I know removed his daughter from a government school kindergarten after a visiting counselor told the children that they could not have best friends — since having a best friend (or, as is typical with girls, several best friends) is unfair to everyone else. At both government and independent schools today, the campaign against "friendism" marches forth under the slogan "You Can't Say You Can't Play." The new rule against choosing one's friends comes from the title of a book by Vivian Gussin Paley.

Published in 1992 by Harvard University Press, Paley's book is quite influential among early childhood educators, and her slogan is now the law in elementary schools all over the country.

What does the Paley rule mean? If two children are playing happily on the playground, and a third child wants to play with them, they must allow that child to join them. No exceptions. No more girls playing an all-girls' game. No more playing by yourself if someone wants to play with you. No more excluding someone who is hostile and uncooperative. No more having special time with a special friend. No more excluding some who hits (although the teachers still enforce a rule against hitting, after the fact). No more exclusion of anyone, for any reason.

Until retiring, Paley taught kindergarten at the University of Chicago Laboratory Schools, founded by John Dewey in 1896. Winner of a genius award from the MacArthur Foundation, Paley is a prolific author of thin books about early childhood education, which have won honors from the National Classroom Teachers Association and *Child* magazine. Harvard's Robert Coles calls her an American treasure. Although she is not an education school professor, Paley is very much a leader of the intelligentsia of modern educational theory.

Paley explains that she invented her rule after watching numerous incidents in which some children were excluded from playing with others. Pre-Paley, most teachers would ignore issues of kids who wanted to play privately, and let the children sort things out themselves. If a particular child was consistently excluded, the teachers would address the problems involving the particular child. Paley mentions some teachers she knows in Arizona who follow this policy, and brushes it off without explaining why it is unsatisfactory. Nowhere in Paley's book is there any evidence that she tried a more focused approach, dealing with genuine problems of unfair exclusion, before announcing her fiat "You Can't Say You Can't Play." Like other education fads (e.g., eliminating phonics and replacing it with look-say AKA whole language), Paley's new system needed no empirical verification in order to sweep the field.

Paley is remarkably incurious about why children are being excluded. She notes that there are four children in her class who are always left out, but never addresses why these children, of the two dozen in her class, are shunned by their peers. Instead, she adopts the circular theory that these four are excluded because they are sad and if they were included, they would no longer be sad. Too bad these children didn't have a teacher who could show them the way to overcome whatever they do that bothers their classmates so much. (Or, if the classmates are just nasty bigots, it's too bad this problem was not confronted.)

Most pre-school teachers know that sometimes an excluded child is less mature than others of his age, and a teacher can helpfully steer him towards playing with the

younger children in the class, instead of attempting to join in with children who are older than he. Or perhaps the child needs to be told that when he joins a game in the middle, he can't start re-arranging the parts that others are playing.

Like "Just Say No," the slogan "You Can't Say You Can't Play" ignores the complexity of the problem, and in the long run, makes things worse. "Just Say No" is fine for gullible fifth-graders who believe everything that adults tell them about drugs, but it doesn't work when those fifth-graders mature into high school students and start demanding better explanations for the standards that adults want to enforce. Likewise, a kindergarten teacher may be able to coerce more shared playtime for a troubled five-year-old. But if the teacher doesn't address the child's behaviors which drive other children away then the child is in for much more trouble later on.

If two children are playing happily on the playground, and a third child wants to play with them, they must allow the third child to join them. No exceptions.

For the children who want to join the group, learning how to enter is a valuable social skill. For children having trouble, adults can provide guidance. If the child can't play because Heather already has two pretend mommies, the teacher can suggest that the child be the pretend next-door neighbor.

Other times, children need to understand that their desires can't always be accommodated. If a piece of play equipment is filled to capacity, the child needs to learn to wait, not to complain "you can't say I can't play."

A blanket rule of *You Can't Say You Can't Play* deprives children of the ability to grow by controlling their imaginative playtime. To Paley, this may not be much of a loss, for she repeatedly bemoans the children's practice of letting the child who starts an imaginative game be the owner or boss who assigns roles to the others. But that's how almost all theater works; the producer/director bears the burden of starting the play in motion, and is therefore entrusted with the reward, and the duty, of assigning parts to everyone else. More initiative leads to more responsibility and more control over the outcome. That's how theater works, as does real life. Playtime ought to be an opportunity for children to experience this.

Paley refuses to distinguish between exclusion that is meant to be hurtful (you can't play because you look funny) from exclusion that is a legitimate part of personal relationships (the two of us wanted to just play by ourselves right now; maybe all three of us can play this afternoon). There's a lot that teachers can do to show children about how to treat each other, how to join in, and how to respect other people's personal space. None of these lessons are facilitated by *You Can't Say You Can't Play*.

Paley takes her rule to its logical conclusion. One boy, Karl, persistently refuses to clean up his blocks, and Paley had kept him inside during recess. After the new rule is announced, she realizes that she is telling Karl, "You can't play." So she lets him play during recess, regardless of whether his behavior in class was appropriate.

I wonder if this does Karl any good. In the long term, he'll do a lot better at finding playmates (e.g., friends whose parents will invite him back after a playdate; a spouse with whom he can share living quarters cooperatively) if he learns some basic responsibility for cleaning up after himself. By refusing to hold Karl to standards which every other child in class has met, Paley is telling Karl that he can get away with inconsiderate behavior.

But Paley doesn't believe in enforceable standards of behavior. In an aside, she notes how happy she is that she no longer uses the time-out chair, so she no longer bears the onus of judging punishable actions.

As everyone who has been to high school knows, petty, exclusionary cliques have too much sway over social life. At some schools, such as Columbine High School, athletes have been allowed to abuse unpopular students. Paley is certainly right that there are problems of exclusion in school, but her mantra is too simplistic to address the problem effectively. Indeed, the failure to hold young children accountable to consistent standards of appropriate behavior is one of the long-term causes of criminal violence and bullying by teenagers.

Paley tells inquisitive children her rule comes from the Bible: The stranger that sojourneth with you shall be as the homeborn among you, and thou shalt love him as thyself; for you were strangers in the land of Egypt. (Lev. 19:34) This is an important ethical rule, but the Biblical text is far from identical to Paley's fiat. The very same chapter of Leviticus that Paley quotes has a mandate for exclusion: a person who eats a peace offering on the wrong day shall be cut off from among his people. (Lev. 19:8) A few sentences after the quote that Paley likes, God says three times that if a person worships Molech or other false gods, the Lord will cut him off from among his people. (Lev. 20:3-6) Plainly, the Bible sees a difference between exclusion because of mere difference (a stranger) and exclusion because of wrongdoing (including, perhaps, short-term exclusion because of irresponsible behaviors such as not putting blocks away).

A blanket rule of "You Can't Say You Can't Play" deprives children of the ability to grow by controlling their imaginative playtime.

Whatever her logical shortcomings, Paley comes across as well-meaning. But not all of her acolytes are so kindly.

For example, in the Winter issue of *Independent School*, Dartmouth education professor Randy Testa uses Paley's theory to attack college fraternities in a mean-spirited article titled "From This End: What Life on an Ivy League Campus Tells Us about Precollegiate Education."

Testa alleges that Dartmouth recruits high school nerds, and that these nerds engage in exclusionary behavior and binge drinking, and that all this supposedly says something about Ivy League students and the high schools that produce them. The solution to all this, writes Testa, is to indoctrinate small children in "You Can't Say You Can't Play."

But Testa's linkage of heavy drinking with exclusionary elitism is ridiculous. There's quite a bit of drinking on almost every college campus in America, from the lowliest junior college all the way to Dartmouth; it has nothing to do with Ivy League elitism.

Besides, the study that Testa cites to prove the prevalence of binge drinking at Dartmouth defines binge drinking so broadly as to be meaningless: five drinks for a man, or four for a woman, over any continuous period of time. So if a man drinks a six-pack of beer while watching a double-header, or if a woman attends a Passover Seder, that's binge drinking.

Testa is extremely annoyed that the sorority across the street from his house throws loud, late-night parties, and he details a Wednesday night party which continued even after he told them to quiet down. I suspect that the sorority was established long before Testa bought the house. If you can't stand loud neighbors, don't buy a house next to an airport, a disco, or a sorority.

Testa makes allegations but never provides proof of fraternity and sorority exclusiveness. Although I don't know the Dartmouth Greek system, I do know that at Brown, where I was a member of Phi Psi, almost every Greek house is open to anyone who wants to join, subject only to the maximum space available in the building. At Brown, the Greek houses provide a much more open, inclusive community than do the ordinary dormitories, where many people remain as estranged from each other as do people who share the same apartment building in New York City, but who never say hello.

As everyone who has been to high school knows, petty, exclusionary cliques have too much sway over social life.

Testa's proposed solution to the Greek problem is to force "You Can't Say I Can't Play" on as many children as possible. Whatever the merits of teachers pestering children to take on additional playmates, it won't solve Testa's difficulty. The particular party which so infuriated Testa got loud and out of control precisely because the party was open to anyone on campus. The next time Testa pulls the Almira Gulch routine and tries to shut down a sorority party, I hope all the sisters shout back in unison, "You Can't Say I Can't Play!"

Like Testa, many of Paley's admirers believe that she has uncovered a fundamental flaw in American society. Paley's book is adorned with a jacket blurb excerpted from Derrick Bell's glowing review in *The New York Times Book Review*. Bell (one of the kings of Critical Race Theory, a popular and sometimes racist theory of anti-white grievance) explains the broader objective of Paley — showing teachers how to attack the evil of exclusion at its childhood root, and he asks for Paley's help in the next step — weeding out the pernicious practices that afflict the adults of our exclusionary society.

Of course the people who complain about exclusion don't really mean that they are against all exclusion. Bell now teaches at New York University Law School, and before that, at Harvard Law School — two ultra-elite institutions which exclude all but the very brightest applicants. Testa teaches at Dartmouth, and got his doctorate from Harvard. Paley herself taught at one of the most elite private schools in Chicago, where tuition is over $6,000 a year for kindergarten, and more than twice that for high school, and which has an application process in which the school admits some applicants and excludes others.

All three of these educators choose to work at highly selective institutions, whose admissions committees are constantly telling applicants "you can't play." If Paley, Bell and Testa don't want to be the direct beneficiaries of sharply exclusionary policies, Paley could teach at a public school (which is, by law, open to all comers), and Bell and Testa could leave New York University and Dartmouth respectively for community colleges that practice open admissions.

"You Can't Say You Can't Play" seems to be an operative rule only when it furthers the interests of the rulemakers. Like other slogans of the education machine, it doesn't count whenever the machine doesn't want it to. So "Just Say No" doesn't apply when the teacher wants every rambunctious boy dosed with Ritalin all day. Celebrate diversity doesn't count for people who have diverse opinions about Second Amendment rights, quotas, homosexuality, or other issues for which only one opinion is allowed.

You Can't Say You Can't Play would do John Dewey and Horace Mann proud, because it implements the fundamental principle of their educational philosophy: children are to be trained to be of service to society, rather than to be empowered to pursue their own ends. Whatever stands in the way of social service — such as belief in the family's values instead of the state's — is to be eradicated by compulsory education. The idea that individuals have the autonomous right to choose their associates is one such idea. One sees its implementation in lawsuits to force the Boy Scouts to choose scoutmasters who violate the Boy Scout Code, in campaigns against all-male schools like the Virginia Military Institute, in the Dartmouth administration's war on fraternities and sororities, and on schoolyards all over America where children are told "You Can't Say You Can't Play."

Very little in *You Can't Say You Can't Play* is overtly ideological, but the underlying premise is thoroughly socialist — not in the sense of a planned economy, but in the more fundamental, Maoist sense: individuals or small groups of individuals may not create barriers between themselves and the rest of society; existence is entirely communal. ❑

"Dad? Am I a white male?"

Reviews

The World According to Gore, by Debra Saunders. Encounter Books, 2000, 224 pages.

Inside Al Gore

Clark Stooksbury

The most important quality in Al Gore's life to this point has been its artifice. He was programmed from the start for a political career. His childhood home was the Fairfax Hotel in Washington, D.C., the town of his birth. *The Washington Post* reported this year that Gore's mother, wanting to give her son an "enlightened" education, hired what can only be described as a Paid Negro Companion to stay with young Al during summers in Carthage, Tennessee. His bragging about working on the family farm in his youth draws snickers today, but he did all of that stuff because his father thought it would look good on his résumé. Likewise, Gore joined the Army in 1969 with an eye toward his father's 1970 reelection campaign. In a section set aside for moronic Q&A on his website, Gore admits to being briefly disillusioned with politics after his father was defeated by the "voices of conformity and cultural destruction" (he means the people of Tennessee) in 1970. Fortunately, he got over this disillusionment at the same time his father's old House seat opened up in 1976.

The World According to Gore is a hastily thrown together character study that is up-to-date enough to include commentary on this year's presidential primaries. At times, it seems as if Saunders has simply read a few other books, Al Gore's *Earth in the Balance*, Bob Zelnick's *Gore: A Political Life*, Greg Easterbrook's *A Moment on the Earth*, and decided to offer her own two cents worth. Her primary contribution to the study of the Vice President is to give a vaguely psychological term — "The Gore Disconnect" — to Gore's habit of shading, stretching, distorting and mangling the truth.

Saunders begins her narrative at the 1996 Democratic convention in Chicago where the Vice President gave an impassioned speech about how helplessly watching his sister die of lung cancer after more than 30 years of smoking, turned him into a tireless foe of the tobacco industry. His talk was personal and downright creepy to those of us who don't care for our confessional, exhibitionist culture. It was also a lie. Saunders is far from the first person to point out that for years after his sister died, Gore continued to seek and to accept campaign contributions from tobacco companies and to receive federal funding for the family tobacco farm in Tennessee. He even bragged about his tobacco-growing prowess while campaigning for president in North Carolina in 1988: "Throughout most of my life, I raised tobacco. I want you to know that with my own hands, all of my life, I put it in the plant beds and transferred it. I've hoed it. I've chopped it. I've shredded it, spiked it, put it in the barn and stripped it and sold it." According to Saunders, "Gore even drawled out *tobacco* so it became *tobakka* the way growers pronounced it to show that he was one of them."

Gore's tale at the 1996 convention was not a conventional political exaggeration or mischaracterization, an attempt to cover up some past misdeed or explain an inconsistency in his record. It was, as Saunders explains it, an "outright fabrication that brazenly exploited the death of his only sister."

Gore continually reinvents his record, even while attacking opponents for doing the same. What is strange is that he lies about things that are a matter of public record. When Clinton lied about his draft record, he had no reason to suspect that a ROTC recruiter would have kept his dissembling letter for a quarter of a century. Gore lies about his voting record, apparently oblivious to the fact that such things are dutifully recorded and tracked by journalists, activists and opposing politicians.

A New and Improved Al

Gore was once pro-life on abortion. During his years in the House of Representatives, he consistently voted to deny federal funding for abortion. In 1984, Gore voted for a bill that would grant the unborn legal personhood from the moment of conception, effectively outlawing abortion. He earned an 84 percent rating from the National Right to Life Committee while in the House. Of course Democrats have a litmus test on that issue for their presidential candidates, so Gore changed. Yet Gore attacked Congressman Dick Gephardt for his own abortion flip-flop during the 1988 Democratic primaries. As James Fallows noted in the July *Atlantic Monthly*, Gore lectured the Missouri Congressman that, "the next President of the United States has to be someone the American people can believe will stay with his convictions, and if pressure comes from Gorbachev, from domestic interest groups, from

wherever the pressure come, you've gotta be willing to stand your ground and be consistent."

Yet Gore claims that he has only changed his position on funding of abortion and says that he has always supported *Roe* v. *Wade*.

His stance on gun control has also evolved. In the distant past, Gore won praise from the NRA while serving in Congress, as Bill Bradley pointed out during the primaries. There is a striking similarity, Saunders notes, between his position on guns and his position on abortion. In both cases, his change of heart, which The Gore Disconnect allows him to deny having had, was calculated to appeal to the broad liberal constituency he needed when his ambitions had outgrown his conservative constituents in Tennessee.

Gore lies about his voting record, apparently oblivious to the fact that such things are dutifully recorded and tracked by journalists, activists and opposing politicians.

The environment is the political issue that causes some people to rally behind Gore and others to fear him. He has a habit of casting the issue in apocalyptic terms, as indicated by the title of his book, *Earth in the Balance*, and by his infamous call for the abolition of the internal combustion engine within 25 years. In practice, he has been much more pragmatic. He had a golden opportunity to take a principled environmental stand earlier this year when gas prices began to rise, particularly in the Midwest. He should have welcomed this development and called for a hefty rise in the gasoline tax on top of it to pry people out of their SUVs and into Yugos and light rail. Instead, he blamed the price increase on the machinations of Big Oil, ignoring the Environmental Protection Agency's role in driving the price of gasoline upward.

His cumulative rating from the League of Conservation Voters was only 64 percent. Saunders quotes one critic explaining Gore's environmental deviations as, when he's pro-environment, he "always wants more regulations and more government programs. And when he's anti-environment, it's always in defense of a government program." That is at least partly true. One example of this is the case of sugar cane price supports. In *Earth in the Balance*, Gore denounced sugar subsidies specifically as a threat to the Florida Everglades, since without subsidies there would be no sugar cane raised in South Florida and the cane is watered by diverting water from the Everglades. Yet during the Clinton years, despite the Dynamic Duo's supposed adoration of free trade and of the environment, the sugar subsidies have stayed in place. Conveniently, this has benefited a major Democratic Party donor. Alfonso Fanjul, whose company Flo-Sun Inc. drains the Everglades thanks to government support, gave $204,500 to the Democrats in the 1996 election cycle, Saunders reports.

Al Gore is above all a busybody and he wants a busybody government: universal preschool, handgun licensing, some satellite sending continuous pictures of Earth to Internet geeks, etc. He has rarely wavered in his faith in higher taxes and increased federal spending. In fact, in 52 of 67 votes between 1983 and 1994, Gore supported higher taxes. (Of course, as a reliable friend of Big Tobacco however, Gore twice voted against increased cigarette taxes.)

The World According to Gore is not in any sense a political classic. It was put together hastily in a mediocre quality trade paperback format without an index. In a few months, along with the other Gore books out there, Saunders's book will be as forgotten as Jimmy Carter's *Why Not The Best*, unless Gore somehow gets lucky. If George W. Bush makes a monstrous gaffe during a debate or announces that he and Newt Gingrich are planning an October wedding in Vermont, look for for an updated version of this book perhaps in hardback with an index to be released in '01. But I wouldn't look too hard. ❑

***Blood of the Liberals*, by George Packer. Farrar, Straus and Giroux, 2000, 402 pages.**

The Devolution of Liberalism

Bruce Ramsey

George Packer was born a liberal. At home, he writes, Franklin Roosevelt "was an unquestioned hero, and in my private ranking, the greatest president of all, followed by Lincoln. At eleven I named our new pug puppy after him."

His father was Jewish, and his mother a populist Democrat. Having absorbed his politics along with his Cheerios, Packer yearned to know their origins. Now at age 39, he has satisfied his yearning with *Blood of the Liberals*,, a well-written family history that encapsulates much of 20th century liberalism.

What makes the book worth reading is the story of his maternal grandfather. George Huddleston took a law degree at 21 and set out to practice in late 19th century Alabama. Though Packer describes laissez-faire Birmingham as a Dickensian "hell," young Huddleston apparently got on quite well in it, building up a private law practice and becoming interested in politics.

He was a Jeffersonian Democrat, a reminder to libertarian readers that their ideas have an honorable ancestry

in the Democratic Party. "He disliked elites on moral, and maybe even aesthetic grounds — because he loathed 'posturing,' had an instinctive sense of justice, and believed that democracy depended on a rough equality of conditions," Packer writes. "He believed in the right and ability of ordinary people to run their own lives, and he distrusted any concentration of wealth or power. . . ."

That included government. "It is difficult for a modern liberal to grasp," Packer has to explain, "that in the 19th century government was seen by ordinary Americans . . . as an ally of the rich and an obstacle to equality." (Difficult? I recall battles in my hometown over taxpayer-financed sports stadiums and fancy downtown parking garages.)

In 1915 Huddleston arrived in Washington, D.C., as Birmingham's new congressman. World War I had begun six months before, and a group of progressives led by Theodore Roosevelt was thumping for America to get into it. Wilson held back at first, but in 1917 he led a crusade for freedom and democracy via the machine-gun. Writes Packer: "Force would create freedom. The moral restlessness of Progressivism would have its ultimate fulfillment in the trenches of France."

Liberalism began the 20th century as an everyman individualism and belief in progress, morphed into triumphant statism, and morphed again, ending the century as an irrationalist tribalism.

For a liberal, this is quite an admission — that the urge to reform one's fellows leads to organized killing. The liberalism of Kennedy and Johnson "led directly, inevitably, to the war in Vietnam," Packer writes. "Reform at home has often preceded foreign war: Populists championed the war against Spain, Progressives hailed World War I, New Dealers led the war against fascism. The universalist and humanitarian rhetoric of domestic liberalism easily inflates the airships of international crusades."

Well, then. When Bob Dole made his famous jab in the 1976 debates about "Democrat wars," he was on to something.

George Huddleston was suspicious of the 20th century's first Democrat war. As a junior member of the Foreign Affairs Committee, he warned his colleagues that the Great War would be "a hideous nightmare." He said, "It is never justified except in a clean-cut, single-hearted defense of national honor. It is never to be waged to vindicate abstract rights or technical principles."

Huddleston reluctantly voted for a declaration of war because of German submarine attacks on American shipping. But he was so unenthusiastic that Wilson tried to get him defeated in

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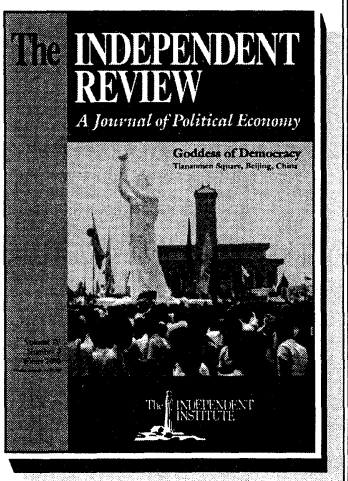

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1918. Relying on working-class voters, he kept his seat.

But liberalism was changing. "Modern liberalism did not originate in the New Deal," Packer writes:

> The concentration of state power, the use of government for humanitarian ends, the rise of the expert, all began with Wilson's high-minded decision to take America into World War I. . . . It would be a collectivist war, involving industry, labor, economic central planning, nationalization of the railroads, the first large-scale conscription in American history, the most draconian suppression of dissenting speech since the Alien and Sedition Acts of 1798, and a nationwide propaganda campaign waged by the new Bureau of Public Information.

Packer had regarded Wilson as a hero. After digging up the story of his grandfather, Packer writes, "Wilson became impossible to love or even like."

In the 1920s, Huddleston continued his Jeffersonian fight against the coal and railroad companies that broke strikes through injunctions and the power companies that wanted to take over the federal dam at Muscle Shoals, Alabama. In Congress, Huddleston said, "Voting 'no' is nearly always right," because nearly "every measure . . . comes here because some great selfish interest stands behind it." He denounced business favoritism as "private socialism."

In 1928 he denounced Calvin Coolidge's "imperialism" in Nicaragua.

By then Huddleston was describing his view as individualism. "The individualist holds that man has a natural moral right to govern himself, to order his own actions, to live his own life, and that no restrictions should be placed upon the individual except for the protection of the rights of other men," Huddleston said. "The collectivist is not interested in the individual and feels that he has no natural or moral rights inconsistent with the welfare of the mass."

Packer writes, "The language of radical idealism fell out of his speech." But Huddleston's speech is full of radical idealism — just a different sort of idealism than his grandson approves of.

Huddleston had battled Hoover as a subsidizer of business, and supported Franklin Roosevelt for president in 1932. In the first hundred days, he helped get the emergency New Deal legislation through Congress. But he also spoke on the House floor against abandoning gold and devaluing the dollar.

A battle began for the mantle of lib-

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eralism. The defenders of laissez-faire claimed the L-word in the name of liberty. They lost to Roosevelt, who claimed it in service of state power.

"The New Deal," Packer writes, "was the triumph of the central planners, the brain trust from Columbia, and it looked nothing like Jeffersonian democracy or the New Freedom or anything else that the Democratic Party had ever stood for."

"By the summer of 1935 my grandfather was in open revolt against Roosevelt," Packer writes. Partly it was the Tennessee Valley Authority, which was something much more sinister than public ownership of one dam at Muscle Shoals. TVA's administrator, Arthur Morgan, had been a biographer of utopian Edward Bellamy. He was a world-saver backed by immense federal power. TVA, Huddleston said, sought to "be clothed with the authority not only to save men's bodies but to take care of their souls."

As I closed his Blood of the Liberals, *I thanked Packer for his tour of the 20th century. And I thought, the one who had it right was his grandfather.*

Huddleston became the point man in the House against the utility holding company bill. When reminded on the floor of the House that he used to be for public power and against the utility companies, Huddleston replied that his ideas had not changed. "It is the definition of liberalism which has been changed," he said. Huddleston also opposed the Social Security bill, which established permanent welfare, as a usurpation of states' rights. In 1936 he was targeted again by the Democratic apparatus and this time was defeated.

Packer sadly concludes that his grandfather could not accept the notion that government could "increase individual freedom by increasing central power." But Packer's father could accept it. Herb Packer began his career in government agencies. He believed in government. To him, liberty was procedural. It arose from due process, from objective and rational administration, from good government.

Herb Packer was an official at Stanford University. His big battle was with the protesters of the 1960s, who pushed their way into administrators' offices demanding an end to military recruiting and research. The protesters had no use for objectivity; to them, it was a cloak for power. They wanted a partisan university that would oppose the Vietnam War.

Herb Packer's colleagues were taken aback. "The faculty was just waking up from its long federally funded sleep to discover that it belonged to a community whose survival was now in question," the author writes. Herb Packer stood up to the New Left, and in a speech to the American Association of University Professors, he criticized his fellow administrators. "They thought they were saving the university," he said. "And by their lights, they succeeded — for a few days or a few weeks. And they taught a lesson that is easily learned — coercion pays. What do they propose to do the next time it is applied?"

The strain on Herb Packer was so great that he had a stroke, was incapacitated, and later killed himself with an overdose of pills. His son blames the unfocused and emotional attacks of protesters. "I was stuck with the political debris that their orgy had left behind," he writes.

The leftists who had challenged his father "returned to bore from within, staging a subtler takeover" of American universities. Objectivity was dethroned. What counted was power, and who had it.

Packer is uncomfortable with liberalism's newest form. "For 200 years liberal politics rode the contest of universal ideas to its greatest victories, while conservatism hunkered down amid the narrow, local claims of tradition, including ethnicity and religion," he writes. "Now the two were once more trading places. Academic liberals under the spell of identity politics were beginning to believe that what made you right wasn't what you thought but who you were. . . . The conservatives were . . . claiming for their side the very concepts, valuable ones, that their left-wing opponents were busy discarding — merit, objectivity, universalism."

Thus ends a century of liberalism. It started with an everyman individualism and belief in progress, morphed into triumphant statism, and morphed again into irrationalist tribalism.

And what's left? Essentially, Packer's answer is: nothing. He looks about his generation and says, "We don't have a political philosophy."

All Packer can salvage from the grand tradition of his elders is an itch to improve other people. And it's a specific kind of itch. Promise Keepers, for example, may be a crusade to improve people and it may work, but it is individualistic, each person improving himself. To Packer, that doesn't count. What counts is political activism.

What he sees instead is the triumph of private life. "Where has the energy, the time, the talent of people under 45 gone?" he writes. "Into careers, family, entertainment, finances, bodies, self-improvement, self-expression — anywhere but public life. . . . The same restless, idealistic middle-class people who used to sign petitions and march on behalf of Temperance or woman suffrage or civil rights or peace now enroll in writing programs, where they work on their memoirs."

And you, too, George Packer. As I closed his book I thanked him for his tour of the 20th century. And I thought, the one who had it right was his grandfather. ❑

"I wasn't talking about *you* — that was my *mantra*!"

The Lexus and the Olive Tree, by Thomas L. Friedman. Farrar, Straus and Giroux, 1999, 394 pages.

The Tech Shall Make You Free

Jane S. Shaw

In 1991, Richard McKenzie and Dwight Lee pinpointed the unique character of today's global economy. Their book *Quicksilver Capital: How the Rapid Movement of Wealth Has Changed the World* explained that international financial markets had made investment capital so fluid that it can move almost instantaneously from country to country. This fluidity not only forces companies to be highly competitive globally, but punishes governments that damage their environment for investing purposes. The fluidity of capital leaves governments less powerful than ever before.

Quicksilver Capital did not make a big stir and it is out of print today. However, its theme is at the core of Thomas L. Friedman's widely publicized and much praised 1999 book, *The Lexus and the Olive Tree*, a big book that develops the McKenzie-Lee idea on a scale befitting the foreign affairs columnist of *The New York Times*.

Starting that job in the mid-1990s, Friedman set out to identify the "organizing system — the superstory — through which I would look at the world, make sense of events, prioritize them, opine upon them and help readers understand them." The story he found is "globalization." By that, he means the fluidity of capital and its financial, political, social and cultural reverberations.

Friedman makes a point of spelling out why this isn't just another book about the end of the Cold War, like Francis Fukuyama's *The End of History* and Paul Kennedy's *The Rise and Fall of the Great Powers*. Friedman is explaining the "new international system" that has succeeded the Cold War. To tell this story, the book bulges with tape-recorded interviews of deputy ministers, global hedge fund managers and multinational CEOs.

Perhaps Friedman is a bit grandiose in his aspirations (underscored by his initials embossed on the front cover of the hardback), but he has written a good book, one that helps the non-economist understand that we are all in a new world economy buffeted by impersonal market forces that are operating quickly and constantly. These forces have many important consequences, affecting an ever-growing mass of people, from the officials of "crony capitalist" governments that ruin their own currencies, to ladies' investment clubs that take a flyer on Russian bonds over the Internet.

To help us visualize the new economy, Friedman invents images like the "Electronic Herd" — the investors in the fast-moving international marketplace. The herd breaks down into "short-horns" (investors constantly scanning the world horizon for a higher return) and "long-horns" (multi-national companies seeking to invest in places where productivity will be high in the future). These herds roam on a "vast global plain" (the one where all the Iron Curtains and Berlin Walls long ago fell) — now a new Fast World that has replaced the First, Second and Third Worlds. The herds "feed and procreate" in the "Supermarkets," giant stock markets ranging from Wall Street to Sydney to Tokyo. (Sometimes Friedman's inventiveness is a bit much — he talks about "DOSCapital, ""globulation," "glocalism," and "Microchip Immune Deficiency.")

The power of the electronic herd, Friedman argues, comes from the democratization of technology, finance and information. Friedman illustrates how fast technology has changed with a story told by Treasury secretary Lawrence Summers. In 1988, while working on Michael Dukakis's presidential campaign, Summers was so impressed to find a telephone in a car used by the campaign that he called his wife to tell her about it. Nine years later, Summers was on official business in the Ivory Coast. As he was about to step into a dugout canoe after an upriver ceremony publicizing a new water well, an official handed him a cell phone and said "Washington has a question for you."

Financial markets have also become more democratized. Today, because of rapidly growing and newly invented investment tools, millions of people can have an almost instantaneous impact on financial markets around the world. In 1982, when the government of Mexico couldn't pay its debts, the president simply called in the twenty or so bankers who had lent the government money. He was in the driver's seat because the banks didn't want to lose everything they had invested, so they worked out a deal.

In 1995, however, when Mexico's government again mismanaged its debts, it wasn't so easy. Mexico's debt had been converted into U.S. government-backed loans, but (through an innovation credited to Treasury Secretary Nicholas Brady) these loans had been divided up into bonds that had been sold to the public. Suddenly many people had a direct interest in the fate of Mexico's finances. "Now the retirement fund of Orange County, the school janitor, not to mention you and me and my Aunt Bev, can all play," Friedman explains. While the U.S. government did bail out Mexico, the genie

A new Fast World that has replaced the First, Second and Third Worlds.

was out of the bottle and, undoubtedly, the defeat of Mexico's ruling party in 2000 was one result.

The democratization of information means that "the days when governments could totally isolate their people from information about what life was like beyond their borders or even beyond their village are over." In 1997, Friedman was in South Teheran. Some Iranian friends who had televisions (obtaining programs by satellite) were selling their neighbors tickets to view *Baywatch* (the most popular American TV show in Teheran at the time). When the government banned satellite dishes, the entrepreneurs simply hid them under bushes or laundry lines.

The globalization of the world is Friedman's big story, but there is a subtheme implied by the title. Friedman uses the Japanese luxury car Lexus as the symbol of the new electronically based world (the image occurred to him after seeing a Lexus factory, where mostly robots made the cars). He contrasts the Lexus with the olive tree — a symbol of the real world that people physically live in, cherish and fight over (an image stimulated by reading about an argument between Israelis and Palestinians). In other words, Friedman juxtaposes the international mobility of capital with the intense identification that people still have for particular places and countries. Government officials face dilemmas. They may be torn between accepting the demands of the international marketplace and catering to populist, even jingoistic, desires to protect the status quo.

The democratization of information means that "the days when governments could totally isolate their people from information about what life was like beyond their borders or even beyond their village are over."

This insight — the contrast between super-modern financing, manufacturing and distribution; and down-to-earth day-to-day living, with its physical places and political symbols — is quite helpful. It has given me a handle for understanding international political events chronicled in *The New York Times* and *The Wall Street Journal*. Government agents either heed the messages of the international electronic marketplace or fight against them — possibly by entering into a dangerous and costly isolationism — making the actions of political leaders more transparent. At least, as Friedman suggests, we now have a lens through which to interpret them.

When the Asian financial debacle occurred in 1997 some countries such as Thailand and South Korea were able to absorb the losses, regain their equilibrium and get back on their financial feet. Others like Malaysia were hobbled by their government. Malaysia's prime minister flailed helplessly, blaming everyone else for the decline of the currency, perpetuating disaffection

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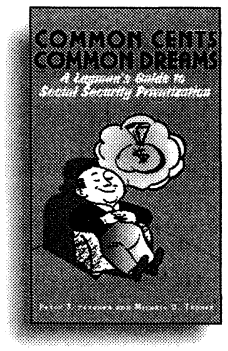

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with his economy and putting off the day when Malaysian citizens would be able to fully participate in the marketplace. Eventually, Friedman suggests, these governments will have to get out of the way and let the market work. He worries that where that participation is blocked, frustration and isolation may beget and sustain terrorism.

In later chapters, Friedman becomes more sentimental than analytical. While recognizing that attractions like Taco Bell and McDonald's represent genuine improvements, evidenced by their popularity, he laments the loss of traditional cultures that they replace. The "Americanization" and "homogenization" of formerly quaint and isolated places does justify some concern, but Friedman doesn't give a fair treatment. Listening to an Indian politician lament the loss of cultural traditions, Friedman sympathizes "maybe be-cause I was born and raised in a relatively small community in Minnesota. Globalization can be deeply disorienting." In spite of this nostalgia, I notice that he happily lives in Bethesda, Maryland, traveling the world, and doesn't want to go back to the small-town Minnesota lifestyle; nor does he explain why the picturesque rural traditions of India are more worth protecting than those of Minnesota.

The fact that Friedman's thesis comes across so clearly makes me wonder if something important is missing. On the other hand, his analysis is useful.

Friedman also fails to distinguish between countries and their governments, thus implying that governments represent the wishes of their nations' population. And he sneers at conservative Republican congressmen who, he says, have no appreciation for international affairs.

But these are small complaints. I have only one gnawing worry. Could Friedman be oversimplifying the financial markets? I rarely have the patience to grasp international financial issues. I usually give up after reading a few pages on devaluations, capital controls, tariffs, interest rates, floating currencies, bonds and so forth. The fact that Friedman's thesis comes across so clearly makes me wonder if something important is missing. On the other hand, his analysis is useful. Perhaps he really is what he considers himself to be: an extremely capable journalist who knows how to render vexingly complicated issues into understandable form. For now, I'm going with that assessment. ❑

***The Cost of Living*, by Arundhati Roy. Modern Library, 1999, 126 pages.**

The Indian Mystery

Matthew Brown

In his 1936 essay "Shooting an Elephant" George Orwell, then a subdivisional police officer in the British Empire in South Asia, recounted his experience trying to cope with an elephant that had rampaged through a local town and killed one of its inhabitants. By the time Orwell had caught up with the elephant its fit of rage had passed and it was in a nearby field posing what Orwell imagined was no further danger to the community. "As soon as I saw the elephant I knew with perfect certainty that I ought not to shoot him." But as an agent of the British Raj his actions, as with the actions of the government in India today, were not determined by what was right and wrong. "I glanced round at the crowd that had followed me. It was an immense crowd . . . and suddenly I realized that I should have to shoot the elephant after all. . . . To come all that way, rifle in hand, with two thousand people marching at my heels, and then to trail feebly away, having done nothing — no, that was impossible. The crowd would laugh at me. And my whole life, every white man's life in the East, was one long struggle not to be laughed at."

In her new book *The Cost of Living*, Arundhati Roy makes it clear that among India's ruling elite, this self-absorbed emphasis on appearances over results remains the norm even after more than a half century's independence from Britain.

In her first book, the international bestseller and Booker Prize winner *The God of Small Things*, Roy recounted the injustices and hatred inspired by the Indian caste system. In *The Cost of Living*, she demonstrates that the reality of the Indian government and its accomplices can be as devastating and unjust as any fiction she could imagine.

In *The Cost of Living*, Roy tells the all-too-real story of Third World development and government corruption, going beyond simply recounting the economic statistics about failed big government schemes, to reveal the human side of India's experiment in statism. Her sarcasm and biting wit reveal the anger and frustration that many Indians feel toward a regime that seems to move imperiously from one failed scheme to another, without ever losing any of its self-importance. The price of these follies is great, but it is always the poor who pay the price, while the elites spiral ever upwards. "Who are these gods that govern us?" she asks. "Is there no limit to their powers?"

The Cost of Living consists of two essays. The longer, and more interesting to readers in the West, is "The Greater Common Good." Here Roy exposes the disastrous consequences of the Indian government's partnership

with the World Bank to construct the Sardar Sarovar Dam on the Narmada River. Originally conceived decades ago, the Sardar Sarovar Dam is intended to bring drinking water, irrigation and electricity to three Indian states. Mired in local political struggles for over a decade, the project took off in the 1980s thanks to a $450 million loan from the World Bank. But as word of the dam's human and environmental toll began to spread, the project became an international rallying point for activists of all kinds.

At the heart of India's jingoistic love affair with the bomb, as with its addiction to World Bank money, is the insecurity of the ruling coterie and its need to feel needed.

"In India over the last ten years the fight against the Sardar Sarovar dam has come to represent far more than the fight for one river," she writes. For environmentalists it is a fight for nature. For others it has become a fight for indigenous peoples or a fight against the modern economy. But for neo-Luddite, environmentalist and civil rights activist alike it is a struggle against the destructive relationship between the Indian government and the World Bank, between addict and dealer — the drug: international development aid.

Roy cites former Indian Prime Minister Jawaharlal Nehru who justified government tyranny by telling his people, "if you are to suffer, you should suffer in the interest of the country." The people of India have endured this suffering for fifty years. Like the people of countless other countries, they have been told to trust their government, to sacrifice for the greater common good. By Roy's calculations, a conservative estimate is that 33 million Indians have been forced from their homes by the government's big dam projects — 3,300 built since independence in 1947. All in the name of the greater common good.

"Over the last fifty years India has spent Rs 87,000 crores [over two billion dollars] on the irrigation sector alone. Yet there are more drought-prone areas and more flood-prone areas today than there were in 1947." Two hundred million Indians still lack safe drinking water and another six hundred million lack proper sanitation. The government keeps investing in these failed projects because it needs to be seen to be doing something, anything, to justify its existence. Thus, results are less important than actions.

But results that would be judged a disaster by any common business standards are a triumph for government paternalism. "The Indian State is not a State that has failed. It is a state that has succeed impressively in what it set out to do. It has been ruthlessly efficient in the way it has appropriated India's resources — its land, its water, its forests, its fish, its meat, its eggs, its air and redistributed them to a favored few (in return, no doubt, for a few favors)."

Roy might have pointed out that the World Bank has also succeeded quite well along the same lines — maximizing its own interests. When the Bank began operations almost a half-century ago, it was confronted with a rather embarrassing problem for an organization that was designed to lend money for Third World development: it couldn't find many suitable projects

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to lend money for. The solution for the Bank, as with any self-preserving bureaucracy, was to create projects that needed funding. Thus the Bank set about helping governments and government agencies (some of which it helped create) develop project ideas that the Bank could then finance. The Bank hit its stride in the 1970s under the direction of former Secretary of Defense Robert McNamara. With "the best and the brightest" at the helm, the Bank and the Third World went on an unprecedented borrowing and lending bonanza. The governments of the Third World, like India, could show off their new dams and highways as evidence of all the progress they were making for their people, and the Bank could point to ever growing loan portfolios to illustrate all it was doing for the greater common good.

Roy's moral outrage finds another target in her second essay, "The End of Imagination," where she turns her attention to the Indian government's development of nuclear weapons. Many readers will find her accounts of the moral and ethical thoughtlessness of the nuclear arms race familiar and unnecessary. Descriptions of the massive destruction to natural and man-made resources are old hat to most readers ("our cities and forests, our fields and villages will burn for days. Rivers will turn to poison. The air will become fire. The wind will spread the flames"). To her credit Roy realizes the futility of such arguments, and that they have all been made before. But she states, "I'm prepared to grovel. To humiliate myself abjectly, because, in the circumstance, silence would be indefensible."

Roy's sarcasm and biting wit reveal the anger and frustration that many Indians feel toward a regime that seems to move imperviously from one failed scheme to another, without ever losing any of its self-anointed importance.

At the heart of India's jingoistic love affair with the bomb, as with its addiction to World Bank money, is the insecurity of the ruling elite and their need to feel needed. Like the Wizard of Oz bellowing out commands while fearing that someone would pull back the curtain and reveal the truth, the Indian government's search for enemies, like its search for big dam projects, is a cover for its illegitimacy. "We need to feel like victims. We need to feel beleaguered. We need enemies. We have so little sense of ourselves as a nation and therefore constantly cast about for targets to define ourselves against. Prevalent political wisdom suggests that to prevent the state from crumbling, we need a national cause, and other than our currency (and, of course, poverty, illiteracy and elections), we have none." She concludes, "India's nuclear bomb is the final act of betrayal by a ruling class that has failed its people."

The government and its financiers in the World Bank are engaged in a long struggle not to reveal the foolishness of their actions. Thus they throw good money after bad to conceal failed development loans. Similarly, the government props up the image of its enemies to justify its arms race. All the while a few elite benefit while hundreds of millions of the poorest Indians remain trapped in poverty, asked to sacrifice ever more for the greater common good.

The massive resistance among Indian citizens and international groups that developed in response to the Sardar Sarovar Dam project eventually led the World Bank to end its involvement. But the Indian government has pressed on with the dam despite widespread opposition and the hundreds of thousands to be left homeless in its wake.

Orwell concluded over a half-century ago after he had killed the elephant, "the owner [of the elephant] was furious, but he was only an Indian and could do nothing. . . . I often wondered whether any of the others grasped that I had done it solely to avoid looking a fool."

Roy brings home just how much times haven't changed. ❑

Letters, *from page 36*

often used in the Bible to indicate a choice, such as in Malachi 1:2-3, where the prophet recounts the story of Jacob and Esau. God says, "And I hated Esau. . . ." God cannot hate a person; this verse clearly tells us of His choice of Jacob over Esau.

Making choices for God's work often sets families at odds with each other. A person who forsakes a religion held for generations in favor of Biblical salvation risks incurring the wrath of his family. Someone who leaves family for missionary work halfway around the world runs a similar risk, even if he has the respect for his religious beliefs from unbelieving family members.

The Christian Right may indeed hold some inconsistent beliefs (such as their calls for freedom and for government crackdowns on private, consensual sexual behavior). But, their love for Jesus is not inconsistent with their love for family and for capitalism.

Paul L. Booth
Stephens City, Va.

An Object of Pity

In my eighty years of life, 65 of them as a Christian, Bart Kosko did the most to test my tolerance for Christian bashing. Has he not read that Christ is the creator of the world? (John 1:10)

In Matthew 19:14, Jesus rebuked the disciples for not wanting little children to bother Him. He said "Forbid them not, for such is the kingdom of Heaven." This doesn't sound anti-family to me.

Talking about marriage, Jesus said, in Matthew 19:4-5, that God made man and woman, for this cause a man would leave his father and mother, and cleave unto his wife, and they would be one flesh. This doesn't sound anti-family to me.

Bart is so mixed up in his theology as to be pitied. Also, he does not understand communism. Communism is not just about redistribution of wealth, as the Clinton-Gore team advocate, it is anti-God and atheistic. If Christ were a communist as Bart states, then I guess Lenin, Stalin, and other communist leaders are more like Christ than they would like to admit. Odd, they did not develop followers like Christ did with His "communistic ideas."

Do communists believe in the Creation story? Christ did. Do communists teach the Golden Rule? Christ did. Do communists advocate doing good, and loving our fellow man? Christ did.

The spiritual lessons in the texts Bart quotes as being communist teaching are so far off that he has no clue what Christ was really saying in these texts.

So Bart, please don't expound on subjects you have so little information on. It is also the conservative thing to do for it would have saved me from using this sheet of paper, made from timber, to write this answer to you.

Joe Scrannage
Hugo, Okla.

Christ, Community and Communism

I take exception to the way Kosko marshals evidence about first century Palestine. The society that early Christians rejected was more feudalist than capitalist. Though Rome had once fostered and benefited from relatively free markets, by the time of Jesus, Rome was subsidizing her citizens' food and entertainment at the expense of the colonies, which were taxed into poverty. Wealth and political power were usually joined at the hip in those days. To voluntarily reject the possession of property and even to reject conventional blood ties was to reject what one had to do to get along in a society based on the worst form of paternalism. One did not get ahead in first century Palestine by being an entrepreneur, but rather by bowing down to a petty lord who in turn was beholden to some Roman power-broker. To at least some small extent, Jesus was probably governed by a practical realization that if you refuse to settle down and instead become an itinerant preacher/healer, you cannot be taxed.

While "all things shared in common" was practiced and encouraged among many early Christians, from the beginning voluntary poverty and abandonment of family were much honored in the breach. Not only were lay people who kept conventional households somehow always attracted to ascetic sects, but also it was always necessary for many such people to keep their jobs in order to provide the religious community with wealth to share. Early Christianity developed two codes: one for the itinerant holy man and one for the householder who put up the itinerant for the night. The householder believed the whole teaching of the ascetic but could not join him on the road. The householder had to go to work the next day. Kosko says that "Jesus plainly said there was something wrong with being rich — it rules out going to Heaven." No matter how plain it might seem, what people mean is often not plain at all. That goes double for much of what is in the Bible. For example, when spiritually oriented people say that a rich man won't be able to enter the kingdom, they might be speaking not of an act of exclusion by man or God but of self-limiting psychological attachment. That is, one can be so attached to his possessions — trying to take them with him, so to speak — that he won't let himself enter the kingdom — whatever the kingdom is. Kosko is wrong to say that we know a historical Jesus advocated an apocalyptic kingdom of God. That is certainly the message that emerges most frequently from the New Testament as established in the year A.D. 325, but it is not the only message attributed to Jesus by earlier Christians. While some Christians must have thought that the kingdom of God would be a heavenly afterlife or a future heaven on earth, others believed it to be an immediately available spiritual state (*The Gospel of Thomas* community apparently believed this, and one of their sayings to this effect is preserved in Luke 17:21, "for behold, the kingdom of God is within you,") and still others possibly regarded the kingdom as the community of their fellow Christians.

Miles Fowler
Charlottesville, Va.

The Very Best to You, Bart!

My prayer is that Kosko will stay with his study of the Scriptures, and find someday that Jesus is Lord.

Jim Printz
Decatur, Ala.

Terra Incognita

Vincennes, Ind.

Evidence of progress in the proofreading profession in America's heartland, from an editorial in the *Vincennes Sun-Commercial*:

"Festival season continues in full swing on both sides of the Wabash River offering special opportunities for enjoyment that can only be realized thanks to the small town lifestyles we are still privileged to live in this fast-paced world.

"These festivals offer us a chance to slow down, relax and appreciate the things around us that we come to take for granted. . . .

"Of course food for the body is a big part of these hometown celebrations and you'll find it in great variety in Bicknell right through the weekend including catfish, chili, pork chops and grilled children."

Russia

Russian prisons set a world standard for efficiency, from *The Wall Street Journal*:

Russian security officials acknowledged they can't locate Chechnya's parliament speaker four months after his arrest. They denied killing him.

Nelson, New Zealand

Progressive education marches on in New Zealand, as reported in the *Daily Telegraph*:

An idea launched at Tahunanui kindergarten and spreading to other kindergartens requires children to acquire "licenses" for toy guns. The licenses must be carried by the children, and can be obtained when children correctly answer questions about gun safety and present a valid reason for having the gun. While hunting possums and putting down injured, imaginary horses are valid reasons, children who want to play cops and robbers are told that New Zealand police are usually unarmed. Children are also denied a license if they want to shoot endangered species.

York County, Va.

Setback for patriotic lovers of American history, as reported by the *Pilot Online*:

Everette H. Newman III plans for Presidents Park — an 11-acre attraction featuring 18-foot-tall busts of the presidents — have been delayed. "The project they're proposing doesn't seem to fall neatly within any of the land-use categories that are listed by the zoning ordinances," County Attorney James E. Barnett said.

Rosewood, S.C.

Disturbing news of how we're losing our heritage, reported in *The [Columbia] State*:

On Monday, Sept. 11, students at Rosewood Elementary School's 75th anniversary celebration were unable to locate a time capsule buried in 1976.

Miami, Fla.

Politics can make for interesting radio, as reported in the *Miami Herald*:

When former Miami Commissioner Armando Lacasa made a comment on Radio Mambí that State Representative Renier Diaz de la Portilla (R-Westchester) perceived as an insult, Diaz de la Portilla went to the radio station to demand equal time. The ensuing fistfight left Lacasa's son Carlos, also a State Representative (R-Miami) with a bloody nose.

When talk show host Martha Flores asked a station employee to call the police, she failed to note that her microphone was open. Hundreds of people called 911 in response, crashing the emergency 911 system.

Bogota, Colombia

Innovative attempt to develop a new export market, reported by Reuters:

Carlos Arbelaez, president of Colombia's association of former state security police (DAS) agents, believes his nation's crime could serve as an inspiration to foreign mystery writers. "Colombia has had some of the most hideous crimes in the world . . . it is raw material for writers of this genre," he said. "It could become an export, it might not be as important as coffee, but it could play a very important role." The conference, originally scheduled for August has been rescheduled for October because many of the writers invited to attend have declined to come out of fear for their safety.

Warren County, Va.

The fight for better education is never-ending, as reported by the *Washington Post*:

School Board Chairman Robert D. Kellam has filed a criminal complaint of assault and battery against Vice Chairman Linda A. Poe, claiming she deliberately scalded him with hot coffee after he asked her to change seats. Kellam wanted her seat because it was the focal point of the public access cable TV cameras. Poe contends the half-hour old coffee couldn't have caused first-degree burns that Kellam claims to have received, adding "7-Eleven's coffee's never hot to start with."

Poe hasn't decided whether she'll press charges against Kellam or his wife, who pulled her hair in the ensuing confrontation. "I don't want this to get petty," she said.

Berlin, Germany

Language reform in Europe's greatest nation, as reported by Reuters:

New spelling and grammar rules designed to simplify the German language were adopted in schools in Germany, Austria, and Switzerland in 1998. Though most newspapers also adopted the rules last year, the *Frankfurter Allgemeine Zeitung* has said it will revert to the old rules. Polls indicate that between 68 and 98 percent of Germans oppose the new rules.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

Sighting in the Second Amendment

by Jacob G. Hornberger

We should not let the hoopla associated with the Million Mom March cause us to lose sight of the real purpose and meaning behind the Second Amendment: the ability to protect ourselves from the tyranny of our own government.

Virtually all the arguments in the gun-control debate have revolved around gun violence in American society. The proponents of registration, licensing, waiting periods, gun buy-backs, and even gun confiscation aim to rid our society of gun-related deaths.

But as their opponents have so ably pointed out, the means that the advocates of gun control are advocating are not likely to achieve their ends. People who violate laws against violence are not likely to feel constrained by gun-control laws. And people who do obey the gun-control laws are going to be less able to defend themselves against those who don't obey the laws.

Moreover, there is no reason to believe that a war on guns will rid American society of guns any more than that a war on drugs has eradicated drugs from our society. Those who wish to purchase illegal guns will be able to do so on the black market as easily as they purchase drugs on the black market.

Thus, the ultimate consequence of gun control would be a society in which violent antisocial people are armed while peaceful, law-abiding people are disarmed. Of course, that's a prescription for disaster for those who are disarmed.

But despite its obvious importance, being able to protect oneself from murderers, rapists, robbers, burglars, and the like is not why the people of the United States enacted the Second Amendment to the Constitution in 1791. The true purpose of the amendment — one that modern-day Americans forget at their peril — was to protect us not from private thugs but rather from government ones.

Don't forget that revolutions are, by their very nature, wars against one's own government. Keep in mind that when George Washington and Thomas Jefferson revolted against England in 1776, they were British, not American, citizens. At various times throughout history, people have taken up arms against their own government because of what they considered to be nasty and brutal acts that their own officials had committed against them.

Historically, the biggest threat to the freedom and well-being of a people has lain not with some foreign government but rather with one's own government. And as Thomas Jefferson pointed out in the Declaration of Independence, if a government "crosses the line" by engaging in overly tyrannical conduct against its own citizens, it is the right of the people to meet force with force, even to the point of violent revolution.

Resistance to tyranny and violent revolution, however, requires an essential ingredient — weapons. In the absence of weapons, there is only one course of action in the face of government brutality — obedience. A disarmed society is an obedient society, a society in which, at the extreme, people obey their own government's orders to follow the line into the gas chambers.

This point was recently reflected by what Fidel Castro said about the U.S. government's raid on the home of the Miami relatives of Elián González. He commented that his forces would not need to be armed to conduct a similar raid in Cuba because Cuban citizens are not permitted to own guns. What he failed to say, of course, is that because of gun control, the Cuban people also lack the means to overthrow the gun-toting communist thugs who rule over them.

"But in America, our leaders are democratically elected. We are the government. There's nothing to fear here." But given the proper circumstances, a democratically elected government can be even more tyrannical than a totalitarian one. Remember: the very purpose of the Constitution and the Bill of Rights is to protect us from our own democratically elected government officials!

When citizens are well-armed, government officials must think twice before going too far down the road to tyranny against their own citizens. Thus, the right to bear arms protected by the Second Amendment is the best insurance policy that the American people could have against tyranny.

Mr. Hornberger is president of The Future of Freedom Foundation in Fairfax, Va., (www.fff.org) and co-editor of ***The Tyranny of Gun Control.***

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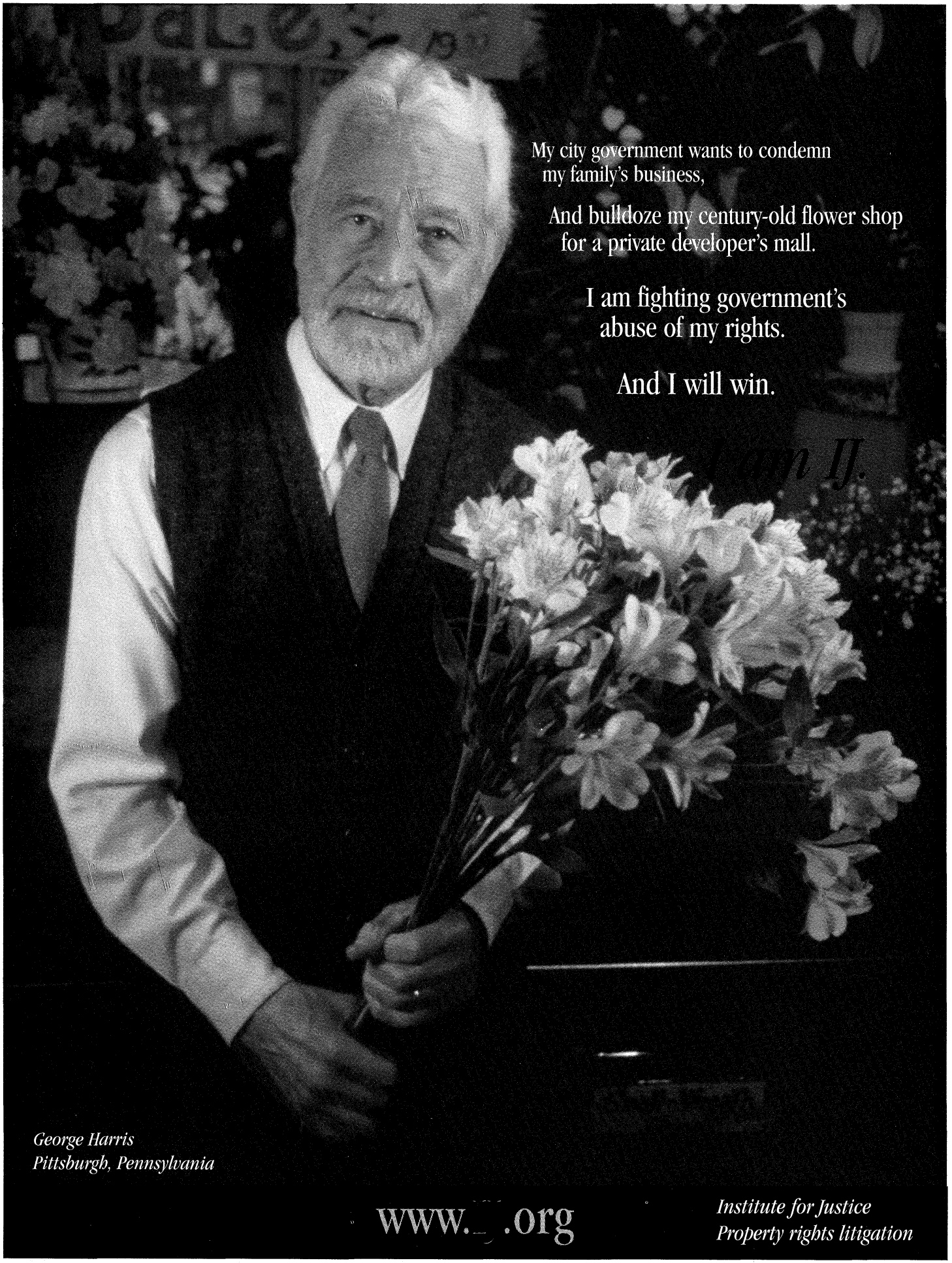
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"We can afford no liberties with Liberty itself." — Justice Robert H. Jackson

Where Is Freedom in the Income Tax Debate?

by Jacob G. Hornberger

The debate over income-tax cuts between George W. Bush and Al Gore reflected how far Americans have plunged in their understanding of what it means to be free. Bush proposed to cut income taxes by $1.3 trillion. Gore called the plan "a tax cut for the rich" and proposed his own $500 million tax cut that purported to target the American middle class. The squabble over the details obscured the real issue that the American people should be reflecting upon — the meaning of human freedom.

When the Constitution called the federal government into existence in 1787, it failed to provide it with the power to levy taxes on income. This was not an oversight. It was commonly understood that freedom entailed the absolute right to keep everything you earned. If government had the power to take the fruits of your earnings, Americans once believed, then your position was no different than that of a slave.

That notion had been implicitly expressed 11 years before in the Declaration of Independence when Thomas Jefferson wrote that people were endowed by their Creator with certain unalienable rights and that among these rights were life, liberty, and the pursuit of happiness.

Each individual is born with certain talents, qualities, characteristics, and handicaps. In order to sustain his life, he uses his own personal abilities to either produce the necessities of life himself or acquire them by entering into mutually beneficial exchanges with others. The product of these exchanges constitutes income to the people engaging in them. Thus, income rightfully belongs to the person who has earned it because it is a direct result of the value that others place on the abilities that he brings to market.

For example, consider an opera singer who doesn't know anything about growing food. She offers her particular talents in the marketplace — singing in operas — and people pay to listen to her. That money rightfully belongs to her because her voice belongs to her. She takes that money — her income — and enters into exchanges with those whose talents lie in producing and selling food, clothing, and the like.

What's important to note is the revolutionary nature of American society that lived and prospered without income taxation for more than 125 years. Throughout history, governments had claimed the authority to tax or confiscate any and all of a person's income. Historically, people didn't question this power because the common belief among the citizenry was that government was supreme and the citizen was subordinate.

The Declaration of Independence and the Constitution inverted that historical relationship between government and citizen. For the first time in history, people restrained the power of government to seize any or all of their income. Thus, for more than 125 years, the American people, unlike all other people in history, were free to accumulate unlimited amounts of wealth and there was nothing their government could do about it.

Therefore, it is impossible to overstate the revolutionary significance of the Sixteenth Amendment, which was enacted in 1913 and which granted the federal government the power to levy taxes on income. From that point on, the relationship between government and citizen reverted to the age-old model of government as sovereign and citizen as servant. Because what mattered was not whether the particular percentage of the tax was high or low but rather that government had the power to set the percentage.

For example, let's assume that I have the power to force you to work for me and that I exercise that power by requiring you to work 24 hours a day, 365 days a year, for me. You would acknowledge that our relationship would be one of master and slave. But suppose I decide to be nice and force you to work only two hours a day for me, four months a year. Has our relationship been changed? Not in the least. You are still my slave because I have the authority to determine the amount of time you are required to serve me.

And this is the situation in which the American people are now mired. By having the power to set the percentage of tax to be levied on income, the federal government is now in the position of master and the American people are in the position of servant. Everyone's income is now effectively owned by the government and, because the government has the power to adjust the percentage of tax to be paid, what people are permitted to retain is actually just an allowance that the master provides the servants.

The tragedy is compounded by misconceptions about the nature of freedom. As the great German thinker Johann Goethe once pointed out, no person is more enslaved than one who falsely believes he is free.

Mr. Hornberger is president of The Future of Freedom Foundation (www.fff.org.) in Fairfax, Va., publisher of ***Your Money or Your Life: Why We Must Abolish the Income Tax*** *by Sheldon Richman.*

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Inside Liberty

December 2000
Volume 14, Number 12

4 **Letters** Our readers get the first word.

7 **Reflections** *Liberty*'s editors debate Ralph Nader, fight with fascists, explain why Al Gore is way cool, praise Warren Gamaliel Harding, and make the world safe for hypocrisy.

Features

23 **The Intelligent Person's Guide to Voting for President** There are good reasons to vote for George Bush. Or Al Gore. Or Ralph Nader. Or Pat Buchanan. Or . . .

31 **The Art of Lying** *Stephen Cox* examines the latest advances in political science.

33 **Left-Brained Politics** *David Brin* reveals why libertarians should help the Democrats bury the Republicans.

35 **Creationism: It's Not Just for Fundamentalists Anymore** *Timothy Sandefur* reports from frontlines of the newest war between science and superstition.

37 **Autumn in Belgrade** *Stephen Browne* just had to be in Belgrade for the downfall of Milosevic.

39 **The ACLU's New First Priority** *David Bernstein* explains why the American Civil Liberties Union won't defend our civil liberties anymore.

41 **Beirut: Too Free for its Own Good?** Freedom returned to Beirut when peace was restored. *Bradley Monton* wonders: is there too much freedom?

45 **Why Debt Matters** *Leland B. Yeager* challenges Stephen Slivinski's claim that the national debt is nothing more than a "bogeyman."

47 **Contraband** *Miles Fowler* explores a future where government is too concerned about our safety. *Way* too concerned.

Reviews

51 **The Strange Life of Murray Rothbard** *David Ramsay Steele* takes a close look at the man who liked to be called "Mr. Libertarian."

52 **Dr. Jekyll and Mr. Rothbard** *Mark Skousen* compares Rothbard the scholar to Rothbard the ideologue.

55 **The Fame Game** *Charles Stampul* discovers that celebrity isn't all it's cracked up to be.

56 **Parallel Life** *Martin Morse Wooster* introduces us to a new talent in science fiction.

57 **Dumb Growth** *Randal O'Toole* explains why smart growth is not so smart.

61 **Notes on Contributors** Round up the usual suspects.

62 **Terra Incognita** Be careful out there.

Letters

Paying Attention to the Words

Sarah McCarthy's "Rockin for a Free World" (October) is wrong in many points. Nixon is no more guilty of the Kent State shootings than the American taxpayers are of the Waco murders by funding the FBI. Nixon did not federalize the national guard, nor is there any evidence he ordered the national guard to shoot the protesters.

Paul Kengor comments that Young's lyrics are slanderous. Based on his comment, McCarthy spends half the article denouncing speech codes and hate speech. Excuse me, but where is Kengor's remark about supporting speech codes or hate-speech legislation? For all the reader knows, Kengor may abhor speech codes just as much as any classical liberal. Kengor is guilty of doing what McCarthy wants him to do, fighting bad words with truthful speech. McCarthy complains about the words that Kengor uses in denouncing Young's song (slanderous, abomination, ignorance, unfairness), and then uses similar words to denounce Kengor (tiresome, zealot). She sets Kengor up as a strawman when she groups him with Swaggart, Bakker, and Gingrich.

She then goes on to write that Neil Young is a saint in her church. She must believe in his sainthood because of the truthfulness of his songs. One of his songs is called "Cortez the Killer." Young continuously describes the Aztec civilization as La-La Land, "where war is never known and people help one another." This lyric is a bold-faced lie. The Aztec empire practiced war and human sacrifice. They sacrificed thousands of their captured neighbors at one festival. Is Neil Young right or is every Aztec historian wrong?

Now don't get me wrong; I enjoy some of Neil Young's songs. It's just that I don't turn off my mind when I listen to lying lyrics.

David Hunter
Downey, Calif.

Russell Means Liberty!

What's a guy have to do to be qualified as an LP Presidential candidate in 2004? Russell Means would make a great candidate even if, as Stephen Cox laments, he has "never read Ayn Rand" ("Down the Up Escalator," September). What Means has done is wage a lifelong battle against state-sanctioned injustice.

In 1972, after the Bureau of Indian Affairs, FBI and local police did nothing about the torture and murder of an Indian man in Gordon, Nebraska, Means and American-Indian activists led 1300 protesters into Gordon. There they pressured the local government into seriously pursuing the case and extracted a pledge from the town's police to end racial discrimination.

In 1973, Means met with other Indian activists at Wounded Knee, South Dakota, to protest a corrupt federally-backed tribal government and to plan how to make the feds finally abide by the Treaty of 1868. The result? They were surrounded by the FBI, U.S. Marshals, BIA, Tribal police, South Dakota National Guard, and U.S. military personnel equipped with 17 armored personnel carriers, 130,000 rounds of M-16 ammunition, 24,000 flares, 12 grenade launchers, 600 cases of CS gas, helicopters, and even Phantom jets. In the 71 days of the siege at Wounded Knee, Means and his compatriots were fired on, and they fired back. In an effort to end the siege, Means was elected to take the Indian activists' grievances to President Nixon. The siege ended and Means's efforts were ignored by the government.

In 1981, Means again dodged bullets and bombs when investigating the forced relocation of the Miskito Indians by the Sandinista government in Nicaragua — an action that brought him tremendous criticism from the American Left.

Throughout this entire period, Means was a major target of the FBI's Gestapo-like domestic counterintelligence program (COINTELPRO) — an honor that any libertarian should be proud of.

In a multicultural America of the 21st century, a Means LP candidacy would help underscore that the libertarian message is for everyone. Also, Means's effort to tie in the rich history of North America's Indian peoples, especially their stateless societies and fierce independence, with the American colonists' battles for liberty is brilliant. His cry that "We are all Native Americans" creates a wonderful Story of Freedom that all of us, regardless of race, can identify with and unite around.

Russell Means in 2004? Where do I sign up?

Jay Hilgartner
Van Buren, Ark.

Right Facts, Wrong Explanation

In his October review "Socialism in America," Bruce Ramsey acknowledged that the United States is the most capitalist of the industrialized countries. Nevertheless, I detect little moral significance in the distribution of wealth here. Hard work, self-discipline, honesty, and common decency will keep one off welfare and out of prison, but they will not make one rich. Many rich people exhibit none of these qualities.

In explaining the absence of a socialist movement in the United States Ramsey overlooked what I think is the main reason. The working/employee class in the United States has always been heterogeneous, while the capitalist/employer class has always been comparatively homogeneous. Contrary to what Karl Marx maintained, loyalties of race, nation, and ethnicity are usually stronger than loyalties of class. What is more, most in the class of employees have always been ethnically similar to the vast majority of their employers. This has encouraged them to identify upward economically, to feel that they are part of the elite, and to favor policies that benefit those who really are in

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the elite.

We can see this in the libertarian movement. Libertarian writers encourage their readers to identify with entrepreneurs. Most libertarians are ordinary people in mundane jobs who have reason to fear when their bosses seem to be in a bad mood.

John Engelman
Walnut Creek, Calif.

Another Explanation

Bruce Ramsey offers several possibilities as to why the Socialists are no longer "a party worth watching." What Ramsey failed to mention is that from the 1950s, the Socialist Party pursued a tactical strategy known as "realignment," in which the party would essentially work exclusively within the Democratic Party. This is something Norman Thomas had urged, having recognized the non-viability of a third party approach.

In 1972, the Socialist Party disbanded and the two main organizations that resulted, Social Democrats, USA and the Democratic Socialist Organizing Committee (today called Democratic Socialists of America) regarded themselves as little more than pressure groups within the Democratic Party. Several union leaders, and several current members of Congress, are said to be members or supporters of Democratic Socialists of America. Interestingly, the one avowed socialist in Congress, Rep. Bernie Sanders of Vermont, is not affiliated with any socialist organization. The Socialist Party disappeared off the political radar by pursuing a tactical strategy within the Democratic Party.

Ramsey is simply incorrect when he says,"The Libertarian Party of today, like the Socialist Party of the early 20th century, is a party of pure doctrine. . . ." The Socialist Party, particularly in its Debsian period, had no "pure doctrine." During this period, the Socialist Party included Utopians, Marxists, Religious Socialists, Syndicalists, etc. There was no unity whatsoever on doctrine, leading Irving Howe to speculate over how the Socialist Party ever managed to survive as a political organization.

Indeed, it was the opposition to doctrinaire approaches that created the Socialist Party in 1901, when many members split from Daniel DeLeon's Socialist Labor Party, and the same anti-doctrine bias that kept most socialists from joining the Communist Party when that party was formed from the Socialist Party's left wing in 1919.

Mark S. Alper
New Port Richey, Fla.

Christian Sympathy

After reading the exchange between Bart Kosko and Stephen Cox about Jesus (September, October), I sympathize with both of them. Kosko, for taking on the formidable task of convincing his audience that the Bible is the biggest and longest-running fraud on this planet. And Cox, because he is not truly free. I thought Kosko was careful to qualify Jesus as an apocalyptic, and Cox smeared him.

The Jesus of the Bible contradicted himself all over the place. For example, in Matthew 5:22 he says: "if you say, 'You fool,' you will be liable to the hell of fire." Then in Matthew 23:17 and Luke 11:40, he calls the Pharisees fools. Then there is Jesus' famous love-your-enemies homily in Matthew 5:44. In Luke 19:27 he defines his enemies as anybody who does not want him to be their king. He goes on to say, "bring them hither, and slay *them* before me." All Cox did was pick his favorite side of Jesus' and the Bible's many self-contradictions.

Quibbling over what Jesus said or did not say is pointless. The Gospels contain not one credible quotation. The first gospel, Mark, is estimated to have been written 40 years after Jesus' death; the last gospel, John, about 65 years. It was plenty of time for the story of his crucifixion to grow to legendary proportions by word of mouth. You can

From the Editor . . .

The presidential election looms, providing *Liberty*'s crack correspondents and analysts with a lot to report and analyze. In fact, in our "Guide to Voting for President," one or another of us makes the case for supporting George Bush, Al Gore, Ralph Nader, Pat Buchanan, Harry Browne, and R. U. Sirius, the "mock the vote" candidate. Of course, we also support staying home on election day.

We have reports from the world's hottest hot spots: Stephen Browne returned to Belgrade to experience the Yugoslavian elections, and Bradley Monton, who reported from south Lebanon the day the Israeli army pulled out, reports on life in Beirut, which may just be the world's freest city when it's not the world's most violent battleground.

Don't think we're ignoring life in these United States. In addition to politics, this issue of *Liberty* features a report on the new battle against science and evolution, this time with Native Americans and their political allies playing the role of fundamentalists. Last month, Steve Slivinski of the Cato Institute argued that the national debt was nothing to worry about; this month, Leland Yeager boldly accepts my invitation for a response, providing an essay that goes far beyond conventional thinking on the subject.

Murray Rothbard was one of the biggest influences on the development of libertarian thought in the last part of the 20th century. Intellectual historian David Ramsay Steele and economist Mark Skousen evaluate his life and influence, in their reviews of a new biography written by one of Rothbard's acolytes.

But life isn't all politics and ideology: other reviewers cast a critical eye at fame and celebrity, science fiction, and a plot to make your life nasty, poor, brutish, and short.

As always, we begin with letters from the smartest magazine readers in the world, who rake us unmercifully over the coals, and *Reflections* from our editors and correspondents, who unmercifully rake the world over the coals!

Bon appétit!

R. W. Bradford

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see how the gospels grew like a fish story if you study them in their historical order. In Mark, Jesus was born a normal sinner; by John he was the God of creation. Add to that the mistakes and intentional changes from hundreds of years of hand-copying. There may have been a historical Jesus, but he surely was not the biblical Jesus.

The Bible has maintained its credibility for so long because very few bother to read it. And of those who read it, they either read it selectively or they don't grasp the significance of what they are reading. The Church is as much an enemy of liberty as the State. A neglected angle of attack against the State is through the Church. It seems to me that libertarians are either uninterested or afraid to touch the subject or, like Cox, they are comfortable with their delusions.

Raymond Hewitt
Parsippany, N.J.

A Different Time, a Different Place

As I re-read the September issue, something occurred to me about the question of Jesus Christ, family values, and communism. Since the Kingdom of God, to Jesus, was imminent, matters of family, economics, and politics were strictly beside the point.

The Kingdom was at hand — God is our only Father, and every man is our brother. Why worry about food or shelter? Behold the lilies of the field . . .

Applying modern concepts of political or economic standards to one who was convinced that life on earth as it was then known was about to be radically changed makes no more sense than challenging the culinary choices of the common carpenter ant. I'd say that Kosko has missed the point of the New Testament.

Eric C. Sanders
Roseville, Mich.

Pascal's Fallacy

I found Jane Shaw's piece ("The biggest casino," Reflections, October) on Pascal's wager rather entertaining. I haven't thought about Pascal's contribution to religious non-thought in almost 20 years, since I first encountered it during my Catholic school days.

My theology teacher treated it as a serious argument worthy of profound reflection. I found it ridiculous. The fallacy at the heart of the argument is vividly apparent to anyone whose mind is not addled by "faith." As logician Raymond Smullyan once put it, "It has always puzzled me that so many religious people have taken it for granted that God favors those who believe in him. Isn't it possible that the actual God is a scientific God who has little patience with beliefs founded on faith rather than evidence?" In other words, Pascal assumes that we know something about the mind of God that may not actually be true, and that we have no way of knowing with any certainty, at least not with enough certainty for a rational mind to be betting his eternal soul (of course, a rational mind does not believe in eternal souls either, but what the heck).

Perhaps part of the reason that religion is so unfathomable to skeptics is that this is what passes for logical argument among theologians and philosophers.

Paul Whitehurst
Humble, Texas

The Tuskegee Experiment Was Disgraceful

Ron Greimn's letter (October) about my article "The 'Greatest' Generation" is mistaken in two respects. The fact that the president apologized for the Tuskegee Institute syphilis study hardly renders the medical experiment perpetrated by doctors in the U.S. Public Health Service on unwitting Negroes any less a crime against humanity than it most certainly was. I used the Tuskegee experiment only to get into the more widespread crimes by members of the medical profession and the AEC (and the military) when American citizens were secretly injected with plutonium and exposed to radiation poisoning during the Cold War. One might say the fact that Secretary of Energy Hazel O'Leary and later President Clinton apologized for those atrocities also made those actions okay. There seem to be a fair number of people who think that all one need do to explain away evil actions, or "mistakes," is to apologize for them.

Greimn is partly mistaken when he says there was no effective treatment for syphilis in 1932 when the Tuskegee experiment began. Back in the 20s every prostitute knew about the old 606 (Salvarsan) treatment widely used with some degree of success in Europe and in the United States. In the 30s every

continued on page 22

Reflections

Wisdom from the (Middle) East —

"This is a war of attrition. There is no need for a central command structure." — Hezbollah Sheikh Hassan Nasrallah

The same could be said about libertarianism. — Paul Rako

A day late and a doctor short —

In a surreal gesture, Castro has offered to send doctors to poor areas of the U.S. and give free medical training to 500 Americans.

One has to wonder: Where was Fidel when the Clintons really needed him? Rather than waiting until 2000, Fidel should have made this offer in 1993, giving a boost to the Hillarycare health proposal. — Martin M. Solomon

Equal harassment under the law —

The Supreme Court declined to hear the appeal of a married couple in Indiana who sued their employer for sexual harassment. Karen and Steven Holman worked together at the Indiana Department of Transportation. They claimed their shop foreman, Gale Uhrich, touched and propositioned both of them. They sued for sexual harassment under Title VII of the 1964 Civil Rights Act. But last November the Seventh Circuit Court of Appeals held that Title VII "is premised on eliminating discrimination," so that "inappropriate conduct that is inflicted on both sexes, or is inflicted regardless of sex, is outside the statute's ambit."

Holman v. *Indiana* is a masterpiece of sociological law. As the concurring opinion put it, "our cases indicate that the equal opportunity harasser may often not be discriminating against either sex and, as we know, discrimination is the essence of Title VII." Thus the actual behavior of a party, and the actual suffering of a victim, doesn't matter — only whether that suffering was equally distributed. One is reminded of the old canard that democracy is the unequal sharing of prosperity, while socialism is the equal sharing of misery. — Timothy Sandefur

Reinventing the mosquito —

Now that the West Nile Fever is destined to spread across this great land, Americans must make a decision. Do we use our newfound genetic engineering talents to send the mosquito to extinction or do we let grandma and gramps die agonizing deaths?

Genetic euthanasia seems the only practical alternative since mosquitoes are quite probably too dumb to be taught to only bite things with feathers. Especially if they're taught in government schools. — Paul Rako

Making the world safe for hypocrisy —

On September 26 the voters of Yugoslavia elected Vojislav Kostunica president, thereby ending the 13-year incumbency of Slobodan Milosevic. There were, as is so often the case in democracies, voting irregularities. Milosevic claimed to be the victim of some of the irregularities and a Yugoslavian court ruled that a runoff election was necessary. But when demonstrators took control of the streets, Milosevic conceded defeat.

Yugoslavia had just been devastated in a humiliating war, largely fought from the air against its civilian population. Not surprisingly, support for its democratically-elected president declined sharply. But despite the massive destruction of civilian infrastructure and the resulting poverty, its people had somehow managed to retain their respect for democracy and its respect for law: the president remained in office until he lost his bid for reelection. Obviously, he was unhappy about losing and dawdled a bit before leaving office, but he also showed respect for democracy and the rule of law by accepting the verdict of the voters.

All this happened in a country whose democratic tradition dated back less than two decades, during which it was engaged in more or less constant civil war and intermittent intervention by foreign powers. Any sensible observer would have to characterize the transition from one president to another as evidence of just how democratic a country Yugoslavia is.

But as nearly as I can tell, there were no sensible observers in the West. Here, the transition was typically characterized as "the return of democracy," or as "the end of dictatorship," after the West's political leaders had threatened to intervene to throw the president out of office and put him on trial for his life.

The obvious comparison is with the recent transition of power in Mexico, where a single party had held control of the legislature and presidency for three-quarters of a century, stomping on dissent and engaging in massive electoral fraud. When the Party of Institutional Revolution finally agreed to accept the verdict of Mexico's voters, no one in the

West talked about "the end of dictatorship," or threatened military intervention if the PRI candidate failed to concede defeat, or threatened to try any of PRI's past leaders for war crimes or genocide. Of course, Mexico had remained a reasonably loyal ally of the U.S. during the entire period of the PRI dictatorship — such a good "friend" that the U.S. government stepped in with a $50 billion uncollateralized loan when the PRI's mismanagement of the economy threatened its survival.

Consider the case of another country. This country engaged in the most brutal civil war in Western history, a war that resulted in the slaughter of hundreds of thousands of men and the virtual destruction one region of the country by the forces of another. The war was followed by more than a decade of military occupation enforcing a legal reign of terror against those who had challenged the central government's authority, in the process ending both democracy and the rule of law in the parts where the opposition predominated. Even eleven years after the war ended, the political group that had controlled the country during the war refused to relinquish power even after it had plainly lost an election.

By any rational standard, the party of Lincoln acted far more anti-democratically than the party of Milosevic ever dreamt of acting. Yet no foreign power threatened intervention.

The country I refer to is, of course, the United States. At the conclusion of its Civil War, the winning political party enacted legislation denying the right to vote to virtually every voter in the subjugated states. Thanks in part to its suppression of democracy in nearly half the country, this party held onto control for more than a decade. When it managed to lose the presidential election in 1876, despite its having replaced the electorate of the South with its own hand-picked voters, the Republican Party refused to surrender the presidency, finally getting the Democrats to agree to accept the losing candidate as president in exchange for the Republicans allowing democracy and the rule of law to return to the South.

By any rational standard, the party of Lincoln acted far more anti-democratically than the party of Milosevic ever dreamt of acting. Yet no foreign power threatened intervention, and so far as I know, no Republican leader was threatened with incarceration or execution as a war criminal. (If the concept "war criminal" has any meaning, Republican General William Tecumseh Sherman surely qualifies.)

A different time. A different place. Democracy was not yet the world's dominant ideology. And hypocrisy wasn't so bold. — R.W. Bradford

Dear Mr. Osgood — Less than a month before a presidential election in which energy policy is a hot issue, "Sunday Morning" aired a segment about the Alaskan National Wildlife Reserve that favored one side of the argument about whether to explore for oil there. If all that one knew about the topic were what could be gleaned from that segment, answering to the question "to explore, or not to explore?" would be a snap. And that's the problem. It isn't an easy question. A balanced piece would have left the viewer struggling with the difficult choices.

So, what is a viewer to think? This viewer thinks "Sunday Morning" wrestled with its conscience and lost. Sorry if that seems a bit harsh. It's meant to be helpful. The show is usually such a delight, to see the gold standard dropped and journalistic currency debased into a cheap political alloy is sad. In an odd way, the advertising revenue generated by the ANWR segment was itself transmuted in the process. It became a form of soft money. Perhaps a future "Sunday Morning" segment will explore the corrupting effects of such soft money on American politics, just to be fair.

Oops. Looking back at this message, I see that I didn't tell you which side of the argument I thought your segment favored. But then, I didn't have to tell you that, did I? Honestly? — S. H. Chambers

More laws, more lawlessness — We were remodeling the old jail in Telluride a few years ago when I found a book that had fallen down between some walls. I dusted it off and found that it was the 1908 Session Laws of the State Legislature of Colorado. All of the laws of Colorado fit in one volume. Murder, rape, assault, stealing, and trespassing were all against the law in 1908. That time may not have been entirely peaceful, but it was an era when people could walk around most towns and cities without fear.

Today in Colorado we have 33,000 laws and the volumes that hold them stack up about four feet high. Few people have ever read any of the laws, and fewer, not even legal scholars, could possibly understand all of them. Fewer still feel any kind of safety in them. Since most of the laws and regulations cannot be understood, and because of their sheer numbers cannot possibly be enforced, lawlessness is commonplace, and even in vogue.

People tell me: "Look at the mess we are in, mobs of men attacking women in broad daylight, people caught in the cross fire of drug-dealing gangs, missing and murdered children, insane drivers, and drugs and guns in every government school. Is this what the libertarians want?"

This is our existing society which has been born in an unholy union of failed government programs, paid for by the sweat and labor of the American people.

A recovering drug addict and alcoholic once told me, "If you hang out in a barber shop you are going to get a haircut." That's what I tell the youth of my county, and they get it. They know the truth about drugs better than anyone, especially drugs like Prozac and Ritalin given to them by their doctors, schools, and parents.

Estimates are that 20 percent of our children go to school every day high on legal prescription drugs. The medical drugging of our young people is one of the biggest disgraces in the history of this nation.

Some people are just not meant to sit in a classroom for 16 years. A little more than one hundred years ago the young people were the heroes of the day. They were the cowboys and pony express riders, young mariners on the ocean and builders in a land abundant with freedom and opportunity.

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The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

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Making Terror Your Friend — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Why the Great Depression Lasted So Long — Robert Higgs explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

Searching for Liberty Around the World — Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear Doug Casey, *Investment Biker* author Jim Rogers, international journalist Bruce Ramsey and travelers Scott Reid and Ron Lipp — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A419; video: V419)

Anarchy Via Encryption — New encryption technologies are going to revolutionize the world by making absolute privacy possible for the very first time. David Friedman explores the encrypted world of the near future. (audio: A116; video: V116)

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Today we routinely drug many of our potential heroes into conformity.

During my last campaign a number of young people came up to me on the street and said, "You're Sheriff Bill Masters! I just wanted to meet you. I wasn't even going to vote 'till I heard your message. It's nice to hear someone speak the truth."

It appears to me that today's young people have a strong libertarian streak in them. They don't trust government. They are convinced that they don't need government to care for them or direct them. They don't want to work five months a year just to pay taxes, and they don't want to be enslaved to pay for the older generation's retirement.

The way to deal with America's drug problem is to respect and defend life and property. The libertarian values of "Liberty, Responsibility and Community" should be the motto found on the side of every police car in the country.

— Sheriff Bill Masters

I see a lawsuit in your future — Recently the Attorney General of Florida filed suit against the Psychic Readers Network because they were not using "real" psychics. Apparently homeless women were recruited to read off of scripts and keep customers on the phone as long as possible. I fear that my friend over at 1-900-GIRL might not be exactly as she represented herself either. I'm shocked. Most injured by the suit will once again be the people on the bottom rungs of the economic ladder.

I cannot fathom that in the year 2000, people have to be protected from "psychics." The standard proof is that anyone who can predict the future has no need to talk on the phone for $4.99 per minute. "Okay, I'm getting a reading here, you're single, female, overweight, live in a trailer, never graduated high school, and don't know if your loser boyfriend really loves you. . . ."

"Wow, you must be a psychic!"

"No, I've just been working here long enough to see the pattern."

The Attorney General's Office reached a settlement with Access Resource Services of Fort Lauderdale, which operates the former Psychic Readers Network, allowing people to work as telephone psychics so long as they sign a "vow of clairvoyance."

This is the second in a series from the Florida Attorney General. The first, the famous Publishers' Clearinghouse suit, protected people stupid enough to believe they were winners, and just had to order a couple magazines to collect $10,000,000.

— Tim Slagle

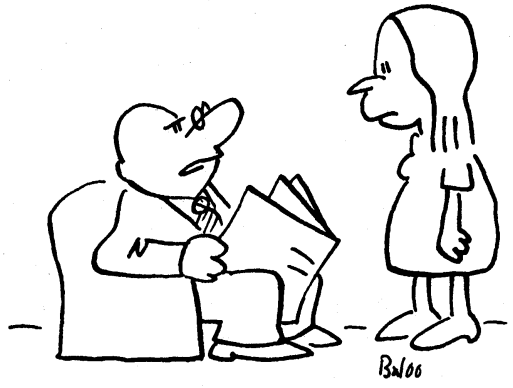

"You *agree* with me? — What's your little game?"

Reheating the news — Once again, the debate on global warming resurfaces, despite that here in Chicago we just finished the coldest summer on record. And there's no question which side the major media is on, despite their claims of "neutrality." I suspect that truth lives midway between Rush Limbaugh and NPR, and I visit there often. At least Rush admits he's a Republican, I've never heard Peter Jennings even admit he's Canadian.

The Kyoto treaty is a model of what the government has in mind. It calls for freezing energy usage to 1990 levels. But not everywhere, only in the "developed world." When supply dwindles, the price increases. Some people on the economic borderline will most certainly die from cold or heatstroke.

Is there a vested interest from Big Oil in maintaining the status quo? Of course. But that interest is mine too. Less disposable income means lower Comedy Club attendance, means a day job for the drunkard. Does anyone have a vested interest in regulating carbon consumption? Absolutely. More government regulation means more government jobs, means bigger power base for those in the ruling class. Leftists love the idea because they hate free markets. Why they hate capitalism I don't know, I doubt Ralph Nader would be worth $4 million in a social utopia.

I don't put much credence in alleged prophetic abilities. And that human life spans are increasing worldwide seems to belie dire predictions. Perhaps we should make climatologists sign a "Vow of Clairvoyance."

— Tim Slagle

New and unimproved! — When I was twelve years old, I attended a "junior high school"; my son at twelve goes to a "middle school." Public schools systems switch from one format to the other without much justification. Do your sixth graders lord it over the younger kids? Then make them the youngest in a middle school. Are the high school freshmen at sea? Make them the "seniors" of a junior high.

I worry that we face a similar mindless switching from government control to privatization. Selling off state-owned enterprises and deregulating government-controlled businesses are all the rage, as they should be. But when I hear that, say, Ecuador has privatized some of its government-owned forests, I wonder.

Private ownership is not a panacea; it must be backed by protection of property rights, access to free trade, and freedom from confiscation of assets and profits. Russia's turmoil and the financial crumbling of "crony capitalist" countries make that clear. If privatization is just another fad, promoted at modish international conferences and fostered by newly enlightened loan-making and grant-giving bureaucracies, it won't survive. The institutions that guarantee people exit and choice (thus making suppliers accountable) are necessary for an economy to prosper. Without them, we will constantly be readjusting structures and formats with little effect, just as the public schools have done for half a century.

— Jane S. Shaw

The new Praetorians — One day, when my father was a boy in a little town in the midwest, he heard

that President Harding would be coming through town on a train, and that his train would arrive about noon. That was just a few minutes away, so my father got on his bike and went down to the station, where he found that the president's train was already there. My father looked up, and on the rear platform of the sleeping car he saw Mr. Harding standing alone, looking down at him. The president was probably glad to see him, because he was the only one there. President Harding waved at my father, and my father waved back at him. Then the train pulled out, taking Harding on his last trip; he died a few days later in a hotel room in San Francisco.

Many years later, Teddy Kennedy, making one of his numerous campaigns for the presidency, flew into San Diego for a speech at the University of California. During his trip from the airport to the university, the freeway was closed — 12 miles of it — and the many limousines of his entourage were preceded by 54 motorcycle policemen. From my gawking position on the lawn, I could see more ninja warriors stationed on every roof. I could also make out Senator Kennedy, striding from his car surrounded by burly young men with wires in their ears and guns at their hips. The senator did not wave at me, and I did not wave at him.

When President Washington went on tour, he traveled in an unpretentious carriage with no attendants but a driver and valet.

Something had obviously changed since the days of Harding, and it wasn't a change for the better. It was a revolt against simplicity, a revolution against the old American idea that your significance depends on who you are, not on how many guys you're traveling with.

It's true that public figures have certain legitimate concerns for their security. If the presidency had not become imperial, of course, there would be fewer of them: great power leads to great resentment, to great fantasies of resentment and revenge. And changed conditions, however regrettable they themselves may be, do not fully account for the phenomenon.

Before my father encountered President Harding, three presidents had been slain by assassins' bullets, former President Roosevelt had been gravely wounded by a gunman who showed up at one of his speeches, and a man who believed that he was the rightful heir to the throne of France had attacked President Jackson on the steps of the Capitol with a gun that happened to misfire several times. So President Harding, like all other presidents, was always "in danger," and knew it, but that didn't mean that he had to surround himself with a regiment of guards on his every public appearance. It never occurred to him to close a major railway station — as Clinton closed a major airport — because he wanted to get a haircut and all traffic must stop while he waited for the barber to appear.

When President Washington went on tour, he traveled in an unpretentious carriage with no attendants but a driver and valet. He often arrived at destinations where he was not expected. People came around a corner and, lo and behold, there was General Washington! He got marooned in New England villages where the law forbade travel on the sabbath and he had nothing to do for entertainment but attend church in the morning and go back to church in the afternoon.

In 1854, President Pierce went to the Capitol to sign some bills. When he was finished, he walked into the rotunda to wait with his secretary and the Postmaster General until his carriage showed up. A drunken young man from South Carolina approached him, shook his hand, and insisted that he have a drink with him. Pierce, who was known to have a problem with alcohol, "freezingly" refused, and went for his carriage — whereupon the young man hit him with a hard-boiled egg. Pierce had him arrested, then changed his mind and sent his Attorney General down to the jail to have the charges dropped. In the meantime, the young man had tried to kill himself with a penknife, but the president's common sense brought the national and personal emergency to an informal end.

Writing to former President Jefferson, former President Adams excoriated one of their mutual acquaintances for saying that he, Adams, had "few Friends." In a remark that every TV commentator in the year 2000 would find grossly "unpresidential," Adams declared that when he heard that, "I wanted to whip the rogue . . . till the blood come." Yet he added, in a relieved as well as an ironic tone, that some people talked "a great deal about *'The Dignity'* of the Office of President, which I do not find that any other Persons, public or private regard very much." Presumably, Jefferson understood what he meant, and sympathized. That's one reason why those men remain the great Adams and Jefferson, while people like Teddy Kennedy and Bill Clinton will always remain . . . people like Teddy Kennedy and Bill Clinton.

The other day, I saw a news film of George W. Bush moving through a crowd. His coat was off and his shirt was soaked with sweat. There were some of the usual high-paid bouncers following him, but they were no hindrance to the exuberant people shaking hands with him and hugging him and pushing papers in front of him to sign. Bush, obviously a little dazed, accepted someone's autograph book, patted his pockets for a pen, failed to locate one, and walked away, still holding the book.

This is both bad and good. I wish that Bush and all the rest of them would emulate the example of Harding, who "campaigned" for office by making polite little speeches from his front porch. And I hope that the guy got his book back, somehow. Still, I was happy to see that none of the burly men in sunglasses was sent huffing off to find the Governor a pen. There's something to be said for confusion and inadvertence. In fact, if Bush is willing to make inadvertence a part of his program, I'll send him all the pens he needs. — Stephen Cox

The information byway — After more than a year and a half in which to search for rationalizations, a few tech gurus and journalists have come to Al Gore's rescue. Apparently, when Gore said during a March 1999 CNN interview that he "took the initiative in creating the

Internet," he didn't really mean it. A couple of the Internet's actual founding fathers, Vinton Cerf and Robert Kahn, released a statement in late September that said, in part, "We don't think, as some people have argued, that Gore intended to claim he 'invented' the Internet. Moreover, there is no question in our minds that while serving as Senator, Gore's initiatives had a significant and beneficial effect on the still-evolving Internet. The fact of the matter is that Gore was talking about and promoting the Internet long before most people were listening." Even if one accepts their view that Gore didn't intend to take credit for inventing the Net, the episode offers a good example of a politician drastically inflating his own importance for political gain. After all, the Internet's precursor, ARPANET, was commissioned by the Defense Department close to a decade before Gore was first elected to office, and today's decentralized commercial Internet is a pretty far cry from anything helped along by Gore's cheerleading efforts.

There's an even more dangerous undertone in Cerf's and Kahn's strategic extrication, however, made explicit in Scott Rosenberg's Oct. 5 column in *Salon* — the idea that technological advances like the Internet are only possible with government assistance. Rosenberg writes, "The Internet didn't spring full-blown out of some scientists' heads, nor did it just grow, like some techno-Topsy powered by the mysterious magic of the marketplace. It emerged from the world of government-subsidized university research, and every step of the way along its passage from academic network to global information infrastructure was shepherded by the state." There's certainly no denying this. Rosenberg thinks that "Libertarians and conservatives are uncomfortable admitting this," but can't imagine why. Admitting that the Internet as we know it today would not exist without government's heavy hand isn't much different than admitting that our highways and telephone lines are products of government programs.

There's no reason to be thankful for the government's technological largesse. Indeed, government action probably short-circuited a much quicker, cheaper and more efficient route to cyberspace.

But just because the development of the Internet included a large dose of government, there's no reason to suppose that government involvement was the only possible means to reach the end we have today, or even that it was the best means.

It's not too hard to envision an alternate history in which government stayed out of tech research — one in which private universities decided it would be beneficial to build a network that would allow them to easily share resources and research. A world where businesses piggybacked onto the system much sooner, and where private letter-carrying firms realized the commercial potential of this new form of communication long before the sluggish U.S. Postal Service.

And even those who are intent on seeing government's involvement as a benevolent presence have to recognize that the things most people know and love about the Internet today aren't a product of infrastructure itself, but the choices and interaction of countless individuals who use, abuse and test the limits of this new toy, creating a beautiful mess of spontaneous order. The fact that the foundations the government laid are being used in ways that it never intended or imagined is what makes the Net what it is. Human ingenuity will eventually break through the limits of any artificial protocols.

In the end, it doesn't matter that the government funded most of the Internet's early developments. It matters even less that Al Gore spearheaded a few pieces of tech-friendly legislation and did a few splits and high-kicks on the sidelines. There's no reason to be thankful for the government's technological largesse. Indeed, government action probably short-circuited a much quicker, cheaper and more efficient route to cyberspace. It's one more chapter in the never-ending story of government intervention — whenever anything good happens, government partisans like to pretend it couldn't possibly have occurred without Big Brother's help.

— Eric D. Dixon

Selective intimidation — When the network television program *60 Minutes* reran its story on Dr. Wen Ho Lee, the Taiwanese-American nuclear scientist alleged to be a spy for mainland China, I was reminded of a history of cunningly selective prosecutions in this country.

Sacco and Vanzetti, Ethel and Julius Rosenberg, Timothy McVeigh, among others. Each prosecution seemed designed to scare a potentially radical minority in America (respectively Italian immigrants, Jewish communists, and independent militias).

Each prosecution depended upon marshalling media opinion based upon stereotypes prevalent at each time — that some swarthy Italians wanted to sabotage WASP America, that some dark-haired Jews wanted Stalin's Russia to take over America, and that rednecks were predisposed to mischief.

My own sense is that Sacco, not Vanzetti, was guilty of murder in a botched bank robbery, that the Rosenbergs were wanna-be spies who lacked serious secrets (unlike Klaus Fuchs before them), and that McVeigh was a pawn in a sting operation that failed when a truck carrying explosives inadvertently exploded. (Regarding the latter, see Hoffman's elaborate, 500-page exposé, *The Oklahoma City Bombing and the Politics of Terror*, 1998; Ambrose Evans-Pritchard's *The Secret Life of Bill Clinton*, 1997, tells of likely government complicity in the bombing.)

Now consider that Dr. Lee, who came to America at age 26 in 1964 to do advanced study at Texas A&M before working for decades at Los Alamos, is specifically accused of downloading classified files onto his office computer. This is technically illegal, but apparently done frequently by scientists in his position.

Dr. Lee was also accused of failing to report a suspicious contact during a government-authorized trip to mainland China in the mid-1980s. From this flimsy evidence, coupled with the myth that Chinese-Americans are ultimately loyal

to China, some have concluded that Dr. Lee must have passed nuclear secrets onto aliens whose facial structure resembles his.

Since the "evidence" is so thin, why is he being prosecuted? He cited the fact that he is the only oriental in the Los Alamos lab. If that's why the Feds went after him, regardless of whether he is eventually prosecuted, it is reasonable to suspect he is the victim of a selective prosecution, accompanied by publicity, designed to scare the hell out of all Asian-Americans, as indeed it probably shall, just as previous selective prosecutions made super-patriots of many Italian-Americans and many American Jews.

Dr. Lee is so far luckier than Sacco and Vanzetti, not to mention the Rosenbergs: he survives with his life.

— Richard Kostelanetz

That notorious one percent — The Gore campaign has made much of the fact that Bush's proposed tax reduction would be favorable to the "richest one percent" of the U.S. tax-filing population, although the Bush plan would be even more favorable to the poorer 99 percent, that is, Bush would make the tax system more progressive.

Gore's misuse of arithmetic can be criticized in a number of ways, but one is particularly worth noting, if only because I have so far seen no one raise this issue anywhere in the media.

"The richest one percent" means the highest one percent of income recipients in any single calendar year: those making more than $330,000 in that year. What I have not seen stated, and what seems to be often overlooked, is that the people who actually make up this highest one percent change every year. Not all of them are the same people this year as they were last year; not all of them will be the same people next year as they are this year. Consequently, the percentage of people who at some point in their lives will be in that top one percent is a lot bigger than one percent.

There are, of course, a few people like Bill Gates who, we may assume, will be in that top one percent until they die. But this group is not one percent of the population; it is a much, *much* smaller group. And even many in *this* group (including Gates himself) didn't start out in the top one percent.

Some people make a killing with a superb investment decision, have a hit record, or earn a terrific year-end bonus, taking them into the top one percent for just one year, or a few years, of their lives. Most people, however, earn more money as they get older, until their earnings peak at somewhere between 50 and 60 years of age, then their income declines as they cease to receive a salary and spend their retirement savings. To a large extent, "the rich" means those about to retire. To a large extent, "the poor" means the young.

So what percentage of taxpayers will, for at least one year of their lives, be in the top one percent? I don't actually know whether it's 20 percent, 30 percent, or 40 percent. I doubt if anyone knows, as official statistics usually ignore individual movement *between* groups of income earners, and studies which specifically look at such movement are few and far between. Two such studies, however, are cited by W. Michael Cox and Richard Alm in their book, *The Myths of Rich and Poor*.

Most discussion of these issues is in terms of "quintiles" or fifths: the richest fifth, the second richest fifth, and so on. A study by the U.S. Department of the Treasury compared 1979 with 1988. It found, for example, that looking at the bottom fifth, that is, the lowest-income 20 percent in 1979, 86 percent of that bottom fifth had risen to a higher quintile by 1988, with 15 percent rising to the highest fifth — don't forget that's only the number who reached the top fifth starting from the bottom fifth.

The other study was by the University of Michigan, and compared 1975 with 1991 — a much longer period than the Treasury study. The Michigan study found, for example, again just mentioning here those beginning in the bottom fifth in 1975, that more than 75 percent of these had made it to the top two fifths by 1991, with nearly 30 percent reaching the top fifth. Over 25 percent of those in the second-lowest quintile in 1975 had reached the top quintile by 1991 (*The Myths of Rich and Poor*, p. 73–74).

Such numbers don't allow us to determine the turnover in the top one percent, but they do suggest that it is likely to be quite high, almost certainly the great majority of that one percent over a few years — especially if we're aware of two other facts shown by statistics: that far more income comes from labor services (salaries) than from property ownership (interest on savings) and that most rich people were not born rich.

The fraction of the population at any given time who at some point in their lives will be in the richest one percent *could* be above 50 percent, but my guess is that it's probably somewhere between 20 and 40 percent. This fraction will tend to be higher if population is increasing, whether by natural means or by immigration (as long as the immigrants are young). Furthermore, the Bush plan reduces taxes overall, and reduces taxes most dramatically on the low- and middle-income recipients, making it easier for them to move up. There would be an increase in upward mobility and therefore in turnover at the top. The fraction of the population who would be in that top one percent for at least one year of their lives would be increased.

So when Al Gore speaks of "the richest one percent" he's not just referring to the Bill Gateses, the Stephen Kings, the Oprah Winfreys, and the Al Gores. Though he may not know it, he's talking about a much more substantial section of the population, quite likely including you and me, and if

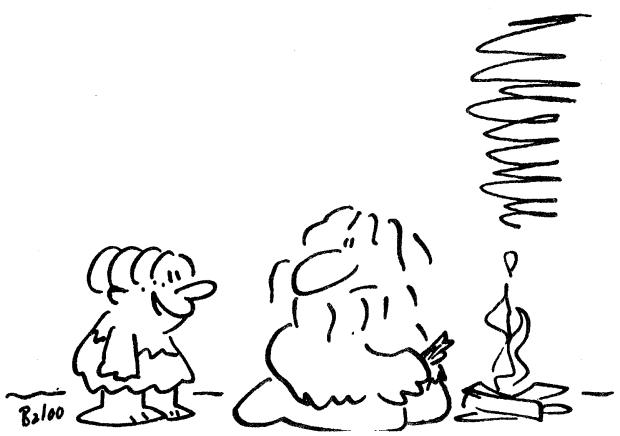

"Nice invention, Dad — can I stay up late tonight?"

not, certainly including numerous folks you and I know — many of our friends and family members.

— David Ramsay Steele

Pump & dump professionalism — A more recent selective prosecution that I find similarly alarming, though less fearsome, involves a 15-year-old named Jonathan G. Lebed (which is Russian for swan), who lived in suburban New Jersey. No doubt bored by the lack of amusements typical of his environment, this young man cooked up a scheme for purchasing cheap stocks, sending false inflationary information about the stocks to Internet message boards, and then selling the stocks that went up. This exemplifies what is called "a pump and dump operation."

Though the number of investors engaging in some p & d deception to some degree is probably innumerable, few seem to have been as successful or as young as Mr. Lebed, who multiplied his money spectacularly. And fewer still operated under his logistical disadvantage. Imprisoned in a public high school during normal trading hours, he couldn't monitor his investments to the degree that most speculators do. Instead, he had to leave behind limit orders to sell his holdings at pre-established prices and then discover when he returned home the results. (Talk about trading with one hand tied behind your back.)

We know about Mr. Lebed because he was caught, while many other practitioners of p & d remain anonymous. The newspapers said that in exchange for immunity from prosecution he agreed to return his profits (though it did not explain to whom and how). All is well that ends well; he's back in school.

But hold it. Such a smug conclusion misses the first lesson: that pump and dump is such a simple deception that even fulltime schoolboys can do it. It follows that if kids can so easily deceive otherwise prosperous adults, everyone perusing message boards — *everyone* — should be skeptical, realizing in advance that message boards can be arenas of deception (and that most of the time the government will not rescue those who are deceived). Nobody following any of his disinformation was under the illusion of purchasing a blue chip.

The second lesson is that Lebed's case was made public precisely because he was so young and thus more vulnerable to acknowledging a common crime. How can a kid fight back if his parents, with whom he lives, have already apologized for him, tying both hands behind his back, so to speak?

The third lesson is that the computer moxie of young people frightens adults who must exploit social power to intimidate kids, much as the scientific intelligence of Asian-Americans frightens, the entrepreneurial skills of Jews frightens, and the passion of Italians frightens.

"A self-made man, eh? — I think you used too much yeast."

To my senses, the prosecution of Jonathan Lebed is every bit as selective and exploitative as that focussing on Dr. Lee. One reason why I feel obliged to defend young Mr. Lebed is that I could imagine myself cooking up such a scheme as a bored suburban teenager several decades ago. Instead of censure, I would want to congratulate him for earning on his own initiative enough money to pay for university tuition, taking the burden off his parents. As an anarchist predisposed to the "redistribution" of wealth, I see small justification for his reimbursing the investors deceived by him, especially since I'd wager that most of them are wealthier than he is.

For now, may I wish Mr. Lebed a speedy trip from suburbia to the college of his choice. — Richard Kostelanetz

From republicans to democrats — "Of course I know that the kiss was spontaneous! How do I know? I'm a woman — I can tell. You can't fool a woman about those things!" "Are you going to vote for Gore because of that?" the radio interviewer asks. "You'd better believe I am!" she says. "I want to vote for a Real Man — and Gore is a Real Man!"

And on this slender basis — which one is a Real Man — she will cast a vote which will help to decide the fate of millions, an entire national policy, peace and war. What makes him qualified to decide such things? The Kiss.

"But America is a democracy." That is what American high school students are taught. And history has almost made it true: Since the Electoral College has become a sham, it is no longer the majority of the members of the Electoral College, but a majority of the voters in each state, who decide who is to be president. And, thanks to a constitutional amendment, senators are now elected by popular vote. It was such features that were to distinguish a democracy from a republic — and the U.S. was begun as a republic.

Lord Acton wrote:

> The view of pure democracy, which we are accustomed to associate with American politics, were almost entirely unrepresented at the convention. Far from being the product of a democratic revolution, and of an opposition to English institutions, the Constitution of the United States was the result of a powerful reaction against democracy.

James Madison wrote:

> In all cases where a majority are united by a common interest or passion, the rights of the minority are in danger. What motives are to restrain them? . . . Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided. Conscience, the only remaining tie, is known to be inadequate in individuals; in large numbers little is to be expected from it.

Alexander Hamilton wrote:

> It has been observed that pure democracy, if it were practicable, would be the most perfect government. Experience has proved that no position in politics is more false than this. Three ancient democracies, in which the people themselves deliberated, never possessed one feature

of good government. Their very character was tyranny. And Plato considered democracy to be the second worst form of government, second only to tyranny — to which he said it always led. And John Adams said that if the U.S. became a democracy, that would be the end of freedom on earth.

Rose Wilder Lane said it best:

> Neither the states nor the citizens elected the President. His duty within the Republic was only to execute the laws made by Congress. But in world affairs he was the Republic's substitute for a king . . . He directed the Republic's course in world affairs. So that he might be completely free to do this, the President was not to be elected by (and therefore dependent upon) either the citizens or the states. Temporary popular motions or changing public opinion were not to touch him. Local interests were not to be able to bring pressure upon him. . . . The President represented all Americans. No group had any claim upon him. And many a President in time of crisis . . . since that freedom was taken away from his high office, must have silently cursed the Amendment that plunges him to the neck in a mob of short-sighted, local-minded, clamoring men, clutching and pulling at him with a thousand hands. Today that Amendment does not let the captain of this ship of State make one clear decision unhampered by the ignorance and prejudices and fears of all the passengers on all the decks and all the men playing poker in the ship's bar. An ocean liner could not be navigated for a day under such conditions.

At the brink of the chasm of unlimited democracy, where should we now turn? Return to the republican convictions of the Founders? Give it up as hopeless and become anarchists?

Libertarians will not agree among themselves on this one, but at least we may agree on how far we have strayed.

—John Hospers

Tenth Amendment: up in smoke — The United States Supreme Court recently issued a stay which prevents the Oakland Cannabis Buyers' Cooperative from providing medical marijuana to those who qualify according to California Law 11362.5, sometimes called the Compassionate Use Act and better known as Proposition 215.

Federal law states that there is no medical use for marijuana and any use of it is illegal under federal statute. About that there is no disagreement. What is in dispute is related to whether or not 535 members of Congress have the right to make medical decisions for every single man, woman, and child in America and overrule the medical judgement of physicians. Part of the dispute is over the disagreement about the medical efficacy of this innocuous weed. Also, part of the disagreement is over whether or not individuals have the right to use whatever substance they wish if they feel the use of that substance benefits their lives. But neither of these issues was at issue before the Court: the issue it faced was whether the federal government has the right to overturn a state law enacted by initiative. Can Congress tell the people they do not have a voice in making the laws for their state, or tell a state legislature that they, too, do not have the right to make laws for their state if those 535 people in Congress do not like the laws they pass?

In the last few years, the people of seven states and the District of Columbia have passed propositions which would allow the use of marijuana for medical purposes. In addition, the Hawaii legislature passed similar legislation. All of these laws were passed by significant majorities and have the support of the majority of the voters. The only significant opposition to implementation of these laws has come from prosecutors, police officers, and the federal government. Michelle Kubby, wife of the Libertarian candidate for governor of California in 1998 and noted medical marijuana advocate, Steve Kubby, have stated, "This is no more about marijuana than the Boston Tea Party was about tea." She is right. It is not about what is good or bad, it is about power and control. This is really an issue that goes to the very roots of our constitutional government. It is an issue that will have far reaching effect on whether or not the Constitution is still the basis of our government or if we are now a government of the Congress, by the Congress and for the Congress.

The law allows patients to have an unlimited supply of marijuana for any medical purpose they desire as long as they have a doctor's recommendation. This complicates drug enforcement because prosecutions for sale of marijuana are not based on actually catching people selling. They are based on the quantity of marijuana possessed or how it is packaged and stored: if the quantity of marijuana in possession of an individual exceeds a certain amount, the law presumes that it was intended for sale and that its owner is a drug dealer. If there were a legitimate, legal use for marijuana, mere possession could not imply intent for illegal sale. Prosecutors would actually have to prove that marijuana was actually sold for non-medical use.

California's constitution specifies that initiatives passed by the voters become laws and that no government entity may disobey or ignore them, but police and prosecutors refuse to implement Proposition 215. Nearly every day, ninja-suited SWAT teams break into the homes of people who have harmed no one and destroy or seize their property

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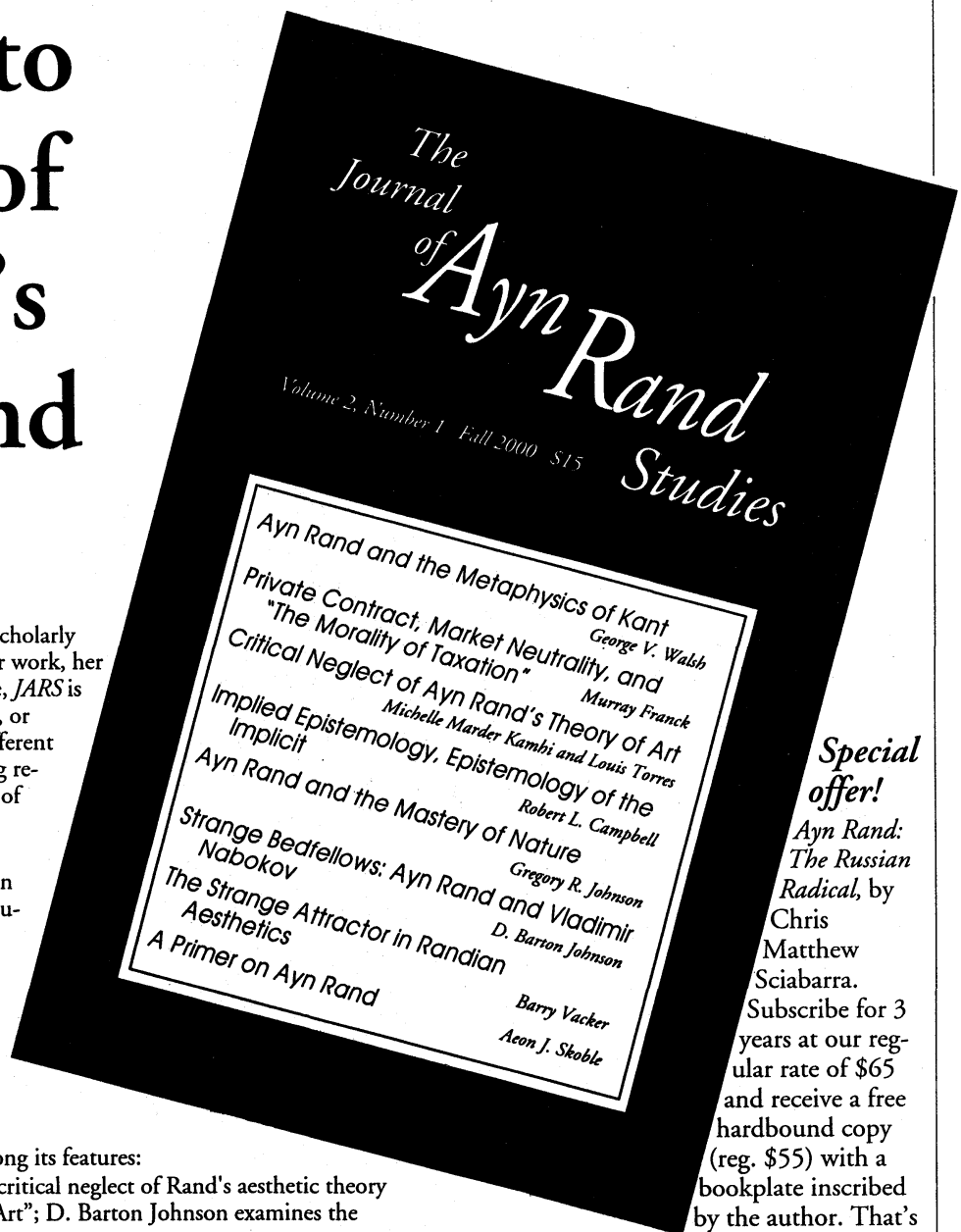

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for the crime of marijuana possession. California police argue they are making no judgment and will let the courts settle the issue.

That is what the case that the Supreme Court will hear is about. The Court will have to decide if the Constitution of the United States and the Bill of Rights have any meaning in the 21st century. Why is this an issue over the U.S. Constitution? Because the Constitution is a limiting document which grants certain powers to the federal government and specifically denies the federal government the authority to do others.

Stated simply, the Constitution enumerates the powers of the federal government and then plainly states that those enumerated powers are all that the federal government has. Other powers belong to the states or to the people. In none of those enumerated powers does it give Congress the power to regulate what plants may be grown, what medicines may be used, or what laws a state or people of a state can pass, as long as those laws do not take away the rights and responsibilities of the Constitution. Plainly, any regulation of this sort must be done at the state level, if at all.

The Court would do well to remember the words of James Madison, the father of the Constitution and the principle author of the Bill of Rights: "The ultimate authority . . . resides in the people alone." If the people can no longer hold an election and change the laws, being forced to suborn their wishes to the Congress, they no longer hold the ultimate authority. They are mere chattel of those who rule them. They are no more than slaves.

If the Supreme Court holds that these elections can be overturned by the will of Congress, which election will be next? The great American experiment will have failed. We will have allowed ourselves to once again be ruled by an all-powerful government instead of remaining an all-powerful people. — Richard E. Pearl Sr.

An old soldier never dies, dammit — On Oct. 16, White House drug policy director Barry McCaffrey announced that he will resign before the next president takes office.

McCaffrey's drug war has been cruel, costly, and counterproductive. More than three million marijuana users have been arrested during his five-year regime, and his fight against medical marijuana has caused untold pain and suffering among the seriously ill.

Indeed, a new FBI report released on Oct. 15 revealed a record number of marijuana arrests in 1999. According to the annual *Crime in the United States* report, there were 704,812 marijuana arrests in 1999 — 88% of which were for possession, not sale or manufacture.

Despite this all-out war, drug use in the United States has actually increased since 1995.

Not surprisingly, McCaffrey is lying about his focus and accomplishments. For example, his resignation announcement says that he has "made prevention of drug use Goal One of this country's anti-drug strategy" — yet the federal budget for domestic law enforcement is more than four times the budget for prevention.

The mainstream media have responded to McCaffrey's announcement by gushing with praise, repeating his lies unchecked and overlooking the myriad of controversies he's been involved in over the years, e.g., paying television stations to influence the content of their shows, tracking Internet users who type certain drug terms into their search engines, and getting the United States involved in Colombia's bloody civil war.

Perhaps McCaffrey's enormous expenditures for anti-drug ads in the popular press have bought him these undeserved accolades. Long gone is the time when a general who lost a war and caused such extensive havoc in his homeland in the process had only one way to resign with honor: harikari. — Chuck Thomas

No comment — Two wrongs do not make a right. But two "No comments" can make interesting news.

With official sanction and permits, anti-gun "Million Moms" expected 1,500 people to join their march across one of the busiest traffic bridges in east-central Bethlehem, Pa., on Oct. 2. But after word got out that defenders of the Bill of Rights would line the pedestrian walkway to watch, the number of "Moms" marchers dwindled to about 75.

Meanwhile, Congress was threatening to cut highway funds to states which do not reduce their legal definition of "drunk" to a blood-alcohol level of 0.8 percent. A columnist for a newspaper based in neighboring Allentown asked "Moms" march leader Helen Ruch whether she thought enforcing drunk driving laws might be a more effective way to reduce violence than new gun control laws. Ruch refused to comment.

On Oct. 6, columnist Paul Carpenter quoted her "No comment," explaining that Ruch had once been arrested, having failed field sobriety tests with a .162 blood-alcohol level after being asked to step out of her car. Someone asked Carpenter if he'd gotten into trouble with his bosses for writing about Ruch's prior. He answered "No comment," his standard response to inquiries about internal policies and politics at the Tribune-owned newspaper.

But someone took it to mean Carpenter's job might be in jeopardy, and said so in e-mails to friends. Within a couple of days, in what Carpenter described Oct. 10 as "the most amazing deluge of letters I have ever seen," literally hundreds "from every corner of the nation" had arrived, virtually all supporting both Carpenter and the Bill of Rights. He said that in his 35 years in the news biz, he had never seen anything else like it.

What a shame that those all-too-few in the media who do defend all of the Bill of Rights hear expressions of support from the rest of us so seldom. — Ken Sturzenacker

Surrendering the streets — A specter is haunting Europe, the specter of neo-fascism. Across the European Union, this specter is taking on different shapes. In France the National Front, and in Austria the People's Party have had quite astonishing and depressing successes at the ballot box. Chilling as those far-right electoral victories may be, they pale in comparison to some recent events in Germany, where the east of the country is held in the grips of the deadly violence of right wing mobs.

According to the *Tagesspiegel*, a well-respected German daily paper, 93 people have been killed in the last ten years by neo-nazis. Recent months of repeated attacks on foreigners or simply foreign-looking Germans in the eastern part of

the country culminated in June in the cold-blooded murder of an immigrant from Mozambique who had lived in Germany for years, was married to a German woman, and had two children. Late at night, on his way home from meeting friends, he was assaulted by three skinheads, two 16-year-olds and one 24-year-old, who had just met hours before. They beat and kicked him, took off his clothes and let him lie bleeding to death in a park. The perpetrators were speedily arrested, and in August they were sentenced to seven years and life, respectively. Spectators of the trial found it most blood-curdling that the defendants showed no remorse and proudly proclaimed "hatred for foreigners" as their motive.

During the trial, German minister for the economy Werner Mueller proclaimed that right-wing violence was bad for German economic growth. I am sure that not only German citizens were distressed to discover the complete moral depravity of their country that was now analyzing the murder of a human being, husband, and father in terms of its effect on "economic growth."

One might infer from this that Germany is being overrun by a horde of brown-shirts, ready to sweep away the center-left government of the second German Republic, but nothing could be further from the truth. Even according to the most pessimistic appraisals there are fewer than a thousand violent skinheads in the country. So what is the reason for their apparent domination of the streets in many cities in eastern Germany?

It is striking that no civilians have stood up against the neo-fascist thugs. Even in instances where a handful of skinheads have attacked people in open daylight, no one came to the victim's defense. Is it sympathy for neo-nazis which is showing here? No, research shows that German sympathy for the extreme right, is negligible. Germans haven't resisted because of fear: the fear of a hundred people to face five violent youthful thugs, the fear of a whole citizenry to stand up for their convictions against a tiny minority of people who are willing to put themselves at risk to attain their goals or simply to kill someone. What we are facing here, and it takes no particularly libertarian mind to come to this conclusion, is the fruit of a government which is determined to isolate its citizenry from every peril that daily life might offer. People are "protected" from unemployment, old age, sickness; from employers' paying low wages, or expecting more work in return for higher wages; from retailers opening their shops on Sundays or offering their goods for too much or too little money; from bad weather . . . and from anything else you can think of. Being isolated from any minor peril that life might offer, nobody seems able to face up to threats to his own freedom and his own country. That Germany's east has been under communist rule for 45 years exacerbates this tendency, but ten years of life in a democracy still has failed to foster any moral courage in the population. Ten years after achieving a republic, all too many East Germans do not seem to be prepared to stand up for it.

But, that it is not the history of communist rule alone which is causing right-wing radicalism to flourish is proven by the recent demonstrations of neo-nazis in Schleswig, western Germany's northernmost state; what we are seeing here is not an inexplicable resurrection of a dead ideology. We are simply witnessing the harvest of the seed the apostles of socialism have been sowing for so long. They did not expect people to be able to work out the basic questions of their own lives, or to notice when their freedom was taken away. How much can they expect people to stand up if their neighbor's freedom and right to life is threatened? — Oliver Becker

Politics

Why I'm for Gore — I get SO scared when I think of all the things that might happen if Gore isn't elected that I can hardly even sleep at night. I mean he and Clinton worked SO hard to give us this new economy with the Internet and everything and what if Bush is elected and he just screws it all up? I mean, I try to save, but, it's like — all the bills! The cell phone, and cable, and my Visa on top of the car payment and the rent, I just CAN'T. And the interest! If I lost my job? Omigod. I don't even want to think about it. I filled up my car the other day? It cost TWENTY DOLLARS? And it wasn't even on empty! My sister says those oil companies are just out to screw us any way they can. You know what? Gore took some oil out of his reserves and that's why the price came down. And it's not just that. He's going to help me retire and pay off all my debts by 2012. That's what he says anyway. Don't get me wrong. This isn't just about me. When I think of all the gays and lesbians who can't get into college because of affirmative action, it just makes me SO angry. What are they supposed to do, STARVE? It's just so mean-spirited. Did you see Gore kiss that homeless woman who picks up beer cans out of the ditch to pay for her drugs? That's what I mean about him. He's not as cool as Clinton, but that's not necessarily a bad thing, you know? No, really, it's like, the president can be TOO cool? And Gore's not? I mean, you know, it's like, when he kissed his wife? Flipper? SO GROSS. But they were kind of cute? Like a mommy and daddy thing? Not like a Monica thing? But he says that when he's president abortions won't be an issue and drugs will be free. Not like dope. Like medicine? And guns! Don't get me started! I wish they would just GO A-WAY! It's not like that in Europe. I had a friend who went there and she told me she felt SO safe. Even at night. And the air was really clean, which is another thing: Bush wants to drill for oil in the NATIONAL PARKS! What's

THAT all about? He is just SO stupid. It's like, why should we DRILL for oil when we can just BUY it? DUH!? I really am VERY concerned about the environment. My best friend's brother Jason? He worked in Texas? And he says that there are oil wells and pipelines and refineries everywhere down there? And he goes, "if Bush is president he's going to make the whole country JUST LIKE TEXAS?" And I go, "thanks, but no thanks?" I mean, like I'm gonna go around with big poofy hair and some stupid COWBOY HAT? And that's why I'm for Gore. — Tiffany Hendersen

The Slagle-Nader debate — On Oct. 9, Green Party candidate Ralph Nader was a guest on Chicago talk radio station WLS, with host Jay Marvin. I couldn't stand listening to his recycled Marxism a moment longer and picked up the phone. I was far too angry to conduct a rational debate with the candidate from the party aligned with the color of envy; however, it was enormously cathartic to publicly say to his face, (or his ear), what we all say behind his back. Here's how it went:

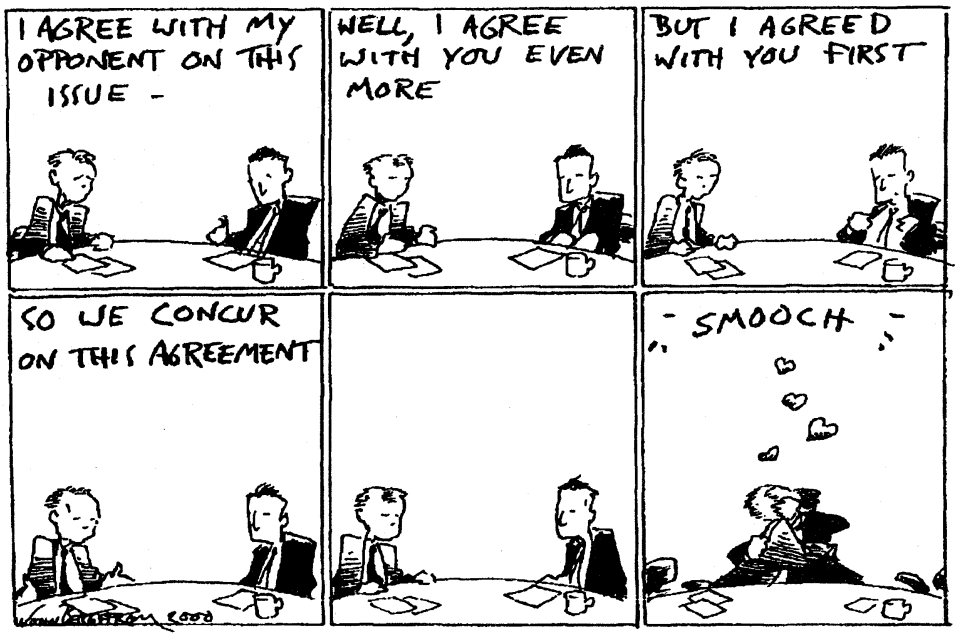

Tim Slagle: Mr. Nader, since you are a proponent of Universal Health Care, have you ever considered Universal Legal Care, to provide access to lawyers for all Americans? Right now everybody has access to a doctor, but access to attorneys is only available for the rich. The prison system is full of minorities because poor people cannot afford the same attorneys as rich people.

Ralph Nader: Well right now we have public defenders and legal assistance networks, which are there to assist lower-income individuals in paying for attorneys.

Slagle: Yes, but wouldn't it make more sense to nationalize the bar association and allow the government to regulate how much attorneys can make? We could limit settlements, provide affordable legal assistance for every American and use the surplus to fund health care, and programs for poor children.

Nader: Well, I think our caller is being a little sarcastic.

Slagle: Oh, no Mr. Nader, I'm dead serious. Right now government has been corrupted by millionaire attorneys. I'm sick and tired of rich attorneys telling doctors how much money they can make. How much are you worth Mr. Nader?

(silence)

Slagle: Come on, Mr. Nader how much are you worth? Four million, I understand.

Jay Marvin (the host): Yeah, but Mr. Nader is not an attorney.

Slagle: No?

Marvin: You're not an attorney, right Mr. Nader?

Nader: (sheepishly) Yes, I am.

Marvin: What?

Nader: Yes, I am an attorney.

Slagle: Got you there, Jay.

Marvin: Yeah, but you're not a practicing attorney. . .

Slagle: Well, I stand corrected.

At this point, my line is disconnected. — Tim Slagle

Russell means what? — Russell Means all but announced his candidacy for the Libertarian Party's 2004 presidential nomination at the LP convention in July. But that is not his only political activity. Italian-Americans in Denver planned an Italian Festival to be held on Oct. 7, two days before Columbus Day. Means joined protesters against the festival. "Opposition groups and the organizers signed an agreement," reported *The New York Times*, "that all references to Columbus would be eliminated in exchange for a promise of a peaceful protest."

"I respect their right to march and celebrate their heritage," Means said. "But I don't believe the First Amendment, as the Founding Fathers designed it, is to protect hate speech."

I suspect most Libertarians think the Founders actually favored protection of all forms of speech, and see threats of violence, unless peaceable people agree to restrict their own speech, as a violation of the spirit, if not the letter, of the First Amendment. Perhaps Means will not have the smooth walk to the nomination that his supporters expect.

— R. W. Bradford

Stuffing and badgering — On October 14, the Browne campaign's e-mail newsletter *Liberty Wire* issued an "action alert," asking supporters to do two things: (1) "Please take a moment right now" to vote for Browne in an online poll conducted by MSNBC; and (2) to call in to C-Span's *Washington Journal* and ask its guest, Tim Russert, "a question related to the show's topic — but cleverly preface your remarks with a question regarding whether he plans on having Libertarian presidential candidate Harry Browne on his show." (The Browne campaign was unhappy that Russert's interview program, *Meet the Press*, had invited Ralph Na-der and Pat Buchanan to ap-pear, but not Browne.)

With 25 days left, this is what the self-proclaimed best-organized, best-prepared, and best-financed LP presidential

campaign in history has stooped to: stuffing the ballot box in a meaningless online poll and badgering a TV talk-show host while he is a guest on another network's TV talk-show broadcast.

Russert may well be a legitimate target in his own offices; but giving the man a hard time while he is the guest on another network is way out of line . . . especially when *Washington Journal* is the one which gave Harry Browne the live, in-studio airtime Feb. 14 to make his candidacy in 2000 formal and official. — Ken Sturzenacker

Subliminable agenda — By the middle of October, George W. Bush appears to be the first presidential candidate in my memory who wants to lose, initially looking less competent and less knowledgeable than his opponent. My sense is that he realizes the U.S. presidency is not for him. What he wants is a booby prize that would be more suitable for him — the presidency of major league baseball. — Richard Kostelanetz

Where there's smoke — On Sept. 25, campaign manager Perry Willis wrote the following in a "special message" to Browne supporters in that day's edition of *Liberty Wire*, the "official e-mail newsletter" of the Browne campaign:

> Because of the allegations floating around, many people "know" that . . . today's campaign staffers make enormous salaries . . .
>
> Of course, none of those (or many other) allegations has even a grain of truth in it. But mean-spirited individuals have repeated the accusations often enough that good Libertarians have found themselves thinking there must be some substance to at least some of the allegations.

The following day, *Liberty Wire* published a letter from "Maggie McIntyre, Orange County, CA" which praised the campaign for paying its staffers so well, and promised twice that she would "be forwarding another donation today."

Well, maybe "Maggie McIntyre" is happy that the Browne staff is so "paid well" without knowing just how well-paid it is. But a lot of people apparently are not. Of course, there is an easy way to stop rumors of "enormous salaries." Willis could make public the salaries of campaign staffers. So I asked Willis how much money staffers and consultants are paid. I posed the same question to Jim Babka, Browne's press secretary.

Willis told me that he would "think about it" and would get back to me the next day. Babka didn't answer at all.

I'm reluctant to draw any alarming conclusions from this. For all I know the staffers are underpaid. But one thing I am pretty sure of: if this "allegation" really lacks "even a grain of truth," as Willis claims, the campaign should be more open and responsive to its critics and to the news media. By not answering perfectly legitimate questions, it gives itself the appearance of wrongdoing. — R. W. Bradford

Hitting the hot spots — Whether by coincidence or not — HB2000 press secretary Jim Babka said it was not planned — Harry Browne's travels for personal appearances and fundraisers have taken him mostly in states rated as tossups, where the outcome of the presidential race was generally considered too close to call during several weeks prior to the election.

In six consecutive nights, starting on the Sunday of Labor Day weekend, Browne held six fundraisers in Florida. He did three in Michigan, where he will need at least 20,555 votes to make certain the LPMI maintains its status as a major party. Add to that three each in Illinois and Ohio, plus two each in Wisconsin and Washington state (with a private two-and-a-half-hour visit to Microsoft's main campus in Redmond), and Browne seems to have spent the bulk of his time and energy in states where a strong turnout for the LP could mean enough votes to make the difference between Bush and Gore. These 19 stops in just six states make up about 60 percent of Browne's fundraising travels. (The exception is California, where Browne also made five fundraising stops and the race is not thought to be close.)

Browne's 622,000 votes will, I expect, come as much as the result of the efforts of his campaign as they will the 1,450 other Libertarians who are running nationwide. Experience shows that where there are strong local LP candidates, the top of our ticket receives a larger percentage of the total votes cast. Browne should finish fourth overall, but well below the 5 percent most of the media consider the threshold for success — the lowest a candidate can go and still be eligible for matching funds from the FEC. — Ken Sturzenacher

Algore and the first casualty — Al Gore has a credibility problem. He made wild claims like inventing the Internet, being the topic of *Love Story*, and raising 10,000 chickens.

Al Gore was also a Military Journalist in Vietnam. That could explain why Americans stateside actually believed we were winning that war. — Tim Slagle

1996 all over again — Many of us have wondered how it is that Harry Browne, Howard Phillips, Pat Buchanan, and Ralph Nader have received so little coverage from the news media this year.

All four of them were involved in the 1996 presidential competition (though Buchanan was gone before the Republican convention) and the temptation was to believe that all of them should do better this time out.

Perhaps the media inattention and near invisibility in the polls of all but Nader are the logical result of 1996. All four dragged their old 4-year-old strategies and rhetoric into 2000, fleetingly fooling only a few with their claims of massive gains.

Once the media and voters got their first look at these reruns, most quickly moved on to the two new roadshows, Bush and Gore. — Ken Sturzenacher

Abandoning our best issue — The worst thing about the 2000 campaign is the failure of the Libertarian Party to do anything different than it has done in the past: the same issues, the same talk-radio appearances, the same paucity of advertising, the same campaign that failed so ignominiously in 1996.

It breaks my heart when I run into people who tell me they're voting for Nader because of his vocal opposition to the war on drugs. The war on drugs is the real "third rail" of American politics, the issue that is suicide for almost all major party candidates. Yet in a recent national poll, 28 per-

cent of Americans called for the repeal of all drug laws and another 27 percent were "not sure" on the question. The 46 percent of Americans who favor these laws may be enough to keep a major party candidate from winning an election, but if a party could get the votes from even a tenth of the people who favor legalization, it would get about 3 million votes — which is about six times the vote total that the failed Harry Browne approach got in 1996.

This is an issue that the LP should *own* — we've been opposed to the drug war since the day it started. For a long time, I've wondered why Browne is so reluctant to make it a major issue in his campaign. In an online newsletter, Michael Sensor offered one possible explanation:

> Let's talk about that "insane War on Drugs" for a second. Who's affected the most by that war?
>
> Not the drug-fancying ex-Republicans that Browne seems to want to attract to the Libertarian Party. They can generally get their drugs fifth- or sixth-hand and don't have to worry about going to open-air drug markets or the like. Rather than taking a trip up to, say, Kensington (North Philadelphia's toughest drug neighborhood, for those of you not in the area), the people Browne seems to be targeting are the type of people who can ask a friend to score them some real kind bud, who then asks another friend, who has a friend who knows a friend who hangs out with someone who has a source.
>
> Or something like that.
>
> And, of course, if these suburbanite SUV-driving would-be (or ex-) hippies happen to get caught, which happens at times, they can afford good lawyers. No problem at all.
>
> No, the people affected the most by the War on Drugs are the poor and minorities. Folks whose neighborhoods are infested by "pushas" plying their wares. Folks whose kids have to dodge bullets shot by gang members warring over turf. Folks who get caught with a few grams of crack for personal use and get fed into a cold, hard, compassionless criminal-justice system, run by overburdened public defenders, overzealous prosecutors, and fire-eyed judges. Folks who end up doing hard time for possession or use of soft, victimless drugs.

I suspect Sensor is right: Browne won't campaign on drug legalization because he fears it will alienate the conservative Republicans whose support he's always pursued, though seldom won.

Is it too late for the LP to reclaim this issue? I don't really know. If the Greens get 5 percent of the vote — and the $13 million federal subsidy that goes with it — they'll certainly run a major campaign in 2004. I understand that Nader accepted the anti-drug-war plank in the Green Party platform only reluctantly and I suspect that Greens are far more committed to environmental national socialism than they are to ending the drug war, so they may back off from it, like the LP has backed off from it.

But I hope it isn't too late for the LP, especially in view of the alternative, which would be continuing to waste money and effort in a never-ending and futile effort to become a factor in American politics. — R. W. Bradford

Forecasting Harry Browne's Vote

In the last two issues of Liberty, editor R. W. Bradford has fearlessly forecast that the nominee would get about 450,000 votes on Nov 7. On Oct. 17, *Liberty* invited several prominent LP watchers to make a similar forecast:

David Bergland, former LP chair	500,000 to 1,500,000
R. W. Bradford, *Liberty* editor	419,000
Steve Dasbach, LP national director	refused to forecast
Jim Lark, LP Chair	622,000
David Nolan, LP founder	529,000
Bruce Ramsey, *Seattle Times*	369,000
L. Neil Smith, Ariz. LP presidential nominee	250,000
Ken Sturzenacker, Pennsylvania LP Chair	622,000
Perry Willis, Harry Brown campaign manager	600,000

Al Zelig? — You heard what Al Gore said to Courtney Love? He strolled over at a Hollywood party, says Love, and announced, "I'm a really big fan." Knowing about Al, Ms. Love cross-examined him. "Yeah, right," she said. "Name a song, Al." The answer came limply back: "I can't."

Small stuff, sure, but it was the same limp response when he was asked about his illegal fundraising at the Buddhist temple: "I didn't realize I was in a Buddhist temple." Right, there was nothing to even hint that he was at Hsi Lai Temple and not a gas station or grocery store. Hey, just last week in the frozen food aisle I ran into 50 bald guys in orange robes swinging balls of incense who wouldn't stop tossing envelopes of cash into my cart.

By now, most of us can see that it's moved past the normal level of political duplicity to something weirder. With Bill Clinton, at least, the lying was to save his hide. With Gore, it's more like he's turning into Leonard Zelig, the human chameleon in the Woody Allen film, fitting himself flawlessly into every setting. At *The Tennessean*, he was the star reporter who got "a bunch of people indicted and sent to jail." And in Vietnam, he was no Senator's son: "I pulled my turn in the perimeter at night and walked through the elephant grass and I was fired upon." On the tobacco farm: "I've hoed it, I've dug it, I've sprayed it, I've chopped it, I've shredded it, I've spiked it, put in the barn and stripped it and sold it." And in the first presidential debate, Zelig popped right up when George Bush was talking about some fires in Texas: "I was down there," said Gore, "when the fires broke out."

He says he was there, too, as "the author" of the Earned Income Tax Credit, the "co-sponsor" of the McCain/Feingold campaign finance reforms, the "principal author" of the Superfund law, and as the inspiration for *Love Story* and Hubert Humphrey's 1968 speech at the Democratic National Convention. And on abortion, he "always, always, always" supported Roe v. Wade. And, lucky for us, on top of being the one who "found" Love Canal, he was there from the start to get the Internet on line and set up the Strategic Petroleum Reserve. Busy boy, that Zelig, the kinda guy who comes from a family where dad fights for civil rights while mom hums union songs and sis heads off to become "the very first volunteer in the Peace Corps."

Nice stories, all, but not exactly true, just like it's not true that Al's dog got a better deal on arthritis pills than his mother-in-law, or that Sarasota High is short of chairs, or that 79-year-old Winifred Skinner has to scrounge for alumi-

continued on page 59

"Letters," *from page 6*

major medical textbook on syphilis recommended the arsenic and bismuth treatment which supplanted the 606 preparation. Neither treatment was fully effective, but they did help and were regularly prescribed by doctors. Even though penicillin, discovered in the early 40s, was not available to citizens during the war, it did become available after the end of the war in August 1945, and the Tuskegee syphilis experiment continued until 1972 when the *New York Times* first exposed it. Thus, the Tuskegee blacks were denied state-of-the-art treatments at all times during the syphilis experiment, and many of them died as a result. To say, as Greimn does, that the American citizens subjected to the syphilis experiment "were probably better off because of the neglect they received" is heartless and disgraceful.

Merrel Clubb
Missoula, Mont.

Pro-Life = Pro-Choice

I read your Sarah McCarthy article, "Walking the GOP Abortion Plank" (November), with interest because I have been trying to formulate my words for similar discussion to send to our representative government. My view is this: anyone who claims to be "pro-life" must also be "pro-choice." To deny a woman the choice of having a pregnancy terminated means that she will be required to bring unwanted children into the world, to be raised without love and guidance from loving parents, and more likely to make mistakes in their lives as adults.

It's not surprising that crime has dropped in recent years. Since *Roe* v. *Wade*, more children have been raised with love and care. Such people are much less likely to make mistakes in their lives that would lead them into crime!

Duane Grindstaff
Kent, Wash.

Sex, Pleasure, Abortion

Sarah McCarthy exposes the "pro-life" hypocrisy for all to see. But she doesn't ask why people would hold such hypocritical beliefs. Perhaps their motive is something less easily stated and debated than the ongoing trench warfare of fetal humanity.

I think the real issue is the meaning of sex. If sex is for enjoyment, then a morning-after pill has the moral status of an anti-hangover pill, and abortion is a medical issue like alcoholism. But if sex is for procreation, then abortion enables, even encourages, its misuse. And fetal humanity is its product.

This is a much harder problem to dispute. But disputing it has one great advantage: it might be solved. Victory is in principle possible. While in the trench warfare of fetal humanity, skirmishes may be won but victory by either side, in the lifetime of anyone now living, is clearly impossible.

Tom Porter
Reseda, Calif.

A Liar *and* a Deceiver!

As a pro-life Republican, I want to tell you that Sarah J. McCarthy is a liar and a deceiver.

She knows perfectly well that a law permitting abortion to protect the "health" of the mother means abortion on demand. The Supreme Court has forced this meaning on the American people in all states over our objections.

She falsely claims that a "life of the mother" exception, which no pro-lifer has ever objected to (let alone refused), would not permit anyone, under any circumstances, to choose abortion to save her life.

Her other examples do not involve the life of the mother, and the mother should not have the right to choose to kill a child just because the child is already disabled. Why not legalize the entire Holocaust if you want to do that? It did start with disabled children. Look it up in the history of the time.

Let me explain my position. In no particular order:

1) I look at a prehuman fetus and I see a subhuman Jew. Therefore, I look at an abortuary and see a capitalist Auschwitz, and I look at an abortionist and see Dr. Joseph Mengele putting the profits into his own pocket instead of serving his country.

2) In Oregon, there is another problem. Abortion is already an anti-black Holocaust funded by the state. Do you really want to print a defense of anti-black Holocaust?

3) And of course, you won't print this paragraph, no matter what: A pregnant woman is only half-sane. Her sex hormones are screwing up her brain. She should not be allowed to decide to kill anyone but herself, and that only because suicide while pregnant, even if unsuccessful, is never punishable anyway. A pregnant suicide is always of unsound mind.

4) When abortion was illegal, most women who now get one would not have. They say so to pollsters, and I believe them. Americans are mostly law-abiding, which is why the Civil Rights Act did change so many minds.

5) All abortions in America are illegal anyway. It is a newly-proven scientific fact that all abortions, even with the IUD or with RU-486, are death by torture and that all women who choose one are child-abusing mothers for that reason. To make abortion legal, the doctor should be required to ask the mother which painkiller he is to inject into the baby (or the cord) so he will not feel the pain of being ripped to shreds, of being burned to death, of being strangled with his own cord, or of having his skull ripped open and his brain sucked out. Then abortion would no longer violate the cruelty-to-animals laws of all fifty states.

6) If a woman's life is 75 years, as the Census bureau claims, then nine months is not all of it, it's only 1 percent. I think a woman should be told that she put the baby there, and she can spend 1 percent of her life cleaning up the mess she made and the baby didn't. Rape is the only crime McCarthy thinks the child of the criminal should get the death penalty (death by torture), but the criminal himself shouldn't.

McCarthy is misrepresenting my position by lying about all six of my reasons. It's not her body she's deciding about, she's killing a stranger she never met, and murder should be illegal. So long as embryo transplant is possible, abortion should be too. Tell the surgeon to put the baby on the small bowel of the adoptive parent. Even a father can carry a baby on the small bowel.

Please correct the fraud you have published.

Rachel Rempel
Newberg, Ore.

Sarah McCarthy responds: Even a half-sane woman should have more rights than a cell clump, though she might not be able to write a sensible letter to the editor.

Advice

The Intelligent Person's Guide to Voting for President

Who to vote for, and why.

George W. Bush: Winning a Battle in the War for Freedom

by Bruce Ramsey

Libertarians have argued that casting a vote is of such moral weight that a libertarian should not soil himself by doing it, and conversely, that one vote is worth nothing anyway. More often, they argue that the purpose of an election is to find the candidate most like oneself, and to mark an "X" there. But the purpose of an election is to select a winner. The purpose of voting is to influence that selection.

I think of an election as a battlefield. The citizens come to the battle, each armed with one gun and one bullet. They can fight on either side or no side. Each is free to declare that all battles are wicked, that nobody is worth fighting for, or that one bullet will not count. Each can shoot straight up or not shoot at all. But the battle *will* be fought, and the winner will be decided by the citizens who shoot at the enemy.

When the polls say 42 percent of the people are for Bush, 42 percent for Gore, 3 percent for Nader, 1 percent for Buchanan and 1 percent for Browne, it is clear that this is a battle between Bush and Gore. They are your choices. To vote for Nader, Buchanan, or Browne is to shoot your bullet in the air.

That would be okay, if it made no difference whether Bush or Gore won. But it does. Consider:

• Taxes. Bush proposes to cut taxes by 1.5 percent of the GDP by reducing the brackets from the present range of 15-39.6 percent to a new range of 10-33 percent. Gore proposes a much smaller cut, with all cuts "targeted" to people whose behavior Gore likes.

• Medicare. Bush proposes a change from government insurance tax-subsidized vouchers for buying private insurance. Gore proposes more government insurance.

• Education. Bush is in favor of charters and vouchers. Gore might accept charters, but mostly he just wants to spend more on the government system and create a universal government kindergarten.

• Social Security. Bush wants to divert part of your Social Security tax to a private account, cutting the government benefit; Gore wants to maintain the benefit, subsidize it with your income-tax money, and create an add-on system of private accounts with matching welfare grants.

At every point, Gore wants you to become more dependent on government. None of Bush's proposals brings utopia, but each increases your freedom and in a strategic way that opens the door for other reforms later on. As the alarmed "progressive" Jonathan Chait argued in *The New Republic* on Sept. 14, Social Security "provides an enduring connection between the average citizen and the national government." Private accounts weaken that connection, thereby weakening the feeling by voters that government will take care of them.

To vote for Nader, Buchanan, or Browne is to shoot your bullet in the air. That would be okay, if it made no difference whether Bush or Gore won.

But it does. At every point, Gore wants you to become more dependent on government.

Is that not worth voting for? Is that not a step toward

what you want? A libertarian might say, "Well, Harry Browne will go all the way to what I want." But Harry Browne is not *going* anywhere. And if your choice is between Browne and Bush, consider: A vote for Bush cancels out a vote for Gore; a vote for Browne doesn't. In a close election, a 1 percent vote for Browne could tip the election to Gore.

Bush will not bring revolution. But you'll get a chance for new Supreme Court justices more likely to limit federal power, to approve school vouchers, and to preserve private rights of assembly. They might end abortion rights, but I doubt it: the Republican radicalism on abortion is all talk, and even the court's conservatives have shown no inclination to jettison *Roe* v. *Wade*. Bush's statement in the first debate saying that he would not try to overturn the FDA's approval of the abortion pill confirms this.

Under Bush, you will not get any break in the drug war, but you won't under Gore either. That's simply not in the range of possibilities in the year 2000. But you'll almost certainly see the end of the 55 percent estate tax; a bit of Woodrow Wilson's egalitarian meanness. You have a far lower chance of weird new rules on wetlands or strikebreakers, or new attacks on smoking, homeschooling, or guns. You are less likely to get a foreign war for some "humanitarian" reason, though you might get one for oil.

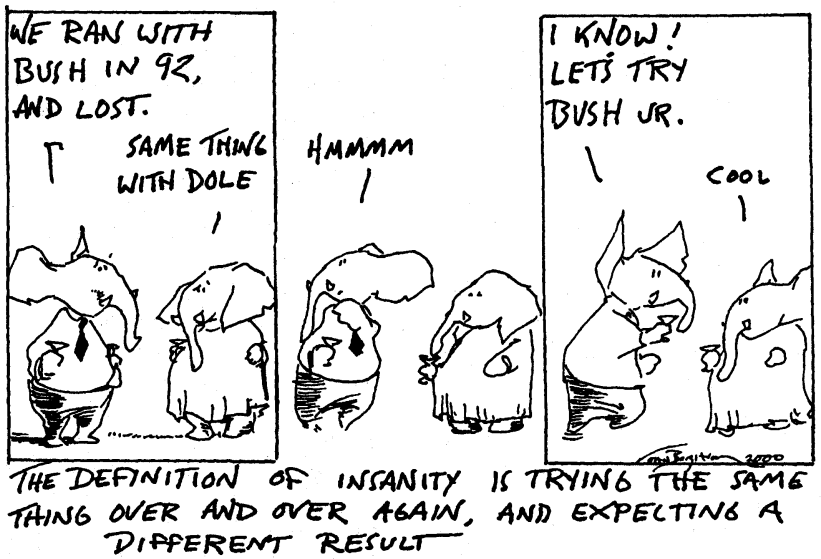

Yes, Bush can be sappy. I can imagine him lecturing us all, Clinton-style, in how we've got to read aloud to our kids. But I'd rather have Bush lecturing me than Gore. Bush does it because he wants to do good. Gore does it because he likes giving instructions.

Al Gore: Only He Will Protect Our Rights

by Sarah J. McCarthy

"The elephant's in the bedroom
throwin' all his weight about."
— Mick Jagger

Though women in the 1996 presidential election voted for Bill Clinton over Bob Dole by a margin of 18 percent, and some polls in the 2000 election show a gender gap as wide as 38 percent, Republicans are still in denial about the extent of their problem with women, particularly younger women and single women.

Columnist Camille Paglia explains it this way: "There is little in the Republican platform that I as a pro-choice feminist Democrat can identify with. There is something very wrong with a party that has stifled and stunted one of its brightest stars, Gov. Christie Todd Whitman, because of her moderate views on abortion. Whitman, whose articulateness and command of the issues far surpass Bush's, should have been our first female president."

My own sentiments exactly. Pollsters at the *Pittsburgh Post Gazette* found that in early September, in the key swing state of Pennsylvania, large numbers of educated GOP women in the wealthy Republican counties around Philadelphia had defected to Gore. "With that constituency, abortion is hurting Bush," says Kathleen Jamieson, Dean of Communications at the University of Pennsylvania. The GOP plank to end abortion with no exceptions was discussed at length in the Philadelphia news media during the convention. "Voters here know just where Bush stands," said Jamieson.

Where Bush stands is squarely under the thumb of religious conservatives, trading off women's rights to life, liberty and the pursuit of happiness in favor of the rights of embryos, fetuses, and one-hour-old cell clumps; whose right to life, we are told, shall remain uninfringed. The GOP platform says Republicans will seek a constitutional amendment that outlaws all abortions, without exceptions for even rape, incest, or the life of the mother. With the next president likely to appoint three new Supreme Court justices, women's constitutional rights will be under an assault if social conservatives prevail.

Al Gore's braggadocio about being the real star of *Love Story* and inventing the Internet pales in comparison to the Big Lie of the GOP platform written by militantly anti-choice Republicans who expect us to believe that they would allow their wives and daughters to follow the rules they are making for the rest of us. Does anyone believe that these politicians would force their teenage daughters to die in childbirth, or their wives to continue a pregnancy forcibly injected into them by a street thug? And more importantly, would anyone vote for them if they did?

The GOP gender problem is not only with the choice issue per se, but with the 20 year no-compromise political strategy on a wide array of reproductive rights issues that have systematically driven women out of the party. When voting for George Bush, we are voting for a team whose religious beliefs, across the board, mandate second-class status for women.

One of the first acts of Bill Clinton's presidency was the

repeal of the free speech restrictions that his Republican predecessors had attached to international family planning assistance. In contrast, one of the first acts of the GOP platform at the 2000 Republican convention was to toughen the language against gay rights and family planning counseling for teens. Compassionate conservatism has wilted by the wayside, the GOP presidential candidate once again rolled by the religious right.

Rick Santorum, Pennsylvania's brash and arrogant young Republican senator who has led the fight in the Senate for a partial-birth abortion ban, is one of those who believes himself capable of being Big Brother, writing legislation that calls the shots over the hospital gurneys of pregnant women. Despite his own experience with his wife being within hours of death due to a beleaguered pregnancy, and seeing firsthand the difficulty of predicting medical outcomes, Santorum believes that male politicians in Washington should mandate the medical procedures of women's pregnancies.

Although it claims to be the party of limited government, the Republican Party reaffirmed its position as a reactionary advocate of intrusive government in the most crucial, private and personal areas of our lives.

In her column in *The Philadelphia Inquirer*, "He's a Senator, Not a Doctor," Melissa Dribben writes that "Santorum is getting closer by the day to forcing his will on this country. His will, his religion, and his personal code of obstetrical ethics."

Though Sen. Tom Daschle (D.-S.D.) argued for a compromise in the late-term abortion bill that permitted the procedure if there was "grave risk to the health of the mother," Santorum refused to negotiate, saying he didn't think the "grievous injury" language was tight enough. In the first of the presidential debates, Al Gore reiterated the position of the Clinton administration, and of Christie Todd Whitman, saying he would sign a partial birth abortion ban only if it contained an exception for the mother's health.

But despite the possibility that the gender gap will determine this election, the medieval wing of the GOP is hellbent on attacking women's constitutional rights. A review of GOP politics assures us that Tanya Melich's book, *The Republican War on Women*, is not hyperbole.

Melich, a longtime GOP activist, documents the divisive strategy pressed by the religious right that intensifies the hostility between the sexes resulting in today's gender gap. "At the last millennium, women in most parts of the world were the property of men," she writes. "They were prisoners to the religious doctrines and superstitions that kept them subservient, categorized in men's minds as either goddesses or whores. A thousand years later, America's women have not only been the guiding light for women around the world seeking opportunity; they and their male allies have been the political bastion against the right-wing sickness infecting this country's politics."

The 2000 election is the first time in the 84-year-old history of Planned Parenthood that it has engaged in presidential politics. The organization has launched a broad and unprecedented $10 million advertising and mail campaign aimed at defeating George W. Bush because of his position on abortion. Gloria Feldt, president of the Planned Parenthood Federation of America, said she was initially inclined to believe that Bush did not feel strongly about abortion. But, she said, "The more I have listened to him, the more I talk to people who know him personally, the more I have been convinced that he is adamantly against abortion and that a woman's reproductive rights will be threatened if he is elected."

Feldt says the campaign will target "compassionate conservative" pro-choice women — moderates and independents — who would be disinclined to support Bush if they understood his position. One spot features four Republican women stating why they could not support Bush, and a second features a female health care provider. "George W. Bush does not trust women to make their own choices," the woman states. Planned Parenthood will now spend $7 million on three to four spots in seven states — Florida, Pennsylvania, Michigan, Missouri, Washington, Nevada, and Oregon.

This November, for the first time in two decades, I will join those on the side who believe that women have a right to own their own body and determine their own destiny. The Founding Fathers were in flight from the tyranny of oppressive religion, and they knew full well the dangers of a theocracy. In the year 2000, some of us must still flee it.

Like the Tracy Chapman lyric, "Give me one reason to stay here and I'll turn right back around," I would strongly prefer to vote for George W. Bush. I like him better, his plan to partially privatize Social Security would be a boon to young workers, and he has a good record of tort reform in Texas. When it comes to economic freedom, the Republicans are the better choice, but in the area of women's rights, gay rights, and reproductive freedom issues, such as with family planning counseling, the GOP team is comprised of numerous politicians held hostage to an uncompromising voting bloc of religious conservatives, making it the party of more intrusive government.

Despite their tyrannical bent, social conservatives have added much to society's discourse on the complex morality of abortion. It's a pity they have so ensconced themselves in

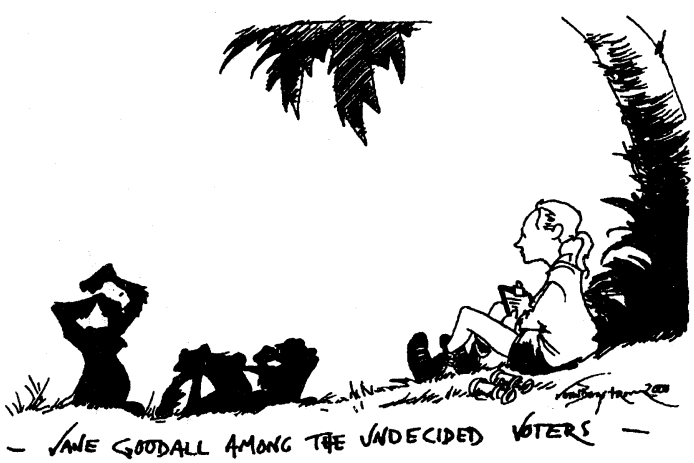

extremist and inaccurate rhetoric, reactionary policies and take-no-prisoners politics that drive people into the arms of the opposition. Abortions, particularly late-term abortions, when the cells within have truly developed into a baby, whether they be done by partial birth procedures or otherwise, should be mostly illegal, and *Roe* v. *Wade* itself outlaws such abortions. If pro-lifers had agreed to the phrase "health of the mother" in the partial birth ban debate, the United States would now have a law banning late-term abortions; but religious conservatives are holding out for their ultimate goal — to empower the government to outlaw and enforce extremist abortion laws that permit no exceptions.

Social conservatives would do better persuading and educating women and teenage girls against abortion, informing them of the negative aspects, the essential violence of abortion and its tragic and irreversible consequences, as well as the possibility of lifelong guilt. A friend recently told me that each year on the anniversary of her friend's abortion, she cries remembering that her aborted son would have been X number of years old. Pictures are worth a thousand words, and anecdotes such as that can be as powerful as any law.

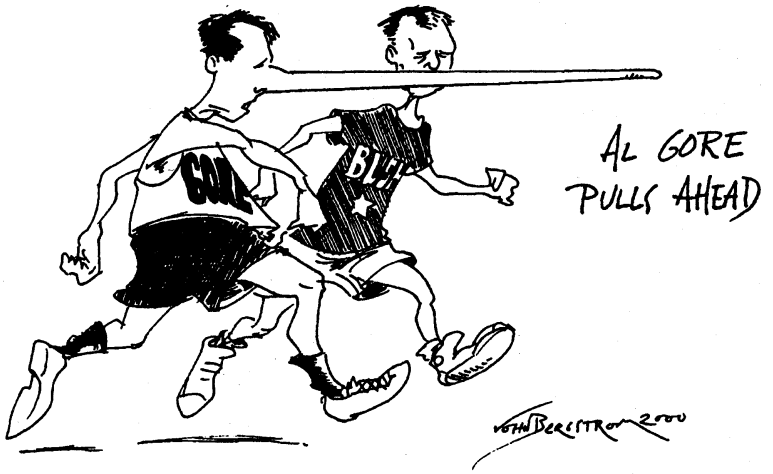

We can only surmise how the soccer women and the undecided "fluids," as they have been called, will vote. But watching Al Gore in the first of the presidential debates convinced me that Naomi Wolf, despite the tittering of the dittoheads, had succeeded in turning Mr. Gore into an alpha male. During the debate he seemed to have been transformed from a condescending robot into a vigorous man, albeit an obnoxious one.

Who can say what kind of president the soccer people will vote for, but body language matters and, particularly on a split screen, actions speak louder than words. If they want a strong man that sticks up for their rights, subliminally speaking, Al Gore's their guy. In the first debate, he was snorting air, full of life, stomping his foot on the ground, and blowing steam, even stallion-like. He was chock full of ideas and elbowing his competition. He was chomping at the reins and hard to control. He was a maverick breaking out with his stunts and hijinks and Chevy Chase grimaces. A friend told me she was waiting for Tipper to run out on stage and throw a wet blanket over him and guide him quietly off stage.

The victim-fibs about the deskless schoolgirl who had to stand and the old lady who drove her Winnebago cross-country collecting cans for pills have become Al Gore's Tawana Brawley lies — none of what he said was true, but it could have been. Like most alpha males, he was a rule breaker. In short, he could be the leader of the pack! Vrrrooooom, vrroooom!

Most Americans are sophisticated enough to reject lurid sloganeering and one-size-fits-all solutions to complicated political issues. For me to vote for George Bush, he would have to be bold and daring and nuanced enough to announce that he would sign a partial birth ban only if it included an exception for the mother's health. He'd have to demonstrate that he is brave and independent enough to appoint pro-choice women like Gov. Christie Whitman to high office. Unless George W. has a Sister Souljah moment and tells the Christian Coalition to get their mind right, I will be voting for Mr. Ed, whoops, I mean Al Gore.

Because it's easier to ridicule than to develop policies that will attract women — who have inherently different biological and cultural roles than men, and are therefore likelier to favor reproductive rights and other safety net issues — Rush Limbaugh has convinced the troops that America's soccer moms have yet again taken leave of their senses, aroused by the spectacle of Al Gore kissing his wife. The same guys who were in a frenzy to end a presidency because of a blow job are now calling women nuts if they vote for Gore because of a kiss! A caller to Rush's show insisted that Al's kissing of Tipper was seen by her as a symbol of precisely that which the right-wing guys have been clamoring for — Family Values and, yes, Character!

Ho, Ho, Ho, laughed Rush. What does loving his wife have to do with running the country or with foreign policy, he chortled. I could hardly believe my ears. Conservative callers chimed in: What dumb clucks these soccer women are, they laughed. It's fun to laugh at women, but don't these guys know they need us in the election? It's called democracy, stupid.

It's nearly impossible now to imagine, but there was a time when the GOP's Big Tent had room for suffragists. But in the year 2000, if women cost the Republicans another presidential election, don't be surprised if they write in a plank suspending another of our constitutional rights — the right to vote. Meanwhile, will the last aroused airhead soccer woman to leave the GOP please turn out the lights?

Ralph Nader: A Shortcut to a Nation Living Free Again

by Joe Dabulskis

Probably the most compelling reason for a liberty-loving voter to bother to vote at all is the hope and prayer that our country will return to the ideal expressed in our nation's first founding document, the

Declaration of Independence: the notions that "all men are endowed with certain rights, that among these are life, liberty, and the pursuit of happiness," and that "governments derive their just powers from the consent of the governed."

History is chock full of evidence showing that people are able to bear a great deal of tyrannical government. In fact, they are also quite willing to stand for atrocities from their government that they would not tolerate if their fellow citizens did the same.

For example, the people of the Soviet Union tolerated totalitarianism for 70 years. Then in 1989 they finally said "No more!" The Berlin Wall then came down, and with it the government of the Soviet Union.

Ralph Nader stands head and shoulders above the rest. He is the most effective catalyst, a man who can change people's perceptions of government the fastest and the most. He can speed the recovery to freedom.

The people of this country are every bit as capable of enduring hardship as the peoples of other countries and of other times. Our present government continues to grow and become more intrusive year after year. Americans accept government atrocities such as the Drug War, with its vast imprisonment of people guilty of non-violent, victimless "crimes." We accept government intrusion in more and more areas of our personal lives. We barely make a peep when our government kills innocent people at Waco, bombs pharmaceutical factories in the Sudan, or kills civilians in foreign countries.

It's not likely that our present government could have evolved in any other way but slowly. Had the changes been attempted all at once, the people would have rebelled. Only by a multitude of small incremental steps are those in power able to get away with ever increasing control over the population. The process is a slow one.

Until the people of this country reach the point of "No more!" they are likely to go along with the continually expanding growth of government. Those of us who love liberty and desire a free country in our lifetimes should consider this sad state of affairs. We may need to accept the bitter medicine, that things are most likely going to get worse before they get better. We need to do all that is possible to speed the recovery to freedom. We may have to accept that the sooner it gets worse, the sooner it can get better.

Who better than Ralph Nader to make things worse as quickly as possible?

Of all the presidential candidates, Ralph Nader stands head and shoulders above the rest. He is the most effective catalyst, a man who can change people's perceptions of government the fastest and the most. He can speed the recovery to freedom. Electing Nader would surely go a long way towards convincing the population of the folly of trusting government. When everyone has to drive Ralph's favorite car, instead of their own favorite, boy, will they rebel.

Pat Buchanan: The Best of the Lot

by Bill Kauffman

The last time I could have conceivably cast ballots for any of three candidates in a presidential election was 1924, when voters faced the not unpleasant choice of Battling Bob La Follette, the gutsy antiwar Progressive; John W. Davis, a constitutional Democrat (okay, he was also a lawyer for J.P. Morgan, but as Al Gore's chief fund-raiser warbles: "What's too painful to remember we simply choose to forget."); and Calvin Coolidge, who, in H.L. Mencken's memorable phrase, had no ideas and was not a nuisance.

On November 7, 2000, we may choose among a new trio of eminently vote-worthy candidates: Pat Buchanan, Harry Browne, and Ralph Nader. Yes, the 1924 triune tallied about 100 percent of the national vote, while this year's threesome will be lucky to hit 8 percent, but that's not my fault.

I voted for Harry Browne in 1996 and could happily do so again; I agree with much of Nader's critique of corporate capitalism, if not his prescriptions, but then discount prescriptions are this year's chicken in every pot; and even the Socialist Party has nominated a dignified pacifist, David MacReynolds, whose foreign policy is solidly in the American grain. These three men make Albert Gore, Jr. and George W. Bush look like, well, Albert Gore, Sr. and George H.W. Bush, which is to say like complacent mediocrities who have no quarrel whatsoever with the Empire that has replaced our American Republic.

Pat Buchanan makes George McGovern look like Curtis LeMay. And he understands that the forces of globalism, governmental and corporate, are waging war against small places, regional cultures, and rooted people.

Ah, but that phraseology gives my choice away. I will vote for Pat Buchanan, despite my disagreement with significant planks in his platform, for two reasons. First, he is the most incisive critic of the American Empire this side of Gore Vidal. In the event of a providential lightning strike and Buchanan victory, he will bring home the troops, all of them — all of them — home from Europe, Asia, and the Middle East. This is the most radical peace platform of any semi-major candidate since the great La Follette. His ill-advised saber-rattling against China aside, Buchanan makes George McGovern look like Curtis LeMay.

Second, Buchanan, like Nader, understands that the forces of globalism, governmental and corporate, are waging war against small places, regional cultures, and rooted people. The mobile and placeless — that is, everyone in a posi-

tion of responsibility within the Gore and Bush campaigns — do not give a damn if small towns and neighborhoods are homogenized and devitalized by the likes of Disney, CNN, and Wal-Mart — and don't give me that singsong about Wal-Mart, which battens on government favors and wouldn't even exist if not for the grandest public-works project of them all, the Interstate Highway System, being the flawless progeny of the free market. The next great divide in American politics is between the globalists and the localists; libertarians will be found in both camps. For my part, I believe that liberty flourishes in self-confident small communities with distinctive cultures, not in a hive of TV-numbed consumers who wear the same clothes, speak in accentless voices, and know nothing of their land, their history, or anything beyond the price of Nikes at Foot Locker and the name of Melissa Etheridge's test-tube baby.

I will cheer every vote received by Browne, Nader, and even MacReynolds, but my right index finger (or, rather, that of my six-year-old daughter, who casts my secret ballot) will pull the lever for the witty, honest, and patriotic defender of the old America and enemy of the Empire, Pat Buchanan.

Harry Browne: For Liberty

by R. W. Bradford

There are two different rationales for voting for one candidate rather than another: either you think your vote might help elect a candidate who is substantially preferable to his opponent, or you want to make a political statement. For me, deciding how to vote is most difficult when these two rationales conflict, when one major party candidate is clearly preferable to the other, but there is also a more or less hard-core libertarian on the ballot.

One is tempted to call the argument to vote for the less-bad major party candidate a question of whether one should vote for the lesser of two evils. In this election, the quasi-evil George W. Bush or the more-evil Albert Gore Jr. But, as is the case in most elections, it is also a question of voting for the lesser of two goods: semi-good George Bush *vs* very good Harry Browne.

Ever since 1972, I've eschewed the moral sophistry needed to choose between the major party presidential candidates and have voted for the Libertarian Party candidate, even when I had to write in his name. But I can't say that I haven't been tempted. I can understand the reasoning that leads others who value human freedom to vote for major party candidates, and even for non-LP fringe candidates. And I have chosen between Republicans and Democrats in races where there was no Libertarian alternative.

Actually, I exaggerated slightly when I said I've eschewed the moral sophistry needed to distinguish between Republican and Democrat presidential candidates. With the possible exception of the 1980 election, the differences between the two major party candidates have been so slight that I've faced no real temptation to vote for either of them — and the leads in the pre-election polls have been so substantial that the outcome would not be effected if every libertarian in the country voted for one candidate or the other. Even in 1980, I ignored the differences between Carter and Reagan and cast my ballot for LP candidate Ed Clark because it seemed plausible that the LP might get enough votes to enable it to emerge as a significant force in American politics. Any hope of that happening was dashed by the 1984 debacle.

At first glance, this year's election looked like a hard choice. The two major candidates are very close in the polls and make claims of substantial ideological and policy differences. And there is a wider variety than ever of plausible and semi-plausible alternatives to the major candidates. It is possible to make a libertarian case for Bush, Gore, Nader, Buchanan, Browne, Phillips, Hagelin, and even Socialist David MacReynolds.

Bush would end the dreadful death tax, perhaps the most outrageous of all federal taxes. Its rationale is pure envy. After working one's entire life, paying taxes on income ranging from 15 percent to 92 percent, should one be compelled to fork over to the government 66 percent of what he wants to leave to his heirs?!? In addition, Bush calls for smaller government and less regulation, and promises to nominate "strict constructionists" to the federal bench. All this is to the good.

Gore wants to keep government out of the business of regulating women's pregnancies, a particularly pernicious example of government meddling if ever there was one. In addition, he wants to pay off the government debt. And, like Bush, he calls for smaller government.

Nader calls for ending the War on Drugs, the most horrific invasion of individual rights in America today. Buchanan calls for an end to America's aggressive (and expensive) foreign policy. Phillips wants to get rid of the income tax. Hagelin wants to cut government spending. MacReynolds joins Nader, Buchanan, and Browne in calling for an end to American aggression overseas. And Browne is right on just about every issue.

The problem with all these candidates but one is that they also have major negatives.

Bush and Gore, for example, call for smaller government but advocate bigger government when they get down to details. On the two issues in the campaign that are getting the most attention, education and prescription drugs for old people, both candidates call for bigger government.

On education, Bush calls for a vast increase in federal regulation, even mandating that local school districts administer certain specific tests, and subjecting them to different sorts of federal regulation based on how well students score on those tests. Gore, on the other hand, wants the federal government to provide additional funding to the states while leaving public school teachers — who, not coincidentally, donate substantial money to Gore and vote for him in droves — free from interference by their local school boards.

Gore calls for the government to pay for all prescription drugs for old people, while Bush wants the government to buy prescription drugs only for old people who are poor. To put this differently, Gore wants to socialize prescription

drugs, whereas Bush merely wants to make drugs a welfare right. Both of their plans call for a substantial increase in the size and power of government. (Not surprisingly, old people are the segment of the electorate most likely to vote, and most sensitive to its own economic self-interest.)

Both Bush and Gore support the war on drugs and talk about making it more atrocious than ever. Both call for continuing America's aggressive foreign policy. Both make threatening noises about sex and violence in the movies; apparently they respect (or fear) the Bill of Rights enough not to impose censorship unless Hollywood doesn't cave in to their threats (or, in Gore's case, make sufficiently large donations to his campaign).

The differences between Bush and Gore are not substantial enough to induce me to abandon the practice of using my vote to make an unambiguous statement of what I believe.

The differences between Bush and Gore are not substantial enough to induce me to abandon the practice of using my vote to make an unambiguous statement of what I believe. Even if there were a substantial difference between them, it's unlikely I would consider voting for either anyway, since by election day I expect the polls to show a substantial lead for Bush. More than six years ago, I went on record predicting the GOP nominee would win this election and I haven't seen anything to undermine my confidence since.

And none of the fringe candidates holds anywhere near enough appeal to get me to abandon the Libertarian Party candidate, Harry Browne. Nader's and MacReynold's lunatic socialism, Hagelin's goofball Eastern mysticism, Buchanan's sheer nastiness and opposition to free trade, and Phillips' belief that women who get abortions to save their own lives ought to be prosecuted as murderers preclude my choosing any other fringe party alternative. I'm voting for Harry Browne.

R. U. Sirius: Mock the Vote

by R. U. Sirius

Sometimes Harry Browne or Ralph Nader isn't enough. Faced with the most arrogant, prearranged, undemocratic Republicrat presidential campaign in recent U.S. history, the only possible response is: "R.U. Sirius?" Rather than sounding a polite note of protest, why not hoot your derision, and say what you really mean, by writing me in?

It wasn't my intention to be a write-in candidate in this election. I hoped that the thousands of mostly (very) young members of the political party I formed, The Revolution, might get it together to put me on some ballots. Heh. Take my advice, never try to start a political party for slackers. It's a self-canceling proposition. I can't blame the kids too much, they responded to my battle cry for anti-politicos in an appropriately Taoist fashion.

But, as they say, it ain't over 'til the fat lady gives head to the President. Er, better make that, it ain't over 'til the fat lady shreds what's left of the Constitution. I've come to see the very act of demanding a write-in ballot at the polling booth as an alternative to voter passivity. Writing-in is an act of individual courage. Write-in voters separate themselves from the common herd by forcing beleaguered poll-workers to take special orders. Demanding a write-in vote is like sending your steak back at a busy restaurant because it's overcooked. Hell, it's like demanding a better menu!

Now, some of you might quibble. A name, even one as inspiring as R.U. Sirius, might not provide you with reason enough to throw away that all-important Browne vote. Even our market-tested slogans, "Victory Over Horseshit!" and "Derision 2000: Mock The Vote," might not be enough to win you over. You might actually want to know about this candidate's politics.

Indeed, people frequently ask me what would be my first act if I were to find myself victorious in this election. I think the answer is obvious — I'd get assassinated!

Seriously though, I am the only candidate who is on the other side in the culture war. I *like* drugs, sex and obscene rock and roll. I think Eminem's funny. The fact is, 30 million Americans buy pornography each year, another 30 million Americans listen to Ice T, Eminem, and Nine Inch Nails, 24 million Americans enjoy recreational drugs, and every kid in the country plays with violent video games. Yet Gore, Lieberman, Bush, and Cheney want to go to war against the people's recreation.

Demanding a write-in vote is like sending your steak back at a busy restaurant because it's overcooked. Hell, it's like demanding a better menu!

Believe me, if I had half the money the Gore campaign has I could get more people to dance naked to the polls to vote for me. And while Browne and Nader appeal to political activists, The Revolution aims to be a party for the left-behinds. As we all know, the vast majority of potential voters (especially the young) don't go to the polls. But they vote against America's new cultural ayatollahs every day with their credit cards and their remotes. The American people may not have the political sophistication to defend their enjoyment of hip hop, Tarantino, pornography, marijuana, and *South Park*, but they're smart enough not to vote for those who attack them.

There is a strange gap between culture and politics in this country, and I suspect that the majority of non-voters fall into that gap. We prefer music, art, friendship, business, sports, entertainment, even a poke in the eye with a sharp

stick to politics. But the politics of our culture are anti-authoritarian in essence. We culture people are non-fanatical radicals. We shrink from self-righteous ideologically-pure politicos. We pine for good-natured, well-rounded advocates.

It stands to reason that self-righteous, inflexible, single-minded, authoritarian, true believers are politically organized. Open-minded, flexible, complex, ambiguous, anti-authoritarian people would just as soon be left to mind their own business. So, while politics is run by the rigid, in our culture, irreverence rules and free communication has escaped the boundaries of polite bourgeois society. Bill Bennett and George Will are in a snit because the underclass — racial minorities and white trash — has captured the popular airwaves. Meanwhile, Joseph Lieberman, Tipper Gore, and Ralph Nader blame the corporate media companies who sell us this "poison." Clean, wholesome entertainment and art are, of course, mandatory in fascist and Stalinist states. Among America's youth, they're barely tolerated.

So I hope some of you will check out The Revolution, and join me in creating a broad-based political organization for non-ideological antiauthoritarians from across the political and post-political spectrum. And on this Election Day, get together with a group of friends, throw a party, then strip down to the bare essentials and run, walk, wobble, or crawl down to your polling place, demand a write-in ballot and just say R.U. Sirius.

Your Best Choice: Stay at Home

by John Haywood

The two most commonly cited reasons to vote, that voting makes an important statement and that people should participate in government, seem to me to be reasons *not* to vote.

People tell me I should vote in order to make a statement. As someone who believes that government should be much smaller, voting would present a conundrum in this election. George W. Bush claims to be for smaller government, and many people will vote for him because of this; I find this baffling since his specific proposals and his record both seem to indicate he's in favor of bigger government. Harry Browne and L. Neil Smith represent slightly stronger limited-government statements: they're both clearly for reining in the government's power; however, since it seems likely they'll only receive very limited support — perhaps a million votes for Browne, tops, and many fewer for Smith — a vote for either doesn't seem a very strong statement either.

If history is any indication, half of all eligible voters will decline to vote in this election. While some commentators may paint this as ignorance and apathy (as, in some cases, it probably is), it demonstrates how many people de-emphasize politics in their lives. To me, this is the stronger libertarian statement.

Beyond the particulars of this election, voting in general seems a poor way to make a statement. After all, were I to vote, my vote would be lost in the ballot box; nobody else would know who cast that vote, or why. Instead, I chose to become a professional writer as my means of political expression. Granted, few people may have the inclination or the time to hone their talents to the extent needed to do the same, but anyone who can spare the time to write a letter to the editor or create a webpage can also put his ideas before the world. Even conversing with friends can be a more effective means of political expression than voting. People who don't want to persuade others directly can still express themselves by volunteering or donating to a worthy cause. All of these forms of expression have advantages over voting: you don't have to remain anonymous, you don't have to give the same level of support as everyone else, and you aren't stuck with choosing among the very limited options on the ballot.

Voting means participating in the process in a way that rubs against my libertarian streak.

Of course, there's more to voting than making a statement. How many times have we all heard that we should "vote because it's your civic duty to participate in the process"?

I don't get this argument at all. The government takes a huge bite of every dollar we earn, a smaller bit of every dollar we spend and regulates every aspect of our lives. . . . Isn't putting up with all this enough of — really, too much of — a civic duty to expect of people? No. We're expected to add to that burden the time and effort it takes to become fully informed on all the issues and all the candidates' stands.

The act of voting itself means participating in the process in a way that rubs against my libertarian streak. I firmly believe that the people who make up the government as it exists today hold more power than any people should have. To vote would be to participate in that government — this is the crux of the argument for voting. It would mean taking for myself something that nobody should have. By voting, I'd be asking others to renounce political power by grabbing political power for myself. I would be saying "do as I say, not as I do." ❑

"A self-made man, eh? — I think you used too much yeast."

The Art of Lying

by Stephen Cox

As the new century begins, the oldest technique of political science gets some new twists.

On October 8, the *Washington Post* broke its long tradition of lying in support of the Democratic Party. It printed an informative article (by staff writers David Von Drehle and Ceci Connolly) about the seemingly pathological lies of Democratic candidate Al Gore.

True, the *Post* was up to its usual tricks when it titled the article "GOP Homes in on Gore's Credibility." The title drags the hapless Republicans into the problem, as if their aggressiveness, instead of Gore's slaphappy way with the truth, was the cause of it all. The ability to come up with stuff like this is what keeps the Eastern establishment so well established. Yet the article's conclusion offered a devastating portrayal of the Democratic candidate:

> An aide warned Gore in 1988 that his image "may suffer if you continue to go out on a limb with remarks that may be impossible to back up." [How would you like to be an aide of Al Gore? You can tell how scared his employees must be of him.] But Gore has not proved able to heed that advice — not every day, day after day. At times, especially when he gets swept up in battle, Gore seems hard pressed to resist an impulse to gild the lily.

It's a remarkable image. We see the poor Vice President struggling futilely, "every day, day after day," with the insupportable burden of telling the truth. Constantly tempted to retail outrageous, ridiculous falsehoods, Gore grits his teeth, clenches his fists, and tenses every nerve, resisting, resisting, resisting the evil impulse. But once the tide of battle is up, once he sees that mad Republican mob come boiling over the hill, resistance is futile. The stout heart falters, the ruddy complexion pales, the great man gasps . . . and out pops some enormous lie. Gore "gilds the lily."

But when I studied that final paragraph, I thought of a slightly creepier image. The authors' remarks reminded me of the scene in *Who's Afraid of Virginia Woolf?* where poor Martha, cursed by a sick obsession to dramatize herself by telling silly stories about a nonexistent child, describes her heroic but failed attempts to keep herself from lying. "'I forget,'" she says:

> Sometimes when it's night, it's late, and everybody else is talking, I forget . . . I want to mention him, but I hold on, I hold on . . . I wanted to so often, but Georgie pushed it. There was no need, there was no need for this! I mentioned him, all right, but you didn't have to push it over the edge...

It all fits. Gore the obsessive imaginer of his own world, a world in which he seems so much more than he really is, so much more than a sheltered, pampered, intellectually barren, increasingly nasty little nerd, perpetually longing to *do* something, to *produce* something, something really *big*, and taking his failure out in pathetic lies. I invented the Internet, I didn't know it was a fund-raiser. . . . And when he's caught in a lie, it's all because Georgie *pushed* him.

Gore appeared on television on October 10 to "joke" about his first debate performance, in which he had made himself look like a liar and an aggressive prig to boot. Vaguely aware that something had gone wrong with his image, he now promised to refrain from "negative personal attacks." (All attacks are negative, but when you're a politician, redundancy is always a plus.) Expanding on the idea, he promised not to engage in personal attacks *the way his opponent does*.

II.

We've all spent our lives (and you call that living?) listening to politicians flim-flamming the voters. In this department, the great innovation of the Clinton era has been the rise and domination of the Talking Point. Every day, the myrmidons of Democracy leave their burrows on Capitol Hill and make for the nearest television camera where, in

their thousands, they launch the same response to every question put to them.

"Senator Noxious, what do you think about the latest allegations of White House misconduct?" "Molly, the American people don't care about these allegations. What they care about is the real issues: health care, education, and President Clinton's plan to make every man a king and Hillary Rodham Clinton the Pope of Rome."

You know what I mean. The "what they care about" differs somewhat from day by day, just as the questions do. But on a given day, Clinton's people all say *exactly the same thing.*

The self-adhesion of the Clinton administration is a monument in U.S. history. Not one Clinton-appointed official has ever resigned in protest over the President's gross misconduct. Not one ever has ever rebelled against being ordered forth to pronounce a haughty X on Tuesday and a self-righteous not-X on Wednesday. "The President has never been accused of misconduct, but what the American people really care about . . . " often changes to "The President has already apologized for his misconduct, but what the American people really care about . . .," yet the people who say such things never change.

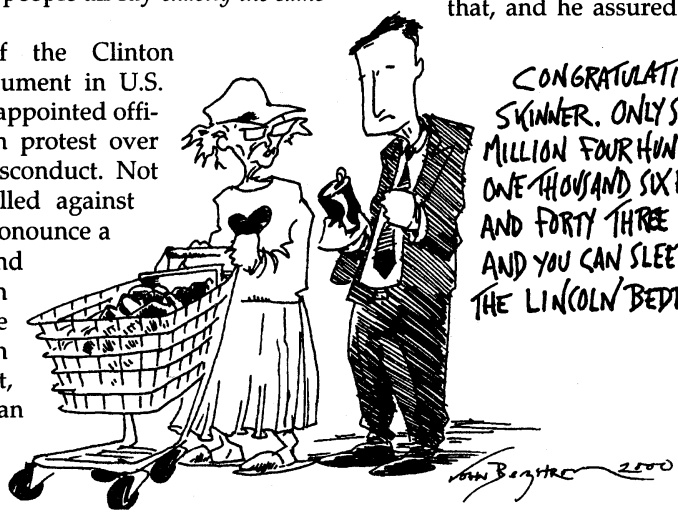

This is a new thing in America. It recalls nothing so much as the stratagems of the old communist regimes. Soviet officials used to respond to every straightforward question by denouncing it as an attempt to distract the world from the Real Issues. They sang in chorus: "What the people of the world really care about is peaceful economic development, not the accusations of a small group of dissidents in the Soviet Union." Like the Soviets, the Clintonistas reserve for themselves the ultimate political power, the power to decide what is important to other people.

Can you recall any occasion over the past four years when spokesmen for the Democratic regime have failed to change the subject when confronted with an interesting question? They are just as consistent as the Kremlin party hacks, and just as weird. One of the uncanny things about a ventriloquist's dummy is the illusion that inside its lifeless wooden skull there is something that not only thinks but believes it is thinking *cleverly.*

Caught red-handed in a series of stupid lies in the first debate, Al Gore faced the issue courageously. He conceded that he had gotten a few "details" wrong about this and that, and he assured the country that he was "gonna [sic] try to do better."

III.

Wonder of wonders, something actually happened in the second great "debate" of this presidential election season. A politician admitted — well, sort of admitted — that he was a liar.

Caught red-handed in a series of stupid lies in the first debate, Al Gore faced the issue courageously. He conceded that he had gotten a few "details" wrong about this and that, and he assured the country that he was "gonna [sic] try to do better."

Engrave that saying on Mount Rushmore. Inscribe it on the two-dollar bill. Write it on thy lintels; pour it daily in thy children's ears. Here is a man who is running for the highest office in the land, on the platform of *trying to do better.* He is gonna *try* not to *tell so many lies.*

This, of course, is a great deal more than most other politicians are committed to doing. But where else have you ever heard promises like this? Not from the people you work with, that's for sure. Anybody who told lies in that context, got caught, and then promised to try *not to tell so many,* would find himself out on the street before he had time to start any programs of self-improvement. He wouldn't be bucking for Chairman of the Board, he would be looking for the nearest unemployment office. And you wouldn't hear that kind of promise from your friends, either. If you're my friend and you want to *try* doing *better* at telling the truth, you can try your act on someone else.

We see the poor Vice President struggling futilely, "every day, day after day," with the insupportable burden of telling the truth.

The only person who could plausibly inform you that he's *trying* not to be such a terrible *liar* is a child who is younger than, say, 10 years of age. Only from such a child would such a plea be even marginally acceptable.

So here is Albert Gore, Vice President of the United States, son of a Senator, head of the party of Jefferson and Jackson, a man who has long been considered by all the brainiest people in the country as a person only a little less brainy than they themselves, here is Al Gore . . . and he is running for President by portraying himself as, at best, a particularly naive 10-year-old child.

Nice. Very nice. ❑

Left-Brained Politics

by David Brin

The Democrats often express ideas diametrically opposed to liberty, but it's the Republicans who really stand in liberty's way.

Who should a libertarian vote for this November? Bill Bradford put out his traditional challenge to editors and contributors, asking if anyone can make a case for Al Gore.

Always a sucker for a challenge, I'll make the effort here, before a hostile audience. In fact, there is a highly credible set of reasons why libertarians should not view the Democratic and Republican parties with equal disdain. Given an obligate choice between the two, a situation we hope eventually to change, any short-term decision between the two should be clear.

Democrats represent one entire wing of human approaches to problem solving: the "left-handed" approach of united tribal action that has always been an option, for good and ill, ever since we lived in caves, built pyramids and cathedrals, and feared the clan over the next hill. Democrats see problems, all kinds of human misery and wasted potential, and try using statist approaches, tax dollars and bureaucratic organization, to attempt solving them.

Now, what I just described is enough to make any decent libertarian's blood boil. The political agenda of libertarianism is to persuade citizens that this "left-handed" approach to problem solving is wrong-headed, inefficient, and immoral. Libertarians believe that problems of human misery and wasted potential will be much better solved by unleashing the creative energy of human entrepreneurialism.

Fine. That is a legitimate political position to take. Democrats and libertarians seem to be yin and yang. Opposites in their approaches to seeking a better world where all children grow up healthy and educated enough to compete with creative vigor. Let's start with that, with equal emphasis on both the differences and the similarities. Please bear with me.

Faced with problems like unclean drinking water, homeless families, Thalidomide babies, workplace accidents, and unsafe products; Democrats have over the years enacted a plethora of state-centered "solutions": the FDA, OSHA, FTC, and Consumer Product Safety Commission. Naturally, libertarians despise this alphabet soup of bureaucratic regulatory bodies. But let's admit that they have been ratified by the people, over and over again, through more than 50 congressional elections. Polls show that our fellow citizens deeply distrust bureaucrats in principle. But they also harbor a strong desire for the services these agencies provide.

Indeed, workplace accidents have gone down, air and drinking water are cleaner, products are safer. A homeless mother can get food for her babies. And whatever you think of the potential for improving the range of educational choices available to our kids, compulsory public education did result in the U.S. literacy rate rising from 15 percent to 95 percent during the last century, with college attendance rising from 2 percent to over half of the population. Libertarians can argue — with real cause — that other measures might achieve more with less waste. But compare the present society of rich, educated, and wealthy citizens to any other that ever existed. We'd be churls not to admit that Democrats have tried hard, with good intent, and sometimes achieved a thing or two with their crude statist tools.

Whether or not you agree with the preceding paragraph, let me reiterate: voters have ratified these measures repeatedly in free elections, by returning to office the legislators who created the agencies. It's been taxation with representation. That leaves you with only two options.

(1) Express the standard rant that most people today associate with "libertarianism" — self-righteously proclaiming purist contempt for the pitifully deluded masses. (A truly marvelous way to win their votes.)

(2) Realize that the problem isn't one of demand (for solu-

tions), but one of supply; that our fellow citizens have voted for inefficient, state-centered solutions for lack of being offered a suite of vigorous, plausible alternatives. The real tragedy, then, is not the Democratic Party's sincere activism. It lies in the failure of our political process to present a coherent suite of "right-handed" solutions that the people are able to believe in.

Think: libertarianism isn't *only* about raging against statism. It also can (or should) have a positive side, showing that real, aching problems can be solved through the "right-handed" approach of unleashing market forces. Faced with problems like unclean water, Thalidomide babies, homeless families, workplace accidents, and unsafe products; a thinking libertarian quickly concludes that one place to look for marketplace solutions in today's economy ought to be insurance.

Instead of simply bitching endlessly about government, why don't libertarians offer a real alternative to solve real problems?

If insurance companies actually competed, they would make their living by working hard to ensure that their clients live longer. Your insurer would take active steps to make sure your faucet and work station weren't killing or crippling you. Want lower premiums? Then let Allstate look in your medicine cabinet and give you advice. Don't like their advice? Choose another company. This is the "right-handed" alternative to so many acronymed agencies. So why isn't it taking hold?

The brilliant and lamented Barry Goldwater asked this question. He soon realized that laws had been carefully erected, by his own party, to foster conditions under which insurance companies can rake profits simply on the basis of actuarial betting — with plenty of mutual back-scratching and cushioning by government tax credits — without lifting more than a finger to actually earn those profits. Only a few remnants of the old approach, such as Underwriters' Laboratory, still exist, wherein companies invest time and effort to win by making their clients live longer.

Goldwater suggested removing the corporate-welfare props and forcing insurance companies into a truly competitive market where their profits would arise mainly from active efforts to increase their customers' well-being, leading hopefully to an eventual withering away of the FDA, OSHA, FTC, and CPSC. It looked good in theory. Instead of simply bitching endlessly about government, why not offer a real alternative to solve what the people see as real problems?

"Nothing doing!" said the rest of the GOP at the behest of their lords in corporate boardrooms, who see competition as a dirty word. Goldwater's idea never even made it to committee. And now we get to my point.

Is the Republican party a "lesser of two evils" just because occasionally it inserts a little pseudo-libertarian rhetoric into its speeches? No way. Not when Clinton and Carter actually deregulated far more industries (banking, telecommunications, airlines, trucking, and the Internet) than all Republican presidents combined. So much for being the party that hates bureaucracy.

No, that sugary veneer of libertarian rhetoric masks the fact that the GOP never actually *does* anything libertarian. Nor does it see problems of human misery and wasted potential as worth addressing with solutions of any form, right or left-handed.

Look at the legislation they actually pass — the percentage of bills that help small entrepreneurs versus the amount of attention paid to the very highest echelons of Old Money. They are the American House of Lords. And as I've said before, libertarians should remember that oligarchs are no better friends of liberty than bureaucrats are. In fact, history shows that old-fashioned aristocratic elites traditionally behaved far worse than mere paper-shufflers, whenever they got the chance. Try Plantagenet England or Bourbon France or Tokugawa Japan on for size. Tell me about how a serf got to "compete."

Looking across this century, the GOP has not been part of a political debate over which problem-solving methods will better serve people's interests. With few exceptions, they do not see any "problems" at all. Not so long as the aristocracy prospers.

Stop. Think. If the Libertarian Party had a candidate with a hundred times the charismatic communication skills of Clinton and Reagan, you might hope to get him elected president. Drop the lapel-grabbing, contempt-based screeching and you might elect a Congress, too! Good things might result. All sorts of Goldwater-style "right-handed solutions" might be introduced, using market forces to eliminate problems more efficiently than the old-fashioned, paternalistic approaches, causing the FDA and OSHA and other acronyms to recede and then wither for lack of need. Given a choice between two methods that work, the people will prefer the one without bureaucrats — so long as their water improves and all kids grow up healthy, ready to compete in a new era of rising freedom. Terrific.

But you will *never* eliminate the Democratic Party! That is because it represents one entire wing of human problem-solving methods. To dream of eliminating the left hand from politics is just like Karl Marx's pathetic yearning to eliminate the right hand of human competitiveness. It won't happen while we still carry Cro-Magnon genes. Indeed, they are yin and yang approaches that each deserve mentioning whenever we sit down to discuss pragmatic solutions to vexing problems.

The flaccid elephant squats across a vast expanse of political landscape. Libertarians have to kill off this awful creature, or at least make it move out of the light where they need to stand.

(Which approach was suited to defeating Hitler? If we ever discover an asteroid streaking for the Earth, I know which I'll turn to first.)

What the Libertarian party needs to do is become the rightful opposing political force to the Democratic party. In

continued on page 50

Creationism:

Not Just for Fundamentalists Anymore

by Timothy Sandefur

The newest battle between science and religion began on a riverbank in a Western desert and will end up in the Supreme Court. This time, science may not prevail.

Creationism isn't just for fundamentalists anymore. A group of ancient human skeletons is threatening to start a new Scopes trial, updated for the multiculturalist era.

One skeleton, called Kennewick Man, discovered in Washington state in 1996, undermines the prevailing theory of the history of North American settlement. According to that theory, American Indians are the original inhabitants of North America, direct descendants of early settlers who crossed a landbridge between Alaska and the Eastern tip of Eurasia ten to twelve thousand years ago. Indians have used this theory to back up their claim of being the "original" people of America — "Native Americans" — victims of hostile invasions by imperialistic Westerners over the last half-millennium, an image with great political appeal.

Early tests revealed that Kennewick Man's 380 bone fragments are nearly 10,000 years old. But Kennewick Man does not seem to be an Indian. Early reports suggested that Kennewick Man actually had European features, and more recent studies show it to be more closely related to Japanese tribes. This suggests that the Indians were invaders too.

This does not please some Indians, who insist that they are not descendants of "land bridge" European migrants, or of possible Asian emigration, but have inhabited America since the divine creation of the world. Five tribes, including the Umatilla, Yakima, and Colville, want the skeleton, which they call "the Ancient One," turned over to them so that they can bury it according to their religious beliefs. Since radiometric dating and DNA testing require the burning or grinding up of small parts of the skeleton, the Umatillas seek to prevent further "destructive" and "invasive" scientific investigation. And the legal path they have used is a law called the Native American Graves Protection and Repatriation Act, or NAGPRA.

NAGPRA, passed in 1990, was intended to return the many Indian skeletons, stolen by graverobbers in the 19th century, and still lingering in museums. Under the law, an Indian skeleton belongs to the tribe that can demonstrate "cultural affiliation" with that skeleton. When the Army Corps of Engineers heard the results of the radiocarbon dating test, it announced it would turn the bones over to the Indians. A small group of scientists immediately filed a lawsuit, arguing that NAGPRA was never meant to prevent the archaeological excavations.

That lawsuit is now in its third year of government delays, and some shady maneuvers by the Army have drawn even further criticism. In April of 1998, the Army Corps of Engineers, claiming that the Columbia River's shore needed to be "stabilized," dumped 500 tons of rocks on the gravesite. Scientists say "all hope is lost for recovering any more bones." *The Wall Street Journal* later turned up evidence that the order for this operation had come directly from the White House.

Despite the Army's promises to sequester the skeleton pending a court ruling, it was later revealed that Indians were permitted access to the skeleton on three separate occasions for religious ceremonies. And an examination of the skeleton in December of 1998 revealed that parts of it are missing. Doug Owsley, a Smithsonian anthropologist and a leader of the plaintiff scientists, was permitted to observe the condition of the bones — without scientific instruments — and reported that most of the femurs had disappeared. "Those pieces are so big that their absence from the skeleton cannot be attributed to an oversight," he reported. "They can only be absent because someone intentionally removed

them." The bones that remain are being damaged by improper storage.

Like Fundamentalist Christians, who see evolution as a hoax and science as a dangerous instrument of irreligion, the Indians simply are not curious about Kennewick Man's origins. "From our oral histories, we know that our people have been part of this land since the beginning of time," said Armand Minthorn, religious leader of the Umatillas. "We already know our history . . . . My people have been here since time began," he said recently. "I know how the world began, and I know how the world will end."

While postmodernism denies the validity of any truth, multiculturalism insists that all cultures — except the culture of Western Europe and its descendants — are equally valid and entitled to respect.

Other skeletons are facing similar challenges. A 10,000-year-old skeleton found in Idaho was repatriated to the Shoshone in 1991, and buried beyond any hope for further examination. In Brazil, the discovery of an 11,000-year-old skull named Luzia has weakened the Indians' case even further. Luzia is not a Mongoloid, but a Negroid skull, unrelated to South American tribes.

One challenge that the Indians lost was Spirit Cave Man, discovered 50 years ago, but only recently dated. Although Spirit Cave Man is also about 10,000 years old, skin, hair and even his burial shroud remain intact, making it a remarkable scientific opportunity. But the Northern Paiute protested the proposed DNA testing of the skeleton. After four years, the Bureau of Land Management (BLM) decided in August that the skeleton's affiliations with the Paiutes were too weak to take the bones from the Nevada State Museum — but it withheld permission to run DNA tests.

In his recent book *Unweaving the Rainbow*, Richard Dawkins describes the Kennewick Man controversy as a meeting between multiculturalism and postmodernism. While postmodernism denies the validity of any truth, multiculturalism insists that all cultures, except the culture of Western Europe and its descendants, are equally valid and entitled to respect. Truth itself has therefore become a weapon in the "culture war." These allies insist that science is a form of epistemological colonialism — a means by which white Europeans have forced the rest of the world into submission. Instead, an enlightened world would respect different, equally valid "logics." Dawkins quotes a synopsis of this view by anthropologist Matt Cartmill:

> Anybody who claims to have objective knowledge about anything is trying to control and dominate the rest of us. There are no objective facts. All supposed "facts" are contaminated with moral and political doctrines. Therefore, when some guy in a lab coat tells you that such and such is an objective fact he must have a political agenda up his starched white sleeve.

Today's academic view of science as the legacy of a racist imperialist Western Culture is best summed up by the character of Ian Malcolm in Jurassic Park: "What you call discovery, I call the rape of the natural world." The Kennewick Man case seems a fitting update of the Scopes trial for our day: instead of a simple conflict between faith and reason, it presents a conflict between genetics — the science of our day — and worship of the benign "Native American" culture.

In late September, the BLM insisted that the Kennewick Man be returned to the Indians. Minthorn was elated. "It gives me a tremendous feeling knowing that this Ancient One has been reaffirmed as one of our ancestors," he said. "As tribal people who have lived on the Columbia Plateau for thousands of years, we are eager to rebury our ancestor and give him back to the earth."

But the Bureau's decision does not close the matter. It remains before a federal judge, where the inconsistency of the government's position is immediately evident. As Paula Barran, one of the lawyers for the Friends of America's Past, said, "they concluded [Spirit Cave Man] could never be culturally affiliated even though they had textiles in that case and this is just bones."

Interior Secretary Bruce Babbitt defended his decision by claiming that "Although ambiguities in the data made this a close call, I was persuaded by the geographic data and oral histories of the five tribes that collectively assert they are the descendants of people who have been in the region of the Upper Columbia Plateau for a very long time." Oral tradition is not exactly as reliable as DNA evidence — but evidence has rarely stood in the way of those who seek to make the science conform to the theory.

The Kennewick Man case seems a fitting update of the Scopes trial for our day: instead of a simple conflict between faith and reason, it presents a conflict between genetics — the science of our day — and worship of the benign "Native American" culture.

And scientists have become accustomed to the militant nature of Christian creationist groups. In 1990, a geologist at the University of New Orleans, Kraig Derstler, discovered the skeleton of a duckbill dinosaur in Wyoming. He hoped to excavate the skeleton, but while negotiating for a lease, the owner of the land revealed that he was a creationist, and would permit Derstler to excavate the skeleton only if it was never used in any display which discussed evolution. Derstler refused, and in 1996 the landowner turned the site over to the "Foundation for Advancing Creation Truth," which began to excavate what they referred to as "the Dragon's Grave." "Instead of the same worn-out theory of evolution's 'amoeba-to-man' story," the Foundation announced, "the actual facts about the fossils on display will be seen. For the first time, thinking people will be able to see for themselves why the theory of evolution is false and should be abandoned." □

Foreign Correspondence

Autumn in Belgrade

by Stephen Browne

Sometimes, you have to go to a dangerous place.

I had to go to Belgrade. Friends in the States advised me to be careful and fellow expats in Warsaw told me they wished I weren't going. My girlfriend saw me to the train station and kissed me good-by with dry eyes, as Polish women have learned to do over many weary years. Things would be okay, I thought. This could be the end of the Milosevic regime. And it could be relatively bloodless.

Even so, I was oppressed by the feeling that something bad was going to happen to me, and accordingly, I prepared a will. But I wanted to be in on this moment. I had lived in Belgrade during the demonstrations of 1997 and had returned for a visit after the bombing campaign. I wanted to be there for the historic moment when the regime fell.

So I arranged to get an invitation from the Ethnographic Museum of Belgrade to speak there and meet with them to facilitate contacts with the Ethnographic Museum of Warsaw. I have no official relationship with the Warsaw museum, I just happen to live around the corner from it. But this provided me with a reason to get a visa. At the Yugoslav embassy, my visa application was processed in one hour, something new. A year ago when I applied for a visa in Sofia I had to wait a day while they consulted the ministry in Belgrade.

I took the train to Budapest and from there a night train to Belgrade. On the border I was ordered to get off the train and wait in a small building while they took my passport somewhere. (I *hate* it when they do that.) But there was no problem so I climbed back on and went to sleep. Later I found that, like an idiot, I had left my passport sack outside my shirt instead of under it and had had the cash in it lifted, almost certainly by the Hungarian cross-border trader I had shared the compartment with. This unfortunately was to limit the time I could stay in Belgrade, as credit cards from outside the country don't work inside the country — that embargo thing again. What a relief! I had known that something bad was going to happen to me in Serbia, and it had, and it was only about money.

I arrived in Belgrade two days before the election, considerably lighter of heart. My museum presentation on ethnic identity among immigrant groups in the U.S. was attended poorly, mostly by my friends and a few of their students. No problem, it was only an excuse to come to Belgrade anyway. It turned out that Milosevic's election headquarters was next door to the museum. As we watched a number of limos pull up, a colleague muttered, "Damn! Where are rotten vegetables when you need them?"

I spent the next day visiting friends and getting reacquainted with Belgrade. The city, as always, teemed with paradoxes. People complained about business: it's terrible, inflation is starting to rise again so don't change too much money at once, the middle class is getting poorer and can't afford language courses anymore, Milosevic's family and friends are getting rich off of the embargo at everyone else's expense, etc., etc. I noticed that none of the bombed government buildings I had seen on my last trip had been repaired or even demolished; I wondered if this was for lack of funds or out of fear of more bombing.

Busses still ran, and on time too, but every bus was so crowded that a pickpocket wouldn't have room to lift a wallet. Last year the busses were only as crowded as much as in any large European city. Nobody I asked was quite sure what this meant, though some thought that it was the result of so many people moving to the city as life in the countryside became harder. Last year a friend mentioned how the countryside was being abandoned because farmers could only sell to the government at set prices if they couldn't find transportation to the cities.

I walked down Knez Mihailova to the Ottoman-era fortress of Kalemegdan on a promontory overlooking the confluence of the Danube and Sava rivers. Kalemegdan is now a military museum, but they had created a new exhibit since I had been there last year, the Aggression Exhibit. There I saw a number of American bomb and rocket casings, parts of a Cruise missile, and an intact drone aircraft. They also had an assortment of weapons, and an American pilot's helmet and survival gear. I wonder, do American Special Forces really use Barnett hi-tech crossbows? Or did the museum just have one and put it in the exhibit?

I saw police in riot gear. After a moment's hesitation a group of protestors began simply to walk through them. I joined them, though it occurred to me that it probably wasn't the smartest thing to do.

Then I walked over the Sava river bridge to New Belgrade and Zemun. The building that used to house Milosevic's daughter's TV station was still a bombed-out shell, as was the Chinese embassy. However, when I went down to the Danube shore past the Hotel Yugoslavia I was surprised to see that the hotel was almost repaired and ready to reopen; and the riverfront was now crammed with new floating restaurants, about twice as many as I remembered from last year. When I went to my favorite floating restaurant — a delightful, cheap and not-too-fancy place when I visited a year ago — I found that it had been gentrified. Somebody here has money.

Election posters were everywhere. You could see Milosevic's face on billboards across the city with the legend "Slobo Da." (A play on words in Serbian; Slobo, the diminutive of Slobodan, plus Da, "yes.") You could also see the opposition posters everywhere. And graffiti. On one wall I saw, "We don't have newspapers, but we have walls." Very common were stickers plastered over the government posters: "OTPOR Gotov Je." OTPOR is ready. (OTPOR is the opposition coalition.)

I saw people lined up at many shops around the city. In preparation for the election, the government had released supplies of sugar and cooking oil at subsidized prices. In 1997, the shops had everything, though prices were higher than in Warsaw. Now there were real shortages and the value of the dinar had declined drastically compared to the dollar. Five days of eating all meals in restaurants, souvenir shopping and a couple of movies cost me $50 total.

Things seemed ominously quiet as the election approached. A friend remarked, "It's not natural. Serbs are generally a very energetic people." Nobody expected Slobo to win — and nobody expected him to give up power without a struggle.

Sunday, election day, passed like any other quiet Sunday. I went to my favorite restaurant on Knez Mihailova (the central mall in the Old Town — near the places you see on all the background shots on the news) and took in a movie. I walked around and saw no signs of any preparation to flood the town center with riot police like in '97. I found an internet café in the university bookstore and started to send messages to friends. I feared that the net would go down and I wanted to leave a record of when communications were disrupted.

I had been warned to stay away from the demonstration called for that evening but I couldn't resist. By about nine o'clock a large stage had been set up in Republic Square by the government party. A band began to play there, kind of a Lawrence Welk band, Serbian style. An audience gathered around, waving Serbian flags and holding up opposition posters. After every number the crowd booed and many gave the middle finger salute. They did this only between songs, as bad as they were. I thought it was rather polite of them not to disrupt the performance.

After a short while everybody got tired of harassing these poor slobs and went over to the opposition headquarters where rock music was playing from loudspeakers on the balcony. On the way, I saw police in riot gear. About 15 or 20 of them stretched across the street, milling around as if they didn't quite know what they were doing there. After a moment's hesitation a group of protesters began simply to walk through them. I joined them, though it occurred to me that it probably wasn't the smartest thing to do.

In the crowd under the balcony by the opposition headquarters, I ran into a colleague from the museum. He introduced me to his friends, including a young Serbian woman who lived in London. "How did you get a visa?" she asked. "My husband is English, a journalist, and he couldn't get one, He's observing this from Montenegro." I explained how I got there. "Oh well," she reassured me, "if you are arrested with an American passport, you're a spy of course."

Then, about 10:45 p.m., the loudspeakers announced the victory of the opposition. In spite of all the votes he could steal and the boycott of the election in Montenegro by everyone but Slobo supporters, Milosevic could still poll only 33 percent by the first count. My friend shouted "I've been waiting for this for ten years!" as the surge of the crowd separated us. The crowd was chanting "Gotov je! Gotov je!" Cars going slowly through the crowded streets were honking their horns. A group of motorcyclists stopped and started revving their engines, people held on to the backs of the cycles and let them go at once so they shot down the street like rubber bands, to the sound of roaring engines and cheers. The mood was triumphant euphoria.

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I made my way back to my friend's apartment and found that the TV news was ambiguous at best. Reported vote totals were widely at variance with what was going around on the street and there was not a word about the demonstrations downtown.

continued on page 50

Exposé

The ACLU's New Priorities

by David E. Bernstein

The ACLU used to be ever vigilant in the defense of civil liberties. Lately, it has more important fish to fry.

Antidiscrimination laws increasingly interfere with all aspects of civil liberties: free exercise of religion, freedom of association, and freedom of speech. In a 5-4 decision, the United States Supreme Court has found that the Boy Scouts' right of freedom of association extends to excluding gays from leadership positions. Last August, meanwhile, the California Supreme Court upheld a "prior restraint," a governmental restriction on speech or publication before its actual expression, against speech that could cause a "hostile workplace environment," even though the First Amendment strongly disfavors prior restraints.

One would think that the American Civil Liberties Union would fight for freedom of association and freedom of speech in these cases. One would be wrong. The ACLU was on the government's side in both cases. In fact, despite its reputation for defending constitutional freedoms from government coercion, the ACLU is increasingly sacrificing civil libertarian principles on the altar of antidiscrimination.

Perhaps the most egregious example of the ACLU's backsliding is its remarkable opposition to the Religious Liberty Protection Act. The RLPA would exempt religious individuals and organizations from laws that burden their religious practices, unless the government could demonstrate a "compelling interest" in enforcing the legislation.

The bill which the House of Representatives recently approved is supported by a broad coalition of organizations, including many of the ACLU's traditional allies. Although libertarians might argue among themselves as to whether religion should get special protection from generally applicable laws, the ACLU has no such principled argument against the bill. ACLU Legislative Counsel Christopher Anders has testified that the bill would provide important protection for free exercise of religion, and correct the errors of Supreme Court opinions that construed the Constitution's free exercise guarantee more narrowly.

The ACLU nevertheless opposes the RLPA out of concern that "some courts may turn RLPA's shield for religious exercise into a sword against civil rights." Several courts have held that laws forcing religious landlords to rent to unmarried heterosexual couples do not serve a compelling public interest. Under RLPA, Anders argues, courts might hold that other antidiscrimination laws not backed up by a "firm national policy," such as laws banning discrimination on the basis of sexual orientation, cannot be applied to religious objectors.

The ACLU thus believes that government should have the power to force religious people to violate their religious beliefs if antidiscrimination goals are at stake. The ACLU takes this position even with regard to antidiscrimination laws that serve groups whose claims to legal protection from discrimination are marginal at best, such as unmarried heterosexual couples protected by laws banning housing discrimination on the basis of marital status.

The ACLU's opposition to RLPA is hardly a unique example of its elevation of antidiscrimination principles above free exercise rights. In 1984, for example, the ACLU filed a Supreme Court *amicus* brief against Bob Jones University, which was stripped of its tax exemption by the IRS because of the school's religion-based ban on interracial dating. The ACLU's position was that because the university was still free to *advocate* the banning of interracial dating and marriage, the University's constitutional rights were not violated.

A few years later, the ACLU sided with the Ohio Civil Rights Commission in a battle against a small Christian school. The school relied on free exercise arguments to defend its policy against employing women with pre-school

age children against a sex discrimination claim. Even the ACLU's erstwhile ally on church-state matters, Americans United for the Separation of Church and State, supported the school's position. "We are firmly opposed to discrimination," said executive director Robert Maddox, "but this principle must not override the right of churches or church schools to hire the pastors or teachers they believe can best teach their faith."

Of course, despite its public pronouncements to the contrary, the ACLU has never been known as a great friend of free exercise. But the ACLU's downgrading of civil liberties in favor of antidiscrimination concerns extends well beyond issues of religious freedom.

The ACLU thus believes that government should have the power to force religious people to violate their religious beliefs if antidiscrimination goals are at stake.

For example, the ACLU's official policy guide states that owners of private facilities are free to deny access to any group they wish. A 1972 policy on "private organizations" states that "private associations and organizations, as such, lie beyond the legitimate concern of the state and are constitutionally protected against governmental interference."

In practice, however, the ACLU frequently supports the enforcement of antidiscrimination laws against private organizations. Various ACLU chapters have sued the Boy Scouts in an attempt to force the Scouts to accept gays and atheists as members and scoutmasters. The ACLU represented Timothy Curran after the Scouts rejected his application to be a scoutmaster because he was gay. During his interview with a scouting official, Curran stated that he wanted to be a scoutmaster because he wanted to show children that homosexuals were good people and that there was nothing wrong with their lifestyle. The ACLU's position, then, is that a private organization that opposes homosexual conduct should be required by law to hire leaders who plan to use their position to advocate homosexuality. By the same logic, gay organizations could be forced to hire fundamentalist Christians who want to use their position to proselytize against homosexuality.

In fairness, the ACLU argues that the Boy Scouts are not truly private, because they get indirect government subsidies, such as use of public school facilities. It seems unlikely, however, that the ACLU's position would be different if the Scouts received no public subsidies. The ACLU has filed *amicus* briefs in several cases arguing that private clubs and associations have no constitutional right to exclude groups protected by antidiscrimination laws. Moreover, in 1989, the ACLU, reversing longstanding principle, announced that it opposed the right of religious groups and fraternal orders that provide housing to discriminate in favor of their own members.

Nor has the ACLU stood firm in defending the rights of the accused when antidiscrimination concerns arise. In 1989 and 1990 a series of committees appointed by the National Board of the ACLU considered whether persons acquitted in state court could be re-tried in federal court. The Board voted to oppose such re-prosecutions as violations of the Constitution's double jeopardy clause. The Board then appointed a special committee to consider whether there should be a special exemption for civil rights cases. The committee unanimously "could not find any principled basis for treating federal civil rights offenses differently from other crimes," and the Board affirmed a double jeopardy policy containing no exceptions for civil rights violations.

This principle was quickly abandoned. When a California jury exonerated the police officers who savagely beat Rodney King, the federal government decided to prosecute the officers on federal civil rights charges, the National Board of the ACLU voted 32 to 31 that "without additional study they were not sufficiently certain about the application of the double jeopardy policy in this singular context to endorse a public position on either side of this explosive issue."

Given the Board's prior actions, its refusal to oppose the federal prosecution of the officers could hardly have been the result of a need for "additional study." The fact is that the ACLU refused to stand by its principles when faced with a high-profile civil rights case.

Even protection of free speech, the ACLU's bread and butter, is under threat from the rise of antidiscrimination ideology within the organization. While the ACLU filed lawsuits against university speech codes in Wisconsin and Michigan, all three California ACLU affiliates have endorsed speech codes. Several years ago, John Powell, then the national legal director of the ACLU, defended the organization's refusal to help conservative Dartmouth College students suspended after a "vexatious oral exchange" with an eccentric African-American professor. Powell argued that "to the degree that a university does not support an environment where blacks can feel welcome, then maybe a university could be subject to attack on equal protection grounds. My concern is less with the strength of the First Amendment than with the wave of racial harassment that has swept the country." Powell also noted that his litigation priorities were abortion, civil rights, and the First Amendment — in that order.

For now, the pro-free-speech forces within the national ACLU, led by its president, Nadine Strossen, have emerged victorious, and Powell has moved on to a position as a professor at the University of Minnesota School of Law. But even Strossen has been forced to make concessions to the antidiscrimination lobby within the organization, and to left-wing critics who accuse the ACLU of sacrificing important egalitar-

The ACLU's position, then, is that a private organization that opposes homosexual conduct should be required by law to hire leaders who plan to use their position to advocate homosexuality.

continued on page 44

Case Study

Too Much Freedom for Its Own Good?

by Bradley Monton

In theory, liberty seems to be perfectly good. But theory and practice are sometimes two very different things.

I live in a country that in many ways is a libertarian paradise. On my salary of about $40,000 per year, I pay only 5 percent in income tax, and the top marginal rate is 10 percent. A 5 percent sales tax applies only to luxury items. The banking laws of this democratic country rival those of Switzerland and the Cayman Islands. Moreover, the U.S. dollar is widely used as currency, money can be taken freely into and out of the country, and foreign investment is encouraged.

And unlike Singapore, the country I live in also has a high degree of social freedom. Not only can you chew gum on the street here, you can do most anything that doesn't harm someone else. Free speech is allowed. Prostitution is tolerated. Zoning laws are minimal, and where they do exist they often aren't enforced. Families and private social organizations provide for the needs of the less fortunate members of society — the government provides few social services.

So do I live in some undeveloped part of the world? Definitely not: within a 15 minute walk of my apartment I can find a Hard Rock Café, McDonald's, Ben and Jerry's, Hardee's, Starbucks, Pizza Hut, and Subway. Imported products are readily available. Though I live in a city of well over a million people, I feel safer here than in Chicago or Washington, D.C. English is widely spoken, people are tolerant of foreigners, and I can ski in the mountains in the morning and swim in the sea in the afternoon.

So where is this libertarian paradise in which I live?

Welcome to Beirut!

I admit, Lebanon is not really a libertarian paradise. Like most other countries in the world, it has a host of problems. Some of these problems are mundane, like government corruption, traffic congestion, and a high cost of living. Other problems are more unusual: a neighboring state occasionally drops bombs on Lebanon, doing considerable damage to its infrastructure. What is most interesting from a libertarian's perspective, though, is that some of the problems Lebanon faces can be seen as caused by certain types of libertarian thinking.

Most Westerners can't think of Lebanon without also thinking "war-torn." The civil war which started in 1975 has been over since 1990, and the kidnaping of Westerners stopped around that time too. The ban the U.S. State Department imposed to prevent Americans from travelling to Lebanon on a U.S. passport was lifted in 1997, though the current (overcautious) State Department Travel Warning says that travel to Lebanon is "not without risk." Right now the country is safe, and I am happily living here as an American. Fifteen years ago, though, Lebanon — and especially West Beirut, where I live — was just about the last place on earth an American would want to find himself. How did Lebanon manage to get itself into such a sorry mess?

It's impossible to succinctly chronicle the Lebanese civil war. About a dozen groups were involved in the fighting, and it's claimed that at one time or another, each group fought against every other group. There were various Christian militias, various Muslim militias, the Palestinian Liberation Organization, the Israelis, and the Syrians, all fighting in a country smaller than Connecticut.

The war was in part a war between Christians and Muslims for political dominance. The most extreme Christians wanted to set up Lebanon as a Christian state, allied with Israel against the Arab world. The most extreme Muslims wanted to set up Lebanon as an Islamic state with close ties to Syria, as a progression to pan-Arab unity.

Lebanon was awarded to France at the end of World War I, and remained under French control until 1946. To limit

civil strife while trying to establish democratic institutions, the French promulgated a constitution in which political representation was based on the "confessional" system: in the government the ratio of Christians to Muslims must be 6:5, and the President has to be a Maronite Christian while the Prime Minister has to be a Sunni Muslim. The 6:5 ratio was in accord with the population as determined by the 1932 census. To avoid civil strife, no census has been done since.

In 1975, the majority of Lebanese were Muslim, thanks mostly to higher birth rates, so Lebanon itself is in the curious position of having its majority relegated to minority status politically. Muslim under-representation in government was one cause of the civil war.

Another cause was the influx of Palestinian refugees. Lebanon already had many refugees from the creation of Israel in 1948, more came as a result of the 1967 Arab-Israeli War and still more came after Palestinian refugees were deported from Jordan in 1969. About 300,000 Palestinian refugees fled to Lebanon, and they came to dominate certain areas of Beirut, to the indignation of the Falangist Christian militia. On April 13, 1975, tensions between Falangists and Palestinians finally erupted into street battles, and set the nation on the slippery slope toward 15 years of civil war.

According to journalist Thomas Friedman, Lebanon in the 1980s was the closest place on earth to the state of nature, a society where there is no government. The central government had very little power, and various militia groups were vying for control of various parts of the country. Thomas Hobbes famously described the state of nature as one where everyone is at war with everyone, and where life is "solitary, poor, nasty, brutish, and short."

When I teach Hobbes to my students at the American University of Beirut, we talk about whether Hobbes's description applies to Lebanon in the 1980s. One answer which invariably arises is that life is not solitary: when the government breaks down, people form smaller social units as a way of helping and protecting each other. For example, most everyone lives in apartment buildings in Lebanon, and when shelling was heavy people would use the basement as a bomb shelter. This led to social cohesion among the people in an apartment building. On a larger scale, joining a militia was a popular way to stop life from being solitary, and to achieve protection from others.

Hobbes was wrong: life in the state of nature is not solitary. When the government breaks down, people form smaller social units as a way of helping and protecting each other.

Even though life in the Lebanese state of nature wasn't solitary, it was brutish, and for many, short. It's estimated that 150,000 people died as a result of the war, and many atrocities were committed against civilians simply on the basis of their religion or cultural identity. This is all a direct result of there being no effective central government in place to protect the lives, liberties, and property of the Lebanese population.

And here I think there is a lesson which needs to be learned by those libertarians who condemn the coercive power of a state. Hobbes was right when he said that the state of nature is a state of war. The various militias functioned very much like private protection agencies, and it wasn't a pretty sight. Anarcho-libertarians have an idealistic view of human nature, belied by such real-life states of nature as Lebanon during its civil war.

The civil war ended without a resolution of many of the issues which started it. The war ended in part because the various opponents realized that they couldn't achieve the objectives they were fighting for and were finally willing to compromise, and in part because people were just sick of the fighting. The influence of the Syrian dictatorship was probably also a factor.

In 1976, near the beginning of the civil war, Syrian troops moved into Lebanon. They were invited by the Christian militias, who hoped that Syria would be able to stop the intercommunal fighting. (Not surprisingly, the Christian militias were soon fighting the Syrians.) The Syrians never left, and even now there are an estimated 35,000 Syrian troops in Lebanon. Politically, Syria is the most powerful influence in Lebanon regarding foreign policy, especially Lebanon's relations with Israel. Syria and Lebanon have close economic ties, sharing a common infrastructure for water and electricity, which increases Syria's influence. Fortunately, though, Lebanon is still worlds apart from Syria in terms of what it's like to live there.

Syria is a socialist country: it had very close ties to the former Soviet Union, and similar economic policies. The economy is quite closed; it is surely one of the few places in the world where one cannot buy a Coca-Cola or a Big Mac. Bans on cell phones and the Internet have only recently been lifted. Lebanon, by contrast, is a free-market capitalist country. The Lebanese government is working on privatizing some of the (already few) state-owned enterprises. Lebanon has always been known as a country of traders, and as a result foreign products are widely available. Cell phones are annoyingly common, and Internet cafés are popular.

Hafez El-Assad took control of Syria in a military coup in 1971, and held absolute power until his death last June. Lebanon, by contrast, is a democratic country — or at least it would be were it not for the influence Syria has over the Lebanese government.

Most importantly, I think, Syria feels like an unfree place. Before traveling in Syria, I didn't realize the importance of enjoying freedom simply as a state of mind. A Lebanese friend and I were traveling on a deteriorating, Soviet-made train from Der'a to Damascus. While on the train a Syrian security official came up and started grilling us, "Let me see your papers. Where are you going? What hotel are you staying in? What were you doing in Der'a?" And to my Lebanese friend: "Why are you traveling with a foreigner? You would speak Arabic better if you didn't spend your time with foreigners." Later, walking in Damascus, I was stopped by a group of Syrian security officials. (I couldn't tell if they were military or police; I'm not even sure if there's much of a difference.) They started to search my backpack, but once they realized I was a foreigner they said "welcome to Syria" and let me go. These sorts of things just don't happen in Lebanon.

One main excuse Syria used for why it had to keep troops

in Lebanon was that Syria needed to counteract the influence of Israel, which was occupying the southern tenth of Lebanon. But on May 24, 2000, after 22 years of occupation, Israel finally pulled out. Now Syrian-supported Lebanese politicians are using a new excuse: Syrian troops need to stay in Lebanon to prevent another Lebanese civil war. I think and hope that that is a disingenuous argument. Surely Hobbes is wrong; surely a state of war can be prevented without reliance on an all-powerful sovereign.

I have never been a fan of land use regulation and sustainable development, but I admit that after seeing what has happened in Lebanon, I am more sympathetic to these notions.

Lebanon today is a free-wheeling place to live. Culturally, it is influenced by both the Western and Arab worlds, and as a result incongruities abound. One morning as I was leaving my apartment building, I passed a group of five Muslim women who looked to be in their 20s dressed completely in black, with only their eyes and nose showing. Just beyond them I passed two (perhaps Christian, perhaps Muslim) women, also in their 20s, strikingly dressed in tight jeans and revealing tight shirts. On the Corniche, the main road in Beirut running along the sea, a McDonald's is just across the street from a mosque. On the road to the southern city of Tyre, one passes a large drawing of Israeli missiles falling on Lebanon with the caption: "All our disasters caused by U.S. Not five minutes further down the road, one passes a billboard for a cigarette company with the meant-to-be-captivating caption "The Big Taste of America."

This mix of cultures requires tolerance, a live-and-let-live attitude that is conducive to libertarian-minded thinking. I know a Briton who has lived in Lebanon for the past four years precisely because he likes the feel of the place; he likes what he calls "the controlled anarchy."

I am not so enthusiastic. In some ways I wish the Lebanese government were stronger than it is. There are four ways in which I sometimes think that Lebanon's government is too minimal.

(1) Lebanon used to be a beautiful country, called "the Switzerland of the Middle East." Its natural beauty has in large part been destroyed by overdevelopment. On what used to be empty mountain slopes, there are now concrete-gray apartment buildings. Forests of the Lebanese cedar, the tree pictured on the Lebanese flag, have largely been destroyed. I have never been a fan of land-use regulation and sustainable development, but I admit that, after seeing what has happened in Lebanon, I am more sympathetic to these notions. This isn't just my tree-hugging mentality at work: Lebanon used to be a popular tourist destination precisely because of its natural beauty. The civil war stopped the tourism industry, but the current lack of natural beauty has prevented tourism from returning to its previous levels.

Of course, this is just a consequentialist argument for increased government intervention in how one uses one's property. I believe that libertarians can give a strong deontological argument against such government intervention. (That is, libertarians can argue that what is right for the government to do is to at least some extent independent of what good or bad consequences would result.) As is often pointed out, those libertarians who rely on consequentialist arguments can be refuted by empirical studies of the result of libertarian government policies. I will put the overdevelopment of Lebanon on the table as a *prima facie* argument against consequentialist libertarians.

(2) Beirut, a city of 1.5 million people, has an astonishingly small amount of public space, and a similarly small amount of green space. This really does make the city a hard place to live in. Just about the only large beautiful area with significant flora is the American University of Beirut campus, and access is (at least nominally) closed to the general public. Beirut would be a nicer place to live if there were more public spaces, and the existence of more public spaces could even be justified on deontological grounds.

John Locke's famous analysis of the problem of property begins with the state of nature where all land is held in common, and argues that one can morally come to own land by mixing one's labor with the soil, as long as "there is enough, and as good, left in common for others." There is much academic debate about the ramifications of this "Lockean proviso," but I believe that it requires that a significant amount of land be left in common (with use regulated by the state so that the land isn't abused). Moreover, this land must be "good," in the sense that it's not just located high in the mountains, but also in the cities where people live.

(3) One purpose of the state is to enforce laws and contracts, but Lebanon doesn't always effectively do this. The most dangerous aspect of Lebanon is the chaotic driving, and this is the result at least in part of lax enforcement of traffic laws. Issues as basic as government disregard for parking violations can adversely affect quality of life: cars tend to park on sidewalks, forcing pedestrians into the traffic. Also, the legal system is sometimes ineffectual, making it difficult to resolve contract disputes. For example, I know of someone who caused $3,000 worth of damage to a rental car and refused to pay. The rental car company didn't bother to take him to court, because the legal system is too slow.

There are some ways in which the Lebanese government isn't minimal enough, but there are other ways in which it is too minimal. That in itself makes Lebanon a fascinating place to be.

(4) While there are many arguments about what the proper role of a government should be, it's pretty much universally agreed that the government should provide for national defense. Since the Israelis have been occupying part of Lebanon, one would think the Lebanese army would be working to remove them. But in fact a private army has been battling them instead: the Hezbollah resistance fighters. The

United States government considers Hezbollah a terrorist group, although I have tremendous respect for what they have done to liberate south Lebanon. The existence of Hezbollah certainly violates the proposition that the state should provide for national defense, not a private army. Even now, months after the Israeli pullout, the Lebanese government has not moved sufficient security forces into the formerly occupied zone to take control. It is a safe place to be, but the people insuring domestic tranquility and providing for the common defense are Hezbollah fighters.

There are some ways in which the Lebanese government isn't minimal enough, but there are other ways in which it is too minimal. That, in itself, makes Lebanon a fascinating place to be. Lebanon may not be a melting pot, but it is at least a mixing pot, where American, French, and Arab cultures mix; where Christians and Muslims mix; and where Palestinian refugees, Western and Arab tourists, Syrian workers, and Lebanese citizens all mix. This has led to conflict in the past but it also suggests great promise for the future.

Discussion in political theory is very often armchair philosophy, in which the messiness of the real world is ignored. This is particularly true of libertarian discussion, which is often criticized for being overly idealistic. The way to counter this criticism is to examine countries like Lebanon, where libertarian policies are implemented in the real world. In this way one can demonstrate that some libertarian policies (like lack of zoning) can be made to work in reality. In this way one can perhaps also see that other libertarian policies need to be reexamined. ❑

"ACLU's New Priority," *from page 40*

ian goals for abstract civil libertarian principles. Strossen has announced that the ACLU's goal is "eliminating racial discrimination from society at large." Yet it is very difficult to see how such an extraordinarily ambitious goal can be accomplished — or even pursued — in a society that accepts the sorts of restraints on government power that the ACLU has traditionally supported.

The ACLU's abandonment of civil libertarianism in favor of an aggressive antidiscrimination agenda has been a long and gradual process. According to Ira Glasser, Executive Director of the ACLU, as late as the mid-1960s the "received wisdom" at the ACLU was "that there was a distinction between civil liberties and civil rights, and that while we supported each other, the division of labor was that we handled civil liberties cases, and the NAACP handled civil rights." When civil rights and civil liberties objectives clashed, the ACLU defended civil liberties. Thus the NAACP opposed jury trials for violators of court decrees in civil rights cases out of fear that southern juries would not convict such violators, while the ACLU supported jury trials as a matter of principle.

Cracks in the ACLU's position began to appear in 1968, when the ACLU — which was founded in large part to defend the rights of labor union members — supported African-American community activists asserting "local control" of Brooklyn public schools against claims by the teachers' union that its members were being denied due process. In 1972 the ACLU endorsed "anti-blockbusting statutes which prohibit false or deceptive statements concerning changes in the racial, religious, or national character of a neighborhood, and/or the effect of those changes, made with the intent for commercial gain, to promote the sale of property." This policy is sufficiently vague that it arguably did not interfere with constitutionally guaranteed speech. But three years later, when a board member proposed an amendment that would have clearly opposed attempts to combat housing discrimination "by any means offensive to the constitutional guarantee of free speech," the board voted it down.

Things have gotten progressively worse since then. Many new members — the ACLU's membership shot up from around 70,000 to almost 300,000 during the early 1970s — were attracted by the organization's opposition to the Vietnam War and its high-profile battles with President Nixon, but were not committed to the ACLU's broader civil libertarian agenda. The organization's defense of Nazis' right to march in Skokie in the late 1970s weeded out some of these fair-weather members, and attracted some new free speech devotees. But George Bush's criticisms of the ACLU during the 1988 presidential campaign once again attracted large numbers of liberals whose devotion to civil liberties was generally marginal. Moreover, in order to maintain its large membership base, the ACLU took to recruiting via mass mailings to people on lists rented from other liberal groups. The ACLU has increasingly become an organization composed of liberals who have some interest in civil liberties, rather than a civil libertarian organization.

Perhaps the ACLU's drift away from civil liberties in favor of antidiscrimination concerns could be stopped if the ACLU had a formal constitution, an immutable statement of civil libertarian principles. In fact, however, the ACLU makes policy democratically, by majority vote of the eighty-three members of the Board of Directors, which includes all chairs of state affiliates. As Strossen acknowledges: "On the occasions when civil liberties and civil rights genuinely appear to differ and conflict, the ACLU chooses between them in the context of particular facts, weighing the potency and applicability in each instance of the general values of liberty and equality." Not surprisingly, as the left has generally abjured civil liberties in favor of antidiscrimination concerns, and as the ACLU has become a leftist organization, the ACLU has become increasingly reluctant to defend civil liberties at the expense of antidiscrimination laws.

The tragedy is that the nation desperately needs a left-liberal voice willing to defend civil liberties when they conflict with antidiscrimination laws. In his history of the ACLU, *In Defense Of American Liberties*, Samuel Walker argued that the ACLU is distinguished from other liberal organizations by its "skepticism of government power and a willingness to challenge extensions of that power justified in the name of social betterment." In the antidiscrimination context, however, the organization has become the voice of statism, not of civil liberties. The ACLU is at a crossroads. Will it live up to its reputation as a skeptic of government power and return to a defense of the First Amendment? Or will it continue to evolve into just another liberal organization that supports the evisceration of constitutional liberties in the name of "eliminating discrimination"? ❑

Why Debt Matters

by Leland B. Yeager

In the November *Liberty*, Stephen Slivinski argued that public debt doesn't matter. But it does.

Stephen Slivinski argued in the November *Liberty* for using the U.S. budget surplus to cut taxes instead of paying down debt. He contaminates his economics, however, with notions of political tactics. He has spared the rest of us the chore of reading Al Gore's 191 pages of policy proposals. We now know, in case we ever doubted, that Gore wants ever more government spending and intervention; even his tax cuts would be "targeted" for approved activities.

Slivinski expects tax cuts to restrain government spending. But debt reduction, if stuck to, would also withhold funds from government programs. The size of government is a more basic issue than the details of finance. The amount of resources that the government preempts is more important than the particular method of withdrawing resources from private uses.

Policy judgments depend partly on concrete facts. How sensitively do work, risk-bearing, enterprise, and tax avoidance respond to tax rates? Where are rates of particular taxes and rates in particular income brackets on their respective Laffer curves? If cutting a high rate would sooner or later actually increase revenue, even the prospects of repaying debt would improve. Also cutting rates that were already below their revenue-maximizing levels is desirable, to let people use their own money for their own purposes, especially if they would get great satisfaction from doing so. Another factual question is how sensitively government borrowing has been crowding out private activity, especially business investment. It seems plausible to suppose (but this is another factual issue) that government borrowing crowds out productive investment more and consumption less than do income and excise taxes. If the financial and real resources freed by debt repayment would go heavily into productive investment, promoting growth and higher real incomes, then that prospect, combined with plausible value judgments, would count toward debt repayment.

Unfortunately, factual questions like these are hard to answer; basic economic principles alone do not settle them.

Some of Slivinski's economics is defective. On the issue of whether repaying debt will tend to reduce interest rates, he cites a "rise" in yields on Treasury securities after passage of the 1993 deficit-reduction package. But selected episodes prove nothing. All sorts of influences are always impinging on interest rates, as on other prices. Changes in the U.S. government budget have only slight influence relative to the vast amount of waiting that is always going on anyway. ("Waiting" is what interest rates, broadly interpreted, are the price of. It is the tying up of wealth in securities or other assets, which means postponement of using resources or wealth for one's own consumption or other immediate purposes and freeing those resources for other purposes, including real capital formation.) Furthermore, the market for waiting — loosely, the capital market — is worldwide. Even apart from some U.S. government debt going into foreign hands, government borrowing, including borrowing merely to roll over existing debt, tends to shift some private borrowing and other raising of investment funds from domestic to foreign sources. Growing foreign holdings of dollar claims constitute material to be dumped by their holders in the event of some future loss of confidence in dollar securities or in the value of the dollar itself. Even American holders of dollar claims could feed a panic by trying to dump them. I am not making a prediction but simply warning against complacency.

The projections of budget surpluses being bandied about are undependable. Who knows what government finance will look like ten years or even only two years from now? Remember how recently the conventional worry was "deficits" as far as the eye could see?

Even conceptually, the surplus is dubious. Gross federal debt has been continuing to rise even as debt held by the public shrinks. The budget surplus commonly cited now corre-

sponds roughly to the excess of payroll tax receipts over Social-Security payments. This excess is only a temporarily positive cash flow; and it is already spoken for, appearing in the Social-Security trust fund as special government bonds. One pocket of the government is building up debt to another pocket (and the supposed interest payments on this debt are likewise mere bookkeeping transfers). Even this trust fund (a "phony" one, as Slivinski says) is projected to run out around 2037 and to peak and begin shrinking sooner, around 2015. Already then, when payroll tax revenues begin to fall short of Social-Security benefits, the government will have to meet the deficiency somehow. Bookkeeping transfers from pocket to pocket will not do the trick. The government will have to raise taxes, cut spending, or sell bonds to the public. One way to prepare for this future increase in publicly held debt, if one is serious about "protecting Social Security," is to reduce debt now.

Slivinski implies that the debt is no cause for concern at its current size. Why, then, should we worry about its growing a bit larger and in time perhaps a lot larger? Why worry about a return to deficit spending? Admittedly, this rhetorical question may express less economic analysis than a vaguely Calvinistic mind set, a vague notion that people, even people acting collectively through their government, should pay for the benefits they receive. Moral notions may contain wisdom, like disbelief in free lunches, even if not explicitly articulated.

But let us take the question seriously. If we can enjoy government benefits without fully paying for them in taxes — if we can repeatedly roll over a growing debt without ever actually repaying it — why not? This painless enjoyment seems especially tempting because we can borrow collectively, through the government, at lower interest rates than we would have to pay individually.

On the other hand, these low rates are deceptive. Government bonds possess high liquidity (ready salability in an active market); in this respect they to some extent give their holders the kind of options afforded by holding cash; and issuing government bonds resembles issuing money. A related reason why the U.S. government can borrow cheaply is that its debt is free of default risk. The government can count on borrowing from Peter to pay Paul. Furthermore, it has the power to tax and the power to print money. Instead of ever defaulting outright, the government can in a worst case inflate its debt away. This danger does not force the government to pay an interest premium relative to private borrowers because holders of private debt would lose equally from inflation. Paradoxically, the power to inflate increases the government's advantage in the capital markets. Its advantage does not mean that slighter risks attach to government projects and programs than to private activities. As Roger Garrison argues, borrowing collectively doesn't actually eliminate risks but tends instead to "externalize" or collectivize them. As Francisco Capella says in a Spanish-language essay distributed on the Internet this October, "The Public Treasury competes unfairly with enterprises that seek financing, making it difficult for truly productive persons to obtain credit. The authentic investors are private parties who assume risks and put their wealth at the disposal of entrepreneurs who undertake authentically beneficial activities in a free market. An entrepreneur who seeks a loan needs a reputation for effectiveness which the State does not require, since it counts on armed force, the monopoly of fraudulent issue of money, and the Official Bulletin." And this unfair competition keeps occurring when the government borrows to roll over its debt, not just when it goes deeper into debt.

If its low borrowing cost were a genuine and not a spurious advantage, why shouldn't the government pass this advantage on to the public by borrowing on a massive scale and relending the funds at only a slight markup? Answers to this question are available even if its premise were correct, as of course it is not.

Even conceptually, the surplus is dubious. Gross federal debt has been continuing to rise even as debt held by the public shrinks. The budget surplus commonly cited now corresponds roughly to the excess of payroll tax receipts over social-security payments.

The apparent cheapness and even painlessness of borrowing to cover government deficits implies relative ease in wresting real resources out of private use. They make government programs seem cheaper than they actually are in terms of productive private alternatives crowded out and so make the government larger and more intrusive than it would be if the politicians had to undertake accurate cost-benefit calculations. Likewise problematical is the apparent cheapness and painlessness even of just rolling over rather than repaying the debt accumulated from earlier deficits.

One still might insist on a difference between rolling over existing debt and going more deeply into debt. Mistakes, if such they were, as well as any government growth promoted by deceptively easy finance, are bygones. Why try to atone for past sins through financial masochism now? Such thinking, however, is inexact. The debt absorbs waiting in a continuing process, not just once and for all when being originally incurred. Even in rolling over existing debt, the government currently and repeatedly preempts waiting, a productive resource.

I could argue that government debt, by sidetracking waiting away from productive investment, is victimizing future generations. The standard reply — "What have future generations ever done for us?" — expresses a value judgment rather than an economic analysis.

The standard and respectable argument for incurring debt recommends smoothing tax revenues over time, rather than making them match government spending even in the short run, whenever war (or, less plausibly, unusually good opportunities for government investment) brings a spurt in spending or whenever revenues shrink in a depression. But this idea of smoothing implies letting revenues exceed expenditures at other times. The same idea of smoothing also argues against paying off accumulated debt too fast — against too concentrated and painful an increase in tax collections or cutback in government services. But it does not argue against making a start on repayment. On the contrary, the standard argument for smoothing does imply reversing accumulations of debt.

continued on page 50

Short Story

Contraband

by Miles Fowler

Remember why we have laws requiring seat-belts, helmets and speed limits? Imagine living in a world where the rationale of those laws is carried to its logical conclusion.

Through the pocket of his leather jacket Adams felt again for the grip of the semi-automatic pistol in his belt. The Public Safety agent was late. Adams hated when people were late for meetings. It made him think about what could go wrong. That was what he always did when he had nothing else to do. Hell, he worried even when he did have other things to do. He had an ulcer to prove it.

He looked at his watch. It was one of the better watches made in this country, yet he couldn't be sure that it hadn't lost time. He glanced at Yeager who stood by in a gray wool coat, wearing earmuffs under a battered felt hat, his breath visibly condensing in the air. Yeager had a pistol under his coat, too. He was surveying the end of the warehouse where they expected Lund to appear at any moment, but as soon as Adams looked his way, Yeager met his gaze expectantly. Adams shook his head and continued pacing and worrying.

He would have thought that keeping his business simple would keep his problems manageable too, but it had not worked out that way. Adams sold one product in one section of town. When he started 20 years ago, he knew most of his customers by sight and many by name.

When they first put a quota on the imports, the price of his product went up $20 a unit. That was when he began smuggling the stuff from Canada. Then it increased by $50 after they outlawed imports altogether. That had been great for business as far as Adams was concerned, but it was also when the competition began to toughen.

Other smugglers were more ambitious and less concerned with the well-being and tastes of their customers. Adams's product had remained relatively high in quality, and his customer base had been limited to the east side of town. But the more ambitious traffickers always wanted to move into his territory. Raw muscle soon had to be replaced by guns to keep them out. Then there were the Public Safety agents he had to bribe.

Of course, the banning of most products really started 30 years ago with the rise to national prominence of the Public Safety Party, nicknamed the "Safetarians" because they based their policies on safety, except for those belonging to the police, who were re-dubbed "Public Safety Agents." Most foods, drugs, electronic products and chemicals either were or could be dangerous, so the newly elected Safetarian attorney generals — at both state and federal levels — sued manufacturers into bankruptcy or submission. Sport utility vehicles were unsafe, so they were banned. All cars were unsafe, really, so they eventually banned them too. By making safety the be-all and end-all of legislation, without regard to any other value, the only way to achieve absolute safety was to make everyone stay home. In fact, since the latest Public Safety campaign slogan was "Ninety percent of accidents happen at home," nobody was supposed to get out of bed without permission from the National Accident Numeration, Neutralization, Indemnification and Education System. Adams could think of a dozen NANNIES laws he was violating by just pacing.

Of course, people had to make a living and they had to buy food, clothing and household supplies. Most people now were forced to work at home, usually doing piecework under electronic supervision by NANNIES. Certainly there were legal ways to get supplies, but all such supplies were manufactured and delivered by NANNIES or companies that NANNIES approved and had not sued out of existence. Approved manufacturers made the cheapest products possible and spent most of their budgets on campaign contributions to Safetarian party delegates and TV public relations campaigns that were designed more to appeal to NANNIES members than to customers.

This was where people like Adams came in. Selling better than average supplies at higher

than average prices was profitable. It meant life in prison if you were caught buying (or, for that matter, selling) but most people were willing to buy, and many were willing to sell.

The catch was that you could not operate for as long as Adams had unless you paid the police, the prosecutors and, sometimes, even the judges. Adams once tried running his own security and then had hired Yeager to do it. But it soon became obvious that the most cost effective way of maintaining security was paying the police to do it. Even after bribing everyone who needed to be bribed, a small-time operator like Adams could still make a nice profit. Some years he had made a 1000 percent profit. If you had enough ambition and were willing to deal anything, 2000 percent was possible. Adams was satisfied where he was in the game, though he would have been happier if the bribe-takers didn't always want more, and competitors like Kinney were not always trying to force their way into his territory.

"Funny place for a meeting," Lund said, sniffing with his bulbous nose. "Smells rotten. Well, good. Clearly no one comes around here. We'll have our privacy, won't we?"

There was a creaking and then a metallic shudder at one end of the warehouse. Adams looked up just in time to see the public safety agent come in the side entrance. Cold pungent air swept in behind him and quickly reached Adams and Yeager. The stout little man wore an oversized brown raincoat and looked even smaller than his five-and-one-half feet in the cavernous warehouse.

Agent Lund looked casually from side to side as he ambled down the length of the building, past the long, high metal shelves loaded with various size crates. Some were marked as fruit, but most were unmarked. Lund smiled when he saw Adams and Yeager.

"Funny place for a meeting," Lund said, sniffing with his bulbous nose. "Smells rotten. Well, good. Clearly no one comes around here. We'll have our privacy, won't we?"

"You're late," said Adams, stepping forward. He put no edge on his voice but made his observation bluntly.

Lund raised his chin toward Adams. "So, it's that way, is it? Very well, then. What did you want to meet me about?"

"I think you know," said Adams evenly.

"Mmm. The arrest of your man — what is his name?"

"Brock."

"Yes, Brock. That was unfortunate, but I believe he is being released even as we speak."

"Released on bail, yes," said Adams, tightening his mouth as he spoke. "I know because my money paid for his bail."

"Oh, so? I had no idea," said Lund, raising one brow over a wide-open eye. The other eye nearly squinted. Adams sighed and looked away. He clenched his teeth before he spoke again.

"Very well, Lund. What is it you want? More money? Liquor? Women? Boys? What do I need to provide for you in order to get adequate protection?"

Lund stuck out his lower lip as if his flabby, lineless face was that of a man whose feelings could be hurt. "Brock's arrest was not my doing. There are public safety agents everywhere, you know. I am hardly the only one, and I cannot keep track of every one of my colleagues."

"Do you need more money to pay off the bugger who arrested Brock?"

Lund raised both eyebrows this time but only said "Not all public safety agents are interested in the finer things in life. They're not like you and I. Some are motivated by a sense of duty."

"Hah!" For the brief duration of Adams's perfunctory laugh, his face hardly lost its countenance of sadness and anger barely held in check. He reached into his coat and produced a rough, brown envelope. "Will two thousand do?"

"Very likely, it will," said Lund, taking the envelope and putting it into a deep pocket of his grimy raincoat.

"Kinney never has this kind of trouble," Adams observed. "Not in ages, anyway. Your colleagues leave him alone."

"Well, now." Lund pretended to consider this. "You know Kinney is not in the same business as you."

"Yes, he is. Only he is in every other business as well. Why, his people even try to intimidate my salesmen in my own territory."

"Intimidate you!" said Lund. "That is a joke. It will be a warm January on Lake Erie before anyone intimidates a tough character like you."

"I had to get tough with one or two of his people," Adams admitted. "Kinney won't give up so easily, but that's my headache. What I want to know from you is, will two thousand a week be enough to keep your colleague happy?"

"Mmm. I think that Agent Balint will find that generous."

"I'd think so. Now, what will it cost to make the charges against Brock go away completely?"

"It is impossible for me to speak for the state prosecutor," said Lund.

"Nothing is impossible for a man of your position and character."

"I did not know that you admire my character." Lund eyed him up and down. "Am I to feel flattered?"

"I use the term neutrally."

"Oh." Lund looked hurt. "Well, I suppose my brother-in-law does have some influence with the prosecutor."

Adams gave another reflexive laugh. He was in no mood for jokes, but Lund's brother-in-law was a well-known stud who had been bringing the state prosecutor to loud orgasms for the past six months. Even fools who did not actually know this at least suspected it.

"Naturally," said Lund, "there will have to be something in it for my brother-in-law — and the prosecutor."

"Damn you all!" Adams blurted, no longer able to contain his frustration. "Do I need to support the police, the prosecutors and the judges, too?"

"Could you?" Lund asked. "After all, a public servant's salary is less than commensurate with the degree of sacrifice required by the people."

Adams rolled his eyes. "Hey, I'm not made of money. I only distribute one product in one neighborhood."

"An illicit product — without a federal license," Lund reminded him.

"Kinney has more money than I do. Ask him to support all of you."

"That is an interesting thought."

"Look," Adams said, drawing two brown envelopes from an inside pocket and offering them to Lund. "Here's five for your brother-in-law and eight for the prosecutor. She'd better drop the charges against Brock."

"That is not as much as they might like," said Lund thoughtfully. "But I think they will be satisfied. Is there something else?"

"No. I would just like to get back to running my business."

"O-ho!" It was Lund's turn to laugh perfunctorily. "I am sure you would, but what I meant was, do you have something else for me?"

"How could I forget?" Adams slapped another brown envelope across Lund's palm. The public safety agent deposited all three envelopes into the deep pockets of his raincoat. Adams turned and walked toward the door opposite the one Lund had used for his entrance. Yeager followed him but walked backwards so as to keep one eye on Lund and also scan the rows of shelves, the rafters above, and the windows and skylights that let diffused gray light in from the cloudy sky.

"By the way," said Lund to Adams's receding back. "Is this your warehouse?"

Without turning, Adams sniggered and said, "No, it's yours, in a manner of speaking."

"How so?"

"It belongs to the Ministry of Agriculture."

"Ah, then it belongs to all of the people," said Lund, his curiosity sated. He, too, turned and went back the way he had come, past the rows of shelves.

"To the people," Adams called out wearily but without bitterness. "To the minister. To his minions. To no one." With his back turned, Adams did not see Lund step behind a metal shelf laden with crates of potatoes. The warehouse was dark enough that Yeager had to squint and blink to see Lund's deft little sidestep.

When Adams opened the door, light poured in from outside, surrounding him in a dim spotlight, with a palpable dustiness swirling around it. An instant later, Adams felt three — no, four — little fists punch his chest. By the time he heard the thunder of automatic fire, he was aware that he couldn't breath. Pain was creeping through his chest and he felt cold.

He turned right and saw his man, Yeager, already lying face-down on the floor of the warehouse, the fabric of his black coat ragged with dark red holes. Adams's mind was unclear, but he put his hand under his coat and felt the grip of his pistol again. Another fist punched through the side of his neck, and he fell into the widening pool of Yeager's blood.

After what seemed an eternity, Lund came out of hiding. The warehouse smelled even mustier. He walked cautiously toward the two bodies at the far end of the building, keeping close to the shelves in case he had to take cover again.

"Don't shoot!" he said when a lithe figure holding a dull black machine pistol abruptly appeared in the lighted square of the open doorway. "It's Lund. Lund of Public Safety."

The gunman in the doorway assumed an alert crouch but kept the muzzle up slightly. He looked at Lund with youthful but impassive eyes. Lund's nose now detected burnt gunpowder and warm blood mixing with the stale, rotting odors of the crates of vegetables and fruit. Behind the gunman a tall figure appeared, standing straight and looking relaxed in contrast to the tense shooter. He wore a fine, chocolate-colored wool overcoat, a shiny black fur cap and a greenish plaid scarf around his neck. Only Safetarian delegates dress like that, Lund thought. Delegates. Or, maybe, the most successful traffickers.

The newcomer took a step inside the doorway and stopped abruptly, seeming almost surprised to find two bloody piles at his feet. Then he looked up at Lund. A faint smiled played on his lips.

"Lund," he said. "Not hurt, I hope."

"No thanks to you, Kinney," said Lund. "You were supposed to wait until they were outside before opening fire."

Kinney pursed his lips. "Oh, but can you blame Martin here for his eagerness to please me? Once they got out the door, you see, they might have taken cover behind the trash piles. Then we would have had a harder time picking them off." Kinney looked around them. "Someone at the Ministry of Agriculture should really clean up this place." He lifted his nose and sniffed. "Stinks inside more than out."

"So you know this warehouse belongs to the Minister," said Lund, "and you made this mess anyway."

"It belongs to the minister?" said Kinney. "I thought it belongs to the people."

Lund scowled. "How did you hear our conversation from out there?"

"What conversation? I didn't need to listen in on your conversation. I assumed you would say what you had to say and not let Adams leave until he gave you what you needed."

The young gunman suddenly stepped outside and disappeared. Three shabbily dressed men whose heavy jackets covered thick, muscular bodies came in. The largest of the three, working alone, wrapped Adams in a blanket and took him away while the other two teamed to pick up Yeager's remains. The oldest of the three, a man with a face covered in white stubble and gray hair protruding from under his dingy fur cap, shortly came back in carrying a bucket of soapy water and a mop. He made short work of the blood pool, and then left Kinney and Lund in private.

"Damn you all!" Adams blurted, no longer able to contain his frustration. "Do I need to support the police, the prosecutors and the judges, too?"

"And Brock?" asked Kinney.

"He won't bother you," said Lund. "His bail was denied. Selling contraband is a serious crime in this country."

"This must be yours," said Kinney crossing the safety agent's palm with another envelope. "I expect we will have a long and mutually profitable association."

"We should," said Lund, "now that you run Adams's territory."

"Yes," said Kinney, looking down at the floor where there had been a pool of blood only a moment ago. Lund, too, studied the wide area marked by a thin film of water. It was most conspicuous because the rest of the place was so filthy. Then Kinney continued, "Who would have thought that persuading Adams to give up selling toilet paper would have been so much trouble? But it is so lucrative." □

"Debt Matters," *from page 46*

The thought that the debt doesn't much matter may be used, as Slivinski uses it, to argue for limiting government by way of tax cuts. But earmarking tax revenues for debt repayment can itself be a restraint on the size of government. Furthermore, complacency about existing debt may breed complacency about a growing debt. If the government has such an apparently painless way of financing its programs — if the full opportunity costs of government programs may be so readily overlooked — why not have more and bigger programs? Some Calvinism may be a prophylactic against such a drift into bigger and bigger government. Such philosophical considerations find no answer in Slivinski's sneers at "a shockingly widespread phobia of the national debt" and its political use as a "bogeyman."

Slivinski concludes that surpluses can be bad because they tempt politicians into greater spending, while debt reduction provides an excuse for retaining the high taxes that yield the tempting surpluses. Maybe so, but this is a political and even a psychological consideration, while, on the other hand, a "phobia" about debt may itself help contain spending. Anyway, one shouldn't confuse political considerations with economic analysis, and one shouldn't disparage moral considerations. Morality does have a proper role in policymaking, along with political philosophy, which is a branch of applied morality.

Nothing said here implies liking high taxes. Reasons exist for easing tax burdens, perhaps especially on saving and productive investment. But the hidden costs of debt finance should also be recognized. ❑

The author wished to thank Roger Garrison and Luis García Dopico

"Left-Brained Politics," *from page 34*

the political marketplace, the LP should "sell" the people a better product — better methods of solving — what the people perceive as problems.

Legitimate political opposition is one thing. You can appreciate the Democrats' passionate sincerity, even as you deride their problem-solving approach. But the LP's relationship with the Republican Party is something else entirely. The leaders of the GOP know they must never, and cannot ever, allow the Libertarian Party to begin to thrive. If that happens — if a genuine libertarian message starts to get out — the fragile and bizarre coalition that the GOP relies upon will shatter and they will be left as a marginalized force, representing only religious fundamentalists and plutocrats.

The Republican Party is not a legitimate opponent of the LP. The flaccid elephant squats across a vast expanse of political landscape, combining groups that have no logical business together, keeping millions of basically libertarian voters casting GOP ballots as a "lesser of evils"; buying them off with a little pseudo-libertarian rhetoric that the likes of Newt Gingrich never had any intention of acting upon. Libertarians have to kill off this awful creature — or at least make it move out of the light where they need to stand. Only then can the LP engage in open debate with the other party that sincerely wants a better future for our children.

Sure, disagree with democrats over how to get there. Still, as adults we can admit they are responsible for many efforts in this century that have done some good. Inefficient good, but good nonetheless. In contrast, name one truly major positive thing the GOP has done since Teddy Roosevelt.

I dream of a time when Democrats and Libertarians will square off in open and honest debate, comparing the biceps of society's left and right arms. At which point, libertarianism will win enough victories to show what the right hand can really do. But, for that to happen, the undead elephant has simply gotta go.

Vote for Al Gore? No, I'm not asking you to do that, instead of voting for the LP's Browne. Though in fact, Gore's "reinventing government" campaign has resulted in significant trimmings of regulations, paperwork and federal manpower. And it's still a shame that no one gives them credit for the balanced budget, or deregulating more industries than the GOP ever proposed. Still, I won't ask you to vote for the party of the donkey. The cognitive dissonance would hurt too much. Your *corpus callosum* might frazzle!

But do try to recognize the difference between your legitimate (and sincere) political opponent, on the one hand, and the political enemy who lies incessantly in order to steal your place in the sun. The longer the GOP gets away with calling itself a "party of freedom and small government" the longer you will have to wait before libertarianism can stand up in the light and tell the people, "Hey, I've got a different kind of solution for what's bothering you. Come on over and try this out instead." ❑

"Autumn in Belgrade," *from page 38*

Everyone thought that Monday or Tuesday all hell would let out as the government tried to overturn the election by force. But most people were pretty optimistic. I sat in a sidewalk café on Knez Mihailova until late at night watching the people pass by, upbeat and happy with not a single soldier in sight and very few city police. In fact, there seemed to be no military or police on the streets at all. People seemed a bit surprised at that.

The next night at the Institute for Foreign Languages, where I had worked in '97, they locked the doors after work, opened many bottles of Champagne and celebrated the victory of the opposition until the early morning hours.

On Tuesday evening, I had to leave because I was out of cash. But I've kept in close touch with my Serb friends and have watched what happened on the news like everybody else. My friends were at first sure that Slobo wouldn't leave quietly, but he apparently has. Some news sources have pointed out that he may be trying to position himself for the job of Prime Minister of Serbia, a post actually more powerful than President of the Federation. One friend pointed out that the really important elections are for the Republic level of government next year.

A message I received a few days later told me that I missed a historical moment. The storming of parliament, police defecting to the opposition and the army staying in their barracks. Free at last! My correspondent could hardly contain her joy.

I told her to expect a terrible depression later, just as in Poland and other countries after the fall of communism. After an initial period of euphoria there was a reaction as people looked around and exclaimed, "My God, look at the mess we've got to clean up!" ❑

Reviews

An Enemy of the State: The Life of Murray N. Rothbard, by **Justin Raimondo. Prometheus Books, 2000, 400 pages.**

The Strange Life of Murray Rothbard

David Ramsay Steele

Murray Rothbard was a powerful and lovable character. Those who knew him can still fondly recall his indignant squeal of "Monstrous!", a characteristic response to the latest outrage, often a deviation from the Rothbardian ideological line du jour. Murray was a knowledgeable propagandist and stimulating essayist who offered libertarians an alternative to the Death Star of the Rand cult and thus played a pivotal role in shaping the reborn libertarian movement of the 1960s and 1970s.

Justin Raimondo warns us that *An Enemy of the State* is not intended as a "full-scale biography" but rather as "little more than an extended biographical sketch" (19). It's a fragmentary and partial depiction of a remarkable person. More memoirs and sketches will follow from other hands, and no doubt many of them will contain correctives to Raimondo's account.

Born in the Bronx in 1926, Murray Newton Rothbard emerged from a leftist milieu to become a strong conservative at a young age. As a scholar, he tried to develop an integral system of thought uniting ethics, economics, and political philosophy. As an activist he was not a founder or organizer — his wife is quoted as saying that "Murray couldn't organize his way out of a paper bag" (139). But he was a joiner of organizations, a former of factions and coalitions, and an inter-organizational intriguer.

Murray fancifully saw himself as something of a libertarian Lenin. While his dogmatic invective and propensity to conspire may sometimes have seemed reminiscent of the founder of Bolshevism, Rothbard was too playful, too volatile, and too much smitten by the allure of pure ideas to build or to lead a vanguard party.

His political life became an erratic succession of alliances, each one enthusiastically pursued for a few years, then angrily abandoned, with his erstwhile confederates anathematized, though unlike Rand he would sometimes team up with them again later, old differences forgiven if not forgotten.

Murray was allied with the Maoist group Progressive Labor in a struggle against the Independent Socialist Clubs for control of the Peace and Freedom Party. He joined the Libertarian Party, won battles within it, then (having reduced its effectiveness) tired of it and left in disappointment. He helped found the Cato Institute, which he named, and then bitterly broke with Cato. In his final years he severed connections with all libertarian enterprises, including *Liberty*, to join the "paleos," rooting for Patrick Buchanan, then for Ross Perot, then (flipping again just before the 1992 election, a fact not included by Raimondo), for George Bush.

In the 1950s Rothbard had his own New York libertarian group, which for a while interacted with Rand's. Rothbard and Rand influenced each other before the unpleasant falling-out which was de rigueur with Rand and not at all rare with Rothbard. But Raimondo does not give us much information anent these mutual influences and what he gives us is not reliable. Throughout his book, Raimondo often won't tell us what we want to know, and just as often tells us what we know ain't so. The very existence of *Liberty*, let alone Rothbard's involvement with it, has been dumped into Raimondo's Memory Hole; Raimondo doesn't seem to have consulted Rothbard's 5,000-word account of his relationship with Rand, for instance (*Liberty*, September 1989).

Raimondo makes the startling claim that Ayn Rand was a determinist and an opponent of free will until she was argued out of that position by Rothbard around 1954. In Raimondo's account, Rand held, until "at least 1954," that anyone who believed in free will was "insane."

But in her journals, Rand takes a clear stand in favor of free will, the earliest explicit argument being dated May 9, 1934 (*Journals of Ayn Rand*, ed. David Harriman, 1999 [1997], 68–69). Other committal remarks on free will and determinism are from May 15th and August 18th of the same year (69–71, 245), October 25, 1944 (265), July 23, 1945 (296), and March 8, 1947 (555). These Journals have been criticized for selective and inept editing, especially for the suppression of statements embarrassing to the present-day Objectivist church, but I hardly think that entire pages-long passages were fabricated and inserted by the editor.

For Raimondo to be correct, Rand must have first adopted a clearly thought-out free-will position, maintained this for some years if not decades, then for a few years abandoned

it, then reverted to it under Rothbard's influence (persuaded by arguments no better than she had herself propounded in her earlier pro-free-will days). This seems unlikely. On the other hand, Raimondo quotes (114) from a Rothbard letter of August 1954, which appears to show that at this time, fresh from a discussion with Rand, Rothbard was convinced that she did reject free will. All I can guess is that Rothbard misunderstood something Rand had said in her thick Russian accent.

Raimondo's cavalier treatment of this factual question casts doubt on many other factual claims on which I have no independent information. On a related matter, how seriously can we take the claim that Herbert Cornuelle convinced Rand to oppose eminent domain, which she had till then supported on the ground that it was in the Constitution? This "revelation" is also sourced to a recollection of Rothbard's (133).

Raimondo confirms that Rothbard became for a while virtually a member of the Rand cult, and reports that Rand introduced Rothbard to the philosophy of natural rights. Rothbard told Rand: "You introduced me to the whole field of natural rights and natural law philosophy, which I did not know existed . . ." (133). Since Rothbard was a participant in Mises' seminar and held a doctorate in American history, this statement is remarkable, yet it is by no means incredible.

Dr. Jekyll and Mr. Robhard

When Murray Rothbard died suddenly in January, 1995, his friend Robert Kephart wished that he would be judged solely by his vast oeuvre in economics, history and political theory, not the "peccadilloes, the personal feuds, the strategic misjudgments he may have made."

I felt the same way. Over the 20 years I came to know Murray Rothbard, I learned that there were two Rothbards, a sort of Dr. Jekyll and Mr. Hyde. The first Rothbard was the professional economist, the perspicacious scholar and persuasive writer; the second was the ideologue, the acerbic activist who frequently engaged in ad hominem attacks and political intrigue. Like many colleagues, I wanted to honor the first Rothbard and forget the second.

I was introduced to Rothbard by reading his little essay, "The Great Society: A Libertarian Critique." Rothbard elucidated Franz Oppenheimer's distinction between "the economic means" of creating wealth through commercial exchange and "the political means" of taxation and war. Political theory was never the same for me.

Then I read the Rothbard pamphlet, *What Has the Government Done to Our Money?* and experienced a second epiphany. Finally I understood the mystery of money and central banking. After reading Rothbard, money and banking were never the same for me.

I read his *Man, Economy and State*, a tour de force in micro- and macroeconomics. His analysis of the national debt is alone worth the price of the book. After reading Rothbard, economic theory was never the same for me.

It wasn't long before I was reading everything Rothbard had written. He opened my eyes like no other. I concluded that Rothbard was the most exciting economic thinker I had ever encountered, equalling or surpassing Adam Smith, Karl Marx, and Milton Friedman.

Sadly, all this glowing admiration gradually diminished after I met the man and discovered the second Rothbard. "Never meet the author" is an adage that proves all too often to be good advice. Rothbard could be a loveable happy-go-lucky companion, but put a pen in his hand and it could spout poison. If you crossed him, he could become incredibly cantankerous, divisive, and insulting. He was a Leninist who often disfellowed — and even excommunicated — his friends and disciples. I know about this, from personal experience: it happened to me in editing *Dissent on Keynes*.

Justin Raimondo wrote about the second Rothbard, not the first. I suppose this is because Raimondo is an ideologist, not an economist. So far as I know, he did not contact a single economist in writing a biography of an economist. His book is long on Murray's factious in-fighting and short on his scholarly contributions.

What Raimondo does is describe Rothbard's political wars, never failing to advocate Murray's side in every dispute. Sometimes Raimondo's accounts of the internal battles leave your head swimming. His account of Rothbard's "factional brawls" with William F. Buckley Jr., Ayn Rand, Ed Crane, and a host of others are entertaining, but after a while you get tired of all the political mumbo jumbo — Old Right, right-wing, liberal, ex-rightist libertarians, conservative Keynesian, and paleolibertarians. To use one of Murray's favorite phrases, who gives a crap?

Oddly enough, even though Raimondo pays hardly any attention to Rothbard's economics, history or political theories, he concludes with a lengthy chapter about Rothbard's two-volume "Austrian" history of economic thought, a perfect example of the dichotomy between the first and second Rothbards. In this two-volume set, he fails to footnote numerous quotations, an error no serious scholar would commit. And he completely misconceives the grandeur of Adam Smith's contribution to modern economics.

"Never meet the author" is an adage that proves all too often to be good advice.

In 1980, I commissioned Rothbard to write his history of economics. He promised to work full-time on this project and finish it in a year's time, and I paid him a handsome advance. He expanded his planned history to four volumes, but when he died 15 years

After reading *Atlas Shrugged* in October 1957, Rothbard wrote a letter of drooling admiration to Rand, saying that "*Atlas Shrugged* is the greatest novel ever written" (118), a judgment that could only be passed by someone who usually took no interest in novels. Rothbard confessed to Rand that "when, in the past, I heard your disciples refer to you . . . as one of the greatest geniuses who ever lived" he had thought this to be "the outpouring of a mystic cult. But, now, upon reading *Atlas Shrugged*, I find I was wrong" (121).

To the alert Objectivist, Rothbard's insolent suggestion that Rand was merely "one of" the greatest geniuses must have already betrayed the corruption in his soul. Within six months Rothbard decided he had been right the first time: his later article "The Sociology of the Ayn Rand Cult" is one of his most entertaining pieces.

Raimondo explains Rothbard's brief infatuation with Rand the supergenius as a response to the situation of libertarian isolation. "In 1957, the few libertarian remnants of the Old Right had almost entirely faded away. Here, at last, were reinforcements: just when it seemed all was lost, the cavalry was coming over the hill" (121–22). This is a common depiction of the situation in the 1950s; it overstates the case by focussing on visible organizations at the expense of less conspicuous developments in opinion. *The Road to Serfdom* was published in 1944 and was immensely influential, both immediately and over the years. At Hayek's instigation, the Mont Pelerin Society was founded shortly afterwards. Already by the 1950s, Milton Friedman was an extremely effective propagandist for libertarian ideas, and in the 1960s Friedman was to become more effective than Rand or Rothbard would ever be.

Raimondo recounts once again some of the hilarious stories we have heard many times. Nathaniel and Barbara Branden, the second greatest philosopher since Aristotle and the most beautiful woman in the world, were (until they fell out with Rand in 1968) the Rand cult's high priests and enforcers. The "psychologist" Nathaniel was also therapist for most cult members, including Rothbard. "Dr." Branden proved unable to do anything for Rothbard's emotional problem (what Raimondo calls his "travel phobia"), and decided that the only hope for a "cure" lay in Rothbard's giving up all his Christian friends and converting his Christian wife, Joey, to atheism.

At one of the Rothbards' last meetings with Rand, Joey Rothbard was asked to read through some arguments for atheism, with the understanding that, if she were unconvinced, Rothbard would be obliged to divorce her or forfeit any claim to rationality. The equally risible circumstances of Rothbard's departure from the cult are also related, with Rothbard accused of plagiarizing from Rand and from Barbara Branden by repeating ideas which had, in fact, been commonplace for decades.

Barbara Branden has stated that Rothbard was in basic agreement with Rand's ideas, and Raimondo comments that this "is true in the narrow sense that they both were advocates of individualism and laissez-faire capitalism" (134). But it is true in a broader sense as well: Rothbard followed Rand in appealing to a similar kind of "natural rights" argument for libertarian principles, and this was only the most prominent instance of a tendency to settle major issues by deduction from apodictic axioms.

Murray fancifully saw himself as something of a libertarian Lenin.

Raimondo reproduces Rothbard's account (35) of how, having enrolled as a statistics major at Columbia, he experienced an "epiphany" during a lecture by Harold Hotelling, and walked out. Rothbard thought he had seen that statistics rests on one crucial assumption which was utterly groundless. The fatal flaw is reliance on the "bell curve" or normal distribution (36).

If the young Rothbard really had found something that refuted all statistical theory, this would be a momentous discovery, and a great consolation to tobacco producers. But, 60 years on, the edifice of statistics has not registered any tremors.

In the Rothbard-Raimondo account, statisticians accept the bell curve because of a single example, the distribution of hits around the bull's-eye on a target. In fact, statisticians don't view the bell curve as sacrosanct. Since a great many phenomena are, as a matter of fact, so close to normally distributed that the assumption of normal distribution will yield correct predictions, normal distribution can be later, he had completed only half the work. Why didn't he finish it? Because he was chasing two hares, turning his avocation of politics into a vocation of diatribes, growing "more radical" with age.

The loose cannon was getting looser. To say, as Raimondo does, that his involvement in libertarian politics "did not distract one iota from his intellectual energy" is plain nonsense.

It's interesting to compare Rothbard's career and influence with his free market contemporary, Milton Friedman. Both their parents were Jewish immigrants from Eastern Europe who came to New York, both were brilliant but poverty-stricken students, both did their dissertations in economics at Columbia University, and both made significant contributions in debunking bad economics and introducing sound economics to the world at large. And yet Rothbard was determined to be an outsider writing books for little-known libertarian publishers and teaching at an unknown engineering school, while Friedman took a position at the University of Chicago and wrote for scholarly journals. Friedman won virtually every professional award, culminating with the Nobel Prize, while Rothbard languished in obscurity. Today Friedman's influence is ten times Rothbard's. Hopefully, Rothbard's great contributions will rise to equal Friedman's in influence. Raimondo's book may be entertaining, but it won't help Rothbard's reputation or advance his thinking.

— Mark Skousen

treated as an empirical generalization and a useful instrument.

Alternatively, normal distribution can be strictly derived by the Central Limit Theorem, which shows that where some variable is influenced by a large number of unrelated random variables, that variable will be normally distributed. This result holds subject to certain conditions, which are very widely, but not universally, encountered. Statisticians are open to the possibility of non-normal distributions where these conditions don't apply.

It doesn't seem likely that Rothbard successfully debunked all of statistics around 1942. However, this incident prefigures the Rothbard approach: treat all branches of human knowledge as resting on axioms, hastily dismiss the axioms of any disliked discipline, discount that discipline entirely, then move into the gaps so generated by establishing new disciplines based on more congenial axioms.

It's entirely typical of Rothbard's thinking that he would reject all of statistics because of some supposed fundamental conceptual flaw, then abandon his personal pursuit of statistical knowledge at an early stage, then develop his own praxeological approach to social science in slap-happy fashion, without much scruple as to rigor.

Raimondo's cavalier treatment of this factual question casts doubt on many other factual claims on which I have no independent information.

Although Rothbard's criticisms of statistics and of mathematical methods in economics are wrong, his entire philosophical approach here is misguided. A science can make great progress without its conceptual foundations being correct or even free of absurdities. The conceptual foundations of arithmetic, for instance, are still controversial and still contain unresolved problems, but this does not mean that arithmetic ought to be disregarded. Typically, the conceptual foundations of a discipline only begin to be investigated centuries after the discipline has been developed. "Foundations" is just a metaphor.

Rothbard's misguided views on methodology, insofar as they have influenced young free-market economists, have tended to wreck those economists' chances of contributing anything enduring to economics. These Rothbardian economists tend to apply the body of theory which is common to Misesians and mainstream neoclassicals, on such matters as price controls, while rejecting on a priori methodological grounds most of the new theory which comes along. The wonderful insights of such truly outstanding thinkers as Ronald Coase and Gary Becker are ignored or deprecated. Meanwhile, effective criticism of the real dangers arising from the excessive proliferation of mathematical apparatus is nullified by the dogmatic and indefensible refusal to admit any math at all into economics.

Rothbard saddled a large section of the libertarian movement with his version of Austrian trade cycle theory, including its horror of "bank credit expansion" and its hostility to all "fractional reserves." In the early 1970s I found that the Rothbardians I met, just like the Marxists I had known, were all looking forward to the next major slump.

Rothbard maintained that the West was wholly culpable, the Soviet Union wholly innocent, in responsibility for the Cold War. In Rothbard's view, as in Raimondo's, "there was no Russian 'threat'" (136).

The details of the West's response to the growth of the Soviet empire are open to argument. Western powers have admittedly committed crimes and blunders. But the West could not have avoided the Cold War except by unconditional surrender.

Trying to view Cold War history through Rothbardian eyes is a demanding exercise. In 1948 the West tricked the Communists into executing a coup in Czechoslovakia, innocently overthrowing a democratic regime and crushing all dissent. The Western powers followed this up with another devious stratagem in which they enticed the ingenue Stalin into blockading West Berlin, and then, crazed with anti-Communist prejudice, kept West Berlin alive by an airlift. In 1950 the West's satanic machinations sank to new depths when it manipulated North Korea into naively invading the South — and then lost its temper, employing crude military force to rebuff this gauche overture of the North Koreans. So it went on, down to the Russian war in Afghanistan, one sad episode after another where the Kremlin was hypnotized into plunging its fragile and reluctant bayonet into the cynical bosoms of its neighbors.

Rothbard was not an outstanding thinker who pursued fringe politics as a hobby, but an outstanding influence in fringe politics who pursued intellectual system-building as a hobby.

Raimondo defends the Rothbardian position with the observation that since socialism doesn't work, it must eventually collapse. But surely it makes a difference whether this collapse occurs before, or after, Soviet socialism has subjugated the entire world. If the West had unilaterally disarmed and retreated at every step, as Rothbard urged, the evil empire would still be very much alive today, and would now encompass much of Latin America, much of Africa, most of South and Southeast Asia, and possibly even parts of Western Europe.

Raimondo still believes that Rothbard was "one of the greatest minds of this century" (237) and that his theoretical system is "the most important and interesting development in the modern history of ideas" (19). Perhaps to excuse Rothbard's wayward political trajectory, Raimondo concludes that Rothbard viewed politics as "a kind of hobby — a vacation from the complex problems of theory that occupied the center of his attention." (173).

Most of the book is written without any evaluation of Rothbard's conduct, therefore by omission leaving an impression of wholesale endorsement. Halfway through, I still thought that Raimondo was tacitly defending every-

thing that Rothbard had done, but in the second half this breaks down a little.

We are briefly notified of a doubtful pattern in Rothbard's behavior with respect to Karl Hess, and later Ed Crane (218). (Hess, the former Goldwater speechwriter turned guerrilla "enemy of the state," was an ally of Rothbard in the late 1960s; Crane, head of the Cato Institute, was allied with Rothbard in the 1970s.) A bit later Raimondo tells us: "In the case of Crane, as in others, idealization soon turned to demonization when Rothbard's great expectations were dashed on the rocks of reality" (236). Here we're somewhat softened up for Raimondo's account of his own breach with Rothbard (over the attempted nomination of Earl Ravenal as Libertarian Party presidential candidate), where Rothbard evidently couldn't have been entirely in the right (245–47).

It would have made for a more interesting story if Raimondo had undertaken to explicitly evaluate the wisdom of Rothbard's ever-changing tactical postures. This might have given the book a structure and perspective it lacks. Contrary to Raimondo's view, agitprop was the historically significant side of Rothbard. Rothbard was not an outstanding thinker who pursued fringe politics as a hobby, but an outstanding influence in fringe politics who pursued intellectual system-building as a hobby. ❑

***What Price Fame?*, by Tyler Cowen. Harvard University Press, 2000, 248 pages.**

The Fame Game

Charles Stampul

Dana Carvey once observed that if an orange were featured regularly on television, it would eventually receive as much attention as a famous actor or musician. Few would argue that the most famous people are not also the most talented. The most gifted performers, however, are usually not the best known. The question Tyler Cowen attempts to answer in *What Price Fame?* is whether the qualities of those who are famous actually reflect the tastes and values of the public.

Commonly in a free market economy the best quality products become the best selling. But when it comes to songs, movies, television programs and other entertainment goods, there seems to be an inverse relationship between quality and mass appeal. Cowen doesn't challenge the obvious explanation that fame is separated from merit because the majority of consumers have poor tastes. Instead, he shows that there is another factor at work.

People, especially teens and young adults, become fans of stars to be affiliated with a popular group or clique. Oftentimes they don't have an intrinsic interest in the entertainers they become fans of. Those with undeveloped tastes are particularly susceptible to becoming fans of celebrities they don't necessarily like.

Because people become fans of stars to be accepted by and recognized as part of a group and often have uncertain tastes, marketers of entertainment goods rarely focus on artistic virtues. Instead, they associate their products with appealing images.

Critics are supposed to cut through the hype and deception of advertising and promotion, but according to Cowen:

> [They] cannot help noticing the commercial promotions that surround them. If a performer with some degree of intellectual plausibility achieves widespread celebrity, critics will be more likely to consider the merits of that star. Even if critics snobbishly hold popular success against a star, they cannot help wondering whether the star is any good, preparing the way for reevaluation.

America is witnessing some disturbing trends in the production and consumption of fame. Professional wrestling programs are at the top of the television ratings charts. Biographies of people on the fringe of show business outsell biographies of groundbreaking scientists.

To gain notoriety, people are no longer just starting music bands and running away to Hollywood. They are now committing mass murders, unleashing destructive computer viruses, baring all on national television and showing footage of highly personal activities over the Internet. To connect with those who are famous, people are doing equally outrageous things. There are consistent reports of stars being stalked by fans, and recently one individual purchased a celebrity's half-eaten piece of French toast for $1094.

But should entertainment markets be blamed for the debasement of entertainment or should the onus fall on individuals?

In *What Price Fame?*, Cowen leads readers to believe that markets should correct or at least not exacerbate the lack of individual tastes, values and judgment responsible for the separation of fame and merit. The role of markets, however, is to satisfy desires, not to parent against them. The market should not be expected to give people an appreciation for art or to compensate for people's desire to follow the crowd.

Cowen concludes that "most government fine tunings of the fame market are unlikely to succeed." The only way to improve the quality of entertainment in America is by fostering an appreciation of fine art, music and literature in children at an early age, and instilling in them the virtue of independent thought. America's government-subsidized schools fail horribly in both regards. Therefore, if there are policy measures that will help take fame away from those who are unworthy of it and give it to those who are, they

center around cutting into the state's monopoly on education.

Regrettably, *What Price Fame?* ignores this alternative. ❑

***The Stone Canal*, by Ken MacLeod. Tor, 1996, 304 pages.**

Parallel Life

Martin Morse Wooster

Although there are many freedom-minded science-fiction writers, "libertarian science fiction" is something that's largely been marginalized. Ask most fans what they think of libertarian s.f., and they tend to think of a didactic, humorless, leaden genre only enjoyed by readers who are already libertarians. Science fiction readers tend to be open to all sorts of wild ideas, but they don't like to read sermons.

But there's a relatively new, rising, Scottish libertarian s.f. writer who has been gaining praise from s.f. writers across the political spectrum. *The Stone Canal* has been given blurbs by both Kim Stanley Robinson (a left-wing ecological s.f. writer), and Vernor Vinge (a right-wing, libertarian, cyberhardhat writer). MacLeod's first two novels, *The Stone Canal* (which appeared in Britain in 1996) and *The Cassini Division* were both given Prometheus Awards from the Libertarian Futurist Society, and there are indeed plenty of in-jokes in *The Stone Canal* for the hard-core libertarian reader. For example, there are references to the Libertarian Alliance and FOREST, a British smokers' rights group that's filled with market-oriented types. There's even one oblique reference to Ludwig von Mises, as well as a minor character named Stigler. And MacLeod shows his familiarity with at least one libertarian classic, as the first part of *The Stone Canal* is called "The Machinery of Freedom."

But the reason why MacLeod has been receiving praise from all sorts of s.f. writers is that he fulfills the novelist's primary duty — to make sure the reader is entertained. Anyone who likes s.f. novels with interesting political ideas, as well as plenty of kinky sex and violence, will find *The Stone Canal* well worth their time.

The Stone Canal is the story of Jon Wilde. It's always unfair to infer thoughts about an author's politics from his fiction, but as Wilde is a Scottish activist who, like MacLeod, was born in 1953, it's reasonable to suspect that much of the Wilde's political thought in *The Stone Canal* reflects MacLeod's thinking.

There are two parallel stories in *The Stone Canal.* One tale is of Jon Wilde's political evolution from 1975 until the beginning of the 21st century. The other story is set on New Mars in 2093 and also concerns a character named Jon Wilde, who may or may not be the same Jon Wilde.

Both stories in *The Stone Canal* are well told and interesting. The purely s.f. tale is an interesting exploration of what an anarchy might be like. As MacLeod explains, the Martian settlers decided that anarchy was the best way to organize society because:

> [I]t's an anarchy by default. There's no state because nobody can be bothered to set one up. Too much hassle, man. Keep your nose clean, don't stick your neck out, it's always been this way and nothing will never change, and anyway (and especially) *what will the neighbors think*? (They'll never stand for it, is what. It's against human nature.)

The New Mars plot centers around private police forces. Justice is determined by insurance policies, and everyone on Mars hires Invisible Hand Legal Services (and pays them in gold) whenever they've got a dispute to settle. A lesser libertarian writer would use this premise to hammer home the lesson that freedom is good and government is bad. But MacLeod makes his points with a lighter, surer touch. For him, anarchy isn't just the law: it's a quirky backdrop for a colorful story.

The semi-autobiographical part of *The Stone Canal* is also worthwhile because it replicates experiences we've all had. As there are very few second-generation libertarians, most of us became libertarians in moving away from the left or the right.

In Wilde's case, it is a move away from his family of individualist socialists. His father is a member of the Socialist Party of Great Britain, an obscure, hard-left sect. But Wilde grows up with the individualist faction of socialism, the sort that treasures such freedom-minded writers as Max Stirner and Thomas Paine.

Wilde's intellectual evolution is interesting because it reminds us of our own. There are the long, beer-filled discussions about arcane theoretical points. There are the lazy afternoons searching for little-known tracts in obscure bookstores. There's one scene, set in the mid-1980s, in which Wilde goes on "an ideological whistle-stop tour of London, from the Freedom Bookshop in Angel Alley and the Market Bookshop in Covent Garden to Novosti Press Agency in Kensington, getting back via Bookmarks in Finsbury Park."

Anyone who likes s.f. novels with interesting political ideas, as well as plenty of kinky sex and violence, will find The Stone Canal well worth their time.

Policy analysts will be particularly thrilled by *The Stone Canal*, because Wilde eventually persuades an insurance company to let him set up a think tank to support freedom and space exploration. This think tank becomes so persuasive that it becomes a political party that forms a government!

The Stone Canal is the most promis-

ing debut for a libertarian s.f. writer in over a decade. Ken MacLeod isn't merely another ideologue; he's someone who has a great deal of ability and talent, and a gift for comedy. *The Stone Canal* is my first MacLeod novel, but he's a writer I definitely plan to read again. ❑

***Growing Pains: Quality of Life in the New Economy,* by Joel S. Hirschhorn. National Governors' Association, 2000, 68 pages.**

Dumb Growth

Randal O'Toole

One of the latest volleys in the war on suburbs and autos was launched this past June, when the National Governors' Association (NGA) published *Growing Pains*. The report, by NGA staff member Joel Hirschhorn, was funded, at least in part, by an Environmental Protection Agency grant as a part of its campaign to spread "smart growth" centralized planning across the nation. Hirschhorn claims that suburbanization causes urban decline, threatens open space, increases traffic congestion and is subsidized by existing tax structures — in short, he repeats all of the usual myths about suburban development. The information he cites to support these claims is almost all secondary and is often from highly biased sources, such as the Surface Transportation Policy Project, Grow Smart Rhode Island, and other groups that have also received EPA smart-growth grants. While the report is a useful piece of propaganda for smart-growth advocates, it is not credible as a policy-making document for state governors or other elected officials.

Chapters 1 and 2 of the report rely heavily on a handful of claims about suburban development. If Hirschhorn had actually examined some primary data or any credible academic studies, he would have found these claims to be false. But he does neither. He offers no original data and many of the documents that he does cite are from organizations that form the backbone of the smart-growth movement. Clearly he has not done his homework.

Hirschhorn claims that it is a "law of growth" that "rapid suburbanization and urban decay are mirror images of the same phenomenon" (15). Much of his report argues that cities need to limit suburbanization in order to protect urban areas, while at the same time subsidizing the "revitalization" of those urban areas.

Until last year, economist Anthony Downs of the Brookings Institution was a believer in Hirschhorn's "law of growth." But in 1999, Downs did a detailed statistical analysis comparing various measures of sprawl, such as overall urban area density and the ratio of central city to suburban density, with measures of urban decline, such as poverty, crime, and population changes in the central city.

Downs was "very surprised" to find "that there is no meaningful and significant statistical relationship between any of the specific traits of sprawl, or a sprawl index, and either measure of urban decline." He now believes that urban decline would be a problem in some areas "even if sprawl did not exist. . . . Even compact growth would produce the same problems." Although Hirschhorn cites Downs's article in a passage about traffic congestion, he fails to mention its principle conclusions, presumably because they contradict his claim that suburbanization causes urban decline (6).

Similarly, Hirschhorn simply assumes that suburbanization causes traffic congestion (9-11), instead of looking at real world data. He cites only the fact that miles driven have grown faster than population, along with a dubious report by the Surface Transportation Policy Project claiming that most of the increase in miles driven is due to suburbanization (9).

In fact, driving has increased everywhere, not simply in suburban areas. The most important factor influencing this increase has been rising income, not growth patterns. As people become wealthier, they use their cars more.

Suburbanization is a response to increased traffic congestion. As Peter Gordon and Harry Richardson of the National Research Council have observed, "suburbanization has been the dominant and successful mechanism for coping with congestion." One aspect of suburbanization has been the movement of employment from the congested central cities to suburbs. This has enabled people to drive less and to avoid the highly congested city centers when driving to work. Curiously, Hirschhorn sees this as the problem (7) when, in fact, it is at least a partial solution to traffic congestion.

Hirschhorn frets over "the remorseless devouring of landscape" by suburbanization (6). In fact, as he admits, all of America's urban areas — and the homes of most of its people — comprise "less than 4 percent of the land" (17). Yet he goes on to say that "only a small percentage of U.S. lands are desirable places to live for the vast majority of people" and that, therefore, the loss of open space in that small percentage is an important concern.

Hirschhorn points out that a majority of Americans live "on the coastal fringe areas that comprise just 17 percent of the land" (17). Yet even on this coastal fringe, the vast majority of land remains undeveloped open space. Only about 4 percent of California, the nation's most populated state, has been urbanized, and percentages are similar for most states outside of the Northeast.

The biggest problem with smart-growth open-space policies is smart growth's limited definition of open space. Suburbanites consider their large yards to be an important component of open space. These open spaces are probably used for recreation more than public parks and are certainly used more than farms and forests. But for Hirschhorn and other smart-growth advocates, farms and forests are open space but private yards are not.

Hirschhorn correctly cites studies showing that most people favor the public purchase of more parks and other open spaces. But he fails to mention that one major reason that people support these purchases is as a way of reducing population densities, traffic congestion and air pollution. Instead, he makes the mistake of associating the desire for open space with support for the policies of smart growth that support increased density.

The movement of employment from the congested central cities to suburbs has enabled people to drive less and to avoid the highly congested city centers when driving to work. Curiously, Hirschhorn sees this as the problem when, in fact, it is a partial solution to traffic congestion.

Hirschhorn cites (17-18) the well-known "costs of sprawl" studies that claim to have proven that infrastructure costs are higher in low-density than in high-density areas. However, these studies are notoriously theoretical and are not supported by any actual data.

Helen Ladd of Duke University's Institute of Policy Sciences examined data comparing the costs of high-density *vs* low-density cities. She found that urban service costs in high-density areas were significantly higher than in low-density areas. She concluded that the flaw in the "costs of sprawl" studies is that they underestimate operating costs, which in the long run are far more significant than capital costs.

Hirschhorn claims that suburban development is subsidized by taxes

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(21). However, his evidence is limited to residential development and begs the question of who is subsidizing whom. It turns out that, under most municipal tax structures, residential development is subsidized by the taxes paid on commercial developments. "For every $1.00 of tax revenue that comes in from a residential subdivision, as much as $1.22 goes out to provide services, especially schools," says Joel Garreau, the author of Edge City. "By contrast, for every $1.00 of tax revenue that comes in from commercial development, at most thirty-two cents is required in expenditures, usually for roads." Instead of new residential subdivisions being subsidized by the existing residents, as Hirschhorn assumes, nearly all residential areas are subsidized by commercial developments.

Hirschhorn attributes environmental problems such as air pollution and disturbed water runoff to suburbanization (12). In fact, EPA and Census Bureau data show a clear relationship between air quality and population density: the densest cities and metropolitan areas have the worst air quality. Smart growth's density recommendations will simply increase air pollution problems.

Like air pollution, water runoff is a complex issue. In general, a certain percentage of any watershed can be paved over or otherwise made impervious without seriously disturbing water runoff. When that percentage is exceeded, disturbances in runoff patterns can quickly become severe. The simple fact is that low-density suburbanization paves (or makes impervious) a far lower percentage of land than high-density smart-growth. Thus, suburbanization is more compatible with retaining natural water runoff patterns than smart-growth.

Hirschhorn frequently cites polls and studies which he claims demonstrate public support for smart-growth policies like high-density housing and rail transit (8-9). Yet he and the studies he cites regularly misinterpret such polls.

For example, Hirschhorn cites polls showing "the public's unease over growth," sprawl, and traffic congestion. But growth can lead to unease at any density. "Sprawl" is a vague, pejorative term. In fact, since traffic congestion is worse in dense areas than low-density ones, public concern over it should be interpreted as opposition to smart-growth. Hirschhorn also cites public support for purchasing open space (54-55). But most voters clearly view open space as a density-reducing measure — the exact opposite of smart-growth's density prescriptions.

Ironically, after accusing suburbs of receiving government subsidies, many of his policy recommendations involve giving government subsidies (which Hirschhorn calls "incentives") to high-density development.

To enforce high-density standards, Hirschhorn calls for state and regional government authority over local governments in the areas of land-use planning, zoning, and transportation. These authorities have long tended to propose programs that are very expensive. Metro and local governments in Multnomah County, Oregon, (Portland) have spent tens of millions of dollars subsidizing high-density development. Efforts to create regional or state authorities over land-use planning seem mainly aimed at subverting the local democratic process in favor of some elite view of how people ought to live.

Many U.S. urban areas are suffering growing pains, mainly because of the movement of people from the Northeast and Midwest to the South and West. But Hirschhorn's smart-growth solutions will only make growth more painful than ever: more expensive, more congested, and more polluted. ❑

Correction: Sarah McCarthy, in her piece "Walking the GOP's Abortion Plank," mentioned a proposed compromise by Tom Delay; the compromise was actually proposed by Tom Daschle. Our proofreaders failed to notice this slip of the pen. We apologize for any confusion.

"Politics," *from page 21*

num cans in order to pay for her pills.

With economics, it's the same story, with one lie after another, starting with Gore's account of his first days in the Clinton administration: "When Bill Clinton and I took office, we had a triple dip recession in this country. It was a mess. I've been the partner of a leader who moved us out of the valley of recession and into the longest period of prosperity in American history." Even the *Washington Post* saw fit to correct that triple dip fabrication. "On several levels, this is incorrect," explains *Post* writer Glenn Kessler. "First of all, the recession had already been declared over by the National Bureau of Economic Research, which dates business cycles, before Clinton took office in January 1993. Moreover, the 1991-1992 recession was one of the shortest and mildest recessions in this century." In addition, the record shows that "the longest period of prosperity in American history" started 18 years ago, a decade before Clinton and Gore were elected.

In fact, the real economic "mess" in 1993 for the Clinton administration was self-inflicted, produced when the administration pushed through the largest tax hike in American history and Bill Clinton tossed his officious wife the job of socializing one-seventh of the American economy, two decisions that stimulated the nation to elect the first Republican Congress in four decades. On the economics of Social Security reform, Al Gore, looking at a stock market that's jumped in value by over 1,000 percent since the first days of Reaganomics, says George Bush's proposal to allow people to invest 2 percentage points of their payroll taxes in the market is nothing but "Wall Street Roulette." Gore's mother, not unexpectedly, has Al's inheritance firmly invested in the market, not buried in the backyard or stuck in some alleged "ironclad lockbox" in Washington.

And, finally, on tax cuts, Gore's claim that George W. Bush's proposal "gives nearly half of the surplus to the wealthiest 1 percent" is another cock-and-bull story. The entire across-the-board tax cut that Gov. Bush is proposing, benefiting every income group, represents a quarter, not half, of the surplus, and the tax reform plan simply cuts taxes per income group essentially in proportion to how much they've been overpaying, less if you're "rich." The top-earning 1 percent, for instance, receive 17 percent of total income, pay 33 percent of all federal income taxes and will get, according to the nonpartisan Joint Committee on Taxation, about 20 percent of the tax cut. — Ralph Reiland

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Booknotes

Rule Britannia — There'll always be an England, at least as long as Baroness P.D. James, author of elegant and grimly unsentimental mystery stories, is around. At the age of 77, she kept a diary for a year, recording her comings and goings and letting her mind travel back to the past. The result is *Time to Be in Earnest: A Fragment of Autobiography*, a slice of English life interspersed with advice for writers and television producers and including a wonderful lecture on Jane Austen's *Emma* viewed as a detective story.

The author lives in London. Since she is "not a motorist," she travels by train and bus, picking up local knowledge for future novels, attending matins (she is Church of England and serves on its Liturgical Commission), visiting friends, and sitting through interviews, book-signings, and appearances before an endless array of societies literary, scientific, and charitable. Impeccably polite, James rarely criticizes any living person — even the artist whose official portrait makes her look plainer than her photographs do (it is possibly a caricature, she remarks). She is, however, not so gentle with earlier mystery writers such as Dorothy Sayers, whose books lacked realism and whose life lacked balance. James doesn't reveal a lot about her past — nor does she promise to; she merely hints at her preoccupation with death and alludes to some personal tragedies. And she tells us a bit about her cat. — Jane S. Shaw

A past look at the future — If you know Nevil Shute at all, it's probably as the author of *On the Beach* (made into a film staring Ava Gardner, Gregory Peck, and Fred Astaire). *On the Beach* is a powerful and moving book, but it's not Shute's best book.

In the Wet (the title refers to the rainy season in Australia) is a reincarnation novel, but with a huge difference. The story is told by Roger Hargreaves, a minister. Hargreaves spends one very wet night by the deathbed of a man named Stevie. Stevie is addicted to opium and drinks whenever he can afford to. In his delirium, Stevie tells Hargreaves the story of another life — not a past life, but a life thirty years in the future — in which he serves as the Queen's pilot. One of the fascinations now in reading *In the Wet* is being able to look back on Shute's attempt to look ahead thirty years. His "predictions" on the English monarchy are not all on target, particularly in their timing, but it's amazing how close he came to the actual future on some key points. He paints a picture of a socialist England floundering socially and economically, while Canada and Australia are prospering.

In the Wet is also worth your time because of a political innovation Shute includes in his description of Australia and Canada: multiple votes. As Shute describes it, everyone has one vote, the basic vote. But anyone can get a second vote for graduating from college or becoming a solicitor or a doctor. Officers in the military get a third vote, as does anyone earning a living outside the country for two years. Next is an "achievement" vote — if your personal income exceeds a fixed amount in the year before the election, you get a fourth vote. A fifth vote is given to church officials. A sixth is for raising two children to the age of fourteen without getting a divorce. And a seventh can be bestowed by the Queen.

As I reread *In the Wet*, I found myself thinking of a remark made by Sir Alexander Reaser Tytler, that a democracy can only survive only until the population discovers that it can vote itself all kinds of benefits. Shute's contention is that with multiple voting, you'd get better political officials. I'm not so sure it would work that way, particularly with the requirements he sets forth for extra votes, but I do wonder just what would happen if taxpayers could outvote those they are forced to support. — Laura W. Haywood

Are you a connector? — As libertarians attempt to bring about social change, they can learn something from Malcolm Gladwell's charming little

book *The Tipping Point* (Little, Brown, and Company). Drawing on psychological, sociological, and marketing research, Gladwell analyzes the history of broad-based changes, from marketing phenomena like Airwalk sneakers to reductions in crime. His argument is that certain factors cause scattered, isolated ideas or impressions to gather force and grow in number. Once they reach the "tipping point," they transform the scene.

One factor in such transformations is "connectors": people who are constantly reaching out to other people. To illustrate, he mentions a Chicagoan, Lois Weisberg. In the 1950s, attending a science fiction convention on a whim, she meets the young Arthur C. Clarke. He calls her up the next time he is in Chicago and she invites him to meet Isaac Asimov, who brings along Robert Heinlein. That's the idea.

Are libertarians connectors? I don't know, but we can find out through a little quiz. Gladwell has selected 250 surnames from the Manhattan phone book (see box at right). He invites readers to go through the list and count up the number of people he or she knows who have those last names. By "know," he means someone whom, if you met in a train or bus, you are likely to speak to; in addition, you know the person's name and he or she knows yours.

Here is the list:

Algazi, Alvarez, Alpern, Ametrano, Andrews, Aran, Arnstein, Ashford, Bailey, Bailout, Bamberger, Baptista, Barr, Barrows, Baskerville, Bassiri, Bell, Bokgese, Brandao, Bravo, Brooke, Brightman, Billy, Blau, Bohen, Bohn, Borsuk, Brendle, Butler, Calle, Cantwell, Carrell, Chinlund, Cirker, Cohen, Collas, Couch, Callegher, Calcaterra, Cook, Carey, Cassell, Chen, Chung, Clarke, Cohn, Carton, Crowley, Curbelo, Dellamanna, Diaz, Dirar, Duncan, Dagostino, Delakas, Dillon, Donaghey, Daly, Dawson, Edery, Ellis, Elliott, Eastman, Easton, Famous, Fermin, Fialco, Finklestein, Farber, Falkin, Feinman, Friedman, Gardner, Gelpi, Glascock, Grandfield, Greenbaum, Greenwood, Gruber, Garil, Goff, Gladwell, Greenup, Gannon, Ganshaw, Garcia, Gennis, Gerard, Gericke, Gilbert, Glassman, Glazer, Gomendio, Gonzalez, Greenstein, Guglielmo, Gurman, Haberkorn, Hoskins, Hussein, Hamm, Hardwick, Harrell, Hauptman, Hawkins, Henderson, Hayman, Hibara, Hehmann, Herbst, Hedges, Hogan, Hoffman, Horowitz, Hsu, Huber, Ikiz, Jaroschy, Johann, Jacobs, Jara, Johnson, Kassel, Keegan, Kuroda, Kavanau, Keller, Kevill, Kiew, Kimbrough, Kline, Kossoff, Kotzitzky, Kahn, Kiesler, Kosser, Korte, Leibowitz, Lin, Liu, Lowrance, Lundh, Laux, Leifer, Leung, Levine, Leiw, Lockwood, Logrono, Lohnes, Lowet, Laber, Leonardi, Marten, McLean, Michaels, Miranda, Moy, Marin, Muir, Murphy, Marodon, Matos, Mendoza, Muraki, Neck, Needham, Noboa, Null, O'Flynn, O'Neill, Orlowski, Perkins, Pieper, Pierre, Pons, Pruska, Paulino, Popper, Potter, Purpura, Palma, Perez, Portocarrero, Punwasi, Rader, Rankin, Ray, Reyes, Richardson, Ritter, Roos, Rose, Rosenfeld, Roth, Rutherford, Rustin, Ramos, Regan, Reisman, Renkert, Roberts, Rowan, Rene, Rosario, Rothbart, Saperstein, Schoenbrod, Schwed, Sears, Statosky, Sutphen, Sheehy, Silverton, Silverman, Silverstein, Sklar, Slotkin, Speros, Stollman, Sadowski, Schles, Shapiro, Sigdel, Snow, Spencer, Steinkol, Stewart, Stires, Stopnik, Stonehill, Tayss, Tilney, Temple, Torfield, Townsend, Trimpin, Turchin, Villa, Vasillov, Voda, Waring, Weber, Weinstein, Wang, Wegimont, Weed, Weishaus.

It turns out that people's scores vary enormously. "Connectors" know nearly half the names on the list; scores go down from there. Without being more specific (and thus not prejudicing any reader who wants to take the test), I'll just say that my score was, well, abysmal. It confirmed the fact that I'm not going to foment the revolution. But will you? — Jane S. Shaw

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

Oliver Becker is a consultant with Price, Waterhouse in Europe.

John Bergstrom is a cartoonist and illustrator who lives in southern California.

David Bernstein is Associate Professor at George Mason University's School of Law

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David Brin is a physicist and author of novels including *Earth, The Postman,* and *Startide Rising.* His non-fiction book, *The Transparent Society,* won the 2000 Obeler Freedom of Speech Award.

Stephen Browne is a teacher and freelance writer who has lived in Eastern Europe since 1991.

Scott Chambers is a cartoonist living in Arizona.

Stephen Cox is the author of *The Titanic Story.*

Joe Dabulskis is a small businessman from rural northeast Oregon.

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John Hospers is the author of *Libertarianism* and other books; in 1972 he received one vote for president in the Electoral College.

Bill Kauffman's books include *America First!* and *Every Man a King,* a novel.

Richard Kostelanetz recently published a second edition of his *Dictionary of the Avant-Gardes* and the first edition of *Political Essays.*

Bill Masters is the sheriff of San Miguel county in Colorado.

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Timothy Sanderfur is a writer living in Rialto, California.

R. U. Sirius's most recent book is *The Revolution: Quotations from Revolution Party Chairman R.U. Sirius,* published by Feral House.

Jane S. Shaw is a senior associate at the Political Economy Research Center.

Mark Skousen is author of the new book, *The Making of Modern Economics* and a professor at Rollins College.

Tim Slagle is a stand-up comedian living in Chicago.

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Charles Stampul offers philosophical and moral guidance to young adults through his column On Principle (on_principle@excite.com).

David Ramsay Steele is the author of *From Marx to Mises.*

Ken Sturzenacker is a long-time libertarian activist and former television news producer.

Chuck Thomas is the director of communications at the Marijuana Policy Project.

Martin Morse Wooster is an associate editor of *The American Enterprise.*

Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

Terra Incognita

Del Mar, Calif.

The San Deiguito Union High School District *Student/Parent Guidebook 2000-2001* presents interesting lessons in grammar and political rights:

"Compulsory school attendance is a right that can be abrogated only through due process to include a conference to be informed of the charges and an opportunity to deny the charges and present evidence. (5114/AR-1)"

Cincinnati, Ohio

The thin blue line that separates civilization from anarchy, as reported by the Cincinnati *Post*:

Police Specialist Charles Taber arrested Sheila Williams, a custodian in the Hamilton County Courthouse, on August 21 on a charge of disorderly conduct — a charge that carries a possible 30-day jail sentence. Taber wrote that Williams, "engaged in violent behavior, challenging PS Taber under which circumstances such conduct was likely to provoke a violent response." Taber, who was not in uniform and didn't identify himself as a police officer, arrested Williams after she tried to prevent him from using a men's room that was closed for cleaning.

Perth Amboy, N.J.

The Lord works in mysterious ways, as reported by the New York *Daily News*:

An image of the Virgin Mary, which appeared on a window after it was cleaned on September 18 and which Catholic church officials declared to be merely "a rainbow-colored splotch," disappeared when the homeowner again cleaned the glass on October 10. Ramon Coloado, 38, whose family owns the home, said the Madonna was ready to leave, and her absence yesterday didn't rattle his faith in what he saw, adding "Cleaning the window didn't remove her. She left when she was ready to leave." Coloado believes the Virgin picked his family's living room window to appear in because it's the same window he fell from in a 1998 accident that left him paralyzed from the waist down.

Austell, Ga.

Deadly weapons plague our schools, as reported in the New York *Newsday*:

11-year-old Ashley Smith was suspended for 10 days because the 10-inch chain connecting her keys and her Tweety Bird wallet violates Garrett Middle School's "zero-tolerance" weapons policy.

Santa Clara, Calif.

The decline of education in America, as reported in a letter to *Electronic Design* magazine:

"I have nothing against software and computers, but I hate to see how today's students don't even know what biasing of a transistor means!"

Miami, Fla.

The wages of sin in south Florida can sometimes be pretty substantial, as reported in *City Link*:

On June 24, Miami Police Major Juan Garcia was arrested after he offered an undercover agent money for sex. Garcia, who had been considered a prime candidate to become police chief, was the former head of the city's prostitution unit.

Portland, Maine

The wages of stupidity can sometimes be pretty substantial in the Pine Tree State, as reported in the Portland *Press Herald*:

Three Maine residents duped by a pyramid scheme were awarded $1.7 million in a September 27 ruling. The presiding judge commented that the scheme was so brazen he was surprised anyone fell for it.

Albuquerque, N.M.

Evidence that politics does not make strange bedfellows, as reported by the Albuquerque *Journal*:

Kari Brandenburg, the Democratic candidate for district attorney in Bernalillo County, is fuming over a "love note" e-mailed to her by her Republican opponent L. Skip Vernon. While the state Democratic Party chairwoman called it "sexual harassment" and "an attempt to intimidate," Vernon claimed the note, which talked about "unrequited love" was intended for his wife, saying "It was an accidental mistake. . . . I ended up clicking on Kari Brandenburg instead of Lee Ann Vernon."

Cullman, Ala.

A new wrinkle on an Old-World tradition, as reported on Ananova.com:

Cullman, Alabama, celebrates Oktoberfest each fall in a way that respects local traditions: out of respect to county ordinances banning alcohol, the traditional beer festival won't have any beer.

Anchorage, Alaska

Interesting new type of fraud, reported by the Anchorage *Daily News*:

Erica Duran, 24, was sentenced to a year in jail after pleading no contest to felony theft after she told co-workers in 1999 she was pregnant, collected more than $500 worth of cash and gifts, then arranged for a memorial service for her imaginary stillborn twins, for which she still owes $854.50.

Shanghai, China

Chinese police prove to be models of integrity, as reported by Reuters:

Lishui County police substation deputy chief Gao Mingliang confessed to running a brothel disguised as a restaurant, then arresting and "fining" the customers as part of a scam.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

ISIL – Building a Free World

Dear Libertarian,

We have good news for you! The libertarian movement is not only growing rapidly in America – it's on the rise around the world!

ISIL – the International Society for Individual Liberty – has been the engine for a great deal of this growth. Through our "Johnny Appleseed" strategy, we have built a global network of members in 83 countries and have sponsored the development of effective organizations and publications in dozens of countries in the former communist bloc and in the Third World.

We also provide resources for libertarian activists in America, so we encourage you to join ISIL and our dedicated members around the world, in helping make the 21st Century the century of liberty.

Vince Miller, President, ISIL

Building Movements and Spreading the Liberty Message Overseas:

Since 1980, before the fall of the Wall and the collapse of the Soviet Union, when our members were smuggling free-market books behind the Iron Curtain, ISIL has been gradually building movements in the 3rd World and former East Bloc – providing complimentary memberships, literature, books, conference scholarships and support.

One of our proudest accomplishments has been our sponsorship of the translation and publishing of thousands of copies of introductory libertarian books in dozens of languages and countries. Among them:

** **Russia** – where ISIL members have gotten copies of the Russian version of Ayn Rand's "Atlas Shrugged" into the hands of Andrei Illiaronov – top economic advisor to President Vladimir Putin. Reports in the *Moscow Times* and the *Wall Street Journal* reported Illiaronov's resultant call for radical free-market reforms.

ISIL had initiated the Rand publishing project in 1993 by sponsoring two young Russians on a US fundraising tour and providing follow-up support.

** ISIL director Ken Schoolland's award-winning libertarian fable *The Adventures of Jonathan Gullible*. This humorous story of a boy from a libertarian society who gets shipwrecked on a statist island has been extremely popular among students. ISIL has played a major role in getting this book published in 22 languages!

** ISIL director Mary Ruwart's acclaimed *Healing Our World* book has been published by ISIL members in 8 European languages.

World Libertarian Conferences:

Much of the growth of the world libertarian movement has come about because of ISIL's acclaimed world conferences, which have been held every year since 1982. Interaction and networking among participants has led to the development of numerous activist organizations and publications.

The ISIL 2001 World Conference will be held at the resort and spa town of Dax, in southwestern France (just south of Bordeaux) from the 1st to 5th of July. The conference theme will be a celebration of the bicentennial of the birth of the great French classical liberal Frédéric Bastiat. Host of this event is Jacques de Guenin, president of the Cercle Bastiat and mayor of Saint Loubourer. Contact ISIL for the conference brochure or visit the conference website at www.bastiat.net.

Freedom Network News:

ISIL keeps its members informed of developments in the world libertarian movement through our newsletter/magazine, the *Freedom Network News*.

Learn about exciting progress in places like:

** **Costa Rica** - where the newly-formed Movimiento Libertario has elected the dynamic Otto Guevara (named "Congressman of the Year" by the national media) and where ISIL Rep Rigoberto Stewart is creating an independent free zone in the Limón region.

** **Australia** - where ISIL networking support helped with the establishment of the new Australian Libertarian Movement (which also plans to start a Libertarian Party).

** **Hungary** - where Laszlo Seres, a Budapest journalist we sponsored to our 1995 Athens ISIL conference, has been inspired to found the Hayek Society for Individual Liberty.

** **New Zealand** - where feisty Libertarianz Party activists run a top-rated radio talk show.

There are many more inspiring stories like these covered in the *Freedom Network News*.

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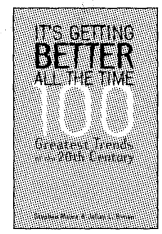

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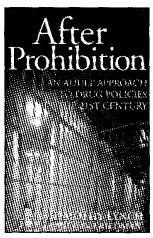

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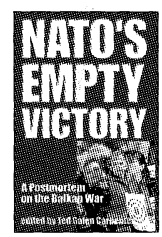

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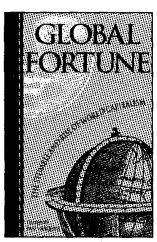

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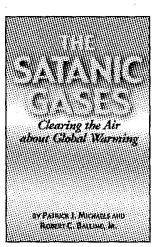

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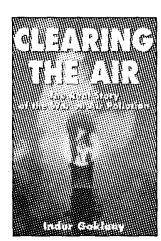

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"Liberty is a Glorious Feast." — Robert Burns

The Conservative Shame on Immigration

by Jacob G. Hornberger

The moral decline of the conservative movement was recently reflected in a syndicated column entitled "Goofy may be a Libertarian" by Don Feder, one of the conservative movement's leading lights. Feder's critique, which in part took the Libertarian Party to task for its position favoring open immigration, displayed not only the hypocrisy of conservatives but poor analysis as well.

Unlike the Republican Party platform, the Libertarian Party platform has always taken a consistent and uncompromising approach to the principles of individual freedom, private property, free markets, and limited government. Here's what the Libertarian Party's platform says in part about immigration (www.lp.org):

"We welcome all refugees to our country and condemn the efforts of U.S. officials to create a new 'Berlin Wall' which would keep them captive. We condemn the U.S. government's policy of barring those refugees from our country and preventing Americans from assisting their passage to help them escape tyranny or improve their economic prospects.... We therefore call for the elimination of all restrictions on immigration, the abolition of the Immigration and Naturalization Service and the Border Patrol, and a declaration of full amnesty for all people who have entered the country illegally. We oppose government welfare and resettlement payments to non-citizens just as we oppose government welfare payments to all other persons."

Here's what Feder said in his article: "If 50 million Mexicans chose to move to California and Texas, resulting in chaos and the obliteration of national identity, why should that concern Libertarians?"

Feder's analysis is typically conservative and Republican-esque: faulty, fallacious, and hypocritical.

Let us first never forget how the power to control immigration has been abused. Recall the infamous "voyage of the damned," when on the eve of World War II the Franklin Roosevelt administration prohibited Jewish refugees from Nazi Germany on the *St. Louis* from disembarking at Miami Harbor. The justification: immigration controls. In fact, Feder, who has noted the "deafening silence that greeted the Holocaust," surely has reflected on why millions of Jews didn't try to escape their Nazi fate. Why try to escape when there's no country that will accept you because of immigration controls?

Today, the moral degeneracy and hypocrisy of the conservative movement is evidenced by the forcible repatriation of Cuban refugees into communist tyranny. Calling themselves "compassionate conservatives," who love Hispanics during every election cycle, Republicans have for several years supported the repatriation of Cuban refugees into Cuban communist tyranny. And this after sending 60,000 American men to their deaths in Southeast Asia supposedly to fight communism.

For decades, conservatives have jailed Mexicans and other Latin Americans who have crossed our southern border in search of work, trying to sustain or improve their lives and the lives of their families through labor. At the same time, conservatives have continued trying to get the Bible — perhaps even "Love thy neighbor as thyself" — into public schools.

Historically, Mexican immigrants have had the qualities that conservatives claim to hold dear: family values, work ethic, and religion. They have enriched both our culture and our economy with their labor, music, and literature. While maintaining natural cultural and family ties with friends and relatives in Mexico, Mexican-Americans have historically reflected a deep reverence for their adopted country. Perhaps Feder is unaware that 300,000 Mexican-Americans served our country during World War II and that more of them served in combat divisions than any other ethnic group. Or that 17 of them earned the Medal of Honor, 5 posthumously.

Feder's fear of "chaos" and the obliteration of "national identity" is, well, goofy. Was there chaos or loss of "national identity" when the United States acquired the northern half of Mexico in 1848? Or when there were no immigration barriers between Mexico and the United States for the succeeding 75 years, meaning that Mexicans could freely travel to the United States, live here, own businesses, and never become American citizens?

And to which "national identity" is Feder referring? New York City? Charleston? New Orleans? San Antonio? San Francisco? Salt Lake City? The fact is that the United States has never had a "national identity." Ours has always been a culture of liberty, which has been one of our nation's greatest strengths.

Feder also declared, "If these new Americans (then constituting a majority in the states where they settle) wanted to secede and unite the territory with Mexico, presumably libertarians would not stand in their way." Of course libertarians would not stand in their way because, unlike conservatives, libertarians don't force people to associate with those with whom they don't wish to associate.

For decades, conservatives such as Don Feder pleaded for the dismantling of the Berlin Wall. Yet, today, that's exactly what conservatives want to build along our southern border. The American people should reject the morally bankrupt conservative paradigm of government walls and instead embrace libertarian efforts to reignite the beacon in the Statue of Liberty.

Mr. Hornberger is president of The Future of Freedom Foundation (www.fff.org.) and co-editor of ***The Case for Free Trade and Open Immigration.***

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Inside Liberty

January 2001
Volume 15, Number 1

4 **Letters** Our readers get the first word.

19 **Reflections** *Liberty*'s editors debate Ralph Nader, fight with fascists, explain why Al Gore is way cool, praise Warren Gamaliel Harding, and make the world safe for hypocrisy.

Features

7 **Election 2000: Beyond the Pundits' Drivel** While the media obsess on the shenanigans in Florida, we examine the national comedy and dump this "historic" election into the dustbin of history.

23 **Freedom at the Polls: What Went Wrong** Libertarians worked harder, got more news coverage, spent more money, did more advertising . . . and got 27% fewer votes. What went wrong?

33 **Second Thoughts** *William E. Merritt* explains why the Second Amendment gives the Black Panthers and Aryan Nation the right to heavy armament, but confers no such right on individuals.

37 **The Sorry State of the Fourth Estate** It's been a long time since reporters kept bottles of whiskey in their desk drawers or took the trouble to speak the truth, reports *K. R. Mudgeon.*

39 **Ayn Rand's Strange Economics** Ayn Rand may have been a wonderful novelist and a great defender of capitalism, but she just didn't know how it works. *Mark Skousen* examines her economic beliefs.

41 **The Myth of Corporate Power** From Matthew Josephson to J. K. Galbraith to Ralph Nader, free markets have entailed the inexorable growth of corporate power and wealth. *James Rolph Edwards* looks at the historic record and discovers how wrong they are.

43 **The Trouble With Self-Esteem** *Michael Edelstein* analyzes the panacea of self-esteem.

47 **Harry Potter and the Difficulty of Translation** Does a bespectacled young wizard hold the same attraction if you read him in French? *Tracey S. Rosenberg* says, "*Oui.*"

Reviews

51 **Sowell Man** *Bruce Ramsey* looks at the life of America's most prominent black political and economic thinker.

52 **Cyberselfish** *Richard Sincere* tells how to write a book without knowing anything at all about its subject.

54 **Battling the EPA** Do federal bureaucrats always know best? *Clay J. Landry* and *J. Bishop Grewell* review the account of what happens when a tough-minded Virginian takes on the EPA.

56 **Jefferson, Lincoln, and Bork** The war between individual rights and government is as critical today as it was two centuries ago, *Timothy Sandefur* explains.

57 **The Maverick and the Saint** *Adrian Day* explores the lives of Sir Thomas More and Lawrence of Arabia and discovers surprising similarities.

61 **Notes on Contributors** Making a list and checking it twice.

62 **Terra Incognita** The world marches on the beat of a million monkeys typing the works of Francis Bacon..

Letters

The Browne Campaign

Let me enter my Browne vote prediction on eve of the election: 425,000. Despite the Party's growth, I don't see how he can do better than last time. It has been a strange campaign, one that — approached from the viewpoint of the ordinary voter — revealed little notice of Harry's efforts. The op-ed in *The Wall Street Journal* was the only substantial coverage I saw; other articles buried him somewhere down with Hagelin, after Nader and Buchanan. Even as a Party member, I received no fundraising mailings from Browne nor an invitation to a fundraiser he held in Philadelphia.

Even should he receive 700,000 votes, I believe it is time to change the Party's strategy. I hope that *Liberty* will lead the way by sponsoring some sort of Party soul-searching, asking various leaders and observers to write articles about ways to make the Party's campaigns more productive.

Ken Sturzenacker had some good suggestions for making news. I could see Russell Means or Dick Boddie, maybe even Mary Ruwart, doing those kinds of things, but not Browne. However, those activities are best done in state and local situations. To achieve this, the National Party needs to be de-emphasized in favor of state and local parties. I also agree with you that the Party needs to take some issue — probably the War on Drugs — as its centerpiece. While unpopular, this will resonate with a substantial, if still minor, number of people. What it leads to is "balance of power." And "balance of power" is what will lead, eventually, to libertarian victories (by victory, I mean of libertarian ideas, not necessarily Libertarian Party candidates). One can see the benefits of "balance of power" emerging in the Nader race — should he lead to Gore being defeated in key "battleground" states, the Democrats will be willing to make all sorts of accommodations to the Green Party so that it doesn't happen again.

The Party is still too valuable to give up on. But we keep doing what we've been doing for nearly 30 years and, frankly, too little progress has been made. It is time to try something new, and *Liberty* can and should provide the forum for those new strategies.

Dave Walter
West Chester, Pa.

Editor's Note: Walter was LP chairman from 1989 to 1991.

Politics Is Simple

A political campaign is a simple thing. First, you avoid alienating your core vote and count on their support. Second, you ignore your opponents' core vote, conceding that they are nearly impossible to persuade in any meaningful numbers. Third, with respect to everyone else, you have two, and only two, objectives: 1) name recognition, and 2) favorability.

In 1996, I saw Harry Browne at two events. I heard him on the radio several times. I saw numerous lawn signs. I saw him on TV once (in addition to the LP Convention coverage). I heard several radio ads.

In 2000, I could have seen him in person once, but opted not to go. I have not heard him on the radio. I haven't seen one single sign in anyone's yard. I haven't seen him on TV. I haven't heard one single radio ad. I haven't seen one single TV ad. I haven't seen one single billboard.

Harry is an unknown and continues to be an unknown. It should not be surprising that TV media, like *Meet the Press*, which are under direct free market influences, refuse to have Harry on their shows. TV must have viewers for ratings! That is the free market at work!!! Harry professes to believe in the free market, so why is his staff whining about the conclusions of the free market? (That's my observation from a few LibertyWire e-mails about media that I have received from the campaign.)

The Browne campaign failed to accomplish its first objective: name recognition. It appears to me that the Browne campaign was counting on "free media" to accomplish its goals for name recognition, but having failed in its objectives for name recognition, the Browne campaign failed to get that "earned media." It's not "free media," it's "earned media!" Why is the Browne campaign refusing to accept personal responsibility for their failure and attempting to shift the blame onto the media?

Speaking of failing to accept personal responsibility and shifting blame, I have also noticed a trend in the LibertyWire e-mails to name the "guilty." First it was Bumper Hornberger. Then it was lack of funds (apparently, selfish contributors). Then it was people who perpetuate rumors. Then it was the Arizona Libertarian party, the courts in Arizona, and L. Neil Smith. Then it was media that refused to host Harry. With respect to Bumper, contributions, rumors, and Arizona, it appears that the Browne campaign has alienated a significant portion of their core vote. With respect to media, the Browne campaign failed to achieve worthwhile name recognition. With respect to the outcome of the election, the Browne campaign failed to achieve any favorability. I don't know where this blame shifting will end, but I do believe that reasonable people will place the blame squarely on the shoulders of those who should bear it: Harry Browne, his campaign manager, and his campaign consultants.

Doug MacDonald
Livonia, Mich.

Economic Miscalculations

David Ramsay Steele claims that ("The Strange Life of Murray Rothbard, December), in "economics, Murray Rothbard's "entire philosophical approach . . . is misguided." Yet Rothbard (see *Man, Economy and State*), like Menger and Mises before him, starts with the self-evident axiom that men exist and act and then deduces some basic economic principles. Exactly why is this approach misguided? And where exactly are the

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errors in the deductive process or in the principles derived? Steele asserts that a "science can make great progress without its conceptual foundations being correct . . ." a slam, apparently, at the Austrian methodological approach. But does Steele have some bias against conceptual foundations that *are*, in fact, correct? I assume that they would lead to "great progress," also, as they clearly have . . . witness the success of the Austrians in the socialist calculation debate. Indeed, since it is not intuitively obvious how "absurd" foundations in economics could *ever* lead to correct principles or policies, where is Steele's argument that it can and does? No, instead of any argument, we are told simply that the "absurd foundations can lead to truth" approach has worked — in mathematics — and that if young Austrians want to contribute "anything enduring to economics" they had better get with the positivist program. Look, we have heard all of this before. The fact remains that Austrians through the years have made plenty of enduring contributions and until Steele (or anyone) can explain why one methodology can fit metaphysically different sciences such as economics and math, no one should take such advise or criticism seriously.

D. T. Armentano
Vero Beach, Fla.

Steele replies: "Look, we have heard all this before." Jehovah's Witnesses have heard the geological arguments about the age of the earth before. Just hearing doesn't cut any ice. Nor does name-calling — I'm not a "positivist."

It's a myth disseminated by the Misesians that eminent Austrians, such as Menger, Wieser, Boehm-Bawerk, Wicksell, Hayek, Lachmann, or Machlup, shared Mises's aprioristic approach. They did not. Therefore, most of the Austrian contributions to economics were produced by applying methodologies other than the peculiarly Misesian or praxeological approach.

But even if all these Austrians had been philosophical Misesians, this would hardly prove what Armentano wants it to prove. Even Mises accepted that there had been some pre-Austrian contributions to economics, such as Ricardo's theory of comparative advantage, and there is no dispute that Ricardo was not a Misesian. By Mises' own admission, then, important contributions to economics have been made by proponents of different and contradictory philosophies of economic methodology.

This should not surprise us; the same thing applies in other sciences. The fundamental philosophies of Einstein and Bohr are quite at odds, but no one disputes that both Einstein and Bohr made outstanding contributions. The approaches of Darwin and Mendel are very different, but modern biology is dominated by a synthesis of these two thinkers.

But why stop there? Let me ask

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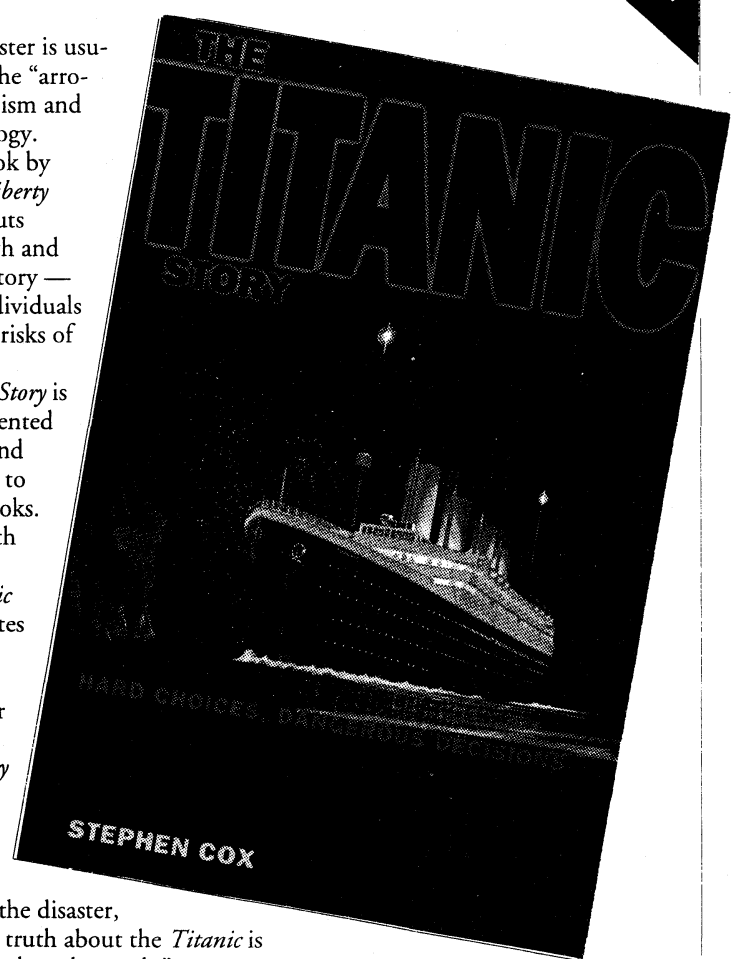

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—*R. W. Bradford*

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Professor Armentano: do you allow it to be possible that any important contributions to economic theory might just conceivably have been made by John Bates Clark, Philip Henry Wicksteed, Alfred Marshall, Irving Fisher, Frank Knight, Milton Friedman, Ronald Coase, Armen Alchian, George Stigler, Harold Demsetz, or Gary Becker? All of these thinkers are adherents of philosophical and methodological positions dismissed by Mises and Rothbard as wrong-headed.

Is Professor Armentano even prepared to sign on to the claim that in, say, the last 50 years, more contributions to economic theory have come from Misesians than from non-Misesians? And by the way, does Professor Armentano agree that the young Murray Rothbard refuted the whole of statistical theory in 1942?

My point in my review of Raimondo's book was that philosophical foundations for a science are usually extensively developed long after the science has shown what it can do. Often, the philosophy of a science will be changed without much effect upon the practice of that science, and a mistake in the (metaphorical) "foundations" will lead to a correction that leaves the science itself little altered. It's a mistake to dismiss an entire discipline out of hand because one finds a flaw in the "foundations." Naturally, I do want people to criticize and improve the conceptual foundations of the sciences.

I don't deny that the Austrians might still be able to develop a distinctive contribution, and offer valuable criticisms, to mainstream economics. But I maintain that they would do best to retreat from the over-reaching Mises-Rothbard doctrine, which rules out any use of mathematics and insists that empirical investigation can never lead to new theory.

I do not reject the attempt to develop a pure logic of choice from axioms, but when we move from the logic of choice to its application — to saying something about concrete reality — we get statements that are fallible and have to be tested empirically. There's no need to rule out additional economic hypotheses which are not derived from the axioms, but are simply conjectures, nor is there any good reason to exclude the use of mathematics.

Professor Armentano says "it is not intuitively obvious how 'absurd' foundations in economics could EVER lead to correct principles or policies." It's elementary logic that any true conclusion can be deduced from false premises (in fact, from an infinite number of sets of false premises). The principles of laissez faire policy were first expounded by the Physiocrats, who knew nothing of opportunity cost or marginal utility and held that only farm work is productive.

Professor Armentano's only argument for the Misesian position is the achievements ("plenty of enduring contributions") of Austrian economics, and his only example of such an achievement is the socialist calculation argument. This argument was formulated independently of Mises by Nikolaas Pierson, Enrico Barone, Boris Brutzkus, and Max Weber — all, of course, non-praxeologists.

On pp. 95–103 of *From Marx to Mises* (Chicago: Open Court, 1992), I present an evaluation of Misesian methodology in more space than I can employ here. In that work, I argue that Mises's economic calculation argument poses a serious challenge to socialist thinking and has not been successfully refuted. More narrowly, I argue that the economic calculation argument does not amount to a proof that socialism cannot work, that it is not an application of pure praxeology since it draws upon empirical assumptions, and that Mises's habit of stating the argument as if it claimed to be a rigorous proof has led to misunderstandings and reduced the argument's persuasiveness.

Liberty

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Nuts to the Bible

Bart Kosko and his detractors are both right. When interpreting the Bible take all the things with which you agree, or are using to make a point, literally. And when you come across passages of the Bible that offend you or confound you simply argue that it really doesn't mean what it says because of context or intent. 2+2=4 regardless of context or intent.

Christian Hendricks
Metairie, La.

Religious Libertarians?

I'm continually dismayed by the number of libertarians, including some of those whose letters appear on these pages, who testify to their belief in the supernatural — especially those who reference biblical factoids. Are there really that many libertarians who, while otherwise considering themselves somewhat disciplined in rational thinking about political matters, still cling to ideologies steeped in nonsensical, primitive superstition? Bummer!

J. Sanders
Lakewood, Ohio

Rehashing the Obvious

In "Tenth Amendment: up in smoke" (December 2000), Richard E. Pearl Sr. writes: "Federal law states that there is no medical use for marijuana and any use of it is illegal under federal statute."

Yes, I know, and the earth is the center of the universe and does not rotate around the sun.

Richard Marchese
Fairfield, N.J.

Never Too Much Freedom

It scares me to hear Bradley Monton suggest that there can be too much freedom (December 2000). Monton is an individual who ultimately wants freedom, but he is sending a bad message to your readers. Improperly built freedom can create the opportunity for coercion. This isn't where the state comes in. This is where we find a way to use the profit motive to build a stronger freedom. I don't want to surrender anything to the state, whether it's land use, contract and law enforcement, national defense, or anything else. Our founding fathers rightly got rid of the rule of kings. It is our turn to get rid of the flawed democracy they created.

Democracy and freedom cannot coexist.

Sean Wallace
Thornton, Colo.

continued on page 32

The Election

A dime's worth of difference — I like to spend election evening with libertarians. It's not that I don't enjoy the company of people who don't share my political beliefs. It's just that most non-libertarians who care enough about politics to sit down and watch an evening of election returns do so because they think the outcome of the election is terribly important. Generally, their party's victory sends them into a state of almost orgasmic joy, and their party's loss leaves them depressed and hostile.

To hear my Republican friends tell it, the election of Gore would mean that the United States would plunge into an abyss from which it might never be able to emerge. The internal combustion engine would be banished, taxes would rise climactically, Social Security would go bankrupt, regulations would strangle all enterprise, children would graduate from public schools with neither knowledge nor morality of any kind, and, worst of all, Bill Clinton will be vindicated. To hear my Democrat friends tell it, the election of Bush would mean poisoned streams, African-Americans dragged to death by Republican pickup trucks, homosexuals banished to Madagascar, and Social Security recipients starved to death.

The reason I don't like to be among my non-libertarian friends on election eve is that I really don't like to be around friends when they are so obviously under the control of idiotic delusions.

In the 1960s, critics of the left-liberal dominance of both major parties were given to making observations along the lines of "there's not a dime's worth of difference between the two parties." Today, leftist critics of the moderate conservative dominance of both parties echo the same sentiment.

That observation was true when made by George Wallace 30 years ago and it's true when made by Ralph Nader today. Sure, there are minor differences, then as now, though it's difficult today to remember the ways in which Nixon differed from Kennedy, aside from Kennedy's inclination to cut taxes and flex America's military muscles. It's easier to see differences between Bush and Gore: Bush would end the death tax and cut taxes more deeply than Gore; Gore promised to apply an abortion litmus test in appointing justices to the Supreme Court, while Bush would not, and so on. But these are minor differences, not fundamental ones. The reason we can see them more easily than the differences between Kennedy and Nixon is that Kennedy and Nixon squared off 40 years ago.

The tendency of the American political process to push its presidential candidates toward the center aggravates radicals of all stripes, from socialists like Ralph Nader to nationalist bullies like Pat Buchanan to libertarians like Harry Browne. It is also the genius of the American political system. It provides stability and an institutional framework in which change is slow and deliberate. This stability and Americans' dislike of radical change have enabled the American political system to survive everything from a horrible civil war to a great depression to the hysteria that produced prohibition to eight years of Bill Clinton's mendacity and power-lust.

But the less than a dime's worth of difference between the two candidates makes all the difference in the world, though not because of policy differences between the candidates or because of variations in their quality as leaders. The difference between the candidates may be small, but they are real, and they are indicators of how the country is changing.

Changes occur only at the margin of public policy and are almost inevitably small. But small changes at the margin are *not* insignificant. Indeed, small, marginal changes are the way that change in America happens; the few times when major changes have occurred — usually in wars or other major crises — have generally been foolish and have been followed by reactions that undid much of the damage.

There are two differences between Bush and Gore that could eventually prove to have major significance. Bush's proposal to enable Americans to control the investment of a small part of their Social Security money would be the first crack in the consensus in favor of this massive, Ponzi-financed welfare program. If Bush could enact his proposal to end death taxes, it would mark the first time in years when the class card failed to carry a trick. The fact that Bush was not wounded immediately and fatally in retaliation for his suggestion about Social Security and the fact that both houses of Congress passed a measure to end death taxes last year show the direction in which the country is moving. A landslide victory for Bush would have accelerated this trend.

But the trend is already evident and will likely continue, despite the virtual tie in the 2000 election.

So while my Republican and Democrat friends who see the loss of an election as a disaster are absolutely wrong — there's never a need to move to Canada — elections *are* important, though their importance is far from obvious and far from immediate.

That being said, I'm still going to continue to spend election night with my libertarian friends, the wisest of whom are the least alarmed and the most amused by the behavior of the voters and the paranoia of those afflicted in ideology.

— R. W. Bradford

Chasing a new demographic — Having grown up in the Chicago suburbs, I find that my political heritage involves voting scandals: local news reporters trying to track down a certain voter only to discover that he apparently lives in a tree in Grant Park, that sort of thing. Perhaps that's why I wasn't shocked to hear that the late Mel Carnahan won his election. Surely even dead voters are going to support a candidate who understands their needs?

— Tracey S. Rosenberg

Lies, damn lies, and pollsters — Last night I think I watched a remake of the Marx brothers' classic "A Night at the Election." But I'm not sure. In the frenzied run-up to the slapstick event, I consumed a few too many presidential polls. It is now the morning after, between the Count and the Recount, and I'm paying a price for my overindulgence. I look over the back fence and I don't see Vern. I see a married white Catholic male between 65 and 70 with an annual income between eighty and ninety thousand.

Before seeking out a twelve-step program for the politically obsessed, I'd like to suggest that pollsters consider a new demographic category: Givers and Takers. In a nutshell, a Giver is one who gives more money to the government than he gets back, while a Taker is one who gets more money from the government than he gives.

The definition needs refining, of course. How to handle tax credits? What about non-monetary and deferred benefits? How would deductions be accounted for? Would an underpaid government social worker be a Taker because of the source of his paycheck? Seems like it. Could a tax-paying pawnbroker be a Giver? Well, sure.

Once all that is ironed out, categorize a large population, then find out how they vote. My hypothesis is that this new demographic category, finely tuned, would predict voting behavior better than age, gender, religion, ethnicity, income level, or marital status.

If this guess is right and the label catches on, we might one day hear the Democratic Party proudly advertise itself as the Party of Takers.

Theoretically, there might be people who give and take equally. Would they be swing voters? If the definition is chiseled just so, we might even find that there is a small group of people who neither take anything from the government nor give anything to it. A thorough analysis of this group using just the right sophisticated statistical models and supercomputers might reveal that a good chunk of them vote Libertarian.

— Scott Chambers

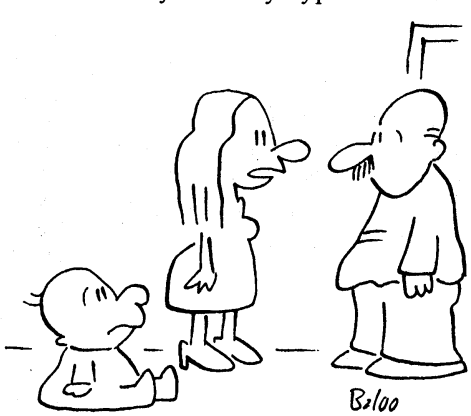

"These are his formative years, dear — why don't you shave off that silly mustache?"

This gravy train doesn't stop in the suburbs — One of the little-noted issues in the presidential election is the growing split between major cities and their suburbs. In most states, central city residents voted strongly for Gore and other Democrats; suburban residents voted heavily for Bush and other Republicans.

Former NPR reporter Scott Thomas first noted this trend in his 1998 book, *The United States of Suburbia: How the Suburbs Took Control of America and What They Plan to Do with It.* Vice President Gore's war on sprawl, declared just after this book came out, was, in effect, a war on the suburbs, and probably exacerbated the city-suburb split in the 2000 election.

Suburbanites outnumber central city residents by nearly two to one, and Scott argues that the suburbs have taken control. But the 2000 election shows that he was premature; the cities still count.

For good reason. Each year, the federal government gives state and local governments about $22 billion in housing grants, $5 billion in economic development grants, and $4 billion in mass transit grants. The overwhelming share of these and other federal funds go to the cities, not the suburbs, and powerful city leaders do their best to motivate voters so the money keeps flowing in.

Not surprisingly, many of the projects funded with these grants end up doing more harm than good. It seems likely that one reason why the suburbs are such attractive places to live is that they have not received nearly as much federal funding as the cities. Suburbanites should be wary that taking control, as Thomas predicts, doesn't mean new federal programs that will destroy their communities as well.

— Randall O'Toole

Electoral reform — For many years, until shortly before the latest election, I accepted the standard argument for abolishing the Electoral College and choosing the president by nationwide popular vote. Lately, however, I have seen value in a system that encourages the parties to choose candidates and favor policies expected to have geographically widespread appeal rather than, perhaps, overriding appeal to large but concentrated groups of voters. Moreover, the current system makes geographically widespread fraud unrewarding. Fraud is likely to be concentrated in a few big and closely contested states, where the relative ease of investigating it contributes to preventing it in the first place. Finally, in the case of a close election, consider the horrors of

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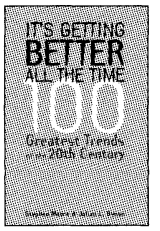

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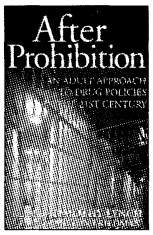

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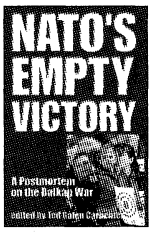

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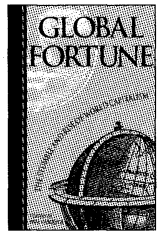

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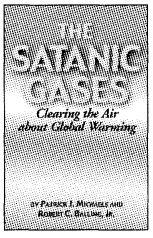

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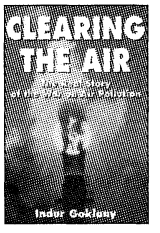

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a nationwide recount and of court challenges to supposed irregularities throughout the country. It is less harrowing to confine recounts and challenges to a few states where the result is most seriously in doubt.

Let us not, therefore, adopt the obvious constitutional amendment in knee-jerk fashion. Let us have ample public discussion of the arguments and of alternative electoral reforms. Let us even consider how to put an element of choice by lot into the process, and also into the choice of members of Congress. Among other advantages, an aleatory element would help reduce the power of special-interest money in politics.

Until we do change the system, let us abide by its rules, according to which the winner is not necessarily the candidate with the most popular votes. To second-guess the rules after the election would be like declaring the winner of a baseball game to be the team not that had scored the most runs but that had made the most hits. In the political game, as in baseball, the players play by the rules already in effect. If the rules had been different, their strategy (and perhaps even the choice of candidates) would have been different too. The same is true even of some ordinary voters. Living in Alabama, a state safe for Bush, I felt free to vote for Harry Browne. Under a rule of nationwide popular vote, I would have voted for Bush. — Leland B. Yeager

Election mayhem — As I write, Nov. 9, the Florida vote is being counted again. We are down to two counties, Manatee and Seminole, and Bush and Gore are separated by 225 votes. That is fewer than the number of electors in the Electoral College. It is fewer than the number of employees in my office.

I don't want to hear ever again that a vote doesn't count. More than 100 million votes were cast, and we are down to a couple of condos in Orlando and a few housing tracts in Bradenton. One box of ballots discovered in some Baptist church could elect the president of the United States.

At the moment, oldsters in Palm Beach are clamoring for the right to vote for Gore because they mistakenly voted for Pat Buchanan. They looked on the left-hand side of their ballot, saw that Gore-Lieberman was the second choice, and punched the second hole. But the second hole was for the first choice on the other page: Buchanan-Foster. The little arrow from Gore-Lieberman quite clearly points to the *third* hole, but they squinted through their trifocals and didn't see it.

These people are morons — or else they are backed by the Gore campaign. Probably both. Who knows how they voted? Imagine what their votes would be worth now. Would a federal judge let them vote again? I doubt it, though you never know. Some judge kept the polls open late in St. Louis, and the voters elected a dead man to the U.S. Senate.

Whatever happens, there will be calls to eliminate the Electoral College. I like the Electoral College. It makes elections interesting. It recognizes the sovereignty of the states, in a vestigial sort of way. I like that, too. It localizes problems. Having a recount in Florida is a hair-curler, but imagine recounting every vote in the entire country.

Besides, a constitutional amendment to abolish the Electoral College needs three-fourths of the states, and this one will never get it. Can you imagine Alaska voting for it? New Hampshire? Delaware? Arkansas? Never happen.

The Electoral College meets in December. If Bush has won Florida, he will be entitled to 271 votes. He had better be damn careful who his electors are, because if one of them changes his mind, Bush won't be president.

How much is that vote worth?

These thoughts are immoral. Wicked. I should put them out of my mind. This is America.

Yesterday, the day after the election, Al Gore was the great statesman. He would have the recount and accept Florida's verdict. Today it is revealed that he is suspicious because the governor of Florida is George W. Bush's brother. If Bush wins, the story says, Gore will file suit.

This is not America. We are living in Pakistan.

— Bruce Ramsey

Honor among politicians — During the campaign, Al Gore bragged that he hadn't spent much of his life trying to get wealthy, as if spending a life leeching off the taxpayer qualifies one to be president. But a lifetime in politics did prepare Gore to be more gracious in apparent defeat than Bush was in apparent victory.

On the day after the election, when Florida's recount was underway, Gore expressed faith in the Constitution and pledged to go along with the results. Bush, meanwhile, announced that since he had apparently won, "if confirmed" by the recount he would try to bring the nation together. What he should have said was that he was waiting for the numbers along with everyone else and would abide by the results, whatever they were.

Later, when Bush was interviewed about Gore's premature concession phone call and follow-up phone call, he acted as though Gore was trying to get out of some agreement that they had made. Someone should have reminded Bush that it doesn't matter who concedes; what matters is who wins the election. — Randal O'Toole

Hillary goes after College — Does it surprise anyone that the first action of Senator-elect Hillary Rodham Clinton was to propose changing the Constitution to eliminate another key element of federalism and move us further toward a centralized, national, plebiscitary democracy?

— David Boaz

CONFUSED voters — The day after the presidential election, when the Democrats realized that they were in serious trouble down in Florida, they immediately began screaming for new elections. Their focus was Palm Beach County, where, they claimed, hundreds of voters had been seen rushing from the polls, and weeping as they rushed, because they had been "misled" into voting for the wrong candidate.

The problem, if there was one, resulted when a (Democratic) voting official, moved by pity for the elderly, created a ballot with LARGE PRINT. Because it had such LARGE PRINT, this ballot had to present the candidates' names in two columns, one on the left and one on the right of the familiar row of punchable circles. An arrow led from each candidate's name to a matching circle. Voters had only to select the preferred candidate's NAME, follow the ARROW to the matching circle, and PUNCH that CIRCLE.

According to spokesmen for the Democratic campaign, the result was disaster. Would-be Gore voters, confronted by

the CONFUSED organization of the ballot, ignored the arrows and punched whatever circles appealed to them, many of them circles consecrated to the devilish Pat Buchanan instead of the saintly Al Gore. Then, somehow realizing that they had made a mistake, but making no attempt to remedy that mistake by getting another ballot, the pitiably MISLED voters rushed from the building crying their eyes out and demanding legal redress. Their complaint was heard on high, and a cloud of Democratic lawyers flocked down from Olympus to succor them. That was the Democrats' story (without the Olympus part).

The whole episode is so ridiculous and phony that no one but a maniac could take it seriously. Or so you might think. The fact that it has been taken seriously in many quarters reveals the maniacal nature of the assumptions on which the Democratic Party now makes its appeal.

There are, to be exact, two assumptions. The first is that the Democratic Party deserves to win, no matter what. The second assumption is less straightforward, but it does represent an interesting progression in modern liberal ideas.

The original idea of the modern liberals was, "If you are poor, you deserve some help."

Their next idea was, "If you are stupid, you deserve even more help."

Their third idea was, "If you are stupid, it doesn't matter; you deserve to be treated as if you were smart."

And now we have reached the climax: "If you are stupid, so stupid that you can't even punch the right hole in a goddamned ballot, you deserve to rule the nation." — Stephen Cox

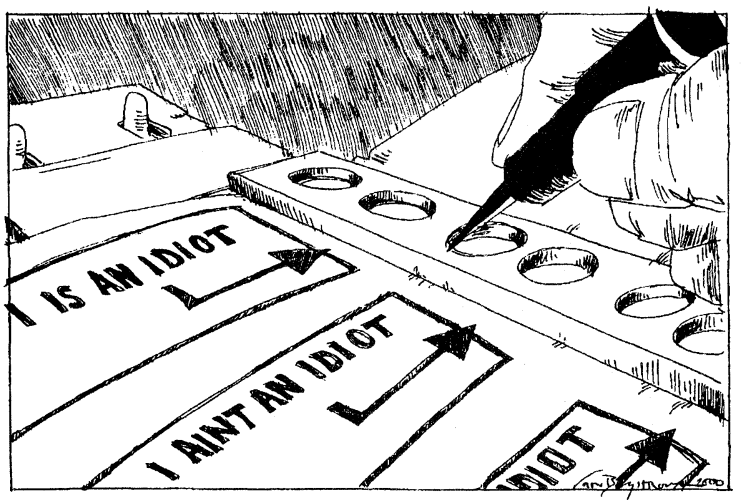

B is "B" — Fully five percent of those casting votes in Palm Beach County, Florida, either failed to realize that they were to vote for only one presidential candidate or they voted for a candidate that they allegedly did not want. The reason? They couldn't figure out the ballot, which had been recently revised to make it easier for the elderly to use. A good many of these individuals, at the urging of Albert Gore's campaign staff, want the election to be held again. Others, cognizant of state law, which requires that complaints about ballot design be made prior to an election, suggest that the ballot should be changed in time for the next election.

I'm for democracy as much as the next person. But I'm not very happy about the fact that we allow morons and demented people to vote.

We already disqualify a great many citizens on the ground that they are too young to vote intelligently and wisely. Curiously, we've never disqualified anyone for being too old to vote intelligently and wisely, despite the fact that the typical 17-year-old is smarter and even wiser than the typical 85-year-old. The reason, I suspect, is that when our republic was young and its basic laws were enacted, the perils of life were such that very few people survived into old age.

Of course, we could use a simple test to see whether a person has his wits about him. I note that as recently as 1964, over a third of the states required their citizens to be literate in order to vote. This practice was ended by the Voting Rights Act of 1965, which was designed to prevent southern states from keeping African-Americans (or Negroes, as they preferred to be called in those ancient days) off the voting rolls. This was a dubious rationale: 70 percent of the voters required to pass literacy tests were located outside the south, and a great many were in bastions of liberalism (e.g., Massachusetts, New York, California).

I suggest that Congress repeal the anti-literacy test provision of the Voting Rights Act so that states can enact simple measures to insure that the demented and moronic do not determine the fate of the republic. Nothing too intellectually taxing, of course. Perhaps only two questions, along the lines of these:

1) Which of the following is the letter "B"? A B C D E
2) What does two times four equal? 1 2 4 6 7 8 10 24 42

Ballots that fail to answer both questions correctly should be disqualified. This would immediately jettison the genuinely incompetent, who in Palm Beach County, at least, constitute a significant part of our population. There would be no shame: those eliminated would not even know they were eliminated; their ballots (with random marks and holes punched) would simply not be counted. — R. W. Bradford

Meditate this! — Given the narrow margin in Florida, Gore must be kicking himself that he didn't pander to the meditation lobby. If only he'd gotten some of the votes that went to the Natural Law Party, Gore would have won Florida. Think how things might be different if Gore had promised 100,000 new federally-funded meditation teachers. Bush would probably have countered with block grants to the states for pay for 150,000 new meditation teachers. — Dave Kopel

The ultimate disability — Missouri voters struck a blow against the last respectable prejudice by electing the late Mel Carnahan. The only remaining question is whether the Republican Senate will risk a lawsuit under the Americans with Disabilities Act by refusing to seat the pulse-challenged legislator. — Clark Stooksbury

People who live in glass hausen . . . — The wound-salting aspect of the election has been the reaction of nations which barely rise to my definition of civilization. I especially object to the German press calling the election a "macabre spectacle" (unlike democracy in the Weimar republic, I guess) and the Hindu assertions that "the U.S. should switch directly to a popular vote like the great democracy of

India," as the *Asian Age* said. Sorry, no sale. When I want to wait 20 years for a business license, I'll move to the subcontinent, thank you very much. That's bad enough, but when Sen. Arlen Specter offers a Constitutional amendment to abolish the Electoral College, one of the last vestiges of the Old Republic, a start-up in Siddhartha-land suddenly sounds like a promising career move. But then, Specter owes his own position to a prior sop to mobocracy: the direct election of senators. — Brien Bartels

News anchors vamp 'til ready — On the afternoon of Election Day, when Dan Rather says "now for some historical perspective" and starts talking about McKinley and Bryan . . . go get yourself another cup of coffee, feed the cat, whatever. It's going to be a long enough day as it is. — Tracey S. Rosenberg

Suggestions from across the pond — The elite media are highly exasperated at the failure of Americans to live up to the high expectations of our European betters. NPR reports that Europeans are aghast at our undecided election and that they regard the Electoral College as an absurd anachronism: why don't we just let the popular vote determine the outcome? But of course no European country has that system. Indeed the parliamentary system is a variant on the Electoral College: local voters choose members of parliament, who then choose the prime minister. It would be entirely possible in such a system for one party to get more votes nationally but fail to get a majority of parliament. Meanwhile, the *New York Times* reports on its "Arts and Ideas" page that Europeans just don't understand why Americans don't show more gushing respect for our leftist intellectuals, such as James Tobin (who has a brilliant idea to tax all financial transactions), Bruce Ackerman (who has a brilliant idea to give every 18-year-old a lot of money), and Jeremy Rifkin (who has a brilliant idea to fight "hypercapitalism"). Memo to the elite media: our ancestors didn't like the statist European systems; that's why they left, and why the United States today — for all its faults — is richer, freer, more diverse, and more dynamic than Europe. Journalists who prefer Europe are free to go live there. — David Boaz

None for me, thanks — A principal problem with electoral ballots in this country is the omission of a crucial choice: "none of the above." A few years ago in Puerto Rico, the new pro-statehood governor initiated a referendum on the island's status. On the ballot he put only three choices: statehood, independence (which few want), and "associated free state," which was an obscure position. Missing from this ballot was the current Puerto Rican option of a Commonwealth. The mayor of San Juan, Ms. Silia Calderón, initiated a campaign to add to the ballot "none of the above," which implicitly kept the status quo. As the governor's audacity was disaffecting, "none" won, perhaps setting a precedent that we should consider adopting on the mainland.

Incidentally, in the recent Puerto Rican gubernatorial election, "none of the above" defeated the incumbent.

— Richard Kostelanetz

"I gave you the medicine, and you didn't get well — are you trying to make me look bad?"

Never mind the candidates, the voters are the frightening ones — Watching the election buildup over the past few months, I noticed two things that make me concerned about the viability of representative government. First, half the voters intended to vote Democrat. I realize that readers may expect me to say "and second, the other half intended to vote Republican." But given the choices, I can see why people would vote Republican. I can't see why people who work for a living or believe in our constitutional system could consider voting Democrat. Second, did you read or listen to any interviews with voters? Wow. The misconceptions and logical fallacies that people cite in explaining how they intend to vote are mind-boggling. It makes you appreciate why the Founders had such grave reservations about the prospects for a democratic system.

— David Boaz

Historic nonsense — Virtually every TV pundit and news reporter described this year's election as "historic." Virtually all were wrong, at least insofar as "historic" means "important in history." In fact, the virtual tie is the opposite of historic. It is a historical trivium. Two candidates with virtually identical views got virtually identical numbers of votes. That candidates with identical views might finish with a similar number of votes is pretty obvious. The fact that they got virtually identical numbers of votes is a pretty obvious possibility.

The last election in which the two candidates held virtually identical views had almost the same result: in 1960, John Kennedy beat Richard Nixon by an official margin of 119,450 votes, or about .17 percent. The election itself was actually closer: there was substantial evidence that Kennedy was the beneficiary of tens of thousands — and probably hundreds of thousands — of fraudulent votes. His exceedingly close and fraudulent victory was allowed to stand only because Nixon instructed his party not to challenge or even investigate the fraud.

The 1960 race had other similarities to the 2000 race. Both occurred in a time of prosperity. Both came at the end of the second term of personally popular presidents who had lost control of both houses of Congress during their terms in office. Both parties that held the presidency nominated their vice presidents, who were both widely perceived as cold, shifty, and unattractive.

But the most striking parallel is the way candidates moved to the center or even toward the customary position of the opposite party. In 1960, Kennedy proposed to cut taxes and increase military spending and general foreign policy

aggressiveness, thus echoing ordinary Republican views, while Nixon, acting the centrist, defended the status quo and asked voters to support him because of his experience. In 2000, Bush proposed making the income tax system even more regressive, increasing federal government control of public schools, and making prescription drugs a welfare right for senior citizens, while Gore defended the status quo and asked voters to support him because of his experience. In 1960, at a time when most Americans identified themselves as liberals, Nixon moved toward the liberal position — so much so, it turns out, that his party repudiated him and moved sharply in the opposite direction in choosing its next nominee. In 2000, at a time when most Americans identify themselves as conservatives, Gore called for smaller government, tax cuts, and a balanced budget.

In the end, both the 1960 and 2000 race ended in virtual ties, with the national popular vote differing by about one-fifth of 1 percent and five states decided by differences of less than 1 percent.

The closeness of this year's election is no more historic than the fact that if one were to flip 100 million coins at one particular moment, 200,000 more would come up heads than tails.

I do not mean to suggest that the virtual identity of the agendas of the candidates in each election means that either outcome was insignificant. The parties have different special interests and different constituencies who pressure their leaders to respond in different ways to the events they face. But the fact that American public opinion has moved away from support for activist government is far more important than the differences between the Bush and Gore agendas.

Interesting? Perhaps. But this is not the stuff of "history." A few decades from now, the closeness of the 2000 election and the post-election antics of Bush and Gore will be forgotten — just as forgotten as the details of the 1876 stolen election or the 1888 electoral college victory of the candidate who lost the popular vote were before those details were trotted out by pundits look for something to say about this election.

— R. W. Bradford

Every vote counts — My home state of Oregon was all mail-in voting this year, but since Oregon only has seven electoral votes and Florida has 25, I decided to mail in my vote to Florida. Now I know why my vote got messed up! Can't the government get anything right? — Joe Dabulskis

What country do you live in, Mrs. Clinton? — One of the most dismal results of this year's dismal election was Hillary Clinton's victory in her senatorial campaign. It was altogether fitting that her first act as Senator-elect was a politically motivated attack on the Constitution.

Recognizing that her party's ability to seize the presidency was endangered by the existence of the Electoral College and its accompanying checks and balances on the will of such deluded multitudes as the liberal voters of New York, Hillary promptly proposed the abolition of the Electoral College. Her reason? "We are a different country than we were 200 years ago."

An odd sentence — but inspiring, in its way. It would be wonderful if Mrs. Clinton and her friends were actually living in some "different" country. I could continue living in the country that was founded 200 years ago, and she could continue infesting that "different" place. Unfortunately, however, when I last consulted the map I noticed that the country that "we" both "are" is still the same place, the same old USA.

I won't waste any more time on Mrs. Clinton's weird tricks of grammar. It is, after all, the thought that counts. Her thought, apparently, is that we should toss out every part of the Constitution that has managed to endure for at least 200 years. So much for the Bill of Rights. So much for the presidency itself, although she doesn't mention throwing that out, since she wants it to stay in her family. It must be added that (to use one of her favorite clichés) she doesn't just talk the talk; she also walks the walk. Her record shows that she prefers to function without any of the traditional constraints to be found in musty old documents.

It would be wonderful if Mrs. Clinton and her friends were actually living in some "different" country. I could continue living in the country that was founded 200 years ago, and she could continue infesting that "different" place.

Of course, contempt for the past as such is not confined to would-be tyrants like Mrs. C. It is the inspiration of every rap "musician," every graffiti "artist," every peddler of new "religions," every moron for whom the achievements of the centuries are as nothing when compared with the itches of the present.

People who are not preoccupied with scratching itches may be interested to learn that the Framers of the Constitution, who were a few million times smarter than the wife of the current president, regarded the Electoral College system as the very *least* controversial or intellectually assailable part of the document. Here is Alexander Hamilton, writing in *The Federalist*, No. 68:

> The mode of appointment of the chief magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit, that the election of the president is pretty well guarded.

Guarded from what? Guarded from direct popular voting and all its attendant perils. "Nothing was more to be desired," Hamilton says, "than that every practicable obstacle should be opposed to cabal, intrigue and corruption." No wonder Hillary's so upset about the Electoral College. It's intended as a guard against *her*. — Stephen Cox

Can I interest you in a time-share, Mr. President? — A Welsh friend of mine, mildly bemused by the drawn-out American election, suggests a time-share presidency. As Bush prefers to go to bed early, he should be president from, say, morning to mid-afternoon, which leaves time for a round of golf and a T-bone steak

before he hits the sack. Gore can then handle the schmooze-and-booze of evening soirées and fundraising cocktail parties. Western Europe starts its day around 2 a.m. Washington D.C. time, so Gore would be in charge of all European negotiations, thus ensuring that we'll have at least one president who has a *clue* where Them Durn Furriners live. Lieberman and Cheney would have to work out their own time-share schedule, but at least someone would always be available to cast a tie-breaking vote in the Senate, regardless of the religious holiday. The first and second families will simply have to fight it out to decide who gets to throw the switch at the White House Menorah-and-Manger lighting ceremony.

— Tracey S. Rosenberg

The new republic — Voting trends continued downward, despite millions of dollars being spent to "get out the vote." Organized constituencies — labor and minorities — were well-represented at the polls, the average American less so. None of this is surprising: a government that seeks to do everything encourages rational people to decide that their votes are less relevant. One votes for people who operate in the murky world of politics; holding them accountable is difficult. Moreover, the costs of regulation are imposed without any legislative accountability. We have a system of "regulation without representation." Increasingly, America is becoming the nation of special interests, of mob factionalism.

— Fred Smith

The helping professions help themselves — A *Washington Post* article on Ralph Nader supporters just before the election shed some light on the base of support for left-wing policies. The Nader voters interviewed in the piece had the following occupations: hospital administrator, office manager, elementary school teacher, mental health worker, middle school teacher, and human resources worker. With the possible exception of the office manager, all of them work in what they would call "the helping professions," and all are almost certainly paid out of tax dollars. They have an obvious class interest in expanding government. A survey of Gore supporters wouldn't be quite so dramatic, but it would tend in the same direction. Working Americans are being taxed to support a class of people who vote, organize, and agitate for more government, more spending, and more taxes. It goes a long way toward answering the question, "Why would anybody vote for Democrats?" A tax cut therefore serves several purposes: it reduces coercion, it strengthens the economy, and it reduces the number of people the taxpayers pay to organize against our interests. But tax cuts are hard to implement in a world where a large portion of the electorate are net tax consumers.

— David Boaz

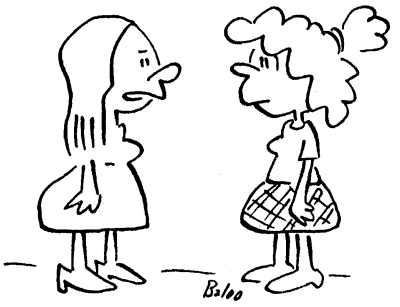

"' Married to his job'? You're lucky — my husband is married to his unemployment check."

Rx — You probably have your own favorite examples of indecencies committed in the presidential campaign. My favorite example is a certain statement by Julian Bond, one of our country's licensed purveyors of moral leadership. On Oct. 30, Bond was interviewed on the Hannity and Colmes TV show about the famous NAACP ad campaign that associated George W. Bush with the lynching of a black man in Texas. Questioned about the, shall we say, evident political *tendency* of this campaign, Bond solemnly intoned, "It's not at all political . . . It's not a partisan ad . . . There's no partisan appeal." The fact that episodes like this did not arouse a tide of revulsion sufficient to sweep the Democratic Party away from any hope of winning office is an index of just how sick the American electorate really is.

— Stephen Cox

Flunking out of the Electoral College — The closeness of this year's election and the possibility that the Electoral College winner may be the popular vote loser has given rise to renewed criticism of the current system of selecting a president, and denunciation of the Founding Fathers for their lack of trust in what some commentators referred to as "the masses." Could that lack of trust on the Founders' part possibly be because they knew that many of "the masses" would be too damn stupid to mark a ballot by themselves?

— Clark Stooksbury

The state on autopilot — The almost-tie election, both in the presidential sweepstakes and in the House and Senate, suggest some problems ahead for the friends of economic and individual liberty. Yes, there was a lack of decisive choice for more government — a good thing (recall that even Gore [gasp!] "opposed big government"). Tragically, the vote gave little encouragement to reining in a government that is already too big. Normally, gridlock isn't such a bad thing (recall the remark of Will Rogers: "Now here's some good news: Congress is dead-locked and cannot act!"). A divided government is unlikely to take any decisive action, and that is a good start.

The problem is that the welfare/regulatory state seems to be on "autopilot," spiraling ever upward. The entitlement class has become a significant sector of the electorate: bread-and-circuses creates many friends in the populace. Absent some ability to discipline the welfare and regulatory agencies, none of this is likely to change.

But discipline requires either new laws (unlikely in the new Congress) or new people (unlikely in a Gore administration) or successful court challenges (even more unlikely in a Gore-appointed court). Thus, the outcome of the current election is of more than minor interest. If Gore is elected, watch for aggressive administrative efforts to further erode the concept of responsive government, efforts to implement treaties before ratification (the Kyoto global warming initiatives are already underway), and a continued growth in the entitlement state. Moreover, Gore may well be able to frighten businesses and individuals from any support of our groups. They've already sent the IRS to audit some of our organizations, and more of this is in the cards.

A Bush administration poses fewer risks, but there is still reason for concern. The prior Bush administration, after all,

enacted the Clean Air Act amendments and revitalized the anti-trust divisions at the FTC and DOJ. Moreover, a Bush administration might well wish to emphasize statesmanship in the global arena (much like George Bush at the 1992 Earth Summit in Rio). The Bush administration might be enticed into signing onto a host of international treaties that will weaken freedoms here at home.

By the time this piece is published, the decision will be made. God save America. — Fred Smith

Fishing for chads — The Democratic Party is trying to steal the election for Al Gore. As I write, on Nov. 14, with Bush some 300 votes ahead, it is all obvious except the outcome. By fishing for "hanging chads" — bits of cardboard supposed to have been punched out — election workers have found more votes. The Florida Democratic Party has filed a lawsuit to force the counting of dimpled chads — but only in Palm Beach County. Indeed, the manual recounts, with workers carefully holding up perforated ballots to the light, are all being done in Gore counties. Ballots in the Bush counties were tabulated by machine.

What kind of man would steal an election? A man who really, really, *really* wants to be president. A man who lusts for it. A man who ought not to have it. — Bruce Ramsey

René Descartes on line 1, Mr. Congressman — My favorite New York congressperson is the esteemed Jerrold Nadler, whom I got to know pretty well during his lengthy defense of Bill Clinton in the Lewinsky crisis. Not only was Nadler willing and able to make the most shameless arguments to defend the felon-in-chief, but he also looks interestingly like a cartoon character, or like an enormously fat man condemned to live on Jupiter, where the strong force of gravity has pulled down his flab until his head is inches wider at the chin than at the crown.

For months I missed seeing Nadler's comically misshapen head on my television. Now, however, my life has been brightened by his recent reappearance to criticize the Republicans' apparent victory in the Florida vote. I use the word "apparent" advisedly, because Nadler would not grant that the Republicans had won. His faith was based, at least in part, on the idea that some elderly residents of Palm Beach County had voted for Buchanan while intending to vote for Gore. "Forty or fifty of my constituents," Nadler claimed, "called my office on election day, saying that their elderly parents in Palm Beach had called them in tears, saying they had mistakenly voted for Pat Buchanan."

Hmm. Buchanan got 3,407 votes in Palm Beach County, rather more than the 500 or so one might have predicted. This suggests that around 2,900 people in the county voted for him because they were unable to understand the directions on the ballot. If Nadler is telling the truth, an astonishing 1.5 percent of those voters (a) knew they had marked their ballots wrong but cast them anyway; (b) realized that they had mismarked their ballots, but decided for some reason not to ask for replacements; (c) returned to their homes so upset that they were weeping; (d) called their children, who happened to live, of all places, within the 16 square miles of New York's eighth congressional district; and (e) enjoyed the satisfaction of having their children respond by phoning their congressman.

This defies rationality. But so did Nadler's absurd defenses of Clinton's obvious perjury. H.L. Mencken once observed that no one ever lost a buck by underestimating the good taste of the American people. He might have added that no politician ever lost an election by underestimating the common sense of American voters. — R.W. Bradford

Change what? I have to turn up my MiracleEar™! — How many Palm Beach Countians does it take to change a light bulb? 22,408. One to change the bulb, 19,000 to protest that changing light bulbs is too complex, and 3,407 to change the air conditioner filter accidentally instead. — Clark Stooksbury

Raiding Nader's raiders — Two days before Election Day, a friend of mine and I had as close as you get to a celebrity moment in the half-assed Hollywood of Washington, D.C. We were at the Nader rally, handing out flyers for an LP candidate for Congress (Rob "Stop the War on Drugs" Kampia). We then crashed the Nader afterparty at Fado, which, given that Fado is the most hideously corporate version of an Irish bar anywhere outside of Epcot, I thought was an ironic choice of locale.

Professional honky-botherer Cornel West was there, as was fat anti-capitalist pig Michael Moore. And, before too long, the guest of honor himself showed up to shake hands. In contrast to West and Moore, Nader is kind of appealing in person — rumpled, clutching a portfolio full of mysterious and important documents. If this were a David Letterman "Brush With Greatness" segment, I'd tell you that I used our handshake to flip him over my shoulder with a deft Judo throw, sending him careening into Michael Moore's blubbery bulk, whereupon I vaulted over Cornel West, leapt atop the bar, and shouted: "A is A, you looters and parasites!" But no. Instead, I told Nader I liked his speech, even though I couldn't hear it and he seemed to go on longer than Castro. And I thought to myself that I probably wouldn't find Ralph too appealing if he got into power and started regulating how many times I could flush my toilet and that sort of thing.

Considering that they're enemies of civil society, most of

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Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

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End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Why the Great Depression Lasted So Long — Robert Higgs explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

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the Greenies were surprisingly nice people. They were even — except for one little fella who pranced away from me when I started to argue back — pretty good sports about my Harry Browne T-shirt, which has "Get Government Out of Your Life!" in big letters on the back. They even gave us free Nader T-shirts, labeled "Vote your conscience, not your fear." All in all, a good bunch. And at least in the Green version of socialism, drugs would be legal, Israel would pay its own way, and the U.S. wouldn't be murdering innocent foreigners to improve their countries' human rights records. There are worse dystopias out there. Al Gore's, for instance.

— Gene Healy

A great day for liberty — I'm writing this on Nov. 10, so I don't know how much longer the wrangling and the litigation will continue. I hope it goes on for weeks, even months. The more brawling, the less legitimacy the next occupant of the Oval Office will have.

Even if the wrangling is cut short, November's election represents a wonderful opportunity for partisans of liberty to accelerate the devolution and perhaps even the collapse of state power. That can only happen if we understand the phenomenon correctly and can communicate that understanding well enough so that it becomes part of conventional wisdom. Here's how I see the situation, as I wrote for the Nov. 12 *Orange County Register:*

The results of the election are about as favorable for the cause of freedom — the development of a society characterized by a growth in the importance and appreciation of voluntary interactions and transactions, and a decline in the influence and relative importance of the political, coercive sphere of life — as could be expected from such a quintessentially political exercise. The American people, despite reinforcement of the idea that politics is central to everything, are beginning to reject the choices offered by the political system.

Of course, it would be folly to claim that the American state is on the verge of overt rejection and is inexorably withering away. The modern state is thoroughly institutionalized, after all; it steals the fruits of productive activity from its citizens, considers itself the center of modern life, and claims the right to regulate everything from what we eat to what we dare to think, with little overt opposition or even comprehension from the chattering classes.

But the state and the relentlessly political understanding of life that buttresses it are increasingly being recognized as a joke. That's a healthy development.

In the late 1970s and 1980s, as the idealism that had originally been so much a part of communism disappeared, as the system degenerated into a rickety structure held together by coercion, corruption, lies, and inertia, nobody could have predicted the precise moment when the system would collapse, let alone that it would collapse with a relatively peaceful whimper rather than an orgy of violence. But a few people understood that its collapse, while temporally unpredictable, was inevitable.

I see as equally inevitable the collapse of the modern welfare-warfare state rooted in the European nation-state system.

I don't know precisely when the collapse will come, or what institutions and systems will be developed to serve the few legitimate social functions the state claims to perform. I don't know whether the collapse will come without violence, as I hope will be the case.

But I'm reasonably sure it will come, that the process is already underway, and that it will not be generally recognized until it has already occurred. I am also certain that most public intellectuals will never understand the true nature of the phenomenon through which they are living.

— Alan Bock

Rejecting the one-party system — After two years of non-stop campaigning, neither of the deeply flawed presidential candidates was able to attract support from a majority of the American people. Neither candidate sparked enthusiasm, loyalty, or anything more than lackadaisical support except from a small circle of acolytes. Most voters stuck with a party out of habit, voted blatantly for their own narrow interests, or held their noses and chose the lesser of two evils. Few people believed that either candidate had an inspiring vision of America's future.

In the midst of the most sustained and potentially exciting period of economic growth in American history, the chosen one of the party in power was not able to beat back a challenge from a syntactically challenged dilettante with little to recommend him except his family name. That is remarkable. But it owes less to the shortcomings of Al Gore than to a definite if not completely conscious recognition that the government is not responsible for the economic growth of the last several years — except insofar as it has had the sense, or has been forced by circumstances, not to get in the way too much.

The virtual tie, both in the popular vote and in the Electoral College, demonstrates that neither modulated version of governance commands real support any more. The modulated New Deal-populist-administrative-state approach of the Democrats has been reduced to a defense of the status quo, promotion of dependency, and fierce devotion to certain special interests. The Republican message that once emphasized individualism, self-reliance, and free enterprise has changed to "compassionate conservatism" — a code word for "don't worry, we won't reduce any wasteful program." It's meant to be reassuring, but inspires no one.

People were not inspired by the major parties, but were not ready to embrace, in the midst of economic boom times, the anti-immigrant culture warfare Pat Buchanan offered them, or the dour anti-corporate regulatory zeal of Ralph Nader. They didn't even notice Harry Browne, but it's unlikely they are ready for that alternative yet.

So they did the best the system allowed them to do. They effectively tied the hands of the national government so it will be able to do as little damage as possible in the next four years. As a good Leninist might see things, they heightened the contradictions inherent within the system so that those contradictions will have to be resolved eventually.

As an added bonus, this situation makes politicians into national laughingstocks.

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Whether all this is a step toward freedom or a resting-place before the next push for more ambitious statism, of course, depends in large part on how we understand the situation. If we use the present gridlock to intensify discussion of alternatives to the kind of overweening governance we now suffer, we may find ways to throw off our chains. If we miss the meaning or fall for the chimera of bipartisan cooperation, we'll feel the chains tighten. — Alan Bock

Running neck and trunk — John Podhoretz argued in the *New York Post* (Nov. 9) that the Right is no longer in the majority. Ever since Ronald Reagan, the Democrats were held to less than 50 percent of the vote. Even when Clinton won, if the Bush or Dole votes were added to the Perot votes, they beat the Democrats' vote. But this time, wrote Podhoretz, "If you add up the Gore and Nader votes, the candidates of the Left outpolled George W. Bush by 3 percentage points, about 3 million votes." Podhoretz ignored the 1 percent for the combined candidacies of Buchanan, Browne, and Phillips, focusing instead on the Left's new energy. He wrote, "And with this election, they have dealt the Right a second mortal blow," the blow being the acquittal of Bill Clinton.

The American voter is not so simple. Roughly 35 percent vote for the Republican no matter who he is, and 35 percent for the Democrat. Those include the ideological voters. The rest float. I talked to several Perot voters who voted for Gore. Most said Bush didn't have the experience, didn't take life seriously, was a playboy, or was just dumb. Surveys showed that a lot of voters made up their mind in the last minute. These were non-ideological voters, and they overwhelmingly went for Gore.

The best measure of ideology is the House of Representatives. It is almost perfectly divided.

— Bruce Ramsey

Rational ignorance and election hype — A review of the recent election from the cultural value perspective advanced by the late Aaron Wildavsky is worthwhile. Wildavsky believed that votes, as well as general attitudes toward policy, are decided by the values held by individuals rather than by any deep factual understanding of the issues.

People are rational, of course. They gain satisfaction from the act of voting, but realize that only rarely will their votes be decisive, that acquiring detailed knowledge will be costly, and that even if they obtain knowledge, it will give them little influence over policy. For these reasons, people spend little time in educating themselves about the issues.

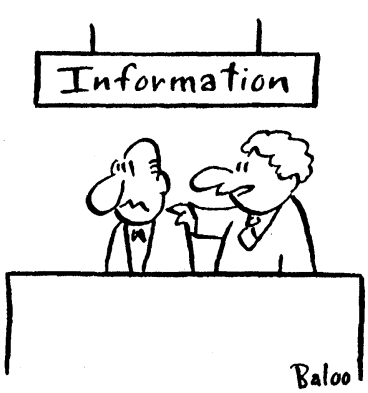

"Don't worry, Pomeroy — we *all* develop some doubts now and then."

In standard political science terms, people are rationally ignorant. Wildavsky believed that in this kind of situation, a vote is not linked to any direct personal benefit, but to the cultural values one holds.

In an election, we can examine how the policies and candidates represented these values. Most voters judge the images of the candidates and decide whether that candidate or policy advances or threatens their values. Wildavsky suggested that three general cultural values attract individuals.

Individualism: Those who vote based on their concern as to whether the candidate will expand or restrict their freedom. (Libertarians, for instance.)

Hierarchy: Those who vote according to whether America will be a more or less orderly society if the candidate prevails.

Egalitarianism: Those who are worried about how a candidate or policy will advance the "fairness" of America, whether the "little guy" will be helped or harmed.

In this election, the candidates touched all bases, but some were better than others. The natural base of Bush is the first group, the Individualists, for whom less government suggests more freedom. Gore made a run at this group via claims to favor smaller government.

The second value was a battleground with Gore, who sought to emphasize his qualifications and his ability to manage the modern welfare/regulatory state. Bush argued weakly that spontaneous order was more orderly than the politicized state. The message was blurred by Gore's image as a micro-manager — many were concerned about his "I can run the world" attitude. All of Gore's tax proposals had strings attached, and his rhetoric against Bush was "tax cuts only for the wealthy," whereas he would only preserve such cuts for his green cronies. In contrast, Bush argued the case for transferring power back to the states, and generalized returns of surplus payments to the citizenry ("you know better than we how to use your money"). The end result was a toss-up, with many people voting for "expertise" over "direction."

The major failure of classical liberals is their inability to articulate an egalitarian appeal. Since the progressive revolution of the early 20th century, this value has been *owned* by the progressive left, whose claim that they care about the people, while we care only about money, has gone largely unchallenged. Not surprisingly, Gore did well here, claiming that only he cared about the little guy, the sick, and the elderly. Bush, however, broke new ground with the compassionate conservatism theme — unfortunately, he never fleshed out the concept, and blurred it with many big government programs of his own. Still, it was a start, and he was criticized by many conservatives (and libertarians) for even raising the issue.

Part of the overall problem was that more is involved in a campaign for president than simply providing a positive value message. After all, a value appeal can be made either positively (this is how my election will advance your values) or negatively (this is how my opponent's policies will threaten your values). And sadly, fear trumps hope. Gore was far better at demonizing Bush. He made inroads into the individualist community by arguing the abortion issue ("Bush would take away your rights to choose") and the hierarchic community ("Bush is incompetent and will run America badly"). However, Gore was most effective at frightening the egalitarians — women, blacks, immigrants, the elderly. Liberal third party groups from the NAACP to NOW ran a highly negative (and very effective) campaign to con-

vince many that their values would suffer if Bush were elected.

Bush ran as the "nice" guy — he wasn't eager to frighten the electorate about Gore — and he discouraged others from doing so. That was almost certainly a mistake. Bush had to persuade Americans that his party advanced the values of most Americans. He might have dramatized the instability of Social Security, making it clear that without reform, the elderly would be at risk. He might have dramatized the risks that America faces because of our aggressive interventionist foreign policy. (Recall that both Wilson and Johnson were elected on the grounds that they would keep us out of war — they lied, of course, but they were elected.) America during the Clinton/Gore era has moved well away from the Colin Powell doctrine that America should engage abroad only when our vital interests were involved. Most importantly, Bush might have focused attention on *Earth in the Balance*, the extremist eco-catastrophe book written (yes, he did write it — unfortunately) by our "Arch Druid." But that would have meant clarifying the risks of environmental extremism, and his advisors thought that would be negative. Bush did discuss the threat to the automobile in Michigan, but then talked about energy-efficient technologies with almost as much enthusiasm as Gore himself. (That blurred message was one of the reasons Bush lost Michigan.)

The minor candidates (Nader, Browne, and Buchanan) weren't much better. Nader created a strong alternative egalitarian voice, espousing the confused message of modern progressives that government is run by the major economic interests, big business especially, and therefore we need to give government more power. In the absence of a strong classical liberal egalitarian voice, that message worked reasonably well. Browne never found the egalitarian voice, focusing as most libertarians do on freedom as the only value worthy of discussion. Buchanan portrayed a complex mix of populist egalitarianism and nationalism (an appeal to the hierarchic value). Nader had the most impact, and the other two candidates disappeared in the noise.

Nader sought to frighten people about the growing power of "bigness" (while paradoxically calling for ever more powerful government — run by whom, we might ask?) while Browne and Buchanan were largely invisible. Individualists aren't frightened (much) by the growth of the state. In a world of declining liberty, the U.S. still looks fairly good to most people, and America is far more stable than any other part of the world. The fear message was most effective in mobilizing the egalitarian value cluster. They feel most vulnerable, and people worry about them — even the wealthy and the middle class.

If classical liberal ideas are ever to gain traction in America, if we wish to be taken seriously as a political change force, then we must find ways of communicating outside the economic/individual liberty framework. This is possible. We view freedom as an intrinsic value, but others may be more sympathetic to freedom as an instrumental value — a way of advancing the stability (order) and fairness of our society. Refining and honing that value-based communication message is something that is occupying most of my intellectual time, but the full results of that effort remain in the future. Till then, we look at the CNN recount page, and pray.

— Fred Smith

Nader of the lost ark — One of the pleasures of the late presidential campaign was following those Democratic party toadies and left-leaning pundits who launched repeated hysterical attacks on Green Party nominee and left liberal icon Ralph Nader, for endangering the prospects of Al Gore. As it turns out, they were right. Unless the Vice President is successful in his attempt now underway to steal the election in Florida, Ralph Nader's votes in that state are sufficient to send Gore back to Tennessee, the Fairfax hotel, or where ever the hell he's from.

Now we know why they call him "Saint Ralph."

— Clark Stooksbury

Reflections

Career opportunity — Last October, Reuters reported that former Indonesian military strongman Wiranto had released a CD entitled "For You My Indonesia."

Perhaps Mr. Clinton and his sax will follow Wiranto's lead, and begin at long last a productive career.

— John Haywood

The magical land of the presidency — *Washington Post* columnist Courtland Milloy has finally made me understand Democratic voters. Democrats, I see, are like fourth-graders, who think that the president is a magical figure, sort of a cross between Santa Claus and God. He can do anything, and only a bad president would fail to do good. Milloy praises a group of District of Columbia elementary school students who wrote letters to the president-elect as part of a Xerox Corporation contest. What did the tykes say to the president-elect? You should give everyone health care, Mr. President. You should give us new school materials, computers, and so on. You should end homelessness and provide homes and medical treatment for drug addicts. None of the children, of course, addressed who would pay for all these goodies, or what one might give up to get these programs, or whether the programs themselves would work. After all — homes, schoolbooks, health care; who could be against that? The last letter Milloy highlighted demonstrated an even more expansive view of the president's powers: "Hopefully, now that you are President, you can stop all of this madness, this violence, and ignorance. I am depending on you." Many

of us grow up. We come to realize that homes and computers have to be produced, and that if you tax people too much you not only take away their freedom, you end up with fewer homes and computers. And we learn that the president isn't magic; he can't cure cancer, or hate, or poverty, or economic fluctuations. But maybe it would be nice to believe again, like a fourth-grader. — David Boaz

¿Elián, can you spell "libertad"? — "To be literate is to be liberated." With the whole thing well behind us, I can honestly say that nothing drove me more crazy about the González episode than all the talk about how Castro has eliminated illiteracy on his plantation. When someone points to Cuban education and tells me that everyone there is "able to read," I point to Cuban censorship and ask them, "able to read *what*?" — Barry Loberfeld

Palm greasing for fun and profit — Recently, in Panama City, Panama I witnessed for the first time that act of impromptu street justice known as *mordita* (little bite). Driving along with two friends, both local residents, we were pulled over. The policeman politely informed my friend that the license plate had expired. Normally, this means that the car has to be parked and the plate impounded. You then go to the police station to pay for the new plate, plus the fine — a significant inconvenience.

So my friend, in his limited Spanish, began the bargaining process. He started by offering the cop $5. I'm told this is the normal opening "bid" and usually enough to solve the problem. But our cop aspired to the good life, or maybe he had kids in college. He laughed at the offer and started writing the ticket. Time for heavy reinforcements. My second friend, also a gringo but one who speaks fluent Spanish, took over the negotiation. His animated conversation with the cop moved to the police car. Soon, both men got into the car, where the conversation continued. Some time later, my friend emerged, the problem "fixed." Cost: $20.

If only all government-connected problems could be so easily solved. I figure this kind of petty corruption, as offensive as it is, beats the alternative. Your name stays out of government files. No points on your license. No increased insurance costs. No time wasted with courts or even finding a stamp to mail in your payment. — Robert Kephart

There's no trial like a show trial — After years of negotiations went nowhere, Rhodesia declared independence from the British in 1965. Now former terrorist (and current president) Robert Mugabe is threatening to put Ian Smith, the Rhodesian prime minister who led his country to independence, on trial for genocide. This is presumably an attempt by Mugabe to deflect local and world attention from the mess he has made of the once-prosperous country. Smith said he would welcome the opportunity. "It would give the chance," said Smith, "to tell the world the truth about this gangster." Smith is no libertarian, but he was not a mass murderer either. And he remains, at age 81, one very courageous individual. — Adrian Day

I'll take fraud and hysteria for 100 — "The whole aim of practical politics," said H.L. Mencken, "is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary."

Cocaine is said to be such an addictive menace that it is worth tearing up the Bill of Rights, drug-testing the entire population, and executing sellers in order to stop the scourge. Yet contrary to the claims of ABC's Peter Jennings, there is no evidence that anyone can become addicted to cocaine after a single use. Indeed, the vast majority of regular users never become addicted. A survey by the National Institute of Drug Abuse questioned high school seniors. Of the seniors who had recently used cocaine, 4 percent reported that they had tried to stop and could not. Of the seniors who had recently used nicotine, 18 percent had found themselves unable to stop. The studies that "prove" that cocaine is so allegedly addictive involve laboratory monkeys crammed into tiny cages. If you were confined for the rest of your life in a cell so small you could barely move, given absolutely nothing to do, and tied to a device which gave you cocaine, you might develop a taste for chemical escapes too.

According to gun control prohibitionists like President Clinton, "assault weapons" are making life for the street cop more dangerous than ever. Easily convertible to full automatic, these awesome killing weapons are said to be the weapon of choice of modern criminals. Actually, so-called semiautomatic "assault weapons" are used in about 1 percent of all gun crimes, according to police statistics from major cities. Such guns account for only 4 percent of police officer homicides, a percentage that has remained constant for many years, according to FBI figures. Detective Jimmie Trahin, the head of the firearms unit in the Los Angeles Police Department, states that semiautomatics are virtually never converted to automatic, because such a conversion can only be successfully accomplished by a day's labor from a skilled gunsmith.

Many American school buildings contain asbestos. Congress frantically enacted the Asbestos Hazard Emergency Act of 1986, which requires schools to spend billions of dollars on asbestos removal. Congress acted without bothering to assess the health risks of the particular type of asbestos generally used in school construction. As it turns out, asbestos in the schools poses less of a health risk to children than does whooping cough vaccine, according to new research reported by *Science* magazine. Billions of dollars that could have been spent on education were wasted on a pointless exercise in hysteria.

Every year, hundreds of thousands of children are abducted by criminals and never found again, Americans have been led to believe. Many parents are so terrified that they keep their children from contact with strangers as much as possible. Justice Department data, however, indicates that kidnappings by strangers account for only 1 percent of child abductions. The vast majority of abductions are committed by relatives who won't accept loss in a custody dispute. Of course, abductions by relatives are a serious problem, but the problem can't be solved as long as everyone is confusing it with the much rarer problem of stranger abductions.

How can we protect our children? Our society cannot even begin to discuss the question intelligently until it puts aside the campaigns of hysteria and fraud that have surrounded these topics. — Dave Kopel

More cash, less smarts — Sorry, Mr. Gore. More money does not guarantee better education. Studies

continue to demonstrate that although the U.S. is among the biggest spenders on education, the result — as evidenced by standardized test scores — is among the lowest. Several countries that spend the least have consistently high scores. A new study by two economists, Dale Ballou of the University of Massachusetts and Michael Podgurky of the University of Missouri (reported in *The Economist*), suggests that the cause of teacher shortages is not the absolute level of pay, but rather how teachers are paid. Specifically, the report blames the lack of pay based on performance. Teachers' associations typically oppose merit pay. But the result is what economists call adverse selection. The better teachers find, after a few years, that they are paid no more than the worst teachers, and tend to leave the profession, while the worse teachers remain. Another problem: the requirement for specific teacher training, even for well-qualified graduates. Who decides to go into teaching after finishing an undergraduate degree? Often, it's those who can't find jobs elsewhere! There are, of course, many excellent teachers, but the disincentives to bright people entering and remaining in the profession result in shortages, and particularly, shortages of the best. As *The Economist* slyly pointed out, Albert Einstein would be deemed unqualified to teach in America. — Adrian Day

Democracy unraveled — Finally an apt metaphor for democracy: a cheap sweater. Don't look too closely. And for god sakes, don't touch that loose thread!

— Sheldon Richman

Happy birthday! — One week after voters in California and four other states approved drug reform measures, there occurred a forgotten anniversary worthy of note (if not celebration): the 125th anniversary of the war on drugs. On Nov. 15, 1875, the San Francisco Board of Supervisors passed the nation's first anti-drug law, an ordinance making it a misdemeanor to keep or frequent opium dens. This was the opening shot in a war that still rages on, though having long outlived any hope of success.

The San Francisco ordinance was aimed specifically at Chinese smoking opium, not the medicinal opium regularly consumed by whites. The Chinese had brought smoking opium with them in the earliest days of the gold rush. The habit caused little offense, until anti-Chinese sentiment swept the state in the mid-1870s.

The city fathers were particularly incensed to find "that there are within three blocks of the City Hall eight opium smoking establishments, kept by Chinese, for the exclusive use of white men and women; that these places are patronized not only by the vicious and depraved, but are nightly resorted to by young men and women of respectable parentage; [and] that unless this most dangerous species of dissipation can be stopped in its inception, there is great danger that it will become one of the prevalent vices of the city."

Other towns with Chinese communities quickly followed suit: Virginia City, Sacramento, Stockton, Oakland. In 1881, the state legislature enacted a statewide ban. In defense of the measure, State Sen. Grove Johnson (father of the reform governor Hiram Johnson) reassured lawmakers that it was as much anti-Chinese legislation as anything else they had passed.

Despite widespread antipathy to the dens, the scope of the laws was surprisingly modest. Only public sales, not private use, were restricted. In the Victorian era, it was widely assumed that the law could not prevent folks from using drugs in private. "To prohibit vice is not ordinarily considered within the police power of the state," asserted the state Supreme Court in an 1887 opium case. "The object of the police power is to protect rights from the assaults of others, not to banish sin from the world or make men moral."

The effect of the law was not to eliminate the dens, but rather force them underground. A group of Chinese who smoked opium together might easily evade the law so long as no whites were present (otherwise, of course, the gathering would presumably be non-private). The dens continued as a vice industry and source of graft for the rest of the century. There were said to be 3,000-4,000 white and 10,000-15,000 Chinese habitués in the city in the mid-1880s. A list of known dens was published in the *San Francisco Municipal Register*. They even became a featured attraction on Chinatown tours, where sinister-looking Orientals were hired to stage fake scenes of turpitude for the titillation of tourists.

It wasn't long before the city fathers began to harbor second thoughts. Clearly it was futile to prohibit the traffic entirely. San Francisco was the major port of entry for smoking opium throughout the United States. The Supervisors therefore decided to enact a license fee on wholesale opium dealers, while leaving the retail trade illegal. The fee was collected for a single year, thanks to the efforts of an unusually energetic and incorruptible tax collector, Theodore Bonnet, but then fell into desuetude.

The situation finally changed with the rise of the modern prohibition movement after the turn of the century. Led by the state Board of Pharmacy, California enacted a sweeping anti-narcotics law that outlawed all non-prescription sales of opium and cocaine in 1907. Invoking the modern tactics of drug enforcement, the Board began dispatching agents and informants around the state to bust unsuspecting offenders. In 1912, the Board staged a gigantic opium paraphernalia bonfire in the heart of Chinatown. This broke the back of the smoking opium culture. Henceforth, addicts would turn to morphine and later heroin, which were harder to detect.

Poet's License

Prowling for parking, round and round the lot,
Wheeling and watching — hey, there's a spot!
Oh, no! *Reserved for Poets*, God damn it,
For cars with the City poet's permit.
Those who don't display that passover sign,
Paperless souls, face a thousand-dollar fine.

"I'll tell you," quoth my friend at City Hall,
"Some permit holders aren't poets at all."
The art of application is their gift:
Within the form's parameters they're swift.
Is theirs an advantageous sacrifice?
It must be worth some blood to find a space.

— *David Ramsay Steele*

Seen in retrospect, the opium den era was remarkably benign. Opium smokers were notably more peaceable than drunks. The dens accounted for just a few misdemeanor arrests per week. Offenders typically paid a fine; only a handful went to jail. There were no complaints of dealers in the streets, and drug-related violence was unknown. Drug possession was perfectly legal.

The situation deteriorated as modern drug laws took hold. With the advent of Prohibition, drug crime became an institution. Attitudes against addicts hardened. Although the Board had originally intended sending addicts to hospitals for treatment, these plans fell by the wayside. Criminal penalties escalated until mere possession became a felony. The dismal legacy remains with us today. As of June 2000, California had a record 45,437 drug felons in prison, 20,116 of them for simple possession.

Looking back, it's hard to escape the conclusion that the Victorian system worked better. The harder we fought to outlaw drugs, the worse the problem became. Fortunately, recent elections augur a salutary change. This year, Californians overwhelmingly approved Prop. 36, mandating treatment instead of imprisonment for drug users, while Nevada and Colorado approved medical marijuana. Oregon and Utah overhauled drug asset forfeiture laws. Meanwhile, voters in Mendocino County, California approved Measure G, to allow adult personal use and cultivation of up to 25 marijuana plants. There may well be no need to resurrect the opium dens; cannabis cafés would be better. But after 125 years, voters finally seem ready to chart a new course.

— Dale Gieringer

Real butterflies don't do ballots — Recently, there was an unusual headline in *El Nuevo Herald* (the Spanish edition of the *Miami Herald*): "El símbolo del libre comercio llega volando a México." Apparently the symbol of free trade had arrived in Mexico. I was curious to learn what the symbol was.

Appallingly, it is the monarch butterfly, which is protected under NAFTA. Since this butterfly is not an object of trade, and is protected under the abominably anti-free-trade Endangered Species Act, what was the connection? "La monarca . . . es una especie protegida y simbolo del Tratado de Libre Comercial. . . ." So because the monarch is protected under the Free Trade Treaty, it is a symbol of free trade. One might as well claim the butterfly as a symbol of freedom because the slightly less statist George Bush may have been aided by the butterfly ballot in Palm Beach County. Even the name "monarch" reeks of managed trade and *dirigismo.*

In early October, swarms of monarch butterflies began to arrive in central Mexico. They will not survive the trip back to Canada, but their offspring will. The monarch is dead, long live the monarch.

— Martin M. Solomon

The sound of chaos — It may be an exaggeration to call the Vienna Symphony Orchestra an anarchist organization. But none of the musicians seemed to take the slightest notice of the conductor . . . and yet, the music was disciplined. Isn't that what an anarchist society would be like? In any event, don't let these thoughts distract you from the sublime music if you have the opportunity to see the orchestra during its North American tour. The Schumann piano concerto (at the Kennedy Center last week) was a tad slow for my taste (though Buchbinder was technically superb), but Schubert's Ninth was spellbinding. — Adrian Day

The power of competition — The Mets clinched their National League title against the St. Louis Cardinals a day before the Yanks sewed up the American League championship over the Seattle Mariners. This would be the first "Subway Series" in 44 years. We were told by commentators across the country that New York was poised for a meltdown. Its stadiums would be looted, its neighborhoods terrorized.

The closest thing to a meltdown came in Game 2, when five-time Cy Young pitcher Roger Clemens fielded a broken bat off Mets catcher Mike Piazza, throwing it in his general direction as Piazza ran toward first base. Considering that Clemens had hit Piazza in the head during a summer interleague game, this action led to a near-confrontation on the field between the teams. Cooler heads prevailed, and the game resumed immediately. In the end, with no game won by more than a run or two, with everybody on the verge of a nervous breakdown at each successive pitch, the Yankees took the best-of-seven series four games to one, celebrating their third straight World Championship at Shea Stadium.

But something peculiar happened in the Big Apple. There were no reports of sports-related criminality. In fact, on the day of the first Mets-Yankees game, my whole Brooklyn neighborhood was transformed into a virtual block party: everybody put Yankee or Mets banners in their front yards, on their windows, on their cars. Some dressed in Mets T-shirts or caps, while others wore full Yankee regalia. In some homes, families were split down the middle: "Derek Jeter a better player than Piazza? Whaddaya kiddin' me??" Or, in some circles: "Piazza cuter than Jeter??? Fuhgeddaboudit!" By the time the first game had begun, two of my neighbors had dragged out their 32-inch televisions, and a crowd of about 60 people gathered, cheering on their teams. Food and drink were aplenty, even as the game went into extra innings. The other games provoked a similar gathering and response. When the series was over, it was clear that this contest had not led to the kind of civil unrest that some were predicting. This scene was reproduced across the city. And though Yankee fans gained bragging rights for at least another year, Mets fans were unusually resilient: "Wait till next year!!!"

I'm a Yankee fan, but I must confess that with my own brother and sister-in-law cheering on the Mets, the Yankees victory was a tad bittersweet: I actually felt bad for the losers. And this feeling extended to some of my neighbors. While there will always be those of us who enjoy razzing our neighbors, I think that most looked beyond the us-versus-them mentality of this fierce sports rivalry. Because we were all talking to one another incessantly for over a week, we'd solidified old friendships and sparked new ones. Out of the internecine competition of two beloved sports franchises, there emerged a host of unexpected consequences. The winners showed empathy for the losers; some were actually concerned for the hurt feelings of their neighbors, who remained good-natured and steadfast in their loyalty. We'd laughed. Some of us cried. In the end, we'd shown that even competitors can create a spontaneous order of civility and benevolence.

Yeah. I love New York. — Chris Matthew Sciabarra

Analysis

Libertarian Party The 2000 Election

by R. W. Bradford

With more experience, more money, more party members, more media and more advertising, the Browne campaign vote fell 27%. Why did this happen? What does it mean for Libertarians?

The Libertarian Party presidential campaign raised more money, got more media attention, and purchased far more advertising than it did in 1996. It began the campaign ten months ago with well over twice as many members as it had in 1996. Its candidate was Harry Browne, an extraordinarily articulate spokesman for libertarian policy, who had gained experience from his presidential run in 1996. And, for the first time ever, the campaign was run by experienced managers.

It looked like this might be the LP's most successful presidential campaign ever, and certainly it would have its best showing since the 1980 election, when the campaign was funded with millions of dollars from its wealthy and generous vice presidential candidate, David Koch.

But even before the polls closed in most states, it was apparent that the vote total was not going to be better this time: in Indiana and Kentucky, where polls close early, Browne was actually doing worse than he had in 1996. And as returns came in, it became more and more evident that things were worse, not better.

Vote totals are still being fooled with as I write this — the Democrats are busy changing ballots to give Albert Gore a victory — but based on the latest available figures, Browne got 374,704 votes (AP) or perhaps 379,226 (CNN). Either way, it amounts to 0.37% of the vote, or about one of every 270 votes cast.

However you cut it, that's a decline of 27% from 1996. That's what Libertarians got for more money, more media, more advertising, more experience, more members, and more work. It was an unmitigated disaster.

Why did the campaign do so much worse, despite doing so much more to attract voters? The reason most often heard is that voters abandoned fringe candidates because they perceived that the race was very tight and they figured their vote might actually make a difference.

In 1996, the polls leading to the election showed Clinton with such a huge lead that his victory was certain, so the "Why-waste-your-vote?" factor was negligible — presumably very few people were worried that their vote for a fringe candidate would turn the election. This year, the race was believed to be the closest in memory, with polls showing Bush and Gore in very tight races in many states.

The "Why-waste-your-vote?" argument is much more appealing in states where the race is believed to be close than in states where it is believed to be a runaway. So we can gauge the impact of the "Why-waste-your-vote?" factor by seeing whether the LP did significantly worse in states where the race was perceived to be very close.

Take a look at the table listing the states, the size of the lead in the pre-election polls, and the change in the LP vote from 1996 and 2000 (Appendix, p. 25). At first glance, there seems to be quite a correlation. In all states where the poll lead was one percent or less, the LP did worse this year than in 1996. But in Arkansas, where the perceived margin was a scant two percent, the LP performance this year was up 139% from 1996, the best improvement in the LP's vote total of any state. And in the two states where the lead in the polls was largest, Utah and Wyoming, the LP vote fell by 24% and 17% respectively.

To make sense of these data, I grouped them into categories based on the size of the poll lead:

Lead	*Lead*	*LP performance*
Tossup	0-2%	-12%
Close	3%-5%	-30%
Good Lead	6%-8%	-40%
Large Lead	9% - 12%	-7%
Insurmountable	13%+	-12%

Again, it's difficult to see a pattern. In the tossup states, the LP vote share fell an average of 12% — the same amount it fell in states where a candidate had an insurmountable

lead. Stranger still, the LP vote total fell the most in states where one candidate had a good lead.

What can we conclude from these data? I think it's pretty plain that LP voters in the past two elections were not particularly influenced by the closeness of the race. The "Why-waste-your-vote?" argument has much less impact than is generally believed.

This is consistent with the only other data we have on the subject. In 1996, the Browne campaign purchased newspaper advertising in three states just before the election. The ads argued that with a electoral "blow-out" inevitable, Democrats could vote for Browne to protest Clinton's poor record on civil liberties without risking a GOP victory, and Republicans could vote for Browne to protest GOP candidate Bob Dole's calls for bigger government.

The data indicate that LP voters in the past two elections were not particularly influenced by the closeness of the race. The "Why-waste-your-vote?" argument had hardly any impact.

The campaign, as reported in these pages (January 1997, p. 20), was a total flop. In the states where the ads ran, the LP vote was up 50% from 1992. But it was up 62% from 1992 in the states where the ads didn't run.

So if the poor LP performance wasn't the result of the closeness of the race, why did the campaign do so badly? This question is all the more vexing because this year's candidate, campaign, and campaign strategy were virtually identical to 1996's. The only differences were that the party is much larger and the campaign had far more money and more experienced management — all factors one would expect to improve the party's showing.

Let's consider another possible explanation: competition from the Green Party.

The LP was on the ballot in all 50 states and the District of Columbia. The Greens were on the ballot in only 44 states and D.C. That left six states — North Carolina, Georgia, Indiana, Oklahoma, South Dakota, and Wyoming — where the LP did not have to compete for votes with the Greens. In those states, Browne pulled 36.9% better than in 1996. In the states where the LP had to compete with the Greens, Browne pulled 32.6% worse than in 1996.

That's a very significant difference. If the Browne vote had increased as much in the states where Nader was on the ballot as in the states where he was not, Browne would have received about 627,000 votes.

That's not a step on the way to the million or multi-million vote total that Browne has suggested the LP is on the way to achieving. But it is 70% more votes than Browne did in fact receive, and it would have been the highest LP vote total since 1980.

The conclusion that the Green campaign cost the LP a huge number of votes is consonant with the only study of Browne supporters ever performed. Eleven days before the election, pollster Scott Rasmussen analyzed the responses of 557 Browne supporters who had shown up among the more than 75,000 likely voters selected at random in the daily polls he had conducted during the previous three months. After summarizing the demographic characteristics and political opinions of Browne supporters, Rasmussen observed that "These numbers are very similar to the assessment offered by Ralph Nader's voters."

Just why would the LP candidate appeal to many of the same people who liked Ralph Nader? I'm not really sure, though the LP program and the Green program have two important common elements: they oppose the war on drugs and favor a less aggressive foreign policy.

But the differences between the LP agenda and the Green agenda are much more extensive than any similarities between them. The LP calls for radically less government regulation; the Greens want radically more regulation. The LP wants total free trade; the Greens want extreme restrictions on international trade. The LP calls for the virtual elimination of taxes; the Greens want higher taxes. The LP is for free markets; the Greens want socialism.

Despite these massive and fundamental differences, the evidence is that a large number of voters who cast their ballots for Harry Browne in 1996 cast their ballots for Ralph Nader in 2000.

How can this be?

The only explanation that occurs to me is that these are casual voters whose opinions are superficial and who don't look very far into issues. The disturbing fact is that the majority of LP voters are not responding to any element of the Libertarian agenda, but are simply annoyed with some aspect of current policy or want to avoid casting their ballots for a major party for some cranky reason, and select the LP more or less at random.

If the Browne vote had increased as much in the states where Nader was on the ballot as in the states where he was not, Browne would have received about 627,000 votes.

The most prominent celebrity ever to publicly endorse an LP presidential nominee is David Letterman, who rather sheepishly mentioned his support of Ron Paul on his television show in 1988. Earlier this year, when a magazine described him as a "non-voter," he indignantly produced voting records showing that he voted in perhaps half the elections during the previous decade, though he admitted that he had failed to vote for long periods in the past. He also mentioned that he intended to vote for Ralph Nader this year.

Letterman may turn out to be a fairly typical LP voter. His discussion of public issues on his program is whimsical, and when he departs from whimsy, he reveals a startling ignorance, as anyone knows who heard him prattle about global warming with Nader, Bush, or Gore this year. He's not very committed to anything. Nor is he particularly aware of the

issues that move Libertarians or Greens.

And he may be typical of the voters who make the difference between a pathetic vote total of 0.8% for the LP and an absurdly low vote total of 0.37%.

We Libertarians have spent 29 years, tens of millions of dollars, and uncounted hours of hard work to get our message out, but most of our appeal is to people who have at best a vague notion of what we stand for. We've failed to engage the thinking of people who care about public issues. Most Americans have no idea who we are or what we stand for. Despite our best efforts, our vote total bobs around like a ping-pong ball in the crashing surf.

Let's be more optimistic. Let's assume the race had not been close and the Greens hadn't bothered to mount a campaign that competed for our voters. How many votes would we have gotten? Even with these optimistic presumptions, it's difficult to imagine 750,000 votes. This was LP National Chair Steve Dasbach's prediction on the day before the election, and was the most optimistic pre-election prediction that I heard from anyone.

Let us suppose further that the Browne campaign had spent more on advertising and less on overhead and travel. Let us suppose that it focused on issues with wider appeal. Let us suppose that these changes increased its vote total by another 33%. In other words, let's suppose that the Browne campaign had reached the holy grail of a million votes, one percent of the total vote.

This would be a miraculous outcome indeed. But then, just where would the LP stand?

Do you remember the Greenback Party? How did it differ from the Greenback Labor Party? Or the Union Labor Party? Or the Union Party? All these parties got a substantially better vote than the LP has ever gotten, none had any lasting influence, and none is even remembered today.

In the 34 presidential elections since the end of the Civil War, 29 third party campaigns have done better at the polls than the LP has *ever* managed to do in its eight campaigns. Of the most formidable of these campaigns — those that captured as much as six percent of the vote — all but one were thinly disguised independent candidacies by already popular politicians, and collapsed when their "great man" lost interest.

Only three of these 14 parties who outpolled the LP's best showing can be said to have had any real impact on American politics: the Prohibition Party, whose central idea was adopted nationally with disastrous results and then repealed; the Populist Party, whose members captured the Democratic Party in 1896 and led them to a humiliating loss; and the Socialist Party, whose agenda was arguably adopted by both major parties as American politics moved leftward in the general course of the 20th century. And all these parties fared far better at the ballot box than the LP ever has: the Prohibitionists got 2.2% of the vote in two consecutive elections and topped the LP's best showing in four others; the Socialists got 5.9% in 1912 and topped the LP's best record on six other occasions; and the Populists got 8.6% of the vote in 1892 before capturing the Democratic Party in 1896.

It is time to stop kidding outselves. It is time for us to ask some hard questions.

Should we abandon the hope (or the pretense) that the LP might become a major party?

Should we continue to operate a minor party on the fringe of American politics?

Should we continue to try to fool ourselves into thinking that we are having an impact?

Is there any way to reorganize or reorient our efforts so that we can achieve some of our goals?

Should we abandon political activism altogether?

Do you remember the Greenback Party? How did it differ from the Greenback Labor Party? Or the Union Labor Party? All these parties got a substantially better vote than the LP has ever gotten, none had any lasting influence, and none is even remembered today.

I don't know how to answer these questions. But I think they are worth exploring. I have invited several prominent libertarian activists, thinkers, and leaders to share their thinking about them with us. You too are invited to tell us what you think. Send your comments, articles, or suggestions to: *Liberty*, attn: Activism Project, PO Box 1187, Port Townsend, WA 98368; e-mail to: ActivismProject@LibertySoft.com.

Beginning in our next issue, *Liberty* will feature their responses. ❑

Appendix

The table below lists the difference between the two major parties in the polls in each state, along with the change in the LP presidential candidate's vote between 1996 and 2000.

State	*Lead*	*LP*	*State*	*Lead*	*LP*
Alabama	8	8%	Montana	28	-32%
Alaska	24	-3%	Nebraska	20	-22%
Arizona	12	-63%	Nevada	12	-44%
Arkansas	2	139%	New Hampshire	8	-44%
California	3	-44%	New Jersey	6	-52%
Colorado	16	-11%	New Mexico	3	-32%
Connecticut	12	-45%	New York	14	-39%
Delaware	1	-69%	North Carolina	10	23%
Florida	2	-28%	North Dakota	15	-27%
Georgia	10	83%	Ohio	9	0%
Hawaii	20	-42%	Oklahoma	18	17%
Idaho	38	6%	Oregon	5	-27%
Illinois	4	-53%	Pennsylvania	4	-62%
Indiana	19	6%	Rhode Island	19	-40%
Iowa	4	29%	South Carolina	16	-2%
Kansas	19	-1%	South Dakota	16	16%
Kentucky	9	-34%	Tennessee	1	-22%
Louisiana	7	-59%	Texas	29	0%
Maine	4	-7%	Utah	38	-24%
Maryland	7	-47%	Vermont	6	-46%
Massachusetts	21	-24%	Virginia	10	45%
Michigan	1	-57%	Washington	1	-8%
Minnesota	0	-42%	West Virginia	3	-38%
Mississippi	9	-31%	Wisconsin	4	-30%
Missouri	5	-35%	Wyoming	42	-17%

Spinning and Unspinning

by R. W. Bradford

It used to be that after every election, Libertarian Party members went into a funk. How could voters reject us? How could we do so terribly? What's the point in running for office (or contributing to the LP, or working for candidates) if we are going to do so poorly?

Many LP members would leave the party or quit being active in it or quit funding it. Membership would fall. Then a whole new crop of people would be recruited, people who were not yet discouraged by the humiliating defeats the LP suffers again and again.

That changed in late 1996, when the Browne campaign realized that the LP candidate would once again do miserably at the polls. Even before the election, the campaign began to lower people's expectations. After the election, the campaign staff prepared a huge book — 532 oversized pages — that was basically one spin after another, designed to convince Browne supporters that (a) the 1996 campaign was a success, despite its pitiful showing at the polls, and (b) the campaign staff, having learned a great deal from the campaign, would be much better at getting votes in 2000.

The headline ink was barely dry when the LP spinmeisters started publishing their analyses of the 2000 elections. Not surprisingly, Browne campaign manager Perry Willis and LP national director Steve Dasbach thought that the campaigns they'd headed had done pretty well. Spinning the news is an art, and the LP has some pretty good talent.

Consider the following claims from Perry Willis:

Spin: "Based on this year's results it's possible the media will declare the third party movement dead. This could make it more difficult to gain media coverage in 2004, but this factor could be counterbalanced by the fact that third party votes determined the outcome of the 2000 campaign."

Fact: Or it might be counterbalanced by the fact that third parties had their worst showing since 1988.

Spin: "The one sure way to increase our vote totals is to manufacture more die-hard Libertarians — people who will not be drawn away by the siren song of the major party horse-race. This means that recruiting new Libertarians remains Job One for all of us."

Fact: Between 1996 and 1999, the size of the Libertarian Party more than doubled, and the LP vote total fell by 27 percent. Of course, more recruits do increase the ability of a fundraiser like Willis to raise funds.

Spin: "We did almost as well as [Buchanan] did with far less money, name recognition, and media visibility. This should be as fatal to the Reform Party as it should be encouraging to us."

Fact: That is a very careful way of saying that we should be encouraged because Buchanan's campaign was an even bigger disaster than ours.

Spin: "Only the Libertarian Party remains strong, united by a coherent philosophy independent of personality, and possessed of a more thorough and robust infrastructure than any other third party. These assets will serve us well as long as we do not lose heart."

Fact: The Libertarian Party has always been "united by a coherent philosophy independent of personality, and possessed of a more thorough and robust infrastructure than any other third party." These assets, plus the tens of millions of dollars and uncounted tens of thousands of hours of hard work, have made the LP the nation's fifth largest party, unable to capture the votes of even one voter out of 250.

Spin: "Nader received most of the protest votes that were cast because his election results were sure to be reported."

Fact: People don't decide to vote based on their expectation of whose votes will be more widely reported. Candidate vote reports are based on how many people decide to vote for them.

Finally, and most skillfully of all, Willis offers a list of the campaign's "achievements," concluding with the biggest spin of all:

Spin: "We gained poll standing for the first time."

Fact: All this means is that some pollsters included Browne in the list of presidential candidates they asked voters about. But this is not the first time it's happened. In 1996,

Browne campaign staffer Michael Cloud told me that the campaign had commissioned one pollster to include Browne's name in his list of candidates, but the results were so disappointing that the campaign never released them. In addition, Liberty hired a polling firm to include Browne in its list. (Browne was the choice of one percent of voters; we published the poll in our November 1996 issue.)

Spin: "We tied, and sometimes passed, media-approved candidates in the polls, either in individual states or nationally."

Fact: This boils down to the fact that occasionally the polls showed Browne with more support than Pat Buchanan's pathetic candidacy.

Spin: "We generated far more national TV coverage than any previous campaign, perhaps more than all of our other campaigns combined."

Fact: Nearly all this coverage was on cable, which has blossomed since 1996. It was mostly on Fox News Network, which didn't even exist four years ago.

Spin: "We had more and better TV ads, and a campaign video as well."

Fact: In 1996, the campaign spent a total of just $8,840.50 to purchase radio ads. It spent nothing to purchase television ads. So topping that total was not much of an accomplishment.

Spin: "The crowds at our events were much larger and primarily composed of new people."

Fact: This isn't the unambiguously good news it sounds like at first. The fact that the "crowds" were "primarily composed of new people" could be explained by faster growth. But it can just as easily be explained by the loss of old supporters.

Spin: "More people visited our web site and spent more time there, and our email list grew to more than three times the size it was in 1996."

What Willis says boils down to the fact that occasionally the polls showed Browne with more support than Pat Buchanan's pathetic candidacy.

Fact: This is mostly a function of much greater internet use now than four years ago.

Spin: "Our influence in talk radio grew once again, with more hosts supporting us and with an even better response from audiences."

Fact: This amounts to saying that we devoted even more resources to a strategy that failed miserably in 1996.

Spin: "We branched out into FM radio shows for the first time and reached young people who responded with enthusiasm."

Fact: FM radio? Not just AM? Wow, we're finally on a medium invented 60 years ago — no longer mired solely in an 80-year-old radio band. And the "young people's" enthusiasm apparently did not reach the point of actually voting for Browne.

What do all these "achievements" add up to? The grandest spin of all.

Spin: We moved the ball down the field, and we will not cease from doing so until America is once again a free land.

Fact: "Moving the ball down the field" means doing better, not doing worse. The bottom line in politics is votes, not how many talk radio appearances you make. I'd like to see whether Libertarians react the way fans of my local high school football team would react after its seventh straight drubbing by a bigger margin than usual. "Well, we had a better passing game this year, and the crowd at our game weren't quite as small last week. And an FM station reported the score of our game, not to mention that our website is more popular. We moved the ball down the field. . . ." Perhaps local football fans are less easily snowed than Libertarians.

Only in Libertarian Land is finishing 17% behind one's opponent considered "roughly competitive." By that standard, Mondale was "roughly competitive" with Reagan in 1984, the worse drubbing any major party presidential candidate suffered in the past three decades.

LP chair Steve Dasbach was not nearly as bold as Willis. His report begins with Browne's vote total. "The fact that Browne was roughly competitive with Buchanan — even though Buchanan had $12 million in federal money to spend — is reassuring." Only in Libertarian Land is finishing 17% behind one's opponent considered "roughly competitive." By that standard, Walter Mondale was "roughly competitive" with Ronald Reagan in the 1984 election, the worse drubbing any major party presidential candidate suffered in the past three decades.

The most exciting news in the report was that LP candidates for Congress garnered a total of 1.66 million votes. But whether this is progress remains in doubt: the party ran 255 candidates, more candidates than ever before. Even so, LP candidates averaged about 6,500 votes, up from its average of about 4,100 votes per district in 1996. But these numbers may be deceiving. Fringe parties always do better in races in which one of the major parties chooses not to field a candidate. For example, in California, the LP and the Natural Law Party fielded four candidates in races in which one of the major parties did not compete. The LP averaged 10.8% of the vote in those districts; the NLP averaged 7.5%. But in the remaining 48 districts, the LP averaged 2.5% in the races it contended and the NLP 1.7%. The LP fielded at least 32 candidates in such non-competitive races this year, and may have fielded candidates in as many as seven others. (Information is at present incomplete.) LP candidates averaged a whopping 10.5% in non-competitive races as reported

by Reuters, again just 2.0% in competitive races. Comparable information for 1996 is not immediately available, but it is quite possible that the LP fielded candidates in far fewer such races. We hope to have all the relevant information on House races for both elections in our next issue, so we can see whether the LP's House showing this year is better than in the past.

Dasbach's report then states that the Arizona LP's decision to put science fiction writer L. Neil Smith at the top of its ticket instead of Browne had resulted in a 62% decline from the party's presidential vote total last time around. It made no mention of the party's similar drop in Delaware, Pennsylvania, Louisiana, and Michigan, where Browne remained the party's standard-bearer.

Then the report boasts of Carla Howell's 11% showing in the Massachusetts Senate race, without mentioning that the Republicans nominated a candidate so unqualified and embarrassing that the GOP tried to have his name removed from the ballot. This isn't the first time an LP candidate has benefited from an especially embarrassing major party candidate: in 1998, the LP candidate in Indiana's 6th congressional district got 11% of the vote after the Democrats nominated a cross-dressing high-school dropout with a criminal record.

The report lists a couple of two-way races for state legislative seats where the LP candidate got 30% and 45% respectively, and a couple more with both major party opponents in which the LP nominees got 8% and 26% respectively. Then it's off to New Hampshire, where the huge legislature and low population make for easy elections for third parties. The news here is, well, odd. LP presidential contender Don Gorman lost by 30% in his bid to regain a seat he'd held as a Republican, but the LP won't be unrepresented in the legislature. For some reason, the NHLP allowed a Democrat who had lost his party's primary for a seat in the legislature to run as a Libertarian. He was elected, proving that one can be elected on ticket, providing one is not a Libertarian.

The report ends with a list of 15 victories for the LP, all for local elections for planning boards or public utility districts, all or most of which were non-partisan elections. It also mentioned that the party lost ballot in four states while gaining it in two.

Is this the *good* news? ❑

A Study in Browne — During the first 48 hours or so after the vote totals started to pile up, a lot of e-mail traffic went around libertarian lists denouncing Libertarians for supposedly abandoning Harry Browne at the top of the LP's slate of candidates.

Other than a smattering of individuals who have confessed to doing that, there is absolutely no evidence that this was a general pattern.

Libertarians, after all, are not prone to vote in much higher percentages than voters with other affiliations. So it is entirely possible, and perhaps quite likely, that registered Libertarian voters who actually voted did so for Browne in overwhelming percentages. That is, after all, what we expect from partisans in a partisan election.

Down-ticket, the vote totals seem to compare quite well with those the LP achieved in 1996, even if the percentages are off from the previous numbers. In that election, Browne received roughly three times as many votes as there were voters registered Libertarian at that time. Browne's lower total this time may well be explained mostly by the fact that other candidates made a more compelling case for support from otherwise friendly voters than the LP nominee did.

When Libertarians learn to identify their support, and apply the "get out the vote" techniques the unions and special interest groups use so effectively, their candidates will enjoy more and more success.

Those results come best from the strongest grassroots.

—Ken Sturzenacker

The LP is dead, long live liberty — The third party movement may be totally dead. Even Nader couldn't make five percent. Even matching funds couldn't push Buchanan to one percent. And Harry Browne couldn't even match his prior, meager vote total. It's dead, folks, and it deserves a proper burial.

Freedom, liberty, individualism — all have been co-opted by the Rs and Ds. They aren't the kind of banner issues that rouse emotions anymore. Too many libertarian activists have bought into the delusion that the LP is just like the big two, and that it can afford to talk about generalities such as "small government."

So, assuming you sent your hard-earned bucks to Harry or some other well-meaning but under-performing LP candidate, what should you do now?

How about going back to basics? Pick your passion. The War on Drugs is a good one to fight. It's got everything going for it: personal freedom, medical treatment choice, civil forfeiture, wasted tax dollars, and more. Check out the legalization initiatives that passed this year and work to get them on ballots everywhere in 2001. You won't even have to spend as much as you contributed to futile campaigns in 2000.

Start with a few letters to the editor. Don't just mail them. Fax and e-mail them to as many papers and web sites as you can. Newspapers love to publish letters from people who don't live in town. Total cost: a few stamps at most.

Move on to call-in radio and television. You might even get yourself invited to be a guest. Total cost: some phone time and a little gas.

Finally, get yourself in front of live audiences. Dazzle them with your logic, your expertise, your wit and charm. Give them the facts in a way that gets into their hearts, that makes your passion theirs. Total cost: very little — maybe even net profit if you're very good.

After you've fixed the War on Drugs, move on to guns or butter, depending on whether we're at war or in a recession. There will always be an issue that's ripe, and that's the issue which will move people in the direction of liberty.

Me, I'll be wearing a lot of black this week. I'll be mourning the loss of the party I had such high hopes for. But I'll get over it by next week, and I'll get back to the real work of con-

vincing people that liberty is good for us. And it won't matter that I'm not doing it as a Libertarian any more.

— Janice Presser

Things they didn't teach you in real life

— On Oct. 30, both Joe Sixpack and yours truly were privileged to hear Harry Browne on both "The O'Reilly Factor" and "Nightline." We learned a) that drug legalization really will allow people to sell narcotics to children without penalty, and b) that a minarchist government will *not* maintain its monopoly on military force by taking away a man's bazooka (or, by implication, nuclear missile) until *after* he has used it "to do harm."

It was an education for both of us. — Barry Loberfeld

Time to call it a day — As *Liberty* goes to press, the presidential nominee of the Libertarian Party appears to have won approximately 375,000 votes nationwide, and it seems certain that recounts will not result in his election.

Just a joke, friends. But the vote total, I'm sorry to say, is not a joke. The number of votes that Harry Browne received this year is significantly lower than the number (486,000) that he received in 1996.

This year, the major achievement of the Libertarian Party was to deny election to a number of Republican candidates in narrowly contested districts and to deny the Republican presidential nominee a majority of the national popular vote and a clear electoral triumph in the state of Florida, and therefore in the nation.

But credit for even this dubious achievement remains . . . dubious. Other minor-party candidates also siphoned off Republican votes. And because the election was so close, and because the difference between the Republicans and the Democrats was so glaring, most libertarians who had any inclination whatever to vote for the Republicans probably went out and voted for them, leaving the Libertarian Party with those few votes that would not have been cast under any circumstances for either of the major parties. This is not a good sign for the LP. I cannot recall any political movement that ever came to power with the aid of people who were acutely disaffected from politics in general.

It is said that electoral campaigns that stand no chance of winning are nevertheless justified because they "educate" the public. Well, there may be some education going on, but the students seem to take an extraordinarily long time to graduate. Their dropout rate is heavy: the LP got 922,000 votes in 1980 (1.06%, in comparison with this year's .375%), but where are those 922,000 people now? They're in the Republican Party, that's where they are.

The LP got 922,000 votes in 1980, but where are those 922,000 people now? They're in the Republican Party, that's where they are.

As for the education of people who have never cast a Libertarian vote but who have learned something about libertarianism because of the party's electoral campaigns: I think a lot of education happened in the early years of the party, but this year I encountered precisely one non-libertarian who had come in contact with the party's education efforts. This person merely expressed amazement at the fact that any party could possibly want to abolish the national income tax. Her reaction gave me the opportunity to explain why the income tax is bad, and she bought the argument. But it was I who educated her, not the party.

I believe that many Libertarian Party activists could have done better than I in arguing the point. I am sure that Harry Browne, a very intelligent and articulate man, could have done much better, had he met my non-libertarian friend; as a presidential candidate, he evidently could not get through at all.

I'm sorry, LP'ers. I love you, but there must be a better way for libertarians to put the message across. —Stephen Cox

Browne's ground game — I'm on the board of the Colorado LP, so I had the chance to interact with the Browne campaign as it prepared for its Oct. 2 visit to my state. For the record, I believe Harry Browne is a respectable man and his success reached far beyond his meager vote total. However, in many respects, Browne's visit to Colorado was a disaster.

A month earlier (Sept. 8-10), Vice Presidential candidate Art Olivier campaigned across Colorado. He was featured in a story by the *Rocky Mountain News*, the largest paper in the state, and mentioned in the *Denver Post*, the second largest. He also got good coverage in Aspen, Grand Junction (in the west), and other smaller papers, and he appeared on the three major television networks in Grand Junction. He spoke on

Two Cheers for the LP

by Jane S. Shaw

I see no reason to expect the Libertarian Party ever to rise above the less-than-one-percent level that it has historically achieved. The party had an articulate, principled, and dignified candidate in Harry Browne; certainly the choice of candidate couldn't get much better.

There simply isn't any public groundswell for a libertarian party. The party is a "consumption good" — a product that a few affluent libertarians are willing to pay large sums for, and for which a much larger number of others cheerfully pay small sums. Meeting friends at the convention, hoping for C-Span attention, garnering serious analysis from *Liberty*'s editors, feeling the thrill of political action based on conscience — these sorts of experiences provide satisfaction for some consumers. It's like going to Las Vegas to gamble. The chances are miniscule that you will win, but it's fun all the same.

I may view the party as a waste of time and money, but it's not my time and not my money and, hey, it's a free country, isn't it?

three major Denver radio stations. For a guy nobody knows, that's pretty good coverage.

Contrast Olivier's performance with Browne's. The day after Browne spoke at a 250+ person rally in Denver and a 150+ person fundraiser, the *Rocky Mountain News* ran a story about the Reform Party. A couple of the smaller papers ran an AP story about why Republicans don't like Libertarians, and Browne appeared on two Denver radio shows and a Grand Junction television station.

What's the difference? The state party handled Olivier's trip, while the Browne campaign handled Browne's. We locals were kept in the dark about Browne's plans until the last minute. For instance, I told people from Grand Junction that Browne couldn't possibly make it to that town due to time constraints. Then, two days before Browne's arrival, I learned he was going to leave the (heavily populated) Denver area to fly to (relatively small) Grand Junction — and back — during his single day in Colorado. Talk about a massive waste of time, and with no time to mobilize the troops in Grand Junction. The locals could not possibly schedule press interviews, because we didn't know the schedule.

Browne's team focused on radio interviews throughout the campaign. But the average person doesn't listen to much talk radio. However, most voters read the local papers and watch the local television news programs. Those are the markets Browne's team ignored, at least in Colorado. We locals could have gotten him those markets, if we had been "in the loop." Sure, it would be nice to see the Libertarian candidate on the national news programs along with the big parties, but frankly most voters aren't even going to notice the difference if the Libertarian appears on the local news show rather than the national broadcast. An advantage to local programs is that reporters generally lob softballs, making it easy for any candidate to look good.

In general, Browne's campaign team operated according to a "top-down" organizational structure. Even the much-touted pool of "volunteers" was strictly controlled. At one point, I was told I could not volunteer for the Browne campaign unless I filled out the proper paperwork! Nothing chaps my libertarian ass more than having to fill out superfluous forms. (I didn't fill them out, obviously.) From what I saw, the volunteers were discouraged from initiating independent activism, yet left without any clear direction. And so the activists wrote letters to the editor. And three or four of those letters were printed locally. Whoop-de-freakin'-do. It's hard to be emotionally involved with that sort of campaign.

I learned a lot from Harry Browne in terms of how to frame libertarian ideas. And many who heard him on the radio realized that libertarianism is a coherent and compelling political philosophy. But at least from my limited perspective, the potential of the campaign was never realized.

— Ari Armstrong

The GOP alternative — Harry Browne won four-tenths of one percent of the vote and came in fifth, behind Gore, Bush, Nader, and Buchanan. It was not a good showing.

One could play with numbers, add the Browne vote to the Bush vote, and tip Wisconsin, Oregon, and Florida into the Bush column. But it's simplistic to assume all Browne voters would have gone to Bush: some would have gone to Nader, some would have gone to Gore because of the abortion issue, and some would have gone to Buchanan. Some people would not have voted at all. Only in Florida was the Browne vote likely to have been decisive, and because Florida was so close it was also true for the Nader vote and the real or accidental Buchanan vote.

The fact is, when the history is written of the incredible 2000 election, Harry Browne will be a footnote. The national media ignored Browne, and they were right to do so. Elections are contests for power. Browne was never a serious contender for power. He didn't have the organization, the money, or the public name. Furthermore, he was too radical.

A Rasmussen Portrait of America Poll in September determined that two percent of Americans call themselves libertarians — a proportion five times greater than those who voted for Browne. But after asking a series of questions, Rasmussen calculated that 16% of Americans are *functional* libertarians. That's *40 times* the proportion who voted for Browne.

This 16% is the constituency for libertarian political action — but not for the Libertarian Party. Such a radical party might elect one parliamentarian to office in Holland or Italy, but a first-past-the-post system gives it no chance. The American political system has no permanent space for any party other than Democrat and Republican. It has been that way since the 1850s, and Harry Browne isn't going to change it.

If libertarians want influence, they have to exert it on one or both of the major parties. They can do it numerous ways — through a think tank like the Cato Institute or the Competitive Enterprise Institute, through the news and opinion media, through work as political consultants, through the use of voter initiatives, or through grassroots action.

And the winner is . . .

Three weeks before the election, *Liberty* invited nine prominent Libertarian Party watchers to predict the number of votes Harry Browne would receive. Here are their predictions, as published in *Liberty*'s December issue, followed by their margin of error:

Bruce Ramsey, Seattle Times	369,000	-2%
R. W. Bradford, Liberty *editor*	419,000	12%
L. Neil Smith, *Ariz. LP presidential nominee*	250,000	-33%
David Nolan, *LP founder*	529,000	41%
Perry Willis, *Harry Brown campaign manager*	600,000	60%
Ken Sturzenacker, *Pennsylvania LP Chair*	622,000	66%
Jim Lark, *LP Chair*	650,000	73%
David Bergland, *former LP chair*	500,000 to 1,500,000	33% to 300%
Steve Dasbach, *LP national director*	refused to forecast	

Congratulations to Bruce Ramsey for an incredibly accurate prediction!

In my area, for example, the Libertarian Party has flooded the ballot with candidates. Most got between one and five percent. None was elected. But a former LP candidate ran as a Republican for the state legislature. In a Republican-leaning district, he was outspent by the incumbent Democrat two to one and demonized for being anti-abortion. He lost, but he got 46% of the vote. At least he was a contender.

I suggest libertarians get active in the Republican Party. You may not go quite as far as sociologist Seymour Martin Lipset, who told the American Enterprise Institute on Oct. 2 that "The Republican Party is the only major libertarian party in the world," but at least the Republicans profess to be in favor of small government. They are the party of business and the private sector, libertarians' natural constituency.

If libertarians piled into the Republican Party, they would not always get their way. They would be in a big tent, not a

Third Parties Won't Get Ahead This Way

by J. R. Labbe

Vickie Flores, chair of the Libertarian Party of Dallas County, said in a recent Associated Press story that increasingly voters are viewing third-party candidates as valid contenders. After having spent several hours of late with Libertarian candidates running for elected office in Texas, I'd have to ask Flores to define her terms. Although the issues important to Libertarians may qualify as "valid," with few exceptions the "contenders" running in state races who passed through the *Fort Worth Star-Telegram*'s doors amounted to little more than place holders. One or two hardly qualified as place mats. During an Editorial Board meeting with Charles Ellis, a Libertarian running against state Rep. Anna Mowery, he actually said, "If I do win, I'll serve, but it would be an inconvenience."

Gotta love that kind of honesty. And this guy was one of the more clued-in. He at least understood the responsibilities of a state rep. But it makes a person question how many of the 113 Libertarians running for Texas public office — ranging from constable and Court of Criminal Appeals to county tax assessor-collector and railroad commissioner — view public service the same way.

Colin Sewards, a Libertarian running against state Rep. Kim Brimer in District 96, said: "I haven't thought too much on state issues. A lot of things will have to wait for the Libertarians to make progress on the national scene." This undoubtedly well-intentioned man could not answer a single question about how he would approach state issues such as education, transportation or the criminal justice system — which is mind-boggling for a representative of the one political party whose primary national platform is to reduce the size and influence of the federal government.

Libertarians, heart-and-soul devotees of the Constitution, want issues moved to the state level, where the Constitution says most of them should be handled. What better place to take root than in the statehouse? To their credit, these guys at least signed their names on the dotted line to run. But the Libertarian Party — the "Original Third Party," as members like to describe it — is doing little to build its credibility as a serious alternative to the Republicrats by fielding candidates like these.

One Libertarian candidate did have his act together, even though he doesn't have an unrepentant whore's chance into heaven of beating his opponent, U.S. Rep. Dick Armey of the 26th Congressional District. Fred Badagnani, who manages the one-hour photo labs for Walgreens stores throughout North Texas, came into his Editorial Board meeting prepared to do more than just spout the party line by rote (which most of the other Lib. candidates couldn't even do convincingly). From his take on the United States' failed war on drugs — "It's hard to get treatment for drug use when you're considered a criminal" — to his willingness to consider a flat tax plan as an interim step toward eliminating federal income tax altogether — "It simplifies the system, which includes hidden costs of violations of privacy. Americans shouldn't have to hire accountants and attorneys to do their taxes." — Badagnani reflected the kind of candidate whom the Libertarian Party needs to be cultivating.

Of course, not every candidate running as a representative from the Big Two is ready for public office. George Host, a Republican running to unseat state Sen. Mike Moncrief, listed a strong criminal justice system as a goal should he be elected. Yet he expressed surprise to hear that the fairness of state's system, particularly how capital cases are handled, is being called into question. "You're the first to mention that there's anything but minor problems with the system," Host said. Yikes.

Some prognosticators are predicting a low nationwide voter turnout during the general election. One of the reasons may be the overall sameness of the two leading presidential candidates. Republican George W. Bush and Democrat Al Gore agree on many issues — free trade, China's entry into the World Trade Organization, the role of the International Monetary Fund, strengthening the military, federal involvement in public education, prescription drug coverage for Medicare. America needs viable alternatives like the Green Party's Ralph Nader, Reformer Pat Buchanan and Libertarian Harry Browne. But voters are more likely to actually talk to candidates on the local level — those folks running for county judge, sheriff, and state rep. When third parties draft candidates who don't have a clue as to how their particular ideologies translate to local issues, it works against their chances of being taken seriously on any level.

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little church. That would be a good thing: it would make libertarians more practical. It would orient them to facts. It would also give them a chance at actual power — either to veto candidates they didn't like, as the social conservatives have done, or (heaven forbid) run a candidate they did like and who might actually have a chance at winning.

— Bruce Ramsey

Checking out other LP strategies — Browne repeated his 1996 strategy — talk radio, the focus on appealing to voters' self-interests with "the great libertarian offer," more talk radio — and had even less success than before. What about the two alternative strategies that Libertarians have proposed? What about Bumper Hornberger's idea that the LP should focus almost entirely on moral issues? And what about the idea that the LP should focus on ending the drug war, an approach that I initially formulated and which has been adopted by LP founder David Nolan?

In a post-election manifesto, Hornberger briefly reviewed the LP's showing as a "massive failure," before going on to elaborate his idea that the party should focus on moral issues and insist on the highest standards of ethics. He elaborated his program in some detail, but he offered no empirical evidence for its prospects for success. My own examination of returns discovered no race where this approach was tried.

There is some slight evidence that voters responded positively to the strategy of focusing on opposition to the drug war. Dave Nolan made ending the drug war the focus of his campaign. He got 3.0% of the vote, up substantially from the LP's showing in his district in 1998. But in 1998, the LP faced a Reform Party candidate, as well the usual Democrat, Republican, and Natural Law opponents. So Nolan compared his vote to the vote for the LP nominee in 1996, who faced the same array of opposition as Nolan faced this year. The vote was up 12.0% from 1996, a modest increase, but not a great deal of evidence that the strategy was effective.

Of course, this was not a very good year for Libertarians in California — the presidential nominee got the lowest vote share ever — so I wondered how Nolan fared in comparison with other LP congressional candidates in the same situation.

There were six other congressional districts in California where the same four parties competed in both 1996 and 2000:

District	*1996*	*2000*	*Change*
2	2.416%	2.610%	8.0%
11	2.803%	2.416%	-13.8%
12	2.939%	3.060%	4.1%
16	2.880%	2.938%	2.0%
32	4.220%	2.356%	-44.2%
45	4.288%	3.893%	-9.2%

The average change in LP vote share in these districts between 1996 and 2000 was -8.8%.

Here's Nolan's district:

47	2.679%	3.000%	12.0%

As you can see, Nolan's district showed substantially more improvement than any of the others. And the LP share of the vote in that race outstripped the average of the other districts in the same situation by 22.8%.

We therefore know that Nolan did substantially better than other LP candidates in districts with the same opposition on the ballot. But with so few data, it's difficult to consider this conclusive. There are a lot of other variables which could help explain Nolan's better performance.

— R. W. Bradford

Letters, *from p. 6*

The Bill of Rights Means What It Says

I agree with Barry Loberfeld (*Reflections,* November) that the U.S. Supreme Court has gone nuts, but I disagree that the High Court's grab for power is based upon the First Amendment. The Boy Scout decision was based upon New Jersey law and the Court's power under Art. III, Sec. 2, Cl. 1 to adjudicate such matters.

The Bill of Rights does not empower anyone to do anything. The Preamble to the Bill of Rights referred to them as "Further declaratory and restrictive clauses." Their purpose was to deny, to their just-created federal government, any power whatsoever over rights. They began with "Congress shall make no law respecting" the rights that followed, or any rights whether enumerated or not.

The Bill of Rights does not grant us rights. It does not empower Congress to protect our rights. The Founders won their rights and possessed them before they created the federal government. The Bill of Rights does not say: "Congress shall make no law against rights." It says: "Congress shall made no law respecting rights." The Tenth Amendment reminds Congress that power over rights was retained by the States or the people.

Apparently, New Jersey law on homosexuals wasn't clear, so the High Court was asked to exercise its power under Art. III, Sec. 2, Cl. 1 and settle the argument. If that decision seems inconsistent with previous ones, it's because constitutions and laws on rights vary from state to state.

James Harrold, Sr.
Springdale, Ariz.

Abortion Fables

In the November issue of *Liberty,* Sarah J. McCarthy criticizes the Republican (anti-) abortion plank. I have several problems with her position. The most important is that she never addresses the belief some of us hold that, when an abortionist kills a mass of flesh with unique genetic material and detectable heartbeats and brain waves, he's killing a little kid.

Ms. McCarthy states "The major medical associations oppose government intervention in abortion decisions." No. They really don't. They don't oppose government subsidy for abortions for those who can't pay their fees, nor do they oppose government subsidy of a major abortion provider, Planned Parenthood.

continued on page 36

Second Thoughts

by William E. Merritt

"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Having read the above quotation, you already know more about the Second Amendment than most of the people I went to law school with. That's because the people I went to law school with never actually read the thing — or any other part of the Constitution, for that matter.

The fact that the Constitution is not part of the reading material in constitutional law classes is a great metaphor for . . . something. At the very least, it's a pity, because there is some astonishing stuff in there — especially in the Bill of Rights. Stuff that, frankly, nobody has wanted to look at too closely since the Revolutionary War generation passed on to that great deist clockwork in the sky. But that doesn't dampen anybody's enthusiasm for arguing about what it means. In fact, it just seems to add to the creativity of the arguments.

The dispute over the Second Amendment is about as creative, and as endless, as any in our public life — with one side dead set on passing laws to stop 5-year-olds from aiming Popsicle sticks at one another, while the other side looks to the very words they don't read to protect the right of every responsible adult to keep a Browning-G.E. .50-caliber multi-barrel Vulcan Minigun on the nightstand in case they are suddenly called upon to defend their homes against furry woodland creatures whose herds need to be thinned for their own good. Nobody, it seems, pauses to ask whether the Second Amendment actually provides for the wholesale arming of American citizens — which it most certainly does not.

What the Second Amendment does — what it was emphatically meant to do — is far more disturbing to 21st century sensibilities. What it does is give a community of Cuban immigrants the right to protect a little boy against being forcibly sent back to a communist island, and a group of religious crazies in Waco the right to sleep with each others' wives and misrepresent the teachings of Jesus without being incinerated, and lunatics holed up in Idaho the right to spin paranoid, racist fantasies without having their old ladies and dogs picked off by federal marksmen, and all of them have the right to band together to take out ATF agents or G-men or T-men or INS folk or revenuers or rogue CIA agents, or anybody else operating under cover of the federal alphabet who happens to be lying in wait for them.

It's the banding together that's the key — because what the Second Amendment protects is "the right of the *people* to keep and bear arms." It doesn't say word one about "persons" — which it would if it meant to guarantee an individual right in the way, say, the Fifth Amendment does with its "No *person* shall be held to answer for a capital, or otherwise infamous crime . . . " (emphasis added). What it protects is a right of the *people* — the same way the Ninth Amendment specifies that the enumeration of certain rights "shall not be construed to deny or disparage others retained by the people," and the Tenth reserves "to the people" the powers not delegated to the United States nor prohibited to the states. I repeat: nothing in the Second Amendment, nor anything else in the Constitution, gives anybody the right to keep and bear arms against elk, or quail, or big-horned sheep or, for that matter, burglars.

But the people as a body have the right to be armed — and they have it in spades. And, in case constitutional scholars didn't get the picture, the Founders spelled it out in the preamble — if a single sentence can be thought of as having a preamble: "A well regulated *militia* being necessary to the security of a free state, the right of the people . . ." (emphasis added).

But why a militia at all? States don't need their own military to protect themselves against foreigners. That's why we have a national army. And they wouldn't have to worry about depredations from out-of-state militia if the Founders had banned militias in the first place. And nobody north of Latin America uses the military to go high-tailing off after criminals. That's what police SWAT teams are for.

Indians, maybe?

Indians sound like a good bet at a time when every state had its own little piece of the frontier. But that doesn't parse with the goal of protecting the security of a free state. Indians may have been a threat to outlying farms. They may even have been a threat to the state itself the time King Philip got loose in Massachusetts. But, despite the affection in which we Americans hold all things Massachusetts, the Second Amendment is not about protecting states. It is about freedom — just like everything else in the Bill of Rights. And the one threat to freedom that was on everybody's mind in 1791 was the central government.

It turns out there is a lot of history to this. Like most things in our Bill of Rights, the prerogative to march around in armed bands didn't spring full-blown from Enlightenment bull sessions in taverns in Williamsburg and old Salem. It's much older than that. In fact, it can be argued that successful militia action against the central government is the foundation of Anglo-American democracy. It is certainly true that King John refused to have any truck with the Magna Carta until he was confronted by armed barons arrayed in a warlike host.

But even those barons weren't anything new under the English sun. Englishmen had been forming themselves into militia since at least 690, when nobles and, later, everyone else, were required by law to keep and bear arms.

What the Second Amendment does is give lunatics holed up in Idaho the right to spin paranoid, racist fantasies without having their old ladies and dogs picked off by federal marksmen.

Then, in 1689, Parliament formalized the right in Article seven of the English Bill of Rights, and those English arms took on a specific English Constitutional use — for plinking away at Catholics:

> That the subjects which are protestants, may have arms for their defence suitable to their conditions, and is allowed by law.

And not just random Catholics, but the very Catholics who ran the central government. That's because the Puritans, self-reliant souls that they were, required guns to protect themselves against the Stuart kings coming around with their Romish ways and forcing them to burn candles and study Latin and add splashes of color to their wardrobes. Taking away Puritan guns is one of the tricks James II pulled that led to his spending his golden years watching from the wrong side of the Channel while William and Mary Orange ran his old shop back at Buckingham Palace.

Lots of colonists, being Puritan refugees to these shores, brought their guns and their Protestant ethic of self-reliance with them — and held both to their bosoms and nurtured them and loved them until, together, they blossomed forth on a new continent at the Battle of Lexington.

It's hard to piece together from this distance exactly how much art was in all this, but one way Parliament and the Oranges defused the problem of Roundheads traipsing around their sceptered isle with blunderbusses was by making it easy for them to load aboard private troopships and head off to the New World and protect the Protestant way of life from the Wampanoags and the witches. To ease them along their way, the government assured them that immigrants to America would continue to possess "all the rights of natural subjects, as if born and abiding in England." That was all the encouragement a lot of their natural subjects needed — and off they went.

They began to pass laws up and down the Atlantic coast, guaranteeing their English rights. Virginia, for example, decided in 1640 to require "all masters of families" to furnish themselves and "all those of their families who shall be capable of arms . . . with arms both offensive and defensive."

Twenty-five years later, Sir William Blackstone — the man who invented the whole career of law professor, the man who wrote the very first text on English law and, therefore, a man who had something to say on the way government and law worked — stated that an armed populace was the ultimate check on tyranny. On this side of the Atlantic, Blackstone's *Commentaries on the Laws of England* became the single most influential book on the development of American law.

It wasn't until after the French and Indian War that the tyrants in London began to worry that the armed populace thing might have been taken a bit too seriously by the colonists. This worry cropped up — wouldn't you guess — at the very moment the government decided to station a large army over here and raise taxes at the same time. Which, given our traditional Protestant attitude toward self-reliance and taxes, led to a call to arms, followed by the government's claim that calls to arms were illegal, and an eloquent, if oddly punctuated, editorial in the *Boston Evening Post* of April 3, 1769:

> It is certainly beyond human art and sophistry, to prove the British subjects, to whom the privilege of possessing arms as expressly recognized by the Bill of Rights, and who live in a province where the law requires them to be equipped with arms, are guilty of an illegal act, in calling upon one another to be provided with them, as the law directs.

The sophists responded by banning the export of muskets and ammunition to the colonies, and sending General Gage to march around and pry the ball and powder from the warm, living fingers of our patriot ancestors.

It can be argued that the right to keep and bear arms was the founding principle of the entire American state. At the very least, the attempt at taking them away was the flint that sparked the shot heard round the world. In the end, what we chanced our lives, our fortunes, and our sacred honors over had nothing to do with taxes on tea or the quartering of troops in private homes during times of peace, or any of the other particulars set out in the Declaration of Independence. It had to do with keeping the Redcoats out of the arsenal of private weapons at Concord — which is where they were headed when they ran up against the embattled farmers.

Not only did the farmers let loose with the rattle of musketry, but with the rattle of words as well. Suddenly written constitutions were in vogue, and each newly-minted state wanted its own. And every one contained some version of the right to organize into militia — this time, distilled of anti-

Papist sentiments into the pure spirits of freedom.

Virginia, as you'd guess, was the trendsetter. On June 12, 1776, it came out with language that, although still pro-British in spelling, could not have been clearer in anti-government intent:

> That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state. . . .

Righteous, Quaker, anti-war Pennsylvania was next, on Aug. 16, 1776, with its own written ratification of the same right:

> . . . the people have a right to bear arms for the defence of themselves and the state. . . .

Less than a month later, on Sep. 11, 1776, Delaware strutted its stuff with:

> . . . a well regulated militia is the proper, natural and safe defence of a free government.

Then, on Nov. 3, 1776, Maryland:

> . . . a well-regulated militia is the proper and natural defence of a free government.

And, on Dec. 14, 1776, North Carolina:

> . . . the people have a right to bear arms, for the defence of the State. . . .

And . . . you get the picture.

Our ancestors were serious about this — and not just where English monarchs were concerned, either. In 1791, when it came time to set down the Bill of Rights for the country as a whole, the old, mad, foreign king was long gone and we had our own home-grown central government — a government that was young and, at least, not foreign. Even so, one of the very first acts of constitutional business — right after seeing to freedom of the press and religion and assembly — was to make sure we had the means to keep the new government at a respectful distance.

That was exactly the way the Second Amendment was seen by the free men who wrote it — men who had just used their personal arms to rise up and throw off the greatest army on the planet. And it was discussed in those very terms in the debates leading to the Constitution and the ratification of the Bill of Rights.

For a guy who spent his days setting down words one at a time for the dictionary, Noah Webster was surprisingly articulate on the subject:

> Before a standing army can rule the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretence, raised by the United States.

Nobody, it seems, pauses to ask whether the Second Amendment actually provides for the wholesale arming of American citizens — which it most certainly does not.

George Mason observed that:

> [T]o disarm the people; that it was the best and most effective way to enslave them . . .

James Madison pointed out the distinction between the free American federal government and European despotisms afraid to trust their citizens with arms, while Patrick Henry warned:

> Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined.

When all the observing and pointing out and warning was done, our patriot fathers enshrined into the Second Amendment the right they thought of as the paramount right of all: the right of last resort; the right that assured us the power to keep the other rights from being taken away.

This was no namby-pamby silk-purse-and-Derringer right we gave ourselves, either, but real military arms. And it was treated as such in every single . . . well, both cases that have examined the question — two cases direct from the 19th century because such questions didn't even get to court in the 20th.

In 1891, when a high-spirited West Virginia gentleman claimed the right to walk around with personal weapons, the state Supreme Court took the opportunity to examine just what kind of weapons were protected by the Second Amendment. Not the kind he had on him, that's for sure:

Mr. Jay and Mr. Madison and Mr. Hamilton weren't thinking about the states when they enshrined local military power into the Constitution. They were thinking about the Black Panthers and the White Aryan Resistance and the Symbionese Liberation Army.

> . . . not pistols, bowie knives, brass knuckles, billies and such other weapons as are usually employed in brawls, street fights, duels and affrays, and are only habitually carried by bullies, blackguards and desperadoes, to the terror of the community and the injury of the state.

Nineteen years earlier, the Supreme Court of Texas had answered the same question from the other direction by looking into what sorts of weapons a militia would be expected to use. They were, naturally enough, military weapons:

> "Arms," in the connection we find in the Constitution of the United States, refers to the arms of a militiaman or soldier, and the word is used in the military sense; the arms of the infantry soldier are the musket and bayonet; of the cavalry and dragoons, the sabre, holster pistols, and carbine; of the artillery, the field piece, siege gun, mortar, with side arms.

Translated into 21st century terms, modern-day militia are expected to keep and bear assault rifles, Stinger shoulder-launched missiles, land mines, Black Hawk helicopters outfitted with belt-fed white-phosphorous grenades, flame throwers, cluster bombs, devices both chemical and biological, and every other modern convenience they might need in a brawl with the Feds.

Where all this gets radical — and scary, even to those with a radical bent — is when you ask who, exactly, is in charge of

all this firepower. The easy answer is the states. And, to modern ears, there seems to be some force to this conclusion.

But that's not the way it looked in 1791. To begin with, it wasn't at all clear back then that states were the natural parents of militia. At the time, militia were raised by individuals. Besides, if the Second Amendment were about the rights of states, it would have said ". . . the right of the states to keep and bear arms shall not be infringed." But that is not what it says.

Then there is the question of what, exactly, the Framers meant by "well regulated." To us, nothing says government control like "regulated." But if our ancestors had meant regulated in the sense of government-controlled, they would never have included the word "well," they simply would have referred to regulated militia. "Well" suggests an internal standard of governance, not rules imposed from the outside, and strongly implies private — rather than governmental — control.

The prospect of those guys outfitted with Stinger missiles and white-phosphorous grenades is enough to give any modern person the cold shudders. But not our patriot ancestors. To them, David Koresh with heavy weapons was a lot less scary than, say, Janet Reno.

As for the word "regulated," it simply did not mean the same thing in 1791 that it means now. "Regulated," in the sense of "controlled by government regulations," did not even enter the language until 1895. To the Framers, "regulated" meant "ordered" and "well regulated" meant "orderly." And orderly does not mean government-controlled. It means well-managed — again, an internal standard. Which means Mr. Jay and Mr. Madison and Mr. Hamilton weren't thinking about the states when they enshrined local military power into the Constitution. They were thinking about the Black Panthers and the White Aryan Resistance and the Symbionese Liberation Army and. . . .

The prospect of those guys outfitted with Stinger missiles and white-phosphorous grenades is enough to give any modern person the cold shudders. But not our patriot ancestors. To them, David Koresh with heavy weapons was a lot less scary than, say, Janet Reno. At least Mr. Koresh would be accountable in a court of law if he intruded too far on the life and liberty of his neighbors.

This difference in what's scary goes a long way to explain why the public debate keeps spiraling around the notion of personal weaponry. Madison and Jay aside, if you ask people in the privacy of their own homes — away from the glare of publicity and ridicule — they will tell you in confidence that, indeed, they are not comfortable with the idea of doomsday cults parading around with nuclear-tipped missiles. What they want — if they are the kind of person to want this — is to pack their own heat. And they want to believe that the Constitution gives them that right. So examining the language of the Second Amendment too closely is not something they do.

And as for those who feel the other way? Well, they've already won. They don't need to argue that it's really the Klan that should be armed, if all they care about is making the neighbor kid register his Popsicle sticks. What nobody wants — apart from a few folks in Idaho and Texas — are the worms that are going to come wiggling out of that particular can if the Second Amendment is read for what it truly is. ❑

Letters, *from page 32*

McCarthy states " . . . the pro-life movement in the United States . . . [is] primarily seeking to deny women, doctors and medical ethics committees the right to choose by denying women's constitutional rights." That's not the constitution; that's two Supreme Court decisions — Roe *vs* Wade and Doe *vs* Bolton. There's as much precedent for saying a state government can't regulate abortion as for saying it can't regulate drinking by minors or possession of guns by anyone, both of which state governments in fact do.

I also question McCarthy's claim that "It's not surprising that Catholic countries where abortion has been outlawed would have the highest numbers of abortions since those countries are more likely to prohibit sex education, family planning information, and birth control." I would expect that China with its population reduction program leads in number of abortions.

Albert McGlynn
Philadelphia, Pa.

Abortion Wrong

When *Liberty* addresses the subject of abortion, I expect something better than Sarah J. McCarthy's pathetic essay, ("Walking the GOP's Abortion Plank," November). I don't think I have ever seen such blatant propaganda, so poorly written and so thinly disguised, as I saw in this article.

The article assumes a woman has a constitutional right to an abortion. I need not even mention the arguments that exist, even amongst abortion rights supporters, that there exists no constitutional basis for the Roe *vs* Wade decision. Furthermore, an overturning of that case would simply return the regulation of abortion to state governments. The only interest group that is acting within the law is the pro-life side, which seeks a constitutional amendment banning abortions, which is the only way to federalize the legality of abortion properly.

McCarthy recites the facts of three medical cases as they appeared in a theology journal. Apart from attempting to give her polemic an aspect of religious approval, it is typical of any propagandist to take the best example of what they argue for and hold it up to be typical of each and every case. All statistics show that the majority of abortions are for "cosmetic" reasons, to the tune of 95 percent plus. The N.A.R.A.L. organization, the president

continued on page 61

Appraisal

The Sorry State of the Fourth Estate

by K.R. Mudgeon

The press today has abandoned its ability to view and report on events from the perspective of an experience-jaundiced common man with common sense, and has adopted the distorted intellectual prism of the ruling class.

The scepticism about everything and everybody in general, and toward pronouncements from on high in particular, that characterized the zesty newsrooms of bygone days has gone missing, disappeared with hardly a trace.

The denizens of those old-time newsrooms were a scruffy lot who had nothing but disdain for their "betters" — those who held and wielded power by reason of their positions. And it mattered not a whit whether the on high was in the realm of politics, society, business, or academia.

Consequently, the media of that time by and large conducted its business in accord with Finley Peter Dunne's famous dictum that the mission of the press was "to comfort the afflicted and afflict the comfortable." After publication of my first political story some 40-plus years ago, I was taken aside by my newspaper's senior political reporter and admonished about taking too seriously, and being overly respectful toward, the public official whose speech I had covered. When I tried to point out that the speaker's views were important because of the office he held, I was instructed to keep in mind that the individual was "just a politician" and that a politician — any politician — almost invariably was "someone who would sell his mother into slavery for a vote."

Today's news media have turned Mr. Dunne's maxim around. They speak for the elites and endeavor to do so to the great unwashed, most of whom retain the vestigial ability to recognize the pomposity and emptiness of messages from their betters. Therefore, fewer and fewer people are paying attention, and the major media outlets — the big metropolitan newspapers and the broadcast networks that are commonly referred to collectively as the "mainstream media" — are losing their audience. Furthermore, because of the increasing size of the potential audience, the mainstream media's loss of market share is even greater than the decline in the numbers of their readers, viewers, and listeners.

At the same time, the elites that formerly paid grudging heed to the press no longer have any need or incentive to do so. First, the press today lacks currency — it has become slower in getting information out even as the need for timely information has increased. Second, the information it conveys is not sufficiently reliable, accurate, and precise to serve as the basis for any important decisions. Third, and perhaps most importantly, the press today has abandoned its ability to view and report on events from the perspective of an experience-jaundiced common man with common sense, and has adopted the distorted intellectual prism of the ruling class. The press can be relied upon to conform, to be conventional and politically correct, so there is no motivating nervousness or fear that the press today might stir up questions or anything else that might be unpleasant to the sacrosanct powers that be.

These changes are not the result of any plot or conspiracy. Rather, they are attributable to newsrooms today being staffed by people who are not at all scruffy, people who have more formal schooling (which makes them better housebroken), and are better bred, much more well-adjusted, and not prone to anger or other untoward emotions. People who fit in better socially. People who are more civilized. Just

think about the talking heads who anchor and appear on television news shows. They're even uniformly pretty . . . as well as pretty tame.

Today's newsrooms are staffed by people who, instead of being scornful of the ruling class, identify with it, or aspire to join or at least be thought of as being part of it. Thus, while no self-respecting reporter or editor a half-century ago would have accepted being identified as a friend of any politician or holder of any public office, multitudes of news people today proudly proclaim such identification. "Friends of Bill" are among the noteworthy examples.

The results of the shift in the perspective from which news is reported is apparent in what is presented as news. Reporting by the hard-bitten old-timers presented an account of events, with members of the public being left to draw their own conclusions on the subject. Most — and very often all — modern news reports consist of the view and interpretation of real-world occurrences by the concerned people with whom the reporter identifies. With the door thus having been opened to "spin," we now have news presented in a way that tells the public less about any given event than what to think about it. If a contrary view is presented at all, it is mocked and disparaged, and so the boundaries of permissible thought and debate are established for the consumer of what nonetheless still is characterized as news.

The contrast with news staffers of the past is startling and dramatic. The old-timers were devoid and disdainful of social pretensions. Frequently individualistic, and in some instances fiercely so, to the point of being iconoclastic, they were irreverent and irascible crews, characterized by contempt for authority and spicily heroic outbursts of profanity and inebriated excesses. Often entirely or largely self-taught, they were well-educated, widely read, sophisticated, and knowledgeable (but still continually curious) about the world and how it worked — all to an extent beyond anything evident in today's newsrooms or their output. Phonies and phoniness were exposed and scorned with joy and enthusiasm rather than tolerated, protected, and envied to the point of emulation.

Today we don't have news people. We have journalists. Many of them enjoy or seek celebrity status, searching out and seizing every opportunity to become part of the story and perhaps even one of its stars — to be *in* the news rather than a reporter *of* it.

Furthermore, they appear to be woefully ignorant and uninformed, as well as remarkably uncurious about the world, its history, and its workings. Who in recent years has read a published news report or seen or heard a news broadcast on a subject with which he or she is familiar, and not found in it substantial gaps and at least one significant factual error?

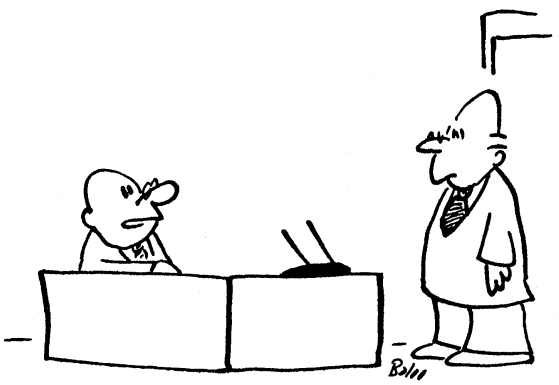

"We're downsizing, Fogarty, and you're too tall."

This is so simply because today's journalists come out of the pool of products emitted by what currently passes in this country for an educational system. Journalism schools do for the press the same things that schools of education accomplish for teaching. Teachers learn the techniques of pedagogy but acquire little or nothing of substance to impart to their students, while journalists are trained in presenting news but taught neither the context nor the knowledge that is a prerequisite for passable reporting about anything.

I was instructed to keep in mind that the individual was "just a politician" and that a politician — any politician — almost invariably was "someone who would sell his mother into slavery for a vote."

The fact is that much of the pool of people from which our current news staff members are extracted is made up of graduates of a system of education that never has burdened them by requiring that they learn a great deal, if anything at all. They regularly display their ignorance about history, math, science, geography, philosophy. Critical thinking and logic seem to be beyond them, and, in a surprisingly large number of cases, they also appear to have missed acquiring even a rudimentary understanding of either the basic structure or the proper usage of the language through which they are supposed to communicate.

Instead of having been taught anything whatsoever of substance — which might make them less susceptible to the blandishments of smoothly confident spinmeisters on any given subject — they have been schooled in getting and keeping in touch with their feelings, in feeling good about themselves, in getting along with others in the sandbox, in how to have good sex, in how to drive motor vehicles . . . and so on . . . and so on . . . *ad nauseam ad absurdum.* Nothing too hard, no facts, nothing about the background or context in which occur the events about which they purport to inform us. George Bernard Shaw's Lord Undershaft had it right: secure and satisfied that their feelings are of paramount importance, high-toned journalists have no need to know or understand anything, and even can and do feel good about their lack of knowledge and understanding.

The resulting absence of substance, spontaneity, color, and excitement, and the drab conventionality and dreary dullness of what we get from such journalists, is a very high price for the more "respectable" and "responsible" press that we have today.

Mr. Dunne's Mr. Dooley — for survivors familiar with his pub-crawling utterances — would have understood and had something pithy to say about how the Fourth Estate got lost on the wayward path on which it has been trudging in recent years and is continuing to follow. ❑

Evaluation

Ayn Rand's Screwball Economics

by Mark Skousen

The high priestess of capitalism didn't really understand how capitalism works.

Novelist and philosopher Ayn Rand is almost universally acclaimed as the fountainhead of market capitalism, and as an impassioned proponent of reason, individualism, and rational self-interest.

There is much to praise in Rand's writings, especially her uncompromising defenses of freedom and her unrelenting denunciations of collectivism. No one has written more persuasively about the right of an individual to safeguard his wealth and property from the agents of coercion. Her novels *The Fountainhead* and *Atlas Shrugged* have probably done more than any other works of fiction to vindicate and honor the glory of "making money."

Yet Rand's work portrays a surprisingly strange and distorted view of the moneymaking process. In a perverse way, her model of business may even give aid to enemies of liberty — by giving capitalism a bad name.

Consider, for example, Howard Roark, the central character of Rand's classic novel *The Fountainhead*. Roark chooses architecture as a profession because he loves his work. He seeks to set the highest standards of excellence in his profession. He tries to be creative. All of these traits are admirable.

But Roark denies a basic tenet of sound economics — the principle of consumer sovereignty. When the dean of the architectural school tells Roark, "Your only purpose is to serve him [the client]," Roark objects. "I don't intend to build in order to serve or help anyone. I don't intend to build in order to have clients. I intend to have clients in order to build." This bizarre, almost anti-social attitude sounds like a perverse rendering of Say's Law, "supply creates its own demand," or the statement made in the film "Field of Dreams," "If you build it, they will come." But supply only creates demand if the supply can be sold to customers; people come to a new baseball field only if they want to play or watch. If supply doesn't satisfy demand, it becomes a wasted resource.

Now, there is nothing wrong with an architect wanting to set new standards of design, just as there is nothing wrong with an entrepreneur seeking to invent a new product or design a new process. Such actions are often highly risky and financially dangerous, and are liable to be met with derision at first. Rand rightly points out that they are a major cause of economic progress. History is full of examples of "men who took first steps down new roads armed with nothing but their own vision."

But the goal of all rational entrepreneurship must be to satisfy the needs of consumers, not to ignore them. Discovering and fulfilling the needs of customers is the essence of market capitalism. Imagine how far a television manufacturer would get if he decided to build televisions that only tuned into his five favorite channels, the consumers be damned. It wouldn't be long before he was on the road to bankruptcy.

Thus, Ayn Rand's ideal man misconceives the very nature and logic of capitalism — to fulfill the needs of customers and thereby advance the general welfare. As Ludwig von Mises wrote in *The Anti-Capitalist Mentality*, "The profit system makes those men prosper who have succeeded in filling the wants of the people in the best possible and cheapest way. Wealth can be acquired only by serving the consumers." Apparently Howard Roark doesn't believe in consumer sovereignty. As he states in his final court defense, "An architect needs clients, but he does not subordinate his work to their wishes."

If you talk to architects about *The Fountainhead*, they will likely tell you that there are a few self-centered, highly egotistical, elitist Howard Roark types in architecture who can get away with building monuments to their egos at their clients' expense. Frank Lloyd Wright, an architect Rand deeply admired, may have been one of them. But Roark's approach is entirely unrealistic in the real world of commercial building. Occasionally a client values the notoriety of living in a home built by a signature designer more than getting what he really wants, but not often. Almost all of Rand's scenarios are extreme and idealistic, a strategy that works to sell novels but does violence to all sense of reality. Normally, architects work

closely with clients and make numerous changes in order to fit their needs. Compromise is a necessary element in the successful completion of a project, and this consumer-oriented approach is true in all areas of capitalistic production. An architect or anyone who provides any good or service who acts like Roark in *The Fountainhead* is likely to be out of work. The jury may have exonerated Roark for blowing up a housing project rather than permit the slightest alteration in his design, but the market punishes his kind of behavior.

Ayn Rand herself compromised in the making of the movie "The Fountainhead." She initially insisted that only Frank Lloyd Wright design the models for the film, but her demand was rejected because Wright demanded an outrageous fee. In the end, the models were done by a studio set designer. Rand called them "horrible" and "embarrassingly bad." But in the end the film was made and released. Oh, the agonies of having to deal with other people!

Rand's model of business may even give aid to enemies of liberty — by giving capitalism a bad name.

The fact that Rand presents Howard Roark as the ideal man, in sharp contrast to other architects who "compromise" with clients' demands suggest that Ayn Rand is philosophically in denial when it comes to comprehending the nature of business. She denies the very *raison d'être* of capitalism — consumer sovereignty.

In this sense, Rand is not much different from most other artists and intellectuals who bash the capitalist system because they hate the idea of subjecting their talents to crass commercialism and the crude tastes of the common man. Ludwig von Mises rightly chastised this snobbish attitude in *The Anti-Capitalist Mentality*: "The judgment about the merits of a work of art is entirely subjective. Some people praise what others disdain. There is no yardstick to measure the aesthetic worth of a poem or of a building." Mises adds that only through economic progress — the creation of surplus wealth — has the level of taste and art been raised to meet the criteria of the more sophisticated artist:

> When modern industry began to provide the masses with the paraphernalia of a better life, their main concern was to produce as cheaply as possible without any regard to aesthetic values. Later, when the progress of capitalism had raised the masses' standard of living, they turned step by step to the fabrication of things which do not lack refinement and beauty.

This brings us to the fatal flaw in Rand's most famous novel, *Atlas Shrugged*. Its basic plot violates the whole rationale of business's existence — constantly working within the system to find ways to make money. There will never be a Galt's Gulch, where the world's greatest entrepreneurs isolated themselves from the rest of the world. The business world does not typically attract ideologues and true believers; it attracts people primarily interested in moneymaking. They wouldn't give John Galt the time of day. As Mises states: "There is little social intercourse between the successful businessmen and the nation's eminent authors, artists and scientists. . . . Most of the 'socialites' are not interested in books and ideas." Ayn Rand was an admirer of Mises, but apparently she didn't learn much economics from his writings. Pity.

Howard Roark's diatribe against consumer sovereignty is intended as a defense of egoism. Rand sets up two extremes: a person can strive to serve and satisfy himself only, or a person can strive at all times to serve and sacrifice himself for others. The first individual is an egoist, the latter an altruist. In *The Virtue of Selfishness* she opines, "Altruism declares that any action taken for the benefit of others is good, and any action taken for one's own benefit is evil." Obviously, Rand protests against altruism and espouses the opposite extreme. As Francisco d'Anconia tells Dagny Taggart in *Atlas Shrugged*: "Don't consider our interests or our desires. You have no duty to anyone but yourself." No sacrifice, no altruism, just pure selfishness.

Rand's approach to this issue differs considerably from that of Adam Smith, the founder of modern economics. Smith and Rand are in agreement about the universal benefits of a free society, but Smith rejects Rand's vision of selfish independence. He teaches that there are two driving forces behind man's actions: "sympathy" or "benevolence" toward others, which he discusses in *The Theory of Moral Sentiments*, and "self-interest" — the right to pursue one's own business — which he analyzes in *The Wealth of Nations*. Smith argued that as the market economy develops and individuals move away from their communities, self-interest becomes a more important factor than sympathy, but both are essential to achieve "universal opulence."

One of Smith's best remembered observations has a Randian tone: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest." But Smith's self-interest never reaches the level of Randian selfishness that ignores the interests of others. On the contrary, in Smith's mind, an individual's goals cannot be fully achieved in business unless he appeals to the self-interest of others. Smith says so in the very next sentence: "We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages." Moreover, he writes earlier on the same page, "He will be more likely to prevail if he can interest their self-love in his favour. . . . Give me that which I want, and you shall have this which you want, is the meaning of every such offer." Smith's theme echoes his Christian heritage, particularly the golden rule, "do unto others as you would have them do unto you." (See Matthew 7:12.)

Ayn Rand was an admirer of Mises, but apparently she didn't learn much economics from his writings.

The true spirit of a free society is best summed up in the Christian commandment, "Love thy neighbor as thyself" (Matthew 22:39). Adam Smith and Ludwig von Mises would agree, but Howard Roark and John Galt — and their creator — would not. And that's a great tragedy for the greatest novelist of the 20th century. ❑

Reality Check

The Myth of Corporate Power

by James Rolph Edwards

For decades, people have believed that free markets led to greater and greater concentration of wealth and power in large corporations. But that's not what has happened over the past 50 years.

One of the most influential of modern liberal intellectuals is Harvard economist John Kenneth Galbraith. He wrote two notable and widely read books: *The Affluent Society*, published in 1958, and *The New Industrial State*, published about a decade later. Both books presented a terrifying view of an American economy dominated by huge industrial concerns so powerful they have essentially abolished the market, controlling not only the supply of goods and capital but, through manipulative advertising, the demand for their own products.

In the late 1970s, when I was just beginning my own education in formal economics, Galbraith's works were still popular and influential. Objections came from a few intellectual and academic critics such as William F. Buckley Jr. (who was a friend of Galbraith, but debated him frequently) and Harold Demsetz, who put many of Galbraith's propositions to the test and found them wanting. But support for Galbraith's views was strong from leftist academics, who found what appeared to be enormous industrial concentration in the U.S. economy. As recently as 1980, for example, the top 500 industrial corporations sold just short of 60 percent of the Gross Domestic Product — this in an economy of nearly three million corporations, as well as almost nine million proprietorships and over a million partnerships.

In the 1980s, however, there appeared to be a dearth of books and articles written on industrial concentration. Indeed, one kept hearing claims from Reagan administration supporters that while total employment was rising rapidly, employment within the Fortune 500 was actually declining. If true, that implied that an aggregate deconcentration was occurring. On the other hand, the widely publicized merger wave of the 1980s left the opposite impression, despite considerable corporate downsizing. In fact, many of the mergers involved firms that were performing poorly because they were too large and diverse in their operations, forcing them to sell off assets (and sometimes whole divisions) after takeover.

As the deafening silence on this issue of industrial concentration continued into the 1990s, I began to wonder if I was simply reading the wrong journals. A few papers were published on the subject in the 1980s and 1990s by economists such as Edward Nissan and Regina Caveny (who frequently coauthor). However, there seem to be far fewer articles than had been published in the 1960s and 1970s, and the later papers often focused on concentration within the top 500 industrial corporations while saying little about overall asset, employment, or sales concentration in the economy. The most puzzling aspect of all this is the silence from the other side of the philosophic spectrum (the free market side) on the issue.

A little digging into easily available data sources turns up some interesting information about business concentration trends in the 1980s and early 1990s. From 1983 to 1996, *The Statistical Abstract of the United States* reported data on the assets, employment, and sales of the top 500 industrial corporations in the United States., along with total corporate assets in the economy. From the *Economic Report of the President, 1999*, one can easily obtain annual figures for GDP and total employment. Graph 1 (on the next page) shows what happened. The bold line, labeled "Fortune 500 Share of Total Assets," illustrates a clear pattern. From 1980 through 1986, the percentage share of the top 500 in total corporate assets dropped from 15.4 percent to 11.0 percent, a decline of more than 28 percent. The Fortune 500 share increased through 1990 before falling again to 12.3 percent in 1993, for a total 1980 - 1993 decline of over 20 percent.

It is important to know that the real (constant dollar) value of assets of the big 500 corporations actually increased

significantly over this period, so the decline in share of the industrial giants came from new business formation and more rapid accumulation of assets by the small and mid-sized firms in the economy.

The fine line in Graph 1, labeled "Fortune 500 Share of Total Employment," paints a similar picture. With the exception of one large increase in 1987, the decline is virtually continuous, from 16.0 percent share in 1980 to a share of just 11.3 percent in 1993, yielding an overall 29 percent drop in Fortune 500 share of total employment. The absolute numbers (not reported in the graph) show that, as the Reagan administration defenders claimed, total employment of the top 500 industrial corporations really did decline, from over 15.9 million in 1980 to a minimum of about 13.4 million in 1986. Then, after rising significantly in 1987, it fell again to just under 13.6 million in 1993. If corporate downsizing among the giants was actually random and fragmentary, offset by growth in others, then net disemployment among the big firms' shifting workers and middle management to small and mid-sized firms and new ventures was not a myth.

Galbraith's books argued that the American economy is dominated by huge industrial concerns so powerful they have essentially abolished the market. But the evidence has proven Galbraith wrong.

The last series, shown in Graph 2, is perhaps the most striking of all. Labeled "Fortune 500 Share of Gross Domestic Product," it shows sales of the top 500 industrial giants as a percent of Gross Domestic Product. GDP, of course, is the measure of the total value of final goods and services produced and sold (or added to inventories) in the economy. From 59.3 in 1980, this percentage share fell almost steadily to 36.1 in 1993, for an astonishing 39 percent total decline over the period. Individually and together, these series provide a strong contradiction to the standard leftist view of an economy dominated by huge corporations, so powerful as to be beyond competition from smaller firms. Instead, with deregulation, lower taxes, the computer, and international economic integration, the competitive edge has shifted overwhelmingly to smaller firms (who, as competitive fringes in the various markets, have always disciplined the majors anyhow), and industry has massively deconcentrated.

Of course the more efficient and successful smaller firms tend to increase their market shares and become large firms, and it is true that the composition of the top 500 is changing all the time as some drop down and others enter the list. However, this process, as it has played out since 1980, has not netted out to maintain anything like the prior level of business asset, employment, or sales concentration. The optimal size of the firm seems to have declined in many industries. Indeed, in the November/December 1996 issue of *Southwest Economy*, published by the Federal Reserve Bank of Dallas, W. Micheal Cox and Richard Alm reported that the average number of employees per firm in the U.nited States fell from 16.5 in 1980 to 14.8 in 1993. In the same period, they tell us, the percentage of American workers employed in firms with 250 or more employees fell from 37 to 29. Of course, it would be risky to predict what will happen to optimal firm size and business concentration in the future, as new technologies and economic conditions emerge.

But if Galbraith's theory of the "New Industrial State" and other leftist visions of large corporate domination were correct, the enormous decline in aggregate business concentration over the period shown here could never have occurred. ❑

Graph 1:
U.S. Business Concentration
1980 – 1993

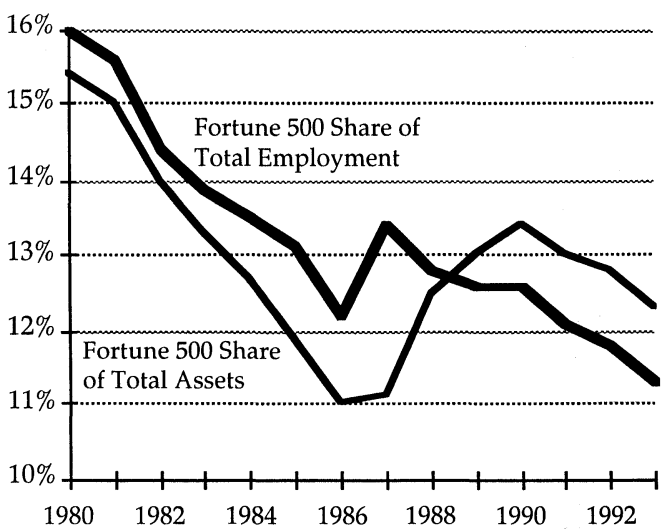

Graph 2:
Fortune 500 Share of
Gross Domestic Product

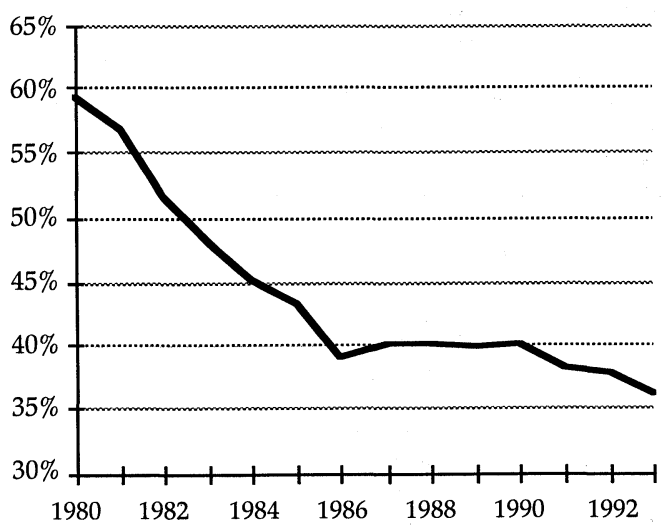

Debunking

The Trouble With Self-Esteem

by Michael R. Edelstein

Nathaniel Branden got it wrong.

Self-esteem is both the sacred cow and the golden calf of our culture. Nothing is esteemed more highly than self-esteem, and it's impossible to have too much self-esteem. Nathaniel Branden, a leading exponent of self-esteem, raises the question: Is it possible to have too much self-esteem? and gives the resounding answer: No, it is not, no more than it is possible to have too much physical health.

High self-esteem is now viewed much as cocaine was in the 1880s — a wondrous new cure for all ills, miraculously free of dangerous side effects. One has to wonder: will this view of self-esteem change as much during the next century as the view of cocaine has changed in the last? To speculate intelligently about that question, we must examine just what self-esteem is.

To esteem something is to have a high opinion of it. To have high self-esteem means to hold a high opinion of oneself. This high opinion is usually based on evaluating one's actual performance.

But not all agree that self-esteem must grow out of an accurate self-evaluation. One school of thought holds that it's good for people to feel good about themselves, regardless of how well or badly they have actually performed. If they esteem themselves highly, they will automatically do better — and even if they don't do better, well, at least they'll feel happier. This theory has been applied in recent years as an educational technique, the self-esteem curriculum, devoted to convincing students that they are wonderful and special. It has yielded disappointing results.

The other approach to self-esteem seems to be popular with libertarians. This approach views self-esteem as something earned. If we perform better, we will then feel better about ourselves. We will rate ourselves more highly, and this will cause us to feel better. Feeling better is therefore our psychological reward for performing better. It also will cause us, in turn, to perform even better.

At first glance, these two approaches seem to have little in common, but on closer examination the first approach usually turns out to be a variant of the second. The teacher who tries to cultivate high self-esteem in her students usually does not say: "Feel good, no matter how badly you do!" Instead, the teacher deliberately *lowers standards*, so that the students get lots of praise for minor achievements; poor or mediocre work is accepted as adequate or better.

And the proponents of *earned* self-esteem, when they confront the fact that many individuals make themselves needlessly miserable by comparing their performance to some ideal, also advise those individuals to *lower their standards*, so that they will feel better at a lower threshold of achievement.

In practice, therefore, both approaches to building self-esteem have a common thread: a person judges his performance to be good, then he forms a higher opinion of *himself*, not just his performance. Then he basks in the glow of contemplating what a terrific person he is. He feels happier, and performs even better.

Psychiatrists, politicians, educators, and religious leaders have all been drafted into the movement to make people feel good about themselves. High self-esteem is the magic potion which will bring sobriety and civility to the teenage gangsters of the inner cities and bliss and fulfillment to depressed suburban housewives.

A multitude of therapists and gurus are quick to identify low self-esteem as the root cause of emotional disturbance, addiction, poor relationships, failure to learn in school, child abuse, and a host of other ills. Yet the evidence points in the

other direction.

Studies on issues from smoking to violence, along with comprehensive reviews of the entire self-esteem literature, not only cast doubt on the benefits of high self-esteem but suggest that it might even be harmful.

Psychologists at Iowa State University have linked high self-esteem with the failure to quit smoking. "People with high self-esteem have difficulty admitting their behavior has been unhealthy and/or unwise," writes researcher Frederick Gibbons.

High self-esteem is now viewed much as cocaine was in the 1880s — a wondrous new cure for all ills, miraculously free of dangerous side effects.

A study popularized by Charles Krauthammer, written in *Time* magazine, investigated the self-concepts of 13-year-olds in Britain, Canada, Ireland, Korea, Spain, and the United States. Each teenager was administered a standardized math test. In addition, each was asked to rate the statement: "I am good at mathematics." The Americans judged their abilities the most highly, with 68 percent agreeing with that claim. But on the actual math test, the Americans came last. Krauthammer concludes that American students may not know their math, but they have evidently absorbed the lessons of the newly fashionable self-esteem curriculum wherein kids are taught to feel good about themselves.

Researchers at Case Western Reserve University and the University of Virginia conducted a comparison of evidence from a variety of studies concerning individuals involved with aggressive behavior of all kinds: assault, homicide, rape, domestic violence, juvenile delinquency, political terror, prejudice, oppression, and genocide. In some studies, self-esteem was specifically measured; in others it was inferred. The authors concluded that aggressive, violent, and hostile people consistently express favorable views of themselves.

These researchers considered the possibility that in such cases observable high self-esteem was a disguised form of low self-esteem, but were unable to find any corroboration for it. They concluded that the societal pursuit of high self-esteem for everyone may literally end up doing considerable harm.

According to *American Educator,* psychologist and researcher Roy Baumeister has probably published more studies on self-esteem in the past 20 years than anybody else in the United States (or elsewhere). As Baumeister has observed, "many violent crimes result when an individual defends a swollen self-image against a perceived attack." They lash out to try to head off anything that might lower their self-esteem.

Baumeister concludes that "the enthusiastic claims of the self-esteem movement mostly range from fantasy to hogwash." Yes, a few people here and there end up worse off because their self-esteem was too low. Then again, other people end up worse off because their self-esteem was too high. But most of the time, self-esteem makes surprisingly little difference.

A comprehensive review of the self-esteem literature found that "the associations between self-esteem, and its expected consequences are mixed, insignificant, or absent. This nonrelationship holds between self-esteem and teenage pregnancy, self-esteem and child abuse, self-esteem and most cases of alcohol and drug abuse."

Millions of taxpayer dollars have been expended by the government on professional training to boost the self-esteem of teachers and students, and even more millions have been spent by private individuals paying therapists to help them enhance their self-esteem. Yet the available evidence does not support the theory that attempts to raise people's self-esteem necessarily produce substantial benefits, and some evidence suggests high self-esteem may have pathological consequences.

How do advocates of building high self-esteem react when confronted with this kind of evidence? They have two responses.

The first is to say that when a person seems to have high self-esteem and also has a screwed-up life, *that person really has low self-esteem.*

This reply has a certain plausibility: we're all familiar with the stereotype of the loud, brash, assertive person who is inwardly frightened, cringing, and self-doubting. Novelists and moviemakers love such characters, and they do occasionally exist. But mostly, in real life, if persons are outwardly loud, brash, and assertive, they are likely to be inwardly loud, brash, and assertive, or at least more so than those who are outwardly timid or self-effacing. If someone exhibits obvious signs of thinking that he is one of the superior beings of the universe, chances are that he really believes — yes, way deep down — that he is one of the superior beings of the universe.

Furthermore, there are two difficulties with the notion that *observable* self-esteem can be brushed aside as immaterial.

Empirically, the claim that high self-esteem is good for you becomes unfalsifiable and therefore untestable. There is no way to determine whether it's true or false.

Pragmatically, if we're trying to help people to improve their lives, all we can work on is the observable. If we try to help them by building their self-esteem, this becomes futile unless we can be reasonably sure that we can tell whether their self-esteem has gone up or down. The building of a kind of self-esteem which can never be discerned in someone's behavior (including what that person says) is not really a practical plan.

The teacher who tries to cultivate high self-esteem in her students usually does not say: "Feel good, no matter how badly you do!" Instead, the teacher deliberately lowers standards.

The second way self-esteem promoters respond to the discouraging evidence on the practical results of building self-esteem is to claim a distinction between "authentic" and "inauthentic" self-esteem. Only authentic self-esteem brings true happiness, they claim.

As self-esteem in practice means feeling good about yourself because of how well you have done, increasing your self-esteem requires watching your behavior to see whether you have in fact done well. Advocates of high self-esteem suggest people should think along these lines: "I must do *x*. If I manage at least to do *x*, I can congratulate myself on being a good person. If I do less than *x*, then it follows that I will judge myself to be a bad person."

But proponents of high self-esteem seldom agree on what *x* is. Each seems to have his own favored criteria for assessing performance, his own choice of *x*, or perhaps his own varying standards for measuring *x*. But they all agree that the name of the game is pursuit of a feeling of self-worth, to be attained by doing (at least) *x*.

According to Nathaniel Branden, for example, *x* equals the choices we make concerning awareness, the honesty of our relationship to reality, the level of our personal integrity. Branden warns against deriving self-esteem from success in particular pursuits — in Branden's view, that would be what we are calling inauthentic self-esteem. Branden maintains that we're worthwhile as humans if we make good choices, act honestly, and act with integrity. We can then esteem ourselves highly because we can tell ourselves, in Branden's words, "I coped well with the basic challenges of life."

Notice that all self-esteem theory has the same pattern, though this is not usually clearly spelled out. First, you set a goal. Second, you act in pursuit of that goal. Third, you observe your action and its consequences. Fourth, you evaluate your action. Fifth, you globalize that evaluation: you move from evaluating your action to evaluating yourself as a total person. And sixth, you (supposedly) feel and act better thereafter if you decide you're a great person, or you (supposedly) feel and act worse if you conclude you're a pathetic loser.

The desirability of raising self-esteem seems persuasive because people with serious emotional problems often have low self-esteem: they hold a low opinion of themselves and dwell on their shortcomings. So it's an appealing idea to improve individuals' ratings of themselves, and this seems to require getting them to hold a higher opinion of themselves by building up their self-esteem.

This approach seems at first to be so obvious as to be unquestionable. But in fact, it commits an error. This way of thinking considers only two alternatives: either you rate yourself as a bad person (a failure, a louse, a nothing) or you rate yourself as a good person (a success, a paragon, a fine human being). That ignores another option: *don't rate yourself at all.*

It's the essence of the gospel of self-esteem that you should rate yourself highly. Almost unnoticed is the assumption that you can't avoid rating yourself, and equally inconspicuous is the practical corollary of raising your self-esteem: if you set out to build your self-esteem, you become preoccupied with your rating of yourself.

Not rating yourself, refraining from self-rating, means that you can evaluate what you *do* without drawing conclusions about *yourself* as a total person. For instance, if you are frequently late for appointments, you may think, "Being late for appointments has consequences I don't like. Is there some way I can stop being late?" You don't have to think, "Because I am often late for appointments I am a loser." You don't need to draw *any* conclusions about your total self.

That may sound unobjectionable. But suppose that you conquer your habit of being late. Now, you're always punctual. What harm can it do to pat yourself on the back? Why not think, "I'm an admirably efficacious person, because I'm always on time"?

But this can be harmful. By drawing comfort and sustenance from your judgment that you are a fine person, you are requiring yourself to perform well to support that judgment. This leads to anxiety. Moreover, if you don't perform so well

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the next time, you will be liable to feel not just regret and sadness that you didn't do what would have been best, but demoralization and discouragement, because you now have evidence that you are not such a good person.

We can acknowledge that low self-esteem may be a problem without recommending high self-esteem. If someone has low self-esteem, we need not try to replace that person's low self-esteem with high self-esteem. We can instead encourage him to stop globally evaluating himself. Instead of low self-esteem or high self-esteem, he can do without rating himself.

Instead of esteeming ourselves, we can *unconditionally accept ourselves as we are.* No matter how well we perform, no matter how brilliant our accomplishments, we are always imperfect, fallible human beings. Conversely, no matter how badly we screw up, we always do some things right (as demonstrated by the fact that we have survived this far).

Unconditional self-acceptance doesn't mean that we don't want to change anything. It means that we unconditionally accept the reality of who we are and what we are like. This does not involve any overall evaluation of our worth or quality as human beings. It means that nothing that we do will make us believe that we are, in toto, terrific or terrible, heroic or horrible, godlike or goblinlike.

Having unconditionally accepted ourselves, we can then concentrate on what we do and how we can improve it — not because this will make us feel wonderful about ourselves or give us high self-esteem — but because we will then more effectively accomplish the goals we have set for ourselves, and feel wonderful about *that*.

There's a strange aspect of the reasoning of many self-esteem theorists. They often seem to assume that if you perform well according to their chosen *x*, this will *automatically* cause you to esteem yourself highly. Robert Ringer, for instance, states: "It takes a good deal of practice to play the game effectively, but a good player reaps the rewards of self-

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esteem, the self-esteem which comes from knowing who you are, what you stand for, and where you're going in life."* Ringer apparently believes that self-esteem wells up spontaneously within you if you *do* something. He doesn't seem to understand that whatever you do can affect your self-esteem only if you evaluate what you have done and then evaluate your total self based on what you have done. This requires judging your behavior according to some standard, and that you be free to perform these mental acts of evaluation or not to perform them.

Nathaniel Branden also writes as though he believes that if you have coped well with the basic challenges of life (his nominated *x*), this must automatically cause you to possess high self-esteem. And, presumably, if the truth is that you have not coped well with the basic challenges of life, that must automatically cause you to possess low self-esteem.

You are apparently unable to react in any other way, for example by concluding: "I haven't coped well with the basic challenges of life but I'm not going to let this get me down." Or: "I haven't coped well with the basic challenges of life. Tough shit! I'll just try harder." Or: "I haven't coped well with the basic challenges of life. What a fascinating specimen I am! I'll write a novel about myself."

Self-esteem proponents often seem to assume that judging your total self is involuntary and automatic. But esteeming oneself involves choices among alternatives: you choose to act, you choose to evaluate your actions, you choose the standard by which to evaluate your action, you choose to extend the evaluation of your actions to an evaluation of your total self.

It is rational to be concerned about your effectiveness in pursuing your goals, and therefore in dealing with problems that arise. It is not rational to be concerned about your overall rating as a person.

To esteem ourselves, or to rate ourselves, flows from choices we make in how we will think — cognitive choices. If we fail at some endeavor, or a series of endeavors, we are not fated to think the worst of ourselves. If we do draw the conclusion that we are worse as people because we have failed in some specific endeavor, that conclusion arises from our philosophy of life, our beliefs, our habits of thought.

When I say that these are matters of choice, I mean this in exactly the same way that learning a foreign language is a matter of choice. Changing our habits of rating or not rating ourselves requires repetition and reinforcement over a period of time. We may in the past have unreflectively accepted that our screwups — i.e., failures to cope well with the basic challenges of life — diminish our worth as persons. At the moment when we draw this conclusion, it may indeed be automatic.

But it is automatic or involuntary only in the way a superstitious person is horrified when a black cat crosses his path. Just as that person can question the validity of his superstitious belief and can, over time, learn to accept that a black cat is not something to be dreaded, so we can learn to refrain from self-evaluation. If we were to discuss the experience of dread which seizes a superstitious person who has seen a black cat as though this feeling did not depend upon that person's superstitious beliefs, but was natural and inevitable from his seeing a black cat, we would be obscuring the vital part played in this seemingly automatic process by the person's beliefs — beliefs which can be changed, though changing them may take persistent effort.

Fifty years ago, marathon runner and writer Trevor Smith, then 15, spent a hiking vacation with a group of classmates, climbing Switzerland's Stanserhorn. One thousand feet from the summit, exhausted and struggling, Smith chose to turn back.

Later that evening at dinner, reunited with all his classmates, Smith saw "the glow of satisfaction on the faces of the boys who made the summit safely . . . I regretted bitterly that I had quit when others succeeded." Smith continues to view the decision to abort his ascent as so horrible that even today he relives it as if it happened yesterday.

As an adult, Smith climbed peaks, paddled white water, and ran hundreds of races. He concludes: "Sometimes I've paid a high price in discomfort and many injuries. But achieving goals gave a feeling of self-esteem that healed everything." Smith's lesson for his readers? "Develop high self-esteem. Tell yourself that you can do just about anything that any other human being can do. . . . If you believe you can do just about anything, usually you can."

Smith's thinking illustrates the essence of the self-esteem notion: self-rating. When you do well you rate yourself as a good person, you have high self-esteem — you can do anything. When you do poorly, you're a worthless failure. (Or if not worthless, you're certainly worth less.) So your motivation to do well is that you will derive satisfaction from proving that you're a good person.

Smith's widely accepted but dangerous view of self-esteem illustrates its inherent traps. If you subscribe to his self-esteem notion, when you do well you'll tend to take an overblown, grandiose view of yourself. And when you do poorly you're likely to feel depressed and hopeless. Many people who pursue this approach live their lives either anxiously and compulsively striving to prove themselves (instead of enjoying themselves by striving to attain their goals) or phobically avoiding challenging and competitive situations.

In the 1960s, Joe Pine, a right-wing TV talk show host prone to surliness, which a leg amputation (he wore a wooden prosthetic) may have exacerbated, had as his guest the rock musician Frank Zappa. As soon as Zappa had been introduced and seated, Pine observed, "I guess your long hair makes you a girl." Zappa responded, "I guess your wooden leg makes you a table."

This illustrates another problem with the pursuit of self-esteem. If I am to decide whether I am doing well or badly as a total person, I have to somehow reduce to a common denominator all the varied aspects of my performance in different fields in order to come up with a single score or rating of my self.

Individuals are unique and multifaceted. Weighting all the different aspects of one's behavior is unavoidably subjective.

Continued on page 50

* Robert J. Ringer, *Looking Out For #1* (New York: Fawcett Crest, 1977), 87; cf. 11-12.

Harry Potter and the Difficulty of Translation

by Tracey S. Rosenberg

Even with popular children's books, toying with language can be a trying affair.

I'm reading the second Harry Potter book in French. Not because I strive towards a high degree of pretentiousness; I accomplished that a few months ago, in reading Jean-Paul Sartre's *Les Jeux Sont Faits.* (Regularly taught in high schools, it's a stylistically barren book written in the present tense, so it hardly epitomizes intellectual condescension. Still, if you read *any* Sartre in French, you ought to be awarded a rosette to wear in your buttonhole.) No, I chose to read *Harry Potter et la Chambre des Secrets* because, as an auto-didact as far as French is concerned, I suspected that an enthralling book would keep me motivated. I had whipped through the first book on a Saturday evening. The second is taking decidedly longer (over two months), owing to my average speed of five pages a day. In the midst of slogging through the translation of a book I could easily have knocked off in a few hours had I read it in its original language, I had to ask myself: is it worth it?

Probably not. The French version takes some nips and tucks with the plot, and of course the fact that I progress so slowly means that I lose some of the clues that would be fresh in my mind if I were barging through the book at my usual speed. Granted, I am improving my vocabulary (I can now discuss flying cars bilingually) and have became firmer on the *passé simple,* the literary past tense. These things were definitely part of my larger goal of becoming more fluent in reading French. But I have already put in a reserve request at the library for the third Harry Potter book, which I will cheerfully breeze through in English, as soon as the 26 hold requests before mine are filled.

What I find most interesting in reading the book in translation is noting where the alterations were made. I can't always tell where whole phrases were rendered in different idioms, but many of the names have changed. Not everything is altered at the tap of a *baton de magique;* most primary characters retain their proper names (Harry, Dumbledore, the Weasley clan), and while Europeans may think Americans are imbeciles because we insist on calling football "soccer," Quidditch is Quidditch no matter where you are. Some names appear to have been changed for the sake of providing a more Gallic pronunciation for their English counterparts. The boarding school, the wizard equivalent of Eton and Harrow, is transformed from Hogwarts to Poudlard. I can't begin to imagine how the original name could be said *en français,* what with the first and last letters vanishing in the back of one's throat. The same type of modification occurs for the word Muggle (the term for a non-wizard), which becomes the rather less interesting Moldu. Other words are apparently changed so as to keep the implications that J.K. Rowling intended. Thus Slytherin, one of the four houses within the school, becomes Serpentard, retaining the essence of snakeness which personifies its students.

Of course, it's most interesting — and difficult — to translate the words Rowling made up. I was stumped by "dégnomer" until I remembered the context: just as a Muggle gardener has to deal with aphids and rabbits wreaking havoc in the tomato plants, if you are a wizard, then your garden is infested by gnomes. Therefore, to get rid of them, you must "degnome" the garden. Somehow I doubt that my French-English dictionary will add this word anytime soon. For the rest of this type of vocabulary, I've had to call upon the services of two college friends, die-hard Potter fans who became my reference source at a time when I didn't have the English version to hand. (I refuse to get the book from the library until I've read it completely in French. Otherwise, I fear I will simply race through to the end to find out what actually lurks in the *chambre des secrets.*)

The French translation scores a veritable coup when it

comes to the matter of the Sorting Hat. This hat is worn briefly by every new student, and, being a magic hat, it tells the student which of the four houses they will belong to; in other words, the hat itself makes the choice. Its French name is "Choixpeau" — a combination of "choix" (choice) and "chapeau" (hat). I was delighted to be able to understand a foreign pun, especially one which has no antecedent in the original. Yet for the most part, I don't have nearly enough experience with a second language to be able to explore depths of nuance. It is clear from my knowledge of the first book in English that the flavor of the second in French has been altered by changes in phrasing, syntax, and vocabulary.

I had always admired translators, in the way I admired Indy 500 pit mechanics or international hostage negotiators.

I had never thought much about translation, perhaps because I never before had the option to read a book in any language other than English. Of course I was aware that a new version would differ greatly from the original and that enormous alterations often have to be made to accommodate the distinctions within languages. John Ciardi's translation of the *Divine Comedy*, for instance, dispenses with Dante's terza rima, creating a lesser rhyme scheme that attempts to keep the flavor of the original. This is, at the very least, a practical measure; English simply does not have the rhyming ability of Italian. Many translators, including Mark Musa, dispense with rhyme altogether and provide elegant blank verse. I personally prefer this, but I am always aware that I am not, no matter how brilliant the translation, reading the full glory of the original.

I have dabbled in translation, though only to answer the challenge in Douglas Hofstadter's *Le Ton Beau de Marot*, an enormous book which I sadly did not have time to finish before the Interlibrary Loan librarian sucked it back out of my hands. The first few chapters include some of the clearest discussions of translation and bilingual ability (especially in regards to adults learning a second language) that I've ever had the pleasure to read. The book's genesis was a small poem by a relatively obscure Renaissance Frenchman, which is translated many, many times in the course of the book. Hofstadter advises the reader to attempt his or her own translation, and I was reasonably pleased with my own result.

I also gained a great respect for translators. I had always admired them, in the way I admired Indy 500 pit mechanics or international hostage negotiators — I could see they were highly skilled at what they did, and could even grasp the basics of their methods, but had no concept of the nuances of their crafts. Unfortunately, even having stumbled through my personal translation of "Ma Mignonne," I am not certain that I can truly appreciate the work of translators; that is, I don't know whether I am capable of recognizing a good translation. The bad ones are obvious. Working my way through the French version of Kay Thompson's *Eloise*, I was appalled at the mangling of Eloise's signature phrases and choppy sentences. Even to a person who doesn't read French, it's clear that there's a great difference between "et je vous signale en passant que les coquetiers font d'excellents chapeaux" and "an egg cup makes a very good hat." But how could I ever know that something is a good translation if I don't understand both languages? It will take years of reading French to be able to grasp many of the distinctions that I take for granted in English, when I can explain the differences in style between, say, A.S. Byatt and Pamela Frankau.

My greatest despair about whether we can ever really translate from one language to another came after a friend gave me the English version of Georges Perec's *A Void*, translated by Gilbert Adair. I don't know much about Perec, but apparently he wanted to write everything once — one play, one novel, one of every kind of literary form. I don't know what category *A Void* fits into, but it's quite an accomplishment — an entire novel written without once using the letter "e." He's not the only person to have done this and I doubt he's the first, but for those of us who struggle even when we have all the letters at our disposal, this book is something great.

In regards to translation, however, I realized quickly that no matter how brilliant Adair was, the language itself stood in the way, especially given the "no 'e'" rule. In French, you can say "the" if you are discussing a feminine object (using "la"), but not masculine ones or the plural of anything ("le" and "les" respectively). English, in contrast, cannot say "the" in any situation, although you can discuss "a goat" or "an airport," whereas French can only say "a" for masculine items ("un" as opposed to "une" or "des"). And keep in mind that even if you do use "la," much of the time you can't do so because the adjective or noun itself has an "e" at the end, on account of being feminine. Lining up the pronouns shows far more flexibility in French than in English, although in neither language can you say "she." (On the other hand, judging from my perusal of French literature in translation, this word would not be missed by many French authors.)

Vocabulary can be negotiated with the help of a good thesaurus, although of course you'll lose the embedded meaning. "Liberty" in English summons visions of a cracked bell in Philadelphia, whereas the French equivalent is more likely to evoke guillotines slamming down on the necks of powder-wigged aristocrats.

Vocabulary can be negotiated with the help of a good thesaurus, although of course you'll lose the embedded meaning.

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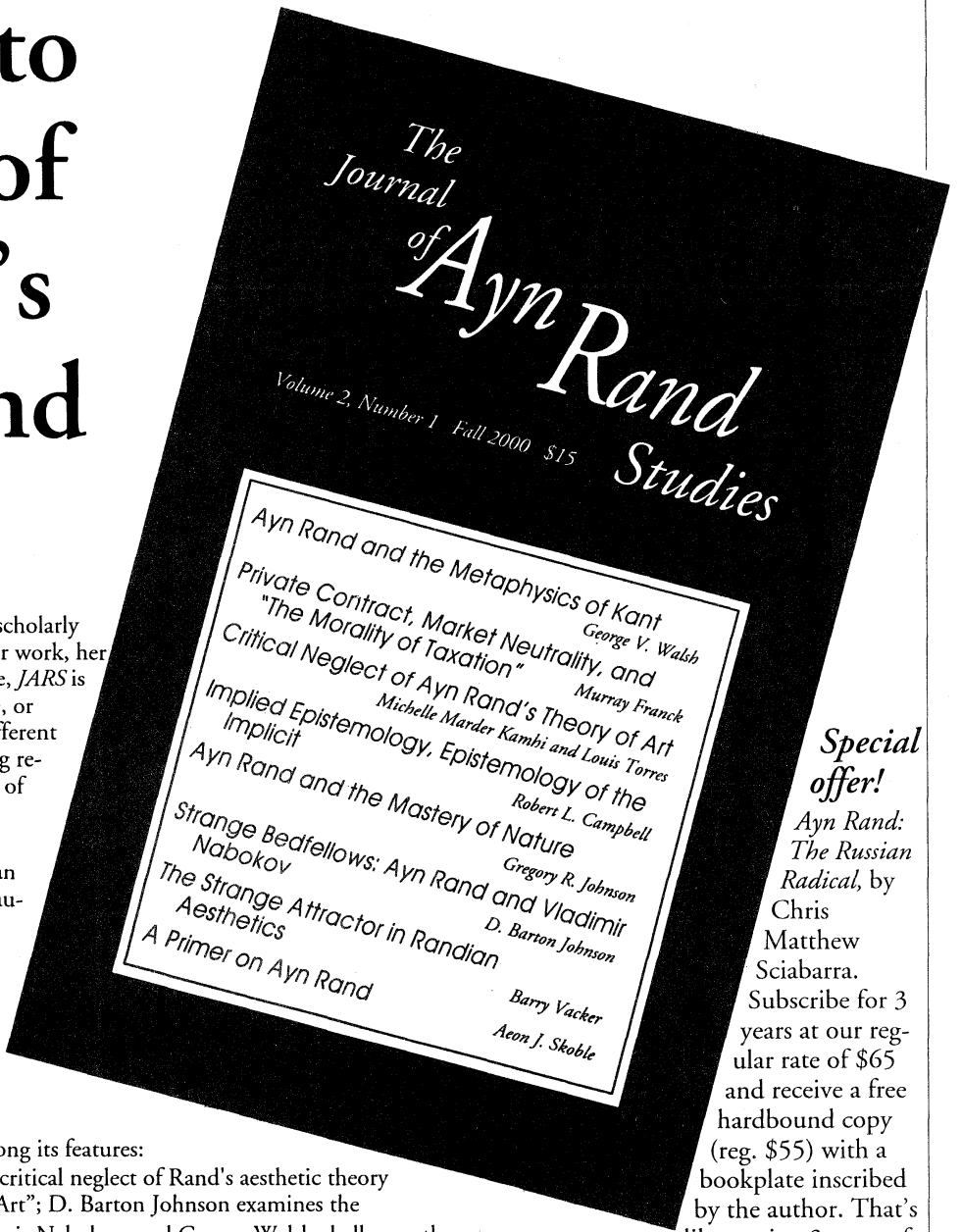

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"Liberty" in English summons visions of a cracked bell in Philadelphia (if not a monthly political review), whereas the French equivalent is more likely to evoke guillotines slamming down on the necks of powder-wigged aristocrats. But take the sentence "My goats and I walk in a park." Simple, direct, no great statement. Now try it in French without using the letter "e." Pretty tough, when you can't say the plural "my" ("mes"), "goats" ("chevres"), "and" ("et"), and so on. (Readers are welcome to offer suggestions.) In other words: how can I truly experience the full flavor of Perec's masterpiece when the translation is hampered in two different languages?

If one isn't careful, this can all lead straight into a miasmic pit of despair about whether anyone can ever understand anyone else. Even when we speak the same language, there are far too many examples of deadly miscommunications. Last year, I met a British army officer whose job duties included working with the American military, to ensure that Yanks didn't blow British planes out of the sky as the result of linguistic confusion. And on a personal level, we develop our own vocabulary and meanings, individually and within families; children quickly learn that when a parent says "we'll discuss it later," that invariably means "not until pigs fly." Yet there are no dual-language dictionaries for the languages of life experience.

The other side of the argument is that we simply communicate as best we can, striving for clarity as well as style. Clearly, we *can* communicate; otherwise we wouldn't have civilization. Even the Tower of Babel fiasco didn't demolish society. . . although it did render it impossible for everyone to accomplish a common goal. But even when we do speak the same language, that doesn't give us an automatic understanding of the cultural milieu or linguistic subtleties. At this point in the world's history, it seems impossible that we'll ever understand everyone else.

Which brings us back to Harry Potter. Do French or American children truly comprehend the Tom-Brown-at-Hogwarts environment which Rowling creates? Even if vocabulary and idioms are smoothed to match the linguistic requirements of the target language, can we understand what Rowling is really trying to say?

I think part of the enormous success of the Harry Potter books is because everyone, with the exception of the bullying Malfoy-like head of personnel at my last job, can identify with Harry. Most of us weren't orphaned as infants, or raised by relatives who shoved us into a cupboard at any opportunity, or told at the age of eleven that we were wizards, and thereafter taken to buy our very own owl. But most of us, regardless of culture, have felt neglected by our families, lost in the world, craving to be recognized as gifted — and, yes, notified that we have powers other people do not. Equally, we want to believe that we are noble enough in spirit not to misuse those powers, or flaunt them to those who are not so blessed. In Rowling's world, those who look down on Muggles are bad guys. Harry may occasionally imply to his awful cousin that he can turn him into a newt, but given the context of life with the Dursleys, who could blame him? We understand the temptation. We understand Harry's frustration when the students of Hogwarts believe him to be the heir of an evil wizard. We understand his pain in believing that his closest friends have abandoned him over the long summer vacation, and his relief to learn that, in fact, they have not — even if we ourselves have never had our personal correspondence intercepted by an elf.

In the end, in spite of having to look up at least ten words a page in a French-English dictionary, in spite of being fully aware that mandrake roots don't really cry, in spite of never having seen an owl in our lives, we understand. ❑

Edelstein, "The Trouble With Self-Esteem," *continued from page 46*

Suppose that your daughter is an excellent swimmer but a poor runner, or is well above average in math but well below average in languages, or is often unusually considerate of her little brother but sometimes mercilessly teases him to the point of tears. There is no objective method for making these different behaviors commensurable.

In practice, people who pursue self-esteem usually don't get very far in trying to formulate a weighted evaluation of all their performances. Instead, they tend to fall back on some formula which grossly oversimplifies the picture. For example, a child may become convinced that he is no good because he has done poorly at spelling. He may then give up trying, using as an excuse the fact that he is a no-good failure.

Furthermore, people often change, not all at once or overnight, but in particular ways, continually. As Albert Ellis has observed, "People's intrinsic value or worth cannot really be measured accurately because their being includes their becoming."

Another problem is that once we get into the habit of thinking that we are good because we have performed well or bad because we have performed poorly, we generally find that this is not symmetrical. There is an innate tendency for human beings — perhaps it has survival value — to pay more attention to what is creating discomfort than to what is going well. Self-raters therefore tend to drift downward in their self-rating, drawing gloomy conclusions when they fall short, and not fully balancing these with optimistic conclusions when they do well.

This tendency is all the more powerful because people who rate themselves find in practice that feeling good or feeling bad about themselves is not stable. So, when we say that someone has high or low self-esteem, we're talking about an average. How good we feel about ourselves always fluctuates. Our moods fluctuate naturally, and hanging our sense of well-being on the peg of our self-rating tends to magnify the mood swings.

It is rational to be concerned about your effectiveness in pursuing your goals, and therefore in dealing with problems that arise. It is not rational to be concerned about your overall rating as a person.

The pursuit of high self-esteem, even where it seems to be working for a while, can be hazardous. And at best, self-esteem accomplishes nothing important that can't be accomplished by self-acceptance. ❑

Reviews

A Personal Odyssey, by Thomas Sowell. The Free Press, 2000, 308 pages.

Sowell Searching

Bruce Ramsey

Black Americans who publicly dispute the need for racial quotas and affirmative action programs are often attacked by liberals. Economist and commentator Thomas Sowell, in his autobiography *A Personal Odyssey*, offers his life story as a response to those who argue that minorities from poor backgrounds require federally-sponsored discrimination in order to succeed.

Sowell was born in North Carolina in 1929. He was raised in a house without electricity, central heating, or hot running water. When he was nine years old, his family moved to New York and rented an apartment in Harlem. Sowell grew up knowing few white people. His first notable experience came at a New York summer camp, where a white boy asked him why he didn't behave like the colored folks in the movies. "They get paid to act that way," Sowell replied, "and I don't."

Starting at a young age, Sowell became gifted at the art of putting down bureaucrats, bluffers, and mediocrities. One of his teachers, Mr. Leonard, punished his class by keeping them after the end of the school day. Sowell knew the rule about how late a class could be held, and when that time arrived, he recalls, "I informed Mr. Leonard of the rule as I stood up and began packing my books." Mr. Leonard blocked the door, whereupon Sowell started climbing through a window.

"I'm going to send a letter to your home tonight!" Mr. Leonard told him.

"That's 504 West 145th Street," Sowell replied, "New York, *thirty-one*, New York."

Judging from his memoirs, Tom Sowell was one smart-ass boy. And given his situation, this was necessary for survival. Sowell was raised by his aunt, an arrangement that became intolerable. He had earned his way into an elite public school, Stuyvesant, but dropped out at 16 because of continuing trouble at home. It was seemingly no great tragedy, as no one in his family had gone further than junior high.

Accused of disorderly conduct that same year, he was put under the supervision of a court. At 17, he volunteered to move to the Home for Homeless Boys. As soon as he could afford to move out he called the magistrate and announced that his probation was over. The magistrate threatened him with the law, to which Sowell responded: "There are eight million people in New York. You'll never find me."

"We know where you live!"

"I've moved."

The magistrate wished him good luck and hung up.

Sowell began a long period of working his way up, starting with low-paying jobs and high school night classes. He read books, including those of Karl Marx, after which he became a Marxist. Then came the Korean war — which he opposed — and he was drafted into the Marines. He spent the entire period in the states, much of it as a photographer. In his recollections, he gives high praise to the Marines for their color blindness, though admits that he was not an obedient soldier.

At one point during his time as a marine, he noted that it took two hours to clean his rifle for weekly inspection. "I estimated what the probabilities were that a given rifle would be looked at during a given inspection," he writes. "Then there was the probability that a given rifle would be found unacceptable, even if it had been cleaned. . . . Finally, one had to weigh the punishment — one hour of mowing the lawn around the barracks. My conclusion was that it did not make any sense to try to clean the rifle at all." While the other marines carefully disassembled their rifles once a week, Sowell read books. He got by for months, though he was finally caught.

After the Marines, he enrolled in the all-black Howard University, an institution with a few bright lights and many mediocrities. He then applied to the elite schools, brashly so, with his B-minus average — and was accepted by Harvard. "My test scores saved me," he says.

Harvard was a shock. He almost flunked out. He knuckled under and graduated *magna cum laude*. A few years later, he joined Milton Friedman's graduate class in economics at the University of Chicago.

Friedman didn't cure Sowell of his Marxism. That didn't happen until Sowell took a job at the U.S. Department of Labor, working on issues related to the minimum wage law in Puerto Rico. He began to sus-

pect that the law had caused the collapse of the Puerto Rican sugar industry, and asked his department for the statistics to prove or disprove this. No one would help him. "It forced me to realize that government agencies have their own self-interest to look after," Sowell writes. "Whether or not minimum wages benefited workers may have been my overriding question, but it was clearly not theirs."

Sowell began his career as a university professor of economics at about the same time the civil rights movement was fighting to desegregate hotels, restaurants, and schools in the South. Sowell certainly approved of these goals (he tells several stories of being denied service in the South), but was skeptical that it would achieve the results everybody expected. "The idea seemed to be that white people's sins were all that stood between us and economic and social parity," he writes. "The enormous amount of *internal* change needed within the black community — in education, skills and attitudes — seemed wholly un-noticed. . . ."

Sowell spent ten years in academia before he wrote his first piece on race, an article in the *New York Times Magazine* in December 1970. That article, which argued that racial preferences in college admissions hurt black students, launched his career as an opponent of affirmative action. For nearly 25 years, he was one of only a handful of people, most of them black, who dared to oppose a policy that was presented as a moral ideal.

Tom Sowell was one smart-ass boy. And given his situation, this was necessary for survival.

After Ronald Reagan's victory in 1980, Sowell was mentioned as a candidate for the position of Secretary of Labor, a post for which he had no interest. Meanwhile, the media held him up as Reagan's man. It was said he believed that discrimination did not exist, and that blacks should "pull themselves up by their bootstraps."

Sowell was appalled. He wasn't a Republican; he hadn't even registered to vote. And though he believed in hard work, he admits that this was not the only factor that led to his success. He was lucky, because he came along "right after the worst of the old discrimination was no longer there to impede me and just before racial quotas made the achievements of blacks look suspect." He had also had the chance to attend good schools. However, his method of achievement may have become impossible for the students who came after him, as a result of programs such as affirmative action. Sowell boldly states that "Many of the paths I followed have been destroyed by misguided social policy."

A Personal Odyssey is a book of memories. It is not *belles-lettres*; Sowell is an economist, not a literary intellectual. His biography is not about his feelings or his thoughts about the big questions of life. Much of it details a progression through classrooms, and searches for jobs in which he does not have to work for idiots. This will disappoint some readers. However, those who know Sowell's work will find value in this book, which explains his roots and dispels the charge that he had his success handed to him on the basis of his race. ❑

***Cyberselfish: A Critical Romp Through the Terribly Libertarian Culture of High-Tech,* by Paulina Borsook. Public Affairs, 2000, 256 pages.**

Cyberfoolish

Richard Sincere

Have you ever read a book that you simply could not set aside, so compelled were you to turn page after page after page? Perhaps it was *Atlas Shrugged* or *Catch-22* or, in a lighter moment, a treatise on Swedish land-use planning.

Cyberselfish is not one of those books. In fact, I had to force myself to read it all the way through, much the same way one forces oneself to swallow bitter medicine, because I did not want to be accused, as a reviewer, of not fully engaging myself with the material. Of course, that would likely not be a problem for author Paulina Borsook, who goes to great lengths to avoid engaging the arguments she pretends to refute in this book.

Borsook is shocked, quite shocked, by the libertarian philosophy that infests Silicon Valley. (She limits her critique almost entirely to the high-tech world of Northern California.) Yet it is clear that her research did not include a single book by a libertarian thinker or about libertarianism. She mentions some books — such as Virginia Postrel's *The Future and Its Enemies* — in a feeble attempt to prove her credentials, but her lack of engagement with the arguments and her frequent errors of fact show her self-described credentials to be fraudulent.

Two examples of error leap out at the reader. In the introduction, she says the Libertarian Party "is the party that routinely nominates Harry Browne as its presidential candidate." That's like saying the Democratic Party "routinely nominates Bill Clinton as its presidential candidate." It hardly takes into account the fact that in every election since 1976, the GOP ticket has included someone named Bush or Dole. And, for a book that was published on June 6, 2000 — one month before Harry Browne became the first

person in the history of the Libertarian Party to be nominated twice as a presidential candidate — it demonstrates a high degree of ignorance of the Party's performance, not to mention its core beliefs (more on this later).

Toward the end of the first chapter (titularly about "bionomics" but really about so much more), Borsook says the Cato Institute has been "hugely funded since the late 1960s and early 1970s" (66) — a neat trick for an organization established in 1977! Although Borsook acknowledges Cato's pride of place in the libertarian pantheon — such as it is — she obviously knows nothing about the Institute itself, much less the philosophy that animates it. (On page 17, she says of Cato: "To them, government is fine for dealing with the anachronism of nation-states [foreign policy, defense, import-export hassles] but is irrelevant to all else and should just get out of our way." Someone should alert Ted Galen Carpenter before he decries non-interventionism again.)

Borsook says the Cato Institute has been "hugely funded since the late 1960s and early 1970s" — a neat trick for an organization established in 1977!

Not only does Borsook fail to engage her opponents, she often fails to sustain her own arguments long enough to bring them to a suitable conclusion. When I say she fails to engage her opponents, I do not mean she does not argue with them. She does, but more often, she merely mocks them. She does not even take the trouble to set up straw men to knock down. Instead, she avoids ideas and focuses on tone and attitude. (Borsook's personal tone is a breathless, neo-Joycean style of stream-of-consciousness that is exasperating at best, frustrating at worst.)

In a series of anecdotes about conferences sponsored by The Bionomics Institute (TBI), later taken over by Cato, Borsook talks about the types of people there, how they dress, where they come from, their preferences of suburban locales over downtown conference sites. She never once mentions an idea the participants or the speakers address. For instance, in describing one conference speaker, Peter Huber, she cites a paper he wrote on telecommunications deregulation, asserting that it posited that "in the realm of communications, everything would interconnect and self-heal and route most efficiently if left on its own without the Great Satan of regulation and the devil would take the hindmost and, as I think it was said by a terror of the Counter Reformation, 'God will sort them out'" (68), going on to explain this reference to the St. Bartholomew's Day massacre — but never once telling us readers what Huber himself *said*, in the sense of quoting his spoken words at the conference or the text of the paper Borsook so colorfully critiques.

Nowhere in the book is there a

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mention of the non-coercion principle. Her only substantive mention of Ayn Rand is to attack — no surprise here — not Rand's ideas, but her attitude ("her fiction demonstrates all the humorlessness, lack of irony, 2-D heroes, and political exhortation of the collectivist world she despised" [144]). The word "objectivism" cannot be found in the book. To Borsook, libertarianism can be summed up as the belief system of people "violently lacking in compassion, ravingly anti-government, and tremendously opposed to regulation," while libertarians themselves are the embodiment of "nastiness, narcissism, and lack of human warmth" (5). She writes of "the most virulent form of technolibertarianism [as] a kind of scary, psychologically brittle, prepolitical autism" (15). No wonder she describes her "fascination" with libertarianism as one of "mongoose-to-cobra style" (4). She doesn't have to understand the snake in order to kill it.

At the same time Borsook makes it clear which thinkers she admires, to wit: "The 'Communist Manifesto' has it right . . . Marx and his pal Engels had other relevant things to say about the spread of global capitalism (much more accurate for the description of what is happening at the end of our own century than at the end of his)" (44). And: "I am a Luddite — in the true sense of the word. The followers of Ned Ludd were rightfully concerned that rapid industrialization was ruining their traditional artisanal workways and villages. . . . Like the Luddites, I am not so sure most change benefits most people" (47-48). (I guess that's why stagnant, traditional societies in the Third World have the longest life spans, the lowest rates of illness, the lowest infant-mortality rates, universal literacy, such high standards of living, and such low levels of pollution. Oh, but they don't, you say? My bad!)

Borsook talks about the types of people there, how they dress, where they come from, their preferences of suburban locales over downtown conference sites. She never once mentions an idea the participants or the speakers address.

Borsook's eschewal of intellectual engagement goes a long way toward explaining why this book lacks a bibliography or references of any kind. One cannot list the works one has used for research if one has not read any articles or books on the topic one writes about. (At least no one will ever accuse Paulina Borsook of plagiarism.)

Some other writer may come up with a convincing critique of the rampant "technolibertarianism" that Borsook has discovered in Silicon Valley. In order to do so, however, that writer must first understand what libertarianism is, who its major proponents are, and what those proponents say about it and about public policy issues as well as philosophy. Borsook has failed in all three tasks, and as a result has given us a dense, unreadable book about what could be an interesting and engaging topic. ❑

***Clearing the Air: How the People of Virginia Improved the State's Air and Water Despite the EPA,* by Becky Norton Dunlop. Alexis de Tocqueville Institution, 2000, 213 pages.**

Battling the EPA

Clay J. Landry and
J. Bishop Grewell

An arrogant attitude exists among Washington D.C.'s politicians and bureaucrats. They seem to think that ordinary citizens can't be trusted to maintain the environment. In fact, they believe that the only way to protect nature is for the federal government to regulate people closely and to punish polluters harshly. In her new book *Clearing the Air: How the People of Virginia Improved the State's Air and Water Despite the EPA*, Virginia's former Secretary of Natural Resources, Becky Norton Dunlop, dispels a popular policy myth. Dunlop, who was instrumental in developing and implementing many innovative environmental policies, describes how she fought off federal control, clearing the way for Virginians to improve their state's air and water, and to do it their way. Dunlop offers fresh anecdotes from the battle to beat back onerous federal management and to allow states to provide alternative solutions to their environmental problems. Her book also examines the tainted game of politics played by Environmental Protection Agency bureaucrats who are more concerned with increasing their regulatory control than with protecting the environment.

Only days after taking office, Dunlop found herself going toe to toe with EPA Administrator Carol Browner over the agency's proposal for the "California car." The EPA had mounted an aggressive campaign to force eastern states to adopt a costly electric vehicle designed to reduce air pollution, but Dunlop knew this policy made little sense for Virginia. The rest of the country did not share California's smog problems. Los Angeles, in particular, suffered from smog and particulate matter seen almost nowhere else in the United States. "Requiring northeastern states to take the California cure," Dunlop observes, "was like treating the common cold with chemotherapy."

Dunlop argued that the expensive

California car could actually hurt the environment by slowing fleet turnover as people delayed purchasing new cars because of "sticker shock." Air quality was already improving because people were trading in their older models for new cars. With the latest model cars polluting 90–97 percent less than cars made in the 1960s, emissions reductions from fleet turnover were already substantial. Dunlop notes that it is "little wonder so many people suspect the persistent press to make government standards ever less tolerant is less a calculation to protect the environment than to protect 20,000 EPA jobs and advance a 'one-size-fits-all' command and control economy."

Dunlop feels strongly that local people are the best stewards and that environmental policy is most effectively handled by the states.

In the first of several David and Goliath victories, Virginia prevailed in a federal lawsuit that ruled the EPA's attempt to impose California regulations on the rest of the country was illegal. Dunlop points out, however, that while the victory prevented the EPA and the commission from imposing a car policy on Virginia, nothing in that decision prevented other states from adopting the California car for themselves. The spirit of federalism was alive and kicking.

Each chapter offers another story of how Dunlop, the Secretary of Natural Resources, squared off with Browner, the EPA Administrator. There was clearly no love lost between the two. Part of their enmity stemmed from their opposing philosophies. Dunlop feels strongly that local people are the best stewards and that environmental policy is most effectively handled by the states. "It is in the nature of government, and even the environment, that decisions made close to the point of impact are likely to be the best," Dunlop writes. Browner, who worked ardently to impose an increasing number of federal regulations, clearly sees things differently.

In a particularly enlightening chapter, Dunlop blows the whistle on the country's largest polluter — Uncle Sam. She recounts an experience with Lorton Federal Prison, "a boil on Virginia's backside." The facility was built to hold prisoners for the District of Columbia, but its aging sewer system was not up to holding the prisoners' waste. The prison often suffered sewage-line breaks allowing horrid smells to drift across the Virginia countryside. Dunlop wasn't about to let the federal government off the hook. After repeated efforts to get the EPA involved, Dunlop took action. She wanted the federal prison fined for violating Virginia's environmental laws, but more importantly, she wanted the mess cleaned up. Eventually, a fine was levied against the District of Columbia, which agreed to fix the Lorton problem, but not until Virginia had made a stink about it.

Dunlop's narrative occasionally stumbles when she fails to show how her proposed policy changes would result in a cleaner, healthier environment. She often declares an environmental victory because new policies are passed or federal regulations are blocked, but the reader is left wondering how these changes improved the environment. While those with a healthy understanding of environmental federalism may be able to construct the results, those without that background may be left in the dark. By quantifying the environmental gains and clarifying the process by which they were achieved, Dunlop could have enhanced her argument for greater local control.

Dunlop is most successful when she drives home the point that federal environmental policy is, in reality, more about regulations and compliance than about improving the environment. In one vignette, she seeks to obtain air quality credit for using remote sensing in Virginia's air quality improvement plan. This technology uses infrared light to measure the pollution coming from a car's exhaust plume. Without the credit, an inflexible Browner and her agency could have punished Virginia with the loss of federal highway funds. Dunlop writes, "If Virginia instituted remote sensing as a core element of its plan in defiance of the EPA, the state would earn no credits even if air quality improved. But as long as it followed an EPA-approved plan, the state would earn full credit even if air quality deteriorated. Thus states that improved the environment could be penalized, and those that polluted the air could be rewarded because the environment was a secondary issue. What mattered was not substance, but servility."

On occasion, Dunlop took a wrong turn in her quest to empower the people with responsibility for their own environment. In the battle over the California car, manufacturers proposed another alternative, which they called the "49-state car." This car burned gas, but burned it significantly cleaner than the average car. Dunlop decided to support this car, stating: "If auto manufacturers possessed practical technology to make a car that would produce less pollution — but not be significantly more expensive — then it made sense to market that car everywhere instead of just the Northeast." Yet she did not actually want to let the market or the individual states determine whether the car should be sold; she wanted a national standard. In this way, the costs could be spread across the country and kept down. Dunlop made the mistake too often made by Republicans. While wary of environmental interests, she was happy to go to bat for business interests. To be fair, Dunlop admits to having a moral dilemma: "[Is] it fair to push a cleaner car on the entire nation, believing that

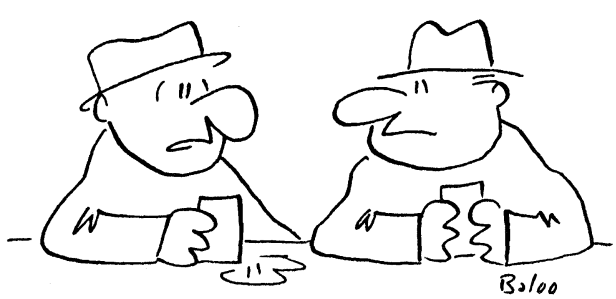

"She started out playing hard-to-get, but now it's degenerated into hide-and-seek."

mass marketing would hold down the price, when in fact the air quality problems caused by exceptional concentrations of automobile congestion are almost entirely localized and site and situation specific?" In the end, though, she decided the political compromise was necessary.

Even so, *Clearing the Air* builds a strong case against the one-size-fits-all environmental policies of the federal government. As Virginia's Secretary of Natural Resources, Dunlop helped break the regulatory shackles of the feds by implementing innovative programs that made Virginians, rather than big government, the keeper of their own environment. By laying out the facts with her new book, Dunlop is helping others follow her lead. ☐

***A New Birth of Freedom,* by Harry V. Jaffa. Rowman and Littlefield, 2000, 550 pages.**

Jefferson, Lincoln, and Bork

Timothy Sandefur

Harry V. Jaffa has finally completed the second part of his powerful study of Abraham Lincoln, which began with *Crisis of The House Divided* in 1957. *Crisis,* the most important Lincoln study of the last century, is the only in-depth analysis of the Lincoln-Douglas debates, and remains Jaffa's most famous book, a classic of political theory and history.

Jaffa is best known as a gadfly of conservatism. After working on Barry Goldwater's presidential campaign — where he wrote Goldwater's most famous line, "Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue" — Jaffa went on to teach politics at the Claremont Colleges in California. A student of the philosopher Leo Strauss, Jaffa has been as virulent in his criticisms of conservatives such as Robert Bork and Russell Kirk as in his criticisms of liberalism. To Jaffa, both sides are increasingly buying into the central premise of tyranny, which he traces to the politics of John C. Calhoun: that society is a primary and individual rights are derivative. This notion stands in contrast to the Jeffersonian view that rights are primary and that government, therefore, derives its just powers from the consent of the governed. It comes as no surprise to Jaffa that conservative followers of Calhoun deride this idea — and the rest of Jefferson's ideas. In books like *Original Intent and the Framers of the Constitution,* and *Storm over the Constitution,* he has developed an incisive critique of conservatism, uncovering its fundamental base of tradition-bound collectivism.

Jaffa is therefore one of the last serious defenders of natural rights on the academic scene. He has presented the most prescient analysis of conservatives since John Stuart Mill called them "the stupid party." Jaffa shows time and again that, led by Kirk and Bork, American conservatism has become "profoundly alienated from [America's] Founding principles."

To the Borkian conservative, society comes first and rights come second. The society may therefore determine to whom it will grant rights, or to whom it will refuse them — as Calhoun said, "It is a great and dangerous error to suppose that all people are equally entitled to liberty." Unlike the Lockean view, which sees social sovereignty as derived from "that equal right that every man hath to his natural freedom, without being subjected to the will or authority of any other man," the Calhounian view sees equality as a highly dangerous notion. Thus Calhoun's modern progeny, such as Russell Kirk, have said that equality was no part of the American Revolution. Kirk claimed that "the Declaration [of Independence] is not conspicuously American in its ideas or its phrases, and not even characteristically Jeffersonian." More emphatically, Irving Kristol stated that Jefferson "wrote nothing worth reading on religion or almost anything else." Harvey Mansfield called the Declaration of Independence a "self-evident half-truth" — this being a bit more charitable than Calhoun, who said simply, "there is not a word of truth in it."

The conflict between the Borkian conservatives and Jaffa's smaller cadre comes down to the fundamental basis of freedom. Bork writes:

> In our view of morality and responsibility, no husband or wife, no father or mother, should act on the principle that a 'person belongs to himself and not others.' No citizen should take the view that no part of him belongs to 'society as a whole.' Under that notion, there would be no moral obligation to obey the law and it would certainly be impossible to draft an army to defend the nation. [Believing that the individual owns himself is] a position of extreme individualism, which amounts necessarily to an attitude of moral relativism. If all that counts is the gratification of the individual, then morality is completely privatized and society may make no moral judgments that are translated into law.

To Jaffa, both liberals and conservatives are increasingly buying into the central premise of tyranny, which he traces to the politics of John C. Calhoun: that society is a primary and individual rights are derivative.

Contrast this with what Thomas Jefferson had to say on the subject:

> It were contrary to feeling and indeed ridiculous to suppose a man

had less right in himself than one of his neighbors or all of them put together. This would be slavery and not that liberty which the [English] Bill of Rights has made inviolable and for the preservation of which our government has been changed. Nothing could so completely divest us of that liberty as the establishment of the opinion that the state has a perpetual right to the services of all its members.

Jaffa sees this conflict at the heart of the Lincoln-Douglas debates. Douglas argued for what he called "popular sovereignty," that the people of the western territories had the right to "decide for themselves" whether to permit or exclude slavery. Lincoln took Jefferson's view: although the Constitution prohibited interference with slavery in states where it already existed, it could not permit the spread of the evil to new territories:

To the Borkian conservative, society comes first and rights come second.

> Judge Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying: 'The white people of Nebraska are good enough to govern themselves, but they are not good enough to govern a *few miserable Negroes!!*' Well, I doubt not that the people of Nebraska are, and will continue to be, so good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other's consent.*

Jaffa's first book focused on the 1858 debates; *A New Birth of Freedom* considers Lincoln from his election to his assembly of a special Congress on July 4, 1861. Once again, Jaffa presents an impressive analysis of Lincoln in the context of Jefferson, Madison, Calhoun, and even William Shakespeare. Of course, few historical figures have suffered more at the hands of libertarians and conservatives than Abraham Lincoln. He was the father of big government, this argument goes, a tyrant who obliterated the constitution, sus-

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pended *habeas corpus*, drafted an army — and heck, was racist to boot, and maybe gay. Some of these criticisms are justified — one can hardly defend such a thing as the military draft, for instance — but many are less so; the Constitution specifically permits the suspension of *habeas corpus* during civil insurrection. And, as Jaffa shows, the general conclusion that Lincoln was a tyrant or a fool is not justified at all:

> Lincoln implies, as does the Declaration itself, that majority rule is for the sake of securing rights possessed equally by the majority and the minority. Whether anyone's rights to life, liberty, or property ought to be protected is not itself supposed to be subject to majority rule. No majority can rightly deprive the innocent minority of life, liberty, or property. As Jefferson put it, "though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression."

This principle provided sufficient cause for the North to liberate the slaves, and thus for the elimination of the Southern "way of life," which denied natural rights and was, as Confederate Vice President Alexander Stephens said, "founded on the great truth, that the black is not the equal of the white man." Yet the Constitution protected slavery in the Southern states. What could have provided the necessary cause, then? The Southern states' assertion of a legal right to secede, and the subsequent attack on a Federal fort. As the Constitution guarantees a "republican form of government" to every state, and the president must "see that the laws are faithfully executed," it became Lincoln's duty to defend the tradition of peaceful presidential succession, and of the Constitution as "the supreme law of the land." Thus the federal government's right to eliminate slavery became a positive duty.

There are some jarringly wrong statements in the book, which one might dismiss as quirks if they weren't repeated so often in Jaffa's other writings, yet they seem unessential to his theory. In one passage denouncing "Progress" (what Karl Popper more accurately termed "historicism") Jaffa has at Friedrich Nietzsche:

> Nietzsche's proclamation that 'God is dead' meant, among other things, that Science now promised everything for which mankind had once turned to God. Unlocking the secrets of nature would unlock the nature of creation, the mystery for which God was no more than a symbol. The piety professed by Calhoun now collapsed into atheism. Why continue to praise God for what man's unaided powers alone can accomplish? The progress of Science meant that mankind now had the power, and the responsibility, of a God who created *ex nihilo*. To be possessed of that power meant that man, like God, was beyond good and evil. Man-kind, or any man who understood the true conditions of mankind and commanded the resources of Science, could now play God or, what amounted to the same thing, become the tyrant of the universe he created. Those superscientists Hitler and Stalin come to mind.

Yet the specifics of these allegations evaporate upon analysis, leaving only a residue of routine conservative antipathy toward science. Since when has science claimed the power to create *ex nihilo*? It has demonstrated precisely that this is not possible — which is why

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conservatives reject science as a conspiracy of atheists. Nietzsche never suggested that science allowed men generally to live beyond good and evil. That's why he said *"übermensch"* instead of *"mensch."* Nor does science lend any more support to Hitler and Stalin than Hitler and Stalin lent to science. They virtually destroyed European science for a lifetime. Hitler denounced relativity as "Jewish science," while Stalin sought to repeal Mendel's laws through Lysenkoism, resulting in starvation and the stifling of Soviet biology. The allegation that science is responsible for the evils of 20th century collectivism is as wrong and as dangerous as the idea that capitalism caused the Great Depression.

Nor is it consistent with Jaffa's own statement, elsewhere in the book, that "'We hold these truths to be self-evident' is an assertion at once of a necessity and of a freedom inherent in reason and nature. It implies a freedom in the mind to apprehend truth, and a necessity in nature, a necessity external to the mind, that determines what the truth is. In the last analysis, freedom is the ability to be determined by the truth." This is right, but the "freedom of the mind to apprehend the truth" *is science.*

Elsewhere, Jaffa says that Calhoun, Hitler, and Stalin were "no more than an inference from Darwin's teaching," and that teaching "condemns the theory of natural rights to the dustbin of history." These are precarious claims. If Jaffa is suggesting that bold perversions of Darwin, by Hitler and others, had evil results, he's obviously right. If he's arguing that evolution is incompatible with any theory of natural rights, then he does not show that this choice is necessary, or indeed that he even understands — let alone, can refute — natural selection as a means of species formation. Like all Straussians, Jaffa's assaults on science are embarrassingly absent of scientific content and thus come off sounding like the postmodernist complaints that life was better before we had all this nasty knowledge. Science has actually shown precisely the opposite of what Hitler claimed. The greatest discovery of 20th century science was made, after all, by a Jew.

Despite these flaws, *A New Birth of Freedom* is an outstanding book, the last chapter of which is especially valuable. In it, Jaffa provides what he calls the definitive critique of John C. Calhoun's politics: "In Calhoun, there is no doctrine of individual rights apart from the positive law of any given community." And thus the primary equality which the Declaration of Independence announces is a lie — as is all that proceeds from it, including government by consent. This seems ironic, in light of Calhoun's popular image as a defender of the states against overarching federal government. But Calhoun did not fight for individual rights — only for the rights of states. Without a state of nature, or primary rights, Calhoun's theory could acknowledge only those rights which are granted to citizens by their society, and those must be carefully kept within bounds to prevent anarchy, the "worst of political evils." Government exists "to serve society, and society 'to preserve and perfect our race.'" The majority of whites, being the superior race, has the right to enslave blacks, and nobody outside that culture had any moral basis to criticize that decision; individual rights are not prior to civil society, and neither is morality. If all of this sounds rather familiar, that's because, as Jaffa says, this politics "is shared by virtually all of the legal profession today, including nearly all members of the Supreme Court." Unfortunately it is also shared by many libertarians; not long ago, *The Freeman* called Calhoun a great constitutionalist.

Walter Williams has bemoaned the loss of the "love, courage and respect for our Constitution [shared by] Thomas Jefferson, James Madison and John C. Calhoun." This is an odd grouping, since Madison spent the last years of his life denouncing Calhoun, and likening his constitutional theory to the serpent of Eden. Others praise the South even more extensively, reminding one of Adolf Hitler's lament that "Since the Civil War the American people have been in a condition of political and popular decay. The beginnings of a great new social order based on the principle of slavery and inequality were destroyed by that war, and with them also the embryo of a future truly great America." Libertarians should read Jaffa's critique before endorsing such shameful principles.

Jaffa is at his best when serving as gadfly, like his hero Socrates. And, like Socrates, Jaffa forces readers through an acidic re-examination of their foregone conclusions, whether historical or political. Even when he is wrong, he forces us to think deeply, carefully, and honestly. ❑

The Life of Thomas More, **by Peter Ackroyd. Doubleday, 1998, 447 pages.**
Lawrence: The Uncrowned King of Arabia, **by Michael Asher. Overlook, 1999, 419 pages.**

The Maverick and the Saint

Adrian Day

Lawrence of Arabia and Sir Thomas More might be considered unlikely candidates for comparison: one an Army officer with a reputation for ferocious cruelty in battle, the other a Catholic saint who persecuted heretics. Yet both men displayed characteristics of particular interest to libertarians. Each had a strong belief in self and in his own beliefs, and each displayed an attitude to authority that was not only skeptical but positively hostile. Each paid for his beliefs and attitudes: Lawrence with his

career, More with his life.

T.E. Lawrence was a remarkable man. Not everyone appreciated this; British army colleague Ronald Storrs called him "reckless, irresponsible, misleading, tiresome, exasperating, maddening" — and Storrs was an admirer. A loner, Lawrence tended to remain aloof, which might well have caused resentment and misunderstanding among his colleagues; nor was he considered brilliant. When a professor made the assessment that there was "nothing which qualified him to be an ordinary member of society," it was not a compliment. Lawrence had such strong and often conflicting aspects to his personality that it would be easy to slide into pop psychology when discussing him. Michael Asher, in his brilliant biography *Lawrence: The Uncrowned King of Arabia,* avoids that trap, though he does offer suggestions on the underlying motives that drove the man. Asher is uniquely qualified to present Lawrence's story: an officer in the SAS parachute regiment, he was the first man to make a west-to-east crossing of the Sahara on camel and foot.

Both More and Lawrence were complex men of ambition, who answered to higher authorities than those of the governments they served — More to his religion, Lawrence to his idealistic view of the Arabs.

Much about Lawrence's early life — how he ran away from school and joined the army while underage, for example — comes primarily from Lawrence's own writings, which causes a problem: Lawrence was notoriously imprecise with facts. But what critics interpreted as falsehoods that proved the unreliability of his testimony, Lawrence considered mere embellishments. In one particular story, he variously claimed to have seen either 100 mules or a camel caravan. To Lawrence, the impressive sight itself remained the most important aspect of his account; the specific number or type of animals was irrelevant.

In spite of such unreliability from a biographical subject, Asher offers not merely a biography but a roaring good adventure. Lawrence instigated and led the Arab revolt during the First World War. He went places no Englishman had ever been and fought battles against a tough enemy in unfamiliar territory with only untrained fighters. His renowned crossing of the An Nafud is all the more remarkable for someone who, until halfway through the war, had never ridden a camel. The famous film "Lawrence of Arabia" is in most respects an accurate if somewhat romantic portrayal of this event. Asher's more factual account retains the dramatic flair of the desert crossing while providing full documentation.

Lawrence was not suited to being a low-ranking British army officer. He had great military instincts, both strategically and tactically, and was frequently at odds with superior officers, finding it easier to fight his own war out of their reach (sometimes deliberately out of reach). He was often put in the position of having to make risky promises to his government's Arab allies. Since the Arabs felt he represented Britain, and that his word was Britain's word, Lawrence felt personally betrayed when he discovered that Britain might not fully carry out his commitments. Later, he felt tortured about having made promises he knew would not be kept. In the end, he resigned from the army, and attended the Cairo Conference as an advisor to King Faisal. Subsequently, he joined the Royal Air Force as a private, using an assumed name. This was Lawrence's method of protest, and a way of removing himself from the world.

Another great dissenter, Sir Thomas More (known as "Saint Thomas" to Catholics), came from the professional classes at the end of the Middle Ages. Novelist Peter Ackroyd's *The Life of Thomas More* sets the political and social context well, with sufficient but not overwhelming detail. More was a lawyer and humanist, and the author of *Utopia.* After joining the court, he rose quickly to become Lord Chancellor, the most powerful figure in England, second only to the king.

For a time, Sir Thomas was a loyal servant, writing powerful polemics against heresy on Henry VIII's behalf, and himself pursuing heretics. However, after the Act of Supremacy became law, More resigned as Chancellor rather than accept various anti-papal acts that had passed Parliament and take an oath confirming Henry's status as head of the Church in England. He did so quietly, but his resignation was widely considered a protest against the supremacy oath. In spite of the advice of fellow martyr John Fisher, who urged More to speak out on the grounds that "silence betokens consent," More maintained his silence almost to the end. He was arrested, imprisoned, convicted, and, in 1535, executed. It is quite appropriate that he was chosen by Pope John Paul to be the patron saint of politicians.

Both More and Lawrence were complex men of ambition, who answered to higher authorities than those of the governments they served — More to his religion, Lawrence to his idealistic view of the Arabs. Each man found that his conscience prevented him from taking full advantage of the glories and trappings at his disposal. Each carried self-discipline as far as self-flagellation. Even as Chancellor, More often wore a hair shirt under his gown and ermine, and frequently beat himself. Lawrence, who drove himself until he bled, arranged to be whipped. This strange self-discipline was a sign of personal independence.

In many respects, both More and Lawrence belonged to an age prior to their own. More was the archetypal late medieval humanist, out of place in the powerful new Tudor state. Lawrence continually harked back to the 19th century, and fought a war that could well have been Victorian. He did not enjoy modern warfare or the new realities of power politics; they seemed too impersonal. Each man stood against his age, and each suffered for his individualism. Their stories will be of great interest to modern individualists.

Fortunately, Ackroyd and Asher provide biographies worthy of their subjects. The writers clearly admire the men they write about, but avoid the common pitfalls of uncritical hagiography or character assassination (or, for that matter, the pseudo-Freudian analysis) that so often passes for biography today. Both books are exceptionally well-written, in addition to having as their subject matter two of the most fascinating men in history. ❑

Letters, *from page 36*

of which McCarthy quotes, was caught lying some time ago when it intentionally underreported the incidence of partial birth abortions. There are always exceptions to every rule but it is the hallmark of modern newspeak, and bad logic, to reason from one exception to all or most cases.

McCarthy has no understanding of the underpinnings of the pro-life position. They wail about ravaged women and rape victims, ignoring the fact the person growing within the woman is an innocent party and must be treated as such. Killing the fetus cannot be a "means to the end" of saving the mother's life, although actions may be taken in difficult cases, which in all probability will kill the fetus, but this does not come under the umbrella of abortion, and is morally blameless to the physician and the pregnant women.

Patrick C. Carroll
Elmont, N.Y.

The Real Reason for the War on Drugs

What the drug warriors don't want anyone to know is that they secretly don't list victory as an objective in their war.

Just remember that the drug czars' jobs depend on the perpetual prosecution of, but *never* a victory in, the drug war. Also, remember that the politicians depend on the drug war and its rhetoric to scare up votes (by scaring voters). The politicians also rely on the drug war to sustain their constituent industries that depend on the economics of prohibition in order to make generous profits and campaign contributions that keep the drug warrior politicians in power and, therefore, keep themselves in business.

Remember what H.L. Mencken said: "The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary."

Myron Von Hollingsworth
Fort Worth, Texas

The War on Masculinity

The campaign against toy guns, would you believe it, is only the latest example of the feminist assault on masculinity. (*Terra Incognita*, October & November)

Feminists ostensibly aim to help people, but, in reality, their main motive is to attack men.

When feminists claim that American women have been oppressed, they are wrong. William Dean Howells said long ago that American women "are far better educated, for the most part, than our men." Max Lerner wrote in 1957 that "the usual estimates are that women control up to 70 per cent of America's wealth." Oppressed? Come on, let's get serious!!!

The truth is, the country is a matriarchy! Unfortunately, many men, especially in the media, are feminized males. (It can be shown that even Rush Limbaugh could qualify as a feminized male.)

Robert E . Walters
Winter Park, Fla.

Shame!

This is to tell you how very disappointed I am in your printing of that stupid article, "The Best Little Whorehouse in Kooskia, Idaho" (November). That certainly lowered my opinion of all of you. And to think I was stupid enough to actually *read* it.

Let's not see any more *trash* in your paper. Give us something to *lift* our moral level — not lower it. *That* is what our government needs more than anything else — *morality*.

Hazel Hansen-Danielson
Shoreline, Wash.

Hare-Brained Politics

David Brin, in his essay "Left-Brained Politics" (December), provides a superb critique of Republican hypocrisy. However, his view of the Democrats is so naive as to strain credulity.

Does Brin really believe that Democrats are sincere seekers after a better world? If so, I've got a bridge I'd like to sell him. The historical record amply demonstrates that Democratic leaders are mostly hucksters inventing imaginary problems to scare the populace into letting the State take more power over citizens' lives. Think of the War on Drugs, the hype over school shootings, the groundless environmental scares. The fact that their tactics have succeeded in gaining them majority support is no reason to respect them. For that matter, even if the Dems are sincere and earnest world-improvers, that raises their moral stature not at all. The Nazis sincerely believed that they could improve the world by eliminating the Jews from it.

Brin also completely ignores the moral dimension of the statist "solutions" for which he credits the Democrats. It doesn't matter whether the FDA, OSHA, etc. are effective programs or not; they are *wrong*, because they violate people's natural right to make their own decisions. If the majority believes that it is acceptable to violate that right in order to "solve real, aching problems," then the majority is mistaken. Rather than pandering to the majority in order to get votes ("Look! The libertarian 'solution' has all the effectiveness with only half the evil!"), we ought to try to convince them of their error.

This was the strategy followed by William Lloyd Garrison, the great abolitionist writer and orator. His radical, uncompromising denunciation of slavery at first struck most people as a fringe "rant," but he kept at it. He explicitly rejected political action and denounced the whole political process as corrupt. Yet he (arguably) had more to do with the enormous change in American public opinion about slavery than his more conventional colleagues, who focused on "pragmatic solutions" like colonization and compensated manumission.

Today, the American welfare-warfare state holds citizens in a subjection that differs only in degree, not in kind, from the evil of chattel slavery. We ought to speak the plain truth about this, rather than worrying about "pragmatic solutions." Yes, comparing modern statism to slavery sounds like outlandish hyperbole to most people today. But the plain truth about the evil of slavery sounded like outlandish hyperbole to most people in 1835.

Nicholas Weininger
Somerset, N. J.

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Terra Incognita

Roy, Wash.

Another dangerous criminal gets off on a technicality, as reported by the Durham *Spectator*:

> A state judge overturned a citation issued against Lisa Alger for owning an unlicensed cat, "Patches." The citation was issued when a Humane Society monitor asked Alger's seven-year-old son the names of their pets. Patches is a stuffed animal.

Washington

Interesting qualification for election to the high office of president of the United States, provided by Socialist Workers Party candidate James E. Harris for the *State of Washington Voters Pamphlet*:

> "In February James E. Harris was part of a delegation to revolutionary Cuba that included six farmers and two members of the Atlanta Network on Cuba. The tour enabled farmers to meet fellow rural producers in Cuba and learn about the advances made as a result of the Cuban revolution."

Vancouver, Canada

Unusual election tactic, reported by CNN:

> New Democratic Party candidate Lorrie Williams was photographed nude for the "Dames Do It for the Homeless 2001" calendar, in an effort to raise funds for a women's crisis center.

Wilkes-Barre, Pa.

Interesting disability claim, as reported by the Wilkes-Barre *Times-Leader*:

> Stripper Patricia Ryan is suing the Cabaret strip club and its owner after she accidentally set herself on fire during a fire-breathing routine in her Sept. 15, 1994 act. Ryan claims that, despite the fact she was able to continue performing the night after the accident, that she had to undergo two-and-a-half years of rehabilitation, that her dancing and modeling career was ruined, and that she must now wear "non-fashionable, conservative" clothes to hide the scars.

Kfar Shouba, Lebanon

The latest round of hostilities between Israel and her neighbors, as reported by Reuters:

> Four Lebanese children have taken a cow hostage after it wandered over the Israeli border. The children have said that they will release the cow once several goats that have wandered into Israel are returned.

Hong Kong

Advance in the science of economic forecasting, as reported in *Finance Asia*:

> Trading on the Hong Kong stock market has become lighter in fear of the anticipated debut of the television show "Divine Retribution," featuring the character Ting Yeah. In what is described as the "Ting Yeah Effect," some traders maintain that previous shows featuring the character have correlated with drops in the Hang Seng index of as much as 5,300 points.

Atlantic City, N.J.

Setback in the War on Crime, as reported in the *Legal Intelligencer*:

> In response to a lawsuit filed by a group of card counters, a panel of judges has ruled that Atlantic City casinos' policy of reshuffling cards "at will" during blackjack games does not violate RICO laws.

Oslo, Norway

Reality TV becomes even more real, as reported in the *San Francisco Examiner*:

> When a man broke into an apartment used for a reality TV program and stole cash and perfume, he denied the act until staff members who apprehended him pointed out the 17 miniature video cameras used to film the program.

New York, N.Y.

Advanced development in New York's gastronomic scene, as reported in the *New York Post*:

> When the Division of Alcoholic Beverage Control attempted to take away the liquor license of La Maison de Sade after a waitress removed her underpants and stuffed them into investigator Mark Yallum's mouth, La Maison defended itself on grounds that "such behavior [is] expected" at the sadism-and-masochism-themed restaurant which features "spanking" and "humiliation" on its menu, and that "it's obvious Samantha didn't expose her genitals during the incident — otherwise Yallum would've noticed that 'she' was a he."

Broken Arrow, Okla.

Advance in public health reported in the *Detroit Free Press*:

> Union Intermediate High School suspended a student for 15 days for causing a teacher to become ill by casting a spell.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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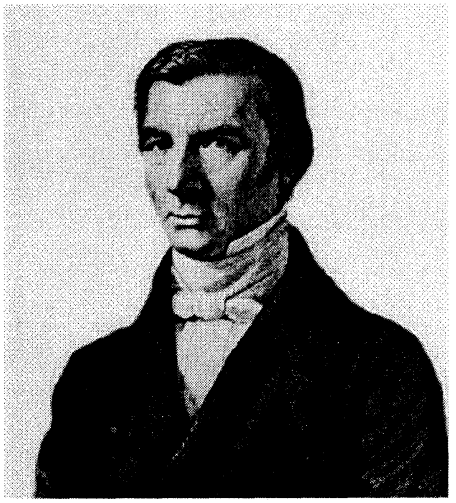

Frédéric Bastiat

Libertarians! Join with us in France this coming July to celebrate the "Year of Bastiat".

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Part of the theme of this world event will revolve around the life and teachings of Frédéric Bastiat, who is probably best known for authoring one of the truly great classic books of libertarian literature – *The Law* – published in 1853.

As added bonuses we will enjoy a grand reception at Mugron where Bastiat spent most of his life, and visit his birthplace at Bayonne where we will place a plaque on his house.

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- **Dr. Donald Boudreaux** (US) president of the Foundation for Economic Education
- **Prof. Madsen Pirie** (UK) President of the Adam Smith Institute
- **Dr. Rigoberto Stewart** (Costa Rica)
- **Benoîte Taffin** (France) Mayor of the 2nd "arrondissement" of Paris and leader of the French taxpayer revolt
- **Anthony de Jasay** (Hungary) author of *The State* (named best book of the 20th century by Murray Rothbard)
- **Prof. Philippe Nataf** (Paris University), international expert on free banking
- Plus many, many more top libertarian luminaries from around the world (too many to list here).

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Letters

Mark Skousen's Strange Economics

Ayn Rand, Mark Skousen writes, "didn't really understand how capitalism works." Speaking through her heroes, she denied "a basic tenet of sound economics — the principle of consumer sovereignty" ("Ayn Rand's Strange Economics," January). Howard Roark, the architect hero of *The Fountainhead*, refused to subordinate his own professional and artistic standards to the whims of prospective clients. Skousen attributes to Roark and thus to Rand a "bizarre, almost anti-social attitude." Hers is the "snobbish attitude" of "artists and intellectuals who bash the capitalist system because they hate the idea of subjecting their talents to crass commercialism and the crude tastes of the common man."

But consumer sovereignty is *not* "a basic tenet of sound economics" — not if it means that the wishes of consumers should always override those of producers. Most sound economists do value a system of free markets and of gains from voluntary trading; but the sovereignty involved (if one insists on that word) includes the sovereignty of workers, entrepreneurs, and even investors. One might better speak of "individual sovereignty," or still better emphasize the principle of voluntary interaction. If an investor wants to avoid helping produce liquor, tobacco, or pornography, or if he wants to share in the perceived glamor of a high-tech venture or of a Broadway play, he is free to do so. People acting in the marketplace do not heed exclusively pecuniary incentives.

Rand's Howard Roark does not try to suppress what he may consider the bad taste of other architects and their clients (though he may hope to raise the level of tastes by his own example). He seeks a *niche* in the marketplace where he and like-minded persons, perhaps only a small minority, may deal to their mutual benefit. Meanwhile, he does not demand subsidies or even sympathy. He supported himself for a while by laboring in a quarry.

Roark is the antithesis of the secondhander, the person who tries to curry favor with other persons by subordinating his own values (if he has any) to the values that others either have or pretend to have. Notable villains in Rand's novels either are secondhanders themselves or exploit the secondhandism of their victims. Roark's character, constructed in accord with Rand's conception of the romantic novel, illuminates secondhandism by contrast.

One form of secondhandism appears in a misconception of "market test," as if success in the marketplace is the test of truth and beauty and general excellence. (Sometimes this test is stretched to cover the metaphorical marketplace for ideas and academic publications; see my articles in *Journal of Economic Perspectives*, Fall 1997, and *Quarterly Journal of Austrian Economics*, Fall 2000.) Such notions risk discrediting the valid case for a free society by misconstruing the market as an entity in its own right that transcends the mere men and women who trade on it, an entity that makes superior judgments even about good and bad. Yet, of course, money can be made by catering even to depraved tastes. The valid case for the free market is quite other than an actual exaltation of consumer sovereignty. A twisted version of free-marketry harms the cause of freedom.

The retreat to Galt's Gulch of the heroes in *Atlas Shrugged* violates, says Skousen, the money-making imperative that drives business people in the real world, who wouldn't give Rand's John Galt the time of day. Well of course Rand's heroes do not behave altogether realistically. They exhibit the virtue of integrity in exaggerated degree. Skousen apparently does not understand or does not appreciate Rand's avowedly romantic style of fiction. (With this reader, however, her style is effective and makes for gripping reading.) The consequences of the heroes' retreat to the Gulch — Atlas's shrugging — also helps make the point about how much the functioning of a country's economy depends on the work of the creative minority.

Admittedly, I would not have recommended Ayn Rand as teacher of college courses in economic theory. Her grasp of the subject was apparently unsystematic and incomplete. But she did convey profound insights (as Skousen recognizes, if only obliquely). She understood that creative entrepreneurs are the engines of progress. They go beyond merely meeting the wants that consumers already have. They envision wants that consumers may come to have once hitherto unimagined means of satisfying them are in place. They and their providers of finance *invest*: they incur losses and bear risks in hope of long-run profits — and also for the joy of creation. Roark behaved that way in his own career. The denizens of Galt's Gulch were, in part, investing in the hope of returning to and prospering in an economy freed of the shackles forged by the small-mindedness hitherto prevailing.

Even if her understanding of money — macro theory, in particular, was incomplete — Rand in *Atlas Shrugged* did recognize the primacy of production over mere demand; she had a glimmer of a nonfallacious and important version of Say's Law. As for money, she put a moving impromptu speech on its moral significance into the mouth of Francisco d'Anconia. Money is both tool and symbol of a society where productive men and women benefit from and contribute to one another's excellences, voluntarily trading value for value, instead of trying to live by looting or wheedling. Rand and her followers adopted the dollar sign as a symbol of such a society.

Paradoxically for the eminent Austrian economist that he is, Skousen in effect faults Rand for not having a static, Walrasian vision of the economic system and of business people's role. But Rand was no screwball on economics.

Leland B. Yeager
Auburn, Ala.

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Inside Liberty

February 2001
Volume 15, Number 2

2 **Letters** The wrath of our readers.

7 **Reflections** We hang our chads, perform an autopsy on Al Gore, celebrate the wisdom of crafty, dead, white guys, demythologize the Supreme Courtiers, and tell how to boil a frog.

Features

21 **Beasts in the House** *Sarah J. McCarthy* wonders what you do when there's a donkey in your living room and an elephant in your bedroom.

23 **Electoral Theology** Politics is becoming less and less about bread-and-butter issues and more and more about religious matters. *Robert H. Nelson* wonders how this will change our lives.

25 **A Sign of Progress?** Libertarian Party candidates for Congress got more votes in 2000 than any fringe party has ever received before. But when the vote is examined closely, the news isn't so remarkable, observes *R. W. Bradford.*

27 **Letter from Athens** Twenty years ago, left-wing radicals occupied the streets. Today, demonstrators clutch crucifixes, hoist the Greek flag, and demand an exit from Europe, reports *Leon Hadar.*

29 **Know Your Enemy** Sometimes, it's not a good idea to give your enemy the benefit of the doubt, argues *Edward Rahn.*

31 **The Unacknowledged Premise** A secret belief can make discussion impossible; *Robert H. Formaini* explores the implications.

33 **How to Make a Freer World: A Symposium** *Randal O'Toole, Steve Dasbach, Jacob Hornberger, Jane Shaw, David Nolan* and others suggest some strategies.

48 **'Twas a Night in December** *Daniel Schwarz* recalls some strange night visitors.

49 **Our Enemy, the Statists** *Martin M. Solomon* explores the thought of a great libertarian writer.

51 **How to Succeed With Women** First, go to your mailbox, *Bob Higgs* explains.

Reviews

53 **The Abuse of Science** *Leland Yeager* looks at junk science, pseudo-science, and scientific fraud.

55 **Vietnam, After a Quarter Century** There are still lessons to learn, says *Timothy Sandefur.*

58 **The Natural Economy** *Pierre Desrochers* looks at Jane Jacobs' new book, which argues that economics is as simple — and as complicated — as Nature herself.

56 **Notes on Contributors** The folks who fill our pages.

62 **Terra Incognita** The world only gets weirder.

Misunderstanding Rand

Mark Skousen misunderstands Ayn Rand, capitalism, and most surprisingly economics in his "Ayn Rand's Strange Economics." Skousen gets his economics wrong when he states that "the principle of consumer sovereignty" is "a basic tenet of sound economics." Nonsense. Has Skousen forgotten that prices are determined by demand *and* supply? Supply, as he must know, is determined partly by the disutility of work. Garbage men, for example, must be paid more than workers of similar skills because of the relative disutility of their work — Economics 101. As Murray Rothbard explained in *Man, Economy, and State* the true principle of the market is not consumer sovereignty, which Rothbard attacks both as a descriptive and prescriptive ideal, but individual sovereignty. Needless to say, the characters in Rand's novel illustrate the idea of individual sovereignty just fine.

Alexander Tabarrok
Oakland, Calif.

Check Your Premises

Mark Skousen should have read a little more of Ayn Rand. He would do well to follow her advice to "check your premises."

Howard Roark, as Ayn Rand made clear — to everyone without the very constricting economic blinders worn by Mr. Skousen — worked primarily for the love of creating and for the pride of accomplishment; money was clearly secondary for him. His clients enjoyed his creation nearly as much as he did, but they were required to compromise their control as partial payment for his un-compromised creativity.

Skousen is simply unable to comprehend that fact. And he apparently does not notice that nearly everyone does the same thing. Money is only a part of our reason for doing much of what we do. That in no way detracts from economics or the work of Adam Smith, but it does make things a little more complicated than Skousen is able to appreciate.

Erne Lewis
Olympia,Wash.

Off Target

William Merritt ("Second Thoughts," January) asks whose right is it to keep and bear arms. He has an answer, but it is not quite correct. He points to the first clause, "A well-regulated militia being necessary to the security of a free state" for a clue. The problem is that it is only a declaration of face and places neither constraint nor qualification on what follows. See Federalist #29 for "who is" and "how to" regulate a militia.

The right of the people to keep and bear arms is protected by the Second Amendment. When Merritt questions who constitutes the "people," he ignores the rest of the Constitution. He will find that it is the "people" who elect the members of the House of Representatives. If the Constitution is to have any any meaning, the people of the Second Amendment *must* be the same people mentioned in Article I, Section 2.

Surely Mr. Merritt does not suggest it is only the Black Panthers and Aryan Nations who make that choice. Or does he?

Bruce Erickson
Rancho Palos Verdes, Calif.

Third Thoughts on the Second Amendment

William Merritt bases his argument on how the term "people" is employed in the Ninth and Tenth Amendments, where the term refers to a collective right. However, the term's use elsewhere in the Constitution is not so constrained. The Fourth Amendment, for instance, declares: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." Contrary to Merritt's position, "people" in the Fourth Amendment has been construed, repeatedly and without confusion, to secure individual rights, rather than merely a collective one. The term's plurality is, therefore, not controlling of its application. Consideration of the objective terms used in the Bill of Rights (e.g., "the accused" in the Sixth Amendment, "the right of trial by jury" in the Seventh Amendment) and their subsequent interpretation as indicative of personal rights suggests that it was generally individual rather than collective rights that the founders were protecting from the central government.

Merritt also contends that the Second Amendment's construction lends support to a collective interpretation, rather than an individual one. It does not. On strictly structural grounds the close parallelism between the Second and Fourth Amendments ("the right of the people . . . shall not be infringed," "the right of the people . . . shall not be violated") renders illogical a collective interpretation for one and an individual interpretation for the other. What works for the Fourth Amendment works for the Second.

As for the Second Amendment's clauses and their meaning, Merritt's own words weaken the case for a collective interpretation. He provides a brief but useful recap of the "right to organize into a militia," and is careful to distinguish a "militia" from "the military," a distinction of which the founders were acutely aware. However, he apparently considers it self-evident that only as a body of people do Americans possess a right to keep and bear arms. This conclusion is inconsistent with the plain meaning of the historic statements Merritt supplies (e.g., "Englishmen had been forming themselves into militia since at least 1690, when nobles and, later, everyone else, were required by law to keep and bear arms"), as well as with his own statements (e.g., "men who had just used their personal arms to rise up and throw off the greatest army on the planet"). He seems to have all the pieces, but lacking an appreciation for what constitutes a militia, he does not fit the pieces together. The term "militia" refers not to regular soldiers nor to police, but to ordinary citizens, from whose ranks a militia was drawn, and who were expected to show up with their own arms when called to service:

> The sentiment at the time [the Constitution was ratified] strongly disfavored standing armies; the common view was that adequate defense of country and laws could be secured through the Militia — civilians primarily, soldiers on occasion. . . .[O]rdinarily when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time (United States *vs.* Miller, 307 U.S. 174, 178 (1939).

The Second Amendment guarantees the citizen's right to keep and bear arms in order that he may fulfill the requirements respecting a militia, which as Merritt concurs, is distinct

from a standing army or some other body subject to regulation and control by the central government. The Second Amendment was constructed as it is expressly to embrace the individual right to keep and bear arms, because a militia so construed was defined by the founders as the only "proper, natural, and safe" defense of a free state.

To accept the right to keep and bear arms only as a collective right might serve the purposes of a state, but it could not be the free state the founders intended. To the extent that we've bought into this line of reasoning and let the government abridge our freedom to exercise this individual right, we've departed from the Founders' vision, and thus have become citizens of a commensurately less free state.

Brian Halonen
Weyers Cave, Va.

Another Satisfied Reader

What has happened to *Liberty*?

Does not the editorial staff filter through the submissions as to what is acceptable for a pro-liberty periodical? Must be slim pickings these days when you allow the likes of William Merritt's article about the Second Amendment into your pages.

Either that, or *Liberty* is headed-up by communists in disguise, letting such post-modernist newspeak to slip between the covers of what is supposed to be a serious and thought-provoking journal for libertarian study, and gradually — in an ever-so-Fabianistic way — proclaim that liberty is really communism after all.

Merritt's article is an anti-liberty tirade, and a thinly-veiled assault on the essence of self-defence.

If I were to sum up that "piece," I would refer to it as "back door Marxism," simply because of Merritt's collectivist spin on the term and essence of "people," as he defines the term. Indeed, if we were to apply his particular connotation to every aspect of where the term is used, why then only groups of people would be able to vote, or do anything at all. Talk about the disenfranchisement of the individual citizen!

The very essence of the term "right" is spoken of in the every source from which the American Constitution finds its validity, as being uniquely individual in their character. There is no such legal device as "group rights." There are powers, but not rights. And his inference that the Tenth Amendment is about group rights is as absurd as one can get. One need only look to the United States *vs* Verdugo-Urquidez to discover just where the individual is concerned.

If you are an individual at odds with the government, in Merritt's world, you are screwed. To infer that there must be more than one person to claim a protection under a right, then no person would be safe, for the government could well proclaim we must all possess membership in an organization of one type or another, in order to appeal to any of those rights. Taken on

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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From the Editor . . .

Politics pervaded the news for the past month, thanks to Al Gore's decision to invade Florida with an army of lawyers intent on snatching the election. And politics dominated talk among libertarian activists, thanks to the abysmal showing of the LP presidenticial campaign. So I hope you won't be surprised to see a fair amount of political discussion in this issue of *Liberty*.

For reasons I cannot quite fathom, I found myself rooting for George Bush during the post-election wrangling. Intellectually, I was convinced that Gore would be a better president, since he would have a hostile Congress unlikely to pass any of his idiotic agenda, while Bush, operating as a "uniter, not a divider," would likely show his moderation by getting fractious Republicans in line to enact half of Gore's proposals. But my heart was never in it, probably because I simply didn't like the idea of someone stealing an election, even if he did so by quasi-legal means.

I know that everyone but true-believer Democrats is sick of Gore, but this is our last opportunity to kick him around for a while, and we want to take advantage of it. We're now far enough from the election to try to gain some perspective on the meaning of the Gore campaign. Toward that end, I particularly recommend Steve Cox's reflection (p.7), Sally McCarthy's exploration of why we invite political beasts into our homes (p.21), and Bob Nelson's discussion of how American politics is transforming itself into a public religion (p. 21).

Last month, after analyzing the dismal failure of the Libertarian Party presidential campaign, I invited readers to consider the possibility of rethinking the whole issue of political action. The response was substantial, ranging from tinkering with the third party strategy to entirely new strategic approaches. The discussion of this issue begins on page 33 and will be continued in our next issue.

Happily, the presidential "crisis" is behind us and we can turn our attention to more important matters than which son of a politician will inhabit the White House for the next four years. Turning our focus to less profane objects, this issue of *Liberty* visits Greece with Leon Hadar, who finds things revolting in Athens; goes to the mail box with Bob Higgs, who finds a sure-fire way to succeed with women; discovers, with Robert Formaini, why it's so hard to argue with some people; explores, with Ed Rahn, the weird motivation of today's so-called "liberals"; and celebrates a visit from friends in government with Dan Schwarz.

In our review section, Leland Yeager takes a look at voodoo science, Tim Sandefur re-examines the Vietnam war, and Pierre Desrochers digs into Jane Jacobs' new book on the nature of economics and the economics of nature.

As always, we whet your appetite with *Reflections*.

R. W. Bradford

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the thin edge of equivocation, the only time any person would appeal to any right would be strictly under clause three of the First Amendment: the assembly clause. At no other time could a person be armed, not even on the way to such an event.

Imagine: every organization must meet some form of government approval, and the organization would be limited to only a certain maximum membership: The National Guard by any other name. Guess who loses out?

Ultimately, one wonders if Merritt even bothered to read the initial words put to paper by James Madison, of the original proposition for the amendment in question. One also wonders if he even knows of Tench Cox, the most preeminent political commentator of the period in which the Constitution was written. And, since there survives no credible disputation regarding Cox's writings from *any* of the Founders regarding the holding of the Second Amendment being an individual right, well, I can only surmise that there must have been one hell of a conspiracy to eradicate such literature, or Cox was spot on in his words.

Since the magazine *Liberty* seems intent on allowing the likes of Merritt to see the light of day, don't for even an instant think that I will renew my subscription. I refuse to subsidize willful ignorance, communist propaganda, and Fabianism.

E. J. Totty
Everett, Wash.

Self-Esteem and Cigarettes

Michael Edelstein nicely debunks the cult of self-esteem ("The Trouble With Self-Esteem," January). But he neglects to debunk some of the evidence that he cites. Edelstein refers to an Iowa State University study showing that smokers with high self-esteem "have difficulty admitting their behavior has been unhealthy and/or unwise," and fail to quit smoking. The psychologists who drew these conclusions based them on the silent assumption that the smokers cannot reasonably decide that the benefits of smoking outweigh the risks. That assumption is widely shared but not proven. The benefits of smoking may outweigh the risks. I believe that smokers easily admit that their behavior is unhealthy but do not choose to quit.

In fact, the history of smoking's popularity shows that large numbers of smokers did not quit when the health hazards of smoking became known and that large numbers of smokers did quit when smoking became taboo. Maybe the smokers who won't be shamed into quitting have high self-esteem.

Michael Christian
San Diego, Calif.

Making Your Vote Count

I'm curious why Yeager even bothered to vote. "I felt free to vote for Harry Browne," he wrote (*Reflections*, January), because Alabama was "safe for Bush." He then indicates that had this not been true, he would have voted for Bush. This seems to say that he would only vote for Browne if that vote didn't matter. If the vote doesn't matter, why waste the gas to go to the polls?

The closer a political race is, the more important it becomes to vote for the candidate you most want. Look at Ralph Nader. Had all of his voters voted for Gore, then Gore most likely would have won the election. However, by Nader possibly costing Gore the election he is now forcing the Democrats to give his faction more consideration.

Unless one truly believes that there will soon be a Libertarian President we can only make our voice heard through small victories similar to the Green Party's.

Deryl Garland
Lansing, Mich.

Austrian Economics Is Not Doctrinaire

David Ramsay Steele's reply to my letter (January) asserts that I called him a "positivist." I didn't. I said simply that he urged young economists to forsake an aprioristic approach for positivism, which is what in fact he *did* urge. To his larger assertion that I hold that *only* the aprioristic method can generate real contributions in economics, where or where did I ever say that? I have never said nor implied that in any of my writings, ever. Indeed, all of my 30 odd years of work in antitrust economics and case analysis refutes that smear. I did say that a deductive approach can yield important contributions and that if it can, why call it "mis-

continued on page 24

Reflections

Nothing left but arrogance — When I was 12 years old, I was fascinated by a picture I found in a world history text. It showed Marie Antoinette sitting in the tumbril, on her way to be guillotined. The Queen was obviously in very unfortunate circumstances, but she kept her chin up, literally; and she even managed a haughty, sarcastic little smile. As a caption for this picture, the writers of the textbook — covert sympathizers of the French Revolution — supplied the cruel words, "Nothing Left but Arrogance."

I remembered that caption on the night of December 13, the night when Vice President Gore was finally dragged through the streets of videoland and forced to concede the presidency. Certainly, there was much less reason to pity Gore than there was to pity Marie Antoinette; but if there was arrogance in the one case it was fully matched in the other.

Albert Gore, Jr., was raised to consider himself a prince who would naturally become a king (a recent Gore biography is even entitled *The Prince of Tennessee*), and his manners suffered accordingly. Besides the ill-fated French queen, the figure with whom I automatically associate Gore is the character in *Candide* who is so arrogant that everyone who meets him feels the impulse to hit him.

But let's take a broader view of the subject. It's not just Albert Gore, Jr., who has nothing left but arrogance; it's his whole party.

The only economic ideas that the Democrats have going for them are hand-me-downs from the Great Society and, before that, from the New Deal and, before that, from the Technocracy movement of the late 1920s and, before that, from the populists and "democratic socialists" and, before that . . . This intellectual suit of clothes wasn't particularly good to begin with, and it's now looking very much the worse for wear. In fact, it's in shreds — totally discredited.

Not much better preserved are the Democrats' political ideas, which were tailored to fit their economic ones. Because Democrats believed in economic and social Planning, they also believed in the supremacy of economic and social Planners — in the sovereign rights and perquisites of such experts as Albert Gore, Jr., fancies himself to be. These experts assumed that they could create economic opportunity and social equality if they could just gain full power to tell everybody else what to do. Gore's ridiculous claim to having invented the Internet was merely a deduction from this naive political philosophy: if something good gets done for the People, it must be government Experts who get it done.

Now that almost everyone understands that almost nothing really works the way the Experts used to think it did, precious little remains of the Democrats except the social attitudes and customs that accompany their obsolete ideas. Notice that the Democratic leadership consists largely of people who derive their influence from positions in steeply graded social hierarchies: union officials, college professors, inheritors of large fortunes, scions of politically established families, church officials, and bosses of ethnic or gender-related movements in which the leadership of the few is enforced through rigid suppression of the many. Notice also that the Democratic Party holds the loyalty of its core constituencies — blacks, gays, unionists, single women, Social Security pensioners — mainly by issuing dire warnings about these people's inability to survive without the protection and superintendence of the almighty Party.

These preposterous threats are a measure of Democratic arrogance. But the best measure of a person's arrogance is what he thinks he is entitled to get away with. In this department, Marie Antoinette was nothing compared to the Democratic leadership.

Who but a Democratic leader of the year 2000 would use a presidential debate to tell silly, useless, and (above all) readily checkable lies, without any apparent inkling that he, like some mere mortal, could possibly suffer damage from this performance — and then go on to tell dozens of other silly, useless, and readily checkable lies in the course of his campaign?

Who but a Democratic leader of the year 2000 would call his campaign "a fight for working families" — while bragging about his full participation in the Clinton regime, a regime characterized by unparalleled domestic scandals and ramrodded by the two bickering members of a notoriously dysfunctional family, one of whom had never worked a day in his life?

Who but a Democratic leader of the year 2000 would propose several trillion dollars of spending increases — while claiming to be a fervent advocate of "small government" and promising not to add "even one person" to the federal

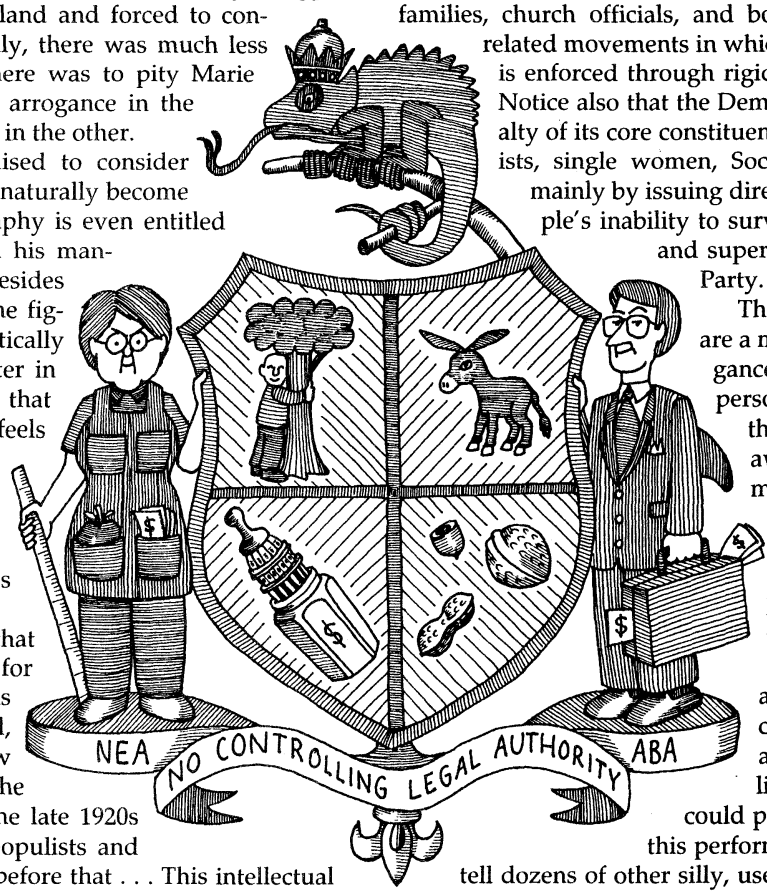

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Who but a Democratic leader of the year 2000 would lecture the nation about the necessity of "turning down the volume" of public debate — while operating a campaign run by people who called themselves "the Killers" and their place of business "the Slaughterhouse"?

Who but a Democratic leader of the year 2000 would do all these things and still seem honestly to believe that he was fully entitled — even morally obliged — to do them?

Unfortunately for the Democrats, however, arrogance is something that few people approve in others. One of the Democrats' best weapons against Bush was the sneeringly self-satisfied assertion that his face sometimes assumes a sneeringly self-satisfied expression. Meanwhile, it was Gore's arrogance in debate that, more than anything else, antagonized large numbers of voters who were otherwise satisfied with the Clinton-Gore administration.

Arrogance, indeed, constitutes one of the Republicans' best weapons against the Democrats, if the Republicans can ever manage to understand that fact.

During the months ahead, the Democrats will try to destroy the Republicans by calling them thieves, racists, rightwing cranks, dumbies, and everything else they can think of. They will continue to describe themselves as the only salvation of America's weak and pitiable masses. I hope that the Republicans will not respond, as they usually do, by saying, "We're really *not* thieves, racists, and rightwing cranks! And we *are* smart! Just as smart as anybody!"

I hope they simply say, "You're right; we're not smart enough to tell you how to live your life. That's been tried, and it didn't work. But if you want to try it again, please vote for the Democrats. They know what's best for you — and if you don't believe it, just ask them." — Stephen Cox

The counting game — Al Gore had one honorable option after George W. Bush had won Florida's machine recount: to count all the votes. That meant a statewide manual recount with uniform standards. Gore never took that option. Instead, he asked for manual recounts in three counties that

Liberty Live . . .

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How Environmental Regulation Prevents People From Protecting the Environment — Environmental economist Rick Stroup explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (audio: A402; video: V402)

The U.S. Forest Service: America's Experiment in Soviet Socialism — The country's premier expert on the U.S. Forest Service, Randal O'Toole, tells a sad tale of excessive road building, clearcutting and the strangling effects of Soviet-style centralized decision-making. (audio: A403; video: V403)

Environmental Religion in the Schools — Author Jane Shaw explores how schools indoctrinate children in the New Religion of Mother Earth. In this religion, wealth and production are among the deadly sins. (audio: A404; video: V404)

The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Advancing Liberty in the Courts — Washington Supreme Court Justice Richard Sanders explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (audio: A406; video: V406)

A Libertarian in Congress — The sole libertarian in Congress, Ron Paul, on the art of building coalitions and on how he led the effort to slay the privacy-invading Know Your Customer regulations. Hear him recount the history of the Social Security number as an identifier, and learn how laws on immigration, welfare reform, and health care are shredding your privacy. (audio: A407; video: V407)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Al Gore's War on Freedom and Mobility — Al Gore hates the internal combustion engine. If he gets his way, America's cities will look a lot more like the cities of communist Europe, so says Randal O'Toole. (audio: A409; video: V409)

Share the Excitement !

Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

Contracts and the Net — The Internet will reshape contract law, argues David Friedman, at the expense of judicial power. Learn how netizens are developing institutions to allow for private litigation, and hear how arbitration and reputation loss are actually more potent on the Net than in real space. (audio: A411; video: V411)

How to Write Op-Eds and Get Them Published — Join former *Business Week* editor Jane Shaw, *Orange County Register* senior columnist Alan Bock and *Seattle Post-Intelligencer* business reporter Bruce Ramsey for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; video: V412)

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? — David Friedman explores how economics and law relate to each other and to libertarianism. (audio: A413; video V413)

Urban Sprawl, Liberty and the State — Urban sprawl may turn out to be one of the hot-button issues of the next election. Learn why environmentalists want you caged in cities, and how they plan to do it, with Jane Shaw, Richard Stroup, Fred Smith, and Randal O'Toole. (audio: A414; video: V414)

My Dinner With James Madison — Scott Reid views modern America through the eyes of a Founding Father. Our Madison discusses some little known alternatives considered at the Constitutional Convention, and why they would have been better for freedom. (audio: A415; video: V415)

The New Liberty and the Old — R.W. Bradford explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (audio: A416; video: V416)

Using the First Amendment to Smash the State — Durk Pearson and Sandy Shaw tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees, and share their secrets for successful litigation. (audio: A417; video: V417)

Making Terror Your Friend — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition.The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Juries, Justice and the Law — Fully informed jury activist Larry Dodge explains the history and the importance of jury nullification, including efforts underway to increase the power of juries. (audio: A420; video: V420)

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he had won almost 2 to 1 — Volusia, Broward, and Palm Beach — plus Miami-Dade, a big county he had won by a less overwhelming margin. To tilt the odds more in his favor, Gore asked the canvassing boards of Broward, Palm Beach, and Miami-Dade, which used punch cards, to count "dimpled chads." Broward was the only one that did; had the other two done so, Gore might have stolen the election.

In mid-November, Gore proposed in a speech that he and Bush accept a recount in all of Florida. Bush didn't agree, and that was that. Gore never asked to recount all of Florida. In the first Florida Supreme Court case, one of the justices asked Gore attorney David Boies whether a statewide recount was necessary. Boies said it wasn't. In the second case, a justice asked Boies again: What is the difference between these four counties and the 63 others? The difference, Boies said, was that we *contested* these four counties. When, on Dec. 8, with only four days left for choosing electors, the Florida Supreme Court ordered a manual recount in all 67 counties, it was because one justice had insisted on it as his price of joining to make a majority. The Gore campaign had not asked for it.

The question was left hanging: were dimpled chads votes? If not — and they are not, in my state and many others — then a few hundred votes from Broward had to be tossed out. But the court didn't toss them out. And it declined to say whether dimples were votes in the other counties. For that violation of "equal protection of the laws," the Florida court got punched out 7-2 by the U.S. Supreme Court.

The Gore campaign endlessly repeated the slogan, "count every vote, and make every vote count." *Counting* assumes that you know what a vote is. "Every vote" means votes in all 67 counties. Every vote also includes the military absentees and the absentees in Seminole County. Well, Gore didn't mean it.

The morning after he conceded, the *New York Times* said his mistake was that he never asked, early on, for a full recount of all Florida. This was presented as a tactical error. Perhaps; but maybe it was calculation. Bush won 20 of the 27 counties that used punch cards. At month's end, after four large Gore counties had been heavily mined, Bush was still ahead, and the counties he won were still virgin territory.

In any case, Gore never wanted to count all the votes. He just wanted to win. — Bruce Ramsey

In his father's footsteps? — The emotional high point of Al Gore's high-minded concession speech was a quotation of his father's sage observation about his own defeat at the polls in 1970: "Defeat may serve as well as victory to shake the soul and let the glory out."

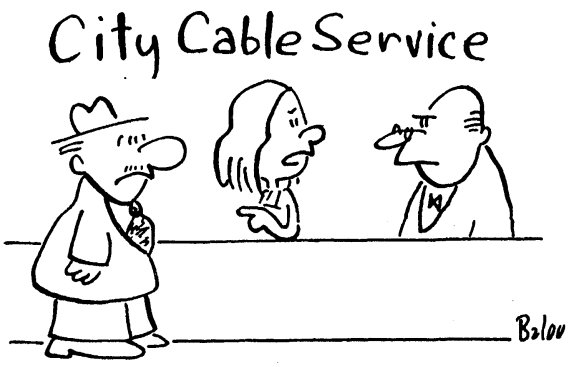

"Sir, this horrid little man wants to sign up for the Playboy Channel."

Not surprisingly, given Gore's history of embellishing the facts, reporters for the *Nashville Tennesseean* immediately began a search of the newspaper's back issues to discover whether Albert Gore the Elder had ever uttered these words. I was even more doubtful about this literary question than the enterprising reporters for the *Tennesseean;* not because I had more confidence in Albert the Younger's habitual mendacity, but because the purported quoted observation had a distinctive 19th century cadence.

So I did a search of Al Gore's invention, the Internet. In 0.11 seconds, I found the passage quoted on over 50 websites. Not surprisingly, most of these sites were quoting Al the Younger, who had previously quoted this specimen of his father's wisdom at Gore the Elder's funeral in 1998. But there were several other references, mostly from on-line collections of sentimental quotations, websites with names like livinglifefully.com, gospelcom.net, and motivateus.com.

These attributed the line to Edwin Markham. So also, quite drolly when you think about it, did a certain Department of Justice website.

Markham, as anyone of my generation who sweated through high-school English will recall, was a sentimental left-wing American poet whose most famous work is *The Man With a Hoe,* in which portrays the laboring class as brutally and hopelessly degraded by the economic system, and he warns the "masters, lords and rulers in all lands" to fear the day when "this dumb Terror shall rise to judge the world." Obviously, this was before the Clinton-Gore administration saved capitalism, but Markham's tone of apocalyptic whining is perennially attractive to people like Gore: witness the latter's campaign speeches.

"Markham's work," William Rose Benét observed, "is not considered by critics to be distinguished by any important literary value."

Is this merely another case of Al Gore's tinkering with the truth, or was he taken in by plagiarism committed by his father? We all recall that Al the Younger was raised to be the perfect politician — though he always seemed to me to be more a Disney-engineered auto-animatronic imitation of a politician. Whether by example or by direct instruction, his training may have included the art of plagiarism.

Plagiarism is, after all, a popular and effective political tactic. You'll recall that when Sen. Joe Biden ran for president in 1988, he plagiarized both a campaign speech and his life story from British politician Neil Kinnock. The sainted Martin Luther King plagiarized much of his famous "I Have a Dream" speech from a sermon delivered by an African-American preacher at the 1952 Republican National Convention. Both of these plagiarisms were ultimately found out, but Joe Biden remains a respected member of the world's most august deliberative body, and I've seen no movement afoot to quash the national holiday that celebrates the life and work of the Rev. Dr. King. — R. W. Bradford

Goodbye and good riddance — Most of my lefty friends were pissed at Nader for taking votes that might have gone to Al Gore. Libertarians should be pissed at Nader's snotty refusal to debate Harry Browne, with whom

he intellectually shared so much: decriminalizing recreational drugs, exposing how large corporations corrupt government, opposing American foreign aggression, etc. Nader deluded himself into thinking he was a serious candidate with a chance of winning who should thus debate only Gore and Bush, rather than, like most third-party stars, becoming the most visible publicist for important alternative ideas. For his egotistical hubris, Nader lost everything — not only votes during the past election but present respect from those who would otherwise be predisposed to him. Sayonara, Ralph.

— Richard Kostelanetz

Ominous parallels — The son of a president loses the popular vote but wins the electoral college in a contentious election: despite the similarities, I still have the nagging feeling that George W. Bush is no John Quincy Adams. — John Haywood

Voter profile — Al Gore seems to be claiming that all the befuddled, incompetent, and stupid voters in Florida were supporters of his. Maybe he's right! — Sheldon Richman

The virtue of neglect — I grew up in Ohio where social studies were taken pretty seriously. To this day I remember a fascinating lecture on executive neglect. The way the teacher explained it, the legislative branch could authorize the executive branch to do something, but it couldn't really force it to do anything. What this means is that the legislature could pass a law, oh, say, to round up all the Jews. It could prescribe procedures and budget the money. The cool thing is there is nothing the legislature could do to force the executive branch to carry out the law. Executive neglect means that the guys with all the guns and jails and internment camps and other really dangerous stuff could just say: "Oh yeah, round up the Jews; well, we're a little behind schedule on that one, but we should get to it soon." Then they could just blow it off. I really like executive neglect because it's a lot like Robert De Niro furrowing his brow and saying "You talkin' to me?" After all, since the executive branch does have all the guns and jails and stuff, it seems like anybody is walking on awful thin ice ordering it to do anything.

This was an important principle in the checks and balances instituted by all them dead, white, European guys. I gotta admit, them guys look smarter to me every day.

So now I'm thinking about this Katherine Harris gal down in Florida. It's obvious the media was able to cut and paste all the nasty things they said about Gennifer Flowers and any other perceived female enemy right into the latest press about poor ol' Kathy. What I need to understand is who does Kathy work for? I figure that Secretary of State is an executive-branch job, so if she felt like it she could blow off the legislature's instructions and not do anything. But let's assume for the moment that she's not feeling too spunky or anything so she just wants to do her job. The law says she's got to certify the election by a certain date. Now, what I can't understand is how the Supreme Court of Florida can tell her what to do. I mean, doesn't she have the exact same right to say "You talkin' to me?" to the judicial branch as she does to the legislative?

I guess what I'm asking is who died and made the judicial branch king? If I was Kathy, I would have told the court to kiss my ass. Look, a big principle in business and military is the unity of command. You only have one boss to please. Her boss is dear ol' brother Jeb and, being a team player, all he wants is for her to follow the law as set down by the legislature. The legislature has made it very clear that she is to certify the votes by a certain date. Now, if the court wants to change that, they will need to get the executive branch, I assume via the attorney general, to send in the guns and cops and attack dogs to prevent Kathy from doing her sworn duty

So now I'm really wondering about forced bussing and all this other judicial activism stuff. Doesn't it really require a pantywaist executive branch to go along with all this crap? I would figure the founders wanted a best two out of three system where the judiciary could request the executive do something, but then it only would get done if the executive agreed and the legislature couldn't whip up a new law. Sounds like perfect gridlock to me. Like I say, them dead white guys seem smarter every day.

— Paul Rako

A journalist's lament — I was sorry it took so long to clear up this presidential election thing. I needed to know whom to criticize. — Sheldon Richman

Toasting the French — In a bold step towards gender equality, the French National Assembly lifted a ban on women working at night in industrial jobs. Amazing. Apparently the program of "liberty, equality, fraternity" has reached implementation stage after only 211 years of delay. What dramatic reforms will they come up with next? Permitting French retailers to set their own hours of operation? — Andrew Chamberlain

Chadtastic! — The word "chad" used to be an arcane piece of technical jargon only bandied about during an election by those behind the scenes. The average citizen only knew it, if at all, from easily forgotten ballot instructions. But thanks to recent events, "chad" will enter the language at large.

Much as it will be missed as jargon, I hope that the term will be readily applied in the arena of slang. I don't think that

old favorites like "He couldn't find his ass with both hands" will fall into disuse because of arrival of "chad," but it does have promise. It could come to mean something small, insignificant, and worthless. "I couldn't give a bag of chads what you think!" has a certain rhythmic quality to it. Extending this would lead to the derogatory term "chad counter," or one who focuses on small and relatively unimportant details to the exclusion of the bigger picture.

The term "chad dimpler" could signify a weak, ineffectual milksop characterized by vacillation and indecisiveness. How would you respond to the charge that you "couldn't dimple a chad"? There would be "chad cheaters" who, being denied bigger prizes, content themselves with petty swindles and lies. "Well, I was late because I asked a chad cheater for the time." And the possibilities multiply — "fat chad," "chad of gold," "chad bonanza" or (my personal favorite) "chad-hanging close." At least something worthwhile came out of this fiasco. — Eric Raetz

T-shirt dumping — For most of us, the economic costs of protectionism are invisible in everyday life. This isn't the case for Seattle entrepreneur Paul Liang.

Liang, a 23-year-old recent college grad and Taiwanese native, decided to order some logo-embossed T-shirts to help promote his new high-tech start-up company. He found that while the shirts cost $30 apiece domestically, a Taiwanese manufacturer offered the same shirts for only $10. Naturally, he thought importing would be a great way to save money.

But the U.S. government thought otherwise. Liang received a call from U.S. Customs agents informing him that his shipment of shirts was being withheld. After spending two afternoons completing reams of paperwork and being bounced between trade bureaucrats, he found that he was required to purchase a trade visa, a $40 bond, and "handling fees," all in addition to the applicable import tariffs. Ultimately he ended up hiring an import brokerage firm — a thriving industry thanks to the complexity of U.S. trade restrictions — to handle the administrative details.

In the end, Liang spent over $450 to release $250 worth of shirts from U.S. Customs. So his total cost was $28 a shirt — about the same price charged by domestic shirt makers — meaning that U.S. trade restrictions dissipated nearly all the gains from this trade. That's not exactly what I'd call "efficiency-enhancing policy." — Andrew Chamberlain

What if they held a peace summit and nobody came? — On the very day Israeli Prime Minister Ehud Barak announced his resignation to make way for new elections, prompting Palestinian leader Yasser Arafat to accuse Barak of cynical manipulation and to pronounce the vaunted "peace process" dead for at least 60 days, a new U.S.-led commission started holding meetings on resuscitating the peace process. Former U.S. Sen. George Mitchell held meetings and issued statements, virtually oblivious of the chaos and violence swirling around him. Is there any reason these clueless representatives of the "international community" should command even a modicum of respect? — Alan Bock

Asphalt for the masses — Advocates of "smart growth" — that is, of central planning leading to mandatory density increases in existing urban neighborhoods, strict limits on development of rural areas, and rail-transit boondoggles — saw their state ballot measures in Arizona and Colorado crushed by the voters, who rejected them by 2-to-1 margins.

But this doesn't discourage smart-growth proponents. The Surface Transportation Policy Project, an anti-auto group headquartered in Washington, D.C., recently released a report claiming that "sprawl," meaning low-density suburbs, forces people to waste money by driving their cars more. The report doesn't mention several important facts that seriously weaken its case.

First, the presumption that city dwellers drive less than suburbanites is false. After adjusting for income and household size, per capita inner city driving is almost exactly the same as suburban driving. This means that people drive because they find drivings' benefits exceed the costs, not because they are forced to drive by low densities.

Second, most Americans have chosen to live in low densities because they prefer large backyards, uncongested roads, and other amenities lacking in the inner cities. If this means they have to drive a little more, they obviously consider the benefits worth the cost. But they really don't have to drive more, because jobs, shops, and other services are growing in the suburbs much faster than in the inner cities.

The ballot measures started a "dialog" between developers and planners that could still lead to major restrictions on freedom and property ownership in both states. Advocates of liberty and property rights in these and other states should rush to work with realtors, developers, and politicians to ensure that personal freedoms are not unnecessarily compromised away to appease environmental radicals.

— Randal O'Toole

One out of four ain't bad — What distressed me most about the major party candidates was that three of the four sounded like bad actors playing pitchmen in a boring movie. Their speech was affected, circumspect, badly coached, and instantly intolerable to my ear. I couldn't listen to Gore, Lieberman, or Son-of-a-Bush for more than three phrases without pressing the mute button or surfing away. The only one who sounded like a human being was Dick Cheney, who has been politically the most objectionable. None sounded half as genuine as Harry Browne.

— Richard Kostelanetz

Prove me wrong! — It now looks as if the Republicans will control both houses of Congress and get Bush into the White House. Despite being a dedicated, nonvoting libertarian who insists there is no meaningful difference between the parties, this is the outcome I was hoping for. My Republican friends maintain that Reagan and Bush couldn't reduce the size of government because of the Democratic Congress and that the Republican Congress couldn't because Clinton was president. If the Republicans really ran things, they've been telling me for years, they'd shrink the government. I never believed them.

But I hope I'm proven wrong. If I am, I'd have to reexamine some of my political thinking, but thinking that can't stand reexamination isn't very good.

A major party actually making government smaller would mean libertarian arguments are getting through on some

level. Losing an obnoxious "I told you so" and eating copious crow would be a small price for that. — John Haywood

Lurking in the shadows — I was both relieved and frightened to hear of the final triumph for Bush: relieved that the entire fetid and steaming mess can now be shoveled off to the compost heap of history; frightened because Bush won and Gore felt the urge, in his concession speech, to tell us that, traveling across America, he has heard the voices of the American people and will continue to fight for them. Ugh. If Gore in front of the spotlight made you queasy, how would you feel with Gore behind-the-scenes? — Eric Raetz

The language campaign — During the election campaign of the year 2000, the American language suffered some regrettable losses but also received some important reinforcements.

The biggest loss was the death of that common and useful verb "count," as in, "There are thousands of votes in Miami-Dade that have never been counted," and, "All the votes in Miami-Dade have been counted at least four times." The word "count" has now been permanently ruined. In the future, parents will teach young children to "enumerate," pessimists will be advised to "add their blessings," and insomniacs will have to "reckon sheep."

Minor losses to the language include a number of metaphors derived from sports, such as "up for grabs" ("Florida's electoral votes are up for grabs") and the omnipresent "team" ("the Gore team," "the Bush team"). These expressions got far too much playing time. Words can be knocked in the head only so often, and (like other sports expressions) these particular words weren't very bright to begin with. They'll probably be benched for the next few seasons.

A more serious linguistic defeat resulted from the bizarre inflation of the word "official," which eventually lost any necessary connection with official acts. It was used to cover anything that happened on television: "Florida has now officially been called for Gore," "Florida has now officially been called for Bush," and so forth. "Official" at last became so dangerously inflated that people could not tell whether real officials, such as Florida's Secretary of State, could properly be said to do anything at all in their official capacity.

Linguistic losses were, however, more than balanced by gains. The word "embellish," formerly restricted to those weird things that interior decorators do, has now been added to the long and august roll of synonyms for "lie." "Mislead," "prevaricate," "feign," "fib," "counterfeit" . . . "embellish." ("The Vice President may have slightly embellished his personal history.")

Another helpful expression, "no controlling legal authority," a phrase that has enjoyed considerable popularity in the past, was successfully revived by the Republicans and seems likely to stand as a permanent memorial to its author, former Sen. Albert Gore, Jr. "No controlling legal authority" is a clever synonym for several more cumbersome phrases, such as "the ability to violate the law and get away with it."

The campaign's one magnificent addition to the common language was, of course, the word "chad." No one expected this obscure monosyllable to make a sudden break for glory, but the little noun saw its chance and took it. Within days of the election, "chad" had established itself as one of the most frequently used words in America.

I don't need to recite the many applications of the term. I wish only to emphasize its remarkable capacity for poetic ambiguity, a capacity that assures it a lasting and honored place in the language. Few other words, indeed, are so open to creative reversals of meaning. To say, "My chads are hangin', baby" can mean either (1) "I just voted," or (2) "I just tried to vote, but I screwed up," or (3) "I thought about voting, but I couldn't quite do it," or (4) "I am deathly ill," or (5) "I got my mojo workin'." The word is a treasure house, as rich in ambiguities as a Palm Beach ballot interpreted by a Democratic lawyer.

— Stephen Cox

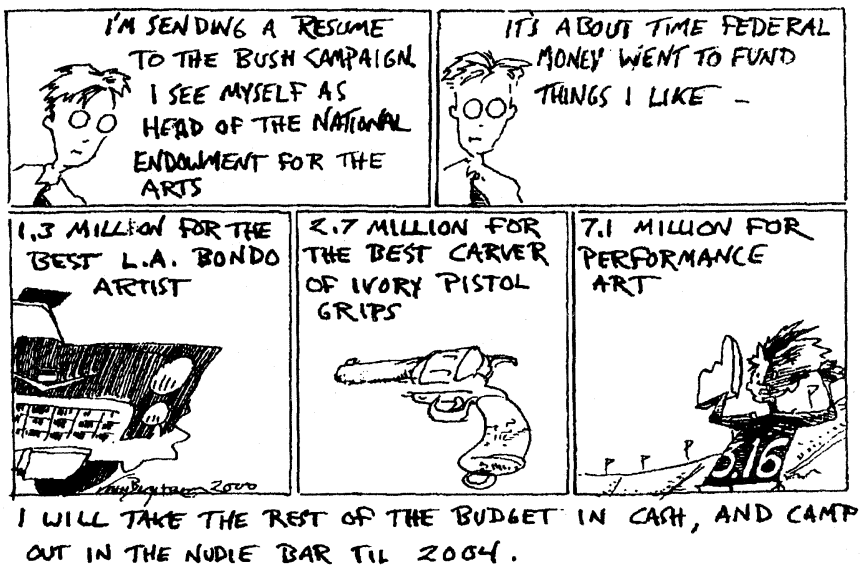

Lost bill — Various politicians have recently called for a "Patients' Bill of Rights," a "Crime Victims' Bill of Rights," even an "Air Passengers' Bill of Rights." With all these new models, it's easy to see how the original Bill of Rights is getting lost in the shuffle. — John Haywood

The proper focus of indignation — I am annoyed with myself for taking so long to realize where the blame lies for the weeks of uncertainty and acrimony that followed the election. It lies on the sloppy minority of Florida voters who failed to follow instructions. (These are distinct, of course, from voters who deliberately abstained from a presidential choice.) Voting, like driving, entails responsibilities. A driver is not excused for the damage caused by driving on the wrong side of the road just because he says he intended to drive on the right side. Similarly, the sloppy Floridians have no valid excuse for the anguish inflicted on their fellow Americans. They were told, for example, to check the reverse side of the ballot for incompletely detached chads. Were it not for the secrecy of voting, they, like careless motorists, should be punished.

Instead they are treated as victims, not culprits. They, or their self-appointed spokesmen, whine about their being disenfranchised. A lot of manpower and money has been spent on trying "manually" to intuit the true meaning of their carelessly cast ballots. They have been accorded privilege at the expense of their fellow taxpayers. — Leland B. Yeager

Them amazin' Dems — So things are still a little fuzzy about the election just past, but a few facts are certain:

1) The Democrats rushed to naturalize Democrat-leaning foreigners to help tilt the election to Gore.

2) The Democrats actively sought to discourage Republican-leaning military personnel from voting.

3) The Democrats handed out cigarettes to homeless people to encourage them to vote and to vote Democratic.

4) The Democrats dug back 20 years to find a DUI to discredit their opponent.

5) The Democrats sent memos to vote counters advising how to disallow opposition votes.

6) The Democrats insisted on recounts only in the heavily Democratic counties that are sure to help their candidate.

7) The Democrats made full use of Democratic judges and election workers to bias the election their way.

8) The Democrats sold not only access but also lodging to fund the campaign.

9) The Democrats had great concern for the misdemeanors of the opposition while sweeping their own felonies under the rug. (Thanks Janet, you're a real team player.)

10) The Democrats used the entire machinery of the federal government as a campaign aid.

11) The Democrats offered Ralph Nader $12 million to drop out of the race.

12) The Democrats hinted that Nader is gay.

What most amazes me is that it is the Democrats that accuse the Republicans of a Vast Right-Wing Conspiracy. In my half century on the planet I have noted that those who question the integrity of everyone else are generally the most untrustworthy scoundrels around. Perhaps if they see conspiracy everywhere, it is only because they are working so hard on a conspiracy of their own. — Paul Rako

My Clinton moment — Now it's over, the end of eight years of Bill Clinton. I spent the entire time abroad, in Eastern Europe and the Middle East. I don't remember ever hearing of Bill Clinton while I was living in America. Since I'm from Oklahoma I must have, but then we don't pay a lot of attention to what goes on in Arkansas. I've followed events in the States, but living in Europe and the Middle East made it all seem a bit distant.

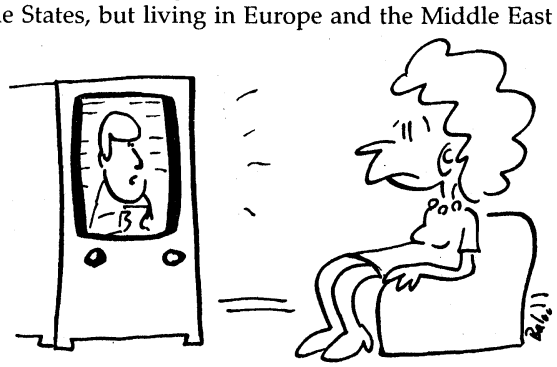

"A new Federal study has shown that, tragically, 87% of American dogs and cats have no health insurance whatsoever. . ."

I'm afraid that I had absorbed a lot of the Old World attitude towards politics and politicians as well. A corrupt chief executive? Oh, whatever will this poor old world be forced to endure next!

As the revelations about Clinton's mendacity and corruption kept piling up, my reaction was one of puzzlement and amusement. Puzzlement because his lies didn't seem to serve any purpose other than, well, practice. Amusement because he was such a buffoon. Early in his first term I wrote a friend to ask, "Does Clinton seem as much of a clown to you as he does over here?" He replied, "Clinton strikes us as a clown who fails to make us laugh."

My Clinton Moment, the moment when something snapped inside and everything changed for me, came in 1997 when I was working in Yugoslavia during the months of the massive demonstrations in the streets of Belgrade.

I was teaching at the Institute for Foreign Students in Belgrade. Many of my students were members of the opposition parties and all had participated in the demonstrations. I was always looking for readings in English that might be relevant to their experience.

About this time came the revelations that the Clintons had turned the Lincoln Bedroom into a motel for big buck contributors, the room with a holograph copy of the Gettysburg Address on the wall. I saw the famous photo of Markie Post and Linda Bloodworth-Thomason jumping on the bed like high school girls at a slumber party. I read the address over and over. It had never before had such meaning for me as it did while reading it in that war-torn land. Then I read the Second Inaugural Address, and was struck by these words: "to bind up the nation's wounds; to care for him who shall have bourn the battle, and for his widow, and for his orphan — to do all that may achieve and cherish a just and lasting peace, among ourselves and with all nations."

That's when I lost it. Mr. President, here are my wishes for you as you leave office. May you live a long time in this country you have disgraced and betrayed as each new revelation of your mendacity, treachery, and criminality comes to light. May you see your friends abandon you one by one as you have abandoned them as it suited your purposes. May that harridan of a wife of yours never leave you, and may your charming daughter grow up to fall in love with men just like you! — Stephen Browne

Unfair representation — I was disappointed that several reflections in the January *Liberty* defended the Electoral College. Majority rule has its faults, but I fail to see how deciding elections based on the number of senators and representatives in each state helps any.

With 538 votes in the Electoral College, each vote represents an average of about 500,000 Americans. But this ranges from less than 200,000 in Wyoming, the District of Columbia, and Vermont all the way to more than 600,000 in Florida, California, and Texas. Why should the vote of someone in Vermont count for three times as much as the vote of someone in Texas? Why should votes in Delaware and Rhode Island count for twice as much as votes in Colorado and Tennessee?

I could see some justification for the Electoral College if we had a parliamentary system, with people voting for spe-

cific members of the College who then would vote for the presidential candidate they thought best. This could give people an opportunity to vote for the mix of electors that they thought would best represent their interests.

I say "Down with the Electoral College." Democracy is not perfect, but we should find refuge from the problems of democracy in freedom, markets, and property rights, not in perverting the democratic process. — Randal O'Toole

Just say "No!" — Justice Clarence Thomas' dissent was the most interesting aspect of the Supreme Court's decision to strike down Indianapolis' practice of setting up roadblocks to check for drivers' licenses while sending a drug-sniffing dog around the car. He went along with the two other justices who approved the search scheme, he said, because the court had previously approved essentially similar schemes — to search for drunk drivers and illegal immigrants — and a decent respect for precedent suggested the Court do the same with this scheme. However, he went on: "I am not convinced that [the previous cases] were correctly decided. Indeed, I rather doubt that the Framers of the Fourth Amendment would have considered 'reasonable' a program of indiscriminate stops of individuals not suspected of wrongdoing." Let's hope some enterprising attorney can present the court with the opportunity to reconsider past decisions. — Alan Bock

Turn up the heat — In the Washington state Senate race, Libertarian Jeff Jared has been accused of taking Republican votes from Senator Slade Gorton and, as a result, "spoiling" the election (i.e., helping to elect Democrat Maria Cantwell, who is very unlibertarian). Here's the final vote:

Maria Cantwell	1,199,260	48.72%
Slade Gorton	1,197,307	48.65%
Jeff Jared	64,756	2.63%

Cantwell beat Gorton by 1,953 votes. Jeff Jared attempted to run a race that would take more votes from the Democrat than from the Republican candidate. He emphasized drug reform. He said he would consider tearing down the Snake River dams — a position with which most libertarians and Republicans completely disagree. Jared proposed that American troops be brought home and placed in a purely defensive posture, that American taxpayers should not have to subsidize being world cop. None of these positions were likely to attract most libertarian Republicans, but they did attract from Cantwell those libertarians who had seen the Democrats as the defenders of personal liberty.

Nevertheless, Jared is widely credited with defeating Gorton, and the GOP doesn't like this one bit. "It's something we're going to have to take a look at in the future," Washington GOP chairman Don Benton said. "Libertarians did better than I think many people expected. We have to do a much better job of articulating our message to the voters."

I suspect that the Republican fear is well grounded. Jared did take more votes from Gorton than from Cantwell. Libertarian-Republican voters despise Slade Gorton. He swears to uphold the Constitution, but daily disregards and undercuts it. If Slade Gorton had been more libertarian, the Libertarian Party would not have run a candidate against him. His votes and his actions, as opposed to his rhetoric, have been in favor of more power for an expanding federal government.

- He has consistently upheld the right of police to invade our homes, take our property and sell it for their own purposes, without due process.
- He has paid lip service to reducing the complicated IRS tax regulations, but voted for more and more complications.
- He has supported the Social Security system, knowing that it is as phony and vicious a wealth-redistribution scheme as any the government has ever devised.
- He has voted for enormous federal budget increases.
- And Slade Gorton has voted to support and expand every federal government agency, whether or not authorized by the Constitution.

I could go on. Slade Gorton has voted hundreds of times against the Constitution. It was not Jeff Jared that damaged Slade Gorton. It was Gorton's actions that demanded that a Libertarian enter the race. Libertarians do not want power. Libertarians want their individual liberty. We will not run against any Democrat or Republican who actively defends individual liberty — if we are ever able to find one. Unfortunately, every incumbent senator now in office has been a party to the destruction of the Constitution and individual liberty. Any legislator who actually rediscovers his libertarian roots and supports libertarian policies will have our complete support. Sorry Chairman Benton, but just articulating the proper message won't do it. It's not about rhetoric, it's about actions.

Now to the issue that most people raise: that Gorton is not nearly as bad as Cantwell. They say that with people like her in power, this nation will quickly collapse into a socialist system; and, at least Slade and the other Republicans defend some of our liberties, some of the time.

Yes, but the history of the 20th century is the history of Republicans yielding one liberty at a time without ever, ever pointing to the principle that is at stake: that every individual has a right to unlimited action — with the exception that the use of force against others must be defensive. And of course, there is a corollary. Government power must be completely restricted for any purpose except to protect the individual's right to self-interested action and defensive force.

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Without a doubt, if Libertarians cause Republicans to lose elections, it will mean that the socialists in control of the Democratic Party will advance their program faster. Libertarians will cause liberty to erode faster. But just as a frog will not notice if the water it swims in is heated to boiling very slowly — the frog will die long before it boils — Americans will lose their love for individual liberty if the United States keeps moving slowly toward socialism. And as long as we keep electing Republicans who pay lip service to the Constitution while selling it out a little at a time, we will keep moving slowly but inexorably toward socialism. As long as we expect Republicans to defend liberty with pragmatic and unprincipled arguments, we will continue to lose our freedoms. The frog will die if we don't turn the heat up all the way. Perhaps he still has the strength and brains to jump if the water heats up fast enough.

We cannot recover individual liberty without removing and replacing those who do not understand or care that individual liberty rests on a principle that must never be compromised. If we do not fight for strong, principled libertarians, if

Liberty to the Left of Me, Liberty to the Right

We're right — A sense of history is sometimes difficult to come by, particularly in the nether regions of the political spectrum. But I found a strong dose of horse sense in a speech given Dec. 9 to the Republican Liberty Caucus in Atlanta by paleo-libertarian Llewellyn Rockwell. I don't always agree with what Rockwell says, but this time I liked it a lot.

First, he said, the election of 2000 has dragged the name of politicians, particularly Democrats, into even deeper mire. It has desanctified the judiciary. For those with a skeptical view of government, that is for the good. Indeed, the general desanctifying of government in the past 30 years has made the outlook for liberty better. Politicians are back to being rogues and scoundrels, as they were in Mencken's day.

Second, the election just held proved that third parties can't win elections. Why another proof was needed, I don't know; but there it is. Irrefutable. Your political vehicle has to be the Republicans.

Third, the audience for libertarian ideas will not be the avant-garde, but instead the sort of people who vote Republican: "property owners, middle-class families, and the vast majority of the country that lives outside the four major urban centers." Of course, you take support where you find it. But where to look? "Our natural constituency these days consists not of jailbirds, but of home-schooling moms who are tired of being oppressed by regulators, small businessmen sick of environmental edicts, savers and investors, and middle and upper-middle class entrepreneurs," Rockwell said. He noted that the bourgeoisie were the backbone of the American Revolution and the supporters of classical liberal ideas.

"Another thing about our natural supporters," he said, "they are overwhelmingly religious." A poll of libertarians by Rasmussen Research found that we are overwhelmingly irreligious. No matter. If they want liberty, God bless 'em. "We must defend their liberties too," he said, "because their cause is our cause."

Which reminds me of another thing. Libertarians defined themselves in the 1960s and 1970s as neither right nor left. It was a plausible claim then, because the right was wrapped up in religion and the war in Vietnam, and supported the draft and an interventionist foreign policy. But this "neither right nor left" line is a fiction no longer possible to maintain. Let's own up to it: Libertarians are part of the right. That is what they were in the 1930s, that is what they are now. Probably, though they hate to admit it, it's what they've been all along.

— Bruce Ramsey

Let's not get left behind — I agree with Bruce Ramsey's assessment of Lew Rockwell's observations on the desanctification of politicians and the viability of third parties. But I have a lot of problems with Rockwell's claim that the natural constituency of libertarians is found on the right, among "property owners, middle-class families" and the "overwhelmingly religious," and Ramsey's suggestion that we libertarians should abandon the theory that we are "neither left nor right."

The central libertarian belief is that the state has too much power and that most people have too little liberty. Our natural constituency is people who are victims of state power, a category that includes men and women from all across the political spectrum. It includes religious people who are persecuted for their beliefs, atheists whose tax money is used to support religion, victims of the drug war, over-regulated businesspeople — virtually all people who are not net beneficiaries of the state.

Which brings up the central difficulty we face in our attempts to spread libertarian thinking: the fact that most people are victims of some state policies and beneficiaries of others. Virtually all Americans, for example, are victims of high taxes. But nearly all Americans get back subsidies that mitigate the taxes they pay.

Justice Holmes famously observed that "Taxes are the price we pay for a civilized society." As usual, he wasn't quite right: taxes may pay for civilization, but it is certain that they also pay for a hell of a lot of other stuff. I dare say that civilization could survive without subsidizing peanut farmers in Georgia or tariffs on wool to protect Wyoming sheep ranchers.

The major reason why libertarians fare so poorly in the political marketplace is that we haven't found a way to convince people that the costs outweigh the benefits. Young people pretty much all know that Social Security is a ripoff and a Ponzi scheme. But it provides some money and medical care for their parents, so the kids don't have to worry so much about doing so. How do you balance the benefit against the cost? It's a complicated question, and given the difficulty of changing the system, most people don't try to figure out the answer. They prefer to be what economists call "rationally ignorant."

we keep voting and apologizing for a Slade Gorton because he is better than a Maria Cantwell, and for a G.W. Bush because he is better than an Al Gore, then our children and grandchildren will live in a world with no memory of individual liberty and free markets. The concept of liberty will die for all but a relative few. Libertarians must offer an unequivocal vision of individual liberty under the libertarian principle. We must fight the Republicans (and Democrats) who vote to take our personal and economic liberty. And if that brings a more immediate tyranny, then perhaps the American people will see the problem and still have the brains and courage to turn again to individual liberty.

Boil the damn frog! Vote Libertarian! — Erne Lewis

When a libertarian presents a broad case against government power, the response is usually narrow and personal. "Well, if we adopt your program, who'll pay for Granny's medicine?" or "Am I gonna have to come up with enough money to pay for my kid's college? It's pretty expensive these days, you know." For most people, the cost of implementing broad libertarian policies seems much higher than the perceived benefits. "Sure, I'll save a little in taxes," they say, "But who's going to collect the garbage? I don't want it piling up in the streets!"

The left-right spectrum originated in the French Revolution, and was protracted by specific political alignments in France at the beginning of the 19th century. It has been adapted to help describe more recent political ideologies, alliances and events. But there is no reason that to think that it provides an intelligent analytic framework for us to describe libertarian thinking, which predates the left-right spectrum.

In the 1960s and 1970s, we who advocate liberty came to realize that we were neither left nor right. In opposing state-imposed personal morality and imperialism, we agreed with the left; in opposing state control of voluntary economic exchanges, we agreed with the right. The situation has not changed.

This does not mean that every libertarian should try to work with people on both ends of the political spectrum. Each of us is naturally inclined to promote libertarian thinking among the people with whom we feel most comfortable. A religious libertarian like Lew Rockwell feels more comfortable with other religious people. An economic libertarian like Bruce Ramsey feels more comfortable among other advocates of the free market. Since both these groups of people are right-wing, both Rockwell and Ramsey are liable to see those on the right as potential allies in the battle for liberty. But an avant-garde artist like Richard Kostelanetz values liberty just as much as Rockwell or Ramsey, and he is most comfortable among other avant-garde artists, who are mostly on the left.

I submit that this is just the way things should be. We are all more effective advocates of liberty among people who are similar to us. I don't think Kostelanetz would be any more effective trying to spread libertarian ideas among conservative Roman Catholics than would Rockwell among performance artists. Let everyone, to use the old African-American expression, put down the bucket where he is. And let libertarians of every cultural or religious inclination realize that in a political context, liberty is what's important, not the cultural or religious differences you may have with other libertarians.

Liberty isn't good just for right-wingers or for left-wingers. Liberty is good for everybody. — R. W. Bradford

I'll take a taco, with double Friedman sauce — Mexican President Vicente Fox has named Francisco Gil Diaz, who received a doctorate of economics at the University of Chicago and is said to be an adherent of Milton Friedman's views, to the key post of finance secretary. Do you suppose Dubya will name anyone with such firm free-market views to any post of real influence? With economic restructuring, including consideration of sloughing off state enterprises like oil, on the agenda in Mexico, will the time come when Mexico has a freer market than that of the United States?

Not that it would take all that much. — Alan Bock

More safety, less freedom — Evening TV news anchors make a living asking lots of questions. It's just too bad they're usually the wrong ones.

Upon the announcement of a new airbag technology protecting against head injuries in side-impact collisions, one local news anchor observed that automakers aren't legally required to offer this new technology to consumers. Naturally he asked, "So, what's taking the government so long to act?"

The story never seriously tried to answer that question. Instead, it detailed the results of crash tests showing how the new bags may reduce some injuries in some collisions, and concluded that this is a good thing. Of course, these safety improvements may be very real and significant. But the real question is, "At the margin, how much *more* safety do they provide, and at what cost?" My guess is that for most drivers, the incremental safety from a third airbag is trivial while the cost is substantial, given that it's a recent product of expensive research and development.

Just like with everything, some of us like lots of safety and some don't. Exactly how does a one-size-fits-all mandate covering all car buyers — and raising the price of all new cars — result in net social gains? I suspect that's a question your local news anchor won't be asking anytime soon.

— Andrew Chamberlain

Cowards or heroes? — In October, two men drove a rubber raft next to the U.S.S. *Cole* while it was refueling in the harbor of Aden, Yemen, stood at attention, and detonated an explosive device that blew a 20 by 40 foot hole in its hull and killed 17 sailors. Or at least those are the facts gleaned and reported by the press.

Bill Clinton called the attack "a despicable and cowardly act." I suppose, insofar as it killed a bunch of kids who joined the Navy to see the world and were just doing their jobs, it was despicable. But war is despicable, and the bombers and millions more like them see themselves at war with the U.S. People unable to attack their enemy with high tech weapons in a conventional way must make do with materials at hand. Doing so is really no less despicable than the things the U.S. government has done to antagonize them. Just offhand, I recall the U.S. initiating attacks in Lebanon, Libya, Iran, Somalia, Afghanistan and Sudan in recent years, and it has a continuing military presence in Kosovo. And those are just the Islamic countries that come to mind.

Clinton's use of the word "despicable" may be questionable, but his use of the word "cowardly" is simply idiotic. Does anyone actually doubt that it took a lot of courage to drive a small boat up to a warship and blow it up? If a couple of Americans had done that during any recent conflict, they would justifiably have been tipped for the Medal of Honor.

As a military assault the attack on the *Cole* was a stunning victory for the forces of Islam; it cost them two guys and a few thousands dollars worth of explosives to take out a billion-dollar warship. I'd make that trade every day of the week. And you'd better believe they will too — at every possible opportunity. Success on that scale breeds the confidence to go on the offensive. But these people see it as simple self-defense. They aren't the ones sending planes, warships and troops to America the way the U.S. government has been doing in their homelands.

The only way to prevent this situation from getting more out of hand is for the U.S. government to stop acting as a global Robocop run amuck and employ its military for actual defense, as opposed to projecting the quirky vision of Beltway policy wonks. But that's not likely. Madeleine Halfbright (no, Albright — I keep getting that wrong), with a typically Orwellian twist, says the incident should not "deter us from our mission of promoting peace and security in the Middle East." She went on to say "This is no time for the United States to retreat from its responsibilities in the region. We are operating in a world filled with a variety of threats. But that doesn't mean that we can crawl into an ostrich-like mode. We are eagles." Well, not always. The attack on the *Cole* suggests we're sitting ducks. — Douglas Casey

The mystery and majesty of the law —

In the legal wrangling of the after-election, an audiotape of a Supreme Court argument was released to the public and broadcast almost immediately. This was an historic first.

This supposed democracy claims to value openness, transparency, and public access to the institutions of governance, but the Supreme Court — the government institution reputed to be the most widely trusted and respected — has been a virtual black box. Briefs go in and opinions come out, but the ways of the U.S. Supreme Court have always been more than a bit mysterious to most of the population, and intentionally so.

The fact that federal judges are appointed for life to insulate them from political pressures is apparently not enough. The court also has encouraged a certain mystique, fed not only by the impressive building in which it is housed and the arcane and ceremonious way it is run, but by the very secrecy that characterizes the high court. It is curious that in a system ostensibly dedicated to open government people respond positively to an institution that has been virtually the antithesis of openness.

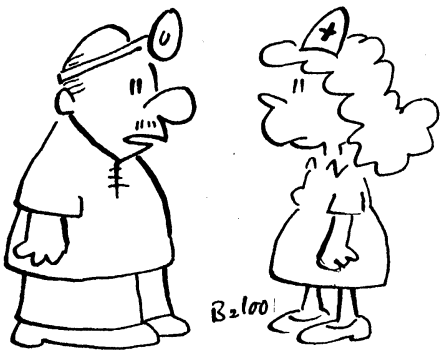

"Actually, medical waste isn't all that toxic when you consider that 99 percent of it is federal forms."

The fact that so many people are willing to place more credence in an institution that is purposely mysterious than in those that hold no secrets may be one of those mysteries of the human psyche. There are understandable reasons, of course. The rituals, the robes, the limited access, the secrecy of the deliberative process all contribute to a sense that Supreme Court justices are somehow set apart from mere mortals, that they are singularly impartial and dedicated only to the rule of the law. Apparently we Americans like a little mystery, a little ritual, even a little magic in at least some of our governmental institutions. Justice John Paul Stevens' concern in his dissent that ". . . the identity of the loser is perfectly clear. It is the nation's confidence in the judge as an impartial guardian of the law" is a fair statement of what the court wants Americans to believe.

It should hardly be surprising that justices of the U.S. Supreme Court enjoy being treated as demigods. It is more surprising that so many members of the media, who think of themselves as a cynical and suspicious lot that gets their kicks from debunking those in positions of power, would be at such pains to sustain the illusion. Yet almost all the chattering classes fretted openly about whether the court as an institution would squander some of its authority, credibility, and mystique in deciding such a political question. Even those who disagree with this decision seem to want to maintain the notion that the court itself is still the proper and legitimate final word on almost everything. In part this may be because in recent decades the court system, including the Supreme Court, has been instrumental in implementing portions of the pseudo-liberal agenda to which so many in the chattering classes cling.

While it may seem paradoxical, the liberal or progressive elite that justifies its power by its concern for "the people" has had a marked paternalistic and elitist odor. A good deal of modern "liberalism" amounts to a conviction that the blessed and beloved people are dolts who need to be taken care of by their betters in government and academe, who will need a good deal more power to get the job done.

The Supreme Court building was built to resemble a temple, and most of the institutions of modern state power, from civics classes in government schools through most of the media encourage us to think of the place as something of a Holy of Holies. We are free to criticize individual court decisions, but we are encouraged to view the institution itself with an almost religious awe.

It takes a certain suspension of disbelief to buy into this, of course. As anybody who has observed the court over a period of time or taken a constitutional law class from a reasonably candid professor knows, the U.S. Supreme Court has often been quite ideological or partisan. Those who serve on it are generally expert at presenting their opinions in the language of impartial law, and after more than 200 years there are plenty of precedents to justify almost any opinion.

The inherent partisanship of the court is one reason that so many on both sides during the recent election were concerned

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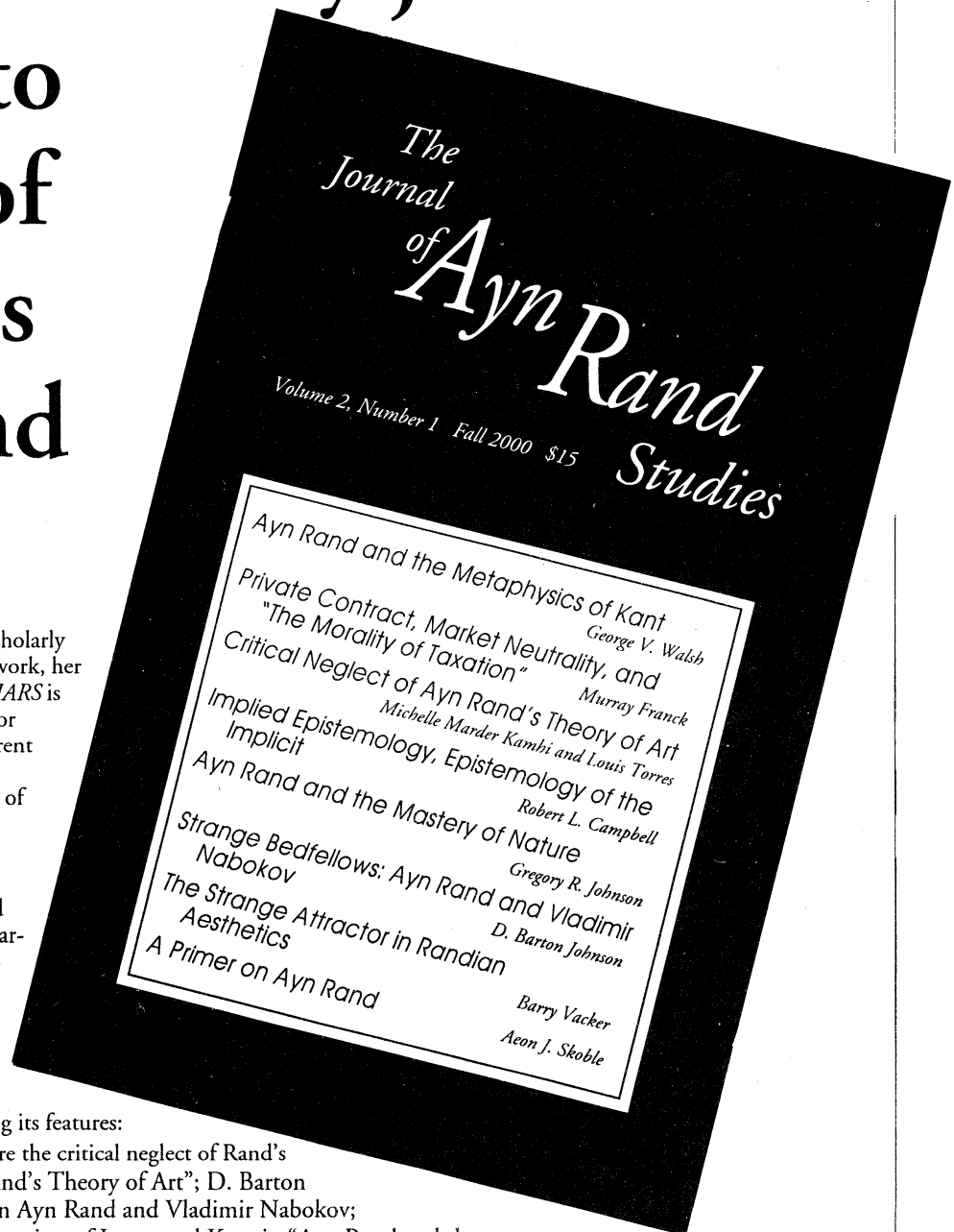

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with who would pick the next justices. It takes a certain suspension of disbelief and independent judgment to buy into the whole statist premise that people need as much supervision and governance as they now receive. Again we hear the language of religious belief. How many times during the last few weeks have you heard some talking head refer to ballots or to the act of voting as "sacred"? Agnosticism about democracy and active governance are not encouraged.

But by releasing audiotapes of arguments before the Supreme Court, some of the veil has been torn from its sacred mystery. The scene is reminiscent of the famous scene in "The Wizard of Oz" where the all-too-human wizard urges Dorothy and her friends to "pay no attention to that man behind the curtain."

We have learned that far from being demigods, the justices are human beings with opinions, preconceived attitudes, shortcomings and human frailties. We have learned that several justices are fully capable of almost obsessing over minor points or issues of dubious relevance. We now know that Clarence Thomas is seldom an active participant in oral arguments, that Ruth Bader Ginsburg is not the highest card in the deck, and that Antonin Scalia and a couple of other justices come right to the edge of intellectual bullying. If such knowledge reduces the almost religious veneration in which the Supreme Court is held, that might well be a good thing for the republic and for the cause of individual freedom.

— Alan Bock

With anchovies and justice for all — The Clinton Justice Department is now micro-managing deliveries of Domino's Pizza. After being bullied into compliance by administration officials, Domino's has agreed to deliver pizza to neighborhoods it had shunned because of risks to its drivers, 24 of whom have been killed on the job.

The Justice Department said that all people, regardless of race or creed, have a right to pizza delivery. Administration officials asserted that Domino's, in business for 40 years and the world's largest pizza delivery company, was essentially guilty of racial profiling because it permitted its drivers to avoid neighborhoods that they considered to be too dangerous.

The Justice Department said that all people, regardless of race or creed, have a right to pizza. But what about the right of all people, regardless of race or creed, to avoid getting killed?

"What about the right of all people," regardless of race or creed, "to avoid getting killed?" asked *Investor's Business Daily*. "Call us crazy, but that right would seem to trump the Justice Department's newly found right to pizza."

This case brings to mind a 1997 case in Pittsburgh in which an African-American couple, Carl and Shelia Truss, filed a complaint with the city's Human Relations Commission (HRC) regarding Pizza Hut's refusal to deliver them a sausage pizza on May 2, 1992, the night of the rioting in Los Angeles set off by the Rodney King verdict. After being informed that there weren't any deliveries, Shelia Truss told the Pizza Hut clerk that all was peaceful in her neighborhood. "What does what's going on in California have to do with me?" she asked. Her attorney, Ann Simms, claimed that Pizza Hut was guilty of an unlawful public accommodation practice. In his initial reaction to the case, Charles Morrison, the director of the HRC in Pittsburgh, stated that Pizza Hut's failure to deliver to the Trusses was most likely a case of "illegal redlining."

"We wanted to err on the side of caution," explained Mike Logan, the local manager of the Pizza Hut, at the HRC hearing. When the store first opened, located near Pittsburgh's upper Hill District, also known as Sugar Top, a mostly African-American section of the city, it delivered pizza to the Hill. Night deliveries were stopped after several robberies of its drivers. Logan testified that the sight on television of white truck driver Reginald Denny being pulled from his truck's cab and beaten by rioters simply increased the safety concerns of the company.

Announcing that Pittsburgh's HRC had "declared war on pizza shops," and fearing that they were going to be forced to deliver to unsafe neighborhoods, a grassroots group formed the Pittsburgh Pizza Coalition, organized by Dan Sullivan, a local libertarian activist who'd worked a few months earlier for the same Pizza Hut outlet that was under fire from the HRC. "I went to work there when that shop first opened," he said. "We went door-to-door in the Hill District, delivering coupons for discounts on pizzas. The shop definitely wanted to do business in that neighborhood."

Sullivan explained what then happened: "We had drivers robbed every day. We had the same driver robbed three times in one week. They usually robbed us with a gun. They know we're not allowed to carry a gun, or more than $20. Drivers would quit after a couple of days."

Vowing not to give up their rights — or their lives — without a fight, pizza drivers and shop owners held a demonstration on the steps of Pittsburgh's City-County Building. "I won't die for a $9 pie!" read the hand-lettered inscription on a pizza box lid held by Jane Wadsworth, owner of Pizza Outlet. Her husband, she said, once had a loaded gun held to his head while delivering. "I've been robbed" read the pizza box sign carried by Alexander Lifshitz, a Russian émigré who delivered pizza to support his family.

"In memory of Jay Weiss," read another of the homemade signs. Weiss, a 34-year-old father of three children, was murdered in 1993 while delivering for Chubby's Pizza in the Manchester area of Pittsburgh. He was accompanying another driver, Paul Puhac, who was apprehensive about delivering alone. Both men were shot, Weiss fatally.

Pittsburgh police reported that a few blocks away, while Weiss was bleeding to death in the street, two teenagers who lived in an abandoned house ate the pizza that they'd ordered as a ruse in order to rob the drivers. The coroner's deputies at the scene said that people in the crowd laughed out loud as they removed the body of Jay Weiss. Veteran homicide detectives shook their heads in disbelief.

At a break in the HRC hearing, I suggested to attorney

continued on page 26

Menagerie in the House

by Sarah J. McCarthy

What do you do when there is a donkey in your living room and an elephant in your bedroom?

Paul Begala, a Clinton-Gore talking head with a weak, sad face that belies his ferocity, and a mouth that roars, certainly knows how to shock. Commenting on the vivid red and blue electoral map of the United States circulating during the Florida recount, a map that displays each county colored according to who won, showing a sea of red for Bush and just some chunks of blue around the edges for Gore, Begala said: "If you look closely at that map you see a more complex picture. You see the state where James Byrd was lynch-dragged behind a pickup truck until his body came apart — it's red. You see the state where Matthew Shepard was crucified on a split-rail fence for the crime of being gay — it's red. You see the state where right-wing extremists blew up a federal office building and murdered scores of federal employees — it's red. The state where an army private who was thought to be gay was bludgeoned to death with a baseball bat, and the state where neo-Nazi skinheads murdered two African-Americans because of their skin color, and the state where Bob Jones University spews its anti-Catholic bigotry — they're all red too."

We could play the red and blue game all night, like checkers, if we wanted to. I could argue, if I were inclined, that you might want to look at the District of Columbia, the murder capital of America, where the streets are a hostile environment, and where in government offices, decisions were made resulting in the largest number of Americans ever killed by their own government, the incineration of some 80 people, mostly women and children — it's blue. You see the county where a subway car full of defenseless commuters were helplessly gunned down like sitting ducks by a homicidal maniac — it's blue. Check out the county where rioters pulled truck driver Reginald Denny from his trailer truck and bludgeoned his head with a concrete block, and were let go with a hand slap, or the county where courts permitted O.J. to saunter off to the golf course after a travesty of a trial for cutting off his wife's head, and where the trial focus was shifted to a police officer who had once said the "N" word — it's blue too.

If we're going to throw Nazis into the debate, as Begala does, then I suppose it's fair game to identify neo-Communists and other variations of class warriors who fan the flames of envy and destruction and greed — they're blue. The state that just elected a senator who once declared that she "could not go out and save every under-capitalized entrepreneur in America" who couldn't afford her health plan and called America's small-business owners "free-riders and freeloaders," and then attributed the resulting backlash against her to gender discrimination — it's blue. Despite the fact that over the past century the biggest holocaust has been the holocaust against the achievers — the 100 million people who were killed by their own governments in China, the U.S.S.R., Cambodia, Germany, and others, inflamed by class warfare and pathological attempts to equalize wealth by murder and plunder — we have the state of Massachusetts with a senator who fires class warfare guns at small-businesses owners, proclaiming they're "getting away with murder" if they don't buy his nationalized health-care plan — it's blue, too.

And then there's the interesting statistic compiled by law professor Joseph Olson, who broke down the murder rates in the counties won by Bush and Gore: in the blue counties peo-

ple are murdering each other at a 130 times higher rate than in the red counties.

Yes, Paul Begala, who really does have a way with words, knows how to shock. *Wall Street Journal* commentator Peggy Noonan observed that Begala's column was remarkably hate-filled, but that it was also:

> a public service in that it revealed what animates Clinton-Gore thinking regarding their opponents: hatred pure and simple, a hatred that used to be hidden and now proudly walks forward. It stands in the living room too. As does the unstated but implicit message of the hatred; that extraordinary means are understandable when you're trying to save America from the terrible people who would put George W. Bush in the presidency.

It's what Al Gore declared in the black churches during the final hours of the campaign, that the election was a fight between "good and evil."

Noonan describes Democratic hatred as the "donkey in the living room," drawing a parallel to the "elephant in the living room" phrase that Alcoholics Anonymous uses to describe a problem so huge and obvious that those living with it can hardly ignore it, but they do. It's called denial. Noonan neglected to mention, because she, too, is a partisan, that both sides in the American political drama are operating like a dysfunctional family, pointing fingers while refusing to claim ownership of the unruly animal in their own house that is muddying up the carpet, peeing in the punch bowl, hurling the rhetorical furniture.

Noonan is repelled by the "donkey in the living room," but, like a dysfunctional family member, she is oblivious to the elephant in the bedroom. He, too, is remarkably hate-filled, and he lumbers triumphantly forward. He is the one who selects Bible quotes to buttress his prejudice that gays are an "abomination," the one who carried the sign at Matthew Shepard's funeral saying "Fags deserve to die." He stomps forward too, spewing a hatred pure and simple, one that is not hidden, but held high like a cross. He is the finger-pointing hypocrite, like Newt Gingrich, who compares homosexuality to a disease and Bill Clinton to a lecher while committing adultery himself. He thunders proudly forward, like Dick Armey, the GOP Congressman who wants us to believe that calling a colleague "Barney Fag" was a slip of the tongue, and like radical priest Donald Spitz of Pro-Life Virginia who says that the cowardly gunman who shot Dr. Barnett Slepian in Amherst, N.Y., through his kitchen window is a hero. He tramples recklessly and dangerously forward.

Both sides in the American political drama are operating like a dysfunctional family, pointing fingers while refusing to claim ownership of the unruly animal in their own house that is muddying up the carpet, peeing in the punch bowl, hurling the rhetorical furniture.

The talk show hosts who say they sympathize with the bombing of abortion clinics, they stomp forward too; the theocrats known as the Promise Keepers who believe women should be subservient to their husbands, and Phyllis Schlafly who wants individual control over everything except a woman's uterus, they walk arrogantly forward; the Republican mouthpieces who ridicule soccer women, and who pontificate that women vote Democratic because they are "aroused" by Bill Clinton, they walk forward. The Republicans who maintain that women are illogical, captive of their feelings and little more, these male supremacists stride proudly forward. They too stand in the living room.

Noonan is repelled by the "donkey in the living room," but, like a dysfunctional family member, she is oblivious to the elephant in the bedroom.

Columnist Michael Kelly defends Paul Begala, saying his red and blue article was incited by MSNBC commentator Mike Barnicle's statement that the red and blue map is a portrayal of "family values versus entitlement." At the *National Review*, Jonah Goldberg threw his hat into the ring, telling Republicans to listen to Paul Begala. After being inundated with angry e-mail, he issued a Corrections Column, declaring that under no circumstances should anyone ever listen to Paul Begala.

Though he makes wild generalizations about red and blue counties and the things that go on there, color me firmly in the camp who thinks Republicans should listen to Mr. Begala. The red and blue map is in itself a generalization — after all, the red areas are nearly half blue . . . and nearly half of the blue areas, red. The map, to be accurate, should be shades of the color purple — plum, burgundy, lavender, lilac, and mauve. Red and blue states, like black and white states or people or parties, don't really exist, and those who think they do have huge animals of one species or another filling the space that used to house their brains.

Francis Fukuyama writes in a *Wall Street Journal* article, "What Divides America," that the bizarre election results reveal an electorate split evenly down the middle, with both houses of Congress also narrowly divided:

> This indicates a sharply divided country, but what are Americans sharply divided over? It's clear that they are not divided over foreign policy, management of the economy, crime, welfare or other traditional issues that used to separate left and right. The real issues in American politics have become the cultural ones.

It is, says Fukuyama, a culture war:

> The single most important social change to have taken place in the United States over the past 40 years concerns sex and the social role of women, and it is from this single source that virtually all the "culture wars" stem. That conservatives held a losing hand in the culture wars became painfully evident during the Monica Lewinsky impeachment saga. There is hardly anyone in the country who approved of President Clinton's behavior. But a sub-

Continued on page 28

Analysis

Electoral Theology

by Robert H. Nelson

You can't understand the election of George W. Bush without understanding how politics is morphing into religion.

Gore supporters said throughout the long post-election disputes that more Floridians voted for Gore than for Bush. What these people really meant was that, if we could ask them, more voters had it in their minds when they went to the polls to vote for Gore. But what they really thought or intended, God only knows.

Unfortunately, God did not volunteer to do the recount. Absent divine intervention, the only option is for election officials, who may lose votes or be biased, to count the votes of people, who may not understand the ballot or follow the directions correctly, using machines that occasionally malfunction.

Many people could not accept this. So they demanded that the process continue until "every vote is counted accurately," asking election officials to do what only an omniscient overseer could do. Gore himself seemed to suggest that resistance to further recounts was a grave moral offense against discovery of "the truth."

This is characteristic of him. The Florida recount gave us lessons in the thinking and psychologies of the two candidates. Gore seemed actually to believe that, if we could ask God, He would be on Gore's side. This impression of moral certainty that he conveys was one of the main things that turned people off during the campaign. Gore's 1991 book, *Earth in the Balance,* is famous for its apocalyptic themes. It is Gore's account of his own intense search for God's plan for nature and the environment — the outcome of which Gore now insists must become public policy. Gore's selection of Joe Lieberman, and Lieberman's naked appeals to religion during the presidential campaign were no accident.

Bill Clinton gives the appearance of not believing in anything. With Gore the problem is the opposite. He wears his righteousness on his sleeves. That is why it was so hard for Gore to assume the mantle of the Clinton presidency. Clinton first won on the slogan of "it's the economy, stupid." Gore's life story is not about economics but about finding absolute truth. Gore at times has suggested that economic progress is a snare and an illusion — an old Calvinist way of thinking, dressed up in a new terminology.

The electorate in 2000 roughly divided according to its views of Gore's truths. The urban-rural divide was to be the biggest story of the 2000 election. Just before the election, a Gallup poll found that 61 percent of rural men planned to vote for Bush. Despite the huge gender gap nationwide, 51 percent of rural women favored Bush. After the election, the areas of Bush red on the electoral map were states with large rural populations — almost all of the Rocky Mountains, the farm belt, and the South. Gore won in states where there were large cities and their suburbs — the Northeast, the upper Midwest, and the west coast. The older the city, also, the better for Gore.

This stark division of the nation — now split into two separate "red" and "blue" countries — was not about economic policy. William Jennings Bryan once ran for president on a campaign of "free silver," i.e., inflation, but Bush and Gore could find little to disagree about in supporting Alan Greenspan.

In 2000 the division was cultural. If you knew only one thing about a household — that at least one person owns a gun — you could predict with 61 percent accuracy that its members voted for Bush. Among those who go to church once a week or more, 59 percent went for Bush. Among the 60 percent of voters who had an "unfavorable" view of Bill Clinton's personal character, 70 percent voted for Bush. Among those who think abortion should be illegal, 71 percent supported Bush. Protestants overall supported Bush at fully 56 percent.

However, 90 percent of African Americans and 79 percent of Jews voted for Gore. Gays and lesbians favored him at 70 percent. This had little to do with their economic status: voters from the upper middle class, in which many Jews and gays would fall, went 54 percent for Bush. These groups are

culturally alienated from the Republican Party, which they see as a bastion of the forces in society that once repressed them — and that might rise again.

About 4 percent of the electorate self-defined itself in exit polls as belonging to the "upper class." This group, including many people from places like Wall Street, Hollywood, and Silicon Valley, actually supported Gore by 56 percent. Their cultural truths were closer, it would seem, to Gore's, which was more important to them than his constant bashing of the richest 1 percent of Americans.

One should not be surprised to see electoral politics get nastier and uglier: that's always the case in battles about religion.

Gore did abysmally among a group of people with a lot less money but who live in the rural parts of the Rocky Mountain west. In the state of Idaho, Gore received only 29 percent of the vote. The economy in Idaho is booming, like most of the U.S. What is distinctive about Idaho is that it is more than 60 percent federal land; with fully 40 percent of the state designated as national forests and managed by the U.S. Forest Service. Gore has been actively pushing to turn much of the federal land in Idaho into an enormous nature preserve. Idaho has many Mormons and other rural residents whose religion is very different from Gore's environmental religion.

Bush pledged, if he should become president, to try to unite the nation. This task will be difficult. It is easy enough to divide an economic pie. When people are separated by visions of religious and moral truth, it is hard to split the difference. Too many true believers would rather fight to the end.

One might say that the large cultural shifts of the 1960s in the United States were more about religion — sometimes traditional, sometimes secular — than about economic policy. The children of the '60s will be the U.S. presidents of the early twenty-first century. One should not be surprised to see electoral politics get nastier and uglier: that's always the case in battles about religion.

Historically, it is easier to separate religious combatants than to get them to compromise. Maybe it is time to start thinking about bringing back secession as a legitimate American option — like, say, the red from the blue. ❑

Letters, *continued from page 6*

guided" as Steele did with reference to Murray Rothbard. In his reply Steele softens his criticism of Austrians and admits that they may "be able to develop a distinctive contribution, and offer valuable criticisms, to mainstream economics." Fine. If he had said that originally, I would not have sent any letter.

Further, I did raise questions for alternative methodologies in economics, but I never said that economists following them can't make important contributions to our economic understanding. Steele's tirade against that strawman is totally bogus. I don't reject mathematics or statistics out of hand in policy analysis and know few Austrians who do. To be sure, Austrians are appropriately skeptical that statistics and mathematics can establish the truth or falsity of important economic principles. But that is a far cry from asserting that math and statistics can have no value whatever in economics. The great majority of Austrians readily concede that data and data analysis can be of great historical interest and can highlight and be illustrative of important economic principles while deepening our understanding of various economic phenomena. Yet this important methodological distinction, repeatedly explained by Austrians to the rest of the profession, is too often ignored or misinterpreted by critics. My concluding suggestion is that we tone down the critical rhetoric on both sides and get back to serious research and writing.

Dom Armentano
Vero Beach, Fla.

Close Only Counts in Politics

R.W. Bradford is skeptical that Harry Browne's vote total is low because of the closeness of the presidential race ("The 2000 Election", January). After all, notes Bradford, Browne didn't do better in states where Bush or Gore won by a wide margin. (In such states, voters should be more willing to cast a protest vote.)

However, Bradford doesn't consider a number of reasons for libertarian-leaning voters to pick Bush or Gore, even in "landslide" states. First, not all voters even understood the significance of the electoral college. In Colorado, Bush won by a wide margin, yet in the post-election fiasco one Republican got mad at me for voting Browne. Second, not all voters trusted the polls. At least one Colorado television station ran a story right before the election in which Democrats claimed they might take the presidential race after all.

Bradford's cross-state analysis is interesting, but it doesn't establish his point.

Bradford also places too much emphasis on the presidential race. In Colorado, the real news was that the LP ran more candidates for state legislature than the Democrats. Fifty-eight Colorado candidates ran against both a Democrat and a Republican and averaged 4.9 percent of the vote. Several candidates earned over 7 percent of the vote (and over 20 percent in a two-way race). No, those numbers don't win races, but they get attention, both from the public and from the other parties. In fact, the Republican governor complained about the LP on the biggest radio station in the state. Several Republicans claimed they were "libertarian" and asked the LP to withdraw candidates. The *Denver Post* endorsed a Libertarian, and LP candidates earned coverage in papers across Colorado. Local candidates spoke on at least four major radio stations and appeared on local television a couple times. In my race, the incumbent Democrat had to respond in the local paper to my criticisms of her.

Ari Armstrong
Westminster, Colo.

Bradford responds: I do not believe that all voters understand the electoral college any more than I think all voters

Continued on page 50

Unspinning

A Sign of Progress?

by R. W. Bradford

Libertarian Party candidates for Congress got more votes in 2000 than any fringe party had ever before received. But when the vote is examined closely, the news isn't as good as it seems.

The Libertarian Party has given up attempting to portray the 2000 presidential vote totals in a favorable light. Shortly after the January *Liberty* provided an "unspinning" of the favorable interpretations previously offered by LP leaders Steve Dasbach and Perry Willis, the LP changed the election report on its website. Its new "analysis," written by *LP News* editor Bill Winter, began by frankly admitting "No spin is possible. We were shellacked in the presidential race. Harry Browne's vote total — probably below 385,000 when the final vote comes in — was disappointingly low. Heart-breakingly low. Shockingly low . . . lower than anybody expected."

This admission came as a breath of fresh air, though it would have been a little fresher if it had come before *Liberty*'s unspinning was published. It also contained a factual error. Browne's vote total was not "lower than anybody predicted." Two of the eight prominent LP observers who predicted Browne's vote total in the December *Liberty* said that Browne would get even fewer votes than he did get, though one of these — Bruce Ramsey of the *Seattle Times* — was so accurate in his prediction that it seems a shame to say he missed his target at all.

Winter may have given up on spinning the presidential vote, but he didn't give up on spinning other things. Consider his description of the LP congressional campaign results:

> Libertarians set a new U.S. House vote record, winning a combined 1.66 million votes.
>
> When Richard Winger, third-party expert and publisher of *Ballot Access News*, heard that figure, he said, "I'm stunned." It was the first time in U.S. history that a third party won more than a million votes for U.S. House. The last party that came close: the Socialists in 1920.
>
> Our average Congressional vote totals were also up sharply since the 1996 election. That year, our typical U.S. House candidate won about 4,000 votes; this year, he or she won about 6,000.
>
> And that vote average went up despite the fact that, as with the presidential race, the contest for control of Congress was portrayed by the media as razor tight. It was — and 1.66 million Americans still invested their votes in a Libertarian.

At first glance, this looks like very encouraging news for Libertarians. But first glances can be deceiving.

There are many ways by which a party can increase the number of votes it receives in the congressional race. The obvious way is to get more people to vote for it in each race. Since the major parties tend to run candidates in nearly all races in nearly every election, an increase in either of their vote totals is usually evidence of having more support from voters.

But the LP is not a major party. In the election just past, it fielded candidates in 253 congressional races. In the last presidential election year, it fielded candidates in only 166 districts. Obviously, running 87 more candidates will increase your vote total. In fact, entering candidates in races that the LP had not contested in 1996 had a net effect of increasing its congressional vote total by 762,020. But the LP vote in 2000 total was up by almost a million votes from its 1996 level.

A careful analysis of the returns of all 292 congressional districts in which the LP ran a candidate in either 1996 or 2000 quickly reveals another important development: in 1996, only two LP candidates ran in districts in which one of the major parties didn't run a candidate, while in 2000 a total of 34 LP candidates found themselves in this happy situation. I say "happy situation" because fringe party candidates always do better when they face only a single major party opponent. The reason is simple. The districts in which the Republicans or Democrats do not field candidates are invari-

ably districts that they don't have a ghost of a chance of winning, although these districts contain a good number of voters loyal to the weaker major party. If you are a loyal Democrat living in a district that habitually votes 80% Republican, and your party decides not to waste money fielding a candidate, you are still disinclined to vote for the Republican. If there's another candidate on the ballot, there's a good chance you'll vote for him. LP candidates who face only one major party opponent receive, on average, a little more than four times as many votes as those who face opponents from both major parties.

Considering all major factors, LP congressional candidates did worse in the November 2000 election than they did in 1996.

That's significant. This year, it was a very signficant factor in increasing the LP's aggregate vote total. In the 34 districts where the LP faced only one major party opponent, its candidates got 640,982 votes. In its two non-competitive races in 1996, it got 30,044 votes. That means that in 2000, there was increase of more than 600,000 votes.

Of course, it's not the easiest thing in the world to estimate the party's performance in one year as compared to its performance in another. Securities analysts face a similar problem when they try to evaluate how well a chain store is doing. If McDonald's or Wal-Mart open new stores, the sales of those stores will goose total sales, even if existing stores are doing worse. The solution is to compare sales on a "same store" basis. Rather than comparing total sales from year to year, analysts compare sales from only those stores which were in operation in both years.

This suggests the best way to evaluate how the LP is doing: we should compare the total votes the party received in the districts in which it ran against similar competition (or lack of competition) in both races. This eliminates the effect of the party's running 87 more candidates in 2000 than in 1996, as well as the effect of the 17-fold increase in the number of LP candidates who faced only a single major party opponent.

There are 115 districts that are comparable in this way. In 1996, LP candidates received 496,178 votes in those districts, or an average of 4,315 votes in each. In 2000, LP candidates received a total of 475,389 votes in the same places, or an average of 4,139. That's a decline of 4.2%.

Considering all major factors, LP congressional candidates did worse in the November 2000 election than they did in 1996. True, the aggregate for LP congressional candidates rose, but there were two reasons for this anomaly:

1) The LP ran more candidates in 2000 than in 1996.

2) In 2000, the LP ran far more candidates in uncontested races than in 1996; and voters are much more inclined to vote for fringe party candidates in uncontested races.

Getting 1.65 million votes for Congress is quite an accomplishment, and all libertarians should be grateful to the activists who contested races and contributed their time and money. It is evidence of hard work and generosity. But it is not evidence of growing support in the public at large for LP candidates or for libertarian ideas. ❑

A Note on the Data

Doing a comprehensive comparison of LP congressional vote totals for 1996 and 2000 required finding returns on a total of 419 races. If there is a single place to get reliable totals for all these races, we couldn't find it; neither could Richard Winger, the acknowledged authority on minor parties' electoral returns, nor LP Executive Director Steve Dasbach knew of a single, reliable source. So we pieced together data from the following sources:

1996 and 2000 LP vote totals except those from California: LP website
1996 vote totals of major parties except for those from California:
The Political Reference Almanac, compiled by Anthony Quain, 1999.
2000 vote totals of major parties except for those from California:
LP website
All California vote totals: website of the California Secretary of State

Special thanks to Elizabeth Merritt and Shannon Seibert, both of whom assisted with the monumental job of gathering data, entering it on computer, and verifying its accurracy.

Reflections, *from page 20*

Simms that the Pizza Hut case seemed not to be about racial discrimination, but about the store's concern for the safety of its drivers. "Bullshit!" she replied, obviously unconvinced that a multinational corporation, or maybe any business at all, could have any concern whatsoever for its employees' lives. After all, a long political tradition has been established that only left-wingers and personal injury attorneys care about deaths on the job. One can only imagine, of course, how eager Simms, a personal injury attorney, and her cohorts would be to sue if any company was found to have forced a driver into a dangerous area in which he was injured or killed.

"How did you feel when you couldn't get a pizza?" Simms asked her clients at the hearing. "I felt sad and ashamed," replied Carl Truss. Mrs. Truss testified that she was stewing, spastic, venting, hyper, and obsessed after the delivery refusal. She walked across the street in her pajamas to visit her attorney friend, Simms, to complain that she couldn't get a pizza. Simms then filed the complaint with the HRC, resulting in a four-year investigation of Pizza Hut.

During the hearing, I wondered how the Trusses would feel if a young black man, maybe their son, were forced to deliver a pizza to a neighborhood where the KKK was up in arms. Most of us would consider it a travesty for a store owner to force a black driver into such an area.

"We had looked at it every which way and couldn't see Pizza Hut's defense as legitimate," HRC director Morrison initially told the Pittsburgh newspapers. "More likely than not," he said, the refusal to deliver was a case of "racial discrimination." One wondered if Mr. Morrison had thought about why Pizza Hut, a company that had grown so large by meeting customers' needs, would really want to walk away from business just so they could discriminate? By the end of the hearing, following the protests by the Pizza Coalition and the testimony of the drivers, the HRC had changed its mind and the case against Pizza Hut was dismissed.

— Sarah J. McCarthy

Letter from Athens

Globalization Blues

by Leon Hadar

As Europe unites, Greece divides.

Hundreds of thousands of protesters swarming through the streets of Athens was not the kind of scene that one would have expected to see there in response to the European Union (EU) announcement that Greece would become the newest member of the euro zone. The EU announcement reflected the recognition by the advanced economies of Europe that Greece was ready to join the club of modern nations which were adopting post-nationalism, secularism, and free-market economics as a new way of life.

But many Greeks didn't see it as a sign of progress. In mid-November, when I arrived in Athens with a group of U.S. journalists, under the auspices of the American Journalism Foundation, those angry anti-EU Greeks were surging into the streets. During one of my first visits to Greece, about 20 years ago, I witnessed a large demonstration in Athens that was organized by a leftist coalition, and that brought together all the usual types one expected to meet in those events, that is, mostly long-haired young students. This time the demonstrators were led by the Patriarch of the Greek Orthodox Church and carrying crucifixes and Greek flags, protesting the government's decision to remove religious affiliation from state identity cards. Greek membership in the EU, including the move to adopt the euro as the national currency and its integration into the global economy, symbolized a growing threat to the country's national identity.

After all, it was Brussels' pressure on Athens to adopt the EU's consensus on protecting religious minorities that forced the Socialist government to remove the religious affiliation from the identity cards. In this nation where 98 percent of the population is Orthodox Christian, the church saw the move as "another sign that the forces of globalization are eroding the traditional foundations of national society," according to Theodore Couloumbis, director of the Hellenic Foundation for European and Foreign Policy. "There is a lot of concern among some groups in the religious right as well as among members of the traditional left that Greece as a national culture is now under attack by American consumerism and the European bureaucracy."

Indeed, the end of the Cold War and the integration of Greece into the global economy has produced a major political realignment in this Mediterranean country. Against the backdrop of the civil war in the late 1940s and the 1967 military coup, Greece's post-war political culture has been dominated by what seemed to be the never-ending conflict between anti-American Marxists and the U.S.-backed conservatives. Not unlike what happened in Italy and Japan, the Cold War retarded the political and economic evolution of Greece for thirty years, with the U.S. taking over the role of the sponsor of royalist and reactionary governments (whose members included figures and parties that had collaborated with the Nazis during World War II) from decrepit Great Britain.

The political right, including the monarchy and the military, backed by big business allies, cooperated with the British and Americans to help link the country to the global anti-Soviet military-political system and secure the domestic status quo. This meant the repression of political dissent and the perpetuation of a statist economy, which eventually led to the rise of the Colonels and Turkish-Greek crisis over Cyprus. The political left, including the Communists and Socialists, remained on the defensive after its defeat in the civil war, but emerged as the leading opponent of the Colonels and as the darling of "progressive" forces in Europe and the United States. One of its leaders, Andreas Papandreou, the Harvard-educated economist who headed

PASOK, the Socialist Party, and was elected as prime minister in 1981, turned Greece in a militant, collectivist, and anti-American nationalist direction that devastated the Greek economy and transformed the country into a Third World, backwater entity.

To describe what has been happening in Greece since the end of the Cold War and the acceleration of European economic and political unity as a "revolution" would be an exaggeration. Like Italy and Japan, Greece is going through a slow process of "normalization." The old right-left ideological split is now history, and the political environment is being shaped by a much more reformist and market-oriented elite, whose members reject the old Marxism and xenophobic nationalism and embrace an Internet-style American culture. Not surprisingly, globalization is producing its own discontent and creating a new ideological rift that can be observed not only in Greece, but also in other European countries.

Twenty years ago, I witnessed a demonstration in Athens that brought together the usual radical leftists. Now the demonstrators are led by the Patriarch of the Greek Orthodox Church and carrying crucifixes and Greek flags.

Athens, the vibrant and Americanized port city in which more than 70 percent of the country's population lives, is becoming a battleground in the new clash of civilizations. On one side are the prime minister's Socialist Party and the conservative opposition party, New Democracy, who together with the country's major business executives, academics, and journalists support Greece's ties with the EU, its pro-American foreign policy, and its continuing efforts to reform its centralized socialist economy. On the other side is what can be described as the Red-Black alliance: the Communist Party and members of PASOK's old guard on the left, and the Orthodox Church and its allies on the right. These forces are trying to exploit the fears of many Greeks over the changes that globalization and the ties to Europe are creating. One of the major issues is the flood of more than 600,000 illegal immigrants from Albania, that many believe are "stealing" jobs from Greek citizens and contributing to the city's rising crime wave, including drugs and prostitution. A large majority of Greeks were opposed to the U.S.-led NATO bombing campaign in Yugoslavia and expressed sympathy for the Serbs, with whom they share the Orthodox religion and common cultural roots.

While the economic liberalization that is taking place in Greece has been applauded by the majority of business executives and young entrepreneurs who are trying to link Greece to the Internet-led New Economy, it is threatening the interests of two powerful economic-social groups: farmers, who are losing the protection of the state for their dwindling sector, and owners of small businesses, who are concerned about competition from large European and American retailers. It is not surprising that they are attracted to the message of the Orthodox church, whose leader, Archbishop Christodouolos, standing behind a Coca-Cola billboard, told the demonstrators in Athens that the "forces of globalization and religious marginalization are out to get us." But, for American-educated Constantine Arvanitopoulos, Director of International Relations at the University of Athens, these demonstrators are just another group of political "losers" that globalization is producing, but who under the current economic condition are not able to mount any serious challenge to the process. "It's the Greek version of the Buchanan brigades," he says, "noisy, but ineffective." ❑

"Menagerie in the House" *continued from page 22*

stantial number of Americans disliked the Republicans even more intensely for what they perceived to be moralism on this issue. This confirms the findings of a recent study by sociologist Alan Wolfe, who found middle-class Americans to be intensely concerned about "moral decline," but just as steadfastly opposed to people who were "judgement[al]." Ironically, the greatest moral passion of contemporary Americans turns out to be hostility to "moralism" in areas related to sex and family life.

Neal Gabler, writing in January 1999 in the Los Angeles Times about the impeachment battle, said that in:

> . . . the longer view, the Clinton scandal was the latest and fiercest battle in what we may now recognize as a long cultural civil war, the sides of which the two major parties have come to symbolize. On one side are the Republicans, most of whom seem to believe in an objective reality and an absolute morality. Though it may sound drastic to say, if they often seem to act like the mullahs of Iran, it is because they think like those mullahs. For them, every issue seems to resolve itself into black and white, wrong and right. Homosexuality is a sin against nature. Abortion is murder because life begins at conception. Not telling the full truth before a legal tribunal is a crime no matter what the circumstances. . . . This civil war isn't really about who gains office and what policies are promulgated, which is why the Republicans don't seem to mind that the public reviles them. This civil war is about the belief in an objective reality and an implacable moral system. One suspects we will see people fall on their swords before they give up that fight.

After Florida, the real fight will have just begun, with George W. in the role of lion tamer trying to keep an unruly pride of cats in the Big Tent. Though some say he is not too bright, Bush, like Reagan, seems to understand the vitally necessary fundamental: being a uniter, not a divider. During the election recount circus, his post-election lead has grown. He's surrounded himself with competent and diverse advisors like Dick Cheney, Karen Hughes, Condoleezza Rice, and Colin Powell, black and white, male and female, pro-choice and anti-choice. When the dirt-diggers, finger-pointers, stone-throwers, mullahs, and sexists walk triumphantly forward to elbow everyone else from their place at the table, as Chris Matthews reports Jerry Falwell is already doing by trying to veto Christie Todd Whitman from a cabinet appointment, George W. might want to remind them that he ran as a compassionate conservative, as a unifier, ran to be more than Dumbo. ❑

Explanation

Know Your Enemy

by Edward Rahn

Sometimes, it's a bad idea to give your enemy the benefit of a doubt.

For better or worse, the enormous expansion of federal bureaucracy in the 1960s was the most sweeping change in the political and social landscape of America since the Civil War. Moreover, it fundamentally changed the nature of the liberal movement. At the beginning of the Great Society, it was plausible to argue that liberals were primarily motivated by the belief that social problems could be cured by an activist government, and that larger and more active bureaucracies, at the state and, especially, at the federal level, were a means to that end.

The liberal "solution" to housing needs, for example, was to create massive, government-run public housing projects. But because the government managers had no incentive to maintain efficiency, order, or the most minimal sanitary standards, these housing projects quickly became vandalized, filthy, crime-ridden hovels. The liberal "solution" to poverty was to dispense cash and cash equivalents — food stamps, subsidized housing, subsidized daycare, subsidized medical care, and payments made to women who have illegitimate children. According to academics involved in planning the Great Society, lack of money was the reason why lower-class people engage in pathological behaviors such as drugs, alcoholism, unemployment, crime, childbearing out of wedlock, and welfare dependency. Give them the financial resources of middle-class people, and they will behave like middle-class people.

Things didn't work out that way. The expanded welfare state created a permanent welfare underclass, characterized by all those behaviors that liberals claimed they were trying to extinguish. Payments for nonwork encouraged people to refuse to work. Payments for children born out of wedlock created a pattern of illegitimate motherhood that extended down to teenage girls — liberal policies actually encouraged teenage girls to become pregnant, and family structure disappeared. With no father to provide discipline and a positive example, many young men who were born illegitimate grew up to be criminals.

Liberal "solutions" exacerbated crime, poverty, urban decay, the breakdown of the family — indeed, the breakdown of the social order. Liberals try to deny this; one of their favorite arguments is that we are not devoting enough "resources" to fighting social problems. This "more of the same" argument — if we spend more money, establish more social programs, and hire more social workers and other bureaucrats, all our problems will disappear — was demonstrably wrong. Yet liberals continued to espouse their old, tired, big-government "solutions" to social problems long after they themselves recognized the "solutions" as abysmal failures.

If we are to understand the failure of modern liberalism, we must understand why this happened.

Every social movement can be roughly divided into two groups: a core of activists, the real movers and shakers, who generate the ideas and provide the direction, and a larger group of followers. The core of the liberal movement is comprised of people from groups that earn their livelihoods — and often, their very identities as social classes — from a large, socially activist government. These are the social workers and their academic allies, the social "scientists," as well as government bureaucrats, lawyers, public school teachers (all of whom are government employees), college and university professors (most of whom are government employees, or at least dependent upon federal grants for their salaries), organized labor (especially the government employees' unions), and the staffs of the large and heterogeneous collection of private, semiprivate, and public corporations that work for big government. These core liberals benefit directly from the growth of government. Bigger government means that there are more federal grants and more excuses for lawyers to litigate. There are more job opportunities within the social-activist government agencies, and as the number of middle level managers increases, everyone has a chance to move up in the pyramid. The conclusion to

be derived from these facts is that liberalism is driven not by ideology but by self-interest. Let us call this the Self-Interest View of Liberalism, in contrast to the earlier, Naive Ideology View of Liberalism.

One example of the Self-Interest View is its treatment of the welfare state, whose two largest components at the federal level, the departments of Housing and Urban Development and of Health and Human Services, each spend about three-quarters of their funds on administrative overhead. This is without parallel in private industry; there is no honest way an organization can have an overhead that high. If the liberals really cared about the lower classes, they would reduce the overhead; to cut it down from three-quarters to one-half would double the money available to help the subjects of the welfare state. The failure to do so cannot be explained by the Naive Ideology View, but the Self-Interest View explains it easily. Providing good jobs for welfare "professionals" is the *real* purpose of the programs; the money spent goes into the pockets of core liberals and cements the liberal coalition. The one-quarter that goes to the common folk is a by-product — the means by which the whole process is justified.

The core of the liberal movement is comprised of people from groups that earn their livelihoods — and often, their very identities as social classes — from a large, socially activist government.

The Self-Interest View does not suggest that sincere belief is not present among liberals; rather, it suggests that the real insiders of the movement, the core liberals, are motivated primarily by financial interest. They genuinely believe that their policies are good for the country, but they have convinced themselves of this to alleviate the cognitive dissonance between the suspicion that liberalism is wasteful and ineffective, in fact bad for the country, and their drive to magnify their self-interest. Their ideology is merely an epiphenomenon of their material interests.

In accepting the Naive Ideology View for so long, liberalism's critics have made a classic error: that of analyzing their enemy by their own standards. Opponents of big government are motivated by strongly held beliefs: social conservatives want to restore traditional morality, libertarians wish to maximize individual freedom, economic conservatives want to promote rational economic policies. Populists are hostile to internationalism in all its guises — free trade, military interventionism, the UN, the IMF, multinational corporations, etc. All are motivated by sincere beliefs about the good of society — that is, they are all basically trying to help others. Because they care about ideas and are motivated by concepts of what is good for America, they assume that the liberals are as well.

The long-standing adherence to the Naive Ideology View has led opponents of big government to focus on the battles over specific political ideas. But as the new millennium begins, politics is no longer primarily about ideology: it's about money and power. There is one big issue undermining constitutional government and the rule of law — the drive of the liberal coalition for more money and more power.

In any struggle, one's analysis of his enemy determines one's tactics. Once critics of the growing power of the state recognize that the real enemy is not liberal ideology but the liberal coalition's drive for more money and power, they will understand that their overall strategic objective must be to break the power of the liberal coalition, and there must be those who will advance this goal.

One of the greatest sources of liberal strength is the infusion of taxpayers' money. The federal grant process is used to divert money to left-wing advocacy groups. At last report, the left was getting $400 million every year from the public treasury. The first goal of those who seriously want to reduce state power must be to eliminate, completely, down to the last penny, all public funds going to the left. This will decrease the strength of the left and make subsequent moves easier.

The two major means by which the left has advanced its agenda are litigation in federal courts and regulations issued by the federal bureaucracy, which suggest the next two strategic objectives: clipping the wings of the federal judiciary and of the federal bureaucrats.

The left has been enormously successful in advancing its agenda by transferring into judicial arenas matters which are properly the concern of legislatures. Such judicial imperialism is, in and of itself, a mortal danger to democracy, since people no longer rule themselves if any enactment of their elected representatives may be overturned at the whim of unelected federal justices. It has been pointed out* that Article III, Section 2 of the Constitution gives Congress the power to regulate the appellate jurisdiction of the Supreme Court. The lesser federal courts, being established under authority of Congress, can also be similarly limited.

Without needing to pass a constitutional amendment, Congress can and should forbid federal courts from banning any practice or overruling any law that does not involve a violation of the exact letter of the Constitution or the common law as it existed at the time of the establishment of the Constitution. By this one action, judicial imperialism can be eliminated.

The second course of action will be far more difficult to implement. It was once an accepted premise of constitutional law that the legislative authority of Congress cannot be delegated. But as the left grew in influence during this century, it persuaded America to accept delegation of legislative authority to the federal bureaucracy. Today, Congress routinely enacts laws that merely establish general goals, and leave federal bureaucrats to write regulations to implement them. In practice, unelected bureaucrats use this as a loophole to write new laws that have little to do with the original legislation passed by Congress.

Critics of contemporary liberalism must argue that while it is acceptable for federal departments to write regulations that govern internal practices and procedures of those departments, it is totally unacceptable — and unconstitutional — for American citizens to be prosecuted for violating any federal regulation. They must fight to re-establish the principle that American citizens can only be prosecuted at the federal level for violating laws passed by Congress. This is a radical step, since it contradicts the entire trend in American government

Continued on page 32

* George, R.P. and R. Ponnuru, "Rule by Law," *National Review* (Feb. 26, 1996) p. 54-55, 68.

Warning

The Unacknowledged Premise

by Robert Formaini

There are times when a sub rosa belief can make fruitful dialogue impossible.

Recently, I had an exchange of e-mail with an economist whose name would no doubt be familiar to readers of this magazine. We had some disagreement, and he, I suppose with some exasperation, finally demanded to know why I didn't wholeheartedly support one of his opinions. After thinking it over, it suddenly occurred to me why he and I did not — and literally could never — agree about the matter then at hand: he's an anarchist and I am not.

In itself, this was hardly a profound observation, and I will not dignify it with that much-overused word "epiphany." But this exchange did get me thinking about something that I believe is important — the fundamentally different types of libertarianism and why "full disclosure" is important in political and economic debate.

Too often, the unremarked premise of assuming anarchism hinders people's ability to communicate their differences effectively. Given the reputation anarchism has in this country, I can understand the reluctance by some practitioners to admit such a position "up front." And given the nature of the stakes involved, I even can understand the revisionist history that is always being written, which tries to turn non-anarchists into anarchists after they are no longer with us to dispute such claims. But none of this kind of writing and arguing is going to change anyone's mind because many anarchists have a secret: They know why the argument is going around in circles, but their intellectual opponents do not. Being an anarchist means being allowed to criticize endlessly without the burden of having to offer an explicitly anarchist alternative.

Since I have said that I am in favor of full disclosure on this issue, I happily admit to having many anarchist friends and acquaintances. In fact, one of my more enjoyable pursuits is to play a golf match against a good friend of mine who is an anarchist, and debate the various issues that arise as we meander after our golf shots for 18 holes until he has, once again, beaten me. (At golf, anyway.) So, as you can see, I am not an anarchist-basher — I take the perspective seriously and always have, and I am not unacquainted with its central and even its peripheral arguments, nor with many of its intellectual champions. In brief, I don't think that an anarchist society would be populated by bearded bomb-throwers, nor would it lack roads, schools, and law because there was no central government to "provide" these things. I am a sympathetic critic of anarchism, not a rabid opponent. And in this capacity of a sympathetic friend, even if, ultimately, a non-believer, I want to ask a favor of anarchists everywhere. As Ayn Rand put it so often, and so charmingly: "State your [damn] premises."

If you and I are engaged in any kind of real discussion, it matters greatly whether we are talking about reforming something or eliminating it altogether. If you do not tell me that you are an anarchist, then you are implicitly holding me and my time — which is, as for us all, limited — in utter contempt. For you are wasting my time. And you have the argumentative advantage for, no matter what I say, you will disagree but never reveal the nature of the fundamental disagreement between us. What possible good can come of such endlessly unfulfilled discussions?

Are there many discussions of the type that I have just described? Unfortunately there are, and not just verbal ones. I've read many of them as they were carried on (and in some cases on and on and on) in magazines and journals. I suggest the following disclaimer be adopted by anarchists: "I am an anarchist and the following analysis is based upon that viewpoint." Alternatively, when comments are given where being an anarchist is less important, it might read: "Readers should know that I am an anarchist, but that I do not consider that fact to be important regarding this particular topic . . . although readers might."

Now, quite obviously I am being a bit facetious here.

Anarchists would never adopt a rigid disclaimer code, whether publicly (before the always-coming revolution that will free them from anything "public") or privately suggested. But perhaps some of them will accept the spirit of the idea and explicitly state their starting point before launching their speeches, comments, written papers, books . . . whatever, as Gen-Xers like to say. I can think of absolutely no reasonable objections to this general disclaimer policy.

Libertarian anarchists might respond that it is unfair to demand of them disclosures that are not demanded of their political opponents. In the case of liberals and conservatives, this is mostly irrelevant. They are self-identified by what they support, what they oppose, or where they publish. Their paper trails and income sources always betray them. The better analogy would be to communists, and I would like them to admit their starting position as well. "As a communist, I support returning Elián González to Cuba which now, as always, owns him and any and all of his future potential." None of this "rights of the father" mantra ought to be allowed when the offending pundit is just another domestic red fellow traveler towing the current commie line.

Being an anarchist means being allowed to criticize endlessly without the burden of having to offer an explicitly anarchist alternative.

What I am requesting is simple honesty on the part of America's libertarian intellectual class, regardless of whether followers of other ideologies do likewise. It is frustrating and useless to spend an hour or so debating what the First Amendment really means only to find out that one's opponent is an anarchist for whom the U.S. Constitution is a non-binding document of no current importance outside a history class. If that's the way you see it, then why not just say so and save a bunch of time?

Just the other day I read an interesting discussion about the writing and passage of the Constitution. To the unsuspecting reader, this analysis read like a postmodern, deconstructionist interpretation of that document by a rather conventional leftist thinker. Because I know the author, I know what was really going on: he's a libertarian anarchist but, as usual, he failed to inform the reader of that fact. Why?

Is it, perhaps, because many anarchists are funded by non-anarchists — mostly free-market-supporting, conservative types — and to admit their position openly might jeopardize their current and future income? Could this be why we have so many "closeted" libertarian anarchists?

In that case, maybe they should all be "outed." After all, as anarchists they could have no principled objection to one's personal information being made public. And since truth is a defense against slander and libel, neither would they have recourse for redress, regardless of the impact on their personal fortunes, under the current governmentally-imposed legal system. Maybe an informative, new Internet site should be started. Just kidding . . . I think. ❑

"Know Your Enemy," *from page 30*

for the last 70 years. Most of the tax code would be abolished, along with most of the rules under which the Bureau of Alcohol, Tobacco and Firearms, the Environmental Protection Agency, and numerous other federal agencies operate. This may take years to implement. But it must be done.

Many will argue that enabling legislation is necessary because a modern welfare state is so complex and has so many issues to deal with that it would be impossible for any legislature to enact all its laws and regulations. To which the answer is: just so, but this is not an argument for the bureaucratic state; it is an argument for dismantling it. Since it amounts to saying that the welfare state and democracy are incompatible.

Winning this battle involves public relations. The left fights the battle for public opinion every day of every year, and will stoop to any means to defeat and destroy their enemies in the court of public opinion. Critics of big government gear up every two years to publicize their ideas in the four months or so before the election. They have persisted in trying to convince the public that they are more practical than the liberals. Liberals counter with the claim that they are compassionate, and conservatives are callous. Unfortunately, compassion trumps pragmatism every time. Much of the public says, "The Democrats may be somewhat naive, but at least they care." Once again, the Naive Ideology View undermines liberalism's critics.

Instead of trying to play their game, we who advocate private property and limited government must cut across the compassion argument entirely by publicizing the Self-Interest View. When the liberals say, "We need bigger government and higher taxes to cure social ills and help the poor and downtrodden," we must reply, "The liberals only want higher taxes because they pocket most of that money, and all their talk of compassion is just a ploy to pick your pockets." This speaks to the self-interest of every listener. It appeals to those portions of the electorate that are the most difficult to reach. It is not in the interest of blacks, Hispanics, and rank-and-file union members that they be plundered for the benefit of well-to-do white people who have never done real work in their lives. The leadership of nearly every liberal special interest group has been co-opted by federal grants, money which does not benefit the groups' ordinary members. If we make the Self-Interest View the focus of an ongoing public relations effort, we can capture the allegiance of those groups and turn them against the aggressively leftist leaders who betray the real interests of their followers.

As the new millennium begins, politics is no longer primarily about ideology: it's about money and power.

Make no mistake about it: we are at war. And if we intend to win that war, we must understand our enemy and attack him where he is vulnerable. ❑

Symposium

Libertarian Activism: Time for a Change?

In the January Liberty, *R.W. Bradford concluded an article about the disappointing results for Libertarian Party candidates in the November elections with an invitation for readers to participate in a symposium on libertarian activism. Specifically, he posed these questions to readers:*

- *Should libertarians abandon the hope (or the pretense) that the LP might become a major party?*
- *Should libertarians continue to operate as a minor party on the fringe of American politics?*
- *Should libertarians continue to believe that we are having an impact?*
- *Is there any way to reorganize or reorient our efforts so that we can achieve some of our goals?*
- *Should libertarians abandon political activism altogether?*

A few days later, Bradford invited several prominent libertarians to address the same questions by writing an essay or article for publication in Liberty.

The response both from readers and those who were specifically invited was overwhelming. In this issue, we publish a variety of assessments of libertarian activism. In our next issue, we'll publish critical analyses of these comments and the views of our readers.

Learn from the Environmentalists

by Randal O'Toole

For 28 years, libertarians have invested tens of millions of dollars and uncounted thousands of hours of hard work running candidates for elective office. What dividends has this investment paid? Virtually none: the highest office any Libertarian Party candidate has ever won in a partisan race is state representative, a position the party has won in only two small states, Alaska and New Hampshire, and has been unable to hold.

Worse still, libertarian impact on the nation's political agenda has been negligible. The power of the state continues to grow unchecked, and libertarians aren't even part of the debate.

It should now be clear to every libertarian that running candidates for president and other elective offices is not an effective use of our resources.

It's time for the LP to take stock of its assets and liabilities and see whether it can find a way to be effective. There's no reason to throw good money at an enterprise that has never succeeded.

Three decades ago, libertarians and environmentalists were in similar situations. The libertarian movement and the environmental movement were just getting started; neither had much political power. Both were concerned with issues that were vital to Americans' lives and personal goals. Both attracted large numbers of young people and idealists. Both were driven by a vision that resonated with America's heritage: environmentalists to the idea that nature ought to be left free to run its course, libertarians to a notion that people ought to be left free to do as they please.

Yet the two movements have had dramatically different impacts. Environmentalists have succeeded beyond their wildest dreams. Today, it seems all an environmentalist group has to do is say "boo!" and the whole country jumps. Libertarians remain on the fringe of American life, hardly known to the general public, often confused with conservatives or libertines.

The issues that libertarians have raised are just as important and just as timely as those raised by environmentalists, if not more so. The fate of a spotted owl in a distant forest is far less important to most people than their huge tax bills, governmental restrictions on their daily activity, or the risk that they'll be sent to prison and have their property confiscated as a result of their having participated in victimless crimes.

There are two reasons why libertarians failed where environmentalists succeeded.

First, the environmental movement was broad based and

inclusive. I've seen nuclear engineers working on anti-logging campaigns and loggers working on anti-nuclear campaigns, often in the same offices and sitting on the boards of directors of the same environmental groups. This inclusiveness has not watered down the environmentalists' message, but it has enabled the movement to adapt to more situations and appeal to more people. It also involves many people who would not otherwise identify with the environmental movement — hunters interested in preserving the populations of game birds, for example, and loggers interested in sustainable forestry.

The government kowtows to every environmental rumor and whim, and runs roughshod over private property rights and personal liberties of every kind while libertarians whine on the sidelines.

Libertarians have never been inclusive. Indeed, the largest libertarian organization, the Libertarian Party, has always been exclusive, insisting that people sign a profession of belief to become members — a profession so parochial that many prominent libertarians, including Ludwig von Mises and Milton Friedman, could not sign it. The LP has beaten back attempts to modify or eliminate its oath, on the ludicrous theory that the oath protects the party from being taken over by non-libertarians.

Another reason environmentalists have had so much more impact than libertarians is their willingness to use a broad range of tactics to promote their cause. Environmental groups engage in public education, legislative and administrative lobbying, litigation, street theater, and research. They hold conferences and workshops, take people on tours, and write letters to the editor. In short, they do everything they can to capture the public's attention.

Libertarians, meanwhile, rely almost entirely on two tactics: they operate think tanks, and they run someone for president every four years. Of the two tactics, the think tanks have been more successful. They have published hundreds of research and policy papers, many of which have influenced some public policy.

Environmentalists also have think tanks, of course, but such activities represent only a tiny portion of their efforts. They don't rely on them as much as libertarians do. Protests, street theater, and Earth Day have all bolstered and promoted the green agenda.

Both groups have gone against their instincts of how best to manage an organization. Libertarians, who are supposedly enamored with free markets, seem to prefer a centrally-managed movement, while environmentalists, who are in theory opposed to free markets, have created a movement that is decentralized and encourages initiative.

Rather than run their own platform, enviromentalists have, from their earliest days, made an effort to work with politicians in both major political parties. During the 1980s, they discovered that demonizing members of one party was an excellent fundraising tool, so they formed an alliance with the Democratic party, which was in control of both houses of Congress. When the Republicans gained control of Congress in 1994, environmentalists established relations with enough Republicans in Congress to stop most legislation they didn't like.

Libertarians, in contrast, chose to align themselves with a party that has never played a role in government. Libertarian Party members (and not a few think-tank leaders) think it is more fun to take potshots at Republicans and Democrats than it is to build bridges to legislators with whom they may agree on "only" some issues.

The results are predictable: the government kowtows to every environmental rumor and whim, and runs roughshod over private property rights and personal liberties of every kind, while libertarians whine on the sidelines.

Harry Browne has proven that the best of intentions and innovative fundraising ideas alone cannot resurrect a failed tactic. As Alan Bock pointed out, the press almost completely ignored Browne, while it gave extensive coverage to Ralph Nader and even Pat Buchanan. Bock suggests that this is a case of Washington insiders getting a boost from their friends in the media. In fact, Nader got attention because he had a real chance of stealing the election from Al Gore. Buchanan got attention because he took over Ross Perot's party, which tipped the 1992 election to Bill Clinton. The message is clear: third parties will be covered if they have a chance of changing the outcome of elections. The Libertarian Party has never approached this level of support.

Running as a third-party candidate might be worthwhile if the campaign educated people about the issues. Unfortunately, the millions of dollars spent by the Libertarian Party and the Browne campaign have done precious little for public civic education. While Browne managed to run a few television commercials on a few cable networks, there is no evidence that his two campaigns changed any minds or had any influence on governmental policy.

The Libertarian Party is made up of thousands of intelligent and motivated people. Instead of investing all our money and energy into ineffective efforts like third party campaigns, it should look for ways that actually promote its goal of advancing liberty.

I believe libertarians should adopt the successful strategy of the environmental movement. Libertarian Party members should entirely give up on the idea of being a third party that runs candidates under an independent banner. The party should not disband. Instead, it should change itself from a political party into a non-profit activist group similar to the Sierra Club.

I select the Sierra Club because its structure closely

resembles that of the Libertarian Party, being a national organization with a national staff and tens of thousands of members organized into state and local chapters. Throughout its history, the Sierra Club was exactly what its name suggests — a club one joined to enjoy outdoor experiences such as hiking, backpacking, river running, and bicycling. The club still sponsors such activities, but since the late 1960s it has become highly politicized, engaging in lobbying, litigation, and publishing on behalf of the natural environment.

Libertarian Party members should abandon the idea of running candidates under an independent banner. But the party should not disband: It should change itself from a political party into a non-profit activist group similar to the Sierra Club.

The exact name libertarians choose is not terribly important. I'll refer to it as the Liberty Club as a matter of convenience and to retain the parallel to the Sierra Club. Like the Sierra Club, the Liberty Club could lobby, litigate, support ballot measures, endorse major candidates, and provide grassroots support for libertarian policies. The Liberty Club could have a national office in Washington, D.C. Naturally, the D.C. office would work closely with the Cato Institute, the Competitive Enterprise Institute, and other libertarian think tanks that are already on the scene. It would not duplicate their work, but it would do things that think tanks do not, such as actively lobby on Capitol Hill.

State and local chapters of the Liberty Club could address state and local issues. While the D.C. office might lobby to stop the FBI from reading people's e-mail, the Washington state chapter might work to keep local growth control laws from interfering with people's property rights. Both the national and the state groups could draw on Club membership for letter writing at critical periods of their campaigns.

In addition to lobbying, chapters in many states could circulate initiative petitions to put measures on local ballots and conduct campaigns to win support for those measures. Even without libertarian involvement, initiative campaigns have already limited taxes, legalized medical marijuana, and protected Second Amendment rights. With the Liberty Club providing organized support, initiatives could be an even more effective way to advance liberty. Political conventions could be replaced by conferences and workshops aimed at helping local staff and volunteers be more effective.

Donations to organizations that promote or oppose specific pieces of legislation are not tax-deductible, so environmental groups have set up affiliates to provide support without lobbying. For example, the Sierra Club has created the Sierra Club Foundation. The Liberty Club could do the same.

To promote environmental litigation, the Sierra Club started the Sierra Club Legal Defense Fund (which since has changed its name to the Earth Justice Legal Defense Fund). The ACLU covers some civil liberties, and various conservative legal foundations work to protect property rights. There is still plenty of room for the Liberty Club to begin its own Liberty Legal Defense Fund to defend illegal drug users, challenge asset forfeitures, and call attention to other government restrictions on liberty.

Environmentalists climb trees, not to keep loggers from cutting the trees down, but to get public attention for the trees they are trying to save. Though the Sierra Club doesn't consider tree-sitting to be quite respectable, it does provide assistance to people who want to begin their own groups dedicated to specific issues. As a result, the environmental movement is made up of thousands of organizations with professional staffs and thousands of other volunteer groups.

Similarly, the Liberty Club should make no effort to be the only, or even the largest, group promoting liberty. It should encourage the formation of other groups, either groups that can do things that the Club itself might not want to do, or groups dedicated to single issues such as the Drug War or the War on Sprawl.

The Libertarian Party is made up of thousands of intelligent and motivated people. It has the resources needed to put candidates on the ballot in every state and fund its candidates' political campaigns. Instead of investing all this money and energy into ineffective efforts like third-party campaigns, it should look for ways that actually promote its goal of advancing liberty. Changing the Libertarian Party into the Liberty Club will do this.

It's time to get away from the fringe and into the process of changing the world. ❑

Keeping the Faith

by Steve Dasbach

Why would someone choose to get involved in building or supporting a third political party in America? More specifically, why would a libertarian choose to get actively involved in the Libertarian Party?

Henry David Thoreau said it best: "In the long run men hit only what they aim at." If we want liberty and justice for every American, then we must squarely aim for what we want. For a libertarian, that means supporting the Libertarian Party and helping it to succeed.

America is relentlessly traveling down the road to serfdom. Each and every day, we have less individual liberty to bequeath to the next generation. I believe that most libertarians, irrespective of their opinion of the Libertarian Party, want to see this trend reversed.

History suggests that the task is daunting, perhaps even impossible. One is hard-pressed to find examples of people achieving liberty without first experiencing repression, tyranny, and revolution. Unfortunately, all too often, the result of revolution is more repression and tyranny, as one despot simply replaces another. We owe it to our children to find a better alternative.

The founders of our republic provided the means to rein

in the power of government, if the American people are willing to use it. Our task as libertarians is to find the most effective way to make it happen.

Can this best be accomplished by working within the existing major political parties? Experience suggests otherwise.

The major parties are conduits for exercising political power. Both are overwhelmingly populated with those seeking to exercise power for their own advantage. That is, they are overwhelmingly populated by non-libertarians.

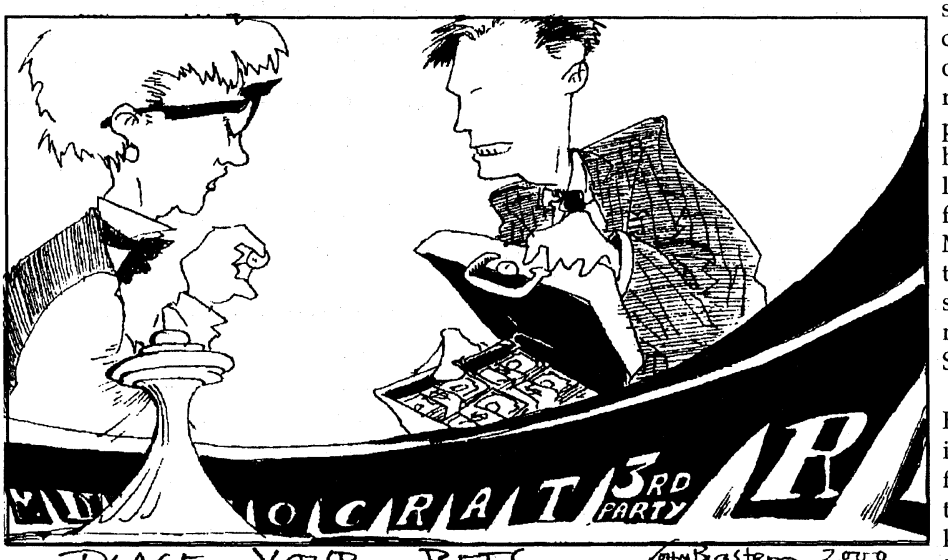

PLACE YOUR BETS —

Suppose we libertarians took the advice given by some and tried to "take over" one of the major parties and use it to promote a libertarian agenda. To promote even a mildly libertarian agenda, that party would have to turn against the interests of those in the party exercising power for their own advantage. Which is to say, most of the party hierarchy.

Folks, it isn't going to happen. The only way you'll ever get these people to give up their power is to wrench it away from them. But that's the one thing you can't effectively do from within a major party.

When you work within a major party, you are expected to support the party leadership. To support other party candidates, no matter how bad you think they are. To support the party's policy agenda and vote for your colleagues' "pork."

If you don't go along, your bills die in committee, your access to lists and money disappears, and you will likely face a challenge in the next primary. Even if you manage to hang onto your seat, you won't be in a position to accomplish much.

To see how this works in the real world, consider the record of the past six years, since the Republicans campaigned on the Contract with America and took control of the House.

As you may recall, the Republicans boldly called for the elimination of three cabinet agencies and 95 government programs. So what happened?

• Over the past three years, total discretionary spending approved by Congress exceeded Bill Clinton's budget requests by more than $30 billion. The 2001 Senate Budget resolution, if enacted, would result in the largest two-year increase in domestic spending since 1977–78 — an astounding 11% — after adjusting for inflation.

• President Clinton's pet project, AmeriCorps, which costs taxpayers about $12 for every hour "volunteered," is more than three times larger today than it was in 1995.

• The Department of Education, which Ronald Reagan proposed eliminating in 1980, and the Republicans still wanted to eliminate back in 1994, is looking at a total budget increase of more than 25% since 1999. And President-elect Bush seems certain to call for even more federal spending on education.

• Republican members of Congress even put Democrats to shame when it comes to dishing out pork, with ridiculous appropriations such as half a million dollars for the Springfield Library and Museum Association in Massachusetts to build a memorial to Dr. Seuss.

GOP Sen. Chuck Hagel perhaps said it best, with his frank assessment that Republicans keep "sticking [their] snouts in the trough just like the Democrats."

Now it is certainly possible that some individual libertarians may be able to more readily get elected as Democrats or Republicans than as Libertarians — although there is little evidence to support that. However, given our recent experience with electing "less government" Republicans, it is highly unlikely that working within either major party will result in policy changes that actually promote liberty.

Building a new political party, dedicated to advancing liberty, large enough to have an impact on politics, it is the only alternative that offers any real hope of restoring our American heritage of freedom.

With the notable exception of Ron Paul, even the most "libertarian" congressmen aren't very libertarian. According to David Boaz's rating of Congress, which appeared in the May 2000 issue of *Liberty*, the average Republican scored 52%, a paltry nine points higher than the average Democrat. Even more telling, the median rating for the so-called "Republican-libertarians" (i.e. members of the "Advisory Board" of the Republican Liberty Caucus) was an embarrassing 58%.

This also points out the limitations of relying on non-political organizations to advance the cause of liberty. The Cato Institute has produced first-rate public policy materials for more than two decades and is considered one of the more

influential think tanks on Capitol Hill. It makes sure that every member of Congress has access to well-reasoned libertarian policy proposals, together with all the supporting research to back them up.

But despite Cato's alleged clout, the size and cost of the federal government has grown relentlessly every year.

The fact is, unless there is enough outside pressure on Congress — unless individual representatives are worried about losing their seats if they vote to further restrict individual liberty — libertarian proposals from think tanks simply don't get enacted.

Given the reality of major party politics, working to build the Libertarian Party as an independent, grassroots party that consistently promotes individual liberty on all issues appears to be the strategy with the greatest likelihood of success.

We have several historical examples of third parties promoting specific public-policy agendas, developing public support for those agendas, demonstrating that support at the ballot box, and having a portion of that agenda enacted by one of the major parties. In fact, it appears that only the threat of losing votes to a third party provides sufficient stimulus for major-party politicians to take actions that would otherwise be contrary to their own interests.

Many of these have been organized around a single issue, or charismatic personality, or both. These have had the greatest immediate impact and generated the most presidential votes. The most recent example was Ross Perot's campaign in 1992, which convinced Congress that it simply had to balance the budget (or at least appear to do so).

However, once the issue is addressed, or the party founder moves on, these parties quickly fade away. They sting once, then die. The Reform Party appears to be following this pattern, and may not even run a presidential candidate in 2004.

Parties that organize, instead, around a set of principles and a broad range of issues can have an impact that is more pervasive. The best example is the Socialist Party, whose ideas formed the basis of much of today's welfare state. Some of these ideas, such as the income tax, Social Security, and Medicare, are now considered givens by both major parties.

Third parties like the Socialists drew their strength from their grassroots organization, and by running candidates at all levels, just as the Libertarian Party does today. In fact, the Libertarian Party this year became the first third party since the Socialists to run candidates for a majority of U.S. House seats, and the first ever to earn over a million cumulative votes for the U.S. House (actually 1.65 million).

By fielding candidates at all levels, more than twice as many as all other third parties combined, we are able to address a wide range of libertarian issues. Our presence on the ballot provides major party candidates a strong incentive to address our issues. And our elected officials, twice as many as all other third parties combined, give us the opportunity to demonstrate that libertarian ideas work at the local level.

For example, we've run thousands of Libertarian candidates who have consistently called for an end to the government's War on Drugs. In the face of attacks and ridicule, we've continued to stand up for what we know is right, and moved a fringe issue into the political mainstream.

Today, initiatives to legalize medical marijuana are passing by 2-to-1 margins in states around the country, and ending drug prohibition altogether is becoming part of the political debate. A few major party politicians are even talking openly about ending the War on Drugs — more will follow. By aiming at what we knew was right, we now stand a real chance of hitting it.

Contrast our actions with those of the National Rifle Association. For years, the NRA has refused to acknowledge the existence of Libertarian candidates. They have endorsed Republicans whose opposition to gun control was lukewarm at best over Libertarians who were committed to the right to keep and bear arms. They have tried to defend the Second Amendment by talking about hunting and target shooting.

Our presence on the ballot provides major party candidates a strong incentive to address our issues.

They've failed.

The NRA has failed to stop the erosion of the Second Amendment because they have accepted the lies that are the foundation of conventional wisdom:

- You can do good only if you have political power.
- You can't change anything unless you're on the inside.
- To get along, you've got to go along.
- It's always better to support the "lesser of two evils."

They haven't aimed at what they really wanted — to restore the right to keep and bear arms. And you can't hit what you don't aim at.

It's the same problem that "libertarians" working within the major parties have. After supporting the "lesser of two evils," after "going along to get along," after doing whatever it takes to gain political power, they find that they still can't really change anything. They've sold out their principles for nothing.

Until there is a major party in America fully committed to restoring our heritage of individual liberty, we will continue down the road to serfdom. Maybe the Libertarian Party will grow to become that party, displacing one of our competitors like the Republicans did in 1860. Maybe we will spur one of the existing major parties into co-opting our agenda, like the Socialists did in the early 1900s.

Perhaps we will need to change our strategy dramatically. Perhaps the key is to simply grow a lot bigger. After all, we've grown more since Harry Browne's nomination in July 1996 than in the entire history of the LP up until that point — the same is true for the number of Libertarians elected to public office. Whatever the answer, it is certainly a discussion worth having.

According to a poll by Rasmussen Research, 16% of Americans — about one of every six voters — strongly agree with the libertarian position on issues. That's more than the number who strongly agree with either the liberal or conservative position. It's a base we can draw upon to build a

stronger, more successful Libertarian Party.

For nearly 30 years, the members of the Libertarian Party have chosen principle over power. We've chosen to aim at the bull's eye of what we know is right; knowing that's the only way we'll ever succeed in hitting it.

Building a new political party, dedicated to advancing liberty, large enough to have an impact on politics, is a monumental undertaking. However, I believe it is the only alternative that offers any real hope of restoring our American heritage of freedom. ❑

Seize Opportunities for Freedom

by Jane S. Shaw

Resources going into the Libertarian Party could be better spent. The Libertarian Party may be a lot of fun — as I have said before, being active in the LP is kind of like a Las Vegas vacation — but the world is crying out for freedom.

No one knows exactly how to bring freedom about, in this country or abroad. During the past two decades, as the Libertarian Party struggled in an almost futile effort to have a modicum of impact, libertarian-leaning people have done great things.

When the Soviet Union was on the brink of collapse, Tom Palmer, now with Cato, was smuggling books by Hayek and Mises into Eastern Europe. The Atlas Economic Research Foundation was starting a growing collection of free-market institutes in Eastern Europe and around the world from Hong Kong to Ghana. In war-torn Guatemala, Manuel Ayau was building a free-market university that is now a beacon for Latin America.

I urge those who have been devoting time and resources to the Libertarian Party to consider applying them to other activities. But I do not expect that to happen.

In the United States, scholars developed concepts such as free-market environmentalism and justice without government. Others challenged the reigning precepts on gun control and welfare.

The scholarly case for liberty received intellectual backing through the decade-long development of an index that measures economic freedom throughout the world (the work of James Gwartney, Milton Friedman, and others), as well as a similar index developed by the Heritage Foundation. Already, the Economic Freedom Index has been shown to correlate with prosperity, environmental improvement, and higher living standards for even the poorest in each society.

The developers of the Economic Freedom Index, along with many other libertarian scholars, some in marginal positions and less-than-lofty institutions, were aided by the legacy of Pierre Goodrich. His foundation, Liberty Fund, gives scholars opportunities to meet and discuss liberty unfettered by political correctness. Other organizations like PERC, FEE, and the Institute for Humane Studies have reached out to college students — and their professors — helping them as they question the prevailing paradigm of "let the government do it."

Something about politics — the oratory, caucuses, power, rumor, uncertainty, wheeling and dealing — is apparently intoxicating to many people.

Indeed, as universities showed themselves to be more sinks than spawning grounds for new ideas, think tanks became the purveyors of new ideas. Robert Rector of the Heritage Foundation was the architect of welfare reform, while the intellectual case for school vouchers comes from many groups, including an organization sponsored by longtime advocates for freedom Milton and Rose Friedman.

For Ed Crane, libertarian activism took the form of creating the Cato Institute, which he developed into a first-class organization, even in the belly of the beast. Crane made it acceptable to discuss the limits of foreign intervention and to argue in favor of a free market, as does the feisty Fred Smith and his Competitive Enterprise Institute.

The new economy spurred new media, including Fox News, which breaks the pro-Democratic Party mold of the other news channels. This, of course, followed the arrival of C-Span, which gave libertarian gatherings a chance to be heard nationally, and whose founder Brian Lamb introduces libertarian ideas through his even-handed "Book Notes." All the while, *Liberty* magazine has provided a forum for libertarians and those who lean in that direction, helping them discover one another as well as share their ideas, and *Reason* has continued to reach for a broader audience.

There is much to be done by libertarians, and at least some doors are open. This list is suggestive, not exhaustive. Thus, I urge those who have been devoting time and resources to the Libertarian Party to consider applying them to other activities.

But I do not expect that to happen. Those resources may not be readily transferable.

Why? Because there is something appealing about political activity. I don't happen to share a taste for it, but others do. Something about politics — the oratory, caucuses, power, rumor, uncertainty, wheeling and dealing — is apparently intoxicating to many people. It's not easy to find a substitute. The behind-the-scenes work of think tanks or libertarian magazines can't hold a candle to it.

So, while many activities need the help of libertarians, if politics is your main game, I suggest you consider Bruce Ramsey's advice (January) to join the Republican Party. It needs libertarians desperately. No, it would not be as much fun as the Libertarian Party. You would have to rub shoulders with, and even endorse, conservative country clubbers

and moderate would-be regulators. You would be in the minority. You would have to compromise.

But you could have an impact on the course of this country's future. And if you look hard, you may find some libertarians there already. ❑

Going Local

by Ken Sturzenacher

The LP's most recent presidential campaign did more of what it did in 1996, and got worse results. For the next four years, let's do what works.

If libertarians and national Libertarian Party officials are willing to learn lessons from the post-election campaigns in Florida, they can start with this one: the LP is completely unable to contend at this level.

That sounds obvious, but the party's inability to compete nationally is far more basic than its inability to summon to its defense dozens of high-priced attorneys from anywhere in the nation to anywhere else in this nation on a day's notice. The LP does not have enough dedicated activists nationally to post one outside each of Pennsylvania's 9,000+ polling places on election day. The LP barely has enough dues-paying members to hand out election-day palm cards at all the polling places in the three West Coast states.

In short, after 28 years and eight presidential campaigns, the LP cannot even be certain all the votes cast for its candidates are counted in any given state.

For the past six years, LP members have been inundated with a deluge of propaganda promising stunning breakthroughs, if only some particular stratagem is undertaken. Every "if only" stratagem required demonstrating one's fealty to the latest vision by sending more and more money to LP HQ or the Harry Browne campaign. Reading through a series of fundraising entreaties from LP HQ since 1994, one might get the impression that the strategic plan was to cover the office walls with plaques bearing the engraved names of those successfully persuaded to part with yet another $100 or more.

Many of these drives have been touted as having been highly successful, but comparisons solely against prior performances rather than against stated objectives can distort the picture. Consider Project Archimedes, for example. To some, including its spinmeisters, the increase in LP national membership from 21,500 at start of 1997 to a peak of more than 33,400 before the end of 1999 is a huge achievement. But the architects of Archimedes have not recently mentioned their formerly oft-repeated mantra that Archimedes would produce 200,000 dues-paying members for the national LP by the dawn of the (media's *vs.* the calendar's) new millennium.

As recently as the December 2000 issue of the *LP News*, David Bergland (1984 presidential nominee, 1996 Harry Browne for President chairman, and 1998-2000 LP national chairman) dragged out that propagandists' old stunt once again, with this phrase:

"We have substantially more members (about 10 times as many as when I ran in 1984 . . .)"

What an triumph of Orwellian language! Membership *before* Bergland ran in 1984 was a hundred times larger than when the party was founded in late 1971, a period of 12 years. So a party only ten times larger in all of 16 years since Bergland ran should, in Bergland's own terms, be considered a dismal failure.

Perhaps it was only space constraints at the end his recollections, but Bergland chose not to remind us that LP membership has been stuck for about a year at one-third of the number Bergland himself had promised it would be at the end of 1999.

Where the party's architects failed, the chief spinmeisters have succeeded. Too bad these individuals, some of whom play both roles, have been better at fooling some into believing that so little is enormous, and that what was not achieved is of no consequence.

In the wake of what the *LP News* editor William Winter called Harry Browne's "heartbreakingly, shockingly low" vote total of slightly more than 376,000 — "lower than anyone expected" — the party's board of directors, the Libertarian National Committee (LNC), is embarking on a new round of strategic planning. To the extent that there was a plan beyond Harry Browne's two presidential runs, the LNC supported a strategy of getting enough candidates for the U.S. House of Representatives to claim that American voters had the ability to elect a Libertarian majority to Congress.

Having started on that track since 1995, more than enough Libertarians were on the ballot in 2000 with the potential to make the so-called Republican Revolution of 1994 look small.

What the LNC neglected to do, however, was devise any means to support its 255 federal-level candidates. With very few exceptions, most LP candidates hoping to wake up as Congressmen-elect did not raise even $10,000.

Oh, yes, the headquarters staff did try something. Late in the campaign — that is, after Labor Day — LP national director Steve Dasbach offered those federal-level candidates a challenge: raise a minimum of $5,000 to buy TV airtime, and we at HQ will match you dollar for dollar. Fewer than ten candidates were able to respond to the challenge successfully; the first check of the roughly $40,000 sent out by HQ was dropped into the mail in mid-October, just as the crescendo of TV advertising messages from a swarm of candidates for a multitude of offices was reaching its peak.

Four years ago, with relatively little effort, more than two dozen Libertarians won election as either Inspector or Judge of Elections.

Dasbach has said this was a test of a plan to help candidates in the 2002 election. That may be true in hindsight, but the "test" grew out of an almost casual exchange among conversants during a conference call of the LNC's Executive Committee members. Without direction from the EC,

Dasbach was left to decide what to do.

In the four weeks after the election, the media relations staff at LP HQ did not mention the vote totals or percentages received by those few candidates who did receive matching funds for TV ads. The inescapable conclusion: if the ads did have any impact, it's too little to notice statistically.

Back to the drawing boards.

More precisely, back to the grassroots.

That starts inside the polling place, with the individuals generally known as Inspectors or Judges of Election. Whatever their titles, they are the individuals who check your name against the list of registered voters, check your signature against the signature on file, and mark that you have voted, so that, in theory, no one else can do so using your name. Four years ago, with relatively little effort, more than two dozen Libertarians won election as either Inspector or Judge of Elections. Two Pennsylvanians are actively involved in trying to build on that number in 2001. Ken Krawchuk has developed this campaign for the most local of local offices — your own precinct — into a series of a few handouts, most of which I believe are easily reproducible for inclusion in state and county LP newsletters. (Krawchuk was the LPP's 1998 candidate for governor, and a candidate for the v.p. slot on 2000). The other is new LNC rep and recently elected chairwoman of the LPP, Lois Kaneshiki, herself a veteran of a tough race in 1999 for county commission in Blair County.

Not every victory is that easy, of course. But there is an important lesson: if Libertarians, especially county and local LP activists, look for these opportunities, they can and will find plenty of them.

On a larger scale, many states will be holding municipal elections during 2001: town, borough, township, city, up to county-level offices. Many of these are officially considered "non-partisan." Most have a couple of virtues Libertarians love: they are generally small-scale and low-key. Small-scale simply means no expenses for TV or even radio advertising, because the governmental unit is far too small to make broadcast — and often even newspaper — advertising necessary. Small-scale also means a candidate has a fair chance to meet personally most of those who are likely to vote, and hand that voter a campaign brochure. Candidates for New Hampshire state representative have small-scale campaigns, with one state representative for every 3,500 people, not all of whom are of voting age. For the sake of defining a line, let's define "small-scale" as 10,000 individuals, including those too young to vote.

Low-key may mean little more than going door-to-door, asking for votes. One might also want to try to register some of the non-voters, but only if time permits and the individuals are highly likely to vote for you or the candidate you're working for. Low-key campaigns usually rely most heavily on name recognition within the community. Someone already active with civic or religious or sports or youth groups decides to run for office, for example.

Small-scale and low-key sometimes overlap, because in many communities, it is difficult to find individuals willing to run or serve. In many smaller communities, even the old parties sometimes find it difficult to fill a host of offices. It is sometimes possible to win easily simply because no one else is on the ballot. In one case, an LP candidate for state representative won his township's post as auditor in the following year, with a single vote — which he did not cast — simply because someone who liked him the previous year supported him for another job.

In another case, an LP member who was involved with a group acting as a "watchdog" on school board spending realized the night before the November 1993 municipal elections that no one in his ward was running for borough council. He called a friend in that group to ask for advice:

"Jack, we've got no one running here. You're on council; who should I vote for?"

"How 'bout you?"

"Jack, it's 7:30 at night. The polls open in less than 12 hours."

"So what? Do you want to do it, or not?"

After getting an answer to what the job involved, the LP member agreed. The two made a few phone calls, and the next day, the LP member was elected by a 16–1 landslide on a write-in for the four-year term.

Not every victory is that easy, of course. But there is an important lesson: if Libertarians, especially county and local LP activists, look for these opportunities, they can and will find plenty of them.

The LNC loves to tout even the minuscule, but growing, number of Libertarians in public office, but that's not what will be important over the next couple of years. Fully half of the LP's dues-paying members could probably get themselves elected, if they really wanted to. Most of those offices would be at the level of keeping elections honest. The rest could win in offices with genuine policy-making, budget-slashing ability. They're the ones who would make the news that would lay the foundations for campaigns for larger offices in 2004. ❑

A Strategy for Liberty

by David F. Nolan

As we enter the 21st century, it seems appropriate for those of us who place a high value on individual liberty to pause and evaluate the options we have for protecting, preserving — and hopefully increasing — that liberty in the days and years to come.

Looking specifically at the United States, it is clear that the idea of individual (as opposed to group, or collective) rights has been under attack for almost all of the past century. The people of this nation are demonstrably less free, in many ways, in the year 2000 than they were in 1900. The list of activities that are either forbidden or required has grown by orders of magnitude.

Fortunately, thanks to the advances made possible by a relatively free economy, we are still far from enslaved and are, in fact, *more* free in some ways than we were even 50 or 25 years ago. We have greater mobility, greater access to information, and more disposable wealth than ever before.

Yet there is little doubt that the values we hold dear are largely ignored in the political arena. In the recent presidential race, the two main contestants were both advocates of massive government spending, intrusion and controls. Gore is "Mr. Control" — the only man who, as a senator, received a perfect zero rating from longtime libertarian vote-watcher Don Ernsberger, and was rated "worst in the Senate" by the National Taxpayers Union. Bush gave occasional lip service to the idea of letting people run their own lives and keeping a bit more of their earnings. Yet, he responded to virtually every one of Gore's big-government proposals by saying that he supported the idea, but would spend less and would let the states administer the programs. Some difference!

So what's a freedom lover to do?

One strategy, advocated by numerous libertarians, is simply to arrange your life so as to circumvent the intrusions of the state as best you can. Earn a living in a way that requires minimal paperwork and compliance with the endless maze of laws and regulations. Pay as few taxes as you can. Assume a low profile: don't register to vote, be discreet in your personal habits, etc., etc. I find it hard to quarrel with this approach; as long as things don't go completely to hell, it's likely to get you more personal freedom than working assiduously for change.

The downside, of course, is that if all the freedom lovers in America did this, the chances of things going to hell would increase significantly. All that is necessary for evil to triumph, and all that.

So, assuming that you want to do something to stem the tide of statism and restore greater individual liberty, the question is . . . what? Given that each of us has limited resources — time, money, and energy, to name but three — how do we best use those resources to work most effectively for individual liberty?

The choices are almost limitless. Among the pro-freedom organizations you can support are:

- "Educationist" organizations like the Advocates for Self-Government, the Foundation for Economic Education, and the Future of Freedom Foundation.
- Policy-studies outfits like Cato, the Reason Foundation, and the Manhattan Institute.
- Single-issue political action groups like the National Taxpayers Union, Gun Owners of America, and NORML.
- Tactical grassroots outfits like the Fully Informed Jury Association.

All of these organizations do good work and are worthy of support. But all of them fall short of "direct combat" on the political battlefield, where the society of the future is constantly being shaped. If we do not have people carrying our banner in the political arena, we are tacitly conceding that we expect others — liberals, conservatives, special-interest groups, or whomever — to implement our ideas for us. We are leaving the public policy decision-making process to people who owe us no loyalty and often do not share our values.

This, I submit, is a risky proposition. Direct involvement in the electoral process cannot be avoided if we want 21st century America to be more libertarian. If we refuse to play the game, then the game will be won by those whose vision we abhor.

The question then becomes, *how* do we participate? Realistically speaking, we have only two choices. We can try to work within one of the two major parties, or we can continue to raise our own banner, that of the Libertarian Party. (I reject the possibility of taking over another alternative party, as all of them have their own agendas, and none is demonstrably more viable than the LP.)

Of the two major parties, the Republicans are superficially the more appealing. GOP politicians, even Dubya, give occasional lip service to the notion of limited government and individual liberty. But the Republican Party is not a coherent or dependable force for liberty. It is a "Big Tent" party made up of all kinds of people, some of whom agree with us, at least occasionally, on some issues. And its leaders routinely sell out on the issues we care most about: taxes, the right to own and carry firearms, and the War on Drugs, to name but three.

Direct involvement in the electoral process cannot be avoided if we want 21st-century America to be more libertarian. If we refuse to play the game, then the game will be won by those whose vision we abhor.

At the grassroots level, the GOP is controlled by social conservatives (largely the so-called "Christian Right") who share very few of our values. We could therefore expect any attempt to move into the GOP and change its direction to be met with fierce resistance. Thirty thousand libertarians (assuming we could muster that many) will have little influence in a party with upwards of three million active members.

I have great admiration and respect for those Republicans, like Ron Paul, who take a consistent and principled stand for liberty, but they are few and far between. The Republicans are no longer the party of Robert Taft and Barry Goldwater. In his survey of Congress, published in *Liberty* earlier this year, David Boaz found that Republican congressmen voted "pro-liberty" only 52% of the time, on average. And only five, out of 223, voted in favor of liberty as much as 80% of the time.

The Democrats, needless to say, are even worse. In Boaz's survey, the Democrats in Congress voted "pro-liberty" only 41% of the time, and not a single one voted favorably even 75% of the time. I know of nobody who seriously advocates working within the Democratic Party in hopes of turning it into a crypto-libertarian organization, so I will not waste anyone's time by discussing that as a plausible option.

Which brings us to our sole remaining option for electoral activism: the Libertarian Party.

National LP membership is currently 32,000, with about 225,000 voters registered as Libertarian in states where that is an option. These are not impressive figures, except perhaps in comparison with other third-party statistics. But that's not the whole story. The National LP staff has calculated that nearly 3.4 million people voted Libertarian at some level this past election. This is almost *nine times* the party's vote at the presidential level, and 20% more votes than celebrity candidate Ralph Nader received. And therein lies an important lesson: the presidential vote has consistently been the *weakest* indicator of Libertarian support, and should be ignored when evaluating the party's health and prospects.

I am convinced that an undue emphasis on the presidential contest has caused Libertarians to misallocate resources and efforts, and has led to chronic disappointment and "burnout" among activists. Let's look at some historical data to see why.

In the entire 20th century, out of hundreds of people who have run for president as independent or third-party candidates, only *six* were able to obtain as much as five percent of the popular vote. They were: Teddy Roosevelt (27.4%, 1912), Eugene Debs (6.0%, 1912), Robert LaFollette (16.6%, 1924), George Wallace (13.5%, 1968), John Anderson (6.6%, 1980) and Ross Perot (18.9%, 1992 and 8.4%, 1996).

Five of these men were "household names" long before they entered their respective contests. Roosevelt was a former president, LaFollette was a senator, Wallace was a state governor, and Debs was a prominent labor organizer and social activist. Perot had been in the public eye for years, and was seen by many people as a plain-spoken man of action . . . and he spent upwards of $60 million of his own money on his first campaign. John Anderson was less well-known than any of the others, but still immensely more famous than any Libertarian candidate to date, thanks to constant and favorable media coverage.

These men attracted large numbers of voters because they had both visibility and political credibility going into their campaigns. Four had held significant political office, while a fifth (Perot) had proven executive experience in the private sector. Debs had widespread support in the labor movement. Without these kinds of credentials, no third-party candidate for president is likely to break out of the doldrums. Even Ralph Nader, who began his 2000 campaign with decent name recognition and received at least 100 times as much media coverage as Harry Browne, couldn't muster three percent of the vote. This is less than the oft-cited "margin for error" in most national polls, and thus the first marker for political relevance.

The primary reason for focusing on Congress is that it allows us to address the big issues — national issues — in local venues.

There has been much spirited discussion since the November election about Harry Browne's disappointing showing. While the national vote total for president went up about eight percent from 1996, Harry's vote dropped by about 19% in the 49 states where he was on the ballot both times. The Browne team attributes this largely to the closeness of the election, and they may have a point. An online survey of libertarians, conducted by FreeMarket.net shortly before the election, showed that only 68% of the participants planned to vote for Browne, with 17% defecting to Bush and most of the remaining 15% not planning to vote. So it's reasonable to conjecture that in a less closely contested race, Browne might well have received as many votes as he did in 1996, or even a few more.

But so what? Even if he had, the stark fact remains: as long as the LP runs virtually unknown candidates for president, they will continue to receive 250,000 to 500,000 votes. The argument that the LP would have received more votes if it had nominated Don Gorman or Bumper Hornberger or Barry Hess or L. Neil Smith is dubious, in my opinion. To become a factor in presidential elections, the LP must attract candidates as well-known and credible as LaFollette, Wallace, and Debs.

Can we do this? I suppose it's possible, but it's not likely. If the Libertarian Party can demonstrate a significant support base, someone like Minnesota Governor Jesse Ventura or New Mexico Governor Gary Johnson might consent to run for president as a Libertarian. And how can we demonstrate that support? By doubling or tripling the number of votes for our congressional candidates.

Last year, the LP ran 256 candidates for the U.S. House of Representatives — the first time since 1920 that any alternative party contested a majority of the seats in that body. These candidates received almost 1.65 million votes among them. This was the largest vote total gained by any third-party Congressional slate, ever, and seven times the vote received by Harry Browne in those districts. And these results were achieved with a total budget, for all 256 candidates, of less than one-quarter what the Browne campaign spent!

A coordinated national congressional campaign in 2002 should be able to double or triple that vote total if it has the same amount of money behind it that the Browne team spent in 1996 and 2000. Three million to five million votes is not an unrealistic goal, given that more than three million people voted Libertarian in the election just past!

And while it would be nice to attract a credible candidate for the 2004 presidential contest, the primary reason for focusing on Congress is that it allows us to address the big issues — national issues — in local venues. Congress is actually more important than the presidency; it sets the budget, raises and lowers taxes, declares war (or refuses to!) and generally controls the national agenda. It is Congress that will decide how much longer the War on Drugs continues to destroy our lives and liberties. It is Congress that will restore, or further erode, our Second Amendment rights. And if Libertarians get five million votes in Congressional races, you can bet we will be taken seriously!

The Libertarian Party has a future. But in order to realize its potential, it must abandon its fascination with the presidential race, and move its focus to the congressional arena.

We may never see a truly libertarian America, because, contrary to what David Bergland likes to say, most people are *not* inherently libertarian in their beliefs. The recent Rasmussen poll showing that 16% of voters are attitudinal libertarians, in a broad sense, is probably close to the mark. And if we can get them to vote as a bloc, we can exert significant pressure on the Democrats and Republicans — far more than we could from within either major party.

Our best chance of doing this, in my opinion, is to focus on congressional races and to make opposition to the War on Drugs our lead issue. A substantial minority of the public is with us on this issue, while the politicians of both old-line parties are vying with one another to project the most hawkish image.

We have an opportunity. Let's make the most of it! ❑

Making Liberty Matter

by Bruce Bartlett

It is clear that the Libertarian Party has been a failure by any measure. Much of this has to do with the nature of the party itself, bad leadership choices, poor management, etc. But in my view, the fundamental problem of the Libertarian Party is that it is a third party in a political system which allows only two.

The Constitution essentially mandates a two-party system, because a presidential candidate must win 270 votes in the Electoral College — an absolute majority. He cannot win with a plurality of votes cast, as Jesse Ventura did in Minnesota. And the nature of the Electoral College means that a winning candidate must have broad geographic support throughout the United States. These facts have frustrated the creation of any viable third party in the U.S. since 1789, and will continue to do so unless the Constitution is changed. Given the debacle of the recent election, this is possible, but nevertheless unlikely. Abolition of the Electoral College will almost certainly be blocked by the small states, which benefit disproportionately from it. Thus, we must accept that for the foreseeable future, it is simply impossible to have a viable third party in this country, whether it is the Libertarian Party, the Reform Party, or any other.

If the U.S. had a parliamentary form of government, the situation would be quite different. In such systems, third, fourth, and fifth parties are not merely viable, but often hold the balance of power. The quasi-libertarian Free Democratic Party of Germany, for example, has frequently held the balance of power in governments dominated by both the leftist SPD Party and the conservative CDU Party during the postwar period. But the U.S. is not likely to adopt a parliamentary system any time soon. How, then, can libertarians advance their cause through party politics?

The most successful third party in American history, in terms of achieving its agenda, was the Socialist Party of Eugene Debs and Norman Thomas. As Milton Friedman has pointed out, virtually every item on the Socialist Party's platform ultimately was enacted into law. That is why the party went out of business.

A key reason for the Socialist Party success, however, was that it had a respected and articulate leader who continually ran for president. Neither Debs nor Thomas ever pretended to have any hope of winning; however, they were not treated as cranks, but rather as elder statesmen. And because they ran so often, over time they became an accepted part of the political landscape, sought out by reporters as much for their historical perspective as their political views. It must also be noted that every other third party in American history that has achieved some modicum of success has essentially been a one-man party — Theodore Roosevelt in 1912, Robert LaFollette in 1924, Strom Thurmond and Henry Wallace in 1948, George Wallace in 1968, and Ross Perot in 1992 and 1996.

I believe that if the Libertarian Party wishes to continue operating as a distinct third party, it must find a leader of the caliber of Norman Thomas, who is prepared to run for president several times. This person should have intellectual and political stature sufficient to command attention for his or her views independently of the party. The Green Party seems to have found such a person in Ralph Nader. Libertarians need to find someone like him to be their standard bearer.

Libertarians should also work on doable electoral reforms. Abolishing the Electoral College or changing to a parliamentary form of government are not realistic. But other reforms would boost the influence of third parties generally. One approach would be to institute nationally a political system such as the one that exists in New York state. In addition to the Republicans and Democrats, the state has several competitive third parties, including the Conservative Party, the Liberal Party, and the Right to Life Party. What makes these parties viable is the simple fact that votes cast on their lines are aggregated with any votes the same candidate receives on another line. Thus, if the same person were running on both the Republican and Conservative lines, all his votes on both lines would be added together to determine his total vote count. This system avoids the problem of wasted votes and enables third parties to play a pivotal role in elections. Republican candidates are seldom able to win without votes cast on the Conservative line, and Democrats similarly need those on the Liberal line. For this reason, Conservatives and Liberals are able to exercise considerable influence on the programs of the major parties.

The model that the Libertarian Party has followed over the last 28 years has not and cannot work for constitutional reasons.

The New York system also allows for interesting cross endorsements — Republicans with Liberal endorsements or Democrats with Conservative support. This can make Republicans with Liberal endorsements able to win in districts that would otherwise be solidly Democratic; and Democrats with Conservative endorsements competitive in Republican-dominated areas. Occasionally, candidates are even able to win offices solely on the Conservative or Liberal

line, as James Buckley did in 1970, running for the U.S. Senate as a Conservative against Republican and Democrat opponents.

Because this system can be adopted on a state-by-state basis, it would be far easier to enact than a major change such as abolition of the Electoral College. Furthermore, Libertarians would be able to join other third parties, creating a significant political force. It is a reform that would also appeal to good government types and even committed Republicans and Democrats who want to push their parties to the right or left, respectively. Cross endorsement would immediately make the Libertarian Party a force to be reckoned with. I can see Libertarian endorsement being valuable to both Republicans and Democrats at different times and in different places. No longer would a Libertarian vote be a total waste. This would attract more votes to the Libertarian Party and make the libertarian position one to be reckoned with in American politics.

One approach would be to institute nationally a political system such as the one that exists in New York, which has several viable third parties. Because it can be adopted on a state-by-state basis, it would be relatively easy to enact.

My final suggestion is simply to abandon the Libertarian Party altogether, with libertarians instead working to establish caucuses or factions within the Republican and Democratic Parties. Especially during primaries, when turnout is low, it is possible that a committed libertarian bloc in Iowa or New Hampshire could exercise decisive influence.

The model that the Libertarian Party has followed over the last 28 years has not and cannot work for constitutional reasons. The result has been to diminish libertarian influence in national politics, to the detriment of freedom. The model must be rethought. The suggestions I have made certainly do not exhaust the possibilities. But one thing is certain: libertarians must change their strategy radically if the libertarian philosophy is to make headway in the American political system as it now exists. ❑

A Time for Boldness and Integrity

by Jacob G. Hornberger

Harry Browne received about 380,000 votes, which is 37% fewer than he received in 1996. Let's give his campaign the benefit of the doubt and assume that its efforts to promote him over the last four years produced 200,000 new votes. That would mean that 300,000 people who voted for Browne last time abandoned him this time. Consider also the many libertarians who have left the party during the past several years, who refuse even to get involved with the LP, or who voted for non-LP candidates during the primary season. These are not the signs of a healthy organization.

There are those who feel that the primary reasons for the recent debacle are external to the LP. If only there wasn't a vast media conspiracy against the Libertarian Party and Harry Browne. If only Bush and Gore had agreed to debate Browne. If only Browne could have appeared on more television talk shows. If only Americans weren't so ignorant. If only people hadn't wasted their votes.

I contend that the primary reasons for failure are internal, not external.

There are two levels that call for analysis: the particular campaign strategy employed by Browne, and the particular paradigm of unethical conduct and pragmatic politics that has guided the LP national office for years.

Browne's mass-media strategy could not succeed in a small party. LP candidates should instead develop guerrilla-warfare tactics that optimize scarce resources. I doubt that a political strategy based on hotel fundraisers with attendance limited to people in "business attire" can succeed in attracting millions of ordinary people to a presidential campaign.

I don't believe, however, that the fundamental problem lies with campaign strategies. I've concluded that the insurmountable barrier to success at the national level lies with a lack of commitment to integrity and principle among party officials, highlighted by the failure to distinguish between the general interests of the Libertarian Party and the private interests of party members.

A post-election *Wall Street Journal* editorial stated that exit polls revealed that the two most important issues for voters were moral and ethical principles. Why would the American people get involved with a third party whose officials lack a firm commitment to these principles?

To achieve success at the national level, I recommend we commit to making the national Libertarian Party the party of both integrity and principle and begin now, not later.

Stop targeting white, middle class, business-attired, disgruntled Republicans with watered-down principles. Instead, engage in principled campaigns that primarily target the victims of government's domestic wars.

Both the LP National Committee and LP national office should be staffed only by officials who are absolutely and totally committed to advancing only the general interests of the Libertarian Party — not their own personal interests or the interests of friends, associates, or acquaintances, including official or unofficial candidates for the 2004 LP presidential nomination.

The LP National Committee should exercise its supervisory authority to ensure that presidential campaigns are run with the utmost financial integrity. In view of the questions that have been raised about Browne's campaign expenditures, the LP should commission a complete financial audit

of the campaign by an independent accounting firm in order to put all such questions to rest.

The LP national office should discard its emphasis on pragmatic politics and simplistic slogans and instead begin emphasizing our strongest political weapon — our principles. An independent committee should identify those LP congressional nominees who are most likely to run successful campaigns based on pure libertarian principles, and then recommend that LP members all over the nation donate to those campaigns.

We should reject "play-it-safe" strategies, and instead adopt bold maneuvers to reach out to new groups of Americans. Stop targeting white, middle class, business-attired, disgruntled Republicans with watered-down principles. Instead, engage in principled campaigns that primarily target the victims of government's domestic wars.

The past, of course, is behind us. If we continue following the same road we've been following, the future will be no different. We have the opportunity to move the Libertarian Party in a different direction, one based on a firm and unequivocal commitment to integrity, ethics, principles, and boldness. We have nothing to lose by trying. We have everything to gain. ❑

All Politics Is Local

by John Thomas

It disturbs me to no end to hear complaints about the national LP and its lack of progress during its 30 year existence. No political party has ever made its mark on national politics, or grown itself, by using national elections or national policy. Expectations that the national LP can do something no other party has ever been able to do are plainly goofy. All political parties that have influenced the process or have become political contenders did it by building strong local organization first. It does no good for someone to join the party through Project Archimedes if there is no local organization for him to become involved in, and no Libertarians running locally to keep hammering the message home.

I'm from El Paso County, Colo., the birthplace of the Libertarian Party. Yeah, I know, the first decision to form a party was in David Nolan's living room, but all the oldtimers here say that the first official meetings were held in Colorado Springs. So what was the state of the El Paso County Libertarian Party when I came here in 1998? There wasn't one. There had been a party, but its organizers had to devote some of their time and energy to making a living, and it fell apart. An isolated case? I don't think so. When I moved to Brevard County, Fla. in 1995, I discovered that it had once been a hotbed of Libertarian activity, but there was no longer a party.

Without a continuing Libertarian presence at the county level there is no Libertarian Party. If the national LP exists for 1,000 years and there is no El Paso County LP, nothing the national does will make any difference here. If local parties start and stop, little that the previous party gained will be passed to the new party.

I realize that there are some county parties that have done well and have existed for almost as long as the national party. However, their efforts are limited if the surrounding counties lack the same type of organization. All historically significant parties had strong local organizations at the county level.

Why do local organizations have so much trouble staying alive? Assuming the case of my wife and me is common, it's because those who start parties are left to do it on their own; there is only minimal guidance on how to run a party so it will grow.

If I were dictator of the national party, I would:

1) Coordinate input from local activists who have started parties to create a "how-to" guide and distribute it widely.

All political parties that have influenced the process or have become political contenders did it by building strong local organization first.

2) Have a team of trainers to target certain counties for start-up organizations, and actually go there to get things started. The LP's Success Seminars are a step in the right direction, but don't address start-up needs. They don't give ideas on how to build from nothing.

3) In addition to compiling a start-up guide, there needs to be a "growth guide," a guide that delineates levels of organizations, and how to get to the next level.

4) Update these guides routinely to make sure that faulty processes and ideas are weeded out before the same mistake is replicated nationwide.

Most local parities fail because of their own perceived lack of progress or by having a meltdown. Both of these revolve around local parties operating in isolation. I'm not talking about the national party directing local parties, I'm talking about cross-feeding lessons learned and strategies proven to work. Many local parties would advance much more quickly if they didn't have to guess their way through running an organization. If there were a guide that showed three or four typical models for a party, new organizations could proceed quickly and with confidence.

Meltdowns can be avoided or mitigated. Primary causes for meltdowns are attempts at bad ideas that fail, massive use of resources that get less than expected results, desperation attempts at action, failing to perform actions that might have benefit, and unrealistic expectations for results. Part of a local party guide would contain a table of stupid ideas other parties tried that didn't work, ideas that did work, expectations for results of actions, and realistic expectations for growth.

If I were to fault Libertarians for one thing, it would be looking to silver-bullet solutions to fix their problems. Building local organizations isn't sexy, and doesn't have that satisfactory feeling of a conclusion, but nothing makes more

sense politically.

Should we still run a national candidate? Yes. Should we think raising the boat will make the water level rise to meet it? No. ❑

Pedal to the Metal

by Dick Geyer

I am very determined to fight on, so here are my thoughts for the party and future elections:

1) Get emotional about what we believe. Our low-key approach does not make it into television or the newspapers.

2) Get out and demonstrate the way various interest groups did at the WTO meetings. That got the government's and the people's attention.

3) Run a presidential candidate who is newsworthy. Harry Browne projects an old feeling; low-key, and not interesting. (See Ralph Nader and Pat Buchanan for the opposite.)

4) Attack the Supreme Court and other federal courts for their blatant disregard for the law and their politically motivated decisions. We know politicians are up to no good, so the courts have to be held to a higher standard.

5) At the local level, work with and support like-minded groups on guns, schools, drugs, fully informed juries, etc. By being with them, we should get their votes.

6) Attack state politicians, and particularly governors, for not sticking up for their rights under the Tenth Amendment to the Constitution. This is most important in the smaller states that have few representatives in Washington, D.C.

7) Attack the unfairness of the system as it is being mandated by the federal government and allowed to operate by the Supreme Court. The terrible effect of the War on Drugs on African-Americans is a good example of the sort of unfairness that we should decry.

We need to stop pontificating and get out in the streets. That's where news is made, that's how to get noticed, and that's how to make a difference. ❑

Tone Down the Message

by Josh Corn

For LP candidates to achieve higher vote totals, they need to moderate their message. This does not mean that they need to compromise their libertarian principles and start sounding like Republicans. They just need to stop sounding like anti-government anarchists. I had to defend the LP many times by people who agree with our position on ending the War on Drugs, but who didn't want to support the party because they think we want to abolish government completely. I could see how they would think that after listening to Harry Browne.

When Browne says, for example, that we need to "end all federal gun-control laws," he alienates moderates who might respond positively to the same point stated less abrasively: "I believe people have a right to self-defense, so I don't support gun-control laws that make it harder for law-abiding citizens to defend themselves against criminals."

Instead of saying that we believe in legalizing all drugs, making moderates think twice about voting Libertarian, we should concentrate on the terrible injustices perpetrated against medical-marijuana patients. Perhaps candidates should advocate legalizing marijuana to people over 21, but saying that Libertarians want to legalize drugs outright is not going to increase our vote totals.

Libertarian candidates need to emphasize the positive things that the government does, such as apprehending violent criminals and providing for a court system that (usually) protects property rights. By letting people know that Libertarians are not a bunch of anti-government extremists, we will increase our vote totals and be taken more seriously. ❑

Working Within the System

by Bob Johnston

If the LP is to be engaged in politics it has to become an actual political organization, not a philosophical organization trying to prove that it's possible for the world to adhere to the non-initiation of force pledge.

R. W. Bradford's article hit the nail on the head when he noted that both Bush and Gore were pushed toward the center in this campaign. It is not possible to engage in American politics without some compromise. This country changes slowly.

Harry Browne is a likable man and can talk to people without frightening them, but his plan is far too radical for American politics. The Hornberger criticism that we need more action, boldness, and integrity in our campaigns is without merit. What could be bolder than selling off huge amounts of national assets to fund Social Security? The voters sure didn't reject Harry because they were worried about his integrity or lack of a program.

We have to move in a libertarian direction gradually. That is how we got to where we are now, and politically at least, that is how we have to move back. We have to offer plans and programs that allow for governmental solutions as well as market solutions.

In effect, we have to tell people that, if elected, we would do nothing radical, but, while the Democrats want government to grow by ten percent and the Republicans want it to grow by four percent, we will keep government about as it is for now.

I know that suggesting such compromise would probably drive the purists and radicals out of the LP, but unless we accept the American system of political change, we are doomed. ❑

Five Things the LP Should Do

by Will Murphy

1) Reduce infighting. When the Mujaheddin were opposing Soviet invasion and occupation, one of their biggest threats to success was not their enemies' morale, but fighting among themselves. In the Revolutionary War, lack of cooper-

ation among the colonies hampered patriot efforts to cast off British control. Only when they mustered at least a modicum of cooperation could they succeed. Friends of liberty should not expend their meager resources squabbling. Save the ammunition for the statists.

2) Build résumés and momentum. It is hard to imagine a Libertarian candidate making a decent showing in a campaign for president any time soon. If some LP members — and other friends of liberty — were to start demonstrating that libertarian ideas work as dog catchers, city commissioners, and even state legislators and local judges, they would advance the cause enormously. Furthermore, they would build their credibility and their political skills for use in more powerful posts in the future. We need to spot opportunities, pursue them aggressively, and walk the talk once we win.

3) Be practical. I was very frustrated to hear libertarians criticize school vouchers. We need to move in the right direction. If we demand a "pure" libertarian regime or nothing, you know what we will get. Statism has been most successful when it has been incremental. Let's use that knowledge to reverse the trend. Leviathan was not built in a day, and it will not be unmade in a day.

4) Do no harm. Those who carry the banner of liberty must be circumspect in words and absolutely above reproach in conduct. We must expect more from ourselves than anyone else does. We must not give in to the temptation to be shocking in how we explain our beliefs. Let every contact we have with others make them think more of us.

5) Win the war, don't focus on battles or skirmishes. We must remember that libertarianism is a long-term cultural conflict, much more than a political battle. If we manage to derail a piece of legislation designed to limit our right to keep and bear arms, but we do so in a way that makes us appear violent or out of touch, we have not advanced our cause. ❑

Guerrilla Libertarianism

by Dwayne Monroe Depew

Unfortunately, I found your reasoning in your articles, "Libertarian Party: The 2000 Election" and "Spinning and Unspinning" in the January 2001 edition of *Liberty*, without flaw. It is perhaps self-evident that it is not possible for the LP to reach national prominence and win elections at the national level, nor even to significant state-level offices. I do however, agree with one piece of LP spinmeistering: that there are a whole bunch of people out there who are actually libertarians, but don't realize it.

I joined the LP in 1996 when I saw Harry Browne in a debate on cable television. Had I not been at home due to an injury, I probably would never have seen that debate, and quite possibly would never even heard of the Libertarian Party to this day. My values were already libertarian, I simply did not have a label to describe my political philosophy.

So what should we do? If a third party cannot break the grip of the two-party system, what can we do to win elected representation at all levels of government? We should use our ". . . strong, united . . . philosophy independent of personality, and . . . robust infrastructure . . ." to infiltrate both parties. Rather than run as Libertarians and garnering perhaps one whole percent of the vote, we should run as Democrats or Republicans. Hasn't Congressman Ron Paul already shown that this approach works?

What is more important to us? Is it more personal liberty for everyone? Or is it more personal liberty for everyone, plus getting credit for ourselves? ❑

Hit 'em With the Invisible Hand

by Greg Johnson

In 1988, I dedicated two years of my life to winning an Idaho legislative seat as a Libertarian. All we needed was a breakthrough, an activist to show the electorate that there is another way. Principles, freedom, liberty. In 1990, the national LP gave my campaign a five-figure donation, the result of a fundraising effort to elect someone to a legislative seat. We spent over $27,000, worked our hearts out, and got my ass kicked in a three-way race.

Who are we kidding? In the 2000 election, over 99% of the voting population marked a presidential ballot in favor of some degree of socialism. After 30 years of work, we cannot honestly say that libertarians control a single important elected body in any of the 50 states. Spin at will, no rational human being can say with any certainty that Libertarians will be running any political entity of import in the near future.

Take the energy wasted on political campaigns and create a market alternative to the state for the fire department or animal control or road maintenance. But, but, but . . . well, horse poop. I still believe that there are better alternatives to almost everything done by the state and that the alternatives can be implemented, even if only incrementally. If we all work on putting these ideas into effect rather than on trying to get elected, our communities will be far more libertarian places to live.

The time I spent rewriting animal control laws, establishing a humane society that accepts no tax dollars, forming a volunteer fire department (since disintegrated) and organizing an effort to secede from a highway district have had a far greater impact on the world than years spent in the political arena.

Ah, had I but won, the political would have been of greater importance? Perhaps. It comes back to the fact that, after 30 years of effort, libertarians control no governmental entity of any importance. I respectively suggest that we can accomplish a great deal more by doing something, anything, on community-based issues rather than waste our time spouting forth what we will do when we are elected. ❑

The Critics Strike Back!

In the next issue of *Liberty*, Ed Crane, Steve Cox, Bill Bradford and others will offer their evaluations of the analysis, strategies, and tactics proposed in this issue.

Readers are invited to participate. Send your comments to ActivismProject@LibertySoft.com or mail to Activism Project, C/O Liberty.

'Twas a Night in December

by Daniel L. Schwarz

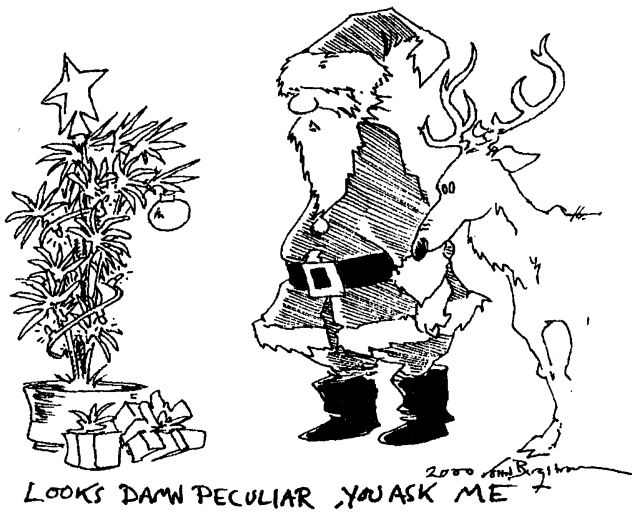

'Twas a night in December, and all through the house,
Not a creature was stirring, not even a mouse.
The front door was locked, and the deadbolt was thrown,
All was safe and secure, in our castle of stone.

The children were nestled all snug in their beds,
While visions of Pokemon, danced in their heads.
And mom in her T-shirt, and me in my flannel,
Were watching intently, Discovery Channel.

When out on the lawn, there arose such a clatter,
I sprang from my bed to see what was the matter.
Away to the window, I flew like a flash,
I fumbled as always, the vinyl-clad sash.

The moonlight was faint on my manicured lawn,
As I peered through the gloom, and I stifled a yawn.
When what to my wondering eyes should appear,
But a vanload of men in full military gear.

The young ninja-clad driver was lively, and quick.
He stepped out on the curb, with his door-bashing stick.
With the speed of a cobra, his agents, they came,
As he whistled and shouted, and called them by name.

Now Chalmers and Davidson, you take the back,
And when I give the signal, commence the attack.
To the top of the porch men, stay close to the wall,
Now BASH away! BASH away! BASH away all!

And then they gained entry, a matter of course.
The doorframe was splintered and shattered by force.
Then up to the housetop, his agents they flew,
In the steady advance, of a well-practiced crew.

And soon I heard men at the top of the stair,
That's when my thoughts turned to the kids sleeping there.

So I turned and jumped over my bed in a bound,
As the door was crashed in, I heard "down on the ground."

He was dressed all in black from his head to his toe,
And he wore a broad mask, so his face didn't show.
Then he lined up the sights of the gun he possessed,
Which was clearly a chore in that black-armored vest.

His eyes — how they twinkled, that's all I could tell,
Of the person who faced me and issued a yell.
"To the ground" he repeated, with hasty precision,
And the bead he had drawn, didn't leave for decision.

So silently raging, to carpet I fell,
From my wife there was issued a terrified yell.
While they tore up my bedroom, and left it a wreck,
And I scarcely could breathe for the boot on my neck.

From afar in the house I could hear their ransacking,
And as meek as a church mouse a "Daddy, what's happening."
And with that still small voice, and his cry of alarm,
I resolved a great price, should they bring him to harm.

It was then that they read from the warrant they held,
And I struggled to listen, I broke free and yelled.
You idiot bastards, the problem is plain,
This is Worthington Terrace, not Worthington Lane.

Well he spoke not a word, but reviewed paperwork.
Then he looked at his underling, called him a jerk.
And then quick as he came, his accomplices rose,
"My mistake," were his words "didn't mean to impose."

Then he sprang to his van, to his team gave a whistle,
And away they all flew, like the down from a thistle.
And I heard him exclaim as the drove out of sight,
"Get your glasses checked Bill, that's the third time tonight."

Taxonomy

Our Enemies, The Statists

by Martin M. Solomon

"Man tends always to satisfy his needs and desires with the least possible exertion."

If Albert J. Nock, the idiosyncratic libertarian essayist of the early 20th century, were still alive and writing about American life today, would his thinking have changed? I suspect not: he would observe that we are all still subject to the iron law of fundamental economics, quotation above.

By itself, this law is merely a colorful way of summarizing economic truths so banal as to be common to proponents of the Austrian and Keynesian economic schools. People act to attain unlimited ends with limited means, must choose between the means, will choose the lowest cost means of satisfying a chosen end, and will often find labor unpleasant. True, but not new or particularly interesting.

It was Nock's application of this law that was radical. Viewing life through the lens of the economic and political means of satisfying needs and desires, he saw villains and villainesses who were invisible to most of his (and our) contemporaries.

Nock distinguished between the economic and political means of satisfying one's wants and needs: the economic means is "the production and exchange of wealth," while the political means is "the uncompensated appropriation of wealth produced by others." The actors and tools have changed since 1935; the roles in executing the iron law have not. The economic means is the method of producers, consumers and government officials. The political means is the way of state officials, state beneficiaries and private aggressors. (In order to follow Nock's arguments, it is necessary to understand his differentiation between state and government. The state is a corrupt criminal entity engaged in plunder, and the institution of officials who are aggressors. Government consists of officials doing the peaceful minimal tasks of defense, criminal justice, and civil dispute resolution.)

In regards to the economic and political means, every person plays one or more roles — peaceful one moment, an aggressor the next. Within the economic means, most producers and government officials are also consumers. Within the political means, an extorting union leader (private criminal) is also a state beneficiary (under the National Labor Relations Act). Most important are economic-political combinations. Most producers and consumers are also state beneficiaries. In mixed economies such as the United States, almost all state beneficiaries, state officials, and private aggressors are also consumers.

Producers are voluntary private providers of goods or services for the use of others. "Their formula is: goods or services in return for goods or services. . . ." They supply land, labor, capital and entrepreneurship. Producers don't aggress in that role. Even 68 years after the New Deal began, many producers remain. Consumers are voluntary, private acquirers of goods or services for their own use. They act by the same exchange formula as the producer. Like producers, they are peaceful. Except for a few self-sufficers in the woods, deserts, and mountains, we are all consumers today. As did H.L. Mencken, Nock found many consumers and producers to be less than admirable. But the mediocrity of the herd was something to be borne as the price of freedom, and different in kind from the foul play of the political means.

Because the "iron" law is only a tendency, there are many reasons why a person might decide to live by the economic means. Libertarians are not exempt from the law, but they reason that it is generally better to live by the economic means. Nonlibertarians may choose the economic means based on custom or convenience, but libertarians choose on more abstract grounds, such as the ethical pain of aggressing, the belief that use of the economic means will make a more productive society which will benefit us individually, the belief that use of the political means will make a more

aggressive society which will damage us individually, and the belief that the transaction costs of participating in public or private aggression are too high.

Government officials are public providers of protection against aggression. "Teleologically, government implements the common desire of society, first, for freedom, and second, for security. Beyond this it does not go; it contemplates no positive intervention upon the individual, but only a negative intervention." These negative interventions include criminal justice, military defense, and the resolution of contract, property, and tort disputes. Government officials do not aggress, except to the limited extent of having the final word on the resolution of disputes. But obviously, only a minority of current federal, state, and local officials spend all or even part of their time performing these functions.

Viewing life through the lens of the economic and the political means of satisfying needs and desires, Nock saw villains that were invisible to his contemporaries.

In contrast to government officials, state officials are aggressors. Their levels of aggressiveness vary, depending on the nature of their acts and means of financing. Pure aggressors include the utility regulator, vice policeman, and military draft administrator. Partial aggressors perform tasks in which aggression is involved but largely administered by others. They include the postal clerk (because of the first class monopoly) and the elementary school teacher (based on the compulsory education law). The ultra vires group acts beyond the proper scope of official action with tacit aggression — public park keepers, water providers, and garbage collectors, for example. Minimal aggressors provide only the five abovementioned services of government — that is to say, they are government officials, but are paid from seizures. This includes the homicide detective and the judge in a contract interpretation dispute.

Yet it is through the actions of state officials that many beneficiaries are able to satisfy their needs and desires. A manager aided by the tariff and a tenant paying lower rent due to rent control are economic beneficiaries. A jingo thrilled by aggressive war and a do-gooder pleased by welfare programs are noneconomic beneficiaries.

Since intervention hurts more people than it helps (for many reasons accepted by libertarians), a method of showing state beneficiaries, private aggressors, and state officials that they are net losers under statism would be helpful in moving public opinion toward freedom. Not an easy task. Perhaps this application of Nock's analysis will be the way wherein we'll "catch the conscience of the king" (as Hamlet said). Well, conscience for those with a sense of right and wrong, and consciousness for the rest. ❑

Letters, *from page 24*

believe the polls, and I don't doubt that there were a few voters as mixed up as Armstrong's very confused friend. But I don't see how this relates to the evidence I cited. If a significant portion voters are more susceptible to the "why-waste-your-vote" argument when they perceive the race as closes, they would tend to shun fringe party candidates more in states where the race is close. Sure, a few voters will be sophisticated enough to be familiar with fringe party candidates like Harry Browne and to understand the "why-waste-your-vote-argument," but so unsophisticated as to not understand that the election is decided by the vote of the electoral college and to disbelieve the polls in their states. But unless this weird combination of sophistication and unsophistication is shared by many voters, the vote for fringe canddates would still be higher in states where the race was perceived as close than in states where it was not. In fact, as I pointed out in my analysis, the LP did significantly better in states where the race was perceived as close than in states where the race was perceived as a runaway.

I focused primarily on the presidential election rather than races lower on the ticket for two reasons. To most voters, the presidential race is far more important. The fact that voters are more likely to "throw away" their vote on races whose outcome they don't care about does not prove much. Secondly, it was difficult to get accurate returns for lower races so soon after the election. Elsewhere in this issue, I analyze the LP's vote for the House of Representatives, which has been widely reported in the LP press as evidence of growing progress.

Coming in Liberty

"How to Make the World A Freer Place"
by Ed Clark, Stephen Cox, and R. W. Bradford

"Robbing Peter & Paul to Pay Mary"
by Samuel Silver

"Killahoale Day"
by Kirby Wright

"The Rise & Fall of the British Welfare State"
by Stephen Berry

Adventure

How to Succeed With Women

by Robert Higgs

Sometimes, the answer to your wildest dreams appears unsolicited in your mailbox.

My trip to the mailbox began just as all the others had. I slipped on the loose gravel and fell awkwardly, scraping the same spot I scraped when I fell yesterday, and the day before yesterday, and all the Mondays through Saturdays before that, except for federal holidays. Having once again endured the pain, I felt obliged to proceed to the box, but upon opening it my heart sank, just as it had sunk yesterday and all the days before that, except for Sundays and federal holidays. Nothing had been sent to me but junk mail and approximately 23 pounds of catalogs.

After making my way carefully back to the house over the treacherous gravel, I examined the mail and catalogs, paying special attention to the card with the question, "Have you seen us?" I studied the fuzzy photos for a long time before concluding that I had *not* seen the missing persons. Even after making meticulous mental allowance for how they might have changed since their disappearance from Macon, Georgia in 1995, I remained resolute in my conviction. No, strange as it seemed, I definitely had not seen them.

Then the discovery that would change my life appeared, tucked between the Neiman Marcus catalog and the Home & Fishtank catalog. I knew immediately that this was no ordinary epistle because written on the manila envelope, just above the see-thru address window, in large red letters, was the question:

> Are you ready to capture the hearts and minds of the women you desire?

My hands were shaking as I tore open the envelope. My heart pounded, my knees wavered, sweat poured from my forehead and my armpits. Even before I had examined the contents of the envelope, I knew as well as I know my name's not Gerald that the answer was "Yes!" God, was it ever yes. It had been yes for as long as I could remember. And I knew that if I should live to be a thousand years old, it would still be yes. My mental parliamentarian announced, "The ayes have it." I extracted the contents of the envelope and laid them out on the kitchen counter.

The first thing to catch my eye was a return card embedded in a larger card, adorned by a side-view photo of a very pretty girl, about 18 or 20 years old, smiling as she clutched her full skirt at waist level on the exposed side while the wind blew it away from her, revealing an excellent buttock. She seemed to be the kind of woman a man would like to get to know, to join for long walks on a moonlit beach, to linger with over Madeira, while teasing out the fine points of Kierkegaardian philosophy or recalling the discovery of the Rosetta Stone.

Opposite the image of this dreamy creature, in large red letters, was printed the very affirmation I had been aching to announce for longer than I cared to remember: "Yes, I'm ready to capture the hearts and minds of the women I desire." Yes, I am; yes, I have been; yes, I shall always be. From the time my juvenile juices first began to tumble down the hormonal cascades of my awakening anatomy, I have known — well, actually, at first I only sensed it, without being able to pin it down; but before long I knew for certain — that captivity of the hearts and minds of beautiful women was the lodestar that would guide me.

I carefully set aside the return card, to be filled out later, and examined the eight-page letter, which was embellished with red highlighted paragraphs, bold-font emphases, and little boxes containing titillating tidbits of information, such as "Meeting Women Was Simple . . . Once He Started Looking in All the Right Places." I was eager to absorb this information.

Immediately beneath a photo collage of seven beautiful women — these guys obviously knew what they were talking about, because they had the photos to prove it — the letter began, with perhaps unjustified familiarity, "Dear Friend." Well, never one to stand on stuffy etiquette, I forgave the writers, one David Copeland and one Ron Louis, who had signed their names, in red, on page eight. They came directly to the point.

"A different woman every day of the week." Well, that would certainly be a change, I had to admit. "Rewarding relationships with two . . . or three . . . or more attractive, devoted women" (ellipses in original). Now, what man doesn't want a rewarding relationship? And if one is good, it would seem to require only elementary logic to deduce that two would be better, and three better still. "A lifelong love with the one true 'woman of your dreams.'" Well, duh, I thought. Of course I would like that; it's almost tautological, isn't it? I was a bit worried at that point, however, because it seemed as though I would have to choose one of the options.

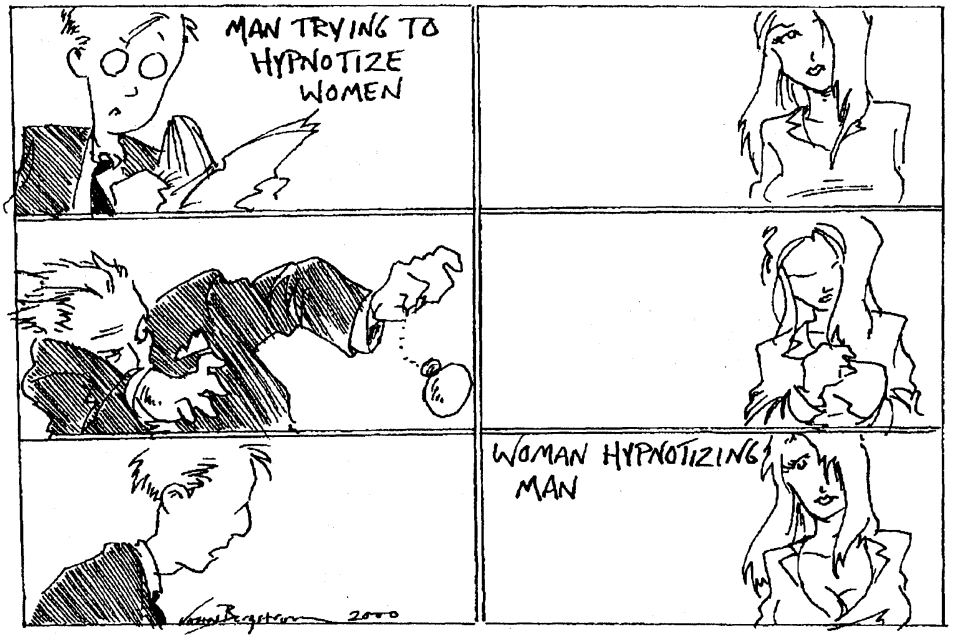

Then, as if my shadows of doubt had been dispelled by a burst of radiant light, came the revelation that raised goose bumps on all my appendages: "You can have them all . . . any way you want it . . . when you know the key to a woman's heart. When you have insights into the innermost thoughts . . . the desires . . . the dreams . . . the secret sexual longings of every woman you desire" (ellipses in original). Hey, now they were talking! Somehow the writers had sensed the very thing that had frustrated me for far too long. I had been trying to decide between "a different woman every day of the week" and "rewarding relationships with two . . . or three . . . or more attractive, devoted women." Like Buridan's ass, I simply could not decide, and I had been paralyzed, unable to enter into the heaven on the right or the heaven on the left, living alone in a cold basement with only a tiny space heater to ward off the chill. From now on, by God, all that would be history. Because here, in my own hands, I held the source of "Insights you can use to capture their hearts and make them yours." That sounded like appropriation to me, and I have always been a private property kind of guy. First, capture their hearts and minds; then make them mine. It was a wonderful plan.

Then came the most important part: "You'll find these and other secrets of attracting the opposite sex in . . . HOW TO SUCCEED WITH WOMEN . . . and, for a very limited time, you can discover them at NO RISK whatsoever to you. Order your copy of HOW TO SUCCEED WITH WOMEN today and deeply influence the thoughts and desires of every beautiful woman you meet — absolutely FREE for 30 days." I was ready to order. Man, was I ready!

But you know my momma didn't raise no fools, so I gave some thought to whether the offer could be all that it claimed to be. Fortunately, my doubts were immediately allayed by the following critical text: "These are the secrets that NO ONE — not your dad, your mentor, a trusted colleague, your Army buddy, not even your best friend . . . would ever tell you." Well, they damned sure HADN'T told me. If they had, my personal ship would have scooted out of the iceberg area and sailed into a balmier clime a long time ago. But, soon enough, I discovered why they hadn't told me: "After all, why should they? When it comes to absolute power over women . . . who wants to share?" Well, yeah. I know I wouldn't share if I had absolute control over women. Do I look like an idiot? (Answering the foregoing question is optional.)

Ironically, but in a way that left me deeply satisfied, the writers went on: "We do [want to share absolute control over women]." Was I ever glad! As much as I relish the invisible hand and the spontaneous order and the enlightened self-interest and all the rest of that lunatic-fringe doctrine, I have to admit that once in a while there is room for an altruist. And now, I, of all men, had been chosen by Copeland and Louis to be let in on their secret of absolute control of women, which entailed all those juicy options about a different woman every day of the week and so forth. The writers went on to explain that they "offer the most acclaimed workshops now available in this country on how to meet, attract,

I was willing to forgive them for their repeated misuse of the ellipsis mark, because my mind was set on mesmerizing beautiful women. Christ, how I had always longed to mesmerize a beautiful woman.

Continued on page 61

Reviews

Voodoo Science, by Robert Park. Oxford University Press, 2000, 230 pages.

The Abuse of Science

Leland B. Yeager

In *Voodoo Science*, Robert Park identifies four types of voodoo: pathological science, pseudoscience, junk science, and fraudulent science. Park is both professor of physics at the University of Maryland and director of the Washington office of the American Physical Society, which gives him a prime vantage point for viewing the ways in which science is manipulated. In the first type, pathological science, scientists fool themselves. Like other people, they "are inclined to see what they expect to see." Even eminent scientists have tarnished their careers "by misinterpreting unremarkable events in a way that is so compelling that they are thereafter unable to free themselves of the conviction that they have made a great discovery." Park reviews the tragedy of Stanley Pons and Martin Fleischmann and their imagined "cold fusion." An earlier episode of what would have been fraud, if only J.B. Rhine had not been so sincere about his work, concerned extrasensory perception. (Rhine, a Duke University psychologist, conducted research from about 1930 onward on mind reading, foreseeing the future, and telekinesis.)

Practitioners of pseudoscience also genuinely believe in what they say. They exploit the language of science without understanding its substance. Examples are belief in spiritual or faith healing grounded in quantum physics or supported by supernatural powers, belief that earth is being visited by aliens who have learned to travel faster than light, belief that magnets worn in shoes can draw energy from the earth, and views on some environmental fears, such as those about electrical power lines. Pseudoscience often involves filling in scientific uncertainty with political or religious convictions. Sometimes it enjoys protection from official secrecy imposed in the name of national security, as did the increasingly embroidered-upon and financially exploited belief that space aliens had landed and died at Roswell, New Mexico, in 1947. (Actually, Park reports, the supposed evidence was the debris of a balloon launched in a bizarre attempt to "hear" Soviet nuclear tests.)

Junk science is more sinister because of its more deliberate unconcern with truth. Its practitioners include "experts," often with impressive credentials, hired by tort lawyers to win large awards or settlements from companies with deep pockets. Seeking to befuddle juries, plaintiffs' teams enlist implausible interpretations supported not by scientific evidence, but often by heart-tugging anecdotes of sufferers from disease. Electric power lines, silicone breast implants, and various medicines have figured in notable cases. Numerous factors can confound the presence or absence of a postulated cause-and-effect relation. Epidemiology is often abused by "dredging for results in the statistical noise" by what economists call "data-mining."

To the question of whether electromagnetic fields might be a possible carcinogen, Richard Wilson, a Harvard physicist who had researched the issue, gave an apt answer: it depends on what one means by "possible." A dog reportedly running down the middle of Fifth Avenue would be unusual but is indeed possible. A report of a lion doing the same could still be correct: the animal might have escaped from the Bronx Zoo. But a report of a stegosaurus running down Fifth Avenue is not worth checking out, even though the event might still be "possible," in a strained sense of the word. Citing recent Supreme Court decisions that encourage judges to appoint genuine scientists as advisors to help them exclude junk science, Park sees some hope: "at least shark repellant is now available."

Fraudulent science, the final type of "voodoo" science that Park explores, includes deliberately bamboozling investors and consumers such as sick people seeking cures. Sometimes foolishness slides across the line into fraud, as when mistaken scientists persist in their public claims even after becoming no longer able to fool themselves. Pons and Fleischmann, the cold-fusion researchers, provide an example, at least in the diagnosis of some observers. Deliberate fraud sometimes enjoys the (temporary) protection of official secrecy, as in the late 1970s, when the French government tried to suppress the politically embarrassing truth about a "sniffer plane" supposedly able to detect petroleum deposits from the air.

Park offers some explanations of

why voodoo science flourishes. Many people have a "belief organ" and an "appetite for the 'spooky' part of science." The media pander to these, disguising entertainment as news or as TV documentaries. "In time, the distinction between fact and speculation faded" from discussion of the affair at Roswell. A string of profitable books did provoke skeptical responses from aerospace writer Philip Klass. "It is an axiom in the publishing business, however, that pseudoscience will always sell more books than the real science that debunks it." Furthermore, "confronting pseudoscience has a way of seeming to take a dispute between superstition and science and elevate it to a simple disagreement between scientists. The more famous the challengers, the more stature they seem to lend to the pseudoscience." An example is how critiscism by Nobel laueate chemist Irving Langmuir brought favorable attention to Rhine's experiments on paranormal phenomena.

Apparently without so realizing, Park provides ammunition for libertarians when he offers insight into the mindset of politicians.

Park observes bad and good science entering into debates over public policy. As far as I can tell, he relies on his scientific judgment and does not push any political line. He is skeptical of technologies such as the X-ray laser that supposedly justify the Star Wars program. Especially, but not only in connection with that program, he challenges the great public reputation enjoyed by Dr. Edward Teller (reputed father of the hydrogen bomb, whose "charisma defies analysis"). Park is skeptical about the scientific value, especially in relation to cost, of the manned space station. On global warming, he takes a nuanced position but inclines to the tentative judgment that there is indeed some cause for concern.

Apparently without so realizing, Park provides ammunition for libertarians when he offers insight into the mindset of politicians. Besides being eager to perceive social problems and devise governmental solutions, politicians want to show their personal alertness to promising developments on the supposed frontiers of science and technology. Various kinds of "alternative medicine" enter into the story, as does cold fusion. Politicians have shown sympathy, in legislative hearing and in bills, for various perpetual-motion schemes. The Hydrogen Futures Act proposed in 1995 envisioned obtaining energy from the unlimited supply of hydrogen in the oceans. The bill's author evidently did not see the obvious flaw in his idea. The Congressional Office of Technology Assessment, which might have spared him embarrassment, was abolished in the same year. Many members of Congress had complained that the OTA was too slow for a rapidly changing world. But the real problem was a clash between scientific reality and political goals. "Indeed, there was a tendency to simply avoid seeking advice from OTA on controversial or partisan issues — which are generally the issues on which objective advice is most needed."

"Science has a way of getting us to the future without consulting the futurists and visionaries," Park writes. It keeps offering new possibilities and dismissing old ones. "Politicians, by contrast, want to agree on a future and establish policies that will get us there." As with questions of space exploration, "an ever-widening disconnect" separates "scientists and politicians as they pursue fundamentally different objectives."

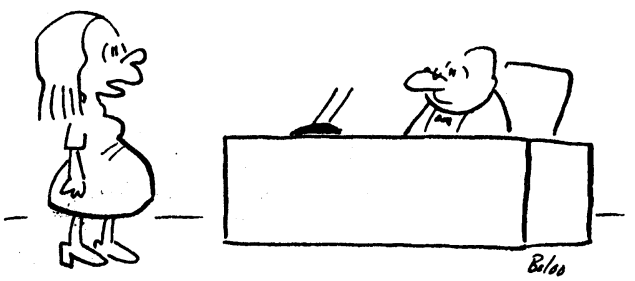

"It happened during that hostile takeover attempt last summer."

Park's examples of how politicians abuse or disregard natural science help us understand why economics gets treated similarly (although Park does not himself draw the parallel). Politics often overrides economics in making policy concerning general business conditions, inflation, the minimum wage, and international trade. Even the basic fact of scarcity often gets ignored. The term "voodoo economics" has wider scope than George Bush gave to it during the presidential primaries of 1980.

Voodoo Science is one of the relatively few books that I have found to be an actual page-turner. Park is a skillful expositor. He has a knack for felicitous analogies. (Analogies cannot convey actual understanding of abstruse theories, but they can help the lay reader sense what is at issue.) The idea that gravitational attraction results from deformation of spacetime bears an analogy with how leaves floating on a still pond gradually come together in "rafts." Park illuminates Heisenberg's uncertainty principle by considering how one might clock the speed of a car passing two pylons set a known distance apart. The greater this distance, the more accurate the measured (average) speed. But concern with just *where* the car was when traveling at that speed would recommend positioning the pylons close together. "This trade-off is the classic dilemma of measurement." Along with an "ultimate graininess of nature," it enters into the fundamental limit on how accurately one can simultaneously know both the position and motion of a subatomic particle. And similar trade-offs occur in many aspects of life, as in the tension between the safety and the likely yield of an investment security.

Besides being eager to perceive social problems and devise governmental solutions, politicians want to show their personal alertness to promising developments on the supposed frontiers of science and technology.

Even in sentence structure and choice of words, Park writes in an admirably simple way. He has much to teach about style as well as substance. ❑

Our Vietnam, by A.J. Langguth. Simon and Schuster, 2000, 766 pages.

Understanding the Vietnam War

Timothy Sandefur

In his journalism class at the University of Southern California, A.J. Langguth handed out a quiz on the history of the Vietnam War. He was dismayed at the poor results. "It struck me then that our students might be graduating with a better grasp of journalism history than of a critical event in America's recent past," he said. Langguth, who toured Vietnam as a reporter in the 1960s, wrote*Our Vietnam*, so that, as the Greek historian Herodotus put it, he could "preserve the memory of the past by putting on record the astonishing achievements both of our own and other peoples, and more particularly, to show how they came into conflict."

Langguth has a lot in common with Herodotus. Both wrote eminently readable, highly compelling histories which bring the past and its personalities to life. In his previous books, Langguth displayed a powerful talent for putting historical conflicts into clear and dramatic prose, to a degree that perhaps only William Manchester can equal. His *A Noise of War* (1994) details the conflicts which turned Rome from a republic to an empire, and his *Patriots* (1988) is simply the best book ever written about the American Revolution. Now, in *Our Vietnam*, he tells the story of the conflict that tore America apart for two decades, the legacy of which is still profoundly with us.

Ironically, Langguth's greatest strength is that he is not really a historian of war. He is a historian of personalities. He portrays people, in sentences crafted with deceptive simplicity — the sure sign of master skill — and the result is a feeling of on-the-scene relevance. Langguth's concern is with telling the story, not with advancing an historiographical thesis, which with many historians takes away from the action and leads off into speculation and obscurity. Langguth is never obscure, and always subtle. Take the opening lines of *A Noise of War*: "Gaius Julius Caesar stood before Sulla, the dictator of Rome, and weighed a decision that could cost him his life. To ensure the loyalty of Rome's young aristocrats, he had ordered several of them to leave their wives and marry women he had selected. Most had obeyed." In three sentences he has set the scene, provided the striking background of conflict, and delved into the hearts of two men whose lives affect western civilization to this day.

He repeats the performance, though with a bit less energy, in *Our Vietnam*. Although that war has been the subject of dozens of books which argue that America's mistake was this or that or the other thing, few authors have simply sat down to tell the story of the war that began as an awful farce, and ended up a pathetic tragedy. Beginning with France's attempts to keep Vietnam under its imperial control after World War II, Langguth relates the stirring of conflict, the rising casualty rates, and the slow realization among world leaders that they had locked themselves into a war with no escape.

Actually, *Our Vietnam* is less overtly dramatic than Langguth's other books (mostly because there are so many more characters involved), but that is the point: where other wars had been forthright hostilities, the Vietnam War, like the jungle it was set in, seethed under the surface. Flippant decisions controlled the fate of a whole generation like some weird marionette, each string attached to dozens of real lives. Bureaucrats wrote memos in well-appointed offices while on the other side of the world, men died horrible deaths. That juxtaposition between the business tie and the napalm bomb was one reason why America's resolve collapsed, and one senses it around the edge of every sentence in this book. Langguth describes a 1965 conversation between Lyndon Johnson and his generals:

> The president was the only one in the room to raise the question of civilian casualties. "Are we killing civilians along with the V.C.?"
>
> General Wheeler granted that some were dying. They were "accompanying the V.C.," he explained. "It can't be helped."
>
> But Johnson had obtained more precise figures. "The Vietcong dead is running at a rate of 25,000 a year," he said somberly. "At least 15,000 have been killed by air — half of these are not part of what we call Vietcong. Since 1961, a total of 89,000 have been killed. The South Vietnamese are being killed at a rate of 12,000 a year."
>
> Stanley Resor, secretary of the army, strove to focus the discussion on the president's options.

And the conversation turns away from the impolite matter of death. The bland tone of political conversation in the 1960s was thickened by buzzwords, as William Zinsser writes, because "clutter is the language of the Pentagon throwing dust in the eyes of the populace by calling an invasion a 'reinforced protective reaction strike.'"

Reinforcing this sublimated barbarism was the attitude of policy wonks convinced that the management mechanisms and statistical models, which had worked so well in forecasting industrial output at Ford or the RAND Corporation, could predict the mindset of organized terrorists in an Asian jungle. Langguth describes John F. Kennedy's assistant for national security affairs, McGeorge Bundy:

> Bundy's practical approach to issues appealed to Kennedy, who was usually ill at ease with abstractions. Both men took a mechanic's approach to the engine of government: find out what was broken, fix it, and keep the

ship of state aloft. Leave to others the mysteries of aerodynamics.

Robert McNamara, convinced that he could quantify the unquantifiable, faced little opposition.

> [George] Ball found McNamara's reliance on statistical arguments both intriguing and suspect. Once, after McNamara had rattled off the odds for the success of various military operations — 65 percent for this one, 30 for that — Ball had joked that perhaps the figures were actually 64 percent and 29 percent. He saw that such teasing did not amuse the defense secretary.

It might be amusing, if it weren't so awful. Statistic-obsessed superbureaucrats pulled numbers out of their gut instincts, hoping to manipulate a culture and setting which they did not really comprehend. The clever ploys and political maneuvers they devised had none of the effects they anticipated, nor were the Vietnamese any better at predicting the reactions of Americans. Time after time, Vietcong assaults calculated to break American resolve only aroused more American stubbornness. It is a great historical myth that America opposed the Vietnam War; in fact, throughout most of its history, American public opinion supported the war. Sadly, American resolve was stronger than that of the government it was supposedly protecting. The leadership of the Army of the Republic of Vietnam (ARVN) was often more concerned with looking good to its politicians than with preventing invasion by the North:

> Diem was promoting his most cautious colonels, replacing overly zealous officers and threatening the promotions of those commanders who did not hold down their losses. [Military "advisor" Paul] Harkins had heard the same story twice, he began, once in Saigon, once in Bac Lieu: an ARVN battalion commander had taken up a position along a riverbank. When his American advisor pointed out that across the stream seemed a better place to camp, the officer had said that the area was already occupied by the V.C. The advisor asked, "Why don't you go after them?" "As long as we don't bother them," the ARVN commander replied, "they won't bother us."

America didn't just find itself propping up a halfhearted military. Vietnam exemplified one of the worst elements of the Cold War: to prevent the spread of communism, America often felt it had to support regimes which were no less brutal than those of the communists. Just as with the Shah of Iran, or Haiti in the age of Clinton, America in the Vietnam War found that its support for authoritarian regimes simply played into the hands of a Communist party which viewed capitalism as imperialistic, and Americans as eager to enslave the third world under puppet dictators. Thus, as

Langguth's strength is that he is not really a historian of war. He is a historian of personalities. He portrays people, in sentences crafted with deceptive simplicity — the sure sign of master skill — and the result is a feeling of on-the-scene relevance.

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Johnson and Nixon shipped more Americans to Asia, the government which we were allegedly defending fell into successive coups, each suppressing dissent and robbing their citizens of what one South Vietnamese leader called "your crazy freedoms." This betrayal of capitalism's true message of independence and opportunity

Flippant decisions controlled the fate of a whole generation like some weird marionette, each string attached to dozens of real lives

was just a part of the overall undermining of American institutions which Ayn Rand so often complained was the legacy of conservatism. And it pushed a generation of bright students into believing that the communists must be right after all. Langguth describes the beginning of the student protests:

> "I do not believe," [SDS President Paul] Potter cried, "That the President or Mr. Rusk or Mr. McNamara or even McGeorge Bundy are particularly evil men. But their decisions have led to the mutilation and death of thousands and thousands of people. What kind of system is it that allows good men to make those kinds of decisions?" Potter then set out the challenge facing the SDS: "We must name that system. We must name it, describe it, analyze it, understand it, and change it." In the audience, red-diaper babies — students whose parents had been members of the American Communist Party — knew that the system's name was Capitalism. But that was the tired bogeyman invoked by their families in the 1930s. For now, the young would rebel simply against "the system."

As the story progresses, the fury among those student protesters grows; the horror of the war breaks through the absurd gentility; Langguth's laconic descriptions become increasingly forceful. By the end of 1965, the barren fact of war can no longer be disguised. President Johnson is increasingly attacked by his own party, a war protester sets himself on fire outside McNamara's Pentagon office, American prisoners of war are tortured beyond endurance, a battle at Ia Drang turns into a Vietcong ambush so violent that it turns the stomach to read. Again the words of Herodotus come to mind: "In peace, children bury their parents. War perverts the order of nature, and causes parents to bury their children."

The "lesson" of Vietnam is still hotly debated; probably the only thing all can agree on is that we have not learned it. But one thing comes through clearly: from the beginning to the end, America lacked *any actual plan*. What was America fighting for? In the complex swirl of motives — John Kennedy's chauvinistic overconfidence, Lyndon Johnson's paranoia toward the Kennedys, Ho Chi Minh's facade of humility covering his sanguinary national socialism, communists openly dedicated to the "liberation" of the world, and "realists" like Henry Kissinger refusing to take them at their word — American leaders lost track of

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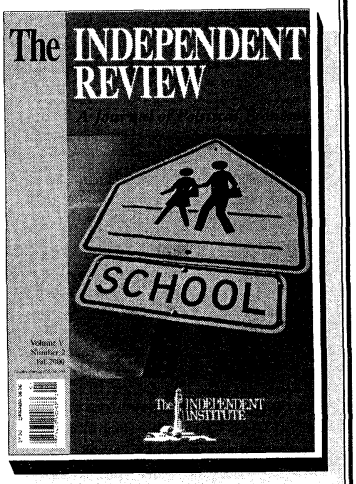

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the simple fact that an American victory was impossible. As Clark Clifford pointed out in a meeting in 1965, "If, against the odds, the United States did prevail, America would face a long occupation with constant harassment. And if we don't win, after a big buildup, it will be a huge catastrophe. We could lose more than 50,000 men in Vietnam. It will ruin us. Five years, 50,000 men, hundreds of billions of dollars — it is just not for us. I can't see anything but catastrophe for my country."

It might be amusing, if it weren't so awful. Statistic-obsessed superbureaucrats pulled numbers out of their gut instincts, hoping to manipulate a culture and setting which they did not really comprehend.

That catastrophe came, and it left some 58,000 Americans dead, and American credibility severely weakened. Still, there are no easy answers. It is easy to say that America should never have become involved in Vietnam, but only because those who say it were not born there, were not threatened with the savagery of communism, did not stand on the roof of the American embassy waiting for helicopters that never returned, or flee shooting soldiers so that they could to sail to California in leaky rafts. It is also easy to say America should have stayed until we won, but only if we ignore the daily and futile wasting of life, both military and civilian; the constant, ineffectual bombing; the cruelties of South Vietnam's own rulers; the prospect of a permanent American occupation of the South. As Langguth sums up, "On April 30, 1975, one judgment was possible about the war just ended: North Vietnam's leaders had deserved to win. South Vietnam's leaders had deserved to lose. And America's leaders, for thirty years, had failed the people of the North, the people of the South, and the people of the United States." ❑

The Nature of Economies, by Jane Jacobs. The Modern Library: Random House, 2000, 190 pages.

A "Natural" Economy?

Pierre Desrochers

The idea of learning from the workings of the natural world how to reform our unsustainable economic system is increasingly fashionable in some circles. One such perspective, known as "industrial ecology," has been vigorously promoted by both the National Academy of Engineering and the Environmental Protection Agency. Paul Hawken, the author of the 1993 best seller *The Ecology of Commerce*, recently teamed up with Hunter and Amory Lovins of the Rocky Mountain Institute to write *Natural Capitalism* and argue along similar lines that if we could only learn from nature how the waste of one species becomes the valuable input of another, we could dramatically reduce humankind's impact upon the environment.

The truth is, however, that economists belonging to virtually every school of thought have discussed similarities between biological evolution and economic development at least since Adam Smith. For many 19th century authors, a laissez-faire economic system was already behaving like nature in the way it recycled its waste. Perhaps the thinker who explored this metaphor in more depth was Peter Lund Simmonds. As he put it: "Utilisation is the great law of Nature, and we are only following her teaching. . . . She, true to herself, is never at a loss what to do with any of her elements. Man, in an artificial state of society, and in an enlightened age, also provides for converting all the material he uses into useful purposes. There must be no loss of anything once within his grasp."

One of the latest authors to draw a parallel between nature's and economies' workings is social theorist Jane Jacobs. Best known for her work on cities, Jacobs here goes beyond the rediscovery of a metaphor. Her book is better understood as a search for universal principles characterizing both "natural" and "human made" complex systems. Written, like her 1992 book *Systems of Survival*, in the form of a Platonic dialogue among a cast of five New Yorkers, *The Nature of Economies* sets out to prove that economic life obeys the same rules as those governing the systems of nature.

Jacobs' characters discover in the course of their inquiry that development, whether in nature or in economies, is best viewed as an open-ended process by which differentiations emerge from generalities, which then become other generalities from which further differentiations emerge. Such development depends, however, on numerous, various, and intricate co-development relationships. For example, tool making began with four existing generalities: sticks, stones, bones, and fire. Our ancestors then differentiated those found generalities into many things from hammers to scrapers to bags, innovations that required the fusion of previously unrelated innovations.

Expansion, whether natural or economic, then depends on capturing and using transient energy. The more different means a system possesses for recapturing, using, and passing around energy before its discharge from the system, the larger the cumulative consequences of the energy it

receives will be. The end result is that diverse ensembles expand in a rich environment created by the diverse use and reuse of received energy. For example, a diversified city will generate much more local expansion from a new business venture than a small town, much as a well-developed forest ecosystem converts more sunlight into biomass than a desert.

According to Jacobs' characters, growing economies, like complex ecosystems, are "dynamically stable" inasmuch as they can evade collapse by self-correction through the grace of four processes: bifurcations, positive-feedback loops, negative-feedback controls, and emergency adaptations. The collapse of advanced human economies is further held in check by human

Of course, human beings, animals and plants have a lot in common, but they differ in terms of intentionality and their capacity to create new combinations.

traits such as such as aesthetic appreciation, fear of retribution, awe expressed as veneration, persuasiveness, and corrective tinkering and contriving. Jacobs concludes her dialogue by pointing out that systems that make themselves up as they go along aren't predictable.

The idea that evolutionary biology should prove a more fruitful source of inspiration than classical mechanics has long been understood by individuals who have observed that in both the "natural" and "man-made" realms the most significant processes characteristically exhibit increasing complexity, acceleration through time, and irreversibility.

Two serious drawbacks, however, have always constrained the rigid application of biological metaphors to the study of economic development. For most people, evolution involves no intentionality toward a specific goal, whereas economic development is driven by the satisfaction of human wants. And with the exception of the smallest levels of complexity such as

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microbes, different biological species generally do not interbreed, while human beings produce new things by relentlessly combining artifacts, skills and ideas — including the genes of two different animal species. I don't think that Jacobs has managed to overcome these pitfalls.

Jacobs argues that human beings exist wholly within nature as part of the natural order in every respect. By doing so, she tries to distance herself from both "misanthropic ecologists" who consider human beings as somehow not part of nature and economists and industrialists who believe that it is possible to circumvent and outdo the natural order.

According to Jacobs, growing economies, like complex ecosystems, are "dynamically stable" inasmuch as they can evade collapse by self-correction.

The Nature of Economies doesn't deliver on its promise of finding a third way because Jacobs isn't able to reconcile her description of human creativity and inventiveness with her attempt to cast economic processes in the same light as natural processes. Indeed, one sometimes gets the impression that Jacobs doesn't see much difference between the development processes of plants and animals, on the one hand, and human beings on the other.

Of course, human beings, animals and plants have a lot in common, but they differ in terms of intentionality and their capacity to create new combinations. While some animal and plant species are interdependent, this doesn't imply cooperation. Besides, can we truly speak of intentionality when most species exhibit only one kind of interdependent behavior? One of Jacobs' characters refers to the mitochondria that power our cells by combining sugar and oxygen to illustrate the universality of the principle of combinations. But as far as I know, this is about all that mitochondria combine. Similarly, beavers mix mud and logs to create dams, but not much else.

I don't think that Jacobs addresses these issues successfully. One of her characters points out after a discussion of these issues: "Of course, development still embodies mystery. Why should there be a force driving the universe toward intricacy and away from simplicity? But if the *why* of development is impenetrable, at least the *how* of development is discernible (p. 23)." What's so impenetrable about the why of development? People want to make their lives better.

Jacobs' discussion of the environmental benefits of accumulating human capital is puzzling. In this context, she refers to economists Robert Lucas and Paul Romer, whose work is highly theoretical and has little obvious relevance to environmental issues, but she does not write a single word about the work of Julian Simon and his collaborators, who have done much more on the issue. Maybe Jacobs' characters' attack on urban sprawl would have been less stringent if they had known that innovations in agricultural technologies have reduced farmland requirement to such an extent that suburban growth has had virtually no impact on the availability of wildlife areas.

Jacobs' fondness for biomimicry is equally troubling. Biomimicry is a movement that promotes the development of biodegradable products based on imitating the chemistry of nature at life-friendly temperatures. Its basic principle is nothing more than the rediscovery of a very old metaphor, for as the Greek philosopher Democritus wrote a couple of millennia ago, "arts such as weaving, building houses, and singing were discovered as humans imitated and became the pupils of animals." It would be nice if, like spiders, we could make silk as strong as Kevlar from digested crickets and flies without needing boiling sulfuric acid and high-temperature extruders. But the truth is that without the freedom and incentive structure of a market economy, we cannot learn.

Despite these problems, *The Nature of Economies* is well worth reading. Like all of Jacobs' previous books, it is superbly written (although the dialogue format doesn't work as well as it did in *Systems of Survival*) and reflects

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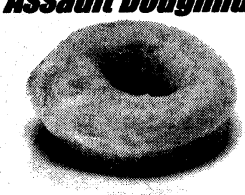
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"Mail Order Love," *continued from page 52*

date, and make love to women." You have to admit, Copeland and Louis certainly offered a dynamite package. Like the saintly altruists that they undoubtedly are, they promised: "Now we'd like to show YOU how easy it can be . . . to meet desirable women . . . charm them . . . mesmerize them . . . captivate them . . . and make them yours!"

Here, in my own hands, I held the source of "Insights you can use to capture their hearts and make them yours." That sounded like appropriation to me, and I have always been a private property kind of guy.

I was willing to forgive them for their repeated misuse of the ellipsis mark, because my mind was set on mesmerizing beautiful women. Christ, how I had always longed to mesmerize a beautiful woman — you know, like those entertaining hypnotists who make prim little ladies chosen at random from the audience take off all their clothes and run around the stage dancing lewdly to the music of some vile heavy-metal band. In my younger days, I persuaded a few girls to do some pretty nasty things, but I'll be honest: what I'd wanted all along was to mesmerize them. By God, those sugar-plum fantasies were dancing in my fevered brain now. Mesmerization, here I come. Ladies, get in line!

The letter presented a lot of other neat stuff, but I like to think that the essence of its message was largely contained in two of the red-lettered highlights: First, "You'll find many more ingenious tips for turning ANY chance meeting with a beautiful woman into a romantic encounter!" (This was eerie, because recently I had had several encounters with beautiful women and, just as Copeland and Louis must have sensed, I totally missed my opportunity to turn those chance meetings into romantic encounters.) And, second, "Meeting, dating, and inspiring desire in women is NOT difficult. You already have what it takes. All you need now is the right attitude . . . and the secrets in HOW TO SUCCEED WITH WOMEN!" Words cannot describe how relieved I was by that information, because for six pages I had worried myself sick about whether it would be difficult to mesmerize those beauties. But, hell, it was going to be a cold cinch. I, even I, of all men, actually had — or soon would have, once I'd absorbed the secrets detailed in the book — what it would take to SUCCEED WITH WOMEN.

As if to put the proverbial icing on the cake of their altruism, Copeland and Louis offered a "100% NO-RISK offer." Man, when you have nothing to lose, there's just no excuse to wait. With shaky hands but hopeful heart, I filled out the reply card and, unwilling to wait for tomorrow's mail pickup at the box, I drove to the post office and put the card through the "Urgent Mail" slot (the one that is rumored, falsely I am sure, to have a trash bin on the other side). Now, in just a matter of days, I will have sloughed off my "doubts and insecurities about your prowess with women getting the better of you." I await my no-risk "lifetime of romantic adventure to gain." Beyond the appropriation and all that nifty variety, the part I'm anticipating most keenly is the mesmerization. God, I love that idea. I don't think I'll ever tire of mesmerizing those beautiful babe. ❑

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Anchorage, Alaska

Dispatch from the war against unsafe work practices, as reported in *OSHA Up-To-Date*:

The FAA recently received a total of ten citations from OSHA for a variety of workplace hazards discovered during an inspection of an air-traffic control center in Anchorage. Hazards ranged from employee exposure to electrical equipment to a lack of safety retraining following job changes. Since the center is not a private employer it is not subject to the usual $105,500 penalty.

Martin, Fla.

Curious report from *Prison Legal News*:

Steven Whitsett was captured after he escaped from the Martin Treatment Center for sex offenders. In preparation for his escape he shipped all of his belongings home, told everybody that he was going to court to be released and finally got a farewell haircut on the morning of the escape.

Rotorua, New Zealand

Fighting back against animal cruelty, as reported on *ananova.com*:

Pedro the parrot was a regular fixture of the Kiwi Spirit bar located in Rotorua. But local animal-rights activists claimed the loud atmosphere and late hours would harm Pedro and forced the bar's owners to relocate his cage to a quieter room. Shortly afterwards Pedro died of unknown causes.

McNeil Island, Wash.

Enlightened approach to psychiatry in the Evergreen State, from the *Seattle Times*:

A psychiatrist whose license has been restricted because he had sex with two patients is now employed to treat "violent sexual predators" at the Special Commitment Center on McNeil Island. The correctional system administration boasts another psychiatrist who did the same at the adjoining prison as well as a convicted rapist working as a social worker.

Somalia

Advance of peace in the Third World, from a dispatch in the *Akron Beacon Journal*:

Somalia president Abdikassim Salad announced that Somalians "are fed up with wars, violence, [and] killing." He was accompanied by more than 1,000 militiamen armed with rifles, rocket launchers, and anti-aircraft guns.

Milwaukee

Innovation in "getting out the vote" as reported in the *Milwaukee Journal Sentinel*:

Authorities are considering pressing charges against the Democratic Party and Al Gore's campaign for having bribed homeless people with packs of cigarettes into voting for Gore. Democrats claim that the people in question acted on their own.

The High Seas

Evidence that the Cold War is not yet over, as reported by *The Wall Street Journal*:

Two Russian aircraft buzzed the United States aircraft carrier *Kitty Hawk* and then proceeded to e-mail pictures of the incident to the crew.

Milwaukee

Curious method of fighting crime in America's great Middle West, reported in the *Milwaukee Journal Sentinel*:

Police Chief Art Jones recently changed the way his officers receive incoming arrestees. Previously, they were detained in a secure area while waiting to be searched for drugs and weapons, whereas now they wait in an adjacent garage area. As a consequence, two men escaped from the garage as the electronic door was opening to receive more arrestees.

Switzerland

The importance of securing all automotive passengers, reported by the *Associated Press*:

After a driver crashed into a bus after being bitten by a tortoise lying on her passenger seat, police have reminded motorists that correct restraining practices apply to passengers "of every size and shape."

Topeka, Kan.

Advance in EMT efficiency, reported by the *Associated Press*:

An attempted suicide called 911, completed the call, and then passed out. Paramedics arrived and, without taking a pulse, assumed she was dead and went outside to protect the area as a crime scene. The victim called 911 again, prompting the paramedics to provide medical care.

Wisconsin

Expansive views of the natural environment, reported in the *Milwaukee Journal Sentinel*:

A recent Sierra Club ad in the *Journal Sentinel* implored readers to tell George W. Bush and Dick Cheney to keep Lake Michigan a natural haven. The advertisement was illustrated with a photograph of Lake Superior.

USA

Good news about the U.S. trade deficit, reported by ABC News:

The United States is the number one exporter of human sperm in the world, a business worth "between $50 million and $100 million."

South Africa

Rising self-confidence in the new South Africa, reported by the *Cape Times*:

When government officials asked Veronica Germann to remove her nail polish, she responded: "Why should I take my nail polish off? It's part of who I am. It's my identity."

Special thanks to Michael Holasek, Russell Garrard, Susan Lindgren, and Ivan Santana for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

Your Vote Doesn't Count

by Sheldon Richman

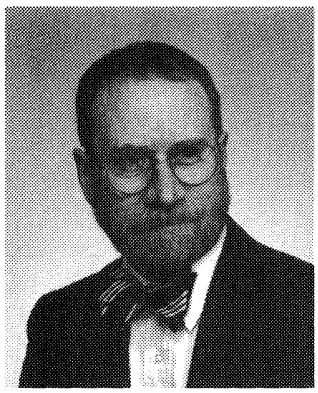

I have followed the presidential election returns pretty closely, and for the life of me, I cannot find a single state where George W. Bush and Al Gore were tied or where the margin victory was one vote.

This is important because everyone from President Clinton to the most obscure news anchorperson has repeated incessantly that this election proves once and for all that "every vote counts." In particular, they had Florida in mind.

My question is this: how does a 537-vote margin in Florida demonstrate that every vote counts? I know that the government's schools aren't terribly good at teaching our children arithmetic, but this is a little absurd. Bush won Florida by 537 votes. Should someone who would have voted for Gore but stayed home kick himself for letting Bush win? The answer is yes — *if he could have cast 538 votes.* But it's one man *one* vote, remember? Had this person exercised his "civic duty" and voted, Bush's margin would have been 536. Conclusion: that person's vote did not count, if by "count" we mean "determine the outcome." The same is true for every other person's vote. We can say that in Florida, every block of 537 votes counted, but that is far different from saying *each* vote counted.

So enough of this "every vote counts" nonsense. Aggregate votes count. If millions of Bush's or Gore's voters had stayed home, the outcome might have been different. But no one controls millions of votes. When we wake up in the morning — election day is no exception — we each ask ourselves, "What shall I do today?" Almost automatically we separate our possible choices into two categories: those that in our best judgment have a chance of bringing about a desired result and those that do not. We routinely discard those in the second category. If I have to go to work that day, I do not flap my arms or twitch my nose to get there. I also do not make a wish that I will find a million dollars in my wallet, obviating the need for me to go to work at all. Why? Because I know it will have no effect on the desired outcome.

On election day, voting is one of the actions I can take. But I submit that course of conduct to the same test: will it contribute to bringing about a desired outcome? That raises the question, what is the desired outcome? If it is to feel good about giving my sanction to a candidate I admire and to join in the community of like-minded citizens, then voting will bring that about. Thus that may be a good reason to vote.

But if the desired outcome is the election of a particular person, then my voting is most unlikely to bring that about. Indeed, I have a better chance of being hit by lightning while driving to the polls than of breaking a tie in the election. In other words, determining the winner is a bad reason to vote.

When I argue this to people, they invariably say, "What if everyone thought that way?" Obviously, my decision not to vote is based on what I think other people will do. That's true of many actions. When a young person announces that he wishes to become a doctor, do we say, "What if everyone thought that way? If everyone becomes a doctor, there will be no businessmen or lawyers or shopkeepers." If I thought no one was going to vote on election day, I might vote, because in that case my vote would be decisive. My reason for not voting is precisely that by any rational estimate, my vote will *not* be decisive.

Finally, what about the plea that we should vote because it is our most precious right, which people have died for? First, voting is not the most precious right. The most precious rights are life, liberty, and property. If America's servicemen died for anything, it was the right to live their lives and raise their families as they see fit. As any number of examples demonstrate, the right to vote is no guarantee of that.

Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va. (www.fff.org), and editor of ***Ideas on Liberty*** *magazine.*

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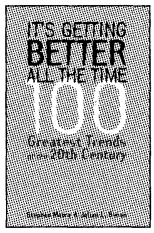

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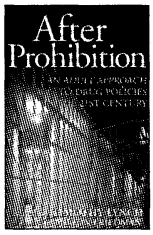

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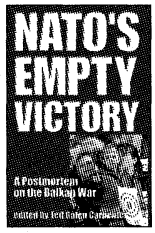

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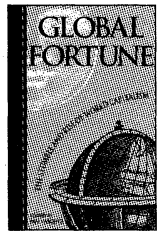

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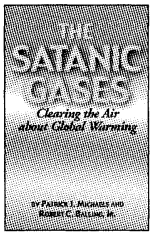

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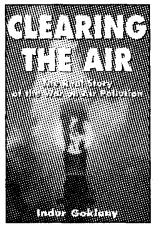

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Letters

Money's a Side Dish, Not a Meal

An entrepreneur was once offered a very good contract to produce a product he had the capability to easily produce. Financially, he was in a very precarious situation. Health problems were causing him to rapidly lose the sense he needed greatly in his profession. Yet, he refused the contract and when his friend admonished him to take it, he ended his friendship. Instead of writing another symphony in the style of his first for a good fee, Beethoven continued on the path he had set for himself from the beginning. To write the best music he was capable of writing; even if the monetary rewards might be less. The value he created by doing so lives on to this day.

In his article "Ayn Rand's Strange Economics" (January), Mark Skousen argues that Ayn Rand really did not understand economics because the heroes of her books act, not out of a desire to fulfill the desires of consumers, but rather to fulfill their own. He claims this to be a denial of "a basic tenet of sound economics — the principle of consumer sovereignty."

I don't think that making money is even the greatest driving force to most entrepreneurs. It seems to me that the fulfillment of a creative vision is what drives many, if not most. Certainly, I have run into many for whom making money is the whole ball game, and I agree that by following the principle of "consumer sovereignty" they will probably do more good than harm, but the real achievements come from those who produce the "next great thing" because it's "neat."

A good example of such an entrepreneur is Steve Jobs. Though he is certainly trying to make money, his focus has never been on fulfilling the customer's expectations but rather to make the next great computer. Sometimes he has succeeded and sometimes he has failed. His successes are then copied by those who are intent on making money by fulfilling the principle of "consumer sovereignty." Skousen is right when he states that "The true spirit of a free society is best summed up in the Christian commandment, 'Love thy neighbor as thyself.'" Though Howard Roark, John Galt, and their creator might not agree with the words, they show agreement through their actions. Like Beethoven, they showed true love for their neighbors by refusing to lower themselves to produce anything less than their best for those neighbors.

Howard Davis
Atlanta, Ga.

Something's Strange

Mark Skousen's article not only misrepresents Rand's writings, but fails even in its misplaced criticism. Skousen claims that Rand denies fundamental economic principles, and he bolsters this claim with several quotations from Rand's novel *The Fountainhead*. But Skousen takes the quotations wholly out of their context. When Roark refuses to work under the arbitrary demands of his clients, he is not rejecting capitalism — he is affirming the fact that he knows more about architecture than they do. Further, Rand makes a point of showing the reader the overwhelmingly positive reactions Roark's clients have to his work. Rand's point is not that consumers should be ignored, but that Roark can give his clients what they didn't know they wanted. In the real world, this is what entrepreneurs, inventors, and artists do everyday — they produce in advance of consumer demand. Sometimes the products take years to generate demand, but the production, the creation of new value, is not something that "denies a basic tenet of sound economics."

But Skousen's article is not about economics. His criticism reaches beyond the economic issues of demand and supply, and addresses the philosophical motivation of producers, creators, inventors, artists, and businessmen. This too was Rand's emphasis; she wrote *The Fountainhead* to illustrate a moral point, not an economic one. And this, ultimately, is what troubles Skousen. Rand argued that the purpose of production, whether economic, artistic, or personal, is selfish. She argued that no act of creation should be governed exclusively by the desires of others. Rand argued for, and defended, egoism.

And it is egoism that Skousen has problems with. The central theme of Skousen's criticism surfaces in the last paragraph of his article. Rand's failing, according to Skousen, is her rejection of the Christian ethics. Skousen criticizes Rand for rejecting the Christian commandment, "Love thy neighbor as thyself," which, he argues, is the true spirit of a free society.

For Rand, however, the true spirit of a free society was "laissez faire." Rand did not believe that freedom makes people beholden to their neighbors. She argued that freedom does not impose upon us any obligation to our neighbors whatsoever — whether financial or romantic. Rand believed that men should direct their efforts to their own benefit, not the benefit of others. In fact, the entire study of economics depends upon only two basic tenets: scarcity and self-interest. A free society, Rand argued, like the free market, requires a strong commitment to self-interest. Adam Smith may have shied away from the moral necessity of self-interest, but Rand did not.

If Skousen had openly challenged Rand's ethics, if he had brought arguments to bear, and if he had presented a case for his position, his article would have been of great interest and of great value. In the end, however, he only musters a quote from Christian scripture. He says that Rand's disagreement with scripture is a great tragedy, but he is wrong. It is the habit of substituting Gospel for reasoned argument that is the tragedy — not for Rand, but for the freedom movement as a whole.

Patrick Stephens
Poughkeepsie, N.Y.

The Artistic Spirit Rides Again

Mark Skousen discusses Roark in business terms, but Rand and meant for Roark to be viewed primarily as an artist. This is not to say that artists and

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Inside Liberty

March 2001
Volume 15, Number 3

2 **Letters** The gripes of wrath.

7 **Reflections** We study Hebrew, enjoy the springtime of George W. Bush, buy monkey locks, rethink Ayn Rand, visit the world's largest man-made sea, and defend Bill Clinton.

Features

15 **Lights Out!** *Fred Smith* tells how environmentalist fantasizing and government regulation caused the California power failure.

18 **The Last Days of the Welfare State** The Welfare State is dying in Britain, though no one seems to be noticing. *Stephen Berry* reports.

21 **Abortion and Hypocrisy** A cell cluster known as *Charles Rebert* is happy that no one has killed him.

23 **Rethinking the Mega-State** *William Merritt* wonders how many lives it is worth to live in a really *big* country.

26 **Making a Freer World** *Ed Crane, Stephen Cox,* and *Manuel Klausner* offer hard-edged advice.

33 **It Seemed Like a Good Idea at the Time** What's an intelligent guy like *R. W. Bradford* doing in the Libertarian Party?

39 **Spreading the Word** The political fringe can have real impact, argues *Jeff Riggenbach.*

42 **Killahaole Day** *Kirby Wright* recalls his least favorite Hawaiian holiday.

Reviews

45 **Why Conservatives Oppose Progress** *Timothy Sandefur* reports on a never-ending battle.

48 **An Island in an Ocean of Tyranny** *Bruce Ramsey* looks at how Switzerland survived World War II.

50 **Back to Basics** *Jane Shaw* examines the lessons learned by an environmentalist mugged by reality.

52 **Booknotes**

53 **Notes on Contributors** At your service.

54 **Terra Incognita** No, this is not a dress rehearsal.

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businessmen have nothing in common. But businessmen are arguably motivated primarily by profit, while artists are motivated by their creative vision more than the simple love of money. In the art world, subordinating one's ideas to money is akin to prostitution. It is in the old world of patronage, rather than the modern world of free enterprise, where such subordination of ideas is appropriate.

This brings me to the other misinterpretation of Rand in Skousen's article: his portrayal of her as being "snobbish." It is not that the idea of pandering to the common person's taste repulsed her. Rather, if an artist remained true to his vision and created genuinely great art, then the common people (and art buyers) would see this greatness as well. A common person can actually have very good taste when he is presented with something worthy of it.

Brooke Mullins
Norman, Okla.

Just Shut Up!

Just when I finally thought it safe to purchase a copy of *Liberty*, the new January issue in fact, I find *yet another* article about Ayn Rand! Let me state my problem, or rather objection in both a politically and "Objectivistically" correct way: *the bitch is dead*! Let her rest in peace, wherever she may be.

Did my use of the word "bitch" offend you? Well, it would not have offended Ms. Rand, a person whom I admired, respected, and met on several occasions. She was tough and aggressive, and well aware of the fact that the word "bitch" would be on many peoples' tongues when they had to deal with a liberated woman such as she was.

But I come to bury Queen Ayn, not to praise her! Enough is enough! Ayn Rand was original, thoughtful, and unique, with a seat at the head table at the Great Philosophers Banquet; however, she could not walk on water!

Fred Bluestone
Lauderhill, Fla.

The Myth of Statistics?

J.R. Edward's "The Myth of Corporate Power" (January), sounds like Republicans on steroids. According to *Everybody's Business Almanac*, the 400 top companies employ or support 25% of the U.S. population. The 1,000 largest companies account for 60% of the GNP with the rest divided among 11 million small businesses. The average large business is 16,500 times larger than the average small business. One percent of the population owns 60% of the corporate equities and 40% of the total wealth of the nation. According to *Business Week*, the top CEOs in 1992, received 157 times as much compensation as the average worker. In 1960, it was only 40 times as much. Corporate power and the concentration of wealth are not myths. They are great dangers to freedom and democracy.

Corporations achieved this power cooperating with the State to create a system of managed competition. No single company has to remain dominant for long because the power elite simply shifts investments and directorships as required. The mercantilists buy politicians and position their men in the upper echelon of government. Look who the next Secretary of the Treasury nominee is: the president of Alcoa!

Governments serve corporations by buying their goods, propping up prices, subsidizing their inefficiencies, protecting monopolies (especially in land), minimizing competition, guaranteeing their credit, covering their losses, absorbing the cost of bankruptcies, limiting their liabilities, and legalizing corporate theft, deception, and violations of rights. Yet free market advocates go out of their way to defend these creatures of the State.

Paul Gagnon
Franconia, Va.

Cover Fire for Merritt

In addition to the passages William E. Merritt cites, ("Second Thoughts," January), the Constitution contains two other strong affirmations of right to the private ownership of arms.

Article I, Section 8, paragraph 11 stipulates that Congress shall have power "To declare War, *grant Letters of Marque and Reprisal*, and make Rules concerning Captures on Land and Water." [italics added] A letter of marque and reprisal conferred permission on private individuals to operate beyond national sovereign jurisdiction for the purpose of conducting reprisals against an enemy power and taking "prizes" (i.e., captured bounty). This permission is founded on the premise

that private individuals would have the means to acquire, equip, and crew the most powerful weapon system known to the 18th century: the warship. No passage of the Constitution otherwise prohibits such ownership. Revised to the 20th century, this provision could logically include the employment of submarine warfare. (It should also be noted that the reference to "captures on *land* and water" implies the legitimacy of privately-organized armies and marine soldiers.)

Article I, Section 8, paragraph 16 stipulates that Congress shall have power "*To provide for organizing, arming, and disciplining the Militia*, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress." [italics added] In other words, Congress has a positive responsibility to organize and arm the general militia with such arms as would serve the purpose of repelling invasions, etc. At the very least, this would include any and all arms that can be carried by individuals, or mobilized and operated by squads. (In addition to muskets, the militiamen at Lexington were in possession of fieldpieces.) In modern terms, this would extend to shoulder-fired anti-tank and anti-aircraft weapons, crew-served machine guns and cannon, tanks and other armored vehicles, and (possibly) attack helicopters. Further, the state governments have the responsibility to *train* militia so equipped, according to the regimen established by Congress.

Alas, if only Congress and the states would step up to their constitutional obligations!

Michael J. Dunn
Auburn, Wash.

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We Aim to Please

William E. Merritt's thoughts on the Second Amendment are interesting and thought-provoking. I'm not sure about the difference between an individual right and a group right in this case. The U.S. code states that all able-bodied males of age 17 (or 18?) and older are members of the militia. This would seem to make the Second Amendment an individual right. But by Merritt's theory, my buddy and I can set up our own group and parade around with assorted arms.

I have long held the notion that militiamen, however defined, should be able to have all the arms that government troops have. I disagree with the West Virginia Supreme Court that certain arms, such as pistols, bowie knives, brass knuckles, etc., are not protected by the Second Amendment. This is the same mistake that the U.S. Supreme Court made in the *Miller* case, when they decided that sawed-off shotguns had no military use, and were therefore not protected by the Second Amendment. The military uses the Claymore mine, which is essentially a zero-barrel shotgun. Every substance on earth has potential for military use, including sticks, rocks, poison gas, teeth, fingernails, etc.

Merritt makes an excellent point about the difficulties that changes in the meaning of language often cause. This is true not only for the "regulated" in the Second Amendment, but also for the same word in the interstate commerce clause. The Founding Fathers would be distressed to find that the interstate commerce clause has been perverted to mean almost total control of interstate (and even much intrastate) commerce, when what they really meant was that states could not erect tariff barriers at their borders.

L. Hatzilambrou
Scottsdale, Ariz.

Betcha Didn't Learn That in Law School

Merritt's article is well-written and covers all the bases, but makes the same error as do most commentaries on the Bill of Rights. It assumes the Bill of Rights is the source of our rights, and thus protects them:

> . . . what the Second Amendment protects is 'the right of the people to keep and bear arms.' [and] . . . they want to

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believe the Constitution gives them that right.

The Preamble to the Bill of Rights referred to them as "further declaratory and restrictive clauses." And we should remember that all ten amendments were passed at the same time. They begin with "Congress shall make no law," and ended with "powers not delegated . . . are reserved." In other words, rights were off-limits to their just-created federal government. They weren't deposited there for protection and safekeeping.

Just 27 years later, Section 17 of the Connecticut Constitution of 1818 read:

> Every citizen has a right to bear arms in defense of himself and the state.

Could the right be stated more simply? That was just nine years after Thomas Jefferson's second term as president expired. Yet neither he nor anyone else complained of Connecticut's infringement on federal power.

The Preamble to Connecticut's 1818 Constitution read in part:

> The people of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors . . .

That clearly states the people of Connecticut derived their "liberties, rights and privledges . . . from their ancestors." No mention is made of the Bill of Rights — just 27 years earlier — or even the federal government, created, by them, just 29 years earlier.

Taken together, that means the Second Amendment is not the origin of the right "to keep and bear arms"; nor is it a license for citizens to determine what their personal gun rights are. It is a "restrictive" clause which applies exclusively to the federal government.

Thus, citing the Second Amendment as authority for the right is misplaced, and focusing on the word "people" as qualifying the right to groups is silly. State constitutions secure the right, and state laws enacted pursuant thereto define the extent of the right.

Texas law allows one to bear arms in his car. New York law does not. That isn't two different interpretations of the Second Amendment. It is two different bodies of law. Two different approaches to the right, from two sovereign states.

James Harrold
Fayetteville, Ark.

Senility Screening

Perhaps being tongue-in-cheek, R.W. Bradford calls for test questions to be added to ballots to disqualify the "demented and moronic" from voting (*Reflections*, January). This was, of course, in the wake of the debacle on election day in Palm Beach County, Fla., when a number of mostly elderly voters couldn't figure out a relatively simple "butterfly" ballot.

Actually, in his comment that "we've never disqualified anyone for being too old to vote," he touches upon an issue that will assume increasing importance in coming decades as the elderly constitute an increasing share of the U.S. population. Shouldn't there be an age past which a person would automatically no longer be able to vote, sign contracts, make wills, convey property, etc.?

Many are simply no longer able to choose a candidate for an elective office wisely and with consideration of the public good. As a group, seniors get more self-centered and childish as they age. They vote on the same basis as a 6-year-old would: "Who's going to increase my allowance, and increase it the most?" We don't let young children vote for that very reason — or else we'd have even larger Social Security checks going to them too. An old person with the mental understanding of a 6-year-old shouldn't be able to vote either.

Old people are already dependent on Social Security, Medicare, and Medicaid. Once these benefits start, they almost never stop. Most of today's older retirees got back what they paid into these programs within two years or so of drawing their first checks; everything after that is welfare. We decided for better or for worse a few years ago that children are no longer worthy of our public assistance. That's largely because they can't vote. So is it right that the biggest group of welfare recipients by age can vote?

Many elderly are simply too gullible and senile to handle their own affairs properly. Despite repeated warnings about hucksters and scam artists who prey especially on them, they still fall for phony sweepstakes, shady investments, and major repair scams. Quite a few keep large sums of cash at home because they haven't trusted banks since the Great Depression, yet they'll give that money to the first home repair huckster who comes along and claims they need $100,000 worth of work on a $50,000 house. If seniors can't be trusted with their own resources, why should they be able to choose someone with access to ours?

The simple solution, a law specifying a maximum age for voting, plainly will never fly in today's political climate. Tomorrow's may be another matter. But another solution could be implemented today with few or no changes to existing law. After a person has recouped the money he or she has paid into Social Security and Medicare — or received any money at all from Medicaid to pay medical or nursing home bills — he or she could be declared a ward of the state, and thereby ineligible to vote, unless he or she chooses to opt out of receiving future benefits.

Edwin Krampitz Jr.
Drewryville, Va.

Let's Agree to . . . Agree

Dom Armentano's reply to me (February) is mystifying. In my review of Raimondo's book on Rothbard (December), I had criticized Rothbard's distinctive methodological views, especially his rejection of whole disciplines (such as statistics) and whole areas of economics (such as econometrics) on aprioristic philosophical grounds. Professor Armentano zealously sprang to Rothbard's defense (January), or so I had thought. Now it appears that Armentano rejects Rothbard's peculiar methodological position, just as I do.

Armentano denies that he holds that "only the aprioristic method can generate real contributions in economics, where or where [sic.] did I ever say that?" But Rothbard, famously and lucidly, did say that his "aprioristic method" is the only legitimate way to generate economic theory, explicitly ruling out all mathematical or empirical approaches. Rothbard's was the position I was controverting. Why didn't Dom Armentano save us all this trouble by saying at the beginning that he warmly applauded my strictures on Rothbard, instead of leaving the

continued on page 20

Reflections

Springtime for Dubya — As the inauguration approaches, we're at that giddy time when all things seem possible. It's like spring training in baseball. Your team may have finished last in the previous season, but it hasn't lost any games yet this year, and that new kid playing shortstop, well, if his throwing arm gets to be a little more accurate and he can hit consistently like he did in that game where he had a home run, a double and three RBIs, and if a couple other prospects come through in a big way, and if that has-been pitcher signed at the last minute has a season like he had in 1992, and . . . we could go all the way to the Series.

President George W. Bush hasn't done anything bad as president yet. He's appointed a former libertarian activist to be Secretary of the Interior and three Reason Foundation policy wonks to various advisory boards. And he seems to have had the sort of life experience that would leave him more sensible than his recent predecessors, and maybe he'll actually cut taxes, reduce regulation, and . . .

Of course, deep in your heart, you know that the shortstop will be back in the minors by May, that the washed-up pitcher you signed will be given his unconditional release in June, and if you're lucky, your team will almost play .500 ball this year.

And you also know that all politicians are scoundrels. By May, Bush the Younger will likely be sending American bombers and troops somewhere they don't belong, raising taxes, promulgating new regulations . . .

But, hey. It's spring. We have four long years to suffer through the perniciousness of George W. Bush. Let's enjoy our season of hope while it lasts. — R. W. Bradford

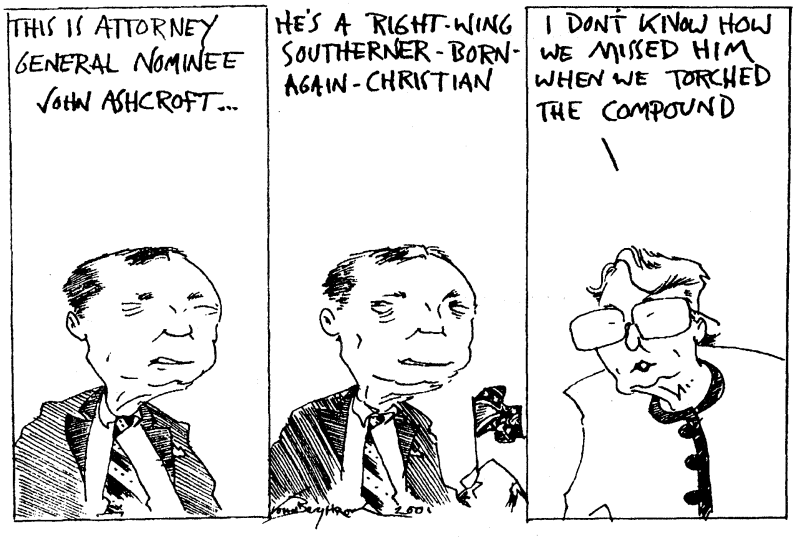

Power failure — Well, we just had our first rotating blackout here in the heart of Silicon Valley. Ain't central planning masquerading as the free market great? Now I know what it's like to live in Russia. I hope Sacramento doesn't "deregulate" meat and potatoes next. —Paul Rako

"Look Mom, I voted!" — The actual experience of voting underscores the infantilization of American politics and of American society at large. Why do they have to give you a little "I Voted!" sticker? Riding back from the polling station on the Washington, D.C. Metro, my fellow voters looked like a pack of overgrown children returning from the dentist: "Jimmie was such a good boy! He hardly squirmed at all, and he didn't have any cavities!" No wonder no one seems embarrassed to argue that people too stupid to cast a ballot properly should have their vote count anyway.

— Gene Healy

Welfare queens — In Florida, a local power plant has been ordered, at considerable expense, to continue dumping warm water into the St. Johns River long after it stopped serving its purposes because some manatees had discovered the warm water and were using it to fight off the cold snap. Finally, sea cows on welfare! — John Haywood

Differently-abled accessible — I've long speculated that the Democratic Party relies on mass stupidity to remain in power, but with the recent election, they have verified it. The bulk of the argument over disputed ballots was that the ballots filled out incorrectly were cast by stupid people who couldn't figure out the ballot, and would have undoubtedly voted for Al Gore.

Our founders were well aware of the danger of submitting to the will of the masses; hence, our government is a Republic rather than a Democracy. In fact, some of the original framers only wanted to give property owners the right to vote, assuming that anyone with half a brain can own property in a free nation, and anyone with less than half a brain shouldn't vote.

I have always been a proponent of screening stupidity from the polling booth, and commend Florida for their "confusing" ballots. If I were head of the elections board, I would propose a ballot more like the following: "George Bush, Al Gore, and Harry Browne are on separate trains headed for Washington DC at 50 mph . . ." — Tim Slagle

A very high hurdle — There's no more important skill for a smart manager than to appoint good people, and Bush has appointed an impressive line-up. I am an advocate of more good women in government and couldn't have been happier with his choices — Condoleezza Rice, Christie Whitman, Linda Chavez, and Mary Matalin. Unfortunately, Chavez has gone down. She was right in her withdrawal speech — she would have made a good Labor Secretary bringing a fresh approach to affirmative action, sexual

harassment law, and others.

The nanny problem has become like a form of sexual profiling for career women. Chavez saying in her withdrawal speech that she is no saint or Mother Teresa reminded me of the fact that even Mother Teresa was prevented from giving aid to the homeless by government red tape in New York City a few years ago. When Mother Teresa tried to redo an abandoned warehouse into a homeless shelter, she ran into so many regulations, including the necessity of installing an elevator (which would have cost a half-million dollars), that she abandoned the venture. There are so many laws and regulations in the U.S., it's becoming nearly impossible to avoid being a criminal of some sort. We have not only criminalized nearly everyone, but are overly punitive in enforcing the laws. The gotcha game and the politics of personal destruction is not a good way to run a government or a civil nation. Why must someone have to be better than Mother Teresa to become a cabinet official? — Sarah McCarthy

Is that a monkey in your pocket or are you just glad to see me? — The *Guardian* reports that youth gangs in Paris suburbs, unable to buy guns, are importing Barbary monkeys from Northern Africa and using them as weapons. Their favored method of attack is to hurl themselves at people's heads and to bite with their sharp teeth. The monkeys are sold without permits, waiting periods, or background checks. — Tim Slagle

Who'da thunk that? — The government has just finished a series of tests to determine which automobiles are most likely to roll over. At the top of the list were SUVs like the Blazer. At the bottom was the Honda Accord 4-door. But underneath all the scientific jargon of the star rating system was one amazing fact: Cars with a *higher* center of gravity have a *greater* tendency to roll over. — Eric Raetz

How do you say "hypocrisy" in Hebrew? — On Jan. 3rd's "Nightline," all the talking heads agreed that it would be unreasonable to ask Israel to allow all Palestinian refugees to return, since such an influx would obviously imperil Israel's status as a Jewish nation. Am I confusing my countries, or was it this same "Jewish nation" that recalled its ambassador from Austria when the locals voted the anti-immigration Jorge Haider into office? — Barry Loberfeld

Sue the bastards! — Michael McDermott broke into Human Resources Department of Edgewater Technology and killed seven employees. Police investigating the case found that the IRS was about to garnish the majority of his paycheck, leaving him $500 a month to live off.

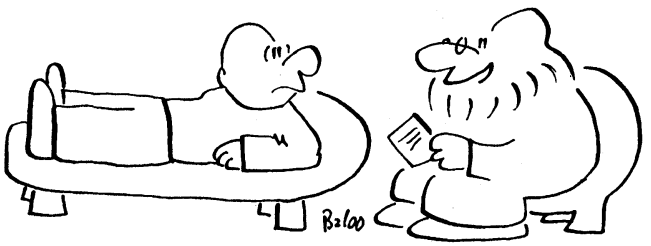

"Here — take this prescription down to Mom's Diner and get yourself some milk and cookies."

How can anyone reasonably expect a person to live in the Boston area for $500 a month? Welfare recipients get more than that in food stamps. Now ammo-phobes are using the incident as another opportunity to start an assault against legal gun owners and manufacturers. I think the relatives of the victims should file a class-action suit against the IRS. It is certainly as responsible for these deaths as any gun manufacturer is. — Tim Slagle

It depends on whether your definition of "work" works — In the wake of the Linda Chavez affair, the *New York Times* editorialized that Chavez's conduct "cast doubt on [her] ability to oversee the core function of the Labor Department, which is to define what work is and how it should be compensated." The era of Big Government is over, eh? — Sheldon Richman

Job 1 — On January 8, I saw Richard Wagoner, G.M.'s CEO, interviewed on Fox News. Mr. Wagoner was asked, among other things, whether he was happy that Bush, rather than Gore, would soon be occupying the White House.

Now, bear in mind that Detroit automobile executives hate Al Gore worse than Satan. Their hatred is a natural result of his well-advertised antipathy to the internal combustion engine, which happens to be the basis of their livelihood. But what did Mr. Wagoner say when he was asked about this momentous issue? Did he say that he would be happier to have as president someone who was not an enemy of his industry? Did he even say that he favored President-elect Bush and expected nothing but the best from his administration?

No, of course he didn't. He mumbled something about how the eight years of the Clinton-Gore administration hadn't been bad for the auto industry after all, and he mumbled something else about how he thought that the promised programs of the incoming administration were likely to be consistent with GM's desire for the continuation of a vibrant economy.

That's what he said, I think.

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Perhaps Mr. Wagoner was panicked by the thought that if he allowed himself to take an overtly political position, well, who knows what might happen? Maybe some lifelong Democrat would vent his anger at the next stockholders' meeting. Maybe the Friends of the Earth would issue a press release. Maybe . . . well, who *knows* what might happen? So, rather than have anything happen, Mr. Wagoner simply suggests to the nation that the Clinton-Gore administration has been just fine, thank you.

This is an approach guaranteed to keep business out of the political fray, thus leaving it entirely to the enemies of business. And this is an approach that the movers and shakers, savants and whiz kids, titans of industry and moguls of merchandise use so continuously that no one any longer expects anything else from them. Which introduces the interesting question:

What do these people think their *job* is? Is it just to futz around with accountants and ad agents, get their assistants

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to write the occasional think piece for some metropolitan daily, and go on television from time to time and make nice little comments about everyone? Or is it to help preserve the capitalist system against wackos like Al Gore?

The first responsibility of business leaders, said Isabel Paterson, is to maintain the system that makes their business possible. That's what they're paid for, and very few of them are underpaid. — Stephen Cox

The politics of pretext — The borking of Linda Chavez, accomplished so neatly over two days, was a move right out of Paul Weaver's 1994 book, *News and the Culture of Lying*. He used the example of Sen. John Tower, nominated by Bush the Elder as Secretary of Defense and rejected by the Senate.

That the vote was 53–47, all Democrats against and all Republicans for, would suggest the vote was political. More than suggest. But the argument around Tower was whether he drank too much. This, wrote Weaver, was a charade. Everybody in Washington knew about Tower's drinking. The Democrats were against Tower "for reasons of politics and ideology." But they couldn't win an argument on that. They could win an argument on drinking, because the Republicans couldn't come out and say what they really thought, which was, "Yeah, he drinks a lot, but he can handle it and it doesn't matter." The result, noted Weaver, was that "Each side was fighting over an issue it didn't care about (drinking) and pretending not to care about issues it cared a lot about (defense spending and political advantage)."

In a truncated way, that's what happened with Chavez, who was jettisoned on the pretext that she had taken an illegal alien into her home for more than a year. Chavez had given a Guatemalan woman shelter, and the woman had helped around the house. Chavez had given her some spending money. Was the woman an employee? Chavez denied it; the Guatemalan woman also denied it. This was not employment; it was Christian charity. Compassionate conservatism. The left winked and smirked and said, "Yeah, sure. *We* know."

But they didn't know. Nor did they particularly care. Their interest was a story that they could tell about Linda Chavez, because Chavez was against the minimum wage, racial preferences, and a number of other things they believe in and make a living from. They could not derail her by talking about those things, but they could derail her by talking about a woman from Guatemala — because the Republicans were *not* willing to come out and say, "Maybe she did break one of your labor laws, but we don't care about that."

It would be refreshing if someone came out and said that. But they won't. — Bruce Ramsey

Two cheers for apathy — During the recent uncertainty over the outcome of the presidential election, few Americans came close to panic and no blood was shed. Some commentators saw it as a tribute to our system and the people's faith in it. *New Republic* commentator John Judis said it was because, despite surface polarization, not much was at stake in the election, both candidates having cast themselves as consensus centrists.

It might also have been, however, a manifestation of the growing irrelevance of national politics in our daily lives. Washington is no longer where the action is, and it no longer attracts as many top-drawer people with ambitious, idealistic agendas as once it did. Communism dominated much of the century past, but it has died and with it much of the reason for Americans to be intimately concerned with what happens in the national capital. Add the growth of technology that has led to a restructured and revitalized private sector, and national government seems almost pathetic in its marginality, a source of entertainment and one-liners for late-night comedians rather than a source of inspiration or active trepidation.

This is hardly the disaster some would see, but more like a fulfillment of the promise of American life. In 1780, John Adams wrote a famous letter to his wife Abigail: "I must study politics and war, that my sons may have the liberty to study mathematics and philosophy in order to give their children a right to study painting, poetry, music." Surely the next millennium will see resurgences of politicization, wars, conflicts, bloodshed, and schemes by ambitious rulers to put people under subjection. Some of us will still have to study politics and war to be vigilant about threats to liberty. But the new century is beginning in a spirit of relative indifference that makes politics more marginal in our lives than it has been. That's not a bad start. — Alan Bock

Legitimacy, who needs it? — People who are worried about the "legitimacy" of President Bush should (first) take a pill and (second) reflect on the history of Mirabeau B. Lamar.

"Who?"

I hope you don't really need to ask that question. But in case you do, I'll remind you that Mirabeau B. Lamar (B for Buonaparte) was elected President of the Republic of Texas in 1838. And here was a guy with a serious legitimacy problem. Before the voters — a small minority of the population of Texas — went to the polls, Lamar's two opponents had both died. One shot himself, and the other drowned himself in Galveston Bay. Under these circumstances, who could know whether Lamar had the support of the people?

To make matters worse, Sam Houston, Lamar's predecessor and contemptuous enemy, showed up at the inauguration to make a few remarks. He spoke for three hours, defending his own program and criticizing Lamar's. Lamar was too angry to deliver his own address, so his secretary had to do it for him. Students of presidential imagery will be interested to know that Lamar was also lacking in the stature department: he was very short, and Houston was very tall.

But none of this dismayed Mirabeau B. Lamar. He immediately presented a budget calling for almost three times the expenditures of the previous year, raised the president's salary by more than one thousand percent, and started an Indian war. Later he tried to start a system of public schools, for which he is known as "the Father of Texas Education" (such as it is). He established a new capital at Austin and mounted the (disastrous) Santa Fe Expedition, undertaken against the opposition of Congress and with a personally ordered printing of new currency, to extend Texan territory to the Pacific Ocean.

You might not like the policies of Mirabeau B. Lamar, but you've got to admit that the legitimacy issue never stood in

his way. Also, you gotta love his name. — Stephen Cox

Sic transit gloria mendacum — In his continuing effort to de-legitimize the election of his successor, Bill Clinton remarked at the swearing in of Senator Maria Cantwell of Washington, who won her seat after a recount, that if the recount of the presidential vote in Florida had been allowed to continue as had the senatorial recount in Washington, Al Gore might be president today.

As usual, he couldn't have been more wrong.

Washington state law allows a single machine recount of ballots, after which the results are final. Florida law allows the same. A machine recount of ballots was conducted in Florida, and George W. Bush won. All the controversy in Florida was about whether and how to conduct a selective hand-recount of certain ballots, believed to be heavily Democratic in intention, that had already been counted twice by machines.

One is tempted to say something like "Bill Clinton began his campaign as a liar, he lied habitually throughout his tenure in office, and he finished his presidency as a liar." But that would be to misread Clinton. To be a liar, one has to be able to distinguish between truth and falsehood. What matters for Clinton is not truth or falsity. It is what gets him what he wants, which is more power, more prestige, more sex, and more money. His very successful career as a politician has been based on his ability to speak without the slightest concern for the truth or falsity of what he says.

I am sure it never even occurred to the president that what he said comparing the Cantwell and Bush victories was false. It got him favorable publicity on the evening news. And that's all that mattered. — R. W. Bradford

What I learned at the millennial election — I'm not nearly as tough as I'd thought. I had my cool libertarian detachment, my smug conviction that there's not "a dime's worth of difference" between the two parties. But judging by my emotional state on the night and morning of Nov. 7th and 8th and the days that followed, that detachment was easily shattered. I found that I cared very much who won the election. I have to live in this country for another 50 years if I'm lucky, and I don't want to spend the last 20 crouching in my concrete bunker and taking potshots at the various vandals and strongmen who wander the post-apocalyptic wasteland in search of loot. I'd prefer a leisurely and graceful collapse of Western civilization rather than the cataclysm that's sure to ensue if we continue to be governed by power-mad fiends.

In fact, there is at least a dime's worth of difference between the Dems and the Republicans. As Joseph Stromberg observed, the Republicans have a shred of decency "and it is a great handicap to them." As they did with impeachment, they brought a croquet mallet to a gunfight, underestimating the ruthlessness of their adversaries. The Republicans' modicum of decency means they're likely to abuse executive authority less than the Democrats. It also explains why they're likely to lose most of these power struggles in the long run. — Gene Healy

War is the extension of domestic policy by other means — When Bill Clinton assumed office, some hoped that as a former protester against the undeclared war in Vietnam, he might rein in the modern tendency of the Imperial Presidency to involve U.S. military forces overseas without bothering to consult Congress, let alone ask it to declare war.

But as president, Clinton expanded on the tradition of unjustified military intervention. Perhaps the most significant foreign-policy legacy of the Clinton era will be the demolition of even the pretense that the United States involves itself in wars only to deter aggression or as a defensive move.

Before Clinton, U.S. presidents were careful to cast U.S. military action as defensive in nature. Sometimes the protestations were shaky, as with the Tonkin Gulf Resolution that, on closer examination, turned out to be a pretext rather than a response to an actual attack. But at least presidents made the effort to appear to be responding to aggression rather than initiating it.

President Clinton abandoned virtually all pretense of a defensive posture; indeed, some of his foreign attacks seemed to be cynical "wag the dog" gestures designed to deflect attention from domestic or personal embarrassments.

The missile attacks on a pharmaceutical factory in Sudan and on targets in Afghanistan in August 1998, he claimed, were linked to Saudi terrorist Osama bin Laden, who was suspected of orchestrating bombings of U.S. embassies. It turned out the pharmaceutical factory was not a chemical-weapons facility, and that Clinton knew this and ordered the attack anyway. Monica Lewinsky testified before a grand jury that day.

All pretense of defensiveness was scuttled with the December 1998 missile attacks on Iraq. As it became obvious that the House was going to go through with impeachment, the president seized on the fact that Saddam Hussein had kicked UN weapons inspectors out of Iraq two months earlier to launch "Operation Desert Fox," several days of airstrikes against Iraq. In November, Clinton had UN support

for such strikes, but by December he had none. He did it anyway.

The key factor is that although Saddam was undoubtedly intransigent with UN inspectors, there was no evidence that he had attacked another country or had any short-term intention of doing so. The airstrikes amounted to naked aggression against a country that, while undoubtedly led by a murderous tyrant, had not invaded or threatened its neighbors.

The 1999 air war against Kosovo and Serbia followed the same pattern. Serbian leader Slobodan Milosevic is a villain, but when Clinton pushed NATO to launch an air war against him, he had not invaded or threatened to invade any foreign country. He was putting down a rebellion in Kosovo rather brutally (though not as brutally as NATO propaganda insisted), but Kosovo was recognized by every member of the vaunted "international community" as a province of Yugoslavia. That made the NATO war against Serbia a war of aggression. It was a war without declaration, by now the custom.

President Clinton's interpretation of executive war-making authority was positively Nixonian in its audacity. He also waged war without congressional approval in Haiti and Bosnia. He insisted that the Comprehensive Test Ban Treaty and the Kyoto global warming treaty were in effect, although the Senate declined to ratify either.

Will the next administration be more restrained in making war? Perhaps. Will Congress take back its constitutional power to have the final word when it comes to making war? Ha!

— Alan Bock

The only good cop is a non-cop — I moved to Port Townsend, Wash. about four months ago, and in the time I've been here, I haven't seen any evidence of a single crime. No shoplifting, vandalism, public drunkenness, double parking; nothing. It's true, I have heard rumors about some of the locals keeping hothouses that don't exactly grow petunias. I once saw three police cars parked outside of a house, and the thought occurred to me that they might be there to make an arrest for some crime. But the cops might just as easily have been there to trap a raccoon that had burrowed into the basement and was threatening the cats. The closest thing to a crime here occurs when local juvenile delinquents get together and pour Tide laundry detergent into the Haller Fountain on Washington Street.

Port Townsend has a lot of policemen for a town its size, but I don't think that's why it has so little crime. I suspect that we have so little crime because Port Townsendites are generally friendly, decent, and well-armed. Isn't that the description of the good cop? Of course, my idea of a good cop would be one who has no authority beyond interceding in emergencies and executing arrest warrants. I doubt any civilian here has ever committed entrapment, forged evidence to obtain a warrant, or even cared that the nice couple next door keeps those lights on in their basement all day and night. And, of course, the typical Port Townsendite doesn't depend on tax dollars to make a living. In Port Townsend, everyone is a cop when you need help, but only the police are when you don't.

Next time someone in your town suggests raising taxes to hire more cops, why not suggest dismantling the police force and sponsoring a little cultural exchange instead?

— Elizabeth Merritt

Rethinking Rand — I may have to re-evaluate Ayn Rand. Though I enjoyed *We the Living*, written when Rand's philosophy was too unformed to allow her to beat the reader over the head with it, I found her other novels shrill and heavy-handed. *Atlas Shrugged* struck me as the libertarian equivalent of socialist realism: courageous, square-jawed capitalists battling parasitic, degenerate villains, whose inner corruption is so complete, it's obvious from their outward appearances — like they're walking Pictures of Dorian Gray. I still find her protagonists overdone. But I'm starting to think she got her villains right. I wonder: if Rand had written a novel with villains as physically and morally repellent as Al Gore, Chuck Schumer, and Hillary Clinton, would I have sneered at her for her lack of subtlety? I hate these people more than is entirely healthy for me. I need another hobby.

— Gene Healy

The sea of life — I had lived in Southern California for 28 years before I visited the largest feature of its landscape, the only feature that schoolchildren on Mars are able to see with their hundred-dollar telescopes.

I refer, of course, to the Salton Sea, a body of water 34 miles long and 14 miles wide, a hundred miles east of San Diego. The Sea occupies what was, until 1905, the lowest point on the North American continent. It was a desert, somewhat like Death Valley, but without the charm. Then an accident took place. There was a channel drawing water from the Colorado River to irrigate some adjacent country, and the river rose and rushed through the channel and into the desert, creating a permanent sea.

It's still there, ten percent saltier than the ocean, and growing saltier; but showing no sign of going away, and still capable of supporting millions of fish and animals that live on fish. You can see it from the mountains, 40 miles away, lying like a turquoise mirage against the Chocolate Mountains. It has been said that the Sea looks better the farther you get from it, but I didn't find the saying true.

On my recent hundred-mile drive around the great Sea, I saw herds of enormous pelicans gliding the surface like 747s, miraculously able to fly; solemn groves of palm trees, dripping with dates; and the silent oasis of the San Andreas fault, alive with coyotes and rattlesnakes and tiny fish in hidden jungle pools. I drove out on the desert along elegantly curving concrete streets, built to welcome the big real estate boom that never came, in towns now empty except for a handful of pink retirement ranchos hugging the shore.

On the east side of the Sea, I visited a trailer park where endless reiterations of Santa Claus and his reindeer mocked the desert sun and the Marine Corps flag flew proudly above a remarkable collection of garden gnomes. A few miles outside of Niland, I visited Slab City, an abandoned Marine base that is the home, each winter, of a spontaneously operating community of trailer nomads of every race and class, a community that has successfully resisted all attempts of government to get it off the property.

At the entrance of Slab City, I enjoyed a conversation with the creator of Salvation Mountain, an outcropping of rocks that he has covered with biblical slogans and pictures.

"I came here for a week or so," he said, "and I'm still here, 16 years later." "Welcome!" he shouted up to me, when he found me climbing on his rocks. "Make yourself at home!" After I'd finished wandering around the site, he searched through his Bible-decorated truck and unearthed copies of books published in foreign countries, featuring pictures of his vernacular art. He told me how many thousands of gallons of paint he had used on his project — "all donated!" When I asked him what church he attended, he said that he didn't object to any of them, but he didn't attend any of them, either. He suggested that he might be close enough to a place of worship, just working along where he did. "Maybe now you'll want to take your donation back," he added. So I got to say, "It's all one church," and he was happy to agree.

America! Go to the Salton Sea, and you will find America.

When I left the great Sea, night was coming fast, and the absurd electric lights of Christmas could be seen far off across the desert, each tiny parallelogram representing someone's house, someone's claim to a part in that immensity. What would they have said, I wondered, any environmentalists who might have been asked to comment 95 years ago, when the Salton Sea and all its amazing life were born? Stop it, they would have said. But it hasn't stopped.

— Stephen Cox

A game for two — If you're a libertarian who owns at least one Confederate flag and thinks Abraham Lincoln was a cruel despot, watch out for Timothy Sandefur: he fights dirty. In his latest paean to Harry Jaffa, "Jefferson, Lincoln, and Bork," (*Liberty*, January 2001) Sandefur takes another swipe at libertarian supporters of the Confederacy. Not content to tar us with racial insensitivity and moral blindness, Sandefur pulls out the old *reductio ad hitlerum*. He quotes Adolf himself on the Civil War: "The beginnings of a great new social order based on slavery and inequality were destroyed by that war, and with them also the embryo of a future truly great America." Sandefur solemnly warns that "libertarians should read Jaffa's critique before endorsing such shameful principles." Catch that logic? Hitler = Southern sympathizer; paleolibertarians = Southern sympathizers; thus, paleolibertarians = Hitler sympathizers (or dangerously close). A nice trick.

Of course, Hitler, who destroyed German federalism, didn't admire the Confederacy for the same reasons many libertarians do. Friends of Liberty like the late Murray Rothbard, Walter Williams, and Ralph Raico, have praised the Confederacy because of its decentralized governmental structure, allegiance to the doctrine of enumerated powers, and endorsement of the principle of secession. Hitler admired the Old South for its dedication to slavery and white supremacy, two principles that libertarians abhor. But hey, that's no reason to squander a good opportunity to suggest that your ideological opponents are closet Nazis.

Well, two can play at that game. Libertarian centrists like Mr. Sandefur are, of course, great admirers of Lincoln. Well so was Karl Marx! Marx praised Lincoln, that "single-minded son of the working class," who had, by waging war against the South, ushered in a "world-transforming revolutionary moment" that would bring "a new era of ascendancy for the working class." You know what that means? You Lincolnian libertarians are a bunch of closet pinkos! Ha! How do you like them apples?

Now if you'll excuse me, I need to go practice my goose-step.

— Gene Healy

The politics of predators vs. prey — The election is finally over, but the Second American Civil War is still heating up! The razor-thin margin of victory for Bush does not reflect a lack of difference between the two presidential candidates, as some have claimed, but a nation sharply divided between two different sets of values. It boils down to taxpayers versus tax-money takers.

The basis for this war between two segments of society, roughly equal in number, is that there is virtually unlimited potential for government to tax and redistribute income, and there is little to restrain anyone from demanding more and more benefits at the expense of those who pay. This is obviously an unstable and morally hazardous situation. The reason that direct taxes were not authorized in the original Constitution, and why an amendment was needed to institute them, was that the Founders were convinced that direct taxes would give the federal government too much power. How right they were: note that under current American law, absolutely nobody has an entitlement to a penny of his or her own earnings, while there are numerous entitlements to other people's money.

Equality is often used as a moral basis for government to redistribute income. Whether people have a right to the fruits of other people's labor, simply by virtue of having been born, is a question of value. However, whether equality can actually be achieved through government manipulation is an economic question that can be answered without resorting to value judgements.

The faster technology changes, the less likely that there can be equality in the distribution of its benefits. That's because the faster changes take place, the farther the system of constantly changing human choices is from the equilibrium that would be required for equality to exist. Equality requires stasis: an example of perfect equality is death.

The faster technology changes, the faster products of advanced technology become available to all, including those less well-off. Today's $769 personal computer can run

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circles around the personal computer that cost $3,000 a decade ago.

It comes down to this: you can have a dynamic economy with lots of opportunities and no guarantee of equal outcomes, or you can have a static economy within which people jockey politically for equality. Each of these alternatives are desirable to about half the American population.

Such a 50–50 split is predicted by game theory (Buchanan, "Politics, Policy, and the Pigovian Margins" in *The Collected Works of James M. Buchanan: Vol. I*, 1999, p. 64–65; Von Neumann and Morgenstern, *Theory of Games and Economic Behavior*, 1953, p. 264). Currently, deviations from an even split are probably the product of credibility differences between the candidates. After Bush Sr. moved his lips on taxes, his base no longer supported him, and Bob Dole was exactly what Newt Gingrich called him — "the tax collector for the welfare state."

Clinton, despite being an exceptionally good liar and being willing to use any means to achieve his ends, remained a credible source of government goodies for his constituencies. In the 2000 election, the credibility of the two candidates appeared to be about equal to their respective constituencies; hence, the almost perfect 50–50 voter split predicted by game theory.

It is easier to follow this argument if you consider, as an analogy, the relationship between populations of predator and prey. Increasing numbers of prey allow for increasing numbers of predators. If predators increase in numbers too rapidly in response to the increased prey, though, the ratio of predators to prey becomes too great and the prey are depleted, followed by a predator's dying-off . Until recently, one of the big problems in mathematical models of predator-prey ecology was that they predicted that predators would completely consume most, if not all, prey and then starve. Of course, this rarely happens in nature. The flaw was that they ignored differences in the spatial distributions of predators versus prey. The ability of prey to move away from high-predation areas has a profound stabilizing effect (Hastings, "The Lion and the Lamb Find Closure," *Science* vol. 290, 2000, p. 1712–13).

Politically, that is exactly what is happening in the United States. Ten years ago, we moved from southern California, an area of high taxes and heavy land-use regulations, to central Nevada, a rural area with few regulations in a state with no income tax. If you examine an election map showing which counties each candidate carried, you can see clearly a dramatic distinction between the urban areas, where most of the tax predators live, and the rural areas, where tax prey can still escape to. It is because of the careful design of the Electoral College by the Founders that the United States is not dominated by a few large population centers.

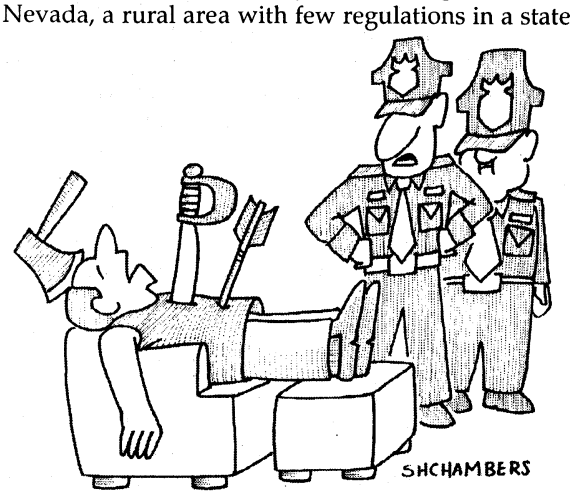

"Look at the bright side. At least it's not a hate crime."

Of course, there are limitations of predator-prey models for political analysis. Humans, unlike other animals , are capable of volitionally moving between the categories of "predator" and "prey" (or, more precisely, tax-money consumers and taxpayers), depending upon such things as the availability of economic opportunities and the severity of income-tax rates, and even of getting out of the game altogether by not paying income taxes. Nonetheless, the analogy of predator-prey relationships lends valuable insight to the tax-consumer-taxpayer relationship.

The 50–50 split between predators and prey is predicted by game theory, and has limited the spread of predation.

The even split between tax predators and tax prey has limited the spread of predation. We fear, however, that we have seen a fundamental change in the nature of American elections with the development of large-scale legal litigation and the open use of widespread fraud in ballot-counting as political strategy. Lawyers are hatching all sorts of clever plots. For example, there are about four million convicted felons who are currently disenfranchised by state laws. Efforts are being made in several states, including Florida, Pennsylvania, and Washington, to re-enfranchise felons, who are likely to vote overwhelmingly Democratic.

Criminologist Christopher Uggen of the University of Minnesota says "Democrats have successfully co-opted Republican policies on crime. One unanticipated cost of that strategy has been the erosion of the Democratic voter base." Nancy Northrup, director of the Democracy Program at New York University's Brennan Center for Justice, is the lead attorney for the Florida ex-felons. "Disenfranchised felons used to represent 1% of Florida's voting age population," she says. "Now it's 5%." Counting both inmates and ex-inmates, 24% of Florida's voting age black males cannot vote (Goldhaber, "The Felon Vote," *The National Law Journal*, Oct. 30, 2000, p. A1).

The disenfranchisement of felons is yet another social problem resulting from the War on Drugs, which has made many non-violent drug offenders into felons. On the other hand, in many low-population rural counties where prisons are located, the majority of residents may vote Republican, but the felons could dominate the results of local elections, and possibly turn them into havens for tax consumers. Beyond those local effects, the re-enfranchisement of such a large number of felons — mostly in the tax-predator camp — could change the balance of power between predator and prey.

— Durk Pearson & Sandy Shaw

Lights Out!

by Fred Smith

Environmentalist fantasizing and government regulations caused California's power failure.

California has an energy problem. Electricity rates skyrocketed in San Diego where prices were free to fluctuate; and brownout/blackout risks are mounting in much of the state served by Southern California Edison and Pacific Gas & Electric, where consumer rates are capped by government regulation. As we speak, California's utilities are paying more to purchase electricity than they are allowed to sell it for. They are unable to pay their bills and are facing bankruptcy.

Media and political commentators are blaming all of this on the market. California was working well, so we are told, but then free-market advocates pushed through a bill to deregulate the California system and screwed up everything. Gov. Davis is blaming everyone but himself and proposing tighter price controls and even a state takeover of the industry.

Lincoln once asked a friend: "If we call a dog's tail a leg; then how many legs does a dog have?" "Five," his friend answered. "No, still only four," Lincoln responded. "Calling a tail a leg doesn't make it one!" And so it is with the California "deregulation" story. California engaged in a game of regulatory shuffleboard, introducing new flexibilities and then checking them with new regulatory rigidities, but leaving the system as unresponsive as before. The flaws of the old system — which was widely perceived as helping out the utility management and its special-interest friends (the environmental-activist community in particular) — were not really addressed. When the smoke cleared, it was again the utilities and the greenies who came out on top. As Herbert Stein used to say, "When a thing can't go on forever, it will stop." That's what happened in California.

What's going on? And what, if anything, can be done about it? As we shall see, the California problem is the result of a long tradition of political control of electricity. Politics allowed the utilities to misinvest in capacity — first too much and then too little — and made it possible for environmental activists in the state to mandate a series of anti-energy-use policies. The costs of the latter were paid for via cross-subsidies from other ratepayers. Neither of these situations could last long — both would have soon disappeared had the industry been deregulated.

But, of course, not much was really deregulated in California. Instead, the traditional regulatory structure — government-granted regional monopolies to firms, whose rates and terms of service are then regulated — was shuffled around. Some of the steps taken might have been useful; others were unnecessary; still others ensured the current disaster. First, the state viewed power generation as a competitive sector and thus deregulated it. The hope was that stand-alone firms would be more efficient and cost less to consumers. The existing utilities were required to sell off their generating capacity.[1] The new, independent, power providers would then be able to sell their power to whomever they wanted at whatever price they felt it warranted. The utilities would henceforth be involved only in distribution and retailing.

Free-market proposals for the distribution system were ignored, although the law did develop a timeline for allowing all consumers — commercial, industrial, and residential — the right to select their own supplier of electricity under whatever terms they found mutually advantageous. The grid would become a "common carrier," required to transmit the power generated by any firm to anyone — at a "fair" rate (how this was to be determined was never made clear).[2] The term for this was "retail wheeling," akin to the competition situation in telecommunications. No one gave much thought to why anyone would find it worthwhile to maintain,

expand, and upgrade the distribution grid.

But these problems were small in comparison to the two major changes in the deregulation plan: first, an authorized transmission charge accompanied by an electricity price cap; and, second, the blocking of long-term purchase contracts. Pacific Gas & Electric and Southern California Edison had major debt on their balance sheets. Under regulation, these debts were "safe" because the firms were allowed to set rates adequate to ensure "reasonable" capital cost recovery.

But once the cost of electricity was deregulated, with the prices charged to consumers capped, the utilities faced huge losses, even bankruptcy. In a free market, of course, bankruptcy plays an important role. Bankruptcy allows the revaluation of capital — an investment might have been prudently made, but circumstances can change, making the initial investment no longer viable.

We would simply conserve ourselves into energy adequacy, and we would do so while lowering electricity rates!

For example, suppose an oil boom creates huge demand for temporary housing in central Colorado. An entrepreneur responds by building a large motel. To make a profit, he must have 60% occupancy at a rate of $70 per night. Demand from energy workers is so good that the motel is able to charge $80 per night and still get 70% occupancy. It is a profitable venture. But after a few months, the price of oil declines and it is no longer profitable to develop oil wells in the area. With the oil workers gone, the motel's occupancy rate falls to 20%, despite its cutting the room rate to $50. The owner of the motel is now operating at a loss. Things don't get better, and eventually his debts exceed the value of the motel. A creditor sues and the motel cannot pay. The sheriff conducts a bankruptcy sale. The highest bid is only 20% of the cost of the motel. The new owner, thanks to his lower capital outlay, can operate the motel profitably with a 50% occupancy and a $35 room rate. The lower room rate attracts enough bargain-minded travelers that the motel can be operated profitably.

This happens frequently: under bankruptcy, the original shareholders take the bullet, new shareholders acquire the assets at the adjusted price, and the game continues. No workers are shot; no assets are burned to the ground.

But bankruptcy in the regulated "safe" utility sector is politically undesirable — all shares in these firms seem to be held by widows and orphans — so the state decided to protect the firms. In the case of California utilities, the protection mechanism was to levy a transmission charge on everyone using the power grid; raising money the firms could use to pay their debts and protect their shareholders. Not a free-market concept, but one that seemed necessary to move ahead.

Unfortunately, this revenue-transfer scheme prompted the state to demand a *quid pro quo* from the utilities. The state would allow utilities to charge a recovery fee, but if they did so, they must in return accept a price cap on the rates they charged their customers. One might have expected the utilities to have balked at this — to have insisted on a cost-plus rate adjustment factor or something — but at the time, everyone was convinced that deregulation would lower costs and thus lead to lower prices. But forecasting is not an exact science, and no one seemed worried that costs might increase. That optimism in part stemmed from the fact that the state then enjoyed a slight capacity surplus — more supply than demand — and the utilities believed that energy growth was a thing of the past. America was now in an energy stable mode. Indeed, with the Kyoto Treaty under consideration, with electric cars on the horizon, and with low-energy e-commerce soon to replace the old industries we might soon be mothballing plants. No one had to worry about supply — demand would only be going down.

Prior to deregulation, generation and distribution were integrated into the same company. California split the two functions among independent companies. Generation capacity and distribution grids are both expensive, long-lived capital investments. Normally, a firm would seek risk-sharing arrangements, whereby generators and distributors would sign long-term contracts at agreed-upon rates, probably to vary with generation costs. Generators would know that they could sell some portion of their output at an established price; distributors would know their purchase prices in advance.

But, again, the fear of markets, and concern that such arrangements might permit the firms to reunite, led to a rule against contracts. In California, market prices would be spot prices — the creative instrumentality of futures markets, which create major incentives for projections and for longer-term price stabilization instrumentalities, would not be involved.

These rigidities, which appeared to leave the utilities with more security, reflected the widespread demand-side beliefs of the time. California, more than almost any other state, promoted Demand Side Management. DSM, as it was known, argued that, of course, markets had failed, as there were a vast array of cost-effective energy-conservation measures that many businesses and almost all consumers failed to realize. Our lights were the wrong kind and too bright, our homes weren't adequately insulated, our cars were too big, our water pipes and electric wires were too small. Everywhere, the environmentalists contended, there was energy waste that could cheaply be eliminated. To address these market failures, the greens pressured the utilities to create a wide array of incentives to "encourage" consumers to "save" energy. A homeowner would be encouraged to install insulation or energy-efficient light bulbs and would receive an incentive payment to do so. The costs of these incentive programs would then be included in the rates charged to those users who elected not to join the conservation effort. One of the impacts of these laws was that electricity rates in California were much higher than in adjoining states (in the mid-1990s, Californians paid about 50% more for electricity than those in neighboring states). Moreover, evaluations of DSM programs gave little encouragement to the environmentalists' arguments; people wouldn't support them voluntarily. But in the California regulatory shuffleboard, with rates capped and capital costs guaranteed, the utilities would be able to continue their flirtation with the

greenies — or so it was believed.

California had other problems. It had moved aggressively away from coal and nuclear power, and even from oil. Natural gas was the fuel of choice for power generation in California. But natural gas is not an easily transported fuel — it can't be trucked (or, rather, not readily) like home-heating oil or propane; pipelines are needed. But the same anti-development logic buttressed by demand-side thinking blocked pipelines (and high-power electric transmission lines) also. Californians fought against developing the oil field off the Santa Barbara coast and stopped exploration activities elsewhere. California's energy policy — like that of the United States — was strictly demand-side; we would simply conserve ourselves into energy adequacy, and we would do so while lowering electricity rates!

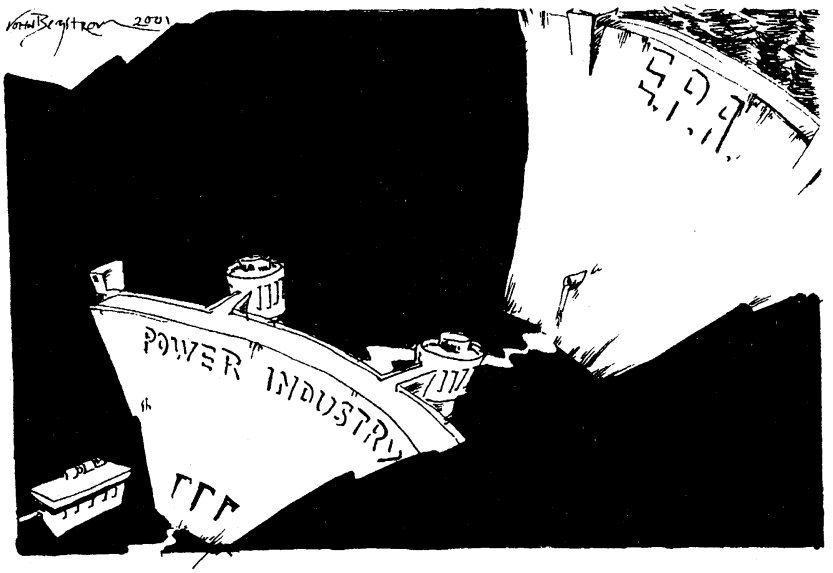

The roots of the California electricity crisis lie deep in American history. American energy policy has long been political — one of the major "successes" of the progressives was the series of hydro-dams throughout the West. Taxpayer-supported electricity projects would light up the West; taxpayer-supported water projects would make the desert bloom. The initial "promotional progressive" era created real assets that produced real results. Aluminum plants and other industrial facilities expanded throughout the West. So did agriculture, as lands throughout the East and South reverted to wildlife habitat.

But, of course, such policies inevitably encourage wasteful resource practices that are difficult to correct. Consequences of this policy have emerged in the California crisis, as aluminum plants in the Northwest and fertilizer plants in the Midwest have found it more profitable to close down and sell their electricity or natural gas on the market.

But the promotional progressive era policies have shifted in recent years to those of a precautionary progressive era. We no longer seek expanded supply, but, rather, more prudent use of what we have. Conservation is our preferred source of energy. California, in particular, accepted the view that Amory Lovins and a host of other Malthusian energy gurus promote. According to this theory, building new power plants (and by extension, almost anything else) is foolish. The greatest source of energy is conservation — negawatts (the energy freed by increasing the efficiency of our society) would suffice for the modest energy needs of a post-materialistic society. Change a few light bulbs, add a little more insulation, buy an electric car — save money and energy at the same time! Electricity capacity has grown slowly, largely through plant upgrades (no major new plants came on line in the last decade), while demand increased steadily.

The result was inevitable: at current prices, there is more demand for electricity than can be supplied. In a free economy, prices are free to fluctuate; and when demand outstrips supply, the price rises, which provides buyers with an incentive to conserve and producers with an incentive to increase production.

But politics and the regulatory state make it difficult for supply and demand to equilibrate, and a vast array of regulatory impediments makes it very difficult to create new capacity quickly. California seeks federal help, but there's no massive amount of power in the West to alleviate this situation. And people in neighboring states are not happy about the prospect of being penalized for California's stupidities. And, thanks again to regulatory roadblocks, there is not enough transmission capacity to resolve this problem by wheeling power in from the Midwest or East. Moreover, alternative fuels — and here we mean natural gas, oil, and propane, not wood or solar — are also in short supply. (Coal is plentiful, but thanks to environmental activists, there is not a single coal-powered electricity plant in California.)

The result is the situation we have today. California's utilities teeter on the edge of bankruptcy, while California's governor is asking neighboring states to provide electricity at bargain rates and the federal government to bail out the utilities. ❑

Notes

1 Because of environmental reasons — largely the liability associated with nuclear plants and the conservation requirements associated with hydro-dams — the utilities retained that type of power source. Most of the facilities sold were gas-fired generators.

2 Free-marketers have developed some reasonable ideas about how networks emerging from such monopoly franchise situations might be privatized and deregulated; however, these ideas have never received much attention. Government control prevented competitive delivery systems, although, of course, there are some alternatives — natural gas or oil heating for electricity; self-generation; purchase from adjacent grids or private firms in the region. The general approach might be to allow prices to change slowly — a gradually expanding "zone of reasonableness" around established rates, while encouraging consumers and providers to invest in new linkages, line-sharing contractual arrangements, and decentralized power generation. Moving from a political to a private market will always involve messy transition problems of this sort — and messiness is not something that politicians wish to face.

Obituary

The Quiet Death of the Welfare State

by Stephen Berry

"My vision is not just to save the National Health Service but to make it better. The money will be there, I promise you that. This year, every year."
— Tony Blair, Sept. 30, 1997

On Bonfire Night (Nov. 5), children burn effigies of Guy Fawkes, the leader of the failed Gunpowder Plot of 1605 to blow up the Houses of Parliament, while Remembrance Day (Nov. 10) offers the chance to pay respects to those who died in the two world wars. These events mark the defeat of Britain's enemies and carry a positive message. But the patriotic Brit cannot rest on his laurels for long. Barely have the fireworks of Bonfire Night disappeared from the night sky when the next perennial, the annual winter crisis of the British National Health Service (NHS), announces its presence.

This winter, problems arrived even before the outbreak of the winter flu epidemic. In *The Times* (Oct. 18th), Professor Michael Joy, consultant cardiologist at St. Peter's hospital in Chertsey, wrote to complain that he could not admit patients from his Accident Departmen, due to the unavailability of beds in the main hospital. He said, "If nothing is done, I guarantee within the next weeks there will be a mighty crash. Everybody in the Health Service is totally demoralized. I have never seen morale at such a low level in my 35-year career." Even after making allowance for the hyperbole of a worker under stress, his claims are very disturbing. I have heard this song before. Last year, while being wheeled to the operating theater of one of Britain's NHS hospitals, I had an interesting conversation with a doctor visiting from New Zealand. Imagine my horror as the visiting doctor cheerfully compared the NHS to a Third World health service. Imagine my relief as the anaesthetic finally brought merciful oblivion.

The origins of the welfare state go back to the Victorian era and the desire to provide cheap housing for the poor, the best health care for all, and pensions (the British equivalent of Social Security) to make provisions for a comfortable retirement. During this time, it was Germany that most heavily influenced Britain in the formation of its social policies. It is difficult now to envisage the dramatic impact on the Victorian mind of the rapid unification of Germany under the leadership of Prussia. France, Britain's main European rival for 250 years, was effortlessly dismissed on the battlefield of Sedan in 1870 and dominated with ease by its dynamic neighbor. There was a new kid on the block, and his every movement was watched both eagerly and anxiously.

In the late 19th century, Germany had the most powerful socialist party in the world. In 1878, Bismarck temporarily banned it and implemented a form of state welfare to placate the working classes and to avoid a socialist revolution. In the 1880s, the state began to provide accident, health, and pension insurance.

The German system became the conscious model for Lloyd George and William Beveridge, the latter being the most influential in the creation of the British welfare state. Beveridge visited Germany in 1907 and Lloyd George followed in 1908. The extension of the franchise to working-class men in the United Kingdom had already occurred in 1885, and a system of state social insurance was implemented. The profit system, with what were regarded by many as its vagaries and caprices, was left in place. Indeed, Beveridge seems to have seen no conflict between state action and the free market: interventionist social policies would serve to strengthen the market and make it more efficient than ever.

Subsequent developments have increasingly diverged from these early hopes and expectations. Pioneering work by The Institute of Economic Affairs in London has demonstrated the degree and vitality of the early private provision of the social services which were to become the province of the state. As British governments developed the welfare state during the 20th century and snuffed out the existing mechanisms for private provision, no evidence of

gratitude from the British citizens can be found. Instead, we find increasing attempts by people to protect themselves from the poor level of welfare services provided by the state. The history of the welfare state is the history of the flight from the welfare state.

The Local Government Housing Sector was established after 1919. Rent control appeared during World War I and remained until the late 1980s, when the government began to dismantle the program. Large "slum" clearance programs have transformed whole neighborhoods. In 1914, 90% of dwellings were privately rented and 10% owned. By 1993, only 10% of dwellings were privately rented, with 20% provided by Local Government. Roughly 70% of homes were privately owned. In other words, the 20th century in the United Kingdom has witnessed a trend from homes being largely privately rented to being largely privately owned. Government intervention in the housing market has simply driven Englishmen out of rented accommodation into inflation-hedged miniature castles that they can proudly call their own.

Government intervention in the housing market has simply driven Englishmen out of rented accommodation into inflation-hedged miniature castles that they can proudly call their own.

In 1893, the famous Cambridge economist Alfred Marshall told the Royal Commission on the Aged Poor to resist the call for universal pensions advised by Fabian socialists Sidney and Beatrice Webb. He warned that they "do not contain . . . the seeds of their own disappearance. I am afraid that, if started, they would tend to become perpetual." State intervention in the provision of retirement income was developed by acts of Parliament in 1908, 1925, and 1948. By the last act, state provision covered virtually the entire population, but here again, the results have been far different from those expected by the original reformers.

During the 1990s there was a minor scandal concerning private pensions. Claims were made that salesmen may not have given absolutely correct information concerning future returns to prospective customers. Yet, even this might be preferable to state pensions. When one purchases a private pension, the money he pays goes to the creation of a fund of capital that will be at his disposal when he retires from work. With the state pension, his money is simply taken and used as if it were any other form of tax revenue. Upon retirement, a person is entirely dependent on the state's capacity to tax for his future pension, and there is plenty of competition chasing those taxes. That is the great 20th century pension swindle, perpetrated on a scale that would make the slickest of salesmen shake his head with bemused admiration.

Many people in the United Kingdom have fled from the trap of the state pension. The last 30 years have seen a dramatic expansion of private pension provision through company and individual schemes. Nearly two-thirds of the United Kingdom's population is now covered privately in one form or another. This is in stark contrast to Continental Europe where, with the exception of Holland and Switzerland, pensions are funded almost entirely by the state. For these countries, the problems of the aging population will be particularly pronounced.

It was in the area of health care that the state made the most radical innovations, and it is in the area of health care where the problems are the most intractable. The NHS is the jewel in the crown of the British welfare state, though it arrived relatively late upon the scene, in 1948. Private provision for health care was extensive and growing at the start of the 20th century, with people paying by a variety of methods. The British state initially brought in state health insurance to help pay for private health care bills. But the post-W.W.II Labor government was not satisfied with such routine measures. It came up with the marvelous wheeze of health care "free at the point of demand." One simply turned up at the doctor's office or his local hospital and treatment would be provided — no questions asked. If socialists were never to realize their dream of a society free of money and prices, the NHS would remain to provide a gleam of the promised land.

In the year 2050, when yet another socialist centenarian appears on our television screens lamenting the disappearance of the last remnants of the welfare state, we should remember that her longevity cannot be credited to the second-rate care afforded by the state.

Those with an acquaintance of economics might suggest at this point that an important service which is free at the point of demand will have a large demand. And they will not be surprised to know that history has proven them right. Rationing has been the main mechanism used to contain consumption. Users of the NHS have to wait a considerable length of time for non-critical operations, and the standard of treatment one gets depends very much on which area of the country he is located in. The definition of a non-critical operation can also be somewhat stretched. One woman created headlines last year when she wrote to Prime Minister Blair to say that her husband had had to wait so long for his heart bypass that he died. But it is rather unfair to expect Mr. Blair to sort out the problems of the NHS. History will see his efforts as a final, futile attempt to save a decaying system. Blair is a modern-day Necker, the minister of Louis XVI, whose reforms predictably failed to rejuvenate the enfeebled carcass of the *ancien régime*.

In the face of a crumbling state system, people have done what is natural: they have made private provisions for their future health care bills. Health insurance is increasingly included as part of any job remuneration package, and I have no doubt that it will eventually match the company pension in popularity.

Opinion polls still show the NHS to be popular in principle, but even this is gradually fading under the relentless pressure of poor standards and the never-ending cycle of crises. And there is the pertinent point made by

Arthur Seldon of The Institute of Economic Affairs: many opinion polls are less than informative unless a price label is attached. What people say and what they do can be quite different things. Even those who profess to admire the NHS are taking out private health insurance, and they are doing so in increasing numbers.

The next 50 years will see the further withdrawal of the state from welfare services and its replacement by private provision. Libertarians of the more radical persuasion who would launch a *putsch* against the crumbling edifice of the welfare state will be disappointed. Like Rome, the welfare state was not built in a day, and its fall will be a matter of decades, not something accomplished with a sweep of the revolutionary's baton.

The end, if prolonged, is certain. Two-thirds of the population have made private provision for retirement, and William Hague, the leader of the Conservative Party, wants to offer people under the age of 30 the chance to opt out of the state system entirely. The remaining public housing system is expensive to maintain. Paradoxically, it would be cheaper for politicians to give away state-owned houses and apartments to existing tenants and wash their hands of the whole business than to continue with the present system. As incomes continue to rise, people who can afford foreign holidays in high-standard hotels will not tolerate third-rate service in NHS hospitals.

What will be history's verdict on the British welfare state? Its main crime was the replacement of the burgeoning and varied private provision of welfare with the uniformity and mediocrity of the state monopoly; the values of the entrepreneur substituted with those of the administrator. The aim of state welfare was to remove divisions in society. Ironically, the effect has been to make those divisions more visible. Nothing is clearer in the United Kingdom today than the accommodation gap between the tenant in public housing and the homeowner. Nothing is more poignant than the difference between the pensioner who uses an ample private pension to spend the winter months in Spain and the pensioner dependent on state benefits alone to fund the winter fuel bills. The charge sometimes leveled against the welfare state — that it suffocates by providing security "from the cradle to the grave" — is wrong. The welfare state failed because the level of security provided was far below that which the citizen could rightly expect at the end of the 20th century.

At a perhaps more important level, the impact of the welfare state may not have been that great. I have already pointed out that in the areas of pensions and housing, the vast majority of people have been able to circumvent and mitigate the low standards of welfare provided by the state. Even with the NHS, we should be careful not to overestimate the damage. Life expectancy in the United Kingdom is not much different from that of countries which have not enjoyed such an extensive nationalized health service. The state sector of the economy in Britain has always been small and the effects of the market are pervasive. Such factors as improved nutrition, central heating, new drugs, and changes in personal behavior may well have had a greater impact on health than anything the medical profession has done.

A 150-year experiment is drawing ever so slowly to its close. But when, in the year 2050, yet another socialist centenarian appears on our television screens lamenting the disappearance of the last remnants of the welfare state, we should remember that her longevity cannot be credited to the second-rate care afforded by the state. Rather, she continues as triumphant evidence of the market's ability to improve the quantity and quality of our lives — even in the most unpromising of circumstances. ❑

Letters, *from page 6*

impression he had some disagreement with them?

David Ramsay Steele
Chicago, Ill.

No, Let's . . . Disagree

David Ramsay Steele's alleged mystification results from his unwillingness to accept the distinction that I have drawn above between deriving "theory" and understanding "practice." To repeat, Austrians generally accept that the *a priori* methodology can reveal basic economic principles and are skeptical that alternative methodologies can, as Steele puts it, "generate economic theory." *But*, importantly, they also accept that data and data analysis may be helpful in enriching our understanding of how (and whether) deduced theories work themselves out in practice . . . i.e., in unique historical events. Why this reasonable distinction between doing "theory" on the one hand and doing "history" or "analysis" on the other cannot be understood or accepted is puzzling, indeed.

Dom Armentano
Vero Beach, Fla.

Ruminations on Mutations

On p. 15 of the January 2001 *Liberty*, you mentioned "Nadler's comically misshapen head." At first glance, I read "conically misshapen head," which would have fit equally well.

Thomas Giesberg
Rosharon, Tex.

Equal Pay for Unequal Work?

The saga of merit pay in education goes on, as reported by Adrian Day (*Reflections*, January), and the argument usually ends up where the NEA wants it to: there is no objective way to assess superiority or excellence in teaching. Let's ignore the teaching profession's reluctance to acknowledge anything that rises above mediocrity. At a high school where I taught, the teachers' union bargained to eliminate the "excellent" category in teacher evaluations. Everyone was "satisfactory." We're all just plain folks.

Maybe the solution is, as implied in the study that Day cited, some sort of differential pay scale. Does anyone really think that an elementary school physical education teacher should be paid the same as a calculus or biology advanced-placement teacher?

Bill Nadeau
San Diego, Calif.

Slavery's Sloppy History

I disagree with Nicholas Weininger's intriguing suggestion (*Letters*, January 2001) that abolitionist William Lloyd Garrison be adopted as a model. Garrison's anti-slavery message, says Weininger, started as a fringe rant. An uncompromising Garrison "kept at it" while he "rejected political action."

continued on page 22

Polemic

Abortion and Hypocrisy

by Charles S. Rebert

Pro-abortion arguments may tug at our emotions, but they ignore important principles and facts.

I am a cluster of some billions of cells, a living, dynamic, sentient, imaginative, being. My capacities allow me to remember my past and to imagine my future. At age 62 postpartum, I am not exactly as I was at age 32; my corpus, this cluster of cells, is more rotund, and my mental faculties less profound, than when I was 32. I remember me when I was 50, and 32, and 18, and 3 years old. When I meet old friends I may not identify them immediately, but when I learn their names, the young face emerges from the camouflage of age. My awareness is not all encompassing.

There are things about me that intrude only minimally upon my awareness — my beating heart, air passing through my nostrils when I breathe, dim inklings of impulses and desires, the subtle control of complex movements. And, there are things of which I have no conscious awareness — the rise and fall of protein receptors in the fluid matrix of my cells; those hidden, but profound, Freudian impulses; and the animalistic reactions triggered by pheromones. My mature capacities allow me to create an infinite variety of ideas and to communicate them by way of a language based on a paltry 26 elements of my alphabet. It was not always so. When I was 20 months postpartum, I wanted to know the names of all things; I could mostly just point and say "da." Yet I could understand the request to "put your yellow ducky back in your toy box." It was not always so. Although it is not clear in my memory now, there was a time when I had little understanding of words and syntax. There was a time when I couldn't walk, and a time when I couldn't crawl. There was a time when suckling was my prime contentment. There was a time when I was not sentient and only the most primitive of mechanisms sustained me, when I was entirely unconscious, like only part of me now. I don't remember, but my mother assures me that it was me then, and it was me who that wonder of conception made a living thing of, and who was nourished in her womb, and who grew into a larger cluster of cells, and who was born to her. It was at that moment of conception I began to grow, to respond to the genetic and environmental influences that played upon me, and to become who I am now.

I am glad no one killed me yesterday because it was a happy day. I am glad no one killed me when I was 50, too, because I would have missed the culmination of a career and the freedom of retirement. I'm glad no one killed me when I was 32, because I would have missed the human experience of wife and family and the challenge and accomplishment of work. I'm glad no one killed me when I was 18 because I enjoyed the trim muscular state of my cell cluster then, and the adventure of breaking the bounds of childhood and learning to be a man. Thank you everyone for not killing me when I was 3 because I would have missed learning to tie my shoes, to run fast, to ride my bicycle, to speak fluently, to learn to read and write, to appreciate smoke curling from a chimney, and to appreciate love more fully. I am glad no one killed me when I was only a cluster of twelve cells because I would have missed my life. It was me all the time, never exactly the same, growing, maturing, but still that unique cluster, sometimes small, sometimes larger, sometimes dim, sometimes profound, but me — unique in the universe.

What would I think of a Mom, who might, on her whim, have killed me because I would have been an inconvenient burden, or compromised her career plans? I could make that evaluation only after I developed a set of values and principles. In my particular case those values and principles are generally associated with the concepts of liberty, individual sovereignty, and responsibility, the social philosophy, more or less, known as libertarianism. At the very least, we as libertarians believe these things:

1. Humans are rational, logical, beings who survive and

prosper most when they live in accordance with those capacities;

2. Societies must enforce the fundamental thesis that human interactions should be voluntary and devoid of force or fraud;

3. Each individual is a sovereign being, responsible for one's own life, whose life cannot be arbitrarily taken;

4. Laws are instituted and implemented by governments to codify in logical ways the rules of social interactions so that disputes can be resolved through mutually understood procedures, rather than by whim and arbitrariness;

5. Governments are established to protect human rights; those realms of human action that are necessary to a peaceful and productive society in which individuals are free to choose and pursue life in ways most compatible with their unique physiological and psychological capacities. Governments must protect the odd, the profound, the deviant, and the weak, from the powerful, the intolerant, and the selfish.

An embryo conceived of human beings is itself a human being. The "right to life" of a human being is as applicable to a person who is aged one day post-conception, or is comprised of just twelve cells, as to a person who is a hundred years old and comprised of some billions of cells, irrespective of the state of sentience. If it is acceptable to kill a developing human being, who just happens to still be in a womb, acceptable for a woman to kill the life within her on any whimsy, why is it unacceptable to kill any inconvenient person at any time for any reason?

How trivial are these worries when a human life is trivialized by referring to it as "a cluster of cells." Doing so is akin to using terms like "niggers," "junkies," and "queers." It dehumanizes them, paving the rhetorical road to eliminating them.

Equally irrational is the argument that since women own their own bodies, they have the right to abort their pregnancies. Women might own their own bodies, but no person rightly owns another. Pregnant women are responsible for the new human life they carry, but they do not own it.

The developing child *in utero is* not able to be party to voluntary agreements regarding his or her fate, so adults who profess to embrace the principle of nonviolence must assume the mantle of maturity, responsibility, honesty, and consistency in applying the principle. Killing an unborn child is especially heinous because it is a unilateral decision perpetrated on an innocent. To support abortion is to violate the principles of nonviolence, individual sovereignty, and the right to life.

I'm glad no one killed me when I was 18 because I enjoyed the trim muscular state of my cell cluster then, and the adventure of breaking the bounds of childhood and learning to be a man.

If libertarians do not support the sanctity of life, how meaningful are their lamentations about arbitrary kings and bureaucrats, socialist impediments to production, violations of the right to worship, or to live freely? How trivial are these worries when a human life is trivialized by referring to it as "a cluster of cells," thereby justifying the elimination of it! The approach is akin to using terms like "japs," "niggers," "wops," "junkies," and "queers." Dehumanize them, paving the rhetorical road to eliminating them.

Libertarians who find the unrestricted killing of the unborn acceptable simply on the basis of inconvenience reveal no true understanding of the principles they claim to live by. They are in the camp of the arbitrary. The generalized justifications of abortion on the bases of its potential benefits to health; or that pregnancies have resulted from involuntary interactions (rape), are the epitome of misdirection. Most pregnancies result from voluntary sexual interactions and few abortions are precipitated by possible risks of a pregnancy to health; they are undertaken as concessions to inconvenience.

Sarah McCarthy insults us in her article "Walking the GOP's Abortion Plank," (November). She induces us to weep over a few true tragedies, and seduces our sentiments, but tries to deflect our intelligence. The tragedies of health are insignificant in number compared to the wanton destruction of babies for ends that are trivial compared to the termination of a new life. Hypocrisy, indeed! How will you kill me, Sarah, when my old countenance becomes disagreeable to you and my consciousness enfeebled and childlike? ❑

Letters, *from page 20*

Eventually — success!

But slavery collapsed of its own weight, much like the Soviet empire, more than it was torn down by abolitionists. Until secession, the pro-slavery side held all the cards. Abolition required a constitutional amendment, which meant a three-fourths majority of the states, but 15 of 33 were slave states. Pro-slavery Democrats even held majorities in the House and Senate at the time of secession.

A seeming paranoid irrationality produced overreactions and tactical blunders (chiefly secession) that permitted slavery's demise. Perhaps subconscious guilt over slavery made for muddled minds.

There was much more to ending slavery than a zealot getting on his soapbox day after day, until finally the masses woke up and saw the light.

Russell B. Garrard
Seattle, Wash.

continued on page 38

Rethinking the Mega-State

by William E. Merritt

How many lives is it worth to live in a really *big* country?

There's a lot to admire about Czechoslovakia. The Sudeten Mountains are lovely. The people are upright and industrious and, during the '20s and '30s, they kept their democracy among a sea of fascists, petty Soviets, and tin-pot monarchies. After that, they held onto civilization and decency for half a century under the Nazi, then the Communist, boot.

But one of the things that is most admirable about Czechoslovakia is that there's no such place anymore. Because, as soon as they sent the Reds packing, they negotiated the Velvet Divorce. And not a single Czech, or Slovak or Slav or Slovenian, or Romany or Romanov or Romanian, or Magyar or Moravian or Moldavian, or anybody else left over from some long-ago wandering, died to make it happen. They just voted themselves apart.

Canada, too, is lovely, dark, and deep. Sure, they play a godless form of football up there, and they decorate their envelopes with pictures of a sour-looking lady who can't hold a candle to fat Elvis in the jazzy-postage-stamp department. But they make good beer and great whiskey. And the Mounties dress much better than the FBI.

More than that, they don't grow heroin poppies or cocaine leaves. Fire ants and killer bees and boll weevils don't come from that direction, and they don't breed strange terrorist groups that come bubbling across the border to inflict their evils upon our people. Illegal Canadian immigrants don't march around Los Angeles waving Maple Leaf flags and demanding the lost provinces back. And, their economy doesn't periodically go kaflooie after some crook of an ex-prime minister skips town.

Here is an interesting Canada fact: The population of the country is about 30 million, with over 7 million living in Quebec. Not that I'm suggesting our neighbor to the north might be following along blindly in the footprints of the United States, but these numbers sound creepily reminiscent of U.S. census figures of 1860. Just before the Civil War, the population of the United States was about 31 million, with about 9 million living in the South.

There are other similarities between Quebec and the Old South. Both places get all stirred up at the notion of outsiders messing in their business. They get too much of their sense of who they are from historical fiction. And everybody else thinks they talk funny.

My question is, what's Canada worth? How many Canadians do you think should die to keep the people with French last names saluting the same flag as those with English last names?

It turns out there is an answer to this — an official answer issued by the Canadian government itself. And the number is: zero. No Canadians at all are going to die to hold the place together. When it comes to going its own way, the Quebecois will have to figure that out for themselves. If 50% plus one want out, then out they go, and one of the great civilized nations of all times busts up.

Yet 600,000 Americans died to keep us one nation, indivisible, with liberty and justice for all — and Abraham Lincoln is hailed ever after as a hero for making it happen. So . . . does this mean that a single Canadian life is worth 600,000 times that of an American? I bet you could find some folks who, deep in their Molson's, would tell you so.

Or, could it mean that the United States is worth 600,000 times as much as Canada?

But when you stop talking Quebec and start talking American South, nobody doubts — even in the shadow of our civilized example to the north — that 600,000 deaths and all the destruction that came along with them, were a good bargain because, today, the sons of Georgians and the sons

of Virginians still pledge allegiance to the same flag as the sons of Vermonters and the sons of Michiganders.

But that's about as far as the outcome takes us. All the rest is no more than the triumph of some glandular notion of bigness — of the idea that one huge, united country is inherently better than a brotherhood of smaller republics. That, and a testament to the lasting power of Abraham Lincoln's words echoing down through the generations: words that kept us together as a country — and have torn us apart as a people — ever since.

There's no question that bigness has its comforts. It's hard not to like the idea that the Grand Canyon and the Grande Ronde and the Grand Tetons are in the same country, as is the Chesapeake Bay and Biscayne Bay and Half Moon Bay, and Boston and San Francisco and both Portlands. And that, in some sense, these places belong to all of us and to all our kids. And that we can drive to them and to ten thousand other places and "Purple Mountain Majesties," while we're at it, and never have to stop at a single checkpoint for any reason other than to hand over our illegal vegetables. And we can do it without studying up on some barbaric tongue, swapping greenbacks for somebody else's low-rent Monopoly money, pulling off the interstate highway, or eating anywhere but McDonald's.

The thing is, we'd feel that way no matter what borders our history had tossed up. If we'd won the War of 1812, we could munch Happy Meals all the way to the North Pole, and our "Sea to Shining Seas" would include the Arctic Ocean and the St. Lawrence Seaway, and we'd be just as passionate about these places as well.

But we didn't. And so what?

The bigness is all still here. I can drive to Banff or Lake Louise as easily as if we'd won. And any Canadian is likely to be more welcome than I in south-central L.A. And I am as free a man in their country as I am in my own, and as safe under their laws. Their roads are as paved as ours, their gasoline as pure and sweet, and their Big Macs as tasty.

It would be the same if the South had been allowed to go its own way. I could still drive the family down to Dollywood, or watch truck and tractor pulls until I needed reconstructive ear surgery. And all of it would seem just as natural and as preordained as the current arrangements strike us now.

As for protecting ourselves against outsiders who do not approve of how we conduct ourselves in the world, nothing would be much different. When we Americans get into serious squabbles — not just the throwing our weight around kind, but the life-and-death sort of thing that tends to come up when the Europeans lose track of their affairs and a generation of North Americans has to sally across the waters to save them from themselves — then do we miss all the extra bigness we gave away for not having a more efficient army back in 1812?

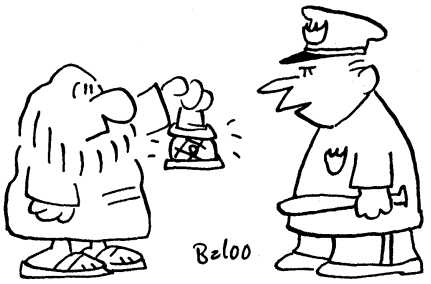

"You're looking for an honest man? Are you trying to make trouble?"

Not hardly.

Every time — against Kaiser and Fuhrer, against Politburo and Ayatollah and Republican Guard, Canada has been right there beside us, as loyal a friend as if things had worked out the way God intended in 1814.

Does anybody seriously believe that, had the South been allowed to depart in peace, brave Confederate infantry would not have stormed ashore at Normandy shoulder-to-shoulder with U.S. and Canadian troops? Does anybody doubt that the Stars and Bars would have snapped proudly over Berlin in May of 1945 along with the Tri-Color, the Union Jack, the Hammer and Sickle, and Old Glory herself? In 1860, we would have done well to have had a Canada with its own secession problems squatting up there on our northern border to show us what we could be. Because, as foolish as it seems today, we went to war for no better purpose than to hold the country together. Getting rid of slavery had nothing to do with it — at least not at first.

The North, with all its manpower and industrial might, fought the Civil War for a year and a half on the cry "For the Union," and they fought it to a bloody standstill.

Sure, race and slavery were on everybody's mind when the Civil War started. Race and slavery have been on every American's mind since the day in 1619 when John Rolfe looked over the manifest of an off-course Dutch merchant ship and decided to invest in a few hands to help bring in the tobacco crop. But, in 1860, nobody outside the lunatic fringe wanted America to go to war over slavery any more than the most radicalized animal-rights activist thinks the rest of Canada should shoot it out with Quebec to put a stop to cock-fighting.

But, glandular notions of bigness were not enough to hold our republic together. The North, with all its manpower and industrial might, with all its overseas trade and technology, fought the Civil War for a year and a half on the cry "For the Union," and they fought it to a bloody standstill. There simply weren't enough people willing to die for bigness.

So, on Sep. 22, 1862, Abraham Lincoln saved the Union by playing his race card. He issued the Emancipation Proclamation and transformed the purpose of the struggle from tattered notions of togetherness to the shining ideal of Government-Guaranteed Freedom. And he did it to win the war:

> Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and neces-

sary war measure for suppressing said rebellion . . . do order and declare that all persons held as slaves . . . are, and henceforward shall be, free; and that . . . such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations and other places, and to man vessels of all sorts . . . And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

With these words ringing in its ears, the North waded back into the fight and soldiered through to the total collapse of the Confederacy and, under the guise of emancipation, secured not only union, but a hundred years of Jim Crow, second-class citizenship, race riots, suspicion, Kluxers, and Reverend Al Sharptons.

We got all that and more because Mr. Lincoln's words struck home not just in the North, but in the South, as well — and that is the pity. Southerners who, in their own minds, had been up to nothing more than asserting their God-given right to take their place among the nations of the world, suddenly found themselves widowed, impoverished, orphaned, and reviled on a scale seldom equaled. They cast about to find a reason, aside from their own arrogance, for the plague of calamities. And they discovered in their midst the very people in whose name the conquerors had brought all this suffering and death upon them. Pointing the finger let them save their pride and clutch resentment to their bosoms for a century and more of blaming others, more impoverished and downtrodden then even themselves, for their troubles.

If you think I'm overstating, just read Charles Darwin's *Zoology of the Voyage of the HMS Beagle*.

Darwin was a racist in his own way, but he reserved his contempt for Indians — not the pale, imitation, Hindu-style Indians in South Asia, but the original, full-blooded, First-Nation Indians of our own hemisphere. Why he should have felt this way, growing up in Indian-free Shrewsbury, is hard to decipher, but he most assuredly did. You can't read the *Beagle* without coming away certain of this fact. And, because he had no biases against blacks, another thing you will come away certain about is how truly terrible slavery was in Brazil.

Abraham Lincoln saved the Union by playing his race card.

When the HMS *Beagle* floated down Rio way on its journey to the Galapagos and glory, Darwin spent time ashore being wined and feted by upper-crust, plantation-owning Brazilians — giving him ample time to see how they treated their slaves. The things Darwin observed would have curled the toes of the most hardened massa in the Old South — and his hosts were on their best behavior. What went on when he was out of the room must be almost unimaginable now.

Slavery didn't even have the decency to end on time in Brazil, but was still creaking and sputtering along in 1888 when Parliament finally outlawed it, without compensating the slaveholders. Since slaveholders tended to be rich landowners, they were in a position to hit back. And hit back they did: they overthrew the government and set up a republic modeled, with a wonderful irony, on our own. But by then it was too late for the landowners to get their slaves back.

With slavery of unparalleled brutality stretching perilously close to the 20th century, a slavery that ended in a not particularly graceful manner, one might expect some ugly repercussions to echo down through the generations to haunt modern-day Brazilians. Instead, they got over it.

Today, Brazil is as comfortably racially mixed as anywhere on our sad, old planet. Indeed, Brazil is a nation that stands forth to the rest of the world as a beacon of tolerance and racial enlightenment.

Our own history wouldn't be burdened with the deaths of 600,000, the ruin of an entire region, and a hundred years of hatred. All the government had to do to make it so was nothing.

And what is our record? What kind of example does the Land of the Free offer the world today? How enlightened are our racial policies in the eyes of the civilized and savage alike?

Does a 21st-century American visiting Nairobi brag about our race relations? Can we, without blushing, preach to the French about the correct way to treat the Algerians in their midst? Or do we find it easier to talk about international loans, scientific farming, and disease prevention?

It's the way slavery ended here — with fire and sword, hatred and recriminations; with one-quarter of white men dead in the field; with an entire region ruined, with land and homes and industry destroyed; with railroads torn up, ports wrecked, cities burned, and three generations crushed by poverty. All done in the name of a present and visible minority.

The sad part is that it did not have to be this way. By 1860, slavery was dying all over the world. Even in poor, backward Brazil, it only had another 28 years. In the relatively up-to-date American South, a near majority of whites had already turned against it. It would have fallen under its own weight if the government had not taken a hand and forced tepid Southerners to become defenders of the indefensible.

And it wasn't just that the better angels of our nature were on the verge of triumph. The economics of the enterprise were heading south, as well. In 1859, slavery was going through a classic bubble economy. At the outset of the Civil War, a healthy, male slave baby cost more in the equivalent purchasing power expressed in wagons and seed corn, in implements and dry goods and machinery, than he could ever earn back in a lifetime of toil.

This bubble was going to burst and slaves were going to go the way of tulip bulbs in Holland — only more so. It was

Continued on page 44

Symposium

Libertarian Activism: Time for a Change?

In the January Liberty, *R.W. Bradford concluded an article about the disappointing results for Libertarian Party candidates in the November elections with an invitation for readers to participate in a symposium on libertarian activism. Specifically, he posed these questions to readers:*

- *Should libertarians abandon the hope (or the pretense) that the LP might become a major party?*
- *Should libertarians continue to operate as a minor party on the fringe of American politics?*
- *Should libertarians continue to believe that we are having an impact?*
- *Is there any way to reorganize or reorient our efforts so that we can achieve some of our goals?*
- *Should libertarians abandon political activism altogether?*

A few days later, Bradford invited several prominent libertarians to address the same questions by writing an essay or article for publication in Liberty, *which were published as a symposium in our February issue.*

We continue that symposium in this issue.

Let a Thousand Flowers Bloom

by Ed Crane

To point out the obvious, there is no one approach to changing society that is absolutely superior to all others. Objective and subjective conditions for change (as Lenin pointed out) often conflict and are, in any event, always changing. A strategy that works in one decade may well not work in another. Further, the individuals carrying them out are invariably better-suited for one approach than another. Let a thousand flowers bloom, as another famous commie once said.

The recent discussions centering around the Libertarian Party, with which I have not been involved for two decades now, mostly seem to suggest that the third-party approach is a futile crusade. I agree. I spent the better part of a decade — from 1972 to 1980 — trying to make the LP work and, while we had some successes, setbacks were the order of the day. And so it's been ever since.

Let me first say that I have tremendous admiration for those who continue to try change things through the LP. I know first-hand what they're up against. Here is some unsolicited advice about how to improve things.

First, redefine radical. The truth is that libertarianism is a radical, in the sense of fundamental, political philosophy. Most of its adherents explicitly or intuitively understand this. Libertarians are out to fundamentally change the political culture in America. The question is, how do you do it? Too often we think of a radical as someone who dresses in black and stands on a hill waving a black flag yelling "smash the state!" But that person isn't being radical, he's being silly. The true radical is the one who's most effective in changing the direction of society, or at least at changing the nature of the debate.

This "black-flag radicalism" manifests itself in the LP primarily through the you're-either-pregnant-or-you're-not approach to recruiting. Agree with us on 90% of the issues, but think troops in Bosnia will prevent genocide? Go find another party. Agree with us on 90% of the issues, but wonder if open borders might flood the nation with people who have little understanding of our political heritage? Go find another party.

There are dozens of libertarian positions that are counter-intuitive to people of good will who fundamentally accept our premise that the proper role of government is to protect individual rights to life, liberty, and property. Too often they don't feel welcome in the Libertarian Party, or even the libertarian movement.

This raises a related point. Regrettably, the non-initiation of force axiom does not spark an epiphany in 95% of our fellow Americans. (More research needs to be done on the Myers-Briggs INTJ phenomenon, whereby 4% of the general public falls into that psychological category but upwards of 40% of libertarians do.) I think there is a huge demand for a party that supports dynamic capitalism (to be redundant), social tolerance, and an end to America's role as the world's

911. It's a combination of views not offered by either the Democrats or the Republicans, as we all know all too well. Present those three themes with passion and practical applications (NAFTA, a low flat tax, ending the drug war, Social Security privatization, bringing the troops home) and the chances of building a real third party are greatly enhanced. Insist on shoving every libertarian position on every issue down the public's throat and, well, we know what that results in.

Second, it's the money, stupid. In 1996 Harry Browne asked me for some advice for his campaign. I have a great deal of respect for the effort Harry has put in over the past five or six years to spread the libertarian message via his presidential campaigns. But when I suggested that he should spend every waking minute trying to track down a vice-presidential running mate who could kick in $10 million or so to the campaign, his response was, "Well, my first priority in a v.p. candidate is someone who will do well in the debates." Without the money, I tried to point out, there is, of course, no chance for debates.

But it's worse than that. Without the money, there is no chance for any third party in America. If you look at the floor debates during the effort to amend the Federal Elections Campaign Act in 1974, you'll see congressmen saying, in effect, "Look, in the wake of Vietnam and Watergate, support for the two-party system is at an all-time low. If we don't do something to shore up the two-party system, we're going to be looking at some competition." So they passed $100,000 spending limits on congressional races and $1,000 contribution limits for federal candidates. When the Supreme Court struck down the spending limits but upheld the contributions in early 1976 (as though the two were not related), the LP would have been wise to fold its tents. For without viable congressional campaigns in at least 40 or 50 districts, you don't really have a party anyone takes seriously. And you simply can't run viable congressional campaigns as a third party with $1,000 contribution limits. Can't be done. It's why even with lots of dough to be spent at the presidential level, the Reform Party was never the real deal.

There are dozens of libertarian positions that are counterintuitive to people of good will who fundamentally accept our premise that the proper role of government is to protect individual rights.

A viable Libertarian Party awaits repeal of contribution limits for federal candidates. Until then — and until it redefines its radicalism — it remains more of a social club than a serious political force.

There isn't space here to go into a lengthy discussion of what strategy might work best for the movement under current circumstances. I do believe that the debate over campaign finance reform represents a frightening threat to our liberties as well as a possible opportunity. Both houses of Congress favor making it illegal for Americans to get together and go on television or buy newspaper ads that even mention the name of a candidate for federal office sixty days prior to an election. Only the heroic efforts of Sen. Mitch McConnell prevented that from becoming law. Congress is also out to stamp out issue-advocacy ads, which really are the market response to the $1,000 contribution limits.

Regrettably, the non-initiation of force axiom does not spark an epiphany in 95% of our fellow Americans.

I think such independent ads may be a great hope for liberty in the coming years. There's a new group, the Universal Savings Alliance, that intends to by-pass the politicians and go directly to the American people with ads promoting the many benefits of a privatized Social Security system. Groups promoting school choice and an end to the government schooling monopoly are also flexing their muscles. The tobacco companies successfully implemented this strategy several years ago when they gave up on their lobbyists and the politicians and went directly to the people with ads proclaiming, "By the way, this [new tax] isn't about teenage smoking, it's about big government and higher taxes."

Independent groups using the media will be very important for libertarians from now on. Should we one day eliminate the contribution limits for federal candidates (Rep. John Doolittle got about 130 votes to do so a couple of years ago), a reasonable Libertarian Party could be a force to be reckoned with. And, of course, the Internet offers a host of possibilities, as we are able to communicate with each other on a massive scale and circumvent the machinations of the state in more and more ways as time goes on.

At the policy level, issues like Social Security privatization, school choice, radical tax reform, and an end to the War on Drugs have more popular support today than they did in 1972, when the LP was founded. Each of those proposals, should they come to pass, also possesses ancillary benefits that will change the dynamics of our society in favor of more liberty. Whether the prospects for liberty look promising or not, we each have a moral obligation to fight to advance its cause. Let a thousand flowers bloom. ❑

Learning from Defeat, and from Victory

by Stephen Cox

I have been a libertarian for many years. I have written for many years in support of libertarian causes. I have spent a large part of my life investigating the history of libertarianism. My party registry is Libertarian.

Honesty, however, now constrains me to admit that the

Libertarian Party has had its day. For the benefit of liberty, the LP should yield to more effective means of political action.

In American history, only one third party — the GOP — has ever succeeded in becoming a permanent major party. It was able to do so because one of the two major parties of the time, the Whigs, collapsed under the impact of the slavery controversy, and because the new third party included large numbers of officeholders and other government officials who had defected from existing parties. The nascent GOP immediately attracted masses of voters among Northern populations. It ruled the nation during most of the succeeding hundred years.

No other third party ever gained and kept the strength of a major party. In 1912, Theodore Roosevelt's Progressive Party attracted enormous support from voters and very significant support from officeholders and other sources of influence, and it won electoral votes. Yet it died when former President Roosevelt returned to his Republican Party roots. In 1924, Senator Robert La Follette's Progressive Party, which had the backing of the AFL and other union and leftist forces, won 17% of the popular vote and a larger vote total than Roosevelt's Progressives had achieved in 1912. It carried La Follette's home state of Wisconsin. But it failed to institutionalize itself at the national level. In 1948, Henry Wallace's Progressive Party — its standard-bearer a recent Vice President of the United States — attracted support from many voters and from a handful of officeholders on the left wing of the New Deal coalition. But it failed to win any electoral votes and died ignominiously after the next election cycle.

But the Libertarian Party has also done its share of harm. Let's be honest with ourselves. In an election in which either the Republican or the Democrat is bound to win, you cannot make a choice to hurt the Republican Party without helping the Democratic Party.

The Libertarian Party has never enjoyed the advantages of either the nascent Republican Party or those three Progressive parties. The highest office-holder it has ever attracted was former Republican Congressman Ron Paul, who was its candidate for president in 1988. Ron received 432,000 votes; he then returned to the Republican Party and to his post in Congress. The Libertarian Party has never attracted any kind of mass support. It won its highest presidential vote in the election of 1980, when Ed Clark received almost a million votes.

In 1996, presidential candidate Harry Browne received just 486,000 votes in an election in which Bill Clinton was bound to win and in which there was, accordingly, little practical reason not to vote for a minor-party candidate. This year, Harry was again the presidential candidate. Like Ron and Ed, he was an exemplary spokesman for libertarian ideas, but he received fewer than 400,000 votes.

I hope that libertarians are capable of learning from experience, because the results of our experience with electoral politics are now conclusive.

It may be argued, of course, that Libertarian Party campaigns have an educational function. They draw attention to libertarian ideas that those ideas would otherwise not receive. The Party is advertised on ballots across the nation, and it gets a certain amount of free television coverage simply because it is a party. This is true, but it is true in the most minimal way. I am a restless sampler of television and newspapers, and this year I saw Harry Browne precisely twice on television — once in a debate with other third-party candidates, a debate that was watched by possibly a million people, and once in a (clever) campaign-sponsored advertisement on cable TV. That's it. Period. Some education of the voting public.

Now, what is given in exchange for this educational effect? Millions of dollars in donations to the party. Millions of hours expended by talented and devoted people on ballot access, party organization, intraparty disputes, publication of literature that only libertarians read, and so forth. Is the effect worth the effort? Obviously not.

Of course, there are ancillary benefits. The Libertarian Party provides its adherents with valuable social benefits. It acquaints isolated individuals with like-minded people. It affirms their convictions; it gives them a limited but often gratifying medium of self-expression. In some localities, party people have struck important blows for liberty. The Libertarian Party in my homeland, San Diego County, went to court to fight an illegal tax and succeeded in returning scores of millions of dollars to beleaguered citizens. Accomplishments like this make me proud; association with people who do such things gives me a homeland that is more than geographical.

But the Libertarian Party has also done its share of harm. Let's be honest with ourselves. There is no political free lunch. In an election in which either the Republican or the Democrat is bound to win, you cannot make a choice to hurt the Republican Party without helping the Democratic Party. In the absence of an LP, some of its votes would go to the Republican candidate. If Harry Browne's candidacy had not existed, a tiny fraction of his 16,415 votes in the state of Florida would have given Republican candidate Bush enough votes to win a first-night victory. In some states and districts, Libertarian votes would have made the difference between victory and defeat for Republican congressional candidates.

Now, it is perfectly true that the Republican Party stands for a good many things that libertarians abhor. It also stands for a good many things that libertarians endorse. In almost every case, the former are things that the Democratic Party also stands for, and the latter are things that the Democratic Party fanatically opposes: tax relief, Social Security reform, strict construction, limited government. Libertarian Party votes have not denied the Republicans and Democrats the ability to work evil, but they have helped to cripple the

Republican Party's ability to do good.

Think about that the next time a Democrat-appointed court takes away another fundamental liberty. Think about that the next time a Democrat-appointed official raises taxes, imposes racial quotas, deforms education for political purposes, dooms an innocent child to life in a communist hell, or incinerates men, women, and children because of a difference in religious sympathies. Think about that the next time you become enraged at the distortions of American ideas that gush from every orifice of the Democrat-dominated political class. Could you have done anything to stop that? Could you have done anything to make your libertarian views effective?

It's time to face these questions, and not to keep evading our responsibility for whatever practical impact we have on the world. Please don't keep saying that a vote for the Libertarian Party is a vote for conscience. If conscience leads you to seek some influence on national affairs, a vote for the Libertarian Party will not accomplish that purpose. Your vote will have the same effect on the political system as if you had not voted. The only difference is that your vote will encourage other good people to invest their time and energy in maintaining a party that, as a party, is little more than a vehicle for not voting.

The problem, then, is how to keep the advantages of the Libertarian Party while reducing its disadvantages to a minimum. Must we have a party, or can we replace it with something better?

I agree with Randal O'Toole's suggestion. I believe that the appropriate model for libertarian political action is not a party like that of the Democrats and Republicans, but a political group like the National Rifle Association, People for the American Way, Common Cause, the NAACP, NOW, and the Sierra Club (the organization that O'Toole specifically cites).

We should speak out on local, state, and national issues — just as, say, the Sierra Club constantly and effectively does — before church groups, service organizations, city councils, and legislatures across the land.

Organizations of that kind spend no money at all on ballot access or electoral campaigns, but they have immense political influence. They hold meetings; they agitate and propagandize; their adherents take action on state, local, and national issues; they bring like-minded people together and inspire them to keep the faith. They just don't focus their attention on doomed candidacies for public office.

Avoiding that temptation is a big advantage in the public-influence department. Opinions advanced by party politicians are routinely discounted; opinions advanced by politicians from parties that don't have a chance to win are contemptuously discounted; but opinions of "non-partisan" groups are often eagerly solicited by media hungry for opinion. Here's another good thing: spokesmen for Second Amendment rights or freedom in the use of drugs don't have to parry questions about the rest of a party platform; they can focus on the issues at hand. A variety of libertarian organizations, or a central organization with a variety of sympathetic affiliates, would give libertarian activists the flexibility they need.

I'm not suggesting the formation of another libertarian think tank like the admirable Cato Institute, Institute for Humane Studies, or Foundation for Economic Education.

We should combat threats to liberty when they arise, rather than waiting for the occasional television opportunity every two or four years.

These institutes exist to promote research and its dissemination. They do a good job, and they should keep doing it. Those of us who are not scholars of public policy have something else to do. We can form non-party organizations that can speak as no party can.

They can speak out on local, state, and national issues — just as, say, the Sierra Club constantly and effectively does — before church groups, service organizations, city councils, and legislatures across the land. They can combat threats to liberty when they arise, rather than waiting for the occasional television opportunity every two or four years. They can enlist the help of like-minded Republicans and Democrats on a multitude of political issues. Above all, they can speak with the moral authority that no political party has and with the popular voice that no think tank can develop. Above all, they can take the energy needlessly expended on ballot-access campaigns and electoral propaganda and channel it into direct influence on public opinion.

You can call such an organization the Citizens for Individual Liberty. You can call it the Organization for American Liberty. You can call it the Council on Political Reform. You can call it anything you want. Form such an organization, and you can put me down for active support. I'll bet that most libertarians will say the same thing.

Do you have a passion for liberty? Do you have organizational skill? This is your chance. Do it now. ❑

No Magic Bullet

by Manuel S. Klausner

In the struggle for liberty, there are many tactics that can be effective, but there's no magic bullet that yields quick short-term results. Without a paradigm of liberty, the cause of liberty remains fragile. The forces of statism are powerful and resolute. Merely to slow down the growth of big government is, in itself, a necessary, but not sufficient, goal.

In our struggle, the influence of think tanks, such as Cato and Reason, and of journals and magazines, such as *Reason*,

has been significant. Professional organizations, such as the Federalist Society, have had a far-reaching effect.

The impact of libertarian scholars and professors has been vast. And the power of libertarian judges can be awesome.

Electoral politics is not an easy arena for achieving liberty. I am a strong proponent of the initiative process, which can achieve results not readily attainable through legislative action. In 1978, in California, Proposition 13 helped usher in a nationwide tax-limitation movement. In 1996, Proposition 209, the California Civil Rights Initiative, banned governmental preferences based on race and sex.

On balance, I believe that the LP is a worthwhile effort. Its success cannot be measured by the votes its candidates receive. It is unrealistic to expect *any* ideological candidate to get a significant number of votes in the United States.

Particularly in close elections, it is difficult even for pro-liberty voters to seriously consider voting for a third-party candidate. We saw this in November, when Harry Browne did less well than in 1996, at the same time that many Nader supporters ended up voting for Gore.

But we should remember that, as Milton Friedman has written, the Socialist Party never elected anyone to national office in the U.S. — yet it succeeded in having much of its platform supported by both major parties and ultimately enacted into law.

The case for liberty is a difficult one to make, particularly among voters who are ill-informed about issues and ignorant about economics and political theory. Even without the active opposition of special interests, the dumbing down of public schools makes the task of selling a philosophy that the government should stay out of people's lives and their pocketbooks a very tough sell to a mass audience.

Selling hamburgers at McDonald's is inherently a much bigger business than Daniel or Jean-Louis or any high-end restaurant. The market for libertarian voters is limited, just as is the television audience for Shakespeare, as compared with Jeopardy.

Even if the LP ran a candidate for president as attractive as Larry Elder, the articulate Los Angeles-based talk-show host; or Gary Johnson, the courageous and personable governor of New Mexico, it is unlikely that they would fare much better in terms of percentage of votes cast than Ralph Nader or Pat Buchanan. But they have the potential to change voters' attitudes on issues, even if they don't get a lot of votes.

The LP should primarily focus on getting good candidates to campaign for local offices. This will lead to more LP office-holders and more media coverage. As to national and statewide offices, the most realistic goal is not to elect candidates, but, rather, to help transform the debate by running articulate candidates. A key objective is for LP candidates to obtain a place alongside other candidates in public debates.

One of the most important tasks for the LP is to continue to campaign against the War on Drugs. The drug war is nothing less than a counterproductive war on people — yet it is widely supported by politicians of every stripe.

The need for a political alternative to current drug policy is, for me, a sufficient reason to remain supportive of the LP.

The LP can also be effective in its panels and debates at state and national conventions by bringing in diverse speakers and exposing conventioneers to an informed case for liberty.

But the LP's not the only game in town for libertarians interested in political activity. I encourage libertarians who prefer to work within the two major parties to continue their efforts. The best Republicans are libertarians. It is important for libertarians to help influence the Republican Party to support the values of protecting freedom and free enterprise.

The market for libertarian voters is limited, just as is the television audience for Shakespeare, as compared with Jeopardy.

A current example of this approach is Gale Norton, formerly a member of the LP, whose strong commitment to property rights has led to her nomination (and hopefully confirmation) as Secretary of the Interior.

For the time being, the Democratic Party is a rather hostile environment for libertarian activists. Rich Dennis is an example of a supporter of libertarian causes, such as decriminalizing drugs, who has had an impact in the Democratic Party.

We are fortunate to have a set of institutions in America that were designed to protect liberty. But there is no way to maintain freedom if people don't cherish it. Education is a primary role for the LP. Above all, the LP should hold high the banner of liberty and not water its message down in a vain effort to achieve electoral victory. ❑

Overcoming Obstacles — I doubt that another presidential candidate or strategy would be able to improve significantly on the LP's 2000 election results. I believe there are much bigger variables at work.

First, of course, are the barriers to political competition erected by the major parties. These barriers will always make it difficult for minor parties to become major.

Second, major parties have a very large established following, which means that candidates don't have to spend scarce media time explaining what their party is. Everybody has heard of Republicans and Democrats. Republicans and Democrats are already in the debates. Moreover, major party candidates start out with an existing cadre. The National Federation of Republican Women's Clubs' website claims they have over 100,000 members. Similarly, the College Republican National Committee claims to be the largest student political organization in the country, also with 100,000 members. Then there's the Young Republican National Federation for those between 18 and 40, undoubtedly with tens of thousands more members. There are large Republican donor lists. While most of these people aren't hardcore libertarians, there is widespread Republican support for enough libertarian positions (only a few are needed in a campaign) to

give a libertarian candidate running room.

Third, particularly as an election approaches, there's a tendency for the Democratic presidential candidate to loom as a bigger and bigger threat, the worse of the two major-party candidates. The most popular talk-radio hosts certainly promote this view. I know friends of liberty who concluded that the top priority was to defeat the sicko-wacko Gore, and the Republican was the best bet to do it. Although Bill Bradford raises good questions when comparing 2000 LP vote totals with 1996, where the winner's margin was much greater, I think the tendency to focus on the Democrat means "make a statement" candidates will continue competing for a small share of the electorate.

Fourth, voters don't seem to take seriously a presidential candidate untested in a major office such as state governor or U.S. senator. It isn't enough to effectively articulate a vision for the presidency. Voters want a candidate with demonstrated staying power, somebody who can handle the pressures and complexities of government, and who has emerged as reasonably clean after attacks from opponents and the press. Hence, though Ross Perot and Steve Forbes were much better-known and better-financed than Harry Browne, they never had a believable chance to become president.

Despite all the obstacles it faces, the LP might be able to break new ground by focusing on electing libertarian mayors or state legislators, since these ought to be good prospects for governor, and electing congressmen, because such libertarians would be good prospects for U.S. senator and eventually for the presidency. There ought to be a place for a more focused LP because, as Antony Fisher emphasized, liberty is more likely to flourish if there are many voices. — Jim Powell

End the Kleptocracy — The Browne campaign gave us Debacle 2000. In its last days, it spent more than $60,000 on staff, more than $60,000 on hotels, more than $30,000 for video production, and almost nothing on advertising.

I am not blaming Harry Browne. He ran exactly the campaign he promised to run. He told us what he would do, he did it, and he was honest and up-front about it.

Libertarians are fond of talking about privatization of government services. Harry Browne did what many Libertarians thought impossible. His campaign proved you can privatize a form of government, giving us that government's services without force or fraud.

Unfortunately, the form of government the Browne campaign privatized is the kleptocracy.

In an African kleptocracy, taxes are extorted, the well connected get money, the secret police silence critics, the laboring masses get bread and circuses, and the Foreign Legion gets to keep them in place. The establishment supports the President for Life, and the President for Life supports the establishment. Alas, the government does not govern. African kleptocracies are perfectly legal. After all, when you're President for Life, you write the law.

In a Libertarian kleptocracy, no force or fraud occurs. The donors voluntarily give money, the staff is well paid, the "Shut the F--- Up" campaign tries to hush critics, the libertarian masses get "campaign" events at posh hotels, and the party establishment works the delegates. One thing the campaign does not do is actually campaign, at least not the way most real campaigns do. Kleptocratic campaigns are totally legal, 100% protected by the First Amendment. No force was initiated.

However, the national Libertarian Party has a basic problem. The party establishment supported the candidate, knowing full well from the past the style of campaign Browne would run. All legal. All open and above board. All guaranteeing more years of failure.

If you had no better alternative, you could say Debacle 2000 was better than nothing. But there is a choice. An effective choice. A libertarian choice.

That choice is the Local Organization Strategy, with proper roles for local, state, and national organizations. What does this strategy involve?

1. Vote with your wallet!

The party establishment didn't get any smarter on Election Day. Give them your money, and they'll spend it like last time. If you like what they're doing, great. Just keep giving! Otherwise, stop donating to the national party. Give to libertarian party groups that support local organizations.

2. Out with the Libertarian kleptocrats!

Bumper Hornberger gave fair — but too shrill — warnings. The people who refused to listen, the people who gave us Browne 2000 and the "Shut the F--- Up!" campaign, have now had their final exam. They flunked big-time. They gave us Debacle 2000. Send them packing. At the next national LP convention, elect an all-new slate of national officers.

In a Libertarian kleptocracy, no force or fraud occurs. The donors voluntarily give money, the staff is well paid, and the libertarian masses get "campaign" events at posh hotels.

3. Fix your state party!

If your state party is run by the establishment people who gave us Debacle 2000, be a good neighbor. Clean up your backyard.

4. Put the better strategy in place.

Talk globally. Work locally. You may have to wait to reform the national party. Don't wait to build your local party! Don't wait to build and reform your state party! Build the local organization strategy in your own town, county, and state. Run candidates! Develop activist cadres! And tell your fellow Libertarians what you've learned, so they can try your ideas, too! — George Phillies

Many Paths to Liberty — After reading "Libertarian Activism: Time for a Change?" I have concluded that *you are all correct*. Unlike socialism, the quest for liberty is not centrally planned. There is no one right way.

If you think presidential races are important, support them. If you think congressional races are the way to go, get involved. If your thing is local politics, go to your city council meeting and speak out. Single issue voters, find a club. Can't? Start one. You would be amazed at what three or four people

can do if they try.

Don't waste too much of your time telling other libertarian activists that they are wrong. Save that for the statists; they are the real enemy. And remember that you don't promote liberty by reading about it in books, magazines, or endless e-mail list serves. You can promote liberty by writing about it, but only if it motivates somebody else to action.

Finally don't tell me that Harry Browne and the LP haven't made a difference. Harry's '96 campaign motivated me and thousands of others to get involved. In 2000, I led the East Bay LP's dozen volunteers, working with an even smaller local Tri-Partisan Taxpayers Association, as the primary opposition to a 96 million dollar sales tax increase, which was defeated by 2,000 votes out of 400,000 cast. We were the difference, and Harry shares that victory every bit as much as we. — Scott A. Wilson

Politics Is About Winning Elections — For many, the political-party question is between the Libertarians and the Republicans. One side says the Republicans are impossibly non-libertarian, therefore support the Libertarians; the other side says the Libertarian Party will never win elections, therefore support the Republicans. Both arguments have the same structure: Not A, therefore B. But B has to be justified on its own merits.

I want to make the positive argument for the Republicans. First, the purpose of a political party is to exercise power by electing people to public office. During the past 30 years, elected officials have deregulated airlines, trucking, banking, and telephones, cut marginal tax rates, devolved federal welfare, freed up trade with Canada and Mexico, put judges on the Supreme Court who have restored federalism, enabled homeschooling and charter schools, and proposed the idea of personal investment accounts within Social Security. None of this was done by elected Libertarians, because there weren't any. More was done by Democrats than by Libertarians, but most was done by Republicans.

Republicans are a big-tent party. By gaining the possibility of electing people to office, you give up the possibility of ideological purity. To give that up is necessary. If you are not willing to do that, you are not being serious.

Your objective cannot be to capture the party and drive everybody else out. That's not a reasonable objective. A reasonable objective is to become strong enough to veto candidates and policies that are particularly bad, and to begin nominating and electing some candidates who are publicly identified as libertarians. These will not be die-hard libertarians, to be sure, but electable politicians who will vote against war in Kosovo and Colombia and against censoring the Net, and for cuts in taxes and regulation, and who will support these positions by making arguments about the Constitution, and about treating citizens like self-responsible adults.

By voting Libertarian, you actually retard such an outcome by splitting the anti-state vote and electing Democrats. An example in my state was the defeat of Sen. Slade Gorton, who, while no libertarian, was an economic conservative and a vocal opponent of the war against Serbia and of aid to Colombia. The Libertarian candidate made the difference in Gorton's defeat, and led to the 50-50 division of the U.S. Senate.

If the thought of working with others who disagree with you on some important issues makes you sick, you don't belong in a political party. But political parties are only part of politics, and politics is only a part of social change. If you don't want to get involved in one of the two serious political parties, get involved with Cato or CEI or PERC or the Institute for Justice or *Liberty* magazine or some other private effort. Start a school. Write a book. Get a law degree and sue the bastards. Do something useful.

Randal O'Toole makes the interesting suggestion that one useful thing would be for the LP to remake itself as something like the Sierra Club. Such a club could be involved in statewide initiative campaigns, such as medical marijuana, asset-forfeiture reform, tax cuts, vouchers, homeschooling. It could endorse candidates, and even run independent ads for them. It could support libertarian-leaning Republicans in the same way the Sierra Club is close to favored Democrats, while remaining independent and critical. The Liberty Club could remain just as much a money-raising machine as the LP is now, keeping Steve Dasbach in steak and onions, while actually getting something done.

If the thought of working with others who disagree with you on some important issues makes you sick, you don't belong in a political party.

I think if libertarians followed O'Toole's advice, they would find a much stronger welcome among the 16% of Americans who, according to Rasmussen Research, lean libertarian. Signing on to being a libertarian would no longer mean wasting one's vote. And just think of the amount of libertarian money now contributed to governments in ballot-access fees that could be freed up to spend on something that actually deserved it. — Bruce Ramsey

Two Observations — I have two observations on the other contributions to the first installment of *Liberty*'s symposium on libertarian activism.

Randal O'Toole's piece was considerably off-target, as the reason for the environmental movement's success is that it plays right into the hands of the big-government crowd and their media allies. It won't make any difference whether we present our ideas as a party, a club, a think-tank or a church. The elitist control-freaks will still oppose those ideas.

What Jane Shaw said about the lure of politics was insightful, and Bruce Bartlett's observations about structural obstacles and possible solutions are thought-provoking, but their notion that the GOP offers any real hope for liberty is an illusion. The two major parties have achieved their goal of finding a "third way" between capitalism and communism; it's called fascism. And while the Repo version may be slightly less awful than the Demo version, the idea that the Republican party has any serious commitment to liberty is ludicrous. And I see no likelihood that we can change that by injecting a few thousand libertarians into a party that's roughly a hundred times that size. — David F. Nolan

It Seemed Like a Good Idea at the Time

by R. W. Bradford

A few months ago, I received a letter from a young man asking me why I support the Libertarian Party. It occurred to me that my answer had something to say about several issues raised in Liberty*'s ongoing symposium on libertarian activism. Here I reproduce his letter, along with my answer, slightly edited and expanded.*

— R. W. Bradford

Dear Bill,

I don't understand why you support the Libertarian Party. It is utterly ineffective, a waste of time, and made up mostly of people with a simplistic, even childish, understanding of liberty. By your own admission, the LP has wasted millions of dollars and tens of thousands of hours of volunteer effort in its futile pursuit of winning elections.

Isn't it time for libertarians to abandon the LP? Why do you even bother to cover the LP in *Liberty*? Giving the LP publicity in your pages — and taking it seriously — gives the LP credibility that it does not deserve. Other libertarian magazines like *Reason* or *Ideas on Liberty* never mention the LP, let alone give its convention and its pathetic electoral showing pages and pages of coverage.

Sincerely,
Michael Martin

Dear Michael,

You point out that the LP is "utterly ineffective, a waste of time." And you are perplexed at my continued affection for it, my support of its candidates, and my membership in it. Why, you wonder, is a smart guy like me involved with the LP?

I understand your perplexity. I confess that the LP has been ineffective, though I'd quibble with your claim that it is a waste of time. And I do indeed "take it seriously."

In retrospect, I realize that if the money and time invested in the LP had been invested elsewhere, it might have been more effective. Yes, I know, spending a million dollars to obtain ballot status is not the best investment in the world. Running nearly invisible campaigns is no way to change the world for the better. Nor is replacing a wimpy Republican senator like Slade Gorton with a doctrinaire leftist like Maria Cantwell, which is what LP votes did in the state of Washington last November.

But hindsight is always so much better than foresight, isn't it? Every mutual fund prospectus warns that "past performance is no guarantee of future performance." Some investments inevitably pay off better than others. If each of us had invested every dollar we could lay our hands on in Microsoft 15 years ago, and liquidated it all early this year, we'd all be rich, rich, rich! But 15 years ago, few of us knew that Microsoft was on

the verge of making billions in profits; to me, and to most investors, it was another software company.

The same holds true for those investing in a more libertarian future. You look out at the world and try to figure out what investment will have the best payoff. If you're prudent, you'll want to hedge your bets by diversifying into a number of different propositions. You pay your money and you take your chances.

I have been an investor in the LP since shortly after it was organized in 1971. My investments have ebbed and flowed as my perception of its chances of success have ebbed and flowed. I have invested thousands of dollars and hundreds of hours working for LP candidates, who, I thought, might have some chance of making a difference. Those investments haven't paid off as well as I wished, just as some of my financial investments haven't.

If you want to understand why I have supported the LP, you have to understand what the world was like in 1972 and how it has changed since.

If you want to understand why I have supported and voted for every LP candidate on the ballot in any election in which I've ever voted — and why I am a proud member of the Libertarian Party — you have to understand what the world was like in 1972 and how it has changed since.

Richard Nixon was elected president in 1968. The Vietnam War was at its height, military conscription was an institution, taxes were at record levels, and inflation was starting to act up. Rioting students were taking over campuses, and rioting blacks (as African-Americans then preferred to be called) burning American cities.

Nixon ran for president in 1968 on a platform of cutting taxes, ending the war, and abolishing the draft. Among his top advisors were Alan Greenspan, an economist and member of Ayn Rand's "inner circle," and Martin Anderson, also an associate of Rand's, and the nation's most prominent critic of conscription and urban renewal.

"Urban renewal," for those who are blissfully unfamiliar with the term, was a federal program to finance local use of eminent domain to "renew" our cities. Ostensibly, its purpose was to upgrade housing and neighborhoods. In 1962, the publication of Anderson's *The Federal Bulldozer* pretty much devastated the program, which by then had been in place for 14 years, and was a primary source of moolah for urban politicians and their brothers-in-law. In *Bulldozer*, Anderson showed that the program had destroyed more homes than it had built and had done a number of other ugly and ridiculous things. *Bulldozer*'s effect was devastating; we have hardly heard of urban renewal since, though the idea still crops up under other names.

I turned 21 a couple of months before the 1968 election. Voting for Nixon was an easy choice. It would be a better world with Nixon in the White House, getting advice from Greenspan and Anderson. But once ensconced there, Nixon proceeded to continue the war, the draft, and the expansion of state power. War-time taxes and huge deficits — not to mention the humiliation of being unable to win such a little war — resulted in a sad economy and growing inflation.

On August 15, 1971, Nixon made a politically astute and economically disastrous move. He commandeered the airwaves and announced that he was about to take decisive action to fight inflation and stimulate the economy: he was instituting a freeze on wages and prices.

Inflation, or a general increase in prices, results from increasing the money supply artificially. This particular inflation resulted from the creation of new paper money to pay for the huge increase in government spending on welfare, the work of Lyndon B. Johnson's "Great Society," and the war in Vietnam. It wasn't the first time the United States had suffered from inflation. The U.S. had abandoned silver and gold currency during the Civil War so that the government could issue large quantities of paper money to pay for the war without raising taxes too much, and the cost of living more than doubled. Similar monetary expansion to pay for World War II without raising taxes too uncomfortably had a similar effect, which the government attempted to mitigate by instituteing rationing and price freezes.

Simple economics demonstrated the futility of price controls. If demand is high enough that a product can sell for $200, making it illegal to sell the product for more than $100 means that some people who want to purchase it will not be allowed to do so. It provides incentives for some buyers to offer "bribes" to sellers to sell to them rather than to others. Inevitably, some sort of rationing system has to be imposed, to spread the shortages around and keep prices low. Producers then have little incentive to increase production or to produce more efficiently. Consumers have money but cannot buy anything they want with it. The ultimate result of price fixing is rationing, decreasing production, and economic malaise.

Nixon was well aware of all this. In *Six Crises*, a memoir of his political career written after he lost the 1960 presidential election, he wrote eloquently about the futility of price controls. Not only did he understand why controls couldn't work, but he had actual experience with the Kafkaesque world of trying to enforce them during World War II.

Nixon's move was cynically manipulative. He believed, correctly, that most people were anxious for "decisive action," and would respond favorably to wage-price controls. The horizon of his world, like that of any politician, was the next election, then only 15 months away. All he needed was for the favorable response to his decisive action to last 15 months.

In the long run, the freeze was disastrous for the stock market. Business is crippled in a controlled economy, profits inevitably fall, and when profits fall, stock prices follow. The freeze also meant that commodity prices would inevitably rise, driving the inflation rate up even faster, because pent-up demand will ultimately prevail unless the market economy is destroyed completely.

What were libertarians up to, while all this was going on?

Prior to the 1960s, most libertarians saw themselves as part of the political right, which was not at that time so infused with religious and authoritarian beliefs as it is today. There were cult-like groups centered around Robert LeFevre,

Ayn Rand, and Murray Rothbard, but they were very small. Rand's was the largest, numbering in the thousands, after its launch by her protégé. Nathaniel Branden in 1958, shortly after publication of her bestselling novel, *Atlas Shrugged*, which made a powerful moralistic argument for liberty. But Rand considered herself a "new intellectual" rather above politics. Robert LeFevre had operated a libertarian summer camp in Colorado for several years and found converts to his rather peculiar pacifist version of libertarianism, which held that defending oneself with more energy than was expended against one constituted aggression, and condemned all forms of political activity as immoral. Rothbard, who would eventually become very influential among libertarians, headed a very small group — fewer than a dozen, by most accounts — who accepted his amalgam of Austrian economics, Randian rights theory, nineteenth-century individualist anarchism, and anti-American foreign policy, which led Rothbard to support a bewildering varray of presidential candidates: Strom Thurmond in 1948, Adlai Stevenson in 1952, anti-income-tax activist T. Coleman Andrews in 1956, Stevenson again in 1960.

But most libertarians were not part of any of these cult-like groups. Most identified themselves as Republicans to the extent they identified themselves with any political party. This made a certain amount of sense. In those days, the GOP paid far more attention to libertarian concerns than it has in the past few decades: Walter Judd's keynote at the 1960 Republican nominating convention was as radical a libertarian statement as any speech I can recall coming from Harry Browne, the LP candidate in the past two presidential elections.

In general, libertarians perceived themselves as a subset of the conservative movement, which captured the GOP in 1964. On virtually all issues but national defense, Goldwater advocated a more-or-less libertarian position. He was radical enough to get Ayn Rand's enthusiastic endorsement. Many libertarians of my generation — including me — cut their political teeth working on the Goldwater campaign.

Libertarians had grown more radical during the 1960s, as they explored the implications of Rand's theory of rights and were influenced by a strongly radicalized left.

Goldwater lost in a landslide so devastating that many political observers believed the GOP would simply cease to exist. The Democrats, who had controlled both houses of Congress for a decade, captured majorities so large that they could simply ignore opposition from the Republicans and enact whatever the left-liberal leadership of the party wanted. The Republican Party, for its part, scurried to the brainless center.

Libertarians were, naturally, wary of this move. And the number of them was growing, mostly because of the continuing and immense popularity of Ayn Rand's novels. As an atheist who had generally been spurned in her earlier political activity among conservatives, Rand didn't like conservatives very well and she repeatedly argued that her philosophy was far from conservative. But like most libertarians, she had supported Nixon in 1968, presumably because her acolyte Greenspan was among his advisors.

With the exception of Rand, virtually all libertarians who had supported Nixon felt profoundly betrayed. It was not merely his betrayal on price controls, conscription, and the war. Libertarians had grown more radical during the 1960s, as they explored the implications of Rand's theory of rights and were influenced by a strongly radicalized left. Young libertarians — and most libertarians at that time were young and male — were no more enthusiastic than other young men about the prospect of being hauled off to Vietnam as cannon fodder. They were particularly animated by the issue of military conscription. There had been serious disputes with conservatives, and many libertarians were beginning to be alienated from conservatism.

It was time to form our own party, to raise our own banner, to tell the world what we believed, to present our moral vision of a better world.

When, in December 1971, David Nolan called together a handful of libertarians to consider forming a new political party, the situation seemed desperate. I couldn't attend the meeting in Nolan's living room or the national convention that nominated philosopher John Hospers as the new Libertarian Party's presidential candidate. But I did attend a meeting in Detroit to organize the Libertarian Party of Michigan, and I vividly remember the revolutionary mood of the group. We were young, radical, and full of piss and vinegar. Our candidates might not win elections, but they could be an important step toward the "moral revolution" that Rand had talked about. Besides, there was no way on earth we could support Nixon or his moronic Democratic opponent, George McGovern, an outright socialist. The Republicans didn't want us and we didn't want them. The Democrats were even less hospitable.

It was time to form our own party, to raise our own banner, to tell the world what we believed, to present our moral vision of a better world.

You, Michael, are living in a very different world. Most of your life has been lived after the fall of communism, in a world where libertarian thinking is quite respectable, where most conservatives and many on the left will take your arguments seriously. You've never faced a world dominated by socialist thinking, a world that won't even consider your arguments. You've never felt the need to be so profoundly radical as we were.

In the three decades since we formed the Libertarian Party, the world has changed a lot, partly because of what we've done as individuals — we've become professors, teachers, journalists, scientists, novelists, entrepreneurs; we've advocated libertarian notions and promoted them in the marketplace of ideas to a point where to be a libertarian need not mean being an irrelevant outsider.

The Libertarian Party also played a role. It got serious publicity in 1972, when a Virginia Republican, Roger MacBride, cast an electoral vote for John Hospers. It got more visibility in 1976, when MacBride won the nomination and the party managed to get on the ballot in 37 states and capture 176,000 votes. It became even more visible in 1980, when a wealthy individual agreed to accept second place on a ticket headed by Ed Clark so that he could legally donate several million dollars, which the campaign invested in dozens of five-minute spots on network television. That year, the LP got nearly a million votes. Its future looked bright.

Its future has dimmed considerably since then. A bitterly split convention in 1983 saw nearly half the party leave, and left the LP unable to mount more than a token presidential campaign. Things looked up in 1988, when former congressman Ron Paul won the nomination, but the vote total failed to reach half the level of 1980. In 1992, the presidential effort was a pathetic parody of a political campaign, and the vote total fell to below 300,000. In 1996, hopes again rose, thanks to the nomination of Harry Browne, a former best-selling author and a skilled speaker, and a strategy of exploiting the new media of talk-radio and the Internet. But the vote total again failed to reach half the 1980 total. Last year, the party again nominated Browne, who proposed to repeat the failed strategy of 1996. Not surprisingly, the results were even more disappointing.

Since 1980, the LP has had little impact on American politics. But it has advanced the cause of freedom in some significant ways. It has won a few elections and has even been responsible for some real reductions in government power, for example, a rollback of a southern California sales tax. And it has continued to attract new people to what we can now accurately call the libertarian movement.

Libertarians have abandoned the notion that the LP may have a real impact on American public life, but they continue to value it as a social institution.

Yes, the successes have been few and the costs have been high. But individual investors — in this case, individual libertarians — direct their own investments by reference to the outcomes they anticipate. Between 1972 and 1980, investments in the LP paid off very well. Since 1980, they have not.

Despite the manifest failure of recent investments, people continue to donate substantial sums of money and volunteer work to the LP and its candidates. In fact, more money was donated to the LP for the 2000 campaign than for any previous campaign.

There are some very good reasons for the LP's continued existence:

1) People have an inherent tendency to continue to invest in propositions that paid off in the past. It is easy to see the LP's failures since 1980 as temporary setbacks. This was the rationale behind my own investments in the 1988 and 1996 presidential campaigns.

2) Writing off a losing investment is a painful experience that forces one to admit that he was wrong. A lot of libertarians have a lot invested in the LP. Giving up on it means admitting it was a mistake.

3) The LP and its candidates have become quite expert at portraying the prospects of the LP as much better than they are. Anyone who has received a direct mail solicitation from the LP knows just how rosy a picture the fundraisers can paint, if only you'll invest one more time, we can make a breakthrough . . .

4) Many LP supporters and activists are seeking goals other than impact on the political process. For them, the LP is more a social organization than a political party. Like a fringe church, the LP provides a place where libertarians can socialize with people like themselves, proselytize nonbelievers, and share a feeling of moral superiority. Contesting elections takes on a ritualistic flavor: candidates and volunteers realize that their quest is futile, but their mere activity makes them feel virtuous. In addition, the LP also offers a chance for political victory that would be hard to achieve in other spheres: it's much easier to win an LP nomination or election to an important party post than it is to win such things in a major political party.

Financial support for the LP has also grown as the disposable income of its members has grown. LP members are older and more prosperous; so is their party.

Still, one has to wonder what would have happened if the LP had never been organized. How would things be different? Would we live in a freer world?

It's impossible to know for sure, but it seems very likely that if libertarians had continued to be involved in other forms of activism they would have been much more successful. Consider, for example, how the Republican Party might have developed if libertarians had not abandoned it.

During the 1950s and 1960s, the GOP included a substantial libertarian element, represented by figures like Barry Goldwater. Young Republican organizations across the country were explicitly libertarian. Sure, there were other elements within the GOP, two of them hostile to substantial parts of the libertarian agenda. Main Street Republicans generally favored business subsidies and were willing to support some elements of the welfare state. And fundamentalist Christian Republicans generally opposed the libertarian social agenda. Most Republicans, horrible to say, favored military conscription as a necessary device for keeping the Soviet Union from conquering the world. But libertarian ideas were always present, always an important factor.

After libertarians abandoned the GOP in the early 1970s, the Republican Party moved farther and farther away from the libertarian agenda. Fundamentalist Christians became more active within the GOP, and libertarian rhetoric (and policy) within the Republican Party was partially displaced by the religious right rhetoric and social policies.

Today there are 20,000 to 30,000 activists in the Libertarian Party. If they were involved in the GOP, they would be an important counterbalance to the far right. The Republican platform would be a far more libertarian document. Libertarians would be winning nominations, helping to write the party platform, holding positions of influence within the party, and winning elections.

Of course, people involved in an open party like the GOP

would also lose nominations, fail to get some of their views adopted into the platform, and lose races for party positions and elective office. It would be frustrating at times. But there's little doubt that the GOP — and the nation — would have moved in a more libertarian direction.

Does this mean that the LP should never have been started? If I were God and could have known in 1971 that the LP would fail even as libertarianism prospered and that its development might actually hinder the spread of libertarian ideas and the implementation of libertarian policy, I wouldn't have become involved. But, as I am sure you realize, I was not God in 1971; I could not foresee the coming irrelevance of the LP.

One has to wonder what would have happened if the LP had never been organized. How would things be different? Would we live in a freer world?

So why do I still support the LP? Well, there are a lot of reasons. I still have a lot of friends in the LP. It remains possible, though increasingly unlikely, that the LP will turn the corner and become a significant factor in the American political dialogue. I still feel a certain pride when I hear an articulate LP candidate explain the libertarian position on an issue or engage in debate with candidates from other parties. Harry Browne may not have participated in the nationally televised presidential debates, but here in Port Townsend, Elizabeth Meritt and John Bennett took part in a four-way debate just prior to the election, and they did me proud.

I should add that lately I've invested a lot less in the LP than I have in the past: in 2000, I invested only a few hundred dollars, and that in races where I thought the candidates might have a real impact.

You ask: isn't it time for libertarians to abandon the LP?

I can understand why so many people are leaving the LP, but I think the LP still has value. For one thing, while it is pretty certain that the LP will never enjoy significant electoral success, it may very well help spread libertarian ideas, though at this time it is far from evident that it is particularly effective in this regard. For another, the LP engages in some non-electoral activities. Its national office provides a steady stream of press releases, getting considerable publicity for libertarian views. On one occasion, it marshalled public opinion against a significant invasion of privacy. I refer to its campaign against the Federal Reserve's "Know Your Customer" regulations, defeated by an outpouring of unfavorable comment in early 1999.

I'd like to see the LP spend far less of its money on ballot access and electioneering. I think that Randal O'Toole's suggestion that libertarians learn from the experience of environmentalists and convert the LP to a broad-based political action group is a very good one. In its campaign against the Know Your Customer regulations, the LP has proven that this approach can work. And it publicizes libertarian ideas efficiently and effectively. But I doubt that O'Toole's proposal will get far within the LP. Too many LP activists have too much invested in the old, failed strategy. And those frustrated by the party's failure are more inclined to let their membership lapse than to try to change it. O'Toole's proposed non-partisan activist organization is such a good idea that I believe someone will start one and it will attract considerable support among LPers and former LPers.

You ask: Why do people continue to support the LP?

Libertarians invested in the 2000 LP campaign, but by the start of its presidential campaign, it was pretty obvious that it would fail to achieve its ostensible goals. It planned to use exactly the same strategy as the failed 1996 campaign. The party's membership base was larger, but not enough larger to make a major difference; many of the new members had joined as the result of a slick direct mail campaign and had no real interest in becoming active. The major party race was the most competitive in the past half century, putting teeth into the why-waste-your-vote argument, and the campaign faced new competition from the Green Party. And with most money and effort going into the party's failing presidential campaign, it was obvious that there would be no breakthroughs lower on the ticket.

So why did libertarians support the campaign? The answer to this perplexing question, I think, is that most gave money to the campaign for other reasons than anticipation of electoral success. Some gave to the LP out of habit and friendship. Libertarians have abandoned the notion that the LP may have a real impact on American public life, but they continue to value it as a social institution.

Your other question was why I bother to cover the LP in the pages of *Liberty*. This is easier to explain. *Liberty* covers the LP because the LP is of interest to most of our readers, including those who are not directly involved in it and those who do not approve of it, and because I think it's important that an independent journal provide intelligent, independent reporting and analysis of it. *Reason* and *Ideas on Liberty* don't cover the LP because they have an editorial policy against covering politics. *Liberty*, of course, has no such policy.

If LP activists were involved in the GOP, they would be capturing nominations, helping to write the party platform, holding positions of influence within the party, and winning elections.

But to return to the larger issues that your letter raised: I'd like to caution you against the temptation to think that there is a single, optimal strategy for advancing liberty. The libertarian movement is not a giant, centrally-managed organization, which can invest its financial resources and expend its labor in a coordinated way. It is tens of thousands of individualists, most of whom try to advance liberty in the way they think most interesting, most fun, or even most likely to succeed. My suspicion is that this is a strength, not a weakness. It insures a diversity of approaches — a good thing, since we really don't know what strategy is most effec-

tive — and enables constant innovation. It also means that liberty can advance on many fronts simultaneously. The LP has never been the only game in town.

I frequently hear from people who propose that one or another libertarian organization — most often the LP — ought to quit functioning so that its resources could be spent more effectively. Usually, these are young intellectuals, who propose that the resources freed up should be spent — surprise! — on subsidizing intellectual activity. Aside from the fact that it is far from obvious that subsidizing intellectuals is the most effective means of advancing liberty, I doubt that sending checks to libertarian foundations would be nearly as satisfying as political activism. It's a mistake to assume that if the LP weren't competing for financial support, that support would go to other efforts.

The battle for liberty is a difficult one, fought on many fronts, and of much longer duration than any world war.

The battle for liberty is a difficult one, fought on many fronts, and of much longer duration than any world war. In our struggle, we are all volunteers; we all choose the outfit we want to enlist in. And the libertarian movement is stronger for that fact. It is, after all, the movement for personal liberty, and if ends and means have anything in common, the freedom to make one's own choice of strategy should lead us closer to winning the fight.

Regards,
R. W. Bradford

P.S.: I don't want to let your characterization of LP members as mostly "people with a simplistic, even childish, understanding of liberty" pass without comment. The fact that not every LP member has a sophisticated understanding of philosophy and economics is a sign of its growth. In the early stage of a radical movement, it tends to attract people like you — intelligent people with a lot of intellectual curiosity — but as a movement grows, it attracts more diverse people, including people whose interests are different from your own.

Letters, *from page 22*

Born to Lose

Here's hoping you and others are thinking like this: Whether a turkey in every pot or an LP presidential candidate on every state ballot, both were admittedly scheduled to lose. So haven't we played the political turkey long enough by dividing our limited strength to be devoured on 50 different plates?

By now it should be obvious we are on a suicidal course. Oh sure, let's definitely continue our proud push for more local governmental offices. But for president? Come on! The media are all of referee, umpire, field judge, timer, linesman, and team owner. They cook our gizzard every time, way out in the parking lot.

D.M. Fowle
Pompano Beach, Fla.

Dukin' It Out Down South

Harry Browne could have been on the ballot in Arizona.

It was stupid for the national LP to dump the Arizona libertarian party (ALP) without cause and affiliate with a different Arizona libertarian party (ALP Inc.). ALP Inc. does not have ballot status in Arizona and could not put Harry Browne on the ballot.

At the ALP meeting in Flagstaff, Arizona, ALP voted to:

1) Place Harry Browne's name on the ballot if the national LP reaffiliated with ALP.

2) Place Neil Smith's name on the ballot if the national LP chose to continue its affiliation with Tucson-based ALP Inc.

In reply, the national LP and ALP Inc. sued ALP and demanded that it put their candidate, Harry Browne, on the ALP ballot. This lawsuit angered ALP's governing board. In a meeting in Phoenix, it voted to make Neil Smith the Arizona presidential ballot and rescinded its offer to put Harry Browne on the ballot.

The national LP should place the blame of Harry Browne not being on the ballot in Arizona where it belongs: on the national LP directors. But, instead the national LP continues to blame the ALP.

Mike Ross
Tempe, Ariz.

Fighting the Good Fight

I expect the LP to rise above the current dismal totals: because we're right! But, how long it takes others to wake up to the truth remains to be seen. It might not even be in our lifetimes! To me, this is one reason the LP is so important. It keeps the idea of freedom alive.

The U.S.A. was basically the first and only libertarian country ever! And it started just a little over 200 years ago. It's been mucked up since but the trend now of history is toward freedom even if it is at a pace that seems to us to be that of a snail. We are just at the beginning. So what if we haven't had success in 30 years? Thirty years is nothing. ABATE of Florida spent 30 years just getting the helmet law repealed. Once, after about 20 years, they got their bill through the state house and senate and then the governor vetoed it! But, they didn't give up and recently got their bill passed. We shouldn't give up either. We have to be patient and persistent and in the meantime be grateful that we have people to vote for.

I see the situation as somewhat analogous to my church. My guru, Paramahansa Yogananda, came to America in 1920 not knowing anyone here and without much money (he stayed at the "Y"). Nevertheless, undaunted, he established a church (self-realization fellowship). Today it's still a fringe religion but there's only about six countries in the world where we don't have members and membership is increasing all the time — 48 years after our guru's passing. It takes time for people to catch on, but my point is, if it's true, they will.

Let's press on with the LP.

Warren Woodward
Encinitas, Calif.

Letter

Spreading the Word

by Jeffrey Riggenbach

Even from the fringe, libertarians can play a important role in American politics.

R. W. Bradford suggests that Browne supporters of 1996 who switched their allegiance to Nader in 2000 are "superficial," "don't look very far into issues," are "cranky," and make choices "at random." I suggest that a different interpretation is more likely. These people are single-issue voters, people for whom only one issue matters, and for whom that one issue is all-consuming. Such a voter might well have supported Browne in 1996 because of his position on that issue, then switched to Nader in 2000 because he took the same position, but was much better-known and more respected by the media and therefore stood a much better chance of actually getting the word out on that all-important single issue. Moreover, Nader actually had a shot at getting federal funding for his next run, with all that implies for getting the word out — but only if enough people voted for him.

To me, this sounds like a convincing rationale for certain Browne supporters of the 1996 campaign to switch to Nader this time around. Which Browne supporters? Those whose single issue is either America's interventionist foreign policy or the War on Drugs.

I think the chief role the LP has to play in the libertarian movement is as an outreach and educational effort. It shouldn't be judged on its ability to get votes. It can't remain ideologically pure and get many votes; that's the simple truth of the matter. It should be judged by the people it introduces to libertarianism; the numbers it brings in. And there's no question those numbers have swollen since 1970. Contrary to Bill Bradford's assertion, we are far from invisible. The word "libertarian" is now widely and regularly used in public discussions of policy issues. Tom Palmer of the Cato Institute recently devoted a front-page article in Cato's *Policy Report* to the discussion of nearly a dozen recent books that mention or analyze (for good or ill) the libertarian perspective on American politics. Libertarianism is immensely more noticeable in the public prints and on the airwaves than it was 30 years ago — or even 20 years ago. And no small part of the credit for that must go to the LP, the institution that is typically the first contact a previously oblivious member of the general public has with "this movement of ours."

The numbers of new libertarians brought in by the party over the past three decades are not, to be sure, as large as we'd all like them to be. But a bit of realism is perhaps in order here. I find myself reminded of the remarks one of the grand old men of libertarianism, James J. Martin, made to a panel of *Reason* magazine interviewers back in 1975. He introduced the topic by referring to the American anarchist Voltairine de Cleyre (1866-1912).

> Voltairine de Cleyre, [Martin told his interviewers] advanced the notion that at bottom, if you kept going down to the bottom, in an attempt to search out the reason for the existence of this or that individual attitude toward ethical, philosophical, and related questions, you got back down to a biological basis — what she called temperament — which was not capable of being understood or measured by any kind of rational approach; and that it was a genetic factor.
>
> I mulled over that for a long, long time and am still doing so and am applying it everywhere I can. I can't find any way to crack her case, and as a result I've adopted it. It explains my attitude of casual lack of interest in propaganda tactics, in the hopes of maximizing the existing number of libertarians. In this I've been influenced by additional forces, including the whole circle of Ernest Armand in France in the 1920s and 1930s who mulled over the problem themselves to a great extent, wondering why the ranks of libertarians increased so slowly, if at all. And it has dawned on me over the years that Voltairine de Cleyre explained why — that there's a problem of the inability of the genetic process to produce libertarians in any larger volume than exists.
>
> In looking over the scenery a little more closely I didn't see any evidence that persuasion by way of literature, conversation, preaching, psychic intimidation, or any other known device, had maximized the number of such people, and in most cases in which it was reported by individuals that they had gone through some magical transformation from whatever they were to some libertarian position, all they had done was to find out what they really were. They had come to such conclusions as a result of self-exposure, so to speak — they

had revealed to themselves what they really were and had not gone through any conversion at all. They were psychically conducive to that attitude, as a matter of temperament. They had been inhibited from such awareness for a variety of reasons involving all kinds of things, ranging from religious or home pressures to various other things which prevented them from taking wing.

Now it would be pleasant for me to adopt a contradictory position and believe that by the expenditure of a lot of money and a great deal of exposure to literature and much eloquent talk we would suddenly convert all the totalitarians and authoritarians of the world into libertarians. And I would suggest that before that happens, as Krushchev said, you will probably hear shrimps whistle. The process of conversion is futile.

Therefore, I'm satisfied that the ranks of the libertarians will always be small, that they will probably be in about the same ratio to the total population as they are now, and I'm satisfied to contemplate that situation without developing suicidal tendencies or becoming morose, depressed, or anything else. It happens to be a fact of life and I'm ready to put up with that and I will change that view when I have some evidence for it. In my own lifetime I haven't seen one scrap of evidence to the contrary.

If Martin is right — and I, for one, believe he is — then the best we can reasonably hope for from an institution like the Libertarian Party is that it maximize the number of those who overcome whatever is inhibiting them from realizing that they are libertarians, by bringing them into the fold, showing them what there is to read, giving them the opportunity to understand and grasp the implications of the idea of individual freedom. For such an effort, Harry Browne is very close to the ideal libertarian candidate. He's intelligent, articulate, and altogether a superb salesman of our point of view. For those few who can be won over by such a pitch, he's close to the perfect pitchman. The postelection effort by the Browne campaign to bring down the existing federal campaign-finance laws and the presidential debate commission deserves the widest possible support. Such an action, should it succeed, would make it much easier to get our message out.

The LP can't remain ideologically pure and get many votes; that's the simple truth of the matter.

Another effort which libertarians ought to begin working on in earnest is the effort to rid us of the Electoral College. I was somewhat taken aback, while reading the January issue of *Liberty*, to see *Liberty* editors like Leland Yeager, Bruce Ramsey, David Boaz, and Stephen Cox coming to the defense of this indefensible institution. Why do I call it indefensible? Just listen to the loathsome James Q. Wilson, writing in *Slate* on Nov. 3 of last year:

> The great benefit of the college is that, as it operates, it discourages the formation of large third parties. The winner-take-all system means that voters realize that to influence the outcome, they must vote for either the party in office or the major party out of office. Sometimes, of course, they vote for third parties, and on occasion some of these groups actually carry states. In 1968 George Wallace carried five states with 46 electoral votes. But generally the voters know — as Ralph Nader and Pat Buchanan will find out — that they favor one of the two major parties, each of which under the winner-take-all system tends to appeal to the centrist voter.
>
> Suppose we abolished the college and chose presidents by direct popular vote. On at least 15 occasions since the popular vote began to be counted (around 1828), neither of the major party candidates got a majority. Clinton did not get it in either 1992 or 1996, and neither did Lincoln, Wilson, Truman, Kennedy, or Nixon (in 1968). In those cases, there would presumably be a runoff election to pick the winner.
>
> Knowing this is a likely outcome, small parties would have a powerful incentive to run candidates, not because they thought they could win but because it would give them a chance to bargain with one of the two stronger candidates. We would have a replay on the national level of what now goes on in New York where 'parties,' some not much more than letterhead organizations with an attractive label, decide whether (if they are liberal) they will support the Democrat or (if they are conservative) they will back the Republican. France has this kind of multiparty system for its presidential choices.
>
> Now think back and ask what this bargaining between also-rans and major candidates might produce. In order to attract these other votes in the runoff, I suspect that Lincoln, in order to become president, would have had to weaken his opposition to slavery, Wilson his regulatory impulse, and Truman his support for civil rights. (Strom Thurmond did so well in 1948 that he won 39 electoral votes.) Today, Bush might have to yield some policy views to Buchanan and Gore to Nader.
>
> There is no end to the number of parties we might have that would stake a claim on the two major parties. Jesse Jackson, Louis Farrakhan, Jesse Ventura, and the National Rifle Association might all decide they want to get into the act.
>
> The genius of our presidential election method is that it produces a clear winner. Minor parties may have some influence, but only by offering policy views that a major party later chooses to adopt. They cannot force the major party to do that as the price of winning.

Get rid of the Electoral College, pump up the appeals to single-issue voters who want a noninterventionist foreign policy or an end to the War on Drugs, and the LP might actually be able to influence policy, even if it is doomed never to become a majority party.

One final thing I think libertarians should do if they want to see the LP do better is stop pretending that Republicans are in some way preferable to Democrats. They are not. When David Boaz writes in the January issue of *Liberty*, for example, that "I can see why people would vote Republican. I can't see why people who work for a living or believe in our constitutional system would consider voting Democrat," what on earth is he thinking? What is the most flagrant abuse of federal power now before us? The War on Drugs. And who created this war? Republicans. A Republican named Richard Nixon took a long existent, but comparatively underfunded and de-emphasized Office of Narcotics and Dangerous Drugs, transformed it into the DEA, and multiplied its power and resources more than a thousandfold. Then, after a brief period of relative return to sanity on the issue during the administration of a Democrat, Jimmy Carter, another Republican, the loathsome Ronald Reagan, carried Nixon's insanity to even greater lengths. It was Reagan who gave us mandatory minimum sentences, asset forfeiture, federal prisons full of marijuana smokers while actual criminals walk the streets, and multibillion dollar annual budgets for the War on

Drugs. Perhaps if the unseeing Boaz were to encounter a working person who believed in our constitutional system and had friends or family members serving 30 years without possibility of parole for smoking a joint, while their children were reared in foster homes under state authority, he'd be able to understand why the very thought of the Republican Party is enough to make some people barf. I, for one, agree with those people. I can't understand how anybody who works for a living or believes in our constitutional system could even tolerate the thought of a political party that wants cops looking in people's windows and snooping through their homes and cars looking for evidence that they eat, drink, smoke, read, or watch something Republicans don't approve of — a party that wants to see a pregnant woman arrested for undergoing a medical procedure that is no one's business except her own and her physician's.

Libertarianism is immensely more noticeable in the public prints and on the airwaves than it was thirty years ago — or even twenty years ago.

That's my assessment of the LP and its prospects: we need to be realistic about them and grasp that neither our party nor our movement will ever win over any more than a minority of Americans; we need to do what we can to make the party's message easier to get out and more influential among policy-makers, by removing the political obstacles that have been placed in our way — the federal election laws, the presidential debate commission, and the Electoral College. And we need to stop undermining our own efforts by fawning over slimeballs like Ronald Reagan and George W. Bush and thereby giving millions of people reason to believe that Libertarians are only slightly different from Republicans. ❑

Bradford responds: I wish Riggenbach were correct when he suggests that voters who cast casual votes for Browne in 1996 and Nader in 2000 are people highly motivated by one of the two issues that Browne held in common with Nader. I wish there were a large number of people out there are so "consumed" by foreign policy issues or the drug war that they rationally choose among all candidates to give their vote for liberty and decency the greatest impact. But I don't see any evidence for this hypothesis, and Riggenbach himself fails to offer any. In the absence of evidence to the contrary, I'll stand by my belief that, like the majority of American voters and the overwhelming majority of that subset of voters who eschew major party candidates, the thought processes of Browne-to-Nader vote-switchers are superficial and almost indifferent.

Riggenbach mystifies me when he claims that "Contrary to Bill Bradford's assertion, we [libertarians] are far from invisible. The word 'libertarian' is now widely and regularly used in public discussions of policy issues."

Try as I may, I cannot find where I claimed that libertarians are invisible or that the word "libertarian" is not used more widely now than in the past. Indeed, if my computer's search engines are to be trusted, I didn't use the term "invisible" in any of the past four issues. The closest I came was in "Libertarian Party: The 2000 Election" (January), where I wrote:

> We Libertarians have spent 29 years, tens of millions of dollars, and uncounted hours of hard work to get our message out, but most of our appeal is to people who have at best a vague notion of what we stand for. We've failed to engage the thinking of people who care about public issues. Most Americans have no idea who we are or what we stand for. Despite our best efforts, our vote total bobs around like a ping-pong ball in the crashing surf.

I suspect that Riggenbach construes what I said about the LP as a claim about libertarians in general. I certainly did *not* say that the word "libertarian" has failed to gain broader currency, or that libertarians have not gained influence. What I said was that, based on all available evidence, the Libertarian Party has failed to achieve its stated purpose, which is to influence American politics. In the absence of evidence to the contrary, I remain convinced that this is true.

But the most interesting thing Riggenbach wrote, I think, was this:

> Libertarianism is immensely more noticeable in the public prints and on the airwaves than it was 30 years ago — or even 20 years ago. And no small part of the credit for that must go to the LP, the institution that is typically the first contact a previously oblivious member of the general public has with "this movement of ours."

Riggenbach is certainly correct in his first claim — that today libertarianism is more visible than it was 20 or 30 years ago — but his second claim is dubious. We do not know to what extent the LP, or any other group, or any individual, deserves credit for for libertarianism's greater visibility or for the growth of the movement.

Libertarians are almost obsessed with increasing the size and influence of their movement, yet they have shown almost no curiosity about how and why growth occurs. Few even seem to be curious about whether the movement is growing at all. For those who are curious, the data suggest that it continues to have substantially fewer than 100,000 members, even if you define "libertarian" very broadly. And its growth rate during the past 13 years has averaged about 2.2% per year. There are a lot more of us than when Riggenbach and I were young libertarian radicals, but the movement is growing only slightly faster than America's population as a whole.

Libertarians are almost obsessed with increasing the size and influence of their movement, yet they have shown almost no curiosity about how and why growth occurs.

How do people become libertarians? Data exist that could provide a reasonably accurate answer. But they are owned by various libertarian institutions and organizations, who are reluctant to share. I have informally proposed to the heads of a number of libertarian organizations that relevant data be provided to an independent scholar who would guarantee to use it only in exploring this particular question. None of these people were particularly interested. ❑

Killahaole Day

by Kirby Wright

Haoles don't seem to belong in the tropics. Their skin burns easily and the sun makes them sweat. They are the only ones who seemed perfectly happy in their school uniforms. The nuns love them.

Killahaole Day took place the last day of class on Oahu. If you were white and went to school, you took the risk of getting pummeled by a Hawaiian. The brother of one of my classmates had been arrested for shattering a *haole* boy's teeth with a lead pipe. If you were *hapa haole* like me, your fate was determined by how white you looked. I worked hard on my tan the last month of school. I'd heard rumors that some *hapa haoles* were dying their hair and eyebrows dark.

Being born and raised in the islands didn't make you Hawaiian. "Hawaiian" meant you were related to the natives who discovered Hawaii and had *kanaka maoli* running through your veins. Asian, Puerto Rican, and Portuguese boys weren't targeted because Hawaiians considered them descendants of the laborers brought in to work the white man's plantations. Killahaole Day was rooted in the fact that the sons of white missionaries had unseated Queen Lili'uokalani and declared Hawaii a republic. To Hawaiians, names such as Dole, Judd, and Bishop hung over Oahu like a curse. Buildings, streets, and companies named in their honor were reminders that the white man ruled. You couldn't blame Hawaiians for having *pakalaki* feelings. Frustrations over losing the *aina* were intensified by the stereotype that natives were lazy and uneducated so they were usually passed over for raises and promotions. A senior partner refused to make my father an associate upon discovering he had *kanaka maoli* blood.

I attended Star of the Sea Elementary, a Catholic school three miles northeast of Diamond Head. The nuns were mostly from New England and ruled with iron fists. But when the last bell of the school year sounded, they retreated to the safety of the convent. My Hawaiian classmates never attacked me because, besides looking local, I had written a play about pro wrestlers defeating a gang of vampires. "Pipeline Bloodsuckers" had made me a celebrity. My big brother Ben wasn't as fortunate — he wasn't a playwright, and his blond hair and green eyes made him stand out. And, to make matters worse, he'd earned a reputation as a con artist. Ben was a ringer when it came to the game of marbles. He would challenge me every day after school and, when I got tired of losing, he'd pull out a second marble and play himself. On the marble fields of Star of the Sea, Ben disguised his abilities in "for fun" games that he purposely lost. After bolstering the confidence of his mark, he'd pull

out his aquamarine cat's-eye and suggest a game of "*kini* keeps." This meant the marbles on the playing field were up for grabs and, if you lost, you couldn't exchange a favorite marble for a lesser one. Ben usually hit an opponent's marble by his third shot and it wasn't long before he'd won Ricky Kamani's prize *bumboola*. Then Ben threw a rock into a crowd on the first day of Lent — the rock bounced off Ricky's head. Ricky retaliated by organizing a gang that chased Ben into the foothills above the school.

I wasn't particularly fond of white kids even though my mother was Irish. *Haoles* didn't seem to belong in the tropics. Their skin burned easily and the sun made them sweat. They were the only ones who seemed perfectly happy in uniforms.

If you were hapa haole like me, your fate was determined by how white you looked. I worked hard on my tan the last month of school. I'd heard rumors that some hapa haoles were dying their hair and eyebrows dark.

The nuns loved them. *Haoles* rarely spoke the local creole and, if they did, it sounded fake. They never traded food from their lunch boxes and most of them thrived on peanut butter and jelly sandwiches, apples and corn chips. Parents didn't want their *haole* children making friends with Hawaiians. In kindergarten, I'd slammed my lunch box over Patrick Mulligan's head when he told me I had a wide nose. In later grades, I refused to let him borrow my Tom Swift books after he said *haoles* were the chosen race since they owned half the island.

In sixth grade, I witnessed the Killahaole Day fight between Ben and Ricky's gang. They'd trapped him on the gravel road behind the thrift shop. The shop was closed. At first it didn't seem serious — just a group of Catholic boys in white button-downs going through a ritual that would amount to nothing more than name calling and idle threats. Then a boy named Freitas and his friend Mits began pelting Ben with gravel. The sun was below the roof of the convent and long shadows stretched over the school. A big Hawaiian kid we all called "Da Destroya" walked out from behind the thrift shop. He'd been one of my wrestlers in "Pipeline Bloodsuckers" and had lifted a vampire over his head. Da Destroya was the biggest boy in school and, to make matters worse, he was wielding a Louisville Slugger. His sleeves were rolled over his biceps. The hems on his khaki pants were above the ankles. He'd been held back for punching a nun in the guts. He kept a weight bench in the bushes behind the shop and worked out during recess and lunch. I'd seen him hit three homers over the fence on All Saint's Day. He took a vicious cut at a bush of red hibiscus — a flower flew like a missile toward the convent. Geckos scrambled up the thrift shop wall. Then Da Destroya jammed the handle of the bat into Ben's belly and he doubled up against the wall.

I looked across the main field at the Church. It was a massive building with a steel cross embedded in its lava facade. It was where we all worshipped and I wondered how violence could erupt so close to its doors. It was as if the green-winged devil I'd seen in my illustrated Bible was winning the battle for souls. I put my books down and walked over the gravel road toward Ben. The stones crunched under my shoes. Mits turned around and gave me the stink eye; he was short and stocky and had bragged to Ben he had a yellow belt. Ben had told him yellow was the perfect color for him because the Japanese were cowards for bombing Pearl Harbor.

My brother's back was pressed to the thrift-shop wall. His shirt and pants were stained with dirt. Dots of blood freckled his arms where the gravel had cut him. There was a look of resignation on his face, the same look he gave my father when ordered to his room. Freitas continued to pelt him and Mits picked up another handful.

I ran over and stood in front of Ben while the stones rained down.

"Outa da way!" Freitas hollered.

Ben stuck his hands in his pockets, "Scram, Peanut."

"I'm not scramming."

"Time out," Ricky said. He pulled out a wax bag of cinnamon toothpicks from his shirt pocket and placed one in the corner of his mouth. Da Destroya rested the bat on his shoulder and snatched two toothpicks. Freitas and Mits dropped their gravel and pulled toothpicks out of the bag.

I was sure Ricky would leave me alone because I was a grade below him. There was an unwritten law that Hawaiians in your class had exclusive rights on Killahaole Day. Besides, beating up a small fry like me was considered cowardly.

Ricky sucked his toothpick. "Yo' bruddah goin' die."

"Thou shalt not kill *haoles*," I said. For some reason, whenever religion entered my mind, I couldn't speak creole.

"Dat's no commandment," Freitas said. He blocked one of his nostrils with a finger and blew out a blast of snot. He was a fat boy whose mother baked *malasadas* for the coffee and donut gatherings after Mass on Sundays.

My Hawaiian classmates never attacked me because, besides looking local, I had written a play about pro wrestlers defeating a gang of vampires. "Pipeline Bloodsuckers" had made me a celebrity.

I pointed at the Church. "Thou shalt not take false gods before me."

"Shut yo' fuckin' mout'," Ricky said.

"Yeah," said Mits, "befo' I geev ya karate chop."

"Let he who has not sinned cast the first stone," I continued.

Da Destroya took the bat off his shoulder and rested the fat end on the ground. He pulled the toothpicks out of his mouth. "Jesus said dat 'bout stones?"

"Sure," I answered, "in the New Testament."

"Fuck ya *haole* Jesus," Ricky said.

Da Destroya examined his toothpicks. Then he put them

back in his mouth and chewed. He lifted the bat and whacked the bush. Two flowers shattered and a mantis flew over the thrift shop. "My muddah pray Jesus," Da Destroya said, "ova at Queen's."

"She sick?" I asked.

He tossed the bat against the thrift shop wall and headed for the steps. He climbed slowly. When he reached the top step, he spit out the toothpicks and squatted. "Stay dyin' o' canca."

When Da Destroya lost his desire to clobber my brother, so did the rest of the gang. Mits and Freitas quit crowding in and Ricky paced back and forth over the gravel road. Ben scooted past the hibiscus bush and hurried for the cyclone fence. He zipped through the gate and I could see the tails of his shirt flapping behind him like surrender flags as he jogged the sidewalk of Kalanianiole Highway.

Ricky turned to me. "Tell ya bruddah we get 'im first t'ing next yea'."

"No can," I said.

"Whacha mean 'no can'?"

"Ben's going to Punahou," I said. "And so am I."

"Fuckin' *haole* school," Ricky said. "I get 'im afta Church."

Freitas nodded. "Durin' donut an' coffee."

"Ben's an atheist," I said.

Ricky strolled over to the thrift shop, picked up the bat and turned to me. "Den ya take his place." "Yeah," Mits said, "geev 'im one good whippin'."

I tried running but Mits grabbed me, spun me around and got me in a full nelson. It was a move we'd learned watching "Honolulu All-Star Wrestling" on Saturdays. I tried kicking his shin. Mits punished me by squeezing as hard as he could. My arms dangled helplessly as he applied more and more pressure. It felt like my head was being stretched away from my body.

Freitas stabbed my forearm with his toothpick.

"Owie!" I said.

Ricky approached with the bat. "Ya goin' say moa dan 'owie'," he promised. He took a few practice swings and I could hear the air rush past the barrel.

"But I wrote that play," I said, "about vampires."

"I no care," Ricky said and faked a swing to my head.

"I no care eitha," Freitas chimed in.

"Leave 'im alone," Da Destroya said from the top step.

Ricky turned around. "Who says?"

Da Destroya was the biggest boy in school and, to make matters worse, he was wielding a Louisville Slugger. His sleeves were rolled over his biceps. The hems on his khaki pants were above the ankles. He'd been held back for punching a nun in the guts.

"I says."

Ricky held the barrel of the bat in both hands. He spit out his toothpick and glared at Da Destroya.

"What?" Da Destroya asked. "Ya like beef, ya fuckin' *kanaka*?"

Ricky lowered the bat. He nodded at Mits to let me go.

I hustled over and picked up Ben's books. His report card was lying in the dirt and I picked that up too. I stacked Ben's books on top of my own and ran on the gravel toward the fence. When I got halfway, I could see Ricky and his gang smoking on the steps of the thrift shop.

Da Destroya had left. He was moving through the checkerboard of light and shadow out on main field. His strides were long and determined.

He was heading for the Church. ❑

Rethinking the Mega-State, *from page 25*

going to be as if the tulip bubble had burst just as cheap silk flowers from Taiwan flooded the market. And this economic slump would have come crashing down at the very moment steam-powered tractors and mechanically driven gins and industrial farming were taking hold. All over the plantation South, blacks were going to be freed or abandoned as they were in the Caribbean, and for the same reason — because there was no profit in them. The whole institution of slavery would have been history.

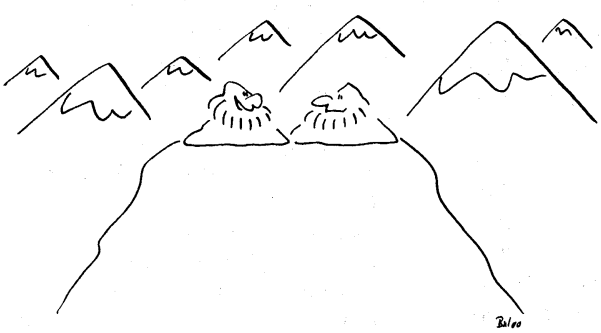

"Nothing against you, but my *favorite* incarnation was as Lady Godiva's horse."

And our own history wouldn't be burdened with the deaths of 600,000, the ruin of an entire region, and a hundred years of hatred heaped upon the freed men and their children unto the fifth generation. All the government had to do to make it so was nothing — just keep its armies home and let the South go its own way. Then, it would be the Confederacy, not Brazil, that became a beacon of racial grace and harmony.

Two nations, brothers in freedom, tracing their lineage back to the same Constitution, but with this difference: They would read the document in different ways. Surely Confederate judges would never have exalted the nation over the individual as thoroughly as our own courts have. Just as surely, they would never have interpreted away every single prerogative of the states, until the states, themselves, became no more than administrative boundaries. And judges in both countries could look to each other, and see interpretations, to illuminate their own decisions. And together, we would be a continent of experimentation with democracy and freedom. ❑

Reviews

The Virtue of Prosperity, by Dinesh D'Souza. Free Press, 2000, 284 pages.

Conservatives vs. Progress

Timothy Sandefur

Conservatism has always been hostile to free markets, and the ostensible demise of Marxism has merely brought that conflict to the surface. Free markets corrode the conservative's prime value, social stability; they are an acid eating away the structures which keep society frozen still. A stable society is the product of keeping every citizen in his place, of ensuring that we all have an unquestionable "sense of belonging." This is not the case in a free market society. There, a woman's place is not necessarily in the home. She has an equal right to try her skills and ideas in the market and to keep rewards she might earn. One could hardly invent a system better contrived to break traditional social structures.

So it's not surprising that those Goldwater conservatives who embraced free markets gradually discovered that they were really libertarians and eventually abandoned the Republican party. In the meantime, the Republicans have increasingly endorsed a platform which seeks to control social relations and revive what is called — with a perverse nostalgia — "community."

On the other side, contemporary liberals are becoming increasingly hostile to technology. Liberalism began two centuries ago as an attempt to free individuals from their traditional social castes; it was pro-market in Jefferson's day. But American and British liberals eventually came to think of the market system as a reincarnation of the old caste system and began to propose redistribution of wealth to remedy the situation. It's a mistake to think that Marx sought to enslave the world; socialism began as an attempt to free individuals to maximize their personal potentialities. Today's liberalism has turned away even from that. Capitalism is seen as an enemy of the environment, or a tool for Western exploitation of more primitive (and therefore more noble) cultures. Thus, as D'Souza writes, "the most significant political development of our time is that these [right and left] critiques [of markets] are becoming one."

This is not news. Virginia Postrel said this two years ago in *The Future and Its Enemies*, which remains the best book in the debate which D'Souza's book chronicles. But Postrel's book was not the first to observe this convergence, either. Forty years ago in *The Two Cultures*, C. P. Snow argued that the academic world was divided between the scientific culture and the literary culture. Firmly on the scientists' side, Snow laid most of the blame on the literary academics, who had not yet come to terms with the Industrial Revolution. Shrouded in romantic nostalgia for a preindustrial paradise which never actually existed, the literary culture blamed technology for eradicating the beauties of the old social order. Scientists, on the other hand, failed to appreciate the essential changes which they had worked, since they were largely uninterested in literary or artistic pursuits. Snow strikingly illustrated this difference by referring to a passage from D.H. Lawrence. Lawrence describes a scene in a maritime novel in which the captain flogs a sailor for disobeying orders, and then writes that "it is good for Sam to be flogged," because now "there is a new equilibrium," in which the sailor remembers his place — i.e., his subservience to the captain. "This reflection," Snow wrote, "is the exact opposite of that which would occur to anyone who had never held or expected to hold the right end of the whip . . . He is not romantic at all about the beauties of the master-and-man relation: that illusion is open only to those who have climbed one step up and are hanging by their fingernails."

Snow, of course, was talking about science, not just politics, but he sounded a distinctly capitalist note by saying:

> Industrialization is the only hope of the poor . . . It is all very well for us, sitting pretty, to think that material standards of living don't matter all that much. It is very well for one, as a personal choice, to reject industrialization — do a modern Walden, if you like; and, if you go without much food, see most of your children die in infancy, despise the comforts of literacy, accept twenty years off your own life, then I respect you for the strength of your aesthetic revulsion. But I don't respect you in the slightest if, even passively, you try to impose the

same choice on others who are not free to choose. In fact, we know what their choice would be. For, with singular unanimity, in any country where they have had the chance, the poor have walked off the land into the factories as fast as the factories could take them.

What's the connection between D'Souza's book on politics and Snow's book on science? Science and commerce share this central attribute: they do not respect authority. Just as the science of Galileo threatened to overturn the hierarchical society of his day, so the Internet threatens the hierarchies of our own day, which is precisely why authoritarians — whether in China, Singapore, or the Reno Justice Department — have tried to quash it. What makes D'Souza's book stand out is his forthright discussion of the science at the heart of this conflict. D'Souza is not afraid to discuss the seemingly extreme possibilities presented, for example, by genetics. With the completion of the Human Genome Project, it is no longer unimaginable that man will someday be able to remake his physical structure and to become something "post-human." We will soon be able to control the development of unborn children.

It is easy for Americans and Europeans to ban genetically altered foodstuffs, but it is not so easy in countries where people are desperate for any food they can get.

What Postrel calls "dynamists" and Snow calls "the scientific culture," D'Souza calls "The Party of Yeah." And what Postrel calls "stasists" and Snow calls "the literary culture," he dubs "The Party of Nah." One of the favorite catch phrases of the Party of Nah is "We shouldn't play God." Essentially this means that "artificiality" — human control over biological processes — is bad, and "nature" is good. Among conservatives this manifests itself in hostility to evolution education, fetal-tissue research, and cloning. Among liberals, it's genetically altered food and pesticides. Yet it is hard to convince the cancer patient, whose life hangs by the double thread of a DNA strand, that ignorance is somehow bliss. D'Souza quotes James Watson's eloquent retort: "We are talking about curing diseases and prolonging people's lives, and these morons are telling us that they have moral objections. I mean, what kind of ridiculous talk is that?" It's easy for Nah party members like Gertrude Himmelfarb to say that "In many ways we are a much poorer society than we used to be. There are other forms of poverty than economic poverty, you know." After all, she lives in a world where the human genome has been mapped; where a sugar cube can cure polio; where smallpox is extinct.

The attitude of the Party of Nah is also expressed in another of their catch phrases: "The premise that living crea-

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tures are nothing but mere atoms." "*Mere* atoms," and "nothing *more*"? Are the stars *mere* fusion? Or Beethoven's Ninth *mere* pressure waves? Or DNA *mere* atoms? A *mere* change in a neucleotide can turn DNA from a life-bringer to a death sentence, and our nasty old material wealth may soon allow us to undo such things, ensuring that future Stephen Hawkings are freed from their wheelchairs.

The fact is that these pesky scientists and entrepreneurs have done far more to protect the sanctity of life than anyone in the Party of Nah.

This comes to mind when D'Souza ridicules Postrel for describing the Party of Nah as "pro-death." That is exactly what it is. This really is a life-or-death discussion. It is easy for Americans and Europeans to ban genetically altered foodstuffs, out of fear that the tiniest fraction of the population might be allergic. But it is not so easy for people who are less wealthy. In countries where people are desperate for any food they can get, priorities are a little different.

D'Souza paraphrases Jeremy Rifkin: "Cloning and genetic engineering are unnatural; they tamper with the natural order and with millions of years of evolutional development . . . In the pursuit of a longer life and enhanced capacity for ourselves and for our children, we are extinguishing the sanctity of life." This reflection is the opposite of that which would occur to anyone who had never held the right end of nature's whip. The fact is that these pesky scientists and entrepreneurs, accused of robbing us of our cultural comfort, have done far more to protect — and to make us respect — the sanctity of life, than anyone in the Party of Nah.

Jacob Bronowski, one of Snow's colleagues, put it this way:

> We today are scandalized that boys went on climbing in chimneys for nearly eighty years after the heart-rending poems which Blake wrote about them around 1790. . . . But the boys had been climbing for a hundred years before Blake without a line of protest from Addison or Gay or Dr. Johnson. . . . So today in China and India and other countries with few machines, life is brutal and laborious, and sensibility is unknown. . . . It was the engine, it was the horsepower which created consideration for the horse; and the Industrial Revolution which created our sensibility.

As I write this, I am listening to a compact disc of Vladimir Feltsmann playing a melody by Liszt. Within a second I could reach a website where I might download the writings of John Milton or *The Federalist Papers*. It is hard to convince me that my life is poorer because I don't plow the same wheat fields that my great-grandfather worked, or feel the great family bond that comes from wood-burning stoves or polio season.

D'Souza goes further — sometimes as devil's advocate — even than the Nah-sayers, and suggests that we have done away with scarcity itself. What happens, he asks, when we have eliminated poverty or disease? Assuming for a moment that we have banished all material want, what does that require of us? What does a nation become when its primary health problem is obesity and not famine? Perhaps we become couch potatoes, like Nietzsche's "Last Man." Perhaps we become happy slaves like the Eloi of Wells' *Time Machine*. Perhaps we become explorers, philosophers, and scientists. Or perhaps we become "mere" parents, friends, and neighbors, pursuing "nothing more" than our own lives on our own terms. The decision is ours — which is precisely what troubles the Party of Nah.

Of course, we are very far from actually achieving this. One out of every five human beings is still a slave in communist China. Millions every year still die of famine, or of numerous diseases unheard of in America.

The book is not without flaws. For example, despite his attempt to be even-handed, he dismisses Ayn Rand's work because she was "a weird and unpleasant woman." But, by the end of this thought-provoking book, one cannot escape the conclusion that we have a great deal to fear from the Party of Nah. Humanity has repeatedly demonstrated its willingness to embrace cures worse than diseases. Spooked by our newfound power, many Americans today are eager to return to the allegedly "simpler" life of dogmatism and hierarchy — to go back to the days before Eve bit the apple. We see this trend in everything from the nostalgia for the 1950s to the popularity of Dr. Laura. But, as Jacob Bronowski wrote, knowledge:

> is a responsibility for the integrity of what we are, primarily of what we are as ethical creatures. You cannot possibly maintain that informed integrity if you let other people run the world for you while you yourself continue to live out of a ragbag of morals that come from past beliefs . . . We are all afraid, for our confidence, for the future, for the world. That is the nature of the human imagination. Yet every man, every civilization, has gone forward because of its engagement with what it has set itself to do. The personal commitment of a man to his skill, the intellectual commitment and the emotional commitment working together as one, has made the ascent of man. ❑

In the Next Liberty

The Legacy of Bill Clinton

by R. W. Bradford, Stephen Cox, Sarah McCarthy, and William E. Merritt

The Dark Side of Israel

by Imad-ad-Dean Ahmad

Robbing Peter to Pay Mary

by Samuel Silver

Between the Alps and a Hard Place: Switzerland in World War II and the Rewriting of History, **by Angelo M. Codevilla. Regnery, 2000, 248 pages.**

An Island in an Ocean of Tyranny

Bruce Ramsey

In 1995, a campaign to vilify Switzerland began in the U.S. news media. Information had come out, it seemed, that the Swiss had cooperated with Nazi Germany during the war, manufactured armaments for sale to the Wehrmacht, and taken Nazi gold. Even worse, Swiss banks had taken the deposits of thousands of foreign Jews before the war, and refused to release the funds when the depositors or their surviving relatives came to collect the deposits after the war unless passbooks and other documents could be produced, knowing full well that most such documents had been destroyed or lost during the horrors of the war. The bourgeois Swiss, with their wristwatches and chocolate bars, had built their prosperity as accomplices to the Holocaust.

There was a demand for money to pay the heirs of the account holders and to compensate generally for the whole disgraceful episode. On Aug. 12, 1999, the two largest banks in Switzerland agreed to pay depositors and their heirs $1.25 billion, and the campaign of vilification ended.

Had these two banks kept $1.25 billion in stolen assets? No, writes Angelo M. Codevilla, professor of international relations at Boston University. Actually, there were several efforts to track down account holders over the years, the latest being a commission headed by Paul Volcker, former chairman of the Federal Reserve Board. The figure of $1.25 billion bore no relation to money owed any victim.

Codevilla argues that the campaign against Switzerland was a legal hold-up perpetrated on the banks by Edgar Bronfman, president of the World Jewish Congress and, not coincidentally, an individual whose family gives more money to the Democratic Party than any other. In Codevilla's account, Bronfman recruited high-priced attorneys, journalists, a State Department undersecretary, a U.S. senator, a federal judge in Brooklyn, and the comptroller of the New York City government, who threatened to contest the merger of the two Swiss banks unless they settled the lawsuit, in his campaign to shake down the Swiss banks. And because the two banks earned about $4 billion in profit each year from New York, they were vulnerable to Bronfman's broad political attack.

This was not an official U.S. government demand, but, as Codevilla observes, "What the Clinton Administration did to Switzerland amounted to extending abroad the American interest-group process, by which government officials purchase the support of some citizens by renting to them the power to impose costs on others."

I once interviewed one of those high-priced lawyers, who explained to me the legal theory under which he sued the banks. He used a law passed in the 1700s called the Alien Tort Act, which had been pretty much forgotten for 200 years, and something else called customary international law, which evolved out of the Nuremberg trials. The theory behind his claim would justify many others, he said, including suing 150-year-old U.S. corporations for having benefited from slavery.

But this is the least interesting part of Codevilla's book. More fascinating was the tale of how the Swiss kept their freedom and independence during World War II. From 1940–45 Switzerland was surrounded by war-like states much larger than itself, yet it managed to get the Nazis to respect its territory.

How did the Swiss do it? The common answer is that Switzerland is in the Alps, and too much trouble to take over. The Nazis did decide not to invade Switzerland, Codevilla writes, but not just because of some mountains. It was the Swiss bloody-minded determination to hole up the army in those mountains, leaving three-quarters of the population undefended. The plan was to admit no civilians into the Alpine Redoubt. Moreover, the army was willing to fight to the death knowing that it had nowhere to retreat to and would inevitably lose, something which no other army in Europe was willing to do.

In 1940 the head of the Swiss army, Gen. Henri Guisan, held a meeting of the officer corps in the alpine meadow where the original three cantons created the Swiss Confederation 700 years earlier. On this sacred ground, the politically incorrect warrior told his officers their Swiss and Christian duty was to fight to the last man. Christians also took a hard line against Nazism, in the pulpits and with their own news service.

The reasons the Nazis did decide not to invade Switzerland is not just because of some mountains. It was the Swiss bloody-minded determination to hole up the army in those mountains, leaving three-quarters of the population undefended.

Swiss patriotism had to do with its identity as a political country rather than as an ethnic group, and with a tradition of independence that went back centuries. Far more than their European neighbors, the Swiss had been strongly influenced by classical liberalism. The Swiss government, however, had

increased its powers during World War I and the Depression, and had intervened in the economy to create employment. The resulting bureaucracy, the industrialists, and the labor unions were willing to accommodate the Nazi new order to an alarming extent, much more so than the more traditional church and military. "The political will to resist Nazi Germany and assert the old Swiss decencies resided far more in ordinary people than in sophisticates," Codevilla writes.

Nor was Switzerland "enriched" by business with the Nazis. From 1940–43, the clearing deficit at the Reichsbank amounted to seven percent of Swiss GDP. Add to that the monopoly price the Germans put on coal, and twelve percent of Swiss output was simply taken by Germany.

Switzerland had a free press until 1940, when the government, under Nazi pressure, instituted censorship. It was relatively mild. Factual reporting was allowed, but it was forbidden to be overtly anti-German. Fortunately, Codevilla writes, the censor's job was given to the army, which soon decided that an anti-German press was its friend. Patriots noted that Czechoslovakia and Austria had muzzled their presses to please Germany and had been invaded anyway. The Swiss press still had to put up with finger-wagging officials telling it to be careful, and with occasional intrusions by German diplomats, but it managed to play a crucial role in boosting Swiss resistance to Nazism.

When France fell, Germany cut off shipments of coal to Switzerland just to make a point. The point was that Swiss industry was to furnish war goods and accept payment in Reichsmark credits. Essentially, this meant the Nazis were getting the war goods for free, while the Swiss government paid for German goods with gold-backed francs taxed from the Swiss people. In 1943, after the fall of Stalingrad, the Swiss insisted on being paid in bars of gold. This, writes Codevilla, is "one of history's finest illustrations of the principle that the value of economic assets depends rather strictly on the balance of power."

The Swiss also produced war goods for the Allies, mainly watches and jewel bearings for aircraft navigation. After 1941, these were smuggled out through Axis territory. By 1943, twenty percent of Swiss exports were to Allies — and were paid for in gold deposited at the Federal Reserve Bank of New York. But its use of that gold was subject to the control of Allied economic-warfare bureaucrats.

Switzerland was pressured by both sides and did business with both sides. This is what small neutral countries have always done when powerful neighbors go to war. To believe it could have taken a moral stand and refused to deal with Germany, Codevilla argues, is to be "ignorant of history and

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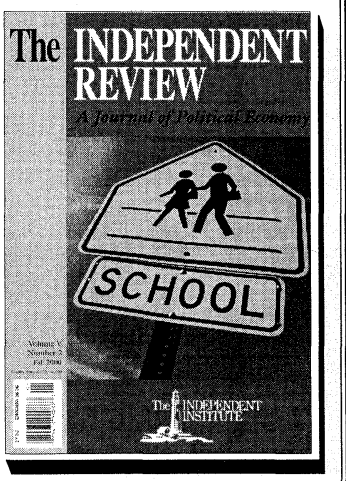

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of how nations deal with each other when they are serious."

Nor was Switzerland "enriched" by business with Nazis. From 1940–43, the clearing deficit at the Reichsbank amounted to seven percent of Swiss GDP. Add to that the monopoly price the Germans put on coal, and twelve percent of Swiss output was simply taken by Germany. But the countries Germany occupied typically were squeezed for three to four times that level, so it wasn't such a bad deal. Consider it Danegeld.

Swiss wages fell sharply during the war, thanks to the country's increased military spending, the need to pay extortion to Germany, and the lower productivity that resulted from Switzerland's being cut off from supplies and markets and having to grow its own food.

Codevilla concedes that Switzerland's behavior toward Jewish refugees was not always the most humane, but argues that it has to be evaluated in historical context. From 1933–38, German Jews were admitted freely, Switzerland being the only European country not to demand visas. Tens of thousands of Jews arrived in 1938, the year that the Nazis annexed Austria and staged the Kristallnacht. Border restrictions were soon imposed, but many Jews were admitted anyway. On August 13, 1942, Swiss borders were closed to all refugees on the grounds that the country was full; refugee organizations countered by threatening to go underground and help refugees illegally. The order was partially rescinded. By war's end, Switzerland held five times as many Jewish refugees as the United States, proportional to its population.

During the war, the Swiss people faced all kinds of individual moral choices. These are not the concerns of this book, which focuses on the choices faced by the Swiss government and institutions. Switzerland compromised greatly on matters of money and trade, and much less on its political values. It maintained most of its liberty, though at the cost of universal male conscription. It is one thing to oppose conscription when you have an ocean between you and the enemy, and you are bigger than he is; it is another when he is 30 times your size, and you are separated by nothing more than a small river.

The bottom line on the Swiss strategy is that it was tested in World War II and it worked. It kept the Swiss independent and largely free. And it kept them alive. ❑

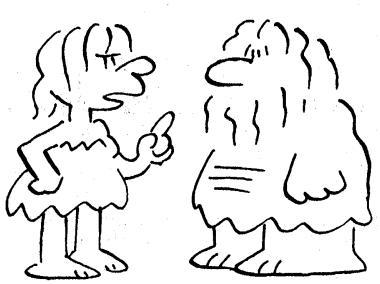

"Now that we've learned to talk, you'd just better watch your language."

***Coming Out of the Woods: The Solitary Life of a Maverick Naturalist*, by Wallace Kaufman. Perseus Publishing, 2000, 336 pages.**

Up from Nature

Jane S. Shaw

Libertarians enjoy the outdoors as much as anyone else. They like to hike on forest trails, sleep under the stars, and view the landscape from a mountain summit. Where they differ from other nature lovers is that they don't write or talk about nature a lot. They don't apply much of their thinking power to exulting in the magnificence of the natural world or fretting over its fragility. (Have you ever seen an article in *Liberty* or *Reason* that expresses sheer wonder in the miracle of creation?) Libertarians, it seems, would rather read and write about human beings.

Coming Out of the Woods, a narrative by Wallace Kaufman about his 25 years living in a remote wooded glen somewhere outside Raleigh, N. C., is a book about nature that even libertarians can love. Yes, there is reflection about nature, about the "great circling of life," for example, as the fallen leaves of autumn become the nutrients for trees and leaves of the future. But Kaufman is equally interested in the people who are shaded by the leaves. With this interest, and an extensive knowledge of history and literature, Kaufman has composed a chronicle about the interaction of people and nature that is funny, poignant, and complex.

We meet Kaufman in 1968. He is cooling himself off on a hot day by swimming in the creek near the site where he plans to build a house. He teaches English at the University of North Carolina at Chapel Hill, but he is contemplating this pristine place as a way to find respite from encroaching civilization, for himself and for others who find the material world too cloying. Kaufman and another professor (who soon goes back north but remains a partner) buy 330 acres of wooded land. Kaufman begins to develop and subdivide the parcel of land, which eventually becomes known to nearby villagers as "Hippie Town."

First, Kaufman has to build a road at the entrance of the property. Appalled at the idea of demolishing trees, Kaufman opts for a narrow, trail-like road (something like Robert Frost's less-traveled road). He starts by using a small chain saw to cut a few trees. This turns out to be like "bludgeoning an elephant with chopsticks." So he moves up to a bigger saw. Even as he cuts away, he leaves many trees at the edge of his road, imagining that eventually they will form a graceful arch above the road. It turns out, however, that the state of North Carolina requires 50–60 foot wide roads, and he regretfully ends up hiring a man with a bulldozer.

The development progresses slowly. Even in the 1960s, not too many people wanted to stake a claim in an

isolated patch of woods lacking water connections, electricity, or other basic provisions. Some who visit find themselves overwhelmed; a man and his son who stay at his house while Kaufman is away are so scared of wild animals that

By treating Thoreau as an equal and by disputing his famous claim that "in wildness is the preservation of the world," Kaufman in effect challenges a guru of the environmental movement.

they sleep upstairs in the tiny loft with an axe at their bedside.

If it weren't for the back-to-nature romance reflected in the nation's first Earth Day, the project might have gone bankrupt, but gradually buyers arrive and "Hippie Town" survives. Kaufman keeps about a hundred acres for himself, where he designs and builds a house in which each window frames "a special view of the forest." He digs a well and plants a garden, and he and his daughter together explore their surroundings; hunting for mushrooms, watching birds, and smelling the "root beer smell of wild ginger."

A literary man, Wallace Kaufman enriches his narrative with allusions to writers such as Dante, Shakespeare, and Robert Frost, but above all Henry David Thoreau. Indeed, his story is designed to echo and in some ways parallel Walden.

Like Thoreau, Kaufman lives away from town (much farther than Thoreau did but, after all, Thoreau didn't have a Chevy pickup), designs and builds his own house, plants a garden, and picks up additional income with a marketable skill (Thoreau surveyed; Kaufman became a real estate appraiser after leaving the university). Unlike Thoreau, who sojourned on Ralph Waldo Emerson's property, Kaufman lives on his own land — for nearly 25 years, compared with Thoreau's two-years-plus. And while Thoreau was something of a misanthrope, Kaufman genuinely seems to like people.

Kaufman's book is edgy. By treating Thoreau as an equal and by disput-

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The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send $4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

***War of the Werewolf* by Gary Greenburg and Jerome Tuccille.** A political thriller about moral conflicts. Read an excerpt at **http://ggreenberg.tripod.com/werewolf/**

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ing his famous claim that "in wildness is the preservation of the world," Kaufman in effect challenges a guru of the environmental movement. Further, as the name *Coming Out of the Woods* may imply, Kaufman's attitudes about the environment evolve over the years. Not surprisingly, *Coming Out* is not quite politically correct.

The political incorrectness is not a surprise. In 1994, Kaufman wrote *No Turning Back*, a policy-oriented book that begins by saying that it is something of a "kiss-and-tell book, since it is by an environmentalist about the environmental movement." Sensible and well-researched, *No Turning Back* undermines many shibboleths about preservation. It's more a policy book than a passionate one.

Coming Out of the Woods is different. It is not about policy, although some policy implications may lurk about. Instead, it's a rich, personal story. The experiences it recounts and the sensibility it reflects provide credibility for Kaufman's policy observations in *No Turning Back*. Indeed, had he written *Coming Out of the Woods* first, his policy recommendations might resonate more forcefully with traditional environmentalists.

Whatever the implications for policy, *Coming Out of the Woods* is a highly readable story by someone who, like many of us, loves the natural world and who, unlike most of us, has spent much of his life deeply engaged with it. ❑

Booknotes

Venus and Freedom — You're a grown-up so, of course, you don't read books for juveniles, right? If that's your attitude, you are missing a great deal of fun. Take, for example, Robert Heinlein's *Between Planets*.

Between Planets was published in 1951, and I must have read it (for the first time) around that time. I have fond associations with the book because it was my introduction to science fiction and the ideas in the book started me on the path to libertarianism.

Don Harvey, the hero of the book, is the offspring of an Earth-born father and a Venus-born mother. His parents, scientists, are working on Mars. When politics starts to heat up and Venus becomes an uncooperative colony, his parents, concerned about his association with Venus, instruct him to leave his school on Earth and join them on Mars. And to say goodbye to "Uncle Dudley" before boarding his ship.

After a lavish dinner with his uncle, Don and "Uncle Dudley" are arrested, and Don learns that his uncle has died of "heart failure" while in police custody. The thought that pops into his mind is "a phrase he had heard in class from his biology teacher, 'In the end, all forms of death can be classed as heart failure.'"

Things continue to go wrong and Don winds up on a ship heading for Venus. What he doesn't know is that he's being used as a courier, and that the object he's carrying contains the crucial information in Venus's struggle for freedom.

The book brilliantly portrays the tyranny that is implicit in war, and makes clear the necessity of resisting tyranny. It also includes some totally charming aliens, including "move-overs" and the dragons of Venus, particularly "Sir Isaac Newton."

Between Planets is still in print and is available in paperback for around $7 — a good buy; after you read it, you can share it with your kids.

— Laura W. Haywood

They're their parties — I read Peter Robinson's *It's My Party: A Republican's Messy Love Affair with the GOP* a few days after I finished George Packer's *Blood of the Liberals*, and I couldn't help but be struck by the differences between them.

Both are highly personal essays about American partisan politics. Robinson is a former Reagan speech writer — he wrote Reagan's most inspired line, "Mr. Gorbachev, tear down this wall!" — who joyously describes his own personal odyssey, beginning when he discovered that he was a Republican. It's charming, witty, and wise. If you want to understand today's Republican Party, it's a very good place to begin. And you'll have a lot of fun reading it.

I read *Blood of the Liberals* after reading Bruce Ramsey's review of it in these pages. Ramsey focused mostly on the story of its author's grandfather, an old-style liberal congressman who fought the New Deal. Grampa's story is an interesting one all right, but there's a lot more to Packer's book.

It's an exceptionally well-crafted extended essay, but it's not nearly as much fun as *It's My Party*. Over and over again, I stopped to admire Packer's prose, the way one admires the execution of a particularly difficult passage in a musical performance. But it is pervaded by a gloominess that I suspect characterizes the thinking of the cultural elite of the Democratic Party.

Typical of this gloom is the enervating guilt that Packer suffers when he learns that one of his ancestors actually owned slaves. Now, slavery is a terrible thing and anyone who owned slaves ought to feel a terrible guilt, or at least regret, for having done so. But Packer manages to feel guilt for the fact that his great-grandfather owned slaves.

My great-grandfather fought in the Civil War, to end slavery and, I suppose, to free the slaves that belonged to Packer's great-grandfather. But I'm no more proud of this fact than I am ashamed that my father was an IRS agent. Moral worth, it seems to me, is the product of what you do with your own life, not what your ancestors did.

Political books sprout like weeds every four years, as Americans choose their president. The overwhelming majority of them are of no more interest to an intelligent person than the political philosophy of professional wrestlers.

Both these books rise above their brethren. Both are personal essay-memoirs that offer real insight into the development of American politics. Both are a pleasure to read. Offhand, I cannot think of any other books for which I can say the same.

— R. W. Bradford

A Daughter's Tale — *I Remain in Darkness* is a terse, taut memoir of a woman experiencing the slow death of her mother from Alzheimer's Disease. Annie Ernaux, a French novelist, is acclaimed both in her native country and in the United States, where several of her books have been *New York Times* Notable Selections. *I Remain in Darkness*

is non-fiction, however, and is imbued with the disquiet one often feels when reading a book that was unintentionally written: how much artifice is present, even when the author never intended these fragments to be published? In other words, is a fiction writer ever "off," or does she always adapt her experiences from life to art? Ernaux is honest about the fact that she jotted down these notes "in the turmoil of [her] emotions." She originally used them as the basis for a memoir about her mother, which she destroyed. *I Remain in Darkness* is Ernaux's own story, entirely unedited. The memoir therefore proves that a writer can express herself during times of severe emotional upheaval without sacrificing the precision of language which makes her a great novelist.

More than two years slip past; it is as though we are watching someone's life through the windows of a swiftly moving train. The author-narrator conducts love affairs, goes into the hospital for surgery, receives a major literary award; all the while, her mother is deteriorating, mentally and physically. (The book's title is the mother's own description of her decline.) Ernaux's descriptions, poignant and brief notices of how her mother's "lips are becoming obscenely thin," are interspersed with immediate realizations of death, gaping as though she can hardly swallow hard enough to accept them.

Ernaux specifies in her foreword that this book should in no way be taken as an "objective chronicle of a patient's stay in the long-term geriatric ward," but at the same time, it explores many universal aspects of decline and death. — Tracey S. Rosenberg

¡Viva Che! — Whether you love or hate the man known to the world as "Che," John Lee Anderson's *Che Guevara: A Revolutionary Life* is a must read for anybody interested in the Cuban Revolution. In this lengthy biography, Anderson combines extensive research with personal interviews of people who knew Che and excerpts from Che's personal diary to present the reader with an detailed account of the life of Che, from the time of his conception, three months before his parents' marriage, to the time of his death, at the hands of the CIA in a Bolivian village schoolhouse.

Anderson begins the story with Che's childhood in Argentina, where he was raised by parents described as "libertarian" in their beliefs and "bohemian" in their way of life. Che spent his early years enjoying boyish adventures and performing poorly in school. Driven by a desire to "find something that could be placed at the disposition of humanity," he attended medical school and became Dr. Guevara at the age of 24.

Immediately after receiving his medical degree, Che left to explore the world beyond the Argentine borders. It was in the course of his wanderings through Latin America that Che developed his political philosophy. After witnessing the difficulties of peasant life and the havoc wreaked by U.S.-supported dictators in those countries, and discovering the works of Karl Marx, Che developed a passion for communism and a deep-seated hatred for "yankee imperialism." Che was already a dedicated communist in 1955, when he met Fidel Castro, who was exiled in Mexico. He immediately joined Castro's small revolutionary group and spent the next four years helping plan, train for, and carry out the Cuban revolution as one of Fidel Castro's top men.

Anderson portrays Che as a patriotic hero, worthy of applause one moment; a ruthless executioner, worthy only of disdain, the next. The one constant, however, is Che's devotion to revolutionary communism. From his successful adventures in Cuba, to a failed insurgency attempt in the Congo, to his death in the jungles of Bolivia, Che Guevara was a man who lived, fought, and died for his beliefs.

Anderson left me the feeling that I'd read a completely candid account of Che's life and personality. He also left me with a sense of awe for the man who fought so valiantly for the principles in which he believed; and a feeling that Che Guevara was a man to be admired. — Shannon Seibert

Notes on Contributors

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Kirby Wright is a recipient of the Academy of American Poets Award and the Browning Society Award for Dramatic Monologue.

Terra Incognita

Colorado

Police take interest in the public's reading habits, from a report in the *Denver Post*:

> A Denver judge has given police permission to search records at the Tattered Cover bookstore for evidence in a drug manufacturing case. Police hope that the purchase records of several books will lead to the discovery of the leader of several people arrested. Said one official, "If it only takes one or two records from a bookstore to help us eliminate drugs on the street, then so be it."

Sultanovici, Bosnia

Military accomplishment from the New Army, reported by *The Colorado Springs Gazette*:

> Peacekeepers have recently stopped the rampant illegal dumping in the hamlet of Sultanovici. The dumping, which buried two houses, stopped after the peacekeepers persuaded city officials to find another site. Said one captain: "What we did there, the accomplishments, will never die."

Quebec, Canada

Working to protect cultural integrity as reported by *El Nuevo Herald*:

> The sale of the popular intergalactic doll "Ooglie" has been banned in Quebec for violating the provincial law that requires that French be the principle language in the province.

Cuba

A new and improved version of the struggle of the downtrodden worker, reported by *EFE, Cubanet*:

> More than 150 women struggled to get into a store that had a 50% discount on $1 blouses. The riot included "pushes, cries, threats and curses."

New York

Progress in the war on small mammals, reported by the *New York Daily News*:

> New York City's Rat Czar, Joseph Lhota, has proclaimed that people should pay more attention to "how they sort their trash."

France

A new method of battling the forces of sloth, reported by *El Nuevo Herald*:

> To alleviate a shortage of burial plots, the French Riviera town of Le Levandou has passed a law forbidding anyone to die within the city without owning a plot in the cemetery.

Singapore

Good news for tourists, from the nation that outlawed possession of chewing gum, as reported by *Hemispheres*:

> "Strict government policies may elicit occasional complaints from locals, but they make Singapore ideal for tourists."

Germany

Another technological development from the unified Germany, from a catalog for *Tyrol International*:

> Hermann, the famous toy company, has created a limited edition of 1,000 of the "Moses Bear." The bear "wears a cream mantel and striped cloak" and carries a staff and tablets. The bear, which features the famous Hermann "growl" has name and edition number embroidered on its paw.

Toledo, Ohio

The neighborly spirit lives in northern Ohio, as reported by *The Toledo Blade*:

> A man who bought a house at a sheriff's auction discovered a skeleton in the living room. The body had not been discovered since neighbors thought the owner had moved away to convalesce, so they kept the garden neat for him. Said one neighbor: ". . . it has been really quiet over there lately."

Texas

Curious lawsuit in the Lone Star State, reported by *BBC News*:

> A prisoner filed a lawsuit for $500,000 for becoming "very mentally hurt and angered" when Penthouse's Christmas centerfold picture of Paula Jones was "not sufficiently revealing."

Colorado

Enlightened regulation of the psychotherapeutic profession, as reported by the *Canyon Courier*:

> Officials have discovered that one of the therapists involved in a "rebirthing" session was not properly authorized. "In fact, she was not even registered with the state, which is a requirement for unlicensed psychotherapists in Colorado."

Brazil

Interesting development in the fiscal policy of Latin America's largest republic, as reported by *The Wall St Journal*:

> The Central Bank of Brazil is studying a plan to make it easier for poor women to borrow money for breast enlargements.

Redmond, Washington

Intriguing methods of spiritual enlightenment in the home of Microsoft, as reported by the *Milwaukee Journal Sentinel*:

> A woman is suing a well-known Buddhist monk whom she says tricked her into sexual intercourse, which he called a "twin body blessing."

Santa Clara, California

New methods of punishment in the criminal justice system as reported by *Prison Legal News*:

> County officials hired a priest to rid the local jail of evil spirits which were summoned by 29 previous prisoners with a Ouija board and which led to a rash of demonic possessions.

Special thanks to Russell Garrard, Phillip Minter, Martin Solomon and J.S.F. for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

Your Vote Doesn't Count

by Sheldon Richman

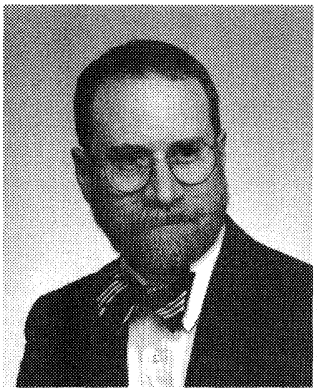

I have followed the presidential election returns pretty closely, and for the life of me, I cannot find a single state where George W. Bush and Al Gore were tied or where the margin victory was one vote.

This is important because everyone from President Clinton to the most obscure news anchorperson has repeated incessantly that this election proves once and for all that "every vote counts." In particular, they had Florida in mind.

My question is this: how does a 537-vote margin in Florida demonstrate that every vote counts? I know that the government's schools aren't terribly good at teaching our children arithmetic, but this is a little absurd. Bush won Florida by 537 votes. Should someone who would have voted for Gore but stayed home kick himself for letting Bush win? The answer is yes — *if he could have cast 538 votes.* But it's one man *one* vote, remember? Had this person exercised his "civic duty" and voted, Bush's margin would have been 536. Conclusion: that person's vote did not count, if by "count" we mean "determine the outcome." The same is true for every other person's vote. We can say that in Florida, every block of 537 votes counted, but that is far different from saying *each* vote counted.

So enough of this "every vote counts" nonsense. Aggregate votes count. If millions of Bush's or Gore's voters had stayed home, the outcome might have been different. But no one controls millions of votes. When we wake up in the morning — election day is no exception — we each ask ourselves, "What shall I do today?" Almost automatically we separate our possible choices into two categories: those that in our best judgment have a chance of bringing about a desired result and those that do not. We routinely discard those in the second category. If I have to go to work that day, I do not flap my arms or twitch my nose to get there. I also do not make a wish that I will find a million dollars in my wallet, obviating the need for me to go to work at all. Why? Because I know it will have no effect on the desired outcome.

On election day, voting is one of the actions I can take. But I submit that course of conduct to the same test: will it contribute to bringing about a desired outcome? That raises the question, what is the desired outcome? If it is to feel good about giving my sanction to a candidate I admire and to join in the community of like-minded citizens, then voting will bring that about. Thus that may be a good reason to vote.

But if the desired outcome is the election of a particular person, then my voting is most unlikely to bring that about. Indeed, I have a better chance of being hit by lightning while driving to the polls than of breaking a tie in the election. In other words, determining the winner is a bad reason to vote.

When I argue this to people, they invariably say, "What if everyone thought that way?" Obviously, my decision not to vote is based on what I think other people will do. That's true of many actions. When a young person announces that he wishes to become a doctor, do we say, "What if everyone thought that way? If everyone becomes a doctor, there will be no businessmen or lawyers or shopkeepers." If I thought no one was going to vote on election day, I might vote, because in that case my vote would be decisive. My reason for not voting is precisely that by any rational estimate, my vote will *not* be decisive.

Finally, what about the plea that we should vote because it is our most precious right, which people have died for? First, voting is not the most precious right. The most precious rights are life, liberty, and property. If America's servicemen died for anything, it was the right to live their lives and raise their families as they see fit. As any number of examples demonstrate, the right to vote is no guarantee of that.

Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va. (www.fff.org), and editor of ***Ideas on Liberty*** *magazine.*

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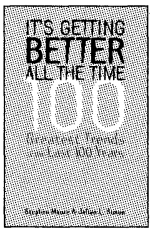

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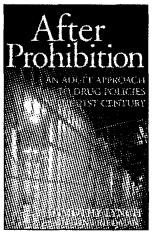

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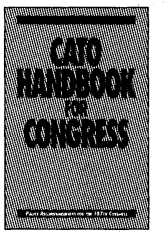

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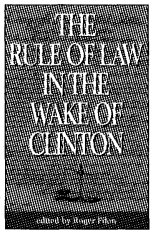

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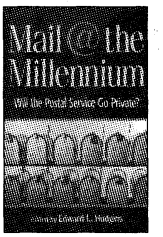

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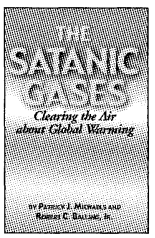

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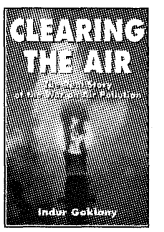

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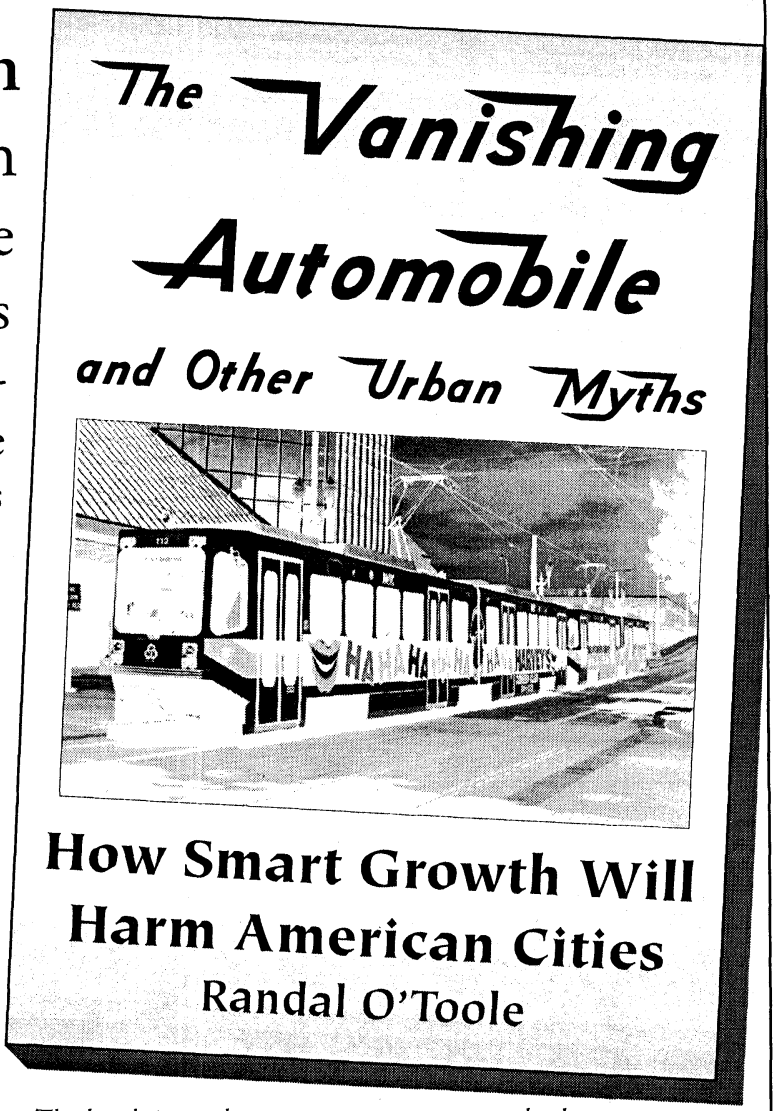

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Inside Liberty

April 2001
Volume 15, Number 4

4 Letters Our readers get the first word.

7 Reflections We engage in psychological warfare, investigate the international crime scene, throw away our trigger locks, ventilate the White House, and get caught in a time warp.

Bill Clinton: A Celebration

Bill Clinton is a liar, thief, and sociopath. He was also a wonderful president. Liberty's editors look back fondly on the Clinton years.

23 The Unimportance of Being President *by R.W. Bradford*

27 Tribute to an Accidental Libertarian *by William E. Merritt*

29 The Embodiment of Entitlement *by Stephen Cox*

31 Good-bye to the Black Helicopters and All That *by Sarah J. McCarthy*

Features

35 Robbing Peter to Pay Mary *Samuel Silver* tells how America would be different if women did not have the right to vote.

37 Uruguay Kicks the Socialist Habit When the "Switzerland of South America" became a welfare state, its economy crumbled. *Thomas S. Garlinghouse* describes Uruguay's descent to socialism, and its recovery.

39 The Dark Side of Israel Why should Americans support a socialist, racist, theocratic state? *Imad-ad-Dean Ahmad* looks for an answer.

41 What the Second Amendment Means Contrary to what some people believe, argues *Dave Kopel*, the Second Amendment means exactly what it says.

43 The Abortion Conundrum Abortion isn't pretty, *Sarah J. McCarthy* argues, but it isn't always morally reprehensible either.

45 Football Stadiums, Swimming Pools, and the Triumph of the Left Pollsters and pundits claim that the country is becoming more and more hostile to government. They are wrong, argues *Robert Festa*.

47 Divided We Stand *Wesley A. Riddle* makes the case that the real meaning of federalism is that we should think locally, and act locally.

Reviews

49 The Genome Wars The race to decode the human genome was between a private company and a government project. Timothy Sandefur takes a look at the runners' stats.

51 Liberty, Tradition, and Morality *Edward Feser* takes a close look at Jan Narveson's defense of libertarian ethics.

55 The Podhoretz Problem Jeff Riggenbach ponders why he likes the writing — but not the politics — of neo-con guru Norman Podhoretz.

59 Not All that Jazz Richard Kostelanetz looks at the pop PBS documentary on America's indigenous art.

57 Notes on Contributors

63 Terra Incognita

Letters

Lusting for Substance

I was mystified at the relevance of the article "How to Succeed with Women" (February). This may have belonged in a men's magazine, but I do not understand its relevance to a journal of libertarian thought. This follows your publishing of a piece about a whorehouse in Idaho, against which another reader wrote objecting.

Moreover, I was dismayed at the repeated use of bad language, including blasphemy, in the latest piece. Believe it or not, such language does offend some people, even in the third millennium. That a writer must resort to such language displays a lack of clear thinking or a rather narrow vocabulary.

Being against government censorship does not mean an editor must publish whatever is submitted. Being a libertarian does not mean we cannot edit objectionable items. Publishing such material is not neutral. It actually lowers the overall tone of your journal and diminishes its relevance and esteem in the minds of, at least, some readers.

Adrian Day
Annapolis, Md.

Formainian Folly

Bob Formaini ("The Unacknowledged Premise," February) thinks anarchists argue unfairly. Not acknowledging their anarchism, they argue against specific government actions, implying they prefer alternative government acts, or less extensive government; yet what they really want is no government.

As Formaini puts it, "It is frustrating and useless to spend an hour or so debating what the First Amendment really means only to find out that one's opponent is an anarchist for whom the U.S. Constitution is a non-binding document . . . "

Formaini's position is logically incorrect and historically flawed. Consider a well-known anarchist, Lysander Spooner. One of Spooner's great works is *The Constitution of No Authority #6*, which argues the U.S. Constitution is not binding on anyone who did not sign it. Yet, another of Spooner's great works (and a much more extensive one) is *The Unconstitutionality of Slavery*. This is a massive legal analysis that subtly and substantively argues the U.S. Constitution does not sanction slavery, despite several clauses that certainly seem to accept that peculiar institution. Does Formaini think Spooner disingenuous? Should Spooner, instead of arguing the Constitution did not allow slavery, simply have published an admittedly much thinner text titled *The Irrelevance of the Constitutionality of Slavery*? Does Formaini really think Spooner's extensive discussion of proper methodology in constitutional interpretation, tracking principles of legal analysis from the Magna Carta forward, is of no value simply because Spooner also believed the Constitution is not binding?

There is nothing here not explained by Spooner's concluding passage to *No Treason*: "The writer thinks it proper to say that . . . the government has been made in practice a very widely, and almost wholly, different thing from what the Constitution itself purports to authorize. He has heretofore written much, and could write much more, to prove that such is the truth. But whether the Constitution really be one thing, or another, this much is certain — that it has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist." Formaini seems to think that the fact that Spooner believes the Constitution unfit to exist means it is disingenuous of him to talk about what the Constitution does and does not authorize.

Logically, there is nothing at all inconsistent with arguing, for example, that the First Amendment protects business-related speech, not just political speech, and simultaneously believing that one's right to freedom of speech is not grounded in the existence of that amendment . . . that such a natural right is independent of governmental recognition.

Would Formaini argue that atheists are unable to write illuminating ecumenical exegesis, that pointing out the detailed flaws in Aquinas's Five Ways is only for those who believe there's a sixth? Such a position flies in the face of many works of profound scholarship. So, too, profound work in politics would be lost if Formaini were successful in restricting critiques on government only to those who believe in government.

Ross Levatter
De Pere, Wisc.

Formaini replies: I see almost nothing of my article's principal theme in Ross Levatter's letter. I would deny no one the right to argue anything, and nothing in my article states otherwise. All I asked for was a basic honesty from those with whom I am conversing or debating, either directly, or in print. Is the point of Levatter's letter to inform me that I ask too much, or that I had no right to ask in the first place? And finally, I confess that I do not see his detailed textual analysis of Spooner's view of the U.S. Constitution as having anything whatsoever to do with the main point I tried to raise. But then, perhaps I am deficiently postmodern?

A Questionable Trinity

I take issue to Timothy Sandefur's claim ("Why Conservatives Oppose Progress," March) that the "Party of Nah" manifests itself among conservatives "in hostility to evolution education, fetal-tissue research, and cloning." Such hostility, or at least aversion, is quite consistent with libertarian thinking.

Evolution's adherents are among the most dogmatic and gnostic people on the planet. Even though the theory has many gaps, anyone courageous enough to question any part of it is answered with ad hominem attack and derision rather than a genuine answer. Even agnostics and atheists are accused of "creationism," and Nobel-Prize win-

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ning scientists are accused of superstition, should they doubt any part of the blessed version of evolution. Teaching "evolution" as it is currently done is almost the opposite of teaching true science.

Fetal-tissue research encourages abortion. Doing life-saving research is one thing, killing humans on purpose to do it is another.

Cloning might be acceptable if all the bugs were worked out. But have any cloned mammals led anywhere near normal lives? Research on animals is one thing. But cloning a human, knowing with virtual certainty that he would lead a short and miserable life, is another. This kind of thinking justified Nazi medical experiments.

Randall Hoven
Alton, Ill.

Thinking on Theology

I was quite intrigued by Robert H. Nelson's February article, "Electoral Theology." During the presidential campaign, virtually every single reporter, interviewer, commentator, analyst, pundit, etc. used the word "believe." "I believe that Al Gore . . ." "We believe that George Bush . . ." No one ever said, "I think." It would appear that the bacterium, religionitis, has seriously infected the mental paradigm of this culture.

But let's peek at a few words that this culture of sleepwalkers wallows in. Take "theology," for example. Theologic, i.e., rational thinking about that which is ineffable — is a contradiction in terms. As for "religion," from the Latin "religio, religionis," that's defined in *Cassell's English/Latin Dictionary* as "belief, superstition." And "superstition" is defined by *Webster's Dictionary* as "any blindly held beliefs." And "religio" is derived from the verb, "religare," which means "to tie up, to bind." Therefore, anyone in a religion (political or otherwise) is tied up in mental blindness — theo-la-la-land.

Max Wheeler
Falmouth, Mass.

Some of Our Best Friends Are Portuguese

As the founder, president, and sole member of The Portuguese Defense League, I'd like to complain about the depictions of Portuguese in your magazine. First, you print a story about a drunk pussy-hound who has to pay for sex ("The Best Little Whorehouse in Kooskia, Idaho," November). Now you've printed a story about another Portuguese, with the same last name, no less, who's a bully's functionary ("Killahaole Day," March). If an apology is not forthcoming in your next issue, you'll be hearing from my lawyer. As soon as I get one anyway, which should come about the time John Galt gives his speech.

Who is Kirby Wright, anyway? He seems to have won some awards, but has he actually written anything else? I tend to abhor violence, but since I've been on Maui I've run into so many haoles that could use two cracks upside the head that I sometimes wonder about my belief about the non-initiation of force that I've held dear for many years.

When I first returned to Maui, I thought about writing an article titled, "Why haoles are so f**king irritating." Two months later, I think a book may be in order.

Michael Freitas
Hana, Hawaii

The editors respond: We apologize.

Pity the Poor Nominee

Did I miss something? Linda Chavez breaks one of the myriad questionable laws of the United States and all that happens to her is she doesn't get to be labor secretary? I don't understand Sarah J. McCarthy and Bruce Ramsey's complaints (*Reflections*, March).

I have worked in a prison law library for over nine years. I get to see a lot of paperwork dealing with the "crimes" of many prisoners. I can think of two fellow prisoners whose paperwork I went over within the last two years. They spent months in federal prison for doing far less than what Chavez admittedly did.

One man sheltered a half-dozen cold, hungry Mexican "illegals" *one night* along the U.S.-Mexico border near Douglas, Ariz. The other man, staying in a motel in Nogales, Ariz., was asked if he would give a ride to four other men who were also staying at that motel. He didn't care that they were Mexicans — he has a Mexican wife — and he didn't ask if they were legally in the country. He found out at the highway checkpoint between Nogales and

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Tucson.

Neither of those men employed the illegal aliens they helped, nor did they give them money. One knew he was sheltering "illegals," but the night can get below freezing along the border country in the winter. The other didn't bother to ask, as the men he gave a ride to were already in the country.

David A. Nichols
Tucson, Ariz.

McCarthy Just Doesn't Get It

Sarah J. McCarthy ("Walking the GOP's Abortion Plank," November) dwells on abortion and how Al Gore would protect women's rights and George W. Bush's anti-abortion beliefs would protect an unborn child at the risk of the life of a woman. As I see it, in cases of rape or incest, if a woman does not want to bear a child, than it is her right to see the pregnancy terminated. But when a woman aborts an unborn baby because it would interfere with her career or for other selfish reasons, is a very poor excuse for terminating a pregnancy.

Throughout her article, McCarthy speaks of "women's rights." What about a baby's rights? Her description of life as one-hour-old cell clumps reeks of terminology near and dear to radical feminists. She also described unborn life as embryos and fetuses, which are commonly accepted medical terms.

Let me be very clear here. I believe, along with millions of other American women, that life begins at conception. Life is a sacred gift from God and should be protected, not terminated. And a pregnancy is a very private issue between a husband and wife, not special interest groups that have seized upon an emotional issue and claimed it for their own personal gain.

No matter what its reason, abortion is a barbaric act for both the mother and the unborn child. It is an abomination that is being committed in front of Almighty God. Abortion is murder.

Cynthia Haase
Elburn, Ill.

Thank You, Charles S. Rebert!

Thank you for printing the article "Abortion and Hypocrisy." It's about time the libertarian community woke up to the reality that every life is the most special life — simply because it is.

Christopher Anderson
Santa Rosa, Calif.

Are Not the Helpless and Innocent Worth Defending?

I have never read a more concise, clear, and convincing argument about abortion than Charles S. Rebert's "Abortion and Hypocrisy" (March). He does not get angry over this issue, as I do. He presents his facts and conclusions very logically, and in less than two pages shows that the life of the unborn really should be one of the foundations of the libertarian view. If we can't or won't defend the totally innocent just because it may inconvenience us, is anybody safe?

I am a traditional Roman Catholic and my religious beliefs tell me that abortion is inhuman and wrong. But leaving religion aside for the moment, I think all would agree that it is wrong to kill someone who is innocent and is not able to defend himself. Yes, I know that it comes down to "When does life begin?" If you do not agree that life starts at conception, then when does it start? And if you are not sure, should not logic tell us to err on the side of caution?

Robert J. Considine
Fulton, Ill.

Slavery, Dehumanization, and Abortion

I read Charles S. Rebert's article, as I have read many on the abortion issue, wondering what I was missing. Then it dawned on me. The problem is that cell clusters are not considered human by those who wish to get rid of them. It is the same as the view of slaves, throughout most of history, and of women in the United States until the early 1900s. They aren't really people.

continued on page 62

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

But who finances Tom and Jerry? — A paper calling itself — without apparent sarcasm — *Libertarian Socialist News* reports that the late *South Park* movie was secretly funded by the Central Intelligence Agency. Evidently Saddam Hussein fell victim to a homosexual gang rape when he was a little boy, and the CIA saw the flick as a unique opportunity to exploit the dictator's psychological weaknesses. The *Libertarian Socialist News* quoted a British diplomat named Stanley Rothchild as saying that the "plot of gay sex in the *South Park* movie [might have been] somehow influenced or used by the powers that be as a psychological weapon to punish Saddam." The CIA has also refused to confirm or deny rumors that the agency secretly funded *Rocky & Bullwinkle*'s Boris Badinov.

— Timothy Sandefur

Auditing the White House — A disgruntled IRS agent jumped the fence of the White House and opened fire. Maybe he was protesting George W. Bush's proposed tax cuts. Secret Service agents were surprised it wasn't Al Gore. The question the media will, of course, focus on will be, "How did he get the gun?" A more sensible question would be, "How did he get the job?" How many more lunatics are still working for the IRS, sifting through our personal records, ready to snap at a moment's notice?

— Tim Slagle

The road to Moscow — The dictionary says that the original definition of "smart" is "sharp, stinging pain." I suspect urban planners had that meaning in mind when they coined the term "smart growth," their theory of making streets and highways so congested that people ride transit and making housing so expensive that people live in apartments.

There is one place where smart growth has been successfully demonstrated: Russia. When Nikita Khrushchev came to the United States in 1959, he told President Eisenhower that he was shocked by all our automobiles and suburban homes. A total waste of time, money, and effort, he said. In Russia, there was little need for freeways because the Soviet people lived close together, did not care for automobiles, and seldom moved. He added that the apartments that Soviets lived in cost much less than American homes.

Of course, today, Moscow is building a ring freeway and more and more Russians are buying automobiles and enjoying their country homes. The lesson is clear: for smart growth to work, governments must keep their people too poor to drive and too poor to live in single-family homes.

— Randal O'Toole

Riddle me this — Massachusetts Sen. Negligent Homicide (I'm giving him the benefit of the doubt here) grilled Attorney General-designate John Ashcroft on whether he'd uphold the law of the land. I mean, really, how did anyone in the room keep a straight face?

— Sheldon Richman

The pen is mightier than the law — On Feb. 11, Fox News' Brit Hume said that the *Washington Post* reported that the Clintons had removed furniture from the White House prior to the well-publicized removal just before he left office in January. More than a year ago, a White House employee objected when the first family removed a coffee table, a TV armoire, a custom wood gaming table, and a wicker center table from the White House. His objections came to naught when he was told that the furniture they had removed was their own personal property which they brought with them when they took possession of the White House.

When a controversy arose over the furniture removed in January, someone checked and discovered that the furniture, like much of the furniture removed from the White House this year, had been donated to the White House, not to the president personally. The former president and his wife agreed to return the furniture — not because they had done anything wrong, but because they were sensitive to criticism and wanted to be "overcautious."

Hmm, I thought. This wasn't like the other furniture the Clintons had stolen from the White House. Removing that furniture was really just a mistake, they'd said. They thought that the furniture had been given to them personally, not to the White House. With all the people's business they were busy with over the past eight years, it's understandable how they could forget a detail like that.

But this was different. One might forget whether a gift

was intended for himself or for his employer, I suppose. But to claim that they had brought several large pieces of furniture into the White House when they had not . . . well, that just strains credulity.

Of course, once they were caught, they were willing to return their booty, and will probably go unpunished. I wonder what would happen if a mere mortal tried this. A young man is caught carrying a television set out of Wal-Mart. "Oh," he explains. "Is this your television? I thought I brought it into the store. But I want to be overcautious, so here, you take it back." I'm sure Wal-Mart would accept this explanation.

Finally, I thought, the Clintons had slipped up. This time they'd concocted a story that didn't wash. This time, if anyone would bother, they could be prosecuted and convicted for simple theft.

Just to make sure Hume had the story right, I checked out the story in the *Post*. It turns out that Hume had one detail slightly wrong: it was not the Clintons who told the White House staffer that the TV armoire, coffee table, custom gaming table, and wicker center table had been their property prior to moving into the White House; it was the "counsel's office" at the White House.

How marvelously characteristic of the Clintons! Rather than making the false claim themselves and risk being caught, they had their "counsel's office" make the claim. They could hardly be held responsible for an error made by the "counsel's office," could they?

The episode reminded me of something I read 20 years ago in Ryszard Kapuscinski's masterful account of the fall from power of Ethiopian emperor Haile Selassie. A member of Selassie's court explained why the potentate never wrote or signed any of his proclamations, leaving these duties to the "Minister of the Pen":

> The Minister of the Pen was the Emperor's closest confidant and enjoyed enormous power. From the secret cabala of the monarch's words he could construct any decision that he wished. If a move by the emperor dazzled everyone with its accuracy and wisdom, it was one more proof that God's Chosen One was infallible. On the other hand, if from some corner the breeze carried rumors of discontent to the monarch's ear, he could blame it on the minister's stupidity.

The Clintons, of course, had many Ministers of the Pen. And they used them well. — R.W. Bradford

The rise of the spineless weenie — I'm not terribly optimistic things are going to get better anytime soon, simply because most Americans have become so spineless. A good example is what happened to a friend a while back when he took a commuter plane back to the United States from the British Virgin Islands. When it landed on the Tarmac, the plane was greeted by a Hummer carrying a half-dozen paramilitary types in black jumpsuits, several sporting automatic weapons. One stuck his head in the plane and told the passengers to disembark, on further command, in groups of four, so they could stand by their baggage while it was inspected by drug dogs. Everybody not only did as ordered, but apparently approved of being herded like sheep; my friend's wife grumbled about the procedure to another passenger, who said she was pleased that the government was on the job. In fact, all 20 passengers (with the exception of my friends) were not only docile but ingratiating while being subjected to interrogation, inspection, and indignities. I'd like to think that, in a more noble bygone era, proper Americans would have disarmed their captors and thrashed them half to death before delivering them to the local sheriff. What a bunch of whipped dogs. — Doug Casey

The political menagerie — The Democratic Party is like a cat. Cunning, aloof, mysterious, sometimes vicious. It can look cute as a kitten. It can also be as vicious as a 14-pound feral tom out on the prowl. Like cats fornicating, it can make a lot of scary-sounding screeches and howls. Like cats, it appeals more to women than to men.

The Republican Party is like a dog. Big, goofy, running back to lick your hand right after you kick it in the head. It's clueless and kind of a doofus, but wants so hard to be liked, you have to give in now and then. It will bark and howl at imaginary strangers until you have to throw a shoe at it. Like dogs, it appeals to more men than women.

Like pets in general, both parties exist only because they provide a perceived benefit while, for the most part, doing absolutely nothing but looking cute. Oh sure, the Democrats will keep the mouse population down, and the Republicans will bark at intruders, but they both cost far more to maintain than these services cost elsewhere. You have to provide their food, housing, medical care, and entertainment. Of course, you can send them off to fancy kennels like Yale and Harvard so they breed within their pedigree, but all you end up with is more stunningly aloof, useless creatures with even higher maintenance costs.

I guess the best thing would be a giant spay-and-neuter clinic to help reduce the population of both parties to a few ragged samples kept safely in a museum.

The next time you're watching television, turn down the sound. When Al Sharpton or Jesse Jackson is on screen, start screeching loudly like a cat in heat. When Dianne Feinstein or Barbara Boxer is on screen, start purring out a crafty, repetitious meowing like a spoiled Persian. When Teddy Kennedy appears, don't do anything. Just sit on the couch and look bloated and annoyed, like a stray mongrel that has stolen a rare

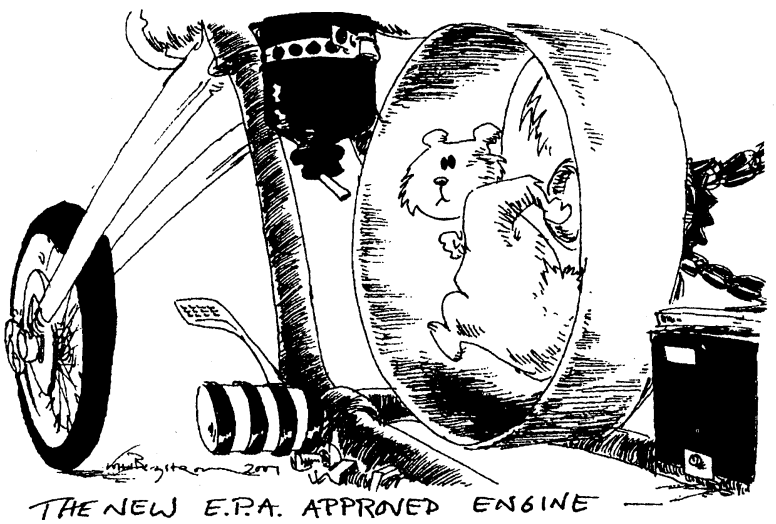

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End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Why the Great Depression Lasted So Long — Robert Higgs explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

Searching for Liberty Around the World — Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear Doug Casey, *Investment Biker* author Jim Rogers, international journalist Bruce Ramsey and travelers Scott Reid and Ron Lipp — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

Anarchy Via Encryption — New encryption technologies are going to revolutionize the world by making absolute privacy possible for the very first time. David Friedman explores the encrypted world of the near future. (audio: A116; video: V116)

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breed's pedigree papers. Likewise, when G.W. hits the screen, start barking "woof woof woof" like a big, lovable, stupid Great Dane. For Steve Forbes, start a high-pitched, repetitive "arf arf arf" like a terrier. For Rush Limbaugh, start whining like a big, brown-eyed, beagle that needs love and a sausage treat.

Oh, and Stephanopoulos? Well, for him, keep yelping like a meth-addled Chihuahua, the animal that proves dogs and cats interbred and produced the worst traits of both species. If this routine does not make C-SPAN a lot more fun, you need to change your psych. meds.

Of course, there are pets for the minor parties too. The Greens are tropical fish — smooth, graceful, beautiful, and absolutely useless. (Ralph Nader and his lawyer pals are piranhas.) The Reform Party is a big, noisy parrot, croaking out the same old squawks over and over: "No more immigrants! Aawwk! Buy American! Aawwk!" Put a big cardboard beak and some phony wings on Pat Buchanan, and you can just picture him perched up on a post, preening and crapping all over a newspaper.

And what about Libertarians? We are turtles, slow, plodding, arrogantly jutting our heads out in defiance until we come across the slightest threat or setback, which causes us to immediately pull back into our shell so we can brush up on appropriate passages from *Atlas Shrugged*. — Paul Rako

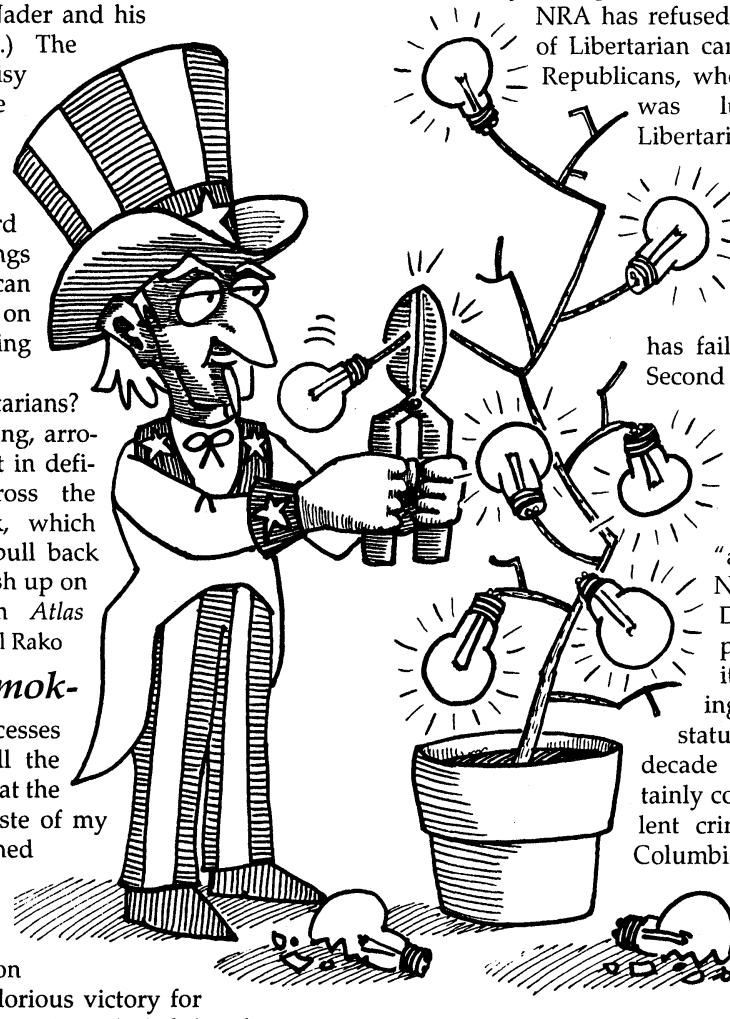

What are they smoking? — In the murky recesses of the distant past, I recall the moment it dawned on me that the Libertarian Party was a waste of my time and money. It happened when I received the issue of the *Libertarian Party News* published after the 1992 Marrou debacle. An article on the first page proclaimed glorious victory for the party in that year's election. I concluded that the powers that be in the party were so self-deluded as to be doomed to permanent failure. Nothing in the last eight years has changed my mind.

Now along comes the LP's national director, Steve Dasbach, who in the February *Liberty* deigned to compare the LP's role in the recent and heartening move towards more liberal drug laws to the National Rifle Association's role in safeguarding gun rights. Shockingly, he thinks that the comparison favors the LP.

Dasbach's case for the importance of the LP's role in enacting medical marijuana laws is weak. He states that, "we've run thousands of Libertarian candidates who have consistently called for an end to the government's War on Drugs," and then states: "today, initiatives to legalize medical marijuana are passing by 2-to-1 margins in states around the country . . ." as if the latter flows from the former. This is highly dubious. The medical marijuana initiatives were heavily supported by billionaire-statist George Soros and other non-libertarians. The most prominent advocate of drug law liberalization in the 2000 presidential campaign was Ralph Nader. LP members have played an activist role and should be given some credit. But it was a pinko-hippy who asked me to sign a petition for medical marijuana, not a Libertarian.

Dasbach also argues that the NRA missed an opportunity by failing to endorse Libertarians: "for years the NRA has refused to acknowledge the existence of Libertarian candidates. They have endorsed Republicans, whose opposition to gun control was lukewarm at best, over Libertarians who were committed to the right to keep and bear arms." He claims that "they have tried to defend the Second Amendment by talking about hunting and target shooting," and that the "NRA has failed to stop the erosion of the Second Amendment."

I don't know what he is talking about. A few years ago, the NRA suffered two serious defeats — the Brady "waiting period" law and the "assault weapons" ban. But the NRA effectively punished the Democratic Congress that passed those laws in 1994. And it was also instrumental in passing liberalized concealed-carry statutes in several states in the last decade or so, which have almost certainly contributed to the decline in violent crime. In 1999, in the wake of Columbine, it appeared as if the time for more stringent gun regulation had arrived. *The New York Times* called it a "gun-control moment." The regulations that the Clinton administration advocated failed in the Republican House of Representatives.

There is a lot to dislike about the NRA. Its leaders are more cozy with the likes of Bob Barr and Trent Lott than decent people ought to be. Charlton Heston is a buffoon. But it is effective. It takes a powerful organization to counter the unrelenting anti-gun propaganda that rains down on Americans on a daily basis.

Thank God that we don't have to rely on the Libertarian Party. — Clark Stooksbury

Hypocrite General — I have followed the nomination of John Ashcroft for the post of attorney general with some interest. I was indifferent to the outcome, but what fas-

cinated me was the insistence of his supporters that, despite his "convictions" on abortion, he would uphold the law of the land. To put it another way, the man apparently thinks abortion is murder, but would never act in any way that might stop it. Would someone please tell me how failing to stick to one's principles qualifies one for high office?

— Laura W. Haywood

Constitution vs. Heritage — In its books of advice for the new administration, the Heritage Foundation urges the Bush team to create an "Office of Marriage Initiatives." The office's mission would be to "make all federal social programs more marriage-friendly" and to seek ways to decrease divorce, especially among welfare recipients. When the nation's most important conservative organization proposes that the federal government have an "Office of Marriage Initiatives," one can only mourn the death of our Constitution that once granted only limited powers to the federal government. What could the Heritage Foundation possibly think is off-limits to Washington if the Office of Marriage Initiatives is both constitutional and prudent? But trying to get into the spirit of the new compassionate conservatism in Washington, D.C. — which I guess replaces the old constitutional conservatism — I'll just raise a specific bureaucratic question: would the federal bureaucrats whose job it is to *prevent* the *wrong* people from getting married — such as same-sex couples — be under the Office of Marriage Initiatives, or should there be a separate Office of Anti-Marriage Initiatives?

It's very complicated to make rules for a whole country.

— David Boaz

Sauce for the gander — If one wants evidence of the degeneration of the American media, he should consider the kind of charges leveled against the Bush Cabinet nominees.

Bush's first labor nominee, Linda Chavez, had a problem involving contacts with foreigners: she took a battered Guatemalan woman into her home, sheltered her, and allegedly employed her for household chores in violation of the immigration laws.

Bush's second labor nominee, Elaine Chao, also has a problem with foreigners: her family is good friends with the Chinese leader Jiang Zemin. She serves on the board of a company that, in conjunction with the Chinese government, owns a subsidiary of the Lippo Group, the Indonesian conglomerate at the center of the Clinton administration's corrupt fund-raising and alliance with the Chinese military.

So which nominee is eaten alive by the media and promptly tossed overboard by the Bush team? And which nominee gets unanimous confirmation from the Senate, set up by a free ride from the major media, who had no interest in finding out more about the nominee's close ties with a dictatorship that funnels money to American politicians?

Ms. Chao apparently earned media approval for using her Chinese ancestry and husband's position as a senator to help Chinese boodle among the political class. In contrast, Ms. Chavez was destroyed for being, in the media's eyes, a race traitor. As a Hispanic woman, she supported equal treatment rather than quotas. She wanted immigrant children to be taught English in the government schools, rather than be stuck in bilingual education ghettos where they would master neither Spanish nor English.

John Ashcroft, the new attorney general, had served as governor of Missouri. In that job, he participated in what a federal court called a conspiracy against the Missouri Constitution. Ashcroft, the Missouri state police, and the federal Drug Enforcement Agency conspired to violate the Missouri state constitution's requirement that all forfeiture revenues go to the public schools — not into the pockets of the agencies which run forfeiture operations as a form of legalized piracy.

But did you hear about Ashcroft's malfeasance? If you're not on the e-mail list of drug reform groups, you probably didn't, even though this was extremely powerful evidence on the main issue that Ashcroft's opponents were trying to raise: his willingness to enforce laws he disagrees with.

Instead of stories about forfeiture abuse, which were directly on point about Ashcroft's qualifications, the establishment pundits treated us to weeks and weeks of mean-spirited, bigoted complaining about Ashcroft's religious views. The Constitution specifies that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." Apparently this 1789 rule doesn't apply to members of the Assembly of God, a Pentecostal group founded in 1914. To the chattering classes, the fact that Ashcroft doesn't dance is apparently a much more serious crime than the fact that he violated his oath to God to obey his state's constitution and thereby deprived the public schools of many millions of dollars.

The good news is that as the Internet grows, more and more people are discovering alternatives to the establishment media, whose bigotry and narrow-mindedness become starker every day.

— Dave Kopel

Me and Barry McC — I met Barry McCaffrey several years ago at a small dinner party put on by the Brazilian Embassy in Washington, D.C. He walked up and introduced himself simply by name, something which stands out favorably in a town where every Junior Deputy Assistant Under Secretary likes to make you aware of his title. He was a fit-looking, outgoing fellow of about 60. After exchanging pleasantries, I cut to the chase:

"Say, aren't you the current drug czar?"

"Yes."

"And weren't you previously a lieutenant general?"

"Four star." Score one for Barry. I hate to lack command of the facts.

"Wow. Aren't you concerned that if the military gets involved in the War on Drugs they'll become as corrupt as the DEA?"

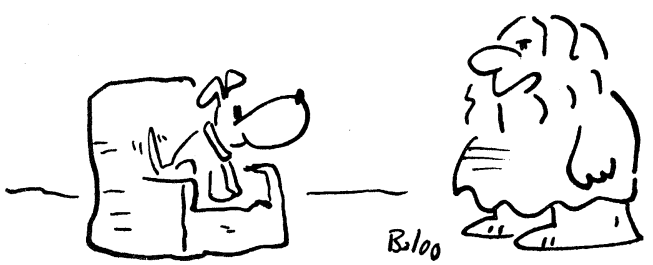

"Hey! — I just *invented* that!"

"No, not really." It seemed a sincere answer, delivered in a way that was at once affable and straightforward.

"You know, you seem like a decent guy. How'd you ever get into the drug czar business?"

Barry took no umbrage. "Well, I was somewhat at loose ends, and they really pressed me into it." A far different answer than the arrogant and authoritarian bluenose William Bennett would have had to give.

I was starting to get a better feel for the man. Friends know one of my hobbies is creating ugly scenes with public figures like William Bennett, Dick Cheney, James Carville, and Robert "Bud" McFarlane, among others. It's one reason I'm not invited out in polite company very often.

His face flushed. My remark elicited an emotional response completely out of character with his earlier persona. "I'll see you in jail tonight."

But I didn't get a bad feeling from McCaffrey; it wasn't a rhetorical device on my part when I remarked he seemed like a decent guy. And, unlike many others, he appeared to be a man worthy of respect. So, rather than trying to humiliate and embarrass him (which, for better or worse, tends to be my default mode when dealing with a suspected sociopath), I found myself trying to get a grip on exactly where he was coming from:

"Listen, you know the drug war isn't going to be any more successful than Prohibition was in the '20s. But it's creating a whole new class of criminals and destroying the freedoms that actually made this country different from any other. And, entirely apart from that, there really isn't any more of a drug problem than there is an alcohol or tobacco or sugar or fat problem. It's become a mass hysteria." By this time a group had gathered about us, its curiosity piqued by the fact that someone at a society event was talking about something other than the weather, the state of the roads, or the tenor of Placido Domingo's voice.

McCaffrey started to answer, but then some guy, a lobbyist-lawyer, put in his two cents worth in defense of the War on Drugs. The good general used that as an excuse to bow out and join another small group, something I also did as quickly as possible. I hate lobbyists.

Later in the evening, as everyone was departing, I again saw Barry at the door: "Well, it was certainly nice having chatted with you earlier, however briefly. It's probably a good thing I don't have a controlled substance on my person, otherwise it might not have been so mellow."

To my surprise, the comment caused his face to flush, and elicited an emotional response completely out of character with his earlier persona. "If you did, I'd see you in jail tonight." Maybe Barry took my words as a personal challenge, or maybe he just took his job seriously. I'm not sure.

"Well, that's the problem. Me, and tens of millions of others. But rest assured, I'm not carrying. I don't personally use drugs, and generally eschew the company of those who do. This is an ethical and philosophical issue, not one that can be addressed by putting people in jail. Notwithstanding our differences, it was nice to meet you."

"Likewise. Best of luck."

So ended our meeting. I would have enjoyed spending some private time with McCaffrey, and maybe the opportunity will present itself in the future. McCaffrey is a soldier, and although I'm automatically suspicious of flag officers, he's also earned two Silver Stars, two Distinguished Service Crosses, and three Purple Hearts, so he's more than just a ticket-punching bureaucrat on the make. — Doug Casey

Patrick & Leona & Nathan & Ayn — *The Wall Street Journal* reports that an aide to Leona Helmsley resigned following claims of romantic advances. Apparently, Patrick Ward, 45, left the firm after he disappointed Mrs. Helmsley, 80, concerning his romantic intentions. She had previously sold him 60 cooperative apartments in a building on Manhattan's east side for a fraction of their value. Mrs. Helmsley still owns, among other assets, a large stake in the Empire State Building.

In the words of the immortal Yogi Berra, it's deja vu all over again. Forty years ago in the same building, a rift between two luminaries of the Objectivist movement, Ayn Rand and Nathaniel Branden, occurred for the same reason. Let us hope that this one will be settled with less rancor.

— Victor Niederhoffer

We don't need no stinkin' president! — Unlike most contributors to these pages, I'm pissed at Al Gore for conceding too easily. The election in Florida was obviously corrupted, the recount obviously insufficient, a majority of the Electoral College obviously stolen from him. Gore could have tied up the results of the election in lawsuit after lawsuit, and Bush could have collaborated with countersuits for weeks, months, perhaps years. By conceding so easily, Gore deserved to lose. It's not that I wanted Gore to win — scarcely so, as I voted for Harry Browne — but that I would have liked to see America be the first large Western country to go about its business without a president, without an executive branch, for as long as possible; demonstrating, perhaps conclusively, that we can get along without a secretary of defense, without an attorney general, et al. To me this is the only truly libertarian position.

What Gore finally lacked was sufficient courage to discredit the Supreme Court, which had certainly given him a golden opportunity to do so with such a partisan decision. Loss was the price he paid for the illusion of mainstream respectability.

I once conjectured that both visible parties suffer from a lack of libertarian intelligence. Republicans get hooked in by those wanting the state to make abortion illegal, rather than acknowledging personal responsibility, which is a Republican theme in other areas. Democrats lose votes by favoring tight state control of guns, in the face of the truth that greater availability benefits the underclasses. Gore becomes another victim of a lack of libertarian smarts.

— Richard Kostelanetz

Morality goes down the toilet — There's threat to quality of life in America, enabling traffickers grow rich while the nation's morals are undermined: toilet.

Regulations mandating low-flow toilets have led to a new

form of international trade. Canadians are doing a brisk business in selling high-flow toilets to Americans in search of something more than the 1.5-gallon flush limit.

Everyone agrees that we need to focus more on prevention and education than on punishment. Simply throwing toilet traffickers in jail will do nothing to stop the demand. We will have to show these poor people that their drive for high-flow toilets isn't really healthy, but is simply a crutch for dealing with the everyday difficulties of plumbing. We must also expose the true colors of toilet traffickers who exploit the weaknesses of their fellow human beings and renew our efforts in the War on Flushing with TARE, bumper stickers — "One flush is never enough" — and pamphlets on plunger skills. I, for one, am confident that one day those who would practice such immoral home-plumbing will thank us for reinforcing their moral fiber.

— Eric Raetz

Calling all lexicographers — When "progressives" describe libertarians or other supporters of the market, they often use religious terms as negative modifiers. We are "evangelists"; our theory is the "free-market gospel"; our theoreticians are "gurus." Sometimes they accuse us of "market fundamentalism" and "worship of the market." Well, it is true that we have beliefs — but so do they, and of course they never label their own beliefs with these terms. Those of us who are religious will note their attitude toward religion. Those of us who are not religious will be tempted to throw their words back at them, as when H.L. Mencken wrote Upton Sinclair that his "government worship" was unmanly.

Speaking of labels, have you noticed that they have banned the word "communist," except for when referring to historical figures and members of foreign communist parties? Communists are now Marxists.

And how about "liberal"? The soft leftists, who took that word around World War I, have pretty much given it up. This is either because they have been beaten about the head with it for so many years or because their slide toward illiberalness — their jihads (another religious term!) against Confederates, cigarettes, and cars — has become obvious even to them. Now they want to be called "progressives." Historically it fits — it was the progressives who created the income tax, shut down the bordellos, and brought us prohibition — but should we grant their modern descendants an association with progress?

What else can we call them? "Statist" is hard to pronounce clearly, and it's a word used only by us. There is "left" and its derivations: "hard left," "soft left," and "left-wing." I use these a lot, though some may oppose them because they perpetuate the left-right spectrum. (But don't use "lefty," a sticker put on hard leftists to give them an air of unseriousness.)

The problem with "left" is that it is clinical. The ideal word would be both accurate and pejorative. Something like "progressive" turned inside out.

Any ideas?

— Bruce Ramsey

Another triumph for safety — The Consumer Product Safety Commission has concluded that most trigger locks — which President Clinton distributed to the nation to protect Americans from their own guns — are unsafe. Thirty-one of the 32 locks the commission tested could be opened without a key — some merely by being struck with a blunt object — like, say, a regulator's head.

— Timothy Sandefur

And at the $120 level you'll get this fantastic coffee mug! — I think all extra-constitutional government should be run like PBS. Keep withholding, but get rid of the IRS. That way, each American can decide for himself exactly how much he wants to pay. On April 15, you can send your return in with a description of how you want your money apportioned. A socialist might want all his taxes going for housing and health care. A Republican might want his to go to the boys overseas. Me, I want it all back. And if a government program goes underfunded, bureaucrats will have to go on the air and beg.

— Tim Slagle

Living while black — Racial profiling was a hot topic during the presidential debates, and deservedly so. The dangers of "driving while colored" stretch far beyond those of driving an automobile. What about the Latino cooks, dishwashers, busboys, and barbacks getting off work at 2 a.m.? What about those riding their bicycles to work to begin a 5 a.m. shift? Think they're immune to harassment by police?

From personal experience, I can testify that they are not. In my years spent working in restaurants, I heard so many horror stories from my black and Latino coworkers that I could scarcely count them.

I witnessed one such occurrence when I visited Washington, D.C. last fall. I was sitting on the steps of a closed public building, eating Chinese food around 9 o'clock in the evening. Sitting next to me were two men and a woman — all black. I don't know whether they were homeless, but they definitely were not part of the "9 to 5" business crowd. We talked until two white police officers sauntered up, one holding his baton in his hand. He ignored me and began questioning the others. What are you guys doing here? You're not causing any problems, are you? You wouldn't be carrying anything illegal, would you?

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I couldn't believe it. I was watching firsthand the unabashed abuse of power by a police officer. And, the group responded with deference — saying "no sir" and "yes sir" to the stream of questions. As if sitting on concrete steps in a public area, talking and laughing — not doing drugs, not drinking, or doing anything else remotely illegal — was in some way a crime or a threat. The questioning continued until I spoke up and asked the officer if there was a problem. The officers turned and walked away. Apparently my being white was all it took to get the officers to back down. The group laughed it off after the officers walked away and said it happened all the time — just part of the game between them and "cracker" police officers.

Police harassment is a part of daily life for minorities. I live in a liberal society, where the police are polite and pleasant. Minorities live in a police state. — Shannon Seibert

What's in a prune? — The FDA recently gave the Prune Association permission to call their product "dried plums," which is what they are. I don't quite understand. Did someone repeal the First Amendment when I wasn't looking? Now we need permission to call things by their rightful name? I hate to tell the FDA, but my grandmother calls whiskey "breakfast."

The FDA said prune juice will have to retain its name, though, as it thinks "dried plum juice" sounds like a contradiction. Great, now we have a Department of Oxymorons. Next thing you know, we won't be able to say "government assistance." — Tim Slagle

The spirit of '89 — On Feb. 6, federal District Judge Frank Damrell issued an order prohibiting power suppliers from refusing to sell electricity to California power companies. The suppliers had been ordered by the Clinton administration to continue selling, but the Bush administration did not re-issue that order. Judge Damrell held that without the order, the public would face "obvious, irreparable harm." Could there be a better illustration of Mises' warning, published 80 years ago in *Liberalism*, that price controls bring shortages, and shortages bring the naked exercise of government power? "If the government will not set things right again," Mises wrote, "by rescinding its price controls, it must follow up the first step with others. To the prohibition against asking any price higher than the prescribed one, it must add not only measures to compel the sale of all stocks on hand under a system of enforced rationing, but price ceilings on goods of higher order, wage controls, and ultimately, compulsory labor for entrepreneurs and workers." Come to think of it, the next time I go to a restaurant, I'll just refuse to pay and then have a judge command the manager to continue serving me.

"If this be the spirit in which Los Angeles proposes to deal with the railroad upon which the town's very vitality must depend," he cried, "I will make grass to grow in the streets of your city!"

There's an old story about Charles Crocker, one of the directors of California's Central Pacific railroad. In the 1880s, Californians had decided that railroads were the devil's spawn, and at a meeting in Los Angeles, a group of "concerned citizens" explained their intent to set price controls on trains. When Crocker explained that this would bilk C.P. shareholders of their investments, the assembly jeered and laughed. Crocker got mad. "If this be the spirit in which Los Angeles proposes to deal with the railroad upon which the town's very vitality must depend," he cried, "*I will make grass to grow in the streets of your city!*" But we haven't had that spirit here since 1889. — Timothy Sandefur

Another amusing week in Washington, D.C. — It was a long time coming, but after eight years of holding their collective tongue in check, the editorial writers at the *Washington Post* finally let loose with a frank portrayal of the Clintons: "They have no capacity for embarrassment. Words like shabby and tawdry come to mind. But they don't begin to do them justice."

That was two days after the *Post* reported that Bill and his charming missus had piled the van full of furniture that was donated to the White House, not donated to them personally. Hey, when you're dealing with two lifelong sponges, it takes a village to furnish the new digs!

The *Post* listed the items with which the Clintons absconded, along with the names of the donors: "$19,900, an easy chair, two sofas, and an ottoman from Steve Mittman, New York; $3,650, kitchen table and four chairs from Lee Ficks, Cincinnati; $2,843 sofa from Brad Noe, High Point, N.C.; $1,170 lamps from Stuart Schiller, Hialeah, Fla.; $1,000 needlepoint rug from David Martinous, Little Rock." No word yet on the toilet tissue and light bulbs.

Steve Mittman set the record straight about the ottoman, two sofas, and easy chair, items he donated from his family-owned furniture business: "When we've been asked to donate, it was always hyphenated with the words, 'White House.' To us, it was not a donation to a particular person."

Widow Joy Ficks, whose late husband, Lee, headed Ficks Reed Company, said she thought the "custom-finished rattan chairs and breakfast table" would remain at the White House: "We gave it to the White House. I wondered what happened to it." The same thing that happened to our nuclear secrets, Kathleen Willey's cat, the billing records, Vince Foster's files, and everything that wasn't nailed down on the Boeing 747 as it carried Bill and his sycophants to New York after Bush's inauguration.

Elsewhere on Capitol Hill, prune-face Maxine Waters went nuts after a white man was put in charge of the Democratic Party ("I have in my hands a list of white people . . . ") and poor Tom Daschle started howling about Republicans getting free luxury cars while America's *les miserables* Democrats are stuck trying to patch up their old clunkers.

"You know," said Senate Minority Leader Daschle, "if you make over $300,000 a year, this tax cut means you get to buy a new Lexus. If you make $50,000 a year, you get to buy a muffler on your used car."

What Daschle didn't say is that the guy buying the Lexus

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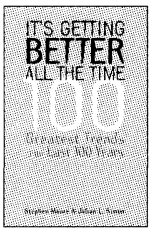

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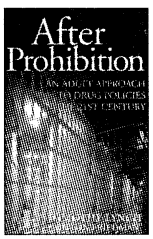

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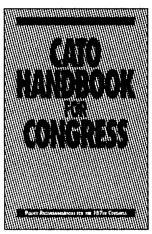

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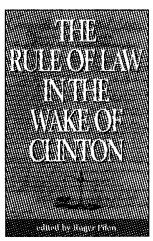

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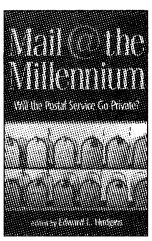

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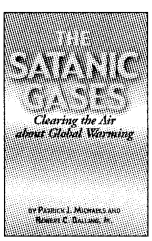

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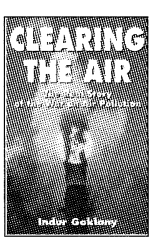

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is spending his own money, not a federal handout. Additionally, Sen. Daschle didn't bother to mention that "the rich" will continue to pick up a highly disproportionate share of the tab each year to keep the federal leviathan on track, with or without the Bush tax cut.

The top-earning 1% of families (annual incomes of $297,000 and more), for example, earn 15% of total national income and pay 34% of all federal income taxes. Similarly, the top 5% (incomes of $145,000 and more) earn 32% of the income and pay 52% of the taxes. In the same way, the top 10 and 25% pay, respectively, 63 and 82% of all income taxes. All told, the top half pay 96% of all federal income taxes while the bottom half picks up 4% of the tab.

The rich, clearly, are not getting a free ride, contrary to the red-meat rhetoric that's tossed into the ring by class warriors like Daschle. The game Mr. Daschle plays is one of exciting envy, pointing to shiny new LX-470s and crappy old mufflers, seeking to divert attention away from the fact that we all pay too much in taxes, that taxes have grown faster than incomes for the past eight years, that the federal budget has exploded to over 17 times its 1960 size, after adjusting for inflation, and that non-defense discretionary federal spending this year, in an economy with near-zero growth, is set to jump another 13%.

Simply put, we're at the point where our tax burden averaged out to $10,298 per person last year — $7,026 in federal taxes and $3,272 in state and local taxes. Add the price of regulations and government-sponsored litigation and we're half-socialized. Altogether, it's a tab for government; as Doug Bandow, a senior fellow at the Cato Institute, puts it, that "dwarfs everything else in people's budgets: shelter ($5,833); health care ($3,829); food ($2,693); transportation ($2,568); recreation ($1,922); and clothing ($1,404)."

Bush's solution? Double the child tax credit from $500 to $1,000, phase out the "death tax," reduce the "marriage penalty tax," and cut income-tax rates across the board: drop the two top tax brackets of 36 and 39.6% to 33%, cut the 28 and 31% brackets to 25%, and drop the bottom rate of 15% to 10%.

Daschle's answer? Pick the pocket of anyone who can afford to buy a Lexus with his own money. — Ralph Reiland

Church, state, and hysteria — The question of church and state is simple in theory, but not always in practice. There was the case, if I remember right, of a public park that raised money by selling paving bricks. You could say what you wanted on the brick you paid for. And somebody paid for a brick to say "Protect the Unborn" and another to say "Jesus Loves You." Then it was charged that these bricks were religious and were therefore not allowed.

There was another case of a public school saying that students could start their own clubs — chess club, model airplanes club, etc. — to meet in the school building after classes. But a Christian club was not allowed.

In my son's public school, they have a winter concert. They sing holiday songs: some Christmas songs and some Hanukkah songs. But the Hanukkah songs are Jewish in a cultural way only, and the Christmas songs tend more toward "Jingle Bell Rock." Songs like "O Come All Ye Faithful" are essentially forbidden.

A libertarian might argue that none of these cases come up in his ideal world, and that's swell if that's the world his listener wants to hear about. But, in this world, I think the religious have to be defended to a point. The First Amendment is not a measure to suppress religion from public spaces, or to forbid the recipient of state aid to spend it on a religious product. It says only that the exercise of religion shall be free and that the state shall not establish a religion. I think that means vouchers would pass muster, but that official prayers in public schools would not; that a Christian club would be okay (as would a Muslim club) but that "under God" in the Pledge of Allegiance should come out.

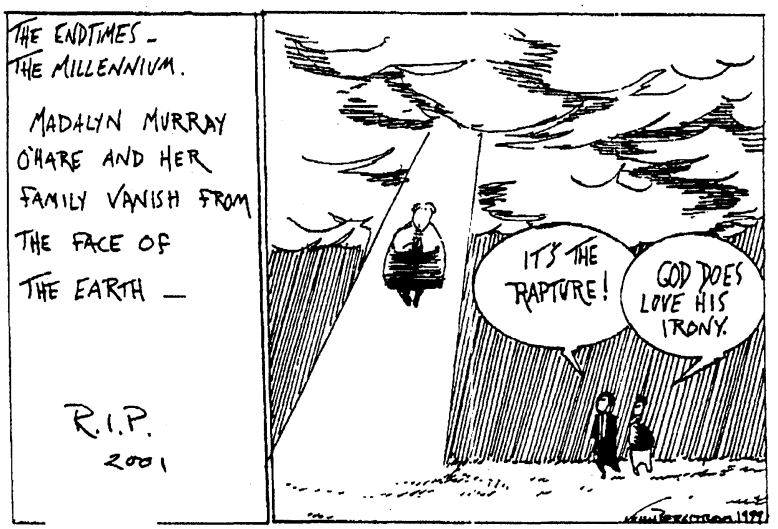

That also means that church groups should be free to become dispensaries of government welfare, as Bush favors, as long as non-church groups have the same opportunity. Whether the church groups should do so is up to them. I would think twice if I were them, just as, if I had a private school, I might think twice before accepting a government voucher.

— Bruce Ramsey

Box selling is too important to leave to the free market — In Tennessee, you can't sell a coffin without a funeral director's license. To get a license, you must take special classes in things like embalming — classes which can cost as much as $16,000 — or serve two years as an apprentice to a mortician. Why? All you want to do is sell a box.

The reason is not far to find: licensing schemes keep out competition and allow small groups of licensed practitioners to raise prices, since consumers have no other option. In other words, these laws create monopolies.

These statutory monopolies have been illegal for more than 500 years. In 1615, the great English judge, Edward Coke, wrote that "at the common law, no man could be prohibited from working in any lawful trade, for the law abhors idleness, the mother of all evil and therefore the common law abhors all monopolies, which prohibit any from working in any lawful trade." "The monopolizer, " he said, "engrosseth to himself what should be free to every man." That is, everyone should have the right to earn a living.

No One Runs the Country

by Sheldon Richman

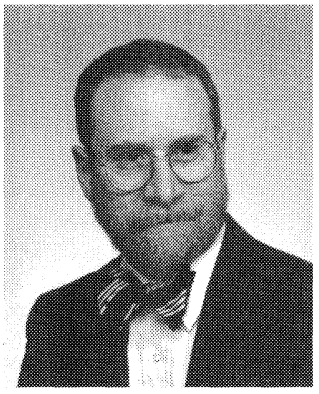

Memo to pundits and politicians: you didn't need to say that we had to finalize the presidential election because it's important to know who's going to run the country beginning January 20.

The president doesn't run the country. This country comprises 265 million people who make billions of decisions every day. Among those decisions are the most important ones that get made: what to produce, what to buy, what jobs to create, what job to take, what investments to make, what house to buy or apartment to rent, what associations to join, how to raise the children, and on and on. The president doesn't make those critical decisions for us ... yet, thank goodness.

It's true that the president runs one branch of the federal government, which does much more than the Constitution authorizes. But let's not confuse the executive branch with the whole country. Presidential conceit may infect the chief executive, but let's immunize ourselves against such folly.

At least since World War II, the American people have been sold a bill of goods (apparently to make us forget the Bill of Rights). They have been told repeatedly by the Eric Severeids and David Broders of the world, along with the various television court historians, that the federal government, especially the president and the chairman of the Federal Reserve, are the stewards of the economy. They can keep on dreaming. The "economy" is so hair-raisingly complex that no one could possibly steward it. Anyone who thinks he can do so is delusional. How does that expression go? It would be like herding cats — only worse, because no one possesses the information that constitutes the "economy," much less the knowledge of what will happen in the future.

While the marketplace has no steward, and needs none, those who fail to understand this are capable of causing much mischief. For example, President Clinton and many members of Congress believe that the legal minimum wage should be raised. "The people making the minimum wage have not had a raise in many years," they are fond of saying. That is patent nonsense, of course. No one who was making the minimum wage many years ago is still making it today. That is entry-level pay for the least-skilled workers. Only someone who refuses to accumulate skills and experience would be stuck at the minimum wage. Moreover, in these days of labor shortages, many entry-level jobs pay more than the legislated minimum.

None of this means that a minimum-wage law is irrelevant. It is potentially devastating to its supposed beneficiaries. Wages are not set by employers arbitrarily. When hiring someone, an employer is bound by at least two considerations based on his estimate of the worker's productivity: if he pays the employee less than he is worth a competitor might hire the worker away; if he pays more than the employee is worth, the business will lose money and its existence (and the job) will be threatened.

It is not the boss who pays the wages. It's the consumers. They buy a product only if they believe it is worth more than anything else they can spend their money on. If an employer pays his workers more than is justified by their value to consumers and tries to recoup the money by charging high prices, consumers have the power to veto his policy by buying elsewhere. The workers would then have to take a pay cut or lose their jobs.

If the law sets the minimum wage higher than what the market would have set, it will have the same effect as just described. Workers will lose jobs, and new jobs that might have been created won't be. Intended beneficiaries become victims.

The minimum wage is just one of myriad ways that presidents attempt to steward the economy. The results are always similar: the effects are contrary to the stated goals, and the most vulnerable members of society suffer.

The free-market economy is an example of something that may seem impossible at first glance: undesigned order. It achieves incomparable cooperation and consumer welfare precisely because it has no steward. To the extent the president tries to run it, we are in for a heap of trouble.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., and editor of ***Ideas on Liberty*** *magazine.*

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The authors of the Constitution agreed. "That is not a just government," wrote James Madison, "where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens [the] free use of their faculties, and free choice of their occupations." So they wrote a clause in the Constitution to protect the "privileges and immunities" of all Americans. As Justice Bushrod Washington (George's nephew) explained, the privileges and immunities of Americans include "the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety."

After the Civil War, government monopolies became a major problem. Many states used them to keep former slaves from earning a living. Historian Lawrence Friedman writes that "the real motivation [of these licensing schemes] was economic. Trade groups were anxious to control competition." So the Fourteenth Amendment was written to protect, among other things, the right to earn a living. Rep. John Bingham, one of the authors of the privileges and immunities clause, said that the clause included "the liberty to work in an honest calling and contribute by your own toil in some sort to the support of yourself, to the support of your fellow men, and to be secure in the enjoyment of the fruits of your toil."

Until 1937, courts protected this right. For instance, in *Truax v. Raich* (1915), the Supreme Court held that "the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the [Fourteenth] Amendment to secure." But of course, after *U.S. v. Carolene Products* (1937), the Court held that government interference in the economy would be presumed to be constitutional in almost every instance. This is called "rational relationship scrutiny," and it remains the law today. It means that the government can take away your right to earn a living on almost any pretext — and that the funeral directors of Tennessee have been able to keep monopolistic control over the sale of caskets and urns. As Lord Coke said, "monopolies [are] ever without law, but never without friends."

Last year, some of those entrepreneurs, represented by the Institute for Justice, sued, arguing that the Tennessee law violated their rights — and they won. Federal District Judge R. Allen Edgar used the "rational relationship" test, but still found the law unconstitutional, saying "the purpose of promoting public health and safety is not served by requiring two years of training to sell a box."

The state has appealed to the Sixth Circuit.

— Timothy Sandefur

Me and Bill — The first presidential election I can remember was in 1980. As a 6-year-old, I wanted Carter to win, because I could spell "Carter" but not "Reagan." In the twelve years of Republican presidencies that followed that election, I learned enough about politics that spelling was no longer an issue that mattered by 1992.

But politics took a backseat for the eight years of Clinton's presidency. I graduated from high school and went to college, first as a physics major, then a math major, finally an English major. I graduated, started a career as a computer consultant, ended a career as a computer consultant, and started a career as a writer. During the Clinton administration, I visited nine states and a Canadian province for the first time and saw the Rocky Mountains and Pacific Ocean for the first time. I read all of Rand's and several of Heinlein's novels. I read a dozen or so of Ibsen's plays and discovered Victor Hugo and Ovid. I read the work of such diverse authors as Rose Wilder Lane, Claire Wolfe, and Camille Paglia. In 1993, I'd never heard of *Liberty*; in 2001, I worked there. I've completely changed my mind on a couple of political issues and refined my thinking on still others. I went from being a Christian to an atheist, and then halfway back, to being an agnostic. I've worried about the health of my parents and mourned when I lost a close friend in a car accident. With all that going on, one might ask "who could notice one lone presidency?"

Still, I didn't live in a hole. Eight years is a long time, and I found time to watch the evening news here and read a newspaper there. We didn't have the depression I predicted after the 1994 tax hike. I was sure that Somalia was the next Vietnam, and I was as sure that Kosovo was the next Vietnam — neither turned that ugly. I saw Reno's scandalous actions at Waco get whitewashed. I lost what hope I had for the Republicans when they gained control of Congress in 1994 and, in six years, did nothing meaningful with it. I also lost my last hope for the Democrats when, during Clinton's impeachment, the Democratic senators were more predictable and weaker than pawns on a chessboard.

The Clinton administration confirmed everything I'd suspected of politics: Clinton was slick and smarmy, corrupt and decadent, covetous of power, and surrounded by sycophants. Without shame, he'd parade his cat, dog, and daughter before the camera to look normal and respectable. As president, Clinton seemed to prove everything libertarians have ever said about the evils of politics. Never trust politicians. Never give them respect. Don't expect any good from them, just hope they'll to be too busy stabbing each other in the back to do you much harm. Above all, don't give them undeserved attention: life does not emanate from inside the beltway.

Clinton will never know of this part of his legacy: he solidified my belief in the need for human liberty.

— John Haywood

Next time it might be a fish stick — A school in Jonesboro, Ark. suspended a student in February for pointing a breaded chicken strip at a teacher and saying the words "bang bang". This is yet another example of the insane severity that school regulations have reached in the post-Columbine era. Students have had their lockers searched or taken away entirely; they have been suspended for posting websites of adolescent humor and forbidden to wear trench coats or carry backpacks; one kid in Virginia was suspended for dyeing his hair blue, even though it had been blue for four months before Columbine. No matter, said the school, blue hair is a sure sign of imminent mass murder.

Of course, it comes as no surprise that the state, claiming to desire nothing more than the safety and welfare of its subjects, would end up robbing them of liberty and even dignity. But it adds even more irony to the bureaucrats' claims: every year, we're told that the schools need more and more money. Why? Because schools are necessary for good citizenship — they instill national traditions and love of country.

Is it any wonder that kids don't believe in America any-

more? The system is producing kids who have experienced firsthand the hypocrisy of teachers speaking of "rights," while simultaneously robbing them of those rights; worse, it produces kids who don't object to such policies: docile before palpable violations of their liberty, these students emerge thinking the state is right to "protect" them. Good citizens, indeed. — Timothy Sandefur

A perfect score — On Feb. 8, John Ashcroft, our new attorney general, gave an interview to Larry King in which he listed his three most important aims: "to stop gun violence, to reinvigorate the War on Drugs, to end discrimination wherever I find it." Ashcroft, our chief official expert on the laws and constitution, made a perfect score: none of his three aims is constitutional. And if he means to end discrimination wherever he finds it, he's made a good start. He's already destroyed any mental discrimination that might have been associated with his office. — Stephen Cox

Amendments vs. Commandments — The Alabama legislature is considering a bill to allow public buildings to display the Ten Commandments. Alabama — which Justice John Paul Stevens once rebuked for its "remarkable conclusion that the federal Constitution imposes no obstacle to Alabama's establishment of a state religion" — recently elected a new chief justice to their state's Supreme Court: Justice Roy Moore, who won in a landslide after refusing to remove the Ten Commandments from the courtroom where he presided as a trial judge. Illinois, South Dakota, and other states have passed similar measures.

Of course, none of these state laws will have any effect on the federal Supreme Court, which still goes by Justice Stevens' ridiculous "psychological coercion" standard. Certainly, if people in Allegheny County, Penna. cannot put a creche in their courthouse, they cannot put up the Ten Commandments. Meanwhile, in the marble bas-reliefs surrounding the main chamber of the United States Supreme Court — where the justices hear arguments every week — is a majestic figure of Moses carrying his two tablets.

— Timothy Sandefur

Dicking around on the net — One of the chief proponents of Internet censorship is about to experience it himself. House Majority Leader Richard Armey has repeatedly encouraged the use of filtering software to keep the Internet as seedy as an episode of *Mister Roger's Neighborhood*. But because of the keywords that such software uses in searching for objectionable content, Mr. Armey's own little piece of cyberspace is in danger of being blocked because the word "Dick" appears on his homepage. If this isn't an argument for filtering software, I don't know what is. — Eric Raetz

Terror and empathy — April will bring the anniversaries of two tragic events back to the TV screen, Columbine High and the Oklahoma City bombing. When I learned that Dylan and Eric targeted the jocks during the Columbine massacre, the incident became painfully clear to me. Anybody who doesn't understand it obviously spent high school on the opposite side of the dodge-ball court from me. It is the same shameful response I feel every time I see the Oklahoma bombing recalled. Although I could never support the killing of innocent men, women, and children as a way to avenge the lives taken at Waco, I do share some of Timothy McVeigh's anger every time I see Mount Carmel burning on television and hear arrogant federal agents doing commentary. I just wish McVeigh had been a little more brave. He should have been sitting in the front seat of that Ryder truck like a jihad terrorist; or confessed to the crime, explained why he did it, then calmly walked to the death he so much deserved. — Tim Slagle

Not investment grade — Early in February, several customers of Morgan Stanley Dean Witter & Co. called to complain when that company paid former junk president Bill Clinton $100,000 to speak at its annual conference on junk bonds. Protesters in Boca Raton, Fla., carried signs saying, "Everything Still for Sale." A participant at the conference told Fox News that Clinton had advocated spending $1.6 billion on foreign disease control and global health. Not his $1.6 billion, though. Several times he said, "Don't you think that would be money well spent?" A better question would have been whether his hosts' $100,000 had been well spent.

A few days after Clinton spoke, Philip J. Purcell, chairman of Morgan Stanley, e-mailed his complaining clients that the firm "clearly made a mistake" by inviting Clinton to the junk bond confab, considering "Mr. Clinton's personal behavior as president." The market value of Bill Clinton thus begins to crumble. — Bruce Ramsey

California dreamin' — California is about to run out of electricity, and I think it's hilarious. There are more goofy renewable energy schemes in California than anywhere else on earth. They have more geothermal, windmills, solar cells, hydroelectric, tide power, and any other ridiculous thing they can think of to generate a tax subsidy than anywhere else on earth. And look what happened.

People in government get the notion that if something is legislated, it will just appear. When CAFE restrictions were put onto automakers, Congress never worried about whether it was possible to create a 100 mpg car, they just assumed that if it was law, someone would invent it. Meanwhile, over 50% of Americans are driving trucks to avoid those beer cans the auto industry calls passenger cars.

I'll bet this will shut the environmentalists up for a while

"I didn't say it wasn't good — I just said I prefer the stuff you did when you were four."

though. Things like Al Gore's $2-a-gallon gas tax sound great until people start having to live with them. I bet this whole power thing puts the kibosh on electric cars for a while. I'm so glad there's California. It's kind of like a big petri dish for the rest of the nation. Every time someone has a stupid idea, California tries it out, mercifully sparing the rest of us.

— Tim Slagle

Lies, damned lies, and Al Gore lies — "Like Most Americans, I Voted for Al Gore." So read the signs held by people lining the route of George Bush's inaugural parade and protesting the legitimacy of his election.

Television cameras lingered lovingly on the sight, but no one in the media cared to comment on the obvious absurdities. "Most" Americans didn't vote, and of those who did, most voted for other candidates than Gore. Nor was there any comment on the fact that these advertisements of moral superiority had been mass produced — presumably by someone who knew they were lies. — Stephen Cox

In like a lion, out like a weasel — Bill and Hillary are getting the business for the way they behaved upon leaving the White House. Turns out they took about $190,000 worth of furniture and various housewares from the White House, and cleaned everything off of Air Force One, right down to the toothpaste. I don't know why this

Inaugural Report

Friday — Back in 1941, the Legion of Decency went wild when Hollywood bombshell Jane Russell showed a bit too much cleavage in the movie *The Outlaw*, directed by Howard Hughes. It was charged that with one shot, the ever-inventive Hughes had "cantilevered" America right into smutville. Well, Hughes is gone now, but it was Russell, now 79, who made the largest splash at the black-tie Christian Pre-Inaugural Gala at the classy Willard Hotel. "These days," she said, "I'd be PG."

For $200 a ticket, celebrants got unlimited soda, zero booze, a "Christian comedian" and "Christian hula dancers." How do Christian hula dancers, asked the *Washington Post*, differ from regular hula dancers? "They wear a lot more clothes," explained gala organizer Jim Lafferty, "and dance only to hymns."

More spirited was the Texas State Society's Black Tie & Boots Ball at the Marriott Wardman with: 17,000 cases of beer, six live longhorn steers, Wayne Newton, 3,000 pounds of barbecued beef, 550 bartenders and waiters, Tanya Tucker, 35,000 jumbo shrimp, a fighter jet, 3,000 pounds of smoked ham, the Beachboys, 1,100 cases of liquor, and an oil derrick erupting silver tinsel in the lobby.

Saturday — At 10:30 a.m. on inaugural morning, city crews arrived at Dupont Circle, a block from our hotel, to cut an effigy of George W. from a tree. "Let them have the tree," NOW president Patricia Ireland told the 1,000-plus crowd of protesters, "We have the whole country."

Others weren't so optimistic. The fat cats had pulled a fast one, declared protesters from Boston carrying a banner that said "Billionaires for Bush: Because Inequality Is Not Growing Fast Enough." Gore or Bush, they proclaimed, it's still capitalism on top and the shaft for everyone else. "Buying a president is a huge investment for us. We backed both Bush and Gore and, sure enough, our man won! We'll start by abolishing the estate tax, to keep our families outrageously rich for generations to come."

Gore or Bush, it's still the "White House." A gang from the New Black Panther Party distributed leaflets with a quote saying that America's problem is bigger than any pimpled or dimpled chads: "As long as you think you are white, there is no hope for you."

The quotation is straight out of the 1960s, from James Baldwin. Race consciousness, he was saying, prevents integration, prevents the unity that's required for liberation from a repressive culture. For anything to start, he wrote, everything had to go: "In order to get rid of Shell, Texaco, Coca-Cola, and the Sixth Fleet and the friendly American soldier whose mission it is to protect these investments, one finally throws Balzac and Shakespeare and Faulkner and Camus out with them."

People Against Racist Terror painted the same picture of a gluttonous empire propped up by narrow-minded Euros: "Bush not only won the dollar election of corporate contributions but also an overwhelming majority of white male voters, and even a bare majority of white women voters. This is a measure of the continuing grip of white supremacy and allegiance to empire on masses of Euro-Americans. More than guns or the media monopoly, this is the main strength of the system of capitalist exploitation and oppression."

In the trenches at Dupont Circle, in short, it was a far different rally than the one portrayed on CNN. Yes, it was anti-Bush, but it was hardly pro-Gore or pro-Clinton. There was, to be sure, high rage about the "five reactionaries and racists on the U.S. Supreme Court" and the "naked coup" by the new boss and his "incoming crowd of corporate America's hitmen," but not much nostalgia for what was called Bill Clinton's "Republican-Lite" politics.

"From NAFTA to welfare reform," explained a Socialist Worker flyer, "Bill Clinton presided over measures that Ronald Reagan or Papa Bush never could have gotten away with."

It was, for the most part, a throwback to the '60s, more about the "decriminalization of consensual sex and the use of intoxicants" than Social Security privatization, more about "dismantling the empire" than replacing old voting machines, and, as always, more about class envy than anything else.

The entire show, the whole grand opera that it had become, was epitomized by the piercing yell of a scruffy young demonstrator who spotted a well-coiffured woman exiting the Willard in a perfectly white, full-length ermine: "Hey, lady, take your f**kin' fur coat and go back to Texas!"

— Ralph Reiland

surprises anyone. They both have been government workers their entire lives, and government workers have a well-deserved reputation for being the kind of people who never tip and always snag the towels out of the hotel rooms.

— Tim Slagle

Pigeons and property — Ken Livingstone, mayor of London, wanted to "transform Trafalgar Square into a cultural space for Londoners and visitors to enjoy," so he decided to rid it of pigeons. He closed down the little stall where Bernald Rayner's family has been selling birdseed for 50 years. Rayner sued, but ended up settling out of court. It seems Mayor Livingstone doesn't know his *Mary Poppins*.

But in all, this isn't terribly surprising; the British practically invented the abuse of eminent domain — which is one reason we told them to go away and leave us alone. What's so sad is that we Americans now abuse that power terribly. A neighborhood in New Rochelle, N.Y. (you know, where Rob and Laura Petrie used to live) was scheduled for bulldozing to make way for an Ikea parking lot. Fortunately, community outcry and John Stossel's reporting persuaded Ikea to back out of that idea. Other neighborhoods across America are being threatened every day. How far we've come.

— Timothy Sandefur

Abortive funding — I'm a Libertarian, but I can't help but think the right choice was made between Bush and Gore. Bush celebrated *Roe v. Wade* Day by banning United States' funding of foreign abortions. What a wonderfully arrogant move. Just signal right up front, "By the way, I'm not going to pander to all you lefties." I don't care how you feel about abortion, you've got to be opposed to an American Catholic being taxed so someone in another country can get an abortion. And if you're not, take the money you save on taxes after Bush's tax cut gets through and send it directly to Planned Parenthood of Sudan.

— Tim Slagle

At last, a liberal president — The election is over, and at last America has a fighting liberal president.

Not George W. Bush — Bill Clinton.

In the final days of his presidency, Clinton took the positions that his friends and enemies always thought he supported. But why did it take him eight years to do it?

Much of Clinton's frenetic activity of late seemed motivated by the desperate desire to shape some sort of legacy other than "Minor, Scandal-Ridden Administration in the Era of Bill Gates and Tiger Woods." Thus the mad dash to make friends with Vietnam, make peace in Israel, lock up Western lands, and issue a flurry of executive orders.

Meanwhile, Clinton made statements to burnish his credentials as a liberal or a civil libertarian. Consider, since the Nov. 7 election:

- In an interview with *Rolling Stone*, Clinton said that small amounts of marijuana should be decriminalized and that mandatory minimum sentences for drugs should be reexamined.
- Also in that interview, he disavowed his "don't ask, don't tell" policy restricting gays in the military and said: "the Boy Scouts are wrong" to ban gays.
- He put the District of Columbia's new "Taxation Without Representation" license plates on the presidential limousine, declaring his support for D.C. statehood.
- He hosted a White House screening of a new pro-gay documentary, *That's a Family!*
- He pardoned two women who were serving long prison sentences for minor drug crimes.

He seemed to be making an effort to appeal to the liberal wing of the Democratic Party — drug reformers, gay rights activists, and civil libertarians.

Some of these ideas are better than others. The Founders denied statehood to the federal district for good reason: they didn't think the government itself should have votes in Congress. But Clinton is in tune with the voters in saying that putting people in jail for marijuana use is absurd.

Again, though, the real question is: where has he been? Clinton has spent eight years in the White House, giving us "don't ask, don't tell," the anti-gay Defense of Marriage Act, and a doubling of marijuana arrests.

Civil libertarians who hoped a former constitutional law professor and child of the 1960s would defend individual rights were disappointed after Clinton's election. American Civil Liberties Union president Nadine Strossen wrote recently in the book *The Rule of Law in the Wake of Clinton* that "a single essay cannot do justice to the injustices that the Clinton administration has perpetrated through its far-ranging assaults on free speech and privacy."

Anthony Lewis of *The New York Times* said, "Bill Clinton has the worst civil liberties record of any president in at least 60 years" — that is, worse than Lewis' old enemy Richard Nixon. Nat Hentoff of the *Village Voice* went further, saying that no other American president "has done so much damage to constitutional liberties as Bill Clinton."

It should be noted that the president has reversed none of the policies that exercise his critics. Gays are still being discharged from the armed services at a record rate. Marijuana

users are still being arrested at a record rate. The administration has not stopped trying to censor the Internet and wiretap our e-mail. Federal databases contain and exchange more information about us every year. So his recent civil liberties rhetoric is just that — rhetoric.

And so it ends as it began: a presidency driven by politics and the belief that poll-tested language can solve any problem. "No previous president," according to the *Washington Post*, "read public opinion surveys with the same hypnotic intensity. And no predecessor has integrated his pollster so thoroughly into the policymaking operation of his White House."

And so it ends as it began: a presidency driven by politics and the belief that poll-tested language can solve any problem.

Free at last, free at last: Bill Clinton can finally say what he thinks. A fat lot of good it does the thousands of gays discharged from the armed services, the millions of people arrested for drug crimes, or those of us who want our privacy protected on the Internet. — David Boaz

Net progress — In the last few days of the Clinton administration, the ABC program *Nightline* ran several programs to ponder the long-run significance of the past eight years. The programs were based in part on interviews with various leading players in the Clinton administration: Dick Morris, Robert Rubin, Robert Reich, Dee Dee Myers, and a number of others. ABC then did something which may prove to be extremely important — much more important than this particular exercise in television journalism — it placed the complete transcripts of the interviews on its *Nightline* website.

Though they contained few real surprises, these readings are interesting and occasionally fascinating. Bill Clinton comes across as enormously gifted and talented — said by several to be the best natural politician of his generation, something that they could recognize from virtually the first moment of meeting him — and yet lacking in discipline and seriousness of purpose to the point of virtual contempt for the public he was supposed to be serving. Clinton chronically allowed fundamental decisions of state to linger until the last possible moment — applying to the direction of government his apparent penchant in law school for the last-minute cram. As related by George Stephanopoulos, among others, his staff was shocked as early as the 1992 campaign by his easy willingness to lie whenever it served his needs.

The other striking feature of the interviews was the tremendous influence of Hillary Clinton. Early on, when Bill Clinton said he was offering two for the price of one, it was truer than many people realized. Hillary's influence proved to be devastating to the future of the Democratic Party. Her health plan went a long way toward electing a Republican House and Senate in 1994, control they've maintained ever since. Some of Clinton's closest advisors blame her for the appointment of a special prosecutor to investigate Whitewater, leading to the selection of Kenneth Starr, public exposure of the Paula Jones affair, and all the rest of the Clinton sleaze that did so much to defeat Al Gore in 2000. Perhaps the Republican Party should award an honorary plaque to Hillary Clinton.

As interesting as the interviews' content may be, it is the very fact of their placement on the web that may prove to be historically significant if viewers demand that other broadcast news programs follow this precedent. Take the infamous *60 Minutes*, long a staple of CBS News programming. Numerous people interviewed for *60 Minutes* have complained that their remarks were taken out of context or otherwise distorted — either to enhance their entertainment value, or as an act of deliberate propagandizing to reflect the ideological views of the show's producers. If it follows *Nightline*'s practice of posting complete transcripts of its interviews, it will be simple to check on charges like these.

The effect on TV journalism could be revolutionary. Knowing that anyone can compare snippets of interviews shown on air to complete transcripts of those interviews, the producers of *60 Minutes* will be under strong pressure to practice journalistic accuracy and responsibility. Serious distortions will quickly be visible to anyone who takes the trouble to visit the website. Even if the average viewer is not likely to do this, the critics of *60 Minutes* and many others, including other journalists, will surely do so. If every interview excerpted on *60 Minutes* were routinely posted, along with those of other national news programs and every on-the-record interview by *The New York Times* or *Washington Post* — other news outlets will follow.

Some journalists are going to resist this. It will take away much of their capacity for selective interpretation — and, in the worst cases, their "freedom" to distort. It might reduce them to the formulators and transcribers of questions, leaving the most interested members of the audience to form their own judgments. Listeners and readers, however, will be empowered to form their own individual judgments, undermining the role of many intermediary institutions, as happened 500 years ago when Martin Luther translated the Bible into ordinary German, undermining the clergy's monopoly on interpretive power.

Our current journalistic "clergy" may not like the web any more than the pope liked Luther. But journalists are going to have a hard time explaining why they have a right to keep their readers and viewers in the dark, when full and complete web disclosure is routine and virtually costless. It will be interesting to hear *60 Minutes* explain why they cannot afford — or are simply not willing — to put their complete interview transcripts on the web. If ABC and *Nightline* can do it, why not CBS and *60 Minutes*?

The web promises to transform many areas of business and other parts of American life. Cleaning up TV and print journalism could be one of the earliest of these transformative web effects — an unexpected windfall for many millions of viewers and readers who will now be empowered to form their own individual judgments. All it is going to take is a little public pressure. What are we waiting for?

— Robert H. Nelson

In the next *Liberty*:

"The Activism Project, Part III: The Readers Strike Back"
"Drugs, Violence, and Economics," by David Friedman

The Unimportance of Being President

by R. W. Bradford

Bill Clinton was a liar, thief and sociopath. And he left America a better place.

"The Long National Nightmare Is Over," blared the cover of the conservative *Weekly Standard* when Bill Clinton left office. During Clinton's entire presidency, those on the right had denounced his perfidy as a threat to Western civilization. The fate of the Republic, apparently, was at stake.

Clinton's conservative critics couldn't have been more wrong. Yes, they were right about some things: Clinton is a scoundrel, an absolutely amoral sociopath, interested only in getting as much power as he can. He is a liar of astonishing skill and almost unprecedented brazenness. As president, he was a demagogue par excellence, as well as a thief, a sexual predator, and a vandal.

But America is an extraordinarily strong and healthy country, and once his (or, rather, his wife Hillary's) idiotic plan to have the government take over health care was defeated in 1994, he was practically incapable of doing serious harm. Oh sure, he made a massive land grab in the American West. And he got the United States involved in a series of ignoble military adventures, turning U.S. bombers against innocent civilians in several countries merely to divert attention from the investigations of his perjury and theft. Sure, he sneaked through a modest tax increase. Yeah, he undermined democracy with his "motor voter" law.

But most of these things can be undone by the Congress or President Bush, and several probably will. More importantly, these are but minor afflictions to the body politic. The strength of America does not lie in its political leaders, its armed forces, or its central bankers. It lies in its people, who are hard-working, inventive, and innovative.

America's conservatives are not unique in losing their perspective and common sense when considering matters political. Hollywood liberals believe that the ascendency of Geo. W. Bush onto the sacred throne of Jefferson, Roosevelt, and Fillmore will make America uninhabitable; some even made promises — sadly, unkept — to move to Europe. A good many parents believe that allowing Granny to smoke a little pot to relieve the pain of chemotherapy will mean their daughters will soon be turning tricks to buy enough smack to keep from getting the heebie-jeebies. Socialists believe that reducing the minimum wage will cause starvation in the streets. Environmentalists believe that harvesting a mature forest will freeze us all to death in an ice age, or warm the planet until it cooks us all. Libertarians believe that every new regulation or tax is the death knell of freedom.

No one can understand American political culture without understanding mass hysteria. But rather than joining the

hysteria that invests the media, the academy, and the political class, let's look at Clinton's legacy.

Even before he took office, Clinton was planning that legacy. His first thought was, rather unimaginatively, to emulate Franklin Delano Roosevelt and leave his imprint in the form of a vast new government program. He didn't seem to care much what program he imposed on the country, only that it be vast and memorable. As it happened, the biggest political debt he owed was to Hillary, who had not only stayed with him during his more-or-less public philandering, but had also lied about his sexual escapades and even about his lies. And Hillary, likely suffering guilt over the vast looting of the public treasury she had overseen in Arkansas, wanted to do a favor for the peasantry by giving them the gift of government-controlled medicine.

So Bill Clinton put the full weight and authority of his office behind the scheme. It looked like an easy proposal to put into law: Clinton's party favored just about any scheme to increase the power of government in the name of welfare, and it enjoyed a substantial majority in each chamber of Congress. The Republicans, who hadn't controlled Congress in almost four decades, could be counted on to offer a few modest changes in the plan, but, in the end, they couldn't stop it, and many of them would ultimately vote for it, if only to keep their Democratic opponents from portraying them as anti-progress.

What could prevent Clinton from leaving us this wonderful legacy?

Well, as it turns out, what prevented him was the American people. At first, the Republicans offered only minor tinkering, as expected. But some conservative and libertarian critics didn't join the establishment Republicans in rolling over. Rush Limbaugh harangued his audience almost daily. Think tanks published detailed analyses of the scheme. Drug companies, fearing government takeover, purchased advertising on television. Gradually, it dawned on Americans that letting the government run health care would inevitably make a visit to their physician into something eerily resembling a visit to the driver's license bureau or the IRS.

America is an extraordinarily strong and healthy country, and once his idiotic plan to have the government take over health care was defeated in 1994, he was practically incapable of doing serious harm.

Clinton reacted to the defeat by abandoning his left-liberal social agenda (or, more accurately, his wife's) and adopting a big chunk of the conservative agenda. But he still wanted to find something great to leave to the American people.

His next hope for such a legacy was almost accidental. When America became more prosperous than ever before, he quickly claimed credit. He said that the boom was the product of his balancing the budget for the first time in nearly four decades. Of course, the power to tax and spend is vested in Congress, not the president, and it was a Republican Congress that had enacted the budgets which turned out to be balanced. But the budgets were balanced not because of any conscious plan or desire by either the president or Congress. It doesn't take a Ph.D. in economics to figure out that prosperity is the product of the hard work and innovations of America's entrepreneurs, scientists, and working people, and that the balanced budget is the result of higher tax collections produced by a growth in personal income that became so rapid that Clinton could not figure out how to waste it all.

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Of course, prosperity isn't much of a legacy anyway, especially for a president who had always denounced greed and privilege (even while stealing everything he could lay his hands on and enjoying the privileges of office in a manner more outrageously and grandly than anyone since Caligula).

Clinton was still hunting for a legacy, but his final attempt was the most pathetic. After getting ensnared in the thicket of lies surrounding his sexual predations, and surviving impeachment, he had only one bullet left in his arsenal, and one elite interest group he could still please. So he lifted up his pen and signed proclamations banning Americans from millions of acres of their own land.

It wasn't the sort of megalomaniacal legacy he wanted, but it was all that was left to divert Americans' attention from his tawdriness, thievery, and mendacity.

What little favorable light this could shed on his presidency was quickly undone by his final acts in office: selling pardons to criminals and stealing everything from White House furniture to Air Force One toothpaste.

Of course, presidents don't control their legacies. While Clinton was unable to leave the nation a legacy of the sort he wanted, he did make several major bequests to education. He left a series of political lessons.

1. A politician can get away with lying, if he stands by the lie long enough.

In 1974, when incontrovertible evidence proved that Richard Nixon had lied when he denied trying to cover up the Watergate burglary, he resigned in disgrace. In 1987, Senator Joseph Biden, then a candidate for president, gave a speech in which he borrowed the words and even the life history of British politician Neil Kinnock. Biden was caught, both in his lie and in his plagiarism, and he left the race in

disgrace. A year later, when newspaper photographs proved that Sen. Gary Hart, another candidate for president, had lied when he told reporters that he was not an adulterer, he too withdrew in disgrace.

Prior to Clinton, withdrawal in disgrace was pretty much what happened to politicians caught telling bold-faced lies. But when Clinton was caught lying both to the American people and to the courts, he did not go quietly into that good night. Instead, he argued that (a) it is OK to lie if one wants to save one's injured family from further pain; that (b) perjury, though a felony, is an insufficient reason to remove a president from office; and that (c) since prosecuting a president for a crime committed while in office might distract him from doing his work, he ought to be exempt from prosecution.

These were novel arguments. And they worked.

In the future, we can expect that politicians caught lying will repeat Clinton's novel defense. Whether they will prove as skillful as Clinton remains to be seen, but there will always be the Clinton option.

A politician can get away with outright lies and even perjury. Clinton proved it.

2. The most effective way to succeed in politics is to run a permanent campaign.

There was a time when seeking public office and serving in public office were two very different aspects of political life. A person ran for office, and if his campaign was successful, he took office and turned his attention to doing the job he was elected to do. Campaigning was considered a somewhat unsavory prerequisite of office, something one had to go through as a means to an end.

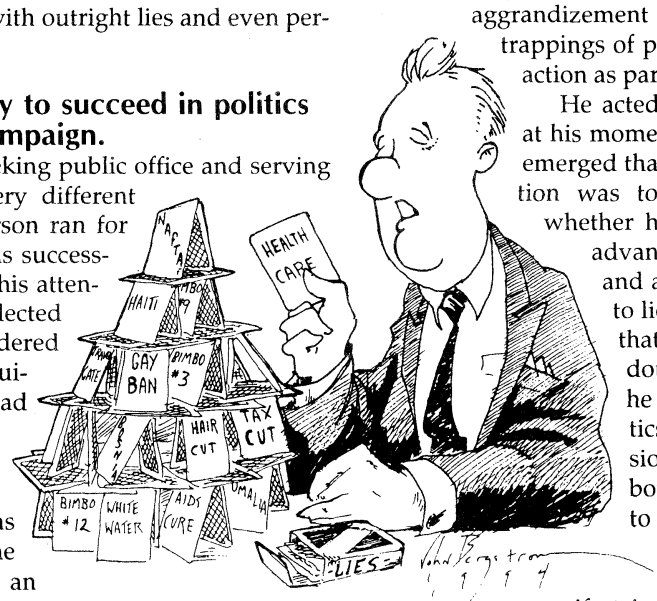

In the early days of this Republic, campaigning was considered to be beneath the dignity of a candidate for an important office. George Washington never campaigned at all. As recently as 1920, Americans elected as president a man whose campaign consisted primarily of speaking to people on the front porch of his home in a small Ohio town.

But politicians who actively campaigned often proved more successful than those who did not. Franklin Roosevelt campaigned aggressively and was elected president more often than anyone else in history. His successor, Harry Truman, was elected after a famous whistle-stop campaign, even though he had been given up for dead by his own party. Joseph Kennedy arguably started his son's presidential campaign 20 years in advance of the election by buying up enough copies of a book that he had arranged to be ghost-written for his son to put the book on best-seller lists. He followed the son's disgraceful performance as a naval commander — he allowed a Japanese destroyer to sneak up and ram his boat — with a public relations campaign that passed him off as a hero.

Once in office, however, even egregious campaigners generally turned from the business of cadging votes to the business of governing, or misgoverning, the country. Kennedy, for example, turned his attention to an agenda of civil rights, tax cuts, increased military spending, and a more aggressive anti-communist foreign policy.

But politics has continued to evolve. After Jimmy Carter invested two years in his campaign for presidency, he put campaign activity pretty much behind him and concentrated on doing "the people's business" — only to be ignominiously knocked out of office.

Ronald Reagan didn't make the same mistake. Oh, he worked hard enough at pursuing his agenda. But the former film star, long accustomed to cooperating with Hollywood's public relations efforts, was always aware of how the public perceived him and was quite willing to stage events for maximum drama. He spent a lot of time at that.

But it was Clinton who made his campaign and term in office one and the same. What else could he do? Elected without any convictions or agenda, caring only for the aggrandizement of personal power and the tawdry trappings of power, he conducted virtually every action as part of a campaign for office.

He acted as a campaigning candidate even at his moment of greatest crisis, when evidence emerged that he had perjured himself. His reaction was to conduct a national poll to see whether his political career would be better advanced by contritely admitting the lie and asking forgiveness or by continuing to lie. When physical evidence surfaced that proved beyond a shadow of a doubt that he had committed perjury, he continued to employ campaign tactics, even making foreign policy decisions part of his permanent campaign, bombing Syria, Afghanistan, and Iraq to manipulate public attention away from his own legal problems.

And it worked. Despite his manifest ineffectuality, thievery, and mendacity, he maintained his personal popularity.

3. The Clinton presidency undermined America's religion.

Conventional religion is being displaced by a New Civic Religion, a system of beliefs that attaches supernatural powers to government. It used to be that only a supreme being could perform miracles, but as other-worldly religiosity has declined, people have gradually come to believe that the state is the miracle worker. In the old religion, God could do what no man could; he could turn water into wine. In the New Civic Religion, the state can do what no man can; it can create money out of paper. The new religion and the old share a belief that there exists a single entity not bound by the Law of Identity or the Laws of Nature: for the old religion, that entity is God; for the new religion, it is the State.

One of the central tenets of the New Civic Religion is the belief that America's electoral system somehow selects "the

best man for the job," and that, once in office, this mortal takes on the characteristics of a god. He manages not only the government, but the entire economy, and, indeed, the entire nation. He "runs the country." When times are good,

Clinton even made foreign policy decisions part of his permanent campaign, bombing Syria, Afghanistan, and Iraq to manipulate public attention away from his own legal problems.

he deserves credit; when times are bad, voters should elect a new leader, one with superior powers.

Clinton tried to take advantage of the presidential mystique by giving himself full credit for the economic good times that happened to fall during his term. And he did take advantage of it. The mystique was enough to get him re-elected, and it kept him in good enough stead with the American people to ensure that enough Democratic senators would find the courage needed to refuse to do their duty and remove him from office.

But even in exploiting the New Civic Religion, Clinton undermined it. While enough voters gave him enough credit for the prosperity America enjoyed to keep him in office, it became increasingly apparent to a sizable minority of Americans that prosperity had exactly nothing to do with anything he had done. After all, during much of the prosperity, he had devoted all his working hours to covering up his perjury and then, once it was found out, to conducting an elaborate campaign to control public opinion and tamper with the jury that was soon to try him. Surely a man putting so much intellectual energy into such sordid activities could not also be running the entire economy — let alone running it better than anyone had ever run it before, could he?

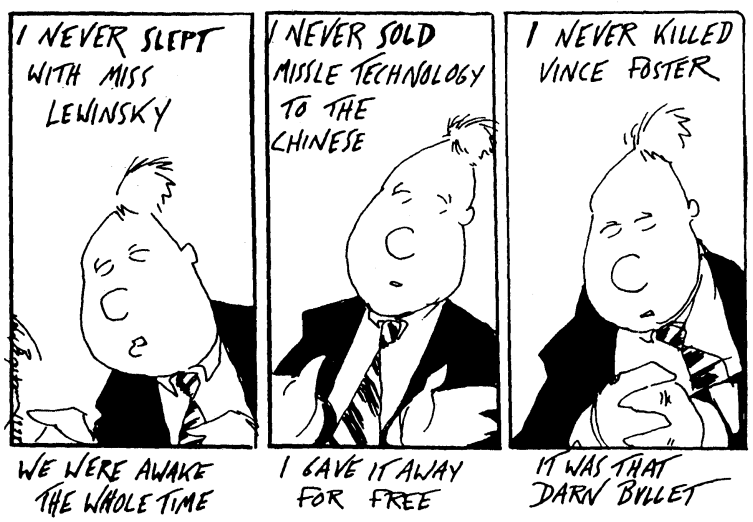

Clinton compounded the problem by being so openly sleazy that no amount of public relations efforts could disguise his vileness. Oh, he had explanations — "spins" — for nearly all his despicable acts. The Whitewater and Madison Guaranty fraud was so complicated and had so many witnesses who died mysteriously that no one could prove for absolute certain that he had stolen anything, or at least very much. Reports of his various acts of sexual predation were all lies, and even when it was incontrovertibly proven that they had happened . . . well, what's a little thing like rape when you're busy doing the country's business? Sure, he stole furniture from the White House, but that was just a mistake. And he doesn't know who took everything that wasn't nailed down on Air Force One.

What finally brought disrepute on the religion of the presidency wasn't simply the idea that "where there's smoke there's fire." It was the accumulated weight of all the charges, the continual legalistic hairsplitting (who will ever forget the classic "It all depends on what your definition of 'is' is."?), and the fact that Clinton continued his kleptocracy even after relinquishing office. So addicted was Clinton to his own maxims of power that he saw no reason to stop. He reduced both them and himself to the final absurdity.

Clinton is now asking himself, as Ronald Reagan asked himself in a famous movie, "Where's the rest of me?" He will continue to ask that question until the end, but the answer is obvious. To borrow a line from an even more famous script, "nothing will come of nothing."

The Long National Comedy Is Over

The conservatives got it wrong. The Clinton presidency was not a national nightmare. It was a national comedy — a gaudy and hilarious performance by a troupe of ridiculous buffoons. It did remarkably little harm and left its audience laughing, except for those conservatives who didn't get the joke.

On January 20th, a new administration took over. America is strong and healthy enough that this new administration too will likely do little harm; whether its players will give as magnificent a performance of the Theatre of the Absurd remains to be seen. But one thing seems certain: those on the left will fail to appreciate the antics of the new president and his entourage. So, I suspect, will those on the right. Eight years from now, we'll likely hear conservative Republicans talk about how they'll leave the country if George W's handpicked successor is not elected to replace him on the American throne. ❑

What little favorable light could be shed on Clinton's presidency was quickly undone by his final acts in office: selling pardons to criminals and stealing everything from White House furniture to Air Force One toothpaste.

Tribute to an Accidental Libertarian

by William E. Merritt

Without trying, Bill Clinton did more for freedom than any libertarian would have dared.

There are those who look back over the past eight years and find fault with the way Mr. Clinton has ordered his presidency. They accuse him of being more interested in young interns than in foreign policy. They assert that he has brought scorn and mockery upon the office. They accuse him of not sufficiently supporting our friends overseas and of not intervening decisively in the conflicts in the Middle East and in Ireland. They say he has lied under oath, violated his marriage vows, used his position to prey upon vulnerable women, and flouted the law in a mad scramble for the money to get re-elected. At bottom, they accuse him of not standing for anything other than his own accumulation of power — then of not using that power in any way that matters.

These people know these facts and more, yet they persist in finding fault. Their foolish, unthought-out longings for good results and decent government represent a more clear and present threat to our liberties than anything Mr. Clinton has perpetrated. They wish to admire politicians, but it's the politicians we admire, after all, who are the most dangerous — all those Lincolns and Roosevelts and Wilsons who have divined what is good for us and are aflame with the vigor and wit and purpose to get it done.

Something like that happened to Rome. The Republic could have lasted hundreds of years — it did last hundreds of years — until one extraordinary man crossed the Rubicon and they handed the government over to him. And, worse luck, he was followed by another world beater. High summer in Rome lasted through July and August. Then the worthy emperors became extinct and were succeeded in office by an unbroken freak show of inbred nimrods who couldn't get so much as 20 minutes named after themselves. If Rome had just had the good fortune to venture into empire with Caligula or Nero calling the shots, the concern would have been back in the hands of the senate before Christmas.

And we — well, we've had a run of genuinely great emperors in my lifetime. Roosevelt and Truman and Ike and Reagan. Tossing in a few Johnsons and Fords and Carters leveled things off a bit, but the operation was still starting to seem like something out of ninth-grade history class. And then, the genius of our system threw up a man who spends half his days trying to keep his wife from figuring out what he's up to and the rest of the time scheming with that same wife to keep the rest of us from finding out — and we have the sort of emperor the country doesn't have to worry much about.

It is hard to think of any libertarian who, given the same opportunities, would have had the panache, the basic screw-you attitude, to undermine the sacred fog in which even libertarians hold things patriotic — as if the White House were consecrated space and its occupant somebody we were meant to respect. Surely we, among all people, should know better.

What is libertarianism, after all, but a half-plague on each of your established houses: a pox on the left's craving to take away our economic freedom and correct the content of our thoughts, and a double pox on the Right for trying to jail us for our pleasures? In this regard, who among us has been more of an affliction upon every house than Mr. Clinton?

Now, I'm pretty sure he didn't have much of this in mind when he started out. He was probably just looking forward to being above the law for a few years, giving everybody free doctors, and generally instructing us on how to become better people. Nevertheless, he achieved spectacular results in reducing the moral standing of our rulers. Sure, these weren't the results he set out to accomplish, but so what? Columbus wasn't looking to vacation in the Bahamas, either. When Mr. Clinton came to office, the Democrats owned the Senate, and had a lock on the House of Representatives that ran back, almost unbroken, to the Hoover administration. In half the states, they controlled both chambers of the legislature. They controlled one of the chambers in many others, and most of the governors' offices. And these weren't your present-day, namby-pamby Democrats, either. These were

Democrats with plans: plans for your money, plans for your social interactions, plans for who you can hire, and how you are allowed to organize your office furniture, and what you think, and . . .

And, within two years, he had them out and the Republicans in charge. And the few Democrats who were left . . . well, they scaled back their plans so far they don't care what you think anymore. Or how you spend your money. They just want to lay low and get re-elected. And, because of the sly way Mr. Clinton balled the whole fiasco up with socialized medicine, any hope of government-funded health care was pushed so far into the future that it was over the event-horizons of anybody alive at the time.

As for the Republicans, they set about in such a bold and unremitting way with the ladies that the Grand Old Party cratered on its own sanctimoniousness — and now, the Republican busybodies are laying as low as the lowest of the Democrats. What libertarian could have dared so much?

In the personal sphere, Mr. Clinton opened up whole new fields for individual freedom. From indulging a taste for cheeseburgers and cigars, to becoming sexual predators, we men can now revel in pleasures that were denied us for decades — in some cases, since the codification of the criminal statutes. Similarly, he freed us from the postulate of goodness — the oppressive slander of doctrinaire feminism that women bring an understanding, a decency, a basic humanity to government that men don't possess — the idea that Janet Reno was equipped by nature to be a more caring and sensitive dispatcher of flame tanks to Waco than her power-mad masculine predecessor.

At the same time, he proved beyond doubt that women have worth far beyond their physical appearance. In fact, anybody who runs down the list of Hillarys and Janets, of Ruth Baders, Madeleines and Monicas that populated his administration, would have to concede that, not only aren't women better than men, they aren't necessarily even better looking. In the end, he showed us that women — even idealistic young suck-ups in the Oval Office — are just like everybody else. When they think it's in their self-interest, they will swallow pretty much anything.

From indulging a taste for cheeseburgers and cigars, to becoming a sexual predator, we men can now revel in pleasures that were denied us for decades — in some cases, since the codification of the Criminal Statutes.

Almost unique among Democrats of the 20th century, he didn't get the country into a single major war. The pitiful handful of troops he sent to Kosovo was so small and so underequipped that their mission became defined in terms of "Force Protection" (Pentagon for stay inside the wire and try not to get hurt). This got us more attention in Europe than if he'd sent the 101st Airborne.

The truth is, the 101st is what they wanted over there — lots of fresh Americans to die for their sins. And, when they didn't get them . . . well, for the first time in three generations it occurred to somebody on the wrong side of the Atlantic that, maybe, they should do something about their own security. Now they are busily cobbling together a Rapid Reaction Force of their very own. By any measure, this is a libertarian foreign policy triumph of the first water.

It is hard to think of any libertarian who, given the same opportunities, would have had the panache, the basic screw-you attitude, to undermine the sacred fog in which even libertarians hold things patriotic.

And who besides Mr. Clinton would have started — and then lost track of — two separate peace processes? A generation of Catholics and Protestants, of Jews and Moslems, are going to pay for this with blood and hatred. But it's going to be their blood and their hatred. The bricks and firebombs and rubber-dipped, steel-jacketed bullets won't be aimed at Americans, and the blood won't be spilled by our sons and daughters, because there aren't going to be any Clinton peace settlements underwritten by American tax dollars and enforced by American soldiers even unto the third generation, like we bought ourselves in Korea. Not being Irish, Israeli, or Palestinian, but American, I say hurrah!

In the end, it's not so much domestic politics, or socially correct behavior, or even foreign entanglements that threaten our freedoms, but the longings of our own hearts. Mr. Clinton may have provided his greatest service in the way he hardened us to the sacred icons of our nation. It wasn't just the presidency that took its lickings under him. Every piece of the government he could get his hands on wound up diminished.

Even the ultimate glassy-crater option, the neutron bomb of American politics nobody dared walk too near for 135 years, turned out to be mostly smoke and mirrors. Watching the impeachment trial go down in the Senate, we all felt like medieval townspeople holding their breaths while the pope waved his censor and chanted incantations and excommunicated an entire community — only to wake up the next morning and find out not much had changed.

Free and fair elections — the most holy of all our democracy institutions — seem profane, now. Any election that's triangulated down to the last voter — as every single election is going to have to be from now on — is almost guaranteed to be a dead heat. And, with a dead heat, everybody gets a peek under the lid nobody wants. Pandora is going to slam that box shut just as quickly as she can, but the scaly things will be shrieking and biting and flying around the room for a long time.

Even the Supreme Court has come away shrunken. Or, at least, in the eyes of the blinkered Left who just discover what the rest of us have known since *Brown v. the Board of*

continued on page 30

The Embodiment of Entitlement

by Stephen Cox

It's not what you do, it's who you are.

William Jefferson Blythe Clinton will be remembered in many ways, but chiefly as a liar, crook, and fool — intrinsically as empty and insignificant a figure as anyone who ever occupied the office of President of the United States. As a symbol, however, Clinton is something far, far greater than that. He is the gross, sloppy, bulging embodiment of America's historic Impasse of Entitlement.

It was an impasse that had to come.

The trend began in the 1930s, when the New Deal established special rights for the people whom Al Gore calls "working families" but whom normal people call trade unionists. President Truman's Fair Deal established special rights for needy little foreign countries. President Kennedy's New Frontier established special rights for the Kennedy family. President Johnson's Great Society established special rights for liberal activists and other "inner city" "poor folk."

The Carter administration wasn't spiffy enough to have a self-serving nickname, but it was alert enough to extend its power base by affording special rights to "women," "environmentalists," and people who would rather wait for an hour in a gas line than pay five cents more a gallon. Then the first George Bush administration afforded special rights to mentally and physically "disabled" people. Meanwhile, goat farmers, beekeepers, poets-in-residence, performance artists, transvestites, whales, snail darters, "teachers," and "wetlands" were busy grabbing their own special rights.

All that the entitlement movement needed was a legitimizing test case, an episode providing conclusive proof that it doesn't matter what you do, only who you are.

And in strode Bill Clinton, who was full of episodes.

Suppose that someone had written a novel in, say, 1991, about a president who admitted that he smoked dope, but claimed that he didn't inhale; conducted a series of ridiculously sordid "business" and "governmental" operations, then tried to cover them up with ridiculously obvious lies; had a White House intern suck him off in the Oval Office, then was impeached but was kept from removal because his opponents were intimidated into going easy on him, after which he insisted that the people who tried to bring him to justice should apologize to *him*; finally departed from the White House amid a festival of theft and vandalization — well, what would people have said?

They would have said that the story was too preposterous to deserve a moment's attention.

But what would they have said about a story in which a president like that was rewarded with the cheerful acquiescence of a majority of the American people? They would have said that the author was committing a literally incredible slander on democracy.

A story of this kind could appear credible, one would think, only if some extraordinary quality of mind or spirit were attributed to the protagonist. He would need to have (in contrast to all his other qualities) a Jeffersonian intelligence, a Wilsonian idealism, a Lincolnian charm, a Roosevel-tian cunning, or at least a Napoleonic ambition. But Clinton had none of these things. He was (not to put too fine a point on it) a louse. His cunning extended no farther than his feckless attempts to hide the evidence; his idealism went no farther than his pious belief in his own moral purity, no matter what shameful things he did; his charm consisted mainly of the ability to impress people even shallower than he; his intelligence disclosed nothing more to him than the fact that such people existed; his ambition had no loftier purpose than that of making him the most powerful louse in the world.

The fact that Clinton attained this goal is not a commentary on any special attributes of Clinton himself. It is a commentary on the political attitudes of the American people and on the assumption from which most of those attitudes now seem to proceed, the idea that certain people are entitled to special rights and benefits, simply because they are

who they are. Clinton is the embodiment, the Platonic form, of the entitlement philosophy. His character and achievements never merited any more than public opprobrium, much less public office, yet he fervently believed in his inherent right to the highest public office in the land, and never more fervently believed than when he had clearly forfeited every particle of that right.

His ambition had no loftier purpose than that of making him the most powerful louse in the world.

And the American people went along with him.

Why?

Some were motivated simply by family loyalty to the Democratic Party, others by antipathy to investigations of private conduct, still others by anxieties aroused by the hate-propaganda that the Democratic Party's commissars for gender, ethnicity, labor, and disability directed against Clinton's Republican opponents. And there was many a straight white male who supported Clinton out of a ridiculously mistaken belief in Bubba's mastery of the economy. But the rest of Clinton's substantial public support came from the multitude of Americans who wish to deny any traditional connection between merit and reward.

Theirs is a rebellion against personal responsibility such as this republic has never before seen. The rebellion erupted in an early and virulent form in Clinton's cabinet. Soon after he became president, Attorney General Reno "accepted responsibility" for her agency's mass murder at Waco but self-righteously refused to accept the traditional corollary of responsibility, which is resignation from office. Far from resigning, Reno demanded admiration, and got it. She stayed on the job — and so, following her lead, did every other member of Clinton's cabinet, even those whom Clinton deceived into defending his lies about Monica Lewinsky. When the truth about the affair came out, these people stuck to their jobs without any hint of apology. They testified by their conduct that they thought Clinton was right to use them as cover and play them for saps. He was right, even when he was wrong, just because he was Clinton.

It went without saying that the mainstream media would join the rebellion. After all, the media always consider themselves above the law, simply because they are the media, so why should they not extend the same self-warranted right to a friendly president? But the rebellion went far beyond the media's capacity to influence public opinion. Clinton's approval ratings hit the high 60s precisely when his criminality became most glaring. Later, his political party received shockingly high turnouts even in counties dominated by conservative "Reagan Democrats." Republicans failed to mobilize anything like the kind of opposition that would have been automatic and violent 30 years before, when the mildest symptoms of John Kennedy's womanizing would have led to his immediate removal, had they become known. Now, in the year 2001, Kennedy's behavior is seriously urged as a reason to ignore the incomparably more culpable conduct of Clinton.

If he had pushed the muscular dystrophy poster child down the steps of the White House, the media would have recalled that General Washington sometimes used to kill people, too.

What could Clinton have done to incur political destruction? If he had pushed the muscular dystrophy poster child down the steps of the White House, the media would have recalled that General Washington sometimes used to kill people, too. And the American people would have bought the argument. ❑

"Tribute to an Accidental Libertarian," *from page 28*

Education — that it's nine, unelected, unaccountable federal officials who hold the real power in our country. And, now, even the Left is starting to talk about the undemocratic ways of our courts. Why couldn't, they ask, justices have term limits? Or run for office? Or be accountable in some other way?

For eight years, we had a president who did not stand for anything more than that he wanted to be president and, once he bailed out Mexico from the excesses of its own slap-dash president, never led — never even attempted to lead — in any direction whatsoever. And what happened? We got eight years of peace and falling crime and declining welfare roles, eight years of wealth on a scale undreamed of in history, and, as some people remember, we got by for a while with no government at all. Are we the worse for the experience?

Rather than leaving some sort of black hole in our history — days erased from the calendar of our national existence, the time when we ceased to be a country — most of us only have a hazy sort of recollection of the thing. A kind of, "it had something to do with the Contract With America, right? Or was it during Newt Gingrich's second term? Yeah, I'm pretty sure the government really did shut down. Didn't it?"

At the very least, the Clinton years have taught us that the Founding Fathers exaggerated. We don't need three branches of government after all. We can get by perfectly well with just a congress and the courts.

With the Clinton years behind us, we can only hope that George W. Bush will add his own subtractions. With any luck, he will. It seems to be his nature. But, I fear, his term is going to be more like that of his old man's — a caretaker following along on the heels of a wildly successful predecessor, without anything like the talent for innovation and daring. ❑

Good-bye to the Black Helicopters

and All That

by Sarah J. McCarthy

A fond look at a president who succored conspiracy, paranoia and talk radio.

Late in the year 2000, while chads were still being counted in Florida, and before Bill Clinton's black helicopter lifted off its pad for what may or may not be the last time, Larry Nichols, a former Clinton employee in Little Rock, dialed up the *Quinn-in-the-Morning* talk show at WRRK-FM in Pittsburgh and whispered in his Arkansas twang: "Quinn . . . Quinn . . . they're not leaving." Referring to the Clintons, of course. Nichols, a frequent long-distance caller to Jim Quinn's "Morning Militia," has been long convinced that the Clintons would never go away.

Like many Clinton-crazies, Larry Nichols has spent the last eight years afraid for his life. Sounding a bit panicky, he usually calls from somewhere in hiding. I picture him with his telephone, hunched under a blanket in a Bates psycho motel near an Arkansas highway, looking over his shoulder with furtive glances toward the door. Not only was Nichols convinced that Bill Clinton wasn't leaving and that Hillary would have to be pried away like a Halloween cat clinging to the Oval Office drapes, but he was a big-time believer in the "Arkancides," those 56 suspicious and untimely deaths around Clinton that many believed to be murders.

This is what the Clinton presidency was like: White House counsel Vince Foster found dead in Fort Marcy Park. Ron Brown, who had said he was not going down alone, died with plenty of others in a plane crash. The next-door neighbor of Gennifer Flowers beaten to within an inch of his life. Former Clinton security chief Luther "Jerry" Parks gunned down in broad daylight at a Little Rock intersection. And there were more. Bizarre stories gushed forth like a muddy geyser out of Hot Springs. We tried to find out what was happening, but never really could. Every once in a while there was a glint here, or a glimmer there, like a silver fish under murky waters, but you couldn't get your hands around it. The Clinton team always had ready a colorful cast of tough, disarming characters to beat back the fuddy-duddies who thought something sinister was going down.

Clinton aide Anne Lewis, who looks like a talking teapot from a children's fairy tale, declared with a wave of her short, chubby arms that the Filegate scandal — resulting from two White House security agents haplessly receiving an overflow of Republican FBI files that gushed forth like unstoppable suds from an *I Love Lucy* washing machine — was just a *Sesame Street* snafu. Craig Livingstone and Anthony Marceca, the Ernie and Bert of Filegate, were dismissed by George Stephanopoulos as morons. "Filegate was a bureaucratic f**kup by two morons," he told *Vanity Fair*. "Hell, you work for Bill Clinton, you go up and down more times than a whore's nightgown," quipped James Carville. "Nuttin' to be excited about yet."

Referring to the sexual harassment lawsuit in which, among other things, Paula Jones charged that she was asked to kiss the governor's crooked erection, which took a strange veer to the left, the *New York Observer* editorialized at the beginning of Clinton's second term: "This is the first swearing in of a president where 40% of the electorate was thinking about the president's penis. Right now there is a trailer parked on Pennsylvania Avenue, and we are a trailer-park nation. Enjoy the next four years."

And a trailer-park nation we were. Like friends around a campfire listening to ghost stories, I used to wake up on winter mornings while it was still dark and tune my bedside radio to *Quinn-in-the-Morning* for the latest tales of black helicopter sightings and calls from Arkansas witnesses who had seen shady capers, train deaths, and drug deals going down near Mena. For the same reason that kids love to hear *Where the Wild Things Are* read over and over while hiding under the blankets, conspiracies can be fun. Larry Nichols was my favorite caller to the "Morning Militia." He was a former

Clinton-appointed employee of the Arkansas Development Finance Authority, whom the Clintons called a "pathological liar," but who had lots of scoops. The latest "Arkancide," Larry confided to the captivated radio audience one dark morning in a breathless stage whisper, was one of his "witnesses." He would call back tomorrow morning to tell us who it was. Stay tuned.

Larry and others made it their business to report anything unusual at the Mena airport, tidbits, such as its runway being lengthened, that they might have picked up on the Internet. You'd be amazed how many people on the Internet live within sight of Mena. These folks may be swamp dwellers, but they're not dumb. They knew that during the Clinton presidency, which *The New York Times* columnist Maureen Dowd described in a prophetic pre-Monica column as an "exploding cigar, where the only absolute certainty is no certainty," paranoia could employ ya'.

Each conspiracy on Quinn's show had a theme song. "Smuggler's Blues" by Glen Frye was played for Mena updates, and "Burnin' Down the House" was the Janet Reno theme song. When Clinton aide Dick Morris was caught by the national media sucking someone's toes in a Washington, D.C. hotel room, Quinn put out a call for the song "Popsicle Toes." I had "Popsicle Toes" and drove it to Quinn's house for the Dickie Morris updates, which he played along with a lot of sucking and slurping sounds. My husband gave Quinn a copy of Streisand's long, drawn-out live version of "He Touched Me" for the sexual harassment update. (Conservatives were against sexual harassment laws until Ms. Jones erupted with stories about the president. Like a sign from on high, like 666 emblazoned as the sign of a beast, even his penis was crooked!)

Not a person to believe in conspiracy theories, I never bought a tabloid in my life, except for the time *The Star* ran the irresistible headline "Family Flees Talking Doll." But many of the bizarre stories *were* intriguing. Not wanting to be perceived as someone who belonged to what Al Gore referred to as the "extra-chromosome crowd," I gleaned my info-nuggets from a wide array of legitimate sources — like *The Wall Street Journal* which editorialized that "Bill Clinton's Arkansas was a very strange place," and Joe Klein, *The New Yorker*'s respected political writer who wrote *Primary Colors*, portraying Clinton aide Betsey Wright, the woman in charge of "bimbo eruptions," as someone who pointed a loaded gun at Clinton enemies telling them to "get their mind right." Even Bob Dole's ad man, Michael Murphy, announced that he was teaching his pet parrot, Ernie, to repeat "Whitewater — guilty as sin!"

Bizarre stories gushed forth like a muddy geyser out of Hot Springs.

"I accuse President Clinton of murder," proclaimed Dr. Jack Wheeler in his column in *Strategic Investment*, a financial newsletter published by James Dale Davidson, author of *Blood in the Streets*. Wheeler specifically accused Bill Clinton of ordering his personal goon squad of Arkansas state troopers and ex-troopers to kill Luther "Jerry" Parks, the former Clinton security chief who had been gunned down in Little Rock in 1993. "Parks," said Wheeler, "was a Little Rock private investigator hired by Vince Foster to collect an extensive surveillance file on then-Governor Clinton, which included Clinton's participation in cocaine and sex parties at his brother Roger's apartment."

Calling his political attackers "a cancer," Clinton vowed to "cut them out of American politics."

Jim Davidson, founder of the National Taxpayer's Union, was once a supporter of Bill Clinton, but had since become an ardent foe and sponsor of research into the death of Vince Foster. Warned by his lawyers that he was risking not only his credibility but a libel suit as well if his newsletter was wrong about the charges against Clinton, Davidson hired investigators to check out the allegations coming out of Little Rock. The investigators, said to be shocked at what they found, advised Davidson that he had no need to fear any libel or slander suits.

On the morning after the disappearance of former CIA director William Colby, I was reading my copy of *Strategic Investment* which was announcing that the publisher had financed a trio of top handwriting experts who had just declared Vince Foster's suicide note a forgery. The newsletter also announced that former CIA director Colby had just joined the board of *Strategic Investment*. It was a mighty strange thing to be reading right at the very time the newswires were reporting that Colby had just been declared missing from his vacation cabin.

Colby had left for a canoe ride, leaving his radio on, his computer screen glowing in the dark, and a half-eaten clam dinner on his plate. He was a cautious man, said his wife, a man who would never go out canoeing in two-foot-high whitecaps with 25 mph sea winds. Shortly thereafter, his body was found without shoes or life jacket, that his wife said he always wore. Chills ran up my spine. I could feel the sea winds billow under my life jacket . . . I mean sweater!

The skuttlebutt about Bill Clinton's connections to drugs and political murders by the Dixie Mafia was once taken about as seriously by the national media as Elvis sightings at the Kmart, but, little by little, it was nonetheless being checked out. *The New York Times* sent writer Philip Weiss to Little Rock to get the lowdown. Weiss, a witty, urbane, liberal, New York Jew was an unlikely convert to right-wing nuthood, but, between the lines of his article "The Clinton Crazies," you could tell he didn't think they were so crazy after all.

Weiss, who had voted for Clinton, later wrote an article for the *New York Observer* portraying Clinton as a "backwoods governor who allowed 'rough justice' in Arkansas," a state with a "tradition of vigilante violence," a place "so poor

that primitive men with third-grade educations were elected sheriff in the 1980s." Weiss wrote about Forrest City Sheriff Conlee, a man who proudly displayed the pickled testicles of a castrated rape suspect on his office shelf. The accused rapist, Wayne Drummond, insists to this day that he is innocent of the rape of a distant Clinton cousin.

Shortly after Bill Clinton's re-election, the White House issued a 331-page report to counter the unending flow of bizarre stories. Entitled the "Communication Stream of Conspiracy Commerce," the White House report designated Pittsburgh publisher and billionaire Richard Scaife as the mastermind who engineered the vast right wing conspiracy from his media mother ship at the *Pittsburgh Tribune-Review*. Clinton spokesman James Carville, looking like a space alien who'd just shuffled his way down a gangplank of a mother ship himself, dismissed the anti-Clinton stories as just blatherings of the trailer trash. "You drag $100 bills through trailer parks, there's no telling what you'll find. I know these people. I went to school with them. I necked with them. I spent nights with them."

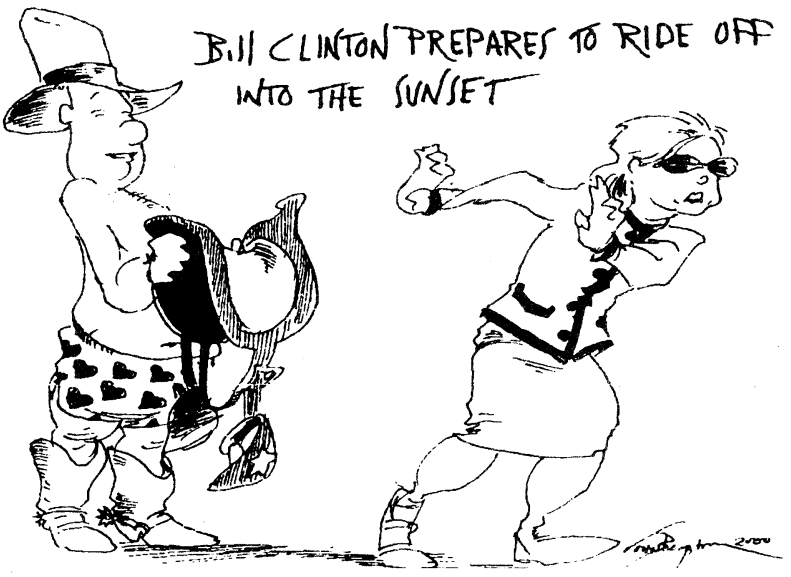

During the Clinton years it was impossible for writers not to make fools of ourselves. If you ignored the conspiracy stories you were boring and irrelevant, and if you researched them, there was such a blizzard of contradictory dots, you never really knew if you were a wing-nut or if you were *onto something*. Late one night an online buddy e-mailed me an instant message warning that a serial killer from Aryan Nation was getting really mad at my writings in the Common Conservative online forum. After that, I was getting so paranoid that when I got a call from the Make-A-Wish Foundation for a donation, I thought it was a death threat.

And a fate momentarily worse than death was the day my editor at an obscure little newspaper in Pittsburgh, *The Observer*, got an angry call from Jackie Judd. It was *the* Jackie Judd, calling the editor about me, a nobody from Pittsburgh, and a grandmother to boot, from ABC News in Washington, D.C., demanding to know where I had received my information. She wanted to know where I had gotten my quote about her, and she wanted it now. "When she calls you, if you can't remember where you got it," my editor told me, "just cry."

When Ms. Judd called back, she said a relative in Pittsburgh had sent her my article, "Skeleton Stampede," about the skeletons in Clinton's closet.* Judd was being called on the official ABC carpet to defend some of her statements about the Clinton White House. I had quoted her as saying, "The White House views this as a war, and they're going to use whatever they can to win it." So far so good. Judd admitted to saying that. I had received the quote from Micah Morrison at *The Wall Street Journal*. But the second part of my sentence was wrong. I had misquoted Judd by inadvertently blurring the sentence with two words, saying that she had said ABC News had "unbelievable battles" with the Clinton White House when it was actually another source at ABC News who had given *The Wall Street Journal* that information. I apologized for the misquote and Judd said she would call back if she needed me to back up her story. Whew! The White House was reaching deep to intimidate the press, as Bill Clinton had threatened he would do immediately upon his re-election!

At a victory celebration in a Little Rock hotel on his re-election night, Bill Clinton had promised to "spend a lot of time going after detractors who pursued him on Whitewater and other ethical questions." His enemies, he declared, had "hurt a lot of people in our state with their systematic abuse." Calling his political attackers "a cancer," he vowed to "cut them out of American politics." We might expect this kind of venting from a loser with fresh wounds, but who would expect to run into such a nasty winner? Ungracious winners with the full power of the federal government at their disposal can be a frightening prospect. Relaxing on Air Force One later that night, Clinton told reporters it was the Oklahoma bombing that proved to be the turning point in his political fortunes. "The bombing broke a spell in the country as the people began searching for our common ground again," he explained. "Our one duty to the victims of Oklahoma is to purge ourselves of the dark forces which gave rise to this evil."

Adept at the exploitation of tragedies and the politics of division, Clinton had been demagoguing the Oklahoma catastrophe before the debris had settled. He was apparently oblivious to the fact that those on the other side of the political divide saw the dark force that had given rise to the evil of Oklahoma as him. Though the administration tried to smear right-wing critics, radio-talk-show listeners, militia members, and Republicans as fellow travelers of Oklahoma bomber Timothy McVeigh, McVeigh turned out to be a loner who was enraged by the incineration of 80 Americans at Waco, a needless tragedy that was directly produced by the reckless and irresponsible decision-making processes of the Clinton administration.

*"I can't open up my closet," Clinton had once confessed to his friend David Ifshin during the 1992 campaign. "I'll get crushed by my skeletons."

"Who are these people," Clinton asked shortly after the Oklahoma bombing, "who say they love their country but hate their government?" More politics of division and inflammatory rhetoric from a man who knew full well from his participation in the anti-war movement that you can vehemently protest government policies without hating your country. These people who "hate their government" were people just like he was when he proclaimed that he "loathed the military." Understanding political radicals, because he was once one of them himself, would have given a wiser man an edge in unifying and leading the country, but Bill Clinton chose to inflame and divide, fueling the opposition's rage just as surely as his heavy-handed policies at Waco had fueled the rebellion there. In the end, he was no better a leader than his '60s nemesis, Richard Nixon. He had learned nothing.

Perhaps because the Clinton administration had viewed Pittsburgh as the home of the mastermind of the "vast right wing conspiracy," the place from where the "cancer" had sprung, the city seemed to get a little more White House attention than others. When the head of HUD visited town, he pointed across the river at a forsaken little town called Braddock and asked if that was where the Morning Militia met. On June 4, 1996, Pittsburghers had a bizarre experience — an unannounced nighttime invasion of black helicopters playing war games over city streets, zooming over McKeesport and Braddock. "Not Armageddon, Just Noisy Helicopter Training," said the next morning's headline in the *Pittsburgh Post-Gazette*.

"World War III did not break out along the Three Rivers last night," reported *Post-Gazette* staff writer Michael Newman. "It just sounded like it. As part of a U.S. Department of Defense training exercise, helicopters flew low along the Monongahela, Ohio and Allegheny rivers, from McKeesport to McKees Rocks to the Strip District. They were accompanied by a frighteningly realistic soundtrack of exploding bombs and crackling gunfire. Residents from throughout the area called their local police. One man said the commotion was so loud, his wife went into labor. An official at Pittsburgh's emergency-management center said the exercises were part of the Defense Department's normal training. He said last night's exercises were designed to help helicopter pilots learn to fly at night in urban areas. The exercises, sponsored by local police departments, including the city's, started shortly after dark and lasted until after midnight."

I was getting so paranoid that when I got a call from the Make-A-Wish Foundation for a donation, I thought it was a death threat.

"It Would Have Been Nice to Warn Us," said a headline the next day, followed the day after by "Military Retreats in Face of Anger: Public's Reaction Was Too Negative, Army Announces." Said Lt. Col. Ken McGraw of the Army Special Operations Command at Fort Bragg: "In light of the public reaction, we re-evaluated our training schedule and determined we really couldn't do much of our training without disruptions to Pittsburgh residents and thought it would be better to cancel it."

Asked about the safety of flying the Black Hawk helicopters at night over heavily populated areas, McGraw said, "I'm never going to tell you nothing [sic] is foolproof." He said that in other cities, such as Atlanta, Dallas, and Chicago, where similar exercises had been held over the last few years, public reaction had never been anything like in Pittsburgh.

People poured into the streets in their underwear during the treetop anti-terrorist maneuvers by nine Army helicopters that swooped through with mock gunfire and explosions that shook the ground.

U.S. Senator Rick Santorum, R-Pa., stated that he had been "left with the impression from a meeting with officers at the Special Operations Command" that the training was in part to prepare troops, should their expertise be necessary at the Atlanta Olympics. Others said the Army was concerned that conditions in certain cities are ripe for racial conflict. The morning after Pittsburgh's helicopter invasion, Tom Marr, a Philadelphia talk-show host said that invariably in these situations, the "black helicopter crowd" comes out of the woodwork, spreading rumors that the Pentagon is ready to aim its guns at American citizens.

Whatever the reason, the black helicopter crowd did get angry, and pour out of the woodwork they did! Some even poured into the streets in their underwear during the treetop anti-terrorist maneuvers by nine Army helicopters that swooped through with mock gunfire and explosions that shook the ground. "In my granma's neighborhood," said waitress Kelly Toth, "people laid down in the streets. The noises came in through the open windows. The helicopters were flying so low you could've hit them with a broom handle. They thought the communists were coming to take over, or that it was aliens!"

The owner of La Dolce Vita Sweet Shop in Bloomfield, Pittsburgh's Little Italy, said he wasn't surprised to see masked soldiers sliding down ropes onto rooftops from helicopters. "They've been doing extractions around here for a long time," he said, referring to Pittsburgh's missing persons. Another woman peering out her apartment window in the wee hours at the black helicopters said, "Oh my God, the militia was right!" On the other hand, Gran'pa Bup, a World War II vet, said: "These people are crybabies. They should've felt the ground shake when a 3,000 pound bomb was dropped on London!"

And so it went, on and on like a novel. Sure, there were nuts in the movement, and I met a few of them, and for

continued on page 61

Robbing Peter to Pay Mary

by Samuel Silver

America would be a very different place if women were not allowed to vote.

In presidential elections from 1980 to 1996, the difference in voting patterns between men and women was 14-17 percentage points, with the exception of 1992, which had only a five percent "gap." In the recent 2000 presidential election, George W. Bush narrowed the gap to 11%, perhaps because he understands the gender gap better than previous conservative candidates have.

Why is there a persistent gender gap? What implications does it have for our society?

At the very least, the existence of such a clear difference in the voting habits of men and women explains the steady growth in government over the past 130 years. More ominously, the gap offers evidence that the liberal left is systematically undermining the financial and emotional security of women in order to gain control of government.

In their 1999 study "Did Women's Suffrage Change the Size and Scope of Government?" published in the *Journal of Political Economy*, John Lott and Lawrence Kenny examined "the growth of government during this century as a result of giving women the right to vote." They used cross-sectional time-series data for 1870-1940 to "examine state government expenditures and revenues as well as voting by U.S. House and Senate state delegations." They also analyzed the correlation between women's voting and the political makeup of Congress over this period.

Twenty-nine states gave women the right to vote prior to passage of the 19th Amendment. Within eleven years of each state granting suffrage, the size of state governments in the affected states more than doubled. Lott and Kenny studied other variables to determine if this relationship was causative and concluded that "these differences are again quite statistically significant, and they strongly rule out the possibility that higher government spending simply arose, because there was something that correlated with giving women the right to vote and a desire for greater government spending."

To determine if this same effect could be measured at the federal level, they analyzed the effects of women's suffrage on the political direction of Congress. They used a method of analysis similar to the one for state government spending, and the results were just as dramatic:

> The two consistent results were the following: allowing female suffrage resulted in a more liberal tilt in congressional voting for both houses, and the extent of that shift was mirrored by the increase in turnout due to female suffrage . . . In the Senate, suffrage changed the voting behavior by an amount equal to almost 20 percent of the difference between Republican and Democratic senators.

It seems clear that providing universal suffrage led to larger government, which raises the question of *why* women prefer big government. Lott and Kenny hypothesize that the answer may lie in a fundamental difference between the sexes. Men and women were created equal, and they are equal under the law, but, radical feminists notwithstanding, they are different from each other. Both financial and sociobiological literature provide evidence that women are more averse to taking risks than men are, which may lead them to prefer the "security net" offered by liberals. Divorced women often fare badly in obtaining alimony and other support, and women in general tend to have lower incomes. Lott and Kenny argue that women as a rule:

> . . . benefit more from various government programs that redistribute income to the poor, such as progressive taxation. Hence, single women as well as women who anticipate that they may become single may prefer a more progressive tax system and more wealth transfers to low-income people as an alternate to a share of a husband's uncertain future income. Indeed, we have found (in an earlier paper) that after women have to raise children on their own, they are

more likely to classify themselves as liberal, vote for Democrats, and support policies such as progressive income taxation.

Lott and Kenny use this theory to explain the "gender gap" in voting, concluding that ". . . in part [it] arises from women's fears that they are being left to raise their children on their own. If this result is true, the continued breakdown of the family and the higher divorce rates imply growing political conflicts between the sexes." Therefore, it seems that some women have used the vote to reduce their financial risks in life through use of government power. In other words, we are robbing Peter to pay Mary.[1]

This tendency among women's voting patterns is not only known to the liberal/left wing of American politics, but exploited by them. Susan Estrich, former campaign manager for Michael Dukakis' presidential campaign, writes in *Sex & Power* that "Bush is ahead among married women. Gore is strongest among those women who live alone and support their children. The promise of a safety net counts for more with those who don't have a male version of one."

The fact that women have used their electoral power to get government to redistribute wealth to them helps explain the steady growth in government over the past 130 years.

In the current election, exit poll data for single versus married women is not yet available, but married voters of both sexes voted 53% for Bush versus 44% for Gore, a 9% reverse gap. Since women accounted for 52% of the total vote, this tends to support the Lott and Kenney thesis, and suggests that there is more a marital-status gap than a simple gender gap.

Traditionally, women have had a vast support system for themselves and their children, including husbands, immediate family, extended family, church or synagogue, and community-based charitable organizations. The left-liberals have worked to undermine these support mechanisms, replacing them with what Hillary Clinton calls a "village," by which she means centralized government controlled by left-liberals. In order to accomplish its goal of eliminating women's safety nets, thus frightening women into supporting bigger government, the liberal left has:

- belittled and ridiculed religion and traditional values
- devalued marriage and minimized the harmful effects of divorce
- glorified the birth of children out of wedlock, especially those without fathers or male role models in their lives
- created a maternalistic welfare state which destroyed families, especially in the black community
- replaced personal responsibility with no responsibility

As a result, the liberal left has increased women's perceived need for centralized government, to fill the voids they themselves have created.

Meanwhile, women's ability to learn about the truth of political issues appears to be diminishing. A study of the 2000 primary campaign by the Annenberg Public Policy Center at the University of Pennsylvania, titled "The Primary Campaign: What Did the Candidates Say, What Did the Public Learn, and Did It Matter?" shows not only that women are less knowledgeable than men about political issues, but that there is a growing trend for women to claim they are informed when they are not. For this study, surveys of factual political knowledge were carried out in 1996 and 2000. During both campaigns, men were more likely than women to answer questions about political issues correctly, but women and men reacted differently when they did not know the correct answer. In 1996, if women did not know the correct answers, they were more likely to say "I don't know" than they were in 2000. It is difficult to have a meaningful discussion with people who don't know that they don't know what they think they know. Radical feminists see no problem with this phenomenon, as they do not believe in objective reality, logic, or rationality, all of which they dismiss as "phallocentric." Women tended to get more answers wrong than men, regardless of age, race, income, education, marital status, or party identification. In presenting the study, researcher Kathleen Hall Jamieson gave as one possible explanation the fact that women and men discuss politics differently. "Men talk with one another at work about politics . . . Women don't have that same socialization. It's a function of how women talk about politics."[2]

The study also found that the more people relied on local television news for information, the less informed they were: "Local news watching makes you dumber." The susceptibility of voters to the economic nonsense and outright lies of the left may be a product of the growing reliance on television for news. Television news usually plays favorable sound bites from Democrats, without critical comments, while Republican sound bites are almost always surrounded by some type of negative suggestion. In the first Bush-Gore debate, for example, most network news reports stated that Gore "won the debate on points" without mentioning that at least six of his points were lies, exaggerations, or misleading. On the other hand, news analysis programs, talk radio, and newspapers reported that at least six of his points were lies, exaggerations, or deliberately misleading. If a person's only source of news was the local television news with its national news feed from the networks, he would have the impression that Gore was the clear winner.

If liberty and democracy are to survive in America, we must reduce the excessive insecurity being foisted onto women by the culture and politics of the left and strengthen noncoercive forms of aiding the weaker members of society. Emphasis must be placed on the free market and charitable, community-based programs as the most moral and efficient alternatives to government control over our lives. If we do not stop the onslaught of the traditional family, the gender gap will continue to grow and lead us further down the path to larger government, which will undermine democracy and destroy liberty. ❑

Notes

1. The Lott-Kenny study can be found at http://papers.ssrn.com/paper.taf?abstract_id=160530.
2. The Annenburg study can be found at http://www.appcpenn.org/32700report.pdf.

Report

Uruguay Kicks the Socialist Habit

by Thomas S. Garlinghouse

Some nations aspire to freedom; others have freedom thrust upon them.

Uruguay was once known as the "Switzerland of South America." Throughout the first half of the 20th century, it was one of the most prosperous and politically stable countries on the continent. With a thriving trade in wool, meat, textiles, and leather goods, its citizens enjoyed a high standard of living that set it apart from its sister republics in South America. Its institutions — constitutional government, democratic plebiscites, flourishing academies, and numerous cultural diversions — were the envy of other countries. It was also the most politically progressive nation in South America. As with Sweden and Germany in Europe, Uruguay pioneered the welfare state in the Americas. Free education, public housing, medical care, and old-age pensions were provided for all.

By mid-century, however, Uruguay had succumbed to economic instability, political violence, and social chaos. The situation became so bad, in fact, that in 1973 the military stepped in and took forcible control of the government. For over a decade, a military junta ruled the country with the proverbial "iron hand." The press was censored, the legislature dissolved, unions and political parties declared illegal, the constitution suspended, and civil liberties suppressed. It was not until 1985 that the military finally allowed democratic elections.

Uruguay's journey from prosperity to repression was the result of an internal implosion. By mid-century, Uruguay's welfare state had grown so large — so overweening — that stresses had begun to appear in the country's economy. This had predictable effects in the country's social and political fabric that ultimately led to chaos.

The architect of the modern welfare state in Uruguay was an energetic and brilliant journalist-turned-politician named José Batlle y Ordóñez (1859–1929). Born in Montevideo in 1859, Batlle came from a distinguished lineage that included entrepreneurs, soldiers, and politicians; his father had been president of Uruguay from 1868–72. He was reared in an atmosphere of privilege, wealth, and comfort and received an excellent education at the country's elite upper-class schools. After studying law at the University of Montevideo, he went on to the Sorbonne, where he studied philosophy and toyed with the idea of becoming a teacher.

During the traditional overseas sojourn of young members of the elite, he encountered political and social forms that were in sharp contrast to those of his own country. Switzerland particularly impressed him. He saw its enlightened social legislation and state-owned industries as models of political and social rectitude.

When he returned to Uruguay, he abandoned the idea of becoming a teacher and decided on a career in journalism. After working for numerous papers, he started his own journal, *El Día*, in 1886. A reform-minded newspaper with strongly leftist sentiments, it attacked the succession of military leaders who ruled the country throughout the late 19th century. It also proposed a series of radical political and social reforms — based on European models — and threw its weight behind the nation's incipient union movement.

In 1897, Batlle won a seat in the General Assembly, the Uruguayan legislature. He was a dogged and energetic legislator, rising rapidly to a position of authority in the Colorado party — the traditional party of the urban populace and immigrants. Under Batlle, the Colorado party worked for a strong central government and welfare-oriented redistributionist policies. The following year Batlle became a senator, and, in 1903, president.

He immediately set about establishing an ambitious legislative agenda. His first successful act, passed in 1904, was to legalize divorce. In a deeply conservative Catholic country, this was a radical reform which at first met with stiff resistance. But Batlle was not an ordinary politician — friends and opponents alike described him as a forceful debater with considerable demagogic ability. By sheer force of personality, he passed the bill through the legislature; immediately following up with bills abolishing the death penalty, strengthening the state-owned bank, and reforming the country's educational system.

Uruguay privatized state-owned industries, curtailed government spending and regulation, and lowered taxes. For the first time in years, the economy shows signs of growth: inflation is down, exports have increased, the deficit has fallen, and income has grown strongly.

His reforms were so popular that, after a brief hiatus during which a handpicked successor governed, he easily won a second term. With the enthusiastic backing of most of the country, this term was even more ambitious than the first. Batlle pushed forward a flurry of reforms: old-age pensions, farm relief, urban minimum wage, and an eight-hour workday. He also granted women the right to vote — Uruguay was the first Latin American country to do so. With characteristic dogmatism, he announced: "The gap [between rich and poor] must be narrowed, and it is the duty of the state to attempt that task."

Throughout the 1920s, Uruguay remained a stable country with a growing economy and a relatively prosperous middle class. The worldwide economic depression of the 1930s, however, hit Uruguay hard. Unemployment soared and economic anxieties multiplied. In 1933, President Gabriel Terra suspended the constitution. The country was able to weather this storm, and the constitution was restored the following year.

In 1951, with the election of Batlle Berres, a nephew of José Batlle y Ordóñez, the country entered a new and particularly vigorous phase of state expansion. Berres adopted a program of statist policies that radically increased the role of the government in the social and economic lives of Uruguay's citizens. The pension system was expanded, selected industries subsidized, and price controls enacted. And, like Batlle before him, Berres attempted to correct the "unfair differences" in the socioeconomic structure of society through income redistribution.

In many ways, Berres' "neo-Batllism" was even more ambitious than Batlle's program had been. For many, especially those who benefited from government largess, good times seemed destined to last forever.

But cracks soon began to appear. Uruguay's economy became less and less able to sustain the demands of its burgeoning welfare system. The bureaucracy had grown to cumbersome proportions, unions were militant and vocal about wages and benefits, and government spending was accelerating year by year. Meanwhile, exports declined, capital diminished, and investment — in a country where nearly half the work force was employed by the state — was almost nonexistent.

By the mid-1950s, Uruguay's economy was in shambles. And over the next 20 years, the country underwent a period of prolonged stagnation. Unemployment rose, exports fell, and trade deficits widened. The gross national product fell sharply and real wages declined — by 1967, they were to 40% of what they were in 1957. Perhaps most devastatingly, however, inflation rose precipitously. In 1962, inflation was troublesome at 35%; by 1967, it was 89.3%. A year later, it stood at an astronomical 125.3%.

The economic crisis led inevitably to social unrest. Strikes, boycotts, street fights between police and workers, and student unrest dominated newspaper headlines. It seemed as if the country was unraveling at the seams. In 1963, disgruntled members of the Socialist Party formed a Marxist terrorist organization, the Tupamaros. Disillusioned with democratic measures, they were dedicated to solving the country's woes by violence. Their leader, Raúl Sendic, was a former law student and party activist who had been active in Uruguay's union movement. One of the Tupamaros' first actions was the murder of a U.S. official whom they suspected of working for the CIA. This was followed by kidnappings, murders, and robberies intended to destabilize the country.

At the beginning of the 1970s, Uruguay was in severe chaos. Its economic growth rate had spiraled downward precipitously. By the end of the decade, it was the poorest nation in the Western Hemisphere, except for Haiti.

The Uruguayan military, which had been relatively inactive throughout the crisis, finally intervened. In a series of raids and arrests — in which thousands of guerrilla members and suspected sympathizers were rounded up — the military broke the back of the Tupamaros. Sendic was captured and sent to prison. Then, breaking even further from its traditional non-involvement in politics, the military set about establishing a police state, under the guise of national security. Like so many other South American countries, Uruguay underwent a period of repression. It curtailed civil liberties and arrested political agitators, dissolved the General Assembly, and suspended the constitution.

The military ruled for more than a decade. The much more dramatic coup d'état in Chile — where the air force bombed the presidential palace — caught most of the world's headlines and little attention was focused on Uruguay. This made it easier for the military to carry out repressive measures. Thousands of Uruguayans were executed, tortured, or "disappeared" during this tumultuous time, and thousands more went to jail. Ten percent of the country's population emigrated for political or economic reasons. Amnesty International calculated that in 1976 one in every 500 citizens was in jail for political reasons and that one in 50 had suffered imprisonment.

In 1985, Uruguay held its first democratic elections in over a decade. Voters elected a centrist government under Colorado candidate Julio María Sanguinetti, that set about

continued on page 42

Analysis

The Dark Side of Israel

by Imad-ad-Dean Ahmad

Why should Americans support a socialist, racist, theocratic state?

Some libertarians claim that it is only a commitment to abstract general principle that forces us to oppose U.S. government aid to Israel. In other words, we should support the ideological concept of aid to Israel, opposing only the fact that our tax dollars are being used to achieve it. Yet if one examines the situation with a more critical eye, one finds that the laws and policies of Israel are blatantly contrary to the tenets of libertarianism — the universality of individual rights, a commitment to nonaggression, and the right to hold private property. In fact, Israel is an uncompromisingly racist, militarist, and collectivist entity, and has been so from the time of its conception.

The racism of Israel is transparent in the policy of "the Law of Return." Any Jew may become a full citizen of Israel, but non-Jewish Palestinians of Israeli birth who emigrated or were expelled may not return. Thus, Samuel Sheinbein can escape trial in the United States, where he was accused of the brutal murder and mutilation of a fellow student, by fleeing to Israel and claiming the Right of Return; yet my mother, born and raised in Jerusalem, couldn't return home to escape a parking ticket.

Palestinians who remain in their homeland are granted only second-class citizenship. They are barred from receiving many of the subsidies of the heavily socialized state, although they are not exempt from the oppressive tax rates. In fact, many Palestinians in Israel are treated as "present absentees," denied the right to return to their villages. Israeli authorities systematically use government regulatory devices against Palestinians to prevent them from building or expanding their houses, refusing them the building permits routinely granted to Jewish citizens. For the Palestinian residents of Jerusalem, things are worst of all. Their homeland is illegally occupied, yet Israel treats them no better than visitors. They are considered "permanent residents" whose residency permits can be taken away if they go abroad. Jews may have dual citizenship (and many do), but a non-Jewish Jerusalemite loses his residency if he acquires American citizenship. Arab Jerusalemites who marry people from outside the city must choose between giving up their residency and leaving town because non-Jews are not allowed to obtain residency.

The definition of a Jew in Israel is racial and not religious. Under Israeli law, having a Jewish mother is what makes a person a Jew. An Israeli need not follow the Mosaic law nor even believe in God to qualify as a Jew as long as his mother meets the ethnic requirements. (On the other hand, the Israeli High Court has ruled that Messianic Jews — meaning Jews who accept Jesus as the Messiah — lose their status as Jews. Apparently Jews who question the ultra-orthodox definitions of Judaism are considered as little worthy of citizenship as Palestinians.) Although Jewish teachings do not promote discrimination against non-Jews, the so-called Jewish state of Israel binds itself less to actual religion than to ethnicity. Israel grants full citizenship, including property rights, subsidies, and individual rights to any person of any nationality, so long as that person is of Jewish ethnicity. Ben Gurion University political geographer Oren Yiftachel has rightly noted that such a form of government is an "ethno-cracy" rather than a democracy.

Israel's militarism has been defended by the claim that it is a tiny Jewish nation in a sea of hostile Arabs. However, this hostility is *not* the result of religious disagreements, as is maliciously suggested by pro-Israeli supporters. Arab aggressiveness is far from a permanent factor in the history of the Middle East, a fact clearly demonstrated by the historical coexistence of Jews and Arabs under Muslim rule. In fact, although the Romans expelled the Jews from Jerusalem, the second Caliph, Umar, allowed the Jews to return when the Muslims captured Jerusalem in the seventh century. This was

in direct contrast to the desires of the Christian inhabitants, who wished the Jews to remain exiled, and was in fact the sole Christian request that Umar did not fulfill. Centuries later, the Crusaders banned the Jews after massacring Jewish, Muslim, and Arab Christian occupants of the city. When Saladin recaptured the city, he allowed the Jews to return. The Hashemite kings Abdullah (who ruled Jerusalem from 1948–52) and Hussein (who succeeded him through 1967) departed from this tradition and excluded the Jews from Jerusalem, but they did not do so on the grounds of religious bigotry. Rather, they acted in direct response to the *actions* of Jews — in retaliation for the Zionist expulsion of the Palestinians from their homes and lands. Pro-Israeli factions may claim that Arabs hate Jews on principle, but history makes clear that this is not the case. The heightened militarism of the country is therefore inappropriate and may even be a direct cause of many of the conflicts which Israel blames on its Arab neighbors.

The most interesting issue to libertarians is that of private property rights. Even the most pro-Zionist libertarian will criticize Israel for its staunch socialism. The collectivism of Israel, however, is not just a simple flaw in Zionism, but the core of the ideology. To appreciate this, one should note that at the time of Israel's foundation, Jews (Zionist and non-Zionist alike) owned less than seven percent of the territory. This included land recently acquired from absentee landlords. The Jewish National Fund demanded that the new government should use its power of eminent domain in order to

Arab aggressiveness is far from a permanent factor in the history of the Middle East, a fact clearly demonstrated by the historical coexistence of Jews and Arabs under Muslim rule.

"acquire this year . . . as much land as it acquired in 47 years of unremitting effort."[1] This land was not to be turned over to private Jewish ownership, but was to be collectively owned by the Jewish people. This meant two things: it would never again be put into private hands, and it would never again be rented or leased by non-Jews. Under current laws, the same restrictions apply to state-owned land.

A recent example of the Israeli disregard for private property was the takeover of land near the village of Dir Kadis. A press release, issued by the Israeli Peace Bloc (Gush Shalom), noted that verbal protests by the Palestinian titleholders to the land were ignored. On May 23, 1999, when villagers tried to stop the bulldozers from leveling their property, Israeli soldiers shot tear gas canisters into their houses, wounding several people, including children, and causing one woman to suffer a miscarriage. The justifications for such actions vary from the ever-popular seizures by the military for "security needs" to the claiming of land "abandoned" by refugees. In the occupied territories, Israelis employ a series of strategies to pressure the indigenous people to leave: The curfews that force people to remain indoors as many as 22 hours a day, the closures that prevent them from going to work, and the road system that cuts farms in half exemplify the difficult conditions Palestinians struggle against, simply to keep land which, under any private property law, should be theirs without question. Outright deportations, though illegal under international law, constitute yet another weapon in the Israeli arsenal.

Israeli authorities systematically refuse Palestinians building permits that are routinely granted to Jewish citizens.

Land is not the only target of looting. Israel does not have enough water to support the large numbers of immigrants it needs to outpace the fecund Arab population. To maintain the stream of immigrants, the Zionist lobby induced the U.S. Congress to endorse stricter immigration laws to make it more difficult for Jews from the former Soviet block to enter the United States. Unable to come to their first-choice destination, most emigrants end up in Israel, where the water supply falls short of supporting the artificially increased population. As a result, the Israelis raid the aquifer in the occupied territories to meet their needs.[2] When Palestinians' wells go dry, a negative response — or indifferent silence — meets their request for permits to dig deeper wells. Meanwhile, the illegal settlers get all the water they want from the dropping aquifer, while they live on land that has been illegally seized. There is no question that Israel's policies regarding land ownership and water rights are not simply biased against Palestinians, but violent and illegal, and above all contrary to the fundamental concept of private property.

Too many libertarians, in spite of rejecting the need for government funding of foreign countries, feel that it is morally correct to support Israel. Yet morality cannot be divided from the consequences of action. The very foundations of Israel's present existence should be anathema to any libertarian who disagrees that race should supersede all other factors when it comes to granting or denying citizenship and basic rights, that history should be ignored when justifying militarism, and that private property rights can be overruled in favor of government-mandated collectivism. ❑

Notes

1. Jewish National Fund, *Jewish Villages in Israel*, Jerusalem: Keren Kayemeth Leisrael, 1949.
2. Swain, A., *Arab Studies Quarterly*, v. 20 #1 (Winter 1998), p. 1.

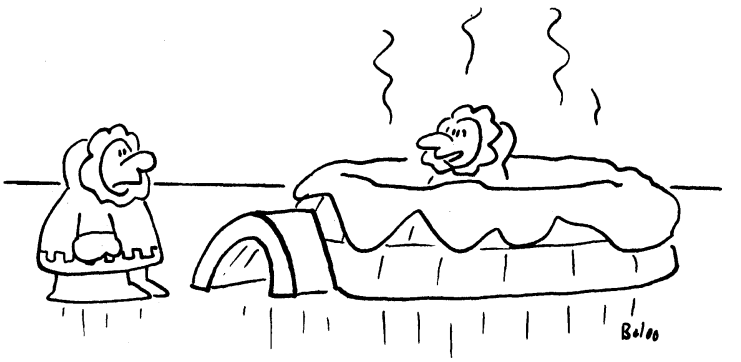

"The housewarming party got out of hand."

What the Second Amendment Means

by Dave Kopel

Contrary to what some people believe, the Second Amendment means what it says.

What does the Second Amendment really mean? Just look it up in the dictionary. You'll find that "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed" isn't nearly as confusing as modern gun prohibitionists claim.

The legitimacy of the American version of the English language found its truest champion in Noah Webster. Webster's father served as a captain in the "alarm list" of the militia near his Hartford farm, and the family strongly supported the Revolution. Noah Webster's first major volume was the *American Spelling Book* (1783), of which millions of copies were eventually printed. He published his first dictionary in 1806, the *Compendious Dictionary of the English Language*. But his revered classic came in 1828: the two-volume *American Dictionary of the English Language*. Let us examine the Second Amendment, word by word, to see what Webster teaches us about the meaning of the amendment's words in the 19th century.

"Regulated" meant "Adjusted by rule, method or forms; put in good order; subjected to rules or restrictions." Thus, George Cabota, Federalist and one of the richest men in New England, wrote that society should function like "a well-regulated family" with "each one learning his proper place and keeping to it." [Robert E. Shalhope, Individualism in the Early Republic, in *American Chameleon: Individualism in Transnational Context* (Richard O. Curry & Lawrence B. Goodheart eds. 1991) 66, 67.] Thus, in "a well regulated Militia," the militiamen would be able to march and deploy for combat in proper formations, with each militiaman knowing his place.

As Randy Barnett has observed, in relation to the congressional power to "regulate" interstate commerce, to regulate something means to make it more regular, not to prohibit it. Or as Congressman Daniel Webster explained, regarding federal power to "regulate" international commerce, "To regulate . . . could never mean to destroy." (Robert Remini, *Daniel Webster: The Man and His Time*, 1987, p. 94.)

"Militia" in Webster's dictionary was "The body of soldiers in a state enrolled for discipline, but not engaged in actual service except in emergencies; as distinguished from regular troops, whose sole occupation is war or military service. The militia of a country are the able-bodied men organized into companies, regiments and brigades, with officers of all grades, and required by law to attend military exercises on certain days only, but at other times left to pursue their usual occupations."

"Necessary" meant "indispensably requisite."

"Security" was "Protection; effectual defense or safety from danger of any kind."

"Free" meant "In *government*, not enslaved; not in a state of vassalage or dependence; subject only to fixed laws, made by consent, and to a regular administration of such laws; not subject to the arbitrary will of a sovereign or lord; as a *free* state, nation, or people" (emphasis in original).

"State" meant "A political body, or body politic; the whole body of people united under one government, whatever may be the form of government. . . . *state* has sometimes more immediate reference to government, sometimes to the people or community." Thus, "state" is not just the "government." The Second Amendment aims to protect the security of a free American people, not just to protect their government.

"Right" was "Just claim; immunity; privilege. All men have a *right* to secure enjoyment of life, liberty, personal safety, and property. . . . *Rights* are natural, civil, political, religious, personal, and public."

"People" meant "The body of persons who compose a community, town, city or nation. We say, the *people* of a town; the *people* of London or Paris; the English *people*."

"Keep" was "To hold; to retain in ones power or possession."

"Bear" meant firstly, "To support; to sustain; as, to bear a

weight or burden," a meaning that does not fit with the context of the Second Amendment. The second and third meanings of "bear" are much more congruent: "To carry; to convey; to support and remove from place to place" and "To wear; to *bear* as a mark of authority or distinction; as, to *bear* a sword, a badge, a name; to *bear* arms in a coat."

It is sometimes argued that "bear" has an exclusively military connotation, so that the right to "bear" arms refers only to bearing them in militia service. But none of Webster's definitions for "bear" contain such a narrow construction. And rather significantly, we know that "bear" was used with a broad meaning in one of the key documents that gave birth to the Second Amendment, the minority report from the Pennsylvania ratifying convention. The minority demanded constitutional protection for the right to the people "to bear arms for the defense of themselves and their own state, or the United States, or for the purpose of killing game." Hunting — "killing game" — is obviously a personal, non-militia purpose for which one could "bear arms."

Further, the state constitutions of Missouri (1820), Indiana (1816), Ohio (1802), Kentucky (1792), and Pennsylvania (1776) all recognized a right of citizens to "bear arms" in the "defense of themselves and the state." While arms-bearing for defense of "the state" would be in a militia context, citizens bearing arms merely for "defense of themselves" would merely be defending themselves against criminal attack. Hence, the phrase "bear arms" did not connote that arms-bearing could only occur while in active militia service.

In the 1998 case of *Cleveland v. United States*, the Supreme Court was called upon to construe the meaning of the phrase "carries a firearm" in a mandatory sentencing statute. While the majority opinion did not refer to the Second Amendment, Justice Ginsburg, writing for four dissenters, used the Second Amendment to help explain the phrase:

> Surely a most familiar meaning is, as the Constitution's Second Amendment (keep and bear Arms) and Black's Law Dictionary, at 214, indicate: wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person.

Justice Ginsburg's reading of the Second Amendment is thus consistent with the reading suggested by *Webster's Dictionary*.

"Arms" meant "Weapons of offense, or armor for defense and protection of the body. . . . *A stand of arms* consists of a musket, bayonet, cartridge-box and belt, with a sword. But for common soldiers a sword is not necessary." Webster's definition offers two useful insights. First, the distinction sometimes drawn between "offensive" and "defensive" weapons is of little value. All weapons are made for offense, although they may be used for defensive purposes (i.e. shooting someone who is attempting to perpetrate a murder), since the best defense sometimes really is a good offense.

Second, *Webster's Dictionary* suggests that the "arms" protected by the Second Amendment may include more than just weapons. The amendment may encompass "armor for defense and protection of the body." The defensive aspect of arms would be relevant to legislative proposals to prohibit non-government possession of bullet-resistant vests.

Finally, "infringed" meant "Broken, violated, transgressed."

How would the Second Amendment read, if rephrased according to Webster's dictionary?

"The good order of able-bodied men required to attend military exercises on certain days, being indispensably requisite to the protection of a not-enslaved body politic, the just claim of the body of persons who compose the United States to retain and wear weapons and armor, shall not be violated."

Hardly as elegant as the Second Amendment. But *Webster's Dictionary* does point us in the same direction as did all legal commentators of the 19th century: so that the militia (an essential institution of a free society) will be effective, the people are guaranteed the ownership of arms. In fact, Noah Webster himself, during the ratification debates in 1787, wrote an essay titled "An Examination into the Leading Principles of the Federal Constitution" which provided a concise summary of why the entire population should be armed:

> Before a standing army can rule, the people must be disarmed, as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States. ❑

Uruguay, *from page 38*

salvaging many of the institutions the country had formerly enjoyed. Four years later, the electorate chose Luís Alberto Lacalle of the more conservative Blanco party, who began to move the country toward a market economy. He introduced monetarist policies to reduce the deficit and curb inflation. His reforms were a stark turnabout to the welfare state policies of the past. While such measures have not always been popular — labor unions and pensioners have opposed them — they have achieved their goal of economic growth.

Since 1988, and continuing throughout the 1990s, Uruguay privatized many state-owned industries, curtailed government spending, lowered taxes, and freed the economy to follow market forces. For the first time in years, the economy shows signs of growth: inflation is down to manageable levels, exports have increased, the deficit has fallen, and per capita income has grown strongly.

Many Uruguayans now realize that the welfare state comes at a heavy cost. The quixotic promises of Batllism — that the state would provide for the citizen's every need — have largely been abandoned for a more pragmatic, market-oriented economy. It is a lesson that Europe, with its high levels of unemployment, stubborn inflation, and bloated bureaucracy, is beginning to learn. It is a lesson, unfortunately, that the United States seems all too determined to resist. Witness, for example, Bill Clinton's attempt to socialize medical care in 1993, or George W. Bush's proposed increase in federal aid to, and control of, education this year. Sometimes, it seems that the United States is determined to resurrect the ghost of Batllism. Americans might do well to study the lessons of Uruguay. ❑

The Abortion Conundrum

by Sarah J. McCarthy

Abortion isn't pretty, but it isn't always morally reprehensible, either.

Charles S. Rebert, the 62-year-old, ten-billion-cell clump who accuses me in the March issue of *Liberty* of wanting to kill him when he becomes a disagreeable, feeble old clump, needs to get his mind right. By age 62, most of us sadly but wisely realize that morality exists on a continuum, that ethics differ in different situations, that shades of gray are necessary, and that arbitrary lines must sometimes be drawn. Because one believes that women should retain the legal right to an abortion when their lives or health are threatened in no way means that one is about to go on a killing spree against cranky old men.

Because one kills in war does not mean that one will kill in peace. Humans make ambiguous moral judgment calls all the time. We may, at some tragic point, choose to turn off life support for ourselves or our parents, but that doesn't mean we'll opt for suicide or murder when hope exists, just as arguing for the right to bear arms does not mean that one will now or ever go postal. We all hate war but would never be so pigheaded as to call for a constitutional amendment to outlaw all wars.

Sorry, Charlie, but your slippery-slope logic just doesn't hold.

It's a conservative-guy thing to say that feelings don't matter, but Chuckie the cell clump claims to disdain emotion-laden arguments against abortion while using them himself. Before he histrionically asks how I will kill him when he becomes a feeble old cluster, he accuses me of insulting readers by trying to seduce them into weeping over pregnant women who face the possibility of their own death and that of their babies. "The tragedies of health are insignificant in number compared to the wanton destruction of babies for ends that are trivial compared to the termination of a new life," says Charlie the libertarian, preferring to wrench control of these women's bodies and put it where he wants it, in the hands of the state, so men like him will have the absolute right to live.

He accuses me of trying to deflect the reader's intelligence, but no one has tried to deflect intelligence more than the pro-life movement in its crusade against so-called partial-birth abortion. Because pro-lifers have left out of the story the part about women who are gravely ill, the part about their lives being threatened, and the part about babies having no brains and no chance of surviving, the movement against partial-birth abortion is based on lies.

Deep feelings and impulses are a necessary part of our learning process; feelings, in fact, are hard-wired into us, whether by God or by nature, and, when integrated with logical thought processes, separate us from robots, pinheads, and cell clusters.

The most effective of the anti-choice arguments against abortion are the ones that evoke feelings of revulsion, compassion, outrage. Movies of the babies within the womb reacting to attempts to abort it are heartrending. It doesn't matter whether the film is about scissors being stuck in the head of an infant or a saline solution being injected into a beating heart. No doubt about it, abortion is an ugly, ugly thing, and the movies about it are as powerful as the Nuremberg films that show Jews being sent to the showers and shoveled by the cartload dead into ditches. And the later the abortion, the more grotesque the procedure. Late-term abortions, no matter what the method, are indeed infanticide. And they are illegal, unless there is a grievous threat to the mother's health.

A friend once told me that she cries each year on the anniversary of her abortion, knowing that her little boy would now be X number of years old. A woman living forever in guilt and sorrow that she has killed her potential baby is carrying a heavy burden. I would not want to carry it. Young girls or anyone seeking an abortion need to be

forewarned that lifelong guilt can be the consequence of an abortion. For many, these emotion-laden arguments carry more weight than a theologian's dogma that proclaims a cell cluster the size of a pin to be a human being with a soul, or the faulty logic of libertarians like Rebert who expect us to believe that twelve-cell clusters should be imbued with full constitutional rights equal to that of an adult woman even while it grows within her body against her will, injected by force.

No doubt about it, abortion is an ugly, ugly thing. And the later the abortion, the more grotesque the procedure. Late-term abortions, no matter what the method, are indeed infanticide.

Abortion, no matter which side you are on, is an emotional issue, as it must always be. If the anti-choice movement had spent more time eliciting emotion and less time engrossed in oppressive legal maneuvers, they would have by now saved millions of babies. My main argument with Charles Rebert is not that I think abortion is a good thing. I am not a baby-killer. I am not what an anti-choice friend recently called me, a worshiper of abortion as "the Eucharist in the feminist church." I don't believe that partial-birth abortion is the ultimate of women's liberation. My issue is the methods by which abortion is combated, and I am dismayed by the way the GOP platform proposes to combat it. As a libertarian-leaning feminist, I can't condone the government outlawing, without exceptions, a particular procedure like partial-birth abortion that is sometimes necessary to save a woman's life or health. In abortion, as in much else, government force is not the solution. The ideal solution is to allow individuals with the advice of doctors and hospital ethics committees to determine appropriate medical procedures. The focus should be on educating women and doctors against all abortions — whatever the stage of pregnancy and whatever the method used — that are done, as Rebert puts it, on a whim, or for convenience.

If Mr. Rebert rereads my article, he'll note that I never discussed the abortions that are done for reasons other than rape, incest, or to protect the life of the mother. Separate arguments must be made about those abortions, which are best prevented through a massive educational effort rather than the bogus solution of a constitutional amendment employing sweeping force over the bodies of all adult pregnant women. My purpose was to show the simple-mindedness, indeed, the tyranny, of the GOP platform plank that states that it aims to outlaw all abortions without exceptions. This position is, quite simply, a denial of a pregnant woman's constitutional right to life. It is a policy that should and does lose women voters for the GOP.

The Guttmacher Institute reports that 40% of all abortions in the U.S. are performed on African-American teenagers. That is a group that needs to targeted with information about birth control and abortion. Non-black teens are another large statistical chunk of those who get abortions. An attempt to educate them through their schools and churches and MTV and rap music shows would be far more civilized than a constitutional amendment outlawing all abortions. They need birth control information and anti-abortion movies that appeal to their emotions. Teens are not overall in the habit of listening to esoteric libertarian arguments about sovereign individuals and angels or cell clumps on the heads of pins.

Along with Mr. Rebert, I rejoice that no one killed him when he was an 18-year-old cell clump, and that no one killed him yesterday or today. As for the day he becomes, as we all will, enfeebled and disagreeable and childlike, he may want to retain the individual right, as I do, to choose when and how to die. As he revels in life, so do we all. We can all be grateful that we were not aborted, that we were not gunned down by someone possessing the right to bear arms, or run over by someone who had a license to drive, or killed at the hands of one crazed by war. We are all grateful, those of us who are still alive, that we have not yet killed ourselves with cigarettes or alcohol or cupcakes or any of the other vices available in our free society.

I am glad that we live in a country where the government does not force us, even though it may be the moral and right thing to do, to donate our kidneys to our dying relatives if we are the only donors who will match.

I am glad that we live in a country where the government does not force us, even though it may be the moral and right thing to do, to donate our kidneys to our dying relatives if we are the only donors who will match. We, not the state, have the right to say what will happen to our bodies. I am very joyous, too, about the preciousness of my own life and that I was not forced to die in childbirth. I am happy that my granddaughter and other American women live in a country where the majority of my fellow citizens, male and female, reject the kind of government that can force a woman to submit to the slavery of a rapist's whim, a family member's lust, or be forced to die in childbirth. ❑

"It it weren't for twist-off beer bottle caps, he wouldn't get any exercise at all."

Football Stadiums, Swimming Pools, and the Triumph of the Left

by Robert Festa

Pollsters and pundits claim that the country is becoming more and more hostile to government. They are wrong.

Several ominous signs emanated from the Republicans' dismal showing in the 1998 congressional elections, signs that portended their poor showing in the 2000 election and an even bleaker future for the GOP. Only days after the 1998 election, *The Wall Street Journal* asked whether the Republicans' poor showing "reflected the end of their ascendancy." Among Republicans there was no end to the finger pointing, with everyone from candidates to consultants to party officials being blamed for the party's humiliating performance. But no one, to my knowledge, placed the responsibility for the debacle where it belonged: on the voters, who in just a few years had made a sharp turn in how they viewed government.

For years, pollsters, pundits, and professors had argued that the country was becoming more conservative. My observation, however, is that the opposite is the case: that a momentous, perhaps even historic, change has taken place among the voters. At every level I see people asking for more government which means, in effect, that they are asking to have their freedom further restricted and more of their money taken. This has happened for a very simple reason: the left has triumphed. There may be battles still to be fought, but like an isolated group of soldiers that keeps on fighting because they have not heard that the war is over, some Republicans seem to be fighting for traditional Republican principles, unaware that their war, too, has been lost.

By "left-liberalism" I mean the idea that government has a legitimate and even desirable role to play in virtually every aspect of American life. This, of course, has been the major principle of the Democratic Party for more than 70 years. But even Republicans are starting to adopt this kind of thinking. Rep. Jennifer Dunn, for example, stated after the last election that she wanted to "soften" the party's image and "reach out" to women, who are disenchanted with the GOP's hard-right platform. What she really meant is that she wants to move the party to the left and to spread government's influence even deeper into everyone's life.

Or consider the case of George W. Bush, whose "compassionate conservatism" is a smoke screen for more government involvement in Americans' lives. As Cal Thomas pointed out, using the term "compassionate conservatism" suggests that limited-government conservatism — lower taxes, personal responsibility, smaller government, and accountability — is insensitive to the needs of the people. In fact, this sort of conservatism *is* compassionate because it frees people from strangling government regulations, high taxes, and oppressive bureaucracy; allowing them to develop their full potential.

In 1971, President Nixon declared that "We are all Keynesians now." In 2001 it can safely be asserted that we are all left-liberals now. *The Wall Street Journal* article mentioned above said that the Republicans were now moving in the direction of avoiding ideological purity and were looking to cut deals with Democrats on the issues that Americans say they care about most: education, Social Security, and health care. In the interest of being "pragmatic," Republicans are now acting like Democrats. When George Wallace made his now-famous statement that there was not a dime's worth of difference between Republicans and Democrats, few realized just how prophetic he was.

Particularly troubling about all of this is the fact that people do not seem to realize the serious ramifications of continued government encroachment on their personal freedoms.

There was a time not so long ago when politicians debated whether they had the constitutional authority to take a proposed action, and if they did, whether it was wise to do so. Now politicians act independently of constitutional restraints, and no one calls them to account for their actions. No one asks whether government has a rightful role in the issue under consideration. Thirty years ago, the desirability and even the constitutionality of the Social Security system was still being debated, three decades after it became law. Today, Social Security has become the so-called "third rail" of American politics, an issue only the most intrepid of politicians will touch, other than to vow to "preserve" it. A Ponzi scheme has thus become so firmly entrenched that no politician would dare suggest that it be eliminated or privatized. In the words of Don Corleone in *The Godfather*: "How did things ever get so far?"

Politicians have convinced people that they cannot live a satisfying and productive life without government's help. Where once people looked to themselves and their families to solve their problems, they now look to government.

One answer is that politicians have been enormously successful at convincing people that they cannot live a satisfying and productive life without government. Where once people looked to themselves and to their families to solve their problems, they now look to government. Exploiting the all-too-common qualities of greed and envy, politicians have convinced people that if they want something, they have a right to it. The old-fashioned virtues of self-reliance and self-sufficiency are no longer much heard of. Even something as basic as raising children has been turned over to government, with many parents abdicating their parental authority by permitting government to set curfews and keep their children from smoking. It is fascinating to watch capable, mature people become childlike when speaking of politicians and government. Paternalism, of course, has been carefully fostered by politicians, who are never at a loss at finding ways to justify their existence and to expand their power. After all, not many politicians get elected by promising less than the other fellow does. Moreover, politics, like nature, abhors a vacuum — ignorance and apathy invite government intrusion.

Someone, without a doubt, is sure to point out that one poll or another indicates that a majority of Americans believe that government is too big. Assuming the validity of those polls, they only illustrate, at best, that people are opposed to government in the abstract. But as soon as they face some adversity in their lives, no matter how insignificant, they run to government for relief. When they cannot immediately obtain what they believe is their right, or some untoward event occurs in their lives, or they are confronted by some unfairness, they turn to the politicians, who are only too glad to pander to those seeking their help.

Voters in a nearby town recently approved the construction of a recreation complex that includes a skating rink and a swimming pool. Where did voters get the idea that a recreation complex is a proper function of government? They attended government-run schools, with a government-approved curriculum, staffed with government employees. One of the few lessons that they learned is that government exists to solve their problems and grant their wishes. But they did not learn to fear the coercive power of government nor the loss of personal freedom that results when people refuse to take responsibility for achieving their goals and satisfying their wishes.

And, speaking of swimming pools, when a local branch of a national health club recently announced that it was closing the swimming pool in favor of installing other exercise equipment, users of the pool, understandably disappointed, immediately ran whining to the politicians. The politicians, ever eager to show that they are champions of average folks, bullied the operators of the health club into refunding the swimmers' fees. Bear in mind that the health club had the authority to eliminate the pool.

A group of women golfers were put out that men received preferential tee-off times at private golf courses. So they did what all good Americans do and ran to the politicians for justice. At a public hearing held by a committee of the state legislature, not one politician questioned whether the issue was important enough to warrant state intrusion, even if there was some unfairness associated with the arrangement. State intervention was justified because the courses involved had state liquor licenses. The legislature, righting a terrible wrong, overwhelmingly passed legislation prohibiting sex discrimination on tee-off times and the measure was signed into law by a Republican governor.

The taxpayers of Connecticut had a close call with paying hundreds of millions of dollars to build a football stadium for the purpose of luring an NFL team to the state. One of the more egregious elements of the plan was that a tax surplus was to be used as partial funding for the stadium. At press conferences held around the state to promote public support for the boondoggle and to extol its many virtues, almost no one pointed out that if there was a surplus of tax revenues it meant that the people had been overtaxed. The surplus, it was assumed, rightly belonged to the government, to spend as it pleased.

Moreover, at the press conferences not a single reporter questioned the morality of the state building a stadium for a privately-owned sports team. And on a radio talk show following the initial press conference announcing the plan, only token opposition was heard, and that only on the basis that the money should be spent for other purposes. I followed the debate closely, on the radio and in the newspapers, but no one ever raised the point that governments were established to help people secure their natural rights, not to steal their money to give to a private business. The politicians, for their part, were quite pleased with themselves for their vision and boldness, arguing at every opportunity that the plan was "good for the state" and other such vague inanities.

In the last two elections, education was said to be one of the top issues. Each party tried to outdo the other in portraying itself as a champion of education. But education has tra-

Continued on page 48

Divided We Stand

by Wesley A. Riddle

The genius of federalism means we should think locally, and act locally.

When the Constitution was written, the United States was far more homogeneous than it is today. It may well be a cliche to state that modern America, in contrast to the original population dominated by English Protestants, is a melting pot of diverse cultures forged by two centuries of immigration; yet, the fact remains that individualism in our society is a far more complex matter, or at least more openly acknowledged and discussed, than it was in the 18th century. Because of this shift, interpreting the Constitution by today's standards can be a difficult task. One may believe, as does Roger Pilon of the Cato Institute, that the Declaration of Independence is a national vision statement and that its language specifically means every single individual should live by his or her "own lights — provided only that we respect the equal rights of others to do the same."[1] However, this interpretation, idealized though it may be, fails to address the complexities which arise when individuals form associations. Such groupings are crucial to happiness and personal identity, and cannot be lightly dismissed.

This becomes especially important when the issue of state sovereignty is discussed in relation to individualism. The Constitution requires states to maintain a republican form of government. In practice, this laissez-faire philosophy means that state governments may decide what is best for their residents — or, to be more precise, that the residents may vote to determine the policies they wish to live by. An increased trend towards globalism, as propounded by modern left-liberals, threatens not only to weaken or destroy this ability for self-determination on the part of individual states, but reduce individualism itself to a homogenized standard.

As far as the Constitution is concerned, the Founding Fathers never intended that the First Amendment — which is a stricture on the federal government, not a blanket rule for all of society — be applicable to every individual and community in exactly the same way. It is true that later amendments insist that groups (and the members which comprise them) must be awarded specific rights. For example, the Fifteenth and Nineteenth Amendments guarantee citizens the right to vote, regardless of race, color, or gender. These amendments were direct responses to social imbalances and can be argued to have been necessary when they were ratified. Imagine the mechanisms that would be required, however, if the Constitution had to spell out the broadest possible panoply of rights guaranteed to every individual. It is difficult to imagine any democracy in which this blatant announcement of rights would be necessary, much less one which begins its Constitution with the promise to "secure the Blessings of Liberty to ourselves and our Posterity." In addition, the idea of state sovereignty would be demolished by the demand that every state must grant the same rights to its citizens as all the other states grant theirs. This is true in both the sense of granting rights (i.e. every state must allow abortion because of the *Roe v. Wade* decision, regardless of the fact that several states have passed laws forbidding abortion), and in withholding rights (no state may allow drug use, in spite of many local initiatives supporting the use of medical marijuana).

Modern left-liberals argue that, above all, there should be peaceful coexistence between people of different cultures and identities. They fail to note, however, the historical precedents — namely, that the most stable multinational societies were those under imperial or authoritarian rule, which allowed no dissidence, culturally-based or otherwise. Take the case of Greeks and Turks, traditional enemies who lived peacefully under Ottoman rule, or the ethnic makeup of the former Yugoslavia under communist Marshal Tito. The rela-

tionship between imperial center and periphery was not a democratic relationship based on mutual respect between ruler and ruled; rather, its sole intent was subjugation.[2] It may be that the real agenda of today's politically correct crowd, in encouraging greater dependence on government and claiming to guarantee expansive rights to each individual, is to arrogate to themselves the entitlement to author and control those rights.

The current left-liberal goal is to transform the United States by eliminating true diversity and superimposing in its stead a single standard. A New Class elite, consisting of intellectuals, journalists, and bureaucrats, desires to be the ruling faction, unrestrained by constitutional guarantees and "outworn" concepts such as divided or national sovereignty. The globalist vision has come to supplant the left's discredited Marxist vision of dictatorship by the proletariat. The problem, however, is that the elimination of individual and community choices leads to a society as restricted and colorless as that of communism. The Cold War was fundamentally a battle against irrationality and evil, against the collective abuse of individuals and the petty cruelties of individual human beings vested with far too much power over other human beings. The current "seamless straitjacket being tailored by America's ruling elites" (as described by Srdja Trifkovic) is akin to communism in that it quashes distinctions that make us free — even the distinctions that make us human.

The Founding Fathers never intended that the First Amendment — which is a stricture on the federal government, not a blanket rule for all of society — be applicable to every individual and community in exactly the same way.

As counterintuitive as it may sound, tolerance and freedom can be inversely related, as indeed they are in the liberal, globalist scheme of things.[3] Hence, it behooves libertarians and conservatives to consider the federalist superstructure, on which personal and community freedoms depend. The states were established as laboratories of liberty and cradles of culture in a practical, vote-with-your-feet kind of way. Diversity appears in the regime of dual sovereignty envisioned by our Founders, but ultimately disappears when its application is the same everywhere. Fortunately, in the modern United States, diversity remains strong and useful; a person who wishes to carry a personal weapon can move to Texas, where the gun laws are far more liberal than in many other states. This does not mean that all states must have the same gun laws as Texas, or that Texas must change and follow the example of its neighbors. Freedom allows one the opportunity to alter one's predicament, including an escape from unjust, locally imposed restraint. Freedom does *not* inherently entail ease of accomplishment, nor dictate social mores; yet this is what left-liberals insist it should and must do.

Fearing "grassroots tyranny," there are libertarian centralists who place more trust in the federal government than they do in the states. They view the federal government as an indispensable partner in the protection of individual rights. Unfortunately, their view is more theoretical than empirical. While states have admittedly been poor defenders of liberty, historical experience suggests the feds are unlikely to be any better. Indeed, "if there is a libertarian future, it lies in dividing sovereignty," as Gene Healy has argued.

Libertarians and conservatives would do well to uphold the Constitution, which recognizes the importance of different groups in the development of individuals, and support the efficacy of republican government over an extended territory. Unlike the left liberal project, a libertarian-conservative alliance behind states' rights does not deny the importance of meaningful difference, nor eliminate personal choice in favor of blanket oppression. ❑

Notes

1. Pilon, Roger, Preface to *The Declaration of Independence and the Constitution of the United States of America*, Washington: Cato Institute, 1998.
2. Walzer, Michael, *On Toleration*, New Haven: Yale University Press, 1997.
3. Royal, Robert, *Reinventing the American People: Unity and Diversity Today*, 1995.

Festa, *from page 46*

ditionally been a local matter in this country, a fact conveniently ignored by the politicians and apparently unknown by the majority of voters, who are understandably frustrated by the performance of the public schools and are not interested in the finer points of constitutional law. If a politician ever pointed out that fact, he would immediately be branded by his opponent as being against education, as if a politician could actually educate anyone. And so another local issue has been nationalized because politicians will not practice restraint and voters do not understand the danger of expanded government.

There are many other examples, certainly, including disgruntled airline passengers, dissatisfied cable TV subscribers, and the assortment of celebrities pleading for their pet causes before some congressional committee. But the low point had to be when Sen. Susan Collins, R-Maine, orchestrated the spectacle of holding a hearing regarding the alleged deception in magazine sweepstakes. Somehow I cannot help concluding that this was not what Hamilton and Madison had in mind when they were creating this government.

Pollster John Zogby recently predicted extinction for the Republican Party if it continues to adhere to its traditional principles. "They can go pure this year and, if they do, there are not enough conservatives to win an election," according to Zogby. "If they go pure, somebody will make an awful lot of money writing *The History of the Republican Party 1854–2000*." Zogby advises Republicans to broaden their appeal — i.e., move to the left.

Perhaps Bill Clinton has his legacy after all. ❑

Reviews

Cracking the Genome, by Kevin Davies. Free Press, 2000, 310 pages.

The Genome Wars

Timothy Sandefur

The DNA molecule is about five feet long, but a copy of it resides in every one of our trillion or so cells, bundled into 46 chromosomes — half from each parent. It is shaped like a long twisted ladder, each rung a pair of simple chemicals ("nucleotides") which serve as recipes for amino acids, which make up proteins, which make up enzymes — and eventually code for every detail of our bodies (and maybe even our souls).

This much was known in 1953, when James Watson and Francis Crick demonstrated the helical structure of DNA. The other thing everyone knew was that it was theoretically possible to decipher the entire genetic code of a person — every one of the three billion nucleotides in his DNA — and thus the genome of the species. Of course every individual's DNA is different; a species' genome, like a description of the "average man," would not actually describe any one person, but it would convey the invaluable information of what makes a human human instead of a bacterium. Errors in the code, which lead to awful incurable diseases, could be detected, and perhaps cures could be developed.

But the task of developing such a map would be impossibly complex (or so it was thought) and when scientists at the Salk Institute and the University of California at Santa Cruz suggested a Human Genome Project to do just that, many scientists scoffed. Even if it were possible, it would take so long that it would be a quixotic attempt. Still, scientists were able to convince Congress — which has never met a quixotic attempt it didn't like — to fund it. Watson was chosen to lead the project.

Then came a radical new personality, J. Craig Venter. Venter started life as a troublemaking kid, uninterested in study. He migrated to southern California to devote his time to surfing, but that changed when he was drafted to Vietnam, and became a medic. "You can't live through a situation like [Vietnam] and come out of it with the same laissez-faire attitude that you might approach surfing with before that," he says. He returned home to study medicine and then switched to genetics. Venter is an ambitious man, with the same forthright drive that once made Watson the bad boy of science. But where Watson affected a wily sort of negligent genius, Venter has always been a quietly intense man. Asked why Venter doesn't go for pleasant day trips on his $4 million yacht, his wife told an interviewer, "When he goes sailing, he's got to cross oceans."

In *Cracking the Genome,* Kevin Davies tells the story of perhaps the most important scientific advance of the century just past, breaking the genetic code. Central to the story is J. Craig Venter, a man whose name should be a household word for generations to come. He is what Ayn Rand said of her scientist-hero John Galt: "activity, competence, initiative, ingenuity, and above all, intelligence. Independent rational judgment. The man who conquers nature, an inventor, a practical scientist, a man who faces the material world of science as an adventurer faces an unexplored continent, or as a pioneer faces the wilderness."

Venter could very well not get the Nobel Prize. If he doesn't, it will confirm what Davies' book illustrates: the sad political realities of public science. Last July, Venter completed the greatest scientific achievement of the last half century: the complete mapping of human DNA. This accomplishment was what many said could not be done, and he did it in the face of all opposition, in a mere nine months. For this he has been derided by politicians and scientists across the world; DNA founding father Watson has called him a "brainless robot" and a "monkey," and even likened him to Hitler. His crime? He finished, ahead of the deadline and with no government funding, something akin to Newton's invention of calculus.

Venter scandalized the scientific establishment by leaving the government and forming his own for-profit company, Celera Genomics, which applied a radical new method to the problem of DNA sequencing. Where the government project cut DNA into smaller strands, which were then restrung, Venter's new technology broke the strand into tiny fragments, each of which was sequenced, then fit

back into place. This "shotgun" scheme bothered many geneticists, who thought it prone to error, but Venter soon demonstrated its efficacy by sequencing the genome of the fruit fly. He released the complete information to the public on free CD-ROMs, just as, years before, he had published the genome of the flu virus and *The Genome Directory*, the first catalogue of all known human genes.

What the government scientists could not forgive was Venter's avowed purpose to make money off his work. "To leave this to a private company which has to make money," decried British scientist Michael Morgan, "seems to me completely and utterly stupid." Another British scientist, John Sulston, has called Venter "morally wrong" and "totally immoral and disgusting." "I find it a terrible shame that this moment in human history is being sullied by this act," he says. (Evidently Sulston is not troubled by the public project's subsidies from non-consenting taxpayers.)

Few, if any, critics accused Venter of scientific shortcomings. The gravamen of their complaints was that Venter was dirtying the scientific community by seeking profit. Alongside envy was genuine fear. As one of Celera's science advisors put it, "It will not be good if the public effort is seen to lose. Congress would wrongly assume the public effort was wasted and might decide to cut back NIH's funding." The public science community saw its funding at stake, and it circled the wagons. "Once the genome initiative got consolidated into this managed project," one scientist says, "it became a bit like Stalinist Russia. If you're not with us, you're against us. The consequences were predictable."

Venter accomplished what many said could not be done, and he did it in the face of all opposition. For this he has been derided by politicians and scientists across the world.

That consequence was the increasingly hostile race (amplified by media attention) between the public and private genome projects. The public project released its information on the Internet, while Celera sought to profit through subscriptions to its genetic database. Resentment from government scientists began to sound more and more like the National Science Institute of *Atlas Shrugged*, while Venter was increasingly portrayed as a bio-robber baron.

Venter has repeatedly explained that Celera will make its money through subscriptions, the way LEXIS-NEXIS sells subscriptions to its news service. "[We] don't own the data, it's not secret information," Venter told an interviewer in June. "It's such a large data set [that] making it useful, making it interpretable, making it so that pharmaceutical companies, scientists, universities can use the genetic code" would bring Celera customers. Yet the

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left continued to accuse Venter of trying to patent the genome, or even humanity itself. This was ironic, as Venter pointed out. "You know, there's a recent study published in *The Wall Street Journal* of who the top ten human-gene patent holders were.

Resentment from government scientists began to sound more and more like the National Science Institute of Atlas Shrugged.

Number one was the U.S. government. Number two was Incyte Pharmaceuticals. Celera's not on the list."

The idea of patenting genes has a number of complications, some sophisticated and some just silly. Davies tells of Donna MacLean, a British waitress and poet, who has filed a patent on herself, in order to protest the "grasping, greedy atmosphere" surrounding human genome research. Venter came under more professional criticism in 1992, when he urged the NIH (whom he was still working for at the time) to file patents on about 2000 "expressed sequence tags" (genes whose location on DNA is known). The NIH responded with a statement "deploring" the application. Many scientists objected that Venter did not know what these genes actually did; they were merely bits of decoded DNA. Other scientists objected that patenting the information would impede the flow of information, and thus slow progress. This is a legitimate argument against patent law in general, but it is not necessarily true in this case. Francis Collins, head of the government project, argued that Venter shouldn't "put toll booths on basic science," worrying that "there are so many tolls, there are so many complicated patent and licensing arrangements, there are so many royalty fees attached, that doing any really interesting experiments, where you may want to draw several discoveries together, and push yourself a little further down the road, just isn't worth it any more." But many things (including all college genetics textbooks) are protected by intellectual property law. And if royalty fees stand in the way of science, then shouldn't all databases, all journal subscriptions, all lab coats, and safety glasses be free of charge? It may be true that, as the government project website puts it, "patent filings are replacing journal articles as places for public disclosure — reducing the body of knowledge in the literature," but Venter argues that patenting actually increases the amount of public disclosure. "The opposite of patent protection," he says, "is trade secrecy. And then we all lose." As another bio-baron told Davies, "What Celera and the Human Genome Project are doing is just creating the cable to download information from the human genome; nothing more, nothing less. I don't give a damn about this cable as long as someone else hooks them up."

As Venter has explained,

> people think, gee, it's terrible that they're patenting the insulin gene. But they don't own your insulin gene, they don't own mine. They don't block research; anybody can get the insulin gene sequence out of databases. They can synthesize it, they can isolate it from tissues, and they can do all the research in the world they want on it. What they can't do, you can't go just start a company and start manufacturing human insulin and selling it. Because it costs about $600 million to get a drug through the FDA process, the approval process for safety. And no company would invest that kind of money if they didn't have this short period of monopoly to guarantee them a financial return.

Arguments against patenting genes rarely rise above the level of complaining that someone might strike it rich. Celera did make Venter rich, and biotechnology stocks helped lead the way in the stock market rise of the last few years. But the announcement of the project's completion was oddly off key. On orders from the White House, Venter and Collins made a joint announcement that the project had been finished cooperatively. That cooperation caused Celera stock to fall sharply. But "the reason for the carefully orchestrated announcement," Davies explains, "was reminiscent of the race scene in *Alice's Adventures in Wonderland*, when the judge (the dodo) after careful deliberation, declares, 'Everybody has won, and all must have prizes.' The prize to the public project's scientists was the pretense that the race was actually a tie, and that a commercial upstart that is barely two years old did not really beat them to it." As for Venter, he receives "the officially sanctioned respectability that should give him a place on the invitation list to receive a Nobel award for medicine from the hands of the King of Sweden." But, as Venter says, in a boat race, "if one boat wins, then the winner says 'We smoked them' and the loser says 'We weren't racing, we were just cruising.'" ❑

***Moral Matters*, Second edition, by Jan Narveson. Broadview Press, 1999, 337 pages.**

Liberty, Tradition, and Morality

Edward Feser

Books on what philosophers call "applied ethics" tend to have two flaws: (a) an obsessive focus on questions of rights, justice, and the like, which turns all questions of morality into questions of politics; and (b) a prejudice in favor of answering such politicized moral questions in a way which is decidedly leftist, "progressive," or otherwise resolutely hostile to traditional morality. Jan Narveson's update of his *Moral Matters* avoids (b) only partially, and avoids (a) almost not at all. It is, for all that, well worth the attention of anyone interested in the issues he discusses. Narveson is eminently readable, usually reasonable, frequently witty, and always interesting; even when his arguments

fail to convince.

Traditionalists are not the only ones who should be troubled by the flaws of applied ethics. Any philosopher sensitive to the complexities of moral life, and who puts truth and intellectual integrity above party, ought to deal with all aspects of the moral life and give a fair hearing to the best representatives of those points of view with which he disagrees. The recent renaissance of Aristotelian virtue ethics in moral theory should itself provide strong incentive to rethink the assumption that once one has determined whether a person has a *right* to take a certain course of action, one has dealt with the only, or even the most important, moral issue. That a very large segment of the population, perhaps a majority, hold attitudes on questions of wealth and poverty, sexuality, life and death, and so forth, which are at odds with those of the academic class is reason enough to treat the traditionalist point of view with a measure of respect, or at least respectful disagreement, especially in an age when appreciation of "diverse" points of view is supposed to be de rigueur. (It is reason enough, that is, if one seeks to *understand* one's fellow citizens rather than condescend to them.) Fortunately, consideration of Aristotelian virtue ethics has at least begun to creep into introductory texts, though its practical consequences are often left somewhat vague (perhaps because they tend to sound anything but "progressive").

A very large segment of the population holds attitudes on questions of wealth and poverty, sexuality, life and death, and so forth, which are at odds with those of the academic class.

Fair treatment of the traditionalist outlook has not made a great deal of progress, however. When represented at all in an anthology, it is more likely to be by a reading selection taken from a journalist or political activist rather than serious conservative thinkers from the long line stretching from Burke and Hume to Oakeshott and Hayek to Roger Scruton. Even a reading from libertarian Robert Nozick, once regularly served up as a token counterpoint to Rawlsian welfarist liberalism, is less likely to be seen, now often bumped from the table of contents by some trendy communitarian or feminist critique of Rawls.

Narveson, like Nozick (or at least the younger, anti-Rawlsian Nozick), is a prominent libertarian. And though libertarianism and conservatism are often lumped together under the category of "right-wing" positions, they are not identical. They are also not incompatible, though Narveson writes as if this were not so. There are libertarians who are also conservatives and libertarians who are not. Both would put severe limits on the power of the state to interfere in the economic and personal lives of its citizens. Conservative libertarians, however, would insist that though the *state* ought not to enforce traditional moral scruples with respect to sexuality, drug use, and the like, those scruples ought nevertheless to be respected, and that unless they are, no free society can long survive. Non-conservative libertarians tend to be as dismissive of the traditional *moral* rules governing these areas as they are of *legal* rules governing them, and thus tend in areas of personal morality, though not in politics, to be allied with the left. Narveson seems to be a libertarian of the latter sort.

Narveson's non-conservative libertarianism is a natural consequence of his general approach to moral philosophy, which is contractarian. To oversimplify: for the contractarian, morality rests on an implicit contract between the members of the moral community, so that only those moral rules can be regarded as binding which would be agreed to by all rationally self-interested persons. Libertarianism follows more or less automatically from this in Narveson's view: not all rationally self-interested persons (Rawls notwithstanding) would agree to rules guaranteeing welfare, much less equality, as rights, so such rules cannot be morally, much less legally, binding; a free-market economy and a minimal (at most) state polity follow as a matter of course. But a rejection of conservatism also follows: since one who is rationally self-interested might nevertheless have a taste for casual sexual affairs, become an unwed mother, or engage in homosexual activity, traditional sexual morality can have no contractarian basis. A rule against murder can, of course, be justified, but that's cold comfort to the unborn in Narveson's contractarianism, since they don't count as persons, and only persons can be parties to the social contract.

It is not surprising that the advocate of such a moral philosophy should tend toward an obsessive focus on questions of rights, justice, and the like that occurs so frequently in applied ethics — for if universal rational consent to a rule for action is all that matters in morality, the distinction between what is *morally* binding and what ought to be *legally* binding is fine indeed, and morality and politics seem ultimately indistinguishable. Not that Narveson would entirely endorse such a result. He acknowledges that questions of morality and questions of legality are conceptually distinct, and there are even cases where he takes a rule to be morally binding even though it ought not be legally enforced. Rules requiring mutual aid or charity (as opposed to welfare as a matter of *right*) are like this, in that their observance cannot justifiably be legally compelled but can be regarded as *morally* required (since a rational individual would observe them in light of the possibility that in the long run, he might benefit from a general respect for such rules). Nevertheless, in most cases Narveson writes as if once he has settled the question of whether observance of a rule ought to be legally enforced, he has ipso facto settled the moral ques-

For Narveson, morality rests on an implicit contract between the members of a moral community, so that the only binding rules are those which would be agreed to by all rationally self-interested persons.

tion as well.

What he has to say about sexual morality is illustrative of this. The trivial observation that there are rational individuals who favor homosexuality, extramarital sex, pornography, and so forth, seems to him sufficient to prove that prohibitions against such things cannot have even any moral (as opposed to legal) force. An account so glib — indeed, the conservative would say, superficial in the extreme — must surely be judged inadequate by anyone even dimly cognizant of the inherent link between sexual desire and one's sense of self, and the moral agency which sets us above the animal world.

Are we really expected to believe that the same individual is more important than a Vermeer a day, week, or month after birth, but not a day, week, or month before birth?

The rise of illegitimacy and other negative social consequences of the sexual revolution would also seem to be relevant here. Yet though Narveson is by no means dismissive of such considerations, he is ambiguous about their moral relevance. He allows that society has an interest in supporting those institutions that best fulfill the needs of children, and even grants that those institutions are the traditional ones; but he insists that we ought not engage in moral criticism of those who do not conform to traditional standards. The upshot appears to be that he regards those standards as being of prudential interest only. That illegitimacy, for instance, is a bad thing, is not grounds to stigmatize those who opt for "single parenthood"; it is merely a consideration those contemplating such an "alternative lifestyle" might want to keep in mind while weighing the pros and cons.

We can, I think, be forgiven for suspecting that this represents a curious and unjustifiable contraction of the domain of morality. For the Aristotelian, the question of what is most conducive to the good life, to human flourishing, is of the very essence of moral inquiry, and is a question that one can answer only after giving an account of human nature. Where sexuality is concerned, surely the considerations just noted give some indication of what sorts of sexual arrangements are most in tune with human nature, and thus human flourishing. Indeed, the conservative philosopher Roger Scruton has developed a detailed and sophisticated defense of traditional sexual morality on the basis of an Aristotelian approach to ethics. The traditional confinement of sex to the context of marital commitment, he argues, in addition to its social benefits, best fulfills the psychological needs imposed on us by the interpersonal and self-compromising character of human sexual desire. Libertarian philosopher Michael Levin, though not an Aristotelian, has also appealed to human nature to defend sexual moral conservatism. He argues from sociobiology that homosexuality is intrinsically dysfunctional and ill-suited to promote human happiness, so that the common revulsion against it (itself very likely to be hard-wired into us) serves an important social function.

Narveson does not even mention these important arguments (being satisfied merely to dismiss quickly some crude caricatures of other traditional and religious arguments for traditional sexual morality), but he would no doubt reject them on the grounds that even if Scruton and Levin are right in taking a traditionalist ethic to be most conducive to human well-being, there are nevertheless individuals who will seek, for good or ill, to act contrary to what is in their best interests, and thus will have no inclination to sign any social contract which would require them to do otherwise. But why should this be relevant, even given Narveson's contractarianism? After all, there are also individuals who would seek to avoid the obligations of charity and mutual aid, yet Narveson takes *that* to be irrelevant — the duty of charity is *still* morally binding on them, presumably because it is *in fact*, whether they realize it or not, in the best interests of all to respect it. So why should we not conclude that the rules of traditional sexual morality, since they are also, whether some realize it or not, in the best interests of all, are also morally binding?

Perhaps Narveson would reply that there may well be *some* individuals for whom traditional sexual restraints would in fact *not* be beneficial, and that observance of such rules cannot be considered morally binding on all, because they could not be agreed to by those who do not benefit. But then, there are also *some* individuals (the very rich, perhaps) who may not benefit from rules requiring mutual aid, and Narveson does not take this fact to undermine the case for the moral requirement to respect *those* rules. If Narveson is going to ignore deviations from the normal case in the latter instance, he cannot consistently take them to be relevant in the former. Moreover, though Scruton and Levin would argue that living in accord with traditional sexual moral scruples is, in general, directly beneficial for the *individual* who observes them, they would also insist that their general observance is also beneficial *indirectly* to *everyone*, since a general respect for such rules creates a society that is more conducive to human happiness. Such a notion should not be surprising to any libertarian, at least not one familiar with Hayek's famous defense of tradition: moral rules can serve their social functions only when they are generally respected and obeyed, even by those who appear not to benefit from them directly. Rules safeguarding private property, for instance, even if violating them would indeed be in the best interests of this or that individual, must still be respected in an absolute way if they are to serve their function of benefiting all in the long run. The conservative

"Something daring and expensive."
"How about a hospital gown?"

would argue that this holds for moral rules of traditional sexual morality, however chafing some might find them (and even if, on libertarian grounds, he would take those rules, unlike the rules safeguarding property, to be properly enforceable only via social, rather than legal, pressure).

Moreover, traditional *moral* rules arguably support indirectly the *political* order Narveson seeks to uphold. Citizens of a society suffering the ill effects the conservative believes inexorably follow the collapse of traditional scruples are not likely to desire limited government — not when the state is so eager to help pick up the pieces and offer "assistance" to those who've made messes of their lives, in the form of welfare benefits, funding of clean-needle distribution and drug rehabilitation programs, funding of abortions and day-care programs, condom distribution and "sex education" in public schools, AIDS research, and so forth. If, as conservative thinkers from Burke onward have argued, self-control and self-government go hand in hand, there is also, as E. Michael Jones has argued, an intrinsic connection between "sexual liberation and political control" which the libertarian ignores at his peril. It is no accident that libertines and leftists are almost always the same people.

The bottom line is that, even from Narveson's contractarian perspective, the question of the moral status of traditional rules governing sexuality is on all fours with the question of rules governing charity. It is not enough simply to note that some people reject those rules; one must also consider whether they can *reasonably* do so, given the human-nature-based accounts of sexual morality developed by the likes of Scruton and Levin. Of course, merely noting the existence of such accounts doesn't by itself prove anything, and perhaps Narveson could ultimately show them to be flawed. But he cannot make his case if he simply ignores them.

Narveson's defense of abortion is not much better. He has a reply to the standard objection to his sort of position that, if a fetus's not being a "person" suffices to strip from it any right to life, it would also strip a young infant, and certainly a newborn, of such a right, thus opening the way to infanticide. As long as abortion is permitted, he argues, there will be very few who will have the desire or need to consider infanticide, and we have in any case a "social interest" in forbidding it. But if "social interests" are enough to justify a moral rule against infanticide, why are they not also enough to justify a rule against abortion itself? Narveson's appeal to the allegedly crucial moral difference between forbidding a woman to kill something still connected to her body and forbidding her to kill something no longer so connected does not help. A woman's new Mercedes or prized Vermeer is not connected to her either, yet Narveson would refuse to allow any rule that would forbid her from destroying either of *those*, however foolish she would be to do so (and however socially detrimental her destruction of the latter would be). So why should she not be allowed to destroy her newborn, given that it's not a "person" and thus has no right to life? If Narveson replies by allowing — as he clearly should — that there is in fact a moral difference between destroying a newborn and destroying a Vermeer, it is hard to see why this isn't a difference that also makes a difference in the case of destroying a *fetus*. Are we really expected to believe that the same individual is more important than a Vermeer a day, week, or month *after* birth, but not a day, week, or month *before* birth?

"You don't know anything about machinery — you'd better call in a *Homo habilis*."

Narveson is on much firmer ground in discussing capital punishment. He ultimately rejects it, but he is fair to the conservative defense of the death penalty as morally required by the demands of retributive justice, and he skillfully refutes the tiresome clichés about two wrongs not making a right, the allegedly more "civilized" mindset of the death-penalty abolitionist, etc. Capital punishment is *intrinsically* unobjectionable, in his view — a murderer has, after all, broken the social contract, and thus cannot consistently object to his being killed in retaliation — but Narveson thinks it unlikely that it serves as a significant deterrent, and this unlikeliness, coupled with the possibility of executing the innocent, is enough to tip the balance against it.

Narveson has a rare knack for weaving together both the moral and pragmatic arguments for libertarianism in a way that is clear and comprehensible to the general reader without sacrificing intellectual rigor.

Here again Narveson's discussion is marred by his failure to consider the more refined arguments on the conservative side of an issue. He treats the issue of deterrence as if it were simply a matter of what consequences a potential murderer might consciously weigh before committing the act, but as the sociologist Steven Goldberg has argued, the *primary* deterrent value of the death penalty is likely to be much subtler. A society in which a murderer is consistently, peremptorily, and contemptuously "cut off" from the community (to use Old Testament language) as someone who has made himself utterly unfit for human company is a society in which the horror of murder is felt more strongly, with the result that fewer people will be likely (even in the heat of passion) even to *consider* murder. Capital punishment's possible *subliminal* deterrent effect on *all* citizens is much more important in the long run than the *conscious* effect it has on this or that criminal. And this is of a piece with the way moral rules work in general. The reason most peo-

ple don't steal is not because they consciously weigh the possible results of stealing, but because the general contempt people have for thieves is so strong that stealing something never even enters the average person's mind as a live option. (Here again, Hayekian considerations concerning the hidden beneficial effects of superficially "irrational" social rules cannot be ignored.)

Narveson's discussions of several other issues, e.g., suicide, euthanasia, pornography, and prostitution, are similarly marred by his unwillingness to deal seriously with anything but standard caricatures of the traditionalist view. (He defines "the" conservative view on pornography, for example, as if all conservatives *must* favor outright legal prohibition, not just moral disapproval.) And by treating each issue as if it were merely, or even fundamentally, a matter of whether the acts in question should be *legally* forbidden, he leaves most of the moral ground untouched. Surely a moral philosopher with Narveson's sensitivity to the bad social consequences of abandoning traditional sexual restraints should have more to say about prostitution and pornography than that they ought not be banned.

Nevertheless, these, and most of the other issues Narveson deals with, do indeed have both a political and legal aspect, and what he has to say about those aspects is valuable and persuasive. Narveson has a rare knack for weaving together both the moral and pragmatic arguments for libertarianism in a way that is clear and comprehensible to the general reader without sacrificing intellectual rigor. His chapters on population issues and environmentalism are particularly impressive, and constitute the finest concise presentation of the libertarian position on those topics I've seen; and what he has to say about issues like sexual harassment, affirmative action, "animal rights," war, and the conditions under which one should obey the law, are a solid, sophisticated, and useful exposition of the libertarian point of view.

On issues of public policy, no libertarian will find much, if anything, to disagree with, and in many cases will discover a fresh perspective on familiar arguments. On issues of personal morality, however, Narveson's book is deficient. Of course, he is entitled to try to defend whatever conclusions he wishes, but he ought at least to try to deal with the best representatives of the traditionalist view, and not write as if it were *by definition* incompatible with libertarianism. Conservatives — especially conservatives who are also libertarians — deserve fairer treatment. ❑

My Love Affair with America: The Cautionary Tale of a Cheerful Conservative, **by Norman Podhoretz. Free Press, 2000, 248 pages.**

The Podhoretz Problem

Jeff Riggenbach

"So far as liberty is concerned," Norman Podhoretz writes near the end of his latest book, Americans "have so much of it that some of us think we have too much for our own good. But scarcely anyone except the libertarians complains about the lack of it." Clearly, then, Podhoretz doesn't sympathize much with the libertarians' point of view. He not only explicitly counts himself among those who think Americans "have too much" liberty, he also drops his discussion of the point right there, and never offers a single word in defense of his claim.

You might expect that an author who'd adopt such a stance would be unlikely to have much of anything to say that libertarians would find worth listening to. But in this case, you'd be wrong. Podhoretz, his general meddlesomeness and authoritarianism notwithstanding, is an absolute joy to read on any number of particular issues. Take, as a case in point, the issue of bilingual education.

Podhoretz grew up in an immigrant and mainly non-English speaking household. As he puts it, "I was born in this country, in the Brownsville section of Brooklyn, but as a very small child I spoke — or so family tradition has it — more Yiddish than English...." Moreover, he writes, "my English was so marked by a Yiddish accent that I was often mistaken for a recently arrived immigrant." When he reached the public school system at the age of five, he was "placed in a remedial-speech class." He now realizes, he says, that he "was put in that class in order to correct what was considered a stigma and an obstacle to the process of Americanization, which the elementary school teachers of that era were as much expected to further as they were to make us literate and numerate."

The elementary school teachers of today, of course, are expected to do something else entirely. In many places they are expected to adhere to what Podhoretz calls "the demented and discredited theory that the best way to teach English to children from homes in which Spanish or Chinese or some other language is spoken is to conduct their classes in those other languages."

"Because of bilingualism," Podhoretz writes, "many millions who came or were born here in the last decades of the 20th century were subjected to the opposite experience from mine." And to Podhoretz, this is nothing less than a crime. His teachers' efforts to Americanize him by helping him learn to use the English language as it is

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used by educated Americans, he says, made him aware for the first time of the music of language and helped him to fall in love with literature — especially literature in English. Had it not been for those remedial speech lessons, Podhoretz claims, he might never have learned to listen so attentively to the sound of language and might never have embarked on a career as a writer. "I continually thank my lucky stars," he writes, "for having been born into and then having been taught to avail myself of the miraculous glories embodied in this marvelous instrument [the English language]. And the more I do so, the more my heart goes out to the children of immigrants who came here nearly a century after my own parents did, and the angrier I grow at the adults who . . . were robbing or cheating them of the blessings of this inheritance, and fighting like tigers against any policy that would encourage them to reach out with both arms and gather in as much of what is rightfully theirs as they had the will and the capability to do."

Similarly, as Podhoretz argues with considerable force, we should regard as wrongheaded the efforts of various colleges and universities to rid themselves of their traditional freshman requirement of Western Civilization and replace it with new courses that give equal status to such figures as Frantz Fanon and Rigoberta Menchu. The fear is that students of color and students who grew up in foreign or immigrant cultures will feel "excluded" by courses that focus on the works of "dead, white males."

Yet, as Podhoretz insists, his own experience with the traditional introductory courses in Western Civilization at Columbia was quite otherwise. "The texts," he writes, "included very few *by* Jews, and whenever they referred *to* Jews or Judaism, it was more often than not in an unfriendly and even hostile spirit. Yet working through the two reading lists as a Columbia student, I felt that an inheritance of indescribable richness which in the past had been inaccessible to my own people (because of a combination of actual — that is, legal — exclusion and voluntary isolation) was now mine for the taking. Far from being left out, I was being invited *in*,

and I looked upon the invitation as a great opportunity and a privilege."

Neither bilingualism nor the teaching of the works of dead, white males to college students is really a libertarian issue, of course. If all schools on all levels were privately owned, as they ought to be, they'd be free to set a bilingual course or not, teach dead, white males or not, just as they and their customers saw fit. Nobody should be taxed to support any of these choices; *that's* the libertarian position. And, of course, Podhoretz never considers it.

Podhoretz believes the case for more individual liberty to be so foolish it does not deserve serious consideration.

On the other hand, most libertarians would probably agree that as long as we're saddled with a government school system for most of the populace, it is preferable for those schools to avoid pedagogical techniques that make it harder for students to achieve an education. On this level, at least, libertarians might be expected to find this book enjoyable and stimulating. Then too, there are times when Podhoretz actually adopts a clearly and unmistakably libertarian position on an issue — as he does when he writes of affirmative action that "this presumably liberal or progressive idea actually represented a reversion to a state of affairs under which the individual was once again to be looked upon as the member of a group or a class and dealt with on that basis alone: the very state of affairs that the American Revolution was fought to overturn."

At times like these, Podhoretz is very attractive indeed to a libertarian reader — and all the more so because he so frequently bases his opinions on his life experience, and describes his life experience with the skill and nuanced style of a good novelist.

This is the crux of my Norman Podhoretz problem — his undeniable attractiveness as an author. He writes with grace and clarity — and not infrequently with truth and justice as well. Yet, as the lines with which I opened this review make clear, he is no friend to the cause of individual liberty. Not only does he believe Americans possess too much of it, he also believes the case for more individual liberty to be so foolish it does not deserve serious consideration. (Additionally, he is an advocate of a meddlesome and pugnacious foreign policy of exactly the kind that begets U.S. involvement in foreign wars — wars that kill and maim thousands of young American men, while also serving as justification for further curtailment of individual freedom at home.)

Nowhere is Podhoretz's fundamentally anti-libertarian spirit more clearly on display than in the way he consistently fails to make any distinction whatever, either in his writing or, apparently, in his thinking, between society and government — or, as Albert Jay Nock would have put it, between social power and state power.

At one point in this book, for example, he refers to July 4, 1976 as "the country's two-hundredth birthday." Still later, he writes about a group of conservatives who broached the idea in 1996 "that the present American 'regime' had become 'illegitimate,'" so that "persons of conscience had to ask themselves whether the only proper responses were those 'ranging from non-compliance to resistance to civil disobedience to morally justified revolution.'" Indignantly, Podhoretz

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refused "to support the preaching of revolution against this country."

These quotations, chosen at random from dozens like them scattered throughout the book, make clear what Podhoretz means by "country." In both cases, he seems to have the U.S. government in mind. July 4, 1776 is, of course, the date on which a new would-be American government declared its independence from the British government. And in the other case, he equates revolution against the current American "regime" (a clear reference to government) with "revolution against this country."

Not to put too fine a point upon it, then, but in Podhoretz's mind, the U.S. government *is* the country. He is even capable of giving "America" (meaning, of course, the U.S. government) credit for his own long and successful career. There were, for example, "the laws through which the American government, and the ethos of American society, encouraged private individuals (such as Joseph Pulitzer and Euretta J. Kellett) to set up scholarships and fellowships like those that enabled me to attend Columbia and Cambridge." There "was also the tax exemption extended by American law to non-profit institutions that made *Commentary* — and hence much of my life's work — possible."

There would be no philanthropy, you see, no individuals at all willing to put their money into what they regarded as worthy undertakings and causes, were it not for the magnanimous act by which government allows people to keep some of the wealth they have earned if they agree to use it to such ends. It is noteworthy that in a book of nearly 250 pages, full of references to the "country" with which Podhoretz is so much and so deeply in love, there are only two passages in which he even seems to acknowledge the reality of any such thing as American society, as distinguished from the U.S. government. One is the passage just quoted, with its mention of "the ethos of American society"; the other appears in a discussion early in the book on the especially intense love that he believes Americans who came of age in the '30s and '40s — Tom Brokaw's "greatest generation" — feel "for their country." He remarks that it "remains a mystery . . . why people should have revered the country even during the Great Depression, when it was putting them through so much deprivation and pain." Here, by "country," he seems to mean something like "American society." (It is true, of course, that it was the U.S. government which caused the Great Depression in the first place and then resolutely pursued policies virtually guaranteed to

Podhoretz is important really only for what he represents — the right-wing siren whose lure can capsize individual libertarians.

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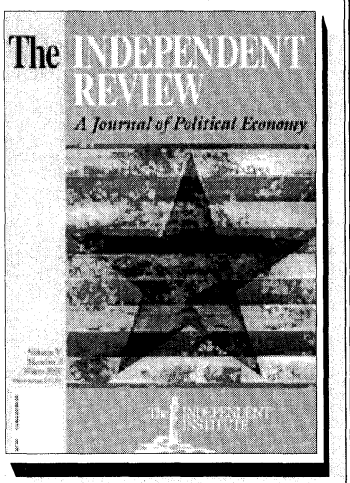

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prolong it, and in this sense it was the federal government that was putting the people through deprivation and pain. But it is not at all clear from the context that this is what Podhoretz had in mind when he wrote the passage.)

This, then, is the man at the heart of my Podhoretz problem: a prodigiously talented writer, who, on those occasions when he's in the right, can be magnificent; but who is, nevertheless, a foe, not a friend, of individual liberty. Maybe you don't have a Podhoretz problem, per se. Maybe instead you have a Sowell problem or a Johnson problem or even a Limbaugh problem. You know — the articulate conservative who both attracts and repels you: attracts you by superbly articulating libertarian ideas from time to time, repels you the moment you stop to think about what his or her agenda really is. Most libertarians I know have at least one problem of this sort on their hands. And I think it tells us something that the best-selling living author at Laissez Faire Books, the largest libertarian bookseller, is conservative Thomas Sowell.

It is in this way that my Podhoretz problem is also ours, for Podhoretz is important really only for what he represents — the right-wing siren whose lure can capsize individual libertarians and even, in time, the entire libertarian movement. It is dangerous to fall into the trap of thinking of conservatives as our allies. They are not. As Timothy Sandefur pointed out in these pages only last month, "conservatism has always been hostile to free markets" because "they are an acid eating away the structures which keep society frozen still," and social stability is really "the conservative's prime value."

Conservatives are not champions of individual liberty. They are not champions of the free market. Those of them who run for political office employ libertarian rhetoric to appeal to voters, then work against libertarian interests once in office. The classic case in point is Ronald Reagan, who lied his way into the California governor's mansion and then the White House by talking about individual liberty, lower taxes, and smaller government. While in Sacramento he imposed state income tax withholding on the state's citizenry, increased the tax bite, and vastly increased the size of the state government. In Washington, D.C., he increased taxes, increased the size of government, and pushed through such measures on behalf of individual liberty as civil asset forfeiture and mandatory minimum sentences for those caught with substances not on the president's approved list.

Yet, during the years of his baneful administration, scores of libertarians flocked to Washington in search of jobs. Scores of other libertarians portrayed Reagan publicly as a champion of individual liberty and free markets. Why should it surprise anyone, then, if most people regard libertarianism as interchangeable with conservatism, see no point in supporting libertarian candidates when there are conservatives available with a better chance of winning, and believe that the way to promote individual liberty and free markets is to support conservative Republicans on election day?

The road to this sorry state of affairs often begins with the seemingly innocuous practice of reading Norman Podhoretz and his ilk. Read them, sure. Even listen to Rush Limbaugh and his even more talentless imitators if you must. Give them credit where and when it's due. But don't forget whose side they're really on — and which side *you're* really on. ❑

***Jazz*, directed by Ken Burns. Public Broadcasting System.**

Not All That Jazz

Richard Kostelanetz

I haven't yet watched all of my tapes of Ken Burns' self-consciously monumental *Jazz* — more than seven times the length of a feature film, more than twice the footage of *Shoah*; but much of what I saw was engrossing, particularly the surprise of unfamiliar historical footage. Knowing before something about jazz history, I was pleased to learn more about the extraordinary drummer Chic Webb and the reed player Sidney Bechet (1897-1959), both of whom are commonly neglected in surveys. (Since the latter died on his birthday, May 14th, which is also mine, I have personal reasons for curiosity.)

Produced in the public-television tradition, *Jazz* has an abundance of testimonials from talking heads shot with lighting that produces odd shadows across their faces. (The motive behind this I cannot fathom. What is portrayed by making people appear as though they are in an underlit restaurant?) In my opinion, most of these mouths could have been cut away without much loss. For good reason, talking heads don't appear in the greatest documentaries, beginning with Leni Reifenstahl's *Olympia* (1938), and I ban them from my own films. The blessed invention making these talking heads less insufferable is the remote's fast-forward.

Remember first of all that this, like previous Ken Burns films, is a pet project of the National Endowment for the Humanities, which is responsible for more mediocrity than its companion Arts endowment. One device by which the NEH ensures vapidity is its insistence upon the involvement of academic "experts," whose participation is as essential for American government support as Communist Party membership was for Soviet cultural support. This accounts for why slick trumpeter Winton Marsalis, the principal talking head, must be identified in subtitles as an "educator."

Because Burns sentimentally portrays jazz as African-American art surviving precariously in predominantly white America, he misses a large

An Open Letter to the Libertarian Movement

from the International Society for Individual Liberty

Dear Friend of Liberty,

Since the 2000 US elections, many libertarians have been wondering what on earth it will take to bring about political success.

The bad news is: there is no magic bullet that will result in overnight success. A past LP presidential candidate who visited my office a few years ago complained that far too many libertarians think that if only they had the right slogan or uttered the right incantation or made the right compromise or had the right candidate (or some other gimmick) success would be theirs.

He said there was no substitute for damned hard work. We agreed.

The answer lies in expanding fundamental education at the grassroots. No libertarian political success can occur until the coercive State has been morally delegitimized in the eyes of the people – and until they have learned how individuals acting voluntarily in an environment of freedom can offer better solutions to our vexing economic and social problems than those posed by big, intrusive, governments.

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Costa Rica Media Darlings: Libertarian congressman Otto Guevara has been named "Congressman of the Year" in both of his years in Congress by the national media! He has grabbed regular headlines with his principled attacks on corruption and the state-owned monopolies. And among other things he has called for the abolition of taxes and the central bank! The Movimiento Libertario is on track to elect 15% of the next Congress, and Guevara is poised to be a serious contender for President in the 2002 election.

Also in Costa Rica, ISIL Rep Rigoberto Stewart is building a grassroots movement to bring autonomy and limited government to the impoverished and ignored Caribbean province of Limon. He too has gotten good media coverage. Stewart's book *Limon Real: A Free and Autonomous Region* (available through ISIL) is a new classic in the libertarian decentralist literature.

ISIL and our members have provided literature and books for translation, funding and organizational assistance to the educational side of the exciting Costa Rican effort.

Ayn Rand Returns to Russia: ISIL was responsible for initiating the translation and publication of Ayn Rand's works in her native Russia. Copies of her books have been donated to thousands of Russian libraries and schools.

Just recently, publisher Dmitry Costygin and Belarus activist Jaroslav Romanchuk got a copy of the Russian *Atlas Shrugged* into the hands of Andrei Illarianov – top economic advisor to President Vladimir Putin. Illarianov has extolled the book and called for radical free-market reforms at national news conferences. All this would have unthinkable in the old Soviet Union just 10 years ago.

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amount of American music — often good music, sometimes great music — that resembles jazz in déclassé origins and manners of operation. I'm thinking first of Latino jazz, epitomized by the Cuban-American Frank Grillo (1905-86), commonly known as Machito. The only acknowledgment of Latino jazz I can recall is the portentous narrator mentioning that Dizzy Gillespie in his 1940s heyday hired a Cuban drummer named Chano Pozo. Didn't Burns' advisors tell him that James Reece, Europe's legendary World War II band, included Puerto Ricans, among them composer Rafael Hernandez (whom John F. Kennedy reportedly called "Mr. Cumbanchero") or that Duke Ellington's band included Juan Tizol, whom fellow Puerto Ricans believe penned some of Duke's songs? Nothing embarrasses those dependent upon academics more than the evident insufficiency of scholarly advice.

One devise by which the NEH ensures vapidity is its insistence upon the involvement of academic "experts," whose participation is as essential for American government support as Communist Party membership was for Soviet cultural support.

Italian-Americans seem neglected as well, beginning with the great violinist known as Eddie South (c. 1905–62) and blind pianist Lennie Tristano (1919–78). I don't recall any mention of the greats of European jazz, beginning with the magnificent Belgian Gypsy guitarist Django Reinhardt (1910–53), but including, in my pantheon, another blind pianist named George Shearing (b. 1919) and the French violinist Stéphane Grapelli (1918–97). (The blanket omission of violinists, including African-American Leroy Jenkins (b. 1932), makes one think Burns and his academics didn't regard the violin as a jazz instrument.) The white bandleader Stan Kenton is mentioned, but not heard.

Having authored a *Dictionary of the Avant-Gardes* (1993, 2000), I lament the complete omission of the great saxophonist Albert Ayler (1936–70), the multi-talented John Zorn (b. 1952), the versatile winds player Eric Dolphy (1928–1964), the pianist/composer/band leader Sun Ra (1914–1993), and the pianist/composer Terry Riley (b. 1935), whom, aside from his compositions, I rank among the great keyboard improvisers. Needless to say, except for Frankie Manning and Norma Miller, jazz dancing is lost as well.

Though the film acknowledges Jewish-Americans who played with blacks, there is no mention of strictly kosher jazz — by Jews, for Jews — called Klezmer, or of post-Klez, epitomized perhaps by Zorn. Likewise forgotten is the comic jazz epitomized by Spike Jones, whose best music still sounds incomparably brilliant and unique a half-century later. Finally, there is no mention at all of Rembetica, which is Greek improvisatory underworld music of the 1920s and 1930s, composed mostly by refugees from Asia Minor, but widely performed and even recorded in Greek communities in the United States, particularly after its 1937 banning in Greece.

In short, for all of Burns' self-conscious desire to be politically correct and appease the NEH's rules, for all of the opportunities afforded by support for more than 19 hours, this representation of American art fails finally for being not multicultural enough. ❑

McCarthy, *from page 34*

awhile maybe I was one of them. How could it be otherwise, after all, the whole conspiracy food-chain thing was said to have started down the street from where I live at the newspaper we call "The Trib." Sometimes I wrote op-eds for the Trib. But what if Woodward and Bernstein had been dismissed because they met some kook show named Deep Throat who hung out in underground parking garages? Yes, I went on the conspiracy tour, roamed around in the tall grass in Fort Marcy Park to check out the cannons, looked for the missing bullet and all the rest. In the end, though, I concluded that Chris Ruddy, author of *The Strange Death of Vincent Foster*, was wrong, and that Ken Starr had gotten it right in declaring Foster's death a suicide.

Others still aren't so sure, like the lady I met at a Quinn think tank, a bar called Kangaroo's. Introducing herself as a member of the West Virginia Militia, she said she had been run off the road by the CIA on the way to the meeting. She explained that lead paint had been outlawed by the government because they wanted to see through our walls with infrared equipment from satellites. To outfox them, she had added lead to her no-lead paint and was there to give us her formula for adding lead. I figured she might have been an FBI agent, fishing for wingnuts.

With the Clinton presidency over, the only thing we can say for sure is that the biggest nutball of them all has just left the building. The lunatics had indeed taken over the asylum, to the tune of "Hail to the Chief." With Bill Clinton and his wife gone from Pennsylvania Avenue, it's a good bet that we'll be hearing nothing from the militias, the wingnuts and the Arkansas fever swamp folks. Even the Internet will simmer down. The last black helicopter we'll hear about is the one that swoops Bill and Hillary off to Georgetown. And no matter how much the liberals complain about George W., they will never have to deal with what we did. I'm no Dionne Warwick with a crystal ball, but I have some solid predictions about the Bush administration: I know Laura Bush won't go on TV to announce that any of us are free-loaders. Condoleezza Rice won't be visiting Al Sharpton with a gun telling him to get his mind right. Mary Matalin won't be found dead in Fort Marcy Park. Christie Whitman won't threaten to break anyone's kneecaps. Even the pro-life ideologue Ashcroft won't incinerate 80 feminists at the NOW headquarters. And no one in the Secret Service will have any tales about George W. leaving the White House rolled up in a blanket in the floor of a car having phone sex with an intern.

Clinton's legacy? Easy. It'll be two things — his resilience in the face of a self-induced pummeling, and as Hillary put it at the end of the Lewinsky-impeachment saga — that you could say a lot of things about Bill Clinton, but he was never boring. ❑

Letters, *from page 6*

Therefore, they can have no rights.

Those who are against what they consider to be the murder of unborn human beings are like the New England anti-slavers in the early 1800s. They can't win until most people come to believe that the attitude that human beings are property and at the mercy of the people who own them is wrong. If it is never seen as wrong, it will never be changed. Furthermore, they will continue to receive bitter rebuttal from those who believe that human beings are property to be destroyed at whim.

I have gone back and forth on the issue of abortion over the years. I went along with those who thought it was all right in the first trimester. I can't go along with those who think it is okay at the moment of birth, and I await the next step that it may be okay until the child reaches maturity, or once the person gets too old. All it takes is that those people be considered subject to the wishes of their owners, whether individuals or the state, because they aren't really human beings.

Bob Peirce
Pittsburgh, Pa.

A New Approach

The pseudologic exhibited by Charles S. Rebert seems typical of the pro-life crowd. The pivotal assumption, that embryos have rights, is slipped in halfway through the argument. What is curious is that these people haven't also called for a ban on contraception. Their logic implies that a woman bear children as fast as possible throughout her lifetime, to protect the rights of all those unfertilized eggs.

My own view is that a mother has the right to kill her children whatever their age, positive or negative. Natural selection has already ensured that excesses will not be common.

Dan Vander Ploeg
Portland, Ore.

Abortion and the Growth of the State

Charles S. Rebert argues that the state should protect unborn humans, even a mere fertilized egg. Unless one simply assumes, as Rebert evidently does, that rights are limited to humans, his argument is equally applicable to extending rights to chimpanzees, porpoises, and clams. Why should humans be special? However much his prejudice in favor of humans may appeal to us, by making his argument he implicitly invites others to claim rights on behalf of non-humans. Has he no rational argument for just what sort of being has rights and what sort is mere property?

His claim that "governments are established to protect human rights" seems like a seriously overbroad invitation for demands for state intervention in protection of every imaginable human right. If the state properly has broad authority even just to protect rights, does this not imply that the state ought to intervene to prevent a pregnant woman from poisoning her unborn baby with alcohol, or even caffeine? Maybe spanking really is child abuse and should be a crime? Is this not a invitation for others to try to use the state to deter or punish a whole host of practices which they feel violates someone's rights? Is it really the proper province of the criminal law to deter or punish every imaginable wrongdoing?

Does he want a government that will stay out of our lives, except when somebody else is doing something that offends his ideas of just who has just what rights?

Bill Bunn
Arcata, Calif.

Words Don't Dehumanize, Facts Do

Charles S. Rebert is glad, with hindsight, that his mother didn't kill him when he was only twelve cells. He must be just as grateful she didn't when he was only two cells and a gleam in his father's eye. Is any woman who says "no" guilty of murder?

It's not the words "twelve cells" that dehumanize, it's the fact. His twelve cells was no more a human being than was his father's gleam, even though hindsight can show that in this case they both became one.

Tom Porter
Reseda, Calif.

Note: Sarah J. McCarthy responds to Charles S. Rebert on p. 43 of this *Liberty*.

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Terra Incognita

Boise, Idaho

Interesting post-political career opportunity for the Clinton administration's former attorney general, reported by the *Las Vegas Review-Journal*:

> Former attorney general Janet Reno has been offered $500,000 if she will pose for a number of nude full-frontal photographs. The Boise man who made the offer believes that it will show people "the side of her they don't know."

Hollywood, Calif.

Advance of American culture as the new millennium begins as reported in *The Wall Street Journal*:

> Mattel Inc. announced that Barbie "will star in a new animated motion picture based on 'The Nutcracker and the Mouse King,' the 1816 ballet by E.T.A. Hoffman. Her boyfriend Ken will co-star. This is not the first movie role for the 11 1/2 inch doll. In 1995, Mattel gave Walt Disney Co. permission to use Barbie in its feature film *Toy Story 2*, but was chagrined when the character was depicted as an airhead."

Korea

A new cultural program to aid international understanding, reported by *Hemispheres*:

> Hoping to profit from the 50th anniversary of the Korean War, Korean officials are offering tour packages of battlefields at prices ranging from $800 to $1,000.

Providence, R. I.

Medical innovation in the nation's smallest state, reported by the *Milwaukee Journal Sentinel*:

> A 7-year-old girl scheduled for eye surgery instead had her tonsils and adenoids removed, and was released without undergoing the eye surgery.

Lexington, Tenn.

Progress in public education, as reported by *USA Today*:

> A school board member who believed that his son's high school basketball team "was not being well coached," sent the team's coach a letter threatening to kill him.

Colorado

Another victory in the War on Crime, reported in the *Denver Post*:

> A woman who posed nude with a gun for a photograph taken by her boyfriend while on supervised release faces a 63-month prison sentence.

South Africa

Curious problem in the new South Africa, reported by *The Economist*:

> An educational minister in KwaZulu-Natal refused to go into her office for several weeks because it was "bewitched."

Canada

Advance in military science, reported by *Soldier of Fortune*:

> Canadian officials spent $2.4 million on research and development of underwear for women in the Canadian armed forces. It concluded that civilian underwear was "entirely adequate."

Seattle, Wash.

Latest dispatch from the War on Unequal Treatment of the Differently-Abled, reported by the *Times*:

> A disabled woman who went to a Garth Brooks concert is suing the city over seating arrangements. She objected to the country singer's practice of seating pretty women — rather than differently-abled people — in the first two rows of seats.

Towaoc, Colo.

Setback in penology, reported by *Prison Legal News*:

> The Ute Mountain council postponed opening its new $9 million, 78-bed jail for Native American prisoners because it is unable to find enough Native American prison guards.

England

Intriguing cultural development, reported by *Prison Legal News*:

> The new craze sweeping the nation is a TV show called "Jailbreak." Contestants are placed in a custom jail staffed by guards and a former warden and offered $141,000 if they escape.

Wisconsin

Dispatch from the War on Child Abuse, as reported in the *Milwaukee Journal Sentinel*:

> Under a new law, a mother who bought her 13-year-old son condoms for use with his 15-year-old girlfriend can be sentenced to 15 years in prison and fined $10,000 for "failing to prevent her son from being sexually abused."

Fabrichny, Russia

Strange news, reported by the *Yakima Herald-Republic*:

> In the village of Fabrichny on Russia's Pacific coast, "electricity consumption is so high it caused high-voltage lines to melt the neighboring village last week."

Albuquerque, N.M.

Peculiar news from the Land of Enchantment, in a dispatch from *USA Today*:

> The New Mexico State Fair has proposed a rule that the hair of animals entered in livestock competitions can be shampooed and blow-dried, but may not be dyed or supplemented with "false hair."

Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.

Special thanks to Russell Garrard, James Bertsch, Brian & Barb Rachocki, Allison Payne, and Andrew Martin for contributions to *Terra Incognita*.

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Inside Liberty

May 2001
Volume 15, Number 5

4 Letters Giving us the what for.

9 Reflections We fight wild boars, celebrate the Intimidator, ostracize chocolate lovers, call Larry King onto the red carpet, witness the evolution of anti-evolutionists, kick Thomas Jefferson out of the Libertarian Party, and indulge mixed feelings about Bush's tax cut.

Features

23 Rats and Moles *Frank Fox* explores why Russia beats America in one competition . . . and without the Russians using steroids.

25 One Thousand Enemies of Oregon *Randal O'Toole* welcomes you to Oregon, where roads are congested, housing prices are high, apartments are vacant, and the non-profits are very profitable.

31 Not a Union Man When the union calls a strike and your friends and comrades walk the picket line, what do you do? *Bruce Ramsey* tells what he did.

34 Wrecking the Rails Britain's weird "privatization" proves that there's more than one way to ruin a railroad. *Stephen Berry* reports.

36 Making the World a Freer Place Libertarians have little to show for their huge investments in political activism. *Thomas Sipos* and *Carl Milsted* offer new ideas; *Richard Winger, Bernard Baltic,* and *R. W. Bradford* take another look at their most recent efforts; and *readers* offer their advice.

45 Purging the Libertarians The Christian Right has instigated an attack on libertarianism within Britain's Conservative Party. Tory libertarian *Adam Hume* asks: is it time for a divorce?

47 Smoke Detectors *Chris Henderson* envisions the day when the War on Tobacco is finally won.

Reviews

55 Conversations With Hitler What does a racist and militarist talk about over coffee and strudel? *Stephen Cox* recounts.

61 Crossing the Great Divide In a different era, the men who built the transcontinental railroad opened up the continent with backbreaking, dangerous work, without complaint. Today, they'd never get across the Great Plains, explains *Timothy Sandefur.*

64 Traffic Hollywood has finally taken on the War on Drugs. *Travis Stewart* reviews the outcome.

65 Notes on Contributors From the files of the FBI.

70 Terra Incognita The map frays at the edges.

Letters

Slave to a Cell Cluster

It didn't take long to realize that Charles Rebert's "Abortion and Hypocrisy" (March) was about his own hypocrisy. He claims, correctly, that each individual is a sovereign being and is responsible for his own life, and that no person rightly owns another. But then he grants the status of a human being to a cluster of twelve cells, or even to two cells, which obviously is not a human individual or a sovereign being, and which obviously is not responsible for its own life. He also casts into question the primary right to life, to walk, to think, to be responsible for oneself, condemning women to de facto slavery to a cell cluster. No thanks, Charles; keep your religious domination away from my rights. Women (and men) own their own bodies, and there aren't any "buts."

Rebert may be both a human being and a cluster of billions of cells, but that does not constitute an argument that any or every cluster of billions of cells (much less twelve cells) is therefore a Rebert. It's absurd to assign the human identity even of Charles Rebert to a cluster of twelve cells, or to any of their preceding infinite forms of various component elements.

Dave Braatz
Mt. Mourne, N.C.

Assertions Are Not Arguments

Hypocrisy? Mr. Rebert says that libertarians who support abortion rights are hypocritical because "an embryo conceived of human beings is itself a human being."

That's not a proof, and it's not even an argument. It's a mere assertion, hardly leading to the inescapable conclusion that support for abortion is contrary to libertarian principals.

Conception is obviously a very important event in a series of events that must occur for a human to successfully come into existence. But equally important are the events called "ovulation," "implantation," and "live birth." It is not obvious that conception should be accorded some special status.

At the time of conception, a single cell has a complete DNA package. So does every skin cell Mr. Rebert rips off his face shaving each morning. Yet, shaving is not a crime.

Conception is a necessary, but not sufficient, condition to give rise to a human being. For a variety of reasons that we do not fully understand, embryos often fail to develop into human beings. This failure is usually called "miscarriage," not murder.

Human life is trivialized by referring to it as a mere cluster of cells. But facts are facts. Just after conception, what exists is a mere cluster of cells, and to call that human also trivializes human life.

What exactly makes something "human" is a matter of some dispute. We argue about it at both ends of the life cycle. It is a difficult question, without easy answers. Those questions don't become easier to resolve by name calling.

John Stratford Mills
Tacoma, Wash.

Calling a Zygote a Zygote

If pregnant women own their bodies, as Charles Rebert concedes, then they own what is *inside* their bodies. As Murray Rothbard put it in *The Ethics of Liberty*, what "human being" has the right to reside inside the body of another against that other's will? If someone deposits a baby on my doorstep, am I obligated to care for it? Of course not, since that is not an obligation that I freely chose to undertake. In Rebert's upside-down world, pregnant women do not own the very cells and tissues in their own bodies, but are somehow responsible for the same?!?

The fact is that no one has a right to be born. That is a choice that someone else makes for us. Furthermore, a woman has a right to change her mind; maybe she wanted a baby then but not now. It's her body and her life, and many times an abortion is the most responsible thing that a woman can do.

Calling the embryo or zygote or fetus "innocent" is a cheap emotionalistic trick of the anti-aborts. The concepts of innocence or guilt do not apply to a cluster of cells.

It is not a libertarian principle that the state must protect the weak from the strong; that is a totally irrational collectivist principle that is diametrically opposed to the very concept of individualism. What a person does to her own body — and that includes all parts of it, inside and outside — is not an initiation of force against another.

Only when a person is separated from another does that person have rights.

Get a new life, people. And by the way, please tell that cluster of non-brain cells, Rebert, that Hitler was very much anti-abortion. The Gestapo had an office to prosecute abortion and homosexuality headed by Heinrich Himmler.

Michael P. Hardesty
Oakland, Calif.

Mixing Seed With Soil

As an individual male, I think that I have little to no real clout on the topic of abortion, at least until I get a womb installed. However, as an opinionated individual male, I do have opinions.

I believe that an embryo is a mother's property. She uses her body to create from a cell of her own and a cell of a male. As John Locke wrote in his *Second Treatise on Government*, "the labor of his body, and the work of his hands, we may say, are properly his."

Therefore, before an embryo becomes a child, it is the mother's decision to keep or abort it. Either way, it is something that is a direct creation of that person who, with the minuscule contribution of a man at some point, created it. The second an embryo becomes a child, a process known as "birth," that child starts to become his own property. With every breath and heartbeat that child is working for the preservation of himself, the labor of his body is simply nothing more than to sustain his own life. As he grows, he

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begins to own more of himself as he takes on more functions: crawling, walking, talking, counting, reading, writing, and ultimately thinking individually, when he no longer is a simple product and possession of his parents, but an actual person who owns himself.

I support a woman's right to choose to keep or abort her embryo because that is the only time she will completely control her property.

Chris Strong
Albany, Calif.

The Market for Babies

The number of abortions would fall dramatically if people could buy custody of children. Custody is not slavery — it is just the right to raise a child, something all parents have. It is not unusual for people to pay $25,000 to $50,000 to adopt a child from a foreign country, with little assurance of its health or background. Those people would be happy to pay that amount to an American woman who would agree to carry to term and give them custody. I'm sure that many women, given the choice between an abortion or a large sum of money, would choose the latter.

Richard D. Fuerle
Grand Island, N.Y.

Starvation and the Way of Skousen

I've long felt the same way about Howard Roark as does Mark Skousen ("Ayn Rand's Screwball Economics," January). Roark may be a fine example of integrity, honesty, and decency (except for that small flaw of being a *rapist*!) but he's no model capitalist if he doesn't know that "The Customer Is Always Right!"

Yes, I know that this statement is not to be taken literally. What it really means is, "The Customer Has The Money." Your *lifeblood*, in the words of one of Rand's more sensible heroes — from a much better book.

Another hero from the same book, Hank Rearden, invents an alloy which is lighter, cheaper, and stronger than steel. Until Dagny places an order, no one is interested in buying it; but does Mr. Rearden stop pouring steel for his customers and insist that they buy his new, better metal? He does not. He keeps giving the customers what they order. Why? Maybe he prefers making money to starving, which is what whiny Roark spends a lot of time doing in his book. A capitalist who wants to make money? Shocking!

Have you seen those commercials for credit cards where a demolition crew blows up a building amid cheering crowds, then blows up several more that weren't scheduled for destruction? The foreman says, "Well, we had some extra explosives, and people just love this kind of stuff!" The tag line is, "Just because you have the power doesn't mean you have to use it." So, do we have personal sovereignty? Sure. One is perfectly free to turn down business and piss off customers all day long — if you're stupid enough to do so.

Defending Roark's sovereignty and right to ignore his customers may be fine for ivory tower "capitalist intellectuals," but a real working person, out in the real world of capitalism, actually selling stuff to folks knows the real truth — the customer is king. Period.

Paul Scott Williams
Denver, Colo.

Deconstructing Skousenomics

You've got to admit that Mark Skousen takes the idea of consumer sovereignty to its logical conclusion. Trouble is, it's not a very nice picture he paints in his article "Ayn Rand's Screwball Economics."

According to Skousenomics, "the goal of all rational entrepreneurship must be to satisfy the needs of consumers." Wait a minute, what about the needs of producers? According to Skousenomics, producers are mere slaves of consumers. Their role is merely to give consumers whatever they want — and to hell with their own wants, needs, or desires.

What happened to the idea that trade occurs between consenting adults? According to Skousenomics, a producer — a Roark — doesn't have the right to his own opinions. And where can we find the ideal Skousenomic man? Well, we need look no further than Peter Keating who, after all, never did anything he wanted to do.

In such a Skousenomic world, we'd all suffer from schizophrenia. As consumers, we are sovereign, entitled to demand and expect to get whatever it is we want. The moment we go to the

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factory or office, we become mere slaves, automatons dancing to the consumers' tune.

I wonder how many people Skousen could get to join him in his utopia? I won't be one of them.

The acid test is: does Skousen practice what he preaches? If we look to his writings on economics, do we find that before he set pen to paper (or finger to keyboard), he surveyed students of economics and buyers of such books to find out what they wanted? Does Professor Skousen teach economics in the way that Peter Keating would, had he been an economist, not an architect?

Strange . . . but that's not what we find at all. Skousen's economic works fall within an obscure economic "sect" known as "Austrian." Far from giving consumers what they want, his books represent Skousen's own convictions.

As a producer, Skousen does exactly what he condemns Roark and Rand for. He fails his own test.

Shame on you Mark! Time you 'fessed up to the readers of *Liberty* that it's you, not Ayn Rand, who's the screwball on economics.

Mark Tier
Hong Kong

Believing in Liberty

Timothy Sandefur's review of Dinesh D'Souza's book *The Virtue of Prosperity* ("Conservatives vs. Progress," March) was interesting, but misleading at several points. His main claim, as reflected in the title, is that "conservatism has always been hostile to free markets." A more accurate statement would be that there has always been an anti-market component to conservatism.

If Republicans have sometimes failed to defend and promote free markets, it is because the anti-market strain of conservatism has been ascendant. However, to write off the entire movement is a fatal mistake, since it contains many of the most crucial allies of liberty, namely those who base the case for liberty on the Judeo-Christian tradition. The liberty we enjoy today derives from this tradition, and will (continue to) disappear as we ignore it.

Sandefur admits the sad history of slippage on the part of liberalism in defending individual liberty in the past two centuries, illustrating the fact that liberty (or any other Western value) cannot be defended without a religious basis. It's a lost cause. Tocqueville said, "If a man has no faith he must obey, and if he is free he must believe." Another way to say it is that men will either be restrained by religious conviction or by force.

Sandefur cites the hostility of many conservatives to teaching evolution, fetal-tissue research, and cloning as evidence of their hopelessly backward, anti-progress attitudes. This obscures and dismisses the true source of their objections: Judeo-Christian rejection of atheistic materialism and its associated devaluation of individual human beings created in God's image. This true source is, of course, also the source of our liberty and many other Western values.

Steve Sawyer
Fountain Hills, Ariz.

A Lexicographical Suggestion

Bruce Ramsey asked for ideas on words to label modern leftists (*Reflections*, April). My suggestion is "socialists." It seems obvious, but it's both accurate and pejorative. I find it works well in my e-mail list debates with fellow Princetonians, and it certainly gets the desired ire raised. It even stimulated a discussion of "labels" which, of course, socialists use to brand everyone else, but don't like to have pinned on them.

Scott L. Replogle
Boulder, Colo.

Truman II

I enjoyed your take on Bill Clinton's "legacy" and his reign of power ("Bill Clinton: A Celebration," April). I am reminded of Harry S. Truman, who was president when I was a youngster. As near as I can remember, he was roundly and soundly hated by every adult that I ever heard speak on the subject. This was particularly so when

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he sacked MacArthur.

The vilification of Truman was so strong then that I am still amazed at his near deification today. It is almost as though he not only didn't do anything wrong, he could never do wrong! Yet, I can remember him being referred to as a former bagman for the Pendergast political machine!

Clearly, Americans have short memories. And we are a very forgiving tribe. I doubt that we will live long enough to see it, but our children should not be surprised to hear in their 60s or 70s what a great president William Jefferson Clinton was.

Harvey Hooker
Houston, Tex.

Estrogen and Entitlement

It should surprise no one that women in modern America are a threat to freedom and liberty ("Robbing Peter to Pay Mary," April). One merely has to reflect upon the gender debate that has been taking place throughout a generation of the "modern women's movement."

At no time in the last 35 years have I noticed any woman of consequence, from Gloria Steinem to Phyllis Schlafly, argue that women should have any defined obligation to the commonweal. Prior to *Roe v. Wade*, I occasionally heard a woman argue that the female service to society was "raising the children." However, that decision made it quite clear that society would require no woman to raise any child. In any case, I have never met any woman who was required to raise anyone. Moreover, having helped raised two sons, I have never thought for a minute that I was doing a favor to society. The only service obligations I encountered were supporting their mother and military duty in Vietnam. I eagerly await meeting the first woman equally obligated.

American women make up the most "entitled" group of people to ever roam the planet. They enjoy rights that men have never dreamed of without fear of any obligation to society. Yet, we hear from them nothing but continued complaint.

Comparable worth has been a convenient way for women to demand "equality," while carefully avoiding the inconvenience of free-market forces. Thus we are left with women still badgering about the "glass ceiling," while society is not even aware of the "death cellar" inhabited by men. (Over 90% of workplace fatalities are male, begging the question, "Why *shouldn't* men average higher pay in the overall workplace?")

We are not going to take the vote away from women, but that is the wrong approach anyway. Rather, the natural greed, envy, and selfishness of human nature will carry the day, and women and men alike will continue to demand more from the state. Bless the hearts of the meager minority of women who do not think the state owes them a living, but they are totally overwhelmed by liberal and conservative women, both of whom want benefits bestowed upon them by the commonweal.

Gene Hopp
Bellevue, Wash.

Israel: Doing Our Job in the Middle East

Hey — enough already of publishing blatant propaganda pieces. The "Minaret of Freedom Institute." What a laugh. The democracy of Israel isn't perfect? Let's look at the alternates: Syria, Iraq, Iran, Saudi Arabia, Kuwait, Qatar, Jordan, Egypt, Yemen, and Oman have not done a thing for their "brothers," despite their fantastic oil wealth. These despots and dictators want a democracy in their midst like they want bubonic plague.

Wake up: Israel is doing our job for us. Support them.

D.G. Gumpertz
Toluca Lake, Calif.

You Think Israel's Bad?

So Israel is a "socialist, racist, theocratic state" ("The Dark Side of Israel, April")? Really, compared to which of the 22 Arab dictatorships or monarchies surrounding it? Syria? Iraq? Iran? Egypt? Libya? Or how about Arafat's own Palestinian Authority?

Within the context of the Middle East, Israel is a relative oasis of freedom, with a free press, free elections (open to all its citizens, Arabs included), and, despite extensive government controls, a predominantly free economy. The rights of every religious community are guaranteed by Israeli law. In contrast, nearly every Arab state proclaims Islam the state religion and harasses or oppresses members of minority groups.

Although the Israeli Law of Return does grant immediate citizenship to all Jews requesting it, Israeli citizenship laws for non-Jews are more liberal than those of the United States and most other Western states. In terms of Israel's treatment of its minorities, most Israeli Arabs within Israel proper, have a far higher standard of living than their fellow Arabs in Arab lands, and much more freedom than their brethren under any Arab leadership, including the Palestinian Authority.

There is undeniably discrimination in Israel, but it is more social and psychological than economic or legal. The sole distinction which Israel makes between Jewish and Arab citizens is that Israeli Arabs are not required to serve in the military (to avoid any conflict of conscience), and as a result, those who do not serve do not receive the subsidies that the state gives to veterans. As for "the historic co-existence of Jews and Arabs," this too is a distortion. Every minority under Arab rule has suffered discrimination and worse.

With the exception of perhaps two or three eras with very clear boundaries, Jews lived as "dhimmi" (third class "protected persons") in Arab "mellahs" (ghettos), they suffered continuous harassment under Islamic restrictions and were under ever-present physical threat. Moslem countries have a long history of pogroms from the time of Mohammed through the 20th century. As to the curfews and closures on the West Bank, they are responses to rioting and terrorism sponsored by Arafat's Palestinian Authority.

The real cause of the conflict is the position the Arabs have always taken and which Ahmad apparently shares — the view that "Israel's present existence should be anathema." Israel is hated in the region because, with all its problems, it strives to embody Western cultural and political values.

I agree with Mr. Ahmad when he says the conflict is not primarily a religious one. It is cultural and philosophical. Israel's achievements have bettered the lives of both Israeli Arabs and Jews. I don't see Arafat or any other Arab leader struggling to establish a country or society more free than Israel. Until that day comes, Israel is the only coun-

Continued on page 56

GREATEST Liberty HITS

The Liberty Group — Join R.W. Bradford, Tim Slagle, Fred Smith, Durk Pearson and Alan Bock as they presciently analyze the current political madhouse and slaughter sacred cows with abandon. This is a fast-paced journey of libertarian commentary that explores the issues of the day and predicts outcomes for the elections of tomorrow. (audio: A401; no video available)

The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

Selling Liberty in an Illiberal World — Fred Smith offers a revolutionary approach to spreading libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

How to Write Op-Eds and Get Them Published — Join former *Business Week* editor Jane Shaw, *Orange County Register* senior columnist Alan Bock and *Seattle Post-Intelligencer* business reporter Bruce Ramsey for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; video: V412)

Making Terror Your Friend — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

End the Drug War or Forget About Freedom — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

Why the Great Depression Lasted So Long — Robert Higgs explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't bring the Depression to an end. (audio: A216; video: V216)

Searching for Liberty Around the World — Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear Doug Casey, *Investment Biker* author Jim Rogers, international journalist Bruce Ramsey and travelers Scott Reid and Ron Lipp — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

Anarchy Via Encryption — New encryption technologies are going to revolutionize the world by making absolute privacy possible for the very first time. David Friedman explores the encrypted world of the near future. (audio: A116; video: V116)

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Reflections

Don't fight corporate power without it!

— On a recent trip to San Francisco, I stopped at City Lights bookstore, a famous mecca for avant-garde poetry. On the walls are photographs of the store's beatnik and hippie past, and a sign from a recent protest against Borders bookstore. "FREE THE PRESS — from corporate power," it says. Of course, you can pay for your purchases at City Lights with American Express. — Timothy Sandefur

Mothers Against Willy Wonka — Chocolate lovers should live in fear no longer. They need not spend exorbitant amounts of money on their favorite confectionaries, only to have the taste of chocolate quickly disappear. Scientists have developed a patch for those times when you just gotta have chocolate (or the satisfaction of it, anyway).

My complaint is that chocolate eaters don't deserve this method of sneaky satisfaction. They haven't gone through a period of ostracism. They haven't been constantly assaulted by bright white signs featuring a chocolate bar with a circle and line superimposed over it. They've never had to answer the question "chocolate or non-chocolate?" in a restaurant. Personal ads have never singled them out as unworthy, airlines have never threatened them with federal charges for tampering with restroom devices, and I have not yet seen clusters of them shivering in the cold just outside doors of office buildings, furtively eating their sweet confection, as passers-by sniff their moral opprobrium.

If those chocolate eaters want their special little patches, I suggest we make them earn them. Next time somebody offers you a candy bar, look at him sideways and walk away. If a group of people in a restaurant order chocolate desserts, make a big scene about it and stalk out haughtily. Eventually we'll have chocolate lovers lining up for those little patches like they're going out of style. — Eric Raetz

BILL CLINTON. AIR STRIKES TO DISTRACT FROM SEX SCANDALS —

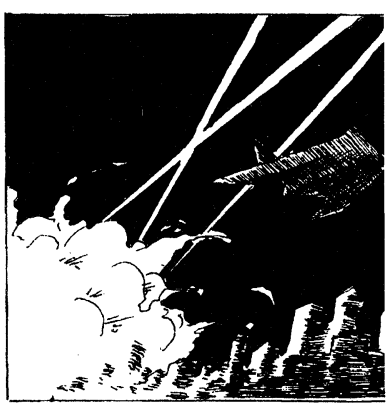

GEORGE BUSH - AIR STRIKE BECAUSE IT'S A TUESDAY -

Here kitty kitty, OHMIGOD! — Dr. Andrew Weil, noted advocate of "alternative health care," told CBS's "60 Minutes" that he cured his allergy to cats by dropping acid. "I took LSD . . . I felt terrific and, in the midst of this, a cat came up to me and crawled into my lap." One drawback, of course, was that the cat was 40 stories tall, smelled distinctly purple, and kept mumbling Babylonian poetry in his ear. — Timothy Sandefur

I'm sorry Mr. Jefferson, but your support of the Constitution makes you unqualified for Libertarian Party membership —

In a column published by *National Review Online*, Jonah Goldberg claimed that "libertarians . . . need to understand that operationally they are still members of the capital 'R' Right." Former Libertarian Party presidential nominee Harry Browne responded by sending a sternly-worded epistle to his campaign's mailing list. He pointed out that "political movements are hypocritical" and observed that neither left nor right "is a carefully defined political philosophy that stands consistently on one side of every issue and that conservatives, when elected to office, do not always support freedom." From which he concluded that "If you consistently want individual liberty, you're a libertarian — not a conservative."

It was a curious response. For one thing, Goldberg had not claimed that libertarians are "conservatives" — he only argued that they are "operationally . . . members of the capital 'R' Right." This is a far cry from the claim that Browne argues against, namely that libertarians cannot be conservatives.

Browne's blithe assumption that the behavior of a majority of elected conservatives somehow reveals the beliefs of all conservatives in general is equally silly. Would Browne argue that the behavior of elected libertarians reveals the characteristic beliefs of libertarians? Would he conclude, for example, that libertarians are no more consistent than conservatives because the Libertarian mayor of Big Water, Utah, turned his town into a speed trap for unwary motorists and lined its pockets with federal grants?

Having turned our attention away from Goldberg's argument to a straw man and silently introduced a ludicrous generalization, all that was left for Harry to do was to observe that conservatives, when elected, don't always support freedom. Q.E.D.

There's a lot more that's shaky about Browne's argument. He defines libertarianism as "consistent[ly] wanting individ-

ual freedom." This definition leads to an awful lot of problems: can a *consistent* defender of individual freedom support the Constitution, as Browne has? The Constitution quite plainly gives government the right to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes," to "grant Letters of Marque," and to "collect taxes on incomes, from whatever source derived." Can a libertarian support any tax whatever, even as an interim measure, as Browne has? What's the libertarian position on Letters of Marque? (Letters of Marque are licenses for private citizens to attack and plunder the ships of another nation.)

A significant minority of libertarians believe that government must be abolished altogether. If one "consistently supports individual freedom," it's difficult if not impossible to counter their arguments. Yet poll after poll shows that anarchist sentiment among self-identified libertarians is steadily declining and that the overwhelming majority of libertarians believe in some limits of individual freedom.

Of course, there is no reason to define libertarianism in such a troublesome way. It is quite possible to define libertarianism in a way that does not exclude, say, Milton Friedman, Frederic Bastiat, Friedrich Hayek, Ludwig von Mises, Isabel Paterson, and Thomas Jefferson. In fact, I'll offer a couple of sensible definitions:

To be a libertarian is to believe that human liberty ought to be greatly increased.

To be a libertarian is to believe that human liberty is the paramount goal of government.

Of course, the Libertarian Party is not that sensible. It requires everyone who wants to join to swear this oath: "I do not believe in or advocate the initiation of force as a means of achieving political or social goals." The LP oath is perfectly consistent with anarchism, though not with the beliefs of the overwhelming majority of libertarians. If it were taken with perfect seriousness, or if Browne's definition of a libertarian were insisted upon, the libertarian movement would be much smaller. Well, as Browne had pointed out, "political movements are hypocritical."

Browne's blithe assumption that the behavior of a majority of elected conservatives somehow reveals the beliefs of all conservatives in general is equally silly. Would Browne argue that the behavior of elected libertarians reveals the characteristic beliefs of libertarians?

Are libertarians part of the left or the right? I think the answer is both. Avant-garde artist (and *Liberty* editor) Richard Kostelanetz is an admirer of left-anarchist Emma Goldman and quite plainly a man of the left. Bruce Ramsey, another *Liberty* editor, has proclaimed himself part of the political right. There's no inconsistency here: since the beliefs of neither the left nor the right are consistent, a libertarian can be part of either one of them without compromising his belief in individual liberty. A right-wing libertarian, of course, should not join the right in its attacks on users of recreational drugs or its crusades against vice or homosexuality, but he can join in the fight to lower taxes and economic regulation and try to convince others on the right to support freedom more consistently. A left-wing libertarian can join the left in its fight for freedom of speech, but should not join his fellow leftists in their attacks on private property or in their campaigns for forced income distribution.

Personally, I get along fine with people of both the left and the right, but I'm not very comfortable with either. I'm a card-carrying member of the ACLU, but I oppose its goofy support for affirmative action. I don't believe I have any affiliations with right-wing groups, but I occasionally attend a local Republican Party meeting, where I find people amenable to just about the entire libertarian agenda aside from the issue of recreational drugs. At one time or another, I've been allied with groups on both the left and the right, perhaps sufficiently that one might characterize me, in Goldberg words, as being "operationally part" of either.

Liberty may be a rich, intoxicating wine, but it is not the wine of the altar. Libertarianism is not a religion. Advocating liberty does not require us to abandon our friends on either the right or on the left. The libertarian movement should be open to all who place a paramount value on liberty, whether they come from the left or the right, whether they renounce their old affiliations or continue them, whether they are anarchists or constitutionalists — or even politicians like Harry Browne. — R.W. Bradford

Gray power — A friend once said that to tame a bird, just throw it into a bathtub full of water, and when you rescue it, the bird will be so grateful that you saved his life, he'll be your friend forever. I don't believe that's true: I figure that if the bird is smart enough to know you saved him, he's also smart enough to figure out who threw him in.

I look now at how the California power situation was caused by the same people who are credited with its salvation, and think to myself, "Maybe not." — Tim Slagle

Sweets for the masses — Imagine yourself in a dark alley surrounded by three gangsters. They want your wallet, and you want to keep it. "Hand it over," the gangsters insist. We just took a poll, and 75% of the people in this alley think you should share your money.

Are the gangsters nuts? Not really. They're just following the same policies as most politicians and the public, who seem to believe that if a large majority of the population wants to do something to a minority, then the majority should have its way. So if, for instance, 77% of the population wants to prohibit their fellow citizens from owning so-called assault weapons, then the majority should get its way, as former President Clinton and many other politicians have insisted.

Polls show that a huge fraction of the population liked the central feature of the Hillary Clinton health-care plan: requiring employers to pay for their employees' health care. That's one reason that proponents of full socialization of medicine haven't given up their long-term hopes. Does this prove that employer mandates are the way to go? (Ignore for the moment the fact that costs forced on employers are usu-

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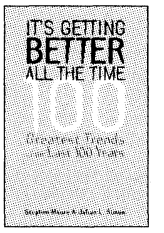

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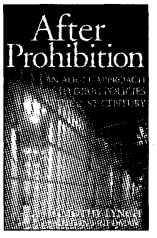

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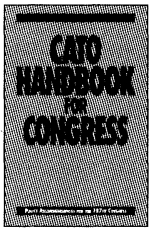

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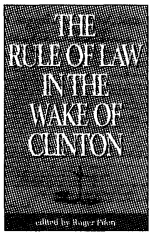

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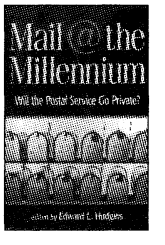

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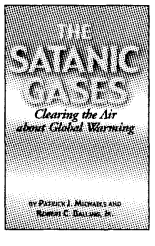

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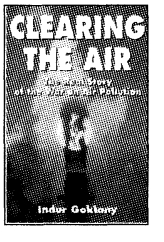

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ally passed on to employees, and imagine that it really were possible to make employers bear the full costs of government mandates.)

In 1994, *Spy* magazine conducted a poll of New Yorkers. Seventy-three percent favored employer-mandated health care. *Spy* then asked a follow-up question: A New York congressman wants to introduce legislation that will stimulate New York dairy production by requiring employers to provide their full-time employees with a daily serving of ice cream. Would you support such a bill?

Sixty-eight percent of New Yorkers polled said that they would support employer-mandated ice cream.

As one employee put it, "I would support anything that my boss would have to pay for."

Do robbery and oppression become legitimate when the majority approves? — Dave Kopel

Spring to action! — Randal O'Toole made an interesting comparison between libertarians and environmentalists. Back in 1970, he said, both were small bands of activists. The libertarians started a political party, and by 2000, they were . . . a small band of activists. The environmentalists started myriad local and national groups, and by 2000, they seemed to have won most of what they wanted. To be sure, the libertarians did form some think tanks, win some Nobel Prizes, play a role in the election of Ronald Reagan, and so on. But most of us do feel frustrated that — especially in the political arena — libertarians have had less success than we had hoped.

So what can we do about it? Well, one thing we could do is pick up on O'Toole's model, even if we're 30 years late. *Liberty* has thousands of readers. They could start some organizations, raise some money, make some noise, attract some followers. Perhaps if there were many libertarian groups agitating locally and nationally, some of them would take off. One problem with a political party or candidate is that voters tend to feel not only that they would be wasting their votes on a sure loser but that they have to agree with every tenet of a third party's platform before they can join the party. With an activist group, there's not the same fear of commitment. If you're opposed to the local tax increase, or the drug laws, or the curfew, or the handouts to major-league teams, or the war in Kosovo, or whatever abuse of freedom the local or national government is engaged in, you can work with a group that's fighting it. Or, more positively, you can work for term limits, school choice, tax cuts, or gay marriage.

Perhaps if there were many libertarian groups agitating locally and nationally, some of their efforts would pay off.

Among *Liberty*'s thousands of readers are some with organizing ability, speaking talents, and so on. So let a thousand flowers bloom, and let's build a broader movement. And of course, also among *Liberty*'s thousands of readers are some with substantial bank accounts. Money pays for advertising, direct mail, salaries, and all the other things that political activism requires. So step forward, funders. Every day I read in the paper that someone has donated $50 million for a mayoral mansion in Washington, D.C., or $125 million to cancer research, or $20 million to Stanford University, or $15 million to environmental organizations. Many of those are good causes, and of course all the donors have a right to give their money as they choose — but there must be Americans who value liberty as much as these other causes.

A particular activity I've long wanted to see is a Libertarian Political Action Conference. For 25 years, the conservatives have been getting together every February at the Conservative Political Action Conference; this year they claimed 3,500 participants. It would be great to see tax-cutters, school reformers, drug legalizers, term limiters, anti-war activists, and libertarians getting together to exchange ideas, meet funders, lobby Congress, and build a broader movement for freedom and limited government. Who would like to plan it? — David Boaz

The face of feminism — The *North Shore Woman's Newsletter*, which bills itself as "Long Island's Longest Running Woman's Newspaper," recently offered its readers a photo of a fashion poster on which someone taped a piece of paper that reads "Teach Respect for Women *not* Objectification."

Just what was the objectionable — the "objectifying" — element in the poster? Are we supposed to believe that the woman who posed for it did so only under the coercion of a husband armed with attack dogs and a machine gun? Nothing about the picture suggested that. Nor could it refer somehow to violence, since the poster didn't even hint at anything remotely violent. Nor was it a matter of "economic coercion," since the model was undoubtedly paid far more than Joe Sixpack gets. It can't even be the nudity, since the woman is wearing — not a bikini, not a one-piece swimsuit — but a dress!

So what the hell is "objectifying" her and consequently teaching disrespect for all women? The answer: the dress has a scoop neck. That's right: apparently, cleavage = sex = "sexual objectification" = dehumanization. And while I don't believe that equation requires any comment, one thing certainly does: the protest slogan was taped onto her face. Now anyone who knows anything about feminist anti-porn "analysis" knows how feminists love to point to pictures in which a woman's face is obscured as exemplifying her dehumanization. So, we are left to ask: What is to be made of a feminist who can't recognize objectification when she's perpetrating it? — Barry Loberfeld

¡Viva Article II, Section 2! — So it seems Bill Clinton pardoned Mark Rich for a cool 2 mil. For the sake of the Libertarian Party, I certainly hope he avoids prosecution. What a great campaign tactic for 2004, pardons for sale! "For the cost of just $1,000, I promise to pardon your loved one once I'm in office. It's wrong that pardons can only be bought by the rich, I promise to make presidential pardons available to every nonviolent criminal whose family can come up with a grand." With a million drug criminals imprisoned, I could potentially raise a billion dollars, and

still stay within FEC contribution limits. — Tim Slagle

Big Brother knows best — Last November, Oregon voters enthusiastically passed a ballot measure requiring compensation to property owners when government regulation reduces the value of their land. In response, the director of Portland's regional planning agency called for a constitutional amendment giving land-use planners the right to regulate all land use, without fear that those who are affected can demand compensation.

"We need a constitutional amendment to establish the floor below which we will not tolerate any further degradation of the beauty of this state," says Metro executive Mike Burton. Planning should be a constitutional right because "uncoordinated land use threatens orderly development, the environment, and the welfare of the people."

Burton clearly understands that planners have an omniscient ability to know how all land should be used, while "uncoordinated land use" responds only to petty things like what people want and are willing to pay for.

Portland planners, for example, know that the urban area has too much single-family housing and not enough multi-family housing, so they have applied mandatory minimum-density zoning to many areas.

The fact that Portland has one of the nation's least affordable markets for single-family housing, while apartment vacancies are at near-record levels, only shows that people haven't yet learned how wonderful their city will be when planners are through imposing their rules. — Randal O'Toole

Should these people be allowed to drive? — It was Feb. 21, the night when the nation discovered that Mrs. Clinton's brother had been paid hundreds of thousands of dollars to lobby Mr. Clinton to grant clemency to a pair of crooks who, by any traditional or obvious standard, were wholly undeserving. One of the television networks summoned former Democratic Sen. Dale Bumpers and "Republican" pundit David Gergen — the liberal who has made a career out of playing a conservative on high-brow TV — to state their reactions to the strangely unsurprising news. Gergen, visibly upset, opined that Clinton and wife could not possibly have profited from the deal: if there was one thing the Clintons never, never were, it was "venal"; money simply wasn't what they wanted. The omniscient Mr. Gergen seems never to have heard of Whitewater, cattle futures, or the theft of White House furniture. But former Sen. Bumpers had absolute proof that Clinton was never in it for the money: every time he and Clinton went out to eat, he said, he (Sen. Bumpers) had to pay for the meal! — Stephen Cox

Piltdown cow — It seems that recent attempts to save the little-known animal *Pseudonovibos Spiralis* are unfortunately doomed to failure. Is it because of deforestation? Slash-and-burn agriculture? Toxic chemicals? Too much sunlight? No — the animal simply doesn't exist.

The whole fracas started in 1993 when some well-meaning travelers found unusual horns being sold in Cambodian and Vietnamese markets. The horns resembled no others, with ridges and sharp bends. The people from whom the horns were bought claimed that the horns belonged to a "mysterious forest beast." Excited and giddy with the thrills of discovery, the travelers started to spread the word.

The animal, dubbed *Pseudonovibos Spiralis*, soon hit the fame circuit. It was added to the World Conservation Union list of endangered species. Debates raged about what its closest relatives were — sheep, gazelles, goats? Or was it even more exotic?

When the horns were examined more closely, they were found to have strange marks inside. DNA tests showed the new animal was remarkably similar to the cow. Further research determined that the horns actually were cow horns that had been heated and worked into new shapes. Apparently producing them is something of a folk industry; the horns are used by locals as an antidote for snakebite.

On an up-note, news is spreading about a new type of salt-tolerant Bactrian camel found in remotest China. I just hope that this news has no connection to remote markets, strange-looking skulls, and old men who swear by it to cure impotence. — Eric Raetz

King me — According to *Brill's Content*, CNN's John King sent a "confidential" e-mail to various top honchos at the faltering cable network to complain about how embarrassed he was that CNN softball schlockmeister Larry King showed coziness with the incoming Bushies. "Today I watched in shame and horror," the e-mail allegedly read, "as Larry King not only was master of ceremonies at a Bush inaugural event but also as we put him live on the air, first introducing some entertainment, then as he shamelessly rushed on stage to hug the president-elect and entertainer Ricky Martin."

Well. Larry King, though he does sometimes deal with political topics, does not call himself an objective journalist, though he might balk at being called a "fawning celebrity interviewer." The point is, he slobbers all over almost anybody who is prominent or famous (as most journalists in the Imperial City do, though not so obviously). John King seems to have managed to contain his shame and horror when Larry treated Al and Tipper as royalty, and gave any number of Clinton loyalists the kid-glove treatment. He didn't see it as a betrayal of objectivity when CNN's downplaying of various scandals earned it the moniker "Clinton News Network." But the rumor is that John King is planning to leave CNN for ABC, so maybe it was shrewd to establish a

grievance.

It will be interesting to watch this play out. Most Washington journalists view Republicans as a strange and almost inexplicable species whose occasional departures from statist orthodoxy can only be explained by deep-seated racism or some mysterious character defect. But Washington, D.C. journalists love the establishment, worship power, and are especially fond of presidents as a breed. Reagan and the elder Bush, though not treated quite fairly, were mostly treated with respect. How will journalists' inner conflicts play out over the next four years or so? — Alan Bock

Older, no wiser — In its March issue, *Reason* treated us to this quotation from Don Feder's "A Libertarian Look at Gun Control," published in its pages 25 years ago: "I oppose gun control for the same reason that I oppose censorship, antimarijuana legislation, or any other victimless crime laws."

Feder has since converted to a theocratic conservatism, so one can't help but wonder if he now supports gun control for the same reason that he now supports "censorship, antimarijuana legislation, or any other victimless crime laws."

— Barry Loberfeld

The bell swerve — Another school shooting; another occasion to ponder the disturbing side of our country these days. Generally, I take the position that conservatives overstate the moral irresponsibility of people today — of both parents and their offspring. But these shootings make me wonder. These aren't poor kids suffering from traditional signs of neglect. These are the products of today's affluent society.

Charles Murray recently published an article in *The Wall Street Journal* addressing what he views as moral decay. He cited Eminem, former President Clinton, and a rough-talking player with the Oakland Raiders as examples of our "disintegrating civilization." We are suffering, he says, from "bad language, immoral behavior, and generally objectionable attitudes."

Reading this, I was irritated by Murray's curmudgeonly attitude. While I consider Bill Clinton's behavior (and, more important, the elites' indifference to it) as an illustration of our problems (I don't know much about the Oakland Raiders or Eminem, but he may be right about them, too), it bothered me that Murray should so roundly condemn modern society.

Murray's disenchantment reflects an analytical departure from the trend that he discerned in his famous 1994 book *The Bell Curve* (co-authored with Richard Herrnstein). At that time, Murray thought that the nation was separating into two tiers, one a successful, somewhat fearful, and well-guarded, but morally conscious elite, and the other, a deteriorating underclass. As he says now: "I used to think these contrasting trends foreshadowed a bimodal America, with the elites doing well and the underclass growing."

Today, Murray seems to think that no one is doing well, because the elites are copying the underclass. "Elites throughout the West are twisting in apology for every failing they can concoct, disavowing what is best in their cultures, and imitating what is worst."

I was quite persuaded by Murray's earlier depiction of a divided nation. It resonated with me because the young elites whom I meet (as visiting fellows and college students) strike me as intelligent, polite, interesting, and eager to learn. Murray's querulousness today troubles me since he is such an important intellectual and proclaimed libertarian.

But, then, Charles Murray is also a father. The latest high school tragedy reminds me that he may be seeing the world through the eyes of a protective parent who is trying to figure out how to ward off the destructive pressures that buffet young people today. Sadly, perhaps this time he is closer to

Taxes After Bush:

One day in 1989, I got a call from Murray Rothbard. "Would you be willing to serve on the Libertarian Party's platform committee?" he asked. He explained that he had heard that there was going to be a serious effort to rid the platform of its support for abortion rights. Since I was solidly against such a move, he wanted me to help head it off. I'd planned to attend the convention anyway; and I figured I might find the experience interesting. So I agreed. Murray got me appointed to the committee and instructed me to arrive at the convention two days early and report to Bill Evers, who was Murray's field lieutenant for keeping the LP pro-abortion.

Being a member of the platform committee meant spending two days in a windowless room sitting at a table with 15 or so other libertarians wrangling over libertarian minutia. It was pretty tedious, but it had its moments. I got into a spat with Evers, who favored a purely defensive strategy on the abortion issue, hoping to leave the abortion plank unchanged. I figured the best defense was a good offense, and after discussing the issue with other members, I concluded that there were enough pro-choice members to strengthen the plank. When I introduced a measure to do so, Evers glared at me with obvious hostility, but my proposal passed easily.

What I remember most, however, was an argument I got into with virtually every other member of the committee over the proper libertarian approach to tax cuts. At issue was a proposal for the platform to support any tax cut, provided only that it reduced total tax collections, thereby augmenting the platform's opposition to "the elimination of deductions, exemptions, or credits in the spurious name of 'fairness,' 'simplicity,' or alleged 'neutrality to the free market.' No tax can ever be fair, simple, or neutral to the free market."

While I agreed with the platform's claim that no tax is perfectly neutral, or perfectly simple, or perfectly fair, I believed that some taxes are less unfair than others, some are less complicated than others, some are less unneutral than others, and that we shouldn't dispense with the notions of fairness, simplicity, or neutrality altogether. Indeed, I think that less unfair taxes are preferable to more unfair taxes, that simpler taxes are preferable to more complicated

the mark than he was in 1994. — Jane Shaw

They worship not the state — No saints were more uniformly honored in the early Christian era than Ste. Perpetua and Ste. Felicity. Whatever one's theological opinion about saints these days, these two women remain outstanding contemporary role models for their courageous defiance of an evil empire.

Perpetua and Felicity were arrested and imprisoned, along with three other Christians, in Roman-ruled Carthage in A.D. 203 Perpetua was a 22-year-old noblewoman with a son a few months old; Felicity was a slave with a child not yet born. Their crime was defying Emperor Septimius Severus' prohibition of conversions to Christianity.

The account of their martyrdom and courage, *The Suffering of Perpetua and Felicity*, is one of the earliest historical accounts of Christianity, and one of the most feminist. Read in African churches for the next several centuries, it was treated as nearly equivalent to scripture. (A full English translation appears in Musurillo's *The Acts of the Christian Martyrs* [Oxford, 1972]; Butler's unabridged *Lives of the Saints*

Still Too Compulsory, Too High, and Too Unfair

taxes, and that more nearly neutral taxes are preferable to less neutral taxes. Also, it seemed to me that the proposal that Libertarians commit themselves in advance to support any measure that reduces total taxation was just plain nuts.

"Suppose," I said, "Congress has before it a proposal to reduce the taxes of every American by $1, while at the same time increasing taxes on members of the Libertarian Party by $1,000 each. The first provision of the measure would reduce total taxation by about $250 million, while the second would increase tax revenue by about $110 million. This would leave a net tax reduction of about $140 million. Would you want to support this measure?"

Everyone in the room got upset by my question. "Congress would never pass such a law," someone sputtered. "It would be unconstitutional," said another. "It would never happen in a million years," chimed in yet another. "True enough," I said, "but irrelevant. If a single member of Congress were to introduce such a measure, you'd oblige the Libertarian Party to support it."

Most of us libertarians love easy-to-follow rules of thumb almost as much as we love liberty, so my argument went nowhere. I suspect I may be the only person who even remembers it.

I remember it because it illustrates, to me at least, the fact that even if one grants that all taxes are wrong or harmful, one should still recognize that some taxes are worse or more harmful than others. Being libertarians does not absolve us entirely from thinking.

A few days ago, President Bush's proposed tax cut passed in the House. It seems likely to pass in the Senate. Of course, I believe that the government takes a scandalous amount of money from its subjects, and any measure that proposes to cut taxes by a trillion dollars sounds pretty good to me.

But this one only sounds *pretty* good.

There are three things bad about our tax system.* It is compulsory, it takes way, way too much money from people, and it is unfair. Not surprisingly, Bush's proposed tax cut fails to address the problem of compulsion. It does address the problem of taking way too much money, though it doesn't go nearly far enough, to put it mildly.It fails egregiously to address the problem of the inequity of taxes. In fact, it would make the tax system more unfair than it is right now. It would reduce the rate for the lowest income bracket from 18% to 10%, a reduction of about 45%. It would cut the rate for the highest income bracket from 39.6% to 33%, a reduction of only 17% — leaving the system more "progressive," in the language of leftists, than before.

It would leave us with a take that is much less flat tax than Reagan originally proposed. His plan had only two rates, 18% and 28%. In Bush's scheme, high-income families would pay 17% more than Reagan proposed, while low income families would pay 45% less.

Curiously, because of the way the Democrats have spun the issue, virtually no one is aware of this. Democrats (and their pals in the media) harp on the fact that the relatively wealthy would save more, in absolute dollar amounts, than the relatively poor. Big deal. What this means is that someone making around $100,000 per year might save $5,000 or so per year, while someone earning $10,000 might save only $750 per year. Of course, the $100,000 earner will still pay around $30,000 per year for the same government services for which the $10,000 earner will pay $1,000 or less.

So what's the bottom line? Is the Bush tax cut a good thing? To answer the question, we have to go somewhere that libertarians usually fear to tread: we have to go to the slippery slope. The ideal law — one that would abolish all taxes entirely, or at least reduce them by an extremely radical amount, while preventing their getting any more unfair than they already are — is not an option at this time. But I don't see that as a reason for libertarians to stand by passively or avoid formulating an opinion of Bush's proposal.

To me, the size of the cut seems substantial enough to outweigh the harm done by making taxes more unfair. When the cut is enacted, I will be pleased. I will not be very pleased. But I will be pleased. And I will have one more pleasure in my life than some of my libertarian friends.

— R.W. Bradford

*From the perspective of simon-pure libertarians, I am a grievous heretic: I am willing to accept the propriety of some taxes. I'd be happy to support a proposal to abolish all federal taxes but the income tax and to cap the income tax at one-half of one percent. Readers who want to denounce me for this heresy should send their comments to theholyinquisition@libertysoft.com.

contains lengthy excerpts.) While the five (along with their instructor in faith) were being held awaiting execution, Perpetua's father urged his favorite child to save her life and the life of her baby by renouncing her faith. "Father," she answered, "do you see this vessel — waterpot or whatever it may be? . . . Can it be called by any other name than what it is?"

"No," he replied.

"So also I cannot call myself by any other name than what I am — a Christian."

At a trial shortly thereafter, Perpetua refused to offer a sacrifice for the prosperity of the emperors. When the court asked "Are you a Christian?" she answered, "Yes, I am," thereby condemning herself to death.

A few days before the festival games, at which the martyrs would face wild beasts in the coliseum, Perpetua had a dream in which she was transformed into a man, and engaged in unarmed combat with an Egyptian (signifying the devil). "I was lifted up into the air and began to strike him as one who no longer trod the earth . . . I caught hold of his head and he fell upon his face; and I trod on his head," she dreamt. The other captives also had visions which fortified their courage.

Felicity, meanwhile, had been afraid that she would not suffer with the rest, because Roman law forbade the execution of pregnant women. In answer to her prayers, her child was born while she was in prison, and was promptly adopted by a Christian couple.

Perpetua had managed to convert their jailer to Christianity, and so the captives were treated well in their final days.

The prisoners turned their last meal into an agape, a love feast, and spoke of the joy of their own sufferings — thereby astonishing most witnesses and converting some.

When the day of the games arrived, Perpetua and Felicity went to the amphitheater "joyfully, as though they were on their way to heaven," as Perpetua sang a psalm of triumph. The guards attempted to force the captives to wear robes consecrated to Roman gods, but Perpetua resisted so fiercely that they were allowed to wear their own clothes. The three male martyrs enraged the audience, including the procurator who had condemned them, by threatening them with the judgment of God.

One of the men, Saturnius, although prepared for martyrdom, was terrified of bears. Saturnius was first exposed to a wild boar, which turned upon its keeper, and promptly killed him. Saturnius was then tied up, and exposed to a bear, which refused to come out of its den. As Saturnius had hoped, he was quickly killed by a single bite from a leopard. Dying, he told his newly converted jailer, "Farewell: keep the faith and me in mind, and let these things not confound but confirm you."

A wild heifer was sent against the women. The heifer tossed Perpetua, who got up, straightened her hair, and helped Felicity regain her feet. Absorbed in ecstasy, Perpetua was unaware that she had been thrown, and did not believe it until Felicity showed her the marks on her body.

Having survived the animals, the women were to be executed. They exchanged a final kiss of peace. A nervous gladiator tried to kill Perpetua, but failed to finish the job until she guided the knife to her throat. "Perhaps so great a woman . . . could not else have been slain except she willed it," the Passion observes.

Although the execution in the coliseum was intended as entertainment, and enjoyed as such by most of the jeering crowd, some of the spectators, inspired by the martyrs' fearlessness, became converts. These spectators were not the last people who would be encouraged by Perpetua and Felicity, who, even at the cost of their lives, worshipped God and not the state. They are celebrated on March 7. — Dave Kopel

Embarrassment of riches — A Feb. 23rd ABC News report seriously addressed the issue of how the brothers of former Presidents Bill and Hillary embarrassed the first family in their rush to peddle influence over presidential pardons in Clinton's final days. Does anyone believe that the former first couple is capable of embarrassment or shame? And who could believe that Bill and Hillary are the ones in a position to be embarrassed by the behavior of others?

— Clark Stooksbury

Partial refund — All in all, Dubya's first speech before Congress — the ersatz State of the Union? — was a mildly constructive agenda and politically realistic, given how closely divided Congress is. But Bush cannot escape the contradictions inherent in a proposal that will increase government spending rather than even trying to reduce it.

He talked of honoring local control of schools while promising to raise federal spending and promising nationally mandated annual tests and accountability. But that accountability will be to the national government, not to local school boards — and especially not to the individual needs of students, which vary radically. You can't have both more accountability to the feds and more local control. Like most politicians, he's obviously counting on the fact that government schools don't make the teaching of logic a high priority. He offered a more limited taxpayer-paid Medicare prescription drug benefit than the Democrats want, but a limited government program almost inevitably grows toward universal entitlement.

He stressed faith-based charitable programs without seeming to be aware of the threat to religious independence inherent in taking the king's shilling.

His tax cut proposal, given the political climate, might be as large as is feasible. But he couldn't resist the "that surplus belongs to the people, not the government" applause line. Then he proposed that the government keep three-quarters of it. — Alan Bock

Just when you thought it was over, over there — Benjamin Franklin stated it famously in 1789: "Nothing is certain except death and taxes."

True enough, old Ben wasn't talking about those two things happening simultaneously, as is the case with today's estate tax. It was nearly a decade after Franklin said those words that the first estate tax appeared in America, and then only as a temporary measure to fund the Navy. Within five years, it was repealed.

The estate tax made its comeback, again as a temporary measure, during the Civil and Spanish-American Wars, only to disappear soon after peace broke out. It made yet another comeback in 1916, as a temporary measure to help finance World War I.

Apparently, "temporary" taxes don't vanish as easily as they once did. Here we are, some 83 years after the end of World War I, still arguing about the repeal of a tax that was enacted to help knock out Kaiser Bill.

By now, the arguments about it are familiar. Those for the estate tax say its repeal would be a "giveaway to the rich" that would cut charitable contributions, spawn a moneyed aristocracy, and strip the government of needed funds. Those in favor of repeal say the "death tax" robs families, destroys farms and small businesses, kills jobs, and holds back economic growth.

Let's start with four basic points.

First, the United States has the second highest estate tax rate in the industrialized world. The top federal rate of 55% exceeds the highest rates in even the most socialized economies of Western Europe: a top rate of 40% in France and England, 30% in Sweden and Germany, 25% in Italy, and 15% in Denmark. In Canada and Mexico, the estate tax is zero, as it is in most nations. On the books, only Japan outshines the United States with its 70% rate, but liberal exemptions drop the actual percentage to about half the U.S. rate.

The estate tax raises just 1% of federal revenues — and less than that in net terms. For every dollar of estate taxes the IRS collects, it spends 65¢ administering the tax and wrangling with heirs in court. Including the decrease in federal receipts from income and payroll taxes that the estate tax's stifling of economic growth causes, the net revenue to the federal government may well fall below zero.

"The key domestic economic policy problem of this country," says Federal Reserve System Chairman Alan Greenspan, is the pint-sized U.S. savings rate, a condition that raises the cost of capital, impedes investment, reduces profits, endangers U.S. competitiveness in international markets, hinders productivity, and slows the growth of personal income. The estate tax certainly discourages people from saving their money.

The estate tax makes it tougher for America's small-business community, the key growth sector in today's economy, to expand their operations and employment, increase wages and benefits, or even survive into the second generation. The situation described by David Ruff, owner of Morrilton Packing Company in Morrilton, Ark., is typical: "I have acquired $3,000,000 of life insurance to pay estate taxes at my death. To pay the premiums costs my business $100,000 per year. Simple math — $1,000,000 every 10 years just to pay life insurance premiums. This is money that could be used to improve our competitiveness or improve benefits for my 65 employees."

The bottom line? For entrepreneurs like David Ruff, it's a matter of watching money that could be used to make his business grow and create jobs being transferred to federal coffers, legal fees, and insurance premiums. For Ruff's employees, it translates into fewer raises and less job security.

For every dollar of estate taxes the IRS collects, it spends 65¢ administering the tax and wrangling with heirs in court.

In a macroeconomic sense, the estate tax cuts the national savings rate by creating a bias in favor of consumption over savings, a bias at the top for more diamonds and less business expansion, especially in the small-business sector, which is the nation's chief engine for job creation.

It's the same story with the proposed across-the-board cuts in federal income tax rates. "With 90% of businesses paying taxes as individuals, rate relief will affect small businesses of all income levels," says Karen Kerrigan, chairman of the Small Business Survival Committee. "This is money they can use to get through the potentially tough times ahead and reinvest in their businesses and workforce."

In the end, the battle over the estate tax is about recognizing that jobs, income, and wealth aren't created on Capitol Hill, and recognizing that the upward mobility of labor is primarily linked to the expansion of capital, not to the expansion of government.

As Henry David Thoreau put it more than a century ago: "Government never furthered any enterprise but by the alacrity with which it got out of the way." — Ralph R. Reiland

Things scientists say — According to a paper published in *Science* in February, the human genome contains far fewer genes than previously expected; until then, the books generally put their guess at 100,000. More recent suggestions put that number far lower. Now the answer appears to be somewhere around 30,000.

This is interesting for two reasons. First, it puts a bit of a spoke in the wheel of those who would argue that our behavior is genetically determined. This doesn't disprove that theory, certainly, but it does narrow down the field of how much genes can control. Secondly, it shows something about numbers, and how much our society unquestioningly accepts from the mouthings of "scientists."

The 100,000 number was not an estimation, it wasn't even

really a guess; it was simply made up. Scientists even set up betting pools on what the final number would be. Nobel-Prize-winning physicist Richard Feynman ran into the same problem while investigating the Challenger explosion. Engineers at NASA told him that the space shuttle had a failure probability of 1 in 100,000. "I tried to make sense of that number," he later wrote. "That means you could fly the shuttle every day for an average of 300 years before accidents — every day, one flight, for 300 years — which is obviously crazy."

Similarly, the estimation of the number of genes was wholly invented: there were no reliable guides for making such an estimate. Yet newspapers, books, and even some genuine geneticists dutifully repeated the 100,000 figure. This points to a great weakness in our culture. We suffer from quack science which the media faithfully repeat with little or no investigation (and usually hidden behind an anonymous "scientists say"). Clever lobbying groups, like the National Resources Defense Council, exploit this with their reports on Alar or cell phones causing cancer. And to a populace which has attended public schools, and are thus utterly uneducated, such periodic blasts of concentrated panic are always fresh and urgent justifications for growing government even more. — Timothy Sandefur

The black hole in South America — Early in March, Colombian President Andres Pastrana came to Washington, D.C. to ask President Bush to pledge more aid to Colombia, in addition to the $1.3 billion in mostly military aid the U.S. already gives to fight against coca production, manufacturing, and smuggling. The administration is said to be considering aid to Ecuador, Bolivia, and Peru, whose governments had previously expressed doubt about American involvement in Colombia's drug war, which is supposed to be separate from, but is inextricably linked to, Colombia's civil war.

Before this involvement becomes so intense that it becomes a matter of not wanting to look as if the mighty indispensable superpower is backing down, the Bush administration should take a hard-nosed, skeptical look at U.S. intervention in Colombia. The likelihood of our playing a constructive role is so low, and the risk of failure is so high, that prudence would suggest ending the U.S. commitment in Colombia.

The current civil war in Colombia has its roots in the 1940s, when a ten-year war called *La Violencia* followed the split of the two main parties. The conflict simmered at a low level for years, then gained new energy in the 1980s when Colombia emerged as a leading producer of coca and cocaine. Leftist guerrillas, and then rightist paramilitaries, offered to protect cocaine traffickers for a share of the profits, and the drug-trade money has made it possible for all sides to escalate the violence.

The notion that the United States can help the Colombian government eradicate cocaine trafficking without becoming embroiled in the ongoing civil war is naive at best. The U.S. might hope to play a strictly advisory role, but U.S. forces are more likely to be drawn in or targeted the longer the United States is an active player.

The most sensible way to take the profit out of the drug trade and the steam out of Colombia's civil war would be to end the War on Drugs, but the U.S. government isn't likely to do so anytime soon. But it should think long and hard before increasing a commitment to a conflict that must eventually be settled by those participating in it, not through the all-wise intervention of Uncle Sam. — Alan Bock

A cabinet that looks like America — Only people with certain sensitivities, perhaps cultivated too long, would notice that none of President Bush's top appointees is Jewish. That's none, nada, zip. OK, perhaps he is justified in "writing off" the Jewish vote, which reportedly didn't support him. Perhaps, as well, some Jews are justified in dismissing him, with anxiety if not with horror.

Some years ago, a friend who invested in the common stock of provincial banks had a firm rule: avoid those with no Jews on their boards of directors. His reasoning was not that Jews are geniuses — they aren't — but that anti-Semites are jerks who would let stupid, backass prejudices get in the way of doing business. Perhaps the greatest current tragedy is that he (I, we) can't sell the Bush administration short.

An Italian-American friend of mine noticed that the only Bushleagers whose names end in a vowel are Paige and Rice. When invited there to eat, may I recommend bringing your own food.

Caveat emptor. — Richard Kostelanetz

Intelligence, who needs it? — Well, they caught another American spy who turned out to have been working for the Russians. Robert P. Hanssen, a 27-year FBI veteran who had been working in counterintelligence (!) at FBI headquarters (!) has been nailed and jailed. U.S. intelligence officials are publicly concerned that Hanssen managed, for more than 15 years, to pass extremely important and sensitive information to the Soviets and post-Soviet Russians.

But does it really matter? Although you hear from time to time that U.S. spies have scored major espionage coups over the years that just can't be acknowledged publicly for national security reasons, most of the public evidence is that the Soviets, and now the Russians, are a bit better at the dark arts than Americans. Assuming that this is so, what difference did it make in the real world? In the real world, which system collapsed in a puddle of recrimination and misunderstanding, and which muddled through? In the real world, which system has become — for better or worse — the sole remaining superpower, and which struggles for a speck of respect as alcoholism rates rise, criminal activity abounds, and birth rates decline?

Could it be that openness, especially about information and communication, are actually survival traits in the great game? i don't contend that the United States is the model of openness I would like to see it be, but compared to the old Soviet Union and the new Russia, it is still delightfully leaky and wackily open-doored. And that openness, such as it is, is part of its strength as a society.

They don't get it at the top, where they still classify anything that doesn't move, and revel in knowing insignificant things other people don't know. The prosecutor assigned to deal with Hanssen has already lamented that he might have trouble building an airtight case because doing so would involve revealing some of the secrets he passed to the

Russians, and that would be bad. But by definition, if Hanssen passed the information to the Russians, so that our potential adversaries already know them, the only folks still left in the dark are the American citizens and taxpayers who paid to develop, and then to classify, those secrets so the Russians would value them enough to slip a few diamonds Robert Hanssen's way. — Alan Bock

The evolution of the Spectator — When I heard that *The American Spectator* had been bought by George Gilder, I looked forward to the next issue, expecting there might be some improvement. I was mortified to find that January's issue was instead chiefly distinguished by its attacks on Darwinian biology, written by Tom Bethell (a normally levelheaded conservative writer) and Jonathan Wells (a biologist and author of a recent book attacking evolution, which I haven't yet read). There were reverberations of this anti-Darwinian theme in the February issue.

Without attempting here to answer Bethell's and Wells' arguments, I offer a couple of broad observations on their general approach.

First, the articles are written without divulging the author's position. Do they accept that evolution, a gradual unfolding of changing lifeforms over millions of years, did in fact occur, and do they merely contend that the standard neo-Darwinist account is not the whole story of how it occurred? Or do they favor something closer to the biblical theory, in which God separately created all the various kinds of living organisms on successive "days"? (Hints in the text point in both directions, but, on balance, decidedly to the second alternative.)

It's understandable that, as a matter of propaganda technique, Bethell and Wells would want to keep adherents of both these positions on their side. Yet that coy ploy is confusing because arguments about the first position are utterly different from arguments about the second. Anent the second position, we can point to the fossil record, which clearly indicates cumulative changes in some organisms over millions of years. For instance, fossils reveal the development of the modern horse from a toed — not hoofed — animal no bigger than a skunk.

Fossils also show the existence of some transitional forms or "links," such as *Archaeopteryx*, a flying lizard with feathers which flapped around 150 million years ago. Although many "links" are "missing," as we would expect, even one well-attested transitional form rules out special creation of all distinct "kinds" of living things. Years ago, I heard creationists ridiculing the theory that whales were descended from land mammals, and triumphantly pointing to the total absence of direct evidence that there had ever been whales with feet. Lo and behold, a few years ago, fossils of whales with feet were found.

It's also worth mentioning that modern genetics corroborates the evolution story. All plants and animals have the same mechanism of heredity and could be related. If they are not related, this is a baffling feature which indicates a creator of very limited imagination, or perhaps a malicious prankster who deliberately wanted to leave a false trail of living things having evolved, junk DNA and all.

My other observation is that these authors focus on arguments which are peripheral rather than central. Like most creationists, they spend a lot of their time attacking the claim that the embryos of different species often (to some extent, and with many exceptions) recapitulate their evolutionary history. But this claim is far from being a cornerstone of evolutionary theory, and books marshalling the evidence for neo-Darwinism rarely devote more than a page or two to it. What Wells calls "pillars" of Darwinian theory (embryological recapitulation, the peppered moth, Darwin's finches) may reasonably be termed pillars of the teaching of Darwinian theory, but are certainly not pillars of the theory itself.

Wells maintains that charts in biology textbooks displaying the embryological development of different animals to show their apparent similarities are erroneous and misleading. Doubtless, this is true. As historians of science have complained, it's a general feature of American science teaching that the currently accepted theory (the one we all know had to win because it's right) is favored by distortion and misleading presentation, to make its truth seem more obvious and simple. Anomalies and difficulties are downplayed or ignored. The essentially speculative, argumentative, messy, and open-ended aspect of science is concealed from students. This unfortunate situation is not peculiar to biology but applies to many areas of science teaching.

Another instance of focus on the peripheral is the amount of space devoted to the origin of life, a wide open field of competing guesses with very little agreement. Fundamentally different theories are entertained by leading experts. This is worlds removed from, say, the story of the emergence of humans from earlier primates, where there is some controversy about details alongside a large measure of unanimity. (Wells addresses the evidence for human evolution by piling on to the Piltdown forgery! Is this an attempt to insinuate that Louis Leakey and Donald Johanson are frauds too?)

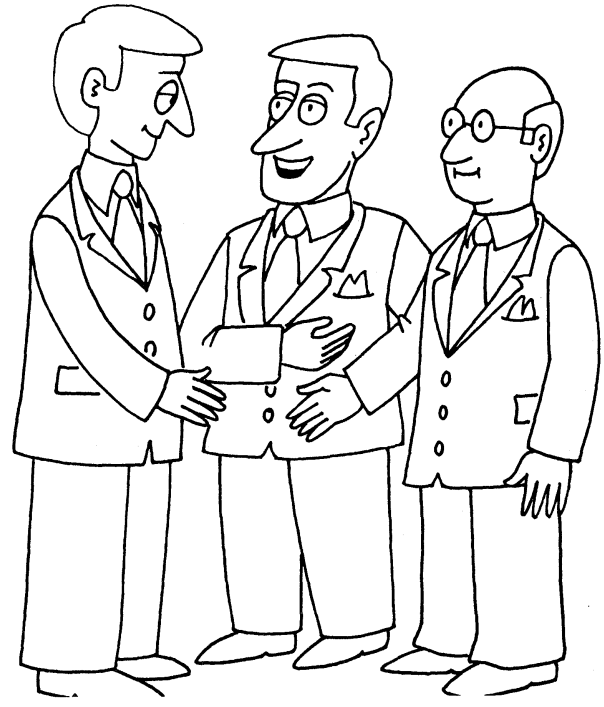

"Harry Krishna, Harry Rama. Harry Rama, Harry Krishna."

I've just got hold of the March issue of the *Spectator*. The Gilder touch is at last in evidence. There are some excellent articles, a good number of fine cartoons, and no anti-Darwinism. Hopefully the January and February issues represent a transitional evolutionary form which, like many such, will slide through the cracks in the fossil record.

— David Ramsay Steele

Avoid stress, exertion, and flexing your military muscles — Can anyone get to Dick Cheney's doctor? Heart patients are supposed to avoid potentially stressful situations. If Cheney's doctor could make a point of reminding him that getting the United States involved in a foreign conflict is a notably stressful situation, and just might be too much for the old Cheney ticker, it might be the best possible advice for the vice president's health. And for the country's. — Alan Bock

What you talking 'bout, Willie? — At the recent NAACP Black Entertainer awards, Bill Clinton repeated his claim to be the "First Black President." Although I'm pretty sure he was being facetious, the remark has been taken seriously enough in some circles for me to make a comment or two.

I don't understand why black Americans wouldn't take umbrage to such a remark. On the surface, Bill Clinton seems to be a Southern White Cracker Democrat, the same kind that would have probably been sitting on schoolhouse steps right alongside George Wallace. So it must be something else, but what?

His most famous acts as president were cheating on his wife and defending himself against charges of sexual harassment and rape, but I don't think the NAACP thinks that kind of activity would make him appear black. His saxophone skills were downright Caucasian, and his lavish lifestyle with state dinners, limousines, and a private 747 seems familiar to very few African Americans. According to testimony by both Paula Jones and Monica Lewinsky, the other myth doesn't apply either.

That only leaves the fact that he lived in public housing, held only government jobs, was a crummy tipper, and walked out of the White House with everything that wasn't nailed down. — Tim Slagle

The King's shilling, the King's men — It sounds so commonsensical, so attractive, so logical, so effectively compassionate. Private charities, especially faith-based charities, are almost always more effective, especially in terms of bang for the buck, at getting real help to people who really need it with limited resources, than government programs.

So why not channel government efforts to help people through faith-based charities, or at least make them eligible for government grants on an equal basis with secular institutions? What could be wrong with that? Unfortunately for President Bush, who has pinned much of his "compassionate conservative" agenda on a White House Office of Faith-Based Initiatives, almost everything is wrong with that.

As Michael Tanner, Director of Health and Welfare Studies at the Cato Institute put it, the president's proposal "risks destroying the very things that make private charity so effective." Among the dangers is that organizations whose mission is to get people off the dole and ready for independent self-reliance may themselves be put on the dole, increasingly dependent on and beholden to the federal government.

Government money will also divert charities from their original missions and toward the priorities of the national government.

Take Bush at his word, that he wants to channel money to effective philanthropic organizations with a minimum of red tape. Forget those leftist cynics who see it as a way to reward faithful political supporters and create new ones beholden to him, especially among black churches. But don't forget that government grants always come with standards and regulations, and with some justification; they are intended to assure quality control and accountability for the use of the taxpayers' money. The price of getting "free" government money will be time spent filling out forms rather than helping people.

Government money will also divert charities from their original missions and toward the priorities of the national government. Thus the closeness to the community that characterizes so many effective philanthropic organizations will be eroded over time.

Some religious charitable activities are effective precisely because they involve a certain amount of proselytizing or imposing their values on recipients. Recipients have to listen to sermons or lectures and are told that turning their lives around is more important than receiving or even earning material goods.

Should taxpayers be paying religious organizations to deliver sectarian messages? If not, will tax money (accompanied almost certainly by lawsuits and controversy) force religious organizations to tone down the religious content of their charitable activities? Might this vitiate their

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effectiveness?

The essence of private charity is its voluntary nature, with people helping one another because of altruistic feelings, love of neighbor, or respect for a religious authority that tells them to help the poor and the prisoners.

Taxes, on the other hand, are seized forcibly.

He who takes the king's shilling becomes the king's man. Far from strengthening independent and faith-based philanthropy, putting religious organizations on the dole will weaken them and undermine most of the reasons for their relative effectiveness. — Alan Bock

¡Hasta la vista, Governor Gris! — Rumor (and the Fox News Channel) has it that Arnold Schwarzenegger has been approached with the suggestion that he run for governor of California. It would certainly be a welcome refreshment from the mesmerizingly dull — but perfectly named — Gray Davis. Silly as it sounds, Ah-nuld might not be the worst choice. (The worst choice would be Davis, and he's already governor.)

Californians have always sought a genial character and accessible personality. Ronald Reagan, Jerry Brown, and Pete Wilson were decently interesting personalities, whatever their other qualities. Out-of-staters may find it hard to believe, but even Gray Davis was a more accessible personality than the smug and distant Dan Lungren, who ran against him. And, as they say, one out of every three Republican actors in Hollywood becomes president. — Timothy Sandefur

Caution: Newsweek has determined that freedom is harmful to your health — In a recent *Newsweek* article, Dr. Stephen Bezruchka, of the University of Washington, argued that American health statistics fall behind those of other industrial nations because of the "size of the gap between the rich and poor [in America]." Because other nations are "more egalitarian," those other nations have fewer health problems — problems caused by the "hierarchical structure of [our] society." That hierarchy causes feelings of "power, domination, coercion (if you are on top); resignation, resentment and submission (if you are on the bottom.) Compare [these feelings] with the feelings in an egalitarian environment: support, friendship, cooperation, and sociability." Bezruchka goes on to cite studies of baboons in Kenya, and to note that more men die of heart attacks in Lithuania than in Sweden, "which is much more egalitarian."

Perhaps — and perhaps the two nations have different traditional diets, different geographies, different social mores, for example, with regard to smoking, and of course, different genes. Japan's average life expectancy is higher than that of Americans — why? Not the radical difference in food choice, but because "during their recent economic crisis, CEOs and managers in Japan took cuts in pay rather than lay off workers."

Of course, Bezruchka is silent about the fact that suicide rates in Japan have skyrocketed in recent years, but then, he's silent about a lot of things. Like the fact that one big reason for the difference in life expectancy is the plentiful supply of cheap food in America — or the fact that (precisely because of our inequalities of wealth) other nations have enough to eat because of American exports of food and food producing technologies. In fact, many of those wealthy foreigners have their health problems taken care of here, in the United States, which certainly throws a wrench in Bezruchka's statistics.

He compares the death rates of Lithuanian men to those of Swedish men, without comparing other societies — what about the comparative statistics of wealthy Virginians with wealthy Tennesseeans? Or of Americans with the more "egalitarian" Canadians? To compare the rich in one country with the poor in another would, of course, throw off the statistics, since poor people in general are always less well-off. And how exactly will disparity of wealth in and of itself be a greater health problem than the poorer nutrition, lower education, unclean habitations, and other problems the poor face? The poor have more children, fewer vaccinations, and less access to leisure and exercise. They don't go to the physician until they have to, and then they go to bad hospitals — that is to say, government-run hospitals, like those run by the Veteran's Administration. These problems are much more to blame than Marxian notions of "alienation," or Naderite fears over the psychological effects of "consumerism." Bezruchka's article is not just another example of a leftist masquerading his politics as science — and unskillfully at that — but is another example of the unshakeable liberal (and increasingly conservative — see "Why Conservatives Oppose Progress," *Liberty*, March) belief that the nasty old industrial revolution obliterated the lovely prelapsarian paradise which only socialist utopianism can restore.

I'm not making this up — Bezruchka even claims that "human populations were relatively healthy before the advent of agriculture." Agriculture brought with it the hierarchical social structure, he says, and "with agriculture, health declined, nutrition worsened, and workload increased." Well, I suppose we should all stop eating our veggies!

Of course, he is half right. Agricultural peoples are settled in one place, and must deal with sewage and waste, more confined living areas (increasing the opportunities to spread disease), or attacks by raiders who want a more equal

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distribution of wealth — problems less pressing in nomad society. More babies survive infancy in an agricultural society, and thus are around to catch diseases they otherwise wouldn't. But to suggest that mankind was healthier ten thousand years before the polio vaccine, the germ theory of disease, or even aspirin, is so misleading as to strip Dr. Bezruchka of all credibility and reveal him for what he is: another leftist with an ax to grind — under the pretext of science.

— Timothy Sandefur

Shake your premises — It happened again, as it always does. Every time there's a major earthquake in the United States, some TV reporter produces a two-minute spot exhibiting the benefits of having your building reinforced against earthquakes.

It may well be rational just to accept the risk and allocate the money you might have frittered away on earthquake protection to ten years of Seattle Opera tickets.

This time, the camera showed an edifice that looked quite badly knocked about. The reporter told us that it would have to be completely razed. Then the camera showed us a second building, with some serious-looking cracks in its brick walls. This building, we were assured, could be put right, because the owner had had it "retrofitted" — reinforced against earthquake damage.

The reporter's conclusion was inevitable. It would be foolish not to lay out the expenditure for earthquake-protection of buildings. Convinced?

Let's be charitable and stipulate that this reporter could find no retrofitted buildings which were write-offs and no non-retrofitted buildings which could be rehabilitated; also, that the written-off building wasn't just closer to the fault line. In other words, let's grant that retrofitting does substantially reduce the risk of a building's being irreparably damaged by a major earthquake, should there happen to be a major earthquake.

What was the cost of the retrofitting? How long ago was it done (how much interest has accumulated on that outlay)? What were the odds that this particular building would be damaged? How many buildings were damaged in the whole afflicted area as a fraction of those undamaged? How often do serious earthquakes happen around here? How much will it cost to put the retrofitted building back into working order? What will it cost to erect a new building where the written-off one now stands? And, earthquakes aside, how long will either of these buildings last before they're demolished for some other reason?

Until we know the answers to these questions, no case has been made for spending appreciable sums to reinforce existing buildings against the hazard of future earthquake damage. It may well be rational just to accept the risk and allocate the money you might have frittered away on earthquake protection to ten years of Seattle Opera tickets. The Seattle Opera, they tell me, just gets better and better.

— David Ramsay Steele

Dale Earnhardt, RIP — The death of NASCAR legend, Dale Earnhardt had an almost cinematic quality. Imagine on the final lap of the biggest event of the year, the sport's biggest star slams into the wall and dies instantly as two cars that he owns — one driven by his son — finish 1–2.

The death has been big news. Earnhardt's is perhaps the biggest celebrity death since JFK Jr.'s and it has drawn notice from quarters that don't usually pay attention to stock car racing. The network news shows, *The New York Times* and smarty-pants e-zines *Slate* and *Salon* all took note.

Salon published a snide report (do they do any other kind?) by *The Wall Street Journal* sports columnist, Allen Barra. Barra went out of his way to be dismissive of NASCAR's "almost exclusively white" fans who "don't read," while explaining how little he cared about the death of Earnhardt. The main point of Barra's article is a valid one, however snottily delivered. He doesn't care about Earnhardt's death, and I'm glad. Among the many hundreds of my pet peeves is the modern habit of focusing on distant matters, exemplified by the vacuous public obsession with celebrities. When a Princess Diana or a John-John Kennedy dies prematurely, it is tragic for their family and friends, but in a healthy society the deaths of people famous only for being famous would be of little note to anyone else.

Dale Earnhardt was different. Unlike the former Princess of Wales and the president's son, The Intimidator, as he was known, had a life filled with genuine accomplishment. He rose from humble beginnings to the top of a dangerous and demanding profession. He won the NASCAR Winston Cup Championship a record-tying seven times in his career and was awarded over $40 million in prize money. He was also a successful race car owner. But his death does not affect everybody equally. Although it has come closer to the national mainstream in the past few years, NASCAR is still substantially a regional phenomenon. Half of the Winston Cup Series' races are in Alabama, Georgia, north Florida, North Carolina, South Carolina, Tennessee, and Virginia. I assume that most of the grieving Earnhardt fans are in that area.

Allen Barra dismisses auto racing as having no "tradition that was there before [him] and will be there after [him]." He couldn't be more wrong (or more arrogant for assuming that his life is some sort of measuring point). Stock car racing is a young sport, but it has a rich tradition. It evolved from the exploits of those heroic hillbillies who earned their keep evading treasury agents (revenuers) to avoid paying federal taxes on moonshine liquor. Junior Johnson, one of the sport's early stars and most successful owners, did time in the '50s for running moonshine. In a time when the sport is becoming ever more slick and corporate, Earnhardt was a throwback to the old days. He played a little rough at times, bumping people out of his way when necessary. On the last day of his life, he found the presence of mind to extend the middle finger of friendship to a fellow driver giving him difficulties while driving at 180 mph. He became larger than life in a sport filled with heroic figures. One commentator aptly called him NASCAR's John Wayne.

You may not miss him, and that's OK with me. But I sure will.

— Clark Stooksbury

Rats and Moles

by Frank Fox

Why America takes a back seat to Russia when it comes to espionage.

The question that needs to be answered about spying is not why it goes on, but why we don't do it as well as others do. In particular, why don't we do it as well as the Russians, who seem to lack money for everything except espionage? What is it about Russia that has enabled it to enlist such dedicated betrayers?

The arrest of the FBI agent Robert Philip Hanssen and the earlier apprehension of Aldrich Hazen Ames of the CIA give this question added urgency. Defining deviancy downward (in Sen. Moynihan's memorable alliteration) is as obvious a fact of life in spying as in everything else. Hanssen's and Ames' casual treason over the years, and the almost comedic ineptitude of their superiors, may be proof that in this post-ideological period the human material is inferior. But this is of small comfort. It is doubly worrisome to be betrayed by fools.

Russians may have failed at almost everything in their long history, but they have always had a keen insight into psychology. Their literature and history are filled with characters who lead bifurcated lives. What other country could have coined the phrase "useful idiots" to describe individuals who could be made to serve a country dedicated to weakening their own? The Russian state, whether ruled by czar, commissar, or Vladimir Putin, has maintained its traditional penchant for secrecy and espionage. Since 1917, Communist calls for worldwide revolution and Russia's attempts at subversion have raised the level of paranoia to a pitch seldom seen elsewhere. As Western intelligence services tried without success to isolate the Communist power, Russia sharpened its tools for spying.

America, which emerged from World War I as the undisputed world leader, continued to lag behind in mastering the chessboard of international intrigue. As a society dedicated to openness and gossip, secure in the safety vouchsafed her by geography, and not particularly interested in the languages and the cultures of others, America was clearly at a disadvantage. Even the foundations she laid for increasing participation in the game of nations and her successes in cryptography and pioneering efforts in aerial photography did not make up for the less than spectacular successes of her agents. A deceptive strategy that was natural for a society accustomed to the psychological intricacies of a Dostoevsky plot was beyond the imagination (and capability) of American intelligence services.

The struggle against Hitler provided further evidence of Russia's skillful use of espionage and double agents. While it may not be possible to know for certain whether such Western spies as Kim Philby and others were motivated by love of communism or hatred of Western democracies, there is no question of the enormous damage they inflicted through their betrayals. The spectacular exploits of Hanssen (who claims to have been influenced by Philby's book when he was 14!) remind us once again of the activities of Ames at the CIA, an earlier embarrassment to our intelligence services.

On July 28, 1994, a reporter gave an account of a jailhouse interview with Ames. Such interviews have elicited the sort of answers that we have come to expect from those who spy. Influence of family members — both Philby's and Ames' fathers had a history as spies — plus a desire for money, sex,

and fame come to mind. But in the course of the interview, Ames revealed something about his motives that has not been sufficiently analyzed. He said he wanted to "level the playing field" between a "decaying Moscow and a dominant Washington." He became convinced that the United States, contrary to all impressions, was not facing a mortal danger at the hands of Soviet leadership, that the struggle was a "charade" since "we had cleaned their clock." He told the reporter that the Soviet leaders were in more danger from their own inefficiency and paranoia than from any damage America could inflict, that "our penetration of the Soviet intelligence was effective and long-standing," and that "communism's profound problems were self-inflicted."

There is a clear echo of these sentiments in the statements that have been culled from Hanssen's letters to his Russian handlers. He wrote them that the "United States can be mistakenly likened to a powerfully built but retarded child — potentially dangerous, but young, immature, and easily manipulated." These are very revealing words. Ames' and Hanssen's statements, brief though they are, might explain not only their own decisions to betray their country but those of other spies who provided the Soviets with crucial information for almost three-quarters of a century.

With their intimate knowledge of their country's and its adversary's secrets, they were convinced of the strength of the West and saw themselves in a position that provided them with the ultimate answer to the mystery surrounding state relations. They felt that they could distinguish between sham and substance, between faith and perfidy, between a pretended public conflict and a behind-the-scenes accommodation. The spies saw themselves as the moral equals of world leaders, albeit more honest. Ames and Hanssen did not have to be agents of superior intelligence to realize that the Russians were spying because they were weak and wished to conceal, rather than because they presented a mortal danger to the West. The spies became convinced that they were party to a charade and that the relative strengths of the two societies were not at all what the public was led to believe. Most importantly for their own rationalizations, they could dismiss any notion that they were hurting their country.

The Communist handlers of Western turncoats understood how to appeal to a sense of fairness that animated the liberal mind, a sense that made such individuals the ideal dupes of those for whom "fairness" was a concept as foreign as "freedom."

And the personal satisfaction was incalculable. Ames and Hanssen saw themselves as unseen participants in the game of nations, able to see the cards of all the players, contemptuous of both sides as they sought to convince the world that the game had some objective good, and determined to tear away that veil that obscured the players' true relationships. Any doubts the double agents may have had would have evaporated as rapidly as a summer shower.

Think of the secret satisfaction of being underestimated or made light of by friends, colleagues, and perhaps spouses, and of the riches to be had . . . it was a heady mix. If as wise a man as Faust could not resist it, mediocrities such as Ames and Hanssen were easily seduced. As Ames put it to the reporter in his cell: "I know what the Soviet Union is really all about. I know what's best for foreign policy and national security." Even a president could not make such a claim.

What spies such as Philby, Ames, and Hanssen overlooked was that it was precisely the weakness of the Russian government that was a real danger to its American adversary, and indeed, to world peace.

The Russians, skillful psychologists that they are, understood that urge for "fairness" that animates Western liberals. Inducements of money, sex, and ego were used as well to attach the Western intellectual to the Communist train that seemed to run perpetually backwards. It was clear why Ames was using the metaphor of sport when he spoke of "leveling the playing field." Hanssen must have felt the same way. The Communist handlers of Western turncoats understood how to appeal to a sense of fairness that animated the liberal mind, a sense that made such individuals the ideal dupes of those for whom "fairness" was a concept as foreign as "freedom."

What spies such as Philby, Ames, and Hanssen overlooked was that it was precisely the weakness of the Russian government that was a real danger to its American adversary, and indeed, to world peace. The history of our times offers enough sorry examples of such misjudgments. It has generally been the weaker power that has been responsible for conflict. It was the backward Serbians who dragged their more advanced allies into a bloody World War I. In World War II, Germany had fewer planes and tanks than France and England, which did not stop Hitler from precipitating the murderous struggle. Throughout its long history, Russia has not only displayed weakness, but has used it to her advantage. Her spies could not understand that successful spying was of small comfort to a Russian society that needed (and still needs) desperately to practice openness not only to prosper but to survive. ❑

"What a nice invention! — Now we can pop some corn!"

1000 Destroyers of Oregon

by Randal O'Toole

Welcome to Oregon, where roads are congested, housing prices are high, apartments are vacant, and the non-profits are very profitable.

In February 2000, an Oregon land-use official ordered southeast Portland's Sunnyside United Methodist Church to allow no more than 70 people at one time into its 400-seat sanctuary for Sunday services. A local uproar soon reversed this decision, but the official's suspension of the church's free-dinner program for the poor, and numerous other charitable activities, remains in place.

When the First Presbyterian Church in the southern Oregon town of Jacksonville outgrew its building, it applied for a routine permit to build a larger church. The city said it would permit the new church only if no more than 40 cars used the church parking lot on weekdays, there were no services on Sunday evenings, the building would be closed on Saturdays, and the church would hold no more than five weddings and funerals per year. When the church refused to accept these conditions, the city simply denied the permit, saying that it would lead to too much congestion. The church is appealing the decision.

Oregon land-use planners now micromanage everything from home construction to driving to religion. Moreover, the Environmental Protection Agency is working arm-in-arm with the American Planning Association and other planning advocates to extend this system to other states. Recent laws passed by legislatures in Washington, Wisconsin, Minnesota, and Georgia are among those specifically modeled on Oregon's example. Similar ballot measures were recently defeated in Arizona and Colorado, but planning advocates in those states are pushing their legislatures to pass slightly weakened versions of the measures.

While the Oregon agency in charge of land-use planning is called the Department of Land Conservation and Development, the organization with the greatest influence on the state's planning policies is a non-profit group called 1000 Friends of Oregon. Today, 1000 Friends has become the most powerful non-profit in Oregon and could easily be the most powerful local non-profit in any state.

1000 Friends has been accurately described as "the group named for a fundraising strategy." Henry Richmond, the organization's founder, hoped that 1000 people would each donate $100 per year to the group. In the early 1970s, Richmond was staff attorney for the Oregon Student Public Interest Research Group (OSPIRG), a Ralph Nader-inspired consumer and environmental advocacy group.

As a forestry undergraduate at Oregon State University, I was eager to become a "Nader's Raider," so in the summer of 1973, I worked as an OSPIRG intern under Richmond studying federal forest management in Oregon. Others working at OSPIRG that summer also looked at land-use issues and produced reports that framed the public discussion of Oregon land-use law over the next 20 years:

- Richard Benner, a University of Oregon law student, wrote a paper on the need to protect coastal estuaries from development
- Robert Stacey, another U of O law student, wrote a report on state lands
- Other interns covered prime farm lands, regional planning, and subdivisions
- Richmond himself wrote a report charging that Oregon's coastal lands were being rapidly developed because the "fox was guarding the chickens" — that is,

realtors and developers controlled the state commission that monitored coastal lands.

That year, 1973, was also the year that the state legislature created the Department of Land Conservation and Development and gave it, and the seven-member Land Conservation and Development Commission (LCDC) that oversaw it, the power to monitor city and county land-use planning.

The 1973 law gave any citizen the right to appeal any land-use decision made by a city, county, or the LCDC itself. Richmond could see that lawyers would play a key role in future Oregon land-use planning. So he incorporated 1000 Friends of Oregon and hired two recent law school graduates, Richard Benner and Robert Stacey. Later, he added Harvard Law School graduate Robert Liberty to the staff. Richmond had the support of Oregon's popular governor, Tom McCall, who served as chair of 1000 Friends' first board of directors.

1000 Friends of Oregon was named for its fundraising strategy. Its founder hoped that 1000 people would each donate $100 per year to the group. But the fact is that 1000 Friends is funded mainly by out-of-state foundations.

Over the next decade, Oregon cities and counties wrote and rewrote their land-use plans to meet the standards that had been set for them by LCDC. Among these standards was a requirement that all cities have urban-growth boundaries, outside of which nearly all land was to be left rural and nearly undeveloped. If a county proposed to allow too much development outside of an urban-growth boundary — for example, by zoning land for 10- or 20-acre lot sizes — LCDC had the power to reject the plan and send it back to the county. If LCDC failed to reject the plan, 1000 Friends would appeal it to Oregon's Board of Land Appeals and, if necessary, take it to court. The group's appeals and lawsuits quickly developed a case law that made planning much stronger than either the legislature or LCDC intended.

For example, Oregon's land-use law was aimed at protecting farms and forests, and LCDC originally asked counties to zone rural lands to a minimum of 40-acre lot sizes. But under pressure from 1000 Friends, this was soon expanded to 160 acres. Eventually, LCDC passed even more stringent rules that now make it almost impossible to build on 95% of the state.

Slowing growth to protect farms and forests from development is a traditional environmental goal. But 1000 Friends' agenda in urban areas raised the hackles of many environmentalists. Unlike some, Richmond had no desire to slow or limit urban growth and 1000 Friends challenged cities that tried to do so.

Some Oregon cities proposed to follow the example of various California cities by placing a temporary moratorium on building permits, limiting the number of building permits issued each year, or zoning exclusively for large lots. Richmond's staff appealed plans that would limit urban development as aggressively as they appealed plans that would allow rural development.

This strategy allowed 1000 Friends to build a strong coalition in support of land-use planning even as it pushed LCDC into more and more extreme positions. 1000 Friends built a coalition of environmentalists who wanted to preserve rural areas with realtors and developers who wanted to build and sell properties in urban areas. Strict growth controls on farm and forest lands pleased the former, while unlimited growth policies inside urban-growth boundaries pleased the latter.

The coalition was aided by the fact that the initial urban-growth boundaries were drawn to include enough vacant land to accommodate an estimated 20 years worth of growth. This satisfied developers and home builders that they would have a place to sell their products. Environmentalists were happy that the land inside urban-growth boundaries covered less than 1.25% of the state, while nearly 95% of the state was zoned in 40-acre lot sizes or greater. The remaining 4% was considered rural but zoned in lots of 5 to 10 acres.

For many years, the main opponents of land-use planning were ruralites, who objected to the reductions in their land values caused by restrictive zoning. A few urbanites were upset when LCDC and 1000 Friends forced them to accept smaller lot zoning than they preferred. But there were few restrictions on development inside of most urban-growth boundaries, so developers continued to please the market with large-lot subdivisions.

When Massachusetts passed a law offering farmers compensation for restricting their land from development, Henry Richmond argued that "such a law would send the state [of Oregon] into bankruptcy." Most urbanites enjoyed the idea that planning protected large expanses of farms, forests, and other open spaces at no cost to themselves, so they strongly supported the law when rural land owners sought to repeal it.

By 1986, Oregon cities and counties had finished their comprehensive planning and 1000 Friends' mission as self-appointed monitor was completed. For a few years, the organization seemed adrift with little to do.

Richmond sought foundation funding for a project that would "solve" Oregon's timber supply problems by legislatively requiring all private landowners to cut timber on schedules decreed by the state. He told environmentalists that the law would take pressure away from cutting public lands and he told timber companies that the law would increase their timber supplies by forcing owners of small parcels of forest land — many of whom wanted their own private wilderness areas — to sell their trees to the sawmills. Richmond could muster little support for this legislation, but the proposal revealed his strong continued belief in state planning and dislike for allowing private land owners any freedom.

In 1989, 1000 Friends found a new cause. The Portland area was growing, and most of the growth was taking place in a triangle west of Portland proper, marked by Beaverton, Tualatin, and Hillsboro. To relieve a growing congestion

problem, the state transportation department proposed to build a new freeway, known as the Western Bypass, connecting Tualatin with Hillsboro. The proposed road would, for a short distance, be outside of Portland's urban-growth boundary. While the transportation department said that it would not build any exits outside the boundary, 1000 Friends saw the road as a potential "boundary buster."

The Western Bypass thus became a symbol for a certain view of growth-management planning. When first proposed, urban-growth boundaries were presented as a flexible planning tool that would allow orderly development and prevent "leapfrog" subdivisions well outside of urban areas. As an urban area's population grew, its boundary would expand so that there would always be vacant land available for newcomers.

Once in place, however, the boundaries created a constituency for not moving them. People who lived near the boundary enjoyed scenic vistas and open space just a short distance away. Urbanites who lived on rural residential lands just outside the boundary enjoyed knowing that their neighbors would not be allowed to subdivide their land. Farmers complained that some of their land was not suitable for farming and the urban-growth boundary made it unsuitable for anything else, but they were vastly outnumbered by the urban residents who wanted to see the boundary fixed in perpetuity.

Inspired by the need to protect the boundary, 1000 Friends conceived and developed an entirely new view of growth management. Instead of moving the boundary to accommodate growth, vacant lands and existing neighborhoods inside the boundary should be built and rebuilt to much higher densities. These higher-density neighborhoods would be served not by new roads but with rail and bus transit. To support this idea, 1000 Friends commissioned a huge study known as Land Use Transportation Air Quality, or LUTRAQ for short.

LUTRAQ proposed a combination of high-density, mixed-use developments in the centers of Hillsboro, Tualatin, and other cities west of Portland; a light-rail line connecting these centers; and numerous transit-oriented developments located within a mile of light-rail or express-bus routes. The high-density developments would accommodate increased numbers of people without expanding the urban-growth boundary while the rail and bus service would allow those people to move around without congesting the roads. In essence, LUTRAQ proposed what is now popularly known as "smart growth."

1000 Friends hired several professional consulting firms to predict the effects of this approach. They assumed that people living in transit-oriented developments would be less likely to own an automobile and more likely to walk, cycle, or ride transit than people living in a standard suburban development. Based on this, they estimated that, compared with building the Western Bypass, the LUTRAQ alternative would encourage people to carpool and ride transit more and to drive less.

LUTRAQ's conclusions were based on highly speculative assumptions about the effects of density and design on people's travel behavior. For example, the consultants assumed that people would drive less if stores and offices fronted on sidewalks instead of being separated from the street and sidewalk by a parking lot; a 63% increase in commercial buildings fronting on the sidewalk, they claimed, would reduce driving by 10%.

To support claims like these, 1000 Friends hired experts such as the Parsons Brinkerhoff engineering consulting firm and architect Peter Calthorpe. While ostensibly objective, Parsons Brinkerhoff makes tens of millions of dollars helping cities design and build light-rail systems. Calthorpe is a strong proponent of anti-automobile policies.

Many outsiders doubted whether LUTRAQ's conclusions were valid. Wayne Kittleson, a Portland transportation consultant, reviewed the Parsons Brinkerhoff studies on the claim that building design would change travel behavior. He found that the methods and data were "too weak to support the conclusions that have been reached." The reports themselves showed that "the actual relationship [between building design and travel] is questionable." In fact, Kittleson concluded, "the LUTRAQ data actually help to demonstrate that building orientation [whether or not buildings front on the sidewalk] is not likely to materially affect these mode-choice decisions."

University of Southern California planning professor Genevieve Giuliano points out that LUTRAQ compared three different alternatives. One assumed that the Western Bypass was built. A second assumed that light rail would be built instead of the bypass and land use would emphasize transit-oriented developments. The third alternative was the same as the second, but also assumed that all workers would get free transit passes but have to pay for parking if they drove to work.

1000 Friends loudly proclaimed that its study demonstrated that strong land-use policies would reduce congestion, when in fact, it found the opposite.

LUTRAQ models found that land-use policies and rail transit alone would reduce drive-alone commuting by only 3% and increase transit ridership by less than 14%. When free transit and parking fees are added, drive-alone commuting falls another 15% and transit ridership rises another 28%. Clearly, parking fees and free transit are much more important than land-use and design codes. Despite the huge change in land-use patterns, comments Giuliano, without free transit and parking fees, the "travel impacts of the LUTRAQ alternative are minor."

1000 Friends loudly proclaimed that the study demonstrated that strong land-use policies would actually reduce congestion, when in fact, it found the opposite. Even with free transit and costly parking, it concluded that both auto commuting and total auto travel would be far greater in the future. Since LUTRAQ proposed no increase in roads to support increased auto driving, it increases total traffic on any given road at all hours of the day.

Despite all this, LUTRAQ became one of the most

influential smart-growth studies ever done, and certainly the most influential study done by a non-government organization. Although LUTRAQ only studied the Washington County portion of the Portland area, planners ended up applying its recommendations to the entire Portland area.

LUTRAQ also had a huge influence on 1000 Friends. It became a lucrative source of income for the group, which convinced numerous foundations and government agencies to help fund the research. Funders included the Energy Foundation (a joint project of the Pew Charitable Trusts and MacArthur Foundation), Surdna Foundation, Nathan Cummings Foundation, Joyce Foundation, Environmental Protection Agency, and U.S. Department of Transportation. Today 1000 Friends is funded mainly by out-of-state foundations, not 1000 Oregonians donating $100 per year.

LUTRAQ also led to a major change in tactics. Where 1000 Friends once depended mainly on administrative appeals and litigation, it now turned to lobbying and coalition building. Too often, the "coalitions" it built were merely front groups that were little more than alter egos for 1000 Friends, with names like Livable Oregon and Coalition for a Livable Future.

Fewer than a third of Portland-area families can now afford to buy a median-priced single-family home.

1000 Friends began its lobbying efforts by reviving a moribund group known as Sensible Transportation Options for People (STOP) to support the light-rail aspects of LUTRAQ. STOP had existed briefly in the 1970s to oppose highway construction. 1000 Friends revived it as a partner in LUTRAQ fundraising to divert money supposedly going for LUTRAQ research to create a group that would lobby in favor of more rail construction.

To help promote the LUTRAQ alternative in the Portland area, 1000 Friends started the Coalition for a Livable Future. Ostensibly, this coalition includes dozens of different environmental and social organizations, ranging from the Oregon Environmental Council to the Oregon Food Bank. In practice, the coalition was run as a branch of 1000 Friends. Its website was a part of the 1000 Friends website, and directed anyone ordering the coalitions' publications to "make checks payable to 1000 Friends of Oregon."

Ironically, one of the coalition's members was the Sunnyside United Methodist Church, which was ordered by land-use officials to limit its church attendance to just 70 people and severely restrict its charitable activities. One wonders whether church leaders have learned that a government that tells farmers, suburbanites, auto drivers, and retailers how to live their lives and run their businesses is bound to get around to telling churches what they can and cannot do as well.

Portland is at the north end of the 100-mile-long Willamette River Valley, where most Oregonians live. With support from 1000 Friends, Oregon's governor started the Willamette Valley Livability Forum to consider the future of farms, forests, and urban areas in the Willamette Valley. 1000 Friends then started the Willamette Valley Alternative Futures Project, whose goal is to provide technical support for and influence the Livability Forum.

To spread LUTRAQ's policy prescriptions to other parts of Oregon, 1000 Friends helped start a group called Livable Oregon. With funding from the state, Livable Oregon goes to other cities and "helps" people write plans for their cities. Residents of those cities report that, no matter what they tell Livable Oregon, the plans always turn out to be the same: high-density housing, no more roads, heavy subsidies to mass transit.

The staff and board of 1000 Friends seem to have a hand in every land-use issue in Oregon. They serve as board members on numerous other organizations, including the Oregon Environmental Council, Bicycle Transportation Alliance, and Portland Audubon Society (all members of the Coalition for a Livable Future). They have also served on numerous government commissions, including the Governor's Task Force on Growth, the Willamette Valley Livability Forum, and Portland's Future Visioning Commission.

One of the first effects of LUTRAQ was to convince the Land Conservation and Development Commission to pass a rule requiring major Oregon cities to use land-use planning to reduce automobile traffic. Historically, per capita driving in the U.S. has grown by more than 2% per year for as long as anyone has kept track. Yet in 1991, LCDC directed planners to halt any growth in per capita driving over the next ten years and to actually reduce per capita driving by 20% over the next 30 years.

LCDC's transportation rule did not merely set a goal. It specified how planners were to go about reducing driving. It required that all new stores and shopping centers must front on the street and that any parking must be hidden in back. Transit and transit-oriented developments must be encouraged. The rule stopped short of requiring employers to charge their employees for parking, but it did require that urban parking supplies be reduced by 10%.

To further discourage driving, it urged cities to use *traffic calming devices* — speed bumps, traffic circles, other barriers — in roads to slow traffic and reduce traffic flow. Thus the goal of Oregon transportation planners has gone from reducing congestion to increasing it.

Working in tandem, Oregon's Department of Environmental Quality passed a rule requiring employers of 50 or more to convince their employees to reduce their commuting by auto by at least 10%. Employers had a choice: they could either agree to meet a 10% reduction target or they could write a "plan" to do such things as buy all their employees transit passes. If they chose the target, they could be fined for failing to meet the target, so most employers chose to write a plan. Suddenly, thousands of workers had free transit passes. Per capita driving continued to grow faster than 2% per year.

In 1992, Portland-area voters passed a ballot measure with the title "limits regional government," which in fact created the most powerful regional government in the

nation. Metro, the name of this agency, had dictatorial power over the 24 cities and three counties in the Portland area. Within a few months of its creation, Metro published a draft plan to apply LUTRAQ's prescriptions — density, rail transit, transit-oriented development, and limited highway expansion — throughout the area.

Thanks to the rapid growth of the Portland area, vacant land inside the urban-growth boundary was filling up fast. Land prices started rising at double-digit rates. Portland went from being one of the most affordable housing markets in the nation to one of the least affordable.

Not surprisingly, home builders pressed to expand the urban-growth boundary, thereby threatening to break up the 1000 Friends coalition of environmentalists and developers. In response, 1000 Friends helped start the Zero Option Committee, a group of officials and activists who opposed any expansion of the boundary.

When home builders asked the legislature to order Metro to expand the boundary, 1000 Friends proposed instead a LUTRAQ solution: accommodate population growth by requiring higher densities inside the boundary. The legislature gave Metro the authority to do so, and Metro gave population targets to all cities and counties in the region. They responded by applying new minimum density zoning ordinances to existing neighborhoods.

Owners of vacant lots are no longer allowed to build only one home on their lot. If they own an acre zoned for 24-unit-per-acre apartments, they are allowed to build nothing but 24-unit-per-acre apartments. In some zones, homeowners whose houses burn down are allowed to rebuild only if they replace their homes with apartments.

Despite several voter rejections of further light-rail construction, Metro has insisted on putting most of the region's transportation dollars into new rail lines. Saying that "congestion signals positive urban development," Metro's official policy has been to let congestion increase to near-gridlock — what traffic engineers call "level of service F" — on routes paralleled by existing or planned rail lines.

LUTRAQ also called for transit-oriented development, meaning high-density developments that include housing, commercial, and retail spaces in one building. Planners soon learned that zoning was not enough to stimulate such developments. So Portland gave developers ten years of property tax waivers if they submitted to its plan for mixed-use development in transit corridors. Multnomah County ordered its librarians to add four stories of apartments on top of new libraries approved by voters. Suburbs such as Gresham and Beaverton offered millions of dollars in subsidies to developers. Soon, neighborhoods of one- and two-story homes started sprouting huge fifty- and sixty-foot-tall mid-rise developments.

Planners continued to allow the construction of some single-family homes, but insisted that they be on tiny lots. Homes in Orenco, a development next to a light-rail station west of Portland, have no back yards: each house's back door opens on an alley. They do have a ten-foot-wide sideyard, and each homeowner has title to the entire ten feet on one side; the other side belongs to his neighbor.

As its influence spread, 1000 Friends' staff dispersed to take powerful jobs in Oregon's government. Richard Benner became the director of the Department of Land Conservation and Development. Robert Stacey, a 1000 Friends attorney and head of Livable Oregon, became the chief planner for the city of Portland and, later, Portland's transit agency. Stacey also chairs Livable Oregon. Henry Richmond became the director of the National Growth Management Leadership Project, leaving Robert Liberty to run 1000 Friends.

As director of Oregon's land-use planning agency, Benner may be the most powerful non-elected official in Oregon. As Metro put the squeeze on Portland-area neighborhoods, Benner worried that wealthy people might try to escape the city into rural areas. LCDC had already passed a rule saying that it was not enough to limit rural lot sizes to 160 acres. Owners of such parcels must prove they are genuine farmers by planting crops on the land for three years.

Oregon land-use planners now micromanage everything from home construction to driving to religion.

Landowners responded by planting blueberries on their land. Blueberries do not mature for four years, so they can claim they were farmers, and build their houses before the first harvest. When Mark Wattles, the wealthy founder of the Hollywood Video chain, proposed to build a 40,000-square-foot house on farmland that he had planted with blueberries, Benner vowed to halt such "hobby farmers." He convinced the LCDC to pass a rule forbidding new homes in rural areas unless land owners actually earned $80,000 per year farming the land. Only one out of six Oregon farmers earn this much each year, so the rule virtually halted new home construction in rural areas.

"Before we started using this test," says Benner, "lawyers, doctors, and others not really farming were building houses in farm zones." In the three years after the rule was passed, only 322 new homes were approved in farm areas. In that same period, Oregon's population grew by 140,000 people, nearly all of whom were forced by LCDC's rules to crowd into the 1.25% of the state zoned for urban development.

The farms that 1000 Friends protects are some of the most polluting lands in the state of Oregon. Farmers consume huge amounts of water for irrigation and dump thousands of pounds of fertilizers, herbicides, insecticides, and other pesticides on their lands every year. Yet 1000 Friends' official policy is that it "does not participate in developing or enforcing laws or rules that regulate the environmental impacts from farming, ranching, or timber production."

Meanwhile, urban open spaces that are most needed and highly valued by urban residents are rapidly being consumed to meet 1000 Friends' population goals. The Top o' Scott Golf Course, which had been zoned as open space in 1980, was recently rezoned for high-density housing and commercial development. The city of Portland sold a 14-acre park to developers at below-market prices on the condition that they use it for high-density housing.

Polls show that most people count their back yards as open space. Yet 1000 Friends counts land as open space if it is farmed, forested, or wildlife habitat. When planners proposed to densify a Portland-area suburb, effectively eliminating backyards, one naive resident called 1000 Friends for help. Robert Liberty told him, "I grew up on a 50-by-100 lot, and what is good enough for me should be good enough for anyone."

To preach the gospel of land-use planning outside of Oregon, 1000 Friends started the National Growth Management Leadership Project. This group receives funding from the Environmental Protection Agency and various left-liberal foundations to help create advocacy groups in other states. Such organizations have been formed in at least 20 different states, including Florida, Hawaii, Maryland, Pennsylvania, and Washington. They are joined by a number of similar organizations with slightly more creative names, such as Grow Smart Rhode Island and Coalition for Utah's Future.

Many of these groups receive funding from the same sources. The Energy Foundation, the Ford Foundation, the James C. Penney Foundation, the Nathan Cummings Foundation, the Northwest Area Foundation, the Surdna Foundation, and the Environmental Protection Agency have all given money to more than one, and in many cases several, of the above groups.

1000 Friends' influence is spreading to urban areas throughout the country. Under pressure from groups inspired by 1000 Friends, Atlanta and the Twin Cities are both considering LUTRAQ-like smart-growth plans. Such plans have already been adopted in much of Maryland and parts of Washington.

With funding from the state, Livable Oregon goes to cities and "helps" people write plans. But no matter what people tell them, the plans always turn out to be the same: high-density housing, no more roads, heavy subsidies to mass transit.

In 1998, Oregon Sen. Ron Wyden convinced Congress to spend $20 million per year on LUTRAQ-like studies in other cities. The money goes to local governments but may be shared with "non-traditional" organizations, meaning non-profit groups such as 1000 Friends. In 2000, for example, the program gave $205,000 to the Coalition for Utah's Future, which is promoting smart growth in the Salt Lake City region.

Yet Portland provides plenty of evidence that 1000 Friends' policies don't work. Per capita driving is growing by more than 3% per year. In 1991, when LCDC passed its transportation-planning rule, the average Portland-area resident traveled less than 20 miles per day by auto. By 1999, this increased to more than 23 miles per day. Metro itself predicts that, in 25 years, the amount of time drivers will waste in traffic congestion each day will quintuple.

Nor are Portlanders happily settling into the transit-oriented developments planners have prescribed for them. Fewer than a third of Portland-area families can afford to buy a median-priced single-family home — that's less than half the national average — but the heavily subsidized high-density developments still suffer from near-record-high vacancy rates.

In last November's election, 56% of the voters supported a ballot measure requiring compensation to land owners whose property values are reduced by government regulation. 1000 Friends has challenged this in court, and since most Oregon judges strongly support land-use planning, its challenge is likely to succeed. Meanwhile, the head of Portland's Metro has asked the legislature to pass a constitutional amendment that would guarantee the right of land-use planners to regulate people's land without fear that the landowners can demand compensation.

"If you cannot live with our values," says Portland's Mayor Vera Katz, "then don't come and live here."

Supporters of 1000 Friends claim that Oregon's and Portland's recent growth rates prove that their plans make the region more attractive — otherwise people wouldn't move in. In fact, Nevada, Arizona, Idaho, Utah, Colorado, Georgia, Texas, Florida, and Washington all grew faster than Oregon in the 1990s. With one exception (Florida), none of these states have statewide land-use planning. Meanwhile, Las Vegas, Phoenix, Atlanta, Reno, and Denver are among the 28 major urban areas that grew faster than Portland. Metro is not able to control people in Clark County, across the state line in Washington. Not surprisingly, Clark County's population is growing faster than any Oregon county. If anything, Oregon's strict land-use planning is stifling growth.

That's just fine with some people. "If you cannot live with our values," says Portland's Mayor Vera Katz, "then don't come and live here." Katz grew up in New York City and moved to Oregon because she liked the region's livability. If she continues to promote the 1000 Friends agenda, she will make Portland as wonderful a place to live as New York City. ❑

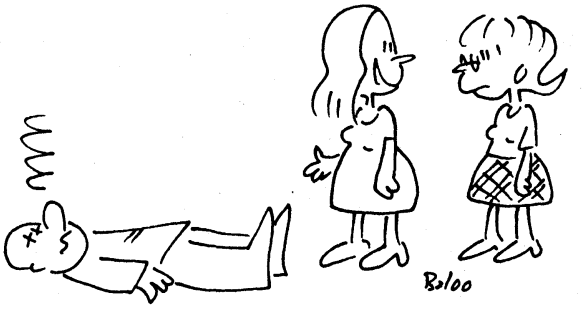

"See? — It *does* pay to increase your vocabulary!"

Not a Union Man

by Bruce Ramsey

When the union calls a strike and your friends and comrades walk the picket line, what do you do?

I was a member of the Newspaper Guild for 16 years. Strictly speaking, membership was not compulsory, but paying most of the dues was. Given that, I decided it was wiser to stay in and work for a better retirement plan. I got to know the union people, and we got along all right. We had a common interest in the retirement plan, though we were of different political views.

That the company ignored our efforts confirmed them in their unionism. But I also saw that we could have had a much better plan if we had voted out the union and accepted the package our nonunion colleagues already had. I kept these thoughts mostly to myself. By what I did, and the label I accepted, I was a union man.

Early last year, I accepted an offer at the city's other daily paper. It had a modified closed shop, requiring nine out of every ten new hires to join the union. The other paper had that rule, too, but I had never had a chance to be a "one-in-ten." Now I had it, and I took it. This saved me union dues of 1.5% of gross pay and, I thought, the necessity of ever having to worry about the union again.

Nine months after I got the job, the union struck both papers. It was the first strike for either paper since 1953. Though I was no longer a member of the union, it legally represented me. Unlike management employees, I had the option of walking out and having some kind of rights — I wasn't quite sure what they were — protected. I could also join the union, though if I did, I could not go back to being a one-in-ten.

Two days before the strike a senior reporter came to my office and suggested that I join the union. I wasn't sure whether the visit was official or not.

"I don't think I need the union," I said.

"You probably don't," he said. "But other people here do. The guys on the loading dock. We need to stick together. Your colleagues are in it, and it would be better if you joined it."

I declined.

A few days before the strike, the company began circulating paperwork. I had a right to strike, it said; there could be no reprisals, but striking was a serious act. I would not be paid, and after the first of the month, I would get no medical benefits. And the company wanted to know in writing whether I intended to strike.

The majority owner of the newspaper came to my work group. He is a man of deep sentiment, particularly about his family's commitment to the paper. The union was not being reasonable, he said. It had a new leader, he was from out of town, and he was trying to foment a strike for his own purposes. The union's demand was money, and larger percentage increases than anybody in the industry was giving out.

The union had a rally in the little park across the street from his office — *his* little park, owned by the company — carrying signs denouncing his company as a "plantation" and him for his "profits" and "greed." The signs were offensive. His family had not been greedy about taking money out of the business. Just the opposite. They had accepted a rate of return about one-third that of the corporate chains' in order to serve the community. They used the money to hire extra employees.

Did the employees appreciate that? Apparently not.

It wasn't a matter of loyalty to him, one of us said. Yes, some of the union signs were ridiculous. We don't want to hurt the paper. But it isn't that simple.

The others in my work group all went out on strike.

That was the first notable thing. They didn't need the union any more than I did. But they were members. No one expected me to join them, or even urged me to. And I didn't urge them to join me.

To strike or not is an either/or decision. But there was a strong urge among the less zealous to find a middle ground. Some struck but refused to picket, thereby losing their strike pay from the union. They would work for neither side and be paid by neither side. Some worked for the web-based newspaper the union started up. You could put your name on your work and show the world. You could work for it behind the scenes. Or you could refuse to work for it, but still strike. The people who faced these choices read much significance into them. But viewed from the company's side, there were no neutrals. Either you were trying to help the company survive or you were trying to shut it down.

The company took on the look of a fort. The company boarded up the lunchroom windows so the picketers couldn't peer inside. Hurricane fences, bolted to the sidewalk, went around the entrances.

The company took on the look of a fort. The company boarded up the lunchroom windows so the picketers couldn't peer inside. Hurricane fences, bolted to the sidewalk, went around the entrances, and around the little private park across the street. The union made a fuss about those fences, especially the fence around the park, and how un-familylike they were.

When I got to my desk that first day, I found I had my computer and voice-mail passwords erased, along with those of everyone else who was union-affiliated. I had to get all new ones. The union complained that all their company cell phones stopped working, portraying it as a petulant act by the owners.

I already had a new ID badge, blue instead of white. My badge had to be visible for me to get into the building. There were lots of new security guards too, big muscular guys, most of them black. The union made a fuss about how threatening they looked, though they were unfailingly polite. Sometimes they would videotape the picketers, and the union would complain about that, too.

The security company replaced our cafeteria caterer. The new food wasn't so good, but it was free. It was all you could eat, four meals a day plus snacks. All the machines were on free vend. Pull a lever, and boom! Diet Pepsi. Doritos. M&Ms. All you wanted. There was a freezer full of Dove bars.

On the first night, the managers were issued folding cots, and slept next to their desks. I went home. The next day I took the bus, which I almost never do, and assembled at an assigned place for a special strikebreakers' van. The van came, and I met a couple of young employees from other departments. They were one-in-tens, too.

Comrades.

At the company, pickets blocked the van. The driver said, "Hang on." Just before two minutes were up, the pickets counted down, "Four, three, two, one," and parted. We got through and entered the building through the basement, next to big rolls of newsprint and more security guards.

About the third day of using the van I saw a manager walk up the sidewalk and cross right through the line. From then on, I walked through the line. It was a polite strike.

There was no violence, no threats, and hardly any nasty language. The worst that I ever heard was the word "scab," which some people seemed to think deeply hurtful. I had a dictionary called *The Lexicon of Labor*, written by one of the union men out on the picket line. I looked up the word "scab" to see if I was one. Yep. But it was a word from another time. Most of my contacts with strikers were simple greetings to friends. A couple of times, I gave a striker a hug. She sent me a Christmas card with a playful reminder that I was on the wrong side.

John L. Lewis would have been disgusted.

In framing the strike around money, the union said that pay hadn't kept up with inflation. The company said that it had. The two sides seemed to define "pay" differently, the company counting more things than the union did. I spent no time trying to verify these claims. The only thing I knew about pay was that I was satisfied with my own. Having accepted the publisher's offer in free negotiation nine months before, it seemed faintly ridiculous for me to hold up a sign saying "UNFAIR."

The strikers had a lot of public sympathy — not because the public understood the issues, but because of who the strikers were. They were strikers. It is a union town. When the strike began, our mayor announced that the city departments would not speak to us strikebreakers. We claimed in our editorial columns that this violated the First Amendment (which wasn't true) and that Hizzoner was taking sides in a private dispute (which was). The mayor backed down. The governor, a Democrat of a more practical stripe, never boycotted us, though he would not visit the paper as long as there was a picket line around it.

There were lots of new security guards too, big muscular guys, most of them black. The union made a fuss about how threatening they looked, though they were unfailingly polite.

We got the paper out. It was thin that first day, with only two sections, but it looked like a paper, and it was free. All the coin boxes were modified to dispense the paper for free. Several weeks into the strike, when the paper was back up to about four sections, we put it up to 25 cents, which was half-

price. It was a sign that the company was winning. A few days later, the vending machines for the strikebreakers went from free vend to 25 cents. That was another sign.

One of the interesting things was the solidarity among the managers. Lots of them were former union members, but they took pride in showing that one manager could do the work of several union members. One had been president of the union. He was the one who walked through the line in front of my van. When your identity changes, your loyalty changes.

At the company, pickets blocked the van. The driver said, "Hang on."

There was similar camaraderie in the union. I was told of strikers who started unsure, saying in meetings that the company had been good to them, but a few weeks later repeating the union's grievances. Strikers wrote testimonials afterward in the union paper. "The solidarity has been great," said one. "I was going to support my co-workers no matter what." Another said, "People are feeling free, euphoric. Our spirits soar. We are empowered."

One striker told a reporter, "I feel good about myself, having stood up for something once," though she allowed that the union's issues were not her own. It was a common attitude, and to me, an odd one. If it's not your issue, why stand up for it? I had more sympathy for the person who really did think the company was unfair, like the page-layout man who wrote in a piece at the strike's end:

> I sat out there in the cold and the rain, huddled around a rusting burn barrel and began to feel oddly exhilarated. Here I was, losing large chunks of money that I'll probably never recover (certainly not with the money proffered in this stingy contract) and I was positively giddy. How could this be?
>
> Maybe it's simply this. We get few opportunities in this life to stand up for ourselves. We're constantly asked to toe the line, to "get along." I've been a master of the "get along" for so long, I almost forgot what a backbone feels like. It feels damn fine, thank you.

On the inside it felt oddly exhilarating, too. It was also an act of defiance to cross the picket line, and to have one's name and photograph on a column in a paper being struck.

The people who took it hardest were those who were unsure or who changed their minds — most obviously, the strikers who decided to "cross." For some, that decision came when it became obvious that the strike was a lost cause. For others, it was when the union called for a subscription boycott, which was spitting in the punch bowl we all drank from.

Some of the reporters got together and had meetings at a private home. Some were saying to the union leadership: let us vote on the contract offer or else we'll cross. They had not been allowed to vote on it. They argued it as a group, and could not reach a decision as a group. For one thing, the union negotiator was there, arguing the union's line. Most did not cross.

Crossing alone was difficult. One colleague talked at length with her boss, made arrangements to cross, and changed her mind. This was after the company said there would be layoffs after the strike was settled, but that strikebreakers would keep their jobs. She realized that if she reclaimed her job, she would bump a striker — and someone who was a friend. She was in a work group of five. It was too much like being on the *Titanic* and pushing someone out of a lifeboat. She found a job in the next state at a nonunion paper.

A features columnist crossed, late in the strike, and wrote her first column about it. "Every conversation I've had about this strike could have easily have been about religion," she wrote. "Friends spoke of growing up in a 'union family' with the same reverential, say-no-more as 'Catholic family' or 'Jewish family.' I would not dare judge them. We shared childhood strike stories about parents who were policemen or garment workers and, like my mother, teachers, we nodded at the need to stand together.

"But this was a stand visited on me, not one I chose . . . It's as if a stranger came to my door, invoked the name of a beloved, deceased relative, and demanded that I follow." She decided she couldn't follow "when I could no longer see where we were going."

That columnist was birdshot with hostile e-mails. One of the alternative weeklies sneered at her "sappy" column. The other alternative weekly mocked her for several weeks, repeatedly running her picture.

Under federal law, union representation is created by majority vote. The Newspaper Guild at my employer held that vote in the late 1930s. That vote, taken more than a decade before I was born, subjects me to a union contract in the year 2001 even though the people who voted may now all be dead.

This columnist had enunciated a principle — that one should always be responsible for where one is going. But it was buried in an emotional column, and the snipers missed it. Maybe they just ignored it. The union side seemed to think "principle" was its word. A strike leader wrote in the union paper at the strike's end, "Walking off your job, leaving friends and maybe your career behind in the name of principle, is a disturbing leap of faith. It's a headlong rush into a tunnel with no other side, the solitary pursuit of a nebulous goal that every single atom on the planet except certain portions of your heart and gut insists is a suicide mission. It is all consuming, sleep depriving. Maddening. In other words: Lord, it was wonderful."

Wonderful — but what principle?

Another columnist wrote, "I don't cross picket lines." That was his principle.

Is that a good principle? If the *leader* of the strike calls it

Continued on page 56

Wrecking the Rails

by Stephen Berry

Britain's weird "privatization" proves that there's more than one way to ruin a railroad.

Last October 17 at Hatfield, just north of London, the rear eight coaches of an intercity express train traveling at 115 mph came off the rails. Four people were killed and 34 were injured. The cause of the crash was identified as a broken rail weakened by internal cracking. Railtrack, the company set up at privatization to manage the track and signals of Britain's railways, very quickly identified 3,000 sections of rail which might be similarly weakened and needed replacing. Whilst the emergency work was in progress, speed limits of 20 mph were put in place across much of the U.K. rail network.

As Christmas approached, complete chaos reigned on the British railways. Many services were canceled, and if you were lucky enough to catch an overcrowded train, you were likely to find that your journey was taking longer than it did in the good old days of steam engines. As someone who commutes daily into central London, I can bear witness that a train journey at that time was not something to be contemplated by a person of a nervous disposition. I confess that I saw more than one stiff upper lip curl under the pressure and, more alarmingly, furled umbrellas were occasionally raised in righteous anger. Not surprisingly, 25% of rail commuters chose to switch from rail to road, but this only caused the roads to become jammed. The problems have eased since Christmas, but Steve Marshall, the head of Railtrack, remarked, "To get things pretty much back to normal, as far as everyone is concerned, that's going to be Easter." In a recent opinion poll, a clear majority of an exasperated public expressed its anger by demanding that the railways be renationalized.

Britain's little local difficulty is only the latest in a series of ups and downs in the long and colorful history of the railways. It is generally agreed that the world's first practical steam railway was the Stockton and Darlington line in the north of England, opened in 1825. George Stephenson's steam engine *Locomotion* was able to haul loaded goods, wagons, and passenger carriages on metal rails at the magnificent speed of 5 mph and justify Stephenson's proud boast that it could do the work of 50 horses. From these small beginnings, Victorian engineers and financiers in the 19th century developed a rail network which rapidly supplanted the waterways and provided the main transport system of the industrial revolution. Typical of these great men was Isambard Kingdom Brunel. Brunel, apart from being the chief engineer of the Great Western Railway, built a number of impressive bridges, a tunnel under the Thames and three of the greatest ships of the day. He never sought public honors, and he numbered amongst his pet hates bureaucracy, statutory restriction, official approval, and government inspectors. The efforts of these entrepreneurs were not restricted to the U.K. The early railways throughout Latin America and Europe were often financed by British capital and built by British engineers.

If the history of railways in the 19th century is a record of the triumphant achievements of private capital and entrepreneurial ingenuity, their history in the 20th century is a story of decline and increasing government interference. The full account of the disastrous effects of the two World Wars on British society has yet to be told, but of one thing I am clear: they gave a tremendous boost to statist trends. In 1914, de facto nationalization of the railways was enacted for

the duration of the war, with direct government control not ending until 1921. In the meantime, indirect control was ensured by a Ministry of Transport, created for the first time in 1919. In 1939, the beginning of World War II saw the railways taken over once more by the government, and this time there was to be no reprieve. On Jan. 1, 1948, the railways were nationalized. For almost 50 years, there followed a steady decline. British Rail become a byword for inefficiency, with the British Rail sandwich a national joke. And there was the clear and ever-present danger which attends any state monopoly. A national strike could at any moment bring the whole network grinding to a halt.

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In 1994, the wheel turned full circle and the rail system was returned to private ownership by the then Conservative government. This was both bad and good news. The bad is that the government chose an unusual and complex method of organizing the railways. The system was fragmented into 25 train operators and a single monopoly track provider. Most railways around the world have the trains and track owned by the same company; indeed, this was the system in the U.K. prior to nationalization. Amongst other problems, the present setup has meant that the railways seem to have more meddling regulators and politicians than in any other U.K. privatized industry.

The good news is that the new train operators have introduced 1,000 extra services per day compared with the last year before privatization. Last year, passenger numbers were up by 30% and freight movement by 33%. Railtrack is under pressure from train operators to improve repairs and speed up train schedules, but here the structure imposed by privatization is a hindrance. Railtrack feels that it has not felt the full benefit of the increase in passengers and freight and consequently has not acted with the required alacrity.

The Hatfield accident and aftermath must be seen against the backdrop of a heavily regulated privatized industry gingerly finding its feet. Broken rails are relatively common; an average of two of them are found somewhere in the country each week. But they have only caused six fatalities in the last 30 years (including Hatfield). The speed restrictions were a massive overkill, the reaction of an industry under political pressure. It seems clear that if the rail network had been returned to the position it had prior to nationalization, there would not have been the divorce between track and train operators and economic incentives would have made the national rail go-slow less likely.

But the birth pangs of a newly privatized industry is not the only question to consider here. People in the West live in a culture which thrives on disasters. Air crashes, rail accidents, earthquakes, and hurricanes are all hot news. If there were a television channel solely devoted to such disasters around the world, it would rival the soap operas for popularity. Paradoxically, whilst the media feeds the public's obsession with disaster, all forms of travel are becoming increasingly safer. Although road-vehicle ownership in the U.K. is at an all time high, there were fewer deaths on the roads last year than ever, and this accident rate has been falling as long as anyone can remember.

Interestingly, the safety of U.K. railways was emphasized by a remarkable and scarcely repeatable crash which occurred at Selby, Yorkshire in February. A freakish series of events involved a car coming off the road, sliding down an embankment and coming to rest, partially on a rail line. An intercity train traveling at 125 mph was deflected and derailed by the car, but its momentum caused it to continue and hit a freight train which was traveling in the opposite direction at 70 mph. The speed of the collision was roughly twice that of a car traveling at the legal limit on a motorway, and the combined mass of the trains involved was 2,000 times that of a car. A professor of mechanical engineering at Imperial College calculated the kinetic energy of the collision as being 8,000 times greater than that of a car hitting a wall at 75 mph. It speaks volumes for the skill of the carriage designers that the fatalities (ten) were so few. Statistically, it is extremely improbable that a U.K. rail traveler will ever be involved in an accident. But even if you are involved in the most horrific rail accident, improved safety features mean that your chances of surviving unscathed are extremely good.

Yet, the media coverage of disasters has produced a political problem. Although risk is intrinsic to progress — the *Titanic* sinks, a Concorde crashes, and there are earthquakes in San Francisco — it appears that many people feel they can have a risk-free world. And politicians, being who they are, tend to pander to the voters' whims. It is with some regret that I have to point out that, notwithstanding the fancies of voters and politicians, delusions have a habit of generating unpleasant consequences.

The rail go-slow sent frustrated commuters onto the road, causing them to use a mode of transport which is, statistically speaking, ten times more dangerous than the railways. This is not to say that driving on the roads is dangerous in the U.K. It is not. Driving cars is very safe in the U.K., but traveling by rail is even safer. The rail go-slow will have produced more deaths in the name of safety than if the trains and maintenance programs had simply been left to run as normal. The brutal political truth is that road accidents are generally not covered by the TV cameras and are therefore not political problems. A rail accident is a media event and rather embarrassing for politicians who insist on being at the center of "Britain's transport policy." More deaths but less political hassle — that is the trade-off made by politicians as a result of the Hatfield crash and it does not make for a pretty story.

Each age has the conceit that it has ideas which are more enlightened than those of previous generations. We should recognize that we may also have ideas which are rather

Continued on page 44

Symposium

Libertarian Activism: Time to Change?

For nearly as long as anyone can remember, libertarian activists have focused their financial and personal resources on a single approach: trying to maximize votes for Libertarian Party candidates, especially the LP's presidential candidate.

After examining the disastrous LP vote totals in the election last November, Liberty*'s editor called for libertarians to reconsider this approach. In* Liberty*'s February and March issues, various prominent libertarians responded.*

Here we continue the symposium on libertarian activism, with two new entries and reader comments on previous suggestions.

In Defense of the Macho-Flash

by Thomas M. Sipos

A high school buddy and I were trolling New York's third parties, partly from morbid curiosity, but mainly to expand our campaign button collections with some exotica. The Communist Party button was disappointingly normal: bright yellow sunrise over a green meadow. The Socialist Workers Party button was no better. Lyndon LaRouche's U.S. Labor Party didn't even have buttons, just some pamphlets exposing MI6's perfidy during the American Revolution.

At the W. 38th Street offices of the Free Libertarian Party (as it was then called in New York) we found a group of middle-aged white guys, just shooting the breeze. No tenseness or suspicion, as at the other parties. The FLP guys welcomed us with cordial disinterest. So that our button quest would not appear entirely mercenary, we feigned interest and asked questions. One FLP official responded by plucking a copy of *The Moon Is a Harsh Mistress* from a shelf and reading aloud a passage. Unrelated to anything we'd asked, he added that Heinlein defended the private ownership of nuclear weapons.

We'd been macho-flashed.

I should mention, at the time the Soviet Union was still extant. It was an era when unilateral nuclear disarmament was the left's "non-negotiable" moral issue of the moment. And here was a party that made the GOP look like peaceniks. A party with shock value, the sort beloved by teenage boys. If nothing else, the FLP's pro-nuclear macho-flashing cinched the Beavis and Butthead vote.

But Beavis and Butthead don't vote. Their moms do. And those moms, some LP members caution, don't vote for macho-flashers.

For those new to LP terminology, the macho-flash is an in-your-face flaunting of the most extreme libertarian hypotheticals. No soft-peddling or sugar cube to help the medicine go down. Should a soccer mom ask about drug policy in a hypothetical libertarian society, the non-flasher will discuss medical marijuana, the failure of prohibition, and the benefits of treatment over prisons. The macho-flasher will defend the right to erect crack-cocaine vending machines in a day care center.

The admonition against macho-flashing comes from LP's activists. Activists are primarily concerned with electoral victory. They advocate marketing the more popular LP positions, and downplaying the "scary" ones. They favor a prioritization (if not compromise) of issues, based on voter appeal. Combining the politics of principle with the politics of polling.

Opposing the activists are the LP's purists, who scorn any compromise to the pledge or platform or message, even at the cost of electoral victory. Purists worry that prioritization leads to compromise. Issues downplayed today will be discarded tomorrow, compromised away in a corrupt bargain in exchange for political power. Purists condemn anything less than a 100% victory, while activists counter that an 80 proof Libertarian Congress is better than a 100% LP forever

in exile.

The activists may be right — assuming a majority LP Congress is achievable. Or even a sizable minority. Or even . . . something. But I doubt the LP will make any more electoral gains in the next 20 years than it has in the past 20, which is to say it won't make any real gains at all.

But it may yet make significant gains for liberty. The LP could have a real impact if it would use the macho-flash. Libertarian activists should make *full use* of the unique media attention directed at political parties by advocating the *full spectrum* of liberty.

Activists foresee imminent victories whenever any local LP vote tally rises from 2% to 3% — surely 34% in a three-way race is just a few election cycles away? If correct, activists have plausible rationale for asking purists to stop flashing Randian diatribes at soccer moms. But if the LP is forever doomed to lose, and lose badly, then to flash or not to flash is only relevant if one cares whether the LP loses by 98% or a mere 97%.

Because macho-flashing loses votes, it can only be useful if the LP has a use other than vote-getting. It does. As an educational tool.

I am neither a purist nor an activist. I am an educationist. I believe the LP should focus on educating the public about liberty. High vote tallies are nice, I too would love to find them under my Christmas tree. I just don't believe in Santa Claus. And I don't believe that meaningful electoral victories are liable to happen in the foreseeable future.

The LP cannot win, but it can influence. But only on issues it dares to address. Advocating *any* form of drug legalization was macho-flashing in the 1970s. Hippies did it, but not "serious" parties. But today that position no longer shocks. Calls for drug reform come from all quarters, from pundits and voters, if not from politicians. And the politicians hear even if they don't speak. In time, they will respond. We won't have an LP Congress by 2010, but we will have legalization of medical marijuana, nationwide. It will be enacted by Demopublicans, not the LP. Yet partly, it will be an LP victory, because the LP helped plant the idea into voters' minds.

The Libertarian Party stands for the private ownership of nuclear weapons. That was how LP officials first explained the party to me.

Today's activists see medical marijuana as one of the LP's most popular issues. Yet ironically, had the purists heeded the activists 25 years ago, the drug issue might have been deprioritized "until such time that the LP controls both houses of Congress." Following this strategy of "polling with principle," not only would the LP still be silent on the drug issue, but medical marijuana would not be as close to legalization as it is today.

Voters cannot support ideas they have not heard of. Before there can be a policy, there must be the vision of that policy. By mentioning the unmentionable, you enable people to think the unthinkable. What was unthinkable yesterday becomes debatable today, and doable tomorrow.

Once, most everyone assumed racial inequality was ingrained in reality. Unable to conceive an alternative, it never occurred to anyone that state-enforced inequality could be otherwise. Then someone thought it, and said it, and shocked everyone with his macho-flash. But the seed was planted and, in some minds, took root and spread its pollen.

Activists get hysterical when I call the LP an educational tool. They say I should quit and join a think tank or journal, that the LP is a political party and political parties are about getting votes. Well, you can call the LP a political party, but that doesn't make it one. You can call it spaghetti, but that won't make it any more competitive with Chef Boy-ar-Dee. And yes, think tanks and journals are useful in disseminating ideas. But political parties enjoy unique opportunities for influence, opportunities unavailable to think tanks and journals. Candidates receive free media access. State-funded voter guides publicize party principles and ideas. Thus, although a failure as a vote-getter, the LP usefully complements the Reason Foundation, Cato Institute, and *Liberty*.

To flash or not to flash is only relevant if one cares whether the LP loses by 98% or a mere 97%.

But even assuming the LP has advanced the cause of medical marijuana, is it still necessary to macho-flash about crack-cocaine vending machines? No, it's not necessary. But, it is helpful. For apart from being fun and funny, such macho-flashes enable our Demopublican allies to appear comparatively moderate. If the LP cannot repeal the income tax, it can at least help Bush's modest tax cut appear . . . modest.

By Demopublican allies, I mean any Demopublican politician who poaches popular libertarian positions from the LP. Poaching and enacting libertarian positions (even if in diluted version) move the nation along the road to liberty.

This is not mere theory. Empirical evidence shows that the major parties have historically co-opted popular third-party positions, thereafter sapping such third parties of their supporters. It is easy to see why this is so. Because only the major parties have the power to enact voters' demands (however imperfectly, and however unjustly, at the expense of other voters), voters disdain "wasting" their votes on an impotent third party. And because the major parties maintain their power through coalition-building, through a constant tug of war for voters, any significant voting bloc that feels their wishes ignored will soon be co-opted by one or both parties.

Activists crow over every tiny LP vote gain, but even if the LP could overcome the wasted vote syndrome, the co-option factor would ensure that any significant new LP vot-

ing bloc would soon be poached by the majors. Non-ideological voters support third parties only when their concerns are entirely ignored by the majors. Should the Demopublicans offer even half a loaf, most such new third party voters will switch. LP activists may be willing to offer three-quarters of a loaf (to the disgust of purists), but the Demopublicans own the bakery.

Yes, there are many "young new voters excited" about the LP. But there have always been "young new voters excited" about this or that third party. Most anti-war demonstrators became Demopublican yuppies after Vietnam. Most hemp activists will become Demopublican dot-comers after hemp is legalized. They say not, but empirical evidence says otherwise. Libertarians, who claim to be rational, should always heed empirical evidence.

But this same evidence also reveals how the LP *can* advance liberty: by authoring the Demopublicans' agenda. Largely unprincipled, most politicians would sooner enact any policy than lose office. Clinton mastered this art of triangulation, stealing and enacting diluted versions of his opponents' proposals. OK, let these hollow suits steal away. The LP should do the doable: popularize libertarian ideas so they become worth stealing. Rather than waste its free media access by strategizing how to raise its vote totals from one half to one percent, the LP should fully use its spotlight by advocating liberty, undiluted. It should measure its success not by votes, but by the number of people who stammer, "I never knew anyone could believe such things!"

By mentioning the unmentionable, you enable people to think the unthinkable. What was unthinkable yesterday becomes debatable today, and doable tomorrow.

Ideas expressed often enough lose their shock value, so that whenever the LP's advocacy of a stand overcomes the smears of its opponents, there shall come a Demopublican to harvest the votes. Activists will complain that the victory was rightfully theirs, and purists will complain that the Demopublicans diluted their ideas. Both will be right. But the LP should not constrain its educational influence by chasing the chimera of electoral victory. It should be the Johnny Appleseed of politics, planting the purest seeds of liberty into voters' minds, so that the major parties might spread a richly libertarian harvest before America.

My sole worry is that Demopublicans will not steal enough of our bounty. Liberty is too dear for any one party to horde.

Libertarians need not be afraid to show their true colors. Macho-flashing, even when it changes nobody's mind, at least lets people know that there is a political party with radically different ideas than the others, enabling them to consider alternatives to things they have always taken for granted. ❑

First, Do No Harm

Carl S. Milsted, Jr.

"Hello, I am a Libertarian Party candidate. My campaign is hopelessly underfunded, and my grass-roots support is limited at best. As for me quitting work and campaigning full time to knock on doors, forget it! I do not have a chance at winning this election.

"By voting for me, you get to send a message that that milquetoast, country-club Republican has compromised one too many times. If enough of you vote for me, we can put that wimpy Republican's borderline communist opponent into office instead. Libertarians are doing this across the country. As we grow to the next stage, the United States will suffer a taste of real tyranny. And once the bitterness grows strong enough, the people will realize the true value of liberty, just like the citizens of Romania, Russia, and East Germany."

OK, the last part about former communist countries is my embellishment. But the rest is a fair summary of the typical Libertarian Party campaign. I wish I could say I was exaggerating, but I am not. There is a substantial number of people within the LP who actually consider putting moderate socialist Democrats into office over moderate free-market Republicans to be a victory. The latest annual report from LP headquarters gloats about how the LP could well be responsible for the 50–50 tie in the U.S. Senate, as well as affecting the balance in the U.S. House and the Washington state Senate.

Putting even more vomitous denizens into the legislatures is *not* victory. It is collateral damage. Bragging about "making a difference" in three-way races is the logical equivalent of a terrorist bragging about the number of school children blown up, or declaring that the destruction of the pharmaceutical plant in Sudan was a successful operation.

Is it any wonder that so few libertarians support the Libertarian Party?

I remain an active member of the Libertarian Party. Indeed, I consider the growth of the LP to be essential if the United States is to regain lost liberties. I do not think working within the legacy parties is a viable option. However, third parties are also not a viable option. America needs a new political party, but it must be a new *second* party.

America, the 1.5 Party State

Because of the winner-take-all nature of U.S. elections, LP candidates in three-party races are not viable. People who may sympathize with the weakest of the three candidates will still usually vote for the least bad of the two stronger candidates, nominees of the Democratic Party and the Republican Party. Thus, such races produce a gross *undercount* of the number of people who support the new party's platform — so much for "sending a message." The only way to be taken seriously as a new party candidate is to come in with so much existing support and money that one of the legacy parties becomes the "third" party. At the presidential

level, this requires a nationally known charismatic billionaire — a candidate type in short supply.

The United States is generally regarded as a two-party state. However, this is wrong. For many races, America is a *one*-party state. In those areas, people are still awaiting a second viable political party to provide some competition. These races are not merely dog-catchers and weighers of the coal, either. They include many legislative positions.

Consider the chart below. I did a sampling of state board of elections Web sites to determine what fraction of the lower state house races were contested by candidates from both major parties. I chose states mainly on ease of use of their Web sites, smallness of state (Libertarians generally do better in smaller districts), and single-member districts.

State	*Total Seats*	*Uncontested Seats*	*Percent Uncontested*
Colorado	65	21	32%
Delaware	41	19	46%
Georgia	180	103	57%
Iowa	100	46	46%
Kentucky	100	68	68%
Maine	151	46	30%
Nevada	42	10–12	24–29%
Tennessee	99	64	65%
Texas	150	109	73%
Virginia (1999)	100	61	61%
Washington	98	20	20%
Wyoming	60	31	52%

A few notes on the above. A race was "uncontested" if there was not both a Democrat and a Republican contender. I did not count independents or minor parties.*

As can be seen above, there is no shortage of opportunities for the Libertarian Party to be the *second* political party — not in some faraway future, but *right now*. Indeed, in a fraction of the races above, the LP was the second party. There is no shortage of opportunities for the Libertarian Party to run active campaigns without threatening to make things worse in the near term.

Indeed, as the next chart shows, Libertarian candidates are well rewarded for running in races for which there is either a Democrat or a Republican but not both. Once again, the chart is for the lower state house races. Other minor party candidates and independents are not counted in determining what constitutes a 2-way or a 3-way race.

State	*2-Way Races*	*Avg. LP Percentage*	*3-Way Races*	*Avg. LP Percentage*
Colorado	20	18.6%	37	4.1%
Delaware	1	4.4%	1	1.2%
Georgia	1	29.9%	2	9%
Iowa	4	12.95%	5	5.2%
Kentucky	0	–	0	–
Maine	6	23.2%	3	7%
Nevada	2	30.8%	3	5.8%
Tennessee	2	20.1%	4	4.2%
Texas	15	13.3%	9	3.5%
Virginia (1999)	2	20%	1	2.7%
Washington	8	16.5%	25	3.6%
Wyoming	3	18.4%	0	–

* In Nevada, the Web site lists one race with two Republicans and one with two Democrats. I didn't know if these were typos, thus the range of values for "Uncontested."

Merely choosing a district without two-major-party opposition meant a *factor more than four* on average in the Libertarian vote totals. This is about *40* times better than the Libertarian presidential nominee did.

Two factors go into these improvements. First, the Libertarian candidate has a real shot at getting the votes of people with libertarian inclinations in the district. They are no longer to be repelled by the "lesser of two evils" dilemma. Second, the Libertarian has a shot at getting members of the major party that did not field a candidate in the race in question.

Our Friend, the Gerrymander

Some still argue that this is still a fruitless strategy in terms of producing victories. After all, there is a very good reason that the Democrats and Republicans fail to field candidates in these races: they are convinced they don't have a chance to win and would like to spend their scarce resources in other races where their chance of victory is greater.

The reason for this has to do more with gerrymandering than with the personal qualities of the incumbent. The party in charge of a state legislature tries to carve out districts with high concentrations of voters for the other party, on the very sound theory that such districts increase their chances in the remaining districts.

But districts that are safe against a Democrat are not necessarily safe against a Libertarian. Nor are districts safe against a Republican necessarily safe against a Libertarian.

The United States is generally regarded as a two-party state. However, this is wrong. For many races, America is a one-party state.

And as long as gerrymandering exists, there will be uncontested districts for us to exploit.

Consider a conservative rural or suburban district with a large Republican majority. The incumbent may or may not be charismatic, but his views match local views on taxation and gun control far more so than the Democratic candidate's. But a Libertarian candidate's more strenuous opposition to taxes and stronger support for gun rights may take a great many votes away from the Republican incumbent, since the voter faces zero risk of enabling a Democrat to be elected.

A Magic Bullet?

After decades of running presidential candidates that get routinely clobbered at the polls and mostly ignored by the press, the Libertarian Party gets periodically weeded out down to those who have a great deal of patience and those who hold out hope of finding a "magic bullet" to bring the LP into the mainstream of viability. Given that LP presidential candidates need nearly a hundredfold improvement in their vote totals to have a real impact, those who seek magic bullets are more rational than those who seek to build up the

party incrementally.

This assumes, of course, that winning the presidency should be a focus for the Libertarian Party. A switch in focus to two-way state legislative contests takes care of the first factor of 40. Surely such an improvement qualifies as a "magic bullet." It does not take us all the way to real victory, but it brings us within the range of victory, so that incremental improvements can be made over the course of less than a generation.

There are potential problems with such a switch in strategy. For starters, past LP presidential campaigns have been the party's most effective outreach for gaining new party members. The current LP membership is heavy with people recruited by presidential races, or by mass mailings talking up presidential races. National staff members have informed me that fundraising letters for support of lower-level races fail to draw as much money as letters for high-level, though unwinnable, races.

But the LP doesn't have to accept perpetual futility. If a subset of major donors redirect their financial support and a subset of activists reorient their efforts, we can change things.

I suggest the place to start is Virginia, which has its state legislative races in odd-numbered years. It takes roughly 7,000 votes to win a seat. A proper test of this approach could be done this year. ❑

Re-Examine the Election Returns, I

by Richard Winger

R.W. Bradford noted (January) that Harry Browne's vote between 1996 and 2000 increased 37% in the states in which Ralph Nader wasn't on the ballot. Bradford hypothesized that, if Nader had been on the ballot in all 50 states, Browne would have done poorer than he did.

I believe Bradford's hypothesis is wrong. When the official figures are used (at the time, they weren't available to Bradford or anyone else), Browne's vote in the states in which Nader wasn't on the ballot was 33% higher in 2000 than it had been in 1996. But when one deletes Georgia from this calculation, it turns out that Browne's vote was only 5% higher in the states without Nader on the ballot in 2000 than it had been in 1996.

The key to understanding why Browne got a higher percentage in George in 2000 than he had in 1996 is Neil Boortz's radio talk show.

Furthermore, in five states in which Nader wasn't on the ballot, voters who wanted to write in Nader were free to do so, and the Nader voters did so in large numbers. Nader write-ins in some states were in excess of 2% of the total number of votes cast for president, and in some counties exceeded 7%. Nader voters didn't say, "Ah, shucks, my candidate isn't on the ballot; guess I'll vote for Browne instead." Instead, the Nader supporters generally wrote Nader in.

When one looks at the counties across the U.S. in which Nader polled over 13% of the vote (there are 29 such counties), one finds that Browne increased his percentage of the vote in 2000 (compared to 1996), in 38% of those counties. If it were true that Browne voters from 1996 defected to Nadar, one would think that the Browne vote would have declined most severely in the Nader-loving counties; but this is not what happened.

The key to understanding why Browne got a higher percentage in some places in 2000 than he had in 1996 is Neil Boortz's radio talk show. Browne's percentage of the vote increased in 2000 everywhere Boortz is heard: Dallas, Norfolk, Raleigh/Durham, Birmingham, Charlotte, Fayetteville (N.C.), Austin, and Charleston (S.C.). Boortz is a very popular radio talk-show host who not only boosts libertarian ideas, but the Libertarian Party itself. He had Harry on his show five times in 2000.

In *Liberty*'s February issue, Bradford looked at the congressional competition, saying that "Libertarian Party candidates for Congress got more votes in 2000 than any fringe party has ever received before. But when the vote is examined closely, the news isn't so remarkable."

Bradford came to this conclusion by noting that in the 115 districts in which both major parties ran their own nominee in both 1996 and 2000, and in which the LP had candidates in both years, the average LP candidate's vote slipped 4%.

A better way of measuring Libertarian support in U.S. House races is to calculate the median vote percentage for every Libertarian candidate, in the districts in which both major parties ran candidates. When this calculation is done, one finds that libertarians did better in 2000 than in 1996, not only for U.S. House, but for state legislatures as well:

Here are Libertarian candidate median vote percentages (in races with both major parties also running):

Year	*1996*	*2000*
U.S . House	1.68%	1.87%
State Senate	2.62%	3.37%
Lower house state legislature	3.18%	3.68%

❑

Re-Examine the Election Returns, II

by Bernard Baltic

Like clockwork, it happens every four years. The handwringing, the fretting, the finger pointing, wherein some libertarians blame others for the LP's lack of success in the last presidential election. These pundits use raw voting data to come to false conclusions. No one could ever accuse them of having taken a course in statistics. Peripheral data from any election is *impossible* to analyze on its own.

But we certainly can get a good picture of what really happened by comparing Libertarian vote totals to those of

the major parties. In 1996, Libertarian candidate Harry Browne got 480,000 votes; in 2000, he got just 380,000 votes.

In the 30 states won by George W. Bush, Harry Browne got a total of 215,000 votes in 2000, no fewer than he got in 1996. In the 20 states won by Al Gore, Browne's vote total fell from 265,000 in 1996 to 165,000 in 2000. The drop in Gore's states accounted for *all* of Browne's decrease!

What does this analysis mean? In states where G.W. Bush's electoral vote was more secure, people were more willing to "sacrifice" their vote to make a statement for the LP. But, where Bush was in trouble, Browne's vote fell by 40% as many switched to "the lesser of two evils."

Logic leads to the following conclusions:

1) Republicans have a centrist component more amenable to libertarian principles than do Democrats. The Libertarian pool for expansion lies in the Republican sector.

2) Contrary to the opinion of Jacob Hornberger ("A Time for Boldness and Integrity," February), the primary reason for the drop in votes given to Browne was *not* internal; it was external, beyond the influence of the LP. The Libertarian voters' perceptions of how close the presidential race was, more than any other factor, the major determinant of whether they voted for the LP presidential candidate, except for perhaps 75,000 hard-core Libertarians who will vote for the LP under any circumstances. ❑

Examining the Re-Examinations

by R. W. Bradford

Most if not all of the examination of election returns within the Libertarian Party is for the purpose of manipulating data to make the LP's results look encouraging, presumably to maintain party morale and to expedite fundraising.

Richard Winger and Bernard Baltic are two of the very few Libertarians who investigate LP election returns in an attempt to glean useful information, and for that I applaud their efforts. Happily, they uncovered interesting correlations that I'd missed. Less happily, they also made serious errors, at least in my judgment.

First the new discoveries.

Winger's claims that the good work of talk-show host Neil Boortz helps explain why Browne did so much better in Georgia in 2000 than in 1996. This was the most anomalous aspect of the 2000 LP presidential race. Browne's vote share in Georgia rose by a whopping 80%, while his vote share elsewhere *declined* by an average of 29.6%.

Georgia was one of seven states in which Nader was not on the ballot, which no doubt undermines my hypothesis that a major factor in Browne's declining vote total was Nader's presence or absence on a state's ballot.

The Boortz factor is one reason that Winger dismissed that hypothesis entirely. His other reason is that in five of the seven states that Nader was not on the ballot, voters were allowed to write in his name, and his voters "did so in large numbers . . . Nader voters didn't say, 'Ah, shucks, my candidate isn't on the ballot; guess I'll vote for Browne instead.'"

I don't think this argument provides any significant support for his thesis. For one thing, the "large numbers" he cites are pretty small. In Georgia, for example, Nader got 13,273 write-in votes. That sounds like a lot, but it amounts to only 0.51% of the vote, a substantially lower figure than in any state in which Nader was on the ballot.

More importantly, I didn't suggest that Nader supporters wouldn't bother to write his name in. I speculated that, in the states without Nader on the ballot, Browne captured votes that might otherwise have gone to Nader from "casual voters whose opinions are superficial and who don't look very far into issues . . . [who] are simply annoyed with some aspect of current policy or want to avoid casting their ballots for a major party for some cranky reason," and went on to describe them as "whimsical," "startlingly ignorant," "not very committed to anything," and not even "aware of the issues that move Libertarians or Greens." Of course, those committed to Nader who could not find his name on their ballot would write it in, just as Libertarian voters who could not find their candidate's name on their ballot would write it in, just as I wrote John Hospers in on my 1972 Michigan ballot.

Happily, Winger and Baltic uncovered interesting correlations that I'd missed. Less happily, they also made serious errors.

So how much does the Boortz factor in Georgia undermine my hypothesis?

Not very much, it turns out. Browne did 56% better in states other than Georgia in which Nader was not on the ballot than in states where he was. This is a huge difference. While it certainly doesn't entail the absolute truth of my hypothesis, it remains entirely consistent with it.

Curiously, though Winger discusses Browne's 2000 performance in non-Nader states, he does not compare it to Browne's performance in states where Nader was on the ballot. This is rather surprising, since this was the crux of my argument.

I am even less impressed by Winger's second argument. He asserts that "A better way of measuring Libertarian support in U.S. House races is to calculate the median vote percentage for every Libertarian candidate, in the districts in which both major parties ran candidates" rather than comparing the results in comparable districts, which is the usual practice.

He doesn't offer any explanation of why it is better to include districts not contested in the past, and for the life of me, I cannot conceive of any reason to do so. If you are trying to measure performance over time, you have to compare performance in the same races, just as retail chains eliminate new stores when comparing total sales.

Winger's data does suggest that the LP did better in races for Congress, state senates, and state legislatures in new districts than it did in districts it had contested earlier. This is

hardly surprising. Libertarians are less likely to field candidates in districts where their candidates did poorly in the past election and more likely to enter new races in districts where they have reason to believe they are most likely to do well, just as McDonald's shuts down its stores that are doing badly and opens new ones in locations where they have reason to believe they would do well.

I haven't had a chance to examine the entire data set to verify that this commonsensical approach explains the entire phenomenon, but I do know this much: In Washington, where I live, LP candidates have a long history of getting very good vote shares, even when the party is very small and inactive. In 1980, I moved from Michigan to Washington in the middle of the LP presidential campaign. At that time, Michigan had a large and very active party, while Washington's party was small, fractious, and hardly campaigned at all. Yet Ed Clark, the LP nominee, did about three times better in Washington than in Michigan.

How much does the Boortz factor in Georgia undermine my hypothesis? Not very much, it turns out.

In the early 1990s, there was a consensus within the Washington LP that it should run very few candidates, in order to avoid paying filing fees, which ran a few hundred dollars for legislative candidates and about a thousand dollars for congressional and Senate candidates. This was the prevailing view in 1996, when the party did not contest a single race for Congress or the state legislature.

Wiser heads prevailed in 2000, and the LP fielded candidates for all nine Congressional races and 41 legislative races. Its candidates, on average, did substantially better than the national averages that Winger cites. None of this is remotely surprising, and nothing that happened here suggests an increase in the appeal of the LP — any more than McDonald's getting higher-than-average sales from a new store opened in Times Square would indicate that its appeal among hamburger consumers had increased.

Bernard Baltic discovered a very interesting correlation — Browne's relative vote share declined substantially in states that Gore carried, but hardly any in states carried by Bush* — and proceeded to draw three conclusions from it that simply do not follow.

First, he concluded that Republicans are more amenable to libertarian ideas and that the LP has a better chance of attracting votes from Republicans than from Democrats. This may very well be true, but Baltic offers no explanation of how the data he cites supports this conclusion. For the life of me, I can't figure out any explanation.

His second conclusion — that the dismal LP showing was not the result of internal problems, but, rather, the product of the "why-waste-your-vote" argument — has support, unless one believes that the "why-waste-your-vote" argument effects voter behavior only in states carried by Bush. I don't see any support for this belief, and Baltic offers none.

Indeed, the evidence strongly supports the hypothesis that the "why-waste-your-vote" argument was not much of a factor. In states where pre-election polls showed either a tie or a very small lead (2% or less), Browne's average vote share in 2000 was down 12% from 1996. In states where the race was considered to be a blowout (those with one major party candidate leading the other by 13% or more), Browne's average vote share in 2000 was down 12% from 1996 — exactly the same as in toss-up states. (For a more detailed analysis of the importance of the "why-waste-your-vote" argument in the 2000 LP presidential race, see "The 2000 Election," January).

So what can we conclude from the face that Browne's relative vote share declined substantially in states that Gore carried, but hardly any in states carried by Bush? Darned if I know. ❑

*Baltic's figures are slightly inaccurate, no doubt because he didn't have access to more complete returns. Browne's vote actually declined in Bush states by about 10,000 votes and in Gore states by about 94,000.

Letters About Activism:
Our Readers Have Their Say

Our Best-Selling Point

In the February activism symposium, Josh Corn says, "by letting people know that libertarians are not a bunch of anti-government extremists, we will increase our vote totals and be taken more seriously."

If you ask me, I would say the fact that libertarians are anti-bad-government extremists is our best selling point.

Mark Villa
Tempe, Ariz.

Putting an Idea to Work

I am taken with Randal O'Toole's idea of a liberty group based on the Sierra Club model. I was a member of the Sierra Club a number of years ago and feel that their methods have been successful — even as I came to question their mindset and motives. Like you, I applaud the LP's efforts with the Know Your Customer effort. To me, it was one of the most promising things the LP has done in many years.

The idea of building a non-partisan political action group to supplement the LP has merit. The tremendous amount of energy and money that is spent "playing the political game" comes with a cost. We have to spend large amounts of time and dollars on gaining ballot access and dealing with bureaucracy before we can even start to get the word out to voters. It's political stagflation.

The only way to get around the system is to work at the local, non-partisan level. That is one sure, steady way to build the party. But it really doesn't promote a faster growth or identity for the party. And, we lose potential new activists because we don't seem to be moving forward. The LP has taken a lot of criticism from *Liberty* and others for their out-

dated marketing approach. I'm starting to understand your point of view. Building a "Liberty Club" won't be an easy or quick solution, but it will give an opportunity to a wider audience than a partisan effort can. To say that it will take away from the LP is to misunderstand the creation of wealth. We can "create" more libertarians by using more methods of outreach and education.

As expected, the idea is receiving a cool welcome in our state party, but a couple of us are working on forming a "Liberty Club." If you know of others who are doing the same, would you please pass my name on to them so that we can coordinate, rather than duplicate, our efforts.

Randy Palmer
Altoona, Wis.

About Time (and Money)

The recent *Liberty* activism symposium is something the Libertarian Party has needed for a long time.

There were three types of proposals in the February issue:

1. The old party war horses who favor continuing on the same course we have followed for years, but are seeking some kind of 'improvement' to expand our acceptance among the voters.

2. Those who want to put all our effort into local politics, running for dogcatcher or alderman or such, just to get some libertarians into office.

3. Some who throw up their hands and essentially call for standing down as a political party and trying to influence the major parties through a variety of methods, including joining them.

The first proposal is a loser. There is just no way we can have any electoral success at the national level unless we have at least $50 to 100 million to spend. We ought to save the money we have been spending on presidential and congressional campaigns. It is foolish to spend time, energy, and money collecting signatures to get on the ballot in states where we know we haven't a rat's patootie's chance of anybody actually being elected. And, it is doubly foolish to spend money running television ads at 3:00 a.m. in Cactus Junction, N.M.

Both the second and third proposals, however, hold some appeal, and I propose combining them. Let's turn ourselves into a "club," as suggested by Randal O'Toole ("Learn from the Environmentalists"), and run people in local elections, as suggested by Ken Sturzenacher ("Going Local"). I would suggest incorporating the ideas of Dwayne Monroe Depew ("Guerrilla Libertarianism") and Jane S. Shaw ("Seize Opportunities for Freedom") who advocate running for office as Republicans and Democrats.

O'Toole suggests calling his proposed umbrella activist organization the "Liberty Club," so it will sound like the "Sierra Club." I'd prefer calling it the "Libertarian Club," as many of the local groups do now. What this club would do is provide a base for organized promotion of our principles and, let's be honest about it, a mailing list to raise money at state and national levels to support activist groups.

Obviously, since we want lots of people to participate in club meetings, there should be no membership requirements and no oath. If people want to be a part of the Libertarian Party, they can do so with membership cards, dues, secret handshakes, and oaths. But the clubs should make efforts to invite anybody to attend and participate — even Green Party tree-huggers.

These local clubs, besides being fun places for social outings, should recruit, encourage, and support people to run for local offices — preferably club members with pronounced libertarian leanings who may run in non-partisan elections, or as Republicans or Democrats, should the need arise.

We shouldn't try to run anybody for national office (unless he furnishes all the money needed) or even for state office until statewide club attendance shows a possibility of success or some unique opportunity presents itself. Save our money to pay for the national and state organizations (frugally) and support the local clubs as lavishly as possible.

Arch Wakefield
Tega Cay, S.C.

Progress Through Diversity

I was happy to read R.W. Bradford's article "It Seemed Like a Good Idea at the Time" in the March *Liberty* . It nicely addressed an issue that has been bugging me for a long time.

A favorite theme of libertarian writers is how wonderful it would be if only other libertarians diverted the time and money they spend on some particular libertarian effort to a particular libertarian program favored by the writer.

Bradford pointed out that it is a fallacy to think that reducing effort and money going to one activity produces a corresponding increase in the advocated activity, or even in any other libertarian activity. We must remember that volunteers work on the projects that they find appealing, and different people are attracted to political campaigning than are attracted to more intellectual efforts, while others are attracted to agitation or other activities. We need them all, and many more to achieve the liberty we want.

Our focus should be on promoting activities that attract volunteers. Systematic data collection and analysis could objectively show what attracts volunteers.

W. Alan Burris
Pittsford, N.Y.

One Step at a Time

What the LP has been attempting to do is contest the Democrats and Republicans on all fronts simultaneously. For a party of its size and resources, it is like Iraq trying to take on the western power alliance. To expect anything short of a devastating defeat is either delusion or stupidity.

The LP desperately needs a new strategy.

I suggest we focus on building support through demonstration. We frequently hear the refrain that one of the great boons of the federal system is that the states can function as living laboratories. In these labs, all kinds of political and economic experiments are conducted. Those that produce good results often have broad appeal and influence the policies of other states and even the national government.

What we libertarians need to do is to evaluate carefully each of the states and determine which one appears most susceptible to our message so that we can focus all of our resources on securing a beachhead in the selected state. From that point forward, the LP should focus on building a libertarian state government. That state then will become a positive example to the rest of the nation and show the nation what

the libertarian approach can accomplish. In addition, the process of establishing a libertarian state government would provide members of the LP with a solid grounding in the political process and produce politically experienced and seasoned leadership to move onto the national stage.

If the combined efforts and resources of the LP can't produce a libertarian state government, then the LP should accept that it reflects and probably always will reflect the thinking of a political minority.

David Center
Conyers, Ga.

Rights Are Not Enough

Your symposium on libertarian activism astonishes. Nary a one of the deep thinkers involved in the overall discussion came anywhere near mentioning the Libertarian Party's most obvious flaw.

Even after three decades of non-success, it still hasn't dawned on our party's leaders that a preoccupation with "rights talk" while ignoring "responsibilities talk" is a surefire recipe for political failure. The voters we must attract — those with brains who live and work in the real world — know that personal responsibilities and personal rights are equally important, and that any political group whose members deny that fact of life would probably operate in juvenile fashion if ever given political power.

Now, kindly note that I use the term *personal* responsibilities and am in no sense suggesting we advocate turning our responsibilities over to some level of government. This is what other parties do. What I suggest is precisely the opposite. Regarding education, for instance, LP candidates should say bluntly that the cost of all schooling — public, private, or whatever — is a personal responsibility of the parents involved rather than any kind of entitlement.

John M. Simons
Sheffield, Vt.

Summing Up . . .

Fabianism is the answer!

On the right track: O'Toole, Shaw, Sturzenacher, Bartlett, Depew.

Wrong: Dasbach, Nolan, Geyer, Corn.

Not wrong, but weak: Hornberger, Thomas, Johnston, Murphy, Johnson.

Don F. Hanlen
Benton City, Wash.

Back to Our Roots

I have a problem with the premise of what the Libertarian Party is all about. I was one of the founders of the party and was very active in it until the mid-'80s. The reason I gave for reducing my activity was constraints of time, but the real reason was I didn't like the direction the party was moving, and I saw no easy way to stop it.

I think that the LP was and is very successful, if you use the criteria that was used to form it. When the party was formed, very few members had any desire to be elected or appointed to political office. The reason was simple: We felt that a political party would get a few "bully pulpits" and some press, and perhaps we could change the ideas of a few people and reduce the rush to socialism.The possibility of actually being elected to office was considered so small that what we would do if elected was not even an issue.

At that time, the purpose of the Libertarian Party was education.

Today, its purpose is gaining power and getting elected.

The LP has been very unsuccessful at electing its candidates, as has been documented very well in *Liberty*. The LP has, however, been very successful at education.

When we started the party, our country was so socialized that freedom could be found only in a dictionary, and libertarian could not even be found there. Now libertarian is used by political pundits to describe the type of freedoms we want. That is education. We are influencing the mainstream. Yes, I know the only difference between Democrats and Republicans is how and where they will remove freedoms, but there are some statist platforms that the major parties have abandoned (at least for a while) and others that they have toned down.

If our purpose is merely to be elected to office, we will have to "play the game" by the established rules. But to play by the established rules, we will have to abandon our core philosophy and principles. That is, we will have to say whatever it takes to get elected, promise everyone everything, and do it better than the wealthy established parties. This can be done — just look at the campaigns of Ross Perot and Jesse Ventura. Is this what we want?

James H. Ward
Elgin, Ill.

Wrecking the Rails, *from page 35*

inferior to some of those of the past. As the hysteria about the risks posed by genetically modified crops rages in Europe and the U.K., it is barely noted that these crops already provide tremendous benefits and that any new problems might admit of solutions. There is a scary story in the media at the moment that long-haul plane travelers are proving susceptible to blood clots. Predictably, some passengers are already planning to sue the pants off the airlines. One might forget for a moment what a tremendous improvement mass air travel has brought to the quality of most people's lives. One might remember that a litigious culture that panics when faced with the smallest failure might also make innovation less worthwhile.

In 1830, the Liverpool and Manchester railway was opened to link these two great industrial centers in the North of England. The opening ceremony attracted such 19th century luminaries as the Duke of Wellington, Sir Robert Peel, and William Huskisson, a government minister who had been both a champion of the new railways and a trenchant supporter of free trade. Huskisson was struck down by Stephenson's train, the *Rocket*, and later died. We should remember that this accident did not halt the hugely beneficial railway development of the 19th century. The Hatfield crash and the subsequent panic should not be allowed to prevent the necessary rejuvenation of the British railroads in the 21st century. ❑

Purging the Libertarians

by Adam Hume

The Christian Right has instigated an attack on libertarianism within Britain's Conservative Party. Tory libertarians are asking whether it is time for a divorce.

The libertarian presence in the Conservative Party grew from activists discovering libertarianism through the Federation of Conservative Students (FCS) in the 1970s and 1980s. Inspiration was drawn from the publications of the Adam Smith Institute, Institute of Economic Affairs, The Freedom Association, and the Libertarian Alliance. Books by Hayek, Friedman, and Rand were devoured by students who, like their U.S. counterparts, were thirsty for radical ideas. Several ex-FCS libertarians subsequently became Conservative Members of Parliament; some even serving as ministers under Margaret Thatcher and John Major.

The Major administration paid a heavy price for the recession that arose from entry into, and subsequent ignominious withdrawal from, the European Community's Exchange Rate Mechanism.* It ruined the Tories' reputation for sound economic management and the poll ratings have never recovered. Following John Major's resignation as party leader immediately after Labour's landslide victory in 1997, the relatively inexperienced William Hague was elected Conservative leader.

*John Major, as Treasury Minister, had convinced Margaret Thatcher, against her instincts, to enter the ERM. He then replaced Thatcher as PM when she was ousted in a "cabinet coup." The entry rate of £1 to 2.95 DM was too high for British business and led to a recession. The natural response to lower interest rates and let Sterling float down was no longer available. Opportunistic foreign exchange traders knew that the exchange rate was unsustainable. They sold Sterling in bulk and the Treasury spent a large proportion of its reserves trying to support the currency. When that failed, interest rates were raised to a staggering 16% on "Black Wednesday." The traders knew that it was a bluff and continued to sell Sterling. Later that day the government realized that it was beaten and left the ERM, cut interest rates to a realistic level and let Sterling float freely down to its market rate. The economy recovered and Sterling has floated freely ever since.

Hague's campaign team included some libertarians, several of whom had worked at the Adam Smith Institute or the Institute of Economic Affairs. The team was lead by Alan Duncan MP, an open libertarian whose book *Saturn's Children* (coauthored with Dominic Hobson) proposed a radical, limited government program. Hague, who had shared Duncan's house near Parliament, was thought to hold similar views.

Experience has sadly shown that such optimism was misplaced. Libertarians are regularly attacked by the Tory leadership following an opportunistic takeover by the "Christian Right."

The size of the 1997 election defeat, combined with consistently low poll ratings in the following year, resulted in a severe loss of philosophical confidence within the party leadership. David Willetts MP, a former director of the Centre for Policy Studies, founded by Margaret Thatcher in the mid-1970s, seized control of Tory policy. Willetts wrote prolifically for the Social Market Foundation from which the Conservatives recruited three senior policy advisers. All three had chosen to join the Social Democratic Party, founded by disenchanted Labour ex-ministers, in their youth. Policy was based on focus-group research rather than free-market principles. Privatization was seen as an electoral liability. The Thatcher legacy was not to be defended; policy advisers were told to "concede and move on."

Desperate for new ideas, they turned to Ontario where the local Conservatives, following an equally disastrous elec-

toral defeat at the national level, had returned to power. The slogans of "Common Sense Revolution" and "Kitchen Table Conservatism" were plagiarized unashamedly. Unsurprisingly, the victorious Ontario policies of large tax cuts and reductions in government spending, especially welfare, remained on the other side of the Atlantic.

The attack on libertarianism soon followed. Hague, in a major speech to the Social Market Foundation, claimed that "libertarianism easily descends into a refusal to recognize that social policy means more than simply being a referee in a match fought between opposing ways of living" and added "the real link between free-market economics and these Conservative insights is neither high public spending nor libertarian indifference to the way people lead their lives."

Conservative leader William Hague proudly confirmed on the BBC that the Tories had abandoned ideology in favor of pragmatism.

Hague's policy chief, Peter Lilley, in a key policy speech, committed the Tories to maintaining the dominant role for the state in the provision and funding of health, education, and welfare. He chose to label his opponents as anarcho-capitalists — "a little known sect of whom there are probably only a handful at liberty who believe that the model of autonomous individuals interacting without the intervention of the state can be applied to every aspect of human affairs." Few, however, of his audience would have heard of anarcho-capitalism, and even fewer would have known what it really meant. The real message was that only extremists would oppose this commitment to the welfare state.

Libertarians were appalled by Lilley's speech and rejoiced at his sacking soon afterwards. To their dismay, the main beneficiary was Miss Ann Widdecombe, who was promoted to Shadow Home Secretary. She is a 53-year-old virgin who converted to Roman Catholicism from the Church of England in protest against its ordination of women priests. She forced Duncan to drop the chapter proposing drug legalization from the reprint of *Saturn's Children*. Her hostility to homosexuals seems to be limitless — and in the unlikely event of a Conservative electoral victory, she would control legislation on justice, censorship, sexual, and moral issues!

Under the patronage of Hague, Willetts, Lilley, and Widdecombe, the Conservative Christian Fellowship (CCF) has been transformed from a pressure group to an official party organization with a strong grip on policy. Its Web site is peppered with articles calling for censorship, the banning of abortion, stricter divorce laws, and support for the welfare state. The CCF is leading the fight against libertarianism amongst party activists. Its publications portray libertarianism as an anti-religion, anti-marriage, anti-family, pro-abortion, libertine philosophy that promotes drug-taking and pornography. Willetts, in a CCF speech identified the key debate as "the extent to which Conservatism would be influenced by libertarian thinking" and hoped that "libertarianism's influence would be limited."

These attacks are especially notable because there is no organized libertarian presence in the Conservative Party; there is no British equivalent of the Republican Liberty Caucus. Libertarian Tories have historically campaigned with right-wingers on economic issues. The Libertarian Alliance has made little impact on Tory thinking in recent years. Its membership is in the hundreds rather than thousands.

The drift to social authoritarianism has only been questioned publicly by a small vocal minority. A leading critic is Michael Portillo, Opposition Treasury spokesman, who has angered right-wingers by revealing a gay past and arguing for more "inclusive" policies on gay and racial issues. Influential columnists — Michael Gove and Tim Hames in *The Times* plus former Tory MP Michael Brown in *The Independent* — have repeatedly called on the Conservatives to adopt libertarian policies to widen their electoral appeal.

The CCF magazine responded:

> *The Times* has become the self-appointed champion of the libertarian right. Michael Gove pens tributes to the social liberalism of Michael Portillo. Conservatives should not be alarmed by the hysterical attacks from *The Times*. We have to thank God that these people are not representative. If there is no objective truth outside of the libertarian ethic then there are no limits to the depths to which this ethic might descend.

If anyone else had publicly attacked senior party figures in such terms, they could expect to be disciplined or even expelled. Different rules apparently apply to the Christian Right.

At last year's annual party convention, Widdecombe proposed a draconian "zero tolerance" policy of high fines and long jail sentences for possession of soft drugs. It soon became unstuck when no fewer than eight senior members of the Shadow Cabinet, who had not been consulted, admitted to taking marijuana in their youth. One even had the courage to admit that he had enjoyed it. Widdecombe was forced to retract in favor of a "consultation" that has yet to materialize. She had, unwittingly, opened up a fierce debate on social policy.

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The traditionally conservative *Spectator* magazine came out strongly in favor of drug legalization. Under Boris Johnson's editorship, it has taken a consistently libertarian line on controversial issues. On foreign policy, it is unfashionably anti-interventionist. Johnson is a humorous eccentric

who enjoys a high public profile, a major factor in securing him the nomination for a safe Tory Parliamentary seat. No other openly libertarian candidate has been so lucky; an aspiring candidate has to appeal to local activists with an average age exceeding 60 years.

The effect of this opposition has been to stiffen the resolve of the CCF, especially its board member Lord Brian Griffiths. A monetarist economist, Griffiths was Head of the Downing Street Policy Unit under Margaret Thatcher and is an influential voice in the Centre for Policy Studies. His CCF Wilberforce Lecture was a vitriolic attack on classical liberalism and libertarianism. Griffiths argued that:

> . . . a Conservative defence of the market needs to be distanced from that form of secular liberalism which underpins the defence of free markets by economists such as Friedman, Becker, and most of all Hayek. Secular liberalism has been and continues to be the enemy of conservatism. It has no respect for tradition, it has no objective standards of morality, and it has no anchor which gives stability to the social order.

The rejection of Hayek is remarkable. Margaret Thatcher made him a "Companion of Honour," one of the most prestigious awards in the U.K. Thatcher reportedly slammed a copy of *The Constitution of Liberty* on the table during a cabinet meeting and declared "This is what we believe!" It seems that her policy chief did not agree. Hague himself recommends Hayek on the Adam Smith Institute Web site but appears to demonstrate little understanding himself.

Griffiths, however, went further and made it clear that he does not want libertarians in the party:

> . . . the danger we face today is to be seduced in the name of tolerance by a libertarian social philosophy, which contains no objective standards of morality . . . Conservatism has always stood against libertarianism, as the negation of everything it stands for. If the Conservative Party were to become libertarian it would in my judgement be the end of the Conservative Party as we have known it.

In December, at a Centre for Policy Studies debate on "Is the future of the Conservative Party libertarian?" a Tory MP privately lamented that "there are not many of us libertarians left!" Griffiths and Willetts, who naturally led the opposition, would regard that comment as a major victory. Five CCF activists, including its director and executive chairman, were then headhunted to run a well-financed official Tory project that promotes political social engineering, e.g. sexual abstinence by young people. This clique has effectively hijacked social policy and is seeking activists' donations to expand its program.

Hague proudly confirmed on the BBC in late February that the Tories had abandoned ideology in favor of pragmatism. As the general election approaches, this pragmatism includes increasing government spending in line with inflation and economic growth. The Tories promise to match Labour's profligate spending plans on health, education, and welfare. Hague wishes to tighten immigration controls and to detain political asylum seekers whilst their cases are being processed. Widdecombe plans a drug war and an increase in state monitoring of the Internet and e-mails. Other policies include extending the use of asset forfeiture to fight crime, even for motoring offenses, and a ban on new cell phone towers!

This authoritarian agenda is promoted under the veil of the Bush mantra of "Compassionate Conservatism." These policies actually differ little in substance from those of the Labour government. Voters, faced with a choice of three "big government" parties, have little reason to change their loyalties. Conservative support in opinion polls has, with the exception of a brief period during the fuel tax protest,* hovered around 30% since the 1997 election. Such is the success of "pragmatism."

Tory free marketeers are despairingly silent, fearful of being seen as disloyal and fearing possible damage to their future career prospects. Some privately hope that the inevitable election defeat will result in a change in leadership. If Hague loses and is deposed, the subsequent leadership election may provide an opportunity to choose a successor, perhaps Portillo, who is more sympathetic to libertarianism. It is more likely, however, that an authoritarian, e.g. Widdecombe, will be voted in by the party's aged membership.

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A key factor could be the success of libertarians in influencing the Bush administration. Where America leads, Britain usually follows. Gale Norton's appointment as interior secretary provides hope. It is a healthy sign that Sen. George Allen can comment, "I like the Libertarians! They have a lot of good ideas, and we agree on many issues. There are issues where we differ philosophically, but Libertarians are good people." No senior Tory would dare to make such a comment today.

These events suggest that the Republican Party may now be open to libertarians and their ideas. Libertarians in the GOP should grab an opportunity that may never be repeated. The LP's acceptance of Gary George, an Oregon state senator (even though he is retaining his Republican membership and registration) may mark the start of a positive trend. The LP should try to recruit more libertarian office-holders and candidates. Tactically, it should focus on removing "big government" politicians from office. Libertarian attempts to take over the GOP may be overly optimistic. But libertarians could play a vital role in building links between the parties.

The Libertarian Party remains the natural home for those unwilling to compromise their principles in the pursuit of political power or office. In the 2000 presidential election, every American citizen had at least one opportunity to vote Libertarian. This is a major achievement in itself. British libertarians do not have this luxury and currently lack any political leverage. They too will need to reconsider their tactics and allegiances after the general election. Ironically, as Americans doubt the value of the LP, a British Libertarian Party has more appeal now than ever. ❑

*See "The Peasants Revolt," by Stephen Berry, *Liberty*, November 2000.

Fiction

Smoke Detectors

by Chris Henderson

"Only in a police state is the job of a policeman easy."

— Orson Welles

It was a Thursday afternoon and the traffic on U.S. 70 was busy. Lee had driven this route daily for nine years, and he was used to it by now. He knew that tomorrow's traffic would be even worse. Fridays on the interstate were always bad. Today's drive home wouldn't be too bad. The weather was nice, and it was about time for the long block of commercials on the car radio to give way to music.

As he drove, Lee liked to look at the other cars around him. Actually, he looked at the drivers and passengers in those cars. This form of people-watching helped him pass the time. He occasionally would spot the same driver from a day or so ago. This was the only bit of variety his mind could muster during the long drive. They, like him, were making their daily trek, either to or from work. Today he spotted a middle-aged man in a tan compact whom Lee recognized from Tuesday's drive home. His haggard-looking face and funny glasses made him easy to remember.

As he watched this man pass him and exit the highway Lee scanned his eyes in search of any more of his fellow commuters he could recognize. As he did, he heard a familiar jingle on the radio. It was a very catchy tune. Lee wasn't paying too much attention to this or any of the other commercials, but he knew this one was explaining one of the latest public safety mandates. It was difficult to tell which one — they all used similar sounding music. But when he heard the child's voice at the end, he knew which one it was. And he smiled. Anytime one of these commercials ended with a child's voice, it usually meant the new measure was aimed at helping kids. Lee recognized the child's voice coming from the radio as the same one in the TV commercials talking about the same issue: one of the amendments to the child labor and protection mandate.

Lee smiled as he listened to the child's voice thank Sen. Ryker and Sen. Bowman. They were the original sponsors and the ones who added on the provision protecting teenagers from being taken advantage of by parents who might stay out too late. Now private teenage baby sitters wouldn't have to work more than four hours each day. The commercial had explained why it was necessary and how it would help. Ryker and Bowman wrote many laws to help both adults and children. This was their latest.

Lee was glad when that law passed. Even though it meant his wife had to change to a part-time job to watch their two children. They simply couldn't afford day care, and hiring two teen sitters to work in shifts was illegal. So his wife switched to part time to watch their kids in the morning, while a sitter watched them in the afternoon. Lee felt that it was important for young job seekers to be protected. He even somehow

felt that he and his wife were doing their small part to help all of those teenage baby sitters enter a more fair and equitable work force. In a way, it was noble that his wife had to quit her old full-time job.

The commercial ended and music — non-jingle music — now poured from the speakers. Lee had only one more mile to his exit when the semi in front of him started slowing down. His mind quickly calculated whether or not he had enough time to pass it and still make his exit. It looked like he would have more than enough time and room, but just as he got ready to pass the truck, its hidden recessed side gates started to deploy. It was an unmarked police semi-truck. Its hinged black and yellow arms extended downward and outward, blocking two of the three lanes of the highway. The blue and red lights on the gate's arms now started flashing. Lee looked in his rearview mirror. Several cars back was the aft police truck. Its arms were also fully deployed by now. Lee and everyone around him were now sandwiched in between the two police trucks and were being "randomed." Lee let out a sigh. Not that it bothered him being stopped; he understood and appreciated it — the agents were just out to find criminals. He just was in a hurry to pick up his kids and get home. So while he didn't look forward to being a little bit late, he was glad he lived in a country that cared enough to go to all this trouble to keep him and his children safe. When he thought about it that way, Lee smiled.

Lee and everyone around him were now sandwiched in between the two police trucks and were being "randomed."

His car's engine quit. It, and everyone else's between the two police semi-trucks, had been electronically shut down. Probably from the command center, usually located in the aft truck. The music from the radio also stopped. In its place came the usual instructions on what was happening. Again, this was probably broadcast from the aft truck. Lee struggled to operate the steering wheel and brakes, now devoid of power, as his car came slowly to a complete stop. About 20 cars in each of the center and right lanes were now, quite literally, parked in the middle of the interstate. The aft truck directed the cars lucky enough to be behind it around and into the far-left lane. They were let through. Lee and the other cars were now completely blocked in. Dozens of police agents jumped out of the backs of both fore and aft trucks. Their shiny black exo-vests and body armor gleamed in the late afternoon sun. Their Kevlar helmets had the Ohio Metro Commuter Patrol emblem on the front. Two agents, their machine pistols drawn, converged upon each stopped car. Lee's was the very first one approached since he was directly behind the fore truck. One of the agents slapped a familiar large neon-orange number sticker on his windshield, while the other one opened Lee's driver side door.

"Let's go," said the agent. "You know the routine." Indeed Lee did. He had been "randomed" three times before. Not including the mock random stop he had to go through in order to get his driving privilege permit. And for those few that had never been stopped before, there were the constant commercials on television and radio to inform people of the process. But since Lee had been through it all before, he simply got out and bent his head down as the agent slipped a neon-orange number badge over his head and neck. This number that now hung by a thin chain around his neck corresponded to the number stuck on his car. Every driver stopped now had his car numbered and was, in turn, receiving his matching number badge. Lee followed one of the agents to the back of the police semi-truck. The other agent stayed behind and got into Lee's car.

"Watch your step," said the agent as Lee stepped up into the truck. Lee walked through the metal detector situated at the opening of the back of the tractor-trailer. The agents walked around it. Several agents were now escorting the various drivers into the tractor-trailers of both the fore and aft trucks. Inside each trailer several black leather chairs lined both walls from front to back. Computer terminals and other various pieces of electronic equipment took up the middle of the trailer. The agent commander and a few others sat at these terminals. Lee followed his agent and took a seat in the contoured chair that the agent gestured toward.

"How long is this going to take?" asked one of the drivers as she stepped into the truck.

"Be quiet, ma'am," said her agent. "Just have a seat."

"But I'm in a hurry."

"So are we lady. We've got twelve more stops tonight. We all want to get home just as much as you do. So the quicker you cooperate with us, the quicker we can all go home."

"I've never been stopped before," said the lady. The agent said nothing. He just sat her down.

Lee never really talked with the agents when he got stopped. He knew it would just slow up the procedure. That's what it said on the commercials. He just sat in his chair and turned over his right arm. As he did, the agent made a cursory wipe with an alcohol pad and then inserted a needle into Lee's arm. Lee turned away. He could never watch when they did it. It wasn't necessarily the sight of blood that bothered him, but seeing the needle in his arm was what made him queasy. He was always glad when he felt the agent withdraw the needle. He turned back to see the vial was about three-fourths full of his blood. The agent popped the vial out and put it into the centrifuge attached to the side of Lee's chair. Flipping a switch, he set the machine into motion. The agent now pulled down the cylinder connected to the top of the chair. He uncoiled the wires that were hooked to it and attached its electrodes to Lee's forehead.

"Ouch!" cried the lady who, just moments before, was complaining about how long it would take. Lee turned to look at her. He saw her agent wiggling the needle around trying to get some blood.

"Don't look over there," said Lee's agent. "Just look straight ahead. Left arm please." Lee held his left arm out. The agent placed an air-pressure cuff around Lee's upper

arm. "Place your fingers in the receptacles." There were four rubber tubes at the end of each arm of the chair. Lee slid his fingers into them. The agent then attached two large alligator clips to Lee's exposed thumbs. Reaching around to the sides of the chair, the agent pulled out both sides of the large torso collar. Using its Velcro attachments, the agent tightened it around Lee's upper body. As he did, Lee heard the familiar sound of the centrifuge slowing down and stopping. The agent reached down and transferred the vial of blood into the analyzer. Just as Lee was all ready to start answering the set of Bowman Questions, one of the agents from outside ran into the truck. He ran over to the commander, who happened to be near Lee's chair. Lee could hear the man as he spoke in a soft voice.

"We can't get one of the trunks open," he said.

"The Omni-key didn't open it?" said the commander in disbelief.

"No. We tried the mechanical and the electronic ones. Neither of them will do it. And get this. Its ignition still works."

"Which number?" said the commander.

"One-Eight-Nine-Nine-A-H-One-Nine-Three-Three," replied the agent.

Dozens of police agents jumped out of the backs of both fore and aft trucks. Their shiny black exo-vests and body armor gleamed in the late afternoon sun. Their Kevlar helmets had the Ohio Metro Commuter Patrol emblem on the front.

"Who has 1899AH1933?" yelled the commander.

"Right over here," said an agent on the opposite side of the truck as Lee.

The agent went over to the person sitting in the chair. There, hanging around the neck of a short, yet well-built, redheaded man was the number the agent was looking for. "Sir, come with us and open the trunk of your car."

"Can't you get it open officer?" said the man with a sly grin on his face.

"Just come with us and open it."

Lee saw the agent withdraw the needle and the man undid the lie-detection equipment that held him to the chair, and got up. As the agent who couldn't get the trunk open was escorting him out, another agent went over to his empty chair. "Let me know when his blood work is done," he said to the agent who was interrogating him. "As a matter of fact, bring the report out to me when it's finished." He turned and went outside.

Lee had never heard of an Omni-key not being able to open something. It was illegal to have any lock on your house, car, or anything that a federal, state, or local Omni-key couldn't open. The television and radio commercials kept telling how the new locks would prevent crime. He didn't know if it was some sort of malfunction or if, perhaps, the redheaded man was a smuggler or pusher. In the back of his mind, he slightly hoped for the latter. Not that he liked criminals, but the child in him thought it would be exciting to be so close to the action as the police caught a smuggler/pusher. But then he quickly remembered the lie-detection equipment that was encasing his body. That made him quickly think of something else, anything else. He wasn't sure if wanting to possibly see a real life criminal and the excitement of it all would cause negative feedback. The government commercials reassured him that such thoughts, while not appreciated, would not cause false readings. He tried hard to not think about any doubt he might have in his mind. He knew the Bowman Questions were coming up. He turned his mind to the more pleasant thoughts of picking up his children and having a nice dinner with his wife.

"OK, let's begin," said Lee's agent.

"Have you ever taken, smoked, injected, ingested, imbibed, sold, bought, or possessed any banned substance and/or item?" asked the agent in a monotone voice. It made Lee feel as if the agent had read the set of questions so many times that he was just now reciting them without even thinking anymore.

"No," replied Lee truthfully.

"Do you know of anyone who has taken, smoked, injected, ingested, imbibed, sold, bought, or possessed any banned substance and/or item?"

"No."

"Have you ever made or thought any disparaging, vulgar, critical, racist, sexist, bigoted, prejudiced, or harmful statements or comments toward any protected group and/or individual?"

"No."

"Have you ever made or thought any disparaging, vulgar, critical, racist, sexist, bigoted, prejudiced, or harmful statements or comments towards the president, Congress, the Senate, or any other government employee, either federal, state, or local?"

"No."

"Do you know of anyone who has made or thought any disparaging, vulgar, critical, racist, sexist, bigoted, prejudiced, or harmful statements toward anyone in the government or any protected individual and/or group?"

"No."

"Have you ever critically questioned any law, regulation, mandate, statute, and/or official rule?"

"No."

"Have you ever critically questioned the president, Congress, Senate, and/or any member of the government, either federal, state, or local in their official jobs and/or duties?"

"No."

"Do you swear to obey and abide by all the laws, regulations, mandates, statutes, and official rules set forth now and in the future by your government at federal, state, and local levels?"

"Yes." Lee was extra careful about making sure he said the word "yes" after so many "no" statements that preceded it. He thought it wasn't too smart to make the order of the questions so that a person could accidentally slip and say "no" when they meant "yes." But then he quickly thought

better of those thoughts. That might be considered too critical and give a bad reading on the lie detector. And after all, thought Lee, the government and the Bowman Committee knew what they were doing when they came up with these questions.

The questioning continued:

"Do you swear to promptly report any person and/or group who does break and/or advocates breaking any law, regulation, mandate, statute, and/or official rule?

"Yes."

Just then, there was a commotion coming from several chairs down. The lady who had been complaining earlier was starting to cry. The agents had pulled her up from her chair. "No, I've never said or thought anything like that! Never! I'm not bigoted towards anyone! I love everyone! It's mistaken!" she cried. "Ask me the question again. No, please!" By this time she was in complete hysterics. Her words were, by now, completely unintelligible. The agents electrocuffed her and escorted her outside by picking her up under her arms and carrying her since her legs seemed unable to work due to her agitation.

"Don't look over there," snapped Lee's agent. Lee turned away and looked straight ahead. He continued, "Do you understand that every answer you have given and/or refused to give can be used against you by a magistrate at any future trial, be it yours or someone else's?"

"Yes."

"Do you swear, under penalty of perjury, that every answer you have given here is the truth, the whole truth, and nothing but the truth?"

"Yes."

Lee knew when he heard that last question that it was just about time to go. He smiled and thought of his dinner that evening with his wife and kids. It looked like he would be able to pick up his kids in time.

"OK, sir if you want to come with me," said the agent who had just read him his Bowman Questions.

"Isn't it over now?" asked Lee.

"Not for you it isn't. If you'll look at the monitor on the right side of your chair, I think you'll see. Your blood work turned up traces of tobacco elements. You're under arrest."

Lee never really talked with the agents when he got stopped. He knew it would just slow up the procedure. That's what it said on the commercials.

Lee was in shock. He had never done tobacco in his life. He hated the drug and all those who pushed and used it. His first thought was that this was too good an area. His neighborhood was nearby. There couldn't be tobacco here. He didn't want that stuff around his kids. But then he immediately realized the grave nature of the situation. "There's been some sort of mistake," said Lee, his voice quivering.

"Yeah, there always is," said the agent sarcastically. "You have the right to confess. Should you give up that right you will be judged by a state-appointed magistrate; you have the right to forfeit any property used in your crime." Lee had heard these Bowman Rights read so many times on police TV dramas, but he never thought he would hear them being read to him.

"Well pal, the ball's in your court. What do you want to do?" asked the agent as he was filling out a form on his data disk.

"Look, if I could just talk to you for a second," said Lee. "I don't smoke. Your analyzer has made a horrible mistake. Here take some more blood," as he held out his arm.

"No time for that, Smokey," the agent said sarcastically. "You can bitch and moan all you want about the supposed faulty analyzer, but the truth is, science don't lie." Lee cringed at the agent's misuse of the English language. "Traces of tobacco elements were in your blood. That's a fact. It's also a fact that you're going to jail. I'll give you one more chance to exercise your Bowman Right to confess."

Lee felt like he was outside of his own body watching all of this unfold before him. His mind couldn't think clearly. He was numb all over. All he could manage to say was, "But I don't smoke."

"You had your chance," said the agent. He grabbed Lee up out of the chair. The Velcro body collar made a ripping sound as it unattached and dropped back into the chair. The electrodes on Lee's forehead fell free. The agent yanked the air-pressure cuff off his arm and spun Lee around. Lee was shocked at the amount of force that was being used on him. He would have turned around on his own if the agent had simply asked him to. But then his mind began to think of a thousand different things seemingly all at once. He thought of his wife waiting at home. He thought of his children that he had to pick up. His wife wouldn't get off work until 7:30 p.m., and if he didn't get there by 7:00 p.m., his baby sitter would have to turn the children over to the state-run sitting service. That would mean a fine and a negative mark on his parenting permit license. He thought about what his neighbors would think when they heard he'd been arrested for tobacco. He thought about losing his job. His boss was required by law to fire him if he was convicted of tobacco use. But then, suddenly, he thought about how the lie detector didn't give off its telltale audible buzz on any of his answers. A huge wave of relief came over him. "That's it," he thought. "Officer! Wait! The lie detector. It didn't buzz on any of my answers!" Lee said, happy that he was able to point out the mistake in the blood sample. "You asked me if I did any drugs. The machine will back me up. You yourself said," Lee slowed down his train of thought to quote the agent, "'science don't lie.'"

"Are you trying to get smart with me?" snapped the agent.

"No, but wait, I . . . "

"If you question the results of the analyzer, you could face another six months."

"But you're questioning the results of your own lie detector?" Lee said, not realizing any error in his reasoning.

"And now you're questioning me and my authority over you. And I'm a government agent. That could get you another six months on top of the first." The agent smiled as

he said it.

Lee wasn't even aware of all the other drivers around him in their chairs watching his arrest. Their agents were all telling them to not watch and to look forward as they went on with their interrogations.

The agent now had Lee in a headlock while another placed the electrocuffs on him. Lee was spun around and one of the agents jammed an optical recognizer up around Lee's right eye. With a press of a button it had snapped a digital picture of Lee's retina. The agent plugged the recognizer into the port at the computer in the center of the tractor-trailer. A few movements of the mouse later, and the agent said, "Lee Roger Eugene. 319 Losif Ave. Age: 34. Married. Two kids. Occupation: video production."

"He probably makes those illegal videos on how to grow pot and tobacco. Don't you, Smokey?" said an agent as he jabbed Lee with his finger. "We'll be sure to check that out." The other agents laughed. Lee thought about how that could be considered a disparaging remark made towards him. But he was not in a protected group. Especially not now that he was an accused drug smoker.

"Your blood work turned up traces of tobacco elements. You're under arrest."

"No, I make insurance training videos," Lee started to explain, almost reflexively.

"Shut up," said an unseen agent behind Lee. "I think I can smell the disgusting smoke coming out of your mouth every time you open it. So keep it shut!"

Two of the agents led Lee out of the back of the semi. The walk seemed much longer going out than it did when he came in. He was now acutely aware of all of the other drivers still seated in their chairs. They were all looking at him. He had heard the expression of being able to feel someone looking at you. He now knew exactly what that felt like. He also felt so ashamed. He didn't want any of them to think he was a smoker. He thought about the redheaded man whose trunk the agents couldn't get open. He felt bad for even remotely thinking that he might be a smuggler/pusher. But, as he stepped outside, he could see the police had that same man on the ground. Two agents had their knees on his back. About half a dozen machine pistols were aimed at the man. His trunk, now forced open via a pneumatic crowbar, was being photographed and taped by the agents.

The agents led Lee over to his car. "Find anything Jack?" asked the agent who electrocuffed Lee.

"Nope. All clean on this end," said the agent in Lee's car. He turned off the ultraviolet scope he was using and got out. "Trunk checks out too."

"Well the driver didn't check out too well," said the agent. "From the strength of the tobacco readout in his blood work, he's done it pretty recently. If he ain't got any in there it must be close by. Check the car's GPS backlog and find out where he's been in the last couple hours. We'll check up on wherever he's been. We'll find it. Come on, Smokey," said the agent as he yanked him away from Lee's car.

There were two black unmarked armored police vans parked behind the aft police semi-truck. The complaining lady from earlier was being loaded into the back of one of them. She was still crying.

As Lee was being led toward the other van, he and his agents passed the redheaded man's car with the now pried-open trunk. Lee looked in. It was full of cartons of cigarettes. Lee knew what they looked like from television several years back. TV commercials used to show actual cigarettes in the anti-drug campaign. Of course, it was illegal to show the real thing on television ever since the official Declaration of War was signed and enacted. Lee also saw some bottles of an amber colored liquid in the trunk.

"Can I, or one of you call my wife? I need to tell her I'm . . . "

"Shut up, Smokey. You should have thought about your wife before you started lighting up."

"What about my car? My wife can come get it."

"Not gonna happen. Your car is impounded. You used it in the commission of a crime."

"But I didn't . . ."

"What do you call driving under the influence of tobacco?" asked an agent.

"Yes, of course that's a crime, but I'm telling you . . . "

"I swear to God, if you don't shut your mouth, I'll shut it up for you!" yelled one of the agents. As he said that, Lee could feel the jolt of the electrocuffs as they were activated. He buckled at his knees and let out a sharp yell in pain.

"I told you to shut up." Another jolt from the cuffs surged up Lee's arms and into his body. This time Lee didn't yell.

Lee was led past the aft police truck to the second of the two large black unmarked armored vans.

The agents opened the back and threw Lee in. He was now absolutely terrified. Now he too began to cry. After what seemed like an eternity, the back of the van opened up and there stood the redheaded man. He was also electrocuffed. Lee thought it was now safe to presume him to be a smuggler/pusher, since that was what he clearly was. He was now even more frightened that he was going to be locked in with a criminal. An agent shoved the man up into the van and closed the back doors. The man took a seat opposite of Lee. Lee didn't look at him. He didn't want to make any eye contact at all.

"So whatcha in for," said the redheaded smuggler/pusher.

Lee was afraid to say anything. But he was also afraid that if he didn't say anything, the man might get violent. He was a criminal after all. The pros and cons of talking versus not talking flashed back and forth in Lee's head. Finally, he decided it was safer to speak.

"I'm innocent," he said.

The smuggler/pusher laughed. "Yeah, so am I!" he said laughingly.

"No, really," Lee protested.

"OK, I'll bite, what was it you didn't do?"

"They say I smoked," Lee said with a hint of whining in his voice.

"Whatcha sm . . . err, I mean, what did they say you smoked?"

"They said they found traces of tobacco elements in my blood. But my lie detector was all positive. I don't understand."

"Yeah, I never trusted those lie detectors either. I mean I got friends who swear by all the tricks and shit to get around them, but I've always just lied through my teeth and they never once caught it. But you know what's so funny? The agents still actually believe those things work! I think it's like a superstition or something to them. The more it don't work, the more they believe it does! Kinda like astrology, huh? I'll bet they buy into that as well."

"No," protested Lee. "You don't understand. I don't smoke, and I didn't lie." Lee knew the redheaded man was wrong. The TV commercials explained how the agents' lie detectors were 100% accurate.

The agents passed the redheaded man's car with the now pried-open trunk. Lee looked in. It was full of cartons of cigarettes. Lee knew what they looked like from TV.

"You really expect me to believe you don't smoke?" asked the redheaded man. "I mean, I know the lie detector crap is a bunch of bunk, but those upgraded blood analyzers are the real thing. If they found tobacco in you, then either you smoke it, chew it, absorb it, or just plain eat it. It's as simple as that. If it was one of the older analog models, I might buy it, but these new proton analyzers can pick up the tiniest amount of any shit."

"No! It can't be. I hate that stuff. I've always thought they ought to take out and shoot anyone who . . . " Lee stopped suddenly. Not only did he realize that he was accused of a tobacco crime himself, but he was telling a smuggler/pusher that he hated the very stuff the man smuggled and pushed. Fear began to overtake his mind and body. He was locked up with electrocuffs and inside a police van with a smuggler/pusher. And he was an honest, law-abiding citizen. He knew what those types did to people like himself. He had seen the TV commercials. Lee now wished the agents would come back. "Look, I don't want to cause any trouble," Lee said fearfully. Just then, the van's engine started up. Moments later, both men in the back could feel it as it started moving.

"You ain't causing me any trouble, pal. But it looks like you're in a whole heapload of trouble. Did they find any on you or was it just the blood sample?"

"Of course they didn't find any on me!" Lee said emphatically. "They just claimed my blood had traces of tobacco in it."

"You're really not shitting me, are you? You truly don't smoke it?" said the man in disbelief.

"No. I just got off work and was on my way home."

"Where do you work?"

"Why?" Lee was reluctant to tell anything so personal to a criminal.

"I'm just curious. We were both coming from the same general direction, you know."

"I work in the Dunmere Building."

"No shit? I sell tobacco to some people in the Dunmere Building. I think they're on the fourth floor. Which floor you on?"

"You mean you push dope to people in my building?" Lee asked incredulously.

"No. I don't push anything on anyone. They come to me and ask for it. We agree on a price and we conduct a transaction. Just like any other business."

"No it's not!" yelled Lee. "It's dope, and it's illegal!"

"Didn't used to be," said the man in a matter of fact tone.

"Well it should have been then, and thankfully it is now."

"Yeah, you should be real thankful. You're going to go to jail because of it now."

Lee suddenly realized the man was right.

"Yeah, I mostly got tobacco people over in the Dunmere. One or two marijuana people over there. But they're not as steady as my tobacco people are. Of course, when tobacco did get outlawed, marijuana pretty much went by the wayside. Most pot growers switched to tobacco instead. Much easier profits. You can still get pot if you look hard enough, though."

Lee knew the history. The section of the Bowman Amendment, which finally outlawed tobacco, was named after Sen. Reginold Bowman. It was based on the fact that anyone who would smoke tobacco would also be more than likely to commit, what was originally called a "hate crime," now more commonly referred to as a "thought crime" for a person thinking badly about a person as they harmed them. Sen. Ben Ryker championed the early thought crime bills. He and Sen. Bowman teamed up and combined their two pet safety projects. After all, if people didn't care about polluting the air another person breathes, then they didn't care about that person in the first place. And if they were going to do harm to a fellow human being's lungs, then they would, more than likely, do harm to the rest of his body. Anyone who would do such a thing could not truly care about other individuals. Therefore, smoking was considered a predisposition to bigotry towards another person. Likewise, any negative statements or thoughts towards another person were just precursors to harming him and, therefore, obviously just as bad as forcing them to breathe the carcinogens in tobacco smoke. Both senators' forceful campaigns linking the two crimes helped sway public opinion in their favor. The majority of the population, and practically all of Congress, eventually saw the light. Lee remembered seeing TV commercials a long time ago about why the two crimes were connected. They didn't air those commercials anymore. They didn't need to. Everyone now understood how and why the two were linked.

The redheaded man continued, "So what floor are you on over at the Dunmere?

"My studio is on the sixth floor."

"Yeah, well they probably wouldn't smoke it on their floor anyway."

"There's no way to smoke in the Dunmere Building, or anywhere. Why, if anyone were to see someone doing something like that they'd . . ."

"Look, Einstein," he interrupted, "they don't do it out in

public. Ever hear of the bathroom?"

"Now look who's being dumb," said Lee. "There are smoke detectors in the bathroom. Plus anyone could tell someone had been doing drugs like tobacco in there."

"You really are that naive, aren't you? All I sell anymore is odorless, smokeless stuff."

"There's such a thing?" asked Lee.

"Hell, yeah. About a year after the Bowman Amendment passed, I started getting most of my smokeless supply. That's all I sell now. They make it offshore. Still don't know how the hell they do it. Made it a hell of a lot easier to sell too. People knew they could go back to smoking without getting caught."

"But you got caught," Lee said with an air of superiority.

"Yeah. And so did you Mr. Goody-Two-Shoes. And I don't like telling you this because it'll make you hate me more than you already do. And I know you think I'm the scum of the earth anyway, but you probably got busted because of some of my clients."

"How so?"

"I was in the Dunmere Building today, my usual customers. Tobacco people. A couple of cartons each. Smokeless and odorless, like I said. These guys probably couldn't wait to get home. So they go to some other floor besides their own — your floor evidently — and they smoke themselves a couple of cigarettes. You walk into the bathroom, either while they were still in the stall or shortly afterwards. Even though there ain't no smoke and you can't smell it, the particles are still dispersed in the air. You breathed in the stuff and you didn't even know it. You then get in your car to come home. But the gods weren't smiling on you today. Because you, like me, got caught in a random."

When he reentered society, would he be able to carry on as he once did? After all, he would be a convicted tobacco user. That would remain on his ID file for the rest of his life.

"Mister, I'm far from being angry at you," Lee smiled, "because you just made my case for me. I'll explain that to the police and straighten this whole mess out."

"Goddamn. You are naive, aren't you! You think they'll believe that?"

"You acted like it was very plausible."

"I not only think it is plausible. I think it probably did happen like that. I've seen and heard of it happening all the time."

"Then so have the police. They'll understand."

The redheaded man just stared at Lee and shook his head. "I think you probably smoke something stronger than tobacco is what I think. Tell me, what kind of car do you drive?"

"Why?"

"Just humor me."

"A 22 Nissan Alpha."

"Whew, nice car. And this year's model to boot. Does it have the reversible fuel cells?"

"Yes."

"Well then, in that case, I got news for you pal, the police ain't gonna buy your story. And you wanna know why?"

"Why?" Lee was starting to get more and more scared.

"Because that car of yours, that real nice car of yours, now belongs to the great state of Ohio. Their Metro Commuter Patrol to be specific. That's too nice of a car for them to want to give back to you. What with you being a scummy drug user and all. No, my friend, even if they hadn't found traces of tobacco in your blood, once they saw your car all they would have had to do is drop a cigarette in your back seat, snap a digital of it, show it to the magistrate, and the car is legally theirs."

"They couldn't do something like that. They wouldn't!"

"Happens all the time, buddy. Last time I got busted I had 13 cartons on me. When I went before the magistrate, I was charged with possession of eight cartons. The other five either got smoked by the agents who busted me, or they planted them in any car or house they wanted."

"I don't believe it."

"OK, pal. In my car tonight I had 15, count 'em, 15 cartons of premium, smokeless and odorless tobacco cigarettes. I also had twelve bottles of beer. That's a cool dozen." Lee was shocked. Not only did he have tobacco, but he also had alcohol. And he probably didn't even have a possession permit for the beer. Lee didn't know which was worse. "Let's just see what I get charged with when we get to the magistrate's. If my guess is right, those agents will be partying good tonight."

Lee didn't believe any of it. Everything happening to him was too surreal. He just wanted to get everything over with. He knew he could straighten everything out. The van started slowing down and eventually stopped. Lee didn't know whether to be relieved or more scared. The back doors of the van swung violently open. "Let's go dopers!" yelled an agent who held his machine pistol at his side. The two men got up and walked to the back of the van. They hopped out and were led by four agents down a long hall towards the magistrate's throne. Lee knew he wasn't allowed any legal representation. Right after the Bowman Amendment passed, too many people were escaping prosecution from both tobacco and thought crimes. Congress and the majority of the people were outraged that lawyers were allowing obviously guilty people to go free. What was the point of having the new, more powerful laws if they couldn't be properly enforced? The Bowman Amendment was, therefore, amended so that any person accused by any government agent of a tobacco or thought crime forfeited his right of representation. Lee understood this. The TV commercials explained to him, and the rest of the nation, that if people wanted legal representation, they shouldn't have broken any of the Bowman laws in the first place.

As they walked, one of the agents spoke to the redheaded man. "So Mr. Paul McElroy, thanks for confessing for us old boy!" as he pushed the redheaded man in the back. "We gotcha on digital saying you push cigarettes and marijuana over at the Dunmere Building. Tell us who you sell to, and we might go easy on your sentence."

"That's funny," said the redheaded man whom Lee now

deduced was named Paul, "I thought only the magistrate could pass sentence, not agents." At that, one of the agents pressed his control button and sent a shock through Paul's electrocuffs.

"Goddamn it. I said who buys the stuff over in Dunmere?"

Paul said nothing. But Lee smiled. He was happy that they had recorded their conversation. He could now prove his innocence. They rounded a corner at the end of the long hall they had been walking. There was the magistrate. The agents handed over their data disks to the magistrate.

The magistrate plugged in the disk and looked at the screen. He then spoke. "Lee Roger Eugene. Age: 34. Subject charged with operating a motor vehicle under the influence of a controlled substance; sub-charged with perjury for lying under oath of lie detection; sub-charged with questioning the authority of a state-appointed agent; sub-charged with questioning the validity of a state-owned blood analyzer. You did not exercise your right to confess or your right to forfeit your property used during your crime. Therefore I ask you now, guilty or not?"

"Not. I can explain . . ." The magistrate pressed his control button. When he did, a jolt came from Lee's electrocuffs. "You had your chance to speak at the scene of the crime," said the magistrate dryly.

"But you recorded us in the back of your van." Lee said in a painful voice. "Check the digital playback. The agents believed him about his selling it over at the Dunmere Building. I just breathed it in accidentally. I didn't know!"

"I viewed your transmission while you were being driven in," said the magistrate with a sigh. "The two of you obviously planned it out in an attempt to fool this court. Nice try. But I've seen it before. By the way," said the magistrate as he turned to Paul, "Your accusations of agent misconduct and evidence planting is not appreciated by this court. Should I find you guilty, that will be an extra six months for you."

Turning back to Lee, while activating the court's digital recorder, the magistrate spoke, "Subject Lee Roger Eugene pleads not guilty. Magistrate finds him guilty. All of subject's property used in commission of his crime is to be immediately turned over to the Ohio Metro Commuter Patrol. Subject to be sentenced to four years and six months on prison ship number 257 anchored in Lake Erie, Drug POW Sector of the ship."

The shock Lee was now feeling didn't come from the electrocuffs. Even if they did send out a jolt now, he knew he wouldn't be able to feel it. He could now only think of his wife and kids.

He managed to softly say, "Can I call my wife? What about my kids? Please?"

"Would your wife really want to talk to a drug user like yourself?" asked the magistrate. "If she would, then that doubles the chance that she is involved in drugs herself. You've no doubt seen the TV commercials about the percentages. And you know it is illegal for a convicted drug smoker to speak to children, especially his own. The chance of corrupting them is too great for the state to risk."

Lee didn't know what to say. He knew if he protested his innocence, he could be given more prison time. He just stood there in silence.

"I think he smoked so much he can't talk," said one of the agents laughingly.

As two of the agents led Lee away he could hear the magistrate speaking to the other man. "Paul McElroy. Age: 26. Subject charged with possession of, and intent to sell, eight cartons of tobacco cigarettes; also possession of two bottles of beer without a state possession permit license; sub-charged with possession of a non-approved lock; sub-charged with. . . . "

As Lee was being loaded on the helicopter that would take him to the prison ship, his mind raced with dozens of simultaneous thoughts: Why wouldn't the magistrate believe him? Were the prison ships as bad as rumored? When he reentered society, would he be able to carry on as he once did? After all, he would be a convicted tobacco user. That would remain on his ID file for the rest of his life. Something so serious couldn't be expunged from anyone's record. He wondered how the government could have made such a grave error.

His fear of flying didn't even enter into his mind as the helicopter headed north towards Lake Erie. His mind was numb with so many conflicting emotions that he barely even knew where he was. All he knew was that he was scared and it wasn't from the flying. Eventually all of his thoughts would work their way back to his family: Would his wife believe him that he wasn't a tobacco user? Would she file for divorce? What would his children think of him? His children! They would surely be in the state sitting service by now. His wife would have to pick them up and pay a fine. He wouldn't be able to speak to them again until they turned 18.

The government would do Lee's job of parenting while Lee was unable. And he was sure that they would do a good job. He had found his silver lining.

He didn't even realize how much time had passed as the helicopter started to set down on the deck of one of the many ships anchored in Lake Erie. As he was escorted off the helicopter, Lee's mind searched for some way to cope with the situation he was in. His body could take the confinement, but his mind had to have something positive to hold on to. He had to find some silver lining. As he was lined up with dozens of criminals, it struck him!

He had managed to find at least one good thing in all of this. And it came in the form of a child's voice: the child from the commercials. Lee suddenly remembered the other parts of the Ryker/Bowman laws: those that protected children. Even though he wouldn't be there to help his wife raise their kids, even though they would be in their teens by the time he was released — it didn't matter. The Ryker/Bowman laws would be in place to watch over Lee's children. All the various laws would make sure his kids could never be taken

advantage of or otherwise hurt. Sure it was a mistake that he was here, but that wasn't important now. His children's well-being was far more important. And the government would watch out for their well-being. That was the government's job: to help and protect everyone.

The government would not only be helping Lee's kids; the government would actually be helping Lee, since he couldn't be there for his kids. The government would do Lee's job of parenting while Lee was unable. And he was sure that they would do a good job. He had found his silver lining. He was glad those laws were in place. He thanked God and Senators Ryker and Bowman that, at least, his kids would be properly looked after. Lee managed a slight smile as he was led below deck. ❑

Letters, *from page 7*

try in the Middle East which deserves the moral support of those of us who truly value liberty and freedom.

Steven Schub
Los Angeles, Calif.

Ahmad responds: Contrary to the assertions of the letterwriters, I did not praise modern Arab governments (neither in *Liberty* nor anywhere else). That those governments oppress all their people is a weak argument in defense of the Israeli system of apartheid. Rather than admit that Israel engages in the collectivization of the land it has expropriated, these critics would denounce her neighbors. This tactic combines the argument by intimidation with the principle of guilt by association. I am confident that *Liberty*'s readers cannot be taken in by such a crude argument, and thus I can leave my response brief. I refer readers desiring more detailed information on current Middle East issues to *Washington Report on Middle East Affairs*, and those interested in a more accurate picture of the historical record to Karen Armstrong's *Jerusalem: One City, Three Faiths.*

Just Say "No!" to the Islamic Jihad

I'm confused. Is *Liberty* a periodical dedicated to American libertarianism or Islamic jihads? It seems that every issue of late either vilifies Israel or praises Islamic terrorist groups, and you've now outdone yourself with the article by Imad-ad-Dean Ahmad. Let's examine his claims.

Israel is socialist. Israel may have its share of liberals and government programs, but it is certainly not a socialist country. Private property, rule of law, and a capitalist economy are the reasons why Israel is second to the U.S. in high-tech, whereas the entire nation of Syria has one ATM machine. (Syria, incidentally, is the terrorist state that was ruled for decades by Haffez Assad, who wiped out entire towns that challenged his rule, and is the benefactor of Hezbollah, *Liberty*'s favorite freedom fighters.)

Israel is racist. Israel is a Jewish state and does grant the right of return to all Jews for a very good reason. After 3,000 years of relentless persecution and a Holocaust which Ahmad probably doesn't believe in, I think the Jews are entitled to one piece on this earth, particularly one that is the core of

Continued on page 68

Not a Union Man, *from page 33*

"a headlong rush into a tunnel with no other side" — a fair description — does principle require you to follow?

In an industrial battle, with millions of dollars being expended like artillery shells, jobs blown up, plans wrecked, investments forestalled, what does it mean when those who called the strike over money say afterward that it was not about money, but about "respect"?

It means the union lost. The union went out for the money and didn't get it. All the negotiations at the end were over the terms of the union's surrender.

Here was the outcome. Management, who had known in theory that the paper was overstaffed, saw unmistakably that this was so. At the same time, they had a financial hole to fill. They announced that 20% of the union-represented jobs would go away. This would be done partly by voluntary buyouts. Also the strikers would be called back over six months, some of them to different jobs — jobs they wouldn't want.

The reporter who had urged me to join the union never returned. He took a job with a California newspaper.

I kept my job. If I'd joined the union and gone out on strike, I'd have been the last in my work group to be called back and the first on the eventual layoff list. That's not why I had crossed the line; on that first day, none of us was thinking it would end this way. The strike was a step into the dark. The strikers went out with a belief that they were protected by the contract, by the National Labor Relations Act, or by something. In the sense that mattered, they were not.

All this goes beyond the political idea I have long had, which is that unions should be voluntary, that they should sign up workers one at a time, in respect of the freedom of association. Unions in the United States do not believe in the freedom of association. Under the National Labor Relations Act, union representation is created by majority vote. The Newspaper Guild at my employer held that vote in the late 1930s. They never held such a vote again. They didn't have to. That vote, taken at least a decade before I was born, subjects me to a union contract in the year 2001, even though the people who voted may now all be dead.

The National Labor Relations Act. What a joke.

The strike left me with an attitude about collective bargaining. You cannot bargain collectively unless you are willing to think and act collectively. You'll have a vote now and then, when the bylaws mandate it or the union's leaders decide you should have it. But that still means letting other people decide whether you strike, and what you're striking for, and how long you strike, and under what conditions you come back. Those are big decisions. They could cost you your job. They cost several of my friends their jobs — friends who trusted those decisions to the union.

I realized that I wanted to make those decisions for myself. I am not a union man. ❑

Reviews

Hitler's Table Talk: 1941–1944, **by Adolf Hitler. Translated by Norman Cameron and R. H. Stevens, introduction and preface by H. R. Trevor-Roper. Enigma Books, 2000, 786 pages.**

Conversations With Hitler

Stephen Cox

Everyone recognizes Adolf Hitler as one of the most interesting figures in modern history, but most people are content to categorize him in some uninteresting way. Just how one does that has been a matter for heated debate, so various are the available generalities and clichés.

From the start, Hitler's political enemies labeled him "insane." Modern liberals, who don't like to say that anyone is just plain crazy, prefer to call him a "sociopath" or a man unlucky enough to have been "born without a moral sense." Marxists, whose line on Hitler has never changed (except during those giddy years, unworthy of remembrance, when Hitler was allied with the Soviet Union), still consider him a tool of "monopoly capitalism." Intellectuals who regard themselves as surfers on the wave of the future often call him a "throwback" to something, such as "the medieval world." (This is a little hard on the medieval world.) People who delight in their imagined superiority to their contemporaries see him as an exponent of the "herd mentality," a "mass man," or a representation of the "banality of evil." Intellectuals of a "psychological" bent once called Hitler a homosexual; these days, "sadomasochism" is the tendency of choice. Many amateur Hitlerologists view him as a sucker for astrology or an adept of "secret arts." And there has always been a group that, insisting on giving credit where credit is due, describes Hitler as an evil "genius." One member of that group is Professor Hugh Trevor-Roper, the distinguished historian and introducer of this volume.

None of these opinions amounts to much of anything. If I ask you to picture a "genius" or a "mass man" or a "tool of capitalism" or an embodiment of the "banality of evil," your imagination will require a very long time to come up with Adolf Hitler. Trevor-Roper follows his reference to "genius" with page after page of abuse of Hitler's coarseness, ignorance, and stupidity. Some "genius"!

Accounts like Trevor-Roper's simply show that the truth about Hitler is too complicated to summarize, even with the use of paradox. They suggest that knowing the truth demands more distance from stereotypes than any authors in the field seem yet to have achieved. Yet *Hitler's Table Talk* provides some clues.

This is the record, prepared from stenographic notes, of Hitler's private conversations (first published in English in 1953, now helpfully republished by the aptly named Enigma Books), conversations that, for the most part, occupied relaxed moments during 1941 and 1942, when Hitler was happily confident of victory in the world war, and his talk (as Trevor-Roper characterizes it) was "fresh, flexible, sometimes even gay." A different impression would no doubt be created by the discovery of similarly extensive records of his late-war conversations, which appear to have been quite the opposite of amusing. The book before us, however, offers many surprises for people who think of Hitler in stereotypical terms.

The Hitler who entertains us here is neither a genius nor a banal cross-section of the German populace. He is an unusually intelligent, unusually clever person who devotes his cleverness to the explication and application of ideas that were not at all unusual among the allegedly reflective classes of his time — ideas that, in many cases, remain the folk wisdom of the "educated."

Hitler was a nationalist, a racist, and a militarist. Nowadays, his remarks in that vein could be heard with pleasure only in the intellectual circles of Third World countries. Nevertheless, much of the remainder of his conversation would render him entirely at home in the faculty club of any American university. Slouching in a favorite easy chair among the potted plants and the superannuated copies of the *New Yorker*, he could discourse at will on the evils of social "inequity," the rapacity of big business, the dangers of secondhand smoke, the importance of art, and the desirability of limiting as well as increasing the powers of the state. No one would notice anything strange in either the message or the manner.

I'll say more about the modern-liberal aspect of Hitler's ideas in a little while; that's the "message" part. As for

his "manner": he had the intellectual's automatic ability to believe that because he knew X, he knew all the other letters of the alphabet, too. For this reason, his conversation is often pompous, crude, and silly, especially when he's dishing out his repulsive racial theories. Sometimes, for the same reason, his conversation is hilariously quaint. He says, for example, that an observatory he plans to build will represent "the three great cosmological conceptions of history — those of Ptolemy, of Copernicus and of Hoerbiger," this Hoerbiger being a scientist whose conceptions happened to tickle Hitler's fancy and that he therefore accepted as true. (Hoerbiger's theories involved the profound idea that "what is [originally] found in the universe is ice, and not water" [445, 324].)

Hitler had the intellectual's ability to believe that because he knew X, he knew all the other letters of the alphabet, too.

Any American has to laugh at Hitler's solemn lectures on the subject of How to Drive a Car:

> When the rear tyres [sic: this is a British translation] shriek, that's a sign that the driver has taken a bend badly. It's a rule that one should accelerate only in the bend, never before. (244)

And there's the ultimate quaintness of Hitler's supposed self-knowledge: "Unlike most people, I'm always ready to learn" (309). If that were true, there would have been no second world war.

Most readers, however, will be surprised to see how much Hitler really did know, or at least how broad his interests were. His knowledge of German history seems to have been much more extensive than any recent American president's knowledge of American history, although that may not be saying much. His interest in music was not confined, as we have sometimes been told, to operatic setting and spectacle; it appears that he knew serious music well. His appreciation of nature was genuine, and his understanding of art went considerably beyond the trashy philistinism of which Trevor-Roper accuses him. In such areas, indeed, Hitler's accomplishments compare very favorably to those of the millions of Americans now endowed with Ph.D.s. (Again, that's probably not saying much.)

And one sometimes encounters a spark of creativity in him. Discussing a work by Murillo, the 17th-century painter, Hitler notes that "the picture contained a fault in design that could not have escaped Murillo's attention . . . I intended to write a play on the subject of this Murillo" (295). We have no indication that it would have been a good play, but it's a well-chosen subject for a play; and as much as one hates to see political fanatics exercise themselves in the field of art, it's much worse for them to exercise themselves in the field of politics. However the play turned out, I would like Hitler as a playwright much better than Hitler as the chancellor of Germany.

Dumb people, and insane people, submit their ideas to no controls whatsoever; but Hitler's political ideas are frequently tempered by skepticism and irony. Like Lenin and the other old Bolsheviks, he was a bohemian, a rootless cosmopolitan (to use the invidious phrase applied to such people by both the Marxists and the National Socialists), a man who was alienated from conventional ways of life. For him, "the people" were objects of study, not of emulation. At one point in his conversations, he accurately observes that "the beauties of the woods were discovered, not by the peasant, but by the professor" (619). He had little if any interest in the enthusiasms of the peasant or the "mass man." He liked movies but had no liking for sports and games, except when they could be used in the physical training of youth.

> I detest those people who suddenly go all sporting! . . . People sometimes ask me why I play no games? The answer is simple — I'm no good at games, and I refuse to make a fool of myself! (647–48)

Contrary to what you hear on television, Hitler had no interest in the popular pastime of "the occult." Astrology, he says, is just a "swindle," and prophecies are remembered only on the rare occasions when they accidentally come true (583). If he were alive today, Hitler would probably be a contributing editor of one of those little magazines that are always exposing the myth of ESP.

His skepticism extended to certain popular National Socialist ideas. In his opinion, the Nazi historical vision was faintly absurd: "I cannot help remembering that, while our ancestors were making these vessels of stone and clay, over which our archaeologists rave, the Greeks had already built an Acropolis" (566). Equally ridiculous was the Nazi tendency to idealize all things *volkisch*, such as contemporary German arts and crafts:

> In reality, the public are not interested. When the man in the street pays twelve hundred marks for something, he expects value for his money, and he does not care a rap whether the nails have been driven in by machine or hand . . . Arts and Crafts? Rubbish! (656)

Most people have been educated to believe that Hitler aspired to rule the world. No such idea could survive his skepticism and pragmatism. He regarded all attempts to spread Nazism outside its German context as positively dangerous:

> I am firmly opposed to any attempt to export National Socialism. If other countries are determined to preserve their democratic systems and thus rush to their ruin, so much the better for us. (490)

Lenin believed that the survival of his brand of totalitarianism could be secured only by world revolution; Hitler thought just the opposite about his brand.

Even within Germany, as he saw, the Nazi revolution had its problems. Its politicization of society often defeated its own ends. An obvious example appeared in one of his pet fields of interest, classical music. He was convinced that Fritz Busch would have become the greatest conductor in Germany if only a local Nazi official hadn't been so much of a Nazi, "forc-[ing] on [Busch] old Party comrades for his orchestra, so that this orchestra should be inspired by a good National-Socialist spirit!" (321). What a farce! And Hitler knew it.

Not that he knew what to do about it. He could try to remedy particular abuses and reverse the tendencies he

deplored, and he was capable of taking dramatic action, as he did in 1934 when he liquidated Ernst Roehm and his friends. But he knew that he depended as much on the Party as the Party depended on him, and that there was only so much he could do to change how the Party operated.

He suffered from no delusions about his ability to suspend the laws of social interaction — and here is a powerful counterargument to the common idea that he was a naive egomaniac. He stipulated that without "efficient and enthusiastic colleagues," he would "certainly" not have succeeded:

> To those among them who, in their enthusiasm for the regeneration of our nation, go too far and hail me as a Prophet, a second Mahommed or a second Messiah, I can only retort that I can find no trace of any resemblance in myself to a Messiah. (462–63)

Recalling "the young fool" (Emperor Wilhelm II) who wrote a letter in which he signed himself "The Ruler of the Atlantic," Hitler exclaims: "The acts of an imbecile! Can you ever see me signing myself 'The Ruler of Europe'!" (647).

Hitler knew that he depended as much on the Party as the Party depended on him, and that there was only so much he could do to change how the Party operated.

At the moment, he *was* the ruler of Europe. His intention, however, was to look at the world in a "new" way. Monarchs were part of the past; Hitler believed in progress. The idea that he was a throwback to the "medieval" or "Teutonic" past finds no substantiation in his table talk. Heinrich Himmler & Co. might harbor fantasies about medieval knights and so forth, but Hitler had no more interest in repetition of that kind of past than William Jefferson Clinton has.

When Nazi mythology smelled too strongly of, well, the mythological, Hitler rejected it. In his conversations, he has a lot of fun with *The Myth of the Twentieth Century*, the Bible of Nazism concocted by Alfred Rosenberg, self-appointed theorist of the movement. Hitler says that he himself "merely glanced cursorily" at Rosenberg's work. He attributes its commercial success to the fact that it was attacked by the Catholic Church: "It gives me considerable pleasure to realize that the book has been closely studied only by our opponents" (422).

This, like many of the other things that Hitler says, is authentically amusing, and it goes a long way toward acquitting him of "insanity" and "banality." I've never met an insane person, or a banal person, who could make a good joke or tell a good story; and Hitler can certainly do those things. He describes, for instance, a prominent personality who "received Prussian princes in his house" but "in the depths of his heart . . . was a Bavarian autonomist. A parrot of genius one day made the unforgivable blunder of crying, amidst this brilliant assembly: 'Prussian swine!'" (326).

Joking about the politically correct reformists who wanted to take the foreign sounds out of the German language, Hitler remarks, "When I say Kurzschriftler instead of Stenograf, I have the feeling that I'm talking Polish" (357). Of his collaborator Francisco Franco, whom he did not particularly like, in fact hated, Hitler says, "Franco came to the top like Pontius in the Creed" (608). He concludes a discussion of the German occupation of northern France by observing, "In any case, I shall never have any difficulty in finding occupants for Paris, and there's no risk that one day a unit of the Wehrmacht may mutiny, saying: 'We don't want to stay in France any more!'" (345). That's funny, and it's not the kind of thing that a crazy person or a mere ideologue would say.

Yet one can easily rate such episodes too highly. They show that Hitler could be something other than a ranting bore, but that's not a world-historical accomplishment. If people are ever going to be interesting, they will be interesting when they gossip about their jobs, and that's mainly what Hitler does. He's a good storyteller, and he has a trick of putting his observations in a drolly formal style that I find entertaining. Still, the chief interest of his sayings lies in the fact that he is saying them.

And it must be admitted that the sayings contribute nothing very surprising to our established picture of the world. Of Stalin, we learn little more than that Hitler considered him interesting and even read a book about him (661). The major surprise, if you want to call it that, comes when one notices all the people whom Hitler *doesn't* talk much about. There is no substantial discussion of such Nazi potentates as Goebbels and Goering, or of the majority of leaders on the foreign stage. True, Churchill comes in for a good deal of abuse; the failures of Mussolini's army (though not of Mussolini) are discussed; French collaborationist Pierre Laval is dissed; but the foreign leader who interests Hitler most is (guess who?) Ferdinand, King of the Bulgarians, whom he regards as "a man of infinite wisdom, inexhaustible tact and unique force of character" (647). Ferdinand told Hitler that the most dangerous politicians are the ones who are *not* venal (Clinton, eat your heart out). "Ferdinand was really very clever," Hitler says (235).

Not everything is charm and gaiety in Hitler's conversation. He cannot talk for long without discoursing on his two chronic enemies, the Jews and the Christians.

In his discussions of politics, Hitler's own cleverness is as easy to overestimate as his sense of humor. But it is real enough. It's no accident that he refers to Ferdinand's son Boris as "a very intelligent, even cunning, man" (379): cunning, not abstract intelligence, is what counts in politics. Hitler's own cunning is sometimes on a very high, almost metaphysical, level. Reviewing the distant future of central Europe and what he can do to influence it, he says,

> Any responsible statesman[!] should, indeed must, leave his successor a whole drawer full of somewhat

nebulous claims, so that the latter can be in a position, should the need arise, to conjure up these 'sacred' rights as the pretext for any conflict which may seem necessary (540).

Cunning can run counter to Nazi public policy, as it does in Hitler's remarks about his regime's campaign to sterilize mental "defectives":

> I was shown a questionnaire drawn up by the Ministry of the Interior, which it was proposed to put to people whom it was deemed desirable to sterilise. At least three-quarters of the questions asked would have defeated my own good mother. One I recall was: "Why does a ship made of steel float in the water?" If this system had been introduced before my birth, I am pretty sure I should never have been born at all! (675)

Brighter than Stalin or Castro, Hitler notes that keeping a peasant from trading on the "black market" will only "make him eat up all his surplus himself."

Brighter than Stalin or Castro, Hitler notes that keeping a peasant from trading on the "black market" will only "make him eat up all his surplus himself" (529). Brighter than the victors of World War I, he concedes that Germany, which he expects to emerge as the victor in World War II, will never get "any substantial . . . indemnity from [its] enemies," and he suggests that "if the British were to come to me to-morrow and say that they would like to make peace on the basis that each bears his own costs, I should most probably agree" (625).

He can say this, however, because (as he cheerfully proclaims) he has already looted much of Europe. Not everything is charm and gaiety in Hitler's conversation: far from it. He cannot talk for long without discoursing on his two chronic enemies, the Jews and the Christians.

Everyone knows the disgusting things he said about the first group, but his opposition to the second may come as a surprise, especially to people whose idea of history derives solely from the History Channel. Yet this is one of Hitler's strongest links to contemporary intellectuals. When it comes to religion, he is as credulously anti-Christian and anti-"Western" as today's multiculturalists. He believes that "three hundred years ago . . . there was a blazing stake . . . at every street-corner," and that the Christians' campaign of persecution continued into his own time: "The Church does not strive to propagate its teaching by reason and gentle persuasion, but by force and threat." He adds, like the sniffiest contributor to the ACLU's litigation fund, "This is certainly not my idea of education" (323, 420).

His enmity to Christianity did not result from any scheme to replace it with another system of worship. He showed no sympathy for the efforts of his more deranged followers to create a specifically Germanic religion. His idea of a "broad basis for the religious-minded" was Confucianism, Buddhism, and (chiefly) Islam. According to him, "the standard of civilization" established by Islamic Spain was wholly admirable; to Spain flocked the greatest scientists, thinkers, astronomers and mathematicians of the world, and side by side there flourished a spirit of sweet human tolerance and a sense of the purest chivalry. Then, with the advent of Christianity, came the barbarians (514, 667).

These are stereotypes fresh out of today's high school "social studies" texts. Indeed, there are few professors in American universities who would go as far as Hitler in this multicultural direction.

To complete his philosophy on the subject, one needs only to add the Darwin fish on the Mercedes bumper — the smug scientism that is the 19th century's bequest to our current intelligentsia. From Hitler's point of view, as from the p.o.v. of today's crusading humanists, what went wrong with Christianity was its faulty physics and biology — as if Christianity possessed physics and biology in the first place. Believing (in company with millions of other village atheists and agnostics) that "the whole philosophy of the Church was founded" on the geocentric theory of the universe — a theory that, strangely, goes quite unmentioned in the Bible — Hitler stipulates that the cure for religious "lies and intolerance" will come from public education in . . . astronomy (510, 323). He has therefore "directed that every town of any importance shall have an observatory" (514). He thinks that the evolution of science dooms Christianity to inevitable extinction. Still, the state has a duty to guarantee that scientific research remain "free and unfettered": "dogma cannot resist the ceaselessly renewed attacks of the spirit of free enquiry" (718–19, 336).

At this juncture, readers' eyes will start bulging out of their heads. "Free"? What could Adolf Hitler, of all people, possibly mean by "free"? He meant what he said. He wanted scientific inquiry to be free; he just didn't want the scientists, or anybody else, to be that way. Here, as usual, the great obstacle to understanding Hitler is the tendency to assume that he was one of a kind, the sole representative of his species. But he surely wasn't the only person in the 20th century who wanted to have his cake and eat it, too. The Marxists took roughly the same view of science and society. They were in favor of science, no doubt about it; they only wanted the truth, and they knew that the truth would turn out to be on their side. No political leader in the 20th century ever saw himself as intolerant — only intolerant of other people's "intolerance."

Strange to say, in the midst of so much careful planning, the nation is gripped by a "housing crisis." To remedy it, Hitler plans to build five million new homes, each (and why not?) with "the right to a garage," and each garage costing only a tenth of the current price.

The conjunction of anti-Christian and anti-Semitic ideas is also far from unique to Hitler. The link is the naive Darwinism that he shared with multitudes of fellow "free" thinkers. Their idea was that all progress takes place

by evolution, and they expected the most evolved form of anything to be the *best* form. The whole Judeo-Christian tradition was therefore suspect, at least. It was obviously the product of earlier and therefore more primitive societies, it was based on individual religious experiences that could not be confirmed by scientific experiment, and it competed for power with the political agencies of modern progress. In respect to these ideas, Hitler's views on religion are hard to distinguish from those that prevailed throughout the modern-liberal west in the first decades of the 20th century. The spokesman for scientific rationality in *Elmer Gantry* (1927), Sinclair Lewis's satire on Christianity, can't understand why anyone still believes in "the old bearded Jew God!" After all, that was just the God of some wandering "Yids."

This is not to suggest that Lewis, or George Bernard Shaw, or H. G. Wells, or any of the other advanced thinkers, favored the extermination of the Jews. Not at all; that was Hitler's peculiarly revolting deduction from the idea (as expressed by Lewis) that mankind are but "mammals." But Hitler was not alone in believing that all the world's a test-tube, and all the men and women merely organisms, busily evolving themselves or else slipping back toward the primordial ooze. A natural tendency among such intellectuals was to see (other) human beings simply as natural objects, subject to natural laws of development. If human history is a ceaseless evolutionary development, and the "developed" form of something (if it survives) is better than the "primitive" form, then the Bolsheviks had every reason to throw the capitalists and the peasants, and ultimately the Jews and the Christians, onto the dustbin of history. They were going to the dustbin anyway. Or so the Bolsheviks thought. And so Hitler thought, about approximately the same people.

It isn't logical, but it's true, that the zest for natural selection tends to combine itself with a zest for social planning. The result is such outrageous, though undoubtedly unconscious, inconsistencies as one sees throughout the *Table Talk*, where Hitler is always calling for "a massive decentralisation" of power, while making plans that can be implemented only by an enormously centralized authoritarian state (104). Here the closest comparison is not with Stalin, whose eloquence was very little exercised on the evils of centralization, but with our own modern liberals.

The "liberal" pundits of the past two generations were, generally speaking, anticommunist; but they thought that communism somehow actually worked. So did Hitler:

> It is a unique phenomenon! [Stalin] has raised the standard of living — of that there is no doubt; no one in Russia goes hungry any more. They have built factories where a couple of years ago only unknown villages existed . . . and so forth and so on (661).

But Hitler doesn't see himself as an imitator of Stalin. He sees himself as someone trying to engineer "a maximum of equity in the established social order." He wants a nation in which

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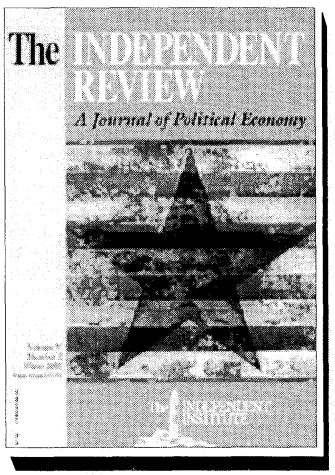

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"every man [can] have his chance" (256), thus stopping significantly short of even Huey Long.

Like the modern liberals, Hitler is constantly inventing economic schemes that are obviously bound to succeed but that, oddly enough, no private individual wants to invest in.

Like the New Democrats of the 1990s, Hitler believes that equity and opportunity require a healthy economy, and that a healthy economy requires constant technological innovation, and that innovation cannot take place if it is stifled by bureaucracy. Germany's "administration," he complains, is

> over-organised, and, at least in certain sectors, it's overloaded. Its principal fault is that nobody in it is seeking for success. . . . Our functionaries fear initiative worse than anything else. . . . (18)

Unfortunately, the initiative that Hitler cherished was mainly the kind that tended, and still tends, to manifest itself in a constant series of government "initiatives." For him, the era of big government is over, but the era of government activism has barely begun. His economic ideas aren't as bad as his racial and military ones (what could be?); they simply parody some of the worst features of the modern liberalism to which both he and the modern liberals believed he was so firmly opposed.

For him, as for the modern liberals, "private interests" are always suspect, and "monopoly" is always to be feared, unless it's entrusted to the state; then it's OK (365). Like Franklin Roosevelt and his advisors, Hitler is sure that the problem with the American economy is high production and sound money; or, to put this in a way that is not so obviously ridiculous, "over"-production and consequent unemployment, and a gold standard that supposedly creates undue concentrations of wealth (53). Like the current leadership of the Democratic Party, he believes that inflation is caused by excess profits, and he sees no difficulty with a high tax rate — for the fine pragmatic reason that "despite all the taxes, there's a lot of money left" (65, 72–73).

For Hitler, as for the modern liberals, especially those of the Gore-ite persuasion, the important thing about economics is *resources*: Do you have enough of them? ("With 100,000 acres devoted to the growing of rubber, our needs are covered" [53].) And how can you conserve them? ("Without doubt, man is the most dangerous microbe imaginable. He exploits the ground beneath his feet without ever asking whether he is disposing thus of products that would perhaps be indispensable to the life of other regions" [4].)

Like the modern liberals, Hitler is constantly inventing economic schemes that are *obviously* bound to succeed but that, oddly enough, no private individual wants to invest in. That's why the government has to take charge. "Because of the fault of capitalist which considers only private interests," hydroelectric generation is "only in its infancy" in Germany. What's needed is a government program to get people to dam every stream that might generate "a single kilowatt" (22). Do you remember the "small is beautiful" proposals of the Carter era?

It never occurs to Hitler, or to any other government planner and tinkerer, that anything in the economy can take care of itself. If something isn't available in the right quantity, it must be because the government hasn't been "proactive." With just the right kind of farsighted government action, Hitler believes, "it's quite conceivable that it would be possible to build a cheap radio set and a popular typewriter" (75). Of course, nations cursed with less active governments already had cheap radios and typewriters, but Hitler seems not to care about that.

While he is scheming to produce inexpensive household appliances, millions of Germans appear to be without a house to put such appliances in. Strange to say, in the midst of so much careful planning, the nation is gripped by a "housing crisis." To remedy it, Hitler plans to build five million new homes, each (and why not?) with "the right to a garage," and each garage costing only a tenth of the current price. Again, why not? It *ought* to be a tenth, and it *will* be a tenth. And why not make sure that every house is located just down the street from a daycare center? And why not provide every house with a button that mom can press to summon the employees of said daycare center to come and pick up her children? Then she won't "be compelled to take [them] there herself." Think of the savings in time (347–48)!

But to return to the vital issue of natural resources, their proper use and conservation: the way to take care of *that* is simple. It's the Volkswagen, "the car of the future":

> One had only to see the way in which these Volkswagen[s] roaring up the Obersalzberg overtook and skipped like mountain goats round my great Mercedes, to be tremendously impressed. (528)

But it isn't good enough just to make the buglike mountain goats available: they, or their 28-horsepower engines, have to be used for everything from the family bus to "a heavy artillery tractor." Don't worry: Germany's war experience shows that military vehicles don't need to go faster than 12 mph (416)! And naturally, the Volkswagens will be run on alternative fuels: "one must not . . . forget that oilwells are not inexhaustible" (594). I'm not sure which is sillier, Adolf Hitler's version of environmental economics or Al Gore's, but the kitsch quality is about the same.

I'm not sure which is sillier, Adolf Hitler's version of environmental economics or Al Gore's, but the kitsch quality is about the same.

Considering the character of Hitler's ideas, and their frequent, close resemblance to ideas that remain respectable — crackpot deductions from Darwin's theory, goofy ideas about economics, weird assumptions about government's authority and abil-

ity to put such ideas in force — it's a miracle that the civilized world survived into the 21st century.

Hitler himself has provided a good way of thinking about the era of intellectual impoverishment through which the world has come. Let me explain. Although in many respects he was a better conversationalist than he was an orator, at least one extremely apt metaphor can be found in his speeches. It occurs in an address to a party rally, where he refers to "the flag that we tore from nothing." What he means by "nothing" is the early, impoverished struggle of the Nazi movement. But to me, the flag metaphor signifies something different. It signifies the fact that immensely potent, immensely destructive political movements can, with the aid of a certain amount of cleverness, be summoned out of conceptions as thin and transparent as the breeze that floats a flag, conceptions as thin and transparent as to justify the name of "nothing." That was Nazism. That was Marxism. That is modern liberalism. ❑

***Nothing Like It in The World,* by Stephen Ambrose. Simon & Schuster, 2000, 431 pages.**

Crossing the Great Divide

Timothy Sandefur

Stephen Ambrose has become very popular, mostly for his histories of World War II and the Korean War. He started out as Eisenhower's pet biographer, and also wrote three volumes on Richard Nixon, and a good many books since. His 1996 book *Undaunted Courage* told the story of Lewis and Clark, and was popular enough to make him a household name, and a contributor to Ken Burns' documentary on the Corps of Discovery. He tells exciting stories and is clearly taken by excitement himself.

Unfortunately, Ambrose writes precisely like an old man telling tales. He has the particularly annoying habits of repeating himself, listing things long after the reader got the point, injecting colloquial emphatic phrases like "damn near" into his sentences, and breaking into disjointed paragraphs on nearly every other page. One moment the reader is in the high Sierras, humbled by the impenetrable vastness — the next, he is reading that so-and-so "damn near" won the battle of Chickahominy. Ambrose even commits the dangerous sin of flashing backward and forward in time and geography, using phrases like "by that time," or "meanwhile," sometimes with no warning at all. Perhaps this is supposed to sound gruffly American, an image Ambrose has cultivated. But when read, it is just vexing. True, Ambrose is a People's Historian, and the folksiness helps his rapport with the Common Man. But I suspect that it also harms the Common Man's ability to retain what he reads. Storytelling is the heart of history, and Ambrose sounds as if he dictates his prose. His histories sound like campfire yarns, paling in comparison to the work of writers like A.J. Langguth or William Manchester, who manage to be readable without sacrificing elegance.

That said, Ambrose remains readable because he chooses such dramatic subjects, and *Nothing Like It in The World* is no different. Ambrose shows that the construction of the transcontinental railroad was an epochal achievement, one which could never have been done in today's world of environmental impact statements, employee discrimination laws, and sensitivity training seminars. The men who built that marvel were remarkable men. As Ambrose puts it in his characteristic style:

> How hard they worked is an astonishment to us in the twenty-first century. Except for some of the cooks and bakers there was not a fat man among them. Their hands were tough enough for any job — one never sees gloves in the photographs — which included pickax handling, wielding sledgehammers, picking up iron rails, and using other equipment that required hands like iron. Their waists were generally thin, but oh those shoulders! Those arms! Those legs! They were men who could move things, hammer things in, swing things, whatever was required, in rain or snow or high winds or burning sun and scorching temperature, all day, every day. Nebraska can be hotter than hell, colder than the South Pole. They kept on working. They didn't whine, they didn't complain, they didn't quit, they just kept on working.

Are there such men today? Maybe. But even if there were, our current administrative state would crush them summarily. In *Democracy in America*, Alexis de Tocqueville wrote that popular government seeks to "entirely relieve [people] from the trouble of thinking and all the cares of living," by

> Cover[ing] the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd. It does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits, action. It does not destroy anything, but prevents much from being born; it is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a flock of timid and hardworking animals with the government as its shepherd.

Imagine what Leland Stanford or Collis Huntington might have done had they lived in the age of space exploration. And imagine what the Nanny State is depriving us of today. Thirty years after the discovery of America, Spain had colonized Puerto Rico, Florida, and Panama. In 1803, Lewis and Clark led an expedition from St. Louis to the Pacific Northwest

and back. By 1833, there were 26 states, and by the end of the century, a person could travel from New York to San Francisco by train. In 1969, Americans landed on the moon. It is now 2001, a year science-fiction movies and books have looked to as a milestone, but nobody has walked on the moon since 1972. There are no space colonies, and the price of the international space station is rising rapidly. Government monopolization of space travel has stifled the creative energy that could have established colonies already, and is only now giving way to a handful of entrepreneurs. Government regulation has also indirectly hampered the exploration of the final frontier. Our culture has become so weakened by regulation that Americans seem to have lost the spirit of toughness that connected the great railroads and could connect us to the stars. As Philip Howard wrote in his book *The Death of Common Sense* (1994): "Modern law has not protected us from stupidity and caprice, but has made stupidity and caprice dominant features of our society."

Ambrose asserts — and repeats over and over — that the railroad would have been impossible without government aid. This is dubious, given the histories of men like J.J. Hill. Such government "assistance" that did occur was very different from what we see today. For the most part, Congress handed the job to experts with a minimum of bureaucratic interference, demanded results, and foreclosed all excuses. "The Central Pacific," as Ambrose says, "was required [by law] to complete 50 miles within two years and 50 miles each year thereafter, and the entire road was to be completed by July 1, 1876, under pain of forfeiture." The government did not demand that the work force comprise a certain percentage of "minority" workers (most were immigrants anyway), or second-guess engineers with minute OSHA rules. Even this relatively unintrusive government involvement may have caused as many problems as it solved. Because it paid the railroads based on the amount of ground they covered and number of cities they reached, the railroads built unnecessary turnoffs to cash in on grants; protectionist measures required the railroads to buy rail only from American manufacturers, which sent costs sky-high; regulatory deadlines led to shady cost-cutting measures; the need to impress politicians led to waste and corruption. This did not, of course, go unnoticed at the time. Upset at Union Pacific plans to

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build an unnecessary branch south of Omaha, Neb., the *Chicago Tribune* called the directors of the Union Pacific "'a set of unprincipled swindlers' intent on 'building the road at the largest possible expense to the Government and the least possible expense to themselves.'" Yet even when the railroads managed to secure bucketfuls of government bonds, Congress delayed paying. Month after month, the payroll of the Central Pacific came out of the personal fortunes of the CP's directors.

Even with the scandal, corruption, and waste, the insolence of office, and the law's delay, the men who made the railroad had their heroism. And, as much as Huntington, Crocker, Stanford, and Hopkins made the railroad, it was actually built by the thousands of workers who moved with clocklike precision to lay a mile or two of rail per day through the hot and desolate spaces of the Great Plains and rugged immigrants who blasted at thick cliffs of granite to carve thousand-foot tunnels through the sharp mountains to the east.

Ambrose has the particularly annoying habits of repeating himself, listing things long after the reader has got the point, injecting colloquial emphatic phrases like "damn near" into his sentences, and breaking into disjointed paragraphs on nearly every other page.

Many of those workers were Chinese, most of whom had lived in California since the gold rush, but some of them recruited by the railroads. In all of the literature on the thousands of Chinese who worked the railroads, there has never been a word uttered suggesting that they were lazy or complaining. Yet the Chinese were universally despised in California. Ambrose writes:

> California law discriminated against them in every way possible, and the state did all it could to degrade them and deny them a decent livelihood. They were not allowed to work on the 'Mother Lode.' To work the 'tailing,' they had to pay a 'miner's tax,' a $4-per-head so-called permission tax, plus a $2 water tax. In addition, the Chinese had to pay a personal tax, a hospital tax, a $2 school tax, and a property tax. But they could not go to public school, they were denied citizenship, they could not vote, and they could not testify in court. Nevertheless, they paid more than $2 million in taxes. If Chinese dared to venture into a new mining area, the whites would set on them, beat them, rob them, sometimes kill them. Thus the saying, 'Not a Chinaman's chance.'

The Chinese were victims of the worst envy by white Americans and European immigrants. Put on work crews with the Chinese, English workers would refuse to do the treacherous blasting that the Chinese did with brave efficiency, disguising their laziness with racist bombast. Americans, unwilling to compete with the Chinese for work, complained that companies were "shipping our jobs overseas." In 1879, California adopted a state constitution (the remnants of which are still in use) with little other purpose than to keep out Chinese. As one Chinese train worker later said, Chinese "were persecuted not for their vices but for their virtues. No one would hire an Irishman, German, Englishman or Italian when he could get a Chinese, because our countrymen are so much more honest, industrious, steady, sober, and painstaking." To this day, Asian students face handicaps when applying to colleges, because there are "too many" Asian students who do "too well" on the tests.

The drama of the transcontinental railroad is two-fold: the magnificent bravery, intellect, and hard work ("sticktoitiveness" is Ambrose's term) that made this the greatest engineering feat of its day and the underhanded backroom dealing that stained the image of the business at its very birth. At one point, Mark Hopkins wrote Collis Huntington that "We need the right to take water for construction and operation. Without this grant from Congress we are entirely at the mercy of a set of water speculators — real water sharks — known as ditch companies. They go ahead of the RR and buy up all the water to make us, the farmers, and the miners or anyone else pay them hugely for it." An odd complaint from the director of a corporation surviving almost entirely on government grants. CP and UP directors made quite a living off of insider trading, conflict-of-interest, and even what might be politely called voluntary manslaughter. If a ditch-digger wanted to provide the companies with water they needed, who was Hopkins to set price ceilings? As legal historian Lawrence Friedman has pointed out, licensing schemes, monopolies, price restrictions, and discriminatory regulation "absolutely burgeoned during this period." It was in response to these schemes that Justice Stephen Field — an archetypical Californian — wrote, in his 1872 Slaughter House Cases dissent, that the equality of rights in "lawful pursuit of life, throughout the whole country, is the distinguishing privilege" of Americans. "To them, everywhere, all pursuits, all professions, all avocations are open without other restrictions than such as are imposed equally upon all others of the same age, sex, and condition. This is the fundamental idea upon which our institutions rest; and unless adhered to in the legislation of the country, our government will be a republic only in name." Today, we still live with the bureaucratic legacy left by the populists' regulations — and we have yet to live up to Field's libertarian ideal.

The drama of the transcontinental railroad is two-fold: the magnificent bravery, intellect, and hard work that made this the greatest engineering feat of its day and the underhanded backroom dealing that stained the image of the business at its very birth.

Nothing Like It in The World is a window into our vanishing national character, a reminder of the cruelty of nationalism, and a hint at what might be possible, if we would only allow people to try. ❑

***Traffic*, directed by Steven Soderbergh, Bedford Falls Productions**

Hollywood on Drugs

Travis Stewart

Prohibition was known by its supporters as "the Noble Experiment." As Peter McWilliams observed, "you would think that an experiment with such clear results would not need to be repeated." Today the mistakes of the Prohibition Era are being not only repeated, but exceeded, by the War on Drugs. The statistics are well known: over two million Americans are behind bars, constituting 25% of the world's prisoners, though America has only 4% of the world's population.

There is probably no one in this country whose life has not been touched in some way by the drug trade or the drug war. Yet the subject is rarely taken seriously in popular culture. Television and films lionize law enforcement and demonize dealers. Rappers glorify gangster culture, turning cutthroats into folk heroes. Rarely is the subject dealt with in more than a single dimension.

Steven Soderbergh's new film *Traffic* is an attempt to fill the vacuum. *Traffic* is presented as a definitive conversation about an imminent national crisis. The film presents the international traffic in drugs as a web in which the lives of people from disparate geographical and sociological backgrounds are interwoven. It is a fact of nature — bigger than man's ability to control and rife with the absurdity of natural disaster.

The film starts in a grainy, washed-out, and hand-held-looking Mexico, where two state policemen named Javier (Benicio Tel Toro) and Manolo (Jacob Vargas) nab some drug dealers near the border and impose an improvised "fine." They are subsequently surrounded by several army vehicles; the shipment (and the suspects) are impounded by the crocodilian Gen. Salazar (Tomas Milian), whose "How did you find out about this shipment?" has an ominous ring. As we immediately suspect, Salazar is not only president of the Hair Club for Men — he's also a client. Who's better-equipped than a nation's drug czar to profit from the sale of illegal drugs? The policeman Javier, who is a good man working within a corrupt system, becomes embroiled in criminality when Salazar hires him to capture an assassin named Francisco Flores, or "Frankie Flowers" (Marisol Padilla Sanchez). Frankie is tortured by the general's henchmen, who have a little tool kit containing pliers, aerosol cans, and awls. As Americans tend to forget, this is business as usual in most of the world's law enforcement operations.

In Columbus, Ohio, the drug czar-designate, Robert Wakefield (Michael Douglas) is trying a drug dealer. When the dealer's attorney protests that officials have seized private property necessary to the livelihood of his family, Wakefield responds that "there is no sacred protection of property in this country" — a "fact" which surely would be news to anyone who has read the Constitution.

Wakefield eventually foregoes his national post for a reason so high-concept that if the film weren't so realistic, one would dismiss it as typical Hollywood sensationalism, pitched to a preposterous degree. "Drug Czar's Daughter Becomes Crack Whore" is, after all, not so far removed from "President Single-Handedly Defeats Heavily-Armed Terrorist Gang Aboard Air Force One." However, unlike the latter premise (from *Air Force One*), if you ignore the fact that this is a Hollywood film, you are left with the possibility that, yes, under the right circumstances, the drug czar's daughter (Erika Christensen) could become deeply involved in hard drugs, even to the point of selling her body to get them.

The right circumstances are these: absentee father, permissive mother (Amy Irving), lots of money and leisure, and an evil boyfriend, inevitably named Seth (Topher Grace). This subplot is truly one of the film's strengths. Writer Stephen Gaghan has supplied Caroline and her friends with authentic dialogue. Adults seem rarely to be able to write realistic lines for teenagers, and they are even less able to write dialogue for teenagers dabbling in drugs ("Come on. Everybody's doing it!"). This film allows that children may be intelligent even when they do stupid things. Bong-fueled conversations about philosophy and interpersonal relationships quickly become overwhelmed by the drug experience. Seth teaches Caroline how to freebase (mostly, it seems, to lower her sexual inhibitions), and soon she is regularly smoking crack. The "high" effects here are very convincing, employing a combination of good acting, make-up, and eye drops. When a buddy ODs, the frightened kids attempt a "ring and run" outside the emergency room, but are caught by the cops, and the Wakefields learn about their daughter's drug problem.

Wakefield's solution is to ground her, then throw her in a rehab camp, while he goes on a fact-finding tour in preparation for his new role as drug czar. His travels take him to Georgetown (where he speaks with the likes of the real-life Diane Feinstein, Orrin Hatch, and William Weld — the latter an especially poignant choice for fans of legalization); the San Ysidro-Tijuana border, where real-life officials dramatize the magnitude of the border

surveillance problem; and eventually to Mexico where he meets his counterpart Gen. Salazar (asking him such asinine questions as "What are you doing about treatment?" as though Third World countries can afford such things). Wakefield is portrayed as an essentially good man who feels he is doing the right thing. Wakefield genuinely wants to solve the drug problem. Yet, when he throws out the challenge to his staff for new ideas on the subject, they are all silent and embarrassed. The drug war isn't working and everybody knows it.

"Drug Czar's Daughter Becomes Crack Whore" is not so far removed from "President Single-Handedly Defeats Heavily Armed Terrorist Gang Aboard Air Force One."

Nobody knows it better than Eduardo Ruiz (Miguel Ferrer), a major San Diego drug dealer who is nabbed by two of the most wacky, loveable DEA agents ever to make their way across the silver screen (Don Cheadle and Luis Guzman). They are stock characters that Hollywood has been busy refining for 20 years — cop partners engaging in high-energy badinage while "just doing their jobs." In contrast, the Ruiz character is refreshing. Instead of the stupid and heinous thick-accented stereotype we have come to expect, he is diabolically articulate, and delights in trying to shake the agents' faith in their own work: "Your government surrendered this war a long time ago," he tells them, "You guys remind me of those Japanese guys on some island who don't even know World War II is over."

Ruiz cuts a deal for immunity and blows the whistle on his boss Carlos Ayoho (Steven Bauer). Ayoho's arrest comes as a great shock to his wife (Catherine Zeta-Jones), who is so superficial she apparently neither knows nor cares where her husband's wealth comes from. At first, she is angry and hurt, though we soon learn her anger and pain are only because she fears that her high standard of living is threatened. In order to maintain it, she becomes a ruthless criminal herself, negotiating to distribute large amounts of cocaine, and calling out a hit on Ruiz before he can testify at the trial against her husband. So much for law and order.

While proponents of the drug war have criticized the film for pointing out its hopelessness, the film is more like an open-ended conversation, coming to no particular conclusion. It is not the film a dyed-in-the-wool drug war opponent would make. It shows nothing of the widespread corruption within American agencies at every level, the ransacking of innocent people's homes, the seizure of property, or drug cops' profane and often racist abuse of suspects. But, American hypocrisy about illegal drugs is repeatedly sent up. One of the DEA agents is a chain smoker. Drug czar Wakefield drinks three scotches a night. Wakefield's wife, who had experimented with drugs in her own youth, appears to support her husband in his new role of throwing people in prison for doing the same. The capper is that the overwhelming majority of those imprisoned for drug offenses are poor and black; rich white kids like Caroline Wakefield get off the hook with a backroom deal. ❑

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

John Bergstrom is a cartoonist and illustrator who lives in southern California.

Stephen Berry has written numerous articles for libertarian and chess magazines.

David Boaz is the author of *Libertarianism: A Primer.*

Alan Bock is the author of *Waiting to Inhale: The Politics of Medical Marijuana.*

R.W. Bradford is the editor of *Liberty.*

Scott Chambers is a cartoonist living in Arizona.

Stephen Cox is the author of *The Titanic Story.*

Frank Fox is the author of *God's Eye: Aerial Photography* and *The Katyn Forest Massacre.*

Chris Henderson is a writer living in Avon, Ind.

Adam Hume is a pseudonym for a libertarian activist in Britain's Conservative Party.

David Kopel is the author of *The Samurai, the Mountie, and the Cowboy.*

Richard Kostelanetz recently published a second edition of his *Dictionary of the Avant-Gardes.*

Barry Loberfeld is the president of the Long Island chapter of the Freeman Discussion Society.

Carl Milsted is a physicist who works just outside the Beltway.

Randal O'Toole is editor of *Different Drummer.*

Eric Raetz is an editorial assistant at *Liberty.*

Bruce Ramsey is a journalist in Seattle.

Ralph R. Reiland is the B. Kenneth Simon Professor of Free Enterprise at Robert Morris College in Pittsburgh.

Timothy Sandefur is a law student at Chapman University in Orange, Calif.

Jane S. Shaw is a senior associate at the Political Economy Research Center.

Thomas Sipos is the author of *Manhattan Sharks* and *Vampire Nation.*

Tim Slagle is a stand-up comedian living in Chicago.

David Ramsay Steele is the author of *From Marx to Mises.*

Travis Stewart is a playwright, performer and cultural critic in N.Y.C.

Clark Stooksbury is a freelance writer living in Knoxville, Tenn.

Letters, *from page 56*

their faith. Jerusalem is mentioned over 3,000 times in the Torah, not once in the Koran. Were Israel to grant full rights to Palestinians, Israel would at that moment cease to exist, and instead of 22 Moslem dictatorships, the world would now have 23. In addition to being suicidal, it is without parallel for a nation to have to give up land won in war, yet only Israel is constantly pressed to do so.

Ahmad of course fails to mention that the Arabs that stood with the Israelis in 1948 are full-fledged citizens who can vote and run for political office. What rights do Jews have in Iran, or Saudi Arabia, or Egypt, Mr. Ahmad?

Israel is a theocracy. Israel's government is officially secular, and while there may be intermixing with the religious, the people of Israel have total religious and personal freedom. Contrast this to every Moslem country, where women are treated as property, and no other faiths are permitted.

Ahmad claims Arab hatred is not based on religion, but on "Zionist expulsion" and "heightened militarism." Perhaps Ahmad isn't aware that the Arab media is saturated with anti-Semitism that would make Hitler blush, that kids are taught that the most assured way to Allah is to kill Jews, and Palestinian mothers pray that their children might be martyrs. As for Israel's heightened militarism, that is because the Soviet-armed Arabs have launched four full-scale wars to try to wipe out Israel.

The real reason the Arabs hate Israel is because Israel's transformation of an unwanted desert into a superpower is a black eye to all the Arab tyrants who need a scapegoat to explain why their people wallow in misery. "It can't be our leaders who are responsible, it must be exploitation by the West!"

Where have we heard that before?

I've long been used to seeing Israel slandered in the left-wing media, in the universities, and at the U.N. But for a libertarian magazine to support the Arab dictatorships against the one oasis of freedom in the Middle East is appalling. Please curtail this rogue agenda.

Alan Gold
Los Angeles, Calif.

Think Before You Bark

I found Doug Casey's take on the proper, "noble" response to armed soldiers interesting. I'm sure he's a nice guy, and has probably been a source of great amusement to his friends and companions ("Hey, Doug, I bet you can't jump that fence and kick that bull in the balls!"). Still, I must respectfully disagree with his attitude.

There are many appropriate responses that an intelligent person might come up with when faced with a group of trained military men in black jumpsuits and armed with automatic weapons. If he really is an intelligent person, right on the very top of that list would be to be "docile" and "ingratiating."

If some gas-brained idiot in this group had decided that he would like to jump these guys and wrestle them to the ground, the intelligent response of the rest of the group of passengers would have been to sit on him firmly and stuff at least one well-worn sock in his mouth.

If this makes me a "whipped dog," so be it. I at least know when to pick my battles, and this dog does not go around biting grizzly bears.

Tom Brosz
Sunnyvale, Calif.

Casey responds: This isn't the first time I've been told I have an attitude problem; but, fortunately, it's just a little one right now. In any event, it's reassuring to know that there are cooler heads out there, to make sure the revolution doesn't get completely out of control.

Courting the Con Vote

I disagree with Durk Pearson's and Sandy Shaw's contention that allowing felons to vote will automatically favor Democratic candidates (*Reflections*, March). I live in Oregon, where anyone not actually incarcerated may vote. I am an ex-con, and while I voted for Harry Browne, I was rooting for Bush over Gore. A friend of mine who is also an ex-con, favored Bush, though I'm not sure she voted at all. Both of us may be characterized as either taxpayers or tax-users as circumstances demand, even though I am philosophically opposed to forced charity, and my friend has found that the use of forced charity has hidden costs. For instance, the last time she was arrested, she was automatically kicked out of her HUD-subsidized apartment. She is now in a regular apartment that she can't be kicked out of simply for being accused of a crime.

If felons get to vote in more states, those states will likely follow the Oregon model of not allowing inmates to vote, so the location of prisons in rural areas will not matter. No party owns the felon vote. Indeed, most felons will probably not vote at all, being more disillusioned than most citizens.

Pearson's and Shaw's characterization of Democrats as being tax "predators" and Republicans as being tax "prey" is also seriously flawed. Many Democrats probably have never accepted any forced charity in their lives beyond public schools. They simply are true believers in the welfare state. On the other hand, many recipients of governmental charity are less than grateful for assistance they regard as grudging and inadequate, and are convinced they would not need it if the regulatory state got out of their way.

Rycke Brown
Grants Pass, Ore.

The Two Faces of William Merritt

Wow! How did William E. Merritt, author of "Second Thoughts" (January) — that strange paeon to socialist gun ownership — get smart enough in two months to write the excellent March essay "Rethinking the Mega-State"? It just shows you should never prejudge a piece from its byline.

Mike Doege
Macomb Township, Mich.

Amazed and Revolted

I found William Merritt's take on the Second Amendment both amazing and revolting at the same time. Amazed that here we are more than 200 years after the founding of the republic, and we're still arguing over the proper interpretation of the Second Amendment! In a libertarian magazine no less! This is especially amazing in view of the fact that the original purpose of the Second Amendment is as clear as a bright sun on a cloudless, summer day.

I am revolted by the contributions of lawyers where they continue to dem-

onstrate their ability to ignore the plain English language with which the Bill of Rights is written. *It is not* written in Egyptian hieroglyphics, for Christ's sake!

James J. Odle
Phoenix, Ariz.

Liberty and Union, Now and Forever

What is it with libertarians and Lincoln trashing?

I refer to the error-filled article "Rethinking the Mega-State" by William E. Merritt. For example, Merritt states "the North, with all its manpower and industrial might . . . fought the Civil War for a year and a half on the cry 'For the Union!', and they fought it to a bloody standstill. There simply weren't enough people willing to die for bigness." What utter nonsense.

The only thing the Union lacked to have finished the war in 1862 was resolute generalship. At Shiloh, the western Confederate army was shattered and its general killed. The army of the Potomac was five miles from Richmond. Standstill? After Sharpsburg, McClellan refused to finish off Lee and was fired. The soldiers were ready and willing, they just needed a commander worthy of them.

Next, Merritt states that Lincoln issued the Emancipation Proclamation to motivate a war-weary North — more nonsense. Its purpose was to prevent foreign recognition. Besides, it was the right thing to do. The soldiers actually grumbled that they had joined to preserve the Union, not free the slaves.

Merritt then goes on to blame Lincoln for "a hundred years of Jim Crow, second-class citizenship, race riots, suspicion, Kluxers, and Reverend Al Sharptons." So, the KKK lynches a black man, why the devil (Lincoln) made them do it.

Why not just blame the criminals? Or the Democratic Party that aided and abetted the Kluxers for a hundred years? Why not look into bonehead Reconstruction policies or a Supreme Court that refused to uphold the 14th and 15th Amendments?

Sorry Merritt, the Civil War was not a one-act morality play with Lincoln as villain and Jeff Davis as hero. Go back to political theory, history is too messy and multifarious for you.

Grant Jones
Pahoa, Hawaii

Merritt responds: At the close of 1862 the North lacked one other thing than just resolute generalship. It lacked soldiers in Richmond. As for getting there, resolute generalship had already led to First Manassas, Second Manassas, the Seven Days, Fredericksburg, approximately as many dead United States soldiers in these four fights as in the entire Korean War, career stagnation for McDowell, Pope, Fighting Joe Hooker, and McClellan, and the Army of the Potomac still stationed on the Potomac. Yet to come were Chancellorsville, the Wilderness, Spotsylvania Courthouse, Cold Harbor, Petersburg, as many dead United States soldiers in those five fights as in Korea, Vietnam, the War of 181,2 and the Mexican wars put together, and still no federal troops in Richmond.

The people in the North weren't fools. They could see where this was heading and, to more and more, it just wasn't worth the effort to get there — not for something so ethereal as keeping the country big. Peace Democrats began stalking the corridors of power while, outside, draft resistance was turning into draft riots.

Lincoln was no fool either. The Emancipation Proclamation was aimed at preventing foreign recognition of the South. It was also aimed at strengthening the hand of — and his own support among — the Radical Republicans at home. And to give Northern moms something better to send their sons to die for than just having the Stars and Stripes fly over Southern courthouses. Mr. Lincoln brought race into the war for the purpose of winning the war. Any way you cut it, it was a race card.

And it had the dreary, predictable consequences. After the war, Southern whites were able to dodge blame for the whole stupid catastrophe they had brought down upon themselves by laying it at the feet of the blacks. Which led to racial politics in the South and the reaction to it among the Reverend Al Sharptons of this world.

As for the Army of the West, it was shattered after Shiloh — just as the Army of the Potomac was shattered after First Manassas, Fredericksburg, and Chancellorsville. But that didn't mean the war was over. It just meant more soldiers and new generals. Albert Sydney Johnston was a huge loss for the South at Shiloh. But the battle was the making of Nathan Bedford Forrest and he would *still* be holding Mississippi from Northern hands if the war hadn't been lost everywhere else all around him.

These facts are so easy to look up and their consequences so plain that it's fair to ask why there is so much resistance to seeing them. Mostly, I think it has something to do with what Robert Penn Warren referred to as the "Treasury of Virtue." This is the self-congratulatory feeling among the winners that they had done something wonderful. The picture in their own eyes of personally striking the chains from a weeping old black, of handing a school book to a wonder-struck child, of anything but 640,000 men dead in the field and an entire region impoverished for no better reason than making sure which flag the survivors pledged allegiance to.

The war seems like utter foolishness and waste to me. And a pouring on the ground of the moral force of people who tell such lies to themselves.

Hey Adrian, Lighten Up!

Adrian Day's a party pooper. Both the "How to Succeed with Women" (February) article and "The Best Little Whorehouse in Kooskia, Idaho" (November) were great reading and a fun respite from politics. But even better was "Killahaole Day" (March). What a wonderful story! It was so good, I was going to write in and say so. Now, Adrian's whining has forced my pen.

Keep up *all* the great work *Liberty*, and hey Adrian, lighten up!

W.D. Woodward
Encinitas, Calif.

The Titanic Story

The sinking of the Titanic remains one of the most fascinating stories in American history. In this exciting new book, Stephen Cox retells the dramatic story with elegance and wit, debunking the anti-capitalist myths that have so long been attached to it.

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Terra Incognita

Seattle

Advanced techniques of political communication, as reported by the *Post-Intelligencer*:

> Seattle Central Community College was the site of a protest by several groups including the Lesbian Avengers. The Avengers removed their shirts to reveal slogans such as "Animal Suffering" and "Human Death." The crowd cried their approval and snapped photographs.

Washington, D.C.

The radical impact of the National Endowment for the Arts, from an account in the *Seattle Post-Intelligencer*:

> As evidence that people now have "increased access to quality art," the head of the National Endowment for the Arts cited the fact that "hard-hatted workers in the Endowment's office building order double lattes."

Raleigh, N.C.

A new profession requiring detailed knowledge of the three Rs, reported in The Associated Press:

> A study found that twelve widely used science textbooks lack "an acceptable level of accuracy." Within the 500 pages of errors the researchers found were a map showing the equator passing through the southern United States and a photo of Linda Ronstadt labeled as a silicon crystal.

Aizuwakamatsu, Japan

New frontiers in emergency-personnel thoroughness, from a dispatch in the *Mainichi Daily News*:

> A passenger who died in the backseat of a car involved in an accident was left in a junkyard for six hours since none of the police investigators or firemen noticed her. She was only discovered when the family members of the car's owners came to the junkyard to collect belongings from the car.

Port Townsend, Wash.

Interesting new form of psychotherapy, from an advertising flier:

> Treatment is available for dogs suffering from many problems, including: "fears, aggression, biting/mouthing . . . overexuberance, socialization issues, [and] nervousness."

Maryland

New methods of food preparation, as reported by HealthCentral.com:

> Researchers at the U.S. Agricultural Research Service have recently experimented with the use of explosives to tenderize meat. The procedure, which involves placing a slab of meat on a steel plate on a water-filled garbage can, is said to not only break up tough fibers, but also to kill E. coli bacteria.

Rome

The art of debate in the homeland of Cicero, as reported by The Associated Press:

> A debate between Alessandra Mussolini, granddaughter of Italy's political leader from 1922 to 1945, and a parliamentary deputy, climaxed as the debaters threw microphones, kicked and hurled insults at one another.

Riyadh, Saudi Arabia

Very effective disincentive to the use of electronic devices on airplanes, reported by The Associated Press:

> An army captain who was caught using a cellular phone on an airplane contrary to the airplane captain's instructions was escorted from the plane by airport security officers and has been sentenced to 70 lashes.

Seattle

New mayoral duties in the Emerald City, as reported in the *Seattle Post-Intelligencer*:

> A proposed initiative would declare Nov. 30 "Freedom to Peaceably Assemble Day" to commemorate the World Trade Organization protests. The mayor would be required to "sit on a dunk tank for at least 30 minutes."

Wisconsin

New heights in political organization, as reported by the *Milwaukee Journal Sentinel*:

> A veteran appeals court judge failed to appear on the ballot because his effort to obtain the required 2,000 signatures obtained only nine signatures.

Fairmont, W.Va.

Respect for our heritage survives in the Mountain State, from a dispatch in *The Wall Street Journal*:

> Regarding a proposal to change the name of Pinchgut Road, a county commissioner said, "History kind of compels you to leave it the way it is."

Warm Springs, Ore.

Expanding the scope of equal opportunity, from an advertisement in *The Oregonian*:

> The Indian Health Service has a full-time position open for a computer specialist. But "preference . . . is given to qualified Indian candidates. Other than Indian preference, we are an equal opportunity employer."

California

Innovative technique for rehabilitating felons in the Golden State, reported by *Prison Legal News*:

> Several California cities now offer special accommodations to nonviolent offenders. For $76 a day, a prisoner can get a private cell with cable TV, a video library, and an exercise bike.

Special thanks to Bob Tiernan, Ivan Santana, Russell Garrard, and Martin Solomon for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

Let's Retire the Drug War

by Jacob G. Hornberger

Retired army general Barry McCaffrey has announced that he is now retiring from his position as America's drug czar. If only he would take the war on drugs with him.

Of all the domestic wars that the U.S. government has waged in the last several decades, the war on drugs has got to be the most immoral and destructive of them all.

The drug war has constituted a frontal attack on individual liberty. It has provided an excuse for government officials to trample the Constitution, especially the provisions of the Fourth Amendment. It has caused death and destruction of innocent people, not only here in America but overseas as well. It has provided a means by which racism has been able to raise its ugly face in an innocent guise. And by everyone's standards, the war on drugs has failed to accomplish its own purported goals despite at least 30 years of warfare.

What does it mean to be free? At the very least, freedom entails the right of every adult to sit in the privacy of his own home and do whatever he wants, as long as his conduct is peaceful and nonabusive. Drink beer. Smoke cigarettes. Snort cocaine. Watch dirty movies. Listen to music with obscene and violent lyrics. Read smutty books. Have sex. Eat fatty foods. Cuss. Even criticize government officials.

If a grown-up is subject to being punished by the state for engaging in any of this conduct, then no one in society is free. And it doesn't matter whether you yourself never engage in any of it. If the state has the power to punish anyone for doing it, then that's a society in which tyranny is reigning for everyone.

The drug war enables and encourages the police to peer into your windows, examine your trash, monitor your bank accounts, turn your children into stool pigeons and haul you into court and send you to jail for engaging in what public officials consider to be personal, immoral conduct within the privacy of your very own home.

Is this the kind of country you want for yourself and your family?

Look at what they've done to our Constitution, which our ancestors intended to be an impenetrable barrier against unreasonable searches and seizures. Whether you're in your car, at the airport, walking down the street, or even in your own home, you're subject to being accosted and searched by the drug police and their drug dogs, especially if your skin happens to be dark.

What better way to wage bigoted wars against racial minorities than the drug war? Does anyone really believe that it's only a coincidence that federal and state penitentiaries are filled with blacks and Hispanics who have violated drug laws? That racial profiling takes place because cops have a good-hearted concern that blacks and Hispanics are ingesting harmful substances?

Ever since President Nixon declared war on drugs (and antiwar protesters), U.S. officials have invaded foreign countries; had drug lords extradited to the United States; killed innocent people in drug raids; barged through doors all across America; executed countless search warrants, many of them based on perjured testimony; arrested, indicted, and incarcerated tens of thousands of nonviolent people; confiscated millions of dollars in private assets, much of it from innocent people; invaded the privacy of thousands of financial institutions; expanded the ranks of law-enforcement; and spent hundreds of millions of dollars.

What do they have to show for it after 30 years of warfare? Good intentions?

Through it all, they've never answered two fundamentally important questions with respect to the issue of individual liberty. Why should the state have the power to punish adults for ingesting harmful substances? Doesn't the very essence of human liberty entail the unfettered right to engage in self-destructive behavior?

For more than three decdes, the drug war has assaulted our liberty, invaded our privacy, trashed our Constitution, increased our taxes, and provided an innocent cover for government bigotry. It's time to put the war on drugs out to pasture.

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

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Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

To learn more about the Civil Society Institute and Santa Clara University:

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Clintons: The Final Legacy

Drugs & Violence: The *Real* Connection

by David Friedman

The War on Victims

by Dave Kopel, Paul Gallant & Joanne Eisen

Hitler's Anti-Tobacco War

by Bruce Ramsey

Take It to the Streets

by Kendra Okanski

A Guerrilla Capitalist in Guatemala

by Doug Casey

Also: *Timothy Sandefur* unravels the paradox of Thomas Jefferson, *R. W. Bradford* takes a reality check on the China "Crisis," and *Jan Narveson* and *Edward Feser* thrash out the rights of gays . . . plus other articles, reviews, and humor

"Man flees where there is no Liberty." — *José Martí*

So Much for Compassionate Conservativism

by Jacob G. Hornberger

During the controversy over Linda Chavez's appointment as secretary of labor, President Bush squandered an excellent opportunity to show some compassionate conservatism toward the tens of thousands of undocumented workers who have risked their lives to live and work in the United States.

In the 1960s, I grew up on a farm on the Rio Grande outside of Laredo, Texas, where we hired and housed Mexican illegal aliens. They were among the hardest-working people I've ever encountered. They were also religious, and they had strong family values. We worked, ate, and played together, and I counted them among my friends. Among my fondest memories is helping them hide from the Border Patrol.

Hiring illegal workers from Mexico was common on the border. Many middle-class families had a maid, who often became an integral part of the family, playing an important role in the upbringing of the children.

Both employer and employee profited. The workers received more money than they could have in Mexico. The employers benefited from the hard work and loyalty that Mexican workers traditionally displayed.

The only exploitation came from immigration laws. Whenever a maid became displeased with one job and moved to another, she faced the risk that the disgruntled housewife whose employment she had left would report the maid's new address to immigration officials.

One day, I asked the local sheriff whether my cousin and I could hold a Christmas show for the illegal aliens who were incarcerated in the local detention center. He agreed.

On the appointed day, we appeared at the center, where about 150 undocumented workers were seated before a makeshift stage and a microphone. My cousin began strumming his guitar and singing some classic Mexican songs, such as "Cielito Lindo." (Both of us were fluent in Spanish.) After a while, he announced that he needed a break and handed the microphone to me. I said to the men:

"Despite the fact that you are here in jail, do not ever think that you are criminals, because you are not. For you have done nothing morally wrong. All that you have done is what God expects of you — to sustain and improve your life and the lives of your family through labor. Why shouldn't a person be free to cross a border to do that? The true criminals are the federal judges, the federal marshals, and the immigration officials who put you here and the guards who keep you here."

It was not difficult to see that we had brought some unexpected cheer into the lives of men who were spending Christmas in jail for the "crime" of simply crossing a border in search of work.

President Bush may have been justifiably upset over Chavez's lack of forthrightness, but he could have overlooked that and used the opportunity to take a stand against the punishing of Americans who hire or harbor illegal aliens. He could have called for the repeal of these immoral laws and announced pardons for everyone who had violated them.

He could have taken a stand in favor of the free market, liberty of association and contract, the Statue of Liberty, the Sermon on the Mount, and God's second-greatest commandment.

Instead, President Bush stood quietly aside in the midst of the political storm. So much for compassionate conservatism.

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

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Inside Liberty

June 2001
Volume 15, Number 6

4 **Letters** Our readers sharpen their swords.

7 **Reflections** We hack the vote, find communism in outer space, figure out dating, hate Chinese liquor, discover truth in the comics, and doubt the existence of Osama bin Laden.

Features

17 **The Economics of Drug Violence** Pundits and politicians prattle about the connection between drugs and violence. *David Friedman* sets the record straight.

25 **The Positive Externalities of Bill and Hillary** *Jack McHugh* finds a few good things about the Clinton kakistocracy.

27 **China: The "Crisis" and the Facts** *R. W. Bradford* examines what happens when the facts get in the way of ideology.

30 **The War on Victims** *Dave Kopel, Paul Gallant,* and *Joanne Eisen* visit Britain, where criminals are aggressive, cops are vindictive, and the government jails people who try to defend themselves.

33 **A Guerrilla Capitalist in Guatemala** *Douglas Casey* reports from Central America, where he learns there's more than bananas in a banana republic.

37 **Springtime in Minsk** *Stephen Browne* visits Belarus, where he sips on grade-A cranberry Vodka and converses good-naturedly about the possible murder of a close friend.

39 **Take It to the Streets** The struggle for freedom requires more than just a war of ideas. *Kendra Okanski* suggests opening up a new front.

43 **Liberty and Obligation** *Ralph Clark* challenges the pleasant notion that liberty frees us of obligation.

45 **Lifestyle, Liberty, and the Pursuit of Happiness** In the April *Liberty, Edward Feser* countered *Jan Narveson*'s case of libertarian ethics. Now Narveson strikes back — but Feser gets the last word.

Reviews

51 **Jefferson Misunderstood** *Timothy Sandefur* unravels the mystery of America's third president (and first libertarian).

54 **The War of Soundbites** *Jeff Riggenbach* discovers that the GOP has a new war manual, but wonders: is it fighting the right battle?

58 **The First Anti-Tobacco Crusade** *Bruce Ramsey* looks at the Nazi War on Tobacco.

60 **Notes on Contributors** Who we are and what we do.

62 **Terra Incognita** Snapshots from the real world.

Letters

Hard-wired Sexuality?

Edward Feser's review of *Moral Matters* ("Liberty, Tradition, and Morality," April) is a good example of why I read *Liberty*. Your magazine publishes glints from all parts of the libertarian spectrum (and occasionally some wavelengths I can't classify). Feser's traditionalist flavor of ethical thinking is not to my taste, but I appreciate the update on the current thinking from that quarter.

Feser detracts from his persuasive thrust when he cites Michael Levin's view of homosexuality as "intrinsically dysfunctional and ill-suited to promote human happiness, so that the common revulsion against it is (itself very likely to be hard-wired into us) . . ." That parenthetical mention of "hard-wired" tendencies sends the reader's thoughts off toward current assertions about the innateness of sexual orientation, a subject to which Feser does not return. The commonly encountered revulsion to which he refers is more likely merely a facet of polarization in human sexual response — a formation of reactions that helps explain the extreme scarcity of "true" bisexuals, and the fact that some gays are reflexively repulsed by thoughts of heterosex.

Charles Flink
Fairway, Kan.

You Call Yourself a Libertarian?

I have always believed that the most important concept of the rich libertarian tradition was that of the supremacy of the individual. After reading David Boaz' underhanded right-wing attack on the concept of same-sex unions (*Reflections*, April), I realized that I must have been mistaken.

It would seem that libertarians are no more open-minded than such "elder" statesmen as Jesse Helms and Strom Thurmond. I am most disappointed that a self-proclaimed libertarian would react so negatively to a concept which is the embodiment of the concept of individual freedom.

I must admit that I find it very hard to understand why anyone in today's world can find fault with same-sex marriage. To begin with, denying that two men, or two women, cannot possibly love each other as much as a man and a woman can is absolutely absurd. There is nothing inherent in the male-female relationship which would allow a love any stronger or any different from that in a male-male or a female-female relationship. While others may disagree with my belief that there is no emotional difference between same-sex relationships and opposite-sex relationships, and, while some may hold religious beliefs that do not allow such relationships, I am disgusted that these people are unwilling to allow same-sex couples to live their lives as they wish.

I am disappointed in Boaz' refusal to allow same-sex couples the same lawful privileges as opposite-sex couples. Someone who advocates so strongly that individuals be allowed to live their lives as they wish should be ashamed for automatically and unhesitatingly refusing this most basic of rights to such a large and diverse group as homosexuals.

Tucker Hughes
Poughkeepsie, N.Y.

Boaz responds: For the record, let me state clearly that I believe state benefits should be available on an equal basis. In *Libertarianism: A Primer*, I wrote, "As long as the state does grant marriage licenses, it should grant them on a nondiscriminatory basis. . . . It is wrong to deny same-sex couples the right to marry." (p. 242)

Mr. Hughes' letter points up the risks of using irony or sarcasm in a mass-market publication — or, maybe, just the risks of using irony if you're not very good at it. When I wrote:

> But trying to get into the spirit of the new compassionate conservatism in Washington, D.C. — which I guess replaces the old constitutional conservatism — I'll just raise a specific bureaucratic question: Would the federal bureaucrats whose job is to *prevent* the *wrong* people from getting married — such as same-sex couples — be under the Office of Marriage Initiatives, or should there be a separate Office of Anti-Marriage Initiatives? It's very complicated to make rules for a whole country.

I was trying to *mock* both those who want a federal Office of Marriage Initiatives *and* those (probably the same people) who thought we needed a federal law to *prevent* same-sex couples from getting married. I should have been more clear. But the whole subject seemed to cry out for ridicule, not serious analysis.

Two Houses Are Better Than One

After reading Samuel Silver's analysis of the impact of women's suffrage ("Robbing Peter to Pay Mary," April), I got to thinking about how things would be different if women's suffrage had been implemented differently.

What if we had decided to split the House of Representatives into two houses, a Men's House and a Women's House? The Men's House is populated only by men voted for only by men, and likewise the Women's House. Only the legislation that passes all three houses — the Senate, the Men's House, and the Women's House — is sent on to the president.

Think what a difference that would make. We would not be going to war nearly as often — the Women's House would prevent it. We wouldn't have victim-disarmament policies (a.k.a. gun control) — the Men's House wouldn't allow it. And so forth.

Implemented this way, women's suffrage would have been an aid to freedom, rather than a detriment.

Paul Bonneau
Beaverton, Ore.

Talking the Talk vs. Walking the Walk

While I fully agree with Doug Casey's feelings (*Reflections*, April) regarding the sheep who so willingly subjected themselves to the paras in the

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Hummer, I have to ask him this: What does he suggest we do?

We are not allowed to have firearms in our possession on aircraft. What do we defend ourselves with in a case like this? One false move and one of those trained dogs would cut you down faster than you could say "Bill of Rights." Your remains would disappear and the blood would be hosed off the Tarmac before the next plane landed.

If you were anything *but* ingratiating in the interrogation, what do you think they would do? Smile and be cordial? They'd "find" something on your person and you'd be off to the slammer.

As to capturing the paras and delivering them to the local sheriff, given today's law enforcement atmosphere, that sheriff is likely far more interested in what valuables can be taken from the passengers (or their corpses) to help fund his department.

Unless you have some concrete suggestions on how to defend ourselves from the actions of our own government, your commentary is at best nothing more than Monday-morning quarterbacking.

David J. "Bear" Mann
Carmichael, Calif.

Muddled About Abortion

The colloquy among Sarah McCarthy, Charles Rebert, and *Liberty*'s readers is the most disappointing exchange I have ever read in your pages. I have only an undergraduate's philosophy training, but I can tell when there is fundamental disagreement over the definition of terms — notably, "when is a human conceptus a legal person." As someone who thinks some, but not all, abortions should be legal, might I recommend we agree on a few things?

1. Sperm and ova are not the equivalent of zygotes. Neither is going to develop into a human being without the other, a womb, and a lot of luck.

2. Unless one thinks that a seconds-old zygote has been "ensouled" by a divine act, we should be able to make distinctions between fetuses at different times of development. My personal opinion is that if the brain is not developed enough to allow feeling, an abortion is morally equivalent to ending heroic efforts to keep alive a brain-dead adult. Personhood requires some rudimentary mental activity, if not consciousness. Terminating an 8-month-old fetus *is* too close to infanticide. Heck, I have siblings who spent less time than that in our mother's womb. But killing a group of cells that hasn't even developed a brainstem is hardly "murder."

3. The "life exception" makes perfect sense. While a woman may volunteer to risk death delivering her children, no one should force her to take that risk. However, it must be an honest "health exception." Certain groups have seen this exception to include relatively minor psychological effects with judges upholding that wide reading. This is why pro-lifers oppose the health exception so strongly.

I have long thought that *Roe* v. *Wade* is lousy law precisely because it does not grapple with the issue of human personhood, relying instead on "compelling state interest" as the justification for why anti-abortion laws remain illegal. It is as if 19th century jurists had decided slavery cases on the basis of the public-health risk of plantation housing.

Pro-choicers should have the guts to say "fetuses are never babies" or "fetuses aren't babies until time x." Some pro-lifers do say "fetuses are always babies," but they don't do a good job of convincing the non-religious on philosophical or scientific grounds.

Please, everyone take a breath and think again.

Kevin J. Robinson
Milwaukee, Wis.

Faulting Kopel

In "What the Second Amendment Means" (April), Dave Kopel provides us with definitions of the amendment's key words, then concludes that it means what it says. But invariably, such analyses add words that aren't there. Kopel states:

> The Second Amendment aims to protect the security of a free American people, not just to protect their government. . . . The people are guaranteed the ownership of arms.

The Second Amendment doesn't guarantee the right to keep and bear arms. It just forbids the federal

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government from infringing on that right. It is part of a single body of law commonly known as the Bill of Rights. The Preamble to the Bill of Rights explained the reason for the amendments:

> The conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added . . .

To "prevent misconstruction" means "to deprive of power to wrongly construe." "Further declaratory" means "additional clarifying of existing law." And "restrictive clauses" means "prohibiting negotiation of the subject." The Bill of Rights begins with "Congress shall make no law respecting" rights. The Ninth Amendment says that that includes all rights whether enumerated or not. And, the Tenth Amendment reminds Congress that "powers not delegated" are reserved.

Any analysis of the Second Amendment that doesn't include that background misses, or ignores, the purpose for the Bill of Rights. Specifically, that the just-created federal government was to have no power to legislate concerning rights. And that was especially true of the right to keep and bear arms.

As Kopel pointed out, most, if not all, state constitutions "recognized a right of citizens" to bear arms. Section 17 of the Connecticut Constitution reads "Every citizen has a right to bear arms in defense of himself and the state."

And none of those early state constitutions even mentioned the Bill of Rights, of just a few years earlier. The Preamble to Connecticut's Constitution stated its purpose was:

> . . . more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors . . .

That is, rights are defined, secured, or encroached upon, by state law. Today, Vermont has no laws regulating handguns. But mere possession of one in Massachusetts is punished by a one-year mandatory jail sentence.

Thus, dissecting the Second Amendment to ascertain its meaning back then is immaterial. It is a restrictive clause that applies exclusively to the federal government, and means what it says: "Congress shall make no law" infringing on "the right of the people to keep and bear arms."

James Harrold Sr.
Springdale, Ark.

Education vs. Losing Elections

I want to thank LP-founder James H. Ward ("Making the World a Freer Place," May) for putting my mind at ease. In the mid-'80s, I, too, noticed the direction the LP was headed and lost interest. I had been under the impression that the LP's purpose was, as Ward describes it, education — a few "bully pulpits" and some press, to counter socialist-leaning notions that seemed to be so prevalent — and I felt that was a splendid idea. At the LP state convention in 1987, it was apparent to me that party members were serious about winning the election, but didn't really care about the attendant opportunities to share libertarian ideas.

I suspect there are many more people like me, who care about liberty, but are not interested in activism. In fact, probably the vast majority of voters do not find political activism satisfying. They might be fully content to just send a check — and an opinion or two.

Joe Dabulskis
Adams, Ore.

Lost in Space

Timothy Sandefur ("Crossing the Great Divide," May) bemoans the fact that politicians waste resources and hold back progress. It gets worse. The day is coming when this planet will no

continued on page 15

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

Don't forget the accrued interest — As the calendar rolled around to "Black History Month," the notion of reparations for slavery once again surfaced. I think it's going to be pretty damn hard to convince the rest of America, the majority of whose ancestors didn't even arrive on these shores until after the Civil War, that they owe African-Americans reparations. We might as well just make the payments directly to the Jewish community, because after this suit is over, the Jews are probably going to sue the blacks for reparations from their enslavement in Egypt 4,000 years ago.

— Tim Slagle

Going monopolistic — In the wake of the latest school shooting near San Diego, an NPR commentator wondered aloud if all of these school shootings don't by now constitute a syndrome. If NPR commentators have taught me anything, it is that every syndrome needs a catchy name. We refer to a similar syndrome among post office employees as "going postal." And each time I get news of the latest Amtrak derailment, also a bona fide syndrome, I remember the ad slogan and think of those poor folks as having "gone Amtrak." I propose that we herewith label the public-school-freak-out syndrome "going public." In fact, that phrase could describe all of the syndromes that somehow seem to afflict these government monopolies.

— Tom Isenberg

No lights, camera, action! — I think I have an excellent idea for the plot of a dark-comedy-type movie.

First, the state caps the retail prices for electrical power, but frees the prices for wholesale power (that produced by out-of-state generators) under conditions of high demand (augmented by low prices) and low supply (no significant new production capacity allowed to be built in twelve years).

Second, naturally, under these market conditions, the wholesale prices exceed retail prices and huge losses are accrued by the retailers (SDG&E, PG&E, and SCE).

Third, the state tells the retailers that it will pay for their losses if the retailers will give a portion of their assets (the transmission systems) to the state.

Fourth, the state will issue bonds to pay for all the losses, said bonds to be paid off, with interest, over ten years by the retailers and the consumers.

Thus, the state gets the assets (transmission systems) for no out-of-pocket investment. Now they are free to manage the system with all the expertise they demonstrate with public housing, public transportation, public education, and the semi-public medical industry.

The time frame would be about six years. Meanwhile, there is not one additional kilowatt hour of power produced and the economy of the state staggers from boom into recession.

Of course, there would be a multitude of subplots involving posturing politicians, self-appointed consumer advocates, scientifically ignorant environmentalists, NIMBYists galore, media opinion-mongers, and self-interested industrialists. All would be portrayed as economically ignorant and/or in denial.

The script would make ludicrous misuse of the English language in the Orwellian genre. For example, price controls and forced divestiture of generators would be called "deregulation."

Woody Allen could play the feckless governor who is shown politicking with his intellectual equals at a grade school in Escondido when PG&E declares bankruptcy in self-defense.

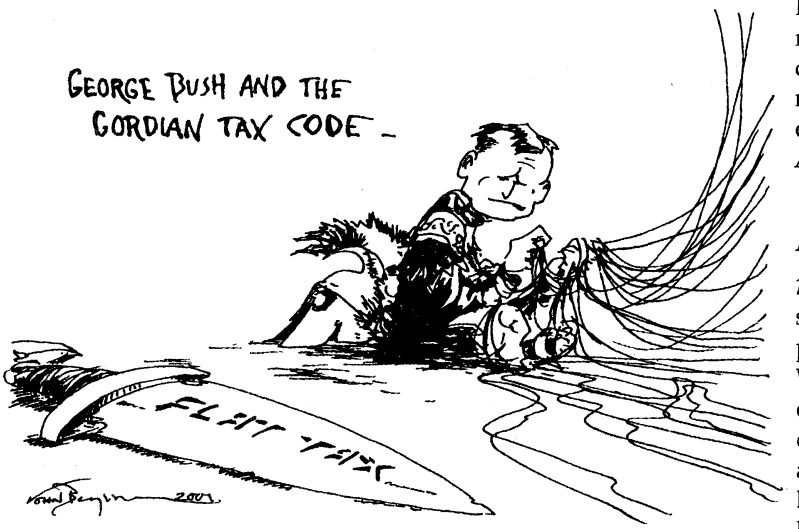

I wonder if I could copyright this blockbuster concept? Nah, it's too surreal, no one would believe it except devotees of *Alice's Adventures in Wonderland.*

— Leon Weaver

Expelling common sense — A student has been suspended from a school in West Monroe, La. for drawing a picture of a soldier holding a canteen and (gasp!) a knife. "It had hand grenades, knives, and guns," said Principal Edward Davis. "We have zero tolerance for drawings with guns. We can't tolerate anything that has to do with knives or guns." Keep in mind that, according to a report from the National School Safety Center, exactly six children have died from gunshot wounds in the 2000–01 school year, down more than 70% from ten years ago.

But just when you thought the idiots who run America's public schools couldn't get any stupider, the West Annapolis Elementary School in Maryland has banned the game of tag because it violates the school's "no touching" policy. "They

would start up and inevitably it got too rough," said Principal Joan Brisco, in an article in HometownAnnapolis.com. Teachers are permitted to "lead" groups of students in playing tag during PE classes, but not during recess. "There are good touches and bad touches that children are taught," said another school official. "What we're constantly trying to do is use structured-discipline policies and logical consequences to let youngsters know what the rules are."

Of course, no child can know what the rules are when they are irrational and constantly changing. Policies fueled by hysteria and foolishness are revealing the fact that the real purpose of public education has little, if anything, to do with educating, and much more to do with controlling children. Suggest to any public school teacher or principal that public education should be abolished, and the response is always, "But what would we do with the children? We can't let them wander on the streets." The response is never, "Who would teach the children?" or, "How would they learn?" In fact, this is hardly surprising, since so little teaching is being done in these schools.

But there is a bright side. The way things are going, eventually every child in America will be suspended or expelled. Then it will be far easier to privatize education.

— Timothy Sandefur

The Chinese connection

— I'll be perfectly candid: I don't like the Chinese communists. I don't like their attitudes, I don't like their uniforms, I probably wouldn't even like their liquor. I don't like anything about them, and I don't want anything to do with them. I don't want my political representatives to have anything to do with them, either. In particular, I don't want them making any apologies to the Chicoms on my behalf, and that goes double for any apologies about America's "spying" on them (i.e., trying to discover the facts that they habitually lie about).

I wish, in fact, that the United States would get its plane and its people back (if possible) and then follow a policy of creative disengagement with the government of China, leaving American business interests in China

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to fend for themselves. I believe that when Americans trade with a communist country, a country that is self-evidently beyond the reach of rights and justice, they should know that they do so entirely on their own, that the American government will take no responsibility for bailing them out when their assets are seized or they're otherwise jacked around by the tin-pot corruptionists who run the local protection racket.

Nevertheless, it struck me as ridiculous that left-wing commentators and politicians should have raised a howl of protest against the Bush administration's recent negotiations with the gangsters from Beijing.

The claim was made that those negotiations were more about "the interests of American trade" than about getting our plane and people back. But tell me, please, why are trading interests such an excessively bad reason for negotiating, if negotiate we must, with a nasty, vicious, rotten foreign government? What is a better reason? To promote the welfare of the oppressed population? Trade does that. To loosen the hold of the oppressor state? Trade does that. In fact, trade accomplishes these laudable purposes with incomparably greater efficiency than the foreign aid that America lavishes, with warm approval from its left-wing citizens, on nasty, vicious, rotten little governments all over the world.

I don't like the Chinese communists. I don't like their attitudes, I don't like their uniforms, I probably wouldn't even like their liquor. I don't like anything about them, and I don't want anything to do with them.

But suppose there were no "better" reason for promoting tolerable relations with China than the simple desire for American citizens to make money by means of trade. What, in itself, is wrong with making money? Or perhaps you think that the communist ideology is true after all. In that case, there's nothing to negotiate. — Stephen Cox

A smaller piece of the pie — President Bush's new budget would be good news, if enacted. The key figure is how much of the gross domestic product (i.e., people's work) is taken by the federal government. The historic high was 43.7%, at the height of World War II; the post-war high was 23.5%, in 1983. In fiscal 2001, now underway, the federal government estimates its take at 18.0%. In Bush's budget projections, that would drop by fiscal 2006 to 16.6%.

Sixteen percent sounds like a lot — and it is a lot. But the federal share of GDP has not been that low since 1956.

— Bruce Ramsey

Friends don't let friends commune with nature — Researchers in Pima County, Ariz., have examined about 100 hiking accidents occurring over 13 years, and discovered that about half were alcohol related. A fair number of the accident victims had a dramatic denouement, like drowning or falling off a cliff. I suppose that the Arizona authorities will soon provide park rangers with Breathalyzers, set up a hikers' licensing system complete with tests (both written and hiking), and mandate that all hikers equip themselves with cactus-protection airbags.

— Eric Raetz

Junk mail — Upholding its long-running tradition of mismanagement, the U.S. Postal Service announced a possible discontinuation of Saturday mail service this month. The move was pitched by officials as a cost-cutting measure aimed at closing an unbelievable $2–3 billion budget gap this year — a gap caused as much by slowing business as accelerating waste and abuse.

Defending the move, S. David Fineman of the Postal Service's governing board told reporters, "As people begin to communicate with each other by means of the Internet . . . we're seeing declines in volume of first-class mail." Self-consciously trying not to sound like a bureaucrat, he added that mail delivery is a "$65 billion business," — presumably because there's no competition — and recent losses are only a fraction of that. But what Fineman doesn't mention is the role of Postal Service ineptitude in all this.

Citing numerous examples of abuse, the General Accounting Office last month placed the Postal Service on its "high risk" list of departments most susceptible to waste and fraud. Apparently, the U.S. Postal Service ranks first in its peer group of the world's most wasteful organizations. According to the auditors, managers squandered away some $1.4 billion over four years on everything from bad real estate deals to lavish perks for executives.

Among the gaffes: Postal Service officials spent $4.2 million for a 20-year lease of a building in Charlottesville, Va., and then left it vacant for over two years before subleasing to a manufacturer. In Seattle, officials purchased an office building without bothering to inspect it first — only to discover it needed $23 million in repairs. And while the postal monopoly was raising first-class rates last year, managers continued to gorge themselves on fraudulent perks and benefits, like personal use of chauffeured limousines. Yet in the face of projected losses and cutbacks, somehow the Postal Service still manages to work high-priority expenses into their budget — like their ridiculous sponsorship of the U.S. Cycling Team.

One would think the Postal Service would eventually learn to at least disguise their idiocy. Instead, every few months we are reminded in the media of what Leslie Paige of Citizens Against Government Waste calls "a whole culture of waste" at the Postal Service. "It goes right through the Post Office from the top down," she told ABC News, and the recent investigation launched by the government's own auditors confirms it.

The Postal Service's problems stem almost entirely from its crippling quasi-government status: it receives no tax dollars, yet its business decisions require approval by a congressional subcommittee — subjecting it to the worst of both worlds. Postal Service officials recognize this when they regularly complain how hard it is to change prices and offer discounts and new services. Yet they still cower at the prospect of postal privatization. Why? Maybe because — judging from their long record of bumbling — a free mail system

would be the end of America's last monopoly.

— Andrew Chamberlain

Neo-compassionate conservatism — *National Review Online* has published an article explicitly laughing at the cruelties surrounding the murder and burial of noted atheist, activist Madalyn Murray O'Hair. Allegedly a magazine dedicated to Christian charity and decency, the article calls O'Hair a "publicity-crazed drum-pounder," and "a roaring sack of rage and mockery." Of course, *National Review* pioneered the use of the attack-obituary — a few years ago, its posthumous character assassination of Murray Rothbard sparked Florence King (by far *NR*'s finest writer) to protest in writing to William F. Buckley. Now *NRO* writer Dave Shifflet accuses O'Hair's relatives of wanting to sell her body parts on eBay — without, it appears, the slightest bit of evidence except for his conspiracy-theory-style comment that "No one expects AA to admit to this, of course." To be embarrassed at Shifflet's low class, one needn't be a supporter of O'Hair's cause — one needs merely be Christian. Good old *NR*: they may not be able to beat you in the legislature, but they'll dance like hell on your grave.

— Timothy Sandefur

Funny business — Even the cartoons in the *Washington Post* are full of, um, misrepresentations of fact. On one recent Saturday, a Rogers cartoon from the *Pittsburgh Post-Gazette* depicts a senator asking, "Will the esteemed senator from the great state of Exxon yield to the honorable senator from Philip Morris who'd like to rebut earlier arguments made by the good senators from Microsoft and the NRA?" Cute. But of course, the cartoonist has just assumed that people *he* doesn't like must be the largest corruptors of our leaders. In fact, only one of the entities named there is among the largest donors of soft money, according to the Campaign Study Group. Can you guess which one? Philip Morris was indeed the largest soft-money donor for the 1992–2000 period. But it barely edged out two unions, the American Federation of State, County, and Municipal Employees and the Service Employees International Union. Yes, that's right. The second and third largest donors of political money are organizations of government employees. Wonder why Rogers didn't point that out? Meanwhile, a cartoon by the Pulitzer Prize-winning Signe Wilkinson of the *Philadelphia Daily News* shows Uncle Sam talking about "pork" in Congress — with little pigs labeled "tax cut for the rich," "pro-biz bankruptcy law," and "no emissions curbs." So the good old political word "pork," with a clear meaning — actually defined by the Hawaii legislature as "government appropriations for a district designed to garner political support for the elected representatives of the district" — is now being distorted to mean "letting people keep their own money" or "making people pay back what they borrow." Alas, up till now, I thought I could still trust the *cartoons* in the *Post*.

— David Boaz

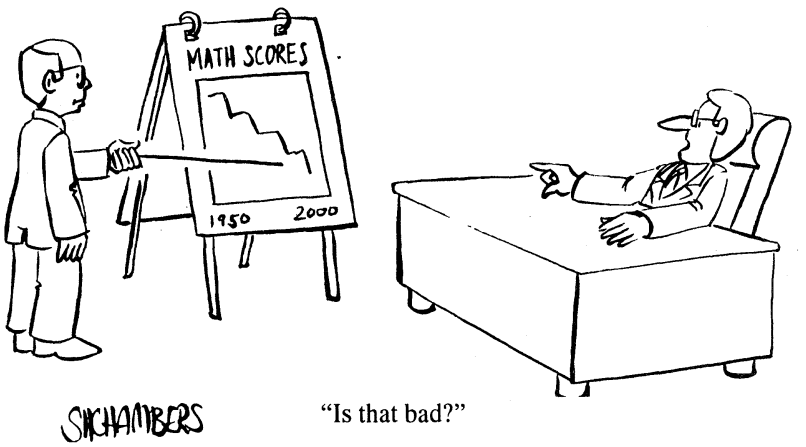

"Is that bad?"

Getting the job done, Congress-style — On April 4, the House of Representatives voted to repeal the estate tax, effective ten years from now. People in flagging spiritual health now have a reason for living. — Stephen Cox

Twilight Zoning — The owner of a golf range in Fairfax, Va. — not far from where the American Revolution was fought and won — has been in jail for over a month now on contempt charges because he has refused to move 30 trees from one spot on his land to another. John Thoburn has already spent over $100,000 to plant 700 trees required by the zoning board, but now they want him to move 30 of them to screen off the golf course from the land of an adjoining homeowner. That homeowner is John's father, Bob, who doesn't mind the trees not being there. Fox News quoted Bob as saying, "They want . . . my children to screen their own property from their own property. We own all the property across the street, too, every bit of it. So, it doesn't make any sense."

John Thoburn has been pretty patient with the zoning board so far. They banned him from using the cups golfers drank out of, so that only cans are now permitted on his range. They told him a man-made hill is too short, but won't tell him how high they want him to make it. Strangely enough, another golfing range in the area, called Oakmar Range, has not been subjected to these, or any of the 23 other conditions the zoning board has applied to Mr. Thoburn's golfing range. Oakmar is owned by Fairfax County. Thoburn will likely remain in jail until he gives in.

— Timothy Sandefur

Wisdom of the shoe — "If you can keep your head while those about you / Are losing theirs and blaming it on you. . . ." Thus, Rudyard Kipling. It's good advice for those of us now suffering through California's energy crisis. As blackouts roll across the hinterland, the brains of normally rational people flicker and grow dim, and even right-wing talk-show hosts are heard to join the mighty chorus of demands for immediate government action. Anyone who suggests that government should simply get out of the business of supplying and regulating power is likely to be labeled a dangerous lunatic — the same treatment that used to be given those poor, benighted libertarians who denounced the evils of government interference with

shipping, steel, agriculture, and television.

"What!" your neighbors will say. "Don't you realize that we're talking about an essential industry? It may be good for government to keep its hands off the Hula-Hoop factories, but can't you see that the economics of the electrical industry [or whatever else appears to be in 'crisis' tomorrow] is entirely different from that of every other human endeavor?" This, more or less, is what you'll hear if you're the one who keeps his head while those about you . . . etc., etc., just as Kipling says.

Now, the idea of an economics that governs only special, but "essential," cases is just as silly as it looks, when looked at dispassionately; but most people are never what you could call dispassionate, except perhaps when they're asleep, and even people of relatively calm disposition often think it's their positive duty to become hysterical when someone tells them there's a "crisis." Under these circumstances, I know of only one way to talk them down.

Mention shoes.

Shoes are every bit as "essential" as electric power, but no one suggests that when the price of shoes goes up, the government should seize the shoe factories and run them on its own. And everybody (well, everybody but United States senators and congressmen) will readily admit that if the government had done with shoes in California what it has done with power — create monopolies by regulation, then keep prices artificially low by fixing them at arbitrary levels; prevent any new production from taking place, despite substantial growth in consumer demand; "deregulate" the industry by letting prices rise on *some* of it, while keeping the rest of it from raising prices to pay the bills; use tax money in a futile attempt to rescue the controlled part of the industry from bankruptcy; and finally propose to run large parts of the industry itself — well, if government had done that kind of thing, there would soon not be a pair of shoes left standing west of the Colorado River. The remedy, of course, would be to put an immediate end to the government's having anything to do with shoes.

The fact that shoes are always in plentiful supply and available at prices anyone can afford is a demonstration of what happens when government minds its own business. Look down at your feet: there you see the beauty of free enterprise and limited government. And if anyone tells you that this logic applies only to shoes, ask him why he thinks it does. If he's still talking to you, you'll find, at that point, that you've won the argument. — Stephen Cox

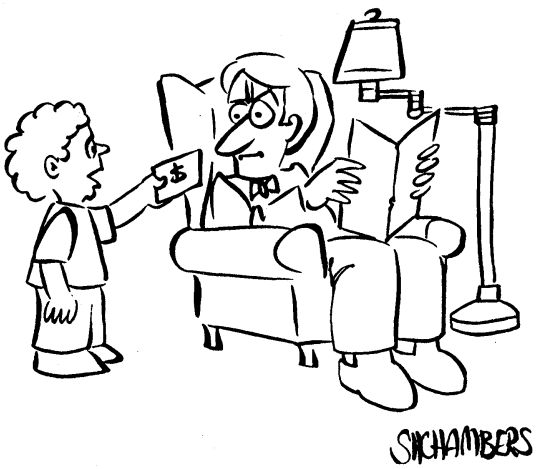

"Dad? I had a small budget surplus again this week and it led me to wonder whether this might not be a good time for a modest allowance cut."

The tourist strikes back — The final frontier of capitalism is being stolen from the United States by the space program formerly known as Communist: Russia has offered to sell passage to the International Space Station for $20 million. If there is a better way to finance space exploration than with tourist dollars, I haven't heard about it. NASA and the other space agencies are refusing to allow tourists to travel to the Space Station as cosmonauts. They are claiming it is a safety issue, but I think the issue is capitalism. Space is owned by government agencies, and access to it shouldn't be for sale. However, this rule didn't seem to apply a couple years ago, when a ride on the shuttle was traded to Sen. John Glenn for his support of the president during his impeachment trial. — Tim Slagle

Wagging the dog — One theme I've been developing in these pages is a skepticism about news reporting, as I've repeatedly suggested that something that seems persuasive isn't necessarily true. The classic example is, of course, the case of Tawana Brawley, a black teenager who testified more than a dozen years ago that white lawmen in a sleepy Hudson Valley town had sexually molested her. Exploiting the current myth of what white men "always" do to black women, Miss Brawley's story had a certain credibility in the press, until it was proven false.

Likewise, let me suggest that the myth of Bill Clinton as a rapacious seducer has minimal truth, if only for the lack of witnesses. Gennifer Flowers, credible though she is, is not enough. Monica Lewinsky, don't forget, was not screwed.

However, consider the truth that rapacious seducers usually make promises that aren't kept, thus leaving behind disappointed women eager to tell their stories, if not seek shameless revenge. So, why haven't the anti-Clinton investigators identified more warm bodies eager to tell about their disappointment? Paula Jones, I don't believe — not only is she appearance-challenged, to be generous, but the sound of her voice alone (so rarely heard in public) would prompt even a naked man to don his clothes and scamper away.

Similarly, we've heard about Osama bin Laden as an international mischief-maker for a few years now; but unless I've missed something, no one has interviewed him, no one has delivered him for an enormous reward, no one has even emerged to be his spokesperson. Even his whereabouts seem permanently unknown.

Could it be that this bin Laden doesn't exist, except as a superficially credible character whose name can be revived whenever none other is readily available? The world press needs a mischievous Muslim to account for a lot of evil whose causes cannot otherwise be easily identified, much as doctors need a "virus" to explain maladies that cannot be attributed to identifiable bacteria.

My hunch, to be frank, is that bin Laden was created in the press office of some intelligence agency with a pipeline to gullible reporters (who can be defined as those who will believe that the word "gullible" isn't in the dictionary if they were so told). Once a news medium accepts the "news" of

Osama bin Laden, it can be fed more press releases purportedly about his latest evil activities. And as news media gain "credibility" only by agreeing with everyone else, more and more are conned into joining a bandwagon.

Che Guevara was a human being whose body could be seen in both life and death; bin Laden hasn't yet reached that palpable state. The "rare" photographs I've seen portray someone who looks like any one of a million Muslim men. My own conjecture is that if the world press ever reports bin Laden's "capture," he will be "killed," and his "body" put away before it can be seen (or not seen).

I'll bet on it. — Richard Kostelanetz

Thank God, nobody was listening — In April, David Boaz offered up the Heritage Foundation's proposal for a federal "Office of Marriage Initiatives" as the perfect example of conservatives' contempt for the Constitution when it conflicts with their social-issues socialism. Yeah, well, I've got one that beats it by a country mile.

In the 1996 platform of the U.S. Taxpayer's Party, the political organization founded by longtime "New Right" activist Howard Phillips, the following is presented under the heading "Family":

> We affirm that the law of the Creator creates and defines marriage as the union between a man and a woman, and that same law creates and defines the family. We further affirm that no state may authorize marriage and family relations contrary to that law. Therefore, no state is obliged by the full faith and credit clause of the United States Constitution to enforce any state law governing marriage and the family which conflicts with the law of the Creator.

Since Phillips and Co(ngregation) evidently don't recognize what was wrong with this, I'll make it crystal clear:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. (U.S. Constitution, Article VI, Section 2)

By any measure, this doctrine of biblical nullification of provisions of the Constitution makes "penumbras," "natural law," and "substantive due process" look like actual clauses of Mr. Madison's document.

Oops, I almost forgot the kicker: For the 2000 election, Phillips changed his group's name to the Constitution Party.

— Barry Loberfeld

Dating for moderns — Back in 1975, Jack Hirshleifer (UCLA economics professor) convinced me that any even slightly important piece of paper requires a date on it. I'll add that the date should be complete and unambiguous, not just month and day. Certainly, it should not be the "Monday morning" of some Republican Party fund-raising letters, a heading whose patent phoniness casts suspicion on the contents as well. I am particularly ticked off by all-too-common abbreviations like 8/10/98 and 2/3/99. What do those dates mean, 8 October 1998 or August 10, 1998, 2 March 1999 or February 3, 1999? The latter meaning is apparently the more common in the United States, although the reverse is true in Europe. Furthermore, the order of time units, "medium length/shortest/longest," is illogical. Either the European convention or year/month/day would be more logical. In writing dates in full, I am inclined, along with many other people, to use the style learned in the Army decades ago: 12 February 1999. Down with ambiguity! One European convention is to abbreviate the months with Roman, not Arabic, numerals. A still better one would abbreviate each month with two letters: Ja, Fb, Mr, Ap, My, Je, Jl, Ag, Sp, Oc, Nv, Dc, for example, 12 Fb 99. Each abbreviation is unambiguous, beginning with the first letter of its month's name and including a second letter not contained in the name of any month with the same first letter. This style is neat, avoiding slashes or dashes or dots between the time units. — Leland B. Yeager

The First Amendment: flammable or inflammable? — "I believe that the societal interest in preserving the symbolic value of the flag outweighs the interest of an individual who chooses to physically desecrate the flag," said Sen. Max Cleland. "The flag unites Americans as no symbol can. If the American flag is not sacred, what in the world is?"

How about the First Amendment of the United States Constitution, which clearly stipulates, "Congress shall make no law respecting an establishment of religion . . . or abridging the freedom of speech." The Hon. Mr. Cleland has not explained how punishing people for desecrating "sacred symbols" doesn't violate both prohibitions. — Tim Slagle

A legal monopoly — President Bush has decided not to give the American Bar Association advance warning when he chooses federal judges. For nearly 50 years, presidents have given the bar time to review candidates' names and pass judgment on their qualifications. The fact that the ABA is overwhelmingly leftist has rarely been mentioned by the press, which simply accepts that they are a group of pure and disinterested experts, evaluating a nominee's objective qualifications and experience.

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That myth has long deserved shattering. The ABA is a liberal lobbying group, and its reviews of prospective federal judges are only slightly more objective than would be reviews done by, say, the Christian Coalition or the Heritage Foundation. Imagine the media's reaction if the president announced that he would submit prospective nominees' names to either of them for review.

The ABA — and the state bar associations — are some of the most powerful monopolies in the marketplace today. In most states, the bar has managed to get laws enacted that require a person to graduate from an ABA-accredited law school before taking the bar exam. Why? If a person takes the bar exam and fails, it does not matter where he went to school: He still can't practice law. The same should be true if a person manages to pass the exam without attending school. But the ABA wants to maintain its monopoly status.

How does the ABA get away with it? Laws are overwhelmingly made by lawyers, so it's not surprising lawyers often benefit from well-designed loopholes. If a person makes a contract not to compete with someone else — say, as part of a severance agreement — that is generally acceptable. But not if he's a lawyer: That's contrary to "public policy."

The Supreme Court has even held that the practice of law is a "fundamental right," protected by the privileges and immunities clause — a privilege not accorded, say, to butchers. Yet the ABA, supposedly a non-governmental, private association of lawyers, has the ability to destroy any lawyer's career at any moment. And while the courts have recently struck down some monopolistic licensing practices of the American Medical Association — which attempted to destroy the quack science of chiropractic — the ABA has so far been immune. — Timothy Sandefur

Rats, lice, and museums — My friend Paul and I were worrying about how to spend a rainy Saturday afternoon when I phoned the local museum and discovered that it was running a special exhibit called "Epidemic! The Natural History of Disease." "We'll have to see that," Paul said. "No one can resist the spread of disease."

We arrived at the site 15 minutes later, ready to be brought up to speed about all the nasty things that lurk inside us. And we were brought up to speed, all right, but more about the disease of public education than about anything else.

It's not that the exhibit — created by the American Museum of Natural History and supported by Bristol-Myers Squibb — was worse than any other exhibit financed by big business and the big non-profits. It wasn't. But that's not a good thing.

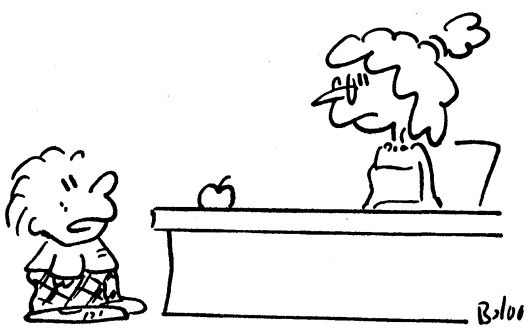

"I didn't come to school last week because I was grounded."

There was the usual science-fair sloppiness: displays about microbes that preceded any definition of what microbes are; a discussion of conditions in "Kalingrad" (i.e., Kaliningrad), which was said to be "a tiny country [*sic*] between Poland and Lithuania"; the blond-on-blond storyboards that one associates with websites that haven't been updated for the last five years; the displays of kitschy junk — a dirty mattress (disease thrives in tenements!), a model of a cabin with a moving picture of a man sweeping mouse feces off the porch (disease thrives in mouse feces!) — the kind of junk that design consultants and other Thinking People believe will impress unthinking proles like Paul and me.

It won't surprise anyone to learn that political correctness was maintained throughout the exhibit. Crucial discoveries of modern science got approximately equal billing with the medicinal discoveries, or accidents, of aborigines. Third World countries were depicted as lamentably inadequate in health care, but no political or social causes of their inadequacy were brought to light; the problem appeared to result from the failure of the economically developed parts of the world to "take action" to end it. Is there a vicious circle here? Well, never mind.

Development itself was regarded with grave apprehension. The Romans' aqueducts, their great achievement in public health and welfare, were noticed only for their role in promoting disease: first you bring in water, then before you know it you have pools of water, then you have mosquitoes, and pretty soon, you're ridden with malaria. Of course, if the Romans had let themselves die of thirst, there would have been no problem.

Destruction of the rain forests simply had to be mentioned, somewhere. We knew that before we arrived. If you go to an exhibit about Mars, you'll probably be told that the deplorable conditions on that planet are a good example of what happens when you don't let rain forests grow wherever they want to. We just didn't know how, on this occasion, the topic could possibly be introduced. But we hadn't reckoned with those dad-gummed pools of water. The rain forest zone of the exhibit showed that the progression of events is as follows: trees are cut, rain falls, pools form, mosquitoes come, and the inhabitants find themselves just as bad off as the ancient Romans. True, they don't have any of the diseases that thrive in rain forests, and they can always drain the land (if the government lets them own it), but . . . never mind.

Now let's look at what happens when you *don't* harvest those precious trees. The exhibit made an issue of the fact that people in Connecticut have allowed agricultural land to go back to the forest and have thus, by meddling with nature's balance, *promoted Lyme disease*. As Paul remarked, these environmentalists have got you coming and going.

Eventually, however, my thoughts shifted from the displays to the spectators. Were they enjoying the exhibit, I wondered? Were they priding themselves on the "education" they were receiving, perhaps even preparing to "take action" on the problems that Confront Us All? Or were they, like Paul and me, gradually surrendering all hope of ever

learning anything in a place like this? From the stooped shoulders, shuffling tread, and vacant stares of the other guests, I concluded that the second alternative was distinctly more probable. Thank God. — Stephen Cox

Dammit, where are my bellbottoms? — I'm becoming even more confused over the electricity crisis here in California. Yesterday the state approved a 35% increase in the cost of electricity. This came on top of the bailout that was approved last month because the state would not permit the utility companies to raise the price of electricity! Is it just me, or are we living through the 1970s all over again? A disgraced former president lurks in the newspaper columns while a clumsy and addlepated Republican president seeks stopgap measures to patch up a collapsing economy and skyrocketing energy costs. — Timothy Sandefur

Count me out — With release of the 2000 census comes a cry from the left to add to the official numbers persons who were not counted but are known to exist. I personally feel that what we need is an extension of the right to not vote, including the right to be left uncounted. The only constitutional reason for counting people is to apportion legislators. If an individual does not want to be represented in Congress, such is his right. —Tim Slagle

Hack the vote — The U.S. National Science Foundation has determined that the Internet is not yet capable of handling the intricacies of voting. It concluded that Internet voting would require more stringent security than, say, commerce, and that such a level of protection required won't be possible for years. Personally, I can't wait for Internet voting. If bored, yet technically savvy, teenagers thought stock-market hijinks were fun, what will they think about trashing an election? There are only so many credit card numbers you can post and only so many shenanigans you can pull on the SEC. Internet voting would provide an opportunity for every maladjusted adolescent to make a lasting contribution to democracy. Best of all, after it's discovered that millions of votes have been counted twice, some haven't been counted at all, and yet others have vanished into cyberspace's murky abyss, what could your average government figure do? Conduct a study? Take a lunch break? Or count the hanging chads? — Eric Raetz

The literary libertarians — Since the intellectual orientation of this magazine seems based in economics with a dash of philosophy, I feel obliged to remind my colleagues and their readers of the literary models preceding us. In his classic book of profiles of radical American heroes, *Critics and Crusaders* (1947–48), Charles Madison reminds us that Benjamin Tucker (1864–1939), the founder of the original *Liberty* (1881–1908), saw himself as propagating not only individual anarchism, but international avant-garde literature: He translated and published Felix Pyat's *The Rag Picker of Paris*, Claude Tellier's *My Uncle Benjamin*, Emile Zola's *Money and Modern Marriage*, Octave Mirabeau's *A Chambermaid's Diary*, and Alexandre Arsene's *The Thirty-Six Trades of the State*.

In addition to publishing Lysander Spooner and Stephen Pearl Andrews, Tucker issued books by George Bernard Shaw and Oscar Wilde. Twice in the late 1880s and early 1890s, he started literary magazines that had short lives: *The Transatlantic* and *Five Stories a Week*.

This appreciation of Tucker reminds us that other libertarian progenitors were likewise literary people initially, though they tried to write about economics as well, usually late in their careers. Consider as examples Ayn Rand, Albert Jay Nock, Henry Miller, Robert Heinlein, Isabel Paterson, and H.L. Mencken. If you studied each of these writers closely, you might find that they developed libertarian sympathies initially through their understanding, not of economics, but of art. (Now there's a subject for a doctoral thesis in libertarian studies, when it is recognized as an acceptable academic field.) — Richard Kostelanetz

Letters, from page 6

longer support life, due, perhaps, to a meteor collision or the expansion of the sun.

When that day arrives, among our descendants' last memories will be the sight of politicians the likes of Ted Kennedy, Al Gore, and the Clintons, escaping the planet in technology built and paid for by people left behind, who could have escaped, too, were it not for the actions of those same politicians and their predecessors.

Richard D. Fuerle
Grand Island, N.Y.

The Nationalist Reaction

Bruce Ramsey (*Reflections*, April) complains about name-calling directed towards libertarians. Fair enough. As a nationalist, I will explain why libertarian economics inspires such name-calling, without engaging in it myself.

I support the generic principle of the free market. However, I do not support an unregulated free market. Some enterprises, like the airline industry and public utilities, are sufficiently vital to the public interest to warrant public oversight. Deregulation has helped to bring chaos to the airline industry; ticket prices now seem to arbitrarily vary according to the phase of the moon, the sign of the zodiac, and the biorhythms of the ticket agents. Dereg-ulation of natural gas in Georgia brought billing chaos as many marketers were woefully underprepared to service customers. Even partial deregulation of electricity in California contributed towards rolling blackouts. My favorite products randomly disappear from supermarket shelves for no apparent reason. In short, many of us are frustrated out of a sense of being helplessly buffeted about by incomprehensible and uncontrollable market forces; thus we occasionally lash out in fits of name calling.

I also perceive an economic imbalance between "earned" income and "unearned" income. The economy seems to be skewed in favor of "unearned" income. People once lost jobs primarily due to the normal ebb

continued on page 24

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Exploration

The Economics of Drug Violence

by David Friedman

The costs and benefits of drunken brawls, police protection, and shooting your business competitors.

One point on which almost everyone interested in drug prohibition agrees is the existence of a connection between drugs and violent crime. The disagreement is on the form of the connection and the sign of the correlation. Supporters of drug prohibition typically argue that drug use leads to violent crime and should be illegal in part for that reason. Critics of the War on Drugs argue that the attempt to prohibit drug use leads to violent crime and that that is one of the reasons drugs should be legal.

A glance at the figures for U.S. murder rates over the course of this century provides some support for the critics' position (Figure 1).[1] Murder rates were high during the period of alcohol prohibition, fell after repeal, rose again with increased efforts to prohibit illegal drugs, and remain high.

The impression given by the graph is confirmed by more sophisticated analysis. Jeffrey A. Miron has analyzed the relation between violent crime in the United States, as measured by the murder rate, and the enforcement of drug prohibition (including alcohol prohibition) as measured by expenditures by the federal agencies in charge of enforcing prohibition (Figure 2), over the entire period for which murder rates are available on a national basis. His statistical results "suggest the homicide rate is currently 25–75 percent higher than it would be in the absence of drug prohibition."[2]

The case of the United States is particularly interesting for at least two reasons. One is that the U.S. murder rate is anomalously high relative to other countries that are otherwise similar — about eight to ten murders per 100,000 population over the past two decades, compared to one to two for countries such as Canada, Australia, the U.K., and countries in western Europe. The other is that the available data on both the murder rate and enforcement of drug prohibition span a fairly long period of time.

The high U.S. murder rate is frequently attributed to the high rate of gun ownership in the United States, relative to most comparable nations. One problem with that explanation is that while it is true that there is a significant correlation in international comparisons between gun ownership and murder rates, that correlation is driven by a single observation — the United States. Regressions with the United States omitted show much weaker results, despite the existence of other countries with relatively high gun ownership rates — and without anomalously high murder rates. A second problem is that the behavior of murder rates over time, both in the United States and elsewhere, does not seem to be closely linked to gun ownership or legal restrictions thereof.

That suggests that U.S. murder rates are due to something other than gun ownership, and that the gun ownership rate is either unrelated to the murder rate or a consequence of it. Since U.S. drug prohibition, while similar on paper to the laws in most of the countries it is compared to, is much more strongly enforced, it provides a possible explanation.

Professor Miron has attempted to investigate the relation between violent crime and drug law enforcement across countries, in work that is not yet published but is available on the Web.[3] While the results are consistent with the U.S. results, the evidence is very much weaker, in part perhaps

Figure 1:
U.S. Murder Rate

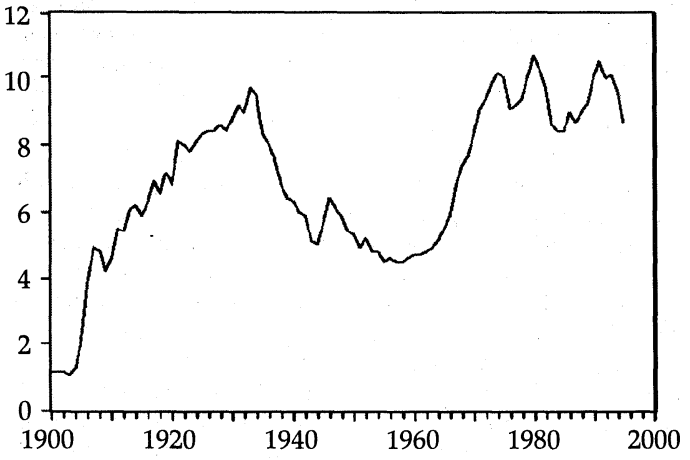

homocides per 100,000 population

Figure 2: Federal Prohibition
Enforcement Expenditures

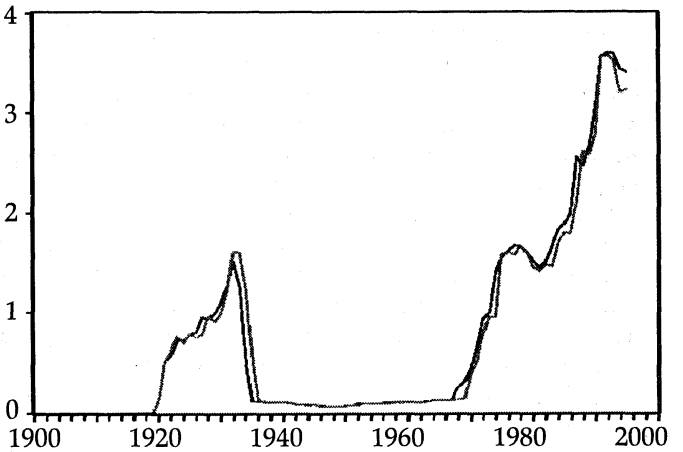

real dollars per capita

because of the lack of good data to measure drug law enforcement across countries.

How Drugs Might Influence Violent Crime

Broadly speaking, the link between drugs and violent crime could occur in three ways: violent crime by consumers of drugs, violent crime associated with the production and distribution of drugs, or violent crime directly associated with the attempt to enforce drug prohibition.

For the case of crime by drug consumers, two mechanisms are commonly asserted, with opposite implications.

One possibility is that violence occurs because people in the drug industry have wealth in highly portable forms — drugs and cash — which make them obvious targets for theft or robbery.

One is drugs as an input to violent crime — people under the influence of drugs committing crimes that they otherwise would not commit. This claim is made both for drugs for which it is pharmacologically implausible, such as heroin and marijuana, and for ones for which it is plausible, such as alcohol. If it is correct, the obvious implication is that drug prohibition, by reducing consumption of drugs, can be expected to reduce violent crime.

The other claim is that drug users commit crimes in order to get money to pay for drugs. If that is correct, the effect of marginal changes in enforcement is theoretically ambiguous. Making drugs more expensive increases the expenditure of drug users per unit of drug consumed, but decreases consumption, so the net effect on the expenditure of drug users depends on the elasticity of demand. If, however, as is widely believed,[4] the price of currently illegal drugs would be very low if they were legal, then the effect of legalization via this mechanism is unambiguous, since consumption has an upper bound set by non-pecuniary constraints. A heroin user who maintains his level of expenditure on heroin when its price falls by a factor of a hundred will no longer be able to commit crimes to pay for his habit, because he will be dead.[5]

Violent crime by people involved in the distribution network for drugs might also come about by a variety of mechanisms. One possibility is that violence occurs because people in that industry have wealth in highly portable forms — drugs and cash — which make them obvious targets for theft or robbery. Since calling the police is not a practical option, they must use private violence to protect themselves.[6]

A second, suggested by Jeffrey Miron, is that violence occurs as a form of dispute resolution among people who cannot use legal channels because their disputes are occurring in an illegal industry.

A third, and rather different, possibility is that violent crime represents rent-seeking in the competition among suppliers. Suppose, as much anecdotal evidence suggests, that drug distribution often occurs through local monopoly providers. Their profits depend in part on the area they control. So we would expect competition between adjacent firms for territory. One form such competition might take would be violence — by agents of one firm against agents, or possibly customers, of another.[7]

The final source of violence is the enforcement of drug prohibition. Part of enforcement is arresting people, seizing drugs, and similar activities — all of which carry with them the risk of a violent confrontation between law enforcement agents and people who they suspect of violating drug laws.

Strategies for Reducing Drug Use

There are a variety of ways in which a government might try to reduce the use of illegal drugs. Roughly speaking, they can be categorized as ways of reducing the demand for illegal drugs, ways of reducing the import of illegal drugs, and ways of reducing the (domestic) production and distribution of illegal drugs.

One way of reducing demand is by making substitutes, such as methadone for heroin addicts, more readily available. A more extreme version of that approach would be to legalize some drugs in order to reduce the demand for others. A different approach is to subsidize drug treatment centers; whether that works depends on whether drug users are

actually helpless addicts who would quit if they only had a little help, or rational consumers choosing to use drugs because they like the effects they produce.

Another way of reducing demand is by enforcing drug laws against users — spending law enforcement resources on identifying consumers of illegal drugs, prosecuting them, and punishing them. A weaker version of this approach is to make drug use more costly by encouraging drug testing by employers.

What about discouraging the import of illegal drugs? This strategy might take a variety of forms, ranging from more careful customs inspection to waging war against producing nations — all of which involve activities either outside the United States or on the border. From the standpoint of effects inside the United States, any such policy has roughly the same effect — it increases the cost of drugs to the distributors.

The final alternative is one that appears to consume a large fraction of the domestic law enforcement resources devoted to the War on Drugs in the United States: actions against domestic production and distribution. Here it is useful to distinguish between actions against small scale domestic producers, including those producing for their own use, and attempts to identify, arrest, and prosecute people in the business of mass producing and/or distributing illegal drugs.

Violence by Consumers

The most plausible mechanism linking drug use to violent crime, and one routinely observed in the context of alcohol use, is as a side effect. People who are drunk often have less control over themselves than they would when sober, so quarrels can become violent.

In terms of economic analysis, this means that there is a desired output — the pleasure from alcohol consumption — that is produced by two costly inputs. One input is alcohol, the other is risk of violent confrontation and the associated costs. If we assume a production function such that a given amount of alcohol necessarily produces a certain amount of pleasure and a certain amount of risk, then increasing the cost of alcohol via prohibition unambiguously reduces consumption, hence reduces risk, hence reduces violent crime. The same argument would apply for any other drug with similar effects.

Risk, however, is not a function only of consumption, since there are precautions that consumers can take to reduce the risk of violence, such as consuming their alcohol alone or with friends with whom they are unlikely to quarrel, rather than in a rowdy bar. Casual evidence suggests that much of the low level violence associated with alcohol use is actually viewed by consumers not as a cost but as a benefit, and occurs for that reason. People go to bars to get drunk and have fights.

To the extent that violence from the use of alcohol (or other drugs) depends on choices other than whether to consume the drug, it can be reduced by enforcement mechanisms that target the violence rather than the drug use. Doing so reduces violence in two ways. Most obviously, it makes it in the interest of people who consume alcohol to do so in contexts where consumption is unlikely to lead to violence. Less obviously, it makes it in the interest of people not to consume alcohol at all, because doing so may result in violence, which may result in punishment.

Consider a very simple model in which one act of drinking leads to a 10% probability of committing assault, in which all assaults are due to alcohol, in which the only cost of law enforcement is the cost of imposing punishment, and in which everyone is risk neutral. We can spend law enforcement resources imposing an expected punishment for drinking or for committing assault, or some mixture thereof.

Suppose we decrease the penalty for drinking by one dollar per act of drinking and spend the punishment costs saved on increasing the penalty for assault. Since each act of drinking leads to a tenth of an assault, we can increase the penalty for assault by ten dollars. Someone deciding whether to drink now faces one dollar less expected punishment for drinking, but he also faces a ten percent chance of committing assault, for which the punishment has increased by $10. So the combined expected cost of the penalties is unchanged.

Now modify the model by allowing drinkers to reduce, at some cost, the chance that they will commit assault. It is then straightforward to see that the same expenditure on punishment will produce a greater reduction in assault if used to punish assault than if used to punish drinking.

Why? Individuals who drink, faced with penalties for assault, will bear some cost for taking precautions against committing assault.[8] The result will be to reduce the probability of assault — say to 5% instead of 10%. The legal system then imposes an expected penalty of, say, $100 for assault instead of an expected penalty of $5 for drinking. The enforcement cost is the same either way, since the smaller penalty must be imposed on twenty times as many offenses.

Since calling the police is not a practical option, drug dealers must use private violence to protect themselves.

With a penalty of $5 for drinking, the cost to the individual of drinking is the price of the drink plus $5 in expected penalties for drinking. With a penalty of $100 for assault, the cost of drinking is the price of the drink plus $5 in expected penalty for assault (5% chance of an assault, which leads to an expected penalty of $100 if it happens) plus the cost of precautions. So the total cost of drinking is now higher than before, leading to less drinking. But, because drinkers are taking precautions, the probability that a drink will lead to an assault is also lower than before. We are spending the same amount on enforcement and reducing the number of assaults — in the example, to less than half what it was under the previous strategy.

This is not a new argument, merely a new application of an old argument for one advantage of ex post punishment — punishing the undesirable output — over ex ante punishment — punishing one of the inputs to that output.[9]

I have demonstrated the result for a simple model, but it holds more generally. It is not, however, true in all circumstances. It would not be true if the cost of imposing penalties on someone guilty of assault happened to be substantially higher than the cost of imposing penalties on someone guilty

of drinking. An obvious example is a tax on alcohol, since that both penalizes drinking and brings in revenue. And one could imagine circumstances in which prohibition of alcohol penalized drinking at a lower cost per unit punishment than laws against assault penalized assault.[10]

Another reason the result might not hold is that not all violence is due to alcohol. If much violence is due to other sources, and if for some reason the demand for such violence is relatively inelastic (the amount of violence does not fall very much as we increase the penalty), while the demand for alcohol is relatively elastic, then a policy of punishing assault rather than drinking wastes most of the enforcement resources on punishing people who will not be deterred by punishment (people whose violence is not due to drinking).[11] In this situation, resources devoted to punishing drinking can produce a greater reduction in violence than the same resources devoted to punishing violence.

Much of the violence associated with alcohol use is actually viewed by consumers not as a cost but as a benefit. People go to bars to get drunk and have fights.

These arguments suggest that if the objective is to reduce violent crime, there is a presumption, although a rebuttal presumption, that drug prohibition is an inefficient way of achieving that objective — that one can get a greater reduction at the same cost by targeting violent crime directly.

Of course, drug prohibition may have other objectives as well, in which case the conclusion, although interesting, does not settle the question of whether we should have it or how strongly we should enforce it. We are then left with the observation that if violent crime is occurring as a side effect of the consumption of a drug, reducing that consumption via enforcement of prohibition of that drug can be expected to produce some benefit in the form of a reduction in violent crime.

This result must be qualified once we consider a world of multiple drugs. Different drugs are to some degree substitutes for each other. Different drugs are likely to have different side effects; some (alcohol) may make violence more likely, some (heroin) less. Enforcement of prohibition of the latter sort of drug may result in a substitution of the former sort and thus an increase in violent crime.

In a world of many alternative drugs, the argument for targeting violent crime rather than drug use becomes stronger, because one of the "precautions" that users can take in order to avoid committing violence and being punished for it is shifting to a drug less likely to produce violence. Reducing or eliminating enforcement of drug prohibition makes that more likely to happen, since it increases the range of alternatives faced by the user, and increases the incentives for producers to create and market drugs less likely to produce violent behavior.

So far I have been discussing violence by consumers of drugs as a side effect of drug usage. Similar arguments would apply to the closely related case where the violence is deliberate and the drug use facilitates it — where drugs are an input to (desired) violence, rather than violence being an (undesired) effect of drug use. Here again, there are grounds for a presumption that targeting violence reduces it more than targeting drug use, but the presumption is again rebuttable.

The general result is that any enforcement strategy that increases the cost to users of drugs whose use is associated with violent behavior can be expected to reduce such behavior, although it is likely to be a less cost-effective way of achieving that particular objective than directly targeting the behavior.

We are left with the case of violence committed by users in order to obtain money for drugs. To the non-economist, this seems like an obvious and plausible scenario. For economists the situation is not quite so clear.

The problem is the central economic assumption of rationality. If mugging people produces a higher income for me than alternative occupations — driving a cab, say — then I ought to be mugging people already, whether or not I need the money for drugs. There are, after all, plenty of other things to spend money on.

That argument suggests that the existence of expensive but desirable drugs should simply result in an increase in effort. I have more uses for money, so I work harder to earn more. If my best paying activity is driving a cab, I work harder at that; if my best paying activity is mugging people, I work harder at that. The result is an increase in mugging with increased expenditure on drugs only if there is some reason why drug users are already supporting themselves by mugging people.

To get a stronger result than that, we need stronger assumptions about the production functions associated with alternative ways of making money. We might assume, for example, that the cost of earning more money driving a cab is more time, and that there is an upper limit to how many hours a day you can drive without being too tired to do so safely. We might also assume that part of the cost of earning more money mugging people is an increased risk of getting killed by one of your victims. That risk you can increase as much as you want, at least up to the point where you actually do get killed. The more valuable money is to you, the greater the risk you are willing to take to get more of it.[12]

Enforcement of prohibition of heroin may result in a substitution of alcohol and thus an increase in violent crime.

Generalizing the argument, we observe that an increase in the value of money to the worker will result in a greater increase in output in some activities than others. If violent crime happens to be an activity which people shift into when money becomes more valuable to them, or if people who consume illegal drugs happen to be people who in any case

support themselves by violent crime, we would expect increased expenditure by consumers of drugs to lead to an increase in violent crime.

Under such circumstances, the effect of increased drug prohibition on violent crime depends on the elasticity of demand for the prohibited drugs. If demand is elastic, increasing the price results in a decrease in expenditure, hence a decrease in violent crime. If demand is inelastic, increasing the price results in an increase in expenditure, hence an increase in violent crime.[13]

A further point worth mentioning is the relation between the cost of drugs and the value of leisure. Most forms of drug use tend to reduce productivity in most income earning activities.[14] Most ways of earning income tend to reduce the pleasure from consuming most drugs. Hence there is a tendency for drug use to be a leisure-time activity. To the extent that it is, lowering the price of drugs increases the value of leisure to drug users and so reduces their willingness to trade leisure for income. If the user happens to be a mugger, that means less time spent mugging people.

This effect strengthens the argument in the case where drug demand is inelastic. If stricter enforcement drives up the price of a drug, consumers spend more money on the drug, increasing their need for money and willingness to work, and have less of the drug, decreasing their enjoyment from leisure time. Both effects result in more muggings if the user happens to be a mugger. The effect weakens the argument in the case where drug demand is elastic, since then increased enforcement reduces the need for money but also the value of leisure.

What about the effect of efforts to reduce the demand for illegal drugs, whether by arresting consumers, providing treatment programs, or legalizing substitutes? A reduction in demand should unambiguously reduce user violence, whether it comes as a side effect of drug use or as a means of obtaining money to pay for drugs.

If mugging people produces a higher income for me than alternative occupations — driving a cab, say — then I ought to be mugging people already, whether or not I need the money for drugs.

Violence by Distributors

Violent crime due to distributors of illegal drugs might occur through at least three different mechanisms: violence associated with attempts to steal and defend valuable assets, such as cash and drugs, violence associated with dispute resolution, and violent competition for territory.

The first case is the easiest. Suppose increased enforcement drives up the cost of drugs to distributors. The price of drugs rises. If demand for drugs is inelastic, total expenditure on drugs goes up; if demand is elastic, it goes down. The total value of drugs and cash held by people in the distribution industry will be roughly proportional to the total value of drugs being sold. The amount of violence associated with attempts to seize and protect those drugs and cash will be an increasing function of their value. So we would expect violence due to this mechanism to increase with increased enforcement effort if the demand for drugs is inelastic, and decrease with increased enforcement effort if the demand for drugs is elastic.

The conclusion becomes more complicated if we consider alternative forms of prohibition effort. Suppose, for example, that almost all of the effort is devoted to preventing the import of illegal drugs; once the drugs are inside the country, domestic dealers are free to do as they like with only minimal risk of arrest. Since there is little risk, there is little reason to devote effort to concealing activities from the police or minimizing the amount of evidence lying around. But the relatively open nature of the illegal activity should make it easier for other criminals to observe it and attempt to profit by hijacking drugs and cash.

Now imagine that law enforcement switches its effort from import to distribution, while keeping the overall effect, as measured by the street price of drugs, unchanged. Drug dealers become more careful, drug hijacking is reduced, associated violence falls.

Finally, imagine that law enforcement itself goes into the hijacking business — as it has done on a large scale in the United States, by the device of civil forfeiture. The incentive to take precautions becomes even higher for the drug distributors, and the amount of hijacking and violence (not counting violence by or against law enforcement agents) decreases.

There is one more factor that remains to be considered.[15] The preferred outcome of private protection of property is not conflict but deterrence, just as it is for public protection of property. If I can persuade all potential hijackers that if they try to steal from me they will die, nobody will try to steal from me and nobody will be killed. In a well functioning private system, as in a well functioning public system, people are protected mostly by the threat of violence rather than by actual violence.

How well such a system works depends to a considerable extent on the stability of the protection industry; the longer my firm is in business, the more opportunities it has to create commitment strategies and build a reputation. Hence to the extent that enforcement strategies successfully target and destroy well established criminal firms, increasing the instability of the industry, they are likely to shift private protection from threat to violence, increasing the total amount of violent crime.

So far I have been considering violence associated with attempts to seize and protect property unprotected by the law. What about violence associated with ordinary business disputes — the sort of disputes that, in other industries, end up being settled by courts or private arbitration?

Here again, we would expect (as Jeffrey Miron has suggested) that law enforcement efforts that reduce the stability of the industry and increase the information costs of its members in dealing with each other would tend to increase violence. We would also expect violence to increase with the amount at stake in such disputes.

One determinant ought to be the total value of drugs being sold, since at least some disputes will be associated

with such transactions; to that extent the conclusion will be the same as in the previous case. A second determinant might well be the total profit of the industry,[16] since profits are what are at stake in some contract disputes, such as disagreements over market sharing agreements, or mergers, or the like.

Enforcement effort aimed at the import of drugs should raise the input cost of the industry, hence unambiguously reduce profits. Enforcement effort aimed at preventing small scale production, on the other hand, and especially production by consumers for their own use,[17] may well result in increasing the demand for the services provided by the drug distribution industry, and thus increasing profits.

Drug prohibition is an inefficient way of reducing violent crime — one can get a greater reduction at the same cost by targeting violent crime directly.

Enforcement efforts directed against the distribution industry itself have somewhat more ambiguous results. To the extent that they simply raise costs, they can be expected to reduce profits.

Suppose, however, that enforcement has a much larger effect on new entrants to the industry, who have not yet built up the necessary network of trust and expertise and the necessary portfolio of corrupt police officers and judges, than on existing firms. In that case it might increase profits, just as a tax on new construction of housing might increase the revenue of apartment owners by more than it increased their costs. If so, it might also increase the amount at stake in contract disputes and the associated violence. On the other hand, since such enforcement would tend to reduce industry turnover, it might also reduce violence for reasons discussed earlier.

Third and last, consider the possibility that, for some illegal drugs, the usual industry structure consists of local distribution monopolies, and that the violence associated with distribution is a form of rent seeking as firms compete for territory — turf wars. In that scenario, anything that decreases industry profits ought to decrease the stakes in such conflicts and so decrease the amount of violence. Hence we would again expect to see increased effort against imports associated with reduced violence and increased effort against home production associated with increased violence.

What about increased enforcement effort against the distribution network? Here again, the conclusion is ambiguous. On the one hand, such effort should make distribution less profitable, reducing violence. On the other hand, the violence is a conflict over monopoly profit, and the degree of monopoly may well depend, among other things, on the level of enforcement. One major source of economies of scale in the industry of distributing illegal drugs may be corruption — and owning your own police chief or judge is more valuable the more energetic the enforcement that he protects you against.[18]

What about the effect on violence by distributors of policies that reduce the demand for illegal drugs? Here again, the effect appears to be unambiguous. Reductions in demand reduce revenue and reduce profit, hence should reduce violence via any of the mechanisms I have discussed.

Violence in Enforcing Prohibition

Violence may be due to drug consumers. It may be due to drug distributors fighting among themselves or with other criminals. It may also be due to conflicts between drug distributors and law enforcement.[19]

The most obvious determinant of the amount of such violence is the amount of law enforcement directed against drugs within the United States. This should include both efforts against the distribution network and efforts against small scale and home production, since either can lead to violent conflict.

In addition, one would expect that the willingness of drug distributors to employ violence against law enforcement would depend on the amount at stake and so increase with both total revenue and profit. Similarly, to the extent that law enforcement efforts are aimed at seizing property, either as civil forfeiture or private theft, one would expect such efforts to increase with the value of the property available to be seized. So policies that raise the cost of bringing drugs into the country ought to increase such violence if demand is inelastic, decrease it if demand is elastic.

Here again, one might expect well established firms to successfully protect themselves, either by bribing law enforcement or by developing networks of trust. If so, enforcement efforts that destabilized the industry could be expected to increase the level of violence.

As in the previous cases, efforts that reduce demand for illegal drugs ought to reduce both revenue and profit, hence reduce violence. The one exception is demand reduction via law enforcement efforts targeted at users. Such efforts might result in violent conflict between law enforcement agents and suspects.

My purpose here has been to try to sketch out the possible mechanisms relating illegal drugs to violent crime, and how various enforcement strategies might effect each. The clearest result is that policies which reduce the demand for illegal drugs can usually be expected to reduce the violence associated with the sale and use of such drugs.

Policies that increase total revenues or total profits can

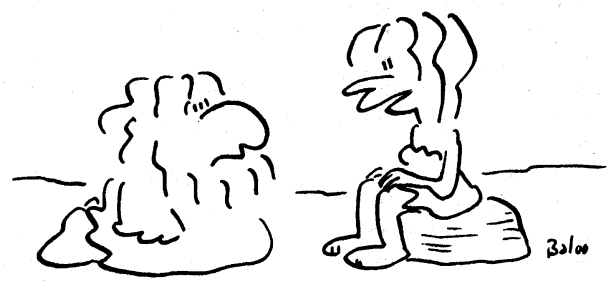

"It would never work out, Oog. I'm a hunter and you're a gatherer."

generally be expected to increase violence, while policies that decrease them tend to decrease it. Policies that decrease the stability of the illegal distribution industry are likely to increase violence. Generally speaking, increased enforcement of prohibitions on import can be expected to decrease profits; increased enforcement of prohibitions on home production can be expected to increase it.

Two more general points are worth making. The first is that, if one regards reductions in drug use as desirable,[20] the associated violence is not entirely a bad thing. Much of it is among people involved in the illegal distribution of drugs. The resulting risk is a cost for that industry, and so it raises the price and decreases the consumption of drugs. That effect must be balanced against the risk that violence creates for bystanders and the costs of violence committed against outsiders.

The final point is to observe that my discussion has been aimed almost entirely at the effect of marginal changes in the enforcement of drug prohibition. If we consider instead the effect of shifting from prohibition to legalization, the results are much more straightforward. With one exception, legalization eliminates all of the sources of violence I have been discussing.

That exception is violence by drug users as a side effect of drug use. Legalization can be expected to increase drug use, hence it could well increase such violence.

While it could increase it, it could also decrease it — for two reasons. The first, as noted earlier, is that different drugs are substitutes for each other. Legalization would improve both information and availability, making it easier for users to select drugs with fewer undesirable side effects — including the side effect of causing violent behavior. The second reason is that, in an illegal market, quality is likely to be more variable than in a legal market, making severe unanticipated effects, including violent effects, more likely. ❑

Notes

1. The very beginning of the graph is probably unreliable, since in the first few years only a fraction of the states were providing data. Alcohol prohibition began in 1920 and ended in 1933.
2. Jeffrey A. Miron, "Violence and the U.S. Prohibitions of Drugs and Alcohol," *American Law and Economics Review*, 1, Fall 1999, 78–114.
3. Both of Miron's papers are available from his home page at: http://econ.bu.edu/miron/. "Violence, Guns, and Drugs: A Cross-Country Analysis," the unpublished piece, measures drug enforcement by drug seizures. It finds a strong relation between enforcement and murder rates, but the relation is mostly driven by a single case — Columbia, which has a murder rate almost ten times higher than the United States. Since Columbia is a major producer of illegal drugs, the high seizure rate cannot be taken as a good measure of enforcement effort; there are, after all, a lot more illegal drugs there to seize than almost anywhere else.
4. But see Jeffrey A. Miron, "Do Prohibitions Raise Prices: Evidence from the Market for Cocaine," (unpublished, on his web page) for some evidence to the contrary.
5. Of course, the number of users might increase, but given the non-pecuniary costs of drug use it is hard to see how they could increase rapidly enough with a fall in price to keep the demand elastic at low prices. For some evidence on this point, it would be interesting to investigate the fraction of people in places where marijuana is legal who smoke it — or usage rates for various drugs that were legal early in this century. Is there data?
6. This fits the description in Terence T. Williams, *The Cocaine Kids, The Inside Story of a Teenage Drug Ring*, Perseus Press, 1990.
7. The economics of such a situation are similar to those of the competition of nations for territory and the associated tax base described in David Friedman, "An Economic Theory of the Size and Shape of Nations," *Journal of Political Economy*, (February 1977). In that paper, however, my concern was with the equilibrium outcome, not the costs of getting and maintaining it.
8. Presumably, precautions would take forms such as drinking at home when it was more fun to drink at a bar, or locking up a gun and giving someone else the key before drinking, or merely exercising self control while drunk, at some costs in enjoyment. While none of these precautions has a cost paid in money, each of them is, considered as a cost, equivalent to some amount of money.
9. This issue is discussed at some length in David Friedman, *Law's Order*, Chapter 7, pp. 74-83.
10. Presumably, prohibition makes sense only when you want to impose a cost higher than any tax you can collect. Putting the argument differently, a tax so high that nobody pays it and all alcohol is smuggled is equivalent to prohibition.
11. Note that the demand for violence by people who are violent because of drinking cannot be less elastic than their demand for alcohol, because of the argument we have just sketched. But the total demand for violence can be if most of it comes from other people who are harder to deter.
12. This argument requires, of course, that there are no legal activities which provide similar opportunities to accept risk in exchange for money and provide a more attractive way of earning money than illegal activities.
13. Grossman, Michael, "The Economics of Substance Use and Abuse: The Role of Price," *Economic Analysis of Substance Use and Abuse: The Experience of Developed Countries and Lessons for Developing Countries*, edited by Michael Grossman and Chee-Ruey Hsieh. Cheltenham, United Kingdom: Edward Elgar Limited, forthcoming, provides empirical evidence on demand elasticity for a variety of addictive drugs. He concludes that demand elasticity may well be greater than 1, meaning that total expenditure may fall as price rises. Becker, Gary S., Michael Grossman and Kevin Murphy, "An Empirical Analysis of Cigarette Addiction," *American Economic Review*, 84 (no. 3): 396-418, June 1994 find a long-run price elasticity for cigarettes above 0.7.
14. Drug use by musicians may be an exception.
15. This is a point raised by Jeffrey Miron in a closely related context.
16. In equilibrium in a perfectly competitive industry, economic profit is zero. The profits I am considering here need not be economic profit in that sense. They include returns to sunk costs in human and organizational capital (strictly speaking, quasi-rents), monopoly profits, returns to specialized human abilities in scarce supply, and the like.
17. The obvious case is marijuana growing.
18. The Last Testament of Lucky Luicano claims to be based on first hand information from one of the leading criminal entrepreneurs of the prohibition period. While there seems to be no way of confirming the author's claim, I suspect it is true on internal evidence — the picture presented of the illegal market appears economically plausible. One interesting feature of the account is that criminal firms which were otherwise independent appear to have pooled assets for the purpose of purchas-

ing the services of corrupt judges and law enforcement agents, suggesting that that was a, perhaps the, major source of economies of scale in that industry.

19. In 1995, 131 law enforcement agents were killed in the line of duty according to the Statistical Abstract of the U.S. Figures go back to 1980; there is no clear pattern, although the 1980 figure is high.
20. I should perhaps add that I do not regard reductions in drug use as inherently desirable. Following out the usual assumptions of economics, I assume that drug users, like other people, are rational, and so tend, on the whole, to make the decisions that best serve their interest. Hence their decision to use drugs is evidence that doing so, on net, benefits them. That implies that drug use is more generally desirable, except to the extent that it imposes costs on others. Since most such costs at present are the result not of drug use but of drug prohibition, I see no reason to regard reductions in drug use as an unambiguously desirable outcome. I realize, however, that many people have rather different views on the subject, and have attempted to provide information relevant to their views as well as to mine.

Letters, from page 15

and flow of supply and demand. This was understandable, since this is an inherent defect of capitalism which cannot be remedied. However, we now also ask people to sacrifice their jobs in order to sustain astronomical stock prices, stratospheric CEO salaries, and academics' obscure and unproven laboratory visions of environmental protection. Millions of good production jobs have been exported to Third World nations where labor costs are exponentially lower. Yet, when their products are imported back into the United States, the prices are no lower than they once were. There is a difference between legitimate profit making and predatory profiteering.

We nationalists will support libertarians on constitutional issues such as asset forfeiture, censorship, and foreign policy, and we agree that the United States should get out of the U.N. posthaste. However, libertarian economics is a bit too Darwinian for our blood. America should be for all Americans, not just for the rich or the entrepreneur.

Carl J. Loerbs
Anchorage, Alaska

Reality Check

If *Liberty* is going to publish an anti-Israel diatribe, it should at least be an intelligent, informed one. Imad-ad-Dean Ahmad's "The Dark Side of Israel" (April) does not qualify. To take a few examples of inaccuracies in Ahmad's two-page article:

(1) The view that Jews who accept Jesus as the Messiah are not Jews, but Christians, is not "ultra-Orthodox," as Ahmad states, but a definition accepted by all Jewish factions, from secularists to the Reformed to the Orthodox. Being a Jewish believer in Jesus is like being a libertarian for statism — an oxymoron.

(2) Ahmad states that Arabs and Moslems have not historically been anti-Jewish, but oppose the state of Israel only because of its belligerent actions. Historically, Moslem states did, overall, treat their Jewish citizens better than Christian states; but, as Bernard Lewis and other historians have documented, Jews were almost always second-class citizens and were sometimes subjected to violence and expulsions. Anti-Jewish sentiment in the Middle East rose along with Arab nationalism in the last two centuries, to the point where the Mufti, Jerusalem's Moslem religious leader, collaborated with Hitler. Note that other ethnic and religious minorities in the Middle East — Bahais, Copts, Maronites — have not fared well under Arab/Moslem hegemony either.

(3) The United States did not, as Ahmad suggests, lower its immigration quotas for Jews from the former Soviet Union because of the "Zionist lobby." Soviet Jews were given special status in the 1970s and '80s because of their status as refugees from Communism. Once these Jews were citizens of relatively democratic, relatively liberal states, the American Jewish organizations that had previously supported refugee status could no longer justify doing so, despite their leaders' obvious interest in having more constituents.

Perhaps more troubling than Ahmad's ignorance of his subject matter is his unwillingness to even consider the basic reason for Israel's existence: For 2,000 years of exile, the Jewish people were kicked around by almost everyone for lack of a homeland — which culminated in the Holocaust. Israel gives automatic citizenship to all Jewish immigrants, religious or not, to ensure that they have a place of refuge. (And, contrary to Ahmad's implications, non-Jews can and do become citizens, and 20% of Israel's citizens are non-Jews, mostly Arab Moslems.)

In a perfect libertarian world, there would be no need for an ethnic homeland for Jews. In the world as it actually exists, Jews have the need for a small land to call their own; Arabs will have to make do with twenty — plus larger lands for themselves.

David E. Bernstein
Arlington, Va.

Real Libertarians Don't Tolerate Disagreement About Israel

I love your magazine, but the pro-Arab dictatorship, pro-Hezbollah, anti-Israel article you published is so reprehensible that I will never read you again, nor will I be recommending you anymore. I'm ashamed that several Jewish friends of mine have picked up your magazine based on my advice, but fortunately I was able to convince them that this grotesque stance of yours is not representative of all libertarians, but only of your magazine.

Alan Lipton
Los Angeles, Calif.

Still Wondering

When the United States was pushing sanctions against South Africa, while simultaneously giving very generous aid to Israel, I asked a question of Attorney General Robert Kennedy. I received no answer then, and still have not received one from anyone else. The question: What crimes have white South Africans committed against non-whites that Jewish Israelis have not committed against non-Jews?

Erik Buck
Liberty, Mo.

The Positive Externalities of Bill and Hillary

by Jack McHugh

The unprecedented corruptness of the Clinton kakistocracy may have a silver lining.

Throughout the waves of federal government expansion that began with the Civil War, through the reform era of the early 20th century, the New Deal of the 1930s, and the Great Society of the 1960s, opponents of big government — be they conservatives, classical liberals, or libertarians — have shouted the same warning: Bigger government will bring corruption and replace the rule of law with the rule of men. Their cries fell on deaf ears. Now, as a result of the politicization of the executive branch brought about by the Clinton administration, these warnings may have more resonance. In the near term, the corruption brought about by the Clinton administration is a disturbing development for the republic. But in the end, it may provide rich opportunities for those who wish to reduce the size and scope of government.

The tremendous growth of government over the last century, far beyond the bounds set by the Constitution, was palatable in part because the public believed that civil servants in the vast new bureaucracies would use their extraordinary power in an impartial and just manner, conscientiously striving to do "the most good for the most people." Americans saw themselves as having an innate sense of fairness. So they believed that American bureaucrats, insulated from political patronage by civil service reforms, would also be fair — they could be trusted to run new or greatly expanded agencies for the best interest of the nation and everyone in it. Bureaucracy would never become an instrument of oppression, used to punish political enemies and reward cronies of elected officials. America was different from other nations, and most Americans believed that our government bureaucrats could be trusted in ways that the minions of Asian, South American, and European governments could not.

In most of the Old World and all of the Third World, this perception of government as trustworthy and disinterested is completely alien. Anyone suggesting otherwise would be considered naive or misguided at best. Government power is accepted as the inevitable spoil of political or military victory, to be used to benefit the victors and punish the vanquished. The very concept of "corruption" is alien — the natural order is that those with power use it for their own benefit. Power is generally used to enrich cronies, such as in pre-1998 Indonesia, where billionaires were created through favors from former President Suharto. It is sometimes used to massacre enemies, as in Somalia, Serbia, and Rwanda. These are extreme examples, but in most of the world, the rule of law is at best a fig leaf behind which the spoils and sanctions are doled out.

The exceptional feature of constitutional democracy, as practiced in the United States and Britain since the end of the 18th century, was that this view of government as an inherently corrupt institution was supplanted by the view that government can be bound by the rule of law.

Eighteenth-century Britain was ruled under a system of "interest," where the path to success was to become a crony of the elite, thereby seeing one's interest advanced by someone in power. The rewards could be sinecures in the military or government, advancement in commerce, the gift of valuable property at home or in the Colonies, or the grant of a monopoly on some aspect of trade. The American

Revolution arose in part as a consequence of abuses of this system. Our Constitution was crafted specifically to ensure that "interest" and "prerogative" could not take root on this continent. Among the Founding Fathers, there was a consensus regarding the evils of the "interest" system. That consensus remains largely intact today.

The persistence of this consensus is seen in the public's outrage over instances of corruption in America. The political reputation of Ulysses S. Grant was destroyed by his participation in shady railroad ventures. The governmental changes of the reform era, especially the creation of a civil service insulated from political patronage, was a reaction to government workers being used to benefit politicians rather than the public. The Harding administration was embarrassed by the involvement of executive branch personnel in the Teapot Dome oil scheme. Allegations that Richard Nixon used the IRS to punish his enemies were greeted with shock and genuine outrage, both in the media and the public at large.

That these events made news and history is evidence of our rule-of-law consensus, and a sharp contrast to situations elsewhere, in which such scandals are viewed as business as usual. Throughout American history, political leaders understood and accepted that there is a limit on how far they could use their position to reward friends and punish enemies. Politicians who deviated from accepted limits paid a heavy price.

In the short term, Clinton's corruption was damaging to the nation and the democratic process. But the long-term consequences could be a change in popular perceptions of government.

Acceptance of these limits by the occupants of the White House came to an end in 1993, and this may be the most important legacy of the Clinton administration. Millions of words have been and will be written about how President Clinton used his office in a manner considered normal in dictatorships and Third World kleptocracies, but that was unprecedented in the United States.

Clinton used the powers of his office to reward cronies and punish enemies. The most notorious example was the transformation of the Justice Department into the Clinton Legal Defense Department. Another high-profile case was the conversion of the Department of Commerce into a wholly owned subsidiary of the Democratic National Committee. This was exemplified by selling seats on Ron Brown's trade mission to corporate contributors, the fundraising activities of political apparatchik and Commerce Department employee John Huang, and the sale of intercontinental ballistic missile technology to China.

Of course, Commerce Department corruption is not likely to cause any great change in the perceptions of most Americans regarding government legitimacy. Many consider it an unseemly, but not particularly surprising or objectionable, practice. In public opinion, no one seems to get hurt by corporate welfare as a political reward (although permitting the sale of ICBM technology to China may alter this perception).

What Americans do find disturbing and contrary to their rule-of-law consensus is using agencies previously considered sacrosanct to punish Clinton administration enemies and reward cronies. It is these scandals that have the potential to change the way the average American views his government. Most ominous was the Clintons' use of the FBI and the IRS for blatantly political purposes.

The Shifting Consensus

Widespread voluntary compliance with the income tax is uniquely American. Citizens may grumble that the tax code is weighted against the middle class in favor of "fat cats," and many may claim dubious tax deductions. But when compared with other nations, the overall voluntary compliance rate is very high. In part, this is the product of fear, but even more, it is a function of a general acceptance of a duty to pay one's "fair share." Voluntary compliance is also based on the belief that the IRS is not a tool of any elected official; that individuals will not be punished or rewarded by tax authorities in response to whether they supported one party or another.

Allegations that President Nixon attempted to use the IRS to punish enemies were greeted with outrage. Since then, we have learned that President Kennedy also used the IRS inappropriately, perhaps more successfully than Nixon. But only under Clinton did evidence of a consistent pattern of IRS abuse become clear. The most headline-grabbing instances were reports that Paula Jones and Juanita Broderich were being audited. But more disturbing in the long run was the IRS practice of entangling right-wing think tanks and interest groups in expensive multi-year audits, or withholding tax-exempt status from non-profit opponents while giving free rides to similar institutions on the left. It remains to be seen whether awareness of this corruption will have a significant effect on voluntary compliance with the tax code. Fear of the IRS remains, but the legitimacy of the service has suffered badly. This can only help bolster efforts to "end the IRS as we know it."

FBI Scandals

Baby-boomers who grew up watching *The Untouchables* and all-American Efrem Zimbalist Jr. in *The FBI* came to view the Federal Bureau of Investigation as the paragon of rectitude and efficiency. The peccadillos of FBI founder and longtime head J. Edgar Hoover, and more recent examples of ineptitude and corruption in the FBI crime lab have taken some shine off the badge, but these were perceived as isolated problems amenable to "reform," not systemic dysfunctions. In contrast, Clinton's use of the Bureau to pursue political goals posed a more dangerous challenge to its legitimacy.

Ironically, his first publicized abuse of the FBI was to give political cover for opening a patronage slot that most Americans would consider legitimate spoil: the White House press office. Puffed up with their own rhetoric about bringing in "the cleanest administration ever," the Clintons did not want the appointment of Hillary's cronies to look like

Continued on page 50

China: The "Crisis" and the Facts

by R.W. Bradford

What do you do when facts get in the way of your prejudice?

April's Crisis of the Month came and went very quickly. On April 1, a U.S. airplane trying to listen to Chinese radio transmissions was intercepted by two Chinese fighter jets some 60 miles off the coast of China. One of the fighters collided with the American plane. The Chinese plane went down; the much larger U.S. plane was badly damaged. Its pilot transmitted a "mayday" and landed at the nearest airport, which happened to be on Hainan, a large Chinese island. China held the Americans captive and demanded an apology. The U.S. government, claiming that the collision was almost certainly the result of the Chinese fighter's flying into the path of U.S. aircraft and emphasizing that its surveillance craft had acted in a way that was perfectly legal, refused to apologize.

In the United States, some on the left called for the Bush administration to apologize and refrain from further surveillance of China, while some on the right claimed the U.S. should take affront at the Chinese insult and teach them a lesson, perhaps in the form of some well-placed bombs.

After twelve days of negotiations, the U.S. issued a Delphic statement that could be interpreted as an apology and the Chinese released their prisoners. President Bush followed up with some nasty comments about China, probably to assuage his party's right wing. But China was not bombed and Bush didn't capitulate. Common sense prevailed. The "crisis" passed. In another few years, it will be as forgotten as the Venezuela-British Guiana border crisis of 1896.

My own reaction was to hope the U.S. would react similarly to the way in which Britain is said to have reacted to a comparable indignity in 19th century Bolivia. During one of that country's perennial revolutions, a mob attacked Britain's embassy and dragged her ambassador through the streets of La Paz. Britain reacted by announcing that it would no longer include Bolivia on maps of South America.

Not all libertarians share my view.

Lew Rockwell, a former Libertarian Party leader who was a close associate of Murray Rothbard during Rothbard's final years, and who remains head of the Ludwig von Mises Institute, wrote for Internet distribution a column titled "China is Right," which delineates a very different view of the mini-crisis:

> The U.S. government has flipped its lid on this China spy plane mess. So have many commentators who are refusing to come to terms with some very obvious facts.

Let's take a look at Rockwell's "facts."

> *No. 1: The collision between the U.S. spy plane and the Chinese jet occurred along China's border . . . the U.S. claims it was in "international airspace," but backs up this claim with a rule arrived at unilaterally by the U.S. government and accepted by no one else. . . . The space where the collision occurred is normally used to facilitate commerce, not hostile military activities.*

Well, this "fact" contains several factual claims, ranging from false to dubious. The collision actually occurred 60 miles off the coast of China, in an area open to ships and aircraft of all nations. That this is "international airspace" is accepted by nearly all countries. It's sort of true that this space "is normally used to facilitate commerce, not hostile

military activities," if, by that, one means that the majority of planes and ships that pass through this area, like almost all the other airspace and surface of the ocean, are commercial, rather than governmental. But so what?

No. 2: The U.S. plane was a spy plane. Say it three times: It was a spy plane. It was not a commercial airliner. . . . The U.S. spy plane was seeking to intercept communications and rip off information for U.S. military advantage . . . This makes it an aggressor against China . . .

Bertrand Russell liked to conjugate adjectives whose factual content was the same but whose connotations varied: "I am firm, you are obstinate, he is a pig-headed fool." What one person might call "spying," another might call "surveillance" and another simply "research."

During one of Bolivia's perennial revolutions, a mob attacked Britain's embassy and dragged the British ambassador through the streets of La Paz. Britain reacted by announcing that it would no longer include Bolivia on maps of South America.

This is not to say that all types of "spying" or "research" are morally or legally equivalent. Normally, the pejorative "espionages" or "spying" is reserved for activity that is illegal or immoral. In his first "fact," Rockwell had suggested that the U.S. aircraft was acting illegally, though he offers no support for his claim. Now he claims that the U.S. activity is also "immoral": the U.S. plane is "ripping off" information, thereby engaging in "aggression."

Again, Rockwell merely asserts and treats his assertion as fact. Again, his distinction has no basis in reality or common sense. Organizations and enterprises often try to get information on competitors, and, unless they use force or fraud, their doing so is perfectly moral.

Suppose that you own a hamburger stand and want to find out about a competing hamburger stand down the street. There are several sources of information available to you. You could break into your competitor's office and photocopy his records. You could hire someone to apply for a job with the firm to tell you private information about its activities. That would involve using force or fraud to steal information. That would be wrong. And illegal.

But what if you hired someone to count the number of customers your competitor has each day? What if you read his newspaper ads and monitor television news reports about his business? That would involve no force or fraud. It would be morally right. And perfectly legal.

U.S. surveillance plainly falls into this category: the aircraft was traveling in international airspace, where it engaged in perfectly legal activity. What it was doing was no more immoral or illegal than watching a competitor's businessplace and counting his customers.

But to Rockwell, it is an attempt to "rip off information," and, therefore, is "aggression." You'd think a libertarian would be more careful in using the word "aggression."

No. 3: The U.S. spy plane landed at a Chinese military airport. The U.S. crew never asked permission to do so . . .

The U.S. plane radioed "mayday," the international distress signal, which, under international law, obliges any facility capable of handling its landing to allow it to land. Technically speaking, the pilot did not ask permission. He did not need to, any more than people in a lifeboat need to ask permission to land the craft on the first available beach.

No. 4: The Chinese pilot is dead. . . . Also still dead are the three Chinese journalists who died when the U.S. bombed the Chinese Embassy in Yugoslavia in 1999. . . . The carnage is beginning to mount, and, no surprise, that at some point the Chinese are going to decide they won't take it anymore.

Let's see. Over a three year period, the United States accidentally kills four Chinese, out of a total of 1,125,000,000. It's not the "carnage" that is mounting up here; it's the florid rhetoric.

No. 5: There is no mystery about how the U.S. treats such cases. In 1976, a Soviet MIG carrying a defector landed in Japan. The Soviets demanded the plane back. The U.S. complied after taking the entire thing apart. It was sent back to Moscow in packing crates.

On another occasion in the 1970s, the U.S. secretly tried to raise a Soviet submarine from the ocean. We use any means possible to obtain military equipment from potentially hostile nations. So turnabout is fair play.

Hmmm. To discover how the U.S. customarily "treats" cases of emergency landings of foreign governmental aircraft, Rockwell looks back 25 years (when President Bush was still a coke-snorting party animal) and the U.S. was engaged in a protracted Cold War in which thousands of Americans had been killed, and cites the U.S. treatment of a military plane delivered to it by a defector and the U.S. salvage, at about the same time, of a foreign vessel abandoned at sea, to which it (or anyone else) had well-established rights to salvage.

No. 6: The U.S. spy plane was not an innocent victim. No one can say for sure how the collision occurred, but it seems obvious that the U.S. version of events — a spy plane minding its own business gets bumped by a Chinese jet — isn't true. This was a case of the kind of cat-and-mouse that cars play on highways all the time.

If it turns out that the U.S. is wholly to blame, it wouldn't be the first time. A couple of years ago, American fighter pilots cut ski cables in Italy, killing 20 civilians with their recklessness. And just recently, show-offs and goof-offs cruising the world in a submarine sank a Japanese school boat, killing nine, four of whom were 17-year-old kids.

Again, Rockwell mixes speculative claims to concoct a conclusion that the U.S. had acted immorally. He suggests that the U.S. plane was not "entirely innocent" because it was engaged in "the kind of cat-and-mouse that cars play on highways all the time." This sounds sensible at first, but the more one knows about the circumstances of the collision, the less plausible it becomes. The U.S. plane was a large, slow, propeller-driven craft that is very good at traveling long distances, but not very maneuverable. The Chinese plane was a small, fast jet that is very good at making quick maneuvers. The collision was like that of a speedboat and an ocean-going cargo ship. Almost certainly, it was the result of the Chinese pilot's acting either very aggressively or very recklessly.

From the slight possibility that the lumbering U.S. craft somehow purposely rammed the nimble little jet, Rockwell riffs to a couple of episodes of military "show-offs and goof-offs" who harmed civilians who happened to be citizens of American allies. Surely these episodes are to be decried, but what do they have to do with the China case?

No. 7: The U.S. has fulminated for years about supposed spying by China against the U.S. . . . For all of its bluster, it never went so far as to accuse China of flying spy planes around our borders.

True enough, but totally irrelevant. There are two reasons I can think of for the failure of the U.S. to accuse China of flying planes "around our borders." The Chinese haven't done so because doing so would be too expensive or would require technology not available to the Chinese, and they can get the information in other, cheaper ways. Or perhaps the U.S. realizes that if China wants to fly planes full of radio equipment 60 miles off our coast, there is nothing we can do about it anyway. Certainly other countries fly planes that close to our shores. Cuban military craft flying in international airspace 60 miles from the Florida Keys would be flying closer to Cuba than to the U.S.

OK, so Rockwell got just about everything wrong in his column. It's not the first time a pundit has done this. Why make a big deal about it?

What's interesting here is something that sportswriters have known for years: You get ahead by having provocative opinions, colorfully told. Hardly anyone cares about the logic or truth of your analysis. News personalities and columnists picked up on this truth long ago, as has anyone who has watched the talking heads on cable news channels, trying to break out of the pack and land a spot on "Crossfire!," "Fox News Sunday," or "The Capitol Gang."

The formula for successful punditry is simple: get attention by stating an outrageous opinion as colorfully as possible. In this case, facts got in the way, so Rockwell replaced them with non-facts.

I first learned how well Lew Rockwell had learned this lesson over a decade ago. Back then I spoke with Murray Rothbard several times a week. Our communications usually touched on *Liberty* business (Murray was a senior editor at the time), but they covered just about every aspect of libertarianism and the libertarian movement.

One night, Murray told me that he and Lew had just attended the Michigan Libertarian Party's annual convention. A short while before, an oil tanker operated by Exxon had run aground off the coast of Alaska, leading to what the media characterized as an "ecological disaster." With lots of videotape of gulls covered with crude oil, the story had been getting plenty of attention — all of it unfavorable to Exxon. At the convention, Murray explained, he had given a speech urging listeners to "be sorry for Exxon" for all the bad publicity it had received. His talk had shocked the Michigan libertarians — some actually booed and others applauded only politely, in contrast with the enthusiastic ovations Murray was accustomed to from LP audiences.

"Lew saw the reaction," Murray told me, "and sent out a press release defending Exxon. And he's been invited to appear on 'Crossfire!'" It was plain to me that what got Rockwell on network television was his willingness to articulate an opinion widely regarded as outrageous. And it was plain to Rockwell, too.

Rockwell's Internet column on the Chinese incident followed the same modus operandi: get attention by stating an outrageous opinion as colorfully as possible. In this case, facts got in the way, so he replaced them with nonfacts and misdirection.

Why were so many libertarians seduced by Rockwell's screed? The reason, I think, is that they like its conclusion — that the U.S. government is up to no good.

And how did libertarians react to Rockwell's column? So far as I can determine, those that saw it thought it was great. A half-dozen copies were forwarded to me, most with notes attached singing its praises: "Fearlessly, point by point," one especially gushing note said, "Lew refutes the U.S. government's version of the event." Not one person attached any comment on its fabrications or illogic.

Why were so many libertarians seduced by Rockwell's screed? The reason, I think, is that they like its conclusion: that the U.S. government is up to no good in general, and, in particular, should not be doing this sort of surveillance on China.

I take a backseat to no one in advocating a noninterventionist foreign policy, but my isolationism is the product of my best efforts to determine the facts and to analyze the situation rationally. I reject the sort of thing Rockwell has done — whether it is the product of a conscious desire to pander to his audience or his own susceptibility to fallacy and falsehood.

As a journalist, I am always concerned that my own beliefs color my perception of facts. As an editor, I always worry that our writers will be as fallacious and careless about facts as are so many pundits, including Rockwell. As a libertarian, I hope that all libertarians will resist the temptation of supporting their beliefs with fallacy, mendacity, and sloppy thinking.

It's high time libertarians remember that every action taken by our government is not criminal. Almost two centuries ago, Stephen Decatur famously toasted his fellow naval officers, "Our Country! In her intercourse with foreign nations may she always be in the right, but our country, right or wrong."

For too long, too many libertarians have acted as if they should make another toast. "Our Country! In her intercourse with foreign nations may she always be in the wrong, but against our country, wrong or right." ❑

The War on Victims

by Dave Kopel, Paul Gallant & Joanne Eisen

Welcome to Britain where criminals are aggressive, cops are vindictive and the government jails people who try to defend themselves.

To many residents of the New York metropolitan and surrounding areas, the new millennium started off with what appeared to be a protracted sex scandal involving Long Island's finest.

On Jan. 3, 2001, the *New York Daily News* reported that 27-year-old Angelina Torres had filed suit against the Suffolk County (the eastern part of Long Island) Police Department for $15 million. According to Torres, a county police officer pulled her over for suspicion of drunken driving at 2:30 a.m. on New Year's Day. When she failed a Breathalyzer test, the officer handcuffed her, put her in the backseat of his cruiser, and drove around for more than two hours. Then, six blocks from her house, and after being told "I'm going to teach you a lesson," Torres was ordered to strip to her underwear and shoes, or "go to jail for a long time."

Just two days later, the *Daily News* reported that "a second woman says a Suffolk County police officer had ordered her to strip after she allegedly failed a sobriety test . . . " And one day after that, a third such incident made the papers.

On Jan. 10, the Suffolk County Police Department announced the creation of a special task force to deal with "complaints by three women who said they were forced to strip by a county cop who nabbed them for drunken driving."

By Feb. 9, 34-year-old police officer Frank Wright — a nine-year veteran assigned to the Highway Patrol bureau — had been accused of forcing at least ten women to remove various items of clothing during traffic stops in order to avoid arrest.

Just a case of kinky sex by a rogue cop?

That would have been a reasonable conclusion until 36-year-old Anthony Luciano came forth on Feb. 8 and accused Wright of forcing him to remove everything but his underwear, when Luciano was stopped for suspicion of drunken driving a year ago.

According to the Feb. 9 *New York Post*, "Luciano was . . . pulled over by Wright . . . in the early hours of the morning and given a Breathalyzer test, which he failed. He said Wright told him he could avoid arrest if he took off his outer clothing and walked home in the frigid weather."

Officer Wright told Luciano that he "does this to a lot of people" and he "was going to teach me a lesson . . . This way, he didn't have to do the paperwork tonight — it was five hours of paperwork." By acquiescing to Wright's demands, Luciano could avoid a more conventional punishment.

It was only when a second police officer arrived on the scene that Wright ordered Luciano to put his clothes back on, and instead issued him a summons for drunken driving. As a result, Luciano plead guilty in court and spent four months in jail.

A New York City highway patrolman who knows Wright by reputation said, "I'm sure it wasn't done maliciously or sexually. It was probably done as a lesson, even though that's not the right lesson to teach anybody."

Just another weird story from New York? For the British, it's about to become national policy. Prime Minister Tony Blair is committed to creating officially sanctioned, on-the-spot "justice."

Blair is facing an election in May, and skyrocketing crime

(notwithstanding his meanspirited and intolerant handgun confiscation) is one of the foremost issues he needs to address. An admission of failed social policies doesn't fit well into Blair's prospects for re-election. State-sanctioned vigilante justice does.

In a speech to the Global Ethics Foundation at Tubigen University, Germany on June 30, 2000, Blair declared:

> Bizarrely, as the law stands, the police have the power in Britain to levy on-the-spot fines for cycling on pavements and dog fouling. And yet, they have to deal with drunks who get offensive and loutish and often can do nothing about it without a long, expensive process through the police station, the courts, and beyond . . . I believe that should change.

On Jan. 10, 2001, the *London Telegraph* reported on Blair's "10-year Battle on Crime." Included in his plans were "new powers for the police to levy on-the-spot fines for anti-social behavior."

According to the Jan. 19 *Guardian*, Blair's crime-fighting proposals, intended for "modernizing law enforcement," represented "the most sweeping extension of police powers since Michael Howard's infamous 1994 Criminal Justice and Public Order Act."

When a female tourist from Arizona was set upon by a gang in a London subway in 1991, she used a penknife to defend herself. The penknife was deemed an "offensive" weapon. She received a suspended prison sentence.

Among the features of that law were expansion of government power to hold people in jail before trial (even when they pose no risk of flight), reducing evidentiary requirements for some crimes, allowing an accused person's silence to be used against him at trial, and granting police the power to collect biological evidence from a person without a warrant.

The Jan. 20 *London Telegraph* noted that, if Blair's proposed Criminal Justice and Police Bill is enacted, "Overstretched police will be able to issue penalty notices without having to arrest offenders. The level of the fine has yet to be set but the Bill allows them to be set by the Home Secretary at between £100 and £2,500 . . . Among misdemeanours covered are: drunk and disorderly behaviour; using threatening, abusive or insulting words or behaviour, or disorderly behaviour; being found drunk and incapable; buying alcohol for someone under age; damaging property; throwing fireworks; making hoax 999 [the equivalent of our "911"] calls; throwing missiles; and trespassing on the railway . . . Offenders would have the option of paying the fine . . . or going to court. If the fine is paid, there is no admission of guilt and no criminal record."

Home Secretary Jack Straw "dismissed any civil liberties objections to his new package, insisting the public would welcome the extra police powers because they were 'more interested in the arrest, prosecution and conviction of persistent offenders such as burglars through the use of the new powers.'"

Welcome, indeed, to self-defenseless, oft-victimized Brits.

And welcome, too, to many in Great Britain's law-enforcement community, as the new measures would eliminate the lengthy paperwork required — the kind Suffolk County officer Frank Wright so objected to — and ease the strain on an already overburdened criminal justice system.

The state benefits, the police officer benefits, and the perpetrator benefits, but the rule of law becomes the victim. The serious risks of corruption and bribery, and the shakedown of both criminals and non-criminals cannot be easily dismissed.

For many centuries, Great Britain was the paradigm of a "civilized" society; so civilized, in fact, that crime and criminality seemed to have been relegated to nothing more than a faded memory. At the dawn of the 20th century, violent crime was virtually nil, and the traditional rights of Englishmen were well protected. Now civil liberties invasions that would have appalled Sir William Blackstone (the great expositor of the Common Law) are routine, and crime is soaring out of control.

The reason is not hard to fathom. During the 20th century, the British were incrementally conditioned to accept the notion that self-defense — and the means to accomplish that end — is never acceptable. In 1953, the Prevention of Crime Act rendered possession of any article "made, adapted, or intended" for an "offensive purpose" . . . "without lawful authority or excuse," a crime. In British legal newspeak, an "offensive" weapon includes anything which the owner contemplates using for defense against a violent criminal.

That includes grandma's knitting needles. Indeed, during the 1953 debate, some Members of Parliament pointed out that an elderly woman who worked for Parliament carried a knitting needle for protection on her walk home. The British government indignantly interpreted her behavior as a statement of the failure of the government to maintain law and order, and not to be tolerated.

Fifty-six-year-old BP Chemicals executive Eric Butler learned that lesson the hard way. Butler was attacked early one evening in March 1987 on the London tube. As one witness stated, two men came after Butler and began "strangling him and smashing his head against the door; his face was red and his eyes were popping out." Not one single passenger on the subway came to Butler's aid. "My air supply was being cut off," Butler later testified, "my eyes became blurred, and I feared for my life." Concealed inside Butler's walking stick was a three-foot blade. Butler unsheathed the blade. "I lunged at the man wildly with my swordstick. I resorted to it as my last means of defense." He stabbed one of the attackers in the stomach.

The assailants were charged with unlawful wounding, but Butler was tried and convicted of carrying an offensive weapon. And while the court gave Butler a suspended sentence, it nevertheless denounced the "breach of the law which has become so prevalent in London in recent months that one has to look for a deterrent." The Thatcher government promptly banned even the possession of swordsticks.

An "offensive weapon" can be something as innocuous as a penknife, if carried with defensive intent. When a female tourist from Arizona was set upon by a gang in a London subway in 1991, she used a penknife to defend herself. While

the penknife was not illegal, per se, her intent to use it for self-defense in an emergency was deemed possession of an illegal "offensive" weapon. The woman received a suspended prison sentence.

Back in 1991, a person could at least carry a small knife for non-defensive purposes. But consider a report from the *Evening Standard* newspaper in London, dated Oct. 31, 1996:

> A man who uses a knife as a tool of his trade was jailed today after police found him carrying three of them in his car. Dean Payne, 26, is the first person to be jailed under a new law making the carrying of a knife punishable by imprisonment. Payne told . . . magistrates that he had to provide his own knife for his job cutting straps around newspaper bundles at the distribution plant where he works . . . Police found the three knives — a lock knife, a small printer's knife, and a Stanley knife — in a routine search of his car . . . The court agreed he had no intention of using the knives for 'offensive' purposes but jailed him for two weeks anyway . . .
>
> [The magistrate said] "I have to view your conduct in light of the great public fear of people going around with knives . . . I consider the only proper punishment is one depriving you of your liberty."

A well-founded public fear of violent criminals with knives has now become perverted into the punishment of innocent people.

Today, British law encourages victims to remain passive, dramatically lowering the cost of doing business for criminals. And if the perpetrator is injured by the intended victim, that victim becomes transformed into a "criminal." Last summer, an elderly rural man who shot a pair of career criminal burglars, killing one of them, was sentenced to life in prison. Like many Britons, he had been repeatedly victimized by burglars. As an item in the April 24, 2000 *Birmingham Post* noted, "too often more thought is given to the battered burglar than the frightened victim."

On one hand, British subjects have been rendered defenseless through the false linkage of self-defense to vigilantism. On the other hand, the police are today being steered down that very path.

The *Birmingham Post* story further pointed out, "Too often the victim is put through the ordeal of a police investigation, being prosecuted by the CPS [Crown Prosecution Service] and facing the trauma of a jury deciding his or her fate on the flimsiest of cases."

The British government plainly considers preventing self-defense more important than preventing violent crime.

It should be no surprise that British fear crime, and British subjects will eagerly accept any remedy that promises them a less dangerous existence.

It is the natural result of the refusal of Blair and his predecessors, including Margaret Thatcher, to recognize that the traditional and natural right of self-defense is mandated by human behavior, and its elimination produces consequences that are entirely predictable.

Over the years, in order to shame the populace into acceptance of victimhood, one of the tactics used by the British government was to equate self-defense with retribution or vigilantism. This same ploy is used today by anti-self-defense politicians here in the United States: On Dec. 7, 2000, the *Chicago Sun-Times* reported that Cook County State's Attorney Dick Devine threatened that "Anyone who wants to transport a firearm in a fanny pack in an attempt to bring vigilante justice to the streets of our city is sadly mistaken."

American criminologists Don Kates and Gary Kleck have noted that those who make "no distinction between murderers and victims lawfully defending themselves" have allowed "gun ownership for self-defense" to be condemned as "incipient vigilantism."

The British government has the power to hold people in jail before trial when they pose no risk of flight, use an accused's silence against him at trial, and collect biological evidence from him without a warrant.

But self-defense is not retribution, nor is it vigilantism. Vigilantism involves punishment of a criminal after the crime has been completed; self-defense is resistance to a crime in progress. The hypocrisy of the British government should be obvious to all. On one hand, British subjects have been rendered defenseless through the false linkage of self-defense to vigilantism. On the other hand, the police are today being steered down that very path.

The British government's dystopian society, where victims can't resist and the police need not worry about due process, is the exact opposite of genuine civilization. Three centuries ago, John Locke explained that "the law, which was made for my preservation . . . permits me my own defense . . . and even . . . a liberty to kill the aggressor." Locke's enlightened thinking rebukes those who misuse the power of government to prevent people from protecting themselves from harm.

Yet the modern barbarism of Britain is the guiding principle of the American anti-gun movement. Sarah Brady, the head of Handgun Control, Inc., explains, "To me, the only reason for guns in civilian hands is for sporting purposes."

Almost everything on the agenda of the American anti-gun lobby — such as mandatory gun locks, lawsuits against gun companies that have made their handguns smaller and more powerful, and opposition to handgun carrying by law-abiding citizens — is premised on the lobby's abhorrence of self-defense.

"The British disease" used to be the French term for syphilis. But the real British disease is a steadily-advancing form of what Samuel Francis calls "anarcho-tyranny" — in which government forbids citizens to protect themselves, while stripping them of their rights. Whether the British disease will spread in America — beyond its current infected zones such as Chicago and the District of Columbia — is the real issue in the American gun debate. ❑

A Guerrilla Capitalist in Guatemala

by Douglas Casey

Central America is not just for bananas anymore.

It was my third trip to Guatemala in about 20 years. As I got off the plane, I felt a little like Ishmael in *Moby Dick*, when he first went down to the sea. The prospect of adventure is always invigorating, no matter how many times you've experienced it. Getting there packed in a flying cigar tube for hours isn't much fun. But we've got it soft compared to our ancestors, who spent weeks in rat-infested sailing ships and bouncing along rutted, dusty roads in coaches.

I could talk about all the nice restaurants in Guatemala City and about how Antigua (about an hour's drive from GC) is a great place to go to learn Spanish and hang with other gringos, or that a visit to the Saturday fair in the town of Chichicatenango is absolutely obligatory, or that smiling locals give you a lot of value for your dollar. But things that everybody knows are hardly worth knowing, so I'll zero in on a few things that you won't see in *Fodor's* or *Lonely Planet*.

Guatemala is the epitome of a banana republic, where U.S. imperialism met a local culture with weird religions, leading to vast plantations, guerrilla warfare, vigilantism, and military dictators. Banana republics have the makings of both melodrama and comedy. If you think I'm kidding, read Harold Robbins' *The Adventurers* and see "The In-laws", starring Peter Falk and Alan Arkin. Either could have been about Guatemala. So could Woody Allen's "Bananas."

Bananas: The Fruit, Not the Movie

As you look around GC, a metropolis of a little over a million people, you might ask yourself what these people do for a living, since there's no manufacturing to speak of in Guatemala. And, in fact, all the wealth comes from the countryside in the form of commodities like coffee, bananas, sugar, and cotton. There's increasing diversification into specialty crops, but plantation-style agriculture is what makes this country tick. That's in no small measure because of the United Fruit Company.

United Fruit (which became United Brands in 1970) is an exemplar of what investing in the Third World used to be. Founded in 1899, it cut deals with most of the governments in Central America; in exchange for gigantic land grants, it made promises to establish plantations and build the infrastructure needed to run them. On the face of it, this was a simple quid pro quo where everybody benefited.

Unfortunately, because United Fruit dealt almost exclusively with governments, it inevitably enriched politicians and generals in return for their passing laws, granting monopolies, and using the military to rip off the people who lived there. Reformers would arise from time to time and, justifiably disgusted with the dog's breakfast of corruption, move to expropriate United Fruit's holdings, at which point United Fruit would induce the U.S. government to send down the Marines to replace the local government and restore the status quo.

The lesson to be learned from all this is not that giant corporations going into small countries enslave the natives and therefore should have their properties nationalized. It's that small, undeveloped countries are usually undeveloped because their governments are corrupt and socialistic. And the only way they can induce foreign capital to take the risk of building is by giving them what looks like a very sweet

deal. After which, the only way the foreigners can avoid expropriation is by massively bribing the people controlling the government. The problem isn't greedy foreign capitalists, it's the government, the political process, itself.

Politics in Guatemala today fairly resembles politics in democracies everywhere. The main differences among the roughly 15 parties are whose special interests they want to enrich (ex-guerrillas, the military, rich guys, the Catholic church, the urban poor, etc.) at the expense of people in general, or of one or another interest group. People vote for what they perceive as their best interests in GC, but in the country they don't have a clue what's happening, so they simply do what the local mayor tells them. It's usually something like "Listen, my friends, if the Frente wins, they'll put in a football field for the village, and all the children will get new pencils for school. If anybody else wins, we get nothing. So you must vote for the Frente on Saturday."

Soldiers

Since the country's independence in 1838, it's hard to count all the generals who have taken their turn at looting, pillaging, and brutalizing the opposition. It's hardly been an optimal situation.

Tradition is a powerful thing in every culture, and especially so in relatively backward countries. Change always comes slowly in places that the military has dominated for a long time, and in Guatemala the military has been more or less running the government since its inception. As in all Third World countries, the purpose of the military is not so much to defend the country against invaders as to protect the ruling classes and the government from the people. Insofar as that creates a form of stability, I suppose it can be argued that it's a good thing. The army also provides an avenue for people on the bottom to rise through the ranks, providing something of a social pressure release valve. And it serves as a vehicle for officers to enrich themselves, especially when they rise in the ranks. When I was there, the press reported that the army had elevated five more colonels to general, an astoundingly large crop for a country of 12 million. Coincidentally, the same week, the pope appointed five new cardinals. I pondered the possible parallels, but I hesitate to draw any conclusions.

The military in almost every country tends to be conservative, in both meanings of the word. They're conservative in that they want to keep the traditional social, political, and economic order. On a more philosophical level, they're conservative in that they believe in hierarchy (they'd be the last to favor a plebiscitary democracy), property rights (perhaps because of their pensions), and strict law enforcement (as in martial law). It's no accident that American military men tend to vote Republican. And the Guatemalans — like soldiers everywhere — do the local equivalent. On the one hand, there are worse things than having a strong military influence in a place like this. But perhaps Gibbon was right when he said that trusting the commonwealth to an order of men who are accustomed to a life of slavery and violence is an invitation to disaster.

Guerrillas

Guatemala's long civil war only came to an end in 1996. It had its origins with Jacobo Arbenz, who was elected president in 1951. One of his primary goals was radical land reform, the redistribution of land from large landholders, like the United Fruit Company, to landless *campesinos*. The CIA conspired with the military to get rid of Arbenz, and this acted as a catalyst for rebellion among Indians, whose hopes of getting a plot they could subsist on, let alone grow a little extra for the cash economy, were dashed.

The Indians certainly had a justifiable beef. They used to have land, but at various times in the past the government had simply expropriated it and given it away to its cronies.

Guatemala is the epitome of a banana republic, where U.S. imperialism met a local culture with weird religions, leading to vast plantations, guerrilla warfare, vigilantism, and military dictators.

The Indians were left with subsistence farming, or with seasonal work revolving around the coffee and banana harvests (which currently pays somewhere around US $2–4 a day). Worse, when employers gave advances on wages, an exorbitant interest clock started ticking. It wasn't long before Indians became serfs — especially since convenient laws dictated that debt survived three generations after the person who incurred it. When oil was discovered in the Peten, the flat, low-lying jungle in the north, the Indians were again treated as no more than a nuisance. Scores of thousands migrated to Mexico, something which certainly had an influence on the Zapatista movement there.

During the civil war, about 5,000 fighters were typically in the field, and they had hundreds of thousands of collaborators. But it's tough to stand up to a conventional army that is willing to be quite brutal. The civil war is estimated to have caused at least 150,000 deaths plus another 50,000 "disappearances" over the last 30 years, most of these courtesy of the army. To put that in perspective, it's the same as if 5 million Americans were killed in political violence over the same time.

When I was last there ten years ago, there were lots of roadblocks and checkpoints set up by the army. It's never pleasant to be stopped, especially at night, by a heavily armed, potentially trigger-happy, ill-trained teenager who suspects that you're a bad guy. Now the roadblocks are gone. I guess that's some progress.

I have a friend, an industrialist, who prudently renounced his U.S. citizenship decades ago to become Australian, then proceeded to live tax-free in Hong Kong. He was kidnapped in Guatemala in the mid-'80s, and kept in a tiny sub-basement for six months before ransom was negotiated. That type of thing still can happen here, but it is far less common these days, though some rich people still keep bodyguards.

Will the guerrillas reappear? Well, the elements for their reappearance are still in place. But I'm somewhat optimistic. Marxism and socialism have been discredited as ideologies,

and chronic backers like the USSR and Cuba are either dead or bankrupt. Perhaps more importantly for the long run is the creation of institutions like the University of Francisco Marroquin in GC. Founded in 1972, it's dedicated to free minds and free markets; buildings are named for Mises and Hayek. Its 5,000 students pay substantially more than students at any other university in the country. There's still a waiting list to get in. As far as I know, it's the only college in the world dedicated to libertarian values.

Because United Fruit dealt almost exclusively with governments, it inevitably enriched politicians and generals in return for their passing laws, granting monopolies, and using the military to rip off the people.

As more people are exposed to the ideas they find at UFM, repressive legislation will be repealed and Guatemala's perennial problems — which are 100 percent rooted in its political system — will fall away. Every country should have a college (or a thousand, in the case of the United States) to act as a center of intellectual revolution.

Do You Believe in Quetzalcoatl?

Guatemala, like the majority of Central and South American countries, is a composite of several distinct cultures with little in common. Here (in fact, everywhere), it's the Indians on the bottom, and Spanish on top, with the Ladinos, a by-product of their interbreeding over the centuries, in the middle.

The Indians, descended from the Mayans, are really out of the mainstream, living in their own world. They engage in subsistence agriculture, dress in traditional garb, can't afford motor vehicles, and live in huts made of sun-dried brick, that are mostly devoid of electricity and plumbing. Over 50 percent of the country is purely Indian, and most of them, especially the women, don't speak Spanish. It's unclear to me what's really important to them besides land, but religion is certainly one thing that is.

The Mayans had quite a sophisticated religion at the time of the Spanish conquest, and over the next four centuries the Catholic Church did its best to convert the heathens. But just as the faith of Paul of Tarsus didn't make the transition from the Near East to Western Europe without picking up lots of extra baggage (Christmas, Halloween, the cult of the Virgin, etc.), it's pretty obvious it suffered some significant further mutations upon encountering the Indians. Old traditions die hard everywhere, but especially in preindustrial cultures, and it appears that many Mayan gods have made the crossover to becoming saints and angels.

The situation is further complicated by the arrival of various evangelical and pentecostal sects over the past few decades, whose new churches now fairly dot the countryside. While Catholicism revels in mysticism, and the statues of its saints meld nicely with images of Quetzalcoatl and his crew, the born-agains tend to be rather intolerant of that sort of thing. I wish I'd had the opportunity to find out how these new sects are melding with what was here before.

The government has strongly supported these new religions for at least two reasons. Latin American Catholicism had become highly political, with many young priests, especially Jesuits, buying into Liberation Theology. Liberation Theology is really something of another new religion, the mating of Christianity and Marxism. The revolutionary aspects of Liberation Theology don't wash with the military and have added heat to the ongoing civil war. The generals, with the active connivance of the CIA, decided that, since religion is such a big deal down here, one way to help win the hearts and minds of the peasants would be to get them involved in some non-revolutionary sects. So they actively recruited very conservative groups, who love to proselytize, from the heartland of the U.S. — kind of fighting fire with fire.

The military also appreciates the work ethic that the Protestant sects promote on the theory that material success is a sign of salvation or that salvation will result from the diligence that brings material success. Either way, it promotes economic progress.

My impression is that the Mormons are currently the most aggressive of the imported sects; Guatemala has a surprising number of fair-haired young men walking around in ties and white shirts trying to make converts. It was not clear to me how much progress they're making, in that you'd think there'd be quite a culture clash between tall, blue-eyed blonds promoting their home-grown faith to short brown Indians. How does the angel Moroni relate to Quetzalcoatl? And do either of them have any truck with the Virgin Mother? It must be quite confusing to an Indian who doesn't have ready access to a good theological library to sort these things out.

Actually, I've seen this sort of thing the world over, and while the trend toward globalization is both obvious and well known, a much less obvious but equally important trend is building among indigenous peoples to become more ethnocentric, seeing themselves first and foremost as Mayan, or Zulu, or Maori, or Shan rather than as citizens of some nation-state. Almost everywhere there seems to be a growing resentment of outside ethnic groups that have appropriated their lands, undermined their culture, obviated their language, and dumped their ancestors' religion. The days of missionaries being boiled in pots are probably over, but being a missionary for a non-indigenous religion is

It's never pleasant to be stopped, especially at night, by a heavily armed, potentially trigger-happy, ill-trained teenager who suspects that you're a bad guy.

increasingly unlikely to generate warm feelings among the locals.

In that light, it is interesting to note the Chinese response to the pope minting 120 new saints from missionaries and converts in China a little while back. Chinese news agency Xinhua charged that the act glorified Western imperialism and accused at least two of the missionaries of being common criminals in their extra-religious activities. Who knows. I'm a Freedom Fighter; you're a Rebel; he's a Terrorist. But there's a trend here, and it's building momentum and with unpredictable implications.

I suspect the Indians of Latin America are somewhat behind other cultures in this trend, but it's hard to know. As a people, they impress me as being quite phlegmatic; they've certainly taken a lot of abuse from the Spaniards over the centuries pretty quietly. But these seemingly placid people are capable of unpredictable and explosive violence. Most is directed at local miscreants; the examples retailed to me entail the offender being abused, then stoned, then hung. After which his body is burned, apparently to discourage his spirit from hanging around. Not surprisingly, tourism is still a small industry here.

Tourism as a Blood Sport

Guatemala City is large and sophisticated; in some ways you'd think you were in Europe. But once you leave its environs you're in another world. GC has the only paved airstrip in the country. Quetzaltenango, the second largest city, with perhaps 100,000 people, gets a daily flight on a single-engine turboprop, landing on a dirt runway. Considering how bad the roads are, it's not surprising that few tourists get beyond the capital.

Tourism is the Holy Grail for all Third World countries. They need only remain their quaint selves, which alone is enough to induce rich foreigners to come and watch them and spend money, mostly in exchange for services. Guatemala would appear to be a natural in this regard, with its picturesque natives, quaint villages, and low prices. But they're not getting much at the moment. My United 767 probably had 300 passengers flying from LAX to San Jose, Costa Rica; no more than 25 people deplaned at its stop in GC. I've been to Costa Rica many times and find Guatemala far more interesting, and a much better value. But Costa Rica hasn't gone through a 40-year civil war; it hasn't had an endless string of military governments, and it's rare when something untoward happens to a tourist. In Guatemala, an American woman named June Weinstock was beaten to within an inch of her life in an outlying town in 1994, when she fell suspect to trafficking in babies. A couple of years ago a tour bus full of Japanese tourists stopped in a small village. One man got out to take a picture of a little kid. The villagers took umbrage, and stoned him to death before his countrymen who, I'm sure, were quietly sequestering their own cameras as they watched in horror.

In the countryside, people are rarely arrested and convicted for crimes by the authorities; the locals police themselves, and when outsiders come asking questions, nobody knows anything. Pretty much the way things can be in some places in America, like the ghetto or Appalachia. But then, with the rare, spectacular exception, there's almost no crime in the countryside, either.

As I read over this article, I think I may have given too negative an account of Guatemala. Perhaps I give a less sanguine view of most countries than people are accustomed to; I'm here to tell you things the local chamber of commerce or the glossy travel brochures would rather skip over. But don't get me wrong. After all, if you think about the U.S. in the late '60s and early '70s, it sounds horrible — high inflation, gruesome urban race riots, the Manson family and the Symbionese Liberation Army, Vietnam protests — but I had a great time. It's all perception.

I have a number of Guatemalan friends, all of whom have lived here for decades, through good times and bad.

Old traditions die hard everywhere, but especially in pre-industrial cultures, and it appears that many Mayan gods have made the crossover to becoming saints and angels.

They love the weather, they have a great standard of living, and their lives are exotic, interesting, and profitable by reason of their living there.

Property prices in Guatemala, while far below anything comparable in the U.S., are surprisingly high for a country with such a checkered history. The reason is that title to small holdings of property is secure and people feel confident owning it, while the quetzal is an unreliable currency.

Are there opportunities for Americans thinking about expatriation? I suppose. I think GC and Antigua are both excellent places to live, if you're thinking about a second residence or a place to retire. But if you want to be in Central America (which has a great deal to recommend it), you'll find considerably better value in Nicaragua or Panama at the moment. Costa Rica is nice, but it's now quite expensive, and totally overrun with gringos to boot. ❑

"I'm not taking any chances, sir — you'll have to put your request for help in writing."

Diary

Springtime in Minsk

by Stephen Browne

"Belarus is the Soviet Union. It's the rest of the country that disappeared."

The old hammer and sickle remains on many of the public buildings in Minsk. A huge statue of Lenin still stands in front of parliament here. They still have a secret police force called the KGB. "Belarus is the Soviet Union. It's the rest of the country that disappeared," so I was told by the head of the Organization for Security and Cooperation in Europe (OSCE) mission in Minsk.

I came to Minsk in March to visit a friend, Jaroslav Romanchuk, and deliver some funds from Acton Line, a British charity for the relief of families of political prisoners. Jaroslav is vice chairman of the United Civil Party and deputy editor-in-chief of *Belorusskaya Gazeta*, where he writes on economic issues from a strong Austrian position. The official purpose of my visit was to write a travel article for a Warsaw expatriate magazine. Jaroslav met me at the train station with, to my surprise, a Polish libertarian friend from Silesia.

Ignoring Benjamin Franklin's observation that "Fish and visitors stink after three days," Jaroslav put me up for five days with good humor, and arranged for me to spend them between the European University of Humanities (EUH), the Linguistics University, the headquarters of the United Civil Party and the offices of *Belorusskaya Gazeta*, along with a few restaurants and bars in Minsk. Two evenings he hosted gatherings of young people connected with the opposition; once for socializing and once to sit in on a strategy meeting.

Day One

In the morning, I briefly meet Ludmilla Karpenko, the widow of politician Gennady Karpenko who died in the hospital after apparently being poisoned at a meeting. She tries to keep the question of her husband's death open, but told me that she gets phone calls taunting her with, "We got your husband, and we can get you and your children."

Jaroslav tells me, "By the way, you're giving a talk day after tomorrow at the European University of Humanities in the morning, and at the Linguistics University in the afternoon."

"And what am I speaking about?"

"Ayn Rand."

"I haven't read Rand in years."

"Say something about her."

As it happens, Jaroslav has gotten both institutions to adopt *The Fountainhead* as part of the English Philology and American Studies programs.

I see a bit of Minsk, and it completely surprises me. The periphery has a lot of those depressing Stalinist-style block apartments, but the city center was rather delightful with broad avenues and a lot of neoclassical architecture. Minsk was, like Warsaw, almost totally destroyed in the war, but it has been rebuilt a lot more attractively. I ask why and am told, "Perhaps Warsaw didn't have the German prisoners of war to do the work."

Day Two

I spend some time at the offices of the United Civil Party and *Belorusskaya Gazeta*. I get some great pictures of Jaroslav and myself with the party logo (a red horse on a white field) and pictures of disappeared members of the opposition in the background. One member and I have a friend in com-

mon: He knows Ken Schoolland, longtime libertarian and fellow member of the International Society for Individual Liberty.

At the Linguistics University, I sit in on a presentation on feminism and feminist studies by an American woman. Yet again, I meet someone with whom I have friends in common:

That evening some young members of the opposition come over with news: Lukashenko has passed a decree that all funds donated from abroad for political, humanitarian, educational, or scientific activity must be approved by the government.

An elderly American woman knows two of my oldest friends from Guthrie, Oklahoma! This happens to me all the time in Eastern Europe.

In the evening, I meet a group of Jaroslav's friends at his apartment for tea and cakes and stimulating discussion on topics ranging from Austrian economics to Ayn Rand to the chances of toppling Lukashenko in the next election. A young lady working at OSCE says that the organization is training poll-watchers, but the regime claims that they are training commandos for a foreign takeover.

There is an American diplomat there with his Belorussian girlfriend. They have to be discreet about their relationship, not because of the regime, but because the American diplomatic corps still has a rule against liaisons with locals.

When the discussion gets going too fast it shifts into Russian, but Russian is such a lovely language that it's a pleasure to listen to even when you don't know what's being said. Tantalizing bits of it do come through, though, because of its similarities to Polish.

Day Three

Jaroslav arranges for a friend, Elena Rakova, to show me around the center of Minsk. Elena is an economist and a project manager at the Institute for Privatization and Management. Jaroslav had introduced her to free-market economic theory. Jaroslav, it turns out, goes to conferences and hangs out with the likes of Yegor Gaidar, Leszek Balcerowicz, Maart Laar, Vaclav Klaus, Maggie Thatcher, and Helmut Kohl.

Free-market economic theory is indeed making headway in the councils of power — the weight of experience is just too strong to ignore these days. So I ask Elena, "Why doesn't Lukashenko content himself with turning Belarus into an authoritarian capitalist state like Singapore? Why not tell the people, 'You all have fun and make all the money you like, just pay your taxes and never forget who's in charge.'" She tells me Lukashenko is an economic ignoramus, who has learned nothing about markets since his days of managing collective farms. (Later, I put the same question to the head of the OSCE delegation in Minsk. He thinks it's because all experience shows that as soon as people gain wealth, they want a share of power.)

To express my thanks, I take Elena to lunch in a restaurant in the Old Town. We each have a full-course meal with drinks and caviar; our bill comes to $30. To me, this seems like a bargain. Elena informs me that her month's salary is $30.

That evening, some young members of the opposition come over with news: Lukashenko has passed a decree that all funds donated from abroad for political, humanitarian, educational, or scientific activity must be approved by the government. Organizations found in violation of the decree will be dissolved, and any foreigners involved will be deported.

Lukashenko has done this to assert total control over the financing of the country's poll-watchers and petition-signature gatherers; the opposition relies heavily on grant money from nongovernmental organizations, private foundations, and the governments of Russia, the United States, and several European nations. "In other words," one friend says, "he wants to get rid of this old-fashioned, mixed economy and set up a modern, up-to-date, absolute dictatorship."

We discuss possible ways to protest the decree. Raising an international outcry is a possibility, but Lukashenko cares nothing for anybody's opinion.

Day Four

In the morning I give a talk to a class at EUH that is reading *The Fountainhead*. In the afternoon, I give almost the same talk at the Linguistics University to a class that will start reading the book in a few weeks. I surprise myself by actually having something to say about Rand after all. I am further surprised when I am asked to stay and give the talk to one more class.

I am pleased to confirm a friend's opinion that in any given gathering of young people in Belarus, about 20% of the girls will be of supermodel quality.

In between the classes, I go to the offices of OSCE to interview the head of the mission in Minsk. He very generously agrees to fill me in on deep background, even though I tell him up front that I am only doing an article for an expatriate rag and a certain "journal of much passion and small circulation," in the pithy phrase of Prince Kropotkin.

The first thing he tells me is that everybody says that Belarus has no national character of its own, that it is only a part of Russia that became independent by accident during the breakup of the U.S.S.R. He denies this strongly. He said that there is a specifically Belorussian culture, and it became evident that he is passionate about it. It is easy for me to see why he is so proud of his country's character, as Belorussians are a very friendly and engaging people. He tells me that street crime is rare in Minsk and that if bystand-

Continued on page 61

Take it to the Streets

by Kendra Okanski

The struggle for freedom involves more than just a war of ideas.

Anti-globalization activists have turned protesting into an art form. Why do something constructive when you can protest, especially if you are a college student looking for a "cause" to embrace? Merritt College and New College (in California, which is no surprise) offer classes in activism. The Ruckus Society, funded by media mogul Ted Turner, trains young people in "civil disobedience." Among the skills they emphasize are teach-ins, sit-ins, puppet making, hanging banners off bridges and buildings, avoiding arrest, and talking to the media.

Anti-globalization activism is in large part facilitated by a broad array of special interest groups known as nongovernmental organizations (NGOs). In recent years, NGOs have become intimately involved in the international political arena. They participate at U.N. meetings and international treaty negotiations as "observers," but lobby delegates to vote for their agendas. NGO observers from wealthy nations often outnumber the small number of delegates who represent developing countries.

NGOs have also entered the corporate world, and not as firms producing something of value. They start by attacking international corporations as violators of environmental quality, labor standards, and human rights. Then they threaten corporations with lawsuits to "pay up" for their "misdeeds." These corporations are sometimes required to pay settlements to fund the groups that attacked them.

The global NGO movement is largely funded by American foundations, European governments, and wealthy individuals. It can mobilize its resources (both human and financial) to wherever they are needed around the world — whether it's an international treaty negotiation, a meeting of *Fortune* 500 businessmen, or a blockade of a shipment of genetically modified seeds. By no means do the members of these groups reject the technologies they oppose for everyone else in organizing their publicity campaigns: their Web sites are designed by topnotch designers, they use cellular phones, they wear Nike (gasp!) tennis shoes and drink Starbucks (gasp!) coffee.

What is perhaps most impressive to the uninformed viewer is that these activists are young people — young people who ostensibly "care" about the plight of the planet and (to some extent) its people. No matter which international agency is meeting, activists in their late teens and early- to mid-20s are sure to protest. Groups like Students United Against Sweatshops, Students for a Free Tibet, and coolthe-planet.org (which sent a large group of students to participate at the U.N. COP-6 global warming meeting in The Hague this past November) all make use of young, impressionable minds to further their agendas. Environmental groups distribute flashy, image-oriented, emotionally compelling marketing materials on college campuses around the world to attract a generation whose attention span has been shortened by the Internet and multimedia.

April marks the first anniversary of the protests against the International Monetary Fund and World Bank in Washington, D.C. It is clear from talking to these protesters, and those at the World Trade Organization meeting in Seattle, that they barely understand the acronyms "IMF" and "WTO," much less the function of these organizations. These young people engage in an odd form of imperialism by opposing the freedom of people in developing countries to improve their living conditions, while excoriating free trade and business for doing just that. Many of these young people haven't experienced poverty firsthand, so they romanticize about the meager lifestyles of the world's poor.

Why Our Opponents Succeed

The intellectual divide between libertarians and statists is wide. Most non-libertarians believe that the political mechanism can be used to create a better world, by controlling people and society. Competing philosophical understandings of man, society, and the "good" life help to widen the divide.

Libertarian ideas are not widely accepted in our culture, suggesting we have not done a good job of communicating our message. We pride ourselves on consistency and dedication to principle, but we fail to reach people with our message

because we have failed to give it broad appeal. We have not found creative ways to express our ideas in forums where they might not otherwise be heard. We often "preach to the choir" — and sometimes the choir's disagreements on our approach to broadening our appeal means that we do not focus on bringing our ideas to a bigger congregation.

Our intellectual differences with our opponents do not mean we should spurn all of their tactics. As Randal O'Toole wrote in these pages, libertarianism and environmentalism started out as fringe movements at about the same time. From the very beginning, libertarians lost and environmentalists won because environmentalists used a variety of means to personalize their message: lobbying, street campaigning, advertising, slick-looking Web sites, anecdotal victims, street theater, protesting, teach-ins, witty sloganeering, sitting in trees, public-interest litigation, coalitions, etc.

Today, environmental NGOs and all of their anti-globalization counterparts continue to use these methods. They are also involved in U.N. meetings and treaty negotiations, and corporate shareholder meetings. They have coalesced with religious groups, human rights groups, labor unions, and anarchists. While many libertarians have used the Internet to their advantage, the NGOs' multi-level approach helps make today's environmental movement a highly salient political force, reaching far more people than merely those in cyberspace.

Being intellectuals does not mean that libertarians should give up on finding ways to market their message creatively. For instance, no wide-scale effort has ever been funded to bring the libertarian message to colleges. Some individual students have organized clubs or other such groups on a few campuses, but the Libertarian Party and other large libertarian organizations have made no effort to introduce college audiences to classical liberalism, nor to organize those who already are libertarians into activists.

Appeals to emotion may be contrary to the gut instincts of most libertarians. But we cannot afford to act as if once people have the right information, they will change their minds.

Our opponents often only win because they have proper marketing materials and can attract big-name speakers to interest students. They make their politics personal by using emotions to motivate people into joining their cause. At the University of Florida in October, Libertarian candidate for Vice President Art Olivier attracted a good-sized group of college students one evening. But he delivered a memorized campaign speech and had a difficult time fielding questions that weren't part of his memorized rhetoric. He failed to have much impact because he simply could not talk about his ideas in a way that convinced his audience that he understood them and their concerns.

Our failure is especially discouraging because so many young people have libertarian intuitions. In their minds, Republicans and Democrats are members of the same party. They despise both corporate welfare and the war on drugs.

Meanwhile, the Green Party has succeeded in its endeavor to impress young people. I attended a Green Party rally in Washington, D.C., where 12,000 people (most under the age of 30) gathered in support of Ralph Nader. The Green Party made extensive use of its college groups and young election volunteers. It took the stuffiness out of politics and gave it a "hip" new image. It was stylish for young people to sport a "Nader/LaDuke" green-and-white campaign button or bumper sticker.

Many of the Green Party's ideas appall us, but we cannot deny that it has been very successful in cultivating support among young people. Free-market and libertarian activists haven't discovered the potential of campaigns to get youth on their side. In the long run, the Green Party may indeed prove to be a powerful political force and a threat to liberty.

We pride ourselves on consistency and dedication to principle, but we fail to reach people with our message because we have failed to give it broad appeal.

College-age people have only recently been exposed to the ideas that purport to explain how the world works. They have little to lose from taking an ideological stance. Libertarians should take advantage of this in the same way the Green Party has. Otherwise, we risk losing a powerful constituency.

Experience: Counterprotest.Net

Some young libertarians, including myself, have worked since last June to put these ideas into practice. We copied the tactics of our green and anti-globalization counterparts, only changing the message. We have protested the Sierra Club, Friends of the Earth, the protesters in Philadelphia at the Republican National Convention, the environmentalists at the U.S. Capitol who support the Conservation and Reinvestment Act, and, most recently, the Department of Justice.

Initially, we were accused of being "corporate shills," funded by industries that stand to gain from free trade, even though we have self-funded all of our activities. Others presumed that by virtue of being libertarian, we could not care about the poor or the environment.

Our first priority must be to disabuse people of these notions. While this will be no easy task, we must emphasize that enabling poor people to take advantage of the gains created by exchange is the only way to help them lift themselves out of poverty; and we must emphasize that wealth promotes a clean environment. The point should be, "wealthier is healthier, and cleaner." We should point out that the policies anti-globalization activists promote would actually have the opposite effect from what they intend. Preventing trade with onerous regulations condemns the poor to poverty. The environment suffers, too, if people are prevented from using technologies that help save resources.

Our experience so far is that while libertarian groups may not have instant credibility with the media, we usually

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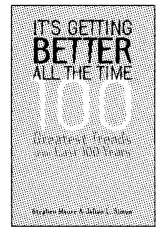

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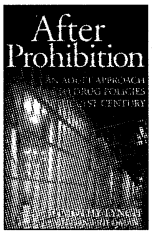

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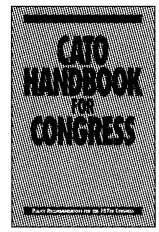

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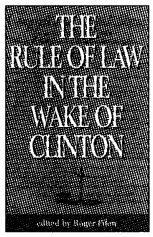

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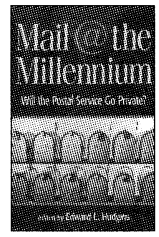

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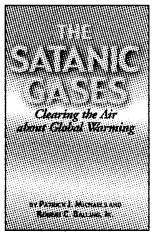

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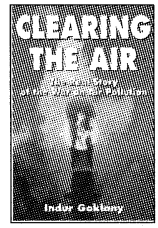

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receive a substantial amount of coverage when we show up to "counter-protest." We intrigue the media by being "counter protesters" — though sometimes they get it wrong. (The *Houston Chronicle* mistakenly reported our chant "more good, less evil" as "more guns, less people.") Despite this particular misunderstanding, slogans such as "up with people, down with government!" illustrate our ideas quickly and attract the interest of other protesters, and of reporters. Protesting, or counter-protesting, not only secures press for our views, but it also steals media attention away from groups we oppose. Over the past seven months, we have won the attention of MTV, several local Washington, D.C. news programs, radio programs, and a few newspapers and magazines.

While mass media appeal isn't everything, it is important to show that a feisty group of young libertarians care about the world too. A cadre of free-market protesters will help to put a human face on what some might see as old and dry ideas.

Communicating

Libertarians must develop a strategy through which to "sell" our ideas by adapting libertarian values to appeal to a generation of young people who despise politics and politicians, but who, as victims of public education, know only how to revere government.

An important part of this strategy is how we present ourselves. Our intellectual opponents have succeeded in part because they tug at people's heartstrings. Saving the whales, vaccinating poor children, feeding the starving: who in his right mind could be against these things? Our challenge is to show that we do care about these things; we can be humanitarian and libertarian at the same time.

Appeals to emotion may be contrary to the gut instincts of most libertarians. But we cannot afford to act as if once people have the right information, they will change their minds. To be truly effective, we must change hearts. We need to make our arguments emotionally appealing. Randal O'Toole made the observation that environmentalists have been very successful at this; they gave a human face to otherwise sterile subjects.

This humanitarian approach is especially important because, I believe, one does not need to be an intellectual to be a libertarian. To give libertarianism a popular appeal, we must seek out those arguments which clarify why government fails at environmental protection, alleviating starvation, and making society "fairer." We can undermine statist arguments by showing how the policies they promote will have effects opposite to those they desire.

"Taking our message to the streets" is no small feat. It is certainly true that to understand fully the libertarian vision takes time and often comes only through dropping presuppositions about the nature of human interactions. But we should start to experiment, learn from our mistakes, and take advantage of the opportunities we have to influence the world. ❑

Spread the Word!

I've never been very good at telling other libertarians what to do. But I'd like to offer four notions I have for advancing liberty.

Be Generous

This issue of *Liberty* is not only a fine magazine, it's also a persuasive tool to convince others that we're right. I pass on nearly all issues of *Liberty*, *Ideas on Liberty*, and *Reason* after I read them. I like giving freedom-oriented publications to non-libertarians. Most are appalled at first. Then, they might think, "Hmmmm, I like *this* part," and, eventually, they become more and more libertarian. I've seen it happen a lot over the years.

Be Tolerant

One of the reasons I never became an acolyte of Murray Rothbard was his notion that he was Lenin and we had to obey. Rothbard was a great writer, but a bad political strategist. To paraphrase Grover Norquist, all ways of shrinking the state are good ways. Hunting down deviationists and heretics while government continues to grow is a waste of time and energy.

We should also be tolerant of different lifestyles. I'm pretty conservative culturally, but I realize that the activists battling the War on Drugs are on my side. Similarly, those who became libertarians because they fear the state snooping into their bedrooms should get along with homeschoolers and gun owners. We're all in this together.

Be Funny

Two days before the election, I went downtown to attend the Ralph Nader Super Rally. This had its unpleasant aspects — listening to Nader for an hour and a half is no treat — but one of the high points was an animated cartoon by Tom Tomorrow showing his ninja-penguin hero joining with Nader to sneak into the debates after going to the mountaintop to seek wisdom from a guru (who is, of course, Master Ventura). This sharp cartoon made Nader's case better than Ralph himself ever could.

We have P.J. O'Rourke and Dave Barry, but we need other libertarian humorists to make people realize that government is often ridiculous. Then, people will realize that they don't need the state to solve their problems.

Be Friendly

We've heard a lot about civility in politics these days. Often this comes from talking heads who promote a bland and mushy centrism. But often statists use as one of their main arguments the idea that market-oriented types are selfish meanies who delight in kicking the down and out.

Being pleasant towards pro-government types does a lot to eliminate their anger towards you. That does not mean that you should compromise your principles; it does mean that you shouldn't get mad at statists. Be civil, and you will smash the stereotypes they have of libertarians. And if you confuse statists, that's the first step towards persuading them that they're wrong.

Follow these four principles, and you'll do your part towards making the world a more libertarian place.

— Martin Morse Wooster

Polemic

Liberty and Obligation

by Ralph W. Clark

Does liberty free us of obligation?

Nothing frustrates libertarians more than the extent to which their ideas are ignored by politicians, voters, journalists, and academicians. People do take more seriously the idea of "privatizing" some of government's traditional functions (for example, prisons and waste disposal) than they did a few years ago. Newspapers devote more space to discussions of "market solutions" for medical care and low-cost housing. Milton Friedman and F.A. Hayek, free-market economists, both won Nobel Prizes.

Still, no one in high public office is a genuine libertarian. Support for libertarian ideas among the general population is hardly greater than it was a generation ago. The news media seldom mention libertarian candidates for public office. Editorial writers, TV personalities, novelists, artists, entertainers — few are libertarians.

Part of the blame belongs to libertarians themselves. To the world at large, libertarians give the impression that an attitude of "leaving other people alone" pretty much exhausts a person's moral obligations. As a consequence, libertarianism is widely perceived as a cold, harsh philosophy. In fact, many libertarians dedicate their lives and careers to helping people and making their communities and countries better places. They accept moral obligations that go beyond respecting the basic rights that would be protected in the ideal libertarian society. They choose careers in "helping professions" such as teaching or medicine, or work for businesses that produce worthwhile products or services. They do not work for tobacco companies and the like, and not only because many of these companies engage in deception or fraud that is contrary to the principles of laissez-faire capitalism. Libertarians — most libertarians, I believe — want to have a positive impact on their fellow human beings.

Ayn Rand, a self-proclaimed egoist, spent much of her life trying to save the world. (She rejected the label "libertarian," but nevertheless defended libertarian ideas.) Milton Friedman said in *Capitalism and Freedom* that the only moral obligation of a business manager is to maximize profits for stockholders in an open market without fraud or deception. But his own career shows that he is committed to broader values.

Doubtless, many libertarians fear that, were they to acknowledge the existence of strong moral obligations, they would undermine the libertarian cause, because non-libertarians would demand even more strongly that government should coerce people into fulfilling those moral obligations. Libertarians instead tend to say that moral obligations are entirely a matter of individual choice. Libertarians who accept such obligations know what this means: namely, that government ought to leave us alone to decide for ourselves the exact extent of moral obligations, and how best to fulfill them. Non-libertarians typically draw a different conclusion — that libertarians do not care about the welfare of other people except insofar as it bears upon their own self-interest.

What can be done?

The world is undergoing a revolution in its attitude toward moral values. There is a call for more ethical conduct in the world of business, a demand that politicians adhere to higher ethical standards, and a recognition of the need for values in education. Apart from a backlash effect caused mostly by government affirmative-action programs, there is a new respect toward minorities, women, the handicapped, children, gays and lesbians, and others who have suffered from discrimination.

I propose that libertarians should co-opt the "moral revolution." As a political philosophy, libertarianism is consistent with an acceptance of strong moral obligations to one's fellow human beings; these are obligations that go significantly beyond respecting rights to life, liberty, and property. Even better, I believe, would be for libertarians to argue that one

and the same moral foundation underlies libertarian thinking (the purpose of which is the protection of basic rights in the political sphere) and moral obligations (which lie in the private sphere). Libertarianism provides freedom and security under the law, as well as maximum opportunities to organize communities, create families, run charities, and develop businesses, all this while allowing for the imperfections of human nature, human knowledge, and human intentions.

Here, essentially, is what libertarians should say to non-libertarians: the moral revolution now underway is a blessing because people *should* exhibit more concern for one another — and they can do this while supporting libertarian ideals. On the other hand, the inherent danger is that people who accept these moral obligations tend to request government assistance to help them achieve their goals. The last thing we ought to do is to lock into place through government decree the ideas of one person or one group about how to achieve a balance among competing moral obligations. The pluralistic nature of moral values is a powerful reason for doing all we can to ensure that government does not "legislate morality." Moral pluralism undermines any person's or group's smug assurance that their plans for improving society ought to be followed.

Not only are moral values pluralistic, but they are "linear" — part of their value lies in the reaching of them, not merely in their being reached. This idea is expressed by the maxim, "life is a journey more than a destination." Freedom to make mistakes — even significant moral mistakes — and to learn

To the world at large, libertarians give the impression that an attitude of "leaving other people alone" pretty much exhausts a person's moral obligations. As a consequence, libertarianism is widely perceived as a cold, harsh philosophy.

from them is of great value. Libertarianism provides such freedom. Thoreau says in *Walden*: "If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life." In a society where political and economic freedoms are guaranteed, Thoreau would not need to run for his life because he would be able to decide for himself whether or not to accept help.

Libertarianism is logically independent of ethical egoism: a strong defense of libertarian ideals need not appeal to ethical egoism. Such a defense leaves room for advocates of libertarianism to acknowledge the existence of moral obligations that are binding upon everyone. Of course, if an attempt is made to derive the principles of libertarianism from ethical egoism, then the resulting formulation will almost certainly be inhospitable to non-egoistic moral values. But a non-egoistic foundation for libertarianism is feasible.

Most libertarians are willing to agree that libertarianism is the best "system of systems" — where the exact nature and purpose of subsystems (businesses, foundations, charities, relief organizations) is left open to a certain extent. As thus conceived, libertarianism is clearly better than alternatives because it promotes "layers of systems," the most basic of which is constitutional law. The constitution in a libertarian society would set strict limits on the scope of government. It would prescribe the general form that the next "layer of systems" will take — laws that spell out the operations of police departments, courts, and military. Within the scope of freedom provided by the constitution and effective police, courts,

The same idea that serves as the moral foundation for libertarianism — the intrinsic value of all human lives — also serves as the foundation for moral obligations to others.

and military, the citizens of a libertarian society can produce within the private sphere systems and subsystems, all of which are easier to change than are any aspects of government. These private systems — corporations, trade associations, partnerships, foundations, charitable organizations, churches, universities, and so on — can change and improve in direct response to input from the people affected by them. Government need not change in order for these private systems to devise more effective ways to accomplish their goals, whatever the goals may be, as long as they are consistent with libertarianism. Any successful government, therefore, must support the goals of libertarianism, down to its deepest levels.

Why should we care whether the best system of government exists? The answer is perhaps obvious: we want people's lives to go as well as possible. Human life has intrinsic value. From a religious perspective, all human beings are "precious in the eyes of God." If we believe this (in either a religious or non-religious version), then we want everyone to enjoy the benefits that come from having the best government, one which protects basic rights.

But there is more to living a good life than living under the best government. If we take seriously the idea that all human life has intrinsic value, then we will want to help people and make the world as a whole a better place. In other words, the same idea that serves as the moral foundation for libertarianism — the intrinsic value of all human lives — also serves as the foundation for moral obligations to others.

Freedom and benevolence can be preserved only when each is restricted absolutely to its own domain: freedom to the impersonal "structure" of society under law, benevolence to the sphere of voluntary actions undertaken by individuals in the private sphere. Freedom must be supplemented by moral requirements that go far beyond the scope of libertarian thinking. It should not, of course, be undermined by them. Freedom should be supplemented by benevolence, which takes two major forms — an inclination to help people, and an inclination to make the world a better place. The responsibility to help those in need and to do what we can to make society a better place are moral responsibilities. They ought not be made into legal responsibilities.

Libertarian thinking is entirely consistent with a philosophy of moral obligations to others. Let us, as libertarians, defend both freedom and benevolence together, each in an equally loud voice. ❑

Controversy

Lifestyle, Liberty and the Pursuit of Happiness

In the April *Libery*, Edward Feser challenged Jan Narveson's defense of libertarian ethics. Now Narveson strikes back — but Feser gets the last word.

The Trouble with Tradition

Jan Narveson

In the April issue of *Liberty*, Edward Feser made his review of my *Moral Matters* the occasion for a general defense of conservatism. I want to comment on his argument, not in a spirit of trying to defend my book (though, of course, I do try to do that), but more especially in a spirit of continuing the discussion of conservatism.

The problems begin when we ask, "What is conservatism?" That is a question not easily answered, and answered in decidedly unsatisfactory terms by all those I have seen taking a whack at it. I recently offered an analysis of conservatism in the context of political philosophy*, in which the term is most usually employed: A conservative, I suggested, is someone who believes that the appropriate rules for controlling and directing social behavior derive from a view of how to live — a normative view of human nature — that is not necessarily shared by those who are to be governed by them.

According to Feser, my book shows "a prejudice in favor of answering such politicized moral questions in a way which is decidedly leftist, 'progressive,' or otherwise resolutely hostile to traditional morality." Unless Feser has a pretty warped view of traditional morality, I deny this, and I especially deny the utility of the term "leftist," which can do little but sew confusion in any discussion. But more importantly, there are, as Feser fails to mention, a great many traditional moralities in the world we live in. It does not seem to interest him, or even to occur to him, that the major problem of the day is that many important societies, most especially the one he and I live in, are composed of people from a considerable range of those traditions, and that the world is now our oyster in a way it never was before, and the need for a morality that makes sense to all has never been clearer.

Those many traditional moralities are, of course, mutually irreconcilable in many respects — that is what makes them different. So when Feser claims that "conservatism" in morals is to be identified with the embracing of "traditional morality," we should have to ask him which of these hundreds of distinct and incompatible traditions he proposes to embrace — and why people ought to embrace one rather than any of the others. Worse yet, what is he going to say to the members of those other traditions who do not share his values and sympathies?

Now, perhaps Feser will reply that this is a political rather than a moral question. I deny this, if it is intended to be an interesting criticism; and I do indeed deny, as he discerns, that questions of morality and questions of politics can be sharply distinguished. Questions of normative politics — of what politics ought to be — are not distinguishable from questions of morality. They are instead a subset of moral questions. The wrongness of killing innocent people, for instance, is surely to be incorporated into law if we are to have law at all, and its wrongness is a moral matter if anything is.

In our day, there are many things we can do to people who differ from us on points of importance regarding how to live one's life. I presume that Prof. Feser does not think that stoning adulterers in the city square is okay, but I don't

*Narveson, Jan. *Journal of Value Inquiry* 34 (2000): 2–3.

have much of an idea what he wants to do about all those homosexuals and others whom, I gather, he would classify as moral deviants. I imagine he would agree with me that he is perfectly free not to have them over to dinner if he feels that way about them. But what else? Does he, for instance, admire the music of Tchaikovsky or Benjamin Britten — both of whom were gay? Precisely what is the nature of the moral condemnation he apparently feels is their rational due? Does he cut them in the street?

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What Feser wants to say about these people, it seems, is that they don't measure up to the right fulfillment of human nature — they don't "flourish." It might be useful, if space permitted here, to go to the writings of Aristotle to confirm that, contrary to the impression Feser conveys, his theoretical work doesn't even touch on the matter of homosexuality and indeed has nothing interesting to say about most of the moral matters discussed in my book and which are animating the social life of our time. Feser apparently thinks that it is impossible for homosexuals to be happy, a view I am in no personal position to assess, but which strikes me as not very plausible. What is true, and pretty obvious, is that if everyone were thoroughgoingly homosexual, that would be that for the human race. And most of us would indeed regard that as a bad thing. But then, there's no serious danger of that eventuality occurring, any more than of us all becoming investment bankers so that no food would be grown and we would all starve to death. We need to say the same sort of thing about homosexuals that St. Thomas said about nuns: namely, that there's room for a certain number of people not having children; so long as plenty of other people do, there is no real problem.

More serious is the question of single-parenthood. But here again, is Feser really saying that it is impossible for single parents to be successful parents? (He does seem to think that the considerable incidence of single-parenthood in our time is a product of declining morals — paying no attention to the role of today's politics, which can reasonably be fingered as the real culprit, as Charles Murray has argued.)

Moral Matters, as Feser points out, concentrates strongly — but by no means exclusively, as he avers — on the matter of rights and their correlative duties. There is a tendency also, especially among professional philosophers, of whom Feser is one, to assume that the traditional associations with a given term of our art are always the right ones. I do indeed think that a contractarian procedure is the only one that can make sense of a universal morality, but I specifically deny that the point of view of each person is properly described as "self-interest" in the usual sense of that term, and I specifically insist that morality does not consist entirely of rights and their correlative duties.

Nevertheless, I do indeed discuss the subject of duties, which are socially imposable constraints, via their generation from rights — I see our duties of that kind as the recognition of rights, which in turn are underpinned by a procedure of assessing interpersonal relations from the points of view of all those party to them. Not, note, from the point of view of most of those party to them, or of some small subset — such as, for example, Aristotelian Christians. A procedure of this universalist kind is bound to look warped to the dedicated Aristotelian Christian, or to the dedicated Hindu, or to almost any adherent of any of the innumerable traditions which abound in this world. But we live in a world in which Hindus and Aristotelian Christians, and any number of other types, encounter each other in the supermarket, on adjacent seats of a Boeing 747, or across disputed borders; under the circumstances, we had better have a pretty good idea of what those people, and we, may and may not do to each other. From the very broad perspective that our world forces upon us, there is going to be a problem about proposing to base morality on the special viewpoints of some rather than others. And I find it difficult to see how Feser is going to be able to represent his view without this consequence.

It is perhaps a bit of a surprise to many people that subjects such as abortion can be handled in a contractarian way, with results that make sense. Sometimes, of course, conservatives' hostility to liberal results is founded on mere confusion. Here is an example from Feser: "A rule against murder can, of course, be justified [on a contractarian basis], but that's cold comfort to the unborn." I am reminded of the signs that used to be put up by right-to-life advocates showing pictures of cute little children with the words "Would You Kill This Child?" emblazoned beneath. Unborn children are not around to be killed, of course; and the unborn do not, as Feser well knows, take "comfort," cold or otherwise, in anything. If a rule against abortion is to be supported, it cannot be on the basis of the interests of the "people" whom abortions keep from becoming such, any more than a rule against sexual abstinence can be supported on the basis of the interests of all the people who don't even get conceived as a result of sexual inactivity.

If everyone were thoroughgoingly homosexual, that would be that for the human race. But then, there's no more danger of that occurring than of us all becoming investment bankers so that no food would be grown and we would all starve to death.

Feser does take me to task on the subject of infanticide, which I claim is not intrinsically wrong, but which, I suggest, can reasonably be overruled in contemporary societies.

I argue that although in principle there can be no across-the-board objection to infanticide, in a social world in which a great many people are willing and eager to assume care of unwanted infants — and provided that their parents were perfectly able and welcome to have an abortion had they so chosen — it is acceptable to rule that the parents of those unwanted newborns not be permitted to destroy them instead of giving them over to the care of people who want very much to take care of them. According to Feser:

> Narveson's appeal to the allegedly crucial moral difference between forbidding a woman to kill something still connected to her body and forbidding her to kill something no longer so connected does not help. A woman's new Mercedes or prized Vermeer is not connected to her either, yet Narveson would refuse to allow any rule that would forbid her from destroying either of *those*, however foolish she would be to do so (and however socially detrimental her destruction of the latter would be).

This is an important argument, and relevant. But I should point out, first, that I do not sanction the destruction even of privately owned Vermeers, though the human interest in such destruction is so slight (Vermeers being worth many millions of dollars each) that it is hardly surprising that I don't address myself to the question of what to do about it should it arise; and on the other hand, I do not think the penalties for early infanticide should be very severe. More important, however, is the nature of the intensely personal interest people take in newborns, not to mention the social importance of the children into which they soon grow. Few people are intensely and personally interested in having a Mercedes, but if someone who could not afford to satisfy such a desire were known to be ready to take Mr. Smith's Mercedes off his hands should it become a burden to him, I do think it would be unvirtuous of Smith to burn it instead, if that's all he wanted to do (as distinct from creating, say, an aesthetically interesting spectacle).

It is still more unvirtuous to refuse to allow some plausible potential adoptive parent to assume care of an infant not wanted by its own biological parents. By contrast, Feser apparently sees no problem in the community's invading the wombs of unwilling mothers, and pays no attention to my argument that, after all, you do have to invade the body of someone in order to force her to have an abortion, but there is no such problem about transferring an unwanted infant to someone who does want it. If he sees no serious difference here, perhaps he should ask some of the women of his acquaintance, and especially some who have had abortions.

Feser apparently thinks that all I need to do to reject the claim that there is a duty forbidding X is to note that there are some people who like doing X. If that were so, I would have no plausible argument that there is a duty not to kill people, as there are many cases where the killers enjoy it. But of course, that is not my argument. Rather, my argument is that if someone enjoys doing X, then we need a reason for intervening to prevent him from doing X, and that reason can only be legitimate if it be that by doing X, he will interfere with the liberty of others whose involvement is involuntary — his victim, say. So I clearly do not, as Feser claims, make the fact that "there are rational individuals who favor homosexuality, extramarital sex, pornography, and so forth, sufficient to prove that prohibitions against such things cannot have even any moral (as opposed to legal) force." Now, phrases like "favoring homosexuality" usually have a moral ring to them, and I accord no moral weight to anybody's moral opinions about anything; so if that were what he was referring to, his summary of my view would be off the mark. Let's assume, though, that he meant something more like this: that the fact that there are people who like, enjoy, and even live by homosexual relations, and that some people enjoy reading or watching pornography, and some have and enjoy extramarital affairs, is what is in question. And now the question is: Of what nature must be the reasons that would nonetheless countenance disallowing these people from doing those things, or even from taking the attitude toward them that Feser means by "moral disapproval"?

It is in the interest of all, including successful thieves, that there be a universal attitude against theft. But it is not in the interest of all that there be a general attitude of disapproval toward homosexuals.

The homosexual can credibly argue that his practicing these activities does not, or certainly need not, impinge negatively on anyone else — other, of course, than people who simply hate homosexuals. (Those having extramarital affairs have, of course, their spouses to worry about; but it is not out of the question that the worries are accommodated without jettisoning their affairs.) Homosexuals are perfectly capable of being useful, nonviolent people, instancing various other virtues — enterprise, discipline, care, politeness, and so forth. So if there be some kind of socially rational ground for either disallowing them or for socially shunning them, what is it?

At this point, perhaps, Aristotelian Christians (or whatever) will start talking about homosexuality being contrary to human nature, or some such thing. But how will they

"This is the third time! When are you going to learn to stay away from dragons?"

make their argument? If they claim that homosexuals are unhappy, it can be responded that this is likely to be denied by many homosexuals, and that if "happiness" is meant in any narrow way, then it is also of questionable relevance: we don't disapprove of Beethoven, despite his unhappiness (which was not caused by homosexuality), nor of Tchaikovsky, despite his unhappiness, and even though it perhaps was the result of his being homosexual. If you had your choice between being an unhappy Beethoven or Tchaikovsky, and being a happy but ordinary person, would it be irrational for you to prefer to be Beethoven or Tchaikovsky? What, then, is Feser offering by way of a credible argument? My problem here is that I don't see one. The claim that homosexuality is "intrinsically dysfunctional," for example, is very much disputed by many people who know quite a lot about it. If it were true, presumably homosexuals would be queuing up to find out how to cure themselves of this ailment — an act not prevalent among homosexuals. And otherwise, we can be forgiven for suspecting that it's just plain question-begging rather than real argument (i.e., "People of type X are intrinsically dysfunctional" means "I and the people I associate with don't like that sort of people, and I don't want my daughter to become one.")

It is perhaps a bit of a surprise to many people that subjects such as abortion can be handled in a contractarian way, with results that make sense.

Again, Feser has some arguments of an importantly dialectical type to bring to bear here:

> Perhaps Narveson would reply that there may well be *some* individuals for whom traditional sexual restraints would in fact *not* be beneficial, and that observance of such rules cannot be considered morally binding on all, because they could not be agreed to by those who do not benefit. But then, there are also *some* individuals (the very rich, perhaps) who may not benefit from rules requiring mutual aid, and Narveson does not take this fact to undermine the case for the moral requirement to respect *those* rules.

But Narveson does take this fact, firstly, to emphasize that the duty of mutual aid is not enforceable except on extreme occasions, and, secondly, to justify that some people, notably the very rich, are thereby less obligated than those of more ordinary circumstances. (That said, I also remind him that "the rich" tend, quite apart from taxation, to be much more charitable than ordinary folk, and my main line about charity is that we should all be supportive of charity, from whomever — rather than that we should be dumping on people who aren't donating money.)

I agree with Feser on a point with which he seems to think I disagree: that attitudes about the wrongness of murder should be very deeply ingrained in us, to the point that few people ever even consider murder, or even theft. That is certainly the way it should be, but I don't think that in order to bring about that desirable result, we need to invoke some kind of mythology or religious considerations, and it would indeed make life (especially conceptual life) a good deal more complicated if we did. I do, however, have to take exception to one way in which Feser wants to apply this idea. He says, "Rules safeguarding private property, for instance, even if violating them would indeed be in the best interests of this or that individual, must still be respected in an absolute way if they are to serve their function of benefiting all in the long run." This suggests that Feser really thinks that I am advocating ethical egoism; if he didn't, he would surely see that it is not a relevant example against the sort of discussion I've been offering above, which has the effect that the moral rule against theft applies even to very successful, high-finance robbers. Indeed, the correct word is not "even," but "especially"!

It is in the interest of all, including successful thieves, that there be a universal attitude against theft. But it is not in the interest of all, including homosexuals, that there be a general attitude of disapproval toward homosexuals. Feser has not shown or even argued that there is something at stake for all of us in continuing to hold homosexuality in disgrace, even if he agrees, as I'm pleased to see he does, that we do not do right in proposing to jail people for it. He might have argued that there could conceivably be justification, if, for example, the social world were in real danger of depopulation owing to homosexuality. But it isn't, and there's little reason to think it ever will be. There is, on the other hand, an ongoing, continuing, general interest in the respecting of general liberty by us all, and that certainly includes the liberty of homosexuals to be such.

In this short discussion, I won't do more than note the fact that we can find plenty of traditions that differ from the Christian Aristotelian ones on the central political questions on which Feser and I, as I'm delighted to observe, do agree. How is a "conservative" to respond to those people? Surely the need for arguments that transcend the limitations of particular traditions is especially clear in those cases.

I do not think the penalties for early infanticide should be very severe.

I am pleased by Feser's generous acknowledgement of the strength of my arguments on such familiar libertarian issues of public policy as affirmative action, population, and the environment. But I do think readers should be cautioned that he has somewhat misrepresented my views on the matters that concern him most, and, also, that just what he is proposing about them is not at all clear, and, insofar as it is clear, is not well supported. My "hostility" to moral conservatism is hostility toward a fairly well-defined kind of position, the kind that consists in holding up some model of human nature as preemptive over the differing ideas of par-

ticular people, regardless of those differences, and I do indeed continue, unabashedly, to be hostile toward such views. On the other hand, I am sure that he and I agree that families and associations practicing this, that, or the other tradition should be free to do so, so long as they do it without impinging on the persons and properties of their neighbors. ❑

In Defense of Virtue

Edward Feser

Professor Narveson and I are both libertarians, meaning that we regard as morally legitimate only a government whose power is restricted to that of protecting the life, liberty, and property of the individual citizen. He would defend this view on broadly contractarian grounds, and I on a combination of Hayekian- and Aristotelian-based natural rights grounds, and these different moral foundations lead to significant differences of opinion between us as soon as questions of politics are left behind. Narveson seems to believe that in most (not all) cases, what the state cannot coerce us into doing also cannot be regarded as morally binding. I believe, by contrast, that there are a great many things we are morally bound to do even though the state has no business forcing us to do them. For example, I hold that what I have called "the rules of traditional sexual morality" are binding on us, even though, as a libertarian, I would object strongly to the government, or anyone else, enforcing such rules via coercion. (And after all, virtue must be freely chosen if it is truly to count as virtue.)

Given my commitment to what are typically regarded as paradigmatically conservative moral views, I regard myself not only as a libertarian, but as a conservative — a libertarian conservative, if you will. It is quite true, as Narveson says, that "conservatism" is not a notion which is easily definable, but it is partly for that reason that I think there is no problem about whether I count as a conservative. Fuzzy though the conceptual boundaries are, it seems clear that my views fall within them. More troubling to Narveson is my claim to be taking "traditional" views, given that there are so many traditions out there to choose from. Part of the reason this is hardly as problematic as Narveson implies is that the relevant disagreements between various traditions are by no means as stark as he claims. It is, for example, a commonplace that despite their often radical theological differences, the major world religions are very similar at the level of day-to-day personal morality: one finds standard Ten Commandments-type stuff (minus, say, the rules against polytheism or idolatry) as much in Hinduism or Confucianism as in Judaism or Christianity. In particular, one finds a more or less universal commitment to heterosexual marriage as the optimal context within which to rear children, even if that institution is here practiced in a monogamous, and there a polygamous, fashion, and even if the criteria for divorce are more or less lenient, (though never, in practice, as lenient as the typical modern Westerner would like) depending on which tradition we're looking at.

Another reason why my position is not vitiated by the plethora of traditions is a Hayekian one. One must look, in evaluating traditions, not merely at which ones happen to exist, but, more importantly, at how long a tradition has survived and what the character is of the society in which it has survived. Those traditions which are most conducive to human well-being are quite likely to be those that have long persevered in societies which have expanded and prospered. It is for this reason that conservatives believe it is no accident that the civilization which has expanded and prospered the most, namely the civilization of the West, is precisely that civilization largely built on the Judeo-Christian moral heritage they are at pains to preserve. (Nor, I should add, need one be an "Aristotelian Christian," as Narveson seems to think I am, to believe this. He is half right: I am an Aristotelian.)

Now, where sexual morality is concerned, one conservative worry is that any sexual ethic that tends to break the psychological and moral connection between sex and marital commitment is one which threatens the well-being of children — not because children will not thereby be produced, but because they are less likely thereby to be properly reared. Children thrive best in the stability of a two-parent home, where both parents are committed to one another for the long haul — a conclusion now so well supported by social scientific evidence that I need defend it merely by referring the reader to writers like Charles Murray and Barbara Dafoe Whitehead, who have nicely summed up these findings in popular form. That Narveson

It is one thing for single parenthood to be an occasional exception to a two-parent marital rule. It is quite another for single parenthood itself to be raised to the status of an equally valid norm.

"If you want the power lunch, sir, you'll have to wrestle me for it."

should himself cite Murray makes it surprising that he does not consider the obvious rejoinder to his rhetorical question about whether I really think "that it is impossible for single parents to be successful parents." It is one thing for single parenthood (which no conservative denies can, in some cases, succeed) to be an occasional exception to a two-parent marital rule (especially when the result of, for example, the death of a spouse or a spinster's kindly adoption of unwanted orphans). It is quite another for single parenthood itself to be raised to the status of an equally valid norm. There need be no bad social consequences of the first circumstance, but the catastrophic results of the second are, if Murray is right, something we are now grappling with.

The moment one expresses the slightest disapproval of homosexuality, we are often assured, absurdly, that the sound of jackboots cannot be far behind.

Narveson seems much more exercised by the traditionalist view of homosexuality than seems merited by the few references I made to it in my piece. And I must object to his over-the-top query concerning how the conservative should react personally to gays: "Does he, for instance, admire the music of Tchaikovsky or Benjamin Britten — both of whom were gay? Precisely what is the nature of the moral condemnation he apparently feels is their rational due? Does he cut them in the street?" This kind of thing is really unworthy of a philosopher of Narveson's caliber, especially as he must no doubt tire of leftist opponents of his libertarianism asking him how many old ladies and orphans he's prepared to starve, etc. No one who objects, say, to serial adultery or anti-Semitism is asked how he can consistently admire the music of Wagner, or whether he'd "cut adulterers in the street." Yet the moment one expresses the slightest disapproval of homosexuality, we are often assured, absurdly, that the sound of jackboots cannot be far behind.

There is no brief way satisfactorily to sum up the conservative view, but I can say with confidence that it has nothing to do with a fear that the human race might be unable to reproduce itself. It has instead to do with (a) a worry, given especially the tendency toward promiscuity among male homosexuals, that the normalizing of homosexuality will tend to reinforce the idea that sex is primarily a matter of shallow personal gratification, rather than of deep interpersonal commitment — thus undermining the marriage-and-children ideal as the norm, thus undermining the stability of that ideal when it is attempted, thus threatening the well-being of children; and (b) a suspicion that a homosexual orientation is psychologically and morally problematic in the way that, say, alcoholism is. With both alcoholism and homosexuality, the conservative would argue, we have something which, despite a possible genetic basis, and despite the fact that some exhibiting it can function quite well and happily, is in general dysfunctional, tends to lead to unhappiness, and the normalizing of which (since it would tend to increase the number of dysfunctional cases) would thus be morally inappropriate. We also thus have something which calls not only for tactful discouragement, but also for sympathy and understanding — rather than for persecution. But this merely scratches the surface of the conservative view of this issue, and for those who are interested in something more thorough, I commend Roger Scruton's *Sexual Desire* and Michael Levin's *Sexual Orientation and Human Rights*.

This is, of course, incomplete and woefully inadequate as a rejoinder to Narveson, but that was unavoidable given the space limitations placed upon me and the complexity of the issues that divide us, both on the level of abstract ethical theory and that of concrete moral problems. But hopefully I have said enough, both here and in my earlier piece, to show that a conservative approach to personal moral questions is by no means necessarily inconsistent with a libertarian approach to political ones — which is, I submit, a great relief, given that in the current cultural climate, both libertarians and conservatives need all the allies they can get. To paraphrase Franklin, where they agree, they must hang together, or they shall surely hang separately. ❑

Clinton, *from page 26*

patronage. So they unleashed the FBI on travel office head Billy Dale. They trumped up charges against him, and fired him, paving the way for Hillary to give the job to her pals, the Thomasons.

There were other Clinton FBI scandals, but the transfer to the White House of over 900 dossiers on individuals associated with the first Bush administration may have the greatest long-term resonance. Recall that a Nixon official went to jail for possessing a single FBI file. Despite congressional hearings and an investigation by independent council Kenneth Starr, no explanation was ever offered of how the Clintons acquired the 900 files. This is perhaps the most damning example of the direct use of a federal law enforcement agency for specifically political purposes.

Almost every single executive agency was used by the Clintons in a blatantly political manner. A Clinton heckler in Chicago found herself under arrest and investigation by the Secret Service. Her crime? The bad taste of saying aloud to the president, "You suck." In 1993 the Treasury Department tipped off the Clintons on the progress of a Resolution Trust Commission investigation into their role in their failed Madison Savings and Loan. The Immigration and Naturalization Service improperly rushed aliens (including hundreds of criminals) through the naturalization process to get likely Democratic voters onto the rolls before the 1996 election. Not even Arlington National Cemetery, perhaps our nation's most hallowed ground, was safe from the Clinton spoils system. Following news reports that a burial

Continued on page 61

Reviews

Understanding Thomas Jefferson, by E.M. Halliday. Harper Collins, 2001, 284 pages.

Jefferson Misunderstood

Timothy Sandefur

The great tradition in Jefferson biography is to call him an enigma, to say that his character is impervious to comprehension. Henry Adams, a severe critic of Jefferson, and great-great-grandson of a severer one, started this when he said that "A few broad strokes of the brush would paint the portraits of all the early presidents — but Jefferson could be painted only touch by touch, with a fine pencil, and the perfection of the likeness depended upon the shifting and uncertain flicker of its semi-transparent shadows."

Modern historians say the same thing. Merrill Peterson, the grand old man of Jeffersonia today, says that at the end of his studies, he still doesn't understand Jefferson, and Joseph Ellis, whose recent book was titled *Thomas Jefferson: American Sphinx,* makes it the theme of his scholarship that Jefferson is as impossible to understand as the Mona Lisa or the motivations of Hamlet. One is tempted to ask Ellis what he was doing all those years when he was supposed to be researching his book. But that wouldn't be entirely fair, because at a certain level, Jefferson is indeed a mystery — just as all human beings are essentially mysteries. Only the shallowest souls can be easily described or comprehended, and perhaps not even they can be. When we think we truly understand any person, it is really only proof that we don't know as much as we think. Friedrich Nietzsche wrote:

> The grossest errors in judging a person are made by his parents; this is a fact, but how is one to explain it? Do the parents have too much experience of the child and can they no longer compose it into a unity? We notice that travelers in a strange land grasp correctly the common, distinctive traits of a people only in the first period of their stay; the more they get to know a people, the more they forget how to see what is typical and distinctive about it. As soon as they see up close, they stop being farsighted. Men tend to stop thinking about things that are closest to them.

How true this must be of Jefferson's biographers, who have such a wealth of historical material at their disposal! Jefferson wrote some 15,000 letters in his lifetime, kept commonplace books, farm books, account books, and scrapbooks. He was in the public eye for over 50 years, from his first elective office in 1769 to his death in 1826. As a compulsive record keeper, he memorialized nearly every breath he took. I have at my disposal far more personal details about his life than I do about my own grandfather's. Confronted with such a thorough and detailed history of any man's life, we should be surprised if he did not appear complex or paradoxical, particularly if he be as brilliant, as polymathic, as deeply romantic as Thomas Jefferson. One thinks of Walt Whitman's line, "Do I contradict myself? Very well, then, I contradict myself. (I am large; I contain multitudes.)" Jefferson did too. He led a long, varied, often deeply tragic life. No man is "easily understood," and certainly not this man.

Jefferson kept extensive records, but they are not exhaustive. There are some things we know very little about: Jefferson's brother, for instance, who seems to have been little more than a barely literate Virginia farmer. We have of their correspondence only 32 utterly unrevealing letters. And of Jefferson's wife we know far less. Only some scraps of her handwriting exist: inventory lists, some sketches of ducks, and one heart-wrenching quotation she copied out while on her deathbed. Presumably, Jefferson destroyed their letters. Why? He kept exact copies of most of his others, even relatively unimportant ones. He knew very well that they would be read by what he called "the prying eyes of biographers," and he wrote accordingly. Jefferson very often wrote, even in relatively uninteresting letters, in a style that gives one the undeniable feeling that he expected you to read this; that he wanted you to think this or that about him.

It was not so much duplicity as to project a romantic idealization of himself. He forged an image of What He Should Be, which he forced himself to match. Any break from that image was shameful, if not terrifying, and, as often as not, was to be completely ignored. Page Smith writes that "Jefferson shrank from looking full into the face of man bearing so plainly the stigmata of original sin. When his

nephews murdered a Negro slave for breaking a teacup, Jefferson could never bring himself to allude to the episode. He could not indeed comprehend it. . . . Jefferson maintained a simple and characteristically American optimism, refusing to face the dark spots in the human psyche. . . . " Perhaps this was not characteristically American, but it was characteristically Southern, and characteristically Jeffersonian. It was part of the dark horror that intruded constantly into Jefferson's life, heralded by the 18th century's constant themes of death, ignorance, and isolation; to "look it full in the face" was to flirt with insanity. This may sound extreme, but Jefferson lived in a time that we would consider intolerably extreme. To avoid looking full into the face of that horror — like some Joseph Conrad character — Southerners lived what a Northerner would have called hypocrisy — and a Southerner would have called civilization. Southern genteel manners forbade Jefferson, for instance, to campaign actively for the presidency, or even to publicize his political views without an ornate show of manners and self-deprecation. This was not really self-delusion, nor — and this is important — was it merely a Platonic "noble lie." The Founding Fathers did not wink knowingly at each other while disclaiming their desire to lead. They winked at themselves, perhaps. But Washington really did lay down his arms at the war's end, and really did retire after two terms, and really did turn down the offer to make him king. The code of the Southern gentleman may have been a myth, but it was not fiction. As Pauline Maier writes, "Successful revolutionary leaders are not violent and irresponsible anarchists, but persons of intense discipline and policy for whom the public cause purges mundane considerations of self." With Jefferson, the cause did more than this: it became identified with him.

This bears emphasizing, because Jefferson is so often portrayed as an Enlightenment figure that people lose track of the fact that he was also very much a romantic. A deeply passionate man, he had crushing migraines at tragic moments of his life (of which there were plenty: his father, his best friend, his dearest sister, his mother, his wife, and six of his seven children predeceased him). When his first love spurned him, he copied out passages of elegiac poetry — and of violently misogynistic poetry. He sat all day

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staring at beautiful Roman ruins "like a lover at his mistress," he said. This Jefferson was not a man who "lived only in the head," as some have suggested. He was a man always conscious of images, and of their expressive power — walking to his inauguration, for instance, was a bit of Jeffersonian theater that has remained powerful for two centuries. His idealism could be wildly impractical, but it was always very human, and he is no more inexplicable than, say, Jesus or Socrates, who left us no writings.

The Founding Fathers did not wink knowingly at each other while disclaiming their desire to lead. They winked at themselves, perhaps.

This is the theme of Halliday's book, and he does a very good job of it. It is only unfortunate that his book is so short; that it focuses so strongly on sensational details. But of course, it is the sensation that draws the questions, and the sensation that makes us ask what really made him tick.

Sally Hemings, of course, takes up much of the book — this is among the first books to come out since the DNA test confirmed the likelihood of their liaison. But unlike historians who seek to use this as a means for attacking Jefferson (and by implication, American ideals), Halliday is sympathetic, and suggests that theirs was a monogamous and sincere connection. Perhaps. On the other hand, perhaps the deeply emotional man, hit by so many tragedies, then by his wife's death, and then by the embarrassing futility of his infatuation with Maria Cosway, decided finally to reign in his desires for love — and for his unavoidable male urges, he turned to Sally Hemings.

These are not, to my mind at least, reasons to despise Jefferson. Indeed, I admire him more than any man who ever lived, and I have spent a dozen years of my life studying his. But they show the deep complexities of a brilliant and deeply emotional man. These complexities do not make him impossible to understand, except insofar as every human being is essentially impossible to understand; surely any reader of Dostoevsky knows that it is precisely a person's "uncharacteristic" actions that are most revealing about his character.

Halliday asks how historians could "have so unequivocally rejected the [Hemings] story in the face of several salient and undisputed pieces of evidence that have been conspicuously available for many years?" This isn't entirely fair, however. Halliday reviews the scorn poured upon Fawn Brodie — whose book *Thomas Jefferson: An Intimate History* revived the Hemings story in 1976 — but he doesn't note that she deserved a good deal of the scorn. The techniques of "psychohistory" she exhibited in her book occasionally bordered on the ridiculous, as when she claimed that Jefferson's use of the word "mulatto" to describe the color of soil he observed on a European trip revealed that he was secretly panting for his mulatto slave girl. As Gary Wills noted, Jefferson used the word "red" even more often in describing the soil — was he pining away for an incestuous relationship with his redhead daughter? So long as Brodie's sort of argument was the strongest one offered, historians were justified in being at least skeptical toward the theory.

Halliday risks attracting a little of the same skepticism. He notes Jefferson's appreciation for a painting of the biblical story of Abraham and Sarah's handmaiden Hagar, and writes that Sally "had been Martha Jefferson's slave girl, and just as the biblical Sarah had given her slave Hagar to Abraham, Martha had given Sally to Jefferson — not, of course, to be his concubine; but Martha was gone forever." Perhaps, and Jefferson's mind did work along the sort of poetic lines that would have quickly drawn references to his own life in works of art. But it's dangerous to make such guesses. Halliday acknowledges this danger, however, and does not rest his entire argument on them.

In fact, Halliday is quite adept at setting the record straight against biographers who have used Jefferson's life

WISE & WEIRD THINKERS CHANGED OUR WORLD

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by Mark Skousen

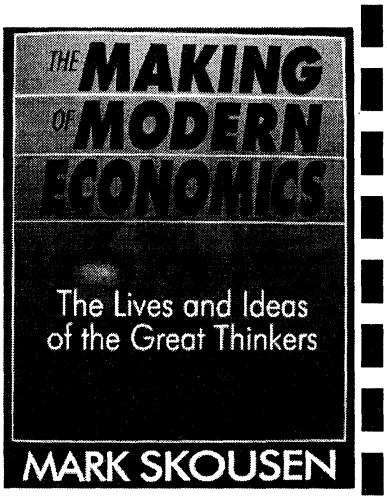

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as a springboard for their polemics; for instance, Connor Cruise O'Brien, whose preposterous book *The Long Affair* blames Jefferson for the Ku Klux Klan and the Oklahoma City bombing. As Halliday notes, "this is an example of how Jefferson's recurrent penchant for rhetorical bravado, in the name of popular resistance to government, could lead to misunderstandings of his basic faith in democratic republicanism."

Halliday is doing precisely what biographers have not been trying hard enough to do: understand Thomas Jefferson as he understood himself. To my knowledge, only Daniel Boorstin, in *The Lost World of Thomas Jefferson*, has tried this — and he succeeded brilliantly. Halliday does a fine job as well, to which he has added excellent passages on recent Jeffersonian scholarship and portrayals of Jefferson in popular media. I hope that this trend will continue. Jefferson is at the center of a heated debate because his character and ideals are so intertwined with the character and ideals of America. To understand him is, in some way, to understand our nation. ❑

***The Art of Political War and Other Radical Pursuits*, by David Horowitz. Spence Publishing, 2000, 203 pages.**

The War of Soundbites

Jeff Riggenbach

The Art of Political War, the long essay on political strategy and tactics that takes up the first third of David Horowitz's latest book, was originally issued as a pamphlet and circulated primarily among Republican Party politicians and activists. It has since enjoyed wide distribution and considerable influence. At least one successful campaign for national office (for a House seat in Missouri) has been publicly attributed by the state GOP to Horowitz's strategic and tactical recommendations.

Horowitz's long career as a political journalist, commentator, historian, and activist has taken him from the editorship of *Ramparts* magazine — the largest and best-financed of the new left publications of the 1960s and early '70s — to the editorship of *Heterodoxy* and the on-line magazine *FrontPage*, with a side gig as the token conservative at *Salon.com*. He has gone from writing books like *The Free World Colossus: A Critique of American Foreign Policy in the Cold War* (1965) and *Empire and Revolution: A Radical Interpretation of Contemporary History* (1969) to writing books like *Destructive Generation: Second Thoughts About the Sixties* (1989), *The Politics of Bad Faith: The Radical Assault on America's Future* (1998), and *Hating Whitey and Other Progressive Causes* (1999). His odyssey has taken him from the Black Panther Party to the GOP; from the left to the right. Though he addresses himself in *The Art of Political War* to his new comrades on the right, much of what he has to say should prove interesting and informative to many libertarians as well.

He devotes considerable space, for example, to the critical issue of how to pitch and package political messages. At what level — of education, of sophistication, of, in E.D. Hirsch's phrase, "cultural literacy" — should a campaign pitch its message? And in what form — articles? speeches? printed slogans? sound bites? — should it package that message?

Republicans, he observes, often seem to regard political combat as they would a debate before the Oxford Political Union, as though winning depended on rational arguments and carefully articulated principles. But the audience of popular debate is not made up of Oxford dons, and the rules are entirely different.

A candidate has only 30 seconds to make his point. Even if he had time to develop an argument, he would fail to move the voters he needs to reach (i.e., the undecided and those in the middle who are not paying much attention). His words would go over some of their heads and the rest would not even hear (or quickly forget) them amidst the bustle and pressure of daily life. Worse, while he makes his argument, the other side is busy painting him as a mean-spirited, borderline racist controlled by religious zealots, securely in the pockets of the rich. Nobody who sees him this way is going to listen to him in any case. He is politically dead.

As an example, Horowitz considers the capital gains tax.

Most Americans do not know what "capital" is, let alone a capital gain. If you had an hour to tell voters why a capital gains tax is a double tax, it would probably make no difference at all. When you were finished, most of them would likely shrug their shoulders and say, "Let them pay it anyway. They're rich enough." Most people have no idea of how the economy works, what an incentive system is, or why the stock market is more than a gambling casino. Talk about cutting taxes on capital gains is only important to those who understand what a capital gain is, and most of those who do are already Republicans.

When you speak, do not forget that a sound bite is all you have. Whatever you have to say, keep it simple and short and say it loud and clear. Use a slogan and repeat it often. Put it on television. Radio is OK, but with few exceptions, it doesn't reach the voters who are electorally significant. In politics, television is reality.

Of course, as any candidate does, you have a base of supporters who will listen for hours to whatever you have

to say. These people also play an important role — they provide money and knock on doors. So what you say to them is also important, but is not going to decide an election. The voters who determine your fate are the voters you have to persuade. You have to find a way to reach them, to get them to listen to your message, and to get them to support you. With this audience, you never have time for real arguments or proper analyses. Images — symbols and sound bites — always prevail. Therefore, it is absolutely essential to focus your message and repeat it over and over again. This means maintaining the strictest discipline. If you make too many points, your message will be diffused and nothing will get through. The result will be the same as if you had made no point at all.

Horowitz writes that an advantage of Democrats' rhetoric is that it speaks directly to the American people about things they understand — the concrete lives of their fellow human beings. Speaking about women, children, minorities, working Americans, and the poor establishes a link between speaker and listener, so that the message appears to come from the heart. If spoken about with enough sincerity, these subjects immediately identify the speaker as a friend. Republicans, by contrast, tend to speak in abstract language about legalistic doctrines and economic budgets. They sound like businessmen, lawyers, and accountants. They argue the virtues of flat taxes vs. value-added taxes. They talk about capital gains tax cuts. They speak from the head.

As I say, Horowitz is addressing these remarks to conservatives, not libertarians. But let's face it: they are remarks that might as well have been addressed to libertarians, and probably ought to be.*

And to Horowitz, as to almost all conservatives, a libertarian is, if not just another type of conservative, then certainly, like the conservative, a member of the right, and therefore, properly, a supporter of the Republican Party. "Republicans want to shrink government, reduce its tax base, and cut regulations," he writes. "Republicans believe in economic opportunity and individual freedom."

Republicans, Horowitz observes, often seem to regard political combat as they would a debate before the Oxford Political Union.

This is, of course, laughable. If Republicans want to shrink government, why did newly inaugurated President George W. Bush go before Congress in early March — a Congress controlled by Republicans, mind you — to seek passage of a budget that, in the words of a White House news release, "increases spending for Social Security, Medicare and entitlement programs by $81 billion, and increases discretionary spending by another $26 billion, a four percent increase that means government spending will grow at more than the rate of inflation"?

If Republicans want to "cut regulations," why is it that, on virtually every budget item he mentioned in his first address to Congress, Bush proposed not only more spending but also more federal intervention?

If Republicans believe in economic opportunity and individual freedom, why is it that they so fervently support the war on drugs? Whatever else that war may be, it is first and foremost a violent crackdown on what Robert Nozick calls "capitalist acts among consenting adults." Is the economic opportunity of a dealer in marijuana and LSD less important than the economic opportunity of a dealer in cars? Is the individual freedom of a cocaine user less important than the individual freedom of a scotch drinker? If so, why?

It is usually the drug war that trips up those conservatives who want to pass themselves off as libertarians. For though there have been a number of defections from conservative conventional wisdom on the drug war over the years — William Buckley and the *National Review* crowd, plus a few others — almost all conservatives still support the war on drugs with great passion. Horowitz takes a somewhat different tack: he evades the issue entirely. He never meets it head-on in any way. He never even names it.

On the other hand, he tells us that "anticrime laws" are among the things "the American people want," that "excessive urban crime" is "oppressing poor people, minorities, and children, and cutting off their opportunities," and that providing "secure streets" is one of the "Republican policies and principles" that can provide the poor with "the necessary rungs in the ladder of success."

At a time when the rates of violent and property crime have been declining steadily for years, such talk is perhaps best understood as a sort of coded conservative cant. "Excessive urban crime" means drug deals — capitalist acts among consenting adults. "Secure streets" means streets on which drug dealers have been made to feel that such consenting capitalist acts as theirs are unwelcome. When they've been successfully encouraged to take their business elsewhere, the streets they've moved away from are "secure."

Horowitz's typically conservative anti-drug prejudice is perhaps most clearly on display when he begins discussing the problems that plague black, inner-city neighborhoods. He points out that "black civil rights leaders" have accused "white and Korean

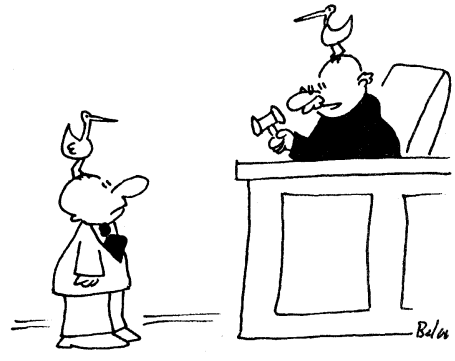

"I'm afraid I'll have to disqualify myself . . ."

* Horowitz himself might tell you that he is addressing his remarks to libertarians. After all, he speaks of himself as "a conservative libertarian."

liquor vendors of 'invading' black communities and intoxicating their inhabitants. Boycotts have followed these charges, and anti-white, anti-Korean race riots as well. But who forces alcohol down reluctant throats?" Half a page later, he is discussing the dubious claims that gun manufacturers "are responsible for the disproportionate gun deaths of young black males. A gun — do I really have to spell this out? — is inanimate. It takes a human brain to pull the trigger. Firearms don't kill people. Sociopaths do. If young black males abuse firearms in an irresponsible and criminal fashion, why should the firearm industry be held accountable? Why not their parents? Why not themselves?"

Yet one page later, Horowitz is writing about the fact that "90 percent of crack cocaine dealers are black," which, he tells us, is "a moral stain on those crack dealers." And scarcely a paragraph after that, he is writing of "the villainy of the crack trade." Why does he not write of "the villainy of the liquor trade" as being "a moral stain" on liquor dealers? Who forces crack down reluctant windpipes? A drug — do I really have to spell this out? — is inanimate. Drugs don't kill people or cause violent crime. Sociopaths do. If some people abuse drugs in an irresponsible and criminal fashion, why should drug dealers and manufacturers be held accountable? Why not their parents? Why not themselves?

Republicans tend to speak in abstract language about legalistic doctrines and economic budgets. They sound like businessmen, lawyers, and accountants.

If Horowitz were any sort of libertarian, he would know the answers to these questions. But, of course, he isn't any sort of libertarian. Not only does he give the drug war his unstated but clear endorsement; he also calls for an increase in the Department of Education budget (remember when the promise that he would abolish the DOE helped put Ronald Reagan in office?), and he defends George Bush *père*'s Gulf War.

The problem is that Horowitz is so good when he's at his best — as he is in this book when he's excoriating his fellow conservatives for so frequently supporting censorship of one kind or another — that it's devilishly hard not to give him the benefit of the doubt. "He really is a libertarian at heart," you find yourself thinking. "He's just confused or uninformed on certain issues."

Be that as it may, one thing is certain. Horowitz is confused, profoundly confused, about the nature of the Republican Party. While insisting that it stands for economic opportunity and individual freedom and smaller government, he insists also that "Republicans need to remember their heritage as the party of Lincoln."

But what is that heritage? Under Lincoln's leadership, the Republican Party established itself as the original party of big government. Under Lincoln's leadership, the Republican Party unleashed the first income tax and the first military draft ever imposed upon U.S. citizens. Lincoln suspended habeas corpus and viciously trampled on the First Amendment rights of those who dared to question his completely illegitimate and monstrously bloody war to force the Southern states to remain in the Union. For generations after the Civil War, the Republican Party remained the party of paternalistic taxing and spending, while it was Democrats who fought for smaller government and individual freedom.

In the 1920s, when alcohol prohibition played the part played today by the war on drugs, Republicans supported Prohibition; Democrats opposed it. Toward the end of the decade, when the stock market crashed and the American economy fell upon hard times, Republican President Herbert Hoover moved quickly to deal with the crisis, implementing a series of government programs virtually identical to those that came to be known as the New Deal. For doing so,

he was criticized severely by Democrats. In 1932, when he faced re-election, his opponent was the Democratic Governor of New York, Franklin Delano Roosevelt, who accused Hoover of deepening what had already come to be called the Great Depression through his big government policies. Roosevelt's own platform called for lower taxes and a balanced federal budget. He won in a landslide.

Once in office, Roosevelt reversed himself completely, launching the New Deal — a major expansion and renaming of essentially the same package of government handouts, bailouts, and public-works programs that Hoover had introduced three years before. He quickly proved that he could play the Republican game even better than the Republicans. In one form or another, he put virtually the entire populace on the dole. In doing so, he not only guaranteed himself an unprecedented four terms in office, but also a place in history as the harbinger of a major American political realignment. Within the space of a generation, under the leadership of one man, the Democratic Party came to represent the opposite of what it had stood for for more than a century: it came to represent the kind of intrusive, meddlesome, big-taxing, big-spending government that the Republican Party had pioneered in the 1860s and represented ever since.

The problem is that Horowitz is so good when he's at his best that it's devilishly hard not to give him the benefit of the doubt.

What were the Republicans to do in the face of such a development? They could hardly hope to win elections by frankly offering a little less of the government largesse the Democrats were laying out so lavishly. They had to find a way to cast themselves, as in some sense, the opposite of the Democrats. And they found it — the Democrats' old castoff rhetoric about individual freedom. You never found a Republican talking like that until the Depression. Before that your stereotypical Republican was somebody like Teddy Roosevelt, as meddlesome and larcenous and altogether heavy-handed about his "progressive" nanny state as any liberal Democrat of today.

The GOP adopted the rhetoric of free markets and individual freedom, but it certainly never made any meaningful attempt to implement policies of a kind that would advance either of those supposed goals. Its four post-war presidents — Dwight Eisenhower, Richard Nixon, Ronald Reagan, and George Bush the Elder — all distinguished themselves as implementers of quite another sort of policy. Eisenhower continued the massive public-works programs of the two previous decades by building the Interstate Highway System; he kept the New Deal firmly in place; and, doubtlessly remembering that war is

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the health of the state, he decided to send U.S. military personnel to South Vietnam as "advisers" to prop up the corrupt regime of President Ngo Dinh Diem. Nixon vastly expanded the war that grew out of Eisenhower's decision about military "advisers," he imposed wage and price controls on the American economy to stem the inflation caused by the wholesale printing of money to fund the Vietnam War, and he made the newly launched war on drugs a major policy objective of his administration in the way that Prohibition had been for Republicans in the '20s.

Reagan swept into the presidency on a wave of hot air — his own gaseous emissions on the subject of reducing taxes, reducing spending, and reducing the overall size of government. Once he got into the White House, he did exactly what Republican presidents have always done (and exactly what he himself had done on a smaller scale as governor of California): he increased taxes, he increased spending, and he increased the size and intrusiveness of government. Federal spending increased 25% under Reagan; under Big-Government-Tax-and-Spend Bill Clinton, it increased only 11%. Total tax revenues grew by 20% under his watch. And for the average working American, the total tax bite (including FICA) exacted before one could even enjoy what was left of a paycheck grew during the Reagan years.

Clearly, thinking of a political party with this history as the last best hope for free markets, individual liberty, and smaller government is a monstrous absurdity. The Republican Party has always been the party of big government. Only its rhetoric over the past half century has ever even suggested otherwise. But those who believe that actions speak louder than words have not been fooled.

David Horowitz has been fooled. But never mind that. Focus on what he knows about the packaging and marketing of political ideas. You'll find he has a lot to say, and that his considerable talent for polemics makes him a lot of fun to read. Take from him what you can, and hope that he soon sees the error of his ways and comes over to our side, where it just may be that he properly belongs. ❑

***The Nazi War on Cancer*, by Robert N. Proctor. Princeton University Press, 1999, 380 pages.**

The First Anti-Tobacco Crusade

Bruce Ramsey

In 1950, scientists in the United States published work showing that smoking and lung cancer were probably linked. In 1964, the U.S. government published the official and stronger conclusion that smoking caused cancer.

The same conclusion had been reached a quarter of a century earlier in Germany. In 1938, German scientists published three different studies, followed in 1939 by the world's first case-controlled epidemiologic study, which concluded that smoking was "the single most important cause of the rising incidence of lung cancer."

Germany was then under the dictatorship of the National Socialist German Workers Party. In 1938, the Nazi government banned smoking in government offices and hospitals and established non-smoking cars on the state railway. In July 1943, it forbade anyone under 18 from smoking in public. In the spring of 1944, on the personal order of Adolf Hitler, it banned smoking on all municipal trains and buses, ostensibly to protect the ticket takers from secondhand smoke.

Robert Proctor, a professor of the history of science at Pennsylvania State University, has unearthed the story and finds it troubling. The Nazi state killed millions. It corrupted science. And yet in cancer research, German scientists, some of them Nazis, had practiced good science, and the Nazi government followed it up with progressive social policy.

Proctor dismisses libertarian criticisms of the modern crusade against tobacco. At the beginning of the book, he asks whether state-sponsored anti-tobacco efforts amount to "health fascism." No, he says. Why? Because "tobacco does cause 80–90% of all First World lung cancers, and none of this is diminished by the fact that Nazi-era scientists were the first to prove the point." Their work was scientific, therefore it could not be fascist.

At the book's end, he writes, "My intention is not to argue that today's anti-tobacco efforts have fascist roots, or that public health measures are in principle totalitarian — as some libertarians seem to want us to believe. My point is rather to show that the Nazification of German science and medicine was more complex than is commonly imagined." He does show that. But he also gives the reader reasons to conclude something like the first point, too. Today's anti-tobacco effort did begin in Nazi Germany, and both Nazi ideology and the power of the German state had something to do with it.

As did Germany's scientific heritage. Well before Nazism, Proctor says, Germany was the leader in identifying environmental causes of cancer. Germans were the first to show that cancer could be caused by coal tar distillates (in the 1870s), sunlight exposure (1894), and X-rays (1906). They identified cancer from uranium mining and from the manufacture of aniline dyes.

Nazism added a back-to-nature strain of romanticism. Nazis promoted whole-grain bread. Nazi prisoners at Dachau produced organic honey. The Nazi government banned yellow dye in margarine and the bleaching of flour. It banned lead-lined toothpaste tubes 50 years before America did.

Many Nazis campaigned against animal experiments and the eating of meat.

Part of the reason for this was that Hitler (as well as Himmler) opposed meat eating and did not smoke. During the war, anti-tobacco crusaders in Germany pointed out that Hitler, Mussolini, and Franco did not smoke, but that Roosevelt, Churchill, and Stalin did.

Proctor says there was "a kind of homeopathic paranoia pervading the Nazi body ethos, a fear of tiny but powerful agents corroding the German body." Hitler had his feces inspected regularly. There was also a Nazi belief that the individual belonged to the state. The individual had a duty to the state to keep healthy, so the men could fight and the women could bear healthy children. The citizen's mind, too, was supposed to belong to the Führer; tobacco was "an alien allegiance."

During the war, anti-tobacco crusaders in Germany pointed out that Hitler, Mussolini, and Franco did not smoke, but that Roosevelt, Churchill, and Stalin did.

The Nazi state had new administrative tools. "What was new in the Nazi period," Proctor writes, "were augmented police and legislative powers to implement broad preventative measures, and the much-touted 'political will' to deploy those powers to strengthen the health of the nation." In another place, Proctor writes, "One way to look at the Nazi period, in fact, is as a time when the political center of gravity tilted slightly away from academic medicine in favor of a more public-health oriented approach to disease."

This, to Proctor, is good. Not once does he complain that the Nazi anti-tobacco crusade violated people's rights. He's not interested in people's rights in their capacity as smokers; he's interested in the public health. And he has to admit that according to the standard that America's public-health crusaders advocate — which is, simply, did it save lives? — the Nazis did a plausibly good job.

And to some extent, they did. That German scientists were the first to show that smoking causes cancer is to their credit. That they alerted their nation about it is also to their credit. Nazi Germany was not totalitarian about smoking; it did not try to ban it, or to keep track of every cigarette or every smoker. Much of what it did about smoking could also be done by private parties in a free society. But not all of it. There is an officious, nanny-state, social-engineering aspect of the war against tobacco today. And while it is an exaggeration to call these buttinskies "health Nazis" — there is a valid point there, even a historical one. ❑

Booknotes

An errant idealist— W.E.B. Du Bois is conventionally perceived as the quintessential crusader for black freedom. This is the Du Bois of the Niagara Movement and the NAACP, theoretician of Pan-Africanism, engaged in a ceaseless and passionate struggle for racial justice. This perception is not baseless, but W.E.B. Du Bois was a much more complex and disturbing individual, in part because he was a totalitarian apologist.

David Levering Lewis' *W.E.B. Du Bois: The Fight for Equality and the American Century, 1919–1963* completes the biography he began in *W.E.B. Du Bois: Biography of a Race, 1868–1919*. Superbly researched, this second and final volume presents a thorough portrait of its subject. Lewis writes of Du Bois' affection for Soviet Russia and Maoist China, his 1959 receipt of the Lenin Peace Prize, and his 1961 application for membership in the Communist Party.

When Du Bois visited the Soviet regime in 1926, according to Lewis, "Du Bois could have been at best only dimly aware of the momentous political tragedy unfolding in the Kremlin." Yet the Red Terror was not unknown prior to the *Black Book of Communism*. Du Bois himself asserted willful blindness: "I know nothing of political prisoners, secret police, and underground propaganda." Du Bois' 1959 trip to China in the wake of the Great Leap Forward is similarly disturbing.

Nevertheless, Lewis looks favorably upon Du Bois. (His subtitle indicates as much.) He writes:

> An extraordinary mind of color in a racialized century, Du Bois was possessed of a principled impatience with what he saw as the egregious failings of American democracy that drove him, decade by decade, to the paradox of defending totalitarianism in the service of a global ideal of economic and social justice.

Lewis portrays Du Bois' embrace of totalitarianism as a deterministic consequence. This makes for ornate illogic, as if stating that yes, Du Bois behaved

"I'm not afraid of hard work — I'm just *cautious* about it."

shamefully, but only because he was an errant idealist, not an ideologue. This biography brims with scholarship; sadly, its attention to detail contrasts starkly with its author's lack of critical perception in regards to his subject.

— Myles Kantor

Sex and Violence — Having read Ken MacLeod's *The Stone Canal*, I decided to try another of his novels. So I read *The Sky Road*, MacLeod's fourth novel.

The Sky Road shares some characters and part of the same future history as *The Stone Canal*. Both novels center on the creation of an independent nuclear force in Kazakhstan which holds the balance of power and ensures some anarchy in the world. But Jon Wilde, the hero of *The Stone Canal*, is killed early in *The Sky Road*, ensuring a somewhat different future.

MacLeod enjoys adopting different political personas with each book, so while *The Stone Canal* seemed to be written by a libertarian, *The Sky Road* seems to be the work of a rogue Trotskyist. For example, in *The Sky Road*, there is a secret Fourth Socialist International which hides in the background doing statist deeds. And MacLeod's heroine, Myra Godkin, spends much of her youth buying tracts in grungy leftist bookstores.

The Sky Road offers two parallel plots. In one, Scottish scholars of the 22nd century struggling to recover from the global technological collapse of 2045 try to find out what Myra Godkin did to cause the world's communications systems to fail. A second plot shows how Godkin rose from socialist agitator to controller of the Kazakh independent nuclear arsenal.

If you're someone who believes that good science fiction must include a data dump of libertarian theory, you won't like *The Sky Road*. But readers who like fast-paced, intelligent political science fiction with plenty of sex, violence, and nuclear weapons will find MacLeod quite enjoyable. MacLeod is libertarian, and pro-space exploration, but he is intelligent enough to play with different political personas. He is one of the most important writers to emerge in the 1990s.

— Martin Morse Wooster

Suicide Guide — A person at the end of his rope kills himself. Another person at the end of her rope because of a terminal disease, kills herself. A third person with a condition that makes getting consent impossible is killed by a doctor. Death is the goal in each case, but the reactions that each of these acts will receive range from "prevention" to "assistance."

Thomas Szasz's *Fatal Freedom: The Ethics and Politics of Suicide* attempts to show the reader the strange and often muddled ways our culture treats suicide. As an introduction, he offers careful analysis of suicide's historical classification from choice to mental illness. Attention is also given to simply defining suicide, a difficult task given different cultural approaches to suicide throughout time and geography.

But if one looked hard enough, one could find most of this information elsewhere. The real meat of *Fatal Freedom* is an exploration of how current hot-button issues like physician-assisted suicide and euthanasia have made our cultural approach to suicide and the suicidal more convoluted.

An in-depth discussion of the Dutch approach to euthanasia is included and contrasted with recent American court rulings and public figures who have been tied in the public mind (accidentally in some cases) to suicide prevention, physician-assisted suicide, or euthanasia. But through it all, this book manages to keep the reader both sure of the point made and its importance in the larger picture. It is an intriguing, sometimes disturbing journey into one of the most reviled

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Belarus, *from page 44*

ers see that you are a foreigner and are being hassled, they might very possibly intervene on your behalf! He thinks the chances of this power struggle turning violent are slim to none.

Others are not so sure. Some of his friends tell me that they don't think that Jaroslav is likely to be "disappeared" because, "Lukashenko only kills his friends" — that is, only people in the immediate circles of power. This is sure to be a relief to Jaroslav's friends, particularly in the American Objectivist circles, who like to have him over as a speaker. But what a country it is where your friends actually have opinions about the likelihood of your being murdered by the government!

That evening, Elena takes me around to some nightspots that the head of the mission has recommended. The city streets feel safe, even late at night, but don't have the bustling energy of commerce you find in Warsaw. Nonetheless, there are some charming places. I am pleased to confirm a friend's opinion that in any given gathering of young people in Belarus, about 20% of the girls will be of supermodel quality. I try to get into the Madison, a fairly rowdy nightclub, but security wouldn't let me in because I don't meet its dress code (I am wearing blue jeans.)

Day Five

I am due to catch a train back to Warsaw in the afternoon,so I go prowling around for a likely pub to soak up some local atmosphere before I leave. I find a great little hole in the wall near the University of Linguistics, and again meet someone I have a friend in common with! "When you get back to Warsaw, tell Hans that Frank says 'Hi,'" he says.

When the bartender finds out I'm American, he insists that I try Belorussian cranberry vodka. "Best in the world!" he says, "Better than Russian. Finnish vodka? Bah!" (Belorussians do acknowledge that Russian beer is better than their own, which explains why its importation is controlled by supporters of Lukashenko.) I return to my room, back in time for a nap before Jaroslav sees me to the train.

So, what impression did I get of Belarus? After only five days in a country where I don't speak the language, I hardly have the right to an opinion — but the lack of a right has never stopped me before, so here goes. Lukashenko is toast. Maybe not in this election, but soon. I admit, it's only a feeling, but these tired old eyes see victory. And the exciting thing about it is that there is a strongly libertarian group of dynamic, well-educated, young people with practical experience in politics from their work in the opposition.

Lukashenko can murder a few opponents, but he can't slaughter his enemies wholesale. He can try to steal the election, but in today's climate, he has to at least appear to follow the forms of democratic electoral politics — and people are watching. ❑

Clinton, *from page 38*

plot had been "sold" to a prominent Democratic contributor with no record of military or combat distinction, the administration was shamed into digging up the remains of the unworthy and moving them to a less sanctified plot.

One does not have to posit a vast government conspiracy orchestrated from the top to explain these abuses, although it's plain that a good deal of high-level conniving took place. It is likely that much of the corruption was independent actions of individuals in the government who perceived a common cause with the Clintons.

The rise of a vigorous anti-government movement in 1993 and 1994, culminating in the Republican "revolution" and takeover of Congress, certainly led to uncertainty and angst on the part of established bureaucrats. They worried that cutbacks would put them in the same unemployment lines as private-sector middle managers "downsized" out of jobs in the early '90s. Their natural reaction was to take advantage of opportunities to protect what was seen to be the strongest bulwark against the anti-government trend: the Clinton-Gore administration.

Whatever the source of the corruption, the faith of most Americans that government employees can be trusted to remain impartial has been shaken. The cynicism and partisanship of the media in downplaying these scandals (in contrast to its treatment of the more titillating, but less portentous, sexual shenanigans in the Oval Office) did not prevent most Americans from becoming aware of them. The consensus that government corruption is bad and the rule of law is good remains as strong as ever outside the media and beltway elites. But the notion that big government can be trusted to exercise its vast powers in an impartial manner may be damaged beyond repair. The full effects of a decline in public confidence regarding the benign use of government power have yet to be felt.

In the short term, Clinton's corruption was damaging to the nation and the democratic process. But the long-term consequences could be a change in popular perceptions of government. This would be favorable for those working to roll back expansion of the leviathan state. Future attempts to expand government may face a hurdle that did not exist prior to the Clinton administration: a widespread sense that expanded government authority will likely be used in political ways to reward friends and punish enemies of the reigning elite. Big-government opponents who sounded the alarm with futility over the past century may finally have the evidence they need to demonstrate a pervasive threat to the rule of law. Moreover, they may have a public prepared to be skeptical regarding the disinterest of the governing class. ❑

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Terra Incognita

Issaquah, Wash.

Innovation in education, chronicled in the *Seattle Times*:

A local school held a "Peace Week" to draw attention to youth violence. The week included: "Compliment Day" for teacher and student praise, "Pledge for Peace Day" where students wore "purple and attend[ed] an assembly while surrounded by decorative paper cranes," and "Reality Check Day" where, throughout the day, 32 students symbolically died after donning "white shirts with a black X on the front."

Boise, Idaho

Progressive anti-crime measure in the Potato State, reported by the *Lewiston Morning Tribune*:

A measure has passed the House which would make it a felony for a prisoner or person in legal custody to "propel bodily fluid or waste."

Phnom Penh, Cambodia

Phenomenological note from Southeast Asia, from a *Reuters* dispatch:

A peacock possessed with the soul of a 28-year-old deceased woman is living with the woman's family. Villagers offer holy water and money to the peacock with the hopes it will heal their ailments.

Milwaukee, Wis.

Curious aesthetic development in the Cheese State, reported by the *Milwaukee Journal Sentinel*:

The Mitchell International Airport is going to place a 34-foot high sculpture of a blue shirt costing $220,000 by its parking garage.

Santa Fe, N.M.

The quest for healthy organic products expands, from a retail outlet flier:

Natural American Spirit of Santa Fe, N.M., has introduced "100% Organic Tobacco Light Filter Cigarettes."

Missouri

Curious political development, announced in *U.S. News & World Report:*

Rep. Jo Ann Emerson is considering a run in a special election against Sen. Jean Carnahan in 2002. Carnahan's husband died just before being elected to the Senate in 2000, and Emerson's husband died while holding a congressional seat, which she won in 1996.

Atlanta, Ga.

Expanding the scope of the service industries, from a dispatch in the *Milwaukee Journal Sentinel*:

A convicted felon convinced another man to serve his 20-month prison sentence by offering to pay him cash and free crack. The substitute spent his time in prison reading and earning a high school equivalency degree.

Massachusetts

The Thin Blue Line is a bit thick in the Bay State, as reported in *The Massachusetts News*:

A woman was pulled over after she displayed her gun at another driver who was tailgating her. A detective at the scene explained to two rookie police officers that having a gun in the car was against the law, and seized it. After being informed that such was not the case, the officer explained that he doesn't "know anything about the gun laws . . . because they are constantly changing."

Pennsylvania

Interesting legal case from the Keystone State, from a dispatch in *Prison Legal News*:

A death row prisoner who invested $150,000 of his wife's money, which has grown to about $1.9 million, is claiming a portion of the profit in a divorce case. The two married on death row in 1988. His wife claims that he is not entitled to the money because "I do not feel I'm married to him."

Munster, Ind.

Christianity demonstrates its ability to adapt to changing times as it begins its third millennium, as reported by the *Seattle Post-Intelligencer*:

A local church, with the goal of bringing "the way people worship . . . into the new century," contains a Starbucks in the lobby. Says the pastor, who occasionally holds a cup while preaching, "we have to change the method of religion for people."

U.S.

The empowerment of people through technology, written in *The Wall Street Journal*:

"The information age, however, isn't just about Web surfing. It's about living in a nation of people with the means to at last make individual choices — about their children's education, their health care, their retirement funds — indeed, about the appropriate uses of the nation's wealth."

U.S.

New frontiers in consciousness changing, announced in *Insight Magazine*:

In a recent interview with *Synergist*, the former director of OSHA's Safety Standards Program discussed her reasons for choosing her current career. "I was born to regulate. I don't know why, but that's very true. So long as I'm regulating, I'm happy. I think that is really where the thrill comes from. And it is a thrill; it's a high."

Special thanks to John Wenders, Sheldon Richman, Jim Switz, Ivan Santana, and Russell Garrard for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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— Harry Browne

"I've been reading Doug Casey's International Speculator *for years. I don't always agree with what he writes, but I always find it provocative and helpful. And anyone who expects more than that from an investment newsletter is making a big mistake."*

— R. W. Bradford

The stocks below were our Internet short portfolio, initiated on 11/2/99, with the percentages they've fallen since:

AMTD	78%
AMZN	85%
AOL	71%
CMGI	94%
KOOP	99%
MPPP	95%
PCLN	96%
YHOO	87%

Being short in Internet and tech stocks in '99 was certainly as bold as it was profitable. At that time it was widely believed that such "new economy" stocks were going ever higher. However, even in a bear market, long positions are the bread and butter of a successful portfolio.

Doug's subscribers were long these Internet and drug stocks at the same time. These are their percentage appreciation figures from the time when first recommended:

VCAT	850%
IVAN	2,000%
DRUG	600%
SNMM	946%

So what's next?

"My bottom line is that we're headed for one of the most devastating bear markets in history, which will probably be accompanied by a massive depression, severe monetary turmoil, domestic political repression, and war. Sounds pretty grim, at least if you take life seriously — which is a mistake. When you look at the 20th century, you can see it was full of those things. But even during its darkest years, 1914–47, which included the institutionalization of the income tax and central banking around the world, two world wars, the Great Depression, and the mass murder of millions, among other things, world GDP still advanced at a real compound rate of 1.8%. Not bad. And most people managed to live pleasant and productive lives throughout, unless they just happened to be in the wrong place at the wrong time."

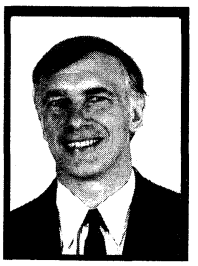

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Fraud in the Libertarian Party

by R. W. Bradford

Tobacco *vs* the Constitution

by Robert Levy

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"The disease of Liberty is catching." —*Thomas Jefferson*

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Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

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Inside Liberty

July 2001
Volume 15, Number 7

4 Letters Our readers fire the first shots.

5 Reflections We celebrate Peruvian asparagus, visit Disneyland with Dear Leader, steal Alan Greenspan's report card, boldly go where no tourist has gone before, fall off of mass transit, and heat our homes with HippiePower.

Features

15 Fraud in the Browne Campaign For years, Harry Browne's political opponents have suggested that Browne's campaigns have engaged in fraud. On May 11, Browne's campaign manager confessed to their charges. *R. W. Bradford* reports.

17 The Corrupt Crusade Everybody thought John McCain could never get his fellow senators to agree to abolish free speech in the name of campaign finance reform. Everybody was wrong. *John Samples* tells how McCain did it and what will happen next.

19 The Extension of Drug Paranoia by Other Means Welcome to Colombia, where American-directed drug policy is to shoot first and ask questions never. *Shannon Seibert* and *Ralph Reiland* report.

23 Why Waste Your Vote? In last year's presidential election, the Libertarian Party spent 75% more than in 1996, but got 27% fewer votes. Can its abysmal showing be explained by the appeal of the "why-waste-your-vote" argument? *R. W. Bradford* and *Andrew Chamberlain* look at the data.

27 The Strange Case of Robert Downey Jr Drug prohibition can't solve the drug problem. Neither can legalization, argues *Stephen Cox*.

29 Anti-Tobacco Lawyers and Tobacco Anti-Law *Robert Levy* decries the critics of the tobacco settlement for abandoning the Constitution.

31 Fireworks & Old Glory *Bill Tonso* suggests the 4th of July should be celebrated with more than flag-waving, fireworks, hot dogs, and beer.

33 Dictionary Control Because vocabulary controls thought, there are those who seek to control vocabulary. *Dave Kopel* explains.

Reviews

35 From Venice to Venice Beach A lot has happened in the last 500 years. *Jeff Riggenbach* examines a new take on the rises and falls of Western Civilization.

40 Mapmakers & Bookbreakers Old maps used to collect dust in university libraries; now they are collected by the wealthy and are the booty of thieves. *Timothy Sandefur* tells how it happened.

42 The Folklore of Money Money is important, *Bruce Ramsey* confesses. But it's not what makes the world go 'round.

44 The Price of Happiness *John Hospers* looks at a new book that argues that to maximize happiness, we must all be miserable.

43 Notes on Contributors Why us.

54 Terra Incognita Be careful out there.

Letters

Land-Use Planning: The Inside Story

I've just read the wonderful article by Randal O'Toole in the May issue, "One Thousand Enemies of Oregon." While I agree with the writer on general principles, there is just one item I'd like to take him to task on. He fails to explain adequately the motives behind the planners' actions — why do they do what they do?

As a reformed land-use planner (with a master of urban planning degree and a long-canceled membership in the American Planning Association), I can readily assure you that most land-use planners are not motivated by greed or the innate desire to control; rather, we are motivated by the desire to "do good," the devil's own invention.

We tend to be governed by the perverted desire to see American cities reflect a 21st century version of a Norman Rockwell painting. Yup, that's right; we land-use planners are difficult to deal with because our progressivism and liberalism mask our tacit but real nostalgia for the past. This leads land-use planners to love cities and small towns, while despising the suburbs and "sprawling middle America."

I understand this way of thinking, and sometimes I still do think that way. However, I saw the light, and I'm no longer going to try to ram my ideas down anyone else's throat.

Fred Bluestone
Lauderhill, Fla.

All Aboard for Afghanistan!

I can only hope that "Robbing Peter to Pay Mary" in your April issue was some sort of joke, perhaps a demonstration of how *not* to argue for liberty.

What exactly is the article advocating? That women march back into the kitchen? That's not going to happen in this country. For a country in which this has happened, I would recommend libertarians take a vacation to Afghanistan, where women have been disenfranchised. Libertarians might find that despite women being forced into traditional roles, Afghanistan is not exactly on the leading edge of a global libertarian revolution. If what the author wants is a country in which the state controls what people do in their bedrooms so that he can save less than ten percent on his federal income taxes by eliminating welfare, then he should come out and state that he supports a theocratic police state, and never mind the libertarianism.

Joseph Miranda
Northridge, Calif.

¡Literacy Si, Numeracy No!

With apologies for my tardiness (I am currently living in the People's Paradise of Spain and receive my mail rather tardily), I'd like to object urgently to one aspect of R.W. Bradford's suggestion in the January *Reflections* section.

He wisely suggests that the anti-literacy provision of the Voting Rights Act of 1965 be repealed and that a simple literacy test be administered to "ensure that the demented and moronic do not determine the fate of the republic." I applaud his initiative and support it, but I must in turn point out that the second of his two questions, "What does two times four equal? 1 2 4 6 7 8 10 24 42," while requiring the testee to demonstrate literacy in determining that "two" is "2" and "four" is "4," also contains a mathematical test. I believe it is unfair to ask voters to be literate and be able to multiply. This seems extreme.

Andy Hanlen
Valencia, Spain

Matching Wits With the GOP and Democrats

As a hard-core libertarian, but not a party member, allow me to weigh in on the Libertarian Party strategy issue. If the LP wants to be more than just an intramural debating society, its presidential candidates need to accept federal matching funds. Without matching funds, the LP candidate is at a severe disadvantage to the major parties, and most voters don't care how ideologically pure we are. We have to let people know we are serious. We don't have 100 years to build the party gradually.

We need massive television advertising campaigns to make our fellow citizens aware of the LP and understand our views. There is no shame in using all the resources at hand. We can continue to oppose the federal election fund while using it, just as we oppose the monopoly U.S. Postal Service while using it.

Thomas Clark
Sugar Land, Tex.

A Spy Plane From the 1950s

Thank you for the article on the Chinese mini-crisis ("China: The 'Crisis' and the Facts," June). I know a little bit about aircraft, and there's much more to this incident. The EP-3 is actually a much upgraded makeover of the Lockheed Electra, a 1950s airliner. For a history, see http://orion.pspt.fi/orion.html.

The notion that it could ram a Chinese F-8 is beyond bizarre.

Geoffrey S. Nathan
Carbondale, Ill.

Gays and Morality

Ever since I came out at the age of 13, I've been fighting the impression that gays are out to destroy the moral fiber of the world as we know it. When Republicans like Jerry Falwell or Ralph Reed say we're "threatening the well-being of children," it's one thing — but when a libertarian like Edward Feser writes it ("In Defense of Virtue," June), I realize libertarians aren't nearly as enlightened as they claim to be.

We're much more traditional than most seem to think we are: Camille Paglia once said that she was amazed that gays wanted to do the two things that the rest of society wasn't interested in doing anymore — get married and serve in the military! We're not the bogeymen that the right portrays us to be. The vast majority of pedophiles and child abusers are straight. Most teachers convicted of crimes against students are straight. Most murderers, rapists, and criminals of all kinds are straight. As for Feser's claim that we have a "tendency toward promiscuity," most gays I know are more happy cruising the aisles of the local Ikea store than they are cruising

Continued on page 28

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Reflections

The political spectrum — Bill Clinton was our first black president. Who would have thought that George W. Bush, that scion of Preppiedom, would be our first Hispanic president? — Brien Bartels

Collateral benefits — On a recent trip to northern Michigan, I learned that local vegetable packers are no longer freezing and canning asparagus. Thanks to a War on Drugs initiative intended to help farmers in Peru find profitable alternatives to cultivating coca, the United States has eliminated the tariff on Peruvian asparagus. The result: Peru's asparagus exports to the United States have tripled, consumers are paying less for asparagus in the supermarket, and asparagus farmers in Benzie County, Mich., can no longer find a packer to buy their crop.

Since its launch by Richard Nixon over 30 years ago, the War on Drugs has put millions of innocent people behind bars, undermined the American family by encouraging kids to turn in their parents and vice versa, diverted billions of dollars from the enforcement of laws against violent crime, enabled police forces to engage in highway robbery, made a travesty of the Constitution, brought violence and death to the streets of America's cities . . . but at last it's done something good: it's lowered the price of canned and frozen asparagus. — R. W. Bradford

A tale of two statues — After Mexican President Ernesto Zedillo left office, we learned that he had broken ranks with every president since 1936 by not leaving a statue of himself in "La Calzada de los Presidentes" ("Road of Presidents") at the presidential residence in Mexico City.

Such modesty does not prevail in Trujillo, Peru. This city of about 550,000 people is in La Libertad ("Liberty") department, but it is not doing well in the artistic liberty department. The mayor recently spent $20,000 for a statue of a siren 20 meters high. Perhaps owing to his anatomical predilections, the statue has "generosos y tremendos gluteos" (a large behind). Perhaps the sculptor was trying to give new meaning to "ars longa, vita breve."

¡Viva Zedillo! And down with El Alcalde de La Libertad! — Martin M. Solomon

This page intentionally left secret — Two missing pages from the voluminous federal budget delayed crucial votes on the Bush tax cut. What was the big deal? Why didn't they just classify the pages as secret and go ahead with the vote anyway? That's how the Department of Defense has operated forever. It's not as if members of Congress *read* the silly budget. — Brien Bartels

A furphy of rorts — "Chad" is a colorful term, but it pales in comparison to Australian vernacular about election-law violations. Recent stories from Down Under feature discussion of "rorts," "furphies," and "branch-stacking." The euphonious "rort" leaves our "fraud" in its dust. Their mellifluous "furphy" replaces our mundane "rumor." And "branch-stacking" beats the tar out of "registering in the wrong district." — Martin M. Solomon

Power from the people — It occurs to me that California has ignored an untapped energy resource that is more abundant in California than anywhere else on the planet. I refer, of course, to hippies.

If we could harness the power of hippies, it could provide electricity for years to come. Hippies are a 100% renewable resource; the University of California system churns out thousands of the dirty little scoundrels every year. Rather than letting the kids travel the continent protesting WTO meetings and breaking windows, why not put them to work in vast warehouses filled with stationary bicycles hooked up to generators to power air conditioners across the California desert?

Since hippies eat practically nothing but beans, methane would be produced as a by-product. This valuable resource, now wasted filling coffeehouses with additional "atmosphere," could be pumped from the generating facilities, and diverted to firing up barbecue grills. We could position pinwheels in front of their mouths, and show them pictures of George W. Bush or of trees being cut down so their "raping Mother Earth" rants could provide additional power generation.

Since they subscribe to the Marxist notion of "from each according to his abilities," they wouldn't ever question whether anyone has a right to make them pedal their youths away, and they could take solace in the knowledge that their generators recharge the batteries of electric cars, thereby helping single mothers drive their children to a public school. They will revel in the glory of helping provide emission-free energy to the state.

When we release them from public service after ten years they will be more mature, in terrific shape, and have a much better understanding of why labor is personal property. — Tim Slagle

Battlefield ethics — Ex-senator Bob Kerrey's admission about a 1969 Vietnam atrocity might have generated a media feeding frenzy, but it's not news to me.

Nine years ago at *Newsweek*, I got a call from a man who claimed he was a "former SEAL" and whispered last week's headline news. But after some picking and shoveling, editor Maynard Parker and I walked away. Years later, another *Newsweek* reporter, Gregory Vistica, came up with the same story, and it, too, was spiked.

We never ran with my story because:

- The allegation couldn't be backed up. Participants had conflicting recall, common among warriors even immediately after a fight and especially decades later. No big surprise. Most eyewitnesses to a traumatic

experience — battle-related or civilian — remember it differently.

- The whisperer couldn't explain why, since military law was on his side, he didn't stop the massacre. You know, "Lt. Kerrey, cease/desist or I'll shoot you." Or why he didn't immediately report the "war crime" per Navy regs. Or why he then sat on it for so many years.

Another reason was based on my almost five years in Vietnam, where, during that shameful war, there were thousands of such atrocities. My parachute battalion's first big "kill" in 1965 was a night ambush at An Khe that destroyed a tribal family who hadn't gotten the word about the curfew. The draftee unit I skippered in 1969 — as I've recently discovered while doing interviews for a new book — had at least a dozen such horrors. Most were reported at the time as "enemy killed." Thirty-two years later, the participants say: it was the easy way out; we couldn't handle the shame; the command was constantly pushing the body-count figure.

Everywhere our young men fought in Vietnam where there were civilians, there was carnage. Especially in the Mekong Delta — where Kerrey's commandos were hunting and being hunted by an armed enemy who was everywhere.

Most of us have heard of William Calley's My Lai massacre, where hundreds of noncombatants were cut down in a bloodbath led by a madman. But ask anyone who fought in the delta, where 35% of Vietnam's population lived, if civilians got caught in the middle of the cross fire — and the answer has to be "yes."

Few innocents were killed on purpose. But it was a war with no front, and few of the enemy in the delta wore uniforms or fought by the rules of war. Also, many women, children, and old men were "freedom fighters" not unlike Americans during our War of Independence.

My division in the delta, the 9th, reported killing more than 20,000 Viet Cong in 1968 and 1969, yet fewer than 2,000 weapons were found on the "enemy" dead. How much of the "body count" consisted of civilians?

John Paul Vann told me in April 1969, when he was in charge of pacification in the delta, that "at least 30% were noncombatants" and that he'd spoken to President Nixon about having the 9th immediately pulled out of the delta. A month later, the division got its marching orders.

Gen. Julian Ewell, who commanded the 9th, never ordered his soldiers to kill civilians. Nor did I. Nor, in my judgment, did Bob Kerrey. Nor did most of the scared young men — lying out in the mud night after night thinking every sound was an enemy who'd soon take their lives — purposely kill civilians.

The Vietnam War was a 25-year running sore in which more than five million Southeast Asians died, nearly half a million Americans bled, and millions of others still bear the pain and the shame and the scars.

Last week, Vistica finally presented his sensational story of events long ago in print, followed by Dan Rather on television. But neither was on that op; neither has been a combat grunt. Vistica never served; Rather did have a go at becoming a Marine but never completed boot camp. As far as I'm concerned, neither is qualified to pass judgment on soldiers or sailors.

Matter of fact, neither of these frequent military bashers is fit to shine Kerrey's one jungle boot — the other having been left behind in Vietnam with his foot in it while he bravely answered his country's call. — David Hackworth

Battlefield ethics II — They were a long way from their boat in a place they had never been but had thought about and worried over and trained for for months.

They were young and scared and surrounded by enemies, and by unreadable civilians, in a land where they could not speak the language and did not understand the ways. They could call for help but, at that moment and at that place, the only people they could rely on were themselves. When they had to decide, they had less than an instant and, if they decided wrong, they died.

At least in hindsight, they screwed up. They shot unarmed prisoners for no reason that makes sense to those of us who weren't with them. In other times and in other places they would have been called to task. They would have faced tribunals and the scorn of the civilized world.

But it didn't work out like that. Instead, a few days later, they went on to show themselves heroes. But not before screwing up the other way by taking such care not to commit the same crime, again, they opened themselves to the danger they all knew was there. And got hit, hard.

In the end, their leader became a national symbol of decency, battlefield courage, and personal integrity. Still, the heroism of that last fight can never erase the crime of the first.

For years, nobody wanted to examine too closely what really went on. Many think it's foolish to drag up such long-ago events now. Others will tell you in private that killing someone who may have been shooting at you a few minutes earlier is no sin. Still others believe we are overdue for a national dialog on what was done so long ago in our name.

They were young and scared and surrounded by enemies, and by unreadable civilians, in a land where they could not speak the language and did not understand the ways.

One thing most can agree on is that, regardless of what those boys did, their mission seems foolish now, so much effort and waste for so little gain. But they weren't asked to judge, only to trust those who sent them.

When old men heap weapons onto their sons and send them into terrible situations, terrible things can happen. For these particular young men, terrible things did happen. But to say it's the crime of the young men is wrong. And to condemn young men to carry the burden of what they did into their own old age, as if they could ever have done something different, is its own crime.

When I look at the old photographs all I see is innocence. Faces heartbreakingly young. Filled with patriotism and duty and courage. In my heart, I know gunning down unarmed Nazis trying to surrender on the cliffs above Normandy was wrong. But I can't find it in me to judge Tom

Hanks and the rest for doing it. This evil was not their evil. All they wanted was just to get through the moments and come home. The evil was with those who sent them to such a place. — William E. Merritt

Central planning, smart growth, and property values — When Randal O'Toole began writing about the "smart growth" movement in Oregon a few years ago, I thought that he was talking about regulations inflicted on a few idiosyncratic neighborhoods suffering under the domination of 1960s college professors. Only gradually did I learn that "smart growth" is a national movement that has infiltrated government planning in towns as small and remote as Bozeman, Mont.

Smart growth has taken hold. One reason is that it gives the planning profession something respectable and new with which to enliven their journals now that central planning has been discredited. Smart growth is the best thing for planners since urban renewal, which (they have to admit) didn't turn out too well.

Today, town and city planners talk as if they share an inherited wisdom that goes back many decades — although in fact it's pretty new. They assert the value of high density, which supposedly encourages people to walk and bicycle rather than drive; big porches, which supposedly lead people to converse with their neighbors; and mixed uses — apartments atop offices, corner grocery stores near residences, gridded streets with alleys and garages in back — anything that predates the ubiquity of that ghastly irritant, the automobile. Indeed, smart growth is an attempt to bring back the life in small towns of the 1920s, as imagined by people who never lived there. Mouthing their communitarian-sounding precepts, the planners come up with ways to stop growth, especially in the suburbs.

Don't get me wrong. There are vestiges of good ideas here and there in the smart-growth movement, most of them derived from Jane Jacobs' *Death and Life of American Cities* — the smart-growth scripture, which, like much scripture, is more often cited than read. But for the most part the ideas are flaky nostalgia, readily refuted by research.

Unfortunately, the refutations are likely to fall on deaf ears. For smart-growth planners have a tremendous ally in towns and cities all across the nation — homeowners. What fuels popular enthusiasm for smart growth is, I fear, self-interest. Every time a suburban resident succeeds in slowing or stopping growth — whether through an urban growth boundary, an open-space bond issue, or impact fees — that resident adds to the value of his or her property. Supply dwindles, and the price goes up. It's a grand bourgeois marriage of convenience: rising property values and sentimental nonsense. — Jane S. Shaw

Now that I've enslaved my people, I'm going to Disneyland! — The 29-year-old son of Korean dictator Kim Jong-Il was detained by Japanese authorities when he tried to enter the country on a false passport.

"I am Kim Jong-Nam," Kyodo news agency quoted the man as telling police investigators. He wanted to go to Disneyland.

There are so many directions a riff on that could take:

• The North Korean heir presumptive apparently was trying to blackmail the little Korean kids in the Small World ride to support their relatives still in the small communist nation. Such payments are usually extracted from Koreans living abroad and go to Kim Jong-Il's personal checking account. Disney security officials say the plot failed.

• Kim Jong-Nam was seeking ideas for North Korea's newest theme park. The park, located just outside Pyongyang, currently features exhibits of socialist-realism art and triumphs of proletarian invention, such as the steam engine, in StalinLand. GulagLand features a train ride and housing accommodations considered among the finest on the northern Korean peninsula. Most recently the park opened HungerLand, in which animatronic characters reenact instances of mother-on-infant cannibalism.

• The heir presumptive to the longest surviving unreconstructed Stalinist tyranny immediately demanded to see "the big mouse" in order to request political asylum.

• Disney chairman Michael Eisner hired Kim as a consultant for an animated movie on the life of Kim's grandfather, Great Leader Kim Il-Sung. "We see it as *Mulan* with tanks," Eisner said. — Brien Bartels

"F" is for Fed — The revelations that Dr. Alan Greenspan had been targeting stock prices during the better half of the last five years has caused little anxiety among the populace. Why? Like most central planners, his forecasts are always behind the form. And like all of them, he cannot tap into the spontaneous order and changing dynamics that send us the signals we need to determine what, how, and when to produce the goods and services that make up the economy . . . the fatal conceit and all that.

But in Doc Greenspan's case, the situation is exacerbated by the "old man" syndrome. He is very proud of fooling the markets — i.e., waiting until they are not expecting something and then doing it. This of course raises the risk premium in stocks, and lowers all of our wealth. He also is the kind of board chairman who apparently insists on unanimity among the board, thereby stifling any insights and education that diversity might create. To foment a less centrally planned society, I have offered him a pair of sneakers if he will change places with Patrick Ewing.

Like many bureaucrats, Doc Greenspan likes to pretend he

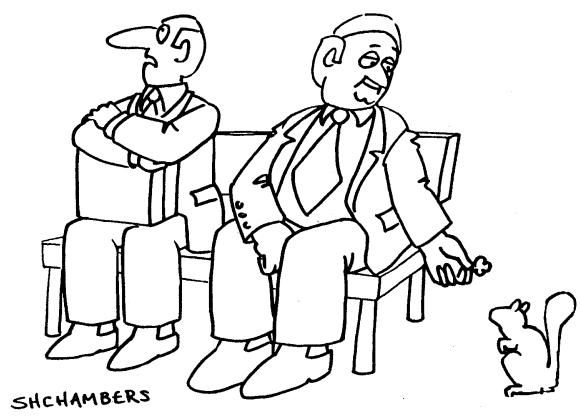

"I mean, the moon *was* in the seventh house, right? And Jupiter *did* align with Mars . . . Stanley? What the *hell* went wrong?"

has academic credentials. To this aim, he received a Ph.D. from NYU some 20 years after he completed his master's degree. I suspected at once that there was the usual kind of exchange of prestige and imprimatur for perks and funding that we all know is so commonly involved in granting honorary degrees and the like. To get to the bottom of this one, I entered into a bargain with Larry Ritter, author of *Glory of Their Times*, and also one of Doc Greenspan's thesis advisers. I promised that I would write about 100 relations between baseball and the markets if he would give me the skinny on the merits of Doc Greenspan's degree. Larry paid up recently and said that he now gives the "Doc" an RF, a Retrospective F.

— Victor Niederhoffer

Who are you and what have you done with the Democrats? — In April the Progressive Policy Institute published *The Metropolitan New Economy Index*, a 49-page report that ranks U.S. metro areas on various measures of the "new economy" — patents, high-tech jobs, venture funding, Internet use, etc. The report made the news in various cities because of what it said about them. But it is interesting also in what it says about the New Democrats, because the PPI is their institute.

"Innovation and change mean uncertainty and disruption," it says. "But it is becoming increasingly clear that dynamism is central to growth. The more churning in a metro in terms of new business start-ups and existing business failures, the faster the metro's rate of economic growth." Here is a study that says (correctly) that a high rate of business *failure* is a sign of progress.

The study begins and ends with a quote from Charles Darwin: "It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change." The study does not weep for the poor or argue for the protection of unions. It pounds the drum for flexibility and adjustment. It argues for retraining workers in failed industries, not in protecting either the workers or the industries.

On education, it says, "Public school choice — *with real and meaning-*

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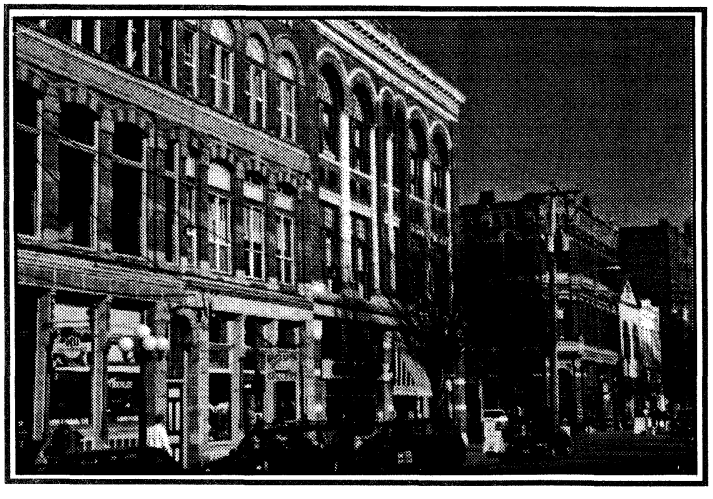

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ful choices for parents — is critical to improving schools." There is that crucial adjective, "public." These *are* Democrats. It calls for experiments in "innovative ways to reward high-quality teachers" and to "weed out chronically underperforming teachers."

That's bold stuff for the party that represents the teacher unions.

It also has blunt talk on traffic. "Environmentalists and other anti-growth activists," it says, "have succeeded in convincing many decision makers that 'sprawl' is principally responsible for traffic congestion, that 'new roads just make things worse,' that road pricing schemes are unfair, and that only demand reduction strategies (e.g., transit, carpooling, urban growth boundaries) can improve mobility. In fact, empirical evidence demonstrates that these claims are untrue or grossly exaggerated." The report then calls for "road pricing and even road privatization."

Well. Democrats for school choice. Democrats for road pricing. Democrats quoting Darwin on a social issue.

— Bruce Ramsey

"Tragedy" among the stars — Throughout the furor over who killed Bonny Lee Bakley (the Wait! Is That Really How It's Spelled? Girl who was shot to death in Studio City, Calif., on the night of May 4), Ms. Bakley's not-yet-excluded-from-suspicion husband, former television star, former movie star, and former *Our Gang* comedy nitwit Robert Blake, has been portrayed as a pathetic ex-person, relentlessly pursued by "personal demons" and reduced to a poverty that cannot even be called genteel: thus is it ever in Hollywood (sniff, sniff).

Like hell it is.

After wading through several vast media wetlands of sentiments like that, I encountered the following stray indication of something more interesting: "Police plan to interview Blake's bodyguard and assistant, Earl Caulfield, who has said he saw someone lurking around the Blake Studio City, Calif., home shortly before Bakley was killed."

Apparently, Blake retained some measure of social respectability. He managed to keep a "bodyguard and assistant." And after all, who could face the world without a bodyguard and assistant tagging along behind him? I would give up my chauffeur, my gardener, my maid, my houseboy, my longtime companion, and every horse in my stable, so long as I was able to keep my bodyguard and assistant.

STARTREK-THE LOST GENERATION

The Psalmist says, "I have been young, and now am old, yet have I not seen the righteous forsaken, nor his seed begging bread." I have lived in southern California for 29 years, yet I have not seen a former "star" standing in a welfare line, or even in a supermarket line. From time to time, people run into Pete Wilson, former governor of the state, in hardware store checkout lines, but you don't see the Brady Bunch hoisting their own wood panelling. At least I haven't.

As an inveterate watcher of those TV biography shows that specialize in down-and-out stars, I have witnessed hundreds of them confessing to interviewers that they're "reevaluating their careers" or revealing the still more lamentable fact that they're "about to stage a comeback." I've seen thousands of their friends recalling that magic moment when a star first told them that he was out of work, hopelessly addicted to drugs, and in hock to Bankamericard for a million times more than his life was worth. But the interviews always take place in snazzy digs overlooking the Pacific, and the recollections always involve something that transpired on a vacation trip to the Riviera. And when did you ever hear of a washed-up star who couldn't produce the money for his ninth stay at the Betty Ford?

I find this irritating. I don't really care who killed the wife of Robert Blake; there are hundreds of murders a day in the United States, and I can't worry about all of them. But the apparent fact that if you make enough bad movies you will never run out of dough is disorienting, disturbing, depressing, and above all, un-American.

If the capitalist system won't punish bad art, what will? Am I never going to hear that Oliver Stone has been kicked out of his one-room walk-up for nonpayment of rent? Is there nothing that can ever force Barbra Streisand to seek cheaper accommodations in the Elko, Nevada, area? Is it *impossible* that I will ever see Jane Fonda shopping the K mart specials?

— Stephen Cox

Betting on the state — A proposed state lottery was defeated in Alabama a couple of years ago. Now the issue is legalized casino and video gambling.

Standard libertarianism holds government responsible mainly for protecting life, liberty, and property but not for enforcing private morality. Laissez faire is a sensible position on gambling.

Quite different is a government-run lottery or even government favoritism toward gambling of particular types and in particular places. Opportunities for corruption and rent seeking arise. Against a general background of suppression, gambling favored by exception tends to have concentrated effects. While not taking active charge of morality, government should at least refrain from setting a bad example; it should not help make gambling seem respectable and the hopes of the players seem reasonable.

For these reasons, it seems to me, a consistent libertarian can favor *general* toleration of gambling while opposing *selective* promotion.

— Leland Yeager

Atestay ottoesmay arekay upidstay — In March, the 8th U.S. Circuit Court of Appeals dismissed a lawsuit filed by the ACLU, which argued that the Ohio state motto — "With God, All Things Are Possible" — was an

unconstitutional establishment of religion. Conservatives strutted (which is always awkward: they're not very good at it, being out of practice) and called the lawsuit an example of the godlessness running rampant in America, whose consequences can be read in the blood of Columbine High School, the immorality of prime-time television, and the high price of auto insurance. Of course, a state motto is nowhere near as important as the conservatives try to make it out to be. Nor can they make a reasonable argument that the American founders would have thought such things acceptable. They often cite George Washington's insistence that without a belief in God, republican institutions would fail, or the fact that the Northwest Ordinance of 1787 included a clause sending government-paid religious teachers to the new states in the West: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged," Congress declared.

They rarely mention that in 1791, James Madison said that the idea that "Congress might even establish religious teachers in every parish, and pay them out of the Treasury of the United States" was an "inadmissible" one. In defending the motto, conservatives often point to the currency, and its phrase, "In God We Trust" — but that was not added to the currency until nearly a century after America's founding, when the Victorian era brought the public expression of religion back with a vengeance. One modern conservative writer, Douglas Kmeic, in discussing a Supreme Court ruling that a prayer said before the opening of the New York County Board of Supervisors meeting was unconstitutional, asks, "What would George Washington have thought?" Washington would probably have been upset. But not James Madison. "The Constitution of the U.S. forbids everything like an establishment of religion," Madison wrote. "The law appointing Chaplains establishes a religious worship for the national representatives, to be performed by Ministers of religion . . . to be paid out of the national taxes. Does not this involve the principle of national establishment, applicable to a provision for a religious worship for the Constituent as well as of the representative Body, approved by the majority and conducted by Ministers of religion paid by the entire nation? The establishment of the chaplainship to Congress is a palpable violation of equal rights, as well as of Constitutional principles."

But Madison then went on to say something that today's left would do well to learn: "Rather than let this step beyond the landmarks of power have the effect of a legitimate precedent, it will be better to apply to it the legal aphorism *de minimis non curat lex* [the law does not concern itself with trifles]."

Conservatism is growing more and more upset because the left is continuing to push its crusades further away from reasonableness. That the ACLU would think it *mattered* whether God appears in the Ohio state motto is an example of this silliness. It accomplishes nothing for them to challenge these things in court — even if they win — but it does rouse the ire of groups within this country that really are genuinely hostile to all civil liberties.

Another example is abortion. No reasonable pro-choice advocate could have any objection to regulating so brutal and unnecessary a procedure as partial-birth abortion, and the Nebraska law that the Supreme Court struck down last year was hardly a barrier to a woman seeking an abortion. Yet the left insisted that this law was tantamount to a reversal of *Roe* v. *Wade*, and the law was struck down. If the left really wants to protect the rights of women, it can do nothing more self-defeating than rabidly to oppose even reasonable regulations of that right, and by doing so, appear to be the bloodthirsty baby-killers they are so often portrayed as.

A third example happened more recently: a school in New York banned Mother's Day because too many kids in the school have, say, two mommies, or no mommies, or whatever sorts of arrangements have become popular since the family died. Now, for at least 20 years, conservatives have tried to paint gays as enemies of God, the flag, motherhood, and apple pie. It seems all that's left is for the schools to ban apple pie!

It is self-defeating for advocates of abortion rights rabidly to oppose even reasonable regulations of abortion, and by doing so, appear to be the bloodthirsty baby-killers they are so often portrayed as.

In all of these cases, the left is teasing a lion. There are far, far more religious conservatives in this country, or people willing to back them up, than there are atheists, or gays, or rigidly ideological advocates of abortion. Arousing their ire is not something to be taken lightly, and there is no possible way that the left can win in such a confrontation. In Iran, when the shah's program of forced modernization — including everything from neon casinos to leather miniskirts — finally grew to be too much for the fundamentalist Moslem population, the result was a collapse into theocratic despotism and the eradication of civil liberty. Oh, but I forgot: it can't happen here.

For decades now the ACLU and other radical leftists have been pushing an American cultural revolution. It's not going to happen. Until the left stops concerning itself with trifles, it runs the risk of bringing with it a backlash of orthodoxy that will teach the ACLU what oppression is really all about.

— Timothy Sandefur

I see chaos in your future — It is time to give urban planners the respect they deserve: the respect we give psychic readers, spiritual channelers, and astrologers.

— Randal O'Toole

All aboard! Next stop, Congestion! — On May 7, the Texas Transportation Institute released its annual report on urban congestion. The Surface Transportation Policy Project, an anti-auto, pro-transit group, immediately released its report claiming that the "burden" of congestion was lower in cities that had spent more money on transit.

In reality, transit investments have no measurable effect on congestion anywhere outside of the New York metropolitan area. Even in such transit-intensive regions as Chicago,

Boston, Washington, D.C., Philadelphia, and San Francisco, transit carries fewer than 4.5% of all passenger miles. In all other urban areas it is under 2.5%.

Congestion is increasing partly because highways are funded out of a cents-per-mile gas tax that can't keep up with inflation and actually declines as people buy more fuel-efficient cars. The only solution is toll roads, charging higher tolls during rush hour (a system known as "value pricing").

But most urban leaders are afraid to propose value pricing lest voters rebel against tolls. So instead they jump on the transit bandwagon, forking over billions of taxpayer dollars for gold-plated rail-transit projects that do nothing about congestion. The result is more congestion and more demands for transit subsidies. This spiral won't stop until people start demanding toll roads and value pricing. — Randal O'Toole

Spartan accommodations, great view — On April 28, a Russian rocket launched the first space tourist into orbit. My heart soars as the frontier of space opens for the first time to all of mankind. The face of Dennis Tito wearing a $20 million grin as he floated into the International Space Station somehow made me feel closer to space than I have ever felt before.

Back in 1968, a boy sat in a darkened theater mesmerized by Stanley Kubrick's *2001* and he has dreamed of this day for over three decades. Many of the promises made in that film were excessively optimistic. The movie promised Pan Am flights to the moon by 1999, and Pan Am even made advance reservations. (I don't know if the reservations were transferred to a competing airline when Pan Am went out of business 23 years later.)

Last year, I lamented that the new millennium was arriving without any of the promises of the movie being realized. I guess Kubrick assumed that since TWA was capable of providing passenger service 27 years after the first flight of the Wright brothers, and commercial trans-Atlantic flights 19 years after Lindbergh, it could handle passenger service to the moon within 30 years of the first moon landing. Kubrick obviously underestimated the ability of government agencies to stifle innovation.

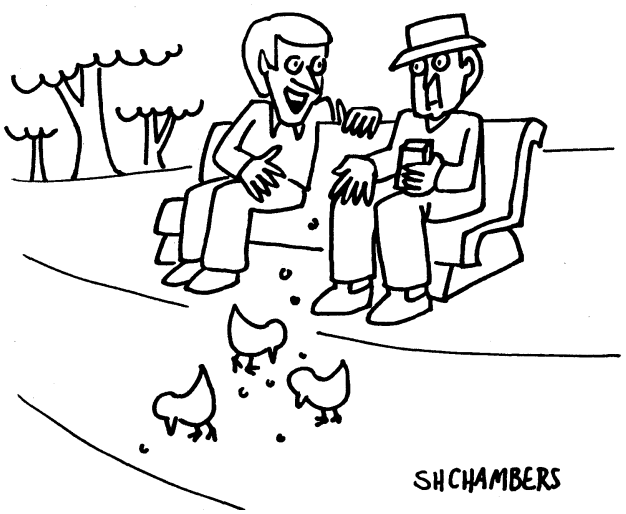

"I used to watch regular TV. Then I watched reality TV. Then it dawned on me: why not try reality itself?"

And, thanks to Russian desperation, the moment is finally here when anyone with sufficient resources can travel out into the universe. Now all I have to do is find $20 million. — Tim Slagle

Looking for Liberty — One of the perks of my job in Washington, D.C., is working across the street from a B. Dalton's bookstore, which is a frequent lunchtime pit stop. Even though it's not very big, it carries *Liberty* in the magazine rack. Bookstores like this ordinarily save their upper displays and front rows for mainstream magazines, so it's not too surprising to find that magazines like *Liberty* and Z usually sit on the back tier of the bottom shelf, virtually out of sight.

That changed when the April 2001 issue hit the stands. One day I walked into the store, and *Liberty* had been placed out front on the middle shelf, within comfortable reach. Everyone walking by the racks could easily see the magazine and make out the cover titles. Why the sudden change, I wondered? Then I noticed — "Bill Clinton: A Celebration" had top billing on the cover of this issue.

I almost immediately chided myself for thinking that a Clinton-friendly headline would be enough to warrant choice placement on the magazine racks. After all, the subtitle called him "a liar, a thief, and a sociopath" — qualities that were evidently not barriers enough to keep Bill from being "a wonderful president." I decided the bookstore had probably just rearranged the placement of some magazines, and that this was *Liberty*'s new spot.

I kept an eye out anyway, and sure enough, as soon as the May issue arrived, *Liberty* had returned to the back of the bottom shelf, relegated to crouching-customer status.

One month in one bookstore doesn't signal a trend by any means, but it may warrant some experimentation. Paying apparent lip service to big-government partisans on the cover may lead to more curious readers, and more opportunities to trounce them with the full-fledged arguments within. — Eric D. Dixon

Drunk with power — For years, England's pub-goers have found themselves subject to strict rules on how long they can stay in their favorite haunt drinking, playing darts (always an adventurous combination), and attempting to eat the legendary pub cuisine. Come 11:00 p.m., last call is always made, with the mad rush for booze quickly followed by a rush out the door. They flood the streets, taxing night-time law enforcement officials to the very limits of their patience. But Tony Blair has vowed to change, in the words of the Home Office Minister, this "antiquated and bureaucratic" licensing system to give pubs the power to sell drinks after 11:00 p.m.

Needless to say, calling a licensing system "antiquated and bureaucratic" is somewhat like calling pub food "not easily devourable." If antiquated bureaucrats hadn't seen fit to impose hours on pubs out of line with what customers and local communities wanted, the current claim that stopping the practice would "give business greater freedom, protect local residents, help the police deal with law and order and give the public more opportunities to socialize" would be seen for the voluminous emission of hot air that it is. Hopefully, most revelers will see that the new change is less

of a carrot and more a realization that meddling in how businesses run themselves is a very twisted stick. Of course, for the change to happen, Blair's Labour Party has to get re-elected. Too bad they don't have shorter polling hours.

— Eric Raetz

You deliver for me? — I don't like the idea of anybody going hungry, and I don't like to see any food get wasted. But on Friday, May 11, I lost my own appetite for dinner when I discovered a certain something in my mailbox, a certain something about food.

It was a notice from the National Association of Letter Carriers, with "Postage & Fees Paid" by the United States Postal Service and the whole "Co-Sponsored by" Campbell's Soups, the United Way, and guess what? — the United States Postal Service. It featured an icky cartoon by Bil Keane, showing two little kids with two bags of groceries. Fat little girl: "Mommy said all this food is *nonperishable*." Fat little boy: "Yeah, but hungry people aren't!"

Wrapped around this noxious molecule of Americana was an announcement of my own personal opportunity to "Stamp Out Hunger" on Saturday, May 12. I could "stamp" just by dropping my (nonperishable) "food donation" next to my mailbox. My "letter carrier" (i.e. postman) would pick it up and "take it to the Post Office," whence it would "be delivered to a local food bank or pantry" and then, presumably, to the mouth of some starving fellow citizen.

Now, what do you make of that?

Some of the Letter Carriers' missive seemed quite appropriate. Naturally, their call was exclusively for nonperishable goods, since my mail delivery often arrives as late 6 or 7 p.m., and if the groceries had to wait as long as I do for a mailman to show up, they would be in a very advanced state of decay by the time they finally reached the "food bank or pantry."

I could also appreciate the post office's desire to instill a spirit of trust in its ability to route my groceries to the right place once they were obtained. This is the same outfit that commonly routes all my mail to my neighbors' boxes, and all their mail to mine.

The post office's trust in me, its customer, was even more to be admired, given the circumstances that bind us together. What other bunch of #!&#*!# — to suggest some language seldom to be seen in a Bil Keane cartoon — would constantly raise its rates, diminish its services, defend its monopolies, and then expect me to rejoice when the people who are supposed to be delivering my mail decide to spend their time carting off my groceries and giving them to other people? (Note: Another one-cent rise in postage is expected later this year.)

And talk about trust! You gotta be mighty gullible to accept the fantastic assumption that there are people who are actually starving in this country, and starving because *the post office* hasn't been delivering enough groceries to them. Welcome to Fantasy Land.

But don't forget the Main Street section of this giant amusement park that we call America. Don't forget the thoughtful, and doubtless expensive, sponsorship of the Letter Carriers' little project by those high-minded capitalists over at Campbell's Soups. Once again, upper management justifies its existence by helping out dear Uncle Sam.

Well, I dunno. I used to like their soup, but now . . . as I say, I think I've lost my appetite. I'm not putting that soup out for the Letter Carriers, though. — Stephen Cox

You have the right to be tried by a jury of twelve robotic peons — The California Supreme Court has made it official: jury nullification is not allowed (*People* v. *Williams*, 2001). This despite centuries of common law tradition and federal Supreme Court rulings that have repeatedly held that the practice does fit with the Constitution.

The popularity of jury nullification among the libertarian crowd is a bit of a mystery to me: perhaps some hope that it will be used to end the drug war. That's hardly likely, and I suspect jury nullification would result in more harm than good, but despite that, it is clear that jury nullification is within the tradition of the jury right, and the California Supreme Court's unanimous opinion is illogical in every conceivable way.

For instance, the court writes that "it is important not to encourage or glorify the jury's power to disregard the law. While that power has, on some occasions, achieved just results, it also has led to verdicts based upon bigotry and racism." True. But everything a government body does can achieve either just results, or results based on bigotry. And in fact, while jury nullification can lead to verdicts based on racism — the most obvious recent case being that of O.J. Simpson — it can likewise protect defendants who are brought in for show trials: a juror can refuse to convict a defendant whose only crime is the color of his skin. The court itself noted that in a footnote when it referred to the fugitive slave cases of the 19th century, in which juries refused to return runaway slaves.

Another fallacy occurs in another footnote, where the court says, "We observe that these cases refer to the ability of the jury as a whole to return a verdict that is contrary to the law or the facts. No case of which we are aware refers to an individual juror's ability to disregard the law." In other words, a jury as a whole may nullify a verdict, but not any

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individual juror. But juries are only groups of individual jurors, and if no one of them may nullify a verdict, then no group of them can, either.

"Jury nullification," the court concluded, "is contrary to our ideal of equal justice for all and permits both the prosecution's case and the defendant's fate to depend upon the whims of a particular jury, rather than upon the equal application of settled rules of law." But that is precisely what the jury system was designed to do. If the jury exercises no judgment, then it is not a judging body, and the defendant's fate can be sealed by an executive's promulgation. That's why federal courts have repeatedly held that "the jury has the inherent power to pardon one no matter how guilty" (*U.S.* v. *Schmitz*, 1975). Individual liberty is protected by juries — or by their "whims" — because the jury is equally permitted to convict or acquit. To block off all the exits as the California Supreme Court has done is to eliminate its very reason for existing.

— Timothy Sandefur

Culture war — A polarization in American politics is becoming increasingly evident. While manifested by an almost even split between Democrats and Republicans in Congress and in the popular vote for president, this divide runs deeper. It's a split that Ayn Rand clearly discerned, and one that Amity Shlaes, columnist for the *Financial Times*, recently observed. Shlaes termed it a gulf between the ideologies of the businessperson and the lawyer; Rand saw it as the split between productive creators (the Bill Gateses of the world) and unproductive appropriators (Rand might say, "the Bill Clintons of the world"). This author sees it as an ideological split between the two "camps" that make up all societies — free enterprise (entrepreneurs) and government (governors).

In no other country at no other time in history has free enterprise made the progress it has enjoyed in the United States. In all other times and places, wealth has gone hand-in-hand with power derived from the control of armies, accrual of captured riches, taxation, and the exercise of eminent domain; that is to say, from creating and maintaining caste systems that clearly divide societies into ruler and ruled.

In the United States, power and wealth has flowed to practitioners of free enterprise in entirely different ways: the creation of real wealth and the proliferation of technology to the common citizenry.

Those sectors of free enterprise not as subject to the whims and will of the governors have fared best. While the auto industry, the tobacco industry, and the medical profession are continual targets of litigation and regulation, high-technology finds itself a target only occasionally, and then usually as a result of antitrust issues. The one firm that best defines this new era of wealth creation, Microsoft, has clearly been bowed by the attack it has sustained from the other camp, and whether it becomes permanently crippled remains to be seen. But before the mass antitrust actions, Microsoft (and thousands of other firms) steamed along, creating a product that causes no injuries, creates virtually no pollutants, and is subject to almost no consumer-oriented litigation.

We have observed, in both the presidential election crisis and Microsoft antitrust case, not an exercise of law over chaos or of jurisprudence over crime, but a power struggle that is more evident today simply because creators have become more powerful and more visible. Whereas newscasts used to focus primarily on the actions of government, entire networks now devote themselves to the activities of business. We have come to expect our livelihoods from entrepreneurship, rather than government grants.

We've also witnessed the peculiar phenomenon of corruption in our highest elected office being mostly ignored by the populace. Bill Clinton's actions were ignored not because they were trivial, but because the conduct of the president has become less important in our daily lives. In an era of wealth-creating free enterprise, the president who governs best governs least. And a president engaged in sexual activities on government time is clearly not governing.

The ideological tug of war we observed between the man of government, Al Gore, and the man of business, George W. Bush, played out in an entirely predictable manner. Each candidate marshalled the resources best suited to his temperament. Gore called upon the "disenfranchised" who have long found themselves the recipients of government largesse, and those most skilled at manipulating this population — Jesse Jackson, William Daley, and Al Sharpton. Bush called upon a true management team, which includes a former CEO, Dick Cheney, and a staunch steward of laissez faire, James Baker.

Furthermore, that portion of the press whose bread is buttered by government-generated news supported Mr. Gore — CNN, and many of the baby-boomer journalists who came of age during the governmentcentric crises of the 60s. That part of the press engaged in the news of free enterprise — *The Wall Street Journal*, Fox News Network, and CNBC — favored Bush.

But to the victor may have gone hollow spoils — the mantle of a government that is becoming increasingly less relevant in the lives of its citizenry, who have discovered the tax-free, unfettered communications of the Internet and the power of personal wealth and individual ideas. Government is not, as commonly portrayed, primarily a device to prevent anarchy, nor is free enterprise purely an outgrowth of greed or envy. Rather, government and enterprise are manifestations of the two most rudimentary ideologies in society, battling for people's souls, opposites in goals and ideals. And after millennia of rule by one ideology, we may be witnessing the opening pitch of a whole new ball game.

— Michael J. Martin

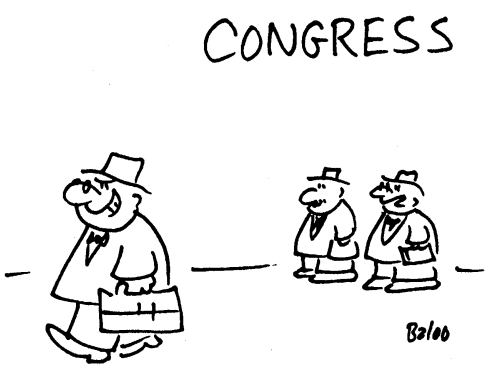

"True, Glickenspiel has never been bought, but several powerful interest groups have him on layaway."

Browne Campaign Manager Admits Fraud

by R. W. Bradford

Campaign manager Perry Willis has finally confessed to committing fraud against the Libertarian Party on behalf of himself and the Browne campaign. What happens next?

On May 11, Perry Willis wrote an extraordinary memo to the Libertarian Party's national committee. He confessed that he had consciously disobeyed one of the terms of his employment contract with the LP, at that time his employer. In 1995, he had worked for the campaign of Harry Browne, at the time seeking the party's 1996 presidential nomination. The party's "conflict of interest" rules prohibited its employees — Willis was national director at the time — from supporting, working for, or showing favoritism to any person seeking the party's nomination.

He was called onto the carpet at that time and confessed to having worked for Browne — explaining that working as a paid contractor for Browne did not constitute "support" for his candidacy. He was reprimanded, but allowed to do his job after he promised he would cease all work, paid or volunteer, on behalf of the Browne campaign.

He continued to work for the campaign, in secret. Critics of Browne voiced suspicion that Willis had continued to work for Browne, but he continued to deny it. Early last year, *Liberty* made a thorough investigation of the charges. We could find no hard evidence. We examined Browne's filings with the Federal Election Commission, but found no records of payments to Willis after he had agreed to stop violating the terms of his contract.

The reason we hadn't found any evidence of further payments to Willis is now apparent: Willis had the Browne campaign make payments to an enterprise owned by his friend, Jack Dean, which was already doing contract work on behalf of the Browne campaign, Dean then forwarded the money to Willis. In the words of the 2001 memo to the LNC, Willis "concealed [my] actions from" his employers, "or lied to them."

Neither the blatant violation of his contract with the LP nor the lying and deceit he engaged in to cover it up bothered Willis one bit. His confession contains not even a hint of regret or contrition. He didn't consciously deceive his friends and colleagues and violate his employment for his own gain. Far from it. He had heroically put "friendships, career and reputation at risk" to "save the LP from a meltdown." What was this "meltdown"? The prospect of nominating a candidate who was not Harry Browne. And, he had saved the day: "Even with my help, the Browne campaign struggled to make it to Election Day. Without my help I don't think they would have made it through the winter of 1995–96."

His 20-page memo is an elaborate argument that the end justifies the means. The party, the movement, freedom itself could have survived only if he gallantly sacrificed himself by defrauding his employer, an action which harmed no one and benefited everyone except him. ("We all benefited from what I did. Fortunately, only I have suffered for it.")

Cynics might charge that he may have benefited a little bit. After all, the Browne 1996 campaign made payments to him, laundered through the firm of his friend Jack Dean. And, according to documents the Browne 2000 campaign filed with the Federal Election Commission, the Browne 2000 campaign made payments to him totalling $165,267.28 for "campaign management," another $88,404.34 to a business entity which he apparently owns, and another $165,905.21 to members of his family. The total was $419,576.83. Of course, not all this went into his own pocket; he had expenses. But it isn't as if he had taken a vow of poverty, either, though curiously his memo gives another impression: " . . . during the

2000 Browne campaign I constantly went without pay and lived off my credit cards, many of which are now cancelled because I forgave huge amounts of salary and couldn't pay my bills." One has to wonder exactly what "huge amounts of salary" he forgave, considering that the salary that he didn't "forgive" amounted to more than $165,000 through March of this year.

Why did Willis wait until May 11 to confess? He didn't say, but it seems likely that he wrote his memo in response to a series of events touched off by two documents that former LP Secretary John Famularo delivered to LP staffers and National Committee members at their meeting of April 21.

Neither the blatant violation of his contract with the LP nor the lying and deceit he engaged in to cover it up bothered Willis one bit.

The first was a memo addressed to LNC members, in which Famularo noted that the LP was considering entering into a contract to make substantial payments to various entities in which Willis and Jack Dean (who had laundered the Browne campaign payments) were principals, and observed that the LNC was relying on representations made by both Willis and Dean. "I believe," wrote Famularo, "that the following information is germane at this time."

There followed a brief, but explosive, paragraph:

> Mr. Willis, the national director at the time, assured the LNC in early 1995 that any paid work for the Browne campaign has ceased. There is evidence that Mr. Willis continued to work for the Browne campaign throughout the balance of 1995 and into 1996 prior to the July 1996 nominating convention, through a mechanism of billing Jack Dean's company, Dean & Spear for work done by Willis for the Browne campaign. This type of transaction would not appear on either Browne's or the LNC's FEC reports. Attached is a copy of an invoice from Perry Willis to Jack Dean referencing a contract for payments to Willis for work done for the Browne Campaign. There is other evidence available.

Attached to the memo was a copy of an invoice from Willis to Dean, Spear & Associates, Jack Dean's company. It was dated Feb. 28, 1996 and specified various payments due Willis "for February 1996 Browne for President contract."

The LNC, most of whose members were longtime Browne supporters weary of the charges that have dogged Browne's campaign for over five years, expressed little interest; and no discussion was held. But the members took the documents home with them, and over the next week read them and drew the inevitable conclusion.

Also on April 27, Famularo sent e-mail copies of the memo and the invoice to several individuals, including me. The documents circulated among party activists. It was becoming plain to a lot of people that if the Willis invoice was as genuine as it appeared to be, it was proof positive that the charges of Willis' and Browne's critics had been true: Willis had indeed consciously violated his contract and deceived his friends, colleagues, and employer about it for half a decade.

Two weeks later, Willis issued his memo.

The episode is far from over. Libertarian Party members have shown a tremendous tolerance for chicanery by the Browne campaign and LP leadership, and it is not yet evident whether they will forgive this espisode as well. It's possible that members of both the party and the National Committee will simply not care.

But if I had to guess, I'd say that the party is over for Willis and others who were part of the fraud and deceit. Libertarians have never cared much for the notion that the end justifies the means. It's the most common rational for expanding state power, for violating individual rights, and for ignoring fundamental principles.

It strains credibility to believe that neither the candidate, the campaign manager, nor the money launderer knew about what was happening.

The party may be over for others who were party to Willis' deceit. Among his co-conspirators are almost certainly Browne himself, as well as Sharon Ayres, who was Browne's campaign manager and a member of the LNC during the episode, and Jack Dean. The Browne campaign was making substantial payments to Willis and laundering them through Dean. It strains credibility to believe that neither the candidate, the campaign manager, nor the money launderer knew about what was happening.

There's one further interesting question. When the LP discovered that a firm that had rented its mailing list had used it once without authorization, they sued at great expense, despite the fact that LP officers were aware that the firm would be unable to pay. They defended their action on the ground that they wanted to discourage future fraud of this sort.

Stay tuned. Next month, *Liberty* will have a detailed report on how this story is developing. ❑

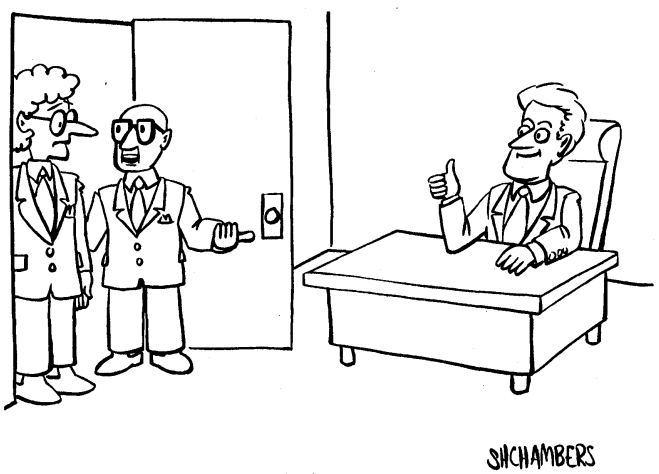

"Schneider here is our 'go-to' guy on spiritual-journey issues."

Exposé

The Corrupt Crusade

by John Samples

Everybody thought John McCain could never get his fellow senators to agree to abolish freedom of speech in the name of campaign finance reform. Everybody was wrong.

In early April, the U.S. Senate passed S. 27, which carries the beguiling title, "Bipartisan Campaign Finance Act of 2001." If both parties support this bill, the sponsors seemed to be saying, it must be good for America. As any sensible person might guess, the truth is somewhat different. McCain-Feingold-Cochran (the more common name for S. 27) directly forbids raising so-called "soft money," i.e., unregulated contributions to political parties. It also prohibits corporations, labor unions, and most interest groups from running ads on television or radio for 60 days prior to an election if the ad mentions a candidate for federal office. The bill also vastly increases the ambit of federal election law by demanding ever more disclosure of the sources of campaign money. While it doubles the contribution limit for individuals, that ceiling in real dollars is only about two-thirds the value of the original limit set in 1974. As I write in early May, it seems possible that the House of Representatives will pass something like McCain-Feingold-Cochran, and President Bush will sign it into law.

The struggle over campaign finance regulation is not normal politics. Normal politics involves trade-offs, bargaining, and compromise. Campaign finance "reform" is more like a religious crusade that aspires to purify the political world by cleaning up corruption and banishing the wicked (or at least keeping the wicked off the television for 60 days before an election). The first Puritans had their Jonathan Edwards. Campaign "reform" has John McCain.

McCain has successfully defined the debate over campaign finance regulation as a question of political corruption, rather than as a question of political liberty. He speaks of political decay and the corruption of "the system," recasting his campaign to restrict Americans' right to speak out during an election into a moral crusade. McCain lacks the natural charisma of JFK, but his suffering during the Vietnam War gives him a moral gravitas that is not easily denied. The public understands what he does not explicitly say. "I have suffered much for this nation. My suffering is a measure of my love. Such a great love could never be wrong about what is right for the nation." They also understand his silent equation of his torturers in the Hanoi Hilton to the "big money" interests that oppose his "reforms." He carries this aura with him to the floor of the Senate, where he fights one last battle for the soul of American politics.

Yes, McCain has sinned. But he fervently seeks redemption. He was one of the Keating Five, the senators who putatively obtained favorable regulations for a savings and loan operator in return for campaign contributions. Like St. Augustine, John McCain sinned greatly before becoming a saint. In politics, as in life, it is difficult to argue with emotion, and McCain's power on this issue is profound.

Until now, McCain's prophetic talents have led to few legislative achievements. Apolitical prophets may change the world, but in Washington, D.C., even preachers of purity need a winning coalition, and his fellow senators loath his moral smugness and despise his prickly personality. His presidential campaign found little support among Republican partisans. Even his crusade on campaign finance has made little impression on the general public. Polls indicate majority support for "reform," but few people see new regulations as a high priority for the nation.

But McCain has found support among one constituency, the media. And that has been sufficient. Editorialists and reporters at the *Washington Post* and *The New York Times* inveigh against corruption and for reform. Television talk hosts toss him softball questions. The very people whose livelihoods depend on freedom of speech seem intent on denying it to everyone else.

McCain made good use of the media during the Senate

debate on his bill. He forced Senate leaders to use two entire weeks of floor time debating and voting on his regulations. The relentless coverage on CNN and in the major papers meant that senators opposed to the bill had to go public and be denounced by McCain and his cohorts as "corrupt." Democratic senators had many reservations about the bill, but in the end only three were willing to act on their doubts about its constitutionality or fairness. The media acted as McCain's enforcer for wavering Democrats.

The concerns of Senate Democrats also testify to McCain's new political adroitness. In the past, campaign finance "reform" has usually been a Democratic issue, and McCain's bill got most of its support from Democrats. Most Democrats believe that a ban on "soft money" would help them because Republicans have traditionally had a substantial edge in such fund raising. For this same reason, Republicans had convincing reasons to oppose "reform."

Apolitical prophets may change the world, but in Washington, D.C., even preachers of purity need a winning coalition.

In the 2000 election, the Democrats caught up with the Republicans in soft money fund raising, thereby changing the partisan calculations. Democrats began to worry that a soft money ban would leave them relatively worse off because they badly trail Republicans in "hard money" contributions (that is, in contributions regulated by federal election law). For the same reason, Republicans may have begun to see the wisdom of banning soft money.

To shore up GOP support, McCain threw into the measure a ban on labor union purchase of political ads on television and radio.

The Senate is evenly split between Republicans and Democrats, but every member is an incumbent, and McCain crafted the bill to appeal to them. Contribution limits make it harder to challenge incumbents. The ban on soft money in McCain's bill makes it more difficult for both parties to attack each other's weak incumbents. The restrictions on broadcast ads reduce criticism of incumbents, as does the provision lifting contribution limits for candidates facing a wealthy challenger and imposing airtight price controls on ad time.

In the end, McCain got support from all but three Democrats, and eleven Republicans the rest slowly realized that "reform" could be good for the GOP.

Thus the prophet transformed himself into the crafty politico, a master of media manipulation and builder of winning coalitions. He has played the political game well.

But this is hardly the most important aspect of McCain-Feingold-Cochran. How will it effect free elections and free speech?

We need not wonder long: McCain's reform is a disaster, undermining freedom of speech and the very same electoral process it purports to strengthen.

McCain-Feingold-Cochran clearly violates our natural and constitutional right to free speech. It bans contributions by individuals and groups to political parties. It blocks exchanges between willing buyers of broadcast time (individuals, corporations, labor unions, interest groups) and willing sellers (television and radio stations). It establishes disclosure requirements that will chill political participation. The bill is an affront to the idea that Americans should be free to participate in politics as they wish.

McCain-Feingold-Cochran is largely an effort by incumbents to control their political environment, to reduce their risks, and to silence those who create problems during campaigns. How else can one explain the appalling ban on broadcast ads by corporations, labor unions, and for good measure, most interest groups? Who else threatens the reelection of sitting members of Congress?

Incumbent protection also explains why the Senate freed candidates from contribution limits if they face a wealthy challenger (the Domenici amendment). Incumbents believe ceilings on contributions prevent corruption unless an incumbent faces someone with enough money to make a real challenge.

The ban on soft money itself will make challengers to incumbents scarcer. In 2000, only about a dozen challengers ran competitive races against House incumbents; on average, those challengers spent $1.3 million. Raising a sum like that in $2,000 increments (the proposed new ceiling on individual contributions) will be difficult enough to deter most challengers. And no challenger in 2002 and beyond will receive soft money from his or her party.

McCain's bill gained support in some surprising places. Journalists Deroy Murdock and Andrew Sullivan, both largely libertarian in outlook, supported McCain's effort. There are two rationales by which libertarians might support the bill. The restrictions it imposes might curtail rent seeking by interest groups. And ending soft money contributions would make it more difficult for politicians to extort campaign contributions from individuals and businesses subject to government regulation.

Neither of these arguments is very convincing. Compared to lobbying, campaign contributions play a relatively small role in rent seeking. Limiting soft money contributions might make extorting contributions from the private sphere more difficult, but politicians would still find ways for their victims to pay them protection money. The real problem is the size and ambit of government. If members of Congress did not regulate businesses, they could not extract contributions from them. The only effective campaign finance reform is to reduce the size of government.

The Future

Will McCain-Feingold-Cochran become law? Not unless it passes the House, is signed by the president, and passes constitutional muster with the courts. The political speech regulation game is far from over.

The Republican leadership in the House opposes the bill and has scheduled hearings on it that will drag out over the summer and into the fall. House Democrats could force a vote on McCain's bill by supporting a petition to discharge it from the committees holding hearings, but so far they have not and some are having serious second thoughts about its

Continued on page 26

The Extension of Drug Paranoia by Other Means

by Shannon Seibert

Welcome to Colombia, where the American-directed drug policy is to shoot first and ask questions never.

Last year, the United States agreed to spend $1.3 billion on Plan Colombia, its latest effort in the War on Drugs. As part of the plan, America will give the Colombian military 16 Blackhawk, 30 Huey II, and 15 UH-1N helicopters. It will also send some 500 ground troops and 300 contract civilian workers to act as "advisors," as well as 85 Green Berets to train Colombia's soldiers in anti-drug operations — mostly destroying coca fields and fighting narco-traffickers.

Because of its focus on crop eradication, Plan Colombia promises to fail spectacularly. Eradication efforts typically result in a temporary decrease in the amount of illegal crops in the targeted area, with increased production in regions that are not under attack. In 1995, the United States stepped up its anti-drug campaign in Peru and Bolivia, spending nearly a billion dollars over the course of five years in military assistance and "alternative development" programs in an effort to eradicate coca fields in those two countries. And while land dedicated to coca cultivation in Peru and Bolivia fell from 361,250 acres in 1995 to 122,500 acres by 2000, land under coca fields more than doubled in Colombia, from fewer than 168,000 acres in 1995 to 340,250 acres in 2000.

Last December crop spraying began in Colombia in the southern provinces of Caqueta and Putumayo, where about 75% of Colombian coca was grown at the time. The campaign against coca fields there resulted in a region-wide doubling of coca leaf prices over the last six months, encouraging farmers in other regions to discard "legitimate" crops in favor of coca. And an estimated 10,000 farmers from Putumayo have moved to the neighboring province of Narino to re-establish themselves in the coca business. As for the long-term effectiveness of eradication efforts, the United Nations Drug Control Project (UNDCP) recently released a report that Peruvian farmers who had abandoned their fields in the late 1990s are once again returning to coca cultivation in response to the increased value of the crop.

While Plan Colombia won't have much effect on the flow of illegal drugs, it is helping the United States get its foot back in the door to South America, and it gives a great boost to Colombia's military in their efforts to put down a 40-year-long insurrection by leftist revolutionaries.

The leftist guerrilla movement in Colombia originally formed in the 1960s as a militant political movement with the stated intent of toppling the National Front government. The guerrilla's methods of acquiring capital to support their efforts against the government have never been pleasant — extortion, bribery, and kidnapping have long been standard practices. In the past two decades, the guerrillas have lost most, if not all, of the political idealism they held in the 1960s, and the movement is now no different from any other criminal organization. In addition to the continued extortion, bribery, and kidnappings, the guerrillas take in enormous amounts of money for providing "protection" for coca growers and drug traffickers in Colombia.

In the early 1980s, the Colombian military began training and supplying right-wing paramilitaries to protect banks, businesses, and farmers from guerrilla strong-arming. The military's support of the paramilitaries was openly acknowledged for nearly ten years, until the abysmal human rights record of the paramilitary groups and the para's self-

professed involvement in the drug trade finally forced the Colombian military to withdraw official recognition of them in 1989. The Colombian government now claims that it no longer holds any ties to the paramilitary groups, despite considerable evidence to the contrary. Consequently, the U.S. is feeding $1.3 billion dollars of aid to a government that supports paramilitaries who are themselves involved in drug trafficking, undermining the entire cause of the drug war.

As the military beefs up its forces with U.S.-supplied helicopters and surveillance equipment, and adds American-trained battalions to its forces, the guerrillas have, in turn, stepped up their recruitment efforts among Colombia's native Indians. Boys and girls as young as twelve are being enticed to join the ranks of the guerrillas with tales of great profit and adventure — and, when that doesn't work, they are simply threatened or coerced. As a result, guerrilla forces have swelled to 17,000, up 5,000 in the past year. Paramilitary groups, in response, have stepped up their attacks and have become more ruthless and indiscriminate in targeting "suspected" guerrillas or guerrilla-sympathizers. And as violence escalates in Colombia, it is crossing the borders into neighboring countries.

Aside from the occasional newspaper headline, most Americans are unaware of the destruction caused by drug eradication efforts in South America.

In Ecuador, Colombian paramilitary groups pursue and battle Colombian guerrillas, who are attacking Ecuadorean oil pipelines. Violence has broken out along Colombia's borders with Peru and Brazil, as Colombian guerrilla and paramilitary groups clash with the Peruvian and Brazilian militaries. In southern Venezuela, Colombian guerrillas have begun kidnapping Venezuelan ranchers and oil workers to generate further revenue, and Panama is voicing concerns that Colombia's war will soon threaten her boundaries. Ecuador, Peru, Brazil, and Panama have all requested increased U.S. aid to help them contain the violence streaming over their borders; Ecuador alone has requested $400 million over the next four years. The Pentagon is already spending $62 million in Ecuador this year to build an "advance post for combatting narco-trafficking" (military officials prefer to not call it a "base" — though living quarters for 200 American military and civilian contract personnel are being built there).

Further complicating matters is the election of Hugo Chavez as president of Venezuela last year. Chavez is disdainful of United States involvement in the area and has barred U.S. "counternarcotics" flights over Venezuelan airspace. Chavez is widely believed to sympathize with and even support the Colombian guerrillas, though he publicly denies it. He played host to a group of Colombian guerrillas last year, even allowing one to have time on the speaker's floor of the Venezuelan Congress to denounce the Colombian government; and Venezuelan military weapons have been found in the possession of Colombian guerrillas. As America becomes more heavily involved in Colombia's campaign against the "narco-guerrillas," the situation threatens to progress into a war between sovereign nations.

President Clinton presented Plan Colombia last year as "vital to national security interests" because it is instrumental in protecting America "from the threat posed by illicit drugs imported from other nations." "National security interests" and "threats posed by drugs" were more than sufficient justification for Congress, and the plan passed with overwhelming support. Though a few dissenting voices over human rights abuses by Colombia's military came from Democratic quarters, many Republicans requested that even more than the proposed $1.3 billion be given Colombia to help fight the War on Drugs. The Bush administration is gearing up to expand Plan Colombia to encompass Bolivia, Peru, Ecuador, and, if Chavez agrees, Venezuela to help keep the Andean region "safe from drug traffickers."

Public opposition to the plan was a non-issue. Aside from the occasional newspaper headline, most Americans are unaware of the destruction caused by drug eradication efforts in South America. (See "Bush's War On Drugs," below.)

Given the repeated incidences of drug-war violence, the

Bush's War On

Twelve years ago, Nobel laureate Milton Friedman wrote an "Open Letter to Bill Bennett" warning about the policies that Bennett and former President George H.W. Bush were advocating to fight drugs: "The path you propose of more police, more jails, use of the military in foreign countries, harsh penalties for drug users, and a whole panoply of repressive measures can only make a bad situation worse. The drug war cannot be won by those tactics without undermining the human liberty and individual freedom that you and I cherish."

Last month, American missionary Veronica Bowers, 35, and her 7-month-old newly adopted daughter, Charity, found themselves at ground zero in America's War on Drugs when a fighter jet shot their private Cessna seaplane out of the sky over the jungle canopy of Peru. Veronica had been in South America for nearly a decade, raising her children on a houseboat and delivering food, medicine, and Bible stories to villagers along the Amazon.

Five people were in the Cessna that morning — the pilot, Veronica, Charity, Veronica's husband Jim, and their 7-year-old adopted son, Cory. TIME.com provided the details:

> Jim Bowers was feeding Charity Cheerios when the Peruvian jet dived toward them. He handed the baby to Veronica. Seconds later, bullets ripped through the cabin — one entering Veronica's back and going into Charity's skull. Both died instantly. The plane was thrown into a steep spiral, and flames erupted all around them. Seriously wounded in both legs, pilot Kevin Donaldson somehow managed to land the plane. In the chaos, Bowers pulled the bodies of his wife and daughter from the burning wreckage. Bowers and his son perched atop the capsized plane's pontoons until

documented futility of crop eradication and the common-sense understanding that shifting coca crops around the Andes will do nothing to keep cocaine from flowing into our country, one is left with the question: "Why are we so strongly committed to fighting the drug war in Colombia?" The answer to that question lies in the United States' thirst for increased presence in Latin America for political and economic reasons that are in no way related to the "dangers" posed to American citizens from imported narcotics.

After its debacle in Vietnam, the United States found it more difficult to openly pursue its pro-American (though not necessarily pro-democracy) agenda in Latin America. The "fight against communism" no longer proved sufficiently popular to warrant outright military activity and the loss of Americans' lives on foreign soil. However, by virtue of its control of the Panama Canal, the United States maintained a military presence in Panama at Howard Air Force Base — the United States' southern headquarters for military operations. Howard provided the United States with a hub from which to monitor activity — drug-related and otherwise — throughout Latin America. At the turnover of the canal in December of 1999, the United States was forced to withdraw completely from Panama — leaving the U.S. military effectively locked out of Latin America, until Colombia's President Kastana approached President Clinton with his proposal for Plan Colombia.

United States' involvement will only serve to fuel the flames of violence within Colombia, a violence for which the country has long been notorious. The past 200 years of Colombian history have included four dictatorships, two official civil wars, a military coup, and perpetual unrest in the countryside. From 1948 to 1958, Colombia was engulfed in what was universally called "La Violencia," a period of civil violence that killed and displaced hundreds of thousands. In the last decade alone, 35,000 Colombian civilians have been killed in the political crossfire. The present conflict is merely the latest chapter in this long tale of political violence — the continuation of an unofficial civil war that has raged for nearly 40 years. Throughout its long history, this civil war has become increasingly complicated as it has evolved into a triangular conflict between the government, leftist guerrillas, and right-wing paramilitary "death squads," where questionable alliances have formed and defining lines between "right" and "wrong" have become virtually undetectable.

In the end, Plan Colombia will mean spending billions of dollars for nothing, except more violence, death, and destruction in a long-suffering land. ❑

Drugs: Just Jail 'em and Shoot 'em

natives arrived in a canoe half an hour later.

The downing of the U.S. missionary plane occurred as both President George W. Bush and Peruvian Prime minister Perez de Cuellar were attending the Summit of the Americas in Quebec City. Bush explained the American role in the shoot-down: "Our role was simply to pass on information." Translation: our role was to have a U.S. surveillance plane track the missionary plane before it was shot down, mistake it for a drug-smuggling flight, and "pass on information" to the Peruvian air force — information like the plane's location and tail numbers.

"Our government," said Bush, "is involved with helping our friends in South America identify airplanes that might be carrying illegal drugs." Might be. White House spokesman Ari Fleiser said the U.S. crew of the CIA-operated surveillance aircraft tracking the missionary plane "did its best to make certain that all the rules were followed."

Closer to home, Pedro Oregon Navarro is also no longer among the living. It was 1:40 a.m. when six members of Houston's anti-gang task force barged into Navarro's home and shot him to death. They thought they were raiding the home of a drug dealer but they were mistaken.

Timothy Lynch at the Cato Institute's Center for Constitutional Studies tells the story:

> It all began when two police officers pulled over a car occupied by three young men. One of the occupants was placed under arrest for public intoxication. Now in serious trouble because he was already on probation for a previous drug offense, the street-wise arrestee thought fast. He told the officers that he would give them the name and address of a drug dealer if they would just let him go. The cops agreed. The drunk told them a bunch of lies and gave them Navarro's address.

Making no attempt to corroborate the information, the two police officers called for a backup of four more cops and set out for Navarro's address. "When Navarro's brother-in-law opened the door, the police rushed in," reports Lynch. "Navarro, who'd been asleep for several hours, heard the ruckus and grabbed a handgun he kept in his bedroom. It was all over in just a few moments. The police kicked in his bedroom door and bullets started flying. Oregon was shot twelve times. His own gun was never fired."

And so, after decades of studies showing that treatment is far more effective in reducing drug use than are midnight raids, jails, informants, wiretapping, racial profiling, property confiscation, border interdiction, and the shooting down of planes over Peru, here we go again, one more time, with George W. Bush's nomination of John Walters as our next drug czar — a shoot-'em-down and lock-'em-up guy who says it's an "all-too-common myth" that we have too many small-time drug users in prison. Walters is a guy who's declared that treatment for drug addiction is just "the latest manifestation of the liberals' commitment to a therapeutic state."

As it has turned out, Friedman's words were prophetic: "Every friend of freedom, and I know you are one, must be as revolted as I am by the prospect of turning the United States into an armed camp, by the vision of jails filled with casual drug users and of an army of enforcers empowered to invade the liberty of citizens on slight evidence. A country in which shooting down unidentified planes 'on suspicion' can be seriously considered as a drug-war tactic is not the kind of United States that either you or I want to hand on to future generations."

— *Ralph R. Reiland*

A Nation of Children

by Sheldon Richman

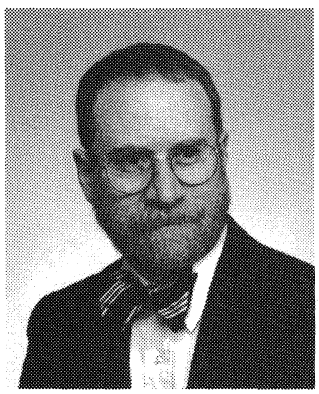

President Clinton took some flak in the closing weeks of his administration when he told a *Rolling Stone* interviewer, "I think that most small amounts of marijuana have been decriminalized in some places and should be."

The negative reaction was so strong that a Clinton spokesman said that the president was not endorsing decriminalization. You figure it out. I guess it all depends on what your definition of "should" is.

Shepherd Smith, president of the Institute for Youth Development, responded, "Decriminalizing 'small amounts of marijuana' is simply a euphemistic way of saying it's fine to smoke it, just don't sell it. So we now have the president of the United States on record again saying to young people that smoking marijuana is basically OK."

Oh really?

Let me rush to the former president's defense. Since when is it an endorsement of an activity to say that it shouldn't be treated as a crime? There are many things that are perfectly legal to do that would best be avoided. Bungee jumping is the first example that springs to mind, but there are many others. Did you ever hear anyone say, "By making bungee jumping legal, we are sending a message to our kids that such risky behavior is OK?" Some people enthusiastically endorse bungee jumping. Search the World Wide Web and you'll find people who call it "the ultimate rush."

But is it accurate to say "we" — meaning Society or The Country — are telling kids that they should bungee jump? I don't think so.

Some people just don't get the point of a free society. The freedom to do something doesn't mean you *ought* to do that thing. How basic can you get?

Yet we seem to want to teach our children the opposite lesson: if something *is* legal, then it is OK to do it. And that leads to the view that we should legalize only those things we want people to do. That's just nutty.

Under what used to be known as "liberalism" (today we say "classical liberalism"), people were free to do *anything* except that which was expressly (and justly) prohibited by the law, such as murder, robbery, rape, and the like. On the other hand, government could do *nothing* except that which was expressly (and justly) permitted to it. To use the imagery of political philosopher Stephen Macedo, government power constituted a few islands in a sea of liberty.

All that has changed now, thanks to the gang that appropriated the word "liberalism" about a century ago. Today, continuing with Macedo's analogy, liberty constitutes a few islands in a sea of government power. We are quickly heading toward a situation in which, as someone once put it, everything that is not forbidden is required. In other words: total government.

The price is the liberty, self-responsibility, and dignity of the individual. Contrary to the attitude of so many people today, that is no small price. As Charles Murray, author of *What It Means to Be a Libertarian*, self-responsibility is what keeps our lives from being trivial. Everyone pays lip service to self-responsibility. But what is so misunderstood is that self-responsibility requires freedom. Try imagining one without the other. It's like trying to square the circle. It cannot be done.

The American political system has been seized by the idea that there are areas in which individuals may not be permitted liberty and self-responsibility. Drugs are one such area. A hundred years ago people were trusted with the freedom and responsibility of self-medication. They could freely buy opiates and marijuana; Coca-Cola contained cocaine. A small percentage of the population harmed themselves with those substances. But there was no *drug problem*. The drug problem was born the day government began passing laws depriving people of freedom and responsibility. Those laws gave us black markets with their attendant violence, organized crime, and law-enforcement corruption. They did something worse — if worse can be imagined. They infantilized the American people. The results were predictable. The sphere of freedom and self-responsibility shrank radically — to a point where no one is responsible for anything anymore.

If you treat adults like children, many of them will come to believe that that is what they are.

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Why Waste Your Vote?

by R. W. Bradford

In last year's presidential race the Libertarian Party spent 75% more than it had in 1996, but got 27% fewer votes. Can its abysmal showing be explained by the susceptibility of voters to the "why-waste-your-vote" argument?

When the first partisan of the anti-Masonic party approached a friend in 1832 and asked him to vote for William Wirt, the anti-Masonic candidate, rather than Democrat Andrew Jackson or National Republican Henry Clay, his friend no doubt responded, "Why would I want to waste my vote? It's obvious that Wirt has no chance of being elected." For three decades, partisans of the Libertarian Party have received the same response.

Most Libertarians and partisans of other fringe parties believe that a major impediment to their cause is people's strange inclination to vote for a candidate who has a chance of winning, lest they lose their opportunity to affect the outcome of an election.

As I looked through the dismal results of Libertarian Party presidential candidate Harry Browne a few days after the November election, it occurred to me that the data offered a chance to measure the impact of the "why-waste-your-vote" argument.

My theory was simple. In some states, one or the other major-party candidate held such huge leads in the polls that it was virtually inconceivable that the state's electoral votes would go to any other candidate.

Meanwhile, the likely closeness of the national electoral vote made people extraordinarily aware of whether their state was "in play." Television was full of reports of left-oriented Democrats in states like Minnesota, where polls showed a virtual tie between the candidates of the two major parties, who were exchanging their Nader votes for the votes of Gore supporters in states like Texas where Bush had an insurmountable lead. Indeed, there were Web sites set up to facilitate these exchanges.

The "why-waste-your-vote" argument presumably had greater appeal among reasonably well-informed voters in states likely to be close rather than in those likely to be swept by a landslide for a major-party candidate. By comparing how the Browne campaign did in these two types of states we should be able to see just how important a factor the classic worry about vote-wasting was.

I compared the performance of the Browne 2000 campaign in states where the difference between major-party candidates was 2% or less to its performance in the same states in 1996, when all agreed the presidential race was a blowout nationally and the fear of wasting one's vote in a close election would have had negligible impact. I found that in these states, Browne did 12% worse than in 1996. Then I examined Browne's performance in states where a blowout was predicted in 2000 and compared it to his performance in those states in 1996. Again, Browne's performance averaged 12% worse in 2000.

Last year, Browne's campaign underperformed the 1996 effort by exactly the same amount in states where the wasted-vote argument would have its greatest impact as it did in states where the impact would be the least. These results strongly suggest that fear of the wasted vote was not a major factor.

There is one other bit of hard evidence about the wasted-vote argument. In 1996, the Browne campaign had purchased full-page newspaper advertisements on election eve in Denver, Honolulu, and Anchorage, pointing out that the election would inevitably be a huge victory for Bill Clinton, so that votes cast for Browne could not possibly affect the outcome. To measure the impact of these ads, I compared

how Browne did in 1996 to how the LP candidate had done in 1992 in these states to how Browne fared in comparison to the 1992 candidate in states where Browne's campaign had not purchased advertisements to counter the wasted-vote argument. The election results showed the Browne campaign performing worse in Colorado, Hawaii, and Alaska than in states where such ads had not been placed.

In the January *Liberty*, which went to press a few days after the election, I reported these data and the inescapable conclusion that the wasted-vote factor "had much less impact than is generally believed." This seemed like important information for the Libertarian Party: it could now confidently stop worrying about — and spending money trying to deal with — this factor.

The analysis I offered in the January *Liberty* was based on returns available only five days after the election. Fringe party returns come in irregularly, and reliable returns are not generally available for some time.

I was naturally curious to see whether the final, more reliable returns supported the conclusion that the wasted-vote syndrome was a relatively minor factor in the LP's stunning decline.

So I gathered the more reliable data. And instead of analyzing it myself, I turned it over to assistant editor Andrew Chamberlain, a recent graduate of the University of Washington with a major in economics and a concentration in econometrics. To further ensure that his analysis would be unbiased, I gave him the data "blind," that is, without identifying the two variables.

His conclusions (see "Blowouts, Tossups, and Wasted Votes," p. 26) were similar to mine: he found the impact of the size of the lead on LP performance to be "irrelevantly small."

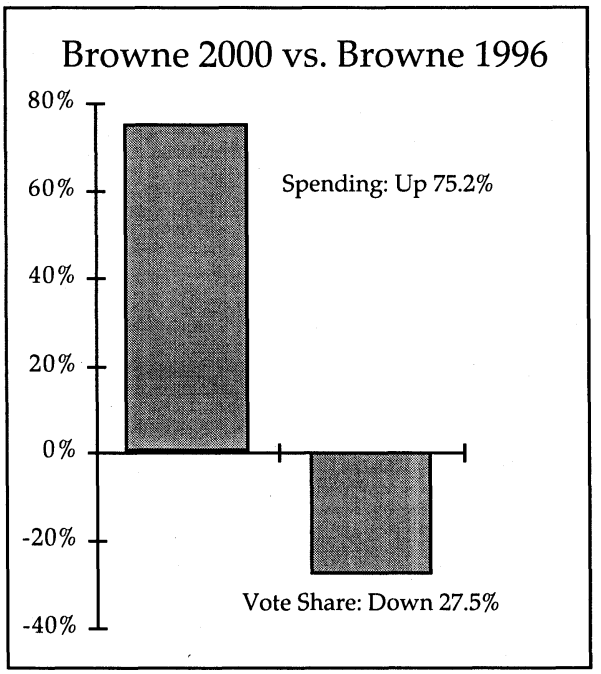

A Problem for the Browne Campaign

The Browne campaign had blamed its abysmal showing in 1996 on its lack of money. So it had stepped up fund-raising efforts for its 2000 campaign, and raised 75.2% more than it did for 1996. It then followed the same strategy that had failed in 1996: the campaign focused its resources on getting its candidate on talk radio and cable television, while spending very little on advertising. The results had to be disappointing, of course: despite increasing spending by 75.2%, Browne vote share dropped by 27.5% fewer votes.

What's more interesting about Browne's response is that it doesn't offer a shred of evidence to support its conclusion.

The Browne campaign had never shown an inclination for introspection or accepting responsibility for its own failures in the past — in May 2000, it blamed critics within the party for the fact that it had already spent so much of the money it had raised that it had to close down operations! — and it needed some way to blame its utter failure in the election on someone else. And the wasted-vote argument offered it a scapegoat: voters susceptible to the fallacious but potent wasted-vote argument.

It took the Browne campaign more than five months to try to undermine the evidence that the wasted-vote syndrome was not a major factor in its terrible showing at the polls. Its response came as part of a campaign evaluation written by Browne himself and sent to the campaign's e-mail list of more than 10,000 people. It is reproduced in full in the box to the right.

The response attempts to undermine the methodology of the analysis I offered. "The average voter," Browne observes, "doesn't study political Web sites, read detailed analyses of the campaign, watch CNN and C-SPAN, or in any other way stay abreast of the fine points of a presidential campaign."

This observation is true. But is it relevant? Do LP candidates get their votes from "average voters"? If they do, then why did Browne's campaign spend nearly all its resources getting him onto cable channels favored by political groupies like "CNN and C-SPAN," the two networks Browne uses to exemplify networks that "average voters" do not watch? Browne reports that he made 53 national television appearances. Only three were on commercial over-the-air networks, two on late-night ABC programs and one on a Sunday morning show.

A polls commissioned by the LP in 1997 showed that only 4% of Americans who had heard of the LP could identify Browne as the its presidential candidate from a list of six individuals. Presumably, nearly all Browne's votes came from this tiny and decidedly unaverage segment of voters. But the simple fact remains that the "average voter" has never even heard of Harry Browne or the Libertarian Party. This leaves open the possibility that the wasted-vote argument had some impact — but only among the tiny portion of voters who'd heard of Browne.

Of course, the wasted-vote explanation has the same appeal to LP activists that it has to the Browne campaign. It puts the blame for failure on someone else. None of us likes to face the fact that he has failed. There is always a temptation to put the blame elsewhere.

Now, there is some evidence for the wasted-vote argument, though Browne neglects to cite it. It is the evidence that nearly every LP member has encountered: when we ask friends and neighbors to vote for our candidates, they some-

times respond that they would do so except that they don't want to waste their votes. But this is purely anecdotal evidence, and anecdotal evidence is weak.

Like all anecdotal evidence, it is undermined by two factors:

1) There is no reason to believe that the people we encounter are representative of the larger body of voters. Merely having a friend or acquaintance who is a libertarian is quite unusual. A total of about 75,000 Americans are libertarian enough to have purchased a subscription to *Liberty* or *Reason*, got themselves on the Libertarian Party mailing list, or purchased a book from Laissez Faire Books. There are almost 280,000,000 who have not. That means there are approximately 3,700 non-libertarians for each identified libertarian. Obviously, most Americans do not even know a libertarian, and the subset who do are quite likely different from the overwhelming majority who do not.

I offered two data sets that undermine the wasted-vote explanation of the poor LP showing. Browne responded without a single datum to support his theory.

2) When data are gathered by identifiable partisans, the subjects' responses often are inaccurate. That's one of the reasons major parties hire professionals to conduct polls. Surveys conducted on friends are even less reliable. Friends and acquaintances are inclined against hurting your feelings. And few want to argue with you. Answering your plea by saying, "Well I think your candidate is a fine person with an excellent program, but I really don't want to waste my vote by casting it for someone who has no chance of winning" solves both these problems.

Data gathered from small, unrandom samples of the population by partisan friends is simply not very reliable.

What's more interesting about Browne's response is that it doesn't offer a shred of evidence to support its conclusion. I offered two data sets that undermine the wasted-vote explanation of poor LP showing. Browne responded without a single datum to support his theory.

In this sense, it is all-too-typical of LP analysis. An ideological party like the LP is in the business of selling its ideas to the voters, yet after 30 years, LP professionals have virtually no idea what issues win support.

Any real business in the real world that failed to do market research or analyze sales data wouldn't last long if its sales remained abysmally low. Before a sales campaign is rolled out, it is tested in a smaller market. Before it is tested in a smaller market, it is bounced off focus groups. Sales data is analyzed. A real-world enterprise learns whether a product can be sold successfully, and if it cannot, it doesn't waste resources on futile sales efforts.

If the managers of real businesses had lousy sales and refused to do market research or analyze sales data, they would be fired by the owners.

This has not happened in the LP. Its management has shown skill at only one activity: raising funds. It hasn't even attempted to do market research or to analyze voting data, aside from trying to spin the results in a way to expedite fund raising.

And LP members seem to remain quite satisfied with the party's management. Which suggests that the LP may not be a real-world enterprise engaged in promoting its agenda.

There is truth to the old saw that "if you always do what you've always done, you'll always get what you've always got." The Browne campaign conducted its 2000 campaign almost identically to the way it conducted its 1996 campaign. It failed even more miserably, for reasons that remain to be determined. But one thing is certain: its abysmal results should have surprised no one. ❑

The Wasted-Vote Syndrome

by Harry Browne

How much were we affected by the perceived closeness of the race?

A great deal, I'm afraid.

The Clinton-Gore administration generated such hatred among many small-government people that a great many of them would have done anything to keep Al Gore out of the White House. I've received a number of e-mails from people who say they voted Libertarian in 1996, but couldn't bring themselves to do so in 2000 — for fear that not voting for Bush would help elect Gore.

I've read an analysis of the campaign that maintains that, because we didn't do any better in states that were very one-sided either for Gore or Bush, the "wasted vote" syndrome wasn't the cause of our lower vote total. Anyone who lives in a state where his vote wouldn't tip the election one way or the other would have freely voted Libertarian if that's what he really wanted. The fact that so few people chose to vote for us supposedly demonstrates that virtually no one likes what we're offering.

That argument doesn't hold up, however. The average voter doesn't study political Web sites, read detailed analyses of the campaign, watch CNN and C-SPAN, or in any other way stay abreast of the fine points of a presidential campaign. All he knew was that the news broadcasts were saying this would be one of the closest presidential races in history.

He may live in a state like Nevada (that went almost 2-to-1 for Bush) or a state like New York (that voted overwhelmingly for Gore), but he still thought he must vote for Bush or Gore in order to keep a worse alternative out of the White House.

Not only were most voters ignorant of statewide polls, many of them (I was surprised to find out during the campaign) didn't even understand how the electoral vote works. It was only after the post-election recounts repeatedly explained how Bush won in spite of Gore's larger popular vote that those people understood the significance of a statewide total.

Blowouts, Tossups, and Wasted Votes

by Andrew Chamberlain

Checking correlation between two data sets is straightforward. The most widely employed method is "least-squares" regression analysis, which builds a mathematical model linking the data and then checks how well that model actually fits. In most cases, the "model" that results is just a straight line through the plot of data, summarizing the relationship. (See example below.) The equation for this "best-fitting line" enables us to gauge quantitatively which variables correlate and which don't, but says nothing about true causation.

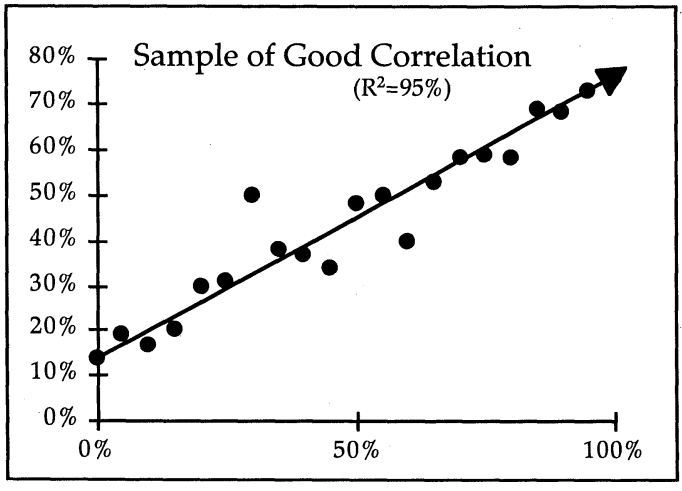

Customarily, one begins with the assumption that one set of data "causes" the other before running a linear regression. This provides a theoretical base for the model by discouraging "data mining," or searching for spurious chance correlations between obviously unrelated things, like swimming deaths and ice cream sales. The thing that "causes" the other is called the "independent variable," and sits on the horizontal axis of graphs of the data.

In this case, we are checking the hypothesis that the perceived closeness of the major parties' campaigns, as indicated by pre-election polls, is a factor in determining the Libertarian Party's presidential vote. In other words, we're checking to see if closeness of races correlates with LP performance. Correlation is measured by a number called "R-square," which measures how closely the data points lie to the "best-fitting" regression line. Intuitively, R-square is interpreted as "the percentage of variation in 'y' that's explained by changes in 'x'." An R-square of 100% implies a perfect correlation, while an R-square of zero implies none at all. Models with high R-squares have better predictive value than those with a low R-square.

The R-square for this model was around 6%. That's the level of correlation one might expect between full moons and dog bites. There is no support for the notion that closeness of a race has any impact on LP electoral performance. See the chart below, which shows the correlation (poor as it is) between LP performance (on the vertical axis) and the size of the lead enjoyed by a major party candidate.

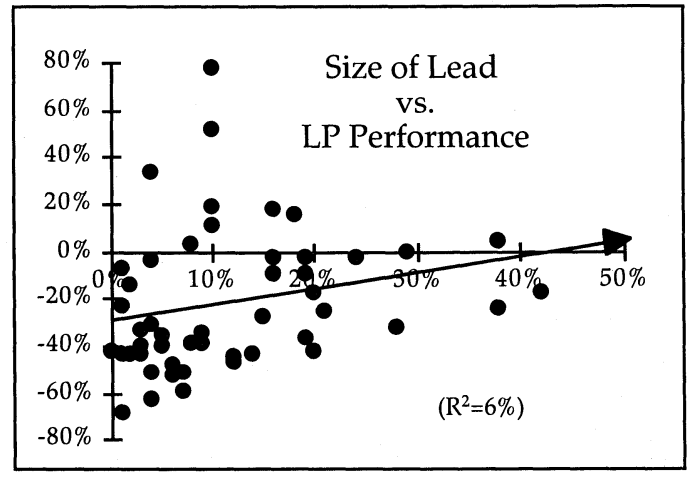

While correlation this poor makes it dicey to read much into regression results, this model suggests one startling result: a full doubling of the difference between major party candidates would lead to a tiny 8.4% increase in LP performance. This suggests that even if the correlation between "state leads" and "LP performance" were perfect (i.e., R-square = 100%), the impact of one on the other is irrelevantly small. If there's any truth to the "wasted vote" theory, it doesn't show up in the data at all. ❑

The Corrupt Crusade, *from page 18*

wisdom. The longer the bill stalls in the House, the more likely it will die as attention wanders to other, more important, items on the public agenda.

Should the bill come out of Congress and be signed by President Bush, the Supreme Court is almost certain to gut the bill; indeed, McCain and his co-sponsors have written backup provisions into the law to replace sections likely to be struck down. The justices will very likely void the prohibitions that prevent corporations, labor unions, and interest groups from buying broadcast time to run ads. The soft money ban may survive judicial scrutiny, depending on whether the court accepts Congress's rationale that banning soft money prevents corruption.

Even if the bill is ultimately defeated or gutted, however, it will remain a disturbing episode. John McCain has convinced a majority of the U.S. Senate to pass a law restricting political speech in open violation of the Constitution. There is an old saying that your pocketbook is never safe when a legislature is in session. The easy Senate passage of this bill — whose supporters virtually admitted violates the First Amendment — shows the fragility of free speech and free elections in this country. ❑

Dope

by Stephen Cox

Children of the future age,
Reading this indignant page,
Know that in a former time,
Drugs, "hard" drugs, were thought a crime.

But I guess you knew that. You may not know that in this former age there lived a second-rate actor named Robert Downey Jr. (son of Robert Downey Sr., a third-rate film director), who continually used illegal drugs and continually got caught doing it. Junior once got so stoned that he walked into a neighbor's house, went into a bedroom, lay down on the bed, and passed out. He was arrested for that. He was arrested a lot of times, not for doing anything particularly harmful, but for using illegal substances. He once went to prison for a few months. At other times, he submitted to the "diversionary treatment" that well-off white boys often used to evade the slammer.

This is a boring story, one that reflects no credit at all on either Robert Downey Jr., or the paranoid fear of "drugs" that flourished among the early 21st-century middle classes. What's mildly interesting is a statement that Junior came out with in one of his brief moments of cunning self-interest. Hoping to curry favor with the forces of law and order, Downey told an interviewer that he wouldn't wish his prison experiences "on an enemy. But there was value in it." It "motivated him to change his life."

It also motivated him to exchange one stupid interpretation of the law for another: "I would have been the first to say it's unconstitutional, to put drug abusers in jail or prison. Well, it's unconstitutional to be a human being and screw your life up that way." Right. The Constitution exists to protect people like Downey from themselves.

Downey's insights into the real meaning of the Constitution were reported on Sept. 19, 2000. Within a few months, he had been rearrested twice and was using all legal means to stay out of another motivational trip to jail. So what else was new? Nothing, including the two great warring ideas of America's drug war: (A) Drugs are harmful, and the way to deal with them is to send the people who use them to prison. (B) The only problem with drugs is the fact that the people who use them are liable to be sent to prison.

The first idea represents the insanity of the mainstream; the second, the insanity of . . . well, us, the libertarians.

(Here I can drop the pretense of speaking for the blissful Future Age, and enter the war myself.)

There's no point in refuting notion A, which I've dignified as an "idea" only for the sake of parallelism. Prison as a cure for drug abuse? It certainly cured Robert Downey Jr., didn't it?

But the use of Downey as a poster boy for abolition of the drug laws is almost equally loony. Downey would be a jerk no matter what he ingested, but it's pretty clear that drug use didn't make him any cannier. If drugs were legal, as they should be, I suppose he would have used still more of them. I suppose he would have gone wandering into more people's bedrooms, or automobiles, or lanes of freeways.

If drugs had been legalized in, say, the 1970s, crime rates would have fallen precipitously in inner-city neighborhoods, instead of rising astronomically. Young males would not have been tempted to run drugs instead of taking entry-level jobs that offered greater prospects for advancement and

security. The prison population would not have doubled. Solid citizens would no longer have suffered police terror simply because they wanted to enjoy the occasional recreational or poetic snort, or because they needed to take drugs to help them deal with the effects of AIDS or bone cancer. Government would no longer have employed wandering bands of hooligans to ferret out "abuse" and punish it with savage terms of incarceration whenever the "abusers" lacked the fame and money of Robert Downey Jr.

That's the good side of drug liberation, and it's good enough for me. But there's a bad side, too. Abolition of the drug laws would certainly result in a relatively small but significant rise in drug use, as people of all social classes found it easier and cheaper to purchase a good time. Some of these people would certainly set about making asses of themselves a la Robert Downey Jr. Some of them would drive through stoplights and obliterate other motorists. A few of them would suddenly discover that their spouses were the spawn of Satan and proceed to liquidate the menace. A few of them would even ruin their careers in film! Would they do the same thing without "the influence of drugs"? Probably not.

It's important to realize that elimination of the drug laws is a worthwhile object, but that, like all other worthwhile objects, it is not a panacea. The quest for panaceas is, indeed, the source of all authoritarian delusions, and it ought to be countered at every turn. Its demand for perfection must never be allowed to pass unchallenged, because liberty will never win an argument for perfection. Liberty is not a solution to every problem. There is no solution to every problem. When people ask, "How will we prevent all the harm that drug use causes, if we don't enforce the drug laws?" the answer is, "We cannot prevent all the harm that drug use causes." Period.

Sixty-five years ago, Isabel Paterson, the mother of libertarianism, addressed this panacea problem. She was writing a weekly column in the *New York Herald Tribune*, where she spent a lot of time demanding reductions of government meddling in every area of life. Her reward was a deluge of angry letters calling her a "snob" and a "hypocrite" because she claimed to desire the best for all people while advocating nothing better than merely leaving them alone. How, her enraged readers wanted to know, could laissez-faire capitalism guarantee that all babies would have milk, all old people would have pensions, and all young people would find "a solution of their troubles"? A solution for everything — was that too much to ask?

Yes, Paterson replied; it was. "What these correspondents really demand," she said, "is dope. If we don't believe in their dope, what dope can we suggest in place of it?"

In this sense, Robert Downey Jr., the pathetic druggie, is exactly like the nice folks who demand to know "how legalization will *solve* the drug problem." What all these people really desire is a pill that, once swallowed, will bring the age of bliss, square the circle, recover the Holy Grail, and unearth the Applegate Treasure. Sorry, that pill is unavailable.

What dope did Paterson have to offer? "None whatever," she said. "We do not even know a remedy for gullibility." Neither do I, and neither do you. But we do know something. We know the plain, unintoxicated truth about the individual's proper relationship to government. That's something unique, and something uniquely powerful. And that's what will get us from the current age of panaceas to the age when the worth of ideas is no longer measured by their ability to solve each and every problem of the Robert Downey Jr.'s of this world. ❑

Letters, *from page 4*

the local gay bar.

Feser claims that homosexuality — like alcoholism — leads to unhappiness. I'll tell you what makes gay libertarians unhappy: that our gay friends don't want us because we're not in lockstep with the Democrat-leaning political machine, and that many libertarians don't want us because we bring up uncomfortable issues.

A movement with folks who think I'm no better than an unhappy child-endangering alcoholic is one I'm not terribly thrilled with being a part of.

Robert Hansen
Austin, Texas

Making the World a Dangerous Place

Liberty's May issue contained several letters praising Israel's genesis and continuance. In the 1920s residents of Palestine were approximately 80% Moslem, 12% Christian, and 8% Jew. A generation later Jews arbitrarily declared it to be *their* nation, and have used it as an armed base to assault neighbors who know differently.

The United States now confiscates many billions of dollars each year from its citizens to enrich the Zionist occupiers of Palestine, thus continuing to enrage the Palestinians who lost their land, homes, and farms through brazen conquest by these subsidized foreign Jews.

This may seem fair to a few strange souls, but others saw it more objectively. It ignited worldwide hatred of these oppressors and it has been responsible for a meteoric rise of fundamentalist Islam. Even some who still fiercely defend Israel admit that the creation of a Jewish nation in Palestine was a huge mistake.

This is not to suggest that a nation immersed in Islamic culture is preferable to a Jewish nation. Not at all. Rather, threats of holy wars bring out the worst in a nation. That act of imposed aggression by Jews was against the best interest of intelligent Jews, Moslems, and world peace — to say nothing of the damage to American taxpayers. Our cost has been much greater than that provided directly to Israel; we pay huge yearly grants to Egypt to buy off Moslem rage at our meddling. An even greater cost is the support we have given to many despotic regimes in the Middle East. The result has been a great loss of respect for the United States throughout the world, and a jeopardizing of peace and stability.

Charles Schisler
North Palm Beach, Fla.

Liberty Goes PC

It is unfortunate that *Liberty* has chosen to publish a piece of politically correct Israel-bashing by Imad-ad-Dean Ahmad ("The Dark Side of Israel," April).

Ahmad states that the hatred of

Continued on page 52

Attack Anti-Tobacco Lawyers, Not the Constitution

by Robert A. Levy

Do two wrongs make a right? They do if you're a conservative critic of the tobacco settlement.

Anti-tobacco lawyers stand to collect about $11 billion in fees from the 1998 multistate settlement that arose out of coordinated litigation against the nation's major cigarette makers. According to the Hudson Institute's Michael Horowitz ("Can Tort Law Be Ethical?" *The Weekly Standard* March 19, 2001), some attorneys could make $200,000 an hour for late-filed, copycat suits. Unfortunately, that led Horowitz to recommend a remedy that will raise more problems than it solves. Essentially, he would treat anti-tobacco lawyers as fiduciaries under the Internal Revenue Code, then limit their fees to amounts that are "reasonable and risk-based" — perhaps as high as six times normal hourly rates. Any excess would either be refunded to the states in whose names the original suits were brought or, if the offending lawyer is sufficiently dimwitted, taxed by the feds at a 200% rate.

Meanwhile, several lawsuits have challenged the tobacco settlement on antitrust and constitutional grounds, so the lawyers are concerned that they may not collect their booty. They're actually selling their fee claims to investors, discounted by a whopping 70%. That process, "securitization," yields cash-in-hand for the attorneys and shifts the risk of non-payment to the investors. In phase one, investors coughed up more than $300 million in cash for roughly $1 billion in fees due over the next twelve years. That leaves $10 billion yet to be "securitized."

Naturally, the business community and its allies are eager to turn off the spigot that is lavishing riches on attorneys, who doubtlessly use part of their newfound wealth to subsidize more lawsuits and part to fatten the coffers of mostly Democratic politicians. That's why corporate America has embraced the Horowitz proposal. On March 14, James Wootton of the U.S. Chamber of Commerce wrote in *The Wall Street Journal* that the plan is a "simple but ingenious reform." On the same day the Wootton Op-Ed appeared, the Chamber of Commerce announced that it had filed Freedom of Information Act requests in 21 states seeking documents and contracts related to the hiring of outside counsel for tobacco litigation.

Horowitz has also garnered support from President Bush, who says in his budget that he will generate more money for the states by "extend[ing] fiduciary responsibilities to the representatives of States in tobacco lawsuits." That support is a tribute to Horowitz's eloquence and undeniable passion. Indeed, his goal is noble. But his too-clever idea is bad public policy and destructive of core constitutional values.

Conservatives have long justifiably railed against abuse of the tax code for social engineering — effecting schemes that reward special interests and penalize the politically disfavored. How, then, can they advocate altering the Internal Revenue Code in order to punish unpopular anti-tobacco lawyers?

Horowitz wants to apply fiduciary standards to all attorneys who are paid contingency fees in large class-action litigation. He does not distinguish between cases in which the government is the plaintiff, like the Medicaid recovery suits, and cases in which contingency fees are paid by private parties. If the right to contract and respect for free markets mean anything, they mean that private parties should be able to negotiate fee arrangements for legal representation without government interference. Otherwise, we should not be sur-

prised when left-liberals seek to extend fiduciary standards to the fees charged by doctors, accountants, or investment managers, you name it.

Public-sector contracts with private lawyers are different. A member of the private bar hired as a government subcontractor bears the same responsibility as a government lawyer. He is a public servant beholden to all citizens, including the defendant, and his overriding objective is to seek justice. This is hardly the case when lawyers are paid a percentage of the lawsuit's winnings. Imagine a state attorney paid a contingency fee for each indictment that he secures, or state troopers paid per speeding ticket. The potential for corruption is enormous — especially when contracts are awarded, often without competitive bidding, to lawyers who bankroll political campaigns.

A federal tax law singling out trial lawyers probably violates the constitutional ban (Article I, Section 9) on bills of attainder — broadly defined as legislative acts, civil or criminal, that inflict punishment on an identifiable group without a trial. Legislative bodies are supposed to enact general rules, broadly applicable. The judiciary, operating under procedures designed to assure fairness, then resolves disputes over whether a specific person is covered by the rule. In this instance, a court could readily conclude that it was Congress' intent to punish anti-tobacco lawyers rather than to regulate for a legitimate public purpose.

The Horowitz proposal would be brazenly retroactive. It is well known that retroactive laws in the criminal arena are constitutionally infirm under the ex post facto clause; but according to a 1798 Supreme Court case, *Calder* v. *Bull*, that clause does not apply to civil matters. Still, a retroactive civil law may violate the guarantee of due process in the Fifth Amendment. Indeed, *Black's Law Dictionary* labels as ex post facto any law "which, assuming to regulate civil rights and remedies only, in effect imposes a penalty or the deprivation of a right [for engaging in conduct] which, when done, was lawful." As the court observed in *Landgraf* v. *USI Film Products* (1994), in response to political pressures, powerful legislatures "may be tempted to use retroactive legislation as a means of retribution against unpopular groups or individuals."

Finally, Horowitz's scheme would flout principles of federalism. Some 60 years after the New Deal Supreme Court eviscerated the constitutional doctrine of enumerated powers, the Rehnquist court has begun reviving it and reinvigorating federalism — not merely states' rights, but rather dual sovereignty, with the federal and state governments serving as checks on one another's powers. That revival, long overdue, would be dealt a body blow if conservatives, the supposed champions of federalism, attempt to vest the national government with powers it doesn't have, merely because the outcome might be congenial to business interests and adverse to the hated trial lawyers.

That doesn't mean the instant billionaire anti-tobacco attorneys have carte blanche to use their loot to finance extortionate lawsuits while recycling megabucks to their political pals. State governments should act promptly to prohibit new contingency fee contracts between government and private attorneys. Government is the single entity authorized to wield coercive power against private citizens. When that government functions as plaintiff in a legal proceeding in which it also dispenses punishment, adequate safeguards against state misbehavior are essential. In a free society we cannot condone private lawyers enforcing public law with an incentive kicker to bring the boot of government down more heavily on the neck of the defendant.

In a nutshell, 46 state attorneys general sold antitrust immunity to the major tobacco companies for a quarter of a trillion dollars. Not bad work, except it's illegal and unconstitutional.

States can also implement a "government pays" rule for legal fees when a governmental unit is the losing plaintiff in a civil case. By that device, access to the courts would be preserved for less affluent, private plaintiffs seeking redress of legitimate grievances. But defendants in government suits would be able to resist meritless cases that are brought by the state solely to ratchet up the pressure for a large financial settlement.

Those measures look to the future. But steps can also be taken to wage war against the contingency fees previously awarded under the multi-state settlement. To the extent that state statutes or bar rules already impose a fiduciary obligation on attorneys, those laws ought to be vigorously enforced. Even more important, the settlement itself can be undone. In a nutshell, 46 state attorneys general sold antitrust immunity to the major tobacco companies for a quarter of a trillion dollars. Not bad work, except it's illegal and unconstitutional. An antitrust challenge is now pending before the 3rd U.S. Circuit Court of Appeals. A second challenge, on commerce clause and compacts clause grounds, will soon be appealed in the 4th Circuit. The Bush Justice Department should take its cue from an editorial in *The Wall Street Journal* ("Smoke Screen" February 20, 2001) and join those lawsuits, "sending a message that nothing about this corrupt bargain authored in the Clinton era is written in stone." ❑

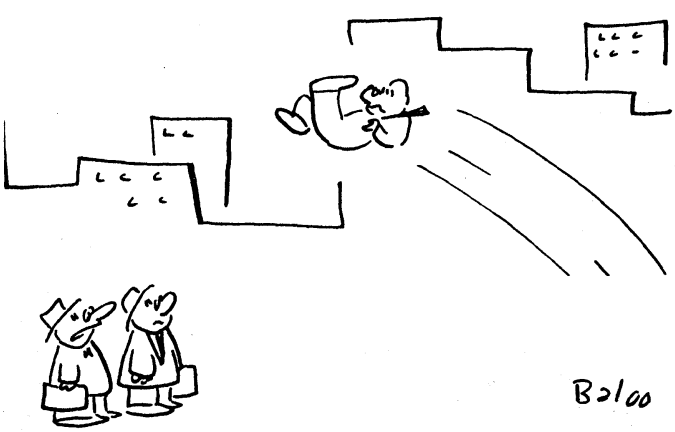

"*Another* leveraged buyout!"

Fireworks & Old Glory

by William R. Tonso

The 4th of July should mean more than fireworks, hot dogs and beer.

Mel Gibson's *The Patriot* garnered no Academy Awards nominations for acting or best picture, and it probably made the British seem nastier than they really were. But it certainly provided my wife and me with an enjoyable and rousing Fourth of July afternoon before we ate supper out and headed down to the Ohio River to watch Evansville's annual fireworks display last year on the last Fourth of July of the 20th century. Not only was *The Patriot* a perfect movie for the Fourth of July because it's about the American Revolution, but it's a good old-fashioned movie with heroes and villains, violence grounded in a moral context, and romance without panting bedroom scenes or even hints of premarital sex. We could use more movies grounded in traditional morality. And we could certainly use more movies about the Revolution, because most Americans seem to know nothing about our nation's founding.

When *The Tonight Show* host Jay Leno did a pre-Fourth of July "Jaywalking" interview of people on the street in the vicinity of his Burbank studio last year, asking them questions related to our founding, one young man guessed that George Washington had been president around 1920. When an Evansville TV reporter asked people on the street when the Declaration of Independence was signed, one woman guessed somewhere in the 1900s, or was it the 1800s? An older woman tentatively answered, "the English?" when asked who we won our independence from. While it's tempting to dismiss these people as atypical, Leno, who swears that he doesn't select only the most ignorant for airing on "Jaywalking," regularly presents people who don't know when World War II was fought or who we fought in that war, and others who don't know which foreign countries border the United States. And a study publicized through the mainstream press found that over a third of the seniors at our 55 top colleges "didn't know the Constitution established the division of power in American government," and 40% didn't know when the Civil War was fought.

How representative are these people of the public as a whole, the people whom pollsters regularly ask questions about the restriction of speech, press, religious expression, and gun ownership? We may be lucky that most of them don't vote. Look at what those who do vote put in the White House in 1992 and kept there in 1996, and consider the Florida fiasco that almost gave us an extension of the Clinton legacy last year. As Thomas Jefferson said, "if a nation expects to be ignorant and free it expects what never was and never will be."

But back to last year's Fourth of July. What *The Patriot* started in grand style, the fireworks display down on the Ohio ended in grand style. The fireworks themselves were awesome, but their accompaniment by the Evansville Philharmonic Orchestra and Symphonic Band made them even more so — "Music for the Royal Fireworks," "Theme From *Star Wars*," "1812 Overture," "Stars and Stripes Forever," and others. The Philharmonic Orchestra and Symphonic Band had been playing for about two and a half hours before the fireworks started at 9:30 p.m., and as set-off

time approached a medley of service songs were rendered and past and current service personnel and their families were asked to stand as the song of their branch was played. We don't always get to the fireworks in time for this annual salute to the services, but we made it this time, and I stood when the orchestra played "Off We Go Into the Wild Blue Yonder."

I'm proud of having served my country in the military, even though I was only a Cold War warrior and didn't get shot at. All I did was sit in a dark room at first one and then another isolated radar station up along the border between Montana and Canada waiting for the Soviets to try to sneak bombers down through the arctic region to nuke targets in the United States. Had they come, I would have done my best to set my jet interceptors up on attack vectors that would have enabled them to blow those bombers out of the sky. I'm glad they didn't come, to put it mildly. But I'm also proud to have been in a position to try to stop them if they had come. My job was purely defensive. Any bomber that I enabled my interceptors to shoot down would have been in our airspace for the express purpose of doing harm to my country.

We could certainly use more movies about the Revolution, because most Americans seem to know nothing about our nation's founding.

In my younger days, I made no distinction between defensive and offensive warfare. I was eight when the Japanese bombed Pearl Harbor, and I remember hearing the radio report of that event. They started it, so all of our offensive effort after that was grounded in our defense of everything we held dear. To me there were bully nations like Nazi Germany and Imperial Japan, and later the Soviet Union and Communist China, and then there was us, the good old United States on the side of right, and Hollywood and the popular culture in general regularly reinforced my views. Of course, things were never so simple. After reading Robert B. Stinnett's *Day of Deceit: The Truth About FDR and Pearl Harbor*, I find it difficult to believe not only that Franklin Roosevelt didn't know that the Japanese were on their way to attack Pearl Harbor but that he didn't provoke that attack.

However, even after the world became less black and white to me, and I recognized that our government's motives at home and abroad weren't always pure, I still continued to think of us as morally far superior to the Nazis, Japanese Imperialists, and Communists. But now that we are the only remaining superpower, we seem on our way to becoming a bully nation at home as well as abroad. At home, particularly during the Clinton administration, our federal police have become ever more menacing, staging risky and sometimes bloody SWAT raids on, among others, a religious sect *suspected* of violating constitutionally questionable gun laws, and on a private residence to remove a Cuban refugee child who was in no danger whatsoever. The British probably didn't burn down a church full of people during the Revolution as depicted in *The Patriot*, but our federal police may well have burned up a bunch of nonmainstream religionists in Waco, Texas.

We have used our professional military to occupy countries that have yet to fire a shot at us, taken sides in civil wars in which our national interests weren't at stake, and lobbed cruise missiles at targets *wrongly suspected* of terrorist activities against us. Even though our government claims its motives are humanitarian and we are far from Nazis, we're straying further and further from the ideals of the Founders who were fearful of professional militaries and would have been just as fearful of federal police forces. George W. Bush's administration won't put a halt to this straying, but I suspect that it will be better than his dad's administration, and far better than a Gore administration would have been.

But *The Patriot* and the beautiful fireworks display last year added greatly to my enjoyment of a holiday that has become ever more important to me as I wonder more and more about what that holiday means to others. The public as a whole seems blissfully unconcerned about what the armed agents of our government, civil as well as military, are doing, and even of the rights that our Constitution guarantees and upon which our government tramples.

For several years now, a local real estate company has been sticking little American flags in the front yards of all the homes in selected neighborhoods at the beginning of Evansville's Freedom Festival, which centers around and culminates with the hydroplane races on the Ohio in late June. People usually keep those flags in their yards through the Fourth of July. My wife and I like that, and one year we were quite disappointed when our neighborhood was skipped. Last year we got our flag, but before the Fourth of July it was somewhat shabby so we replaced it with one that we had bought the year we were skipped. We kept the bedraggled flag, rolling it up with those from past years and putting it on a shelf in the garage. Most of the neighbors' flags were gone by the Fourth of July. On the day after the Fourth of July, a friend of mine took a photograph of a garbage can near our neighborhood. Along with trash, it was stuffed with 20 or more of those little American flags that had made it to the Fourth of July on nearby front lawns.

Now that we are the only remaining superpower, we seem on our way to becoming a bully nation at home as well as abroad.

The Patriot did okay at the box office, but I'm afraid that too many of its viewers saw it as no more than an action flick starring actors dressed in funny clothes. "If a nation expects to be ignorant and free it expects what never was and never will be." ❑

Dictionary Control

By Dave Kopel

Because vocabulary controls thought, there are those who seek to control vocabulary.

Words have consequences. "Whoever controls the language, the images, controls the race," observed the beat poet Allen Ginsberg. For instance, when Madison, Hamilton, and other backers of the proposed Constitution called themselves the "federalists" and their opponents the "anti-federalists," the cause of ratification was greatly helped. Critics of the new Constitution, who opposed increasing the power of the central government, were furious that "federalism," an attractive term connoting a decentralized federation of equal sovereigns, had been appropriated by persons who wanted the opposite of "federalism" as traditionally understood.

In the abortion debate, the anti-abortion folks, knowing that being "anti-" anything sounds negative, style themselves "pro-life," while the proponents of abortion call themselves "pro-choice" rather than "pro-abortion."

In an energetic display of sensitivity, the *Los Angeles Times* a few years ago issued a stylebook (later withdrawn as a result of ridicule) forbidding its writers to use terms such as "gyp," "Dutch treat," and "illegal alien."

In today's politics, the contest for vocabulary control is as heated as ever. So here's a quick guide to some of the dictionary locales where our political future is being determined.

Affirmative action: This term was first used in the Eisenhower and Kennedy administrations as an admonition for nondiscrimination and an encouragement for outreach in hiring. For example, President Kennedy's Executive Order 10925 (March 1961) required that federal contractors "take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to race, creed, color, or national origin."

Today, almost everyone still favors "affirmative action" as defined by President Kennedy. Not only is nondiscrimination a good idea, Americans tend to be in favor of "action," and everybody likes being "affirmative."

One of the most effective language coups ever was pulled off in the 1970s by advocates of racial quotas (which were being attacked as "reverse discrimination") who managed to get "quotas" defined as "affirmative action."

This Orwellian language reversal has helped keep quotas going many decades after Congress outlawed all forms of governmental racial discrimination in the Civil Rights Act of 1964. The fate of the 1996 California Civil Rights Initiative largely depended on whether voters thought that the CCRI was about "quotas" or about "affirmative action."

Anglo: Now used as a synonym for "white" or "European." Slightly more narrowly, *Microsoft Bookshelf* says that an Anglo is "an English-speaking person, especially a white North American who is not of Hispanic or French descent." But more properly, an "Anglo" is someone who is descended from the Angles, a Germanic tribe that invaded Britain around the fifth century A.D. "England" (Angle-Land) is named after them. So while Americans of English or German descent might plausibly be called "Anglos," Americans from Italy, or Lithuania, or Russia are definitely not Anglos, even though they speak English. Calling them Anglos is as mistaken as saying that Americans who came from Cuba or Chile are "Spanish" because Spanish happens to be their native language.

Assault weapon: According to the Defense Intelligence

Agency, "assault rifles" are "short, compact, selective-fire weapons that fire a cartridge intermediate in power." In other words, battlefield machine guns carried by infantry; examples include the American M-16 and the Soviet AK-47.

In another brilliant linguistic coup, the gun prohibition lobbies popularized the term "assault weapon" with predictably frightening effects. Bill Clinton insisted, and most Americans agreed, that military weapons with automatic fire had no place in civilian life. The trouble was, not one of the "assault weapons" banned by the 1994 Clinton crime bill is used by a military force anywhere in the world, and not one can fire automatically. (In an automatic, bullets will fire as long as the trigger is depressed.)

In the rest of the English-speaking world, semiautomatic firearms are called "self-loading" firearms. The "assault weapon" ban never would have passed Congress by a single vote (in each house), if the legislators had been voting on a ban on "self-loading" guns. Nobody likes "assault" and many people don't like "weapons" (with the implied anti-personnel usage), but "self-loading" invokes a rather benign image of some kind of useful gadget.

Civilian: Traditionally used to distinguish the military from everybody else. Increasingly used these days to distinguish the military and the police from everybody else. The usage helps to further militarize the American police, particularly the federal and big-city forces, and to reduce the degree to which police officers see themselves as peace officers, a term which is becoming quaint.

Illegal alien: See "undocumented worker."

Illegitimate: A term still used by conservatives to describe children born out of wedlock. Like the almost-moribund "bastard," the term is under fierce assault by persons who believe that having a child with no father is merely a lifestyle choice, rather than an irresponsible, immoral act virtually guaranteed to inflict severe harm on the child.

In an energetic display of sensitivity, the Los Angeles Times issued a stylebook forbidding its writers to use terms such as "gyp," "Dutch treat," and "illegal alien."

Quite a lot — perhaps the fate of modern civilization — hangs on whether illegitimacy continues its rapid progress of the last three decades towards becoming normal, and thus no longer illegitimate. One difficulty for defenders of the word "illegitimate" is that the adjective attaches to the child, who of course has no control over the circumstances of his birth, rather than to his mother and his (biological, non-) father, who are the real illegitimate actors.

Piker: See "welsh."

Rental car, a very good: Former Attorney General Janet Reno explained that since the tanks at Waco were not carrying ammunition, they were nothing more than "a very good rental car" for delivering items to the Branch Davidians' home. I have, however, never been able to rent a car, even a very good one, which is suitable for bashing down walls of a building, destroying rooms known to contain women and children and killing them with falling rubble, and firing massive quantities of chemical warfare agents banned by law from international warfare.

Modern federal law enforcement is permeated with similar euphemisms to paper over violence and militarism. Breaking down someone's door is a "dynamic entry." When concussion grenades are thrown at "civilians," all that results is "a rapid expansion of gases."

Undocumented worker: I have a valid driver's license, but I sometimes forget to pick up the wallet containing the license when I leave home in the morning. When I drive to work without my driver's license, I am an "undocumented driver."

Now suppose that my driver's license is revoked for drunken driving, so that it is a criminal offense for me to drive. If I get behind the wheel of a car, am I just an "undocumented driver"? In fact, I would be an "illegal driver."

But persons who want to ignore the problems caused by illegal aliens now call them "undocumented workers," as if they were merely missing a bureaucratic slip of paper. But people who have entered the nation unlawfully are not merely lacking in paperwork, they are lacking in legality, and thus are properly called "illegal aliens."

Unfortunately, the "undocumented worker" euphemism may actually turn out to be useful. Congress has cracked down on the illegal 1.5 percent of the American population by making every American get permission from the federal government to be hired at a new job by showing their papers to prove their citizenship. For folks whose papers aren't in order, no job; they're American citizens, but "undocumented workers."

War on Poverty/Crime/Drugs/etc.: Government in a civil society is not in the business of conducting domestic wars. The use of "war" for domestic policy objectives promotes a mentality of limitless resources, ruthlessness, and refusal to accept anything less than total "victory."

Welfare benefits: The word "benefit" is derived from the Latin "bene facere," meaning "to do well." The word "welfare" comes from the Old English "wel faran," meaning "to fare well." The pre-1996 American system of "welfare benefits" was grossly misnamed, although the misnaming helped to preserve that awful system for many years. Too often, recipients of "welfare benefits" were not provided with something that helped them "to do well" or "to fare well." Instead, "welfare benefits" paid women to bear children that they would have difficulty raising properly. "Welfare benefits" discouraged truly beneficial acts such as marriage and work, which have always been the cornerstones of escaping poverty.

In another inversion, "corporate welfare" is applied not only to laws which give money to corporations as an act of charity (such as trade adjustment assistance), but also to laws which simply reduce a company's tax burden. Unless one presumes that all property belongs to the government, reducing how much the government takes from private parties is not "giving" those private parties "welfare."

Welsh: In a strenuous display of sensitivity, Bill Clinton once apologized for uttering the words "It is basically saying you're going to be a piker and welsh on your debts."

Continued on page 53

Reviews

From Dawn to Decadence: 500 Years of Western Cultural Life, 1500 to the Present, by Jacques Barzun. HarperCollins, 2000, 877 pages.

From Venice to Venice Beach

Jeff Riggenbach

In writing this, his 30th book (give or take a volume or two), the 93-year-old Columbia University professor emeritus of history Jacques Barzun tells us, he had "hope[d] to show that during this span the peoples of the West offered the world a set of ideas and institutions not found earlier or elsewhere." The "span" he refers to is the 500 years mentioned in his subtitle, and the ideas and institutions are those which, in his judgment, have set off modern times in the West from all other times everywhere.

For Barzun, modern times have been shaped by four "revolutions," by which he means "the violent transfer of power and property in the name of an idea." The first of these four revolutions was the religious revolution (more commonly known as the Protestant Reformation) of the 16th century. The second was the monarchical revolution of the 17th century. The third was "the liberal, individualist" revolution "that straddled the 18th and 19th" centuries. And the fourth was the "social and collectivist" revolution of the 20th century.

The religious revolution, Barzun writes, "did indeed cause millions to change the forms of their worship and the conception of their destiny. But it did much besides. It posed the issue of diversity of opinion as well as of faith. It fostered new feelings of nationhood. It raised the status of the vernacular languages. It changed attitudes toward work, art and human failings. It deprived the West of its ancestral sense of unity and common descent. Lastly but less immediately, by emigration to the new world overseas, it brought an extraordinary enlargement of the meaning of the West and the power of its civilization."

The monarchical revolution, which began in the 17th century but continued into the 19th, gradually transformed Europe from a plenitude of mostly tiny, perpetually unstable realms run by kings who shared their power with a traditional "noble" class into a handful of much larger nation-states, whose centralized governments were run by absolute monarchs.

The "liberal, individualist" revolution established a new political philosophy that recognized certain fundamental rights shared by all individuals as limitations on the power and authority of centralized governments.

And, finally, the "social and collectivist" revolution established the welfare state, the entitlement mentality, political correctness, and a host of other evils with which the readers of this publication are already too familiar.

One of the pleasures of reading *From Dawn to Decadence* is the pleasure of meeting a highly intelligent, widely read, articulate, and witty mind that looks upon the liberal revolution of the 18th and 19th centuries in much the same way libertarians do. Yet, a close look at his discussions of political and social theory and practice scattered throughout this book suggests that whatever Barzun may be politically, he is no libertarian.

For example, he writes admiringly of the Venetian Republic that "all offices were filled by men who had been trained in the most direct way. A young patrician who showed talent was enlisted as a teenager, watched the Great Council at work, and as soon as eligible was tested in successive posts. Nobody could refuse or resign office." After all, there was much work to be done:

> The means of trade, and at the same time the well-being of the citizens, were closely regulated. There were inspectors of weights and measures and of the Mint; arbitrators of commercial disputes and of servants and apprentices' grievances; censors of shop signs and taverns and of poor workmanship; wage setters and tax leviers, consuls to help creditors collect their due; and a congeries of marine officials. The population, being host to sailors from all over the Mediterranean, required a vigilant board of health, as did the houses of resort, for the excellence of which Venice became noted.

Now *that's* what we need! A system in which no one can "refuse or resign office"! Inspectors, arbitrators, censors, wage setters, tax leviers, consuls! We may also need "strong measures" to "fix prices and hunt down . . . black marketeers" — measures of the sort Robespierre put in place as head of the

Committee of Public Safety during the French Revolution. Price fixing, Barzun explains, "protected the common man, as well as helped to keep the troops supplied." (Regrettably, he provides no details; it would be fascinating to learn how price fixing in this instance had the opposite of its usual effect, to wit, the creation of shortages.)

It may be that we also need to reconsider our conviction that "pornography and violence in films and books, shops and clubs, on television and the Internet, and in the lyrics of pop music cannot be suppressed, in the interests of 'the free market of ideas.' Under that rubric, speech (at least in the United States) has enlarged its meaning to include action: one may burn the flag with impunity; it is a statement of opinion. The legalism would seem to authorize assassination." Would that it did.

On the other hand, Barzun does fancy himself to be in sympathy with the "liberal, individualist" revolution of the 18th and 19th centuries, and he is frequently instructive and insightful — and just as frequently inconsistent and mystifying — in his explorations of its origins and eventual destiny. He places more emphasis than many commentators do on the Puritan origins of the liberal revolution, which is odd, in a way, because he also argues that "monarchism and monotheism go together," a thesis reminiscent of Rudolf Rocker's argument in his classic *Nationalism and Culture*. Nonetheless, Barzun tells us that in the 17th century, there were "Puritans who appealed to reason in support of popular rights." These thinkers argued that "human institutions were a matter of choice designed for a purpose and maintained by custom. They should be changed when the purpose was no longer served. Mere length of time — custom — is arbitrary, not in itself a reason." Still other Puritans proposed that "man is the reasoning animal by nature," that God had given man this faculty because He intended it to be used, and that if one used it one concluded speedily enough that there was a natural law and there were natural rights and that this natural law and these natural rights should be taken into account in the actions of governments.

It is this "Puritan legacy of libertarian ideas," as Barzun calls it, that has given rise to what he calls "the national myth" of the United States: "that the Pilgrims were the first English-speaking colonists in North America and that they brought with them the doctrine of freedom for all." Barzun calls this notion an "error." In fact, he writes, "[a]mong the principal actors in the founding of the colonies, only two were thorough liberty-men: Roger Williams and William Penn — and Roger Williams himself showed a small flaw: he wanted any dissenter to earn his freedom by first denouncing the Church of England."

Of course, this is no "small flaw"; it is, in fact, a rather large one. Still, Barzun's caveat is well taken; though libertarian ideas had a certain influence among Puritans, this does *not* mean that all Puritans were libertarians or that the New England society

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they created was any sort of libertarian paradise.

Nor was the American Revolution truly libertarian, Barzun maintains. In fact, it wasn't even a true revolution. In the first place American grumpiness about English rule had been a feature of American colonial life from the beginning. As Barzun writes,

> [w]hen the original settlement had been by charter — akin to the statutes of a corporation — the colonists felt they lived under a constitution affording permanent privileges, such as an assembly. If established otherwise and subjected to a governor appointed in England, or if a governor was sent to supersede charter rule, the desire for self-government turned into rebelliousness. Add to this the democratic animus of the poor against the landed class that was part of the Puritan tradition and it is evident that colonial resistance to English rules and rule was inherent and incurable.

In 1689, Barzun points out by way of example, the British crown sent Sir Edmund Andros to govern the Massachusetts Bay Colony. "The Bostonians, however, revolted, put Andros in prison, and restored the charter provisions that Charles had annulled."

The fact that the preamble of the American Declaration of Independence

The impending collapse of Western civilization is, and has always been, in the eye of the beholder.

"read like the doctrines of Locke and Montesquieu," Barzun writes, "only showed that there was an elite that had visited Paris or read imported books. But the list of grievances showed that the armed resistance to the English imposts was not a revolution. The war acquired that name by confusion with later events in Europe."

Barzun continues:

> If anything, the aim of the American War of Independence was reactionary: "Back to the good old days!" Taxpayers, assemblymen, traders, and householders wanted a return to the conditions before the latter-day English policies. The appeal was to the immemorial rights of Englishmen: self-government through representatives and taxation granted by local assemblies, not set arbitrarily by the king. No new Idea entailing a shift in forms of power — the mark of revolutions — was proclaimed. The 28 offenses that King George was accused of had long been familiar in England. The language of the Declaration is that of protest against abuses of power, not of proposals for recasting the government on new principles.

It is noteworthy, according to Barzun, that "[t]he colonies that became independent states contrived only a feeble Confederation and wanted to remain the semi-aristocratic societies they had always been. Even during the war, national spirit was wanting. If one scans the facsimile of the original Declaration one notices that the heading reads 'of the thirteen united States.' That small *u* promises no future *U*." Albert Jay Nock, a writer whom Barzun clearly admires and quotes several times in this book, used to insist that the event in 1789 that created today's United States "was effected with great difficulty and only through a *coup d'Etat*, organized by methods which if employed in any other field than that of politics, would be put down at once as not only daring, but unscrupulous and dishonorable."

Barzun does not go this far. But he does write that "[i]n sum, the American spectacle that Europeans rejoiced at or deprecated at the end of the 18th century was not the Democracy in America described by Tocqueville half a century later. Nor was it a model for the French revolutionists of 1789-93."

Nor was the liberalism Tocqueville found in operation in America in the 1830s anything like the liberalism that has dominated American life since the 1930s. It was around the turn of the last century, Barzun tells us, that we see

> . . . the onset of the Great Switch. It was the pressure of Socialist ideas . . . that brought it about. By Great Switch I mean the reversal of Liberalism into its opposite. It began quietly in the 1880s in Germany after Bismarck 'stole the Socialists' thunder' — as observers put it — by enacting old-age pensions and other social legislation. By the turn of the century Liberal opinion generally had come to see the necessity on all counts, economic, social, and political, to pass laws in aid of the many — old or sick or unemployed — who could no longer provide for themselves. Ten years into the century, the Lloyd George budget started England on the road to the Welfare State.

"Liberalism triumphed," Barzun writes, "on the principle that the best

When a culture is in a decadent phase, the stature of tradition and traditional authorities wanes. People feel freer than usual to experiment, to try the unconventional, to choose not to conform, to go their own way.

government is that which governs least; now for all the western nations political wisdom has recast this ideal of liberty into liberality." Moreover, "[t]hroughout the West nowadays no other type of government is dreamed of; the only debate between opposed parties is whether the government shall be fatter or leaner and it appears that sustained dieting is something bureaucracies find as hard as individuals."

By the end of the 20th Century:

> [t]he welfare ideal did not merely see to it that the poor should be able to survive, but that everybody should be safe and at ease in a hundred ways. Besides providing health care, pensions ("social security"), and workmen's compensation for accidents, it undertook to protect every employee by workplace regulations and every consumer by laws against harm from foods, drugs, and the multiform dangers that industry creates. All appliances were subject to design control and inspection. The citizen must moreover be protected from actions by others that are not visibly hostile or inherently criminal, those, for

> example, that can be committed by the imaginative in trade, investment, and banking.
>
> At the same time, it was also held that the state had the duty of supporting art and science, medical research, and the integrity of the environment, while it must also make sure that all children were not simply literate but educated up to and through college . . .

By the end of the 20th century, as a result, "[t]he cost of welfare in money was huge and in mental effort exorbitant. As a kind of afterthought there was the old-fashioned role of government that had to be attended to: military defense, policing the land, building roads, dispensing ordinary justice, delivering the mail, and running the political and executive institutions themselves. The task of distributing benefits was alone overwhelming. High taxes were unavoidable, and so was waste." So was litigation, for "rules, definitions, classifications, and exceptions = indignation — and litigation. The welfare state cannot avoid becoming the judiciary state."

The American Revolution wasn't really libertarian. In fact, it wasn't even a true revolution.

Neither can it avoid becoming a corrupt state ("inevitable when inspectors are afoot"). And, on top of everything else, the modern welfare state had utterly failed to fulfill its original aim. "There was still poverty, derelicts on the street, unattended illness, and complaints of 'not enough' from every welfared group in turn — workers, farmers, businessmen, doctors, artists, scientists, teachers, prisoners, and the homeless."

This state of affairs is a good deal of what Barzun has in mind when he calls our present times "decadent," but it is not all he has in mind. There's also the ubiquitous slovenliness of turn-of-the-century Western society — "[t]o appear unkempt, undressed, and for perfection unwashed, is the key signature of the whole age." Then, on a more somber note, there's the violence: by the end of the 20th century, Barzun assures us, "crime was endemic in the West. Assault in the home, the office, and on city streets was commonplace and particularly vicious." In part, he tells us, this was a result of the decline of proper child rearing.

> [A]n increasing number of children found at home no encouragement to schooling, no instruction in simple manners, no inkling of the moral sense. Some of the waifs bred in that way were those who took to drugs, became thieves before their teens, and committed the conscienceless crimes falsely called mindless. They formed gangs, boys and girls together, with able leaders and strict rules. It was *they*, not prime ministers, who reinvented government. And when they joined to it so-called Satanism, they rediscovered ritual if not religion. The larger group that executed graffiti on city walls were in line with the makers of disposable art, bent on destroying the medium as well as the culture.

This, you see, is what "modern artists" have been up to ever since the time of Cubism, in the years just before the outbreak of World War I: destroying art itself and the culture itself. The great villain behind this attack on everything that is decent and good is Marcel Duchamp (1887–1968), French Cubist painter ("Nude Descending a Staircase" is his most famous canvas) and practical joker. One never knew, when Duchamp submitted a "work" for a show, what it might be. It might be an original painting, of course. But there was an at least equal chance that it might be a reproduction of the Mona Lisa onto which Duchamp had painted a mustache. Either way, Duchamp would have a straight face. He had a straight face when he submitted a green vest on a hanger to one show. He had a straight face when he submitted his most notorious work, "Fountain" — a urinal that he had picked up in a plumbing supply store — to a 1916 exhibition organized by the Society of Independent Artists in New York.

These works and others like them have had an incalculable influence on the development of modern art; at least, Jacques Barzun thinks so. And he is not alone. As Barzun writes, "[t]hese jokes were serious, and must be taken so. Helping to destroy a culture is, in fact, no joke if one is bursting with talent and technical skill and must bend them to a sort of reductionism, instead of giving their expansiveness free rein."

The problem is that the facts of the case, and of Duchamp's life generally, suggest a different interpretation. Duchamp was a prankster and practical joker. He was known for his "playful wit," as Louis Torres and Michele Kamhi call it in their recent book, *What Art Is*. They quote psychologist Louis Sass as saying that Duchamp's entire career was devoted "to a series of mockeries, of ironic comments on art and its purported relationship to life."

In the particular case of "Fountain", as Torres and Kamhi explain, Duchamp and a friend, the collector Walter Arensberg, were among the organizers of the show to which the "work" was submitted. He and Arensberg went together to the plumbing supply company to buy the urinal, Duchamp submitted it under the assumed name "R. Mutt," and when another of the organizers suggested the "work" be rejected as a joke, Arensberg defended it "with an air of great seriousness." Torres and Kamhi quote Calvin Tomkins, Duchamp's biographer, as saying that Duchamp and Arensberg had "obviously planned the whole thing as a deliberate provocation" and "milked it for all it was worth." The two even briefly established a little magazine called *The Blind Man* whose purpose was to make a theoretical argument in defense of "Fountain" and "works" like it. The whole thing was what people of my generation would call a "put on."

"Liberalism triumphed on the principle that the best government is that which governs least; now for all the western nations political wisdom has recast this ideal of liberty into liberality."

The fact that some foolish people (like the curators at San Francisco's Museum of Modern Art, where

"Fountain" is permanently on display) have taken Duchamp's juvenile stunt seriously should not blind us to the fact that for Duchamp it *was nothing but an amusing stunt*. His purpose was not to destroy Western art and culture. It was to have a good time.

And what of those "artists" who followed in his footsteps? Barzun lists among them the purveyors of "Found Art (jetsam from the beach), Junk Art (the discarded refrigerator door), Disposable Art (objects, magnified, or made of flimsy materials; bridges and buildings draped in cloth) . . . aleatory art (based on random points generated by dice or a computer); mobile art, including 'sculptures' in the form of small useless machines in purposeless motion, or the pair of shoes that step back and forth; the canvases that show simple or complex geometrical lines (a whole series 'exploring the square')" and so on, and so on. Are these people consciously working to destroy Western art and culture?

Has everything that makes civilization worth having — scholarship, philosophy, science, technology, the arts, many and varied human relationships — really been going steadily downhill for thousands of years?

No, of course not. As Barzun himself points out, "when the ground is cleared as it was by revolution and rebuilding is called for, every kind of thing is attempted, but not everything is pursued and much turns out wasted effort." He is writing here about the beginning of the Romantic period, 100 years before Duchamp's antics, but one might hope he could see the obvious connection to our present period. When a culture is in a decadent phase, the stature of tradition and traditional authorities wanes. People feel freer than usual to experiment, to try the unconventional, to choose not to conform, to go their own way. In such times, many feel quite as though a revolution had just passed through, clearing the ground and leaving room for new construction. The modern "artists" whose "works" Barzun cites with such horror — "[t]he stuffed goat with a tire around its middle entertained at the Tate Gallery in London; the ladder against the wall inviting a walk-through at the Whitney in New York; the 22 small television screens around the room just oscillating in South America; the man's suit of gray felt on a hanger in Munich" — are just pursuing everything and wasting their effort. There's no need to fear the end of civilization.

Barzun discusses the development of Western art, literature, and music throughout his book, but he employs a kind of double standard when doing so. He invariably discusses the art of the 16th, 17th, 18th, and 19th centuries in terms of its best and most representative examples. The art of the 20th century he discusses almost exclu-

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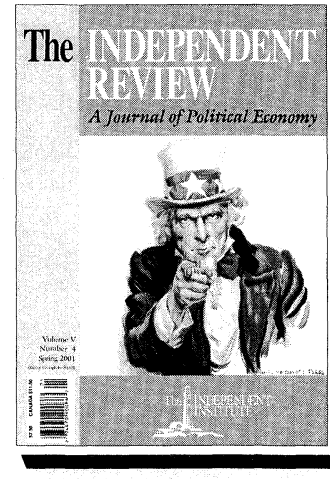

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sively in terms of its worst, most ridiculous, and least representative examples. This is, of course, a common phenomenon. As people get older, they commonly find themselves taking an increasingly dim view of the younger generation and its irresponsible and disrespectful behavior; those among them of a literary bent soon begin writing screeds against the "decadence" of the times and imminent end of all that is good and fair in the world. People have been doing this for at least 2,000 years that I know of. Probably, if I were more widely read in the literature of ancient Athens, I'd know that they've been doing it a lot longer than that.

But clearly, they can't all have been right. Has everything that makes civilization worth having — scholarship, philosophy, science, technology, the arts, many and varied human relationships — really been going steadily downhill for thousands of years? The very idea is preposterous. The impending collapse of Western civilization is, and has always been, in the eye of the beholder.

But there is much more to this book than its historical perspective on liberalism and its jeremiad against contemporary life and art — so much more that even a review twice as long as this one could only touch on a fraction of its riches. Barzun has interesting things to say about religious publishing (did you know that "1900 was the first year in which religious works . . . did not outnumber all other publications"?); about vituperation in intellectual argument ("[i]n the 16th century and for a good 200 years more, insult was the accepted seasoning of intellectual debate"); about Christmas (a Christianized pagan holiday that was never accepted or celebrated by the Puritans who founded the American Colonies); about having more than one language ("for the first time in over a thousand years [the] educated class is not expected to be at least bilingual"); about Leonardo (no "Renaissance man" he!); about surnames and when and why they were created; about Shakespeare and *Hamlet*; about Oliver Cromwell's foreign policy; about the role of backgammon in suggesting his famous "wager" to Pascal — and at this point you're only a little more than a third of the way through the book; there's much, much more to come.

I found particularly interesting Barzun's remarks on two of his many secondary subjects: history and science. The first — history — he compares repeatedly and pointedly, as he moves through the 500 years of the modern era, to imaginative literature, particularly fiction, and, while he himself never makes the point in so many words, his analysis could very well form the foundation of an argument that history as a discipline is most properly and most profitably regarded as a branch of literature. The second — science — he compares repeatedly and pointedly to religion, and though he himself never makes the point in so many words, his analysis very adequately backs up the charge that science and its intellectual handmaiden scientism (the belief "that the methods of science must be used on all forms of experience and, given time, will settle every issue") together constituted the dominant Western religion of the 20th century.

Altogether, this is a splendid book — highly readable, densely packed with interesting information, anecdotes, and portraits of important figures. It is not a book for the beginner, who wants a basic course in Western civilization. It presupposes a basic familiarity with its subject. What it offers is a kind of commentary on the basic story, a commentary which, though wrongheaded at times, is for the most part quite astute and always literate and companionable. ❑

The Island of Lost Maps, **by Miles Harvey. Random House, 2000, 405 pages.**

Mapmakers & Bookbreakers

Timothy Sandefur

What a curious little book this is. It's part of the new literary genre of following the intricate and often dark details of esoteric literary pursuits. But unlike Simon Winchester's fascinating history of the *Oxford English Dictionary* — in *The Professor and the Madman* — Miles Harvey's *The Island of Lost Maps* is more of a study in postmodernism: the entire book is about how Harvey wrote it. From the first lines — "As I sit down to write this book" — the reader is following along with Harvey's plans for writing, and one gradually grows impatient for him to get on with it and write the book! But then, Harvey is very clever, and *The Island of Lost Maps* takes full advantage of the fascinating culture of cartography — from the great mapmakers of the 15th century, with their imaginative sea monsters and obscure lands, to the modern computer-generated maps drawn by sophisticated satellite technology. Harvey has frequent recourse to clever analogies to the world of mapmaking, and the book is thus a sort of map in itself — laying out the distances and the obstacles he encountered while tracking down his quarry, the elusive map thief Gilbert Bland.

Bland built a successful but short career stealing antique maps from rare-book libraries across the country. A nondescript man who passed himself off as a student to gain access to centuries-old mapbooks, Bland would take along a razor blade, and in a swift motion, cut out a map which he might sell at auction for thousands of dollars. Intrigued by the crimes, Harvey spent years following and studying Bland for *Outside* magazine. But in telling the

story, Harvey describes also the interesting world of map collecting — a hobby that has become a wildly successful business. The financial incentive for Bland's thefts has come from the recent growth in popularity of old maps for wall hangings in homes and offices. Harvey spends a good deal of his time with the bookish scholars and weird collectors who move the map-making world. But the biggest mover and shaker of all is Graham Arader, a hard-driving Wall Street type, who, Harvey writes, "has the hard-eyed, hard-boned look of a boxer, and a combative spirit to go with it. Even his name carries a certain belligerence: it's pronounced not air-uh-der but uh-raider, as in someone who attacks his target by storm."

Arader is widely detested in the antique book world for his business tactics. He purchases old books at low prices only to jack them up more than a hundred times on resale. He has made his millions by leading

> a dramatic transformation in the market for antique maps over the past quarter century, turning a historical artifact into a hip commodity. Before he entered the business in the early 1970s, old maps were mostly the province of librarians, historians, and a few tweedy collectors. [His father] Walter Arader typically paid one or two hundred dollars for individual maps by great Age of Discovery cartographers such as Willem Janszoon Bleau, Gerard Mercator, and Abraham Ortelius. Today those same maps are listed in Graham Arader's catalogs for prices ranging from five thousand to fifteen thousand dollars.

But more heretical than his profit-making — which is very heretical among antique-book people — is Arader's practice of book-breaking: taking whole antique books apart to sell the pages separately in frames, for far more in aggregate than the book could fetch whole.

Book-breaking is a troubling practice. One of my most cherished possessions is a 1651 edition of John Milton's *First Defence*, an important book by one of the overlooked heroes of libertarian history. The idea of someone destroying it — tearing it apart page by page, each to be sold separately — makes me cringe. Yet obviously a fairly purchased book belongs to the person who wants to break it — and presumably doing so raises the value of my unbroken book. In fact, those of us who love old books should recognize that when the pages are displayed separately, they're actually being enjoyed by people — instead of sitting, invisible, in a closed book in a locked room. Arader has probably done more to increase the cultural appreciation of these wonderful old maps than any of his critics: these maps are finally seeing the light of day — or, since daylight damages their old paper — the carefully UV-filtered light of hallways.

The attitude of collectors who despise Arader is not only jealousy — though that is part of it: he is a driven businessman who has made his own opportunities. It has also contributed to what might be described as a variation on the old tragedy of the commons. Gilbert Bland's map stealing and Graham Arader's book-breaking are seen by many collectors as much the same act: a sort of "enclosure" of a resource that was formerly "open to all." Not that these books were public property — they weren't: they were and are owned by private university libraries. But the collectors and scholars — the book culture in general — looked upon them as a public resource, freely accessible to all. This isn't surprising, given the generally leftist attitudes of much of the book culture, but it is destined to failure, just as all common property is. As Aristotle observed 2,000 years ago, property "which is common to the greatest number has the least care bestowed upon it." And Harvey points out that many libraries to this day don't even know their maps have been stolen. Many libraries have $100,000 assets sitting on their shelves, only lightly policed by bored university librarians.

I admit that I share their idealism, just as I share their disgust at those who would tear apart old books to sell their guts. George Washington's first draft of his inaugural address was snipped to pieces by people wanting samples of his handwriting, much to the frustration of Washington scholars today. My old hometown of Pasadena, Cal. watched, horrified, as a Texan investor purchased a city landmark — the craftsman masterpiece called the Blacker House — and sold all its fixtures piecemeal, from the copper rain-gutters to the Tiffany lamps, an act still referred to as the "Texas Chain Saw Massacre." But it remains an elitist attitude to insist that "these things belong in a library." If people are willing to pay a great deal of money for them, that is a sign of the high value that a culture puts on something. When an artifact becomes the stuff of museums, its culture is dead. On the other hand,

A nondescript man who passed himself off as a student to gain access to centuries-old mapbooks, Bland would take along a razor blade, and in a swift motion, cut out a map which he might sell at auction for thousands of dollars.

when a formerly public — or pseudo-public — resource is made private (be it the commons of 17th century England, the privatization of the Soviet Union, or our own Homestead Act) the result always includes a little bit of stepping on toes — what some economists have called "shock therapy." Graham Arader is an encloser of the commons, but what he has done is, in a way, to preserve the value of what would otherwise go neglected.

The free-market environmentalists like to say that the best way to pre-

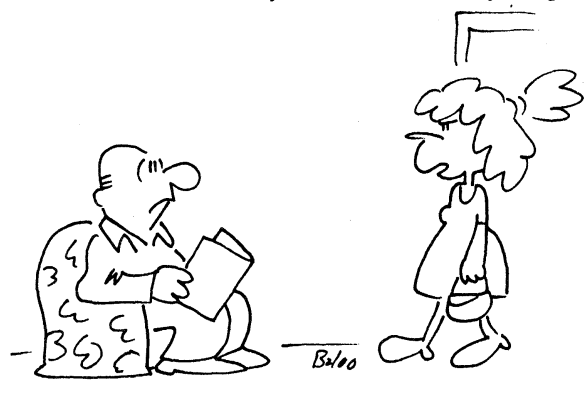

"Boy, you run over one traffic cop, and they *all* gang up on you!"

serve a scarce resource is to let people own it. The book culture's emphasis on the public accessibility of old books has long been a recipe for Gilbert Bland's sort of vandalism. Harvey concludes by citing reforms libraries across the country are making to prevent future map thefts: cameras in the rare-book rooms and more attentive security staff. Arader has "proposed nothing less than the complete elimination of most traditional rare books rooms, in favor of a few centralized and hypersecure research libraries." At first blush it seems unfortunate that such security measures must be taken. But on the other hand, perhaps it is a good sign that the libraries must care more for their security; how much sadder it would be if nobody even wanted to steal the books. "It's sad, but it's not sad," one librarian told Harvey. "A lot of these places have stuff that just shouldn't be handled very much. I mean, you really should need to have a good reason to look at this stuff, because it's got to last, well, basically forever." ❑

***The Cash Nexus: Money and Power in the Modern World, 1700–2000*, by Niall Ferguson. Basic Books, 2001, 552 pages.**

The Folklore of Money

Bruce Ramsey

In *The Cash Nexus*, Scottish historian Niall Ferguson sets out to prove that money is not the only thing that makes the world go around. That is easy enough: as he notes, if economics always won wars, the United States would have bested Vietnam, and if voters always supported the ruling party during a boom, John Major would be prime minister of Britain and Al Gore would be president of the United States.

Economics is not everything, but it is a lot. And Ferguson, who spent a year digging through the records of the Bank of England, produced a romp through history and numbers concerning taxes, money, central banking, and debt, all with a perspective of a century or more.

Consider gold. From 1881 to 1913, Ferguson reports, the average inflation in 20 gold-standard countries was just 1.2% a year. In the same countries from 1974 to 1990, the average inflation was 19% a year. Gold was an excellent monetary anchor but a terrible investment. If you had an ounce of gold bought in the 1890s, it would still be one ounce of gold; if it had been invested in a British stock-index fund in the 1890s that investment could buy 88 ounces of gold today.

Consider globalization. One measure of it is the ratio of foreign assets to world GDP. In the gold era, that figure peaked in 1913 at 17.5%. It declined in the war and socialism that followed, and did not reach the 1913 level again until 1980. The ratio is now 56%.

Consider debt. It is not true, Ferguson says, that a large central government debt necessarily raises interest rates. Japan's debt is now in excess of 100% of GDP, and yet the interest rate is nearly zero — the same situation as U.S. government debt during World War II. The cost of debt, he says, is related much more to the perceived risk of currency depreciation or default.

Nor is Britain's national debt, close to 50% of GDP, abnormally high. British debt briefly topped 250% of GDP in 1820 and again in 1945. Between 1818 and 1854, more than half of British government spending went to pay down debt — and it was paid down, quite dramatically.

Many countries have defaulted on debts. Defaults, writes Ferguson, "seldom scare lenders away for long." Bondholders have been suckered by governments again and again: by Russia in 1917 (a default that was "perhaps the biggest in financial history"), by Germany in 1923 ("a jubilee in which all debts were simply wiped out"), and by the United States and Britain in the 35 years after World War II in a slow-motion confiscation of wealth through inflation.

Taxes and government employment, he writes, have risen with the broadening of the right to vote. He quotes free-trader Frederic Bastiat's definition of the state as "the great fictitious entity by which everyone seeks to live at the expense of everyone else," and says: "Hyperbole in Bastiat's own day, this nicely describes the welfare state of the late 20th century."

Ferguson thinks the practical limits to the size of the state are about half of GDP and one-third of employment, figures which have been met or exceeded in Scandinavia. Government jobs as a percentage of total employment have declined slightly in the United States since the 1970s but among major countries dropped substantially only in Britain — from 22% in 1983 to 13.6% in 1999.

Ferguson provides perspective to the debate on the financing of political parties. "Today — startlingly — private sources of funding count for more than public sources in only three major democracies: the Netherlands, Britain and the United States," he writes. "Indeed, it is not too much to say that the political parties of the West are slowly being nationalized. They run the risk of becoming mere appendages of the state."

That is an interesting thought. But that is all it is, and it is the trouble with this book. It touches on an intriguing thing, then moves on.

Another big idea is the connection between trade and peace. Ferguson quotes historian Norman Angell, who

wrote in *The Great Illusion* that interdependence made war unprofitable, and thus unlikely. Angell was right about the first part — it did make war unprofitable for every country that undertook it. But four years after Angell's book came out Europe plunged into World War I.

Which brings us back to Ferguson's central point: the world is not ruled by economics.

Ferguson quotes *The New York Times* columnist Thomas Friedman on his "Golden Arches Theory of Conflict Prevention." Friedman's theory is that no two countries with a McDonald's restaurant will ever go to war, because by the time they are advanced enough for McDonald's, they are beyond conflict. In fact, it was true for a long time. But in 1999 one nation finally broke the rule: the United States, by attacking Serbia. Ferguson adds, "This does not make Friedman as wrong as Norman Angell, of course; not yet, at least."

American wars, says Ferguson, have become distant enforcement actions, using troops in ways similar to Imperial Britain under Queen Victoria. The military itself has shrunken. In the century of 1814–1914, Britain never mobilized as much as 2% of its population for war. By contrast, in World War I it mobilized 9%, and in World War II, 10.4% — a greater mobilization than Nazi Germany's. By 1997, the proportion of Britons in the service had fallen to 0.37%, the lowest since 1816.

If economics always won wars, the United States would have bested Vietnam, and if voters always supported the ruling party during a boom, Al Gore would be president of the United States.

Or consider money. The United States currently spends 3.2% of GDP on the military. Britain spends 2.6%, and Germany, 1.5%. "These are figures reminiscent of the 1920s, if not the nineteenth century," Ferguson writes.

He does not approve: he thinks the world needs a hegemonic power, and that the United States lacks the will to do a crack-up job. He writes:

> The United States should be devoting a larger percentage of its vast resources to making the world safe for capitalism and democracy. This book has tried to show that like free trade, these are not naturally occurring, but require strong institutional foundations of law and order. The proper role of an imperial America is to establish these institutions where they are lacking, if necessary — as in Germany and Japan in 1945 — by military force.

Once again, he merely asserts the idea rather than arguing for it. In what way is Iraq, for example, comparable to Germany and Japan? How much would a more active imperialism cost? Five percent of GDP, he asserts. No mention of the dead and wounded.

And so it goes. The book is delightful when you agree with it and irritating when you don't. In either case it prances along from one topic to the next, as befitting a Christmas decorator with lots of fascinating ornaments but no one tree on which to hang them. ❑

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Writings on an Ethical Life, by Peter Singer, New York: Harper Collins, 2000, 362 pages.

The Price of Happiness

John Hospers

Peter Singer is an Australian philosopher who skyrocketed to fame with the publication of his book *Animal Liberation* in 1975. Principally because of this book and his subsequent *Practical Ethics*, his highly controversial views have gained considerable attention among philosophers, with the result that he was appointed professor of philosophy at Princeton University.

By his own account, Singer is a utilitarian, and the policies he favors are applications of the utilitarian system of ethics to particular cases. But it is not always clear what utilitarianism asserts, and there are different versions of it. The most popular form is summarized in the formula "the greatest happiness for the greatest number," but it is far from clear what specific policies are implied in these words.

"Happiness is that at which all men aim," said Aristotle in the opening of his *Nicomachean Ethics*. They may aim at other things, such as money and fame, but these are aimed at only as a means to happiness; happiness is what is aimed at for its own sake. One may ask "Why do you want money?" or "Why do you want to be famous?" but the question "Why do you want to be happy?" would strike most people as quite strange: happiness, said Aristotle, is not a means to anything else, but an end in itself.

Utilitarians do not take Aristotle's statement to be merely an empirical assertion about what people like or want. They take it to be a normative statement about what is *good* — good intrinsically, that is, good considered apart from its consequences, good even if it stood alone. All other things, if they are good, are good *instrumentally*, that is, as instruments to the achievement or increase of happiness.

But whose happiness? It could be one's own, or that of others. If it is only one's own happiness that one should consider, one is an *ethical egoist* — and there are many varieties of this view. An ethical egoist might say, "I admit that happiness is good wherever it exists — but what has that to do with what *I* should aim at? Let people be as happy as they can be, but I should consider only my own happiness."

Singer nowhere attempts to refute this view. Like other utilitarians, he goes from "Happiness is good" to "I should try to bring about happiness for everyone — i.e., I should try by my actions to maximize the amount of happiness in the world." This is, in fact, the principal tenet of utilitarianism, ushered in by John Stuart Mill, which led to the adoption of utilitarianism in the 19th century as the cornerstone of numerous reform movements, such as the reform of working conditions and the liberation of women.*

One should not confuse this view with "pure altruism," the view that one should consider *only* the happiness or well-being of others and ignore one's own happiness. In utilitarianism, you count yourself in the total, but as only one of many. If there are only two people involved (should it be you or I who sweeps the floor today?), each of the two should count equally. But if there are thousands of people to be considered, as with some highly desirable social policy that if enacted would cause you considerable distress or inconvenience, your own probable happiness or unhappiness wouldn't count very much in what would be a huge total.

The opposite of happiness is unhappiness: the more happiness there is in the world, the better, and the less unhappiness there is, the better. Unhappiness includes not only pain, but other states such as depression, dread, distress, and terror. (Similarly, happiness includes not only pleasure and similar "positive hedonic states" such as exhilaration and experience of "a high"; first and foremost happiness is the result of the realization of one's potential, which is a long-term affair — not merely a momentary state but the culmination of effort expended over a considerable period of time, through the cultivation of productive habits. Normally happiness doesn't just come to you, but is the result of your own prior activity.) If happiness in all its forms is labeled as plus, and unhappiness in all its forms is labeled as minus, we can say that the goal in utilitarianism is to maximize the amount of plus in the world and minimize the minus.

But one must be careful with this: the experience of pain is always a minus, but sometimes the infliction of pain by a surgeon is the only way to bring about the cure of the disease, so the minus (the pain) is more than counterbalanced by the plus. Though the pain was not intrinsically good (who would want pain for its own sake? — even a masochist desires it only for a special kind of satisfaction), it was in this case instrumentally good since it led to restored health. Similarly, anxiety and worry are hardly worthwhile states of mind of themselves, but if a person feels worried or distressed about something he may think of ways to alleviate that worry or distress, after which he no longer feels them.

If these results occur, we say "the result was worth it," or "the end (cure of the disease) justified the means (having the painful surgery)." Another example: a murderer is punished for

* John Stuart Mill, *Utilitarianism*. Longmans Green, 1859.

his crime, and punishment involves the infliction of various kinds of unpleasantness, which are intrinsically bad. What justifies the punishment according to utilitarianism is that this unpleasantness may become salutary to the murderer as well as known to others so as to lead them to avoid committing crimes in the future.

Suppose now that two acts, A and B, either of which you could perform, would have ten units of happiness as their total consequence (not only on oneself, but on everyone affected). So far, they would be equally worth doing, at least if there were no better alternatives. But if A has a consequence the occurrence of five units of unhappiness, but B does not have this consequence, then it is B that should be done: that is to say, B produces the greater amount of *net* happiness — that is, happiness produced after the unhappiness has been subtracted: 10 - 0 = 10, but 10 - 5 = 5. Utilitarianism strives always to maximize the amount of *net* happiness. Sometimes the alternatives open to you are both unhappiness-producing, such as when you have to choose between hurting Alice's feelings and hurting Barbara's, or between leading a military retreat involving one casualty and another involving two casualties — we call this "choosing the lesser of two evils": -5 is preferable to -10.

Suppose you have dreamed for years of buying an expensive new car, and now you finally can afford it. Should you buy it? No, says Singer; you can use the money to save the lives of quite a few Bengali refugees.

But as the last example illustrates, we have to consider not only the total quantity of happiness and unhappiness resulting from our actions, but the *probability* that these results will occur. If I win the lottery I'll be very happy, but the probability against this happening may be a million to one, so it would be unwise to count on it in my calculations for the future. By trying a new procedure, a physician may cause his patient's wounds to heal quickly, but the probability of its succeeding may be less than 50%, whereas if he sticks to a tried-and-true procedure the result is slower but there is a 95% probability that it will succeed. One multiplies the total net good to be achieved by the probability that it will occur. If some good outcome has only a 25% probability of occurring, one would be unwise to adopt it unless the results would be so stunningly good that even the low probability would justify it. One-hundred units of good x 50% probability is preferable to 60 units of good x 70% probability.

Of course, we cannot quantify these states of happiness or unhappiness, nor, for that matter, the probability of their occurring, with any precision. Even in simple cases we cannot do this: we can't even say that Johnny likes his ice cream cone exactly 1.7 times as much as Betty likes hers. About all we can say is "he likes it ever so much more than she does," or "he's willing to give up X, Y, and Z for it, but she's willing only to part with X for it." Considering the practical impossibility of exact quantification, we manage quite well in calculating probable consequences, at least in fairly simple cases: "even though all the children want to go on the picnic today, and the picnic had been promised, the sky is now extremely overcast and it seems nearly certain that we'll have rain before nightfall, so on the whole we'd better postpone the picnic."

Singer does not go in for quantification, but he uses the "approximate" method in his examples. A child is born both blind and deaf, and with such physical disabilities besides, as will cause what life she has to be filled with pain and discomfort — not only for her but for her mother or caretaker. In that case, though it is just possible that a cure will one day be found, it would be preferable to let her die rather than live a brief, agonized, and physically restricted life. Or, if a man has advanced Alzheimer's disease and has expressed a wish to die if he is ever in that state, he should be allowed to die, for no happiness or even much physical comfort can any longer be possible for him; on the other hand, if a patient's situation seems quite hopeless but he clearly wants to live, we would be depriving him of something important to him if we were to pull the plug, and so we let him live . . . and so on through countless examples. We consider the plus and minus consequences, and the probability of their occurring, before we reach the conclusion as to what should be done.

Now, however, an ambiguity arises. If doing act A would produce a total net happiness of 100 and doing act B would produce a total net happiness of 60, is it incumbent upon us to do A (assuming again that there are no better alternatives)? Yes, says classical utilitarianism: the alternative we should choose is always the one whose consequences contain the maximum possible net happiness. It is the *total quantity* that counts. This is the version presented, though not necessarily defended, by G. E. Moore in the opening chapters of his book *Ethics*.**

For any enterprise that is going to keep other people employed, you need working capital. Wouldn't Singer's scheme make it impossible for anyone to accumulate enough money to get a business enterprise going?

What if that quantity will be enjoyed by only one person, or a few people from a large group? That doesn't matter, says classical utilitarianism; we should do whatever will probably yield the best result, and the best result is the maximally happiness-producing result, regardless of to whom it goes. "But no," some will respond, "the benefit should go to as large a group as possible: a total net happiness of 60 would be preferable to a total net happiness of 100 *if* those 60 units benefit everyone, or a very large group rather than a very small one. The total amount is smaller, but the distribution is better." (Of course, hap-

** G. E. Moore, *Ethics*. Oxford University Press, 1910.

piness is hardly the sort of thing that one person can distribute to others, since each person must strive to realize it in himself; talk about distribution would be applicable only if we are referring to some benefit conferred by some people upon others, as in a charity.) "Is it better, with the limited facilities we have, to give 100 patients a mini-psychoanalysis, which may help some of them temporarily just a bit and some not at all, or would it be preferable to forget 90 of them and give a thorough psychological analysis to just ten, with far greater probability of lasting help?" This can be a very pressing question when there is a large number of potential beneficiaries and the resources available are very limited. Singer does not commit himself to either the total-quantity view or the equitable-distribution view; he wants the greatest benefit possible to be conferred, but he is also committed to spreading the beneficence-net as wide as possible. But, of course, sometimes one has to choose between them.

Sometimes the total-quantity accounting will turn out in your own favor — you will benefit more than most others from someone's act or the application of some general rule. But sometimes it may work against you. It doesn't matter either way as long as the maximum-total-happiness criterion is fulfilled. If there is an outcome favorable to you, that is only because the outcome fulfills the maximization of happiness criterion, not because of any partiality in the utilitarian criterion. Utilitarianism is person-indifferent, but not outcome-indifferent; it always favors the best outcome, regardless of which individuals it benefits most.

There is one more complication. Usually it is to your benefit to be honest and truthful to others: the liar and the cheat will sooner or later be found out for what they are. But not always. Sometimes a person can repeatedly defraud another person and get by with it (particularly if he changes victims frequently), perhaps not just sometimes, but all the time (though figuring on it is risky). Sometimes nobody ever finds out. In fact, if you are benefited by a +50 and the total detriment to others because of your act is -40, there would be less harm in your cheating someone than there is benefit to you in doing the cheating. In such a case, according to utilitarianism, wouldn't it be all right for you to cheat?

Indeed it would, as we have considered utilitarianism thus far. We have considered what has come to be called *act-utilitarianism*, which considers the consequences of the individual act in question. But examples such as the one just given have led some persons to adopt *rule-utilitarianism*, the view that one should estimate the consequences not of the individual act but of the rule under which it falls. Maybe sometimes it pays to defraud someone (you are never found out), and maybe sometimes they aren't harmed by it as much as you are helped, but still, one can't be sure that things will ever turn out this way, and the advisable course of action is to go by the consequences of adopting certain *rules* of action rather than focusing entirely on the consequences of individual acts. Thus, following the rule "Never defraud others" would probably be a better rule, a rule whose adoption would have better consequences, than following the rule "Defraud others when you feel like it" or even "Defraud others when you think you can get by with it." In general, it's better (more happiness-producing) to be honest than to be dishonest; there may be occasional exceptions, but you can't really know what they might be, and if you disobey the rule even once and anyone finds out, they will be unlikely to trust you again; so, *stick to the rule!* In deciding on family policy, and most of all on which rules in a society should have the force of law, adopt those rules which will be maximally happiness-producing, even if some individual applications of them might not be so. Unfortunately, Singer never mentions rule-utilitarianism as a possibility, though it might present a way out from some situations in which one might find act-utilitarianism to be unacceptable or implausible.

"Sir, the man from the Federal Regulatory Agency is here."

Poverty Relief

The number of people in the world who are hungry or near starvation is almost incalculable — it runs in the hundreds of millions. A gift of a comparatively small amount of money from us would save many lives — a gift of less than $100 would keep a starving child in Asia or Africa alive for a year. When so small a sacrifice by us would give food to the hungry and renewed life to the starving, can there be any doubt, asks Singer, that utilitarianism requires of us no less than this? So small a cost, so great a benefit; surely it is clear where our duty lies.

That in all these pages in which Singer exhorts us to give and give there is no mention of the main reason why there is such great need, seems to me inexcusable.

"But by not giving I'm not *doing* anything — I'm not committing any action, like murder, against anyone else." Not so, says Singer; by not rescuing a drowning child, I am committing a wrong. It is not only overt actions, but also failures to act, which cause harm. Failing to give to famine relief is as much a wrong as failing to rescue the drowning child.

> Because giving money is regarded as an act of charity, it is not thought that there is anything wrong with not giving. The charitable man may be praised, but the man who is not charitable is not condemned. People do not feel in any way ashamed or guilty about spending money on new clothes or a new car instead of giving it to famine relief. (Indeed, the alternative does not occur to them.) This way of looking at the matter cannot be justified. When we buy new

clothes not to keep ourselves warm but to look 'well dressed,' we are not providing for any important need. We would not be sacrificing anything significant if we were to continue to wear our old clothes and give the money to famine relief. By doing so, we would be preventing another person from starving. . . . We ought to give money away, rather than spend it on clothes which we do not need to keep us warm. To do so is not charitable or generous. Nor is it the kind of act which philosophers and theologians have called 'supererogatory' — an act which it would be good to do but not wrong not to do. On the contrary, we ought to give the money away, and it is wrong not to do so. (p. 110)

But how much should we be required to give?

One possibility . . . is that we ought to give until we reach the level of marginal utility — that is, the level at which, by giving more, I would cause as much suffering to myself or my dependents as I would receive by my gift. This would mean of course, that one would reduce oneself to very near the material circumstances of a Bengali refugee . . . [Earlier I put forward] both a strong and a moderate version of the principle of preventing bad occurrences. The strong version . . . does seem to require reducing ourselves to the level of marginal utility. I should also say that the strong version seems to me to be the correct one. I proposed the moderate version — that we should prevent bad occurrences unless, to do so, we had to sacrifice something morally significant — only to show that even on this surely undeniable principle, a great change in our way of life is required. On the more moderate principle, it may not follow that we ought to reduce ourselves to the level of marginal utility, for one might hold that to reduce oneself and one's family to this level is to cause something significantly bad to happen. Whether this is so I shall not discuss, since, as I have said, I can see no good reason for holding the moderate version of the principle rather than the strong version. Even if we accepted the principle only in its moderate form, however, it should be clear that we would have to give away enough to ensure that the consumer society, dependent as it is on people spending on trivia rather than giving to famine relief, would slow down and perhaps disappear entirely. (115)

Suppose that you have dreamed for years of buying an expensive new car, and that now by dint of economizing and denying yourself luxuries you finally can afford it. Should you buy it? No, says Singer; you can get by just as well with a used car, and then you can use the rest to save the lives of quite a few Bengali refugees. Better still, you can do without a car and take the bus to work — or better yet, save the bus fare and walk to work.

Can he really mean all this? Let's see:

How about treating yourself and your partner to dinner at your favorite restaurant? But wait. The money you will spend at the restaurant could also help save the lives of children overseas! True, you weren't planning to blow $200 tonight, but if you were to give up dining out just for one month, you would easily save that amount. And what is one month's dining out, compared with a child's life? There's the rub. Since there are a lot of desperately needy children in the world, there will always be another child whose life you could save for another $200. (121)

How far should one go with this? Singer writes,

I can see no escape from the conclusion that each one of us with wealth surplus to his or her essential needs should be giving most of it to help people suffering from poverty so dire as to be life-threatening. That's right: I am saying that you shouldn't buy that new car, take that cruise, redecorate the house, or get that pricy new suit. After all, a $1000 suit could save five children's lives.

How does this break down in dollars and cents?

An American household with an income of $50,000 spends around $30,000 annually on necessities, according to the Conference Board, a nonprofit economic research organization. Therefore, for a household bringing in $50,000 per year, donations to help the world's poor should be as close as possible to $20,000. Then the $30,000 required for necessities holds for higher incomes as well. So a household making $100,000

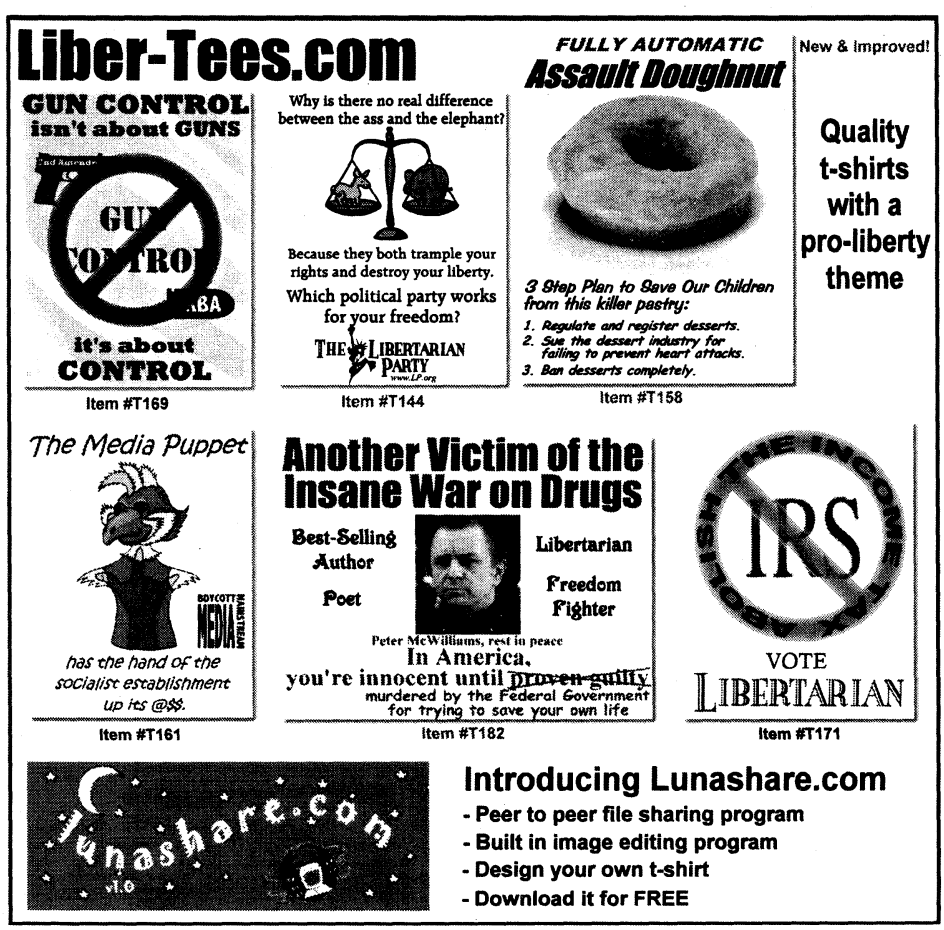

could write a yearly check for $70,000. Again, the formula is simple: whatever money you're spending on luxuries, not necessities, should be given away.

I have quoted Singer at length in order to convince the reader that I am not distorting his meaning. Now, what is one to make of it all? I do not propose here to introduce some other theory of ethics, such as some form of Randian egoism, intended to refute Singer at the root. I shall confine myself to asking a few questions about his account, such as whether it really implies what he says, and that if it does, should we find it all acceptable? Some assorted reflections:

I knew of course that cows and pigs were raised to be killed, but I reflected that they do not dread death as people do, and that when the fatal day came for them, their end was unanticipated and relatively painless.

(1) Can we really write that $70,000 check *after* paying income taxes? I know of no family that could. Perhaps then what are called necessities aren't "really" necessities? Maybe they aren't, if we are prepared to live on algae or dried leaves. But how can we do it in a modern industrial society, which requires large outlays of capital, and vehicles for getting to work, and lots of money to pay employees (or are they supposed to work on starvation income too)? And what about property taxes and paying on the mortgage — or are we not supposed to own our own homes (but someone has to)? And meanwhile, are you not supposed to save something for your own retirement or to have no cushion to keep you from bankruptcy in case of dire emergency? And if you can't save for retirement, who is going to take care of you when you yourself retire? Are you supposed to keep yourself forever financially vulnerable, with all the insecurity that goes with it? Are you condemned later to rely on the generosity of others? And how could they be generous if they too are giving $50,000 a year to famine relief?

For any enterprise that is going to keep other people employed, you need working capital; for many things you need lots of money to start with. Wouldn't Singer's scheme make it impossible for anyone to accumulate enough money to get a business enterprise going? When you start a business you have to have some reserve capital to insure yourself against sudden reverses — but how is this to be done if you can't accumulate the capital? You can't conduct a million-dollar business while living on the margins.

Singer himself says, "The value and necessity of economic growth are now being questioned not only by conservationists but by economists as well" (116). I scarcely know how to respond to this in a finite space, other than to say that without economic growth there will soon be no wherewithal for giving these huge amounts of money to overseas poor, or, for that matter, to the poor in our own midst.

(2) Much of the poverty in the world is self-caused. If your friends haven't taken care of themselves, such as eating healthful foods and taking some exercise, their own health will deteriorate and the medical results may be very costly. Hospitals are full of patients whose conditions could have been prevented with a little effort; are we supposed to help pay for these expenses? Are you supposed to pay them for making the mistakes you warned them against?

With regard to overseas poverty, we have less control over that than we may have over our friends, but some suggestions are still in order. What if our agronomists advise the Bengalis how to cultivate their land more fruitfully, or to grow more healthful crops, or in other ways to improve their lot, and they don't do it, as a result of habit or superstition? What if they catch diseases as a result of ignorance or carelessness? Most important, should we pay for the women who become pregnant once a year? Must we pay to sustain their oversize families because they do not or will not institute methods of birth control? Why shouldn't "family planning" be a prerequisite for continued aid? Or must we continue shelling out regardless of circumstances? Singer doesn't give us much help on this.

(3) If we adopt Singer's recommendations, what will this do to human motivation? You work hard to pay for that new car. If you can't have it, and give the money to overseas famine relief, what will that do to your future motivation to keep working? One may say that you *ought* to be motivated to help others in need as strongly as you are to buy something for yourself with the money you've earned, but, in fact, people are not motivated in this way, and there is no prospect of any such radical change in human nature in the foreseeable future (even assuming it to be desirable). If a child is repeatedly forced to give away his toys without getting any new ones, he may develop such a frame of mind that he will not feel like helping anyone else ever again.

(4) Nowhere does Singer mention totalitarianism as a cause of poverty. But if one is to list the causes of poverty, surely living in a nation that lacks economic freedom is number one on the list. People are poor, not as a rule through lack of enterprise, but because the regime under which they live does not permit them to prosper. Yet Singer says not a word about the poverty-causing nature of totalitarian regimes. He condemns the Nazis for the killing of Jews (including Singer's own grandparents), but he has nothing to say about the vast slave-system which was the Soviet Union and how such sys-

Sooner or later you will be faced by the choice: it's either you or the rats, both can't live together under the same roof. Is it wrong to get rid of them by killing them — as painlessly as possible, of course? Or would Singer tolerate their presence no matter what the cost?

tems keep everyone except a few at the top living at virtual starvation-level. That in all these pages in which we are exhorted to give and give, there is no mention of the main reason *why* there is such great need, seems to me inexcusable. Would Singer still be exhorting us to help to sustain leprosaria even after leprosy had been cured? I cannot help but wonder.

(5) The positive good in human life, according to utilitarianism, is happiness. But whenever Singer gives examples, it is almost always the prevention of famine and starvation overseas (as if North and South America did not have enough examples). There is little mention of positive goods, such as having a pleasant vacation or just enjoying life in general. It's true of course that if you are starving you can't really enjoy yourself (though some excellent books have been written on something less than a full stomach), and perhaps Singer wants us to help the poor so that they can enjoy themselves as we can. Perhaps so. But the impression left is that his conception of happiness is itself somewhat poverty-stricken. It does not evoke any images of what is, in Aristotle's terms, "the good for man."

Animal Rights

Reading Singer's *Animal Liberation* was a traumatic experience for me. Having been brought up in rural Iowa, I was accustomed to seeing cows and horses grazing in a pasture in apparent contentment. They would also be fed and watered regularly, and provided with shelter in cold weather. On the whole, I often considered them better off than many people, especially poor people, and often envied their lot. I knew of course that cows and pigs were raised to be killed, but I reflected that they do not dread death as people do, and that when the fatal day came for them, their end was unanticipated and relatively painless.

Then when *Animal Liberation* appeared, I was so disturbed by Singer's description of what cows and pigs, and veal calves most of all, are made to endure in slaughterhouses that I had nightmares about it. I was anxious to get laws passed, not to prohibit the raising of pigs and cattle, but to prohibit the cruel practices that Singer described, and wanted very much for the owners of factory farms to be imprisoned until these practices were abolished. But I soon realized what a huge enterprise the meat industry is, and what enormous difficulties one would encounter in trying to change the situation: an army of enforcers would be required, and probably the only long-run solution would be a total ban on the raising of livestock. In view of Americans' appetite for meat, such a change, I thought, would be well-nigh impossible, and could only take place very gradually over a generation or more of educating the public and changing its tastes.

Many people who are far from indifferent to the fate of their fellow human beings are quite indifferent to the suffering of animals. More than 200 years ago Jeremy Bentham wrote in his *Principles of Morals and Legislation*:

> The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? Nor Can they *talk*? But Can they *suffer*?

Animals have interests — that is to say, there are things that they seek and other things that they avoid, some things in which they have a positive interest and others in which they have a negative interest, some things which turn them on (such as food and drink) and others which turn them off (discomfort and pain). A stone does not have interests: however much it is kicked or dropped, it does not suffer. But animals do, and Singer uses the same arguments to condemn cruelty to animals as he does to condemn cruelty to people. He doesn't tell us how primitive an organism must be (worms? amoebas?) in order to be described as experiencing pain. I assume that he would include fish. I assume that he would refrain from eating lobster because, he believes, the lobster experiences pain when the temperature of the water in which it is immersed rises to near the boiling point. Singer in fact is a total vegetarian (vegan), eschewing even the use of milk and eggs.

One implication of Singer's view is clear: we should not kill, torment, or in any way harm non-human animals, any more than we should harm humans.

The mistake of his opponents, he says, is *speciesism*.

> Racists violate the principle of equality by giving greater weight to the interests of their own race when there is a clash between their interests and the interests of those of another race. Sexists violate the principle of equality by favoring the interests of their own sex. Similarly, speciesists allow the interests of their own species to override the greater interests of members of other species. The pattern is identical in each case. (35)

Most human beings are speciesists. Not just a few cruel and heartless people, but the vast majority, take an active part in sacrificing the interests and the very lives of members of other species in order to promote even the most trivial interests of their own species. There are some interests that a cow does not have; it does not reflect on the inevitability of its own death; but there is no doubt that mammals feel pain as much as human beings do. If you have seen a dog whose leg has just been severed in a mowing machine, you can hardly deny that the dog is in great pain — and the same for a cow who is dismembered while it is still alive in the slaughterhouse, making all the noises we associate with pain and terror. The cow's nervous system is also highly similar to ours,

rendering still more implausible the idea that it merely "gives off behavior but has no feeling." "The nervous systems of animals evolved as our own did," writes Singer, "and in fact the evolutionary history of human beings and other animals, especially mammals, did not diverge until the central features of our nervous systems were already in existence."

What are the implications of this for our behavior? One implication is clear: we should not kill, torment, or in any way harm non-human animals, any more than we should harm humans. We can see at once what Singer's view does to hunting, bullfighting, cockfighting, even horse-racing (maybe the horse gets to like it, but not when it is being broken in, or hitched to a wagon). In all these cases we force animals into activities that are unwelcome to them, and in most cases quite painful to them, however much amusement they may bring to their human spectators.

The case of medical experiments conducted on animals is divided: Singer believes that most animal experimentation is unjustified — those doing the experiments endlessly repeat one another's experiments, perhaps to finish a doctoral dissertation, and meanwhile the animals are subjected to imprisonment, electric shock, and countless tortures. There are especially moving cases, such as the one shown on television in which a chimpanzee has gained considerable affection and mutual understanding with his keeper over a period of time, and the keeper's job then changes to another state, but when he returns some six years later, the chimpanzee, who has been imprisoned in a small cage all these years, greets him with all the affection and emotionality of a lost brother. The similarity of human emotions to chimpanzee emotions is here clearly shown. Still, there are occasions when animal experiments help to cure diseases of both humans and animals.

Singer's conception of happiness is itself somewhat poverty-stricken. It does not evoke any images of what is, in Aristotle's terms, "the good for man."

But is the taking of animal life always wrong? If Singer says yes, I would be interested in his response to this familiar situation: you find a few rats somewhere in your house. Being no speciesist, you let them be. But in a few months they have spawned many more rats. Not only do they make noises at night, they eat your food, and if permitted to continue they would become not merely a pest but a scourge. Are you supposed to continue to have your house invaded by rodents until they multiply into the thousands? "Get a few cats," we may say; but the cat would be there just to do your dirty work for you. Sooner or later you will be faced by the choice: it's either you or the rats, both can't live together under the same roof. Would it be wrong in these circumstances to get rid of them by killing them — as painlessly as possible, of course? Or would Singer tolerate their presence no matter what the cost? (Or would he say that killing them is all right if it can be labeled as self-defense? But this opens the killing-door quite wide.)

We are quite sure that we should condemn the trapping of animals, and the smoking out of young coyotes in their lair by the government agents who are paid to kill them. "But if the coyotes survive, they will kill our cattle. That's why we hired you to get rid of the coyotes." It does seem to be an either/or situation; you can't train coyotes not to hunt and kill. There is a dilemma here which occurs whenever we are confronted with situations in which animals left on their own will destroy one another. We like the baby lion in *Born Free* and cheer when it is successfully returned to the wild; but in the wild it will eat the antelopes and other prey which we also like. We are presented with the difficult choice of which to kill. Some years ago rabbits were introduced into Australia, and multiplied until they endangered many of the native species; finally Australians killed them in droves, by any means possible, in order to keep the native fauna in existence and so as not to be overrun with the newly imported mammals (Australia has no native mammals). Was it wrong for them to do so?

"Sometimes then the taking of animal life is necessary." Yes, but the question is, necessary *for what*? For continuing to live in our own house? For safety from wild animals and poisonous snakes? Or perhaps for our very existence? Or, more likely, for our existing in a certain part of the earth. Suppose you had been a member of the Lewis and Clark expedition in 1802; you could hardly have survived on fruits and vegetables — there were hardly any, and the Indians didn't grow them. Lewis and Clark, as well as the Indians, had to kill animals to survive — and the same for most human beings in history, since agriculture was unknown until less than 10,000 years ago. Or is someone going to say, "Then human beings shouldn't have survived at all"? Or perhaps, "It would have been wrong for them to settle in areas where there were no fruits and vegetables"?

We like the baby lion in Born Free and cheer when it is successfully returned to the wild; but in the wild it will eat the antelopes and other prey that we also like.

Whatever we conclude about these controversial matters, I deplore the practices current on factory farms as perfectly unnecessary cruelty. I am far less confident about the wrongness of raising cattle for market if they are humanely treated throughout their lives, as they often were in the pre-factory-farm era. Weighing the enjoyment people derive from the taste of meat against the discomfort of cattle before their demise in the slaughterhouse on their last day of life, I am not at all sure that the enjoyment of meat-eaters, which is considerable, is worth the price.

According to classical utilitarianism, it would seem to be acceptable to cause ten units of discomfort to Smith if I could thereby bring about 20 units

of enjoyment to Jones. Twenty is greater than ten, to be sure. But one argument against this conclusion is that nobody asked Smith whether he would willingly take on ten units of discomfort in order to increase Jones' comfort by 20 units. And if you were the cow, it is doubtful that you would be willing to give up your life, even painlessly, in order to provide beef-eaters with their favorite enjoyment. But of course the cow, not having free will, cannot exercise such a choice, so we make the choice for the cow. Fortunately for simplicity, Singer seldom distinguishes between the discomforts we willingly endure and those which are forced on us by others.

It cannot be said that the pains that animals endure are endured willingly.

> The ways in which creatures in nature die are typically violent: predation, starvation, disease, parasitism, cold. The dying animal in the wild does not understand the vast ocean of misery into which it and billions of other animals are born only to drown. If the wild animal understood the conditions into which it is born, what would it think? It might reasonably prefer to be raised on a farm, where the chances of survival for a year or more would be good, and to escape from the wild, where they are negligible. Either way, the animal will be eaten. Few die of old age. The path from birth to slaughter, however, is often longer and less painful in the barnyard than in the woods . . . The misery of animals in nature — which human beings can do much to relieve — makes every other form of suffering pale in comparison. †

Human beings have caused only a small part of the vast suffering that exists among non-human animals. To make that part smaller is our responsibility as human beings. But where the limits should be placed on that area of responsibility remains a matter of dispute between Singer and his critics. ❑

† Marc Sagoff, "Animal Liberation and Environmental Ethics," *Law Journal* 22.2 (1993), 297. Reprinted in John Hospers, *Human Conduct*, Harcowt Brace, 1996, Third edition, 256.

Erratum

In the June issue of Liberty, our typographers failed to indent passages quoted by Jeff Riggenbach in his review of *The Art of Political War and Other Radical Pursuits* by David Horowitz. We apologize to Riggenbach and Horowitz and to our readers. The quotations should have appeared as follows:

Horowitz makes no bones about his answer.

> Republicans often seem to regard political combats as they would a debate before the Oxford Political Union, as though winning depended on rational arguments and carefully articulated principles. But the audience of politics is not made up of Oxford dons, and the rules are entirely different.
>
> You have only thirty seconds to make your point. Even if you had time to develop an argument, the audience you need to reach (the undecided and those in the middle who are not paying much attention) would not get it. Your words would go over some of their heads and the rest would not even hear them (or quickly forget) amidst the bustle and pressure of daily life. Worse, while you have been making your argument the other side has already painted you as a mean-spirited, borderline racist controlled by religious zealots, securely in the pockets of the rich. Nobody who sees you this way is going to listen to you in any case. You are politically dead.

Consider as an example, Horowitz suggests, the issue of the capital gains tax.

> Most Americans do not know what "capital" is, let alone a capital gain. If you had an hour (instead of thirty seconds) and were able to explain to them why a capital gains tax might be a double tax, it would probably make no difference at all. When you were finished most of them would shrug their shoulders and say "Let them pay it anyway. They're rich enough." They have no idea of how the economy works, what an incentive system is, or why the stock market is more than a gambling casino. Talk about capital gains tax cuts is only important to those who understand them, and they are already mostly Republicans.

What, then, would Horowitz have Republicans do?

> When you speak, do not forget that a sound bite is all you have. Whatever you have to say, make sure to say it loud and clear. Keep it simple and keep it short – a slogan is always better. Repeat it often. Put it on television. Radio is good, but with few exceptions, only television reaches a public that is electorally significant. In politics, television is reality.
>
> Of course, you have a base of supporters who will listen for hours to what you have to say if that is what you want. In the battles facing you, they will play an important role. Therefore, what you say to them is also important. But it is not going to decide elections. The audiences that will determine your fate are audiences that you will first have to persuade. You will have to find a way to reach them, get them to listen, and then to support you. With these audiences, you will never have time for real arguments or proper analyses. Images –symbols and sound bites – will always prevail. Therefore, it is absolutely essential to focus your message and repeat it over and over again. For a candidate this means the strictest discipline. Lack of focus will derail your message. If you make too many points, your message will be diffused and nothing will get through. The result will be the same as if you had made no point at all.

Again, addressing the matter of what might be called Democratic versus Republican style, Horowitz writes that an

> advantage of the Democrats' rhetoric is that it speaks directly to the American people about things they understand – the concrete lives of their fellow human beings. Speaking about women, children, minorities, working Americans, and the poor makes the connection. It establishes a link between speaker and listener, appearing to come from the heart. If it comes across sincerely, it immediately identifies the speaker as a friend. Republicans, by contrast, tend to speak in abstract language about legalistic doctrines and economic budgets. They sound like businessmen, lawyers, and accountants. They argue the virtues of flat taxes versus value-added taxes. They talk about capital gains tax cuts. They speak from the head instead of the heart.

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Israel by nearly all the Arab countries is the product of Israel's "culture of expulsion," not religious hatred. This is patently untrue. From laws that in many cases forbid Jews from being carried as passengers over their countries, to Syria's and Egypt's publication of Holocaust denials, official and unofficial anti-Semitism has been a hallmark of Arab statehood. It stems from the Koran, which depicts Mohammed's adoption of anti-Semitism after the Jews of Medina refused to accept his religious and political claims.

A resentment of expulsion doesn't explain why Syria, Jordan, Egypt, and Iraq joined in an attack on Israel as soon as it was proclaimed a state — an attack that received rhetorical and material support from nearly all the other Arab states. That they did so in defiance of the very same United Nations that they embrace now adds to their hypocrisy. Of course, Egypt and Jordan could have created a Palestinian state within their own borders at any time, had that really been their concern.

Finally, I have yet to see Ahmad or the "world opinion" express any sympathy for the hundreds of thousands of Jews expelled from Arab countries in the middle of the last century. The family of a friend of mine had their homes and businesses looted and destroyed, their persons assaulted, and two even killed in Tunisia — a land they had inhabited for centuries.

Richard Solomon
Los Angeles, Calif.

Israel, Democracy, and America

My learned friends who wrote in to disagree with Imad-ad-Dean Ahmad's views could not confine themselves to discussing those views; instead, they went out of their way to denounce Arab governments, despite Ahmad's own statement to the effect that he was not defending them. I am no fan of regimes in Moslem countries, but I feel that changing those regimes is a job for the people who live there, as they are far better suited to coming up with something that suits them than we are, with our unhappy track record of applying the belief that one solution will fit all cases.

I have long wondered why we in the United States seem to feel that no matter what, we should support Israel. Israel may be more democratic than its neighbors, but democracy in and of itself is not necessarily a good thing — most pirate ships were run along fairly democratic lines, after all. Also, we have never chosen our allies purely on the basis of their adherence to democratic ideals; had we done so, we'd have had to spurn the assistance from France and Spain that enabled us to win independence from Great Britain.

Our leaders act as though we're in debt, somehow, to Israel. Can someone kindly identify for me precisely when this debt was incurred, and its extent? I cannot think of a single thing that Israel has done for us that we couldn't have done better for ourselves, and our adherence to it has cost us a great deal of trouble and given our enemies abroad loads of wonderful free ammunition to fire at us. We started out in the Middle East with a clean slate, but we're now so identified with Israel that our attempts to broker a peace agreement are futile.

If some Americans wish to support Israel with their own money and efforts, they may do so with my blessings. However, I object strenuously to being dragged into this quarrel by virtue of my American citizenship, and being dragged in on the side that I honestly think is wrong infuriates me. I do not wish to be used as cannon fodder or a money mine so that some of my compatriots can scratch various itches.

Eric Oppen
Iowa Falls, Iowa

What Kind of Magazine Is This?

I love your magazine but I will never read it again. You published an article that had a point of view opposite to my own, thoughts and ideas so reprehensible that I can't believe you endorse them. You published them so you *must* endorse them. I have never been so insulted in all my life. What are you trying to do? Do you really expect your

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readers to think about what they are reading? You should only print opinions and ideas that we all agree upon, otherwise readers will have to refute the thoughts of others with facts and opinions of their own. This could lead to debate! You are anti-libertarian by forcing us to rethink our own positions. This could cause people to change their points of view, or worse, it could strengthen what they already believed!

Matthew Welkley
Los Angeles, Calif.

Trashing Republicans

In the June issue of *Liberty*, Jeff Riggenbach published what professed to be a review of David Horowitz's *The Art of Political War*. He spent the first third of the article discussing the book, and the rest on attacks of the GOP — attacks that had no connection to the book.

For example, many Republicans support the drug war. For this reason, Riggenbach claims that he can divine the contents of Horowitz's mind and that Horowitz favors the drug war as well — even though Horowitz doesn't mention it in his book. As well he shouldn't — bringing up opposition to the drug war just drives away many who otherwise would recognize themselves as firm libertarians, and who could have eventually been convinced of the failure and stupidity of the drug war, if only the subject had been brought up after they had accepted libertarian thinking. Support of drug legalization does not correlate well with other libertarian sentiments.

Riggenbach employs the almost obligatory libertarian attacks on the GOP. Republicans have done little to shrink government. True, but they have not had real political control in America since 1932; Republican presidents have been faced with Democratic majorities in Congress. The Republicans since 1994 have had majorities in Congress, but only very slim ones, and the left has held all the other levers of power: courts, media, universities, and unions. Republicans must accept some of the blame for their failure to grasp political tactics — but this is precisely why Horowitz wrote his book.

Riggenbach ignores the fact that Republicans have had a few successes in battling expansion of the federal government. They have ended deficit spending (a prime weapon of the statists in expanding government), defeated the nationalization of the entire health-care industry, and ended the welfare entitlement. The purists who spend their time and energy attacking the GOP are almost all associated with the Libertarian Party, which has done exactly nothing to shrink the growing megastate, or accomplish anything else.

Edward Rahn
North Miami, Fla.

Drugs — A Moral Question?

David Friedman's "The Economics of Drug Violence" (June) is well written, but drug prohibitions are based upon morality, and thus morality must become the issue in drug debates if the public is ever to support drug legalization.

The average reader wants to know "what can I do" with regard to drug laws, and probably the most productive approach is not to discuss the market economics of illicit drug distribution.

Mark Davis
Kansas City, Kan.

"Words" *by Dave Kopel from page 34*

Etymologists are unsure of whether "welsh" (swindle) actually derives from a slur on the Welsh, and thus whether the word should offend Cambrian-Americans.

"Piker," on the other hand, meaning a person who does things in a petty or stingy manner, is a slur first applied to people from Pike County, Mo., and then to Missourians in general. The slurrers were Californians annoyed by the influx of rural Missourians during the 1849 Gold Rush. Perhaps if Clinton had apologized, Gore might have carried the Missouro-American vote, and wouldn't have needed to invent extra votes in Florida.

Finally, if we really want to ensure that our choice of words doesn't divide Americans along ethnic lines, we ought to stop referring to blacks as "African-Americans," since, as Theodore Roosevelt put it, "There is no room in this country for hyphenated Americanism." ❑

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Terra Incognita

Washington, D.C.

Curious episode in the fight against gun violence, from a dispatch in *Gun News*:

> A woman has been found guilty of shooting a 23-year-old she thought responsible for her own son's shooting death. The woman spent last Mother's Day at the Million Mom March where she "'spoke out against gun violence.'"

Coquitlam, B. C.

A mother's love can penetrate the toughest prison, from a report in *The Tri-City News*:

> To get her son to stop smoking, a woman has contacted the authorities of the mental hospital where her son has been involuntarily committed for 18 years. She has requested that he be put "in a non-smoking ward" so that he would use the $48 he spends monthly on a carton of cigarettes for "healthy treats, like fruit."

Britain

Advance in consumer protection, reported in the *Seattle Post-Intelligencer*:

> A man has been found guilty of selling produce in pounds and ounces, contrary to the Weights and Measures Act. The man, dubbed the "Metric Martyr," faces a $1,500 fine for each count and about $90,000 in court costs.

Seattle, Wash.

Encouraging news, in the *Seattle Weekly*:

> King County "wastewater leaders" have announced that people should not worry that mass flushing during the commercial breaks of major sporting events will flood sewage treatment plants. A leading figure has proclaimed that people "can flush freely . . . without fear of consequence."

Wisconsin

New priorities in America's heartland, from the *Milwaukee Journal Sentinel*:

> Shoe stores were recently besieged by people searching for Nike Air Jordan XIs, a new basketball shoe style. In their rush for shoes people dented door gates, tore a door off its track, beat on store windows, and one man even "threatened to shoot somebody."

Mesquite, Texas

An advance in safety, or perhaps pollution control, from the *Mesquite Morning News*:

> Police have announced that motorized scooters are "illegal to ride on public streets and sidewalks" and have started ticketing users. The Department of Transportation said that scooters could not be registered as motor vehicles because they would not pass a safety inspection. Said one officer: "Unless you've got land or a private place, you can't ride them."

Gastonia, N.C.

Enlightened jurisprudence from the Tarheel State, from a dispatch in the *Seattle Times*:

> A man who skinned and beheaded his mother's mixed pit bull received three years probation and an order from the judge "to read the 'Lassie' books."

Milwaukee, Wis.

The thin blue line that separates lawfulness from anarchy, from a dispatch in the *Milwaukee Journal Sentinel*:

> Police recently initiated a crackdown on ticket scalpers at sporting events. As a result, numbers of people with no prior record of illegal ticket sales, some of them season ticket holders, were arrested. They were then placed in a van, told they were no longer welcome at the arena, searched, placed in a "bullpen" for hours without a phone, fingerprinted, and required to sign a statement saying they wouldn't return to the arena.

Austria

The progress of eco-tourism in central Europe, reported by the *Seattle Times*:

> The province of Vorarlberg will no longer use explosives to dispose of cow carcasses in remote areas. Among the reasons cited was a concern that tourists would "be put off by the exploding cadavers and possible contamination of ground water."

Burien, Wash.

Curious religious practice in suburban Emerald City, noted in the *Highline Times/Des Moines News*:

> Two teen-age males were seen "riding their bicycles almost naked" through a park while "screaming loudly about the Lord." Police investigated, and the situation "was settled without further incident."

Terre Haute, Ind.

Interesting development on the banks of the Wabash:

> The Chamber of Commerce has asked for government aid to compensate local businesses for lost revenue from the postponement of the execution of Timothy McVeigh.

Britain

Curious advance in military science, reported by the British Broadcasting Company:

> Several women have received breast-enlargement operations at a military hospital, the operations have been defended as "medically necessary" by the Ministry of Defence.

New York

Curious remark from an anti-gun activist, from *The Washington Times*:

> "Something must be done to get . . . guns off our streets. If Cuba can do it, why can't we?"

Thanks to Clark Stooksbury, Ivan Santana, Russell Garrard, George Mason, Paul Geddes, Don Gough, and Matt McCally for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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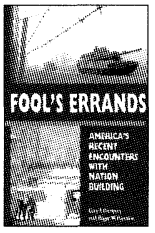

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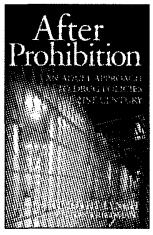

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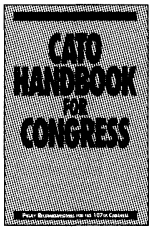

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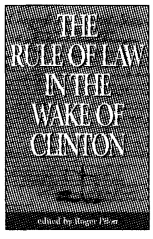

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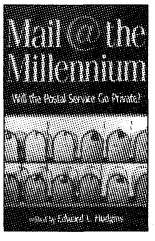

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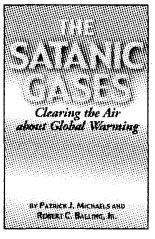

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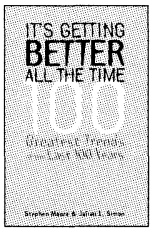

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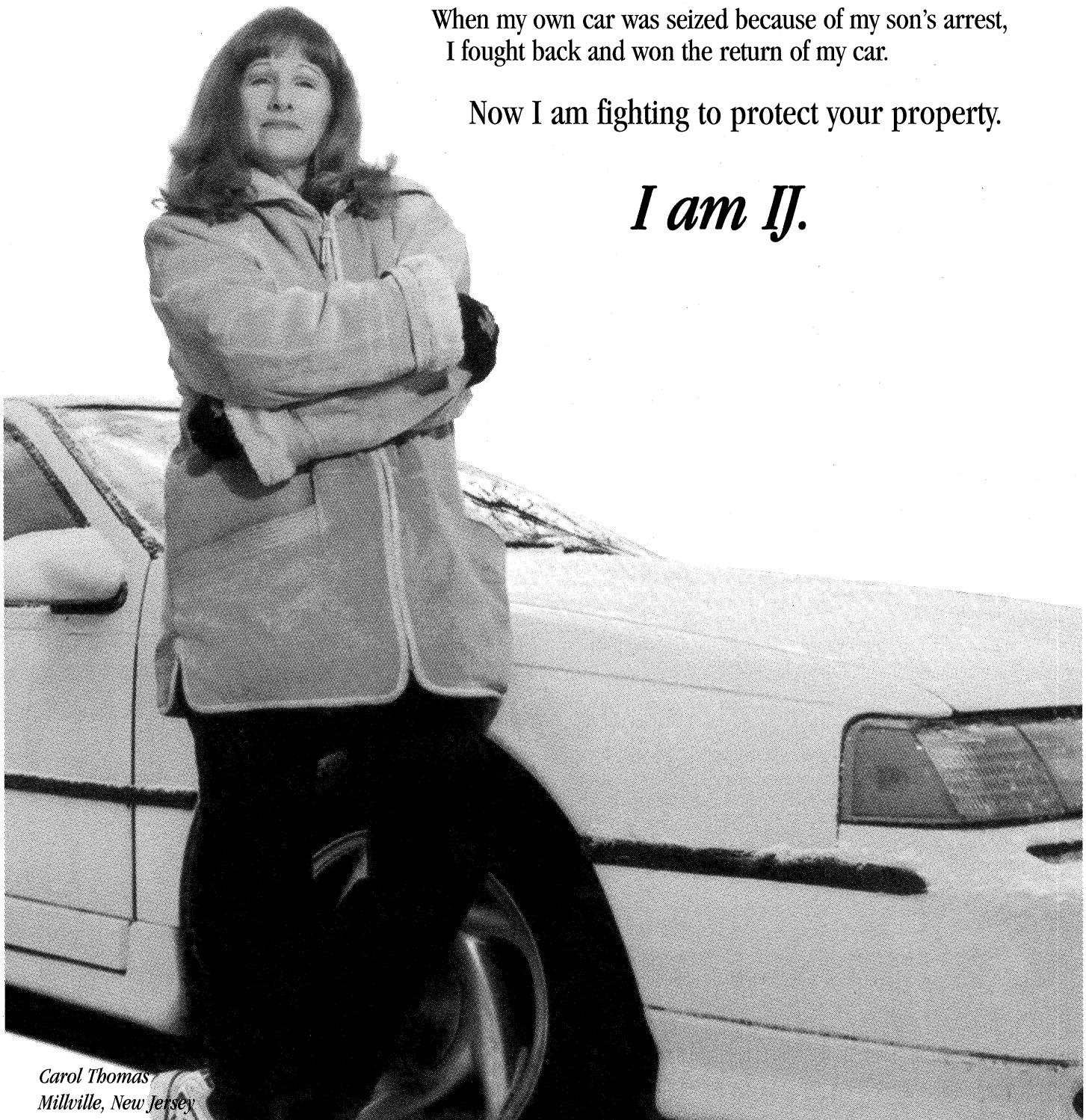

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"Dear is Country, but Liberty is dearer still." — *Latin Proverb*

Free Markets Aren't Conservative

by Sheldon Richman

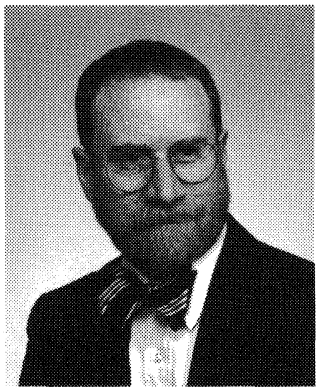

One of the great myths of the Industrial Age is that businessmen generally like free markets. That myth has deep implications and consequences.

For example, someone who buys into it will tend to believe that proposals to deregulate markets are simply favors for special interests and inimical to the interests of most people. Advocates of deregulation are typically dismissed as flaks for corporate interests.

But that conclusion crumbles when we realize that businessmen historically have opposed laissez faire. The same is true today. Stephen Labaton, writing in the *New York Times,* vividly pointed this out in a discussion of regulatory policy in the Bush administration.

The *Times* noted, for instance, that Microsoft, which did everything it could to defeat the antitrust suit brought by the Clinton administration, nevertheless favors restrictions on AOL in its merger with Time Warner. Microsoft — Microsoft! — has complained to the government that AOL is trying to monopolize instant messaging on the Internet. Such positions make it hard to interpret as a matter of principle Microsoft's opposition to the antitrust suit.

As the *Times* article pointed out, "There are broad areas of the marketplace in which the government will remain active, not least because of demands from American business itself." Preston Padden, Disney's top lobbyist, was quoted saying, "Sometimes a highly regulated administration is helpful and sometimes it is not helpful. What I would really like is the Gore administration to be regulating my competitors and the Bush administration to be regulating me."

Padden is unusually blunt, but his position is par for the course. Businessmen, going back at least to the era of mercantilism 400 years ago, have typically embraced government as an effective tool to protect themselves from competitors. The word "protectionism" is usually restricted to business-supported barriers to cheap imports. But the term has far wider applications. Business interests have long favored all kinds of regulations and taxes to hamper existing and potential competition.

Taxes that make it difficult to accumulate capital to expand or set up businesses clearly favor established business leaders even if they have to pay the same taxes. The same is true for regulations. Older and bigger firms can more easily contend with such burdens than newer, smaller ones can. IBM and AT&T have bigger legal and accounting departments than a nascent garage operation. Many ideas for new businesses never get off the ground because of the regulatory and tax barriers.

What the critics of capitalism have never realized is that there is nothing conservative about capitalism. Even most conservatives don't realize it. Capitalism — the *self*-regulating market economy — respects no established interests.

Why is that so? Because the driving force of capitalism is the consumer. For a business to do well, it must please consumers. Businessmen understand that. But there is a problem: we consumers are a fickle bunch. A business can be "riding high in April, shot down in May," as the old Frank Sinatra song said. Look what consumers did to Toys R Us, Boston Market, and an untold number of companies that were once hot properties and even dominant in their fields. We consumers don't care how good a business was yesterday. What's it done for us lately? You often hear it said that Wal-Mart, the model low-cost retailer, puts other stores out of business.

Nonsense! Wal-Mart never put a single store out of business. It's consumers who put stores out of business. True, Wal-Mart makes it attractive to shop there. But I've yet to hear of Wal-Mart's forcing even one person into the store.

On the other hand, I've many times heard of businessmen asking government, in effect, to force other companies to stop serving customers as well as they would like to. Businessmen know their fate is in the consumers' hands. They know there is no safe harbor in the free market — which is why so many companies try to get government to adopt anti-market — that is, anti-*consumer* — regulations and taxes. It's the only way to prevent consumers from switching to a competitor they like better.

Once we understand that capitalism is not pro-business but pro-consumer, we will understand that it is time to dump the regulatory state we have labored under for so long.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., and editor of Ideas on Liberty magazine.

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August 2001
Volume 15, Number 8

4 Letters From you, with love.

7 Reflections We lose our heads over New York rent controls, chug vodka sours with the Bush twins, find love in an 8-by-10 cell, get teed-off at the court, get snobby about literature, and prepare for the coming California famines.

Features

21 The Deafening Silence Two days after Perry Willis admitted that he had disobeyed his party's conflict of interest rules to help Harry Browne win the Libertarian Party presidential nomination, Browne tersely confessed his own involvement, which his supporters are reluctant to believe. Since then, *R. W. Bradford* reports, all those involved have refused to answer questions.

25 Justice, at Last, for Vicki Weaver? For over 100 years, federal agents have been virtually immune from prosecution for homicides they commit while on the job. But a federal court decision on June 5 may change all that, as *William E. Merritt* explains.

28 Silence Is the Best Policy As *Rick Esenberg* explains, work these days is a place where a casual conversation can cost you your job, where lawyers are always eavesdropping, and where the easily offended set the rules.

31 How the Democrats Could Take Over, and Why They Won't After Al Gore lost by moving to the left, Britain's Tony Blair copied Bill Clinton's politics of triangulation and was re-elected in a landslide. *Christopher Chantrill* wonders, will Democrats learn anything from this?

33 Just Say No to "Privatization" When it comes to Social Security reform, advocates of free markets have abandoned basic principles in favor of a pragmatic approach. *Ari Armstrong* reports.

35 In Defense of Bullfighting In the U.S., intellectuals mock bullfighting as an unsophisticated and cruel tourist show. Elsewhere, as *Coleman Cooney* and *Michael Christian* explain, it's an artistic and commercial success.

38 Education of an Intellectual An Ivy League education isn't what a high school counselor or college catalog might lead one to expect. *Richard Kostelanetz* recalls what he really learned in college, and how he really learned it.

Reviews

43 Diana, Princess of Wails When a private secretary to Diana, Princess of Wales, writes a book about his former employer, get ready for politeness galore and not enough juicy bits. *Stephen Cox* explains.

46 Rights, Sociology, and Equality To the left, *Brown* v. *Board of Education* is a legal icon. *Timothy Sandefur* pulls it off its pedestal.

49 Style, Not Substance If you can't find useful work, you can always become a specialist of "rhetorical analysis." *Edward Feser* explains.

47 Notes on Contributors Naming names.

54 Terra Incognita Be careful out there.

Letters

Closeting Virtue

I am a gay man and a libertarian. My life would probably seem quite boring to Edward Feser ("In Defense of Virtue," June) if he observed me on a typical day. I eat a breakfast pretty much as most Americans do, take off in my mortgaged auto from my mortgaged home, put in at least an eight-hour day, and most times am too tired to even watch TV when I get home. I pay my taxes, though I do admit to filing an extension now and again. I'm 41 years old, and I only wish I were as dangerous as Feser thinks I am.

When I was younger, I was promiscuous, as were most of the young people I hung around with; but I did not have time for the non-stop hanky-panky that Feser has discovered among us homosexuals. Promiscuity seems to peter out (so to speak) around age 38, as it probably does for most single men, regardless of their sexual orientation.

In the end, it is the "normalizing of homosexuality," as Feser candidly admits, that is most irritating to many straight men. They simply don't want the issue in front of them.

In my earlier years practicing law, I represented some gay men in divorce proceedings who had gotten married in the 1950s, hid it from their wives and kids (as thousands of men did), and then had to finally get out because they could not stomach the hypocrisy any longer. These men had tythed to a culture and a cultural norm, but had lost their self-respect and certainly the respect of their former wives. After all, what woman wants to be lied to to make men like Feser more comfortable?

Would Professor Feser agree, at least, that virtue is a very complicated thing?

Bill Crowe
Newport News, Va.

Paternalism vs. Diversity

In his defenses of conservative morality, Edward Feser makes a curiously collectivist argument for disapproving of homosexuality and other sexual "vices." As I understand it, Feser contends that people should disapprove of sexual behavior traditionally considered "immoral" even if it is engaged in intelligently, responsibly and peacefully, on the theory that bad consequences might ensue if other people engage in the same behavior in an irresponsible way.

As a libertarian from a family of limousine leftists, (say that five times fast!), I am all too familiar with this line of argument. Many times I have heard relatives say that, yes, of course, *we* would be better off without the welfare-regulatory state. But what about all those poor schmucks who would screw up their lives if not for benevolent government intervention? Why, society would fall apart if we let them all screw up! We can't have that, can we? This arrogant paternalism becomes no more intellectually valid when you replace government intervention with moral stricture, as Feser does.

Nor can appeals to "human nature" justify the argument. Humans are not monolithic in nature, as leftists and moralist conservatives would have us believe; we differ enormously in every way that matters. That's precisely why a libertarian ethic is so important: it enables us to pursue the demands of our widely differing natures as we see fit, and recognizes that no one can know what is good for all of us — not economic planners, and not conservative intellectuals.

Nicholas Weininger
Somerset, N.J.

Explain Me This, Feser!

I have three questions for Professor Feser:

1. Precisely what kind of "tactful discouragement" would you employ to counter the genetic underpinnings of sexuality?

2. How on earth would any discouragement, tactful or otherwise, serve to enhance the life, liberty, or happiness of those persons whose alleged "dysfunction" leads them to live neither well nor happily?

3. How is it that your idealized family norm and your sex-only-for- deep-interpersonal-commitment norm are so easily threatened or undermined by homosexuality? Of what are you and your vast, breeding majority really so fearful?

Rick Stenhouse
Trenton, N.J.

"Valid" Human Beings

Jan Narveson makes some compelling arguments in "The Trouble with Tradition" (June) until he begins to contradict the very fundamentals of libertarianism in discussing the topic of abortion. He conceitedly argues that because unborn and infants cannot "take comfort," i.e., feel the same type of physical and mental sensations he does, they cannot be considered true human beings privy to the same rights under law that he is. This is scary.

Although I am certainly welcome to my own moral opinions, as a human being I cannot possibly say with absolute certainty what qualifies as true human life. It would be wrong for me to allow my own opinions on what constitutes human life to determine how the law should be applied to different "types" of people.

In our country today, the liberty of the unborn, the mentally and physically impaired, the elderly and infirm, and even the average American will be gravely threatened if we start allowing Narveson and those like him to determine who and what constitutes a "valid human being."

John Bush
Virginia Beach, Va.

Happiness, Morality, and Nature

The reason that many people would not consider sexual orientation to be a moral issue, contrary to Feser's suggestion in "In Defense of Virtue," is that it is not something that anyone can control. If "virtue must be freely chosen if it is truly to count as virtue," as Feser claims, then homosexuality cannot be a vice any more than heterosexuality can be construed as a virtue. No one in this world can consciously choose to whom they will be sexually attracted.

Feser's claim that homosexuals are not capable of happiness in the same way that heterosexuals are is questiona-

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The stocks below were our Internet short portfolio, initiated on 11/2/99, with the percentages they've fallen since.

AMTD	*78%*	*AMZN*	*85%*
AOL	*71%*	*CMGI*	*94%*
KOOP	*99%*	*MPPP*	*95%*
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ble, to say the least. Anyone who has been thwarted in love is likely to be unhappy, even if temporarily. And if, as Feser suggests, homosexuals tend to be more unhappy as a whole than heterosexuals, perhaps he should consider the possibility that this is the result of living in a society that is hostile toward them.

Brooke Mullins
Norman, Okla.

God, Government and Mr. Sandefur

Before Timothy Sandefur discourses again about religion in American history (*Reflections*, July), he should try to get his facts straight.

Sandefur tries to ground his particular argument for separation of church and state on opinions and practices in the early republic. Along the way, he cites the Northwest Ordinance, passed by Congress in 1787. The Ordinance famously stipulates: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Here's where the fun begins. In an excess of fairness, Sandefur interprets this sentence in a way directly contrary to his own argument, reading it as "a clause sending government-paid religious teachers to the new states in the West." In reality, of course, the sentence says nothing about government-paid teachers of any kind. The Ordinance had nothing to do with states, only with territories, and its only other references to religion merely call for "religious liberty." Sandefur compounds his mistake by blaming it on others, asserting that conservatives "often cite" the particular "fact" about the Ordinance that he appears to have dreamed up.

Sandefur then makes a big deal out of the (real) fact that "In God We Trust" took a long time to appear on U.S. money. If you look at the back of a dollar bill, however, you'll see an important commentary on the role of religious symbolism in the early republic. The bill depicts the Great Seal of the United States, adopted in 1782. The seal shows a pyramid in a desert, with the eye of God at the apex of the pyramid and above it the Latin motto "Annuit Coeptis," meaning, "He has favored the undertaking." The designer of the seal said that the eye over the pyramid "and the motto allude to the many signal interpositions of providence in favor of the American cause." But Sandefur believes that "the American founders" would never have regarded references to God in state mottos as "acceptable."

The truth is that religious symbolism was sanctioned by the republic from the first, together with good wishes for religion as a psychic foundation for republican government. Yet there was no desire to restrict "religious liberty." Is this too much to grasp?

Sandefur's shoddy scholarship is matched by shoddy aesthetics. His flippant references to state mottos show that he lacks sufficient sensitivity to be roused by California's "Eureka," inspired by Alabama's "Audemus Jura Nostra Defendere" ("We Dare Defend Our Rights"), chastened by North Carolina's "Esse Quam Videri" ("Be Rather than Seem"), or amused by Michigan's "Si Quaeris Peninsulam Amoenam, Circumspice" ("If You Seek a Pleasant Peninsula, Look About You").

The best thing for Sandefur would be to reflect only on subjects that he can see clearly in the first place.

Terry Alvarez
Los Angeles, Calif.

Intended Consequences

Shannon Seibert writes (Drug Paranoia: America's Leading Export," July):

> Eradication efforts typically result in a temporary decrease in the amount of illegal crops in the targeted area, with increased production in regions that are not under attack.

In view of South America's important petroleum resources and the U.S. desire to "control" the entire hemisphere, it doesn't take a conspiracy theorist to suspect that the spread of drug crops is exactly what is intended by the U.S. national-security-and- intelligence apparatus. With the drug hysteria that has over the years been unleashed by these same high-level government mavens, what could be a more effective cover story for hemispheric takeover — by wars and invasions if necessary — than the "drug threat"? As your writer notes, it surely beats Communism as an excuse, whose only remaining ardent proponents are down-and-out John Birchers. Today you can get a great many more drug paranoia participants than the best of the McCarthyites mustered for their cause in the "better dead than red" days of yesteryear. "Better dead than doped" seems to be the current attitude.

Peter Webster
Auvare, France

Another Look at the Numbers

The figure of $420K that you cite as having been paid to Perry Willis & Co. through various channels is meaningless in and of itself. How much of that went to pay for printing, postage, airfare, etc.? Can this be ascertained easily? And the portion that actually wound up in the pockets of Perry (and his friends and relations) has meaning only if we know how many man-months of salary it represents. If the relevant figure is $300K (for example) that's not a lot if it was doled out to half a dozen people over five years — i.e., an average of $10K/person/year. I don't know what the true figures are, but it would be nice to have something more than a grand total of $420K to gawk at.

On to Browne's showing in 2000 vs. 1996. I really don't know, but I'd bet that while the Brownies raised (and spent) 75% more this last time than in '96, the amount they spent as a percentage of the total dollars spent by all presidential candidates, from start to finish (i.e., including the primaries), was lower than in '96. Bush spent something like $3 million in the South Carolina primary alone! To put it another way, I'm pretty sure that the amount spent by Bush, Gore, McCain, Nader, et. al. to create name awareness and a favorable image went up by *more* than 75% as compared to '96. So in terms of "share of propaganda dollars," Browne probably actually lost ground. I'm not out to defend Harry's performance — or belittle it — just trying to establish a meaningful context for comparison.

David Nolan
Mission Viejo, Calif.

Bradford responds: It's always a pleasure to hear from the LP's founder, especially when he asks such provocative questions.

According to the reports the Browne campaign made to the Federal Elections

Continued on page 27

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

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Reflections

Available on every street corner — The controversy over the nomination of a new drug czar (beware the coming pogroms) has helped me to understand that there is no greater mind-altering substance than . . . *ink*!

— Sheldon Richman

Innovation.porn — Anyone who's surfed the Web knows that sex sells — and (on the Internet, at least) very little else does. But even if you aren't a fan of pornography, you may be getting some benefits from it. "Adult" sites have pushed Internet technology to become far more useful and innovative. Sex plays a role even in matters economic. Graphics were, of course, pioneered by such sites, as were Web page displays (those horny little fingers are all too quick to move on if scintillation is not immediately forthcoming). And, of course, selective filters were first developed to reassure parents and to fend off censorship.

Banner ads and other revenue-raising mechanisms saw much of their development on adult sites. And the difficulty of recovering adequate revenue via such indirect means encouraged "secure" and "private" over-the-net purchase procedures. Even more importantly, adult sites were forced to develop the privacy reassurances essential to making such payment schemes viable. And these reassurances seem to work — adult sites are among the few areas where Internet users seem willing to put their money where their . . . well, you get the idea.

Shouldn't the path to the future involve higher-order values? Well, perhaps, but let's take progress where we can. And we really shouldn't be surprised. Evolution suggests that sex was "invented" to accelerate progress.

— Fred L. Smith Jr.

20/20 Smackdown — Would somebody please tell Barbara Walters that nobody cares whether she "disagrees" with John Stossel?

On a recent episode of *20/20*, after Stossel carefully dumbed down an explanation of the minimum wage to a level where even Barbara could understand its inherent flaws, she immediately launched in to explain that government has to "help" people. How sweet of her, to help people right out of their jobs. Stossel simply stared straight into the desk, mentally transporting himself to New Zealand. Stossel deserves a special Emmy for being patient with her week after week. But I'm not that patient. I for one would like to suggest that next time he stand up and throttle her.

— Timothy Sandefur

Love at first lockdown — At a press conference, California's attorney general Bill Lockyer had this to say about Enron Corp. chairman Kenneth Lay: "I would love to personally escort Lay to an 8-by-10 cell that he could share with a tattooed dude who says, 'Hi, my name is Spike, honey.'"

Seldom has an advocate of unbridled state power spoken so candidly. Not only is he saying that he would like to imprison a businessperson who has not even been charged with wrongdoing, but that he would like his punishment to include rape.

The famous "vast right-wing conspiracy" that went after Bill Clinton never called for anything like that, for anyone, even though Clinton had actually committed a crime — perjury — and admitted doing so.

Lockyer also admits not only that the state prisons that he is responsible for tolerate inmate rape, but that he is willing to use rape as punishment for people he especially dislikes.

So far as I can tell, the worst one can say of Kenneth Lay is that the firm he heads has made a lot of money selling electricity in California in compliance with the rules established by the state of California. If those rules are unwise, it would seem that people — like Atty. Gen. Lockyer? — who had a hand in writing them ought to be the objects of opprobrium.

As a patriotic American and a decent human being, I would love to personally escort Lockyer to the state capitol, where he could share a hearing room with legislators who say, "Hi, you are impeached, honey." — R.W. Bradford

Schools of thought — I'm beginning to think that Mrs. O'Connor was on to something when she wrote *Fairness Doctrine for Education*. She proposed that a version of the "equal time" standard of radio should be instituted by universities. Well, what better time than this, the Age of Diversity? Let students and teachers identify themselves by checking a box from a preselected set of ideological categories — the same way they do now with racial categories. This

data will then be used to ensure a "more diverse" faculty and student body. Who could object? What *would* the objection be — that diversity of pigment is more important than diversity of thought? Man, if there's any reform that the anti-PC crowd on campus should propose with a straight face, this is *it*. — Barry Loberfeld

Hole in one's head — If you haven't read Justice Scalia's dissent to the Supreme Court's decision to require that the Professional Golf Association allow a golfer to compete without walking the course, you've missed a treat. My favorite part: "It has been rendered the solemn duty of the Supreme Court of the United States, laid upon it by Congress in pursuance of the Federal Government's power '[t]o regulate Commerce with foreign Nations, and among the several States,' to decide What Is Golf. I am sure that the Framers of the Constitution, aware of the 1457 edict of King James II of Scotland prohibiting golf because it interfered with the practice of archery, fully expected that sooner or later the paths of golf and government, the law and the links, would once again cross, and that the judges of this august Court would some day have to wrestle with that age-old jurisprudential question, for which their years of study in the law have so well prepared them: Is someone riding around a golf course from shot to shot really a golfer? The answer, we learn, is yes. The Court ultimately concludes, and it will henceforth be the Law of the Land, that walking is not a 'fundamental' aspect of golf." — Timothy Sandefur

The utility of euphoria — There is a question that new drug czar John P. Walters does not ask: how much harmless euphoria has the average citizen passed up because we lack access to safe recreational drugs? President Bush himself knows that even drugs such as cocaine have benefits as well as costs.

The puritanical streak in our culture gives far less weight to pleasure than to pain. But there is no basis in logic for that distinction. The calculus of what economists call "utility" counts both pains and pleasures on the same scale of value. Pains get negative scores while pleasures get positive

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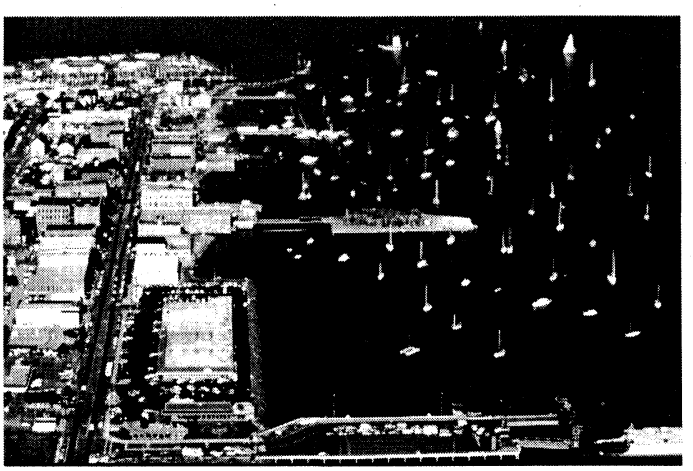

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Victor Niederhoffer — legendary investor and best-selling author

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Robert Higgs —economist, author of *Crisis and Leviathan* and developer of ratchet theory of government growth

Fred Smith — president of the Competitive Enterprise Institute, field marshall in the war of ideas

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Bruce Ramsey —writer and editor for *The Seattle Times*

Mark Skousen — economist and best-selling author

Durk Pearson & Sandy Shaw — life extension scientists, best-selling authors, and fearless opponents of government regulators

Tim Slagle — stand-up comedian and expounder of libertarian ideals

Alan Bock — writer for the *Orange County Register* and best-selling author

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Otto Guevarra — member of the Costa Rican Parliament and presidential candidate

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scores. And what the Declaration of Independence calls our right to the pursuit of happiness plainly includes not just the uptake of harmless pleasures but also the uptake of harmful ones if they harm no one but the user. The free-market price of wine or beer lets the modern drinker compute a dollar estimate of the pleasures she would have foregone in the days of alcohol prohibition — back when the federal government still had to amend the Constitution to prohibit a drug.

The hidden policy issue is the unseen cost that the $20-billion-a-year drug war imposes on market innovation and scientific discovery. Drug prohibition has not just produced a chilling effect on the search for painkillers and pleasure givers. It has banned its very infrastructure. Venture capital is at near record levels in the United States: it has grown more than tenfold in the last decade to over $100 billion last year alone. Yet drug laws let none of it flow to the biotech start-up firms that might otherwise patent or pursue genetically modified cannabis, coca, or poppies — or pursue the harmless euphoria effects of new breakthroughs in chemistry and neuroscience. Entrepreneurs do not write business plans to capture the pro-pleasure benefits from these breakthroughs in neural engineering.

But they should. A free market in brain enhancers would likely produce benefits that far surpass those of the herbs and pills of the past. Sense enhancers would help the brain process neural signals. They might give us a shark-like hyperfine sense of smell and thus of taste. They might let us see in the dark and see in much wider bands of the electromagnetic spectrum than we can see in today. They might let us hear faint sounds at large distances or overcome our deafness to subsonic and supersonic signals.

The first users of these true "smart" drugs might use them simply to improve the taste of a bland meal or watch the stars or eavesdrop on a neighbor. But professionals would soon come to use these sense enhancers. Chefs might use them to create new dishes or to detect the first traces of spoilage. Lifeguards might use them to watch more of the light-reflecting ocean. Surgeons might use them to heighten their sense of touch during surgery. And brain-based cognitive enhancers could boost memory or concentration. Think if you could drink or inhale a substance and a half-hour later find it easier to retain what you read or to learn calculus or a new language.

The federal government uses its coercive power to promote high-tech innovation through 19th-century antitrust laws while it bans drug or "controlled substance" innovation through sweeping prohibition.

But conflicting policies stifle such innovation. The federal government uses its coercive power to promote high-tech innovation through 19th-century antitrust laws (remember Microsoft?) while it bans drug or "controlled substance" innovation through sweeping prohibition. Nothing restricts competition and limits research and consumer choice like the threat of prison.

The facts are in: the United States has spent on the order of a trillion dollars to create not just the biggest black market in history but the only one on a global scale. This massive police action has imprisoned millions of human beings and stripped them of many of their civil rights. It has transferred hundreds of billions of dollars from taxpayers to drug dealers and to corrupt police around the world. It has restricted consumer choice to only dangerous black-market drugs that can cause as much or more harm as bathtub gin did during the old war on alcohol. And this massive police action has imposed huge and needless innovations costs: the drug war has channeled precious creativity from research innovation to criminal organization.

The United States enforces this global black market with an iron fist. Bush would clearly use all our international power to punish any country that freed its drug market and thus that "legalized" drugs and drug research. That is why the United States itself must be the first to right this staggering wrong — and free science and markets to work their magic. — Bart Kosko

Nice place you've got here . . . — In May, two Manhattan men were charged with killing two people so they could "move into their apartments." Police found 20-year-olds Bernard Perez and Rahman Williams — along with one victim's severed head — in one of the victim's apartments. According to reports, the rest of the unidentified man's body was scattered around the neighborhood. The two apartment nabbers also killed 44-year-old Doris Drakeford in the same apartment building, tossing her body into the Harlem River.

In many ways this is just an extension of what has become a common practice in Manhattan: using bribes, inflated résumés, and fake bank accounts to impress landlords and hold on to cheap, rent-controlled apartments. While an extreme case, this kind of competition is what economists call "rent seeking" — unproductive competition that reduces everyone's wealth rather than adding to it. Rent seeking is bound to happen whenever market mechanisms are replaced with state-administered ones. After all, when people can't compete using dollars, they'll compete along more unsavory lines — like bribery, theft, and, yes, gruesome murder. It's just too bad two New Yorkers had to die to teach this simple lesson to authorities.

How many more innocent people will die because of rent control? — Andrew Chamberlain

Wait a minute, didn't he write The Federalist Papers? — According to an article in *The New York Times*, liberal lawyers are nervous that the Bush administration's recent slap at the American Bar Association was the work of the Federalist Society, which they characterize as a dangerous, highly organized underground army. So they have decided to start their own club: the "Madison Society for Public Policy."

I found two things about this to be particularly amusing. The first is the way the lawyers immediately stumbled over their own attempt to wrest Madison (who has long been the Federalist Society's mascot) away from the political camp in which he belongs. "Madison, a Virginian," the *Times* sol-

emnly observed, "was also a slaveholder, a fact that group members acknowledge is a problem." Georgetown Professor Peter Rubin reassured the *Times* readers, "That's not a part of the legacy we embrace." Well . . . that's certainly good to know.

The second amusing thing was a statement by David Halperin, a former Clinton speech writer, who told the reporter that "Conservative thought now dominates the law, from classrooms to courtrooms, and in terms of judicial nominees." That would come as a surprise to Federalist Society members who remain extremely disappointed by the Bush administration's announcement — circulated in the past few months at Federalist Society events — that it will not seek to appoint well-known conservative or libertarian judges.

— Timothy Sandefur

Sacrifice to the state — The eager acolytes at CNN and most of the major networks did their best to make the killing of Timothy McVeigh a solemn, virtually religious celebration of the power of the state and its never-ending, endlessly compassionate attempts to bring "closure" to innocent victims by killing other people.

I don't think it worked. I suspect most Americans were so sick of hearing every detail that they shut out the propaganda and maybe even wondered why other mass murderers (including the perpetrators at Waco) didn't get such lavish attention as one who bombed a Temple of the State.

— Alan Bock

Once there was a place called Camelittle — Every time I turn on the television, pick up a magazine, or turn to the movie listings in the paper, I seem to find yet more evidence of the Fifties Cliché, or, to put a little alliteration into the thing, the Fifties Phenomenon — the idea that life in America during the 1950s was a nightmare of conformity and repression, or at least of hideous naivete. The corollary to this idea, I guess, is that the fifties were so *subtly* and *attractively* horrible that even today, no effort at exposing the awful truth could possibly be misplaced.

When a journalist has nothing else to say, he can always lament "the Cold War" and its "mentality" or analyze the failures of "the fifties nuclear family." When *Saturday Night Live* runs out of ideas, it can always satirize the stupidity of the *Father Knows Best* approach to life. When movie directors want to make a profound statement, they can always just remake *Rebel Without a Cause*.

Of course, this is nothing more than bashing and stereotyping. The fifties were the best of times for a lot of Americans, and the worst of times for very few besides Alger Hiss. But to me the most interesting thing about the Fifties Phenomenon is where it stops. It stops abruptly at the gates of Camelot.

The Kennedy regime prided itself on its supposed embodiment of every tendency of the fifties that is now so much derided. The only difference was that the embodiment turned out to be either false or catastrophic.

The Kennedys billed themselves as the ultimate nuclear family, the Platonic form of togetherness. Well, ask Marilyn Monroe about that. Anti-communism? Bobby Kennedy won his spurs by working with Joe McCarthy; his brother Jack's inaugural address promised that the nation would "pay any price, bear any burden" to oppose the nation's ideological enemies. Militarism? Jack won the presidency by falsely charging that the Republicans had allowed U.S. military preparedness to fall behind that of the Soviet Union; his administration soon became responsible for involving America in the Vietnam War. When that war started being conducted by non-Kennedys, however, surviving members of the regime jumped ship, running as far to the left as they could and still remain electable. Phallocentrism? A real man, according to the Kennedy administration, was a Fella who was Fit for a Fifty-Mile Hike. Jack, at the time, was a chronic sufferer from a life-threatening disease who sought to palliate its effects with a constant diet of drugs and broads.

Well now, don't you think that this record of failure and phoniness would provide at least as much inspiration for satire and hostile analysis as the alleged ridiculosity of the 1950s? But when was the last time you saw, heard, or even heard *of* a satire of the Kennedy Kult? Think now. Think.

— Stephen Cox

Reality vs. TV — I enjoyed Steve Cox's reflection about the 1950s. I'd been thinking of doing something on that subject myself, after seeing most of the series on the '50s on The History Channel, which gave the impression that surviving the '50s was akin to surviving the Holocaust.

My recollections of the '50s are a little vague by now, but mostly I remember playing football in the fall, "speedball" (a kind of soccer played in snow in which tackling opponents is legal) in the winter, shoveling off the playground in March to play basketball, and best of all playing baseball all summer long, with time out to do a lot of swimming and read an awful lot of books from my local library. I have hardly a single unpleasant memory. The things The History Channel portrayed as horrors — McCarthyism, racism, fear of nuclear war, corporate conformity — were very remote from me.

McCarthyism occurred when I was too young to have heard of it — I was seven years old when McCarthy was censured. If I'd been a bit older, I might have been troubled by it. But I am not sure. By the time I was twelve, I'd read enough about communism to know it was a horrible threat

to civilization, and McCarthy was ostensibly fighting against it. I've read a fair amount about McCarthy since, and to this day I don't know whether he was a publicity-grabbing witch-hunter or was honestly trying to uncover communist agents within the government, though I suspect it was the former.

I heard plenty about racism in the '50s. I distinctly remember quite a bit about President Eisenhower sending in the National Guard to integrate the schools of Little Rock. But progress was being made so this didn't upset me much.

Nuclear war? Well, it wasn't any scarier to me than the threat of Armageddon was to earlier children, reared in more religious families than mine. And, somehow, it never seemed very likely to me that a nuclear bomb would fall on Traverse City, Mich.

Corporate conformism? C'mon. Even I could figure out that this was only a problem for people who wanted to climb the corporate ladder, something I never wanted to do. And neither, apparently, did any parents of my friends. They were mostly worried, so far as I could tell, about making their lawns and gardens nicer and being able to take better vacations and buy bigger cars.

About the only bad thing I remember about the '50s was the dreadful dramatic programs on television. The Golden Age of Television Drama, as it is now remembered, consisted of dreary stories, full of self-torturing people unable to get the slightest pleasure out of life. These dramas were far more frightening than the horror movies my parents didn't want me to watch. Fortunately for me, most of those were on too late at night for me to see them; my parents enforced a strict bedtime until I reached my teens and the 1960s.

I worried a little bit about the prospect of being drafted into the army, but when I was 13, I began an ice cream stand where I met a worldly 22-year-old who told me that the worst thing about being drafted was the boredom of sitting around with nothing to do in the peacetime army. By the time I was old enough to be drafted, boredom wasn't much of a problem in the army; the problem was getting shipped to Vietnam and having your ass shot off. But, by then, it was the '60s.

In retrospect, I suspect that the '50s were a nightmare only for a small number of hard-core leftists, people who loathed McCarthy because they saw him as a threat to their revolutionary agenda, who saw racism as something they could exploit to advance their cause, who counseled fear of nuclear warfare in order to push unilateral disarmament by the U.S. so that Russia could spread communism even faster, and who scorned corporate conformism because it rewarded its victims far better than the groupthink they engaged in. The major problem with the '50s, I think, is that the people who harbored these attitudes finally managed to install them as today's ruling cultural assumptions. — R.W. Bradford

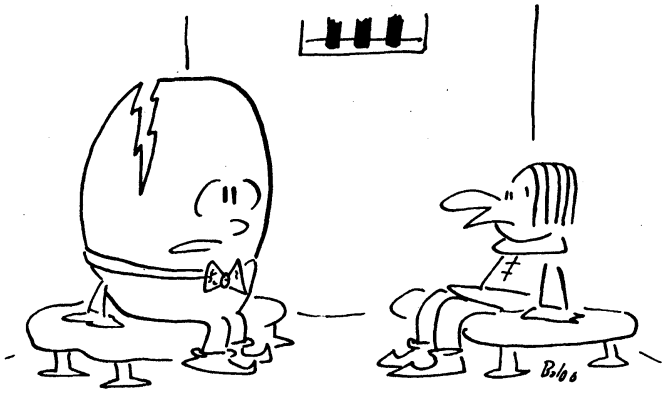

" . . . then all the king's horses and all the king's men showed up and arrested me for not wearing a seat belt."

Oh, such a cute little tax cut — Am I the only one to have noticed that the "massive" $1.35 trillion Bush tax cut, described by CNN as "the first major tax cut in 20 years," is a hoax?

I don't deny, of course, that the law provides for tax refunds later this year. The running dogs in the media have hardly stopped yapping about those refunds for weeks now. I worked out the math. My refund will come to a little more than one-half of one percent of the taxes I paid on income earned in 2000. Whoop-de-do! As soon as my check arrives, I'll take myself on one helluva shopping spree; I might just restore the ailing economy to health and vitality all by myself.

After that, however, the pickings will get mighty thin. True, the top four income tax rates are to come down by half a percentage point in 2002, and the estate tax exemption is to rise to $1 million. Starting in 2006, the IRS will even begin to give me back those disallowed personal exemptions and deductions that have effected "stealth" increases in my effective tax rate in recent years. By 2010, I will have recovered all of them.

We should all live so long, or be so moronic as to expect this pie-in-the-sky package of picayune, piecemeal tax reductions to become effective as promised during the next decade — before it all explodes in 2011, when the whole thing is slated to disappear and the tax law to revert to the status quo ante. You can forget about the $1.35 trillion.

Indeed, you might as well forget about what's promised for next year, too, because the Democrats, having just finagled their way back into control of the Senate, smell blood in the water, and they vow to waste no time in overturning even the piddling, phony-baloney relief promised by the Bush scheme.

As the Lincolnian aphorism reminds us, you can fool some of the people all of the time, but why anybody would be fooled by this shamelessly blatant make-believe tax cut beats the hell out of me. — Robert Higgs

Snob story — Snob attacks on G.W. Bush continue to reach new heights of ridiculosity. The latest is the *big news* reported by my local paper under the heading, "Eliot Quote Another Faux Pas for Bush." Apparently Bush gave a speech in which he cited the importance of "healthy marriages" for the well-being of children and quoted (dare I say it?) George Eliot's novel *Adam Bede* (1859). Imagine quoting trash like that, when the Victorian author — as the very *latest* research reveals — had an extramarital sex affair!

Didn't Bush *know*? Can't he *read*? How could a *grown man* quote moral wisdom from an author who was *patently* immoral?

A non-issue, of course. But it does confirm the age-old truth that snobs are the last people to have anything to be snobbish about. The enforcers of political correctness who

are making such an issue out of the Bush citation of Eliot betray no knowledge of the fact that her novels are known, by anyone who has the slightest acquaintance with literature, as some of the most determinedly moral in the English language. And God forbid that Bush should happen to quote the Bible. These people might find out about King David's relationship with Bathsheba. — Stephen Cox

Small change, big difference — Though sour-grape conservatives insist that Vermont maverick Jim Jeffords voted as a Kennedy liberal, so who needs him anyway, the National Federation of Independent Business believes otherwise. The NFIB, which is generally a strong voice for free markets, gives Jeffords an 83% positive voting record.

The new Senate majority gives control of Senate committees to Democrats. The panel Jeffords chaired, the Committee on Health, Education, Labor, and Pensions, will now be chaired by Sen. Edward Kennedy, who votes with small business only eight percent of the time. — Sarah J. McCarthy

When property rights lead to socialism — Economists have long been ecstatic about the growing enthusiasm of the greenies for the market. At last, economists chortle, our expertise will play a positive role. No longer the dismal science — now we'll be the dismal swamp science. Pollution taxes, emission rights, tradable credits for CO_2 reduction! Wow. Government will set the goals — market mechanisms will efficiently get us there. After all, regulations are costly — let's at least make sure that we're as efficient as possible in implementing them.

But, before buying into this fantasy, one should consider carefully the risks that such policies entail. For one thing, they will make government reform more difficult. Consider the New York City taxicab system. New York politicians decided, in their wisdom, that the city would benefit from fewer cabs, capped the number allowed, and granted each owner a number of medallions to cover their existing cab fleets (the "grandfathering" policy). To ensure "efficiency" the medallions were tradable — want to drive a cab? Buy a $100,000 medallion, throw in a little extra for the cab and gas and you're ready to abuse tourists anywhere in New York.

This is the traditional role of government: first create scarcity and then misallocate it. But the right to buy and sell such medallions creates something far more pernicious. In effect, we've securitized the government monopoly privilege — and thus made it far more desirable to medallion holders. Making medallions tradable ensures that they will always have value, giving owners a powerful incentive to lobby fiercely to ensure that nothing is done to dilute their "property right" to exploit consumers. A tradable rights system is much more difficult to reform.

Slavery is another example. Had the slavery system not included the "right" to buy and sell, it might well have died out much earlier. Slaves in the older coastal states would have been freed as economic conditions made them locally less useful. Using a market mechanism, however, allowed a more "liquid" market in human flesh and ensured that slavery flourished until the Civil War.

Tradable emission rights are only another variation on this theme. If CO_2 suppression becomes a national policy via a "cap and trade" system, then we'll all find energy costing a little more and becoming less affordable; all of us will become (in part) energy serfs. And the magnitude of the rights created in this area will not be small — recent studies estimate that the proposed minimal level of CO_2 reductions would lead to "CO_2 emission rights" worth over $2 trillion.

If you thought an affordable energy policy was hard with just big green opposition, imagine the problems when they're joined by big business. — Fred L. Smith Jr.

Little something extra for big steel — Are you paying enough for steel? Next time you buy steel, why not throw in a couple extra bucks on top of the price. After all, the economy exists to create jobs, not to produce goods and services. That, at least, is what the steel industry and its unions think. Of course, they never put it in such terms. They say that "foreign steel" is being "dumped on the market" at "unfairly low rates." Back in my day, they used to call that a "sale." But the White House seems to be listening: they've set up an "investigation" of these unfair trade practices. That's the federal government: spending your money, so you don't have to. — Timothy Sandefur

The Wealth of Pigs: An Inquiry into the Nature and Causes of Pork Barrel Spending — Again we hear calls for more government spending on research into non-standard sources of energy — making electricity from sunlight, wind, tides and waves, hot rocks underground, and biomass and methane from garbage as boiler fuel. Conservation schemes abound. Have the people who make such proposals forgotten the failures of the 1970s?

I'm beginning to understand the pitfalls. Politicians and bureaucrats display their alertness to problems and to technological fixes (and sometimes to chances at pork) by proposing more money for research. Agencies entrusted with the money cast about for plausible ways to spend it. They farm much of the work out to contractors, for whom sheer plausibility becomes a major consideration in turn.

I recall working on a university research project in the summer of 1952, between receiving my Ph.D. and taking up a teaching job. My particular assignment concerned possibili-

ties of reconverting other manufacturing plants in the United States to producing boilers and steam-turbine generators for electric-power stations. (Or maybe the conversion was to be the other way around; my point remains unaffected.) The economics professor heading the project believed, or pretended to believe, that economic theory, especially general-equilibrium theory, was the key to the question of reconversion and that I, holding a fresh doctorate in economics, was ideally equipped for the research. But, of course, the question involved engineering much more than economics. I tried to do my best, but I have no illusions about the value of my contribution, or of the project's overall report. Who cared? The report was unlikely to be read or taken seriously by anyone in a position to act on its findings. And money would have been plausibly spent.

In 1975, while a visiting professor on the west coast, and in the following year, I was commissioned to study exotic energy sources and conservation opportunities in general, with attention to the economic aspect where possible. The work was sort of fun, acquainting me (superficially) with a wide range of bright if often far-fetched ideas.

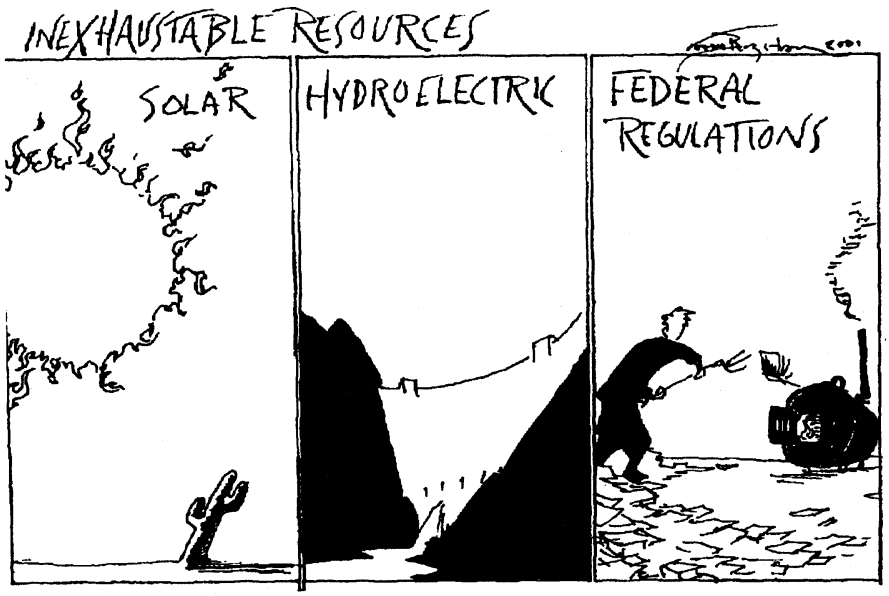

But again, the key issues concerned technology and engineering at least as much as economics. I doubt that my report was of use to anybody, but even then I still failed to realize that making a plausible expenditure had probably been a main objective.

I had finally begun to understand what goes on a few years later (probably in 1980 or 1981) when the possibility arose at the University of Virginia of a major and well-funded interdisciplinary research project on energy sources and energy policy. Each academic department was supposed to identify aspects of the research that would enlist its particular expertise. Within the Department of Economics, its share of the project would be subdivided among the various professors according to their own specializations. As a supposed specialist in international economics, I was to investigate likely impacts on the balance of payments of the United States.

Fortunately, the entire project fell through. I am probably flattering myself, but I like to think that my skepticism had some effect. The project smelled of boondoggle. Each professor could better spend his research effort on topics that he thought important and interesting and manageable than on topics that would conjecturably seem plausible to some remote bureaucrat.

My own experiences were less closely related to actual energy production than much research presumably is. Still, some insights apply widely (and in a fuller survey, the pursuit of research grants and contracts, and also of subsidies, would enter the story). The main point is an old one. Money and resources and human abilities are less likely to be wasted when decisions are made by people risking their own wealth or people disciplined by responsibility to stockholders than when made by politicians and bureaucrats wrapping themselves in the cloak of plausibility.

— Leland B. Yeager

Dream the impossible scheme — The Bush administration came out of the box on the energy issue with a reasonably positive mix of supply-side strategies — they are even willing to redeem nuclear power. (True, they also advocate the typical mix of R & D subsidies along with incentives for Condor Cuisinarts and Green Power.) But the administration's emphasis on making more power more affordable to more Americans — not a bad idea — is on a head-on collision course with a renewed effort to "do something" about global warming. So while one foot of government will be pushing hard on the gas, coal, and oil pedals — another will be babbling on about creative ways to suppress CO_2 ("caps and trade," "market mechanism," "voluntary" — all terms that should lead one to reach for his revolver) while pushing down as hard as possible on the brake pedal. It seems our only solution is to burn lots more fossil fuel but change the chemistry so it doesn't lead to more CO_2 — and they say Republicans aren't optimists!

— Fred L. Smith Jr.

The upside of J. Lo — Lately, women in the acting profession are asking to be called "actors" rather than the gender-specific "actresses." Strange that the politically correct tag never applies when the award shows roll around. I have never seen a feminist refuse her Academy Award nomination because it was for Best Actress. When the awards come out, apparently, separate *is* equal.

That these award shows exist should make it obvious why there are not a lot of libertarians in Hollywood. If I were earning $10 million for about six-months work on a picture, I would most certainly consider that adequate compensation for services performed. That actors, whether male or female, demand awards on top of their huge cash compensation underlines the insecurity of the performing class. Just like children want to see gold stars stuck to their book reports, adults who earn their living playing make-believe want one

on Hollywood Boulevard.

In the motion-picture business, however, your worth is in direct proportion to what the public wants to see. Cindy Crawford makes more money annually than all male models combined, but nobody seems to think that is sexism. How many men complain about the glass ceiling in the modeling industry? You would think people so affected by supply and demand would understand a little more about economics. Jennifer Lopez can demand $5 million per movie because the supply of Jennifer Lopez is limited to exactly one.

— Tim Slagle

For the love of gridlock — Rep. Earl Blumenauer, the congressman from Portland who is one of the nation's leading champions of smart growth, has finally gone off the deep end. In an Op-Ed in the Portland *Oregonian*, he proposes to eliminate a portion of Interstate 5 that runs east of downtown Portland, replacing it with ordinary streets.

That stretch of I-5 carries 135,000 autos per day. By comparison, the eight lanes of city streets that parallel the freeway carry less than half that number of cars and at far slower speeds. Blumenauer's plan would hugely increase congestion. But hey — this is from the man who told NPR that "congestion is exciting."

— Randal O'Toole

The cult of WWII — In a column published on Memorial Day, Cal Thomas complained of the decline in patriotism since the 1940s. He waxed nostalgic for the war totalitarianism of FDR: gasoline was cheap, when you could get it; tires were less than plentiful because rubber went to the "war effort"; but Dad "knew that all of our armed forces were opposing evil." Thomas lamented that "such notions today are considered politically incorrect."

Where has Thomas been for the last few years? If anything, the Second World War is treated as a religious event and it is unthinkable to raise any questions about our role in it. Remember the attacks on Pat Buchanan after he suggested that we could have avoided the war?

Baby boomers, members of what Cal Thomas calls the "whining generation" (he gets a few things right), have been falling over themselves to honor and memorialize the war. Bill Clinton signed legislation in 1993 authorizing a World War II Memorial. Tom Hanks used his *Saving Private Ryan* fame to campaign for it. Tom Brokaw's *Greatest Generation* has metamorphosed into a mini-industry that is no doubt soon to be synergized with some other publishing phenomenon (*Chicken Soup for the Greatest Generation's Soul*; *Grunts Are From Mars, WACs Are From Venus*). *Pearl Harbor* is taking in millions at the box office despite the fact that it is a lousy movie.

I've been a fan of WWII since I was a kid. In my middle-school years, I watched *Baa Baa Black Sheep* and *Hogan's Heroes* reruns while doing school reports on the exploits of the Flying Tigers and building models of P-51s. Even after service in the Marine Corps Reserve left me much more cynical about the military and U.S. interventionism, I enjoy films such as *The Longest Day* and *Twelve O'Clock High* and have read from the unsentimental accounts of the war from participants such as Paul Fussell and Eugene B. Sledge.

The real war — the one that the United States was dragged into by FDR's treachery, the one in which a desire to end the Holocaust played no part, the one in which our Soviet ally played the dominant role in defeating Germany, the one fueled by anti-Japanese racism — is not very pretty. It is, however, a critical event in American history and worth remembering.

Instead we are commemorating a fairy-tale version in which the greatest generation rolled up its collective sleeves and went to work defeating tyranny and racism.

The best way to honor this fantasy war is to erect a sculpture of Tom Brokaw wading ashore — à la Douglas MacArthur — accompanied by his publicist and ghostwriter.

— Clark Stooksbury

Good politics, bad medicine — Stephen Cox's piece in last month's *Liberty* about drugs makes an important point: freedom does not solve all problems, and may make some of them worse.

These trade-offs seem to be different with different drugs. Marijuana is ambition-impairing but neither physically addictive nor lethal. Heroin is addictive, but one can be an addict and still maintain. Some drugs can be used recreationally by a reasonable person, and some can't.

It is not enough to oppose jailing people for recreational self-medication. As a practical matter, if we legalized certain drugs, I think civil society would have to campaign against them, and would have to approve of employers and landlords "discriminating" against users, as Charles Murray has said. There is a parallel here to family issues: dismantling the welfare state (and the nanny state and drug-czar state) will require strong families. The conservatives are absolutely right about that. We cannot get to a weak state by encouraging a libertine ethic.

Cox's piece got me thinking about the most difficult issue for libertarians: medical care, particularly treatment of big, expensive diseases that are not the victim's fault. Scientists have developed wonderful life-saving treatments, nearly all of them expensive. When a life is at stake, the treatments *will* be used. People are not willing to declare, "You have no money. Please leave the hospital." Even the biotech research-

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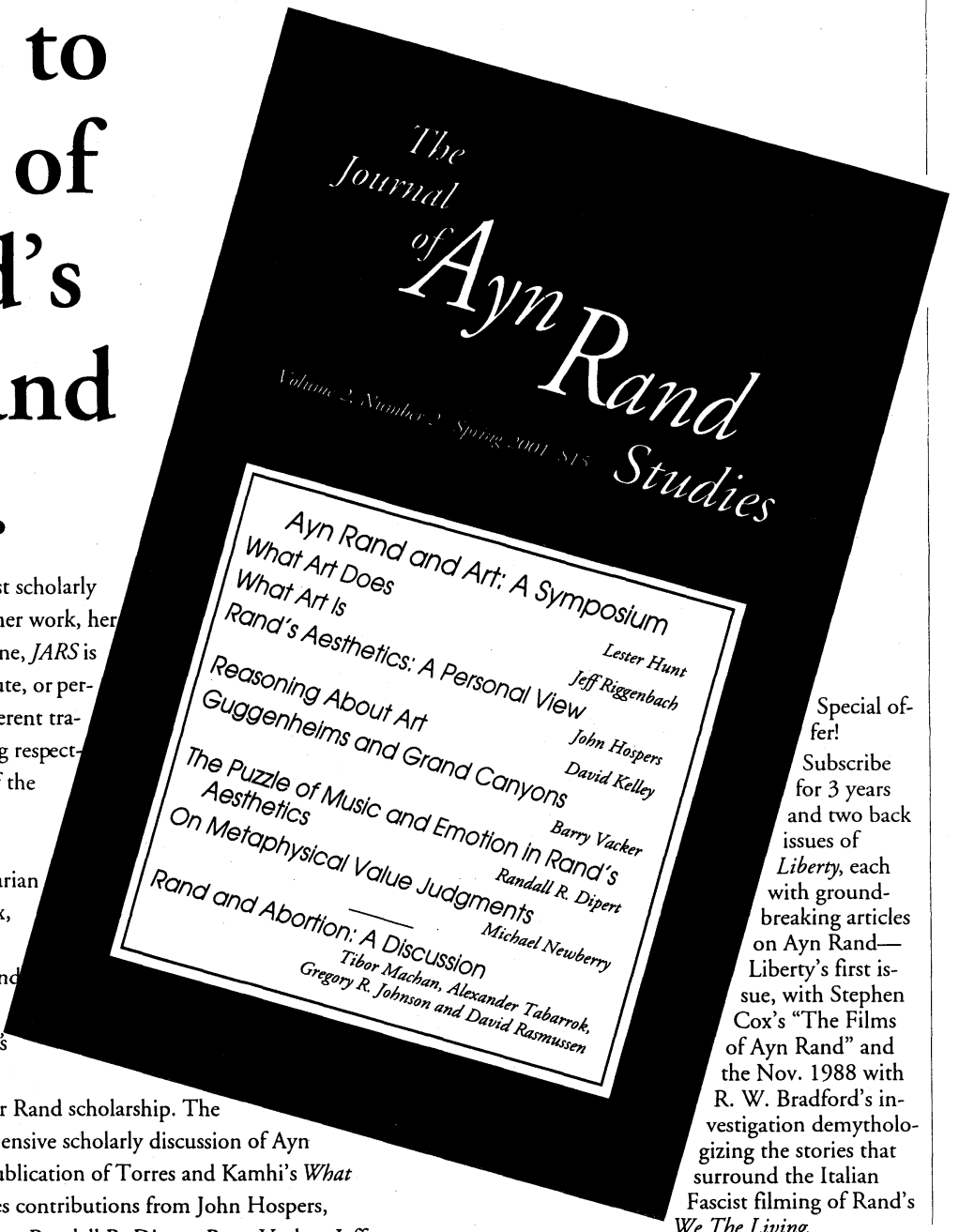

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JARS is edited by R. W. Bradford, libertarian writer and publisher of *Liberty*; Stephen Cox, author of many books and articles on Ayn Rand, Isabel Paterson, and libertarianism; and Chris Matthew Sciabarra, characterized by *The Chronicle of Higher Education* as "Rand's most vocal champion in academe."

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ers developing medicines that cost $1,000 per month, and who know *why* they cost that much, are virtually unanimous in saying that everyone ought to have "access" to them.

In the old days, doctors and hospitals would absorb the cost of medicine for the poor and tack it on to the bills of everyone else. But the old system was monopolistic and inefficient enough to allow for that. Medicine has now become a business; hospitals, whether for-profit or not, are run by MBAs, and payment is by insurers rather than by the customer. Insurers earning pennies on a dollar will not tolerate 10–20% leakage to charity medicine. The company that allowed it would not survive.

All this makes medicine a really tough issue for libertarians. Social Security is not so tough, because the amount people need in old age is fairly predictable and they have a long time to plan for it. They can solve the problem by investing at a young age. But a medical disaster can be any size, any time. Everyone is at risk. Risk faces even the person who has saved a prudent amount of money. A responsible person simply *must* have medical insurance; and if he is irresponsible and waits until he is sick, he may not find a carrier that offers it, or it may be too expensive. Therefore, the argument goes, why not make it compulsory — and if it is compulsory, and many people cannot pay for it, then have the state give it to them.

Another problem: private medical insurance is based on pooled risk. With employer-provided pools the risks are acceptable and the costs reasonable. But we have employer-provided insurance only because of historical reasons. During World War II, regulations prohibited wage increases, so when labor shortages developed, employers sought to attract workers with health benefits. This was, of course, a way of disguising a wage increase, and would thus violate the wage controls. But management and labor lobbied to have heath insurance treated as if it were not compensation so it would not run afoul of wage controls, and the precedent was set that made health-care benefits not taxable as income. As a result, most health insurance in the United States is provided by employers in the form of inflexible health insurance.

Get rid of this setup, free marketeers advocate, let every family buy insurance on the market. The insurers then would be defining and assembling their own risk pools. That is nothing they haven't done before, except that new technology allows a finer measurement of medical risk. We have some genetic tests now, and will have more. The upshot is that even if we all bought insurance, those of us revealed by tests to be bad risks would be charged much more. Insurance would become less egalitarian and more reflective of our inherited strengths and weaknesses. I am willing to accept that, but I'm not so sure other people are. They tolerate inequality of incomes and wealth because they know people's working and spending habits are unequal. There is a certain fairness in such inequality. There is some of that same fairness when a person gets lung cancer from smoking. But many others come as "acts of God."

We cannot solve this problem by forbidding insurance companies from using genetic tests, because individuals could still use them. And how fair would it be to allow people to test themselves and load up on coverage from a company that's not allowed to know?

Medicine is not the same as it was when people paid for it out-of-pocket. Whatever solution libertarians offer has to be more than consistent. It has to work, and provide a world that people want. The libertarian solution seems to require an extraordinary amount of self-responsibility. Either that or charity.

Perhaps the conservatives are right about charity, too.

— Bruce Ramsey

Naming names — FBI technicians at Quantico named their e-mail sniffer "Carnivore" — supposedly because the search software can "find the meat" in e-mail messages. Last fall we learned from FBI documents released under the Freedom of Information Act that Carnivore's original name was "Omnivore." Now the FBI has changed the beast's name again. The new name is DCS1000. The FBI says that "DCS" stands for "Digital Collection System." Any other suggestions for what "DCS" means? — Bart Kosko

Caveat venditor — The madness that is America's power crisis continues. Now, both the California and New York legislatures are considering increasingly punitive measures to stop what they consider "price gouging" by utilities — defined as charging prices above historical levels.

The obvious fact that we are in the midst of an energy shortage and prices *ought* to be above "historical levels" escapes them. In complete defiance of the laws of supply and demand, Democratic lawmakers in California have proposed to make "price gouging" by utilities a felony offense punishable by jail time and heavy fines. Similarly, New York has opted to boost financial penalties for "market manipulation," while attempting to embarrass naughty utilities by publicly disclosing the names of firms that "exploit" the constricted energy market by raising prices when there is a shortage.

At least ten major investigations into utilities' behavior are being conducted by state, federal and local investigators, court officers, financial experts, and special investigators. As politicians search for scapegoats, this "price gouging" witchhunt is burning off millions of taxpayer dollars. More importantly, it's overwhelming utilities with requests for documents like meeting transcripts and e-mails, disrupting their day-to-day business and prolonging the shortage.

Apparently, the push by states toward criminalization of otherwise normal price changes comes in response to the Federal Energy Regulatory Commission's refusal to control prices. Unlike FERC, state legislatures have not to yet internalized the one fact that economists everywhere know best: price controls turn temporary shortages into permanent disasters.

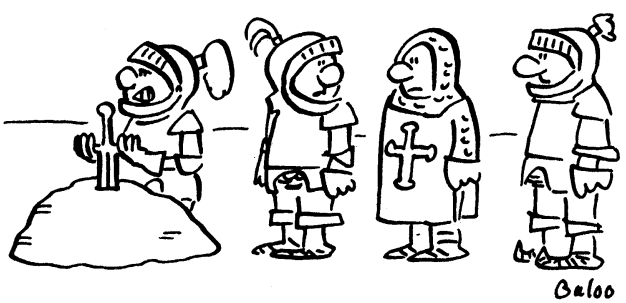

"You wouldn't think a king's job would involve so much heavy lifting."

When politicians judge the fairness of prices, they tend to focus on historical costs of production, asking, "How many man-hours and tons of coal went into generating this power?" When they total up these costs, they invariably leave out opportunity costs — the value of what's given up by selling power in one place rather than another. If Enron sells power in California rather than Washington, the money it could've made in Washington must be added in as a real economic cost, even if it is hard to quantify. And when it is added, the whole notion of "price gouging" disappears.

By criminalizing the sale of power at prices reflecting opportunity costs, law makers in California and New York virtually guarantee a continued shortage, as utilities will avoid selling power in markets subject to the new penalties. From coast to coast, get ready for a long, dark summer.

— Andrew Chamberlain

Absolut brilliance — Vladimir Zhirinovsky, the radical nationalist Russian wacko, and the only Russian politician to ever pose for *Playboy*, has written a letter to the Bush twins, expressing his concern about their drinking habits. According to an article in the *Moscow Times*, Zhirinovsky was avuncular. "Think of my advice as that of an uncle to his nieces," he wrote. "I earnestly ask you not to use alcohol. . . . [Your father] holds a very high post. Therefore, you must behave, so that no negative information about your activities can worry him."

In a related story, a new Russian tax system has broken down, resulting in a possible collapse of the vodka market. The new system requires that vodka bottles receive a tax stamp before being exported, but the stamps have not yet been printed. As a result, many vodka producers — including Kristall, the leading brand — shut down and sent employees home on June 1. This has Russian politicians more than a little nervous. Easily accessible vodka, is, after all, a vital ingredient for Russian political survival.

— Timothy Sandefur

Drop that paper clip! — Lindsay Brown, a student at a Florida high school, found herself suspended for five days and barred from attending her class graduation ceremony after a steak knife was found in her car on May 21. She said it had fallen out of a box placed in her car when she was moving and that she didn't know that it was there. School officials didn't budge, and U.S. District Judge John Steele turned down her appeal to federal court.

"Please, hit *person*."

But what caught my eye was a single sentence in the story that said that schools had also considered rubber bands to be weapons. Of course, almost anything can be a weapon, but I think this opens up a new path for the enforcement of zero-tolerance policies — against school teachers and administrators. If rubber bands are weapons, so are plenty of other office supplies. Paper clips, pens, pieces of chalk, and erasers (particularly cunning as they don't leave marks) certainly make as good a weapon as any rubber band. And who can deny that underneath the prosaic surface of the everyday stapler lurks a device of calculated mechanical efficiency that cares not whether it closes on a discrete mathematics test or a human hand?

I submit that every office supply that could possibly be used as a weapon should be banned. Every day our children walk into war zones of heavily armed teachers. Sure, teachers and administrators will callously suggest that these petty devices make their lives "easier" and "more convenient" — I'm sure Machine-Gun Kelly felt the same way. And these people are adults, so they have no excuse for not knowing better.

— Eric Raetz

Burning with love — While America puts its worst act of domestic terrorism behind it with Tim McVeigh's execution, many turn a blind eye to another form of domestic terrorism that's on the rise nationwide: eco-terrorism.

Foes of genetically modified (GM) food have grown violent in recent years, abandoning intellectual debate in favor of "direct action" — a euphemism for property damage, theft, and street protesting. While sabotage of GM crops, research facilities, and related property has been common in Europe since the late 1990s, it has only recently migrated to the United States.

And it may be here to stay. With May's dual arsons at the University of Washington's Center for Urban Horticulture and an Oregon tree farm, anti-biotech activists made national headlines. Both locations conducted research on poplar trees that were genetically enhanced to be more commercially productive. For that, activists burned both sites to the ground, scrawling anti-GM graffiti in their wake.

The underground Earth Liberation Front (ELF) based in Portland, Ore., claimed responsibility for the arsons, saying, "Our message remains clear, we are determined to stop genetic engineering." Craig Rosebraugh, who runs ELF's "press office," openly defended the attacks in interviews. "If you have someone who may be destroying the planet," he told reporters, "it's only sensible to go in and burn the place down." One of his ELF colleagues chimed in, "[The arsonists] see that the environment is being destroyed . . . and it's so dangerous that they don't have time to lobby Congress, even if they thought that would be effective, which they don't." Taking this ends-justifies-the-means approach to its extreme, a representative of Genetix Snowball — another group of guerrilla tree-huggers — claimed that "the public has made it clear they don't want [GM] crops, and if the government isn't going to get involved, then it's up to us."

But the "public" hasn't exactly given an ideological mandate to these groups. In fact, even mainstream environmental groups like the Sierra Club and Greenpeace have denounced the attacks. Aside from the issue of them being violent terror-

ists, groups like ELF face another public-relations hurdle — they're idiots. The burned University of Washington facility wasn't some haven of perverse commercial genetic engineering at all. Much of the work done there was to save threatened plant species and to research how ecosystems naturally recover from disasters. During the fire, activists inadvertently burned one-fourth of the world's population of showy stickseed plants, an endangered species native to the Cascade Mountains. These "collateral damages" are becoming common in attacks, and the groups don't seem to mind. Their goal is to generate maximum publicity, and inflict heavy punishment on anyone involved in genetic research or marketing.

As these eco-terrorist attacks grow, it's becoming clear that the real costs are scientific, not economic. Scared researchers are abandoning academic work for fear of being targeted by terrorists. Oregon State University geneticist Steve Strauss, whose lab was destroyed in March, expressed fear for the future of the new and promising field of genetic science: "If we can't protect our academic institutions to do the kind of work that scientists think make sense, do we do what's dictated by these terrorists? That's a really scary prospect."

But it may be a reality. Since his lab was attacked earlier this year, Dr. Strauss has dropped his research on GM crops.

— Andrew Chamberlain

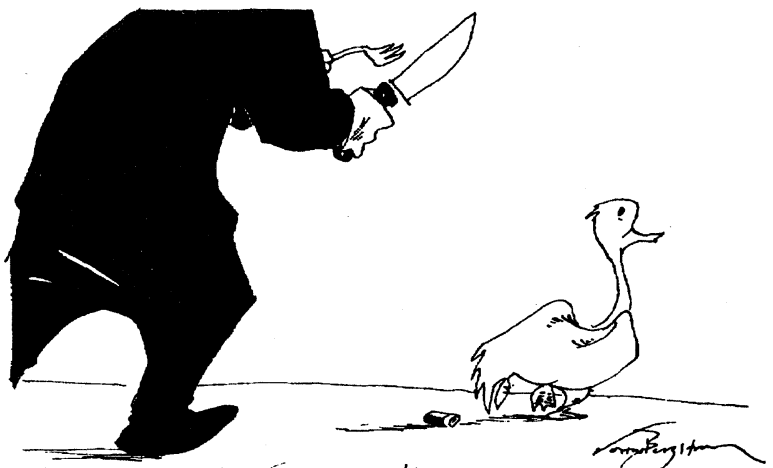

GREY DAVIS AND THE GOOSE WHO CRAPPED AA BATTERIES.

The LP waves its mighty fist — Now that the U.S. Senate has flopped over to the Democrats, those who voted Libertarian should take their applause. In November 2000, Maria Cantwell, a Clinton Democrat, beat Sen. Slade Gorton, R-Wash., an idiosyncratic conservative, by only 2,228 votes. Jeff Jared, the Libertarian candidate, got 64,734 votes. By the rule of thumb that Libertarians take two votes from Republicans for every one vote from Democrats, Jared threw the election to Cantwell.

Libertarian voters will say, of course, that they were not the only factor — and, of course, they were not. Gorton lost because he was old, and also because the Seattle greens have hated him for years, most recently because of his "midnight rider" on behalf of a proposed open-pit gold mine in rural Okanogan County. Cantwell won because she was associated with the new economy, and could contrast that with Gorton's support of miners, fishermen, and farmers, and because she poured $10 million of RealNetworks stock into her own campaign. All true. But when the vote is that close, everything is decisive. And one of those decisive forces was the Libertarian vote in Washington state, which has resulted in Democratic control of the U.S. Senate.

Washington is under court order to throw out its "blanket" primary, and may now adopt the "Cajun primary," in which only the top two candidates advance to the November ballot. Under that system — sponsored by a Republican — the Libertarians could never do that again. — Bruce Ramsey

Drugs don't cause crime, drug laws do — *The New York Times* on May 19 made the classic error of undiscriminating drug-war sympathizers in a story headlined: "Violent Crimes Undercut Marijuana's Mellow Image" with the subhead: "An Ounce Can Cost More Than Gold, Police Say." What followed was a story of increasing violence in the drug trade, centered around the murder of a woman who lived above the Carnegie Deli. She and two friends were shot, allegedly by a man who came to rob her of the allegedly substantial profits she had made dealing in high-end, high-potency marijuana.

Besides the usual journalistic sin of accepting almost unquestioningly police stories (sometimes backed by a shred of truth, sometimes without even a shred) about super-potent marijuana with super-high prices, the story shows no awareness at all of the real reason for the violence. The violence didn't occur because the pot was potent. It occurred because the drug war has made it enormously expensive and kept those in the trade from having any method other than violence to resolve disputes — unless there has been a rash of people going to small-claims court to claim that their drug dealer ripped them off and I just missed the stories.

The police make statements like the one in the story from deputy police commissioner Joseph P. Dunn — "The marijuana trade in New York City is controlled and run through the use of violence" — as if they were shocking revelations that justify ever harsher enforcement activities. In fact, having a trade controlled by violence is the natural result of prohibition. When will the mainstream media understand that what are commonly called "drug-related" crimes are almost always "drug-war-caused" crimes? — Alan Bock

All hail Dow Jones — The stock market is often denigrated by friends of liberty as an engine of destruction and evil, but it is the greatest force for wealth building and improving material happiness in the world, as Carl Snyder pointed out so ably in his classic book *Capitalism the Creator*.

A good way to see this is by reading any of the studies of random selection of baskets of stocks. A random selection of stocks bought in 1900, for example, that was sold at the end of the century would have returned a profit of some 10 million percent.

In his book *How to Buy Stocks*, Lewis Engel takes a hard look at the data, and concludes that "when the investment horizon extends at least ten years, the returns are such that of

the more than 2000 different ten-year periods of investment from 1926 to the present, more than 96% show an annual compound return above 9.1%, in 3 out of 4 the annual return from random selections (which can readily be duplicated with any basket of 15 stocks) the return topped 15%."

In all fairness, my point about the wildly bullish returns should be modified by a point my colleague, Leonard Kreikas, makes: a century ago, there were many markets outside the United States that might have been magnets for funds. To gain an accurate perspective about this, one should take the return from random investments in all markets, including England, where investors fared poorly, and Russia, where investors were wiped out.

This being the case, I think an adjustment of minus one percent per year to the returns I cite above is in order. But my point remains: beware of old-hearted gold bugs and Midwestern sages. — Victor Niederhoffer

Northern sophistry — The caribou are back. Now that plans are afoot to explore for oil in the Arctic National Wildlife Refuge, environmental organizations are sending out the alarm. The National Audubon Society Web site says that "no suitable alternative habitat exists for the Porcupine Caribou Herd if they are driven from their calving grounds by oil development." In a caustic tirade Maureen Dowd of *The New York Times* condemns Americans: "We will drill for oil whenever and wherever we please. . . . We don't care about caribou."

But the caribou aren't the allies they once were. The reason is simple: the caribou that migrate through the Prudhoe Bay oil field are thriving. In 1972, there were about 5,000 animals in the Central Arctic herd. Today, there are at least 25,000. Photographs frequently show the caribou comfortably walking along the pipeline.

They have been studied for 30 years. A few studies suggest that female caribou (but not males) may avoid oil facilities when they are calving, and this could signal a problem. But the authors of one such study admit that this may be misleading since the males lose their tagging collars, and the females don't.

So what is an environmentalist to do? Shift gears. Mention other wild denizens of northern Alaska such as snow geese, wolverines, and musk oxen (ignoring, of course, the flies and mosquitos). And polar bears. Now I learn from Audubon that the coastal plain is the polar bears' "most significant area for on-shore denning in the United States." I don't remember much talk about polar bears the last time around. Well, there's always the chance . . . — Jane S. Shaw

A talent for satire — Anyone who thinks that libertarians lack the wit required to produce first-rate satire should read Justin Raimondo's delightful "Libertarians & China," published by antiwar.com. Raimondo's jape is so well-executed that a few of *Liberty*'s readers have taken it seriously, sending me, its intended target, notes of sympathy about his "attack." As Paul Krassner once observed, really good satire can be identified by the fact that some of its readers are not even aware that it is, in fact, intended to be satire. It is a measure of Raimondo's skill that it passed the Krassnerian test.

Raimondo begins what purports to be a criticism of my "China: The 'Crisis' and the Facts" article (June) with a lengthy analysis of me personally. Lest anyone take it seriously, he fills it with "information" that is obviously false. He claims, for instance, that since *Liberty* began publishing monthly in 1999 it has been so short of material that I've been "reduced" to writing more and more of it myself, to the point of using a nom de plume of Chester Alan Arthur to obscure the fact that I am writing so much. In fact, since *Liberty* began publishing monthly in 1999, I have found myself writing less and less of it, and I've practically retired my nom de plume: I've not been Chester Alan Arthur at all for a year and a half, although I was he and he was I in practically every issue of *Liberty*'s first decade. Raimondo adds the amusing nonsense that I get "most of my information from science fiction novels," a clever reference to my notorious lack of interest in a genre that seems to interest everyone else (I've read fewer than a dozen s.f. novels in my life, and none in the last 30 years.) As if that weren't enough he advises his readers that he "always knew R. W. Bradford was a sellout" — a hilarious claim from someone who has written for *Liberty* and even applied for a job as an editor here.

Just in case any reader hasn't yet caught on to his satire, Justin turns to denouncing other people who have written in *Liberty*, a journal that, he claims, "no self-respecting professional will write for." It's a sly reference to people like Milton Friedman, Murray Rothbard (Justin's hero), and all the other notables, including Justin himself, whose writing has graced our pages.

Eventually, Justin gets around to the argument that I presented in my article about China. He still maintains his wonderful satiric touch. Rather than engage the argument, he goes into flights of interpretive fancy, including one particularly delightful one about my "sheer evil" for "saying that [Justin's friend Llewellyn] Rockwell is a . . . traitor to his country, and we all know what the penalty for treason is." Of course, no author for *Liberty* ever said that, but what's important is Justin's invented persona — the fractious, resentful, deeply unhappy libertarian zealot, the man who cannot understand anyone else's position but who is irresistibly moved to lash out against the positions that he imagines others are taking. It's silly, I know, but it's fun, and it's also instructive — because there really are libertarians like that.

Nothing in Raimondo's past — as, for instance, his biography of Rothbard or his book on the "Old Right" — suggested flair for this particular kind of satire. It's welcome, all the same. Talent is always good to see, even when it develops late. — R.W. Bradford

Available at stores you haven't smashed up near you — Those who just couldn't get enough of the excitement at the original WTO riots will soon be able to purchase the video game "State of Emergency," whose creators confess draws heavily on the Seattle riots.

Now you too can experience the raw thrill of putting bricks through store windows and egging on fellow rioters in the war against "late-stage capitalism"! Feeling more frisky? Turn over a few cars and attack some bystanders and police officers! Naturally, there are some differences between the video game and the real riot — in the game, you're helping to destabilize the American Trade Organization. — Eric Raetz

Developing Story

The Deafening Silence

by R. W. Bradford

On May 11, Perry Willis confessed that he had disobeyed his party's conflict of interest rules for employees in order to help Harry Browne win the Libertarian Party presidential nomination. In the five weeks since, investigators from the party and press have been asking Browne campaign officials about their involvement. Browne himself issued a terse confession, which his supporters are reluctant to believe. Others have refused to say anything at all.

As is usual at meetings of the Libertarian Party's National Committee, a variety of papers were distributed at its April 21 meeting. Two of them were from John Famularo, former secretary of the party. The first was a memo addressed to the committee members; the second a copy of an invoice. They looked innocuous. No one at the meeting paid much attention to them.

But they were not innocuous. They blew open what party chairman Jim Lark describes as a case that has "been festering since 1995," when it first became known that Perry Willis, the party's national director, was working on behalf of Harry Browne, who was then seeking the party's presidential nomination. Willis' activity was prohibited by the party's long-established "conflict of interest" policy, which specifies that "Neither the National director nor any other employee shall endorse, support or contribute any money . . . in any campaign for office, or nomination, within the Party or any State Party."

The party's national committee called Willis on the carpet and reiterated its policy. Willis responded that since he was being paid for the work, he was not actually "endorsing, supporting or contributing" to the Browne campaign. The LNC responded that the policy meant what it said, and that Willis must agree to do no further work on behalf of Browne until such time as Browne might win the party's nomination. The alternative was for Willis to lose his job with the party. Willis agreed that he would do no further work for Browne.

Famularo's memo concerned a pending decision about whether the party should enter into a new business relationship with Willis. Famularo noted that in 1995 Willis had explicitly agreed to do no further work for Browne, but that "there is evidence" that Willis had in fact continued to work for Browne and through a subterfuge concealed the fact from all but a tiny handful of people. Famularo attached an invoice from Willis to Dean Spears & Co., a firm owned by Browne Internet specialist Jack Dean, for services that Willis had performed on behalf of the Browne campaign in February 1996, during the period when Willis was claiming he was doing no work for zxx. It also said, "There is other evidence available."

Apparently, however, no one on the committee took note of the memo and attached invoice. It was "well after the meeting had adjourned," LNC member Steve Givot explains, that he "first become aware of the memo." According to Givot, some other LNC members didn't notice the memo until after the meeting had ended. Others were new to the LNC and were not aware of the memo's significance. In any event, no action was taken.

Famularo distributed copies of his memo and the attached invoice to various activists and others. Eventually, LNC members also read Famularo's memo and its attached document and drew the obvious conclusion: if the invoice was genuine, then Willis had deceived the LNC and the party itself; for a period of more than five years, he had conspired to hide the fact that he had violated his explicit agreement to refrain from further pre-nomination work for Browne.

Realizing that the invoice was authentic, and obviously concerned about the "other evidence" Famularo claimed to have, Willis began to work on a statement minimizing the damage to himself and to Browne. After going over his 20-page literary production with Browne, he sent it to LNC members and published it on Browne's Web site (harrybrowne.org) on May 11. In it he confessed to Famularo's charges, and offered a lengthy justification of having violated

his contract and deceived his employer. Basically, he explained that the Libertarian Party could not survive unless he were allowed to continue as national director and work on the Browne campaign in violation of the party's rules.

Willis' confession settled the question of whether he had conspired to disobey the party's rules for its employees, but it raised another, equally important question: with whom did he conspire? The Browne campaign had paid him for his work, laundering the funds through a contractor closely associated with the campaign. Surely someone within the campaign had authorized paying Willis for his work. Someone had received the work from Willis. And someone had come up with the idea of concealing the payment by laundering it through Jack Dean. Just who else was a party to this?

Speculation immediately centered on Browne himself, as well as campaign manager Sharon Ayres, who also acted as treasurer and actually signed the checks and prepared the reports to the FEC. People also wondered about involvement by David Bergland, Ayres' husband, co-chair of the campaign, who was elected party chair with strong support from Browne in 1998; Michael Cloud, who had been managing the campaign's direct-mail fundraising with Willis' assistance; Steve Dasbach, party chair at the time, who took over Willis' job as national director in 1998; Stuart Reges, who had supervised preparation of the campaign's FEC reports; and Douglas Casey, the other co-chair of the campaign.

Willis' confession settled the question of whether he had conspired to disobey the party's rules for its employees, but it raised another question: with whom did he conspire?

Two days later, Browne responded to the e-mail discussion of the scandal, which was apparently going in a direction he had not anticipated. He sent the following e-mail to the party's national committee, to five senior employees of the party, and to selected activists:

> A lot of people are quite distressed over Perry's message. I understand that. I don't expect the distress to be abated in the near future. However, I would like to make one suggestion, if I may.
>
> It would be well for people to wait before speaking in order to give as much thought to their reactions as Perry gave to his statement before he released it. Shooting from the hip merely puts you in a position of later having to stand by statements and positions that you may come to realize you may not have thought through. Perry spent several days on his statement. I went over it with him. I think it might be prudent for you, too, to think over the consequences of your statements before releasing them.
>
> I will issue a statement in a few days, after emotions have relaxed a little. Just as I've suggested for you, I want to be sure that I don't say anything too quickly that I might regret.

By this time, people were asking Browne about the Willis memo. I called him myself to inquire. "I've got a couple of questions," I began. "I'm not going to answer them, Bill," he responded. "Do you have any reason for not answering?" I asked. But Browne hung up without answering. He has since refused to answer questions we've e-mailed to him, and to say anything at all on the subject in a second attempt at a telephone interview.

But he did answer one question from one person. On May 13, former national chair Mary Gingell e-mailed him as follows:

> Is the fact that this memo can be found on the harrybrowne.org Web site an indication that you concur with Perry's opinion that violating the LP conflict of interest rules in 1996 in order to help the Browne for President campaign is justifiable?

Browne answered by e-mail:

> I'll be issuing a statement in the next couple of days. . . . In the meantime, you should know that I was aware of Perry's actions and agreed to them.

Gingell showed the message to her husband, Joe Dehn, a member of the LNC and the party's executive committee. He apparently concluded that this was enough for the executive committee to take action.

At a meeting of the committee on May 23, he introduced a resolution recommending that the party not participate in "the lawsuit against the FEC proposed by Browne and Willis [which challenges the limits on campaign contributions], or any other project proposed or managed by them, until all related questions have been considered by the full LNC" and directing "the national staff, until such time as the matter can be addressed by the full LNC, to not enter into any business relationships, including but not limited to rentals of the LP mailing list or advertising in LP News, with Browne or Willis or any entity of which either of them is an officer, director, or employee without prior approval of the Executive Committee." The resolution also expressed its "appreciation to those individuals (i.e., John Famularo) who have been willing to assist the LNC by bringing forward information about this matter."

The party's vice chairman Dan Fylstra, a Browne loyalist, moved to strike any mention of Browne in the resolution, on the grounds that there was "no evidence to support this claim and that it appears to be a statement which finds guilt by association."* Dehn revealed the e-mail exchange between his wife and Browne, and Fylstra withdrew his amendment.

Party chair Jim Lark noted "that there could be other, though less likely, meanings to Browne's words." Presumably, he meant that perhaps the "actions" that Browne had admitted "he knew about and approved" were not the same as the "actions" that he had been asked about — namely "violating the LP conflict of interest rules in 1996 in order to help the Browne for President campaign" — but were some other actions. (Lark volunteered to me in an interview, "The most reasonable interpretation is that Mr. Browne knew that Mr. Willis continued to work for the Browne campaign after the August 1995 meeting [of the party's national committee].") Some minor changes in the language were approved and the resolution was passed unanimously, with Chairman Lark, as was his custom, abstaining.

A week later, at Fylstra's instigation, the EC met again to consider changes in its resolution. Proceeding on Lark's the-

*This and subsequent quotations about events at the Executive Committee meeting are taken from the draft minutes of the meeting (EC meetings are not open to the public or the press).

ory that perhaps Browne was answering some question other than the one he had been asked, Fylstra proposed that the previous resolution be "clarified" to include a statement that the EC "recognizes that . . . it is presently unclear to what extent he [Browne] or others were involved in Willis' actions or decisions" and a "request" that "Harry Browne provide a public statement to the LNC to clarify the circumstances surrounding Willis' actions."

Dehn argued against the resolution, energetically objecting to the idea that the extent of Browne's involvement is "presently unclear." After declaring that Browne had not yet "spoken directly" with any member of the EC, the resolution was split into two parts to be voted on separately. The main portion passed unanimously. The provision claiming that Browne's involvement is "presently unclear" passed by a 3–2 vote.

Almost immediately, LP activists and others who had been following the story characterized the second as "backtracking" from the first. Some of Browne's critics even began to use the word "cover-up."

But how have rank-and-file Libertarian Party members responded to this story? It's difficult to get a definitive answer to that question. For one thing, relatively few party members even know what happened. To date, it has been reported only in the pages of *Liberty* and by one Web site, orvetti.com. As *Liberty* goes to press, 68 days have passed since John Famularo released the evidence at the LNC meeting, but the monthly *LP News* has yet to say a single word on the subject. It's easy to see why: whatever the *LP News* says is liable to seem suspect, if only because its editor Bill Winter was deeply involved in the original events. He had done work on behalf of Browne before Browne's nomination and like Willis was told in no uncertain terms by the LNC to stop working for Browne or lose his job. There's no evidence that Winter secretly continued to work for Browne, but even so, it's easy to see why he'd be reluctant to write about the controversy.

Proceeding on Lark's theory that perhaps Browne was answering some question other than the one he had been asked, the Executive Committee "clarified" its earlier resolution by adding a statement that it "recognizes that . . . it is presently unclear to what extent Browne was involved."

I've called or e-mailed a dozen LP members to see what they think. None had heard about it until they heard it from me. Party chair Jim Lark, who much prefers working with state and local parties to investigating charges against libertarian VIPs, told me that he has had better luck gauging rank-and-file reaction than I have. In an interview on May 26, he told me that there is a strong sentiment among members to find out who else among party employees and Browne campaign staffers may have been involved, and to stop doing any business with them — if they are employees of the party, to fire them. He's conducting his investigation by mail. As we go to press, only John Famularo has responded to his questions.

Liberty has attempted to contact all the people involved. Among those involved in Browne's campaign, only campaign co-chair Douglas Casey answered. He told me he had "no idea" it was happening. "I'm not surprised," he added. "I've never been impressed with the partyarchs. By and large, they're a bunch of limpdicks, crybabies, and losers. I am, however, surprised to find they're just as venal as the Republicrats." When I asked him whether he thought others within the Browne campaign were involved, he said, "Well, checks don't write themselves. Someone had to authorize paying the money to Jack Dean's company to be passed on to Willis."

LP Vice Chair Dan Fylstra argues that the party should consider those implicated to be "innocent until proven guilty," that the only "conclusive evidence would be a confession," and that those investigated have "a right to refuse to answer."

I also spoke with Steve Dasbach, then the party's national chair, now its national director, and a person Browne's harsher critics have long suspected was in on whatever conspiracy was going on. Dasbach told me that he learned of Willis' deception on May 11, when Willis made his confession.

Alone among Browne campaign staffers, Stuart Reges has entered into the ongoing e-mail discussion of what happened. He denies any knowledge of the actions of Willis and those within the Browne campaign who conspired with Willis, but puts most of his energy into defending other aspects of the Browne campaign:

> I've told Perry Willis that what makes me most angry about his lie from 1996 is that now people will assume that [Jacob] Hornberger [one of the Browne campaign's fiercest critics] was right about a lot of things. I can't and won't defend what Perry did. He has explained his reasons for violating LNC policy in 1996 and I accept his claim that he thought he was doing what was best for the party. I don't approve, but I accept his explanation that his motives were good. I am more upset that he lied about it and allowed the lie to continue for years . . .

Of course, party leaders are well-informed about the Willis-Browne affair. *Liberty* attempted to contact every LNC member by phone to ask what should be done, and with one exception every answer we got supported a strong investigation of all those who might be involved. Several of Browne's most loyal supporters felt a sense of betrayal. Barb Goushaw is an alternate LNC member from Michigan who defended Browne so vigorously in her home state that when I attended the state party's recent convention, two people confided in me that they believed she was "on Browne's payroll." Barb now told me that she believed she had been "betrayed by someone [she] trusted, defended, looked up to, and believed in." She said she felt as Donna Shalala, who defended

Clinton against perjury charges after his personal assurances of innocence, must have felt when Monica Lewinsky's "semen-stained dress" was discovered. Barb also sent a formal apology to her "friends" in Michigan, "acknowledging that I was wrong about Perry Willis and apologizing to all those that I may have offended by my strident defense of his character."

Another Browne supporter on the LNC, Ken Bisson, wrote an open letter to Willis, expressing his personal outrage:

> I regret that you made the decision to lie to the National Chair. I disagree with you that you "did the right thing." I am saddened that you chose to defend lying to the National Chair (and the LNC) by using an "ends justify the means" argument. . . .
>
> Perhaps I am naive, but I can't accept an "ends justifies the means" argument. It makes no sense to me whether presented by a statist or a Libertarian. . . .
>
> In the eyes of many party faithful, your dishonesty, now revealed, taints everyone who defended you as an honest person. Those of us who believed you for the past five years (and risked our reputations to do so) are now correctly found to have failed in our judgment of your character. Our ability to be respected and trusted is now degraded by your lie. You compounded that damage every time you accepted, even encouraged our defense of you.
>
> Perhaps I am mistaken, but I consider the justification that lying was doing "the right thing" to be unacceptable. I will listen and carefully watch how others respond. I trust the current leadership of the LP will consider honesty to be a necessary condition for participation in the activities of the LP.

The only party leader to whom I've spoken who seems reluctant to regard the charges against Willis and Browne as particularly serious is Vice Chair Dan Fylstra. He argues that the party should limit action to a motion censuring Willis and "focus our energies on the future and not on, you know, not just going round and round on things that happened in 1996." He also believes that the party should consider those implicated as "innocent until proven guilty," that the only "conclusive evidence would be a confession," and that those investigated have "a right to refuse to answer."

Meanwhile, Chairman Lark, who rejects the extremely tough standard Fylstra has called for, continues his investigation. He hopes to complete his work by mid-August. It may not be easy: "I fear some people won't cooperate."

In the next Liberty*:*

Audit of the 2000 Browne Campaign

Liberty's audit of the 1996 Browne campaign found some startling surprises — for example: huge payments to campaign staffers, only $8,840.50 spent on advertising — that contradicted the campaign's report to its supporters.

For nearly two months, Liberty's editors have been examining Browne 2000 Campaign's reports to the Federal Election Commission. Our report will answer questions like:

- How much did the campaign spend on advertising this time?
- Did the Browne campaign deliberately mislead the FEC in its expense filings, as it did in 1996?
- Why were so many campaign checks sent to people living at one address — the home of campaign manager Perry Willis?

The September Liberty *will be on the newsstands by August 1.*

Plainly, this is a job Lark doesn't relish but believes he has to do. He says that the party should refuse to do business with any people involved in the scandal.

Except for Stuart Reges, those involved with the Browne campaign remain silent, while Browne's critics are vociferous. The Internet is buzzing with e-mail messages discussing the merits of suing Willis for recovery of the salary he received while violating his contract and for damages done to the party, worries about possible criminal prosecutions, and concerns about the risks of either whitewashing the case or washing the party's dirty linen in public.

The official "Harry Browne 2000" Web site still displays Perry Willis' "final campaign report," which includes a 1,000 word explanation of how "imagined conflicts of interest" stymied his efforts to get a million votes. And Jim Babka, Browne's press secretary, says that he doesn't know whether Browne will say anything further. He added, "I hope he doesn't. I don't want him to be dragged into this case"— as if he weren't already at the center of this case.

"Our party leaders sold our honor and integrity, and all we got was a lousy 380,000 votes."

When and where will all this end? The first answer is easy: it will probably end at the LNC meeting on August 25. But no one can say how it will end. Perhaps Fylstra's approach will prevail: Willis will merely be censured and his co-conspirators will remain unidentified. But I suspect it will end with the party's refusing to collaborate in future with anyone dirtied by the Willis-Browne campaign fraud.

It is now 33 days since Browne promised to answer questions more completely than in his brief acknowledgement that he "was aware of Perry's actions and agreed to them." Numerous party members as well as *Liberty* and the party's chairman have asked for answers. No one is talking. The silence is deafening.

I conclude with a personal note. This has been an extraordinarily difficult article to write. I know almost all the people involved in this story. Most are old friends. It's no fun to be deceived or stonewalled by friends. Even worse is having to produce a chronicle that contains such bad news for my party.

But the cause of liberty is best served by discovering and telling the truth. Libertarians have long found solace in the fact that while we may not be very good at getting votes, we always tell the truth, keep our word, and maintain our integrity. It now appears that significant elements of the party's leadership abandoned these commitments in a vain attempt to get more votes. To paraphrase a remark attributed to Sir Thomas More, "Our party leaders sold our honor and integrity, and all we got was a lousy 380,000 votes."

Maybe I'm wrong. Maybe those who conspired with Willis will come clean, apologize for their perfidy, go quietly into the night, and maybe eventually come to realize the harm they've done. Maybe the party will regain its honor. I hope it does. I hope that no one ever has to write a chronicle of this kind again. ❑

Justice, at Last, for Vicki Weaver?

by William E. Merritt

For over 100 years, federal agents have been virtually immune from prosecution for homocides they commit while on the job. That may be changing.

To everybody's astonishment, the 9th U.S. Circuit Court of Appeals ruled on June 5 that the state of Idaho has the power to try FBI Special Agent Lon Horiuchi for killing Vicki Weaver during the standoff at Ruby Ridge. The opinion was written by Judge Alex Kozinski, whom many libertarians consider one of the great champions of freedom now sitting on the federal bench.

As many libertarians know, Judge Kozinski immigrated to America as a child from a village that began World War II in Poland and, after the shooting was over, found itself in Ukraine. In a span of five years, that part of the world survived life under Stalin, then Hitler, then Stalin, again — while Judge Kozinski's father spent his war years in concentration camps. A family tradition like that would make even Hillary Clinton suspicious of government, and may well be the reason Judge Kozinski developed such a clear-eyed view of what it means to have people in uniform being careless about whom they shoot.

A lot of big guns were hauled out for this case. The solicitor general of the United States filed a friend-of-the-court brief for the feds, while special prosecutors for Venice, Calif., and New York City carried the ball for Idaho. To anybody who remembers the '60s and the stupefying statism of the Johnson administration, the New York City special prosecutor was the most astonishing person in the courtroom. The idea of somebody like Ramsey Clark, LBJ's attorney general, making the case against an intrusive federal presence is as strange as anything you are likely to find in American jurisprudence.

What happened on Ruby Ridge in the fourth week in August 1992, isn't much in dispute. Randy Weaver was holed up in a cabin, along with his wife, Vicki; their son, Samuel; daughters, Sara and Rachel; baby, Elisheba; Samuel's dog, Striker; and Randy's buddy, Kevin Harris. In the early morning hours of Aug. 21, six deputy United States marshals, all tricked out for combat in camouflage gear, using night-vision equipment, and with no visible law-enforcement identification, conducted a reconnaissance of the cabin in preparation for serving an arrest warrant.

At 10:20 a.m., Randy and Samuel Weaver, and Kevin Harris, left the cabin with their dog running ahead. As they neared the hidden agents, the dog began to bark and an agent shot it. Harris and Samuel Weaver fired back into the woods and Marshal Larry Cooper shot 14-year-old Samuel in the arm. When Samuel turned around, Cooper finished him off with a bullet to the back. Weaver and Harris retreated to the cabin. Later, Randy and Vicki Weaver retrieved Samuel's body and put it in a building they called the "birthing shed."

The next morning, Special Agent Horiuchi arrived on the scene along with the FBI's Hostage Rescue Team, and rules of engagement that let them gun down any armed adult male. Firing into the cabin was off limits because of the children inside. Agent Horiuchi, armed with a high-powered rifle and scope, took up a position about 200 yards from the cabin.

About 6:00 p.m., Randy, Harris, and 16-year-old Sara walked over to the birthing shed where Samuel's body was located. Horiuchi opened fire, hitting Weaver in the shoulder. The three took cover, then dashed back to the cabin. The door opened outward, blocking Horiuchi's line of sight. When Harris, the last of the three, disappeared behind the door, Horiuchi fired through the door — and hit Vicki Weaver in the head. She died instantly with her infant

daughter in her arms.

This whole business of federal marshals shooting people is nothing new. It gained legitimacy from a pair of famous cases in the 19th century. The first arose in a month-long evidentiary hearing in Tombstone, Ariz., in which the Earp brothers and J.H. "Doc" Holliday, were acquitted of charges arising out of certain events at the OK Corral, on the grounds that, in view of "the threats made, the character and position of the parties . . . with all the surrounding influences . . . the defendants were fully justified in committing these homicides . . . "

The second came from 1890 and included, of all people, the great Supreme Court Justice, Stephen Johnson Field. Field had been assigned a federal marshal to protect him from a man who had threatened his life. Justice Field had the bad luck to run into that very man in the dining car of a train. The man had the worse luck of reaching into his pocket, as if going for a knife, and the marshal shot him. When the question reached the Supreme Court, it turned out that the marshal — surprise of surprises — was protected from state prosecution by the supremacy clause.

When Idaho prosecuted, Agent Horiuchi had the case removed to federal court, where a judge dismissed the charges on the grounds that states can't prosecute federal employees.

Before reaching the 9th Circuit, the Horiuchi case showed the same dreary lack of success Americans have come to expect from attempts to bring federal officers to justice. Despite the fact that gunning down Mrs. Weaver not only violated the FBI's own rules of engagement, but long-established constitutional protections, the Department of Justice declined to bring charges. When Idaho prosecuted, Agent Horiuchi had the case removed to federal court, then asked to have the charges dismissed on the grounds that, under the supremacy clause of the Constitution, states can't prosecute federal employees for what the employees do during the course of their employment. The judge agreed, and dismissed the case.

Idaho appealed to the 9th Circuit, where arguments were heard by a three-judge panel. On a 2-to-1 vote, the panel upheld the district court and left the case dismissed. Then the entire 9th Circuit took the relatively unusual step of meeting *en banc* to rehear the arguments and Judge Kozinski, who had been the lone dissenter on the three-judge panel, had the pleasure of finding himself in the majority and writing the one opinion from this whole matter that still counts.

The big question that leaps out of all this is, where do federal employees come off writing rules of engagement that let them gun down American citizens without a trial? Luckily for all of us, things haven't reached the point where the 9th Circuit was called upon to answer this question. Everybody involved; prosecutors, defendants, government officials — everybody — agrees the FBI had no business doing something like that, although, as Judge Kozinski pointed out, nobody questioned the rules of engagement at the time. And, afterwards, nobody owned up to writing them.

The issue the 9th Circuit was called upon to decide was, regardless of whatever rules Agent Horiuchi may have thought he was operating under, was he protected from prosecution in state court?

Whom is an agent allowed to shoot? The answer to this question doesn't have anything to do with who turns out to be standing behind the cabin door. And it certainly doesn't depend on some kind of "rules of engagement" drawn up by a bunch of federal bureaucrats. It depends upon complying with the Fourth Amendment to the United States Constitution. Specifically, in the words of one of the cases Judge Kozinski quoted as the basis of the 9th Circuit opinion:

> Law enforcement agents may use deadly force only if they reasonably believe that killing a suspect is necessary to prevent him from causing immediate physical harm to the agents or others, or to keep him from escaping to an area where he is likely to cause physical harm in the future. Even then, deadly force may not be deployed until the suspect has been given a warning and an opportunity to surrender.

Horiuchi didn't do any of these things. After it was all over, he claimed he had to take out Randy Weaver because he heard sounds of a helicopter and saw Weaver glance upward, as if he might be thinking about shooting at the chopper. Horiuchi claimed this, even though he had testified at Weaver and Harris' trial that when he shot Weaver, Weaver was facing away from both him and the helicopter and that Weaver and Harris were carrying their guns in the "port arms" position, from which it is impossible to fire a weapon. Horiuchi had also ridden that very chopper earlier in the day and was aware of the military tactics of the pilot, popping up over a hill for a quick look, then back down again.

Again, it was very hard to see how Horiuchi could have reasonably shot Vicki Weaver. He just fired blindly through a door. Or, worse, he did see her and shot anyway. Senate investigators discovered a sketch made by Horiuchi after the fact that showed what appeared to be a woman holding an infant in her arms as seen through the window in the door. Horiuchi himself testified at Weaver and Harris' trial that Harris "was trying to hold the door open or moving someone out of the way," as he ran into the house. Both Randy and Sara Weaver testified that the curtain on the door was pulled back, so Vicki was clearly visible through the glass.

The feds are in a bind on this one. If they don't appeal, they let a very unfavorable ruling stand, restricting future actions of their agents in nine western states. But if they do appeal, they want to make damn sure they win.

And, finally, even if there were some theoretical danger of the fugitives escaping through some secret exit, they were out in the woods. No matter where they went, they weren't going to hightail it into some crowded, urban neighborhood and take hostages.

The way things were handled, the first notice anybody in the cabin received that somebody was even in the woods

that second morning was when Randy Weaver was shot. No demand was made to surrender. It's not even clear that the Weavers and Harris knew they had the option of surrendering. Or, even, that they were dealing with federal agents, and not just a bunch of hooligans.

What the 9th Circuit ruling comes down to is that, if an agent wants to claim immunity from state prosecution, he has to show he complied with the Fourth Amendment. In other words, it's his burden to establish that he reasonably believed the killing was necessary to prevent immediate, physical harm, or to keep the person shot from fleeing to a place where he was likely to cause harm in the future, and that the person was warned and given a chance to surrender. You can see why this is an important ruling. The 9th Circuit didn't have to draw the line here. Certainly Agent Horiuchi, the solicitor general of the United States, and all those government agents scattered around the country, didn't want it drawn there. What they wanted was permission to shoot up pretty much anybody they felt like, then make the state prove there was absolutely no connection between the person they shot and the job they were sent out to do. But if the agent has to show he complied with the Constitution before icing an American citizen, or risk prosecution in a state court, then the whole procedure could have "a chilling effect" upon shooting anybody at all. And that's not what federal law enforcement is about.

They still have the right to appeal to the United States Supreme Court, and they may. It's hard to tell. They are in a bind on this one. If they don't appeal, they let a very unfavorable ruling stand, both against their own future actions — and against one of their own. But if they do appeal, they want to make damn sure they win. And, they might not.

In the glacial way our legal system operates, the revival of states' rights over the past few years has been one of the most dramatic changes of direction in memory. The Supreme Court seems almost to be reaching out for cases to show that states do, in fact, have rights against the feds. And what happened at Ruby Ridge is such an affront to our whole notion of how we want our government to run, the Supreme Court might find it easy to see things the way Judge Kozinski sees them.

And, if something like that happens, it's going to be a new ball game for the whole country, not just the 9th Circuit — and, especially, for a lot of flesh-and-blood agents who might know some details about things that happened at places like Waco that haven't quite made it into the public record, yet. So, the feds might just walk away and leave the last word to Judge Kozinski on this one. ❑

Letters, *from page 6*

Commission, none of the payments to Willis or to Optopia (his company) were for printing, postage, or airfare.

An unspecified portion of the $88,404.34 paid to Optopia was used to pay for "phone, travel, insurance, and supplies." The entire $165,267.28 paid to Willis himself was compensation. It is impossible from the FEC records to determine exactly how long he worked for the campaign, but it appears he worked in that capacity from January 1998 to December 2000, for an average salary of a little over $55,000 per year, in addition to whatever he earned from the campaign via Optopia. In addition, between his resignation from his LP post to accept the position with the Browne campaign and the end of 1999, the LP paid Willis $78,766.67. (These figures provided by LP national director Steve Dasbach.) In all, during the 39 month period in question, Willis received a total of $333,438.29, less whatever out-of-pocket expenses Optopia had. That averages $8,546.70 per month, or $102,596.39 per year.

The remaining $165,267.98 were payments to family/household members.

I cited the figure not for gawking, but because I thought it relevant to Willis' claim that he suffered financially by working for Browne; as I said in my article, "it isn't as if he took an oath of poverty."

Your second question is more intriguing. It turns out you'd loose your bet. According to the Center for Responsive Politics, total spending on the 2000 race was $529.9 million, up 24.5% from the $425.7 million spent on the 1996 race.

In 1996, HB spent 0.366% of total spending in the race. In 2000, he spend .489%. His share of total spending increased by 33.6%. So while his vote share declined by about 22%, his share of spending increased by more than 33%.

A Good Question

"Fraud in the Browne Campaign" (July) was informative, but answer me this: would the Libertarian Party be better off *without* Perry Willis and Harry Browne?

Jeff Kradin
Delray Beach, Fla.

We Don't Need No Stinkin' Evidence!

R.W. Bradford's analysis of the 2000 Libertarian Party vote total ("Why Waste Your Vote," July) doesn't take into consideration the fact that all third party vote totals dropped, with the exception of the Green and Socialist Workers parties. We certainly can't blame Harry Browne for the drop-off in the votes for the Reform, Natural Law, Socialist, Workers World, and Prohibition parties. In fact, in Nevada even the numbers for "None of the Above" dropped.

I don't know enough about the Socialist Workers' Party campaign to speculate in their case, but in the case of Ralph Nader it's easy enough to attribute the Green Party success to the fact that Nader was on far more ballots, raised and spent far more money and benefited from quite a bit of media attention. But how can we account for the dismal performances of all the others? Three answers suggest themselves:

1. All those parties and their candidates ran awful campaigns last year.
2. The voters were satisfied choosing between Bush and Gore and felt far less need to seek an alternative.
3. The wasted vote syndrome did kick in, and virtually across the board.

As for the statistical analysis presented, the math is far beyond me. Perhaps it's simply that the numbers are statistically insignificant, that is, too small to serve as meaningful data.

I can offer a suggestive anecdote from New Jersey, a state that was considered by most voters to be safely in the Gore column. A reporter for a major daily — who certainly should have understood how the electoral college worked — nonetheless voted for Gore because she feared Bush was a threat to

Continued on page 34

Silence Is the Best Policy

by Rick Esenberg

Work these days is a place where a casual conversation can cost you your job, where lawyers are always evesdropping, and where the easily offended set the rules.

In the course of debate over the Civil Rights Act of 1964, congressional opponents suggested that its prohibitions of discrimination in employment might be interpreted to require, not merely equal opportunity, but equal results, resulting in racial quotas in the workplace. In a now famous response, one of the bill's sponsors, Senator Hubert Humphrey, promised to eat the pages of the bill if anyone could show him how it might require an employer to hire a certain percentage of minorities.

As far as I know, Senator Humphrey passed from this vale of tears before eating those words. But within ten years of his professed astonishment that a law prohibiting discrimination could be interpreted to require it, the Supreme Court had ruled that racial quotas are a laudable means of fulfilling the statute's purpose and crafted rules that made it very unwise for employers to not take "affirmative action" to move toward a "racially balanced" work force.

This is no anomaly. No one should discount the rule of unintended consequences. This humble admonition may have special salience for lawyers. The unexpected consequences of developments in medicine and engineering are truly unintended. But the dogged tendency of the law to lead to results that we don't expect — and may not want — is often the product of lawyers' sustained and creative efforts to adorn laws with counterintuitive meanings. If you don't believe me, pick up any issue of the *American Bar Association Journal*. As Sarah McCarthy observed in these pages, "When the final tyranny comes to America, it will come in the form of a well argued lawsuit."

Notwithstanding, or, perhaps in keeping with, the politics of triangulation, contemporary politicians seem unable to resist the lure of trying to legislate into being what Thomas Sowell has called "cosmic justice." Not only do they wish for a world that matches their notions of what is fair and just, they increasingly believe that they can create one. They may still believe that "life's a bitch and then you die," but they'll be damned if they won't make misfortunes illegal. Few injustices are thought to be beyond the law's scope. As retired Senator Daniel Patrick Moynihan has observed, soon we can expect to see a new federal initiative addressing the tragedy of diaper rash.

Of course, mandating paradise is not easy. Sometimes, our lawmakers can do little more than point us in the right direction, saying, "let there be . . . equality . . . or health care . . . or more time to deal with your overbearing mother-in-law," and leave it to the trial lawyers to do the heavy lifting. Regulation of private behavior is increasingly the work, not of legislators chosen by the public, but of lawyers' interpretations of vague and ambiguous laws.

Often the courts find these laws applicable to cases that no legislature would have explicitly endorsed. For example, when President Bush signed the Americans with Disabilities Act, surrounded by the blind, deaf, and wheelchair-bound, no one guessed that it would prevent hospitals from asking physicians applying for privileges about past drug or alcohol use and require college professors to relax examination requirements for students suffering from ill-defined "learning disabilities."

We are all familiar with the impact of sexual harassment laws. Not even the Oval Office has remained untouched. But there is no federal statute that prohibits "harassment." Rather, Title VII prohibits discrimination on the basis of race, sex, or national origin. The laws against harassment are noth-

ing but judicial gloss. Judges have concluded that if an employee would not have been treated a certain way were it not for her sex, then the law has been violated. If a boss wouldn't make sexual advances on his male secretary but he hits on a woman employee, he has violated sexual harassment laws. A boss who mistreats all his employees equally has violated no law.

Of course, most regard the notion that a woman should not be fired for refusing to submit to her boss' advances as a small and reasonable extension of the statutory language. Perhaps. But the process of extending the law hasn't stopped there. Further litigation has determined that there are forms of harassment aside from quid pro quo (i.e., "sleep with me or I'll fire you"). There is also "environmental" harassment: exposing an employee to speech that is unpleasant to her or him for reasons related to her or his membership in one or another protected class. According to our courts, it's not just sticks and stones that can break your bones: names *can* also hurt you.

Regulation of private behavior is increasingly the work, not of legislators chosen by the public, but of lawyers' interpretations of vague and ambiguous laws.

This concept was further expanded by adoption of the "reasonable woman" standard. If a reasonable woman would object to conduct that a reasonable man would not find unacceptable, then that behavior is nevertheless discriminatory. In practice, application of this standard comes close to imposing a rule of absolute liability on anyone who comes close to the line. In this context, it is easy to see the development of sexual harassment law as an attempt to construct a legal replacement for the now-abandoned cultural restrictions on overt expressions of male sexuality. But law is a poor replacement for social scorn. It is both less effective and more oppressive. And there is no agreed-to standard of acceptable behavior; as one harassment consultant has put it, "behavior is harassment if the victim says that it is." Sexual harassment is the perfect postmodern tort.

Not only may the harasser be found liable to an offended woman, but so may his employer who fails to stop him — notwithstanding that employer's complete lack of interest in or benefit from the harassing behavior. Judicial construction of Title VII has mandated that an employer is responsible for harassment unless he has taken undefined "reasonable" steps to prevent it. Even if he has taken such steps, an employer may still be liable if the offended employee's failure to take advantage of preventive mechanisms was not itself unreasonable.

The implications of these rules for relationships between the sexes on the job is well trodden ground. Do not say or do anything that you wouldn't want your dear old mother to hear. Do not tell any sexual jokes or display any art that someone might consider sexually provocative. Consultants tell employers that any comment that may have a sexual connotation — whether welcome or not — should be avoided. Lawyers generally advise their employer-clients to adopt policies against workplace romance and of zero-tolerance toward potential suggestive speech. Telling dumb blonde jokes or talking about the Clinton-Lewinsky affair is a no-no, as is discussion of personal affairs and relationships. A "sensitivity trainer" recently told ABC's John Stossel that she advises employees not to give co-workers "sexual attention of any kind, whether you think they want it, or not." Employers place such severe restrictions on workplace behavior, not necessarily because the law requires it (who can tell?), but because there is no advantage in permitting it. An office romance or a vague suggestive remark is a potential lawsuit.

But sex is but one "protected class" against which discrimination is unlawful — a list that, depending on jurisdiction, may include national origin, religion, sexual preference, marital status, age, veteran status, political ideology, source of income, prior psychiatric treatment, place of residence, arrest or conviction record, personal appearance, and even something called "matriculation status."

If the expression of crude or "sexist" attitudes can create a hostile environment, then why not the expression of hurtful points of view that are some members of protected classes find offensive? The Equal Employment Opportunity Commission has brought actions against employers for failure to remove or prevent racially derogatory graffiti on portable toilets at a construction site and has decreed that an employer must "eradicate" e-mail circulation of "Ebonics" jokes. Courts have enjoined employers from permitting remarks "contrary to a fellow employee's religious beliefs" and "any and all offensive conduct and speech implicating considerations of race."

Although the expression at issue in these cases has mostly been infantile and offensive to most people, nothing in harassment law limits its applications to such "easy" cases. A state court has found that it is unlawful harassment for an employer to permit religious articles in a company newsletter and Christian-themed verses on paychecks. A federal court has held that an employer might be liable for failure to stop employees from religious proselytizing. In another case, the EEOC relied, in part, on a company's ad campaign, which featured images of samurai, kabuki, and sumo wrestling, to find its employees subject to an ethnically "hostile environment." Another court has suggested that an employee who posted in her cubicle pictures of the Ayatollah Khomeini and an Iranian crowd burning an American flag had engaged in "national origin" harassment of an Iranian co-worker.*

Employers have reacted predictably and, as they moved to restrict workplace relationships, many now ban any expression of potentially controversial views. In the company for which I serve as general legal officer, a number of executives have filled their offices with paraphernalia asking, "What Would Jesus Do?" What will I do when an employee complains that this creates an intimidating atmosphere for non-Christians? Another executive has a photograph in his office of himself with Louis Farrakhan, who is famously associated with anti-Semitism. Does this harass

*Professor Eugene Volokh of the UCLA Law School maintains an excellent Web site collecting much of the law in that area and I have drawn extensively on his research.

Jews?

A number of advocacy groups argue that homage to slaveholders George Washington and Thomas Jefferson is racist and insulting to African-Americans. I guess patriotism and the workplace don't mix either.

Why does anyone need to express his views about Thomas Jefferson or the Ayatollah Khomeini in the workplace? A better question may be why the government should require employers to restrict our freedom of speech. After all, the owner of a business is in the best position to know what restrictions do and do not serve the needs of the enterprise. Perhaps, Joe Dotcom thinks it's okay — maybe even good for morale — if his programmers are allowed to keep religious artifacts in their cubicles. Why should the government intervene? On the other hand, if such material is genuinely offensive, if it actually upsets other employees to the extent that their job performance is hurt, what reason do we have to believe that the owner of the business will not restrict it without threats from the government? Most of us spend about a third of our waking hours at work, and a good deal of our social interaction occurs there. Do we really need government regulation of what we say there?

Of course, harassment law applies not only to the workplace. It also applies to education, housing, and public accommodations, a category that is broad enough to include the operation of virtually any business to which the general public, or some significant portion of it, is invited. Application of harassment law in the realm of public accommodations threatens to homogenize our public places. A Boston-area bar was recently under investigation by the Massachusetts Commission Against Discrimination for displaying stuffed monkeys in supposed mockery of Black History Month. Courts have held, or suggested, that business owners are liable for the bigoted statements of employees or for the sale of T-shirts and other items displaying ethnic jokes. Others have suggested that a proprietor's failure to prohibit offensive remarks made by his customers may subject him to liability. In my home state of Wisconsin, the state equal-rights agency has held that black patrons who overheard a racial epithet were subjected to a racially hostile environment. Other courts have suggested that the display of Confederate flags — once, at least, a staple of NASCAR events — constitutes racial harassment.

Defenders of state-sponsored speech police have sought refuge in just about every ill-advised exception to the First Amendment.

In the United Kingdom, equal-rights gendarmes have gone undercover, looking for citizens "denigrating" equal rights in public places. We may not be far behind. Nothing in the law limits the use of "testers" (persons posing as patrons) to search for discriminatory treatment. We may all have to think twice before telling the wrong type of joke at the local diner.

One commentator has suggested that any statement that "discourages or devalues" feminist theories constitutes harassment. A recent student note in the *Harvard Law Review* called for the imposition of civil-rights liability on professional sports teams with nicknames that are offensive to some Native Americans, such as the Washington Redskins or the Kansas City Chiefs. While not addressing the issue of liability, the U.S. Commission on Civil Rights recently called for the elimination of Native American nicknames and mascots. The use of such names, and the fan activity that accompanies them is said to create an "intimidating" and unwelcoming atmosphere for Native Americans. Could the same argument be made to impose liability on the Atlanta baseball team — I shudder to call it the "Braves," another ethnic slur — for continuing to pitch John Rocker after his comments about the face of diversity on the No. 7 train? Might not the presence of such a player contribute to an "intimidating" and "unwelcoming" atmosphere?

Crazy, you say? The Board of Trustees of Daley College in Chicago filed a complaint with the City of Chicago Commission on Human Rights claiming that the faculty union had violated laws prohibiting discrimination in public accommodations when it published a column by Prof. James Bell that mocked affirmative action. The commission rejected the claim, not on First Amendment grounds, but on the narrower ground that the college is not a public accommodation.

Most of us spend about a third of our waking hours at work, and a good deal of our social interaction occurs there. Do we really need government regulation of what we say there?

After a controversy surrounding the recruitment and academic treatment of basketball players at the University of Minnesota, a local paper ran an editorial cartoon suggesting a parallel between slavery and the alleged exploitation of ballplayers who are, for the most part, African-American. Some blacks were offended and the St. Paul Department of Human Rights filed a complaint. It ultimately backed off, but nothing in the law precluded it from pursuing its case.

Not all of the Comstocks of political correctness have been such shortball hitters. In a recent case in Pennsylvania, Roy Frankhouser stalked and used intemperate language to criticize a local fair-housing official. Neither the local police nor the Department of Justice took action, citing Frankhouser's right of free speech.

But HUD Secretary Andrew Cuomo was not so concerned about the First Amendment. He sued Frankhouser for violating the fair-housing laws. Knowing that even if he won, he would be short years of his life and all of his money and reputation, Frankhouser settled. Some of the agreement is unexceptional; he must stop stalking, etc. But the rest is an extraordinary restraint of Frankhouser's speech. Frankhouser must display a fair-housing poster outside of his house, make HUD-supplied fair-housing announcements on his public-access cable show, and refrain from making

Continued on page 37

How the Democrats Could Take Over, and Why They Won't

by Christopher Chantrill

After Al Gore lost by moving to the left, Britain's Tony Blair copied Bill Clinton's politics of triangulation and was re-elected in a landslide. Will Democrats learn anything from this?

In the British general election on Thursday, June 7, 2001, British Prime Minister Blair routed a confused Conservative opposition to win a second term for his "New" Labour Party. In the new parliament, Labour will enjoy a huge majority: it will hold 413 seats, against the Conservatives' 166 and the Liberal Democrats' 52. Tony Blair has now led his party to two successive landslides without precedent in British politics. Never before in its 100-year history has the British Labour Party enjoyed two back to back landslides that gave it a mandate to govern without a coalition.

The pundits have, of course, been out in force blaming the whole debacle on Tory leader William Hague — according to the usual well-placed civil servant, he'd make a good management consultant but is hopeless at political strategy. No doubt the pundits are right. Hague lost, and he ought to take the blame. But it's hardly surprising that the Tories lost. Their Thatcherite program of growth and enterprise has been stolen, fair and square, by Labour. No political party could have expected to recover from such a shock in four years.

So who cares? The Tories have always sounded an uncertain trumpet for liberty, a residue of their past as the paternalistic party of the knights of the shire and ancient wealth in land. Their support of enterprise has always been equivocal, as shown by their unease with Margaret Thatcher: the grocer's daughter and scholarship girl that wasn't really out of the top drawer. But today's Conservative Party supporters are similar to Republican Party supporters: middle-class traditionalists and enterprisers opposed to Labour's alliance of workers, welfare-state beneficiaries, and intellectuals.

If New Labour's Tony Blair can confound the Tories so easily, couldn't it happen here? Suppose the Democrats abandoned the Gore program of fighting for the people against the powerful, couldn't they wipe out the Republican Party in a similar political blitzkrieg by grabbing the center with a program of market-driven growth and abandoning their traditional faith in government subsidy and benefits for their favored constituencies?

There is, however, an important difference between the political situations in Britain and the United States. The Labour Party in 1997 was desperate for power. It had lost four successive general elections — in 1979, 1983, and 1987 to the feisty Margaret Thatcher, and in 1992 to the gray John Major. For 19 years its MPs had squirmed on the opposition benches in the House of Commons while Thatcher changed the face of Britain. How could they persuade the voters to give them another chance? The Labour Party was set in British memory as a Dad's Army of economic bunglers. The 1945 Atlee government brought Britain to its knees, the 1964 Wilson government devalued the pound twice, and the 1974 Callaghan government saw Britain humiliated by Arthur Scargill's miners and the loony left.

To win in 1997, Blair had to change this deeply held perception. He did so by amending the famous Clause IV in Labour's constitution that committed the party to nationalization of the means of production and by declaring in the Labour Party manifesto: "I want a country in which people get on, do well, make a success of their lives. I have no time for the politics of envy. We need more successful entrepreneurs, not fewer of them." He promised not to increase the income tax, and promised not to increase spending for two years.

Naturally, the skeptics assumed that New Labour was just a front, and that as soon as Blair became prime minister, the old Labour Party would resume its left-wing follies.

The skeptics were wrong. As soon as he took power, Blair chose the most dramatic way possible of demonstrating that

New Labour really was different. He freed the Bank of England from direct control by the United Kingdom Treasury. The job of the central bank was now to establish sound money, not to bail the government out of its messes with *coups de whisky*. The new policy meant that the new government would abandon the socialist chimera that political activists know better how to create wealth than do businessmen, bankers, and workers. The first act of Bill Clinton, in contrast, was an attempt to pay off his supporters with the gays-in-the-military fiasco.

In 1997, New Labour was desperate: it had to show it was different. In 2001, the Democratic Party is not. Indeed, at the present moment, after the Jeffords coup, it even feels a little cocky. Al Gore's class-warfare platform garnered the party a plurality of votes, and Democrats probably believe that just one more big push ought to be enough for them to regain control of Congress and the presidency. The last thing that any Democrat imagines is that it might be twelve or 16 years before his party can regain control of the federal government. In 2001 the Democratic base would never vote for a candidate who demanded the slaughter of its sacred cows as the only way back to power. That's why Democrat politicians feel confident opposing Social Security reform, Medicare reform, tax reform, and school reform. For now, the Republicans are safe from a Blair-style mugging.

In 1997, Labour was desperate: it had to show it was different. In 2001, the Democrats are not. Indeed, they even feel a little cocky.

Meanwhile the Tories find themselves out-thought, out-spun, and out-campaigned. They have yet to find a platform to counter the Blair combination of economic growth and investment in the welfare state. The Tory manifesto weakly talks about setting people free and returning to common sense, throwing out a Labour Party that "does not understand our country." But the problem for the Tories is that Blair understands the country only too well. His politics of opportunity and improving public services is exactly what the British seem to want. If the Tories believe in lower taxes, a smaller state, and individual freedom they are going to have to develop policies that start moving their country toward that goal. They need to follow the example of George W. Bush, whose campaign in 2000 was a carefully balanced platform to move America in the direction of freedom and choice by pushing against the received wisdom of the mainstream media culture on taxes, Social Security reform, and school choice.

"So what if I am an honest man — what's in it for *me*?"

It wasn't easy for Bush. In the spring of 2000, during the hiatus between the primaries and the convention, George W. Bush was tested in the Temptation of Dubya. He was taken up to a high mountain and shown the polls by the editorial board of *The New York Times*. He didn't really mean to enact his evil Republican tax cut, did he, murmured Satan, expecting an immediate cave-in. Yes, he did, Bush replied. But the polls show that the country didn't really want a tax cut, whispered Satan. Then I'll have to move the country, said Bush. Again, he was taken up a mountain by *The Washington Post*. He didn't really want a tax cut, did he? Yes, replied Bush, he really did.

In the early campaign, Gore ridiculed any tax cut as a "risky scheme." By fall, Gore was pushing his own "targeted" tax cut. In the spring, Democrats ridiculed Bush's policy of grasping the third rail of American politics by proposing a partial privatization of Social Security. Wait till we turn on the current, they jeered. By fall, Gore had cobbled together a hastily conceived plan of his own as polls showed that voters were receptive to Bush's policy. Even on the issue of school choice, Gore wobbled, admitting that in certain cases, he might be for it. Throughout the campaign, Bush doggedly stuck to his platform, and succeeded in moving the nation toward his vision of the future.

In Britain, the Tories look like dead meat. A week before the British election, more in sorrow than anger, the London magazine *The Economist* announced that it was voting for Labour, complaining that Hague had failed to make the case for "lower taxes, a smaller state, individual freedoms." *The Times* and *The Financial Times* also endorsed Blair.

In 2001 the Democratic base would never allow the slaughter of its sacred cows. That's why Democrats feel confident opposing Social Security reform, Medicare reform, tax reform, and school reform.

Meanwhile, in the United States, Bush is mapping out the road to the future of Conservative and Republican politics. It lies in step-by-step privatization of the welfare state, slowly drawing in the fangs of the tax-eating monsters: government pensions, government health-care, government schools, and government child-welfare; slowly moving public opinion from statism to freedom not by showy manifestos and declarations of principle but with concrete, sensible policies that ordinary people can understand.

While the Conservatives were getting hopelessly tangled in immigration issues and absurdly promising to save the pound, a store of value that has lost 98% of its value in the last century, President George W. Bush has already begun to define the future with his tax cut, his Social Security privatization, and his Medicare reform, though he does wobble on school choice. While the Tories bite the dust, Bush has mapped out a cautious strategy with specific policies that begin the long march towards a smaller state and a freer society. ❑

Warning

Just Say No to "Privatization"

by Ari Armstrong

When it comes to Social Security reform, advocates of free markets have abandoned basic principles in favor of a pragmatic approach.

I recently testified at Colorado's state capitol in favor of a bill to repeal mandatory minimum sentences for drug offenses. Another provision of the bill called for the halt of "private" prisons. A Republican senator on the committee argued that "private" prisons are operated more efficiently than are state-run prisons. (Perhaps coincidentally, the senator's district benefits from prison dollars.)

I explained to the legislative committee, "An industry that is wholly funded and regulated by the state is not 'private.' These are not 'private' prisons; a better term might be 'contract prisons.' However, I do not want contract prisons any more than I want contract IRS agents."

The Democrats in the audience loved the line.

I wish I'd also said, "Market socialism is still socialism, Senator." I think the Republicans would have loved it.

That's a point that seems lost on many conservative reformers. Dubya Bush is making waves with his attempts to "privatize" elements of welfare by diverting tax funds to hitherto private charity groups.

Wade Dokken, president of American Skandia and a typical proponent of "privatizing" Social Security, accuses opponents of trying "to use short-term fluctuations in the equity markets as justification for opposing President Bush's proposal to allow Americans to invest part of their Social Security taxes through personal accounts." This criticism is simply bogus: if people were "allowed" to spend their Social Security dollars at their discretion, couldn't each individual decide whether to use the money to buy stuff, pay off debts, invest, or save? If Bush's plan were really what Dokken says it is, anyone could choose to avoid the short-term risk of the stock market if he or she so desired.

But Dokken is not advocating free choice. When he says "allow," what he really means is "require." Here's the basic plan for Social Security "privatization," as explained by the Cato Institute's Michael Tanner: instead of paying the full 15% of wages into Social Security tax (I'm rounding off for simplicity), a worker will be "allowed" to pay 13% into Social Security and the other two percent into a personal account, which he can invest in the stock market. Upon retiring, he will receive lower Social Security benefits because he "contributed" less. But his benefit loss will be offset (probably more than offset) by the personal account. The beauty of the system, from Cato's perspective, is that it is incremental: if two percent is good, then surely four percent is better, and so on until all 15% is paid into personal accounts. Voila! Social Security is privatized.

The main problem with the plan is that it is based on a lie. Under the plan, the worker is being duped. She is forced to pay two percent into a personal account, but her tax burden is not thereby decreased.

Social Security is a direct wealth transfer scheme. Current workers pay those who have already retired. Excesses in revenue are "borrowed" to fund other government programs. If a worker's Social Security tax is reduced from 15% to 13%, that has no impact on the amount that pays current recipients and goes to pay for other government programs. The money has to come from somewhere: from an increase in Social Security tax or other taxes or from borrowing more money.

Two other plans have been proposed that would fully privatize Social Security — eliminate it completely and allow people to spend their money as they choose.

One plan was touted by Libertarian Party candidate

Harry Browne in his election campaign: he would pay off all current Social Security recipients by selling off government assets and then simply abolish the system.

The other plan is proposed by George Reisman, author of the gargantuan book *Capitalism*. His plan is simply to raise the age of payout slowly until the system is phased out. Reisman's plan is multi-staged, but a simplified version of it might simply increase the retirement age by one year every three years. For example, if the current age of collecting payouts is 65, in 2004 the age would be raised to 66, in 2007 to 67, and so on until nobody is alive to qualify. Those currently taking benefits would be unaffected.

The plans of both Browne and Reisman would totally abolish the Social Security system and leave people free to spend their money as they see fit. Both plans unambiguously reduce the role of government in the economy. An arguable advantage of Reisman's plan is that it does not require any other policy change.

Taken to its final conclusion, Cato's plan forces workers to contribute 15% of their earnings to investment accounts controlled by Washington politicians.

It's not clear to me how Cato's plan to replace the Social Security system with mandatory savings accounts would be an advantage, in terms of reducing the role of government in people's lives. True, the mandatory accounts would be owned by the individual workers. But the accounts would also be subject to government mandates and restrictions. There's a word that aptly describes an economic system in which nominally private property is controlled by the state, and that word is not "privatized." As Dokken has said, "The bottom line, as Bush himself recently noted, is that 'the plan is not going to be [to] invest in the lottery mutual fund or [to] take it to the track and hope to hit it right. It's going to be in relatively safe investments.'"

Who gets to determine which investments are sufficiently safe? Politicians, of course. The same politicians who never, ever make decisions based on personal power or prejudice.

Taken to its final conclusion, Cato's plan forces workers to contribute 15% of their earnings to investment accounts controlled by Washington politicians. The level of new power this would give to politicians to influence the stock market and thus the face of corporate America is startling. If government is charged with forcing people to save for retirement, its agents will surely find every pretext to meddle in the name of saving people from their own investment folly.

Why, then, isn't Reisman's plan more popular among free-market policy wonks? Put simply, Reisman's plan assumes government has absolutely no legitimate role in managing people's retirement plans. The plan calls bluntly for the abolition of Social Security. The Cato plan, on the other hand, implies the government is responsible for retirement planning. From this point of view, the debate only revolves around which plan the government should force people to adopt.

No, Cato analysts don't really want a system in which politicians and bureaucrats take direct control of a big portion of the stock market. They hope that, once people find a property right in their investments, they will recognize the folly of government intervention and demand full privatization. In other words, the Cato plan hopes to trick people into acting on their belief that the government should plan for retirement, in order to adopt a system in which the eventual full privatization of retirement may occur.

Indeed, Cato's plan brings with it the risk that the new mandated personal accounts will foster more socialism, not more freedom. Once government officials get their hands firmly in the stock market, they may fight like mad to increase their control. Would personal accounts with just a few government controls be better than what we have now? "There can be no compromise between freedom and government controls," Reisman's mentor Ayn Rand once observed. "To accept 'just a few controls' is to surrender the principle of inalienable rights and to substitute for it the principle of the government's unlimited, arbitrary power, thus delivering oneself into gradual enslavement." ❑

Letters, *from page 27*

abortion rights and had to be stopped. And I also personally know libertarians (small- and big-L) who also defected even after they were reminded how the system works.

Voting, like sex and religion, is an emotional act. No matter what his reason tells him, a voter usually reacts with his gut, not his head.

Pat Bontempo
Asbury Park, N.J.

Bradford responds: Bontempo asserts that if most fringe party vote totals dropped, there must be a single explanation for them dropping, lists three such explanations, and concludes that one of the three (the "why-waste-your-vote") is the correct explanation on the basis of what appears to be a single conversation with a single voter and his personal knowledge of a few libertarians who voted for Bush.

The idea that there must be a single explanation when most fringe party vote totals drop seems extremely dubious to me. There were five fringe parties that waged serious campaigns (i.e., attempted to get on the ballot of enough states so that they could possibly win the election). Three of these parties had huge changes in their vote share, and all these changes had different explanations: the Green Party ran an active campaign in 2000 but not in 1996; the Reform Party was transformed from being the personal party of eccentric billionaire reformer H. Ross Perot to being a hard right-wing vehicle of Pat Buchanan; and the U.S. Taxpayers' Party changed its name to the Constitution Party.

Further, the only fringe party generally targeted with the "why-waste-your-vote" argument was the Green Party, which was widely and repeatedly charged with trying to "steal" the election from Al Gore. Yet its vote share more than tripled. While there is little doubt that its huge increase in vote share was mostly the product of running an active campaign, this

Continued on page 37

In Defense of Bullfighting

by Coleman Cooney and Michael Christian

Intellectuals mock bullfighting as an unsophisticated, cruel and anachronistic tourist show. So how come it's become a bustling commercial success across the globe?

People have been playing with dangerous bulls for a long time. Around the Mediterranean, bull games of some description have been going on for millennia. From the cave paintings in southwestern France to the spectacular murals of Knossos, the archaeological record includes much evidence that the people of Neolithic and classical societies recognized the bull's strength, admired its vitality, and revered its bravery.

The Romans loved arena games, including those involving bulls. Wherever the Roman empire conquered, it brought Mediterranean culture and bull games with it. There are many examples of important ideas and practices being disseminated through Rome and the countries that succeeded its fall. Rome didn't usually invent these things, but it organized and communicated them. Bullfighting may be a descendant of Roman arena games, although that conceit is much debated in the taurine community. But wherever we got it, the bullfight has ancient antecedents in southern Europe, and it seems to be practiced only in the Romans' old Mediterranean stomping grounds and in the former colonies of those countries.

Most Americans see bullfighting as the archaic remnant of barbarous religious and ritual practices, kept alive by cruel Spaniards for tourists. That is an uninformed perspective. Within cultures that practice and appreciate this spectacle, the bullfight is a thriving, modern entertainment. Big crowds from the middle and upper classes pay for tickets as expensive as those for opera and wait years for season tickets. And bullfighting is the persistent subject of highbrow musings by cultured critics and fat tomes by academics.

Bullfighting is a very competitive art form, and its practitioners strive to outdo each other in bravery and artistry, but bullfight audiences have usually been very conservative. The modern Spanish bullfight has changed very little since it was refined in the 18th century by a collaboration between artists and entrepreneurs propelled by the disposable income of consumers with leisure and wealth. Unlike the patronage-based Roman *ludii*, the bullfight was a bankable spectacle, predicated on consumer enthusiasm. It has been ever since; popularity and economic viability define modern bullfighting.

The Spanish bullfight is conservative but not folkloric or old-fashioned. It is big business. Significant infrastructure is needed to produce a bullfight. When the ranching, tourism, and satellite television industries are taken into account, bullfighting is one of Spain's biggest industries. It is also important to the economies of Portugal, Mexico, France, Colombia, Venezuela, and Peru.

The bullfight in Spain and in the south of France is in rude good health. More events are produced, more tickets sold, and more money made than ever before. Magazines, Web sites, and television channels document the every move and utterance of a new generation of bullfighting stars. There are young crossover artists who are both bull-killers and pop-music makers. They dominate the gossip rags and marry into some of Europe's oldest aristocratic houses.

Academia has for a long time misunderstood the bullfight. Even in Spain it has often been treated as an embarrassment. It has been cursed and blessed as an impediment to Spain's Europeanization. It has served as the intellectual aquifer for intensely personal and poetical explorations by artists like Lorca and Alberti. Adrian Schubert's excellent book *Death and Money in the Afternoon* documents the divided mind of the Spanish intelligentsia and offhandedly demonstrates the turning of the screw among our own scholars; suddenly the bullfight is a proper target for scholarly

examination in the United States. This has even crossed over to popular literature and letters where we find the fashionable Scottish writer A.L. Kennedy casting a contrarian and (to the confusion of her politically correct fans) sympathetic eye on the bullfight. Hollywood can be heard taking notes.

Right now, we are probably in the middle of a golden age of bullfighting. The quality, quantity, and price of the spectacle has increased greatly over the past 20 years. It attracts ambitious young men. It rewards success with fame and wealth. It fills hundreds of rings with millions of fans every year. By some accounts it is the second most attended event in the world, behind only professional soccer in number of tickets sold annually.

Something Illegal

In most places, bullfighting is illegal, but depending on how well a culture knows bullfighting, attitudes and laws about it vary considerably.

In places where the ignorant masses oppose bullfighting, there is always an informed elite that wants to enjoy it. This is certainly true all over the United States where every major city has one or several clubs of aficionados. In such places, the freedom of the enlightened few to watch or participate in bullfighting is restricted.

Around the line of demarcation between the ignorant and the informed, a battle rages. Today, the most lively fronts in the war for freedom to enjoy bullfighting are in France and California.

In northern France, most people don't know squat about bullfighting and oppose it. Bullfighting is illegal in northern France. In much of southern France, people know bullfighting fairly well and support it. Bullfighting is legal in much of southern France. The law of France explicitly codifies the demarcation line, stating that bullfighting is legal only where it has been practiced without interruption for many years. Of course, like any rule, the French law is open to interpretation. In Toulouse, where the city bullring was destroyed decades ago, bullfighting was recently restored after its proponents won a court battle.

The humane society in California occupies an unusual niche in law enforcement. A private unincorporated association, it has considerable police powers and puts its "officers" in impressive uniforms onto which they strap 9mm pistols.

In California, bullfighting is generally illegal, but the state is ripe for change. California shares climate, topography, history, and a lot of culture with Mexico and with the heartland of modern bullfighting, Spain. California is America's Mediterranean, its Andalusia, and its Provence. Small minority groups with knowledge of and passion for bullfighting already enjoy a peculiar, partial exemption from the general prohibition against bullfighting; by patient lobbying the Portuguese community of the San Joaquin valley won a legislative dispensation for their own brand of bloodless bullfights.

In May of 1997, in San Diego, one of the authors of this article founded the first school of instruction for bullfighting ever to exist in the United States. The California Academy of Tauromaquia's intention was to bring the pleasures of the *aficionado práctico* (amateur bullfighter) to bored thrill-seekers in the culture at large. North of the Mexican border, the academy's courses consist of *toreo de salón*, literally "drawing room bullfighting," where the equipment is real, but the bull is imaginary. In Mexico, students of the academy graduate in front of live animals.

The media covered the story like a cheap *peto*.* The first to write on the new fad was the The Associated Press, which produced an article that ran in hundreds of papers across the nation. That spry local paper, the *San Diego Union Tribune*, was not going to be caught napping. It put the academy on the front page of its local news section. The paper's colorful photograph of a student practicing sword thrusts on an apparatus designed for that purpose caught the attention of a local school board. So did the location of the training site: a local middle school. The school board promptly prohibited all bullfighting classes. The academy was and apparently had been for some time in violation of a zero-tolerance policy forbidding any kind of swordplay on campus.

Although most Americans see bullfighting as the archaic remnant of barbarous religious and ritual practices kept alive for tourists, in the Hispanic world, it is the persistent subject of highbrow musings by cultured critics and fat tomes by academics.

The academy then relocated to a variety of other training sites. Wherever it went, a continuous stream of interviews and pieces for the local television stations followed. *Toreo de salón* is the training regime practiced by all bullfighters. It doesn't require a lot of space, just pleasant outdoor surroundings and a level field. No animals are involved. Travelers to Spain and Latin America can encounter *toreo de salón* in public parks like the lovely Casa del Campo in Madrid. *Toreo de salón* looks like a kind of taurine t'ai chi, hypnotically slow and exacting, practiced with great attention to detail. For those who fall under its spell it soon replaces the stationary bike and the weight room.

Observing the academy teaching *toreo de salón* was enough for the San Diego Humane Society. In June of 1997, it announced that it would ask the district attorney's office to prosecute the academy under California penal code statute 597m. Yes, they thought that imaginary bullfighting was a crime.

There was a tempestuous hearing in the local media. Letters to the editor sarcastically lamented the fate of the imaginary bulls. Finally, the district attorney's office

* A heavy, quilted blanket that protects the picadors' horses from the bulls' horns.

declined to prosecute the bullfighting school.

The humane society in California occupies an unusual niche in law enforcement. A private unincorporated association, it has considerable police powers and puts its "officers" in impressive uniforms onto which they strap 9mm pistols. In this curious fashion they attempt to enforce a whole body of law dealing with animal welfare. Among these statutes, 597m is perhaps the most unusual.

Written with the Portuguese community in mind, 597m prohibits most bullfights but allows for bloodless bullfighting when associated in some way with a religious observance. The language of the statute is impossibly vague, allowing for a reading that could condone a bullfight accompanied by a muttered prayer and a stick of incense, or forbid one built around the most formal high holy mass.

Despite a militant (and somewhat military) humane society, California seems to be creeping towards liberalization. At least half of the 40 or so bloodless bullfights held in California yearly completely lack any pretense of religious observance. They are commercial endeavors designed to provide entertainment, make money, and display the breeding qualities of the bulls. The taurine impresarios continuously tinker with the very definition of the bullfight to extend the scope of the exemption.

A law enforcement official who is very familiar with the legal aspects of the bullfight in California believes the question of its legality will be settled by the results of the 2010 census. He sees the bullfight moving from its enclave in the Central Valley and into the predominantly Latino urban centers, especially in Southern California. The combination of demographics and cultural assertiveness of the state's emerging ethnic majority is a good one for bullfighting. And with all of this unfolding on the doorstep of the world's biggest (and hungriest) entertainment machine, can a Cirque-de-Soleil-style act with fighting bulls be far behind?

Today, despite the state's reputation for extreme political correctness, you can pay to see bloodless bullfights in California. You can train as an amateur bullfighter and visit ranches that raise pedigreed fighting bulls two hours from Los Angeles. When you get there you can cape them, you can *torear*. Every element is in place to support a vibrant bullfighting industry. We expect that a substantive debate will soon mark the beginning of broader legalization of bullfighting in California. ❑

Silence, *from page 30*

any comments "that would tend to disparage fair-housingrights." HUD has not only stopped him from stalking; they have shut him up.

Frankhouser claims an affinity with the Ku Klux Klan, but fair-housing advocates regard much more than explicit racial hostility as "disparaging" of fair-housing rights. Both HUD and fair-housing organizations have repeatedly accused persons who oppose group shelters and other homes for "protected" classes of violating the fair-housing laws. The potential for mischief is limitless. Malcolm X said some hateful things about white people. Is the current celebration of him by many public schools actionable harassment of white children? The NAACP has run a series of campaign ads likening Republicans to racist terrorists. Should the owner of your corner bar require patrons to remove their "Bush-Cheney" buttons before they settle in for a beer? In a restaurant that I frequent filled with Italian kitsch, one can sit at a table with a life-size model of the pope. Will the state require it to be removed if Roman Catholics complain?

Of course, one would not think that such claims would get past the First Amendment. Indeed, a federal appellate court in Pennsylvania recently struck down a school district speech code. But judges have been generally unconcerned about the tension between harassment laws and free speech. Defenders of state-sponsored speech police have sought refuge in just about every ill-advised exception to the First Amendment — "secondary effects," "fighting words," "commercial speech," "compelling state interest."

While we haven't yet seen widespread application of harassment law to silence unwelcome opinions, the seeds are there. In Illinois, a teacher seeking to have a student expelled for posting hostile comments about her on a Web site complained that "words are like bullets." They are not. Many have lost touch with the wisdom of the childhood adage about sticks and stones and we may all be the worse for it. ❑

Letters, *from page 34*

certainly doesn't support the "why-waste-your-vote" hypothesis.

Of course people vote for emotional reasons. But if we want to claim that one particular factor was a major "cause" of people voting one way or another, we'd better have empirical evidence that goes beyond the anecdotal. Neither Harry Browne — who posited the "why-waste-your-vote" explanation of his support dropping 27% despite spending 75% more on his campaign — nor Bontempo have offered any empirical evidence. My article did examine empirical evidence that could support or undermine the "why-waste-your-vote" hypothesis. And it turned out that it undermined that thesis.

Flash This!

I was sadly amused by Thomas Sipos' "In Defense of the Macho-Flash" (May). I see little value in scaring the crap out of Joe and Josephine Voter by coming out in favor of crack-cocaine vending machines in day-care centers and private ownership of nuclear weapons. I wish to be taken seriously as an articulate proponent of libertarian solutions to social problems. I cannot get invited to the discussion table, let alone influence the discussion of issues, if I have been dismissed as a political kook or philosophical gadfly because I engage in "macho-flashing."

Benjamin Cyrus Jr.
Jacksonville, Fla.

A Good Question

"Fraud in the Browne Campaign" (July) was informative, but answer me this: would the Libertarian Party be better off *without* Perry Willis and Harry Browne?

Jeff Kradin
Delray Beach, Fla.

Memoir

The Education of an Intellectual

by Richard Kostelanetz

An Ivy League education isn't what a high school counselor or college catalog might lead one to expect. Richard Kostelanetz recalls what he really learned in college, and how he really learned it.

It was nearly 40 years ago that I graduated from one of the lesser Ivy League colleges that, we should not forget, had a quota upon admitting people like me (Jews) when I entered. I went to Brown in 1958 because a fellow three years ahead of me in high school said, simply, that if my application were not accepted at Harvard, it was as good a "second choice" as any. One favor he did for me, after I was accepted, was to take the catalog of course offerings and underline certain names twice and other names once. Thanks to his considered advice, I soon established strong relationships with some of the better professors who at Brown, unlike many other places, were available to undergraduates.

Although my upper-class suburban high school billed itself as "one of the best public schools in the country," it hardly equipped us for a rigorous regime of research papers and exams. At the time I noticed that the few 18-year-olds who were adequately prepared, who knew how to write 30-page papers and take written exams, had gone to one of only six institutions — Andover, Exeter, Bronx Science, Stuyvesant, Hunter, and Boston Latin — which were at the time the only high schools where students were really pushed. The parents back in my suburbia wouldn't have allowed the teachers' giving us students too much work, especially at a time, in the 1950s, when "conformity" and the organization-man mentality were the commonly thought ideal. (Curiously, my father had gone to a New York City high school comparable to the select six in the 1920s, when, as he recalls, the teachers wouldn't have been intimidated by the parents because most of them "didn't speak well enough English.") By the end of freshman year, some of us disadvantaged high-school graduates had caught up.

Since Brown lacked financial resources commensurate with its ambitions, it was forever concocting "experimental programs" that would appeal to various funding agencies. In order to justify subsequent appeals for funding, it had to persuade the better teachers and the best students to participate in the new program. A while before I entered, Brown received a grant to replace introductory survey lecture courses with "IC" seminars devoted to the intensive study of purportedly classic texts. Not unlike other bright students, I was conned into taking several of these seminars, some of them taught by professors who already had two lines under their names. While I largely enjoyed these courses and their teachers, I also realized, especially when I got to graduate school and compared experiences with those who had gone to Harvard or Columbia, that I had learned not about the great tradition of sociology, say, but about Émile Durkheim's *Suicide*, Robert Redfield's *The Primitive World and Its Transformations*, Harrison Brown's *The Challenge of Man's Future*, David Riesman's *The Lonely Crowd*, and C. Wright Mills' *White Collar*. Instead of surveys of modern poetry and fiction, I had a single semester devoted to the complete works of T.S. Eliot and then another semester devoted exclusively to William Faulkner. When I did graduate work in American literature, it was embarrassing to know little about Robert Frost or Gertrude Stein. Since Brown was as comparatively expensive then as it is now, I wondered if my parents weren't gypped. Needless to say, when the grant expired, these courses disappeared from Brown's curriculum, no doubt to be replaced by seductive alternatives funded in

other ways.

Once I got to Brown, I discovered that most of the brighter students, beginning with those who became my closest friends, had likewise been rejected by Harvard or, in a few cases, Yale or Princeton. This created among us an aura of inferiority, if not self-hate, that, while it seems ridiculous in any ultimate scheme of value, certainly had an impact then. (And later, as we shall see.) It is said that African-Americans haven't succeeded as well as others in America not just because of discrimination against them but because they lacked respect for one another, typically, say, preferring a white physician over a black. Thus, ambitious blacks capable of becoming physicians did something else. Perhaps a similar syndrome accounts for the lack of Brown alumni in the cultural professions.

Whereas Harvard and Columbia and, to a lesser extent, Yale are in cities that offer corrective reality, Brown resides atop a steep hill that opens to a suburb so distant from the city, not only physically but psychologically, that undergraduates rarely went "downtown" except to take public transportation home. We began to realize that much that was peculiar about the university depended upon the isolation, not only from the city but from any larger cultural world. It seems incredible to me now that the University Christian Association, as I think it was called, dominated extracurricular intellectual life. Whenever a particularly puzzling film arrived at the local movie house (such as the Ingmar Bergman films popular then), the UCA would be the first to sponsor a symposium to discuss its meanings. When Fulton Lewis Jr. (or maybe III) came to show the film *Operation Abolition* (about 1960 protests against the House Un-American Activities Committee), it was the campus Protestant minister who debated him. Not that I objected to Christianity, even at a time of Jewish quotas, but at no other Ivy League university at that time, to my knowledge (not even Princeton), did avowedly Christian organizations have such presence.

Some of the more disingenuous professors likewise depended upon the isolation. I remember one who taught a "university" course open to only selected upperclassmen that pretended to teach the truth, in contrast to those courses that had a disciplinary subject. What he was actually doing was preaching a cultural conservatism based upon the "humanistic need for unity" in a purportedly nihilistic world. In order to keep his illusion of truth-teaching alive, he had to choose students who lacked enough outside contacts or outside knowledge to dispute his ideology. Although he spoke of wanting to take his program elsewhere, he probably knew it wouldn't survive in a university with a stronger reality-corrective. Another professor billed himself as a major emerging poet, but you had only to learn a little about contemporary poetry in general, or speak to contemporaries studying poetry elsewhere, to discover how inconsequential he was (and still is).

Like the other lesser Ivy League schools, Brown had a reputation for "play," which at that time meant drinking. Especially on weekends, guys, and sometimes women from our sister school, drank to get drunk, especially in the fraternity houses. Just as disagreeable as the drunks who hung around the fraternities was the open truck full of stinky bottles and cans that was invariably parked just outside the campus lunchroom every Monday. So revolting was this bacchanalia that not until I left college was I able to consume beer amicably.

Campus life was so difficult that I knew by my sophomore year that I would go elsewhere unless I could live off-campus for the rest of my time there. Fortunately, the dean acceded to my wish. By my junior year I had entered the honors program, as it was called, whose seminars met in the afternoons. That meant that for the remainder of my undergraduate career I scarcely saw students whose classes were in the mornings. (When I saw a 25th class reunion booklet, I noticed that few names were familiar to me, compared, say, to high school classmates, no doubt because most of the strangers were "morning people.")

I entered Brown wanting to be a writer and so during my freshman year took a creative writing course in which an academic novelist, now better known than before, told me I had no talent for prose, which was probably true in the narrow sense of having no talent for the kind of prose he and his favored students wrote. Although I contributed short pieces to both the undergraduate newspaper and literary magazine, I decided to avoid the college's writing program as well as its English department, which both I and my wife-to-be (presently a professor of English at a state university) thought inferior. Whereas she majored in philosophy, I went into American studies. (In the last class reunion flier I noticed that most of the classmates whom I remember as majoring in creative writing are now high-school teachers, which, if you think about it skeptically, is what that program best prepared them to be.) In my sophomore year I had a friend a year ahead of me, who had gone to Exeter, whose literacy and taste seemed superior to mine, who persisted in a writing major even though he knew the limitations of those running the program. Buried in the catalog was a course in "verse writing" taught by an "emeritus" professor whose name, S. Foster Damon, was unfamiliar to me, even though there was a single line under his name in my hand-annotated course catalog. My friend took "verse writing" initially to get away from the other writing professors. Coming to lunch after his first class, my friend told me of "an old guy [then in his middle 60s] who had gone to college with E.E. Cummings and Dos Passos" and was authentically literary.

Once I got to Brown, I discovered that most of the brighter students had likewise been rejected by Harvard, Yale, or Princeton.

I signed up for Damon's course, even though I had no intention at the time of writing poetry; and though I didn't do particularly well at the exercises of imitating verse forms from *Beowulf* to the present, I got to know a literary professional who, unlike the emerging stars, was generous and sympathetic toward a beginner. Damon regularly invited me to his house for dinner; before long, I brought friends both male and female. In conversation and by his example, he taught me how to be a professional, how to do distinctive

work, rather than how to write — the two are not the same. In retrospect, I think it was through knowing Damon that I began to publish prose in national magazines immediately upon graduating from college. Within a few years, my first book of poems appeared, fittingly dedicated to him.

Comparing my university to others of its class and size, I would say remarkably few of my college contemporaries (graduating between 1958 and 1965) became professional artists: one writer of children's books, three playwrights (including my high-school friend), two poets other than myself (neither of whom graduated), two sculptors who were more visible 20 years ago than now, two painters who continue to exhibit in spite of scant recognition, two composers, one of whom was more visible 30 years ago (the other more visible now), one conductor of early music who has had more success abroad, one filmmaker and one video artist, both of whom have become university professors who have not shown new work in years. One thing we share, I've noticed, is our having majored in fields other than art. (My hypothesis here is that Ivy League art departments are not as strong as the mainstream subjects upon whose superiority the university's reputation depends. That is why many Ivy League art majors became high-school teachers.)

One reason for this comparative scarcity is that Brown alumni in the arts rarely support one another. Of the hundreds of editors, publishers, lecture sponsors, gallery directors, etc., who have underwritten my work over the past three decades (and without whom I couldn't have survived professionally), only four are Brown alumni; and of those four, only two were connected to institutions that paid me money, each once (one as an editor at a slick magazine, the other as an executive of a summertime arts fair). I checked with some of the other professional artists, all of whom told me that none (that's none) of the people ever supporting their work were Brown alumni, leaving me more fortunate than the others. My hypothesis is that the inferiority complex described at the beginning of this memoir makes us think that since Brown was a university full of rejects none of us can be any good. (I'll admit that I've felt similarly toward other Brown artist-alumni before I saw their work.) On the other hand, I can think of a dozen alumni at cultural institutions, some of them older than I, others younger, who could have supported my activities. If my father believed that sending me to a lesser Ivy League school would economically benefit my professional career, he was ripped off.

Most of the classmates who majored in creative writing are now high school teachers.

The trouble, in short, is that Brown doesn't have much respect for Brown. Any literate Princeton boy can recall that F. Scott Fitzgerald and Edmund Wilson attended his school, but few Brown boys know that Nathanael West and S.J. Perelman attended theirs. Few can name veteran alumni filmmakers. (Try starting with Richard Fleischer.) Some universities acknowledge composers who are alumni, often with festivals devoted exclusively to their work, but Brown never has. Whereas Harvard paid a handsome sum to acquire the literary papers of the poet Robert Lowell, who attended but did not graduate, the Brown University Library's Harris Collections lack comparable archives of its more distinguished literary graduates, beginning with West and Perelman. And it can't recognize them simply because it isn't in the same league as first-rank universities, disingenuous prattle to the contrary notwithstanding. Similarly, when the library sponsored an exhibition of "Visual Poetry," it didn't acknowledge that two of the most prominent living practitioners were alumni. Nor was either invited to do anything special in connection with the show. "That's not a Brown sort of thing to do," one was told. Given an opportunity to show respect for itself, given the opportunity to appear better than second-rate, Brown invariably flunks. (Few moves are more pathetic than the political ineptitude of spokesmen who think themselves "smart.") In the "cross-index" in the back of the last, purportedly comprehensive *Brown University Alumni Directory 1994*, there are no categories for "writer," "author," "composer," or "musician"; though "visual arts" and "telecommunications" appear, along with "financial planning" and "homemaker." It is apparently impossible for Brown and its directory publisher to conceive of an alumnus doing what I do. At a university with greater self-respect, needless to say, this directory would have been publicly trashed and its publisher dismissed as uncouth.

In conversation and by his example, he taught me how to be a professional, how to do distinctive work, rather than how to write — the two are not the same.

Need I add that even though I'm one of only two Brown alumni with an individual entry in a standard encyclopedia of living poets, the only actively publishing alumnus with an individual entry in a standard encyclopedia of living fiction writers, and one of only two alumni in *A Reader's Guide to Twentieth-Century Writers*, Brown has invited me back only twice, more than 20 years apart, each time to give a single lecture to a class. From time to time, I look at the list of people invited to give "president's lectures" and invariably notice that none are Brown alumni. At a university with more respect for itself, the trustees would have dismissed, or at least warned, its top employee for being so uncouth. Nonetheless, the sense that this neglect couldn't happen at a first-rank institution indicates any "new Brown" to be a myth — once a "nigger school," it is no less of a "nigger school" now.

While an unformed high-school student became a professional writer after four years there, thanks no doubt to the courses he took and the teachers he had, few others did. Many aspired, and a few began, only to disappear professionally; and perhaps my recollections about a university

that lacks respect for itself account less for my survival than for the failure of others.

The Power Plant: Columbia's Graduate School

Most of the people I know who attended the liberal arts graduate school at Columbia University four decades ago, as I did, hated the place. Those who completed their doctorates remain no less angry about the experience than those who quit, their years and money wasted. I remember an editor at a large publishing house telling me three decades ago that when his firm announced it would establish a fellowship for graduate students at Columbia, the proposal was hooted down by editors who spontaneously remembered their negative experiences there. Another friend, who had completed his doctorate in the 1950s and since then had a distinguished academic career, told me in the '60s that whenever he emerged from the subway exit in the center of Broadway he felt nausea. (The exit was since replaced by standard egresses on the sidewalks.) My own opinion of Columbia is mixed, though I understand the causes of their distaste.

The initial problem was that there were too many supplicants. As I recall, 120 students entered the history department along with me in the fall of 1962; perhaps a thousand were on the rolls working toward a graduate degree. The figures in the English department were roughly the same. Whereas those studying an esoteric historical subject (e.g., Turkish history) might have gotten individual attention, those of us in such mainstream areas as American history felt that professors were scarce.

My suspicion is that the authorities in the Columbia graduate school knew about this problem. Thus, the first peculiarity of that program then was this: while a graduate student had to pay for 15 courses to get his M.A., he or she actually didn't need to write a research paper or take an exam for eight of them. For only seven of them were we required to produce work; for the others we would get a passing grade, even if we didn't show up, as long as we paid for them. The rationale appeared to be that the fewer papers and exams the professors had to correct, the better off they would be.

Of those seven, one course was the historiography lecture that everyone had to take; two were the year-long "seminar" in which the only work was writing our M.A. theses. By deduction, we worked as we did as undergraduates for only four courses. To earn a doctorate, we had to pay for 15 more courses, though none of them required papers and exams; to pass proficiency exams in two languages; to take a "comprehensive" written exam from which one could be easily excused (as I was); to pass an orals; to write a doctoral thesis; and to defend it. At the time, I called this big-hurdle education, in contrast to all the little hurdles required of graduate students at other universities.

My thought at the time was that this big-hurdle system benefited two kinds of graduate students — those like my wife at the time, who knew early what her doctoral thesis would be and located a sympathetic senior professor to support her activity; and those like myself, who needed a draft exemption to evade the military while pursuing my writing. Fortunately, we both earned fellowships to pay for tuition. Otherwise, given Columbia's neglect of its graduate students, we might have been ripped off and angrier in retrospect. Those graduate students who required personal guidance in choosing courses, let alone a thesis topic that could be completed, felt lost. If I had needed to work as a teaching assistant or take an outside job to pay for Columbia, I might have hated the place more; as it happened, we survived modestly by living in a low-rent city housing project, my possible animosity "bought off," so to speak.

The professors simply were physically unavailable — their office hours were jammed, few stayed near campus any longer than necessary, they barely knew who we were. A contemporary, now a City University professor, laments "the absence of any serious professional training. I need[ed] detailed practical work in archives and recondite libraries, in how to take notes efficiently and organizing them effectively, in formulating salient historical generalizations out of the material at hand, etc. I wanted to be a historian, and they didn't help me become one." He continued, "The best experience I had at Columbia was the defense, when five faculty members, sitting together at the same table, paid attention to my views when they weren't trying to impress each other."

A prominent young art critic and magazine editor who had taken his M.A. at Columbia a dozen years before me said that he doubted whether any Columbia faculty remembered him from 1950, though they might know his name now. My nightmare was that if I died some secretary would mention my name at the next department meeting. "A big guy with red hair?" one professor would ask. "No, a little guy with glasses." They would grunt with disinterest and pass onto more pressing matters.

The trouble is that Brown doesn't have much respect for Brown.

I became aware of the truth that graduate school was more about power than undergraduate education. To get a B.A., you needed merely to pass enough courses. To get a doctorate, you needed a senior professor to carry you through — not just to advise but to push. That professor had to like you or your work, perhaps because it contributed to his work or scholarly orientation and thus that he thought your success would help his reputation in the future. Given how many students were clamoring for attention, it was easy for the professors to be selective, picking a few for their support while ignoring the rest. Nonetheless, recalling the negative response in a publishing firm mentioned before or the critic-editor's report of neglect, the Columbia professors apparently missed many whom, strictly as investments, they should have supported.

My own experience was more problematic. Thanks to my publishing, I received a Guggenheim fellowship a year after completing my M.A. and moving downtown to be an independent writer. Befriending the most prominent American historian in the department at the time, I heard him say that I ought to go for a doctorate. So I returned in September 1968 for a "pre-orals." As I recall, he asked me about the War of 1812, the War of 1898, constitutional history, and perhaps Andrew Jackson and the Bank, all of which were reasonable questions to ask of a doctoral student in American history.

The trouble was that I had begun to concentrate on the

history of the arts in America, all the arts, as a subdivision of intellectual history, and thus barely remembered political history. Perhaps I knew this stuff once, I thought to myself; but I don't know it now. Sufficiently cocky, I replied, "Why don't you ask me something I know about — say, open form as a characteristic of American cultural produce with respect to a composer, a choreographer, a poet, and a philosopher." We could have then talked about Charles Ives, Loïe Fuller, Walt Whitman, and Charles S. Pierce, among other figures who interested me more than politicians and generals. "About them I can talk forever." Richard Hofstadter's reply was, as I recall, "I'm doing this to see if I can take to my colleagues. None of my colleagues could think of that question if they tried." Concurring with his assessment, I retired from graduate school again to continue writing. Fortunately, this trip back to Columbia didn't cost me anything, as I had, a few years before, won enough fellowships to pay for the 15 additional courses in which, needless to say perhaps, I did no work.

Later I wondered if Hofstadter might have escorted me to the orals, nonetheless, and begun the interrogation with the rich question I'd given him, intimidating his colleagues into silence as I babbled intensely and authoritatively about American individuals they knew little about. When I told this anecdote to a Columbia literature professor I later dated, she responded that the others on the orals committee would have asked the mainstream questions. But didn't Hofstadter have enough prestige and hadn't I already established myself as a professional? So much of one's fortunes in Columbia's graduate school depended upon how much support a senior professor wanted to give you and, quite simply, Richard Hofstadter must have had other options. (The fall of 1968 was also an anxious time, in the wake of student protests the previous spring.)

I remember an editor at a large publishing house telling me that when his firm announced it would establish a fellowship for graduate students at Columbia, the proposal was hooted down by editors who remembered their experiences there.

I told this story recently to my colleague Edward Foster, now a professor of American studies at Stevens Institute and the editor and publisher of the distinguished poetry journal *Talisman*. He recalled a comparable situation in his 1970 orals where some of his professors knew that his knowledge of British literature was deficient because Foster had on his own focused on 19th-century feminist writers and American landscape gardening. What his supporters feared was that a Shakespeare professor appointed to the orals committee might ask an English lit question too hazardous for Foster. As he recalls now, his supporters simply prevented the possible antagonist from talking. So Foster, who now says he "hated Columbia," got his doctorate. Since I became a decade later a visiting full professor of American studies at the University of Texas and have published books in my chosen field, can it be said that the Columbia history department missed the chance to invest its imprimatur in my name? Was its discretionary power used most effectively?

While I understand how Columbia's neglectfulness hurt graduate students less motivated, I think there were benefits. Quite simply, for me graduate "education" had minimal deleterious effects. We weren't taught anything disagreeable mostly because we weren't taught much at all. I had no teachers I would now consider as influential as those I had at Brown. On our own mostly, we were, instead, given a high-obstacle course that could be traversed only if we figured how. And we would emerge pretty much as we arrived.

Consider this contrast. As far as I can tell, the fellow graduate students whom I remember became professionally what they were as supplicants, which is to say, a guy who knew one thing very well but not much else published a book about his enthusiasm and then nothing else; the fellow who took ten years to complete his dissertation took ten years to write a second book and then ten more for a third. The fellow who could write well but had few ideas has helped his colleagues complete their books. Columbia kept the guy who looked good but didn't publish much, and he still looks good while not publishing much. I remember hearing about Eric Foner as a wiz student destined for an academic career, but never met him, though we both did M.A. theses in African-American history around the same year; decades later, he assumed Richard Hofstadter's chair. As for me, I think the others knew I would do scholarly work outside of academia, and I have.

For me graduate "education" had minimal deleterious effects. I wasn't taught anything disagreeable mostly because I wasn't taught much at all.

By contrast, consider that the best student in the composition classes at nearby Juilliard during those years was Peter Schickele, who created the fictitious P.D.Q. Bach. The second best was Albert M. Fine, who became a minor conceptual artist before dying young. The third best became a California professor whose compositions are rarely heard. Near the bottom of the class was Phillip Glass, who became the most influential composer of the bunch; another figure later influential, Steve Reich, had dropped out of the Juilliard program. Since these guys didn't become what they were as graduate students, one can identify minimal correspondence between schooling and professional life. Perhaps the reasons for the discrepancy were that the program had fewer students and the Juilliard teachers were not so neglectful.

My feelings about the power plant that was Columbia's graduate school remain mixed. Had I paid my own money to be neglected, I might have felt ripped off and angry; but since I didn't, perhaps my atypical experience gives me a certain objectivity. ❑

Reviews

Shadows of a Princess: Diana, Princess of Wales, by P.D. Jephson. HarperCollins, 2000, 462 pages.

Diana, Princess of Wails

Stephen Cox

On Sept. 6, 1997, the world paused to honor the life and achievements of Diana, Princess of Wales. Her funeral attracted the largest audience ever to witness such an occasion. Everywhere a television could be found, people from all walks of life gathered to remember her empathy, her compassion, her humanitarianism. Among the crowds besieging Westminster Abbey, thousands became hysterical with grief; thousands more grew livid with hate for the villains who, as the newspapers hinted and the masses believed, bore responsibility for the death of the beautiful woman who called herself "the Queen of Hearts."

Who were those villains? Some admirers of the Princess blamed the "paparazzi," the photographers who had allegedly chased her into the tunnel where the fatal accident occurred. Others — many others — blamed the British royal family, cold-blooded snobs who envied Diana's rapport with ordinary people and drove her to bulimia, attempted suicide, and the series of sexual affairs that culminated in her last, wild ride with Dodi Fayed. At the Abbey, special preparations were made in case the mourners rioted, and went for the Queen.

A phenomenon like this calls for investigation. The place to start is the epicenter. Who precisely was Diana, Princess of Wales? What special qualities did she possess that allowed her to influence the world as she did?

Most of the immediate postmortem investigations were favorable in the extreme. World media assumed that if the Princess was praised for "reaching out to people," she must actually have reached out to people; if she had done compassionate things, she must actually have been compassionate. The logic seemed simple; and, after all, there was money to be made from extolling the Princess, and only a brick through the window to be gained by taking a more skeptical approach. Even fervent supporters of the royal family held a moratorium on critiques.

But four years have now passed, and four years is a long, long time when it comes to people like the Princess. During that time, much has emerged to challenge her claim to heroic martyrdom. Exhaustive police investigations have shown that she was killed, not by paparazzi, but by her boyfriend's intoxicated chauffeur. Some people have even begun to wonder what exactly the Queen and the Queen Mother (women who have spent a mere 114 years uncomplainingly performing much harder jobs than the Princess ever attempted) could possibly have *done* to lure her into the arms of Dodi. *Shadows of a Princess* is the most substantial contribution yet made to the reconsideration of Diana's career. Its author, Patrick Jephson, served her for eight years (1988–1996), first as her equerry, then as her private secretary. He was probably closer to her than any of her other paid advisors and confidants, and he was with her for a much longer time than most. The Princess liked to get rid of employees, once they got wise to her. If they didn't get wise to her, she naturally assumed that they had, so she got rid of them anyway.

That's not exactly the way Jephson puts it. Media accounts of his book have represented it as an anti-Di screed, but that is very far from the truth. Confronted with a number of ways of saying something, Jephson almost always chooses the kindest possible way. He seldom says anything in plain, brutal language. So I will.

I never liked Princess Diana. She always gave me the creeps. The vomit of grief that followed her death was profoundly shocking to me. It was like discovering that 50% of the world's population actually enjoys hearing somebody scrape his fingernails slowly across a blackboard.

My uncomfortable sensation didn't result entirely from a failure to understand why Diana was more worthy of recognition than a competent waitress at the local IHOP. What rankled most was the public's inability to recognize the essential falsehood of her position in life. The world is full of beautiful women who know how to use a makeup kit; that's one of the charming things about the world. The only thing that made Diana, Princess of Wales, stand out from the crowd was her status as Princess of Wales.

Her fame, her glamor, her opportunities to display "compassion," the whatever-it-was that she called her "work" — all of it depended on her position in the royal family.

It was a job she was hired to do. The contract was implicit but perfectly clear. She would perform as a member of the royal family; in return, she would be given glamor and fame. But the contractual arrangement from which she benefited so greatly — she who was no one before that contract was made — simply wasn't good

enough for her. Her idea was to violate the contract and build glamor and fame on the violation itself.

When she discovered (as hundreds of millions of other people have discovered) that marriage can be a disappointment, and that life with one's in-laws can be a bore, she (like hundreds of millions of other people) could have continued doing her work in the family, or she could have quietly withdrawn from the family and surrendered the flashier aspects of her glamor and fame. This she declined to do. She decided instead to assert her existential *entitlement* to those rewards. When the other royals and their friends proved resistant to her claims, she used the status that they had given her to mount an attack on their *rigidity* and *hypocrisy*.

The world is full of beautiful women who know how to use a makeup kit; that's one of the charming things about the world. The only thing that made Diana stand out from the crowd was her status as Princess of Wales.

Why were they "rigid"? Because they perversely refused to see that hers was the only right way of life.

Why were they hypocrites? Because they pretended to have "compassion" but failed to have the right degree of "compassion" for her. Get it?

If anyone deserves compassion simply for being a miserable person, then Diana, Princess of Wales, assuredly deserved compassion. Jephson gives her as much of it as anyone intimately associated with her could be expected to give. He gives more, in fact. He shares her touchy sensitivity to the charge that she was nothing but a clotheshorse and a publicity hound, and he finds ways to put a favorable spin on most of the hateful things she did. Recalling her connivance in the publication of a popular book exposing her husband's weaknesses, he bristles with anger — not against her but against the people who criticized her sneak attack: "It was as if the means of transmission rather than the message itself was all that mattered" (p. 293). Well, in the case of royalty, the means *are* all that matter.

Jephson gives his former boss the benefit of the doubt, even to a baffling degree. He suggests that she always retained respect and liking for the Queen (as well she might, considering the fact that her mother-in-law remained rigidly impartial during the warfare between Diana and her son), even while he chronicles Diana's shotgun attacks on the people she was pleased to call "this f-----g family" (261, 287, 306). He suggests that Diana's compassion for the poor and sick was deep and genuine, while describing her consistent refusal to involve herself in any humanitarian efforts requiring a commitment to more than a series of photo-ops in hospital wards. He describes her as intelligent and witty, while providing such samples of wit as her remark about the wealthy donors of her charities: "They'd put their money in a dustbin if I asked them to." (220)

As for intelligence, consider her visit to the White House during the Kuwait crisis. President Bush turned to her and asked "what the British public's attitude was to the prospect of war in the Middle East."

> For a horrible moment it was obvious that the Princess's mind had gone blank. I felt the Ambassador stiffen next to me, but she was beyond our reach. "Um," she said. Then, "I think it's all very worrying." . . . There was an uncomfortable pause. (222)

I'll bet there was.

By Jephson's account, even people like Barbara Walters were liable to be bored by *repeated* luncheons with the Princess; just one visit was "a significant expenditure from her limited reserves of intellectual capital" (429). That's putting it nicely, and Jephson spends a lot of time being the nicest of all possible private secretaries. His response to the problem of limited intellectual reserves is to suggest that "access" to the Princess should have been given only "in pursuit of a specific strategy. The investment in credibility that these meetings represented should be directed toward a particular, measurable purpose." Diana should not have indulged her "short-term desire for media gratification" (429).

Over the course of 462 pages, that bureaucratic style can wear pretty thin. On page 289, Jephson refers offhandedly to "the astonishing confidences she shared with me." I would like to have heard a few more of those confidences; Jephson conveys practically none of them. He briefly surveys two or three of her sexual alliances, assuming, I presume, that everyone already knows about them. If you hadn't guessed that Princess Di, so far from being a victim of the tabloids and photographers, had been lobbying them and tipping them off for years, this book will clue you in. Her mean, vindictive treatment of her staff is pursued in more detail, but mostly it's just the kind of private behavior that one expects from public humanitarians. Jephson's most sickening revelation is the Princess' reaction to a meeting with Bill Clinton: "'He's terribly *sexy*,' she confided to me rather breathily" (403). Nothing could have prepared me for that. At least she didn't sleep with him.

Jephson's book is short on pungent detail and long on sober summary, which means that it's far too long. We do get careful accounts of how the staff of British royalty arranges official visits to Middle Eastern countries, if you think that matters; and we also get the occasional reflection on the political context of a royal progress. We learn, for instance, that when Diana visited America in autumn 1994, "she was able to rub shoulders with many of the leading political figures in Washington, particularly from the Democratic Party, which was preparing itself for office" (412). But oops! I guess we don't learn that, after all. In autumn 1994 the Democrats had already been in office for two years and were about to lose a landslide congressional election.

Well, whatever, dude; it doesn't matter. None of this matters. And that's sort of the point, isn't it? Yet as we follow the Princess' perpetual motorcade-to-nowhere, we do see some memorable sights.

The Princess describing the production of the notorious television interview, so tearily adored in America, in which she confessed to adultery and simultaneously questioned her adulter-

ous husband's fitness for the throne: "It's terribly moving. Some of the men who watched were moved to tears." (435)

The Princess' advisors watching the broadcast: "Groans and exasperated laughter rose like nausea to our lips. . . . Finally we watched in silence until we could stand it no more. Anne switched off the TV. . . . I emerged wearily from behind the sofa where I had taken refuge." (437)

The Princess and her private secretary nearing the end of their long professional collaboration: "The Jaguar purred on. Other cars full of happy people leading uncomplicated lives drifted silently by. She sat back in her seat, fiddling with the door catch. My God, was she going to jump out? How much did I mind if she did?" (435)

The irreverent cutout that appeared in British newspapers "like a kidney donor card," reading, "In the event of accident I do not wish to be visited by the Princess of Wales." (121)

The President of Indonesia and his wife, who tried to plan a royal visit to their country and who ended up asking, "Why does Her Highness wish to see so many sick people? It is very sad for her. Surely she would rather enjoy a visit to a fashion show and cultural theme park?" (142)

The Princess insisting that someone had just cut her brake lines, that someone had just tried to shoot her in Hyde Park, that someone had just planted microphones in her rooms: "She knelt and pulled up a stretch of carpet. Putting a finger to her lips, she motioned me to look at the floorboards. They had been recently disturbed. She pointed silently at the sawdust and nodded significantly. . . . 'Ma'am, you know that's just where they've been rewiring?' She did not seem to hear me." (444)

The Princess trying to get rid of a nanny by implying that the devoted servant had been fornicating with her husband: "The patron of Birthright, Barnardo's, and dozens of children's charities, the icon of maternal devotion and embodiment of feminine virtues, crept up behind her children's nanny at the combined office Christmas lunch party in 1995 and whispered, '*so sorry about the baby.*'" (446)

The Princess anticipating the resignation of her private secretary by telling her friends at the tabloids that he was about to be dismissed for incompetence and by leaving him an anonymous message: "The Boss knows about your disloyalty and your affair." (448)

This is the same private secretary who now writes of the Boss' public performance, "She invariably did more good than harm, whatever complicated inner script she was following at the time" (301). When I first read that, I thought, What was "complicated"? It all seems perfectly straightforward to me. A silly, vain, self-entitled person automatically reacts to the world as Princess Di did, if she's true to herself; and Diana was always fanatically true to herself.

But did she do more good than harm? It depends, of course, on how you define the "good." If you think that it's good to give people the idea that silliness is freedom and vanity is glamor, if you think that it's good for them to believe that they are entitled to whatever they want and are therefore entitled to ruin whoever keeps them from getting it, then Diana, Princess of Wales, did a lot of good. You could see this good at work in the crowds of bilechoked humanoids who flocked to Diana's funeral.

Princess Diana always gave me the creeps. The vomit of grief that followed her death was profoundly shocking to me. It was like discovering that 50% of the world's population actually enjoys hearing somebody scrape his fingernails slowly across a blackboard.

Yet, did they really need Diana to make them the way they are? Perhaps not — and if not, then truly she was nothing. ❑

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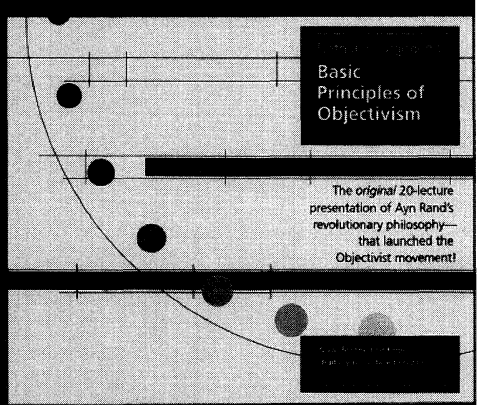

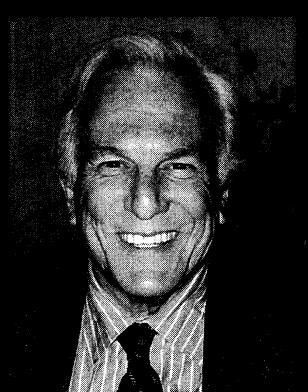

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***Brown v. Board of Education: A Civil Rights Milestone and Its Legacy*, by James T. Patterson. Oxford University Press, 2001, 285 pages.**

Rights, Sociology, and Equality

Timothy Sandefur

The chiliasm of 1960s left-liberals has left its constituents high and dry, yet they persist in scratching their heads and wondering why people just don't seem to "care" anymore — and then blame "the system" rather than seeking the causes of their own failures.

Consider, for example, James Patterson's assessment of Clarence Thomas' objections to the most important Supreme Court decision of the past half-century, *Brown* v. *Board of Education.* Thomas, according to Patterson, is "cool to integration," and has "long been critical to many arguments on behalf of *Brown.*" That's true, but Patterson does not take the time to explain Thomas' objection to *Brown,* even in a footnote.

Brown v. *Board of Education* is one of the most misrepresented cases in legal history. It did not reverse *Plessy* v. *Ferguson,* or the doctrine of "separate but equal," on the basis of our natural equality under law. Instead, it relied on questionable scientific research suggesting that black children were being harmed psychologically by their segregation from white children. It did not embrace the principles of John Harlan's dissent in *Plessy* — which argued that "our Constitution is colorblind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved." *Brown* left open the door to future racist government actions in cases in which no similar psychological "research" was available to show segregation's damaging effects. Under *Brown,* legal racism could be perpetuated under the pretense of "benevolence" toward "underprivileged minority groups."

The result has been a half-century of affirmative action programs which, as Thomas Sowell and others have shown, result not only in greater resentment and conflict between the races — and assumptions by whites that blacks "couldn't cut it" without government aid — but also in greater rates of poverty and school dropouts among blacks themselves. A court decision based on fashionable liberal sociology, instead of on what Lincoln called the "timeless truth, applicable to all men and all times" that all men are created equal, brought about a half-century of codified racism.

It was Clarence Thomas, not any member of the Warren court, who wrote that:

> under our Constitution, the government may not make distinctions on the basis of race. . . . There can be no doubt that the paternalism that appears to lie at the heart of [affirmative action] is at war with the principle of inherent equality that underlies and infuses our Constitution. *See* Declaration of Independence ("We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness").

And, for that, he has received no end of abuse.

And so Patterson calls decisions like the 1996 *Hopwood* case — which banned discriminatory admissions policies at the University of Texas Law School — "unsettling" and "troubling" (though always through some quoted authority, in order to preserve his image of narrative objectivity). The passage of California's Proposition 209 — which said only that government may not discriminate either for or against persons on the basis of race — demonstrated, according to Patterson, that the "civil rights movement" is "weak and fragmented" today. Fair-minded, benevolent liberals, Patterson says, are "especially troubled" that "federal court decisions" are "closing the door to virtually all strategies aimed at elevating the value of racial balance in the schools." He does not address how such "advocates of desegregated education" (a euphemism if there ever was one!) can justify imposing the cost of their "strategies" on the dreams of Cheryl Hopwood, the woman who was denied admission to the University of Texas law school because she is white — or Randy Pech, who lost his highway contracting job because of his race, and whose lawsuit (*Adarand Constructors* v. *Pena*) is now headed to the Supreme Court for a third time, after more than a decade of legal delays.

But Patterson is fairer than other left-liberal commentators on *Brown.* He doesn't go so far as to explicitly call Justice Thomas or his supporters racists. He doesn't have to. In today's political scene the slightest suggestion that Jesse Jackson or Al Sharpton have gone a bit too far — or that Proposition 209 is entirely consistent with Martin Luther King's dream that we ought all to be judged by the content of our character, not the color of our skin — is worse than heresy, it's downright political suicide. So by not explaining Justice Thomas' reasons for criticizing *Brown,* Patterson can perpetuate the "Uncle Tom" image that the left has fashioned for Thomas. In the same way, Patterson portrays "conservatives" as hijacking the language of equality for their own cruel and selfish ends. Proposition 209, he says — or rather, carefully quotes others as say-

ing — is a sneaky trick by the right wing to dupe the "civil rights movement" with its own language of equality.

I lose patience especially with Patterson's calling the left "the civil rights movement." If that phrase has any meaning, it is to denote everything that the left is not. Barely hinted at in Patterson's book, for example, is the subject of school vouchers: he whispers in one paragraph that blacks (whom he portrays as despondent, thinking that civil rights litigation is "no longer worth the effort") are "with varying degrees of resignation, resentment, and rage," willing to pacify themselves with "a major hand in running their own schools."

This is a characteristic slight to what is surely the leading civil rights issue of the decade: educational choice. *Brown* didn't improve education for blacks because segregation was only one symptom of the real problem in public education: government control, and the lack of parental choice. As Howard Fuller of Marquette University put it last year, "For African-Americans, the stakes are huge. If opponents of providing low-income, mostly African-American parents with more educational power prevail, historical obstacles to advancement will be even more entrenched. *This current struggle is one we cannot lose.*" Yet despite the fact that minorities overwhelmingly support school vouchers — to *really* get their kids into better schools — the left has employed a variety of tactics, including patronizing glosses about black "rage and resignation," to ignore the nearly unanimous voice of black parents that every day shouts more loudly, "let my children go!"

Brown v. *Board of Education did not reverse the doctrine of "separate but equal" on the basis of our natural equality under law. Instead, it relied on questionable scientific research suggesting that segregation harmed black children.*

Patterson is likewise silent about the place of economic liberty in the drive for a real and substantive improvement in the standard of living for blacks. If a government official really wanted to improve the station of blacks and other minorities in America, he could do nothing better than to repeal some economic regulations, picked at random from the state or federal business codes.

Consider the case of Leroy Jones, a black man who sold hot dogs at a Denver stadium for a living. He wanted to start his own taxicab company, but state regulations prohibited him from doing so without a license. Of course, licenses are granted by a government committee made up of representatives from the local taxi industry, and they don't want the competition. As a result, they haven't issued a new permit for 50 years. Jones, represented by the Institute for Justice, sued. But under the liberal "rational relationship" test for economic regulations, the law was upheld, and Jones lost in court. (The publicity later convinced the legislature to change the law, but similar laws remain in force in major cities throughout America.)

Taxi driving is not a job that upper-class white guys take. It is a job that the poor, the illiterate, the immigrant, the inner-city resident, takes, trying to earn an honest living for himself and

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his family through hard and often dangerous work. But leftist economic regulations continue to make it easier to get a welfare check than a respectable job — and all in the name of the benevolence of the so-called "civil rights movement." An entrepreneur wanting to start a business today must jump through so many bureaucratic hoops, kowtow to so many politicians, woo so many zoning boards and wink at so many "redevelopment agencies," that the Jim Crow literacy tests and poll taxes of ages past seem like nothing in comparison. Every year leftists demand an increase in the minimum wage even though each time it rises, it pushes more and more minorities into unemployment. That's why Milton Friedman has called the minimum wage "the most anti-black law on the books."

But not a word about these obstacles to real progress can be found in Patterson's book on the so-called "civil rights movement" — just as not a trace of it is to be found in the minds of paternalistic white liberals. And then Patterson paints those who defend economic liberty — or oppose racial classifications and quotas — as parochial, or reactionary, motivated only by "anger" or lack of "faith"; by "backlash[es] against the perceived excesses of American liberalism," or by "resistan[ce] to further activism on behalf of civil rights."

Perhaps when the left calls for a cut in the regulations, the taxation, and the constant government meddling that keeps people like Leroy Jones and his neighbors — or Cheryl Hopwood and Randy Pech — from realizing the chance to compete fairly for an honest living, and pursue happiness equally, they can pat themselves on the back for "activism on behalf of civil rights." Until then, let them read a little Frederick Douglass:

> In regard to the colored people, there is always more that is benevolent, I perceive, than just, manifested toward us. What I ask for the Negro is not benevolence, not pity, not sympathy, but simply justice. . . . Everybody has asked the question, 'What shall we do with the Negro?' I have had but one answer from the beginning. Do nothing with us! Your doing with us has already played the mischief with us. Do nothing with us! If the apples will not remain on the tree of their own strength, if they are worm-eaten at the core, if they are early ripe and disposed to fall, let them fall! I am not for tying or fastening them on the tree in any way, except by nature's plan, and if they will not stay there, let them fall. And if the Negro can not stand on his own two legs, let him fall also! All I ask is, give him a chance to stand on his own legs! Let him alone! If you see him on his way to school, let him alone — don't disturb him! If you see him going into a workshop, just let him alone — your interference is doing him a positive injury. Let him fall if he cannot stand alone! If the Negro cannot live by the line of eternal justice . . . the fault will not be yours; it will be His who made the Negro, and established that line for his government. Let him live or die by that. If you will only untie his hands, and give him a chance, I think he will live. ❑

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Selling the Free Market: The Rhetoric of Economic Correctness, by James Arnt Aune. Guilford Press, 2001, 217 pages.

Style, Not Substance

Edward Feser

Plato famously portrayed the Sophists — itinerant teachers of rhetoric — as charlatans more interested in publicly winning an argument, by means fair or unfair, than in arriving at the truth. Plato held the latter aim to be that of the true philosopher, exemplified by his master Socrates. The term "sophistry" has, ever since, denoted the disreputable practice of attempting to persuade an audience by means of logical fallacies and rhetorical tricks rather than honest argumentation.

Whether Plato's characterization of the Sophists was entirely fair is a matter of dispute, but it goes without saying that the current mania for inverting traditional categories of historical "heroes" and "villains," together with the postmodernist denial of any genuine distinctions between reason and rhetoric or truth and usefulness, was bound to generate a movement to rehabilitate the Sophists and the methods with which they have conventionally been associated. Rhetoric, advocates of this rehabilitation insist, is every bit as important a study as philosophy or science. Indeed, it is more important, the more radical among these advocates seem to think, for in their view the study of rhetoric reveals to us the only means by which anyone ever really convinces anyone of anything. "Rhetorical analysis," it is claimed, shows that the very methods of persuasion derided by philosophers and scientists as fallacies and tricks are in fact the methods that their own anti-rhetorical position ultimately rests on. Such analysis also — and surely we could see this coming a mile away — reveals that the notions of "objective truth" and "disinterested rationality" are nothing but self-interested delusions. Unsurprisingly, this position has given rise to a new scholarly industry, the "rhetoric of science," which, as its only apparent virtue (if virtue it is), has the capacity to open new avenues for young and mediocre academics to get published. They need only restate the already-rehashed-to-death relativist theses of historians, philosophers, and sociologists (Kuhn, Feyerabend, Latour et al.) in yet another specialized jargon.

Of course, the problem with this approach is the same one that plagues all varieties of relativism — namely, its self-undermining character: if everything is just rhetoric rather than objective rational argument, then so is the position of the rhetorical relativist, in which case his view is no more defensible than any other. And no attempt by a consistent relativist to put on a brave face and shrug off this fatal difficulty amounts to much more than the "shit-eating grin" (as philosopher David Stove has put it) of the con artist whose subterfuge has been uncovered. But such grinning is apparently enough for producers and consumers of this sort of literature. The relativist industry shows no signs of abating, and can only be reinforced by the advent of the "rhetoric of science" as a new discipline.

The "rhetoric of economics" could not be far behind, if only because the leftism that predominates among academics virtually demanded it in an age in which capitalism seems everywhere triumphant. In *Selling the Free Market*, James Arnt Aune puts the tools of the newly minted relativist field of "rhetorical analysis" at the service of the left, aiming to expose the battery of hollow rhetorical ploys that, he alleges, comprise almost the entire arsenal of the free-market defenders.

Whether Aune himself buys into the worst crudities of relativism is not entirely clear. He hardly needs them, for he has ample crudities of his own. For starters, there is the predictable use of ugly and needless jargon — "rhetoricity," "textuality," "metacommunicating," and the like, deployed as clumsily as in any piece of turgid and trendy "cultural criticism." This could be forgiven if, hidden within his verbiage, he had anything new or interesting to say. But *Selling the Free Market* offers little more than a mishmash of potted and often inaccurate accounts of the arguments of free-market economists, philosophers, and politicians, even briefer summaries (with no new twists added) of well-known counter-arguments of anti-market theorists, and some unsystematic remarks of Aune's own on the rhetorical devices used (or allegedly used) by free-marketers. To be fair, Aune seemingly wants to avoid merely countering capitalist rhetoric with its socialist counterpart — he believes there are rational arguments for his position that are objectively superior to those of his opponents, and he claims to give them. But the intricacies of the issues in economics and political philosophy that are relevant here are simply beyond his competence, so that what he says about them is brief, amateurish, and unconvincing. The bulk of his case rests on rhetorical analysis and, worse, on analysis that exemplifies the very offenses of which he accuses his opponents.

Now, I do not deny that rhetorical analysis has its place. There are, after all, non-rational elements in the situation of any argument, and it is important to be able to recognize and understand them so that their influence on one's evaluation of an argument can be detected and neutralized. Moreover, such analysis helps explain why certain blatantly fallacious arguments are so convincing — as Stove has shown in *Anything Goes: Origins of the Cult of Scientific Irrationalism*, a

study of the rhetorical tricks that underlay many of the arguments for relativistic philosophies of science. But precisely because rhetorical analysis deals only with the tangential issue of why a bad argument seems to be convincing, and not at all with the chief issue of whether an argument is in fact good or bad from the point of view of logic and evidence, such analysis can never form the bulk of a case for or against anything. That the proponents

Aune puts the tools of "rhetorical analysis" at the service of the left, aiming to expose the battery of hollow rhetorical ploys that comprise almost the entire arsenal of the free-market defenders.

of a certain position sometimes appeal to this or that fallacy or rhetorical device is not evidence that their position is false. Anyone assuming otherwise commits the fallacy of *argumentum ad ignorantiam* or appeal to ignorance, the assumption that because an opponent has failed to prove a certain proposition, it follows that the proposition has been refuted. Because Aune's book is an attempt to refute the free-market position through rhetorical analysis alone, it is one giant *argumentum ad ingnorantiam*, an argument capable of proving nothing about free-market economies even if everything he had to say were logical and relevant.

"Give me the checkbook — I'm off to redistribute the wealth."

Appeal to ignorance is not the only fallacy that Aune commits. He has a special fondness for the ad hominem. Again and again he tells us that such and such an argument is suspect because one of its defenders was "funded" (or "subsidized" or "financed") by this or that right-wing think tank or foundation. Aune seems especially proud to have discovered that the work of free-market scholars is sometimes funded by free-market organizations — a discovery presumably made possible only by the path-breaking methods and keen analysis of pioneering "rhetoricians of economics" like himself. Aune ought not hold his breath waiting for his hard-earned Nobel prize, of course, for this is no discovery at all. It is just one more playing of the most worn-out card in the leftist deck (unless the gratuitous accusation of "racism" is; and — again, no surprise — Aune's book makes heavy use of that tired gambit as well). More to the point, it is simply immaterial to the issues at hand; for as every beginning student of logic knows, but it seems every "rhetorical analyst" must constantly be reminded, an arguer's source of "funding," and any hidden or disagreeable motives or vested interests an arguer may have, are utterly irrelevant to his argument's cogency. (Beginning students of logic can move on to the next paragraph; rhetorical analysts should read over that last sentence a few times before proceeding.)

One might expect Stove's "shit-eating grin" to be Aune's only possible recourse on being caught in so contemptible a maneuver. But in considering the objection that his analysis largely rests on a simple fallacy (which he labels "motivism"), and finding it hard to smile when caught with so unpleasant a mouthful, he rashly tries to wash it down with a defense that is even more appalling. "It would be nice if the whole world were like a good graduate seminar," he says, "But the real world of controversy is not like that . . . As long as people make arguments, their motives will be questioned" (179). In other words: "Hey, everyone does it."

Only slightly less offensive is Aune's utterly unpersuasive attempt to undermine the work of free-market theorists by isolating what he alleges are to be several dubious rhetorical strategies they typically employ:

> Strategy 1: Define any object, person, or relationship as a commodity that can be bought and sold.
>
> Strategy 2: Rely heavily on quasi-logical and quasi-statistical argument to enhance credibility and a disinterested sense of objectivity.
>
> Strategy 3: Appeal to the reader's sense of irony by pointing out the inevitable perversity of well-intentioned social programs.
>
> Strategy 4: Appeal to the reader's sense of moral indignation, equating failure to promote economic growth with condemning the poor to starve.
>
> Strategy 5: Avoid responding to opposing arguments, because to do so would call into question the scientific character of your own argument.
>
> Strategy 6: Leave empirical investigation to the sociologists or historians. (36–37)

In a chapter on the work of Richard Posner, he also isolates a strategy he calls the "realist style," the tendency of free-marketers to represent themselves as hardheaded and practical and their opponents as starry-eyed idealists oblivious to economic reality. Aune's evidence that the first six strategies are endemic to free-market theorizing is his analysis of three "case studies,"

Aune seems especially proud to have discovered that the work of free-market scholars is sometimes funded by free-market organizations.

namely three topics (the minimum wage, the "farm crisis," and labor unions) dealt with in a handful of articles and books Aune has chosen, seemingly at random — a single chapter from Milton Friedman's *Free to Choose*, an essay by University of Illinois economist Lee Alston from an anthology on economic history, snippets from obscure articles in restaurant industry magazines (!) and so forth.

What immediately struck me on reading it is the essential arbitrariness of it all: why isolate just these odd examples as somehow representative of all free-market economics? Why not

discuss instead Friedman's more systematic and scholarly work, or Hayek's, or any one of the many well-known treatments of economics by Henry Hazlitt and Thomas Sowell? Perhaps because a more systematic and thorough survey — one which included, for instance, Friedman's famous work on the monetary history of the United States, or the work of Murray Rothbard on the causes of the Great Depression or of Charles Murray on the history of American social welfare policy — would reveal the absurdity of attributing "Strategy 6" to Aune's opponents.

But Aune's chief arbitrariness is the way he formulates and attributes his rhetorical strategies. Take "Strategy 5": one does not need to read very far into the free-market literature, including Aune's own examples, to know that it is plainly false to say that its authors do not attempt to deal with opposing arguments; indeed, many free-market writings are nothing but attempts to refute arguments against capitalism. So how does Aune support this strange charge? Well, it turns out that two of the short pieces he took as "case studies" failed to address every possible objection, including a few objections made in sources that appeared years after the works Aune criticizes were published; ergo, free-market theorists in general avoid dealing with criticism.

It is hard to imagine an "analysis" more preposterous. To be sure, every market theorist fails to deal with some criticism or other. So what? No writer, whatever his point of view, can possibly deal with all potential objections, if only because authors who waited around until they had thought up every possible response that anyone might make to their work would never get anything written. So to claim, on this basis, that free-marketers (or members of any other school of thought) pursue a general "rhetorical strategy" of avoiding criticism is just silly. I should have thought this obvious; but the obvious isn't something Aune has a remarkable grasp of.

In any case, what matters is whether there is some telling objection to this or that particular claim about the market, not whether the defender of the claim has some "strategy" of avoiding objections. Whether there is some such objection has nothing to do with "rhetorical analysis," but can only be determined by a careful examination of the relevant arguments in economics and political philosophy.

Something similar can be said of all the strategies Aune detects: ultimately, all that matters is whether this or that policy really does have perverse consequences, stifle economic growth, have bad effects on the poor, etc., topics about which the student of rhetoric has nothing to say. So why waste a whole book focusing obsessively on the "rhetoric," rather than the substance, of the debate? Possibly, one suspects, because it's so much easier to do "rhetorical analysis" than economics, political philosophy, history, and the like. Certainly Aune makes it look like a piece of cake. Apparently one need only note that an author takes a certain position; formulate the bold and exciting hypothesis that his arguments for that position constitute "rhetorical strategies" (if he gives a statistical argument, hypothesize that he's using

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a "statistical strategy" to impress readers who find statistical arguments impressive; if he argues that a certain policy leads to poverty, attribute to him a "strategy of trying to convince readers who are concerned about policies that lead to poverty"); and, most importantly, find out who funds the author's research, and harp on that incessantly. The fact that anyone can play this stupid game underlines its arbitrariness. Certainly it is easy and plausible enough to attribute parallel "strategies" to Aune and his fellow socialists:

Strategy 1: Play on your reader's emotions by reiterating oversimplifying clichés, such as the notion that free-market advocates treat all persons, objects, and relationships as commodities to be bought and sold.

Strategy 2: Prefix "quasi-" to words like "statistical" or "logical" which are commonly used to describe the arguments of free-market advocates; this will subtly undermine the reader's inclination to take such arguments on their merits.

Strategy 3: Frequently engage in ad hominem attacks, especially by accusing free-marketers of having ulterior (probably racist) motives and of being in thrall to the foundations that subsidize them; you will, of course, be committing an obvious fallacy in doing so, but what the hell, everyone does it.

Strategy 4: Appeal to the reader's sense of moral indignation by casually making sweeping and unsupported accusations, e.g., that free-market policies have had a "destructive impact on the lives of millions of working people and families" (to quote the book's dust jacket).

Strategy 5: Take advantage of imprecise language to play off of the muddle-headedness of most readers: use "democratic" when you mean "government-controlled"; use "working people" when you mean "people whose work doesn't pay as well as that of some other people who work"; use jargon such as "rhetoricity" and "meta-communicating" to make banal observations appear profound.

Strategy 6: Leave the substantial issues to economists and political philosophers.

Not that I think attributing these strategies to Aune is entirely arbitrary: *Selling the Free Market* is little more than a shameless and single-minded application of them. But of course I wouldn't pretend that that by itself shows that his (socialist) convictions are false (as opposed to poorly defended); only a detailed economic and philosophical analysis could do that. Spending 217 pages almost exclusively on the "rhetoric" of his position would be a waste of time if what one wanted to do was refute socialism — as he purportedly wants to, and not just to analyze rhetorically the arguments for the free-market position.

Then again, I must admit that what I'm calling "Strategy 6" isn't entirely followed by Aune, though perhaps it should have been, since his peripheral and haphazard attempts to delve into matters economical and philosophical merely reveal that he would have been better off sticking exclusively to "rhetorical analysis," if only to have some face left to save. For though his non-rhetorical arguments mostly consist of brief and simplistic summaries of points made by other left-wing authors, quickly tacked on at the end of his own "original" points about rhetoric — hardly enough to justify a claim to have made a substantial anti-free-market case — occasionally Aune forays into some new argumentation of his own, and the results are often painfully embarrassing.

Consider his discussion of libertarian philosopher Robert Nozick's well-known "Wilt Chamberlain" argument, wherein Nozick imagines the basketball player living in a society in which the distribution of wealth is determined according to some pattern (an equal distribution, say, or distribution according to merit or need) and in which one million people voluntarily give up some small portion of their wealth in order to pay to watch Chamberlain play basketball — thus disrupting the pattern. Aune writes:

> The next move by Nozick is predictable: any set of holdings realizing a particular pattern may be transformed by voluntary exchanges or gifts into another set of holdings that does not fit that pattern. In other words, private charity can solve the problems of the less advantaged. (90)

He goes on to assert that the historical evidence doesn't support this claim. He doesn't actually cite any historical studies, it must be noted,

though plenty exist, including historian David Beito's recent *From Mutual Aid to the Welfare State*, which deftly refutes Aune's glib assertion. Nevertheless, Aune proceeds in good scholarly fashion to lump Nozick in with the dreaded National Rifle Association, "right-wing militias," etc. All that is bad enough, but the real offense comes with the "In other words . . . " wherein Aune demonstrates his inability to understand an academic philosophical argument, or even plain English. For Nozick's argument — one of the most famous in recent political philosophy — has nothing whatever to do with the empirical issue of whether private charity can best help the poor. It has to do instead with the conceptual issue of whether the justice of a distribution of wealth has anything to do with that distribution's fitting a certain pattern — as socialists often suppose it does by, for instance, taking the fact of inequality as such to be unjust. (Briefly: since we can always go from any sort of patterned distribution via voluntary, and hence just, transactions to a distribution that breaks the pattern but is nevertheless also just — because it was arrived at voluntarily — Nozick concludes that justice has nothing to do with patterns.) In what purports to be a work of serious scholarship, such a misreading is scandalously inept, comparable to that of the college freshman who thinks Einstein's general theory of relativity proves that "there's no objective right or wrong."

What matters is whether there is some telling objection to this or that particular claim about the market, not whether the defender of the claim has some "strategy" of avoiding objections.

Aune is also keen on uncovering hidden "presumptions" in an argument, including what he takes to be the hidden "state of nature" theory presumption behind Nozick's question "Why should there be a state at all?" (81), and writes as if the mere uncovering of presumptions constitutes a unique contribution to be made by rhetorical analysis. He seems unaware that political philosophers, economists, and the like uncover hidden presumptions all the time; it is a major part of what their dissection of each other's arguments involves. What makes this important, though, is that they then go on to try to determine whether the presumptions are true or not. They do not rest, as Aune does, with the mere "uncovering," as if that, all by itself, were significant. Since such heavy lifting is, as we've seen, beyond Aune's competence anyway, it was probably wise of him not to attempt it.

Of course, two can play his game, and the defender of the free market can easily point out any number of hidden assumptions that Aune and other leftists unreflectively make. Nozick's point, after all, was that leftists and others often just presume the state to be natural and limitations on it to require justification, when it might be that it is the state itself and its actions that require justification. Aune, like other socialists, complains that "market ideology relies on a radical dissociation between 'government' and 'people'" (169), but pro-market theorists would retort that it is leftists who often unconsciously conflate "the people" with "government," and so forth. But not only does Aune not try to show hidden leftist "presumptions" to be more plausible than their opposites, he writes as if his side doesn't even make such presumptions. Once again we see that while Aune's attacks on his opponents are ineffectual because they avoid dealing with anything of substance, a consistent application of his "method" would hoist him on his own petard.

I could go on cataloguing the innumerable deficiencies of this absurd book, but the place for that would not be a book review, but a critical thinking course. *Selling the Free Market* has only a single merit: its usefulness to students of logic as an agglomeration of old-fashioned sophistry. It would be interesting to know who "funded" Aune's work — not because this would add anything to a critique, but because those unseen parties really should be notified that they have made a poor investment. ❑

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Milwaukee, Wis.

It takes more than a village to raise a child, from a dispatch to the *Milwaukee Journal Sentinel*:

An audit of a child welfare program revealed that it had paid $690 to take six children to a Chuck E. Cheese's.

New Orleans, La.

Inventive methods of salesmanship, reported in *The Wall Street Journal*:

The efforts of drug companies to inform doctors about their new products have led to a number of techniques. Doctors have been given meals, "Christmas trees . . . Valentine's Day flowers, books, CDs, manicures, pedicures, car washes, bottles of wine, and cash," and been invited to "gas 'n' go" events, at which doctors can pull up and listen to a recorded advertisement for a drug while having their car's gas tanks filled up for free.

Toppenish, Wash.

Advance in hydro-power generation, discovered in the *Seattle Post-Intelligencer*:

The Yakama Indian Nation recently sent a bill to the Bonneville Power Administration for $32,000 for "two traditional ceremonies designed to bring rain to the parched Northwest."

United States

Innovation in the world's second oldest profession, from a listing in the *Harper's* classifieds:

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Moscow

An advance in collecting the dues we pay for civilized society, from a dispatch in *The Observer*:

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Milwaukee, Wis.

Extending a helping hand to those who need it, from a dispatch in the *Milwaukee Journal Sentinel*:

Two women defrauded the state welfare system of $43,000 by setting up two bogus accounts that claimed that a total of two women and 15 children were receiving benefits. One of the women was a former "public aid caseworker" who established the accounts, processed the applications, and engaged in "'confirming' benefits during supposed case reviews."

Seattle, Wash.

Progressive measure to bring the dispossessed into the body politic, from a report in *The Seattle Times*:

After publication of a newspaper report that homeless people residing in a shelter that was damaged by the Nisqually earthquake had received government earthquake relief checks of $1,200 each, "a flood of last-minute phone calls for earthquake assistance . . . pushed back the deadline to file damage claims."

Arizona

The state of moral rectitude in the southwest, from a letter to the *Arizona Republic*:

By signing a measure to repeal hundreds of archaic sex laws: "Gov Jane Hull ignores thousands of constituents and signs a bill that the people of Arizona don't want. Her cowardly explanation is that 'the government does not belong in our private lives.' That is the typically absurd logic we hear from politicians with no moral fiber."

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Ending the scourge of child abuse, from the *Milwaukee Journal Sentinel*:

Child welfare workers listed as a child abuser a teacher in a religious school who gave a fourth-grade girl a swat with a wooden paddle.

Minneapolis, Minn.

Library science changes with the times, reported by the *Milwaukee Journal Sentinel*:

The Minneapolis Public Library has recently enacted a ban on chess playing. The ban is a response to several incidents of "unruly fan behavior" such as "hurling abusive language in the direction of security guards."

Valencia, Spain

Extension of the methods of the Moral Majority to the care of captive animals, from a report on ananova.com:

A local zoo is allowing its chimpanzees to watch television for educational and entertainment purposes. Researchers believe that the television can be used to improve the chimps' sex life, but will not show the sexually-oriented material to the children of the mating pair.

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Evidence of a resurgence of intellectual curiosity in America's urban Middle West, from the estimable *Journal Sentinel*:

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Thanks to Ivan Santana, Russell Garrard, and Wes Hopper for contributions to *Terra Incognita*.

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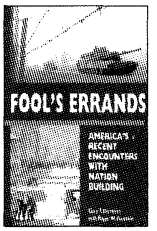

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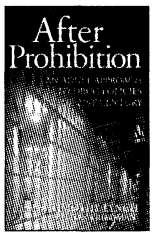

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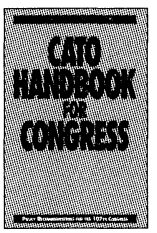

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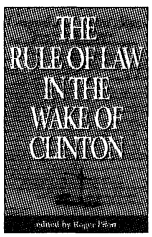

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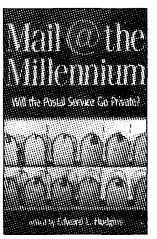

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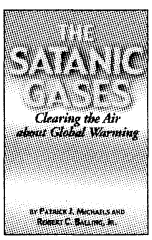

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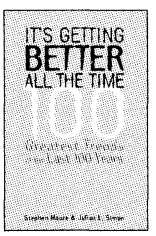

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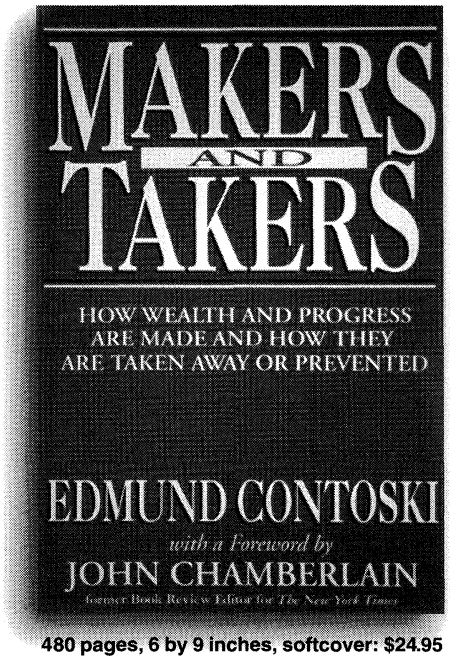

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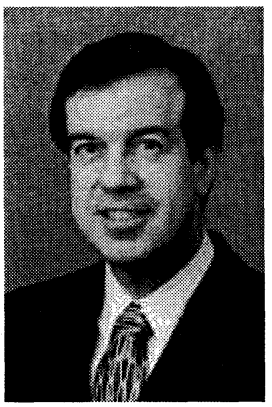

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Inside Liberty

September 2001
Volume 15, Number 9

4 Letters We put you in your place, at the front of the book.

5 Reflections We serve a margarita to Jenna, shed a tear for Fidel, kneel before our feline masters, put a match to the evil rainforest, demand yet another recount, and exploit kindergarteners for fun and profit.

Features

22 The Willis-Browne Conspiracy: A Timeline Conspiracies are by their very nature cloaked in secrecy. *The Editors of Liberty* sort through the allegations, the facts, the lies and the truths.

25 Reclaiming the Party of Principle It's time for Libertarians to get back to the business of liberty, and to minimize the damage done to their party. At least, that's what *R. W. Bradford* thinks.

29 Browne 2000: Where the Money Went *Elizabeth Merritt* and *R. W. Bradford* audit the finances of the Browne campaign, and discover that it wasn't really a political campaign at all.

33 Off the Map in Haiti Tragedy of the commons. Violent crime. Grinding poverty. *Douglas Casey* reports from the not-so-sunny side of the Caribbean.

36 The Plot to Cram Six Billion People into Kentucky The latest "smart growth" plan from the Sierra Club promises to boost pollution, congest highways, and pack people into cities like sardine cans. *Randal O'Toole* explains.

40 ¡Revolucion! The spirit of liberty rises in Costa Rica. *Otto Guevara* reports.

44 Rewarding the Criminals for Their Crimes A recent Supreme Court ruling finally puts the cuffs on the biggest land thief of all — the federal government. *Timothy Sandefur* explains.

Reviews

45 How We Won the War for Privacy Thanks to rebels, misfits and electronic hobbyists, high-tech encryption is within the reach of the common man. *William E. Merritt* chronicles the battle for virtual privacy.

48 Socialism for the Spirit The left has done such a fine job of helping the poor that now they've decided to help the immoral. *Christopher Chantrill* examines the new egalitarians.

50 The Road to Wisdom *Bettina Bien Greaves* explores the life and thought of the most influential libertarian of the 20th century.

61 Notes on Contributors Who we are and what we're up to.

62 Terra Incognita Dispatches from the outside world.

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Letters

A Question of Fraud?

Jeff Kradin (*Letters*, August) asks if the Libertarian Party would be better off "without" Browne and Willis, even if they are guilty of fraud. That's the wrong question. When we overlook fraud (and other dishonest activities) by using this old "better off" argument, we lose by becoming no better than the major parties. I certainly don't want a future LP campaign motto to be "He may be a crook, but he's 'our' crook."

Bob Tiernan
Portland, Ore.

It Hurts So Bad

Why do you expend every waking hour trying to tear down the Libertarian Party?

Andrew Sullivan
Omaha, Neb.

Look Ahead

Enough already regarding Harry Browne and the presidential election campaigns of 1996 and 2000. Let the Libertarian Party concentrate on ballot access issues and find for the 2004 election a candidate who can energize some interest among the "infidels" rather than preaching to the "congregation." Michael Cloud comes to mind.

Dan Sotler
West Palm Beach, Fla.

Time to Wash Up

I am an economist, lawyer, longtime libertarian, reader of *Liberty*, and a rank-and-file member of the Libertarian Party. I have followed, with interest and often amazement, the articles on troubles in the LP, both in *Liberty* (July & August) and on Jacob Hornberger's Web site.

It is, of course, difficult to know, without evidence in front of me and the ability to observe and question the entire cast of characters, precisely where the truth lies on many of the issues. It is also difficult to assess the extent of damage done to the LP by Browne (who, I confess, I've long thought to be interested principally in self-aggrandizement) and his associates.

However, one thing is perfectly clear: the hanky-panky and/or perceptions of hanky-panky do this small party no good. It is not sufficient to have clean hands; one must be seen to have clean hands. This the LP lacks.

Hugh High
Hingham, Mass.

¡Ole, Toro!

Admittedly, I'm not one of the "informed elite" on the topic of bullfighting as spelled out by Coleman Cooney and Michael Christian ("In Defense of Bullfighting," August). I've never been to a bullfight in person, but from what I have seen, the sport is more than just tradition. It can be quite a beautiful spectacle. From a libertarian perspective, there is nothing more breathtaking than the sight of a highly-skilled, jewel-encrusted matador getting the shit gored out of him by the underdog.

Paul Marsden
Garden Grove, Calif.

Death, Sport, and Food

I believe it is morally wrong to kill an animal merely because we like the taste of its flesh, not because we need it to survive or for proper health. To kill an animal merely for sport is even more morally wrong. It is repugnant.

Granted, there are those fringe cultures in which the killing of animals is necessary for survival. But I don't think they toy with the animals they kill out of necessity. I am a vegetarian, but I do not believe animals have rights, although there is an argument

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to be made that humans should treat animals "humanely," to the extent possible.

Of course, carnivores kill and eat flesh. But, again, that is a matter of strict necessity and, in the larger scheme of things, the predator keeps the prey population healthy and alert from a survival-of-the-fittest point of view.

But to kill a bull merely for the "art" of it, the sport, is truly a remnant of our not so wonderful past.

David A. Nichols
Tucson, Ariz.

Cruelty Thy Name Is Bullfighting

Cooney and Christian put forth no actual arguments to defend bullfighting.

They claim that bulls are strong, and are admired for their vitality and bravery. So therefore, fighting them is good sport. This is a defense? Are they joking? They suggest that if the masses weren't so ignorant, they too would enjoy bullfighting. They even compare it to opera, since the upper and middle classes pay a lot for bullfight tickets.

Opponents of bullfighting might mock it as an unsophisticated, anachronistic tourist show, but the main beef is that it's cruel. Even if bullfighting opponents were to become enlightened about the bravery and competitive artistry of the sport, and even if they were more informed about bullfighting, they'd still have the same claim: that taunting the animals, sticking spears into them, and cutting off their ears is cruel.

Hal Dunn
Wesley Chapel, Fla.

Opinions Outed

Edward Feser's defense of traditional morality and normal sexuality in the pages of *Liberty* seems to have outraged every living libertarian homosexual or defender of homosexuality ("In Defense of Virtue," June, *Letters*, June & July). It is presumed that any belief in principles of sexual morality ought to be interpreted as an attack on libertarian principles. This is untrue. One can be completely consistent in holding that homosexuality is perverse, sinful, and debilitating on the one hand, and that, on the other, as consensual behaviors, such practices ought not be legally proscribed. Libertarians who regard sexual morality to be every bit as essential to civilized society as honesty, civility, limited government, and private property, and who regard themselves as having every right (and perhaps even a moral obligation) to express such views, are not engaged in any contradiction.

James R. Edwards
Havre, Mont.

Shades of Brown

I was a student at Brown University at about the same time as Richard Kostelanetz ("Education of an Intellectual," August), and my memories of the experience differ quite a bit from his. His remarks are personal and anecdotal, and it would be unfair to Brown not to give the other side.

In the first place, as a lowly freshman I was assigned a full professor as a mentor/counselor. We met informally, and I could discuss anything I wanted with him. He was very helpful, and this was an experience I never forgot. Could Kostelanetz have gotten that kind of attention at Harvard or Yale?

Secondly, the "IC" seminars (the "IC" stands for "Identification and Criticism" of ideas) were, to use Robert Bork's description of being a judge on the Supreme Court, an intellectual feast. Imagine the excitement of 16 or so bright undergraduates meeting around octagon tables with someone (usually an associate professor or higher) who had spent his whole professional life studying the text and related issues. Further-more, contrary to what Kostelanetz implies, no one was precluded from also enrolling in survey classes in addition to the IC classes.

Thirdly, I don't know what Kostelanetz means by writing that Harvard, Yale, and Columbia are in cities that offer "corrective reality."

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Brown is indeed on a hill overlooking the city, but an invigorating walk of about 15 minutes will take you to a downtown much like that of any other eastern city of the same size. How does it differ from a walk beyond the gates at Harvard or Yale? I gather that the tension between "town and gown" has been much greater in New Haven than it was in Providence.

Finally, I don't know where he got the idea that the University Christian Association dominated intellectual life. Although the college was founded by Protestants, the intellectual aura was basically atheistic and agnostic, with each religious denomination having its own group (for example, the Newman Club, Hillel, etc.) to cater to students with those beliefs. Everything else was an intellectual free-for-all.

Kostelanetz wasted an opportunity to say something meaningful about Brown. He could have contrasted the intellectually stimulating place it was during the late '50s and early '60s with the bastion of political correctness it has become today. In the recent fracas regarding the publication of David Horowitz's ad against reparations for slavery, 57 faculty members thought it acceptable to control information if it offended some members of the community. This would have been unthinkable when Kostelanetz and I were there in the late '50s. Then, it was an exciting place to get a college education.

William Nadeau
San Diego, Calif.

Three Questions

Over the course of more than 5,000 words Richard Kostelanetz enlightened readers on the following facts: he went to Brown. He considered it a second-rate school. So did everyone else there. And proof of Brown's second-rate nature can be found in the fact that Brown has not been more pro-active in inviting back to campus a very, very minor author.

I intended to insert in this letter something along the lines of "If Mr. Kostelanetz's fiction is as rambling and ill-disciplined as his essay, then it's no surprise that I've never heard of him." Instead I hunted down his Web site (www.richardkostelanetz.com) and discovered that it makes my point very effectively. His works include:

- a novella with no more than two words per paragraph (and, in one published form, no more than two words to a page),
- eight stories composed of cut-up photographs whose chips move symmetrically through narrative cycles, and
- ten circular stories that flow from point to point but lack beginnings or ends.

Please, no more whining.

Travis J. I. Corcoran
Arlington, Mass.

Davidian Despair

As much as I enjoy reading the pair of Davids (Brin and Friedman), I must protest. My academic training was as a cultural anthropologist; Messrs. Brin and Friedman are physicists. This is horribly depressing, as they do cultural anthropology a hell of a lot better than I could do physics.

Stephen Browne
Warsaw, Poland

Libertarian Solutions

In "Good Politics, Bad Medicine," (*Reflections*, August) Bruce Ramsey states that "freedom does not solve all problems, and may make some of them worse." A strange statement. Does he mean that slavery may solve some problems? He goes on to say that "Medicine is not the same as it was when people paid for it out-of-pocket. Whatever solution libertarians offer . . . has to work, and provide a world that people want."

I disagree. I think that libertarians don't have to offer any solution at all. Libertarians have only to point out that "solutions" that impose force on others are morally wrong and should be stopped — it doesn't really matter whether those claimed solutions "work" or not. People can devise solutions that work if left free to do so, though their solutions may not prove effective for everyone under all conditions. Libertarians should concentrate on analyzing laws and policies to determine whether or not they are proper — that is, whether they violate anyone's inalienable rights. Libertarians don't have to know how to build highways — that's for engineers to do. They have only to advise that it is morally wrong to steal from some in order to finance the building of highways.

Darrell E. McGuire
Oceanside, Calif.

DNA Police

Bruce Ramsey notes the seeming inequity of health insurance premiums reflecting information from DNA testing. An apparent solution to this perceived inequity would be for the patient to buy bad-DNA insurance before having the test done. (Though how the insurance company might assure that the patient had not already seen the results of a secret test is not immediately apparent. Maybe there's a good answer to that.)

It should also be apparent that if we the taxpayers are to be expected to compensate for the medical costs of bad DNA, then we the taxpayers also thereby would seem to acquire the moral standing to prohibit the propagation of that bad DNA, and that is a result that is more than a little troubling.

Bill Bunn
Arcata, Calif.

Justice for Ramsey Clark

Reading William E. Merritt's article "Justice, at Last, for Vicki Weaver?" (August) reminded me of my only encounter with Ramsey Clark. Circa 1980 I attended a symposium at which Ramsey Clark was one of the speakers. Afterwards I cornered him and we were engaged in a discussion about government responsibility. I contended that government was not sufficiently accountable for actions which were detrimental to its citizens and he was strongly arguing the opposite. Finally he challenged me by asking me what I thought should be done. I said that government officials should be personally responsible for the injuries to citizens caused by their actions. He replied, "You can't do that." I surprisingly found myself responding, "Oh, what were the Nuremberg trials all about?" There was a long pause, then he turned and walked away.

Fred G. Hewitt
Eagan, Minn.

Reflections

Don't worry, congressman, we're tolerant of ax murderers here — What I like best about the Gary Condit case is its flamboyant revelation of good-natured tolerance, of a true laissez-faire attitude on the part of the police. This is a cheering sight for all foes of intrusive government.

The only trouble is, the D.C. cops' idea of laissez-faire isn't keeping their hands off drugs or prostitution; their idea is keeping their hands off abduction and murder. And is it only where congressmen are concerned that this libertarian sentiment emerges? — Stephen Cox

Puff, the magic federalist — I was pretty miffed with the Supreme Court decision on medical marijuana. In retrospect, I am more miffed at the people who argued the case. They should have based their case on the Tenth Amendment issue: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." I've read the entire Constitution and can't find a single word about the federal government having the power to decide what we smoke or what medicine we take. I'm not crazy for state regulation, either, but leaving such power to the states allows more diversity and even experimentation with legalizing some activities that current national hysteria prohibits at the federal level. Justices Thomas and Stevens mentioned the outstanding issue of states' rights in their concurring opinions. — Tim Slagle

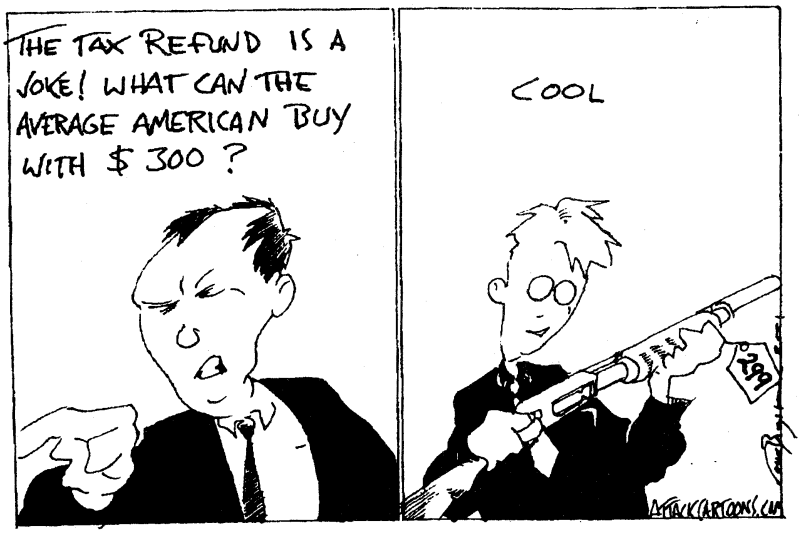

Live from Capitol Hill, "Who Wants to be a Defendant?" — John McCain was on *Fox News* Sunday, June 24, touting his "patient's bill of rights." Asked if he would modify his bill (aka the Trial Lawyer's Permanent Employment Act) to prevent HMO suits, he said something like "People in this country can sue their doctor, sue their nurse, even sue their hospital. A recent poll indicated that 77% of Americans would like to be able to sue their HMO if it prevents them from getting the care they need."

Unfortunately, Tony Snow didn't ask him if he would support a bill allowing people to sue individual senators for sponsoring legislation that has unacknowledged but predictable consequences that negatively impact them. I suspect more than 77% of Americans would support such legislation. — Ross Levatter

"You bastards, you killed Bambi!" — After recently watching *Bambi*, I worry that I may never again have an intelligent thought about man and nature. First we killed Bambi's mother, then we shot Bambi himself, and then we burned down the forest. Every time man entered the forest somber music soared and ravens blackened the sky.

As an antidote, my staff provided me a videotape of a recent *South Park* episode about a children's glee club's crusade to "save the rainforest!" It began with the sappy pabulum that so dominates environmental education today: kids parroting the views that "we're bulldozing X acres per day" and "the rain forest is delicate and vital to our lives." The teacher was a typical brain-dead liberal — a walking travelogue for the Rainforest Alliance.

But then they get to Costa Rica, find themselves in the "rainforest" (i.e., jungle) and are beset by poisonous snakes (their guide is killed off swiftly) and insurgents (the teacher immediately talks of her sympathy with these fighters against the "fascist" central powers). They are captured by "the peace-loving indigenous peoples of the rainforest" (i.e., cannibals) and are about to die when . . . they're rescued by a team of American roughnecks on bulldozers who're there to clear out the rainforest. The teacher is elated and says cut it all down.

The segment ends with a typical message of the style tacked onto the end of "educational" films: "Over two thousand people die annually in the rainforest," "over 700 substances that cause cancer are found in the rainforest," and finally "help us destroy the rainforest before it's too late!"

Maybe pop culture isn't so bad. — Fred L. Smith

Hug a tree, exploit a child — John Stossel raised the hackles of environmentalists once again by quizzing school children on what they learned about environmentalism in school. He was accused of exploiting children. What a strange case of doublethink, that a person reporting bad teaching is more evil than the actual teachers. It is an

ironic twist, considering how environmentalists have exploited children for years by citing them as the reason we need to save the planet. — Tim Slagle

¡El jefe es muerto, viva la revolución! — In late June, Fidel Castro, dictator of Cuba these past 42 years, collapsed while delivering a speech. Castro later commented that "it was a rehearsal for death." This, I believe, is the only clever or witty thing he has ever said, so it deserves to be remembered.

When Castro finally goes on from rehearsals and actually dies, he will be remembered in a lot of ways, deserved or not. I can predict the reactions now; tear out this column and attach it to your refrigerator.

Raul Castro: "A world leader died today. Fidel Castro is gone."

Dan Rather: "A world leader died today. Fidel Castro is gone."

CNN Headline News: "Fighting to the end against the illegal American embargo of his country, Cuban Premier Fidel Castro died today."

Barbra Streisand: "Fidel Castro will remain a hero as long as people anywhere strive to achieve free and universal health care."

Jimmy Carter: "On Sunday, former Premier Gorbachev and I will join other world leaders in Havana to attend the funeral observances of Premier Castro. The important thing is to maintain stability in Cuba during this important period of transition, and to make sure the normal functions of the Cuban government continue unimpeded by agitation or turmoil. We caution all thoughtful observers to avoid upsetting the delicate balance of political forces now at work in the region."

Francisco Avila, Assistant Director of Special Projects, Ministry of Interior, Havana, Cuba: "Listen, I have money. No, not Cuban money, you asshole — gold! Listen, I gotta get outta this country!"

Oliver Stone: "The position of the United States government is that Fidel Castro died of 'a massive heart attack.' The facts do not support that finding. Mr. Castro was only 74 years old, and according to Cuban government officials, he enjoyed excellent health. No dispassionate look at the evidence will support any conclusion except the obvious: George Bush killed Fidel

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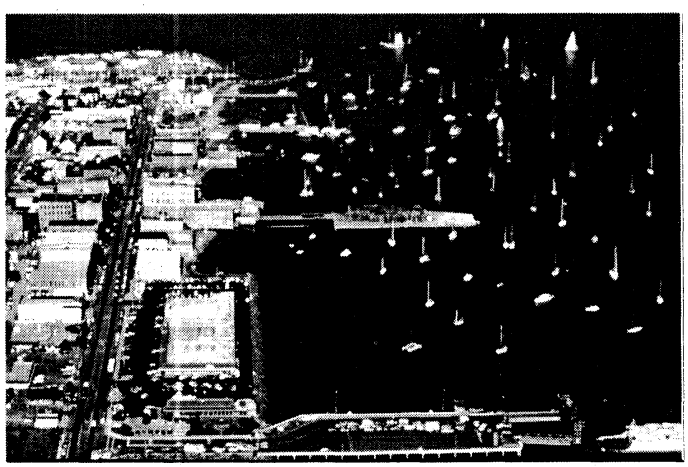

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Castro."

Gyorgy Tarentov, Major General, Red Army, Retired: "Yes, I was there! Kennedy was demanding that we remove our missiles from Cuba. He claimed that they constituted a threat to the security of the United States. Well, who could say otherwise? But this Castro, he said, 'You must bomb Miami! I insist on it!' What can you say? The man was a lunatic, a hopeless lunatic."

The New York Times: "CASTRO DIES AFTER LIFETIME OF SERVICE."

Terry Brent-Stevenson, Education Director, National Coalition for Lesbian, Gay, Bisexual, and Transgendered Identity and Recognition (NCLGBTIR): "Despite Premier Castro's early liquidation of lesbian, gay, bisexual, and transgendered people in Cuba, we have long been impressed by his efforts to bring education, health care, and true human dignity to the whole of the Cuban population. We take this opportunity to mourn his death."

Andreas Monteon, Cuban homosexual: "Castro? Viejo loco! Hijo de puta!"

Sixth-grade schoolteacher, Palo Alto, Calif.: "Someone famous died today, children. It was Fidel Castro. Do you know who he was? Thank you, Monica, that's a good comment. That's right, he was a man. But does anyone know what country he was a man in? Derek? Yes, that's *almost* right. He was a man in Cuba, not Kuwait, but you were very close, Derek. Now, Mr. Castro did an important thing. Do you know what it was? Anybody? He taught all the people in his country to *read*! Isn't that wonderful, children?!"

Information officer, Cuban legation, Washington, D.C.: "It is totally untrue that 'rioting' has broken out in Havana. The Cuban people are currently engaged in mourning the death of their national hero, and the Cuban people would certainly tolerate no such 'rioting' as has been described by right-wing media in this country. What you see in Cuba is merely the expression of grief."

Elian Gonzalez, somewhere in Cuba: "Whoopee!"

Janet Reno, somewhere: "I can only say that while not endorsing his politics, I had immense respect for the professionalism of Premier Castro."

George Foster Stanton, Distinguished Professor of International Studies, Patrick Henry University: "What we need, at this point, is a careful rethinking of our assumptions about the Cuban experiment and the role of the United States in polarizing a situation that is resolvable only in terms of mutual understanding of the demands of international relations as these have matured since the failure of the Cold War as an instrument of national policy. Clearly, a new generation has grown up in Cuba, a generation that is not prepared to return to the days when the United States and its allies in the so-called Cuban American community exerted hegemonic control over aspects of relations among peoples that can properly be handled only by mutual and mutually informed negotiations. In short, the Cuban people are united: they will not be ruled by Miami."

Cuban-American businessman, Miami, Fla.: "Hello? American Airlines? I want to charter twenty 747s . . ."

— Stephen Cox

Young lady, go to your room and don't come out until you're a conservative —

In a recent article in *National Review Online*, Jonah Goldberg argued that libertarianism isn't just wrong, it's immature. After a speech to a group of Koch Seminar students, Goldberg was approached by a young woman who asked him to more thoroughly defend his conservatism. She "started talking about the use of force being illegitimate and I decided to break out my tried-and-true trick question. I asked her something to the effect of: 'Imagine a very close friend of yours were suicidal. She just broke up with her boyfriend, lost her job, had been drinking, and is depressed. If you knew she would feel better in the morning, would you physically restrain her to keep her from killing herself?'"

Now, one might at first be surprised that, rather than addressing the arguments of libertarianism's most eloquent spokesmen, say, Roger Pilon or Virginia Postrel, the sage Goldberg would instead base his critique on a conversation with an undergraduate college student, but let's stick with him. For you see, he has set a clever trap, because of course a person will say *yes, stop her from killing herself*, and "usually, it's an easy walk from there. If it's moral for one person to use force to keep a friend from committing suicide . . . [then] how about one person — called a 'police officer' — whom [a] thousand people ha[ve] hired to handle precisely such situations? Is he morally barred from doing the right thing because he gets a government paycheck? . . . Government action, at its best, is a mixture of doing the right thing and representing the popular will at the same time." Unfortunately, though, the young lady would have none of Goldberg's trap. "Instead, she steadfastly insisted — no matter how I changed the hypothetical — that she would never use force to keep a friend or family member from committing suicide."

Goldberg's conclusion from this encounter? Why, libertarianism is "a philosophy for teenagers," because it "compellingly tells kids everything they want to be told. Self-interest is not merely indulged; it is sanctified. Experience — represented either in

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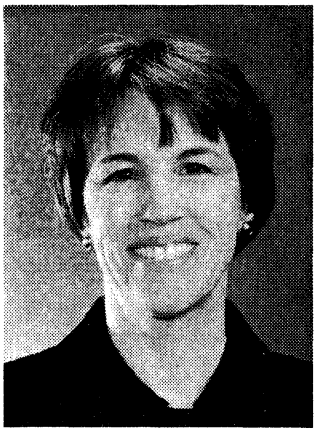

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the traditions accumulated over the centuries or simply in the lessons learned by one's elders — has no greater authority than the self-gratifying whims of a single person. In the world of these young libertarians, the utopian future is one where they get to share with the world the full benefit of their inexperience."

Methinks I hear the whisper of a lesson learned from my elder, James Madison, who wrote (in *Federalist 14*):

> Is it not the glory of the people of America, that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience? To this manly spirit, posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theatre, in favor of private rights and public happiness. . . . Happily for America, happily, we trust, for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society.

But let's put Madison's discomforting individualism aside. Evidently Goldberg's view works like this: because it's right to forcibly restrain a person who is not in command of her rational faculties, we must therefore adopt the conservative program of telling perfectly rational adults what they may put in their bodies, whom they may sleep with, and what churches they shall support with their tax money. In fact, Goldberg's argument confesses the poverty of conservatism: a philosophy which looks upon mankind as a race of lost souls, desperately in need of police officers to prevent them from committing various forms of suicide. Happily, those officers will have the benefit of Goldberg's insights on morality: they will prevent us from, say, using drugs, having "unnatural" sex, or perhaps praying to the wrong God. It was precisely on the pretext of protecting people from "damaging themselves" in such ways that centuries of religious warfare and persecution prevailed on the European continent — and precisely for that reason that people fled to America.

If anyone has failed to learn from his elders, it is Goldberg, who continues to prescribe the failed politics of centuries past, which would make men good by force. Conservatism, Mr. Goldberg, may be old, but the one thing it has never done, is learn from the past.

The whole point of libertarianism, Mr. Goldberg, is that human beings in the main are not only capable of running their own lives, but are entitled to do so by the liberty which is naturally theirs by birthright. That lesson is taught to us by four centuries of English Whig philosophy, and its American descendants: from John Milton to John Locke to Thomas Jefferson to James Madison to Abraham Lincoln.

In fact, how's this for "the learning of their elders"? In a letter to James Monroe, Jefferson wrote a beautiful summation of libertarianism: "If we are made in some degree for others, yet in a greater degree are we made for ourselves. It were contrary to feeling and indeed ridiculous to suppose that a man had less right in himself than one of his neighbors or indeed all of them put together. This would be slavery and not that liberty which the [English] bill of rights has made inviolable and for the preservation of which our government has been charged. Nothing could so completely divest us of that liberty as the establishment of the opinion that the state has a perpetual right to the services of all its members." Jefferson — who, I know, has never much appealed to conservatives — was no teenager when he wrote this; he was 39 years of age.

If anyone has failed to learn from his elders, it is Goldberg, who continues to prescribe the failed politics of centuries past, which would make men good by force. Conservatism, Mr. Goldberg, may be old, but the one thing it has never done, is *learn from the past.* Then again, stripped of its rhetorical conclusion jumping, Goldberg's article says nothing more than that young idealists will often say rash things. An unoriginal observation, to say the least — but then, being original wouldn't be very conservative.

— Timothy Sandefur

I'm sorry sir, you'll have to use the special entrance — Over the past decade that I've been purchasing "Tier Reserved" tickets for the upper deck at Yankee Stadium, I've noticed a decreasing number of "people of color" around me. The only way I can account for this decline is the great increase in the price of individual tickets from less than ten bucks to the current level of $17. This means that anyone who plans to bring his wife and two kids must consider shelling out a hundred bucks for a night at the ballpark with hot dogs and soda. My conclusion is that colored people must be more reluctant, or smarter, than whites to accept this high cost, even for the pleasure of seeing the live Yankees win most of the time. Consider the general rule that the most visible result of raising the price precipitously, as in the cost of Manhattan real estate, is driving out not just poor people but colored people.

The only exception to this rule appears to be universities, which compensate for galloping tuition increases with scholarships and other grants to people whose presence on campus fulfills the goal of "diversity." In the admissions and financial aid programs at universities there are different doors for different folks.

The only way to make the colors of the fans resemble the colors of the players on the baseball field — a goal for the likes of Al Sharpton — would require "affirmative action," inviting darker skinned customers to pay a lower price, probably requiring them to enter the stadium through different doors (not to confuse the ticket-takers). However, that practice would revive ancient American customs long ago deemed unacceptable.

— Richard Kostelanetz

Fox, CBS, and what's news — Two current front-page stories illustrate a change in the manufacture of news.

Two months ago, *The Wall Street Journal*'s editorial page

began reporting the government-induced plight of farmers in Oregon's Klamath River basin. It seems that the federal government had encouraged World War II veterans to establish farms in the area, promising them water for irrigation; but this spring, under pressure from environmentalists, it cut off the water in order to save the — get this — endangered suckerfish. Farming in southern Oregon is never an easy proposition, and farming there without water is simply impossible. Apparently, you could have the suckerfish (at least right there) or you could have the farmers, but you could not have both. So the government decided to kill the farmers.

The story of the fish and the farmers was picked up by *Fox News* a week or so later. Two weeks ago, it was the headline story in the Sunday edition of the *Seattle Times*.

I proceed to the second story. Ten weeks ago, the *New York Post* and *Fox News* began to report on a missing person case in the nation's capital. A young woman named Chandra Levy had left her apartment on May 1, mysteriously taking her keys but leaving her purse, her clothes, and the dishes in her sink. She hadn't been heard from since. Friends believed she was having an affair with Congressman Gary Condit of California. *The Post, Fox News* and the tabloids harped on the story so much that police eventually stepped up their investigation. Condit denied having a sexual relationship with Levy, but took the precaution of having his attorney try to get another woman to sign an affidavit falsely claiming that she had not had an affair with him. As I write, he has admitted the affair and taken a lie detector test, and the police are busy trampling the multitudinous spots in Washington, D.C. where people seem to enjoy hiding bodies. The story is on the front page of almost every newspaper in the country. And last week, even *CBS Evening News* finally mentioned it, after a long, self-righteous attempt to treat it as beneath the dignity of its nightly performances. (Curiously, CBS News considered it newsworthy that Jenna Bush, the president's 19-year-old daughter , tried to buy a margarita to go with her meal at a Mexican restaurant.)

Now, what's interesting about these stories is that they are the kind of stories that as recently as a few years ago would probably not have been reported at all. The major media just weren't interested in stories that might reflect unfavorably on Democratic congresspersons or the plight of farmers who got in the way of environmental "progress." Viewers and readers could go through life secure in their belief that Democratic congressfolk were all fine people, that sparsely-populated areas of the country had no problems worth knowing about, and that environmentalism had no ill effects whatever.

Today, viewers and readers are finding out how Washington, D.C. politicians enjoy what appear to be their many idle hours, and how they keep their constituents from learning about their enjoyments. And these audiences are finally learning something about the hitherto unknown consequences of the Endangered Species Act and its ability to be manipulated by dishonest scientists. They are hearing how every distinct population of fish is treated as a separate "species" in the name of conservation, so that Oregon alone has hundreds or thousands of species of salmon. And they are learning that government officials consider it worth destroying farms to save a fish so bony that it isn't worth eating and can be easily reintroduced in Klamath Lake if by some chance it manages to die off there. (I remember a recipe for cooking suckerfish from my childhood in Michigan: Build a campfire of dry maple. Nail the (dead) suckerfish to a board, and when the fire burns itself down to coals, set the board about six inches above the coals. Cook for 45 minutes. Remove the fish from the board. Eat the board.)

Today, every television in the nation is displaying the facts about Washington, D.C. social life; and today I heard a talk show on National Public Radio actually considering the topic of the suckerfish and its human victims. When one caller said that the farmers should simply be sacrificed for the suckerfish, the host inquired, to my astonishment, "Don't the farmers have property rights?"

— R.W. Bradford

Classified for your protection — Under pressure from special interest groups, the Census Bureau announced it won't release data on state homeless populations for fear it may be "misused" in formulating homeless policy. This comes after states already spent millions on extraordinary measures to collect homeless data for the Census Bureau.

"There was good reason after what happened after the '90 census to think that the numbers would be misused," said Edison Gore of the 2000 Census, reflecting on the decision. The dynamic nature of homeless populations makes them notoriously hard to measure. As a result, homeless advocates fear policy makers will look at undersized counts and slash programs for the homeless.

"It's misleading to have such a count," Barbara Duffield of the National Council for the Homeless told *The New York Times*, roundly dismissing attempts to even count homeless. "It's virtually impossible and leads to distortion as to . . . the magnitude of the problem." Other activists urged homeless shelters to bar census takers from collecting any data at all. The argument seems to be: the count is not perfect, therefore it is useless. Q.E.D.

But this problem of miscounting isn't an intractable one. There are statistical techniques available to correct it. And even if these aren't used, the obvious next-best solution is to educate policy makers about the limitations of census data. Instead, activists have opted for the worst solution of all: cen-

sorship. Instead of openly arguing about the merits of homeless policy, activists have declared war on scientific methodology because it gives the "wrong" answers.

The danger in this is obvious. If homeless data can be suppressed for political gain, what's to stop data on, say, the improving status of women from being suppressed to preserve support for, say, comparable worth laws?

As a taxpayer-funded institution, the Census Bureau's mission is to provide data impartially, not censor it. Maybe if the Census Bureau did a better job of withholding data on its own ineptitude there'd be fewer calls for its abolition.

— Andrew Chamberlain

Stamp collectors unite, you have nothing to lose but your private property! —

In June the U.S. Postal Service issued a commemorative stamp of artist Frida Kahlo. There were pictures of it in both my daily newspapers, because Kahlo was a Mexican, and Mexican groups made a big deal of it. It's a pretty stamp. It was nowhere mentioned, though, that Kahlo was a communist, married to another communist, Diego Rivera, who had been secretary general of the Communist Party of Mexico, and that Kahlo was a lover of Leon Trotsky.

Think of the stink if the U.S. Postal Service put Leni Riefenstahl or some other Nazi artist on a U.S. postage stamp. The head of the agency would lose his job. But a Red — even a Red during the Stalin terror, the show trials, the purges, and the alliance with Hitler — sails by under the radar. Neither of my newspapers mentioned her political affiliation, if the editors even knew about it — and knowing newspaper folk (I am one myself), they would be unlikely to mention it if they did know. The official usps.com Web page merely identifies Kahlo as a Mexican artist who "has significantly influenced Chicana artists in the United States" and has been "a role model for women in the Mexican-American and feminist communities." This, from the government of George W. Bush.

— Bruce Ramsey

Making the world safe for hypocrisy —

The most effervescent bubble percolating up from this politically torpid summer has been the arrest of Jenna Bush (accompanied by twin sister Barbara) for attempting to order drinks in an Austin, Texas restaurant. The broth is liable to start simmering more briskly, though, as policy makers deliberate concerning whether to allow research on stem cells extracted from human embryos. The administration is visibly pained by the necessity of taking a position on an issue where crucial constituencies are arrayed in opposition.

Stem cells are unformed protoplasmic material that have a remarkable capacity to morph into virtually any sort of tissue. Researchers are drooling at the prospect of experimenting with stem cells to ameliorate a wide variety of pathologies ranging from Alzheimer's to cancer to Parkinson's disease. Although stem cells are found in adults, availability and malleability is greatest in new embryos. However, because extraction of the cells destroys the embryo, stem-cell research generates the kind of political heat that has long inflamed abortion debates. Predictably, then, we find the biomedical research industry plumping for relaxation of regulations governing federally funded stem-cell research while "right to life" groups oppose.

Surprisingly, though, fissures have emerged in the usually-solid conservative front. A number of otherwise stalwartly pro-life Republican solons, including South Carolina's Strom Thurmond, Oregon Sen. Gordon Smith, and former Florida Sen. Connie Mack have broken ranks with their comrades over the issue. What these lawmakers have in common besides party affiliation is a personal stake in the prospects of stem-cell technology. Thurmond's daughter suffers from juvenile diabetes, Smith's family displays a high incidence of Parkinson's, and Mack is himself a cancer survivor. Each has regularly lined up in the anti-abortion camp, but stem-cell research hits them where they live. Although under intense fire from Catholic groups and their own congressional colleagues, they persist in massaging their pro-life principles so as to find room for stem-cell experimentation. Even those who are inclined to more than a little cynicism concerning politicians' posturing in arenas where votes are up for grabs may believe in this case that these public contortions manifest no small measure of personal unease.

It is too soon to predict how the controversy will play itself out, although we can be sure that the administration will employ every resource of casuistry and compromise to carve out for itself a minimally uncomfortable perch on which to stand while praying for relief by a technological *deus ex machina*. In the meantime, we may draw the moral that even the most rock-ribbed ideologies are susceptible to fracturing by the force of urgent personal experience.

The senior American ideology, older even than the inalienable rights announced by the Declaration or the Constitution's division of powers, is Puritanism. Age has not withered it, nor have disastrous experiments such as Prohibition blighted its charms to the heirs of the Mayflower Compact. Thus the United States continues to wage a fruitless yet enormously destructive War on Drugs despite overwhelming reason to call a retreat. Because that war's cannon fodder is most often residents of impoverished inner-city communities or destabilized foreign regimes, those carrying the guns and passing the laws have not felt any pressing need to replot their wayward course.

For many of us the drug of choice is alcohol, and since 1933 federal law has allowed us to savor its manifold charms. Some of our fellow citizens, however, are denied such free enjoyment. In this country 18-year-olds are adults; they are entitled to vote, serve in the armed forces, marry, raise children, abort children, hold down a job, and enter into contracts. What they may not enter into, however, are

bars in which strong drink is dispensed. Is this singular exception to the perquisites of adults coherent? Clearly it is not. Nonetheless, we obdurately persist in maintaining a mutant offspring of Prohibition that engenders the wholesale flouting of law in every city and on every college campus of the nation, and that annually foists criminal records on thousands of young men and women whose intent was merely to quench their thirst and have some fun.

Now Jenna Bush has, for a second time, been caught in that net. Her arrest was a boon to pundits in need of a column. Fatuously they delved for deep connections to the president's own well-known history of skirmishes with drink. The real story, though, is that there is no story. Jenna is, by all accounts, a reasonably intelligent and well-adjusted young lady who is not averse to party moments. That she wished to wash down her enchiladas with some suds is about as remarkable as, well, you or me or the columnists who breathlessly wrote up the incident doing so. She is a ludicrous target either for columnists or narcs.

George W. Bush cannot be happy that his daughter has been busted. We may be sure that he has had some private words for her. Unless consumed by terminal hypocrisy, he would have chided her for the foolishness of allowing herself to get caught rather than for the attempt to get a drink. Even when a president is involved, chats between a father and daughter ought to be sequestered from public view. Bush does, however, now have a marvelous opportunity to utilize the incident as stimulus for a public declaration concerning American alcohol policy. Like the senators mugged by reality into rethinking stem-cell research regulations, Bush ought to tell the nation that he finds insupportable a policy that brands his grown daughters lawbreakers for enjoying a harmless night out.

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"My fellow Americans," he might say, "Ours is a country grounded on the fundamental right of individuals freely to lead their lives as they themselves see fit. That right is enshrined in our founding documents, and our ancestors fought and died to secure it for us. My own Republican party was born in the struggle to extend freedom to those who had been trapped in abject servitude, and one of its nominees for the office in which I now serve famously declared 'Extremism in the defense of liberty is no vice.' President Reagan and then my own father presided over the dismantling of communism in Europe and the planting there of seeds of freedom. We are a people that admires virtue, but we do not believe that it can be nurtured by quashing personal responsibility. Historically, we have been especially suspicious of attempts by Washington, D.C. to impose it from above. That is why using the lure of federal highway funds during the 1980s to extort from the states legislation to raise the drinking age to 21 was well-meaning but doubly misguided. Even for good causes we may not impugn the liberties of our adult citizens, and let me remind you that freedom is the best cause of all. It is, then, time to complete the job of repeal."

If the Jenna bust elicits such a response, we will have ample reason to raise a glass in toasting her as a genuine albeit inadvertent heroine of liberty. Will this come to pass? To be sure, reversals of ideological direction do not come easily, but if Bush can show himself to be as intellectually flexible and open to new ideas as, say, Sen. Thurmond, who knows? — Loren Lomasky

The call of the wind — Well, it looks as though the progressive politics of Seattle may force another longtime member of the business community to relocate. *The Seattle Times*, in business since 1896, may be leaving the Emerald City. I might suggest that the *Times* follow Boeing, and find a more friendly atmosphere here in Chicago. We could use a real newspaper. I wonder how many more businesses will follow suit before Seattle residents understand the destructive anti-business nature of the environmental movement. The flight from the city is probably the largest since the recession of the '70s. This time however, there will be no need for "the last person out of Seattle to turn off the lights": the environmentalists will have done that for them long before the last moving van leaves. — Tim Slagle

Nighty night, don't let the Democrats bite — According to a study presented at the 18th Annual International Conference of the Association for the Study of Dreams in Santa Cruz, Calif., Republicans have nightmares far more often than Democrats. The author, a theology professor named Kelly Bulkeley, claims that half of the dreams of GOP members were nightmares, while only about 18% of the dreams of Democrats could be considered nightmares. Asked to comment, Kevin Sheridan, deputy press secretary for the Republican National Committee, replied "What do you expect after eight years of William Jefferson Clinton?" I dread a similar study being done on libertarians! — Timothy Sandefur

Today's rolling blackout is brought to you by conservation — In May, Vice President Dick Cheney proposed that conservation was not a sufficient energy policy, and that the nation needed to allow more production of oil and gas. This notion so outraged Democrats, environmental activists, and the media elite that they volubly began promoting conservation as the policy of choice. Now, piece by piece, congressional Democrats are dismantling the production side of Bush's policy.

They are succeeding even though it is increasingly obvious that conservation ("negawatts") and "eco-energy" (reliance on alternate fuels) are major reasons behind California's energy fiasco. In conservation, California's success has been spectacular. William Tucker has pointed out in *the Weekly Standard* (May 21) that the state ranks "dead last" in per capita electrical consumption. And it outdoes the rest of the

country in "small-scale renewables" such as windmill, geothermal, solar-electric, and hydroelectric power. They contribute 12% of its electricity, more than ten times the average of the rest of the country. California has the "world's largest complement of solar-electric cells" and obtains 30% of its energy from hydropower. Yet "California has the nation's only energy crisis."

With some luck, the Democrats in Congress will nationalize the crisis. — Jane S. Shaw

Yo quiero StarLink — Opponents of genetically modified food scored a major victory this year when taco shells containing StarLink corn — a biotech crop approved by the FDA only for animal feed — were recalled en masse. Dozens of consumers reported allergic reactions to the corn, and anti-GM activists took it as proof of their claims of the dangers of biotechnology, renewing demands for a total ban on GM crops.

Not so fast. In a sharp reversal of fortune, government tests released in July showed that virtually *none* of those reporting allergic reactions to StarLink had actually eaten it. Whether these allergies were real or were just a hysteria-induced placebo effect, GM food had nothing to do with it.

Clearly, this is an important coup for biotech optimists who point to the benefits of genetic technology — reminding critics that, to date, there's not a shred of scientific evidence showing GM crops are harmful to humans or the environment.

It seems that those who believe that science and market-driven innovation will eventually allay concerns about the safety of GM food are on the right track — that is, if they can keep eco-Luddites from derailing the process.

— Andrew Chamberlain

The promise breakers — Earlier this summer the Bush administration caved in to unions of the steel industry, agreeing to "investigate" whether Americans are paying enough for steel, and whether we should be forced by law to pay more. This comes after the administration's cave-in on school vouchers, and there are sounds now that the Democrats in Congress will soon eviscerate the meager tax cut which was trumpeted so loudly. Bush may have avoided apologizing to the Chinese in his letter, but he let them hack the spy plane into fragments to be mailed home. This spring an administration official told the Federalist Society that it will not push to appoint judges who are "controversial," and they also caved in on price caps for energy. And the whole idea of drilling for oil in Alaska was pretty much dead on arrival.

All of this in half a year. — Timothy Sandefur

Half a cheer for the U.N. — Just when you thought you could count on a group to be consistent — they do something reasonable. The United Nations has rarely been a friend of freedom, and it probably never will be (the United States, for example, was recently voted off the U.N. Human Rights Commission — while Uganda and the Sudan are left on!). Still, the recent *Human Development Report 2001: Making New Technology Work for Human Development,* by the United Nations Development Programme, does pose a major challenge to the Malthusian religion that has become so dominant in the developed world. The idea that technology only benefits the rich, exacerbating the gap between rich and poor, is rejected vigorously by the writers of this report, as is the anti-biotechnology view so common in Europe. True, the report does call for more political aid, suggests that developing nations should develop careful regulatory regimes, and is worried about the "brain drain." Still, it is sensible overall. For example, even this last fear is tempered by the report's belief that making the country more attractive to those leaving could alleviate much of this "drain." It's not perfect — but when even the U.N. begins to question the doom-and-gloom crowd, highlighting the promise of the future and downplaying fears, there is some reason for hope. I've long argued against crucifying the poor of the world on a cross of green. Now I'm joined by the U.N. — Fred L. Smith

Planes, trains, automobiles, and . . . dogs? — Suppose you want to travel from downtown Washington, D.C., to midtown Manhattan. You have four options: bus, car, plane, and train. Which do you choose? Well, that probably depends on which will get you there faster, cheaper, or with less hassle. But which is that?

To answer this momentous question, the editors of *Car and Driver* conducted a field experiment. At 6:00 a.m. one fine morning, four of them left the Courtyard by Marriott in Washington, D.C. for New York City's Sheraton. One hopped into a Honda Insight and hit the road. The others got into cabs and one headed for the bus station, one for the train station, and the other to the airport.

The bottom line is that from the perspective of fuel efficiency and pollution, the bus finished first, and the automobile second, with planes and trains far worse than either.

There are obvious questions, and *Car and Driver* explored them. But it also checked what people who are more politically correct than I might call the "environmental cost." Which means of travel required the least fuel? Which polluted the least? These questions were the most interesting to me, because they are the least obvious. I had a pretty good idea of the cost of these modes of travel in money, time, and inconvenience, but I had no idea which one used the most fuel or dumped the most pollution into the atmosphere.

The answers were surprising.

By a huge margin, the least fuel-efficient and most polluting way to travel was the train. That method used upwards of 11 times the fuel per passenger than the bus, and produced about 24 times more carbon dioxide and about 7.5 times more nitrous oxide. The airplane, by contrast, used 8.6 times the fuel and produced 9.7 times the carbon dioxide and 4.5 times the nitrous oxide of the bus.

The car finished second in the guzzling/pollution contest, consuming about 5 times more fuel and producing about 3.5 times more carbon dioxide than the bus, while pro-

ducing slightly less nitrous oxide.

You might think that the train's fuel efficiency was so low and its pollution so high on a per passenger basis was because the train ran with so few passengers. Happily, this question also occurred to the editors of *Car and Driver*, so they offered figures for each mode of transportation based on the assumption that all were carrying a full complement of passengers.

The bus was still the fuel efficiency champion and emitted less carbon dioxide than the others, but it fell substantially behind the automobile in terms of nitrous oxide emissions. The train rose from the cellar to third place — ahead of the airplane — in the categories of fuel consumption and emissions.

The bottom line is that from the perspective of fuel efficiency and pollution, the bus finished first, and the automobile second, with planes and trains far worse than either — and it made no difference whether consumption and emission figures were based on full passenger loads or on actual passenger counts.

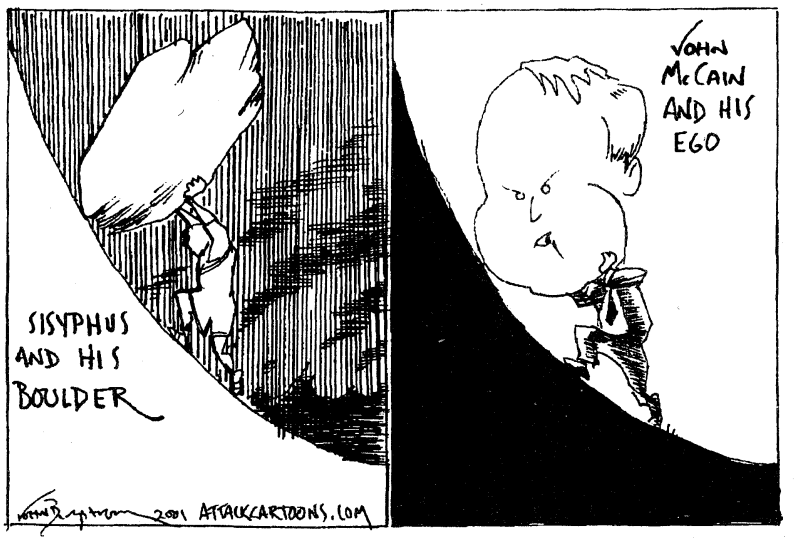

What's interesting to me is how counter-intuitive these results are — or perhaps "counter-intuitive" is not the phrase, since people's intuitions about such matters have been so strongly affected by the relentless harping of environmentalists and other leftists on the fuel efficiency of no-emission electric trains. Of course, an electric train *seems* clean. The problem is that electricity is mostly produced by burning coal. And trains, with their huge carrying capacity, do seem efficient. The problem is that a huge capacity requires a huge amount of fuel. The Washington-New York train, consisting of four passenger cars, a dining car, two engines weighs about 1.25 million pounds, produces more than 12,000 horsepower, and uses the energy equivalent of 918 gallons of gas for the 220-mile run.

"Riding the dog," as Greyhound passengers say, took more than an hour and a quarter longer than the other means of transportation, which offered similar speeds. But the bus was substantially cheaper than the alternatives — provided you include (as the editors of *Car and Driver* included) 36¢ per mile for insurance, depreciation and maintenance. (If you eliminate the fixed costs of depreciation and insurance, driving a car is equally inexpensive.)

And, most important to everyone, of course, the bus is most environmently-friendly. This should make an impression, but it won't. Next time you spot Ralph Nader or Barbra Streisand riding the dog, let me know. — R. W. Bradford

It's magic! — The left has a strange view of technology. Sometimes they like it, sometimes they fear it, and other times they view it as magic. And like all magic, it comes in two colors: white and black. Businessmen perversely persist in pushing black magic: more energy-using appliances, SUVs, disposable diapers and so forth. But if they are properly directed (i.e., beaten over the head with the right kind of regulations) they produce white magic: cars that get 100 mpg, light bulbs that burn for ten years, and washing machines that don't require water. More regulations equal more of the right kind of technology.

Is this a great country, or what? — Fred L. Smith

Ramping up to greatness — "There are an estimated one million elective offices in this country, and most of them are local offices in small communities where no one wants to run for office."

"No one" includes most members of the Libertarian National Committee (LNC). That's a problem.

According to Michael L. Young, director of the Center for Survey Research and an associate professor of politics and public affairs at Penn State University's Harrisburg campus, the continuing decline of political parties, alienation from government, rise in political apathy, and lack of interest in community service are part of a 20–30 year trend.

While the power to end subsidies to libraries, repeal zoning laws, eliminate fees and licensing requirements, and privatize trash collection, water and sewer systems, and snow and leaf removal may not seem as interesting as bringing troops home from overseas, they are just as important to the process of building a society of personal and economic freedom from government. And they are a lot more attainable.

There are currently about 30,000 members of the Libertarian Party and about 300,000 voters registered Libertarian. Surely most of these Libertarians can find an uncontested office in their communities.

More elective offices exist nationwide than the total number of voters registered Libertarian — currently about 300,000. The match between Libertarians and otherwise uncontested offices is, of course, far from perfect; but in the short run, at least, it is not too much of a stretch to presume that almost any Libertarian who wanted to run for office could find one close to home without much, if any, significant opposition. — Ken Sturzenacker

A century of Desert Storms — Kinship and friendship are felt deeply in the Arabian Desert. Some say that the desert's unforgiving climate has rendered such bonds stronger than those forged in more temperate lands. Whatever the reason, here is a story that speaks of that

strength.

It is a familiar story. An emir and his family go into exile when his northern neighbor sends his army storming into their capital city. It is time to go. But where?

Across a few hundred miles of desert there rules another family, no friend of the aggressor, who is willing to provide sanctuary. And so the emir and his clan travel to that family's land as exiles. There they lay plans, gather their forces, and, when all is ready, launch a counterattack that returns them to their home in triumph.

Sound familiar? Back in 1991, the Emir of Kuwait, Sheikh Jaber Al-Sabah and his family were forced into exile when President Saddam Hussein of Iraq sent his armies into Kuwait City. The royal family went to Saudi Arabia where King Fahd gave them sanctuary while the counterattack was prepared. Less than eight months later, the Emir and his family returned in triumph, thanks to the valor and sacrifice of soldiers from all over the world.

One hundred years earlier, the Emir of the Nejd, Abdul-Rahman, was forced into exile with his family. His northern neighbor, the Emir of Hail, Mohammed Al-Rasheed, had sent his armies into Riyadh, the capital city of the Nejd. The Nejd emirate was lost and it was time for Abdul-Rahman to go. But where? A few hundred miles to the northeast was an emirate ruled by Mubarak I, no friend of the Al-Rasheeds. And so the Emir and his family mounted their camels and trekked across the desert to live in safety in Mubarak's palace.

Nine years later, the royal family of Nejd launched a counterattack. Abdul-Rahman's son, Abdul-Aziz, then about 20 years old, recrossed the desert with 40 warriors on camelback and conducted a campaign that culminated in a nighttime assault on a mud fort in the capital. Abdul-Aziz and 15 men went over the walls of the fort in Riyadh, surprising the guards of Al-Rasheed and taking back the emirate. On the night of Jan. 15, 1902, Abdul-Aziz threw a spear deeply in the wooden gate of the fort.

The mud fort is still there. It is called Mismak Fort. The wooden gates are still there, too. And the point of the spear that Abdul-Aziz threw in the battle is still embedded in the gate.

Abdul-Aziz had no need to prove himself further. But the son of the Emir of the Nejd didn't stop his conquests with the fort, or Riyadh, or the entire Emirate of the Nejd. He went on to conquer most of the Arabian Peninsula. His full name was Abdul-Aziz bin Abdul-Rahman bin Faysal Al-Saud. That's right, Al-Saud. And 30 years after the assault on Mismak Fort he became King Abdul-Aziz, the founder and namesake of Saudi Arabia.

The Gulf War was fought for many reasons. Most people agree that it was important to reverse Hussein's unjust aggression and to liberate Kuwait from his tyranny. Most agree that it was important to keep the oil supplies of the world out of his hands. Some emphasize the importance of keeping weapons of mass destruction out of the reach of such a ruthless leader. But there are other, more subtle, reasons why people fight wars. Kinship may be an important one.

During the Gulf War, King Fahd of Saudi Arabia was pleased to help the royal family of Kuwait because his father, Abdul-Aziz, had spent nine years living in exile in the palace of the great-grandfather of Kuwait's Sheikh Jaber Al-Sabah — also known as Mubarak I.

Twenty-seven nations joined in the U.S.-led coalition against Saddam Hussein. When Operation Desert Storm reached its full fury and in four days liberated Kuwait, right there on the front lines were the soldiers and pilots of the Kingdom of Saudi Arabia.

Yes, the bonds of kinship and friendship are strong in the Arabian Desert.

And Abdul-Aziz would have been proud.

— Scott Chambers

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Privatizing national parks — Wonders never cease. China, once the poster child for socialist nonsense (remember the backyard steel furnaces?), seems determined to experiment with a wide variety of privatization ventures — some in advance of anything the United States has ever seriously considered.

That point was made evident in a *Washington Post* story, "Privatizing China's Parks," (July 5, 2001). Large sections of the area where Confucius was born are managed by the Shenzhen Overseas Chinese Town Economic Development Co., a firm best known for running a "Disney World-like theme park" in the southern city of that name. The Chinese government wasn't happy about all this but wasn't willing to put up the money to protect the areas itself. The story points out that Huangshan — "what the Grand Tetons are to the United States" — when controlled by the state was a "mess" filled with trash, unmanaged logging, and polluted streams. But "today Huangshan is spotless." Things have shaped up under private management because as one commenter noted, "If you have no money, how can you protect anything?"

The Chinese are considering expanding this privatization initiative "at a terrific pace," according to the story. Among the sites now being considered for private management is one on the UNESCO World Heritage list! A prominent U.S. environmentalist working in China noted, "What has gone on in some of these places was never even considered in the United States. . . ." The leading proponent of privatization, Li

Zhi, noted: "What we're doing is not just an experiment for China. . . . It's an experiment for the whole world."

Exactly — now if we can just persuade the Bush administration to stop putting more land under government control, then America too might consider whether letting Washington , D.C. manage our national treasures makes any sense. Free marketeers have been too conservative. If China can take such steps, then we should be able to also. After all, Disney is already in America, and that company knows far more about running parks than the National Park Service ever will. — Fred L. Smith

Out of sight, out of mind — A promo for the new ABC television drama *The Beast* advertises an episode where a hard-nosed supermodel television reporter boldly proclaims, "I think that if 73% of Americans are in favor of something, they should be able to look at what they're in favor of." Meanwhile there is video footage of a criminal being strapped into an electric chair. "You want the death penalty America?" she threatens tearfully, "Well here it is!"

I couldn't help but wonder if this fictional journalist would be so enthusiastic about making her television audience watch the very popular medical procedure called abortion. The fact that something is hard to look at has no bearing on its morality, but sometimes zealots convince themselves otherwise. Pro-life advocates love to show people pictures of dismembered fetuses, but in truth, close-up photos of childbirth are just as hard to view. Not many people outside of the medical profession can watch a Caesarean birth. The Learning Channel regularly shows documentaries from emergency rooms that I simply can't bear to look at, even though they are of wonderful life-saving procedures.

You can insert here the old saw about laws and sausages. — Tim Slagle

Out first speaker will be Mr. Ponzi — Here's an idle thought that may be worth a few million dollars a year to some entrepreneur. When I visited Kuala Lumpur about 18 months ago, I was invited to speak at an "offshore opportunity" seminar, mostly promoted to Australians and New Zealanders. Seminars like this are a fascinating business. They charge $5,000 to attend a three day conference, where attendees are exposed to the most appallingly inaccurate, misleading, and outright fraudulent information I've ever seen purveyed in pub-

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CAN-DO: in that poll, even before declaring his imminent candidacy or doing any publicity, Otto got 7.5% of the presidential preference. The top-rated candidate only got 22.5% after 3 years of a costly publicity campaign.

Al this indicates great potential for the February 2002 elections. But our openly libertarian educational and electoral campaign must be media-intensive, which is costly everywhere, and as libertarians we don't accept government funds. With a strong campaign we have an outside chance of winning the Presidency in 2002. But we certainly will by 2006 if we can elect many Congressmen next year.

Costa Rican law allows contributions from foreign individuals and entities in any amount (see our website). At long last let all the world's libertarians join hands to achieve the libertarian dream in one country, so it can spread everywhere!

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News Flash

Browne Personally Involved in Libertarian Scandal

A reliable source in a position to be familiar with documentary evidence about Willis' secret work for the Browne campaign tells *Liberty* that there is extensive evidence that the person within the Browne campaign with whom Willis conspired to help Browne get the nomination in contravention of the Libertarian Party's rules was Browne himself, who worked with Willis on preparing the fundraising letters which Willis did on behalf of the Browne campaign. The source also said there there is extensive evidence that Willis used the equipment and facilities of the LP in his efforts on behalf of Browne, which also violated the LP's conflict of interest rules.

In addition, the source said that this evidence would be made public at the "appropriate" time.

Browne and his campaign staff have remained silent on the subject of exactly who within the Browne campaign was a party to Willis' deception and contravention of the party's rules, in apparent hope of minimizing damage from the scandal.

The emergence of this evidence will make it much more difficult for Browne's defenders to maintain that Browne may not have been involved with or even aware of his campaign's conspiring with Willis.

Reflections from the previous page

lic: Ponzi schemes ("bank debentures" are a popular scam) paying 10–20% per month; common law trusts and bogus constitutional arguments convincing the naive that the state won't ruin their lives when they stop paying income taxes; offshore commodity trading accounts claiming to regularly make 100%+ per year. These products, and many others, are either outright swindles, or are so overpriced that they might as well be.

After I realized what was going on, I devoted most of my second presentation to debunking them — and disassociating myself from the scamsters. I was, therefore, disinvited from the closing panel for fear it might degenerate into an impromptu Jerry Springer show.

But the money the promoters make is incredible. One group rounded up 1,200 folks, paying $5,000 each — grossing $6 million (attendees pay all their own expenses). Another group just had two seminars back to back in Sabah, each with about 400 folks paying $5,000 each, or a paltry $2 million per seminar.

Why do people attend, and why are they almost all from Oz and Kiwiland? Several reasons. One is they feel cut off from the opportunities they've heard about in the rest of the world (after all, it's at least a ten hour plane ride to anywhere from Australia). Another is that they're dying for some way to cut their tax bills, but don't know enough to tell the good from the bad. But, mainly, it's that they're desperately looking for other people like themselves, namely freedom lovers and opportunity seekers.

If somebody put together a legitimate, properly organized seminar (the kind that typically go for a couple hundred bucks in the U.S.), and promoted it down there . . . and then took the show on the road to a dozen other places (China and Japan would both work), it would be a barn burner. — Douglas Casey

The feline master race — University of Connecticut scientists are working on cloning an allergy-free cat.

I must protest. Even though the technology excites me, and I regularly mock the Luddites and technophobes who oppose genetic manipulation, I have finally found a good reason to oppose such research.

I don't care if science can grow a feline that won't make me itch and sneeze, I still won't like cats. For years, I have hidden my hatred under a health condition, and I've often used allergies as an excuse to make girlfriends lock cats outside or in another room. In extreme cases, it was a convenient reason for never visiting at all. I now join the multitudes opposed to genetic studies, and petition for the expurgation of this wicked craft. — Tim Slagle

Timeline of the Willis-Browne Conspiracy

by the Editors of Liberty

Conspiracies are by their very nature cloaked in secrecy. Our editors examine the events that led the Libertarian Party's National Director Perry Willis to secretly plot with the Harry Browne campaign to capture the Libertarian presidential nomination in 1996.

Most libertarians are by now aware that in 1995 and 1996, the Harry Browne for President campaign secretly conspired with the Libertarian Party's National Director Perry Willis to capture the party's presidential nomination by violating the party's rules against conflict of interest.

Untangling the complexities of a conspiracy is always a convoluted task, for the very simple reason that conspiracies are executed in secret. The task becomes even more difficult when, as in the case of the Willis-Browne conspiracy, it is executed over a long period of time and its participants refuse to provide details even after the conspiracy is proven.

To help readers understand the Willis-Browne conspiracy, we have prepared the following timeline listing all significant events in what remains a developing story. In preparation of this timeline, we have exhaustively researched the minutes of dozens of meetings of the LP National Committee and its Executive Committee, news articles in the public press, and conducted dozens of interviews with those involved.

In a few cases, minor discrepancies occurred between people's recollections and the public records. In these cases, we include the most credible account. These discrepancies all occurred in peripheral aspects of the case.

The quoted material comes either from the minutes of the LP's National Committee or Executive Committee or interviews with the individuals involved, and every fact we report has support either from public records or from interviews we conducted. In order to keep the timeline as concise and readable as possible, we have not burdened the text with detailed source notes. Readers who are interested in our sources can e-mail us at: *WillisBrowneTimeline@libertysoft.com.*

We are especially grateful to LP Chair James Lark, LP National Director Steve Dasbach, and former LP Secretary John Famularo, who each consented to be interviewed several times and reviewed early drafts of the timeline to provide factual corrections and additional information.

— the Editors of Liberty

1994

August 1994: Harry Browne announces that he will seek the 1996 Libertarian Party presidential nomination.

1995

Spring 1995: LP National Chair Steve Dasbach discovers that LP National Director Perry Willis and Communications Director Bill Winter have been working for the Browne campaign, on a contract basis. They have been violating two provisions of the

party's Policy Manual:

Article I, Section 2 (General Policy on Conflict of Interest): It shall be the affirmative responsibility of each . . . Party officer or employee to disclose to the NatCom [National Committee] . . . if such person's own economic or other interests might conflict with the interests of the Party. . . . Any such disclosure shall be made at the earliest opportune moment, prior to the discharge of such duties and clearly set forth the details of the conflict of interest.

Willis and Winter had violated this rule because, in accepting payment for their work on behalf of Browne, they were in a situation in which their own economic interest might conflict with the interest of the party — that the nomination process be fair to all aspirants and to have the appearance of fairness to all aspirants — and they did not inform the Libertarian National Committee (LNC) about the conflict, let alone inform it at the "earliest opportune moment."

Article IV, Section 3 (Headquarters: Conflict of Interest): Neither the National Director nor any other employee of the Party shall: "Endorse, support, contribute any money, or use his or her title or position to aid any candidate in any LP primary, or in any campaign for office, or nomination, within the National LP or any State LP . . . [or] . . . permit National Headquarters to be used by anyone at any time to aid any candidate in any LP primary, or in any campaign for office, or nomination, with the National LP or any State LP.

Willis and Winter had violated this rule because working on behalf of a candidate seeking the party's nomination constituted support for that candidate.

Realizing that Willis and Winter had violated the requirement that anyone who might have an economic conflict of interest must report it to the National Committee, Chairman Dasbach requests "that they do not do any further work until the matter could be presented to the LNC." He tells them that the rule prohibiting "support" of a candidate for nomination did not apply, because "it was his interpretation of the policy manual that if Mr. Willis or Mr. Winter were to provide volunteer services it would be considered support, but as long as they are being paid it does not constitute support."

June 1995: Jesse Markowitz, an LNC alternate, and Dean Ahmad, a former LNC member, bring Dasbach's attention to the fact that Willis and Winter are not only doing work on behalf of Browne but also using the computers at LP headquarters to do the work. Dasbach agrees that this is a violation of the LP's conflict of interest rules. He "request[s] that [Willis and Winter] do not do any further work until the matter could be presented to the LNC. In each case some of the work was done on the computers at the headquarters and Mr. Dasbach indicated that this was not acceptable."

August 26–27, 1995: At a regularly scheduled meeting of the National Committee, longtime LP activist and LNC member Don Ernsberger inquires about the "use of headquarters personnel and resources" on behalf of an individual (Browne) seeking the party's presidential nomination. Dasbach explains that when he learned about Willis' and Winters' work on behalf of Browne he had asked them to do no further work for Browne until informing the LNC, and that when he learned from Markowitz that they had been using LP equipment, he reprimanded them. Willis says he did no work for Browne after Dasbach's spring meeting with him, and that he "would inform the executive committee before doing any more campaign work." The LNC takes no formal action.

December 9–10, 1995: At the next LNC meeting, Hugh Butler, the party's treasurer, introduces a resolution to change the conflict of interest policy to authorize work on behalf of aspirants to party nominations provided that "Both the work and income amounts are disclosed to the Chair . . . [and] . . . employees agree to terminate specific work when requested by the Chair." The resolution also specifies that the "National Director was not authorized to accept outside work" and requires that the Chair "report all such activities to the LNC."

According to the minutes of the meeting, Willis:

"strongly objected to this resolution because what should be of issue is the application of the resources of the Party and whether or not those are misappropriated." He added that he "could determine on an individual basis whether a specific request from . . . the Browne campaign would or would not violate his fiduciary responsibility to the party." He said further "that if he could not do any outside work he would resign his position."

After considerable discussion, Butler "restated" his motion:

Whereas, the LNC is aware that LP headquarters employees have accepted outside consulting work, and, in as much as the LNC deplores conflicts of interest within the Party,

Therefore be it resolved that employees of the LNC may accept outside consulting work so long as:

1. Both the amount of work and the income from it shall be approved by the Chair.
2. Employees agree to terminate improper work when requested by the Chair.
3. The Chair will report the facts to the LNC.

The motion passed on a voice vote.

At this point, it has become impossible for Willis to do further work on behalf of Browne without quitting his paid position with the party (as he had threatened to do) or disobeying the explicit terms of his contract with his employer.

1996

December 1995 – July 1996: Browne continues to seek the party's nomination, facing tepid opposition from Rick Tompkins and Irwin Schiff. Rumors that Willis and Winter are continuing to work for Browne still circulate among members of the LNC and high-level party activists. In fact, though no one outside the Browne campaign knows it, Willis continues to work for Browne. The Browne campaign launders the money it pays him by writing checks to a company controlled by Jack Dean, the campaign's webmaster, which makes corresponding payments to Willis, concealed from the watchful eyes of the LNC or the Federal Election Commission, a body that makes public the date, purpose, and recipient of all expenditures reported to it by political campaigns.

July 6, 1996: At the party's convention in Washington, D.C., Browne easily wins the presidential nomination.

July – November 1996: With the Browne campaign in full swing, rumors of Willis' work on behalf of Browne are heard less often.

November 6, 1996: Browne finishes fifth in the popular vote for president, winning 0.50% of the vote (485,120 votes, to be exact).

1997

1997–1999: Rumors of conflict of interest among headquarters

staffers and collusion between the Browne campaign and LP headquarters continue.

April 5–6, 1997: The LNC amends the party's Policy Manual to prohibit explicitly any party employees from endorsing, supporting, contributing money to, or working as a volunteer, employee or contractor on behalf of "any candidate for public office prior to the nomination."

September 1997: Perry Willis resigns as National Director. He is entitled to collect severance pay equal to six months salary, some $40,000.

1998

March 1998: Willis' $6,667 monthly severance pay ends, and he accepts a position as manager of Browne's 2000 presidential campaign.

July 1998: At the party's national convention, there is an especially bitter campaign for the office of Chair, with Browne campaigning vigorously for David Bergland, his campaign chair and the husband of his campaign manager. Charges of conflict of interest and collusion ripple through the convention. Bergland is elected chair and Steve Dasbach, the retiring chair, gets Willis' old job of National Chair.

2000

March 9, 2000: In a series of widely circulated e-mail broadsides, longtime party activist Jacob Hornberger accuses the Browne campaign and the LP headquarters staff of having an improper relationship characterized by "unethical interlocking relationships, conflicts of interest, improper payments to LP staff members, and 'independent consultants' to the LP national office." Browne and his staff respond with a series of e-mails charging Hornberger with everything from "mean-spiritedness" to "slander" to being a "sanctimonious self-appointed Inquisitor General."

April 21, 2000: Willis e-mails the Browne campaign's supporters an alarming announcement that the campaign is suspending operations because fundraising has fallen off as a result of the charges made by Hornberger. The campaign unsuspends operations a few days later.

May 2000: *Liberty* publishes a 16-page independent investigation of charges made against the Browne campaign. On the question of conflict of interest, investigator Peter Gillen finds the accusations to be "understandable," in light of the substantial amount of circumstantial evidence. But lacking evidence to the contrary, he accepts at face value the false statements of Willis and others within the Browne campaign, and concludes his report indecisively. In reviews of the 1996 campaign, the 2000 campaign, and Project Archimedes (an LP recruitment campaign managed by Willis), investigators R. W. Bradford and Martin Solomon find that Willis' recruiting for the LP and the Browne campaigns had systematically and substantially misrepresented the facts to the members, supporters and the LNC, but that the actions had fallen short of the legal definition of fraud.

July 2, 2000: Browne wins the LP's presidential nomination for an unprecedented second time.

November 7, 2000: Browne finishes fifth in the popular vote, his share of the vote down 26% to 386,064.

2001

April 21, 2001: At a regularly scheduled meeting of the LNC, former Secretary John Famularo distributes copies of an invoice from Perry Willis demanding payment from Jack Dean's company for services rendered to the Browne campaign.

April 25, 2001: LP Chair Jim Lark e-mails Willis asking him to "provide information in response to the information provided by Mr. Famularo." He warns Willis that "failure to provide such information [will] be regarded as a very serious matter."

April 28, 2001: Having heard nothing from the LNC, Famularo sends copies of the documents to several individuals, including the editor of *Liberty*.

May 11, 2001: After consulting with Browne, Willis issues a 20-page statement, admitting that he conspired with the Browne campaign to work for it secretly, after becoming explicitly aware that doing so was a violation of his contract with the LP and his promise to cease doing such work. He also admits to lying about the matter for nearly five years, saying that he did so because unless he worked for both the Browne campaign and the LP, the libertarian movement would have collapsed.

May 13, 2001: In the wake of a very hostile initial reaction from those reading Willis' memo, Browne sends an e-mail to supporters. He "suggests" that they wait before speaking "in order to give as much thought to their reaction as Perry gave to his statement before he released it," adding that Perry spent "several days on his statement" and that "I went over it with him." He warns that it would "be prudent for you to think over the consequences of your statements before releasing them." He adds that he himself "will release a statement in a few days, after emotions have relaxed a little."

May 15, 2001: Browne answers a question posed to him by e-mail the day before by former LP Chair Mary Gingell, who asked whether he concurred "with Perry's opinion that violating the LNC conflict of interest rules in 1996 in order to help the Browne for President campaign is justifiable." Browne replied that he would "be issuing a statement in the next couple of days. . . . In the meantime, you should know that I was aware of Perry's actions and agreed to them."

May 17, 2001: *Liberty* publishes the first report of the evidence of the Willis-Browne conspiracy, detailing the events that led to the Willis confession and reaction to it.

May 23, 2001: The Executive Committee of the LNC meets. Joe Dehn proposes a resolution directing the party's employees "to not enter into any business relationships, including but not limited to rentals of the LP mailing list or advertising in *LP News*, with Browne or Willis or any entity of which either of them is an officer, director, or employee, without prior approval of the Executive Committee." Dehn reveals the contents of Browne's e-mail confessing to his having been "aware of Perry's actions" and having "agreed to them." Party Chair Lark suggests that perhaps "Perry's actions" that Browne "was aware of" and "agreed to" were some actions other than those Gingell had asked him about, though he considers such interpretations to be "less likely." The resolution is passed. The committee also discusses the possibility that Jack Dean's firm (which had also done work under contract for the party) had secretly subcontracted the work to Willis, who was a party employee at the time.

May 30, 2001: The Executive Committee holds a special meeting at the urging of Vice Chair Dan Fylstra, who proposes that the previous resolution be amended to reflect the hypothesis that "Perry's actions" which Browne "was aware of" and "agreed to" might be some actions other than those Gingell had asked him about. By a 3–2 vote, the committee passes a resolution

recognizing "that while Harry Browne was the head of the campaign, it is presently unclear to what extent he or others were involved in Willis' actions or decisions," requesting "that Harry Browne provide a public statement to the LNC to clarify the circumstances surrounding Willis' actions," recommending that the LNC "censure Perry Willis for his acknowledged violation of LNC policy in 1995–96 in working for the Browne campaign while being employed by the LNC."

June 10, 2001: Lark sends e-mail messages to Browne, his Campaign Manager-treasurer Sharon Ayres, and Campaign Co-Chair David Bergland, asking them whether they knew about Willis' fraud and when they knew it. He also e-mails John Famularo, asking him to turn over whatever additional evidence Famularo has.

June 12, 2001: Lark e-mails Michael Cloud, Browne's projects manager, asking him whether he knew about Willis' fraud and when he knew it. The message bounces back; Cloud has apparently changed his e-mail address.

June 14, 2001: *Liberty* publishes its second report on the Willis-Browne crisis.

June 15, 2001: Browne replies by e-mail to Lark's query, apologizing for not responding sooner, and indicating that Lark is welcome to call him.

June 19, 2001: Most LP members begin to hear of the Willis-Browne conspiracy for the first time when they receive the July *LP News*, published today. According to Dasbach, the article is written by Bill Winter, who was involved in the early part of the story (he had done work for the Browne campaign along with Willis, until Dasbach advised him that it violated the party's conflict of interest rules). It was also reviewed by both National Director Dasbach and Chairman Lark. Dasbach later recalls that he "probably" suggested a couple of changes, and that Lark "circulated the draft article among several other LNC members at the June 9–10 Strategic Planning meeting [and] suggested some changes to Mr. Winter regarding the article, all of which were made."

June 20, 2001: Browne and Lark speak on the telephone. The conversation, according to Lark, is "cordial and polite." Brown tells Lark that he "will not cooperate with the investigation." He also apologizes for making Lark's job harder.

Lark also e-mails Willis asking him to make available to the LNC the 2000 Browne for President campaign records as well as records of Optopia, Willis' private company that did work on behalf of Browne on a contract basis.

"Raymond! Did you forget your piece again?"

June 26, 2001: Lark sends another e-mail query to Michael Cloud. It also bounces back.

July 11, 2001: It is now a month since Lark e-mailed Browne's top staffers — Ayres, Bergland, and Dean — and none have responded in any way, so Lark sent each another e-mail, repeating his request for information and asking each at least to acknowledge that he has received the message.

July 12, 2001: Bergland e-mails back, tersely saying "Message received."

July 14, 2001: Lark encounters Michael Cloud at the Texas LP Convention and hands him a copy of his request for information about what Cloud knew about the Willis-Browne conspiracy and when he knew it.

July 14, 2001: A reliable source in a position to be familiar with documentary evidence about Willis' secret work for the Browne campaign tells *Liberty* that there is extensive evidence that the person within the Browne campaign with whom Willis conspired to help Browne get the nomination in contravention of LP rules was Browne himself. The source also said there there is extensive evidence that Willis continued to use the equipment and facilities of the LP in his efforts on behalf of Browne.

July 15, 2001: Cloud and Lark have a conversation, in which Cloud refuses to discuss the matter, but volunteers some "colorful" comments about people who earlier suspected that Willis had indeed continued to work for the Browne campaign, contrary to both his promise and the terms of his contract with the LP.

July 17, 2001: Famularo responds to Lark's e-mail of July 5, advising him that Lark's "reply was not responsive to my request for clarification." He assures Lark that he is "willing to testify" and "be subject to cross examination," but he is concerned about how his testimony "will be published and whether I will have an opportunity to rebut any characterizations on the record within the same publications." He goes on to say that the article in the July *LP News* included inaccuracies about him and an "open question about my actions for which I was given no chance to correct or comment upon before publication." He states that he simply wants to know what the rules will be before he provides further evidence or testifies. He also opines that he believes that "the 'problem' as I see it is not the fraud, malfeasance, misfeasance and/or nonfeasance of one or more individuals but whether the LP as an organization can effectively immunize itself from future manifestations of this 'problem.'"

July 19, 2001: *Liberty* goes to press with its September issue, which includes this timeline, a report updating the story, and analyses of the matter. As of this date, no one within the Browne campaign has responded to Lark's questions about whether they were involved in the Willis-Browne conspiracy, except Browne himself who said only that he would not cooperate with the investigation. None of those involved has said anything in public on the subject since May 15, except for Michael Cloud who has denounced the investigation and the individuals who want to know more about Willis' actions.

August 25, 2001: The Libertarian National Committee will meet in Las Vegas. One item on its agenda is the Willis-Browne conspiracy. ❑

Perspective

Reclaiming the Party of Principle

by R. W. Bradford

It's time for Libertarians to minimize the damage done to their party.

There is a delightful vignette in the 1967 film *Guide for the Married Man,* in which a middle-aged woman discovers her husband *in flagrante delicto* with a young woman. As she screams hysterically, her husband and the young woman get out of bed and put their clothes on without saying a word. The young woman leaves, and the man puts on his smoking jacket, calmly lights his pipe, and sits down in his easy chair. He continues to ignore her screams. Eventually, she quiets down, and, as the vignette ends, the woman is wondering whether she had actually seen her husband in bed with another woman.

I am reminded of this scene when I look at the Harry Browne campaign's response during the past two months to the discovery that despite Libertarian Party rules and his explicit promises to the party's National Committee, LP National Director Perry Willis secretly worked for Browne when he was running for the party's presidential nomination in early 1996.

The Browne strategy is obvious: don't say a word and hope the whole thing blows over. Maybe LP members will simply forget the campaign's flaunting of the LP's rules by conspiring with the party's top employee to work secretly to secure Browne the party's 1996 presidential nomination.

On June 10, LP Chairman Jim Lark began his investigation by e-mailing identical queries to Harry Browne, and the top officials in his campaign — chair David Bergland and manager Sharon Ayres (Bergland's wife) — and webmaster Jack Dean, through whom the campaign had laundered its payments to Willis. He asked them all the same questions: did you know about Willis' secret work on behalf of Browne prior to April 21, when evidence that Willis had done that work was presented to the LNC? If you did, when did you know about it? And under what circumstances? Two days later, he e-mailed Michael Cloud, the campaign's projects director, asking the same questions. Ten days later, he e-mailed Willis.

Only one of those six people responded — Browne, who e-mailed Lark suggesting that they talk. Lark called Browne on the evening of June 20. The conversation was amiable but brief: Browne told Lark that he would not cooperate with the investigation. The e-mail to Michael Cloud bounced back, and Willis, Ayres, Bergland, and Dean did not respond at all.

On July 9, Lark followed up with another e-mail to the Browne brain trust, this time asking them at least to acknowledge that they had received the message. Only Bergland responded, tersely e-mailing, "Message received."

Meanwhile, Willis and Browne continued their activities — sending out fund-raising appeals for their two new endeavors, Real Campaign Reform and the American Liberty Foundation — as if nothing had happened.

The Browne campaign response didn't start out so quietly. Documentary evidence of the campaign's fraud was revealed to National Committee members on April 21. Three weeks later, Willis responded with a 20-page memo to the National Committee, explaining that his violation of the terms of his employment contract and his lying about it for more than five years were necessary in order for Browne to get the party's nomination, which itself was necessary for the party's growth and prosperity.

For the most part, members were outraged by Willis' actions and had little interest in his ends-justify-the-means

defense. Two days later, Browne himself sent an e-mail to party activists, urging them to refrain from discussing the issue until things had cooled down, so that they wouldn't be embarrassed by "shooting from the hip" and saying things that they "may come to realize you may not have thought through." He promised that he would have something to say about the matter "in a few days."

On that same day, Browne answered an e-mail from former party chair Mary Gingell. She had asked him whether he "concur[red] with Perry's opinion that violating the LP conflict of interest rules in 1996 in order to help the Browne for President campaign is justifiable." Browne exchanged pleasantries with her, repeated that he would "be issuing a statement in the next couple of days," and answered her question: "I was aware of Perry's actions and agreed to them."

The Browne strategy is obvious: don't say a word and hope the whole thing blows over.

Browne quickly came to regret this. A week later, Gingell's husband, LP National Committee member Joe Dehn, revealed the contents of Browne's message at a meeting of the party's Executive Committee, which was sufficiently impressed to the extent that it passed a resolution that directed the party's staff "not to enter into any business relationships" with "Browne or Willis or any entity of which either of them is an officer, director, or employee without prior approval of the Executive Committee."

It was apparently at this point that the Browne campaign decided that the best course was to stonewall. Browne, Ayres, Bergland, Willis, and Dean have refused to utter a word in public on the subject. The sole break in this wall of silence has been Michael Cloud, who has twice discussed the case with me. He has been careful to reveal nothing directly about Willis' or the campaign's wrongdoing, but has had rather a lot to say about Lark's investigation.

I first spoke with Cloud on June 29, at which time he had not yet been contacted by Lark. He nevertheless characterized Lark's investigation as a "petty inquisition," and suggested the LNC's attitude was like that of "the Russians — you're guilty until proven innocent." He talked mostly about the good that Willis had done the party, and about how bad Willis' longtime critics are. Agreeing with Willis' speculation that former party secretary and computer manager John Famularo had acquired the evidence of Willis' wrongdoing from Willis' computer at the LP headquarters, he characterized this as "the second Watergate burglary."

On July 16, I interviewed Cloud again. He was still not willing to cooperate with the LNC's "Star Chamber proceedings," or to answer any questions about who Willis had conspired with inside the 1996 Browne campaign. But he was willing to discuss other aspects of the case. He described his conversation with Chairman Lark the day before:

> Lark said "I've been unable to reach you and I've got some questions about the '96 presidential campaign" . . . I said "Perhaps if John Famularo would like to burglarize the Watergate one more time he might be able to get all kinds of new juicy information. Perhaps I should give him a dial-up number so he can burglarize my computer." And Jim says "Now wait a minute. You know, that could be libelous and slanderous." I said "Tell him to sue me. . . .Then we'll go through what's called discovery and I'll find out everything he's got. I want him to sue me. Give him my home number. Give him my address."

Cloud also suggested that perhaps Willis should not have admitted that the invoice Famularo had distributed to the LNC was genuine. "If Perry had said 'produce the evidence that is valid,' Famularo would've had to admit where he got it — probably this is pilfered goods. My guess is that he would be in a load of trouble."

Why the Silence?

It's obvious that Jack Dean was part of the conspiracy, since he laundered the secret payments that were made to Willis. Continuing his career as a professional Libertarian will be difficult for him, and will depend pretty much on the prosperity of Browne's new non-profit organizations, both of which would be hurt badly by further revelations about the extent of corruption within the management of the Browne campaign.

It is certain that at least one person among Browne's management team knew who conspired with Willis, and it is very likely that more than one did. If Browne, Ayres, Bergland, Cloud, Willis, or Dean tell what they know about the conspiracy to undermine the LP's rules, those who were involved will almost certainly face unpleasant consequences.

Although Michael Cloud had not yet been contacted by party chair Jim Lark, he nevertheless characterized Lark's investigation as a "petty inquisition," and suggested the party's attitude was like that of "the Russians — you're guilty until proven innocent."

Both Browne and Willis earn their livings by raising funds from LP members. They operate non-profit organizations that depend heavily on such fund-raising. If they can no longer advertise in the *LP News* or rent the party's mailing list, they will be hard pressed to maintain the flow of money that pays their salaries. Michael Cloud is in a similar position as CEO of Carla Howell's campaigns in Massachusetts.

Ayres and Bergland, both longtime party activists, are in a slightly different situation. Ayres was the campaign's manager and treasurer at the same time she was a member of the National Committee, the very entity whose explicit rules Willis violated and to whom Willis repeatedly lied. If she

* In an interview with Famularo later that same day, I relayed Cloud's message to him. His response, strangely enough, was that he wished Cloud would sue *him*.

had been aware of his wrongdoing and deceit and had remained silent at the LNC meetings, she would obviously have breached the trust that party members and her LNC colleagues placed in her. Her career as an LP activist would be over, and she would have to go a long way to find another high-paying position as a campaign manger.

Bergland's position is equally uncomfortable. In 1998 he was elected to the party's chairmanship after a very bitter campaign in which charges of the Browne campaign's secret collusion with Willis were raised and denied. If he had known of Willis' violation and deception when it occurred, he would have known of it during that campaign and while serving as chair from 1998–2000. Presumably a chair who was a party to such deception of his own party would no longer be held in much esteem by its members. His career as an LP activist and power-broker would be over.

We know that the management team held frequent, lengthy conference calls. This strongly suggests that all knew what was going on. We also know that Browne himself customarily has participated in drafting fund-raising letters, the very work Willis secretly did for the Browne campaign. This strongly suggests that Browne knew. And now, thanks to the information released to *Liberty* on July 14, we have good reason to believe that Browne himself worked closely with Willis on these particular fund-raisers.

So the Browne campaign team had little choice. Once it became evident that most LP members would not accept Willis' argument that he was justified to conspire with the Browne campaign to get around party rules that prohibited him from both serving as the party's highest employee and working on behalf of aspirants to the party's presidential nomination, revealing the identities of the co-conspirators within the Browne campaign could only bring down Browne and his top managers.

And so, they began their silent campaign, hoping that the LNC and the party members would overlook their transgression. Willis, Cloud, and Browne hope to go on with their fundraising. Ayres and Bergland hope to remain powerful figures within the party.

Refusing to answer questions about the campaign while attacking the investigation is a desperate ploy. But desperate times call for desperate measures. In the end, the truth will come out, and unless somehow the Browne camp is able to convince its past supporters that deceiving other libertarians and conspiring to subvert their own party is a good thing — an unlikely prospect — all it does is buy them time for additional fundraising among those who haven't yet learned of their deceit.

Refusing to answer questions about the campaign while attacking the investigation is a desperate ploy. But desperate times call for desperate measures.

The Good of the Party

I think it's safe to say that everyone involved wishes that Willis had never conspired with Browne to violate the LP's rules and policies. Surely, Browne and Willis realize by now that if he'd hired Willis outright and the LP had hired another National Director, Browne would still have won his party's nomination. Surely Browne supporters wish that the man they so admire had not done this; prior to this scandal, many had considered his integrity unimpeachable. Even Browne's critics wish this hadn't happened, for they too realize that a scandal like this reflects badly on their party.

Nevertheless the facts remain. If the party is to maintain its self-respect, it must discover the identities of all who were party to the conspiracy and take appropriate action, both for the sake of justice and to avoid setting a bad precedent that this sort of behavior will be tolerated so long as membership and fundraising grow. The actions of the wrongdoers not only vitiated, and continues to vitiate, a lot of energy and resources that could have been put to far better use, they also undermined, and continue to undermine, the moral authority of a party that proudly calls itself "The Party of Principle."

The business of the Libertarian Party is to advance the cause of freedom by contesting elections to public office. It needs to get back to that business. But it must first make clear that it will not tolerate candidates or employees who conspire to subvert the party's integrity.

If the conspirators show genuine remorse, of course, the party should consider a lesser penalty, perhaps just simple censure and a moratorium on further business dealing with the party. But if the Browne management team maintains their refusal to answer the entirely appropriate questions that Chairman Lark has asked them, I think the party will have no choice but to take legal action or to censure them harshly and ban all future business dealings with all of them.

But there is one thing the party cannot afford to do: it cannot afford to merely sweep the matter under the rug by leaving Willis' co-conspirators unidentified. Nor can it let the guilty off with mere censure. To merely slap their hands would set a terrible precedent for future employees of the LP. And it would cost the party its soul.

The business of the Libertarian Party is to advance the cause of freedom by contesting elections to public office. It needs to get back to that business. But it must first make clear that it will not tolerate candidates or employees who conspire to subvert the party's integrity.

A few days ago, a friend of more than 20 years, who had read about the LP scandal, asked me, "Why are you involved in a party like this, anyway?"

I answered, "Because the LP is not a party like this. This is an aberration, and my fellow Libertarians will not put up with it. The Libertarian Party is the party of principle. It does not make corrupt bargains, like the other parties do. It stands for honesty, integrity, and human liberty."

I hope that I will always be able to answer in the same way. ❑

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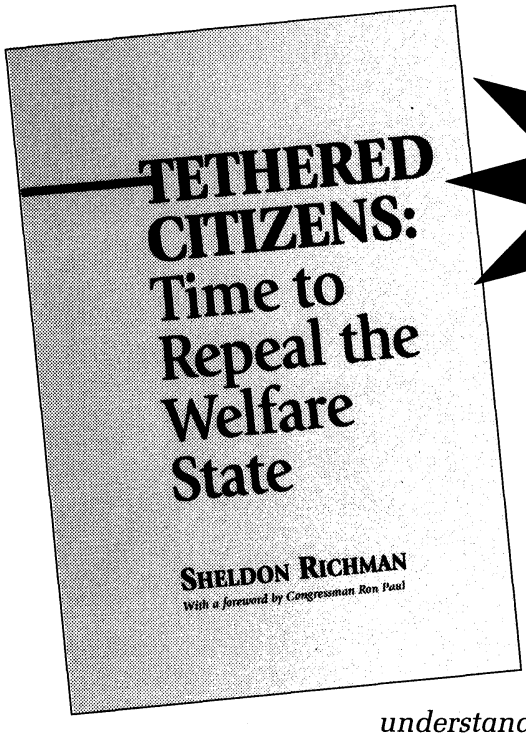

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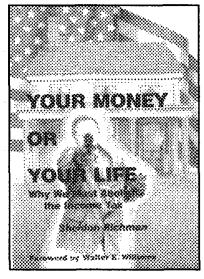

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The Browne 2000 Campaign: Where the Money Went

by Elizabeth Merritt and R. W. Bradford

A close look at the Browne campaign finances reveals an array of omissions, inconsistencies, and sloppy accounting. A request for clarification only muddied the waters further. But gradually a pattern emerged: the Browne campaign was not really a political campaign.

Anyone trying to discover how Harry Browne's 2000 presidential campaign spent its money has only three sources to deal with: the reports the campaign filed with the Federal Election Commission, the reports the campaign made to its members, and statements from individuals involved in the Browne campaign.

The campaign's reports to donors paint a very different picture from what emerges from its reports to the FEC. For one thing, the numbers are different. In his April 24, 2000 e-mail, Willis stated that the campaign had so far spent $1,231,210.75. But the report Willis filed with the FEC at this point said that the campaign had spent $1,290,430.68, not including refunds and repayments of loans. This discrepancy of $59,219.93 has not been explained by Willis or anyone connected with the Browne campaign.

In late May 2000, Browne sent out a letter to supporters asking them to donate money to air a 30-minute infomercial, which the campaign had already produced, and to raise money to produce other commercials. According to Browne's press secretary Jim Babka, the infomercial was the only thing that Polaris Productions, the firm that produced the campaign's advertising, had done at this point, and the infomercial had cost $120,000. Yet the Browne campaign reported to the FEC that it had made payments to Polaris Productions of $159,000.

Babka told us that the total payments for campaign management for 1997 through 2000 to Willis and his significant other Stephanie Yanik was $240,000. The reports to the FEC that Willis signed as treasurer of the Browne campaign show total payments to him and Yanik of $247,410.28.*

Trying to reconcile the expenditures the Browne campaign has published is further complicated by its tendency to include both compensation and reimbursement of expenses in its payments to staffers. In fact, 24% of its expenditures were payments to staffers that include both reimbursement of miscellaneous expenses and compensation. This is a very unusual business practice and one that seriously complicates the tax returns of its staffers.

When one of us (R.W. Bradford) asked Babka why this was done, Babka explained that FEC rules required it. Although the FEC does have some rules that seem to defy reason, this seemed plainly ridiculous to us. So we read through the FEC's "Instructions for FEC form 3P and Related Schedules" and could find not a single hint of any such requirement. We also examined the FEC reports from the campaigns of every other presidential candidate to see whether any of them complied. None did.

So Elizabeth Merritt asked Babka whether he could provide a breakdown of these expenses. He responded. "With all due respect, you clearly have more time on your hands than I do . . . gathering this information would take considerable time . . . I don't have time to gather information for such a broad, general question and neither does anyone else here."

Merritt then asked Babka "why weren't separate checks issued for expenses and compensation?" This was virtually the same question Bradford had asked a few weeks earlier, but Babka had an entirely different answer. "Ordinary accounting practices apply to ordinary businesses," he e-mailed back. "A campaign is not an ordinary business. First, it's finite in length and the race to finish is intense — time usually spent dotting the 'i' and crossing the 't' is unavailable as the staff tries to keep its head above water and get the essential stuff done. Second, its goal is not a profit, which is really extraordinary." He went on to list several other

*Readers might be interested to learn that in addition to Willis, Yanik, and Willis' company Optopia Productions, the Browne for President campaign also wrote checks to Barbara Braun, Ray Acosta, and Robert Flohr, all of whom shared Willis's and Yanik's home address.

rather mysterious differences (e.g., "Campaigns don't evolve, they spontaneously generate."). The most intriguing of the differencs is that a campaign "operates under a microscope and deals with hundreds, if not thousands of critiques and suggestions about how the business should be run" — which comes very close to suggesting that the campaign made the payments and campaign reports this way for the purpose of confusing its critics. We also noted that the campaign wrote a total of 1,808 checks between September 1997 and March 2001, or an average of 43 per month. To us, this didn't seem like the bookkeeping was so "intense" that it couldn't follow the ordinary procedures typical of any small business.

We noticed that the two reports on campaign spending that Willis had sent to donors both reported exactly how much the campaign had spent on office supplies, travel, salaries, etc. — the very same information that Jim Babka claimed didn't exist. So we asked Babka to provide us this information.

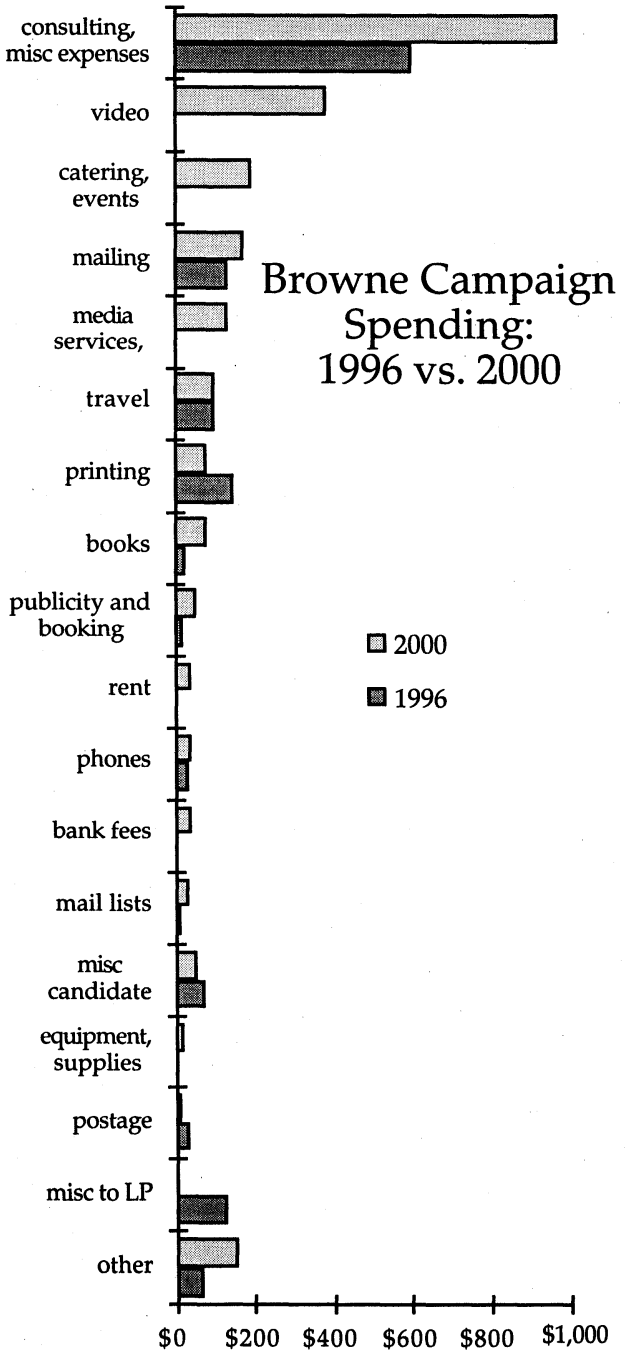

He replied that he believed that Willis had merely "sketched out these figures on the back of an envelope" and that the envelope might by now be lost. This did little to dispel our skepticism. Given that Willis nowhere mentioned that this is how he arrived at the figures, and that all of them have a very "precise" look to them (nothing looks rounded off) this seems pretty shoddy.

One area we wanted to pay special attention to was the Browne campaign's spending on advertising. In Browne's previous campaign, Willis told donors that the campaign had spent $238,673 to purchase advertising on two cable television networks, 11 local television stations, 8 syndicated radio programs, 5 daily newspapers, and 64 local radio stations. But the campaign reported to the FEC that it had spent a grand total of $8,840.50 purchasing advertising, all of it on 5 local radio stations. Many Browne supporters, who had donated to his campaign in response to its fund-raising pleas for money "to quickly expand our radio advertising program to a point where it blankets the entire nation" and other promises to do substantial advertising were unhappy to learn that the campaign's total purchases of advertising amounted to less than 1% of the money it raised.

Again, we ran into problems almost immediately. All but $340 of the funds Willis reported to the FEC that the campaign had spent on advertising went to a single firm, The Firm Multimedia, which received a total of $137,504.41. Willis reported that the purpose of these payments was "media services and advertising." When we asked Babka how much of this was for "media services" and how much was for "advertising" he responded that it was all for advertising and that the phrase "media services" referred to the 8% commission the firm charged.

This seemed incorrect for two reasons. First, some of the payments were made before the Browne campaign began advertising. Secondly, we were aware that advertising agencies virtually never discount their standard 15% agency commission.

The striking thing about this breakdown is that so little was spent on trying to reach out and get new voters and how much was spent on fund-raising.

In early June, we sent Babka this e-mail on the subject:

> I wonder if there was some mistake in the information that you provided me last week about how the payments to The Firm Multimedia broke down. As you recall, you told me that 8% of the payments were commissions on advertising purchases . . . and [that] the balance was advertising purchases.
>
> I recalled my own experience with ad agencies, all of which would never budge on the question of size of commission. I contacted several people in the business and all responded that the standard 15% commission was virtually always non-negotiable.
>
> Further I looked over the list of payments to The Firm

Multimedia, and noted that several of them were made prior to when, if Perry Willis' campaign reports are to be believed, the time when the campaign began to buy ads. In fact, three payments were made prior to Harry's announcing his candidacy.

Babka responded:

Yes there was a mistake on our end. Your information regarding commission is correct.

The FIRM also did some market research for us that started pre-campaign.

Babka had admitted that he had made a mistake, but he still had not answered our question, so we e-mailed him again, asking him again how much was actually spent purchasing advertising and how much on market research. In mid-July, Babka had not responded, so we asked him again by telephone. He said that he would have to check with Perry Willis — explaining that the campaign had made a "policy decision" that Babka and Babka alone would answer our questions — and get back to us. The next day, he told us that the campaign had spent $120,000 on the purchase of advertising.

Approximately 57.7% of campaign spending was for fund raising and building a fund-raising base, with only about 20.1% going to what can, broadly speaking, be considered outreach or vote-seeking.

Needless to say, this experience did not enhance Babka's credibility with us.

Trying to get a truer picture of how the campaign spent its money than we could from Willis or Babka, we sorted out the expenditures reported to the FEC into a few categories that made sense to us. The graph on page 30 summarizes how Browne's campaigns spent the money they raised.

The striking thing about this breakdown is that so little was spent on trying to reach out and get new voters and so much was spent on raising funds. The video category, for example, was almost entirely used to produce and distribute a fund-raising infomercial. The catering and events expenditures were almost entirely for the fund-raisers that Browne held at airport hotels around the country. Mailing lists, mailing, postage and printing expenses were almost entirely for mailing fund raisers. Books were purchased almost entirely for use as premiums for fund raising. Exclusive of the nebulous "consulting and mixed expenses," we estimate that approximately 57.7% of campaign spending was for fund raising and building a fund-raising base, with only about 20.1% going to what can, broadly speaking, be considered outreach or vote-seeking, with the balance for unallocated overhead.

Indeed, the campaign put its fund-raising base to work on non-campaign projects even before the campaign was over. On Oct. 26, 2000, eleven days before the election, the campaign's e-mailed newsletter, reportedly sent to over 15,000 supporters, began a series of requests for donations that were not for the campaign, but for a new nonprofit venture that Willis and Browne planned to pursue after the election. Shortly after that, they began fund raising for another new nonprofit venture.

So how much did the campaign actually spend buying advertising? From the FEC reports, it appears that the total is approximately $117,000. Babka told us that the actual figure is $120,000. That's up substantially from 1996, when it spent less than $9,000 to buy ads. But it is still a pitifully small sum for a presidential campaign to spend on the one activity that has been proven to win votes.

In defense of this low figure, Browne spokesman Babka told us that the LP spent an additional $240,000 to purchase ad time. This would bring the total spending of the Browne campaign plus LP spending on ad time to about $360,000, or somewhere in the neighborhood of 7% of its election-year spending. This is, in our judgment, still a pitifully small sum.

Curiously, the campaign spent far more producing the ads than sending them out over the air. The rule of thumb in the advertising industry is that an advertiser should spend 10 to 15 times as much buying airtime as it pays to produce the ads. The Browne campaign spent more than twice as much producing the ads as it did buying airtime. The explanation that Babka offers for spending so little on advertising is that the campaign planned to spend $1,000,000 on airtime, but expected donations fell short in the final days of the campaign.

The graph at the bottom of this page shows the campaign's fund raising by month. We note the campaign's fund raising increased to record levels as the election neared, but that the campaign would've had to have risen nearly three times these record levels for the campaign to have raised enough to meet its stated goal. (It also raised a very impressive $100,000 in March 2001, four months *after* the election.)

When we were halfway through our review of the Browne campaign's expenditures, we began to suspect that the campaign subscribed to *The Producers'* theory: if you manage to make a complete failure of something, no one will bother to look into the details of how it failed. Sadly, as our analysis progressed, we never encountered any reason to abandon that suspicion. ❑

The Search for First-Hand Information — More than a year ago, *Liberty* published an article analyzing how the Browne campaign spent its money in 1996, based on information that the campaign had filed with the Federal Election Commission and on the 532-page *Presidential Campaign Report* that the campaign had published six months after the election.

The results were startling. In numerous areas the figures

continued on page 38

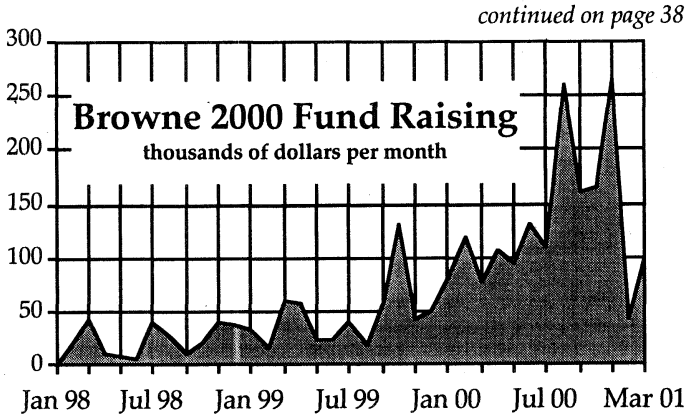

Santa Clara University

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at Santa Clara University

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Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

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Off the Map in Haiti

by Douglas Casey

Tragedy of the commons. Violent crime. Grinding poverty everywhere. Welcome to the not-so-sunny side of the Caribbean.

I visited Haiti several times in the early '70s, and seriously toyed with the idea of setting up a diving business. The natives were friendly, the climate superb, and Haiti has hundreds of miles of some of the best beaches in the world, most of them deserted but for a few fishermen.

But Haiti was very different in those days. Twenty years ago, Port-au-Prince was dirt poor, but it was small, manageable, and quite pleasant. A nice room in a downtown hotel, with an excellent breakfast and a gourmet dinner would set you back $10; even 30 years ago, that was chicken feed. The city was absolutely safe; you could wander anyplace at midnight, looking like an inebriated tourist, and not have a thing to worry about. There were interesting foreigners on hand; I met Barry Goldwater while having dinner at the Olafson Hotel, an old haunt of Graham Greene's. Goldwater is one of the few politicians in living memory for whom I have some respect.

That was then. Now there are no downtown hotels. Nobody without a death wish would dream of being in downtown Port-au-Prince at night. That's because tourists don't come to Haiti anymore. On my flight from Miami, which was full, I believe there weren't more than five other non-Haitians aboard.

Haiti's few remaining hotels and restaurants are prohibitively expensive to most tourists, partially because everything is imported and duties are huge; food in the local grocery costs double what it does in the United States. And there's no volume to allow for lower margins. I must say, however, that the quality of the cuisine is at least as good as that in France, which Haitians still regard as their motherland. But dining out at the few restaurants that are still open is about all that passes for entertainment these days; the lack of tourists and abundance of crime combine to severely limit recreational possibilities. The fact that electricity is out at least several hours every day doesn't help much.

And crime really is a problem. Just while I was there, four expats were kidnapped in four separate occurrences. In the old days, Papa Doc's tonton macoute, the secret police force with overtones of voodoo, pretty well kept a lid on things. If nothing else, Duvalier at least recognized the value of the tourist trade, and if anything untoward happened to a tourist, he saw to it that the perpetrator lived only long enough to sincerely regret it. But, as happened in Russia after the disappearance of the Soviet police state, the sociopathic two to three percent of society rose to the occasion. It doesn't help matters that Haitian criminals who get caught in the United States are repatriated after serving their terms. That means 300–500 Haitians are returned each year with doctorates in serious crime, earned in U.S. prisons. That makes the criminals among the most educated folks in this largely illiterate land.

Progress? How About Survival?

There's not a lot of industry, either. Haitians make Barbencourt rum. There's a cigarette factory. Some artists peddle wares of varying quality. Haitians assemble some clothing (just assemble, the cloth is imported and the finished goods are exported). That's it. It used to be that most baseballs were made here, but that factory moved out. I can only assume it was because the government made them crazy, because you can't find cheaper labor — and once labor is trained for a specialty like that, the last thing you want to

do is move the operation and start all over again.

So the country essentially creates nothing. Almost all the people outside the capital are subsistence farmers, but not only are there no food exports, the country imports everything except locally grown vegetables. Nobody even bothers exploring for minerals, despite prospective terrain.

Where does its money come from? The main answer is that there are about a million Haitians abroad, mostly in the United States and Canada, supporting the 8 million people in the country. The hope and salvation of every family is to get somebody to Miami, in order to survive. Of course, that makes it hard for any but the most extraordinary emigrant to save enough to really get anywhere himself.

Half of the relatively few people who get regular paychecks draw them from the government and are what their countrymen laughingly refer to as "zombie workers," for obvious reasons. On a happy note, the army has been abolished, in recognition of the fact that, typical of Third World militaries, its sole purpose was to intimidate potential dissidents.

Twenty years ago, Port-au-Prince was dirt poor, but it was small, manageable, and quite pleasant. Today, nobody without a death wish would dream of being in downtown Port-au-Prince at night.

In addition, up to $500 million a year comes in from various NGOs. Some of them actually do some good. Most, however, are just bureaucracies, sending their policy wonks to drive around in new Land Rovers, survey the poverty, and write largely worthless reports that nobody reads. On the bright side, no country or charity gives direct aid to the Haitian government, thanks to the rare insight that it would mostly just get siphoned off to foreign bank accounts.

The whole country is on welfare. It's like Washington, D.C., only rural.

A Charitable Event

Of course, I despise welfare. I'm also somewhat dubious about organized charities. They tend to become top-heavy vehicles for the politically correct to play big shot with other people's money. So I was only marginally enthusiastic about the Foundation for Mercy and Sharing, founded by my friend Susie Krabacher, whom I accompanied on this trip. Susie is a legend in Haiti; everyone knows her. A former *Playboy* centerfold, she's done well in the world, and truly wants to help other people in thanksgiving.

She picked the right place. I've seen poverty, I promise you, but what goes on in Haiti is on a whole other level. Poor people regularly abandon sick children that they can't care for. They're basically stacked up in an unrefrigerated morgue like firewood before they die, and sometimes aren't buried for months after they die because there's no money to dispose of them. It defies the imagination.

In any event, Susie has set up, on a shoestring, an orphanage for about 1,600 kids, and it is impossible to find fault with what she's doing. And I say that as someone who believes most charities aren't worth the powder it would take to blow them to hell.*

Property Wrongs

Like most Third World countries, Haiti prohibits foreigners from owning islands, borderlands, and coastlines — ostensibly for "security" reasons. In theory, the beachfront owned by the state is available for acquisition by citizens; it can be leased for five years for a nominal price (about $9 per acre per year) and then, if development plans are approved, the legislature can grant title. I met several Haitians who've apparently done this. But, although it's simple in theory, it's exceedingly difficult in practice.

Hernando de Soto, the Peruvian student of why Third World countries tend to remain basket cases, points out that Haiti is especially perverse in this regard: he documents how it takes an average of 19 years and 176 bureaucratic procedures to legalize the purchase of private land in Haiti.

And, unfortunately, the state probably (who really knows, their records are a shambles) owns over half the land area of the country. That is totally dead capital in a country that can't afford to waste a cent. In fact, it's worse than that. You can tell exactly where the border between the Dominican Republic and Haiti lies by flying over it at 10,000 feet; the Haitian side has been totally deforested. People rarely do anything so stupid with their own property. But when it comes to state property, which is to say unowned property, anything goes. It's the tragedy of the commons come to the Caribbean.

Still, if I could get a few thousand idyllic, isolated acres for peanuts, I think there'd be some real opportunity. My feelers are out. But that's Plan B. My real attention is on Plan A.

Plan A

Haiti today makes the days when the Duvaliers ran it as something of a private plantation look like a halcyon time.

The whole country is on welfare. It's like Washington, D.C., only rural.

Some people have concluded that the Haitians are capable of no better and are best off under some type of (hopefully) benign dictatorship.

That's complete rubbish.

The reason the country, the second in the Western Hemisphere to win its independence, is such a basket case is that it lacks two things: property rights and a legal system to enforce them.

President Aristide realizes he has a tiger by the tail; that this poor and overpopulated country is a potential time bomb. But he's at once too ignorant, too weak, and now too corrupt to do anything about it. A pity, because he's both intelligent and charismatic enough to transform the place.

continued on page 42

* If you're so inclined, you can contact her at haitikids@aol.com or (970) 925-1492.

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". . . and what you're seeing in the Internet stocks is the same euphoria, on a vastly greater scale. Almost every one on the Internet stocks is a burning match, just like almost all of the mining stocks. And they'll meet the same fate — a 95%+ meltdown among the survivors, with many disappearing totally." —Doug Casey, 11/99

The stocks below were our Internet short portfolio, initiated on 11/2/99, with the percentages they've fallen since.

AMTD	*78%*	*AMZN*	*85%*
AOL	*71%*	*CMGI*	*94%*
KOOP	*99%*	*MPPP*	*95%*
PCLN	*96%*	*YHOO*	*87%*

Being short the Internet and tech stocks in '99 was certainly as bold as it was profitable. At that time it was widely believed that such "new economy" stocks were going ever higher. However, even in a bear market, long positions are the bread and butter of a successful portfolio:

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> *"I've known Doug Casey since the mid-70's or so. In my opinion, he is one of the few original thinkers in the entire investment world."*
>
> *—Harry Browne*

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Get Thee to a Sardine Can

by Randal O'Toole

The latest "smart growth" plan promises to increase pollution, turn highways into parking lots, and pack the world population into an area the size of Kentucky. Get ready for urban utopia.

The May, 2001 issue of *National Geographic* contained a lengthy article on urban sprawl accompanied by one of the magazine's famous maps. Anyone looking at the map would quickly conclude that the United States is rapidly being overrun by urban sprawl. At the pace of development suggested by the map, it is clear that in just a few years the United States will be one gigantic city with no farms, forests, or open spaces left.

The only problem is that the map is deceptive. It hugely exaggerates the amount and pace of development in the United States. According to the map, for example, half of Oregon's Willamette Valley is covered with cities and suburbs. Yet the Willamette Valley Livability Project, an anti-sprawl group created by 1000 Friends of Oregon, concedes that less than six percent of the valley has been urbanized. Similarly, according to *National Geographic*'s map, easily a third of Vermont has been covered with sprawl. Yet the federal Natural Resources Inventory says that only three percent of Vermont has been developed into cities, towns, or villages. The *National Geographic* map shows nearly ten times as much developed land in the United States as there actually is.

While it is surprising that an organization proud of its accurate maps has done this, exaggeration and misdirection of this sort has become typical of the anti-auto, anti-suburb campaign known as "smart growth."

In the past few months, several groups have been emboldened enough to make their goals clear: they want to pack everyone except actual farmers into dense cities and do everything possible to discourage automobile use. These groups play on people's hatred of congestion and love of lifestyles with plenty of open space and twist these desires into policies that will significantly increase congestion and take away accessible open space.

In April, the Willamette Valley Livability Project purchased an eight-page newspaper supplement in the state's largest newspaper, warning that population growth will "clog roads and highways" and that sprawl will cause "large losses of commercial farm land." Yet the data in the flier's fine print tell a very different story.

In 1990, 85% of the valley's 2 million people lived in urban areas that covered less than 6% of the valley (including the state's three largest cities; Portland, Salem, and Eugene). By 2050, the valley's population is expected to grow by another 1.9 million people. The Livability Project's goal is to allow urban areas to expand to cover no more than 6.6% of the valley and to cram 94% of the total population into those urban areas. Achieving that goal, the flier concedes, will require even tighter rules and regulations than Oregon already has.

Even if all 1.9 million newcomers lived in the cities — not a single one could live in rural areas — at least another 110,000 people who now live in rural areas would have to move to cities to achieve the goal of getting 94% of valley residents into cities.

This sounds like a tough thing to do without a substantial increase in government power to make people live where the government wants them to. What would happen if, horror of horrors, Oregon "let private property rights and short-term market forces call the shots"? Then, according to the Livability Project, urban areas would expand to 7.6% of the valley — a full percentage point more than they would

under the tougher rules the Livability Project supports! Of course, the flier didn't put it this way: it said that urbanization would cover "more than 124,000 football fields," as if that is the appropriate unit of measurement.

On top of that, the flier reported that a free-market approach would result in 13% of valley residents living outside of urban areas. That's a smaller percentage than the 15% who live outside today, but, of course, it is more people in all. This, the Livability Project fears, means that some farms would be converted into rural homes — although this isn't necessarily so since only 20% of the valley is currently being farmed.

Of course, under current regulations, very few rural homes can be built today. Oregon is particularly vigilant to make sure that mere "hobby farmers" don't build homes on their own land. Even so, "the number of hobby farmers is growing," warns the Livability Project. To save one percent of the Willamette Valley from the evils of urbanization, the Livability Project supports even tighter regulations on rural development.

According to the National Geographic *map, half of Oregon's Willamette Valley is covered with cities and suburbs. Yet the Willamette Valley Livability Project, an anti-sprawl group created by 1000 Friends of Oregon, concedes that less than six percent of the valley has been urbanized.*

The Livability Project's plan would nearly double the population density of urban areas in the Willamette Valley. But that is an ink drop in a bucket compared to what the Sierra Club wants to do. On June 18, the club posted an "environmental impacts of density calculator" on its Web site. This Web page declared that the "efficient urban density" is 500 households per acre. At the average U.S. household size of 2.4 people, that translates to 768,000 people per square mile — 15 times as dense as Manhattan!

When demographer Wendell Cox posted a page on his Web site (demographia.com) saying that the Sierra Club wanted to put Americans into a "black Hole of Calcutta," the club quickly modified its Web page to say that 100 households per acre was the efficient urban density, making their ideal city only three times denser than Manhattan. In fact, at that density the population of the United States could fit into the New York, Chicago, and Philadelphia urban areas, and the entire population of the world could fit into Kentucky.

The environmental impacts calculator optimistically predicted that people living at those high densities would drive significantly less — just one-seventh as many miles per capita as people living at one household-per-acre densities. But 100 times the population density driving only one-seventh as much per person still translates to 14 times as much driving per acre. Most air pollutants are deadly only when concentrated, and the Sierra Club's own calculator indicated that cars in its efficient urban density would spew out eight tons of particulates per square mile every day, making one it of the most polluted places on the planet.

When I pointed this out on my Web site, John Holtzclaw, the Sierra Club's transportation chair and author of the environmental calculator Web page, responded that he lived in high-density San Francisco, and his neighborhood's air was clean. Of course, he added, when he and his neighbors drove, they usually did it "outside their neighborhood" because they wouldn't "want to soil our own nest."

Holtzclaw then changed the Web page yet again to say that the Sierra Club does not officially endorse a specific density. However, he still insists that doubling densities will lead to 20% less driving per capita. But people who live in San Francisco aren't typical of the people found in the suburbs. As Holtzclaw admits, family sizes are smaller; most are single people or double-income couples with no children — that is, people who don't want to drive very much. But move suburban families with children to San Francisco and they will reduce their driving by, at most, about five percent.

Holtzclaw is fortunate that he lives in windy, exposed San Francisco. If he and many other people lived at the Sierra Club's "efficient urban densities" in sheltered Los Angeles, where frequent inversions trap pollution, he would have to wear a gas mask almost daily.

Federal standards require that new cars today produce less than ten percent as much pollution as cars built before 1970. Toyota's Prius and Honda's Insight, powered by gas-electric hybrid motors, take a leap forward by reducing pollution another 90%, or to less than one percent of pre-1970 autos. In June, Toyota announced that it was ramping up production of its hybrid cars from 19,000 vehicles in 2000 to 300,000 in 2004. This takes the dirty wind out of smart-growth's anti-automobile sails.

But anti-auto activists no longer worry about toxic pollutants such as nitrogen oxides and particulates. Instead, their great concern is greenhouse gases such as carbon dioxide.

Using the standard of density proposed by the Sierra Club, the population of the United States could fit into the New York, Chicago, and Philadelphia urban areas, and the entire population of the world could fit into Kentucky.

Gas-electric hybrid motors only reduce these gases by 50–60% — at least, so far.

So in late June it was no surprise that Worldwatch announced that governments must "act quickly to discourage the building of cities for cars" in order to control global warming. This means, of course, spending more money on transit, less on roads, and building more neighborhoods to high densities and mixed uses, and fewer or none to low densities.

But there is absolutely no evidence that these prescriptions will significantly reduce driving or greenhouse gases. Worldwatch points to Portland as an example of good

planning. Yet Metro, Portland's regional planning agency, predicts that after it nearly doubles the urban area's population density, builds more than 100 miles of rail transit, and promotes the construction of dozens of high-density, mixed-use developments, Portlanders will still use autos for 88% of their travel — down just four percent from today.

Metro also says that its policies will more than quintuple the amount of time Portlanders waste in congested traffic. But according to a study by the Texas Transportation Institute, Portland-area drivers already waste 80 million gallons of gasoline sitting in congestion each year, spewing a million tons of carbon dioxide emissions. Quintupling congestion means a four-million-ton increase in these emissions.

According to economist Anthony Down's book, *Stuck in Traffic*, the only certain solution to congestion is value pricing, which means having road tolls that are higher during congested periods than at other times of the day. Many transportation engineers believe that the ideal way to introduce value pricing is to construct new highway lanes as high-occupancy toll (HOT) lanes, meaning that buses and cars with three or more people would travel free while everyone else would choose to pay the toll or drive on the more congested free lanes.

But smart-growth advocates don't want to reduce congestion, because less congestion would let people drive more. "Transportation solutions aimed solely at relieving congestion are inappropriate," say Portland planners, who add that "congestion signals positive urban development."

So it is no wonder that Maryland governor and smart-growth champion Parris Glendening announced on June 21 that he was directing Maryland's secretary of transportation to halt all consideration of HOT lanes in his state. Glendening claimed he opposed HOT lanes because "it is unfair to link an easier commute with a person's ability to pay." But studies of California HOT lanes show that everyone, regardless of income, uses them some of the time and no one, no matter how rich, uses them all the time.

The real reason Glendening opposes HOT lanes is that he doesn't want to relieve congestion. "HOT lanes are inconsistent with efforts to curb sprawl and our goal to reduce the number of cars on the road," said the governor in a July 3 Op-Ed piece in *USA Today*. Congestion relief, he feared, would "encourage more people to drive instead of using transit and will provide an incentive for people to move farther away from established communities."

Most air pollutants are deadly only when concentrated. Using the density favored by the Sierra Club would result in emission of eight tons of particulates per square mile every day, creating one of the most polluted places on the planet.

So what are the real intentions of smart-growth promoters? It is crystal clear that these are their goals:

- pack people into urban areas as tightly as possible;
- clear everyone but actual farmers out of rural areas;
- boost traffic congestion to near-gridlock levels in a vain effort to get people to stop driving (or at least to punish them when they do); and
- spend most transportation dollars on rail and other transit systems that will be used for less than five percent of all personal travel ❑

"Auditing the Browne Campaign," *continued from page 31*

the Browne campaign reported to the FEC simply contradicted the figures that it had published in the *Campaign Report*. For example, where the campaign had reported spending $238,673 on advertising, its reports to the FEC reported total expenditures of only $8,840.50. Indeed, the data that the campaign supplied the FEC were so different from the data it supplied to its supporters that it was difficult even to see any similarity.

We naturally contacted the Browne campaign and asked whether it had any explanation for the discrepancies. Despite numerous pleas, we got no response. We went to press with our report.

The response waited until January, when Browne himself wrote a letter to *The Libertarian Enterprise*, a Web-based publication, in which he leveled the following criticism at our research:

> R.W. Bradford ha[s] referred several times to evidence in the FEC (Federal Election Commission) reports that supposedly shows that practically none of the money raised by my 1996 or 2000 campaigns actually went into campaigning. To see how empty [his claim is], just go to www.FEC.gov and find the appropriate FEC reports. You will see that there's nothing in those reports that tells you how much the campaign spent on advertising or any other campaigning activities. The reports merely indicate from whom the money came and to whom it went. As to the recipients, you learn nothing about the purpose of the expenditure, whether it was salary, expense reimbursement, or being transmitted on to someone else. Invoking "the FEC reports" is a good way to sound authoritative, but it isn't proof of anything. And it's a sure sign that the accuser hasn't done any first-hand research.

It was a curious response, and not simply because it was so long in coming. For one thing, it referred not to the original publication of the article, but to a passing reference made to it in a subsequent issue of *Liberty*. For another, it failed to mention that we had repeatedly tried to get officials of the Browne campaign, including Browne himself, to offer us any explanation for the discrepancies between their reports to the FEC and to their members.

Brown's central attack on our credibility is his claim that his campaign's reports to the FEC reveal "nothing about the purpose of the expenditure." This is simply false: each expenditure lists its purpose, which we dutifully noted, included in our database, and discussed in our report. Indeed, I discussed the purposes of expenditures at some length, since in the case of most of the payments made to individuals, a variety of expenses were lumped together with salary, making it impossible to get an accurate picture of how much was spent on sal-

continued on page 44

¡Revolución!

by Otto Guevara

When libertarian activist Raúl Costales first approached me in 1994, he asked if I had ever heard of libertarianism. My reaction was quick: "No, what the heck is that?" We have come a long way since then. Today, the libertarian position is part of every political debate in Costa Rica.

Costa Ricans have been mired for years in an economic and moral morass. Traditional politicians have driven up the cost of living, dug us deeper into debt, and imposed taxes without consent — making poverty and unemployment worse. They choke us in a regime of privilege and corruption. They reward the lazy, the inept, and those who steal, and punish the capable and honest worker.

The traditional political parties have no moral authority to lead Costa Rica.

This is what gave birth to the Movimiento Libertario (Libertarian Movement), a political party determined to bring about a moral revolution in Costa Rica, and to attain the highest levels of material and spiritual well-being for all Costa Ricans. On May 25, 1994, Rigoberto Stewart, Raúl Costales, and I decided to form the party. We recognized that the main reason for the deterioration of life in our country was the usurpation by traditional politicians of each individual's decision-making power.

We were inspired by the libertarian philosophy as it was developed by great thinkers in the fields of philosophy, ethics, politics, law, economics, and psychology — by intellectual giants such as Frederic Bastiat, Ludwig von Mises, and Ayn Rand.

In a country used to enshrouding its political leaders in personality cults, the Movimiento Libertario's founders wanted it to be libertarian ideas, not their own names, that persuaded people to adopt libertarianism. That's why we didn't reveal our names, as authors, when we set forth explicitly the libertarian philosophy and solutions to the most serious problems facing Costa Rica in the book *Movimiento Libertario: Pensamiento y Propuestas* (*The Libertarian Movement: Its Thinking and Proposals*), published in 1995.*

Electoral Success From the Start

Movimiento Libertario had very little money to prepare for its first electoral run on Feb. 1, 1998. As a result, we had to spread our philosophy in innovative ways, such as printing comics. Our main electoral goal was to get our foot in the national Legislative Assembly (Congress), which consists of 57 legislators. However, we nominated candidates to *all* political offices in the country.

Frankly, on the eve of the elections we did not know how we were going to fare. We had not shown up in any of the polls taken previously. All we knew was that we all had put our hearts and souls into the effort. And we were very pleased when we learned on election night that we had obtained three percent of the national vote for Congress and I had been elected to Congress. Later, we also learned that we had won political office in four of Costa Rica's 81 munici-

* This book can be found in the Spanish section of our Web site: www.libertario.org.

palities and had gained *permanent* nationwide ballot status. But none of this is anything compared to what we realistically aspire to in our second electoral campaign in February of 2002.

To understand why we were so successful in our first campaign it is important to note Costa Rica's proportional representation system. The 57 legislative seats are distributed between the seven provinces based on relative population. The province of San José, the most populous, was assigned 21 seats. I was elected because I obtained 4.64% of the votes in San José, that is roughly equal to the proportion of one over 21. Thus, in contrast to the winner-take-all system in the United States, in Costa Rica we were able to get our foot into Congress without having to defeat a major party opponent in a one-on-one race. That's how our system enables so-called third parties to "get in" and then build on that, based on congressional performance, as we are doing.

Successes in Congress and the Courts

From the start, we knew that one congressman, surrounded by 56 others representing mostly statist parties, couldn't realistically aspire to push the libertarian agenda during a four-year term. I have introduced more bills than any other congressman, including measures that deregulate the economy, reduce the size of the state, eliminate taxes, break up state monopolies, eliminate privileges, and restore individual liberties. The majority are still in the legislative stream and it's improbable that they will be passed during this term.

But I have had a significant impact by introducing amendments to other bills. Many of those bills initially seemed to have sufficient support to become law, but I have been able to change them significantly and so stop or mitigate individual rights violations, close the door on financing new public entities, reduce the tax load and bureaucracy, eliminate privileges, and avoid burdensome economic regulations. On this, I'll just cite the example of social security reform. Although it was passed eventually, this law, that forces employees to "contribute" to a second pension, initially also forced independent workers to pay social security taxes, under the threat of closing their businesses, confiscating their merchandise or taking away their permits, or licenses. In a very difficult and long battle, we were able to eliminate this clause from the law, benefiting hundreds of thousands of workers who don't have to "contribute" to the Ponzi scheme that social security is.

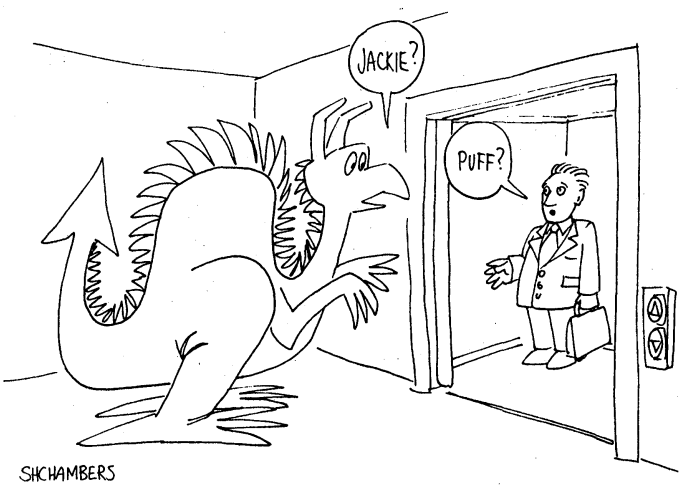

Costa Rica's Constitutional Court has been a great ally of our libertarian legislative work; through it, we have stopped many statist law bills as well as arbitrary government actions. This is done through non-binding constitutional consultations before a law is passed. And we have made constitutional challenges and injunctions of laws that have been enacted, where the court's decisions are binding. One good example was our constitutional consultation regarding the government budget for 2001, in which the court declared that 20% of the budget was unconstitutional because it pretends to pay interest on public debt by incurring an additional public debt, which violates the constitution. In spite of this, the budget was passed, and the court will next hear our constitutional challenge of this practice. We hope to set a precedent to forbid such future actions, to stop the public debt from growing out of control, as is now happening.

Rated Best Congressman

This has not gone unnoticed. A leading Costa Rican newspaper conducts annual surveys asking reporters to name the best of the country's legislators. After seven months in office in 1998, I was named best congressman by 75% of survey participants. In 1999, I again received that honor by obtaining the same 75%, and in 2000, 80% of news media people awarded me the honor.

Frankly, on the eve of the elections we did not know how we were going to fare. All we knew was that we all had put our hearts and souls into the effort. So we were very pleased that we got three percent of the national vote for Congress and I had been elected to Congress.

Since taking office on May 1, 1998, there have been six nationwide public opinion polls taken in which a representative sample of voters was asked to name the best congressman. I am proud to have been named best congressman in all six polls.

This again confirms — this time from the all-important voting population — that we are on the road to spreading the libertarian philosophy. On a related note, I sometimes reflect on an anecdote from seven years ago. When party co-founder Raúl Costales first approached me in May 1994, he asked me if I had ever heard of the libertarian philosophy. My reaction was quick: "No, what the heck is that?" We have come a long way since then. Today, the libertarian position is part of every political debate in Costa Rica.

There are three reasons I have been so honored. I am fortunate to have a small but very motivated and dedicated libertarian staff in my office, who do the necessary research to prepare me well for committee hearings, floor debates, and public-event participation. I am also fortunate to count on the excellent counsel of a group of libertarian external advisors, who, without charging a cent, help me make tough

tactical and strategic decisions. This is also a small group, but it consists of highly trained professionals, primarily in the business, academic, legal, and economic fields. Third, news media people have learned that we can back up our statements with objective proof. This has enabled us to have all our articles published in the country's six national daily newspapers, and it has also made us interview favorites of journalists who welcome our explanations of libertarian positions and solutions never before heard in Costa Rica, that get to the root of social problems — and work. And this, in turn, helps us spread the libertarian philosophy to every corner of the nation, for free!

In the election next February, we hope to capitalize on the respect we have earned among Costa Rica's newspeople. We will insist on getting invited to all major presidential debates and, as all libertarians of the world know, when we go one-on-one against statist politicians, we have more than enough intellectual ammunition to win.

We have come a long way. Today, the libertarian position is part of every political debate in Costa Rica.

Libertarian Ideas in the Open

Since our debut on the country's political map, and even more so since I took office in Congress, libertarianism has been winning over people in Costa Rica. And since it's now represented in Congress, the Movimiento Libertario is a topic of study for high school and college students, who regularly visit our congressional office to learn more about libertarianism. And that is also why libertarian speakers are frequently asked to visit high schools and colleges.

The news media have also given libertarian positions a prominent place. Proof of this is that during the congressional year ended April 30, 2001, we averaged 3.8 daily citations in the country's six national daily newspapers. And we get much more than our fair share of television and radio appearances.

Furthermore, we have created a Web site (www.libertario.org) in Spanish that we think is second to none among the country's political parties. In it, we include current congressional topics, our positions and proposals, information about our campaign, libertarian comics (a favorite of ours), our book, the test to find out if one is a libertarian, and much, much more.

The Libertario Poll

A hotel businessman, thankful for our positions in defense of free enterprise, made a contribution enabling us to commission a private poll. It was conducted by UNIMER, perhaps the country's top pollster, who is associated with Research International. *

Conducted over the first weekend of February 2001, it was a phone poll of 400 randomly selected voters in the Central Valley area, which has 70% of the country's population. Although we recognize that the confidence level of this poll is lower than that of a nationwide poll not limited to voters with phones, it still gave us very helpful feedback. In fact, some of the results pleasantly surprised even the most optimistic in our can-do team.

Over 50% of respondents thought that the two major parties cannot solve the country's problems. Among third parties, ours obtained the best rating, and I was again chosen best congressman, getting over four times as many preferences as the runner-up. Some 81% of respondents recognized my name, and of those, 77% thought favorably of me against only 10% who thought negatively. The most common observations were that I was capable, well prepared, a protector of the poorest members of the population, courageous, ethical, and honest. Among the negative opinions, nothing statistically significant showed up.

In the upcoming elections for Congress, 16% indicated they would vote for libertarian candidates. If this were true and evenly distributed throughout the country, it would mean that libertarians would obtain at least ten of the country's 57 legislative seats. (A separate, nationwide poll taken about the same time indicated that two-thirds of voters would be willing to vote for third party candidates for Congress.)

Although many were still undecided, 41% stated they would be willing to vote for the presidential candidate of a third party, and of those, 23% stated they would vote for the Movimiento Libertario's candidate. And this poll was taken before we even had named our presidential candidate or started campaigning. The overall conclusion by UNIMER was that I have a very positive image among voters, who see me as a capable, well prepared leader who sympathizes with voters and has strong ethical values.

In a recent poll, 81% of respondents recognized my name, and of those, 77% thought favorably of me against only 10% who thought negatively.

This indicates great potential for the February 2002 elections. But our openly libertarian educational and electoral campaign must be media intensive, which is costly everywhere.

Campaign Objectives and Costs

Costa Rican law presently forbids the consecutive reelection of congressmen. Therefore, I cannot run for Congress in 2002. But with the unanimous support of our National Party Assembly delegates, I am seeking to become Costa Rica's next president. And we have an outside chance of achieving that. But our more realistic goal is to elect a large number of libertarian congressmen by building on our popular support, so that in 2006 we can make a very serious run at the presidency.

Using soccer terminology, our near-term objective is to elect enough libertarian legislators that we can not only prevent anti-libertarian goals from being scored, but may well

* We managed to get the poll conducted for only $2,100. (Pardon our boasting, but we're very frugal when it comes to spending our contributors' hard-earned money.)

score some goals of our own.

It is entirely possible that no presidential candidate will obtain the minimum 40% vote required to avoid a run-off election between the top two vote-getters. If that happens, we can gain negotiating power to push our libertarian agenda forward. Furthermore, it is almost certain that no party will get a majority of national legislative seats, this again would enhance the chances to advance our agenda. Our specific objective is to obtain a minimum vote of 13% in each municipality and province, that would be over four times our 1998 vote, and would enable us to elect as many as nine or ten congressmen and have candidates in every municipality.

We have budgeted $200,000 for our campaign, earmarked mostly for TV ads, and by June 30, 2001, we had raised about 25% of that sum. We cover all other costs by selling materials, whether bumper stickers, T-shirts or books, and we have no paid party employees, since all work is done on a volunteer basis. Furthermore, we have no office rental costs, since all our facilities are donated, including phone use.

Our TV campaign will have started by mid-July, with ads that are very different from usual campaign ads. Instead of the tired, empty slogans of the two traditional parties, we will have hard-hitting ads that concentrate on major problems and the specific solutions to them, perhaps with some humor interwoven now and then. We hope that this will have a short-term positive effect on our poll standings, as we definitely have comparative advantages on television. This is because the passion of our libertarian speech comes out best in visual images. And the fact is that the two traditional party candidates are old political hacks who act like the band on the *Titanic*: they smile and play music as the ship sinks in deficits, inflation, and corruption.

I am planning a trip to the United States in late September, to speak at the *Liberty* Editors' Conference in Port Townsend, Wash., and it's possible that we will stop in Los Angeles to speak at a dinner. Part of the reason for those appearances will be to raise funds for our campaign, which will be intensive by then. I hope to meet as many Americans who share my love of liberty as I am able, and I hope that many will support my campaign. The quicker we are able to establish a free society somewhere in the world, the quicker it will become evident that freedom works, and the quicker it will spread elsewhere.

What drives us is that we want liberty in our lifetimes. And we hope you will join our worldwide team to make that happen. It may well be that Galt's Gulch is further south than you previously believed. ❑

Haiti, *continued from page 34*

Naively, he appears to think that making plans to sell the airport, promoting the talents of Haitian artists, and getting more foreign aid will solve his country's problems.

I spent some time with one of his cabinet and some of his closest advisors, presenting a radical plan for change. This is a country with terminal cancer; Band-Aids and gradualism are nonstarters. Out of 200 countries in the world, only about 25 are capital exporters. And out of the 175 importers, Haiti is about the last on any capitalist's list of potential investments. So I proposed a plan, similar to plans I've presented to autocrats of similar basket cases, that would do three things:

1) Make Aristide (and his cronies) legitimately wealthy. Even though he was once a priest ministering to the bottom of society, he's found that power corrupts. And money is the main reason people get into and around government anyway.

2) Put him on the front cover of every newsmagazine in the world in a favorable light for the next decade. No one likes being a pariah, or a laughingstock in charge of a country that's an embarrassment to humanity.

3) Make his country as wealthy in a generation as Hong Kong, Singapore, and Taiwan are today. After all, 50 years ago those places were as poor as Haiti. But today the world is much richer, and technology far more advanced.

This promise got his attention. "Tell me more," he said, which is the usual reaction. My plan begins by eliminating all taxes and regulations; these things serve absolutely no useful purpose in any Third World country except to create sinecures for parasites. That part is simple, and obvious.

The twist is to take all government assets and put them into one large corporation to facilitate distributing 70% of the shares, pro rata, to every citizen now living, 15% in trust for the next generation to be born over the next 21 years, 10% to the rulers who allowed it to happen, and 5% to be sold in the world's capital markets. The money raised by selling shares would mainly be used to promote the fact that the country is open for business in a way no country in the world has ever been. And the people, not the government, would be the direct beneficiaries.

There's much, much more to it. But, in essence, it's a plan to make it possible to transform a hellhole like Haiti into the kind of place you'd want to move to, no matter where you now live, regardless of other considerations. If there were ever a truly free-market country, the place would be so overrun with rich people that workers now making $1 a day would be in demand at $15 an hour (what I have to pay my maid in Aspen — in cash, thank you). Could it happen? Well, in case you're wondering what my other hobby, besides polo, is, it's pitching this plan to Third World governments. They've bought every cockamamie scheme that's come down the pike since the days of Karl Marx. Why shouldn't they go for something that actually makes sense? Well, I can think of lots of reasons, but that doesn't mean I'm about to quit. I haven't heard from the official, so I guess something more urgent came up. ❑

You can tell exactly where the border between the Dominican Republic and Haiti lies by flying over it at 10,000 feet; the Haitian side has been totally deforested. People rarely do anything so stupid with their own property.

Rewarding the Criminal for His Crimes

by Timothy Sandefur

The Supreme Court hands a victory to land owners, but celebrations are premature.

Property owners can breathe a little easier after a ruling from the Supreme Court in late June. In *Palazzolo* v. *Rhode Island*, the Court demolished the so-called "notice rule." According to this rule, if a property owner purchases land aware that a regulation exists which prohibits development of that land, he cannot later sue to get that regulation thrown out — after all, he was "on notice" when he purchased the land.

This rule operates as a "one-way ratchet," gradually eliminating all land-use rights. If a landowner does not challenge a regulation immediately, no subsequent purchaser or heir may do so, *no matter how unconstitutional* the regulation in question. Professor Richard Epstein made the unfairness of this rule clear with a metaphor: "The plaintiff who stands on his own front steps may be on notice of the dangers created by motorists using the public highway. He has a set of choices which would enable him to avoid the risk at some cost if he so chooses. Yet this does not establish assumption of risk. The central point is that the individual plaintiff has *both* the right to use his own land and the right to his own physical integrity." Courts would never hold that a pedestrian's "notice" of traffic would bar a lawsuit against a driver jumping the curb and running him down; yet those same courts hold that a person buying property aware of *unconstitutional* regulations of that property cannot sue the government to get those regulations thrown out.

The asserted justification for the rule is that it is necessary to prevent "speculators" from purchasing regulated property at low prices, then litigating until the regulation is withdrawn, and thus realizing a "windfall" profit. Considering the extreme amount of time and money that regulatory takings cases consume, it is highly unlikely that any speculator would actually *do* this, but even assuming that some do, why is it unfair? Many civil rights statutes include provisions for awarding attorney's fees; these are meant to provide an incentive for private parties to sue for violations of civil rights. This essentially makes citizens free-lance enforcers of the Constitution's equal protection clause. But the same liberals who support such mechanisms are horrified by the possibility that a similar incentive could work to protect property owners from unconstitutional land-use regulations.

The notice rule has gone to even worse extremes. In some cases, courts have held not only that a property owner who purchases "on notice" of an existing regulation cannot recover in court, but even that property owners who purchase property aware of a regulatory "atmosphere," or of a likelihood that a land-use regulation will eventually be passed, cannot recover. In other words, the notice rule not only prevents owners from freeing their own land from unconstitutional regulation, but it requires that property owners foresee *future unconstitutional acts* by the government.

In *Palazzolo*, a 5–4 Court held that under the rule "State[s] would be allowed, in effect, to put an expiration date on the Takings Clause. This ought not to be the rule. Future generations, too, have a right to challenge unreasonable limitations on the use and value of land." Justice Anthony Kennedy, writing for the majority, was particularly explicit in his explanation of the notice rule's flaws:

> The . . . rule would work a critical alteration to the nature of property, as the newly regulated landowner is stripped of the ability to transfer the interest which was possessed prior to the regulation. The State may not by this means secure a windfall for itself. . . . The theory underlying the argument

that post-enactment purchasers cannot challenge a regulation under the Takings Clause seems to run on these lines: Property rights are created by the State. . . . So, the argument goes, by prospective legislation the State can shape and define property rights and reasonable investment-backed expectations, and subsequent owners cannot claim any injury from lost value. After all, they purchased or took title with notice of the limitation. The State may not put so potent a Hobbesian stick into the Lockean bundle.

While property owners can breathe a little easier now than they could before the *Palazzolo* decision was released, it may be too early to celebrate the death of the "notice rule." First, circuit courts have repeatedly attempted to ignore Supreme Court decisions which don't comport with the overwhelmingly leftist interpretations found among the legal elite. The second reason is Justice O'Connor's concurring opinion. Characteristically, O'Connor attempted to divert the actual holding of the case, writing separately that "Today's holding does not mean that the timing of the regulation's enactment relative to the acquisition of title is immaterial. . . . Under [takings precedents], interference with investment-backed expectations is one of a number of factors that a court must examine. Further, the regulatory regime in place at the time the claimant acquires the property at issue helps to shape the reasonableness of those expectations." In other words, the "notice" a buyer had is not the most important question, but still must be considered. The problem is, if a court does consider this factor, it will inevitably become the *predominant* factor — as it has all along. Taken to its logical conclusion, Justice O'Connor's opinion is a *dissent*, not a concurrence. If a land-use regulation does not become *more* constitutional over time — if, as Justice Kennedy's majority opinion holds, states may not "put an expiration date on the Takings Clause" — then it is *not* proper to consider the timing of that regulation as a factor at all.

While property owners can breathe a little easier now than they could before the Palazzolo decision was released, it may be too early to celebrate.

The confused nature of Justice O'Connor's concurrence comes to a head in a paragraph when she writes "*Courts properly consider the effect of existing regulations* under the rubric of investment-backed expectations in determining whether a compensable taking has occurred." Yet in a footnote to that same paragraph, she wrote, "the relative timing of regulatory enactment and title acquisition, of course, does *not affect the analysis* of whether a State has acted within the scope of these powers in the first place." Fortunately, Justice Antonin Scalia made these points and more in his own concurrence, in which he wrote "separately to make clear that my understanding . . . is not Justice O'Connor's." In his view, "the fact that a restriction existed at the time the purchaser took title . . . should have *no* bearing upon the determination of whether the restriction is so substantial as to constitute a taking." Scalia demolished the asserted interest in preventing "windfalls":

> The polar horrible, presumably, is the situation in which a sharp real estate developer, realizing (or indeed, simply gambling on) the unconstitutional excessiveness of a development restriction that a naive landowner assumes to be valid, purchases property at what it would be worth subject to the restriction, and then develops it to its full value (or resells it at its full value) after getting the unconstitutional restriction invalidated. This can, I suppose, be called a windfall — though it is not much different from the windfalls that occur every day at stock exchanges or antique auctions, where the knowledgeable (or the venturesome) profit at the expense of the ignorant (or the risk averse). There is something to be said (though in my view not much) for pursuing abstract "fairness" by requiring part or all of that windfall to be returned to the naive original owner, who presumably is the "rightful" owner of it. But there is nothing to be said for giving it instead to the *government* — which not only did not lose something it owned, but is both the cause of the miscarriage of "fairness" and the only one of the three parties involved in the miscarriage (government, naive original owner, and sharp real estate developer) which *acted unlawfully* — indeed *unconstitutionally*. Justice O'Connor would eliminate the windfall by giving the malefactor the benefit of its malefaction. It is rather like eliminating the windfall that accrued to a purchaser who bought property at a bargain rate from a thief clothed with the indicia of title, by making him turn over the "unjust" profit *to the thief*.

In short, *Palazzolo* is a good first step, but only a first step. ❑

"Auditing the Browne Campaign," *continued from page 38*

aries and how much was spent on other expenses. Thus we had to report that while we knew that Sharon Ayres, Browne's campaign manager and treasurer, was paid a total of $128,089.98, we did not know how much was salary and how much was reimbursement of expenses.

I suppose I can understand how this fact might have slipped Browne's notice, since he subordinated the task of making reports to the FEC to Ayres and to the campaign's FEC specialist Stuart Reges. But I am puzzled that Browne didn't bother to check the FEC Web site that he himself had cited or examine even one of the hundreds of pages of reports his campaign filed.

Browne's conclusion — that citing the campaign's reports to the FEC is "a sure sign that the accuser hasn't done any first-hand research" — is simply bizarre. There were only two sources of information available to anyone who wanted to investigate: Browne's own *Report* and the information the Browne campaign had reported to the FEC. Browne's *Report* was written in a light as favorable to the campaign as possible, and consisted entirely of second-hand information. The other source of information was the report that the Browne campaign made to the FEC. Here we examined the original documents, signed by Browne campaign officials under penalty of perjury.

This raises the obvious question: if examining all the original documents that were available does not constitute "first-hand research," then what possibly could? — *R. W. Bradford*

Reviews

Crypto: How the Code Rebels Beat the Government — Saving Privacy in the Digital Age, by Steven Levy. Viking, 2001, 356 pages.

How We Won the War for Privacy

William E. Merritt

As a young man, I enjoyed biographies. I'd read through the story of somebody's life and think, "My gosh, an actual person really did that stuff," and be inspired to lead a more interesting life myself.

It didn't do much good, though. Instead of becoming interesting, I just became older and more literary. And, pretty soon, I started noticing a disturbing pattern in the way biographies are put together. No matter who you read about — Jefferson, Genghis Khan, Napoleon, Caesar — they all die in the end.

Once I identified this pattern I found myself racing through the stories with morbid fascination. Was this guy going to die, too? And they all did. One after another. Hiram Maxim, gone. Thomas Edison, gone. Even recent people — Linus Pauling and Dian Fosse and the Notorious B.I.G. Biggie Smalls — all gone. It was formula writing of the worst sort — as dreary and predictable as anything in a Harlequin romance. And I felt ripped off and affronted and cast about for a new source of inspiration.

My daughter, who tends to be more levelheaded in these matters, suggested I try memoirs, and I had a brief fling with the genre. Like any affair, memoirs started off fun. They were rich and varied and filled with gossip. Women, especially, will spill the most startling personal beans about their mothers. And, best of all, the protagonist never dies in the end. But there is something unfulfilling about memoirs. They almost all wrap up into tidy little stories, but you keep wondering, "well, what came next?" If innocent, New Age Hansel had written about his childhood as a poor woodcutter's kid, the tale would have ended when the nice lady in the gingerbread house took him and his sister inside. And the reader would be left with nagging doubts. Things like, wasn't there *some* broccoli in the garden? Are these kids going to eat nothing but gingerbread and gumdrops the rest of their lives? If you are a kid, you'd want to know how, exactly, do I find the way to this place. And if you're a parent, you're going to think that any kid staying in that house is going to learn a valuable lesson the next time it rains. It's those kinds of scientific, grown-up thought, that led me to reading about science.

It turns out there are a pair of competing traditions in science writing. In one, science is wondrous and entertaining and filled with things like velociraptors and black holes and teeny, tiny little strings humming along in eleven dimensions way down at the center of protons. This is the kind of attitude you tend to find in books by famous science writers for *The New York Times*. The other tradition has it that science is bad for puppies and other living things and needs to be taken in hand and controlled and lopped back and hedged in with moral and religious calls to action by people who are better than you, like Noam Chomsky and Ralph Nader.

Since there never seemed to be much I personally could do to keep alpha baboons from swiping food from their lesser-lettered fellows, or penguins from washing up on the beach at Ipanema, I prefer to hang out with the science-is-terrific crowd.

Which is what led me to *Crypto: How the Code Rebels Beat the Government — Saving Privacy in the Digital Age*. This isn't exactly a rah-rah-bring-on-the-technology-at-any-cost sort of book. But it was written by *Newsweek*'s chief technology writer, so it's not some kind of religio-moral screed, either. And, of the maybe two-dozen characters, only one actually dies — and he weighs 400 pounds, so you see it coming. Best of all, the book has a really happy ending.

Basically, *Crypto* is a story about who owns privacy — meaning who controls the encryption technology to keep secrets secret.

Until recently, the government did. At least the government owned all the really good stuff — all the devious ciphers and uncrackable codes that let our diplomats and warriors swap raunchy notes with each others' spouses in complete security that their own old ladies didn't have the computing power to crack through to the real dirt.

The government, in its dark incarnation as the National Security Agency, keeps these goodies stashed away at Ft. Mead, Md. — behind more layers of electrified barbed-wire fence than they used at the Super Max federal pen to stop Timothy McVeigh from mingling with reporters.

The National Security Agency was

set up in 1952 by top-secret order of President Truman, and operates entirely in the "Black Zone" — a kind of national Cayman Islands in which billions in tax dollars disappear into the shadows never to be accounted for again. For decades, the only people outside the Triple Fence with enough need to know to have a clear idea what was going on back there were senior congresspeople on budget committees who, among themselves, referred to the NSA as "No Such Agency."

And that's the way it went, with the NSA transmogrifying taxpayer money into acres of supercomputers behind the Triple Fence, and into anonymous little gadgets scattered everywhere else on the planet, and across outer space, scooping up every little variation in the magnetic field, and every radio wave, and every flirtatious firefly flicker until, according to the *Popular Mechanics* in my barbershop, it was routinely copying down every secret message, intercepting every radio signal, tapping every undersea cable, phone wire, and soup-can-and-twine communications device — and government spooks were happily reading the plain-text printouts before Mr. Qaddafi or Mr. Mao, or young Skippy up in the treehouse had finished mulling over what had been said.

Cryptography had been defined as a munition — right alongside Stinger shoulder-fired anti-aircraft missiles and the formula for napalm — and mailing copies of the Diffie-Hellman article overseas was a violation of the National Security Act.

With horses like that under the hood and nobody watching from the backseat, the NSA grew into what may well be the single most evil outfit on the planet once Yeltsin renamed the KGB into a lighter, friendlier organization. At the very least, things had gone way too far for any of us to have much luck asking it to back off. The best we could hope for was to come up with some way to talk to one another that the NSA couldn't understand.

Which looked for a long time like about as fat a chance as you're ever going to get. Even foreign governments couldn't keep their most intimate fantasies from the boys inside the Triple Fence. And foreign fantasies come pre-scrambled in languages like Farsi and Quechua before they even get run through the foreign code machines. Besides, we ordinary Americans weren't very good at codes.

Outside the Triple Fence, the American Cryptogram Association, a loosely connected consortium of, mostly, elderly amateurs exchanging tips on how to beat *Jumble: That Scrambled Word Game* — along with their offshoot, the Bedwarmers, a gang of polio victims and other paralytics who spend a lot of time thinking about crossword puzzles and cryptograms — were the cutting edge of civilian cryptographic thinking.

This is where Whitfield Diffie, a true libertarian hero, came scowling into the picture. If ever there were someone who deserves a specially struck Presidential Medal of Freedom, Diffie is the one. At the beginning of the book, he is a wiry, crew-cut MIT student with an angry face and a collection of exotic animals. By the end, he has shoulder-length blond hair, a pleasant Buffalo Bill beard, and dresses in suits cut by London tailors. In between, he kicks off a chain of events that proves the Basic Libertarian Postulate that a bunch of random people bouncing around will, through a sort of Brownian motion, always outgun the authorities. If only they are allowed to do it. Well, Whit Diffie was allowed to do it because nobody who mattered knew what he was up to until it was too late.

Diffie got turned on to writing codes as a kid. But, as he grew up, he had to figure out how to do it on his own because all the serious literature on the field was locked up behind the Triple Fence. This may have been a miscalculation on the NSA's part because it left Diffie smart and tenacious — and too naive to realize that the single most important rule of code-writing is to make sure to keep the key to decoding the thing private.

The weakness with any code is the part about how you get the key to the person who is supposed to receive the message, while keeping it out of the hands of everybody else. You can't just broadcast it, or anybody listening is going to be able to read the message as easily as the recipient. You can't write it down and dispatch a hard copy without worrying about all the double agents and Xerox machines between here and there. And you can't just send it along with the person you are going to transmit the message too — at least not if you ever want to change the code. And you will want to change the code because, if you don't, anybody who plucks enough transmissions out of the air can use his supercomputer to crack them by brute force.

As bad as the problem is when the Strategic Air Command wants to keep track of a bunch of day-tripping VIPs partying along the edge of Russian air space at the controls of a hundred megatons of nuclear death, the situation becomes unimaginably more complicated when ordinary people are involved. That's because there's no telling to whom a civilian might want to e-mail a dirty joke, or phone up with the details of his latest sexual adventure. And, when you consider the gazillions of permutations between all the computers and telephones on the planet, each permutation needing its own, unique code — the whole privacy thing starts to look pretty gloomy.

When Intel went along and started handing over the keys to the escrow authority, people began surreptitiously pasting stickers on their computers, announcing: "Big Brother Inside".

What occurred to Diffie was that, maybe, the key didn't have to be private. Maybe there was some way to broadcast it in the clear so that only the person the message was intended for could use it. And, odd as it would have seemed to cryptographers all the way

back to Aristotle, he figured out a way to do it.

His idea was this: every computer, or scrambling telephone, or whatever, would come fitted out with a public key and a private key — based on huge prime numbers. Someone wanting to contact the computer, or phone, or whatever, would use the public key to scramble the transmission with a one-way function. One-way functions are a mathematical oddity that allows an equation to be worked easily in one direction but, once worked, it is almost impossible to unwork from the other direction.

Either you have the private key — which will unwork this particular equation — which you won't unless you have the machine with the private key inside, or you begin factoring. Even with the most powerful computers in the world running day and night, you will still be factoring that number for many times longer than it's going to take the sun to burn out. Years from now, when computers become many times faster, cracking that message still isn't going to be a practical proposition. And, when computers do become fast enough — well, all the sender has to do is use bigger numbers.

When Diffie figured this out, he did what academics always do. Along with Marty Hellman, who'd been working with him on the problem, he published. And whole litters of cats were out of the bag and stalking the alleys.

What a collection of animals those cats turned out to be — suits and freaks, outfits with names like Computer Professionals for Social Responsibility, counteroutfits calling themselves things like Cryptology Amateurs for Social Irresponsibility, and groups of cypherpunks that were hardly outfits at all, people trying to make a buck off Diffie's idea, and other people trying to make sure everybody in the world could get it for free.

Not many of these folks liked each other very much. The only thing that linked them together was that most were libertarians. And most of those who weren't had started out as libertarians, then gone around the bend to become things like anarchists. And, being libertarians, they acted like libertarians, and lipped off and annoyed one another. Sometimes, they took each other to court. And, every now and then, they looked up long enough to take a swing at the government.

At first, the government swung back with export laws. It turned out that, years earlier, cryptography had been defined as a munition — right alongside Stinger shoulder-fired anti-aircraft missiles and the formula for napalm — and mailing copies of the Diffie-Hellman article overseas was a violation of the National Security Act. Unfortunately, scores — maybe hundreds — of copies of the journal the article was in had already been mailed overseas by the time the NSA's copy arrived. Lots of overseas subscribers didn't want to give theirs back — and a comic, chaotic, epic scramble was on.

Whitfield Diffie, a true libertarian hero, kicked off a chain of events that proved the Basic Libertarian Postulate that a bunch of random people bouncing around will, through a sort of Brownian motion, always outgun the authorities.

People made speeches in public. People harangued each other in secret. Ideas were shared and plans concocted. And, at one point, the Church of Scientology almost made off with the whole ball of wax.

When Joe Biden introduced legislation to outlaw any device that could turn out a message the government couldn't read, a freeware true believer dedicated an evening to driving around the Bay Area with a laptop and an acoustic coupler, stopping at random phone booths and uploading his program, Pretty Good Privacy, to Web sites in foreign places around the world. By the next morning every terrorist, enemy agent, adulterer, child pornographer, and ordinary Joe who didn't want his mail read by the feds could download world-class encryption onto his home computer.

Al Gore took time off from reinventing government to shill for a key-escrow scheme — a would-you-believe-this? notion that all of us could have as strong an encryption as we liked, so long as the government got to keep copies of our private keys. In exchange, the feds guaranteed not to listen in on our personal conversations except when they wanted to.

When Intel went along and started handing over the keys to the escrow authority, people began surreptitiously pasting stickers on their computers, announcing: *Big Brother Inside.*

The debate heated up. Rush Limbaugh found himself making the same arguments as the ACLU.

It came to a head when foreign manufacturers began selling their own versions without turning anything over to our government. This started American high-tech companies complaining to Congress that they were feeling left out. Rep. Maria Cantwell (Idiot-Wash.) took up the cause. As did William Safire, *The New York Times* word authority and former Nixon speechwriter, and people started asking one another how comfortable they'd feel leaving a key to their houses down at the police station.

Gore cut a deal with Cantwell to make the whole key-escrow business voluntary then, showing how well he had learned at the feet of his master, reneged. But Cantwell had the agreement in writing and he was stuck.

In the end, Clinton and Gore and the NSA quietly gave up. Today, your home computer comes with state-of-the-art, crack-proof encryption built right in. And you can talk to your drug

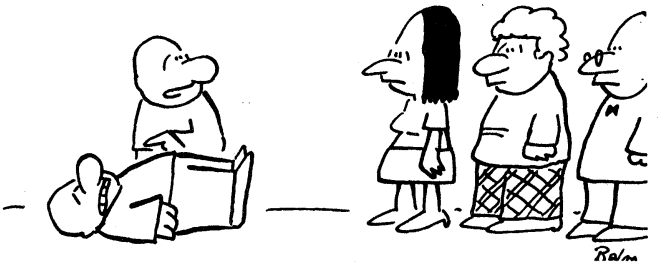

"This man is being bored to death — are any of you people entertainers?"

lord down in Colombia as freely as you want without worrying that somebody in Maryland might be jotting down your every word for the grand jury.

There are a lot of lessons in this. One, of course, has to do with the power of chaos — or, at least, of random human beings acting in their own interest.

Another has to do with — well, another has to do with the ongoing power of the regimented, lockstep people. Because those guys never go away. And, in the case of cryptology, one hears rumors.

And what one hears isn't so rosy and optimistic. What one hears is that, maybe, the NSA gave up because they really didn't care all that much — that they've got some truly awesome computers in back of their fences. Computers with hundreds of Pentium processors that can cut down to a few days the time it takes the sun to burn out — and that's if they go about their work by brute force.

But, maybe, they don't have to because, along with all those computers, they've got half-a-century's worth of publications and how-to manuals that nobody on the outside even knows exist, along with some really smart spooks — genius-level spooks — who know how to write algorithms that make cracking a message much easier than just factoring their way through the number system. And, for that matter, maybe public-key encryption just makes their job all the simpler — maybe, when digits that are randomized enough come streaming through one of their processors, it tips them to exactly where to look.

But the individuals outside are still here, too — working the other side of the fences. That's what that hunt for bigger prime numbers is all about. Every now and then, when you read about some goof who has just invested a good portion of his waking life to discovering a million-digit prime or some such nonsense, you think, well la-di-da for him. But you're wrong. The point's not about some kind of loony academic one-upmanship. It's about the race between ordinary guys wanting to hang onto a little privacy, and other guys who think it's unpatriotic to keep back anything at all from Uncle. □

The Fourth Great Awakening and the Future of Egalitarianism, **by Robert William Fogel. The University of Chicago Press, 2000, 383 pages.**

Socialism for the Spirit

Christopher Chantrill

Even leftists are beginning to catch on to the dirty little secret that the welfare state is in trouble. Although they still proudly boast that the material condition of the poor has increased remarkably and all because of them, they have to admit that there is something in the underclass culture that is less than admirable. All those benefits and programs may have done wonders for the material condition of the poor, but they haven't done much for their moral and spiritual condition.

The way to solve this inequity is obvious. Announce a "maldistribution of spiritual resources" and propose a comprehensive national program to eliminate spiritual inequality and address the struggle for self-realization and the desire for a deeper meaning in life.

Wouldn't a national program to eliminate spiritual inequality come perilously close to a national church? Wouldn't that create a minor problem with the First Amendment? Apparently Robert William Fogel doesn't think so. His *The Fourth Great Awakening and the Future of Egalitarianism* never even mentions the First Amendment.

Not for him the niceties of the separation of church and state. He's concerned about power. Fogel realizes that the abysmal record of the welfare state on the moral and spiritual front creates a mortal danger. The U.S. voter might easily develop a bad attitude toward the welfare-industrial complex. And if the voters got a bad attitude, they might decide to take away all the money, power, and love of beautiful women that professional busybodies have enjoyed over the last century.

Fogel has to deal with the rather embarrassing fact that this moral and spiritual crisis occurred on the progressives' watch. Why should people trust him and his kind to solve it? Instead of confronting this question, he changes the subject, reminding his readers of all the wonderful things that progressives did over the last century. He tries to weave this into a theory of religious and political cycles that asserts that the progressives are uniquely qualified to implement a national program to eliminate spiritual inequality.

Fogel cites a wealth of fascinating data to show that, despite the industrial revolution in 19th century America, the workers didn't share in the bounty. Measures of adult height and body-mass index show that workers were, if anything, worse off at the end of the century than the beginning. But the 20th century has seen a dramatic improvement in the life of the poor. A century ago, the average poor man was almost eight inches shorter than his rich cousin. By midcentury the difference had decreased to one inch. The income of the poor had increased nine times. And this was all the result of the social reformers, of course.

Life expectancy was improved, Fogel explains, by "the pure-water movement, by the improvement in sewage systems, and the provision of vaccines to all children regardless of income" and also by "medical education and hospitals." Certainly these all were important factors, but were the

progressives responsible for them? The value of pure water and decent sewers was demonstrated back in the 1850s when an outbreak of cholera in London was traced to a well polluted by an overflowing cesspool, and when authorities discovered that death rates dropped dramatically when water was purified by sand filters. Fogel seems to believe that Americans were blind to this momentous discovery for half a century until being bludgeoned into action by progressive reformers.*

He then turns to the gains of labor, noting that the "earnings of industrial workers have risen by nine times between 1890 and 1996 . . . while hours of work per year have declined dramatically." Evidently, we are just to assume that this improvement was the product of political reform rather than improving technology, although Fogel does admit that unions were only able to raise compensation for their members "by an estimated 15%" over the wages of non-union workers.

Evidently, we are just to assume that improvement in working conditions was the product of political reform rather than improving technology.

Not surprisingly, Professor Fogel claims that the real driving force in improving the lot of the workingman has been education. He gives credit to universal government elementary education in promoting greater welfare; ignoring the fact that primary education was almost universal before the government takeover around 1870 — not to mention the sad fact that education standards since then have uniformly declined as the enthusiasm of the education reformers has been dissipated into bureaucracy and special-interest rent seeking. No doubt there has been a great increase in the time each child spends being educated and a stunning increase in taxpayer funding of education from elementary school to graduate research. Yet today the United States must import planeloads of technological talent from overseas to staff the New Economy.

When it comes to the discussion of the failures of social reform, Fogel is frank. "Such problems [in cities] as drug addiction, alcoholism, births to unmarried teenage girls, rape, the battery of women and children, broken families, violent teenage death, and crime are generally more severe today than they were a century ago. . . . Oddly, the sharpest increases in indicators of moral decay came after, not before, the 'war on poverty' of the 1960s and 1970s." Fogel is also frank about the reason for the moral failure: "Poverty [was seen by the social reformers as] not a personal failure, but a failure of society, and evil would have to be seen, not as a personal sin, but as a sin of society." In other words, the social reformers were flat wrong.

The truth has to be faced, he writes. The nation is suffering from spiritual inequality. What is needed, he says, is a program of spiritual equality using the team of experts, professors, and activists that so successfully implemented the material equality achieved in the previous century. It will correct the huge inequality in nonmaterial resources, the "maldistribution of vital spiritual resources," and provide the poor in spirit with the 15 spiritual values such as: a "sense of purpose," a "vision of opportunity," a "sense of the mainstream of work and life," a "strong family ethic," a "sense of community," a "capacity to engage with diverse groups," a "sense of benevolence," a "sense of discipline," a "capacity to focus and concentrate one's efforts," a "capacity to resist the lure of hedonism," a "capacity for self-education," a "thirst for knowledge," an "appreciation of quality," and "self-esteem." Experts will provide "spiritual enrichment of nursery and day care," because "some young mothers and fathers are too deprived, or too young, to call on their own life experiences to transmit a sense of discipline" to their children. In the new millennium, people will be less focused on "earnwork," work performed primarily to earn money, and more on "volwork," work done to satisfy their personal needs and interests. We will need a program to dismantle standard working hours, fund abundant leisure, health care, lifetime learning, and democratize self-realization. "At the dawn of the new millennium it is necessary to address . . . the struggle for self realization, the desire for a deeper meaning in life than . . . consumer durables and the pursuit of pleasure."

With this, the progressive program would indeed be complete. The government, already guarantor of material prosperity, would assume the role of spiritual counselor and minister New Age nostrums to a populace now completely dependent on government, materially, spiritually, and morally.

If that were all (and it's certainly more than enough), Fogel's book could be called *The Future of Egalitarianism*. But he understands that not only have leftists failed on the spiritual front, but that a number of Americans are pretty upset about it. Unless he and his buddies can learn some fancy footwork, there is a danger that the whole progressive edifice that has done so much good — and done so well for its advocates — might be rolled back by the religious right in unholy alliance with assorted other rights. Fogel may be able to convince himself that the record of progressivism is a glorious success marred by one little minor failure, but others might find his whole program to be a fraud that claims credit for improvements that would have happened anyway, and then used those claims as a qualification for fixing the failure that was a direct result of its own errors. Fogel needs to distract his audience; he needs a dodge. To do this, he reaches for a theory of politics developed in the 1970s by history professor William G. McLoughlin. McLoughlin's *Revivals, Awakenings, and Reform* proposed that the great political realignments in the United States have always been anticipated by a period of spiritual renewal. The Puritan Awakening of 1610–1640 provoked the

Fogel seems to believe that Americans were blind to this momentous discovery of the benefits of pure water and decent sewers for half a century until being bludgeoned into action by progressive reformers.

English Civil War and the exodus of the "godly" to the American colonies, and the Great Awakening of 1738–40 provoked the notorious political alignment that began with the Declaration of Independence. In 1800–1830, the Second Great Awakening gave birth to the abolition and temperance movements that provoked the political realignment of the 1850s and the U.S. Civil War. These were grass-roots movements; they stirred millions and changed millions of lives.

The Third Great Awakening, according to McLoughlin, began in the Progressive Era, starting about 1890, and inspired 20th-century social reform and the New Deal realignment that ushered in the welfare state. But here McLoughlin had to deal with an inconvenient fact. The progressives and their allies the social gospelers were not grass-roots activists. They were college professors and middle-class social activists, who sought to *impose* their plans on the lower classes. How did they fit into a paradigm of grass-roots religious movements driving politics?

McLoughlin had an explanation. He found that the religious phase of each awakening began with agitation among the "old lights" (the revivalists) but the political phase was managed by "new lights" (the enlightened reformers who had the skills to manage change). Picking up McLoughlin's model, Fogel decides that in the Progressive Era, revivalists like Billy Sunday identified the spiritual malaise, and then the enlightened progressives developed the programs that resulted in the improvements of life expectancy, health, labor rights, and education that we all enjoy today. The progressives just took a little wrong turn on the spiritual front.

Then he applies this model of reformation to the present spiritual malaise. In the 1950s, the "old lights" like Billy Graham and Norman Vincent Peale identified a moral crisis. Excellent! Now Fogel and his crew of "new light" neo-progressives can develop a program of spiritual equality that will solve the problem, just like the Third Great Awakening in the original Progressive Era.

Thanks, but no thanks. What Fogel doesn't tell us, perhaps because he doesn't know it, is that back in 1900 America already had a functioning system of material and spiritual welfare. It was a great sprawling web of churches, missions, fraternal organizations, labor unions, orphanages, charities, foundations, and neighbors. Even in the big cities the immigrants set up a dense network of mutual-aid organizations. During the next century, progressives and their allies nationalized the material side of this system, and in the process effectively destroying the spiritual welfare system that was invisibly integrated with it. Conveniently ignorant of the inconvenient past, Fogel is shocked to discover the chaos left by the progressive wrecking crew and wants to start up a government program to clean up the mess.

That brings us back to the initial problem. Even if the progressives were not guilty of destroying the spiritual welfare system over the last century, and even if Fogel's vision of a national spiritual welfare system should prove the most wonderful thing in the world, it still amounts to a national church of positive self-esteem, and is, thus, unconstitutional. What is it about "Congress shall make no law respecting an establishment of religion" that isn't clear to Fogel? ❑

***Friedrich Hayek*, by Alan Ebenstein. St. Martin's Press, 2001, 403 pages.**

The Road to Wisdom

Bettina Bien Greaves

When World War II broke out in Europe, a young Austrian living and teaching in England was disturbed not only by Hitler's attack on Poland which had launched Europe into war, but also by the development of socialist ideas he was witnessing in England. His concern led him to write *The Road to Serfdom* (1944), a book which was to change the direction of his career and have a profound influence on ideas worldwide. That young man was Friedrich A. von Hayek — economist, political philosopher, thinker, and later recipient of the Nobel Prize in Economic Science. In *Friedrich Hayek*, Alan Ebenstein does justice to Hayek in each of his several roles.

Born and raised in pre-World War I Austro-Hungary, Hayek studied law and economics at the University of Vienna. As a student and young college graduate he had been a mild socialist, an advocate of improving interpersonal relations through social reform. But upon completing college, he encountered Austrian economist Ludwig von Mises, and read Mises' devastating critique *Socialism* (1922) which "fundamentally altered [his] outlook" (p. 40).

Hayek did not change "instantaneously" from being a Fabian socialist to being a free marketer. "It was a process that took several years, and even through the later 1920s, Hayek retained more positive views of government involvement in an economy than he subsequently developed and maintained" (40). In time, however, he came to realize that some kinds of state action were "extremely dangerous" and hence his whole effort became trying "to distinguish between legitimate and illegitimate action." He wrote, "[S]o far as government plans for competition or steps in where competition cannot possibly do the job, there is no objection; but I believe that all other forms of government activity are highly dangerous" (126).

In 1931 Hayek had been invited to lecture at the London School of Economics, had moved his family to England, became completely assimilated into British life (110), and in 1938 became a British citizen (104). When the war started, Hayek volunteered to serve the British government in some capacity because of his knowledge of languages (English, German, French, and Italian) (36), perhaps in the Ministry of Information "with the organization of propaganda in Germany" (104). But his offer was rejected because of his Austrian birth.

As a young man Hayek had seen his native Austria drift toward socialism. He had witnessed postwar Austria's inflation firsthand and "considered inflation to be the worst misfortune that can befall an economy" (34). And during World War II he witnessed Britain also drifting toward socialism. As he "was not able to participate in the war effort directly, he did so indirectly" — he wrote *The Road to Serfdom*, a book in which he hoped "to clarify that Nazism was not a reaction to socialism but an outgrowth from it. . . . The book was his personal war effort, one he found a 'duty which I must not evade'"(118–119). It was, Hayek wrote, the "product of an experience as near as possible to twice living through the same period — or at least twice watching the same evolution of ideas" (114). And he worked diligently at his self-assigned task on behalf of Britain's war effort. "Hayek's daughter, Christine, remembers her father as always working in his study when he was home while she was growing up. She adds that, in some ways, she hardly knew him, so preoccupied with work was he" (83).

The Long Road

In *The Road to Serfdom*, Hayek's vital message was the "incompatibility of socialism and liberty" (119). He held that German National Socialism (Nazism), which the Allies were then fighting, and socialism as practiced in the U.S.S.R., then an ally of England, were essentially the same. Hayek saw the market and competition with its checks and balances, within a "carefully thought-out legal framework," not central planning, as the most effective way to assure the freedom and rights of individuals: "[W]here effective competition can be created, it is a better way of guiding individual efforts than any other. It does not deny, but even emphasizes, that, in order that competition should work beneficially, a carefully thought-out legal framework is required, and that neither the existing nor the past legal rules are free from grave defects" (125). He continued, "The practice of private ownership and private direction of many of the means of production in a society is essential to freedom, prosperity, and democracy" (117), concluding that "a policy of freedom for the individual is the only truly progressive policy" (40).

The "socialists of all parties," to whom Hayek dedicated *The Road to Serfdom*, were shocked at his equating Nazism with socialism and by his bold assertion that central planning was not the path to social reform. The book, so contrary to the then current climate of opinion, had an immediate shock effect, and gained Hayek considerable notoriety. He was accused of being "a leading thinker of reaction" and of "using the economic theories of the 1880's to justify the business practices of the 1940's" (136). Stuart Chase, whom Hayek attacked in the book, wrote a critical piece, "Back to Grandfather: Dr. Hayek's Guide to the Pre-War Era" (137). In June 1945, *The New York Times* published back-to-back essays, "Is the World Going to the Left?" Socialist Harold Laski, chairman of the British Labour Party, argued the affirmative; Hayek the negative (139). And Herman Finer wrote an entire book in an attempt to "prove Hayek's apparatus of learning is deficient, his

While he was at sea en route to the U.S., Reader's Digest *published a condensation of* The Road to Serfdom *in April 1945, practically ensuring the book's "best-sellerdom."*

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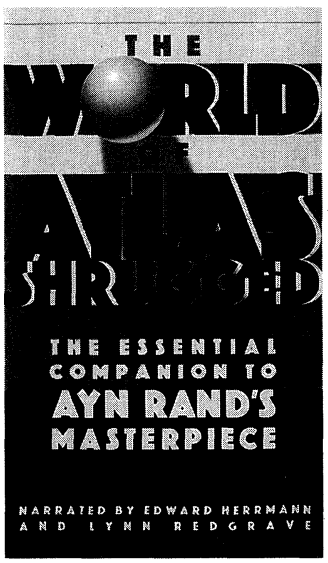

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reading incomplete; that his understanding of the economic process is bigoted, his account of history false; that his comprehension of British and American political procedure and mentality gravely defective; and that his attitude to average men and women is truculently authoritarian" (137).

However, the book also attracted praise. Economic journalist Henry Hazlitt described *The Road to Serfdom*, in the lead review of *The New York Times* "Book Review" section, as "one of the most important books of our generation. . . . It restates for our time the issue between liberty and authority with the power and rigor of reasoning that John Stuart Mill stated the issue for his own generation in his great essay, 'On Liberty'. . . . [It is] a strange stroke of irony that the great British liberal tradition, the tradition of Locke and Milton, of Adam Smith and Hume, of Macaulay and Mill and Morley, of Acton and Dicey, should find in England its ablest contemporary defender — not in a native Englishman but in an Austrian exile" (134).

When the war started, Hayek volunteered to serve the British government in some capacity because of his knowledge of languages. But his offer was rejected because of his Austrian birth.

Hayek was invited to the United States for a lecture tour of universities. While he was at sea en route to the States, *Reader's Digest* published a condensation of *The Road to Serfdom* in April 1945, practically ensuring the book's "bestsellerdom." So the plan for Hayek's tour was revised. He was to "go on a public-lecture tour around the country." "My God," he said, "I have never done this. I can't possibly do it. I have no experience in public speaking." "Oh, it can't be helped now." "Well, when do we start?" "You are late. We've already arranged tomorrow, Sunday morning, a meeting at Town Hall in New York." When Hayek was picked up at his hotel, he asked, "What sort of audience do you expect?" "The hall holds 3,000 but there's an overflow meeting." "Dear God!" he said to himself. He hadn't any idea what he was going to say. "How have you announced it?" "Oh, we have called it 'The Rule of Law in International Affairs.'" He had never thought about that problem in his life. The last thing he remembered as he sat down on the platform in front of all the unfamiliar paraphernalia — at that time it was still dictating machines — was that he asked the chairman if three-quarters of an hour would be enough. "Oh, no, it must be exactly an hour; you are on the radio." With those words sounding in his ear, he started, "without the slightest idea of what [he] was going to say." But he got through the hour "swimmingly" and "went through the United States for five weeks doing that stunt everyday" (135–136).

Shortly after the war, Antony Fisher, a British entrepreneur-operator of a large-scale chicken "factory," who had read the *Reader's Digest* condensation of Hayek's *The Road to Serfdom*, looked Hayek up at the London School of Economics. Fisher wanted to do something "to help get discussion and policy on the right lines," perhaps to run for political office. Hayek discouraged Fisher's political ambitions and urged him to join others "in forming a scholarly research organization to supply intellectuals in universities, schools, journalism and broadcasting with authoritative studies of the economic theory of markets and its application to practical affairs."[1] Hayek "believed immensely in the power of ideas" (176); he did not believe it was possible "to overestimate the influence which ideas have in the long run" (207). The "task of the political philosopher," Hayek said, "can only be to influence public opinion. He will do so effectively only if he is not concerned with what is now politically possible. . . . So far as direct influence on current affairs is concerned, the influence of the political philosopher may be negligible. But when his ideas have become common property, through the work of historians and publicists, teachers and writers, and intellectuals generally, they effectively guide developments" (206–207).

Fisher's efforts led to the establishment in 1955 of the Institute of Economic Affairs (IEA), headquartered in London, an organization which went on to publish hundreds of reports documenting problems caused by government interference with the economy and making the case for market alternatives.[2] In the process, IEA helped to promote Hayek's ideas. Some years later when two Hayek "fans" gained political office — Margaret Thatcher in England and Ronald Reagan in the United States — Hayek's ideas had some influence on government policies.

Hayek's life was not the same after *The Road to Serfdom*. Until then he had concentrated on economics proper, prices and production, monetary theory, and the business cycle, gaining some recognition as a technical economist. He had even "debated" the famous Keynes in the pages of the economic journals. Although intellectual opponents, Hayek and Keynes had been fairly friendly personally. Hayek's son, Larry, "remembers that his father and Keynes took shifts together watching for fires at night from the top of King's College" (106).

The "socialists of all parties," to whom Hayek dedicated The Road to Serfdom, *were shocked at his equating Nazism with socialism. The book, so contrary to the climate of opinion, had an immediate shock effect, and gained Hayek considerable notoriety.*

At that time, Hayek considered himself "one of the two main disputing economists. There was Keynes and there was I." But then Hayek discredited himself in the eyes of academia by writing a book for popular consumption, *The Road to Serfdom*. And Keynes died in April 1946 and became a "saint" (152) in the eyes of the public while Hayek, in his own words, was "gradually forgotten as an economist" (152). But this turn of fortune only served to turn Hayek onto a new course, away from economics proper and toward political philosophy. Hayek had "become much

too interested in the semi-philosophical policy problems — the interaction between economics and political structure" (91). The problems of political philosophy and the role of government on which he had "so undesignedly embarked were more challenging and important" (127).

The Man of Ideas

In the course of his long life, Hayek made important contributions to economics and political philosophy, helped to demolish the socialist mystique, influenced many thinking persons as well as some prominent politicians, and presented the rationale for individual freedom. Ebenstein relates not only how Hayek came to write *The Road to Serfdom* and how it changed his life, but he tells much more. He describes Hayek's contributions to economic understanding as well as the reasoning and logic that gained Hayek a well-deserved reputation as *the* philosopher of liberty. Ebenstein deals also with a point on which Hayek differed from his mentor Mises, as well as Hayek's most serious disagreement with Milton Friedman, a personal friend and another Nobel Prize winner. And into the discussion of all these ideas, Ebenstein weaves events from Hayek's personal life.

Friedrich A. von Hayek was born in 1899 into a well-to-do Catholic family of landholders and intellectuals. He was raised in Vienna, capital of the Austro-Hungarian empire. World War I was still in progress as Hayek approached his 18th birthday and he joined the army, fought for a year in Italy and was wounded slightly. At war's end, he entered the University of Vienna and began studying a combined curriculum of law and economics. After graduation, he became a legal consultant to the commission charged by the Allies' peace treaty with Austria with settling prewar debts among belligerent nations. This commission was headed by Austrian economist Ludwig von Mises; thus began a lifelong association between the two men.

Mises helped arrange for Hayek to visit New York for a year as an aide to New York University professor Jeremiah Jenks, and upon Hayek's return to Vienna, Mises continued to encourage Hayek's serious interest in economics. Hayek became an active participant in Mises' private seminar. And in 1926, when Mises established the Austrian Institute for Business Cycle Research, he appointed Hayek its first director.

Hayek's study of economics led him to develop, or to "intuit" as he put it, what was perhaps his most important "discovery," the fact that there is a division of knowledge (282), that not all knowledge is verbally expressed, that knowledge is widely diffused, and that prices are a means to cope with that diffusion of knowledge. As Hayek wrote later, too little "emphasis has been placed on the fragmentation of *knowledge*, on the fact that each member of society can have only a small fraction of the knowledge possessed by all, and that each is therefore ignorant of most of the facts on which the working of society rests" (238–239). He first broached this subject in his 1936 presidential address to the London Economic Club, "Economics and Knowledge":

> How can the combination of fragments of knowledge existing in different minds bring about results which, if they were to be brought about deliberately, would require a knowledge on the part of the directing mind which no single person can possess? The spontaneous actions of individuals will, under conditions which we can define, bring about a distribution of resources which can be understood as if it were made according to a single plan, although nobody has planned it. (94–95)

Years later, Hayek recalled that it was "somehow in thinking through anew these problems [of socialist calculations] which had much occupied us in Vienna ten or fifteen years earlier that I had suddenly the one enlightening idea which made me see the whole character of economic theory in what to me was an entirely new light" (97).

As Hayek explained, market prices play an important role in the solution of this knowledge problem. They transmit information concerning the relative supply and demand for a good or service. A high price indicates scarcity and/or strong demand for a good or service, motivating entrepreneurs and consumers to economize, expand production, and/or seek alternatives. A low price indicates a relatively abundant supply and/or low demand, which tells entrepreneurs and consumers they need not be so frugal. Through prices, therefore, people are able to benefit from knowledge that is widely dispersed, existing only in the separate minds of countless market participants throughout the economy and thus for all practical purposes unavailable. Thus, Hayek came then to realize that "prices are the essence of a market society, and, with prices, private property, contract, profits, the ability to exchange goods and services, and the laws and societal norms that define and sustain these. Hayek enunciated not merely the negative case against socialism that the division of knowledge renders central control of an economy infeasible, but he stated the positive case for a competitive market society, that fluctuating prices and the concomitants of these are the best, and perhaps only, way to overcome knowledge's fragmentation. The proper role of government is to facilitate effective interpersonal action through creating a market order in which individuals may make maximum use of divided knowledge through fluctuating prices and profits" (97). Hayek's help in solving the "knowledge problem" was, according to biographer Ebenstein, his "primary contribution." Hayek's insight into the role of market prices also led Hayek to describe the market as a "spontaneous order." Ebenstein writes: "His exposition of spontaneous order, though he traced the concept to Adam Smith and Carl Menger, was his own. He attempted to demonstrate that, absent an orderer, human society can achieve great orderliness"(319).

And Keynes died in April 1946 and became a "saint" in the eyes of the public while Hayek, in his own words, was "gradually forgotten as an economist."

Ludwig von Mises, Hayek's mentor, had pointed out in 1920 that socialism must fail because private property would be socialized, factors of production would no longer be traded and no market prices would appear to indicate

the relative importance of various goods, services, and projects. Thus, according to Mises, socialist central planners who lacked market prices would be unable to calculate. Hayek supplemented Mises' argument by pointing out that in the absence of market prices, the socialist central planners would lack access to diffuse and widely dispersed data, the very data they needed for planning. Thus, by explaining the role market prices play in communicating knowledge, Hayek reinforced Mises' position.

Hayek's study of economics had taken him to England in 1931 and to the London School of Economics, where he taught and lectured on various aspects of technical economics. He analyzed and published works on how monetary manipulation distorts prices, profits and losses, and, hence, economic investment and production, leading to the phenomenon of the business cycle. After the publication of *The Road to Serfdom*, Hayek shifted focus from economics to political philosophy.

In 1947, Hayek was instrumental in founding the Mont Pelerin Society, an association of free-market minded persons from all over the world. In 1950, he moved to the United States to accept a position at the University of Chicago's Committee on Social Thought. His position there released him from teaching economics proper and permitted him to devote his time and thought to broader, more philosophical issues. During Hayek's twelve years in Chicago, he published two major works: *The Counter-Revolution of Science* (1952) and *The Constitution of Liberty* (1960).

Because of the contributions of the physical sciences to technology, mechanics, and the "industrial revolution" inventions, it had become the fashion to try to adopt the methodology of the physical sciences to the study of the actions of people. In *The Counter-Revolution of Science*, Hayek contrasted the methodology of the physical sciences with that of the science of human action. He analyzed the doctrines of positivists and historicists, and showed that their attempt to apply the methods of the physical sciences to economics had laid the basis for modern socialistic theories and the demand for central planning. But, as Hayek explained, individuals are not automatons; they think, reason, value, act, and plan their own actions. "[R]eason undoubtedly is man's most precious possession," Hayek said. "Our argument is intended to show merely that it is not all-powerful and that the belief [of historicists and positivists] that it can become its own master and control its own development may yet destroy it" (201–202). As Ebenstein summed up, Hayek's argument "was not against reason, but was itself the reasonable argument that there is a limit to what individual reason may know and accomplish, and optimal societies should be based on this premise, rather than on one that sees an all-powerful individual reason" (202).

"What we need to do here is increase your self-esteem, without, of course, being ridiculous about it."

The Rule of Law vs. Anarchy

Hayek's other major work from his Chicago years was *The Constitution of Liberty*. According to him, liberty was "the state in which a man is not subject to coercion by the arbitrary will of another" (196). But Hayek did not advocate anarchy; the rule of law was essential, he pointed out, for productivity. "The importance which the certainty of law has for the smooth and efficient running of a free society can hardly be exaggerated. There is probably no single factor which has contributed more to the prosperity of the West than the relative certainty of the law which has prevailed here" (197).

> It is the distinguishing mark of the Western political tradition that for this purpose coercion has been confined to instances where it is required by general abstract rules, known beforehand and equally applicable to all. Combined with the requirement that such general rules authorizing coercion could be justified only by the general purpose of preventing worse coercion, this principle seems to be as effective a method of minimizing coercion as mankind has yet discovered. (201)

In response to a young critic who questioned Hayek's advocacy of coercion, he sought to explain: "It was not the main thesis of my book that 'freedom may be defined as the absence of coercion.' Rather . . . its primary concern is 'the condition of men in which coercion of some by others is reduced as much as is possible in society.' . . . Coercion can only be reduced or made less harmful but not entirely eliminated. The essential rub is that to 'prevent people from coercing others is to coerce them'" (201).

Although Hayek made clear that he was not an anarchist, he was just as quick to profess that he was not a conservative. Hayek emphasized that it would be an "error to believe that, to achieve a higher civilization, we have merely to put into effect the ideas now guiding us. If we are to advance, we must leave room for a continuous revision of our present conceptions and ideals which will be necessitated by further experience" (201). He wrote in *The Constitution of Liberty*:

> [B]elief in integral freedom is based on an essentially forward-looking attitude and not on any nostalgic longing for the past or a romantic admiration for what has been. . . . In a world where the chief need is once more to free the process of spontaneous growth from the obstacles and encumbrances that human folly has erected, his [the political philosopher's] hopes must rest on persuading and gaining the support of those who by disposition are 'progressives,' those who, though they may now be seeking change in the wrong direction, are at least willing to examine critically the existing and to change it wherever necessary. (205)

And the political philosopher can influence public opinion "only if he is not concerned with what is now politically possible but consistently defends the 'general principles which are always the same.'" [3]

No, Hayek was not a conservative. He believed that tolerance to new ideas was the only way to counteract what Hayek called everyone's "unavoidable ignorance." From Hayek's belief in the power of ideas, he taught "that the

'diversity and limitation' of individual intellects follow; that 'truth will emerge from the interplay of different intellects in free discussion'; that reason is a social process and that 'belief in persuasion' is vital; that 'nobody is competent authoritatively to decide [he] knows best'; that 'even error has to be respected'; and that 'the spreading of opinion is inevitably a gradual process'" (181–182). Hayek was deeply committed to truth and to tolerance for new ideas, whatever they may be, for one can never know whence tomorrow's truth will come. On this basis, Hayek would grant tolerance for the ideas of even a Harold Laski, whom he abhorred (56), and a Beatrice Webb, whom he detested (82). Nicholas Kaldor, an influential British Keynesian, whose relationship with Hayek was "tempestuous" (63), remembered Hayek's telling him that "academic freedom was so important a principle that they [London School of Economics] must tolerate Laski, whatever nuisance he is" (368).

The Errors of Libertarianism

Although Hayek made it clear that he was neither an anarchist nor a conservative, he was not entirely comfortable with the libertarian position either, for he believed that "libertarianism quite easily slides into anarchism" (24). Hayek was willing to grant government considerably more leeway than do libertarians. In reviewing Hayek's *The Constitution of Liberty*, his friend and mentor, Ludwig von Mises, noted Hayek's willingness to compromise with statism: "It was the great merit of Professor Friedrich von Hayek to have directed attention to the authoritarian character of socialist schemes. Now Professor Hayek has enlarged and substantiated his ideas. . . . Here the author tries to distinguish between socialism and the Welfare State. Socialism, he alleges, is on the decline; the Welfare State is supplanting it. And he thinks that the Welfare State is under certain conditions compatible with liberty. Professor Hayek has misjudged the character of the Welfare State" (202).

According to Ebenstein, Hayek's achievement in *The Road to Serfdom* was "to get the main point right . . . that so many of his intellectual and academic contemporaries got wrong: The practice of private ownership and private direction of many of the means of production in a society is essential to freedom, prosperity, and democracy" (117). However, Ebenstein says that Hayek:

> . . . misjudged the ranges of the probable and practical in the politics of his day, and was excessively pessimistic as to the likelihood of internal socialist change within western nations and in his evaluation of the capacity for a 'middle way' between state socialism and unstructured capitalism to achieve economic productivity and relative personal freedom. He, indeed, endorsed a middle way, though considerably farther to the right than Keynes and Beveridge, and though he did not recognize or call it such. (117)

Hayek pointed to "two alternative methods of ordering social affairs — competition and government direction" and said he "was opposed to government direction, but wanted to

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make competition work. . . . [W]here you can create a competitive condition, you ought to rely upon competition." However, he continued, "I have always said that I am in favor of a minimum income for every person in the country" (125–126). And in *The Road to Serfdom*, Hayek clearly endorsed the welfare state: "There is no reason why in a society which has reached the general level of wealth which ours has attained . . . [security against severe physical privation, the certainty of a given minimum of sustenance for all] should not be guaranteed to all without endangering general freedom. . . . [T]here can be no doubt that some minimum of food, shelter, and clothing, sufficient to preserve health and the capacity to work, can be assured to everybody."[4] Nevertheless, Hayek remained a "radical anti-socialist. He said throughout his career that he always retained many values of socialists, and that if socialist conceptions of the way the world is were true, one should adopt many socialist practices. Where he primarily differed from socialists was not in values, but in his perspective of facts. If socialists could have persuaded him that their version of facts were correct, a socialist he again would have become" (238).

Hayek's "middle-of-the-road" position aroused the ire of Ayn Rand. Never one to equivocate, she made her view clear in her 1946 letters. To Leonard E. Read, President of the Foundation for Economic Education: "I fully sympathize with your anger at the conservatives who claim that they oppose compulsion except for their particular pet cause. That is their usual attitude. . . . All so-called respectable publications, owned by conservatives, have been staffed with pinks who maintain a blockade against all real advocates of our side. Only the Hayeks and such other compromisers are allowed to get through, the kind who do more good to the communist cause than to ours" (275). And to Rose Wilder Lane, author of *The Discovery of Freedom*: "Now to your question: 'Do those almost with us do more harm than 100% enemies?'. . . There is one general rule to observe: those who are with us, but merely do not go far enough are the ones who may do us some good. Those who agree with us in some respects, yet preach contradictory ideas at the same time, are definitely more harmful than 100% enemies. As an example of the kind of 'almost' I would tolerate, I'd name Ludwig von Mises. As an example of our most pernicious enemy, I would name Hayek. That one is real poison" (275).

The Hayek-Mises Connection

As Ebenstein explains, Hayek really didn't have any association with Mises

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until after he graduated from the university in 1921 — his undergraduate work had been with Professor Friedrich von Wieser (28). And when Hayek worked for Mises before he went to New York in 1923, he was still primarily "under the tutelage of Wieser, for whom he was writing a thesis" (41). Mises considered Wieser "a fine intellect . . . an honest scholar," but not an "Austrian economist" for he never really understood the idea of Austrian subjectivism.[5] And his student Hayek admitted that "Wieser was slightly tainted with Fabian socialist sympathies" (26). Yet Hayek felt he had an advantage in encountering Mises, "as a trained economist, trained in a parallel [Wieserian] branch of Austrian economics," for it enabled him to profit greatly from Mises' teachings. However, Hayek said that Mises "gradually, but never completely, won me over" (26). Hayek never fully accepted Mises' aprioristic methodology; rather he "adopted a more empirical approach" (158).

To understand Mises' aprioristic methodology and the nature of the conflict between Mises and Hayek, one must realize the difference between economic *theory*, or economic science, on the one hand, and economic *history*, or the objective, concrete outcomes of the actions of individuals, on the other hand. Mises explained that basic economic theory rests on a priori categories — causality, regularity, change, time, action, and value — and Mises defines these a priori categories as those categories which are so fundamental that no one can conceive of life in this world without them.[6] Incidentally it might be pointed out that the physical sciences rest on these same a priori categories also — in the absence of causality, regularity, change, and time, no laboratory experiments could be conceived or conducted, no data of the physical sciences could be accumulated, no production could be carried out.

Hayek thought that to follow the course Milton Friedman recommends of a fixed rate of increase in the money supply would "probably produce the greatest financial panic of history . . ."

In the field of economics, complex economic theories and laws are deduced by reasoning logically step by step from the fundamental a priori to simple theories and from simple theories to more complex ones. From the a priori categories of action, value, time, etc., we know *why* men act — to try to improve their situation. From these categories, we can understand why men trade, and how prices arise reflecting the relative values of market participants. From the a priori categories of action, value, time, etc., we can understand *why* men trade things they have for other things they want more urgently — and *why* and *how* ratios (prices) arise, reflecting the relative values of market participants. However, we can only learn the consequences of these actions — what is traded, what prices are paid — a posteriori, or empirically. But this empirical knowledge is *explained* only by theories that are deduced by reason and logic from a priori categories. The *theories* constitute the science of economics, the science of human action; the empirical data that result from the actions of market participants constitute economic *history*. Theory and history are two different fields; both are important to study.

Hayek did not accept the sharp distinction Mises drew between economic theory and economic history. Hayek revealed his confusion in "Economics and Knowledge" (1937) when he tried to point out "that while the analysis of individual planning is in a way an a priori system of logic, the empirical element enters in people learning about what the other people do. And you can't claim, as Mises does, that the whole theory of the market is an a priori system, because of the empirical factor which comes in that one person learns about what another person does" (96).[7] To that, Mises would reply that the *theory* of the market is derived from a priori categories, while the "empirical factor" which enters when "one person learns about what another person does" is a datum of economic history; in Mises' terminology, such data are not strictly speaking economics, economic science, or economic theory.

Hayek's important contribution to the knowledge problem, his explanation as to how information is transmitted through market prices, stems from reason and logic based on the a priori categories of action, value, time, etc.; the prices transmitted are empirical data of economic history, knowable only a posteriori. Hayek's explanation of the trade cycle as the outcome of monetary manipulation which distorts market prices and production stems from reason and logic based on the a priori categories of action, value, time, etc. The economic statistics which illustrate Hayek's explanation of the trade cycle are empirical data of economic history which are knowable only a posteriori.

Although Hayek made clear that he was not an anarchist, he was just as quick to profess that he was not a conservative.

Most "economists" today do not understand this distinction which Mises makes between theory and history. Most "economists" today are not economic theorists; they are economic statisticians and economic historians; they hope to develop theory by accumulating increasing quantities of economic data. However, Hayek followed Mises in disputing the value of statisti-

"That new kid shows a lot of promise."

cal information for developing theory: "You cannot build a theory on the basis of statistical information, because it's not aggregates and averages which operate upon each other, but individual actions" (271). Ebenstein writes, "[Hayek] wrote early, in words he never reconsidered, that 'the use of statistics can never consist in a deepening of our theoretical insight.' He quoted A. Lowe favorably that 'our insight into the *theoretical* interconnections of economic cycles has not been enriched at all by descriptive work or calculations of correlations,' and 'we entirely agree with him [Lowe] when he . . . say[s] that "to expect an immediate furtherance of *theory* from an increase in *empirical* insight is to misunderstand the logical relationship between theory and empirical research"'" (274).

Although Hayek made it clear that he was neither an anarchist nor a conservative, he was not entirely comfortable with the libertarian position either, for he believed that "libertarianism quite easily slides into anarchism."

Chicago School Conflict

The relationship between Hayek and Friedman is revealing, and Ebenstein relates their agreements and disagreements. When Hayek moved to Chicago in 1950, he occasionally met Milton Friedman, University of Chicago professor of economics and Nobel Laureate to be, but they did not come to know each other well for some time, because they were not in the same department and also because of their respective travel schedules. However, they came to respect each other, although each had some reservations about the other.

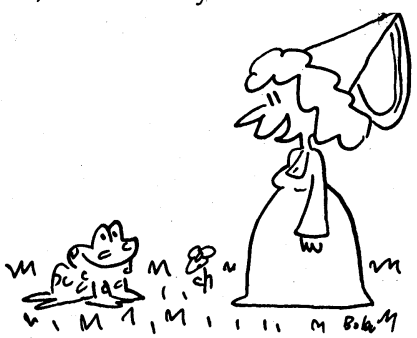

"No kidding — you went to high school with *Kermit*?"

From the time when Friedman first "read some of his [Hayek's] works, and even more from the time in the mid-1940s that I [Friedman] first met Friedrich Hayek, his powerful mind, his moral courage, his lucid and always principled exposition have helped to broaden and deepen my understanding of the meaning and requisites of a free society" (267). Friedman considered himself "an enormous admirer of Hayek, but not for his economics." He thought *Prices and Production* was "a very flawed book" and his capital theory book was "unreadable" although he considered *The Road to Serfdom* "one of the great books of our time" (81). Friedman gives Hayek credit for calling attention to the fact that prices "transmit information. The crucial importance of this function tended to be neglected until Friedrich Hayek published his great article on 'The Use of Knowledge in Society' [1945]" (97). But Friedman's principal criticism of Hayek concerned his methodology. "Hayek retains . . . a large element of the praxeological approach of Mises, that knowledge comes from us inside, that we have sources of data we can rely on and we can reach truth by. . . . I think it's an utterly nonsensical view" (272–273).

When interviewed by Ebenstein in October 1995, Friedman said that when Hayek's *Prices and Production* was published, Hayek:

> . . . had not freed himself from the methodological views of von Mises. And those methodological views have at their center that facts are not really relevant in determining, in testing, theories. They are relevant to illustrate theories, but not to test them, because we base economics on propositions that are self-evident. And they are self-evident because they are about human beings, and we're human beings. So we have an internal source of final knowledge, and no tests can overrule that. Praxeology.
>
> That methodological approach, I think, has very negative influences. It makes it very hard to build up cumulative discipline of any kind. If you're always going back to your internal, self-evident truths, how do people stand on one another's shoulders? And the fact is that fifty, sixty years after von Mises issued his capital theory — which is what's involved in Hayek's capital theory — so-called Austrian economists still stick by it. There hasn't been an iota of progress.
>
> It also tends to make people intolerant. If you and I are both praxeologists, and we disagree about whether some proposition or statement is correct, how do we resolve that disagreement? We can yell, we can argue, we can try to find a logical flaw in one another's thing, but in the end we have no way to resolve it except by fighting, by saying you're wrong and I'm right. . . . Now as I said, I believe that Hayek started out as a strict Misesian, but he changed. The more tolerant atmosphere of Britain, then subsequently of the U.S., and his exposure to a wider range of scholars, led him to alter that position. (273–274)

As for Hayek's view of Friedman, Hayek recognized Friedman's remarkable oratorical gift: "Friedman has this magnificent expository power. He's on most things, general market problems, sound. I want him on my side. . . . But you know, I ought to add, I have often publicly said that one of the things that I most regret is not having returned to a criticism of Keynes' [*The General Theory*]. But it's as much true of not having criticized Milton's *Positive Economics*, which in a way is quite as dangerous" (271).

Hayek's "middle-of-the-road" position aroused the ire of Ayn Rand.

In a 1980 letter to the editor of the *Times* of London, Hayek wrote that "the newfangled word monetarism means no more than the good old name 'quantity theory of money'." Hayek then went on to say that "the problem" with the quantity theory of money in its "crude" Friedmanian form is that it "provides no adequate measure of what is the supply of money and that not only the supply of all kinds of money but also the demand for them determines its

[money's] value" (277–278). And Hayek wrote in *Denationalisation of Money* that the problem with the quantity theory of money is that by its "stress on the effects of changes in the quantity of money on the general level of prices it directs all-too exclusive attention to the harmful effects of inflation and deflation on the creditor-debtor relationship, but disregards the even more important and harmful effects of the injections and withdrawals of amounts of money from circulation on the structure of relative prices and the consequent misallocation of resources and particularly the misdirection of investments which it causes'" (278).

According to Ebenstein, Hayek thought that to follow the course Friedman recommends of a fixed rate of increase in the money supply would "probably produce the greatest financial panic of history. . . . As regards Professor Friedman's proposal of a legal limit on the rate at which a monopolistic issuer of money was to be allowed to increase the quantity in circulation, I would not like to see what would happen if it ever became known that the amount of cash in circulation was approaching the upper limit and that therefore a need for increased liquidity could not be met" (278). Moreover, Hayek "thought that wage and price controls would be implemented by governments unwilling to control inflation through monetary means, and that wage and price controls would, in turn, destroy the free market economy through hyperinflation and eventual state management of the means of economic production" (279). He was pessimistic of Britain's chances to summon the will to cure inflation as he thought it must be done, at one fell swoop, and predicted that "if this is not done by a determined Government it will not be done before, after a vain attempt to concealing inflation by price controls, the pound finally collapsed entirely."[8]

In 1980, Hayek feared that:

> Mrs. Thatcher [was] following the advice of Milton Friedman. He is a dear friend of mine and we agree on almost everything except monetary policy. He thinks in terms of statistics, aggregates and the average price level and does not really see that inflation leads to unemployment because of the distortion of the structure of relative prices. If you have a long period of inflation in which much misdirection of effort has taken place as a result of the distortion of the price structure, extensive unemployment becomes inevitable. (278)

The Nobel Years

Hayek left Chicago in 1962, moved to Freiburg, Germany, then returned for eight years (1969–1977) to Salzburg in his native Austria. In 1974 he was awarded the Nobel Prize in Economic Science. As a Nobel Laureate, he was more widely listened to and gained greater prestige and larger audiences than ever before. But he thought the Nobel Committee officials must have wanted to prevent his working because receiving the award forced him to spend so much time responding to countless invitations from all over the world that he had little time for research and writing. But he kept on producing. He returned once more to monetary theory. And he spent years working on three volumes published in 1973, 1976, and 1979 as *Law, Legislation and Liberty*. Then there followed a summary of his views, *The Fatal Conceit* (1988).

Hayek's reputation as a political philosopher grew and he became widely recognized as *the* philosopher of liberty. His theme throughout his writings was pro-human freedom and anti-central management. "Personal liberty cannot exist where an individual is but a piece in a planner's scheme" (2). "Liberty is the society in which coercion is reduced to the minimum possible through known general laws applicable to all with a coercion-minimizing intent. Liberty is the supre-

Notes on Contributors

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macy of law" (224). By that he meant the rule of law, principles known in advance and enforced equally on all. According to Ebenstein, Hayek held that "The proper role of government is to facilitate effective interpersonal action through creating a market order in which individuals may make maximum use of divided knowledge through fluctuating prices and profits" (97). In writing *Law, Legislation and Liberty*, Hayek's goal was "to create a philosophical framework to guide future societal order. He sought new, competition-maximizing institutions, which he thought would require great change from existing institutions" (225).

To understand Mises' aprioristic methodology and the nature of the conflict between Mises and Hayek, one must realize the difference between economic theory and economic history.

Hayek was not only a philosopher, but he was an idealist, a "utopian philosopher." In 1949 he wrote:

> We must make the building of a free society once more an intellectual adventure, a deed of courage. What we lack is a liberal Utopia, a program which seems neither a mere defence of things as they are nor a diluted kind of socialism, but a truly liberal radicalism. The main lesson which the true liberal must learn from the success of the socialist[s] is that it was their courage to be Utopian which gained them the support of the intellectuals and thereby an influence on public opinion which is daily making possible what only recently seemed utterly remote. (233)
>
> The spontaneous character of the resulting order must . . . be distinguished from the spontaneous origin of the rules on which it rests, and it is possible that an order which would still have to be described as spontaneous rests on rules which are entirely the result of deliberate design. (98)

"Surely you don't expect me to believe that a dog bit you by *accident*!"

According to Ebenstein, "He supported the creation of new societal macro-institutions, 'the permanent framework of institutions.' He opposed government direction of an economy. . . . His focus in time became rules, or law. Rules enable people to live together more or less efficiently, in the most materially productive way with the highest degree of knowledge — the most accurate predictions of the future" (98–99).

Ebenstein describes Hayek's basic thesis as follows: "The most important institutional safeguard of individualism is the rule of law. Hayek considered no attribute of a society's political order to be more important than the rule of law. Where not laws, but men rule, no one is free and great coercion is inevitable" (124). His final words as dictated to his son, Larry, in answer to a reporter's written question, contained his basic thesis: "I believe that in general the idea of justice is more closely met by a freely competitive market than by any deliberate allocation of income to some imagined ideal of the kind" (317).

Hayek died in Freiburg in 1992, a little more than a month shy of his 93rd birthday. He was buried in a simple Catholic ceremony in a cemetery on the outskirts of Vienna.

According to Ebenstein, "Friedrich Hayek's great contributions included the enunciation of a world order in which humanity could live at peace. . . . Only by extending the rules of just conduct to the relations with all other men, and at the same time depriving of their obligatory character those rules which cannot be universally applied, that we can approach a universal order of peace which might integrate all mankind into a single society." Manuel Ayau of Guatemala, past president of the Mont Pelerin Society and founder of the free-market oriented Universidad Francisco Marroquín, calls Hayek "the intellectual torchlight for the libertarians in Latin America" (211). In the end, Ebenstein concludes that Hayek's "writing will serve as a beacon to enlighten centuries" (319, 320). Friends of liberty can only hope to be so fortunate. ❑

Notes:

1. Powell, Jim. *Triumph of Liberty* (Free Press, 2000): 449.
2. Powell, Jim, 450.
3. Hayek, Friedrich. *The Constitution of Liberty*, 411.
4. Hayek. *The Road to Serfdom*, 120.
5. Mises, Ludwig von. *Notes and Recollections*, 35–36.
6. In Mises' own words: "But the characteristic feature of a priori knowledge is that we cannot think of the truth of its negation or of something that would be at variance with it. . . . [T]he negation of what it asserts is unthinkable for the human mind and appears to it as nonsense." (Mises, *The Ultimate Foundation of Economic Science* (1962): 18.)
7. "In a 1983 letter to economic theorist and historian Terence Hutchison, Hayek added that his 'main intention' in 'Economics and Knowledge' [1937] was to 'explain gently to Mises why I could not accept his apriorism.' Economics cannot be a purely deductive, aprioristic discipline because it is not solely about individual actions, but about how individuals communicate information, which is an empirical process about which no a priori statement can be made." Hutchinson, T. W. "Hayek and 'Modern Austrian' Methodology," *Research in the History of Economic Thought and Methodology*, 10 (1992): 23. Quoted in Ebenstein, p. 97; see also p. 158.
8. Hayek, "Monetarism and Hyperinflation." *Times* March 5, 1980.

Hayek's contributions to economic understanding as well as reasoning and logic gained him a well-deserved reputation as the *philosopher of liberty.*

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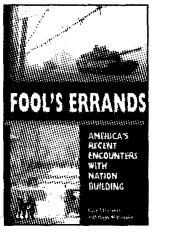

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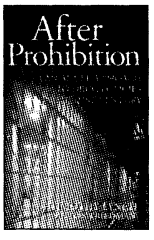

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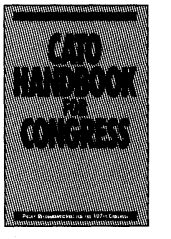

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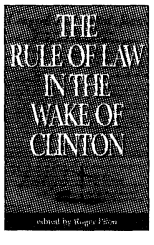

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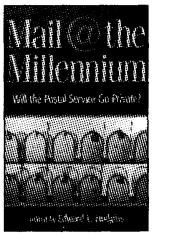

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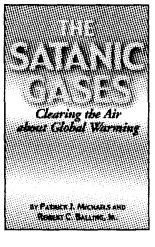

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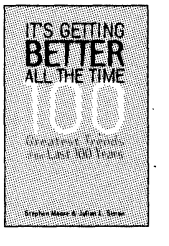

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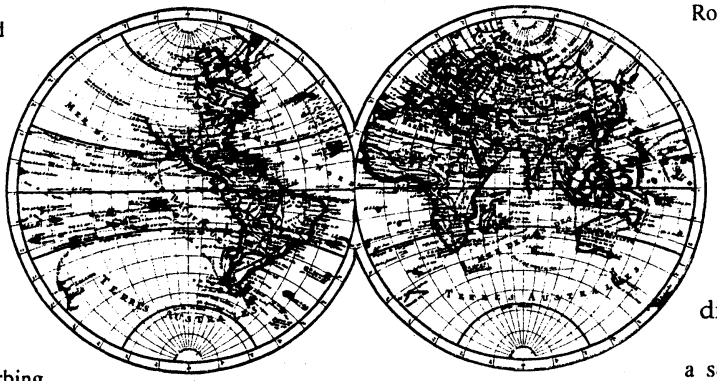

Palmer, Ark.

Rehabilitating the criminal element in an unusual way, from a dispatch in *Prison Legal News*:

Jeffrey Wiseman, a guard at the Palmer Correctional Center, was charged with theft after it was discovered he had been using prisoners' credit cards to buy goods.

Dayton, Ohio

Odd event in the home of the Dayton Peace Accords, reported by the *Dayton Daily News*:

During a fight with her husband, Linita Pettigrew picked up her child by the arm, chased her husband up the street, and beat him with the child.

Gardhinagar, India

The dangers of too clear a vision, reported by the estimable *Tribune*, of Chandigarh:

Ambalal Patel was arrested "for spreading fear and disturbing the peace." He had predicted that earthquakes would occur in the area.

Boston

Progress in outdoor recreation, reported in *The Boston Globe*:

A recent order has ruled that "having sex in public places" should "not be considered illegal if the activity was adequately hidden from view."

White Plains, N.Y.

Proof that students are the only ones who learn in the classroom, from *The Seattle Times*:

After law professor Gary Munneke illustrated his lecture on personal injury by pulling a chair out from under student Denise DiFede, she sued him for $5 million, claiming that the situation smacked of "battery" and "negligence."

Paris

Further evidence of the superiority of French culture, from *USA Today*:

A man is being treated at a hospital for burns sustained when he attempted to snuff out the eternal flame under the Arc de Triomphe by sitting on it.

Washington, D.C.

Advance in public management, reported by *The New York Times*:

An agency in the Defense Department devoted to ferreting out fraud destroyed documents and forged new ones before its operations were to be audited. The actions, which were taken "to avoid embarrassment" will "cost the government thousands of dollars" and "could adversely affect the confidence of the public."

U.S.A.

The cutting edge of linguistics, discovered in the *Seattle Post-Intelligencer*:

In a single interview, Britney Spears used the phrase "I mean" 38 times.

Albany, N.Y.

Peculiar sexual mores among the primitive people of the Empire State, discovered in the *New York Post*:

After receiving a sentence of 25 years in prison for rape, Robert Gorghan went to another office in the same courthouse and was married to Cheryl, the mother of the victim. "He's been my husband for a very long time in God's eyes," the bride told the press.

Tokyo

Art imitates life, from a dispatch by Reuters:

After a former janitor went on a stabbing spree inside a school a Web site featured a game titled "Killing Children at Ikeda Elementary School." Police requested that the site remove the game, which they thought "could hurt the feelings" of the people involved.

Berlin

The rising price of popular entertainment, reported by *Reuters*:

A Web site that offered Madonna fans a ticket for a sold-out concert in exchange for having sex with one of its reporters received more than 20 applications.

Carrollton, Texas

Advanced legal thinking in the Lone Star State, from a report in *The Dallas Morning News*:

Regarding a recent move requiring peddlers or solicitors to obtain and carry permits, Bob Scott, Carrollton's interim city manager, said that while "we're not taking away anybody's right to go door to door . . . we want to have them registered, and we want to be able to tell them exactly what they can and can't do."

Milwaukee

Telecommunications efficiency to rival the post office, reported in the *Milwaukee Journal Sentinel*:

When Matt Mertens moved to a Milwaukee suburb he was given a new phone number that had previously been used by the Menomonee Falls post office, and received about 100 wrong numbers a day. He complained to the authorities, and was assigned a new phone number — which formerly belonged to another local post office. He now gets about 50 wrong numbers a day. Various callers have burst into tears and yelled at him since he couldn't take their stamp orders.

Thanks to Dan Gough, Ivan Santana, and Russell Garrard for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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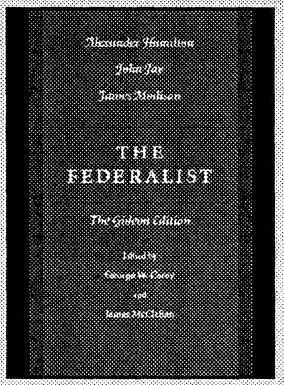

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The Federalist, by Alexander Hamilton, James Madison, and John Jay, constitutes a text central to the American political tradition. Written and published in newspapers in 1787 and 1788 to explain and promote ratification of the proposed Constitution for the United States, which were then bound by the Articles of Confederation, *The Federalist* remains of singular importance to students of liberty around the world. Significantly, the new edition will present the Gideon Edition of *The Federalist*, published in 1818, which includes the responses prepared by Madison to the previously published McLean edition of 1810, which presented *The Federalist* texts as corrected by Hamilton but not by Madison. The Liberty Fund *Federalist* includes, too, a new introduction, notes to *The Federalist*, a glossary, and the entirety of the Articles of Confederation, the Declaration of Independence, and the United States Constitution. Adjoining the text of the Constitution are cross-references linking provisions of the Constitution to the pertinent passages in *The Federalist* that address the specific term, phrase, section, or article within the Constitution.

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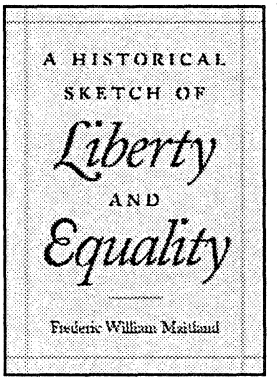

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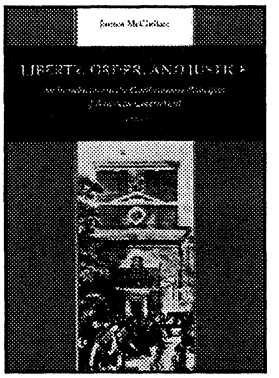

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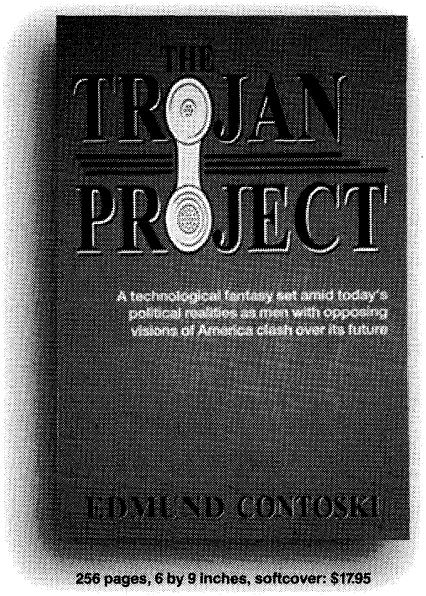

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Inside Liberty

October 2001
Volume 15, Number 10

4 Letters Touché!

7 Reflections We demonstrate the impossibility of evolution, offer advice for $4.99 a minute, note that the sun never sets on the FBI, finger the idiots among us, praise murder at work, and uncover the vast libertarian conspiracy.

Features

23 The People vs. The State of Oregon Oregon voters amended their constitution to stop the state from stealing their land. But the state's powerful elite took the case to court. *William E. Merritt* details this sordid tale of corruption, bribery, and abuse of power.

28 Injustice Compounded *Edward Feser* shows that today's arguments for reparations look a lot like "the mirage of social justice" exposed by F.A. Hayek a generation ago.

30 An Encounter With Harry Up close and personal, Harry Browne's vision of the future of the Libertarian Party isn't a pretty sight. *R.W. Bradford* reports on a recent encounter.

35 Learning From the 2000 Defeat What helped, what hurt, and what just didn't matter when it comes to the Browne 2000 campaign vote totals? *Michael New* analyzes the data.

38 Bay State Tea Party Fomenting a tax revolt just got easier. *Carla Howell* invites you to participate.

42 The Economic Causes of the Civil War Was the Civil War less a battle over slavery and more a battle over dollars? *Donald W. Miller Jr.* explores America's most destructive war.

45 The DEA Trials Sure, it felt good then, but now you're clean, sober, and wanted for war crimes. *Bart Kosko* weaves a tale of life after prohibition.

Reviews

49 Country Squire in the War Room *Clark Stooksbury* takes a look at a man totally unsuited for leading a nation at war.

52 The Crimes of Henry Kissinger The best way to judge a man is to see who he wants to put on trial for war crimes. *Stephen Berry* explains.

55 Practical Libertarianism There's a time for pragmatism in politics. *Brian Glazer* takes a look at the Cato Institute's latest blueprint for practical reform.

56 Atlas Plugged *Timothy Sandefur* checks out a new introduction to the works of Ayn Rand, without reading a word.

58 Notes on Contributors The people behind the words.

62 Terra Incognita Why not just stay indoors today?

Letters

Will the Real Barbara Walters Please Shut Up?

My heartfelt thanks for printing Timothy Sandefur's piece on that great American TV news-show matchup, John Stossel vs. Babs the Fossil (*Reflections*, August). As a fan of his work, I grit my teeth at the end of each of Stossel's segments, mentally preparing myself for the oncoming spike in my blood pressure as Barbara Walters shakes her head and burbles out some argument that was already addressed in the segment itself, then rolls her eyes and cuts to commercial before Stossel can respond. I am thankful that she was not somehow involved in his "Tampering with Nature" special that aired recently. I fully expected that at the end, after an intelligent and refreshing look at environmentalism, Walters would pop on screen to tell us how not recycling our used toilet paper makes baby seals cry. Throttle her, choke her with Maria Shriver's hair extensions, anything, just please make her shut up!

Martha Stallman
Houston, Tex.

The Passing of a Media Gold Mine

Kudos to Stephen Cox for his review of *Shadows of a Princess* (August). He hit the nail on the head with his comments about Saint Diana and her posturing. One thing he missed, though, was the cold-blooded, deliberate way the news barons of Britain whipped up the mob against the royal family after Diana's death, when it was still widely believed that the paparazzi were responsible for the accident. This particular aspect of the whole death-of-Diana thing stuck in my throat then, and I've seen no reason to change my opinion since. Love them or hate them, the royals deserved to be left alone at that time, if only because they had two children on their hands who had just lost a mother they loved.

Queen Elizabeth has been criticized repeatedly for (allegedly) putting her royal role ahead of her role as a wife, mother, and grandmother, but when she didn't do this, the news-ghouls were all over her for not being in London. The press screamed that the royals should be "with their people," as though Scotland was once again a separate country, instead of being just as much a part of the United Kingdom as Buckingham Palace itself. I've never thought much of the British press, and their uncritical Diana-worship cemented my dislike for them. Their behavior would have made the Founding Fathers seriously reconsider the whole free-press thing. The way they covered Diana made the way the American press sucked up to the Kennedys look moderate and reasonable — if Diana had been caught in an orgy at the Hellfire Club, they'd have spun it to make it look like a harmless charity function for raising money for orphaned, land-mine victims.

Eric Oppen
Iowa Falls, Iowa

The Case for a Double Standard

While I cannot disagree with Timothy Sandefur (*Reflections*, September), I think he misses a critical point. Of course I would forcibly restrain a friend from committing suicide if, in my judgment, he was acting irrationally or out of impulse. I would also be personally responsible for my actions and my friend would be entitled to compensation for my actions if he desired it. Government is a special case. Government is not liable and is not held accountable. The principles under which government operates are different than those for an individual. Government actions cannot be evaluated in the same way.

The issues and morality of individual and government action, while not entirely separate and distinct, are different and must be evaluated that way. The rules of government are a subset of those for individuals. The problem with statists of all sorts is that they believe just the opposite, that the rules for individuals are a subset of those for government.

Edwin J. Pole
Hillsboro, Ore.

Civil Morality

James R. Edwards claims (*Letters*, September) that "sexual morality [is] every bit as essential to civilized society as honesty, civility, limited government, and private property."

Honesty's importance to civilized society is incorporated into laws against fraud. Civility is the basis for laws against assault. Limited government is the basis for the Bill of Rights. Private property is defended by laws against theft.

Thus by use of analogy the argument presented gives sexual morality a public component. Such an analogy could then be used as a basis to put sodomy, birth control, homosexuality, prostitution, and any other consensual practice that Comstocks don't like on a par with fraud, assault, government violations of the Bill of Rights, and theft.

Charles Kluepfel
Bloomfield, N.J.

The Libertarian Disgrace

Thank you for your hard work in the effort to uncover the scandal within the Libertarian Party ("Browne 2000: Where the Money Went," September). I know this has been hard for you. Harry Browne was an editor of *Liberty* and Harry and R. W. Bradford were personal friends. I am sure that this story provided more than its share of sadness. However, the truth must come out.

Now the party can begin to solve this problem which has festered its corruption within party circles for many years. No longer is it just speculation that something bad was happening within the Libertarian Party — we now know it is true. Along the way all of us relearned the lesson of Acton: that power does corrupt!

While Chairman Lark and the rest of the LNC would like this scandal to go away, the silence of the arrogant perpetrators can only mean that there is more to it. Mr. Lark and the LNC have a duty to pursue this matter, even if it means court action, if for no other reason than to protect those not involved. Browne, Willis, and their colleagues have deceived us. Their current silence may

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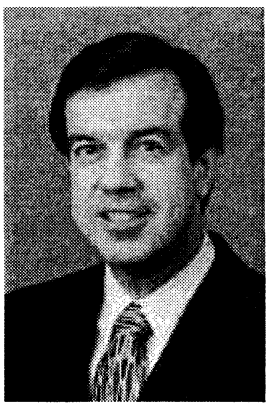

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be deafening, but their prior actions spoke louder than words. They have destroyed our innocence and in the process nearly crushed our idealism. Browne and his minions have sullied our party for too long. It is now time to rid ourselves of them.

LeRoy Lloyd
Bowling Green, Ohio

Too Easy on Browne

Before the end of July 2000, Browne's campaign manager Perry Willis was claiming on LibertyWire, the campaign's e-mail newsletter, that the Browne campaign (HB2000) and the Libertarian National Committee (LNC) had already spent $62,390 buying airtime for TV ads. But the FEC reports filed by both HB2000 and the LNC show just $16,936 was spent, all by HB2000. That's a credibility gap of $45,454, or a whopping 268%.

Before mid-August, Willis was claiming on LibertyWire that combined HB2000/LNC spending for TV ads was $131,750. The actual number was less than $49,000; Willis exaggerated by $83,000, far more than 100%.

September was HB2000's big month to buy TV advertising. FEC reports show a total of $43,248, including identical $6,624 purchases on the Discovery Channel September 21 and 27. According to the FEC reports, the LNC apparently did not buy any TV ad time for Browne's campaign in September.

So far, the LNC had spent only the $20,000 in August. However, by September 19, Willis had told LibertyWire recipients of the LNC's $113,000 in spending for TV ads. Remember, FEC reports filed by the LNC show no TV ad time purchases in September.

HB2000 made its last TV ad time purchases by mid-October, $27,496 for the month, announced on LibertyWire on the 18th, and that amount is listed for the 17th in HB2000's report to the FEC. This brought the total post-nomination spending by HB2000 to buy TV time to $99,430. (One week later, and two weeks prior to the election, Perry Willis started using LibertyWire e-mails to solicit donations to file the FEC lawsuit, first announced in March 2000, more than seven months earlier. At this writing, August 17, 2001, the lawsuit has yet to be filed.)

The LNC then started buying TV airtime for the Browne campaign, spending $2,900 on October 23, $29,561 on the 24th, $20,740 on the 27th, $29,546 on the 30th; plus $14,722 on November 2, for a total of $97,469 in the final two weeks before the election.

So, HB2000 press secretary Jim Babka may loosely be considered correct in telling *Liberty* that HB2000 spent $120,000 on TV ads, *if* one adds $24,000 of pre-nomination payments to Firm Multimedia to the $99,430 post-nomination payments.

However, Willis' tales of amounts spent to purchase TV ad time by both HB2000 and the LNC are wildly exaggerated, claiming more than double the amounts later reported to the FEC. This goes far, far beyond the realm of an occasional typo, a bit of portraying the world through rose-colored glasses or even a campaign manager's wishful thinking.

Bradford and Browne are old friends. Perhaps this is why he and Merritt were so easy on Browne and his campaign.

Ken Sturzenacker
Allentown, Pa.

Another Scandal, Yawn

It seems to me the reason we don't want LP staffers working on a particular candidate's campaign is the same reason we don't allow a state-sponsored religion. That is, if everyone at LP National Committee is openly working on Browne's campaign, then no one else is likely to run, feeling that the party has already endorsed Browne.

If that's the point of the rule, how can that rule be violated (in spirit) by Willis "secretly" working for Harry? Isn't that like George Bush "secretly" endorsing Buddhism? Would anyone really care? If Willis "secretly conspired" to assist Browne as alleged, doesn't the secrecy itself undermine the seriousness of the conflict?

Secondly, it's alleged there was "cor-

continued on page 61

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

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Reflections

The Bard of Little Rock — Bill Clinton got a $10 million advance for his "thorough and candid telling of his life." Who says crime doesn't pay? — Alan Bock

In space no one can hear you scream — Los Angeles has officially staked a claim on its assumption of being the center of the universe. Because Hughes aircraft owns eight satellites and also is based in El Segundo, Los Angeles County feels that property taxes should be assessed on them, even though they are stationed 22,300 miles above the equator.

Just as forensic scientists can pinpoint the time of death of a victim by the development of maggots on the decomposing corpse, I think you can chart the development of a frontier by noticing when the tax assessors show up.

— Tim Slagle

If dog, rabbit — Almost all medium-sized or larger papers feel an obligation to buy one or the other of these light magazine supplements. Even newspapers that produce their own, much weightier Sunday magazines — like the *San Francisco Chronicle* — still provide a national supplement like *USA Weekend* or *Parade.*

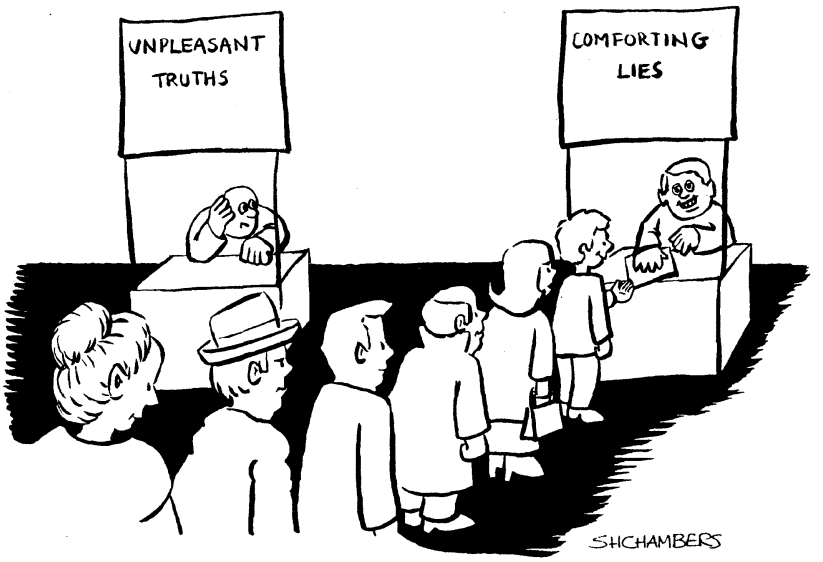

Articles in both tend to be short and superficial, with an emphasis on the inner thoughts of celebrities, and both magazines feature large display ads for nose-hair trimmers and the like.

So it's understandable that these magazines fly beneath the cultural radar of people who think about politics. But ignoring these middle-to-lowbrow magazines is a mistake, because they have an enormous readership. Just as *Reader's Digest* is more politically important than *The Nation*, even though *The Nation* is more prestigious among people with graduate degrees, *Parade* and *USA Weekend* have a political impact too huge to ignore.

So I was startled one weekend to see the *USA Weekend* cover story asking, "What if Einstein had ADD?" Well, "he didn't," a smaller text on the magazine cover admits. The cover picture is a shot of an actor impersonating Einstein. Behind the actor is a chalkboard full of mathematical equations. The big equation is "E= . . . c^2." Apparently Einstein's close brush with Attention Deficit Disorder has prevented him from realizing that "m" is needed to complete the equation.

A smaller equation nearby features "$mc^2 + E_0$" divided by the square root of "$i + v^2$." Here we see the tragedy of a genius with ADD, as Einstein foolishly mixes his great insight about matter and energy with terms from electricity and elementary Newtonian physics.

Inside, the ADD article is an autobiographical piece by an Idaho writer who actually has ADD. Judging by the picture and the text, she suffers from a milder case than the Einstein impersonator does. We never actually learn what might have happened if Einstein had had ADD — other than the cover photo's implication that he would have been a mathematical ninny.

So who cares? Well, *USA Weekend*'s silly cover illustrates how deeply the magazine feels compelled to warn its readers about ADD. You can expect to hear soon about the need for federal subsidies to "do something" about ADD.

The *USA Weekend* cover also points the way to more great covers in the future. What if Moses were Catholic? What if Stalin had Tourette's syndrome? What if George Washington were a lesbian? What if Daniel Webster stuttered? What if *Liberty* were a preppy clothing catalog? — Dave Kopel

McCain the Magnificent — Having attacked the First Amendment with his bill to regulate political speech and the Second Amendment with his campaign against the nonexistent gun-show loophole, word has it that Sen. John McCain is going for the hat trick: He plans to introduce legislation requiring Americans to quarter troops in their houses in times of peace. — Sheldon Richman

This bomb's for you! — The trouble with the Second Amendment is that traditional weapons kill people. Modern media brings the horror of war right into our living rooms, and public sentiment always goes to those injured. Timothy McVeigh would have found a more sympathetic

jury of public opinion had no one been killed. Had he targeted a building where tax returns were stored, and destroyed it without a single casualty, he would have been a national hero.

According to the September 2001 *Popular Mechanics*, an electromagnetic pulse bomb can be built with 1940s technology for under $400. This would be a weapon that destroys electronics and magnetically recorded information with no injuries to humans and buildings. With face scanning technology the new rage of law enforcement, cameras going up on every street corner, doctors required to submit medical information into a national database, and various federal law enforcement agencies watching every e-mail on the Internet; I would suggest that the security of a free state requires a Patriot's Manhattan Project focused on building up a private EMP arsenal.

Oops, I submitted this one to *Liberty* via e-mail. Goodbye, everybody. — Tim Slagle

The function of an idiot-identifier — In my *Dictionary of the Avant-Gardes*, I suggested that certain prominent artists and writers generate work so dubious, so fake, that they function within the professional world to mark their admirers as idiots.

When I first introduced this epithet I was thinking of a "sculptor" who produced pieces with words, sometimes inscribed large on walls, later put in liquid crystal displays. Her use of language was undistinguished; the thoughts she expressed in her words were pious pap; her style reflected obvious antecedents, if not outright plagiarism. It was not for nothing that her work subsequently disappeared from common view. (Don't credit me with influence, though I think others eventually understood what earlier occurred to me.)

Though Martha Stewart is obviously an attractive and smart woman, she functions also as an idiot-identifier; it is hard to believe that any intelligent person takes her seriously about "living." Her social function is allowing people who are not so smart to voluntarily identify themselves. Truman Capote, initially a minor novelist, became an idiot-identifier after the publication of *In Cold Blood* (1964); and if certain biographers are to be

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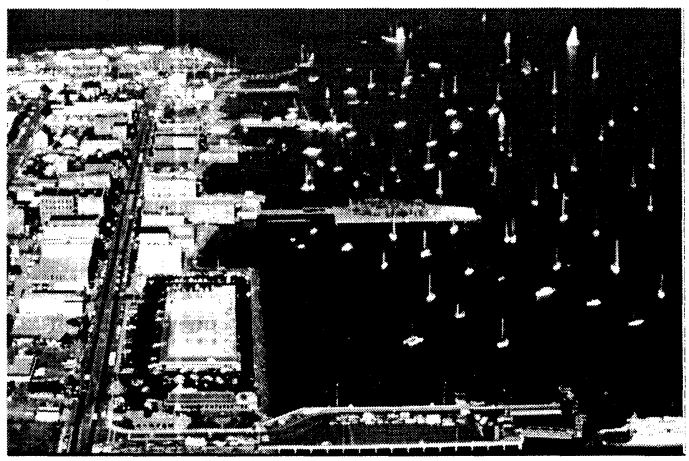

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believed, the quality of his new admirers had a deleterious effort upon his own spirits. Can anyone who has actually read Joseph Brodsky's poems in English think well of anyone praising them? They are so insufficient that, lacking critical reputation or professional influence, their only real purpose is identifying idiots.

I think less of the "editors" at any local radio or television station that airs the Rev. Al Sharpton, not because I disagree with him but because he is essentially a fake as both a social critic and purported spokesman. Though the economist Robert Reich expresses attractive sentiments, would any of us regard someone ranking him or, say, John Kenneth Galbraith among the world's greatest economists, let alone a major economic mind, as more than dumb?

Scarcely alone in observing this I-I insight, I notice that the academic operator Stanley Fish once declared, "As far as I'm concerned, any positive reference to [Jurgen] Habermas in the course of an argument is enough to invalidate it." Curiously, I've always had a similar prejudice toward positive references to Professor Stanley Fish. My suggestion in my dictionary was that such people had an important implicit social function, as every profession needed an idiot-identifier if it were to be truly a profession. The lawyer Roy Cohn, neither honest nor law-abiding, had a similar usefulness for the legal profession, not only in his lifetime, when he was often feared, but afterwards, when there was nothing to be feared in dismissing him.

In a funny way, *The New York Times* itself becomes an idiot-identifier when someone cites it as their principal authority for cultural judgments, not just because its editors are too responsive to publicity machinery but because the *Times* often cites prominent idiot-identifiers for pseudo-expertise. Some idiot-identifiers can be instructively insidious. Consider a novelist-critic whose work consistently falls short of what is claimed for it, initially by her publishers and then by certain journalists susceptible to excess publicity. Whenever I come across an interview or review praising this person, my first suspicion is that the writer isn't very bright, and that judgment affects my choices whenever I come across that interviewer/reviewer's name again.

The effects of idiot-identification scarcely end there. I regard dubiously institutions granting her awards or hiring her to perform. Nothing but nothing deflated a new, self-important cultural foundation more in my eyes than its giving a monster grant to her. I put aside a new cultural encyclopedia when it had an entry on her. When the work of a certain academic sociologist was recommended to me, I vaguely recalled his association with this novelist-critic and thus concluded, no doubt insufficiently, that this sociologist must be an idiot. In this case, my memory influenced a cultural decision, perhaps involuntarily. I doubt if the sociologist, secure in a university name-chair, knows how his earlier association jeopardized his own image with some readers outside academia and perhaps undermined as well the reputation of his institution. Hearing this sociologist characterized as a flagrant "name-dropper," I realized how such people inevitably open themselves to the negative effects of prominent idiot-identifiers. What's subtle and thus worthy of more exploration is how idiot-identifiers can deflate self-assured cultural powerhouses without the latter really knowing how profoundly they've been hit. Ironically, since idiot-identification measures non-influence, historians are less equipped than critics to measure negative effects. That's why those vacuums wouldn't even rate a mention in someone's biography.

— Richard Kostelanetz

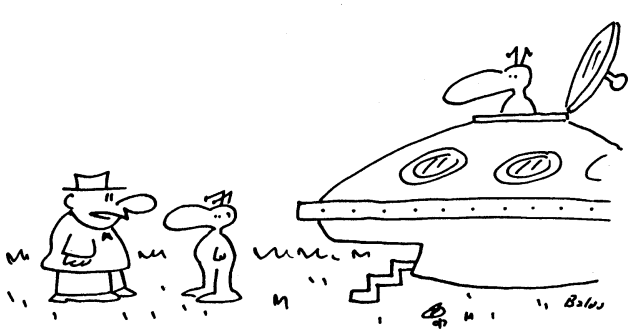

"If I were you, I'd scram before Pat Buchanan shows up."

Don't tread on me! — The *London Times* reports that George and Laura Bush refused to bow or curtsy when they met with the queen. First daughter Barbara, who joined the trip at the last minute — probably when she heard about the lower drinking age in the U.K. — showed up at the palace in a denim jacket.

The British may be shocked at such insubordination, but all I can say is, "Good for them." The royal family got accustomed to the Clintons slobbering all over them; but 225 years ago, a lot of good men gave their lives so that we could face the royal family without averting our eyes. That's the kind of foreign relations I like to see, a president who doesn't pay royalty any more respect than he would to Mickey Mouse and Goofy, on a diplomatic junket to Disneyland.

— Tim Slagle

The Beloved Leader's heroic journey — The recent visit by North Korean Beloved Leader Kim Jong Il to Moscow was filled with nostalgic Stalinesque touches, with a few early Woody Allen movie scenes thrown in for good measure. Kim is apparently leery of newfangled flying machines, so he made the trek to Moscow by train with an entourage that included 21 armored cars and took nine days to travel through the Siberian vastness. Apparently for security reasons, the train missed scheduled stops and took secretive routes. Russia hasn't seen those kinds of security precautions for more than a decade. Moscow authorities did their best to make the time-traveling commie warlord feel at home, laying on old-style goose-stepping parades and a wreath-laying ceremony at Lenin's tomb. "We had to take into account the quaint mentality of North Korean representatives," a Russian official told one newspaper. "Their mentality is much quainter than the mentality of Soviet people not even 15, but maybe 40 years ago."

Remember when communism was the wave of the future?

— Alan Bock

Signore Ponzi, I have Sen. Cantwell on line one — Sen. Maria Cantwell recently warned an audience of fawning reporters that allowing Social Security to be privatized could have dire consequences for Americans.

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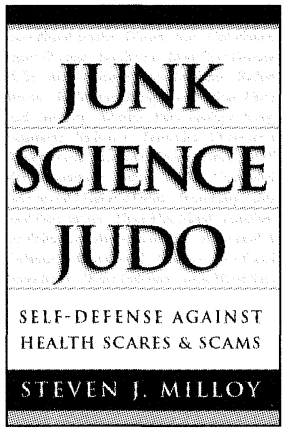

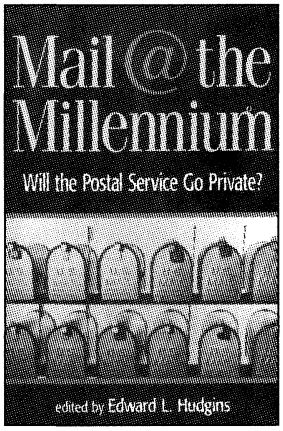

The rise of the Internet and the proliferation of private package-delivery services have brought the U.S. Postal Service to a crossroads. As more people correspond and pay bills online, what is the role of the Postal Service? Do we really need a monopoly that continues to run huge deficits, or is it time to consider other options? Sixteen economists, scholars, and business leaders offer a variety of answers. Cloth $19.95 ISBN 1-930865-01-5/ Paper $10.95 ISBN 1-930865-02-3

The "precautionary principle"—a "better safe than sorry" rule—is increasingly invoked to justify government regulations to stop potential environmental problems such a global warming, genetically-modified foods, and DDT. The author argues that not halting such potential crises might entail health risks, but so might their regulation. He argues that a balanced application of this principle cautions against aggressive regulation. Cloth $17.95 ISBN 1-930865-16-3

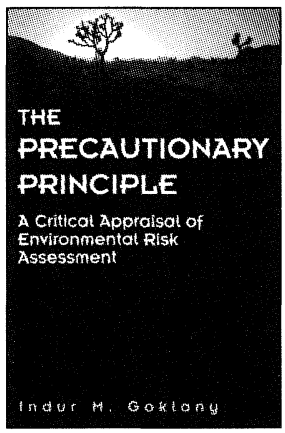

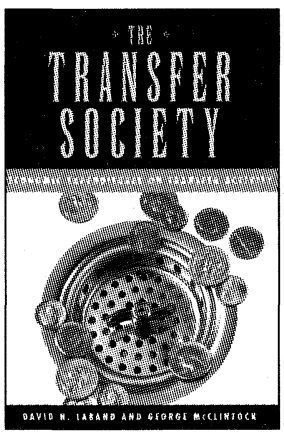

How much do Americans spend each year taking wealth from others or protecting their own wealth from being "redistributed"? From locks to lobbyists, cops to campaigns, Americans spend over $400 billion a year on either taking someone else's wealth or protecting their own. This book makes a significant contribution to both political science and economics in terms a layman can understand. Cloth $19.95 ISBN 1-930865-10-4/ Paper $8.95 ISBN 1-930865-11-2

Most Americans know little about Medicare even though they rely upon it. Sue Blevins examines the program's origins, its evolution, and future policy options to reform it. Medicare fails to provide catastrophic coverage yet costs far more than originally estimated. Until Americans learn the real history of Medicare, they won't understand how to reform it. Cloth $16.95 ISBN 1-930865-08-2/Paper $8.95 ISBN 1-930865-09-0

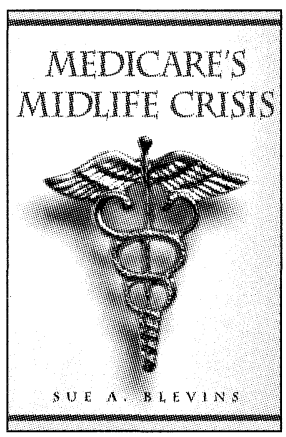

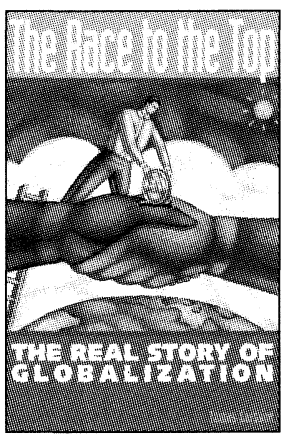

Swedish journalist Tomas Larsson takes the reader on a fast-paced, worldwide journey from the slums of Rio to the brothels of Bangkok and shows that access to global markets helps those struggling to get ahead. While critics of globalization focus on the hardships caused by international competition, Larsson sees the opportunities that competition offers to those seeking a better life. A highly readable book full of good news. Cloth $18.95 ISBN 1-930865-14-7/Paper $9.95 ISBN 1-930865-15-5

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Perhaps she was speaking from her own experience. Cantwell had a disproportionate amount of Internet stocks in her portfolio against which she borrowed 10 million real dollars to finance her Senate campaign. When the bubble burst, she was left worse than penniless as her collateral had evaporated. Her paltry $250,000 Senate salary is incapable of paying the interest on the debts she incurred in acquiring said salary.

Throughout the Social Security debate, senators and representatives tell us that only they are wise enough to manage our retirement funds. It is refreshing to hear someone admit that we cannot be trusted with our own money because we might be as stupid as Maria Cantwell. — Tim Slagle

All the freedom you can afford — It is a question that constantly nags at me: Does the typical American have more or less liberty than in the past? Have the many claims that we are losing our liberty, "that we are on the road to serfdom," proven to be correct?

Certainly, the noose has tightened in many ways. We have identity cards that weren't around until the 1930s, we have widespread taxation, we have a federal government that knows few bounds in legislating rules affecting competition, health, safety, environmental protection, political finance — you name it — and local governments that interfere with how you paint your house and where you build your home.

For a responsible and energetic person, the opportunities seem limitless. This prosperity overwhelms many deprivations of liberty.

Yet this picture ignores an important element, America's prosperity. The wealth of a 21st-century American is mind-boggling in comparison to any other time in history. Americans are mobile. Jobs go begging. Wages are high. For a responsible and energetic person, the opportunities seem limitless. In my view, this prosperity overwhelms many deprivations of liberty.

For example, I dislike the public school system and many things that go with it: the petty bureaucracy, the wasted effort, the uniformity. With prosperity, however, I can send my child to a private school. The government has long attempted to limit my ability to watch the television I want, but I can pay for cable and satellite television. I have new options for recreation because I can travel almost anywhere by air. The system of taxation and pork-barrel spending dismays me, but prosperity allows me to have money left for the things I want. In many ways, we can get around restrictions on our actions through wealth.

I am not even talking about wealth as measured by American standards today. I'm referring to relatively modest amounts of money. Most Americans are rich by the standards of history and the rest of the world: I personally have been "rich" ever since I received my first paycheck (around $56 every two weeks, after taxes). Since the room I rented cost $35 per month, my finances were as satisfactory as Mr. Micawber's on a good day, who observed: "Annual income twenty pounds, annual expenditure nineteen six, result happiness." The wealth of young people today is typically no less.

Libertarians may not like this line of argument. For one, its corollary is that people who don't have money don't have freedom, and thus it may lend credence to the view that people should have positive rights to material goods. I don't agree with this, and I don't think we have to go there. What I am saying is that to neglect the enormous purchasing power of Americans may be to overstate restrictions on our freedom.

Another possible criticism is economists' argument that people's needs are never satisfied, so, although wealth may overwhelm some restrictions on freedom, using it that way means that it can't be used for other things that people want. True. The world is far from perfect. But thanks to that wealth, we are freer than we would be. I'd like that to be included in assessments of liberty. — Jane S. Shaw

Duh NA — Whatever your opinion of the debate over stem-cell research, the one thing that debate has demonstrated, with embarrassing repetition, is the degree of scientific illiteracy among Americans — who nevertheless feel themselves able to make decisions on what fields of scientific inquiry to prohibit or permit. A little over 40% of Americans believe that dinosaurs and man cohabited on earth; and something like a majority think evolution — perhaps the greatest scientific discovery ever — is a myth.

I recall a conversation I had some months ago with a gentleman, in every other way a respectable citizen, who attempted to explain to me that evolution was impossible, because, after all, it would have required such a remarkable coincidence. How so? I asked. Well, he answered, evolution presumed that a man evolved out of the mud one day, and that on that same day, a woman evolved out of the mud, and that the two were able to meet and mate and thereby propagate the human species. As H.L. Mencken once put it, this is the sort of nonsense a boy of 10 would — or ought to — laugh at. Yet this respectable, politically active gentleman was willing vehemently to support the cause of such ignorance. And of course the politicians are even more ignorant.

Long after this stem-cell conflict has cooled, we will be left with the problem that a great many Americans have no idea how DNA even works, yet propose to make rules for those who do. Scientific illiteracy is probably the most dangerous social ill in America, particularly because nobody is ringing the "Decline Of The West" alarm the way they do over the public's ignorance of the great books or the lessons of history. But then, that's no surprise. The people who ring such alarms are generally the same conservatives who have an innate dislike for science, with its acidic reason and refusal to appeal to authority. — Timothy Sandefur

Miss Cleo, am I getting overbilled in risky relationships? — Once again, the government has moved in to protect us from "fake psychics." Access Resource Services, purveyor of Miss Cleo, finds itself embroiled in a suit from the Missouri attorney general.

ARS has been accused of overbilling clients. I think charging anything for a "psychic reading" is tantamount to overbilling, but I am quite happy to let the market have the last

word. If Miss Cleo has been charging too much for advice, you have the freedom to find another source. There is never a scarcity of people willing to give you a piece of their mind, and most of them charge little or nothing.

According to the attorney general, charges from Miss Cleo were even showing up on the phone bills of deceased clients. I would suggest that perhaps there is a tradition of surviving family members getting free long distance calls in that short window between death and having the phone turned off, but there may be a better explanation. Perhaps dead people have to contact the spirit world to make reservations. — Tim Slagle

Staying behind the curve — For the past few weeks, the news media have been full of reports and discussions of lines of cells, i.e., cells reproduced from embryonic stem cells for use in medical research. Lines of cells have been around since 1981, when scientists learned that lines of cells from early mouse embryos could be reintroduced into embryos to generate an animal with cells from both the host embryo and the cell line.

The Libertarian Party had an opportunity to be years ahead of the curve on this important political issue. But it didn't take it. And the reason it didn't, I confess, is me.

Here's how it happened.

One day in 1989, Murray Rothbard called me. He had a favor to ask: Would I serve on the Libertarian Party's platform committee at its convention in Philadelphia? It seemed there was a movement afoot to eliminate the pro-abortion plank from the platform, and Murray added, "I know you are hard core on this issue." I thought it might be an interesting experience, so I agreed. He said he'd arrange it, and that Bill Evers and Kathleen Richman would be heading the pro-abortion efforts there, so I should report to them.

I arrived at the meeting late, having taken a train from New York where I had had a speaking engagement and it quickly became evident that Evers and Richman had come to the meeting very well prepared. At the first break, Evers introduced himself, explained why he had treated me rudely during the meeting (he hadn't realized who I was), and handed me a stack of papers he and Richman had prepared with proposed changes to the platform that he and Richman had prepared. He also told me that the plan on abortion (my reason for being there) was to focus on other issues, ignore abortion until it was brought up by the anti-abortionists, and hope they didn't have enough votes to change the platform.

I chatted with other members of the committee during breaks and came to think that although members were tiring of Evers' and Richman's endless proposals, there were more than enough pro-abortion votes to beat back any challenge. Figuring that the best defense is a good offense, I suggested to Evers that we propose to make the platform even stronger on the issue of choice. He told me that it was a bad idea and we should stick to the game plan.

I counted the votes again and concluded that the votes were there, so I proposed making the party's support for the right to abortion a separate plank to appear early in the platform and to make its language even more forceful. Evers glared at me a bit, but the measure passed easily.

As the final day of the meeting wore on, Evers or Richman introduced a proposal for the LP to take a firm stand on the property rights of lines of cells. No one on the committee but them had any idea what a line of cells was. After they explained the issue to us dummies, I made a short but obnoxious speech against the LP's taking a stand on the issue. Sure, I said, we favor property rights; we say so elsewhere in the platform. But why litter our platform with stands on issues that not one person in a thousand has ever heard of?

It was late, committee members were tired, and they voted down the measure. And the LP lost an opportunity to be ahead of the curve. If I hadn't ridiculed the idea, LP spokespersons would be publishing op-eds and appearing on talk radio about the importance of private ownership of lines of cells. *Mea culpa. Mea culpa maxima.*

And what happened to the new, improved pro-abortion plank we'd proposed? The chairman (oops, I mean chairperson) of the platform committee, Steve Givot, was against the measure, and when he presented the proposed changes to the convention, he put abortion last on the agenda. After leading several hours of debate on other issues, time was running out, and he proposed the convention reject all those not yet introduced. The delegates, anxious to get on to the weighty matter of re-electing party chair Dave Walter, went along by acclamation. The party's support for abortion survived, but hadn't been strengthened. — R. W. Bradford

The Libertarian Party had an opportunity to be years ahead of the curve on this important political issue. But it didn't take it. And the reason it didn't, I confess, is me.

More children are seriously injured reading The Weekly Reader ***than reading*** Hustler — *Scientific American Online* recently reported that "more children are seriously injured on playgrounds than in traffic." Well — good! I mean, wouldn't it be awful if it was the other way around? This story only proves that parents are careful not to let their children play in traffic! Another thing it proves is that it's not the (already meaningless) statistic that matters, but how you phrase it. For instance, this one is true: "The leading cause of death in the workplace is murder." Why, dear God! That must mean murder is rampant across the nation! And we've seen all those post office shootings, right? It must be an everyday occurrence! Well . . . no. It's just that we've managed to make the workplace so safe that the only way to die at work today is if someone does it to you on purpose. "The third leading cause of death among teenagers is suicide." Something has to be the "leading cause of death." But when it's phrased in such terms, the result is to perpetuate the crisis mentality which motivates irresponsible knee-jerk legislative "solutions." In fact, only a few days after the *Scientific American* report, the Consumer Product Safety Commission issued a report concluding that "backyards [are] more dangerous than public playgrounds." And the language used by the

Canadian newspaper which reported on the study gives one pause: "There are safety standards for playground equipment," the article read, "but they are only mandatory for public areas." Anyone who recalls last year's attempt by the Occupational Health and Safety Administration to enforce workplace "ergonomic" standards on home offices should be able to see where that is leading. — Timothy Sandefur

Welcome to the monkey house — Peter Vetique, a New Yorker, went to the Bronx Zoo in August, stripped down to his boxer shorts, and leaped into the gorilla cage. A quick zoo attendant kept the gorillas away while Vetique, protesting that he "want[ed] to be at one with the monkeys," was dragged away by police. He is going to be given a psychiatric examination.

I protest. No psychological examination was given to Julia "Butterfly" Hill, an environmentalist activist who lived in a tree for two years to protest the logging industry. Nobody ordered Donna Rawlinson MacLean to see a shrink when she filed a patent on "herself" to protest the evil capitalists who completed the human genome project. The activists at PETA are now even encouraging people to feed vegetarian meals to their dogs and cats. "Vegetarian or vegan dogs and cats enjoy their food and good health," reads an article on their Web site, "and a vegetarian diet for your companion animal is ethically consistent with animal rights philosophy." PETA especially recommends "soy milk, tomato sauce, avocado, melon or garbanzo beans." But none of them have been subjected to psychological evaluations. This is unequal treatment, to say the least.

— Timothy Sandefur

A different kind of child care — A new law in South Carolina purports to be about education standards for day care workers. So why does it expand the requirement that photo developers report to the police film that seems to involve "children" under 18 in what seem to be sexual postures? Why does it contain a requirement that private computer technicians must tell the police if they find child pornography when servicing machines? — Wendy McElroy

Globocop — Former FBI director Louis Freeh, who seems to have gotten out of the bureau just in time to miss the fallout from his disastrous years at the helm, still considers the expansion of the bureau overseas as his lasting legacy. It's true that he was aggressive in this mission: 19 of the 44 FBI overseas offices were opened during the last five years. But while FBI-nauts brag on convicting a few African embassy bombers, the contribution of the FBI to international comity and crime control is negligible at best and negative at worst. The expansion sends the rest of the world the message that the United States considers the entire world its crime-control domain and that it doesn't trust the benighted folk in colonial outposts like Europe and Russia to handle crime problems. Not that the governments in most other countries are all that great at real crime control, but the FBI is hardly in a position to assert superiority.

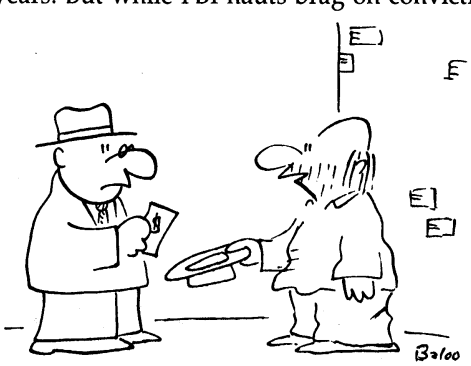

"I'll need a little more than that, sir — I plan to go to Starbuck's."

— Alan Bock

A vast libertarian conspiracy — Liberal paranoia about the growth of the conservative and libertarian movements is getting more and more severe. It began with Hillary Clinton's "vast right wing conspiracy" blather, and Bill's grudging — and, needless to say, insincere — statement to the country that the era of big government was over. All the nonsense about "extremism" among the bland 104th Congress, all the talk of old people being reduced to eating dog food, showed the hysteria growing louder and louder. The various accusations of "disenfranchisement," or of Bush "stealing the election" have become background noise while liberal law professors claim that "conservatism now dominates the law."

Most recently, Rep. Robert Matsui (D-Calif.) identified the Cato Institute as the real behind-the-scenes puppet master. "This is really the Cato Institute that is behind this," he said, "and some individual groups on Wall Street that are funding the Cato Institute." And now in a review of a new book on Barry Goldwater, *Atlantic Monthly* writer John Beatty claims that "the libertarian economics with which the GOP pulled in the shy white backlash voter is now the conventional wisdom."

It would be so nice if the Republican party were really what left-liberals say. According to Beatty, "the goal [of conservatism] is to remove the federal government from the economy, to put ordinary Americans back where they were in 1929: un-championed, naked to the whetstone of the market." The old term for this, of course, was "freedom."

"The message the conservative movement has for Americans," Beatty says, is "You're on your own." One might observe that this was precisely the message of the American Revolution, as well. In his old age, Jefferson wrote that the real message of the Revolution was that "here every one may have land to labor for himself if he chuses; or, preferring the exercise of any other industry, may exact for it such compensation as not only to afford a comfortable subsistence, but wherewith to provide for a cessation from labor in old age."

But what's so sad is that Beatty and his ilk say this about an administration that has placated leftist teacher's unions by abandoning vouchers, appeased the steel industry by threatening other countries with protectionist tariffs, given in on judicial appointments, and accepted price caps for energy. Reading about Republicans in the newspapers, and then seeing them in reality, one gets the same feeling as when ordering a steak at Sizzler. I didn't want this puny thing, I want the big one in the picture! — Timothy Sandefur

Be all that you shouldn't be — So there's yet another allegation of rape by a U.S. serviceman in Okinawa. Isn't it time to get our troops out of there? The contribution of American troops on Okinawa to genuine national security interests of the United States is undetectable and their pres-

Oakeshott's "Voice" Advocates 'Adventures in Human Self-Understanding'

"When British political philosopher Michael Oakeshott died in 1990, the world lost one of its greatest defenders of liberty."
—Robert A. Peterson, *The Freeman*

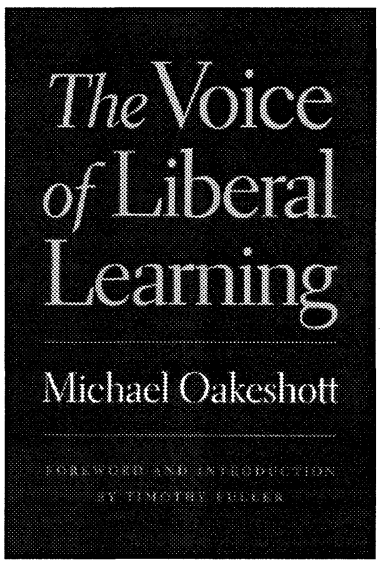

The Voice of Liberal Learning

By Michael Oakeshott
Foreword and Introduction by Timothy Fuller

By 1989, when Michael Oakeshott's *Voice of Liberal Learning* was first published by Yale University Press, books that held a negative view of education in the United States, such as Allan Bloom's *The Closing of the American Mind* and E.D. Hirsch's *Cultural Literacy*, had garnered a remarkable amount of attention. There have been countless lamentations about the state of schooling in America in recent years, and there have been countless recommendations toward what is invariably called "educational reform."

To those weary and wary of the cacophony about what's wrong with education in America and what ought to be done about it, Oakeshott's voice beckons. As usual, his approach to the subject is subtle, comprehensive, and radical—in the sense of summoning readers to the root of the matter. That root, Oakeshott believed, is the very nature of learning itself and, concomitantly, the means (as distinct from the method) by which the life of learning is discovered, cultivated, and pursued. As Oakeshott has written, "This, then, is what we are concerned with: adventures in human self-understanding. Not the bare protestation that a human being is a self-conscious, reflective intelligence and that he does not live by bread alone, but the actual enquiries, utterances, and actions in which human beings have expressed their understanding of the human condition. This is the stuff of what has come to be called a 'liberal' education—'liberal' because it is liberated from the distracting business of satisfying contingent wants."

Liberty Fund's new edition of *The Voice of Liberal Learning* includes a foreword by Timothy Fuller that reiterates the timelessness of Oakeshott's reflections amid the continuing clamor that characterizes discourse about liberal education.

Michael Oakeshott (1901–1990) was Professor of Political Science at the London School of Economics and a Fellow of Gonville and Caius College, Cambridge. He was the author of many other works, including *Rationalism in Politics and Other Essays*, *On History and Other Essays*, and *Hobbes on Civil Association.*

September 2001. 5½ x 8¼. 240 pages.

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For those interested in reading additional works by Michael Oakeshott, his *Rationalism in Politics and Other Essays*, *On History and Other Essays*, and *Hobbes on Civil Association* are also available from Liberty Fund.

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ence is a constant source of friction with the Japanese.

— Alan Bock

Arrogance in the summits, ignorance on the street — The "anti-globalization" protesters who assembled in Genoa to protest the leaders of the world's industrialized nations meeting at their G8 summit may have accomplished one thing. According to the London *Daily Telegraph*, the decision to hold a scaled-down meeting next year in a fairly isolated resort in Alberta rather than Canada's capital of Ottawa was made in part to discourage demonstrators.

There are pluses and minuses in such an outcome. British Prime Minister Tony Blair, according to the *Telegraph*, was "visibly angered" that anarchist protesters had "hijacked" the summit. Disrupting meetings of democratically elected leaders, Mr. Blair says, is "to stand the whole principle of democracy on its head."

Really? Each of the leaders was elected in his own country, but that election was hardly a blanket endorsement of participation in the floating crap game of international forums that is the "international community." International summit meetings can easily devolve into meeting for the sake of meeting (and feeling important) rather than for anything substantive. And a sneaking suspicion that when political leaders get together the agenda is more likely to be about enhancing their own power than disinterested concern for the poor is more likely to be justified than not.

That said, much of the visible opposition to "globalization" as expressed on the streets when leaders get together is misplaced, confused, or both. Increasing globalization, in the sense of increased international trade, commerce and contact made possible by improvements in technology, transportation and communication, is as close to inevitable as anything can be. The question is whether it will be controlled by international bureaucrats with little accountability or built from the bottom up through trade and other voluntary activities.

Protesters whose hostility to what they view as international capitalism includes opposition to trade as such have picked the wrong target. Trade liberates. Control by unaccountable, unelected international bureaucrats does the opposite.

— Alan Bock

Career opportunity for the aesthetically challenged — I know most mainstream journalists are liberals, and — no matter what they say — that affects the content of the newspapers we read. But at least the elite journalists are good at what they do; they can report and write, and if more libertarians and conservatives could report and write, more of them would get hired by the elite media. (That's not to say that there's no bias in elite media hiring, just that not many conservatives and libertarians develop the interest and skills to apply for such jobs.) But what about the cartoonists? Political cartoonists can shape the way we look at politicians and political issues. Boss Tweed was reported to have said of Thomas Nast, "Stop them damn pictures. I don't care so much what the papers write about me! My constituents can't read. But damn it, they can see pictures!" Garry Trudeau of "Doonesbury" is one of the most effective liberal propagandists around, and he's effective because he's funny. But look at some of his colleagues. The *Washington Post* has been running "Herblock" since 1946 (he started drawing cartoons at the *Chicago Daily News* in 1929), and he hasn't been clever or funny for years. His idea of wit is a big fat plutocrat sneering at a starving child holding out a bowl labeled "human needs." Maybe that was provocative in 1929, but in 2001? Meanwhile, many alternative papers, including Washington's *City Paper*, run a weekly cartoon called "Tom the Dancing Bug." It's a ham-handed attack on "free-market" and conservative ideas every week. But it's not very funny, and the art is only average. (Don't take my word for it; check out www.tomthedancingbug.com. And why .com? Wouldn't it be less crass to be .org?) It's not just that I don't like his ideas; the similar cartoon "This Modern World by Tom Tomorrow" that runs in *Salon* is often humorous. But how did Ruben Bolling get a job doing "Tom the Dancing Bug"? Maybe it's media bias, or maybe the alternative papers are just desperate for timely commentary in cartoon form. So if any *Liberty* readers would like to express their dogmatic ideas in a few brief panels of clumsy art, consider becoming a political cartoonist. Apparently the competition's not too stiff.

— David Boaz

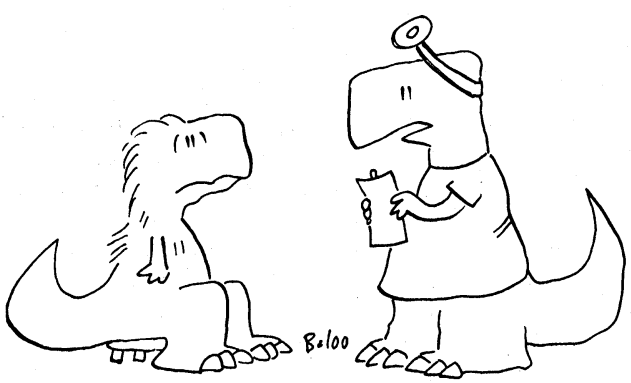

"I'm afraid you've got a rampant new disease called 'hair.'"

When right-wing oligarchs attack — On Aug. 3, Mary Anastasia O'Grady reported in *The Wall Street Journal* that the American ambassador to Guatemala had circulated a memo to other Latin American ambassadors denouncing a hitherto obscure economist and his university. Manuel Ayau and the Francisco Marroquin University, Ambassador Prudence Bushnell advised, were "against democracy." As evidence, she quoted Harvard University scholar Lawrence Harrison's characterization of Ayau as "an archetypical, far-right, libertarian Latin American oligarch."

He was right about one point. Prof. Ayau is a libertarian. He supports free trade and radically lower taxes and opposes income redistribution and government regulation. But how does this make him a "typical, far-right oligarch"? In the context of Latin America, "far-right" means supporting a powerful state church and military, neither of which Ayau does. An "oligarch" is a member of a powerful ruling class that runs a country for its own end. If Prof. Ayau were a "typical oligarch," presumably Guatemala would be run along the libertarian lines that Ayau advocates.

All this is interesting enough. But not as interesting as a letter to the editor the *Journal* published a few days later. The good Prof. Harrison explained the logic of characterizing Prof. Ayau as a "typical, far-right oligarch."

First, Prof. Harrison observes that most Guatemalans are very poor, yet Prof. Ayau "asserts that most Guatemalans 'bear their poverty with patience and in peace.'" Hmm. So Prof. Harrison of Vineyard Haven, Mass., knows more about what most Guatemalans believe than does Prof. Ayau, who lives in Guatemala City. Even so, this is a disagreement about a fact, not a belief, right-wing, libertarian, or otherwise. Obviously, it does not support Prof. Harrison's claim.

Second, Prof. Harrison observes that Guatemala is "a country with an extremely low tax burden," yet Prof. Ayau "calls for a reduction of income and corporate taxes." A quick search of the Internet reveals that Guatemala has a corporate income tax rate of 25%, which is lower than the U.S. corporate rate. But it's also higher than the corporate rate of Hong Kong, Hungary and even the socialist paradise of Vietnam. But whether Guatemala's taxes are relatively high or relatively low doesn't seem very relevant to the issue at hand, namely whether Prof. Ayau is a "typical far-right oligarch." The fact remains that if calling for tax reductions makes one a "typical far-right oligarch," then Prof. Ayau has a lot of company, including President Bush, Steve Forbes, and virtually the entire Republican party.

Prof. Harrison's third reason for characterizing Prof. Ayau as a "typical far-right oligarch" is that "in the face of high rates of illiteracy [in Guatemala]," he believes that "unfortunately, the notion prevails that government education is the best way to educate the people." Again, the professor from Harvard denounces Prof. Ayau on their disagreement over a factual matter. Prof. Harrison does not explain why, if government education is better than private education, he chose to accept a position at Harvard, known all over the world for its scholarship, rather than, say, the Western Montana College at Dillon, Mont., known all over Montana for producing excellent high school football coaches.

This is the sum of Prof. Harrison's defense of his odious characterization of Prof. Ayau. But it's not the end of his letter. He goes on to say:

> I find Mr. Ayau's repeated references to "freedom" unsettling, particularly when he says, "I am one who believes that, since the principal function of government is to protect people's freedom, it follows that it is proper to use the coercive powers of government to maintain freedom." The implication is that people who dissent from the ideas of Hayek and von Mises had better watch out.

Hmm. Harvard may have a reputation for scholarship. But it certainly doesn't deserve any reputation it might have for logic, if we are to take Prof. Harrison as typical of that institution's thinking. — R. W. Bradford

Coulda, shoulda, woulda — A few months ago, in the city of San Francisco, two bad, bad dogs, appropriately named Hera and Bane, attacked and killed a young woman named Diane Whipple. No one could have guessed that such an atrocious event would result in anything like comedy, but it has.

First, you need to understand that ever since O.J. Simpson was acquitted in his criminal trial for murder, no homicide in the United States has ever failed to go into extra innings. There must always be a civil as well as a criminal trial. After the death of Diane Whipple, both the dogs and their "caretakers" were arrested. (The dogs were allegedly owned by two prison inmates, which is another story . . .) But that wasn't enough. A wrongful death suit was filed by Ms. Whipple's mother and by Ms. Whipple's lesbian partner, Sharon Smith. Smith's suit, however, was in danger of being squelched, because she was not a "family member."

And this is where the thing gets really strange. A San Francisco judge has now ruled that her suit may go forward, because she was unfairly burdened by California's prohibition of same-sex marriages, and because the equal protection provisions of the California constitution forbid the exclusion of same-sex couples from benefits available to other couples, including the right to sue when someone's dog has, by killing one of them, "deprived [the other] of companionship." As a senior counsel for the gay and lesbian Lambda Legal Defense and Education Fund puts it, the "constitutional problems" arose because "if Sharon Smith would have been Steve Smith, this couple would have been married."

This is interesting — and not because of anything having to do with gay marriage. Whether you think that state-sanctioned marriage should be open to gay people or not, whether you think that gay people have a right to get married or not, whether you think that the right to same-sex marriage is implied by the California constitution or not — all this is beside the point. What's interesting, and richly amusing, is the spectacle of jurists and litigants maintaining, in effect, that legal decisions ought to be made, not on the basis of what people actually did in some situation, but on what people would have done if the situation — if they themselves, in fact — had been entirely different: "this couple would have been

Ever since O.J. Simpson was acquitted in his criminal trial for murder, no homicide in the United States has ever failed to go into extra innings.

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married." And to sound that extra, oddly satisfying note of black humor, what we're talking about here is an attempt to ground legal decisions on an action that "would have" been taken by someone who cannot say for herself whether she "would have" taken it or not, since she now happens, very unfortunately, to be dead.

It makes sense to argue — indeed, I would make this argument myself — that people have a right to grow and smoke marijuana. It might even make sense for someone to argue that the right to grow and smoke marijuana is somehow implicit in some article of the Constitution somewhere. But to argue that the family of Joe Smith, now deceased, has a right to sue for damages because he was unfairly denied the income that he would have gotten if marijuana had been legal and he had been allowed to cultivate it, which he would have wanted to do — that's where the hilarious world of legal fantasy begins.

If this new line of reasoning catches on, we're all in for a lot of laughs. We can expect to see plenty of news like this:

SAN FRANCISCO — Final arguments were made today in the complex series of civil suits surrounding the Alexandra Whitehall estate. Whitehall, 43, died in her lavish Nob Hill condominium last July, willing her entire estate to Huey, Dewey, and Louie, her beloved hamsters.

Among the parties contesting Whitehall's will is a former suitor, David P. Barker, also of San Francisco. Barker has testified that Whitehall and he were "very much in love and would have been married, if it hadn't been for my wife and the laws against polygamy." His attorneys argue that the anti-polygamy statute is contrary to the equal protection provisions of both the California and the United States constitutions, because the statute "plainly discriminates against persons who wish to marry and are forbidden to do so, simply because they are already married." Absent the anti-polygamy statute, the attorneys contend, Barker and Whitehall would have been married, and she would have left him her property.

In another suit, lawyers for Dement's Chicken Run, an exercise salon that Whitehall visited a number of times during the 1990s, maintain that if tax deductions were not unconstitutionally provided for contributions to churches, her annual contributions to the Unitarian Church would have gone to the salon instead. Shaun Dement, proprietor of the salon, testified that Whitehall once told him, "I get a lot more inspiration out of coming here than I ever get from that old church of mine." Dement is suing the estate for uncollected potential donations of $3 million.

Meanwhile, lawyers for the California State Democratic Central Committee are arguing that had it not been for the unconstitutional limits now imposed on contributions to certain categories of political organizations, Whitehall, a lifelong Democrat, would have left the bulk of her estate to various so-called soft money funds administered by the Democratic Party. They are suing for $20 million, as are lawyers for the University of Michigan, who have presented evidence that Whitehall told telephone solicitors for the university's endowment fund that she owed the university approximately that much. "U of M made me what I am," she reportedly said. "And someday, I'm definitely going to pay it back." The fact that she died without mentioning the university in her will is attributed by U of M lawyers to Chronic Willmaker's Inability Syndrome (CWIS), a condition that, according to expert testimony, is brought on by distress over the unfairly complicated legal terminology typically encountered in making a will. "If the government had not confused Mrs. Whitehall," contended Sandra A. McAfee, chief legal counsel for the university, "she would definitely have given us all her money."

Attorneys for the hamsters have vigorously defended the animals' right to inherit, while pressing their own $50 million wrongful death suit against the United States government. Their central argument is that the federal government's unconstitutional interference with the sale of amphetamines resulted in Whitehall's early death and their clients' consequent loss of her "aid, succor, and companionship." "Were it not for these unconstitutional enactments," Dustin C. Brown, lead counsel for the estate, argued on Friday, "Ms. Whitehall would easily have been able to control the obesity that claimed her life. $50 million is a small sum, when one considers the enormous position that she occupied in the plaintiffs' lives."

Final resolution of the lawsuits is anticipated in approximately 35 years. — Stephen Cox

Ideologically correct pets — Shame on Tim Slagle's attack on cats, among his September *Reflections*. Cats are the only true libertarian animals. A dog, like a Democrat, is always eager to please, to lick the boots of any tyrant who tosses him food; and, like a Republican, a dog can serve as a comfortably sycophantic servant, the traditional "Man's Best Friend" evoking thoughts of Lassie and the days of black and white. But a cat is free; no amount of appeasement or intimidation can force a cat's affection. It is freely given only when deserved. What better symbol of freedom than a cat?

Unilateralism, multilateralism, and isolationism — The Bush administration has come under sporadic criticism for what some critics call "unilateralism" and that some go so far as to deem "isolationism." President Bush has said that the United States will withdraw from the Kyoto global warming treaty and will not participate in the latest protocol revision of a germ-warfare treaty. Although he has consulted with and tried to explain his position to European and Russian leaders, the president has made it clear that he plans to move toward building a missile defense system whether European leaders approve or not.

Few critics are as waspish as Senate Majority Leader Tom Daschle, who accused President Bush of "fostering isolationism" in the midst of the president's recent European trip, then apologized for his timing but insisted Bush has a "dictatorial approach" in foreign relations.

The United States would be better off consulting with and sometimes yielding to traditional allies, especially the Europeans, rather than going it alone, many say. The arrogant unilateralist "we're the sole superpower and we can do what we like" attitude will eventually come back to haunt the United States when it wants cooperation on issues it deems important.

Is unilateralism really isolationism?

In international relations, the classic theory is that in a world of nation-states each nation, large or small, is equally sovereign in its own territory and equally endowed with the right to make its own decisions about foreign relations. When a country makes decisions about foreign policy on its own and carries them out, it is said to be acting unilaterally. When it chooses to act in concert with other members of a treaty organization like NATO, signatories to a special-purpose treaty (e.g., ballistic missile or land mine control), the mem-

Welfare-State Morality

by Jacob G. Hornberger

As a compassionate conservative, President Bush wants to give federal aid to faith-based organizations.

Religious leaders object to Bush's plan on the ground that it will lead to governmental interference with religious organizations. The point they make was summarized by the Supreme Court in 1942 in the case of *Wickard v. Filburn:* "It is hardly lack of due process for the government to regulate that which it subsidizes."

Those on the left end of the political spectrum are complaining that federal aid to religious groups would breach the wall of separation between church and state that is guaranteed by the First Amendment.

Unfortunately, Bush and his critics on both the right and the left are missing a much more fundamental question: Why should government even have the power to take money from one person in order to give it to another?

By its very nature, government consists of laws and regulations that either mandate conduct or prohibit it. The rules are not advisory. They are compulsory, and they are enforced by the state's monopoly on the use of force in society.

If the nature of government is organized force, then the collection and distribution of monies that are ultimately paid to religious organizations is itself based on force. Such being the case, how can force be reconciled with principles of morality and compassion?

Consider for example the U.S. federal income tax, which came into existence in 1916. Despite periodic IRS claims to the contrary, the payment of income taxes is not voluntary. That is, the government does not give people a choice of paying their income taxes or not. Every citizen is required by law to file an annual report of his income and render payment for the taxes due.

What happens if a citizen refuses? Once the IRS targets him, the process of collection will begin with polite requests, but if the resistance continues, the state will ultimately resort to force. For example, the IRS will file a lien on the person's property and then ask a court to foreclose the lien. Once the foreclosure sale is completed, the court will issue an order commanding the tax resister to surrender possession of the property to the new owner. The order will be enforced by armed law-enforcement officers.

So, who's the moral and compassionate person in all this? The taxpayer? The IRS agent? President Bush? Congress? The welfare official?

The answer is: None of the above. Because in the arena of peaceful behavior, morality and compassion mean nothing when they are the product of force. They are meaningful only in the context of voluntary, willing choices of individuals.

Equally important, it's only in a climate of individual freedom, not coercion, in the area of peaceful choices, that morality and compassion tend to rise in a society. When government forces people to help their neighbors, conscience atrophies. When people are free to choose whether to help their neighbors or not, conscience is strengthened.

Thus, if people care about morality and compassion, they should not only be opposing Bush's plan to distribute government aid to faith-based organizations. They should also be questioning government aid to anyone.

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., which just published **Tethered Citizens: Time to Repeal the Welfare State** *by Sheldon Richman.*

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bers of the United Nations, or a group assembled for something like the Persian Gulf War, it is acting multilaterally.

So there is no logical or necessary relationship between unilateralism and isolationism. As Ted Carpenter of the Cato Institute told me, "You could have an entirely imperial, entirely unilateralist policy that would be the antithesis of isolationism." Going it alone (leaving aside the question of whether that's a good idea) does not necessarily mean withdrawing from the rest of the world.

In recent years many analysts have shown a preference for multilateralism, entering into treaties and acting in concert with other countries most of the time. This might be because, as Charles Krauthammer put it in a recent *Weekly Standard* article, many in the American policy elite "saw their mission as seeking a new world harmony by constraining this overwhelming American power within a web of international obligations." Or it might be because they calculate that multilateral action is the best way to achieve American goals. But in practice, however, multilateralism means increasing degrees of governance by international boards, commissions and committees that are not elected and not especially accountable to anyone. A trade, environmental, or weapons treaty almost always generates a new agency with broad authority to enforce compliance among signatories and to make decisions when there is disagreement about ambiguous provisions. This is about as far from democratic governance as you can get. Insofar as the model is the European Union bureaucracy in Brussels, most people in that institution view events like a recent vote in Ireland not to join the unitary currency regime as a nuisance or a sign of reactionary obstructionism, but only a temporary setback. The people are supposed to go along with the grand vision espoused by the experts, not tell the experts what to do.

Most Americans would like to see fewer interventions, bombings and flawed "nation-building" efforts; whether they are done unilaterally or multilaterally is secondary.

There might be circumstances in which it is worthwhile to give up a bit of sovereignty, a bit of self-rule, a bit of freedom for a worthwhile goal. But one should be clear that multilateral agreements and actions always involve these costs and weigh them carefully.

Focusing on this essentially pragmatic question as if it were a matter of deepest principle draws attention from the more important issue: How extensively does the United States plan to meddle in the affairs of other nations? Most Americans would like to see fewer interventions, bombings and flawed "nation-building" efforts; whether they are done unilaterally or multilaterally is a secondary question.

— Alan Bock

Another missed opportunity? — If the Libertarian Party is ever going to make itself visible on the political landscape, it is going to have to find an issue to convince a significant number of voters to abandon their traditional support of major parties. The issue must be very compelling and one that major party candidates are afraid to embrace.

For the past several years, I have advocated that the Libertarian Party adopt a strategy of focusing on a single issue in its presidential campaign: ending the War on Drugs. Although polls show that about 33% of Americans favor legalizing drugs, no major party candidate is willing to get near the issue. Among that 33% are surely a fair number of people for whom this is a compelling issue: At the very least, drug users and their families would presumably find this issue to be very, very important.

I've made this argument in speeches at conferences and LP conventions and in an article published in the December 1999 *Liberty*. I bounced it off Harry Browne a few years ago, and he told me that he thought it was a swell idea. In fact, he said, he was thinking of making a television commercial that criticizes the drug war. I tried to explain to him that the idea is not to make drug legalization one of many themes presented to the voter — the LP had been doing that ever since its first election — but to make it the focus of his campaign. I failed to convince him, and he ran his 2000 campaign on exactly the same strategy as his failed 1996 campaign, and got even worse results.

This year the LP is searching for a new strategy, by junketing around the country and holding meetings in airport hotels. I am told that this approach has been talked about at some of these meetings.

All that's good, but the clock is ticking. The approach has no more hope of working than the failed strategies of the past unless it is taken at a time when drug legalization is so far from the mainstream that the major parties abhor it. And no issue with 33% public support is liable to remain abhorrent to politicians for very long.

There are signs that the tide is turning. Canada's government is actually growing its own marijuana for medical purposes. British Columbia has virtually legalized the drug. Even the leader of Canada's most conservative party, the Alliance, has called for legalization.

In this country, the nation's largest serious newsmagazine, *The Economist*, has called for legalization.

When will the LP try this approach? How long will Libertarians continue to waste millions of dollars on the same strategies that have failed time and time again? Will they wait until the Republicans or Democrats adopt legalization?

I hope not. I'd like to see the Libertarians become a relevant part of American politics. Why they don't is beyond me. Even here, where vigorous promotion of their views could win the votes of a significant share of Americans, they refuse to act.

Meanwhile, the progress toward legalization continues. It's a wonderful thing. It's too bad that the Libertarian Party remains a small, insignificant part of the movement.

— R. W. Bradford

Faith-based initiative — The day after news wires reported that Texas mom Andrea Yates drowned her five children, a self-identified God-fearing Christian mother of eight called the Rush Limbaugh show and sobbed that she understood exactly where Andrea Yates was coming from. She said she had almost "crossed the line too," but instead used to just drive down the highway praying that they would

all be wiped out by a trailer truck.

Rush said the lines were "on fire," but he chose not to take anymore calls on the subject. Though few women engage in acts as desperate as Andrea Yates', there are many pressured into leading lives of quiet desperation — five or six unspaced children, and home schooling them to shield them from the world — the ideal state for women advocated by fundamentalist religions.

We have all seen the powers, positive and negative, of religions and cults. Jim Jones' cult in Jonestown coerced its adherents into killing their children and themselves with cyanide-laced Fla-Vor-Aid, and the Heaven's Gate cult members waiting for the Hale Bopp comet were deluded into killing themselves on command. Though the Yates' religious beliefs are still somewhat sketchy, Rusty Yates, Andrea's husband, is an evangelical Christian, 63% of whom believe birth control is immoral. Their home was found full of religious artifacts, and Yates' mother said her daughter and Rusty belonged to "a national cult." Though women can expect to bear twelve to 15 children over the course of their childbearing years if no birth control is used, instead of listening to their bodies or their doctors, some vulnerable women are listening to their husbands or to television evangelicals like Jerry Falwell who pronounce birth control immoral, and the insurance companies who fund it to be guilty of supporting an immoral lifestyle. Echoing the sentiment of anti-choice bumper stickers proclaiming that "Abortion Is Not Health Care," evangelicals believe that birth control isn't health care either. Tell that to Andrea Yates.

Untold numbers of women may not be healthy enough, physically or emotionally, to participate in the cult of perpetual motherhood put forth by these religions, who, though large and mainstream, have beliefs indistinguishable from cults. The judge in the Yates case has imposed a gag order on family members, so whether these were "faith-based murders" we can't know until the trial. Not that it matters for zombie-like Yates or her dead children, but for the next vulnerable woman who could be overwhelmed by the demands of the broodmare-like life of drudgery and isolation that Yates was coerced into, when you see that nice smiling God-fearing guy who wants you to quit your job, depend on him, submit your will to his, have six kids and join that nice fundamentalist religion, run like hell. — Sarah McCarthy

RIP: Israel Shahak — Israel Shahak, the classical-liberal human-rights activist in Israel, died recently. It is a great loss. I knew Shahak and admired him greatly. A survivor of the concentration camps with a Ph.D. in chemistry, he became one of the most eloquent Israeli voices on behalf of the rights of Palestinians. Long before a younger generation of Jewish Israeli historians began documenting the brutalization and property-rights violations of the Arab residents of Palestine in 1948 and earlier, Shahak was speaking and writing with powerful understatement. He will be missed.

— Sheldon Richman

Timeline of the Willis-Browne Conspiracy

Update & Corrections

Last month, we published a detailed timeline of what is known about how Libertarian Party National Director Perry Willis plotted with the Harry Browne campaign to capture the LP nomination in 1996 and how the conspiracy came untangled earlier this year.

Update

Two important developments have occurred since:

August 16: LP Chair Jim Lark e-mails members of the party's National Committee summarizing what he had discovered in his attempt to investigate. He includes copies of written messages he sent and received and summaries of telephone conversations he had with potential witnesses.

He reports those within the Browne campaign who continue not to respond to his questions. Many other individuals, he reports, responded to his call for information, and while much of what they said or wrote was helpful in that it provided a feel for what was going on within the National Committee and at the LP national office at the time Willis was doing his secret work for Browne in violation of his contract with the LP, none of it was directly relevant.

August 19: John Famularo, who provided the evidence that prompted Willis' confession, responds to Lark's request for information about how he obtained the evidence. He explains that, contrary to the accusations of Browne staffers, he acquired the information in the course of his duties as the person charged with maintenance of the LP headquarters' computers. He was routinely sent backup files of its computers so that when the computers failed, he could restore the data. He discovered the incriminating files "in the process of deleting files from the backup network system some time in 1998."

He also responds to Lark's request for additional evidence by referring Lark to a Web site (http://lp2000.com/BCI/timeline.htm) providing documentary evidence that implicates Harry Browne, Sharon Ayres, David Bergland, Jack Dean, and Michael Cloud in the Willis scandal. (See story on following page.)

Corrections:

Our timeline was comprehensive and accurate enough that LP National Director Steve Dasbach has asked our permission to distribute copies of it to members of the LP National Committee for use in untangling the whole ugly mess. But despite our best effort, three minor errors crept into the timeline of the Willis-Browne conspiracy that we published last month.

First, we reported that in June 1995, Jesse Markowitz and Dean Ahmad brought "Dasbach's attention to the fact that Willis and Winter are not only doing work on behalf of Browne but also using the computers at LP headquarters to do the work." In fact, Markowitz and Ahmad only suggested that Willis and Winter may have been using LP computers to do the work. Dasbach checked and found out that they had. In addition, we quoted from the LNC's official minutes that Dasbach had then "request[ed] that [Willis and Winter] do not do any further work until the matter could be presented to the LNC." Dasbach says that the minutes were not completely accurate: That he had requested that Willis do no further work, but told Winter he could continue because the work he was doing was trivial in nature.

Second, in our entry for December 1995, we identified Jack Dean as webmaster of the 1996 Browne campaign. In fact, Joe Dehn was the campaign's webmaster. It is not entirely clear what Dean's role was in the campaign; neither he nor others involved in the Browne campaign will respond to our inquiries. The FEC reports for the 1996 campaign list payments to Dean of $52,597.04 for "consulting."

Third, in our entry for June 19, 2001, we quoted Dasbach as saying that Jim Lark, chairman of the party, "circulated the draft article among several other LNC members at the June 9–10 Strategic Planning meeting [and] suggested some changes to Mr. Winter regarding the article [about the Willis-Browne conspiracy in the *LP News*], all of which were made." Jim Lark informed us that the Strategic Planning meeting actually occurred on June 16–17. Two readers informed us that *LP News* editor Winter and Lark had disagreed about one change and Winter had suggested his professional judgement was being challenged and threatened to resign, at which point Lark had withdrawn his suggested change.

To check this out, we contacted Dasbach, Winter, and Lark. Dasbach and Lark told us that Lark and Winter had indeed disagreed about where the article should appear in the *LP News*. Winter wanted it to appear on page 4, a very unprominent position in the paper. Lark thought it was important enough that it should appear on page 1. Winter said that he'd do that if Lark insisted but that he would consider it to be a "a vote of no confidence with respect to his professional judgment," though Winter did not, in fact, threaten to resign. In the end, Winter and Lark compromised: The story was moved to a more visible position on page 3 of the paper, and a small box alerting readers to the story was added to page 1.* Our quotation from Dasbach was accurate, but what he said was somewhat misleading.

The LP National Committee is scheduled to receive Chairman Lark's report on his investigation and to discuss what action it should take on Saturday, Aug. 25, at 12:30 p.m.

— *the Editors of Liberty*

* Curiously, Winter was unwilling to answer our inquiry about this matter. "I have no comment on this. Why don't you make up quotes on this like you do on everything else?" We were taken aback for a moment, then asked him if he could tell us of any occasion on which we had made up a quotation. He replied, "No." This seemed to us to be a strange reaction from the LP's "Communications Director," to whom the LP's Web site refers journalists with queries.

Breaking News:

Documentary Evidence Implicates Browne, Ayres, Bergland, Dean & Cloud

On Aug. 19, as *Liberty* was going to press, former Libertarian Party Secretary John Famularo published a timeline of events he considered to be relevant to the case, with links to original documents, including 29 documents apparently recovered from Willis' computer.

Several documents demonstrate that Browne himself was working with Willis, so obviously he was aware of Willis' work for his campaign in violation both of LP rules and his contract, as *Liberty* reported last month. Others show that Campaign Chair (and national committee member) Sharon Ayres, former LP Chair David Bergland, and consultants Jack Dean and Michael Cloud were also party to Willis' actions.

There is no evidence indicating that Steve Dasbach was party to the Willis-Browne conspiracy, though there is evidence suggesting his relationship with Willis and the Browne campaign was uncomfortably close. In a letter dated July 19, 1995, Willis advises Dasbach about how Dasbach can protect Willis from mounting evidence that Willis had violated LP conflict of interest rules that was getting into the hands of the national committee

In addition, there is an agenda for Willis dated June 19, 1995, that strongly suggests that Willis worked on behalf of Browne during his normal work day at LP headquarters, not "on his own time" as has been suggested.

It also presents the first evidence that Willis showed favoritism to Browne in his official capacity as national director prior to Browne's nomination: Famularo reports that in June 1996, Willis directed that Browne donors were to be treated, for membership purposes, as if their donations had been made to the LP itself, thereby inflating membership figures and Browne support within the party. According to Famularo, Willis obtained approval by the party's executive committee, though it is unclear whether members were aware of the significance of what they had approved.

Report

The People *v.* the State of Oregon

by William E. Merritt

Oregon voters amended their constitution to stop the state from stealing their land. But then the state's powerful elite took the case to court. The result: A sordid tale of corruption, bribery, and abuse of power in which the will of the people was subverted and the losing attorney was elevated to a judgeship.

It's been said that if the Bill of Rights were put to a vote of the people, it would be defeated. Last November, the citizens of Oregon had an opportunity to vote on one of the least popular aspects of the Bill of Rights: the final twelve words of the Fifth Amendment that specify "nor shall private property be taken for public use without just compensation."

For those who advocate greater government power, this "takings" clause is a serious problem because when government regulates the use of land, it plainly takes its utility and value; and the "takings" clause requires that the government pay the owner "just compensation." In recent years, as governments have begun to regulate land on a vast scale, the cost of providing that "just compensation" would be huge. So legislators have done what legislators do, and passed regulations on the cheap by ignoring the "takings" clause. And courts have done what courts do and provided elaborate rationales explaining that the Fifth Amendment doesn't mean what it says, in much the same fashion that legislatures ignored the First Amendment's prohibition of regulation of speech in the 19th and early 20th centuries and courts worked up elaborate explanations of the First Amendment not meaning what it plainly says.

So a group of Oregon citizens proposed an amendment to the state constitution that "requires state, local governments pay landowner amount of reduction in market value if law, regulation reduces property value."*

The estimated direct financial impact, as set out in the *Oregon Voters' Pamphlet*, is $1.6 billion for the state, and $3.8 billion for local governments — every year, if governments want to keep regulating at the same level. Of course, this just means that governments will have to start picking up the tab. The cost is still $5.4 billion a year, only now it is the landowners who have to pay.

Oregon voters took advantage of this rare opportunity to protect the Bill of Rights from legislators and the courts. The measure passed comfortably, with about 54% of the votes cast.

This didn't sit well with the politicians in power. Having lost at the ballot box, they did just what you'd expect — they filed a pair of lawsuits challenging its constitutionality. The challenges were brought by the widow of a popular former governor, along with a consortium of local governments and government officials that reads like a lobbyist's private Rolodex of movers and shakers. Because they asked for the same relief from the same defendants, the court combined the challenges into a single case before the trail.

For Christ's Sake

At the time they were brought, these challenges didn't seem like much more than the typical stunts people in power pull when democracy threatens to intrude into their prerogatives. In hindsight, they seem much worse. Once the trial court declared Measure 7 unconstitutional and his side had

* This description is taken from the Official 2000 General Election Online Voters' Guide. The full text of the constitutional amendment is reproduced on page 27.

won, Thomas M. Christ, the lawyer who challenged Measure 7 in court, was entitled to be paid his attorney's fees by the state. So, he sent in an affidavit setting out the details of just what he'd done. Taken along with rumors that had been circulating through the Oregon legal community about less-than-competent arguments in court, unexplained meetings between the people challenging Measure 7 and those entrusted to defend it, political payoffs, and the anti-ballot-measure bias of the lawyer heading the defense, the entries in Christ's time record suggest something went very wrong in the way the state government handled the challenge to Measure 7.

After carefully reviewing what happened, it is difficult to avoid the conclusion that the governor and various attorneys conspired to have the measure undone in the courts and, when they succeeded, the governor rewarded the deputy attorney general who botched the defense with an appointment to the Oregon Court of Appeals.

Conflict of Interest?

One of the weaknesses of Oregon's initiative system is that the duty to defend ballot measures in court falls primarily upon government officials. So when a ballot measure is enacted that limits the power of government officials, those same government officials are charged with defending the measure in the courts.

This is how Oregon Gov. John Kitzhaber found himself in the curious position of being the lead defendant in a proceeding he wanted to lose. The state is required by law to defend with vigor ballot measures once they have been passed. As chief executive of the state, Kitzhaber was thus required to defend the measure. But as the state's most powerful politician, Kitzhaber had led the campaign to defeat Measure 7, asserting that it would bankrupt the state.

On a Portland radio show, Attorney General Hardy Myers stated that he did not see any ethical problems with defending Measure 7. When I asked him to walk me through his reasoning, he told me that the Measure 7 scenario is typical of situations in which his office is called upon to defend a ballot measure. Kristen Grainger, spokeswoman for the attorney general's office, elaborated a bit by saying that whatever the governor may personally feel on the matter is irrelevant because "the state is the Department of Justice's only client" and "there is no conflict."

It is difficult to avoid the conclusion that the governor and various attorneys conspired to have the measure undone in the courts, and when they succeeded, the governor rewarded the deputy attorney general who botched the defense with an appointment to the Oregon Court of Appeals.

But the governor is the named defendant when a ballot measure is challenged and his presence has to be accounted for. Together, these facts appear to create a conflict of interest for the lawyers at the attorney general's office. Under the Bar Association's Disciplinary Rule 5-105(A)(1): "An 'actual conflict of interest' exists when the lawyer has a duty to contend for something on behalf of one client that the lawyer has the duty to oppose on behalf of another client."

Actually, after reviewing Christ's time records, the suggestion that the attorney general's office faced a potential conflict of interest seems like a major understatement. Nine days after Measure 7 passed, Gov. Kitzhaber kicked off the very suit in which he was to be named as a defendant by having his staff attorney, Chip Lazenby, call Tom Christ to set up a meeting.

You can see how strange this looks. Defendants don't ordinarily initiate things — especially when they don't yet have any reason to believe they are going to be defendants.

Having lost at the ballot box, the politicians did just what you'd expect — they filed a pair of lawsuits challenging it in court.

In explanation, Lazenby said that he called Christ because the governor needed to know how the Measure 7 challenge was going to be handled in order to begin working on a legislative response.

Although this may explain the initial contact — assuming Lazenby had some way of knowing that a legal challenge was going to be filed and that Christ would be the lawyer filing it — it does not address the purpose of the meeting. At the time, Christ had not begun preparing his case — which meant he couldn't have had anything to tell the governor. And a two-and-a-half-hour meeting does not sound like the kind of formal get-together in which a lawyer lays out his position. What it sounds like is a strategy conference in which the participants take off their jackets, kick back, and work out how to solve a mutual problem.

When the meeting was over, Christ returned to his office and began working on the complaint. Again, this makes it look very much like he, Lazenby, and the governor all participated in deciding how the complaint was to be framed. And once the meeting was over, Christ rushed back to his office filled with fire and vinegar and missionary zeal to prosecute the case.

Three days later, on Nov. 20, Lazenby called Christ a second time — to discuss "TIMING OF SUIT AND VENUE," as Christ's time sheet puts it. Again, this is a highly unusual, if not unheard-of, thing for a plaintiff's attorney to discuss with the defense. Again, this suggests the two were collaborating on a mutually agreeable strategy for handling the challenge to Measure 7.

Fox in a Hen House

Of course, the governor isn't expected to actually show up in court and defend something like Measure 7 himself. In the first place, he wouldn't be very good at it. He's a doctor, after all, not a lawyer. In the second place, he's got a perfectly good attorney general's office to do that for him. In the case of Measure 7, the defense was personally conducted by Deputy Attorney General David Schuman.

The fact that Schuman personally defended a ballot measure was somewhat unusual. As deputy attorney general, he was responsible for managing, coordinating, and overseeing all the legal work of the department's 200 lawyers. Ordinarily, a court appearance would have been handled by one of the many fine career litigators in his shop. Moreover, Schuman's expertise is not in litigation at all, but in theory. Prior to coming to the attorney general's office, he was an associate professor of law at the University of Oregon. As such, he had well-formed opinions on many legal issues. Among those were his ideas about ballot measures in general. He is on record as opposing the entire initiative process. In 1994, he wrote in the *Temple Law Review* that:

> Today the most obvious use of the initiative is to disempower, to marginalize, to create an economic and political elite, be it through term limits which restrict voters' options, workfare programs, anti-homosexual amendments . . .

He used the article to express his belief that the U. S. Supreme Court should outlaw the initiative system entirely on the grounds that it interferes with the "republican form of government" guaranteed by the Constitution. If you are inclined to have thoughts about foxes in henhouses, Schuman is the king fox of our time, let loose among the 750,000 chickens who voted for Measure 7. At the very least, David Schuman doesn't sound like the kind of guy you'd want to defend an initiative from legal attack.

Had Schuman been inclined to bag the defense of Measure 7, the governor had the power to encourage him.

The theory on this one was that, because the state's minions had forgotten to campaign vigorously enough against Measure 7 to defeat it, we citizens didn't really know what we were voting for.

On Nov. 7, 2000, Oregonians didn't just pass Ballot Measure 7. They voted on all sorts of things, including whom they wanted to fill a vacancy on the Oregon Supreme Court. The Supreme Court job went to Judge Paul DeMuniz who had, until then, served on the Court of Appeals. This meant that during the entire time Schuman was conducting his defense of Measure 7, the governor was waiting to fill a vacancy on the Oregon Court of Appeals.

The Best Prosecution Is a Bad Defense

In light of all this, it's interesting to look at how Schuman actually handled the defense. The initial hearing did not concern the constitutionality of Measure 7 but whether plaintiffs should be granted a preliminary injunction to prevent the secretary of state from certifying the votes on Measure 7 and the governor from proclaiming the results. According to Kelly Clark, an experienced Portland trial lawyer, any attorney asking for a preliminary injunction must show the court that his clients (1) will be irreparably harmed if the injunction isn't issued and (2) are likely to prevail at trial on the underlying issue. This means that the arguments defense lawyers make are equally predictable: that plaintiffs won't be harmed and that they aren't likely to prevail at trial. In the case of the Measure 7 defense, these arguments should have been easy to make.

The irreparable harm argument is as close to a slam dunk as any attorney ever gets. All that will happen — all that could possibly happen under Measure 7 — is that a government body will have to pay somebody some money. Paying people money is what Measure 7 is all about. But, since injunctions can only be issued to prevent something from happening that *can't* be fixed with money, there simply was no basis to issue one. Past that, it's hard to see how any government body could possibly be damaged by having to obey the Constitution.

Not only did Schuman give away the preliminary injunction, he made it impossible for his office to defend the challenge to the constitutionality of the measure.

The likelihood of prevailing at trial is a closer question. Exactly how far the law controlling the case goes is still up in the air. It may well be that, given favorable rulings at both the appellate level and at the Oregon Supreme Court, plaintiffs would have prevailed. But it may well have been that they wouldn't have, and it's up to plaintiffs to show that they would have. At the very least, this was an obvious — if not mandatory — point for the defense to raise.

So, these being the arguments, how did they fare? It turns out they didn't fare at all because Schuman never raised them.

Not only did he fail to raise the question of irreparable harm, he did the opposite. He briefed the court that, "It cannot be disputed that the implementation of Measure 7 will have immediate, substantial effects in Oregon that will be difficult, if not impossible, to undo. . . . Measure 7 . . . would immediately cause far-reaching and probably irremediable consequences in the State of Oregon." This remarkable statement was treated as a concession by the plaintiff's attorney throughout all subsequent hearings, and was referred to as such by the court.

As to the likelihood of winning at trial, Schuman informed the judge that the plaintiffs had a "moderate to high" chance of prevailing on the merits. This had two immediate and devastating consequences in the case.

The first, of course, is that it handed the preliminary injunction to the plaintiffs. The second was much worse. With the de-fense on record as believing that plaintiffs would prevail at the trial on the unconstitutionality of Measure 7, the attorney general could no longer argue they wouldn't. In other words, not only did Schuman give away the preliminary injunction, he made it impossible for his office to defend the challenge to the constitutionality of the measure.

As Donald Joe Willis, an attorney for a pair of private landowners who tried to join in the defense of Measure 7, said in a petition he later filed with the Oregon Supreme Court, "it is clear from these proceedings that the Attorney

General is not going to provide any substantive defense of Ballot Measure 7 . . ."

When I asked Tom Christ about Schuman's unusual defense, Christ, whose clients had the most to gain if Schuman lost, claimed that it did not make any difference how Schuman defended the preliminary injunction because the fact that the plaintiffs prevailed at trial proved the injunction was proper.

This is an odd argument.

In the first place, it suggests that an attorney is, somehow, relieved of his duty to zealously represent a client as long as he loses the case in the end.

More important, it ignores the obstacle that losing the injunction put in the way of winning the underlying case. Since injunctions deprive real people of real rights, before he issues one, a judge has to satisfy himself that plaintiffs really are likely to win. Then, having issued the injunction, the judge is committed to that view of the case and it's difficult for him to rule defendants right — and himself wrong — later.

There's a third argument Schuman did not raise — and it's important because Judge Lipscomb gave every appearance he would have taken it very seriously. Schuman should have questioned what difference stopping the votes from being certified would have made. Under the Oregon Constitution, ballot measures go into effect 30 days after being passed by the voters. The Constitution doesn't say word one about having to wait around for votes to be certified — which means it's quite possible that Ballot Measure 7 has been in effect for months, and the injunction stopping the votes from being counted didn't mean anything — which would be embarrassing. Something courts try never to do is issue meaningless orders. That kind of thing undermines their authority.

A fair reading of the transcript of the preliminary-injunction hearing shows Judge Lipscomb fairly crying out to the deputy attorney general to raise this argument. Time after time he asks about the propriety of issuing an injunction. Time after time David Schuman fails to suggest there is a problem. At the conclusion of the hearing, Judge Lipscomb is still concerned about this question and refuses to give any indication of how he plans to rule on the injunction. Instead, he tells the lawyers he will issue a ruling six days later.

In the end, as he almost had to do in the circumstances, Judge Lipscomb ruled Measure 7 unconstitutional. A few weeks later, Gov. Kitzhaber appointed David Schuman to the vacant seat on the Oregon Court of Appeals.

Shady Deals

The day after the hearing — five days before the lawyers had any way to know how Judge Lipscomb would rule — Christ made the strangest entry of all in his time records: "TELEPHONE CALL FROM STATE'S ATTORNEY RE FORM OF PROPOSED ORDER GRANTING MOTION (TWO CALLS)."

Forms of proposed orders are what lawyers present a judge once the judge rules in their favor. You cannot write a proposed order in advance when you cannot predict the terms of a ruling. Yet Christ, *and his counterpart in the attorney general's office*, discussed this very thing almost a week before Judge Lipscomb ruled on the motion.

To reiterate: It looks very much as if someone at the A.G.'s office called Christ to discuss what to put in the order granting the motion the attorney general was supposed to oppose — at a time neither could have known what the order would be. At the very least, both sides were so confident the judge would rule in favor of the plaintiffs — and that they knew the exact terms of that ruling — that they were already collaborating on the language of the order. This course of action seems absolutely inexplicable to anybody familiar with the way hearings are conducted.

You'd think after something like this Oregon would be flooded with federal prosecutors, local district attorneys trying to make names for themselves, and Dan Rather in his tailored, Great-White-Hunter khakis. But none has shown up, yet.

In the end, as he almost had to do in the circumstances, Judge Lipscomb ruled Measure 7 unconstitutional. A few weeks later, Gov. Kitzhaber appointed David Schuman to the vacant seat on the Oregon Court of Appeals.

Now you'd think after something like this Oregon would be flooded with federal prosecutors, local district attorneys trying to make names for themselves, and Dan Rather in his tailored, Great-White-Hunter khakis. But none of these characters has shown up, yet. The reason is pretty clear. This is a scandal that threatens the people sitting on the lid. And they have been piling on harder and harder to keep their goings-on away from public notice. And they've done it pretty well, so far.

Until the second week of July, the only thing to come out of this whole, sorry swindle was a complaint for unethical conduct filed with the Oregon State Bar against Chip Lazenby, Tom Christ, and David Schuman. The governor is immune to bar complaints for the same reason he would never personally defend a ballot measure in court. He's a doctor, not a lawyer.

Still, he seems to take the charges seriously enough to trot out the usual dismissive slander politicians always trot out when they are found with their hands under somebody else's wife's skirt. As Chip Lazenby explained to me, the whole bar-complaint issue is nothing more than "one of those cynical political smears that makes it so hard for people of good will to govern these days." The part Lazenby did not explain to me was why the man who filed the bar complaint, Bob Swift — a lawyer of almost 40 years standing and a registered Democrat — would want to make it hard for good people of his own party to govern.

None of us outsiders can tell at this point what all of this means. To me, there's so much quacking and waddling and snuffling of bills through the water that there's got to be a duck around, somewhere. But I don't know for sure. And I won't know until somebody finds out what was discussed in the private meeting between Christ, Lazenby, and the governor. And what was really going on in Schuman's office when the defense was going down? None of us are going to have a handle on that until somebody comes in armed with a subpoena and the will to use it.

The Bar Association can get subpoenas for just this sort of thing. But, so far, they haven't shown much will. Which, when you think about it, is just what you'd expect from such an establishment operation.

A Compromising Solution

Meanwhile, the state legislature has swung into ponderous, comical motion in a way that only a state could aspire to. The first thing they did was to try to work out a legislative "compromise" to the Measure 7 "mess." The theory on this one was that, because the state's minions had forgotten to campaign vigorously enough against Measure 7 to defeat it, we citizens didn't really know what we were voting for. To protect us from the consequences of our ignorance, the legislature proposed to work out a "compromise" for us.

What nobody has explained is, in a situation where the voters have spoken, what is there to compromise? More to the point, who are the voters supposed to compromise with? Who is on the other side with other interests that the voters have to take into consideration? It used to be we had to compromise with those inbred Georges and their gaggle of powdered-wig fops who tried to call our shots from London — until the better angels of our nature rose up and got rid of them. Still, one supposes, present-day government people think the voters ought to compromise with the government itself to get what they want. Anybody who believes that . . . well, I've got a left-over gulag I can let you into for cheap.

The second way the legislature tried to deal with the problem was to try to slip by, on the closing day of the session, an obviously pre-arranged deal to make it much harder to get initiatives on the ballot in the first place.

Both of these snatch-backs would have been a lot scarier if it hadn't been a bunch of legislators doing the snatching. But one of the glories of our system is that legislators run the legislature, and, being legislators, they're too busy meddling to get anything done on time. In this case they became so distracted over whether Oregonians should be able to sell chickens to ruffians in other places who enjoy cockfighting, that they lost track of time and the session expired. Now with the doors to the capitol slammed shut, the rest of us are reasonably safe in our persons and property for another year and a half.

This may mean that by the time they come back into session in January of 2003, President Bush's new federal prosecutor will have come into office, Dan Rather will be sniffing around the state capitol building, Oregon will have a new governor, the new governor will have a new staff attorney, the attorney general will have a new deputy, the Court of Appeals will have a suddenly vacated seat for the new governor to fill and, under minimum sentencing guidelines, the federal corrections system will have four new residents for a very long time to come, the rest of the government will confess their sins and retire to monasteries, and sweet reason will descend upon the land.

One can always hope. ❑

Appendix: Text of Measure 7

Be it enacted by the People of the State of Oregon: the Constitution of the State of Oregon is amended by adding the following subsections to Section 18 of Article I:

(a) If the state, a political subdivision of the state, or a local government passes or enforces a regulation that restricts the use of private real property, and the restriction has the effect of reducing the value of a property upon which the restriction is imposed; the property owner shall be paid just compensation equal to the reduction in the fair market value of the property.

(b) For purposes of this section, adoption or enforcement of historically and commonly recognized nuisance laws shall not be deemed to have caused a reduction in the value of a property. The phrase "historically and commonly recognized nuisance laws" shall be narrowly construed in favor of a finding that just compensation is required under this section.

(c) A regulating entity may impose, to the minimum extent required, a regulation to implement a requirement of federal law without payment of compensation under this section. Nothing in this 2000 Amendment shall require compensation due to a government regulation prohibiting the use of a property for the purpose of selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances, or operating a casino or gaming parlor.

(d) Compensation shall be due the property owner if the regulation was adopted, first enforced or applied after the current owner of the property became the owner, and continues to apply to the property 90 days after the owner applies for compensation under this section.

(e) Definitions: For purposes of this section, "regulation" shall include any law, rule, ordinance, resolution, goal, or other enforceable enactment of government; "real property" shall include any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property; "reduction in the fair market value" shall mean the difference in the fair market value of the property before and after application of the regulation, and shall include the net cost to the landowner of an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing; and "just compensation" shall include, if a claim for compensation is denied or not fully paid within 90 days of filing, reasonable attorney fees and expenses necessary to collect the compensation.

(f) If any phrase, clause, or part of this section is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and parts shall remain in full force and effect.

Injustice Compounded

by Edward Feser

Today arguments for reparations look a lot like "the mirage of social justice" exposed by Hayek a generation ago. And from the looks of things, it may take just as long for it to die out.

Conservative activist David Horowitz has gained notoriety in recent months for his campaign against "reparations" for slavery. The claim of reparations advocates is that the United States government owes black Americans trillions of dollars for the slavery of their ancestors. Horowitz responded to this claim in an advertisement he placed, or attempted to place, in college newspapers around the country, "Ten Reasons Why Reparations for Slavery Is a Bad Idea — And Racist Too." Some of his arguments are that white Americans alone were not responsible for slavery — there were also Arabs, black Africans, and even some black Americans who traded in slaves; that the racial preferences and trillions of dollars in transfer payments that came in the wake of the Great Society already constitute all the reparations anyone could reasonably demand; and that the movement for reparations can only serve to inflame racial tensions and foster a self-destructive mentality of victimization among blacks.*

Horowitz's campaign has been controversial — at least among campus radicals and a few civil rights leaders — but it should not have been. His arguments are compelling. If anything, they do not go far enough; Horowitz has made a powerful case, but he has not exposed just how incoherent and dangerous the reparationist position is. The demand for reparations is a demand for social justice, and its inherent theoretical and practical problems can best be understood in light of F.A. Hayek's classic critique *The Mirage of Social Justice*. The notion of reparations might seem to some to be an extension of current redistributive policies; even a couple of conservatives, Charles Krauthammer and Jonah Goldberg, have toyed with the idea of a one-time reparations payment. But Hayekian considerations show reparationism to be utterly totalitarian in its implications.

To understand how this is so, we can begin by briefly summarizing Hayek's analysis of social justice. Hayek contended that the very idea of social justice is meaningless. First, the notion that the distribution of wealth in a market economy is either just or unjust presupposes that there is some agency that determines that distribution. But justice and injustice are attributes of individual conduct, the overall distribution of wealth is determined by these market forces, not by the government and certainly not by society. The overall distribution of wealth, however equal or unequal, is neither just nor unjust, and there are no grounds of justice for redistributing incomes to fit some desired pattern.

Second, even if wealth distribution could be just or unjust, government could not possibly redistribute wealth according to some principle of justice. There are no agreed upon criteria of social justice, nor is there any way for government to acquire the knowledge of individual circumstances that such distribution would entail.

Finally, any attempt by government to realize social justice will inevitably become totalitarian. For outcomes to be plausibly attributable to its actions, the state will have to increase its control over the economy; and since these interventions will lead to unsatisfactory results, there will be an inclination for the state to increase its control even further. The lack of agreement on criteria of justice will require the state to impose some criteria on all citizens, and the difficulty of acquiring knowledge about individual circumstances will

*The full text of the ad, and Horowitz's essays on the subject of reparations, are available on-line at www.frontpagemag.com.

require it to probe further and further into citizens' lives. And since individuals are unequal in talents, abilities, and motivation, they will have to be treated unequally for the results of their actions to be fitted into the desired pattern of distribution. The result of all this will be a progressive deterioration of the rule of law and a degeneration of politics into a war of special interests vying to game the system in their favor.

Such, in a nutshell, is Hayek's account of the problems inherent in social justice. Every one of these problems would also afflict a scheme for making reparations for slavery. Consider first that, unlike in the cases of reparations paid to victims of the Nazi genocide and to Japanese-Americans interned during World War II, there is no single agency responsible for slavery. While the U.S. government did protect the "property rights" of slaveholders, its role in slavery was largely passive. American slavery was the fault of innumerable individual slave traders, slaveholders, and the like. This fact is obscured by reparations advocates, who typically speak, as Randall Robinson does in the subtitle of his book *The Debt: What America Owes to Blacks*, in muddled abstractions. It makes no sense to speak of America either owing or not owing blacks (or anyone else) anything; what we ought to speak of is what particular slaveholders owed particular slaves (or what the descendants of those slaveholders owe the descendants of those slaves). Horowitz and others have made the point that there are whites whose ancestors had nothing to do with slavery and blacks whose ancestors came to America after the end of slavery. But the correct way to think about these matters is not in terms of a subset of whites collectively owing something to a subset of blacks, but in terms of what individual whites owe to individual blacks. Central to the cause of reparations is a dangerously collectivist conception of responsibility, one at odds with a free society. Reparationists use abstractions like "white America," "black America," and "victims of slavery" as if they were quasi-personal entities who owe or are owed something, but this merely obfuscates the real nature of the individual offenses at issue.

If Smith is a slaveholder and Jones his slave, it is fairly easy to determine who owes what to whom. But after nearly a century and a half have passed since Smith wronged Jones, it is not at all clear that there's anyone left who owes anything to anyone else.

The next problem with reparations is that it is impossible to determine which whites owe what to which blacks. If Smith is a slaveholder and Jones his slave, it is fairly easy to determine who owes what to whom. But after nearly a century and a half have passed since Smith wronged Jones, it is not at all clear that there's anyone left who owes anything to anyone else. Smith may have many descendants, and those descendants might have profited from his ill-gotten gains; but then, those descendants are also descended from many other ancestors who had nothing to do with the enslavement of anyone, and those other ancestors also passed on certain gains. So which part of a living individual's wealth was won by an ancestor's slaves? It is impossible to tell. It is also impossible to tell how different the lot of Jones' descendants would be had Jones not been enslaved. For their lots also depend on what benefits or harms they accrued from having been descended from others who were not enslaved by Smith, and it depends on their own actions and other present circumstances that have nothing to do with what Smith did to Jones. So, which portion of Jones' descendants' present situations are attributable to Jones' having been enslaved by Smith? Settling such questions is necessary to make a claim against Smith's descendants. Just asserting that a living person is descended from a slave won't suffice, we need to know who owes him how much. And the problem is only compounded by the fact that there are many blacks who have prospered even though they had slaves as ancestors, and that there are many others whose forebears were victims of Hitler, Stalin, Mao, Pol Pot, or Castro yet whose current situations are as good as those of other persons whose ancestors were more fortunate. The connection between a person's present situation and the suffering of his ancestors is by no means clear.

Reparations would clearly require the state to take resources from entirely innocent citizens and give them to others who are not, by any reasonable standard, entitled to them is not "roughly just" but thoroughly and blatantly unjust.

So we have another Hayekian problem with reparations: Just as government cannot have the knowledge to apply a principle of just distribution, neither can it have the knowledge to determine who pays reparations, how much they pay, and to whom. And this brings us to the last and most serious Hayekian problem with any reparations scheme, which is that carrying it out can only be done in a way that is contrary to the rule of law. Since there is no way to determine how much each individual owes to whom, government would have to determine who pays reparations and who receives them on purely political grounds. It would mean imposing onto the entire citizenry the sort of intimidation and extortion that was pioneered by certain civil rights leaders against hapless corporations whose board members they accused of boorish language or of failure to fill racial quotas.

Nor is it likely that reparations would end at a one-time payment, however large. Among the justifications given for reparations is that the African-American population has high rates of such social pathologies as illegitimacy and incarceration and that these are lingering effects of slavery. This sort of consideration would likely provide the main basis for determining of the amount of reparations to be paid, so as long as those pathologies continue there would be precedent for further reparations.

continued on page 41

An Encounter with Harry Browne

by R. W. Bradford

The Libertarian Party's two-time presidential nominee meets an old friend and political ally, who has lately been less supportive of his political efforts.

Early this spring, I was invited to speak at this summer's Eris Society meeting. The topic of my talk, as I understood it, was "The State of the Libertarian Movement." The Eris Society is an informal group of entrepreneurs, investors, scientists and writers that meets every year in Aspen in early August. I've only missed a couple Eris Society meetings since 1983, and have spoken at them several times, so naturally I accepted and began making an outline and notes for my talk.

A couple of months later, the conference organizers sent out a flyer on the conference, which I didn't bother to read. It listed the topic of my talk as "Why the Libertarian Party Should Be Allowed to Fail." But one person who did read it was, apparently, Harry Browne. In any event, he called the conference organizer and asked to be given an opportunity to speak on "A Huge, Untapped Market for Liberty," which, I would eventually discover, was not really his topic.

Another person who read it was my friend Tim Peterson, an Eris regular. A week before the conference, he called and informed me that he had forwarded the schedule to LP headquarters, where, he said, it was decided that someone should be dispatched to the meeting to counter what I might say. It was suggested that Browne could take care of anything I might say, but party leadership concluded that Browne's agenda might not be their own, so someone else should be dispatched. There followed some you-do-it-no-you-do-it discussion, in which first National Chair Jim Lark would go, then Political Director Ron Crickenberger, and finally National Director Steve Dasbach.

You might think I'd be flattered by all this: the idea that party leadership thought that both the party's chief executive and its presidential nominee were needed to counter what I might say. But my reaction was shock and surprise: So far as I knew, I was speaking on the state of the libertarian movement, not on the LP at all. And I do not believe that the "Libertarian Party Should Be Allowed to Fail." I have been a loyal party activist for 29 years and I am not about to abandon it now.

I protested to the conference organizers; they changed the topic of my talk. But as I drove to Colorado, I got to thinking. My fellow Erisians were coming to Aspen expecting me to criticize the LP, and the LP had taken that to be so serious a threat that it had spent substantial resources to dispatch Dasbach to counter me, even after Browne had apparently invited himself for the same reason.

It occurred to me that while I could not in good conscience speak on "Why the Libertarian Party Should Be Allowed to Fail," I could speak on "Why the LP Should Be Allowed to Succeed." So I began to rework my notes so my talk would focus on this subject.

All three talks on the LP were scheduled for the morning of the final day of the conference, so I had time to prepare for my new topic. I also had time to have dinner with Harry and other friends on Friday night.

I Have My Say

At 10:45 the next morning, I gave my talk. After briefly explaining the chain of events that led me to speak on the Libertarian Party, I stated my thesis: The reason that the LP had never succeeded as a political party is that it had never tried to be an effective political party. "During its 30 years the LP has never really tried to be an effective political party," I said. "Real political parties focus on winning elections and implementing policy. They learn which strategies, which tactics, and which tools actually win votes." The LP has done none of these things and has learned nothing about how to accomplish them. The only skills it has developed are how to raise money from libertarians and how to hire firms

to collect the signatures needed to get the party on the ballot. The LP is overwhelmingly oriented toward fundraising. Even the analyses of election returns it offers are really fundraisers. Both the Browne campaign and the LP itself have blamed their abysmal showings by citing the "why-waste-your-vote" argument, without offering any evidence that this explanation holds water. In fact, three different empirical analyses of the 2000 election and one of the 1996 election undermine this widespread, though comforting, belief. By blaming their failure on voters rather than on anything they did or failed to do, they make it easier to continue to raise funds.

I digressed about how the Browne campaign in 1996 had spent only $8,840.50 to purchase advertising, according to its reports to the Federal Election Commission, and how a careful examination of the FEC reports for the 2000 Browne campaign revealed it had spent less than $120,000 to buy ads, despite its repeated claims to the contrary, a fact confirmed by his press secretary. I pointed out that even if LP expenditures were included, the campaign had spent only a bit less than $360,000, or about 6% of their total funds, to purchase advertising.

According to its reports to the FEC, the 1996 Browne campaign did not spend a single cent buying television time (its entire expenditure of $8,840.50 went for radio advertising).

I recapitulated how the party's much-heralded Project Archimedes, ostensibly designed to recruit 200,000 new members, could not possibly have achieved its stated goal, and that party leadership had to have been aware of it. Archimedes was misrepresented by the party leaders — even to members of the LNC — to maximize fundraising.

I concluded that the party needed to refocus its goals. It needed to discover what issues win votes, what techniques win votes, and what strategies win votes. It had to do market testing and serious analysis of election returns. It needed to focus on its stated goal.

I suggested that the LP was well on its way to becoming a church rather than a political party, that its principal activities were fundraising, supporting a well-paid bureaucracy, and providing a place where libertarians can meet their fellows and bemoan the sinful state of the world. I closed with a very few words about the Willis-Browne conspiracy that is currently embroiling the party.

Harry Strikes Back

Harry Browne was up next. He opened, like the professionally trained public speaker that he is, with the usual after-dinner-speech jokes intended to loosen up an audience. But he quickly got on to his real subject, which turned out not to be "A Huge, Untapped Market for Liberty," but rather "What Was Wrong With What Bill Bradford Said," with a leavening of passages from his standard stump speech.

Leaving aside the stump-speech portions, he addressed five issues:

The unimportance of actually trying to get votes. "I thought we were going to get a million votes," he admitted, "and I wanted to get a million votes. I thought we were going to beat Pat Buchanan and I wanted to beat Pat Buchanan because he had about 50 times the press coverage that we had and yet we were running neck-and-neck with him in the polls throughout the entire campaign and I really thought that come election day more Buchanan supporters would give in and vote for Bush at the last minute than Browne supporters or Libertarian voters might do. It didn't turn out that way. We almost beat Buchanan, came close but didn't do it, and we were far short of the million votes that I had hoped and wanted to get.

"But I also realized that to a certain extent these goals were a case of personal vanity," he added, "I wanted to achieve those things. I wanted to be able to say that we had done that. But it wouldn't have made a difference to the future of the country if either one of those goals had been reached. . . . It's important to realize, contrary to what Bill said, that the number of votes you get at the national level is really meaningless. We are not going to win the presidency under the present system. And if we are not going to win the presidency, then we have to realize that the number of votes at the presidential level is not going to be the object. Not the next time, the time after that, not until the system itself changes. Most people don't realize what a third party is up against. We are faced with a two-party system."

The amount his campaign had spent on advertising. "We spent far more on advertising than Bill let on," he said. "But the advertising was not that important because we knew from the outset that we weren't going to be able to do as much advertising as we wanted to do. . . . All that's important is 'are you happy with the campaign?' You're not happy with the campaign? Fine. That's your opinion. Other people are happy with the campaign the way it was run and those people are satisfied."

The desirability of establishing a libertarian church. "It is so much better to deal with libertarians than non-libertarians. Wouldn't you rather do business, for instance, with [here he listed several individuals in the audience], than with, say, George Soros or David Rockefeller, no matter how successful they seem to be? Wouldn't you rather have as friends people like [here he listed some other people in the audience] rather than most of the people who live on your block? Wouldn't you rather be at a gathering like this rather than at the Rotary Club or the Chamber of Commerce or whatever it is? Really. We take it for granted to a certain extent, but the fact of the matter is, life is easier in these circumstances because we don't have to explain ourselves. We don't have to cope with the most mundane ideas about life because the people we're around, the people we're dealing with, look at life

Archimedes was misrepresented by party leaders — even to members of the LNC — to maximize fundraising.

somewhat realistically, as we do. I don't mean by that that every libertarian is a paragon of virtue or that every libertarian is an intelligent, really exciting person to be with. No, there are some even sleazy people that go around bearing the label of 'libertarian.'

"The fact of the matter is that your chances are far greater of meeting the kind of people you want to be with when you're among libertarians," he observed. "Bill Bradford spoke of the libertarian church very deprecatingly, if there is such a word. I would speak of it very enthusiastically. I'm glad to belong to this church. If you've got somebody in the hospital you want me to visit, just ask. But really, it is that church aspect of the libertarian movement that is such a wonderful part about it."

His new foundation was a good idea. "Its mission will be to produce libertarian television ads and run them on national television . . . ads showing people that it doesn't have to be this way, that there is a better way to live. We will run ads on the gun issue, for instance, showing people that guns save lives far more than they cost lives. Ads on the drug issue showing that while drugs can ruin a family, drug laws can ruin a nation. We'll run ads on various kinds of issues, one at a time. Clusters of ads that deal with a single particular issue. It's a very exciting project to me because of the fact that we are not going to be running these ads on CNN and FOX News channel, we are going to be running these ads, we hope, eventually on ESPN, MTV, Ally McBeal, Seinfeld reruns, places like this, where people are not hardened in their views but sitting on the couch watching this and their mind may be far, far more open to a better life that might be available to them."

I really didn't want to confront my old friend, especially when he is embroiled in a nasty scandal. But I was a bit annoyed that he had called me a liar.

The possibility he might teach some courses. "I'm considering the possibility of starting some courses that will explain libertarian ideas. Not just from a political standpoint but how libertarian ideas can help you to be more successful in life, how libertarian ideas can help you to show people how their self-interest might be furthered by what you want."

Time for Questions

Then he called for questions. I really didn't want to confront my old friend, especially when he is embroiled in a nasty scandal. But I was a bit annoyed that he had, in effect, called me a liar. I raised my hand. When he called on me, I commented briefly on what he'd said about a libertarian church. "My objection wasn't to there being a libertarian church," I pointed out, "it was to there being a libertarian church that presents itself as a political party."

Then I went on to more important business. "You said that you spent far more for advertising than I let on. I have [here on my computer] a complete list of all the checks that your campaign wrote, the dates, the stated purposes. I interviewed your press spokesman extensively on this subject. If anyone wants to look at it, including you, right now I invite you to do so. I've got the data. You've got an assertion."

He responded: "I understand that, Bill," he said. "And I understand also all the things that you have written, all the things that you have imagined, all the things that you have invented, all the things that you have decided must be the way it is even though you have no ability to know those things and I understand that any time you make a statement that somebody calls you on you say 'Well, I didn't mean it literally' and I also understand that you have these unimpeachable anonymous sources that so often provide you things and I also understand that you want to be the William Randolph Hearst of the libertarian movement, stirring up controversy wherever possible and perhaps starting another Spanish-American War if you're fortunate enough."

I challenged him to produce so much as "a scintilla of evidence" to support any one of these charges, reiterating that "If you've got any evidence for any of those statements, present it to me."

He didn't produce any evidence on any of the accusations he had just made, but he promised to produce evidence against some other alleged wrongdoing on my part. "On my Web site in another couple of weeks I will have a report on the articles that you wrote last year about the Libertarian Party, about the campaign and so on, pointing out numerous errors that you made in reporting all of these issues." He went on to describe how he'd sent me an e-mail challenging some of what I'd said and that I hadn't responded to it. I allowed that, yes, he'd sent me e-mails complaining about coverage of his campaign in *Liberty*'s pages — he even called one of his ghostwriters a liar for his reporting on the 1998 LP convention — and that I'd be happy to discuss any such claims in public but that I didn't think responding point-by-point to his comments in private e-mails had much point.

Then I tried to get to a more important point: his claim that he had spent more on advertising than his press secretary or his reports to the FEC claim. "You didn't offer any evidence for your assertions," I said. "I mean it's not enough to say that 'you shouldn't look at the numbers.' The numbers matter. The facts matter. The evidence matters."

"The numbers matter to you," he said. "And you are entitled to your own opinion about them. But you're not entitled to your own set of facts."

"Well," I responded, "are the statements that your campaign made to the FEC [Federal Election Commission] true or false?"

"Those statements are true, but they are meaningless in many ways. The FEC asked for reports in a certain way and you file those reports and after the '96 campaign the FEC complained, I believe, about some of the ways that we had provided information. So in 2000 we provided it in a way that we thought the FEC would be satisfied with. But the important thing in all of this is that *it is not a question of how we spend our money*. . . . All that's important is 'are you happy with the campaign?'"

Then he got a little defensive. "We gave more financial information," he went on. "We gave more activity information on our hopes, our dreams, our goals, our successes, our failures than any presidential campaign in the history of the party. We provided all of this information. I had a daily journal that people could read. 18,000 people on the Internet

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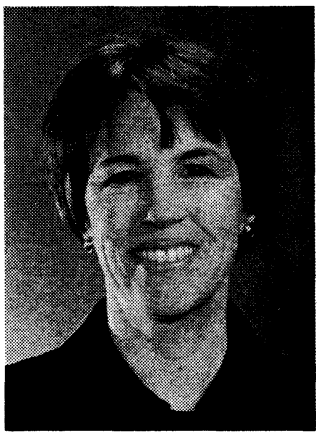

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were able to access this information and get it from us all the time."

I pointed out that my other source of information was his own press spokesman . . . but it was quickly becoming plain that the audience did not want us to go on endlessly, so I didn't pursue matters further.

A Conflict of Visions

Even so, I found what Browne had said to be, well, unsettling. His belief that votes don't matter and that the party and its campaigns should focus only on fundraising and recruitment of members seems to me a good way for party professionals to earn very good livings, but a very poor way to influence politics. Since December 1996, using Browne's approach, party membership has grown at a rate of 6.19% per year. At this rate, to reach its goal of 200,000 members, so it will be able to raise the $50 million Browne figures is needed to run a competitive race, the LP will be able to be competitive for the presidential race in 2036 — except for the fact that by then the U.S. population will have presumably grown considerably, making the total membership needed to be competitive even higher.

I challenged him to produce so much as "a scintilla of evidence" to support any one of his charges against me. Harry responded that he'd have something up on his Web site "in a couple of weeks."

What's troubling about this strategy, which has also been advocated by past Party Chair David Bergland and, with a few caveats, by National Director Dasbach, is not that it takes so long. If we could be confident that it would work, many libertarians (including me) would be happy to pursue it. The problem is that it requires all the resources of the Libertarian Party for another 35 years. That means 35 years of LP activists and members donating an average of $150 per year to the party, 35 years of running presidential campaigns without trying to get votes, 35 years of devoting all our political resources to a plan that has no real assurance of success.

Browne's claims about advertising trouble me also, and not just because he expects party supporters to accept his view that the figures his campaign provided to the FEC under penalty of perjury are not, in his belief, accurate — and that we cannot trust the figures that his own press secretary provides. Television is the one way that has been proven to get votes. The 1996 Browne campaign spent not a single cent buying television time (it spent its entire $8,840.50 on radio time). And the 2000 Browne campaign spent less than $120,000 on buying time. If the LP is trying to win votes — which it must do if it is ever to become a force in American politics — it has to spend more than trivial sums on television advertising.

In the original business plan for this magazine, I suggested that one of the topics we'd like to discuss in our pages is the creation of a libertarian church. Doing so has a lot going for it. Churches have extraordinary latitude in how they spend their tax-exempt dollars, and Americans are generally favorably disposed toward churches. This contrasts with the situation of political parties, which are severely restricted in how they can spend the money they raise, and donations to which are not tax-deductible.

But Browne went further, coming preciously close to saying that libertarians should try to deal exclusively with other libertarians. This seems to me to be a mistake, for many reasons. Unlike Browne, I spent a good many years as a businessman, and I did a great deal of business with non-libertarians. I cannot say that they were in general any less honorable or pleasant to deal with than libertarians have been. Further, if we are going to deal mostly or exclusively with libertarians, we are likely to become rather culturally isolated. Certainly, doing outreach would be much more difficult.

And of course there is the question of whether we want to accept one critical characteristic of religions: their reliance on faith. Most libertarians, whether they are religious or not, believe that their political beliefs are rationally derived. It is not a coincidence that the two leading libertarian magazines are called *Reason* and *Liberty*. There has been a tendency of some libertarian intellectuals and leaders to behave like they are running a cult and to require that their followers accept every jot and tittle of their beliefs, sometimes on faith, and excommunicate those who do not. I'm speaking of Ayn Rand and Murray Rothbard, but there are signs of this elsewhere. Indeed, I saw some of those signs in Browne's talk: He expected listeners to believe his mere assertion that his campaign had spent more to purchase advertising than I had reported without offering the slightest evidence, and to ignore the hard evidence that I had presented.

So while I appreciate the potential advantages of a church, I am not too crazy about its reliance on faith and the inclination of religious leaders to treat their followers like flocks of sheep who must agree on faith with their assertions even in the face of evidence to the contrary — or face excommunication.

And his new business, the American Liberty Foundation? Well, it sounds nice in theory. But based on how Browne spent the $4 million he raised for his political campaign, I would be reluctant to support it.

If we could be confident that Harry's approach would work, many libertarians (including me) would be happy to pursue it. The problem is that it requires all the resources of the Libertarian Party for another 35 years.

His plan to teach some courses in libertarianism intrigued me, especially his course on "how libertarian ideas can help you to show people how their self-interest might be furthered by what you want." My life would be easier if I could convince others it was in their self-interest to pursue my self-interest. Right now, I want my lawn mowed. But it's hot and I would rather spend the afternoon lounging around my house reading a detective novel. If I take Harry's course, maybe I can convince my neighbor that his self-interest might be furthered by mowing my lawn for me. ❑

Learning from the 2000 Defeat

by Michael New

What helped, what hurt, and what just didn't matter when it comes to the Browne 2000 campaign vote totals?

In the months following the 2000 presidential election, Libertarian Party observers put forth a variety of hypotheses that attempted to explain LP presidential nominee Harry Browne's disappointing performance. The prevailing consensus among the LP's own spinmeisters is that the closeness of the 2000 presidential election hurt Browne because it motivated potential Browne supporters to vote for a major party candidate instead. R.W. Bradford and Andrew Chamberlain in *Liberty* have challenged this view, arguing that the decline in Browne's vote total was no greater in close states than it was in states where one of the two major party nominees had substantial or even commanding leads going into the election. Others have argued in *Liberty* that the strong third party candidacy of Ralph Nader attracted many voters who were anti-drug war, anti-defense buildup or simply anti-establishment — voters who otherwise would have supported Browne and the Libertarians.

This debate, in my judgment, stands to benefit from more analytical rigor. A regression analysis allows us to test some of these competing hypotheses simultaneously. Additionally, it provides further insight into why Harry Browne's 2000 campaign failed so badly. I decided to take on this task and collected the relevant data for the 1996 and 2000 presidential elections. My regression equation and results are as follows:

The dependent variable is:

Liberty Change: The change in vote share between 1996 and 2000 for Libertarian presidential nominee Harry Browne (for each state).

The independent variables are:

Close: States where the margin of victory at the presidential level was less than five percentage points were scored a one, other states scored a zero.

No Ballot: States where Harry Browne did not appear on the ballot in 2000 were scored a one (Arizona), other states scored a zero.

GOP Change: The change in vote share between 1996 and 2000 for the Republican Party's presidential nominee for each state.

Green Change: The change in vote share between 1996 and 2000 for the Green Party's presidential nominee for each state.

Reform Change: The change in vote share between 1996 and 2000 for the Reform Party's presidential nominee for each state.

Table 1

Close	*-.07229*
No Ballot	*-.93643**
Reform Change	*.02773**
GOP Change	*.01327**
Green Change	*-.01303*
(Constant)	*.05810*

Interpreting the Results

Analyzing the regression results gives us some insight into what happened to the Harry Browne campaign in 2000:

• In states where the presidential election was close, Harry Browne's vote share decreased by an average of

* Indicates statistical significance

0.072% between 1996 and 2000.

• For each 1% change in the Reform Party vote between 1996 and 2000, Harry Browne's vote share changed by .027% in the same direction.

• For each 1% change in the Republican Party vote between 1996 and 2000, Harry Browne's vote share changed by .013% in the same direction.

• For each 1% change in the Green Party vote between 1996 and 2000, Harry Browne's vote share changed by .013% in the opposite direction.

The Reform Party Surprise

The most surprising finding from this analysis is that the coefficient for the Reform Party is both positive and statistically significant. This means that in states where the Reform Party lost votes between 1996 and 2000, Harry Browne also did poorly. Harry Browne's decline in vote share between 1996 and 2000 was the greatest in states where the Reform Party showed the greatest decline.

Harry Browne's decline in vote share between 1996 and 2000 was the greatest in states where the Reform Party showed the greatest decline.

This was contrary to my expectations. It seemed that Browne might actually have a chance to increase his vote share in states where Ross Perot did well. Many people who voted for Perot in 1996 demonstrated that they were unsatisfied with the alternatives offered by the two major parties. Since the Reform Party ended up nominating an unpopular candidate — Pat Buchanan — in 2000 it seemed plausible that many former Perot supporters might be willing to consider voting for another third party candidate, possibly even a Libertarian.

However, the numbers do not lie. A simple correlation (excluding Arizona) shows that Harry Browne's decline in vote share from 1996 to 2000 positively correlates with the Reform Party's decline in vote share over the same election cycle. The correlation coefficient is a relatively small 0.23, but it does approach conventional levels of statistical significance. This means that although the impact of the Reform Party wasn't decisive, it was real nonetheless.

There are a few reasons why Browne could have fared so poorly in Perot's strongest states. For instance, it is possible that the major parties, realizing that Buch-anan would be an unacceptable alternative to many former Perot voters, stepped up their campaign efforts in states where Perot did well, making it more difficult for the LP to get its message through.

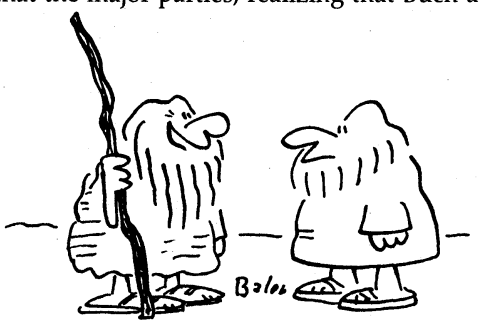

"For years I cried out in the wilderness, and then CNN offered me a contract."

However, it seems to me that most people who voted for Perot in 1996 fall into one of three groups:

1) Moderate to conservative voters who would ordinarily vote Republican, but sought an alternative in 1996 because of Bob Dole's anemic campaign.

2) Disaffected voters who sought an alternative, any alternative, as a vehicle to express their dissatisfaction with the two major parties.

3) Reform Party partisans.

Looking at the first group of Perot voters, it is clear that in 2000, Republican presidential nominee George W. Bush was a stronger candidate than Bob Dole was in 1996 and overall the Republicans ran a stronger campaign in 2000 than they did in 1996. This might have persuaded some of the Perot voters who fell into the first group to vote Republican in 2000. Indeed, Republican gains at the presidential level in 2000 correlate strongly with the Reform Party losses, indicating that Bush likely received a number of votes from people who voted for Perot in 1996.

Perot voters who fell into the second group were likely to be disenchanted with both of the major party presidential candidates in 2000 as they were in 1996. However, in 2000 the most visible third party candidate was not Ross Perot, but Green Party presidential nominee Ralph Nader. Consequently, it seemed likely that many of these former Perot voters would express their disenchantment with Bush and Gore by voting for Nader. There is statistical evidence to support this, as the Reform Party's decrease in vote share between 1996 and 2000 correlates positively with the Green Party's increase in vote share during the same time span. This indicates that Nader's vote share increased most in states where the Reform Party's decline in vote share was the greatest.

The closeness of the 2000 presidential election was not as detrimental as Browne campaign spinmeisters have argued.

Finally, some people who voted for Perot in 1996 are Reform Party partisans who chose to stay the course in 2000 and vote for Buchanan. Indeed, the correlation between Perot's vote share in 1996 and Buchanan's vote share in 2000 is over 0.6 which is again statistically significant.

From this we can conclude that Perot's supporters in 1996 largely split their votes among Bush, Nader, and Buchanan, and all but ignored Harry Browne in this election. Still, the fact that Browne's vote share declined in these states as much as it did is surprising. It is possible that increased turnout in these states in 2000 might have reduced Browne's vote share. It is also conceivable that the states that were the most eager to support third party candidates in 1996 might have been less willing to do so in 2000. Finally, as I mentioned earlier, if the major parties stepped up their campaign efforts in these states, that might have been detrimental to Browne as well.

The Republican Factor

Another surprising result comes from the influence of the

GOP on Harry Browne's vote totals. Looking at the regression results, we see that the coefficient for *GOP Change* is positive and statistically significant. This tells us that Harry Browne's performance in 2000 was best in states where Republicans made the greatest gains between 1996 and 2000. This is again surprising. If Republicans were taking away votes from Libertarians, we would expect Harry Browne to do poorly where Republican vote shares increased. However, that is not the case. A simple correlation shows that increases in Republican vote share between 1996 and 2000 correlate positively with increases in Libertarian vote share during the same time period. Additionally, Table 2 shows that for seven of the eight states where the Libertarian Party's vote share increased between 1996 and 2000, the Republican Party's gain in vote share exceeded the national average.

Table 2

Gains in Vote Share 1996–2000

State	*Libertarian Party*	*Republican Party*
1) Georgia	.62	7.66
2) Virginia	.18	7.27
3) North Carolina	.13	7.29
4) Oklahoma	.08	12.05
5) South Dakota	.07	13.81
6) Iowa	.06	8.30
7) Idaho	.02	14.99
8) Alabama	.01	6.35
Overall Republican Vote Share Increase		7.19

Indeed, it seems plausible that the same factors that are motivating people to vote for Republicans are also, to a lesser extent, motivating people to support Libertarians. Now, considering only this past election, it is not clear what these underlying factors are. It is possible that in states where people became most disenchanted with the status quo, the Democratic Party, or government intrusions in general, lots of people voted Republican, as well as a smaller number who voted Libertarian.

Other Variables

The other variables in this model are either negligibly small or aren't statistically significant. Obviously, Harry Browne's inability to get on the ballot in Arizona in 2000 hurt his performance in that state. Additionally, the coefficient for the variable *Close* is negative, but isn't statistically significant. This point was well documented by Bradford and Chamberlain in past issues of *Liberty*, so I won't discuss it further here.

Finally, the coefficient for *Green Change* is negative but not statistically significant, indicating that the performance of the Green Party had little impact on Browne's vote totals.

What Are the Lessons?

The statistical analysis I have done suggests that Browne did poorly in states where Perot performed well in 1996; and to a lesser extent, states where Ralph Nader made the greatest gains. Conversely, the regression shows that Browne did well in states where Republicans made the greatest gains between 1996 and 2000.

At the same time, this statistical analysis was less successful in explaining why Browne's vote share declined in many states and improved in very few. For instance, I have yet to identify an intuitively appealing reason as to why Browne's vote share fell so dramatically in Perot's best states in 1996.

Yet from this analysis one can reasonably assert that:

- The Libertarian Party would benefit from being America's most visible third party because they would gain a lion's share of the protest votes.
- The Libertarian Party would benefit from increased disenchantment with the status quo.
- The Libertarian Party would benefit from more skeptical attitudes toward the state in general.

Unfortunately, one could have arrived at these conclusions without running a regression analysis on election data. Even worse, these objectives are by and large out of the control of Libertarian Party officials and activists.

In closing I will add that these regression results should hardly be considered the last word on Harry Browne's performance in 2000. A close examination of survey data would add a great deal of strength to this analysis. Additionally, there were a number of factors that might have affected the Libertarian Party's vote share that I was unable to properly consider. It is possible that extensive campaigning in certain regions of the country may have influenced Browne's vote totals. Likewise it is possible that in some states, Browne may have benefited from strong Libertarian campaign efforts at the local and state level. However, I lacked the data to properly analyze these factors. ❑

Harry Browne's performance in 2000 was best in states where Republicans made the greatest gains between 1996 and 2000.

Glossary

Regression analysis: A statistical technique used to describe relationships among two or more variables. Regression involves calibrating a mathematical equation to fit data on inputs and outputs. This equation is then used to predict the value of one variable on the basis of other variables.

Independent variable: The "input" variables in a regression equation. Independent variables are assumed to have some impact on the "dependent" variable.

Dependent variable: The "output" variable in a regression equation. The dependent variable is assumed to be influenced by the "independent" variables.

Statistical significance: A way of measuring whether statistical relationships between variables are likely to be real, or are due to chance. A statistically significant variable is one that has a systematic, measurable impact on the model's output variable. Variables that are not statistically significant may have an impact, but it can't be distinguished from normal randomness.

Correlation coefficient: A measure of the strength of the relationship between two variables. Correlation coefficients (denoted "r") range between -1 and +1, with r = 0 denoting no relationship. Variables with strong positive relationships will have an "r" close to +1, while those with strong negative relationships will have an "r" close to -1.

Bay State Tea Party

by Carla Howell

Fomenting tax revolt for fun and political profit. And you are invited to participate!

Massachusetts has been a high-tax, high-regulation state for so long that locals have taken to calling it "Taxachusetts." Ballot initiatives here are likely to favor things like $20 minimum wages, bans on SUVs, or prohibitions on dog racing.

But all that may be about to change.

In July, the Committee for Small Government, a group of local libertarian activists that Michael Cloud and I formed, filed a ballot initiative for the November, 2002 election to repeal the Massachusetts income tax. And since we get to name our initiative, we're calling it the Small Government Act.

Currently, income tax rates are five percent on wages, five percent on passive income (interest and dividends), and zero to twelve percent on capital gains (depending on how long assets are held).

If the Small Government Act wins, those rates will be cut, respectively, to zero, zero, and zero. After the last tax is collected for fiscal year 2003, no one will be required to pay a single dollar in state income tax.

Ending the state income tax not only allows us to keep some $9 billion of our own money each year, it deprives the ever-whining Massachusetts state legislature of that money — money they use to take away our guns, foster illiteracy, ruin our health care, increase poverty and dependency, and generally trample our rights.

As bold as it is, our tax cut still leaves the state budget bigger than Gov. Dukakis left it in 1990. Ending the income tax would drop the state's operating budget to about $14 billion (down from about $23 billion as of fiscal year 2001). Remaining revenues come from general sales tax, selective sales tax, corporate tax, license tax, and other sources.

On this same 2002 ballot will likely be my name as candidate for governor, an LP candidate for the U.S. Senate, and other Libertarian statewide, congressional, and legislative candidates. If there were ever a year for a tax-cutter to go to the polls in Massachusetts, 2002 is the year.

New Tax on the Block

The Small Government Act is one of the largest percentage slashes in government and taxation proposed in the United States since the end of World War II. Why are we attempting it through an initiative?

Since most legislators cannot bear to see state revenues decrease, legislative tax cuts are almost nonexistent and are never meaningful. Until we get Libertarians elected, the only way we'll get a meaningful tax cut is if we put it on the ballot ourselves through the initiative process.

Initiative petitions are placed on the ballot by the people. But many are initiated by advocates of big government, who use them to increase taxation, increase spending, and government regulation. And many of these tax cut initiatives only attempt to slow government by cutting a small tax or fee. Even when they succeed, state budgets still go up.

Most of these "tax cuts" are so small they are offset by rising incomes, rising sales tax revenues, rising local property taxes, complicated tax formulas that cut deductions, and a continuous flow of new and increased fees and taxes on everything under the sun. Government always gets a bigger

take — which is the reason Democrats and Republicans sometimes support a "tax cut."

The Reagan "tax cut" of the 1980s is a prime example. It cut income tax rates, but overall tax revenues went up anyway because incomes were rising and some deductions were eliminated. Most people don't realize that Bill Bradley cosponsored Reagan's bill. His reason? To increase tax revenues!

The George W. Bush "tax cut" is another example. It will expand federal tax revenues by hundreds of billions of dollars. One of the ways it offsets lower rates is by greatly expanding the number of taxpayers subject to the Alternative Minimum Tax, which currently applies to only 1.5 million Americans. When the Bush plan phases in, 35 million of us will be paying higher taxes because of Bush's massive expansion of the Alternative Minimum Tax.

In contrast, the Small Government Act is so big it will demand that the state take less of our money. It is specifically aimed at forcing the legislature to shrink government.

There's yet another benefit if the Small Government Act wins: it cuts hidden welfare. The Massachusetts Department of Revenue, like the IRS, has become a welfare agency. Repealing income taxes means repealing tax credits — like the ones our Republican Gov. Jane Swift is trying to increase. Ending tax credits means removing a major source of welfare.

Bolder Is Better

Some argue that the Small Government Act is too aggressive to pass. But a bold initiative is much more attractive than a timid initiative. Boldness works because it offers huge, immediate benefits to voters. No more state income tax! This is exciting for voters who are usually lulled into apathy by complicated, boring proposals that hardly make any difference to their lives.

A bold initiative gives meaning to politics and gives voters a reason to get involved. It mobilizes the disenfranchised voter who thinks government is too big but who never had a compelling reason to go to the polls. Hundreds of thousands may vote for the first time in their lives. Some of them will get involved and become activists.

By aggressively marketing small government, we take control of the agenda. We change the debate from "big-government option A vs. big-government option B" to "big government vs. small government." This way, we can build support, get people to take our views seriously, and set the stage for libertarianism to emerge as a major force in American politics.

Friends of big government attack timid tax cuts just as shrilly as bold ones. The teachers' unions cry "apocalypse" and demonize even the most timid, most modest tax cut. We gain nothing by being timid.

Some argue that a modest tax cut is more likely to win. But campaigns for modest tax cuts cost as much as bolder initiatives, and usually end up increasing government revenues, spending, and abuse. Therefore, we lose nothing by being bold.

Getting Over the Hurdles

Getting an initiative petition on the ballot is no small feat. Here are the steps we must take:

1. We draft an initiative that passes legal muster.

Libertarian attorneys Peter Kuntz, Ed McCormick, and Hugh High, along with a research team headed by Andy LaRocco, worked for months to navigate the Massachusetts General Law, the state constitution, and the labyrinthine Massachusetts budget to arrive at our final initiative.

With guidance from Michael Cloud, manager of my Senate campaign against Ted Kennedy in 2000, and several leaders of past Massachusetts tax cut initiatives, our team crafted initiatives that have the best chance of being legally qualified. Several drafts authored by Peter Kuntz were submitted and discussed at length with the attorney general's office to get a preliminary assessment as to whether they will certify our petitions.

2. We submit the final petition to the attorney general by Aug. 1, 2001.

3. Attorney General Tom Reilly reviews petitions and certifies those that he believes abide by the laws governing initiatives. He issues a ruling around Labor Day. We must respond to legal questions that arise during his review.

Many tax cut initiatives only attempt to slow government by cutting a small tax or fee. Even when they succeed, state budgets still go up.

4. If the Small Government Act is certified, we gather 57,101 certified petition signatures from mid-September to mid-November. These can be disqualified for a number of reasons. For example, the Supreme Court of Massachusetts ruled that a mere coffee stain would invalidate an entire sheet of petition signatures. Therefore, we will aim to collect over 100,000 raw signatures to ensure we clear 57,101 with enough extra to sustain a challenge.

5. If sufficient signatures are certified, the legislature must take a vote on whether to enact the initiative into law by May of 2002.

6. If the legislature votes against the Small Government Act (we expect a whopping zero "yes" votes from Democrats and Republicans in the state legislature), then another 9,517 certified signatures must be gathered during May and June of 2002.

7. Opponents can then challenge our initiative in court. Challengers can argue that our initiative is flawed and violates the constitution or other legal requirements or they can challenge the validity of petition signatures. If they do, the Supreme Court of Massachusetts will issue a ruling sometime next year, probably in the summer of 2002.

8. Finally, after we stave off challenges, the Small Government Act will appear on the ballot in November.

If our initiative wins, the income tax will be repealed as soon as the then-current fiscal year ends on July 1, 2003. By April 2004, Massachusetts income earners will have filed their last state tax return.

The state constitution gives the legislature the power to repeal an initiative, but it is considered very bad form. They are hard-pressed to conform to the will of the people

directed by ballot initiatives. They will likely be forced to comply — while they yell and scream that their beloved big government is being starved.

Plan B: Sales Tax Repeal

Although we've worked vigorously to ensure that our initiative will qualify, we have no guarantee that it will survive either our attorney general Tom Reilly or court challenges. The advice we received from the attorney general's office, while very helpful, is non-binding. He could strike down the Small Government Act even though his office gave us initial indication that it would be certified.

For this reason, it is common practice for initiative committees to submit more than one initiative to better ensure that at least one will survive the attorney general's certification.

So, in addition to the income tax repeal initiative, our Committee for Small Government submitted Plan B: a second initiative called the Small Government Act to Repeal the Sales Tax.

While the sales tax accounts for only about $4 billion in state revenues, it is still far bolder than most initiatives, and it will still force spending cuts. (At the time of this writing, a third bold tax cut initiative is being considered as well for submission by the Aug. 1 deadline.)

If more than one initiative is certified, we will petition for the income tax repeal or whichever one would result in the boldest tax cuts.

Who's For and Against?

Since the *Boston Globe* and Boston-area TV stations are likely to be hostile to our cause, we plan to raise enough money to run TV and radio ads. We'll sell the big benefits of ending the income tax:

- The average taxpayer saves over $2,000 every year.
- No more filing state income tax! Save time and keep the state out of your personal finances.
- If you need to sell stock, you no longer need to move out of Massachusetts to avoid capital gains.
- If you're living on annuity income, you don't have to move away from your grandchildren to another state to avoid paying the five percent passive income tax.

Because elected Republicans tend to vote unanimously in favor of raising government budgets each year, we expect both the legislature and Republican Gov. Jane Swift, who is expected to run for re-election, will oppose this bold tax cut initiative.

Massachusetts' teachers' unions will spend millions more opposing us.

Republican and Democrat policies in this state are virtually indistinguishable. Both vote for and support big government and high taxes. Both will claim that the Small Government Act goes way too far.

Everyone who loves big government will hate our tax cut: beneficiaries of the Big Dig construction project in downtown Boston, beneficiaries of the latest convention and stadium welfare, Gov. Jane Swift's tax credit welfare recipients, government agencies, social workers — and especially the teachers' unions.

Massachusetts' teachers' unions spent several million dollars opposing last year's modest initiative to cut the income tax rate (5.85% down to 5% phased in over a three-year period). They will spend millions more opposing us. Their attacks will publicize the Small Government Act and mobilize our supporters even more.

Some people will take our side simply because the teachers' union opposes it. By making the right enemies, we make the right friends. For this reason, we look forward to being viciously attacked.

The Small Government Act is so big it will demand that the state take less of our money. It is specifically aimed at forcing the legislature to shrink government.

How Likely Is a Win?

We don't know, but we have some clues.

During the past 20 years, there have been a host of tax cut initiatives on the ballot in Massachusetts. The lowest vote that any received was 39%, and the most successful got 72%. These were all modest tax cuts, so some of these voters may shy away from an outright tax repeal.

On the other hand, we may get a pleasant surprise. Voters may turn out in record numbers because they finally have something to vote for that offers a huge, direct benefit. We hope the excitement will catch on and we'll mobilize a huge corps of volunteers to help publicize and rally for our initiative.

Big government supporters may turn out in higher numbers to oppose it, but they also may sit it out since Democrat voter turnout plummets in non-presidential election years.

If the Small Government Act wins, it will be the shot heard 'round the world! We will turn Massachusetts politics on its head.

But what if we lose?

Even if We Fail, We Succeed

Even a vote total as low as 20% in favor of repeal would signify an enormous vote of confidence for dramatic cuts. It would shatter the claims of big government advocates who'd like us to believe that a bold, libertarian agenda is supported by only a small, single-digit percentage of the population.

When we give voters a choice to end the income tax in 2002, it will be just the beginning. People will start to get used to the idea of making government small. We'll open minds. Voters who aren't ready for dramatic cuts in 2002 might be ready for bold initiatives and candidates in 2004 or perhaps 2006. We set the stage for bigger and bigger vote totals in Massachusetts every year.

With myself as the Libertarian gubernatorial candidate and other Libertarians rallying for the Small Government Act, we'll establish ourselves as serious tax-cutters and advocates of small government. Any hope that Republicans can or will make government small will be buried once and for all.

It will become clear that the Libertarian Party is the only party willing to offer meaningful tax cuts.

Our initiative serves as an important prototype. By investing in this bold experiment, we are creating huge upward potential for growth — much like an entrepreneur creates the possibility of a Microsoft. We may tap into a large expanse of bold tax-cutters willing to go to the polls and vote.

If we get a healthy vote total, we could inspire copycat initiatives across America — just as California's Proposition 13 did for property tax cuts in 1978, and later initiatives did for term limits and medical marijuana.

Twenty-four states allow initiatives. Imagine the potential of a bold tax cut movement catching on in every one of them.

How to Succeed

During our 1998 and 2000 campaigns, we developed the knowledge and expertise needed to navigate the difficult petitioning and filing requirements in Massachusetts. These vital skills will help us stay on track.

There's a nonpartisan majority in Massachusetts. More than 50% of registered voters are not affiliated with any party. Many of these independent voters, coupled with untold numbers who may register for the first time, could vote for repeal.

Massachusetts' gun owners lean libertarian and strongly oppose big government and high taxes. As libertarians, we love gun rights and gun owners love us. Many of them will support the Small Government Act.

We'll do polling to ensure our message is effective and to monitor our progress. If we hit 20%–40% in the polls, the Small Government Act could draw national attention and heighten excitement even more.

Massachusetts has one of the strongest Libertarian parties in the country. Our 2000 Carla Howell for U.S. Senate campaign won 308,860 votes and activated over 726 volunteers. We expect to mobilize thousands in 2002.

Over the years I've built strong ties to the state's activists, coalitions, and media. On June 29, I was a guest on *Fox News'* "O'Reilly Factor" talking about the Big Dig. As spokeswoman for our initiative, I will campaign for it all over Massachusetts.

Michael Cloud, our fund-raiser, has raised over $6 million for Libertarian campaigns. In the small state of Massachusetts, where it's easier and cheaper to reach voters than in large states, we'll be able to spend over $1 million to buy advertising on Boston's CBS, ABC, and NBC stations and reach virtually every voter.

Ballot initiatives in Massachusetts have no contribution limits. Donors can donate as much as they want. Companies can donate as well. This makes a bold tax cut petition less difficult to fund.

We look forward to an exciting year as we unveil the Small Government Act and rally for the benefits of small government. ❑

"Injustice," *from page 29*

All of this would clearly require the government to treat citizens unequally, applying different rules to different groups. For the state to take resources from entirely innocent citizens and give them to others who are not, by any reasonable standard, entitled to them is not "roughly just" but thoroughly and blatantly unjust.

Also, in granting reparations only to the descendants of African slaves, the government would be affording special benefits to blacks that it affords to no one else. Although African-Americans, as a group, are the only citizens most of whose recent ancestors were slaves, they are not the only citizens whose ancestors suffered grave injustices, injustices whose repercussions echo down the generations. Two centuries ago Smith took Jones as a slave, which was unjust; but across town, Johnson swindled Miller out of his inheritance and never paid for his crime. This too was an injustice, one that undoubtedly had severe consequences for Miller's descendants — so shouldn't government also require that reparations be paid to Miller's descendants, and to the descendants of everyone, black or white, whose forebears have ever suffered debilitating injustices? Slavery was a unique horror in American history, but why are the injustices suffered by black ancestors more worthy of government action than those suffered by white ancestors?

The answer is that it is simply impossible for government to settle accounts between parties long dead. "What's done is done," we say in all cases of this sort — all cases, that is, except for slavery. But there are no rational grounds for making an exception in the case of slavery. If reparations ever become reality, its essential arbitrariness will, without a doubt, provoke a backlash that would dwarf the racial tensions of the past.

Nor will these new tensions merely be between blacks and whites, but between all racial groups. Any reparations scheme, since it would be funded by general taxation, would be seen by those whose ancestors had nothing to do with slavery as the illegitimate taking of their own resources for the special benefit of blacks. This would make for tensions between these groups and both blacks and other, Anglo-Saxon, whites, especially Southerners, who would be resented for "putting us all in this fix." Also, the floodgates would then be open for any and all individuals and groups to demand reparations for their own past injustices. This could only be stopped arbitrarily, with one group being allowed to impose its claims on the losing groups. All I can predict about what would come next is that it would be disastrous.

An application of Hayek's insights shows that reparations for slavery would be, not an approximation of justice, but a conceptual muddle and a practical catastrophe. Another political philosopher, Robert Nozick, famously argued that redistributive taxation is on a par with forced labor, a kind of "slavery lite." No one claims that the taxation existing today approaches the evil of the slavery suffered by the ancestors of black Americans. But redistributive taxation for the purposes of funding a bogus reparations scheme would nevertheless be an injustice. And adding that wrong to the wrong of slavery would not result in a right. ❑

The Economic Roots of the Civil War

by Donald W. Miller Jr.

"Union means so many millions a year lost to the South; secession means the loss of the same millions to the North. The love of money is the root of this, as of many other evils. The quarrel between the North and South is, as it stands, solely a fiscal quarrel." — Charles Dickens

In the schoolbook account of the American Civil War, Abraham Lincoln rose to the presidency and led the country in a great Civil War against the slaveholding states that had seceded, restoring these states to the Union, and ending slavery. Accordingly, historians rate Abraham Lincoln as one of our greatest presidents.

Well-intentioned, right-thinking people equate anyone who thinks that the South did the right thing by seceding from the Union as secretly approving of slavery. Indeed, such thinking has now reached the point where people from both sides of the political spectrum, notably from the NAACP and Southern Poverty Law Center on the left and the Cato Institute on the right, want to have the Confederate battle flag eradicated from public spaces. These people argue that the Confederate flag is offensive to African-Americans because it commemorates slavery and thus should be prohibited from public display.

In the standard account, the Civil War was an outcome of our Founding Fathers' failure to address the institution of slavery in a republic that proclaimed in its Declaration of Independence that "all men are created equal." But was it really necessary to wage a four-year war to abolish slavery in the United States, one that ravaged half of the country and destroyed a generation of American men? Only the United States and Haiti freed their slaves by war. Every other country in the New World that had slaves — Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Peru, Uruguay, and Venezuela — freed them peacefully.

The war did enable Lincoln to "save" the Union, but only in a geographic sense. The country ceased being a Union, as it was originally conceived, of separate and sovereign states. Instead, America became a "nation" with a powerful federal government. Although it freed 4 million slaves into poverty, it did not bring about a new birth of freedom, as Lincoln and historians such as James McPherson and Henry Jaffa say. For the nation as a whole the war did just the opposite: It initiated a process of centralization of government that has substantially restricted liberty and freedom in America, as historians Charles Adams and Jeffrey Rogers Hummel have argued.*

The term "Civil War" is a misnomer. The South did not instigate a rebellion. Thirteen southern states in 1860–61 simply chose to secede from the Union and go their own way, like the 13 colonies did when they seceded from Britain. A more accurate name for the war that took place between the northern and southern American states would be the "War for Southern Independence." Mainstream historiography presents the victors' view, an account which focuses on the issue of slavery and downplays other considerations.

Britain heralded the end of slavery, in the Western world at least, with its Bill of Abolition, passed in 1807. This bill made the African slave trade (but not slaveholding) illegal. Later that year the United States adopted a similar bill, called the Act to Prohibit the Importation of Slaves, which prohibited bringing slaves into any port in the country. Congress

* Adams in his book, *When in the Course of Human Events: Arguing the Case for Southern Secession* (2000); and Jeffrey Rogers Hummel in his book, *Emancipating Slaves, Enslaving Free Men* (1996).

strengthened this prohibition in 1819 when it decreed the slave trade to be a form of piracy, punishable by death. In 1833, Britain enacted an Emancipation Law, ending slavery throughout the British Empire, and Parliament allocated 20 million pounds to buy slaves' freedom from their owners. This happened peacefully and without any serious slave uprisings or attacks on their former owners, even in Jamaica, where a population of 30,000 whites owned 250,000 slaves.

The rallying call in the North at the beginning of the war was "preserve the Union," not "free the slaves." Although certainly a contentious political issue, in 1861 slavery was not a major public one. Protestant Americans in the North were more concerned about the growing number of Catholic immigrants than they were about slavery. In his first inaugural address, given five weeks before the war began, Lincoln reassured slaveholders that he would continue to enforce the Fugitive Slave Act.

After 17 months of war things were not going well for the North, especially in its closely watched Eastern Theater. In the five great battles that were fought there between July 1861 through Sept. 17, 1862, the changing cast of Union generals failed to win a single victory. The Confederate army won three: First Bull Run (or First Manassas) on July 21, 1861; Seven Days — six major battles fought from June 25 to July 1, 1862, during the Union army's Peninsular Campaign that, in sum, amounted to a strategic Confederate victory when McClellan withdrew his army from the peninsula; and Second Bull Run (or Second Manassas) on Aug. 29–30, 1862. Two battles were indecisive: Seven Pines (or Fair Oaks) on May 31 to June 1, 1862, and Antietam (or Sharpsburg) on Sept. 17, 1862. In the West, Grant took Fort Donelson on Feb. 14, 1862, and captured 14,000 Confederate soldiers. But then he was caught by surprise in the battle of Shiloh on April 6–7, 1862, and lost 13,000 of his 51,000 men. Sickened by the carnage, Northerners did not appreciate at the time that Shiloh was a strategic victory. Then came Antietam on Sept. 17, the bloodiest day in the entire war; the Union army lost more than 12,000 of its 60,000 troops engaged in the battle.

Did saving the Union justify the slaughter of such a large number of young men? The Confederates posed no military threat to the North. Perhaps it would be better to let the southern states go, along with their 4 million slaves. If it was

The rallying call in the North at the beginning of the war was "preserve the Union," not "free the slaves."

going to win, the North needed a more compelling reason to continue the war than to preserve the Union.

Five days after the Battle of Antietam, on Sept. 22, 1862, Abraham Lincoln issued his Emancipation Proclamation.

The Emancipation Proclamation was a "war measure," as Lincoln put it. Foreign correspondents covering the war recognized it as a brilliant propaganda coup. Emancipation would take place only in rebel states not under Union control. The president could not abolish slavery; if not done at the state level, abolition would require a constitutional amendment. Slaveholders and their slaves in Missouri, Kentucky, Maryland, Delaware, Tennessee, and parts of Virginia and Louisiana occupied by Union troops were exempt from the edict. Slaves in the Confederacy would be "forever free" on Jan. 1, 1863, — 100 days after the Proclamation was issued — but *only if* a state remained in "rebellion" after that date. Rebel states that rejoined the Union and sent elected representatives to Congress before Jan. 1, 1863, could keep their slaves. Such states would no longer be considered in rebellion and so their sovereignty regarding the peculiar institution would be restored. As the *London Spectator* put it, in its Oct. 11, 1862, issue: "The principle [of the Proclamation] is not that a human being cannot justly own another, but that he cannot own him unless he is loyal to the United States."

Regarding slaves in states loyal to the government or occupied by Union troops, Lincoln proposed three constitu-

At the time, only seven states had seceded. But when Lincoln announced his intention to bring these states back into the Union by force, Virginia, North Carolina, Tennessee, and Arkansas seceded and joined the Confederacy.

tional amendments in his December 1862 State of the Union message to Congress. The first was that the slaves not freed by the Emancipation Proclamation be freed gradually over a 37-year period, to be completed by Jan. 1, 1900. The second provided compensation to owners for the loss of their slave property. The third was that the government transport freed blacks, at government expense, out of the country and relocate them to Latin America and Africa. Lincoln wrote that freed blacks need "new homes [to] be found for them, in congenial climes, and with people of their own blood and race." For Lincoln, emancipation and deportation were inseparably connected. Secretary of the Navy Gideon Wells wrote in his diary that Lincoln "thought it essential to provide an asylum for a race which he had emancipated, but which could never be recognized or admitted to be our equals." As historian Leone Bennett Jr. puts it, "It was an article of faith to him [Lincoln] that emancipation and deportation went together like firecrackers and July Fourth, and that you couldn't have one without the other."

Congress refused to consider Lincoln's proposals, which Horace Greeley in the *New York Tribune* labeled whales' tubs of "gradualism, compensation, [and] exportation." None of the Confederate states took the opportunity to rejoin the Union in the 100-day window offered and the war continued for another two years and four months. Eight months later the 13th Amendment was ratified, and slavery ended everywhere in the United States (without gradualism, compensation, or exportation).

Black and white Americans sustained racial and political wounds from the war and the subsequent Reconstruction that proved deep and long-lasting. This was partly because the freed slaves were confined, with little support, to the section of the country that had been devastated by war. Northern abolitionists wanted southern Black slaves to be

freed, but certainly did not want them to move north and live alongside them. Indiana and Illinois, in particular, had laws that barred African-Americans from settling. Healing the wounds was also slowed by the twelve-year military occupation and "Reconstruction" that the South was forced to endure after the war. At a gathering of former confederate soldiers shortly before he died, Robert E. Lee said:

> If I had foreseen the use those people designed to make of their victory, there would have been no surrender at Appomattox Courthouse; no sir, not by me. Had I foreseen these results of subjugation, I would have preferred to die at Appomattox with my brave men, my sword in my right hand.

Why were business and political leaders in the North so intent on keeping the southern states in the Union? It was, to paraphrase Charles Dickens, solely a fiscal matter. The principal source of tax revenue for the federal government before the Civil War was a tariff on imports. There was no income tax, except for one declared unconstitutional shortly after its enactment during the Civil War. Tariffs imposed by the federal government not only accounted for most of the federal budget, they also raised the price of imported goods to a level where the less-efficient manufacturers of the northeast could be competitive. Former Vice President John C. Calhoun put it this way:

The Emancipation Proclamation was a "war measure," as Lincoln put it. Foreign correspondents covering the war recognized it as a brilliant propaganda coup.

> The North had adopted a system of revenue and disbursements in which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North . . . the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue.

In 1861, the *New York Evening Post* editorialized on this point:

> That either the revenue from duties must be collected in the ports of the rebel states, or the port must be closed to importations from abroad, is generally admitted. If neither of these things be done, our revenue laws are substantially repealed; the sources which supply our treasury will be dried up; we shall have no money to carry on the government; the nation will become bankrupt before the next crop of corn is ripe. There will be nothing to furnish means of subsistence to the army; nothing to keep our navy afloat; nothing to pay the salaries of public officers; the present order of things must come to a dead stop.

Given the serious financial difficulties the Union would face if the Southern states were a separate republic the *Post* urged the Union to hold on to its custom houses in the Southern ports so that they could continue to collect duty. The *Post* goes on to say that incoming ships to the "rebel states" that try to evade the North's custom houses should be considered as carrying contraband and be intercepted.

Observers in Britain looked beyond the rhetoric of "preserve the Union" and saw what was really at stake. Charles Dickens' views on the subject were typical:

> Union means so many millions a year lost to the South; secession means the loss of the same millions to the North. The love of money is the root of this, as of many other evils. The quarrel between the North and South is, as it stands, solely a fiscal quarrel.

Karl Marx seconded this view:

> The war between the North and the South is a tariff war. The war is further, not for any principle, does not touch the question of slavery, and in fact turns on the Northern lust for sovereignty.

The South fought the war for essentially the same reason that the American colonies fought the Revolutionary War. The central grievance of the American colonies in the 18th century was the taxes imposed on them by Britain. Colonists particularly objected to the Stamp Act, which required them to purchase an official British stamp and place it on all legal documents for them to be valid. The colonists also objected to the tariff that Britain placed on sugar and other goods (the Sugar Act).

After the enactment of what was called the "Tariff of Abomination" in 1828, promoted by Henry Clay, the tax on imports ranged between 20–30%. It rose further in March 1861 when Lincoln, at the start of his presidency, signed the Morrill Tariff into law. This tax was far more onerous than the one forced on the American colonies by Britain in the 18th century.

Lincoln coerced the South to fire the first shots when, against the advice of most of his cabinet, he dispatched ships carrying troops and munitions to resupply Fort Sumter, site of the customs house at Charleston. Charleston militia took the bait and bombarded the fort on April 12, 1861. After those first shots were fired, the pro-Union press branded Southern secession an "armed rebellion" and called for Lincoln to suppress it.

Congress was adjourned at the time and for the next three months, Lincoln ignored his constitutional duty to call the legislative branch into session during a time of emergency and assumed dictatorial powers. He shut down more than 300 newspapers that disagreed with his war policy. Although the exact number is not known, Lincoln may well have arrested and imprisoned more than 20,000 political opponents, Southern sympathizers, and people suspected of being disloyal to the Union and suspended the privilege of habeas corpus, something only Congress in a time of war has the power to do. Lincoln's soldiers arrested civilians without any charges being filed; and, if trials were held at all, they were conducted by military commissions. He permitted Union troops to arrest Baltimore's mayor, chief of police, and a Maryland congressman, along with 31 state legislators. When Supreme Court Chief Justice Roger Taney wrote an opinion that said these actions were unlawful and violated

Emancipation would take place only in rebel states not under Union control.

continued on page 60

Short Story

The DEA Trials

by Bart Kosko

"The caller had a point. How does it feel to be under investigation?"

"It's a travesty," Eddy Shaw said.

"Scared?" the host said.

"I'm more angry than scared."

"Think someone is trying to make an example of you?"

"Sure they are. I was just doing my job."

"Want to name names?"

"Not on the air."

"Ever think we would legalize drugs? Ever think you could just walk into a liquor store and buy peyote chocolates?"

"Not in a million years. It's crazy."

"We'll be right back for our remaining moments with former DEA Special Agent Eddy Shaw."

The old host of the talk show did not talk to Shaw during the break. The host talked instead to a young female producer with long black hair and a black leather jacket. She told him that Sen. Rawlings would appear on the show the next night only if the host would let Sen. Trueblood appear with him. The two senators from Nevada had just written a bill that would allow adults to buy most medicines without a prescription. She said the senator seemed afraid to go one on one with the president of the American Medical Association. The host rubbed his eyes with his palms and agreed.

Eddy Shaw stared at the host and the girl and hoped they would tell him how he was doing. They did not seem to care. The host had joked with him and told him to relax before the first eight-minute segment. Now Shaw wondered if they would still pay for his hotel room that night. He would pay for his own taxi back to the hotel. The plane ticket back to LA was what mattered and it sat in the vest pocket of his suit.

Shaw tried not to think how he would find a good lawyer and how he would pay for it. He blocked that with a worst-case thought. His training at Quantico had taught him that. Cut to the end game.

Fuck it. I can dump the house in Culver City and move back in with Dad in Stockton. Fuck the house and fuck the job search and fuck the early pension. I could make payments on the house for a few more months anyway. Forget the house. The house is gone. It's too late to change the title. Maybe let the ex have it. Fuck that too. Bastards can't squeeze child support from a bankrupt.

Who would have thought things would change so fast? First Germany and Colombia legalized small amounts of pot and coke in 1994. Then came the Dutch and the rest of those European scumbags. One day the Democrats go from upping our raid budget to passing "prohibition reform." Reform hell. Just caving into the big tobacco firms and the biotech lobby and listening to those crazy fucking libertarians. First they gave us mandatory sentencing and now the bastards give us pot parties and designer smart drugs and sex boosters. What kind of man needs a sex booster? I don't need a pill or a wire to get a good nut. That little producer bitch in black would work just fine.

Well shit happens. In the old days they did a lot more than turn a blind eye when we had to plant to make a bust. They were all on our side. Fucking liars. Now they act like they never knew.

And now I'm the fall guy. I'm the bad guy on TV. Bureaucrat bastards. Wonder if it stops with me or starts with me. I should just come out and tell them how many hundreds of plants we all made. See how the agency likes that.

But fuck it. They can never pin this Ringer plant on me. Ringer can't even be sure I was the one who did it.

"Ready?" the host asked Shaw with a fresh smile.

"Yes."

"Good. Watch the clock. We've got only about a minute."

The first cameraman gave them the on-air sign with his ring finger. Shaw tried to look at the host and not the second camera lens.

"We're back for our remaining moments with former DEA Special Agent Eddy Shaw. Eddy. How many drug cases did you work on in your career?"

"Quite a few."

"Over a hundred?"

"Maybe indirectly. I testified at only a few dozen trials."

"Any complaints against you?"

"Every agent gets complaints," Shaw said.

"Ever take a bribe?"

"Never."

"Ever plant evidence?"

"No."

"Then why you first? Why did the Justice Department suspend your pension?"

"Who knows? Society needs a scapegoat. DEA agents are easy targets."

"Think the special grand jury will indict you?"

"No. Criminal allegations come down to evidence. And here there's no case because there's no evidence."

"What if the witness worked for the DEA too?"

"I don't believe it."

"Ever take drugs during prohibition?"

"Never. Still don't."

"Thirty seconds. Eddy. Did you plant the LSD paper on Mark Ringer?"

"No. I don't know the man."

"He says you did."

"Then he's lying."

"Ever meet him?"

"Never."

"A Deadhead fan has turned in an enhanced photo of a Grateful Dead concert with you in it. Have you seen it?"

"What photo?" Eddy Shaw said.

"Look at it. That sure looks like you sitting with Mark Ringer."

❖

"Do you know Mark Ringer?"

"I believe we met at a Grateful Dead concert in the summer of 1994."

"Did you speak with him?"

"I may have. I can't recall."

"Did you smoke hashish with him?"

"No," Eddy Shaw said.

"Did you offer to sell him LSD?"

"No. He tried to sell it to me."

"You're sure?"

"Yes."

"Yet on the videotape we watched you said you had never met Mr. Ringer. Now you don't just say you met Mr. Ringer. You say he tried to sell drugs to you. Which is it? Were you lying then or are you lying now?"

Eddy glanced at his lawyer at the brown oak table.

Skinny bastard. That gray suit had to cost twice what I paid for this pinstripe thing. Should never have called that number for lawyer referrals. Could have done just as well as my own lawyer and stayed out of debt. Could have paid a temp who had been a paralegal to make sure I got the right forms and filed them at the right time. Any jerk can pay $20 and get a copy of the court's "local rules."

Little fucking weasel. He wants me to twist on this one. Perry Mason would be jumping up right now with a good objection or two. His incentive to win this case ran out with my savings. He knows I will stiff him on fees. He's a lawyer. Maybe he can beat them out of part of my house. Shit. Imagine them hitting me with asset forfeiture.

Sellout coward. Wants me to plea bargain before he halts the trial to look at the FBI tape. Won't even tell me what they really said back there.

"Mr. Shaw. Which is the truth?"

"Answer the question," Judge Kaufmann said.

"I met hundreds of people in the field when I worked the concerts. I could have met Mr. Ringer. I think I did. I think he tried to sell me something. It's been a few years. I can't be sure."

"You can't be sure?"

"No."

"Yet you worked 14 years for the Drug Enforcement Administration. In that time how many drug dealers did you help convict?"

"I don't know. It depends on how you count them. Most busts were team jobs."

"Mr. Shaw. How many busts did you make? How many people did you help convict?"

"I don't know. Maybe a few over 100."

"Over 100. Your recall was good enough to put 100 people in jail or on probation. You were sure then but you are not sure now?"

"That's right," Eddy said.

Eddy tried not to look at the twelve jurors to his left. But he could feel the heat of their stares.

Cocksuckers. They made up their minds six months ago when they saw my first run on "Hard Copy." Now they get five bucks a day to watch trash TV live. Dumb bastards don't even care that they can't take notes or ask questions. Jury is God. Shit. Cash is God. Can't profit from a crime. They all profit from it. The state killed my book deal but they are all making money off this. I bet half the jurors have already cut book deals of their own. This whole fucking trial is a media production. Everyone is just playing out the script. They should pay me for playing the bad guy.

Skullfuck these cocksuckers. I should just stand up now and walk out. Let them grab me and get it over with. Ten years ago when I had not yet grown this gut for cover I would have done something like that. And sure would have taken that fucking lawyer prick with me.

"No more questions," the prosecutor said.

Eddy looked at his lawyer again. The lawyer gave a faint shake of his head. The judge told Eddy to step down. Eddy knew something was wrong when the young prosecutor turned to face the judge to call one of the state's FBI witnesses.

"Your honor. The state now asks to call its last witness. He works as a special agent for the Federal Bureau of Investigation and has agreed to testify. To minimize his exposure the state asks your honor to clear the courtroom of all nonessential personnel."

"The court agrees. Bailiff."

The crowd was largely reporters and drug convicts. They spoke in whispers as they left. Eddy did not turn to watch them leave. He looked down at the notes his lawyer had scrawled on the yellow legal pad and tried to read them to fight down the fear.

Shit. Which one was Special Agent Ronald Sutton? Which FBI fuck in a suit wants to knife me now? They tripped us up enough times before.

Bastards would never smoke dope or grow their hair long. That fooled no one. Thought they were too good to hang out with us. They should have stuck with bank robbers. Preppy little shits. A lot of good they get from those fucking college degrees in history and political science and bullshit like that. If they would have left me alone then I would be finishing up my degree now in criminal justice at USC. I will get back in the program and finish it when I get some money. They can't stop that.

The bailiff swore in a thin man in his 40s who wore a crew cut and a dark blue suit. Eddy's lawyer wrote "Have you seen him before?" on the yellow pad. Eddy raised his eyebrows to say "I don't think so" because he did not know. Eddy breathed deeply to try to slow his pounding heart. He knew Justice had watched him but that was through his old office. Eddy tried to catch the FBI agent's eye and place his face.

FBI Special Agent Ronald Sutton did not look at Eddy as he explained his investigation. He looked back and forth at the district-court judge and the state prosecutor. The FBI had run the career data on all DEA agents through the National Security Agency's computers at Fort Meade. Each agent fit each of the hundred of good-guy and bad-guy "profiles" to some fuzzy degree. Eddy had fit some bad profiles enough to put him under active FBI suspicion. The computers ran neural programs based on how brains recognize patterns. They matched patterns well but could not explain themselves. So the FBI had to assign field agents like Sutton to investigate high-risk DEA agents like Eddy.

Sutton thought Eddy and two of his DEA friends might have committed a fraud against the government or a FAG. The FBI tapped their home and office lines and got daily updates on all their credit-card and banking actions. Agent Sutton held a tape in his right hand of portions of phone calls among the three friends. He said the FBI had just declassified this tape and its transcript. The FBI still had much more data that it could not declassify without revealing FBI sources and techniques. The FBI had reopened the FAG investigation when new sources came forth with evidence against Eddy.

But the worst was which federal judge had approved the Title-III wiretap. Eddy now learned that it had been Judge Richard Kaufmann himself. The Justice Department had now managed to hit a forum-shopping home run by getting Eddy's case before Kaufmann. But he had seen this kind of thing before.

The prosecutor let the agent speak for ten minutes.

Then he asked if the FBI planned to arrest Eddy in the near future. Eddy's lawyer objected but the judge overruled him. Agent Sutton said he could not comment on the details of the case. The court would have to make do with the tape and transcript.

"What's on the tape?" the lawyer wrote to Eddy. Once more Eddy raised his eyebrows to say he did not know. He wanted to say it was bullshit but he could not speak.

Wish the fuck I knew. Stupid fucking lawyer.

Everyone knows a FAG is the common cold of FBI charges. The state might as well pile that one on with its 18 counts of extortion and racketeering and mail fraud. I have seen this a hundred times. Pile on the charges and make the fuck fight the whole stack. Perjury is next. This skinny bastard wants to cut a deal with them. The FBI scares him and he thinks it scares the jury too. But what the fuck do they have on that tape? Sure the fuck hope it's not real agent talk. Has to be John and Chavez. Who knows what those two guys said.

The lawyer then pushed the yellow pad in front of Eddy. It said "Let's talk before the jury hears this." Eddy thought that meant he and the lawyer would talk. So he shook his head yes. He saw his mistake when the lawyer jumped to his feet at Sutton's first pause.

"Your honor?" Eddy's lawyer said as he stood up. "In light of this new testimony and evidence the defense asks for a meeting in chambers."

Judge Kaufmann looked at the prosecutor before he announced the recess.

❖

Eddy followed his lawyer through the empty courtroom to the judge's chambers. He had waited less than five minutes for the lawyer to meet with the prosecutor and the judge behind the large brown oak doors. Now he had to trust his lawyer again.

Fucking sellout coward. Wants me to plea bargain before he halts the trial to look at the FBI tape. Won't even tell me what they really said back there. Fuck his fees. I can do worse than that.

Who would have thought things would change so fast? First Germany and Colombia legalized small amounts of pot and coke in 1994. Then came the Dutch and the rest of those European scumbags.

When this ends I will file against him at the California Bar.

Eddy walked in the judge's chambers and heard the soft orchestral music that came from a CD player on the judge's desk. He did not know or care that it was a Bruckner symphony. Judge Kaufmann sat behind his neat oak desk with his black robe draped around the back of his black-leather chair. He gave Eddy his full attention. The prosecutor sat at a large mahogany table and marked up the FBI transcript. He did not look up until Eddy stood before him.

"Eddy," the judge said. "Sit down. We are here to try to get this thing over with. Do you want that?"

"Yes," Eddy said as he sat with his lawyer across from the prosecutor.

"Good. Notice the door is closed. So this is all off the record. I want the three of you to speak freely."

"Thanks," the prosecutor said. "Eddy. I don't believe a fucking word you said on the stand. I have only skimmed this FBI transcript but it looks like we can nail you on at least two fresh counts of perjury alone. Remember the U.S. Code? It says each count can get you five years in prison and $10,000 for the privilege."

"That's bullshit. No one prosecutes

perjury charges any more."

Judge Kaufmann raised his eyebrows.

"Let's wait," Eddy's lawyer said. "My client has come here on good faith."

"He wants to cut a deal," the prosecutor said.

"I didn't say that," the lawyer said. "We just want to explore all the options."

"He wants to cut a deal because he was a corrupt cop and now he knows we have proven that to the jury. This morning I thought we could convict him on at least half of the 18 charges. Now thanks to Special Agent Sutton we can get convictions on more like 15 or 16 of the 20. Eddy. Did you follow that math? You are going away for at least 30 years. Plus what the FBI gives you. Plus restitution fees. Plus the punitive damages you get from the civil suits of Mark Ringer and a dozen other young men and women you ruined. Lose one case and then lose them all."

"I don't have to listen to this," Eddy said.

"You are in no position to issue edicts. You'll listen and you'll do the right thing because you are not as stupid as you are scared."

"Then why waste your time?" Eddy said. "You think the jury will hang me? Let them."

"I'd love to. I hate crooked cops."

"Fuck you. I saw you before. You prosecuted your share of drug busts. You fucking hypocrite."

"Eddy," the judge said. "Knock it off."

"Sorry," Eddy said to the judge.

"That's right," the prosecutor said. "I prosecute those who break the law. The drug laws changed. The laws you broke have not changed."

"Shit. You played the game like the rest of us. Back then it was always a wink and a nod. You sucked up to us like we were your best fucking friends. Anything to win a case. You lying motherfucker."

"Eddy," the judge said again.

"Sorry. But it's the fucking truth. You guys knew goddamn well that sometimes we had to plant shit to make a bust."

"Really?" the judge said. "I didn't know that."

"Look," the prosecutor said. "Eddy. You're right. I don't need your fucking plea bargain to win this case. We all know that. So I'll tell you why the state will give you a break. It's for the reason you just said. The only thing worse than a bad cop is a lot of bad cops. And we know you know who they are."

"You want me to narc," Eddy said.

"Can you guarantee my client will serve no time?" Eddy's lawyer asked.

"Shut the fuck up," Eddy said.

"Listen to him," the prosecutor said. "It's the right question to ask. What's left of your career and your future turns on it. But the answer to it is no. You will taste prison. The only question is how many years."

"I won't talk."

"Eddy. I've read the transcript. You and I know what's on the tape. The three of you made jokes about setting up Mark Ringer."

"That's a fucking lie. Who knows how the FBI doctored those tapes for you."

"You know better than that. The Bureau boys followed all the federal rules of evidence in this plain-vanilla Title-III electronic surveillance. The tapes are solid evidence. And in a few hours I will be having this same talk with at least two of your ex-DEA friends. You know John Monroe and Jose Chavez. Don't you? They'll talk if you won't. And frankly we can offer them a better deal. Don't be the sucker."

The music on the CD player had swelled and ended in an abrupt orchestral chord. Eddy wanted to hear what came next in the Bruckner symphony. Right now it was all that mattered.

"Eddy. Will you testify for the state?"

"Do I have to plead guilty?"

"Of course. That's the first step. You know that."

"What about the witness protection program?" the lawyer asked.

"No chance. Besides. Eddy is a celebrity. Where would he hide? The safest place for him will be prison."

Eddy had felt the brief relief of knowing that it was over. Now that had passed to fear. Eddy saw for the first time what he would now become and how he might even come to die. This was it. Prison. He was going to fucking prison.

Cocksuckers. They did it at last. And it's my good pal John. John told me about some DEA clown they caught in Mendocino skimming his buy money. The stupid bastard is still in Leavenworth. John should know. Now he'd put me in Leavenworth just to keep his name out of the papers. Spineless son of a bitch. Knew I should never trust him. And that fucking Mexican Chavez. But Jesus. Think what the kids will have to go through in school. Their dad a con and a stool pigeon.

But I have to make the right move now. This cocksucker is right. We can knock off years here in the next few minutes. Someday in a cell that will mean the world. I'll be there because of what we do here now and no one will remember it. Even the kids will grow up to forget me. Wonder if what John heard was true or crap. Wonder if they really put contracts out on cops in prison. They gut you on the field or punk you in the shower. Fucking AIDS gang rape. Maybe I can join one of those gangs for protection. No way. Too many there from drug busts. I'll find a way to deal with it. But fuck. Hate to think I may have had my last good glass of cold Dutch beer or my last piece of pussy.

"Eddy," the prosecutor said. "Will you testify?"

"How many years and where?"

"I don't know where. We'll shoot for a parole option at seven years. That's the best we can do."

"Will I be secure?"

"Eddy. Come on. Did you ever study physics?"

"No."

"Me neither. But I do know there is something in it called the Schrödinger wave equation. It describes how all the matter in the universe flows. They tell me if you look at it right it has a solution: What goes around comes around. You threw a lot of boomerangs when you were on top. Now some of them are still out there spinning in the dark and building momentum. You will have to deal with them."

"Can you guarantee parole in seven years?" the lawyer asked.

"The state will do its best." ❑

Reviews

The New Dealer's War: FDR and the War Within World War II, by Thomas Fleming. Basic Books, 2001, XII+628 pages.

Country Squire in the War Room

Clark Stooksbury

It would be a gross understatement to call *The New Dealer's War* a revisionist history of World War II. Thomas Fleming has not "revised" the FDR myth, he has entered the Roosevelt Wing of the American Pantheon with a sledgehammer and reduced it to shambles.

FDR's optimistic, jovial demeanor, best exemplified by the smile with the upturned cigarette holder, concealed an arrogant and sometimes vindictive political leader. But a great many Americans, including the family of the young Thomas Fleming, held Roosevelt in high esteem. "Every time I walked into the vestibule of my family home in Jersey City in the 1940s," Fleming writes, "I saw Franklin D. Roosevelt's face on the wall, where many devout Irish-Catholic families hung a portrait of the Sacred Heart of Jesus. FDR was the hero of my youth . . ."

Franklin Roosevelt's reputation in American history comes from his towering achievements of "saving capitalism" during the 1930s and saving the world in the 1940s. In the 1930s Roosevelt took advantage of the near total destruction of the Republican Party to carry out what Garet Garrett called a "revolution within the form." But by the late 1930s his act was wearing thin. His attempt to pack the Supreme Court was a disaster. In the 1938 election season, Roosevelt foolishly attempted to purge the Democratic Party of his political opponents. He failed in this effort and the Republicans rebounded strongly that year, almost doubling their numbers in the House of Representatives.

A bigger concern for the president in the late 1930s was how to involve the United States in the brewing European war when public sentiment in the wake of World War I was strongly isolationist. As one Cold War-era historian stated, Americans of the 1930s "wished to evade all responsibility for the world outside their borders." A less tendentious way of stating it is that in the wake of the Great War, Americans were once bit, and twice shy.

Roosevelt had his work cut out for him. He set out preparing war plans and trying to provoke Germany and Japan, instructing the U.S. Navy to commit numerous acts of war against each. On Dec. 4, 1941, the *Chicago Tribune* and *Washington Times-Herald* carried stories about a War Department plan called "Rainbow Five" that would have had 5 million U.S. troops invade Europe by 1943. On the surface, this was a tremendous embarrassment to the Roosevelt administration, but Fleming speculates that FDR was behind publication of the report because he knew that a Japanese attack on the United States was imminent, thanks to U.S. intelligence breaking Japanese codes, and believed that leaking the "Rainbow Five" plan might provoke Hitler into declaring war on the United States (Germany had a mutual defense pact with Japan, but was not required to enter any war with the United States that Japan had started).

"Unconditional Surrender" Roosevelt

The meat of Fleming's book is an account of FDR's disastrous conduct in trying to obtain Germany's unconditional surrender. At the Casablanca meeting with Churchill in January of 1943, Roosevelt made reference to "Unconditional Surrender" Grant, and announced that that would be the only terms under which the Allies would cease hostilities with Germany, Italy, and Japan. It was a plan that had a host of critics among the military and diplomatic leadership in the United States and Britain. Gen. Eisenhower thought it would unnecessarily cost lives and make the war much more difficult for the United States; arguing that "if you were given two choices, one to mount a scaffold, the other to charge twenty bayonets, you may as well charge twenty bayonets." Joseph Goebbels, on the other hand, was thrilled. He called it "world historical tomfoolery" and asked, "how can any German, whether he likes it or not, do anything but fight on with all his strength?" Eisenhower and Goebbels used the same logic to come to their conclusions.

One tragic consequence of Roosevelt's policy was that it almost destroyed internal German resistance to the Nazi regime. The timing of his announcement was particularly inauspicious, coming just as the German army was suffering a crucial defeat in Stalingrad, a defeat that might otherwise have led German officers to support a coup against Hitler — but as German resistance leader Adm. Wihelm Canaris said, "unconditional surrender, no, our generals will not swallow that. Now I cannot see any

solution." Losing the opportunity of working with anti-Hitler elements of the German officer corps apparently did not bother Roosevelt, who squelched one inquiry from Office of Strategic Services head William Donovan by saying that he did not want to negotiate with "these East German Junkers."

As British historians Peter Calvocoressi and Guy Wint wrote in their book *Total War*:

> The German conspirators against Hitler were the natural allies of anybody fighting Nazism but they were not . . . allies of a state at war with — or contemplating having to fight Germany. The common ground between the German anti-Nazis and the enemies of the German state was not as large or as open as it seemed to those for whom the struggle was about righteousness rather than territory. . . . The conspirators failed to find outside allies because, besides being anti-Nazi, they were also German.

Why would Roosevelt adopt a policy that had virtually no support outside of the Axis leadership? Fleming attributes it in part to his mistaken belief that Gen. Grant demanded and received the unconditional surrender of the Confederacy. What Grant actually received at Appomattox Courthouse was the conditional surrender of the Army of Northern Virginia. Grant got his reputation for insisting on unconditional surrender two years earlier, when he demanded (and got) the unconditional surrender of Confederate forces at Fort Donelson.

Why did Roosevelt adopt a policy that had virtually no support outside of the Axis leadership?

Fleming also attributes Roosevelt's policy to his experiences from World War I, when he was an assistant Navy secretary under Wilson. In those days anti-German hysteria was so advanced that some states banned teaching German and a prominent Protestant minister advocated sterilizing the entire German army and talked of the United States' "duty of simply exterminating the German people."

Although Roosevelt was unable to see any good in the German people, he had a glowingly positive opinion of Joseph Stalin and the Soviet state, perhaps because of the influence of the many Soviet agents serving in his administration. In any event, FDR repeatedly allowed himself to be manipulated by Stalin, even to the extent of agreeing to force the repatriation of Soviet refugees, whom Stalin promptly transferred to the gulag. Roosevelt also repeatedly ignored emerging evidence that Soviet troops massacred 10,000 Polish officers in the Katyn Forest in 1940. Since it was initially reported by the Nazis, the crime was easy to dismiss. But Roosevelt continued to blame the massacre on the Nazis, even after hearing eyewitness accounts of the Soviet slaughter, and an admission by the head of the Soviet secret police.

Like a novel, *The New Dealer's War* has numerous subplots to accompany the main narrative. It even has comic relief, exploits of two prominent figures from the 1940s — Vice President Henry Wallace and the 1940 Republican presidential nominee, Wendell Wilkie — perhaps two of the biggest buffoons of the 20th century. Wallace set the tone early in his tenure as veep by closing the saloon that his predecessor, John Nance Garner, had established and replacing it with a gym; announcing his intention to remove "an inch off the waist of every senator whose girth is above 40 and whose age is below 60." Aside from being a laughingstock, Wallace was FDR's moralist-in-chief. Repeatedly, Fleming quotes Wallace promising some sort of global New Deal after the war or denouncing his domestic political opponents as fascists or Nazi sympathizers. Once, during the 1944 campaign, Wallace stated that every vote for Dewey would be "applauded in Berlin." Eventually Wallace proved to be a liability, especially to insiders who knew that Roosevelt was dying, and the Democrats replaced him with Harry Truman to the great disappointment of the remaining New Dealers.

Wendell Wilkie was nearly as bombastic and moralistic. In his contempt for members of his own party and repeated pandering to the opposition, he foreshadowed John McCain. He repeatedly denounced isolationism and on one occasion told his Republican audience that, "if you had been half as smart as President Roosevelt, the Republicans would have advocated the legislation that brought the New Deal to power." Not surprisingly, Wilkie was the favorite Republican of *The New York Times*, which proclaimed him to be "head and shoulders" above other potential Republican presidential candidates in 1944. He met his Waterloo in the Wisconsin primary in 1944, finishing

FDR repeatedly allowed himself to be manipulated by Stalin, even to the extent of agreeing to force the repatriation of Soviet refugees, whom Stalin promptly transferred to the gulag.

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dead last and getting no delegates. Shortly thereafter, he unexpectedly withdrew from the race with a statement that "castigated both the Republican Party and the citizens of Wisconsin as moral midgets who failed to respond to the great crusade for international peace to which he summoned them."

Franklin Roosevelt was a moralist who, like many crusaders, was capable of ignoring the tremendous evil that accompanied his effort. The most obvious flaw in FDR's moral veneer on the home front was his decision to move 120,000 Japanese-Americans into internment camps — a move Fleming reveals that even J. Edgar Hoover opposed. Fleming reports another racist episode that involved a federal housing project built in Detroit's heavily Polish-American Hamtramck suburb. Twenty percent of the units were set aside for black workers and their families, but when whites protested, the feds caved, setting aside the whole housing project for whites. Fleming writes that, "black Detroit seethed. A federal housing official told presidential assistant Marvin McIntyre that the agency . . . followed local recommendations, even if they clashed head-on with racial equality. McIntyre blandly agreed, telling black protesters that it was important to avoid 'an open fight' lest it interfere with the war effort." Ironically, the housing project, which was later integrated with considerable difficulty, was called the "Sojourner Truth Homes."

The New Dealer's War is a timely contribution to the study of World War II, coming in time for the 60th anniversary of the U.S. entry into World War II. Fleming makes a solid case that FDR was not merely a bad war president, but a disastrous one. He covers the often grotesque details of the unconditional surrender policy, the terror bombings of civilians in Japan and Germany, the attempts by Roosevelt and his allies to demonize political opponents at home and many other facets of America's role in World War II that contradict the "Good War" myth. In doing so, Fleming accomplishes what he calls the "historian's chief task . . . to separate history from memory." ❑

***The Trial of Henry Kissinger*, by Christopher Hitchens. Verso, 2001, 159 pages.**

The Crimes of Henry Kissinger

Stephen Berry

In the mid-1960s Bertrand Russell and friends decided to set up a war crimes tribunal on the Vietnam War. Russell's original idea of a tribunal of disinterested judges was quickly thrown overboard, and the tribunal limited its interest to allegations of American and South Vietnamese war crimes. Amongst those on the tribunal were Jean-Paul Sartre, Isaac Deutscher, and Simone de Beauvoir, all 24-karat leftists whose anti-American credentials were impeccable. A statement was issued demanding the trial of war criminals Johnson, Rusk, McNamara, and Lodge. The one-sided nature of Russell's tribunal managed to unite in condemnation *The New York Times* and *New Leader* in the United States and *Peace News* and the *Daily Mail* in the United Kingdom.

What the newspapers could see with perfect clarity when confronted by the Russell tribunal is unaccountably lost when the war crimes trials at Nuremberg, Tokyo, and The Hague are examined. People overlook that Russell and his supporters had adhered to the Nuremberg model in its entirety. As with Nuremberg, the judges would be openly biased against the defendants. As with Nuremberg, only one side of the story would be looked at.

The Nuremberg Indictment set the standard. "Crimes Against Peace" had clearly occurred. Yes, we would look at the German invasion of western Poland. No, we would not look at the Soviet march into eastern Poland which had occurred at the same time. "War Crimes" there had been aplenty.

Yes, unrestricted submarine warfare by the German navy would be scrupulously examined. No, the obliteration of German cities by the Allied air forces was not relevant. "Crimes against Humanity" would be treated in the same way. The mass killing of subject races by the Germans would come under the microscope, but not the Katyn Forest massacre or the dropping of the atomic bomb on Japan.

But you would be wrong if you thought that the obvious double-standards of the original trials had dulled the appetite for these one-sided charades. Slobodan Milosevic has recently found himself in the dock at The Hague, where Western authorities will be looking in detail at alleged Serbian atrocities, while the activities of the drug-peddling KLA will scarcely figure. Ethnic cleansing by the Serbs will be under the spotlight. But the biggest single example of ethnic cleansing in the recent Balkan wars, the expulsion of hundreds of thousands of Serbs from the Krajina region by the Croats, backed by their western allies, will barely merit a mention.

With everyone having fun accusing their enemies of war crimes, it would be churlish to deny the odd journalist his day. Christopher Hitchens proposes to put Henry Kissinger on trial for war crimes. It was always bemusing to an outsider to see the extent to which journalists in the United States wanted to hang Richard Nixon out to dry for doing the sort of things that other U.S. presidents commonly did. Unfortunately, "Tricky Dick" spoilt the

party by dying and Henry Kissinger had to be appointed to take over the Nixon mantel.

It has to be said that the case brought by Hitchens against Kissinger is rather weak.

"There exists, within the political class of Washington, D.C., an open secret that is too momentous and too awful to tell" (p. 6), Hitchens warns ominously. Thankfully, Hitchens is made of tough stuff and bravely lets the cat out of the bag. During the 1968 presidential campaign, Kissinger, at that time a Democrat, was working for Lyndon Johnson, assisting with the peace talks taking place with the North Vietnamese. According to Hitchens, Kissinger told Nixon that Johnson was contemplating a bombing halt to help the campaign of Nixon's opponent, Hubert Humphrey. Nixon's supporters in turn told the South Vietnamese government that a Nixon government would offer a better deal than any that could be offered by the Democrats. The South Vietnamese promptly withdrew from the Paris talks, damaging the "peace plank" on which the Democrats were contesting the election. Four years later Nixon struck a deal substantially the same as that which was on offer in 1968, but in those intervening years 20,000 Americans and a large number of Vietnamese, Cambodians, and Laotians lost their lives.

Hitchens charges Kissinger with war crimes here. He is not charging him with failing to be a boy scout.

There are a number of problems to be faced before we can bring in the guilty verdict on Henry, even if we accept this story. The fact that the deal struck in 1972 was similar to that on offer in 1968 does not prove that Kissinger believed in 1968 that a better deal for the United States could not have been struck later, under Nixon. Kissinger himself has pointed out that of the 20,000 American troops killed in the Nixon period, 12,000 died in the first year of Nixon's administration, before the change of policy could take effect — "clear legacies of the previous administration." When Nixon entered office, American troop numbers in Vietnam stood at 525,000. By 1972 they had been reduced to 25,000.

Hitchens is shocked at Nixon's "colluding with a foreign power" (12). Goodness gracious, does Hitchens know nothing of history? The House of Stuart sought the help of France in its attempts to recover the British crown. In the Russian civil war, the Whites eagerly sought the help of Western powers in their fight against the Reds. If I were to number all the opposition groups in Third World countries which have solicited the help of the United States since 1945 to overthrow the existing government, I could draw up a list the length of my arm. Why should American politicians thirsting for state power be denied what has been allowed to those in similar straits the world over? At least when Nixon's entourage colluded with the South Vietnamese, it was with a friendly power. Is this the stuff of which war crimes are made?

Hitchens quotes approvingly the claim of Gen. Telford Taylor, a chief prosecutor at Nuremberg, that if the standards of Nuremberg and Tokyo had been applied to the American statesmen and bureaucrats involved with Vietnam policy, "there would be a very strong possibility that they would come to the same end he [General Yamashita] did" (25). In his rush to establish the culpability of Kissinger, Hitchens mentions the trial of Koki Hirota, the Japanese foreign minister between 1933 and 1938. When Hirota heard of the Rape of Nanking by Japanese forces, he demanded and received assurances from the War Ministry that any atrocities would be stopped. The Tokyo tribunal however, found Hirota guilty because he was "derelict in his duty in not insisting before the Cabinet that immediate action be taken to put an end to the atrocities" (29) and duly sentenced him to death. What holds for Hirota, Hitchens maintains, should hold for Kissinger.

But fair-minded people might question the judgement against Hirota. People are fond of group guilt because it makes convictions easier. But is it right? Suppose that a person is the head of a firm and makes it clear that he thinks the law should be obeyed. Imagine further that some of his workers commit a robbery whilst working for the firm. Would it be fair to hold him responsible for their behavior? I suggest that the robbers and any immediate supervisors who knew about the robbery should be held responsible. Similarly, I believe that the troops in Nanking and their officers should be held responsible, but not those who opposed it or did not know it was taking place.

Hirota had no control over troops in the battle zone and demonstrated that he disapproved of their misbehavior. Kissinger was in the same situation.

And it really would be strange if a representative of the administration which did the most to end the war in Indochina should be put on trial for the horrors that went on there. I would be more inclined to lay the blame on the administrations of Kennedy and Johnson, who both expanded the American presence in Vietnam. One might add that the Kennedy White House mounted a successful coup against the South Vietnamese government in which the president, Ngo Dinh Diem, was killed. One might point out that Lyndon Johnson used a trumped-up naval incident to fool Congress into passing the Gulf of Tonkin Resolution, thereby widening the war. In the hunting of Henry, Hitchens seems to be missing the real culprits.

Kissinger in government behaved as one might expect a student of Metternich and Bismarck to behave.

Hitchens may be on firmer ground when he considers the American government's behavior toward Chile after 1970. Hitchens seems to subscribe to many of the fairy stories that surround the Allende government. For instance, he stresses the measures the U.S. government took to destabilize the Chilean government (66) but fails to mention a much greater destabilizing influence in Chile — Salvador Allende himself. Perhaps it was the examples of Fidel Castro and Che Guevara that tragically inspired Allende with the notion that

with 36% of the vote he would be able to remake Chile from top to bottom.

But Hitchens' specific charge against Kissinger is that as head of the so-called 40 committee, he was involved in covert action to assassinate the head of the Chilean army, Gen. René Schneider, who was maintaining the traditional refusal of the Chilean military to intervene in the political process. Hitchens claims that machine guns were sent from Washington, D.C. to coup plotters in a diplomatic pouch. Schneider was eventually kidnapped and murdered, though not with the guns from the United States. This is a matter that plainly needs further investigation.

Hitchens also criticizes Kissinger for lack of intervention on a number of occasions:

- Kissinger failed to caution the Greek government which had links with coup plotters in Cyprus in 1974.
- Kissinger did nothing to prevent the Pakistani government's violence in its eastern province (which later broke away to become Bangladesh).
- Kissinger made no attempt to prevent the Indonesian government from invading East Timor in 1975.

I could mention the Cold War *realpolitik* that governed Kissinger's actions here. For instance, Pakistan was his link to China and was important for the subsequent rapprochement — the major foreign policy initiative of Nixon's first administration. But there is no need to analyze in detail what many people consider to be the rather distasteful subject of great power diplomacy. Remember that Kissinger is charged with war crimes here. He is not charged with failing to be a boy scout at every possible opportunity. To fail to carry out a good deed may be reprehensible, but it most definitely is not a crime. People would do well to remember that intervention in the affairs of other countries often produces the opposite results from those desired. Jimmy Carter followed the Hitchens recipe in Iran. But the pressure on the Shah to improve human rights may have weakened his government and paved the way for a theocratic regime and subsequent misery for the Iranian people. If Carter's policy played a part in success of the Mullahs and subsequent human rights abuses far worse than the Shah would have contemplated, would it make sense to threaten Carter with a war crimes tribunal?

Hitchens also suggests that Kissinger was involved in the attempted assassination of Greek journalist Elais Demetracopoulos, a Washington-based critic of the military junta that ruled Greece in the late 1960s and early 1970s. Hitchens produces a statement saying the journalist had died in prison in Greece, intimating that this is precisely what would have happened to him had he been foolish enough to return there. It's pretty thin stuff and the link with Kissinger highly tenuous indeed. I might also mention that Demetracopoulos did not return to Greece and did not die in a Greek prison.

Would Henry Kissinger be convicted of war crimes on the basis of Hitchen's charges? The history of war crimes trials shows us that if his enemies were judge and jury — and in

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war crimes trials this usually is the case — the answer would be a resounding yes. But I shall be a little more discriminating. Kissinger in government behaved as one might expect a student of Metternich and Bismarck to behave. He had little taste for Wilsonian idealism but even less for the use of brute force favored by the political gangsters of this world. Rather cleverer than most perhaps, he pursued those policies which he judged would maintain America as a world power. It's hard to see that someone else in his position would have behaved very differently.

If you think he was a war criminal, you are making a pretty damning statement about the present world order. ❑

Cato Handbook for Congress: Policy Recommendations for the 107th Congress, **edited by Edward H. Crane and David Boaz. Cato Institute, 2001, 680 pages.**

Practical Libertarianism

Brian Glazer

Underscoring the debate about the future of libertarian activism is a larger issue: In which direction should libertarians proceed if they're serious about creating an America with more individual liberty and less government? One answer comes from the Cato Institute's latest blueprint for liberty, the *Cato Handbook for Congress,* which provides a wide array of practical political tools for those who want to change government from inside the 107th Congress.

The thinkers at Cato never shrug from claiming the moral high ground, but they differ from most libertarians in their willingness to deal with political realities. Early on in the book, Roger Pilon makes the crucial observation that, "As programs are reduced or eliminated, then, care must be taken to do as little harm as possible" to those who have contractual relationships with the federal government and those who support reform efforts. Not only is this morally justifiable, it's the politically astute thing to say and do.

On that note, Michael Tanner presents suggestions for Social Security reform that would boost everyone's retirement payouts notwithstanding Sen. Tom Daschle's empty praise of Social Security's performance in 2000 compared to the return on the NASDAQ. Tanner explains Social Security's failure and outlines the benefits of shifting retirement savings to private accounts. But Tanner doesn't ignore practical politics, and allows that individuals could not withdraw their funds before retirement age, that government would "establish regulations on portfolio risk," and there would still be a guaranteed minimum pension benefit. A transition to a private plan would still cost nearly $7 trillion to fund current recipients, and Tanner suggests that foregoing tax cuts is the best option for funding this commitment. Are other libertarians prepared to deal with that imperfect trade-off and others like it in order to open the doors to radical reform? Doesn't it make sense to trade the present health-care system for medical savings accounts in exchange for a few regulations, or a bloated $300 billion military for a less-bloated $185 billion military?

What is so striking throughout the book is the way that it addresses issues ranging from telecommunications and agricultural policy to relations with Cuba and the drug war with a select few institutional reforms. Indeed, if someone in Congress would lead the charge to make just one institutional change — like mandating term limits or removing the feds from state issues — we might just get the ball rolling in the right direction. Moreover, if members of Congress ever get the courage to actually defend the Constitution, Cato suggests that they will have an opportunity to check the power of the executive and the judiciary branches. Want to reclaim the war power from the executive branch? Cato proposes that Congress either withhold funding for the numerous illegal troop deployments or simply impeach the president on grounds that undeclared wars qualify as high crimes and misdemeanors. Likewise, it is also Congress' duty to clarify the Constitution where the judiciary has failed to do so. Because the courts have failed to develop a principled approach to property rights and regulatory takings, Roger Pilon explains, "Congress needs to enact general legislation on the subject of takings that might help to restore respect for property rights. . . . There is nothing in the Constitution to prevent Congress from exercising the responsibility entailed by the oath of office" when the Supreme Court fails to secure the rights of citizens.

Of course, the *Cato Handbook* is written for members of Congress, so it has as much political strategy as it does philosophy and principle. Make no mistake about it: This book is not aimed at codifying another libertarian utopia; its goal is to foment serious change. There are no articles about the inherent immorality of taxes, or calls for a tax-free America. Instead, there are plans for switching to a flat tax and eventually a national sales tax. The authors of the chapter on tax reform offer up political compromises like a 25% MAXTAX that gives individuals the choice of staying in the current system or switching to a far simpler tax system that limits combined income and payroll taxes to 25% of income. The choice is designed to avoid the ire of those special interests that benefit from the current system.

If you boil the book down to one sentence what you get is: "It's the Constitution, stupid!" Most of its arguments — including the argument for

eliminating the Department of Education and a host of other programs — are constitutional ones. The Department of Education must be razed because there is no constitutional authority for its existence. That is true, and abolishing the Department of Education is also moral, practical, and what's best for families, but in a government primarily consisting of legislators who believe the Constitution is simply another vehicle for dispensing pork and accumulating power, how much weight do constitutional arguments carry? When so few people give the Constitution any authority, these arguments are as useless as a substitute teacher in a middle-school band class. Legislators that actually believe in the Constitution are caught in a vicious circle: To lend more clout to the Constitution, it needs to be invoked more often, yet there's not much political advantage to invoking it when so many people don't recognize it. Although sometimes no other option remains but to eliminate an agency on constitutional grounds, additional political considerations consisting of mutually beneficial approaches would certainly help the cause for downsizing government.

The Cato Handbook *has no articles about the inherent immorality of taxes, or calls for a tax-free America. Instead, there are plans for switching to a flat tax and eventually a national sales tax.*

Throughout the *Cato Handbook*, one senses a thirst for old-time politics when one might have stepped into the Capitol and seen congressmen lecturing each other while waving around the Constitution. Today, it's difficult to imagine a debate on the necessity of NASA where someone asks that all-important question: "Does the Constitution allow for its existence?" That's exactly the question that Cato asks most often.

More important are Cato's attempts to inject some new ideas into the woeful state of present discourse. Gradual

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All this indicates great potential for the February 2002 elections. But our openly libertarian educational and electoral campaign must be media-intensive, which is costly everywhere, and as libertarians we don't accept government funds. With a strong campaign we have an outside chance of winning the Presidency in 2002. But we certainly will by 2006 if we can elect many Congressmen next year.

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solutions are proposed that would do just that. For example, as a compromise to eliminating the executive branch's numerous regulatory agencies such as the EPA and the FDA, Congress could pass a law requiring that it approve major regulations before they can be implemented. This option has the advantage of promoting debate about the limits of government while effectively limiting the power of regulatory agencies. In the tax realm, Cato argues that Americans should be sent an annual disclosure showing their complete tax burden. Since many of Cato's proposals won't occur without popular support, providing a real-world civics lesson may do a lot to forward their cause.

An understanding of the philosophical roots of our government and the realities of politics would be useful for libertarians and non-libertarians alike. Libertarians have a way of mixing philosophy and politics that often neglects the utility of each. Philosophy rarely is practical, but even when it is, the IRS is still standing after the buzz wears off. The Cato Institute toes this line courageously, and has published in its *Cato Handbook for Congress* one of the most comprehensive reconciliations of present-day politics and principled philosophy that we have. How successful its efforts will be remains to be seen, although Congress' repeal of OSHA's ergonomic regulations and Bush's nascent discussion of Social Security privatization hint that, maybe, somebody is listening. ❑

"The World of Atlas Shrugged," narrated by Edward Herrmann and Lynn Redgrave. Two compact discs.

Atlas Plugged

Timothy Sandefur

Introductions to Ayn Rand are a growth industry. First Hollywood took two characteristically tangential looks at her life, in the hagiographic *Ayn Rand: A Sense of Life* and in Showtime's mindlessly sleazy "Passion of Ayn Rand." Then Alan Gotthelf published an officially authorized introduction to her for Penguin Books' series on philosophers, which was promptly de-authorized. (At first, the gang in Marina Del Rey cheered, but then it revoked its cheers in a characteristically public way; Second Renaissance Books is still printing Leonard Peikoff's dissenting review in its catalogue as a disclaimer.) Then Tibor Machan produced a short and decent introduction, followed by a collection of edited Rand bits called *The Ayn Rand Reader*. There are "basic introductions" by Chris Matthew Sciabarra, George H. Smith, and Nathaniel Branden, and a series of actual CliffsNotes edited by The Ayn Rand Institute's golden boy Andrew Bernstein.

All of this has fueled talk of an Objectivist renaissance (or naissance). There has been a recent boom in scholarly discussion of Rand's work as well. *The Journal of Ayn Rand Studies* is in its fourth issue; books on Rand as a feminist and on her aesthetic theories were recently published, and her name continues to appear in unlikely places — including a postage stamp. In October, she will be featured in a C-SPAN documentary series on American authors.

But how much good do "basic introductions" to Ayn Rand do? As philosophers go, she's extremely accessible. *Atlas Shrugged* has a wealth of meanings, and deserves repeated study and discussion, but it's not exactly *The Critique of Pure Reason* or even *Thus Spake Zarathustra*. One rarely comes away from Ayn Rand wondering what she means. Objectivism has its complexities, and they have been addressed very ably by a number of authors. My own favorite is Ronald Merrill's *Ideas of Ayn Rand*, which I think remains the best single-volume commentary; it has the drawback, though, that one must read all of Rand's books before reading it.

I distrust "basic introductions"; they're written for people who don't want to take the time to actually read the books they introduce. With a novel the size of *Atlas Shrugged*, such reluctance may be understandable, but CliffsNotes-izing Ayn Rand is not a task I would want to undertake. It is, however, one that the Objectivist Center has undertaken, with the help of Edward Herrmann, who narrates The World of Atlas Shrugged on two compact discs. (Herrmann, you will recall, narrated the abridged *Atlas Shrugged* and *The Fountainhead* books on tape.) The timing of the release is meant to allow people to have it readily available when TNT unveils its miniseries version of *Atlas Shrugged*. Being a snobbish reader, I instinctively look down on this kind of soft-pedaling. I suspect much more is to be accomplished by reaching out to those people who are willing and able to read a thick and challenging book. But then again, Rand herself produced many user-friendly philosophical pieces, in her *Los Angeles Times* columns, her screenplays, and *For The New Intellectual*. The writer who once rebuked an editor with "Would you edit the Bible?" has been edited and re-edited many times already.

As introductions go, The World of Atlas Shrugged has the advantage of being more convenient as a CD set than a book would have been. But its limited length makes it hard for it to be fair to the book's wealth of subjects. I suspect that most people, upon first encountering *Atlas Shrugged*, are more often piqued by Rand's ethical and political theories than by her consistency of characterization, or the sophistication of her plot and theme styling. Yet the CDs spend a lot of time on these subjects, and not much on politics or ethics. Rand's writing has always appealed primarily to idealistic and intelligent youths, seeking an alternative to the nihilism and dogma

they see around them on a daily basis. They thrill to see the power and majesty of great theoretical systems, and the passion of revolutionary figures who are so different from the workaday people surrounding them. Rand's characters can be inspiring on these grounds, but many kids who read her books in school are probably more interested in learning about capitalism and selfishness than about the benevolent universe premise.

"World" also presents another obstacle to effective contact with young readers: its occasional corniness. The CD begins with a paraphrase of *Atlas'* opening scene, told in an unduly sinister voice, with dramatic music rising in the background, and climaxing with a voice choking out *"Who . . . is . . . John . . . Galt"* like the last words of a man on the gallows. If I recall that scene correctly from the book, the bum actually tosses off the phrase "Who is John Galt" with dim resignation. *Atlas* is, after all, supposed to be *shrugging*, not having a coronary. This overdramatization presents an uncomfortable moment for those who take Ayn Rand seriously.

Atlas Shrugged *has a wealth of meanings, and deserves repeated study and discussion, but it's not exactly* The Critique of Pure Reason *or even* Thus Spake Zarathustra.

Equally troublesome, though more philosophical, is "World"'s example of "primitive" art. In a comparison of Rand's intellectual heroes to the more physical heroism common in ancient literature, "World" uses the *Odyssey*'s hero Odysseus as its example of primitive literature's emphasis on physical strength. But this is to choose precisely the wrong example. Just about any other hero of ancient literature would have worked; the hero of *Beowulf*, for instance, or maybe *The Epic of Gilgamesh*; perhaps even the heroes of *The Iliad* were "mere" epigones of physical strength. But from the first line of the *Odyssey* — which calls Odysseus "polytropos," the "many turning" — until the very end, the poem consistently emphasizes Odysseus' cleverness and his ability to think through the many challenges facing him. It is one of the great triumphs of ancient Greece that its heroes were intellectuals as well as strongmen. Odysseus has more in common with an Ayn Rand hero than any other character of ancient literature, except perhaps Aeschylus' Prometheus. To view him as little more than an athlete is an embarrassing error.

Some other aesthetic assertions in "The World of Atlas Shrugged" are a bit questionable as well. Herrmann recites the routine conclusory assertions that Rand was "brilliant" and a "genius" but he also calls her "subtle." I admire Rand a great deal, but I've never noticed her mastery of subtlety.

So much for the drawbacks. On the plus side, "World" is generally good at explaining Rand's ideas simply, and without patronizing the listener. The second CD, much better than the first, is patient at explaining "self-interest

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

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properly understood" and the common misrepresentation of Objectivism as hedonism. And in assessing Rand's characterization, "World" is honest in its discussion of common criticisms of Rand's style. "The more stylized portraits of evil characters in *Atlas Shrugged*," Herrmann says, "don't offer as much psychological variety as those in [Dostoyevsky's] *The Possessed*, or even as much variety as Rand provides in her earlier masterpiece, *The Fountainhead*. That book explored many variations on the theme of psychological dependency. But in *Atlas Shrugged*, what Rand loses in diversity and complexity, she gains in depth and clarity. We get to probe the dominant motives of three major villains . . . down to their very roots." Quite true. "World" adequately confronts the common complaints that Rand's characters are too talkative, or too stark, or too unbelievably idealistic.

Herrmann calls Rand "subtle." I admire her a great deal, but I've never noticed her mastery of subtlety.

I hope that popular analyses such as "World"'s will attract more readers to Ayn Rand's novels. We certainly need them. California is now bleeding its way through an energy crisis that is reminiscent of sequences from *Atlas Shrugged*. The state's attorney general, Bill Lockyer, recently expressed his desire to "personally escort" Kenneth Lay, chairman the energy company Enron, "to an 8-by-10 cell that he could share with a tattooed dude who says, 'Hi, my name is Spike, honey.'" One has visions at such moments of John Galt being tortured in a dark room. And Gov. Grey Davis is doing his best to sound like James Taggart: "If you're looking for a culprit, I'll give you a culprit," he says. "The culprit is the Federal Energy Regulatory Commission. They've consistently turned a deaf ear to my pleas. . . . So if there is a villain, it is clearly the Federal Energy Regulatory Commission." Mr. Davis, perhaps I could interest you in some stock in a Mexican copper mine? The state has already gone to court repeatedly to *force* electric companies to create and sell energy to the state — "You'll do something, Mr. Rearden!" — and already the blackouts have begun. Come to think of it, perhaps "The World of Atlas Shrugged" should come with a free set of batteries for the CD player. ❑

Booknotes

Down and Out in Key West — Although my outlook has always been solidly middle-class, there have been times when I pinched every penny and the source of my next meal wasn't always obvious. I thought of my poverty days often while reading Barbara Ehrenreich's, *Nickel and Dimed: On (Not) Getting By in America*, (Metropolitan Books, 2001, 221 pages). Ehrenreich is a feminist and democratic socialist with a Ph.D. in biology. Generally speaking, she is not someone you would expect to find scrubbing floors in Portland, Maine. To investigate the predicament of the unskilled worker in the wake of welfare reform, Ehrenreich waited on tables and cleaned hotel rooms in Key West, worked as a maid and as a dietary aide in Maine and served as a Wal-Mart "associate" in Minneapolis. What she discovered is that it is — no surprise here — extraordinarily difficult to live on $7 an hour, especially when paying upwards of $500 a month in rent.

A big part of the modern employee selection process is testing. The personality profiles Ehrenreich took were presented as having no right or wrong answers. But, as she says, "the 'right' answers should be obvious to anyone who has ever encountered the principle of hierarchy and subordination. Do I work well with others? You bet, but never to the point where I would hesitate to inform on them for the slightest infraction. . . ." Wal-Mart almost decided not to hire Ehrenreich because she only "strongly" agreed with the proposition that "rules have to be followed to the letter at all times." Wal-Mart also expects new hires to take a drug test. That Wal-Mart is such an eager partner with Uncle Sam in the drug war should give you pause the next time you read a "dynamist" paean to its virtues.

Barbara Ehrenreich is a socialist, and she focuses most of her criticism on our capitalist economy and neglects serious issues — such as taxes. When I look at my pay stub, I see that Uncle Sam takes nearly 20% off of the top. I know that I will eventually get most of that back, but that does me little good in the short run, where low-wage workers must live. I know I will never get a cent back on the 8.25% sales tax where I live. Ehrenreich makes no mention of how much is withheld from her paycheck by the feds, or how much each state that she worked in taxed her. But, I found it easy to forgive these minor shortcomings when I was laughing so hard. The words "feminist" and "socialist" are usually synonymous with turgid and humorless. Ehrenreich is a happy exception to this rule.

— Clark Stooksbury

Apocalypse, Again — I hope the re-release of *Apocalypse Now* will encourage people to read the book on which it was partly based, Joseph Conrad's *Heart of Darkness*. Conrad is a remarkable author, who had five books on the Library of America's "top 100 novels of the century." Like Mark Twain, Conrad has fallen on hard times lately, thanks to political correctness.

Like Twain, Conrad's prose style is wholly unique, and it takes a while to become used to it. Out of context, it can sound meaningless and forced, but read as part of a whole, it is incredibly effective at evoking the tension of a jungle hunt. Take this passage from *Heart of Darkness*:

> The earth seemed unearthly. We are accustomed to look upon the shackled form of a conquered monster, but there — there you could look at a

thing monstrous and free. It was unearthly, and the men were — No, they were not inhuman. Well, you know, that was the worst of it — this suspicion of their not being inhuman. It would come slowly to one. They howled and leaped, and spun, and made horrid faces; but what thrilled you was just the thought of their humanity — like yours — the thought of your remote kinship with this wild and passionate uproar. Ugly. Yes, it was ugly enough; but if you were man enough you would admit to yourself that there was in you just the faintest trace of a response to the terrible frankness of that noise, a dim suspicion of there being a meaning in it which you — you so remote from the night of first ages — could comprehend.

In reading this, or any paragraph in *Heart of Darkness*, one can practically feel the heat of the Congo atmosphere, or hear the tribal drums in the distance. Conrad's prose is perfectly matched to the tension he seeks to build, slow but constant, like jungle heat. Unfortunately, it's impossible to capture this unique prose on film. *Lord Jim*, which is even better, was turned into a middling film in the mid-sixties only because it allowed itself some freedom from the novel, much like Coppola did in *Apocalypse Now*, only about a half-hour of which has much in common with Conrad's novel.

Unfortunately, as with Twain's *Huckleberry Finn*, Conrad's *Heart of Darkness* has become a target of accusations of racism. African novelist Chinua Achebe among others has denounced Conrad for "celebrating the dehumanization" which occurred in the 19th century Belgian Congo — which serves as the novel's setting. But, as with the accusations against Twain, nothing could be farther from the truth, and anything more than the most superficial reading of the text should make clear that *Heart of Darkness* is an emphatic denunciation of the cruelties Conrad himself witnessed when he traveled in the Congo. The savage way in which Belgium ran the Congo — routinely dismembering the natives to force them to turn over more and more ivory, for instance — serves as an obbligato to the novel's building suspense, climaxing in the famous moment in which Kurtz, the noble genius whom the main character has been sent up the Congo River to find, quietly whispers on his deathbed, "The horror! The horror!" The entire book is an indictment of colonial rule, just as *Huckleberry Finn*, with its background of racism among the villagers along the Mississippi River is an indictment of American slavery — and, incidentally, just as Coppola's *Apocalypse*

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Now uses the background of wartime terror to indict the cruelties of Vietnam. As David Denby put it in Great Books, Conrad "captured with such devastating force the peculiar hollow triviality of the colonists' ambitions, the self-seeking, the greed, the pettiness, the lies, and evasions. The ambivalence of Conrad is precisely his glory." — Timothy Sandefur

Commies-simps — Okay, here it is: "[I]f we put aside nationalistic fervor, we might dare raise a broad question that Radosh, the zealous patriot, refuses to go near: Why do we seem unable to feel some compassion and extend some understanding toward those who chose, often at enormous personal sacrifice, to give primary allegiance to a country [in this case, Stalin's Russia] that they believed (however mistakenly, we might feel today) stood, alone among the great nations in the 1930s and '40s, for antiracist, anticolonialist principles (gleeful crowds in the American South were still enjoying the community spectacle of a burnt, lynched black body)?" (This is from Martin Duberman's July 16 *Nation* review of Ronald Radosh's *Commies*.)

I was reading Duberman's review in the wake of Carroll O'Connor's death and so had already imbibed a great deal about the significance of his portrayal of Archie Bunker. Now I ask you: Which should be viewed as the greater evil — America's Archie Bunkers or its Martin Dubermans? Are we to believe that a real-life Archie's armchair pronouncements are a greater wound to the commonwealth than what Duberman puts into print? Why are the Bunkers terrible bigots and the Dubermans well-meaning idealists? And when it comes down to Archie and Martin, who should take the prize for sheer, outright ignorance and stupidity?

Consider another question. If we put aside idealistic fervor, we might dare raise a broad question that Duberman, the zealous leftist, refuses to go near: Why don't "we" have any compassion or understanding for people who gave their allegiance to a country [in this case, Nazi Germany] that they believed (however mistakenly, we might feel today) stood, alone among the great nations in the 1930s and '40s, for anti-Communist, anti-Stalinist principles?

— Barry Loberfeld

"Civil War," *from page 44*

the Constitution, Lincoln ignored the ruling.

Lincoln called up an army of 75,000 men to invade the seven Southern states that had seceded and force them back into the Union. By unilaterally recruiting troops, without first calling Congress into session to consider the matter and give its consent, Lincoln made an error in judgment that cost the lives of hundreds of thousands of Americans. At the time, only seven states had seceded. But when Lincoln announced his intention to bring these states back into the Union by force, four additional states — Virginia, North Carolina, Tennessee, and Arkansas — seceded and joined the Confederacy. Slavery was not the issue. The issue was the very nature of the American union. If the president intended to hold the Union together by force, they wanted out. When these four states seceded and joined the Confederacy rather than send troops to support Lincoln's unconstitutional actions, the Confederacy became much more viable and the war much more horrible.

From the time Lincoln entered politics as a candidate for the state legislature in 1832, he championed a political agenda known as the "American System." First advocated by his idol and mentor, Henry Clay, it was a three-part program of protective tariffs, internal improvements, and centralized banking. This program "tied economic development to strong centralized national authority," as Robert Johannsen puts it in *Lincoln, the South, and Slavery*. Lincoln believed that import tariffs were necessary, at the expense of consumers. The "internal improvements" he advocated were simply subsidies for industry, i.e., corporate welfare. Abraham Lincoln was the first president to give us centralized banking, with paper money not backed by gold.

The Constitution of the Confederate States of America forbid protectionist tariffs, outlawed government subsidies to private businesses, and made congressional appropriations subject to approval by a two-thirds majority vote. It enjoined Congress from initiating constitutional amendments, leaving that power to its constituent states; and limited its president to a single six-year term. When the South lost, the stage was set for the United States to become an American Empire ruled by a central authority. In starting his war against the Confederate States, Lincoln was not seeking the "preservation of the Union" in its traditional sense. He sought the preservation of the Northern economy by means of transforming the federal government welfare-warfare-police state. ❑

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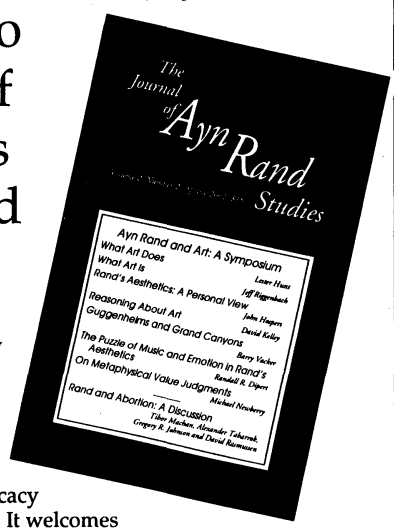

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ruption" within the 1996 Browne campaign. But usually corruption has a real point. Like, well . . . a police captain who releases a mafia hit man in exchange for $50,000. Usually the payoff for corruption is some substantial personal benefit unearned.

What makes this scandal seem trivial is that I haven't yet seen the big "payoff." What exactly did Browne or Willis get? The presidential nomination of the LP? The right to schlep around the country working small crowds and backwater radio shows after sleepless nights eating crummy food?

Was the payoff a second paying job (for Willis) so he could work two jobs rather than one? What exactly is the big benefit unearned? Until that's publicized, I think a lot of people will continue to respond to all this with a big yawn.

J. Mills
Tacoma, Wash.

Bradford responds: I don't believe that the rationale for the party's rules prohibiting employees from working for people seeking the party's presidential nomination has anything to do with "state-sponsored religion" rationale. I've read the minutes of National Committee meetings and discussed this with many LNC members, and cannot find a hint that anyone accepted this rationale. Nor do I think the "spirit" of the rules is the right way of evaluating what's happened. The rules are explicitly written, and what Willis did was violate both his promise and the rules as they were written.

So why did the party establish its conflict of interest rules?

I think the LNC quite rightly believes (a) that the LP's nominating process should be open to all on a fair and equitable basis, and that if its paid staff is working for one particular candidate, it would not be; or at minimum it would have a chilling effect on competition; (b) that it is important to avoid even the appearance of favoritism, which is inevitable if the party's boss is working part-time for a candidate for the nomination.

You note that corruption has a "real point . . . [in the form of] some substantial personal benefit unearned" and that you cannot see any such benefits accruing to Browne or Willis here. It seems to me the "personal benefit" each received is substantial and obvious.

The payoff for Willis was that he got $4,000 for what he did on behalf of the campaign in February 1996, plus whatever he was paid for his campaign efforts in the other five months in which he was violating both the terms of his contract and his public promise. Simple extrapolation suggests he received $24,000.

Browne got Willis' help obtaining his party's nomination, which involves more than "schlep[ing] around the country working small crowds and backwater radio shows after sleepless nights eating crummy food." Winning the party's nomination is presumably of considerable value, or else so many people wouldn't invest so much to do it. And its value is pretty obvious: It brings fame (which has a cash value, or else why would so many people pay for publicity?) and fundraising opportunities (which also have a cash value), both of which Browne has taken advantage of.

Willis, Dean, Browne, and perhaps others within the LP or Browne's campaign conspired to violate LP rules and the terms of Willis' contract with the LP and to cover up having done so. They did it in order to assure that Browne would win the 1996 LP presidential nomination. In the process, they corrupted the party's nomination process and left many party members disenchanted. As an LP activist of 29 years, I see this as something more than a "big yawn."

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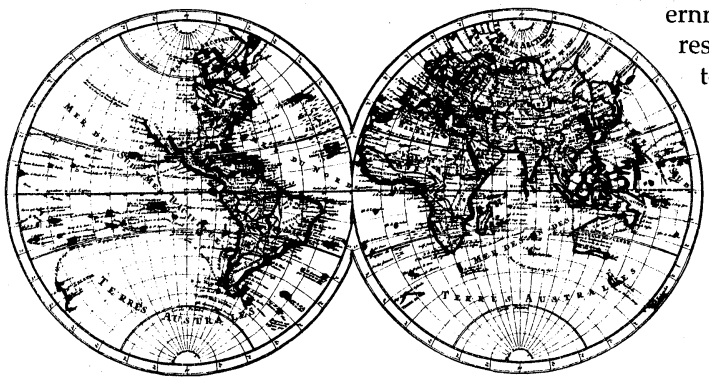

San Francisco, Calif.

When unions extend a helping hand to the working man, discovered in *The New York Times*:

Rick Davis was arrested after robbing at least nine banks. Davis, who was president of the air-traffic controllers union at the San Francisco airport, has been an employee of the Federal Aviation Administration since 1986. Davis' lawyer said the arrest would end his career. A spokesman for the FAA said, "Mr. Davis still had his job."

Keyes, Okla.

Curious attempt to escape the penitentiary, from *Prison Legal News*:

During a work detail, prisoner Ronald Thomas stole a van and drove it approximately 150 miles before becoming hopelessly lost. He called 911 and asked to be taken back to prison.

Oregon

Protecting the public from excessive exposure to nature, seen at www.oregonlive.com:

A judge has ordered "state wildlife agents to police Sauvie Island's nudist beach to ensure that sunbathers don't stray from the beach's boundaries."

New Zealand

Updating New Zealand's progressive tax code, from CNSNews.com:

Officials are evaluating imposition of a "flatulence tax" in response to a warning from the International Energy Agency "to do something about the methane gas produced by some 50 million livestock."

Seattle, Wash.

New frontiers in standardized testing, from a dispatch in *The Seattle Times*:

A recent Washington Assessment of Student Learning test given to 10th-graders featured a math question regarding the order of towns on a highway. The correct answer sounds similar to the name of the state's most infamous child rapist: Mary K. Letourneau. Terry Bergeson, the state's superintendent of public instruction, sent an e-mail to all state high schools ordering them to not have children answer the question and, if they do, for it not to be scored.

Port Townsend, Wash.

The thin blue line that protects us from chaos, reported in the *Port Townsend Leader*:

A man was arrested for Driving Under the Influence of Alcohol after succeeded, after six hours in a grocery store parking lot, in convincing a passerby to blow into his ignition interlock so he could start his car.

Coquitlan, British Columbia

Perils of international travel, reported by the *Vancouver Province*:

Judy and John Taylor rented a car for a vacation to the United States. After they had driven it across the border twice, Mr. Taylor discovered about eight grams of cocaine hidden under the car's center console. The rental company explained that people leave all sorts of things in cars after renting them, and offered the couple another car.

Washington, D.C.

Further evidence that government is a careful steward of resources and a uniquely competent protector of public security, from the *107th Congress Critical Issues Legislative Agenda Survey*:

Among the listings of examples of government waste was a "lost or misplaced surface-to-air missile."

United States

Making crowd control kinder and gentler, as reported by *Wired*:

A new material for riot gear is "protein foam . . . a sludgy brown foam made from whipped hooves, horns, and cartilage that sticks to surfaces and then hardens." It is described as "environmentally safe, but disgusting."

Seattle, Wash.

Political conflict from the Emerald City, reported in *The Seattle Times*:

Officials from the U.S. Department of Agriculture are capturing some of the area's "25,000 Canada geese that have lost the instinct to migrate." The geese are then killed in "'euthanasia chambers'" in the back of pickup trucks since "no food banks here are accepting urban geese." The officials are opposed by members of the "Goose People," who put on bird masks, honk horns, and stakeout possible areas they think might be next.

United Kingdom

Advance in the science of public safety, from the estimable *Law and Order*:

"Strathclyde Police — Scotland's largest police service — said officers would take DNA samples from anybody arrested, even if they were accused of minor offenses. Senior officers said they believed the move would increase crime detection rates by 25%."

Ottawa, Canada

Progressive new service available to citizens of Canada, reported by *Reuters*:

Canada's Ministry of Finance established a new service "to guess what people have trouble understanding," according to Claude Henault, a finance ministry spokesman.

Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.

Thanks to Russell Garrard, Mark Villa, Christine Jesinger, and Randal O'Toole for contributions to *Terra Incognita*.

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The Liberty Privacy Panel — R.W. Bradford, Fred Smith, David Friedman and Doug Casey explore the privacy issues of the 21st century. (audio: A405; video: V405)

Does the Libertarian Party Have a Future? — R.W. Bradford makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. Judge for yourself whether the provocative strategy he outlines will propel the LP into the big leagues. (audio: A408; video: V408)

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Terror!

Living with it, Learning from it

The Mystery of Fascism

by David Ramsay Steele

Marriage, Polish Style

by Stephen Browne

Turncoat in the War Against Men

by Michael Drew

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11

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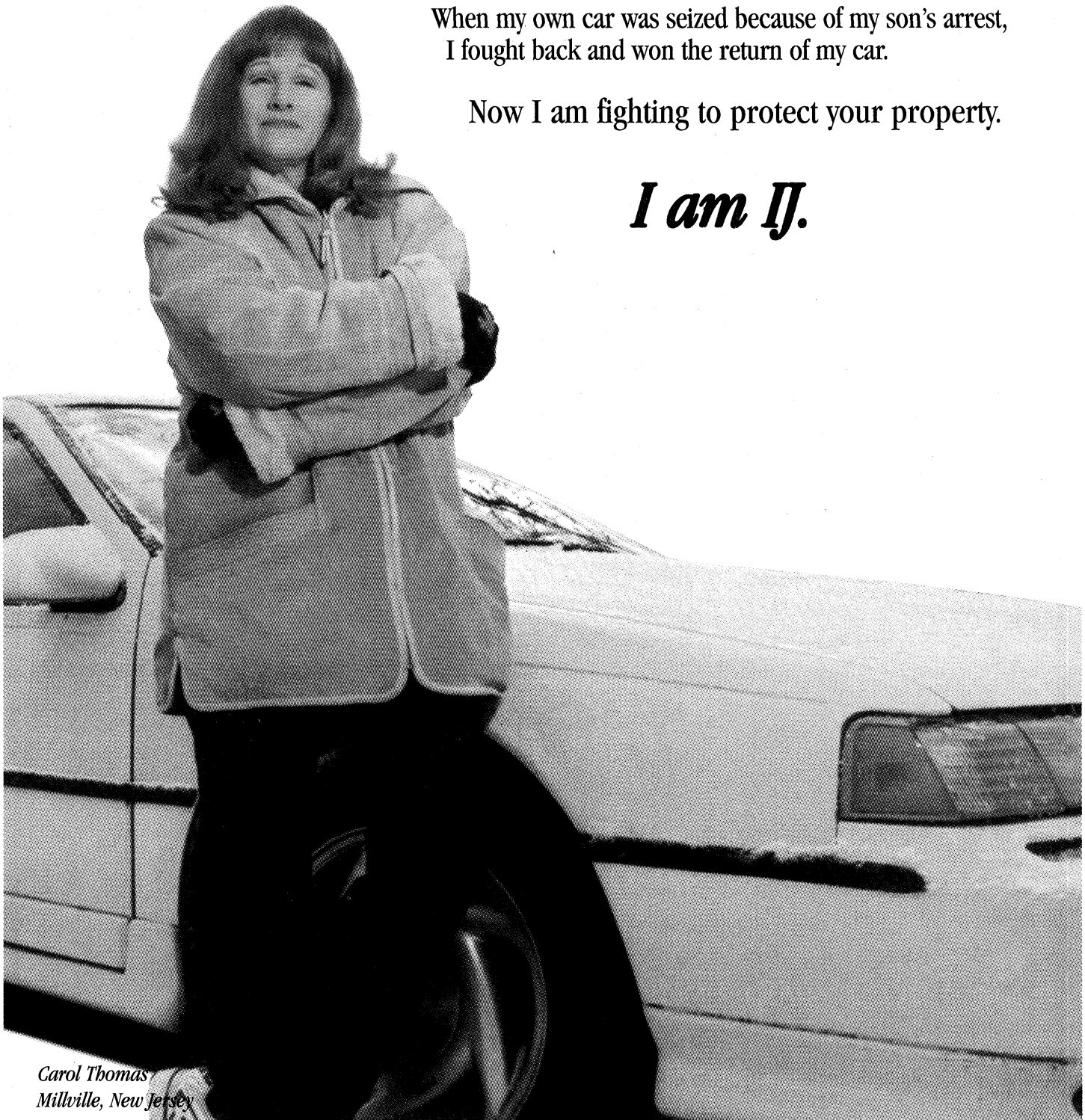

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Inside Liberty

November 2001
Volume 15, Number 11

4 Letters We save the best for first.

21 Reflections We get in contact with our inner statists, show off our war wounds, give drugs a sporting chance, fight the scourge of reason, and hold a bake sale for our friends at the EPA.

Terror!

7 Coming to Grips with Terror America reacted badly. And it will probably act worse in the future. *R. W. Bradford* explains why.

10 The Logic of Horror Our government has failed us, *Stephen Cox* observes, and now it wants more power.

12 The World and Us We don't know who our enemy is, where he is, or how to defeat him, *Alan Bock* points out. But we're going to war.

14 Time to Fight If this attack is not reason for war, *Sarah McCarthy* argues, nothing is.

15 America vs. the Middle East Americans have to learn why Muslims hate us, *Tom Jenney* contends.

17 Invading Afghanistan It won't be easy to wage a war in Afghanistan, argues Martin L. Buchanan. And it will be harder to wage the kind of war we must.

19 Hitting Home Just because terror strikes close to home, *Richard Kostelanetz* argues, doesn't mean you should abandon your humanity.

Features

27 The Evidence Mounts What happens when a governor and a slick attorney conspire to undermine a popular constitutional amendment to protect property rights? *William E. Merritt* looks at startling new evidence.

31 The Mystery of Fascism Fascism isn't what most people think it is, *David Ramsay Steele* discovers.

43 Showdown in Las Vegas Fraud and deceit can be tolerated by America's "third" party, *R. W. Bradford* discovers.

49 Marriage, Polish Style *Stephen Browne* experiences springtime in Poland — when a man's fancy turns to love, marriage, and filling out reams of government forms.

Reviews

51 Traitor to the Revolution Blessed is he who changes his mind in the face of contrary evidence. *Stephen Cox* observes a conversion of the mind.

53 The New Man What happens when a popular author writes a book about the group she loves to hate? *Michael Drew* reports.

57 The Critical Left Christopher Hitchens is not just a leftist writer. He's also a perceptive social critic. And maybe a libertarian. *Jeff Riggenbach* explains.

59 Notes on Contributors

62 Terra Incognita

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Letters

Count Me Out!

While I agree that Mr. Willis and his friends have behaved badly ("Reclaiming the Party of Principle," September) and, at the very least, should be reprimanded, my main concern is the future of fundraising for political candidates. It is obvious that there are some very good fundraisers in the Libertarian Party, but the great majority of the money they raised seems to have gone to them as salaries and to the next round of fundraising with very little left over for the advertising which was crucial to getting votes for their candidates.

Therefore, I will no longer give to the professional fundraisers, but restrict my support to people I know personally or the smaller campaigns where there is no paid campaign staff. For over 15 years I have been active in the Libertarian Party both here in Las Vegas and New York City, and have born all the expenses of going to meetings, twice running for office, and financially supporting other candidates. To think that out of several million dollars only $120,000 was spent on TV for Harry Browne in 2000 is a disgrace and for one, I am through with supporting him and his cronies.

Dick Geyer
Las Vegas, Nev.

The Devil You Know

I still say we are better served with Willis and Browne. Everyone has flaws, and does misdeeds; including libertarians. We need all the help we can get. We need talented, articulate people like Perry Willis and Harry Browne. Can we afford to lose them?

Jeffrey Kradin
Delray Beach, Fla.

Those Who Don't Remember History

Why does everybody act so surprised at the dishonesty in the "LP"? Face it, LPers that run for office are politicians. And didn't H.L. Mencken long ago try to inform us that an honest politician is as unthinkable as an honest burglar?

How is it that each generation fails to appreciate the wisdom gleaned by the past lovers of liberty and justice?

Corn and wheat may grow. Cows come and go. But the bull of politics goes on and on.

Jacob Lapp
Cassadaga, N.Y.

What Needs to Be Said

Your articles examining Harry Browne's campaign "strategies" have been a little painful and a little more embarrassing. Please keep investigating. Perhaps Mr. Browne could be invited to defend himself in print.

Chris Siddons
Charlotte, N.C.

Building the Cause

Over the years I have supported and worked on many campaigns and efforts to reduce the size and power of government. I have learned from those experiences that there is a certain type of person who uses the good graces of "cause" supporters for personal benefit.

John T. Underwood
Diamond Bar, Calif.

Shoddy Coverage

I offer the following comments on your coverage of the "Willis-Browne Conspiracy":

1. You term unidentified information — which you apparently have not even seen — from a "reliable source" to be "evidence." How can you know if it rises to the level of evidence if you have not seen and verified it?

2. You indicate that the source has said that this "evidence would be made public at the 'appropriate' time." LNC Chair Jim Lark called on anyone possessing any relevant information to present it to the LNC for consideration in his investigation of this matter. This information was not provided to the LNC. Thus, your "reliable source" either demonstrates extremely poor judgment in withholding this information, or your source is play-

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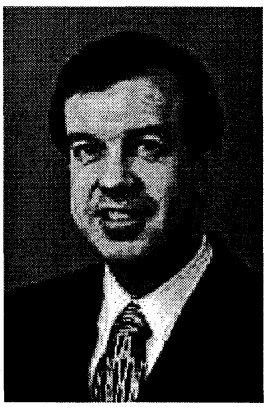

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ing political games with the information at the expense of the party. Neither behavior is praiseworthy.

3. You fail to provide any reason to believe that Harry Browne was aware that employing Perry Willis was violating LNC policy. If Browne was ignorant of the fact that Willis' behavior was proscribed by LNC policy, then how can you claim he "conspired"? If the government prosecuted someone for unknowingly violating a law in conjunction with someone who was aware that the law was being violated, would you find it fair and reasonable for the government to prosecute the unknowledgeable person as a conspirator?

4. You wrote: "At a regularly scheduled meeting of the LNC, former Secretary John Famularo distributes copies of an invoice from Perry Willis demanding payment from Jack Dean's company for services rendered to the Browne campaign." While factually correct, your statement creates the misleading impression that LNC members were aware of this document during the course of the meeting. In fact, the document was neither presented to LNC members formally nor handed to each personally. In my case, it was simply left on the table in a stack of paperwork that was not examined until after the meeting ended. I have brought this to your attention previously, yet you persist in making statements that potentially mislead your readers.

5. You fail to emphasize that had John Famularo come forward with the information he had promptly, this matter would have been investigated by the LNC years ago. Had this happened, it would have cast serious doubts on the integrity of the Browne organization — likely costing Browne the 2000 nomination and Willis continued employment by a growing Browne organization. To the extent that increased damage to the Libertarian Party resulted from a delay in investigating this matter, the person most responsible for that delay and the resulting damage is John Famularo who freely chose to withhold the information he had for years.

Steven I. Givot
Evergreen, Colo.

The editors respond:

1. We characterized the "information" provided to us by Famularo as "evidence" because it is an authentic electronic document that demonstrates Browne's knowledge of and involvement in Willis' violation of his LP contract.

2. Famularo's information and documentary evidence was provided to the LNC, as well as to the public, on Aug. 19, in the form of a lengthy time line emailed to all LNC members and other interested parties with hyperlinks to various websites for appropriate documentation. The document in question can be found at http://lp2000.com/BCI/timeline.htm

3. There are four good reasons to believe Browne knew that he was conspiring with Willis to violate the terms of Willis' contract with the LP:

a) At the time, Browne was a full-time candidate for the LP nomination. Given the very public controversy that arose over the matter, it is virtually impossible to believe that he did not know about it.

b) Browne personally told the editors about the controversy at the time it was happening, saying that the LP was trying to prevent Willis' working for him. Surely this entails that he was familiar with the National Committee's directive to Willis at its December 1995 meeting, and Willis' agreement to henceforth respect his contract and do no further work for Browne.

c) Browne authorized that payments for Willis' work be made to Jack Dean, with an understanding that Dean would subsequently transfer the funds to Willis. There is no plausible reason for laundering the payments other than the need to get around Willis' contract with the LP.

d) Browne himself admitted that he knew about Willis working secretly on his campaign in his May 15 email to former National Chair Mary Gingell, in which he wrote "I was aware of Perry's actions and agreed to them."

4. It's a bit strange to be criticized for writing something that is "factually correct." But we plead not guilty to the charge of omitting relevant information. In addition to the sentence that Mr. Givot quotes, we wrote that "no one at the meeting paid much attention to them" and "the members [of the LNC] took the documents home with them, and over the next week read them."

continued on page 20

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

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Terror!

by R. W. Bradford

On Tuesday, September 11, terrorists hijacked jet airplanes and crashed them into the World Trade Center and the Pentagon.

Over 5,000 people were killed and over $10 billion in property was destroyed.

And that was only the start of what happened when terror came to America.

What will America — and the world — be like in the aftermath of this horror?

Liberty's editors sort through the rubble, trying to find answers.

September 11, 11:00 p.m.

I went to bed about an hour before the disaster of Sept. 11. My wife, an early riser, happened to have the television on, and saw the horrible events. A few minutes later, a friend who reads this magazine called my home and asked her to awaken me so I could say what I thought of things. For some unfathomable reason, one of the peculiar aspects of writing for a magazine is that people expect you to have intelligent opinions on just about anything that happens. My wife, bless her soul, didn't awaken me.

I got up around noon. It was a lovely day. I made a sandwich and walked to work, where I learned what had happened. I didn't have time to think much about it right then. I had manuscripts to edit, writing to do, email to answer, and arrangements to make for Liberty's upcoming conference. And the phone lines in our office were down; they needed my attention.

Even so, my first thought was that the design of the World Trade Towers must have been seriously flawed, if an ordinary commercial jet could bring them down. It seemed to me that in a world with thousands and thousands of jet planes, any of which could be hijacked or simply stolen, multi-billion dollar buildings ought to be constructed to specs that would not be vulnerable to total destruction by the crash of an airplane.

My second thought was even more obvious: that the reaction from Americans and their government would be an overreaction, both in the immediate aftermath and in the months and years to come. Already, the government had closed down the nation's airports, ordering all planes in the air to land as soon as possible, and the president and congressional leaders had been evacuated to heavily protected bunkers, as if the nationa had come under thermonuclear attack.

I learned from a staffer who had driven by the local airport on the way to work, that it had been closed down and surrounded by local police— this local airport handles only small private planes and has only recently had its grass runway paved. The state-owned ferry boats that run back and forth between Port Townsend and Whidbey Island continued to run, but motor vehicleswere absurdly barred from transit.

The attacks were a conspiracy, and the bigger a conspiracy is, the harder it is to keep it secret. If the conspiracy had the human and material resources to make further attacks, they'd almost certainly have made those attacks at the same time, since it is patently obvious that airport security would be tightened considerably, making future attacks much more difficult to implement. These two obvious facts suggested that there would be no further attacks for some time.

If closing the nation's airports and putting guys like Dennis Hastert and Tom Daschle in bunkers was an overreaction, the reaction by local authorities was simply silly. How could any rational person believe that having expended considerable resources to hijack four aircraft and use them to attack two major symbolic targets in the nation's eastern megalopolis would then direct their attacks to ferry boats carrying retirees and tourists across a thinly populated waterway or an airport that had only recently paved its single grass airstrip?

Of course, this is only the beginning. In the ensuing months, we can expect two kinds of further responses, neither of which will do a thing to make our infrastructure safe from attacks, but both of which will take a heavy toll in life or liberty.

Domestically, we can expect a huge and expensive increase in airport security: more intrusive searches and more careful screening of passengers. Yet, if we are to believe the press reports, such measures would not have prevented today's terrorist attacks. The press has reported that the attackers used "knife-like objects" to take over the planes. The problem is that just about any piece of metal, glass or plastic can be fashioned into a knife, which means that searching passengers would require preventing their carrying just about anything at all onto the plane and searching their body cavities.

Of course, there are ways to reduce the vulnerability of the U.S. to such attacks to negligible levels. Simply put a radio-controlled bomb on every commercial aircraft, and if it diverges substantially from its destination, blow the aircraft out of the air. That's one way. Or reduce the risk of potential hijackers from getting control of aircraft by having all passengers strip naked in the presence of government agents and be strait-jacketed into hospital gowns prior to entering the aircraft. Of course, this would not be acceptable to anyone. Or we could train aircraft personnel to prevent takeovers of aircraft at all costs. This would mean arming them, and screening them carefully, both to keep out potential hijackers and to make sure those hired were willing to take whatever action might be necessary to prevent an attack, even if it meant their own deaths and the deaths of passengers.

Neither curiosity nor even morbidity could explain why Americans could not leave their televisions. Watching and re-watching the disaster and video-wallowing in its aftermath is a way, in this disjointed modern age, of expressing sympathy and grief.

The problem is that these costs are too high, in terms of their imposition on people's comfort and convenience. So instead, actions will be taken that won't work, but will, at great expense both to our liberty and our pocketbooks, provide a sense of false security.

There's yet another approach that could considerably reduce our vulnerability, and might very well have prevented the success of three of these four terrorist attacks today: Put heavily armed agents on planes more or less at random and incognito, with instructions to take out hijackers at whatever cost. If one to four agents were on virtually every flight that had this major destructive potential, it would be very difficult for this sort of terrorist act to succeed.

This is the lowest cost method of reducing the risk of attacks, both in terms of treasure and liberty. I suppose there's some chance that this method might be used. But I wouldn't bet on it.

Just as the terrorists surely hoped to disrupt life in America as much as possible, with Americans reacting hysterically, I hoped Americans could keep their intellectual and moral balance and return to our normal lives as quickly as possible.

By the time I'd gotten my day's work more or less done and the telephones in the office working again, it was time to go home. I watched the sun go down over the Olympic Mountains. It was an absolutely beautiful sunset, the perfect end to a perfect day in a beautiful small town, except for the horror of the terrorist attacks occurring thousands of miles away.

As dusk darkened to night, I finally went into my home and turned on the television. I quickly saw the extent of the terrorist attack, and of the overreaction. I noted that virtually all television stations were carrying wall-to-wall coverage of the story, despite the fact that there were hardly any new developments. Not only were the local Fox, CBS, ABC and NBC stations fully engaged, four non-network stations, including the PBS affiliate, were carrying coverage from the local NBC-affiliate, and another non-network station was carrying CNN's coverage. I was surprised to discover that CNN's and Fox's sports channels also had wall-to-wall coverage. The Fox Movie Channel had stopped showing movies, and even the Trinity channel, which normally has evangelical programming, was running coverage from the Christian Broadcasting Network.

The big news had already been conveyed, many hours before, but most Americans remained glued to their televisions anyway. I watched a few minutes of coverage, but was soon bored by its repetitiveness, and suggested we watch something else, anything else. My wife, who normally has little interest in watching non-news news, seemed upset by this notion. She stayed up after midnight, for the first time in years, watching more and more of the repetitive coverage.

It gradually dawned on me that neither curiosity nor even morbidity could explain why Americans could not leave their televisions. Watching and re-watching the disaster and video-wallowing in its aftermath is a way, in this disjointed modern age, of expressing sympathy and

disjointed modern age, of expressing sympathy and grief. Perhaps that explains why baseball games were cancelled, cars barred from ferry boats, and Jefferson County International Airport's single runway shut down and guarded by local sheriff's deputies: Denying ourselves everyday pleasures and ordinary business helps us express sympathy and solidarity with the victims of terrorism.

But while this is understandable, I am not sure that it is healthy. It is liable to intensify thoughts of irrational revenge. Already there is talk of invading Afghanistan, Iraq, and Iran and assassinating Osama bin Laden. Yet there is no evidence linking any of them to the attacks. And there is talk of declaring war, even of waging a long war to the death.

The people who did who performed act were monsters. But that does not mean we should make ourselves into monsters, lashing out at the innocent in response. Nor should we subvert the institutions of civil society in the name of making ourselves invulnerable to terrorism. But I fear that we shall.

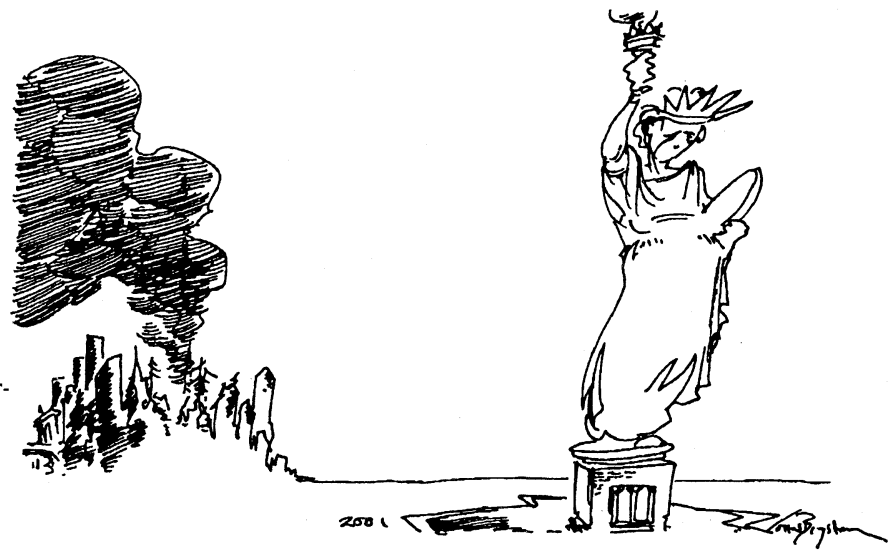

I have tried to resist indulging in grief over this tragedy, not because I lack sympathy with the victims or outrage against the terrorists. Just as the terrorists surely wanted to disrupt life in America as much as possible, with Americans reacting hysterically, I want Americans to keep their intellectual and moral balance and return to our normal lives as quickly as possibe. So I have resisted, at least a little bit, the temptation to join my fellow citizens in their grief, anger, and hatred. I wonder whether my reaction makes sense, pyschologically or morally.

September 18, 7:00 a.m.

A week has passed since the terrorist attack and almost everything that has happened in response to it has been depressing. Ridiculous measures to prevent future acts of terrorism have been implemented.

I heard one particularly absurd example on the radio this morning: The University of Washington announced that people wishing to attend its home football games would be searched. Among the items that will not be allowed into the stadium are "leaflets that have not been approved in advance by the university." Mind you, it is a university that is doing this.

One small sign of progress: after video stores had record videotape rentals over the weekend, the television networks have abandoned their wall-to-wall pseudo-news and major league baseball teams are again taking to the ball diamonds. As usual, ordinary people have more sense than the political and media elite.

The airlines are operating again, with extreme but impotent security measures. The president has legalized assassination, and is planning for a total war. Last night, he said that Osama bin Laden is wanted "dead or alive." Yet there is still no evidence that he was involved in this horrendous act of terrorism. According to a report in *The Wall Street Journal*, "the two dozen or so groups he inspires exist and work at some distance from Mr. bin Laden personally." Other reports say that bin Laden is more of an inspiring writer and theoretician than a planner or conspirator.

If these reports are right, it may very well be the case that bin Laden himself was involved in the terrorist attacks only as its inspiration. If that's so, going after him would be contrary to the legal traditions of the West. The writings of Karl Marx inspired untold acts of terrorism, yet England offered him a peaceful refuge, and when countries in which Marxist revolutionaries had committed acts of terrorism tried to have him extradited, England refused. No one threatened to invade the country that harbored Marx.

Legal niceties used to be observed in this country. When the fanatical terrorist Harry Orchard, who had assassinated the former governor of Idaho and murdered masses of strikebreakers and their innocent families, admitted that he had been directed in his actions by Big Bill Haywood of the Western Federation of Miners, Haywood was not incarcerated, because the law required corroborative evidence.

It is time to think rationally and calmly. No one has considered one simple possibility: that the 19 suicide terrorists were acting on their own. It now appears that their attacks were remarkably simple and low-tech. Four or five men bought tickets on cross country flights, armed with razors and box-cutters. At least one man in each team was able to fly the hijacked aircraft. I'm told by pilot friends that the

If a handful of men with rudimentary tools can kill 6,000 people and do $10 billion worth of damage in the nation's largest city, we are far too vulnerable for comfort. So we imagine that their plan is extremely sophisticated and expensive, requiring a large organization and immense resources.

hard part of flying a plane is landing and taking off and that a few hours of flight simulation can enable a person to do what the terrorists did. They took over the craft and committed suicide. There was nothing very complicated or sophisticated or expensive about their plan. All they really needed was a willingness to die.

I think people don't want to consider this possibility because it suggests that we are much more vulnerable than they feel comfortable being. If a handful of men with rudimentary tools can kill 6,000 people and do $10 billion worth of damage in the nation's largest city, then we are very vulnerable indeed. So we imagine that their plan is extremely sophisticated and expensive, requiring a large organization and immense resources.

Or maybe, deep down, we fear that if there is no extensive conspiracy, there will be no one upon whom we can wreak our vengeance.

Today, America is lost in a miasma of hysteria. It's hard to predict exactly what will happen. But it's hard to see anything good coming of this. ❑

The Logic of Horror

by Stephen Cox

Government is not *always* best when it does nothing. It is not a violation of any libertarian principle for the United States government to bomb a foreign country.

Many people have said that the disaster of Sept. 11 "never seemed real" to them. It did to me, as soon as I turned my dial to Fox News that morning. Nothing appeared more logical, in a horrible way, than the idea that terrorists would hijack an airliner and crash it into the World Trade Center. Hadn't novels already been written about that very thing? And there is nothing so gruesomely real as a bad novel.

My sense of unreality came with the second hit. The second assault was too much like an artistic emphasis of the too-obvious kind, too much like the mindless repetition of images from which one tries to escape in dreams. But the greatest sense of unreality came when the towers collapsed.

Let me explain.

The Empire State Building has a sense of scale. You can tell how tall it is by its clear horizontal lines and pronounced setbacks. The World Trade Center, by contrast, was simply a pair of identical boxes, a pair of abstract, intellectual forms. For all that looks could tell, the boxes might have been either three, or three thousand, feet tall. When they collapsed, it took an effort of the imagination to face the appalling fact that this was not the destruction of a pair of plastic models but the death of thousands of individual human beings. In its effects on individual people, this was, in fact, a disaster too great ever to be *imagined*.

The human scale was lost on Sept. 11, and we must fight to regain it. We must remember that the important thing about this event is that a multitude of innocent men, women, and children were burned and suffocated and crushed to death, their lives destroyed in ways much too horrible to contemplate in detail.

It was politics that ended their lives — and it is politics that now seems to be preventing many otherwise intelligent and moral people from grasping the meaning of those deaths and deciding what ought to be done about them.

Some among us want to dwell on the "root cause" of the disaster. Was it America's fatal involvement in other people's wars? Or was it other people's envy and resentment of modern civilization, as embodied in capitalist America? But in respect to the individual lives that have been lost, it does not really matter what the "root cause" may have been. The political principle that really matters and applies is the basic libertarian idea of what government is for in the first place. Government is supposed to protect individual life and liberty. On Sept. 11, the United States government signally failed to accomplish that purpose.

Now it has to do something to prevent another sickening repetition of its failure. The lives and liberties of individuals must be protected from terrorism. That is the least that individuals have a right to expect from their government. And it's individuals that count, not abstract principles of non-involvement (among libertarians) or global humanitarianism (among modern liberals).

We will not allow our liberties to be wrenched from us by our countrymen, so that our lives may be secured from foreign terrorists.

If we keep our sense of the individual, human scale of political events, we will not heed the hysterical counsels of those who on Sept. 11 instantly proclaimed that "our whole

way of life" must now be "fundamentally changed." We will not allow our liberties to be wrenched from us by our countrymen, so that our lives may be secured from foreign terrorists.

But if we keep our sense of human scale, we will also resist the counsels of all those friends of liberty who fail to understand what government should be about — usually because they are too wrapped up in mere abstractions, inhuman abstractions, posing as principles.

Government is not *always* best when it does nothing. It is not a violation of any libertarian principle for the United States government to bomb a foreign country, if by doing so it can protect individuals in this country from being burned alive by foreign terrorists. It is not a violation of any libertarian principle for the United States government to guard its borders from people who may endanger the lives of its citizens; indeed, the existence of national borders is justified by precisely that purpose of protection. It is not a violation of any libertarian principle for young Arab men to be stopped and questioned in airport lobbies, while elderly American women are allowed to go blithely about their business; to subject the latter to such treatment would represent a pointless commitment to an abstract ideal of fairness that has no application whatever to the legitimate purposes of government.

We all know that the individual scale of our social architecture can be destroyed by that greatest and most potent child of political abstractions, the nation state. But the destruction of the World Trade Center showed how easily that scale can be destroyed by other forces, too, forces which can only be counteracted by state action, and that of a drastic kind. To see the necessity of such action, simply ask yourself, If the people who brought down the World Trade Center had possessed an atomic bomb, do you think they would have had any compunction about using it? ❑

Prepare to Meet Allah

by Paul Rako

"I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals."
— Libertarian Party pledge

But now that some cowards have initiated force on innocent American citizens I wish the wrath of Allah to visit a scourge upon their homes. I know, I know, we should pull out of NATO and leave the Middle East to stew in its own juices and then they won't bother us. But if you think that'll work, you've never seen a high school bully in action.

Again and again on the radio I hear "What can we do to insure that this never happens again?" I heard talk on how Israeli airlines run everyone through the ringer. There was also some comforting talk about how we have to keep this a free country no matter what we do.

It is fairly certain that several terrorists were on each plane and that they used knives to overpower the crew and keep the passengers at bay, no doubt assisted by the sheep-like obedience drummed into them as children by the American public school system. By the time any passenger realized it was a suicide mission, it was too late.

Well, we have tried the prohibition approach — no guns or big knives, and I can assure you the airlines never let me carry my can of mace on board. Perhaps it is time to try the alternate approach. Upon checking in at the gate each passenger will be issued a small caliber revolver to carry with him on the flight. If he needs instruction there will be an area cleared out behind one of the hangers where he can pop off a few caps and familiarize himself with handgun safety. Once every airline arms every single passenger I can assure that this type of incident will never happen again. Maybe as a fig leaf to the wussies, we should also not serve alcohol on the flights anymore.

In the sad irony category: Donald Rumsfeld was in a missile defense meeting during the hijackings. Is the pathos of this lost on everyone? And then there is that psycho that killed his girlfriend and some coworkers to "feed the media for a week." What was his name again? Man plans. God laughs.

Allah Akbar. Well, prepare to meet him.

The Invisible Foe — In the aftermath of the Sept. 11 terrorist attacks, many Americans will find it frustrating that the largest military force on earth was powerless against a few box-cutting knives and a cause so great that people were willing to die for it.
— Tim Slagle

Truth in Labeling — It is apparently *de rigeur* in modern American political rhetoric for American leaders to refer to terrorists as "cowards." It might be accurate in some cases, but in the case of those who destroyed the World Trade Center buildings and damaged the Pentagon it doesn't seem to apply, although one might make a distinction between physical cowards who won't put themselves in danger and moral cowards who don't have what it takes to face life and so might be candidates for suicide. While those who hijacked the airliners might be accurately referred to as ruthless fanatics, people without moral judgment, vicious murderers, or any number of other descriptions, calling them cowards doesn't seem accurate. Maybe our leaders should thumb through the thesaurus for expressions that convey more meaning than simple dislike or contempt.
— Alan Bock

The World and Us

by Alan Bock

We don't yet know who the enemy really is, we don't know where the enemy is, we don't know how to neutralize or defeat the enemy, but we're going to war.

Well, it looks as if we're going to have a war of some sort. We don't yet know who the enemy really is, we don't know where the enemy is, we don't know how to neutralize or defeat the enemy, but we're going to war. It is probably inevitable and, in light of the horrific terrorist destruction wreaked on New York and the Pentagon, the agonizing loss of American lives, the destruction of American buildings and infrastructure, necessary.

As we move toward war, however, we should have a few questions in mind and at least raise them, even if we don't expect our leaders to deal with them seriously.

The question of who the enemy is will be extremely difficult but is perhaps the most important key to an effective response. I have been extremely critical of the FBI and I trust I will be so again when they target American citizens or venture into areas that are not federal responsibilities. But they seem to be operating fairly intelligently in this case, working on the kind of problem they should be handling, following leads with grinding shoe-leather work and analysis, tracking what they know about the terrorists who hijacked the airliners back to where they were last week, then the week before, then the week before that. With any luck, although it's hardly inevitable given that the Osama bin Laden consortium is known to operate through relatively autonomous and loosely connected cells, the trail will eventually lead to the paymasters and masterminds behind these unspeakable acts. Then will come the perhaps more difficult question of how to take them out.

But the question of who the enemy is will almost certainly turn out to be broader than the question of which particular people were behind this outrage. While it seems likely at this juncture that Osama bin Laden was involved at least to some extent, it also appears that other people from a number of Middle Eastern countries were involved. Were they simply members of dissident groups or terrorist organizations, or did any get help, overt or covert, from governments or what passes for nation-states? If so, what does the United States do about that?

President Bush showed a certain understanding of the problem when he talked about the new kind of warfare of the 21st century. Traditionally, wars have been ways to confront and destroy another country's government. But now the largest and most developed country in the world faces an enemy that is not an identifiable country and has no identifiable government; it's a loose, decentralized band of desperate people organized by ruthless and obviously capable leaders. How does a country confront such a shadowy and amorphous foe? I hope the president and his advisers have a better idea than they have let us in on so far, but I doubt it. Expect plenty of mistakes, false starts, and blind alleys.

Most of us are aware, in a vague sort of way, that millions of people around the world hate America with an intensity most of us can barely imagine. How many of those people will be "inspired" by the terror this week to something similar? Is there any way to figure out who these would-be perpetrators are? Is there a way to take action against perpetrators and immediate threats without creating more dangers for the future?

These are hardly idle questions given our recent history. Osama bin Laden earned his spurs during the U.S.-financed Islamic resistance to the Soviet attempt to occupy Afghanistan, then for reasons I don't claim to understand came to believe that the United States had abandoned the cause and had become the enemy. There's a CIA term for the phenomenon, "blowback," an unintended (though not necessarily unpredictable) and extremely negative consequence of an aggressive operation. In his 2000 book, *Blowback: The Costs and Consequences of American Empire*, political scientist Chalmers Johnson predicted that the United States' casual imperialism would precipitate terrorist acts chillingly similar to what we have experienced this week. Get it and read it.

How does a country confront such a shadowy and amorphous foe? I hope the president and his advisers have a better idea than they have let us in on so far, but I doubt it.

After Clinton's "wag the dog" attacks on mostly abandoned camps of bin Laden's in Afghanistan and an aspirin factory in Sudan, bin Laden became a bigger and more respected figure in the Arab world. A number of Arab moderates who oppose what bin Laden stands for and would have a great deal to lose if he were successful began to see him as a romantic, even admirable figure after the U.S. targeted him unsuccessfully. (See more about this at www.salon.com/news/1998/08/26news.html)

But go beyond Osama bin Laden and the recent attack. The United States has acted, in a rather desultory and even careless fashion, as something of a policeman of the world, but for various reasons this country is unsuited for the role, even beyond the fact that trying to run an empire inevitably means curtailing the freedom that makes this country worth defending. Most Americans care little about foreign affairs and international news, and our leaders, perhaps especially our foreign policy "experts" know or care little about the countries they try to pacify or manipulate. Jon Basil Utley put it very well:

> The other reason for silence [about the mysterious and untouchable question of why so many foreigners might want to do us harm] is that American foreign policy is based almost entirely upon domestic political concerns, with little thought or concern for long run consequences. NATO expansion was promised by Clinton during the last election just to gain Midwestern votes from Americans of Central European ancestry. When Madeleine Albright ordered the bombing of Serbia, neither she nor Clinton thought about how Russia would react. In fact knowledgeable Russian experts believe that NATO expansion and the bombing of Serbia were the turning point, after which Russia started arming China with its latest weaponry, helping Iran and Iraq, and moving back to nationalist policies. Russia's military budget has now nearly doubled (to $8 billion) from what it was before the attack. Similarly, with intervention in Colombia, there is no thought of the new, possibly deadly, combination of Arab terrorists willing to do suicide missions, and Colombian drug smugglers who know how to bribe or blackmail their way into smuggling weapons of mass destruction (WMD) in the U.S. The drug war in Colombia is, again, being fought to satisfy another domestic constituency, with no thought about possible wider consequences.

Americans don't like to hear or talk about such things. After all, Americans are for the most part decent people who do their part to make the country productive and prosperous. Most don't think of themselves or their country as the center of a world empire. They will rally behind a president if something really upsets them, but they still want to conduct whatever military actions might be deemed desirable overseas quickly, cleanly, decisively, "surgically," and get out and come home.

The trouble is that our leaders, or at least a significant portion of them, do think of themselves as the world's policemen, but hardly any of them know enough (or care to know enough) to think about the long-term consequences of their actions. Thus they constantly create enemies among people who would be inclined to hate or envy the United States anyway — and often enough among people who without such meddling would view the United States as an example to be emulated rather than an 800-pound gorilla to be harassed or destroyed. As Utley put it: "Half a million dead children in Iraq, Palestinian teenagers raging against American-supplied tanks, Serbs without electricity and running water or diseased or ruined and jobless from our bombing, assorted Moslems who blame America for their dictatorships and misery, Colombians with relatives killed by those aided by America. The list of potential enemies grows and grows. Even Basque terrorists now look at America as their enemy after President Bush, during his recent visit, casually promised to aid Spain's government with electronic surveillance. They all now have reason to do us harm, they all want America out of their countries, 'out of their faces,' in street language. It's not rocket science."

To understand this is hardly to condone that hatred, let alone to apologize for the unspeakable brutality with which some ruthless people attacked our country this week. But it is important to begin to understand it in order to minimize the potential for creating more ruthless enemies with whatever steps are undertaken in the coming weeks and months. We have liked to think we were invulnerable to the hatreds of the rest of the world. This week has demonstrated that we are not. A few more questions for this week. Is it possible that the strikingly successful terrorist attacks this week amounted to the maximum the terrorist organization behind them is able to pull off? Or is it likely that more attacks will come? If this was meant as something more than a symbolic act of destruction designed to frighten and cow the American people, which it doesn't seem to have accomplished, one would expect some follow-up violence, or at least attempts to perpetrate more outrages.

We have liked to think we were invulnerable to the hatreds of the rest of the world. This week has demonstrated that we are not.

I wonder whether the strike on the World Trade Center was intended as an angry but largely symbolic gesture against "globalization" or whether the terrorists really thought that destroying or maiming those two buildings would actually cripple the U.S. economy. For those who think in hierarchical, top-down ways, that might have seemed feasible, given that so many corporate headquarters and so many top people work in those buildings.

But I suspect that the largely decentralized market system that we still have in the United States will prove much more resilient than most observers expect. And sure enough, on Thursday, despite the markets having been closed since Tuesday, more than $2 billion in venture capital was raised for various ventures, while Main Street continued to function remarkably well in the absence of Wall Street. As radio commentator and host Lowell Ponte pointed out in a recent column, decentralization is likely to turn out to be one of our most effective defenses against terrorism. He notes that people used to cluster in castles for defense in the old days, but with the invention of gunpowder and cannon this became counterproductive. Large cities, these days, are similarly tempting targets.

"The modern metaphor we should look to is not the cas-

tle but the Internet," writes Ponte. "Originally created by the military as Darpanet, it was designed to be a decentralized communications system that could not be shut down by military or terrorist attack on any one central point." Thus "sprawl" is not only the way most Americans prefer to live, it is a safety factor. Our best defense against the wars of the 21st century might turn out to be further decentralization of our society, perhaps by using fuel cell technologies to get more people off the grid and dispersing water supplies. As the war progresses, it is virtually inevitable that we will be asked to give up more and more of our freedoms to a centralized state. It is important that at least some of us continually remind our would-be leaders that decentralization, independence, and freedom are not only what make this country worth fighting for, but a positive form of defense against foreign domination. ❑

Time to Fight

by Sarah McCarthy

If this attack is not a reason for war, nothing is.

I write this on Sept. 11, the day of the attacks on the World Trade Center, the Pentagon, and a commercial airliner near Pittsburgh — the day it appears that an Islamic jihad by international terrorists was unleashed on the United States. All day long, and late into the night, the Presbyterian church across the street from our home is playing patriotic songs with their steeple bells — "The caissons go rolling along," and roll they must. This attack was the worst ever on U.S. soil, an affront that simply cannot be tolerated. If this attack is not a reason for war, nothing is.

It's time to stop pretending that all cultures and religious beliefs are equal and worthy of respect. It's time to forget root causes, who did what to whom, because nothing the United States government has done justifies this mad-dog attack on America. The terrorists and those who harbor them — the governments of Iran, Iraq, Sudan, Afghanistan, Syria, and Libya — the breeding grounds of international terrorism fed and oiled by the hysteria of Islamic religious fanaticism, have proven themselves unworthy of anything but total retaliation. Even our generals are sounding weak, warning that we must not be like them, we must be careful not to kill civilians.

Bin Laden has repeatedly called on Muslims worldwide to join in a jihad, or holy war, and has declared war on the United States in religious edicts faxed to the outside world. All U.S. citizens are legitimate targets, he has said. The United States has called bin Laden the architect of some of the worst acts of terrorism against Americans: the 1993 attack on the World Trade Center, the 1998 bombings of two U.S. embassies in Africa and last year's bombing of the *USS Cole*.

The FBI has a $5 million bounty on bin Laden's head. The State Department calls him "one of the most significant sponsors of Islamic extremist activities in the world today." Stripped of his Saudi citizenship, bin Laden has been hiding for five years in Afghanistan under Taliban protection. Today we learn that the Taliban is praying that sanity will prevail in the United States, but their chador-covered women, acid-throwing men, and hate-filled children are irrelevant now; they are the carriers of the sickest teachings of Islam, and it's time to play the crazy card.

Last spring, bin Laden instructed activists attending a Muslim convention in Afghanistan to prepare the next generation for the jihad. "Issue a call to the young generation to get ready for the holy war and to prepare for that in Afghanistan because jihad in this time of crisis for Muslims is an obligation of all Muslims," he said in a statement read at the May gathering.

"I'm fighting so I can die a martyr and go to heaven to meet God. Our fight now is against the Americans," bin Laden was once quoted by Al-Quds Al-Arabi as saying.

Meanwhile, the blame-America-first crowd, as Jeanne Kirkpatrick aptly described them in the '80s when she was the tough Reagan-appointed ambassador to the United Nations, are already asking what George Bush did to provoke this kind of attack. They are warning that the United States' response must be measured, must be reasonable, and that the Palestinians dancing in the streets singing "God is good, God is great" are just teenage kids. Some are saying the terrorists have no real location, and because it will cause the certain death of innocent civilians, we have no right to bomb them. They use our virtues as the

Sometimes the most restrained act is the most dangerous one. It's far too late to plead for sanity; it's time to play the madman card.

ultimate weapon against us just as they used our own commercial airliners as bombs. We have become like British troops in the Revolutionary War, defeated by rules of war that demanded marching in straight lines in red uniforms while our enemy is hiding behind women and children and using any means necessary to win. Shall we wait until the madmen bring nukes in suitcases and destroy the rest of New York, the rest of America?

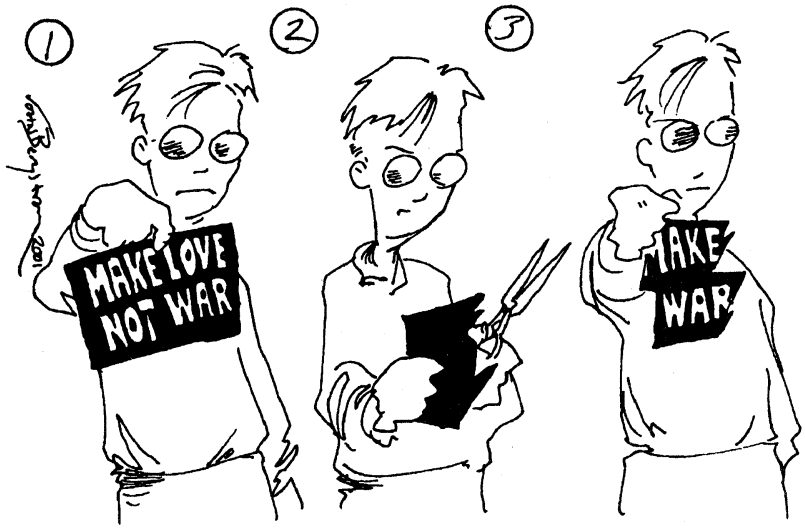

The hijacked plane that crashed near Pittsburgh was ten minutes from my home. It circled Pittsburgh, looking for who-knows-what target, rumored to have been a chemical or nuclear plant, but some hero perhaps, caused it to crash in a rural area instead. One police friend of ours was dispatched to the Shippingport nuclear reactor near Pittsburgh. Another had an appointment in the World Trade Center and because his cab was late, watched the airliner hit the first tower from a vantage point outside rather than from the 32nd floor where he was scheduled to be. Those of us lucky enough to be alive are facing the challenge of our lives. We must make it frightfully expensive for Arab states to harbor terrorists. The worst thing we can do is merely wound them creating tomorrow's generation of terrorists. The terrorists are counting on winning because they count on anonymity and the nomadic techniques they think ensure that the United States will be restrained and reasonable; but sometimes the most restrained act is the most dangerous one. It's far too late to plead for sanity; it's time to play the madman card. Mutually Assured Destruction is what kept the cold war cool. Now that we've seen what they are capable of, it's come to this: We have a nuclear arsenal. It's time to use it before they do. ❑

America vs. the Middle East

by Tom Jenney

If you ask Pakistani or Moroccan Muslims how long the war had been going on, they will say at least thirty years, maybe longer.

The events of Sept. 11 have, to a large extent, forced the hand of American foreign policy for years to come. At the same time, America has a lot of latitude in designing the kind of policy it will pursue in its attempts to round up and punish the terrorists. Our goal should be to use all the influence we can to see that the coming war will have the smallest possible impact on life and liberty. In order to pursue this war we will have to understand some of the thinking that prevails on the streets of the Middle East.

Before Sept. 11, if you had asked the average American if the United States was at war with the Arab world or with the Islamic Middle East, the answer would have been, "War, what war? Did they just announce something?" However, if you had asked the same question to the average citizen among the 700 million Muslims from Morocco to Pakistan, the answer would have been, "Yes, of course." If you had asked them how long the war had been going on, they would have told you that it had been going on for at least 30 years, maybe longer.

If you ask the average Middle Easterner for evidence that the United States has been at war there for such a long time, he will point to what he sees as a pattern of persistent U.S. meddling in the region. He will point to the United States' support for Israel, a state which he sees as an anachronistic holdover from the age of European colonialism, inhabited by a fanatical religious element bent on the conquest of a vast territory ("Greater Israel").

This average Middle Easterner will also point to the Persian Gulf War of 1991. Although Saddam Hussein is not exactly a local hero, America was widely perceived by

people in the region as being an imperialist power, ready to go to war over its perceived commercial interest in oil. This war did not end in 1991, as most Americans believe. The continuing embargo, enforcement of no-fly zones, and occasional bombings are, by normal international standards, acts of war. With Saddam Hussein still in power, the main effect of these acts of war has been the deaths — from starvation and disease — of tens of thousands of Iraqi citizens, mostly children and old people.

The typical Middle Easterner does not resent America's culture or wealth or "way of life." Even the most radicalized terrorist does not place these things on the top of his list of gripes. If he does "hate our freedom," it is only incidental to his hatred for the effects of our foreign policy. As Sheldon Richman has suggested, if wealth or Western civilization is really a cause of resentment, it seems odd that terrorists never pick their targets in Switzerland or Sweden, or the Netherlands, or Canada.

It is also important to understand how the average Middle Easterner views the technology of war. When he watches the news on his television, he sees an inconsistency. When the United States uses cruise missiles or smart bombs to destroy a country's dams, bridges, and electrical grids, or when its embargoes cut off medical supplies and vaccines to poor people, this is called "collateral damage," incidental to the judicious exercise of police power. But when Arabs fight back, using some of the very limited means at their disposal — like hijacking and bus bombs — against the most vulnerable (and thus usually civilian) targets, these acts are condemned as "barbarism" and "terrorism." Even more strangely to the Middle Eastern viewer, these acts are labeled as "cowardly" — as if it takes more guts to remote-guide a missile than to row a boat full of explosives up to a U.S. warship, killing yourself in the process.

Americans have now come to see what many Middle Easterners have believed for years, that the United States is at war with elements of their world. Now that America knows it is at war, what should its policymakers — and people — know about the people whom we propose to attack to force Osama bin Laden and his allies out of hiding?

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First of all, we must realize that our retaliation may do little to change the perceptions of Middle Easterners about the United States and its allies. The people of the Middle Eastern "street" were largely convinced that the United States was at war with them, and our actions in the coming years will probably reinforce, rather than weaken, that belief. We will declare that we are only going after terrorists, but how will the average Middle Easterner react to the presence of U.S. ground troops in Kabul and Lahore? Or when U.S. commandos conduct house-by-house sweeps of neighborhoods in Jordan and Syria? Or when the United States pressures Algeria into letting us patrol its airports and border crossings?

Middle Easterners are likely to become even more resolute in their belief that U.S. foreign policy is bent on conquering them, whether because of U.S. ties to Israel, Christian beliefs about the fate of Jerusalem, our desire to control the supply of oil, or our efforts to prevent the emergence of a pan-Arab power. This would stimulate even more anti-U.S. resentment, and provoke more terrorist attacks. In this environment of autocatalytic violence, it will be harder and harder for the United States to carry out its retaliations in a measured and limited fashion. And how will the United States react when it learns that terrorists have used Chinese (or Russian) missiles to sink one of our carriers in the Gulf?

It is very difficult to set up a spy network when your target country is under attack.

One complication that will come out in the war is the United States' lack of human intelligence. The problem with human intelligence is that it takes a long time — decades, sometimes — to train and plant spies and moles. And it is very difficult to set up a spy network when your target country knows it is under attack.

We can only hope for a policy of limited retribution that allows the United States to punish terrorists without further alienating the Middle East. But for the United States to be able to stay on the narrow path will be nothing short of miraculous. Osama bin Laden is seen as a unique threat and we suspect that much of his activity has actually been financed through contributions from sympathizers across the Middle East. Would it not make sense to hunt down all of these supporters? We may end up casting quite a wide net. The wider the net we cast, the greater our chances of stirring up further resentment.

More difficult still will be keeping U.S. policymakers focused on the task of limited retribution. The United States' recent experiences in Kosovo, Bosnia, Haiti, and Somalia demonstrate that U.S. policymakers seem to have a taste for intervening in the affairs of other countries, even when there is no threat to America's national security. With the United States already at war, these policymakers will find it exceedingly difficult to resist the temptation to topple odious regimes like the Taliban or Hussein's Iraq. It now appears that evidence that justified Clinton's 1998 missile attack on a Sudanese pharmaceutical plant was misinterpreted or even fabricated. It will be very tempting for many in the U.S. government to "discover" evidence implicating such governments in various schemes and plots. After all, no one would miss a regime like the Taliban, which encourages the abuse of women's rights, forces ethnic and religious minorities to wear yellow patches, and destroys world-revered archaeological sites. Any such exercises in "nation-building" will probably serve to further radicalize elements of the Middle East. ❑

Invading Afghanistan

by Martin L. Buchanan

Because the Taliban are a dispersed militia with considerable support among the population, the allies cannot simply invade, destroy, and then retreat.

To invade will be straightforward, to occupy will be difficult, to exit may be impossible. Yet there is little alternative; the surprise attack on America was planned on Afghan soil by terrorists who have had sanctuary and support from the Afghan Taliban government.

Afghanistan is a landlocked country the size of Texas, a quarter of a million bleak square miles, deserts and mountains reaching to 24,000 feet. Eleven million of Afghanistan's 26 million people are under 15 years old. The Taliban themselves began as young religious students, graduates of the madrassas, Islamic academies that are the major form of education in Afghanistan and Pakistan. It is little exaggeration to say that the world's most powerful military alliance is about to go to war with a nation of children, though dangerous and armed children. Afghanistan has 6.4 million males of military age, and most are already familiar with the use of arms. An ongoing occupation that is successful in pacifying the country could require a million troops.

The Taliban government of Afghanistan and those of its people who still sympathize with it are largely a light infantry force, armed with assault rifles, rocket-propelled grenades, mortars, and explosives. They have some armored vehicles and artillery pieces that are obsolete by Western standards. The Taliban have essentially no air force and, of course, no navy. The biggest threats to invading airborne and air-mobile forces are the estimated 500 Stinger missiles in Afghan hands, missiles originally provided by the United States when the Afghans were fighting the Soviets.

An allied invasion will begin as the Soviets did in 1979, with airborne units securing the capital of Kabul and its airport. An initial deployment of several divisions, tens of thousands of troops, will suffice to establish control of the Kabul area and maintain an airborne supply line. Army helicopter and air force fighters and bombers will then be based in Kabul, supported by naval air forces based on carriers in the Indian Ocean. Additional troops and light armored vehicles can be airlifted into Kabul in subsequent days. With luck, U.S. special forces could secure the safety of the American Christians imprisoned in Kabul, currently in danger of execution by the Taliban.

Heavy tanks, artillery pieces, heavy construction equipment, and further large masses of men and material will cross Pakistani territory, provided the Pakistani government allows them. Disembarking at the port of Karachi, they will travel by road and rail through sometimes hostile Pakistani territory, several hundred kilometers to two Pakistani cities near the Afghan border, Quetta in central Pakistan, near the southern Afghan city of Kandahar, and Peshawar, near the Afghan city of Jalalabad and on the road to Kabul.

The invasion forces will face obstacles in both Pakistan and when entering Afghanistan. Pakistan contains as many as two million Afghan refugees in its border areas. Many areas of Pakistan itself have little central government control and many, if not most, of Pakistan's 140 million people sympathize with Osama bin Laden, the Taliban, and radical Islam. The invaders can expect rail lines and perhaps bridges to be blown up along their path through Pakistan. There will also be guerrilla attacks on allied forces. Responding to such attacks will be a delicate matter; Pakistan will likely allow allied troops to cross its territory, but it will probably not participate in the invasion with its own troops. Pakistan will be uncomfortable with allied troops firing on Pakistani citizens or residents, even in self defense.

The Taliban could take actions that would increase Pakistani cooperation with the allies. It has threatened to invade any neighboring country that allows foreign troops and aircraft to cross it to reach Afghanistan. A Taliban invasion of Pakistan likely would not reach far beyond the border area, but could give the Pakistani government and military a casus belli of its own to actively join the alliance invading Afghanistan. A desperate Taliban could also threaten the former Soviet republics of Turkmenistan, Uzbekistan, and Tajikistan, all largely Muslim, if the alliance obtains logistical support from those nations.

When the heavy ground forces invade Afghanistan, it will be along narrow mountain roads, through passes and canyons easily interdicted by Afghan forces. The Afghan light infantry can easily be pushed aside, but it will inflict casualties. After capturing Jalalabad, the northern invasion force will join up with allied forces in Kabul.

The two main allied forces, in the southwest based at Kandahar and in the northeast based at Kabul can easily occupy and pacify the dozen major cities and towns in the country.

There are a hundred ways that an occupation of Afghanistan can go wrong, but there are several approaches that might make an occupation more successful. Because the Taliban are a dispersed militia with considerable support among the population, the allies cannot simply invade, destroy, and then retreat; the Taliban would simply return from the hills. To change Afghanistan so that there is not a terrorist threat from a radical Islamist government requires a prolonged occupation and transformation of that country.

First, the invading force must include Muslim troops in the alliance forces. The main contact with the Afghan people may be handled by Turkish, Egyptian, Saudi, or Kuwaiti troops, who will often share a common religion if not a common language with the Afghan people.

Second, the invaders must support the Northern Alliance, Afghans that have already been fighting the Taliban. Of course, they must exercise caution when providing advanced weapons that could fall into the wrong hands.

Third, the invading forces must avoid military methods and tactics that inflict excessive suffering on civilians. Its commanders must restrain the air force's desire to turn every war into a chance to show off its bombing abilities and insist that the army enter towns without first demolishing them with long-range artillery fire. Our soldiers must use non-lethal means when possible, so that the stupid ten-year-old boy who points an assault rifle at allied forces does not necessarily lose his life. Such measures will sometimes increase casualties in the short term. But they will help us win the war.

Fourth, we must rebuild the country. We must rebuild the mosques destroyed by the Soviet-Afghan war, clear the millions of land mines that still infest the land, provide food, water, and medical care to people that are desperately poor. Food is especially urgent at this point, as the winter nears and many refugees have fled into the countryside. It might be prudent for American planes to be dropping food parcels in the countryside at the same time that they are landing troops in Kabul, even if some of the food goes to our enemies.

The Taliban began as young religious students, graduates of Islamic academies. It is little exaggeration to say that the world's most powerful military alliance is about to go to war with a nation of children.

Fifth, our forces must respect the people, including their custom of bearing arms. Every Afghan male is effectively a card-carrying member of the National Rifle Association. A Pashtoon tribesman in the countryside cannot dial 911 in an emergency. He relies on his rifle for protection. It will be difficult enough to reduce the quantity of heavier weapons in civilian and militia hands. For small arms, be content with having them checked at the borders of allied encampments and secure areas, then returned to their owners.

Sixth, we must transform the economy. Opium cultivation, heroin traffic, and arms smuggling are currently major sources of income for the Afghan people. All should be discouraged by the allied forces.

Seventh, avoid unnecessary offenses against Islam. Though preaching Christianity may no longer carry the death penalty, allied forces can gain nothing by encouraging an influx of missionaries. The natural interest of young soldiers in local women and girls should be discouraged.

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Eighth, we must reconstitute an Afghan government along democratic and secular lines. History provides a successful model: the U.S. occupation of post-war Japan. Our army of occupation dictated a new constitution, but subsequent democratic self-government was genuinely homegrown. The occupiers would likely need to write the constitution in order for it to include women's suffrage, freedom of speech, freedom of the press, freedom of religion, and other civil liberties. Even from the earliest days of occupation, the press should be free, with a few obvious exceptions (military deployments, bomb-making instructions). Within a constitutional framework, we must allow all political parties, including Islamist parties, to compete. Much of the political tension in countries like Egypt and Turkey has resulted from government suppression of Islamist movements. Allowing all parties to compete in free elections, even those who sympathize with our enemies, increases the legitimacy of the resulting government, which would otherwise be labeled a quisling creation of the allied forces.

The occupation will be fought by Afghans still taking the name of mujaheddin, considering themselves Afghan and Islamic patriots. If the occupation is successful, the mujaheddin will diminish to a few marginalized bandits. But it is by no means apparent that the occupation will succeed.

If the holy warriors prevail, their suicide attacks will make even the enclaves of the allied forces unsafe, their domination of the countryside will keep local populations from any affiliation or sympathy with the invaders, and their terror attacks will assassinate or discourage those Afghans who would otherwise form the nucleus of a new government. As a guide to their fervor, imagine that the United States had previously been occupied by the Russians for ten years, fought them off, and was about to be occupied by an equally foreign power, an Iraq or an Afghanistan. How hard would we fight?

American casualties in an invasion and occupation of Afghanistan would almost certainly reach into the thousands and perhaps into the tens of thousands of lives, and the monetary cost would reach into the hundreds of billions of dollars. The six months of operations in the Gulf War cost more than $60 billion. One month of heavy ground combat for an eight-division force, smaller than the force anticipated for Afghanistan, can easily cost more than $100 billion. To support operations on such a scale will move the U.S. economy at least partially toward wartime rather than peacetime production.

A just war must have just cause, right intention, a reasonable chance of success, and not inflict harm disproportionate to the wrongs prevented or avenged. If Afghanistan becomes a carpet-bombing and a hundred My Lai massacres; if Afghanistan becomes Vietnam; if hundreds of thousands of Afghan people are killed because five thousand Americans died on Sept. 11, 2001, then such a war would no longer be moral.

If our cause becomes unjust, if we inflict excessive harm on innocents, then the same moral imperative that now impels many of us to advocate war should also cause us to stop it.

Let our motto be: "Only a just war." ❑

Hitting Home

by Richard Kostelanetz

As I look down West Broadway, where I once saw the twin towers, there is still continuously billowing smoke, now produced by Lord knows what.

As I write, two days after the airplane attack, downtown Manhattan, where I live, is devoid of auto traffic, as auxiliary police have closed all the roads south of Houston Street. Even though radio announcers repeatedly called this the worst disaster in our history, there has been no panic, no looting. Stores are closed. Almost everyone is grim-faced and walking; a few have bicycles. The one friend known to work at the WTC has emailed me to say that she was late getting to her job and thus was spared. So did a neighbor whose law office is across the street from the WTC. As I look down West Broadway, where I once saw the twin towers, there is still continuously billowing smoke, now produced by Lord knows what. Because the winds customarily run off the Hudson River directly toward the east, those of us in SoHo, less than two miles to the north, have been spared the fumes.

The fact that it happened reflects first a failure of international intelligence, not only on our part but upon our allies', beginning with the Israelis, who have traditionally bested us at understanding the Arab world. The disaster also reflects a failure in airport security that apparently allowed some dubious characters with weapons to board not one or two or three but four commercial planes around the same time. (Did other conspirators, likewise prospective suicidal pilots, fail to pass airport security elsewhere?)

Similarly, how could a plane from Boston destined for Los Angeles get to approach New York without generating an alarm? Aren't air controllers required to report any loss of contact, as happened here? Once one plane crashed into the 80th floor of a skyscraper, why wasn't the Air Force mobilized to intercept a possible successor?

New York being an open city, the media have presented numerous press conferences live and unedited. They are instructive, mostly demonstrating vividly that reporters are more vulgar and opportunistic than politicians — painfully so.

When I hear the American military promising an overwhelming response, I shudder. Who? Where? As I've written in these pages before, I have doubts about the existence of Osama bin Laden, who might be a convenient fiction created by our intelligence agencies and their flacks in the press to explain evil that cannot otherwise be identified, much as the epithet "virus" is used to explain illnesses that cannot be specifically diagnosed.

Am I alone in thinking that the current Middle East conflagrations resulted from a provocation by Ariel Sharon, who knew how to win a coming Israeli election — incite Palestinians into violence that, Israelis believe, his opponents cannot suppress. Sure enough they went for it. Once Sharon's mob entered the Old City, some Palestinians reacted with violence, and Sharon eventually won. It seems obvious to me in retrospect that had they not thrown stones, Sharon would have lost the election, the Palestinian economy would not have sunk into its current pits, and Middle

No matter what we do, don't kill innocent people; that's what evil people do.

Eastern peace might be more possible.

Likewise with this provocation. Military retaliation will only escalate risk for Americans, not only abroad, as before, but on these shores, as now. Hell, I wanted to see us retaliate massively until I recognized this is not a wise idea. Remember that these guys don't play by "civilized" rules. They come from an economy profligate enough to train young male jet pilots for suicide. Just as this attack was beyond common imagination, so could the next one be. Remember that father Bush established a precedent for opportunistic Middle-East bullying to revive sagging popularity at home. No matter what we do, we don't kill innocent people; that's what evil people do.

Military retaliation will only escalate risk for Americans, not only abroad, but on these shores.

Instead of falling for the terrorists' bait, we would do better to keep our enemies anxious, expecting retaliation that does not come, instead focusing more upon airline security at home, not only in the terminals but on the planes. Consider, for instance, locking the door to every airplane cockpit. For the past quarter century, El Al has put on every plane an armed security officer, usually a retired military man. A friend flying first class in El Al once told me that the burly young guy sitting beside him, as he put it, "didn't look first class." As these security guys have shot prospective hijackers dead, granting suicide bombers their final wish before any damage is done, El Al flights remain secure. With students doing pre-boarding security, rather than low-paid workers, El Al has also developed ways of identifying possibly problematic people before they ever get near a plane. (No one who has ever flown El Al can ever forget the interrogation. Tower Air, owned by Israelis, approached it during its short existence.)

Secondly, and less popularly, may I reluctantly propose that we should consider forbidding all immigrants from Arab countries and all naturalized Arab-Americans from boarding airplanes originating in the U.S. until the perpetrators and their accomplices are found. Quite simply, instead of merely showing "identification," prospective fliers will need to present a passport or other document that incidentally shows place of birth. Consider as well forbidding all immigration here from Arab countries.

Admittedly, this is a kind of "profiling" to which all politicians nowadays are piously pledged to oppose; but it is still privately done by those necessarily concerned with security, such as New York City cabbies. Thanks to relatives and contacts, Arabs here, as well as Arabs who want to come, have access to intelligence and the incentive, apparently unavailable to the U.S. government. I assume that many know someone who knows someone who knows something that should be conveyed to the proper authorities. Consider this move to be the privatizing of international policing. (The wealthier among them might evade the restriction by founding their own airlines, no doubt at some expense.) My wager is that, personally disadvantaged, Arab-Americans are more likely than any over-killing Air Force to swiftly realize WTC justice without causing needless additional damage at home. ❑

Letters, *from page 6*

5. Mr. Givot is correct that we didn't "emphasize" the fact that if Famularo had brought the information forward earlier, it could have been dealt with earlier. Our reason was simple: We figured this point was obvious. Further, the story we were covering was the actual conspiracy.

Conflict of Visions?

The last two issues of *Liberty* have presented a confusing contrast I wish to point out. In both issues, lengthy articles review the troubles within the national LP organization, implicating (among others) Michael Cloud. A few pages away, a full-page fundraising ad appears for Cloud's upcoming Senate race. What is the general reader to make of this? I have three theories:

(1) The editorial and advertising sides of your house are totally separate, and decisions made by one do not influence the other's actions. (2) The financial base of *Liberty* is so soft that even though you are running articles implicating Cloud, you have to accept ads from him anyway to keep the magazine afloat. (3) Cloud is doing this deliberately, figuring a full-page ad with his smiling face will be more memorable than an in-depth article full of intricacies only a political junkie would love.

I've met Cloud on more than one occasion, most recently at a Browne fundraiser I helped organize in Portland, Ore. After that event, I had the opportunity to have drinks with him and others in a hotel bar. He regaled us with stories about his techniques of political and personal manipulation. Remembering that night, therefore, my money is on the third option. I didn't really trust him then, and after everything I've read about him in your publication, I don't trust him now at all.

I urge Libertarians nationwide to refuse to donate to his campaign until he comes clean with his involvement in the Browne campaign. I urge the Massachusetts LP to think twice about endorsing his campaign.

Robert Hansen
Austin, Texas

The Editor Responds: *Liberty* endeavors to keep its editorial department as separate from its business department as it is able, and to run the business end of things on a business-like basis. The fact that some of our writers have argued that the Libertarian Party ought to refrain from doing further business with those implicated in the Willis-Browne conspiracy is not relevant to our decision. To the best of our knowledge, they have not argued that all individuals and firms should refuse to do business with Cloud. But even if they had, it would make little difference because, as I mentioned above, *Liberty* endeavors to keep its editorial department as separate from its business department as it is able. Cloud has not told us why he purchased the advertising, but we assume, as with other advertisers, he purchases advertising in our pages because he wants to communicate with our readers.

continued on page 42

Reflections

Settling accounts — As I understand it, the logic of reparations for slavery goes something like this: Because slaves were never reimbursed for what they did, those of us who inherit the benefits of their work also inherit the obligation to pay for it — so we should give money to their descendants. One problem with this reasoning is that it assumes the people in line to get the money never got the benefits. In other words, that black Americans are not Americans.

— William E. Merritt

Behind the scenes at the Rosie show — Rosie O'Donnell — the anti-gun activist who has bodyguards pack heat to protect her children — is having her credentials as a civil rights champion brought into question as well. Those same bodyguards are now pointing the "guns" in a different direction: They are suing her for having recorded their conversations without their knowledge or permission.

— Wendy McElroy

Take my wages, please — Less than six months after caving to Republican whimsy and passing a minuscule tax cut, House Democrats are seeking an overhaul of the budget to remove the cut. Meanwhile, there is no wave of public outcry and many Americans seem eager for a repeal. You can see from this that totally eliminating the income tax in this country would be a far more difficult battle than most libertarians ever imagine.

— Tim Slagle

The statist within — I have been helping a homeless friend for three months, and I am short on patience. He is in his 40s, with no savings and no steady income. He won't work at a menial job and lacks the attention span for a nonmenial job. So he is living on the street. I have helped with about 30 auto rides, storing his personal property, an occasional small loan, lots of encouragement, and advice which has not been taken.

My reaction to his plight has not exactly been libertarian. I have thought of how nice it would be if he were committed to a mental hospital under the Baker Act, or voluntarily admitted to a mental hospital under Medicaid, or arrested for loitering, or if he had a steady income under the Disability Insurance program of Social Security. Any vile statist program to shed my burden!

I have not helped attain any of these outcomes, and I do not think I shall. I am distancing myself from him, and two other people are now helping him. What surprised me was how willing I — a hard-core libertarian for more than 30 years — was to consider the use of force to rid myself of a modest burden. Apparently the statist within is still alive, at least in some small sense.

— Martin M. Solomon

Put your refund where your mouth is — In an attempt to discredit Bush's tax-refund victory, some prominent Democrats have announced plans to donate their refund checks to charity. This inspired me to come up with a game to play with leftist friends. I've started making little bets with them by asking which agencies they would give to if they ever got a sudden windfall of money from, say, a puny little tax refund or something. I have them secretly write down their top five choices and offer to buy the next round if I can correctly guess three of them. While they're busy listing Nature Conservancy, the American Cancer Society, Habitat for Humanity, Red Cross, and Amnesty International, I'm writing down these groups' corresponding government agencies: EPA, NIH, HUD, FEMA, and U.N. I'm always shocked, shocked I say, to discover that they opted for the private sector each time.

Since I'm paying for this round, I think I'm entitled to compliment them on their sophisticated appreciation of the effectiveness of private organizations compared to the waste and corruption of over-bloated government bureaucracies. Cheers!

— Tom Isenberg

Put up or shut up — At the Eris Society meeting on Aug. 4 in Aspen, Colo., Harry Browne responded to my criticisms of his campaign with a lengthy personal attack on me. It seems that I had refused to "let on" how much money the Browne campaign had spent on purchasing advertising time and space. Worse, even though I had reported figures taken from the campaign's reports to the Federal Election Commission and verified them with Browne's press secretary, I had "invented" some of what I had said and written, and "imagined" other things. Indeed, I had wanted to "start another Spanish-American War." I publicly challenged Harry to produce so much as "a scintilla of evidence" to support any of the charges he had just made against me, but he refused to provide any. He did say that he would provide on his website "in another couple of weeks . . . a report on the

article you wrote . . . pointing out numerous errors that you made."

Six weeks have passed, and Browne has published no such report on my article, which came more than a year ago.

When Browne donors ask him about his conspiring with Willis to violate LP rules and Willis' employment contract with the LP, he responds in a similar vein. In one letter, he writes that he hasn't responded to "charges" I have made because "it does no good." He goes on to say, "Next week, I will be posting two reports on my website" that will "demonstrate" that "nothing you read in *Liberty* . . . can be trusted" and to characterize the "charges" that *Liberty* had made as "patently ridiculous." Curiously, the person who elicited that response had not mentioned anything about *Liberty*; from all Browne could tell that person had not even read *Liberty*, since the story of Browne's conspiring with Willis has been widely reported and discussed on the Internet — and even, in a bowdlerized form, in the *LP News*.

Apparently he intends to continue substituting personal attacks for evidence, hoping that his supporters will suspend judgment forever. For years before he became a professional politician, I considered Harry a personal friend, and until 1998 I enthusiastically supported his political efforts. It began to be evident at that time that his agenda did not include being open and honest with his supporters; but I continued to support him, though with somewhat less enthusiasm in the 2000 election and right through the release, in April of this year, of clear evidence of his fraud and deceit in seeking the LP's nomination.

It's a sad state to see as eloquent a speaker and writer as Harry Browne resort to such obviously fallacious and, again, quite silly attacks as the ones detailed above. And at some point, his remaining supporters will have to come to grips with the same disheartening reality that I have had to face.

— R. W. Bradford

Sweet dreams — *Boston Globe* columnist Ellen Goodman recently announced her "annual Equal Rites Awards to those who did the most over the past 12 months to set back the cause." The "ever-popular Patriarch of the Year Prize" was given to Tom Green, "poster papa for open polygamy. Tom married a quintet of women, fathered 29 children and bragged about it on TV. We would sentence Tom to a 12-step program for overcommitted men, but Utah, which convicted him of bigamy, has another commitment in mind."

I guess it would be beating a dead fish-without-a-bicycle for me to note that our feminist is talking here about *consensual* behavior — or to inquire what her tone might be had the state sentenced a woman to "another commitment" for lesbianism, also a crime in progressive Utah. I won't even comment on her overlooking the fact that the female partners to this crime won't be doing any time, despite the fact that under Utah law they are every bit as guilty as their husband. No, I'll simply praise Miss Goodman for her own award-worthy achievement: Completing the list of sexual expressions condemned by feminists. Well, not totally. By my count, there remains still one manifestation of male sexuality that has not (as of this date) been denounced by some feminist somewhere: nocturnal emission. And so what Robert Ley said of Nazi Germany is now equally true of Feminist America — the only individual who's still a private person is one who is asleep.

— Barry Loberfeld

Praise the earth and pass the Interferon — Well, the West Nile virus has finally made it to Chicago. The virus was first discovered in Uganda in 1938, and has been gradually edging its way west ever since.

Is it possible that the mosquito-borne virus found a friendly environment in the United States thanks to "wetland" restoration and the banning of DDT? There are very good reasons to drain swamps and kill mosquitoes, but after a century of prosperity, a lot of people have forgotten them. It should be apparent to most thinking individuals that the environmentalist desire to turn America into a Third World nirvana will bring the wonderful diseases of the Third World right along with it. —

Tim Slagle

Be careful what dreams you catch — During the stem-cell debate, one of the proponent's main points was that the embryos to be used for research were already marked for disposal and that it was better to continue research than to fill a medical waste dumpster.

A few years ago, Peg Bargon from Monticello, Ill. gave Hillary Clinton a dream catcher made with eagle feathers she had found on the ground at the zoo. Unbeknownst to her, citizens are forbidden from touching the feathers of wild birds. Hillary passed the dream catcher on to the U.S. Fish and Wildlife Service, which proceeded to set up a sting operation, and busted Bargon when she sold the feathers of a dead blue jay to an undercover agent at a mall craft fair.

Apparently to most of today's "progressives," the DNA of a blue jay is more sacred than that of a human being.

— Tim Slagle

Oh, I got this back in 'Nam — The *Boston Globe* and *Time* magazine report that Joseph Ellis, a professor at Mt. Holyoke College and a Pulitzer Prize-winning author on American history, has for years enlivened his class on the Vietnam War with false stories about his own warfare in Vietnam, despite the fact that he never served in Vietnam. A great scandal has erupted.

I only hope that the professor's expositions of history are more accurate than his forays into autobiography. And now that the media are getting interested, for once, in the content of classroom instruction, perhaps we will begin seeing scary headlines about more substantive issues:

"Economic Historian" Confesses Belief in Labor Theory of

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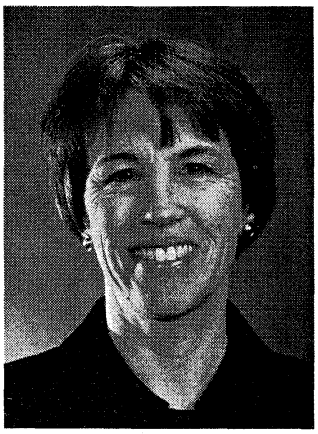

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Value

Lit. Prof. Calls Whitman a "Phallocentric Old Male"

Philosophy Shocker: Professor Admits, "I Denied the Law of Noncontradiction."

Really, I don't care whether an English lit professor tells his class that he's Queen Elizabeth, just so long as he doesn't give 30 lectures about Shakespeare as a tool of the capitalist power structure. — Stephen Cox

You want forms? I'll give you forms! — I read in the paper that, because of a backlog, employees at an IRS processing center hid thousands of tax returns. What a great idea! We should start a campaign to literally bury the IRS under a stack of paperwork. Most taxpayers can get away filing just the E-Z form, but why not encourage *everyone* to file the long form? And include schedules A and B, even if all the lines are zeroes. I don't think there's a law against ensuring that your filing is thorough.

Imagine the tedium of having to go through all those forms line by line. We could make the job of being an IRS agent so unpleasant that nobody would want it, and so understaffing would compound the problem. The IRS would no longer have the ambition or manpower to conduct audits. You can defeat a beast larger than you, if you encourage it to start eating its own tail. — Tim Slagle

He don't know much about history — Democratic politicians are so nauseatingly smug about Republicans' supposed lack of education that I delight in finding revelations of the Democrats' own ignorance. They aren't hard to find.

On September 16, for example, House Minority Leader Richard Gephardt was interviewed on CNN, where he said that in the World Trade Center disaster "we lost more people on our soil than in any conflict in history." Apparently, the minority leader has never heard of the Revolutionary War or the Civil War.

Gephardt also informed the nation that our involvement in World War II lasted "five years."

Of course, if it weren't for the help of the media, Democrats could never have succeeded in painting themselves as America's exclusive intellectual authorities. So I thought it interesting that no one contradicted Gephardt's obvious mistakes. — Stephen Cox

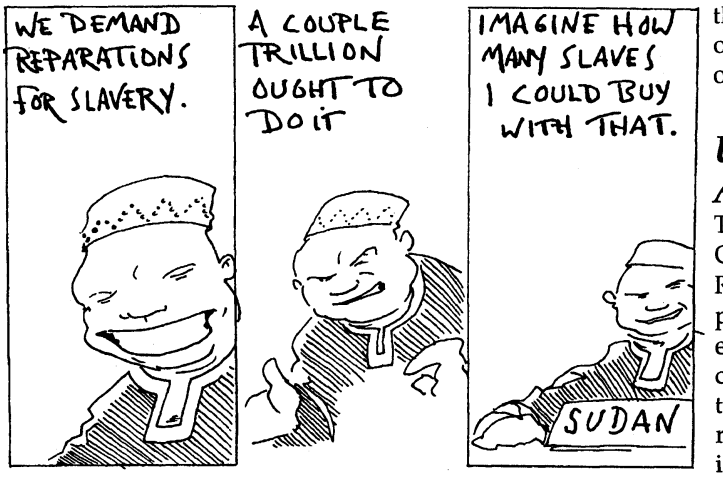

U.N. Conference Against Reason — The grandiosely titled U.N. Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance "descended into chaos," as the U.K. newspaper the *Telegraph* put it. The public reason for the failure was the insistence by Arab delegations on a statement calling Israel "an apartheid regime" devoted to "the racist practices of Zionism" which "is based on racial superiority." The chaos is true enough, but the conference's problems go much deeper.

Racism is a form of groupthink or collectivism, characterized by "identity politics" that place the interest of an often-arbitrary group to which people "belong" ahead of individual aspirations and hopes. The obverse of racism is individualism. But the U.N. delegates are devoted to a form of group politics based on scratching old wounds and exacerbating group grievances. Until leaders replace groupism with individualism, expect chaos. — Alan Bock

Better living through chemistry — On a recent episode of NPR's "Weekend Edition," a segment discussed the Tour de France and its winner, Lance Armstrong. This win marked Armstrong's third in a row, something done only five times before, and never by an American. The segment talked about how Armstrong has been able to turn around people's view of the Tour de France; only three years ago, the Tour faced a low point in both prestige and financial viability, in the aftermath of a scandal over cyclists who used drugs. Armstrong has made everyone forget that.

Isn't that strange? The one thing everyone knows about Lance Armstrong, aside from his Tour de France victories, is that he took drugs. If he hadn't, he would have died of testicular cancer, which five years ago had metastasized to both his liver and brain. Armstrong currently advertises for a company that manufactures drugs, the drugs that saved his life.

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Why are steroids scandalous and antineoplastic drugs praiseworthy? Is it because steroids artificially enhance strength? There's nothing artificial about cancer — it's a very natural disease. The drugs that he took artificially enhanced his strength to fight the cancer that threatened his life. Is it because Armstrong's cancer-fighting medication simply returned his strength to a natural baseline whereas steroids enhance strength over that baseline? But improvements in nutrition and sanitation have also had the effect of making people taller, stronger, and much more athletically able than the average person of 100 years ago. Baseball pitchers throw faster balls than pitchers of a century ago. Runners break records not thought possible a few generations past. If time travel allowed the best athletes of the 19th century to compete with the best athletes of today, would those past athletes consider these advances wondrous . . . or scandalous?

Why is it acceptable and praiseworthy to work out for years to bring your body to a physical peak, but not to do so by taking drugs? Is it because taking drugs seems too easy? Would people who find taking steroids before a race scandalous be appeased if they were told the runner was a biochemist who developed the steroids himself?

If people enjoy watching a race and seeing the best the human species has to offer, why would they not want to see the best if the best is achieved through drug enhancement? If drugs made symphony musicians play better, would people not enjoy hearing their performances?

If Lance Armstrong, instead of developing testicular cancer, had developed rhabdomyosarcoma of the quadriceps (a malignant tumor of his thigh muscle), and required radical surgical resection, he would have been unable to compete in the Tour de France. If there were a drug that assisted in regenerating skeletal muscle tissue, and Armstrong took it and could thereby compete, would that be scandalous? If not, why would it be scandalous if I took that drug, without which I — because of my deficient genetic makeup relative to Armstrong regarding bicycling — could not compete?

To me, the real scandal is that Armstrong is praised for his refusing to use artificial means to enhance his performance when a moment's reflection makes it clear that his orchiectomy gives him an unfair advantage against most other men in a long bicycle race. — Ross Levatter

None is so blind — The most important disappointment to emerge from former Arkansas Republican Rep. Asa Hutchinson's first week as head of the Drug Enforcement Administration is not that he vowed that the federal government will devise some method to enforce the federal ban on the use of marijuana for medical purposes. His position is, after all, a law enforcement job and the U.S. Supreme Court recently affirmed (albeit on narrow grounds) the federal laws against sale and use of marijuana, even for medical purposes.

The most disappointing aspect of Mr. Hutchinson's comments on taking office was, as Kevin Zeese of Common Sense for Drug Policy told us, "not just the implicit disrespect for voters in the nine states that allow medicinal marijuana use, but his continuing peddling of the myth that there is no scientific evidence of marijuana's medical value." He also implied that any slackening of enforcement efforts might "send the wrong message" to teenagers, a rhetorical flourish that should have been discredited long ago.

Mr. Hutchinson told reporters that the scientific and medical communities have determined that there is no legitimate medical use for marijuana but "if they continue to study it we will listen to them." He said it is important to "send the right signal" when dealing with medical marijuana enforcement issues.

Those statements suggest he is completely unfamiliar with the Institute of Medicine report of 1999 commissioned by former "drug czar" Barry McCaffrey after California and Arizona passed initiatives in 1996 authorizing medical use of marijuana. The Institute of Medicine is a division of the National Academy of Sciences convened to provide reasonably reliable information when science and public policy intersect. The IOM report (*Marijuana and Medicine: Assessing the Science Base*) was based on review of all the scientific papers extant on the subject. It summarized its conclusions as follows:

> Advances in cannabinoid science of the past 16 years have given rise to a wealth of new opportunities for the development of medically useful cannabinoid-based drugs. The accumulated data suggest a variety of indications, particularly for pain relief, entiemesis, and appetite stimulation. For patients such as those with AIDS or who are undergoing chemotherapy, and who suffer simultaneously from severe pain, nausea and appetite loss, cannabinoid drugs might offer broad-spectrum relief not found in any other single medication. The data are weaker for muscle spasticity but moderately promising.

While contending that the future of medical marijuana does not lie in the smoked plant, the report acknowledged that "until a nonsmoked rapid-onset cannabinoid drug delivery system becomes available [which the report suggested might be 10 years], we acknowledge that there is no clear alternative for people suffering from chronic conditions that might be relieved by smoking marijuana, such as pain or AIDS wasting." The report recommended that the federal government set up a program to allow such use, under tightly controlled conditions and for severe illnesses only.

The IOM report also addressed the "sending the wrong message" issue. It reported, after analyzing several cases of modest liberalization, including the state-level debate on medical marijuana, that "there is no evidence that the medical marijuana debate has altered adolescents' perceptions of the risks associated with marijuana use."

Later, in an interview with Robert Novak and Al Hunt on CNN, Mr. Hutchinson rebuffed a question about whether in a federalist system state law should trump federal law by saying "that's not consistent with the supremacy clause of the Constitution." But in the recent Supreme Court case the government did not make a supremacy clause argument, an omission so striking that Justice Ruth Ginsburg asked about it. A government attorney responded that the supremacy clause was not at issue here, that in certain states the federal law and state laws were simply different. Mr. Hutchinson, a skilled and experienced attorney (probably the best member of the House team during the Clinton impeachment trial in the Senate) should check the transcripts.

All this means state officials are bound to enforce state laws and it is up to federal officials to enforce federal law. Mr. Hutchinson has acknowledged that this will be a delicate problem.

Before he addresses it, he would do well to read the Institute of Medicine report (the summary, along with reports on other scientific studies, is available at www.csdp.org and at www.drugwarfacts.org) and research the legal issues more thoroughly. — Alan Bock

Lingua franca — "Almost everywhere you go in America nowadays, you hear foreign languages . . . on the telephone, at the bank, in the stores, in restaurants and even in our schools." So begins a new fund-raising letter from U.S. English, Inc. In the interest of full disclosure, I confess to being one of the culprits. Almost once a week for several years, I conversed with a Spanish friend in his language in one or another of the local restaurants. To compound the offense, we occasionally talked in French or Interlingua. Nostra culpa!

The immediate aim of U.S. English is to overturn Bill Clinton's executive order — how correctly described, I do not know — requiring the waste of taxpayer dollars to provide services in foreign languages. The organization's longer-run goal is to "make English the official language of the United States" — whatever exactly that means. Laws enacting vague good intentions are dangerous toys to give litigants, lawyers, and judges. U.S. English worries, needlessly, about "the erosion of English in America." Most immigrants have ample personal reason to learn the country's dominant language; they need no prodding from the administrators of an official language program. If the "multilingual" programs still persisting in some public schools interfere with children's learning English, that specific abuse should be remedied, as indeed it would be remedied by greater parental choice in education. As for money wasted on unnecessary or inappropriate translation, that is a budgetary matter for the agencies concerned. Unlike U.S. English, I do not worry that "The Internal Revenue Service is wasting valuable tax dollars" to print and distribute its forms in foreign languages. If that expenditure is cost-efficient for the IRS and makes compliance easier for its involuntary customers, why complain? Language on election ballots should not be a federal matter one way or the other, in my opinion; but I see no real need for foreign languages there. Voters weak in English can learn the meaning of ballot language in advance; and if they are not interested enough to do so, then I worry no more about them than I worry about the millions of other indifferent or ignorant citizens who likewise skip voting.

Many kinds of groups exist between the individual person and the central government — groups of people sharing attachment to innumerable businesses and professions, hobbies, religions, and causes. Some people are attached to the language and culture of the old country. Foreign-language newspapers and radio and television expand the opportunities even of English-speakers. Variety in focuses of interest and personal loyalty makes for a healthy society and serves as a bulwark against totalitarianism. (If totalitarianism seems only a remote threat in the United States, our very diversity counts among the reasons.)

Unlike U.S. English, I do not worry that "in 1999, a town in Texas actually went so far as to reject English and make SPANISH the official language of its city government." Occasional extremism in resistance to centralization and homogeneity is no vice.

I do not doubt that the entrepreneurs of U.S. English are sincere; I do not suppose that they are in business for the money alone. I have come to realize, though, that quite a few nonprofit organizations help their donors feel good through expressing themselves — in favor of saving the whales or curing some disease or restoring the gold standard or in opposition to torture or some other abuse. No doubt U.S. English will receive some money from donors who want to express resentment at hearing Spanish in the local restaurant.

— Leland B. Yeager

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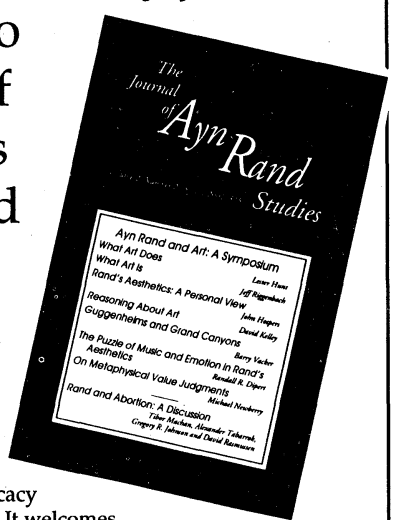

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The Paper Trail

by William E. Merritt

After last month's report of corruption surrounding Oregon's Measure 7 battle, damning evidence came to light. It seems corruption always leaves a paper trail.

On Nov. 7, 2000, Oregon voters passed a ballot measure amending Oregon's Constitution to require state and local governments to pay landowners when regulations reduce the value of property. A few weeks later, the measure was challenged in court and declared unconstitutional.

A month ago, I reported the suspicious way that this vote of the people seemed to have been subverted by officials of the state.* At that time, it was clear from public documents that:

1. Gov. John Kitzhaber had campaigned vigorously against Measure 7 on the grounds that it "would bankrupt the state."

2. Ten days after the measure passed — and before any lawsuit had been filed — the governor attended a two-and-a-half-hour meeting with attorney Tom Christ; after the meeting Christ returned to his office and began drafting the complaint challenging the measure.

3. Deputy Attorney General David Schuman, who defended Measure 7 in court, is an outspoken critic of all ballot measures, believing the entire process should be declared unconstitutional by the United States Supreme Court.

4. The arguments Schuman relied upon in court were so inept that they raised questions about whether he conducted the defense of Measure 7 in good faith.

5. A few weeks after Measure 7 was declared unconstitutional, Gov. Kitzhaber appointed Schuman to the Court of Appeals.

Whether there was an articulated plan to collaborate on a sham lawsuit to overturn Measure 7 depends upon what was actually discussed at the Nov. 17 meeting. Until recently, the only information about what went on at the meeting came from Tom Christ and Chip Lazenby, the governor's staff attorney. Both claim that the sole purpose of the meeting was to determine where matters stood in regard to Measure 7 so that Kitzhaber could plan his new budget.

Even so, the whole thing smelled. As I observed in my article last month, "It is difficult to avoid the conclusion that the governor and various attorneys conspired to have the measure undone in the courts." At the time, this was only a suspicion.

Now — thanks to Oregon's Open Records Law — Lazenby has been required to produce documents about his involvement in the case, including notes he took during the meeting. And what had been only a reasonable suspicion is beginning to look a lot more like an established fact.

The Telltale Message Slip

Take a look at the telephone slip dated Nov. 16, 2000. It simply states that Jerry Lidz had called Chip Lazenby and left word that David Schuman, Dick Townsend, and the attorney general's office wanted to meet with Lazenby and Glenn Klein, explaining that the get-together was for the purpose of "coordinating state & local response [to Measure 7]."

*see *Liberty* of October 2001.

Lidz and Klein are lawyers with the firm of Harrang Long Gary Rudnick, which represents the city of Eugene, Ore. A few days after the meeting, Eugene became one of the plaintiffs challenging the constitutionality of Measure 7. Townsend is the executive director of the League of Oregon Cities, also soon to become a plaintiff against Measure 7.

That may sound like an innocent bureaucratic confab. But it revealed something very disturbing. Schuman, the person at the attorney general's office responsible for defending Measure 7, had arranged with the executive director of one of the plaintiffs planning to challenge the measure to have the lawyer that was to file the challenge set up a meeting with the governor's staff attorney at which the only agenda item was to coordinate the upcoming challenges to Measure 7.

It was as if Al Capone had gotten together with Elliot Ness to arrange a meeting with J. Edgar Hoover and Bugsy Siegel to coordinate their response to a new racketeering law.

Mr. Lazenby's Smoking Gun

Schuman did not attend the meeting. If he had, he would have automatically been prevented by the Bar Association's disciplinary rules from playing any personal role in the defense of Measure 7, a situation which may well have been fatal to the scheme. If, as it appears, the propose of the meeting was to set up a sham lawsuit for the governor to lose, then someone in on the plan would have to handle the defense personally. Throwing a case is not the sort of thing that can be handed off to a subordinate.

The meeting was attended by the governor, his staff attorney, and a handful of other people from the governor's office, all of whom were required by law to defend the measure. Also attending were Tom Christ, the attorney challenging the measure, and Robert Liberty, the executive director of 1000 Friends of Oregon, a powerful environmental group which had opposed Measure 7 from the beginning, the League of Oregon Cities, and the head of the Oregon Dept. of Land Conservation and Development, the arm of the state that stood to lose the most money if the measure went into effect.

The notes from the meeting are very revealing. The first thing you notice is that there is no mention of any discussion of budgets, the subject Lazenby and Christ claimed the meeting was about. Instead, the notes reveal that the meeting was about how to make sure Measure 7 never went into effect.

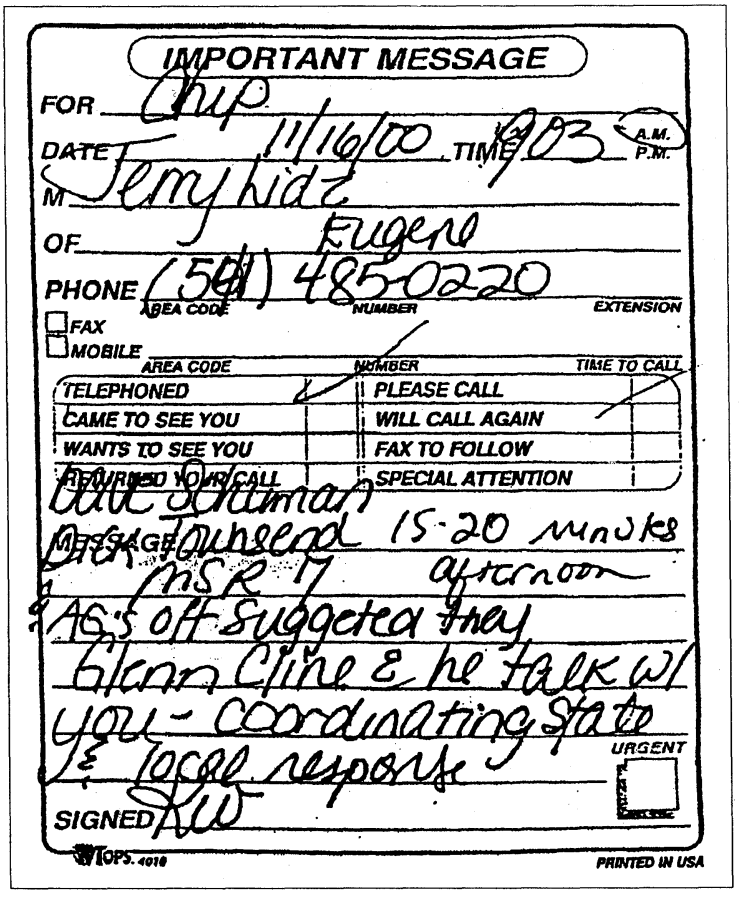
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AREA CODE NUMBER TIME TO CALL
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The upper left corner sets out the subject of the meeting: "B[allot] M[easure] 7 Litigation," and the date: "11-17-00." This is eye-catching because, at the time of the meeting, no plans for litigation had been announced. It appears that the plan for the lawsuit to overturn Measure 7 originated at this meeting.

Then, in outline form:

A) Christ — Pre-lim Injunction
1) S[ecretary] O[f] S[tate] / Canvassing votes
Gov[ernor] / not to proclaim

Translation: Tom Christ, after bringing suit, was to file for a preliminary injunction preventing the secretary of state from canvassing (officially counting) the votes, and Gov. Kitzhaber from proclaiming the results. Since Oregon's constitution requires the governor to proclaim the results, Kitzhaber's participation in such a scheme would constitute an attempt to circumvent his duties as governor.

This maneuver was to be followed by a:

B) Full Hearing on merits [leading to a] Permanent Injunction

Which is exactly what happened.

Next comes a description of the way the governor thought the upcoming legal challenge would unfold:

Process [leading to a] Lawsuit In Marion Co[unty]
Req[uest] P[reliminary] Inj[unction] following weeks
Opposition of D[epartment] O[f] J[ustice] Key
If opposed [leading to] May not get it

You can see where this is heading: If the attorney general opposed the injunction, the whole scheme could unravel. This is where Schuman came in. As deputy AG, he would be in a position to try the case himself and make sure that the preliminary injunction wasn't effectively opposed.

Finally, in the lower left corner, is one of the most provocative entries of all:

Abernethy, Lipscomb +
Norblad, Barbur -
Leggert

All of these are names of judges who might be called upon to decide the lawsuit; apparently, this is a rating of the desirability of the judges Litigants speculate about judges all the time, of course. What's unusual here is that both the plaintiff and defense agreed on which judges would be best.

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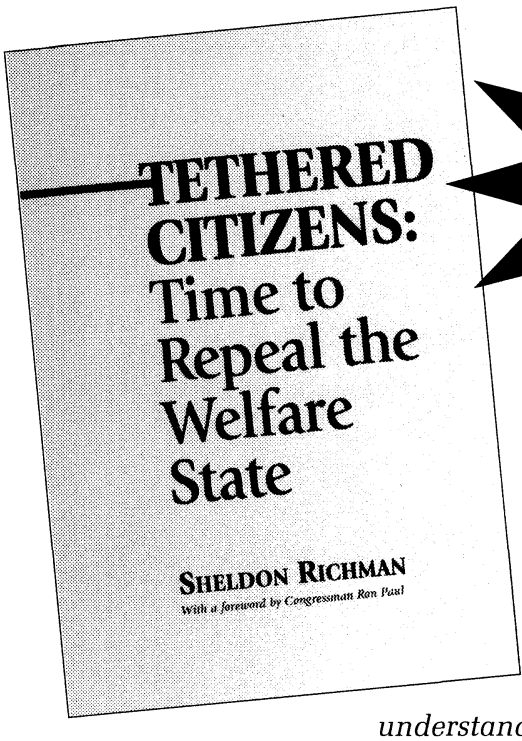

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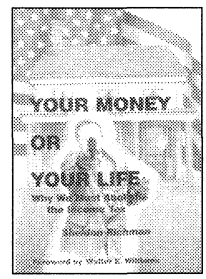

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If those present did not agree on what outcome of the case would be desirable, they would not have agreed on the best judge to try the case. If Abernethy and Lipscomb really were more likely to look favorably on a challenge to Measure 7 than Norblad and Barber, then those challenging the measure (Liberty and Christ) would have given them pluses, while the governor or his staffers would have awarded minuses.

Of course, the governor, Christ and everybody else at the meeting had the right to their own opinions about Measure 7 and the right to make their opinions known. They can lobby against Measure 7 in the legislature. They can campaign against it on the airwaves.

But they cannot use their offices to overturn the will of the voters through the pretense of judicial process.

Outside of a signed confession, it's hard to imagine anything more damning than these documents. There's no spin here at all. The documents were prepared with no thought that anyone other than Lazenby would ever see them. In light of the other facts already on public record, it seems almost impossible to make sense of what happened without concluding that:

1) After the citizens of Oregon passed Measure 7, Deputy Attorney General David Schuman got together with Dick Townsend, the executive director of the League of Oregon Cities, and set up a meeting at which the governor joined forces with representatives of the League of Oregon Cities, 1000 Friends of Oregon, and the city of Eugene, to concoct a sham lawsuit to invalidate Measure 7.

2) To make sure the suit succeeded, Schuman put himself in charge of the defense, then bagged the case in court.

3) A few weeks later, Gov. Kitzhaber appointed Schuman to the Court of Appeals.

If the facts add up this way — and it's hard to imagine any other way they could add up — serious consequences could be in store for everybody involved. For the lawyers on both sides, the ethical implications are potentially career-ending. Past that, everybody — lawyer or not — who attended the meeting, or worked on the lawsuits, may well be involved in violations of federal civil rights statutes.

At the very least, the people of Oregon are entitled to a better explanation of what was done in their name than transparent falsehoods about "budget planning." ❑

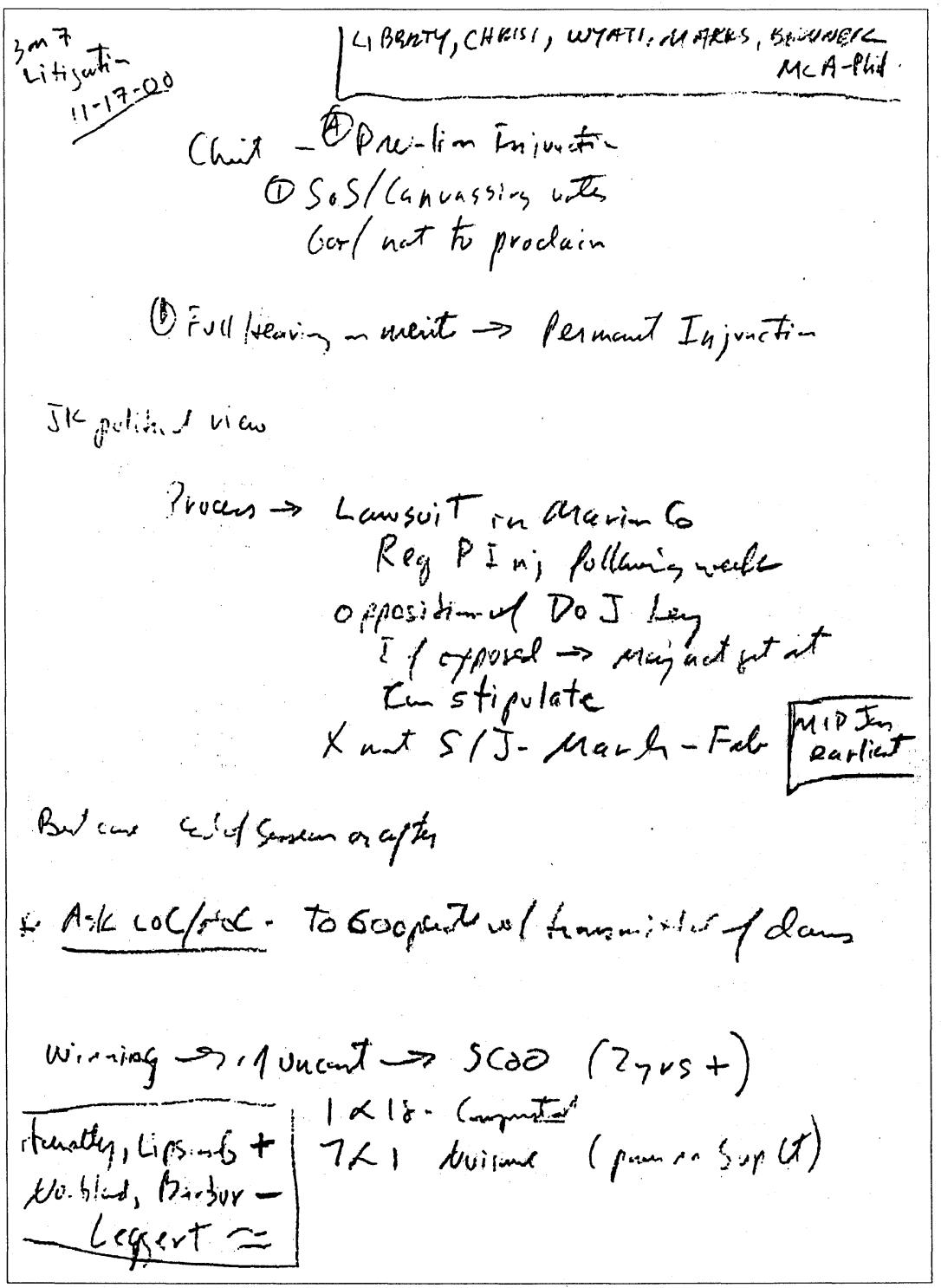

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The Mystery of Fascism

by David Ramsay Steele

You're the top!
You're the Great Houdini!
You're the top!
You are Mussolini![1]

Soon after he arrived in Switzerland in 1902, 18 years old and looking for work, Benito Mussolini was starving and penniless. All he had in his pockets was a cheap nickel medallion of Karl Marx.

Following a spell of vagrancy, Mussolini found a job as a bricklayer and union organizer in the city of Lausanne. Quickly achieving fame as an agitator among the Italian migratory laborers, he was referred to by a local Italian-language newspaper as "the great *duce* [leader] of the Italian socialists." He read voraciously, learned several foreign languages,[2] and sat in on Pareto's lectures at the university.

The great *duce*'s fame was so far purely parochial. Upon his return to Italy, young Benito was an undistinguished member of the Socialist Party. He began to edit his own little paper, *La Lotta di Classe* (The Class Struggle), ferociously anti-capitalist, anti-militarist, and anti-Catholic. He took seriously Marx's dictum that the working class has no country, and vigorously opposed the Italian military intervention in Libya. Jailed several times for involvement in strikes and anti-war protests, he became something of a leftist hero. Before turning 30, Mussolini was elected to the National Executive Committee of the Socialist Party, and made editor of its daily paper, *Avanti!* The paper's circulation and Mussolini's personal popularity grew by leaps and bounds.

Mussolini's election to the Executive was part of the capture of control of the Socialist Party by the hard-line Marxist left, with the expulsion from the party of those deputies (members of parliament) considered too conciliatory to the bourgeoisie. The shift in Socialist Party control was greeted with delight by Lenin and other revolutionaries throughout the world.

From 1912 to 1914, Mussolini was the Che Guevara of his day, a living saint of leftism. Handsome, courageous, charismatic, an erudite Marxist, a riveting speaker and writer, a dedicated class warrior to the core, he was the peerless *duce* of the Italian Left. He looked like the head of any future Italian socialist government, elected or revolutionary.

In 1913, while still editor of *Avanti!*, he began to publish and edit his own journal, *Utopia*, a forum for controversial discussion among left-wing socialists. Like many such socialist journals founded in hope, it aimed to create a highly educated cadre of revolutionaries, purged of dogmatic illusions, ready to seize the moment. Two of those who collaborated with Mussolini on *Utopia* would go on to help found the Italian Communist Party and one to help found the German Communist Party.[3] Others, with Mussolini, would found the Fascist movement.

The First World War began in August 1914 without Italian involvement. Should Italy join Britain and France against Germany and Austria, or stay out of the war?[4] All the top leaders and intellectuals of the Socialist Party, Mussolini among them, were opposed to Italian participation.

In October and November 1914, Mussolini switched to a pro-war position. He resigned as editor of *Avanti!*, joined with pro-war leftists outside the Socialist Party, and launched a new pro-war socialist paper, *Il Popolo d'Italia* (People of Italy).[5] To the Socialist Party leadership, this was a great betrayal, a sellout to the whoremasters of the bourgeoisie, and Mussolini was expelled from the party. It was as scandalous as though, 50 years later, Guevara had announced that he was off to Vietnam, to help defend the South against North Vietnamese aggression.

Italy entered the war in May 1915, and Mussolini enlisted. In 1917 he was seriously wounded and hospitalized, emerging from the war the most popular of the pro-war socialists, a leader without a movement. Post-war Italy was hagridden by civil strife and political violence. Sensing a revolutionary situation in the wake of Russia's Bolshevik coup, the left organized strikes, factory occupations, riots, and political killings. Socialists often beat up and sometimes killed soldiers returning home, just because they had fought in the war. Assaulting political opponents and wrecking their property became an everyday occurrence.

Mussolini and a group of adherents launched the Fascist movement[6] in 1919. The initiators were mostly men of the left: revolutionary syndicalists and former Marxists.[7] They took with them some non-socialist nationalists and futurists, and recruited heavily among soldiers returning from the war, so that the bulk of rank-and-file Fascists had no left-wing background. The Fascists adopted the black shirts[8] of the anarchists and *Giovinezza* (Youth), the song of the front-line soldiers.

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Apart from its ardent nationalism and pro-war foreign policy, the Fascist program was a mixture of radical left, moderate left, democratic, and liberal measures, and for more than a year the new movement was not notably more violent than other socialist groupings.[9] However, Fascists came into conflict with Socialist Party members and in 1920 formed a militia, the *squadre* (squads). Including many patriotic veterans, the squads were more efficient at arson and terror tactics than the violently disposed but bumbling Marxists, and often had the tacit support of the police and army. By 1921 Fascists had the upper hand in physical combat with their rivals of the left.

The democratic and liberal elements in Fascist preaching rapidly diminished and in 1922 Mussolini declared that "The world is turning to the right." The Socialists, who controlled the unions, called a general strike. Marching into some of the major cities, blackshirt squads quickly and forcibly suppressed the strike, and most Italians heaved a sigh of relief. This gave the blackshirts the idea of marching on Rome to seize power. As they publicly gathered for the great march, the government decided to avert possible civil war by bringing Mussolini into office; the King "begged" Mussolini to become Prime Minister, with emergency powers. Instead of a desperate uprising, the March on Rome was the triumphant celebration of a legal transfer of authority.

The youngest prime minister in Italian history, Mussolini was an adroit and indefatigable fixer, a formidable wheeler and dealer in a constitutional monarchy which did not become an outright and permanent dictatorship until December 1925, and even then retained elements of unstable pluralism requiring fancy footwork. He became world-renowned as a political miracle worker. Mussolini made the trains run on time, closed down the Mafia, drained the Pontine marshes, and solved the tricky Roman Question, finally settling the political status of the Pope.

Mussolini was showered with accolades from sundry quarters. Winston Churchill called him "the greatest living legislator." Cole Porter gave him a terrific plug in a hit song. Sigmund Freud sent him an autographed copy of one of his books, inscribed to "the Hero of Culture."[10] The more taciturn Stalin supplied Mussolini with the plans of the May Day parades in Red Square, to help him polish up his Fascist pageants.

The rest of *il Duce*'s career is now more familiar. He conquered Ethiopia, made a Pact of Steel with Germany, introduced anti-Jewish measures in 1938,[11] came into the war as Hitler's very junior partner, tried to strike out on his own by invading the Balkans, had to be bailed out by Hitler, was driven back by the Allies, and then deposed by the Fascist Great Council, rescued from imprisonment by SS troops in one of the most brilliant commando operations of the war, installed as head of a new "Italian Social Republic," and killed by Communist partisans in April 1945.

Given what most people today think they know about Fascism, this bare recital of facts[12] is a mystery story. How can a movement which epitomizes the extreme right be so strongly rooted in the extreme left? What was going on in the minds of dedicated socialist militants to turn them into equally dedicated Fascist militants?

What They Told Us About Fascism

In the 1930s, the perception of "fascism"[13] in the English-speaking world morphed from an exotic, even chic, Italian novelty[14] into an all-purpose symbol of evil. Under the influence of leftist writers, a view of fascism was disseminated which has remained dominant among intellectuals until today. It goes as follows:

Fascism is capitalism with the mask off. It's a tool of Big Business, which rules through democracy until it feels mortally threatened, then unleashes fascism. Mussolini and Hitler were put into power by Big Business, because Big Business was challenged by the revolutionary working class.[15] We naturally have to explain, then, how fascism can be a mass movement, and one that is neither led nor organized by Big Business. The explanation is that Fascism does it by fiendishly clever use of ritual and symbol. Fascism as an intellectual doctrine is empty of serious content, or alternatively, its content is an incoherent hodgepodge. Fascism's appeal is a matter of emotions rather than ideas. It relies on hymn-singing, flag-waving, and other mummery, which are nothing more than irrational devices employed by the Fascist leaders who have been paid by Big Business to manipulate the masses.

As Marxists used to say, fascism "appeals to the basest instincts," implying that leftists were at a disadvantage because they could appeal only to noble instincts like envy of the rich. Since it is irrational, fascism is sadistic, nationalist, and racist by nature. Leftist regimes are also invariably sadistic, nationalist, and racist, but that's because of regrettable mistakes or pressure of difficult circumstances. Leftists want what's best but keep meeting unexpected setbacks, whereas fascists have chosen to commit evil.

More broadly, fascism may be defined as any totalitarian regime which does not aim at the nationalization of industry

but preserves at least nominal private property. The term can even be extended to any dictatorship that has become unfashionable among intellectuals.[16] When the Soviet Union and People's China had a falling out in the 1960s, they each promptly discovered that the other fraternal socialist country was not merely capitalist but "fascist." At the most vulgar level, "fascist" is a handy swearword for such hated figures as Rush Limbaugh or John Ashcroft who, whatever their faults, are as remote from historical Fascism as anyone in public life today.

The consequence of 70 years of indoctrination with a particular leftist view of fascism is that Fascism is now a puzzle. We know how leftists in the 1920s and 1930s thought because we knew people in college whose thinking was almost identical, and because we have read such writers as Sartre, Hemingway, and Orwell.

But what were Fascists thinking?

Some Who Became Fascists

Robert Michels was a German Marxist disillusioned with the Social Democrats. He became a revolutionary syndicalist. In 1911 he wrote *Political Parties*, a brilliant analytic work,[17] demonstrating the impossibility of "participatory democracy," a phrase that was not to be coined for half a century, but which accurately captures the early Marxist vision of socialist administration.[18] Later he became an Italian (changing "Robert" to "Roberto") and one of the leading Fascist theoreticians.

Hendrik de Man was the leading Belgian socialist of his day and recognized as one of the two or three most outstanding socialist intellects in Europe. Many in the 1930s believed him to be the most important socialist theoretician since Marx. He is the most prominent of the numerous Western European Marxists who wrestled their way from Marxism to Fascism or National Socialism in the interwar years. In more than a dozen thoughtful books from *The Remaking of a Mind* (1919), via *The Socialist Idea* (1933), to *Après Coup* (1941) de Man left a detailed account of the theoretical odyssey which led him, by 1940, to acclaim the Nazi subjugation of Europe as "a deliverance." His journey began, as such journeys so often did, with the conviction that Marxism needed to be revised along "idealist" and psychological lines.[19]

Two avant-garde artistic movements which contributed to the Fascist worldview were Futurism and Vorticism. Futurism was the brainchild of Filippo Marinetti, who eventually lost his life in the service of Mussolini's regime. You can get some idea of the Futurist pictorial style from the credits for the *Poirot* TV series. Its style of poetry was a defining influence on Mayakovski. Futurist arts activities were permitted for some years in the Soviet Union. Futurism held that modern machines were more beautiful than classical sculptures. It lauded the aesthetic value of speed, intensity, modern machinery, and modern war.

Vorticism was a somewhat milder variant of Futurism, associated with Ezra Pound and the painter and novelist Wyndham Lewis, an American and a Canadian who transplanted to London. Pound became a Fascist, moved to Italy, and was later found mentally ill and incarcerated by the occupying Americans. The symptoms of his illness were his Fascist beliefs. He was later released, and chose to move back to Italy in 1958, an unrepentant Fascist.

In 1939 the avowed fascist Wyndham Lewis retracted his earlier praise for Hitler, but never renounced his basically fascist political worldview. Lewis was, like George Bernard Shaw, one of those intellectuals of the 1930s who admired Fascism and Communism about equally, praising them both while insisting on their similarity.

Fascism must have been a set of ideas which inspired educated individuals who thought of themselves as extremely up-to-date. But what were those ideas?

Five Facts About Fascism

Over the last 30 years, scholarship has gradually begun to bring us a more accurate appreciation of what Fascism was.[20] The picture that emerges from ongoing research into the origins of Fascism is not yet entirely clear, but it's clear enough to show that the truth cannot be reconciled with the conventional view. We can highlight some of the unsettling conclusions in five facts:

Fascism was a doctrine well elaborated years before it was named. The core of the Fascist movement launched officially in the Piazza San Sepolcro on 23rd March 1919 was an intellectual and organizational tradition called "national syndicalism."

As an intellectual edifice, Fascism was mostly in place by about 1910. Historically, the taproot of Fascism lies in the 1890s in the "Crisis of Marxism" and in the interaction of 19th-century revolutionary socialism with *fin-de-siècle* anti-rationalism and anti-liberalism.

Fascism changed dramatically between 1919 and 1922, and again changed dramatically after 1922. This is what we expect of any ideological movement which comes close to power and then attains it. Bolshevism (renamed Communism in 1920) also changed dramatically, several times over.

Many of the older treatments of Fascism are misleading because they cobble together Fascist pronouncements, almost entirely from after 1922, reflecting the pressures on a broad and flexible political movement solidifying its rule by compromises, and suppose that by this method they can iso-

late the character and motivation of Fascist ideology. It is as if we were to reconstruct the ideas of Bolshevism by collecting the pronouncements of the Soviet government in 1943, which would lead us to conclude that Marxism owed a lot to Ivan the Terrible and Peter the Great.

Fascism was a movement with its roots primarily in the left. Its leaders and initiators were secular-minded, highly progressive intellectuals, hardheaded haters of existing society and especially of its most bourgeois aspects.

There were also non-leftist currents which fed into Fascism; the most prominent was the nationalism of Enrico Corradini. This anti-liberal, anti-democratic movement was preoccupied with building Italy's strength by accelerated industrialization. Though it was considered right wing at the time, Corradini called himself a socialist, and similar movements in the Third World would later be warmly supported by the left.

In the 1930s, the perception of fascism in the English-speaking world morphed from an exotic, even chic, Italian novelty into an all-purpose symbol of evil.

Fascism was intellectually sophisticated. Fascist theory was more subtle and more carefully thought out than Communist doctrine. As with Communism, there was a distinction between the theory itself and the "line" designed for a broad public. Fascists drew upon such thinkers as Henri Bergson, William James, Gabriel Tarde, Ludwig Gumplowicz, Vilfredo Pareto, Gustave Le Bon, Georges Sorel, Robert Michels, Gaetano Mosca, Giuseppe Prezzolini, Filippo Marinetti, A.O. Olivetti, Sergio Panunzio, and Giovanni Gentile.

Here we should note a difference between Marxism and Fascism. The leader of a Marxist political movement is always considered by his followers to be a master of theory and a theoretical innovator on the scale of Copernicus. Fascists were less prone to any such delusion. Mussolini was more widely read than Lenin and a better writer, but Fascist intellectuals did not consider him a major contributor to the body of Fascist theory, more a leader of genius who could distill theory into action.

Fascists were radical modernizers. By temperament they were neither conservative nor reactionary. Fascists despised the status quo and were not attracted by a return to bygone conditions. Even in power, despite all its adaptations to the requirements of the immediate situation, and despite its incorporation of more conservative social elements, Fascism remained a conscious force for modernization.[21]

Two Revisions of Marxism

Fascism began as a revision of Marxism by Marxists, a revision which developed in successive stages, so that these Marxists gradually stopped thinking of themselves as Marxists, and eventually stopped thinking of themselves as socialists. They never stopped thinking of themselves as anti-liberal revolutionaries.

The crisis of Marxism occurred in the 1890s. Marxist intellectuals could claim to speak for mass socialist movements across continental Europe, yet it became clear in those years that Marxism had survived into a world which Marx had believed could not possibly exist. The workers were becoming richer, the working class was fragmented into sections with different interests, technological advance was accelerating rather than meeting a roadblock, the "rate of profit" was not falling, the number of wealthy investors ("magnates of capital") was not falling but increasing, industrial concentration was not increasing,[22] and in all countries the workers were putting their country above their class.

In high theory, too, the hollowness of Marxism was being exposed. The long-awaited publication of Volume III of Marx's *Capital* in 1894 revealed that Marx simply had no serious solution to the "great contradiction" between Volumes I–II and the real behavior of prices. Böhm-Bawerk's devastating critiques of Marxian economics (1884 and 1896) were widely read and discussed.

The crisis of Marxism gave birth to the Revisionism of Eduard Bernstein, which concluded, in effect, that the goal of revolution should be given up, in favor of piecemeal reforms within capitalism.[23] This held no allure for men of the hard left who rejected existing society, deeming it too loathsome to be reformed. Revisionists also began to attack the fundamental Marxist doctrine of historical materialism, the theory that a society's organization of production decides the character of all other social phenomena, including ideas.

At the beginning of the 20th century, leftists who wanted to be as far left as they could possibly be became syndicalists, preaching the general strike as the way to demonstrate the workers' power and overthrow the bourgeois order. Syndicalist activity erupted across the world, even in Britain and the United States. Promotion of the general strike was a way of defying capitalism and at the same time defying those socialists who wanted to use electoral methods to negotiate reforms of the system.

Syndicalists began as uncompromising Marxists, but like Revisionists, they acknowledged that key tenets of Marxism had been refuted by the development of modern society. Most syndicalists came to accept much of Bernstein's argument against traditional Marxism, but remained committed to the total rejection, rather than democratic reform, of existing society. They therefore called themselves "revolutionary revisionists." They favored the "idealist revision of Marx," meaning that they believed in a more independent role for ideas in social evolution than that allowed by Marxist theory.

Practical Anti-Rationalism

In setting out to revise Marxism, syndicalists were most strongly motivated by the desire to be effective revolutionaries, not to tilt at windmills but to achieve a realistic understanding of the way the world works. In criticizing and re-evaluating their own Marxist beliefs, however, they naturally drew upon the intellectual fashions of the day, upon ideas that were in the air during this period known as the *fin-de-siècle*. The most important cluster of such ideas is "anti-rationalism."

Many forms of anti-rationalism proliferated throughout the 19th century. The kind of anti-rationalism which most influenced pre-fascists was *not* primarily the view that something other than reason should be employed to decide fac-

tual questions (epistemological anti-rationalism). It was rather the view that, as a matter of sober recognition of reality, humans are not solely or even chiefly motivated by rational calculation but more by intuitive "myths" (practical anti-rationalism). Therefore, if you want to understand and influence people's behavior, you had better acknowledge that they are not primarily self-interested, rational calculators; they are gripped and moved by myths.[24]

Paris was the fashion center of the intellectual world, dictating the rise and fall of ideological hemlines. Here, anti-rationalism was associated with the philosophy of Henri Bergson, William James' pragmatism from across the Atlantic, and the social-psychological arguments of Gustave Le Bon. Such ideas were seen as valuing action more highly than cogitation and as demonstrating that modern society (including the established socialist movement) was too rationalistic and too materialistic. Bergson and James were also read, however, as contending that humans did not work with an objectively existing reality, but created reality by imposing their own will upon the world, a claim that was also gleaned (rightly or wrongly) from Hegel, Schopenhauer, and Nietzsche. French intellectuals turned against Descartes, the rationalist, and rehabilitated Pascal, the defender of faith. In the same spirit, Italian intellectuals rediscovered Vico.

Practical anti-rationalism entered pre-Fascism through Georges Sorel[25] and his theory of the "myth." This influential socialist writer began as an orthodox Marxist. An extreme leftist, he naturally became a syndicalist, and soon the best-known syndicalist theoretician. Sorel then moved to defending Marx's theory of the class struggle in a new way, no longer as a scientific theory, but instead as a "myth," an understanding of the world and the future which moves men to action. When he began to abandon Marxism, both because of its theoretical failures and because of its excessive "materialism," he looked for an alternative myth. Experience of current and recent events showed that workers had little interest in the class struggle but were prone to patriotic sentiment. By degrees, Sorel shifted his position, until at the end of his life he became nationalistic and anti-Semitic.[26] He died in 1922, hopeful about Lenin and more cautiously hopeful about Mussolini.

Mussolini was more widely read than Lenin and a better writer, but Fascist intellectuals did not consider him a major contributor to the body of Fascist theory, more a leader of genius who could distill theory into action.

A general trend throughout revolutionary socialism from 1890 to 1914 was that the most revolutionary elements laid an increasing stress upon leadership, and downplayed the autonomous role of the toiling masses. This elitism was a natural outcome of the revolutionaries' ardent wish to have revolution and the stubborn disinclination of the working class to become revolutionary.[27] Workers were instinctive reformists: They wanted a fair shake within capitalism and nothing more. Since the workers did not look as if they would ever desire a revolution, the small group of conscious revolutionaries would have to play a more decisive role than Marx had imagined. That was the conclusion of Lenin in 1902.[28] It was the conclusion of Sorel. And it was the conclusion of the syndicalist Giuseppe Prezzolini whose works in the century's first decade Mussolini reviewed admiringly.[29]

The leadership theme was reinforced by the theoretical writings of Mosca, Pareto, and Michels, especially Pareto's theory of the Circulation of Elites. All these arguments emphasized the vital role of active minorities and the futility of expecting that the masses would ever, left to themselves, accomplish anything. Further corroboration came from Le Bon's sensational bestseller of 1895 — it would remain perpetually in print in a dozen languages — *The Psychology of Crowds*, which analyzed the "irrational" behavior of humans in groups and drew attention to the group's proclivity to place itself in the hands of a strong leader, who could control the group as long as he appealed to certain primitive or basic beliefs.[30]

It became widely accepted that the future lay with either Communism or Fascism, and many people chose what they considered the lesser evil.

The initiators of Fascism saw anti-rationalism as high-tech. It went with their fast cars and airplanes. Fascist anti-rationalism, like psychoanalysis, conceives of itself as a practical science which can channel elemental human drives in a useful direction.

A Marxist Heresy?

Some people have reacted to Fascism by saying that it's just the same as socialism. In part, this arises from the fact that "fascism" is a word used loosely to denote all the non-Communist dictatorships of the 1920s and 1930s, and by extension to refer to the most powerful and horrible of these governments, that of German National Socialism.

The Nazis never claimed to be Fascists, but they did continually claim to be socialists, whereas Fascism, after 1921, repudiated socialism by name. Although Fascism had some influence on the National Socialist German Workers' Party, other influences were greater, notably Communism and German nationalism.

A. James Gregor has argued that Fascism is a Marxist heresy,[31] a claim that has to be handled with care. Marxism is a doctrine whose main tenets can be listed precisely: class struggle, historical materialism, surplus-value, nationalization of the means of production, and so forth. Nearly all of those tenets were explicitly repudiated by the founders of Fascism, and these repudiations of Marxism largely define Fascism. Yet however paradoxical it may seem, there is a close ideological relationship between Marxism and Fascism. We may compare this with the relationship between, say, Christianity and Unitarianism. Unitarianism repudiates all the distinctive tenets of Christianity, yet is still clearly an offshoot of Christianity, preserving an affinity with its parental stem.

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Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

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In power, the actual institutions of Fascism and Communism tended to converge. In practice, the Fascist and National Socialist regimes increasingly tended to conform to what Mises calls "the German pattern of Socialism."[32] Intellectually, Fascists differed from Communists in that they had to a large extent thought out what they would do, and they then proceeded to do it, whereas Communists were like hypnotic subjects, doing one thing and rationalizing it in terms of a completely different and altogether impossible thing.

Fascists preached the accelerated development of a backward country. Communists continued to employ the Marxist rhetoric of world socialist revolution in the most advanced countries, but this was all a ritual incantation to consecrate their attempt to accelerate the development of a backward country. Fascists deliberately turned to nationalism as a potent myth. Communists defended Russian nationalism and imperialism while protesting that their sacred motherland was an internationalist workers' state. Fascists proclaimed the end of democracy. Communists abolished democracy and called their dictatorship democracy. Fascists argued that equality was impossible and hierarchy ineluctable. Communists imposed a new hierarchy, shot anyone who advocated actual equality, but never ceased to babble on about the equalitarian future they were "building." Fascists did with their eyes open what Communists did with their eyes shut. This is the truth concealed in the conventional formula that Communists were well-intentioned and Fascists evil-intentioned.

Pre-Fascists believed that if you want to understand and influence people's behavior, you had better acknowledge that they are not primarily self-interested, rational calculators; they are gripped and moved by myths.

Disappointed Revolutionaries

Though they respected "the irrational" as a reality, the initiators of Fascism were not themselves swayed by willfully irrational considerations.[33] They were not superstitious. Mussolini in 1929, when he met with Cardinal Gasparri at the Lateran Palace, was no more a believing Catholic than the violently anti-Catholic polemicist of his pre-war years,[34] but he had learned that in his chosen career as a radical modernizing politician, it was a waste of time to bang his head against the brick wall of institutionalized faith.

Leftists often imagine that Fascists were afraid of a revolutionary working class. Nothing could be more comically mistaken. Most of the early Fascist leaders had spent years trying to get the workers to become revolutionary. As late as June 1914, Mussolini took part enthusiastically, at risk of his own life and limb, in the violent and confrontational "red week." The initiators of Fascism were mostly seasoned anticapitalist militants who had time and again given the working class the benefit of the doubt. The working class, by not becoming revolutionary, had let these revolutionaries down.

In the late 1920s, people like Winston Churchill and Ludwig von Mises saw Fascism as a natural and salutory response to Communist violence.[35] They already overlooked the fact that Fascism represented an independent cultural phenomenon which predated the Bolshevik coup. It became widely accepted that the future lay with either Communism or Fascism, and many people chose what they considered the lesser evil. Evelyn Waugh remarked that he would choose Fascism over Marxism if he had to, but he did not think he had to.

It's easy to see that the rise of Communism stimulated the rise of Fascism. But since the existence of the Soviet regime was what chiefly made Communism attractive, and since Fascism was an independent tradition of revolutionary thinking, there would doubtless have been a powerful Fascist movement even in the absence of a Bolshevik regime. At any rate, after 1922, the same kind of influence worked both ways: Many people became Communists because they considered that the most effective way to combat the dreaded Fascism. Two rival gangs of murderous politicos, bent on establishing their own unchecked power, each drummed up support by pointing to the horrors that the other gang would unleash. Whatever the shortcomings of any such appeal, the horrors themselves were all too real.[36]

From Liberism to the Corporate State

In Fascism's early days it encompassed an element of what was called "liberism," the view that capitalism and the free market ought to be left intact, that it was sheer folly for the state to involve itself in "production."

Marx had left a strange legacy: the conviction that resolute pursuit of the class struggle would automatically take the working class in the direction of communism. Since practical experience offers no corroboration for this surmise, Marxists have had to choose between pursuing the class struggle (making trouble for capitalism and hoping that something will turn up) and trying to seize power to introduce communism (which patently has nothing to do with strikes for higher wages or with such political reforms as factory safety legislation). As a result, Marxists came to worship "struggle" for its own sake. And since Marxists were frequently embarrassed to talk about problems a communist society might face, dismissing any such discussion as "utopian," it became easy for them to argue that we should focus only on the next step in the struggle, and not be distracted by speculation about the remote future.

Traditional Marxists had believed that much government interference, such as protective tariffs, should be opposed, as it would slow down the development of the productive forces (technology) and thereby delay the revolution. For this reason, a Marxist should favor free trade.[37] Confronted by a growing volume of legislative reforms, some revolutionaries saw these as shrewd concessions by the bourgeoisie to take the edge off class antagonism and thus stabilize their rule. The fact that such legislative measures were supported by democratic socialists, who had been co-opted into the established order, provided an additional motive for revolutionaries to take the other side.

All these influences might persuade a Marxist that capitalism should be left intact for the foreseeable future. In Italy, a further motive was that Marxists expected the revolution to

break out in the industrially advanced countries. No Marxist thought that socialism had anything to offer a backward economy like Italy, unless the revolution occurred first in Britain, America, Germany, and France. As the prospect of any such revolution became less credible, the issue of Italian industrial development was all that remained, and that was obviously a task for capitalism.

After 1919, the Fascists developed a theory of the state; until then this was the one element in Fascist political theory which had not been elaborated. Its elaboration, in an extended public debate, gave rise to the "totalitarian" view of the state,[38] notoriously expounded in Mussolini's formula, "Everything in the state, nothing against the state, nothing outside the state." Unlike the later National Socialists of Germany, the Fascists remained averse to outright nationalization of industry. But, after a few years of comparative non-intervention, and some liberalization, the Fascist regime moved towards a highly interventionist policy, and Fascist pronouncements increasingly harped on the "corporate state." All traces of liberism were lost, save only for the insistence that actual nationalization be avoided. Before 1930, Mussolini stated that capitalism had centuries of useful work to do (a formulation that would occur only to a former Marxist); after 1930, because of the world depression, he spoke as if capitalism was finished and the corporate state was to replace it rather than providing its framework.

As the dictatorship matured, Fascist rhetoric increasingly voiced explicit hostility to the individual ego. Fascism had always been strongly communitarian but now this aspect became more conspicuous. Fascist anti-individualism is summed up in the assertion that the death of a human being is like the body's loss of a cell. Among the increasingly histrionic blackshirt meetings from 1920 to 1922 were the funeral services. When the name of a comrade recently killed by the Socialists was called out, the whole crowd would roar: *"Presente!"*

Even in power, despite all its adaptations to the requirements of the immediate situation, and despite its incorporation of more conservative social elements, Fascism remained a conscious force for modernization.

Man is not an atom, man is essentially social. These woolly clichés were as much Fascist as they were socialist. Anti-individualism was especially prominent in the writings of official philosopher Giovanni Gentile, who gave Fascist social theory its finished form in the final years of the regime.[39]

The Failure of Fascism

Fascist ideology had two goals by which Fascism's performance may reasonably be judged: the creation of a heroically moral human being, in a heroically moral social order, and the accelerated development of industry, especially in backward economies like Italy.

The fascist moral ideal, upheld by writers from Sorel to Gentile, is something like an inversion of the caricature of a Benthamite liberal. The fascist ideal man is not cautious but brave, not calculating but resolute, not sentimental but ruthless, not preoccupied with personal advantage but fighting for ideals, not seeking comfort but experiencing life intensely. The early Fascists did not know how they would install the social order which would create this "new man," but they were convinced that they had to destroy the bourgeois liberal order which had created his opposite.

Even as late as 1922 it was not clear to Fascists that Fascism, the "third way" between liberalism and socialism, would set up a bureaucratic police state, but given the circumstances and fundamental Fascist ideas, nothing else was feasible. Fascism introduced a form of state which was claustrophobic in its oppressiveness. The result was a population of decidedly unheroic mediocrities, sly conformists scared of their own shadows, worlds removed from the kind of dynamic human character the Fascists had hoped would inherit the earth.

The Nazis never claimed to be Fascists, but they did continually claim to be socialists, whereas Fascism, after 1921, repudiated socialism by name.

As for Fascism's economic performance, a purely empirical test of results is inconclusive. In its first few years, the Mussolini government's economic measures were probably more liberalizing than restrictive. The subsequent turn to intrusive corporatism was swiftly followed by the world slump and then the war. But we do know from numerous other examples that if it is left to run its course, corporatist interventionism will cripple any economy.[40] Furthermore, economic losses inflicted by the war can be laid at Fascism's door, as Mussolini could easily have kept Italy neutral. Fascism both gave unchecked power to a single individual to commit such a blunder as to take Italy to war in 1940 and made this more likely by extolling the benefits of war.

In the panoramic sweep of history, Fascism, like Communism, like all forms of socialism, and like today's greenism and anti-globalism, is the logical result of specific intellectual errors about human progress. Fascism was an attempt to pluck the material fruits of liberal economics while abolishing liberal culture.[41] The attempt was entirely quixotic: There is no such thing as economic development without free-market capitalism and there is no such thing as free-market capitalism without the recognition of individual rights. The revulsion against liberalism was the outcome of misconceptions, and the futile attempt to supplant liberalism was the application of further misconceptions. By losing the war, Fascism and National Socialism spared themselves the terminal sclerosis which beset Communism.

"The Man Who Is Seeking"

When Mussolini switched from anti-war to pro-war in November 1914, the other Socialist Party leaders immediately claimed that he had been bought off by the bourgeoisie, and this allegation has since been repeated by many leftists.

But any notion that Mussolini sold out is more far-fetched than the theory that Lenin seized power because he was paid by the German government to take Russia out of the war. As the paramount figure of the Italian left, Mussolini had it made. He was taking a career gamble at very long odds by provoking his own expulsion from the Socialist Party, in addition to risking his life as a front-line soldier.[42]

Like Lenin, Mussolini was a capable revolutionary who took care of finances. Once he had decided to come out as pro-war, he foresaw that he would lose his income from the Socialist Party. He approached wealthy Italian patriots to get support for *Il Popolo d'Italia,* but much of the money that came to Mussolini originated covertly from Allied governments who wanted to bring Italy into the war. Similarly, Lenin's Bolsheviks took aid from wealthy backers and from the German government.[43] In both cases, we see a determined group of revolutionaries using their wits to raise money in pursuit of their goals.

Jasper Ridley argues that Mussolini switched because he always "wanted to be on the winning side," and dare not "swim against the tide of public opinion."[44] This explanation is feeble. Mussolini had spent all his life in an antagonistic position to the majority of Italians, and with the founding of a new party in 1919 he would again deliberately set himself at odds with the majority. Since individuals are usually more influenced by the pressure of their "reference group" than by the opinions of the whole population, we might wonder why Mussolini did not swim with the tide of the Socialist Party leadership and the majority of the party membership, instead of swimming with the tide of those socialists inside and outside the party who had become pro-war.

Leftists often imagine that Fascists were afraid of a revolutionary working class. Nothing could be more comically mistaken. Most of the early Fascist leaders had spent years trying to get the workers to become revolutionary.

Although his personality may have influenced the timing, or even the actual decision, the pressure for Mussolini to change his position came from a long-term evolution in his intellectual convictions. From his earliest years as a Marxist revolutionary, Mussolini had been sympathetic to syndicalism, and then an actual syndicalist. Unlike other syndicalists, he remained in the Socialist Party, and as he rose within it, he continued to keep his ears open to those syndicalists who had left it. On many issues, his thinking followed theirs, more cautiously, and often five or ten years behind them.

From 1902 to 1914, Italian revolutionary syndicalism underwent a rapid evolution. Always opposed to parliamentary democracy, Italian syndicalists, under Sorel's influence, became more committed to extra-constitutional violence and the necessity for the revolutionary vanguard to ignite a conflagration. As early as 1908, Mussolini the syndicalist Marxist had come to agree with these elitist notions and began to employ the term *gerarchia* (hierarchy), which would remain a favorite word of his into the Fascist period.

Many syndicalists lost faith in the revolutionary potential of the working class. Seeking an alternative revolutionary recipe, the most "advanced" of these syndicalists began to ally themselves with the nationalists and to favor war. Mussolini's early reaction to this trend was the disgust we might expect from any self-respecting leftist.[45] But given their premises, the syndicalists' conclusions were persuasive.

The logic underlying their shifting position was that there was unfortunately going to be no working-class revolution, either in the advanced countries, or in less developed countries like Italy. Italy was on its own, and Italy's problem was low industrial output.[46] Italy was an exploited proletarian nation, while the richer countries were bloated bourgeois nations. The nation was the myth which could unite the productive classes behind a drive to expand output. These ideas foreshadowed the Third World propaganda of the 1950s and 1960s, in which aspiring elites in economically backward countries represented their own less than scrupulously humane rule as "progressive" because it would accelerate Third World development. From Nkrumah to Castro, Third World dictators would walk in Mussolini's footsteps.[47] Fascism was a full dress rehearsal for post-war Third Worldism.

Many syndicalists also became "productionists," urging that the workers ought not to strike, but to take over the factories and keep them running without the bosses. While productionism as a tactic of industrial action did not lead anywhere, the productionist idea implied that all who helped to expand output, even a productive segment of the bourgeoisie, should be supported rather than opposed.

From about 1912, those who closely observed Mussolini noted changes in his rhetoric. He began to employ the words "people" and "nation" in preference to "proletariat." (Subsequently such patriotic language would become acceptable among Marxists, but then it was still unusual and somewhat suspect.) Mussolini was gradually becoming convinced, a few years later than the most advanced leaders of the extreme left, that Marxist class analysis was useless, that the proletariat would never become revolutionary, and that the nation had to be the vehicle of development. An elementary implication of this position is that leftist-initiated strikes and violent confrontations are not merely irrelevant pranks but actual hindrances to progress.

When Mussolini founded *Utopia,* it was to provide a forum at which his party comrades could exchange ideas with his friends the revolutionary syndicalists outside the party. He signed his articles at this time "The Man Who Is Seeking." The collapse of the Second International on the outbreak of war, and the lining up of the mass socialist parties of Germany, France, and Austria behind their respective national governments, confirmed once again that the syndicalists had been right: Proletarian internationalism was not a living force. The future, he concluded, lay with productionist national syndicalism, which with some tweaking would become Fascism.

Mussolini believed that Fascism was an international movement. He expected that both decadent bourgeois democracy and dogmatic Marxism-Leninism would everywhere give way to Fascism, that the 20th century would be a century of Fascism. Like his leftist contemporaries, he under-

estimated the resilience of both democracy and free-market liberalism. But in substance Mussolini's prediction was fulfilled: Most of the world's people in the second half of the 20th century were ruled by governments which were closer in practice to Fascism than they were either to liberalism or to Marxism-Leninism.

The 20th century was indeed the Fascist century. ❑

Notes

1. Original words from the 1934 song by Cole Porter. They were amended later.
2. At the Munich conference in 1938, Mussolini was the only person present who could follow all the discussions in the four languages employed.
3. Amadeo Bordiga, Angelo Tasca, and Karl Liebknecht.
4. Although Italy was a member of the Triple Alliance with Germany and Austria, support for the Central Powers in Italy was negligible.
5. It remained Mussolini's paper through the Fascist period. At first it was described as a "Socialist Daily." Later this was changed to "The Daily of Fighters and Producers."
6. It was first called the *Fasci Italiani di Combattimento* (Italian Combat Leagues), changing its name in 1921 to the National Fascist Party. *Fasci* is plural of *fascio*, a union or league. The word had been in common use for various local and ad hoc radical groups, mainly of the left.
7. Of the seven who attended the preparatory meeting two days before the launch, five were former Marxists or syndicalists. Zeev Sternhell, *The Birth of Fascist Ideology* (Princeton: Princeton University Press, 1994), p. 222. At the launch itself, the majority had a nationalist background.
8. Garibaldi's followers had worn red shirts. Corradini's nationalists, absorbed into the Fascist Party in 1923, wore blue shirts.
9. Stanley G. Payne, *A History of Fascism*, 1914–1945 (Madison: University of Wisconsin Press, 1995), p. 95.
10. Ernest Jones, *Life and Work of Sigmund Freud* (New York: Basic Books, 1957), vol. 3, p. 180.
11. Prior to 1938 the Fascist Party had substantial Jewish membership and support. There is no agreement among scholars on Mussolini's motives for introducing anti-Jewish legislation. For one well-argued view, see Gregor, *Contemporary Radical Ideologies: Totalitarian Thought in the Twentieth Century* (New York: Random House, 1968), pp. 149–159.
12. Among numerous sources on the life of Mussolini, see Richard Collier, *Duce! A Biography of Benito Mussolini* (New York: Viking, 1971); Denis Mack Smith, *Mussolini: A Biography* (New York: Knopf, 1982); Jasper Ridley, *Mussolini: A Biography* (New York: St. Martin's Press, 1998). All such works are out of their depth when they touch on Fascist ideas. For a superb account of all the fascist and other non-Communist dictatorial movements of the time, see Payne, *History*. On Mussolini's ideas, see A. James Gregor, *Young Mussolini and the Intellectual Origins of Fascism* (Berkeley: University of California Press, 1979); Sternhell, *Birth*, Chapter 5.
13. It's now usual to capitalize 'Fascism' when it refers to the Italian movement, and not when the word refers to a broader cultural phenomenon including other political movements in other countries.
14. Chicago has an avenue named after the brutal blackshirt leader and famous aviator, Italo Balbo, following his spectacular 1933 visit to the city. Chicago's Columbus Monument bears the words "This monument has seen the glory of the wings of Italy led by Italo Balbo." See Claudio G. Segrè, *Italo Balbo: A Fascist Life* (Berkeley: University of California Press, 1987).
15. The evolution of this incredible theory is mercilessly documented in Gregor, *The Faces of Janus: Marxism and Fascism in the Twentieth Century* (New Haven: Yale University Press, 2000), chs. 2–5. For a good brief survey of interpretations of Fascism, see Payne, *History*, ch. 12. For a detailed examination, see Gregor, *Interpretations of Fascism* (New Brunswick: Transaction, 1997).
16. Confronted with egregious high-handedness by authority, working-class Americans call it "Communism." Middle-class Americans, educated enough to understand that it's uncouth to say anything against Communism, call it "fascism."
17. *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy* (New York: Macmillan, 1962).
18. Richard N. Hunt, *The Political Ideas of Marx and Engels* (Pittsburgh: University of Pittsburgh Press, 1974), vol. I, p. xiii, and vols. I and II, passim.
19. On Hendrik de Man, also known as Henri De Man, see Sternhell, *Neither Right Nor Left: Fascist Ideology in France* (Berkeley: University of California Press, 1986). Mussolini exchanged letters with de Man in which both tacitly recognized that de Man was following Mussolini's intellectual trajectory of 10–15 years earlier. Sternhell, *Birth*, p. 246. To this day there are disciples of de Man who treat his acceptance of the Third Reich as something like a seizure rather than as the culmination of his earlier thought, just as there are leftist admirers of Sorel who refuse to admit Sorel's pre-fascism.
20. The most illuminating single work is Sternhell, *Birth*. Other important accounts are: Gregor, *Young Mussolini*; Gregor, *Faces of Janus*; Sternhell, *Neither Right Nor Left*; Payne, *History*. A useful collection of old and new readings is Roger Griffin, ed., *International Fascism: Theories, Causes, and the New Consensus* (London: Arnold, 1998). Important works in Italian include those of Renzo de Felice and Emilio Gentile.
21. The Fascist government imposed measures which were intended to promote modernization. They were not necessary and their effectiveness was mixed. Italian output grew rapidly, but so it had in earlier years.
22. Many would not yet have acknowledged that there was no falling rate of profit and no concentrating trend in industry, but all had to agree that these were proceeding far more slowly than earlier Marxists had expected.
23. Before the 1890s, there was no more impeccable a Marxist than Bernstein. He had been a friend of Marx and Engels, who maintained a confidence in his ideological soundness that they placed in very few individuals. His 1899 book, known in English as *Evolutionary Socialism* (New York: Schocken, 1961), is put together from controversial articles he began publishing in 1896.
24. The impact of anti-rationalism on socialism not only helped to form Fascism, but also had a broad influence on the left. Like Fascism, the thinking of leftist writers such as Aldous Huxley and George Orwell arises from the impact on 19th-century socialism of the *fin-de-siècle* offensive against rationalism, materialism, individualism, and romanticism.
25. The strong influence of Sorel on the formation of Fascism has now been heavily documented. See, for example, Sternhell, *Birth*. In earlier years, some writers used to minimize this influence or deny Sorel's close affinity with Fascism.
26. Sorel's was the old-fashioned kind of anti-Semitism, which always made room for some good Jews. Among these Sorel counted Henri Bergson. Sternhell, *Birth*, p. 86.
27. It was also inferred from experience. It could be observed that if the one or two strongest personalities behind a strike were somehow neutralized, the strike would collapse.
28. In *What Is to Be Done?*, Lenin maintained that the working class, left to itself, could develop only "trade union consciousness." To make the working class revolutionary required the intervention of "professional revolutionaries."
29. See Gregor, *Young Mussolini*, ch. 4.
30. *The Crowd* (New Brunswick: Transaction, 1995). The early 19th century had seen a fascination with hypnosis (then called Mesmerism). The late 19th century witnessed an extrapolation

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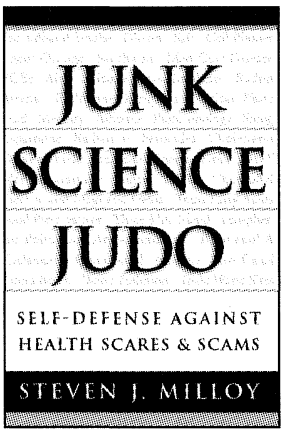

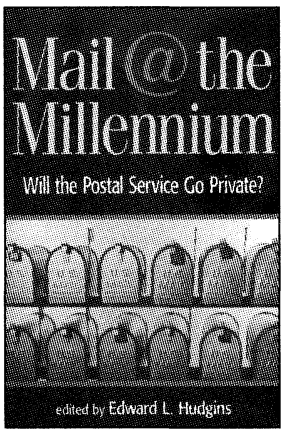

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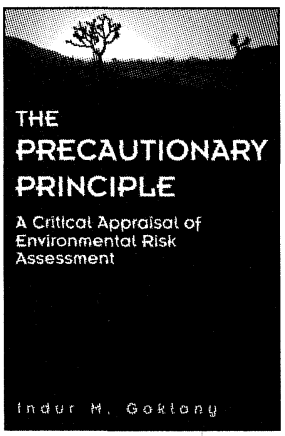

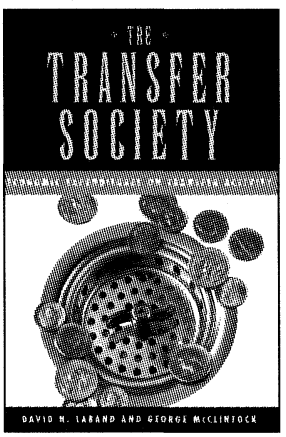

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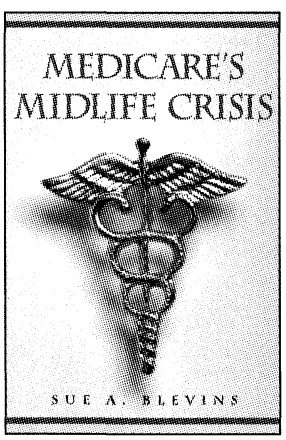

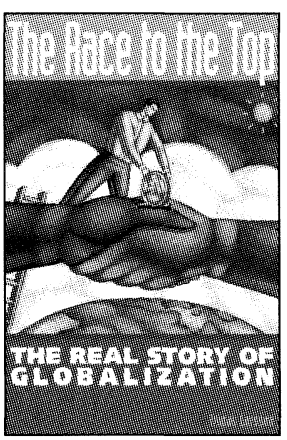

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of the model of hypnosis onto wider human phenomena. Le Bon argued that in groups individuals become hypnotized and lose responsibility for their actions. Scholars, other than French ones, now believe that Le Bon was a dishonest self-promoter who successfully exaggerated his own originality, and that his claims about crowd behavior are mostly wrong. His influence was tremendous. Freud was steeped in Le Bon. The discussion of propaganda in Hitler's *Mein Kampf*, which strikes most readers as more entertaining than the rest of the book, echoes Le Bon.

31. Gregor, *Young Mussolini*. This was precisely the view of many Communists in the early years of the Comintern. Payne, *History*, p. 126.
32. Ludwig von Mises, *Omnipotent Government: The Rise of the Total State and Total War* (New Rochelle: Arlington House, 1969 [1944]), pp. 55–58.
33. "If by mysticism one intends the recognition of truth without the employment of reason, I would be the first to declare myself opposed to every mysticism." Mussolini, quoted in Gregor, *Contemporary Radical Ideologies*, p. 331.
34. Mussolini was openly an atheist prior to 1922, when his conversion was staged for transparently political reasons. In addition to his many articles and speeches criticizing religion, Mussolini wrote a pamphlet, *Man and Divinity*, attacking the Church from a materialist standpoint and also wrote a strongly anti-Catholic book on Jan Hus, the 15th-century Czech victim of Catholic persecution. Until it became politically inexpedient, Mussolini gave a speech every year on the anniversary of the murder by the Church of the freethinker Giordano Bruno in 1600. In office, Mussolini worked with the Church, generally gave it what it wanted, and was rewarded with its enthusiastic endorsement.
35. On Churchill's fulsome praise of Fascism throughout the late 1920s and early 1930s, see Ridley, *Mussolini*, pp. 187–88, 230, 281. For Mises' more guarded praise in 1927, see Mises, *The Free and Prosperous Commonwealth* (Irvington-on-Hudson: Foundation for Economic Education, 1962), pp. 47–51.
36. The Fascist government was appallingly oppressive compared with the democratic regime which preceded it, but distinctly less oppressive than Communism or National Socialism. Payne, *History*, pp. 121–23.
37. Karl Marx, Speech on the Question of Free Trade. *Karl Marx, Frederick Engels, Collected Works* (New York: International, 1976), vol. 6, pp. 450-465.
38. The word "totalitarian" (*totalitario*) was first used against Fascism by a liberal opponent, Giovanni Amendola. It was then taken up proudly by Fascists to characterize their own form of state. Later the term was widely employed to refer to the common features of the Fascist, Soviet, and Nazi dictatorships or to denote an ideal type of unlimited government. In this sense, the word was in common use among Anglophone intellectuals by 1935, and in the popular media by 1941. Ironically, Fascist Italy was in practice much less "totalitarian" than the Soviet Union or the Third Reich, though the regime was methodically moving toward totalitarianism.
39. On Gentile's ideas see Gregor, *Phoenix: Fascism in Our Time* (New Brunswick: Transaction, 1999), chs. 5–6.
40. The most outstanding American scholar of Fascism is A. James Gregor. A shortcoming of Gregor's analysis is his tendency to assume that Fascist economic policy could work, that it is possible for a Fascist government to stimulate industrial growth. Any such view has to somehow come to terms with the fact that Italian economic growth was robust before World War I.
41. "Liberal" means classical liberal or libertarian.
42. Ignazio Silone held that Mussolini unscrupulously aimed only at power for himself. *The School for Dictators* (New York: Harper, 1939). While this is less preposterous than the theory that he sold out for financial gain, it too cannot be squared with the facts of Mussolini's life.
43. Angelica Balabanoff, socialist activist and Mussolini's mistress intermittently from 1904 on, was in Lenin's entourage, shipped with him into Russia in the famous German "sealed train."
44. Ridley, *Mussolini*, p. 67.
45. Sternhell, *Birth*, p. 202.
46. It may seem odd that there was such anxiety about Italian development when the Italian economy was growing quite lustily: Precisely the same paradox arises with recent leftist attitudes to "poverty in the Third World."
47. On the striking similarities between Fascism and African Socialism, see Gregor, *Contemporary Radical Ideologies*, Chapter 7.

Letters, *from page 20*

Bad Girlz

In the short piece in which she attributed the Andrea Yates murders to evangelical Christianity (*Reflections*, October), Sarah McCarthy committed several conceptual crimes against women. The first is typical of the feminist movement: the infantilization of women. The myth behind the mentality is that women are too naturally wonderful to choose to do really horrible things. Their sins, therefore, must be attributed to some other cause; probably men. But if women are equal, than we're equal in our potential for evil also, even if we bring a certain feminine style to the self- and other-destruction we wreak. In the article, McCarthy describes women in victimological terms, such as "vulnerable" and "pressured." They are "listening to their husbands" about the ethics of birth control, in spite of the fact that they are not "healthy enough, either physically or emotionally" to have multiple children. Although I agree with McCarthy that many evangelical women have difficult emotional backgrounds, and that many do submit to their husbands, I object to the tone of non-responsibility in the article.

Many of these women have strong reasons for their position on birth control. The vast majority have well-argued religious reasoning behind their choice to "listen" to their husbands. As for emotional weakness, when a girl becomes an adult woman, she becomes responsible for her choices. Even if in some philosophical sense she is unable to escape the conditioning she received from her family, telling her that she has been the helpless victim of everyone else's abuse cannot possibly give her the honesty and empowerment that she needs to escape.

Rachel Douchant
St. Louis, Mo.

Hurting Homeschooling

Please, Sarah McCarthy, don't start connecting homeschooling with cults, child abuse, or murder! That's just the sort of thing the liberal education establishment likes to hear. Homeschoolers, by and large, have good libertarian instincts, at least in this area, even if they are also "religious conservatives." They realize that whoever influences the next generation will play a determining role in the kind of society we have, and that the people who have assumed that role are, by and large, collectivists with an animus toward families and individual freedom.

Dave Witter
Sterling, Va.

The Greatest Dogma Ever

Regarding Timothy Sandefur's piece (*Reflections*, October) titled "Duh NA": Timothy Sandefur claims that evolution is

continued on page 50

Report

Showdown in Las Vegas

by R. W. Bradford

Leaders of the Libertarian Party knew they had to do something about the corrupt deal between its top employee and a candidate for its presidential nomination. The question was: should it take effective action, or be content with a hand slap?

On Aug. 25, the stage was set for the Libertarian Party to deal with the worst crisis in its history. The party's national committee was meeting in Las Vegas. On its agenda was the "Willis matter."

The "Willis matter" had begun in early 1995, when evidence emerged that Perry Willis, along with another LP employee, had been working for Harry Browne's campaign for the Libertarian Party's 1996 presidential nomination. The LP's national committee had come down hard. It reiterated that its conflict of interest policy meant exactly what it said: That party employees, most certainly including Willis, were prohibited from working on behalf of any candidate, most certainly including Browne.

Willis responded by promising to do no further work for Browne. During the remainder of the campaign for the nomination and beyond, rumors of Willis' continued work for Browne swirled among LP activists; they were always denied by the Browne campaign, including Browne himself.

But Willis did continue to work for Browne, with the full knowledge of Browne and his top lieutenants, including National Committeewoman Sharon Ayres, her husband David Bergland (who was soon, with Browne's support, elected national chair and there oversaw a lawsuit that forced Gene Cisewski, his opponent for the chairmanship and one of Browne's most prominent critics, out of the party and into penury), Michael Cloud (who has gone on to manage Carla Howell's campaigns in Massachusetts), and Jack Dean, who did Internet work for the campaign and through whose firm the campaign laundered its payments to Willis.

In the course of doing maintenance on the LP's computer system, John Famularo had accidentally discovered extensive documentary evidence that Willis *was* still working for Browne. At a meeting of the party's national committee on April 21, Famularo delivered to members one particularly damning piece of that evidence: an invoice from Willis to Jack Dean's firm demanding payment for services rendered to the Browne campaign.

Three weeks later, Willis confessed to the whole sorry conspiracy and defended the six-month conspiracy and the subsequent four years of deceit: Browne's campaign, the Libertarian Party and the cause of human liberty would have been endangered had Willis not continued his high-paying work for the campaign *and* his position as boss of the LP. He didn't want to lie or have the Browne campaign launder its payments to him through another firm, but . . . well . . . he had to do it. A few days later, in an email to former party chair Mary Gingell, Browne confessed his own involvement: he had been "aware of Perry's actions and agreed to them."

During the next few days, a firestorm of controversy began to rage on the Internet among LP members who had learned of what had happened. Even many of those who had before been Browne's most vociferous defenders were outraged. It quickly became apparent to Browne and Willis that they had failed to anticipate Libertarians' antipathy to Willis' end-justifies-the-means argument.

At this point, Browne and his top campaign staffers changed strategy: They abandoned Willis' end-justifies-the-means argument and simply stopped talking about it altogether. The only exception was Michael Cloud, who publicly denounced Lark's investigation as an "inquisition," a "star-chamber proceeding," and compared it to legal proceedings in Stalinist Russia, suggesting that the real wrongdoer was John Famularo.

On May 23, a month after Famularo's explosive evidence had been made public, the party's executive committee met and prohibited the LP from entering into "any business relationships, including but not limited to rentals of the LP mailing list and advertising in *LP News*, with Browne or Willis or any entity of which either of them is an officer, director, or employee, without prior approval of the Executive Committee." It also empowered Jim Lark, the party's chair, to investigate the matter.

This put Browne and Willis in a difficult position: Both of their personal incomes depend on their ability to raise funds from LP members. The two new organizations that Browne and Willis had started had the mailing list of past donors to the Browne campaign to mine for donations, but that list is relatively small. Without ways of finding new financial donors, their organizations would flounder and their incomes drop precipitously.

She asked how many people there had read the documents that Famularo had sent to them. There was a show of hands by all around the table, including nonmembers of the committee. I stood up to count how many LNC members had read the documents: I was surprised to see that only seven had raised their hands.

A week later, the executive committee met again, this time with more of Browne's allies present. It passed a resolution to undo the impact of its resolution of a week before: "that while Harry Browne was the head of the campaign, it is presently unclear to what extent he or others were involved in Willis' actions" and removing the prohibition against renting the party's mailing list to organizations involving Willis or Browne.

During the next three months, Lark investigated the case. It quickly became apparent that the only people who had relevant evidence were those within the Browne campaign who had conspired with Willis, and Famularo, who possessed additional evidence. The Browne campaign's leaders simply refused to respond to Lark's inquiries. Famularo indicated a willingness to respond, but wanted to know the ground rules of the investigation first. He and Lark exchanged emails on this subject, but aside from leaking information about one document that implicated Browne to *Liberty*, he hadn't released any further information or evidence.

Consequently, Lark's investigation was going absolutely nowhere until Aug. 19, when Famularo sent Lark and all members of the National Committee a lengthy report on the conspiracy that included 26 new documents establishing that virtually the entire Browne management team — Browne, Ayres, Bergland, Cloud, and Dean — was party to the conspiracy. It also included evidence that Willis used party resources to benefit the Browne campaign and had shown favoritism to Browne in his official capacity as national director.

The report that Lark prepared of his investigation was a curious document. It runs 118 pages in all, of which 116 are appended documents, email messages, and a list of background sources, much of which was patently irrelevant. The two pages that actually comprise his report are little more than a brief description of the 116 pages that follow. Lark drew no conclusions and made no recommendations.

There were no responses from any of those implicated by the evidence that Famularo had discovered and released to the committee, except indications that some had refused to respond while others had simply not responded. Famularo's report was included, but its supporting documents, including the documentary evidence he had released (aside from the single document he had released on April 21) were strangely omitted. Somewhat oddly, among the documents was the entire time line that *Liberty* had published. This time line was the only document that Lark noted included "some minor details" that were "incorrect." This was an odd observation from Lark, since prior to providing the document to the LP for distribution, Lark had gone through it and advised us that it did not contain a single error.*

The meeting took place in a windowless room on the top floor of the Las Vegas Marriott. Its agenda called for "Discussion of Willis matter" at 12:30 on Saturday, but the agenda was changed several times, and consideration of the Willis matter did not begin until early the following morning. The issue was plain: What action should the LNC take with regard to Willis' conspiring with Browne and his campaign staff to violate LP rules and Willis' employment contract?

Consideration of the matter began with a request from Willis ally Mark Dixon to allow Jim Babka to address the committee. Babka was at the time vice president of the American Liberty Foundation, the organization that Browne and Willis had created to continue their fundraising for the purpose of producing and running television advertising to promote the libertarian message. (Willis himself was president of the organization.) Babka was there to read an apology from Willis, who wanted to express his "heartfelt regret for distractions, stress, and anxiety" that he had caused by violating LP rules and his contract. He had been "motivated by a driving passion to see the party succeed" and he now feared that "the current controversy" might "undo all that we have accomplished in the past three years" so he wanted to "expand my apology to cover the unintentional contribution I have made to the potential unraveling of our past successes." He concluded with: "Again, my deepest and humblest apologies for the strain this has caused, and my

Scherry observed that "supporting Willis' job prospects is not our responsibility."

*At one point, the time line contained two minor errors; one was the result of Lark's providing us inaccurate information, the other the result of National Director Steve Dasbach's providing us inaccurate information. But these had been corrected, and the entire time line checked for errors by both Dasbach and Lark, prior to our sending it to the LP for inclusion in Lark's report.

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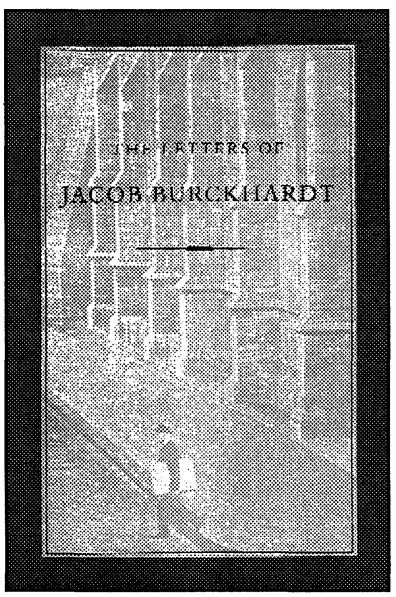

The Letters of Jacob Burckhardt

Selected, edited, and translated by Alexander Dru
Foreword by Alberto Coll

As a rule, an author's correspondence possesses only a secondary interest, but Jacob Burckhardt's letters are of primary interest to students of history because of the nature of the man and of his major writings. Jacob Burckhardt (1818–1897), "the most civilized historian of the nineteenth century," was certainly one of the greatest historians of art and culture of his time.

Burckhardt was a remarkably private man, who believed that contemplation was the key to insight into the nature of man and history, and his approach to the study of history was reflective rather than systematic or dogmatic; as such his letters possess a singular significance. It was in his letters, rather than in his lectures or longer works, that Burckhardt most directly addressed the currents of intellectual thought and social and political order—or disorder—of Europe in the nineteenth century.

Burckhardt's letters constitute a text that complements his larger works, including his most notable work, *The Civilization of the Renaissance in Italy*. Not only are the letters addressed to some of the most important thinkers of the time (Nietzsche, Burckhardt's younger colleague at the University of Basel, among them), but also they address the most pressing issues and the most important personages of the era. As the translator notes, the "letters, written from 1838 to 1897, have a lightness of touch, an informality and humor, and a breadth of vision that make one realize why he was the most civilized historian of his century. Their contents range across a vast field of interests. Art, architecture, history, poetry, music, religion—all stirred him to contagious enthusiasm. His travels led him to Italy, Germany, France, and England, and to his letters we owe delightful and penetrating insights into the character of each country."

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role in it." In sum, Willis still believed that the only thing wrong with what he had done was that he had been caught, causing the LNC to expend time and energy dealing with the matter.

Then Browne ally Elias Israel was recognized. He proposed the following resolution:

> Whereas John Famularo has presented evidence to the Libertarian National Committee on Apr. 21, 2001 that Perry Willis, while national director of the Libertarian Party performed work for the 1996 Harry Browne for President campaign in violation of LNC rules; and
>
> Whereas Perry Willis subsequently admitted that he had indeed performed such work in contradiction to his previous statements; and
>
> Whereas no additional evidence has been presented to the Libertarian National Committee on this matter concerning Perry Willis or any other Libertarian;
>
> Therefore, the Libertarian National committee hereby censures Perry Willis for performing said work on the 1996 Harry Browne for President campaign while employed as libertarian national director and for denying to his employer that he had done so;
>
> We also resolve that neither the Libertarian National Committee nor the National Director shall engage Perry Willis directly as either an employee or a contractor for a minimum period of two years;
>
> We further resolve that Perry Willis and organizations with which he may be affiliated may only purchase advertising in *LP News* and/or rent the Libertarian national mailing list subject to the terms and conditions required in the LNC policy manual for external customers;
>
> The Libertarian National committee further resolves that this issue is closed, and no further action shall be taken unless additional credible evidence is presented to the committee.

Israel spoke briefly about why he thought the resolution should be passed: It would establish that "violations of our rules" are something that "we do not approve of." Further, "it is intended not to address wild speculation or unproved claims," while demonstrating that "we do not hold any grudges against organizations which may choose to employ [Willis] and do not intend to stop their trade or their attempts to improve the libertarian movement or Libertarian Party." It is unclear what Israel meant by "wild speculation or unproved claims" but presumably he referred here to the accusations, based on the evidence provided by Famularo, that Browne, Bergland, Ayres, Dean, and Cloud were involved in Willis' action. On the other hand, it is very clear that his reference to organizations that are attempting "to improve the libertarian movement or Libertarian Party" referred to the new organizations that Browne and Willis had established.

There were eight votes for the measure, and eight votes against. Chairman Lark held in his hands the power to take effective action to punish Willis and to protect the party from further wrongdoing or merely to censure him without taking any effective action at all.

The first to speak against the resolution was Joe Dehn, who had authored the executive committee's measure of May 23, which had taken Willis' and Browne's actions much more seriously and prohibited the LP from expediting their further fundraising by renting them the membership list. "I consider this motion an insult to the work of the chair and the work of all the other people who have put time and effort into investigating the questions that have arisen out of this matter," he began. "I think that the statement that 'no additional evidence has been presented to the LNC on this matter concerning Perry Willis or any other Libertarian' is blatantly false," he said, apparently referring to the 26 additional pieces of documentary evidence that Famularo had sent the committee on Aug. 19. "I think that the suggested remedies are trivial, except for the censure, which may be appropriate, that the additional remedies are absurd because they basically have no practical effect."

Geoffrey Braun, a longtime employee of Harry Browne, went out to the lobby, got out his cell phone, and placed a call. "It came out okay," he said with restrained jubilation.

Browne's friends on the committee were nonplussed. Mark Dixon introduced a "friendly amendment" to prohibit the LP from renting its lists also to "any business owned or controlled" by Willis. Israel accepted this as a friendly amendment, presumably because it would have no effect; Willis was an officer and board member of the new entities he and Browne had established, but he neither "owned" nor "controlled" them.

Dixon then proposed changing the length of the ineffective list-rental prohibition to five years. Israel refused to accept this as a friendly amendment, and the floor was open for discussion.

Ken Bisson, another Browne supporter, sought to deflect the impact of Dehn's criticism of the resolution, asked the chair whether he did in fact consider Israel's motion to be an insult. Lark, who had never suggested that Cloud's characterization of his investigation as another "inquisition" and a "star-chamber proceeding" was insulting, surprised no one by saying that he did not consider Israel's resolution to be an insult to him. After a little further discussion, the amendment to extend the list-rental prohibition to five years passed on a voice vote.

Lorenzo Gaztanaga then introduced an amendment to strike the paragraph claiming that "no additional evidence has been presented to the Libertarian National Committee on this matter concerning Perry Willis or any other Libertarian" on grounds that it was, as Dehn had pointed out, simply false. It was passed by a voice vote.

Browne critic Lois Kaneshiki took the floor. She asked how many people there had read the documents that Famularo had sent to them. There was a show of hands by

all around the table, including non-members of the committee, and by observers sitting around the periphery of the room. I stood up to count how many actual LNC members had read the documents: I was surprised to see that only seven had raised their hands.*

Discussion then focused on what the impact of the measure would be. Would it prohibit the LP from renting its mailing list to organizations that employed Willis? On whose board he served? It gradually became apparent that it would not apply to organizations which employed Willis or with which he was involved, short of outright ownership or legal control.

Then Ben Scherry expressed concern that the time allotted for the matter was running down and said he feared that there would not be enough time for him to introduce a substitute motion after Israel's motion was voted on. After he was informed that he could introduce his resolution as an amendment by substitution, he proposed the following resolution:

> Whereas, Perry Willis had agreed, as part of his continued employment consideration as National Director and in accordance with LNC policy, to no longer work on behalf of individual pre-nomination candidates for public office;
>
> Whereas, Mr. Willis has for several years thereafter denied, and knowingly allowed others to deny on his behalf, performing such prohibited work;
>
> Whereas, upon confrontation with evidence presented by John Famularo, Mr. Willis has since admitted to having continued to perform such prohibited work which he has hereunto denied; and
>
> Resolved, that said actions and allowance of actions have caused great damage to the integrity and credibility of the Libertarian Party, and the Libertarian National Committee, and those individuals who, upon his bad faith assurance, made honest efforts to defend his person against such accusations;
>
> Resolved, that said actions are just grounds for termination for cause, and are violation of the LP prohibition of initiation of use of force through fraud which Mr. Willis has affirmed as part of his membership in the LP;
>
> Order, that Perry Willis is hereby CENSURED by this Libertarian National Committee for said violations and betrayals; and
>
> Order, that the Libertarian Party immediately cease, and further prohibit entering into relationships with, the utilization of Libertarian Party assets for, and further associations or transactions with Mr. Willis, and organizations where Mr. Willis has significant governance of and/or financial interest.

This was still, in the minds of Willis' critics, a fairly mild measure, in that it didn't address others within the LP, the National Committee (at least two of whose members, Sharon Ayres and David Bergland, had known all along that Willis had violated his contract and lied about it), or Browne himself. Still, unlike Israel's motion, it had effective sanctions against Willis: Rather than merely prohibiting LP business with organizations that Willis "owned or controlled," it prohibited LP business with those in which Willis had "significant governance of and/or [a] financial interest" and thus would cover the new organizations that Willis and Browne had set up.

This fact was not lost on Willis' friends on the committee. Elias Israel argued that the measure was too strong because it would prevent Willis from making a living. This he said without a trace of irony: Over the past several years, those who have defended the six-figure salaries paid to Willis had argued that he was an extremely skilled fundraiser who could easily earn an even more remunerative salary if he were to work elsewhere, yet now his allies argued that if he could not raise funds from the LP list, he would be forced into penury.

Joe Dehn, whose impassioned criticism of Israel's motion had started the debate, said that he would support the motion, though he thought it did not go far enough. Scherry observed that "Supporting Willis' job prospects is not our responsibility," and noted that he understood Dehn's concerns, but that Dehn himself had not proposed an alternative.

It was time to vote on Scherry's resolution. Secretary Steve Givot read the rollcall of members. There were eight votes for the measure, and eight votes against. Chairman Lark, who had abstained, as he customarily does on public votes within the committee, could break the tie. In his hands was the power to take effective action to punish Willis and to protect the party from further wrongdoing or merely to censure him without taking any effective action at all. He chose to do the latter.*

For now, at least, it's business as usual for the Browne team and the cabal that has run the Libertarian Party for the past several years.

One observer got up and left the room. Geoffrey Braun, a longtime employee of Harry Browne, went out to the lobby, got out his cell phone, and placed a call. "It came out okay," he said with restrained jubilation. "They censured Perry, but didn't do anything about Sharon, David, or Harry. It looks like we'll still be able to rent the mailing list." Meanwhile, inside the meeting room, as the committee passed the origi-

*The hand-raising lasted only a short time, and I feared that my count might not be entirely accurate. I later asked several members of the committee and other observers, whether they had counted, and all said they had not. The meeting was videotaped by the party, so I asked the national director whether I could obtain a copy of the videotape to verify my count. He said that he would provide it, as soon as he received copies of the tape from Joe Dehn, who had videotaped the meeting for the LP. Dehn told me he would check that portion of the videotape and let me know. He said that if he happened to watch the tape and he happened to see how many hands were raised, he would let me know. After returning from the meeting, I emailed Dehn, reiterating my request for a copy, and pointing out that Dasbach had agreed to provide copies of the tapes. Dehn did not reply to my request. I hope that the tape will eventually be made available so that I can verify (or disverify) my count.

*I later asked Lark whether he had decided before the meeting to refrain from any vote or had made up his mind at the time. He replied that it was the latter, and that he had decided to abstain (thus killing the action) because he didn't really like either resolution under consideration.

nal Israel resolution, one National Committee member muttered under his breath, "Passing this resolution is a declaration of war between the party's two factions."

The question of whether to do anything at all about the involvement of Harry Browne and the remainder of his staff was now taken up. Ben Scherry introduced a resolution addressing this issue:

> Whereas, Harry Browne acted to and did finally achieve the nomination by the Libertarian Party for President of the United States in 1996;
>
> Whereas, Mr. Browne contracted the services of the National Director Perry Willis at that time for purposes of his campaign and against LNC policy;
>
> Whereas, when said violation of policy was made public, Mr. Browne did act to hide further such violations by funneling further contracts with Mr. Willis in late 1995 through Jack Dean's company;
>
> Whereas, when asked to respond to inquiries by our Chair for purposes of investigating this matter, Mr. Browne refused to cooperate with said investigation;
>
> It is ordered that Harry Browne and Jack Dean are hereby ADMONISHED for their participation in aiding Mr. Willis to violate LNC policy and willfully seeking to impede said investigation; and
>
> Call upon Mr. Browne, fellow campaign staff and committee members Sharon Ayres, David Bergland, Michael Cloud, contractor Jack Dean, and the Chair of the LP in 1996, Steve Dasbach, to publicly denounce this violation of LNC policy by Perry Willis and specifically his declaring "the best interests of the LP" as justification for the violation.

Daniel Karlan moved to put the word "admonished" in lowercase letters. Ken Bisson suggested Dasbach should not be required to denounce Willis' rationale. Scherry responded that before drafting the resolution, he asked Dasbach whether he had in fact made such a denunciation, and Dasbach had told him that he had not. Dasbach then denounced Willis' rationale, and his name was removed from the resolution.

Israel said that "the participation of Harry Browne is still something of a conjecture" and proposed removing any "admonishment" of him. Martin said that we didn't know whether Browne knew what Willis was doing. No one followed up on this suggestion.

The discussion seemed to be winding down when Nelson asked whether there might be legal ramifications of passing the resolution. Legal counsel Bill Hall indicated that he didn't see much reason, but the committee voted to have a "three-minute" executive session, to be conducted in secret with only members, legal counsel, and Steve Dasbach present. When the executive session broke up 45 minutes later, Lorenzo Gaztanaga proposed to amend the resolution by inserting words in the third paragraph to soften any impact it might have on Browne:

> Whereas, **it appears from the evidence submitted to this Committee that** when said violation of policy was made public, Mr. Browne **may have then cooperated with Mr. Willis** [did act] to hide further such violations by funneling further contracts with Mr. Willis in late 1995 through Jack Dean's company. (Bolded words inserted after executive session, bracketed words deleted.)

What legal counsel Hall told them is not known by anyone outside the committee, but the committee had been presented with documentary evidence demonstrating that Browne worked with Willis during the time Willis had very publicly agreed to stop disobeying his contract as well as Browne's own statement that he "was aware of Perry's actions and agreed to them." It remains mysterious that the committee felt the need to water down its resolution so drastically.

Another resolution, which proposed to censure John Famularo for bringing up the whole matter, failed.

The bottom line is that the Browne forces carried the day by a slim margin. As Browne staffer Geoff Braun reported, no significant action was taken against those who had conspired to help Willis work secretly for Browne against both the party's rules and Willis' contract with the party. Those who conspired to subvert the party's rules included its top employee, a member of its national committee, a national chair, and the party's only two-time nominee. The decision to refrain from taking any action was made by a committee whose majority hadn't even read the evidence in the case. The party's chairman, who was presumably elected to provide leadership, refused even to vote on the issue of whether even mild sanctions against Willis were appropriate.

Within days of the meeting, Willis resigned his position as president of the American Liberty Foundation, the organization that he and Browne had founded to raise funds for the purchase of libertarian television advertising, and accepted a new position as a "consultant," clearing the way for the organization to rent the LP's mailing list and advertise in the *LP News*.

"This motion is an insult to the work of the chair and the work of all the other people who have put time and effort into investigating the questions that have arisen out of this matter. The statement that 'no additional evidence has been presented to the LNC on this matter concerning Perry Willis or any other Libertarian' is blatantly false"

So for now, at least, it's business as usual for the Browne team and the cabal that has run the Libertarian Party for the past several years. That may change, of course. The entire National Committee and all party officers are up for reelection at the party's convention next year. Meanwhile party membership continues to shrink as revenues drop. As we go to press, the executive committee of one of the largest state parties within the LP is meeting to consider a motion to disaffiliate itself from the scandal-ridden national party. Whether the current regime will continue to run things may end up depending on whether enough of the party's longtime members, who have generally been less willing to tolerate the misbehavior of its power elite, remain in the party to have any impact at that convention. ❑

Getting Hitched

by Stephen Browne

Springtime in Poland — when a man's fancy turns to love, marriage, and filling out reams of government forms.

We wanted to get married. We'd been heading in that direction but we hadn't been in any hurry. I wanted to give her every chance to get bored with me and come to her senses.

Then the morning sickness started. It didn't totally take us by surprise. Monika had been having real problems with the birth control pills for some time, so one day we had decided to just take our chances. We'd make a definite decision about getting married in a year to the day. Well, now it looks like we would be making that decision a little sooner.

Since I am a foreigner in Poland, our first stop is the regional court in Warsaw. Okay, so we walk over one fine spring morning and find that we have to pass through a magnetometer manned by police. No problem, we retreat to the foyer and empty pockets and purse of everything with a sharp edge, stash them on top of a revolving-door cabinet and walk in.

Dealing with Polish bureaucrats nowadays is not nearly as unpleasant as in the communist times. Now that there is a healthy private sector, bureaucrats seem to feel held up to the standard of service in shops and restaurants. But I am still helpless without Monika in these situations. I speak Polish well enough for everyday purposes but I just don't have the specialized vocabulary to deal with this stuff in Polish.

The clerk says that we will need my original birth certificate, a copy of the first page of my passport with the required visa, my *meldunek tymczasowy*, or registration of address with the local government (by the way, this is not just a feature of the ex-communist world but a common practice in Western Europe as well), and the divorce decree from my previous marriage. I need to bring Polish translations, made by a sworn and licensed translator, of each document, as well as the original documents themselves. The clerk tells Monika to come back "with your father" (nodding in my direction) when we have the documentation.

Getting most of the documents isn't too difficult, except for the divorce decree. I have absolutely no idea of how to get in touch with my ex-wife; I don't even know for sure whether she's alive. We decide just to ignore the divorce papers and hope no one asks us for them. I have let my original *meldunek* lapse, but that's no problem, I just go and get another one. The funny thing is that though Poland technically has a more intrusive bureaucracy than the United States, the Polish bureaucracy is much easier to ignore. Poland doesn't have the resources to enforce every little rule and Polish bureaucrats don't have the zeal to enforce them anyway. I've ignored work permit regulations for a long time. But marriage is another thing. There you really do need to have everything in order.

We get all the documents together and bring them back to the courthouse. Now we wait a month and a half to come back for the next step, which is securing permission to go on to the next step after that.

At one point I ask Monika, "Isn't there a fast-track permission for couples who're pregnant?" "Steve, that's an awful lot of girls in Poland who are getting married." It turns out that there *is* a fast-track wedding — but only for church weddings. We're having a civil ceremony.

We are headed to Minsk for the American Studies Conference at the European Humanities University so we ask Monika's mother to drop off and pick up some of the documents. She tells me that she saw a Polish guy lose it in the courthouse. He was trying to marry a German woman

and had just been told that he had to go back to Germany to get a certain document. That's when he picked up a chair and smashed it against the wall. Something inside me screams "Yes!" when I hear this. Unfortunately, the bureaucrat took out her anger on the next customer — my future mother-in-law.

A week after we get back to Warsaw we have a hearing with a judge. I am worried that if the judge asks me whether I am divorced I might have to perjure myself. I am reluctant to do this. Lying under oath means something to me. And I had been awfully holy about Bill Clinton's perjury a short while back.

We get all the documents together and bring them back to the courthouse. Now we wait a month and a half to come back for the next step, which is securing permission to go on to the step after that.

Pani Sedzia (Madame Judge) is a rather attractive middle-aged lady in her black robes and with the traditional chain of office around her neck. Each of us must go and stand at a podium to be quizzed. Monika goes first. *Pani Sedzia* asks her all the questions about any legal impediments to our marriage and then asks, "Do you mind marrying a man 50 years old?" Monika denies that it bothers her. Madame Judge looks at her belly and smiles.

My turn. I get up and answer the standard questions about citizenship, how long I've lived in Poland, and what I do for a living. I answer in Polish with occasional help from Monika. She asks me one question I don't quite get but I think is about a previous marriage. I answer *nie*. I haven't been placed under oath but I'm wrenched inside.

After we leave I pour out my troubled heart to Monika. "No sweat, she just asked you if you were married somewhere else." Great! I can set my mind at ease.

Madame Judge has told us to come back in three weeks to pick up the documents relieving me of my duty to provide a document from the U.S. government stating that I was eligible to get married, and that there were no impediments to that end. The reason that I need this exemption is because the United States government has no provisions for providing such a documentary proof — which everybody in the world pretty much knows.

Three weeks pass. We go back to the appropriate office and ask for the documents. We are asked to show our written request. Monika tells the clerk that the judge said nothing about a written request and simply told us to show up and ask for the documents. Monika is told, "The judge is not the information office."

However, there is no queue and the clerk is kind enough to type out the request for us. She complains constantly and bitterly. But she does it.

We are now allowed to reserve a day at the *Palac Slubow* (Palace of Weddings) in the old town. We are also allowed to go to the *Hala Toastow* (The Hall of Toasts) in the basement of the palace and register for a half-hour in the room and champagne for 30-odd people. Simple. Well, maybe not. We do have to get another document but we only have to make two (or is it three?) trips to the office before setting a date — if there are any dates still available. And that date cannot be less than a month and a day from the day we register for the wedding.

We get lucky. We get a date in late July since the summer season is popular for weddings. Or maybe it isn't all luck since in Poland months spelled with an "r" are thought to be lucky and in Polish, July is *Lipiec*.

A Polish guy was trying to marry a German woman and had just been told that he had to go back to Germany to get a certain document. He picked up a chair and smashed it against the wall.

By this time Monika is probably getting tired of my pointing out that in America, even if we were both foreigners, we could have gotten married within a single day. This fact had astounded a couple of Chinese students I had once helped to defect and marry. They had told me that in China they first would have had to get permission from their work unit leader. Nor is marriage much easier for foreigners in Western Europe, as we found out when we looked into whether marrying abroad would have been simpler.

So now we're set! Well, in the next two weeks we have to get invitations out, start childbirth classes, buy me a suit, and arrange a dinner at a restaurant for 30-odd people, but we've done it. We're out of the public sector. ❑

Letters, *from page 42*

"perhaps the greatest scientific discovery ever." The only word that is even close to appropriate in that quotation is "perhaps." Evolution was not discovered. The non-discovery was not scientific. And the claim that it is the "greatest ever," although subjective, is dubious at best.

True science, as Sandefur remarks, is marked by its "acidic reason and refusal to appeal to authority." Evolution dogmatists demonstrate the exact opposites. Doubters of evolution have included Nobel Prize winners, atheists, and qualified biologists and chemists with detailed and reasoned arguments. Yet the evolutionists have standard arguments against them: They are creationists (strawmen), they are not biologists or otherwise are not qualified (ad hominem), and they are outside the mainstream (begging the question). Rare is the day when an evolutionist argues for evolution, or against skeptical arguments, based on evidence and logic.

Most people are ignorant of evolution because it is not taught, even in biology classes. Check basic biology textbooks; it is rarely mentioned. And if so, it is simply accepted, not explained; and certainly not proved. In fact, has evolution even been proposed as a falsifiable hypothesis, and therefore subject to the scientific method?

continued on page 61

Reviews

Commies: A Journey Through the Old Left, the New Left and the Leftover Left, **by Ronald Radosh. Encounter Books, 2001, 222 pages.**

Traitor to the Revolution

Stephen Cox

Few people, said Samuel Johnson, ever find the need to "revise their college opinions." He thus identified one of the most disconcerting characteristics of "educated" people, a characteristic that more than two centuries of further "education" have done nothing to change.

Of course, there would never be any need for people to revise their college opinions if all they learned in college was the rules of logic. But logic is one of the things that practically nobody is exposed to in college. What people learn isn't truths safely deduced from self-evident principles but conclusions more or less hastily and sketchily derived from human experience, historical, literary, scientific, or political. This is the area in which one would expect a great deal of revision to take place, as experience increases and judgment matures. Unfortunately that is not the case. The spectacle of someone altering a fundamental opinion about, say, politics at the age of 60, 50, or even 40 is as rare as a bear in Boston — it can happen, but it's way outside the normal range.

Some of the people who are most reluctant to change their minds are the professional historians, men and women whose chosen trade consists, supposedly, of a perpetual testing of received opinion against newly discovered fact. Many of the world's most influential historians have been among its greatest dogmatists. Vast schools of historiography have been based on dogma and devoted to the production of dogma. Indeed, the whole history of "history" might be described as the process by which one transparently fallacious dogma was "corrected" by some other transparently fallacious dogma, yielding in turn to yet another sample of the same, and so on, ad infinitum.

Ronald Radosh is the exceedingly unusual historian who has actually changed his mind, reversed an opinion, surrendered a dogma. Born to a communist family, educated in a left-wing private school and a red summer camp, trained in graduate school by a historian whose work provided "a new generation of activists and students" with "an intellectual rationale for their gut-level animosity to . . . American culture" (p. 69). Radosh spent decades writing and agitating for communist causes. Then, amazingly, he started criticizing communists. He even started laughing at them. Why? Simply because — you may not believe this — he saw that facts were against the left-wing movement, and that the left-wing movement (composed, as it was, of "intelligent," "well-educated" people) had no respect for facts.

His awakening came slowly. In the 1970s, around his 40th birthday, he set out to write a defense of Julius and Ethel Rosenberg, executed in 1953 for passing atomic secrets to the Soviets. His book, *The Rosenberg File* (co-written with Joyce Milton), ended up proving the Rosenbergs guilty. As a result, Radosh was subjected to gross abuse and harassment by erstwhile friends who loved a lie and refused to be deprived of it. But even that wasn't enough to make him break completely with the cause. He did that only after another decade, spent investigating the effects of socialism in places like Cuba and Nicaragua and observing the ability of the communists, and some people who want to be known as the modern liberals, to ignore those effects and pour contempt on thoughtful persons who don't want to ignore them. He found that "the liberal-left community in the United States . . . had always looked the other way. The only law the left obeyed was Don't Look Back — for if it did, the only accomplishments it would see were famine, gulags, and mass death" (195).

Commies provides a very interesting account of a historian's attempt to come to grips with history. It is marked through by the inspiring reverence for truth that characterized the classic *Rosenberg File.* (Alas, the new book has not benefited from the same careful proofreading: here, people hide "under," not behind, a car seat; the Cambodian Lon Nol becomes "Lon No"; etc. [57, 130]. Venial sins, but distracting.) The larger question remains: Why have so many "intellectuals" remained in what Radosh aptly calls the "leftover left" — a left that, make no mistake about it, is extremely influential, whatever state of decay its malodorous mental leftovers may now have reached?

Radosh's book suggests a number of explanations, most of which are

aspects, corollaries, or complications of what I call the Mama's Boy Syndrome.

Isabel Paterson said that the left of her time, the "Old Left," preached a Mama's Boy economics, according to which everything should simply be provided to everyone — or at least to all good children — by some powerful and benevolent and mama-like authority. That's the idea of the not-so-new left, too. It's noteworthy that the big gripe of Radosh's left-wing former friends seems to be that the capitalist power-structure never does enough to *help* such entities as the Soviet Union, Soviet Nicaragua, Nationalist black, and Revolutionary youth. It doesn't invariably act the part of the nice mommy who eagerly *helps* even the children who shriek that they *hate* her. Add to this the persistent refusal of capitalist America simply to haul off and guarantee "a living wage" to everyone — even, or especially, to the idle and incompetent. Well! What kind of a mother is that, anyway?

The whole history of "history" might be described as the process by which one transparently fallacious dogma was "corrected" by some other transparently fallacious dogma.

In retrospect, I find it enormously comical that the typical response of '60s college students to any political development that failed to please us was to "strike," to refuse to continue a course of heavily subsidized education intended for our own material and intellectual benefit by a benevolent modern-liberal regime. There was no expectation of being thrown out of school, or even of seeing any damage done to one's grade point average; Mommy would never do that. And she didn't. As for actual self-sacrifice, I can recall no instance of a student's voluntarily surrendering a fellowship, scholarship, or student loan in order to escape from any pangs of conscience while harassing the dean or blocking the doors to classrooms. And these demonstrations of childish entitlement generally succeeded, such was the Mama mentality of the dreaded "power structure."

Success, even momentary and adventitious success, has a way of confirming pre-existing opinions; and opinions based on "gut-level" feelings of entitlement to, well, everything are likely to exert an influence of indefinite duration, because the everything which can never be fully delivered, must always continue to be demanded. Every "civil rights" organization, "feminist" coalition, and "poverty" lobby that existed in 1965 has had its initial demands fully met, but none of them has ever gone out of business. There has always been another set of demands to be generated, another installment of wrath to be exhibited when the demands were briefly resisted, another conformation of self-entitlement when the bad guys finally gave in. So much fun!

How was this Mama's Boy sense of entitlement developed? A full answer would have to include some reference to capitalism's wonderful success at satisfying people's needs and wants, a success that tempts people to demand the benefits of the marketplace without accepting any of its risks and labors. But schooling can be crucial as well. Radosh and many of the other "commies" in this book were scions of eastern European immigrant families who brought with them the European political fads of the early 20th century, then piously preserved them as a religion and a focus of personal identity and significance for their children. Many children rebel against their parents' religions, but these good children didn't. Despite their posturing, they weren't rebels at all. If they had been rebels, they would have immediately turned Republican. In fact, most of them appear to have been simple careerists, capitalizing on their education in "revolutionary theory" by finding jobs as editors of left-wing papers, "organizers" of "masses" like themselves, and academics specializing in — guess what? — political theory. We have yet to hear of one of them ending up on the line at the River Rouge plant.

When the Vietnam War came along, its truly remarkable stupidity alienated a host of young men who were liable to conscription, and these young men and their cultural kinfolk were easily "organized" by the red blanket babies. It's no secret to anyone but the historians that these RBBs were the crucial people in the supposedly spontaneous mass movement. Anyone who participated in a radical gathering could see who constituted the student council in that particular high school. In my experience the RBBs were temperamentally identical to that paragon of mama's boys and student body presidents, William Jefferson Blythe Clinton — loud, smug, obnoxious, ignorant, self-assured in the way that only people who lack any genuine selfhood can be. Millions of average American kids were torn from their ideological moorings (if any) by the Vietnam War, but they weren't the ones who were running the "movement" show, and they weren't the ones who stayed in the theater, once conscription ceased and made it easy for them to leave. The folks who stayed were the red blanket babies and their political clones, who then had some trouble trying to keep their high-profile jobs as radical "leaders." Radosh puts it in a nicer way:

Many children rebel against their parents' religions, but these good children didn't. Despite their posturing, they weren't rebels at all. If they had been rebels, they would have immediately turned Republican.

> The issue that had given meaning to our lives was beginning to evaporate; and for many, this was an occasion for deep melancholy. (121)

After all, the "intention was never so much to end the war as to use anti-war sentiment to create a new revolutionary socialist movement at home" (89). So much for the honesty of these idealists.

But not to worry. Enough of the mama's boy ethic had been assimilated by the American "intellectual" classes to produce a low-level, though chronic, red rash, a rash that would become

acutely ugly whenever reality, that punishing father, appeared in the form of any stern and therefore hateful fact, such as the nation's strange inability to create "equality" by passing laws or to end "poverty" by throwing away money. It soon appeared that there were plenty of jobs still open for mama's boys who were skilled in whipping other mama's boys (and daddy's girls) into a froth of resentment at even the faintest hint of political truth and fact. Educated, like the Cathar Elect, to believe that they were smarter and purer than everyone else because they were good at massaging a set of idiotic dogmas, the leaders of the left drifted happily from one cause to another; and, as Radosh says, they never looked back. So what if the Black Panthers turned out to be a bunch of hoods? So what if the nuclear winter was an inaccurate scientific projection and affirmative action was a moral and practical bust? So what if everything that "the far right" said about the Soviet Union or Castro's Cuba or Red China or Bill Clinton was finally acknowledged as true, even by ABC, NBC, and CBS? Who on the left ever had the decency to apologize to the American people for having misled them about these issues? No one needed to apologize, because no one, outside of "the far right" and a few knowing former leftists like Radosh, was willing to bring the reds to book.

So what if everything that "the far right" said about the Soviet Union or Castro's Cuba or Red China or Bill Clinton was finally acknowledged as true, even by ABC, NBC, and CBS?

Picture two college students. Student X understands and believes in the American constitutional system, free enterprise, and individual liberty. Student Y believes that free enterprise is inevitably oppressive, that individual rights must always be "balanced" by "social duties," that everyone is entitled to be supported by the government, that the Constitution mean whatever any social "idealist" wants it to mean, and that the two most terrible events in modern history were McCarthyism and the Watergate scandal. Which of these students do you think is more likely to become a congressman, a news editor for a TV network, or a professor at a distinguished academic institution?

You know the answer — and that is the reason for my one disagreement with Ronald Radosh. I think that when he proudly announces that he has left the "commies" and has come "home" to America, he makes far too optimistic a distinction between the two. ❑

***Stiffed: The Betrayal of the American Man,* by Susan Faludi. William Morrow & Co., 1999, 650 pages.**

The New Man

Michael Drew

"Why haven't men spoken out against their oppression?" muses feminist author Susan Faludi. Huh? The brutish testosterothals were the ones doing all the oppressing, or so we've been taught over the years by Faludi and her feminist sisters. Well, good news, brothers: It turns out we are all victims, too. Pulitzer Prize-winning journalist Faludi, author of the 1991 best seller *Backlash: The Undeclared War Against American Women*, spent the latter part of the decade roaming the strange and sometimes scary world of men. And does she have a lot to say about it: Her most recent book, *Stiffed: The Betrayal of the American Man*, outdistances even the tedious *Backlash* by 150 pages.

So who's betraying whom, you ask? It's a very long story. Faludi achieved worldwide fame with *Backlash* by exposing the alleged right-wing conspiracy (before Hillary was even a household name) to demoralize women and roll back feminist gains through the use of, among other things, what she calls "trend journalism." For example, print a few stories about lonely women unhappy with their choice of career over family; repeat and amplify the stories through the news and advertising media until you create a national "trend," which then influences the choices real women make through the power of suggestion. *Backlash* exposes the supposed woes of single American womanhood — corporate job burnout, loneliness and depression, ticking biological clocks, the fear of growing old alone — to be paper tigers in a clever propaganda campaign designed to scare women back into their places.

Despite its purported revelations and wealth of detail, *Backlash* was really a simple book, on the theme of "us vs. them and here's how," over and over again. And though some of Faludi's dark prophecies of the time, such as "women's disappearance from prime time television" (p. 143) and the "female vanishing act" in media employment (371), can only evoke laughs today, at least the heroines and villains in this conspiracy were familiar enough to anyone following feminist thought over the past 30 years (and who's been able to escape it?).

By comparison, *Stiffed* is more ambitious, more complex, more confusing — a work regarded by some as a kind of complementary *Backlash* for men, and by others as a timely attempt to rake in some postfeminist royalties by turning around and giving the chauvinist bums a break.

As the title suggests, in *Stiffed* Faludi attributes the crisis of modern masculinity, or "manhood under siege" (6) (including declining power and prestige, increasing aberrant behavior, chronic alienation, and loss of purpose) to an interconnected series of "betrayals" suffered by the male baby boomer generation. The various layers of betrayal are revealed through a litany of men's personal stories, from laid-off blue- and white-collar workers to L.A. gang bangers, Christian Promise Keepers, Vietnam vets, angry white-male militias, loyal NFL football fans, and even astronauts and movie stars (both the regular and X-rated kind).

The brutish testosterothals were the ones doing all the oppressing, or so we've been taught over the years by Faludi and her feminist sisters. Well, good news, brothers: It turns out we are all victims, too.

So what does this wild assortment of wild men have in common — aside from a Y-chromosome? Decrying the "ahistorical" analysis typical of gender studies, Faludi traces the roots of a great masculine betrayal back to the returning warriors of World War II who literally promised their sons the moon, a "father knows best culture that promised too much" (375). What the *Leave It to Beaver* crowd grew up to find instead was an impersonal corporate structure chewing them up and spitting them (and their fathers) out like scrap metal, a war in Southeast Asia fueled by the lies of their fathers' generation, and most recently, a glitter-glamor culture favoring style over substance and undermining the traditional masculine values of work, craftsmanship, and the old English ideal of "publick usefulness" (11).

To her credit, the author conveys a genuine empathy through the vehicle of her male interview subjects — something of a departure from *Backlash*, in which she derided "celluloid neo-patriarchs" (136, 154) like Bill Cosby who dared to present an occasional positive male role model on television. She is a decade later devoting over 70 pages to the history of the Cleveland Browns football franchise, surely a first in feminist writing. In this sense, Faludi captures the essence of American maleness better than, say, the short-lived "men's movement" of poet Robert Bly and his drum-beating friends. By at least delving thoughtfully into the myths of our masculine institutions such as professional sports and the military, Faludi acknowledges their symbolic power in the psyche of the average male. (By contrast, the Bly men's movement erred in rejecting the ingrained traditions of American manhood as simply "broken," attempting to substitute in their place a hodgepodge of ersatz Native American rituals sprinkled with left-leaning psychopolitics.)

Yet if the former *Wall Street Journal* reporter's strength is her in-depth storytelling, her weakness is in putting the mosaic together in a coherent or credible way. To paraphrase Woody Guthrie, Faludi's analysis isn't exactly "ahistorical" — but it may as well be. Rather, her predictable "pop-historical" perspective might be summed up as follows: "In the beginning was the good and noble World War II. Then came man's fall from grace, heralded by the bad Vietnam and all the evils that attended it."

A glaring problem with Faludi's "patriarchal betrayal" theory is that few of these so-called betrayals represent anything new or unique in our history. For starters, the impersonal, exploitive corporate America of today looks downright warm and fuzzy compared to the prior three centuries of upheaval of the Industrial Revolution. As recently as the Great Depression of the '30s, a generation of men was tossed onto the streets in circumstances far worse than anything seen since.

In keeping with her theme, Faludi dwells wistfully on World War II as the ultimate triumph of traditional masculinity ("Was there ever such a moment of masculine certainty" as VE day [19]?) She fails to consider that for over 90% of our history, America has been at peace — with a very small military establishment for most of that time and no attendant masculine identity crisis. As for Vietnam, in which only a small percentage of the nation's youth saw actual combat, this was hardly the first terrible, meaningless, lie-driven war in history. Millions more men of Hemingway's "Lost Generation" were devastated by the global nightmare of World War I. Who ever promised these men anything but blood, sweat, and tears? Yet through these crises and countless ones before, the idea of manhood itself was never seriously questioned. Individual men might fail or fall by the thousands, but they at least knew what they were aspiring to be. What happened?

One clue lies in a curious disconnect we observe as *Stiffed* unfolds. In setting up her argument, Faludi pooh-poohs the usual suspects antagonizing the angry modern male, most notably feminism and the changing role of women. She later pairs this with a similar admonition to feminists that, likewise, women's problems are not all the fault of a "cabal of men" (though one could have sworn she was saying exactly that back in *Backlash* — guess it's never too late to "evolve," eh Susie?).

A remarkable tap dance then takes place as the author tries to pursue her historical-patriarchal-whatever theme, but her interviewees one after another begin ranting about "the male gender taking a back seat across the board . . . It's been a complete role reversal . . . Women have taken a very masculine role in society" (89). The McDonnell Douglas Corp. worker is "most humiliated by the fact that his wife was supporting the family now" (88). The Pony League baseball coach "set his voice in a thin line at the mention of girls sports . . . his voice was getting louder, his face redder: 'We had our weight room taken away . . . we got pushed outside'" (123). "Howard sensed his wife's new mission eliminated his . . . 'She

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has a bigger office than I do.'" And what's great about her new job (from her perspective) is "'the bosses are all women.'" "His wife hadn't lost an identity; she had found one that didn't seem to include him" (254–5). "Women's freedom was now judged to be the flip side of men's uselessness . . . 'Men are belittled, shrunk to nothing . . . they've downgraded us'" (523). Even the more thoughtful writer and World War II vet Richard Matheson speaks to Faludi of "the war that had brought women into the workforce, and in his view, 'began the social diminishment of men'" (78).

Faludi sidesteps this barrage of male "gender anxiety" and anger with surprisingly little commentary, though at one point she wonders: "What his resistance to feminist advancement had to do with his employment situation I didn't know" (89). At times it's unclear whether she's simply counting on the short attention span of the American public, or suffering from it herself. For in *Backlash*, she cites a major reason for increasing male depression as changing gender roles and the widespread employment of women outside the home (40). Not because a man will be bossed around, but because he becomes less and less necessary to his family and to society. As a corollary, she also cites in *Backlash* the common denominator of masculine identity across all cultures as that of family breadwinner (457).

Given these facts to chew on, we might reconsider some truly unique historical phenomena undermining traditional masculinity in recent years: the radical advance of technology and consequent decline in manual labor; the steady advance of women into traditional male roles; and finally, the provision of mass government aid to women with children. (For anybody dismissing the latter point as right-wing rhetoric, consider that nearly half of all commercial infant formula produced in this country is purchased by the U.S. Department of Agriculture for free distribution to new mothers, even in this era of "welfare reform.")

As one of Faludi's subjects observed: "Taking care of families is what made men men" (38). Another echoes: "My father's was the last responsible generation; men still owned their homes, supported their families; but then something happened . . . we black men had outlived our usefulness" (477). Forget "promising too much"; the greatest betrayal by modern fathers has been their simple absence from the home, reflected in modern divorce rates and the skyrocketing incidence of single-family households.

Now, why would our author wish to steer clear of such obvious factors (though she acknowledges the role of technology) and instead focus on World War II, paternal promises, and evil corporate culture as the scapegoats for modern men's struggles? The answer is simple: Whether writing about men or women, Susan Faludi's overriding objective has always been to get the feminist movement off the hot seat. In this case, men's unhappiness simply can't be attributed to the changing status or role of women — even if the men being interviewed are screaming just that — it must be the fault of some other men. More tell-

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ingly, *Backlash* states her belief that modern women's unhappiness doesn't even exist; that it is a fabrication of the Christian Right and the anti-feminist media (the same anti-feminist media that gave *Backlash* the "1992 National Book Critics Circle Award for Nonfiction").

Indeed, those who view Faludi's two books as complementary, supportive treatments of the sexes — as other reviewers have — might question why the stereotype of the depressed, lonely female is dismissed and (supposedly) debunked in *Backlash*, while the stereotype of the crazed or emasculated male is played up to the hilt in *Stiffed*. Faludi had a term for taking a few extreme cases and calling it the norm: "trend journalism." But after denouncing its application to women as the main theme of *Backlash*, she dives into the practice with both feet in *Stiffed*, with her motley collection of losers and porno-film extras supposedly speaking for the average man of today. Faludi would have done well to recall her own complaint from *Backlash* about the alleged treatment of the American woman on prime-time TV: "She deserved our pity, the shows suggested, though not our respect" (159).

The implication is clear in the differing — not at all complementary — thrusts of the two books: In *Backlash*, we're shown over and over how the subject women are unfairly portrayed as losers. In *Stiffed*, we're shown over and over how the subject men really are losers.

And whereas *Backlash* provided a blow-by-blow analysis of the media's crafty undermining of women's self-esteem through advertising, for example, no comparable study of the media's treatment of men appears in *Stiffed*. Strange, considering that men have unquestionably been made the buffoons of our popular culture, consistently outwitted and outplayed in virtually every male-female (or even adult-child) interaction in advertising. One is hard-pressed to even buy a greeting card without combing through the gauntlet of anti-male humor prominently displayed for all, including children, to see (e.g., "We wanted to re-enact the Christmas story this year, but we couldn't find three wise men." Other examples are less printable).

Any sampling of the language used about the respective sexes will reveal against whom the psychological war is really being waged. The very words "manhood," "masculinity," and "testosterone" are most commonly uttered with a sneer — the last of these often referring more specifically to "testosterone poisoning." When the subject is the higher prices women pay for cars,

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the newspaper solemnly calls for an investigation into this systematic discrimination. When the subject is the higher prices men pay shopping for holiday gifts, the same newspaper simply asks: "Why are men so inept?"

Rosie O'Donnell captured the spirit of our gender dialogue while hosting the Tony Awards one night, as quoted gleefully in the national press the next day: "Women are from Venus; men are pieces of crap." Faludi's celebrated "war on American women" notwithstanding, can anyone imagine a comparable remark being made about women on prime-time TV? And forget about any public acknowledgement of the far more blatant "war against men": all we heard about the Tony Awards at the time was how Rosie's wonderful brand of humor helped revive its sagging ratings.

So how are men and women really doing? Confusion seems to be the watchword, as the dubious oracle called the sociological survey ranks everyone from married men to single women as being the "happiest" group of people at any given time (apparently depending on the motives of the authors). If not necessarily representing the average man, "Faludi's losers" are still real people and represent a definite male angst over loss of purpose and power. At the same time, we can hardly blame women for wanting to advance and better their own lot as they have. We've been treading inexorably toward wider and wider acceptance of women in jobs that not long ago were filled by men, whether or not we agree on what that means at any given time. Where it stops, nobody knows.

"Women are from Venus; men are pieces of crap."

Yet American women's rate of depression remains twice that of men; it seems all the self-esteem boosting of books like *Backlash* can't hide a malaise enveloping a portion of both sexes in the social free-for-all of the "post-feminist" era. We'll certainly need wiser voices than Susan Faludi's to make our way forward. ❑

***Unacknowledged Legislation: Writers in the Public Sphere*, by Christopher Hitchens. Verso, 2000, 358 pages.**

The Critical Left

Jeff Riggenbach

Seven years ago, just after the American electorate had turned the House of Representatives over to the egregious Newt Gingrich and his ludicrous "Contract with America," *The Nation* ran a short article under the headline "Minority Report: Democrats and the Election of 1994."

"The Democratic Party," the author of the article announced, "is going the way of the Whigs, and a very good thing too." For those on the left, "it is past time to attempt a new synthesis that has been in potentia for a while. Faced as we are with an apparently libertarian inclination among the voters, and a strongly authoritarian strain among the Republicans, the dialectical thing to do is to work with the libertarian tendency."

When, in the following paragraph, the author reflected that "[e]lements of this possibility were present in the much-derided Jerry Brown campaign" of 1992, any real libertarian would, of course, be instantly on guard. Jerry Brown, though he adopts amazingly sensible policy positions with refreshing frequency, is clearly no libertarian. But then came the platform on which the author thought a coalition of leftists and libertarians might stand:

> If you want to simplify and minimize the relationship of the citizen to the state, there is no necessary contradiction involved in favoring (1) a flat tax, which would eliminate the parasitic class of tax-fixers who exempt the rich and the corporations from their fair share, and also eliminate the pulverizing bureaucracy which keeps people in permanent, servile confusion about whether or not they have complied with the law; (2) single-payer health care: advantages too obvious to mention but including the elimination of wasteful duplication and stupefying insurance company paperwork; (3) abolition of the national security state, and the downsizing of the military budget to one that is appropriate to a large, nonimperialist democracy; (4) decriminalization of narcotics and an end to Prohibitionism — the acid test of seriousness about crime; (5) a "Freedom Summer" for the cities and ghettos, with a massive public-works and reconstruction program. And obviously (6) the state needs no dealings with any church or churches.

Two of these six points are, of course, extremely objectionable to libertarians, who would scoff at the notion that national health insurance and massive '60s-style urban renewal are not "necessarily" in contradiction with "minimizing the relationship of the citizen to the state." Still, on the whole, I'd say this platform is no worse than the sort of six-point program you could expect to see pushed by a modern-day conservative — (1) a bigger, even more meddlesome national security state, now operating from space as well as on land and sea; (2) an even larger increase in funding for the failed public school system than the liberals propose; (3) an even more vigorously prosecuted and even more expensive War on Drugs than the liberals are willing to get behind; (4) a more determined effort to undermine the First Amendment by prosecuting those who burn flags or post pictures of naked people on the Internet; (5) an

ever larger and ever more indefensible program of welfare handouts to big business; and (6) a more integral role for churches as tax-funded dispensers of "social services." In fact, I think the left/libertarian platform is preferable.

Its author, "the author" whose identity I've been so clumsily concealing for the past few paragraphs, is Christopher Hitchens, who writes for *The Nation, Vanity Fair, The London Review of Books, The New York Review of Books, Harper's* and other periodicals; teaches at the New School; and is currently notorious for publicly charging Henry Kissinger with war crimes (wasn't that already common knowledge?). In 1994, Hitchens looked back on "the lunacy of the Reagan period in Washington," and recalled that "I was impressed by how often it was the Cato Institute that held the sane meeting or published the thoughtful position paper. These days, I get more out of reading the libertarian magazine *Reason* than I do out of many 'movement' journals. There are important differences of emphasis, but it can be more of a pleasure to joust with the libertarians than to have another go-around with the center-left and its doomed coalition of dwindling 'out groups.'"

In his latest collection of reviews and essays, *Unacknowledged Legislation*, Hitchens continues to evidence this individualist and proto-libertarian streak. In a remarkable essay on George Orwell and Raymond Williams, for example, he approvingly quotes the following "admirable extract" from a 1958 piece by Williams:

> At home we were glad of the Industrial Revolution, and of its consequent social and political changes. True, we lived in a very beautiful farming valley, and the valleys beyond the limestone we could all see were ugly. But there was one gift that was overriding, one gift which at any price we would take, the gift of power that is everything to men who have worked with their hands. It was slow in coming to us, in all its effects, but steam power, the petrol engine, electricity, these and their host of products in commodities and services, we took as quickly as we could get them, and were glad. I have seen all these things being used, and I have seen the things they replaced. I will not listen with any patience to any acid listing of them — you know the sneer you can get into plumbing, baby Austins, aspirin, contraceptives, canned food. But I say to these Pharisees: dirty water, an earth bucket, a four-mile walk each way to work, headaches, broken women, hunger and monotony of diet. The working people, in town and country alike, will not listen (and I support them) to any account of our society which supposes that these things are not progress: not just mechanical, external progress either, but a real service of life.

Hitchens argues vigorously against Williams' interpretation of *1984*, which gets off on the wrong track right at the beginning, as he sees it, by supposing that the totalitarian state in the novel was based on Orwell's "experience of fascism and Nazism." On the contrary, Hitchens insists, "[i]t is quite plain, from internal evidence and from Orwell's own writings and correspondence, that it was the Stalin terror (which he had seen early and at first hand in Catalonia) that provided the raw material for the nightmare of 'Ingsoc.'" Moreover, he says, Williams' critique of *1984* supposes that "a book published in 1948 — in the face of endless difficulties — should have been a dystopian satire on the form of dictatorship — National Socialism — that had just been defeated and destroyed, rather than on the form — 'People's Democracy' Stalinism — that had just annexed Eastern Europe. Such a book," Hitchens acidulously comments, "would certainly have been better received by the progressive intellectuals, but it would hardly have forced anybody to face uncomfortable truths."

Nor are the uncomfortable truths of Orwell's bleak vision the only ones Hitchens is willing to face. "One of these days," he writes, near the end of an illuminating essay on Whittaker Chambers, "I'm going to write a book called 'Guilty as Hell: A Short History of the American Left.' Revisionism has cut great roads through the causes célèbres of the bien pensants. Where are we now? Joe Hill, probably guilty as charged, according to Wallace Stegner. Sacco and Vanzetti darker horses than we thought. The Rosenbergs at least half-guilty. Most of the Black Panthers (always excepting those murdered by the FBI) amazingly guilty."

Hitchens takes aim at the absurdly inflated reputation of Isaiah Berlin, arguing that the man was a hypocrite and that his celebrated thought was neither original nor coherent.

In an essay on the Salman Rushdie case, Hitchens' exasperation with at least one aspect of political correctness is plain. "This fear of 'giving offense' begins to spread through the respectable classes," he writes. "The right of the author must, of course, be defended, but need the right have been exerted so, well, promiscuously?" Hitchens finds this attitude particularly dismaying in the case of Rushdie, "a direct and open threat of murder against a prominent writer and against 'all those involved in [his novel's] publication.' This is somewhat more than censorship, or even arbitrary imprisonment." Hitchens had proposed that all present at a PEN rally in support of Rushdie sign their names to a declaration that they are "'co-responsible for publication.' Come and get us: the mythical Spartacus reply."

> To my surprise, the petition is drawn up in this way, and circulated and signed and reprinted. When first reprinted in London's Times Literary Supplement, however, the words "while we regret any offense caused to believers" have been anonymously inserted by nervous hands. For the first time I have really

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noticed — maybe I should have seen it coming — how the terms of multicultural "sensitivity" can be used to impose uniformity, and to create a cringe.

In an immensely interesting essay on Sir Arthur Conan Doyle, Hitchens takes note of another, similar phenomenon. "[I]n the late Victorian period it was very much easier to guess a man's background or occupation by mere physical inspection — as Dr. Joseph Bell, Conan Doyle's celebrated mentor at Edinburgh University medical school, had shown him how to do. Nowadays, the distinction between 'profiling' and 'stereotyping' can in itself be an obstacle to good police work."

In one of the strongest essays in this collection, Hitchens takes aim at the absurdly inflated reputation of Isaiah Berlin, arguing that the man was a hypocrite and that his celebrated thought was neither original nor coherent. The hypocrisy is easy enough to establish, for though Berlin's biographer, Michael Ignatieff, insists that "it was a fixed principle of his that so-called elites — intellectual or otherwise — had no business presuming that they knew better than the man or woman in the street," in fact Berlin arrogantly made decisions for the man and woman in the street on a regular basis while serving as an adviser on Indo-Chinese policy to the Johnson administration. At a time when, as Hitchens reminds us, "an ever-increasing number even of Establishment types [had begun] to sicken of the war," Berlin's fellow technocrat, McGeorge Bundy, wrote to the columnist Joseph Alsop in 1967, that "I don't have the wonderful self-confidence of Isaiah — 'I'm a terrific domino man.'"

In those heady days in Washington, being a terrific domino man, as Berlin saw it, meant having the intestinal fortitude to march resolutely down a road that could well lead to one's own destruction. "Except," Hitchens comments, "that it was actually many thousands of conscripted Americans, and uncountable numbers of Vietnamese, and not the intellectuals at the elbow of power, who were marched down that road before their time. What of the skeptical humanist who warned incessantly about the sacrifice of living people to abstract ends, or totemic dogmas?"

Here's Berlin's own frank self-assessment, as quoted by his biographer, Ignatieff: "I am an intellectual taxi; people flag me down and give me destinations and off I go." Often enough, too, the people who flag him down leave things — ideas, phrases — in the taxi when they get out. As Hitchens notes, "Berlin's favorite, Benjamin Constant, proposed a distinction between the 'liberty of the ancients' and 'liberty of the moderns'; T.H. Green spoke of liberty in the 'positive' and 'negative,' and the same antithesis is strongly present in Hayek's *Road to Serfdom* — the title page of which quoted Lord Acton saying that 'few discoveries are more irritating than those which expose the pedigree of ideas.'"

In an interview conducted not long before his death in 1997, Berlin declared:

> I think liberalism is essentially the belief of people who have lived on the same soil for a long time in comparative peace with each other. An English invention. The English have not been invaded for a very, very long time. That's why they can afford to praise these virtues. I see that if you were exposed to constant pogroms you might be a little more suspicious of the possibility of liberalism.

The liberalism Berlin is referring to here is that "classical liberalism," or, in modern parlance, "limited government libertarianism," of which he is supposedly a leading modern exponent. "Here," Hitchens remarks, "is the rich man's John Rawls."

Liberalism is for those who don't need it, free to those who can afford it, and very expensive — if even conceivable — to others. But the clash of ideas here is more chaotic than confused. Should one deduce that liberalism

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can't be derived from the experience of pogroms? And if it can't, why did Berlin argue that liberalism is the answer to the experience of this uniquely grim — as he thought it — century? Meanwhile, if liberalism is geographically and even ethnically limited, where is its universality? Must one be an English invader in order to be a carrier of liberal ideals? Finally,

Hitchens has a particular animus for the politicians and bureaucrats who loosed World War I upon civilization — and a special sympathy for their millions upon millions of victims.

how can a tumultuous and volatile and above all "cosmopolitan" society, like America's, thrive if high liberalism can only be established among those with common blood and on common soil?

Would that Hitchens reserved his contempt for such worthy targets as Berlin. But alas, it is not so. Take H.L. Mencken. As Hitchens sees it, he was a "snob," a "racist," and a "snarling Anglophobe" who "had a surreptitious fancy for fascism." Oh, and he must be counted also, if a bit regretfully, as among the "masters of prose and humor and invective." Then too, it must be acknowledged that "[w]hatever the foulness of some of his private and public thoughts," Mencken did a lot of good work and was pretty consistently on the side of the angels "between about 1910 and the end of Prohibition." And he was particularly good when he was taking up his cudgel against the sanctimonious and detestable Woodrow Wilson and his war to end all wars.

Hitchens has a particular animus for the politicians and bureaucrats who loosed World War I upon civilization — and a special sympathy for their millions upon millions of victims. His essay on Kipling, one of the most moving in the book, derives much of its power from its terse but extraordinarily vivid descriptions of just what that war did to the people and places of both Hitchens' native England and the European continent. He also nurses a special loathing for certain fellow "writers in the public sphere," most notably Tom Wolfe and "the dire Norman Podhoretz," whose earlier book on "writers in the public sphere," *The Bloody Crossroads: Where Literature and Politics Meet* (1986), Hitchens dismisses as "notorious and propagandistic." He quotes Podhoretz's description of his first meeting with Vaclav Havel in 1988: "the first thing that hit my eye upon entering his apartment was a huge poster of John Lennon hanging on the wall. Disconcerted, I tried to persuade Havel that the counterculture in the West was no friend of anti-Communists like himself."

"Good of Podhoretz to have spared so much time to put Havel straight," Hitchens remarks. "But that's the sort of guy he is — always willing to oblige." Yes, and especially when his information is nonexistent and his recommendations are absurd. "The counterculture in the West," as Podhoretz so clumsily characterizes the subculture that first emerged in the "hippie" phenomenon of the mid-1960s, was individualist to the core and was profoundly opposed to any vigorous exercise of state power. The only communism it had any admiration for was the purely voluntary kind. Even that appealed only to a minority of the counterculture, and the size of the minority steadily dwindled as the individuals involved grew older and learned a bit more about life and how it actually works. The embarrassing fact of the matter is that during the years when the counterculture was coming into its own and virtually taking over the mainstream culture of this country — during, that is, the 1970s and '80s — the most conspicuous opponents of individual liberty to be found in the United States were officials of the Reagan administration and their intellectual apologists, like Norman Podhoretz. "The Russian exile writer Vassily Aksyonov once wrote that Podhoretz reminded him of all the things he had left the Soviet Union to escape. He had, said Aksyonov, the mentality of a cultural commissar."

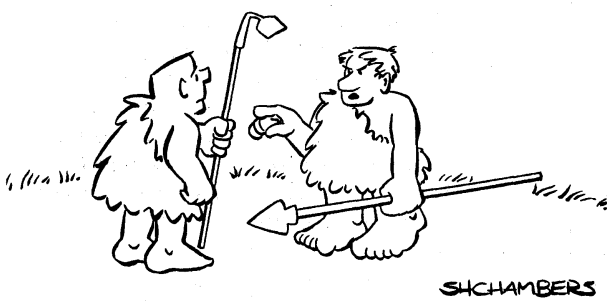

"Just wait till the Industrial Revolution! You'll get yours!"

At times, Hitchens, like any leftist, comes across like some sort of commissar in his own right, as when he derides the "mirthless white ethnic conservatives named Giuliani and Pataki" (the mayor and governor, respectively, of New York) because, in New York City, they have "encouraged franchising of all sorts [McDonald's is singled out for abuse in this regard] while discouraging loitering and littering." Leave it to a leftist,

Leave it to a leftist, of however libertarian a stripe, to be unable to distinguish meaningfully between the golden arches and a homeless encampment.

of however libertarian a stripe, to be unable to distinguish meaningfully between the golden arches and a homeless encampment.

But, as I have tried to show, there is much, much more to this book, and to Hitchens, than the conventional stereotype of the leftist now current among libertarians will comfortably encompass. *Unacknowledged Legislation* has much of interest in it for anyone with a healthy desire to understand the literary, political, and cultural issues that have captured the attention of educated people in Europe and North America over the last hundred years.

Liberty

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Letters, *from page 50*

I do not affix any metaphysical meaning to the outcome of the evolution debate. I just do not see the science in evolution. And I've never seen a more dogmatic, gnostic, and close-minded group than the pro-evolution bunch.

All this does not take away from Sandefur's bigger point that most people are scientifically illiterate. I would just include most evolutionists in that group as well.

Randall Hoven
Alton, Ill.

Crunching the Numbers

Timothy Sandefur's piece on widespread scientific illiteracy makes a good point, but he seems a little too slavish about the theory of evolution, especially if he believes it explains the ultimate source of life.

I believe Fred Hoyle, the maverick British mathematician and astronomer, made the following calculations: The probability of even one simple protein molecule forming in a chemical soup by random action is one in 10^{113}. Mathematicians would dismiss as never happening an event with one chance in 10^{50}. To get all the proteins needed for cellular activity, the chances are one in $10^{40,000}$. It doesn't appear that there has been enough time since the universe began for this to have happened.

We may not know as much as we think we do. In any case, evolution is more practical for explaining changes in species.

Mark Giffin
Glendale, Calif.

Analyzing Sandefur

Timothy Sandefur (*Reflections*, October) suggests that people who keep their dogs and cats on vegetarian diets should be subjected to psychological evaluations. Perhaps Sandefur could refer me to a good psychologist.

I am a vegetarian, for moral reasons. We don't need to eat dead animals to be healthy, so the only reason to eat animals is for pleasure. But animals, being intelligent and sentient beings, have some moral rights. Most people would agree that it is morally wrong for you to torture a cow or pig for pleasure. Similarly, I maintain, it is morally wrong for you to kill a cow or pig for pleasure. The fact that you may hire a hitman (such as McDonald's) to do the killing is morally irrelevant.

Cats and dogs don't need to eat dead animals to be healthy. Just as it is wrong to kill animals for your own pleasure, so it is wrong to kill animals for the pleasure of your cat or dog. I'm tempted to suggest that it's Sandefur who needs to see the psychologist, but perhaps he'd be better off meeting with a good ethicist.

Bradley Monton
Lexington, Ky.

I'm Behind Barbara!

I can't believe that Martha Stallman (*Letters*, October) and Timothy Sandefur (*Reflections*, August) advocate the assault of Barbara Walters. Principled journalists like Walters provide a valuable public service by exposing the dangers we face everyday. Why, after John Stossel's idiotic piece on cellular phones on *20/20* on Sept. 5 she pointed out that using a rotary-cell phone while driving is in fact very dangerous. I'm sure that, barring Stossel's pointless bickering, she would have also reminded her audience of the immense public-safety risk involved in churning butter and beating clothes on rocks to get them clean while driving.

Stallman, Sandefur, and Stossel, you all need to dispense with your "facts" and your "statistics" and realize that Walters is just trying to make sure we're safe.

Trey Reginelli
Houston, Tex.

Atlas Slopped

I was disappointed by Timothy Sandefur's October review of "The World of Atlas Shrugged" ("Atlas Plugged," October) on a number of counts — but most of all for his failing to report accurately even the most basic information about this audio recording. I ought to know, since I am the author of the script, and the product's executive producer.

My first complaint is that he totally misunderstands the nature of the product. Sandefur identifies the recording as a "basic introduction" to *Atlas Shrugged* — a claim he puts in quotation marks repeatedly, as if quoting official promotional material for the product.

"I distrust 'basic introductions,' because they're written for people who don't want to take the time to actually read the books they introduce," Mr. Sandefur declares. "Being a snobbish reader, I instinctively look down on this kind of soft-pedaling. I suspect much more is to be accomplished by reaching out to those people who are willing and able to read a thick and challenging book."

However, the jacket of the recording nowhere describes it as a "basic introduction," but rather as "the essential companion to Ayn Rand's masterpiece." The significance of this distinction is made clear in the opening moments of the recording, when narrator Edward Herrmann says:

> This recording will take you behind the scenes of this remarkable story, so that you can better understand, appreciate, and enjoy it. Because it refers to events, characters, and ideas in the novel — and also reveals the mysteries of the plot — your enjoyment will be much enhanced if you read the book *before* listening to this recording." [emphasis in original]

"The World of Atlas Shrugged" is a *reader's companion* to the novel, intended to enrich the understanding of those who've *already read it*. It's not meant to "introduce" people to a book they're too lazy to read, as Mr. Sandefur contends; rather, it's meant precisely for "those people who are willing and able to read a thick and challenging book." We developed this recording to help readers of *Atlas Shrugged* make the transition from Rand's fiction to her nonfiction — from her art to her ideas.

This fundamental misinterpretation colors Mr. Sandefur's entire review, and is the source of his dismissively snotty tone. It heads a list of other mistakes and omissions that can only be characterized as sloppy.

Sandefur also complains that the "CDs spend a lot of time" on the literary aspects of *Atlas Shrugged*, "and not much on politics or ethics." This claim is simply not true. The first half of the recording introduces the story, presents a synopsis of the plot, addresses the novel's literary merits, and concludes with a biographical sketch of author Rand. By contrast, *the entire second half of the recording is devoted exclusively to Rand's ideas, focusing specifically on her ethics and politics.*

If Sandefur is justified in dismissing people too lazy to read a book, then I believe readers are justified in dismissing a reviewer apparently too lazy to do his homework. Our product, and your subscribers, deserved better.

Robert James Bidinotto
Poughkeepsie, N.Y.

Terra Incognita

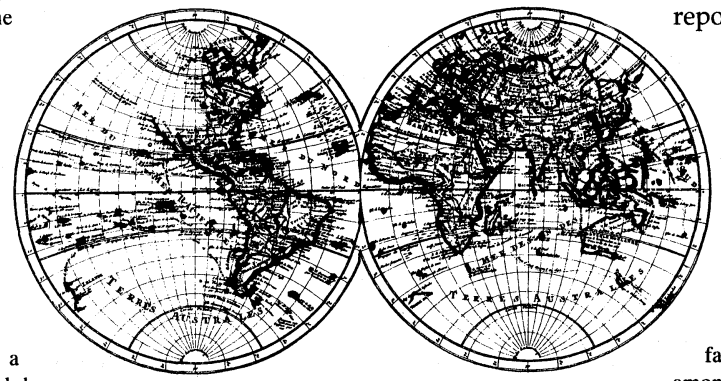

Washington, D.C.

Those who fail to learn from history are doomed to repeat it, from *The Seattle Times*:

A Fresno, Calif. landfill was recently designated as a Historic Landmark for being one of the first "sanitary" landfills of its time that involved "trenching and compaction technology." The honor was retracted the next day when it was discovered that the landfill is also on the list of Superfund sites, locations so polluted that they "require special federal cleanup."

National Park Service Advisory Board member Parker Westbrook opposed rescinding the decision, saying: "Maybe the Fresno landfill is an American eyesore, but it represents a moment in American history . . . and thus in my view it qualifies to be a landmark."

Everett, Wash.

Great criminal minds of the 21st century, from the eminent *Herald*:

A nude man seen near a movie theater was approached by a police officer and issued a ticket for indecent exposure. When the officer asked what the man did for a living, the man replied that he grew marijuana. He then proceeded to give officers a tour of his 80-plant grow room and, when informed about the confiscation of his plants and materials, helped the police load the materials into their cars.

Rio de Janeiro, Brazil

Marketing innovation, reported by *Reuters*:

Police recently confiscated 260 packets of cocaine emblazoned with bar codes, the name of the responsible gang, and the slogan "Now, it's us."

Houston

Peculiar development in the art of cheerleading, uncovered by the *Houston Chronicle*:

Brazoswood High School will have twice the normal number of cheerleaders on its squad this season. Members of the administration decided to admit all 60 who sought positions as cheerleaders after the squad's faculty sponsor confessed to having rigged the tryout scores.

Vancouver, British Columbia

Odd religious activity in The Great White North, published in *The Seattle Times*:

Mary Braun, an 81-year-old member of the Sons of Freedom, appeared naked in court for her trial for arson. She is accused of "damaging a community-college computer lab." The Sons of Freedom, "an extremist sect" of the Doukhobors, (Russian Christians who immigrated to Western Canada in the late 1800s), once waged a campaign for purity by "burning their homes, destroying government and private property, and parading naked down the streets."

Isleton, Calif.

A development in the civil service, related by the *Contra Costa Times*:

Laurence Lyttle was fired from his job as a rural mail carrier after he went on a "joyride" in a postal vehicle full of mail during which he committed two hit-and-runs, several acts of vandalism, and neglected to deliver any of the mail in his charge. Said the postmaster who hired him: "He had a lot of training. We had high hopes for him."

Denver

How skilled attorneys earn their keep in the Mile-High City, reported in *The Denver Post*:

After sports columnist Woody Paige referred to the new Denver Broncos stadium as "The Diaphragm," Invesco Funds Group (owner of the rights to the stadium) threatened to sue the paper for defamation. Invesco abandoned the suit when its attorneys discovered that "The Diaphragm" is a favorite nickname for the stadium among Invesco's executives and staff.

Paris

Innovation in the science of actuarism, reported by the *Associated Press*:

Several insurance companies are now offering protection against school bullies. The policies, which cover such things as stolen books and ripped clothing, were created since "families came to us and asked us to do something," in the words of Patrick Moreau, an executive with the company MEA. Policies do not, however, cover such things as stolen cell phones or cash.

Tbilisi

Curious activity in post-Soviet Georgia, reported by *Reuters*:

Three people were killed after an artillery shell they were sawing apart exploded.

Portland, Ore.

The thin blue line that protects civilization from anarchy on America's western coast, from *The Seattle Times*:

Federal customs agents have been charged with stealing from crew members of a ship they were searching for drugs. Around ten people out of a crew of 21 said they had belongings such as cash and jewelry stolen.

Massachusetts

Making Shakespeare accessible to Generation X, reported in *The Boston Herald*:

English Professor Richard Burt, who teaches "modern adaptations of Shakespeare," has established a website, which includes pictures of topless strippers sitting on his lap and images of his wife as a porn star, along with descriptions of his classes.

Special thanks to Jennifer Gertnam, Alexander Deirtich, Franklin Pinter, and Mary Hoppe for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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—Patrick Henry, 1776

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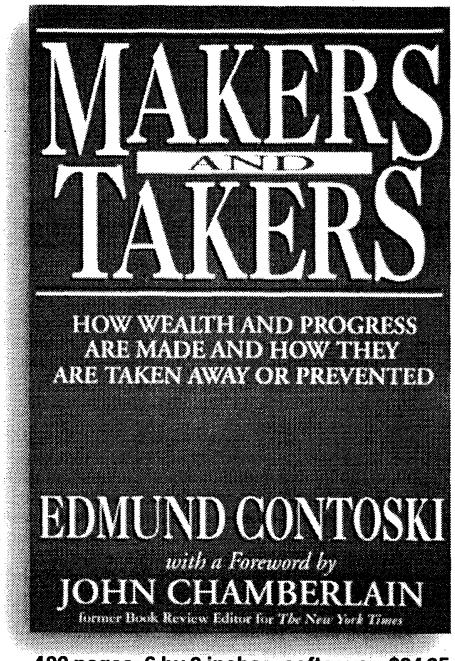

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Inside Liberty

December 2001
Volume 15, Number 12

4 Letters Our readers bare their souls.

7 Reflections We offer 101 ways to fight terrorism . . . and we reveal our inner dittoheads, lose a friend to the Cult of St. Ayn, and sing a paean to the Pentagon.

Terror

19 A Constitutional Response Can we defeat terrorism without sacrificing our Constitutional liberties? *Ron Paul* tells his colleagues in Congress how we can do it.

23 Feeding the Hand That Bites You Gross government negligence led to the terrorist attacks, *R. W. Bradford* argues. So why is everyone wanting to give government more power and responsibility?

27 No Time for Fantasy Dealing with terrorism means coming down hard on terrorists, argues *Stephen Cox*, not on ourselves.

31 Rage Now! If we're going to win this war, we need honest anger. *Sarah McCarthy* argues that this is no time for listening to pantywaists like Gen. Norman Schwarzkopf.

35 At Home With Terror How's life in New York City these days? *Richard Kostelanetz* reports.

Features

37 On-the-Job Sex When the subject of sex comes up in the workplace, *Wendy McElroy* explains, you had better be very careful.

40 Sundays Past *William Tonso* looks back on the Sundays of his youth, whose simple pleasures included comics, movies, and guns.

49 Brainstorming Without Brains What's the Libertarian Party doing to address concerns that it's wasting resources? As *Lois Kaneshiki* discovers, it's wasting even more time and money.

Reviews

51 The Intelligent Man's Guide to Smart Growth Soviet-style socialism is being sold to Americans as "Smart Growth." *R. W. Bradford* discovers a new book that offers the facts that could save our cities.

54 Slouching Toward Washington *Jeff Riggenbach* takes you into politics, through the stage door.

57 Dissent from the Bench They are the elite in business, law, and politics. And, as *Alan Bock* explains, they're the most influential advocates of drug legalization today.

60 Be Very Afraid While anthrax hysteria runs amuck, *Martin L. Buchanan* looks at the facts and fictions surrounding biological warfare.

59 Notes on Contributors Who we are and what we do.

62 Terra Incognita Gulp! It's reality!

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Letters

Justice for All?

Edward Feser's article ("Injustice Compounded," October) on reparations was of serious interest to me. My grandfather joined the Union Army to end the evil of slavery, and while he survived, some of his friends did not.

"Reparations" would mean that the descendents of those who fought and died to end slavery would be taxed to pay "reparations" to the descendents of those they fought and died to free. How evil that would be.

Robert Burnside
Palos Verdes Estates, Calif.

Rethinking Reparations

I was very pleased to see such an excellent analysis of reparations in the first issue of my new subscription.

Feser's article places the pseudoissue in its true perspective. My own case is a good illustration. I am the son of a German mother from Hector, Minn. and an Irish immigrant father who arrived here in 1929. My parents neither discriminated against blacks nor were slaveowners, yet Randall Robinson and his ilk would lay a claim against me for reparations.

Bill Kelly
Dundas, Minn.

Slaves of the State

I take issue with Edward Feser's superficial diatribe against reparations for African-American slavery.

Centuries of African-American chattel slavery was the product of express U.S. federal, state, and local government policies. The U.S. government encoded slavery into the Constitution. It designated a black slave as three-fifths of a person for tax and political representation purposes. It protected and nourished slavery in Article IV by mandating that all escaped slaves found anywhere in the nation be returned to their masters. In the Dred Scott decision in 1857, the U.S. Supreme Court reaffirmed that slaves remained slaves no matter where they were taken in the United States. It is certainly the U.S. government that bears the blame for the national shame of slavery.

M. Delaney Grayes
Dallas, Tex.

Intelligent Design vs. Evolution

Timothy Sandefur (*Reflections*, October) criticizes conservatives' "innate dislike for science, with its acidic reason and refusal to appeal to authority," and suggests that evolutionary science be our guide.

In recent years, the intelligent-design movement has successfully questioned evolutionary "science" by pointing to its many weaknesses and highlighting the heavy component of belief among its adherents. What's wrong with belief? The scientific enterprise itself rests on belief in such axioms as the existence of objective reality and the human ability to comprehend it. We must recognize that belief is unavoidable and proceed with an attitude of full disclosure of premises. No one should object to science, but when the "acid" of atheism (and related rejection of God-given authority) poses as "science," conservatives and others are right to complain.

Steve Sawyer
Fountain Hills, Ariz.

Shame!

R.W. Bradford's "Terror!" (November) was hasty, irresponsible, and inappropriate. Bradford has seriously compromised his credibility as a thoughtful journalist.

Don F. Hanlen
Benton City, Wash.

Shame II!

R.W. Bradford finds nothing deserving his attention when he hears about the destruction of the twin towers. Then he quickly discovers that this will be a glorious opportunity to revel in his own smartness. Then he puts his mind into high gear and he figures out that the whole country is acting irrationally now and will continue to do so in years to

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come. Only four planes were hijacked, only a few office buildings were destroyed and only a few thousand people died but the country is acting as if it had been under a thermonuclear attack! How absurd!

But no big harm done, there are more important things in his life than the terrorist attacks — emails have to be answered and the phone lines need some tinkering. Alas, every nice day at the office comes to an end and he finally hits the road back home. In the bucolic setting of his small town he gazes into the sun that, with a spectacular sunset, was crowning its accomplishment in making that day so perfect (save for that horrific thing far away).

Finally the sun is down and Bradford, knowing his duties as a person writing for a magazine, drags himself in front of his television. He measures up the whole situation, destruction and overreaction included, and he finds himself bored. He begins to flick the channels, slightly annoyed as time goes by, in vain looking for . . . something else. Those damn dead people, not again!

Despite these times that would frustrate any discriminating thinker, more realizations are to come. He determines that the act of being glued to the television and watching the horrors over and over again, something the other people appear to do, is the expression of sympathy in these alienated times. But he is incapable to show even this form of sympathy. And Bradford wants Americans to keep their moral and intellectual balance. Obviously, once people in the land learn about his stoic wisdom they must come to their senses.

Alexander Papp
New York, N.Y.

War, Secession, and Utopia

I hope that the authorities manage to protect us from terrorism. But suppose they don't? Suppose we experience a series of acts of megaterrorism. What then?

Suppose the Alaska Independence Party wins that state's next election, and Alaska secedes from the union in order to remove itself from the terrorists' target list. Suppose that other states follow Alaska's example. Eventually Washington, D.C., would have to fight its war to control the Middle East all alone.

Meanwhile, the rest of us, freed from the federal government's foreign policy and its taxes, would enjoy a golden age of peace, prosperity, and liberty.

Bill Anderson
Capitola, Calif.

Osama's Real Maker

If "the worst thing we can do is merely wound them," as Sarah McCarthy argues in the November issue, then it is too late because we have already done it. After all, just how did all this start?

The only effective way to rid the world of its Osama bin Ladens is to stop creating them. But you see, Ducky, as war is the health of the state, the idea of avoiding it does not play well within the offices of the welfare-warfare-managerial capitals of the world.

Jack Dennon
Warrenton, Ore.

Learning From History

In your articles on the attacks of Sept. 11, Tom Jenney comes closest to addressing the reasons for them. But no one hit the mark. Fifty-three years ago a new political organization — recognized by only 20 or 30 governments — stole a 200 by 50 mile area of Arab land and made it the new state of Israel.

I'm surprised that *Liberty* isn't addressing this injustice for a couple reasons. First, libertarians recognize that property rights are basic to organized society. Second, libertarians are anti-UN based on their recognition that the Constitution is the basis for our country. I was expecting a well-reasoned approach, not a call to nuclear war. Perhaps more time is needed to put these events into proper perspective.

Do I have the answer? Does anyone have the answer? I do know that until the United States recognizes that we've financed an intransigent, belligerent, and illegal government in the middle of a billion Muslims we can't even talk about the answer.

Harold Shull
Phoenix, Ariz.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. *Please include your phone number so that we can verify your identity.*

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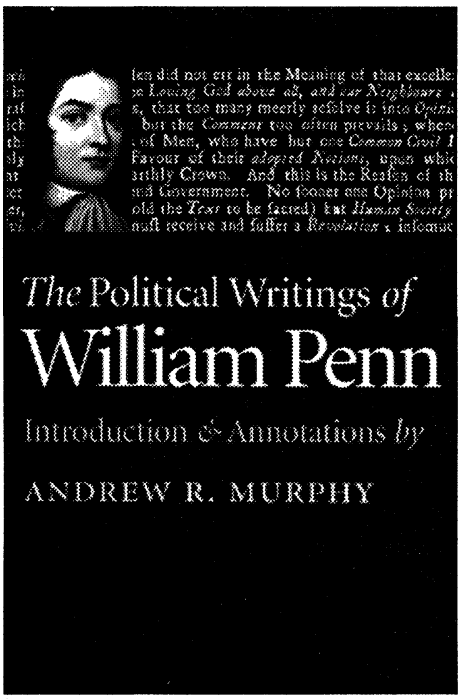

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The Political Writings of William Penn
Introduction and Annotations by Andrew R. Murphy

William Penn played a crucial role in the articulation of religious liberty as a philosophical and political value during the second half of the seventeenth century and as a core element of the classical liberal tradition in general. Penn was not only one of the most vocal spokesmen for liberty of conscience in Restoration England, but he also oversaw a great colonizing endeavor that attempted to instantiate his tolerationist commitments in practice. His thought has relevance not only for scholars of English political and religious history, but also for those who are interested in the foundations of American religious liberty, political development, and colonial history. This Liberty Fund volume illuminates the origins and development of Penn's thought by presenting, for the first time, complete and annotated texts of all his important political works.

Penn's early political writings illuminate the Whig understanding of English politics as guided by the ancient constitution (epitomized by Magna Charta and its elaboration of English native rights). The values of liberty, property, and consent (as represented by Parliament) provide the basis for Penn's advocacy of liberty of conscience in Restoration England. During the 1660s and 1670s, Penn used his social prominence as well as the time afforded him by several imprisonments to compose a number of works advocating religious toleration and defending the ancient constitution as a guarantor of popular liberties. In the 1680s, Penn's political thought emphasized the substantive importance of toleration as a fundamental right and the civil magistrate's duty to grant such freedom regardless of those interests in society (e.g., the Church of England, Tories in Parliament) who might oppose it.

His social status, indefatigable energy for publication, and command of biblical and historical sources give Penn's political writings a twofold significance: as a window on toleration and liberty of conscience, perhaps the most vexing issue of Restoration politics; and as part of a broader current of thought that would influence political thought and practice in the colonies as well as in the mother country.

William Penn (1644–1718) lived during the two great political and religious upheavals in seventeenth-century England: the Civil Wars of the 1640s and the 1688 Revolution. He was expelled from Christ Church College, Oxford, for religious nonconformity, and in 1667 he converted to Quakerism. After his conversion, he worked as a preacher, writer, and spokesman for the Quakers, promoting religious liberty and attempting to advance the interests of the Quakers in the American colonies.

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Reflections

Whoda thunk? — Who would have guessed that weapons used in the first battle of the first war of the 21st century would be razors and box-cutting knives that can be acquired by anyone at any Kmart for a couple of dollars each? Or that, after being attacked on its own soil, the United States would respond by bombing a distant land with plastic bags filled with boiled lentils? — R. W. Bradford

Don't desecrate on me! — A man in Indiana was recently arrested for burning an American flag, despite two Supreme Court rulings that laws against burning the flag are unconstitutional. Several times, constitutional amendments designed to allow legislatures to ban flag desecration have passed the House of Representatives, and been held up only by a few votes in the Senate. It seems likely, with the resurgent patriotism resulting from the Sept. 11 attacks, that if such an amendment were pushed again now, it would pass.

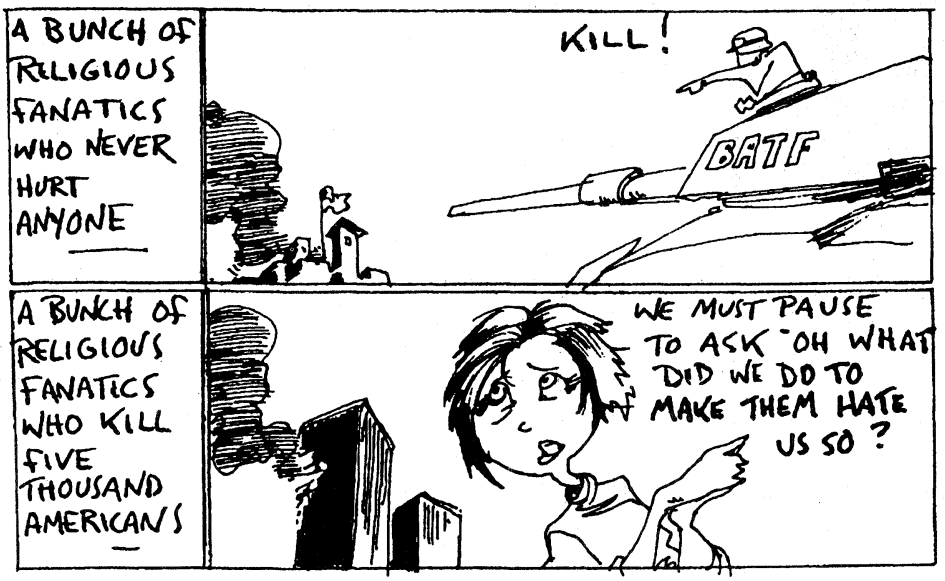

According to basic rules of constitutional interpretation, one part of the Constitution is supposed to be read as consistent with other parts, whenever possible. The proposed amendment does not explicitly state that it is meant to repeal the First Amendment; it only would allow states to prevent the desecration of the flag. It would therefore be entirely proper to read the amendment as banning flag desecration *except* when the desecration is intended as an expressive act. This would be entirely consistent with the constitutional provisions, and with the presumption that Congress would not do something so awful as to curtail free speech, unless they explicitly say so in the amendment. And this interpretation would have the result of banning flag burning only in those cases where it's considered *respectful* (the destruction of worn-out flags, for instance) but protecting it only in those cases that offend the flag-protectors. And that would give me the giggles.

Incidentally, the increase in the number of people driving around with flags on their cars has provided us with a prime example of the law of unintended consequences: The flags keep falling off people's cars. As a result, I have desecrated dozens of flags in the past month, by unintentionally running them over on the freeway! — Timothy Sandefur

Res publica, RIP — What more dramatically emphasizes the wound, likely fatal, to our republic brought on by our latest war: The fact that so few Americans even realize our Constitution insists wars be authorized by a congressional Declaration of War, or the fact that so few Americans care? — Ross Levatter

A for impact, F for symbolism — It's a wonder the Statue of Liberty was not a target on Sept. 11. Not only does she stand for everything the terrorists oppose, she isn't wearing a veil and she's holding a book. — Tim Slagle

Operation Re-election — Many high government officials — including especially the president himself — have stressed the fact that this War on Terrorism will not be short. Since the government fighting the war is the same government determining what constitutes terrorism, this seems almost certainly true. The president has learned many lessons from his father, including the detrimental effects on one's popularity rating of ending wars too soon. I predict this war will last at least until the first Wednesday after the first Monday of November, 2004. — Ross Levatter

Affirmative action for the unproductive — When politicians talk about "stimulating" the economy with increased government spending, what they are really advocating is taking more money from the relatively productive sector of the economy and deploying it in the relatively unproductive sector of the economy. How that will lead to long-term or even short-term productive growth is one of those mysteries we mere mortals are not meant to understand. Apparently we just have to believe. — Alan Bock

Ride that Cessna, Pappy! — Terrorists are an incredibly tricky enemy, as any Vietnam veteran will tell

you. But Americans are begging for some form of retaliation, and I think it's time to call up the militia. First we need a financier, independent of the United States government. Osama bin Laden has an estimated worth of $300 million. That's chump change compared to some of the money scooting around the United States.

Then we get together a handful of rednecks. Rather than Paul Revere riding through New England crying "To Arms!" somebody could just stand in the center of Butte, Mont., hollering, "Who wants to go mess up some towel heads?" We then load up some Cessnas with Jack Daniels, diesel, and ammonium nitrate, and let the good ol' boys fly them straight into Mecca.

When the Islamic world protests, George Bush can apologize for the tragedy and offer the resources of the United States government to find this rogue terrorist organization operating within our own borders. We were the victims of these same terrorists ourselves at Oklahoma City. We will even be more than happy to extradite their leader, provided we have sufficient conclusive evidence he is linked to the attack, and he will be released only into the custody of a Western nation.

— Tim Slagle

Medical note — War is the health of CNN. — Durk Pearson

Life in these United States — There is some reason to suspect that people in rural and small-town America are less prone to wallow in panic than city people. In a series of reports about how people in smaller cities are getting along, *The Wall Street Journal* reports with evident surprise that "Locals [in Quincy, Ill.] asked about the tragedy express sadness and outrage — then volunteer that it caused them to miss not one day of work." Small-town folks, me included, know that chores have to be attended to. — R.W. Bradford

Art saves lives — One low-cost way to suppress domestic terrorism is to set up terrorist traps. Just stage a NEA-funded art show with brilliant works of art like the stuff the NEA funds already, except replace the portrayal of Christ with Mohammed and replace God with Allah: A lifelike

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Romancing the Dismal Science • Mark Skousen unearths a dramatic tale — starring everyone from Carl Menger to Karl Marx — behind the history of the much-maligned dismal science. (audio: A501; video not available)

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The End of the World As We Know It • Is globalization the disease or the cure? **Fred L. Smith Jr.** explains how expanding markets cripple intrusive government and make liberty that much easier to find. (audio: A504; video: V504)

Prisons for the Innocent • Washington state Supreme Court Justice **Richard Sanders** exposes America's mental health gestapo, and shows how thousands have been locked up for life without ever committing a crime. (audio: A505; video: V505)

All the Lies That Are Fit to Print • Jeff Riggenbach chronicles media coverage of illegal drugs — from early 20th century "Negro cocaine fiends" to "crack babies" of the 1980s — uncovering a legacy of shoddy coverage and botched reporting. (audio: A506; video: V506)

Who's Afraid of the Antichrist? • Douglas Casey takes a provocative look at the tenets of radical Islam and how they inspired the recent terrorist attacks. Does God hate America? (audio: A507; video: V507)

Terrorism on Drugs • Alan Bock probes the link between terrorism and America's drug war — and proposes a single

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The 2001 Liberty Group • Tim Slagle, R.W. Bradford, Fred L. Smith Jr., David Friedman, and **Alan Bock** participate in a roundtable discussion of recent events including their take on how the United States should respond to terrorism. (audio: A502; video not available)

The War on Terrorism (Part I) • Durk Pearson, Richard Sanders, David Friedman, R.W. Bradford, and **Fred L. Smith Jr.** discuss what will happen to our civil liberties in light of the recent terrorist attacks. (audio: A509; video: V509)

The War on Terrorism (Part II) • Douglas Casey, Jeff Riggenbach, Randal O'Toole, Alan Bock, and **R.W. Bradford** ask how terrorism will change our lives; for the better or for the worse. (audio: A510; video: V510)

reform that will end terrorism in America forever. (audio: A508; video: V508)

Central Planning on Main Street • Randal O'Toole makes the case against the cult of "smart growth" — and demolishes the plan to cram the world's population into an area the size of Kentucky. (audio: A511; video: V511)

How Libertarianism Must Change to Succeed • R.W. Bradford looks over the Libertarian Party's successes and failures and comes to a surprising conclusion: It's time for the LP to give itself a chance. (audio: A512; video: V512)

Grass-roots Organizing for Liberty • Randal O'Toole asks, Why has environmental activism been a rousing success and libertarian activism an unremitting failure? (audio: A513; video: V513)

A Short Introduction to Libertarian Anthropology • William Merritt takes a hilarious look at differences between the sexes and how they got that way. (audio: A514; video: V514)

Abandon the LP? • Bruce Ramsey and **R.W. Bradford** discuss whether the Libertarian Party has failed in its mission — or whether that mission hasn't even been tried. (audio: A515; video: V515)

Law in Cyberspace • David Friedman explores how anonymity on the Internet can actually lead to a world of nonjudicial justice. (audio: A516; video: V516)

Kicking the FDA's Ass • Durk Pearson and **Sandy Shaw** recall their success over the Food and Drug Administration, and document the state's continued refusal to comply with their landmark legal victory. (audio: A517; video: V517)

Stalking Garet Garett • Bruce Ramsey paints a picture of a paleo-libertarian from the *Saturday Evening Post* and his battle against the New Deal. (audio: A518; video: V518)

The Comedy of Tim Slagle • Tim Slagle takes on everything from vegetarians to the homeless in his classic comedy routine. (audio: A519; video: V519)

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portrait of Allah depicted in camel dung, a replica of the Great Mosque submerged in pig urine. Station a Delta Force unit in the gallery, disguise the soldiers as art patrons, complete with ponytails and PBS tote bags (with Uzis stashed inside). When the terrorists show up . . . — Tim Slagle

A corner office on the third floor just isn't the same — Popular economist Paul Krugman frets whether the Sept. 11 attack will "permanently damage New York's position as America's economic capital." While he says, "this is a real question and deserves a serious answer," it is in fact a question of concern only to Manhattan property owners and the city of New York. The idea that financial centers need giant skyscrapers is disproven by Silicon Valley's financial district in Menlo Park, which consists of one- to three-story buildings with abundant parking. Outside of New York, few Americans care whether our economic capital is in Manhattan, Menlo Park, or somewhere in cyberspace (which is probably the safest place for it).

— Randal O'Toole

Play it again, Uncle Sam — Stratfor.com, the international intelligence website, predicts that the current war on terrorism will require help from the Russians, which will lead to beefing up that country's geopolitical strength and importance. Haven't we been down that road before? Isn't that how we got into this mess? Didn't we train and support Osama bin Laden in his war *against* the Soviets 20 years ago? — Alan Bock

Executive mob action — The Taliban is threatening to step up opium sales to finance its war with the United States, and I believe it's time for desperate measures. We can ruin them financially if we legalize narcotics. So many sources for the substance would appear that opium would be as cheap as pet food. A second benefit would be that the Mafia would be put out of the heroin business, and in turn, would be so furious with bin Laden they would probably have him whacked just out of spite. I can think of no organization more capable of performing the job, quickly, cleanly, and without a trace of evidence. — Tim Slagle

Maybe we should rid the world of hyperbole? — All right, we know that politicians of all stripes are subject to bursts of hyperbole, especially when the winds of war are gusting. But President Bush's remark during the memorial service at the National Cathedral that "Our responsibility to history is already clear: to answer these attacks and rid the world of evil," followed by a pledge Sunday that the United States "will rid the world of evildoers" was a bit grandiose even by recent presidential standards.

Let's hope the defense strategists define the war objectives a little more narrowly when they get down to specific cases. — Alan Bock

Sprawl saves lives — The sprawling Pentagon illustrates the resilience of dispersed development and the wisdom of Stephen Ambrose's advice, "Don't bunch up." The Pentagon covers 583 acres. The World Trade Center compactly fit into 16 acres. The Trade Center had about 50% more office space, but after adjusting for inflation, the Trade Center cost three times as much per square foot to build as the Pentagon. While the Trade Center was completely destroyed by the terrorist attacks, the airliner flying at full speed into the Pentagon destroyed less than ten percent of the building. The jets crashing into the Trade Center killed about 3,000 people each; the plane crashing into the Pentagon killed 120. — Randal O'Toole

The prophet's profits — For comic relief in the midst of tragedy, consider the fact that *Nostradamus: The Complete Prophecies* surged to the top of amazon.com's charts shortly after Sept. 11, spurred by an apparently non-Nostradamus "prophecy" about great thunder in the city and Two Brothers torn apart by Chaos while the fortress endures.

My conspiracy theory? Nostradamus engineered it himself, from the Great Beyond, to pump up book sales. Now if he can only figure out a way to collect the royalties.

— Alan Bock

Spies like us — Our government has called on true, loyal Americans to keep an eye out for others in their neighborhoods who may be plotting terrorist acts, warning us that terrorists are in our midst and can only be found with our help. We are urged to report to authorities anything and anyone appearing suspicious.

And so, in the name of freedom, Americans begin to act like Cubans. — Ross Levatter

One war at a time, please — Just before the terrorist attack defense officials were agonizing over whether it was wise to continue the traditional Pentagon strategy of having a military big enough to handle two wars at the same time, with reformers arguing for dropping the two-war requirement. Now that we're committed to an amorphous, long-term, and costly war on terrorism, the question intrudes. Shouldn't we focus on one war at a time? I would be more than willing to drop the War on Drugs, thank you — especially since deprofitizing drugs will cut off at least some of the money

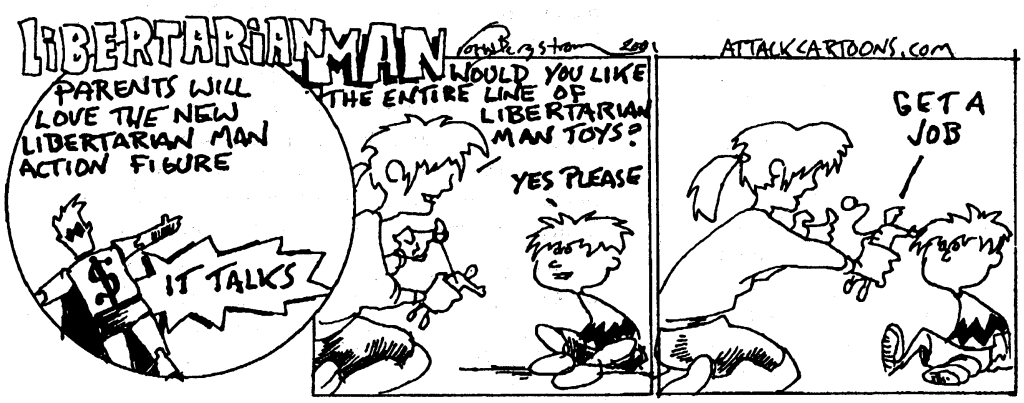

terrorists rely on to do their dastardly deeds. — Alan Bock

The World Pork Center — Many think of the World Trade Center as a symbol of free enterprise, but it was actually built by the Port Authority of New York to aggrandize the city and stem the tide of businesses spreading to suburban and other locations. The idea for the center was originally promoted by banker David Rockefeller and supported by his brother, Nelson Rockefeller, when he was New York's governor.

The Trade Center towers were a financial failure for their first two decades, requiring subsidies from users of airports, bridges, and other Port Authority facilities. During the recent economic boom, the Port Authority managed to convince a developer, Larry Silverstein, to lease the center for 99 years. Silverstein wants to rebuild the center as four 50- to 60-story buildings instead of two 110-story structures. Shorter buildings would make less of a target, but might not discourage companies from migrating to lower-density areas. — Randal O'Toole

And the award for brazen cowardice goes to . . . — My favorite victim of the terrorist attack is the twice-displaced Emmy Awards show. First they were put off for that horrible fundraising telethon in which celebrities who earn $10 million for spending three months shooting a two hour movie, donated a couple hours of their nine-month vacations to ask the average working stiff for money. It turns out that a lot of these people, who play invincible heroes on television, are afraid to fly.

After the awards were rescheduled for Sunday, Oct. 7, where they were pre-empted again because CBS decided to show footage of the beginning of the Afghanistan bombing. This brings to mind the classic conundrum: If an award is presented and there's no one there to watch the acceptance speech, is it still an award? — Tim Slagle

Trade v. Terrorism — Free-trade agreements with Arab countries, such as the one recently signed with Jordan, are a very smart way to counteract the influence of Islamic fanatics within those countries. Yet American politics can ruin even the smartest of deals. The Jordan "free trade" agreement has been ruined by the Senate's imposing U.S. labor and environmental standards on imports, standards that simply cannot be met in Jordan. Imposing U.S. leftist opinion on what should be free trade with Arabic countries is exactly the wrong thing to do, adding further credibility to the Islamic fanatics' charge that the United States is imperialistically forcing its values upon the Arab world. Yet the Democrats and the "moderate" (i.e., left-wing) Republicans couldn't help themselves from buying special-interest group support even at the cost of helping the terrorists.

— Sandy Shaw

Getting an education in something — California's governor Gray Davis has signed a bill into law which will charge illegal immigrants — who are nowadays referred to as "undocumented immigrants," apparently to avoid the unpleasant impression that they have done something illegal — the same tuition at community colleges or California State University campuses that legal California residents pay. It costs more now for a person who has come to a California college legally from another state than a person who has come here illegally from another country. Perhaps Gov. Davis, who a week earlier admitted to taking illegal contributions for his gubernatorial campaign, might not respect the law all that much. — Timothy Sandefur

Don't bunch up — The Sept. 11 tragedy has thrown a monkey wrench into the war on sprawl. Suddenly, living in high-density cities is even less smart than it was before. Of course, opponents of autos and low-density suburbs are putting their spin on the attack. "The center must hold!" declared environmental attorney Eric Goldstein, arguing that cities need "a strong central core." Others urge the federal government to spend billions on passenger rail lines to provide an alternative to air travel.

In fact, as historian Stephen Ambrose observed, the real lesson of the attacks is, "Don't bunch up." Promoting high-density housing, employment, or transportation merely creates targets for terrorists. This lesson has not been lost on American employers and families, who will probably accelerate their century-long migration out of the central cities into the suburbs. — Randal O'Toole

Ominous parallels, redux — Quick — which Taliban leader said the following: "Nothing less than a drastic overhaul of this civilization and an abandonment of its ingrained gods — progress, growth, exploitation, technology, materialism, humanism, and power — will do anything substantial to halt our path to destruction"? Of course, it was not a Taliban leader, but environmentalist and self-proclaimed Luddite Kirkpatrick Sale, who wrote this in *The Nation* in 1990. Christian conservatives Jerry Falwell and Pat Robertson were roundly criticized for saying that the attacks at the World Trade Center were an expression of Holy Wrath for America tolerating godless heathens, homosexuals, and greedy materialists, but the left has so far hesitated to acknowledge that they have been preaching precisely the

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same stasis for decades. If this war is to have any overriding political and moral justification, it will be as a contrast of a culture of progress, growth, and the pursuit of happiness (symbolized so beautifully in the World Trade Center) — against the preachers of stasis, fear, traditionalism, dogma, and authoritarianism. — Timothy Sandefur

Osama TV — A decision by the major networks, prodded by National Security Adviser Condoleezza Rice, to air only short excerpts of possible future videotaped messages from Osama bin Laden or other real or alleged terrorists is troubling on several levels. I'm not in favor of news outlets broadcasting information that might endanger or undercut a military action, although the Pentagon tends to have a much broader interpretation of what might do so than I would and to desire complete control over the news. But this action seems to have been a capitulation to Ms. Rice's argument that broadcasting a 20-minute, uncut statement from bin Laden was giving the terrorist chief an opportunity to make propaganda that U.S. networks simply shouldn't afford the alleged mastermind of the Sept. 11 atrocities. Maybe that's not such a hot argument. The statement had already been broadcast over the al-Jazeera network. That broadcast was more likely to reach people who would be thrilled and persuaded by bin Laden's remarks than a broadcast in the U.S. And if "know your enemy" is a valid bromide, having the statement broadcast in the United States could be seen as useful to the American people, who would have a chance to parse and perhaps to understand what drives the Saudi heir, if it's anything other than irrational hatred.

Well, at least the networks apparently didn't buy the argument that was bandied about on television that the message might contain coded messages to terrorist cells in the United States waiting for orders from the master in the cave. The network executives did seem to understand that unless news directors had somehow managed to obtain a secret terrorist decoder ring, airing only short excerpts would make little or no difference where this supposed threat was concerned. — Alan Bock

Action in the afterlife — What we seem to be confronted with is a generation of young terrorists hoping to be rewarded in Paradise by ever-willing, ever-virginal young women. If these guys would just treat women decently in this life, they wouldn't have to die to get laid.

— William Merritt

She's baaaack! — I recently received a letter from Linda R. Tripp, the one-time friend of Monica Lewinsky. Linda retailed a sob story about how she lost her job as a "dedicated public servant" and ran up $2 million in legal bills by dint of her telling the truth about what an awful person Clinton is. Based on this, Linda asked me numerous times in the course of the letter to send her anywhere from $20 to $500 to cover her bills and, indeed, keep food on her table.

The letter prompted a number of questions in my mind. Why would anyone want to help someone who, no matter how she rationalizes it, is famous mostly for betraying a friend who trusted her? Why would anyone want to help someone who was a lifelong government employee in the first place? Especially if that person wants you to sign a petition to "restore my government career with a meaningful position in the new administration"? Where is Linda getting the money to do a mass-mail campaign soliciting funds, in that the hard cost of each of the letters she sent out is at least 35 cents, and that has to be paid in advance? How did she ever run up a seven-figure legal bill? Who were the lawyers involved, and why did they take the case when she obviously had no means? Although it's at least as dishonorable as betraying her friend, why didn't she declare bankruptcy to stiff her lawyers? Why hasn't she had a trashy tell-all book ghostwritten, and hit the speaking circuit to earn some money?

And just how did my name get on a list that would make someone think I had any sympathy for her?

I contemplated affixing the self-addressed return envelope to a large brick before putting it in the mail, but decided she wasn't worth the trouble. — Douglas Casey

Playing ball, not media games — It's late, but can we celebrate Barry Bonds, slugger of 73 home runs during the late baseball season? This achievement, along with the achievements during the entire career of the man who may be this generation's best offensive player, didn't get the attention and admiration it deserved. Some have said it was because it came too soon after the mutual assault on the old Ruthian-Maris record by Mark McGwire and Sammy Sosa only three years earlier. The real reason, I suspect, is that lots of baseball fans are convinced Barry Bonds is something of a selfish jerk, mainly because he had made a habit of being tightlipped and not very cooperative with sports writers, who then became eager for evidence of his shortcomings and jerkiness. Bonds might not have been wise earlier in his career — sportswriters are more easily mollified with a few offhand kindnesses than you might expect — but his stubbornness seemed to me like a kind of personal integrity, a refusal to play the PR game deemed so essential these days. Barry Bonds seems to be a real individual. For that, in addition to his prowess with a bat, he deserves a certain amount of respect and admiration. — Alan Bock

A risk worth taking — Current uncertainties make companies and individuals hesitant to spend money and anxious to keep their options open by hanging onto money and other liquid assets. Understandably, the Federal Reserve hopes to ward off a possible severe recession by meeting the public's increased demand to hold money. Unfortunately, as recognized, for example, by Milton Friedman in *The Wall Street Journal* of Oct. 10, this response risks reigniting price inflation a year or two from now. The Federal Reserve, staffed by mere humans, will scarcely be

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clever enough to withdraw the new money in the right ways and amounts and at the right times.

Greenspan-bashers will seize their new opportunity. But Alan Greenspan is not to blame for our absurd monetary system, so different from a conceivable one that would automatically accommodate the quantity of money to the demand to hold it at a defined and stable value of the dollar.

Economic theory alone cannot tell us that the current monetary stimulus is wrong. I personally regret the prospect of renewed inflation. Still, risking it may be a price worth paying to show the terrorists that they cannot hobble the U.S. economy. Worries about the longer run do not always trump concern to get through the short run. — Leland B. Yeager

Epitaphs —

The United States of America: A Voluntary Republic of Independent States 1776–1865

The United States of America: A Limited Government Opposed to Empire 1776–1898

The United States of America: A Nation of Laws, Not of Men 1776–1938

The United States of America: A Giant Colossus, Impervious to Harm 1945–2001

— Ross Levatter

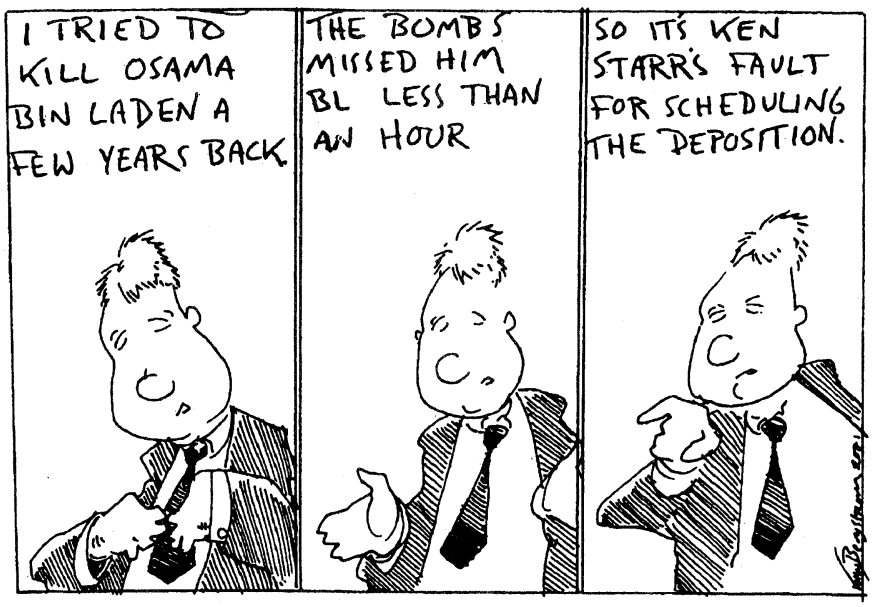

And he had so much to live for —

My wife and I are in mourning. We lost a friend to Objectivism.

It started off fairly innocently. He was one of the youngest LP activists in the state. Joined at 14, became a committee chair at 15, managed a campaign at 16, started a talk-radio show, etc. His enthusiasm usually carried him though a project, if that project was relatively brief in duration, say three months or so. Beyond that his attention waned. We knew he was a fan of Ayn Rand, but he wasn't, you know, weird about it or anything.

When my wife pointed out that the phrase "whim-worshipping" appeared in one of his emails, I thought it was cute. As an old *Liberty* hand, I remembered how the staff joked about the verbal and intellectual tics of the Rand collective. "Vim-vorshipping muzzle-mystic!" delivered in a fake Russian Jewish accent was a great tension reliever. But I digress. That our young friend had taken to similar japes I saw as proof of his essential sanity and health.

But less ambiguous signals were in the offing. His emails and conversations became peppered with the words "rational" and "irrational." Sept. 11 found him calling for an all-out invasion of central Asia. According to Objectivist minarchism, defense of the nation is one of the few functions of government, so we ought to defend our borders in Baghdad and Kabul and Kandahar. Well, we can disagree about that. But then he proudly posted this, a copy of a note he'd emailed to Bill O'Reilly of *The O'Reilly Factor*. "You're pretty clever Bill, but when confronted with the rationality of Dr. Leonard Peikoff, you just don't measure up."

We knew we'd lost him. Our friend had become a Randroid.

Oh, he hung on with us for a little while. After seeing an email discussion between some activists and myself about how to get Libertarians to do volunteer work, and so "walk our talk" about the importance and morality of private charity, he fired off an email about the immorality of volunteerism, or something. I recognized the language from an Ayn Rand Institute op-ed I'd seen five years ago.

Oh, the humanity. Why are some so eager to submerge their individuality into a collective? How is it possible in a philosophy that extols individual reason? Is the fate of the Objectivist just the final triumph of irony, the force in the universe that makes men absurd? — Brien Bartels

Never again —

I don't know how many movies I have seen about the Holocaust. At least half a dozen. Most of them were very moving, and added to the drum beat: Never again.

Other groups have suffered genocide — the Cambodians, the Ukranian kulaks — and must feel the same way. The Jews have had the master storytellers, from Leon Uris to Steven Spielberg, and got their story out better than any other group.

I salute the authors of those stories. If "never again" were the only message, then I would have no complaint. Damn right, never again. But inoculation against future inhumanity

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is not the only motive for telling such stories. They tend to create a political claim. The story of the gas chambers is so horrifying that it creates guilt among everyone. Those who had nothing to do with it are to feel guilty because their ancestors did not go over to Europe fast enough, and fight Nazi Germany soon enough, to stop it. The underlying message from the storytellers is: You owe us. Owe what? Support for Israel.

The supporters of Israel don't say it that way. What they do is repeat the jihad threats of the most rabid Arabs about pushing Israel into the sea. The message is clear enough: It is Nazism all over again. Another Holocaust. Israel is defending itself. But on whose land? The Israelis took the land. Is it theirs? And if the question is moot, because they took most of it 50 years ago and it would be too much trouble to give it back, then by what right do they settle new land, which the United Nations once allocated to a Palestinian state? By what right does Israel keep expanding?

Americans might well weigh Israel's claims with the Palestinians', if such claims could be discussed in a rational way. But it is difficult. To question Israel is to single out Jews, and that is anti-Semitic. And that is the political value of the Holocaust story.

That value is bolstered by the stupidity of the "Holocaust deniers." The question is not whether the Holocaust happened — obviously it happened — but what obligations it imposes. But when one begins to ask critical questions about that, one begins to sound like a Holocaust denier.

There is another consequence for libertarians. We are the political heirs of the America Firsters, the people who opposed Franklin Roosevelt's drive to get into World War II. During 1940–41, there was a national argument about that. It was not mainly about an American duty to save the European Jews but about whether it was our duty, and in our interest, to defend Britain. World War II was not presented as a war for the European Jews, and most Americans knew nothing about the death camps. Nor did America's joining the war save the Jews. Six million of them died, among tens of millions of others in the war.

Even after the war was over, and the extermination of the Jews was acknowledged, it was presented as a footnote. *Life's Picture History of World War II*, a big coffee-table book published in 1950, is an example of how America saw the war while the memory was still fresh. The book mentions the

Fourteen Bullshit Tactics Used Against Libertarians

1. Pointing out that there are gray areas between voluntary and coercive action, and pretending that the existence of gray areas destroys the distinction and, hence, the very idea of liberty. Libertarianism is "illusory."

2. Maintaining that, because major libertarian reform is at present politically impossible, it is nonsensical to explore and evaluate the desirability of such reform. Libertarianism is "unrealistic."

3. Supposing that the case for libertarian reforms collapses if reform that maximizes liberty is not desirable, or not desirable 100% of the time, and then attacking the legalization of bazookas. Libertarianism is "simplistic," "rigid," "impractical," "sophomoric," "rationalistic," etc.

4. Pretending that the libertarian vision or agenda includes something about your personal morals or lifestyles, and then condemning the lifestyles supposedly advocated. (This one belongs to the conservatives.)

5. Implying that if one is against government activism to achieve X, he is against the achieving of X. Hence libertarians are uncaring, apathetic, callous, selfish, etc.

6. Identifying libertarianism as "right wing" and then shifting to the other meaning of "right wing." Hence, libertarians are nationalist, racist, intolerant, etc.

7. Equating the libertarian's views with the ideas or policies of Republican politicians, and then bashing Republicans.

8. Assuming that libertarians, as supporters of "the free market," think that all social problems should be addressed using pricing mechanisms, and pretending that the use of pricing is the essence of the libertarian cause. Thus, libertarians want to "make everything for sale," "put a price on human life," "commodify human existence," etc.

9. Suggesting that libertarians, again as supporters of "the free market," don't recognize or don't value solidarity, community, shared experience, and shared sentiment. Libertarianism is "individualistic," "atomistic," etc.; it wishes to reduce society to "the cash-nexus."

10. Implying that, as advocates of "capitalism," what libertarians really care about is the profitability of Exxon, General Motors, McDonald's, etc.

11. Labeling one who openly supports or argues for libertarian reforms as an "ideologue," one engaged in "advocacy," rather than in serious research and "positive science." (This one is big in academia, especially among establishment Democrats.)

12. Pretending that libertarian arguments depend on "perfect markets," "perfect information," "perfect competition," etc., and then pointing out that such perfection isn't the case.

13. Pretending that libertarian arguments assume that "people are rational," and then showing that people aren't always "rational" (whatever that is taken to mean).

14. Assuming that to be a libertarian is about supporting the Libertarian Party, and then pointing out that the LP is bound to be either marginal or damaging to its own cause or both.

— Dan Klein

death camps on one page, along with prisoner-of-war camps, and has no gruesome pictures. A lot of those pictures did not come out until the early 1960s, and the word "Holocaust" was not widely used until the 1970s.

Most stories fade away. This one has grown — and rightly so, compared with the treatment it got in 1950. But its political effect is to turn World War II into a morally unquestionable crusade and to disarm those who would stop other crusades. These days, if politicians want to intervene in a foreign war — against Iraq, against Serbia, against anybody — they compare the local tyrant to Hitler. They raise the cry of genocide. The comparison is often not very good, and it can usually be argued that however many people are dying, even more will die if we drop bombs on them. But the Holocaust story stains such calculations as petty. It is the foreign-policy equivalent of "playing the race card." It stops conversation. It traps us, because it attaches guilt not to the party that commits acts of war, but to the one that remains at peace and minds its own business. — Bruce Ramsey

Deaf, but not dumb — On Monday, Oct. 8, Rush Limbaugh told his nationwide radio audience that he was suffering from a mysterious illness that had rendered him almost completely deaf. He gallantly promised to do everything within his power to continue the broadcasts that have made him the most influential media personality in history. The next day, sure enough, he was back on the air. His voice was different from normal, but he was able — apparently by the use of instantaneous electronic transcriptions — to respond to callers with his usual crispness. When famous people phoned to condole with him, he refused to be diverted into self-pity. He hit his political themes in his usual way, and he promised again to keep doing the job he was born to do. I wish him success, and I hope that you do, too.

I don't relish everything about Rush. He's weak on certain libertarian issues — on drug laws, for instance. He chatters mercilessly about sports. He likes the "music" of Mannheim Steamroller. (No, don't make me explain what that is.) When he tries for the eloquent touch, he sometimes turns maudlin. But I have no difficulty affirming that Rush Limbaugh is this era's most effective spokesman for liberty.

I remember the first time I heard him, 13 years ago. I was driving the California coast, twisting the dial on my radio and finding nothing that remotely resembled intellectual discourse. Then I heard a strange man who, in about 60 seconds of repartee, brilliantly demonstrated the principles of limited government, principles that libertarians often cannot demonstrate in 60 hours and that conservatives often do not understand well enough to demonstrate at all, even to themselves. Rush abused the Democratic Congress in terms a hundred times more pungent than I had ever been allowed to hear on radio before. Then, delighted by himself, he sang, "Old Rush Limbaugh came out of the wilderness, out of the wilderness, out of the wilderness . . ."

That was the start. Rush went from "Who?" to "Oh, *that* guy!" to "Rush Limbaugh, the nation's most influential radio host." He attracted an audience of conservatives who had based their political behavior (such as it was) on instinct, and he taught them how to think. The results of this thinking were almost entirely libertarian. Slash taxes. End agencies. Liberate private education. Maintain the Second Amendment. Stop making laws.

Rush held the Republican heartland to the cause of free trade.

He punctured the code of liberal piety that had given even such grotesques as Jesse Jackson and Teddy Kennedy nearly total protection from public ridicule.

He showed that the divine art of satire is still alive, and when his adversaries, pretending to be outraged by the harshness of his language, insisted that he was a "liar," a "fascist," and a "big fat idiot," he calmly restated the facts that justified his satire.

He actually dared to *use* the freedom of speech that was theoretically his right, and when the liberal establishment tried to destroy him by reinstating a "fairness" code for radio and television, he mobilized public opinion and promptly put his enemies, and the enemies of public liberty, to flight.

He used his broadcast to dramatize and popularize himself, but after doing so, he used it to introduce a new generation of libertarians and conservatives to a national audience.

He demonstrated that you don't need to be a leftist to dominate the best-seller list.

He demonstrated that you don't need a desk at the *New York Times* to understand politics; he demonstrated, indeed, that a desk at the *Times* can be a strong liability in that regard.

Finally, he demonstrated that you can make a lot of money and gain a lot of power, and still keep in contact with the true life of America.

He kept in contact with America, and America kept in contact with him. I have taken many long trips across this country, and I have never reached a location where I could not tune into Rush Limbaugh. I remember driving through a remote part of western Maryland, enjoying Rush in some especially Rushlike moment and enjoying him so much that I was reluctant to stop for food. I was ravenously hungry, but I didn't want to miss a minute of his broadcast. Then I saw a mom-and-pop convenience store, and I knew I was safe: They would *have* to be listening to Rush in there. And they were.

I hope that they can keep on listening. — Stephen Cox

Asymmetric choice — This year's Nobel Prize in Economics was recently awarded jointly to George Akerlof, A. Michael Spence, and Joseph Stiglitz. One of my colleagues remarked that it was understandable that it took two MIT products and a Harvard Ph.D. to win this prize: Together they may have produced as much value added as one Milton Friedman, or George Stigler, or Gary Becker, or one of the other economists from the University of Chicago, the school that has dominated this prize since its inception.

Snide remarks aside, the contributions of Akerlof et al. have been and are today being misunderstood to show that

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government must regulate portions of the economy. In fact, they show no such thing.

This year's joint winners produced valuable insights on "asymmetric information" in the market. Akerlof led the way with a classic paper on "The Market for Lemons." He explained that the seller of a product such as a used car may know far more than potential buyers about the condition of that car. Buyers, knowing of this problem, are unwilling to pay enough for a fine car since they often cannot identify which ones are lemons and which ones are fine. Sellers of lemons can benefit from this asymmetric knowledge, but buyers, along with sellers of fine cars, will lose.

This asymmetric knowledge has been used to justify government regulation, even though there are, in fact, ways for sellers of good cars to convey better information. For example, they can signal the high quality of the car by offering an inexpensive, optional warranty, something the seller of a lemon could not afford to do. Of course, not everyone would catch the signal. The market is not perfect, relative to Nirvana. But more often than not, at the end of the day it beats the regulatory alternative.

Government regulation could improve matters only if the politicians and the bureaucrats they hire have better information than the consumer and act on it so as to actually perform better. The record of regulation, as illuminated by the record of deregulation, does not help the case for regulators. The benefits to consumers of deregulation, worldwide, seem to refute the case made by supporters of limiting market activity by regulatory action. Costs are lower, and consumers are generally better served by deregulation. Only special interests — corporate and big labor interests for example — seem consistently to benefit from regulation.

Asymmetric information — information known to one side of an exchange but not to the other — is a classic problem in politics and government, where it's worse than in the private market.

The voter, who is supposed to control the actions of the politicians, is largely ignorant. The average American of voting age has been shown time and again to be unable even to name his or her congressional representative. When I did my time in Washington as director of policy analysis at the Department of the Interior, I became acutely aware of how little I and others outside the beltway understood about how things actually operate in Washington. The people in the provinces are not stupid. They're just ignorant of realities regarding what they can best ask for and what they should reasonably expect.

On the other side, I learned also how little those inside the beltway, including regulators, understand about the particulars of reality in the rest of the nation. Washington decision-makers, those I met at least, were typically very bright, extremely conscientious, and focused on their mission (to the exclusion of all others). But they lacked information, too. As Friedrich Hayek noted years ago, the relevant knowledge of time and place is hard to know from afar. So political deals are made with seriously stunted information on all sides, about what citizens want and about what options might actually be available.

Asymmetric information on both sides of the political market is endemic, with even the brightest of people on both sides of any political deal. Which is one of several reasons why market failure is not sufficient to justify replacement by government of voluntary action and market trading. Notwithstanding the lemon problem. — Richard Stroup

Buried knowledge — The California legislature has passed a law creating a state version of the Native American Graves Protection and Restoration Act (NAGPRA). As I've written in these pages ("Creationism: Not Just for Fundamentalists Anymore," December, 2000) NAGPRA requires museums to turn over ancient skeletons to Indian tribes whenever the tribe asserts a "cultural affiliation" with the skeleton. Federal bureaucrats, with no particular scientific background, decide whether a skeleton is "culturally affiliated." The California law does the same, specifying that all California state universities and museums must inventory their collections and turn over any culturally affiliated skeletons to Indian tribes for burial (i.e., destruction).

The state law does not require that mediators who determine affiliation have any scientific training, and among the rules it sets for determining affiliation, it holds that "Tribal oral histories, documentations, and testimonies shall not be afforded less evidentiary weight than other relevant categories of evidence on account of being in those categories." Idiotic as this is, it is an improvement over an earlier version of the bill, which required mediators to give equal weight to oral history and to actual scientific data. Scientific inquiry, among the most delicate of liberties, is thereby sacrificed to the appeasement of politically powerful interest groups.

— Timothy Sandefur

I was a fugitive from a National Committee meeting — As I often do at public meetings that I'm reporting on, I recorded the Libertarian Party National Committee meeting in Las Vegas in late August so I would be able to quote accurately from the proceedings. My mini-disk recorder has a capacity of 144 minutes, so I set the alarm on my watch for 2 hours and 20 minutes and ignored the thing until the watch beeped.

On the morning of the second day of the affair, a sudden decision was made to go into executive session (i.e., a secret meeting) and all but committee members and invited guests were told to leave the room. I left the room, oblivious to the fact that my recorder was silently running. When the meeting began again, the chairman announced that someone had discovered a recording device in the room, and he wondered to whom it belonged. I immediately claimed it.

The thought didn't occur to me that anyone would have thought that I was attempting to record the proceedings surreptitiously. Not only would doing so be unethical, but my recorder was in plain view — I'd put in on a chair between my own chair and the door to the room and strung the microphone to the top of the chair back. It would be difficult for anyone in the room not to notice it.

When the next executive session came up, I turned off the recorder and left the room. I was naturally surprised, when I returned, to see that the recorder was gone. I asked LP director Steve Dasbach whether he knew what had happened. He said that the committee had been worried that it might somehow be capable of recording and had delayed starting the

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meeting until a trusted LP staffer could be summoned from his hotel room to take the device away. Dasbach called the staffer on his cell phone and, five minutes later, returned the device to me.

The committee's worry struck me as paranoid in an amusing sort of way, and I wrote a brief "reflection" on the subject. I mentioned this to a member of the committee whom I was interviewing several days later, and he asked — maybe "instructed" would be a better word — me not to run the reflection, on the ground that I was describing events that had taken place in executive session. This seemed silly to me — I hadn't heard a word of either executive session and in fact all I knew about what happened in them was what the party's chair and national director had freely told me. But I decided to defer to his request as a courtesy to the National Committee and didn't give the matter another thought.

Then, a couple of weeks ago, I got an email from an editor of this magazine, asking how I liked being accused by *LP News* Editor Bill Winter of committing a felony. I asked him what he was talking about, and he emailed me this excerpt from an article by Winter in the current *LP News*:

> When the executive session ended, [Chairman Jim] Lark announced that a recording device had been discovered in the room. The device was functioning, and would have recorded the closed meeting.
>
> *Liberty* magazine editor R.W. Bradford — who was attending the LNC meeting — said the digital recorder belonged to him. He claimed he left the device in the room by 'mistake.' Lark confiscated the audio disk and returned the recording device to Bradford.
>
> Under Nevada state law NRS 200.650, it is a felony to 'monitor or record . . . any private conversation . . . unless authorized to do so by one of the persons engaging in the conversation.' The crime is punishable by one to four years in state prison, and a fine of $5,000.

Of course, my editor friend had exaggerated: Winter had not actually accused me of a felony. What he had said was too disjointed for that. He'd merely made the suggestion.

This was the cherry on top of the whole amusing episode. And when people suggest to me that the Libertarian Party is a silly sideshow, irrelevant to the struggle for freedom, and that *Liberty* is wasting its resources covering what's going on in the party, I feel obliged to admit that there may be some merit to their thinking.

There also may be some merit in travelling incognito the next time I visit Nevada. — R. W. Bradford

RIP Phoolan Devi: 1963–2001 — On July 25 Phoolan Devi, India's famous "Bandit Queen," stepped out of her car in front of her home in New Delhi and was ambushed by several gunmen. Had she been armed, she would have remembered how to shoot. She was 38 years old.

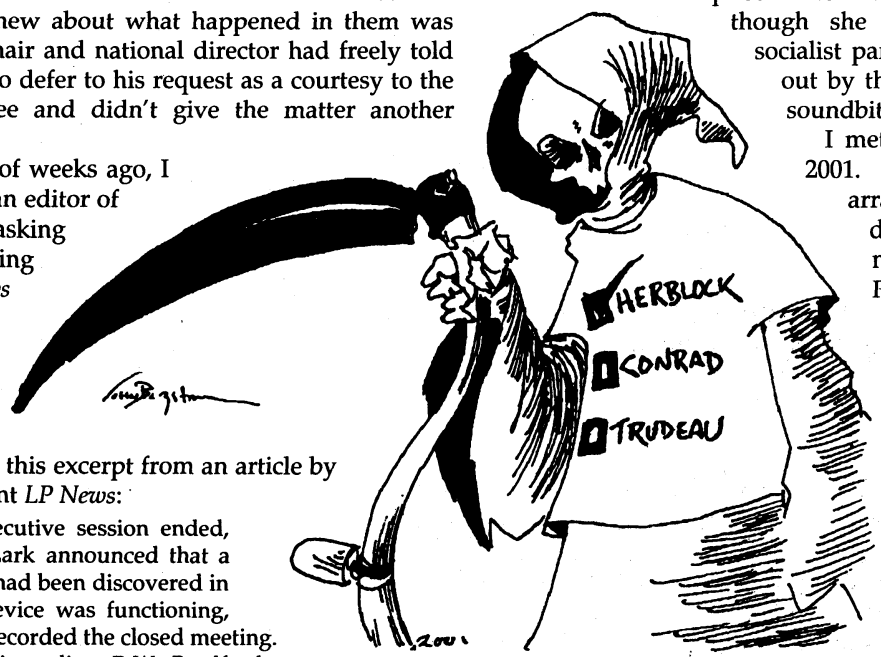

In 1981, the Indian press was rife with stories about her. Her vengeance on behalf of abused women included castration and the mutilation of men's genitals with a rifle butt. She stole wealth from the ruling-caste Thakurs and redistributed it. Most famously, in an act of instant justice on St. Valentine's Day, 1981, she slaughtered 26 Thakurs who had gang raped her. This is known as the Benmai massacre and was to be the turning point of her career. After that the government opted to negotiate with Devi. It was also to be the cause of her murder.

Devi became a folk hero and after she was released from prison she was elected to Parliament, though she belonged to a splinter socialist party. She was often sought out by the press for her notorious soundbites.

I met Phoolan Devi in March 2001. It was easy to make arrangements to meet her. I drove to her bungalow near the House of Parliament, past the one security guard. There was a large dog tied up in the back yard. Devi was petite, with a round face and large, pretty brown eyes. She had no lines or wrinkles. "She likes to give them out" an acquaintance told me later. She appeared to have had no trouble adjusting to power and privilege. Her nieces and nephews played in nice clothes, like members of the higher castes. Her husband, Umed Singh, is a land dealer in Delhi, where land prices can equal those in New York. He seemed like a nice guy.

I asked her if she was getting more respect now that she was an incumbent. She said, "Yes, it is easier." Then she said, "I am a socialist. For there to be justice for all in India, it is necessary for now. I am also a Buddhist." For Buddhists, caste distinctions are unimportant.

I asked what her views were on gun permits and she said, "Many MPs get armed escorts front and back; regular people have a hard time getting permits. However, criminals are always able to get firearms."

When I asked her if her gang ever used marijuana or alcohol she admonished me, "Dacoits only drink water!"

Devi's government bungalow was scantily protected and she was repeatedly denied gun permits on the basis of her criminal record. But in this nervous age, when most MPs take a mess of armed guards to go shopping, Phoolan Devi went back and forth to Parliament and to the doctor for her ulcer treatment with little or no security.

Such a character! Phoolan Devi was held back by a painful life. She was an illiterate, lower-caste Indian woman but she fought back and took justice the only way she could.

— John Driscoll

A Constitutional Response

by Ron Paul

Is it possible to defeat terrorism while upholding our constitutional liberties? A member of Congress tells how he thinks it can be done and why it's important.

Last week was a bad week for all Americans. The best we can say is that the events have rallied the American spirit of shared love and generosity. Partisanship was put on hold, as it well should have been. We now, as a free people, must deal with this tragedy in the best way possible. Punishment and prevention is mandatory. We must not, however, sacrifice our liberties at the hand of an irrational urgency. Calm deliberation in our effort to restore normalcy is crucial. Cries for dropping nuclear bombs on an enemy not yet identified cannot possibly help in achieving this goal.

Mr. Speaker, I returned to Congress five years ago out of deep concern about our foreign policy of international interventionism, and a monetary and fiscal policy I believed would lead to a financial and dollar crisis. Over the past five years I have frequently expressed my views on these issues and why I believed our policies should be changed.

This deep concern prompted me to seek and receive seats on the Financial Services and International Relations Committees. I sought to thwart some of the dangers I saw coming, but as the horrific attacks show, these efforts were to no avail. As concerned as I was, the enormity of the two-pronged crisis that we now face came with a ferocity no one ever wanted to imagine. But now we must deal with what we have and do our best to restore our country to a more normal status.

I do not believe this can happen if we ignore the truth. We cannot close our eyes to the recent history that has brought us to this international crisis. We should guard against emotionally driven demands to kill many bystanders in an effort to liquidate our enemy. These efforts could well fail to punish the perpetrators while only expanding the war and making things worse by killing innocent noncombatants and further radicalizing Muslim peoples.

It is obviously no easy task to destroy an almost invisible, ubiquitous enemy spread throughout the world, without expanding the war or infringing on our liberties here at home. But above all else, that is our mandate and our key constitutional responsibility — protecting liberty and providing for national security. My strong belief is that in the past, efforts in the U.S. Congress to do much more than this have diverted our attention and hence led to our neglect of these responsibilities.

Following the Sept. 11 disasters a militant Islamic group in Pakistan held up a sign for all the world to see. It said, "AMERICANS, THINK! WHY YOU ARE HATED ALL OVER THE WORLD." We abhor the messenger, but we should not ignore the message.

Here at home we are told that the only reason for the suicidal mass killing we experienced on Sept.11 is that we are hated because we are free and prosperous. If these two conflicting views are not reconciled we cannot wisely fight nor win the war in which we now find ourselves. We must understand why the hatred is directed toward Americans and not other Western countries.

In studying history, I, as many others, have come to the conclusion that war is most often fought for economic reasons. But economic wars are driven by moral and emotional overtones.

Our own revolution was fought to escape from excessive taxation but was inspired and driven by our desire to protect our God-given right to liberty.

The War Between the States, fought primarily over tariffs, was nonetheless inspired by the abhorrence of slavery. It is this moral inspiration that drives people to suicidally fight to

the death as so many Americans did between 1861 and 1865.

Both economic and moral causes of war must be understood. Ignoring the importance of each is dangerous. We should not casually ignore the root causes of our current fight nor pursue this fight by merely accepting the explanation that they terrorize us out of jealousy.

It has already been written that Islamic militants are fighting a "holy war" — a jihad. This drives them to commit acts that to us are beyond comprehension. It seems that they have no concern for economic issues since they have no regard even for their own lives. But an economic issue does exist in this war. Oil!

When the conflict broke out between Iraq and Iran in the early 1980s and we helped to finance and arm Iraq, Anwar Sadat of Egypt profoundly stated: "This is the beginning of the war for oil." Our crisis today is part of this long-lasting war over oil.

Osama bin Laden, a wealthy man, left Saudi Arabia in 1979 to join American-sponsored so-called freedom fighters in Afghanistan. He received financial assistance, weapons, and training from our CIA, just as his allies in Kosovo continue to receive the same from us today.

Unbelievably, to this day our foreign aid continues to flow into Afghanistan, even as we prepare to go to war against her. My suggestion is, not only should we stop this aid immediately, but we should never have started it in the first place.

It is during this time bin Laden learned to practice terror; tragically, with money from U.S. taxpayers. But it wasn't until 1991, during what we refer to as the Persian Gulf War that he turned fully against the United States. It was this war, said to protect our oil, that brought out the worst in him.

Of course, it isn't our oil. The oil in fact belongs to the Arabs and other Muslim nations of the Persian Gulf. Our military presence in Saudi Arabia is what most Muslims believe to be a sacred violation of holy land. The continuous bombing and embargo of Iraq has intensified the hatred and contributed to more than 1 million deaths in Iraq. It is clear that protecting certain oil interests and our presence in the Persian Gulf help drive the holy war.

We cannot close our eyes to the recent history that has brought us to this international crisis. We should guard against emotionally driven demands to kill many bystanders in an effort to liquidate our enemy.

Muslims see this as an invasion and domination by a foreign enemy which inspires radicalism. This is not new. This war, from their viewpoint, has been going on since the Crusades 1,000 years ago. We ignore this history at our own peril.

The radicals react as some Americans might react if China dominated the Gulf of Mexico and had air bases in Texas and Florida. Dominating the Persian Gulf is not a benign activity. It has consequences. The attack on the *USS Cole* was a warning we ignored.

Furthermore, our support for secular governments in the moderate Arab countries is interpreted by the radicals as more American control over their region than they want. There is no doubt that our policies that are seen by the radicals as favoring one faction over another in the long-lasting Middle East conflict add to the distrust and hatred of America.

The hatred has been suppressed because we are a powerful economic and military force and wield a lot of influence. But this suppressed hatred is now becoming more visible and we as Americans for the most part are not even aware of how this could be. Americans have no animosity toward a people they hardly even know. Instead, our policies have been driven by the commercial interests of a few. And now the innocent suffer.

I am hopeful that shedding light on the truth will be helpful in resolving this conflict in the very dangerous period that lies ahead. Without some understanding of the recent and past history of the Middle East and the Persian Gulf we cannot expect to punish the evildoers without expanding the nightmare of hatred that is now sweeping the world.

Punishing the evildoers is crucial. Restoring safety and security to our country is critical. Providing for a strong defense is essential. But extricating ourselves from a holy war that we don't understand is also necessary if we expect to achieve the above-mentioned goals. Let us all hope and pray for guidance in our effort to restore the peace and tranquility we all desire.

We did a poor job in providing the security that all Americans should expect. This is our foremost responsibility. Some members have been quick to point out the shortcomings of the FBI, the CIA, and the FAA and claim more money will rectify the situation. I'm not so sure. Bureaucracies by nature are inefficient. The FBI and CIA records come up short. The FBI loses computers and guns and is careless with records. The CIA rarely provides timely intelligence. The FAA's idea of security against hijackers is asking all passengers who packed their bag.

The clamor now is to give more authority and money to these agencies. But remember, important industries like our chemical plants and refineries do not depend on government agencies for security. They build fences and hire guards with guns. The airlines have not been allowed to do the same thing. There was a time when airline pilots were allowed to and did carry weapons, and yet this has been prohibited by government regulation set to go into effect in November.*

* In a technical sense, pilots are authorized to carry weapons. But the law requires that they must first take an FAA training course on the use of guns on aircraft, and the FAA has never offered the course. I introduced a bill that simply authorized pilots to carry sidearms if they wanted to, but it has gone nowhere. The measure currently under consideration has a provision that on the surface authorizes pilots to carry guns, but it's no different from the previous measure: it gives only the appearance of authorizing pilots to carry handguns, while leaving the situation unchanged. In my view, since virtually all commercial airline pilots are ex-military, they are already familiar with handling sidearms and trained well enough. Certainly, if the pilots of the planes that crashed into the WTC and Pentagon on Sept. 11 had sidearms, the terrorist attacks would have been foiled.

If the responsibility had been left with the airlines to provide safety they may have had armed pilots or guards on the planes just as our industrial sites have. Privatizing the FAA, as other countries have, would also give airlines more leeway in providing security. My bill, HR 2896, should be passed immediately to clarify that the federal government will never place a prohibition on pilots being armed.

We face an enormous task to restore the sense of security we have taken for granted for so long. But it can be done. Destroying the evildoers while extricating ourselves from this unholiest of wars is no small challenge. The job is somewhat like getting out of a pit filled with venomous snakes. The sooner we shoot the snakes that immediately threaten us, the sooner we can get safely away. If we're not careful though, we'll breed more snakes and they'll come out of every nook and cranny from around the world and little will be resolved.

It's no easy task, but before we fight we'd better be precise about whom we are fighting and how many there are and where they are hiding, or we'll never know when the war is over and our goals are achieved. Without this knowledge the war can go on for a long, long time, and the war for oil has already been going on for more than 20 years. To this point, our president and his administration have displayed the necessary deliberation. This is a positive change from unauthorized and ineffective retaliatory bombings in past years that only worsened various conflicts.

If we can't or won't define the enemy, the cost to fight such a war will be endless. How many American troops are we prepared to lose? How much money are we prepared to spend? How many innocent civilians, in our nation and others, are we willing to see killed? How many American civilians will we jeopardize? How many of our civil liberties are we prepared to give up? How much prosperity will we sacrifice?

The Founders and authors of our Constitution provided an answer for the difficult tasks that we now face. When a precise declaration of war was impossible due to the vagueness of our enemy, the Congress was expected to take it upon themselves to direct the reprisal against an enemy not recognized as a government. In the early days the concern was piracy on the high seas. Piracy was one of only three federal crimes named in the original Constitution.

Today, we have a new type of deadly piracy, in the high sky over our country. The solution the founders came up with under these circumstances was for Congress to grant letters of marque and reprisal. This puts the responsibility in the hands of Congress to direct the president to perform a task, with permission to use and reward private sources to carry out the task, such as the elimination of Osama bin Laden and his key supporters. This allows narrow targeting of the enemy. This effort would not preclude the president's other efforts to resolve the crisis, but, if successful, would preclude a foolish invasion of a remote country with a forbidding terrain like Afghanistan's — a country that no foreign power has ever conquered throughout all of history.

Lives could be saved, billions of dollars could be saved, and escalation due to needless and senseless killing could be prevented. Mr. Speaker, we must seriously consider this option. This answer is a world apart from the potential disaster of launching nuclear weapons or endless bombing of an unseen target. A marque and reprisal demands the enemy be seen and precisely targeted with minimal danger to others. It should be considered and, for various reasons, is far superior to any effort that could be carried out by the CIA.

We must not sacrifice the civil liberties that generations of Americans have enjoyed and fought for over the past 225 years. Unwise decisions in response to the terror inflicted on us may well fail to destroy our enemy, while undermining our liberties here at home. That will not be a victory worth celebrating. The wise use of letters of marque and reprisal would negate the need to undermine the privacy and rights of our citizens.

As we work through this difficult task, let us resist the temptation to invoke the most authoritarian of all notions that, not too many years ago, tore this nation apart — the military draft. The country is now unified against the enemy. The military draft does nothing to contribute to unity nor, as the Pentagon again has confirmed, does it promote an efficient military.

Dominating the Persian Gulf is not a benign activity. It has consequences. The attack on the USS Cole was a warning we ignored.

Precise identification of all travelers on all our air flights

is a desired goal. A national ID issued by the federal government would prove to be disastrous to our civil liberties and should not be considered. This type of surveillance power should never be given to an intrusive, overbearing government, no matter how well intentioned the motives.

The same results can be better achieved by the marketplace. Passenger IDs voluntarily issued by the airlines could be counterfeit-proof; and loss or theft of an ID could be immediately reported to the proper authorities. An ID, fingerprints, birth certificates, or any other information can be required without any violations of anyone's personal liberty. This delicate information would not be placed in the hands of government agents but could be made available to law enforcement officers like any other information obtained with probable cause and a warrant.

The heat of the moment has prompted calls by some of our officials for great sacrifices of our liberties and privacy.

Before we fight we'd better be precise about whom we are fighting and how many there are and where they are hiding.

This poses great danger to our way of life and will provide little help in dealing with our enemies. Efforts of this sort will only punish the innocent and have no effect on a would-be terrorist. We should be careful not to do something just to do something.

Mr. Speaker, I fear that some big mistakes could be made in the pursuit of our enemies if we do not proceed with great caution, wisdom, and deliberation. Action is necessary; inaction is unacceptable. No doubt others recognize the difficulty in targeting such an elusive enemy. This is why the principle behind letters of marque and reprisal must be given serious consideration.

In retaliation, an unintended consequence of a policy of wanton destruction without benefit to our cause, could result in the overthrow of moderate Arab nations by the radicals that support bin Laden. This will not serve our interests and will surely exacerbate the threat to all Americans.

As we search for a solution to the mess we're in, it behooves us to look at how John F. Kennedy handled the Cuban missile crisis in 1962. Personally, that crisis led to a five-year tour in the U.S. Air Force for me.

As horrible and dangerous as the present crisis is, those of us that held our breath during some very tense moments that October realized that we were on the brink of a worldwide nuclear holocaust. That crisis represented the greatest potential danger to the world in all of human history.

President Kennedy held firm and stood up to the Soviets as he should have and the confrontation was resolved. What was not known at the time was the reassessment of our policy that placed nuclear missiles in the Soviet backyard, in Turkey. These missiles were quietly removed a few months later and the world became a safer place in which to live. Eventually, we won the Cold War without starting World War III.

Our enemy today, as formidable as he is, cannot compare to the armed might of the Soviet Union in the fall of 1962.

Wisdom and caution on Kennedy's part in dealing with the crisis was indeed "a profile in courage." But his courage was not only in his standing up to the Soviets, but his willingness to re-examine our nuclear missile presence in Turkey, which if it had been known at the time would have been condemned as an act of cowardice.

President Bush now has the challenge to do something equally courageous and wise. This is necessary if we expect to avert a catastrophic World War III. When the president asks for patience as he and his advisors deliberate, seeking a course of action, all Americans should surely heed his request.

Mr. Speaker, I support President Bush and voted for the authority and the money to carry out his responsibility to defend this country, but the degree of death and destruction and chances of escalation must be carefully taken into consideration.

It is only with sadness that I reflect on the support, the dollars, the troops, the weapons, and training provided by U.S. taxpayers that are now being used against us. Logic should tell us that intervening in all the wars of the world has been detrimental to our self-interest and should be reconsidered.

The efforts of a small minority in Congress to avoid this confrontation by voting for the foreign policy of George Washington, John Adams, Thomas Jefferson, and all the 19th century presidents went unheeded. The unwise policy of supporting so many militants who later became our armed enemies makes little sense whether they are bin Laden or Saddam Hussein. A policy designed to protect America is wise and frugal and hopefully it will once again be considered. George Washington, as we all know, advised strongly as he departed his presidency that we should avoid all entangling alliances with foreign nations.

Muslim radicals react as some Americans might react if China dominated the Gulf of Mexico and had air bases in Texas and Florida.

The call for a noninterventionist foreign policy over past years has fallen on deaf ears. My suggestions made here today may meet the same fate. Yet, if truth is spoken, ignoring it will not negate it. In that case something will be lost. But, if something is said to be true and it is not and is ignored, nothing is lost. My goal is to contribute to the truth and to the security of this nation.

What I have said today is different from what is said and accepted in Washington as conventional wisdom, but it is not in conflict with our history or our Constitution. It's a policy that has, whenever tried, generated more peace and prosperity than any other policy for dealing with foreign affairs. The authors of the Constitution clearly understood this. Since the light of truth shines brightest in the darkness of evil and ignorance, we should all strive to shine that light. ❑

Feeding the Hand That Bites You

by R. W. Bradford

Why Americans won't come to grips with the real cause of the terrorist attack and what would happen if they did.

The bottom line about Sept. 11 is this: Our government left us vulnerable to a terrorist attack, so vulnerable that one can only be shocked that no attack occurred before. In a country where 35,000 aircraft take off each day, the government constructed two giant towers in New York that could be toppled with tremendous loss of life by crashing aircraft into them. And it made those aircraft vulnerable to low-tech hijacking by forbidding their crews to arm themselves. The only additional ingredient needed for a terrorist attack of the magnitude of the WTC attack of Sept. 11 was a handful of fanatics willing to sacrifice their lives for a cause.

The 20th century witnessed the deeds of dozens of such individuals. In America alone, there were Carl Weiss, who assassinated Louisiana's dictator Huey Long in 1935, only to fall in a hail of bullets; Giuseppe Zangara who tried to kill Franklin Roosevelt in 1933, only to die in a hail of bullets; Leon Czolgosz, who assassinated President McKinley in 1901 with the knowledge that if he survived the assassination attempt, he would surely be convicted of murder and executed — those are but a few. Many American soldiers committed acts of suicidal bravery for their country in the great and horrible wars we fought. Japanese fliers volunteered for kamikaze missions. Communist partisans faced certain death fighting Hitler in occupied Europe.

Our government didn't manufacture the suicidal fanatics who attacked the World Trade Center, but it was well aware that many such people exist. Indeed, it was well aware that Osama bin Laden was engaged in doing his best to locate, train, and motivate such individuals. For more than a decade, our government has known that there are hundreds of individuals who would gladly give their lives in order to commit a spectacular act of terrorism of the sort that America suffered on Sept. 11.

The simple fact is that the terrorist attacks of September were the predictable result of U.S. government policy and negligence.

In the face of this, it is ironic that most Americans reacted to the attacks by calling for their fellow citizens to cede even more power to their government, the very institution that made the terrorist attacks inevitable.

In a million ways, great and small, Americans have shown that they are glad to surrender their liberty, hoping that by doing so they will prevent future terror.

Their hope is blind. Leaving aside such patently absurd measures as the searching of cars before allowing them to board ferry boats in the Puget Sound and the prohibition against possession of "unauthorized pamphlets" while attending a football game, let us look only at measures aimed at preventing future hijackings.

Americans have agreed to arrive at airports two hours before their flights are scheduled so they can be searched and have confiscated from them virtually anything made of metal. Yet knives need not be made of metal. We have called up the National Guard to provide security at airports, though there is no reason to believe that putting armed citizen-soldiers in airports could prevent another low-tech hijacking. Presumably, the National Guard is there to provide silly people with a sense of security, not security itself.

Curiously, both the Bush administration and the Democratic leadership oppose the one simple measure that could provide real protection against this sort of attack — and could save lives at negligible cost both in terms of people's liberties and property. I refer to Congressman Ron Paul's proposal to allow pilots to arm themselves. Virtually

all pilots are ex-military, trained and presumably expert in the use of handguns, and could easily be armed with high-tech weapons to kill or disable a hijacker without risk of piercing the skin of the aircraft. Yet they are still prevented from carrying sidearms on aircraft.

Meanwhile, Americans have agreed to spend vastly more money on defense, as if our military might prevent further domestic terrorist attacks of this sort. The military is great at attacking fortified positions and conquering and occupying territory. The problem is that terrorists have neither territory nor fortified positions. We can attack the terrorists' "host" countries, but doing so won't stop them: They can simply move elsewhere.

The communist partisans in Nazi-occupied Europe managed to commit thousands of acts of sabotage and terror with no fortified positions, no territory, and hardly any financial resources. They used improvised and stolen weapons, just as the Sept. 11 terrorists did.

The terrorist attacks of September were the predictable result of U.S. government policy and negligence.

A month after the attacks, it remains unclear whether the military target we have chosen was actually involved in the attacks. If we accept everything the government has told us — and that's a very big "if" — we can conclude only that Osama bin Laden approved of the attacks and may have known that some sort of attack was going to occur on Sept. 11. Nor is it clear that killing him would prevent or reduce future attacks: There remains a good possibility that making the charismatic figure a martyr might inspire thousands or even millions of terrorists rather than the mere hundreds that he has inspired so far. Yet we are happy to give up our property and our lives in hopes of destroying him.

Our government and the terrorists have a common interest in stirring up the fears of ordinary Americans. The *raison d'etre* of a terrorist attack is to instill fear in the population, and this the attacks undeniably achieved. So when our political and media elite elongated the period of grief, fear, and outright paranoia, they did exactly what the terrorists had hoped they'd do.

Our political leaders and the bureaucrats they employ have an interest in increasing their own power and revenue, and they know that people are far more willing to surrender their liberty and property when they are stricken with fear. So it should surprise no one that when the terrorists did their awful deed, America's political leadership responded with all sorts of measures designed to increase panic and fear. They virtually banned ordinary life for several days, allowing fear, hatred, and grief to fester, thereby enabling politicians to increase their own power and revenue.

The cost to the country has been tremendous. When the attack came, the United States was arguably on the brink of a severe recession or even a depression, and encouraging people to stop engaging in ordinary activities is a good way to make such an economic decline worse. *The Wall Street Journal* reports that for the past month, there has been an average of 600,000 fewer hotel rooms rented each day, that sales of soft drinks are down sharply,* that GM will manufacture 30,000–50,000 fewer cars in the final quarter of this year, and that Avis has returned over 40,000 cars to automobile manufacturers. It's impossible to determine just how much lower these costs would have been if our political leaders had not led Americans to wallow in fear, hatred, and grief. But it is undeniable that the losses would have been much lower.

I do not suggest that our political and intellectual elite consciously chose to work hand and glove with the terrorists. Obviously, they did not. The problem is that their natural reaction to any crisis is to call for more government. The tragedy is that Americans are especially susceptible to their calls.

Horses led from a burning barn are said to react by running back to the barn as soon as they are released. Twenty-first century Americans, having inherited the pathetic faith in government that caused so much pain and suffering during the previous century, react like those horses. They see government as a magical entity that can perform miracles, and when it fails on a grand scale, they conclude only that they have not had sufficient faith, that they should increase the offerings they heap at the shrine of the state.

❖

But how would a sensible political leader respond to the attacks? Suppose for a moment that the president of the United States were a person whose top priority was to protect the life, liberty, and property of Americans, a person who, in addition, had some understanding of how the world works, and the courage to tell the truth about it. What would he do?

Horses led from a burning barn are said to react by running back to the barn as soon as they are released. Twenty-first century Americans, having inherited the pathetic faith in government that caused so much pain and suffering during the previous century, react like those horses.

It's a thorny question. For one thing, if the president were such a sensible person, the attacks would never have happened. Armed aircraft crews would have prevented takeover of the planes, if any terrorists had been sufficiently foolhardy to try to take them over. But there would probably have been no terrorists either, because America's foreign policy would not have been so intrusive and erratic.

For another, expecting a sensible leader to untangle the mess left behind by decades of the sort of demagogic, imprudent, and irrational leaders who have shepherded America for the past century may prove to be more than anyone can

* Coca-Cola expects its soft drink sales to fall by more than 300 million gallons — that's more than 3 billion twelve-ounce cans — in the final four months of the year.

Don't Fund Religious Groups

by Sheldon Richman

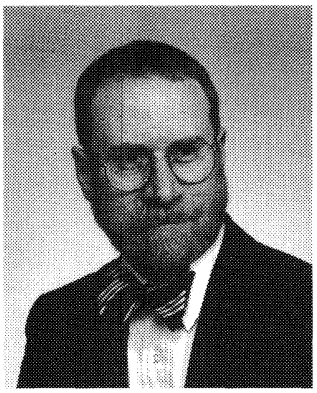

President Bush just doesn't get it.

He may say, repeatedly, that the surplus belongs to the people and push for a modest tax cut, but if he really believed his own words, he wouldn't be proposing to spend the taxpayers' money on social-welfare activities performed by religious organizations.

Mr. Bush makes a spurious appeal to fairness in proposing that these groups be given our money. A proclamation at the White House website states that religious organizations "have traditionally been distant from government ... and typically have been neglected or excluded in Federal policy. Our aim is equal opportunity for such groups, a level playing field, a fair chance for them to participate when their programs are successful."

He heaps high praise on those groups. But has it occurred to him that their success may have something to do to with their distance from government? Yet he proposes to close that distance. We already know what happens when private groups get too close to government. They lose their autonomy. It's the oldest principle in the world. Conditions follow cash. That's why the Bush program has not been embraced with the enthusiasm he must have anticipated.

Moreover, there is no way that the program can avoid funding religion — which is anathema in a free society. The Bush folks assure us the money won't be used this way, but they are being disingenuous. If a religious social-service organization gets taxpayer money to, say, feed the poor, other money will be freed up for ecclesiastical work. A dollar is a dollar is a dollar.

But isn't it unfair, as the administration says, that secular groups can get taxpayer money but not religious groups? Shouldn't this anti-religious bias end? The answer to both questions is yes.

But the proper way to end the discrimination is to stop the subsidies to the secular groups!

In a free society individuals should be left free to make their own decisions about whom to help and how. Americans historically have been immensely generous. The richer our society has gotten, the more generous they have become. This was as true in the 19th century, when there was no income tax and therefore no deduction, as it is today. Americans are people of goodwill and they show it by lending a hand to people who have had a hard time.

Moreover, as historian David Beito shows in his book *From Mutual Aid to the Welfare State,* even low-income Americans were ingenious at setting up mutual-aid societies, such as lodges, that provided various kinds of "safety net" benefits when misfortune struck. It was government that effectively ran these marvelous institutions out of business by providing similar benefits "free" — that is, through force: taxation. Government's shameful record in displacing self-help with inferior politically inspired programs is well-documented by Beito. Not only has the expenditure of trillions of tax dollars not eradicated "poverty" as promised, it has corrupted a nation of people who once looked to themselves, not government, to improve their own lot.

The Bush program now goes further in this direction by proposing measures that will corrupt hitherto independent organizations. Nothing good can come of this program. By luring independent groups onto the welfare plantation it sadly reinforces the very principles that have transformed this country from a proud republic of individualists into a welfare state.

Bush is getting high marks from conservatives, but one suspects they are marking on a curve. Subsidizing religious social-welfare organizations, rather than ending the subsidies to secular groups, is nothing to rave about. It goes against every principle conservatives say they support.

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sensibly expect.

But let us suppose that through some fluke Americans had chosen such a person to be president and had not yet deposed him, and that he had not yet been able to implement sensible reforms. Again, what would he do?

I don't claim to know the complete answer to this question, partly because I am not privy to all sorts of information that the president would have and partly because, well, I am not all that smart. But here are some of the things I think the president would do.

It should surprise no one that when the terrorists did their awful deed, America's political leadership responded with all sorts of measures designed to increase panic and fear.

He would postpone withdrawal of American troops from other countries, simply because doing so would be instantly and universally perceived as giving in to terrorism, thereby encouraging future terrorist attacks.

He would insist on a complete and lawful investigation of the attackers. If credible evidence could be discovered implicating any living person or persons, he would vigorously prosecute those implicated. If those implicated were under the protection of a foreign state, he would take prudential action to bring him to justice.

If, as seems quite plausible, evidence is found that Osama bin Laden's terrorist enterprise is in fact so close to the government of Afghanistan that it can reasonably be considered part of that state, then a sensible leader would ask Congress to declare war on it.

A sensible leader would immediately take action to prevent future attacks of mass terrorism, minimizing the cost in terms of treasure and liberty to Americans. To begin with, he would authorize the arming of flight crews. Then he would do his best to minimize Americans' wallowing in grief, fear, and hate, using the bully pulpit to lower the emotional pitch.

When the time was right, he would begin a gradual withdrawal of American troops from other countries, starting with those not closely associated with revolutionary Islam. He would implement a policy of free trade and friendship with all nations.

But this is fantasy. H.L. Mencken once observed that "democracy is the theory that holds that the common people know what they want, and deserve to get it good and hard." I fear that Americans are no more interested in sensible leadership than they were when they elected John Kennedy, Lyndon Johnson, Richard Nixon, Jimmy Carter, Ronald Reagan, George Bush the Elder, Bill Clinton, and George Bush the Younger. I fear that, sadly, they are getting the government they deserve. ❑

God Bless Us Every One

Once upon a time, in a land not so far away, the king decided that he had been pushed too far. Boys were misbehaving outrageously, tipping over the royal outhouses and so forth, so the king declared a war on mischief.

We shall root out mischief, no matter how long it takes, no matter how much it costs, the king declared, to the frenzied applause of his subjects, most of whom — truth be known — were also fed up with adolescent misbehavior. The news media lavishly announced every new pronouncement by the king's flunkies, each of whom explained that unless the royal government eliminated every misbehaving boy belonging to a global network of misbehaving boys, not sparing the countries that aided and harbored them (a proviso that left the misbehaving boys of Ireland as well as the state of Massachusetts off the list), the kingdom would never be secure in the enjoyment of the people's constitutional right to play any game they might choose.

It would be a "new kind of war," the king explained, sometimes violent, sometimes silky smooth, but he promised that no matter whether the evening news had any explosive film footage to offer or not, the subjects should understand that the war was continuing, and would continue to continue until every last bit of misbehavior had been liquidated. Subjects gathered in little knots of threes and fours at the street corners and nodded knowingly. Unless we deal with these misbehaving boys once and for all, they said, we shall never again have peace in the kingdom.

So, the king's forces deployed themselves around the globe. From time to time, the news broadcasts showed video of explosions in the night sky of what the reporters said was Hobgoblin and other faraway places.

Many years went by, indeed whole decades passed, and still the war continued. The king's military provisioners earned handsome profits, and the news media kept the subjects in a state of greater or lesser apprehension, but the king himself basked in the warmth of his subjects adoration, for the subjects knew that only the king's protection stood between them and some boy's mischief.

Strangely, from time to time a royal outhouse was tipped over, or a royal spring discolored by a strange yellow liquid. These events seemed anomalous to a few of the more astute subjects, because the mischievous boys the king had set out to destroy in the beginning had long since grown into middle-aged men. Most subjects failed to notice, however, that the king's war on misbehavior might have a category fallacy built into it.

The subjects now played only one game, because no one wanted to risk being seen playing some even marginally mischievous game, for fear that the king's men might swoop down and dispatch them in the public interest. Yet every Sept. 11, they all celebrated with song and dance the "national day of free play." Eventually, everybody forgot how to play the old games, so they didn't mind that they could no longer play them at will.

The war never ended, but nobody minded that, either. Permanent war had become the nature of life in the kingdom. "God save the king," the people sang each morning after reciting the pledge of orderly play. "And God bless us every one," said the king, as he departed for his well-publicized daily briefing in the war room.

— Robert Higgs

No Time for Fantasy

by Stephen Cox

Why we can't afford to live in the New Jeruselem.

At the climax of the last book of the Bible, the book of Revelation, St. John presents his vision of the end of history:

> And I John saw the holy city, new Jerusalem, coming down from God out of heaven, prepared as a bride adorned for her husband. And I heard a great voice out of heaven saying, Behold, the tabernacle of God is with men . . . and God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall there by any more pain; for the former things are passed away.

For two thousand years, this vision has inspired the devout and amused the skeptical. But no one, until now, ever thought that the event had already taken place.

No one, until now, ever thought that he was actually living in a world like the New Jerusalem, where pain and sorrow and death had become, well, obsolete. Only in the aftermath of the apocalyptic destruction of the World Trade Center has this mighty truth dawned upon the consciousness of a minority — but a significant minority — of Western intellectuals.

To these people (are you one of them?), the way to deal with the atrocity of Sept. 11 is, basically, to ignore it. Yes, they admit that it happened. It was "shocking." It was "horrifying." They "grieve for the victims." But for them, terrorism still has an air of unreality. They see no necessity for the United States to engage in military retaliation. Quite the contrary. They believe that the terrorists will stop, if the United States does. They believe that America's enemies have good reasons for their enmity, and that it is up to America, therefore, to "end the cycle of violence." That means dropping the arrogant assumption that we have the right to punish foreign nations for the ("alleged") misdeeds of their residents. If we want to end terrorist attacks, we should look "beyond the horror of Sept. 11" and think about how we can find nonviolent solutions to international problems.

Sounds good, doesn't it? Certainly it sounds good to the "signers and j'iners," the people who busy themselves sending out petitions for "justice, not revenge" and other self-evidently worthy causes. When they speak of peace and reason and cooperation, their satisfaction — indeed their self-satisfaction — always appears complete. Eloquent about the risks of war, they seem certain that nothing in their own proposals could possibly entail a risk. They appear certain, in other words, that they are already living in the New Jerusalem, in that blessed place where morality and practicality are, at last, one and the same, that place where there is no longer any necessity for death, neither sorrow, nor crying. To inhabit that risk-free world, all we need to do is to live, as St. John puts it, "in the Spirit."

It's interesting that nobody except Americans ever seems to reason in this way. Sure, there are zealots and thugs and morons all over the world who are willing to riot for "peace" at a moment's notice, but they know that the peace they seek can only be purchased at the price of destruction, the destruction not just of America's foreign alliances, military bases, and so forth, but also of American capitalism and any other identifiably American aspect of world culture. It's only Americans who get so carried away by evangelical beliefs as to imagine, not merely that everyone ought to be traveling toward that City on the Hill, but that everyone ought to act as if the journey had actually been completed.

I'm as vulnerable to the evangelical spirit as any other American. I always want to believe that we are half a mile from the New Jerusalem, and getting there fast. I have very strong isolationist and peace-freak proclivities. Nevertheless,

even I know that the anti-anti-terrorist attitude is bunk. At best, it expresses a true idealism about peace and justice. At worst, it expresses a cruel disregard for reality.

This disregard achieves fantastic proportions in the idea that, pending judicial proceedings, no one should be "punished" for the Sept. 11 atrocity. After all, it is said, we haven't seen all the evidence against Osama bin Laden. He may be guilty of nothing more than *saying* that he wants to have us all killed, riling up a few mobs here and there, running a few boot camps for weekend warriors, and, from time to time, blowing up a ship or an embassy somewhere. In sum, he may be little more than an "ideological role model" for the people who are trying to kill us.

Yes, I can see it now: Dorothy and her friends are walking along through Oz when, suddenly, the flying monkeys descend, abducting the girl and leaving her friends for dead. Well, who really knows who was responsible? True, the Wicked Witch showed up before, and made some threats — but maybe she was joking. Maybe she was just carried away by her own rhetoric. And, true, the flying monkeys are known to be allied with her — but maybe she didn't actually direct their attack. Remember, we have only the word of the Wizard that she is the focus of evil, and the Wizard has been known to lie. Clearly, no water should be poured on the Witch until she is arrested and tried at The Hague.

I have very strong isolationist and peace-freak proclivities. Nevertheless, even I know that the anti-anti-terrorist attitude is bunk. At best, it expresses a true idealism about peace and justice. At worst, it expresses a cruel disregard for reality.

Sorry. She's a wicked witch, and she has to be killed. That will discourage the other wicked witches. And you can see what miraculous effects this kind of thing can have on a gang of flying monkeys. Once she was dead, all they could think of to say was, "Hail, Dorothy!"

At this point, however, we should consider the assumption of many leftist and (I am sorry to say) libertarian experts on the New Jerusalem, to the effect that America would have no enemies in the Muslim world if it didn't insist on interfering with the Muslim world. A corollary assumption is the belief that American vengeance for the victims of Sept. 11 will "only produce even worse reprisals." Let me reduce these assumptions to even plainer language. The idea is this: If Americans would simply cease to be *bad*, then everybody else would very naturally and irresistibly start being *good*.

This is, at least, a very *convenient* theory. If you are a pacifist, it is very *convenient* for you to believe, not only that war is evil, but also that war will never work. If you are an isolationist, it is very *convenient* for you to believe, not only that foreign interventions are always wrong, but also that foreign interventions are always counterproductive. In fact, however, morality and practicality are not always the same. They are two clearly distinguishable things. That's why they are called by two different names, and why it is so hard to think about either one of them without thinking about its difference from the other. Even a murder can have good effects; even the noblest act of heroism can have bad ones. Everybody knows this, except when the talk turns to politics.

War is an evil. I believe that America's chronic involvement in foreign disputes is also an evil. Unfortunately, even worse evils would follow if we beat a precipitate retreat from our foreign involvements. (Please do not tell me that you decline to choose the lesser of the two evils. You have no other choice — unless you think that you really, truly do have the option of living in the New Jerusalem, right here, right now.) Our withdrawal from foreign alliances would offer us no more protection than President McKinley got from the fact that he was not the Tsar of Russia. McKinley was assassinated by a terrorist to whom that slight difference of identity did not appear important. From the terrorist's point of view, Nicholas II and William McKinley were significant simply because they were both enemies of the social revolution. From the p.o.v. of people like Osama bin Laden, liberal civilization is the enemy, and every aspect of liberal civilization — from women's equality to the disgustingly permissive Saudi royal family — is as appalling and hateful as the presence of American marines in the Middle East.

Does anyone really think that if America withdrew from all its alliances today, the international terrorist movement would suspend military operations and devote itself to seeking KFC franchises and erecting statues to George W. Bush? Not hardly. Any weakness we show at this point would only invite further aggression. If America yielded and withdrew from all forward positions in the Middle East (as I wish that America would do, when America decides to do it on its own), America would simply be confronted with a new series of demands, culminating, I suppose, in a demand to withdraw from Dearborn, Mich.

The question of whether, and to what degree, American policies "provoked" the events of Sept. 11 is interesting in certain respects, but it is not interesting in respect to our plans for the future. Hitler may have come to power because of the injustices of the Treaty of Versailles, but once he came to power, abrogation of the Treaty by Britain and France would not have kept him out of war. In fact, the Treaty was dead as soon as he marched his troops into the demilitarized zone of western Germany, three and a half years before the beginning of World War II.

The claims that bin Laden & Co. make on reality are actually somewhat larger and less easily satisfied than the claims that Hitler made. I don't mean to suggest that the Islamic terrorists are more possessed of evil than Hitler was; that's a question of morality, and right now, I'm talking practicality. Hitler wanted to create a certain social order in Germany and some of its surroundings; he specifically disavowed any messianic desire to spread Nazism beyond the borders of Germania. Terrorism, however, has long operated without even this modest degree of ideological discretion. Nihilists and anarchists and the other social revolutionaries of the 19th century weren't about to be fobbed off with little concessions like the abolition of serfdom; it was the Tsar who abolished serfdom who perished by a terrorist's bomb. Now the reactionaries of the Islamic world demand that, pending

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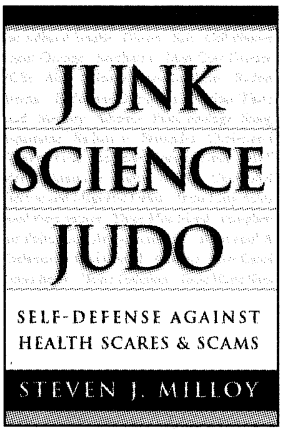

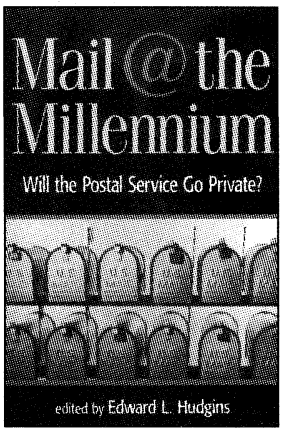

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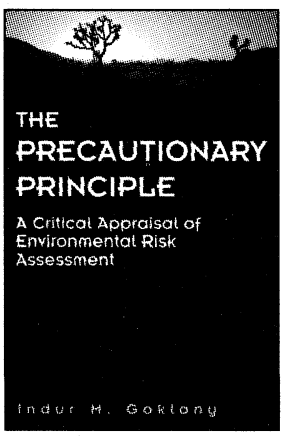

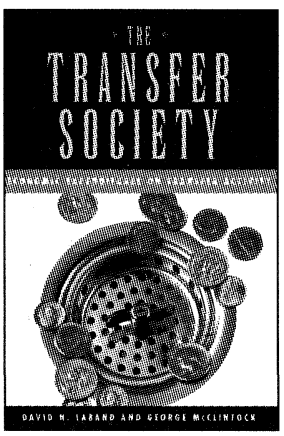

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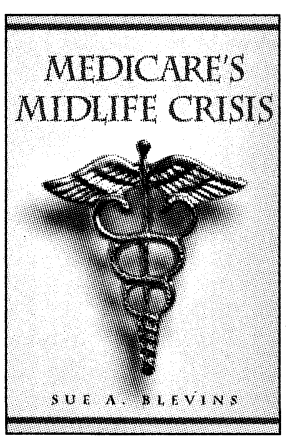

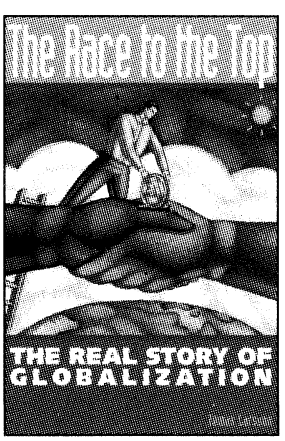

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Western evacuation of Arabia, all (male) infidels be killed, wherever found. Do you think that ambitions like theirs can be satisfied by a pullout from Arabia? And do you think that people who enjoyed massacring thousands in New York City wouldn't get even more fun out of an atom bomb?

No, we are not living in the New Jerusalem. If you believe we are, you should take another look at those demonstrations of terrorist supporters in places like Pakistan and Afghanistan. That quadrant of the Holy City seems to be inhabited exclusively by angry young males (or, perhaps, one very angry young male, surrounded by a lot of mirrors), males who appear to be occupied exclusively in screaming, surging, and pillaging. An odd note is the grinning happiness shown by the AYMs whenever a Western camera starts pointing in their direction. You remember the communist tendency toward doublethink? It didn't die with communism. These people think that everything in the West is evil, except the products that they happen to have a use for — products that they love and cherish, as if they could have the products without the culture. They can't; their revolt is the revolt of the parasite. Yet for that very reason it is insatiably envious, incapable, on its own, of facing any essential truth about either itself or its enemy.

It may be that the West has helped to fuel this revolt by its feckless charity and search for friends. The isolationists have much to teach us about how that works; their arguments, in this department, are often cogent indeed. But there's no reason to imagine that terrorism will simply starve on the vine once America stops subsidizing it. The terrorists will get their camo fatigues from someone else. Perhaps, eventually, they may even learn how to make their own.

Hitler may have come to power because of the injustices of the Treaty of Versailles, but once he came to power, abrogation of the Treaty by Britain and France would not have kept him out of war.

So where do we go from here? There are three things that are capable of defeating terrorism.

The first, and potentially the most conclusive, is boredom. The terrorist movements of the late 19th century eventually fizzled out — partly, it seems, because the terrorists got bored with plotting to assassinate people. Some of them changed their political tactics; others, it seems, just grew up. Unfortunately, however, some of them kept at it, like the terrorists who started World War I; and it will never be known how many would have institutionalized themselves permanently, like the IRA, if they had not been the targets of repressive measures.

The second means of defeating terrorism is, therefore, direct repression of the terrorists. Every dead terrorist is a terrorist who will never commit another act of terror. Sorry, peace dude: Violence often works. As to the idea that repression "creates martyrs," "sows dragon's teeth," "fuels more rage," and so forth . . . sometimes it does, but in this case, who cares? Maybe Osama bin Laden's untimely death will be avenged by a bunch of yahoos who decide to blow up the World Trade Center. Oops! that already happened. The terrorists were already fueled with enough rage to do that. Do you think that if we don't pursue bin Laden, they're going to say to themselves, "Oh, I guess we shouldn't blow up the Chrysler Building, after all." I don't think so. But if America's war on bin Laden is successful, some of them will say (to themselves), "Dude! That coulda been me. I think I'm gonna go back to Florida State and pick up that degree in computer science."

The third means is an attack on terrorist states. That's the approach that President Reagan took when he bombed Libya. Until then, Libya was a focus of terrorist activity. Now it's not. Why? We repressed Libya. We shouldn't be under any illusions about terrorism being a strictly spontaneous overflow of powerful feeling. Abou ben Adhem, age 18, native of Taliban City, Talibanistan, may be as mad as hell about America's squishing of his hero, Osama bin Laden, but he will probably be in no position to avenge the death, so long as he's unable to locate people who are well-organized and well-funded enough to help him. The trouble starts when he hooks up with some government-protected agency that gives him money and sanctuary and all the other stuff he needs to live as a professional terrorist with some prospect of a dramatic success. That's why America should do what it can to put terrorist states out of business.

Every dead terrorist is a terrorist who will never commit another act of terror. Sorry, peace dude: Violence often works.

Now, it's obvious, simply from the fact that we do *not* live in the New Jerusalem, that we have no guarantee that any of these three means of ending terrorism will totally succeed. There's no guarantee of total success in anything. But there are guarantees of failure. "Mr. bin Laden, we're really upset with you. We're going to investigate this situation, and if we find evidence that will stand up in court, we are going to insist that the government of Afghanistan extradite you to New York, where you will be given a fair trial and be either convicted or acquitted. As to force and coercion, we're not going to stoop to your level. Meanwhile, we're going to appoint a committee, headed by the Rev. Jesse Jackson, to review the question of Why People Who Hate Capitalism and Liberalism Also Hate America." That's what I'd call a guarantee of practical failure.

But let's take a strictly moral view of the situation. There are very few people, even radical libertarians, who would deny that the American government has a duty to pursue and punish any gang of Americans who murder 6,000 people for the purpose of emphasizing their own religious views. The legitimate purpose of the state, if any, is the protection of liberty and property. But if the state has the duty to go after a gang of Americans, is there any moral reason why it can't go

continued on page 61

Rage Now!

by Sarah McCarthy

This is no time for Norman Schwarzkopf-type wussiness.

Conservative-cable blonde Ann Coulter, known for her snappy and outrageously flippant remarks, was recently fired from her column at *National Review* for making an outrageously flippant remark about her editor. Reacting to the Sept. 11th attack, she submitted a column that was vintage Coulter: "We know who the homicidal maniacs are. They are the ones cheering and dancing right now. We should invade their countries, kill their leaders and convert them to Christianity. We weren't punctilious about locating and punishing only Hitler and his top officers. We carpet-bombed German cities; we killed civilians. That's war. And this is war."

After *National Review* on-line editor Jonah Goldberg decided against publishing Coulter's column, Coulter publicly accused him of censorship, and called the guys at *National Review* "girly men," and Goldberg fired her. Then Goldberg's mom, Lucianne Goldberg, the publicist who gained fame by advising Linda Tripp, entered the fray, publishing as quote-of-the-day on her website a letter saying that Coulter's "skinny blond butt" was fired because her column was completely "over the top" and she "should not have pissed off the person who signs her checks." The irrepressible Coulter replied that these checks were only $5 a column.

Before all this happened, I had emailed the editor of an on-line magazine a couple of columns with a similar, but more practical, recommendation: "We should kill them and take their oil!" And in regard to veil-wearing women complaining that Americans were looking at them funny, I said, "If IRA terrorists attacked America I would not be walking around covered in shamrocks." I thought I was being pithy, but the editor scrapped my columns, "Ten Reasons to Fight the Terrorists" and "A Time to Kill," calling them "emotional rants." Like Coulter's, my hawkish comments were considered not the kind of sentiments an editor wants to associate his publication with in these precarious times.

Coulter's comments about converting them to Christianity were over the top if taken literally; but Coulter, after all, traffics in hyperbole, and her comments were a legitimate expression of her reaction at what happened on Sept. 11, as well as an emotional intuitive revulsion at the Islamic religion which — despite politically correct claims that it really is a wonderful, peaceful religion that we would all respect and love if we only knew how great it really is — looks to many of us to be a seriously flawed religion if judged by its widespread profusion of rotten fruit.

Coulter is neither a reporter nor a Pentagon decision-maker in charge of pushing the nuclear trigger. She's a commentator whose job is to generate controversy, which her column certainly would have done. Did Jonah Goldberg expect a hair-on-fire pundit like Coulter to turn into a mild-mannered policy wonk evenhandedly expressing herself in academic jargon at the moment America was attacked by suicide bombers?

Shortly after the planes hit the buildings, I was stunned by the onslaught of knee-jerk attempts to short-circuit American anger before it had been expressed. Gen. Stormin' Norman Schwarzkopf quickly appeared on television to pacify us, warning Americans that when we retaliate we had to be careful not to harm civilians because "we didn't want to be like them." Yes, General, we do want to be like them, I thought. This is a war and we do, in fact, want to be not only like them, we want to be worse than them because it's the only way to defeat them, or, make no mistake, they will be back. It's called self-defense.

The first few people I ran into after the attack stunned me almost as much as the moment when the twin towers sunk soft as birthday cakes, because they expressed more alarm

about what their fellow Americans might say or do than what the terrorists had done; one was alarmed that a mutual friend would soon arrive and say the words "towel heads." That people were worrying about the words "towel head" only three hours after the incineration of thousands of Americans by terrorists from nations that wear headgear that looks like towels, demonstrated the alarming degree to which Americans have lost their sense of proportion.

There was disproportionate concern from the media and public officials about what Americans would do or say, even though, considering the provocation, there were few cases of retaliatory attacks on Muslims. In Pittsburgh, the media touted a man who said he had been beaten up by a drunk construction worker, but the fight was quickly broken up by a passing college girl. The next day, the man, looking spiffy, was on the evening news discussing his victimization. His case was the only retaliation case reported to the police in Pittsburgh.

Gen. Norman Schwarzkopf quickly appeared on television warning us that we have to be careful not to harm civilians because "we didn't want to be like them." Yes, General, we do want to be like them, I thought. We want to be not only like them, we want to be worse than them.

Two days after the terrorist attack, a Muslim woman wrote a letter to the editor in the *Pittsburgh Post-Gazette* complaining that Americans angry about the attacks had made comments to her, a veil-wearing Muslim and native-born American, telling her to go back where she came from, and that there were Americans in Internet chat rooms saying things like "nuke them all." She said these angry Americans were haters just like the terrorists.

If we could not even say "nuke them all" in an Internet chat room, I worried, how would we summon the rage and then the determination that we must have to defeat these lunatics? I wrote a letter answering this woman, saying that anger was put into our species by God, or by evolution, because it protects us from predators. The baring of teeth, the pounding of chests, the rattling of snakes and swords is necessary and important, but it is not hate. It is a warning saying "do not tread on me." One can only imagine what the world would be like without it. To say "nuke them all" in an Internet chat room is a perfectly understandable reaction to such a terrorist attack. Islamic terrorists had just incinerated 7,000 Americans in an unthinkable inferno and American speech was being held to some Orwellian standard of literalness. How would we fight this war if we couldn't even speak?

Polls showed that two-thirds of Americans were worried that the United States' response would not be strong enough. Osama bin Laden himself had said a few days after the attack that the media had made Americans "psychologically helpless."

It's unfortunate that the terrorists who have repeatedly attacked us are of a certain religion and ethnicity, but even at the brink of war, we were continually cautioned not to over-state or generalize by calling the perpetrators Arabs, Islamics, or Muslims, and finally, pitifully, absurdly, we were told that it is politically incorrect to call them "terrorists." After all, explained Reuters and CNN to us bloodthirsty American rednecks, "one man's terrorist is another man's freedom fighter." That kind of equivocation is the kind of philosophical head game that dilutes our necessary rage and saps our resolve. Next to the threat of terrorism, the biggest danger we face is the pacification of America. At this time more than ever before, it's important that we think, and more importantly, feel, in primary colors, and leave the equivocations to CNN.

Punishing the evildoers is crucial. Restoring safety and security to our country is critical. Providing for a strong defense is essential. But extricating ourselves from a holy war that we don't understand is also necessary.

While authoritative news agencies were blurring the meaning of the word "terrorist," suggesting that the guys who crashed airliners into the World Trade Center might not

A Modest Proposal

If Osama bin Laden's demands are a good proxy for the gripes of radical Islamicists and Arab nationalists, America may be in luck. There is an outside possibility that we can figure out how to take some of the fire out of anti-Amercian resentment, and at the same time exterminate the perpetrators of the Sept. 11 atrocities. We need a Kennedyesque show of genuine bravado, accompanied by a back-channel effort to address the other side's complaints, as when Kennedy took the missiles out of Turkey.

Bin Laden's demands were three. First, get American troops off Saudi soil. That seems like a no-brainer. Second, stop bombing and embargoing Iraq. That's a little more difficult, but it would be a lot easier if someone — inside or out of Iraq — managed to take Saddam Hussein out of power.

Third, stop supporting Israel. That's a no-brainer for me, but much more difficult to implement in real life, given that so many Americans (and not just Jews) have a fond attachment to the state of Israel. Here, it looks like Bush is aiming for some kind of middle ground. The object should be to implement a peace agreement and a land settlement that doesn't look like a total rape of the Palestinians. Perhaps the United States needs to apply some visible (if not actually heavy-handed) pressure to force Israeli settlers out of their bunkers.

The ultimate strategic aim of all of these measures should be to remove entirely America's visible military presence (but not our spies) from the Middle Eastern hornet nest.

— Tom Jenney

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be terrorists after all, others were telling us that Americans expressing anger at the attacks are the real terrorists — people who were saying things like "nuke them all" in Internet chat rooms. I heard a man say that to say "towel head" is to be like a member of the KKK. And only two hours after the Sept. 11 attack, I saw a woman leave the room where others watched American television and say she would watch the BBC where the news would be "more objective."

Less than three days after terrorists attacked, Jerry Falwell appeared on the Christian Broadcasting Network telling us that "God has allowed the enemies of America to give us probably what we deserve." He wagged his chubby finger at the ACLU, feminists, pagans, gays, lesbians, and abortion-rights supporters for God's lifting of the veil over America, thereby permitting us to be attacked by suicide bombers.

Appearing together on the *700 Club*, Pat Robertson and Falwell concluded that the victims of these terrorist atrocities were people "consumed by the pursuit of health, wealth, material pleasures, and sexuality," expressing a sentiment they share with bin Laden and the Taliban.

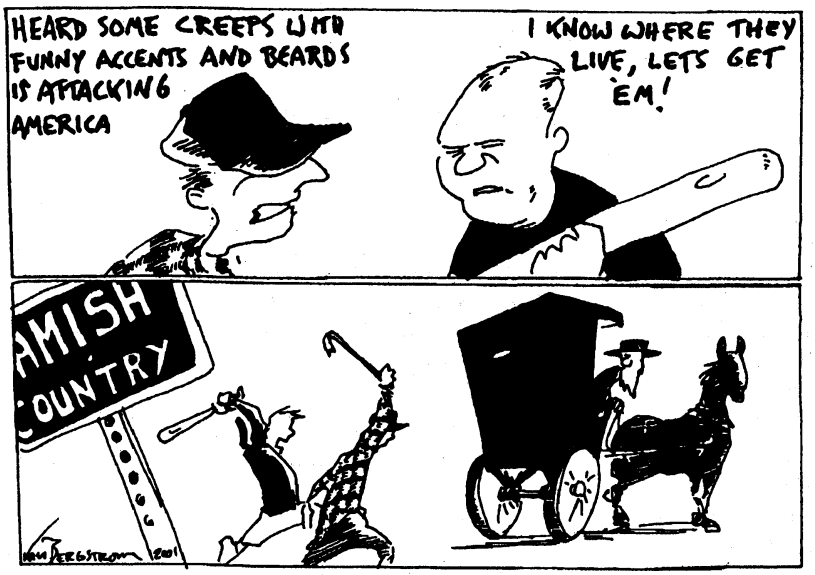

Fundamentalist Christians called talk shows saying that maybe the Taliban weren't so bad, because the Taliban opposed Madonna, divorce, Internet porn, and adultery. Though Falwell and Robertson share many of the worst of the terrorists' religious beliefs, they are lightweights who could have just as easily blamed the Sept. 11 attacks on the lavender Teletubby.

The Taliban and other radical Islamics hate everything about American culture, even Pepsi. "You like Pepsi, we like death," said one of the radical Islamics in the week after the attacks. In Iran in the '60s, writer Jalal Al-e Ahmad identified what he called a cultural "illness" that had stricken Iranian cities and towns. He coined a new word to describe it: *Gharbzadegi*, or "West-stricken-ness," or "Westoxication." He mourned the villager who "in search of work flees from the village to the town so he can drink Pepsi-Cola and see a Brigitte Bardot film." Islamics believe that America is a land of the scantily clad, whereas their women are hidden under veils and robes freeing men from temptation.

The Taliban, and their religious brethren throughout the Arabic states, seem to be a quintessential case of some kind of collective Freudian psychosis involving sexual repression. On the wall of one of the hijackers motel rooms hung a picture of a woman, her back turned away from the camera. The terrorist covered the picture with a cloth to keep himself temptation-free while he concentrated on loftier goals like Allah's holy mission to dive bomb into the World Trade Center towers and incinerate 6,000 infidels.

It crossed my mind during the aftermath of the planes hitting the buildings that several of our bravest and strongest leaders in this saga had been previously pronounced by Christians as unworthy of holding public office — Mayor Rudy Giuliani, declared immoral by William Bennett in a *Wall Street Journal* editorial because of his adultery, and Tom Ridge, governor of Pennsylvania, who is forbidden from entering any Catholic church in Erie because of his pro-choice position on abortion.

Ridge resigned his post to become terrorism czar. In his farewell address, he did some finger-pointing and political grandstanding of his own, adding insult to America's injuries by lecturing us as if we, rather than the terrorists, were the uncivilized barbarians. "We need to fight the urge to lash back in fear and retribution against people who worship differently or look different. There is a word for such behavior" he said, "terrorism. And it must stop!" Lawmakers rose to their feet, giving him a standing ovation. There is a word for such a speech, Governor. It's "demagoguery."

The real terrorists are a psychotic outgrowth of their medieval, radical Islamic beliefs who express their contempt for our "decadent" society even as they enslave women, burn books, outlaw music, hang cassette tapes from trees, and sentence people to death for preaching Christianity. It's time to take a hard look and robustly criticize the countries, religions, and cultures that gave rise to these monsters, no matter who is offended.

The lead hijacker, Mohammed Atta, left a will barring women from his funeral. "Women must not be present at my funeral or go to my grave at any later date," he ordered. "Neither pregnant women nor unclean people should say goodbye to me."

Well goodbye anyway, Atta. Goodbye, and good riddance to you, you miserable sexist towel-headed mutant. And goodbye to the primitive and barbaric ideology you represent. Newt Gingrich said it well: "There are only two teams on the planet for this war. There's the team that represents civilization and the team that represents terrorism. Sudan will cease to house terrorists or we will replace the government of Sudan. The Taliban will cease to house terrorists, or we will replace the Taliban. We're the most powerful nation in the world. If we want to eliminate the regime of Saddam Hussein, we have the capacity to eliminate it."

Bottom line, Atta, too bad you didn't stick around long enough to see the Great Satan pave over your swamp and put up a parking lot. ❑

At Home With Terror

by Richard Kostelanetz

Life goes on in the city.

The chumps incidentally killed many more Muslims than Jews. Most of the former were low-level employees required to be at work early. Louis Farrakhan estimated that over a thousand Muslims worked at the WTC. When all the missing dead are finally accounted for, this statistic might be instructive. The victims came from more than 50 countries; many of them were British, then South Asians, then Germans. The Jewish dead included the chief of the Port Authority and some bond traders.

Everyone knows someone who's been lost, in my case a very attractive African-American policeman who got a law degree and belonged with me to a libertarian discussion group. Downtown that morning to file his retirement papers prior to going into private legal practice, he joined policemen he already knew to help rescue people from a building that soon collapsed on him. From the 3,000 families in Rockaway Park, to which I'm relocating, 30 people are missing; from the entire Rockaways, more than 120 are missing, including most of the firemen from a single firehouse.

Fireman have become city heroes. When a bunch of them walk down the street, often looking exhausted, they get a spontaneous round of applause. Whereas they used to cook dinners for themselves in the firehouse, many now find the neighboring communities delivering food. Policemen have also become more accessible. Two of them regularly spend the evening at the end of my street, their hats atop a mailbox, talking to each other, eagerly greeting passersby for lack of anything else to do; several hours later, when I returned home after midnight, they were still there, still talking about Lord knows what. At nearby Washington Square, seeing four cops lounging against waist-high horizontal bars, I wanted to give them a deck of cards. I have mixed feelings about so many visible police, collectively reminding me more than once of East Berlin in the 1980s, about which an American guidebook advised that tourists didn't need to know the telephone number of the police, they are visible everywhere. Getting uniformed officers back into their police stations will be a relief, at least for me.

Though the explosion destroyed western lower Manhattan, it hardly affected daily life uptown or in the outer boroughs, except in firehouses or places where firemen lived, such as predominantly Irish-American neighborhoods in Belle Harbor and Rockaway Point, in outermost Queens.

Even on Sept. 11 I went up on my roof in the afternoon, turned my back to the flames, and did literary work under clear skies. Though the WTC was less than two miles south of me, the trade winds off the Hudson River were carrying ash and odor across lower Manhattan into Brooklyn. The following day the wind turned north, affecting me as well. Nonetheless, I stayed home, as did my nonagenarian father, who lives on a high floor less than a mile northwest of me and actually witnessed the crashes and aftermath from his dining room window. Hearing of friends who left town, I was reminded of a film I co-produced two decades ago about pre-World War II Jewish Berlin in which I interviewed survivors smart enough to leave town in the mid-1930s, often remembering the fate of those who didn't. Remembering my film, I had to persuade myself that the situations were not analogous.

From Tuesday through Thursday, the police had closed off my downtown neighborhood (SoHo), so that I needed to present my driver's license if I ventured north of Houston Street and then wanted to return home. I left my laundry on

Tuesday noontime, thinking I should keep a neighborhood merchant busy; but when I went to pick it up several hours later, the laundry had closed along with everything on the block. I had to use T-shirts as pillowcases until Friday. As the local laundry, so the post office downtown, which didn't deliver mail to either my home or my post office box for three days. Though the backlog from those days took as long as three weeks to be delivered, I hesitated to complain that my mail is live in ways that debris is not. Not to disrespect mourning, I feel very strongly that normal activities must resume. There are good reasons for the Israeli policy of trying to continue normal life in the wake of terrorist murders.

The police had closed off my downtown neighborhood, so that I needed to present my driver's license if I ventured north of Houston Street and then wanted to return home.

When the WTC was first constructed, I remember the architectural historian Sibyl Moholy-Nagy telling me that they were so dumb architecturally that they would destroy the reputation of their architect. Personally, I never thought them attractive, their intimidating size notwithstanding, unlike the magnificent Winter Garden in the neighboring World Financial Center. The latter survived, its interior palm trees looking in a photograph as though they've been through a hurricane.

I heard that restaurants are hurting, but know from experience that good ones aren't. Thankfully, the restaurant industry, which suffers from a high rate of failure anyway, hasn't joined the airlines in petitioning the government agencies for a state subsidy. Wait perhaps until next month. What was destroyed was the Millenium Hotel with its monumental misspelling etched in monumental stone above its doorway, perhaps to the relief of English teachers in nearby Stuyvesant High School.

Talk about increased synagogue security notwithstanding, the one favored by me for Rosh Hashanah (Sept. 17) had one unarmed guy just inside the doors who asked to inspect my bags. At European synagogues, the last time I was there, an armed local officer stands outside the building, sometimes accompanied by Israeli veterans who treat attendees as skeptically as El Al security regards airplane passengers.

I went with a lady friend on the 25th, exactly two weeks later, to the first home game at Yankee Stadium. The security folk at the turnstiles were advised to forbid all bags and thermoses. Since a policeman advised my date that a middle-aged woman could probably enter with a clear plastic bag of papers from her office, I sent her through to our seats while I went into the open parking garage to hide mine under someone else's car.

The most valuable items in my bag were stuffed into my pockets, which incidentally could have hidden a pistol, if not a grenade; but Yankee security wasn't asked to check our clothing. In this case, "tough" security seems as misguided as the rule, scarcely discussed even now, requiring policemen to check their unloaded weapons when boarding a commercial airliner.

When I got to our seats, my date was not there. It seems that while a front guard accepted her, a second one decided to turn her back. The subway to Manhattan was filled, she said, with unlikely suspects with their bags in hand, similarly disappointed. The tragedy was that thousands were needlessly refused participation in a magnificent opening ceremony honoring our police, fire, and emergency medical service workers (and then watching the disappointing end of Roger Clemens' winning streak). Three hours later, I returned to reclaim my bags intact.

I figured that the principal beneficiary of such overzealous security was the overpriced concession biz (that charges six bucks for a beer), the loss in potential customers notwithstanding. Incidentally, one more serious "security" problem at Yankee Stadium that has not been addressed is insufficient open exits, so that crowds back up dangerously on the ramps after a regular sold-out home game. (The presence of those consuming too much alcohol doesn't help.) Were panic to occur within Yankee Stadium, let me warn, thousands would be crushed. I recall a local television news program exposing this problem a year ago, to no avail. (Another television reporter exposed so many gross violations in the handling of food that I wouldn't buy a pretzel, let alone a hot dog, there.) Remember all this the next time you enter Steinbrenner palace.

For most of us, the city has returned to the semblance of normal. Those hurting have common stocks; but here New Yorkers are suffering no more than stockholders everywhere else in the world. In the end, perhaps it will be said that the looneys sabotaged international capitalism not by knocking out some eyesores with 6,000 people but by undermining a skittish economy.

Everyone knows someone who's been lost, in my case a very attractive African-American policeman who got a law degree and belonged with me to a libertarian discussion group.

Speaking of which, two local writers who run a sophisticated political talk show — John Calvin Bachelor and Paul Anderson — have drawn attention to huge profits made by those purchasing an unusual number of put options (not calls) on airlines and insurance stocks the day before the crash. This anomaly demands additional investigation, even though many of the transactions reportedly occurred in Europe, where they are less traceable. What can be more fearsome than a precedent for hiring a few suicidal chumps to create a disaster from which their handlers can profit? Or even benefiting from "inside information" that wasn't commonly available? What can be more evil than profiting enormously from advance knowledge of mass murder?

I think retaliation necessary and am not a pacifist. But I think care must be taken. If civilians in other countries are killed, we've lost all moral advantage. And we face a terrible risk of falling into a trap that would unite the Arab and Muslim worlds against us. ❑

The Chilling Effect

by Wendy McElroy

Universities and workplaces might have once been places for the full range of human expression. But thanks to the "sexual harrasment" revolution, those days are long gone.

In her book, *Sexual Shakedown: The Sexual Harassment of Women on the Job* (1978), Lin Farley wrote of discovering a common experience among many, if not most, women. Namely, they had been made uncomfortable or worse in their place of employment by unwanted sexual attention. Often the women had complained to a superior who ignored the situation. Some had resigned from jobs they needed in order to preserve their self-respect. The problem was particularly pressing because of the huge influx of women into the marketplace during the late '60s and the '70s.

Radical feminist Catharine MacKinnon provided a legal framework for sexual harassment in her book, *Sexual Harassment of Working Women* (1979). She explored the case of Carmita Wood. Wood had resigned from a position she had worked hard to attain at Cornell University because of the incessant sexual attention of a male official away from whom the university refused to let her transfer. Wood was also denied unemployment benefits because the university claimed her resignation was for personal reasons. The term "sexual harassment" was invented for the claim she filed against Cornell.

MacKinnon argued that sexual harassment was a form of discrimination against women in employment. In doing so, she appealed to a long-standing goal of more moderate liberal feminists who generally sought to reform male society rather than to overthrow it. MacKinnon offered an innovative method to improve the working conditions and salaries of women: litigation. Thus, sexual harassment became part of the liberal feminist agenda as well, and so gained considerable momentum.

A Hostile Legal Environment

Legal precedent and mechanisms for implementing the sexual harassment agenda already existed. On Jan. 31, 1970, Women's Equity Action League had filed a class-action complaint with the Department of Labor against all universities and colleges in the United States. The complaint accused academia of sexually discriminating against female employees. In the next few years, through a concerted campaign, hundreds of similar complaints were filed against specific schools alleging that they discriminated against women through everything from their admission practices to professional salaries.

Two laws put teeth into the new charge of sexual discrimination. The first was the Civil Rights Act of 1964. Section 703(a) of Title VII of the act states that it is "an unlawful employment practice" for an employer to discriminate in hiring, firing, or in applying the conditions of employment because of "race, color, religion, sex, or national origin." Although universities and colleges were excluded, the act provided precedent. The second was Title IX of the Education Amendments Act (1972), which required educational institutions to outlaw sexual discrimination if they wished to receive federal funding. The Department of Education included "verbal . . . conduct of a sexual nature" within its definition of what constituted sexual discrimination.

The power of the Equal Employment Opportunity Commission (EEOC), which enforces Title VII, was expanded in 1979. By 1980, EEOC guidelines defined sexual harassment as "unwelcome sexual advances, requests for

sexual favors, and other verbal or physical conduct of a sexual nature" when accepting the attention is a condition of employment, is a factor in making employment decisions, or creates a hostile environment. In 1984, the EEOC amended its sexual harassment guidelines to place the burden of blame squarely on the employer, who was responsible (and liable) for any act of sexual harassment within his business.

Despite all the "guidance" offered by lawsuits, feminist theorists, government agencies, and privately drafted policies, one important question about sexual harassment still remains: What exactly is it?

Toward a Definition

One problem in defining sexual harassment is that the term is used differently in the workplace than it is in academia.

Harassment in the workplace is generally defined as either a quid pro quo, by which sexual favors are directly traded for professional gain or against a threat of professional loss or as "a hostile working environment in which women are threatened and disempowered." Quid pro quo is a fairly well understood form of sexual harassment: The woman (or man) renders sexual favors in return for keeping a job or for other employment benefits. But "hostile working environment" is not. The term was coined in the '70s by Catharine MacKinnon, who did not provide a clear — that is, a nonsubjective — definition.

The idea of sexual harassment as an overwhelming, all-pervasive problem has been constructed to convince people that trivial behavior — such as telling tasteless jokes — should be legally actionable.

The concept became part of American society in 1986 when the U.S. Supreme Court ruled in *Meritor Savings Bank* v. *Vinson* that sexual harassment exists when the conduct of an employer or co-worker has "the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

This ruling embedded subjective standards into sexual harassment in at least two ways. First, by outlawing behavior that has only the "effect" of interfering with work performance, it outlaws activity innocent of any intention to interfere. Second, words like "intimidating" and "offensive" invite subjective and widely varying interpretations. Further court rulings tended to encourage subjective interpretation.

For example, in *Ellison* v. *Brady* (1991) the U.S. Court of Appeals for the Ninth Circuit rejected the "reasonable person" standard in evaluating sexual harassment. By that standard, the court would have evaluated whether a behavior was offensive or not from the point of view of the average sensible human being. Instead, the court found that "a sex-blind reasonable person standard" tended to be "male-biased" and did not take sufficiently into account "the experiences of women." Thus, the court adopted "a reasonable woman" standard, by which women's subjective assessment of men's behavior became the guideline for what was deemed offensive and sexually harassing. Consequently, a hostile working environment has been found to include jokes, unsolicited compliments, and any other purely verbal conduct that makes a co-worker feel uncomfortable.

Sexism 101

In academia, sexual harassment has evolved in a different, more restrictive manner. In essence, it focuses more upon the position of authority that a professor has over a female student. One of the early and most frequently cited definitions comes from the researcher F.J. Tilly in his *Sexual Harassment: A Report on the Sexual Harassment of Students* (1980). Tilly deemed sexual harassment in academia to be "the use of authority to emphasize the sexuality or sexual identity of a student in a manner which prevents or impairs the student's full enjoyment of educational benefits, climate, or opportunities."

Tilly identified five types of sexual harassment, including general sexual comments; inappropriate sexual advances that occur without sanction; sexual advances that have the promise of rewards; sexual advances that hold the threat of punishment; and sexual assaults.

Universities across the nation have instituted some version of this definition and they have usually gone several steps farther. For example, in September 1989, Harvard University — to which many other schools look as a role model — issued a guideline that removed any connection between behavior and intent. It said that sexual harassment could occur even when the transgressor acted with goodwill and no intent to harm. In the section titled "Sexism in the Classroom," the Harvard guideline cautioned against innocent remarks without sexual content that might be taken the wrong way. It stated, "Alienating messages may be subtle and even unintentional, but they nevertheless tend to compromise the learning experience of both sexes . . . For example . . . calling only upon women in a class on topics such as marriage and the family . . . " Thus, sexual harassment has come to include the pattern of how a professor asks questions, the standard reading material he assigns, his interpretation of classic works, and many other seemingly benign behaviors.

Part of the reason for the more restrictive definition within academia is probably a product of the more intimate connection between universities and the federal government than between government and private workplaces. Both academia and private industry must comply with the Civil Rights Act of 1991 that opened the door for both compensatory and punitive damages for sexual harassment cases. But most universities, unlike most workplaces, are financially dependent on the federal government. Thus, academia complies with additional measures such as the Campus Sexual Assault Victims' Bill of Rights (1992) through which universities, in order to maintain federal funding, were required to follow up diligently on reported offenses and to do so in a manner that led to policies that favor the accuser. Probably the most extreme version of such a policy was the one put into practice by Columbia University in the fall of 2000, which flatly denied due process to the accused. The policy stated, "the student does not necessarily have the right to be

present to hear other witnesses." A person accused of harassment could neither face his accuser nor cross-examine witnesses at his hearing. Nor was he allowed to have an attorney present. (In the wake of national outrage over these and other violations of due process, the policy has been considerably softened.)

Ideas Have Consequences

Academia has also adopted a stricter code on sexual harassment because of the prominence of radical or gender feminist ideology within its halls.

In *Sexual Harassment: Confrontations and Decisions* (1992), radical feminist Nancy Tuana contends that even innocent academic meetings can be coercive because of the power differential between a professor and a student. Tuana calls this harassment an "implicit unintended threat, [with] no intention to harm." Thus, the mere presence of authority can function as harassment regardless of anyone's actions or intentions.

The broadening of the definition of sexual harassment within universities continues to this day. Earlier this year, Sandra Banack won a sexual harassment suit brought against Cal. State University at Fullerton. No sexual touching or language was alleged; no one lost a job or salary. Rather, the university was found guilty of reprimanding Banack about a possible trespass upon private property and violation of a permit from the Department of Fish and Game during a class field trip. The reprimand was judged to have been both unfounded and directed at Banack because she is a woman. Thus, the reprimand constituted sexual harassment.

Contra Sexual Harassment Policies

Even those who champion First Amendment protection of free speech rarely object to the de facto state regulation of sexual expression within private industry. One reason is undoubtedly because the workplace — like other free-market institutions — has been thoroughly and effectively vilified by modern liberalism. People who would never tolerate the regulation of sexual attitudes in the home, on the street, or in the media rarely blink at imposing draconian speech codes on private industry. And, so, a place at which many people spend most of their day, the workplace, has become an area in which government controls the attitudes expressed.

"I used to love to teach. Not any more. I used to believe that university campuses promoted free speech and the truth. Not any more. I used to believe students when they would tell me things. Not any more."

It is only in academia that the impact of sexual harassment policies on freedom of speech is treated as a credible concern because universities still retain the mystique of being halls of knowledge where truth is pursued.

In her book *Who Stole Feminism? How Women Have Betrayed Women* (1994), Christina Hoff Sommers detailed the disastrous effects such policies can have on academic freedom. She described a situation at a university in Minnesota at which four female students filed formal charges of sexual harassment against all the tenured staff of the Scandinavian studies department (five men and one women). The accusations included charges that the professors harassed the students by not giving them higher grades, that one professor greeted a student in an unfriendly manner, that another offered a "patriarchal" interpretation of Isak Dinesen's work, and that one professor did not read a novel that a student had recommended. The students' demands for remedy included denial of merit pay for not less than five years and monthly sexual harassment workshops for at least twelve months. (In the end, all charges were dropped, without explanation.)

By converting the trivial into the legally actionable, the Sexual Harassment Industry guarantees that the flow of money into its pockets continues. It also expands the control that feminism exerts over society.

The iconoclastic feminist Daphne Patai, in her book *Heterophobia: Sexual Harassment of the Future of Feminism* (1998), chronicled other casualties of sexual harassment, including Professor Ramdas Lamb. Teaching religion at the University of Hawaii at Manoa, Lamb was reportedly an affable, popular, and accessible man who gave of his time freely to students. As part of a course on contemporary social issues, Lamb assigned an article from a textbook which dealt with rape. A discussion ensued in class among the students about false rape allegations. During the back-and-forth, several female students insisted that "women never lie" and became distressed when Lamb encouraged a hearing for all sides.

A three-and-a-half year battle followed. Even though Lamb was so pro-feminist that he referred to God as "she," three female students claimed that he had created a hostile environment for women. Months later, one of the students, Michelle Gretzinger, added the charge of rape to her complaint. The additional accusation was proven untrue when it was demonstrated that some of the specific dates of attack she provided were not feasible.

Patai quotes Lamb: "I used to love to teach. Not any more. I used to love to interact with students and stimulate them to think critically. Not any more. I used to believe that university campuses promoted free speech and the truth. Not any more. I used to believe students when they would tell me things. Not any more."

The threat of sexual harassment complaints has chilled free speech and inquiry on campuses across the nation.

Even without addressing freedom of speech, it is clear that sexual harassment policies have damaged the workplace as well. Among the less visible costs are: Women have acquired

continued on page 50

Memoir

Sundays Past

by William R. Tonso

Sunday was a special day for an immigrant's son in a small town in rural Illinois.

"a-Ape! a-Ape!" The faint cry came from about three blocks up tree-lined 10th Street — north, toward the high school. But I knew that it would be getting louder. As it grew louder, it was accompanied by a rumble that stopped and started again, and became louder itself. Sunday morning was on its way and would soon officially arrive for me. The "a-Ape" was the cry of the paperboy. He was actually yelling "pay-a-per!" but regardless of who he was and as long as there were paperboys to yell it, the front "p" and the end "r" were lost to the listener, even up close, while the added "a" in the middle was loudly emphasized. For years I thought that paperboys, for some mysterious reason known only to them, yelled "a-Ape." The rumble that accompanied him was produced by the iron wheels of the pushcart that carried his assortment of big-city Sunday newspapers over the brick streets of my home town, Herrin, Illinois, a coal-mining town of about 10,000, located about a hundred miles southeast of St. Louis and three hundred miles south and slightly west of Chicago.

It was the paperboy who brought me the magic of the Sunday colored comic pages during my childhood — I was born in 1933 — and every seven days those colored comics launched a day full of special events for me, events rooted in a different time, that have left me with a special fondness for Sundays, even though times and Sundays have changed. On weekdays, my father brought the *St. Louis Star and Times* home from work with him in the evening, and I avidly followed its black-and-white comics, but on Sundays my comics' horizon expanded at the same time that it became more colorful. From the paperboy's cart, my folks bought the *Chicago Tribune* and the *Chicago Herald and Examiner*, which became the *Herald American* in 1939. Between them these papers carried not only colored editions of some of the daily strips, such as "Terry and the Pirates," that I followed in the *Star and Times*, but others, such as "Price Valiant" and "Flash Gordon," which did not appear in daily comic pages at that time.

While I enjoyed many of the actual comical strips, particularly "The Katzenjammer Kids" with its exotic tropical setting, I lived the better-drawn adventure strips, particularly "Prince Valiant," "Flash Gordon," "Terry and the Pirates," and, to a lesser extent, the comic-western adventure "Little Joe." No sooner did my mother neaten up the various sections of the Sunday paper than I had the comics out again. I not only read those comics, in those pre-television days I devoured them, returning to them throughout the day to admire their artwork (drawing was one of my favorite pastimes during my grade school days) and to become absorbed in the settings and situations depicted.

"Prince Valiant" transported me to comic artist Harold Foster's imagi-

native blending of the 5th-century world that might have produced a real King Arthur, with 13th-century Arthurian legend, and in doing so did more to foster my lifelong interest in history than any history course I've ever taken. My eventual recognition that jousting knights and Roman legionnaires did not occupy the same historical time slot came to trouble me some, but "Prince Valiant" was still a magnificent strip with its depictions of grand vistas, battle scenes, Camelot, and Valiant's bejeweled Singing Sword. Some panels stuck in my memory for decades. Milton Caniff's "Terry and the Pirates" transported me to the exotic Far East of the 1930s and 1940s, and I still remember that bright red P-51 Mustang flown by Terry's World War II buddy, Hotshot Charley. And those canyons turned purple and red by western sunsets still come to mind when I think of "Little Joe," a lesser-known creation of politically controversial "Little Orphan Annie" cartoonist Harold Gray.

"Buck Rogers" appeared, as I recall, in both the *St. Louis Globe Democrat* and the *St. Louis Post-Dispatch*, papers that my maternal and paternal grandparents, respectively, bought from the paperboy on Sunday. This strip, along with Alex Raymond's "Flash Gordon," extended the domain of good guy/bad guy conflict into space and the gleaming cities of other worlds. Fantastic! But I can still remember the disappointment I experienced when a 1947 issue of the aviation magazine *Air Trails*, one of my favorite magazines at the time, carried an article describing the planets of our solar system as they had come to be known even then — uninhabited gas balls or barren rocks. So much for the romance of space, though the "flying saucer" phenomenon that took root that same year has helped even a skeptic like me to cling to some of those romantic associations.

The worlds of these and of my favorite adventure strips, such as "The Phantom," "Buzz Sawyer," "Dick Tracy," "Smilin' Jack," "Brick Bradford," "Tim Tybr's Luck," and "The Lone Ranger," were inhabited by bold, honorable men who used their wits, strength, and skill with weapons to fight clearly defined evil. Many of these strips were also inhabited by beautiful women, often rather formidable themselves, who were loyal to the heroes, who were loyal to them. There was no doubt about the masculinity of the comic heroes or the femininity of their heroines in those days, before it became politically incorrect to be concerned about either, nor was there any apology for violence done in the cause of justice. Newspaper comic heroes weren't bullies — they fought when they had to fight, often reluctantly, but always on the side of clearly defined right.

If I'm not mistaken, it was my third-grade teacher, a nice lady I still remember fondly, who one Monday morning asked our class something about our church attendance the previous day. While such a question asked in a public school in practically any community nowadays would trigger civil-liberties concerns about maintaining a wall of separation between church and state, in small-town southern Illinois in 1941 or 1942 it had no such effect. The question did give me some anxious moments, however, because I come from a non-religious family. Casting about for an acceptable response, when it came my turn to answer, I told the teacher that I read the comics on Sunday mornings and that was that. I was just trying to get the teacher off my back, so to speak, but in a way I received from those colorful panels secularized versions of what my classmates learned in Sunday school. The messages about right and wrong reinforced the messages I got from my family, and they have left me impressed by the power of popular culture. So impressed, in fact, that I cringe every time I think of the impact that today's popular culture must be having on the young.

Religion then, did nothing to make Sundays special for me. All of my grandparents and a number of their relations and friends, at least ten families in all, dropped not only from the Roman Catholic Church, but of religion entirely when they came to the United States from the Piedmont region of northern Italy in the early 1900s. When I was young I took my family's lack of religion for granted; consequently, I made no real effort to discover why they had abandoned it. I have since found that it was not uncommon for Italian immigrants to leave their or religion altogether in the wake of the secularizing impact on northern Italy of the European industrial and political revolutions of the 18th and 19th centuries. Southern Italian peasants usually perceived the Church as oppressive. And few cared for the Irish control of the Church in this country.

No sooner did my mother neaten up the various sections of the Sunday paper than I had the comics out again. I not only read those comics, in those pre-television days I devoured them, returning to them throughout the day.

Number 7

After the arrival of the comics, the next event that marked off Sundays as special for me was Sunday dinner. We ate all other meals in the kitchen, but on Sundays and holidays our big meal was eaten in the dining room. The time varied somewhat because it depended on when my father got home from work. As the manager of the largest hotel in town, the 99-room (advertised as 100 rooms) Ly-Mar (named after its owners, Lyerla and Marlow), he worked every day of the week, including holidays. Leaving home at about 7:00 a.m., he would walk four blocks to the hotel (my folks have never owned a car), and he would come back home at about 12:30 p.m. on his lunch break. That break lasted until about 3:00 p.m. and he would get back home in the evening at about 7:30. He came straight home every night.

Whenever he got home on his break, my mother, in my opinion an excellent cook, would have the meal ready, and on Sundays that meal was always a little special. The main dish might be as American as baked chicken, meat loaf, or some kind of roast; it could be north-Italian *polenta, risotto*, or spaghetti with or without meat sauce. *Polenta* is a cornmeal mush, and in my family it has always been accompanied by some kind of meat or fish fixed in a tomato-based sauce, or *bagna*. The meat and sauce are poured over the mush. The fish was always cod filets, but the meat could be chicken, rabbit, squirrel, beef, or, my favorite, an Italian sausage that we Piedmontese call *sautissa* and our Italian neighbors from Lombardy call *lugoniga*. I'm not certain of either spelling, but

the former appears as *salsiccia* on restaurant menus nowadays. *Risotto* is Italian rice, and in my family it is also fixed with tomato sauce, but the Lombards often fix it with saffron. Side dishes ranged from mashed or baked potatoes to breaded eggplant or breaded cauliflower, and my mother has always fixed green beans and green peas with tomato sauce. And there was often a special fresh-baked cake or pie for dessert.

What we did between the time we finished Sunday dinner and the time that my father went back to work varied considerably from one week to the next. But on very special Sundays, the three of us would take a walk out in the country to or beyond the No. 7 coal mine area on the east edge of town — *and we always had one or more guns with us.*

These "walks" were really recreational shooting expeditions, and at an early age, as naturally as taking my first step, I fired a gun for the first time. I may have been six or even younger. The gun would have been a .22, either my father's Remington bolt-action rifle or his Colt Woodsman semi-automatic pistol — probably the former. I do know that though I was not allowed to go shooting by myself until I was a junior in high school, by the time that I was twelve I had fired, under parental supervision, not only the .22 rifles and pistols with which I had been introduced to shooting, but 9mm, .38, and .45-caliber handguns, and even military rifles.

When I was four or five I banged up my head in a fall, and I clearly remember that to calm me down as my mother patched me up, my father allowed me to play with his tiny Colt .25 semi-automatic pistol.

Among my earliest memories, back when I was no older than three, are those of my father cleaning his pistols. When I was four or five I banged up my head in a fall, and I clearly remember that to calm me down as my mother patched me up, my father allowed me to play with the tiny Colt .25 semi-automatic pistol (unloaded) that he often carried to work with him. I had two BB guns, one rubber-band powered, by the time I was six, and I received a powerful Benjamin for my ninth birthday, though it was several years before I could use any of them without supervision. Colt, Remington, Hi-Standard, joined in later years by Smith & Wesson, Harrington & Richardson, Ruger, and others, were household names, music to my ears. I associated these names not only with precision instruments beautifully sculpted out of steel and other durable materials, but with wholesome family recreation and the outdoors, and with the actions of popular cultural and real heroes, past and contemporary. Some of these guns were semi-automatics, a type of action that the mainstream media seem to have only recently discovered, even though it has been in common civilian use since the turn of the century.

While I tend to remember our shooting expeditions as Sunday activities, we occasionally went shooting on weekdays. Probably my most memorable weekday shoot took place a day or so before my father had to report for his draft physical during World War II. I was nine or ten at the time, and thinking less of the dangers that he might face in the military than I was of the fact that he would be away from home, which he never was when he wasn't working. To cheer me up, my parents took me shooting, and as I recall, the gun we used that day was an old Colt Single Action Army .45-caliber revolver, a favorite in both the Old West and Hollywood westerns, and also a favorite of one of my World War II heroes, General George S. Patton. Patton's Colt had ivory grips (not pearl, as was often reported) and was silver-plated and engraved — much fancier than ours. As it turned out, my father, a very robust man, failed his physical due to a three-week bout with vertigo he had suffered several years earlier, and I can still remember how happy my mother and I were when he sent us the news.

After the war my father sold the old Colt and a .41-caliber mate of the same model, one made in 1887 and the other in 1892, for about 25 or 30 dollars each. Since he had bought them for three dollars each from a young man who was leaving for the military, and no one was interested in these old guns at the time, that seemed like too big a profit to pass up to someone from an immigrant, mining-family background who had experienced the Depression. Who knew that those old Colts would now bring at least $1,500 apiece? But I wouldn't want to sell them if we still had them.

When we went shooting we carried our gun or guns in plain sight as we walked the three blocks or so to the edge of town. From the late 1930s to the late 1950s there were no highly publicized anti-gun sentiments, and gun ownership was then and still is widespread, accepted, and even honored in rural and small-town America. Yet though my home town and area had experienced labor, Ku Klux Klan, and bootlegger wars during the decade before I was born, it had become a very peaceful place by the time I came along. Even the violence of the 1920s (which included the massacre of strike breakers and mine guards by striking miners that made my town infamous nationally and cemented my county's nickname — *Bloody* Williamson) had been factional rather than random, and rooted in economic and/or cultural ("native"/immigrant) conflict. Though I and many of my high-school classmates came from homes that possessed guns, no one took a gun to school to cause trouble. Boys commonly carried pocket knives, (I started carrying one in the third grade), but they were never pulled in schoolyard scuffles. Drugs were unknown.

I remember my disappointment when aviation magazine Air Trails *carried an article describing the planets as uninhabited gas balls or barren rocks. So much for the romance of space.*

In the 1950s, when I was an undergraduate at the still-small Southern Illinois University in nearby Carbondale, it was not uncommon for male students from rural areas and small towns to bring guns to campus for recreational use and keep them in their dormitory rooms. A friend of mine had

two .22 rifles and a shotgun hung on his campus dorm-room wall. Today's effete anti-gun crowd would surely find this state of affairs disturbing, to say the least. Yet there were no shootings, accidental or otherwise, and not even gun thefts, in spite of the fact that the dormitories in which we lived were flimsy, tarpaper, World War II barracks with only skeleton-key locks.

The sheer unoffending normalcy of the widespread acceptance of guns through the low-crime-rate 1940s and 1950s cannot be exaggerated, but would shock today's cosmopolitan elites. Hollywood movies such as James Stewart's *Winchester 73* (1950) and *Carbine Williams* (1952), Randolph Scott's *Colt .45* (1950), and Gary Cooper's *Springfield Rifle* (1952) celebrated guns or their inventors, and the very titles of such late 1950s TV westerns as Chuck Connor's *The Rifleman*. James Arness's *Gunsmoke.*, and Richard Boone's *Have Gun, Will Travel* still celebrated heroic gun use. The 1940s kid's radio western *Tennessee Jed* introduced each weekday segment with the sound of a ricocheting bullet, and the Lone Ranger's trademark was a silver bullet. And Western heroes from the movies of the 1930s through the TV series of the 1950s were much more often than not symbolically marked off from others by the distinctiveness of their guns. Some of these big-screen and TV heroes carried ivory-handled six-shooters, but more of them carried stag-handled Colts that were seldom packed by movie villains. TV's Chuck Connors carried a rifle instead of a six-shooter, and Steve McQueen's trademark in TV's *Wanted Dead or Alive* was a sawed-off rifle that was quite distinctive but of questionable real-world utility.

When I asked my speech professor at SIU for permission to bring a handgun to class and fire off a surprise blank as part of my talk on gun safety, he gleefully gave me that permission. That blank was the best part of my otherwise stumbling presentation, and at the risk of being labeled a male chauvinist pig, I took pleasure in noting that several coeds popped up noticeably in their seats when it exploded. (My unofficial double major when I was an undergraduate was pranks and pingpong.) Nothing was made of the fact that I carried my Smith & Wesson revolver in its zipper case to and from class. And nothing was made of the fact that several of us wore revolvers in our belts or holsters for a costume open house at our dorm.

I don't recall ever seeing a movie from its beginning back then, but we always stayed until it got to the part "where we came in," and sometimes beyond.

The National Rifle Association-affiliated Air Force Reserve Officers Training Corps rifle team, of which I was a member my senior year, had its shooting range in the attic of SIU's Old Main building (which was destroyed by an arsonist during the student unrest of the late 1960s). Among the items displayed for cash-and-carry, no-permit-or-age-restriction purchase in the Carbondale establishment that made the biggest milkshakes in town, were cheap .22-caliber revolvers that have come to be vilified as "Saturday night specials." In the late 1940s, the Army's Office of the Director of Civilian Marksmanship sold surplus 1917 Enfield bolt-action military rifles to the public for about $7.00 each, and as late as the middle 1960s the DCM was selling *semi* -automatic Ml carbines to the public for $20.00 each. The constitutionally guaranteed right of civilians to possess military rifles and carbines, other than *full*-automatics, had yet to be questioned.

Sunday movies during my childhood and adolescence were big-budget movies featuring the top Hollywood stars, and they stayed in town for two days.

In fact, that right had been confirmed by the Supreme Court (*Miller v. the United States*) in 1939. And prior to the Gun Control Act of 1968, guns, including *semi-automatic* military surplus rifles and handguns, could be ordered through the mail.

While serving in the Air Force at a radar station near Miles City, Montana during the late 1950s, I lived in town (there were no officers' quarters on base) and belonged to a civilian gun club that had its shooting range on the second floor of a building right in the middle of the business district. After a shooting session one evening, several of us went to a restaurant across the street, and while there took out our handguns and compared them. No one gave us a second glance. The moral climate, or rather the lack of it, creates problems, not the possession of guns. And that moral climate, with, I suspect, the assistance of the popular culture, has changed considerably since the late 1950s.

Sunday Matinees

Herrin had two movie houses when I was small. The Hippodrome, the first-run theater, was located right across the street in the next block south of the hotel my father managed and was owned by the hotel owner. After this theater burned in the 1940s and was rebuilt, it was renamed "Marlow's" after its owner, who also owned the second-run theater, the Annex. The two theaters were located back-to-back, with an alley separating them — Marlow's facing east on 14th Street, as did the hotel, and the Annex facing west on Park Avenue, our main street. The Annex building remains today, but Marlow's and the hotel became victims of "progress."

While nowadays movies that draw well at the box office may be shown for months at the same theater, that wasn't the case in my hometown, and I suspect elsewhere, through the 1950s. On Sundays, the first-run theater had a matinée, and once the proceedings started, the single major Hollywood feature, previews of coming attractions, newsreel, animated cartoon, and selected short subjects repeated without lengthy interruption until the theater closed late in the evening. The same major film would be shown again a couple of times on Monday evening — no matinée. On Tuesday evening two new movies, both of the low-budget "B" variety, would be shown, and this same double feature would be offered again on Wednesday evening. A fresh B double feature would come to the theater on Thursday evening and be held over on

Friday before being replaced by yet another double feature on Saturday, a matinée day that almost always included a B western or serial for the kids. So while most children my age were watching B adventures starring Gene Autry, Roy Rogers, or Hopalong Cassidy on Saturday afternoons, on Sunday afternoons my mother and I were watching Hollywood's biggest names and the latest of what passed for adult fare in those days. And I mean the latest.

When I scanned the entertainment sections of the St. Louis and Chicago newspapers back in the 1940s, I never ceased to be amazed that our small-town theater got the major Hollywood pictures at least as soon as did the big-city theaters. In fact, I could swear that they often reached us before they got to the cities. My favorites were the big-budget pictures featuring frontiersmen, military heroes, pirates, knights, swordsmen, and other adventurers.

The swashbuckling Errol Flynn was my favorite actor from the late 1930s through the middle 1940s, and his Elizabethan *The Sea Hawk* (1940), and three westerns, *Dodge City* (1939), *Virginia City* (1940), and particularly, *They Died With Their Boots On* (1941), like the comic strip "Prince Valiant," fostered my interest in history, even though I eventually discovered that their historical accuracy left much to be desired. *They Died With Their Boots On* was a romanticized and highly imaginative depiction of Custer's last stand, but it left a lasting impression on my eight-year-old mind. For weeks after I saw it, I played Custer in our front yard, equipped with my favorite frontier-style cap pistol, the wooden copy of Prince Valiant's broadsword that my father had made for me, and a 7th Cavalry guidon I made from one of my mother's sheets turned dish towel. That movie made me a lifelong Custer and Little Big Horn buff, and "Garyowen," the 7th's marching song, still triggers my martial spirit. Garyowen, incidentally, is not someone's name but Gaelic for Owen's Garden, which is a suburb of Limericlc, Ireland. Yes, I know that Custer is no longer politically correct, but interestingly enough, in *They Died With Their Boots On*, greedy whites with political pull rather than the Indians who killed Custer and his men were portrayed as the villains.

Men and women came together in these movies because they loved each other, not because they lusted after each other, a distinction that is now derided when not altogether forgotten in Hollywood.

Another Sunday movie that impressed me mightily and influenced my solitary play adventures for some time after I saw it was *Jesse James* (1939), starring Tyrone Power as Jesse and Henry Fonda as his brother Frank. In this movie, Jesse (portrayed as a good man who had been driven to become an outlaw by greedy exploiters) was equipped with two six shooters, one with plain grips, the other with ivory grips, the former a Colt and the latter a Smith & Wesson, I discovered in later years. So, gun enthusiast that I had already become, when I played Jesse I selected just the right cap pistols from my well-cared-for collection. Unlike the real revolvers Power used in the movie, my two Jesse cap pistols were identical *except* for the fact that one of them had *black*-painted metal grips while the other had *white* Bakelite grips. These two cap pistols with Hollywood-Jesse-appropriate grip colors would accompany me to my maternal grandparents' house, where I would use two stiff-backed living-room chairs pulled together seat-to-back with a throw rug tossed over them to make what to me was a reasonable facsimile of a train to rob in the name of justice.

My early familiarity with and interest in guns provided me with a very vivid link to movies (particularly westerns) featuring heroes who used guns, and these movies in turn helped reinforce my interest in guns and my linking them to things heroic. In the 1940 *Jesse James* sequel *The Return of Frank James*, when Henry Fonda's Frank, living as an honest farmer under an assumed name, learned of Jesse's assassination, he retrieved his revolver from its hiding place in his barn before setting out to avenge his brother. With the assistance of a second viewing sometime in the late 1940s, the symbolism of that scene and the carved grips on his revolver were etched in my memory. Joel McCrea's *Union Pacific* (1939) was memorable to me in large part due to the pair of stag-handled Colts he carried. The scene that stuck with me from my initial viewing of *Gone With the Wind* (1939) was Vivien Leigh's Scarlett O'Hara dispatching a threatening Union deserter with the long-barreled Remington revolver that Clark Gable's Rhett Butler had given her. One of my Detroit cousins still remembers how when he, his sister, and I went to the movies during their visits, if the wrong guns were being used for the time and place being depicted, I would always point out that fact to them.

Other Sunday rnatinée offerings during my childhood were war movies like Gary Cooper's *Sergeant York* (1941) and *For Whom the Bell Tolls* (1943), costume adventures like Fonda's *Drums Along the Mohawk* (1939) and Douglas Fairbanks Jr's *The Corsican Brothers* (1942), and comedies like Bud Abbott and Lou Costello's *Buck Privates* (1941) and Bob Hope and Bing Crosby's *Road to Morocco* (1942). And there was a mixed bag of many others: Humphrey Bogart and Ingrid Bergman's *Casablanca* (1942), Judy Garland's *Wizard of Oz* (1939), and Crosby and Fred Astaire's *Holiday Inn* (1942), which introduced the classic song that began as a World War II favorite, "White Christmas."

Along with these and other well-remembered movies that we saw on Sunday afternoons were many soap-operaish romances (dare I call them "women's movies"?) that I've long ago forgotten, but that I suspect may have helped foster a romantic and sentimental streak in me. But then again, practically all adult movies in those days, not only the soap operas, musicals, and comedies, were love stories, and love was not synonymous with sex. Rugged frontiersmen or cops courted their ladies at the same time that they dealt with villains; and brave soldiers, as they faced the enemies of freedom on battlefields far away, thought about their loyal wives or sweethearts back home for whom they were fighting and would gladly give their lives. Men and women came together in these movies because they loved each other, not because they lusted after each other, a distinction that is now often derided when not altogether forgotten in Hollywood and other popular cultural centers.

But like the comic-strip heroes of the time, the movie heroes of my childhood mentioned above, and even those of my on-my-own-at-the-movies adolescence were a special breed. (I 'm referring to screen personas, not to the actors who played those heroes, though some actors who often played heroic characters seem to have been decent, honorable men themselves.) The John Wayne of director John Ford's cavalry trilogy *Fort Apache* (1948), *She Wore a Yellow Ribbon* (1949), and *Rio Grande* (1950), the Joel McCrea of *Buffalo Bill* (1944) and *The Virginian* (1946), the Tyrone Power of *Captain From Castile* (1947), *Prince of Foxes* (1949), and *The Black Rose* (1950), the Gregory Peck of *Twelve O'Clock High* (1949) and *The Gunfighter* (1950), the Gary Cooper of *Unconquered* (1947), the Stewart Granger of *King Solomon's Mines* (1950), the Van Johnson and others of *Battle Ground* (1949), and many others were brave and tough, but they were also chivalrous gentlemen and decent human beings-with a sense of humor as well as a sense of honor. Even John Wayne's crusty, driven rancher in *Red River* (1948) began and ended the movie as a proper John Wayne character. And any day I'll take that John Wayne screen persona over the sullen, rnenacing, anti-heroic, killing-machine, screen persona that Clint Eastwood perfected in his 1960s "spaghetti westerns" and later cop movies, and that to a certain extent even contaminates, in my opinion, his otherwise admirable *The Outlaw Josey Wales* (1976).

Heroic characters who were central to our popular culture and our national mythology have been relegated to the periphery of both, where today's children are not likely to find them and be impressed by them.

Needless to say, I am no fan of Eastwood's Academy Award-winning *Unforgiven* (1992), that was such a smash hit with the critics precisely because it was so anti-heroic, morally ambiguous, and non-traditional. And looking back on it in the light of the changes that have occurred in our popular culture and our society over the past 30 years, I've become somewhat ambivalent about another movie that I once admired for what I considered to be its "realism." In *Hombre* (1967), Paul Newman's hero shoots Richard Boone's outlaw leader while the latter is under a flag of truce. None of the popular cultural heroes of my childhood and youth would have considered doing such a thing no matter how much the villain deserved to be shot. And as syndicated columnist Charley Reese has noted, none of those old popular-cultural heroes had the 007 "license to kill" possessed by another 1960s Hollywood "hero," James Bond, as played by Sean Connery and others. In fact, rather than shoot the villain, the B-western hero of my day typically, if unrealistically, shot the gun out of his hand.

As with our shooting expeditions, our moviegoing when I was a child was not always a Sunday pastime. On *very rare* occasions my mother and I would be able to talk my father into going to a movie after he finished work. Westerns were the best bait, and that was the case with Robert Taylor's *Billy the Kid* (1941). Rather than my mother and I seeing it on Sunday afternoon, the three of us saw it on Monday evening. As with all Hollywood biographical efforts of the time, *Billy the Kid* left much to be desired in the historical-accuracy department, but it was beautifully filmed in color and the way movies look (scenery and costumes) and sound (the music of the sound track) as much or more than their story lines have always made them memorable to me.

With regard to sound, the tune "Alexander's Ragtime Band" left me with a fondness for the movie by the same name, starring Tyrone Power and Alice Faye (1938), long after I had forgotten its story. "As Time Goes By" brings to my mind Bogart and Bergman's *Casablanca*, and "Moonlight Becomes You" carries me back to Hope, Crosby, and Dorothy Lamour in *Road to Morocco*. But I always found westerns directed by John Ford, with their Monument Valley settings and traditional-music-permeated soundtracks, "The Girl I Left Behind Me," "Garyowen," "She Wore a Yellow Ribbon," "The Yellow Rose of Texas," "Lorena," and many others, particularly impressive in the looks and sound department.

What my mother and I did after the Sunday matinée depended on what time we got out. Those were the days of "This is where we came in." People commonly entered the movie when they got there, not necessarily at the beginning of the feature, and they stayed until they had seen what they had missed. I don't recall ever seeing a movie from its beginning back then, but we always stayed until it got to the part "where we came in," and sometimes beyond. If getting to a movie late, or a long picture, or watching part of a picture over again put us out at about 7:00 PM, when my father could sometimes start for home on Sunday evening, we would drop by the hotel to pick him up and walk home together.

The hotel my father managed was a glamorous place with a cool spacious lobby furnished with comfortable stuffed chairs and divans. Hotel guests were often quite famous, ranging from Illinois governors, including two-time Democratic presidential candidate Adlai E. Stevenson, to practically every big band from the golden age of the Big Bands — Harry James, Tommy and Jimmy Dorsey, Guy Lombardo, Kay Kyser, Lawrence Welk, Vaughn Monroe, Stan Kenton, Wayne King, Woody Herman, Benny Goodman, Xavier Cugat, and many others. These bands performed at White City Park, once a Herrin institution also owned by the hotel owner. White City Park's ballroom allegedly drew fun-seekers from a 150-mile radius (an area reaching up to central Illinois and into Missouri, Indiana, Kentucky, Tennessee, and Arkansas) to its Saturday evening dances.

I never saw the inside of that ballroom (now demolished), which was located on the northwest side of town. And though I enjoyed the music of many of these bands, and I often saw them in the movies, it never occurred to me that I should try to get the autographs of any of their leaders or more famous musicians and singers. Their music lingers in my memory, however. "You'd Be So Nice To Come Home To," "Deep Purple," "Where Or When," "My Reverie," "Among My Souvenirs," 'That Old Feeling," "To Each His Own," and other love ballads made a lasting impression on me even when I was a kid too young to appreciate what they were all about.

If the weather was pleasant, we sometimes window-shopped along Park Avenue, our main street, before we

walked home. But most of the time we would be out of the movie long before my father could leave work, so my mother and I would go on home and I would listen to radio comedies like *Baby Snooks and Daddy*, starring Fanny Bryce, and *The Jack Benny Show* until he came in.

Once my father came home from work on Sunday evening, we would eat supper, usually leftovers from our main midday meal. Eating out was not an option for my family in those days, though I do remember a few occasions when we had barbecue sandwiches brought home from the small café across from the hotel. After supper we would visit my grandparents, who lived one house from each other one block east of us on 9th Street. Due east of us, 7th Street, was the last street before the fields and mine pond that separated our neighborhood in town from the No. 7 mine.

Since we had no washing machine in those days, we would carry our dirty laundry over to my grandparents' house on Sunday evening so that my mother and her mother could do a combined washing in her mother's washer on Monday morning. My mother often took time out from her own busy schedule to help her folks, particularly in the spring when they raised cabbage, pepper, and tomato plants in their backyard hotbeds. To supplement their miners' income, my grandparents sold those plants for transplanting at prices that now seem incredibly low, given the work put into raising them: cabbage plants for a nickel a dozen, tomato and pepper plants for 15 cents a dozen or a quarter for three dozen, and tomato plants for 50 cents per 100, once the farmers started buying them late in the season.

We carried our laundry in pillow cases, and once I was big enough to carry them, it was my proud duty to do so. I can still remember the smell of coal smoke in the air from the neighborhood chimneys as we walked the one block east and most of a block south to my maternal grandparents' house on crisp winter evenings. During warm weather we would pass neighbors sitting on their porches, as was common before air-conditioning and television encouraged people to stay indoors. So there often were brief conversations with neighbors along the way. Practically any evening during warm weather, my grandparents' front porch was the most popular gathering place for several of the neighborhood ladies of their generation. They would sit and gossip or talk about the old country while swishing away mosquitoes with small branches stripped from the maple trees in the front yard.

The hotel my father managed was a glamorous place, with a cool, spacious lobby furnished with stuffed chairs and divans. Guests were often quite famous, from politicians like Adlai E. Stevenson, to big-band leaders like Tommy Dorsey, Woody Herman, and Benny Goodman.

For blocks around, most of our neighbors were north-Italian immigrants (generally Piedmontese or Lombard) or their offspring, though there were a couple of Syrian and Lebanese families, a second or third-generation German family, a first-generation Welsh family, and a scattering of Southerners whose ancestors had come from the British Isles. So I grew up around many people who felt much more comfortable speaking Piedmontese or Lombard dialects than they were speaking English. I never learned to speak these Italian dialects, I'm sorry to say, but I could understand them as well as I could understand English. When my cousins would come down from Detroit for summer vacations, the high point of my summers, I would translate for them the adult (but never really racy) conversations in Piedmontese Lombard our parents, grandparents, and other grown-ups would be carrying on.

When the nights were warm, my grandparents' front porch was a popular gathering place for neighborhood ladies, who would sit and gossip or talk about the old country while swishing away mosquitoes with branches stripped from the maple trees in the front yard.

After we had deposited the laundry at my maternal grandparents' house, we visited with them for a while before we started back home, stopping for a short visit with my paternal grandparents (where Piedmontese was generally spoken) along the way. It was during these Sunday evening visits with my grandparents that I followed the adventures of "Buck Rogers," carried in both of their St. Louis Sunday newspapers, but in neither of the Chicago Sunday newspapers we bought from the paperboy. Once we got home, the specialness of Sunday was over, and there was nothing to do but go to bed at 9:00, whether I wanted to or not. Monday, for nine months of the year at least, meant five more days of school and homework.

Sundays Present

It has been many years since paperboys yelled "a-Ape" and pushed their carts full of big-city Sunday newspapers over the brick streets of my hometown. In fact, many of those streets, including 10th, have been blacktopped. And I now live in Evansville, Ind., a city of about 130,000, 97 road miles and about a two hour drive door-to-door from my house to my folks' house where I grew up. Our paperboy delivers the *Sunday Evansville Courier & Press* to our front steps the same way that he delivers our daily paper. In the late pushcart days, when I still lived with my folks, this newspaper's earlier incarnation was one of the big-city newspapers we bought from the paperboy after the *Chicago Herald American* went out of business, so this Sunday paper helps bridge the gap between my past and my present. And the *Sunday Evansville Courier & Press*'s colorful comic pages, like the colorful comics of the past, still provide me with a bright start for Sundays, even though the strips therein are quite different from the strips in the St. Louis and Chicago newspapers of my childhood.

Gone are the beautifully and realistically drawn adventure strips like "Prince Valiant," "Flash Gordon," and "Terry and the Pirates," though the soap-opera strip "Rex Morgan, M.D." remains as a less than spectacular example of that

drawing tradition. After reading an early draft of this article, one of my Detroit cousins sent me several comic sections from the Sunday *Detroit Free Press*, which still carries "Prince Valiant" as drawn by Hal Foster's successor. Rather than having a full page to itself, as it did in its heyday, the strip now is crowded on to a page with three or four other strips, and grand panoramas can no longer be depicted.

"Rhymes with Orange," a recent and sometimes successful attempt at satire carried in our Evansville newspaper, may have the honor of being the worst drawn strip to have ever graced a comic page. "Blondie" and "Snuffy Smith" are left over from the old days, but the for-a-time-improved-but-once-again-completely-inane "Nancy" and old-timer "Gasoline Alley" have been dropped, the latter several years back. My current favorites are the political satires "Mallard Fillmore" (which generally reflects my culturally conservative but politically libertarian views) and "Doonesbury" (which often does not reflect my views), plus the provincial antics of the folks in "Geech," the teacher-student antics of the folks in "Funky," and the family antics of the folks in "Sally Forth," "Rose Is Rose," "For Better or for Worse," "Born Loser," and "Foxtrot." I miss Calvin and Hobbes, the fanciful, even philosophical, adventures of a bratty little boy and his stuffed tiger. But favorites or not, I read all of the strips in the Sunday comic pages, and these colored versions of the black-and-white strips that I read religiously through the rest of the week still help make Sundays special for me, even though other Sunday associations have faded.

My wife is not fond of Sundays. As long as she had a job, Sundays were drudgery days used to prepare for the coming work week. But there are other reasons that we have not developed our own tradition of eating a big Sunday noonday meal in our dining room. Since we did not have children we have tended to operate on a very flexible schedule, made even more so by our professions. My wife is a nurse, who, when she worked in a hospital, often worked on Sundays. Both of us have tended to go to bed late and get up late when our schedules have allowed us to do so, and as a college professor who has had late morning classes for many years, my schedule has done nothing to discourage this pattern. Consequently, until recently, and through most of the quarter-century plus of our marriage, both of us have tended to sleep in on Sundays. But my writings about my Sundays past have prompted my wife to finally take a step that she had long considered, to reconnect herself to her Methodist Sundays past. So she now goes to church on Sunday mornings, and that (plus the fact that she has quit her job) has improved the day for her. I still sleep in. The Sunday brunch that was becoming a tradition for us has been shifted to Saturdays. As always, we have our main Sunday meal at home or out in the afternoon or evening, and it may or may not be more special than weekday meals.

Things obviously change as we grow up, leave the nest, move around, have to earn our own living, acquire responsibilities, and bring others into our intimate lives through marriage, etc. Rather than a five-minute, block-and-something walk to visit my grandparents, it's now a two-hour, 97-mile drive to visit my parents. I make that drive frequently, but my visits are not always on Sundays. Rather than a fifteen-minute walk out to the country to engage in open-air, recreational shooting free of cost other than the price of ammunition, I now either drive five minutes to an indoor range and pay five dollars for a half-hour of shooting, shut off from the nature that has always enhanced the experience for me, or drive 25 minutes to the outdoor range of the gun club to which I pay 30 dollars a year for membership whether or not I use the range. The 50-minute or so round trip to the club range does not encourage me to make that trip often, and I do well to visit it twice a year if at all. I seldom exercise either the indoor or outdoor option on Sundays.

Times change, but there are two cultural disruptions of things that I hold dear and that I associate with Sundays past, movies and guns, that disturb me mightily. While the newspaper comics I read today, Sunday or otherwise, are different from those of my childhood, I still enjoy them very much. Gone are the adventure strips with their heroes and heroines, but most of the strips I currently read are still populated by decent people doing decent domestic things. Even though Andy Capp, of the recently dropped English strip by the same name, is a lazy, boozing, philandering jerk, his long-suffering wife and practically everyone else in the strip are decent sorts by the standards that I have internalized. I wish that I could say the same for the people who populate Hollywood movies nowadays.

We carried our laundry in pillow cases, and once I was big enough to carry them, it was my proud duty to do so. I can still remember the smell of coal smoke in the air from the neighborhood chimneys as we walked to my grandparent's house on crisp winter evenings.

Going to the movies was a large part of what made Sundays past special for me, but for a couple of reasons movie going is seldom a part of my Sundays present. The first and lesser reason is that there is no longer anything special about Sunday movies. Sunday movies during my childhood and adolescence were big-budget movies featuring the top Hollywood stars, and they stayed in town for two days only one of which, Sunday, had a matinée. Now, though stars like those of days past hardly exist, all movies are big-budget movies, and even the box-office bombs stay in town for several days, while the successful stay for weeks or even months. Therefore, since even the cheaper matinées are shown all through the week and I'm retired, there is no particular reason for me to go to the Sunday matinée unless both my wife and I are interested in seeing the same movie. And this brings me to the second and more important reason that movie going is seldom part of my Sundays present — Hollywood now makes very few movies that either of us want to see and even fewer that both of us want to see.

I am a sociologist, and as such I am an extreme cultural relativist. But relativism is an analytical tool for social scientists, not a principle to live by, and in everyday life I made no apologies for being judgmental. Though I am very familiar with four-letter words and far from a prude, as a product of all that is symbolized by my Sundays past I quite frankly

despise the foul-mouthed, promiscuous characters (female as well as male), dysfunctional families, and nihilistic or wussy-politically correct messages that Hollywood has been offering the public for several decades. And the popular-culture-assisted moral ambiguity, well established across the nation during the 1970s, has played havoc with the tough but gentlemanly, decent, honest, and honorable heroes of my Sundays past.

There have been a few big-screen heroic characters of the old sort in movies I have seen during the past ten years, among them Kevin Costner in the ultra-politically-correct-but-still-enjoyable *Dances With Wolves* (1990), Daniel Day Lewis in *The Last of the Mohicans* (1992), Matthew Broderick, Morgan Freeman, and others in *Glory* (1989), and Liam Neeson in *Rob Roy* (1995), but not enough to regularly draw me to the local movie houses at their inflated ticket, popcorn, and drink prices on Sunday or any other day. So I now look to American Movie Classics and other cable TV movie channels to rerun my old favorites and put me in touch again with screen characters I can admire, and to more recent made-for-TV gems such as TNT's *Conagher* (1993), starring Sam Elliot and Katherine Ross, and CBS's magnificent miniseries *Lonesome Dove* (1988), starring Robert Duvall and Tommy Lee Jones. But though I can still find them occasionally on the big screen, on cable TV, in made-for-TV movies, in paperback historical westerns by writers like Douglas C. Jones and Richard S. Wheeler, and sometimes even in more critically acclaimed historical novels like Charles Frazier's impressive *Cold Mountain*, it disturbs me that heroic characters who were not too long ago central to our popular culture and our national mythology have been relegated to the periphery of both, where today's children, fewer of whom are the products of stable families, are not likely to find them and be impressed by them.

Guns also helped make Sundays past special for me: the guns my folks and I used on our shooting expeditions to No. 7, the guns used by the fictional heroes of many movies to fight off oppression and right wrongs, the guns real heroes in movie newsreels were using to win World War II, the guns that were taken for granted as a non-threatening part of the cultural mainstream of rural and small-town America through the late 1950s, and the positive symbolic relationship between all of these guns. But guns are anything but politically correct in influential symbol-manipulating circles nowadays, the same circles that through their popular cultural offerings — "music," movies, and television — have unthinkingly helped to foster the moral breakdown responsible for high rates of violence that they blame on widespread gun ownership. It does no good to point out to these people that gun-ownership rates in this country have been high when violence rates have been low, and that even now, gun ownership rates are highest where violence rates are lowest. So once-honored guns, like the responsible popular cultural heroes who once used them, have been stigmatized and pushed to the periphery of the popular culture and the national mythology.

Guns helped make Sundays past special for me: the guns my folks and I used on our shooting expeditions, the guns used by the fictional heroes of movies, the guns real heroes in movie newsreels were using to win World War II, the guns that were taken for granted as a non-threatening part of the cultural mainstream.

And the urban-oriented middle classes, increasingly unfamiliar with and fearful of guns, refuse to take responsibility for their own safety, and rely on increasingly heavily armed and militarized police to protect them from vicious under-class thugs, and on professional soldiers rather than citizen soldiers drawn from their own ranks to protect their country from foreign thugs. Not only popular-culture heroes are fewer and farther between, but the urban-oriented middle class seems to be producing fewer individuals willing to take heroic risks in defense of themselves, their families, and their country. And they give no thought to how they will protect themselves from the armed agents of the state if the need ever arises. We seem to be breeding more than our share of feral teenagers, on the one hand, and wimps (many of whom seem to work for the mainstream media when they grow up) on the other. That disturbs me.

I am a sociologist, and as such I am an extreme cultural relativist. But relativism is an analytical tool for social scientists, not a principle to live by, and in everyday life I made no apologies for being judgmental.

Much of the charm of Sundays past for me was obviously rooted in the fact that they were no-school (even during the school year) fun days for a child with no real responsibilities. My mother worked just as hard at home and my father worked just as hard at the hotel on Sundays as they did any other day, though she usually took time out for the movies in the afternoon, and he might be on the job a half-hour or so less than usual, and both of them occasionally took time off for a recreational shooting expedition in the country.

But fun and lack of real responsibilities don't completely account for my feelings about Sundays past. Sundays were bright days, sun days, even when the sun wasn't shining because of the convergence of special people, real (my parents and grandparents) as well as fictitious (comic-strip and movie heroes and heroines), special places (my home, my grandparents' homes, the mine area and countryside east of town, the movie theater), and special events (reading the colored comics, meals in the dining room, going shooting, going to the movies, listening to radio comedies, visiting my grandparents). And this convergence of the real and the popular cultural greatly influenced my views on many things, among them what it means to be a member of a loving family, what it means to be a man, what it means to love and be loyal to a woman, and what it means to be a good person and a responsible and patriotic American citizen. I suspect that Americans prior to the 1960s, though few lived Norman Rockwell perfec-

Report

Brainstorming Without Brains

by Lois Kaneshiki

The Libertarian Party's Strategic Planning Team is not strategic, is not planning, and is not a team.

Steve Givot first proposed that the Libertarian Party embark on a series of strategic planning meetings at the December 2000 Libertarian National Committee meeting. His proposal got a lukewarm reception at first, but after some discussion the committee agreed to conduct a series of planning meetings to discuss what the LP can do to become more successful at getting its candidates elected.

I attended and participated in the first four Strategic Planning Team (SPT) meetings. The first meeting was a brainstorming session in which we were asked to come up with any ideas we could think of on "what the LP could or should be doing" to accomplish its goals. The only problem with this was that we had not yet agreed on what the LP's goals should be.

Givot argued that the LP cannot achieve its goals if it doesn't have tactics available to achieve them. So he thought the LP should come up with a list of tactics first. Well, it is true that in order to achieve your goals you must have ways to achieve them. But because the SPT did not begin with an end in mind, it was unable to determine which would be the best activities on which to expend its resources.

We ended the day with about 600 or so ideas, an ungainly number, to be sure, but in my opinion, a low number considering the overwhelming and undefined objectives of building the LP.

Then we spent a seemingly endless amount of time sorting and categorizing those ideas, resorting and then recategorizing them, debating whether or not they were strategies or tactics or goals; before any discussion of what where the fundamental issues we were trying to address. To me, this was all an utter waste of time.

When we did start looking at goals, we did it by collecting a list of so-called "third rail issues." These were supposed to represent highly controversial issues in the party, issues over which many members would have very strong views. Some of them were:

Should "The Pledge" be required for membership in the LP?

Does the national platform need to be changed?

Should the LP run "paper" candidacies?

Should it deliberately run "spoiler" campaigns?

The Unified Membership Program (UMP)

Should the national office provide financial or other support to get ballot access for state affiliates?

Should the LP be a "membership organization"?

Should our candidates accept matching funds from the government?

Again, the SPT could not intelligently debate these questions because it had not first accepted some basic assumptions about the LP's mission. Is the Libertarian Party a political party or isn't it? Is the LP's goal to get Libertarians elected to office or is it to spin its wheels trying to convince voters of our philosophy? Or is the LP trying to do both? How one answers these questions makes a big difference when deciding what kind of strategies to employ.

But even if we do want to pursue both electoral success and convert the masses, why are we discussing paper and spoiler races at the national level? These issues should be debated at the local level, where the decisions are going to be made anyway.

The question of the national platform is an important one. But I think the LNC should not be discussing whether to change the platform, but whether the party should have a national platform at all. The national platform is not decided by local activists but by the LP's "religious following" which cares more about ensuring the "purity" of the party than it does about getting candidates elected to office. And there can be no doubt that the national platform hurts local candidates by forcing them to defend a radical, "in your face" set of planks.

If the LP didn't have a national platform, or if it had a more generically libertarian platform, candidates could run their campaigns on the planks most likely to win voter support. The SPT failed to address this critical issue.

The one thing that really undermined the strategic planning sessions, though, was that Givot was consciously determined not to take a critical look at what the LP has done in the past and how each campaign or program has helped or hurt the party. Look forward, not back. Let's not rehash the past. This would be fine, except that the goal of the sessions was supposed to be to find out what it is about our organization that has kept us politically irrelevant for three decades.

The strategic plan turned out to be a document hundreds of pages long that says let's do more of what we're already doing. It cost the LP $93,000.

Despite the handicaps they face, Libertarians have been elected to local offices all across the country. As a party, we have not focused on how these candidates got elected.

The reason we do not is that most Libertarians are afraid that electoral success would corrupt the party and make it more like the other parties. But we cannot get our policies implemented, and we cannot build a political infrastructure, without first getting serious about low-level electoral success.

Instead of looking at what the national office and LNC have done to encourage a culture in which political operations are secondary to "educating the public," the SPT came up with a series of "recommendations" for state and local affiliates.

However, the party bylaws make it clear that the LP's purpose is to identify individuals who are interested in politics and getting involved in their local government, individuals who agree with our fundamental concepts of limited government and individual liberty and responsibility. Local electoral success should be viewed as the only important measure of success. Local people will discover the best tactics and strategies to pursue in their local political climate. Nothing in the strategic plan is going to help them do that.

My worries about the value of the project began at the first meeting. I asked Givot for a presentation of what he had in mind so we could discuss what the planning process would entail. Givot said the process would use a consensus-building methodology, but that discussing anything more about it would "bias the outcome."

But the process itself can bias the outcome, and in this case it did: We simply wound up with a "let's do more" version of what we're already doing — at a cost of $93,000 and six and a half weekends spent in hotel rooms. As a longtime LP activist, I think strategic planning is a good idea. If only the SPT was engaged in strategic planning, and not simply rehashing old, failed approaches. ❑

"The Chilling Effect," *from page 39*

the status of victims who require protection from a paternalistic state; women are losing mentors who are unwilling to risk complaints; and women are being viewed as "the enemy" by male co-workers who do not associate with them more than is necessary.

The Tyranny of the SHI

The most visible cost to both the workplace and academia, however, is the financial burden imposed by the Sexual Harassment Industry — or SHI as Patai has dubbed it. The SHI consists of writers, professors, sensitivity or diversity trainers, consultants, scholars, lawyers, psychologists, bureaucrats, expert witnesses, and all the other professionals who profit from the issue of sexual harassment. Patai describes how the University of Massachusetts at Amherst paid $1,250 to $1,800 per day per trainer for a course on sexual harassment prevention. The university paid an additional $10,000 for the trainers' travel, hotels, and meals. This was merely for one course in a far larger sexual harassment program at the university.

Lawyers are among those who receive huge benefits from sexual harassment complaints. In the Cal. State Fullerton case, the lawyer for the complainant received $236,804 in fees as part of the court settlement: His client received only $75,000 in damages. And, of course, the university required legal services of its own.

The SHI has a vested interest in expanding both the definition and the application of sexual harassment. The idea of sexual harassment as an overwhelming, all-pervasive problem has been constructed to convince people that trivial behavior — such as telling tasteless jokes — should be legally actionable.

Patai illustrates one way that sexual harassment is made to appear pervasive. She describes a passage in the influential *Sexual Harassment on Campus: A Guide for Administrators, Faculty, and Students* (1997) by Sandler and Shoop. (Bernice Sandler is arguably the foremost figure in the SHI.) The opening chapter states, "About two percent of undergraduate women experience the most severe type of sexual harassment — direct or indirect threats or bribes for unwanted sexual activity from faculty or staff. For graduate women, the incidence for sexual harassment increases; between 30% to 40% report they have experienced some form of sexual harassment from faculty or administrators." Patai points to the "easy transition" from severe sexual harassment to "some form" of harassment — "some form" being undefined. Thus, behavior that may be as innocuous as a thoughtless comment may be placed under the same heading as a sexual assault, and both made actionable as the same behavior.

Thus, *Sexual Harassment on Campus* includes the following behaviors: sexual bantering; humor about females or sex; laughing at or not taking seriously someone who talks of experiencing sexual harassment; leering or ogling such as in

continued on page 61

Reviews

The Vanishing Automobile and Other Urban Myths: How Smart Growth Will Harm American Cities, by Randal O'Toole. The Thoreau Institute, 2001, 546 pages.

The Intelligent Man's Guide to Smart Growth

R. W. Bradford

Back in the Dark Ages, when I was an undergraduate, I enrolled in an "experimental" college. The theory was that we'd get away from traditional academic disciplines and take a fresh, new, interdisciplinary approach. This involved reading leftist arguments for increasing the power of government, discussing that bold new idea in small groups, then holding a collegewide symposium at which we would all endorse the same conclusion.

The first such symposium was about automobiles and how they had uglified America, squandered natural resources, undermined moral decency, and made people move from central cities to awful suburbs where they quickly became "alienated." My fellow students agreed with their state-worshipping professors: Automobiles are evil.

In the eons since those days, the anti-car drumbeat has accelerated. Statists somehow know something important about automobiles that we who value liberty have never really learned: The automobile is a wonderfully liberating device. Ask a libertarian about how technology has expanded freedom, and he'll probably start talking about computers and the Internet — valuable tools, certainly, but more valuable for talking and writing than for actual, practical freedom.

The automobile, on the other hand, gave practical value to Americans' freedom to travel and to trade. Before there were cars, most people spent their entire lives within 50 miles of their birthplace. By the 21st century, however, the average American was driving nearly 18,000 miles per year — an interesting comparison to the roughly 1,600 miles per year that Americans had traveled (mostly on foot) a century before.

Automobiles and trucks expanded trade, lowering the cost of getting goods to market, thereby increasing productivity. Where I grew up in northern Michigan, most of the land was covered with pasture and croplands a century ago, despite the fact that the region is not very well suited for farming. The reason? Northern Michigan was within a reasonably short distance of Chicago and Detroit, so that even inefficiently produced farm commodities could be delivered to those urban markets more cheaply than more efficiently, but more distantly, produced commodities. But when I grew up, northern Michigan was gradually reforesting itself. Farm production was surrendered to regions with better soil and growing conditions, which could now be reached efficiently by truck. Today, the primary industry in northern Michigan is recreation, which the region easily markets to the millions of people who can travel long distances by car.

The automobile has made the world a freer place in other ways, too. Men and women no longer have to cram themselves into crowded cities in order to be close to their work. No longer do most factory workers live in tenements in central cities. They can live further away from their jobs, which means they can live in the sort of places where they want to live. Those who like the amenities of urban life still live downtown; those who prefer lower density housing and back yards live in suburbs or small towns and drive to work in their cars. Many even manage to live in the country.

Of course, there are many people who, like my old teachers, hate the automobile and the freedom it exemplifies. They are chronic proponents of centralized planning, a peruna that they are always putting in new bottles. No longer do they try to market the Soviet model, even in the watered-down form to which my professors were addicted. "Smart growth" is the brand name now. The content is simply government control of housing, commerce, and transport, but the picture on the label is a beautiful vision of some yesterday that existed only in the nostalgic celluloid of Metro Goldwyn Mayer. In his new book on the subject, Randal O'Toole observes:

> As planners describe it, smart growth is an attractive vision of people living and working in pedestrian-friendly communities, walking to the store, taking light rail on longer trips, and using the automobile only as a last resort. As a result, smart growth

supposedly allows urban areas to grow without increasing congestion, pollution, taxes or the loss of open space.

Unlike liberationists who are so focused on theory and social morality that they pay little attention to facts, O'Toole is obsessed with getting the facts. By training as a forest ecologist, he began his professional career as a more or less conventional environmentalist. But over the years, he learned a lot of facts. He came to realize that government control of forests in America hasn't worked any better than government control of forests in the Soviet Union. He gradually became the leading expert on the U.S. Forest Service — and its leading critic.

Statists somehow know something important about automobiles that we who value liberty have never really learned: The automobile is a wonderfully liberating device.

One day in 1995, a neighbor invited him to attend a meeting of the "Oak Grove Growth Management and Transportation Planning Committee," where he began to learn about "Smart Growth" and how bureaucrats in Portland — Oak Grove is an unincorporated suburb of that city — were trying to force changes to his home town that local people simply did not want. A few months later, he wrote "The Battle of Oak Grove," which was published in this magazine.

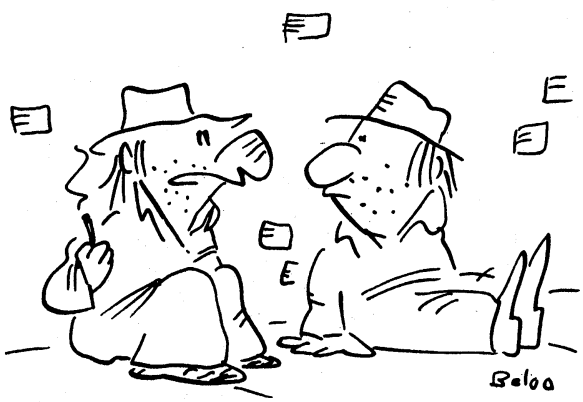

"When I lost my apartment, I lived in a car for awhile, but who can afford *that* these days?"

Over the next few years, O'Toole gradually immersed himself in Smart Growth, both the theory and practice. If he's not the world's leading expert on the subject, he's very close to it. Now he has written the definitive book on it — *The Vanishing Automobile and Other Urban Myths: How Smart Growth Will Harm American Cities.*

Don't let the mind-numbing 14-word title discourage you from reading this book. It is far more than an exposé of Smart Growth. It's also a treasure trove of information on two other subjects — cities and transportation — both subjects afflicted with fallacy and outright falsehood.

When I got the book, I cracked it open and found myself looking at page 355 and a table titled "Highway Finance Facts." This interested me considerably. A few years ago I got into one of those inconclusive email debates. A well-known scholar had opined that mass transit was self-sufficient and that as a patron of mass transit he was annoyed at the huge subsidies that he was forced to pay through his taxes to support drivers of automobiles. I responded that while there had been a time when highway construction was subsidized by the general fund, it was my understanding that now highway users paid so much in excise taxes on gasoline, vehicle registration fees, and the like, that they were subsidizing other activities, including and especially mass transit. The scholar rejected my contention. All I could point to in support of my thesis were some vague memories of news accounts about money being diverted from the highway funds to other purposes. They supported my belief in a general way but could hardly provide proof. For that I'd have to know the total national expenditures for road construction and maintenance, and the total user fees. My belief that mass transit was heavily subsidized was based on similar evidence; as with vehicular traffic, I had not seen any comprehensive figures.

But voilà! Here on a single page was a concise summary of all the data and a detailed list of the data's sources. It turns out that in 1998, there was a net subsidy to automobile users of 0.3¢ per vehicle mile. State and federal highways were net revenue generators: The federal government took in $3.6 billion more than it spent on maintenance and construction of highways, and states took in $6.6 billion more in user fees than they spent. But local governments had spent $17.9 more on streets and roads than they got in user fees, so there was a net subsidy of $7.6 billion. During that same year, 1998, 2.6 trillion vehicle miles were driven, creating the net subsidy of 0.3¢ per vehicle mile or, roughly, 0.18¢ per passenger mile.

So I was partly right and partly wrong: In order to register even this tiny subsidy, you have to include local streets and roads, where much of the expense is for the benefits of residents, not automobile drivers. Even then, the subsidy is very small.

What about mass transit? I thumbed through the book until I found a table titled "Transit Finance Facts" (303). Here I learned that in 1998, transit was subsidized to the tune of $18.3 billion, and there were a total of 44.6 billion transit passenger miles, for a net subsidy of 41¢ per passenger mile, more than 200 times the subsidy per passenger mile for automobiles.

O'Toole immersed himself in smart growth, both in theory and practice. If he's not the world's leading expert on the subject, he's very close to it. Now he has written the definitive book on it.

I suppose this made me more or less victorious in my inconsequential email squabble. More important, however, was the fact that I now had real knowledge rather than mere supposition. That's one of the great merits of *The Vanishing Automobile*: It replaces suppositions with facts.

The structure of the book at first appears chaotic: Rather than being divided into chapters with an occasional illustration or table, it's broken

into 40 chapters, interspersed with eight case studies (one of which is broken into 16 chapters), eleven tables of facts and statistics, and discussions of 71 "urban myths" that underlie Smart Growth, each debunked by O'Toole. Everything is well-documented, and O'Toole provides Web links for additional information whenever possible. It all sounds complicated and even confusing, but it is not, thanks to the fact that all the material is extremely well-organized. The case studies, tables, and debunking of myths appear in their logical places in the overall structure of the book.

The result is a book that, as O'Toole suggests in his introduction, can be used as a reference as well as read through (with pleasure, I might add) as a coherent account of the principles, history, and implications of the Smart Growth movement, followed by a brief account of what the author thinks should be done about the problems that Smart Growth pretends to address.

While reading this work, and pondering the strange history of Smart Growth, I often had occasion to meditate on the melancholy history of its immediate predecessor, urban renewal. A half-century ago, urban renewal was the favored approach of people who wanted government to establish its hegemony amid the landscape, or the ruins, of downtown America. The plan was to "renew" our cities by using the power of eminent domain to force the owners of buildings considered to be undesirable to sell their land to the government, which would then tear down whatever improvements existed on the land and resell it to developers. The developers would then build new and more desirable buildings, until every American rejoiced in a "decent" home and a "healthy" environment. In 1949, Congress passed legislation to implement the urban renewal program, and during the next decade, it was the doctrine that ruled America's cities.

Then, in 1960, a single social scientist began research on a subject related to urban renewal. The program was widely reported to have stimulated $20 billion in private investment, but the researcher wondered where the private funding came from, what kind of construction had been funded by it, and what kind of profits private developers were making out of it. He quickly discovered that no one seemed to be able to substantiate the $20 billion figure, and that, in fact, there "was not much known about the federal Urban Renewal program." As the researcher later wrote:

> It ha[d] been especially difficult to evaluate the federal urban renewal program for the following reasons: (1) little aggregate data were available in meaningful forms; (2) the available data were incomplete, and (3) no one had attempted to consolidate analyses dealing with various parts of the program.

So the researcher began to accumulate the data, all of it. He abstracted information from federal publications and from the files of the Urban Renewal Administration — a seemingly overwhelming task:

> The amount of data was great and without the aid of a high-speed computer I would probably still be processing it. The data were first coded and punched on over 10,000 IBM cards. These cards were processed on an IBM 1620 computer to develop new data, to correlate various parts of the data, to sort the data, and to rank them according to various parameters, and to produce a systematic record of the facts gathered.

The IBM 1620 wasn't much of a computer — the computer on my desk has 35,000 times as much memory — but it got the job done. And because the researcher included the results of every urban renewal project ever undertaken, no one could argue with the conclusions of his study.

And those conclusions were staggering: The program destroyed far more housing than it created; over 60% of the people whose housing was destroyed were members of racial minorities; and the housing created was almost all luxury housing for high-income people. In other words, the rich often benefited, while low- and middle-income families now found "decent" housing significantly harder to find. The results of the first 15 years of the multibillion-dollar program were exactly the opposite of what its proponents claimed.

In 1964, the researcher, Martin Anderson, published his findings in a scholarly book called *The Federal Bulldozer* — which then, somehow, became a best seller. And not a minute too soon. Urban renewal had already done grave damage to the nation's urban environment and heritage, not to mention the damage it had done to the property rights and living conditions of millions of the nation's citizens. Anderson's book was the death knell for urban renewal.

Smart growth, by which is meant government control of housing, commerce, and transport, is offered as a beautiful vision of a yesterday that existed only in the gauzy nostalgic celluloid of Metro Goldwyn Mayer.

The Vanishing Automobile has a lot in common with *The Federal Bulldozer*. It closely examines a set of policies dedicated to increasing the government's power over the way people live. It gathers reliable data, analyzes them, and arrives at inescapable conclusions. Whether it will put an end to Smart Growth, as *The Federal Bulldozer* put an end to urban renewal, remains to be seen. But one thing is certain: it provides the facts about Smart Growth and about the issues that Smart Growth claims to address. It is a powerful weapon in the battle against state power. □

"You'll have to move to New Jersey — you seem to have a toxic-waste deficiency."

Political Fictions, by Joan Didion. Knopf, 2001, 338 pages.

Slouching Toward Washington

Jeff Riggenbach

"We tell ourselves stories in order to live," Joan Didion wrote nearly 30 years ago. "We look for the sermon in the suicide, for the social or moral lesson in the murder of five. We interpret what we see, select the most workable of the multiple choices. We live entirely . . . by the imposition of a narrative line upon disparate images, by the 'ideas' with which we have learned to freeze the shifting phantasmagoria which is our actual experience" (*The White Album*, p. 11).

The owners and operators of political campaigns know this truth too, and they count upon it in their attempts to place their candidates in national office, especially when that office is at 1600 Pennsylvania Ave. As Didion confesses in her latest collection of essays, she came over the past decade to realize that "the political process did not reflect but increasingly proceeded from a series of fables about American experience" (*Political Fictions*, p. 7), and that "[p]erhaps the most persistent of the fables from which the political process proceeds has to do with the 'choice' it affords the nation's citizens, who are seen to remain unappreciative" (6).

Actually, of course, "unappreciative" may be understating the case considerably. As Didion notes,

> [l]ess than fifty percent of the voting-age population in this country actually voted (for anyone) for president in 1996. The figures in the previous five presidential-year elections ranged from fifty to fifty-five percent. Only between thirty-three and thirty-eight percent voted in any midterm election since 1974. The figures for those who vote in primary elections, where the terms on which the campaign will be waged are determined, drop even further, in some cases into the single digits. (245)

Nor does Didion agree with the mass media's knee-jerk response that those who choose not to participate in elections are "apathetic." "[F]ifty-one percent of these nonvoters," she writes,

> meaning roughly a quarter of all adult Americans, were classified [in a study of polling data conducted by the *Washington Post* and the Joan Shorenstein Center's 'Vanishing Voter Project' at Harvard] as either 'alienated' ('the angry men and women of U.S. politics . . . so disgusted with politicians and the political process that they've opted out') or 'disenchanted' ('these nonvoters aren't so much repelled by politics as they are by the way politics is practiced'), in either case pretty much the polar opposite of 'apathetic.' (10–11)

And why is it that so many Americans are so disgusted or repelled by politicians, the political process, or the way politics is practiced? The answer, in Didion's eyes, is not far to seek. "[P]eople inside the process," she writes,

> constituting as they do a self-created and self-referring class, a new kind of managerial elite, tend to speak of the world not necessarily as it is but as they want people out there to believe it is. They tend to prefer the theoretical to the observable, and to dismiss that which might be learned empirically as "anecdotal." They tend to speak a language common in Washington but not specifically shared by the rest of us. They talk about "programs," and "policy," and how to "implement" them or it, about "tradeoffs" and constituencies and positioning the candidate and distancing the candidate, about the "story," and how it will "play." (20–21)

"They speak of a candidate's 'performance,'" Didion writes, "by which they usually mean his skill at circumventing questions." And again:

> When we talk about the process . . . we are talking, increasingly, not about 'the democratic process,' or the general mechanism affording the citizens of a state a voice in its affairs, but the reverse: a mechanism seen as so specialized that access to it is correctly limited to its own professionals, to those who manage policy and those who report on it, to those who run the polls and those who quote them, to those who ask and those who answer the questions on the Sunday shows, to the media consultants, to the columnists, to the issues advisers, to those who give the off-the-record breakfasts and those who attend them; to that handful of insiders who invent, year in and year out, the narrative of public life.

"What strikes one most vividly about such a campaign," Didion writes, "is precisely its remoteness from the real life of the country" (21–22). Not surprisingly, the overwhelming majority of Americans don't pay the process much heed. For example, Didion reports, around 80% of "television households" tuned out network coverage of the Republican and Democratic conventions in 1988. Covering the last three presidential campaigns for the *New York Review of Books* (her articles for that publication make up this volume), she follows Michael Dukakis around California one June day in 1988. From a public high school in suburban Los Angeles to "a downtown San Diego office plaza through which many people were passing on their way to lunch," where Dukakis announced, "I want to work with you and with working people all over this country," not realizing (or not caring?) that, as Didion observes, "people who work in offices in downtown

From the point of view of those inside the political process, being on or off the point is beside the point.

San Diego do not think of themselves as 'working people'" (26). And from San Diego to a schoolyard in a depressed downtown neighborhood in San Jose; there, in a part of the city "in which the lowering of two-toned Impalas remained a central activity," Dukakis talked about "bringing people together" (24). "[L]ate that afternoon," Didion writes, "on the bus to the San Jose airport, I had asked a reporter who had traveled through the spring with the various campaigns . . . if the candidate's appearances that day did not seem a little off the point. 'Not really,' the reporter said. 'He covered three major markets.'"

From the point of view of those inside the process, you see, being on or off the point is beside the point. "Among those who traveled regularly with the campaigns," Didion writes, "it was taken for granted that these 'events' they were covering, and on which they were in fact filing, were not merely meaningless but deliberately so: occasions in which film could be shot and no mistakes made" (26–27). Hence, looked at from the point of view of a movie writer (which Didion has been, off and on since the early '70s), "[a]ny traveling campaign . . . was a set, moved at considerable expense from location to location. . . . There was the hierarchy of the set: there were actors, there were directors, there were script supervisors, there were grips. . . . There was also the tedium of the set: the time spent waiting for shots to be set up, the time spent waiting for the bus to join the motorcade, the time spent waiting for telephones on which to file, the time spent waiting for the Secret Service . . . to sweep the plane" (28–29).

Most importantly, Didion found, a campaign is like a set because the story that unfolds there is made up, a fable.

> American reporters 'like' covering a presidential campaign (it gets them out on the road, it has balloons, it has music, it is viewed as a big story, one that leads to the respect of one's peers, to the Sunday shows, to lecture fees and often to Washington), which is why there has developed among those who do it so arresting an enthusiasm for overlooking the contradictions inherent in reporting that which occurs only in order to be reported. They are willing, in exchange for 'access,' to transmit the images their sources wish transmitted. They are even willing, in exchange for certain colorful details around which a 'reconstruction' can be built (the 'kitchen table' at which the Dukakis campaign was said to have conferred on the night Lloyd Bentsen was added to the 1988 Democratic ticket, the 'slips of paper' on which key members of the 1988 Bush campaign, aboard Air Force Two on their way to the Republican convention in New Orleans, were said to have written their choices for vice president), to present these images not as a story the campaign wants told but as fact. (30–31)

The "increasingly hypothetical voter," you see, is "seen as responsive not to actual issues but to their adroit presentation" (32).

"During those eight summer evenings in 1988," Didion writes, "four in Atlanta and four in New Orleans, when roughly eighty percent of the television sets 'out there' were tuned

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somewhere else, the entire attention of those inside the process was directed toward the invention of this story in which they themselves were the principal players, and for which they themselves were the principle audience" (47). "All stories," she notes, "depend for their popular interest upon the invention of personality, or 'character'" (41). And there has been perhaps no greater invented personality in the past several decades than Ronald Reagan. Those who ran the process carefully controlled the public presentation of his personality during the 1970s and '80s when he was governor of California and president of the United States, and the project has continued over the past ten years with publication of book after book by one author after another from inside the process, almost all of them singlemindedly intent upon creating a certain kind of Ronald Reagan, the one (in their judgment) best suited to public consumption.

Much that has been remarked upon as "mysterious" about Reagan's personality by his former political colleagues is not mysterious at all if you know a little something about how movies are made.

Here and there, however, there have been straightforward, honest appraisals of the man as he actually was. Didion quotes one from former White House chief of staff and former Treasury Secretary Donald Regan, who wrote in 1988:

> As President, Ronald Reagan acted on the work habits of a lifetime: he regarded his daily schedule as being something like a shooting script in which characters came and went, scenes were rehearsed and acted out, and the plot was advanced one day at a time, and not always in sequence. The Chief of Staff was a sort of producer, making certain that the star had what he needed to do his best; the staff was like the crew, invisible behind the lights, watching the performance their behind-the-scenes efforts had made possible. (94)

Former California governor and current Oakland (Calif.) mayor Jerry Brown saw much the same thing in Reagan that Regan had seen. To Brown, Reagan's focus was on "performing his ceremonial role as governor. . . . Most of the day-to-day stuff is very symbolic. . . . There is something illusory about it, like a play. Then again, if that satisfies people, it has some value. Reagan seemed to understand all that" (98–99).

In fact, according to Didion, much that has been remarked upon as "mysterious" about Reagan's personality by his former political colleagues is not mysterious at all if you know a little something about how movies are made.

> Reagan could be "uniformly fair-minded and pleasant with aides" without getting close to them personally (or knowing where their offices were or even their names) not because he "saw them as instruments to achieve his goals" but because he saw them as members of the crew ("invisible behind the lights," in Donald Regan's words), as gaffers and best boys and script supervisors and even as day players, actors like himself but not featured performers whose names he need remember.
>
> Similarly, the ability to work with people for a decade and never call them again precisely reflects the intense but temporary camaraderie of the set, the location, where the principals routinely exchange the ritual totems of bonding (unlisted home numbers, cell numbers, car numbers, triple-secret numbers, and hour-by-hour schedules for sojourns in Aspen and Sundance and Martha's Vineyard) in full and mutual confidence that the only calls received after the wrap will be for ADR, or for reshoots. Even that most minor of presidential idiosyncrasies, the absolute adherence to the daily schedule remarked upon by virtually all Reagan's aides, the vertical line drawn through the completed task and the arrow pointing to the next task . . . derives from the habits of the set, where the revised shooting schedule is distributed daily . . .

On the set, Didion reports, once a scene is completed, "a vertical line would be drawn through it on the schedule, with an arrow pointing" to the next scene, "not in any sequence the principals need to understand, but the day's next task" (110–111).

Another great and memorable "character" created by those who control the process is Bill Clinton. In "Vichy Washington," an essay on Clinton and the Lewinsky scandal, Didion writes that "the narrative they agreed upon, that the president's behavior had degraded and crippled the presidency and the government and the nation itself, worked at every point to obscure, in some cases by omission and in other cases through dismissal as 'White House spin,' what we now know to have been going on," namely "a covert effort to advance a particular agenda by bringing down a president" — or, in the words of Cokie Roberts, "a partisan witch hunt . . . an illegitimate process" (280–281).

"Among those who traveled regularly with the campaigns, it was taken for granted that these 'events' they were covering were not merely meaningless but deliberately so: occasions in which film could be shot and no mistakes made."

Is it really any wonder that "large numbers of Americans report finding politics deeply silly" (146) or "that

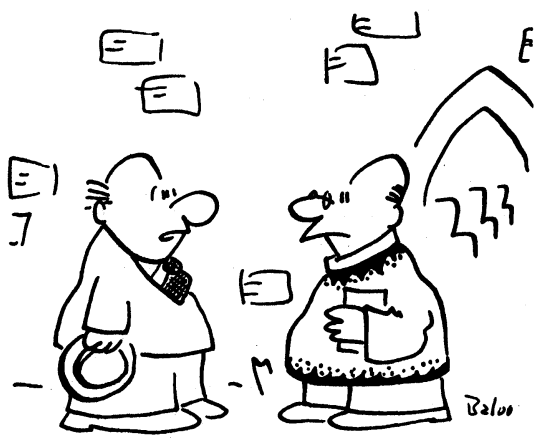

"'Love my neighbor'? — My wife would *kill* me!"

what the political scientist Walter Dean Burnham had called 'the largest political party in America'" is "the party of those who see no reason to vote" (148)?

Didion tells us that as the pieces that make up this book "began to accumulate, I was asked with somewhat puzzling frequency about my own politics, what they 'were,' or 'where they came from,' as if they were eccentric, opaque, somehow unreadable."

> They are not. They are the logical product of a childhood largely spent among conservative California Republicans (this was before the meaning of "conservative" changed) in a post-war boom economy. [Didion was born in 1934.] The people with whom I grew up were interested in low taxes, a balanced budget, and a limited government. They believed above all that a limited government had no business tinkering with the private or cultural life of its citizens. I voted, ardently, for Barry Goldwater. Had Goldwater remained the same age and continued running, I would have voted for him in every election thereafter. Instead, shocked and to a curious extent personally offended by the enthusiasm with which California Republicans who had jettisoned an authentic conservative (Goldwater) were rushing to embrace Ronald Reagan, I registered as a Democrat, the first member of my family (and perhaps in my generation still the only member) to do so. (7)

This, then, is where Didion is "coming from" politically. It's not that far from libertarianism, really. And this fact infuses her book with a general attitude toward politicians and the political process that most libertarians are likely to find very comfortable. Above and beyond that, Joan Didion is one of the finest stylists — one of the finest rhetoricians, in the classical sense of that word — working in the English language today. *Political Fictions*, her first collection of essays in nearly a decade, is a welcome addition, both to the current public discussion of politicians and the political process, and to American literature. ❑

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Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs, **by James P. Gray. Temple University Press, 2001, 272 pages.**

Dissent From the Bench

Alan W. Bock

Orange County Superior Court Judge James P. Gray surprised many people by criticizing U.S. drug laws in a courthouse press conference in 1992. Having gotten to know Gray a bit since then, I'm not surprised that he would produce a persuasive book on the subject once he got around to writing one.

But *Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs* is even better than I had expected. No aspect of the drug war is ignored, no argument in favor of handling drugs through the legal system is spared attention, and few drug warriors emerge unscathed.

"We have been following essentially the same drug prohibition policy for many decades, and it has given us the worst of all worlds," Gray writes. "Today there are more drugs available in our communities, and at a lower price, than ever before. We have greatly expanded the number of prisons in the United States, but all of them are overflowing. As a direct result of the enormous amount of money available from illicit drug sales, the corruption of public officials and private individuals in our society has increased substantially. We have a much higher incidence of diseases, such as hepatitis and AIDS. The War on Drugs has resulted in the loss of more civil liberties protections than any other phenomenon in our history. Instead of being shielded, our children are being recruited into a lifestyle of drug selling and drug usage by the current system. And revolutionaries and insurgents abroad are using money procured from the illegal sale of drugs to undermine legitimate governments all over the world. We could not have achieved worse results if we had tried."

Perhaps the most valuable aspect of the book, the one that sets it apart from other books critical of the drug war, is the sheer number of people of prestige and authority within the criminal justice and law enforcement community whose criticism he has placed on record, ranging from observing that the drug war is an abject failure and alternatives should be considered to frank advocacy of legalization or decriminalization. This is not an accident. Since Gray went public with his own opposition to the drug war in 1992, he has been in continuous communication with many of his colleagues on the bench and in law enforcement.

Whether emboldened by his example or pleased that someone had finally asked for their frank assessments of the War on Drugs, judges from around the country have agreed with Gray that the war should be questioned, and many have gone much further. Each chapter of this book opens with a quotation from a prominent judge, from Whitman Knapp of the U.S. District Court in New York, to Anthony A. Alaimo of the U.S. District Court in Brunswick, Ga., to Morris S. Arnold of the U.S. Court of Appeals in Little Rock to judges from the U.S. District Courts in Chicago, Boston, Santa Ana, and Denver, the Arizona Court of

Appeals, and to his colleagues in the Superior Court in Santa Ana. The text is loaded with eloquent criticisms from judges, attorneys, and police officials — including many still on duty, as well as those emboldened by retirement.

In the interest of full disclosure, I should mention that I know, like, and admire Gray. I consider him to be something of a friend, though not a close enough friend that I would be reluctant to criticize decisions he renders. I was introduced to him by a local physician who specializes in alcoholism and drug addiction because of a creative treatment program he was offering to people convicted of drunk driving. Having been convinced that a significant percentage of people arrested for drunk driving were likely to be alcoholics or problem drinkers, he thought the taxpayers' money might be better spent offering these people treatment instead of jail.

This is a fairly common idea these days, but it was hardly commonplace in the early 1980s. I talked to Gray on the phone several times, talked to addiction specialists and doctors, and to some people who had been through his program. Being a sucker for alternatives to punishment I wrote a column on the subject.

No aspect of the drug war is ignored, no argument in favor of handling drugs through the legal system is spared attention, and few drug warriors emerge unscathed.

When Gray announced on the steps of the Santa Ana courthouse in 1992 that he had become convinced that the War on Drugs was a failure and that it was time to begin a discussion about alternatives, it took me a while to remember this was the same Gray. I met him in person at an event on the drug war sponsored by the Reverend Robert Schuller's Crystal Cathedral, sparked in large part by Gray's coming-out. Gray was also influential in the promulgation of what has been called the Hoover Resolution, a fairly moderate statement that the drug war has failed and a national commission should be convened to consider alternatives, that hundreds of judges, law enforcement officials, and even a few politicians have signed. He has worked closely with Joe McNamara, the former San Jose and Kansas City police chief who as a fellow at the Hoover Institution has waged a tireless campaign to introduce law enforcement officials to informed and compelling

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critiques of the drug war for more than a decade.

After graduating from UCLA, Gray went to law school and then into the Peace Corps. Next he took positions as a federal prosecutor in Los Angeles, as a criminal defense attorney in the Navy JAG Corps, and then to the Superior Court in Orange County as a judge. He is a straight arrow's straight arrow, a conservative Republican whom you believe when he says he has never ingested illegal drugs and who ran against "B-1" Bob Dornan in a congressional Republican primary a few years ago. He is personable and a good TV and radio guest.

His book carries endorsements from Walter Cronkite, Milton Friedman, George P. Shultz, and New Mexico's Republican governor Gary Johnson. There's nary a hint of the counterculture in any of those folks. These are people who have had the independence of mind to think through the drug issue and go public with their dismay at the adverse consequences of prohibition as a strategy, knowing it was unlikely to help their careers. Some of them have been reluctant. I remember a talk by George Shultz at a Hoover conference a couple of years ago in which he said that prohibition was not a moral question to him, and if he thought there were even a ghost of a chance drug prohibition might work he would probably be for it. But as an experienced foreign policy professional with some time in academia and the private sector and a background in economics he just couldn't imagine any way it could work.

(Right after that speech Jim Gray, who also spoke at the conference, told me that speech by George Shultz should have been at least featured on C-Span or run as a network special. I agree with him that having people of such stature — forgive me for praising a political creature — and genuine eloquence featured on such platforms would make a tremendous difference in the nature of the debate on drug policy. Although a John Stossel can make and run the occasional special on prohibition because of his popularity, for the most part network television is more interested in opposing soundbites more likely to add heat than light to the discussion. The cable news outfits have the air time and the capacity to dig deeper and at greater length, but they find their ratings increase when there's an O.J. or a Condit or a war to cover rather than when they indulge in hard-hitting, intelligent analysis.)

Gray has done a remarkable job of covering, concisely but with sensitivity to the complexities of the situation, almost every aspect of what is wrong with America's War on Drugs. He does so soberly and civilly, but with devastating thoroughness. He must have clipped and saved every story on police corruption, drug availability and use, the connection between crime rates and intensified drug-law enforcement, the incursions made by the drug war on the Bill of Rights and judicial integrity, treatment, zero tolerance, and harm reduction for the last 20 years.

He documents the many kinds of harm done by the War on Drugs, observing that "Every dollar spent on investigation, prosecution, and incar-

Intellectually, the drug war's game is up. The defenders don't have anything resembling a coherent argument for continuing or expanding the war.

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ceration of drug users and dealers is a dollar that cannot be spent on the investigation, prosecution and incarceration of other criminals. Getting 'tough' on drugs inevitably translates into getting 'soft' on all other offenses." He then discusses and analyzes various possible options, beginning with zero tolerance, and offers a thumbnail cost-benefit analysis of how they are likely to turn out.

By discussing a range of alternatives — from drug education (noting that honest education is difficult so long as there's a war on and federal programs mandate zero tolerance propaganda) to increased reliance on drug treatment, to what he calls "deprofitization" — he makes it clear that Americans don't face a stark choice between conducting a zero-tolerance drug war and the "anarchic" legalized open market. A wide range of options is available, from regulated government distribution to a highly regulated private distribution system as with alcohol to getting the national government out of the prohibition business and returning to the principle of federalism allowing states and communities to devise and implement their own localized approaches.

Gray gives the reader enough information to choose the alternative he or she favors. But I can almost guarantee that anybody who reads this book will not favor the current regime any longer.

Gray would be the first to acknowledge that he is not the first to come to these conclusions. If writing well-documented and persuasive books were all it took to get drug-law reform it would have been done long ago. Former law professor Arnold Trebach wrote persuasive books in the 1980s. Journalist Dan Baum did a good history and analysis in his 1996 book, *Smoke and Mirrors*, and screenwriter Mike Gray published *Drug Crazy*, a brief but comprehensive critique, in 1997. Intellectually, the drug war's game is up. The defenders don't have anything resembling a coherent argument for continuing or expanding the war.

So will this be the book that finally gets through to enough of the general public? Will politicians who know the drug war should be ended but think drug-law reform is the real "third rail" of American politics finally be convinced that the time for change has finally come? Will more politicians come out, as Gary Johnson has? Given the thoroughly respectable people quoted in it and Gray's unthreatening demeanor, there's a chance of a breakthrough. Whether this book is the spark that finally ignites the political revolt against the drug war remains to be seen. But the day when drug-law reform is genuinely on the table is not far off.

Give this book to your favorite drug warrior. ❑

Plague Wars: The Terrifying Reality of Biological Warfare, **by Tom Mangold and Jeff Goldberg. St. Martin's Press, 1999, 477 pages.**

Be Very Afraid

Martin L. Buchanan

Biological warfare is the use of microorganisms or the toxins they produce as weapons of war. Before reading *Plague Wars*, I thought that I had a general grasp of the threat it posed. I was wrong. Mangold and Goldberg have produced a well-documented and timely book, collecting information little known outside of national security circles until recently.

Japan and the Soviet Union both began major offensive biological warfare programs in the 1930s. The Japanese program was based in Manchuria during Japan's war with China. It produced monstrous war crimes against human guinea pigs, a cholera epidemic in one city, and bubonic plague used against a village. When World War II ended, Japan had scheduled an attack for September 1945 against San Diego with bubonic plague. The Soviets implemented their biowar program on the battlefield: Epidemics of tularemia and Q fever decimated German forces in southern Russia and the Crimea in 1942 and 1943. Both organisms were part of the Soviet biowar program.

The Soviet program appears to be continuing to this day in Russia, in violation of the 1972 Biological Weapons Convention (BWC) that renounces offensive biological warfare, according to defectors from the Russian program like Dr. Kanatjan Alibekov (now Ken Alibek), the former technical director of the Russian "BioPreparat" program. The Russians have "weaponized" the organisms that cause anthrax, smallpox, bubonic plague, Marburg fever, and dozens of other diseases. Their manufacturing plants produce biowar agents in the tens of tons. The Russians have bred and genetically engineered all of their major biowar agents to increase lethality, stability, and resistance to known vaccines or antibiotics. And they have developed special warheads for their ICBM's that can carry biowar agents through space to U.S. cities and effectively disperse them.

Information about the Russian and Soviet programs is corroborated by extensive U.S. intelligence efforts, which included some on-site inspections during the Gorbachev era. The U.S. government has been aware of large-scale Soviet and Russian cheating on the BWC since 1979, when a biowar plant in in Sverdlovsk (now Ekaterinburg) accidentally released anthrax, killing many Soviet citizens. The United States has mostly ignored this issue because of its desire for the Russians to agree to other arms-control treaties, a logic that seems flawed.

Plague Wars provides extensive information about biowar programs in South Africa and Rhodesia, Iraq, North Korea, and in Japan by the Aum

Shinrikyo (renamed Aleph) cult. The South Africans used cholera and anthrax against Rhodesia's black guerrillas. There is circumstantial evidence that ebola and plague were also used.

When World War II ended, Japan had scheduled an attack for September 1945 against San Diego with bubonic plague.

The South African specialty was developing biowar techniques for assassinating individuals rather than committing acts of mass destruction.

Iraq has worked extensively with anthrax and possibly other organisms, along with several toxins. They have weaponized anthrax in missile warheads, crop dusters and aerosol sprayers, special drop tanks, and remotely piloted vehicles. Little is known about North Korea's program, but it is believed that North Korea is producing anthrax and plague and has had Soviet assistance in weaponizing them for effective dispersal. The Aum cult demonstrated the difficulties of weaponizing agents, when their $30 million biowar program and several attempted biological and toxin attacks failed to kill as many as they expected.

Plague Wars has several fascinating substories, among them the sheer evil of the butchers who created and ran several of the biowar programs; the difficulties of weaponizing biological agents; and the long running cat-and-mouse games between inspectors and covert programs, notably in Iraq. It ends with hints of the deadly possibilities of genetically engineered biowar agents: chimera viruses (imagine combining smallpox and ebola), or genetically targeted agents that only affect particular ethnic groups.

Since *Plague Wars* was published, the potential damage of biowarfare has become even worse. On the day this review was written, the complete genetic sequence of bubonic plague (*Yersinia pestis*) was published. About a year ago, Australian researchers were working with mousepox, the mouse version of smallpox, attempting to create a mouse contraceptive vaccine. They made an accidental and terrifying discovery: They created a strain of mousepox that kills 100% of infected mice, wiping out part of their immune system. The strain also appears to be extraordinarily resistant to vaccines. Their research has been published and is now available to the secret hidden labs that still harbor covert stocks of smallpox. ❑

"No Time for Fantasy," *from page 30*

after a gang of non-Americans who do the same thing? What? Does morality change at the border? Is there some reason to believe that the border of Afghanistan is more sacred than life, liberty, and property?

No, what's wrong with war is the prospect of people being shot, bombed, crushed, crippled, burned alive. That's why war is bad — not because it takes place on somebody else's soil, instead of our own. The war that America is in right now began on America's soil on Sept. 11, 2001. It will continue on America's soil, indeed it will escalate, until (1) the terrorists get bored; (2) we get to the terrorists and kill them; (3) we take action against the states that support them and either neutralize or kill them, too. The first option is, unluckily, outside our power to implement. The second and third options seem to lie within our power.

Isn't it remarkable? In combating international terrorism, the United States government is doing one of the few things that it has a clear and legitimate power to do. And that's precisely what critics of the anti-terrorist campaign don't want it to do. They are good people, many of them. Their critiques of government, in other contexts, have often been extremely valuable. Now, however, they are doing little more than identifying themselves as politically irrelevant, and that is a shame and a loss.

There's another passage of Bible prophecy that speaks of this. It's in the sixth chapter of Jeremiah, and it's much more realistic than the Bible passage with which I started. Speaking of certain intellectuals of his time, Jeremiah says, "They have healed also the hurt of my people slightly, saying, Peace, peace: when there is no peace." ❑

"The Chilling Effect," *from page 50*

what was called "elevator eyes"; and attempted or actual sexual assault. Here, ogling is conflated with a physical attack. By converting the trivial into the legally actionable, the SHI guarantees that the flow of money into its pockets continues. It also expands the control that feminism exerts over society.

One of the greatest flaws in the current treatment of sexual harassment is the inability of existing laws and policies to distinguish between assault and trivial behavior. For example, a 1993 brochure issued by the Personnel Services of the Southern Illinois University at Carbondale declared, "Sexual harassment can be as subtle as a look or as blatant as rape."

Ellen Frankel Paul, a professor at Bowling Green State University, makes a key distinction in her essay "Bared Buttocks and Federal Cases." She writes, "Outrageous acts — sexual harassment per se — must be legally redressable. Lesser but not trivial offenses . . . should be considered moral lapses for which the offending party receives opprobrium, disciplinary warnings, or penalties, depending of the setting and the severity."

Sexual harassment policies became a part of our culture because they addressed a "wrong" that many women experienced without being able to name. Because the remedy was translated so quickly into legal terms, the private sector has never had the opportunity to address the "wrong" in any other terms. As long as "the law" and feminist theory are the arbiters of what expression should be permitted between the sexes, the issue of sexual harassment will continue to create conflict and stifle the freedoms upon which healthy sexuality depends. ❑

Terra Incognita

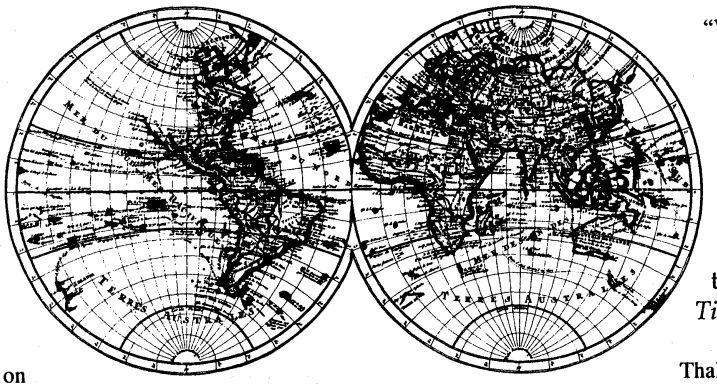

United States

John Passacantando, executive director of Greenpeace, proposes a progressive way to fight terrorism:

"We all want to feel safe in our world again and that will only come when nations are working in harmony, as many are right now to find those responsible for the recent attacks, to build a more secure world. Let us still engage the world with our usual fierceness, but now, more than ever, let us combine it with the love, or at least compassion, that we saw in Gandhi and Martin Luther King, to give ourselves the greatest strength to prevail."

San Francisco

A triumph of deregulation, from a direct mailing:

Working Assets Long Distance Company offers its customers rates of 7 cents a minute, plus "a coupon for a FREE pint of Ben & Jerry's Ice Cream," each month for a year, a calling card "made from recycled plastic," and a monthly invoice "printed on unbleached, 100% post-consumer recycled paper and printed with soy-based ink."

California

What's really important on the inside, from the *San Francisco Chronicle*:

The state Department of General Services recently announced that since "a state of emergency exists in the state's prisons," they had to award a $1.9 million contract to a company that did not make the lowest bid to provide packets of peanut butter because inmates are "heavily invested emotionally" in certain foods and that a lack of peanut butter could precipitate riots.

Sheselweni, Swaziland

Western morality advances in the Third World, from the estimable Reuters:

King Mswati III recently decreed that, for the next five years, Swazi men caught having sex with teen-age girls will be fined one cow. He also revoked a decree "that made it a criminal offense for his subjects to bare their buttocks in protest at royal edicts."

Baltimore

Proof of the value of requiring prospective employees to fill out job applications, reported by *The Baltimore Sun*:

When a job application for the Baltimore police force asked whether the applicant had ever committed a crime, Edwin V. Gaynor replied that he had indeed, explaining that he had done one carjacking and two armed robberies.

Roanoke, Va.

Innovation in patriotic fund-raising, from the Associated Press:

The Roanoke Planned Parenthood office has started to offer red, white, and blue condoms "to raise money for those affected by the Sept. 11 terrorist attacks." Said David Nova, president of the area office: "Offering patriotic condoms will hopefully stem the increase of unintended pregnancies while letting Americans display their colors proudly."

Savannah, Ga.

Legislative duties take a different turn, found in *The Atlanta Journal-Constitution*:

Rep. Dorothy B. Pelote, announced during a devotional that she had recently had a psychic vision of Chandra Levy, saying later to a newspaper that: "When I saw her, she was lying in a ditch and her eyes were closed." Pelote says that her psychic visions started after her near-drowning as a child.

New Delhi, India

Advance in prophylactic science, reported by *The Times of India*:

Union Health Minister C.P. Thakur has suggested that to avert a coming population boom in India that televisions be provided to people to distract them from the 'entertainment' of procreation. He further enunciated that: "Entertainment is an important component of the population policy, we want people to watch television."

California

The less verbal side of free expression, found in *USA Today*:

"The California Alcoholic Beverage Control Appeals Board ruled that topless dancers have a constitutional right to touch themselves while performing, as long as it isn't ruled lewd or obscene. . . . The ruling means that topless dancers in any California bar can now fondle and caress themselves without fear of having the bar's alcohol license revoked."

Tallahassee, Fla.

Proof that image is everything in the international arena, from *The Baltimore Sun*:

Israel hired the public relations firm of Rubenstein Associates to "spruce up its image." During a four-month study, agency personnel recommended that Israel paint the "military assault rifles that shoot rubber bullets purple or orange" to make it clear that Israel isn't trying to kill people.

Calcutta

The progress of public transit in the subcontinent, reported by Reuters:

After 59 attempted suicides, of which 29 were successful, the city of Calcutta has started playing "calming music" at its subway stations to divert people from throwing themselves in front of the trains. Said S.C. Banerjee, a spokesman for the system: "Suicides cause disruption to our network. Trains are delayed by an hour to retrieve the injured or dead."

Special thanks to Ivan Santana, Michael Slevin, Russell Garrard, and Tim Slagle for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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4. **The 'I'm a Democrat or Republican and I Vote the Party Line' Argument:** "My family has been Republican for 80 years. I always vote Republican. I never cross party lines." (A majority of registered Democrats and Republicans never cross party lines.)

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by Bradley Monton

Muslims in Paradise

by Alexander Boldizar

Martial Law Comes to Hawaii

by Malia Zimmerman

Globalization and Gilligan

by Stephen Cox

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Inside Liberty

January 2002
Volume 16, Number 1

4 **Letters** Our critics, and very best friends.

7 **Reflections** We name the wrong names, fall in love with the state all over again, haul Beelzebub before The Hague, get slapped with a torture warrant, and die fat and happy in the 'burbs.

Features

21 **Microsoft Capitulates** In settling their antitrust battle, Microsoft and the government both surrendered something, *Dave Kopel* explains, but the real losers were computer users and justice in America.

25 **Terror, War, and Rock 'n' Roll** As *Sarah McCarthy* demonstrates, New York City, a Pakistani cab driver, and Mick Jagger's body add up to one hell of a weekend.

29 **Toward Martial Law** *Robert Levy* introduces you to the USA PATRIOT Act. Well, the Bill of Rights was nice while it lasted.

31 **The Mussolini of Maui** Drastic times call for drastic measures. At least that's what Hawaii's governor would like us to believe. *Malia Zimmerman* profiles the biggest, baddest, power-hungriest governor since Huey Long.

33 **Muslims in Paradise** *Alexander Boldizar* explores an island where tourists roam, religious strife abounds, and every 50 years the elite fight to the death.

37 **New Perspectives on the Cold War** For almost a half century, the Cold War was the greatest threat to human life. Or was it? *Stephen Browne* offers a perspective from Eastern Europe.

41 **Open Minds, Closed Borders** Open borders mean prosperity, freedom, and happiness. So, *Ken Schoolland* asks, why are so many libertarians turning against them?

Reviews

45 **Globalization, Little Buddy!** What is the real meaning of *Star Trek*? What is the true inwardness of *Gilligan's Island*? *Stephen Cox* knows the answers.

48 **Bystanders to Success** For too many of the world's people, success is just a fantasy. *Jane Shaw* finds part of the reason in a new book.

50 **Child Porn on the Net** *Bradley Monton* shows why we should worry about the twisted subculture of child porn on the World Wide Web.

52 **The Literature of Business** Writers are businessmen themselves, *Martin Morse Wooster* observes, so why do they portray other businessmen as villains?

53 **Gold and Mr. Greenspan** If Mr. Greenspan is in favor of the gold standard, why hasn't he brought it back? *Bettina Bien Greaves* explains.

47 Notes on Contributors **54 Terra Incognita**

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Letters

The USA: Everywhere It Shouldn't Be

"Bin Laden's objective," Jon Basil Utley speculated to Hernando de Soto, author of *The Other Path*, "is the expulsion of American interests from the Muslim world."

"No, no," replied de Soto, "it's more than that. He wants American interests out of the whole Third World."

How is it that the Peruvian de Soto understands bin Laden's motives, but some contributors to *Liberty* (November, December) don't? Because he has perspective and your Sarah McCarthy and Stephen Cox are unenlightened, narrow-minded, and myopic.

Let's bring both Osama bin Laden and the U.S. government before an international tribunal. And I don't mean a United States-sponsored kangaroo court like the one in The Hague. Instead, they should be tried before a court composed of, say, one judge from each of the world's nine most popular religions. McCarthy and Cox might be surprised by the verdict.

Geb Sommer
Lexington, S.C.

Know Thine Enemy

Is some latent fear that libertarians might be considered wimps being expressed in the December *Liberty*? We are treated, on page seven, to a cartoon mocking anyone who is interested in understanding the anger that people around the world feel toward the United States. A few pages later, in "No Time for Fantasy," Stephen Cox condemns any outcry against the words "Nuke 'em all." Then Sarah McCarthy, in "Rage Now!" indulges herself with phrases like, "Good riddance to you, you miserable sexist, towel-headed mutant." Feel better now, Ms. McCarthy?

Let me make it clear: I support the pursuit of criminals. No action by the U.S. justifies the murder of innocents. But perhaps I missed the places where Cox, McCarthy, and other self-congratulatory hotheads ask whether our assumption of bin Laden's guilt in the Sept. 11 attacks might require some actual evidence. Do they take George W.'s word at face value? I don't. I remember all too well Clinton's bombing the aspirin factory in the Sudan to distract from his weeniegate problems. Did Cox and McCarthy also support that action? If not, might they please explain on what basis they support the paving over of Afghanistan in pursuit of someone who might have been involved in the planning for Sept. 11?

I am not particularly interested in understanding the thoughts of actual murderers; they must in any case stand trial for their crimes. I am, however, very interested in understanding the hearts and minds of millions of Muslims who are *not* criminals. I suggest that the arrogant dismissal of such efforts does not foster the security of this nation. And I am frankly surprised to find the pages of *Liberty* given over to such a mentality.

John A. deLaubenfels
Duluth, Ga.

No Time for Hubris

Terrorist attacks, says Professor Cox ("No Time for Fantasy," December), will continue until (1) terrorists get bored, or (2) we kill them, or (3) we "neutralize" states that support them.

This list does not even touch the real cause. Terrorist attacks will continue until we identify causes and eliminate them.

Consider just one example: We have blockaded and sporadically bombed Iraq for a decade. Shall we walk away fat, dumb, and happy thinking none of the injured would ever plot to smack us upside the jaw? We have not killed 5,000 people there. The Iraqi death toll is closer to 500,000; half of them children. Yet nowhere does the author acknowledge that we may have pro-

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voked justifiable resentment. The question is dismissed as merely "interesting in some respects." No lie. Hubris is what got us into this mess.

Jack Dennon
Warrenton, Ore.

Stupid Liberal Arts Graduate

Hey, I've been reading you guys for years, and it's always a pleasure; sometimes a bit crazy, but a pleasure nonetheless. But, y'know, while there is much to like about R.W. Bradford's "Terror!" article: "Even so, my first thought was that the design of the World Trade Towers must have been seriously flawed, if an ordinary commercial jet could bring them down."

Ummm. Liberal Arts graduate, are we? This is outright stupid. Got news for you, old son — any teenager in a Toyota could drive right through your house, if he didn't care about dying in the process. A commercial jet, traveling at speed, has an ungodly amount of energy behind it. The only wonder was that the Towers didn't collapse instantly. Yes, you could maybe, possibly make a skyscraper jet-proof or a house safe from nuclear weapons. Unfortunately, no one would be able to afford to live in them.

Someone's been watching too many Roadrunner cartoons. Real-world physics doesn't allow you to bounce back after a 2,000-foot drop. Think once.

Tom Hanlin
Englewood, Fla.

Bradford responds: In October, the History Channel broadcast a documentary on the building of World Trade Center that it had produced before the terrorist attack. It included an interview with Frank De Martini, manager of World Trade Center construction, who said, "I believe the building probably could sustain multiple impacts of jetliners." Apparently I wasn't any stupider about this than he was, though I am now more alive, thanks to the fact that he was working in his office in the WTC when the attack occurred.

For the record, I am aware that a Toyota can go through a house and that a jet can go through a building. I didn't say anything to the contrary. But there is a difference between the ability to "drive right through" my house or a high-rise building and being able to "bring them down."

As to whether this is a "design flaw," I invite you to consider a somewhat similar situation. You own property on a barrier island where hurricanes occasionally hit, sometimes with winds of more than 100 mph. You build a house that will collapse and kill all within it if it is hit with wind of 75 mph. Is there not a design flaw here?

The parallelness of these situations depends, of course, on whether the risk of an attack by an aircraft hijacked by suicidal terrorists is roughly the same order of magnitude as the risk of hurricane is in the first example. I think it is.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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From the Editor . . .

America at war is America the hysterical, and America at war with terrorism is no exception. In a lttle-noticed proclamation on Oct. 31, the Bush administration has put an end to the long-cherished right to consult confidentially with one's attorney. In Hawaii, the state Legislature has passed the Economic Emergency Gubernatorial Powers Act, which gives dictatorial power to its governor so that he can deal with the reduction in tourism there in the wake of the Sept. 11 attacks. Congress has enacted the USA PATRIOT Law, gutting the Bill of Rights.

Other developments are just plain silly: Phoenix has made it a criminal offense to view architectural drawings of structures owned by the government; the FAA has grounded news helicopters in 39 cities. And don't expect aerial views of football games: The FAA has grounded the Goodyear blimp.

In this issue, we track the course of some of this hysteriaBob Levy of the Cato Institute analyzes the PATRIOT Act, and journalist Malia Zimmerman tells the bizarre story of Hawaii legislature's giving virtually unlimited power to the Aloha State's governor.

While one jihad heated up, another ended with a whimper. The Clinton administration's jihad against Microsoft was ended by a truce between the successor regime's Justice Department and the battered Microsoft. David Kopel, author of *Antitrust After Microsoft*, examines the settlement and discovers what consumers — and the American legal system — lost.

Elsewhere in this issue, Sally McCarthy puts a box cutter in her bra (on the off chance she run runs into an Islamic terrorist) and goes to the Concert for New York City to watch sexagenarian Mick Jagger strut his stuff. Alexander Boldizar sends a dispatch from Indonesia about struggles between Hindus and Muslims there. Stephen Browne looks back at the Cold War (remember that?) and draws some startling conclusions. And Ken Schoolland looks at the right to immigrate — and how it is losing support even among libertarians.

Our review section manages to avoid the war on terrorism altogether, a welcome relief for many, I suspect. Stephen Cox looks at American popular culture and Paul Cantor's *Gilligan's Unbound*, Jane Shaw takes issue with Hernando de Soto's look at the real cause of Third-World poverty, Bradley Monton looks at child porn on the Web, Martin Morse Wooster looks at the sorry state of entrepreneurs in literature, and Bettina Bien Greaves reviews a new book on Alan Greenspan.

As usual, we begin with a dose of salubrious feedback from our readers, and an overdose of reality in our *Reflections*.

R. W. Bradford

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We live in a country in which 35,000 jets take off daily and which has no effective means to prevent their being hijacked, despite the existence of thousands of potential suicidal terrorists. Designs of skyscrapers that do not take this into account are just as flawed as designs of homes in the hurricane belt that fail to take into account the possibility of high winds. If Mr. Hanlin is correct when he says that it is a wonder that the Towers didn't collapse instantly, it only strengthens the argument that their design was flawed.

So I am not convinced of that my "initial reaction" was "stupid."

But I remain convinced that it a "serious design flaw" to build a structure that vulnerable to such a easy-to-execute attack by any small group of suicidal terrorists who have the wherewithal to buy box-cutting knives, razors, plane tickets, and sufficient training to be able to steer an aircraft into it, especially when the result of such an attack will be the loss of thousands of lives.

The solution is simple, and is not even expensive: Instead of building vulnerable high-rise buildings, build low-rises. Such structures, of course, can still be damaged and some of their inhabitants killed by a suicide jet attack, but the loss of life and the property damage are far less. As a specimen of such a structure, look at the Pentagon. Each of WTC tower attacks killed about 3,000 building occupants; the similar attack on the Pentagon killed 120, about the same number of casualties one would expect if a jet crashed into a bowling alley or a small supermarket.

But perhaps this thinking is a tragic result of my liberal arts education . . .

Leonard, I Knew Ayn Rand, and You're No Ayn Rand!

I was sorry to read in the December *Liberty* (*Reflections*) of Brien Bartels' young friend's intellectual and emotional demise, parroting Leonard Piekoff's foolish performance on *The O'Reilly Factor*.

I "knew" Ayn Rand intellectually from the '60s, at a discrete distance, and can guarantee that Piekoff is no Ayn Rand; in fact, I could speculate a lot further than that.

I disagree entirely with the "cult" designation by some dilettantes of late (like the spoon, they never have tasted the soup) of all the millions today that find Objectivism a very successful philosophy for surviving on this planet. Perhaps the original cadre (Brandens, etc.) were something of a mini-cult.

Jesus had his twelve cultist-disciples, too. He also had his Judas.

Ayn Rand has her Piekoff. Why she picked such a lightweight as her heir has always been beyond me. I suggest Bartels' friend bypass Piekoff and go back and reread Rand for himself. He is not lost, just sidetracked!

David H. Jones
Raleigh, N.C.

Cry Treason!

I found your articles about the terrorist attack so un-American and borderline treasonous that I can no longer waste my time with this trash — I had no idea that libertarianism allowed individualism to go to this extreme.

William J. Hayden
Lee's Summit, Mo.

He May Be a Crook, but He's Our Crook

I just read R. W. Bradford's comments on the Harry Browne mess in the November *Liberty* ("Showdown in Las Vegas"). It occurs to me that the reason the Democrats control the country is that they are willing to rally behind their scoundrels despite sexual misconduct or treason, and until Libertarians are willing to do the same, they will never have an opportunity to lead the nation.

Don Post
Port Hadlock, Wash.

The New Harry

Your article "An Encounter with Harry Browne" (October) was uncompromising and, as usual, very interesting.

I was quite frightened by Harry's make-them-do-what-you-want-for-their-own-sake speech. Is he the same guy who used to speak about freedom as "the ability to live your life as you want to live it"?

I fear we must admit the worst: Harry has become a politician. He blatantly lies, he won't listen to facts, he doesn't respect his friends anymore. Sadly, he reminds me of the French president, Jacques Chirac.

Libertarian ideas are sound enough to exist — and thrive — without a

continued on page 20

Reflections

Friendly fire — A little-noticed news item in *The Wall Street Journal* (Nov. 9) reports that the extremely virulent form of anthrax — the Ames strain — was kept alive by the U.S. Army, which has for years financed academic research about anthrax for possible germ warfare use. Whoever got hold of the anthrax and mailed it to various politicians and news organizations apparently stole it from one of seven laboratories financed by the Army. So while we don't yet know whether the anthrax attacks are part of Osama bin Laden's terrorist campaign, we do know that they are the product of the Army's germ-warfare program and the loose security around its research facilities. — R.W. Bradford

The Big Sky rumbles — "After great pain a formal feeling comes." That's about where we are now, those of us who didn't lose anyone we loved on Sept. 11. We have gone back to a normal life, although perhaps in a kind of wooden way. There are some differences, of course. I read Jane Austen novels now instead of Nelson DeMille's.

It is Veterans Day, and that focuses our thoughts a bit. A radio host said we should telephone any veterans we know, and for the first time ever it occurred to me that my father is a veteran, not "someone who served in World War II." The Sunday sermon quotes from the Gettysburg Address. The Sunday comics are patriotic and sentimental. Even Garry Trudeau is a little gentler: "Psychologists are cautioning the public that a 100% approval rating does not actually make someone smarter," says his White House correspondent.

And three days ago, two F-16s, 30,000 feet above our small town, caused two sonic booms in the middle of the night. People ran to the windows, they called 911, they talked about it the next day; it made the front page of the newspaper. I guess that is the way it will be for a while.

— Jane S. Shaw

Dereliction of duty — The new anti-terrorist act includes a laundry list of new powers for the federal government. But the issue, as is often the case, is not so much that the government did not have the powers to fight terrorism but that the powers it already had were not being adequately used. In the incidents of Sept. 11, we find gaping holes in U.S. security enforcement. First: Mohammed Atta, the apparent ring-leader of the hijackers, was on the Customs Service watchlist, yet he was able to obtain a U.S. visa and come and go several times. Another hijacker was put on the CIA watchlist after it was determined he had a role in the bombing of the USS *Cole*. Second, at least one "suspicious financial activity" report was filed on Atta by a Florida bank, after he received numerous wires from overseas. As is usual with these reports, nothing happened. They were simply buried along with the millions of others. Thirdly, the World Trade Center roofs were locked, in violation of fire codes. However, the Port Authority, as a government entity, is exempt from fire codes. We could go on and on. We are not here arguing whether the powers the government had prior to Sept. 11 were appropriate. But we are saying that, as usual, the government has failed to use the tools it has, and does not need any more powers. — Adrian Day

Feels good, but wait for the hangover — When is a "stimulus package" not a stimulus but a drag? When it relies on coercion — taxes or inflation — to pay the costs of the stimulus. What A, B, and C gain is at the expense of X, Y, and Z. And the bureaucrats take a cut off the top for arranging the transfer. — Bettina Bien Greaves

Soar like a turkey — I got a message the other day from the postmaster general. Maybe you got one, too. It didn't mention anthrax, but that's what it was about. Speaking on behalf of my deepest biochemical anxieties, it asked, "What should make me suspect a piece of mail?"

The problem was, the answers that the postmaster gave to that question described a large proportion of the mail I receive.

"It's unexpected or from someone you don't know . . . It's lopsided or lumpy in appearance . . . It's handwritten and has no return address or bears one that you can't confirm is legitimate. . . ." Most of the stuff that appears in my box emanates from no legitimate return address — it's junk mail. A lot of the rest is from people I don't know, because the post office can't do its sorting right. (I get mail from people who have the same apartment number, except that the apartment is on another street, two or three miles away. How does the post office manage that?) And you'd be "lopsided or lumpy in appearance," too, if the post office mangled you the way it mangles my mail.

Recognizing that danger, some of my correspondents put their mail in the suspect category by sealing their letters "with excessive amounts of tape." But all of my mail, without exception, bears the final mark of Cain: "It has excessive postage." Considering how bad our mail service is, any postage whatever must be regarded as excessive. — Stephen Cox

The Devil and Osama bin Laden — Hearing all the blather directed at those who would apply the rule of law even to Osama bin Laden and the Taliban, I am reminded of this exchange from Robert Bolt's "A Man for All Seasons":

Roper: So now you'd give the Devil benefit of law!

More: Yes. What would you do: Cut a great road through the law to get after the Devil?

Roper: I'd cut down every law in England to do that!

More: Oh? And when the last law was down, and the Devil turned round on you — where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast — man's laws, not God's — and if you cut them all down — and you're just the man to do it —

d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

— Sheldon Richman

Distinguished Professor of Torture — I was surprised to read in the *St. Louis Post-Dispatch* that, along with the FBI, Professor Alan Dershowitz of Harvard Law School called for a "national debate" about the circumstances in which torture is permissible, and who should decide when to use it. He even suggested that courts issue "torture warrants" in extreme cases.

Although he is a professor of law at one of the country's most prestigious law schools, Dershowitz needs to reread the Constitution and spend some time examining the host of international treaties that strictly forbid torturing detainees and injecting them with mind-altering drugs.

Dershowitz's suggestion that the country create a new type of warrant, known as a "torture warrant," is preposterous on its face. I can scarcely think of a legal proposition that is more fundamental to our legal system than the presumption of innocence — a presumption that is grossly violated when the police are permitted to torture and drug suspects. For good reasons, our system does not permit judges to impose torture as punishment even after conviction of a crime, and our system certainly does not sanction the use of torture or forced drugging against people who have merely been detained by police.

The Fifth Amendment guarantees that no person "shall be compelled in any criminal case to be a witness against himself," and protects all people on U.S. soil, whether citizens or not. Torturing a person, or pumping him with drugs in order to extract a confession, is inherently coercive and renders any subsequent statements "compelled," involuntary, unreliable, and unconstitutional.

An absolute bar on government-imposed torture and drugging exists worldwide and is codified in numerous international treaties. Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and

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Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

Likewise the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture), prohibits "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession."

Further, when the United States ratified the Convention Against Torture, we expressly acknowledged that "torture" includes "the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality."

While chastising the government's tapping of phones to enforce Prohibition-era laws, Supreme Court Justice Louis Brandeis observed: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding." (*Olmstead* v. *United States* (1928) 277 U.S. 438.)

In our rush to bring the Sept. 11 terrorists to justice, let's remember and respect the fundamental values that distinguish the United States from rogue terrorist groups. In our efforts to secure the homeland, let's not copy the terror techniques of our attackers. — Richard Glen Boire

A crash in the Rockaways — On Nov. 12, two months and one day after terrorist-commandeered commercial airplanes slammed into the World Trade Center, another American Airlines jet crashed into the Belle Harbor section of the Rockaways peninsula of Queens. Fronting directly on the Atlantic Ocean, running from west to east, the Rockaways is a reinforced sandbar, less than one mile wide for most of its eleven miles. On the outskirts of the city, yet serviced by the subway, it is scarcely known to most New Yorkers, let alone the rest of the world. I've come to know the peninsula well in the course of planning to relocate there. The crash occurred around 129th St., slightly more than three miles away from my property at 67th St. In the Rockaways, as in Manhattan, there are 20 blocks to a mile.

One risk of living there, already familiar to me, is that all the planes from JFK take off at various angles directly over the Rockaways. The French Concorde, recently returned to service, is particularly noisy and noisome. Between the sandbar and JFK airport lie several miles of Jamaica Bay, which has islands various in size, only one of which is populated.

What I cannot understand, as I write the day afterwards, is why the plane crashed into Belle Harbor, where the peninsula is only a few blocks wide, rather than into several miles

The Perils of Unregulated Naming

He has had a name since before he was born, but today we went down to the Wola district registry office to register his name officially and get his birth certificate so that he can get his Polish citizen's number and his American passport.

Monika had wanted to name him Jerzy ever since we found out he would be a boy, because she has relatives she likes who bear that name. I suggested as a joke that he should be Jerzy Washington Browne but Monika liked it (she wouldn't, however, go for Robert E. Lee Browne). Then came the attacks on New York and Washington and the name was no longer a joke. I vowed that my son would be named for the man of rigid honor and inflexible purpose who led his country through its greatest crises.

So we went down to the registry office; driver's licenses on the ground floor, kid licenses on the second. There was a slight problem with our choice. It turns out that Polish law has an official list of approved names. Names must come from the list unless you are a foreigner. I am but Monika isn't. Furthermore, they insisted that "Washington" was not a given name but a surname. The director of the bureau had to be called in.

So I held the baby while Monika did nice-stubborn — an accomplishment I mightily admire. I do hostile-stubborn. The director pointed out that "Washington" is a city, a state, and a surname — but not a given name. Monika mentioned George Washington Carver, whom the director had never heard of. I contributed that he invented peanut butter. (At this point I recalled that my sister Liz had predicted that even Poles would think he's black with a name like Jerzy Washington Browne.) The director justified himself by saying, "Why if we let everybody pick just any name somebody might name his child "Srubka" ("Screw"). Monika responded, "I'm not naming my child Screw I'm naming him Washington."

The director then discovered something wrong with my own name: Stephen Wayne Browne. He said, "Wayne isn't a first name, it's a last name, like John Wayne." Monika assured him it is a first name and said that anyway I've been wearing it for 50 years and there is nothing he can do about it.

The director said that we were on the banks of the Vistula, not the Potomac, and that if we gave our child a name like Washington he would have problems later in life. Monika replied that America was going to be his other home and there he would have many more problems with Jerzy. (That's pronounced Ye-zhay, not "Jersey.") Anyway, she said, who uses their second name anyway? It's supposed to be symbolic.

Monika succeeded with the director by being stubborn but not offensive; something I would never have been able to do — I was about ready to snatch the baby and head for the embassy. Finally we were allowed to register the name, subject to review by higher authorities who may yet try to overrule us. Diplomatic incident, here we come!

— Stephen Browne

of Jamaica Bay to the northeast or the infinite expanse of the Atlantic Ocean to the south. It would have been quite easy for a conscious pilot to hit water. That may have provided a better cushion for a falling plane and caused less damage. Hitting land is so unlikely that I'm not aware of any previous plane crashing into the Rockaways.

These considerations indicate to me that the pilot must have completely lost control before he could redirect his plane into water or even express alarm into the voice recorder. Then the question is, what could have prompted such a quick loss of control? So far commentators haven't focused on this anomaly, though I suppose they will by the time this reflection appears.

My fear is that government authorities want to avoid considering, or at least having the public consider, the option of sabotage. By hiding the question they are suspiciously obscuring the most obvious conclusion.

Don't be surprised if the motive has something to do with the fact that nearly all those who perished came from a single ethnic group.

My condolences go out to relatives of people on the plane and my Rockaways neighbors on the ground.

— Richard Kostelanetz

Caution: Sharing risk may be hazardous to your health — The debate over whether airport security employees should be made federal employees is only half the story. It has been asked why a private airline would be so apparently negligent in security. In addition to the obvious factor that until Sept. 11, the terrorist risk at U.S. airports was not deemed significant, there's something else. Responsibility for security was shared by the airlines, the airport, and the FAA. When everyone is responsible, no one is responsible. Better one party is clearly in charge and clearly responsible.

— Adrian Day

The market for safety — Adrian Day suggests that airport security would be better if a single entity were responsible for it, whether that were the government or some private group. I agree that it is important for responsibility to be taken, but I don't see why it must be taken by a single entity.

Another way to improve security would be to treat it in the way in which other services are treated. Airlines could offer any warranty they pleased to passengers and be held to those warranties. Some might guarantee safe transport, and back up that guarantee with a pervasive security system, complete with passenger, aircraft, employee, and baggage searches. At the other extreme, some airlines might make no warranty at all and allow passengers to board with no searching, profiling, or even identification. They might even want to make "travel at your own risk" a condition of boarding an aircraft, the way that baseball teams inform spectators that they are voluntarily accepting the risk of being hit by an errant ball or bat.

Of course, the airlines would have to be allowed to discriminate in any way they pleased with regard to the passengers whom they would allow to board an aircraft. Individual airlines could set their own policies on whether to search passengers, how intrusive the search should be, etc. If a passenger didn't like the kind of search one airline has, he could select another with a less-intrusive search choose another means of transportation, or stay home.

If the airline guaranteed passenger safety and one of its planes were hijacked, it would be subject to lawsuit and possible bankruptcy. If it guaranteed only to take certain precautions and its aircraft were hijacked, it could be held liable only if it had failed to take those precautions. If it made no security guarantee at all, allowing quick boarding and no waits at the airport (i.e., if it treated passengers the way subways do), surviving heirs of victims of hijackings could not sue at all (and the airlines might have a difficult time finding passengers).

This approach — that is, following traditional common-law contract and liability law rather than the legal interventionism that has grown more and more widespread in recent years — would be no panacea. But freedom and competition and innovation are much more likely to reduce the danger of hijacking than the current policy of the government's deciding a single approach, imposing it on all airlines and all passengers, and taking no responsibility when it fails. It would also foster and reward people taking responsibility for their own safety, rather than relying on a government one-size-fits-all program of the sort that failed so miserably on Sept. 11.

— R. W. Bradford

Don't know much about history — I may be overly sensitive to the things that politicians say. Certainly it's a morbid tendency to follow political speeches with more attention than the speakers themselves have given them, even if (as is very common) that attention has been minimal. Still, I can't resist commenting on the bizarre views of American history that so frequently get embodied in their remarks.

Take, for example, Mark Green's weird speech on the occasion of his defeat by Michael Bloomberg in the New York City mayoralty race (Nov. 6). Green's "concession" speech was a mixture of self-pity and catty put-downs of Bloomberg for having stolen an office that had obviously been invented solely for Green. The embarrassing performance culminated in Green's impassioned recollections of the Sept. 11 attack. "Believe me," he intoned, "no American

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city has ever suffered a murderous attack . . . the way New York has." Then he lectured Bloomberg, the miserable winner, on his obligation to put his shoulder to the wheel and his nose to the grindstone and start to "rebuild" New York.

Now, listen. I'm still shell-shocked about Sept. 11, but nobody should be so shell-shocked as to believe that New York City is lying in ruins after the "murderous attack," or that if it were, only the mayor would be able to rebuild it. There is every reason to believe that if the mayor arranged police protection for the worksite and left for a year-long vacation, taking the other politicians with him, he would find the city nicely "rebuilt" by the time he got back. That's how private investment works. That's how the capitalist system works.

Because that's how people work. They don't sit around looking at ruins; they clear them away, and they start rebuilding, whenever the land that the ruins occupy has any value. That's what happened after the 1906 earthquake and fire in San Francisco, despite the fact that San Francisco had suffered incomparably more damage, in proportion to its size, than did New York in 2001. And that's what happened in Chicago, Detroit, and innumerable other American cities that were destroyed by fire in the 19th century. Those were the days, mind you, before big government.

It grieves me to say this, but plenty of American cities have suffered more murderous attacks than New York suffered this year. During the Civil War, most large cities in the South were attacked and destroyed. Did Green ever see pictures of the ruins of Richmond in 1865?

A few days ago, I visited San Francisco's Swedish Hall, a beautiful gathering place for the Swedish-American community. The hall was constructed in 1906. "It must have been hard, building this place so soon after the earthquake," I said. "Oh yes," replied one of my hosts. "Lumber was in short supply, and labor was expensive. But the members pitched in, and got it built." Nobody seemed surprised that the Swedes didn't just stand around and wait for the mayor to put the roof on — and nobody should have seemed surprised. That's the way things are supposed to be. Then there was an additional comment: "They couldn't have built it anywhere near as fast today, with all the regulations and so on." Exactly right.

But let's go back to the earlier part of Mr. Green's remarks, the part about the uniquely murderous attack on New York. It grieves me to say this, but plenty of American cities have suffered more murderous attacks than New York suffered this year. During the Civil War, most large cities in the South were attacked and destroyed. Did Green ever see pictures of the ruins of Richmond in 1865? I can't see that the plight of cities like Richmond was lessened to any perceptible degree by the fact that the attackers happened to be Americans, not Saudi Arabians.

Perhaps Green would like to reflect on the fact that the Revolutionary War was fought almost entirely on American soil, and that it, too, resulted in quite a lot of nastiness in urban areas. He might also recall that during the War of 1812, the British captured the city of Washington and did what the terrorists of 2001 did not succeed in doing — they destroyed the White House and the Capitol.

In *Liberty*'s last issue, I noted House Minority Leader Gephardt's wild assertion that in the Sept. 11 disaster "we lost more people on our soil than in any conflict in history." Democrats are always saying strange things, but this is one of the strangest. During the age of Nixon, Sen. Sam Ervin made himself ridiculous by talking about Watergate as the most serious crisis that our nation had faced "since the Civil War"; now Gephardt has forgotten that the war ever happened.

But I don't want to confine my attentions to Democrats. On Oct. 31, President Bush said that it was no surprise that "consumer confidence is down. After all, we're at war, and for the first time in American history, part of the battleground is here at home." Following remarks like that, I wouldn't be surprised if intellectual confidence were down. After all, we're at war. — Stephen Cox

Terror vs. trade — I was talking the other day with a man seriously involved with public ports. He described how systems at airports and seaports were not designed for the sort of security now being imposed. The whole flow of people and goods, the delivery trucks, the parking of air passengers' cars, the parking of airplanes, the inspection of ships, the stuffing and certification of containers — all of it, the whole system, was designed in the innocent age in which the paramount value was trade.

Now the arteries of trade are to be clogged with more inspectors, maybe federal employees with public pensions and mandatory dues to the public-employee unions; more machines able to spot a greater number of knives, knitting needles, and guns; and more Guardsmen on patrol.

I do not argue, as some do, that all this is useless. Sure, procedures can be gotten around. So can the deadbolt on my front door. But I am safer with the deadbolt than without it. Nor do I buy the idea that the ultimate safety is to let everyone pack Rugers and Glocks onboard commercial flights. Pilots, maybe; passengers, no thanks.

Security creates no new wealth; it merely safeguards what is, and makes all things more expensive. At the ports, new security procedures amount to a blanket tariff on all goods and people crossing the national border. As Bastiat said, a tariff is a human blockage. Dig a tunnel to make it cheap to cross the mountain range, and slap on a tariff to make it expensive again. We have cut the cost of transport by building bigger and faster ships and airplanes, and now we cancel out those gains by making everyone wait in lines.

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That doesn't mean I'm against it. I'm for some of it. I do resent having to have it. — Bruce Ramsey

What's treason one day is patriotism the next — This is a weird world. A good share of the mail that *Liberty* has lately received has excoriated us either for being absurdly pro-war or for being unpatriotic in opposing the anti-terrorist campaign. *Liberty*, of course, has published a variety of opinions, ranging from enthusiastic support for war against Muslim terrorists to outright pacifism in response to their attacks. But you'd never get a clue of this from the letter-writers. Those who favor a broad war on terrorism seem only to have read the commentaries we've published that warn against too wide a war; those who oppose a broad war against terrorism seem only to have read the commentaries calling for an aggressive war against Muslim terrorism.

Letters written to me personally have been weird, too. In the November *Liberty*, I told how I'd spent Sept. 11 going about my business normally, until the evening, when I caught up on the news about the attack and committed my thoughts to paper. The most notable of my thoughts were the ideas that (a) reacting the way most Americans reacted — by abandoning their daily routine, watching television reports of the same news over and over, wallowing in anger and hate — was to do exactly what the terrorists wanted; and (b) Americans in general were simply overreacting to the events — I cited episodes like the closing down of the state-owned ferry system in the Puget Sound — and would likely continue to overreact.

I received several letters denouncing me as unpatriotic for failing to spend my entire day in front of my television, as the writers had, and for failing to get madder and madder at Osama bin Laden and Muslims all day — or all month, for that matter.

As I write these words, I have the overnight news on the television in the background and several times I have noticed a public service announcement from the Ad Council hectoring me to be a patriotic hero by refusing to change my daily routine in response to terrorism. I wonder: Is the Ad Council being bombarded with letters denouncing it and its advertising as unpatriotic? — R. W. Bradford

Vox Populi, Vox Dei? — The government has become a good deal more popular of late, which raises some interesting questions for the sociology of knowledge.

According to a *New York Times*/CBS poll as reported by the *Times* (Nov. 3), 55% of the respondents trust the government "to do what is right most of the time," up from just 33% expressing such trust prior to the Sept. 11 attacks.

According to a recent *Washington Post* poll, 53% of Americans think the government "is run for the benefit of all the people," up from just 35% likewise deluded shortly before the attacks.

Let's see if I understand what's happened. Not long ago, most people expressed little trust in the government, and believed it was run primarily for the benefit of the political in-crowd. Then, hijackers commandeered four airliners, crashing three of them into large, symbolic buildings in New York and Virginia, with great loss of life. Subsequently, people believed the government to be trustworthy and devoted to the broad public interest.

I would feel better about this seemingly nutty sequence of events if I thought the people being polled in the wake of the Sept. 11 attacks were simply more afraid of the government and therefore more inclined to express positive opinions about it, lest somehow they get themselves in trouble with the authorities.

Unfortunately, I cannot credit that interpretation. Instead, I attribute the public's newfound confidence in government to a species of frightened-herd mentality all too manifest in a variety of other forms during the past couple months. Desperately wanting to trust their presumptive governmental saviors, many people have resigned themselves to — nay, rushed pell-mell to embrace — pure wishful thinking. — Robert Higgs

A New York kind of weekend — Friday, Oct. 19: My wife and I are on the Jersey Turnpike heading into the Holland Tunnel, a frequently mentioned target of Islamic terrorists, a 1.5-mile tube that runs under the Hudson River from New Jersey to Manhattan, and not exactly a fun ride even before we had these crazies around.

For the apprehensive, the Holland Tunnel's history isn't altogether calming or unjinxed. Digging began in 1920 under Chief Engineer Cliff Holland, a 36-year-old father of four from Brooklyn. Five years later, Holland died suddenly, of apparent exhaustion, on the eve of the day workers from the New York and New Jersey sides were to meet in the middle. Milton Freeman, the engineer of construction who succeeded Holland, was himself dead five months later. By opening day, the project had claimed the lives of 13 "sandhogs," as the tunnel's construction workers were called at the time.

Something big last happened inside the tunnel on May 13, 1949, when a chemical truck loaded with 80 drums of carbon disulfide caught fire during the morning rush hour. By the time it was over, ten trucks and cargoes were destroyed, 13 more were damaged, and wall and ceiling tiles were demolished for 600 feet. All told, the fire created 700 tons of

debris (and zero deaths).

Today, cops are out in force at the tunnel's entrance, and so, apparently, is racial profiling. Not looking much like commandoes for Allah, we're waved right through. Off to the side, a driver who looks more Palestinian than British is pulled over, waiting for a cop with a mirror attached to a long pole to finish looking under his van.

Of course, with 100,000 cars coming through the tunnel per day, the checking can't be more than hit-and-miss. As we exit the tunnel, WABC news is reporting that the FBI and NYPD are at the offices of the *New York Post*, checking for anthrax contamination.

It's times like this that a good economist naturally thinks about costs and benefits, and wonders if coming to ground zero in Manhattan for The Concert for New York City is worth the price. My wife's response: "If I'm going to die, I want to die at a rock concert. The suicide bombers have Allah. I'll take Mick Jagger."

Saturday, Oct. 20: A block from our hotel is a small fire station on 51st Street in Manhattan — Engine Company 8, Ladder Company 2, Battalion 8. On the wall outside are the names and pictures of the ten firefighters from this station who died at the World Trade Center. The sidewalk is overflowing with flowers, the walls are covered with notes and drawings from young kids.

"They bring flowers every day," explains firefighter Dave Offitto, "and drawings." His favorite message from the kids? He points to a crayon drawing of the World Trade Center, fire coming out of the windows and a fire truck on the way . . . and these words: "Dear Firefighter, Thank you for going to those daindrose (dangerous) buildings. I felt so mad I wanted to join the war. I wanted to go over there and fight them. I was so angry I broke my toy. And I beat my big brother up. Love, Dennis."

Another firefighter provides some details about Sept. 11: "The call came in during the shift change. Men going off duty came back and headed for the World Trade Center. At the command center, three of our guys were sent to the teens, the 13th and 14th floors, etc., and seven went to the 40s. We never heard from them again. Altogether, they had 15 kids. The youngest was 23 days old on Sept. 11."

All told, 343 firefighters and 23 cops lost their lives at the

Elián: Gone, but Not Forgotten

Historians often say that one should not write about an event until 50 years later. Only then can one understand its complexity.

Not so with the Elián González case. It was understandable from day one. It was as simple as a government-sponsored kidnapping camouflaged with family values blather.

What a bizarro world we inhabited back then, one that demanded, not the pen of a historian to draw rationality from the events, but a master of the ironic and surreal like Joseph Heller. The then-president of the United States, a perjurer, argued that the "rule of law" required that Elián be returned to a Communist dictatorship. That president, who had broken up several homes by his perpetual adultery, expressed support for the verdict by citing a father's bond with his child.

The attorney general, who oversaw the scorched bodies of Waco, spoke of the SWAT team raid as saving the little boy. Others saw little wrong with the rioters' actions in Los Angeles but attacked the restrained Miami Cuban demonstrations as terrorist activities. Jesse Jackson, so verbal when it comes to raids on crack houses occupied by blacks, had little to say about the government raid into the house of people of another color. The first lady, a self-described defender of children's rights, advocated the return of a child to a totalitarian regime where he will be indoctrinated by force.

The ironies did not end there. In the past, government-sponsored raids were conducted against Castro — recall the Bay of Pigs and Operation Mongoose. The Clinton regime conducted a raid for Castro. In Cold War times, it was the Democratic Party that appeared on platforms with anti-Castro Cubans. Now Elián's father, a loyal member of the Cuban Communist Party, appears amidst the pomp and splendor of a Democratic fund-raiser.

Presidential initiative was once pitted against totalitarian aggression: FDR's bombing of Japan, Truman's Berlin Airlift, Reagan's invasion of Grenada. Now it is used against ourselves. The Clinton government authorized a raid with no search warrant, kidnapped a refugee from a private home, and turned him over to waiting Cuban officials. It prevented this child from seeing his court-appointed lawyer, his Miami relatives, and media observers, while permitting Cuban agents to begin their brainwashing campaign using the "Young Pioneers."

Perhaps the greatest irony lies in the fact that not a word of protest was uttered by those who claimed to support human rights. No cries of governmental abuse from the ACLU. No cries of discrimination by the Rainbow Coalition. No serious attempts by Congress to investigate. Certainly no protest from the public, which saw the case as a normal custody procedure amidst the rampages of federal troops.

We were asleep then and we should be ashamed. Too many of us back then cared nothing about the Miami Cubans because they were people of another color. It was not our relative going back to Cuba. So we returned to our CDs, our videos, and our computer games, while the Constitution and human rights were chipped away by the Clintons, the Renos, and the Gregory Craigs of the world — those who wanted us to have a limited attention span, who wanted us to return to our inner worlds while they behaved like thieves in the night.

And all that is left is the empty house and the statue of the boy recently erected in Communist Cuba. But no reminder of the woman who lay at the bottom of the ocean.

— Ron Capshaw

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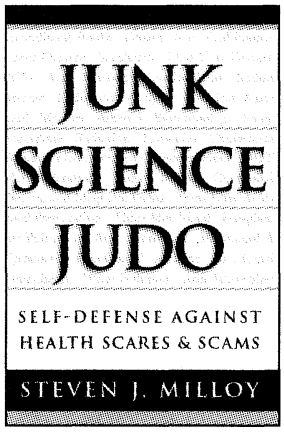

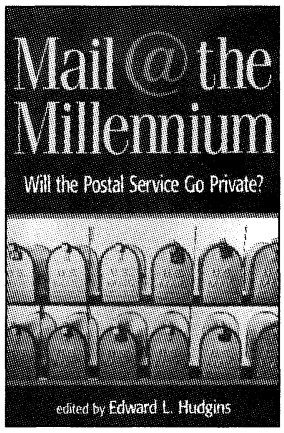

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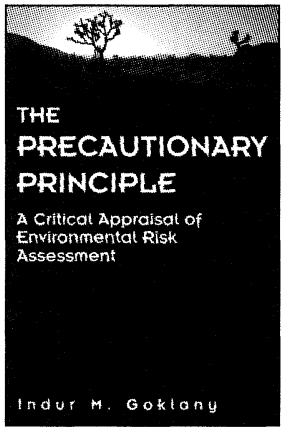

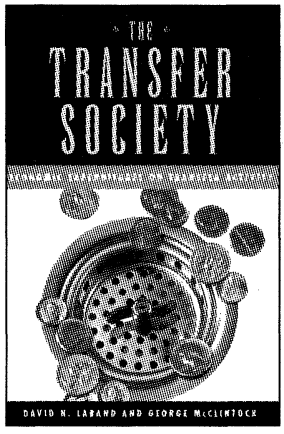

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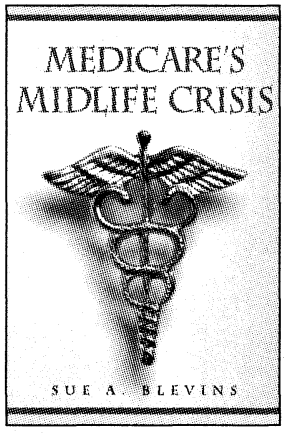

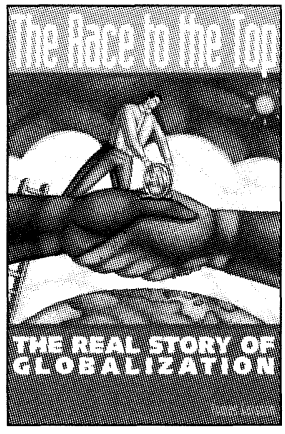

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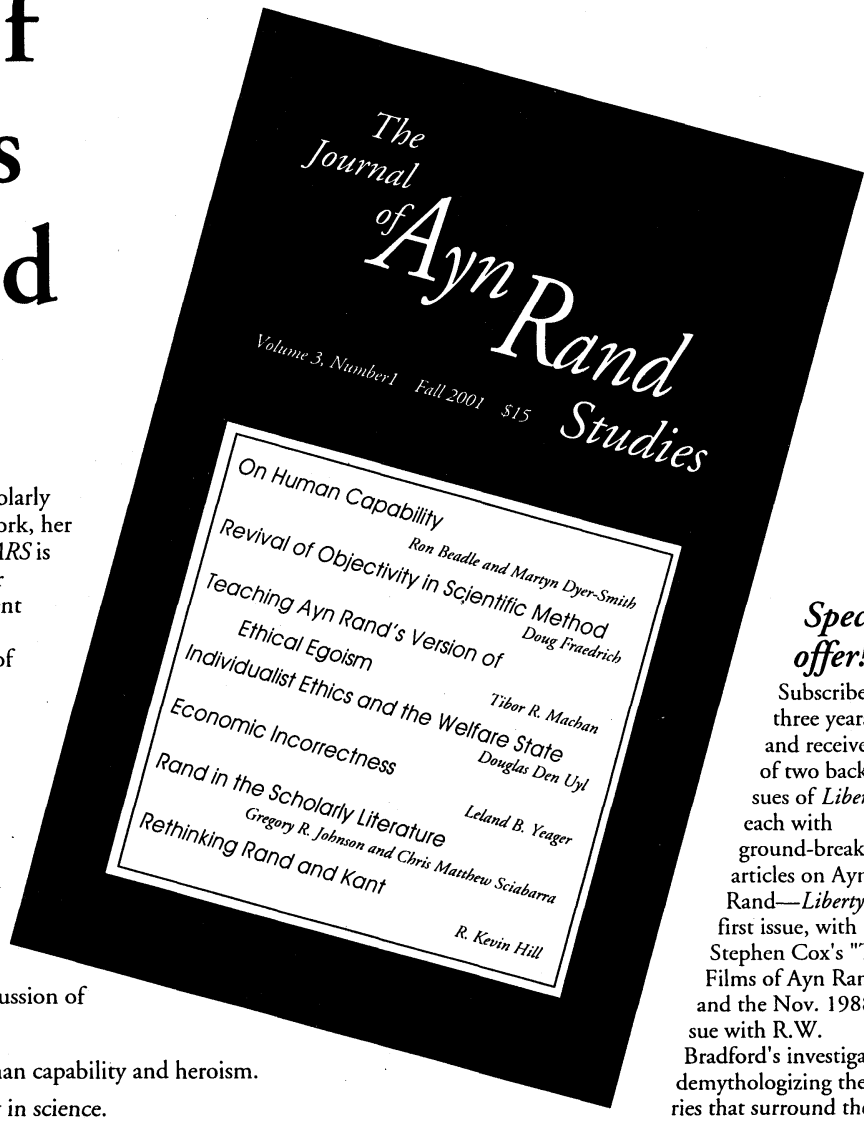

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World Trade Center. They ran into the buildings and up the stairs as everyone else was running out. A note posted outside the police station on 51st St.: "Do not stand at my grave and weep, for I am not there. I am a thousand winds that blow, I am the diamond's gilt on snow. I am the swift uplifting rush of quiet birds in circled flight, I am the soft stars that shine at night. Do not stand at my grave and cry. I am not there. I did not die."

And the concert? At 7:00 p.m. in Madison Square Garden, it felt like New York City was never more loved, that cops and firefighters were never more appreciated. It was a night of old songs with new meanings — David Bowie's "Heroes," Mick Jagger's "Miss You," The Who's "We Won't Get Fooled Again." And a night for a firefighter's 10-year-old son to get up on stage and say how much he missed his father, and a night for New York City to show that it didn't die.

— Ralph R. Reiland

Take my freedom, please! — Writing in the *Weekly Standard* for Nov. 5, David Brooks observes that "the next few years will be defined by conflict. . . . We will destroy innocent villages by accident, shrug our shoulders, and continue fighting. In an age of conflict, bourgeois virtues like compassion, tolerance, and industriousness are valued less than the classical virtues of courage, steadfastness, and a ruthless desire for victory."

I am left wondering when "a ruthless desire for victory" became one of the classical virtues. Such bloodthirstiness strikes me as merely barbarous.

Brooks goes on to observe that "the greatest political effect of this period of conflict will probably be to relegitimize central institutions," such as the military, the FBI, and the CIA. "We are now only beginning to surrender some freedoms," he avers, "but we will trade in more, and willingly."

Speak for yourself, Mr. Brooks. Speak for yourself.

— Robert Higgs

Freedom and materialism — Often we hear people wondering what it is that holds Americans together. We are so diverse ethnically, religiously, politically, and philosophically; many worry that we will break apart and turn against each other.

Alexis de Tocqueville, the Frenchman who visited America in the 1830s and wrote *Democracy in America*, came to believe that materialism is one of the things that keeps America together. "The taste for well-being," he wrote, "forms the salient and indelible feature. . . . It is the constant pursuit of small pleasures which keeps America from disorder and mob rule, which is their life-affirming passion. The love of well-being shows itself to be a tenacious, exclusive, universal, but contained passion. It is not a question of building vast palaces, of vanquishing and outwitting nature, of depleting the universe . . . to satiate the passions of a man; it is about adding a few toises to one's fields, planting an orchard, enlarging a residence, making life easier and more comfortable. . . . These objects are small but the soul clings to them."

In the end, Tocqueville had confidence in Americans' ability to defend their democracy, because he saw they had something to love. He saw, says Adam Gopnik, in *The New Yorker*, that "the pursuit of happiness is still our most radical idea." A chapter in *Democracy in America* considers how the love of the good things of life was what gave Americans' love of liberty an object. What Tocqueville saw as exceptional in America, writes Gopnik, "was that luxury and liberty, citizenship and consumerism, . . . set up housekeeping side by side." In his passage "How the Taste for Material Enjoyments Among Americans is United with Love of Freedom and with Care for Public Affairs," Tocqueville wrote that "Americans see in their freedom the best instrument and the greatest guarantee of their well-being. They love these two things for each other."

— Sarah McCarthy

"It is the constant pursuit of small pleasures which keeps America from disorder and mob rule, which is their life-affirming passion."

Four approaches to foreign policy — I went to a talk early in November by a senior fellow at the Council on Foreign Relations, Walter Russell Mead. With regard to foreign policy, he sorts Americans into four types: Wilsonians, Hamiltonians, Jeffersonians, and Jacksonians. These four, he says, appear and reappear throughout our history, and are all at play now in this fight against Islamic terrorists.

The Wilsonians believe in an international order based on law. They favor multilateralism, nation-building, human rights, and high-minded intervention. They would make the anti-terror crusade into a war for international law. Clinton was a Wilsonian.

The Hamiltonians believe in pursuing national interests, including economic interests, sometimes through multilateral coalitions and sometimes not. Whatever works. They believe in international order based on a balance of power. Bush is a Hamiltonian.

The Jeffersonians believe in defending the home territory against clear and present threats, and worry that militarism will reduce domestic liberty. They aren't interested in inter-

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national order. Nor do they focus on national honor, and tend to be more critical of their own country's acts abroad. After Sept. 11 the Jeffersonians were the ones asking what America had done to provoke such an attack.

The Jacksonians are believers in national honor, courage, and the well-being of the majority. They are pro-military, populist, unilateralist, and individualist. They are not interested in international law or of "blaming America first" for breaking it. They do not seek out foreign wars, but if they're in one, they want to win it. They opposed the war on Serbia — a Wilsonian war — but were willing to commit ground troops once we were in it. They are 100% behind the attacks on Afghanistan. John McCain might be called a higher Jacksonian, with the lower variety being the man with a flag sticker on his truck.

Libertarians are Jeffersonians — in theory. Judging from what *Liberty* has published in its last two issues, there is a strong Jacksonian strain in them — much more than there would be in left-wing Jeffersonians. There is a bit of Hamilton, too. Not much of Wilson. — Bruce Ramsey

Mill vs. Keynes — People are being asked to spend, spend, spend — out of patriotism and to forestall economic depression. But spending in itself does not prosperity make. Consider this advice of 170 years ago:

"Among the mistakes [of the classical writers] . . . was the immense importance attached to consumption. The great end of legislation in matters of national wealth . . . was to create consumers. . . . This object . . . was conceived to be the great condition of prosperity.

"In opposition to these palpable absurdities, it was triumphantly established by political economists that consumption never needs encouragement. . . . The person who saves his income is no less a consumer than he who spends it: he consumes it in a different way; it supplies food and clothing to be consumed, tools and materials to be used, by productive laborers. Consumption, therefore, already takes place to the greatest extent which the amount of production admits of . . . The usual effect of the attempts of government to encourage consumption is . . . to promote unproductive consumption at the expense of reproductive, and diminish the national wealth by the very means which were intended to increase it.

"What a country wants to make it richer is never consumption, but production." (John Stuart Mill, *Essays on Some Unsettled Questions of Political Economy*, 1830)

Today's economists consider themselves more sophisticated than the economists of yore. They would have government play market-manipulator, or God. Government should "stimulate" the economy by subsidizing some businesses and granting tax breaks to others. Congress has already passed a gigantic many-billion-dollar subsidy to the airline industry. How will it finance this and all other subsidies? It must tax, inflate, and expand credit. If it taxes to get money to pay for subsidies to some persons, the beneficiaries will have more to spend, but taxpayers will have less. No net gain there! Again, if government pays the subsidies by creating new money or expanding credit, the beneficiaries will gain but only by taking purchasing power from all owners of dollars and of fixed-dollar assets. No net gain there either! Or if the government tries to encourage investment by reducing interest rates some firms will be induced to invest at below-market interest rates in questionable, very likely unproductive, enterprises. No net gain there either!

To promote economic recovery, government should remove as much uncertainty as possible from the market. Entrepreneurs should have nothing to worry about but the usual risks of doing business and the unpredictable demands of consumers. Government should protect its citizens not only from the threat of domestic, foreign, and terrorist force and violence, but also from the arbitrary government interferences which will inevitably result from a "stimulus package." Inflation and credit expansion will distort prices and upset economic calculations; new taxes, controls, and regulations will add to the uncertainty and the costs of doing business. — Bettina Bien Greaves

European disunion — Come January 2002, 300 million people in twelve European countries will start using the Euro exclusively instead of their domestic notes. The new European notes will carry pictures of bridges — how anodyne. But worse — instead of specific bridges, these will be pictures of architectural styles because specific bridges were deemed to favor one country over another. If they can't even have a picture of, say, the Pont du Gard on a banknote, how can these countries ever have a common monetary policy? — Adrian Day

Strrrrikkkke! — President Bush was the first president to attend a World Series game since Ronald Reagan. He threw the first pitch and it was a perfect strike. If he hadn't we would have heard more of that absurd talk about how he's the dumbest or laziest or most incompetent president of all time. The fact that he earned a Harvard MBA, graduating in the top half of his class, putting him in an IQ class above 135, is never mentioned. — Victor Niederhoffer

Credit where credit ain't due — "Sprawlwatch," an anti-suburb group, recently issued a report claiming that the suburbs are bad for our health.

Americans are obese, the report says, therefore suburbs are unhealthy. Are suburbanites more obese than urbanites? The report doesn't say. Or pedestrians sometimes get killed in auto accidents, therefore suburbs are dangerous. Do more pedestrians get killed in the suburbs than in cities? The report doesn't say. We know most air pollution is concentrated in the cities, not the suburbs, but the report blames toxic air, too, on the suburbs.

None of these myths would get much press except that this report apparently attributes them to the Center for Disease Control, listed on the report's cover below the author's names because the authors are employed by the CDC. Did the agency write the report? No. Did it even know about the report? Probably not. Did the anti-suburb crowd

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score a media victory? Yep. — Randal O'Toole

Fanatics among us — There is a fear in this country today that we are walking alongside evil people who want to destroy the American way of life, even though they live here. These treacherous people want to reduce the most prosperous nation in history to the status of a Third World theocracy. They would prefer we were ruled by tyrannical mystics who speak directly with God, and desire the right to intervene into every aspect of our lives. They want to tell us what to eat, what to wear, how often we can bathe, and restrict free travel — they would like to see the entire world return to the technology and governance of the middle ages. I refer, of course, to environmentalists. — Tim Slagle

Sprawl is good for salmon — For a decade, Oregon has been pushing cities to concentrate their residents in high-density housing. But now the National Marine Fisheries Service (NMFS) says that the savior of Northwest salmon is . . . urban sprawl! Guidelines developed by NMFS scientists to protect salmon say that new developments should cover no more than ten percent of any given acre with pavement or buildings.

That means new developments should be no denser than, say, one or two homes per acre. Oregon's policies of packing people into much higher densities, say the biologists, are bad for the salmon. As a result, the executive of Portland's regional planning agency, Mike Burton, says it is time to "take a second look at Oregon's land-use policies."

— Randal O'Toole

Home runs and Dow Jones — The greatest World Series of all time is over, and baseball now takes its rightful place again as the national pastime. Baseball is played by people of average height and weight, often of average speed and muscle strength and is the favorite sport for parents to play with their kids. But for a while the World Series was displaced by the Super Bowl as the premier sporting event, at least as measured by TV ratings. The shift to baseball is a reflection of the renewed emphasis on normal everyday life.

Even so, I think the emphasis on home runs in baseball in recent years is deplorable. They reflect a tendency to try to win with the quick fix. Quick fixes are not healthy, for baseball or for the economy.

Laurel Kenner and I have looked into the relationship between home runs and the economy. We have found a -0.2 correlation between the change in the number of home runs in any five year period and the performance of the Dow in the next five years. Note that 1900–1919, and 1950–1979, the two eras of scientific baseball, were followed by the greatest rises of all time, and conversely that 1920–1929, and 1990–2000 were followed by disaster on Wall Street.

This is no coincidence. — Victor Niederhoffer

Letters, from page 6

leader preaching them. Whoever we choose as a leader will eventually turn out to be a professional cheater: Leaders always live off the people they lead, don't they?

Nicolas Roussel
St. Josse, France

Shame on Bradford!

I can't help but comment on what's appeared in *Liberty* about l'affair Perry Willis and the Browne campaign. R.W. Bradford does not present any positive solution to the problems he reports — demanding the party banish dedicated people who've advanced our cause doesn't cut it. Quite frankly, I find Bradford's venomous tirades about Harry Browne's campaign lacking in class. Face it, Perry Willis has said his *mea culpa*, been shown the door, and will never be a player in our party again.

Bobby Hess Jr.
Orlando, Fla.

Bradford responds: In point of fact, I have not demanded that anyone be banished. I have suggested that if Browne, Willis, and the others show genuine remorse, then the LP should respond with a mild sanction of refusing temporarily to rent them its mailing list and that if they refuse to answer the entirely appropriate questions that the party has put to them, the party should respond by refraining to do further business with them — a policy that has since been adopted by the party's national committee. Whether Willis will "every be a player in our party again" remains to be seen, as does future involvement by others who participated in the plot for Willis to secretly work on behalf of Browne's campaign for the LP nomination in contravention of his employment contract and the LP's rules.

The Errors of Lois Kaneshiki

In the December *Liberty*, Libertarian National Committee At Large Representative Lois Kaneshiki accused the LNC's Strategic Planning Team of being wasteful, bureaucratic, and unfocused. Not only did she get the facts wrong, but she misrepresented the vision and spirit of the LP's Strategic Planning Team itself.

Kaneshiki claims that the Strategic Planning Team (SPT) did not establish the "LP's goals" at the start of the process. This is factually incorrect. The LP has a mission statement. It was read over and over at SPT meetings.

Kaneshiki says that the LP should try to elect candidates to public office. The LP's mission statement says: "The mission of the Libertarian Party is: to move public policy in a libertarian direction by building a political party which elects Libertarians to public office."

Kaneshiki states: "The first meeting was a brainstorming session in which we were asked to come up with any ideas we could think of on 'what the LP could or should be doing' to accomplish its goals. The only problem with this was that we had not yet agreed on what the LP's goals should be."

Again, Kaneshiki is wrong on the facts. The brainstorming session was only part of the first SPT meeting. In addition, SPT participants and state chairs were surveyed on their expectations for the party's performance in the future. Kaneshiki conveniently omits any reference to this effort to get input from those in the field.

continued on page 40

Microsoft Capitulates

by David Kopel

In its battle with Bill Clinton's trustbusters, Microsoft learned some frightening lessons about how business *really* works in America. The government and Microsoft both gave up a little in the Nov. 2 settlement, but the real losers were computer users and justice in America.

Last fall, Microsoft and the United States Department of Justice announced a proposed settlement of the antitrust case against Microsoft. While the settlement amounts to a substantial victory for Microsoft, the long-term result of the case is harmful for Microsoft, consumers, the economy, and freedom.

Certainly Microsoft came away much better off than the mainstream media believed possible at most stages of the case. Federal trial judge Thomas Penfield Jackson's order to break up Microsoft was voided by the District of Columbia Court of Appeals in the summer of 2001. The new settlement does not include many of the terms ardently sought by the Department of Justice subsequent to the Court of Appeals ruling — such as restricting Microsoft's long-standing practice of giving away the Windows Media Player as part of the Windows operating system. Nor does the settlement include the most egregious terms which had been sought by the Department of Justice in the 1997 case which was the forerunner to the antitrust case — such as a prior restraint on any changes in the Windows operating system. And Microsoft did not agree to what the Department of Justice had originally demanded as the price for not bringing an antitrust case against Microsoft: A requirement that Microsoft distribute the Netscape browser with every copy of Windows.

Yet Microsoft's troubles are not necessarily over. While the Department of Justice and Microsoft worked out a carefully structured settlement, nine of the 18 states which the Department of Justice had convinced to join the original Microsoft antitrust case refused to settle. Federal District Judge Colleen Kollar-Kotelly opened a three-month period for public comment on the proposed settlement. A court hearing is scheduled for March 4. Whether the nine recalcitrant states will be able to undo the settlement, or to carry on with their own cases under state business laws, is uncertain.

However much trouble the states cause Microsoft in 2002, Microsoft does owe the states a large debt of gratitude. In the spring of 2000, Microsoft and the Department of Justice had been led by mediator Richard Posner (a highly respected federal appellate judge) to a proposed settlement that was far more severe than the current proposed settlement. Microsoft and the Department of Justice were ready to sign, but the states refused, and demanded much, much more. The deal fell apart. Thus, state participation in the federal antitrust case deprived the Department of Justice of what would have been a major victory, a victory which, as a voluntary settlement, never could have been undone by a federal court of appeals. Now, the Department's strategy is again being thwarted by unrealistic state demands. Perhaps the Microsoft case will be a caution for future DOJ litigators to stick to bringing their own cases in federal court, rather than assembling a peanut gallery of state attorneys general with parasitic claims.

Moreover, even if all the state claims are eventually dismissed, the DOJ settlement leaves intact trial judge Jackson's findings of fact — including the finding that Microsoft is a monopoly. These findings are plainly wrong, since they define the "relevant market" so as to exclude Apple, since they falsely conclude that Linux is not a serious competitor to Windows, and since they are premised on indisputably incorrect data about Windows' share of the market (as Bob Levy of the Cato Institute has detailed).

Even so, a "finding" is a finding. Because the federal

Court of Appeals having affirmed the trial court's finding that Microsoft is a monopoly, scores of plaintiffs' attorneys will be able to bring private antitrust suits against Microsoft, relying on the conclusive findings from the government's case. These cases will natter at Microsoft for years, although the plaintiffs will have a very difficult time showing that consumers suffered as a result of anything Microsoft did.

Regarding the terms of the settlement itself, some terms amount to the government intervening to settle ordinary commercial disputes. For example, one issue on which Microsoft decisively lost at trial and on appeal related to the initial start-up screens — the screen the consumer sees the very first time he turns on a new computer. Microsoft insisted that computer manufacturers ("OEMs" — Original Equipment Manufacturers) not replace the Windows startup screen with a customized screen. OEMs could add as many icons as they wanted, but OEMs could not remove the icons that Microsoft included.

As a matter of copyright law, Microsoft was plainly within its rights to insist that its software display not be altered. The trial and appellate courts, however, found Microsoft's copyright irrelevant.

After the initial boot, changing the start-up screen once and for all takes only a few mouse clicks. OEMs could always include icons (along with supporting paperwork), to tell a user to "Click here to start your Gateway experience." From there, the OEM could customize at will, steering the user into the OEM's preferred Internet service provider, or wherever the OEM wanted to steer him.

Microsoft was a better market entrepreneur than anyone else, but the company failed to realize that its competitors were political entrepreneurs.

If steering from the initial boot (rather than from the first screen after the initial boot) were really all that important, OEMs could have paid Microsoft a few dollars extra for each copy of Windows, and bought steering rights. Nothing prevented the OEMs and Microsoft from coming to mutually satisfactory terms. The effect of Department of Justice intervention, however, was to give the OEMs some of Microsoft's property rights, without the OEMs having to pay for it.

" I told you to bury that uranium deep!"

In a society in which we believe that people are capable of calling an 800 number in order to switch telephone companies, it also seems possible that many of them are capable of following menu instructions to change an opening screen.

Another provision requires Microsoft to charge OEMs uniform rates, with a published discount schedule. This will significantly change Microsoft practices. For example, IBM helped Microsoft develop Windows 3.1, and accordingly received a special discount from Microsoft for purchases of Windows 3.1. Compaq helped develop Windows 95, and received a special price for that product. These discounts were alleged by the government to be illegal antitrust violations, because they gave preferential discounts. Actually, it was a sound move for Microsoft, when developing a new operating system, to find a major computer manufacturer that could help design and debug the new operating system. This made the operating system more robust, less buggy, and better-tested for every consumer. A special discount is a reasonable reward for a company that does special work. At the antitrust trial, IBM complained that it didn't get the same deal on Windows 95 that Compaq did — even though IBM did nothing to help with Windows 95, and only belatedly decided to license Windows 95 when IBM discovered that its own OS/2 wasn't very popular.

But under the terms of the settlement, Microsoft is forbidden to offer special negotiated discounts to companies that help develop better products. The inevitable result will be more bugs, and software that has less testing, and is inferior to what would be produced in a world without the anticompetitive mandate of antitrust.

The real harm of the Microsoft antitrust case, however, has little to do with the terms of the settlement. Rather, the case's greatest destructive effects are how the case has transformed the computer business from one that was proudly independent of the government into one that participates in the same illicit relationship with government as does most of the rest of American big business. To understand this problem, let us look at antitrust law and the Microsoft case in political terms.

The principal-agent problem has long been recognized as one of the keys to understanding government intervention in the economy. The government is supposed to act as the agent for its master (the people). But the government's interest may not always be the same as that of the people. So when the government claims to act as the agent of consumers, the government may in fact be promoting its own interest (more government power) rather than consumer interests (better products at lower prices).

As economist Bruce M. Benson and other authors have explained, antitrust is just as subject to the public choice problem as any other form of regulation. That antitrust is enforced through post-hoc lawsuits, rather than anticipatory rule-making, does not alter the public choice incentives.

Indeed, antitrust is well-structured to enjoy insulation from the normal political processes that combat government economic favoritism. Most forms of regulation consistently harm some companies while benefiting others; antitrust, though, targets a shifting set of victims — sometimes large companies, sometimes small ones. Some industries may be left alone for decades, while others are hounded incessantly. And unlike with regulations such as federal price-setting for air or bus travel, the harm to consumers is indirect, and not felt firsthand. Further, antitrust enjoys intellectual respectability among some scholars who are ordinarily critics of government control of the economy.

Milton Friedman used to be one of those scholars, because from a standpoint of theoretical economics, a proper use of antitrust could benefit consumers — such as by deterring conspiracies to fix prices. Yet in 1998 Friedman noted that many of his fellow economists have concluded that antitrust laws "tend to become prey to the special interests. Right now, who is promoting the Microsoft case? It is their competitors, Sun Microsystems and Netscape." In the abstract world of economic theory "Monopoly is a problem," Friedman acknowledged, and for that reason antitrust used to enjoy universal support among economists. But in real life, monopoly "tends to be transitory, to be very short-lived in most cases. The only ways in which monopoly can last is when it has government backing." In 1999, Friedman elaborated: "as I watched what actually happened, I saw that, instead of promoting competition, antitrust laws tended to do exactly the opposite, because they tended, like so many governmental activities, to be taken over by people they were supposed to regulate and control. And so, over time, I have gradually come to the conclusion that antitrust laws do far more harm than good, and that we would be better off if we didn't have them at all, if we could get rid of them."

In *The Wealth of Nations*, Adam Smith argued that "Consumption is the sole end and purpose of all production, and the interest of the producer ought to be attended to, only so far as it may be necessary for promoting that of the consumer." The Microsoft case was accompanied by the usual pro-consumer rhetoric — despite the government's failure at trial to prove that consumers had been harmed. Indeed, the government never put on a single witness who described consumer harms. To the contrary, Microsoft's market successes in operating systems, spreadsheets, word processing, Internet browsers, and other software products were the result of dramatic price reductions and quality improvements. Consumers benefited, but competitors suffered greatly. It was these suffering competitors who were the origin of the Department of Justice case against Microsoft.

By bringing the antitrust case, the Department of Justice demonstrated to every computer maker in America that political tactics were a good way to get the government to harm one's competitors.

Microsoft was a better market entrepreneur than anyone else, but the company failed to realize that its competitors were political entrepreneurs. The Federal Trade Commission (in the early 1990s) and the Department of Justice (starting in 1993) did not develop an interest in Microsoft by reading computer industry news magazines. Rather, they began to notice Microsoft only after a long, persistent, and well-financed lobbying campaign by various Microsoft competitors. The acronym for this group is NOISE (Netscape, Oracle, IBM, Sun, Everyone else).

Among the most prominent companies in "everyone else," was Novell, a Utah-based company which has suffered doubly at the hands of Microsoft. Novell's small-office networking business has been eroded by the small office networking capabilities built into Windows 95, and improved in Windows 98. Novell also bought WordPerfect when it was still the leading word processor, and sold it a few years later for a loss of hundreds of millions of dollars, after WordPerfect was supplanted by Word, in large part because of Novell's miserable product management. Utah is also the home state of Sen. Orrin Hatch, chair of the Senate Judiciary Committee in 1995–2001. His widely publicized anti-Microsoft hearings helped lay the political foundation for the DOJ antitrust prosecution.

AOL was also an important member of NOISE, even before AOL acquired Netscape. While Netscape did sincerely care about Internet Explorer — as a threat to Netscape head Jim Barksdale's self-proclaimed "God-given right to a 90% market share," the rest of the NOISE coalition did not. They had about as much genuine concern about the Internet browsers as Lyndon Johnson did for whether the North Vietnamese had actually been the aggressors in the Tonkin Gulf Incident. The alleged aggression was simply a pretext for war with a long-hated enemy.

The settlement forbids Microsoft negotiated discounts with companies that help it develop better products. The inevitable result will be more inferior software.

What about the rest of NOISE? IBM sells to businesses and consumers, while Oracle and Sun sell almost exclusively to businesses. For all three companies, the model is high price and low volume — the opposite of the Microsoft model. Sun does not just integrate a web browser into its Sun Solaris operating system. Sun takes integration much further: If you want to buy the Sun operating system, you also have to buy microprocessors, storage, system software, and middleware. If you want a Sun server, then you have to buy Sun workstations, the Sun Solaris operating system (a version of Linux), and Sun software. The same non-choice is offered to business network customers of IBM.

Nobody challenged the model of making business customers buy everything from a single source. That is, until Microsoft entered the market in the early 1990s. Microsoft's Windows NT operating system for servers is sold as a standalone product, and works on many different kinds of computers. The NT software is also simpler to use, has a well-designed graphic interface, and is cheaper than the products from the dominant companies. Computer hardware to run Windows NT machines is made by many different manufacturers, and is significantly cheaper than the proprietary Linux machines made by Sun. With Windows NT as a platform, low-cost hardware companies like Dell and Gateway (which at the time knew a lot about Windows, but nothing about Unix) could start taking sales away from more expensive machines.

Suddenly, the NOISE companies discovered that Microsoft Windows 3.1, and then Windows 95, and then Windows 98 (all made for the desktop market, not the server

market) were infected with all sorts of antitrust violations. Incidentally, these consumer products also happened to be the cash cows that gave Microsoft the resources to get into the server software business. These consumer products also used a popular graphical interface that made many office workers eager for their companies to adopt Windows NT — since the worker could use an interface like the one that was already familiar from his home computer.

Did the NOISE companies really believe their own warnings about Microsoft's "chokehold" on the Internet? Was Microsoft's style of competition really different from that of the NOISE companies? In fact, every weapon Microsoft used in the browser war (e.g., giving the product away, special deals with favored websites) was also used by Netscape.

Microsoft's Internet Explorer — the original target of the Department of Justice's antitrust suit — is descended from the Spyglass browser, for which Microsoft bought a license from its creator Doug Colbeth. But when Microsoft started giving the browser away for free (to beat Netscape), Colbeth's licensing agreement became worthless. The Department of Justice interviewed Colbeth as a potential witness in the antitrust case. But Colbeth refused, explaining that Microsoft simply behaves like every other Internet company, and that the CEOs complaining about Microsoft are hypocrites: Netscape's "Barksdale and [Sun's] McNealy, they've all done what Gates has done. There is nothing there I wouldn't have done."

Microsoft has learned political lessons. Microsoft used to be a company which was proud to stay out of politics.

It is strange that Americans are being lectured on business ethics by Larry Ellison of Oracle. Ellison hired a detective company (previously known for digging up dirt on women who accused Bill Clinton of sexual misconduct) which attempted to steal trash from the offices of think tanks that defended Microsoft. Ellison defended the theft and spying on the grounds that it was a "public service." If only Richard Nixon had been creative enough to claim that the Watergate burglary showed his commitment to open records and public disclosure. More recently, Ellison tried to convince the Bush administration to create a national ID card — which would run on Oracle's database software.

Not just Oracle, but the entire NOISE coalition has lobbied, successfully, to pervert the law, and to deploy the coercive force of government against a company that has done nothing wrong except compete aggressively and cut NOISE's profit margins. To add insult to injury, the NOISE propagandists self-righteously proclaimed their devotion to "competition." It is as if Torquemada began each Inquisition by announcing his firm support for religious liberty and tolerance.

By bringing the antitrust case, the Department of Justice demonstrated to every computer maker in America that NOISE political tactics were a good way to get the government to harm one's competitors.

Sadly, Microsoft has also learned political lessons. Microsoft used to be a company which was proud to stay out of politics. Even after an FTC investigation in the early 1990s (over Microsoft's agreement with IBM to work together on the development of the next iteration of Windows and on OS/2), after a Department of Justice investigation culminating in a 1995 consent decree, and after a 1997–98 lawsuit over the consent decree (in which Microsoft's interpretation was vindicated), Microsoft's financial and lobbying involvement in Washington, D.C. was puny. In 1995, Bill Gates was naive enough to declare that political issues are not "on our radar screen." As of 1994, the company had one lobbyist in Washington. Even in late 1997, Microsoft "had zero presence on the Hill," according to Republican Rep. David McIntosh.

Incredibly, Microsoft's political non-involvement was dubbed "arrogant" by the Washington, D.C., establishment — as if the D.C. political class were an organized crime syndicate to which every large company should be expected to pay protection.

The May 1998 antitrust lawsuit served as a Pearl Harbor for the company, which finally began to spend as much money on lobbying and campaign contributions as do similarly large companies which are under heavy political attack. In 1995, the Microsoft PAC spent only $16,000 (on copyright and encryption issues), but now Microsoft is one of the largest corporate political donors in the United States. Microsoft has bought itself a major lobbying presence in Washington, and begun throwing soft money at the two major parties, and hard money at various candidates.

Microsoft's belated self-defense spurred Microsoft's competitors (who got into the influence-buying game years earlier) to put out their paid consultant Robert Bork to fret that "There is so much Microsoft money flowing through the system that the danger for nonpoliticized law is very real." This was like Hirohito complaining that American submarines were threatening to militarize the Pacific Ocean.

Microsoft's enemies managed to gin up a mini-scandal in early 2000, over the fact that Microsoft and its allies were lobbying against a record budget increase for the Department of Justice Antitrust Division. If Microsoft's lobbying was morally wrong, then it is wrong for victims of abusive IRS enforcement to lobby against a higher IRS budget, for gun stores victimized by the BATF to lobby against BATF budget increases, and for Branch Davidian survivors to lobby against more money for the FBI "Hostage Rescue Team." In fact, Microsoft's mistake was not that it lobbied in 2000, but that it failed to lobby in earlier years to reduce or eliminate the budgets of abusive federal divisions and bureaus. When a pack of wolves is tearing into one's tent, an interest in predator control is legitimate, but belated.

Given the new national mood after Sept. 11, Microsoft is probably safe from the political predators, at least for the foreseeable future. The Antitrust Division appears to be less interested in playing to the politics of envy and attacking successful American businesses. Yet one can only wonder how much stronger the information economy, and the rest of our economy, might be today if corporate success depended entirely on satisfying consumers, rather than on the ability to employ or resist the use of antitrust laws as a political tool against business competition. □

Terror, War and Rock 'n' Roll

by Sarah McCarthy

The Concert for New York, a Pakistani cab driver, and the pulsating body of Mick Jagger make for one hell of a weekend.

On the way to the Concert for New York City, my husband and I were waved through the checkpoint at the entrance to the Holland Tunnels, probably because we were perceived as too old and vanilla to be terrorists, but since Sept. 11 I've wanted to become a terrorist myself and have begun carrying a box cutter in my bra on the off chance I'd run into an Islamic terrorist. Since the Twin Towers fell, I've been scaring myself, wondering whether I have Tourette's syndrome, yelling outrageous things like "kill a Taliban, show your tits." Heading up the New Jersey Turnpike on the way to New York City, I was fantasizing about what I'd do to an Islamic terrorist who got the idea that he could kill Mick Jagger at the concert. Meanwhile, the darker-skinned young were being pulled over by police and having their trunks searched.

Riding across the Pennsylvania Turnpike, we played CDs and guessed which songs would be sung at the concert. We both guessed The Who would sing "We Won't Get Fooled Again," the rousing song George W. Bush used last year on his presidential campaign stops. I knew "Sympathy for the Devil" and "Gimme Shelter" would be out — Jagger would have no sympathy for the current crop of devils, and "Gimme Shelter" is a make-love-not-war song written during Vietnam. I thought Jagger would choose "Paint It Black," one of my Stones favorites, a serious and highly dramatic song that is mostly forgotten except by fans heard on live albums yelling, "Paint it black, you devil!" With wild guitar and drums, black mood, and grand finale of agonizing screams, the song, though written nearly 30 years ago, had enough gravitas for the occasion, capturing strains of the shock and horror of Sept. 11.

> I see a line of cars and they're all painted black. . . .
> I see people turn their heads and quickly look away. . . .
> I look inside myself and see my heart is black,
> no colors anymore
> I want them to turn black.
> Maybe then I'll fade away and not have to face the facts,
> It's not easy facin' up when your whole world is black. . . .
> I could not foresee this thing happening to you.
> If I look hard enough into the settin' sun, my love will laugh with me before
> the mornin' comes. . . .
> I want to see it painted, painted black, black as night, black as coal.
> I want to see the sun, blotted out from the sky.
> Paint it, paint it, paint it black.

Songwriter Gene Ellsworth, writer of "The Fool," sung by Lee Anne Womack, and "The Visit" by Chad Brock, and who hangs at our bar between trips to Nashville, said "Paint It Black" was too dark and pessimistic for Oct. 20. New York had moved past Sept. 11, and into a spirit of resolve and rebuilding. He was right. Along with "Miss You," Mick and Keith sang "Salt of the Earth" in tribute to the firefighters, police, rescue, and construction workers who were clearing the still-smoking debris. Bon Jovi sang "Wanted, Dead or Alive" and "Livin' on a Prayer," and the Goo Goo Dolls sang "I Just Want You to Know Who I Am." A beautiful assemblage of stars if there ever was one!

We arrived in Manhattan on a beautiful sunny day and heard on the car radio that at the Philadelphia Greyhound station a bomb the size of a bar of soap, packing enough fire-

power to level the station had just been found in a locker. Though hotels were, and are, discounting — the Waldorf Astoria, usually $400–500 per night, was going for Thanksgiving weekend nights for $150. Upper and Midtown Manhattan were bustling. Business was thriving at the Uptown restaurants like the Café Pierre and the Boat House in Central Park, where we sat outdoors by the lake and, following a half-hour wait, lunched on frittatas topped with asparagus spears and warm goat cheese. We rode bikes in the park with thousands of others, and rode a carriage decorated with plastic bouquets pulled by one of the horses lined up along the curb outside of the Plaza. The driver said business was down by half, and after eight years in the United States, he was planning to return with his wife and children to his native Brazil, where the standard of living was easier. He scoffed at the American bombings of Afghanistan: "They are bombing caves."

There was a media swarm in front of the building that houses Fox News and the *New York Post* where anthrax had been discovered, and the Manhattan post office was cordoned off, guarded by soldiers. The Oct. 20 *New York Post* carried a front-page anthrax story with a full-page picture of a *Post* employee with skin anthrax on her middle finger. "Anthrax this!" was the banner headline above the woman's raised middle finger.

Heading up the New Jersey Turnpike on the way to New York City, I was fantasizing about what I'd do to an Islamic terrorist who got the idea that he could kill Mick Jagger at the concert.

Feeling a bit apprehensive about how difficult it would be to provide adequate security when bombs the size of soap bars had the firepower to destroy large buildings, and about how vulnerable a target-rich gathering of politicians and rock stars would be at Madison Square Garden, built on top of a train station, I was glad to see a busload of soldiers in camouflage arrive on the afternoon of the concert and head downstairs to Penn Station. My husband asked them if they were here to attend the concert or provide security. "Both," they answered.

Because of the passions they inspire rock stars have always been vulnerable to attack, and though no one said so, I would expect that rock stars like Mick Jagger might be somewhere on the Taliban's long hit list of decadent free-wheeling American infidels. Jagger hired the Hell's Angels as security at a Stones' concert at Altamont Speedway in 1969, and the resulting mayhem and murder was hailed as the end of the '60s. On tour shortly after the assassination of John Lennon, Jagger was asked if he had upped his own security. He responded that nothing could protect him from some "nutter in the third row" with a gun. Since Sept. 11 it has been brought home to me that no amount of security can protect any of us from a nutter with a gun.

The Concert for New York City opened to a full house of 19,000 people who had paid anywhere from $250 to $5,000 each, with David Bowie sitting quietly at a piano on a darkened stage singing Paul Simon's "America." "They've all come to look for America," he sang, a simple and beautiful beginning for a beautiful night of unity and resolve; except for the jarringly out-of-sync moments when politicians like Hillary appeared on stage. She, at least, was booed on sight.

Bowie's second song was "Heroes":

Though nothing
nothing will keep us together
We can beat them forever and ever
Oh we can be heroes just for one day.
Though nothing will drive them away
We can be heroes
Just for one day
We can be us
Just for one day.
I can remember
Standing
By the wall
The guns
Shot above our heads
And we kissed
As though nothing could fall
And the shame was on the other side.
Oh we can beat them
Forever and ever
Then we can be heroes
Just for one day.

It's quickly become a cliché that Sept. 11 has changed all of us. Molly Haskell writing in the *New York Observer* says, "I find myself responding to threats to our country with feelings of non-pacifist aggression I didn't know existed." Even Rosie O'Donnell has switched, taking her son to a Yankee game to see George W. Bush, whom she says she now loves, throw a pitch. There are still goofball pacifists around like Richard Gere, booed at the concert for saying we must be careful not to let "this horrendous energy turn into revenge," and silly lovesonger Paul McCartney who winded up the concert with the words, "Let it be America, let it be."

Let it be? I don't think so.

Or Joe Biden, who swishes over the political landscape faster than a windshield wiper in a blizzard, saying things like we don't want to be "high-tech bullies." High-tech bullies? Would Biden prefer that we, or the young soldiers sent to do our dirty work, be low-tech victims?

During Vietnam I was a peace activist and protester, which I would be today if circumstances were the same. No, I am a would-be terrorist. I warily agreed with President Bush in Desert Storm because I thought Saddam Hussein was Hitlerlike with grand designs to take over the Middle East, one country at a time; empowering himself with time, money, and oil conquests. I believed that he would eventually use biological, chemical, or nuclear weapons against the United States, and we needed to stop him. But at what point can a civilized people decide to pre-empt a Hitler on the move? Before Sept. 11 we had the luxury of doubt, the possibility that time would change things, the hope that he would fall from power, that everyone would come to his senses. There was the ever-present heartbreaking specter of body bags if the United States invaded Baghdad. But now the danger is imminent and real; one way or another there are going to be body bags, the question is whose.

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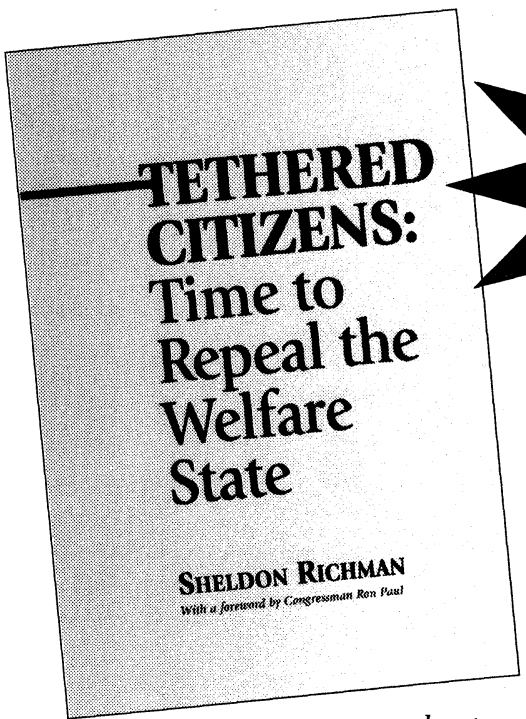

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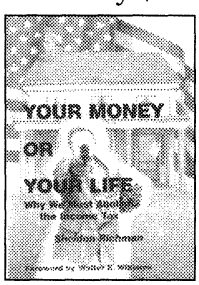

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Having never before known any real Islamic people, since Sept. 11 I have been seeking them out, wherever I find them, to see what they think. In New York we ran into two Pakistani cab drivers and an Islamic maitre d'. They all seemed nice enough, but right under the surface were some very weird beliefs. The Pakistani cab driver who picked us up at "the site" where the World Trade Center had once stood, was passionate about his ideas. We had gotten to the point in the conversation where I could ask if his wife wears a veil. "Of course, of course," he said. "Look at those two Americans right there," he said, pointing to a plain-Jane, innocuously dressed, middle-aged, unsexy couple strolling along the sunny New York streets in sleeveless jerseys and shorts. Their shorts were modestly cut as were their shirts.

"What if you saw a young man with big, big muscles and no shirt here," he said, making the gesture that men usually make to demonstrate a woman with large breasts. "It would give you bad thoughts." He argued passionately, waving away a woman who wanted to get into the cab now that we had parked at our hotel curb. "Take the next cab," he told her, "I want to finish this conversation." I began now to babble as my brain began going faster than my tongue. My thoughts raced. The veil and all those robes constrict movement, I babbled, they restrict freedom, there's nothing bad about sexual thoughts, it's like Chinese foot binding, it cripples women and men, there is nothing to be so terrified of and, finally, I just couldn't deal with what was nothing less than terror of the bared arm, a terror more primitive and puritanical than I could ever imagine.

When I got out of the cab I thought what I should have said: The main reason I was in New York was my magnetic and magical attraction to an aging rock star who, by many people's standards, was laughably ugly with skinny arms and little legs, big lips, a long, stuck-out tongue, and a lot of wrinkles. I am attracted to his spirit, his life force, to his defiance, his competence, his lyrics, his guitar and harmonica skills. I love him, though he is not my husband, for his accomplishments, for the music and the joy he brings, more impressively at near-60, because he is, in my view, a genius, a maverick, a triumphant individual with a smart mouth and staying power and an irrepressible love for freedom. He shows us what we are capable of. I love him because he is funny. He laughs at himself, making fun of his own face by sticking it two inches away from a television camera and singing, "people think I'm cra-a-a-zy." I love him because he's rich and cocky and determined, and I knew he wouldn't stick around at the Concert for New York City to be Paul McCartney's backup singer. He did his two songs and was gone. Between songs he said we have learned one thing from all this: "Don't fuck with New York!"

People hear a few chords of Mick and Keith playing "It's Only Rock 'n' Roll" or "I Can't Get No Satisfaction" and they fall in love.

I love him because he defied Bill Clinton and was a no-show for an appointment at the White House. I love him because he said England's two best assets were himself and the queen. I love that he runs ten miles a day to keep in shape for his concerts. He is totally disciplined wildness. He is an achiever. He is not afraid of sex nor of strong women. Probably because I am large and heavy, I love his agility. I would pay anything to watch him dance. His music soars and he makes my spirit soar, and I would never resist sleeping with him if I had the chance, and I think God wouldn't give a shit. He has more important things to worry about, like radical Islamics who dream they are going to see Allah and want to take the whole planet with them. People hear a few chords of Mick and Keith playing "It's Only Rock 'n' Roll" or "I Can't Get No Satisfaction" and they fall in love. So what are you going to do about that, Muhammad? Are you going to outlaw dancing and music and skinny arms and humor and wit, genius, achievers and freethinkers and rebellion, and the life force itself that causes sexual attraction in the first place? Yes, of course you are, you already put all that under wraps. I saw the cassette tapes hanging from the Taliban's trees in Afghanistan. I saw the veiled women, some of them doctors and lawyers, being stoned by what in Afghanistan passes for grown men and shot in the head in soccer stadiums by brainwashed punks. Your veiled women speak volumes. Those shrouded females are monuments to your cowardice, you who are so weak you quake before your own bodies. Now New Yorkers are buying canaries to check for things amiss in the air, and terrorists say they want to see the White House painted black. You want to turn us into the wreckage that you are. Yours is a sick religion, a crippled, dead-end culture, caught up in destruction. You really need to rethink, re-evaluate, throw off the mind chains of the Islamic religion which is nothing more than a little cult that grew, start building instead of destroying, build a culture and get a life. And now I'll tell you what I really think.

Are you going to outlaw dancing and music and skinny arms and humor and wit, genius, achievers and freethinkers and rebellion, and the life force itself that causes sexual attraction in the first place?

If you threw off your mind chains, Muhammads (are you all named Muhammad?), you would have to stop acting like kindergarten bullies kicking over other kid's towers of blocks and begin facing all the complexities and challenges of adult life. Yes, sexuality is a powerful, dangerous thing, like fire, that can be used both to create joy or cause destruction. Free adult people make fine-tuned judgments about managing and channeling their sexual desires rather than trying to obliterate temptation in the world around them. When you obliterate temptation you are obliterating the life force itself. It is who we are, how we are made. It is inborn. If you try to obliterate greed, you obliterate ambition. Human drives should not be annihilated from existence; it is up to each of us to channel and manage our own destructive pro-

continued on page 36

Toward Martial Law

by Robert A. Levy

Our government has exploited the events of Sept. 11 to impose national police powers that skirt time-honored constraints on the state.

If you think the Bill of Rights is just so much scrap paper, and the separation of powers doctrine has outlived its usefulness, then the USA PATRIOT Act, passed overwhelmingly on Oct. 25, is the right recipe to deal with terrorists. On the other hand, if you are concerned about Fifth Amendment protection of due process, and Fourth Amendment safeguards against unreasonable searches and seizures, then you should be deeply troubled by the looming sacrifice of civil liberties at the altar of national security.

To be sure, the Constitution is not a suicide pact. Government is legitimately charged with defending life, liberty, and property against both domestic and foreign predators. First among those obligations is to protect life. With America under attack, and lives at risk, civil liberties cannot remain inviolable. But that's a far cry from asserting that they may be flouted to wage war against fanatics.

Proponents of the new bill surely understood that many of its provisions were incompatible with civil liberties. Yet rather than modify the offending provisions, the president and Congress decided to promote the bill as an expression of patriotism. Hence the acronym — USA PATRIOT — and its bloated title, "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism." The sales pitch worked. Fearful of being labeled disloyal after the September atrocities, the House endorsed the bill 357–66, followed by a 98–1 rout in the Senate, with only Russ Feingold, D-Wis., in opposition.

From its initial draft to its final adoption, USA PATRIOT zipped through in six weeks — gutting much of the Fourth Amendment in far less time than Congress typically expends on routine bills that raise no constitutional concerns. Congress' so-called deliberative process was reduced to this: Closed-door negotiations; no conference committee; no committee reports; no final hearing at which opponents could testify; not even an opportunity for most of the legislators to read the 131 single-spaced pages about to become law. Indeed, for part of the time, both the House and Senate were closed because of the anthrax scare; congressional staffers weren't even able to access their working papers.

This negligible legislative record will make it difficult for courts to determine the intent of Congress. And because legislative intent matters to some judges — for example, Supreme Court Justices Stephen Breyer and David Souter — the USA PATRIOT statute might ultimately be invalidated as unconstitutionally vague. Ironically, Congress' rush job, which facilitated passage of the bill, could be the cause of the bill's downfall. The same law that was promoted as an act of patriotism might even provide a rationale for releasing the madmen who committed the horrific terrorist acts against the United States.

Yet the more acute objections to the new statute are substantive, not procedural. They fall into three main categories. First, any law with the potential to alter dramatically conventional notions of individual freedom should fastidiously guard against abuse. The doctrine of separation of powers, a centerpiece of our Constitution, has been a traditional buffer against such abuse. By requiring advance judicial authorization of certain executive actions, followed by judicial review to assure that those actions have been properly performed, our liberties are shielded from excessive concentrations of power in a single branch of government. As we shall see, the

USA PATRIOT Act does not pass muster.

Second, if the new rules are at all justifiable, they are defended as a necessary instrument of anti-terrorism. If so, why do many of the provisions apply not only to suspected terrorist acts but also to everyday national security investigations and even ordinary criminal matters? In effect, our government has exploited the events of Sept. 11 to impose national police powers that skirt time-honored constraints on the state. The executive branch will not always wield its new powers in the service of ends that Americans find congenial. Better that the government be shackled by the chains of the Constitution.

Third, laws that compromise civil liberties must be revisited periodically to assure that temporary measures, undertaken in response to a national security emergency, do not endure longer than necessary. Such laws must contain sunset clauses: That is, they should expire automatically within a short time of enactment — thus imposing on government the continuing obligation to justify its intrusions. In this instance, the Bush administration rejected any sunset provision whatsoever. Congress demurred, and insisted on including such a provision; but it applied only to new wiretap and surveillance powers, not to the whole bill. Moreover, the sunset date was fixed at Dec. 31, 2005 — more than four years after passage of the legislation. Plainly, a shorter time frame — one year, or two years at most — would have been appropriate. If the emergency persisted, Congress and the president could re-enact the law.

If the new rules are a necessary instrument of anti-terrorism, why do many of the provisions apply not only to suspected terrorist acts but also to everyday national security investigations and even ordinary criminal matters?

Skeptics might dismiss those objections as mere abstractions — civil libertarianism run amok — unless they are illuminated by concrete examples from the statute. Here, then, are just a few of the more egregious threats to personal freedom.

During the Carter administration, Congress passed the Foreign Intelligence Surveillance Act, which created a new federal court to approve electronic surveillance of citizens and resident aliens alleged to be acting on behalf of a foreign power. Until now, the FISA court granted surveillance authority if foreign intelligence was the primary purpose of an investigation. No longer. Under Section 218 of the USA PATRIOT Act, foreign intelligence need only be "a significant purpose" of an investigation. That sounds like a trivial change, but it isn't. Because the standard for FISA approval is lower than "probable cause," and because FISA now applies to ordinary criminal matters that are dressed up as national security inquiries, the new rules could open the door to circumvention of the Fourth Amendment's warrant requirements. The result is rubber-stamp judicial supervision of phone and Internet surveillance, even in regular criminal cases, and FBI access to medical, educational, and other business records that might conceivably relate to foreign intelligence probes.

This is but one example of the government's expanded powers to conduct searches and surveillance. There are others. Government will have access to some financial records, without notice or judicial review. While judicial approval is necessary to retrieve voice-mail messages, the requisite court order can now be obtained with a minimal showing of relevancy. That same low standard governs traces on Internet surfing and email. Perhaps worst of all, under Section 213 of the act, secret "sneak and peek" searches of physical property will be condoned in routine criminal investigations. Those searches can be conducted without knowledge of the property owner until a "reasonable" time after the search has occurred. No knowledge means no opportunity to contest the validity of the search, including such obvious infractions as rummaging through office drawers when the warrant authorizes a garage search, or even searching the wrong address.

On the money-laundering front (Sections 301 through 377), the secretary of the treasury is empowered to label any jurisdiction a "primary money laundering concern," in which case foreign banks will be required to disclose their customers and transactions. Predictably, the identified countries will be those with low tax structures and strict laws protecting the privacy of their customers. Yet there is little evidence that tax havens are a magnet for dirty money. In fact, when money is transferred across borders and back again, the risk of detection is high. That serves as a deterrent to such transactions. To punish nations that harbor terrorists and their assets, we should shut off U.S. access to financial institutions that refuse to provide evidence associated with the September carnage. We should also invoke existing bilateral agreements, and negotiate new agreements, waiving bank secrecy and requiring mutual cooperation when prosecuting terrorist acts.

Civil libertarians are rightly alarmed that the attorney general can detain, for seven days, noncitizens suspected of terrorism. After seven days, pursuant to Section 412 of the act, deportation proceedings must commence or criminal charges must be filed. Originally, the Justice Department had asked for authority to detain suspects indefinitely without charge. Congress could not be persuaded to go along. But the final bill, for all practical purposes, allows expanded detention simply by charging the detainee with a technical immigration violation. And if a suspect cannot be deported, he can still be detained if the attorney general certifies every six months that national security is at stake.

To illustrate the magnitude and scope of that problem, *The Wall Street Journal* reported on Nov. 1 that seven Democrats had filed Freedom of Information Act requests for a detailed accounting from Attorney General John Ashcroft on the status of more than 1,000 detainees. The lawmakers cited reports that "some detainees have been denied access to their attorneys, proper food, or protection from . . . physical assault." Some of them were allegedly being held in solitary confinement even though they hadn't been charged with any criminal offense. According to a representative of

continued on page 36

Analysis

The Mussolini of Maui

by Malia Zimmerman

Drastic times call for drastic measures. Or at least that's what Hawaii's governor would like us to believe. Meet the biggest, baddest, most power-hungry governor since Huey Long.

During an "emergency special legislative session" held Oct. 22 through Nov. 2, the Hawaii Legislature considered a bill giving the governor powers to overturn state and local government decisions relating to zoning, permitting, and the use of public facilities such as harbors, airports, and highways. It also exempted him from the state's procurement code. And it authorized him to change, amend, and modify any state contract, lease, or agreement with no oversight in every version of the bill passed, with the exception of the emergency powers law itself.

The rationale for giving the governor these unprecedented powers? The terrorist attacks some 5,000 miles away, the theory went, had discouraged Americans from vacationing in Hawaii, thereby creating an "economic emergency" for which immediate action was required. Measures had to be taken so quickly that there was not even time for the Legislature to act, despite the fact that the governor's own party controls 63% of the house of representatives and 88% of its senate.

Even before this sweeping measure, Gov. Benjamin Cayetano was the most powerful governor in the nation, controlling the nation's only statewide school district system, and centralized transportation, health, and correctional systems — functions normally performed at the local level in the other 49 states. With it, he is the most powerful governor in American history, with the possible exception of Huey Long's dictatorship in Louisiana early in the last century. Its effect is to put Hawaii under martial law.

Even with the governor's huge majority in the legislature, it was not an easy bill to pass. Most media in Hawaii endorsed or did not report on the bill, leaving the public blind for the first few days of the session. It is not surprising that the media acted like the governor's lap dog: Cayetano is notorious for boasting publicly, "I will reward my friends and punish my enemies," and has been known to legally harass reporters, publications and media that criticize him.

The media in Hawaii are reminiscent of a lap dog that licks its government master in adoration, no matter the scandal, refusing to bite the hand that controls it. If one should step out of line, suddenly big business or big government pulls advertising, and a newspaper or news show is crippled until the offending reporter is fired or retreats apologetically.

Republican Party chair Linda Lingle, who had challenged Cayetano in the 1998 election, was tenacious, energetic, and loud in her opposition. She told state legislators at the only public hearing on the bill: "The emergency powers bill goes against the basic beliefs of a democracy. While it can be argued that it might allow for a quick response to a particular business or individual problem, the bill is so filled with the potential for widespread abuse, favoritism, corruption and a general disregard for the views of the public as to make it completely unacceptable in any form."

Her testimony went largely unreported on in the press, and Democrats responded that the public must "trust the governor" to use his new power wisely.

Attorney General Earl Anzai was asked at the public hearing whether there were any contracts or actions that the governor would be barred from interfering with under the new legislation. He said there weren't. Asked whether the governor already possessed enough power to solve the prob-

lems used to justify the bill, such as waiving landing fees for passenger aircraft or modifying existing airport-related contracts, he admitted that the governor already did. When legislators asked whether the governor's new powers would apply to an acting governor he said they would. The unelected attorney general had just served as acting governor when the governor flew to Japan and the lieutenant governor to Washington, D.C.

Further testimony revealed that the governor did not have a uniform plan to waive, defer, or reduce fees on state facilities in order to bolster tourism and instead planned to renegotiate each contract with each individual business. This is especially disturbing in Gov. Cayetano's case, given his history of awarding state contracts to political favorites.

Democrats tried to disguise the emergency powers bill as a simple measure to "help local businesses deal with blows from the economy's downward spiral." Democrats have enjoyed a political monopoly in the 50th state for more than 40 years and now occupy all four of Hawaii's congressional seats, the majority of county council seats, the office of the lieutenant governor and governor, in addition to their huge majorities in the Legislature. And they believed they had little to fear from the voters. Most consider themselves "Teflon," no matter the sleazy, unethical, or illegal acts in which they are involved, thanks to an apathetic public that almost robotically elects them year after year.

But such a sweeping measure could not be enacted, even in what Forbes calls the "People's Republic of Hawaii," without stirring up some opposition.

But such a sweeping measure could not be enacted, even in what *Forbes* calls the "People's Republic of Hawaii," without stirring up some opposition.

People in Hawaii overwhelmingly oppose fluoridation of the state's drinking water, but the governor supports it. Opponents of fluoridation publicly worry that the governor might impose fluoridation on the people under the authority of the measure.

"What's all this talk about empowerment?"

Opposition also came from opponents of casino gambling, another political position not popular with the people of Hawaii but which the governor, who has long been associated with international gambling interests, disagrees.

But the brunt of the battle was born by the Republicans. "It's often said jokingly that a democracy is a very inefficient form of government and that a dictatorship allows you to get things done faster," Lingle told legislators. "True or not, we all know and agree that democracy is the best form of government. Anyone who votes to pass the Emergency Powers bill is saying that they have lost confidence in democracy." House Minority Leader Galen Fox was even more emphatic. "This is unconstitutional. There are three branches of government, not two," he said. "The public and Republicans throughout the state are rightly horrified by this legislation."

Some members of Cayetano's own party expressed concerns privately, but only two, Rep. Lei Ahu Isa and Rep. Terry Yoshinaga, failed to support it. Even Common Cause, which claims to be a watchdog against corruption, acted more like a sickly, whimpering pup, with its Hawaii branch supporting the legislation, offering only a few technical amendments.

In a tactical move, the three senate Republicans, led by Minority Floor Leader Fred Hemmings, proposed several limiting amendments to the bill, which after a series of closed-door, backroom meetings, were adopted by Democratic party legislators. The governor coyly said that whatever the Legislature wants, he can live with.

This "emergency" law makes Hawaii Gov. Benjamin Cayetano the most powerful governor in American history, with the possible exception of Huey Long's dictatorship in Louisiana early in the last century. Its effect is to put Hawaii under martial law.

Even so, Republican Minority Leader Sam Slom saw little mitigation in these amendments. "There is absolutely no question this is still a bad bill, unprecedented, unnecessary and one that some lawmakers hope will shift blame from them to the governor when the Hawaii economy further declines," he said. "It is still 'less evil' than the original proposal and that is what lawmakers do best: give voters a choice between the 'lesser of evils,' not the choice between the best alternatives."

The special session ended Nov. 2. The bill passed swiftly, with House Republicans still attempting to kill it. It was immediately signed by the governor.

Since Hawaii is the only state in the union that has neither statewide initiative, referendum or recall, the next chance to ensure this kind of power grab never happens again won't come until November 2002, when virtually every elected official statewide will have to run for reelection, thanks to one section of the Hawaii State Constitution legislators haven't yet dare touch. □

Muslims in Paradise

by Alexander Boldizar

Bali is an island of peace and prosperity in a sea of Muslim fundamentalism. But the price of paradise is eternal vigilance.

A few years before the world went mad, Ketut had a Javanese girlfriend, a Muslim. As their relationship ripened, she became sad. "It's a shame I can't marry you," she would sigh.

There was no need to ask what the obstacle was. Although a liberal Muslim, she had made it clear that he was an infidel, a Balinese Hindu, and unless he changed they had no future.

"Would a Muslim man ever change to the religion of his wife?" Ketut asked.

"Of course not," she answered. "Islam is the true religion. And I will not become Hindu."

Ketut thought about the problem for a few days. He could give up a thousand years of Hindu ancestry, he thought. But not for Islam. Anything but Islam. The "vile, long-haired princes of Bali" as the Islamic Javanese had called his people nearly 600 years ago, had fought against the spread of Islam to the shores of paradise since that time. Islam was brought to Indonesia by Arab traders, gained a foothold in Sumatra in the 13th century, spread to the coastal areas of Java, then eroded the great Hindu kingdom of Majapahit in the early 16th century. But the aristocracy of the Majapahit, the priests, jurists, artists, artisans, painters, sculptors, architects, goldsmiths, gongsmiths, writers, and dancers were for the most part unwilling to accept Islamization. They fled to Bali and the protection of King Waturrenggong.

King Waturrenggong had "lionhearted courage, incomparable daring, and magical powers" in battle. An incarnation of Wisnu, he unified the aristocracy with the people and built a military bulwark against Islam. His high priest and teacher, the Just-Arrived-Magic-Powerful-High-Priest Nirartha, another refugee from Java, redesigned the temple system in Bali so that each village had its own temples; this forged a closer bond between the people and their Hindu gods, a bond unlike that in any other Hindu kingdom, and one which Islam would find difficult to sever, despite 600 years of pressure. It was this exodus of devoted Hindus and the fear of Islam that created in Bali the paradise that Western tourists have been admiring since 1597, when Captain de Houtman, the first Dutch explorer to the area, arrived and many of his men mutinied; refusing to leave the island that was so beautiful, where women bathed nude in the rivers, where the king's chariot was pulled by white buffaloes and his retinue was made up of 50 dwarves whose bodies had been bent to resemble kris (traditional dagger) handles.

The historic hatred of Islam by the Balinese is one of the reasons Ketut admired his girl, that she had been willing to come here from Java on her own, to risk ancient racism in order to enjoy the much higher standard of living and greater freedoms that Bali offers in comparison to the other islands of Indonesia.

"Very well," he said after a few days of thinking, "let's both become Buddhist."

No, she had answered. Nor Jewish, Jainist, or Zoroastrian. Not even to Christianity, which to Ketut seemed very similar to Islam, especially in its need to proselytize and spread. It was Islam or nothing.

So Ketut ended the relationship, but without acrimony. He had seen too many Muslim daughters in Bali pulled along the pavement, their fathers dragging them by the hair, beating them senseless, outraged at their dating an infidel. It

is difficult to be strong in the face of such a pedigree.

There are some Muslims now in Bali. Bali is part of Indonesia, after all, and Indonesia is 90% Muslim. They come legally despite local objections, though they are at times subject to vandalism and random attacks by young Balinese.

"I see her in the village sometimes," Ketut said. "She is the fourth wife of a Muslim man. He lives in another city and rarely sees her or their child. And I think she is very unhappy, but she wears the veil now and has become much more fanatical."

And Ketut is again unhappy about fanatical Muslims. He runs an Internet café and a tourist agency now, and over 1.3 million tourists have cancelled Indonesian holidays since the Laskar Jihad, the Islamic Defenders Front, and other radical Islamic groups in Java (supplied by Osama bin Laden with money, men, and arms) began rioting and threatening to "sweep" all Westerners out of Indonesia. Villages in Bali have put their traditional guards on alert, the Balinese People's Council has promised to fight any hostile Javanese, and the Balinese have staged large demonstrations against any "sweeps." They are not alone in this, of course. In Muslim Jakarta, areas dependent on tourism have also set up neighborhood militias to defend tourists against sweeps, and have already repulsed one group of radicals attempting to do mischief.

In 1906, the Balinese royalty burned their own palaces, then, wearing their finest jewelry and waving golden swords, they followed the rajah and priests out against the modern weapons of the Dutch.

Tourist arrivals have declined sharply all over Indonesia, but at least in Bali this is largely a problem with perception, the difference between being inside and outside. The 22,791 foreign visitors in Bali as of Oct. 7 are not moving up their departure plans, although their families, governments, and media all seem to be calling for them to come home and risk anthrax attacks rather than stay in Indonesia.

The package tourists do worry some, because any true sweep would have to include Bali, the Indonesian island that in 1937 was already described as overtouristed. But expatriates living here are used to periodic flare-ups of instability and apart from postponing trips to Java, few seem worried. They feel well-protected by the Balinese.

"You're in the right place and this is the right time, but I'm afraid you're in the wrong alternate universe."

"If the Javanese come to sweep, we will make *lawar* out of them," says Ketut, referring to a type of haggis made out of pork stomachs. Then smiling a small smile, as if saying something not to be aired loudly, he adds, "Maybe it would be good, maybe it would begin a war for independence."

"But they won't come," he sighs. "They are frightened. The Balinese are quiet, quiet until they decide it is time for *puputan*. The Javanese remember this." *Puputan* is a suicidal fight to the death, which historically has seemed necessary once every 50 years or so. In 1906, the Balinese royalty burned their own palaces, then, wearing their finest jewelry and waving golden swords, they followed the rajah and priests out against the modern weapons of the Dutch. Four thousand Balinese died in 1906 and a larger number in a similar *puputan* in 1945, again under the guns of the Dutch.

It was only through Western weaponry that Bali became part of Indonesia, and suicidal armies scare Muslims as much as they do Westerners. Unlike radical Islam, however, in Bali it is not the uneducated and used who become human bombs; it is the priests and leaders themselves.

And the battle between Bali and Islam that began 600 years ago has never really been put to rest. It has merely moved to other dimensions. Balinese medicine men continue to fight against Muslim medicine men from Java and Lombok. Although Islam does not officially permit magic, curses are nevertheless thrown back and forth over the narrow Bali Strait, fireballs of invisible energy fly overhead, Islamic clerics put love spells on Balinese women to fall in love with Muslims, and Balinese holy men rub the affected in pigs' blood to undo the spell. The Balinese holy men often use pigs' blood against the Muslims, and the Muslim holy men chant sentences from the Quran as magic mantras, while clutching a small fetish or two.

Fireballs of invisible energy fly overhead, Islamic clerics put love spells on Balinese women to fall in love with Muslims, and Balinese holy men rub the affected in pigs' blood to undo the spell.

Islamic magic often includes poison and *teluh*, says Empu Resi, a holy man in the village of Ubud. *Teluh* is an attack by which whole daggers and saucepans are materialized into the stomachs of enemies, who today have them removed with Western medical operations.

But despite the fearful *teluh*, the Balinese claim that in the war of magic the Muslims have no chance. In Bali the other dimension, the dimension in which the war has never stopped, is magic. In America the magic is Hollywood, the Bill of Rights, capitalist greed, rational public discourse, and humanitarian aid. These are what Osama bin Laden is really fighting over, not Palestine or Iraq. Without the Soviet Union to fight the American magic, the air-conditioned magic against which the rest of the world has no chance, the attack

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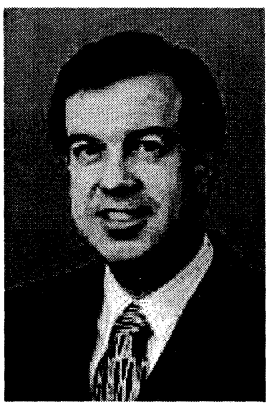

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has become too sharp. So Islam is hardening in its more visible dimensions.

In Indonesia this means that the Indonesian government doesn't clamp down on anti-Western threats, that years of Islamic bias in all aspects of Indonesian public life have become more and more institutionalized, and that Islamic political parties are increasingly pressing for Shariah (Quranic Law) to become the law of Indonesia, whether the subjects be Muslim, Hindu, Buddhist, Christian, or Animist. But sweeps would destroy the Balinese tourist economy, Shariah would subject the Balinese to a religious system they despise, and the constant bias chafes. So even while the old Balinese cannot imagine independence, many young men increasingly want to bring the fight into the open.

Ketut's friend, Made, for example, has insomnia. He has found a cure, however. He says for the last few years he cannot go to sleep until he finds a Javanese Muslim and gives him a good punch. Then he can sleep.

When there are too many young men of any stripe or belief, nations go to war.

Ketut and Made and other young Balinese still think about King Waturrenggong and the Just-Arrived-Magic-Powerful-High-Priest. They celebrate the latter's memory twice a year. Muslims still think about Mohammed's war to take Mecca and destroy the 300-odd religions represented there before A.D. 623. It is only North America that has a stunted sense of history, with anything predating World War II classified as "ancient," and it is only the West that insists religion and politics are separate issues.

George W. Bush has said "you are either for us or against us," and blindly called the war a "crusade." Osama bin Laden agrees, countering that "you are either a believer or an infidel." In the post-WTC world, in country after country, movements and complaints which had seemed long buried are emerging back into the visible dimensions. Slowly, behind the scenes, fault lines which go back thousands of years are beginning to show.

Even in paradise. □

Mick Jagger, *from page 28*

clivities. To do otherwise is to kill human life itself, which is precisely what you are trying to do.

A few weeks after the attack on the World Trade Center, Salman Rushdie, whose *Satanic Verses* inspired crowds to pour into the streets of Teheran, burning books and calling for his death, wrote about Islamic fundamentalism in the *Washington Post:*

> The fundamentalist seeks to bring down a great deal more than buildings. Such people are against, to offer just a brief list, freedom of speech, a multiparty political system, universal adult suffrage, accountable government, Jews, homosexuals, women's rights, pluralism, secularism, short skirts, dancing, beardlessness, evolution theory, sex.
>
> There needs to be a thorough examination, by Muslims everywhere, of why it is that the faith they love breeds so many violent mutant strains. If the West needs to understand its Unabombers and McVeighs, Islam needs to face up to its bin Ladens.
>
> United Nations Secretary General Kofi Annan has said that we should now define ourselves not only by what we are for but by what we are against. I would reverse that proposition, because in the present instance what we are against is a no-brainer. Suicidal assassins ram wide-bodied aircraft into the World Trade Center and Pentagon and kill thousands of people: I'm against that. But what are we for? What will we risk our lives to defend? Can we unanimously concur that all the items in the above list — yes, even the short skirts and dancing — are worth dying for?
>
> The fundamentalist believes that we believe in nothing. In his world view, he has his absolute certainties, while we are sunk in sybaritic indulgences. To prove him wrong, we must first know that he is wrong. We must agree on what matters: Kissing in public places, bacon sandwiches, disagreement, cutting-edge fashion, literature, generosity, water, a more equitable distribution of the world's resources, movies, music, freedom of thought, beauty, love. These will be our weapons. Not by making war but by the unafraid way we choose to live shall we defeat them. □

USA PATRIOT, *from page 30*

the New York Legal Aid Society, several Arab detainees had been limited to one phone call per week to a lawyer and, if the line was busy, they had to wait another week.

Maybe those reports will turn out to be groundless. But it's time for some answers. Here's what the *Washington Post* had to say in an Oct. 31 editorial: "The Department of Justice continues to resist legitimate requests for information regarding the 1,017 people it acknowledges having detained in its investigation of the September 11 attacks. . . . The questions are pretty basic. How many of the 1,000-plus are still in custody? Who are they? What are the charges against them? What is the status of their cases? Where and under what circumstances are they being held? The department refuses not only to provide the answers but also to give a serious explanation of why it won't provide them."

Ultimately, the Supreme Court may have to clarify how the civil liberties or national security tradeoff will unfold. This past term, in *Zadvydas* v. *Underdown,* the court held that immigrants who have committed crimes cannot be detained indefinitely, but must be deported within a reasonable period or released. Moreover, said the court, temporary and even illegal immigrants, not just U.S. citizens, are entitled to due process. Still, the court noted that different rules may apply to immigrants who are denied entry, suspected of terrorism, or considered to be national security risks.

Thus, the law is murky, and the legislation passed in the aftermath of September's events adds new elements of uncertainty. Nonetheless, the controlling principle is unambiguous. Any attempt by government to chip away at constitutionally guaranteed rights must be subjected to the most painstaking scrutiny to determine whether less invasive means could accomplish the same ends. The USA PATRIOT anti-terrorism bill does not survive that demanding test. In a free society, we deserve better. □

Rethinking

New Perspectives on the Cold War

by Stephen Browne

The Soviet Union never intended to leave us alone; their goal was always to conquer us. Our intelligence capability, as misused as it sometimes was, was a major factor in keeping the peace.

I first came to Poland in 1991. Since then I have lived and worked in Bulgaria and Yugoslavia and have traveled frequently in the Czech Republic, Slovakia, Lithuania, Estonia, and Belarus. On the whole I've been happy in Eastern Europe; I've bought an apartment in downtown Warsaw, married, and fathered a child here.

Ever since I came to Poland, I've been consumed with the question of what the Cold War was all about and how we came to win it. And win it we did. Whatever Europeans say about America and Americans, justified or not, people everywhere I've been want to be as rich as Americans, as free as Americans, and as ballsy as Americans. Some, of course, believe that the way to do this is to become American by emigration. But nowadays others dare to hope that an American standard of living — and standard of law — might someday be theirs in their own homelands. Not anytime soon, to be sure, but the phenomenal changes in the last ten years have already made much of Eastern Europe quite a pleasant place to live.

So what was the Cold War all about and how did we come to win it? The place to find an answer to this question is to determine what we know for sure, what we can reasonably suppose from the available evidence, and what the most plausible speculations are based on the first two categories.

What we know to a fair degree of certainty is coming to light through such sources available in English as the Venona Transcripts, the Mitrokhin Archives, the testimony of high-ranking defectors such as Col. Kuklinski of the Polish army General Staff. More are becoming available as new sources are declassified or translated from Eastern European sources and as former mid- to high-level personnel of the old Soviet hegemony publish their personal memoirs.

Let me be clear that I am not a "spook." But I have known some spooks, both American and European. I have met them in bars around Eastern Europe, I have worked with some, and, as it happens, I knew the intelligence officer of the American Embassy in Bulgaria through a family connection. Interestingly enough, I worked there with a Russian boy, an English teacher, who was quite certainly the son of his opposing number in the KGB.

I also know an Englishwoman who is the widow of a Russian defector who worked in the KGB bureau SMERSH, from the Russian for "Death to Spies." ("James Bond's old enemies!" I said. "Oh yes," she replied "those dreadful Bond books.") She still has family contacts within the command structure of NATO. And there is of course my father-in-law, a former Major of the Tajna Kancelaria (Secret Chancellery) of the Polish army.

So, which questions from the last half-century can be said to be settled? To begin with, Alger Hiss was guilty, the Rosenbergs were guilty, and J. Robert Oppenheimer's innocence is extremely dubious. The American government, particularly the atomic weapons research establishment and the state department, was deeply penetrated by traitors acting as Soviet agents. There is not the remotest possibility that the Soviets could have developed the atomic bomb when they did without receiving extensive and detailed reports about the progress of the Manhattan Project. The former head of the Soviet atomic bomb project has freely admitted this (as revealed in the excellent documentary *The Red Bomb*).

The Warsaw Pact countries were in fact captive nations,

not allies of the Soviet Union. Can there be any doubt of this after the events of 1989? The buffer states of a mighty empire turned their guns around to face the Soviets once the Solidarity movement in Poland proved that the Soviet Union no longer had the ability or the will to project power into its satellite states.

I had the opportunity to ask a student of mine, a retired geologist who was a veteran of the Warsaw Uprising, whether the period of communist control was an occupation. "Well, something like one and in other ways not." Large Russian forces were based in the country, but they were kept in out-of-the-way areas so as not to antagonize the population — and so that the Russians did not get to mix with the local population and take home accounts of how much better life was in Poland than in Russia. Most young people in Warsaw told me that they had never seen a Russian soldier. Ironically, Poles now have far more contact with Russians than they ever had during the Soviet occupation because Russians are flooding into Poland to sell whatever they have for hard currency (the zloty!) and find what casual work they can.

Russian forces were withdrawing from Poland and the rest of Eastern Europe when I came to Poland, and the boxcar loads of soldiers in a railroad siding remains one of the most pitiful sights I have ever seen. The poor sods ripped everything they could out of buildings to take home to sell or use, even concrete pillars. Often all they left behind were toxic slums.

The leadership of the anti-war movement was hijacked very early by hard-line communists whose motivation was not a desire for peace, but hatred of America.

I remember an account of two Russian soldiers who were killed as they tried to salvage a live electrical cable. And I remember the report of a Russian officer who sat in a car outside a playground near his Red army base in the east of Poland, with a bottle of vodka and a rifle. When he was drunk enough he pointed the rifle out of the car window and shot a 10-year-old boy through the head. The Polish government could do nothing but grit its teeth and ask the Russians to get the murderer out of the country as soon as possible.

There is a story that the prime minister almost had to be physically restrained when the commander of the Russian forces in Poland showed up in his office and demanded a huge sum of money for "all the good things the Red army has done for Poland."

The intentions of the Soviet Union were always hostile. They had always planned to invade and conquer Western Europe when the time was right — that is, when necessity forced them to loot the West in order to support their crumbling system. The date set was 1983, according to my English friend. A Polish friend close to the military hierarchy guesses that it was to be around 1981. In any case all the estimates I've heard agree on the early '80s.

We can reasonably suppose that the invasion plan involved the Red army driving the forces of their Eastern European satrapies before them to bear the brunt of the assault, in much the same way that hopelessly underarmed Russian soldiers were driven into the German invaders with guns and the gulag waiting behind them if they retreated. (My English friend's husband was sent against the German army with only a rifle and three cartridges.) We can also reasonably suppose that in case the soldiers retreated, the Soviets would have mined Eastern Europe with nukes to destroy the pursuing NATO forces. The Soviets would have regarded the poor lands of Eastern Europe as far more expendable than the rich lands of the West with the loot the Soviets desperately needed.

Poland is the flattest land between the Fulda Gap and the Urals, and thus the natural invasion corridor between East and West. One has to see Poland to appreciate this. In 1991, shortly after I arrived in Poland, I took a trip from Warsaw to Gdansk. Afterwards a Polish friend asked me, "How did you like your first trip across the Polish countryside?" "Lovely," I replied, "but a nightmare to defend!" He nodded and said, "You're not the first American to tell me that."

In the north of Poland, near the sea, there are woods and gently rolling hills that would make jolly tank country. They are not high or steep enough to impede armor, but they are high enough to play hide-and-seek from direct line-of-sight observation and good for camouflage against aerial observation. In central Poland around Warsaw (north of the mountains on the southern border that protect Poland from the marauding Czechs), the terrain is so flat that the only real hiding places for serious concentrations of armor are in the towns and cities. A conventional war in this area would have been disastrous enough, a nuclear war would not have left enough of Poland to resurrect itself again, as it has in the past.

The realization that, if a European war went nuclear, the Soviets had written off Poland was evidently a primary reason for the defection of Col. Kuklinski, who passed highly classified information to the United States before finding refuge there. In America, one of his sons was killed in a hit-and-run accident in which the driver and car were never found, and the other disappeared while on a diving vacation with friends. His daughter is now living in hiding. The KGB still has a long arm. My father-in-law and many of his colleagues in the Polish military think Col. Kuklinski was a hero who did what they would have had they been in a position to do so.

My English colleague says that the Russian military was convinced that the West had been weakened by conscious agents, fellow travelers, and "useful idiots" from within, and that when the time came the Western powers would lack the will to resist the Soviets and the United States would be paralyzed by internal dissent.

What happened during the Vietnam war lends credence to this. The Russians could see that for a modest investment in small arms and ammunition, the Vietnamese could tie up U.S. forces far from a European theater and inflict huge expenses on the United States. All the presidential administrations during the war, both Democratic and Republican, played into the Soviets' hands by not only pursuing a war with murky goals, no exit strategy, and no practical justifica-

tion, but by turning many of the United States' potential defenders against their country by conscripting them for such a war. The leadership of the anti-war movement was hijacked very early by hard-line communists whose motivation was not a desire for peace, but hatred of America.

So how did the West win the Cold War? Of course, the whole Soviet block went broke in a big way and fell apart. But why didn't it invade Western Europe before it collapsed? One source told me that, according to contacts in the highest circles of NATO, the Falkland Islands War was a crucial event in the West's victory; after the quick British victory over Argentina, the Soviet chief of staff stormed into a meeting of the Politburo and shouted something to the effect of, "You lied to us! You said the West was weak and unwilling to resist, and now one single nation has mounted an operation that I could not with all the forces at my command."

The result was that the Russians put off indefinitely their intended invasion of Western Europe while the Soviet system collapsed of its own inability to provide even the bare necessities of an industrial civilization.

I cannot vouch for this, nor am I free to divulge its source. But I have from time to time asked the opinion of former American military officers, including one who maintains an active interest in the history of military logistics and matériel. Each seems to have his own favorite point at which the hinge of history turned, but the common agreement seems to be that, while American arms failed to secure decisive victories in protracted guerrilla wars, in the proxy wars fought in the Middle East, in which forces that the United States armed and trained met forces armed and trained by the Soviets, the U.S.-backed forces always won. The superiority of Western arms and technology quite obviously would have more than offset superior Soviet numbers along an European frontier.

I grew up on and around U.S. Navy bases. When I first came to Eastern Europe, I saw the military bases here and

Which questions from the last half-century can be said to be settled? To begin with, Alger Hiss was guilty, the Rosenbergs were guilty, and J. Robert Oppenheimer's innocence is extremely dubious.

was shocked. I saw the Polish army base in Modlin and was struck by how filthy the buildings were (even the bakery) and how overgrown with rank grass and weeds the grounds were, breeding a loathsome concentration of mosquitoes. On a trip to Tallinn, Estonia, in the early '90s I passed a huge Russian army base surrounded by a high wall of badly laid brick and my first thought was, "How did such a small country come to have such a large prison?"

What I thought was that if U.S. military intelligence could have seen this, heads would have rolled, and if the U.S. taxpayers could have seen it, they could never have been talked into paying taxes for such a large military budget — no one could believe that the Russian army was a serious threat.

I am no longer the isolationist I once was. The Soviet threat was real and the Western world owes a debt of gratitude to the United States and the NATO allies who guarded the West until the threat subsided. The French deserve contempt for their refusal to participate in NATO even while they hid behind its lines. It is also my impression that the United States carried a bit more of the load than was its fair share, but maybe that's just me.

Radio Free Europe and the Voice of America were money well spent. Many Eastern Europeans have told me they got uncensored news and even learned English from them, though a Slovakian colleague wondered why they had not

The boxcar loads of Russian soldiers in a railroad siding remains one of the most pitiful sights I have ever seen.

been a little more aggressive in their advocacy of liberty and done more in their efforts to educate people on the principles of a free society.

The seemingly senseless proxy wars supported by the United States seem to have had a beneficial effect, something I find vaguely disturbing. I am still convinced that Vietnam was the wrong war at the wrong time and in the wrong place. Military strategists from Sun Tsu to the present have all agreed that it is a capital mistake to allow the enemy to choose the time and place of battle. But without a trial of arms in conventional wars the Soviets might never have had convincing proof of the inferiority of their arms and been tempted into a disastrous full-scale war in Europe.

I may not like these conclusions, but I cannot ignore them simply because they don't fit my personal likes and dislikes. I most definitely don't like America's ham-handed interventions in the affairs of countries of no real importance to our national interest.

The operative phrase is "important to our national interest." There is a kind of simple-minded isolationism floating around libertarian circles that favors having no military presence at all outside our borders and even abolishing the FBI and CIA.

This kind of isolationism assumes that if we left the Soviets alone they would leave us alone. This we now know to be false. We know that the Soviet Union never intended to leave us alone; their goal was *always* to conquer us. Our intelligence capability, as misused as it sometimes was, was a major factor in keeping the peace — as was theirs. We were able to find out enough about their capabilities to counter them. Yes, the government may have exaggerated the Soviet's capabilities for self-serving reasons. But would you rather they had underestimated them? And the Soviets were able to find out enough about us to be reassured that we did not intend to annihilate them with a sneak attack.

I am still convinced that the struggle with communism was ultimately a battle of ideas and that the thing that won it was a superior idea. But we have to remind ourselves of what the enemies of freedom have never forgotten: An idea cannot be killed, but ideas reside in people's heads and people can be killed. Free men need not only superior ideas, but the courage and force of arms to protect them. □

Letters, *from page 20*

The first meeting also included a session in which a SWOT (strengths, weaknesses, opportunities, and threats) analysis was begun. A SWOT analysis is a critical part of strategic planning. Only when you have identified the current situation of the organization can you decide how best to proceed. Also, the SWOT analysis is an excellent way to test the strategy that is developed. Kaneshiki conveniently omits any reference to this as well.

At the brainstorming session, people were asked to come up with ideas to advance the LP to the next stage in achieving its goals. Repeatedly during the brainstorming sessions, as people suggested ideas at the tactical level, I asked them to "think bigger" and to come up with broader ideas (i.e., strategies or goals instead of tactics). I personally resent the fact that Kaneshiki would falsely represent what I said and did. Yet Kaneshiki writes: "Givot argued that the LP cannot achieve its goals if it does not have tactics available to achieve them. So he thought that the LP should come up with a list of tactics first."

Kaneshiki criticizes me, in my role as SPT facilitator, with the following statement: "The one thing that really undermined the strategic planning sessions, though, was that Givot was consciously determined not to take a critical look at what the LP has done in the past and how each campaign or \program has helped or hurt the party. Look forward, not back. Let's not rehash the past. This would be fine, except that the goal of the sessions was supposed to be to find out what it is about our organization that has kept us politically irrelevant for three decades."

At the stage in the SPT process that I asked participants to maintain a forward-looking focus, I never suggested that the SPT would not use past data to determine the efficacy of what the SPT proposes. Quite to the contrary, early in the process, I identified the need to gather data about past performance so that the SPT could evaluate what to do in the future. Furthermore, at the May SPT meeting, SPT participants received a large package of information about how past efforts had done. The information was compiled by staff based on requests made by SPT participants. Furthermore, I requested that all SPT participants, including Kaneshiki, request LP staff to provide them any data thought to be relevant.

Kaneshiki claims that "the goal of the sessions was supposed to be to find out what it is about our organization that has kept us politically irrelevant for three decades." That is not what the SPT mission statement — approved at the LNC meeting, attended by Kaneshiki, in Dec. 2000 — says. The SPT mission statement says: "The mission of the LNC Strategic Planning Team (LNC-SPT) is to develop and recommend a strategic plan to the LNC to advance the mission of the Libertarian Party."

Kaneshiki writes: "We simply wound up with a 'let's do more' version of what we're already doing — at a cost of $93,000 and six and a half weeks in hotel rooms."

There are three factual misstatements here.

First, the proposed strategic plan is absolutely not "a 'let's do more' version of what we're already doing." If Kaneshiki thinks so, then this is further evidence of her inability to discern the difference between her perceptions and reality. Here are some of the recommended strategies which are new to the organization:

- Strategy 1: Define, develop, and promote the LP brand.
- Strategy 3: Redevelop the Libertarian Party Platform, presenting both direction and destination, with an eye toward electoral success without compromising core beliefs.
- Strategy 18: Focus resources to achieve the repeal of drug prohibition at the federal level by 2010 and get substantial credit for it.

And there are many others that are completely new. Kaneshiki's suggestion that these are "just doing more" of the same is absurd.

Kaneshiki claims that $93,000 was spent on the SPT. This is false. She has the national director available to her to provide this number.

The national director advises me that the cost was about $70,000 — travel and lodging for SPT participants.

I find it outrageous that Kaneshiki would publish such an outright lie without confirming the accuracy of the number. However, I have come to expect Kaneshiki to come to meetings ill-prepared and to make statements that can be disproved from the materials which she has in her possession. So I am not surprised.

Steve Givot
Evergreen, Colo.

Kaneshiki responds: Mr. Givot delights in charging me with getting my facts wrong. For example, he claims that my reporting that the SPT cost $93,000 is false, citing as his source a conversation with National Director Steve Dasbach. I do not know what Mr. Dasbach told him in private, but I do know what Mr. Dasbach told the National Committee in public at its Aug. 25 meeting: namely, that the SPT had cost $93,000 to that point.

He also claims that I was wrong to report that the Strategic Planning Team (SPT) did not establish the "LP's goals" at the start of the process. Here he is mixing apples and oranges. The fact that the LP's mission statement was repeatedly read and reread at the start of the process is not the same as establishing goals, and in fact no goals were established at that first meeting. Instead, it produced a long list of "ideas" from the brainstorming session.

I shall not bore the readers with a point-by-point discussion of all of Mr. Givot's assertions of error. Suffice it to say that I stand by my story.

Erratum

In editing Lois Kaneshiki's article "Brainstorming Without Brains," (December) an editor inadvertently changed the meaning of one small passage. Ms. Kaneshiki had written: "In my opinion the bylaws are clear. The LP should be trying to identify individuals in politics and getting involved in their local government . . . " We rendered this: "The party bylaws make it clear that the LP's purpose is to identify individuals who are . . . " Our apologies to Ms. Kaneshiki and to any readers who were confused or mislead. — *the Editors*

Open Minds, Closed Borders

by Ken Schoolland

Open borders mean prosperity, freedom, and happiness. So why are so many libertarians turning against them?

Walk into any group of libertarians and ask whether 19th-century runaway slaves should have been returned to their masters. You will be greeted with stunned expressions, followed by horror stories involving America's Fugitive Slave Law, the Underground Railroad, and the abolitionist movement. There would be a unanimous expression of outrage at the hated Dred Scott decision of the U.S. Supreme Court that ordered the forcible return of runaways to their masters.

Walk into any group of libertarians and ask if immigrants should be returned to tyrannical governments in foreign lands. You will be greeted with sharply divided opinions regarding immigration, because of immigrants' potential for welfare dependency, a lack of space, or the necessity of personalized invitations and guarantees for tax liabilities.

Did the abolitionists reject runaway slaves because they might become dependent on Northern charity or relief programs? Did they turn runaways over to authorities because they worried about where runaways might settle? Did they demand that runaways be invited into free states by a responsible citizen or that they own property?

No. They championed the right of slaves to live free of tyranny, like all other human beings. The issue of private slavery never divided libertarians. But governmental slavery does. Indeed, increasing numbers of libertarians are rejecting the whole notion of open immigration.

A survey of libertarians conducted in 1988 revealed that 69% believed that "the U.S. should remove all restrictions on immigration." When the same issue was put to libertarians in 1998, only 50% agreed. This percentage has surely fallen further in the wake of the Sept. 11 terrorist attacks. Many citizens now see every airplane and ship as a potential Trojan horse filled with dangerous invaders.

No matter that the federal government has been incapable for decades of coping with terrorist networks or even individual criminals, public confidence in government is soaring, and so is support for tighter restrictions on immigration; sweeping aside foreign refugees, workers, and students as so much collateral damage.

The intense and bungled war against the illegal movement of people is having many of the same tragic consequences as the intense and bungled war against the illegal movement of drugs. Government agencies thrive, smugglers thrive, and innocent victims abound.

Can this really be happening? Are libertarians really abandoning a fundamental policy tradition? I realize that there are reasons for this shift in opinion. But, try as I might, I cannot justify restrictions on immigration.

Who's Allowed to Walk?

Immigration is the movement of people from one place to another across the territorial demarcations of nation-states. These lines do not exist only on maps, they exist in the "us vs. them" mentality that gives most people a sense of personal and cultural superiority and an identity with the policies and practices of political officials.

Immigration is only part of the issue of peoples' right to live where they please. There is also the matter of emigration — people leaving a country. There is only one country that allows its citizens a virtually unlimited right to emigrate. And between four to ten million of its citizens have taken

advantage of this right. That nation is the United States of America.

American emigrants leave their country for a variety of political and economic reasons. A few leave because they fear their government would jail them for offenses ranging from drug trafficking to tax evasion. But most are economic migrants who move abroad simply to improve their economic conditions.

American emigration no doubt results in unemployment or lost income among citizens of other countries, since Americans do work that might otherwise be done by locals. Most of these new arrivals are unfamiliar with the language, the manners, and the customs of their new home and they stubbornly cling to the language, customs, and eating habits of their homeland, typically congregating at McDonald's restaurants, speaking English in their homes, and raising their children as Christians. They congregate in isolated ethnic enclaves and are loathe to mix with the native population. Indeed, they are usually preoccupied with sending money home and arranging for relatives to join them.

They maintain strong ties with the homeland, leaving their loyalty to their adopted homes suspect. Worse, these newcomers are parasites on the services and amenities that have been established by the generations of taxpayers who built the infrastructure before their arrival.

The intense and bungled war against the illegal movement of people is having many of the same tragic consequences as the intense and bungled war against the illegal movement of drugs.

Yet most countries see an influx of expatriate Americans as an economic benefit, much the same way Americans see the arrival of skilled immigrants from Western Europe to be a benefit. Why doesn't the same logic apply to immigrants from other countries?

I suspect that the reason for rejecting people from some countries and not from others has much more to do with snobbish attitudes about ethnicity, status, and wealth than it does with economics. The economic effects of immigration have been explored by Julian Simon.* Does the arrival of poor people ruin the economic health of a nation? According to Simon, immigrants provide extraordinary benefits to their host countries. In a comprehensive survey of research on immigrants in the United States, he found that most immigrants come when they are in their most productive years.

Simon found that immigrants average one year less of education than the native population of the United States, but that their children are highly motivated and excel beyond the level of native Americans in school. Immigrants have a higher proportion of advanced degrees than the native population, especially in technical fields such as science and engineering. Immigrants, even from poor countries, are in general healthier than natives of the same age. Family cohesion, and a tradition of hard work, is stronger than among natives.

Simon reports on 14 separate studies that conclude that immigrants do not cause unemployment, even among very sensitive groups of low-paid, minority, or low-skilled natives. Another twelve studies revealed that immigrants do not have a negative effect on wages.

Simon concluded from a review of the research that, when they are not prohibited from working by anti-labor laws, immigrants contribute more in taxes than they draw in government welfare services. And, over the years, immigrant earnings exceed the earnings of comparable native groups.

Simon also found that in most industrial nations it would be more logical to argue that taxpaying, wealth-producing immigrants provide the last glimmer of hope for sustaining the bankrupt welfare systems supporting aging native populations. Without immigrants, state welfare would collapse sooner.

If the benefits from immigration are so great, then why aren't immigrants treated as treasures? Why aren't politicians the world over competing with each other to lure these valuable human resources to their land in the same manner that they compete to lure the capital and products that are made by all this human labor?

When people think of opening borders, they imagine crowds of people rushing into their living rooms and backyards. Where would immigrants fit if they were all allowed to come? Where's the space for all this humanity?

Hong Kong is known for being one of the most densely crowded places on earth, with 17,500 people per square mile. Yet few people are aware that living conditions are as crowded as they are in Hong Kong in part because 40% of the land area is zoned for parks!

The same is true in Hawaii. There isn't a lack of land, but there is a lack of politically approved zoning. In all of the Hawaiian Islands, only four percent of the land area is zoned for all commercial and residential use. There would be plenty of room for newcomers on those tiny islands in the Pacific if only the government stood out of the way.

In fact, if people in Hawaii were willing to accept a third of the population density of Hong Kong, then all of the refugees in the world could live on the Hawaiian Islands, and still leave 40% of the land area for parks, as in Hong Kong. If those people were allowed to farm the abandoned sugar plantations, there is no doubt that diligent Chinese and Filipino newcomers could turn the land into abundance without a penny of government subsidy, just as their ancestors did a hundred years ago.

Space is not the problem. Government policy is.

But don't Americans prefer open space to cities? Don't we need rolling hills and great expanses between each other? Some do, yes. But as a general rule, Americans are like people everywhere. They prefer to live and work in cities or suburbs. That's where the action is. When these cities have problems, it isn't because of the number of people, it is because of the failure of governments to provide primary services. A free market can perform effectively where gov-

* Simon, Julian. *Immigration: The Demographic and Economic Facts.* Washington, D.C.: Cato Institute, 1995. Another excellent source is Mitra, Barun, eds. *Population: The Ultimate Resource.* New Delhi: The Liberty Institute, 2000.

ernments have failed.

As anyone who has flown across the United States can confirm, the population is highly concentrated in certain regions. One can fly for hours across vast expanses of land that is virtually uninhabited. But even the most desolate of land becomes inviting when the law permits freedom. For instance, the number one travel destination for residents of Hawaii is Nevada, not for the open spaces, but for the crowded casinos of Las Vegas.

The land area of the United States, a third of which is owned by the federal government, could support ten times its current population and still be less densely populated than Japan. If only one percent of that number of people were allowed into the United States, the country would be able to accommodate the entire refugee population of the world. This includes all refugees who have fled across international borders, as well as those who have been displaced within national borders by civil strife.

One of the most frequent arguments against opening borders is that it would add to the welfare burden of the state and innocent taxpayers would be compelled to pay for slothful immigrants.

This is the same circular logic that is used to propound government control of just about *everything*:

• Citizens cannot smoke cigarettes or marijuana, because the state *might* compel us all to pay the potential medical costs of their illnesses.

• Citizens cannot keep a child out of government schools, because the state *might* compel us all to pay the potential unemployment costs of those with inadequate training.

• Citizens cannot keep their money out of the Social Security system, because the state *might* compel us to pay the potential retirement costs of those who stayed out of Social Security.

If one accepts this logic, then the right to all individual human action is lost to the state.

Many free marketeers champion individual freedom in virtually every aspect of economics except immigration. They might accept immigration theoretically, but only after all forms of welfare have been abolished. Which is to say, not in any of our lifetimes.

The reason for rejecting people from some countries and not from others has much more to do with snobbish attitudes about ethnicity, status, and wealth than it does with economics.

This was the argument of my hero, economist Milton Friedman, at the Costa Rica conference. His own parents immigrated to the United States, but he argued that things are different today because of the welfare system that now exists.

If we truly believe in the notion of personal responsibility for individual actions, then we must punish politicians for the welfare system; not immigrants, who had no say in the policy. Blaming immigrants is just as illogical as holding a refugee to account for the tyranny of the dictator that drove her from her home.

Arguing the practical side, Julian Simon asserted that it is a misconception that immigrants, as a group, are a welfare burden on taxpayers. Immigrants do a great deal to contribute to the economic health of a country and they pay more in taxes than they absorb in benefits, so the continuation of welfare benefits for citizens may well depend on their contributions. This is especially true in countries like Japan and the United States, nations that find it more and more difficult to maintain social services regimes that cannot keep up with their aging populations.

Is Milton Friedman correct to suppose that immigrants are lured by the American welfare system? Evidence shows that the opposite is true.

Proof can be found in migration patterns within America's 50 states, where there are no border guards and virtually no language and cultural barriers. Do people move between states to find the most welfare? No. Just the opposite.

Immigration is spurred by the promise of opportunity, not of welfare. People who are too lazy to work are usually too lazy to move away from the familiar.

States that give the most welfare have the most out-migration. States with the least welfare have the most in-migration.

Take my home state as an example. Hawaii is the most socialistic state in America and has by far the most generous welfare benefits. According to Michael Tanner and Stephen Moore of the Cato Institute the six basic welfare benefits in Hawaii (six out of 77 welfare benefits the state provides) could provide a mother and two children with the equivalent of a pre-tax income of $36,000, or a wage of $17.50 an hour. By the welfare-magnet theory every welfare mom in America should be living in Hawaii.

They don't. According to recent Census data, Hawaii experienced a net domestic out-migration of 9% of its population during the 1990s. In fact, all of the top welfare regions — Hawaii, Alaska, Massachusetts, Connecticut, and the District of Columbia — experienced net domestic out-migration.

Hawaii has an ideal climate, fabulous beaches, and wonderful people — but the economy is in decline. In fact, it is the only state in the nation that experienced negative real growth for the entire decade of the 1990s. No wonder, since it has been chronically listed as the number one tax hell in the country by *Money* magazine.

The legislature feels it has to raise taxes to pay for the welfare, and by raising taxes they drive people away.

Contrast this with states that grant little welfare. Mississippi offers only a third of the welfare money that Hawaii does. In fact, the median income of a worker in Mississippi is $6,000 less than what a family can get on welfare in Hawaii. Did everyone abandon Mississippi to get on the gravy train in Hawaii?

Just the opposite. In fact all five states at the very bottom of the welfare list — Mississippi, Alabama, Arkansas, Tennessee, and Arizona — experienced net domestic in migration. And the deserts of Arizona and Nevada, with some of the lowest taxes, were the fastest growing states in the nation.

There's no doubt about it. Immigration is spurred by the promise of opportunity, not of welfare. There are exceptions, but people who are too lazy to work are usually too lazy to move away from the familiar. It is the courageous of the world who are likely to risk everything to go to a new and potentially hostile land where the language, the customs, and the people are all unfamiliar.

Hans-Hermann Hoppe has proposed an anti-immigration argument based on property rights.* He argues that just as an owner of private property has the right to invite or exclude whomever he pleases from his property, a government has the right to exclude whomever it pleases from government property such as streets and bridges; giving it the power to bar immigrants from the country altogether.

Most libertarians dismiss this notion out-of-hand, arguing that government property is fair game for privatization or homesteading. Hoppe responds that this approach is unrealistic. Government property won't be privatized or open to homesteading anytime soon, so we should be realistic in the apportionment of government services and infrastructure so that immigrants won't be an additional burden on citizen taxpayers.

Hoppe's conclusion is that immigrants must not be allowed to cross a border unless they are personally invited by a citizen who agrees to take full responsibility for the additional costs of government services and infrastructure. So even if the inviting citizen does not want the government provision of such things as welfare, subways, art commissions, libraries, schools, parks, space launches, farm subsidies, and border patrols, he is still obliged to guarantee payments on behalf of those he invites.

The same logic implies that parents must take on these obligations as well — that people should be denied the right to have children unless they can first guarantee their lifetime support. I can hardly believe anyone can take this argument seriously.

I believe that the limits of government are best determined by which rights people possess as individuals. Thus, if I have a right to do something, then I have a right to ask someone in government to do it on my behalf. But if I do not have a right to do something, then I don't have a right to ask someone in government to do it for me.

Since I do not have the right to prohibit an immigrant from stepping foot on a government sidewalk, then I have no right to ask a government official to do this dirty work for me. How is it that the advocates of by-invitation-only assume the right to ask government officials to do something that they have no right to do themselves?

It is interesting that this individual liability for government services has never been applied to tourists, business travelers, or academics at conferences. People assume that tourists, businessmen, and academics bring wealth with them. But this is not assumed of the immigrant.

If we are to be consistent toward all newcomers, would it be realistic to hold tourists, business travelers, and academics to the same standard to which Hoppe would hold immigrants? Imagine Hilton Hotels or Disneyland being told that they must first sign papers guaranteeing full liability for government services and infrastructure that would be used by each of the tourists to whom they rent rooms.

Other manifestations of the by-invitation-only theory suggest that newcomers can only become real, responsible citizens by owning real estate. In this manner it is said that newcomers would have a stake in the policies of the nation. But this also has complications.

Under such a plan, would the nonlandowning majority of Americans lose their citizenship, or would it only apply to newcomers? How much land is necessary? Who decides? Will a square inch be enough? And what if a citizen sells all of his land to a newcomer? Should the seller be deported? Does this mean that bankrupts have no rights as citizens?

This line of argument misses the point. Immigrants have the same rights as all other human beings. They have the right to live their lives in any manner they choose so long as they respect the same right of others. Merely walking on a government sidewalk does not constitute aggression against the rights of others.

Take away the legal excuses for immigration barriers and there is no doubt that thousands of American employers would contract to hire millions of immigrant workers. The current battery of laws that make it illegal to hire immigrants is sufficient proof of this.

Every one of these laws is a violation of the right of citizens to hire the best and most productive workers. Consider the words of Robert W. Tracinski, a senior writer for the Ayn Rand Institute:

> The irrational premise behind our nation's immigration laws is that a native-born American has a right to a particular job, not because he has earned it, but because he was born here. To this right, the law sacrifices the employers right to hire the best employees and the immigrants right to take a job that he deserves. To put it succinctly, initiative and productiveness are sacrificed to sloth and inertia.
>
> The American dream is essentially the freedom of each individual to rise as far as his abilities take him. The opponents of immigration, however, want to repudiate that vision by turning America into a privileged preserve for those who want the law to set aside jobs for them, jobs they cannot freely earn through their own efforts. . . . Any immigrant who wants to come to America in search of a better life should be let in and any employer who wants to hire him should be free to do so.*

The American dream *is* freedom. The most ardent and consistent champions of that freedom are libertarians. Libertarians, despite the best of intellectual gymnastics, must not collaborate with their government masters to return innocent runaways. □

* "The Case for Free Trade and Restricted Immigration," *The Journal of Libertarian Studies*. 13:2 (Summer 1998).

* "Tracinski, Robert W. "Opposition to Immigration is Un-American." Ayn Rand Institute.

Reviews

Gilligan Unbound: Pop Culture in the Age of Globalization, **by Paul A. Cantor. Rowman & Littlefield, 2001, 297 pages.**

Globalization, Little Buddy!

Stephen Cox

Did any book ever have a better title? And the motive behind the book is almost as good — to do some justice, for a change, to the study of American popular culture.

For too long, popcult has been the restricted grazing land of the politically correct. The largest herd on the range bears the "cultural studies" brand. These are people — almost always academic people — who hold to quaint Marxist notions and spend their time hunting for ways in which culture embodies and ramifies the allegedly oppressive structure of capitalist institutions. And their categories of "oppression" are as fixed as their methodology. What counts for them is racial oppression, class oppression, and gender oppression. The oppression of boredom never occurs to them.

As for "globalization," the key term in our author's subtitle, the cultural studies folk know all about that, of course. At least they know how evil it is, since it is a product of the capitalist system. The logic is straightforward, though the intellectual result, from a historical point of view, is a bit peculiar. Since the time of Marx himself, the left has expended enormous energy excoriating nationalism and particularism of every kind, demanding world peace and improved communications among peoples, and just generally raising cain about the desperate need to globalize the globe. The left now finds most of its fondest dreams fully realized. Barriers to trade have fallen on every hand; enmities among nations are at an all-time low; the peoples of the world are united as never before by instantaneous means of communication that exceed the ability of any government (or predatory capitalist corporation) to control them. But because this globalization happened largely as a result of capitalist processes of profit-seeking, the reaction of the left has not been to rejoice but to wring its hands and mourn. Also, on occasion, to scream and shout and hurl rocks and bottles.

So globalization, which was always heralded as a solution to every problem, is now regarded as a problem in itself, or even as a kind of cultural disease. Once globalization is defined as a disease, of course, any cultural tissue that bears it will be subjected to the type of treatment appropriate to disease: It will be dissected, not enjoyed. All over this favored land, there are college courses being taught about the "McDonaldization" of the world, but I can't imagine that any of these classes are anywhere near as enjoyable and stimulating as an order of burgers 'n' fries. The same might be said about all the academic prosecutors who refuse to let Elvis, Snow White, and *I Love Lucy* (which are, no doubt about it, global phenomena) escape from accusations of racism, sexism, and hegemonism by pleading guilty to the lesser charge of simple-minded entertainment.

The New Puritans

The humorlessness of the cult studies elite — the "New Puritanism," in our author's phrase (p. 214) — has done much to discredit all analysis of popular culture, not to mention all use of the term "globalization." What Cantor proposes to do, however, is to demonstrate that both the term and the pursuit can have value, that they can actually help us to identify interesting features of the kind of world we live in.

Cantor, a distinguished professor of literature at the University of Virginia, knows that popular culture is basically entertainment, and should be analyzed as such. He also knows that some types of entertainment will bear more analysis than others, because they are more carefully organized, more mentally challenging, more capable of projecting complex intentions. Yes, popular culture is often a collaborative enterprise, but there are individual intentions involved, nevertheless; it wasn't just the Spirit of the Age that named an episode of *Gilligan's Island* "Our Vines Have Tender Apes."

Ranking the four television shows with which he is principally concerned, Cantor says that *The X-Files* "has genuine artistic merit," *Gilligan* "is television at its most average . . . simply mass entertainment," and *Star Trek* and *The Simpsons* "fall somewhere in between these two extremes" (xxxviii). This, it seems to me, is a significant undervaluation of *The Simpsons*, America's finest work of satire, but never mind. Cantor recognizes that there is something else to consider besides economic and political isms; there are also the marks of artistic intention that lead one to attend to certain cultural objects in ways that one does not attend to others. In attending to *The Simpsons*, indeed, Cantor shows that he does perceive the subtlety and

complexity of its satire.

Throughout his book, he allows his method of analysis to respond to the nature of its objects, rather than insisting, as the practitioners of cultural studies routinely do, on applying the same reductive method to every work. He also maintains the sense of humor that constitutes, one would think, a minimum qualification for the analysis of anything at all in the world of human beings, but particularly for the analysis of popular culture. With great comic propriety, he dedicates *Gilligan Unbound* to Sony SLV-420, his VCR, "Without which this book could not have been written." His "Notes on Method" begin in this way:

> As a professor, I am expected to give an account of my methods. My general readers, who are mainly interested in what I have to say and not in how I am going about saying it, may feel free to skip this section. My academic readers will probably conclude that I am epistemologically naive no matter what I say. Now that nobody is reading, I feel ready to proceed. (xxix)

All over this favored land, there are college courses about the "McDonaldization" of the world, but I can't imagine that any of these classes are anywhere near as enjoyable and stimulating as an order of burgers 'n' fries.

Common sense and a sense of humor go a long way with Cantor's subject. But this author has another rare quality. He is one of the few academic humanists in America who actually understands economics. Libertarian readers will be especially interested to know that he participated (as a high-school student!) in the seminars of the great free-market economic theorist Ludwig von Mises. Cantor is a leader of a small but energetic avant-garde that is bringing literary people the news that the study of economics did not cease with Marx and Veblen.

Cantor understands that globalization is the logical extension of the economic principle of division of labor, without which cultural progress — culture and civilization themselves — could not exist. He also understands that the global expansion of markets and communications represents an enormous economic benefit, an enormous expansion of wealth, for the billions who participate in it — not just the wealth that can be counted in dollars, but the unquantifiable wealth of knowledge, freedom, and self-expression.

Economics of *The X-Files*

And Cantor sees the debits as well as the credits. No economic development is all for the best. Economics is not a branch of morality; it does not teach us that a good economic system will produce nothing but good results. The Misesian brand of economics, which emphasizes individual choice, contingency, and risk, allows Cantor to see the many sides of the cultural phenomena he examines. He fully appreciates the fact that *The X-Files'* obsession with international (and interplanetary) conspiracies represents a ridiculous development of globalist anxieties; yet he also appreciates the fact that there are no unmixed economic blessings, that one person's practical benefit may be another person's psychic hardship. The cultural costs of globalization are as worthy of analysis as its cultural benefits, even though the benefits, to Cantor's mind, as to my own, greatly outweigh the costs.

As an analyst, however, Cantor is principally concerned with America's movement from the preglobalist to the globalist phase of popular culture. He examines four television series in depth, a pair from each of those historical phases. The earlier pair — *Gilligan's Island* (1964–1967) and *Star Trek* (1966–1969) — express a pre-globalized "ideology of the American nation-state" (xv). In *Star Trek*, it's liberal America versus the totalitarian Klingons, and liberal America always has the stuff to win. Indeed, as Cantor points out, the Prime Directive (don't interfere with the beings you visit) always has a way of yielding to the intrepid voyagers' desire to remake every culture in their own liberal-democratic image. "These people aren't living," the ineffable Dr. McCoy announces in one episode, "they're existing. . . . They should have the opportunity to choose — we owe it to them to interfere" (43). And the interference is uniformly successful. It is as if America actually had the power, which leftists always assert it has, to remake the globe in its own image.

Gilligan's jungle isle may seem radically different from the command deck of the *Enterprise*, but a similar ideology prevails. As Cantor shows in hilarious detail, the island is a goofy idealization of the American political landscape, a place where people are always learning the right lessons about how to behave in liberal-democratic society. Gilligan himself is the perfect representative of democratic man: "Unlike the other characters in the show, he has nothing to distinguish him and that constitutes his form of preeminence in the context of a democratic regime" (5). Other characters — the Skipper, the Professor, the

Nobody ever was that smart, not even John F. Kennedy or Mr. Spock, but Americans somehow survived. They did so by means of individual, self-interested choices, not because of their genius for democratic social organization or their skill at operating a command economy.

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Millionaire — have qualities that ought to give them authority, and *would* automatically give them authority in any but a modern-liberal society; yet they always lose out to the incompetent but lovable Gilligan. And the loss is harmless: As a group, the castaways survive and flourish. Cantor argues that the salient image is that of a group of liberal American democrats who can land on any spot in the globe (just as Capt. Kirk and his friends can land on any spot in the galaxy), take it over, and make it work.

The Death of James T. Kirk

This flattering self-image of American democracy was, of course, subjected to withering attack in the 1960s and 1970s. Cantor's other two examples of popular culture — *The Simpsons* (1989–) and *The X-Files* (1994–) — show what remains after the assault. Here is an America that no longer reaches out confidently, with the solution to every problem on the planet. Here is an America that is goofy, instead, with fears about "alien" influences (*The X-Files*). Here also, to go to the other extreme (*The Simpsons*), is the America that makes the Kwik-E-Mart (the local franchise of a multinational corporation, operated in Springfield, USA, by the amazing Apu Nahasapeemapetilon) the focus of its social existence. The two programs represent opposing visions of the same globalizing process. According to the *X-Files'* vision of America, people are now faced with tragic choices of loyalty between the traditional community of family, friends, and nation, and the larger, more potent, and much more dangerous world that impinges on them from the outside, psychically as well as economically. According to *The Simpsons'* vision of America, however, it is definitely "possible to have your global cake and eat it locally, too" (205). Homer Simpson sees a lot of the world, but it never affects his appetite, or his ability to satisfy it.

This comic vision, Cantor senses, is much closer to the truth of our world. The Simpson family, that platonic form of fecklessness, always manages to survive into the next episode, despite the fact that its members never really take anything very seriously, whether it's the United States government or the forces massing across our borders — and it all seems a lot more realistic than *The X-Files'* images of a world that is out to get us, and probably will, because nobody, even Mulder and Scully, is smart enough to figure it all out and do all the right things about it. Well, nobody ever was that smart, not even John F. Kennedy or Mr. Spock, but Americans somehow survived. They did so by means of individual, self-interested choices, not because of their genius for democratic social organization or their skill at operating a command economy.

Cantor's book was published just before the events of Sept. 11 and of course was not informed by them. But I doubt that anything happened on that date that is outside the scope of his analysis. The story he tells is the story of the decreasing cultural potency of the nation-state, when measured against the new economic and technological forces that now disseminate not only information but also power, of a kind, throughout the planet. We no longer live in a world where, as Cantor aptly recalls, all the computers that Capt. Kirk was likely to encounter were brontosauruses operated by some central government, agencies of conformity and delusion that could nevertheless be dispatched by a single thrust of Kirk's liberal-democratic mentality, or phaser. (The fact that Kirk's own by-no-means-

Gilligan's jungle isle may seem radically different from the command deck of the Enterprise, but a similar ideology prevails.

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democratically-operated spaceship was itself controlled by such a computer is an irony that apparently escaped the creators of *Star Trek*, which is redolent throughout, as Cantor shows, of the Kennedy era's innocence of its own ironies.) We live in a world in which either a terrorist or a heaven-born scientist can use a laptop to transform reality, and the nation-state will have a hard time stopping him.

That may seem tragic, in an *X-Files* way, especially in the light of Sept. 11. If it does seem tragic to you, however, you might think a little more about what the terrorists (and the antiglobalists) are trying to do. They are trying to use the technology of a globalized world in order to destroy globalization. They want to go back — back to a regime of nationalism, particularism, and statism, back to a world in which only one kind of voice had the power to make itself heard. Merely to state this intention is to show how ridiculous it is. We do not know exactly how such intentions will fail, but they *will* fail. We know that, compared with Osama bin Laden, even the Simpsons are political geniuses. □

The Mystery of Capital, **by Hernando de Soto. Basic Books, 2000, 276 pages.**

Bystanders to Success

Jane S. Shaw

Since Sept. 11, a lot of people have attempted to explain "why they hate us." Yet the vast majority of people in the world don't hate us, or if they do it is because they envy what we have. They want to live the way we do. They want to live a normal life. They want to make some money and buy a nice house and send their children to college and achieve some success that they can be proud of.

This kind of normal life, seemingly so simple, is available to only a few. Why?

That is the question that Hernando de Soto addresses in *The Mystery of Capital*. And he offers a pretty good answer. The vast majority of people "still linger at the periphery of the capitalist game" (p. 207).

They "may wear Nike shoes and flash their Casio watches, but even as they consume the goods of the West," they are bystanders. They live in a country whose government, like most governments, has made it virtually impossible for them to own property legally. They can't start businesses because it takes a morass of bureaucratic actions to obtain a permit. They can't own a home because they are squatters, and even if the government theoretically allows them to claim ownership, it takes hundreds of steps (728 in Lima, Peru for example) to acquire title. Most people can't navigate that labyrinth.

Thus, de Soto argues, millions — in fact, billions — of people in the world don't have capital. Or, in his phrase, the capital they own is "dead." Unlike in this country — and parts of the world such as Europe, Japan, and Hong Kong — their assets are not protected or respected by the government. Thus, they can't formally buy and sell their homes, purchase stock, use their property as collateral for businesses, or even have a legal address for telephone lines, mail, and cable installation. They can't make their assets work as capital to earn more money through investment or collateral.

This story is not new. De Soto has been preaching the basic message since he published *The Other Path* in 1989. He has persuasively argued that local people know and recognize the property rights in their community, but these rights cannot be put to use. The "owners" are not part of the legal infrastructure that converts property into capital. He has made his point with the now-famous example of dogs barking: All the evidence of ownership you need is the serial barking of dogs as a stranger walks by the homes of different families. Ownership is real but ineffectual because it is not official.

De Soto's book has captured the attention of the establishment publications of the United States. The *New York Times* has published two articles about *The Mystery of Capital* — not merely reviewing the book favorably but also interviewing the author. I don't know exactly why the book has aroused such interest, but I welcome it.

The reason may be that de Soto is sympathetic to Marxism. Marx, he says, was perceptive in seeing that capital was more than just pieces of equipment or physical assets. However, Marx "did not see that it is the mechanisms contained in the property system itself that give assets and the labor invested in them the form required to create capital." Marx recognized that resources are "more than their physical properties" but "did not quite grasp that formal property was not simply an instrument for appropriation but also the means to motivate people to create additional usable value" (215). There may be something to this praise of Marx, but it strikes me as overreaching.

There are some flaws in the book. For one thing, it's repetitive. Second, it's frustrating to read because he alludes to, but does not relate, what must be fascinating stories about living on the outskirts of capitalism. De Soto's team of researchers actually went through the process of setting up businesses in places like Port-au-Prince and Lima and attempted to measure the value of underground or nonlegal assets. He reveals the results in numer-

ical terms (the number of steps to start a business in Peru, for example), but he declines to bring the message home with anecdotal information about what his team encountered.

And I can't help but wonder whether he has misstated the problem. I'm not sure that this problem is really about capital. I think it is about property rights. Dressing it up as a mystery about capital drenches it in Marxism and avoids the main point, which is simply that private ownership is essential to economic growth.

Also, de Soto writes too sympathetically about governments. Their intentions are always good, it seems; "governments in developing countries have tried for 180 years to open up their property systems to the poor" (153). Oh, come on.

Yet in spite of these flaws, *The Mystery of Capital* is an extraordinary book. Emily Dickinson once said, "If I feel physically as if the top of my head were taken off, I know this is poetry." I felt that way when I read that de Soto is talking about four-fifths of the people of the world who are outside what he calls the "bell jar" of capitalism.

De Soto's researchers actually went through the process of setting up businesses in places like Port-au-Prince and Lima.

I had thought that the fall of communism would bring capitalism to most people in the world. But it hasn't. "Capitalism is in crisis," de Soto says, "because developing and former communist nations have been unable to 'globalize' within their own countries." In spite of cell phones and Internet cafés, the world of trade remains off-limits to most people. The reason is that they don't have capital. They are not allowed to own property.

This is more than an observation. It is the articulation of a tragedy, one that changed my thinking almost as much as the attacks on Sept. 11 did. How can the world be stable if one-fifth of its population has property rights and four-fifths don't? This must change. Perhaps de Soto's next book will tell us how to do it. □

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Literature

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Beyond Tolerance: Child Pornography on the Internet, by **Philip Jenkins. New York University Press, 2001, 260 pages.**

Child Porn on the Net

Bradley Monton

Philip Jenkins, a professor of history and religious studies at Pennsylvania State University, has made something of a career of pointing out that the public has an exaggerated perception of various social problems. He has worked on debunking myths about such issues as synthetic drugs, serial murder, and clergy child abuse. Jenkins is a self-described libertarian, and the incentives for a libertarian to debunk such myths is evident: Public hysteria about social ills tends to fuel new legislation which further encroaches on our civil liberties.

Before Jenkins started the research that led to *Beyond Tolerance,* he assumed that the public's excitability over children, sex, and the Internet was no more justified than for the other issues he had investigated. Jenkins writes:

> Having spent a decade arguing that various social menaces were vastly overblown — that serial killers and molesters did not lurk behind every tree, nor pedophile priests in every rectory — I now found myself in the disconcerting position of seeking to raise public concern about a quite authentic problem that has been neglected. (p. 9)

This book is, in part, Jenkins' attempt to rectify that neglect. It also provides a highly readable analysis of a fascinating group in society: The maligned subculture of those who trade child porn on the Internet.

It is perhaps best to start by pointing out what Jenkins is not attacking. He has no problem with adult porn on the Internet; in fact he suggests that adult porn can be beneficial and liberating. He is not concerned about adults attempting to seduce children on-line, nor is he concerned about children gaining electronic access to pornographic materials. Jenkins believes that the moral panic about these issues involving children has obscured what is the important issue, which is the flourishing trade of pornographic images involving children on the Internet.

Jenkins provides a detailed yet engaging account of how that trade works. Though he hasn't done it himself, Jenkins knows how to access free child porn images with minimal risk of being caught. The method is to utilize both sophisticated Internet technology and the fact that countries like Japan, Russia, and the South Pacific states of Nauru and Tonga are less strict about child porn than, for example, the U.S. Web-based bulletin boards operating out of servers in these countries. The "Maestro" bulletin board is one of the most popular; "Maestro" is a pseudonym because Jenkins does not want his book to be a manual for Internet pedophiles. On the bulletin board, people post URLs of sites which contain child porn images. These sites exist on standard web-hosting servers, such as Yahoo's egroups.com. Often hundreds of pictures in a series are posted. The trick is that these sites on which these pictures are posted are temporary, generally staying up no longer than a few hours. Moreover, the files posted on the sites are generally encoded, unviewable by anyone lacking the requisite password. Only after the site is removed is the password posted on the bulletin board. A person downloading files from the site can use a "false flag" address which hides the uniquely identifying IP address of his computer. Even if the police were to get the logs of the server, they would not be able to identify the true IP addresses of the visitors.

People do get arrested for trading child porn on-line, and the penalties in countries like the United States are severe. Nevertheless, the proportion of people who get caught is minuscule, primarily because law enforcers lack the technical expertise required in tracking down the perpetrators, the diplomatic skill required in dealing with the law enforcement agencies of the various countries invariably involved, and the resources to deal with the sheer number of participants in the Internet child porn trade. (Jenkins suggests that "tens of thousands" is a modest estimate.)

But while the government has failed to stem on-line child porn, vigilante groups have had considerable success. Anti-porn activists have posted messages on the bulletin boards encouraging participants to go to sites which are booby-trapped with viruses. They also have electronically attacked the bulletin boards themselves, shutting them down at least temporarily. The reasons these vigilante groups are more successful are that they are willing to use illegal means, they have more economic resources than police agencies, and in general have more technological expertise. While Jenkins clearly is impressed by the success of these vigilante groups, he does offer words of caution: If we accept extralegal intervention in the realm of child porn, where else might we find it occurring? Jenkins worries that people will try to take down any site with views they find offensive, and as a result the Internet would no longer be

The government has failed to stem on-line child porn, but vigilante groups have had considerable success.

effective as a medium for discussion and controversy.

Jenkins' exploration of the personalities of the people who trade child porn is engrossing. He presents what in many ways is a typical subculture: shared interest results in feelings of unity and solidarity. Many participants in the subculture have a "collector fetish" — their images are intricately organized and cataloged, and they are always on the lookout for pictures to fill in gaps in series they collect. The danger of being caught excites them, and lends an aura of drama to their activity.

These prosaic and entertaining discussions of the subculture lead the reader to sometimes forget that child porn is highly illegal for a reason, that children are often molested in the course of producing it. Some collectors of child porn recognize that their actions are morally reprehensible:

> To do what we do requires that some four year old ends up sucking her dad's dick and gets the pics sent to newsrooms for our pleasure . . . society's reluctance to allow freedom for that to happen does not surprise or upset me one bit. (139)

Generally, though, participants in the discussion on the bulletin boards

These prosaic and entertaining discussions of the subculture lead the reader to sometimes forget that child porn is highly illegal for a reason, that children are often molested in the course of producing it.

"assert a libertarian value system," according to Jenkins (121). Here is a typical example of the libertarian approach:

> This board is for people who like and appreciate the human body. We also like thrills we get at looking at little boys and girls in their birthday suits. We have a freedom of choice and speech on this board which is rare in this day and age. We also don't impose or force our views on others on this board. (122)

As a libertarian, I find it instructive to see how easily libertarian rhetoric can be misused to support immoral ends.

I suspect that one claim that Jenkins makes may be false. He says that, while sexual images of children are illegal in the U.S., written stories describing sexual acts involving children are protected by the First Amendment. But the situation is less clear after the July 2001 prosecution of Brian Dalton in Columbus, Ohio, for child porn fantasies he had written in his diary. In order to ensure reduced jail time, Dalton pled guilty to the charge of pandering obscenity involving a minor. Even though Dalton had no intention of distributing his diary, he created it, and that was enough to justify the pandering charge. As repugnant as collectors of child porn are, I am more offended by the government agents who think that child porn justifies their acting like Big Brother. □

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The Representation of Business in English Literature, by **Arthur Pollard. Institute of Economic Affairs, 2000, 182 pages.**

The Literature of Business

Martin Morse Wooster

It's hard to say which of the professions is the most entrepreneurial, but literature would have to be one of the top contenders. Authors may have day jobs or grants, but writing is still a piecework profession; writers produce handcrafted, labor-intensive products in a trade in which they compete against other rugged individualists. Authors may be semi-organized in trade associations or the National Writers Union, but they've never amalgamated into corporations as have other professions. (They haven't even formed multi-member partnerships as do lawyers and doctors.)

Given the individualistic nature of the professional author, you'd think that most novelists would admire their fellow entrepreneurs. But pick up a typical novel, and you'll find that whenever a business executive is mentioned, it's usually in a bad light. From the international super-villain of the trashy thriller to the mean-minded small-town doctor or lawyer in the naturalistic novels of Sinclair Lewis and his successors, most fictional characters who run businesses spend their days lying, cheating, stealing, crushing rivals, revelling in greed and wealth, or engaging in international super-villainy.

How did novelists learn to hate business? In *The Representation of Business in English Literature*, six British scholars provide different answers to this question. With the exception of an episodic and inconclusive essay about modern fiction by Brunel University's John Morris, the scholars commissioned by the Institute of Economic Affairs do a fine job in showing how British authors learned to hate capitalism.

It should be noted that, with one exception, when the authors of these essays talk about "English literature," they mean literature written in Great Britain. You won't find very much here about important American novelists.

But because the contributors are experts in British fiction, they come up with interesting bits of trivia. You'll learn, for example, that among Adam Smith's lesser-known achievements was helping to end the slave trade. I also was surprised to find out that Alex Comfort, before he abandoned fiction to write *The Joy of Sex*, was the author of *The Power House* (1944), a lengthy novel about a failing French textile factory.

And if you read this book and are at a party where someone asks, "I say, who could this fellow John Galt possibly be?" you can answer, "Well, *as everybody knows*, he was the early 19th-century Scottish novelist who wrote *Annals of the Parish* in 1821." (Don't blame me if you get pummeled.)

The arguments of the six authors of these essays run as follows: Until World War I, most British novelists who wrote about business tended to be cultural conservatives who critiqued capitalism from the right. Early 19th-century novelists were most likely to admire the aristocratic ideal of the leisurely life, and tended to think that labor was something that grubby city-dwellers did.

The great Victorian novelists Charles Dickens and Anthony Trollope were successful entrepreneurs who knew the value of the intellectual property they created. But as Salford University English Professor Angus Easson shows, they tended to avoid discussing what their characters actually did when they were working. They used these characters as tools to cause fantastically complex plots to move, but ignored most of the details about what makes capitalism work. For example, Trollope's characters often scheme to acquire railway shares, but his readers learn little about the stock market.

The acid poured by World War I and the Great Depression corroded culture and, according to John Morris, tended to polarize both left- and right-wing British novelists against business. The conservatives, such as T.S. Eliot, W.B. Yeats, and Wyndham Lewis, thought that business was bad because as society became "more the creature of applied science, industry, and technology they felt standards were being debased." The leftists thought that corporations were evil because they accumulated capital. No one had anything good to say about enterprising Britons. (Morris' essay, which is good in describing British novelists before 1945, turns episodic and uninteresting in talking about the post-1945 period.)

Is there anything that we can do to cause authors to treat business more favorably? In a preface, Institute of Economic Affairs President John Blundell offers these suggestions to business leaders.

Pick up a typical novel, and you'll find that whenever a business executive is mentioned, it's usually in a bad light.

- Invite young novelists to spend a day at your plant to see what factory life is really like.
- Endow a prize for the best novel which paints a realistic portrait of business.
- Don't endow chairs at universities. Creating an "Oxbridge Chair in Literary Capitalism is not only fruitless but self-defeating, as such resources will be immediately captured by the anti-capitalists."

Blundell doesn't offer any suggestions for readers, but I have one: If you're reading a good novel with an objectionable capitalist character in it, why not write or email the author and complain? Writers don't hear enough from readers, and if you're calm and reasonable, you might help persuade your favorite novelist that doing business is not inherently evil. ❑

What Does Mr. Greenspan Really Think? by Lawrence Parks. The Foundation for the Advancement of Monetary Education, 2001, 115 pages.

Gold and Mr. Greenspan

Bettina Bien Greaves

Money is one of the most important phenomena, if not *the* most important, in the market. Money (indirect exchange) evolved out of barter as a medium of exchange that allowed man to turn goods into money, and then trade later for what he really wanted. In time, the division of labor evolved; one man produced shoes, for instance, another armor. Armor could then be exchanged for money, which could be exchanged for shoes and vice versa, each according to how people value them. Thus it became possible for the originators of an exchange, who could not get today what they needed, to take in trade a medium of exchange that was more negotiable than the goods that they brought to market, and which they could exchange for goods they needed in the future. With money, they could finally acquire what they themselves wanted to consume.

To be acceptable in trade, a medium of exchange must be something people value: Gold, silver, or currency redeemable in gold or silver. The destiny of an inconvertible paper currency is bound to be, as Hobbes described precapitalistic life, "nasty, brutish, and short." Consider, for example the Continental dollars of our revolution, the Confederacy's paper money, the German marks of the early 1920s, and the post-World War II moneys of Hungary, Argentina, and Bolivia. Governments can, of course, support the value of a paper money and maintain it in circulation for a time by declaring it "legal tender," and compelling creditors to take it. But for how long?

In *What Does Mr. Greenspan Really Think?* Lawrence Parks — an ardent proponent of the gold standard — is concerned by the complete divorce of the U.S. dollar from gold, and the Federal Reserve's unlimited power to create dollars. He argues that the U.S. dollar is threatened by the very institution responsible for protecting it.

Parks analyzes, sentence-by-sentence, a speech by Federal Reserve System Chairman Alan Greenspan. His basic criticism of the Fed is that its role as a "lender of last resort" provides a "safety net subsidy" to banks. This reduces their risks, "induces" them to make questionable loans to less qualified borrowers at lower interest rates, and assures them of gains without fear of suffering losses (p. 37). The "market signals that usually accompany excessive risk-taking" are "muted," so that when trying to set interest rates, the Fed's "regulators are compelled to act as a surrogate for market discipline" (39). Greenspan realizes that lowering interest rates induces malinvestment, while allowing interest rates to rise tends to snuff out jobs. In attempting "to simulate the market responses that would occur if there were no safety net," the Fed's regulators make decisions every day, "either explicitly or by default" (38–39), without ever knowing for sure whether their decisions are "appropriate" (48).

In the talk Parks analyzes, Greenspan admits, not once, but *five* times, that the central bank has "unlimited power" (41) to create unlimited dollars (5, 7, 12, 41–42). The market value, the purchasing power, of our "legal tender" currency has become completely dependent on faith in the Fed. Greenspan admits that "the abandonment of the domestic convertibility of gold effectively augmented the power of the monetary authorities to create claims [dollars]" (12). And if, in some crisis, the Fed should increase dollars without limit — as Greenspan admits it has unlimited power to do — it could destroy entirely the value of the U.S. dollar, its usefulness as a medium of exchange, and thus the market itself.

Parks highlights the Fed's inability to counteract the negative effects of the "safety-net subsidy" to banks by simulating the market, and calls attention to the Fed's unlimited power to create unlimited dollars. Yet today owners of U.S. dollars and of all other assets fixed in dollar terms have no recourse but to rely on the Fed and the fallible human beings who operate it, and who by Greenspan's admission can never know if their decisions are "appropriate."

When Parks asked, "So why don't you speak out?" Greenspan replied: "Because my colleagues at the institution I represent disagree with me." Parks reminded Greenspan this could lead to complete monetary collapse. Greenspan gave "a very pained look" and walked away.

Parks quotes a pro-gold-standard article Greenspan wrote in 1966 (10). Asked in 1993 whether he still agreed with his 1966 conclusions, he replied "Absolutely!" When Parks asked, "So why don't you speak out?" Greenspan replied: "Because my colleagues at the institution I represent disagree with me" (83–84). Parks reminded Greenspan this could lead to complete monetary collapse. Greenspan gave "a very pained look" and walked away (84).

This incident illustrates Greenspan's dilemma. Should he resist Fed expansionist pressures or face a possible monetary collapse from inflation? □

Terra Incognita

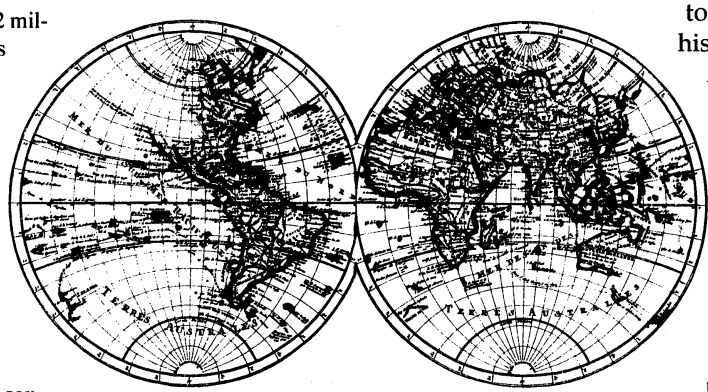

Honolulu

One man pitches in to help alleviate the travel industry downturn in the wake of the terrorist attacks in New York, from an advertisement in the *Seattle Times*:

"Our commitment to America's paradise! As Americans, we've shown an immense compassion for the families of the recent tragic events. Now it's time for us to show our courage by flying again. 'Keep 'em flying' is Pleasant's commitment to help get America's economy back on track by making Hawaii USA, and all our destinations, more accessible and more affordable than ever before. Help to support the 16.2 million American employees whose jobs depend on travelers like you. God Bless America!"

London

Interesting theory about the origins of the Islamic jihad, courtesy of Rupert Murdoch's *News of the World*, as reported in *The Economist*:

"'Osama had booze-filled sex romps with hookers,' based on a 'secret FBI dossier' which explained that Mr. bin Laden's hatred of America originated from an encounter with a girl from Chicago who laughed at his small penis."

Salt Lake City

Curious way federal officials deal with stress on the job, reported in the *Deseret News*:

Assistant U.S. Attorney Laurie Sartorio has been charged with two counts of public lewdness. While walking her dogs she first swore at a group of people for no apparent reason, and then proceeded to pull down her shorts and lift up her shirt, revealing the fact that she was not wearing any underwear. One witness reportedly heard her use the phrase "woo-hoo" during the incident.

Arkansas

Support for the adage that "there's no place like home" is observable even among hardened criminals, reported in *The Mercury News*:

Twice-convicted murderer Kenneth William is demanding his right to be placed on death row after he was transferred instead to a maximum-security facility for the system's "most problematic cases." He claims that the move "has caused him mental, emotional, and physical distress."

Tarrytown, Md.

Curious development in the Old Line State, reported by the Associated Press:

In response to a wish for "some old-fashioned fun," said Naomi Lowenthal, the city recreation director, the city lifted its "unofficial 20-year ban on Halloween festivities."

Brooklyn, N.Y.

From a letter calling for better teacher salaries, written by teacher Sunny Liang to the influential *New York Post*:

"Only if our society realize that there are so many factors contributing to a student's test score, then teachers will be willing to take the blam game. Who is to blam when students don't do homeworks? who is to blam when pareants don't care to come to the teacher pareant conference?"

Washington, D.C.

Startling evidence that the president is more heartless toward the less-advantaged than his predecessors, revealed by The *New York Post*:

President Bush has stopped a federal program that was teaching public-housing tenants "to burn incense, carry lucky gemstones and wear feel-good colors like apricot to reduce stress." Expenses went toward such things as: classifying people according to their "glandular points," aroma packs, and nutrition kits containing "sugar, salt, candy - and Jim Beam whiskey." The "Creative Wellness" program, which cost $860,000 and was funded from the housing agency's drug-fighting budget, was about to go national.

United States

Dispatch from the U.S. Marine Corps, reported by the *Miami Sun-Herald*:

A recent complaint alleges that a U.S. Marine general tolerated a "'hostile atmosphere towards woman' at his command" because weekly runs "exposed women to ridicule because they were slower than men."

Port Townsend, Wash.

Fighting juvenile crime in rural America, from a flier distributed by local police officers:

A week-long program called "Connecting Chord" is being sponsored by the Port Townsend Police Department. It is a program that uses "poetry as a tool for crime and violence prevention" and will culminate "in a performance of original poetry & music by Port Townsend police officers and teens."

Seattle

The progress of higher education in the Evergreen State, from a dispatch in *The Seattle Press:*

The state board that evaluates college-degree programs recently approved bachelors and masters programs in "astrological studies" at Kepler College, thereby enabling its astrology students to qualify for "loans and grants from the U.S. Department of Education."

Special thanks to Russell Garrard, Ivan Santana, and Leonard Robbins for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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—Patrick Henry, 1776

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- ✓ **Ken Schoolland** (USA) ISIL Director, professor of economics at Hawaii Pacific University, former Economist with the US International Trade Commission and special advisor to the White House.
- ✓ **Rigoberto Stewart** (Costa Rica). Organizer of Limón REAL autonomous free-zone project, co-founder of the Movimiento Libertario, and founder of the INLAP thinktank.
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Inside Liberty

February 2002
Volume 16, Number 2

4 Letters At least some mail still gets through.

7 Reflections We pin an LP button on Matt Damon, take ethics lessons from Enron, score a used liver on eBay, watch South Park, hunt for recession-proof jobs, and dump money in a light-rail sinkhole.

Features

23 Mises and Psychiatry Libertarian economist Ludwig von Mises was a great social thinker. But, as *Thomas S. Szasz* explains, he was no psychiatrist.

27 Today's Crazy Investment Environment *R. W. Bradford* explores the bizarre way in which money market accounts have become guaranteed losers, thanks to Federal Reserve policy.

29 A Discourse on Jurisprudence It has been said that all of Western thought is but a footnote on Plato and Aristotle. *Michael D. Gose* proves it.

31 Anarchy, Globalization, and Real Freedom *Johan Norberg* explains why freedom isn't just another word for better bathtubs.

35 The Limits of the Melting Pot When the rest of the world has closed its borders, argues *Bruce Ramsey*, only an idiot would open his.

37 Radical Sheik *Sarah McCarthy* laments the death of self-hatred on the left.

40 Where My Heart Is A man's home is his castle. *Richard Kostelanetz* gives a royal tour.

43 Capitalists of the World, Unite! Radical Objectivists take their steely-eyed message to the streets. *John Tabin* reports.

Reviews

45 How the West Won *Jane S. Shaw* unearths the roots of Western individualism in the religious feudalism of the Middle Ages.

47 A Man to Be Destroyed Clarence Thomas is an independent and principled black intellectual. And for that, argues *Timothy Sandefur*, he had to be brought down.

51 Right Man, Right Time *Ron Capshaw* ponders the historical inevitability of the Reagan Revolution.

52 Booknotes *T.E. Ruppenthal* tallies up government waste since FDR; *Orson Olson* adds one to the growing inventory of "isms."

53 Notes on Contributors Who we are and what we do.

54 Terra Incognita Reality bites.

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Letters

Movies, Music, Guns, and Life

William Tonso's "Sundays Past" (December) provided me a very enjoyable trip back into the nostalgic past with warm fuzzy feelings all the way through his article. I am a female, born in 1927 in rural Texas but Mr. Tonso could have been my next-door neighbor. We saw the same movies, heard the same music and had the same feelings — although it would have been wonderful without the Depression. We had some rough times there, but so did everyone else in our part of the world. We still got to go to the movies on weekends. My mother was an avid movie fan. I am named for a silent screen star, Lila Lee.

But westerns were always my favorite. John Wayne, Jimmy Stewart, Robert Mitchum, Ken Maynard, Buck Jones, Tim McCoy, Bob Steele. I remember when Roy Rogers first came on the scene. We thought he was an upstart but were won over by his music with the Sons of the Pioneers.

Every household had guns as a matter of course. Pistols and shotguns. I did not shoot any of them, but the menfolk did. They were around and not hidden. We paid no attention to them. We would have been shocked at the thought of not having guns. A lot of the rural men, including my uncle and my subsequent husband, went coon hunting nights with their hounds and their guns. There were a lot of rattlesnakes, so you nearly always had to shoot a snake. We would not have known what to do without guns. There were even a few rabid (mad) dogs, skunks, and coyotes we shot from time to time. Never did we shoot any people or even think of it. A lot of people subsisted on cottontail rabbits and squirrels that had to be shot before you could eat them. Guns were a part of the furniture.

We did not see any bandleaders visiting our small rural communities, but we could hear them on the radio, jukebox, at USO dances and, oh yes, in the movies. I would never have known about good music had it not been for movies. I learned to appreciate all kinds: operettas, the big bands, all kinds of music. I heard nothing but country music until I was about 14-years of age. We heard no bad language. I did not know what a drunk person was. Girls used to live a sheltered life in rural Texas.

Thank you again, Mr. Tonso.

Lila Roberts
Abilene, Tex.

War & Hysteria

The word "hysteria" derives from the ancient Greek word for womb, and the ancients believed that hysteria was a distinctly feminine trait. It surely is a sexist etymology, but Sarah McCarthy would be Exhibit A for those who believe in the feminine-hysteria connection.

Her essay "Time to Fight" in the November *Liberty* is unthinking writing in the extreme. Her final two sentences are the ultimate in hysteria: "We have a nuclear arsenal. It's time to use it before they do."

First of all, our enemies are not able to use our arsenal. That's probably just bad writing. But the thought that we should use nuclear tactics against an enemy that is dispersed across the world is quite mad. That's her response to America under attack: Be crazy and kill hundreds of thousands, even millions, of people.

Now in the December *Liberty* she advocates rage, as if she's the only one properly upset with the attack on America. And she derides Gen. Norman Schwarzkopf for his concern that we try not to kill innocent people in our retaliation. I think a logical person, even outraged beyond words at the acts of Sept. 11, should be concerned with the massacre of thousands of more innocent people.

McCarthy has been nothing if not consistent in her approach to writing. Her approach is always passion devoid

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of logic and reason. I do expect better in a magazine that purports to a rational defense and promotion of liberty.

John D. McGinnis
Altoona, Pa.

Putting Our Terrorists Out of Their Misery

Usually, when there are only two sides to an issue, both will be wrong. But in the December *Liberty* there were, on the one side, those like Stephen Cox and Sarah McCarthy (not usually, I think, on the same side of an issue) advocating punishment of terrorists instead of examining and changing U.S. foreign policy and, on the other side, those like Ron Paul and R.W. Bradford advocating both punishing terrorists and examining and changing our foreign policy.

While Cox and McCarthy argue that there is only one thing we should do, Paul and Bradford recognize that a dual response to terrorism is necessary. In order to prevent the creation of endless future enemies, we must recognize that our past foreign policy has helped to create these enemies. Of course, the terrorists of the present will not change their minds because we change our foreign policy.

But we can change our policy and avoid future generations of terrorists. We already helped to create these terrorists, and there is nothing for it but to put them out of their misery. Changing our policy for the future, however, is as necessary as dealing with terrorists in the present. These two approaches are different but not exclusive of each other. We not only can but must do both.

As to the vilification of Islam vis à vis Christianity (à la Ann Coulter), this would require doublethink. Muslims are at least as peaceful as Christians — which is, of course, to say little on behalf of either. Denouncing Islam just because al Qaeda claims to be Islamic is like denouncing Christianity because the Ku Klux Klan claims to be Christian.

Miles Fowler
Charlottesville, Va.

In Defense of Wussiness

In response to Sarah McCarthy ("Rage Now," December), the "wussiness" in the Islam-tolerant media, military, and political establishment hasn't dented our success in a country recently defined as "unconquerable." Regarding McCarthy's counter of General Schwarzkopf, we do want to be better than them. Americans like and expect military victories and moral victories, and that patriotism is justified.

Terrorists refuse to acknowledge the humanity in those not agreeing with their narrow morals. McCarthy would not even be that precise with her own targets, as a shared ethnicity or religion is guilt enough for her. Or what about that poor Sikh in Arizona who was killed merely because he wore a turban? He wasn't on McCarthy's short list of hate victims.

Gregory Van Grunsven
Brooklyn, N.Y.

The Best of *Liberty*

Sarah McCarthy and Stephen Cox are my personal heroes. Besides having enough good sense to hold the correct stance regarding our war, they represent the position well.

A definite high point in *Liberty*'s history is Cox's acknowledgement of Rush Limbaugh's value to classical liberalism. While certain sensationalists parading in *Liberty* devote their efforts to dishonestly promoting themselves at Rand's expense (as if to acquire authority and command respect without the necessity of positively writing anything themselves or even refuting Rand's work), Cox respectably gives Limbaugh credit where it is most undeniably due. Cox and McCarthy are almost reason enough to support the libertarian movement.

Michael Passaloukos
West Lafayette, Ind.

A Distant Rage

If Sarah McCarthy thinks that a war in Afghanistan is such a good idea, then why doesn't she put her money where her mouth is? Rather than cheerleading men on to their mutual destruction, she can form a female volunteer brigade. She and her female cohorts, such as Ann Coulter, can take up arms, infiltrate the heartland of Eurasia, and fight it out with al Qaeda and the Taliban personally. There is some precedent for this, after all Lady Florentia Sale accompanied her husband to Afghanistan with the British army of the Indus in the 1840s and participated in the infamous retreat from Kabul.

Couldn't you just see such worthies as McCarthy and Coulter humping rifles over the Hindu Kush and facing everything from lice infestations to land mines and, if they survive it all, coming back to the guy next door? Until I can

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turn on CNN and see video of these gals dodging bullets, I really cannot take them very seriously. (All praise to those American women who have volunteered to serve in the armed forces, by the way.)

What the fulminations of Sarah and company demonstrate is that once again: "Hell has no fury like a noncombatant."

Joseph Miranda
Northridge, Calif.

Technoglitch

Dave Kopel ("Microsoft Capitulates," January) will hear it from all the geeks on your list, so here we go. Solaris and Linux are distinct versions of Unix. Solaris is not "a version of Linux." They are distinct systems.

Another glitch: ". . . Microsoft was plainly within its rights to insist that its software display not be altered." Software display is something you find in a retail store. You may mean "software not be altered," but Microsoft need not rely on copyright to prevent its software from being altered.

Jack Dennon
Warrenton, Ore.

Where the Sun *Does* Shine

Contrary to what Dave Kopel writes, Sun does not integrate a Web browser in their OS. It is possible to run PC versions of Sun's operating system without purchasing their hardware. There are even some versions of their OS available for free download. You can buy Sun servers without Sun workstations. Sun's OS is most definitely not a version of Linux, though, interestingly, versions of Linux will run on Sun hardware.

Jeremy Taylor
Chicago, Ill.

In the Zone!

In "Microsoft Capitulates" Dave Kopel is in the zone like Michael Jordan used to get in when winning championships! He is so right-on about the ridiculous antitrust suit against Microsoft and for exposing the complete hypocrisy of its accusers! Keep up the great work, Dave — I only wish the mainstream media could actually understand your arguments! But maybe that's a bit much to wish for this Christmas!

Gary Halpin
Redondo Beach, Calif.

Immigration and Slavery

Ken Schoolland, in "Open Minds, Closed Borders" (January), cites the 150-year-old Fugitive Slave Law as something most libertarians would have condemned (if they'd have been there) and wonders why they object to free immigration now.

I don't know about other libertarians, but I see a profound difference between the issues of slavery and open borders. At most, a few million slaves from the South would have had to be absorbed by the North; far different is the possibility of having to absorb a half-*billion* immigrants from around the world.

While I agree with Schoolland that America has plenty of land to accommodate the unwashed hordes from around the world, I would remind him that we need more than land: We need water, electricity, and groceries. Large parts of the open West he touts as prime land for homesteading — and even lots of places in the East — have scant water and little possibility of getting any. Without water, you can't grow anything much but cactus or mesquite. As for electricity, ask the environmentalists how they'd like to *triple* our generating capacity.

Arch Wakefield
Tega Cay, S.Car.

What Kind of Bicycle Was He Riding?

Regarding Ross Levatter's reflection ("Better living through chemistry," November), I have no idea what orchiectomy has to do with his position on drug use and athletics. To insinuate that Lance Armstrong has some advantage, instead of a disadvantage, from the results of an orchiectomy is ludicrous. The contact points of a bicycle seat are not the testicles, but would put stress and traction on the scar tissue that results from surgery in the perineum. This would likely result in more chafing and pain than in an individual that had no prior surgery.

Levatter's final paragraph has no relevance unless he really wants us to believe that he rides a bicycle sitting on his testicles.

David G. Ward, M.D.
Highland, Kan.

Exploiting the Wedge Issue

The results of the recent municipal election in New York City seem to bear out Bill Bradford's thesis that the issue of marijuana reform, or drug decriminalization in a broader sense, holds some currency with voters. For the major city-wide offices this last election, libertarians had a choice between the LP candidate and that of the Marijuana Reform party. In every case, the MR candidate outpolled the LP candidate by significant margins, albeit still in the low single-digits in terms of the overall vote. For mayor, where there was a hotly contested race at the top of the ballot, the Libertarian Kenny Kramer received 1,408 votes while the MR's Thomas Leighton received 2,563 votes. On the lower-level races in which there was no Republican candidate, Libertarians received 6,620 votes for public advocate and 6,638 for comptroller, while the MRs received 21,721 and 17,340 votes, respectively.

I think this clearly illustrates the degree to which voters are willing to support a generic "marijuana reform" platform over the more nebulous "libertarian" mantra.

Marshall Steeves
New York, N.Y.

Who Pays Whom?

My grandfather joined the Illinois Volunteers to end the evil of slavery. He did not fight to "Save the Union." He fought to end slavery, as did thousands of others.

Even if one accepts that it is right to tax the descendants of slaveholders to give money to the descendants of slaves, how can you justify taxing the descendants of those who fought (and many who died) to pay money to the descendants of those they freed from the yoke of slavery?

Robert Burnside
Palos Verdes Estates, Calif.

A Modest Proposal

I'd like to add my reaction to the various letters (December) you've published about Edward Feser's "Injustice Compounded" (October). The problem

continued on page 30

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

The enemy is us, as usual — As of this writing, U.S. military casualties in the War on Terrorism have come mainly from friendly fire, inadvertent U.S. killing of U.S. troops in the field.

This was also true in Kosovo and in the Gulf War.

Has the power of the U.S. military grown so great that our strongest ally for a noninterventionalist foreign policy is OSHA? — Ross Levatter

Run from cover! — I don't understand why anyone would ever look to the government for food and shelter. There are only three kinds of animals on earth who don't take care of themselves: pets, slaves, and livestock. I don't want to be kept or owned, and I most certainly don't want to be eaten. — Tim Slagle

The last refuge — An annoying tic in media coverage of wartime America is the equivocation of the sudden surge of interest in working for the federal government with patriotism. Much has been made of the piles of résumés for would-be sky marshals, intelligence analysts, and investigators landing on the desks of government human resource managers. Of course, this has nothing to do with patriotism and everything to do with the fact that the national security state isn't contemplating the kind of layoffs that rock the rest of the economy. The rush for federal careers merely confirms the adage that a cushy government job is the final refuge of the scoundrel. — Brien Bartels

Thousands died at the hands of the safety Nazis — The Sept. 11 attacks and the U.S. military response in Afghanistan are both easily seen. What is generally unseen is the joint responsibility of New York City politicians, Port Authority bureaucrats, and eco-demagogues for many of the deaths.

For a steel-frame skyscraper to survive a large fire, the structural steel columns must be insulated because steel loses most of its strength when red hot. The Empire State Building (and all other steel-frame skyscrapers of its era) enclosed the steel support columns with a couple of feet of concrete to provide this thermal protection. This added a great deal of weight and cost to the buildings while also consuming a substantial amount of interior space.

In 1948, Herbert Levine invented an inexpensive, compact, lightweight, spray-on structural steel thermal insulation comprised of asbestos and rock wool. This did much to improve the economics of skyscrapers and played a major role in the post-World War II office tower construction boom.

In 1971, in the middle of constructing the two WTC towers, New York City banned the use of asbestos. This created a real problem for the WTC's builders. The structural steel in the first 64 floors was already insulated with asbestos. Use of the traditional heavy, thick concrete insulation for the remaining 54 floors was impossible with the existing lightweight construction. The Port Authority wasn't about to tear down the half-completed towers and start over again. So the builders jury-rigged a nonasbestos substitute. Back in the 1970s, Herbert Levine said, "If a fire breaks out above the 64th floor, that building will fall down." He was right. — Durk Pearson

Motionless in Portland — Supporters of light-rail claim that it will relieve congestion, but that is not what I saw in a column of numbers from the Texas Transportation Institute, which measures traffic congestion. An analyst in Seattle, at the Washington Research Council, took the Texas Transportation Institute's congestion numbers from 1999 and compared them with 1982. He did it for 24 American cities, ranking them on how much their congestion had worsened in that 17-year period. Among the 24 American cities on it, there was Portland, Ore., famed for its light-rail system opened in 1986, its urban growth boundary, and the other policies celebrated among the good-government types as "smart growth."

All that progressive stuff, and the rate at which Portland's traffic got worse, from 1982 to 1999, was No. 1.

— Bruce Ramsey

The second casualty — Randolph Bourne famously observed that "war is the health of the state." The present undeclared war against the Taliban government of

Afghanistan and the stateless army of al Qaeda suggests that his observation is true, even when a war is undeclared and won quickly and — so far as most Americans are concerned — inexpensively.

Despite the ease with which the U.S. military has dispatched its puny enemy, the American public has gladly surrendered liberty in ways great and small. The terrorist attack of Sept. 11 has been a rationale to raise taxes to pay for everything from rapid transit to the subsidy of travel agents. And consider the new developments on the regulatory front.

While one administration official tells Americans that, when they fly on commercial aircraft, they must stand ready to attack hijackers, another has made it illegal to carry onto an airplane anything that might be used as a weapon, including fingernail clippers and crochet hooks. I suppose the idea is that passengers should attack with the plastic forks they are given to eat their airline "food."

As government grows more powerful and more expensive, support for its further growth and its confiscation of more of our liberties and more of our treasure also grows. Recent polls show that the federal government is more popular than at any time in memory.

The era of "the era of big government is over" is over. — R. W. Bradford

Denying the deniers — About 40 years ago, a palindromic professor named Revilo P. Oliver came up with the weirdest theory I had ever heard: Adolf Hitler was a Communist agent. Why, you ask? Because what would Josef Stalin most like to see happen? That Germany be defeated and destroyed. Hence, Hitler, whose policies led to that outcome, must have been Stalin's secret agent.

Now I have found another theory that tops that one: David Irving, the notorious Holocaust denier, is secretly a Zionist agent! Why, you ask? Because his ignominious defeat in his libel action against Deborah Lipstadt and Penguin Books discredited his notion that the Holocaust never occurred, and that Hitler, in any case, never knew about it. According to arch-conspiracy theorist Alfred Baron, the inevitable verdict against David Irving would undermine Holocaust denial forever,

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The War on Terrorism (Part II) • Douglas Casey, Jeff Riggenbach, Randal O'Toole, Alan Bock, and **R.W. Bradford** ask how terrorism will change our lives; for the better or for the worse. (audio: A510; video: V510)

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so Irving must be a Zionist agent. At the trial in London, Baron placed a note on the seat of every reporter and journalist, declaring: "Irving is a paid agent of political Zionism. This trial is staged. Don't be deceived."

I found this morsel of illogic quoted in a brilliant new book, *Lying About Hitler*, by Professor Richard J. Evans of Cambridge University (Basic Books, 2001). The book is an incredible piece of detective work, in which Evans examines all of David Irving's writings, exposing countless errors in quoting and translating, as well as falsifications and inventions, plus — most vicious of all — believing every loving anecdote about Hitler told by his manicurists and bodyguards, while systematically denying the testimony of concentration-camp victims, claiming they are delusional and that they tattooed numbers on their own arms. Read this fine book and you will never take David Irving and his ilk seriously again. — Bob Hessen

High-Tech 52, Guerrillas 0 — The swift and severe response of the United States military in Afghanistan should serve as a reminder that, thanks to modern military technology, the possibility that a citizen militia could defeat a superpower by guerrilla warfare, as in Vietnam or Britain's American colonies has become negligible. — Tim Slagle

A very highly regulated militia — I had to get fingerprinted at the county Public Safety Building before I could begin my new job. Since Sept. 11, the security forces at the building had recalibrated the metal detectors until they could detect magnetic strips on credit cards and slivers of steel in ladies razors. I barely avoided a strip search.

Since Black Tuesday, record numbers of people have been getting concealed pistol permits, a license that requires a quick dip in the ink in my state. One of these new permit holders is my father-in-law, a committed social democrat of rare doctrinairism. The day he went to get his permit, in an adjacent county, he reported the fingerprinting section was doing record business. Along with the more publicized run on guns, Americans have been lining up to be registered bearers of arms. We get printed, assessed, databased, and cleared and in other ways degraded to exercise the right which the Second Amendment guarantees us — although not under the murky legal theorizing that currently obtains in that body of law.

The records section where they took my prints was tiny. There were a couple of other guys there, hunched over their permit applications at a single inconveniently small desk. I was perched on a little ledge beside the receptionist's window trying to write in my personal info on the fingerprint card my company gave me when a guy sidled up next to me. "Registration," he told the receptionist. She smiled and handed him a green cardstock form. "REGISTRATION — SEX OFFENSE AND KIDNAPPING," it said. The necessary paperwork for a modern scarlet letter. I suppose it shouldn't surprise me that the receptionist hands out paperwork both to this guy and me with the same cheeriness, but still . . .

He was over the hill and had apparently traveled there on those proverbial miles of bad road. He wore a sweatshirt and sweatpants of a dingy gray, a tweed cap, and well-worn sneakers. He had a full white beard and watery, bright blue eyes. His cheeks were like roses, and his nose like a cherry, but even if he gained 50 pounds and a twinkle in his eye he'd never be a store Santa Claus now. Not with that green card in his file. Not in a state where they can lock you up indefinitely for sex crimes, until and unless some psychiatrist pronounces you cured. But at least he won't have to go door to door in his neighborhood and introduce himself as a sex criminal or kidnapper. Well, not in most neighborhoods anyhow.

A typical dirty, old man, now an officially registered dirty, old man, lawfully convicted and identified as a permanent outcast. In a sense, there isn't that much difference between him and the two upstanding, bourgeois citizens standing in the same room with him, dutifully filling in their forms so their prints could be fed into the state's database. Their friends are liable to think they're nuts. Their marriages may have chilled. Being a "legal" gun owner means selectively following the laws or forfeiting your supposed privilege. These licensed gun owners are restricted from entering bars, post offices, and school areas while exercising their "right." They will walk around believing they are the object

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of suspicion ("Am I bulging?") and revulsion ("Oh, no, another [sneer] gun owner"). Many employers have instituted "no-weapons" policies in the mistaken belief that this will stop demented day traders, law clerks, and postal workers from bringing arsenals to their workplaces to settle old scores, real or imagined. Of course, the policy will only deter the employee who wants to remain on good terms with his employer; that is, the employee who a businessman wants on his side in a fight.

It's said an armed man is a citizen and an unarmed man is a serf. But in our advanced bureaucratic state, where anything is possible, even the armed man can be a registered outcast. — Brien Bartels

Happy birthday, Noam! — On Dec. 7, 1928, Avram Noam Chomsky was born into this world, and he's still, even as a senior citizen, screaming and kicking.

That's actually quite remarkable. You see, Professor Chomsky is of the opinion that people "shouldn't be subjected to things like division of labor, which destroys them . . ." But despite having been subjected to division of labor *for decades*, Chomsky himself remains "undestroyed." You would think that someone of that opinion would not limit his labor to one narrow field but would move from one occupation to another (baker, lumberjack, dentist, musician, truck driver, etc.) in an attempt to escape "destruction" at the jaws of division of labor — and that he'd advise everyone else to do likewise (which would effectively *end* division of labor). But no, he continues to play his specific part and shows no signs of letting up, which leads me to conclude that if he can

survive division of labor, perhaps there's hope for the rest of us.

Professor Chomsky isn't the first person whose existence refutes his ideas, and he certainly won't be the last. Happy birthday, sir, and many, many more! — Barry Loberfeld

"Hey, hey, ho, ho, laissez faire's the way to go!" — I attended the Walk for Capitalism in Los Angeles on Dec. 2, along with about 25 other people. The march began with some minor problems (the sky threatened rain at the time we were supposed to start) but it went off without a hitch. There were many flags, and a handful of signs — my favorite said "To Earn Is Human"; another said "Laissez-Faire Capitalism: Life, Liberty and the Pursuit of Happiness." We marched downtown on Figueroa Boulevard, past L.A.'s World Trade Center, and on the way back stopped for lunch where a seminar broke out (rather common with libertarians). All in all a fun time, and a chance to meet new friends. Only one newspaper, *L.A. Weekly*, covered the event, but perhaps next year, with more publicity and preparation, it will attract more attention. — Timothy Sandefur

The cloning gap — When the gods of science begin to clone the sons of men, who shall be their chosen people? According to minority media personalities, it shall be the usual suspects: rich, white males. In an ominous development, some members of the "civil rights community" are calling on the federal government to clone the downtrodden.

While driving through Columbus, Ohio, I tuned in a minority-oriented radio station in time to catch their local talk show, "Online with Derrick Clay." Clay insisted that all therapeutic human cloning efforts undertaken to date involved only whites. "There are major differences in white and black anatomies," Clay's female co-host interjected, echoing Southern segregationist "scientists" of a bygone era. Asserting that the health of blacks was being sacrificed under this arrangement, she then asked, "Who will have access to cloning? Those who can afford it. For the most part, that's rich, European males. What about those ethnic groups that don't have access [to genetic reproduction]?"

Her rhetorical question deftly points the way to the next massive government program: government-subsi-dized human cloning.

We should hardly be surprised. There scarcely exists another consumer good not funded by taxpayer dollars, nor any service not subject to politically motivated cries of "equal access." Why should the left make an exception for DNA? (And will DNA replicate at half its usual rate once conducted under government auspices?)

This episode does more than expose the undercurrent of paranoia rampant in the black community. (The same hostess purred agreement when a caller insisted the federal government introduced AIDS into black and Hispanic neighborhoods.) Were Clay a mere blowhard with access to a microphone, we might rest easy. But Clay is no extremist — at least, relatively speaking. He played a key role in electing Michael Coleman mayor of Columbus, in addition to assisting Al Gore's resilient Ohio campaign.

The affirmative action threat transcends financial concerns, taking on potentially totalitarian implications. Imagine a future activist Supreme Court able to decree racial "balance" via human cloning. — Ben Johnson

The cost of empire — War has united America, for the moment. But under the surface, thoughts are dissimilar. One of the keys to what we think is how we answer the question, "Why do they hate us?"

President Bush had an answer in his speech to Congress Sept. 20: "They hate what we see right here in this chamber — a democratically elected government. Their leaders are self-appointed. They hate our freedoms — our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other." They hate us for who we are.

The other answer is that they hate us because of what our government has done. Osama bin Laden has said the three most hateful things America has done is to support Israel's hegemony over Palestine, to embargo Iraq, and to put military bases in the holy land of Saudi Arabia.

Consider what these answers imply. If people hate us because of what our government has done, we have to examine what that was. Something may need to be changed. If they hate us because we vote, because our women drive cars, or because we don't pray five times a day, we need to think no more. If they want to kill us for that, it's time for a war.

Bush's war has divided the right, and this disagreement is fundamental to that. For the pro-war side, consider Cathy Young in *Reason*: "There is every reason to believe that our current enemies, fundamentalist Islamic militants, are motivated by far more than U.S. support for Israel, the plight of the Palestinians, economic sanctions against Iraq, and the presence of U.S. troops on the Arabian peninsula, the main canards of the finger-pointers. In fact, what makes America the Great Satan in their eyes is precisely what libertarians cherish — 'our secular culture of freedom, reason, and the pursuit of happiness,' as philosopher David Kelley put it."

Patrick Buchanan summed up the view of the "finger pointers" on KVI-AM radio, Seattle, in November: "These acts of cataclysmic terror are a direct result of us playing Roman Empire all over the world."

I agree with Buchanan. For me, the key to the question is not to examine the terrorists — I haven't had a chance to examine any — but to listen to ordinary Middle Easterners. It may be that a handful of terrorists hate everything about America, from its foreign policy to what it drinks at lunch; it may be that one cannot be a mass killer unless one's bile runs pure. But what of the population from which the terrorists recruit?

And that answer is easy. There is a widespread anger. Anybody from Egypt, Yemen, Saudi Arabia, or Pakistan can tell you about it. And what they say is, We don't dislike Americans, but we don't like what your government has done to people like us. These are not terrorists with 100-proof hatreds. Their complaints are political. They may have some cultural complaints about America — so do many foreigners — but what angers them is our political acts that affect them.

It is comforting to think we are hated for who we are. We know we are good, and if we are hated for our goodness, voilà, we can hate right back. Bombs away!

But it is not plausible to assume that the ordinary, anti-American Middle Easterner is deeply and personally interested in who we are. We are not interested in who he is. Is it not more reasonable to assume that he is interested mostly in himself, and people like him? If that is so, it surely must frustrate him when the Americans, possessing so much power and so little sense, brush off his complaints by saying he hates American freedom.

The millions who resent the United States, and the distilled few who hate Americans with criminal intent, have feelings about us that began with what our government did. To admit that is not to forgive the terrorists for willing the deaths of innocents. It is not to give up on capturing bin Laden. It is to recognize that events are complicated, that blame comes in different strengths and sticks in more than one place. Anyway, blame is not the only thing to think on. There is the practical question of safety, and we are not making ourselves safer by kidding ourselves about the motives of people who oppose us. — Bruce Ramsey

A good man gone — Dick Armey's announcement that he would not seek re-election to the House of Representatives comes as bad news for libertarians. Armey has been an unusual politician. He is the most influential of the small number of congresspeople who genuinely believe that the size and power of government ought to be reduced. And he doesn't just believe in that as a distant goal — he has actually sought to implement that goal by means of the legislative process. "Making laws is like making sausage," the old adage goes, and few who value liberty want to get involved in the ugly business. While Congressman Ron Paul articulates libertarian ideals, Congressman Dick Armey tries to make them real.

Plainly going against the temper of the nation, Armey still enjoyed a considerable amount of success. He rose to a position of leadership among House Republicans, and managed to sell his colleagues on flatter, lower taxes, and he did his best to roll back state power in other ways as well. He never articulated the radical reduction of the state that libertarians like me propose, but every day he did what he could. His personal qualities were in some ways as important as his political ones. He brought grace, wit, charm and a powerful intellect to an occupation in which it is often lacking.

There are many libertarians who believe that the differences among major party politicians are insignificant, just as there are many who consider the moral status of Franklin Roosevelt as comparable to that of Joseph Stalin, as if enacting minimum wage laws, raising taxes, and creating government-run old age pensions were comparable to killing 30 million of one's fellow citizens.

If any argument against this view were needed, it would be provided by the political careers of Dick Armey and Ron Paul — friends of liberty who have also, indeed, managed to maintain political careers. Unfortunately, however, Armey's retirement will make the case seem more credible to the credulous, since his absence from the scene will inevitably result in the House Republicans moving toward the welfare-statist consensus. — R. W. Bradford

When CEOs get touchy-feely — Michael Lewis exemplifies the persona that gives rise to the famous story about Lenin when he stated at a rally "we'll live to see all capitalists hanging from the trees — they'll sell us the rope." In a recent article on "three lessons from Enron's fantastic collapse," Lewis says, "it's a bad sign for any big company when its male executives all of a sudden begin to care about their personal lives. Having long abandoned any chance of a rich inner life, having shunted aside wives and kids for the sake of commercial glory, they are unlikely to experience any sort of inner awakening, unless they sense there is no more glory to be had." Why don't businessmen immediately jump up and say that they treat their wives and kids just as well as other men?

Lewis is proud to proclaim that someone could have done a great service to capitalism by doing in Orville Wright. And he is proud that he will never invest in anything with more moving parts than a lawn mower or more electronics than a typewriter. Are we all latent mediocrities like Ayn Rand said? Is it insecurity and fear of greatness that makes us kowtow to these kind of sentiments? Or is it just that we lack a philosophical rudder? — Victor Niederhoffer

Public parts — In 1984 Congress passed a law declaring all human organs a national resource, and subsequently forbade sales of organs. This denied any claims an individual might have on self-ownership.

Right now the Department of Health and Human Services has formed an advisory committee to find new sources of organs. Two suggested remedies are removing organs against family wishes, if a donor card is signed, and assuming that everybody is a donor unless there is a document prohibiting removal of organs. To classify this as grave robbing is an understatement. It's utterly Frankensteinian. This isn't the proverbial slippery slope — this is a well-greased cliff. One might ask, how long before Congress comes after the organs of living donors?

The most controversial proposal, in the eyes of the committee, is allowing cash transfer in exchange for organs. Possibly the most startling idea to those involved is that allowing market forces into the equation would probably work. Shortages and lines appear any time a central agency controls price and distribution.

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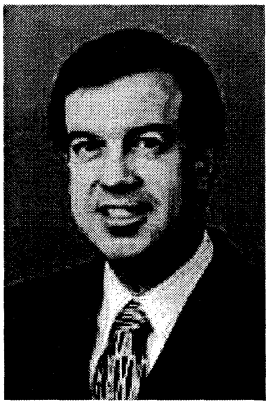

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Even though I recognize the benefit of donating organs that I no longer need, I refuse to sign the back of my driver's license until the state recognizes my self-ownership, and allows me to sell my organs. I urge all that agree with me to follow suit. In fact, as a pre-emptive strike, I'm going to tattoo a note on my back, prohibiting the removal of any organs or tissue without payment to my survivors. — Tim Slagle

Economics disregarded! Naturalistic fallacy reversed! — A reporter on a TV talk show asked Transportation Secretary Norman Mineta whether a 70-year-old white woman from Florida would receive the same level of airport security scrutiny as a Muslim young man from Jersey City. According to Dorothy Rabinowitz in the Dec. 7 *Wall Street Journal*, the secretary said he hoped so. He expressed faith in the FAA's profile system, which leaves out race, ethnicity, and religion and focuses instead on the passenger's travel history, FBI and CIA reports, and such facts as whether the ticket covered a round trip or one way only and had been bought with cash or a credit card.

Such thinking, if meant seriously, disregards three key economic concepts: scarcity, marginalism, and diminishing marginal returns. The more scarce resources are spent combing through the clothes and bags of feeble old women, the fewer remain for more suspicious-looking travelers. Efficient use of resources requires that per unit of cost, equal results be expected at all relevant margins. The resources already devoted to screening old women would have to be few indeed relative to those devoted to Arab-looking young men to reach margins such that an additional unit of attention would yield as much additional expected security devoted to the women as devoted to the men. The facts of reality and insights of economics are not always pleasant.

Even recognizing that infringement of nondiscrimination counts among the costs of security screening, one still gets a whiff of political correctness in the reported positions of Secretary Mineta and the FAA. Here and in other examples one might mention, people are falling into a reverse naturalistic fallacy. The (ordinary) naturalistic fallacy, is that of trying to derive a value judgment from facts and logic alone — trying to get an "ought" from an "is." Equally fallacious is trying to get an "is" from an "ought" — judging something true because one thinks it ought to be true. It would be nice indeed if disregard of ethnicity, age, and sex did not impair the efficiency of security screening. Unfortunately, wishes do not make reality. — Leland B. Yeager

"I didn't think the newspaper would actually *print* a letter like that!"

Green power — The environmental lobby is always complaining that electricity suppliers are not interested in the environment. My local electricity supplier has just sent me a letter that blows that fallacious argument apart. London Electricity, a privatized electricity-distribution company, is offering its customers the opportunity to switch to a "Green Tariff."

The concept is simple. Customers agree to pay a slightly higher tariff of 4 pence (6 cents) per unit. This equates to a modest increase of $20 per annum for an average household. Customers who switch to the Green Tariff receive two free energy-saving light bulbs, worth $13 each. These bulbs use one-fifth the electricity of ordinary bulbs and last 15 times longer. The customer should thus easily save on electricity and bulb replacement to repay the higher cost of the bulb, and more.

The company promises that the extra revenue arising from the higher tariff will be allocated to a Green Energy Fund to invest in small-scale renewable energy projects. For every penny that the customers put in, London Electricity will put in a matching penny. If a customer uses 5000 kWh of electricity a year, London Electricity promises to purchase that much electricity from renewable sources, e.g., wind farms and tidal power.

Why is London Electricity making this offer? The answer is quite simple. Following privatization and deregulation of the British electricity industry, customers can choose to purchase electricity from several suppliers. London Electricity clearly sees the Green Tariff as a source of competitive advantage. It is possible that its competitors may offer a similar deal or an even better one. If so, that is not a problem as customers can easily change suppliers.

So the next time an activist from Friends of the Earth or Greenpeace complains that energy companies put profits before the environment, I will ask them a simple question. Are you on London Electricity's Green Tariff? Free market environmentalism works in practice. Lets hope that other companies follow London Electricity's pioneering lead.

— Kenneth Irvine

Standing athwart liberty yelling, "stop" — In a couple recent *National Review Online* columns, Jonah Goldberg has once again tried to figure out libertarianism, and once again failed. You'll recall that in June he attempted to attack all of libertarianism on the basis of a single conversation (about suicide, of all things) with a college student in Washington. (In a later column he claimed that he hadn't actually been doing that, because, as he put it, "that would be stupid." Indeed it was.) This time around, Goldberg claims that the difference between conservatives and libertarians is that conservatives are "anti-Left," while libertarians are "merely" anti-state. Being anti-Left means opposing the "secular-humanism" represented by the modern liberal coalition, while being anti-state means merely opposing the methods by which liberals prosecute their culture war. "I have always believed, and have written, that a conservative case can be made for the NEA, PBS, and the public schools,"

Goldberg writes. "Conservatism has always understood the important role institutions play in transmitting culture, so if these institutions could be trusted to transmit cultural values which didn't tell people that America is racist, that your soul resides in your gonads, or that Cuba is a workers' paradise — I could be open to keeping them around."

For Goldberg, government-funded propaganda is fine, so long as it is in conservative hands. Only when National Public Radio gets taken over by, say, pro-choicers, would he consider the question of whether it is constitutional in the first place. Still, Goldberg claims, he isn't being intellectually dishonest — the anti-staters (libertarians) are. Although we "think you'd have to be higher than a moon bat to support even the theoretical idea of a government-run TV network," he writes, we "are perfectly happy to make anti-Left arguments ('Do you really want the federal government teaching homosexuality?') if it will help [us] win allies in [our] cause."

In a subsequent column, Goldberg blamed libertarianism for the apparent treason of John Walker, the American who was captured fighting for the Taliban. Ah, that's right. Libertarianism is certainly the well from which springs fundamentalist Muslim movements like the Taliban. But hear him out. Goldberg's argument is that "libertarianism is essentially a form of arrogant nihilism. There are no universal truths or even group truths (i.e., the authority of tradition, patriotism, etc.) — only personal ones. According to cultural libertarianism, we should all start believing in absolutely nothing, until we find whichever creed or ideology fits us best." Thus "Virginia Postrel can write triumphantly that the market allows Americans to spend $8 billion on porn and $3 billion at Christian bookstores, because she isn't willing to say that one is any better, or any worse, than the other."

Goldberg's basic premise: Unless a person's ideology (or cultural taste) is backed up by force, that ideology is irrelevant.

I do not know Mrs. Postrel's thoughts on pornography, but I for one do not regard pornography as culturally superior to Christianity. In fact, I have never been in a pornography shop, just as I have never taken drugs or tasted a drop of alcohol (I wonder whether Goldberg has a similar record himself). Yet because I am a libertarian, he would accuse me of *arrogant nihilism* — of not being willing to say that sobriety is preferable to hedonism.

These columns illustrate Goldberg's, and indeed, cultural conservatism's, basic premise: Unless a person's ideology (or cultural taste) is backed up by *force*, that ideology is irrelevant. Unless a person attempts to *force* another person to patronize a Christian bookstore instead of Le Sex Shoppe, then the fact that he himself prefers the former to the latter is insignificant. Goldberg knows well enough that libertarians (and particularly we Objectivists) have *very* strong cultural preferences. It's strange to hear followers of the philosophy of Ayn Rand being accused of too much tolerance. But because we do not believe those preferences can be *forced* on other people, we are therefore "nihilists." If we *really* preferred religion to pornography, then we would join the conservatives in coercing people to agree with that preference. Because we think that people should be free to make that decision for themselves, then our preferences, no matter how deeply we seem to hold them, are really just illusory.

It's interesting to contrast Goldberg's view of the properly moral sociology with that of John Milton, the greatest Christian poet in the English language. According to Goldberg, Milton was a nihilist. Listen to what he said in *Areopagitica:*

> . . . when God gave [Adam] reason, he gave him freedom to choose, for reason is but choosing; he had bin else a mere artificial Adam, such an Adam as he is in the motions. We ourselves esteem not of that obedience, or love, or gift, which is of force: God therefore left him free, set before him a provoking object, ever almost in his eyes herein consisted his merit, herein the right of his reward, the praise of his abstinence. Wherefore did he create passions within us, pleasures round about us, but that these rightly tempered are the very ingredients of virtue? They are not skilful considerers of human things, who imagine to remove sin by removing the matter of sin . . .

In his *Second Defence,* Milton urged Oliver Cromwell not to make laws "which interdict those things which are lawful only on account of the abuses to which they may occasionally be exposed. For the intention of laws is to check the commission of vice, but liberty is the best school of virtue. . . ."

Milton wasn't the first libertarian to be accused of hedonism, nihilism, etc. Decades later John Locke responded to the same slanders in his *Second Treatise,* writing that "The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For liberty is to be free from restraint and violence from others, which cannot be where there is no law; and is not, as [conservatives like Goldberg claim], 'a liberty for every man to do what he lists.' For who could be free, when every other man's humor might domineer over him? But a liberty to dispose and order freely as he lists his person, actions, possessions, and his whole property within the allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own."

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That remains the core belief of libertarianism. Of course we believe in the difference between right and wrong. Some of us choose not to drink or use drugs, and we even encourage others to make that choice as well. The libertarian doesn't believe that pornography and Christianity are interchangeable. We simply believe that if Mr. Goldberg wants people to patronize the Christian bookstore, he must *convince them* that it is better to do so, rather than using government to *force them* to do so. Indeed, because we believe it is morally *wrong* to force such choices, we place a far greater emphasis on the importance of moral persuasion in our sociology. In fact, Postrel writes extensively in *The Future and Its Enemies* about the importance of cultural criticism for a free society to work. Like Friedrich Hayek (and Locke and Milton) before her, Postrel believes that "Criticism is at the very heart of the dynamic process of learning."

Conservatives like Goldberg are indeed merely anti-Left. We are pro-liberty. Goldberg's belief that freedom of choice amounts to moral relativism and nihilism is shared with a certain fundamentalist, theocratic, socially conservative philosophy which once governed Afghanistan.

— Timothy Sandefur

Image is everything — Like anyone who enjoys Rand's novels, I get a thrill when corporations have the guts to defend themselves in the court of public opinion. Galt knows, it's not that often. But there are currently a few corporate "image" ad campaigns that promote not just a particular product or company, but capitalism itself.

My favorites are the MasterCard ads that show how seemingly trivial purchases can add up to create priceless spiritual moments. You know the ones. "Kneepads: $35. Dark Blue Dress: $80. Dry Cleaning: $0. Bringing a president to his knees: Priceless." Ralph Nader's presidential campaign did a satire of these ads that prompted MasterCard to file an injunction. MasterCard had to, because if you don't zealously defend your trademark, case law says you could end up losing your right to the trademark entirely.

Another of my favorites is the NASDAQ ad campaign that profiles some of the innovative high-tech companies sold on that exchange. Unfortunately, they don't air it much now that NASDAQ has became a swearword. There are also some terrific ads from the American Plastics Council that show how a product as boring and vilified as plastic improves and even saves our lives. And don't forget the Shilo Inn radio ads that extol the "American free enterprise system" as the fountainhead of excellence.

But these ads are exceptions. Most corporate image ads are suicidal. They have a subtext that basically says: "Yes, we know we are evil, but now we're doing some good things, too." The absolute worst has to be the British Petroleum campaign. They've got an ad that says, "Imagine a company becoming a force for good . . . "

I'd love to see British Petroleum unveil an ad that says, "Listen up, all you left-wingnuts who think that we oil companies conspire to thwart the development of solar power. It just so happens that the best solar panels in the world are made and marketed by British Petroleum."

The cigarette companies are getting their butts kicked in the ongoing ad war with anti-tobacco activists. And no wonder. Tobacco ads are regulated every which way but loose. I'd love to see a tobacco council ad with Tom Hanks walking along a Normandy beach saying, "Cigarettes helped win World War II. They calmed soldiers' nerves and kept them alert. They offered a moment of pleasure in a world of horror. And one of the reasons these men fought fascism was for the freedom to enjoy simple pleasures. Like a Philly cheesesteak, a beer, or a cigarette. Don't let today's fascists take that freedom away." But, of course, the sellers of cigarettes can't mention their own product on TV or radio.

And not only are anti-tobacco ads free to say whatever, wherever, and however they want (they're even allowed to show someone smoking, albeit through a hole in her throat), they are often funded by the government. In Idaho, for example, the State Department of Health has launched an anti-tobacco campaign involving a series of billboards showing two rugged cowboys riding slowly into the sunset with the caption, "Bob, I miss my lung." Not only are the cowboys dressed, staged, and photographed exactly the same as in a real Marlboro ad, the type font is exactly the same. I'm no intellectual property lawyer, but this looks a little like a copyright violation to me. Or maybe confiscation of a trademark. But I digress.

When image ads aren't undermining capitalism, they are merely wasting their owners', and ultimately consumers', money. The point is that many of these image ads are pointless. They're defensive without defending anything. Take for example the poignant Phillip Morris ads telling how they helped flood victims and refugees. They're swell ads, but do they make Phillip Morris' enemies suddenly love tobacco companies? And these activists have been crowing that Phillip Morris spent more last year on that ad campaign that it did on the actual charity. Oops.

Speaking of charity, ads aren't the only way corporations waste money trying to cultivate a public image. Corporate charitable giving may offer tax advantages, but from a purely PR point of view, who do they think they're impressing (or appeasing)? I have yet to hear someone say, "Yeah, that Bill Gates is a greedy bastard and Microsoft is the Evil Empire, but you know, they do donate a lot to charity, so let's buy more of their products and tell the government to get off their backs." It's one thing for Microsoft employees to donate their own resources to charity, but as a stockholder I don't want the company spending time and money on anything other than making more money. And as a customer, I don't want to bear the costs of that charitable giving.

And don't get me started on the image-conscious pressure to be seen "giving back to the community." Giving what back? The revenues they already paid to employees, suppliers, and investors? As one of Rand's heroes might say, "After all I've done for you, you want me to 'give back to the community'?! Okay. I'll give you back the entire corporation, just as I found it: an empty field overgrown with weeds."

Actually, come to think of it, many environmentalists might go for an ad like that.

— Tom Isenberg

Like herding cats — Andrew Sullivan writes that the war on terrorism has "discombobulated" libertarians. He has a point. Do defenders of liberty side with the state, because it is fulfilling its essential function? Or do they oppose it, because they are worried about imperialism? Ask

Cato, the Objectivists, Virginia Postrel, or the contributors to *Liberty* and *Reason*: they don't agree. Not at all.

The conservatives see many libertarians siding with the left, and wag their fingers. Writes George Will: "Events since Sept. 11 have underscored the limits of libertarianism." Andrew Sullivan writes, "Libertarianism — often allied to neo-isolationist foreign policy — has gained traction in recent years, and the war has shown how deep instinctive suspicion of government has become. [Rep. Bob] Barr recently told *ABC News*, 'I'm not worried about tribunals, for example, overseas, but domestically we have to abide by the . . . Bill of Rights.' . . . If you'd been told before September 11 that one of the fall's political fights would pit Bob Barr against John Ashcroft, you'd have dismissed it as a liberal fantasy. But the Barr-Ashcroft divide falls ominously along the conservative-libertarian fault line of contemporary Republican politics. Barr's argument echoes other Republicans who harbor deep suspicions of the FBI and CIA, as well as the experts at the Cato Institute who worry about a new American imperialism if the war goes well. If the base of Republican support for the last decade or so has been what Grover Norquist has called the 'leave-us-alone' coalition, then a far stronger military, intelligence, and homeland security apparatus, however good for the country, is not the greatest of news for the conservative coalition."

This does not prove that libertarians are wrong — only that their position in this war will not be unanimous. Maybe, if they think it through, their position will be complicated, balancing long-term liberty with short-term liberty, liberty here and liberty there. The conservatives' position is not complicated. It can be asserted simply by swooshing a flag. One wonders what flag a libertarian should fly. The stars and stripes? It is ours, too. The peace symbol, as some suggest? The Confederate flag, also recommended by some? I've always liked the "Don't Tread on Me" naval jack, the one with the snake on the stripes. But I am not flying it, either.

— Bruce Ramsey

"The free market can cut your long distance bills by half!" — There is very little more annoying than a telemarketing call. I earn my way in this world by telling jokes, and I eagerly anticipate every ring of the phone as it usually signals the arrival of a new gig onto the calendar. So it is dreadfully annoying when the person on the other end of the phone starts trying to sell me something.

There have been many attempts to quiet the calls, through legislation and technology, but the aggressive telemarketing industry always finds a way around the blocks. The reality is that companies that use phone banks generate more in sales than it costs to keep them staffed. If we want to stop telemarketing, we have to shift the balance in two areas: Decrease the sales, and raise their payroll costs.

The first is easy. If we all agree to simply stop buying goods and services marketed in this fashion, the profit incentive will disappear. To win on the second front, we must conspire to make the telemarketer's job more unpleasant so firms will have to raise wages to retain employees. I propose we all take an oath to make these phone calls as unpleasant as possible. Forget that we live in a civil society and stop being nice. After all, they initiated the call. One interesting way to annoy telemarketers is to turn the tables on them and try to sell them back. I've found libertarianism to be a very effective way of distancing friends and neighbors, so why wouldn't it work on total strangers? Next time somebody rings your line to ask you if you know how much you can save on your long-distance calls, ask him if he knows that there is no constitutional basis for having to file an income tax form. Keep him on the phone listening to a litany of market-based solutions for an hour or so.

Or ask your telemarketer exactly what he did to deserve such a crummy job. Kids before marriage? Didn't take school seriously? Drugs? I understand that a lot of telemarketing companies are going to prisons for the cheap labor available there. It's kind of ironic that the same politicians who promise us legislation to protect us from telemarketers are profiting by using the penal system to make the telemarketing calls they rally against. This opens up a wonderful opportunity for us to perform outreach. We all imagine ourselves as revolutionaries and rebels, but the truth is most of us are law-abiding geeks. Few of us will ever spend any time in prison. If you find that the salesperson is calling you from prison, there's an excellent chance you're talking to one of the million or so incarcerated drug criminals that should be in the Libertarian Party. Don't let the Democrats be the sole benefactors from the criminal demographic. Granted, if they are felons, they probably can't vote, but you can tell them that if Harry Browne had been elected they would have been paroled by now, and selling MCI from outside. Your captive audience might encourage his friend and family to join us.

— Tim Slagle

Oh my God! Osama killed Kenny! — *South Park* and I have had an off-and-on relationship. When the cartoon series first came on TV, I couldn't get enough of it. I loved its outrageousness. And it was a perfect example of how comedy works.

All comedy works in the same way: it's the sudden discovery that what we feared, what we were taught to respect, what we worried about, what we were intimidated by, isn't anything that we need to worry about after all — dude! When the *South Park* kids went around calling each other #*%#@&! and @*@#$%!, what they were really saying was, don't be intimidated by *any* of those rules you learned. (Also, they just wanted to say #*%#@&! and @*@#$%! But never mind; it's not important for the theory.)

That was the point of the whole business about Kenny's death. Kenny, as you know, is the little kid who mumbles his way unintelligibly through every episode, before getting killed in some ridiculous way, whereupon the other three kids yell, "Oh no! They've killed Kenny!" and then go about their business as if nothing ever happened. And it didn't happen, not really; because in the very next episode, Kenny is back, ready to be killed again — no explanation required. It all goes to show that if you just remain a total nonentity, you never need to worry; you never even need to die, not really.

I know it's stupid; the whole show was stupid, right from the start. But it taught the most satisfying lesson that anyone could ever learn: whatever you do, man, that's okay. And if

you can't understand even that lesson, don't worry; in the final analysis, even the most abject stupidity is perfectly okay. At the end of Aristophanes' great comedy *The Birds*, humanoids exactly like the citizens of South Park conquer the immortal gods themselves. It's the ultimate dream — to be rewarded, not in spite of your failings, but because of them.

But then, just when I was starting to compare *South Park* to Aristophanes, or even Cheech and Chong, something happened, something unexpected and dreadful. I got tired of sheer stupidity.

How can this be? I wondered. I didn't know. I just knew that it was true. Maybe it had to happen. Sheer stupidity has an evil twin, which is sheer insipidity; and they're rarely seen alone. I knew that *South Park* and I would have to call it quits when SUVs showed up in my neighborhood with rainbow decals on one side of the rear window and a *South Park* kid on the other. The hip bistro down the street started setting out cookies in the shape of *South Park* kids. Worse still, authorities on atheism started going on TV to appreciate *South Park*'s analysis of theology. Obviously, stupidity wasn't safe from its own success. It couldn't stay stupid; it had to turn itself into one more stinking thing you had to think about.

So I stopped watching the show.

But now . . . I'm back! The recent *South Parks* have demonstrated that even if nothing can long endure as radical, gut-level, absolute, content-free nonsense, nonsense may at times succeed in becoming Effective Political Satire; i.e. satire that I agree with.

I first noticed *South Park*'s swerve from far left to far right when I saw a rerun of its Rain Forest episode. The episode involves an environmentalist teacher who takes the *South Park* kids to some dilapidated non-American country to protest against the capitalist plot to destroy "the rain forest," and therefore mankind. Things immediately go from bad to worse. Not only do the kids, and even the teacher, find out that the local people know more than they do about the environmental dangers that they supposedly confront, but the whole group winds up getting rescued from the deadly perils of the jungle itself by a bunch of lumber guys with enormous bulldozers.

Eggzullunt! And last winter was even better. It didn't take *South Park* three minutes to produce a hilarious satire of the disputed presidential election, representing it as a contest for homeroom president that quickly mushrooms into massive litigation, until the kids, in their stupidity, decide that the whole thing is just a boring, repulsive game, and they don't have to play it any more.

And now we come to *South Park*'s Taliban season. The sublime Osama bin Laden episode first represents OBL as the feckless villain in a Bugs Bunny-style comedy; then it tires of him and shows a guy blowing his head off. Funny! But easy. The harder part was dealing with the America issue.

South Park's sole reason for existence, once you get beyond sheer stupidity, is to laugh at the American way of life. But we're living in a time when the ideology of the Americans who matter (at least from the media point of view) is *anti*-Americanism. When you think about it, anti-Americanism *is* the American way of life, for them. That's why national news magazines run "Why Do They Hate Us?" on their covers, with "they" meaning that purported enormous part of the world that, presumably for good reason, spends most of its time hating the USA. This attitude toward America is so prevalent among the quick, the slick, and the hip as to constitute a powerfully intimidating force for everybody else.

Well, that's the kind of thing that comedy is meant to take care of, and *South Park* has done so.

Its method was to send the kids to Afghanistan and confront them with four Afghan kids who look exactly the same as they do, except that they're wearing those funny clothes.

I knew that South Park *and I would have to call it quits when SUVs showed up in my neighborhood with rainbow decals on one side of the rear window and a* South Park *kid on the other.*

The Afghan kids consider it their duty to hate the American kids, and they claim that a third of the world's other people do, too. "But why?" the American kids ask, and the answer is (as if this were the most obvious thing in the world), "Because you don't *realize* that a third of the world hates you."

It's the perfect postmodern moment, the perfect nexus of opposed perspectives, and nothing but perspectives — or so a hip, slick, postmodern analyzer would put it. That's not the way the *South Park* kids put it, though. Their response is, "That doesn't make sense! You're just a buncha buttholes!"

There's more. There's the almost equally delicious moment, later in the same episode, when the American kids say goodbye to the Afghan kids. The Afghans reaffirm their hatred for the Americans, and the Americans respond, with a greeting-card wistfulness, "Maybe someday we can learn to hate you, too."

Now, if you're afraid that *South Park* is self-censoring its critique of America just because there's a war going on, you can check out the subsequent episode in which the kids go to the airport and a security guard discovers that Kenny is car-

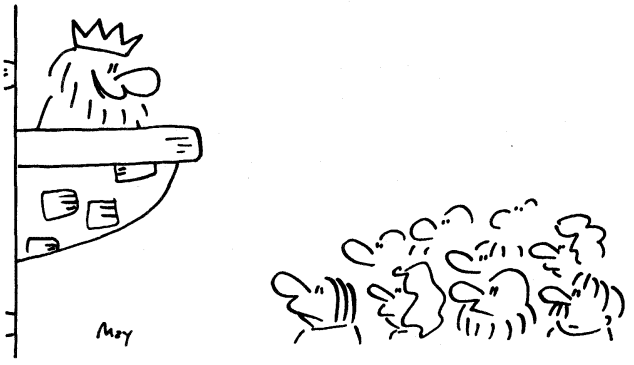

"I resigned my army commission this morning — you are now under civilian rule!"

rying a pair of toenail clippers. Being one of the few truly conscientious airport guards in America, the guy whips out a gun and blows Kenny away.

So don't worry, America is still the object of *South Park*'s gross, obvious, unfair, disgusting satire. But *South Park*'s satire of America's enemies, at home and abroad, has broken the unfairness barrier. It has arrived at the gross, obvious, disgusting, but perfectly fair and, indeed, irrefutable truth: They *are* just a buncha buttholes. — Stephen Cox

Starstruck at the LP — A lot of Libertarian Party members figure the easiest way to victory is to get a Hollywood celebrity to head the LP ticket. I say, why be satisfied with just one celebrity when we can have all of Hollywood? These celebrities are all in the upper-one-percent income tax bracket. They'd probably be embracing Republican tax cuts if it weren't for the GOP's record on civil liberties and censorship. The attitude of most Hollywood celebrities is 100% in agreement with our policy on the drug war — don't even get me started on sexual liberties or military interventionism. Unfortunately, most of the industry has embraced Teddy Kennedy liberalism, where wealth is tolerated, as long as you "care" about people who have less than you.

So how can we get Hollywood to come around to the LP? I think we should encourage Republicans to push for a new tax on celebrities. Republicans already hate Hollywood, so they'll warm to the idea quickly. I suggest the GOP propose a "neighborhood rebate tax," a heavy tax on people who earn more than 1 million dollars per year income from ticket sales, television ratings, or commercial endorsements. The tax is earmarked to help the neighborhoods the celebrities left behind. The poor in America will certainly like the idea. After all, why should Oprah be so wealthy when it is the average stay-at-home mother-housewife who put her where she is today? It would be extremely difficult for a celebrity to oppose such a tax publicly, especially if they've been aligning themselves with Santa Claus Democrats.

The celebrities will soon realize how vulnerable they really are. The fragility of minority rights, especially when that minority is defined by personal wealth, will become startlingly apparent. The evil political monster called envy will chase them into the Libertarian Party in droves, dragging their status, resources, and fundraising ability.

Let's just make sure that when they get here, that we're an inviting place. If we really go after the celebrities, we have to look a little less like a comic-book convention. Hollywood is a lot like high school: If the only seat left in the cafeteria is at the dork table, a cool kid will eat standing up. — Tim Slagle

Plane of fools — If you consider the principal effects of their violence, the 19 guys rank as monumental fools:

1) closer cooperation between the two old superpowers, Russia and the United States, explicitly against Muslim countries;

2) increased popularity for President George W. Bush;

3) the canonization of Rudolf Guiliani, who got elected twice thanks to the other party's uncompetitive candidates and was on the verge of retiring in ignominy when the attacks occurred;

4) the previously unlikely election of overnight "Republican" Mike Bloomberg as New York City mayor;

5) the gratuitous bombing of Muslim Afghanistan — a country unable to defend itself;

6) persistent criticism of Saudi Arabia's favored relationship with the United States;

7) greater sympathy for Israel as the lone democratic outpost in the Middle East;

8) increasing sentiment for New York City unity;

9) increasing difficulties for otherwise law-abiding Arabs and Muslims residing in the United States;

10) the incarceration, often on flimsy grounds, of scores of Arabs residing the United States who can't even get civil-liberties support and publicity;

11) increased support for more aggressive intelligence agencies, both international and domestic, particularly in the surveillance of Arabs and Muslims;

12) a stock market that rose, after a decline, to levels higher than before the WTC sabotage;

13) generous economic assistance to Muslim nations that oppose terrorism;

14) increased federal aid to New York City, which has always thought it paid Washington more than it received back.

For these results alone, their 19 faces should be defaced in red with the word "fools" and then burned in effigy, at least by Arab-Americans, perhaps by Arabs and Muslims everywhere.

All violence inevitably produces results far different from those intended, for the antagonists as well as the victims.

— Richard Kostelanetz

George Harrison, R.I.P. — The day George Harrison passed away (Friday, Nov. 30) my brother sent me an email: "The Beatles are halfway to a reunion." It was a sad joke, not a cruel one.

The back of George's "Beatles Color Card" (his was number three) has the vitals: Born in Liverpool, Feb. 25, 1943; height: 5'11"; weight: 142; favorite music: hillbilly; likes: drive-in movies; favorite type of girls: friendly; favorite activity: going to drive-in movies with friendly girls. (I made that last one up.) Just for comparison, Paul (card number two) liked "sleeping," and his favorite type of girl was "any." (That one is real.)

George (you can't call a Beatle by his surname, can you? I mean, "Harrison" would have to be Rex, or Benjamin, or William Henry) escaped death a couple of years ago, when a crazed fan entered his home and, for reasons best known to himself, started stabbing him. Such, perhaps, is the effect of being just "George" to several billion people. During the attack, George shouted "Hare Krishna, Hare Krishna" at his attacker. Then his wife brained the guy with a poker, which proved a more effective defense. The verdict was "not guilty by reason of insanity." According to the testimony of a psychiatrist, the assailant "believed his actions were justified. The actions were ordained by God. . . ." No wonder President Bush is in favor of trying terrorists by means of military tribunals.

Early Saturday morning, I turned on VH1 and watched a couple of hours of George tributes. There was a lot about what he did after he stopped being a Beatle, but the most striking thing about all the Beatles' post-Beatles work is how

The Era of Big Government Being Over Is Over

by Sheldon Richman

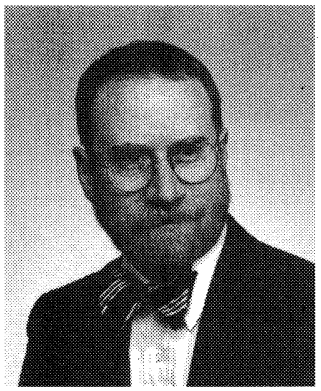

It is hard not to notice a certain amount of glee in the aftermath of the catastrophe of September 11. Some pundits and commentators have taken this line: "So, where are all you government bashers now? Let's see one of you step forward and criticize big government now that we need it to save us from the terrorists."

I'm paraphrasing, of course. But similar words have been printed on news and op-ed pages from New York to California. For example, Jeff Faux, a socialist at the Economic Policy Institute, has written, "When the chips are down, where do we turn? To the government's firefighters, police officers, rescue teams.... And to big government's Army, Navy and Air Force." But such sentiments are not coming from the so-called left alone. After all, the Republican Party favors bailing out the airlines and an "economic stimulus package." They're all Keynesians now.

It appears that the era of big government being over is over. This is good news for lots of aspiring economic planners. Let's face it, there are politicians and social scientists who have been frustrated for the last 20 years during which the case for big government has suffered badly. The implosion of the Soviet Union and the obvious failure of one government program after another has made these difficult times for socialists. They've conjured up environmental disasters to jump-start the cause, but it hasn't quite taken. Now there is the perceived need to beef up government in all sorts of ways to protect us from terrorists. The beefing up is likely to consist not only of the usual economic intervention, but also of more widespread wiretapping, e-mail interception, and perhaps restrictions on encryption.

Let's get serious. When Bill Clinton declared the era of big government over, he didn't mean it and it didn't happen. Big government has not gone away. The terrorists pulled off their awful crimes not because we have too little government, but because we have too much. First, we have too much government in foreign affairs. Washington and Jefferson advised that we as a nation avoid political entanglement with other nations and that we practice free trade with all. We long ago thumbed our noses at that sage advice and entered hostility-generating entanglements all over the globe.

As for domestic policy, there has hardly been a retrenchment in the last 20 years. Ronald Reagan left the government larger than he found it. Federal revenues doubled over his two terms. Bill Clinton had welfare reform forced on him by the Republicans, but with government-provided daycare and health care, the budget has gone up, not down. Government may have looked smaller next to the booming economy, but it is not smaller in the amount of power and influence it wields over our lives.

And while this big government was busy with all this meddling, it apparently wasn't doing what it claims it does: protect us from aggression.

The issue now is whether our safety depends on government's getting even bigger. It was the federal government that was charged with keeping the cities and — for gosh sakes! — the Pentagon free from attack. It failed miserably. But under the perverse rules of the political sector, when government fails, we are forced to give it even more resources. No one even resigns in disgrace, much less gets fired.

Before we embark on a spasm of government-building, which, believe me, will not be only for the duration of the terrorist threat, let's recall that America's greatness, prosperity, and resiliency have come from our freedom and decentralization. Now is not the time to further concentrate power in Washington.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of **Tethered Citizens: Time to Repeal the Welfare State**, *and editor of* ***Ideas on Liberty*** magazine.

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utterly mediocre it is. Maybe you could put together a good album out of the Wings' body of work, but you have to balance that with gems like "The Girl Is Mine" and "Let 'Em In" ("Somebody's knockin' at the door; somebody's ringing the bell . . . la la la"). Lennon's *Double Fantasy* received high praise because it achieved the milestone of Doesn't Totally Suck.

George was no exception to this pattern. As an early Beatle, his output was a song every album or so, and his contributions were solid, right from the first album's highly underrated "Don't Bother Me," whose complete lack of vocal harmony I've always found surprising for a Beatles song (okay, there's a hint of harmony while the song's fading out). His songs from the early Beatles years had to share vinyl with the extraordinary output of John and Paul, but they were significant; and in the middle years, his songs improved.

The sitar-laden "Love You To" and "Within You, Without You" were interesting experiments, and the libertarian "Taxman" was strong enough to start what is now regarded as the Beatles' best album, *Revolver*. You can't argue with the lyrics: "Should five percent appear too small, be thankful I don't take it all . . . Don't ask me what I want it for, if you don't want to pay some more . . . Now my advice for those who die, declare the pennies on your eyes, 'cause I'm the TAXMAN!" Then there's the terrific bridge:

If you drive a car, I'll tax the street
If you try to sit, I'll tax your seat
If you get too cold, I'll tax the heat
If you take a walk, I'll tax your feet

I always thought the Batman theme — you know, "da-da-da-da-da-da-da-da BATMAN!" — was taken from "Taxman," but I just checked on the World Wide Web and it's the other way around. They couldn't put it on the Web if it weren't true. That time, George escaped copyright trouble, although he wouldn't be so lucky later on.

George reached his songwriting peak in the late Beatles years, when John and Paul were busy disappearing up their own assholes (the *White Album* and *Abbey Road*). Churl that I am, I've never much liked "While My Guitar Gently Weeps," "Something," or "Here Comes the Sun," but they are well-crafted songs with fine melodies. Sinatra claimed that "Something" was the best love song in 20 years, and I'm skeptical of George's reported amusement at Sinatra's giving writing credit to Lennon/McCartney. The person who wrote that song also had pride in his work.

The three full decades of post-Beatles work (I can hardly finish the sentence after writing that) had a few interesting moments. I don't care whether "My Sweet Lord" was plagiarized; it's a good song, and every musician steals. "Give Me Love (Give Me Peace on Earth)" was a modest song that met with modest success. Then there were the less purely musical events. George's "Concert for Bangladesh" is supposed to have been the first big rock charity concert. He did benefits for England's Natural Law Party. In the first half of the '80s, he produced films, including Monty Python's *Life of Brian*.

But as his career went on, the hits got worse. See "Crackerbox Palace" for an example of how bad early music videos were (and for George's striking likeness to Weird Al Yankovic), chart-topping "Got My Mind Set on You" for over-the-top poppiness (thanks to co-writer Jeff Lynne, of ELO fame), and "When We Were Fab" and "All Those Years Ago" for nothing-better-than-average tributes (the second, and the better, of these two was written after Lennon's death). George teamed up with Bob Dylan, Jeff Lynne, Roy Orbison, and Tom Petty to form the Traveling Wilburys. Though Petty's never been the same since, they did get Orbison, who had one of the saddest, most beautiful voices in the world, to sing again before he died.

George was a modest, thoughtful man. He and Ringo had the courtesy to show up when the Beatles were inducted into the Rock 'n' Roll Hall of Fame. John was dead, and Paul . . . well, he died a long time ago. George's last interview, about three years ago, with a "VJ" as host, featured an impromptu concert thanks to a staffer's friend, who happened to have a guitar with her. After an acoustic version of "All Things Must Pass," George was asked why, with all the other trouble in the world, he chose to stage a benefit for Bangladesh. He replied, "A friend asked me if I would help out." Can you imagine Paul or John giving such a simple, self-effacing answer?

With his longtime musical and spiritual partner Ravi Shankar at his side, the quiet and sincere Beatle spoke quietly and sincerely about life and death. His short summation showed why he was not only the Quiet Beatle but also the Dark Beatle: "The most important thing is why we die. After that, nothing else matters." — Paul Beroza

George V. Walsh, R.I.P. — Objectivist philosopher George V. Walsh, 78, died on Nov. 8, 2001, after many years of illness. Walsh was a professor emeritus of philosophy at Salisbury University, but will long be remembered for his personal association with Ayn Rand. Walsh came to Rand, armed with a BA in philosophy (from Williams College), an MA from Brown, and a PhD from Princeton. He was one of the few thinkers who became convinced of the correctness of Rand's system of thought long after his professional engagement with philosophy.

He first came to the attention of most libertarians with the publication in *The Objectivist* of a series of articles on Marxist philosopher Herbert Marcuse and the New Left. He also wrote *The Role of Religion in History* (1998) and, with Frederick Lehnert, translated Alfred Schutz's *Phenomenology of the Social World*.

I last worked closely with George when *The Journal of Ayn Rand Studies* published his "Ayn Rand and the Metaphysics of Kant" (Fall 2000). As sick as George was, he was able to proof his copy and make substantive changes along the way. His wife told me that he'd been awfully sick, but that our work together gave him quite a spiritual lift. The feeling was mutual. He was a trusted colleague and friend, and I will always remember him for all the kind — and constructively critical — support he gave me in my own intellectual endeavors.

I will also remember George for his warmth as a human being, and for his essential honesty. He suffered for many years, but his spirit always seemed to keep him one step ahead. Those who love liberty and reason shall miss him.

— Chris Matthew Sciabarra

Analysis

Mises and Psychiatry

by Thomas S. Szasz

As one of the 20th century's intellectual giants, Ludwig von Mises was a master of many subjects. Psychiatry was not among them.

Because ours is an age of specialization, we expect specialists to be particularly knowledgeable about their areas of expertise and, for other matters, rely on the work of other accredited experts. However, I believe we ought to expect more from social scientists, especially if their interests encompass issues of individual liberty and personal responsibility — namely, that they also familiarize themselves with the truths about the medical specialty called "psychiatry." Why psychiatry? Because psychiatric interventions — in particular, civil commitment and diversions from the criminal justice to the mental health system — are the most common, and most uncritically accepted, methods used by the modern state to deprive individuals of liberty and responsibility.

Unfortunately, even the staunchest advocates of liberty have shown an uncharacteristic trust and naiveté when it comes to psychiatry, taking what the authorities say at face value even when it clashes with their own most fundamental principles. As an illustration, I offer, with some reluctance, a sample of Ludwig von Mises' comments about psychiatry.

Although formally Ludwig von Mises was an economist, it would be more accurate to view him as a political philosopher and, in particular, a defender of individual liberty based on private property and the rule of law. It is also manifest that he was one of the intellectual and moral giants of the 20th century, and that his magnum opus, *Human Action*, is one of the most important books of that century.

The Two Faces of *Human Action*: Praxeology and Psychiatry

Unlike conventional, mathematical economists who study issues such as industrial outputs, interest rates, and money flows, Mises focused on human action: "No treatment of economic problems proper can avoid starting from acts of choice; economics becomes a part . . . of a more universal science, *praxeology* [a general theory of human action]."*

Viewed as the study of human action, economics and psychiatry are fraternal twins: Economists are concerned mainly with the material and political consequences of choices and actions; psychiatrists, mainly with their personal and interpersonal consequences. Yet economists have shown no interest in psychiatry. In view of the fact that psychiatry is a thoroughly coercive statist enterprise — its emblematic institution and locus being the *state* mental hospital — this is an especially astonishing omission on the part of free-market economists. Of course, neither economist nor psychiatrist can avoid trespassing on his sibling's territory. But since the brothers don't speak the same language, each is ignorant about his own flesh and blood.

The profession of psychiatry as a medical specialty rests on the idea of insanity as an illness — epitomized by the individual beset with "irresistible impulses," which transform him from a responsible moral agent into a "mental patient" not responsible for his behavior. That image forms the basis of the insanity defense and much else in our society.

Sir Henry Maudsley (1835–1918), the undisputed

*Ludwig von Mises, *Human Action: A Treatise on Economics* (Yale University Press, 1949.) Page 3.

founder of modern British psychiatry, explained this basic concept of psychiatry: "To hold an insane person responsible for not controlling an insane impulse . . . is in some cases just as false in doctrine and just as cruel in practice as it would be to hold a man convulsed by strychnia responsible for not stopping the convulsions . . . [I]t is a fact that in certain mental diseases a morbid impulse may take such *despotic possession of the patient as to drive him, in spite of reason and against his will, to a desperate act of suicide or homicide*; like the demoniac of old into whom the unclean spirit entered, he is possessed by a power which forces him to a deed of which he has the utmost dread and horror"* (Emphasis added).

More than a hundred years later, psychiatrists and psychiatrically enlightened lawyers and politicians hold the same view. Michael S. Moore, professor of law and professor of philosophy at the University of San Diego, writes: "It is not so much that we excuse them [the mentally ill] from a *prima facie* case of responsibility; rather, by being unable to regard them as fully rational beings, we cannot affirm the essential condition to viewing them as moral agents to begin with. In this the mentally ill join (to a decreasing degree) infants, wild beasts, plants, and stones — none of which are responsible because of the absence of any assumption of rationality."**

Even the staunchest advocates of liberty have shown an uncharacteristic trust and naiveté when it comes to psychiatry.

These passages present us with nearly all the moral, medical, linguistic, and legal metaphors and misapprehensions that form the foundations of modern psychiatry. By medicalizing (mis)behavior, psychiatry replaces the otherworldly superstitions of religion with the worldly superstitions of scientism. Without identifying this view with psychiatry, Mises explicitly rejected it: "To punish criminal offenses committed in a state of emotional excitement or intoxication more mildly than other offenses is tantamount to encouraging such excesses. . . . Man is a being capable of subduing his instincts, emotions, and impulses . . . *He is not a puppet of his appetites*. . . . he chooses; in short, he acts. . . . *Human action is necessarily always rational*. The term 'rational action' is therefore pleonastic and must be rejected as such" (Emphasis added. HA, p. 16, 18).

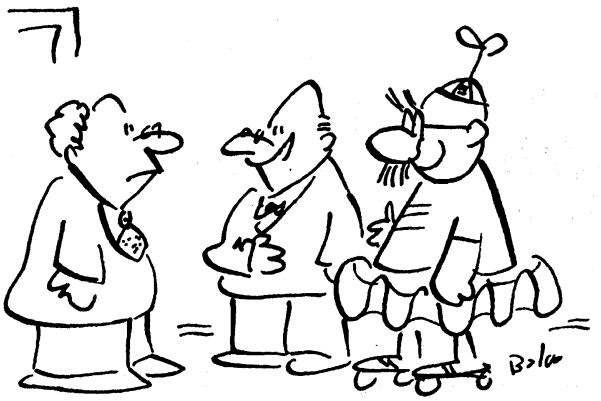

"Alderson, here, is our vice-president in charge of Crazy Ideas That Just Might Work."

These ideas have formed the basis for my views on "mental illness" and psychiatry. If all human action is rational, then no action is irrational or, as psychiatrists and their admirers like to put it, "senseless." It is only a short step from Mises' assertion that human action is always rational, to my assertion that mental illness is a myth.

Nevertheless, in his many references to insanity, Mises expresses an uncritical acceptance of standard psychiatric mythology.

Human Action

After arguing the intrinsic superiority of cooperation over coercion and anarchy, Mises wrote: "Even if we admit that every *sane* adult is endowed with the faculty of realizing the good of social cooperation and of acting accordingly, there still remains the problem of infants, the aged, and the insane. We may agree that *he who acts antisocially should be considered mentally sick and in need of care*" (Emphasis added. HA, 149).

I respect Mises too much to comment on this unfortunate statement.

Sometimes, Mises contradicted himself, criticizing psychiatry in one sentence, and embracing it in the next. He declared: "No better is the propensity, very popular nowadays, to brand supporters of other ideologies as lunatics. Psychiatrists are vague in drawing a line between sanity and insanity" (HA, 185). But he then added: "It would be preposterous for laymen to interfere with this fundamental issue of psychiatry." Since the issue is not merely drawing a line between sanity and insanity as abstract concepts, but determining which individuals innocent of lawbreaking ought to be deprived of liberty and responsibility, why is it "preposterous for laymen to interfere with this fundamental issue of psychiatry"?

Viewed as the study of human action, economics and psychiatry are fraternal twins: Economists are concerned mainly with the material and political consequences of choices and actions; psychiatrists, mainly with their personal and interpersonal consequences.

Indeed, Mises proceeded to do just that, albeit much too timidly: "However, it is clear that if the mere fact that a man

*Henry Maudsley, *Responsibility in Mental Disease*, 4th ed. (Kegan Paul, Trench & Co., 1885.) Pages viii & 133.

**Michael S. Moore, "Some myths about 'mental illness,'" *Archives of General Psychiatry*, (December, 1975); page 1495.

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shares erroneous views and acts according to his errors qualifies him as mentally disabled, it would be very hard to discover an individual to which the epithet sane or normal could be attributed. . . . If to err were the characteristic feature of mental disability, then everybody should be called mentally disabled" (HA, 185–6). That is precisely what Freud did, and Mises admired him for it.

Mises refrained from saying, outright, that having a delusion ought to be regarded as a fundamental human right, lest all disagreements with authority be disqualified as mental illnesses. Probably he did not say so because he did not believe it to be the case. The evidence points in this direction: "If a statement were not exposed as logically erroneous, psychopathology would not be in a position to qualify the state of mind from which it stems as pathological. If a man imagines himself to be the king of Siam, the first thing which the psychiatrist has to establish is whether or not he really is what he believes himself to be. *Only if the question is answered in the negative can the man be considered insane"* (Emphasis added. HA, 316). Mises must have known that persons considered insane are incarcerated in mental hospitals, but remained silent on the subject.

Mises failed to consider the possibility that the man who says he is the king of Siam may be an actor, playing the role of the king; or that he may be lying — that is malingering — to avoid a duty or punishment, such as military service or the death penalty; or that he may be protesting his insignificance, his false self-identification representing a metaphorical compensation for it; or, most importantly, that believing oneself to be the king of Siam — like believing that, after dying, one will go to heaven or hell — ought to be viewed as the right to be wrong, and hence should not be ground for incarcerating the speaker in a prison, even if that prison is called "hospital."

Liberalism

Liberalism, written in German more than 20 years before *Human Action,* contains more embarrassing psychiatric indiscretions. In the Introduction, Mises declared, in typical psychiatric style: "This opposition [to liberalism] does not stem from reason, but from a pathological mental attitude — from resentment and from a neurasthenic condition that one might call a Fourier complex, after the French socialist of that name."* In the jargon of Freudian psychobabble, Mises continued:

> The *Fourier complex* is much harder to combat. What is involved in this case is a serious disease of the nervous system, a neurosis, which is more properly the concern of the psychologist than of the legislator. . . . Unfortunately, medical men have hitherto scarcely concerned themselves with the problem presented by the Fourier complex. Indeed, they have hardly been noticed even by *Freud, the great master of psychology,* or by his followers in their theory of neurosis, though it is to psychoanalysis that we are indebted for having opened up the path that alone leads to a coherent and systematic understanding of *mental disorders of this kind.* . . . Only the theory of neurosis can explain the success enjoyed by Fourierism, the mad product of a seriously deranged brain. This is not the place to adduce evidence of *Fourier's psychosis* by quoting passages from his writings. (Emphasis added. L, 14–15)

Mises strongly opposed — in both *Liberalism* and *Human Action* — the view that drug addictions are diseases and that it is the proper function of the state to punish such behaviors. Nevertheless, in *Omnipotent Government* [1944] he wrote: "The League of Nations may continue to combat contagious disease, the drug traffic, and prostitution" (303).

Believing oneself to be the king of Siam — like believing that, after dying, one will go to heaven or hell — ought to be viewed as the right to be wrong, and hence should not be ground for incarcerating the speaker in a prison, even if that prison is called "hospital."

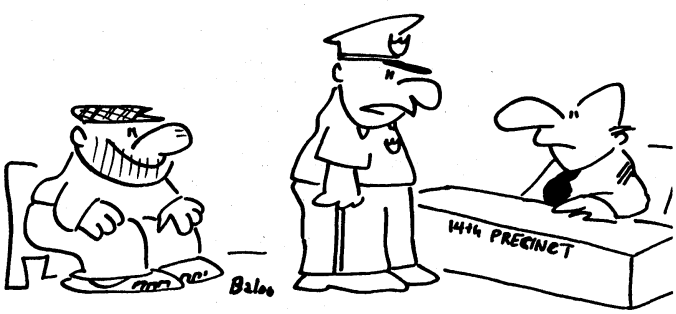

"We offered him a free court-appointed attorney and he said he'd rather just have the money."

Conclusion

Regardless of official title or professional affiliation, anyone who addresses the human condition and writes about how human beings live and ought to live is influenced by the kinds of life he cherishes and condemns. Mises was no exception. He was a great man, but not because he established praxeology as a science of human action — for there can be no such science.** Mises was a great man because he recognized that the 20th century's great collectivist movements of "liberation," National Socialism (Nazism) and International Socialism (Communism), were simply new versions of slavery — and fought tirelessly, and against great odds, against them.

It is regrettable that Mises did not see that psychiatry (and psychoanalysis, through its alliance with psychiatry) was and is also a form of statist pseudo-liberationism; and that, because psychiatry is allied with medicine and healing rather than with militarism and killing, it is the most insidious and, in the long run, the most dangerous form of statism yet developed by man. ❑

*Ludwig von Mises, *Liberalism: A Socio-Economic Exposition* [1927], translated by Ralph Raico, edited by Arthur Goddard (Sheed Andrews and McMeel, 1978) p. 13.

**This is not a criticism of Mises. In my view, use of the term "science" ought to be restricted to the hard (physical) sciences. This does not make other branches of learning any less important.

Today's Crazy Investment Environment

by R. W. Bradford

Economist Franz Pick used to call government bonds "certificates of guaranteed confiscation." Today, it appears, all short-term interest-bearing investments, whether in banks, T-bills, or money market funds, deserve that characterization.

This is a crazy world. And I'm not just talking about crazies from the Middle East, who figure that the way to pursue their religion is to hijack airliners and crash them into buildings full of Americans. I'm also talking about plain, commonsensical Americans doing the plainest, most commonsensical thing in the world, investing their money.

Consider the graph below. It shows the "true yield" of savings — that is, the actual yield an investor can expect on a money market fund after taxes and the effect of inflation have been deducted — at the end of the past two years and on Dec. 7 of this year.*

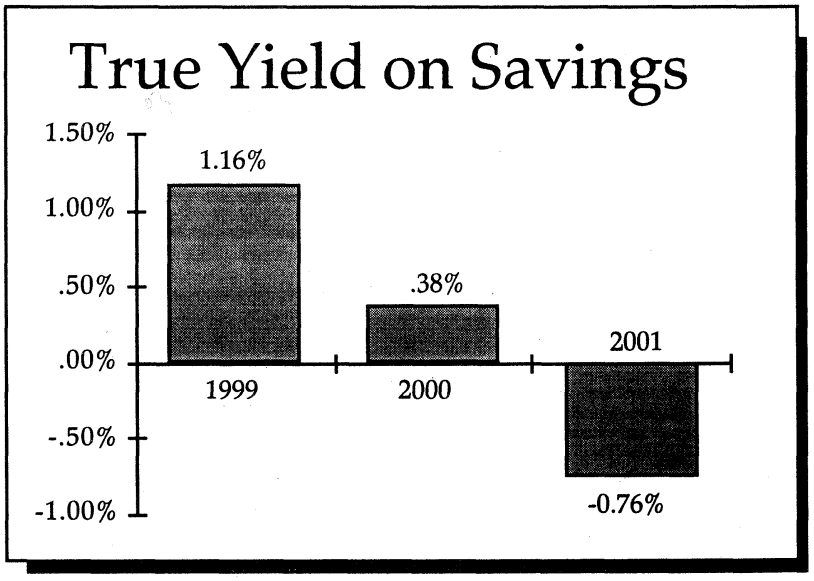

You'll note that the true yield for money invested at the end of the past two years is small but positive, but that money invested today actually has a negative yield: Putting money into a money market fund is a sure way to lose. Of course, it would be crazy for anyone to invest when they are guaranteed a loss. But they do, at least for a while.

Actually, the situation is even worse than the graph shows. The money market fund yield used there does not yet reflect the cut in interest rates made on Dec. 11, which will surely reduce MMF nominal yields within the next few weeks. Further, my calculation assumes only a 35% tax bite, a very conservative figure, since most investors in MMFs pay a marginal federal tax rate of 36% or more, and, unless they happen to live in one of the handful of states without state or municipal income taxes, they must also pay up to another 13% in taxes to their state and city. In addition, my calculation accepts the Consumer Price Index as an accurate measure of inflation when, in fact, the CPI is concocted by the government to systematically underestimate inflation.

Here's the bottom line: Most investors can count on losing about 1% of the purchasing power of the money they put into banks, money market funds, treasury bills, or other

* More specifically, it lists the yield on the Merrill Lynch Ready Assets Trust, less 35% for taxes and the previous year's change in the Consumer's Price Index. The true yield varies with each individual's tax situation.

short-term, low-risk, interest-bearing investments.

The last time this happened was in the 1970s. To ward off a recession, the Fed lowered interest rates to a point where the true yield was negative. What was the result? It took some time, but people gradually figured out that they were being exploited. And they did what people have always done when government policies to inflate the currency have the effect of gradually confiscating their savings: They bought gold, silver, and other tangible assets.

Money invested in money market funds today actually has a negative yield: It is a sure way to lose.

The effects were dramatic. Gold shot from $35 to $800. Silver skyrocketed from $1.29 to $50. Inflation rose above the 10% level. The stock market tanked. In an attempt to get inflation under control, the Fed eventually raised interest rates to nearly 20%. The stagflationary recession got worse and worse.

I don't suggest that those events will occur in exactly the same way in the coming few years. But all the pieces are in place for such a scenario to repeat itself, at least in general terms.

Well, how did this insanity happen?

It happened because the Federal Reserve System, our government's messianic solution to the business cycle, made it happen. In theory, the Fed was established to stabilize the credit market and control inflation. But during the past year, it has acted as if its purpose were to keep stock prices up. Every time the stock market falls, it cuts interest rates, on the theory that making money cheaper to borrow would do several things: encourage people to borrow to buy stocks; cut the cost of corporate borrowing, thereby increasing corporate profitability; and make more conservative investments less attractive by lowering the returns on everything from bank accounts to bonds.

The problem is that the scheme isn't working very well, as you can see from the chart below.

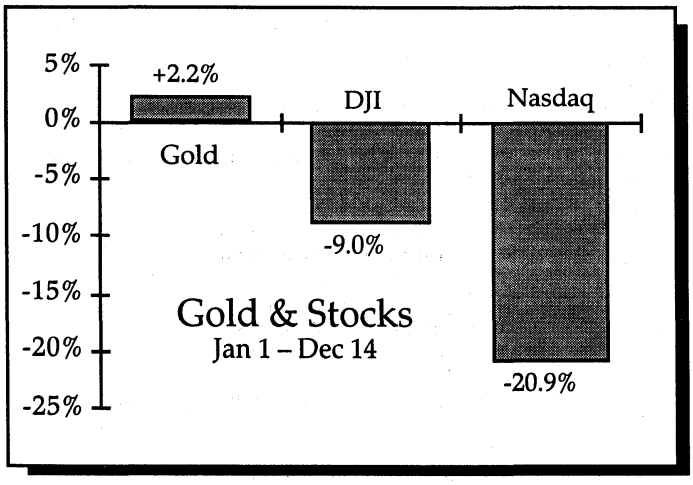

The Fed has cut rates no fewer than eleven times this year, yet the Dow is still down9%, the Nasdaq is down 21%, and every day the economic news seems to get worse: layoffs, bankruptcies, declining consumer confidence, lower profits . . . It's tough to find any good news on the front page of *The Wall Street Journal.*

The Fed can still stimulate the stock market, and nearly every cut in interest rates does help revive it some. But this is like giving a very sick patient a strong stimulant: It revives his vital signs, but the disease continues to weaken him.

The Fed's interest rate cuts have two effects that are lethal for the remainder of the economy. As I've already noted, when investors discover that they are losing money on their savings, they gradually move money out of savings and into other assets, thereby reducing the economy's capital stock.

But as bad as that is, worse follows. Low interest rates are inherently inflationary. Interest is the price of using money. The way you cut the price of something is to increase its supply. If current supply and demand result in money having a price of 5% per year, and you want to lower that price to 4%, the only way you can do so is by creating new money.

The Fed has several methods of doing this, the details of which need not concern us here. What's important is that the Fed is flooding the system with new money created out of nothing. The increased supply of money cuts interest rates, but it also cuts the value of the dollar. It's a simple matter of supply and demand: If you increase the supply but demand stays the same, the price will drop. In the case of money, that means that its purchasing power will drop. The result is inflation.

The Fed can still stimulate the stock market, and nearly every cut in interest rates does help revive it some. But this is like giving a very sick patient a strong stimulant: It revives his vital signs, but the disease continues to weaken him.

Inflation feeds demand for tangible goods. Fine, you might think. But although the government may be able to create new dollars with a printing press or a computer, it cannot create tangible goods. People realize this, so they start buying up these goods, hoping to obtain something whose value is not guaranteed to decline. This process further reduces the supply of capital that might otherwise be invested in long-term projects.

Where will it end? I don't know, but most likely we'll suffer another serious round of stagflation. A year or two from now, the good times that seemed like they'd last forever in the 1990s may be only a hazy memory, as people scratch to make a living and to keep alive the hope of a secure future. ❑

Anakalupsis

A Discourse on Jurisprudence

by Michael D. Gose

It has been said that all of Western heritage is but a footnote on Plato and Aristotle.

A very good friend of mine, who happens to be a high school senior, a 4.0 student, a high scorer on the SAT, a champion wrestler, and an excellent person, was sent to his public high school's vice-principal recently for having his baseball cap on backwards.*

*In fact the school has no written rule[a] that it is forbidden to wear caps backwards, but such a practice is seen as failing "to wear appropriate clothing." (This is a rural area and the policy is not gang-related.)

[a]There is a written statement of philosophy in the student handbook that reads that the school is supportive of each student and values diversity.[b]

[b]Interestingly, besides the oral tradition of the hat rule, there is also an unwritten school rule that the female students must wear bras. Such garments are not only seen as "appropriate," but mandatory as well.[c]

[c]Yes, I am writing this in 1998, not 1968.[d]

[d]The '60s in America featured the reaction of the Age of Aquarius to the "I Like Ike" generation.[e]

[e]The "I Like Ike" generation tended to believe the Socratic dictum, "After all, isn't a town greater than a man?"[f]

[f]This is somewhat ironic in that the "I Like Ike" generation was vociferously against totalitarianism, whether it was Fascism or Communism.[g]

[g]Curiously, Karl Marx believed communism could work, however, his ideas were subverted by Lenin's idea that such a state would be a long way off, so meantime there would need to be a "vanguard of the proletariat."[h]

[h]Some vice-principals also tend to believe that adolescents will eventually become good, but in the meantime there needs to be a prince, a leviathan, and a vanguard of the proletariat to keep adolescents in check until that distant time.[i]

[i]Incidentally, one particular teacher at that same school, someone who is actually a good friend of mine, once told me that he was a Nazi in the classroom so kids would appreciate democracy[j] after they graduated.

[j]Democracy is an experimental form of government that tends to believe (with Emerson[k]) that a man is greater than a town.

[k]Emerson emphasized "self reliance" (and presumably that the individual would know what the most appropriate way to wear a baseball[l] cap might be).

[l]Baseball, which was not invented by Abner Doubleday but has been known as the national pastime,[m] celebrates the individual's contributions to a team effort.

[m]More recently, American football has been considered the national pastime.[n]

[n]Except maybe with the exception of quarterbacks and Neon Deion Sanders, football people, especially football coaches,[o] believe that the team is more important than the individual.

[o]Many baseball managers who make about $200,000 a year believe this, too, and try to convince players like Cleveland Indians [sic] power hitter Albert Belle[p] of this. Belle does not talk to the press, and probably not his manager either.

[p]Presumably Albert Belle believes the individual is greater than a town;[q] perhaps it is hubris on his part.

[q]Probably Ken Griffey Jr.[r] feels the same way as Belle, but with so many endorsements at stake, emphasizes the team in his proclamations to the press.

[r]Coincidentally, if not ironically, Ken Griffey Jr., probably the best player in the game today, despite what Bobby Bonds says, is often photographed wearing his baseball cap backwards.[s]

[s]Ken Griffey Jr. is a role model for America's youth; in fact, his picture is on the Wheaties[t] box in front of me as I write this footnote.

[t]What's good for General Mills is good for America.[u]

[u]Ergo, wearing your hat backwards is good for America.[v]

[v]So, why does the vice-principal think Mario should not wear his baseball cap backwards?[w]

[w]The vice-principal apparently thinks Mario should just do as he is told because, after all, isn't a town greater than a man?[x]

[x]In fact the vice-principal has more in common with Machiavelli, who believes that the worse crime is the unpunished crime, and it may be that miscreants should be tortured and/or killed.[y]

[y]Mario has in fact been taught to question authority, not to disrespect it.[z]

[z]Mario also believes a man is greater than a town.

Letters, from page 6

started somewhere back in time when African chieftains discovered that they had a salable product that would bring them wealth: their own people!

"Reparations" are what a victorious army forces on the defeated. What we should be discussing is "compensation." A fair system of justice always allows for compensation. Compensation requires that you must compensate the damaged party and restore him to the position and condition he would have had, had you not interfered with his life.

With this in mind, I strongly support compensation for African-Americans. If they will turn in the stereos, refrigerators, computers, town homes, Buicks, SUVs, Mercedes, and cell phones, we will give them a loin cloth, a spear, and a goatskin water bag. They will then be on an equal footing with their African brethren whose ancestors were lucky enough to have escaped when their chieftains were selling human merchandise to the slave-ship captains.

Compensation, yes — reparations, never!

Robert C. Larson
Riverside, Calif.

Don't Park on Me!

In "Intelligent Man's Guide to Smart Growth" (December), R.W. Bradford, editor of *Liberty*, tells us that "the automobile is a wonderfully liberating device." It also, he fails to tell us, brings ugliness, pollution, economic waste, agony, injury, and death. It is an immoral, wasteful way of life. Verily, it is a crime against nature.

The automobile is driving people mad. "Road rage," as aggression on the roadways is called, has become a common phenomenon. The breaking point for Michael Douglas in the film *Falling Down* was getting stuck in traffic (where most of us spend much of our time). But like automobile advertising, Bradford conveys the message that automobile ownership is a requisite of a full, rich life.

Honesty would call for portraying the automobile not in a sylvan setting, as is now done in automobile advertising, but rather in a traffic jam or collision.

The rotting downtown, the sterile suburbia, the ticky-tacky shopping center, and the desolate motel are all vulgar monuments to the auto culture. The automobile way of life has turned "America the Beautiful" into "America the Parking Lot."

Ralph Slovenko
Detroit, Mich.

Bradford responds: Professor Slovenko has my sympathy. I too was once a resident of Michigan's megalopolis.

Fascism and Illumination

David Ramsay Steele's "The Mystery of Fascism" (November) was a pleasant surprise. Steele wrote a stimulating piece on one of the major political movements of the 20th century, providing the sort of intellectual analysis that is becoming increasingly rare in much of today's cliché-ridden political media. His presentation of the evolution of the fascists, from frustrated Marxist revolutionaries through statist ideologues, gives the reader an understanding of how we got to where we are today. It was good to see such names in print as Filippo Marinetti, Robert Michels, and George Sorel, intellectuals who did much to shape the course of the last century.

By talking about the past the article also illuminated the present. Libertarians need to heed observations that the great masses are prone to irrational behavior and manipulation by elites through use of symbols. Such observations might serve to explain why the Libertarian Party continues to bottom out in elections, and perhaps get libertarians to question their own approaches to politics.

Let's see more articles like this in future pages of *Liberty*.

Joseph Miranda
Northridge, Calif.

Fascism and Irrationalism

I read with great interest David Ramsay Steele's "The Mystery of Fascism". Conspicuously absent, however, (and perhaps conveniently, hmm?) was the mention of two primers on Fascism: Wilhelm Reich's *The Mass Psychology of Fascism* and Franz Neumann's *Behemoth: The Structure and Practice of National Socialism.*

More specifically, Steele fails to mention the basis of Fascism: irrationalism. Without irrationalism as its catalyst, Fascism is just another failed political experiment. It is irrationalism that sets it apart from other political ideologies. Even Stalinism, at its most oppressive expression, was still based on dogma, but never on irrationalism. It is a gross oversimplification and a historical distortion to believe that the extreme Left and Right somehow meet, forming a vicious circle, or that they are different sides of the same coin.

The reactionary "historian" Paul Johnson wrote in his smug and very unintellectual book, *Intellectuals*, that Mussolini and Gramsci were moral and political equals because they were both of the same "social milieu." That is as illogical as saying that I, myself, am the moral and political equivalent of a California death-row inmate, simply because we are both ethnic minorities (and he probably is), come from broken homes, and were born and raised in southern California!

John Molina
Chula Vista, Calif.

Steele responds: Mr. Molina recommends two books by Marxists, dating from the 1930s and 1940s, about German National Socialism. My article was specifically about Italian Fascism, and concentrated on the more recent and more accurate analyses which call into question the old leftist formulas. The Reich and Neumann books are both worth reading. Reich shows how inadequate Marxist class analysis is to explain National Socialism, but tries to fill in the gaps with a theory of "sexual repression" which strikes me as extraordinarily silly. Neumann's book was important at the time (1946) for broadening the outlook of some leftists so that they could acknowledge that Hitler had not been simply a tool of the capitalists. The conventional socialist view that Fascism is "based on irrationality" was rejected in my article, but since Mr. Molina doesn't offer any criticisms of what I wrote, I can't help him.

The Few, the Proud, the Thinking

I continue to enjoy reading *Liberty*. Sure, I strongly disagree with the opinions of some authors, and agree with others. It's a real marketplace of ideas that does not just parrot a narrow party line, something very common nowadays. It also places a responsibility on the reader to think, which is very pleasant and healthful if done, but likewise uncommon.

William D. Young Jr.
Franklin, N.Y.

Anarchy, Globalism, and the Real Value of Freedom

by Johan Norberg

Freedom isn't just another word for better bathtubs.

Our anarchist party won the school election!

It was the autumn term 1988 at my school — we were about 16 at the time — in a western suburb of Stockholm. As usual when it was election year, we were to stage a "school election" of our own. But Markus, my best pal, and I didn't believe in the system. Majority polls, to our way of looking at things, were like two wolves and a lamb voting on what to have for dinner. The school wanted us to elect someone to rule us, but we wanted to rule our own lives.

Partly, I suppose, we did it because we felt different from the others. I was dead keen on listening to synthesizer music and goth, preferably dressed in black and with backcombed hair. We wanted to play music and read books, while the others seemed mostly preoccupied with gizmos and fitting in. The right wing, it seemed to us, was upper-class establishment, dead against anything different. But we didn't feel any more at home with the left, which to us meant drab governmental bureaucracy and regimentation. Even if we preferred Sisters of Mercy and the Swedish punk singer Thåström, it was John Lennon's "imagine there's no countries" we believed in. National states must be abolished and people allowed to move freely and cooperate of their own free will everywhere in the world. We wanted a world without compulsion, without rulers. Clearly, then, we were neither right wing nor left wing, neither Conservatives nor Social Democrats. We were anarchists!

So we started "Anarchist Front" and put ourselves down as candidates in the school election on a radical, humorous ticket. We put up handwritten posters on the walls in school, proclaiming things like: "Who's going to run your life — you or 349 MPs?" We demanded the abolition of the government and of the ban on bikes in the school yard. Most of the teachers took a dim view of this, feeling that we were making a farce of the election, whereas we thought that we were making our voices heard in true democratic spirit. Being called to the headmaster's study for a telling-off merely strengthened our rebellious spirit.

We did well in a tough campaign, polling 25% of the votes. The Social Democrats came second with 19%. We were over the moon, convinced that this would be the start of something big . . .

That was 13 years ago. In the meantime I have changed my mind on a number of things. I have come to realize that questions concerning individuals, society, and freedom are more complicated than I then believed. There are too many aspects and problems involved for everything to be settled in one drastically Utopian stroke. I have come to realize that we need a government which protects liberty and prevents the powerful from oppressing individuals, and I have come to understand that representative democracy is preferable to all other systems, for this very purpose of protecting the rights of the individual. But my fundamental urge to liberty is the same today as in that wonderful election campaign of 1988. I want people to be allowed freedom, with no one oppressing anyone else, and with governments not being permitted to fence people in or exclude them with tariffs and frontiers.

This is why I love what is rather barrenly termed *globali-*

zation, the process whereby people, communications, trade, investments, democracy, and the market economy are tending more and more to cross national boundaries. This internationalization has made us less constricted by the mapmakers' boundaries.

Political power has always been local, based on physical control of a certain territory. Globalization is enabling us more and more to override these territories, by travelling in person and by trading or investing across national boundaries. Opportunities for choosing other solutions and foreign alternatives have multiplied as transport costs have fallen, we have acquired new and more efficient means of communication, and trade and capital movements have been liberalized.

We do not have to shop with the big local company, we can turn to a foreign competitor; we do not have to work for the village's one and only employer, we can be offered alternative opportunities; we do not have to make do with local cultural amenities, the world's culture is at our disposal; we do not have to spend our whole life in one place, we can travel and relocate. Above all, this leads to a liberation of our thinking. We no longer make do with local routine, we want to choose actively and freely. Companies, politicians, and associations are having to exert themselves to elicit interest or support from people who are acquainted with a host of alternatives from the world's diversity. Our possibilities of controlling our own lives are growing, and prosperity is growing with them.

Markus, my best pal, and I didn't believe in the system. Majority polls, to our way of looking at things, were like two wolves and a lamb voting on what to have for dinner. The school wanted us to elect someone to rule us, but we wanted to rule our own lives.

This is why I find it pathetic when people who call themselves anarchists engage in the globalization struggle, but against it, not for! I visited Gothenburg, Sweden, in June 2001 during the big EU summit. I went there in order to explain why the problem with the European Union is that in many ways it is fighting globalization and liberalization, and to present my view that borders should be opened and controls dismantled.

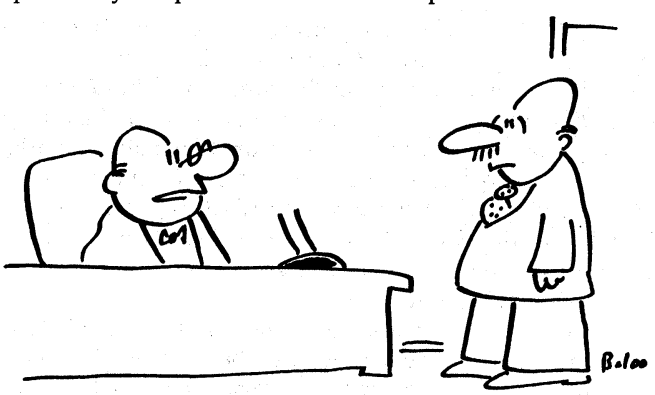

"I'm sorry, Carruthers, but we've decided to let you go and hire your evil twin."

I never got the chance to hold my speech. The place where I was to speak was suddenly in the middle of a battle zone, when so-called anti-globalization anarchists were smashing shops and throwing stones at policemen who were trying to defend a democratic meeting. They are anarchists who demand prohibitions and controls and throw stones at people with different values. Anarchists who demand that the government resume control of those people and enterprises who no longer find their initiative restricted by national boundaries. They make a mockery of the idea of freedom. To our cheerful Anarchistic Front, people like that had nothing to do with anarchism. In our simplified teenage vocabulary they were, if anything, fascists.

But this is only the violent appendage of a broader movement which is critical of general globalization. In the past few years more and more people have been complaining that the new liberty and internationalism have gone too far, amounting to a "hypercapitalism." The protest movement against this capitalism may call itself radical and profess to stand for exciting new ideas, but its actual standpoints belong to the same old opposition to free markets and free trade which has always been shown by national rulers. Many — authoritarian Third World régimes and Eurocrats, agrarian movements and monopoly corporations, conservative intellectuals and New Left movements — are afraid of globalized humanity acquiring more power at the expense of politics. All of them are united in viewing globalism as a monster completely out of control. A monster that has to be rounded up and restrained.

Much of their criticism of globalization is based on portraying it as something big and menacing. Often they do so, not by reasoned argument but through flat statements of fact, e.g. that 51 of the world's biggest economies are business enterprises or that something like 1.5 trillion dollars are moved around in financial markets every day. As if size itself were intrinsically dangerous and terrifying. This is mathematics, not argument. It remains to be proved that big enterprises or high turnover are a problem in themselves. Often the detractors forget to prove any such thing. I propose pleading for the opposite. So long as we are at liberty to pick and choose, there is nothing wrong with certain forms of voluntary cooperation growing large through success.

Figures like this, and the abstract term "globalization" — itself apparently little over 10-years-old — conjure forth the image of an anonymous, enigmatic, elusive force. Simply because it is governed by people's individual actions in different continents, and not from a control center, it seems uncontrolled, chaotic. "There is no head office, no board of directors, no control panel," one critic complains. Many feel powerless at the prospect of globalization, and this feeling certainly comes easily when faced with the decentralized decisions of millions of people. If others are at liberty to run their own lives, we have no power over them, but in return we acquire a new power over our own lives. This kind of powerlessness is a good thing. There is no one in the driving seat, because all of us are steering.

The Internet would wither and die if we did not send

emails, order books, and download music every day through this global computer network, no company would collect goods from abroad if we didn't order them, and no one would invest money over the border if there were no entrepreneurs there willing to invest in response to customer demand. Globalization consists of our everyday actions. We eat bananas from Ecuador, drink tea from Sri Lanka, watch American movies, order books from Britain, work for export companies selling to Germany and Russia, holiday in Thailand, and save money for retirement in funds investing in South America and Asia. Resources may be channelled by finance corporations and goods carried across frontiers by business enterprises, but they only do these things because we want them to. Globalization takes place from beneath, even though politicians come running after it with all manner of abbreviations and acronyms (EU, IMF, WB, UN, UNCTAD, OECD) in a bid to structure the process.

Of course, keeping up with times doesn't always come easily, especially to intellectuals in the habit of having everything under control. In a book about the 19th-century Swedish poet and historian Erik Gustaf Geijer, the Swedish intellectual Anders Ehnmark writes, almost enviously, that Geijer was able to keep abreast of all principal happenings in the world at large, just sitting in Uppsala reading the *Edinburgh Review* and the *Quarterly Review*. That is how simple and intelligible the world can be when it is only a tiny elite in the capitals of Europe that makes any difference whatsoever to the course of world events. But how complex and confusing everything is becoming now that the other continents are awakening and developments are also beginning to be affected by ordinary people's everyday decision-making. No wonder then that influential people, decision makers, and politicians claim that "we" (i.e. they) lose power because of globalization. They have lost some of it to us, ordinary citizens.

The stand taken by you and me and other people in the privileged world on globalization can decide whether more people are to share in the development which has taken place in Bhagant's village or whether that development is to be reversed.

Not all of us are going to be global jet-setters, but we don't have to in order to be a part of the globalization process. In particular, the poor and powerless can find their well-being vastly improved when inexpensive goods are no longer excluded by tariff barriers and when foreign investments offer employment and streamline production. Those still living in the place where they were born stand to benefit enormously from information being allowed to flow across frontiers, and from being free to choose their political representatives. But this requires more in the way of democratic reforms and economic liberalization.

Demanding more liberty to pick and choose may sound trivial, but it isn't. I understand the objection, though. To us in the affluent world, the availability of nonlocal options may seem a luxury. Say what you will about herring and Swedish talk shows, but they aren't insupportable — not the herring, at any rate. But the existence from which globalization delivers people in the Third World really is insupportable. To the poor it is often an existence in abject poverty, in filth, ignorance, and impotence, always wondering where the next meal is coming from and whether the water you have walked so many miles to collect is lethal or fit to drink.

When globalization knocks at the door of Bhagant, an elderly agricultural worker and untouchable in the Indian village of Saijani, this leads to houses being built of brick instead of mud, and to people getting shoes on their feet and clean clothes — not rags — on their backs. Outdoors, the streets now have drains, and the fragrance of tilled earth has replaced the stench of refuse. Thirty years ago Bhagant didn't know he was living in India. Today he watches world news on television.

The new freedom of choice means that people are no longer consigned to working for the village's only employers, the powerful big farmers. When the women get work away from home, they also become more powerful within the family. New capital markets mean that Bhagant's children are not compelled to borrow money from usurers who collect payment in future labor. The yoke of usury, by which the whole village was once held in thrall, vanishes when people are able to go to different banks and borrow money from them instead.

Everyone in Bhagant's generation was illiterate. In his children's generation, just a few were able to attend school, and in his grandchildren's generation *everyone* goes to school. Things have improved, Bhagant finds. Liberty and prosperity have grown. Today the children's behavior is the big problem. When he was young, children were obedient and helped in the home. Now they have grown so terribly independent, making money of their own. This can cause tensions, of course, but it isn't quite the same thing as the risk of having to watch your children die, or having to sell them to a loan shark.

The stand taken by you and me and other people in the privileged world on the burning issue of globalization can decide whether more people are to share in the development which has taken place in Bhagant's village or whether that development is to be reversed.

❖

Critics of globalization often portray economic internationalization as a menace by hinting that it is governed by an underlying intention, invoked by ideological fundamentalists indifferent to the accuracy or otherwise of their map-making. The critics try to paint a picture of neoliberal market marauders having secretly plotted for capitalism to assume world mastery. In a book targeting what is termed "hyper-capitalism," the Swedish radio journalist Björn Elmbrant claims that in the past two decades we have witnessed "a species of ultraliberal revolution."

Deregulation, privatization, and trade liberalization, however, were not invented by ultraliberal ideologists. True, there were political leaders — Reagan and Thatcher, for instance — who have been inspired by economic liberalism. But the biggest reformists, entitling us to speak in terms of a

globalization of capitalism, were communists in China and the Soviet Union, protectionists in Latin America and nationalists in Asia. In many other countries — Sweden, for example — the progress has been spurred by Social Democrats. In short, the notion of conspiratorial ultraliberals making a revolution of shock therapy is completely wide of the mark. Instead, it is pragmatic, often anti-liberal politicians, being of the opinion that their governments have gone too far in the direction of control-freakery, have for this very reason begun liberalizing their economies. The allegation of liberal-capitalist world dominion has to be further tempered by the observation that we today probably have the biggest public sectors and the heaviest pressures of taxation the world has ever known. The liberalization measures introduced have been concerned with abolishing a number of centralist excesses occurring previously, not with introducing a system of *laissez faire*. And because the rulers have retreated on their own terms and at their own speed, there is also reason to ask whether things really have gone too far or whether they have not even gone far enough.

In defending capitalism, what I have in mind is the capitalist freedom to proceed by trial and error, without having to ask rulers and frontier officials first. This is fundamentally the liberty which I once thought anarchy would bring, but under the control of laws ensuring that one person's freedom will not encroach on other people's. I want everyone to have that liberty in plenty. If the critics of capitalism feel that we already have a superabundance of that liberty today, I would like to have more still — a super-duper-abundance if possible. Especially for the poor of the world's population, who as things now stand have little say regarding their work and consumption. That is why I do not hesitate to call for *a defense of global capitalism*, even though that world capitalism is more a possible future than a genuinely existing system.

By capitalism I do not specifically mean an economic system of capital ownership and investment opportunities. Those things can also exist in a command economy. What I mean is the liberal market economy, with its free competition based on the right of using one's property, the freedom to negotiate, to conclude agreements, and to start up business activities. What I am defending, then, is individual liberty in the economy. Capitalists are dangerous when, instead of capitalist ownership, they join forces with the government. If the state is a dictatorship, the enterprises can actually be a party to human rights violations, as for example in the case of a number of Western oil companies in African states. By the same token, capitalists frequenting the corridors of political power in search of benefits and privileges are not capitalists either. On the contrary, they are a threat to the free market and as such must be criticized and counteracted. It often happens that businessmen want to play politics and politicians want to play at being businessmen. This is not a market economy, it is a mixed economy in which entrepreneurs and politicians have confused their roles. Free capitalism exists when politicians pursue liberal policies and entrepreneurs do business.

There is a further point I would like to make. Basically, what I believe in is neither capitalism nor globalization. It is not systems or regulatory codes that achieve all we see around us in the way of prosperity, inventions, communities, and culture. These things are created by people. I believe in man's capacity for achieving great things and in the combined force which results from encounters and exchanges. I plead for greater liberty and a more open world, not because I believe one system happens to be more efficient than another, but because I can see it provides a setting which liberates individuals and their creativity as no other system can. That it spurs the dynamism which has led to human, economic, scientific, and technical advances, and which will go on doing so. Believing in capitalism does not mean believing in growth, the economy, or efficiency. Desirable as they may be, these are only the results. Belief in capitalism is, fundamentally, belief in mankind.

This also means that, in common, presumably, with most other liberals, I can endorse the opinion of French socialist prime minister Lionel Jospin that we must have a "market economy, not a market society." My aim is not for economic transactions to supplant all other human relations. My aim is freedom and voluntary relations in all fields. The market economy is a result of this in the economic field, in the cultural field it means freedom of expression and press freedom, in politics it means democracy and the rule of law, in social life it means the right to live according to one's own values and to choose one's own company.

It is not the intention that we should put price tags on everything. The important things in life — love, the family, friendship, one's own way of life — cannot be valued in money. Those who believe that to the liberal mind everyone does everything with the aim of maximizing their income know nothing about liberals, and any liberal of such persuasions knows nothing of human nature. It is not a desire for better payment that moves me to write about the value of globalization instead of, say, coarse fishing. I am writing because this is something I believe in, because to me it matters. And I wish to live in a liberal society because it gives people the right to choose what matters to them. ❑

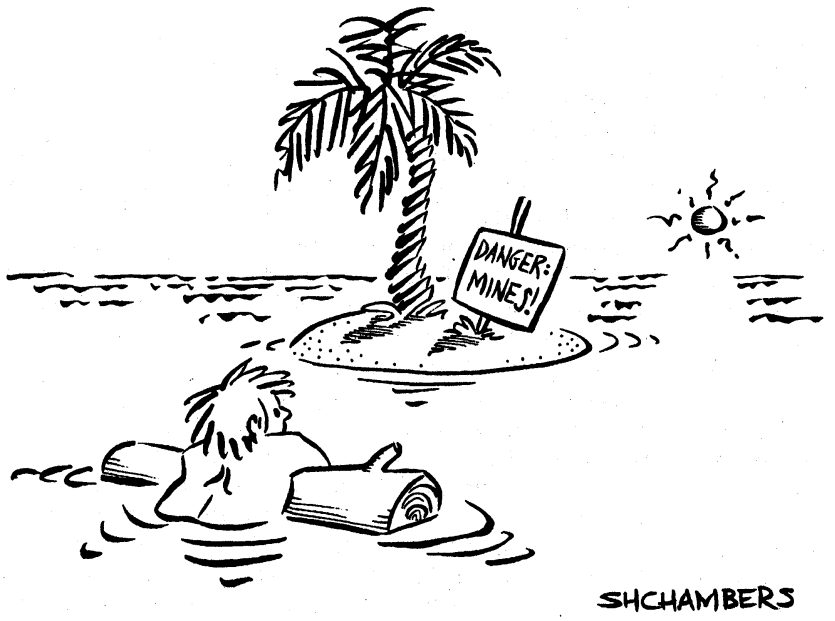

Riposte

The Limits of the Melting Pot

by Bruce Ramsey

When the rest of the world has closed borders, only an idiot would open his.

In "Open Minds, Closed Borders," (January) Ken Schoolland, a university professor of economics and political science, offers the textbook libertarian case for open immigration. It is part of the freedom to move. In Utopia he would be right, but in this particular world he is wrong.

He starts off by comparing immigrants to runaway slaves from the antebellum South and asks: Would a libertarian, transported back in time, bar such slaves? I hate to admit it, but it might depend on how many slaves there were. If there were hundreds of millions, would our attitude be the same?

In any case, an immigrant from China or Mexico is not a slave. Most are not coming for political reasons, but for economic ones. It's not freedom they want, it's the chance to earn more money than they can in their homeland.

Is it in our economic interest to let them in? My answer is: sometimes. Immigrants may pick our apples, slaughter our cattle, drive our taxis, do our laundry, and staff our 7-Eleven stores. They may also write our software and start our dot-coms. Without immigrants, nonimmigrants would do some of those things, and others would not get done. There would be fewer assembly lines, fewer 24-hour stores, and some industries, like handpicked fruit, might go away. And there might be fewer dot-coms.

The current system of limited immigration favors the educated and prosperous because it requires following rules, filling out forms and, usually, knowing people in the United States. It also gives an edge to foreigners attending U.S. universities. A system of no restrictions would let in the unlettered and ignorant. Perhaps if immigration were open, whole new industries would spring up — perhaps a rebirth of personal service. We already have the nanny, which is a kind of a servant. I do not argue, as many do, that with open borders there would be permanent mass unemployment. Jobs would be created. But they would look different from the kind of jobs we have today — the kind appropriate to folks who used to travel steerage-class.

Schoolland writes, "I suspect that the reason for rejecting people from some countries has more to do with snobbish attitudes about ethnicity, status, and wealth than it does with economics." No kidding. And then he goes on to talk about economics.

The fact is, foreigners are sometimes different in ways that Americans find disturbing. Over the centuries, we have dealt with that by assimilation. We have discovered that the melting pot works pretty well, provided the immigrant group is not too large, and too lumpy, to melt. That means rationing their entrance, and making sure the immigrants are not all of one flavor.

Does this interfere with foreigners' right of movement? Yes, it does. But all countries do that. In a world in which everyone does that, and in which *you* are the richest and most desirable nation, you're crazy to be the only one with an open gate, and no one to keep count.

Schoolland makes a comparison of immigration with emigration. America, he says, is the only country that allows its citizens the unlimited right to emigrate. I have never heard such a thing, and seriously doubt it, but I let it pass. Several million Americans do go abroad to work, he says, and they are seen by their host countries as an economic benefit. "Why doesn't the same logic apply to immigrants from other countries?" Schoolland asks.

First, Americans are not welcomed everywhere as workers. Try it and see.

Second, Americans are rich. When they go to a poor country, they bring wealth with them.

Third, Americans are not immigrants. They are *expatriates*, who return home.

Schoolland gives an example of Hong Kong as a place in which many people crowd together and support themselves. That is true; yet Hong Kong has not had an open border with China for decades, and still doesn't, even though it is *part* of China. It may have 120,000 Filipino maids, but it does not let them stay when their contracts expire. It did not welcome 50,000 refugees from Vietnam. It has not limited the several tens of thousands of Americans, but if an American can't make a living in Hong Kong at an American standard, the American will go home.

That is the difference.

Schoolland quotes libertarians saying that they'd be for open immigration if there were no welfare. He attacks this position, arguing that welfare is not that important. I agree.

Most immigrants do not come here for political reasons, but for economic ones. It's not freedom they want, it's the chance to earn more money than they can in their homeland.

If we abolished welfare tomorrow, we would still have to control immigration. America is too enticing; our standard of living is ten times that of China. Not only is America rich, but the people in countries like China and India are better off, too — better off enough to buy tickets to come here.

Schoolland compares states of the union, arguing that the more generous the welfare a state has, the more people leave that state. He says the states with the highest welfare benefits, like New York and Hawaii, have net out-migration, and states with low welfare benefits, like Nevada, have in-migration. This is because welfare raises taxes, and taxes destroy jobs.

That may all be true. But high welfare benefits may still be attracting dependents, even if five times the number of workers are leaving. It is not emigration statistics Schoolland should be looking at, but welfare rolls. I don't believe welfare benefits are the main driver of immigration, but they are *a* driver. In particular, there is a problem of immigrants bringing their elderly parents and signing them up for Social Security's Supplemental Security Income.

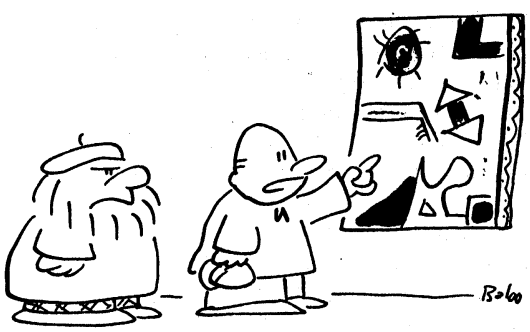

"You missed a spot right here."

I have criticized Schoolland for bringing up ethnicity and then talking economics, and now I see that I have done it myself. It is difficult to talk about ethnicity. Americans have the idea of the melting pot, that foreigners can come here and embrace the American idea of life, liberty, and the pursuit of happiness, of religious and political tolerance, and that by the second generation they will speak English as a native and have roughly American social and political attitudes. And that has generally been true. But it has not been true in every other country. Talk to a German; any one will tell you the Turks cannot be assimilated. The Germans say it is the religion. I don't know; maybe the Germans are going about it wrong. But I do believe, from common sense, that the amount of absorptive power of a nation, even this nation, is limited; that if it is overwhelmed, the nation changes irreversibly. The key is not race but culture. I don't want the American nation to change so fast, and I don't think someone who puts great stock in the traditional American idea of liberty would want anything different. Liberty, too, can be diluted even more than it already is.

Look at America's ethnic politics. It is bad enough as it is; imagine it worse. If you create several more large ethnic groups, the difference between the Democrats and the Republicans could be entirely skin color. I shudder to think of it.

That doesn't mean I'm against immigration. I'm married to an immigrant. I've helped immigrants get green cards. I think it is wonderful that people abroad yearn to become Americans, and that we let them do so. But we have to manage it. The immigrants I know had to wait several years in line, because the quota was full. They had to go to the consulate and fill out forms. They had to have an American resident vouch for them, and guarantee to support them if they couldn't make a living. As a matter of fact, they have paid their way — fully. They are citizens. And they are becoming more American every year.

The melting pot works pretty well, provided the immigrant group is not too large, and too lumpy, to melt. That means rationing their entrance, and making sure the immigrants are not all of one flavor.

The choice is not between immigrants and no immigrants. The issue is *how many* immigrants we should allow, and under what rules.

There is a story about Chinese leader Deng Xiaoping, who visited the United States in 1979. He met President Carter, who had been in frustrating negotiations with the Russians about the right of Russian Jews to emigrate. Carter began speaking to Deng. The world's door was opening to China, Carter said, but China, like Russia, would have to observe the fundamental human right to emigrate.

Deng looked up, surprised. "How many do you want?" he said.

That's not my point, Carter said —

"I can give you ten million. You want twenty? Thirty?" ❑

Radical Sheik

by Sarah McCarthy

Self-hate isn't what it used to be.

On a night late in 1969, Felicia Bernstein stood up beside the baby grand in her apartment overlooking Central Park and introduced some Black Panthers charged with conspiring to blow up five New York department stores, the New Haven Railroad facilities, a police station, and the Bronx Botanical Gardens to a gathering of her closest society friends — Barbara Walters, Otto Preminger, Peter Duchin, Julie Belafonte, and the *New York Times'* society page editor, Charlotte Curtis. Imagine if you can the mood of 1969, when the glitterati of New York were trying to be so earnestly politically correct that they held fundraiser parties for the criminal defense of permanently aggrieved American Black Panthers who were so oppressed that the only way out was to blow up the city. As Tom Wolfe put it:

> Radical Chic was already in full swing by the time the Black Panther party began a national fundraising campaign late in 1969. The Panthers' organizers, like the grape workers', counted on the "cause party" — to use a term for it that was current thirty-five years ago — not merely in order to raise money. The Panthers' status was confused in the minds of many liberals, and to have the Panthers feted in the homes of a series of social and cultural leaders could make an important difference. Ideally, it would work out well for the socialites and culturati, too, for if there was ever a group that embodied the romance and excitement of which Radical Chic is made, it was the Panthers.

Barbara Walters explained to Panthers at the party that she was there as a concerned individual trying to find out if there was any possibility of peace and harmony between her children and theirs. She told them she had asked that question last year in an interview of Panther wife Kathleen Cleaver: "How do you feel, as a mother, about the prospect of your child being in that kind of confrontation, a nation in flames?" "Let it burn!" Mrs. Cleaver responded. "And what about your own child?" asked Walters. "May he light the first match!" replied Cleaver.

Walters asked similar questions to the Panthers and Panther wives that night at the Bernsteins' apartment: "I'm talking as a white woman who has a white husband, who is a capitalist, or an agent of capitalists, and I am too, and I want to know if you have your freedom, does that mean we have to go? All I'm asking is if we can work together to create justice without violence and destruction!"

"We don't believe that it will happen within the present system. Power to the people!" replied Panther lawyer Leon Quat.

The story of the Bernsteins' cause party that began as a radical chic story in Charlotte Curtis' society column quickly wound its way to the editorial page of the *New York Times*, where the party was denounced as having put "Black Panthers on a Park Avenue Pedestal," and as "elegant slumming that degrades patrons and patronized alike." Columnists from all over chimed in and piled on, condemning what they saw as the trend in liberal and intellectual circles to lionize the Panthers. William Buckley called the whole affair a lesson in the weird masochism of the white liberal who bids the Panther to come devour him in his "luxurious lair." New York Sen. Patrick Moynihan wrote his famous "benign neglect" note to President Nixon, informing the president that the party at the Bernsteins' was "Exhibit A" of

how black outlaws like the Panthers had become the "culture heroes" of the Beautiful People.

It became obvious early to perceptive social commentators like Tom Wolfe, and much later to most of us, sometime around the time of the Los Angeles riots, and underscored by the O.J. Simpson trial, that as the United States advanced through progressive stages of the civil rights movement, there was a point at which what had begun as an honorable and justifiable struggle turned into a con game by the permanently aggrieved, a race hustle whose aim it was to extort, hoodwink, and intimidate white Americans.

The history of the world has been one of victims turning into oppressors, and the American civil rights movement was no exception. Shortly after the L.A. riots, I wrote an Op-Ed titled "Guerrillas in Our Midst" about my growing disillusionment and disgust with the American civil rights movement, comparing its later-stage activities to those of the Arab terrorists who, because they had been oppressed, felt justified in throwing Leon Klinghoffer, a helpless and wheelchair-bound American Jew, who was no threat to them, off the *Achille Lauro* cruise ship into the Mediterranean Sea. This

What had begun as an honorable and justifiable struggle turned into a con game by the permanently aggrieved, a race hustle whose aim it was to extort, hoodwink, and intimidate white Americans.

was no worthy crusade by the Third World dispossessed. It is a bunch of punks with a blame-America-first complex and an adolescent appetite for destruction.

In her book *Meridian* black author Alice Walker tells a story of the poor-little-black-boy hustle and of the white masochism that enables it: Lynne, a white woman who has gone South in the '60s to work for civil rights, marries a black man, Truman. Lynne and Truman have a black friend, Tommy Odds, who had his lower arm shot off in a demonstration. Because he was angry, and people owed him, and because Lynne was white, he wanted to make love to her. He was entitled. But Lynne was married to Truman and considered Tommy Odds only a friend. Walker writes:

> For of course it was Tommy Odds who raped her. As he said, it wasn't really rape. She had not screamed once, or even struggled very much. To her, it was worse than rape because she felt that circumstances had not permitted her to scream. As Tommy Odds said, he was just a lonely one-arm Nigger down on his luck that nobody had time for anymore. But she would have time — wouldn't she? Because she was not like those rough black women who refused to be sympathetic and sleep with him — was she? She would be kind and not like those women who turned him down because they were repulsed and prejudiced and the maroon stump of his arm made them sick. She would be a true woman and save him — wouldn't she? "But Tommy Odds," she pleaded, pushing against his chest, "I'm married to your friend. You can't do this." Water stung in her eyes as she felt her hair being tugged out by the roots. "Please don't do this," she whimpered softly. "You know I can't hep myself," he said in loose-lipped mockery. His hand came out of her hair and was quickly inside her blouse. He pinched her nipples until they stung. "Please," she begged.
>
> There was a moment when she knew she could force him from her. But it was a flash. She lay instead thinking of his feelings, his hardships, of the way he was black and belonged to people who lived without hope; she thought about the loss of his arm. She felt her own guilt. And he entered her and she did not any longer resist but tried instead to think of Tommy Odds as he was when he was her friend — and near the end her arms stole around his neck, and before he left she told him she forgave him and she kissed his round slick stump that was the color of baked liver, and he smiled at her from far away, and she did not know him. 'Be seein' you,' he said.
>
> The next day Tommy Odds appeared with Raymond, Altuna, and Hedge.

Con games, shakedowns, terroristic threats, and being indulged by white masochism rooted in guilt are not the only similarities between the behavior of radical black-power groups and Islamic terrorists. The Black Panthers and groups such as Stokely Carmichael's Student Nonviolent Coordinating Committee (SNCC) lined up early in support of Arabs against Israel. Sometimes this was a matter of black nationalism, since Egypt was a part of Africa and black nationalist literature identifies Arabs as blacks fighting the white Israelis. At other times, it was about world socialism, with the Soviets and Chinese supporting the Arabs against Israel. "But many Jewish leaders," writes Wolfe, "regarded the anti-Zionist stances of groups like the Panthers as a veiled American-brand anti-Semitism, tied up with such less theoretical matters as extortion, robbery, and mayhem by blacks against Jews in ghetto areas."

The burning and trashing of stores in their own neighborhoods, especially Jewish stores, and then Korean grocers, is a baffling fact of black cultural life in America. Though Spike Lee's award-winning movie *Do the Right Thing* purported to enlighten us about such destructive behavior, the film was essentially a sneer at uncool, workaholic white owners who slaved away at their pizza shop in a black ghetto while cool, black homeys were definitely not stupid enough to be workin' for no chump change. The dudes just hung out smellin' flowers, playing basketball, pickin' up their welfare checks on "mother's day," and rippin' off food from Korean grocery stores. Fittingly, the movie ended with the burning of the pizza shop.

Shortly after the L.A. riots, Spike Lee, making the movie promo rounds, appeared on the "Today Show" and talked about the riots and the blacks who pulled white truckdriver Reginald Denny from his truck, hitting him on the head with a concrete block and nearly killing him. "If the police officers who beat Rodney King are free, why should the brothers that beat the driver not be free too?" asked Lee. "It's the same videotape." Lee made no mention, of course, of the fact that Rodney King, who was often portrayed as a hapless motorist, had been careening through the streets of Los Angeles at 100 mph, endangering the lives of everyone in his path, particularly of his black neighbors; Lee also neglected to mention the beginning of the infamous videotape, which shows the very large and muscular Mr. King repeatedly making gorilla-like lunges at police before he was knocked to the ground and beaten. Spike Lee also neglects to mention that

the officers in this case actually served more time than the thugs who nearly killed Denny, himself an innocent motorist who did done nothing to incite the rioters' rage except be at the wrong place at the wrong time with white skin. Those excitable boys were released early for having been "caught up in a riot."

The indulgence of the permanently aggrieved by American liberals is primarily a by-product of the widespread academic view that value judgments, especially negative ones, about other cultures are merely symptoms of racism, elitism, or American arrogance. The multiculturalism fashionable at America's universities promotes the belief that cultural domination supplants outright exploitation as the fundamental injustice. "Cultural recognition displaces socioeconomic redistribution as the remedy for injustice," writes Nancy Fraser, author of *Theorizing Multiculturalism*.

In his 1995 book *The Revolt of the Elites*, the late social critic Christopher Lasch wrote that the new bicoastal elites were seceding from the common life of America. He said the elites "have lost faith in the values, or what remains of them, of the West" and now tend to think of Western civilization as a system of domination and oppression. "This attitude helps explain why so many in the elite seem offended by a war of self-defense — and why their intellectual confusion won't fade as the war goes on," writes columnist John Leo.

Helle Bering Dale, editor of the *Washington Times'* editorial page comments on the shocking reactions of some American academics to the Sept. 11 attacks contained in a recent report, "How Our Universities Are Failing America and What Can Be Done About It," by the American Council of Trustees and Alumni — reactions like the one from an unnamed professor at a major American university who said

Do the Right Thing *was essentially a sneer at uncool, workaholic white owners who slaved away at their pizza shop in a black ghetto while cool, black homeys were definitely not stupid enough to be workin' for no chump change.*

the Sept. 11 attacks were "no more despicable than the massive acts of terrorism that the United States has committed during my lifetime."

"Given the awful losses Americans had just sustained in the worst terrorist attack the United States had ever seen," writes Dale, "such sentiments may come as a surprise. Then again, given the rampant suspicion bordering on hatred of everything American that has been nurtured by the academy for decades, such reactions are as predictable as they remain shocking."

Dale reminds us that "The unwholesome atmosphere surrounding Western intellectuals is not a new phenomenon, of course. The report contains an appropriate reminder of the famous debate at the Oxford Union in 1933 over whether or not Britons would fight for their country. After a no doubt sparkling debate, leading intellectuals ended up unable to distinguish between British colonialism and world fascism. The Union consequently voted that the English would 'in no circumstances fight for king and country.' One person who was much cheered by this news was Adolf Hitler's foreign policy adviser, Joachim von Ribbentrop, who reported back to Berlin, 'The West will not fight for its own survival.' Somehow Osama bin Laden, the Taliban, and other Islamic extremists had the same impression. Fortunately, in both cases, the leaders of Britain and the United States got it right."

Shelby Steele wrote an article on Sept. 17 for *The Wall Street Journal* saying that "It has always astounded me how much white Americans take for granted the rich and utterly decisive heritage of Western culture," and warned that "White guilt morally and culturally disarms the West and

The multiculturalism fashionable at America's universities promotes the belief that cultural domination supplants outright exploitation as the fundamental injustice.

only inflames the narcissism of the ineffectual [Third World]."

In the December, 2001, *Atlantic Monthly* Robert D. Kaplan writes about Harvard professor Samuel Phillips Huntington, who has written extensively about the relationship between the military and the state, and of the "clash of civilizations" that is occurring as Western, Islamic, and Asian systems of thought and government collide. Author of the academic classic *The Soldier and the State*, Huntington concludes that the Western belief that democracy and free markets are suitable for everyone will bring the West into conflict with other civilizations, and in a multi-polar world based loosely on civilizations rather than ideologies, Americans must reaffirm their Western identity.

Huntington has written that liberalism thrives only when security can be taken for granted — and that in the future America may not have that luxury. A liberal military, he writes, would lack the lethal effectiveness required to defend a liberal society threatened by technologically empowered illiberal adversaries. He argues that only conservatism recognizes the primacy of power in international affairs.

Since Sept. 11, America has changed. Nearly 90% of us are feeling warlike: there are no more red and blue states. Since Sept. 11 masochism and liberal self-abnegation has been withering and dying on the vine. The indulgence of radical sheiks is no longer radical chic; defining all cultures as morally acceptable, or kissing the stump, is no longer seen as doing the right thing. ❑

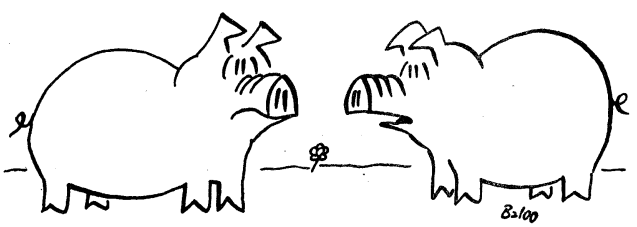

"The worst part about being a pig is always having to look up each other's nostrils."

Where My Heart Is

by Richard Kostelanetz

An apartment might be a living space, a sanctuary, or a mere stop on the way to something better.

My apartment became famous for a day several years ago, when it appeared at the top of the front page of the *New York Times'* Thursday "Home" section. Accompanying a feature article on "Living with Too Many Books" was a photograph of me sitting beneath towering shelves tightly filled with paperbacks. While most features in the *Times* are forgotten a few days afterwards, this is often remembered, mostly by those likewise situated. The article said I had 10,000 books, which was roughly accurate, assuming that books are on average one inch thick, because the only figure authorized by me was "956 running feet" of shelving containing books. Those more experienced insist that the count must now be closer to 15,000. That's what the Italian collector Egidio Marzona told me, with the authority of someone owning, he added, 60,000.

What the size of this library mostly reflects — a point missed by the *Times* writer specializing in interior design — is not that I "collect" books, because I don't, but that I've worked my way through several intellectual fields. After taking degrees in American civilization and American history, I became interested in literature and literary criticism; more recently, I've written about other arts. No one pursuing a single discipline would need so many books at home. A second fact shaping the size of the library is professional independence. Unlike professors who can rely upon a university library, I can use only the New York Public. However, its stocking is erratic, and even the famed research central at 42nd Street is missing many items listed in its catalog.

A third, more personal fact is that my books are extensively annotated, not only with marks on their pages but also with sheets of paper filled with handwritten notes. When I want to find something that I remember being in any book of mine, I first consult these sheets. In a practical sense, these sheets and annotations are more valuable to me than the books. Unlike the books, they are irreplaceable.

The books in my library are grouped by subject and by size; so that the first requirement of finding any title is remembering what size it is. Small paperbacks are gathered into shelves made to my design, cut to $7^1/_2$" or $8^1/_4$" high and $5^1/_2$" deep, to accommodate the two most common sizes for paperbacks. Smaller hardbacks go onto shelves that are 9" and 10" high, while larger shelves are mostly for illustrated art books. As a result, books on a single subject could be in three different places. The fastest growing section is devoted to books and spine-bound cultural magazines containing works of mine — well over 2,000 in sum — prompting me to move books off adjacent shelves in order to keep this category in a single place. Since I receive many books that could be easily lost on shelves because they lack perpendicular spines, I save them by grouping them in book-mailing boxes and then marking the box's spine with the titles of their contents. These book-mailers also house poetry chapbooks.

The only rational reason for having such a large library is that you prefer to do research at home, with your own annotations, as indeed I do. But the problem now is that I no longer always know where to find a title I want. If the book has been mine for a while, and it hasn't been moved, I can probably find it; but if the book is new, or has been moved to make way for the expansion of something else, it can escape my search. Whenever this happens, I swear that if I can't find books I need, there is no reason to have this humongous

library; the whole thing should go.

I haven't yet done any radical deaccessioning, as they say in the museum biz, though I'm always on the verge of doing so. I also dream now and then of "reorganizing my house," which is a euphemism for relocating, which is in turn a rationalization for building new bookshelves with heights respectively from the bottom of 13", 12", 10", 9", 8", 8", 7", and 7", so that books on the same subject, but different in size, can finally be stored in the same vertical line and yet, since I'm six-feet tall, be accessible without a ladder.

A diminutive tradesman once fixing a chair of mine looked around my apartment as I paid him. "A lot of books?" he said. I nodded agreement. "Have you read them all?" Pretty much, I replied, trying to seem modest. "All in one language, eh?" Recognizing that he has set me up for his put-down, I was speechless. "I talk Fife," he said in a thickly accented voice, as he moved to leave. My library shows that, not unlike other overeducated Americans, I never learned to read any languages other than English.

Most people entering my house for the first time exclaim, "So many books." A few say, "So many records," usually indicating implicitly that they are personally accustomed to seeing a lot of books. Since records are slimmer than books, they take up less space per capita, and the last time I measured there were 35 running feet, which I suppose amounts to 3,000 records, or a fairly reasonable figure of 100 per year for 30 years. Nearly all these discs fall into four large groupings — contemporary music, mostly in the avant-garde traditions; baroque music, mostly J. S. Bach; '60s rock; and folk.

In the past two decades I have accumulated many audiocassettes that have their own shelves. Some of these cassettes contain music; others transcriptions of classic American radio toward a projected book that never gets sufficient support. On one wall, in a crevice between two bookshelves, is a vertical stack of plastic cabinets of sound poetry and audio art; on another wall is a stack of the great modern writers reading their work. As I live alone, no one is bothered if I play music and speech nearly all the time. I have perhaps several hundred compact discs and even a single videodisc (though no machine for playing it). More recently, I've been recording, on the slowest VHS speed, movies that I consider part of my personal culture, and my collection of these videotapes is beginning to fill another wall. The abundance of culture, let me confess, makes me feel comfortable. More than once I've rationalized that I'm squirreling away for the time when I get ill. However, as a full-time artworker, I can't afford to be ill and so never am.

I moved here in 1974 and have lived here almost uninterrupted ever since. It is my sixth house in New York City. For the first three, I lived with my parents, initially in the neighborhood around Yankee Stadium, then in Inwood at the northern tip of Manhattan, finally on Riverside Drive. The first place rented on my own was a four-room bastion in a Harlem housing project just down the hill from Columbia University, where my then-wife and I were graduate students. With a rent of $55 a month, including utilities (and a monthly exterminator), it became a place where we could afford comfortably to spend all day and all night reading and sometimes writing. I might have stayed longer than four years, had not the New York City Housing Authority required that residents be a nuclear family, which by 1966 we weren't anymore.

The second place of my own was the top floor of a brownstone in the East Village. By the time I left, after eight years, its 600 square feet had become so cluttered that no more than three people could fit into it comfortably. This current space, approximately three times the size of its predecessor, is part of the third floor in a SoHo building that once housed factories. The fact that the paint on my concrete ceiling looks as though it is peeling reflects the vapors from the jewelry business that was here before me.

The space itself has become a kind of factory, all of it by now organized for the production of what I do. Since nothing currently manufactured here is particularly remunerative, there is no one else to be the janitor (or the boss). Way in the back is a windowless space, about ten feet by 20, in which are located five desks. The one with the typewriter was for writing but is now used only for correspondence; the second, with a drawing board tilted up at an angle, is for editing and proofreading. A third and a fourth seem to have accumulated papers in progress. Whatever function I once had in mind for the fifth now escapes me. It seems mostly used to support my feet when I lean back. In the corner of the room is an extra bed that was meant for naps but is now hardly used. (When I first lived here, there was someone else; now there is insufficient room for anyone else.) Along one short wall are deep shelves that house my biannual accordion files of professional correspondence (implicitly waiting for an archive's offer that cannot be refused); beneath it is a deep shelf of mailing supplies. Next to the typewriter desk are four tall filing cabinets containing projects still in progress. As a steam pipe runs upward through this room, it is also the warmest space, especially during winter nights, when the rest of the apartment cools down; and since I usually stay up late, I tend to gravitate here in the middle of the night.

This is where I prefer to spend most of my days, rising late, refusing to answer the doorbell or telephone until I am finished writing, staying up well into the night reading and writing.

The next room, likewise windowless, was meant to be the "reading room," which accounts for why it has always housed a television and the central telephone. On one side of my favorite butterfly chair is the dialing machine and an answering machine; on the other side is a radio amplifier attached to both a cassette player and a new CD machine. Across the room is a television that I watch more often than before, now that I've acquired a VCR that enables me to see programs I would have missed and to fast-forward through commercials. It is here that I put the two-piece projection television that was given to me by someone with insufficient space for its six-foot screen. Behind the chair is a wall full of unread books, my assumption being that a new book cannot be shelved with others of its kind until it has been "processed," as I say, with annotations and a sheet of notes.

Along side walls of this reading room are yet more shelves which extend under a tilted table that I use for drawing. Underneath yet another table, now filled with towers storing dozens of compact discs, is my great uncle's 1929 edition of the *Encyclopedia Britannica*, which is one of the few books I inherited. On the door to this room are tacked two pieces of paper, one forbidding smoking, because there is no natural ventilation, the other a publisher's royalty check for $1, reminding me that my literary business is scarcely profitable.

On the other side of this door is the dining room, or what was once a dining room, because it has a long table, surrounded by several chairs (and bookshelves on all the walls behind it), but since I haven't entertained recently, the table tends to contain a miscellany of things that I'm currently moving in and out of the house. Across from it on a large desk are two computers — the antique Kaypro that until recently I preferred for writing, and the new one, a Mac, whose keyboard at first felt alien, in addition to two computer printers that give the boss (lacking a secretary) far neater typescripts and business letters than he could ever do at the typewriter. Beside the printer is one of the dozen radio receivers distributed throughout the house, so that sound will always be within reach. Here too is a second telephone that is usually unplugged, because even if I'm not sleeping I'd still rather not have my concentration interrupted and, better yet, would rather not seem impolite if it were.

Behind it is the bedroom, with a queen-size bed along one wall and a television along the other. I've kept this room largely free of books, for fear they would distract me as I was trying to get to sleep (just as the writing room in the back is also free of books), but on its walls are instead a painting by Hugh Lifson, a New Yorker now teaching in Iowa, and two sequences of geometric drawings that, in a certain sense, represent an apex of my own visual art. On the bedroom floor is a large metal cabinet whose horizontal shelves, three feet by four, contain prints of my own visual poetry and numerical art. Atop the cabinet, likewise lying prostrate, is a box containing a traveling exhibition of my work (even though it hasn't left this house in years). One of the two bedroom windows is completely covered, its sill used instead for storage; the other is customarily curtained, as it looks out on the back of another building.

I was recently asked about my principal recollection of myself between the ages of seven and ten. As I replied — playing in my room with my toys — I realized that is how I spend most of my time nowadays as well.

Adjacent to the bedroom, with four unadorned windows that look out over the roof of a single-story restaurant, is the living room, the largest room (and least occupied) in my apartment. It has shelves not only along its walls, but an island in the middle. It also has works of art that I've collected over the years — a black-and-white painting by Suzan Frecon, a kinetic sculpture by Einno Rutsaalo, a wooden car by Paul Zelevansky, and the magnificent six panels, 6-feet high and 14-feet across, of inked words on doors that are John Furnival's "Tour de Babel Changées en Pont". In this room are also visual works of mine: black-and-white canvases and prints, with either numbers or words, mostly mounted high above the bookshelves, just below the ceiling, and, on a revolving stand, the first of my two major holograms.

The Furnival panels divide the living room couch and coffee table from a back area that contains an audio editing studio and a small viewer placed between pickup reels for 16 mm film. It is here that I and at times student interns worked on my principal creative project for the 1980s — separate epiphanies for audiotape and film. In the corner of this room I put a reading area, with a strong lamp, a chair, and a radio and record player, but I haven't much used it. What I do use, however, is the couch, where I like to put my feet up for short naps.

"Have you read them all?" Pretty much, I replied, trying to seem modest. "All in one language, eh?"

When I first moved to SoHo nearly three decades ago, the neighborhood was still zoned as industrial. You could live here legally only if you petitioned a city commission for a variance. To get this certificate, you had to prove that you were an artist who needed space. Painters, sculptors, choreographers, composers, and even playwrights qualified, but writers did not. Fortunately, I produced visual art as well as writing and so could submit slides. When people came to visit at the beginning and marvel at all the space for my books, I would necessarily remind them of the visual art customarily placed above my bookshelves.

When I arrived here, the industrial building had just been "converted," as we used to say, so that while artists filled most of the spaces, there were still factories on the fourth floor, the eighth floor, and the ground floor. A dozen of us owned the building cooperatively, as Good Deal Realty Co., with me getting four percent of the shares and a proprietary lease for my space that demands my paying four percent of the building's monthly maintenance. One of the charms of our co-op, in contrast to others around us, is that only three owners have ever moved out, which means that the place is still run by the original group. This makes us different from those co-ops where lines of conflict invariably fall between the old-timers and the better-heeled newcomers who, having paid more for their apartments, are eager to initiate fancier renovations than the old-timers can afford.

To enter my apartment, I need four keys — the first to open the door to the building, the second to unlock the elevator so that it will go to my floor, the third to unlock my apartment door, and the fourth to open that door. Just inside that door is a hallway with bookshelves running along both sides. Directly over the door itself is another shelf that runs

· continued on page 44

Report

Capitalists of the World, Unite!

by John Tabin

Objectivists take their message to the streets.

Does collective expression of support for individual liberty make any sense? Some people seem to think it does.

The Walk for Capitalism, which took place in over 100 cities around the world on Dec. 2, is the brainchild of PRODOS, an Internet radio personality based in Melbourne, Australia. The goal is to make the first Sunday in December internationally known as "Capitalism Day."

PRODOS' Southern Hemispheric grounding explains why December struck him as an ideal time for an outdoor event. In most years, being outside for any length of time on Dec. 2 in Chicago, where I attended the walk with 20 or 30 marchers holding signs like "CAPITALISM KEEPS THE LIGHTS ON" and "THE $ IS MIGHTIER THAN THE ☨," would have been a profound statement of dedication indeed. But this year's extremely atypical weather, sunny and clear with highs in the 40s, made the event serendipitously tolerable to normal human metabolism.

A hundred people turned out in Washington, D.C., 30 in Los Angeles, and 50 in New York; 20 – 30 seemed typical in other American cities. There were 150 in Paris and 300 in Porto Alegre, Brazil, while PRODOS' own countrymen turned out less than a dozen per city (Perth, Sydney, Adelaide, and Melbourne). The event was a big hit in Poland, where 18 cities and towns organized walks with 200 in Warsaw, 80 in Krakow, 50 in Poznan, 40 in Wroclaw and so on.

Given that the idea was to provide a counterpoint to the anti-globalization protesters who've been so visible in recent years, it's not surprising that leftists showed up in many cities to try to undermine the proceedings. In Chicago, the left was represented by a group that appeared to have spent more time under a piercing needle than under a shower. As in other cities, they attempted to infiltrate the demonstration with signs like "SUPPORT PROFIT$, LOWER WAGES," which at first I thought was a clever and pugnacious comment on the illusory nature of wage controls. I only later realized the satire, and that the sign wavers were not as smart as I'd assumed.

In Seattle, the counterprotest was equal in size to the Walk itself, while in some cities, including Boston and Oslo, Norway, the angry leftists outnumbered the marchers. This was actually a positive development, as it made the media much more likely to notice the event. The juxtaposition with the leftists' often-barbarous behavior was good public relations for the capitalists. This is Lesson One the Walk teaches about making the case for free markets: Calmly bait the opposition into acting reprehensibly. In Sweden, December weather patterns notwithstanding, over 400 turned out in Stockholm (the world's largest Walk, it seems) along with about 100 each in Gothenburg, Vaxjos, and Lund. Walkers in Lund made the lead domestic news story of the day by being attacked by leftists, four of whom were arrested.

Randroids in the Streets

The vast majority of marchers in Chicago were self-identified Objectivists, full of pronouncements like "Ayn Rand changed my life" and "I used to be into spiritualist nonsense." Unsurprisingly, the crowd was disproportionately composed of the math-and-science types — engineers, physicists, computer science students, actuaries — to whom Ayn Rand's emphasis on logic over feeling has the greatest appeal. Over a half-dozen Silicon Valley CEOs have declared themselves Objectivists or at least admirers of Ayn Rand,

though the most famous, Oracle's Larry Ellison, undercut his ideological purity by testifying against Microsoft in an antitrust case — antitrust law being, quite logically, a Randian pet peeve.

Objectivists have the unbounded energy of the true believer, and for that, are an asset to the cause of liberty. They are also a liability, though, in that their Randian rhetorical tics are a surefire turnoff to the uninitiated. Ramblings about "irrational spiritualism" are unhelpful in a world where millions more take comfort in the Bible than in *The Fountainhead*. When Leonard Peikoff, Rand's "intellectual heir" and Objectivism's reigning high priest, goes on the *O'Reilly Factor* to rant about vaporizing Tehran, Objectivists cheer because he's drawing the bright moral lines they crave. To them, there is hardly a difference between a realpolitik strategy and the mutterings of Susan Sontag; they are both seen as expressions of relativism, the cardinal sin. To just about everyone else, though, Peikoff sounds like a lunatic. The petulance of Rand's prose tends to inflect her followers' pronouncements and make them sound arrogant — one of the Walk for Capitalism's city organizers shared some moralist and consequentialist arguments for capitalism with me, then offered me these instructions: "Even if you don't get anything else right in your article, I'm asking you to print this." Needless to say, writers, like everyone else, don't like to be told how to do their jobs.

Counterprotesters infiltrated the demonstration with signs like "SUPPORT PROFIT$, LOWER WAGES," which at first I thought was a clever commentary on the illusory nature of wage controls.

Lesson Two of the Walk for Capitalism: Don't let the Objectivists handle the press by themselves. The same applies to other absolutists in the libertarian big tent — a walker in Vancouver expressed concern about the extremism of anarchists who were quoted on TV.

In places like Bangladesh, support for capitalism is more than a theoretical argument or a whimsical counterpoint to the anti-globalizers' antics — it is one with literally life-or-death urgency. There, one man, Nizam Ahmad, walked around Dhaka alone and imagined the thousands with him around the world. Places like Dhaka, which have been impoverished by authoritarian rule, illustrate the most important lesson to remember: The spread of freedom is something that must be fought for. ❑

The vast majority of marchers in Chicago were self-identified Objectivists, full of pronouncements like "Ayn Rand changed my life" and "I used to be into spiritualist nonsense."

Home, *from page 42*

to the ceiling. Beyond the hallway is a kitchen with the refrigerator on one side and a stove and sink on the other. In the middle are two chains, their ends normally hooked together, from which, if I unlock them, I can display my more recent holograms. Exhibiting them, you see, requires 20 feet of open space that by the late 1980s was available here only between the refrigerator and the stove. At the end of the sink is a pair of bookshelves, stacked back to back and perpendicular to the wall. At the end of this shelf is a small table where I feed myself and keep my vitamins.

A few years ago the Internal Revenue Service questioned the rather large percentage of the monthly maintenance that I deducted as a business expense. To justify my claim that so much of my apartment was used exclusively for professional work, my accountant asked me to shoot a roll of 35 mm black-and-white film that was developed on a single contact sheet. Looking at the 36 little photographs of my loft, the accountant asked, "Does it always look like this?" I assured him that it did. "Oh, this will be no problem." And indeed it wasn't.

In general, I'm reluctant to invite strangers here. The books are intimidating, I know, and as such are likely to have a negative effect on the spontaneity of guests. Others come to regard the apartment as a kind of candy store, pulling things out without putting them back where they belong, thereby causing difficulty the next time I need a certain book. I could go on, but after all, the apartment is not a showplace — it is really a factory and a home for me.

This is where I prefer to spend most of my days, rising late, refusing to answer the doorbell or telephone until I am finished writing, staying up well into the night reading and writing. Being in the back of the building, away from the SoHo street that sometimes has industrial traffic, it is unusually quiet. It is here that I sleep best.

At a party recently I was asked about my principal recollection of myself between the ages of seven and ten. As I replied — playing in my room with my toys — I realized that is how I spend most of my time nowadays as well. My favorite "summer place" is the ninth-floor roof, where I can read and nap undistracted, which we call Silver Beach after the color of its protective coating. Each day that I can spend entirely at home, without ever leaving, I regard as a logistical success. I can imagine happily spending the rest of my life here.

This devotion to my house is profound. It accounts for why I identify with other writers who were similarly devoted to the places in which they lived and worked — Lewis Mumford in Amenia, Edmund Wilson in Talcottville, Donald Hall in Danbury, Stanley Edgar Hyman in North Bennington — and can't understand why anybody would ever want to own a second home. For the same reason that I never go away during the summer, I sublet only once: This apartment contains my life, damage it and you damage me. A few years ago, I gave it a name much like those given to British manor houses, because to me it is indeed a castle — Wordship — and christened myself its earl. ❑

Reviews

Unintended Consequences: The Impact of Factor Endowments, Culture, and Politics on Long-Run Economic Performance, by Deepak Lal. MIT Press, 1998, 287 pages.

How the West Won

Jane S. Shaw

One of my avocations is collecting pieces of a jigsaw puzzle. The puzzle consists of figuring out why the West changed so that during the past 200 years vast numbers of people rose above the "almost unrelieved wretchedness" that, as Nathan Rosenberg and L.E. Birdzell Jr. wrote in *How the West Grew Rich,* characterized humankind before the prosperity that has recently come to characterize the West.

Many people have contributed pieces to the puzzle. The contribution I have just discovered is Deepak Lal's *Unintended Consequences*. What Lal brings to the project is knowledge of the civilizations of India and China, which had a head start in technology and perhaps natural endowments, but dropped out of the race. Perhaps even more important, as a Hindu, Lal brings a hard-edged look at the role of Christianity in developing the institutions of the West.

The concept of the Middle Ages as a long slump between classical civilizations and their rediscovery in the Renaissance was dashed long ago. Today, most historians see the Middle Ages as a landscape of fragmented and warring principalities. The fractionated conflict and unrest ultimately led to private property rights as we know them today, as princes wrested rights and serfs from overlords, and cities from kings.

The fragmentation of political power, of course, did not involve just belligerent principalities. There was also the Church, headed by popes eager to challenge the temporal power of others. And, according to some, by fostering the idea that the individual is accountable to God, not to the state, Christianity made it impossible for despotism — at least temporal despotism — to be all-encompassing. This attitude may have laid the foundation for limited government.

While this general overview is well-known and pretty well documented, it is somewhat insular. Comparison with other parts of the world, especially China, is less developed, at least among the authors I have read. What we are told is that China dropped out of the game of advancing knowledge and wealth, either because of stifling bureaucracy or imperial whim. The Muslim empires, while initially preserving classical knowledge, faded from the growth scene. And India, it is assumed, was never there — or was there so early that it hardly matters.

Starting with this background — fairly secure on the topic of European history, rather shaky with respect to the rest of the world — the reader who picks up *Unintended Consequences* is in for some provocative ideas. Lal is an economist with whom libertarians can be comfortable. Known for his work in contemporary economic development, he accepts the importance of private property rights, the value of markets, and the benefits of limited government. The goal of his book is to determine why Europe, and only Europe, made the leap from what he calls Smithian growth to Promethean growth.

Smith vs. Prometheus

Smithian growth, in Lal's definition, is the increasing division of labor that comes from trade, which reflects the natural tendency of humans to "truck, barter, and exchange" under conditions of relative freedom. The Eastern civilizations had this trade and division of labor. But they did not have Promethean intensive growth, which Lal describes as a "mineral-based energy economy" that multiplies in its productive capacity as technology changes. In a phrase, it is the Industrial Revolution (p. 20). "Promethean intensive growth remains a European miracle," says Lal (69).

Lal is a materialist in the sense that he thinks that factors such as economic pressure and geography led to the political arrangements that guided the course of growth. But economics and geographic situation also conditioned what Lal calls "cosmological beliefs," and in the end these may be the ones that matter most in determining why Europe but not the rest of the world had an Industrial Revolution.

Lal's book was written before Jared Diamond's path-breaking *Guns, Germs, and Steel,* but it shares with it a recognition of the role of geography in setting people on a particular course. Thus, Lal explains the evolution of India's caste system as a way of assuring that

labor was available. Once the Aryan-speaking peoples settled there (around 1500 B.C.) and cut down the forests, the region had broad plains that had few limiting geographic features, which led to constant instability because no monarch was able to maintain military control. The caste system provided a "decentralized system of control" that sustained a sufficient and effective division of labor, which, Lal says, was needed for intensive agriculture.

In China, the need for a steady supply of labor led to a system that differed from India's. It was a system of agricultural manors, as in Europe, but it was not feudalism. The imperial government was strong enough to maintain control without having to buy off the services of princes and nobles, as the kings did in Europe. Trade operated smoothly along the east-west river routes, where geography and products were similar, so creative merchants did not become powerful as they had along the Mediterranean, where resource-poor countries (including Mesopotamia and Greece) had to figure out how to obtain goods by trade in order to survive. Lal also argues that Confucianism strengthened the power of the Chinese emperor by inculcating disdain for merchants and for the accumulation of wealth. (This is a theme Mises also has developed.)

Capitalism is not inevitably connected with the nuclear family or even individualism, although its genesis depended on both.

In Europe, the need for a stable labor supply led to feudalism. The fragmentation of power forced kings and princes to develop "mutual recognition of quasi-legal rights and obligations" (70). Europe had other distinctions, too, says Lal. One was the legacy of the Greek "inquisitive spirit" that spurred science. Another was the need for trade by the city-states of Italy, whose merchants developed commercial law.

Cosmic Economics

But the most important progenitors of Promethean growth, in Lal's view, were the "cosmological beliefs" engendered by Christianity. Here, Lal's personal distance from Christianity gives him a boldness that most commentators do not share. His arguments are a little difficult to follow, but in essence they seem to be the following.

First, from the time of Augustine, Christians taught that the political world was beneath the ideal "City of God." Unlike the Greek and Roman societies that it followed, Christianity was characterized by "its separation and demotion of politics to the maintenance of peace and justice in the temporal world . . ." (99). There were two worlds, the holy and the profane.

Second, unlike the Eastern societies, which influenced behavior through shame, Christianity fostered a sense of guilt. Fear of hell or purgatory guided people's actions the way that social pressure did in other societies. Lal contends that this dogma generated an attitude that the individual's relationship with God was paramount, more important than the individual's role as part of a family or community. Christianity viewed "the care of the individual soul as the basic purpose of life" (99). (Of course, that soul's health depended on the approval of the church.)

More deliberately, Lal says, Christianity also took action to break up the extended family. This denigration of the family goes back at least to the fifth century, when Pope Gregory I made a decision that had "momentous indirect economic effects through promoting individualism" (88).

Gregory forbade a number of practices that had been widespread in the Middle East and even had roots in the Bible. Gregory opposed marriage to close relatives or to the widows of close relatives, as well as polygyny, transfer of children to a different family by adoption, and concubinage. Added to the church's elevation of celibacy, these policies reduced the importance of family connections. They even set the stage for romantic marriage, which gave prominence to the nuclear, rather than the extended, family. (To illustrate this, Lal notes the friar's encouragement of Romeo and Juliet's elopement in Shakespeare's play.) Lal points out that Gregory's prohibitions enabled the church to obtain wealth by reducing the number of families with heirs. Lacking heirs, they would most likely bequeath their property to the church.

Lal follows the course of individualism through the centuries, but he believes that what happened after the 13th century wasn't really critical in determining Europe's path-breaking course. By then, individualism was already a key part of the European experience, setting Europe in the direction of economic growth.

Lal goes on to raise other issues. The role of the family is important to Lal because he wants to show that the Eastern societies — China and India at least — can embrace capitalism today without losing their communal and extended families and without losing the role of shame as a monitor and enforcer of behavior. Thus, he emphasizes that capitalism is not inevitably connected with the nuclear family or even individualism, although its genesis depended on both.

In his view, the European Promethean miracle occurred because Christianity unleashed individualism. But with the "death of God," a cultural fact of the 19th century in his view, the religious restraints on individualism were lost, and the restraints of "manners" (the "shame" constraint) seem to have disappeared, too. The results are a society facing cultural collapse. Lal ends the book with an admonition to the Judaeo-Christian West that he believes has lost its way: "Physician, heal thyself."

By fostering the idea that the individual is accountable to God, not to the state, Christianity made it impossible for despotism to be all-encompassing.

There is much to think about here. Lal doesn't have all the answers to "how the West grew rich," but he has offered some innovative ideas and valuable information. I am grateful. ❑

Clarence Thomas: A Biography by Andrew Peyton Thomas. Encounter Books, 2001, 661 pages.

A Man to Be Destroyed

Timothy Sandefur

Clarence Thomas is the finest defender of liberty the Supreme Court has seen since the New Deal, but until now the only serious book about Justice Thomas was Scott Gerber's *First Principles*. Too short and too expensive, Gerber's book quickly reviewed some of Thomas' more outstanding opinions, and wisely discerned that Justice Thomas' views more closely resemble those of Thomas Jefferson or James Madison — what Gerber calls "liberal originalism" — than the views of Justices Rehnquist or Scalia — the "conservative originalists" whose views are ultimately authoritarian and even mobocratic. It was particularly commendable for Gerber to make this distinction since it escapes most in the overwhelmingly left-liberal legal academy. (Over 80% of American law professors are registered Democrats.)

But Peyton Thomas presents us now with a long and thoroughly researched biography of this remarkable man, whose life is an inspiring story of adversity and triumph that is, unfortunately, drowned out by leftist hysteria. Leftists rarely attempt a coherent criticism of Thomas' views, and one wonders how many of them have actually read his opinions. Jeffrey Rosen of *The New Republic* has called him "perverse," saying his long and scholarly legal opinions are "beyond the pale." An essay in *Time* referred to his opinions as full of "bilious rage" — a ridiculous charge to anyone who has read Thomas' generally dry writing. When the *American University Law Review* devoted an issue to a symposium on *Adarand Constructors* v. *Pena*, an affirmative action case in which Thomas denounced racial preferences, hardly a word was devoted to serious consideration of the issues Thomas raised. Scott Gerber was even reduced to asking the legal community's permission to take Justice Thomas seriously; while writing his book, he was warned that "unless I write a 'very, very critical' book about Justice Thomas, my 'own career may be damaged by the Thomas curse!'"

The left's visceral reaction to Justice Thomas is, in part, an example of what Fyodor Dostoyevsky described over a century ago: "You have only to wound the vanity of any one of these innumerable friends of humanity, and he is at once ready to set fire to the world out of a feeling of petty revenge." Justice Thomas is a lightning rod because he serves as a constant reminder of some things Good Liberals don't want to think about: the great injustices lying at the heart of their system.

Leftists don't want to be reminded that their racial preferences enact into law precisely the iniquity they claim to be fighting. They don't want to acknowledge that their lack of concern for economic liberty perpetuates the underclass status of minorities — for instance, by stifling job creation with the minimum wage, which protects predominantly white labor unions from having to compete with immigrant or inner-city workers. They don't want to face the fact that their anti-tobacco crusades hinder free speech; that their property regulations are used by big business to steal poor people's homes; that their opposition to school vouchers sacrifices the desires of most minority parents — and the futures of countless minority children — for the protection of indolent and incompetent unionized teachers.

Where Are the Troops?

Reflecting on these things, one might wonder why there aren't more black libertarians. After all, who has suffered more at the hands of government than black Americans? After the end of slavery, the state and federal governments, led by the Democratic Party, spent a good deal of time and ingenuity devising mechanisms for keeping freed slaves from competing with white laborers, getting an education, and exercising their right to vote, or enjoying a variety of other liberties which all Americans should take for granted. Then — allegedly to remedy these abuses — they created an addictive welfare state, followed by Urban Renewal which favored white business over the property rights of blacks, and

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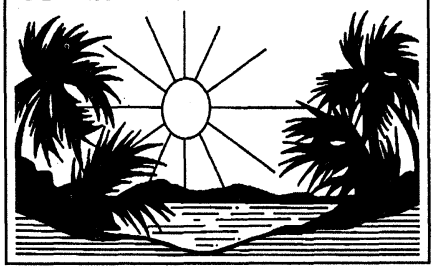

topped it all off with a disastrous War on Drugs, which has succeeded in throwing a scandalous number of black men in jail.

But blacks remain an overwhelmingly Democrat voting bloc, and one reason is the so-called black leaders and their promoters in the media. Such demagogues promise white politicians reliable votes in exchange for favors which generally redound, not to the benefit of black Americans, but to the benefit of those very demagogues. Jesse Jackson, for instance, has traveled the country extorting millions of dollars from corporations with threats of boycotts while assailing the very things which black America so desperately needs: educational opportunity, free markets, and a morality of family values. A man of integrity, who wants to actually work a substantial improvement in the lives of black Americans, is a standing rebuke to such demagogues, and therefore a Man to Be Destroyed. By enforcing "solidarity" through intimidation and threats, racial "leaders" like Jackson can secure themselves permanent positions of fame and wealth which do not disappear even when they commit gross ethical and moral transgressions, or when a great many of their so-called supporters don't actually support them.

To a degree, then, Justice Thomas is hated because — as Ellsworth Toohey says in Justice Thomas' favorite movie, *The Fountainhead* — "a man abler than his brothers insults them by implication." But to a greater degree, Justice Thomas is hated because he must be hated. If he weren't, too many so-called civil rights leaders would be exposed for what they are: great obstacles to minority advancement.

Justice Thomas' views more closely resemble those of Thomas Jefferson than those of Justices Rehnquist or Scalia.

It's fitting that Peyton Thomas begins his biography with a quotation from Frederick Douglass, whom Justice Thomas much admires. Douglass was what today would be called an Uncle Tom: a self-made man who did not allow others to control him, but attained an education and a life through his own hard work and determination. He thought for himself, and would have indignantly rebuked anyone who suggested — as civil rights leaders do — that all minority members must think and vote alike.

That is precisely the assumption that lies at the center of the civil rights movement today, and Justice Thomas

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Gay libertarian man — 41, 5'10", 155 lbs., blond/blue/stache, nonsmoker, HIV neg., atheist, San Franciscan — seeks romantic relationship. You: 21-50. E-mail: mdf1960@yahoo.com.

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struck this exposed nerve during his 1991 confirmation battle, when he referred to the lies and inconsistencies Anita Hill brought forth as "a high-tech lynching for uppity blacks who in any way deign to think for themselves." But the "lynchings" haven't stopped. In his ten years on the Court, black "leaders" have continued to refer to him as an Uncle Tom; protesters call him a "traitor," and denounce him for not "giving back" to the black community (a particularly ironic statement, since Justice Thomas has demonstrated a profound dedication to community service). Liberals call him a "clone" of Scalia, noting his frequent agreements with Scalia's conclusions. Yet, as Gerber pointed out in *First Principles*, Thomas agrees with Scalia about 80% of the time, while Justice Breyer agrees with his senior colleague David Souter about 84% of the time, but one never hears that Breyer is a "clone" of Souter.

Justice Thomas is a lightning rod because he serves as a constant reminder of some things Good Liberals don't want to think about: the great injustices lying at the heart of their system.

At what point does the view that Justice Thomas doesn't think for himself merit being called "racism"? At what point will the left be punished for its antipathy toward any achievement which comes outside its shabby patronage? It's hard to say when, but that day is coming. As Frederick Douglass once noted, "While the rank and file of our race quote with much vehemence the doctrine of human equality, they are often among the first to deny and denounce it in practice. Of course, this is true only of the more ignorant. Intelligence is the great leveler here as elsewhere. It sees plainly the real worth of men and things, and is not easily imposed upon by the dressed up emptiness of human pride." That dressed-up emptiness is losing its pretense more and more every day, and Peyton Thomas' book is an example of why: The more the left shrieks unthinking slurs at Clarence Thomas, the more his quiet logic and profound good character stand out in relief.

Man of Quiet Dignity

Peyton Thomas describes, for instance, a speech Justice Thomas made to the National Bar Association in 1998. Two years earlier, the black news magazine *Emerge* had published an article called "Uncle Thomas: Lawn Jockey for the Far Right," with a cover illustration depicting Thomas in a racist caricature more appropriate to a secessionist newspaper in 1850s Georgia. A committee of the Association tried to uninvite him, and when he came anyway, hecklers in the audience shouted that he was "an enemy of the people." But Thomas' quiet dignity would have made Frederick Douglass proud. The "civil rights movement," he said, believed he had:

> . . . no right to think the way I do because I'm black. Though the ideas

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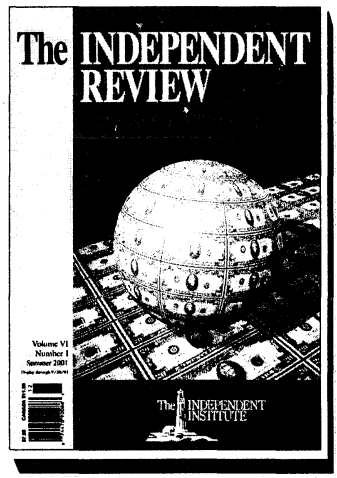

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— RALPH RAICO, Professor of History, SUNY Buffalo

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and opinions themselves are not necessarily illegitimate if held by non-black individuals, they, and the person enunciating them, are illegitimate if that person happens to be black.

I have come here today not in anger or to anger, though my mere presence has been sufficient, obviously, to anger some. Nor have I come to defend my views, but rather to assert my right to think for myself, to refuse to have my ideas assigned to me as though I [were] an intellectual slave because I'm black. I've come to state that I'm a man, free to think for myself and do as I please.

Peyton Thomas' book is remarkably evenhanded, although in his attempt at fairness he sometimes goes a bit overboard. For example, he describes the central premise of Justice Thomas' jurisprudence clearly: The Constitution is an act within the auspices of the Declaration of Independence, and is only comprehensible through it. "'So when we use the standard of "original intention," we must take this to mean the Constitution in light of the Declaration,' [Thomas] said. 'With the Declaration as a backdrop, we can understand the Constitution as the Founders understood it — to point toward the eventual abolition of slavery.'" As Peyton Thomas notes, this view, which served as the foundation of the antebellum Republican Party, came to lovely fruition in Thomas' *Adarand Constructors* opinion, when he wrote that "There can be no doubt that the paternalism that appears to lie at the heart of [affirmative action] is at war with the principle of inherent equality that underlies and infuses our Constitution. See Declaration of Independence . . ." Yet Peyton Thomas concludes this look at Thomas' philosophy with a flippant denial: "The problem, of course, was that the Founders had no such clear understanding." Peyton Thomas provides no evidence to back up this denial — which he repeats later in the book, again, without justification.

The fact is, the Founders did understand the Declaration this way. That's why Jefferson and Adams spent their lives attacking slavery — and even tried to do so in the Declaration itself; that's why George Mason was forced to edit the language of his Virginia Declaration of Rights — which had originally said that "all men are by nature equally free and independent, and have certain inherent rights of which they cannot, by any compact, deprive or divest their posterity . . ." but, on the insistence of defenders of slavery, was changed to ". . . certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest . . ." That's why secessionists called the Declaration a "self-evident lie"; that's why Calhoun said there was "not a word of truth in it." And that is why Frederick Douglass broke with those Abolitionists who declared the Constitution an evil document because of its compromises with slavery. "I differ from those who charge this baseness on the framers of the Constitution of the United States," said Douglass:

> It is a slander upon their memory, at least, so I believe . . . [T]here is no matter in respect to which the people of the North have allowed themselves to be so ruinously imposed upon, as that of the pro-slavery character of the Constitution. In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but, interpreted as it ought to be interpreted, the Constitution is a GLORIOUS LIBERTYDOCUMENT.

One might wonder why there aren't more black libertarians. After all, who has suffered more at the hands of government than black Americans?

Yet Peyton Thomas buys into this ruinous imposition as well, in a conclusory assertion he does not bother to defend. It is to his credit that Clarence Thomas does not.

Lonely Conservative

Unfortunately, most conservatives are not with Justice Thomas on this point. Robert Bork, for instance, wrote an entire book to denounce the Declaration of Independence, and he merely stood on the shoulders of

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Russell Kirk, Irving Kristol, and many others. Even Justices Scalia and Rehnquist have denounced the doctrine of natural rights upon which the Declaration and Constitution rest. Scalia, for instance, has said that "you either agree with democratic theory or you do not. But you cannot have democratic theory and then say, but what about the minority? The minority loses, except to the extent that the majority, in its document of government, has agreed to accord the minority rights." And Rehnquist has gone even farther: If "a society adopts a constitution and incorporates in that constitution safeguards for individual liberty," he says, "these safeguards do indeed take on a generalized moral rightness or goodness . . . neither because of any intrinsic worth nor because of any unique origins in someone's idea of natural justice, but instead, simply because they have been incorporated in a constitution by a people." In other words, one cannot prove that freedom is morally superior to slavery — it's all just a matter of taste.

Is it any wonder that conservatism fails to attract more black adherents? Prominent conservatives are fundamentally hostile to the one thing that makes the Constitution a "GLORIOUS LIBERTY DOCUMENT" and which should endear the United States to every descendant of slaves: equality. That principle — which conservative political scientist Harvey Mansfield called "a self-evident half-truth" — is, to Bork's mind, the great evil which has "tempted" America out of its cultural Eden.

Earlier this year, *National Review* writer Stanley Kurtz wrote that what America really needs is to throw away our answering machines (those icons of individualism) and write a Declaration of Dependence, which would return us to the "fabric of mutual entanglement that defines traditional societies." This hostility to equality and to individualism — entirely consistent principles when understood correctly — is the last and greatest challenge that conservatism faces in attracting more black adherents. It must recognize, as Justice Thomas' "liberal originalism" recognizes, that liberty is our only hope — no matter who "we" happen to be. ❑

***The Age of Reagan, 1964–1980: The Fall of the Old Liberal Order*, by Steven F. Hayward. Prima Publishing, 2001, 848 pages.**

Right Man, Right Time

Ron Capshaw

The Age of Reagan is what Edmund Morris' *Dutch*, encumbered by fictional conceits, should have been. It has a sense of drama and climax befitting the rise of an actor to the presidency. It restores grand narrative back to history (the kind of book a conservative Arthur Schlesinger Jr. would have written) — that genre of history academics today shun as politically incorrect but laymen readers put on best-seller lists.

Hayward's subtitle — *The Fall of the Old Liberal Order* — indicates his thesis. In 1964, a confident and bloated liberal leadership, peopled by academics and executive types who saw the world as complex, requiring equally complex answers, began a slow road to collapse. This collapse was sometimes self-inflicted (a tepid Vietnam policy, an overreliance on big government solutions), sometimes brought about from without (a totalitarian-minded New Left whose venom was directed almost exclusively at the Bobby Kennedys, Tom Hayden's "little fascist," and not the Bill Buckleys). Within ten years — ten years of rioting, of campus takeovers, of forcing policy quagmires — liberals would lose their confidence. So too would American voters in the liberals' ability to govern amidst the breakdown in law and order. But those that filled the vacuum — Richard Nixon, Gerald Ford, and Jimmy Carter — did not reject Great Society premises. Nixon created price controls. Ford, with the active participation of Henry Kissinger, orchestrated a Republican Yalta, the Helsinki Accords, a cynical acceptance of the communist status quo in Eastern Europe. Jimmy Carter initially promised to make human rights the cornerstone of his foreign policy, but soon reneged, selectively applying this litmus test to America's allies but not its communist enemies. By 1980, America seemed on the brink of collapse, bankrupt emotionally and philosophically. What was required was a figure to buck the prevailing pessimism (Nixon and Carter both spoke publicly about America's "crisis of confidence"), Great Society solutions, and détente.

Enter Ronald Reagan, needed precisely because his philosophy does not progress, or regress, in its optimistic belief in America. His message resonated with voters tired of pessimism and American failure.

Much of what is appealing about Stephen Hayward's book is its iconoclasm. This is not the familiar conservative tale of a great man bending circumstances to his will: The historical circumstances have to be correct before Reagan can appear as president. Hayward does engage in some familiar conservative litanies (LBJ was insufficiently hawkish on Vietnam; Reagan and Goldwater were pilloried by a liberal-minded media, etc.). But he also breaks ranks with the familiar (Nixon governed as a liberal and was too conciliatory with Mao; Carter did not instruct troops of the failed hostage rescue effort to avoid lethal force). Hayward never excuses Reagan for his whoppers (although he does argue the fibs resonate better than Clinton's because they reveal fundamental truths about America).

Hayward's argument about liberalism being mired in the past is convincing. Democrats in 1980 were still

resorting to the 1964 campaign playbook by likening Reagan, as they did Goldwater, to Hitler. It never occurred to them that the world had changed. Voters who pessimistically believed that no president could effectively address national problems went with Carter. Voters who wanted change, lower taxes, a freer economy, and a firmer stance against Soviet adventuring supported Reagan. The Democrats misread the public, and misread history.

But the weakness that dogs most books about Reagan dogs this one. The enigma of his personality remains. He flits in and out of Hayward's narrative like Batman, exciting mystery but revealing little about himself. As president, Reagan baffled insiders; now he baffles his biographers. Hayward avoids this pitfall by beginning the work in 1964, when Reagan has already switched political parties and is voicing his 1980s conservatism. Hayward sidesteps the question of what compelled Reagan's switch too neatly. Perhaps solving that mystery might shed some light on his personality. Henpecked husband? An out-of-work actor burdened with income taxes? A prophet ahead of his time? Hayward superficially plops for the latter but provides no compelling evidence.

Democrats in 1980 were still resorting to the 1964 campaign playbook by likening Reagan, as they did Goldwater, to Hitler. It never occurred to them that the world had changed.

For libertarians, Ronald Reagan has always been a mixed bag. It is true he came into office promising to reduce the size of government. It is equally true that he left that office eight years later with a drastically increased national security structure. On one hand, he rolled back the excesses of the Great Society. But on the other, he may have subverted Congress and the press with Iran Contra.

But rhetorically at least Reagan blazed trails. Part of the reason Bill Clinton's "the era of big government is over" speech excited little controversy was that Reagan had made that phrase part of respectable political dialogue. And that is something to celebrate for libertarians, who had been excluded from the national political dialogue by New-Deal-minded Republicans and Democrats. ❑

Booknotes

A Fool and His Tax Dollars

by T. E. Ruppenthal

The Sixteen-Trillion Dollar Mistake: How the U.S. Bungled Its National Priorities from the New Deal to the Present, by Bruce S. Jansson (Columbia University Press, 2001) presents a brief history of the past 70 years of American politics and features all the famous people, programs, and lots of very large numbers. The $16 trillion in the title is the portion of the $56 trillion in federal spending that Jansson believes the federal government has wasted since the New Deal. Immediately I suspected Jansson's scholarship. How could anyone conclude that the feds only wasted 28% of our money?

The book clearly demonstrated to me that, at least since the reign of Truman, the two political parties have been nearly identical. Both agree on an ever expanding federal government and the rightness of crippling levels of taxation. They disagree only on how the loot should be divvied up. For half a century, it's been a matter of "you fund our shameful scheme and we'll fund yours." Rare has been any political concern that citizens should have first call upon their income and their lives.

Jansson, however, sees it differently. He sees Republicans as pro-business, pro-military heavies who are "unlikely to channel money to the people in American society who need it most." For him, Democrats are caring politicians. He excuses their ignominies as forced reactions; their support of wasteful military and corporate expenditures stems from a fear of being attacked politically. Jansson doesn't seem to realize the implication of this: Democrats would rather keep their cushy jobs than "serve the needy citizenry" as he would have them.

Even the $16 trillion that Jansson believes was wasted is merely a "mistake," not criminal malfeasance. He believes the taxpayers' money was misspent, not misappropriated; had it been disbursed differently, all would be right with the world.

He found a mere $37 billion in excessive pork-barrel spending and found no money wasted on public housing, education, and health care. Bay area media regularly report on millions each year wasted or stolen in this area alone. You don't find what you refuse to see.

He decries corporate contributions and their connection to corporate welfare, while ignoring contributions from labor unions and governmental employees who also gain at taxpayer expense. Not surprisingly, he never refers to the Constitution's enumerated powers. He's too busy advocating an increase in federal spending for child care, health-care clinics, entitlements, education, employment and training programs, environmental regulations, a myriad of social services, and much more. He defends every federal social program, even the most obvious failures; to him, they simply need more time, more associated programs, and most of all, more money.

Somehow he manages to totally ignore the billions lavished on the never-ending War on Drugs and the increase in federal prison spending. Perhaps he feared being attacked

politically.

Numbers endlessly stream across the pages, millions and billions and trillions of dollars. Impressive figures to those who fail to notice that the numeric deluge is a confused jumble.

Jansson also makes numerous non-numeric errors. He claims, for example, that the recent Serb-Albanian conflict was over Kosovo, where "Serbs had vanquished Moslem invaders centuries earlier," when in fact, Kosovo is the Serbs' homeland that had only recently been invaded by Albanian Muslims.

The book does contain interesting bits of history; tales of political shenanigans, deceptions, and deceits down the decades, and the inexorable, cancerous growth of the federal government since FDR. It also reminds us that in 1932 fewer than five percent of the working population paid federal income tax and fewer than 300,000 people paid over 90% of this tax, which totaled $2 billion.

Most amazing of all, undertaxation alone accounts for more than a quarter of the total funds wasted by the federal government. "When a nation fails to tax private wealth sufficiently, it lacks resources to meet its foreign and domestic obligations."

You'd think the man must be a resident of a lunatic asylum. But no. Jansson is a resident of a university, where he spends his days as a professor of social work. He isn't mad; he's merely mercenary. And he, like the politicians he rebukes, simply wants more in his trough. ❑

The Age of Isms

by Orson Olson

In the 1950s, a political science textbook titled *Today's Isms: Socialism, Capitalism, Fascism, and Communism* made its debut. Forty years and ten editions later, the text has been re-released with an additional author — Alan O. Ebenstein, son of one of the original authors — and an addition to the list of "isms": Libertarianism.

The original *Today's Isms* treats the ideologies of socialism, capitalism, fascism, and communism in succession, detailing actual political histories. But the 11th edition by William Ebenstein, Alan Ebenstein, and Edwin Fogelman (Prentice-Hall, 1999) reflects the revival of classical liberalism (under the label "libertarianism") since the 1970s — in effect, revivifying a classic textbook for use in academic classes in modern comparative government and political ideology.

Capitalism and fascism are covered in 40 and 30 pages, respectively; communism in a suitably hefty 90-some pages, while socialism and libertarianism are both surveyed in around 20. The last two constitute the text's beginning and concluding chapters. In each, historical and theoretical approaches are applied to the interaction between the theory and practice of the five major ideological value systems that have shaped the 20th century.

Most of the chapter on libertarianism is devoted to political philosophy. At the outset, Ebenstein states that anyone who denies that libertarianism is fundamentally about the rule of law doesn't grasp libertarianism. The text covers seminal thinkers like Milton Friedman, Ayn Rand, and, as one would expect of the author of *Friedrich Hayek: A Biography*, Hayek himself. The influence of libertarianism on British and U.S. politics during the past two decades is discussed as well. ❑

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

Brien Bartels is currently seeking a cushy government job in Seattle.

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Tom Isenberg is a writer living in Idaho.

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Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

Ross Levatter is a physician practicing in Green Bay, Wisc. who writes on health economics.

Barry Loberfeld is a freelance writer based on Long Island.

Sarah J. McCarthy is co-author of *Mom and Pop vs. the Dreambusters*.

Victor Niederhoffer is a legendary investor and author of *The Education of a Speculator*.

Johan Norberg is author of books on human rights and the history of classical liberalism. His most recent book is *In Defence of Global Capitalism* (Stockholm: Timbro, 2001).

Orson Olson is a former radio DJ currently purveying fine wines from Superior, Colo.

Durk Pearson is co-author with Sandy Shaw of *Freedom of Informed Choice: FDA vs. Nutrient Supplements*.

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T.E. Ruppenthal lives in the Bay area where he is a freelance writer attached to the floundering tourist industry.

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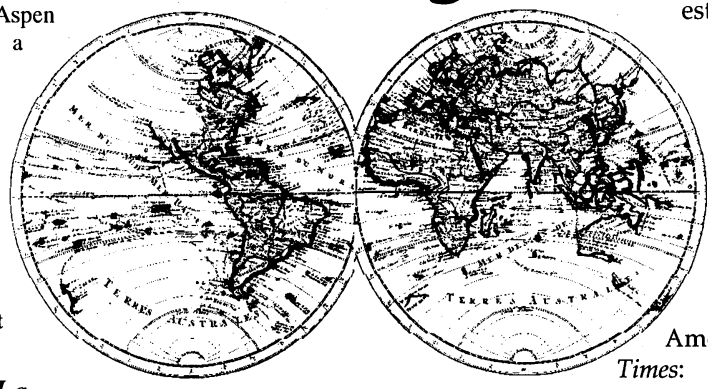

Washington, D. C.

How terrorists use legal technicalities to thwart efforts to bring them to justice, from an Associated Press dispatch.

Many countries are cooperating in freezing assets of financial networks accused of raising money for Osama bin Laden's al Qaeda group. But lack of evidence has made it difficult to arrest or detain suspects.

Aspen, Colo.

Artists suffer even in the nation's center of High culture, from *The Denver Post:*

Rick Magnuson, a community safety officer of the Aspen Police Department, created a piece of art containing a $100 bill with the title "I Dare You To Steal This $100," which was placed in an art museum. About a month later, the $100 was stolen. Magnuson says that "It ruined the whole aesthetics for me; I don't think it's a valuable piece of art anymore."

River Parishes, La.

Dealing with the strain of newfound fatherhood, printed in *The Times-Picayune:*

When Mickey Hewitt's wife started to go into labor, he drove her to the hospital, dropping her off at the emergency entrance and continuing to the parking garage to park his car. He smashed a window in a parked car, stole some stereo equipment, moved his car to another spot, and joined his wife. Hewitt was caught by the cameras mounted in the parking garage.

Moscow, Idaho

An advance in lexicography, from the Zero Tolerance Violence Agreement signed by students of Moscow Junior High:

"Violence is any word, look, act, or gesture that is offensive or hurts a person's body, feelings, or things."

Singapore

Progress in plumbing, from a dispatch from Reuters:

Two-hundred delegates from all over the world recently came to Singapore for the World Toilet Summit. This year's theme was "Our toilets: the past, the present and the future."

"The proliferation of this movement worldwide will inevitably lead to improvements in toilet environment everywhere," said Jack Sim, president of the Restroom Association of Singapore and organizer of the event.

Kuala Lumpur

A serial monogamist is beat at his own game, from the Singapore *Straits Times*:

Lai Heng Seng was recently prevented from marrying because records at the Registry of Marriages showed he already had a wife. "I asked the counter clerk to provide some details on my 'wife' but she said it was confidential and even scolded me for it," said Mr. Lai.

New York, N.Y.

Charity and the problem of donor intent, as reported in the *Daily News*:

Among the groups that have received grants or interest-free loans from the September 11th Fund are the Brooklyn Philharmonic, The Works dance troupe, and Mothers' Voices AIDS awareness program. The Fund's organizers, United Way of New York and New York Community Trust, had solicited funds promising to spend all money raised on relief efforts.

Hays, Kan.

Clinical note from the Heartland, gleaned from the estimable *USA Today*:

Carl Alvis, who was charged in August with raping a girl under the age of 14, is being released from jail because he has heart disease and "the county doesn't want to pay for his $80,000 bypass surgery bill."

USA

Patriotism returns to American life, reports the *Seattle Times*:

7-Eleven stores across the country are scrambling to replace the foreign beers on their shelves with domestic brands like Miller and Budweiser, the sales of which have soared after the Sept. 11 terrorist attacks.

Montgomery County, Ala.

Advance in jurisprudence, as recorded in the *Washington Post*:

The Montgomery County Council voted on Nov. 21 to fine cigarette smokers up to $750 for smoking at home if the smoke leaks out. Said John Banzhaf, executive director of Action on Smoking and Health, "This is a major step forward because it will allow people to make a simple complaint to a designated agency rather than having to hire a lawyer and go to court."

Washington, D.C.

The spirit of Christmas warms the coldest hearts, from *USA Today*:

The Federal Emergency Management Agency has unveiled a new ad campaign to inform victims of the Sept. 11 attacks that they are eligible for federal assistance. Aid money is available for those who lost jobs, homes, or businesses, as well as for the estimated 33,000 New Yorkers who are suffering from post-traumatic stress syndrome caused by watching the attacks. Said FEMA Director Joe Allbaugh, "We want to ensure that everyone affected by the tragic events of Sept. 11 gets the help they need."

San Francisco

Advance in medical ethics, as reported by the Associated Press:

At a recent meeting of the American Medical Association the ethics of organ donation was debated. Roger W. Evans, of Rochester, Minn., argued, "When a family refuses to donate, that's functionally equivalent to a homicide," he said.

Special thanks to John T. Wenders, Tim Slagle, Sandy Shaw, Ivan Santana, and Russell Garrard for contributions to *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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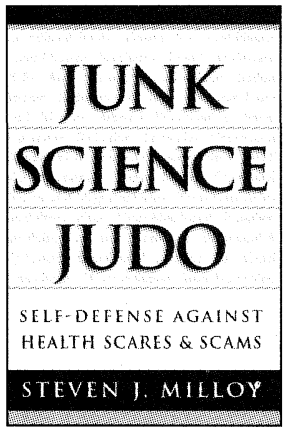

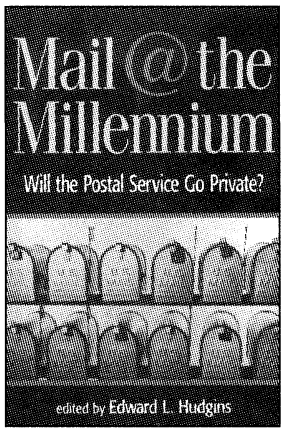

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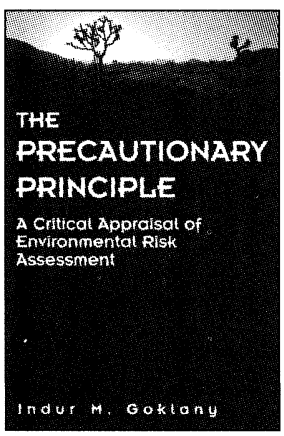

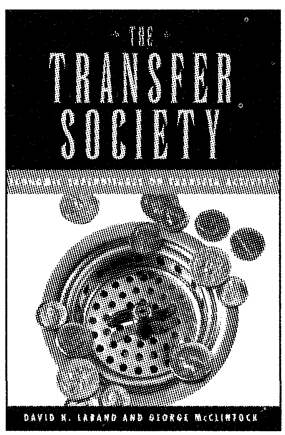

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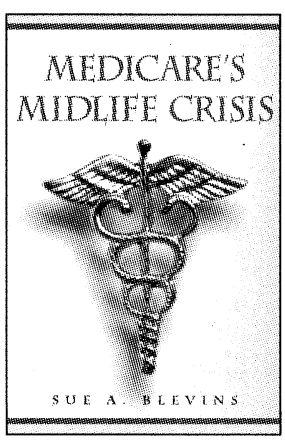

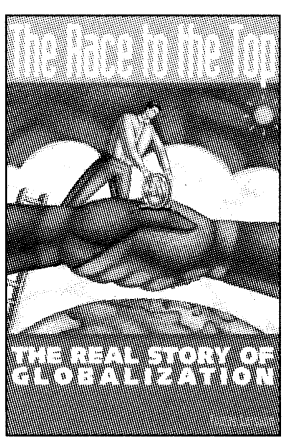

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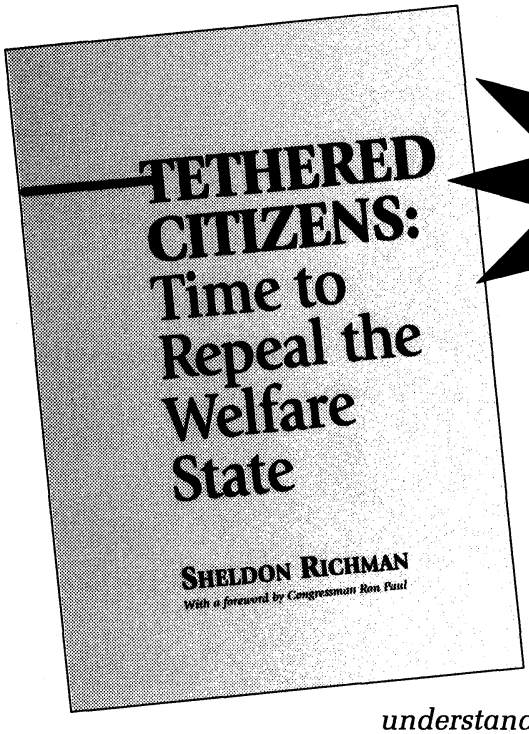

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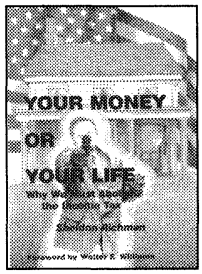

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Inside Liberty

March 2002
Volume 16, Number 3

4 Letters Our readers take the first shot.

7 Reflections We drop a dime on J.D. Salinger, visit an exploding opera house, learn to live in East Germany, worry about the menace of global climate stability, and explore haute Afghan couture.

Features

23 Enron: Death by Free Market *Andrew Chamberlain* shows how the pundits pitching Enron as a "market failure" have the story all wrong.

25 Privatization Is Dead, Long Live Privatization! These days, Tony Blair acts more like Margaret Thatcher than like a leader of a socialist party. *Stephen Berry* reports.

27 All the Lies That Are Fit to Print Everyone "knows" drugs are addictive, ruining the economy, and killing addicts. *Jeff Riggenbach* explores how people got those ideas.

33 Rothbard on Szasz *Thomas S. Szasz* looks at how Murray Rothbard looked at Thomas S. Szasz.

35 The Trouble With Harry LP presidential candidate Harry Browne finally responds to *Liberty*'s reports and analyses of his campaigns. He doesn't convince *R.W. Bradford*.

41 Bad Boy of the WPA How does a good writer get mixed up in a welfare program for writers? *Miles Fowler* looks for an explanation.

Reviews

47 Lord of the Epic *Stephen Cox* explores the fantastic world of *Lord of the Rings*, and discovers good news for Western civilization.

53 Litany of Errors *William E. Merritt* looks at an environmentalist's journey from cataclysm to skepticism.

56 Go Forth and Multiply? *Bruce Ramsey* tours Pat Buchanan's utopia, where the men are men and the women are barefoot and pregnant.

57 An Unfashionable Mind *Bettina Bien Greaves* chronicles the life and times of the "Libertarian of the Century."

61 Principled Critic *Ron Capshaw* explores the ambiguous libertarianism lurking inside 20th-century author Dwight Macdonald.

52 Classified Advertising This is the free market?

59 Notes on Contributors The cast of usual suspects.

62 Terra Incognita Reality is the opiate of the newspaperman.

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Letters

Close the Borders

I have just finished reading Bruce Ramsey's excellent, insightful, and perceptive article ("The Limits of the Melting Pot," February). It should be read and comprehended by all libertarians, especially my fellow members of the Libertarian Party.

Before the Sept. 11 attack, and the undeclared but just war against the Osama bin Laden pirate gang and the (late) bandit government of the Taliban in Afghanistan, our immigration plank was an albatross around our necks. Now it is a dagger in the back of the Libertarian Party and must be excised. It could justly be characterized as the Osama bin Laden plank and we should get rid of it before our enemies start using that designation.

David Macko
Solon, Ohio

Give Us Your Tired, Your Hungry, Your Welfare Queens

Another issue of *Liberty*, another pro-immigration rant ("Open Minds, Closed Borders," January).

An article in the *San Francisco Weekly* (Dec. 12–18) tells how the San Francisco Housing Authority hurts the people it was designed to help. It describes an immigrant woman who no doubt works very hard and did not come to this country to be a burden to the taxpayers. But she *is* a burden to the taxpayers. She has lived in public housing for 24 years. The cost of her home is more than the taxes she pays from her low-paying job. Despite all her years in this country she has not learned English.

People on the political left do not deny that immigrants as a group are dependent on welfare. They complain that too little money is being spent on them. Why do libertarians and the pro-immigration right deny what we all can see?

Yes, my own ancestors were immigrants, but in the 1700s there was indentured servitude, not government welfare.

Douglas Rose
Oakland, Calif.

Minority Politics

In "Open Minds, Closed Borders" Ken Schoolland did not mention that America is gradually being changed from a predominately white nation to one with a nonwhite majority, thanks in part to its immigration policy. California's failure to control immigration from Mexico has led to that state now having a nonwhite majority. How soon, I wonder, will the rest of America follow in California's footsteps?

Robert M. LaFrana
Wyoming, Mich.

Idealistic Idiots

Idealistic idiots or libertarians, is there any difference? No!!!

Ken Schoolland in his absolutely idiotic article about immigrants said, "Any immigrant who wants to come to America in search of a better life should be let in."

Real life, gang, real life! California shortages: water, electricity, homes, and way, way overcrowded freeways. Absolutely ridiculous reasoning. Thus, we do it!! Let's pick up 20,000 Somalis, Nigerians, Algerians, Palestinians, and drop them in School-less's Hawaii and, of course, Port Townsend, Wash.!! And I mean now!!! Then in months all you will have moved, as none of you live, or work with, non-English speaking immigrants, who by the way, School-less, send 95% of their paychecks to Mexico, which sure helps the U.S. economy, right? No wonder Nader trounces libertarians, even he is more practical.

Al Winter
Rancho Cucamonga, Calif.

Conservatives and Natural Rights

Timothy Sandefur's review of Andrew Peyton Thomas' biography of Clarence Thomas ("A Man to Be Destroyed," February) contained an insight that may help libertarians better

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communicate with conservatives. Sandefur was right when he said that most conservatives reject natural rights and the Declaration of Independence.

Chronicles editor Thomas Fleming calls natural rights a "superstition" and Jeremy Bentham called them "nonsense on stilts." Conservatives never stop ridiculing Thomas Jefferson's "all men are created equal."

From the practical side, one can argue that you have only those rights you are able to assert. Yet, what conservatives don't seem to appreciate is that libertarianism is primarily concerned with ideals, not practicalities. Conservatives and libertarians will find no consensus where one talks about apples, and the other about oranges.

Jack Dennon
Warrenton, Ore

Montgomery Woes

I read with great interest the item appearing in February's "Terra Incognita" regarding the measure by the Montgomery County, Ala., council to fine cigarette smokers for smoking at home if the smoke leaks out. By what must be an extraordinary coincidence, here in Montgomery County, *Maryland*, an almost identical ordinance was passed by our county council *on the same day*!

The Maryland ordinance attracted a good deal of attention, not to mention outright scorn, in the national and international press. So much so that the following week, our county executive, Doug Duncan, a proponent of the measure, announced he would not sign the bill into law, lest Montgomery County (Maryland) become a laughingstock before the world.

I'm sure that in all the hubbub about the Maryland bill, the actions of the Montgomery County, Ala., council must have gone unnoticed, so I am thankful to the editors of *Liberty* for bringing this to our attention. Now, I wonder what the folks in Montgomery County, Penn., have been up to . . .

Luther Jett
Washington Grove, Md.

Terra Incognita responds: Oops!

Microsoft's Abusive Monopoly

Dave Kopel is wrong about Microsoft ("Microsoft Capitulates," January). In one of my previous jobs, we wanted to port a C compiler to the Windows environment. It compiled code that ran twice as fast as that compiled by the latest and greatest Microsoft offering. Our problem was that we had to take heroic measures to test our compiled code. Why? Microsoft will not release the specifications of the object code that their system supports — the format that their linker accepts and their libraries contain.

Other compiler teams have faced the same problem. Some with deeper pockets than ours reverse engineered the Microsoft object code formats. That worked fine until Microsoft "improved" the formats, requiring another round of reverse engineering. Eventually, most gave up — just as Microsoft intended.

Who loses? Everyone who wants to create efficient programs to run in the Windows environment and everyone who would like to use them.

Windows is the most bug-ridden, unstable, sophomoric, "designed" by trial-and-error, half-baked piece of crap masquerading as an "operating system" that I've seen in my 42 years in the computer industry. Windows usually hangs trying to shut itself down. Often, a crashing program destroys system information. One that I see a lot is that the "ESCAPE" key's meaning is altered. Guess what the "solution" is. Yep, yet another reboot. This on a machine that has hardware to protect the data of one program from all other programs! The "system" doesn't even protect its own vital data! It stores vital resource use information in fixed size 65,536 byte buffers. Program crashes often trash even them. Normal use overfills them.

As far as I'm concerned, UNIX is "the" operating system. OS/2 was great (after its initial teething problems) until Microsoft cut IBM off from the details of Windows 95 that they needed to be able to run the new generation of Microsoft tools — like Word and Excel. Denial of information necessary to competitors. Does that sound familiar?

From the Editor . . .

The war against terrorism is winding down. In its conquest of Afghanistan, the United States has killed thousands of people and suffered one more casualty than it did in its war against Serbia. It's a sweet victory, though the enemy escaped and it looks as if Americans have lost a lot of liberty, not to mention treasure. On a brighter note, war hysteria is being tempered by Americans' traditional desire to pursue their own interests, but they are still quite willing — and even happy — to be subjected to absurdly intrusive yet ineffective searches before they board aircraft.

The best inoculation against hysteria is honest analysis and vigorous controversy. This issue of *Liberty* has rather less on the war than issues in the recent past, but we're not letting our skeptical guard down one little bit, as you can see from several of our "Reflections."

We begin with what's in the headlines: the sudden collapse of Enron, which invested other people's money very badly. Until men become angels, fraud will occur. As Andrew Chamberlain points out in our lead feature, what's important is how fraud is dealt with. And for once, the U.S. government seems to be dealing with the fraud quite sensibly, pursuing the perpetrators and allowing the healing balm of bankruptcy to sooth our wounds, rather than exacerbating the problem with a bailout. We also look behind the headlines. Stephen Berry reports startling news from England: The Labour government is carrying privatization into areas where even Margaret Thatcher feared to tread.

But there's more to life — and to *Liberty* — than war and the economy. Thomas S. Szasz shows how libertarian theorist Murray Rothbard grew wiser as he grew older. Miles Fowler looks at the strange career of Vardis Fisher, a first-rate writer caught up in a federal welfare program. And your humble editor reluctantly responds to an old friend who has fallen on hard intellectual times.

Our review section is particularly rich. It begins with Steve Cox's look at the number-one movie of the millennium and the novel from which it came. Our other reviewers also take a close look at a reformed ecologist, a great economist, two singular writers, Pat Buchanan, and Dwight Macdonald.

R. W. Bradford

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I say, break up Microsoft, and make the various parts tell the others and all aspiring competitors the details of the file formats and APIs. How many pieces? At least three: Windows, Applications, and Development Tools.

Marv Graham
West Columbia, S.C.

Kopel responds: In Marv Graham's opinion, Microsoft makes lousy products and is difficult to work with. The writer's error is his belief that the government has the legitimate authority to make Microsoft into the kind of business partner he would like to write software for. In a free society, he's free to stop dealing with Microsoft. Neither the author nor IBM has a right to see Microsoft's intellectual property secrets. Microsoft created them, and Microsoft is entitled to use them as the company chooses. Microsoft has no obligation to facilitate use of its operating system by third-party software designers — but, in fact, one reason why Windows became so successful is that Microsoft did make Windows interoperable with a vast range of software written by other companies.

Software writers and software users who don't like Microsoft Windows can choose other operating platforms, such as Apple or Unix.

By the way, I used IBM's OS/2 and Microsoft Windows 95 on my business computer in 1995. Windows 95 was far more stable, and far better able to handle different software and peripherals. I abandoned OS/2 because it was an inferior operating system, not because I wanted to use MS Word.

Other computer users may have different preferences or experience. Individual consumers, not the Antitrust Division of the Department of Justice, are the ones who best know their own preferences. As *Antitrust After Microsoft* details, Microsoft prospers because consumers choose to buy its products..

Off the Wagon and on the March

As an expert in identifying the behavioral signs of alcoholism, I read "The Mussolini of Maui" (January) with great interest. Early-stage alcohol addiction is marked by an inordinately large sense of self-importance. This translates into a need in the afflicted to inflate their egos, often by wielding power over others, especially capriciously. Gov. Cayetano seems particularly adept at this.

While not every power-hungry politician is an alcoholic, a disproportionately large percentage are. Both Mussolini and Huey Long, to whom Cayetano is compared, were alcohol addicts, as was Josef Stalin.

Doug Thorburn
Northridge, Calif.

Thorburn is the author of Drunks, Drugs and Debits: How to Recognize Addicts.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to: letterstoeditor@libertysoft.com.

During the Christmas rush, we were unable to reach Dave Kopel in time to respond to letters criticizing his article on Microsoft in the January issue. Here is his reply:

Contrary to what one letter-writer claimed, Sun's Solaris operating system certainly does contain an integrated Web browser. The writer may have been confused because Sun also distributes the more sophisticated Netscape for Solaris browser, which Solaris users can install.

Solaris is based on Unix, not Linux, as I had mistakenly written. Sun's Cobalt servers do use a Linux operating system.

I had described Sun's business model as based on forcing users to purchase Sun hardware to run their Sun software. This was true in the olden days, when the only way to run Solaris was on Sun machines, or on a very small number of other machines which were licensed by Sun. But these days, Solaris will run on Sun's Sparc architecture, or on Intel-based architecture.

I had characterized Sun's workstations (a.k.a. "clients") as only working with Sun servers. This is true for one type of Sun client, but Sun does make another client which can work with a variety of servers. The letter-writers were correct to point out that Sun servers have always been able to accommodate a wide variety of clients. — Dave Kopel

Reflections

Quid pro no — The Democrats are so hungry to find wrongdoing on the part of George W. Bush that they are now claiming that he should have offered Enron a bailout. To a Democrat, it's only a scandal when you take money from a donor and *don't* perform a political favor.— Tim Slagle

Catch this! — The January 2002 issue of *Maxim* pointed out the notably large number of psychopaths who found *Catcher in the Rye* to be a very inspiring and empowering book: John Hinckley (tried to assassinate Ronald Reagan); Mark David Chapman (assassinated John Lennon); Arthur Bremer (tried to assassinate George Wallace); Robert Bardo (stalked and killed actress Rebecca Schaeffer).

I wonder: Will the old media types who tried so hard to blame the Oklahoma City bombing on Rush Limbaugh take the 50th anniversary of *Catcher in the Rye* as an opportunity to fulminate about J.D. Salinger? — Dave Kopel

Sound Bites from the eternal struggle — "Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters." — Noah Webster

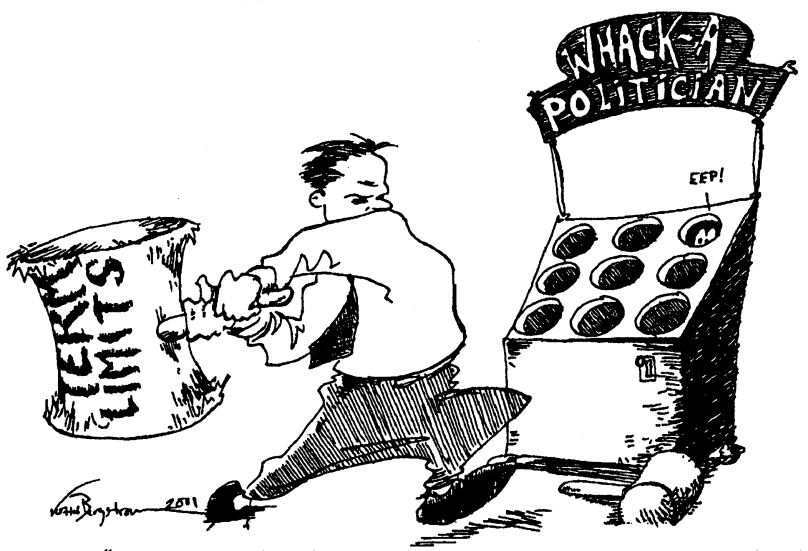

"Necessity is the plea for every infringement of human liberty; it is the argument of tyrants; it is the creed of slaves."
— William Pitt

"When citizens fear their government, you have tyranny; when the government fears its citizens, you have freedom."
— Thomas Jefferson

"Find out just what any people will quietly submit to, and you have the exact measure of the injustice and wrong which will be imposed on them." — Frederick Douglass

"Yes, sir; of course you may pat me down. No problem at all. And thank you."
— American citizen attempting to board an airplane.
— Ross Levatter

Domestic violence in the White House — We know that one in three families is plagued by domestic violence because outfits that make their livings off domestic violence have told us so. In light of this awful statistic, shouldn't we expect that, over the years, 13 or 14 of our presidential couples would have been affected by this most American of scourges?

Ask yourself, have you ever seen a picture of President Bush in a bathing suit? And if not, why not? Do you really believe he puts on all those tight collars and long-sleeved jackets just because he enjoys feeling sweaty and constricted? Or, could it be that he needs to hide the bruises?

And what about the jeans and drab jackets he wears around the ranch — even in front of important foreigners? Is somebody doling out his money bit by bit to keep him impoverished and dependent?

For that matter, do most men work at home? Or is the "office" in the White House one more sign of an abused husband kept under the watchful eye of a controlling spouse?

And, when he does get out, is he ever alone? Or is he always shadowed by large gentlemen "for his own good"?

Most of all, isn't Laura Bush right-handed?

Doesn't that mean her fist would almost certainly catch him on the cheek just under his left eye?

And as for the bruise on his left cheek, just under the eye, that he sported in mid-January, don't you think it odd he was "alone" at the time — while Laura was in an "adjoining" room? Isn't that always the way when somebody winds up unconscious on the floor?

And it all happened while he was watching football — the very situation in which the National Organization of Women has warned us that the risk of domestic violence is the greatest.

Usually the stories that battered spouses tell to protect their abusers are just sad. But the president's excuse was more than sad — it was a pathetic cry for help.

Somewhere, in his unconsciousness, he must have known that if he just claimed he'd walked into a door, people would believe him. So he came up with the thing about jabbing a pretzel into a vagus nerve and passing out. I put it to you, could George W. Bush even find a vagus nerve — even with a flashlight and a copy of *Grey's Anatomy* to steer by? Could

you? What could be more of a tip-off that something was desperately wrong in the Bush household than this obviously trumped-up explanation?

Then, the next day he bravely tried to joke the whole thing off — while giving a speech about how the focus of his administration is to make sure "we never get hit again." What is he trying to tell us here?

What other indignities is he being subjected to? Does Laura belittle him in private? Does she threaten to leave? Does she tell him that he'd never be able to make it on his own? Is he forced to submit to nights of ritual humiliation to satisfy the twisted lust of this so-called "first lady"?

Why, finally, hasn't a caring community risen up and demanded that this violence against presidents stop?

— William Merritt

Another quality Acme product — I think it was a great relief to everyone that the last terrorist attempt was so horrendously botched. It is reassuring to think that the FBI roundups have left al Qaeda playing with its third string. I still chuckle every time I think of Richard Reid trying to light a fuse in his shoes. It reminds me of a *Roadrunner* cartoon. I imagine the exploding sneakers might have even been manufactured by Acme. A fitting punishment for the crime would be for the Pentagon to construct a working pair, stand Reid out in the middle of an open field, and send him on to his 72 virgins, marked "express."

— Tim Slagle

It ain't over till the fat lady blows up — The fight against terrorism got a little squirrelly in Switzerland in December. Vigilant Swiss police pulled a dawn raid on the five-star hotel room of famed French conductor Pierre Boulez, dragged him out of bed, confiscated his passport and questioned him for three hours. Why did they target the 75-year-old musician, widely viewed as the world's top interpreter of Igor Stravinsky's music? Well, back in the 1960s Boulez, always a self-conscious controversialist and pot-stirrer, told an interviewer that opera houses should be blown up as relics of a dead art that deserved to die. Somehow, Swiss

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Romancing the Dismal Science • Mark Skousen unearths a dramatic tale — starring everyone from Carl Menger to Karl Marx — behind the history of the much-maligned dismal science. (audio: A501; video not available)

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The End of the World As We Know It • Is globalization the disease or the cure? **Fred L. Smith Jr.** explains how expanding markets cripple intrusive government and make liberty that much easier to find. (audio: A504; video: V504)

Prisons for the Innocent • Washington state Supreme Court Justice **Richard Sanders** exposes America's mental health gestapo, and shows how thousands have been locked up for life without ever committing a crime. (audio: A505; video: V505)

All the Lies That Are Fit to Print • Jeff Riggenbach chronicles media coverage of illegal drugs — from early 20th century "Negro cocaine fiends" to "crack babies" of the 1980s — uncovering a legacy of shoddy coverage and botched reporting. (audio: A506; video: V506)

Who's Afraid of the Antichrist? • Douglas Casey takes a provocative look at the tenets of radical Islam and how they inspired the recent terrorist attacks. Does God hate America? (audio: A507; video: V507)

Terrorism on Drugs • Alan Bock probes the link between terrorism and America's drug war — and proposes a single

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The War on Terrorism (Part I) • Durk Pearson, Richard Sanders, David Friedman, R.W. Bradford, and **Fred L. Smith Jr.** discuss what will happen to our civil liberties in light of the recent terrorist attacks. (audio: A509; video: V509)

The War on Terrorism (Part II) • Douglas Casey, Jeff Riggenbach, Randal O'Toole, Alan Bock, and **R.W. Bradford** ask how terrorism will change our lives; for the better or for the worse. (audio: A510; video: V510)

reform that will end terrorism in America forever. (audio: A508; video: V508)

Central Planning on Main Street • Randal O'Toole makes the case against the cult of "smart growth" — and demolishes the plan to cram the world's population into an area the size of Kentucky. (audio: A511; video: V511)

How Libertarianism Must Change to Succeed • R.W. Bradford looks over the Libertarian Party's successes and failures and comes to a surprising conclusion: It's time for the LP to give itself a chance. (audio: A512; video: V512)

Grass-roots Organizing for Liberty • Randal O'Toole asks, Why has environmental activism been a rousing success and libertarian activism an unremitting failure? (audio: A513; video: V513)

A Short Introduction to Libertarian Anthropology • William Merritt takes a hilarious look at differences between the sexes and how they got that way. (audio: A514; video: V514)

Abandon the LP? • Bruce Ramsey and **R.W. Bradford** discuss whether the Libertarian Party has failed in its mission — or whether that mission hasn't even been tried. (audio: A515; video: V515)

Law in Cyberspace • David Friedman explores how anonymity on the Internet can actually lead to a world of nonjudicial justice. (audio: A516; video: V516)

Kicking the FDA's Ass • Durk Pearson and **Sandy Shaw** recall their success over the Food and Drug Administration, and document the state's continued refusal to comply with their landmark legal victory. (audio: A517; video: V517)

Stalking Garet Garett • Bruce Ramsey paints a picture of a paleo-libertarian from the *Saturday Evening Post* and his battle against the New Deal. (audio: A518; video: V518)

The Comedy of Tim Slagle • Tim Slagle takes on everything from vegetarians to the homeless in his classic comedy routine. (audio: A519; video: V519)

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police got the notion that this 35-year-old comment made him a potential terrorist threat. — Alan Bock

Happy New Year. Welcome to East Germany — On New Year's Eve I went to a party at a friend's house where I met a very nice woman that had just moved to this country from Germany. I asked her if she was from the East or the West — she said, with what seemed a thankful expression, that she was from the West. She said she had visited East Germany when she was a child and it scared her because everywhere there were men with machine guns and she did not understand what they were needed for.

I had flown home from Tampa, Fla., the day before, having spent Christmas with my parents. I had the exact same feelings about all the men with machine guns at the Tampa airport as the German lady had about the armed soldiers in the East. Why were they needed? Were they really expecting a frontal assault? They certainly wouldn't deter terrorists — if anything they would just increase the satisfaction terrorists would take from the success of their sneaky methodology. No, the men with machine guns were not there to discourage terrorists *or* to protect us. A machine gun in an airline terminal makes about as much sense as a fuel-air bomb in civilian-occupied theater of war. The men with guns at the airport were there for the sole purpose of getting the American people used to identity checks and interstate border crossings. That these efforts are succeeding is even more depressing than the success of the terrorists. — Paul Rako

Cataclysm, perpetually looming — It snowed in Atlanta, and global warming alarmists are at it again. It doesn't matter whether it's warm or cold, dry or wet, stormy or calm; every severe weather event is now taken as proof of impending doom. The only way to disprove the environmental cataclysts would be if the weather was perfectly average for a year. On second thought, maybe not. That would only give them more ammunition as they raise the alarming question, "When has the weather *ever* been so predictable?"

Meanwhile, an article in the respected journal *Science* reports that the Antarctic ice cap is growing *thicker*. *The Wall Street Journal* reported that "researchers said that if [these] data don't represent a brief fluctuation, they could shake assumptions on global warming"; i.e., the cataclysts will return to their claim that human enterprise is causing a global cooling. — Tim Slagle

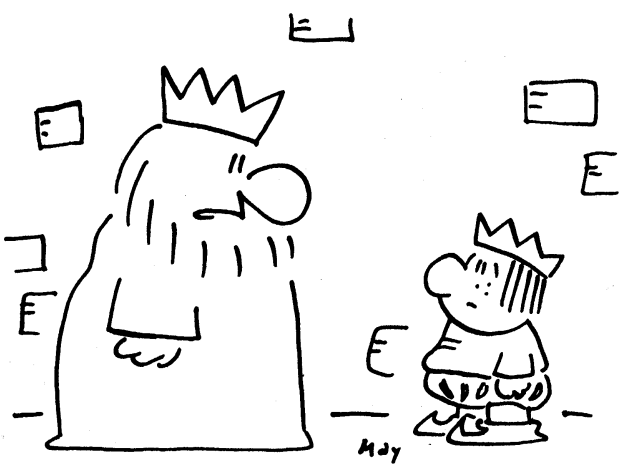

"You've got it easy, Son — I had to *seize* power!"

The genius of John Walker — Given the evident failure of American intelligence agencies to prevent the kamikaze attacks of Sept. 11, I was surprised that the chiefs of the FBI and CIA didn't submit their resignations the following day and even more surprised that President Bush soon afterwards expressed his support for the current administrations of those agencies.

Now I'm alarmed that the only Arab to be indicted so far was arrested before Sept. 11, implicitly discrediting the cases against the hundreds of purported terrorists and friends of terrorists arrested and held, exempt from legal niceties, after the attacks. Putting only him on trial makes me skeptical about the others.

I'm also alarmed at all the attention given the young man from Marin County who was captured fighting with the Taliban. How was a Hot Tub Prince able to join an organization that apparently resisted infiltration by intelligent, well-paid, and well-educated American intelligence operatives? — Richard Kostelanetz

Happier, not safer — The lines-at-airports camera shot has become a staple of news programs, and most Americans seem to know what's expected of them when somebody shoves a microphone in their face: "Yes, it's time-consuming, but if it makes flying safer, anything for security." It's approaching the player on a winning sports team who says "We knew we would have to give 110% today" as an American cliché. Just once, I'd like to hear somebody say, "It's damned inconvenient, and I don't think it makes flying one iota safer," which has the added attraction of happening to be true. — Alan W. Bock

Foiled again! — Airport lines are getting longer all the time, as incompetent federal bureaucrats double the security they couldn't provide in the first place. I can make a suggestion to shorten the lines just a little bit, stop asking those two stupid questions? All 19 Sept. 11 terrorists answered both questions, and it didn't trick any of them. I can't believe anybody really thought they might:

"Did anyone give you anything to bring on board?"

"Well, Allah gave to me this boxcutt . . . Umm, I mean, no." — Tim Slagle

Remember Kennesaw Mountain — Kennesaw Mountain sticks out of the rolling piedmont of North Georgia like the preposterously vertical subject of some romantic Chinese watercolor. It is so steep that, when I was a kid, I used to wonder whether anybody had ever climbed all the way to the top. But, of course, somebody had. On June 27, 1864, a good part of the Army of the Tennessee climbed up there, hoping Sherman would try to root them out.

Sam Watkins wrote about what happened in his memoir, *Company Aitch*. What he said was — I'm paraphrasing here — I don't have the book in front of me, but it's a good paraphrase because Sam used the kind of phrases that stick in

your mind: *Most veterans will tell you they don't know whether they killed anybody. But nobody who was on Kennesaw Mountain can say that. It was load and shoot. Load and shoot. Three. Four. Five dozen apiece.*

The men who tried to get by Company H that morning did something I never heard about in any other battle anywhere. They wrote their names on pieces of paper and pinned them to the backs of their tunics so their bodies could be identified.

They were right to do that. Not one of them made it to the top. And some 3,000 never came back down, about the same number of Americans as those who died in the attacks of Sept. 11, forgotten, now, in a minor battle of a single campaign six major wars ago.

As a Southern boy, I have a dispute as to what that fight was about, but I know this: Those guys thought freedom had a lot to do with why they were trying to get past Sam Watkins and Company H that day. And they went up that mountain, knowing they would not be shot in the back, so that people they could never imagine could live in freedom.

We do not honor those men, nor the million or so others over the past 225 years who died in defense of our freedoms, by so easily and willingly giving over the fruits of what they earned for the hope of some incremental increase in our own security. — William Merritt

It's good, but is it believable? — Aristotle said that there are certain things you shouldn't put into a work of imaginative literature, because people won't believe them, even if they're historically true. People will accept a plausible lie before they'll accept a flamboyantly ridiculous truth.

Aristotle's theory came irresistibly to my mind last night, when I watched a television documentary on the life of Sept. 11 terrorist Mohammed Atta. The guy was just too good to be true. The pinched little worried face that would have been handsome, if it hadn't spent most of its time peering out at the world — or at least the wicked Western camera — with hatred and envy. The moronic resentment against America, because Atta had grown up in a country (Egypt) where there weren't a lot of easy job opportunities for people like him, as there were in America. The furious contempt for the cheapness of American culture, which was presumably a main topic of conversation for Atta and his fellow terrorists during their last night on earth, which they chose to spend sleeping in a Comfort Inn, dining at a Pizza Hut, and visiting a nearby Wal-Mart. It's all a perfect, and perfectly incredible, portrait of the evil that is envy and arrogance. But if you put it into a satirical novel, it just wouldn't work. It would be too cartoonish. Yet that's what Mohammed Atta was. He was a cartoon.

I don't need to tell you that the same thing could be said about Taliban Johnny Walker Lindh, except that this time most of the color and detail on his section of the funny pages would come from the true-life stories of modern liberal America and its literally incredible self-conceptions. The allegedly brilliant, caring, and above all "nice" parents, who were brilliant, caring, and nice enough to send their 17-year-old son for a year's excursion to (you'll *never* guess! and what a *perfect* choice!) the Republic of Yemen, so that he could learn to read the Quran in circumstances more congenial to his newly adopted fanaticism. The broken English that the "kid," the "youngster," the "nice young man" affected, even after he was discovered to be a homegrown product of the U.S.A., as if he was entitled by birth to continue telling any kind of stupid, obvious lie he wanted, whether anybody caught on to him or not. The furious umbrage shown by the good citizens of Marin County, "perhaps the wealthiest and best-educated county in America," when it was suggested that the atmosphere of the place might conceivably have had *something* to do with the way that T.J. turned out. And, best of all, the liberal papers and pundits that worked themselves

Mohammed Atta was a perfect, and perfectly cartoon-like, portrait of the evil that is envy and arrogance.

into a froth about the possibility that this sweet young child could actually be punished for adhering to the enemies of his country, and giving them aid and comfort. Where, pray, could the constitutionally required two witnesses to his overt act — fighting in an enemy army — *possibly* be found? Pundit-by-the-grace-of-God Eleanor Clift suggested that Johnny's ill-fated journey to spiritual discovery qualifies him less for a prison cell than for employment in the CIA — since he *knows* so much, you understand. Comes from such a *good* family, I presume.

Well, those are just a few things you couldn't work into a novel, not without being laughed to scorn. And I suppose you've noticed that whenever Osama bin Laden wants to denounce the Satanic nature of the West, he wears some Western military fatigues over his nightgown. A nice touch, a very nice touch. But you can't use it in fiction. — Stephen Cox

Beware of rogue pretzels — Savagery took a new twist in January when the Leader of the Free World

"It's time I told you, Mark. Here at MicroSec, were all temps."

was almost laid low by a rogue pretzel. During the course of a football play-off game Mr. Bush apparently became so excited that he forgot to chew before swallowing. Irregularly shaped pretzel pieces bounced around his throat like the fractured syllables of an Oval Office speech. The result was temporary loss of consciousness (but how could anyone tell?) and a nasty fall.

Fortunately, the president pulled through, but the event reminds us that the War against Terrorism has been only half-waged. It's not enough to fend off radical Islam; we must also meet the threat of unregulated gluten. According to highly placed sources, Attorney General John Ashcroft is already drawing up legislation to allow the peremptory seizure and indefinite sequestration of suspicious snack products. And none too soon: The Surgeon General reports that some 90% of people who start off eating pretzels eventually turn to peanuts, a product that has sent many more people to the morgue than anthrax spores.

It was a close call, but once again our country has pulled through — pulled through and, perhaps, learned a hard but valuable lesson: Guns don't kill people; pretzels kill people!

— Loren Lomasky

The trendy progressivism of the Taliban

— There's been a push lately to compare the Taliban to the right wing of American politics, and I can see the logic of the view. But the left wing has a lot in common with the Taliban as well. The Taliban destroyed the 1,600-year-old pair of ten-story Buddhas carved into a mountainside. In this country, it is the leftists who endeavor to remove all religious symbols from public places. The Taliban forced women to cover up, and in this country, it's the feminists who complain about things like the *Sports Illustrated* swimsuit issue. Pork was not allowed to be served anywhere under the Taliban, and there is a faction of the left that would do the same here, with all meat products. And I would bet that leftists also tend to grow beards at a greater rate than the general population.

— Tim Slagle

Friendly neighborhood utopian wackos

— I grew up in a big city where political campaigns mean glitzy TV ads and junk-mail fundraisers, so I was a bit surprised to find a candidate for city council knocking on my door soliciting my vote. Politics is a bit primitive in the small town I've moved to; candidates here still actually talk to ordinary people.

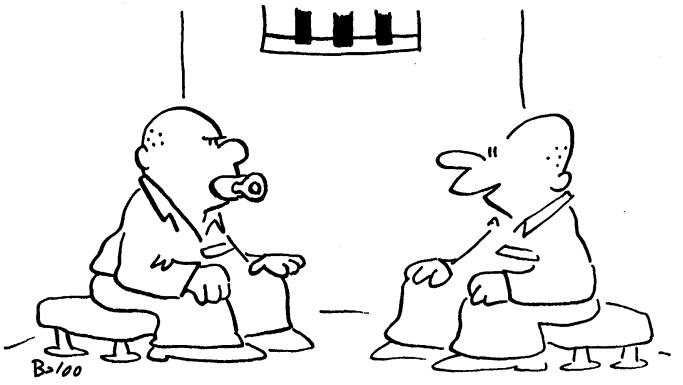

"How long are you in for, Babyface?"

That struck me as quaint, so I took the time to chat and look over the guy's campaign literature. Nothing odd: retired doctor running for city council, had been on some committees, the usual. And he seemed nice enough.

I ended up missing that election, and thought nothing of it until I read months later that the city council had gone berserk, proposing a litany of insane socialist programs like printing its own currency and — get this — banning automobiles completely from the downtown business district. And guess who's behind it? Mr. Neighborhood himself.

So much for truth in advertising. And nice gestures. But thinking back, I should've seen at least some of his wacko proposals coming. After all, the guy was riding a bike in the rain, wearing a suit, when he stopped in to chat.

— Andrew Chamberlain

The Israelization of America — You feel a sense of relief when you leave behind a country caught in that never-ending cycle of violence, with all its consequences: The threat of terrorism in large urban centers by angry Arabs whose sources of hate remain unclear. The rise in nationalist hysteria and intolerance against those who don't share that feeling. Attempts by the government to restrict civil liberties in the name of national security. Growing power of the national government and the expansion of the national security state, including the worshipping of the military. Discrimination of the Arab citizens of the state (again, in the name of national security). The continuing use of military power against an Arab people so as to force them to replace their leader. The sense that the country is heading into a wide and costly war with the Arab and Muslim worlds, which might include the use of nuclear military power. Yes, that's right. I was leaving Israel behind, and a few days before Sept. 11, returned to the United States, a country that is supposed to be so, so different. Many Israelis have been frustrated over the lack of progress in Israel in the direction of "Americanization." Instead, America seems to have been Israelized in the last four months. Now, go figure that out . . .

— Leon Hadar

Defining terrorism down — One should probably not be shocked, of course, but it is still worth noting that the Knight-Ridder newspapers have documented the fact that the Justice Department has for years inflated its terrorist-related arrest-and-conviction statistics — and has continued to do so since Sept. 11. Cases cited as terrorism-related in reports to Congress have included erratic behavior by people with mental illnesses, passengers getting drunk on airplanes, and convicts rioting to get better food. Apparently even before Sept. 11 the Justice Department found it easier to squeeze more money out of Congress by creating the impression that terrorism was a huge problem. Hmmmm. If we could only get the department to view political corruption as terrorism that undermines credibility and support for the powers that be, it might do some good for a change.

— Alan Bock

My madrassa — I was thinking recently about the long-term threat posed by the possibly millions of Muslim boys educated in madrassas (religious schools) in Pakistan,

Egypt, Palestine, and other Muslim countries. In the West, we consider these kids to be programmed like robots to pursue a narrow, dogmatic system. And they probably are. How much sense does it make to commit to memory a book written by a 7th-century bandit who claimed to hear voices from on high and to be able to commute nightly from Mecca to Jerusalem? Well, probably about as much sense as reading any other book of divine revelation. Better they should memorize a translation of Harry Potter.

Then it occurred to me that I been through something quite similar, if somewhat less extreme.

I attended St. Barnabas grade school in Chicago, where the nuns (sporting the outlandish penguin outfits of the era) drilled us mercilessly in the Baltimore Catechism. We parroted rote on all manner of preposterous abstractions like the Immaculate Conception, Original Sin, the Ascension, and the Trinity. We logged hundreds of hours attending Holy Mass, spoken in a language we didn't understand. We were often sent home with a graven image of the Virgin Mother, before which we were supposed to say the rosary, roping our families into joining us (Remember, kids: The family that prays together, stays together). We spent hours of valuable classroom time in church making the Stations of the Cross. In eighth grade, we spent much of May — "the Month of Mary" — singing interminable hymns to the latter-day reincarnation of Isis. By then I realized that our time would have been much better spent dancing around a maypole in a meadow with maidens, as my ancestors did before St. Patrick convinced them to join a puritanical cannibalistic death cult.

We were taught that anyone who didn't adhere to the True Faith would, regrettably but entirely justifiably, burn in hell for eternity. Our consciences, and senses of horror, were assuaged with the thought that there was a limbo for the unconverted righteous — but only those who, through no fault of their own, had never been exposed to The Message. We were regaled with innumerable tales of saints who, after a lifetime of severe asceticism (often involving self-mutilation), were granted the most gruesome martyrdom as a reward, in much the way, I would later discover, the Church often treated troublesome nonbelievers as a punishment. The Crusades were portrayed to us as a glorious endeavor to regain the Holy Land from the infidels who'd stolen it, rather than as a cynical adventure to get shiftless thugs to do to Muslims (and their fellow Christians of Byzantium) what they'd be executed for doing to fellow Christians at home.

Although I was always one to question authority, whisper in class, and make jokes about anything, I was subverted by all this for much longer than I care to admit. If called upon to engage in a jihad . . . er, crusade, I would almost certainly have joined my less introspective classmates in doing what I believed was in defense of faith and fatherland.

Fortunately, however, I was living in America, a secular society rife with a myriad of influences from which a thoughtful and independent person may choose. And so I became an apostate.

As socially liberal as it is, however, America presents the paradox of also being the most traditionally religious country in the West. I say traditionally religious, because there are numerous religions out there that don't worship any God you find in a church, synagogue, or mosque. Communism, for instance, which at its zenith claimed close to 2 billion believers, was never more than a secular religion manufactured from a hodgepodge of nitwit opinion, irrationality, and psuedo-science. The most popular religion in today's Europe, and probably the most rapidly growing one in America, centers not on a successful tribal war god from the Mideast, or a Messiah, but a trinity composed of The Earth, The Environment, and The Ecology. Greenism, with dogmas and rituals as goofy as any, is well on its way to replacing Communism, and is making serious inroads on the older monotheistic religions from the Mideast.

That brings us back to the madrassas and Islam. I'm confident these things will eventually wind up on the scrap heap of history, although perhaps not for the reasons I'd prefer. But you've got to take what you can get. In the meantime, most Muslim societies are far poorer and far less open to outside influence than America was in the '50s and '60s, when I was growing up. I'm forced to conclude that the Forever War with the Muslims, terrorism, or whatever, now that it's started, has a long way to run. I just have to imagine me and my friends back at St. Barnabas, and multiply the fervor by ten. A scary thought. — Douglas Casey

Mandatory labeling — Author Shelby Steele recently demonstrated one way — and a reasonably polite way — of breaking through the media's tendency to label only one side of the political debate. He had written a piece on John Walker, the "American Talib" and was discussing it on Aaron Brown's "NewsNight" on CNN. Here's how Aaron Brown introduced the discussion:

"Some conservatives jumped on Walker, saying he is a product of cultural liberalism — the California kind — helping to turn an impressionable kid against his own country. Joining us from Salinas, Calif., one of those conservatives, Shelby Steele of the Hoover Institution. Mr. Steele wrote a provocative article the other day in *The Wall Street Journal* — a column in the *Journal*. And here in New York, a columnist who thinks Mr. Steele is making an awfully broad generalization: Richard Cohen of the *Washington Post*. It's nice to

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have both of you here."

Steele, who has often objected to being called a conservative just because he has questioned affirmative action and other race-oriented policies, jumped in thusly:

"First of all, let me interrupt you just a minute. Is Richard Cohen a liberal?

Brown: "Yeah, Richard Cohen's a liberal. I think he would say that, wouldn't he?

Cohen: "On this issue."

Brown: "Okay. Everyone is now branded, I guess."

Steele: "Great, if I'm going to be, everybody's going to be."

Note that Cohen, who is an opinion columnist, not a news side journalist, would only cop to being a liberal "on this issue." Like most journalists, he probably doesn't view himself as being "liberal" or "on the left" but simply a common-sense analyst who just happens to agree with most of the people with whom he comes in contact on a daily basis. I don't mind people having opinions — I'm a daily journalist who has plenty. I just wish they'd own up to it more often.

— Alan W. Bock

Dis guy gotta be nuts — I guess Mike Bloomberg learned from New Jersey's junior senator Jon Corzine that an underdog who spends a lot of his own dough has a good chance of winning a free election. But rather than desire the cushy job of a U.S. senator, which can be kept into one's nineties, Bloomberg wanted to be New York City's mayor, which is a far more consuming, inevitably briefer position, now limited by law to two terms. A billionaire with a successful company, which Bloomberg created mostly by himself in his own name, he wanted to head another, more problematic company with an alien moniker. Less likely to survive a Democratic primary, he became a Republican and won in spite of minimal support from his chosen party. On the face, most would agree, this guy Mike gotta be nuts. Even though I normally support Libertarians, I voted for Bloomberg, not on the Republican line, which would have been unthinkable for me, but on a third-party line intended solely for Mike to get votes from people with an allergy similar to mine.

In total, Bloomberg must have spent $100 million on his NYC campaign — a hellavan investment for a bum job.

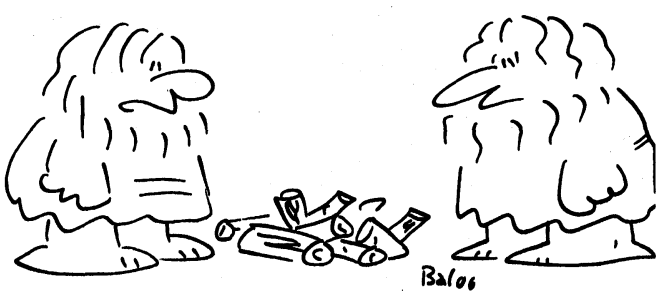

"We need to invent a better method — spontaneous combustion is just too *iffy*."

Bloomberg spent a lot more money than Corzine did — not only during the year of the election but, more crucially perhaps, before it, circulating his name into every available corner of the city.

Before me is a rich black T-shirt distributed free two springs ago at a free installation at the 26th Street Armory by the Russian émigré artist Ilya Kabakov and his wife Emilia. On the front the shirt has in white letters the artists' names and the title of their art work in both English and Russian. On the back, also in white, it reads: "sponsored by Bloomberg 2000." I picked up a few of these high-quality T-shirts on the last day of the exhibition and when I wore them often during the next two summers, little did I think that I was unwittingly advertising the next mayor on my back. So did many others, for Bloomberg had strategically implanted his name on many other city projects as well. Not for nothing was Bloomberg's appointment as deputy mayor the woman who supervised his pre-election philanthropy. In total, he must have spent nearly 100 million bucks, which is a hellavan investment for a bum job.

Now that you've won the prize, Mike, what are you gonna do with it? Damned if I know. During his opening week, he distanced himself from his predecessor, Rudy Giuliani, by postponing Rudy's concluding project to arrange for the construction of more sports stadia in the city. As he established his own empire largely without government largess, he's apparently not enthusiastic about corporate beggars.

What's next? More challenges from those accustomed to getting their way with the city government — not just the owners of sports teams but the unions and the real-estate developers. My sense is that as a veteran businessman he knows how to deny supplicants, no matter how vehemently they badmouth him. If he does nothing else, especially in bad fiscal times, such resistance might rank him a success. On the other hand, whatever initiatives he will take as mayor I cannot predict now, but I think they will probably surprise everyone.

So far I see few signs that he's running for re-election, which is something every winner wants as soon as he takes charge. Nor has he initiated policies that would obviously benefit his own company, from which he refused to divest his holdings. All this reluctance to be a normal politician leads me to believe that perhaps the most serious danger of a Bloomberg administration is simply that Mike might quit and go back to running his eponymous biz, which has to give him fewer headaches, simply washing his investment away. Mark my words.

— Richard Kostelanetz

The wrong target — During the Gulf War there was a lot of chatter about how, if only we paid more attention to Iraqi culture, we wouldn't be bombing an entire ancient civilization back to the Stone Age just for the sake of our wasteful dependence on foreign oil.

It seemed to me that people who said things like that had it backwards; that Saddam Hussein would have been better off paying more attention to our culture. Fat, dumb, and happy as we may have been in 1991, our armed forces were at the beck and call of a commander in chief who had almost

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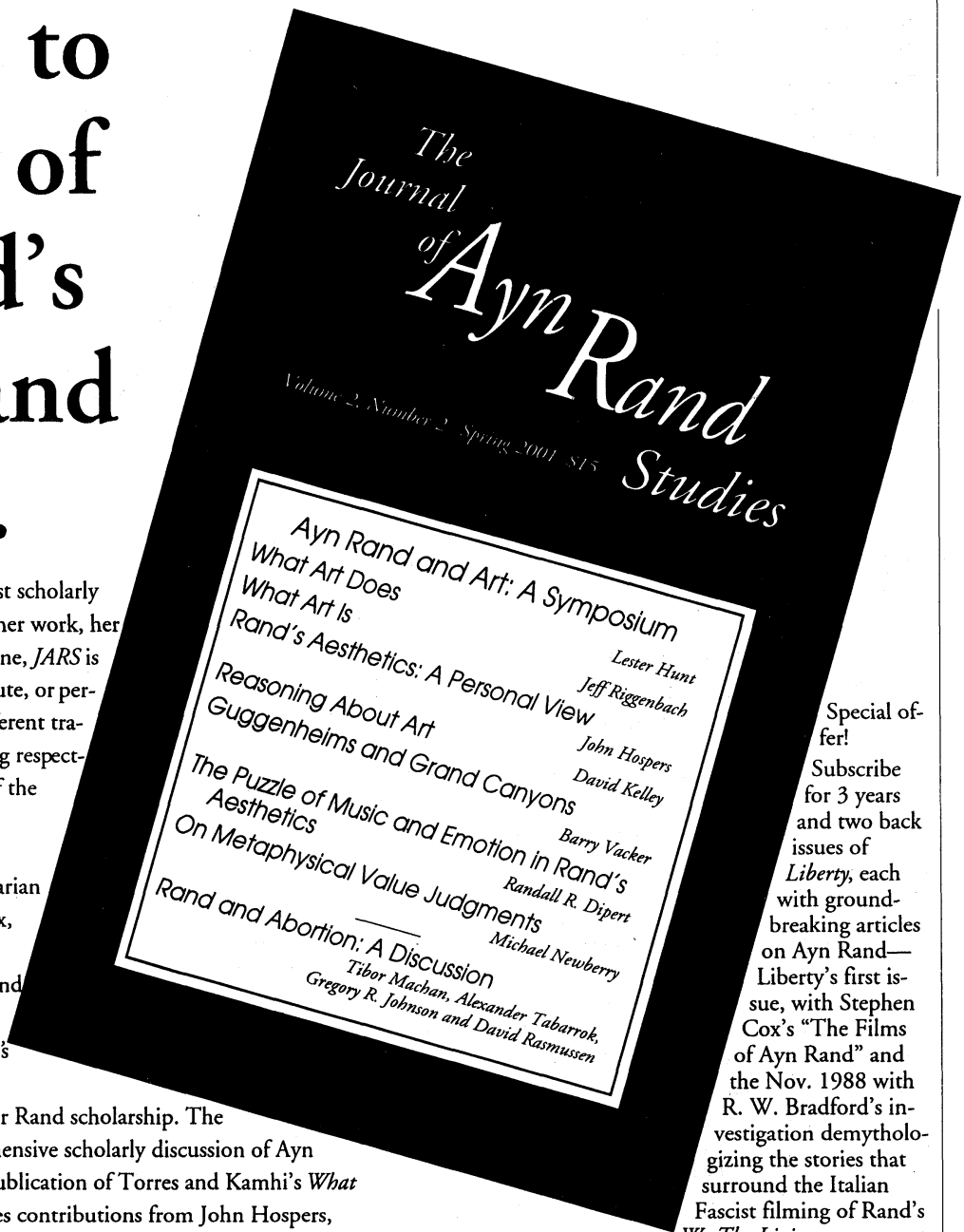

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gotten himself personally killed in a war that wouldn't have even happened if the world had stood up to a bully when he first got rolling. What possible lesson did Saddam think Mr. Bush had learned? Which brings us to Afghanistan.

Had bin Laden and his hangers-on known the slightest thing about America, they would have realized that New York City is the beating heart of the professional liberal establishment and that attacking anything on Manhattan would bring elite opinion-makers together with redneck yahoos in a common cry to tear al Qaeda a new asshole.

But he didn't see that simple fact and, when it came, Sept. 11 wasn't Pearl Harbor. It was the My Lai massacre of the Peace Movement.

Things could have easily gone the other way. All bin Laden had to do was take out the National Rodeo Championships in Las Vegas, and the liberal establishment would have waxed all superior and multicultural and started showing off their pet terrorists at fancy cocktail parties, and the biblical plague that rained down would have been upon American heads in an endless sanctimony about why the whole thing was our own fault, and how speciesist rodeos are, and all bin Laden did was send us a much-needed wake-up call, and at least he doesn't eat pigs, and we need to rethink this whole thing about how we treat animals and, besides, violence never solves anything.

I think the problem was too much formal education. Even a good Quranic education is too narrowing. Spend most of your days memorizing the words of the Prophet, and the rest praying, and you miss some of the big-ticket stuff, like understanding your enemy. And, the first thing you know, you attack the wrong target and bring down the wrath of Satan himself upon your head. — William Merritt

All-purpose flour — A lot of people believe that an idle Congress is a good Congress. For the first time in history, they have an unique opportunity: Anybody with a stack of stamped envelopes, a five-pound bag of flour, and a willingness to sit in a federal prison now has the power to close down the Hill for as long as he likes. — Tim Slagle

The most dangerous man in the world — The Taliban waged a brutal war on drugs — executing users as well as traffickers, eventually ridding the country of the heroin trade. They held and practiced deep fundamentalist religious convictions. They believed all their problems would be solved if everyone just went to the same church. They supported prayer in schools. They believed women were best off barefoot and pregnant in the kitchen. They instituted a brutal crackdown on crime that instilled so much abject fear in their subjects that the streets of Kabul became as safe as the streets of Singapore. (Did they learn this from Rudy Giuliani or he from them?)

Who's the most dangerous man in the world today? I can tell you one thing for sure — it's not Osama bin Laden. That pathetic asshole is scruffling around the rocks and bushes in the high desert, freezing his ass off.

Soon he will be brought down by the braying staghounds of the mightiest war machine in history. Great plan, Mr. O-man. Crash loaded passenger planes into office buildings — yeah, that will really get world opinion on the side of your warped and perverted view of Islam. Osama is just another run-of-the-mill nutcase.

I wonder if John Ashcroft doesn't harbor a tinge of regret that he has helped wage a war on a group with the exact same values as his. At least he can learn from their methods as he institutes his jihad against civil liberties here in America. That skin color and theological phraseology can make bitter enemies of identical spirits attests to the shallowness of both the Taliban's and Mr. Ashcroft's ideologies.

I've heard it said that "the liberal is afraid of every known phenomenon" I think it can also be said that "the conservative is afraid of every unknown phenomenon." Since unknown phenomena are infinite, conservatives are more dangerous. Liberals may be fools, but conservatives can be downright scary. Conservatives are busily convincing the American people that some terrorist hobgoblin lurks behind every bush. If you don't believe this just read *The Wall Street Journal*'s Peggy Noonan raving about 25-year-old "Arab men" and snitching off her neighbors to the FBI because they take pictures of national landmarks (it must be that the shutters are clicked by brown fingers that makes this so insidious in her mind). See http://opinionjournal.com/columnists/pnoonan/?id=95001349 if you think I exaggerate.

Thankfully, the American people, as always, show far more sense then the pundits on the left or right. The economy edges forward, our confidence returns and the feeble bleating of those of us more worried about the excess of our own government than any foreign threat are at least not ridiculed, even if not entirely heeded. That Osama bin Laden and John Ashcroft will both visit upon us their particular flavors of state-sponsored terrorism makes for a bleak few years, but this too shall pass and we can get on with our lives and loves and hopefully make some small progress for the cause of liberty in the new millennium. — Paul Rako

The trouble with Islam — Despite what Mr. bin Laden may feel on the subject, Muslims don't have anything special on us in the grudge department. America has enemies everywhere.

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Vietnamese and Cubans have every right to hate us. Along with Serbs and Chinese. As do, I'm sure, plenty of Germans, Japanese, Russians, Latin Americans, Caribbeans, and Sikhs. I bet lots of sub-Saharan Africans don't wish us very well, either. So why is it just Muslims who try to purchase half-way tickets to Miami?

It's because there is something wrong with Islam, that's why. Two somethings, actually.

In the first place, Muslims pray too much.

Anybody who makes a point of getting up before dawn to take a compass bearing on which way to aim a rug so he can say his prayers, and does the same thing four more times before turning in for the night, and then starts all over again the next day, that person is truly righteous, clean living, and follows the tenets of his faith. But he is not a child of the Enlightenment.

And the only thing our poor species has ever done throughout the entire history of the world that's worth a jar of warm spit is the Enlightenment. Before the Enlightenment, it was all wars and princes and priests and people getting jerked around by bandits, famine, pestilence, and their own, rotten governments.

After the Enlightenment, well . . . afterwards there are still plenty of wars and preachers and princes, and lots of bandits and hunger and disease, and way too many rotten governments, but sometimes there's something else. Sometimes there's real change. Sometimes, now, we find a medicine that actually makes people better. Or build a machine that works. Or see nature as she really is. But none of that comes through faith.

A thousand generations of faith never looked into a spiral nebula, nor weighed a single atom of gold, nor saw the face of Earth from the moon. And all the faithful all the world over never listened to the background hum of creation, nor learned how to make economics into something other than a zero-sum game, nor discovered how to limit the power of kings.

And all of that, every bit of it, was earned painful step by painful step through a rigorous and unrelenting ethic of skepticism of endless suspicion of everything we are told and most of what we see; through unremitting distrust of inherited knowledge, through constant doubt in place of belief. And, for every illusion we cast off, the reward was a deeper insight into the mind of God. And whatever else you say about somebody who prays five times a day, he is a man of faith, not skepticism.

A community of faith that stretches from Tangiers to Mindanao is bound to be impoverished, superstitious, and bitter of the success of others. But whether that community will breed up a generation of mass murderers requires more than naked religious conviction. It requires something that only Islam of all the world religions provides: a swarm of rich guys hogging the chicks.

For every extra woman a rich man locks behind his private walls, there is a young buck somewhere with no hope of ever finding a bride, or siring a son to carry on his name; someone whose only prospect of a normal life is to cash in on the 72 imaginary virgins rubbing their legs together in Paradise in hopes he will join them after the next B-52 raid.

You can see it in the papers, the stories from Kabul and Kandahar of Northern Alliance fighters chatting with Marines and Rangers. When they ask about America, it's not to find out about video games or rock concerts or where you buy blue jeans. It's, how do you meet girls? And, what happens on a date?

It's not economic divisions between nations, nor cultural affronts, or anything else we as Americans have participated in, that inspires these guys to go up in a ball of flame along with a thousand innocents. It's the genuine human desire for the wife and family that's been kept from them, all mixed up with prayer and faith and other spooky nonsense.

— William Merritt

Sex after marriage in New York — The most heartening thing about Mayor Rudolph Giuliani giving the oath of office to his successor Michael Bloomberg in Times Square on New Year's Eve was that two middle-aged divorced men appeared on national television with handsome women to whom they were not legally married. If any pundits commented critically on this fact, I didn't hear them. Such easy acceptance of public figures' sex after divorce wouldn't have been possible two decades ago, perhaps one. Recalling Paul Goodman's objections to nonsacramental marriage — that the state shouldn't be in the business of licensing sex — I wanted to add: especially for people who weren't virgins. — Richard Kostelanetz

An incredible vogue — I am deliberately using the word in its sloppy, voguish sense. It and similar words (incredibly, unbelievable/bly, and, on Spanish-language TV, *increíble, increiblemente*) are widely used nowadays as all-purpose intensifiers and all-purpose labels for extreme conditions, whether excellent or execrable. Such vogue words, like slang, spare the user from figuring out just what he means.

Occasionally, I suspect, the vogue word is more accurate than the user intended. A radio interviewer identified Cornel West as a member of Harvard's "incredibly praised" African-American studies department. He evidently meant "highly praised," but a literal interpretation could be that the praise heaped on the department is not worthy of belief. TV pitchmen have urged me to "hurry to take advantage of this incredible offer." Well, why should one take seriously an offer that is not even believable?

Let us laugh "incredible" and its ilk back into their narrow range of accurate applications. — Leland B. Yeager

No Zorro he — Among the larger disappointments to those of us who look for — sometimes stretch for — hopeful signs in the world has been Mexican President Vicente Fox. He did manage to break the 71-year stranglehold on power by the Institutional Revolutionary Party (don't you just love that name?) or PRI, but so far he has differed little from PRI presidents except in rhetoric. He came in talking about the importance of loosening the grip of the government on the economy to jump-start economic growth and promising to root out the corruption that permeates almost every corner of Mexican life. Instead he has raised taxes and done virtually nothing to reform the bureaucracy. He has raised important issues like regularizing immigration and even rethinking the drug war, but has done practically nothing

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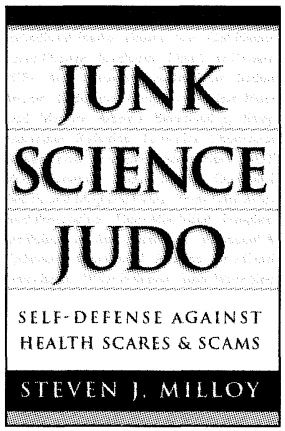

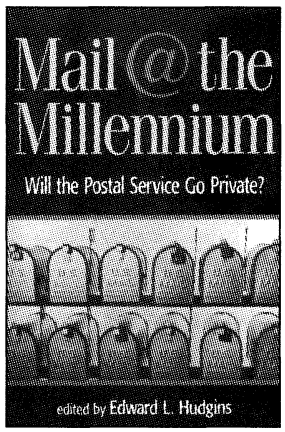

The rise of the Internet and the proliferation of private package-delivery services have brought the U.S. Postal Service to a crossroads. As more people correspond and pay bills online, what is the role of the Postal Service? Do we really need a monopoly that continues to run huge deficits, or is it time to consider other options? Sixteen economists, scholars, and business leaders offer a variety of answers. Cloth $19.95 ISBN 1-930865-01-5/ Paper $10.95 ISBN 1-930865-02-3

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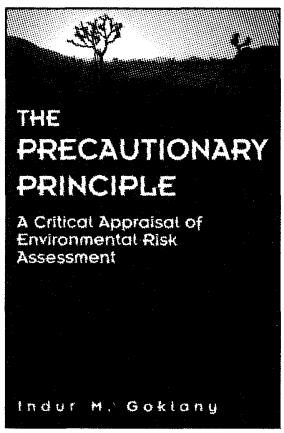

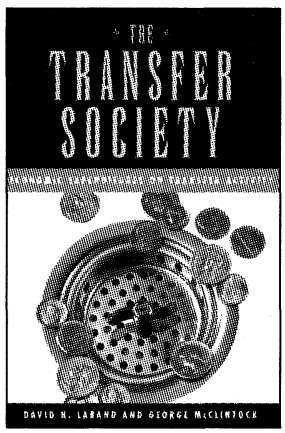

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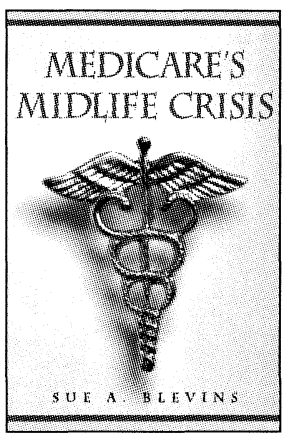

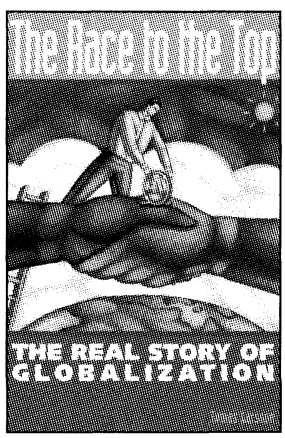

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about either except have well-publicized meetings with President Bush.

William Ratliff, a senior research fellow at the Hoover Institution, told me that he "keep[s] hearing about considerable quiet progress in lower levels of the bureaucracy." But Fox's recent promise to get really serious about corruption during his second year in office — accompanied by an acknowledgment that getting things done is harder than he had thought — looks to be aimed at petty corruption rather than the large-scale institutionalized corruption where the really big money is. — Alan Bock

A day that will live in infamy — The Sept. 11 attacks naturally remind us of Pearl Harbor, and on Dec. 3 Robert Bartley, former editorial page editor of *The Wall Street Journal*, addressed the intelligence failures preceding the Japanese attack. In doing so, he alluded to the "wildly implausible" claim that FDR knew the assault was imminent but chose not to inform the Army and Navy commanders in Hawaii. Bartley calls this charge against FDR an old "chestnut" perpetuated only by lingering "anti-Roosevelt feelings" and the desire of some "partisans" to restore the reputations of commanders Walter Short and Husband Kimmel. I think he's all wet. Anti-Roosevelt feelings have nothing to do with my acceptance of the view that FDR and his top advisers blocked the Hawaii officers from receiving decoded warnings. Two books, one by John Toland and the other by Richard Stinnett, offer extensive circumstantial evidence, and the BBC has created a compelling documentary (based largely on Toland's book *Infamy*). Toland, respected as a historian of Europe (but pointedly ignored on this topic), has written three books on Japan and the war. In each one he came closer to the conclusion that FDR must have known the attack was coming, and finally he decided that no other interpretation fits the facts. Respected writers like Bartley and Dorothy Rabinowitz still dismiss the idea, but I have come across no sustained rebuttal.

In my view, Bartley (along with many others) has a blind spot. He just won't address the possibility that FDR might have done such a thing. Bartley's cavalier dismissal illuminates how the enigmas of history resist resolution. As long as those who experience newsworthy events are still alive, there is debate and disagreement. Reputations are at stake. Someone is usually lying, but who? Often key players don't know; they just suspect, like the baffled cryptographer Laurance Safford who struggled for years to find out why his decoded messages did not get to the right people. Journalists struggle to find out the truth, but some relevant questions, such as whether FDR knew, are not even raised. Gen. George Marshall persuaded Thomas E. Dewey not to bring up the charges during the 1944 presidential campaign on the (probably correct) grounds that letting the Japanese know the codes were broken would hamper the war effort. Unless there is a "smoking gun" (like Monica Lewinsky's dress) these issues are rarely settled. After a while, those who know the truth die, and the task of discovery falls to the historian. The historian's advantage is that no one is any longer quite so eager to hide the truth. The disadvantage is that the trail of evidence has gone cold. Searching out and analyzing thousands of scraps of paper or microfilm or recordings or emails, the historian attempts to reconstruct from dry but tantalizing clues the flesh-and-blood moment of a rapidly distancing day. I venture that Toland and Stinnett have done that. From painstaking research they uncovered what only a select few knew in December, 1941, (and spent years covering up). But to succeed, the historian needs something else — a sympathetic audience, which Toland and Stinnett do not yet have. Their stories float in limbo, awaiting yet another generation, one that has no passion about these matters, but rather the curiosity of history buffs. Only then will Toland and Stinnett receive the recognition they are due. — Jane S. Shaw

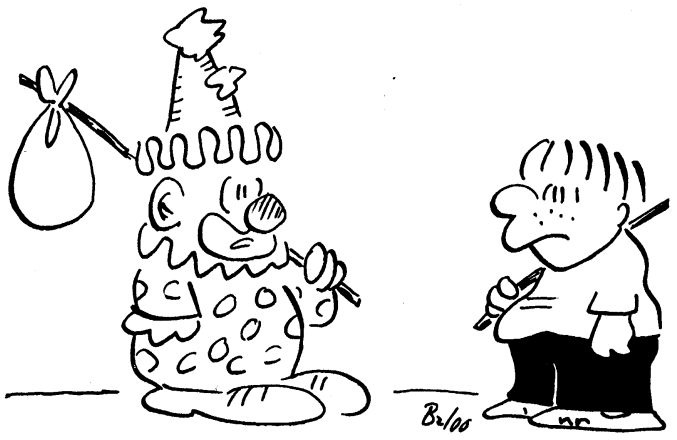

"You are? Gee — I'm running *away* from the circus!"

Another day, another dollar — In an interview on C-Span, a *New York Times* reporter named Jan Hoffman, the principal writer of the 200-word obits that continue to appear, noted in passing that none of the surviving friends and relatives talk about what their loved ones did at work, as though for all of them their time at the WTC wasn't as important to them as their lives outside. What a sad picture of pervasive wage-slave alienation that remark conveyed, I thought, suggesting that the WTC dead lost double, having been where they were, not for any love, but strictly for money. — Richard Kostelanetz

The benefits of burqas — As Westerners, we have been much too judgmental about burqas; as if bagging up a nation's-worth of women has no purpose other than to perpetuate masculine prerogatives in a male-dominated society. But any custom that endures for hundreds of years in dozens of different places has got to serve some function. In the case of Muslim society, keeping women under wraps works toward the same ends as banning television served apartheid South Africa: It enhances contentment.

For starters, in a place where rich guys bogart all the chicks, hiding their booty under rolls of cloth is basic good manners, like the way rich Americans try not to be too ostentatious with whatever it is they do inside their walled compounds.

For the ordinary guy who somehow managed to glom onto one of the left-over chicks, universal burqaization eases the road to a long and contented marriage. Such a guy can spend 40 or 50 years looking forward to electric evenings of love with the most butt-ugly concoction of mustache hair,

greasy skin, and hippopotamus thighs ever plumped down upon this planet, with never a regret, even when the neighbor lady is a cuddly, flirtatious little dark-eyed houri of a Holly Hunter or a Mary Steenburgen under her cloth.

And it's not just in this life, either, that burqas make things easier. Paradise would be a poor place indeed if there weren't any distinction between those 72 virgins waiting up there for their martyrs, which probably has something to do with why burqas are divinely ordained, and not just an eccentric social custom.

Keeping women a mystery on earth gives St. Peter scope to sort through the opportunities later on, and save up the Daryl Hannahs and Sophia Lorens for the guys who take down whole plane-loads of innocents. As for the second-rate doofuses who blow themselves to pieces in the bomb lab before setting out for the kindergarten, well there's something for them, too: entire harem-loads of Madeline Albrights and Janet Renos with nobody the wiser. — William Merritt

Who's hysterical now? — John McGinnis writes in a letter to the editor (February) that "the word 'hysteria' derives from the ancient Greek word for womb, and that the ancients believed that hysteria was a distinctly feminine trait."

In a world in which the Taliban consists of all males, and male Afghans are shooting females in soccer stadiums for uncovering their heads, and in which Mohammed Atta and all of the enraged suicide bombers who dive-bombed planes into the World Trade Center towers were male, John McGinnis chooses to label as hysterical the angry emotional reaction of one female writer to all of this as female hysteria. A curious reaction indeed.

McGinnis may have forgotten that U.S. cold war policy for many years revolved around a plan referred to as M.A.D. — mutually assured destruction — and that Richard Nixon referred to the superiority of what he called "the madman theory." Certainly the architects of these planners were overwhelmingly male. The idea was to scare the hell out of one's opponents with rhetoric backed up by bombs as a

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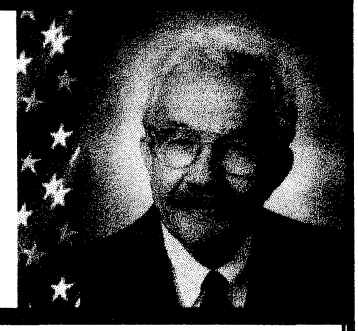

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deterrent to war. It worked because we were dealing with reasonable people, a condition that is absent from the culture of radical Islam.

I found it frightening that only a few hours after Sept. 11, an American general thought that his first message to Americans should be that "we don't want to be like them" — essentially the same politically correct and masochistic policy that had been enacted by the Clinton administration for the previous eight years, and the passive response that probably empowered and emboldened bin Laden. — Sarah McCarthy

Standing up to a bully — I've written in these pages before that the current inferno in Palestine began when Ariel Sharon marched with too many troops into the Old City of Jerusalem, purportedly to visit his normally vacant apartment. It was a provocation, to be sure, and the Palestinians fell for it, initiating a violent response. (Given his ulterior purposes, I wouldn't be surprised to learn that Sharon and his associates even paid some Palestinian kids to throw stones.)

By reviving the Intifada, the Palestinians prompted Israelis to vote for the party of the one man they felt capable of defending them — Gen. Sharon, otherwise retired. Indeed, he became prime minister. If Palestinians had simply let the Big Bully swagger through their town, he would have gotten fewer votes. Palestinian foolishness elected Ariel Sharon.

Even the Palestinian-American publicist Edward Said understood this cause and effect when he declared with typical convolution: "The suicide bombers of Hamas and Islamic Jihad have of course been at work, as Sharon knew perfectly well they would be when, after a ten-day lull in the fighting in late November, he suddenly ordered the murder of the Hamas leader Mahmoud Abu Hanoud: an act designed to provoke Hamas into retaliation and thus allow the Israeli Army to resume the slaughter of Palestinians." Simply, without the suicide bombers Sharon would have no excuse for slaughter. Got it? Furthermore, for every Israeli killed, several Palestinians die. Statistics are brutally unequal. Another result of Sharon's election has been draconian policing that has devastated the Palestinian economy.

What to do? Palestinians seem to think that if they send into Israel yet more suicide bombers, they can undermine the Sharon regime. No go. Or that Israeli morale will crumble low enough to force its government to make greater concessions to Palestinian demands. Wrong again. They also apparently think that sending out such monumental self-fuckers, as I call them, can prompt intervention by sympathetic Arab nations. No go either, as Arab governments are not eager to get involved.

The truth is that the only people who can overthrow Sharon are those who got him elected in the first place — the violent Palestinians. Rest assured that standing by himself, without the threat of Palestinian provocations, Gen. Sharon is no more attractive to Israelis than to anyone else.

Don't attack a bully, I learned while young; outsmart him. Only by making Sharon unnecessary to Israeli security can Palestinians succeed. For Palestinians to rid the Jerusalem of Sharon the tactics of Martin Luther King and Mahatma Gandhi would be considerably more effective — politically, economically, humanly. Universal Palestinian pacifism would also require more discipline of their leadership and more saintliness of their people than has recently been evident. Cease falling for provocation bait, and eventually the provocateur will cease. People don't get rewards for being stupid, no matter how righteous their cause.

— Richard Kostelanetz

Harrison A. Williams Jr., R.I.P. — Join me, my friends, in a moment of silence to honor the memory of former U.S. Sen. Harrison A. Williams (D-N.J.), who departed this vale of tears on Nov. 17, 2001, at the age of 81.

Harrison Williams may be regarded as having been an outstanding member of what is sometimes hilariously called the World's Greatest Deliberative Body. (Barry Goldwater once remarked, "If this is the world's greatest deliberative body, I'd hate the see the world's worst.") Williams was first elected to that august legislative chamber in 1958 and served there continuously from 1959 until 1982, when he resigned in the wake of his conviction on nine counts of bribery and conspiracy and in anticipation of his impending expulsion.

"Pete," as he was known, met his Waterloo in the form of "Abscam," an FBI sting operation (1978–80) that undertook to shoot fish in a barrel by identifying members of Congress willing to accept bribes — the illegal kind, not the ones that all legislators take as a matter of course. Abscam, as older readers will recall, took its moniker from "Abdul Enterprises," a firm supposedly doing business on behalf of a mysterious Arab sheik named Abdul, which was created by the FBI to facilitate the enticement of lawmakers eager to collect a little extra compensation on the sly.

I shall never forget the *joie de vivre* that animated Pete Williams in those good old days. It was captured for all time on the FBI videotape, which was later described by the Senate's pro-expulsion statement (recorded by the Republican Policy Committee) as "the 'smoking gun' of this case — indeed, a 'smoking machine gun.'" While pocketing the loot, a smirking Williams exultantly declared (if my memory serves) the immortal words, "Money talks, bullshit walks." I count that moment among my most cherished lessons in political science.

Following his 1981 conviction, Williams dodged the jailer for a few years until his delaying tactics finally petered out. He then spent two years in prison, and was released in 1986. He continued to protest his innocence. "I broke no laws," he always insisted. "I believe time, history and almighty God will vindicate me," he declared in his resignation speech. As Bill Clinton was engaging in his end-game frenzy of issuing pardons, Williams sought a pardon, but the President gave him no satisfaction.

Mike McCurry, the Clinton press secretary, was once an aide to Williams, and he remembered the senator with warm respect. "Pete Williams was one of those guys who got more done than anybody will ever know," said McCurry, "because he was a quiet, behind-the-scenes orchestrator of legislation."

Well, Mike, you don't have to twist my arm to make me believe that Pete Williams got more done than anybody will ever know. Even if we must judge him by what we do know, however, he will stand in the annals of American democracy as a lion of the legislature, a thief among thieves.

— Robert Higgs

Case Study

Enron: Death by Free Market

by Andrew Chamberlain

Pundits are pitching Enron's implosion as a failure of the free market. They've got the story exactly backwards.

It took the death of the mighty Enron Corp. to ultimately bump the war on terrorism from page one. And right on cue, pundits searching for deep moral lessons shifted focus and started circling overhead.

Though it will take months to unravel the facts about Enron's demise, a consensus account is already emerging in much of the media. Enron's rise and fall — and indeed, its existence to begin with — are being viewed as what economists refer to as "market failure," or cases when markets need the helping hand of government regulation to function properly.

Examples of the "Enron consensus" abound. Paul Krugman, The *New York Times'* quasi-economist, is representative: "The latest revelations in the Enron affair will raise the lid on crony capitalism, American style." *The Nation* was a bit more dramatic: "The rise and fall of Enron is an instant classic in the annals of capitalism because, in one calamitous stroke, it wipes out so many sanctified illusions that rule in the magic marketplace." Conservative George Will dismissed Enron as "a glitch in the capitalist system." And a myriad of sneering op-eds in local papers everywhere painted an image of a firm too sexy and politically savvy to possibly be governed by market forces.

And, just like that, Enron was transformed into a sexy new symbol of the evils of the unfettered marketplace — exactly what contemporary opponents of liberalism needed. In one fell swoop, Enron's collapse did more to soil the image of Wall Street, the movement to deregulate power, and the entire accounting profession than ideologues on the left could've ever hoped to do.

All this is unfortunate. But the worst part is that these ideologues are partly right. The Enron debacle is shameful. It's not often that businesspeople so smugly disregard our most basic ethical and legal norms for personal gain. From Enron's murky accounting schemes to independent auditor Arthur Andersen's neglect and document dumping to C.E.O. Kenneth Lay's panicked last-minute appeals for a taxpayer bailout, the Enron story is an embarrassment to the whole system of free enterprise.

Yet for all the grief caused shareholders, employees, and customers, the story of Enron has a happy ending that's largely being ignored. The very fact of Enron's painful and embarrassing death is an unambiguous confirmation that competitive market forces are alive and well in the U.S. economy — claims of "market failure" notwithstanding.

The Case for Bankruptcy

Three basic lessons are emerging from the rubble that used to be Enron. First is that healthy economies allow negative feedback to shut down economic losers. They don't try to suppress it to "save jobs," play favorites, or promote stability.

Enron got a hard lesson in this. As negative feedback rolled in, they went from being the seventh-largest firm in America to ignominious bankruptcy in half a year. Though on the surface this collapse seemed sudden, in reality it had been brewing for over a year. As Wall Street analysts began raising questions about Enron's spooky accounting methods

and the quality of their earnings, its stock drifted downward. Enron began 2001 at around $80 but sagged to $40 by October — the month when it announced a $600 million "earnings restatement" and some accounting "mistakes," kicking off an investigation into its now-famous book-cooking. Once it became clear that their superhuman earnings growth was just a rococo con game, investors dragged Enron into the street and shot it. In a matter of weeks, their stock went to pennies, was officially delisted from the New York Stock Exchange, and all remaining assets were trucked into bankruptcy proceedings. That's how negative feedback is supposed to work.

That Enron disappeared once it was identified as an economic loser may seem trivial. But in much of the world it's not. The notion that poor investments should get weeded out and dropped is surprisingly controversial in many European and Asian economies. And it explains a lot about their economic well-being.

One obvious example of this is Japan. The single most important factor behind Japan's perpetual recession is that it

Once it became clear that their superhuman earnings growth was just a rococo con game, investors dragged Enron into the street and shot it.

won't let bad investments fail. Enron would never have happened if it had been headquartered in Tokyo. And that's exactly their problem. No matter how many billions of yen the Japanese Finance Ministry pours into Keynesian stimulus packages, or how close to zero it cuts interest rates, there will never be a Japanese recovery until the real problem is dealt with. Economically unprofitable firms that are burning off resources from the rest of the Japanese economy need to go away.

This isn't likely to happen any time soon. Propping up lagging firms has practically become an official function of the Japanese government, and one which voters have come to expect and value. After all, disguising economic losses puts off painful adjustments, preserves jobs, and gives the illusion of short-term stability.

This policy has had staggering consequences. There is now an entire generation of Japanese youth who have never lived outside a recession. The current estimate of nonperforming Japanese bank loans — in other words, loans on which borrowers are unable even to pay interest, let alone repay capital — is in the range of $750 billion. That's an amount equal to the GDP of Chile, Taiwan, Belgium, and then some. The American Enterprise Institute pegs the market value of the entire Japanese banking sector at a cool negative $1 trillion dollars.

"Can we dispense with what I know, and get right down to *who* I know."

This is predictable. Over time, "loser-free" economies like Japan's inevitably become cluttered with losers, and these unprofitable laggards burn off real wealth from the rest of society. These economic sinkholes can be put to rest now or later, but not never. Subsidies only postpone the ultimate day of reckoning. And the longer it's put off, the more jarring the adjustment will be.

Japan doesn't need a stimulus package. It needs bankruptcies. That's the only way idle capital can be reallocated to profitable uses. The U.S. economy does this well, and Enron's rapid liquidation proves it.

Ethics and Enron

The second lesson of Enron is simple: Business ethics matter. They are not just window dressing or "fuzzy" public-relations gimmicks. They are what help our economy function in the absence of government intervention, and make it morally defensible against critics.

Defenders of free markets sometimes overlook the impact of individual morality on the marketplace. There's a tendency to view markets as wild arenas of ethical egoism, constrained only by formal legal rules. This may be due to bad economists not teaching the difference between self-interest and selfishness, or maybe too many people thinking Ayn Rand's novels depict anything like what actually happens in

The $2.4 million Enron poured into political campaigns in 2000 may win the dubious distinction of being their worst investment of all.

business. Whatever its origins, it is false. Formal law matters, but informal law matters more. And ethics are the informal law that serves as the backbone of the free-market economy.

Whether these ethical values are called "Judeo-Christian" or simply "Western," they operate in every legitimate market in the U.S. — simple things like honesty, the presumption of fairness, and promise-keeping. The further we stray from these basic ethical guidelines, the more everything we know about free-market economics becomes false. And our faith in that market becomes more of a blind one.

Enron had no illusions about its fraudulent dealings. The release of internal memos — in one of which an employee worried that they would "implode in a wave of accounting scandals" — made that clear. There is perhaps no industry more dependent on transparency and informal ethical rules than accounting, and yet Arthur Andersen, Enron's independent auditor and co-conspirator, ordered the destruction of

continued on page 40

Privatization Is Dead... Long Live Privatization !

by Stephen Berry

Tony Blair's New Labour proclaims that Thatcherism is dead. But you'd never guess it from looking at their latest agenda.

2001 was a good year for the British prime minister, Tony Blair. Even before the events of Sept. 11 placed him firmly in the eye of the world's media, he was enjoying the kudos of having inflicted a second crushing defeat on the Conservative party at the British general election in June. Indeed, so comprehensive was the victory of New Labour that the pundits felt emboldened to talk about the death of the Tories and the prospect of the U.K. being ruled by a left-of-center coalition for decades to come. Blair himself asserted that it was time to move beyond Thatcherism and the old right-wing agenda. But where would the seemingly unstoppable Blair juggernaut move to?

When dealing with lawyers it's always desirable to scrutinize the small print. When dealing with politicians, what is merely desirable becomes essential. With Sherlockian smartness, I have made the daring assumption that the small print in this particular case is the legislative agenda of the U.K. government for the year ahead. I can now reveal to where it is that Mr. Blair and his colleagues are going and how they intend to move beyond the old right-wing agenda.

It's generally agreed that the big issue at the last election was the condition of the public services in the U.K. Or, to put it bluntly, how the devil were the state education system and the welfare state to be improved? In my lifetime, the fortunes of public services seem to have paralleled those of the English cricket team, varying with unswerving monotony between the mediocre and the catastrophic. But this has never dinted the confidence of a patient public that a new dawn was just around the corner. In June 2001, an unenthusiastic electorate gave the Labour Party the benefit of the doubt and five more years to produce the solution which had eluded both major parties for 50 years.

How, then, does the Labour Party intend to solve the conundrum of the failing U.K. public services? The new education bill promises to increase the number of specialist schools and bring in private enterprise to take over underperforming state schools. Head teachers of these schools will be directly allocated more money by government, thus cutting local politicians out of the loop. They will also be allowed to bring more private business into the management of schools.

There is also a bill to reform the National Health Service (NHS). The intention, as with education, is to decentralize the NHS, expand private involvement in both the managing and financing of the NHS, and to try to create a market in which doctors and nurses control their own expenditure. I may be missing a clever New Labour nuance here, but it seems obvious that far from repudiating Thatcherism, Blair is extending the old right-wing agenda into education and health, areas where the Iron Lady and the Tories had previously feared to tread.

When in the 1970s a growing disillusionment with state intervention caused a number of people to look at market alternatives, it was mainly the Conservative party that took up these ideas. In the 1980s, Margaret Thatcher's governments implemented extensive measures aimed at privatization and deregulation. But Thatcher never dared to extend

this agenda to health and education in any significant way. On the contrary, she was always keen to reassure those who thought she had advanced too far with one of her favorite sayings of those days, "the NHS is safe with us."

If the Tories under William Hague had won the election in June 2001, would they have dared to do more than Blair? As far as I can make out, there are only two things that the Conservatives would now be doing differently from Labour. They would not have continued to reform the venerable House of Lords. Unless you are a we-must-preserve-the-British-Constitution-as-it-was-in-the-time-of-Richard-the-Lionheart freak, it's hard to get worked up about this. Sometimes it seems that the three main qualifications for being a member of the House of Lords are: you must be over 80, still able to hold an ear trumpet, and capable of sleeping undisturbed through any debate, particularly one which threatens to become interesting. And it is unlikely that the Tories would be set on banning hunting with the hounds, another venerable British institution. But the structure of a second chamber and fox hunting are not issues that most people will go to the barricades for. One might conclude therefore that the vote of the British citizen had next to no significance. Under both Labour and the Conservatives, the slow, measured dismantling of 20th-century state interventionism is continuing. No wonder so many voters couldn't be bothered to get to the polling booths.

Tony Blair is continuing the Thatcherite program whilst at the same time disowning it.

I know that I really ought to be happy about the beginning of the long march to get the state out of education and health in the U.K., but I must confess to a few misgivings. I am not complaining about the fact that Blair is continuing the Thatcherite program whilst at the same time disowning it. I am not a spoilsport and I will not begrudge the politician his opportunity to lie. No, I worry that, as with the railways, a partial, half-hearted, and bungled privatization will bring a host of problems in its wake and tend to discredit the market.

In both health and education, it seems that the state will retain control of the purse strings, and funding will still be largely through taxation. The simple libertarian approach would be to allow private individuals to purchase the amount of health and education which is appropriate for them. This would also have the bonus of bringing into play consumer pressure, which is a far more powerful force than the efforts of that well-meaning coalition of politicians and producers that dominates matters at the moment. In the short run it would mean government returning tax money to the people to build health insurance policies. As a temporary measure, the government would keep some money to handle the transitional problem of those old timers who have assumed that paying taxes throughout their lifetimes ensured health care in old age. It would be stressed that this was only a transitional measure.

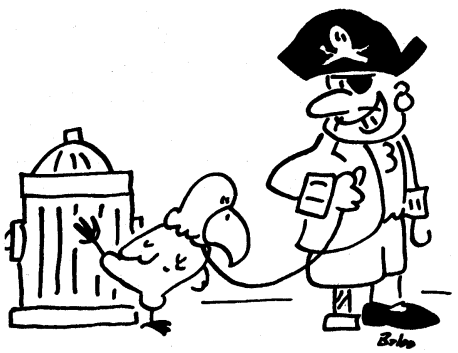

But it seems that for the present, we will have to be satisfied with *ad hoc* measures to bring the market into health and education. Amusingly, this will involve sending patients for operations to countries like France and Germany, which run insurance-based systems. Already certain European countries like Norway that run British-style, free-at-the-point-of-delivery type health systems are sending patients (with accompanying translators) to these countries for treatment.

In all this the Tories seem to have learnt a valuable lesson. At the last election they simply promised to spend as much, if not more, than the Labour Party whilst retaining the old system intact. But the public have always trusted Labour more than the Tories on the existing public services and last June Labour cashed in. The Tories have finally realized that they will have to offer a radical alternative to Labour on the NHS and Iain Duncan-Smith, the new Tory leader, has sent his officer corps around Europe to trawl other countries for an appropriate replacement to the NHS. At the next election we should have the gratifying sight of a major U.K. political party offering the voter an alternative to the NHS.

But the question remains to be answered. Is the U.K. going to be ruled by a left-of-center coalition for decades to come, crawling slowly towards market-oriented solutions for health and education? This would be a dramatic political turnaround for the U.K. political establishment. The Tory Party was in government for the larger part of the 20th century with Labour only in office for the occasional bout of revolutionary statist zeal. Will the 21st century see those roles reversed? Labour is developing into the party of the status quo whilst the Tories, the party of Burke and Disraeli and a host of like-minded trimmers, may be becoming the bearer of the revolutionary torch. Stranger things have happened. The present Liberal Democrat Party, the heir to the great 19th-century Liberal Party of Cobden and Gladstone, now chases the votes of public-sector workers in a desperate attempt to capture the ground which it feels New Labour has recently vacated. To be honest, I don't care to which party falls the honor of demolishing the statist eyesores of the 20th century. I merely point out for the historical record that the Tory Party seems the most ready to move to the radical surgery most desired by those of a libertarian frame of mind. ❑

The Tory Party was in government for the larger part of the 20th century with Labour only in office for the occasional bout of revolutionary statist zeal. Will the 21st century see those roles reversed?

All the Lies That Are Fit to Print

by Jeff Riggenbach

Everyone "know" drugs are addictive, ruining the economy, and killing addicts. How did they learn this?

According to Common Sense for Drug Policy (CSDP), a Washington, D.C.-based lobbying group, "The Public Is Saying, 'No More Drug War!'" CSDP placed full-page ads in a number of influential political magazines — left, right, and libertarian — this winter, including *National Review*, *The Weekly Standard*, *The Nation*, *Reason*, and *The Progressive*. The ads point out that "a recent Ridder/Braden opinion poll in the state of Colorado" showed that "seventy-three percent of voters believe we should decrease criminal penalties for possession of small quantities of drugs from a felony to a misdemeanor and spend the money saved on prisons to increase drug treatment and prevention."

This is, undeniably, good news. However, voters in Colorado seem to be somewhat more advanced in their thinking than most Americans. As the CSDP ads also point out, a significantly smaller proportion, "sixty-one percent of the American public," according to a Zogby Poll conducted in November, 2001, "opposes arresting and jailing nonviolent marijuana smokers." This too is good news. But, lest we get carried away with our celebrations of the long-awaited turnaround in public attitudes on this issue, let us consider: This also means that one American in three still believes that nonviolent pot smokers (which is to say, virtually all of them) should be incarcerated for their "crimes." Moreover, according to the Ridder/Braden poll cited in the CSDP ads, not only do nearly one in three of the seemingly more enlightened Colorado voters cling to their belief that possession of any amount of drugs should remain a felony, but these voters also believe taxpayers should be forced to put up the money for "increase[d] drug treatment and prevention." Most important of all, virtually all Colorado voters (and virtually all voters in the United States, for that matter) cling stubbornly to their belief that those who possess more than "small quantities" of drugs — and even smaller quantities of drugs like cocaine, heroin, and LSD — should be prosecuted to the full extent of the law. The question is why.

Why do most Americans still support the government's War on Drugs? It isn't as though libertarians (and a great many others) hadn't worked hard over the past 30 years or so to show how utterly pointless and destructive that "war" actually is. So why do so many people still support it?

Because they believe the use of drugs like heroin, cocaine, and marijuana is so harmful, not only to users, but to society as a whole, that government action is needed to reduce the harm. And why do they believe this? Because the news media have been telling them so — dinning it into their ears on a daily basis — for nearly a century, and go on telling them so day after day after day after interminable day.

It is generally acknowledged by historians of the government's mindless crusade against certain psychoactive substances that the news media have played an important part in building public support for anti-drug legislation. Consider, as a case in point, the very first national law against intoxicants ever adopted in this country, the Harrison Narcotics Act of 1914. In the years leading up to the adoption of this pernicious legislation, numerous articles appeared in major publications detailing the supposed hor-

rors of cocaine and heroin use. On June 21, 1903, for example, the *New York Tribune* reported with a straight face that "many of the horrible crimes committed in the Southern States by the colored people can be traced directly to the cocaine habit." Five years later, on Aug. 2, 1908, under the headline "The Growing Menace of the Use of Cocaine" the *New York Times* announced that "the dull white crystals" we know as cocaine "contain the most insidious effects of any known drug" and that "there is nothing that we can do for the confirmed user of the drug, the best thing for the cocaine fiend is to let him die."

As congressional consideration of the Harrison Act approached, the drumbeating in the press became more shrill and insistent. *The Literary Digest*, a major magazine of the era, soberly announced on March 28, 1914, that "most of the attacks upon white women of the South are the direct result of a cocaine-crazed Negro brain." The redoubtable *New York Times* for Feb. 8, 1914, ran the headline "Negro Cocaine 'Fiends' Are a New Southern Menace." Beneath that headline, readers found the following assertions:

> Stories of cocaine orgies, followed by wholesale murders, seem like lurid journalism of the yellowest variety. But in point of fact there was nothing "yellow" about . . . these reports. Nine men killed in Mississippi on one occasion by crazed cocaine takers, five in North Carolina, three in Tennessee — these are facts that need no imaginative coloring.

According to the *Times* report:

> The drug produces several other conditions that make the "fiend" a peculiarly dangerous criminal. One of these conditions is a temporary immunity to shock — a resistance to the "knock down" effects of fatal wounds. Bullets fired into vital parts, that would drop a sane man in his tracks, fail to check the "fiend" — fail to stop his rush or weaken his attack. A recent experience of Chief of Police Lyerly of Asheville, N.C. illustrates this particular phase of cocainism. The Chief was informed that a hitherto inoffensive negro was "running amuck" in a cocaine frenzy. . . . Knowing that he must kill the man or be killed himself, the Chief drew his revolver, placed the muzzle over the negro's heart and fired — "intending to kill him right quick" — but the shot did not even stagger the man. And a second shot that pierced the arm and entered the chest had just as little effect in stopping the negro or checking his attack.

Needless to say, when the Harrison Act was passed in 1914, it had widespread public support; after all, who wants to run the risk of being attacked by cocaine-crazed Negroes who cannot be stopped even by bullets? But only three years after the adoption of the Harrison Act came U.S. entry into World War I, and only two years after that, in 1919, came nationwide prohibition of alcoholic beverages — so both official and journalistic eyes were elsewhere for a while. There were more exciting things to focus on than cocaine-crazed Southern blacks.

Virtually all voters cling stubbornly to their belief that those who possess more than "small quantities" of drugs should be prosecuted to the full extent of the law. The question is why.

But when Prohibition ended in 1933, an important employment problem arose. The assistant prohibition commissioner, Harry J. Anslinger, was out of a job. And since prohibition was the only line of work he knew, he badly needed something else to prohibit. He wangled a promotion of sorts and became commissioner of narcotics in the U.S. Bureau of Narcotics and Dangerous Drugs, and almost immediately began his campaign to expand his agency's mandate. Anslinger's idea was to expand drug prohibition to include marijuana. He began work on a draft of a new piece of legislation, called the Marihuana Tax Act, and on a series of articles which he hoped to place in national magazines to build public support for prohibition of his new drug menace. Over the next four years, he placed 21 such articles in important national magazines. Perhaps the most representative of them all was "Marihuana: Assassin of Youth" which he wrote with Courtney Ryley Cooper and which ran in the *American Magazine* in July 1937.

"An entire family was murdered," Anslinger wrote,

> by a youthful addict in Florida. When officers arrived at the home they found the youth staggering about in a human slaughterhouse. With an ax he had killed his father, mother, two brothers, and a sister. He seemed to be in a daze. . . . He had no recollection of having committed the multiple crime. The officers knew him ordinarily as a sane, rather quiet young man; now he was pitifully crazed. They sought the reason. The boy said he had been in the habit of smoking something which youthful friends called "muggles," a childish name for marihuana.

In the wake of such a vigorous and fraudulent public relations campaign, Congress enacted the Marihuana Tax Act, the first national law against the leaves and flowering tops of the common hemp plant.

For nearly a century, the news media have been telling Americans that drugs are so harmful, not only to users, but to society as a whole, that government action is needed to reduce the harm.

Four years later, of course, another war broke out. So, again, the minds of politicians and journalists were elsewhere for another few years. But no sooner had the war ended than Anslinger was back to his old tricks. The ever-vigilant and ever-opportunistic commissioner of narcotics came up with a new method of scaring the public, and horror stories of "heroin overdose deaths" filled the media.

Then came the notorious 1960s and the advent of LSD. This drug, which had first been synthesized in the 1940s and which had been legally available and widely used by physicians and psychologists and their patients for more than 15 years, suddenly became "dangerous" in the mid-'60s, thanks to the ever-vigilant and ever-ignorant news media. In a typical story, the *New York Times* for April 12, 1966, reported on a man who had murdered his mother-in-law and who said

he'd been "flying" on LSD and could remember nothing about the homicide. Many later reports of LSD users flying out of windows like stockbrokers in 1929 helped to build public support for new laws against this newest drug menace.

Since then, through the media-pushed drug scares of the '70s (angel dust — which, like the cocaine available in North Carolina in 1914, conferred "temporary immunity to shock — a resistance to the 'knock down' effects of fatal wounds" on its users), the '80s (crack cocaine), and the '90s (ecstasy), the barrage of ignorance and misrepresentation has continued. In the pages that follow, I'd like to focus attention on three perennial themes of the media ignoramuses. Then I'd like to add a few observations on why things are as they are.

The first of the themes is "addiction." The government must take action against illegal drugs because they are "addictive." On June 18, 1986, at the height of the crack cocaine hysteria, Tom Morganthau wrote in *Newsweek*, consistently one of the most ignorant and hysterical publications in the United States when it comes to the drug issue, that "when smoked, cocaine . . . can produce powerful chemical dependency within two weeks." More recently, journalist Bruce Ramsey intoned in the August 2001 issue of *Liberty* that "heroin is addictive."

What is the truth of the matter? Back in 1972, in *Licit and Illicit Drugs: The Consumers Union Report on Narcotics, Stimulants, Depressants, Inhalants, Hallucinogens, and Marijuana — Including Caffeine, Nicotine, and Alcohol*, Edward M. Brecher pointed out that there were three major theories of "addiction." First there were "Psychological theories. Theories in this group are in general the heirs to the old 'weakness of will' approach" — the notion "that any addict could stop taking an addicting drug if he wanted to and if he tried hard enough" (67). Then there were the "Sociological views. These views hold in general that society creates addicts and causes ex-addicts to relapse into addiction again. . . . An addict relapses . . . because he returns to the same neighborhood where he became addicted and associates with addicts once more" (67). Finally, there were the "biochemical theories," which asserted that drugs caused biochemical changes in the body of the user, which produced "addiction." Brecher concluded, after an exhaustive survey of the literature, that "the vast bulk of the evidence to date . . . favors the psychological and sociological theories" (68).

In 1908, the New York Times *announced that "there is nothing that we can do for the confirmed user of the drug, the best thing for the cocaine fiend is to let him die."*

Since then, the debate has continued. In 2000, psychologist Jeffrey A. Schaler, whose practice is built on the "treatment" of "drug addiction," summarized the literature on the controversy in his book *Addiction Is a Choice* and concluded that "physical addiction" — what Brecher had called the "biochemical theory" of addiction — is a "far-fetched, scientifically worthless fantasy" (xvii).

What about the second theme of the media ignoramuses — the notion that "drugs cost the economy"? In the mid-1980s, I worked at one of the largest newspapers in the United States, the *Orange County Register*, for K.E. Grubbs Jr., who saw mandatory drug testing, then a trendy development in business and industry, as a "market response" to what he regarded as the self-evident "menace" of "drug abuse." Fifteen years later, these attitudes are still with us. Consider, for example, the following assertion from the aforementioned Bruce Ramsey: "As a practical matter, if we legalized certain drugs, I think civil society would have to campaign against them, and would have to approve of employers and landlords 'discriminating' against users." Do people who argue in this fashion have even the shadow of a leg to stand on?

"When officers arrived at the home they found the youth staggering about in a human slaughterhouse. . . . The boy said he had been in the habit of smoking marihuana."

Sorrowfully not. As long ago as Jan. 23, 1995, Jonathan Marshall reported in the *San Francisco Chronicle* that:

> Much research into the effect of drug use on wages and productivity comes up with the puzzling result that young workers who report using drugs seem to enjoy higher pay, rather than ending up strung out and impoverished. One 1991 study even found that drug users earned twenty percent more than nonusers in the 1980s.
>
> Now a new study sheds further light on this mystery by looking at men of two different age groups (18 to 29 and 30 to 45) and at two different levels of drug use, moderate and abusive, as defined by the American Psychiatric Association's *Diagnostic and Statistical Manual*.
>
> Thomas Buchmueller, an economist at the University of California at Irvine, and Samuel Zuvekas at the University of Wisconsin analyzed a survey by the National Institute of Mental Health of 18,571 adults in New Haven, Connecticut; St. Louis; Baltimore; Durham, North Carolina; and Los Angeles. (B5)

Buchmueller and Zuvekas found that "for young men, neither moderate drug use nor abuse seem to make any substantial difference. For workers aged 30 to 45 . . . moderate drug use . . . makes no statistically significant difference . . . ."

On Nov. 5, 1999, *Chronicle* reporter Sam McManis noted

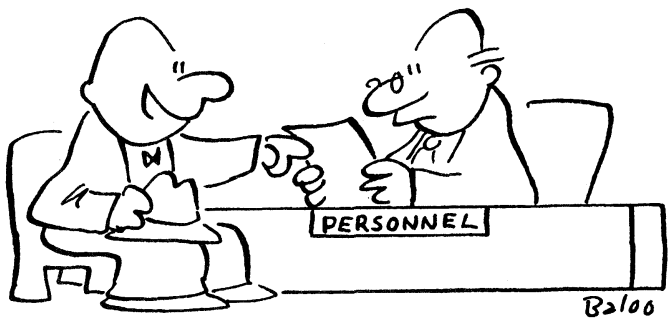

"Yes, but notice all the time off for *good behavior*!"

that "in September, the American Civil Liberties Union issued a report based on studies by the National Science Foundation and the AMA [American Medical Association] showing that testing has been ineffective in reducing drug use and has no noticeable impact on reducing either absenteeism or productivity."

In effect, drug testing, Grubbs' idea of a "market response" to the "menace" of "drug abuse," has been a waste

Reports of LSD users flying out of windows like stockbrokers in 1929 helped to build public support for new laws against this newest drug menace.

of the participating companies' money. "The National Academy of Sciences recently found," McManis wrote in 1999 that:

> . . . illegal drugs contribute little to workplace accidents and that off-duty drug use has about the same small effect on worker accidents as off-duty drinking.
>
> And, in January's *Working USA* magazine, two researchers with the LeMoyne College Institute of Industrial Relations surveyed 63 Silicon Valley companies and found that productivity was 29 percent lower in firms with pre-employment and random testing.

This last finding may seem counterintuitive, but in fact, as McManis reports:

> Eric Shepard, co-author of the LeMoyne study of drug testing in Silicon Valley, said his researchers combined each company's drug-testing data with its public-financial information.
>
> "We found that productivity was 16 percent lower in companies with pre-employment testing than those that didn't test, and it was 29 percent (lower) in companies with both pre-employment and random testing," he said.

"Shepard said his survey didn't delve into the reasons productivity declined," McManis writes, "but he has a theory."

> "If drug tests contribute a negative view toward the company, as other surveys have found, then workers may not contribute as much in return, or they may seek employment elsewhere," Shepard said. "You may lose your best workers to companies that don't test."
>
> Dan Abrahamson, a San Francisco attorney for the Lindesmith Center, a national drug policy institute that opposes drug testing, said he receives at least one e-mail a week from high-tech workers who smoke marijuana away from the job and are concerned about drug testing at work.
>
> "There are a lot of smart, creative people who work in Silicon Valley in programming and they feel it helps them intellectually to use marijuana," Abrahamson said. "So testing might actually hurt their work."

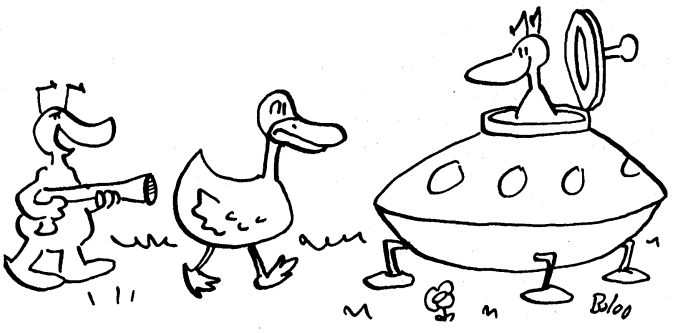

"Earth will negotiate now — I captured a hostage!"

Then again, it isn't only drug users who shy away from companies that subject their employees to drug testing. McManis quotes "Ed, a twenty-seven-year-old financial analyst at Charles Schwab in San Francisco who declined to give his last name" as saying that:

> . . . he would have thought twice about accepting an offer from the company six months ago if that company required pre-employment drug tests.
>
> "I don't use drugs," he said, "but I would look at that company as not as trusting [and] more rules oriented, as opposed to a place that values its employees and entrusts them to do a good job." (B3)

Other workers who don't use drugs consider it none of any company's business what its employees choose to do on their own time. These workers are likely to avoid employers who don't mind their own business. Still others would tend to avoid drug-testing companies out of fear of the unreliability of the tests. And their fear is well founded. The British news service Reuters reported on Christmas Day last year on the gist of a new study presented in detail in the Dec. 26, 2001 issue of the *Journal of the American Medical Association*. That study, conducted by Dr. Lindsey R. Baden of Harvard Medical School, showed that "the use of certain antibiotics may cause an unsuspecting person to test positive for heroin

The evidence that a junkie has died as a result of "heroin overdose" is usually based on nothing more than an officer's finding a junkie dead with a needle sticking out of his or her arm.

even though they've never touched the drug. . . . Baden told Reuters Health that . . . other types of chemicals could cause a similar reaction."

Finally, let's take a look at the third theme of the media ignoramuses — the notion that drug abuse kills. My own favorite example in this category is the "heroin overdose death." As Brecher observed in 1972:

> Prior to 1943, there were relatively few deaths among addicts from overdosage. By the 1950s, however, nearly half of all deaths among New York City addicts were being attributed to "acute reaction to dosage or overdosage." In 1969 about 70 percent of all New York addict deaths were assigned the "overdose" label — and in 1970 the proportion was about 80 percent. (101–102)

What accounts for this sudden increase? Were junkies suddenly shooting up enormously larger doses of heroin? Or was this "epidemic" of "heroin overdose deaths" entirely a product of Harry J. Anslinger's propaganda? As Brecher noted 30 years ago:

> It takes seven or eight milligrams of heroin per kilogram of body weight, injected directly into a vein, to kill unaddicted

monkeys. On this basis, it would take 500 milligrams or more (50 New York City bags full, administered in a single injection) to kill an unaddicted human adult. (104)

Moreover, as Brecher pointed out:

> . . . virtually all of the victims whose deaths are falsely labeled as due to heroin overdose . . . are addicts who have already developed a tolerance for opiates — and even enormous amounts of morphine or heroin do not kill addicts. . . . In one Philadelphia experiment, 1,800 milligrams of morphine were injected into an addict over a two-and-a-half-hour period. This vast dose [nearly fifty times the usual New York daily dose of the time] didn't even make him sick. (104)

Note that Brecher writes "the victims whose deaths are falsely labeled as due to heroin overdose." In his discussion, he reviews the evidence available up to the time of his writing (1972) and notes also: (1) that autopsies are performed in only about ten percent of all deaths (a figure which is still valid today), and that autopsies are almost never performed for junkies; and (2) that the evidence for the claim that junkies have died as a result of "heroin overdose" is usually based on nothing more than a police report, in which an officer describes finding a junkie dead with a needle sticking out of his or her arm. Brecher speculates that it is not an "overdose" of heroin that has killed the junkies in question, but rather a lethal combination of heroin and barbiturates or heroin and alcohol.

But could it be that these junkies are actually unwittingly shooting themselves up with a much more powerful dose than they are used to, and that therefore their deaths are properly describable as "heroin overdose deaths"? On May 13, 1994, journalist Jack Shafer, then editor of the weekly *City Paper* in Washington, D.C., now deputy editor of *Slate*, addressed this question. "Washington police," he noted,

It is not an "overdose" of heroin that has killed the junkies in question, but rather a lethal combination of heroin and barbiturates or heroin and alcohol.

"routinely blame heroin deaths on 'especially pure strains' or 'unusually potent' or 'hot shots' of the drug." But this claim, he noted was difficult to reconcile with the findings back in

> 1989 in a detailed scientific study of Washington's heroin-related deaths published by the *Journal of Forensic Sciences*. The researchers focused on heroin overdoses in D.C. during 1985 and, thanks to cooperation from the police and the medical examiner, succeeded in measuring the purity of the heroin on the street, as well as the levels of heroin and other drugs present in the body fluids of the dead users.
>
> They found no relationship between heroin purity and death-by-overdose or nonfatal overdose.

"The primary risk factors cited in this study and an earlier one of Washington heroin use (*Science*, 10/4/84)," Shafer wrote, "include . . . the alcohol/heroin combination" something that would come as no surprise to Edward Brecher (*Washington City Paper*, p. 12).

These journalists, the ones who are so confident that drugs are "addictive," that drug use costs the American economy, and that drugs kill their users — do they ever bother to check any of this before rushing into print with it? Do they do any research at all — even a simple Nexis search? Do they bother to keep up with the publications in the areas — like drugs — which they write about? Apparently not. Apparently they just go with what "everyone knows." After all "everyone knows" drugs are addictive, they render you unable to do your job, and they kill you. But as Milton Friedman has been quoted as saying, "If everyone knows it, it's probably wrong."

And if anyone should be aware of this truism, it is journalists. Aren't they always patting themselves on the back for their crusading lust for truth and their skepticism toward

A detailed scientific study found no relationship between heroin purity and death-by-overdose or nonfatal overdose.

official versions of reality? They have been since at least the mid-1960s. As journalist Neal Gabler put it on Jan. 24, 1993, in the *San Francisco Chronicle*:

> Before Vietnam, it was uncommon for a person to doubt that what his government said, what he read in the newspapers, was fact. The official version of events was the accepted version — indeed, there was no other. It was only as the war disastrously proceeded and correspondents' dispatches from Vietnam didn't jibe with glowing administration reports that one began to suspect for the first time a deliberate conspiracy to lie, a conspiracy to keep the truth from being known.
>
> The distance between what we were told was happening in Vietnam and what we learned was actually happening soon became known as the "credibility gap." It is difficult now, when everyone distrusts government pronouncements and even distrusts the press, to imagine what a shock the gap was to our system. But it is one of Johnson's most enduring lega-

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cies. And the disillusion Johnson set in motion with Vietnam, Richard M. Nixon accelerated with the Watergate cover-up, where the distance between lies and truth was more a canyon than a gap.

The credibility gap of Johnson and Nixon changed our attitude toward government and revised the practice of journalism by transforming journalists into truth hunters. Far more important, the gaps created a general skepticism toward any received wisdom. (*This World*, p. 3)

Except, of course, for the received wisdom on drugs.

I used to hear this kind of thing starting around 1966 in the various newsrooms in which I was employed back then — that it was a reporter's duty to question government news releases, look behind the statements of politicians and bureaucrats and see if the truth differed from their claims. To do otherwise, it was said, was "repeating, not reporting."

Apparently journalists just go with what "everyone knows" about drugs.

Yet, 20 years after this had become the "received wisdom" in newsrooms, when the *Columbia Journalism Review* ran a major article in its March/April 1985 issue called "When the Government Tells Lies," author Anthony Marro, then the managing editor of *Newsday*, was unable to find even a single example of government lies from the world of drug prohibition. As Jacob Sullum put it in the Jan. 24, 1993 issue of the *San Francisco Chronicle*'s *This World* magazine, "a problem that stands in the way of a productive debate about U.S. drug policy" is the fact that "[w]hen it comes to drugs, usually responsible journalists and publications throw caution and skepticism to the wind, rarely bothering to question assertions about negative effects" (14).

Why are journalists so credulous when it comes to this issue? One reason is that so many of the absurdities about drugs that journalists uncritically pass along are provided to them by police officers. And it is a rare reporter indeed who ever met a cop he didn't like. As the *Columbia Journalism Review* noted in its September/October 1991 issue, "[c]overing police misconduct has always posed a problem for reporters, who sometimes form a symbiotic relationship with the cops. Television reporters, with their need for images and on-camera interviews, have had a particularly tough time covering the subject" (15). After all, as Jon Katz pointed out in the January/February issue of the same magazine, the traditional "urban police reporter" came "most likely, from a working class background" and "identified with and protected the men he covered, becoming their ideological comrade-in-arms rather than watchdog or chronicler" (25).

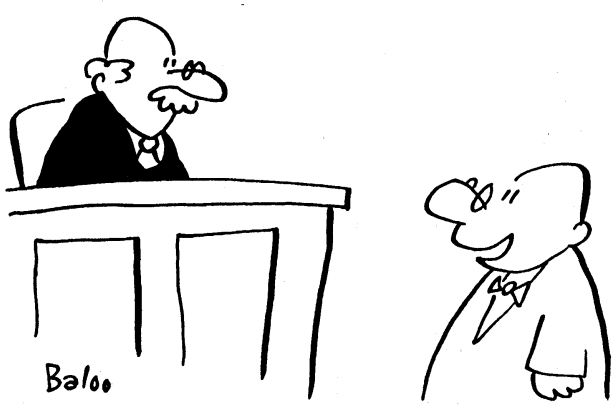

"Your Honor, I'd like to have my name changed to protect the innocent."

Another reason so many journalists are so eager to believe government lies about drugs may be that those lies are profitable. In the mid-'80s, at the height of the crack hysteria, the editors of *Insight* magazine noted that "CBS's '48 Hours on Crack Street' reached 15 million viewers and became one of the highest-rated documentaries of all time," and that *Newsweek*'s "'Kids and Cocaine' issue sold about 15 percent more than the average issue at the newsstand and . . . other cocaine covers have sold as much as 35 percent more than normal" (Oct. 27, 1986, pp. 8, 10).

A final reason for the amazing credulity of journalists is the fact that the average journalist, like the average practitioner of any other trade or profession, is, shall we say, not that well-educated. In the 1960s, when I entered the field, it was still common for the typical journalist to have no more than a high-school education. The techniques of the trade itself were typically learned on the job. Since the mid-1970s, it has become increasingly common for the typical journalist to be a college graduate, usually with a degree in . . . journalism.

The problem with this will be evident to anyone who has any knowledge of what goes on in "J-School," as journalism graduates so fetchingly call it. What goes on there is not education at all, as that term is ordinarily understood, but vocational training. There are classes in how to write articles for newspapers and magazines, and in how to write news stories for broadcast. There are classes in proofreading. There are classes in news photography. There are classes in how to conduct interviews. But there are far too few classes in subjects like history, which, by acquainting student journalists with the context in which current events occur, would enable them to judge those events for what they are, rather than being the dupes of any smooth talker that holds the reins of power. A solid grounding in history is absolutely essential to any journalist. Journalism and history are, after all, intimately related — journalism being merely a sort of rough draft of history.

As one of America's greatest journalists, H.L. Mencken, put it half a century ago, "journalism, to be intellectually respectable, requires a kind of equipment in its practitioner that is necessarily rare in the world, and especially rare in a country given over to the superficial. He should have the widest conceivable range of knowledge, and he should be the sort of man who is not easily deluded by the specious and the fraudulent. Obviously, there are not enough such men to go round. The best newspaper, if it is lucky, may be able to muster half a dozen at a given moment, but the average newspaper seldom has even one. Thus American journalism (like the journalism of any other country) is predominantly paltry and worthless. Its pretensions are enormous, but its achievements are insignificant" (*Minority Report*, p. 74). □

Comment

Rothbard on Szasz

by Thomas S. Szasz

Although Murray Rothbard once harshly criticized Szaszian psychology, he came to see it in a different light.

My book, *The Myth of Mental Illness,* was published in 1961. Its message is stated unambiguously in the title: Mental illness is a fiction, a metaphor, a myth — on a par with fictions such as witch, unicorn, mermaid, sphinx, ghost, or, *horribile dictu,* God. Translated into some 20 languages, the book is still in print in English, in a mass paperback edition. The Italian edition will be reissued in the spring and a new Hungarian translation will be published in March.

In "A Memo for the Volker Fund," dated May 25, 1962, Murray Rothbard reviewed *The Myth of Mental Illness*. On Jan. 17, 2002, the review, titled "Rothbard on Szasz," suddenly reappeared on the Llewellyn Rockwell Website. Two days later, the Rockwell Website featured Rothbard's keynote address, "Psychoanalysis as a weapon," delivered in 1980 at a symposium celebrating my 60th birthday. (http://www.lewrockwell.org)

Regardless of the reasons for the reprinting of these pieces at this time, I believe it is fair to say that psychiatry sits uneasily in the belly of libertarianism. Until recently, public mental health facilities were called "state hospitals." This alone ought to be a warning that libertarians cannot avoid reckoning with the force represented by the alliance of psychiatry and the state. Is psychiatry a friend or a foe of libertarianism?

The reprinting of the Rothbard pieces on an influential libertarian Website presents an appropriate occasion to engage this question head-on.

Rothbard on Szasz: Part 1

Rothbard's 1962 review was partly laudatory. He praised the book as "a highly original and unique work . . . scattered throughout are intriguing libertarian points, . . . attacks on governmental responsibility for inflation, on progressive income tax, on exploitation of one group by another, on totalitarianism, and on infringement of civil liberties, particularly in the practice of compulsory commitment of the (non-criminal) 'mentally ill.'" Approvingly, Rothbard acknowledged: "There is also certainly much value in criticizing the prevalent use of the cliché of 'mental illness' and the consequent linkage with somatic medicine. There are precious-few books on psychiatry, furthermore, which refer to Hayek's *Constitution of Liberty* or to Popper's *Poverty of Historicism*."

"Yet, despite these merits," Rothbard continued, "the book must be set down as an overall failure, for the bulk of the book consists in the setting forth of Szasz' own positive theories, which must be considered totally erroneous. . . . Szasz tosses out the crucial concepts of 'consciousness' and the 'unconscious.' . . . There are many weird results of this: one is that the crucial philosophic-psychologic concepts of individual will, responsibility, the line between the willed and the unwilled, etc. are tossed away . . ."

Faulting me for being an atheist, Rothbard added: "Furthermore, in a fashion rather reminiscent of Ayn Rand, Dr. Szasz is almost fanatically anti-religion, and especially anti-Christian. Religion, and especially Christianity, are held to be responsible for a large part of the world's neuroses, for fostering 'childish dependency,' as well as for encouraging

behavior not proper to man's life: e.g., humility, meekness, naiveté, etc., all of which add up, in Szasz' view to 'incompetence.' Ministers and priests parasitically exploit their supporters, keeping them in this dependence, etc."

The Myth of Mental Illness, Rothbard concluded, "eliminates the whole problem of moral responsibility for actions because it eliminates the whole problem of whether an act is consciously willed or decided upon, or not. . . . Szasz' fundamental philosophic error, perhaps, is his deliberate overthrowing of thinking in terms of 'entities' and 'substances,' i.e. 18th-century, natural-law, Aristotelian thinking."

Rothbard's criticism — epitomized by the charge that my argument "eliminates the whole problem of moral responsibility for actions" — was not merely erroneous, it stood the thesis of the book on its head. Rothbard blamed me for a feature intrinsic to the idea of mental illness and to the psychiatric coercions and excuses it justifies — precisely the errors and evils I attacked in *The Myth of Mental Illness*. My aim in writing *The Myth of Mental Illness* was to demonstrate the error in the belief that "mental illness" is a medical disease, and to delegitimize its use as a weapon in the unholy alliance of the war of psychiatry and state against the individual — epitomized in the incarceration of innocent persons justified with the mendacious euphemisms of "hospitalization" and "treatment." Rothbard duly acknowledged this contribution.

Rothbard blames me for the fundamental fault intrinsic to the idea of mental illness and to the psychiatric coercions and excuses it justifies — precisely the errors and evils I criticize.

Rothbard on Szasz: Part 2

In his later writings, Rothbard expressed unqualified agreement with my critique of the therapeutic state and the pivotal role of psychiatry in it. In his book, *For a New Liberty* (1978), he included a three-page section titled "Compulsory Commitment," devoted almost entirely to my efforts: "In the last decade, the libertarian psychiatrist and psychoanalyst Dr. Thomas S. Szasz has carried on a one-man crusade, at first seemingly hopeless but now increasingly influential, in the psychiatric field against compulsory commitment . . . (pp. 90–92). And again: "The libertarian Dr. Thomas Szasz has almost single-handedly managed to free many citizens from involuntary commitment . . ." (318).

In 1980, Rothbard was invited to present a keynote address at a three-day symposium given in honor of my 60th birthday, hosted by the State University of New York in Albany. In his address, Rothbard praised my efforts to defend individual liberty and personal responsibility against the threat posed to these values by psychiatry. "Thomas Szasz," he wrote, "is justly honored for his gallant and courageous battle against the compulsory commitment of the innocent in the name of 'therapy' and humanitarianism. But I would like to focus tonight on a lesser-known though corollary struggle of Szasz: against the use of psychoanalysis as a weapon to dismiss and dehumanize people, ideas, and groups that the analyst doesn't happen to like. Rather than criticize or grapple with the ideas or actions of people on their own terms, as correct or incorrect, right or wrong, good or bad, they are explained away by the analyst as caused by some form of neurosis. They are the ideas or actions of neurotic, or 'sick,' people." (See, http://www.enabling.org/ia/szasz/rothbard.html.)

Which brings us finally to the issue of religion. In the West, we no longer live in theocratic states. We live, as I have argued for 40 years, in therapeutic states. We give medical, not religious, explanations for human behaviors (if we deem them bad, but not if we deem them good); and we justify the routine psychiatric imprisonment of innocent persons on medical, not religious, grounds. If those explanations and justifications are erroneous and invalid, as I maintain, they are erroneous and invalid regardless of a person's religious belief or unbelief.

Do Libertarians Oppose or Support Civil Commitment?

One of the besetting sins of psychiatry and psychoanalysis and all so-called mental health professions is that, as Rothbard himself observed, instead of criticizing and grappling "with the ideas or actions of people on their own terms, as correct or incorrect, right or wrong, good or bad, they are explained away by the analyst."

Sadly, this sin is not limited to psychoanalysts. All human beings are susceptible to it, libertarians included. Attributing embarrassing ideas and practices to mental illness is not the only way to avoid dealing with them. Ignoring them and refusing to take a stand about them is just as effective.

The Myth of Mental Illness was intended to be more than just an academic exercise in semantics. It was also intended to be a denunciation of the moral legitimacy of the most violent method that the modern state possesses and wields in its perpetual effort to domesticate and control people, namely, depriving innocent individuals — with the full support of physicians and lawyers — not only of liberty but virtually of all of their constitutional rights, in the name of helping them.

In his later writings, Rothbard expressed unqualified agreement with my critique of the therapeutic state and the pivotal role of psychiatry in it.

Most libertarians are interested mainly in economic policies and philosophical issues, such as monetary policy, taxation, deregulation, foreign aid, welfare, the rule of law, justice, rights, and responsibilities. I am also interested in these policies and issues. However, the impact, on the everyday lives of ordinary people, of such social policies and scholarly debates is, for the most part, remote and indirect. Hence, I have been even more interested in certain social practices whose impact on the daily lives of people is immediate and direct, such as crime control, the regulation of drug

continued on page 40

Rejoinder

The Trouble with Harry

by R. W. Bradford

Harry Browne finally responded to *Liberty*.

Last August, former two-time libertarian party presidential candidate Harry Browne publicly charged that I had "imagined" and "invented" certain items about his presidential campaign in articles that I had written for this magazine. When I challenged him to back up his charges, he demurred, saying that he would respond on his website within "another couple of weeks." I checked his website every few weeks or so, but I didn't find so much as a word about my moral and intellectual flaws.

Finally, on Jan. 12, 2002, Browne published his response. First, he sought to prove that I consciously publish false information:

> *Liberty* has published many articles about the LP, virtually all of which involved very careless reporting. But most of this report will examine only two *Liberty* articles, published in 2000. Even so, those two articles contained so many falsehoods that this report will be much too long. I hope you'll bear with me, though, as I believe it's important to understand that something that appears in a libertarian magazine isn't necessarily true. And it's important as well to understand the harm that is being done to the Libertarian Party . . .
>
> Unfortunately, most of the coverage of the LP is written by the magazine's publisher, R.W. Bradford (Bill Bradford), who is a very sloppy reporter. Consequently, many people have gained an erroneous impression of the Libertarian Party and the last two presidential campaigns from reading *Liberty*.

Okay, so just what "very careless reporting" had this particular "very sloppy reporter" done? Which of the "falsehoods" that are "so many" that discussing them all would make his 10,000-word attack on me "far too long"?

Well, Browne was content to cite the following specimen of such a "falsehood":

> On page 31 Bradford refers to David Bergland as "Browne's hand-picked candidate for National Chair." (In 1998 Bergland had been elected by the national convention to be the Chair for the next two years.)
>
> I sent an email to Bradford telling him that I had nothing to do with picking David Bergland to be the National Chair, that I hadn't even known he was running until he announced it.
>
> In a November 13, 2000, email reply to me, R.W. Bradford said, "Of course, I did not mean the term 'hand-picked' to be taken literally." Then what did he mean? Did he really expect people to interpret the phrase "Browne's hand-picked candidate" to mean that I had nothing to do with picking him?
>
> He also said, "I had one unimpeachable source on the Bergland claim." So he had an unimpeachable source tell him that I had hand-picked David Bergland, but he didn't mean literally that I "hand-picked" him?

When I told Harry that I didn't mean that he had literally "hand-picked" Bergland, I meant that I did not mean that he had literally picked him by hand to run. But that literal meaning is not the only meaning of the phrase "hand-picked." My dictionary (*Webster's Ninth New Collegiate*, if you want to look it up) lists the following meaning: "to select personally or for personal ends."

At the time, I didn't know when Browne learned of Bergland's candidacy or whether he personally encouraged

Bergland to run. But I did know that Bergland was a close associate of Browne's, having been the national chair of Browne's 1996 campaign and part of his brain trust. And I knew that Browne was an extremely strong supporter of Bergland's campaign, and that he considered Bergland's election to be a matter of "life or death" for Browne's prospective candidacy in 2000. I also knew that the other major candidate for the position was generally critical of Browne's 1996 campaign and was believed to want to investigate charges that Browne had suborned various LP staffers during the campaign.

How did I know how strongly Browne supported Bergland? How did I know that he considered Bergland's election to be a matter of "life or death" for Browne's proposed 2000 campaign? As I indicated to Browne in the email he quotes, I had one "unimpeachable" source.

As a general rule, I do not reveal sources of facts reported in my stories. There are two reasons for this: Many stories are so full of facts that listing sources would take up a huge amount of space and be of little interest to anyone; and, as a journalist, I must protect my sources. With regard to the LP and its presidential campaigns, I have gotten information from hundreds of people, including dozens who have worked for the LP or one of the campaigns. Reporting the source of who told me what could put their present or future jobs in jeopardy. If I freely reported the sources of every fact I report, people would not provide me the information that I need to report accurately and completely.

Having said that, I have decided to make an exception in this case, on grounds that the source has implicitly given me permission to do so.

The person who told me that Bergland was Browne's candidate was Harry Browne himself. In telephone conversations in June 1998, in which Browne was trying vigorously to convince me to attend the convention so that I could cast a vote for Bergland, Browne told me that he considered it

Background: Harry Browne and *Liberty*

Browne didn't always harbor his current low opinion of *Liberty* and of my reporting. He formerly praised both in enthusiastic terms. Indeed, he publicly endorsed *Liberty* as recently as July 2000, and he lavishly praised my coverage of the 1996 convention. But his view of *Liberty*, its reporting and me in particular changed when *Liberty* began critical reporting of his campaign.

The first time he criticized our coverage was in the summer of 1998. At the time, Harry was a senior editor at *Liberty*, so when we prepared to publish a report on the 1998 convention, I sent a copy to him as a courtesy. The report, written by *Liberty* contributing editor Brian Doherty, was in my judgment a fine piece of reporting, describing what happened both on the podium and on the floor of the convention. Harry, however, was very unhappy about two things: first, Doherty reported comments from a Pennsylvania delegate that were critical of Michael Cloud, who had been Browne's chief fundraiser; second, Doherty reported a conversation between himself and the daughter of Steve Dasbach, the retiring LP national chair, who had been promised the paid position of national director if Browne's candidate for chair, David Bergland, was elected. "Dasbach's young daughter was hanging around the soda machines, expressing her eagerness for Bergland to win so that her Dad 'will get a good job and we can move to D.C.!'"

Browne argued that the anti-Cloud remarks were insignificant and should not be reported. I considered this opinion but decided to leave the passage in the article. It provided some local color. In addition, I suspected that Harry's real motivation for wanting it cut was that it portrayed Cloud in a unflattering light.

Doherty's second piece of reportage he claimed was simply an outright lie. This surprised me. Doherty had just finished a stint as a researcher and ghostwriter for Browne, who, I assumed, would not have hired him if he thought he was dishonest. So I called Doherty, who stood by his story, and provided additional details, which I passed on to Harry. One detail Doherty had told me proved him a liar, according to Harry: Doherty's claim that the conversation had taken place next to the pop machines by the doors of the convention hall. The nearest pop machine to the convention hall was a good deal further away, Harry said, so Doherty must have fabricated the whole story. I called Doherty with this news, and he said that Harry had simply been misinformed and that there were indeed soda machines outside the doors that led to the loading dock. There followed phone calls and emails with Harry, who continued to insist that the conversation never happened and to condemn Doherty as a liar. Doherty surmised that Harry had asked someone at the convention where the nearest pop machine was and had been told it was farther away, and that therefore Doherty was lying. Both Doherty and I were taken aback by the whole matter. I didn't remove the passage from the article, and the issue died.

As early as 1997, I had heard rumors that the Browne campaign had misspent campaigns funds. But the rumors came from Browne's severest critics, and I didn't attach much credibility to them. Sometime in 1998 or 1999, I went to the Federal Election Commission Website and began to look at the reports that the Browne campaign had filed. To my surprise, I learned that several members of Browne's staff were paid salaries that seemed a bit, well, exorbitant, and that the campaign had spent relatively little money on conventional campaign activities. I filed this information away, figuring that it merited further investigation and, perhaps, an article in *Liberty* at some time in the future, a time when reader interest in politics would be much higher.

Early in 2000, the staff of *Liberty* began a systematic examination of the Browne campaign's spending, based entirely on the reports that the campaign had made to the FEC. We discovered that Browne's campaign manager had been paid nearly $130,000, despite having no previous political experience, and that the campaign had paid over 40% of its funds to staffers and consultants. But this wasn't

absolutely critical to the future success of the LP that his close friend Bergland be elected, and that he would drop out of the race if Bergland lost. He urged me again and again to attend the convention so that I could vote for Bergland.

The situation was pretty simple. Browne wanted to get the 2000 nomination. He believed that if his close political associate David Bergland were not elected national chair, he would not be able to get that nomination.

I concluded from this that he had, in *Webster's* words "selected" Bergland "personally or for personal ends." And I reported this in *Liberty*.

What's curious is that Harry charges me with making "numerous factual errors," yet provides only a single example of what could be considered, at worst, to be a slightly inaccurate characterization. This is the example that Browne suggests can "best establish" his charges against me!

Apparently on the theory that this pathetically limp example demonstrated my mendacity and incompetence, he went on to attack me, as nearly as I can tell, for not stating my case against him in sufficiently strong language:

> On the bottom of page 40, Bradford says:
>
> > . . . whatever Browne's ethical shortcomings, he's really the only plausible candidate.
>
> Since Bill Bradford doesn't mean to be taken literally, I guess we don't need to wonder how someone with "ethical shortcomings" could be "the only plausible candidate." But it should indicate something about Bradford's own ethical standards that he could consider someone with "ethical shortcomings" to be "the only plausible candidate."

Harry goes on to attack me, as nearly as I can tell, for not stating my case against him in sufficiently strong language.

Leaving aside the curious logic — from the fact that I once used an expression figuratively, he concludes that I never intend to be taken literally — Harry turns to impugning my "ethical standards" and claiming that I never specified exactly what "ethical shortcomings" I thought he had displayed.

This simply stuns me. I shall not reiterate here all Browne's ethical shortcomings that I, along with other editors of *Liberty*, have detailed in these pages. When the article he's criticizing appeared, *Liberty* had just published a 16-page investigation of charges of various ethical shortcomings that Browne had been publicly accused of, and concluded that Browne and his close associates had engaged in systematic misrepresentation of a whole raft of facts in order to maximize fundraising, and had avoided committing fraud, in one case, only by a legal technicality. Now he's criticizing me for not spelling out the sordid details again?

Despite his claimed inability to understand what charges I'm talking about, Browne seems at least vaguely aware of the charges I'd made. In his very next paragraph, he takes up one of the specific charges that we made: that his 1996 campaign had spent far less to purchase advertising that it had claimed in its fundraising activities and its lengthy report on its campaign expenditures:

> But what are the ethical shortcomings? Bradford doesn't say. Have I lied to anyone? Have I corrupted people? Have I shaded the truth?
>
> Perhaps . . . I've been raising money and spending it on myself and my "consultants." On page 30, discussing the 1996 campaign, Bradford refers to . . . the reports the campaign filed with the Federal Election Commission (FEC). It turns out the campaign spent less than $9,000 to purchase advertising, out of $1,430,000 spent.
>
> The actual figure for advertising was $211,226. But I suppose the figure of $9,000 is close enough for government work or for *Liberty*. The $9,000 figure didn't come from the FEC reports; they came from a rumor that's been floating around the LP for several years. . . .
>
> Did we spend a lot of money on advertising in 1996? No, we

what was really disturbing. We also learned that, despite promising to spend considerable funds on the purchase of advertising and claiming in its report on the campaign that it had indeed spent over $238,673 on advertising, the campaign had reported to the FEC that it had spent only $8,840 for advertising purchases.

While that story was developing, another aspect of Browne's involvement in the Libertarian Party came under scrutiny. Jacob Hornberger, head of the Future of Freedom Foundation, publicly accused Browne and his staff of an improper relationship with the LP, which had resulted in conflicts of interest. In particular, he charged that Project Archimedes, an outreach project designed and managed by Browne's close associate Perry Willis, for which the party had raised hundreds of thousands of dollars and which Browne and Willis had said would result in 200,000 new members, had been a colossal failure and had wasted huge amounts of party funds.

We investigated Hornberger's charges, concluding that Project Archimedes had resulted in far less growth than it had promised, but had actually cost the party far less than Willis, Browne and other LP figures had claimed. We also concluded that its managers had systematically misrepresented its prospects and costs in order to maximize fundraising, and had spent the money they raised for Project Archimedes for other purposes.

We published a report on all this in our July 2000 issue, which appeared in May. In addition to our audit of Browne's 1996 campaign and Project Archimedes, we explored charges that Browne had fraudulently raised funds in early 2000 and that there had been a serious conflict of interest between him and his staffers, on the one hand, and the LP, on the other. We found both of these charges to have a certain merit, but we also found that the fund-raising campaign in question escaped qualifying as fraud as defined on technical legal grounds and that there was insufficient evidence to conclude that a conflict of interest had harmed the party.

None of this was enough to preclude Browne's agreeing to endorse *Liberty* for a direct mail circulation campaign in July, for which we agreed to use Browne's newest book as a premium. ❑

*The correction of a minor clerical error since discovered raises the total expenditures to purchase advertising to $9,585.50.

didn't have a lot of money (as we didn't have in 2000 either). I wish we had spent millions of dollars on advertising, but such sums weren't available. In any event, we spent about 21 times as much as *Liberty* reported.

In my analysis of how the 1996 Browne campaign spent the money donated to it, I listed in detail how I concluded that "the campaign spent less than $9,000 to purchase advertising, out of $1,430,000 spent."* The staff of *Liberty* systematically examined the reports the campaign had made to the Federal Election Commission. Peter Gillen, Martin Solomon, and I spent hundreds of hours, downloading nearly a thousand pages of documents from the Website, printing them, copying the data into a database, then checking and cross-checking the numbers. Our database lists every expenditure the campaign had made, along with the purpose of each. Only seven expenditures were made for the purchase of advertising, and those seven expenditures totaled just $9,585.50. The details of our investigation, along with publicly available documents that substantiate every figure we published, were included in the *Liberty* report. (Strangely, Browne doesn't extend his attacks to Gillen, now a reporter with a Massachusetts newspaper, or Solomon, now an attorney in private practice in Florida.)

Apparently, Browne believes that his mere assertion is enough to disprove the mountain of documentary evidence that anyone can obtain from the FEC website.

Browne claims that our figures didn't in fact come from the FEC and that they came from a "rumor." He offers no evidence for this. He claims that he actually spent $211,226 on advertising, but offers no substantiation.* He merely asserts that the figures we got from the FEC are wrong and that his are correct. Apparently, Browne believes that his mere assertion is enough to disprove the mountain of documentary evidence that anyone can obtain from the FEC website, and that *Liberty* did in fact obtain.†

Then he challenges my claim that he had gone "so far as to promise that he would not run again unless Project Archimedes achieved its goal," going on at length about how I must have hallucinated this claim, and, again, challenging my sources.:

> Promised whom? For what purpose? When did I promise this? Who heard the promise? Why did I make it? What "reliable source" told Bradford this?

These are intended, I believe, as rhetorical questions, intended to show what a mendacious journalist I am. Harry apparently thinks that I cannot answer such questions without embarrassing myself. He's wrong. All of them can be easily answered by anyone who reads the *LP News*, an article that was the "reliable source" that Harry is so confident I didn't have.

From *LP News*, April 1997§:

> In a letter to his 1996 major donors in mid-February, Browne wrote: "I won't run again if it has to be the same kind of campaign we ran in 1996.
>
> "To make an impact on the future of America, we have to run a campaign that's comparable in size to those of the Republicans and Democrats," he said. And to have that, "it all comes down to one thing: How big the Libertarian Party is."
>
> "Today the LP has about 22,000 members," he noted. "While that's the largest membership in its history, it is still way too small to make an impact on American politics. We need a party at least 10 times that size — 200,000 or more members."

When Browne said this, Project Archimedes, though it hadn't yet been christened, was already in motion. It was a proposal to use direct mail to recruit enough new members to bring LP membership to 200,000 — exactly the growth that Browne said the party must get by the "beginning of 2000," or else he "won't run again."‡

* * *

Browne's attack on me goes on for nearly 10,000 words. I suppose that I could go on and refute virtually every claim Browne makes. But I don't see any reason to do so. Suffice it to say that I stand by every word I've written on the subjects he discusses.

Harry Browne is old news. Yes, he's still raising money from donors to his past presidential campaigns to fund his new foundation's efforts to put libertarian ads on television. (It's been raising funds for more than a year, but is yet to purchase a single ad.) Nevertheless, the LP has all but repudiated him for his role in yet another scandal: the discovery last year of evidence that Browne had, as had long been charged, conspired with the LP's chief executive to deceive the party and exploit it for their own personal ends, and the party has refused to rent Browne's new organization its mail-

Harry heaps scorn on me for not revealing the "reliable source" from whom I obtained this information. I am happy to reveal my source: the information came from an article in the Libertarian Party News.

* This figure is $27,447 less than the figure the Browne campaign provided in its "1996 Presidential Campaign Report." Browne offers no explanation for the discrepancy.

† All of the 1996 Browne campaign's expenditures are detailed in its reports to the Federal Election Commission, available at www.fec.gov, in the form of photocopies of the original documents. Downloading them and printing them up is a bit tedious, and curious readers can find a list of all expenditures at www.libertysoft.com/liberty/hbfec96.

§ Available at http://www.lp.org/lpn/9704-Browne.html

‡ Project Archimedes was eventually implemented. It almost immediately became obvious that while the project could recruit a modest number of new members, it could not recruit anywhere near the number its managers' claimed it would get. Nevertheless, its managers claimed it was "on target" and they continued to raise substantial sums of money — far more than was actually spent on it — to fund the project. In the end, it fell about 94% short of its goal. And Browne ran for president again, despite his earlier promise. See "Project Archimedes," *Liberty*, July 2000.

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carla howell

National Media Coverage

The Wall Street Journal. USA Today. The Washington Post. Time. Newsweek. Business Week. National Review.

ABC, CBS, and NBC Network TV News. 20/20. Dateline. Nightline. Face the Nation. Meet the Press. "Massachusetts raises taxes" is NOT news.

"Massachusetts Ends the Income Tax" **IS** news. National News.

"Unknown Libertarian candidate for Governor gets 7%" is NOT news.

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ing list or allow it to advertise in the *LP News* until such time as Browne at least publicly admits his role in the whole sordid affair.

Many of Browne's followers will, I am sure, accept his demonization of me. I've already received a couple of semi-literate emails, and I am sure that better-written emails will come my way. It is not surprising that some of those who have generously supported Harry Browne have an inclination to believe in him, despite the abysmal absence of merit in his attack. Just as there's a natural human tendency to support what you believe in, there's a tendency to believe in what you support. Harry Browne may not have been very good at getting votes, but he was very good at raising funds.

As for me, everything about this has been sad. It's not just that I supported Browne so strongly and now see him in such a different light. It's that he did things that were wrong, and he cannot acknowledge that they were. Of course, none of us is without sin. But it would be a lot easier to come to grips with what Harry has done if Harry would voice even the slightest regret.

He had the ability to articulate libertarian ideas equal to any public speaker of our era. And now he's reduced to writing dim but impassioned defenses of his record in a pathetic attempt to maintain his dwindling donor base. ❑

Enron, *from page 24*

reams of incriminating documents.

It's reassuring that so many investors put their cynicism and moral relativism aside long enough to mercilessly pummel Enron for its transgressions. And it all happened in the unregulated marketplace — just as free-market advocates predicted it would.

The final lesson of Enron is probably the most surprising. And as the facts unravel it may ultimately turn out to be illusory. But for now, it's reassuring that in an age when White House bedrooms and presidential pardons have their price, the Bush administration isn't offering a taxpayer bailout. Or helping arrange credit from banks. Or doing much of anything else except issuing subpoenas and distancing themselves from Enron's fallout.

It appears that having a web of Beltway connections in both parties and being the single biggest contributor to President Bush's political campaigns wasn't enough to buy Enron an economic bailout. It's sweet justice that the company that lobbied so heavily for power deregulation is now being left to its own devices in that market. The $2.4 million Enron poured into political campaigns in 2000 may win the dubious distinction of being their worst investment of all.

In Enron's waning days, executives' repeated calls to Commerce Secretary Donald Evans, Treasury Secretary Paul O'Neill, and Treasury Undersecretary Peter Fisher were essentially ignored. Even calls by former Treasury Chief Robert Rubin — chairman of Enron's biggest lender — were blown off. Now that's what I call a principled commitment to deregulation.

Treasury Secretary O'Neill showed unusual clarity of thought regarding the Enron debacle in an appearance on "Fox News Sunday." "Companies come and go," he said, adding that "part of the genius of capitalism" is that "people get to make good decisions or bad decisions. And they get to pay the consequences or to enjoy the fruits of their decisions. That's the way the system works." That may go down in history as the single most sensible remark ever uttered by a government employee.

And so, the story of Enron may end happily. Sort of. The bad guys lose their shirts, California Gov. Grey Davis gets his wish about Kenneth Lay sharing an 8'x10' cell with a guy who says "Hi Honey, my name's Spike," and free-market economics still holds. This may not mean much to the employees whose 401(k)s got vaporized, but it's good news for defenders of free markets. More importantly, it's bad news for those peddling the bogus story of Enron as a case of "market failure." ❑

Rothbard, *from page 34*

use, and psychiatric coercions and excuses.

In the United States alone, there are approximately one million civil commitments per year, that is, more than 2,500 per day. (The practice is common in all advanced societies.) This figure does not include the countless times minors are assaulted with unwanted psychiatric interventions. Depriving defendants of their right to trial by declaring them mentally unfit and depriving them of finite prison sentences by declaring them not guilty by reason of insanity are two other obvious and important instances in a long list of psychiatric violations of human rights.

The reactions of psychiatrists and other mental health professionals to my likening involuntary psychiatry to involuntary servitude and organized psychiatry ("psychiatric slavery") to chattel slavery is not my concern here. Instead, my concern is to suggest — more pointedly than I have done in the past — that libertarians, as self-defined guardians of individual liberty and responsibility, have a duty to confront and articulate their position on psychiatric coercions and excuses, all of which rest on the concept of mental illness as squarely as the beliefs and practices of theistic religions rest on the concept of God.

The issue before us is whether psychiatric coercions and excuses are — by the light of what we know today — virtuous or wicked, praiseworthy or blameworthy, social practices. Where do libertarians stand on the practice of depriving innocent people of liberty in the name of "mental illness"? I believe it behooves libertarians to candidly acknowledge whether they support or oppose statist-psychiatric interventions and articulate the reasons for their position.

Psychiatric slavery — like chattel slavery — is an either-or issue. A person either supports it or opposes it. *Tertium non datur.* ❑

Bad Boy of the WPA

by Miles N. Fowler

How does a good writer get mixed up in a welfare program for writers?

Under the title "Federal One," Franklin Roosevelt's Works Progress Administration set up the Federal Art Project, the Federal Theater Project, the Federal Music Project, the Historical Records Survey, and the Federal Writers' Project (FWP). The last is among the most fondly remembered WPA programs because of its often-colorful American Guide Series. The task of each state branch of the FWP was to contribute a newly researched guidebook to its state and to publish separately whatever related material seemed appropriate. In the words of Harry L. Hopkins, the WPA's director, the project was "to present to the American people a portrait of America — its history, folklore, scenery, cultural backgrounds, social and economic trends, and racial factors." Such is the nostalgia for those times that the state guides have become collector's items. Even the editions reprinted after World War II, whether to promote tourism or exploit interest in the guides, are collectible.

Popular history has expunged from memory the project's reality of wasteful spending, inefficient bureaucracy, and partisan politics. Historian Petra Schindler-Carter, who is sympathetic to the FWP, admits that romanticism has distorted the picture. Many of the accounts she read in her research "erect an image of the FWP as an administrative chaos constantly careening towards dissolution." The project "had to overcome countless internal and external hardships to produce the American Guide Series." Whereas, in the popular imagination, "the FWP also tends to be reduced to the big city offices of New York and Chicago where the small band of later famous writers like Richard Wright, John Cheever, and Saul Bellow congregated . . . the vast majority of the FWP experience was vastly different from the commonly held view of a bohemian confusion." There was confusion, but it was caused by bureaucracy, not bohemianism.

The FWP experience left many of its participants frustrated and disillusioned, including a writer named Vardis Fisher. As he conscientiously tried to accomplish the job assigned him as director of the Idaho FWP, his superiors hindered and delayed his efforts, bedeviled him with ludicrous directives, and gave him a lesson in how government programs not only waste money and energy but undermine their own goals.

Fisher was born in 1895 in eastern Idaho and grew up in the Antelope Hills area where people did not know that the frontier was supposed to have closed. He came from a long line of pioneers so independent that they barely lived within the law. (His father and uncle never bought hunting licenses because they refused to acknowledge laws that had not existed when they were young.) Fisher and his younger brother were taught at home during their early years and later attended distant public schools where they were outcasts because of their ragged clothes; but there was nothing impoverished about the Fisher boys' minds; each went on to earn a Ph.D.

After stateside military service during World War I, Fisher flirted with socialism, but, while he did not immediately abandon the notion that government intervention might sometimes be appropriate, he soon recognized radical socialism to be an illusory ideology. He later wrote:

> The communist intellectual, as I have observed him, if he is not a cynical opportunist, is an evasive emotionally immature idealist, full to his gullet with loneliness, impractical idealism,

wishful thinking, and impatience with the existing order. He really believes — and this, born of ignorance, is his fatal weakness and his vice — that if he were in a position of power, entrusted with the greatest happiness of the greatest number, he would be wise, able and incorruptible. He scornfully dismisses Lord Acton's famous statement that power corrupts, and absolute power corrupts absolutely. His blind self-love, his narcissistic self-indulgence, and his fanatical talent for converting truth into error in the service of his ends, are possibly the worst that can be said about him.

In 1935 Fisher was a poet and novelist with six published books to his credit, but he made no more than $800 a year from them. Fisher had recently lost a teaching job at the University of Montana at Missoula and lived with his wife and two sons on his parents' Idaho ranch and was close to being a subsistence farmer. In spite of his family's poverty, Fisher had not contemplated accepting help from the government until he received an unexpected telegram from Washington, D.C., offering him the job of Idaho FWP director.

How could professional writers become civil servants, and if this was make-work for unemployed writers, what was the sense of it in Idaho?

Bernard DeVoto later wrote that "only a small fraction" of FWP employees were "even in the humblest sense, genuine writers." This was true even of some of the FWP's state directors who were, after all, political appointees. Fisher was somewhat unusual in being both a writer and unemployed. Throughout the WPA, most people took whatever work was available whether it suited them or not, and this was especially true on the Writers' Project. But reality did not keep proponents of the FWP from pretending that everyone on the FWP was a writer. In a Jan. 4, 1936, letter to the *Saturday Review of Literature*, the FWP's director, Henry G. Alsberg, proclaimed, "For the first time in the history of the United States writers are working for the government as writers." Neither did the facts keep them from holding out great expectations for the brave new partnership between the government and the artist. Historian Ronald W. Taber says that Hopkins' assistant, Jacob Baker, who is credited with suggesting a relief project for writers, "maintained that these writers could produce material of permanent value for the nation" and that "such a cultural project would nurture literary talent which might otherwise grow stale during depression times." Katherine Kellock, a co-creator of the FWP, hoped that the government would "be fathering and producing the masterpieces — dramas, pictures, novels, operas, epic poems — a crude commercial world had scorned." The reality, of course, was that FWP employees worked within a bureaucracy. Most of them were nonwriting clerks and researchers. If they wrote anything it was only what they were told to, and only about their state or locality.

Finding the right state directors for the FWP was a continuing problem, and one that held back the progress of some state branches. When Harold G. Merriam was appointed state director of the Montana Writers' Project in 1935, he was asked whether he could recommend any suitable writers to be directors of other states. As head of the Department of English at the University of Montana at Missoula, it was Merriam who had recently let Fisher go. Believing him to be in financial straits, Merriam decided to send a job his way.

"Out of the blue," Fisher wrote more than two decades later in *Orphans in Gethsemane*, "there came a messenger from the telegraph office twenty miles distant." The telegram read:

> THE WORKS PROGRESS ADMINISTRATION IS ESTABLISHING WRITERS PROJECTS IN ALL THE FORTY EIGHT STATES EACH UNDER A STATE DIRECTOR STOP WILL YOU ACCEPT THE POSITION AS DIRECTOR FOR IDAHO STOP CAN OFFER SALARY OF TWENTY SIX HUNDRED STOP PLEASE WIRE COLLECT STOP DATA AND LETTER FOLLOW
> ASSOCIATE NATIONAL DIRECTOR
> ROBERT BINGHAM

The fictional "Robert Bingham" appears to stand in for George Cronyn, assistant national director of the FWP. (I will try to distinguish between Fisher's novel and what a historian and a biographer have confirmed. While much of what takes place in *Orphans in Gethsemane* corresponds to history, I have noted some minor discrepancies and am wary that dramatic license might lurk even where I least expect it.)

In the novel, Fisher's alter ego, Vridar (pronounced Freeder) Hunter, stares at the telegram wondering whether they have completely lost their minds in Washington, D.C. How could professional writers become civil servants, and if this was make-work for unemployed writers, what was the sense of it in Idaho? "There aren't [but] three writers in Idaho and the other two don't need jobs," the novel's protagonist says to his wife. ("Idaho has no unemployed writers," the real-life Fisher stated flatly in a letter to Washington, D.C.) Looking more closely at the telegram, Hunter says, "Forty-six words, and they could easily have cut ten." He also notes that the type of telegram Bingham sent cost the taxpayer more than necessary.

Katherine Kellock hoped that the government would "be fathering and producing the masterpieces — dramas, pictures, novels, operas, epic poems — a crude commercial world had scorned."

Though Hunter is skeptical, he decides that he cannot turn down any job offer when he has a family to support. Besides, he is curious to see the leviathan from the inside. While he thinks it over, another telegram arrives "which with profuse apologies said that it was impossible to offer a salary of more than twenty-three hundred." (This, in fact, was Fisher's annual salary as director of the Idaho branch of the FWP. For the sake of comparison, Fisher's assistant professor's salary from New York University in 1929 had been $1,800.) Hunter muses that he had better hurry and take the

job. "Tomorrow, there will be a third wire, still longer, saying that the salary offer is two thousand. I begin to understand that one of the best places to observe a man is in the telegraph office when he is spending someone else's money."

Fisher, like his fictional protagonist, vowed that he would take the job only if he could actually do what he was paid to do. He promised himself — as he would later promise others — that the Idaho Writers' Project would not become a boondoggle. He did not waste the taxpayers' money in replying to Cronyn. On Oct. 2, 1935, he sent a telegram collect:

I ACCEPT
VARDIS FISHER

"Merriam saw the job as a way for Fisher to pick up some easy money," says Fisher's biographer, Tim Woodward, but Fisher, in his novel, goes further, ascribing a telegram to "Professor Elmer T. Merrick" that advises, "Don't take it seriously . . . It is not intended that we should achieve anything but only that we should put the jobless to work so they will vote for Roosevelt." Other WPA minions tell Hunter much the same thing. Indeed, the WPA wanted its project directors to hire Democrats before they hired Republicans or independents. (The U.S. Senate's Committee on Campaign Expenditures investigated the 1938 midterm elections in four states and found a pattern of WPA officials pressuring workers to support the Democratic party and its candidates.) Hunter is not explicitly penalized for voting Republican while working for the WPA, but that might have been different in a state with a strong Republican party.

Fisher reported to the office of J. L. Hood, the state WPA administrator in Boise, on Oct. 25, 1935. Jacob Baker, the WPA administrator who was then in charge of Federal One, had informed Hood of Fisher's coming, but Hood "had no idea what Fisher was supposed to accomplish." If his novel is any guide, Fisher and Hood (renamed "Roger Wood") took an almost instant dislike to each other. The same was to be true of Fisher's meetings with some other WPA officials. By his own description, he was still "standing around in the halls looking like a fellow hunting for a job" in early November. Fisher also said that he was forced to make his office in "a packing box in the hallway," though it is not clear whether this was during the "standing around" period or whether it refers to the little one-room office Fisher was given before the end of the year.

Somehow, perhaps through wishful thinking, Hood was under the impression that Fisher's project would last only six months and employ only ten people. In December, Fisher complained to FWP director Alsberg that "some persons of importance in the WPA set-up here have said my project was only a gesture and would collapse in a month" and that he was facing contempt "from certain sources within the WPA." I presume that these complaints refer not only to Hood but also to the man in charge of the labor pool (called "Archie J. Reese" in the novel). Fisher's letter relates the last straw: "[A] man furiously tells me that my progress is to be penalized by the incompetence within his department." Fisher put pressure on Washington, D.C., until he was given a decent office and a good secretary, but his main problem remained finding and keeping competent workers.

Initially, he made do by choosing among unemployed truck drivers, grocery clerks, blacksmiths, dry cleaners, and a lawyer, but the paperwork on new hires for the Writers' Project was given the lowest priority and took weeks. Fisher complained until the interval was moved up to a few days. WPA headquarters mandated new hires by looking at unemployment statistics. The higher the unemployment rate, the more employees the state director had to hire from relief rolls. Because Fisher's project was the newest one making demands on the WPA job pool, he was getting employees that other projects did not want. Fisher suggests in his novel that some of the people he was given to work with were unemployed for personal and psychological reasons rather than because of a poor job market. (One urinates on the floor in the middle of the office.)

Fisher was among the lowest paid state directors, with (according to his novel) the second-lowest budget. Idaho FWP workers not only received less than FWP workers in more urbanized states, but FWP wages were the lowest in the WPA — on average, $63 a month. When the local economy improved, Fisher's best workers left for better-paying jobs.

Fisher needed genuine help. He wound up doing nearly all of the writing and most of the research, which involved driving throughout Idaho. His most valued employees were a secretary, a stenographer, a cartographer, and a former schoolteacher who was able to do well at research tasks. All four were hired from the open job market. Fisher was allowed to hire only one competent employee from the open market — paid as much as $100 a month — for every ten useless ones hired from relief. Early in his tenure, Fisher received a telegram, that read, "Put on ten more writers. In two weeks, put on ten more." "I'm sitting right in the middle of one of the swellest ironies life ever threw my way," he wrote to Cronyn. "It's profanity and hair-pulling and many a sardonic chuckle." He soon wrote to Alsberg, begging him not to require the Idaho FWP to increase its staff size.

Alsberg answered a House inquiry into why the FWP had produced only one guide after nearly two years: "The tour form is a difficult form. It is like a sonnet."

Fisher sent drafts of material to be included in the guidebook to headquarters as early as the spring and summer of 1936. The FWP's official anticipation of great art was belied by less lofty actual expectations. When Fisher submitted a particularly lyrical description of the Salmon River, Alsberg wrote back, "To be quite frank, I didn't expect any real literature from our Directors. . . . I passed [your piece] along to the higher-ups, so they could see the quality of work being turned out in Idaho." Cronyn wrote to Fisher, "In spite of the many handicaps you have had in your organization and editorial work, yours is the only body of State Editorial Copy which we have retained as being suitable for Central editing. The copies from other states so far have not been in any condition to edit here. I think, therefore, you are to be congratulated on making a fine effort in the face of difficulties."

This flattery, in all probability, had the ulterior motive of lulling Fisher into complacency. The FWP was first amused and then alarmed by Fisher's intention to publish Idaho's guidebook before any other. His superiors had their own timetable for publication of the American Guide Series, and Idaho did not figure so prominently in it. The FWP originally planned to stall all the state directors until Washington, D.C. had published the first guide. In their minds, Fisher was the greatest threat to this scheme, although the actual problem was that the D.C. guide was barely begun while Fisher was sending in suitable material.

Whether or not they were deliberate delaying tactics, Fisher received countless communications from headquarters telling him to conform to complicated guidelines that prevented early publication. The FWP wanted all of the state guidebooks to be uniform in many details of format, but memoranda sent to the state directors were contradictory and likely to be rescinded shortly after being issued. Many directives were completely unworkable. At one point, headquarters insisted that each of the guides begin describing "tours" of their state in the north and work their way south, which happened to be impractical for a tour of Idaho because most of the traffic in the state flowed from south to north and, accordingly, the forestry service had placed all of their signs so that they only faced travelers coming from the south.

State directors like Fisher were expected to sit around collecting their paychecks until they received the go ahead to publish.

"I don't like all this bewilderment of orders that rescind orders or contradict orders," Fisher complained to Cronyn. "The discrepancies in the various instructions we have received leave our finance administrator throwing up his hands. What I want is explicit and irrevocable orders to go ahead as I was first instructed to or an invitation to resign." Fisher got neither. Nor were such arbitrary directives aimed at Fisher alone. Taber quotes a verse from a California FWP writer:

> I think that I have never tried
> A job as painful as the guide,
> A guide which changes every day
> Because our betters feel that way.

Alsberg dismissed Fisher's complaints, saying that the state guides must be uniform without any exceptions. He would later answer a House inquiry into why the FWP had produced only one guide after nearly two years: "The tour form is a difficult form. It is like a sonnet." This is as if the tour form's complexity, having been set for four centuries, was beyond his control.

Editors at the national office even wanted to change the text of the Idaho guide in ways that were factually incorrect. They told Fisher that the Grand Teton National Park is in Idaho (it is entirely in Wyoming). Alsberg told Fisher that there could be no "unusual natural bridge" near Arco, Idaho because "consultants in Washington [D.C.] know nothing of the bridge east of Arco and doubt that it can be particularly unusual inasmuch as they were unable to find anything on its existence." Fisher answered, "Well let the gentlemen try again. The bridge, on the contrary, is one of the most remarkable natural phenomenon in the state and we shall have a photograph of it in the Guide — if we have a Guide."

Fisher was not only hectored about style and geographical facts. He was censored when he wrote about union violence in Idaho 30 years earlier. Headquarters worried that such material might be construed as being unfavorable to labor unions. Yet the FWP let the Massachusetts guide include a leftist account of the Sacco and Vanzetti case, which got the FWP in trouble with the House Un-American Activities Committee and led Alsberg to set up an official system of censorship. Fisher was also told that he could not include pictures of Idaho potatoes in his state's guide because that might be regarded as excessive boosterism.

While FWP higher-ups viewed Fisher as oppositional, he was actually a team player when a task contributed to the accomplishment of the project's goals. Alsberg and Fisher both contacted Idaho Gov. C. Ben Ross, who asked the state's forest supervisors to provide technical help and tourist information to the Writers' Project. In spite of Republican opposition to the WPA and FWP, Fisher, a political independent who understood their skepticism all too well, succeeded in reassuring many that he did not intend to let the Idaho Writers' Project become a boondoggle. He found it most effective to appeal to state and regional pride against the arrogant East by making his disagreements with headquarters known to local politicians, newspaper editors, and chambers of commerce so that they could send their own complaints to Alsberg. This ultimately served the purpose of the FWP, however, by turning principled opposition to spending any tax money at all on the project into opposition to the mismanagement of the project from Washington, D.C. In enlisting the help of skeptics, Fisher must have made many of them forget about their principled objections to the whole project and imagine themselves to be helping to eliminate government waste. By August of 1936, Fisher could report that "not even the most invincible Republicans of this state believe that this project has been one of boondoggling."

"Don't take it seriously. It is not intended that we should achieve anything but only that we should put the jobless to work so they will vote for Roosevelt."

Although he may have rationalized his participation in the federal bureaucracy by focusing on the goal of actual, timely publication of a guide, Fisher's seduction by the leviathan was hardly complete or painless. In the novel, he tells a story that, although not confirmed in my nonfiction sources, is included here because so much else that is outrageous in the novel turns out to be true. In mid-1936, "Maxwell Cahan," the fictional Alsberg, calls all of the directors to a conference in Salt Lake City. The novel's Idaho director writes a letter to his wife from Utah:

What a damned innocent naïve thickwitted hillbilly I am! I traveled by the cheapest means; ate sandwiches on the train; checked in at a second-rate hotel, all to save public funds; and though I was not able to verify this I was told (1) that the California directors (two short fat fellows built like barrels) came by special plane; (2) that after two or three days of it they quit in disgust and chartered a plane to fly home (I'd like to see their offices down there!); (3) that most of the directors, some with entourage, demanded only the best accommodations (I can say this, that I was invited to one of the parties and saw some of the directors so stinking drunk that they didn't know whether they were in Zion or Stalin's Utopia). A rumor went around that our boss himself got bored with Mormon food and took off for San Francisco. I know this, that he vanished; that a full-dress meeting was called for ten one morning and the boss was not there, nor did any of us see him again before the conference adjourned. I guess I was the only one in the whole damned outfit who misunderstood the purpose of Mr. Harry Hopkins.

Thousands of dollars were absolutely squandered, while so-called public servants drank and wenched and raised hell. Not a single iota of good was accomplished — and at last I have got it into my simple Antelope Hills head that accomplishment was no part of the purpose. The boys and girls just got together at public expense — and I stood around and watched them, who only three or four years ago actually wondered if Communism might be a good thing!

The moment is an epiphany for Hunter:

Filled with disgust, shame, and anger he returned to Idaho, believing that his disillusionment was now complete. Those who founded the American system, he told himself, had not been foolish idealists like him, but wise men, not cynical but knowing; not without faith in the future of mankind, but without faith in any man when given too much power. They had known, even more than Lord Acton was to know later, that absolute power corrupted. Looking back across the empires that had risen and fallen, they had known that the power to tax was the power to destroy. They had known that restless itch in most people to manage the affairs of other people — and their inordinate vanity — their incredible capacity for self-deception. These things he told himself, riding back on the bus.

Fisher's disillusionment never led him to abandon his original promise to publish a guide to Idaho with all due speed. Such ambition was rare in the FWP. Well over a year after the beginning of the FWP, only a tiny bit of local and no statewide material had been published. On Sept. 23, 1936, Fisher told Alsberg's office that Caxton Printers, under the management of J.H. Gipson, would publish *Idaho: A Guide in Word and Picture* by Jan. 2, 1937. Alsberg told Fisher to go ahead, but the Washington, D.C. staff spent the next three months quibbling and demanding text revisions. Toward the end of October, Fisher received harassing telegrams and letters from Alsberg and Cronyn questioning the suggested price of the guide and demanding 439 revisions of the tour of the state; threatening to withhold authorization for publication if their demands were not met. By this time, Fisher fully understood that Alsberg wanted the District of Columbia to produce the first guidebook, followed by the "most important" states. State directors like Fisher were expected to sit around collecting their paychecks until they received the go ahead to publish. This offended his work ethic, and he reiterated his pledge to produce a guide for the state of Idaho before any other state.

Alsberg put Cronyn on a train for Boise to tell Fisher and Gipson face-to-face that they were not to publish until they had made "two thousand changes, corrections, and additions." Fisher picked up Cronyn at the train station on Nov. 7. The story in *Orphans in Gethsemane*, the gist of which Fisher later confirmed to be true, has Hunter and "Reuben T. Rhode" (Gipson) drink whiskey-colored water while "Bingham" downs Rhode's best whiskey. In perhaps the funniest scene in the novel, an inebriated Bingham reviews photographs intended for inclusion in the guide, rejecting nearly every one by sailing it across Rhode's dining room. The two Idahoans humor all of Bingham's demands and then load him onto the midnight train for D.C.

Hunter's secretary asks him the next day:

"What'll he think when he sobers up?"

"He may decide he's not quite the man of destiny he thought he was.

"What'll Harry Hopkins do?"

"He's too busy trying to make the Social Register to do anything."

Once back in the nation's capital, Cronyn did send further instructions. He wanted Fisher to make half of one tour north to south and the other half south to north. Kellock, the project editor who dreamed of the government becoming the "unfailing patron" of "masterpieces," continued to issue numerous tour-form revisions of her own (though she might have been sending hers to all of the state directors, not just to Fisher). Without paying any further attention to these bureaucratic absurdities, Fisher and Gipson went ahead with the Idaho guide. It was published — complete with the forbidden pictures of potatoes — in January 1937, and Fisher had personally written 374 of its 431 pages.

The national office told Fisher that the Grand Teton National Park is in Idaho and that there could be no "unusual natural bridge" near Arco, Idaho.

Alsberg and his staff changed their tune once the book was published, praising Fisher and his work. Naturally, Alsberg was willing to shoulder his share of credit, too. Two principle motives for Alsberg's embrace of the insubordinate Idaho director soon became obvious. Sen. Pope had warned Alsberg that it was "paramount" that the FWP publish a guide by the time Congress met in January 1937. Remarkably, it seems that it was not until Congress actually began asking questions about what the FWP was up to that Alsberg took Pope's warning seriously. Suddenly he needed the Idaho guide, the only evidence he had that the American Guide Series might fulfill its goal. Alsberg had to put the best face on Fisher's insubordination when literary critics began praising the Idaho guide in the leading newspapers and magazines. Bernard DeVoto, in the *Saturday Review of Literature*, called it "an unalloyed triumph." Bruce Catton

declared that not only the FWP but the WPA had "justified itself abundantly. . . . Less than $15,000 was spent on the book from first to last. . . . [N]ot merely a comprehensive and readable guide to the state of Idaho . . . ; it is actually a bit of literature, worth reading for its own sake and reflecting vast credit on everybody concerned." Someone fed Catton incomplete numbers; Taber says that the cost of the Idaho guide was well in excess of $16,000. (He also estimates that the FWP spent a total of more than $27 million and that the average state guide cost $100,000 to produce.)

Alsberg made sure that copies of the guide were sent to all of the state directors. He even circulated a four-page summary of the largely positive press reviews; but he also complained to a WPA superior, " . . . Fisher, who is a well-known novelist, was rather obstinate in his insistence on doing things his own way — in fact, we had a constant struggle with him to make him adhere, even to the extent he has, to the prescribed forms." In the novel, Hunter visits D.C. and learns that around the national headquarters "Cahan" (Alsberg) calls him "my bad boy."

Fisher must have made many of them forget about their principled objections to the whole project and imagine themselves to be helping to eliminate government waste.

Alsberg let Fisher stay on long enough to prepare two more books, *Idaho Encyclopedia* (1938) and *Idaho Lore* (1939), for publication. Then he promoted Fisher to director for the Rocky Mountain Region. Essentially, this thankless position required Fisher to do other state directors' work for them (that is, where there were active state directors) but left him with no say as to how or whether any of the material would be published. In Fisher's novel, much of Hunter's research notes and writing for other states ends up in the trash.

Fisher resigned in 1939. That same year the WPA, including Federal One, lost much of its funding. Many of its responsibilities were transferred to other agencies. The Theater Project was dismantled altogether. The Works Progress Administration and Federal Writers' Project underwent name changes, becoming, respectively, the Work Projects Administration and the Federal Writers' Program. Alsberg also left his position as director of the FWP in 1939. (Harry Hopkins had already left the WPA in 1938 to become Secretary of Commerce.) Under Fisher's successor, the Idaho Writers' Program floundered until 1940 when it finally died. Meanwhile, other state Writers' Programs continued with partial local funding until June 1943 when the WPA officially ended.

A few state FWPs went on after 1943 with strictly local, sometimes private support. (Lyle Saxon, director of the Louisiana Writers' Program, who published a state guide in 1941, did not publish his state's book of folklore, *Gumbo Ya-Ya*, until 1945.) In many states, city and county guides for the populated urban areas were published as early as 1937, but much local material never was. "Many of these works were never printed because the local sponsoring agencies lost confidence in the projects, often due to controversial passages." Also, thousands of oral or "life" histories were collected and shelved without publication.

Schindler-Carter writes, "The making of the American Guide Series was deeply troubled by staff incompetence and personal anguish and anxiety of the workers, while at the same time it succeeded in fostering creativity and mental recovery." The inconsistency of this statement is heightened in view of Vardis Fisher's experience. His troubles with staff incompetence and personal anxiety were caused by the same FWP directives that tormented all state directors, ordering them to hire useless workers and micromanaging the writing and editing of their state's guides. Fisher's attempts to function in his job, let alone to be creative, were frustrated so often that he repeatedly threatened to resign — and finally did. "Mental recovery," clearly, was what took place after one quit the FWP.

Would Fisher have been better off had he found some other way to support his family? Remarkably, while Fisher worked on the Writers' Project, he found time to write two novels (which, I suspect, kept him sane). One of these, *Children of God: An American Epic*, which was a historical novel about the Mormons, won the 1939/1940 Harper Prize for best novel. Besides receiving a cash award, Fisher got to see the book promoted throughout the United States and other countries. Fisher was also able to turn his experience with the WPA into one of the more entertaining sections of his last autobiographical novel.

A better question is whether it would have been better had Fisher not been around to make the FWP look good in January of 1937. Political graft had been exposed in the Kansas Writers' Project, Ohio and other states had gone through successions of do-nothing state directors, and Congress wanted to know why so much money was being spent on so little. Later that year, four New England states came through with their guides but, at the outset of 1937, all the FWP had to show for itself was a short book on hiking in Pennsylvania and the Idaho guide. Without Fisher, one wonders whether the boondoggle might have been closed down much sooner than it was.

Fisher's later thoughts on the value of his government service are oddly mixed. Referring to the FWP, he complained, "the cost was ridiculous" and, as a rule, "subsidized art becomes propaganda in support of the government in power." On the other hand, he told a historian in 1967 that "Government is waste, but if we can get a percentage of our tax money back in productive things or things which add not only to the economic but to the cultural life of the nation we should be glad for it." Fisher even called the FWP "a magnanimous gesture." I know of no other positive words about big government programs attributed to Fisher. Certainly there are none in his novelistic account of his experience. Perhaps, after 30 years, Fisher still indulged in the same rationalization that must have motivated him during his time at the WPA.

A fitting postscript: All of the states published their guides between 1937 and 1941. Several cities also published local guides within that time frame (Philadelphia in 1937 and New York City in 1939). *Washington, D.C.: A Guide to the Nation's Capital* was not published until 1942. ❑

Reviews

The Lord of the Rings, Part I: The Fellowship of the Ring, **New Line Cinema, 2001.**

Lord of the Epic

Stephen Cox

At this moment, the most popular film in the world is *The Lord of the Rings*. This is a remarkable phenomenon — more remarkable, indeed, than the intrinsic properties of the movie itself, which will be discussed in due course. For now, suffice it to say that nothing within the film, including its sumptuous special effects, accounts for the intense public feeling. Judging by the favorable press reports, the long and loud preliminary buzz, and what I saw and heard in the opening night crowd, the public's interest in the film is largely attributable to the public's interest in the book on which the film was based.

Very few books have this kind of draw, and nobody could have predicted that one of them would turn out to be J.R.R. Tolkien's novel, published almost a half-century ago. *The Lord of the Rings* is not a thrilling romance, à la *Gone with the Wind*. Neither is it a frolicsome story of myth and magic, à la *Harry Potter*. It is, indeed, a book of myths and "fantasies," but the fantasies are very sober stuff, and the myths were invented, not to create a certain quantity of fantasy effects, but to pursue a deeply private obsession with, of all things, historical linguistics.

When he was a very young man, Tolkien (1892–1973), later Merton Professor of English Language and Literature at Oxford University, began inventing languages. Not content with evolving mythical tongues, he evolved a mythical history to explain them. This, so far as I know, is something that nobody else ever did, at least in grand and plausible detail. (For a detailed treatment of Tolkien's languages, visit Helge Kare Fauskanger's website "Ardalambion": http://www.uib.no/People/hnohf/.) The languages worked like real languages, and the histories worked like real histories. True, Tolkien's stories pertained to hitherto unknown races, but they had both the generality and the specificity of veritable history. Within them, continents rose and fell, empires flourished and decayed, and individual beings lived and loved and seemed to work out their own destinies with the inexhaustible particularity of actual human choice — despite the fact that it was all happening within the imagination of one homely, fussy, modern young man.

Now, this young man's imagination, as it happened, had a strong Victorian tinge, which was another thing that, one might predict, would distance his literary publications, if any, from the interest of either our century or his own. Tolkien, a very devout Christian, excluded all religious observances from his imaginary world, because religion was too serious a subject to transform into fantasy. But if God does not appear in Tolkien's "Middle Earth," the moral forces that his contemporary Rudyard Kipling called "the gods of the copybook headings" are omnipresent there. Good is good, evil is evil, and if there is any determinant of history, it is stern moral struggle, not technological innovation, industrialization, class warfare, or any other purely secular development.

While Tolkien was working out the course of moral struggle among his imaginary families of elves, dwarves, ents, Numenoreans, and so forth, other writers, people like Hemingway, Sartre, Freud, Proust, and Mann, were working on their own, very different projects, and it is easy to see why their concerns were regarded as characteristic of their century, and Tolkien's were not — at least by the intellectuals who were self-appointed to judge such things. This was a handicap. It is safe to say that during the first 40 years or so of Tolkien's work on his own mythology, there was nothing less fashionable than what he was interested in. An even severer handicap was Tolkien's way of constructing his stories, which he often elaborated as if they could stand on their own as histories, without the benefit of any particular literary charm or concession to accessibility.

This was strange, but then a stranger thing occurred. Tolkien found a way to translate his highly individual obsessions into the form of a popular novel.

Bear in mind that his obsessions were not about sex, money, drugs, nuclear weaponry, or any other remotely popular topic of obsession. They were about the evolution of

Quenya and Sindarin, languages spoken by immortal beings called "elves" in some era of history that had never happened. Bear in mind, also, that no other author, not even Joyce, Faulkner, or the Marquis de Sade, was ever obsessed in as much detail and with as many complications as J.R.R. Tolkien was obsessed. Yet few authors have awakened as much instinctive sympathy in the breasts of ordinary readers as Professor Tolkien.

How did he do it?

He did it by reverting, as instinctively as his readers, to a story-mode supposed (again, at least by the intellectuals, who are always supposing things) to be virtually extinct. He returned to the epic.

By "epic" I do not mean what is implied by movie trailers that announce yet another EPIC MOVIE OF OUR TIME. "Epic" means more than "big." "Epic" means more than "long." An epic is a narrative that embodies, in the adventures of an heroic character, the life and ideal values of a civilization. Originally, it was a long narrative poem.

Now, epics, as Isabel Paterson said about literature itself, are "not to be expected every minute." In English, the last great exemplar of epic poetry was John Milton's *Paradise Lost* (1667). There have been many modern attempts at revival, some of them good or at least interesting, such as Thomas Hardy's *The Dynasts* (1903–1908) and Stephen Vincent Benét's *John Brown's Body* (1928). There have been many poetic efforts that attained "epic scope" but lacked any gift for epic narrative: Goethe's *Faust* (1790–1831), William Blake's *Jerusalem* (c. 1821), Walt Whitman's *Song of Myself* (1855), Hart Crane's *The Bridge* (1930), to name a few. By the mid-18th century, however, narrative expectations had been transferred to prose, and to the novel. Whether these expectations could be fulfilled or not depended in large part on the interest that an author took in the ancient techniques — dating back to the Greek poet Homer (c. 750 B.C.), who seems to have discovered them — that can be used to weave the many small details of life into one vast fabric of meaning.

Find a character who embodies your ideals. Find a story that challenges him to act up to those ideals, against all opposition, external and internal. Begin in the middle of the story, at some crucially interesting point, so that your work has focus from the very start, then use a multitude of flashbacks to show how matters ever got to that exciting juncture. Throw your character into situations that force him to learn everything that's important about the world he inhabits. Send him on a journey in which he meets a multitude of other characters, each of them mirroring either his problems or the possible solutions to his problems, and each of them, like a magic mirror, having some story of his own to tell. Then leave the story, as you found it, at some crucial, but this time some definitive, point.

The Lord of the Rings, Part I: "The Fellowship of the Ring"

New Line Cinema

Directed by Peter Jackson

Screenplay by Fran Walsh, Philippa Boyens, and Peter Jackson

From the novel by J.R.R. Tolkien

Starring:
Frodo: Elijah Wood
Gandalf: Ian McKellen
Sam: Sean Astin
Bilbo: Ian Holm
Aragorn: Viggo Mortensen
Saruman: Christopher Lee

Those are the techniques of Homeric narration. Those are the techniques of the epic novel, wherever that form is practiced.

In the 20th century, it has been practiced less and less by "serious" authors — partly because the theory of high art in the 20th century tended to discredit traditional techniques, even when they worked, and partly because much of 20th-century experience seemed to indicate that life could not fairly be represented as an incomparably rich but perfectly organized story. The general opinion was that life was more like a series of unfortunate chances, and that art should represent that reality, instead of seeking to "evade" it by means of its own contrivance.

Such opinions were sheer nonsense to Tolkien, not because he himself had escaped the century's accidents (he was a soldier on one of the bloodiest battlefields of World War I), but because of his peculiarly conservative aesthetic sensibility. He was obsessed not with accident but with order. The often wild improvisations of his mythical histories were so many wild thrusts at the discovery of an underlying organization of things. But what kind of literary order was best able to communicate his myths to other minds?

It wasn't the suave Homeric epic that appealed to him, temperamentally; it was the rougher, blunter epics of the Germanic peoples (e.g., *Beowulf*, about which he was his century's greatest and most perceptive literary critic). He was strange enough even to deny that *Beowulf* is "an 'epic' . . . No terms borrowed from Greek or other literatures exactly fit." While he was shaping *The Lord of the Rings*, however, something happened that almost never happens to either an obsessive (which he was) or a bigoted devotee of one form of literature (which he also was, and almost every author is). What happened was that he was kidnaped by common sense — and common sense finally led him to adopt the Homeric wisdom. Out of his vast lumber room of unsalable myth Tolkien extracted enough materials to build a great story, as Homer had done with the endless treasure rooms of myth that were available to him for the construction of the *Iliad* and the *Odyssey*. Then Tolkien shaped his story in the Homeric way.

Here is the story. There exists a ring, a ring forged long ago, before this age of the world, and in it is imbued the spiritual power on which this world subsists — enough of that power, indeed, to control the world. For Tolkien, as for any conservative moralist from Homer to the Victorians, only one set of conclusions can be derived from a statement like that. Total control must lead to total slavery. If you are evil, you will want to possess the Ring; if you are good, you will want to destroy it. The attempt to destroy the Ring is the great adventure of Tolkien's epic. As in many ancient epics, the adventure is a quest, and in

its course the person charged with it becomes increasingly isolated. Tolkien's hero roams the wide world, meeting characters who mirror, oppose, or instruct him, and who work their own stories into the story of his quest. But his decisions remain his to make, alone.

The desperation of his adventure is emphasized by the new turn that Tolkien gives to the old idea of the quest itself: In *The Lord of the Rings*, the quest is not an effort to gain something but an effort to lose something, to lose, indeed, the greatest prize in the world. Tolkien gives a similarly ironic emphasis to his choice of hero. The hero is not a mighty man of valor but a "halfling" or "hobbit," a diminutive manlike creature who steps forward to undertake the quest in full knowledge of the odds against his success. The goal of his journey is the citadel of the evil Lord who lost the Ring, 3,000 years before, and who is now trying to get it back. Quest and counterquest, and an encircling order: The Ring must come back to its place of origin, either to be destroyed, or to destroy all else.

Tolkein's myths were invented, not to create fantasy effects, but to pursue a deeply private obsession with, of all things, historical linguistics.

Here, indeed, is an epic enterprise; here, indeed, is an epic embodiment of individual virtue, exerted in a great and crucial cause. And here, indeed, is one of the world's great stories.

As in Homer's epics, the main story begins *in medias res*, at a dramatic moment in the middle of things. It begins at the crucial point where the halfling understands that he is possessed of the One Ring and must do something about it; an apparent accident of history must yield to some shaping plan. And, as in Homer's epics, the story ends at the point, the rather mysterious point, where the audience is willing to relinquish the adventure, realizing that the adventure has assumed its final shape. (For the benefit of people who haven't read the book, I won't divulge where that point is, but it's not where you might think it is.) Along the way, many other stories are told as they prove useful in explaining or extending the main story; and these stories evoke still other stories, stories of ever more distant lands and ever more distant eras — but all of them are curiously related, as stories of real life always are, and all of them swell up, as stories of real life always do, if you let them, into a climactic image of the world as it really is.

Except, of course, for one thing . . . Tolkien's world isn't literally *this* world; it is "Middle Earth." The name itself went out of fashion in the 11th century; the geography, Tolkien suggests, was "altered" even further in the past, along with its population. Tolkien's Middle Earth contains many more races of thinking beings than our own (this is where the elves and dwarves and ents come in), and many more varieties of "power." Much the same could be said of Homer's world, of course, but Tolkien's is in certain ways much closer to our own. The central character, the halfling Frodo Baggins, is basically a nice young English gentleman; his friends are like that, too, except for some, who are irascible old English gentlemen. It's hard to warm up to Odysseus when he's priding himself on his ability to lie or having his wife's maidservants slaughtered, but it's not hard at all to warm up to Tolkien's morally worthwhile characters. They are, in every psychological sense, modern people.

His villains are largely modern people too — power-drunk dictators such as Sauron, power-corrupted intellectuals such as Saruman, and a host of "orcs," soulless, Nazi-like thugs. This does not mean that Sauron is an allegorical stand-in for Hitler or Stalin. Things didn't work that way in Tolkien's imagination. Sauron is, in fact, debased by the comparison. But the world of *The Lord of the Rings* is close enough to our world to constitute a perpetual temptation to people who would like to dodge across the border and escape.

That would be great fun, if you could manage it without getting caught by Sauron the Great. The fact that none of the thousands of semiprofessional participants in Tolkien role-play has ever, so far as we know, been eaten by orcs or heaved alive into the Cracks of Doom is sufficient indication that the Tolkienish world to which they escape is not precisely the world of *The Lord of the Rings*. Nevertheless, there is no doubt that Tolkien's work is vulnerable to the charge of escapism, if only because reading *The Lord of the Rings* actually does enable one to escape temporarily from a world in which the heroic enterprise of a given year may be nothing better than a doomed attempt to escape the unblinking eye of the IRS.

And "escapism" is a serious charge. For almost 100 years, the word has been one of the dirtiest in the literary critic's vocabulary. It is interesting, though, that escapism never seems to have been much of an issue at any other time. Up until the 20th century, as it appears, everybody always knew that when one reads a book or sees a picture that represents some ideal of human life, one is necessarily "escaping" out of one's normal circumstances — and so what? Obviously, one is escaping *from* something, but one is also escaping *to* something. So long as the escape is well-conducted, so long as one escapes from something less intensely meaningful to something more intensely meaningful, who cares? That is the ordinary attitude of humanity toward this mighty question. But it didn't prove sufficient for the 20th century. In that century, *The Lord of the Rings* became a battlefield in the long, dreary war between "escapist" literature and literature supposedly possessed of what American courts used to call "socially redeeming value."

Tolkien, a very devout Christian, excluded all religious observances from his imaginary world, because religion was too serious a subject to transform into fantasy.

The conflict was often politically charged. Political activists have always believed that any book that fails to rub one's nose in social reality as they define it is *ipso facto* "escapist," no mat-

ter how far from reality their own notions may actually be. Thus, leftist critics of the 1930s persecuted Willa Cather, Thornton Wilder, and a host of other distinguished writers because they failed to attain the standards embodied by such communist nonentities as Michael Gold. And Cather and Wilder at least wrote about the world we know; Tolkien wrote about Middle Earth, which was a hundred times worse offense to social realists — to those social realists, at any rate, who considered him worth the passing tribute of a sneer.

Tolkien's Middle Earth contains many more races of thinking beings than our own, and many more varieties of "power." Much the same could be said of Homer's world, of course.

About the outraged opponents of escapism, Paterson long ago made the definitive judgment: They want to make sure that no one ever escapes from *them*. She also pointed out that the measure of literature's success is its ability to evoke the real and present world, and yet to escape far enough from that world to attain "perspective" on it.

Does *The Lord of the Rings* attain perspective?

The answer is an emphatic yes. And here, in fact, we appear to have found the major reason for the book's immense and long-continued popularity. *The Lord of the Rings* not only attains perspective; it attains a variety of perspectives, and it shows that those perspectives can be maintained harmoniously.

The great story of human life can be told from many points of view. For some, it is a story in which people are always trying to find their counterparts; it is thus a story of families, friends, alliances, parties, political causes. For others, it is a story in which people try to assert their independence; it is a story of loners, outcasts, exiles, pioneers. For some, the important story is one in which people try to do something that no one has ever done before; this story depends for its life on the great innovators and inventors. For others, it is a story in which people try to maintain earth's ancient, necessary ways; this story draws its strength from the great nurturers, commanders, and resisters of change. For some people, the big story is one in which somebody tries to get something he wants; for others, it is one in which somebody tries to get rid of something that nobody ought to want. The list might be extended: The point is that these are more than just stories; they are accounts of the real motives of real people, motives that can be seen if we look beyond the superficial details of daily life and seek to discover the pattern of life as a whole.

Nor are these stories necessarily independent of one another. The motive of my life may be to find the strangers who should be friends, and simultaneously to win my independence from the friends who should be strangers. My motive may be, as a great storyteller once said, to "lose" my life, so that I can "find" it again, and find it "more abundantly." Correctly understood, these need not be contradictory impulses or opposing stories.

It is enough for a great book to attend to one type of story and attain to one type of perspective, but *The Lord of the Rings* attains to many more than one. Its protagonist separates himself from all normal human contact; he also finds, for the first time in his life, the true fellowship of his peers. (The initial installment of the three-part movie, like the initial volume of Tolkien's three-volume book, is called *The Fellowship of the Ring*.) The protagonist has to perform a new and unexampled deed, in order to save as much as possible of Middle Earth's traditional ways of life. The protagonist has to find a whole new world, within and without himself, and make it his own, so that he can surrender his and the world's most important possession, the Ring of Power.

Reading The Lord of the Rings *actually does enable one to escape temporarily from a world in which the heroic enterprise of a given year may be nothing better than a doomed attempt to escape the unblinking eye of the IRS.*

This harmony of apparently divergent stories and perspectives expresses a truth that is often missed in a world — our own, 21st-century world — that gyrates unhappily between dogmatism and relativism: All perspectives are useful if they allow us to see essential truth. Tolkien said something analogous to this at the climax of his famous essay on Anglo-Saxon literature, "*Beowulf*: The Monsters and the Critics" (1936). Discussing the diverse and purportedly shoddy materials of

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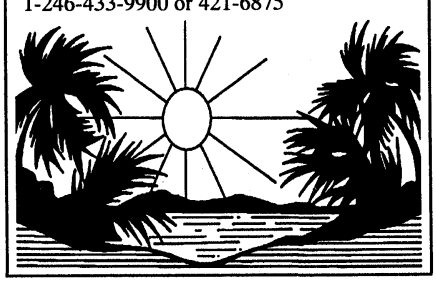

which the *Beowulf* poet constructed his poem, Tolkien likened its creation to the building of a tower. Other people, assuming that they are brighter than the builder, murmur against it, not realizing that "from the top of that tower the man had been able to look out upon the sea." The sea really exists; it is an objective reality, but knowledge of the sea can be reached in a number of ways. The important thing is to reach it.

How much of Tolkien's lofty vision asserts itself in the film? Not all of it, certainly. Even though the segment currently released takes three hours and represents only the first third of a work that will not be fully released until the end of 2003, no film could ever deal adequately with the complexities of an epic novel. Much is omitted, but to the credit of the filmmakers, no essential fact or perspective is changed. This is one of the miracles of film history. Ernest Hemingway may be famous for his clean-limbed plots and sparkling dialogue, but that hasn't kept the dramatizers of his stories from fudging up his plots and supplying their own lame dialogue. The usual premise of adapters-for-film is that of Howard Roark's uninvited architectural collaborators: "We want to express our individuality, too."

Elijah Wood as Frodo is about the best that could be desired — young but strangely finished-looking; mysterious, but mysterious in a strangely obvious and concrete way.

Epic complexity cannot be reproduced in film; but epic scope can at least be suggested, if only in such magnificent visual effects as those with which this film abounds. The sweeping mountain vistas, the evocations of the Byzantiumlike city of Gondor, the stunningly beautiful scenes of war, provide strong evocations of much that cannot be rendered in dialogue. The film's opening sequence, the Battle of Dagorlad, offers some of the most astonishing effects I have ever seen.

Every admirer of Tolkien has found problems with some of the movie's characterizations. To put the complaints in Patersonian terms, some of the characters are accused of a failure to attain perspective. They look too much like the guys next door. Galadriel, the lady of the elves, is far too commonplace, until the climax of her big scene, when she's far too weird. Aragorn is too conflicted and insecure, too much the literal exile, too little the ideal king. Boromir, the good man who stumbles in his pursuit of power, seems more dumb than tragic. Frodo's hobbit friends lack the small-town social status that Tolkien respected and gently satirized.

These complaints are well taken, but they are complaints about the mantle, not the core. Elijah Wood as Frodo is about the best that could be desired — young but strangely finished-looking; mysterious, but mysterious in a strangely obvious and concrete way. Ian McKellen as the wizard Gandalf isn't quite as well cast, but only Alec Guinness was truly suited for that role,

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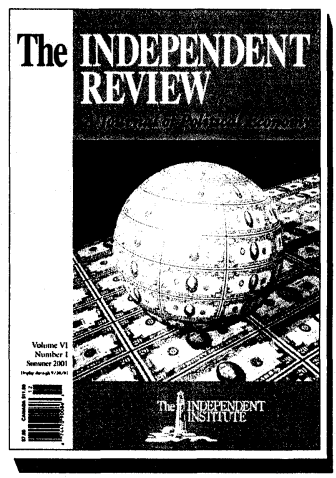

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and McKellen is close enough. Christopher Lee would be a consistently impressive Saruman, if his powerful characterization of the intellectual-turned-politician weren't overshadowed by the dumb physical activity, approaching comedy, of his battle with Gandalf. This is the least Tolkienish part of the movie. Look: Nobody wants to see wizards twirling around on the floor.

In general, the film relies too much on purely physical struggle, which is far from the major emphasis of the book. Aragorn and his friends should not be playing kung fu with multitudes of orcs and ring-wraiths; you can't attain perspective on reality if

The film relies too much on purely physical struggle, which is far from the major emphasis of the book.

you abandon reality completely. Fortunately, however, these objections pertain largely to the physical details of certain scenes; people who care about the meanings of Tolkien's book can simply close their eyes when those things happen, as people often have to do, even when they're having sex. The great things are still there — the epic framework and the ennobling idea, implicit throughout the Western epic tradition, that the fabric of the world itself can be affected by the choices of individual men and women.

There is a scene in *The Lord of the Rings* in which the protagonist struggles to decide whether to use the Ring or not.

> The two powers strove in him. For a moment, perfectly balanced between their piercing points, he writhed, tormented. Suddenly he was aware of himself again. Frodo, neither the Voice nor the Eye: free to choose and with one remaining instant in which to do so. He took the Ring off his finger.

This is perhaps the deepest existential reality in *The Lord of the Rings* — the resistant strength of the individual mind. Behind and beneath the mighty forces sweeping Middle Earth, the individual mind is always working.

Indeed, this is the secret of evil as well as good in Tolkien's epic. T.A. Shippey, author of the state-of-the-art book in the field (*J.R.R. Tolkien: Author of the Century*, Houghton Mifflin, 2001), accurately observes that the Ring operates by getting "a hold on people through their own impulses, towards pity or justice or knowledge or saving Gondor, and gives them the absolute power that corrupts absolutely" (p. 138). From Tolkien's point of view, there's nothing wrong with any of the goals just listed, but there is something wrong with the individuals who cherish them, and the Ring exploits that individual weakness.

It's noteworthy how little is vouchsafed or attributed to ideology in *The Lord of the Rings*, how little explanation is provided by recourse to a general system of thought, as opposed to individual values and choices. Perhaps Tolkien's strange obsession with linguistics tended to repress an interest in other general systems; perhaps his inability to apply his Roman Catholicism directly to the issues at hand tended to leave his characters freer to operate; but for whatever reason it happened, rational beings are always seen as individuals in *The Lord of the Rings*, and praised or blamed on that basis. That freedom, once granted, extends to the reader, too. Because Tolkien offers imaginative myth, not religion or political ideology, readers are free to exercise their own degree of imaginative freedom. As Shippey says, "Myths are what is always available for individuals to make over, and apply to their own circumstances" (192).

A final question may therefore be posed: How much freedom does the *film* version of *The Lord of the Rings* allow to its characters and its viewers? The answer is, Very much indeed. It would have been easy to use the camera to suggest that the central characters are merely specks on the landscape, but the wealth of closeups, the close attention to the human (or humanlike) face and form and to objects of human scale, prevents any such lingering impression. It would also have been easy to interpret Tolkien's epic as if it were in fact an ideologized comment on modern times, much in the way that, for instance, Wagner's operas are staged as if they were about the struggles of labor and capital in the 19th century. So far in this three-part film, nothing like that has happened. The story remains a true epic, a true expression of mythology, and a true vehicle of escape to loftier perspectives on the nature of human life. ❑

***The Skeptical Environmentalist: Measuring the Real State of the World*, by Bjørn Lomborg. Cambridge University Press, 2001, 515 pages.**

Litany of Errors

William Merritt

Bjørn Lomborg did not believe economist Julian Simon's well-known claim, and set out to prove that it was simple American right-wing propaganda. No one could have been in a better position to set the record straight. Lomborg is an associate professor of statistics at the University of Aarhus in Denmark. And he is also, as he puts it, an old left-wing Greenpeace member who had for a long time been concerned about environmental questions. So he assigned ten of his brightest students to perform careful, statistical reviews of all sorts of environmental claims. And, everywhere his students looked closely, they came to the same conclusion. Simon was right: The air in the developed world is becoming less polluted, people in developing nations have more to eat, the world has more forest now than it did 50 years ago . . .

The first thing these conclusions led Lomborg to do was examine his personal beliefs. When he decided that it was his gut, not his figures, that was lying, he opened a debate in the Danish press.

His careful, systematic approach won the debate hands down. No honest observer who read the more than 400 articles, commentaries, and critiques that were published on Lomborg's work would ever again believe the standard pap put out by environmental organizations. Nevertheless, the only reaction from many environmentalists was complete denial.

From a public-relations point of view, Lomborg was at a disadvantage. Statistical analysis is arcane and complex, and even intelligent, committed people find it easier to rely on critiques of Lomborg's work than to actually to wade through his arguments. And environmentalists nudged readers down this path by providing critical

> The material conditions of life will continue to get better for most people, in most countries, most of the time, indefinitely. Within a century or two, all nations and most of humanity will be above today's Western living standards.
>
> I also speculate, however, that many people will continue to *think and say* that the conditions of life are getting *worse*.
>
> — *Julian Simon*

commentaries that made it easy to avoid his articles.

I doubt that *The Skeptical Environmentalist* is any easier than the articles from which it is drawn, but it is a good deal more convenient to have everything in one place. Three hundred fifty pages of statistical argument, followed by 150 pages of notes and sources, is not an easy read for anybody; even for those of us who suspect Lomborg is on to something important.

At bottom, *The Skeptical Environmentalist* is a lot like a good encyclopedia. You're not apt to read the thing from front to back but you do have access to some first-rate information. And it's going to come in very handy.

Lomborg decided that it was his gut, not his figures, that was lying.

In my case, when some of my more environmentally minded friends drop by for a beer and a harangue. Here's some of the stuff I'm going to surprise them with as soon as I can lead the conversation in the right direction:

The year the world caught fire: This is what the World Wide Fund for Nature calls 1997, the year the forests in Indonesia burned up, proving, to the WWF, that the world's forests are out of balance. In fact, 1997 was far from a record fire year and only about one percent of even Indonesia's forests were affected. What was affected was city dwellers who had a lot of smoke blown their way. And, when the news crews got hold of the story, the rest of us had a lot of smoke blown our way, too.

Half the world's species will disappear within the next 75 years: Greenpeace has been ballyhooing this statistic for years. The correct figure is more like 0.7% over the next 50 years.

Since 1940, chemical pollution has caused breast cancer to increase at the rate of 1% per year: If true, by 1996, this would have amounted to a 75% increase in breast cancer, yet the actual rate *fell* 18% during that period. The rates of colorectal, pancreatic, and ovarian cancer have fallen, too. Uterine cancer has dropped by two-thirds, and stomach cancer by almost 80%. Of all cancers, only lung and prostate show upward trends since 1940 — and both of these are down sharply since 1990.

The world is running out of fresh water: The fact is, there is plenty of water to go around. The problem is that the water is not going around far enough, and lots of people in the Third World still don't have access to clean water. But this is a problem of sanitation and of delivery infrastructure: exactly the sort of thing humans are very good at fixing with technology. And we are fixing it. Over the last 30 years, even with the doubling of the Third World population, the percentage of people with access to clean, fresh water has risen from 30% to 80%, and the trend shows no sign of slacking.

Tuberculosis is coming back: Since 1950, the rate of tuberculosis has fallen 89%, declining every year except 1985 and 1991. The tuberculosis scare statistics are based on figures for those two years only; information about other years is ignored.

Everybody is going to starve to death: Hunger is another problem we are fixing through technology. Since 1970, the number of people starving has dropped from 700 million to 330 million, despite a huge increase in population.

We are killing the forests: Since the late 1940s, the amount of land covered by forests has increased from 26% of the earth's surface to 32%.

We're all gonna fry: Global temperatures are up just short of .8% since 1856. But, in 1856, they were .4% below normal, so it's hard to say what the recent rise means. At the very least, we are no further on the warm side now, than we were on the cool side 150 years ago. And whether greenhouse gases have anything to do with this is not particularly well understood. A lot of the recent rise may have something to do with the sun's long-term energy cycles.

And there's more. Worldwide, infant mortality is down 84% since 1950, infectious diseases are down 90% since 1900, per capita real income has doubled since 1950, and illiteracy in the developing world has fallen 80% since 1910. For many scientists working with developing-country issues, it has long been difficult to reconcile findings from field studies in Africa, Asia, and Latin America with the pronouncements from environmental pressure groups in the industrialized world.

All research projects need to justify their budgets. Someone who investigates something and doesn't find a problem has investigated himself out of a job.

The question that hangs in the air is, why should this be? Lomborg spends an entire chapter suggesting reasons why we hear so much bad news. As he sees things, we get information on the environment from three sources: research, organizations, and news media. All three have reason to be biased in favor of bad news.

For one thing, all research projects

"It's agreed then. We'll destroy the environment."

need to justify their budgets. Someone who investigates something and doesn't find a problem has investigated himself out of a job. And an awful lot of environmental research involves taking measurements of things that have never been carefully measured before. So new findings turn up like periodic oxygen shortages in the Gulf of Mexico. Without any previous measurement, it's hard to know what, exactly, these fluctuations mean or whether they have anything to do with human activity. That they might mean something bad is always one of the possibilities. And it's the only one, of all the possible explanations, that is of much interest outside the scientific community. So it gets featured in the press.

Organizations have their own biases toward gloomy reporting. Once a scientific specialty gets rolling, it becomes very hard for a scientist within that specialty to challenge the premises upon which his field is based. Specialties that reach this point begin to create their own reality, like Freudian analysts manufacturing and curing neurotics. In the case of environmental research, the received wisdom is that things are terrible and getting worse. Otherwise, why would you need environmental researchers?

Of course, it's not just scientific organizations that play a role in what we hear. Environmental organizations have powerful interests in making sure their supporters continue giving them money to take care of penguins or possums or whatever, and that also plays a big role.

Similar dynamics operate in the mass media. For the news media to have an audience, news has to be interesting. Well-fed babies in Africa simply are not news in the same way starving kids in Ethiopia are news. So we never hear about happy, well-fed African babies.

Or the media can cherry-pick the bad news from a much more complicated event. Remember the fuss over El Niño in 1997 and 1998? All the talk was about weird weather and we were told how cities were bracing for the climate event of the century. El Niño was blamed for everything from mudslides in California to melting ski slopes in Colorado to the falling value of Disney stock.

But there was another side to El Niño you did not hear: The 850 fewer deaths from cold while the East Coast sunned itself through the warmest winter in memory, huge energy savings from lower heating costs, reduced damage from spring floods, and billions saved because, in 1998, not a single Atlantic hurricane hit the United States.

And, always, there is the matter of guilt. Guilt makes a story more personal, it lets the teller point the finger and, I suppose in liberal society, guilt is the preferred emotional state. Given a natural disaster that can remotely be tied to human greed or stupidity, newspeople can lay on guilt thicker than lard at a Southern fryoff.

So where does all this leave us?

It leaves us with a book. Hard as it is to argue against all the so-called authorities whose financial and personal biases fit so directly into a single, dystopic world view, at least Lomborg has given us some real authority to back up what a lot of us suspected in the first place.

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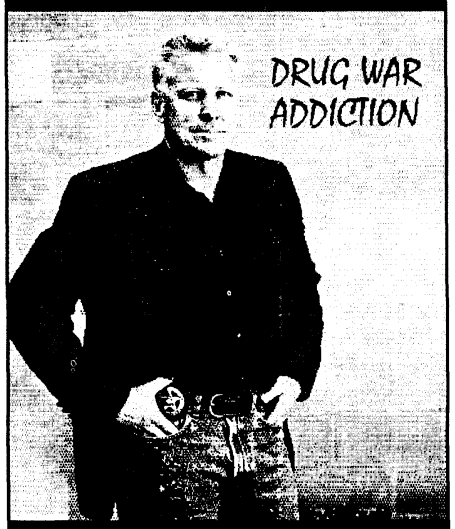

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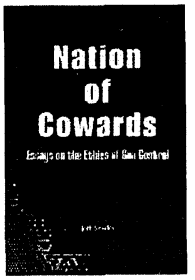

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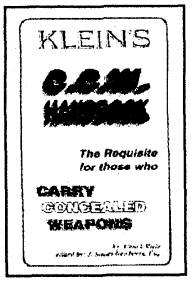

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***The Death of the West*, by Patrick J. Buchanan. St. Martin's Press, 2001, 308 pages.**

Go Forth and Multiply?

Bruce Ramsey

Patrick Buchanan argues that the drought of births in the West is a deep cultural change, persistent enough to foretell an implosion of white populations. He argues that the West will have to let in hordes of African, Asian, and Latin American immigrants to do its work and fund its pensions. And that will be *The Death of the West*.

He is not making up the numbers behind his argument. But he will be tagged as a racist — and a sexist and a homophobe — for this book because of the way he has written it. He has done it to irritate his enemies and to have his fans gleefully underlining the good parts.

The numbers behind *The Death of the West* apply equally well to Japan as to Germany, Italy, and Russia. Japan is not of the West. A book about depopulation might therefore have more accurately been called "The Death of the North" or even, "Death of the Rich." But that would not have been this book.

This book is an attack on cultural leftism among whites, which he largely blames for their selfish unwillingness to breed. Buchanan's most obvious target is feminism. And indeed, it would be interesting to ask the feminists, who have spent decades campaigning for abortion, birth control, careers, and small families, for their advice now that they have succeeded, and the birth rate in Europe has fallen to 1.4 per woman. That rate is one-third below 2.1, the rate needed, absent immigration, to hold population growth at zero.

"Only the mass reconversion of Western women to an idea that they seem to have given up — that the good life lies in bearing and raising children and sending them out into the world to continue the family and nation — can prevent the death of the West," Buchanan proclaims.

He may be right about that. But what will reconvert them? What will reconvert their men, who are co-conspirators in the decision to embrace sterility?

Buchanan suggests a $3,000-per-child tax credit and a repeal of the discrimination laws so that employers can pay "parents" (read: fathers) a family wage and mothers can stay home. Even as he offers this answer, he senses how lame it is. American business is not going to pay bonuses based on how many kids its employees have. And welfare states of Europe already have cash subsidies for children, and their birth rates are lower than ours.

All the alarm in this book is more applicable to Europe, with its 1.4-per-woman fertility rate, than to the United States. Buchanan doesn't care about Europe; he is famous for his argument (with which I agree) that America should have no obligation to defend the Europeans. He is an American making a political argument to Americans. In this very American book, he slaps his customers with the scary statistics about Europe without mentioning that the fertility rate in the United States is a far less scary 2.06.

Indeed, after a century of population explosion, and entering the new century with population still swelling, the U.S. rate is not bad. For now, it might be just right.

For decades, fertility rates have been falling everywhere, including in Brazil, Mexico, India, and Iran. They are falling faster in those places than here. But medium-income and poor-country rates are well above 2.1, which does mean, as Buchanan says, that at the moment they are on the path of growth while Europe faces imminent decline.

Buchanan allows that these trends might change, but says he can't see how they will. Fair enough. But 30 years ago, when people were obsessing about the "population bomb," they couldn't see how that trend would ever change. But it did. In the 20th century, fertility trends reversed several times.

Assume today's low fertility rates will tend to stick. How would Buchanan get them up? He would make abortion illegal. That would help. But he would not do this to save the West. He would make abortion illegal even if the birth rate were at the baby-boom level of 3.5. And his opponents would keep it legal even if the birth rate were at the European level of 1.4.

Buchanan chooses his numbers selectively, more for dramatic effect than for understanding.

Buchanan also wants to revive the stigma against homosexuals, and to justify that with population arguments. But declines in birth rates cannot be the fault of homosexuals. The gay birth rate was nearly zero to begin with. And homosexuality is not catching. It seems to be hard-wired, like left-handedness. The decline in birth rates is the fault of the straights.

Buchanan also wants to support traditional religion. He notes that of all U.S. states, Utah, the Mormon state, has the highest birth rate. Lowest is

Bernie Sanders' Vermont. America is more religious than Europe, and has more babies. He could also have added, when noting that rich countries have fewer babies, that the big exceptions are Kuwait, Saudi Arabia, and the Gulf States, which are rich, fecund, and religious.

He may be right, but will this argument convert the infidels? I doubt it. People do not embrace God in order to have kids.

One policy idea a libertarian might suggest is to wean people from their reliance upon the state, so that they would have to rely more on their families. That might affect their willingness to have families, and might not. We have pensions now, and 401(k) plans, and if government stepped out of old-age provision, the private sector might just take it over and do just as well. Or better.

That is not his answer. There are many ideas this book could have explored but didn't. There are no charts and tables; Buchanan chooses his numbers selectively, more for dramatic effect than for understanding. Thus we learn that the Russian fertility rate is 1.35, but not that the American one is 2.06. Buchanan also quotes the most outrageous commentators, such as Spike Lee opining on American history, or a Mexican-American professor the reader will have never heard of, who proclaims, "We have an aging white America. They are not making babies. They are dying. The explosion is in our population. They are shitting in their pants in fear."

Buchanan wants to revive the stigma against homosexuals, and to justify that with population arguments.

Pat's advice to his alarmed customers is to give up on electoral politics — here he speaks from experience — and decouple from mainstream culture. "If raw sewage is being dumped into the reservoir, buy bottled water," he says. Maybe by homeschooling, attending church, and unplugging the idiot box, traditionalists will defend the cultural homeland of woman as mother, keep up their birth rates, and survive, while the pointy-headed progressives die out.

What about libertarians? How are they doing at providing a new generation to reproduce themselves? The Bureau of the Census keeps no statistics on us, but a picture does come to mind. Libertarians have even fewer children than Italians, fewer than Russians, fewer even than Marxist professors of women's studies, who may have an occasional red-diaper baby. Most libertarians are men, and have no babies at all. ❑

***Ludwig von Mises: The Man and His Economics*, by Israel M. Kirzner. ISI Books, 2001, 226 pages.**

An Unfashionable Mind

Bettina Bien Greaves

Israel Kirzner is well-qualified to write about Ludwig von Mises. He studied under him at New York University, earned his Ph.D. under him in 1957, and then joined the NYU faculty where he taught economics until his recent retirement. Kirzner has written eleven books which apply and expand on the economics he learned from Mises, treating such topics as competition, entrepreneurship, the market process, and justice. In this book, Kirzner summarizes Mises' major contributions — in areas of economics like competition and monopoly, price theory, monetary theory, the trade cycle, and the economics of socialism — as well as the epistemological and methodological basis for economics and all of the social sciences.

He also shows how Mises' teachings were eclipsed by the rise of Keynesian and "neoclassical" economic concepts such as "economic equilibrium" and "perfect competition," how they were increasingly sidetracked and ignored as irrelevant, old-fashioned, and out-of-step with modern developments. And he reports that Mises' ideas have undergone a stunning resurgence since his death in 1973. Kirzner's final judgment is that Mises' teachings will endure.

Who was Ludwig von Mises? If asked this question, most people would probably answer "Ludwig who?" After all, Mises is not in the news; he is not a mainstream figure; he was not in politics or entertainment; and he died almost 30 years ago. So, who cares?

Ludwig von Mises might be considered by some to be an unimportant "has-been." He was born in 1881 in Austria-Hungary — a country that no longer exists. His first book was published a century ago, in 1902. He was a soldier in World War I — and fought on the losing side. After the war ended, he returned home to Vienna, taught there at the university, and became an economic adviser to the Austrian government. When Hitler came to power in Germany and it became apparent that Austria would not be able to remain independent, Mises went to Switzerland to teach. All chances of going back to Vienna were foreclosed when the Germans annexed Austria in 1938, and the Nazis stripped him of his Austrian citizenship. World War II overwhelmed Switzerland with war refugees and Mises began to feel he was no longer welcome there. In

1940, he finished the spring term at the Graduate Institute of International Studies and left for the United States, arriving in New York on Aug. 2, 1940.

Stranger in a Strange Land

Ludwig von Mises had earned considerable renown and respect in Europe during the 1920s and 1930s as a serious scholar and author of several important books. But when he arrived in this country in 1940, he was a rather obscure 59-year-old scholar. Only two of his books had been translated into English and their distribution had been limited. "For all his renown in the German-speaking (and German-reading) segment of the economics profession," Kirzner notes, "Mises' books and papers were virtually unknown to the vast majority of the international profession, for whom the only language of relevance was English" (p. 53). He was a stranger in a strange land. Moreover, the rise of Keynesianism and "[t]he dominant changes in economic theorizing and economic methods (characterized by the explosive growth of mathematical economics and econometrics) since 1930," not to speak of changes in economic ideology, "made Mises appear, to U.S. economists, thoroughly old-fashioned and out of step, both doctrinally and methodologically" (23). Kirzner believes Mises probably didn't even realize himself the extent to which his views on economics differed from the mainstream ideas that were emerging. However, as Kirzner points out, Mises' ideas were to undergo a stunning resurgence after his death.

Kirzner portrays Mises as a man dedicated uncompromisingly to scientific inquiry, who refused to compromise or to be deterred by the unpopularity of his ideas.

Mises' approach to economics represented a startling departure from that in vogue when he was writing. In his first important book — *The Theory of Money and Credit* (German, 1912; English translation, 1934) — he traced monetary theory back to basics. He pointed out clearly that money was a market phenomenon arising out of the actions, decisions, and choices of men on the basis of their subjective values; it was not a government creation. In contradiction to the orthodoxy of his day, he maintained further that (1) subjective value marginal utility theory applied to money, (2) money was not "neutral," and (3) government has no special role with respect to money other than it did generally in commercial matters.

His second really important work was *Socialism* (German, 1922; English translation, 1936). Here Mises attributed the economic failures of a socialist society to the absence of private property and a market economy. In a socialist society without private ownership and exchanges there would be no owners and traders competing with one another to generate prices for property, goods, and services. Without private ownership and exchanges, without what Kirzner calls the "dynamic competition of free markets," and the "entrepreneurial-competitive market process" the planners would lack prices to serve as guidelines for the "allocation of society's resources" according to consumers' wishes (80). Without prices, the socialist central planners would have no way to decide what to produce, how much to produce, where to produce it, or how to produce it.

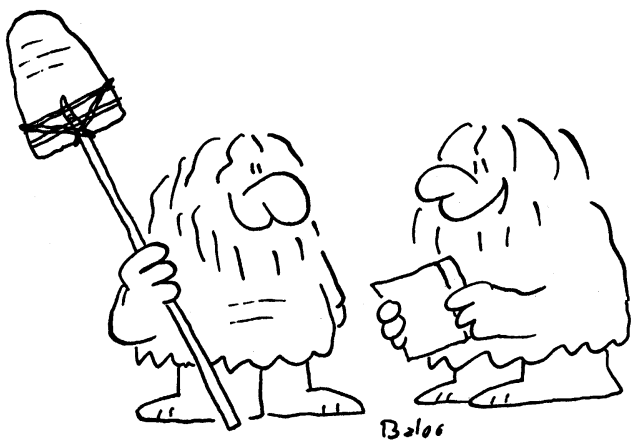

"Housing starts are up 40% since we invented the shovel!"

The Law of the Market

It became evident with the publication of Mises' *Epistemological Problems of Economics* (German, 1933; English translation, 1962), that his views on epistemology and methodology were, in Kirzner's words, "intellectually revolutionary" (71). For Mises, the science of economics was neither a historical nor a mathematical discipline; it was the study of purposive, conscious, intentional actions, choices, and decisions of men based on their preferences and subjective values. As a result of countless individual human choices, actions, and decisions there develops a tendency toward regularity in the market. "These systematic tendencies make up the so-called 'laws' of economics" (80). As Mises put it, just as there are laws of nature in the natural world, so there are economic "laws" in the social realm, "which power and force are unable to alter and to which they must adjust themselves if they hope to achieve success" (72).

To illustrate, economic laws decree that — other things remaining equal — if the price of a good rises, the demand for it on the market will fall and, at the same time, producers will strive to expand its production. Mises saw the trade cycle and the failures of socialism as consequences of the workings of economic law: Government manipulation of market-determined interest rates lead to the boom-and-bust cycle; government interventions prohibiting private property and preventing voluntary transactions and cooperation among market participants are responsible for the failures of socialism.

Mises realized economic laws were "not easily discernible to the eye of the historian or statistician. . . . Only abstract economic theorizing, recognizing the nature and operation of human purposefulness, and recognizing the nature and thrust of human entrepreneurial resourcefulness, is able to identify the systematic tendencies which shape the entrepreneurial — competitive market process" (80). A correct understanding and interpretation of these laws is of concern to everyone, however, for they can guide public policy so as to violate, or to protect, private property ownership and volun-

tary interpersonal transactions, so as to foster, or to avoid, inflation, government controls and regulations and other interventions that misdirect and distort economic arrangements. Thus, "[a]wareness of these 'laws' on the part of governments can help avoid disastrous policies that might unwittingly run afoul of these systematic tendencies" (80).

When Mises arrived in the United States, he was pretty much ignored by academia. However, a number of businessmen, lawyers, and persons in the medical profession were among those who were at first attracted to him and his ideas. It seemed to outsiders at that time that Mises' teachings were aimed primarily at promoting the special interests of conservatives and businesspeople. Then, in 1945, Mises began teaching a class at New York University and in the fall of 1948 the NYU Seminar started attracting a few students who would "make a not insignificant impact on late-twentieth-century perceptions of Austrian Economics." He encouraged "his small number of close students, pointing them toward academic careers and nurturing their efforts at continuing the purely intellectual tradition of Austrian Economics. . . . [I]t was from this seminar that Mises' influence toward the late-twentieth-century resurgence of Austrian Economics was to radiate outwards" (24, 26).

Mises probably didn't even realize himself the extent to which his views on economics differed from the mainstream ideas that were emerging.

Kirzner portrays Mises as a man dedicated uncompromisingly to scientific inquiry, a man who was determined to improve his understanding of economic principles, who refused to compromise or to be deterred from his pursuit of economic understanding by the unpopularity of his ideas. "In his 1940 treatise,* and especially in its 1949 English-language, substantially revised version (*Human Action*), Mises presented the orthodox Austrian ideas in a manner which constituted an almost dramatically fresh statement of that orthodoxy" (59). Its "sheer size and comprehensiveness . . . did not permit it to be entirely ignored, even by a profession which considered Mises an old-fashioned relic of premodern economics. . . . *Human Action* articulated an entirely fresh restatement of the foundations of Austrian economics in a manner that most definitively and with commanding clarity set that economics apart from the economic thought which had, by mid-century, swept the mainstream stage. . . . When Mises published his *Human Action* in 1949 the profession considered it as perhaps the last gasp of a moribund tradition; it certainly failed to recognize it as a seminal, original work that for perhaps the first time spelled out with clarity and vigor the distinctive aspects of the Austrian tradition" (62–63).

Human Action was published when

National Ekonomie, written and published in Switzerland in 1940.

Notes on Contributors

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Mises was 69 years old. Yet he did not rest on his laurels but continued writing books and articles that have made significant contributions — "Profit and Loss" (1951), *Omnipotent Government* and *Bureaucracy* (1944), *Planning for Freedom* (1952), *The Anti-Capitalistic Economy* (1956), *Theory and History* (1957), *The Historical Setting of the Austrian School of Economics* and *The Ultimate Foundation of Economic Science* (1962).

The Austrian Revival

Since Mises' death in 1973, there has occurred what Kirzner describes as a "remarkable resurgence of Austrian Economics." The "vitality and cogency of Mises' ideas" have been rediscovered (193). Many younger economists, having become "disenchanted with the aridity and artificiality of the model-building approach," have "found intellectual stimulation and satisfaction in Mises' relatively simple, but powerful and fundamental, insights" (194). The result is that after decades, when public policy favored much government intervention in the market economy, "Misesian views concerning the economic incoherence of socialism — and the case for complete, or virtually complete, laissez faire — have somehow become part and parcel of respectable public policy discourse" (194).

As Mises put it, just as there are laws of nature, so there are economic laws, "which power and force are unable to alter and to which they must adjust themselves if they hope to achieve success."

Books and articles are being written on various aspects of Austrian economics, and debates and discussions are taking place. Many of the new Austrian economists question some parts of the Misesian system. "But there can be no doubt that the prime moving element responsible for the resurgence of the Austrian tradition was the impact of the work of Mises himself. . . . Out of the debates on these issues . . . a broad group of scholars has emerged who are all working within the Austrian tradition, and who recognize the work of Mises as being the most powerful and radical expression of that tradition in the twentieth century" (195).

For Mises, the pursuit of economic science called for "strict adherence to the canons of scientific investigation generally. . . . [A] genuinely practiced policy of *wertfreiheit* [freedom from value judgments] was absolutely *essential* for economists, if their views were to have salutary influence and to command the respect ordinarily accorded to scientific pronouncements" (89–90). However, Mises believed that an economist could keep his scholarly endeavors separate from his personal value judgments, and that science could furnish grounds for making value judgments. Just as value-free medical research can yield sound medical advice, "[v]alue-free economic science should be able to generate sound economic policy advice" (165). Thus, although Mises insisted throughout his career "on the objective, nonpolitical, impartial character of his science," he also "passionately believed in and advocated (as a nonscientific, value-laden ideal) the political program of classical liberalism" (181–182). Liberalism* was the ideology derived from the positive economic theory that free markets enable individuals to achieve their goals through mutual cooperation and exchange. Liberalism applied that theory to develop a political program. Thus, in Mises' view, in advocating liberalism, free markets, and limited government, Mises the scientist was "simply articulating the straightforward implications of his own strictly scientific contributions to the positive, objective discipline of pure economics" (190). For Mises, the teachings of economics seem inevitably to lead (on utilitarian grounds) to free markets and limited government.

Mises' reputation as an economist is solid; it rests on his scholarly and logical analysis of the workings of the market. Reasoning from the basic *a priori* that men act in the hope of attaining their various ends, he developed economic theories and explained economic phenomena as no one had before. "Only abstract economic theorizing, recognizing the nature and operation of human purposefulness, and recognizing the nature and thrust of human entrepreneurial resourcefulness is able to identify the systematic tendencies which shape the entrepreneurial-competitive market process" (80). And only such theorizing can explain such phenomena as prices, money, profits, losses, competition, monopoly, interest, and the complexities of the trade cycle.

"Mises' entire career as an economist — from his Vienna days as a brilliant young scholar and as one deeply involved in the hectic world of post-World War I public policy, to his years in Geneva as a renowned senior scholar, to his three decades of lonely unfashionable teaching and writing in the U.S. during his old age — represented Mises' extraordinary, courageous, sustained fulfillment of this ideal," Kirzner observes. "He never faltered in his belief that the 'body of economic knowledge is an essential element in the structure of human civilization; it is the foundation upon which modern industrialism and all the moral, intellectual, technological, and therapeutical achievements of the last centuries have been built.' Mises persisted 'in the search for truth' in the face of the disdainful dismissal of his work by the professional economics establishment of his time because he saw his work as essential for the preservation of human civilization" (191).

Ludwig von Mises: The Man and His Economics is a remarkable tribute to a remarkable man. In it, Kirzner provides a concise and masterful presentation of the major economic theories Ludwig von Mises developed. Mises is more than a sincere and dedicated economic scientist and outspoken advocate of free markets. Kirzner shows how Mises' methodological approach and his "focus on human action, on the purposefulness of action, on the entrepreneurial element in the market process, on the subjectivism with which economic understanding must be pursued" (196) has expanded the field of economics and opened up new areas for investigation. ❑

* In America and Britain, the term "liberalism" has come to refer to a vaguely center-left ideology, and the term "classical liberalism" is generally used to refer to what Mises called "liberalism." On the Continent, the term retains its original meaning.

A Moral Temper: The Letters of Dwight Macdonald, **ed. by Michael Wreszin. Ivan R. Dee, 2001, 512 pages.**

Principled Critic

Ron Capshaw

As a *Fortune* magazine writer turned Trotskyite, critic of World War II turned Cold War anti-communist, and fellow traveler with the New Left, Dwight Macdonald seemed to earn Diana Trilling's characterization of political fad follower. A reading of his political résumé at least gives the impression of inconsistency, of a man abandoning his principles whenever the political temperature changes. The publication of his letters, however, settles this matter once and for all. The man was not inconsistent: He was a life-long libertarian.

But not one of the free-market variety. Macdonald belonged to the left-libertarian camp of George Orwell, Victor Serge, and Edmund Wilson; that group of intellectuals who trained their crosshairs on all draconian entities with an appetite for power — including, and especially, corporations. Thus, Macdonald's broadsides in these letters are directed at Henry Luce as well as Lillian Hellman.

Macdonald's list of targets in these letters is long and bipartisan: Stalin, FDR, *The Nation, The New Republic, National Review,* Joseph McCarthy, Owen Lattimore, William F. Buckley, and the Black Panthers, to name a few. Only a chronic curmudgeon or a writer of fixed principles impervious to left-wing or right-wing appeals could compile such a list. Macdonald was both.

One of the reasons Macdonald's writing from the Trotskyite period is readable while others' — such as the apocalyptic-minded James Burnham — is not, is that Macdonald never turns off his critical apparatus even when writing on Trotsky himself, the darling of the Upper West Side. Macdonald saw undemocratic tendencies in Trotsky early on, criticizing him for Leninist views toward dissent.

Macdonald was truly against any grain. During the most popular war in U.S. history, he was an uncomfortable reminder of the war's undemocratic tendencies (the alliance with Stalin, the homicidal ranting of Patton, the relocation of the Japanese-Americans). During the Cold War, when the Buckleys and Hellmans were demanding that people stand and be counted, he attacked Joe McCarthy and Owen Lattimore — the former a sacred cow of the anti-communists, the latter of the anti-anti-communists. Even during the Vietnam War, when contemporaries such as Mary McCarthy championed the Viet Cong, Macdonald never lost his bearings, criticizing LBJ, Nixon, and the Viet Cong itself.

It was this quality of applying the same standards to all that made Macdonald incapable of being an organization man. No one in the groups he joined — the Trotskyites, the staff of *Partisan Review*, the Committee for Cultural Freedom, the New Left — could control him or make him tow a party line. He was a loose cannon. When *Partisan Review* supported America's entry into World War II, he was against it. Although he followed the basic thrust of the New Left, he criticized its heroes, Castro and Mao.

These groups and others saw him as unpredictable. But he was in fact the most predictable of writers. He was against anyone who threatened individual freedom. Again and again, his letters sound like the dying echo of the last individualist on earth warning that the torch of liberty is about to go out. Reading his letters, one could telegraph his blows: defenders of totalitarianism (read: enemies of individual freedom) were attacked (Hellman, Dashell Hammett, Howard Fast); bursts of individual action, no matter how controversial, were defended (Dean Acheson's refusal to turn his back on Alger Hiss; the decision of the Bollinger Committee to give an award to Mussolini-sympathizer Ezra Pound).

But the letters show a man as contemptuous of his fellow citizens as H.L. Mencken. Culturally conservative, he saw American offerings as low-brow. Had he lived into our own era, he would have been horrified by the curriculum of history and American studies departments — courses in the history of chewing gum, toilets, and orgasms. He would have been a regular contributor to David Horowitz's *Crimes of the Politically Correct*.

The letters also satisfy my own concerns about what appeared to be Macdonald's selective anti-totalitarianism. Why did he oppose American entry into World War II and not the Cold War? In these letters, Macdonald offers a defensible, if not a completely convincing, argument. Hitler's doctrines were automatically offensive, of appeal to no one save crackpots and racists. Stalin, on the other hand, cloaked his doctrines in progressive rhetoric and thus had a surface appeal that had to be exposed.

Macdonald had a very readable prose style and that rare literary ability to write well and logically at the same time. Correspondence is not usually the most studied effort of writers, but Macdonald's are as penetrating and interesting as his celebrated essays. His life fit Christopher Hitchens' description of Orwell the essayist: "He was not afraid to follow a question to its logical conclusion, even if it contradicted his views." In an age when pundits still excuse away the crimes of the Clintons, when academics selectively employ free speech only for people of color, he stands as a corrective and a figure to be emulated. ❑

Terra Incognita

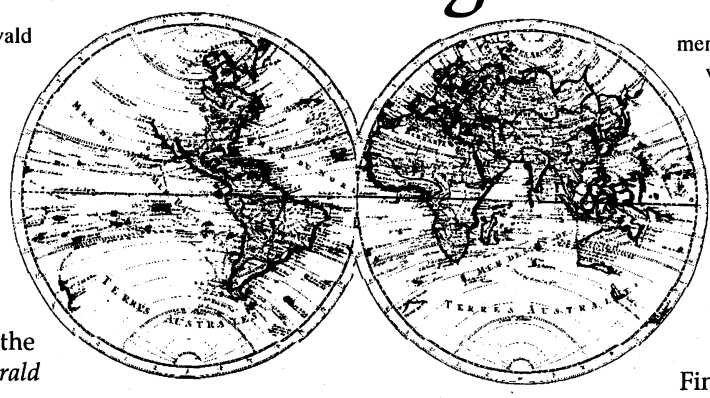

Seattle

A crack in the thin blue line separating civilization from chaos. From the *Seattle Times*:

> Darlene Madenwald thought it was a bit odd that a uniformed Seattle policeman came to the door of her houseboat last week, warned her about a rash of thefts, then asked to use her bathroom. But he seemed nice enough.
>
> But then Madenwald got to chatting with her neighbors on east Lake Union. The same officer had been to their homes and asked to use their bathroom, too. . . .
>
> "And he only went in the homes of women that he thought were alone," Madenwald said. "It makes you feel very vulnerable. . . ."
>
> The police union says that there's probably a logical explanation and that the neighbors may just be unused to proactive policing.

Sarasota, Fla.

Putting safety first in the Sunshine State, from the *Herald Tribune:*

> Trevor Harvey, assistant coach of the "Little Apaches," a football team composed of 7-year-olds, punched referee Tony Kormansek in the face during a football game, and was arrested on a battery charge. Harvey is a mentor in Sarasota County schools and president of MAD DADS, a group that steers young people away from crime.

Texas

Advance in consumer protection in the Lone Star State, from "Update on Opinions from the Office of the Attorney General," by the Texas State Board of Medical Examiners:

> The acupuncture technique called Tui Na involves some manipulation of the spine and is considered a form of energy flow exercise. The statutory definition of acupuncture provides that a licensed acupuncturist may "recommend" energy flow exercise. However, the statutory language does not authorize the "administration" of such energy flow exercise.

Washington, D.C.

Sen. Charles Schumer takes a stand against ethnic discrimination:

> "It would be un-American and un-New York to castigate all Americans because of their ethnicity."

U.S.A.

A slight setback in the War Against Terror, as reported in the Molokai (Hawaii) *Advertiser-News*:

> The Postal Service has bought 4.8 million spore-proof masks to protect its workers from anthrax but they have mostly gone unused because OSHA rules require that workers wearing masks undergo several hours of training in how to use them and pass a "fit test." The masks are made of paper and are similar to those worn by construction workers installing drywall.

Seattle

Geopolitical observation of particular interest to people who think that unshared borders divide countries or that borders unite countries, from a headline in the *Seattle Times*:

> "Shared Border Has Long Divided Countries."

Peoria, Ill.

Sad evidence of government interference with contract-enforcement, from *U.S.A. Today*:

> A woman who testified that she sat on a man during an argument but didn't mean to suffocate him was found guilty of involuntary manslaughter. Rachael Thompson, who weighs 190 pounds, said she became angry with 115-pound Shiraz Jamsa, 49, when he refused to pay her for prostitution. Thompson, 20, sat on Jamsa's chest while trying to get his wallet.

Helsinki

Finland shows that it's getting serious about speeding, from a report in *The Wall Street Journal*:

> A Nokia executive is challenging the $103,000 fine he was given for going 15 mph over the speed limit near Helsinki in October.

Washington, D.C.

Yet another reason to say no to drugs, reported in the *Seattle Post-Intelligencer*:

> President Bush said yesterday that drug users aid terrorists who get their money from global trafficking in narcotics. "If you quit drugs, you join the fight against terrorism," he said.

Sidney, N.Y.

How ordinary citizens can help in the War Against Terror, from a letter to the Oneonta (N.Y.) *Daily Star*:

> "Nov. 15, I received a suspicious looking letter, with my address, but with another name, and postmarked Bethlehem, Pa. It felt like construction paper folded over. I make out the return address as, 'Investors Center' along with the words 'Whitehouse' and 'Peace.'
>
> "I followed the suggestions given by the United States post office since the anthrax scare. I wrapped it in plastic and contacted the local police department. They said they do not handle these cases and to 'return to sender' or contact the postmaster.
>
> "At the Sidney main post office, an extremely irate postmistress told me they do not handle these cases and to get that out of there before she had me arrested. . . .
>
> "Was the list of 'what to do with suspicious mail' sent out to every householder just to 'pacify' them and make them believe they are protected? Are we supposed to feel 'secure' when this country's 'blasé' attitude is what got us into this nightmare of terror in the first place? We soon get over feeling secure when those who are supposed to help us, instead, vilify us or ignore us."

Special thanks to Russell Garrard, Ivan Santana, William D. Young Jr., Tom Isenberg, and Ross Levatter for contributions to *Terra Incognita*..

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

Santa Clara University

The Civil Society Institute

at Santa Clara University

The Civil Society Institute leads students at Santa Clara University in the study of liberty, responsibility, and limited government. College applicants interested in libertarian/conservative ideas should consider Santa Clara University.

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Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

To learn more about the Civil Society Institute and Santa Clara University:

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5 Obstacles

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2. **The Spoiler Argument:** "The Libertarian cannot win, but he can cause the lesser of two evils to lose."

3. **The 'You Can't Win' Argument:** "If the Libertarian could win, I'd vote for her. But she can't win."

4. **The 'I'm a Democrat or Republican and I Vote the Party Line' Argument:** "My family has been Republican for 80 years. I always vote Republican. I never cross party lines." (A majority of registered Democrats and Republicans never cross party lines.)

5. **The Deal Breaker Argument:** "I disagree with the Libertarian candidate on one issue: abortion, immigration, the Drug War, foreign policy, or gun ownership - so I won't vote for him."

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"Above all things— Liberty!" — *John Selden*

Declaring and Waging War: The U.S. Constitution

by Jacob G. Hornberger

Excuse me for asking an indelicate question in the midst of war, but where does President Bush derive the power to send the United States into war against another nation?

It is important to keep in mind that our system of government was designed to be unlike any other in history. First, the federal government was brought into existence by the people through our Constitution. Second, the Constitution is the supreme law of the land that controls the actions of our public officials in all three branches of the federal government. Third, the powers of the federal government and its officials are not general but instead are limited to those enumerated in the Constitution.

Fourth, the government is divided into three branches, each with its own enumerated powers, and one branch cannot exercise the powers of another branch. Fifth, the Constitution expressly constrains democratic, majority rule. Sixth, public officials are not legally permitted to ignore any constitutional constraint on their power but must instead seek a constitutional amendment from the people to eliminate the constraint.

Why did the Founders implement such a weak, divided government? One big reason: they clearly understood that historically the greatest threat to the freedom and well-being of a people comes not from foreign enemies but instead from their own government officials, even democratically elected ones. And they understood that that threat to the citizenry was always greatest during war.

Consider the words of James Madison, the father of our Constitution: "Of all the enemies to liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few."

What does our Constitution say about war? Our Founders divided war into two separate powers: Congress was given the power to declare war and the president was given the power to wage war.

What that means is that under our system of government, the president cannot legally wage war against another nation in the absence of a declaration of war against that nation from Congress.

Again, reflect on the words of Madison: "The Constitution expressly and exclusively vests in the Legislature the power of declaring a state of war [and] the power of raising armies. A delegation of such powers [to the president] would have struck, not only at the fabric of our Constitution, but at the foundation of all well organized and well checked governments. The separation of the power of declaring war from that of conducting it, is wisely contrived to exclude the danger of its being declared for the sake of its being conducted."

What about the congressional resolution that granted President Bush the power to wage war against unnamed nations and organizations that the president determines were linked to the September 11 attacks? Doesn't that constitute a congressional declaration of war? No, it is instead a congressional grant to the president of Caesar-like powers to wage war, a grant that the Constitution does not authorize Congress to make.

Therefore, when a U.S. president wages what might otherwise be considered a just war, if he has failed to secure a congressional declaration of war, he is waging an *illegal* war — illegal from the standpoint of our own legal and governmental system. And when the American people support any such war, no matter how just and right they believe it is, they are standing not only against their own principles and heritage, not only against their own system of government and laws, but also against the only barrier standing between them and the tyranny of their own government — the Constitution.

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax,

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Inside Liberty

April 2002
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4 **Letters** After you, of course.

7 **Reflections** We get loaded on Super Bowl ads, bring home a pet inmate for little Timmy, discover politicians who would spend $7.2 quadrillion to avoid supporting the free market, swap stories about Johnny Taliban, and wage war on the menace of Cinnabon.

Features

19 **The Enron Mess** The collapse of Enron has revealed a tangled web of fraud and corruption, and set off a new round of attacks on the free market. *R. W. Bradford, Tom Isenberg, William Fielder,* and *Sheldon Richman* investigate.

23 **Good Rhetoric, Bad Budget** Is there any federal program whose budget George W. Bush won't increase? *Chris Edwards* dissects the budget.

27 **The Death of Money** *R. W. Bradford* exposes a frightening new tool that will let the government dispense with that annoying privacy stuff, once and for all.

31 **"Seize All West Coast Japs"** *Bruce Ramsey* examines the infamous Japanese internment — from the vantage of 1942.

35 **The Libertarian Return** A streak of bad luck for British right-wingers has brought good luck for libertarian ideas there. *Adam Hume* reports.

37 **Argentina's Fall From Grace** When Argentina's economy went to hell in January, everyone blamed the country's currency board. *Steve H. Hanke* shows how everyone was wrong.

41 **Liberty Gains in Costa Rica** Costa Rica's libertarian Movimiento Libertario ran an ambitious campaign for congress last year. *Raúl Costales* shows how it paid off.

42 **Cutting Back the State in Canada** The new government of British Columbia is delivering big tax cuts. But, *Paul Geddes* argues, it's not yet time to apply for immigration papers.

43 **Szasz and Mises** Did the 20th century's greatest economist misunderstand the human mind? *Bettina Bien Greaves* and *Thomas S. Szasz* debate.

Reviews

47 **Boredom *In the Bedroom*** Would the critically acclaimed film survive Ayn Rand's criticism? *Erika Holzer* finds out.

50 **Lincoln the Jeffersonian** Was the Great Emancipator also a great proponent of individual rights? *Timothy Sandefur* examines the evidence.

54 **Government as Criminal Conspiracy** *Jeff Riggenbach* explores the surprisingly libertarian novels of James Ellroy.

59 **The Mind of Terror** Are terrorists oppressed idealists — or politically ignorant thugs? *Ron Capshaw* looks at the record.

57 **Notes on Contributors** Our very own ultimate resource.

62 **Terra Incognita** Maybe we'll stay in bed today.

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Letters

Good, But Not Good Enough for My Friends

Andrew Chamberlain's "Enron: Death by Free Market" (March) was an excellent article. I was moments away from recommending that my friends buy a copy of *Liberty* just for that article. But then he bashed Ayn Rand.

If people have honest criticisms of Ayn Rand to offer, I will calmly appraise those criticisms. When Chamberlain uses Rand's name as a means of hollowly asserting his superior intellect, I have a problem. Jumping at any perceived chance to disparage Rand, far from demonstrating his ability to think independently, makes Chamberlain come off as an insecure, ungrateful little child.

Now I fervently wish for none of my friends to happen upon the article. I'm happy to say, it is exceedingly unlikely.

Michael Passaloukos
West Lafayette, Ind.

It's the Tax Law, Stupid!

Enron's employees are not suffering because of the failure of capitalism. They are suffering because of the failure of 401(k)s — a creation of government that allows workers to put off paying taxes on a tiny portion of their wages.

K. V. Keeley
Oakland, Calif.

Down With Corporations

Andrew Chamberlain missed the mark. The stockholders did not take Enron out into the street and shoot it. The executives of Enron and Arthur Andersen did the shooting and it was the stockholders and employees that did the bleeding. The average investor is not sophisticated and needs a little protection since he cannot easily sit in on meetings or understand reports.

Allowing corporations to rape and pillage is not what makes us free. Corporations must be controlled. Our Founding Fathers fought British corporations like the Hudson Bay Company. They put sundown clauses into their state constitutions so that our corporations would not end up ruling the people as we have it today, unfortunately.

Noel Carrico
Imperial, Calif.

No Foreigners Allowed on Our Socialized Property

I was a little disappointed that, in responding to Ken Schoolland's piece on libertarians and immigration ("Open Minds, Closed Borders," January) his critics focused on utilitarian issues, all but ignoring the ethical arguments that formed the bulk of the original article. This might leave the reader with the impression that, to be a consistent libertarian, one must support free immigration. This is not the case.

For instance, Schoolland's argument that libertarian ethics requires that government-owned land and infrastructure be open to homesteading, and, therefore, open to immigrants, is flawed. These resources have been in continuous use by Americans for a long time. Isn't that homesteading? Yes, land and infrastructure ought to be privatized, but there is no reason for its current users to be penalized for their government's unwillingness to recognize their prior claim.

In a fully libertarian society, the only restrictions on a person's movement would come from property owners. At that point, Schoolland and immigration opponents like Hans-Herman Hoppe agree with each other. The question is what to advocate in the meantime. What is our "second-best" option? No matter how committed we are to natural rights, our second-best choice must always be utilitarian: What policy will best preserve our rights, limited as they are by the presence of the state? The only way to protect everyone's liberty is to abolish the

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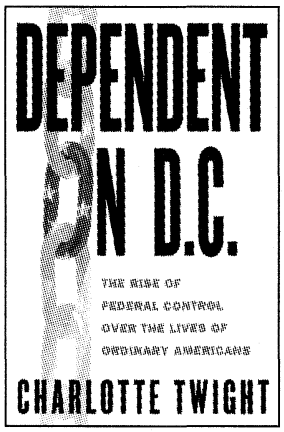

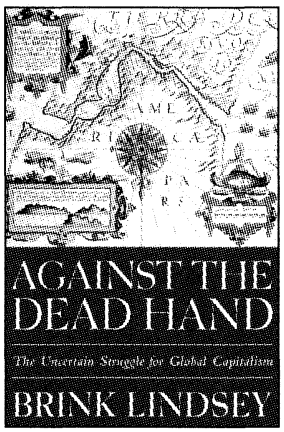

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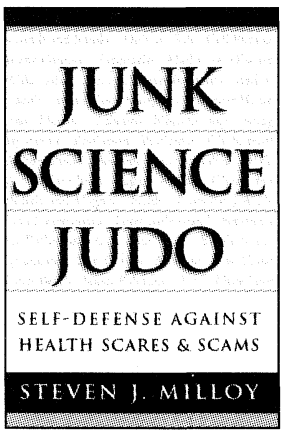

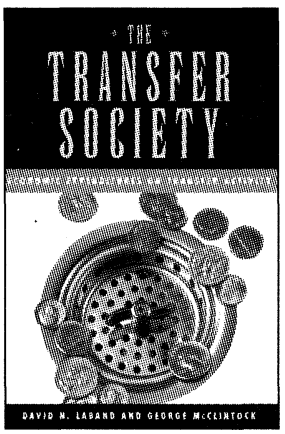

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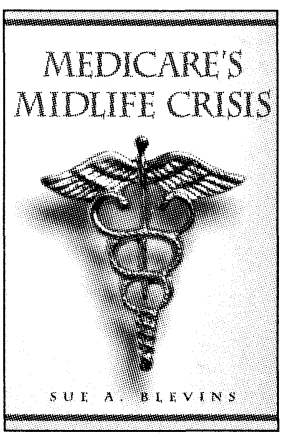

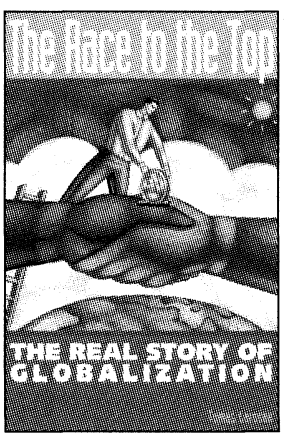

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government, and that's not on the table right now.

The primary and most intractable problem created by immigration under current circumstances is not social, but political. Simply put, the vast majority of people in other countries support a significantly more active government than do Americans. Foreigners will routinely vote for whichever major party offers them bigger government. This leads to two trends. First, the size and power of the government will expand, and, second, this power will increasingly be placed in the hands of foreigners. It should be clear to any libertarian that this will constitute a serious violation of the rights of Americans. It is neither practical nor ethical to subject Americans to that kind of risk.

Nathaniel Krause
Chicago, Ill.

No Time for Hysteria

I'm been following the immigration debate in recent issues of *Liberty* with great interest, and I have to wonder why so many libertarians think that a free market cannot accommodate free immigration. Where is the evidence that a few million immigrants would cause a collapse of the American economy? Granted, welfare for immigrants is a bad idea; all the more reason to abolish it completely. Why is it bad that the border states may soon have a Hispanic majority? Considering how my fellow Anglos have wrecked California, it may be a change for the better.

We recognize that the drug war has had far-ranging negative impacts on the privacy and liberty of the whole population, including the majority that doesn't use drugs. Immigration laws are no different. We are expected to prove our identity and our "right to work here" in the U.S., as though this is really a privilege. We are expected to verify the legal status of people we employ, and are legally bound to discriminate against those without proof of citizenship. We give extraordinary, unconstitutional powers to the INS, Customs, and the Border Patrol. Perhaps most importantly, immigration control requires millions of tax dollars that could otherwise stay in our pockets.

We need to get the facts on immigration, and not succumb to the hysterical doomsday scenarios that the media would have us believe. It seems to me that the burden of proof should be on those who support government restrictions, rather than the other way around.

Vaughn Treude
Phoenix, Ariz.

Cultural Chauvinism

Sarah McCarthy's "Radical Sheik" (February) adds nothing new to the discussion and merely repeats well-known defects of multiculturalism and its radical chic roots while omitting key facts that would be of interest to many libertarians.

McCarthy writes about ". . . criminal defense of permanently aggrieved American Black Panthers who were so oppressed that the only way out was to blow up the city." The criminal charges against the Black Panther Party were fabricated by the state to unjustly deprive the Panthers of their life and liberty. The fact that knaves used these charges to delude fools is of secondary importance.

Later, McCarthy writes, "The burning and trashing of stores in their own neighborhoods, especially Jewish stores, and then Korean grocers, is a baffling fact of black cultural life." Thomas Sowell has done a great deal of good work on this subject. Quoting his *Knowledge and Decisions* instead of Alice Walker's terrifying tale of throbbing stumps and helpless white women would have helped to explain this and also have made her indictment of Spike Lee even more telling, though it would not have supported her Kultur-Kampf agenda quite as well.

In her attack on the perfidious deni-

continued on page 43

From the Editor . . .

Super Bowl XXXVI (or is it XXXIV?) has passed into history (i.e. trivia) and the contrived sports, games, beauty contests, and scandals of the Winter Olympics will soon end, letting Americans return to the National Pastime: public affairs.

Sports may have pushed public affairs off the front page, but they haven't diverted *Liberty*'s attention from the follies of the polis. Indeed, we have so much to say about what's happening in the world that we've had to postpone publication of three much-anticipated articles: Gordon Tullock's critique of Darwin, Tom Szasz's critique of F. A. Hayek, and our special report on state and local taxes. We hope to include all three in our May issue.

First things first. Having defeated the Taliban, Americans are turning their attention to a new "Axis of Evil," with George W. Bush planning ways of eliminating it. Several of our writers are, well, skeptical about the project. The president has also discovered a novel way to cut back the size of government: increase government spending across the board. That's what Chris Edwards discovered when he examined the new budget.

Meanwhile, the collapse of Enron has touched off an orgy of congressional posturing and leftist attacks on the market, all of it idiotic. Tom Isenberg, William Fielder, Sheldon Richman, and yours truly set the record straight.

Bruce Ramsey celebrates the 60th anniversary of a liberal administration's incarceration of Japanese-Americans by looking at how Americans viewed the issue in 1942. There may be a lesson here for people afflicted with the anti-terrorism hysteria of 2002. Your humble editor warns of a new tool that invites the state to penetrate even more deeply into our intimate lives. (Don't worry, only Europe proposes an end of privacy right now.).

Steve Hanke describes how Argentina's economy and polity have gone to hell, and how they can return. There's better news from Costa Rica, Canada, and even Mother England, as Raúl Costales, Paul Geddes, and Adam Hume report.

Our review section features Ayn Rand, Marisa Tomei, Abe Lincoln, Thomas Jefferson, James Ellroy, and the nature of terrorists.

As always, we whet your appetite with "Reflections."

R. W. Bradford

Reflections

Super Bowl, super bunk — Each year, the Super Bowl features some of the most interesting (and expensive) advertising on television. This year, however, viewers were subjected to numerous annoying anti-drug ads. Every time you use drugs, say the ads, you contribute to terrorism, destabilization of Third World governments, and poverty.

Let's put the blame where it belongs. Drug users are no more responsible for terrorism than sugar users are responsible for the destruction of the Everglades. Just as a government-imposed tariff that denies Americans access to low-cost foreign sugar promotes high-cost sugar farming in Florida, the government's War on Drugs is what is supporting the terrorists and other evils caused by high-cost cocaine and other drugs.

— Randal O'Toole

Luge the whales — At the opening ceremonies of the Winter Olympics, the Olympic flag was carried in by people representing the "five" continents of the world and the three ideals of the Olympic movement — sport (well, yes), culture (huh?), and the environment (you've got to be kidding). I mean, it's pretty hard to imagine that every time an Olympic contestant puts on his jockstrap, he's supposed to be doing good for "the environment." It's still harder to imagine that it's for the sake of "the environment" that people turn mountains into ski resorts and bulldoze homes to build Olympic stadiums.

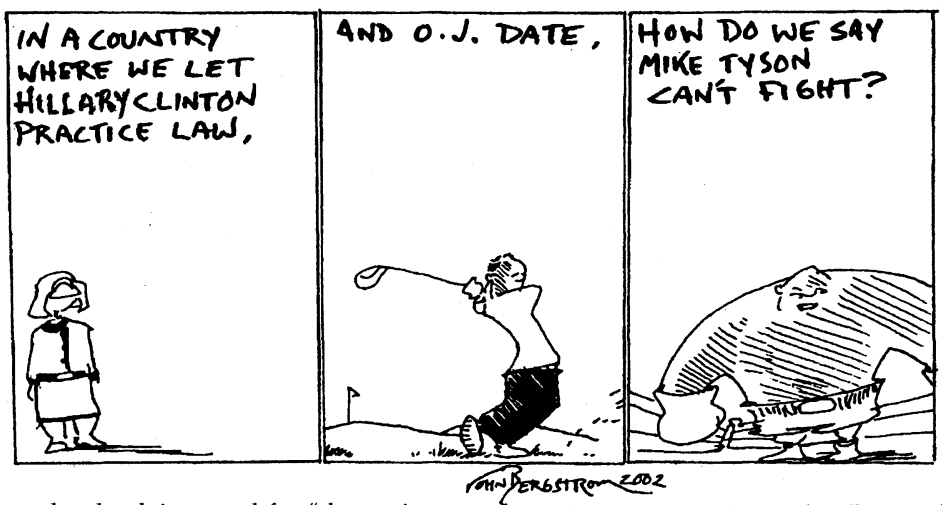

But I suppose it had to happen. Half the world worships sports; the other half worships "the environment." So why not do what the ancient world did whenever it found that it had too many gods (Zeus and Jupiter, Athena and Minerva) — simply interpret them as essentially the same thing? Then, to add a peculiarly modern touch, you can throw in "culture"; i.e., whatever's too dumb to call by any other name.

— Stephen Cox

This American life — Driving home from work recently, I heard talk show host Mike Reagan (the former president's son) explain patiently to his listeners why it is important to search their children's rooms for illegal drugs. I began to wonder whether he searched his dad's room . . .

I switched to *Talk of the Nation* on National Public Radio, and heard a debate on whether the move to eliminate soft money (i.e., money that people voluntarily donate to the politicians of their choice) in political campaigns should be coupled with partial taxpayer financing of elections, or complete taxpayer financing of elections (the full range of options offered) . . . I begin to wonder what nation this is the talk of. Surely not one with a Constitution protecting free speech.

I immediately switched to the FM "classic rock" station. The Beatles are playing "Back in the USSR" — the most insightful political commentary I've heard all day.

— Ross Levatter

A bad tax break? — Bush's health-care proposal offers a tax break to anyone who has to buy his own health insurance up to $3,000. I'm not normally one to gripe about a tax break, but this one seems a little biased. Shouldn't the same break be offered to someone who puts money away in a medical savings account? Those who have the foresight to manage their risks with savings are truly the "self-insured." The old adage is that insurance is like gambling, and betting against yourself. Giving tax breaks for insurance premiums is like allowing lotto tickets in your 401(k). On second thought, after watching the Enron debacle, maybe that wouldn't be such a bad idea.

— Tim Slagle

Axis of stupid — How can we explain George W. Bush's call for action against Iran, Iraq, and North Korea, the "Axis of Evil"? The notion that Iran, Iraq, and North Korea form any kind of axis is preposterous on the face of it, as has been pointed out by any number of observers. Iran and Iraq are traditional and very deadly enemies and North Korea seems to exist in an isolated fantasy world comparable only to that of José Gaspar Rodríguez Francia ("el Supremo"), whose rule of Paraguay in the early 19th century prohibited people and goods from entering or leaving the country.

I suspect that Bush's otherwise goofy pronouncement is a product of his discovery of the wisdom of Randolph Bourne's maxim "War is the health of the state." As head of state, he naturally wants it to be healthy. We've had a nice little war to vanquish the Taliban with hardly a single American casualty. That war made the state more popular,

enabling the president to increase taxes and the power of the state. But that war is over. For the state to continue to grow more health, new opponents must be found.

What Iran, Iraq, and North Korea have in common is governments that are immensely disliked (and with good reason) by most Americans — disliked enough, I suspect Bush believes, that Americans will be happy to wage war against them.

I am not so sure that Bush is right about this. Americans were good and mad about the terrorist attacks of Sept. 11, and accepted the view that Osama was behind them and that the Taliban were harboring Osama. But during the last ten years, neither Iraq nor Iran nor North Korea has done the U.S. any more harm than did el Supremo, and none show any inclination to try to do so. Historically, Americans have never had much enthusiasm for wars against countries that do not threaten us, especially once there are casualties. And — unlike the Taliban — Iraq, Iran, and North Korea are certainly capable of causing casualties.

When I was a teenager, I read Latin American history voluminously. I remember one episode to this day. Some time in the 1860s, a mob in one of Bolivia's capitals stormed the British embassy, grabbed the ambassador, stripped him naked, and paraded him through the streets so that locals could spit on him. The news was brought to Queen Victoria along with a proposal for Britain to recover its honor by invading the Andean country. Victoria rejected the proposal, choosing instead to issue a command that Bolivia no longer appear on maps issued by the British government.

For all I know, the story is apocryphal. But even a fable can contain an important lesson. — R. W. Bradford

Adopt a killer — Columbia Law professors recently completed a study that concludes that more than seven out of ten death-penalty cases were reversed because of procedural errors. I'm not sure whether this reflects anything more that the ability of picayune defense attorneys to work more diligently on capital offenses. The study recommends that "If we are going to have the death penalty, it should be reserved for the worst of the worst." Which is how I thought the penalty was applied.

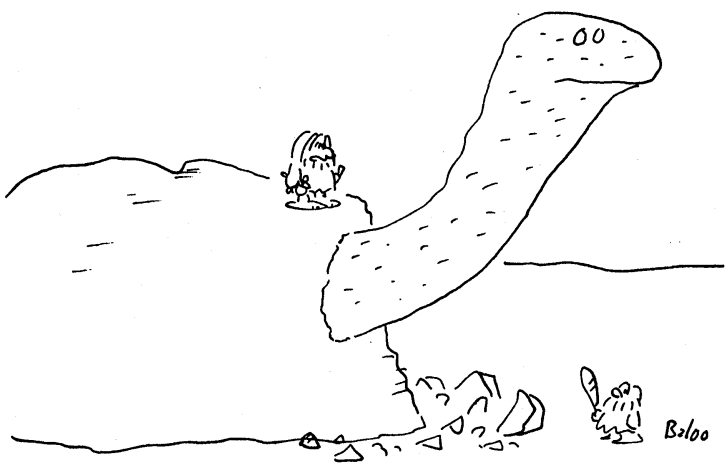

"This is taking forever — can't we go hunting without a decoy?"

I think we should replace the death penalty with an adoption program. We could assemble a list of people who oppose the ultimate penalty and believe that every life is sacred. When a person is convicted of a capital offense, he would be helium-arc-welded into an inescapable titanium cage. We then load up a flatbed full of these cages and deliver them on the doorsteps of all the people on the list. "Here's your sacred life Mr. Cuomo, do you want him in the front yard or back?" — Tim Slagle

The menace of sticky buns — Let's face it, we're too damn fat, and this is America, so someone should be sued! Professor Marion Nestle at New York University provided the target: "The function of the food industry is to get people to eat more, not less. It's not fair."

It's Big Chocolate, in short, no different than Big Tobacco. Either way, as professor Nestle sees it, it's not our fault: We're the dumb pawns, somebody's got deep pockets, and it's time to call in the lawyers. "There are a lot of people who benefit from people being fat and sick, and the whole setup is designed to make people eat more," says Nestle. "The response to the food industry should be very similar to what happened with the tobacco companies."

George Washington University Law School professor John Banzhaf told FOX News much the same thing: "As we're getting more and more figures saying just how dangerous obesity is, people are wondering if tactics used against the tobacco industry very successfully and other problems such as guns less successfully could be used against the problem of obesity."

At ABC News, reporter Geraldine Sealey seemed to be recommending some affirmative action by the government when it comes to filling the slots in America's vending machines: "So we're fat — 61 percent of us. Potential regulations could include requiring 'equal time' for junk food and healthy food in vending machines."

Tom Farley at the Tulane University Law School went further, suggesting that we should just demonize the machines: "I want to get to the point where people are in the hallway and see a vending machine and say, 'That's bad, that shouldn't be there,' in the same way as if they saw a cigarette vending machine."

In his First Inaugural Address, Thomas Jefferson put forth a vision of a people "free to regulate their own pursuits of industry and improvement." A lot has changed in the past two centuries. — Ralph Reiland

Next up, synchronized bong-hitting — The second annual Olympic snowboarding competition got underway in Salt Lake City without the attendance of Nagano's gold medalist, Canadian Ross Rebagliati. If you remember the 1998 Olympics in Japan, scandal erupted when Ross tested positive for cannabinoids and was forced to forfeit his medal. The award was restored upon appeal because there was no clear rule stating marijuana as a banned substance. He wanted to come and watch this year's events, but United States Customs stopped his entry into the country. They cited an obscure law that forbids entry to anyone who has admitted to using illegal narcotics. Curiously, Ross actually denied using marijuana, and

claimed it probably got into his blood second-hand at a party. Even stranger is how the law has been selectively applied. If other countries enforced such a law, Bill Clinton would have never been allowed out of the United States. There was no immigration ban imposed on unrepentant, convicted marijuana addict Paul McCartney, who recently sang at the Super Bowl. One might suspect a case of youth discrimination. I believe it was just an attempt by authorities to hide a gold medalist that smokes marijuana. Nothing lessens the impact of a perfectly good "Drugs Kill" campaign than a pothead who is also a world-class champion.

— Tim Slagle

We can't catch Osama, but we can catch cancer patients — On Feb. 12, the day John Ashcroft and the FBI warned that the danger of a new terrorist attack was especially acute, the Drug Enforcement Administration decided that the best possible use of scarce federal agents was to raid a medical marijuana distribution center in San Francisco. Three people were taken into custody and face charges that could bring them 40-year sentences.

DEA honcho Asa Hutchinson had already been scheduled to give a speech at San Francisco's Commonwealth Club that evening. Presumably, the raids were timed to demonstrate that the new administration is going to be tough on people who use marijuana for medical reasons, which is legal under California state law. Instead of warming Hutchinson's welcome, angry protesters filled the street in front of the club to protest the raid, which was also denounced by San Francisco DA Terence Hallinan and half the board of supervisors. Inside, the audience was also packed with people who objected to it. Despite the Commonwealth Club's policy of trying to present speakers with half friendly and half hostile questions, no one in the audience asked a friendly question.

Now, San Francisco is not America. But federal drug warriors cannot be comforted that this anger came only from stoned-out dregs from Haight-Ashbury. Every poll shows that 60 to 70% of Americans want marijuana to be made available by prescription. The Institute of Medicine report commissioned by Hutchinson's predecessor showed that, contrary to what Hutchinson claims to believe, the scientific evidence of marijuana's benefits in some maladies is accepted virtually unanimously, and researchers are excited about promising new therapies that could be developed from intensive studies of the herb. The drug warriors are bucking science, compassion, and public opinion because the self-referential, parochial crowd inside the Beltway still thinks "weakness" in the Holy War is political poison.

— Alan Bock

The value of life — "If it saves just one human life, it's worth it." That's how opponents of free markets have justified hundreds of environmental and safety regulations. And sure enough, studies by scientists and economists suggest that the regulations implemented on this rationale sometimes save lives at the cost of tens of billions of dollars each. For example, according to risk assessment scholar W. Kip Viscusi, OSHA's regulation of formaldehyde costs consumers and taxpayers $76 billion for every life it saves.

Cynical political observers have long suspected that proponents of such measures don't really value human life as much as they hate the free market. Now there's evidence that what the cynics have suspected is true. A little article in *The Wall Street Journal* (Feb. 14) reports that the Bush administration is "considering whether to recommend" a change in the law making it a crime for a person to sell a kidney or other body organ so it can be transplanted into the body of someone whose life depends on it. The change would allow payments if they were "understood as a thank you" and "not a bribe," so it wouldn't quite legitimate the hated free market. And substantial opposition remains. The boss of the United Network for Organ Sharing, a "non-profit" group that "coordinates transplants for the federal government," opposes the measure on the theory that paying someone for an organ would be "unduly coercive to certain segments of the population."

Why are the Bush administration and the American Medical Association considering this proposed reform? The reason is that every year 5,500 Americans die while waiting for an organ to be transplanted. This indicates that since payments for organs were outlawed 18 years ago, more than 100,000 Americans have died simply because politicians and various puritans in the medical community hate the free market.

Over the past 18 years, more than 100,000 Americans have died simply because politicians and various puritans hate the free market.

OSHA regulators are willing to force people to spend $72 billion to save a single life, which suggests that they'd be willing to spend $7,200,000,000,000,000 — about what the federal government's total spending for 3,500 years would amount to at current levels — to save the 100,000 lives lost because it is illegal to pay for organs for transplant. But how much would it cost to save these lives if organ sales were legal? The article says that payments would range from $300 to $3,000 each.

Okay, which would you rather do? Save 100,000 lives at a cost of $30 million to $300 million, by allowing the marketplace to operate freely? Or spend $72 quadrillion to save those same lives, by regulating the market?

The bottom line is this: Hostility to the free market runs so deep that thousands die needlessly each year because of it. Even Republicans, who claim to be defenders of the free market, are only "considering" getting rid of the anti-market regulations — and saving 5,500 lives every year.

— R. W. Bradford

A fair trade — The Pacific Research Institute's *Washington Bulletin* — accepting reluctantly that the War on Terrorism will involve restrictions on freedom, inconveniences, and outright hardship — suggests that the government offset new restrictions with the elimination of old,

useless, and tiresome restrictions. Specifically, it calls for amending ridiculously low speeding laws, reducing the puritanical drinking-age laws to 18, and eliminating all anti-smoking laws that affect private places. None of these nuisance restrictions has anything to do with security. Eliminating or amending them might serve as a concrete symbol that we really are fighting for freedom rather than for a larger government.

Is anyone surprised that neither the Bush administration nor any freedom-loving congressional Republican picked up on the idea? — Alan Bock

To boldly go where one guy has gone before — Russia plans to send the second space tourist up to the space station, South African Mark Shuttleworth. NASA is again furious. The bureaucrats who run our space program do not understand free markets, and believe the only fair way to get promoted up to astronaut is through seniority. I find myself uncomfortably in agreement. I resent that the kid going up is younger than I am. — Tim Slagle

PC terrorism — Only days after the attack on the World Trade Center, I was solicited to join a terrorist group. I do not exaggerate — I was asked to contribute to, or to join, a fanatical leftist terrorist organization, recruiting not in some dark alleyway, but on the campus of my university. That group, of course, was Greenpeace, an organization since described by one of its co-founders as "a band of scientific illiterates who use Gestapo tactics" in enforcing their vision of environmental purity. There are groups far worse than Greenpeace, though, including the Earth Liberation Front, whose spokesman, Craig Rosebraugh, recently testified before Congress — or, rather, hid behind the Fifth Amendment rather than answer Congress' questions. In written testimony, Rosebraugh "fully praise[d] those individuals who take direct action, by any means necessary, to stop the destruction of the natural world and threats to all life. Long live all of the sparks attempting to ignite the revolution!"

Ecoterrorism has been a growing concern for several years. Terrorists have destroyed university laboratories and genetically modified test crops. Incidents of "tree-spiking," intended to cause injury or death to lumberjacks date back over a decade. And then, of course, there was the Unabomber, whose murder by mailbomb earned him a skit on Saturday Night Live, presenting him as the Cute Wacko at his college reunion party. (Curiously, SNL made no similar elbow-in-the-rib jokes about Timothy McVeigh.)

Terrorism isn't just part of the environmental movement. The terrorist tactics of political correctness have been chronicled by many journalists — college students are encouraged to shout down speakers who dissent from the "acceptable" line on affirmative action or multiculturalism. I myself once received death threats for an article I wrote in college likening the racism of Louis Farrakhan to that of the Nazis. One reason I suspect the John Walker Lindh story has raised emotions to such a pitch is the discovery by many parents that their children are being essentially taught that such tactics are acceptable, so long as they are in the service of leftist causes. Immediately following Sept. 11, Professor Richard A. Berthold of the University of New Mexico sparked outrage among parents when he said "Anyone who can blow up the Pentagon would have my vote." The terrorists who disrupt every meeting of the WTO — smashing the windows of Starbucks or McDonald's — are college students whose professors have taught them to accept such "activism," or even encouraged them to participate in it themselves. As a matter of fact, in February, an 18-year-old named Sherman Austin was found to be hoarding bomb equipment — and posting bomb-making instructions on a website — while he protested at the World Economic Forum. "Taliban," we are told, comes from a word for "scholar." It really is a small world after all. — Timothy Sandefur

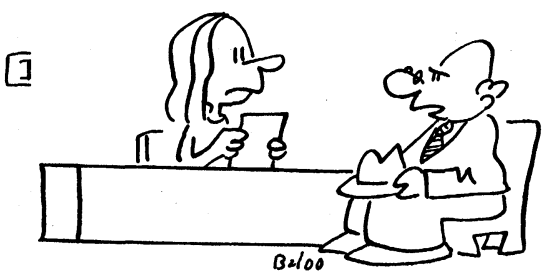

"I know I can't take it with me, but I was hoping to keep enough for a decent funeral."

Only days after the attack on the World Trade Center, I was solicited to join a terrorist group.

Word watch — It is always interesting to see the effect of public events upon our language. The case of Sept. 11 and its aftermath is especially interesting, because the effect has been — what shall I say? — curiously abstract.

Take the name of the event itself: "Nine Eleven." It's impossible to think of a less inherently meaningful designation of an historical event. It's like calling America's day of independence "Seven Four." The closest analogue is the famous "days" of the French Revolution (e.g. "9 Thermidor"), but they don't consist *entirely* of numbers.

There are several reasons for the abstractness of the name for what-happened-last-September. The terrorist attacks took place in several locations, so a name can't be built on "New York." And if you called what happened "The Terrorist Attacks," you would miss part of its meaning. As perceived by the American populace, the event was a cause of regret (for the great loss of life), but it was also a cause of celebration (of the courage of the victims and rescuers).

A less successful naming is "Ground Zero," for the site of the former World Trade Center. The name responds adequately to the problem of locating a concise phrase for a long, messy concept. "The Site of the Former World Trade Center" clearly wouldn't do. "Ground Zero" suggests, however, that the place is like a bomb site — any old bomb site — which it clearly isn't. The phrase is too open-ended, and at the same time too erroneously specific, since the obvious associations of "Ground Zero" are with World War II.

"Ground Zero" will always be nothing more than default terminology.

"Fighters" is a locution that did not begin with Sept. 11 but has been immensely popularized by its aftermath. There are no more "soldiers" left in the world; they are all either highly specific "American Special Forces operatives" or highly generalized "Islamic fighters." Use of "fighters" responds, no doubt, to the difficulty of deciding whether those guys in Afghanistan are really in an army or what, dude, but it also responds to the movement for social equivalency that gave us "worker," as in "sex worker" and "home worker" (for "prostitute" and "housewife," respectively), not to mention "shooter" (for "murderer," or "terrorist" or "assassin" or "crazed postal worker" or "policeman"), the bottom line of which is simply "anyone who shoots a gun."

Much more inspiring are two foreign additions to our vocabulary, both of them abstract enough to have immense expressive possibilities. One is the syllable "bin," from "Osama bin Laden," which has now acquired the meaning of "fanatic in some creepy, foreign way"; thus, "Johnny bin Laden" (John Walker Lindh) or Janet bin Reno (Janet Reno). The other is "Taliban," a word that Americans gladly adopted without even caring to have it translated. All they needed to know was the abstract concept — some bunch of self-righteous weirdos trying to boss everyone else around. Since nobody cares what the word originally meant or how it was originally used or even whether it was supposed to be singular or plural, one can say with impunity, "He is a Taliban," but also, "The Taliban fight on." And the satiric potential is enormous. It's easy to see that everyone from NOW to MADD to those grasping relatives of yours can quite amusingly and accurately be called the Taliban. The word isn't quite as useful as some words popularized by earlier wars ("spam" immediately comes to mind), but it will do, and do nicely, when those relatives come around.

— Stephen Cox

Holiday in paradise — Michael Diven, my local representative in the Pennsylvania legislature, raised a few eyebrows around town with his idea of a trip to Cuba to check out the market for the state's farm products and pharmaceuticals.

"Odd" is how *Pittsburgh Tribune-Review* reporter Brad Bumsted put it on Jan. 20: "There's nothing wrong with what Michael Diven is trying to do. It's certainly legal. But during my two-and-a-half decades as a reporter in Pennsylvania, few things have struck me as being this odd."

On the same day, Jake Haulk, president of the conservative Allegheny Institute for Public Policy in Pittsburgh, pointed out in a newspaper commentary that it's anti-entrepreneurial collectivism, not the U.S. embargo, that has laid waste to the Cuban economy: "What Cuba actually needs is to abandon its Stalinist command economy that keeps out all but a trickle of foreign investment and prevents the natural, entrepreneurial, growth-oriented economic climate that existed pre-Castro from returning."

Well, I agree with all three. I think Diven should go; I know it's odd; and it's true that Stalin was a blockhead when it came to economics.

And as for tossing Cuba's Stalinism on the ash heap of history, I suspect that U.S. trade restrictions have had the effect of propping up Fidel Castro's regime, providing his loudspeakers with the phony excuse that it's the U.S. embargo, not the unworkability of communism, that's keeping his regime from delivering the goods.

Here's a list of helpful travel hints for Rep. Diven:

• Don't flash around big wads of cash. "Unduly wealthy" individuals can have their money confiscated, either legally by the Cuban government or on the street by freelancers.

• Watch out for the Soviet-trained Cuban secret police. "Cuban authorities," warns Human Rights Watch, "continue to treat as criminal offenses nonviolent activities such as meeting to discuss the economy or elections." Run-of-the-mill "contempt for authority" (desacato), for instance, can bring three to five years in jail.

• Comply with the "duty to denounce" (el deber de denunciar). If my Spanish is right, it's "él arbusto es malo hombre" (Bush is a bad man). Practice up.

• Forget about bringing cigars back. At the max, it's ten years and $50,000; at the light end, confiscation by U.S. Customs.

• It's "¿Donde está la cerveza?" ("Where's the beer?").

• And remember the tips by Michael McGuire, associate travel editor at the *Chicago Tribune*: "Allow extra time for finding your way. Maps are scarce."

"Avoid night driving." Lights are scarce. "Scan the road for potholes." Asphalt is scarce. "Fill up your tank at every opportunity." Gas is scarce. "Carry with you basic medicines, such as aspirin." Pills are scarce. "Take all supplementary liability insurance available." Smooth sailing is scarce.

U.S. trade restrictions have propped up Castro's regime, providing him with the excuse that it's the U.S. embargo, not the unworkability of communism, that's keeping his regime from delivering the goods.

"Pick up all the Cubans you can at bus stops and along the highway." Cars and buses are scarce. "Take cigarettes and soap — Cubans love to receive gifts." Marlboros and Dial are scarce.

And don't make scary faces at the wrong people. "Dangerousness" brings up to ten years — no crime necessary, just jail for looking like a hazard.

¡Buena suerte!

— Ralph Reiland

Draft evasion: $10,000, smoking marijuana: $25,000, living in a civil society: priceless — Criminal penalties are not prices. Occasionally the idea surfaces that the schedule of penalties for felonies and misdemeanors is a price list. By implication, people are welcome to commit an offense if willing to pay the price (or, more exactly, to risk having to pay if caught and convicted). Steven Landsburg, an economics professor at the University of Rochester, expresses this idea in *The Wall Street Journal* of Feb. 11. "Speeding," he writes, "is bad when

the cost (measured by the threat you pose to other drivers) exceeds the benefit (measured by the size of the fine you're willing to pay). At other times, speeding is good. If you're willing to pay $500 to do 25 mph in a 20 mph zone, you ought to be speeding."

Landsburg complains in particular about traffic fines scaled (as in Finland) to the offender's income. I agree on this narrow point, as on the perversity of trying to scale the prices of ordinary goods and services to the buyer's income. Furthermore, traffic offenses are a poor test of the notion of penalties as prices; for it is easy, even without bad intent, to overstay a parking limit or to creep above a speed limit, especially when everyone else is exceeding it and enforcement is lax.

But the penalties-as-prices principle is, in general, monumentally perverse. A free and prosperous society could not endure (although here is hardly the place to explain why not) unless most people regarded certain actions as downright wrong, morally wrong, along with even a readiness to calculate the personal benefits and probabilistic personal costs of committing them. Even obedience to the law as such, apart from exceptional cases, is morally required; or so I could argue. Penalties scaled to the perceived seriousness of offenses do not thereby become prices that offenders are welcome to pay if they calculate that incurring them is personally worthwhile. Instead, scaled penalties remind people of the relative seriousness of crimes. Furthermore, they realistically take account of prosecutors' and juries' reluctance to convict offenders of crimes carrying disproportionate penalties.

The penalties-as-prices principle fits into the mindset of certain economists who regard success on "the market," in a stretched sense of the word, as a test of desirability or excellence. But "the market" is no superhuman entity passing definitive judgments about good and bad, desirable and undesirable, right and wrong. The market is a metaphor for the myriad voluntary interactions of individual persons, who are responsible for their own behavior and whose very tastes are legitimately open to appraisal and criticism (though not to coercive suppression). The notion of "the market" as God, including the notion of penalties as prices, ignores and casts discredit on the quite different and valid case for a free society.

— Leland B. Yeager

¡Sex talk, sí; political talk, no! — Back in a different era — one that seems touchingly innocent now — people used to argue, sometimes almost sincerely, about whether the First Amendment was really written to protect such things as pornography and nude dancing. Those with a hankering to control the impure or shocking argued that the Founders clearly intended for "freedom of speech" to apply only to speech about political matters, which is essential to a politically free society and deserves protection. Dirty words or pictures of boobs hardly rise to the level of public discourse we might deem essential to keeping the public dialogue open and uncensored.

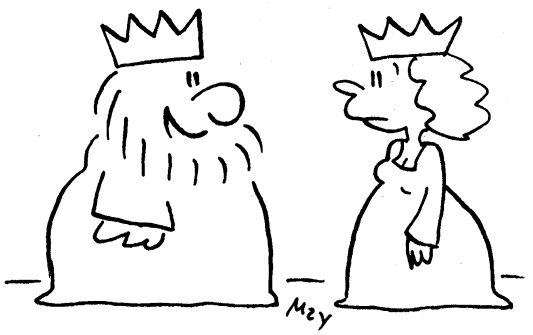

"I'm bored, too — let's go inflict some hardship on the poor."

That was then, this is now. By passing the Shays-Meehan bill, the House of Representatives has explicitly tried to ban certain kinds of explicitly political speech. To say this does not require that we equate political contributions with political speech — though they are, and U.S. courts have consistently held that they are. Shays-Meehan goes far beyond limiting contributions by banning certain corporations, unions, and issue groups from sponsoring or broadcasting certain kinds of "issue ads" within 60 days of a general election and 30 days of a primary. That is an explicit prohibition on relevant political speech at precisely the time when you might suppose anybody genuinely interested in democracy or self-rule would be encouraging as much political speech as possible. It converts political speech into a crime.

A more thorough subversion of the intent of the First Amendment can hardly be imagined.

A more thorough subversion of the intent of the First Amendment can hardly be imagined. Indeed, when Rep. Gephardt proposed a similar ban a couple of years ago, he was honest enough to admit that it might require some tinkering with the First Amendment, but it was worth it to move toward the Holy Grail of clean elections unscathed by dirty money.

Most of the media celebrated the passage of Shays-Meehan, running glowing profiles of the sponsors and supporters, lauding the persistence and tenacity of the determined reformers. One dirty little secret is that restrictions on campaign contributions and political advertisements increase the relative power of the media to set the political agenda, because the media (so far) can't be regulated. Whether a frontal assault on the one purpose of the First Amendment everybody agrees is central to it will end up nullifying the amendment and the media's freedom is a good question. It might not, so long as the media remain, as they almost all do, the lap dogs of the establishment.

The other dirty little secret is that campaign finance reform is really about entrenching and solidifying the power of the state — the establishment, the insiders, old boys, powers that be, whatever term you prefer — and protecting it from anything so messy or upsetting as a genuine expression of democracy or a genuine manifestation of the people's will.

The old theory of democracy was that the government served the people and embodied their will as expressed through political action. Now that government openly regulates politics, that theory is exposed as the sham it always

was. The only gain is a modest gain in candor — at least the old boys no longer feel the obligation even to pretend that they care a whit for the opinions of the people. — Alan Bock

The new recycling — The John Locke Foundation reports that North Carolina is using some of its tobacco lawsuit money to subsidize a tobacco processing facility in Nash County. How appropriate! I wonder when states will realize where their new interests lie and begin television advertisements urging kids to start smoking so that the tobacco money keeps rolling in? — Randal O'Toole

Silence of the peasants — One of the most severe restrictions of political speech since the Sedition Act has passed the House of Representatives and is now on its way to the Senate. The bill, H.R. 2356, places caps on "soft money" — money donated to candidates by private parties who believe in them — and limits campaign advertisements during a period immediately preceding an election. In a recent committee meeting, Sen. Ernest Hollings of South Carolina repeated his oft-stated desire to see a constitutional amendment to empower Congress to control all spending on congressional campaigns. This extraordinarily dangerous idea reminds me of John Locke's explanation that "A parliament, for instance, consisting of a body of representatives, chosen for a limited period to make laws and to grant money for public services, would forfeit its authority by making itself perpetual, or even prolonging its own duration; by nominating its own members; by accepting bribes; or subjecting itself to any kind of foreign influence. This would convert a parliament into a conclave or junto of self-created tools; and a state that has lost its regard to its own rights, so far as to submit to such a breach of trust in its rulers, is enslaved." — Timothy Sandefur

Don't break out the champagne just yet — E.J. Dionne has spotted a Bush ideology, described in his *Washington Post* column of Jan. 27. The column is a warning to liberals who might be lulled by Bush's moderation in words. Dionne's thesis: "By rejecting pure anti-government rhetoric, Bush has left himself more room to reduce the size of government."

That's interesting. But is it true? Dionne argues that Bush is "no Rockefeller Republican," and, in fact, is "in many ways *more* conservative than Reagan ever was. Reagan didn't successfully push a repeal of the inheritance tax. He didn't propose a partial privatization of Social Security. He praised religion but never contemplated a faith-based initiative."

In Dionne's analysis, the essence of Bush is "a new fusionism" between the libertarian and traditionalist impulses on the right. The Reagan fusionism broke down at the end of the Cold War, and Bush is creating a new one in his war on al Qaeda.

"Like libertarians, he has made tax cuts a central article of his creed," Dionne writes. "His devotion to business is reflected in his efforts to roll back regulations from the Clinton era and to open federal lands to energy development." Like traditionalists, he says the market is not enough. Bush says things like: "We are a nation of rugged individuals. But we are also the country of a second chance — tied together by bonds of friendship and community and solidarity."

Dionne's take: "Note well: Bush's rhetoric on the limits of markets is not about changing or regulating them more. Instead, it's about strengthening non-market institutions *outside* of government — family, church and neighborhood." Dionne takes up another piece of Bush rhetoric, and translates it: "The root causes of poverty, he's saying, are personal and moral, not social and economic. He has shifted the focus to individuals, and their shortcomings."

After examining the Bush rhetoric about "compassionate conservatism," he sums up: "Whatever this is, it's not the New Deal or the Great Society. It's conservatism of an old sort."

He's right about that. The thinking is conservative. Still, as in his education bill and his proposal for subsidized medical insurance for the unemployed, Bush is willing to increase citizens' reliance on government. So far, he has not reduced its size. — Bruce Ramsey

Millions for defense, but not one cent for peace — What came across most clearly in the State of the Union speech is Bush's belief that the United States is capable of making and maintaining almost limitless commitments around the world and succeeding brilliantly at all of them. His faith in the ability to fleece taxpayers endlessly was quite explicit — "My budget includes the largest increase in defense spending in two decades, because while the price of freedom and security is high, it is never too high: Whatever it costs to defend our country, we will pay."

Presumably that doesn't include cutting back on overseas commitments, which would surely reduce our vulnerabilities and the number of people who resent us. The cost of that policy would surely be too high for our foreign policy mandarins to bear, however much it might benefit the American people. — Alan Bock

Traitor John — The case of John Walker Lindh, the American Taliban, seems to have been designed to bring out the worst arguments in people.

1. The bald-faced lie. Faced with accusations of crime on

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the front pages of every newspaper in the country, President Clinton's defenders donned their masks of outraged innocence and told the media, "The president has never been accused of a crime." If pressed, they could have taken refuge in the factoid that Clinton had never been formally indicted in a court of law. But of course they were never pressed, so the lie was able to work its way, helping Clinton slowly, slowly, slowly crawl back toward the stagnant pool of residual legitimacy that lies around the office of the president. He reached that pool. Johnny Lindh's parents now follow in his path, claiming with outraged expressions that their son "loves America" and could never, therefore, have been guilty of fighting against it. Well, love is *such* a tricky thing, isn't it? Didn't Oscar Wilde say, "Each man kills the thing he loves"?

2. The fevered search for truth. How many times during the past two months have you seen a modern liberal pundit publicly wringing his hands over the extreme difficulty of locating evidence that John Walker Lindh was fighting against the United States? Unfortunately, all we have is videos showing him as a member of an armed force that was fighting against the United States.

3. The brainwash defense. This is the catchall or default argument. According to Paul Morantz, writing on Jan. 25 in the *L.A. Times*, "History is full of examples of various kinds of brainwashing." Among his instances are "the Inquisition," "the Salem witch hunts," "McCarthyism," "Hitler," and "Stalin," the last two of which "hooked the downtrodden with promises of greatness. We are all, to some degree, vulnerable to committing horrible acts if we become convinced of a justification." Of course, if we're not convinced — if we're not "hooked" — then we aren't vulnerable. So brainwashing consists of being convinced? Wait a minute, could we go back over that one more time?

After 29 years of plastic surgery, Mrs. G. is now suing her doctor for malpractice, saying the real problem all along was in her head, not with her chin and thighs.

As weak as it is in the purely logical sense, however, the universal-brainwash argument may actually be the most effective. How, after all, could one accept any of these arguments, if one hadn't already been brainwashed?

— Stephen Cox

But you can be too crazy — In the world of the upper East Side where apartments run $4 million and lunch consists of an ounce of arugula, you can, as they say, never be too thin or too rich. Still, at 105 pounds, I'd think it would be hard for Mrs. G. (whose name has been sealed by the court) to find any fat to tuck. Even so, she managed to rack up three liposuctions to the chin, a tummy tuck, a nose job, several eyelid operations, multiple injections of fat to do away with wrinkles, removal of skin growths, eyebrow tattoos, a breast boost, and liposuctions of the abdomen, knees, inner thighs, and flanks.

In any case, after 29 years of selective surgery remakes, Mrs. G. is now suing her doctor for malpractice, saying the real problem all along was in her head, not with her chin and thighs. She's self-admittedly nuts, in other words, so wacky about body image that she's incompetent to give real consent to surgery and no good doctor should have tucked her tummy or tapered her flanks.

Seeing good merit in Mrs. G.'s case, a New York State Appellate Division court flashed a green light, pointing to something called BDD, body dysmorphic disorder — an obsession with minor or imaginary physical flaws.

Asked *New York Observer* columnist Renee Kaplan, "What should plastic surgeons do when crazy patients demand work?" If Mrs. G. ultimately wins, says Kaplan, "Park Avenue's notoriously body-obsessed plastic surgery aficionados may soon be obliged to get their heads shrunk before they can get their faces lifted."

Also in New York, red-blooded American male William Stowell is suing the hospital where he was born for malpractice — Good Samaritan Hospital in West Islip. "Wrongful circumcision," says Stowell, is keeping him from enjoying things as much as he thinks he should.

Overall, a new lawsuit is now filed every two seconds. Some have merit, some are from nuts, too many are nothing more than legal shakedowns. "We in the United States," concludes a *Wall Street Journal* editorial, "seem to have arrived at the point in our social relations where many people, and certainly the entire Democratic Party, believe that no private institution will act in good faith absent the possibility of being torn to pieces by a lawsuit."

Measured in lost jobs and higher prices, we're each being hit, on average, with a hidden tax of $616 annually to support the cost of litigation, $2,464 for a family of four, according to a recent study by the Public Policy Institute.

"Litigation has become the nation's top growth industry, growing four times faster than the economy," writes Jack Faris, president of the National Federation of Independent Business. "Everyone who wears a pacemaker pays thousands of dollars more than the device actually costs to support liability fees. And the new car you bought? You won't see it on the invoice, but hidden in the final tally are costs that allow trial lawyers to dip into your wallet for an average of $500 per car."

— Ralph Reiland

Crazy! — He always was crazy and it kept us from going insane. I'm talking, of course, about Waylon Jennings, who passed away on Valentine's Eve. I was lucky enough to see him in concert with Willie Nelson and Neil Young many years ago. Writing songs about being crazy before being crazy was cool, Waylon gifted the world some unforgettable lyrics, including "I've always been crazy, but it's helped me from going insane," and "Good-hearted woman, in love with a good timin' man."

Now, even liberal *New York Times* columnist Thomas Friedman is writing that crazy is cool: "The Europeans don't favor any military action against Iraq, Iran or North Korea. Neither do I," writes Friedman. "But what is their alternative? To wait until Saddam Hussein's son, Uday, who's even a bigger psychopath than his father, has bio-weapons and missiles that can hit Paris? No, the axis-of-evil idea isn't thought through — but that's what I like about it. It says to these countries and their terrorist pals: 'We know what

you're cooking in your bathtubs. We don't know exactly what we're going to do about it, but if you think we are going to just sit back and take another dose from you, you're wrong. Meet Don Rumsfeld — he's even crazier than you are.' There is a lot about the Bush team's foreign policy I don't like, but their willingness to restore our deterrence, and to be as crazy as some of our enemies, is one thing they have right." Friedman, Christopher Hitchens, Bernard Lewis, Charles Krauthammer, Samuel Huntington, and Andrew Sullivan are all in favor of getting crazy, and I think they have the best grasp on the situation. — Sarah McCarthy

Endless war — "What we have found in Afghanistan confirms that — far from ending there — our war against terror is only beginning." Mr. Bush's speechwriters wrote that line, he approved it, and he delivered it with passion and something resembling conviction. He went on to promise virtually limitless future commitments, lamenting that "some governments may be timid in the face of terror. And make no mistake about it: If they do not act, America will."

Does that mean the United States is promulgating the doctrine that it has the right to send troops and bombs to any country in the world, anytime, on mere scraps of evidence that something is going on there that has some tenuous connection to an organized international terrorist ring? The words suggest it and the administration's actions reinforce that impression. — Alan Bock

PC in space — NASA has announced new guidelines for space tourism. After Dennis Tito's vacation on Mir last year, the idea no longer seems so bizarre, and now a South African Internet businessman named (appropriately) Mark Shuttleworth, is training for the trip himself. So NASA is drafting a set of new, and politically correct, rules for determining who should be allowed into space. The rules would prohibit alcoholics and drug users from flying, as well as members of organizations "that might be offensive" to other astronauts. No word on what that means, exactly. To some of us, NASA's multi-billion-dollar monopoly on space travel, which stifles entrepreneurship and innovation, makes it a might bit offensive. — Timothy Sandefur

No pretense of defense — Time was when the United States went to pains to declare that its overseas military operations were either defensive or came at the behest of some country that was the victim of aggression and had called for our help. Often this was more pretense than reality, as with the Tonkin Gulf incident. But at least our leaders had the decency to make believe. Even the Persian Gulf war waged by Bush 41 had to wait for propaganda about the heartbreaking terror Saddam's minions were inflicting on the innocent Kuwaitis.

No more. Merely displeasing our policy elites is now enough. President Clinton shattered the old self-defense paradigm with the bombing of Bosnia, then Kosovo, mounting what amounted to the invasion of a country that — though certainly reprehensible — had not ventured outside its own borders.

Bush has taken up the torch of imperial maintenance with enthusiasm. The two examples he mentioned of countries where U.S. forces are already involved or will be soon — the Philippines and Somalia — have only the most tenuous connection to international terrorism. The Abu Sayyaf group in the Philippines is a thoroughly nasty lot, engaged in kidnapping and extortion. But while it had some contact with al Qaeda in the middle 1990s, there's almost no evidence of close contact between Abu Sayyaf and al Qaeda currently, and none at all that al Qaeda is somehow masterminding Abu Sayyaf, which has degenerated into something closer to a criminal gang clinging to a political pretext.

The same is true in Somalia. Certainly, this sad county suffers from organized crime, but there's no widespread terror campaign and just a little contact with other terrorist groups overseas. — Alan Bock

A tale of two politicians — In Washington (the state in the Pacific Northwest, not the Death Star on the Potomac), a media frenzy has developed over what appears to dispassionate observers to be a very small matter. A political activist, who has never supported a candidate for office, used for his own benefit a small portion of contributions that people had made to his organization. Doing this appears to be perfectly legal, although the activist had for a while publicly denied that he had done so.

The reason this is such a big deal is that the activist is Tim Eyman, a watch salesman who several years ago got the idea of organizing petitions for ballot initiatives to make the state's politicians responsible for how they raise and spend taxpayer money. In 1999, he headed a campaign that got an initiative on the ballot to cut license plate fees to $30 and prohibit the state from raising taxes to get around the restriction without voter approval. This was an immensely popular proposal. For years, Washington's legislators had routinely added small amounts to license plate fees almost every year, and the result was the highest and most idiotic fee structure

in the nation. I recall paying over $100 per year for a 10-year-old vehicle that had cost only $4,500 new. Residents who drove late-model cars often paid thousands of dollars for their license plates.

Virtually every politician, every business group, every union, and every news outlet in the state opposed the ballot measure, but voters passed it overwhelmingly. The state's supreme court killed it on the curious theory that cutting a tax and keeping it cut were two separate and distinct measures and thus violated a provision of the state's constitution that required initiatives to cover only a single subject. But the state legislature, fearing the wrath of the citizens, quickly cut the license fees to $30.

It was a victory for Eyman, who has since organized other initiatives that have limited taxes and spending, in the process becoming the most effective pro-liberty public policy entrepreneur in the nation. Not surprisingly, he is hated by virtually everybody in the state who wants bigger and more powerful government or who profits from state spending.

On Feb. 1, the *Seattle Post-Intelligencer* reported that Eyman had paid himself $45,000 from the money raised on behalf of one of his initiatives. Eyman denied it. Two days later, he admitted that he had taken the funds, and apologized. The media frenzy continued, and the airwaves were full of denunciations of this "corruption." For nine days, none of his supporters called for any action, but on Feb. 12, the co-chairpersons of his organization "benched" him, obviously in an attempt to quiet the attacks, though they made it clear that Eyman was more than welcome to return to his post, and that they would be glad to pay him a salary for doing so.

While this tempest in a teapot plays itself out, a case of real corruption is taking place with nary a whimper from the news media.

Last year, multi-millionaire Maria Cantwell won election to the U.S. Senate from the state of Washington. Her drive for public office was funded mostly by her own millions, which she lent to her campaign. Comfortably ensconced in the Senate, where she has substantial influence on how $2,100,000,000,000 is spent each year, she is perfectly free to solicit campaign contributions. But they are contributions in name only: Since her campaign still owes her millions of dollars, the effect of making a donation to the campaign is to put money directly into her pocket. Not surprisingly, businesses and individuals who might benefit from the $2.1 trillion have donated generously to her campaign; i.e., given her money for her own direct personal benefit.

As is the case with Eyman, it seems that all this is perfectly legal.

But there is one big difference between Eyman and Cantwell. Eyman is not now, nor has he ever been, in a position to confer governmental benefits on any person or any company. Yet the media and the political establishment are furious over the "corruption" of Tim Eyman, who has no ability to reward donors with anything at all and who has collected so little money for several years of hard work that he may not have even received the minimum wage. And they couldn't care less about Cantwell's pocketing millions from donors who stand to benefit from her power over spending and legislation. — R. W. Bradford

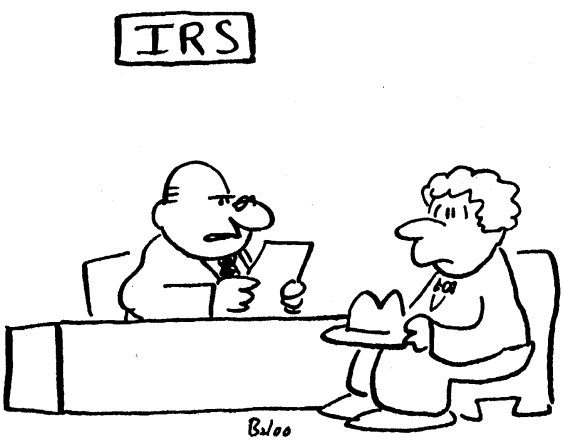

"Never *mind* what Bill and Hillary deduct!"

I got the gold, dude! — Perhaps it's the fact that I have a 16-year-old who took up snowboarding this winter, but I think it's kind of cool that U.S. respectability in the Winter Olympics was beefed up this year by a bunch of "dudes" about whom everybody openly jokes that they have to pee carefully to pass post-competition drug tests for marijuana. The snowboard half-pipe was introduced four years ago in an effort to make the staid old Winter Olympics a little more with-it to younger generations. Now those younger generations have made the United States, normally fairly pathetic in Winter games, look almost like a powerhouse. On the other hand, I wonder how long before snowboard judging — unquestionably somewhat subjective — will become as blatantly corrupt as the judging of figure skating.

— Alan Bock

A beautiful equilibrium — *A Beautiful Mind* is the first film that deals with a profound social issue that touches everyone and yet that few people mention or even understand — a Nash equilibrium. The film also focuses on the mental illness of mathematician John Nash but only because Nash won the 1994 Nobel Prize in economics for a two-page paper called "Equilibrium Points in N-Person Games" that he published in the *Proceedings of the National Academy of Sciences* in 1950 when he was just 20 years old. There would have been no film without the Nobel Prize.

Yet the filmmakers failed to correctly explain a Nash equilibrium. And a mere flash of text at the film's start only hints at why a review article in the September 1999 issue of the *Journal of Economic Literature* said that the impact of Nash equilibrium in the social sciences "is comparable to that of the discovery of the DNA double helix in the biological sciences."

So what is a Nash equilibrium?

Nash equilibrium shows how selfish competitors should act given how their competitors act. A Nash equilibrium has a simple mathematical definition. Here is how Nash described it in words in his 1950 paper called "Non-Cooperative Games": "Each player's mixed strategy maximizes his payoff if the strategies of the others are held fixed. Thus each player's strategy is optimal against those of the others." So each player does the best he selfishly can given the competitive context of his competitors doing the best

they can. The competitors constrain one another's selfishness. And no competitor has an incentive to change his strategy once all the competitors are in a Nash equilibrium.

Jean-Jacques Rousseau suggested a hunting example in his 1755 *Discourse on the Origin of Social Inequality* that has led to something called the deer game. Suppose you are one of four starving people in the forest. You have just two options: You can try to catch a rabbit or a deer. But you can catch a deer if and only if all four of you try to catch one. How each person behaves depends on how the others behave.

Suppose the other three persons catch rabbits. Then the best you can do is catch a rabbit too because you have no chance to catch a deer. This rabbit hunt is a Nash equilibrium because each person does his selfish best given what the others do and because no one has an incentive to switch hunting strategies.

Thus does order arise from competitive struggle.

Now suppose the other three persons try to catch a deer. You still eat if you catch a rabbit but then they can't catch a deer. They will catch a deer if you help them and then you can all have a feast. So it is in your selfish interest to try to catch a deer. The deer hunt is also a Nash equilibrium because each person does the best he can and has no reason to change his hunting strategy. The latter point is essential. A player cannot have any incentive to switch strategies.

The movie gets this backward when it concocts a "blonde game" in a bar. Each young man in the bar wants to pick up a blond woman rather than a brunette. Then a blond beauty walks in with several brunettes. The Nash character (Russell Crowe) conceives the Nash equilibrium in this fictitious scene. He claims that no man should pursue the blonde because they can't all have her (and this will insult the brunettes). So he claims that the optimal strategy is to pursue only the brunettes.

But each man will want to switch from his brunette to the blonde if all the other men have brunettes. So this is not a Nash equilibrium. The film's logic says that children will pick up only the pennies on a sidewalk and not the hundred dollar bill lying next to the pennies because they can't all have the bill. Our own selfishness says otherwise.

Studies of ultimatums have shown that we can be so selfish that we become envious and we don't achieve Nash equilibrium. Suppose I have a hundred dollars and I offer you a share of it. The rules let us keep our shares if you accept my offer. But neither of us get anything if you reject my offer. Then I should offer you as little as possible and you should accept anything I offer. But more than half of players reject an offer less than twenty dollars even though accepting even one dollar is better than nothing.

Nash equilibrium can also explain the darker side of behavior. I published a paper I wrote as a student about outlaws who grow and steal marijuana plants (you can download it from my USC web page). It pays to steal if there are many more growers than thieves because growing pot is so risky. But it pays to grow if there are too many thieves because a grower has some chance of harvesting something while thieves find little to steal and other thieves will steal from them. Players adjust their strategy mixes of growing and stealing until they reach Nash equilibrium (whereas legalization lets growers organize and use the police).

Yale economist Stephen Morris applied Nash equilibrium to political correctness in a 2001 issue of the *Journal of Political Economy*. Political correctness deals with not telling the truth because of fears to one's reputation. An advisor may lie to her boss if she fears some words or opinions will harm her reputation. The extreme case leads to a "babbling equilibrium" where the advisor's advice is no better than flipping a coin and so her boss ignores her. This can apply to advisors from stockbrokers to astrologers to political consultants.

John Nash deserved his Nobel Prize — and a more accurate movie. — Bart Kosko

Hypocrite, M.D. — John Slade, M.D., died on Jan. 29 at a family home on Lake Burton in Rabun County, Ga., from a self-inflicted gunshot wound. He was 52 years old. Six months earlier he suffered a stroke. He was, according to his friend Greg Connolly, a "devout Christian." Connolly wrote in a eulogy that "When you fight the immoral actions of the tobacco industry you need a moral touchstone to persevere and stay on an ethical path . . . I am sure John is close with God this evening . . . He changed America's view on tobacco more than any other person I know . . . In his life he has changed America and saved the lives of many of its citizens."

John Slade was a hero among contemporary public health crusaders. He was addicted to the war against tobacco. He influenced the Food and Drug Administration's attempt to regulate the tobacco industry. He helped to redefine cigarettes as "nicotine delivery devices." And he "disrobed" tobacco executives at shareholder meetings and elsewhere. An epidemiologist by training, he called tobacco advertising and marketing an "infectious agent" and a "virus."

John Slade was also a hypocrite. He had one set of standards for others and quite a different set of standards for himself: He was a statist towards others and a libertarian toward himself.

Slade chose to end his life quickly, presumably because he did not want to continue living as the victim of a stroke. When it came to himself, he wanted to be left alone. He did not want the power of the state to interfere with his gun use. When it came to others, he enjoyed meddling in their affairs.

Coming in Liberty

"Evolution: A New Theory Is Needed" *Gordon Tullock* looks at the flaws in Darwinian theory.

"Hayek and Psychiatry" *Thomas S. Szasz* examines what F. A. Hayek had to say about psychology.

"Where Taxes Are Lowest" *R. W. Bradford* surveys the tax structures of all 50 states, and discovers that some Americans can cut their non-federal taxes by as much as 75% by moving a few miles.

He sought to use the power of the state to interfere with their cigarette use. He tried to dictate how smokers live their lives. He sought to interfere with the relationship between cigarette buyers and sellers.

This conflict between his personal values and those he sought to impose on others is striking. Contrast his exercise of free will regarding, to use his own language, a "bullet delivery device" with that of the millions of people who may end up killing themselves with "nicotine delivery devices."

Smokers choose to smoke for reasons that are important to them. Slade committed suicide for reasons that were important to him. According to Slade, suicide performed quickly is a right. Suicide performed slowly is a sickness caused by an infectious agent, a virus.

John Slade felt compelled to protect people from cigarettes and the tobacco industry. Smokers are, according to Slade, victims of nicotine delivery devices and an immoral corporate empire. Because they have allegedly lost the ability to choose not to smoke due to addiction, Slade believed the state had a right to interfere with their lives. However, by his own reasoning, Slade should have been protected from himself, too: He was not thinking clearly. He was the victim of a bullet delivery device and an immoral corporate empire. Had he lost the ability to choose not to commit suicide? The meaning he found in combating what he considered evil in the world obviously did not give him enough of a reason to continue living. What is a good reason to go on living? What is true for smokers is just as true for John Slade.

Slade believed he had a right to "fatal freedom." He believed he had a right to end his life because he no longer wanted to go on living. No one has condemned him for this, and no one should condemn him for committing suicide.

He devoted a significant part of his professional life lobbying for the very opposite kind of policy when it came to others: Smokers, he asserted, do not have the right to exercise free will to self-destruct by smoking. When it came to others, John Slade believed the state had a right to interfere with their lives. — Jeffrey A. Schaler

Robert Nozick, R.I.P. — On Jan. 23, Robert Nozick died of stomach cancer. He was 63. With the publication of *Anarchy, State, and Utopia* in 1974, Nozick singlehandedly made libertarian philosophy respectable among philosophers. His book also provided the most widely read alternative to John Rawls' influential rationale for the welfare state.

Although Nozick involved himself briefly in the libertarian movement, he never seemed very comfortable there. His subsequent philosophical writing covered a wide range of subjects far afield from political theory. "I didn't want to spend my life writing *The Son of Anarchy, State, and Utopia*," he explained.

In 1987, he sued his landlord for a refund of past rent, on grounds that his landlord had violated local rent control regulations. Many people considered this an obvious violation of the ethical theory of *Anarchy, State, and Utopia*, and his popularity among libertarians declined. But he remained an enormously influential philosopher.

In a future issue, *Liberty* will publish a re-evaluation of *Anarchy, State, and Utopia*. — R. W. Bradford

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The Enron Mess

The collapse of Enron has revealed a tangled web of fraud and corruption, and touched off a new round of attacks on the free market. But fraud in the wake of big business and big government conspiring against the taxpaying public is nothing new.

The Inevitability of Enron

by R. W. Bradford

The collapse of Enron was gaudy and spectacular, providing ample grist for the mills of punditry and ample amusement for the couch potato. The only story in recent memory to which it is comparable is the savings and loan scandals of the late 1980s, to which it has plenty of similarities.

In essence, Enron and the crooked S&Ls were doing the same thing: They invested other people's money into high-leveraged, high-risk ventures in hopes of high profits, and when the profits failed to materialize, postponed the day of reckoning by using complex schemes to disguise losses and report profits that did not exist. Both created other entities to garner such profits as there were, to disguise the risk, and hide the losses that ultimately and inevitably resulted. The S&L crooks used real estate partnerships (remember Whitewater?), while the somewhat more sophisticated Enron crooks used joint ventures and partnerships so complicated that lawyers are still having trouble figuring them out. In both cases, the schemers grabbed as much cash as they could and headed for the hills, hoping to protect themselves by taking advantage of their connections with corrupt politicians and the inept or downright crooked legislation that they enacted.

But the Enron case seems to have the edge in terms of gaudiness and spectacle. There are at least three reasons for this:

1. The schemers at Enron were far fewer, making it easy to focus on them. There were hundreds of S&L schemers, located in dozens of cities in dozens of states. When there are so many perps, it isn't easy to find anyone to personify the crisis and to focus public hatred. In Enron's case, the primary culprits are a handful of high-level executives, easy to identify, easy to focus on, easy to hate.

2. During the investigation of the S&L fraud, Congress' rules allowed witnesses intending to plead the Fifth Amendment to testify in "executive session," that is to say, away from cameras, microphones, and reporters. This denied the members of Congress the chance to hector and lecture them. But the rules were changed in 1998 so Republican congressmen could hector and lecture those involved in trying to cover up the various high crimes and misdemeanors of the Democratic president. Henceforth, people wishing to plead the Fifth would have to face the eloquent wrath of obscure congresscritters (N.B.: I avoid the sexist term "congressmen") getting a rare chance to show their stuff on television. So every day an Enron exec goes before Congress and a dozen or two critters compete to express their indignation, each more gaudily than the one before, providing lots of videotape for the cable news channels and lots of front-page stories for the daily press.

3. The S&L schemers appear to have cost their victims substantially more than anything the Enron schemers ever dreamt of, but their victims represented a broader spectrum and were accordingly more difficult to picture and sympathize with. Indeed, the S&L fraud was ultimately paid for by every American taxpayer, which is just about as broad and diverse a group as you can get. And the losses were buried in the morass of the federal budget. What's a few billion dol-

lars in a budget that runs to trillions? The Enron schemers, on the other hand, appear mostly to have victimized their own stockholders. These included Enron employees not allowed to sell their stock, even when the firm's big shots succeeded in dumping theirs. The employees are capable of appearing quite sympathetic, at least as the news media portray them. It is seldom mentioned that these people obtained stock for free (as bonuses) on the condition that they not sell it until they had held it for a certain period of time — or that they had, or should have had, reasons to believe that Enron was engaged in fraud but nevertheless continued to work there, earning their salaries from Enron's fraud, getting free stock, and keeping their mouths shut.

One of the most amusing aspects of the Enron collapse is the fact that most of the media are blaming the fraud on the free market, when in fact Enron was able to get away with what it was doing as long as it did mainly because of goofy legislation — legislation that made it easier to commit and to hide fraud, and that thereby undermined the market mechanisms that protect investors and consumers.

Indeed, it may very well turn out that the Enron fraud may have been entirely legal, thanks to the carelessness or corruption of the legislators. The Enron schemers may even be able to avoid the imprisonment they most certainly deserve and keep their ill-gotten gains, as most certainly will the legislators who enabled the fraud to occur.

Even more remarkable is the fact that the Democrats blame Republicans for the crisis, claiming that they showered favors on Enron in exchange for political contributions. I've read Common Cause's report on "What Enron Has Gotten for Its Political Contributions." Common Cause's non-partisanship leans strongly toward Democrats, but its list of political and economic sins consists mostly of trivial allegations, supported by very little evidence, except for two items: In 1994, the Clinton administration insisted that India agree to a multi-billion-dollar deal with Enron before the U.S. would lend India $302 million; and in 1995, "the Clinton administration threatened to cut Mozambique's foreign aid if the world's poorest country did not award a pipeline contract to Enron."

The primary culprits are a handful of high-level executives, easy to identify, easy to focus on, easy to hate.

While it's true that Enron gave more money to Republicans, and especially to George Bush, than it did to Democrats, there's little evidence that it got anything for its money. When Enron needed a favor from Bush, it wanted a really big one — a federal bailout — and he refused to grant it.

This is not evidence that Republicans are less corrupt than Democrats. Contributions buy access, whatever the party. But it is the anticipation of future contributions that buys influence. Enron was pouring money into Democratic coffers at the time — it gave $100,000 to the Democratic National Committee just four days before India approved its Enron contract under pressure from the Clinton administration — and the Democrats, who held the presidency and thus had greater ability to reward their donors, could reasonably anticipate far more Enron donations in the future. By the time the Republicans grabbed the presidency, and thus the ability to shower their donors with taxpayer dollars, Enron's massive fraud was already coming unraveled. Enron was hardly in a position to make future donations to the GOP, and the president knew it.

The Enron schemers may even be able to avoid the imprisonment they most certainly deserve and keep their ill-gotten gains, as most certainly will the legislators who enabled the fraud to occur.

Of course, this does not prove that the Bush administration is indeed as corrupt as the Clinton administration. At least with regard to Enron, it simply never got the opportunity to do a "favor" in anticipation of future payoffs.

The lesson of Enron is that politics and business do not mix. The opportunities for corruption and fraud are just too extensive, a lesson that is illustrated for every generation, but usually quickly forgotten. Today, people are upset about Enron, but few remember the S&L frauds, and fewer still Billy Sol Estes, the Teapot Dome, Jay Cooke's Northern Pacific, or Credit Mobilier. The magisterial 1911 edition of Encyclopedia Britannica reported that Credit Mobilier "gave rise to the most serious political scandal in the history of the United States Congress," yet I doubt that one American in a thousand has any knowledge of it whatever.

Ayn Rand had it right: What we need is the complete separation of economy and state. □

Logic de Jour — Bad people at Enron cheated investors and workers, therefore free enterprise must be strictly limited or abolished. It should follow that since bad people in government throughout history have cheated (not to mention robbed and killed) producers and taxpayers, it ought to be strictly limited or abolished. Well, Messrs. Krugman, Kuttner, Noah, et alia? — Sheldon Richman

At Least Enron Had Real Assets

by Tom Isenberg

What an infuriating spectacle. Current and future retirees cheated by fraudulent accounting designed to fake huge assets while hiding enormous lia-

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Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

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bilities. Top dogs exempted from the same rules that trap employees. A cynical public skeptical that Congress will do anything to reform the system.

But enough about Social Security. How about that whole Enron thing?

It looks like Congress is using the Enron mess as an excuse for Congress to "protect" all private retirement plans. What is Congress going to do, force us to diversify among politically approved investments like government bonds, stocks of "good corporate citizens," and Texas and South Dakota real estate deals?

And they're also using Enron as a justification to keep the Social Security time bomb ticking. As fraudulent as Enron's practices were, it wasn't Enron that locked employees into a scheme where 15.3% of their pay was confiscated for mandatory investment in a glorified Ponzi scheme. And at least Enron employees have retirement accounts that actually exist. Tragically, of course, their Enron shares are now penny stocks, but they could have followed standard investing advice and diversified their personal 401(k) plans among several non-Enron alternatives.

Compare this to forced investment in a scheme with only one asset: the promises of future politicians. What's worse, it's not just the single asset that's bogus. The account itself is bogus. There are no actual personal Social Security accounts that we can touch, much less leave to our beneficiaries. We'll get what future politicians say we will get.

And like the Enron executives who bailed out of the stock while the peons were locked in, the savvy investors in Congress exempted themselves from participation in Social Security the moment it was created. But the rest of us are locked in until this Mother of All Accounting Frauds collapses. □

Bill and Hillary and Al and Ken

by William Fielder

Enron chairman Kenneth Lay met with President Clinton and Vice President Gore in the Oval Office in 1997, prior to the Kyoto energy conference, according to the *Washington Times* of Jan. 16. The apparent purpose was for Clinton and Gore to get an agreement from Enron that it would support the draconian regulations and higher costs on the industry that would emerge from the conference, in exchange for government guarantees and taxpayer subsidies. This would expand the government's power within the industry and guarantee handsome political contributions for the Democrats.

Enron would not disappoint. It became the poster corporation for the junk science of global warming, and supported the industry-killing Kyoto Protocol. Enron probably believed that promised taxpayer payouts would make up for its losses in support of unproductive, but politically correct, energy initiatives. The U.S. Senate, however, recognizing Kyoto's negative impact on the economy at large, foiled Clinton-Gore plans by voting 95-0 to trash the unfair and inequitable Protocol. The Senate action wouldn't stop Enron, however, from attempting to become the corporation of choice for the Clinton-Gore globalization agenda.

One source has stated that at Hillary Clinton's prodding, seats were allotted on government trade mission flights to $50,000 Democratic National Committee (DNC) donors. Documents related to the practice were later subpoenaed, but were reportedly shredded, Enron-style. Nevertheless, Enron was apparently there with checkbook in hand for the coveted seats. In 1994, chairman Lay accompanied Commerce Secretary Ron Brown on a trade mission to India. An Export-Import bank $302 million loan to build an Enron-controlled Indian plant soon followed. The DNC received a $100,000 check from Enron just four days before India approved the power plant project. Another $100,000 Enron check followed in 1995. Clinton had instructed his chief of staff to help Enron obtain the power plant construction contract in India, and Enron received $398 million in taxpayer assistance. Another $100,000 Enron donation to the DNC in 1996 may have resulted in Regulatory Commission rulings favorable to the firm.

Federal and confidential corporate records show that Enron donated thousands in political soft money beginning in 1995, according to Jerry Seper and the *Times*. Seper further reports that Clinton energy and EPA officials often made themselves available for Enron executives. A December 1997 Enron memo emphasizes that approval of the Kyoto Protocol would be good for Enron stock. In 1998, Enron called for "restructuring" of legislation to deal with "the problems of global climate change." Never mind that there was growing skepticism about the seriousness of global warming.

Democratic Sen. Joe Lieberman, who is heading the Senate investigation of Enron, has benefited from $250,000 given to his political causes by firms with Enron ties, but has not recused himself. Clinton Treasury Secretary Robert Rubin now runs Citibank, which is owed $800 million by Enron. Rubin called the Bush Treasury Department to seek an Enron bailout and was turned down cold. So this is the Enron record: They sold out their own stock-holding employees, bought big into the global warming myth to get government handouts, banked on the Kyoto Protocol becoming law even after being drubbed in the Senate, and gave most of their money to Republicans when they were getting all that favoritism and assistance from the Democrats.

Is it any wonder this company collapsed? □

Hair of the Dog — Enron and Arthur Andersen apparently conspired to inflate Enron's profits, hide shrinking assets, and generally misrepresent the company's true and dismal financial picture. So what do people want? Greater regulation by the government, whose departments routinely misplace billions of dollars, waste billions more on favored clients, hide misconduct, and keep lousy records? Yeah, makes sense to me.

— Sheldon Richman

Good Rhetoric, Bad Budget

by Chris Edwards

Health and Human Services . . . Amtrak . . . farm subsidies . . . the Department of Education — is there any bloated, ill-performing, useless, destructive, or unconstitutional federal program whose budget George W. Bush *isn't* trying to increase?

The federal budget, released Feb. 4, was refreshing. Rather than just the usual puff rhetoric used to justify increased spending, the new Bush budget includes tough talk about federal programs that don't work. Consider the budget discussion on education: "Since 1997, appropriations for Department of Education programs have increased an average of 13% per year, despite an almost total absence of evidence that the programs were effective." Right on! Let's cut that bloated education budget!

But then you look at the actual budget numbers, and you find a total disconnect between rhetoric and reality. Proposed Department of Education outlays next year are $53.8 billion, up from $47.6 billion this year — an increase of 13%, virtually the same increase that was disparaged in the text. The disconnect between the language and the actual proposals is evident on the tax side of the budget as well. Tax simplification is discussed, and tax reform policy studies are promised, but a slew of complex targeted tax credits are actually delivered.

All in all, the Bush budget contains a striking lack of boldness with regard to constraining government, especially for a Republican president with sky-high popularity and two and a half years to go before re-election.

The Rhetoric

A major theme of the Bush budget is reforming government to make it more efficient. Yes, we've heard that before. Bill Clinton's last budget declared that he and Al Gore were successful in "improving performance through better management" with Gore's "reinventing government" campaign.

This year's budget introduces an Executive Branch Management Scorecard, which gives each federal agency a green, yellow, or red grade for their performance in various categories. Of 130 grades given, 110 were red for "unsatisfactory" this year. I guess Gore's eight years of reinvention didn't work after all. The budget also graded a sampling of programs in each department as "effective," "ineffective," or "unknown." Many were scored ineffective.

I don't know whether Bush and his budget chief, Mitch Daniels, will be successful in improving government management, but the budget doesn't reveal that they have any interest in improving management or shrinking the federal government. The budget seeks an "efficient delivery of farm aid," but proposes boosting the farm aid price tag by $74 billion over ten years. Ronald Reagan, and the Republicans who took control of Congress in 1994, sought at least some major program terminations. The Republican Party of 2002 has become more like Tony Blair's government, as described by Stephen Berry in *Liberty* (March, 2002), which aims to bring more market-oriented management to government administration.

Take Amtrak. The Bush budget heaps scorn on it, saying it has "utterly failed" to wean itself off subsidies, that its recent mortgaging of Penn Station in New York is a "financial absurdity," and that, overall, it is a "futile system." The budget's solution is that "passenger train service should be founded on a partnership between the federal government,

the states, and the private sector." A partnership? Why not outright privatization? As Berry notes in his piece on Britain, "I worry that, as with the railways, a partial, half-hearted, and bungled privatization will bring a host of problems in its wake and tend to discredit the market."

Or take the colossus called the Department of Health and Human Services, which will shell out $459 billion this year for Medicare, Medicaid, and a huge array of other programs. The budget notes that "in few federal agencies is the need for organizational reform more acute than at HHS . . . a complex web of ever-proliferating offices has distanced HHS from the citizens it serves, and has produced a patchwork of uncoordinated and duplicative management practices." HHS has 40 human resources offices and 70 public and legislative affairs offices. The solution? A nine percent increase in its discretionary budget.

I give kudos to Mitch Daniels for trying to separate out the most bungling and wasteful federal programs from the rest with his new rating system. At least this will give smaller-government advocates more ammunition. Perhaps after a few more years of failing grades, the administration might consider ending a program or two. Of course, by then it will be time for the next election and nobody will be interested in cutting anything.

Bush's budget for 2003 is $124 billion greater than what President Clinton proposed for 2003 in his final budget.

The Numbers

As most policy wonks know, the federal government divides $2.1 trillion in annual outlays between mandatory spending, discretionary spending, and interest. Mandatory spending includes programs, such as Social Security, that are on an autopilot growth path. Discretionary spending includes defense and non-defense spending that needs to be appropriated annually.

In recent years, mandatory spending has been growing at about the same rate as overall economic growth. But this is the calm before the storm that will begin when baby boomers start retiring in 2008. At that time, Social Security and Medicare costs will begin to explode, unless we reform or privatize them before that time.

The real action lately has been on the discretionary side of the budget. Discretionary outlays will rise at an annual average rate of 7.4% between fiscal 1998 and 2003. This spending burst comes after a temporary lull in the mid-1990s caused by falling defense spending, congressional spending caps, concern over high deficits, and the efforts of the new Republican majority in Congress. Whatever discipline there was evaporated after Congress passed the first balanced budget in 29 years in fiscal 1998.

One way to see how discretionary spending has ballooned is to compare what had been proposed for fiscal 2003 in prior budgets, compared to the $789 billion Bush is now proposing. Bush's number for 2003 is $124 billion greater than the $665 billion that President Clinton proposed for 2003 in his final budget two years ago (see Chart 1). And it is a stunning $194 billion, or 33%, greater than Clinton proposed for 2003 in his fiscal 1999 budget. This pattern of constant upward revisions is true for both defense and non-defense spending (see Chart 2).

Each year, Congress and the executive branch up the ante on each other's spending plans. The executive branch often tries to get as much spending as it can for the next budget year, but then lowballs more distant years to make the long-term budget numbers seem "fiscally responsible." For example, the Bush budget proposes that annual growth in non-defense discretionary outlays decline roughly one percent in 2005 and 2006. Clearly that's wishful thinking, especially since Bush is not preparing to make that happen by terminating programs. So the only fair measure of spending restraint is how much money the administration is demanding right now. Bush's budget has non-defense outlays rising 9.7% in fiscal 2002 and six percent in 2003 (excluding the Emergency Response Fund).

When the current discretionary spending spree will slow down is not clear. Bush was successful in his strategy of getting as much of the surplus off the table as he could with his tax cut last year. But now he is asking for fiscal discipline from Congress while larding up his favorite programs. The only major departments that even get a light trim are Justice, Labor, the EPA, and the Corps of Engineers. This is more than matched by big increases at Veterans Affairs, Transportation, Health and Human Services, and others. Bush is, of course, also proposing huge spending increases for defense and other security-related agencies such as FEMA.

When you look at the details to see what is proposed for programs traditionally on the conservative-libertarian hit list, you don't see many cuts either. Foreign aid and the Peace Corps have big increases. Spending for both the Corporation for Public Broadcasting and the National Endowment the Arts is increased. Some corporate welfare programs, such as the Advanced Technology Program are trimmed, but few are zeroed out. Clinton's Partnership for a New Generation of Vehicles is terminated, but Bush will continue shoveling taxpayer cash to the auto industry with a new Cooperation Automotive Research program.

Bush is asking for fiscal discipline from Congress while larding up his favorite programs.

Farm Subsidies

Farm subsidies deserve special note as the most appalling spending cave-in by the Bush administration so far. The reform-oriented 1996 farm law expires this year, and Congress is using reauthorization as a chance to increase subsidies substantially. In 1996, the main farm price support program was replaced with payments that were to decline over time. But Congress proceeded to repudiate its own handiwork and soaked taxpayers with four large farm supplemental bills in a row starting in 1998. Subsidies have soared from an average $9 billion per year in the early 1990s to over $20 billion per year today.

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Congress could now simply reauthorize current law, which would cost taxpayers roughly $100 billion over the next decade. But Congress and the president have agreed to spend $74 billion above that amount by adding a new price support program and other goodies. The ultimate taxpayer cost could well be much higher. Back in 1996, the cost of the seven-year farm bill was scored at $47 billion, but the actual total subsidy cost will end up being $123 billion. Initially, the Bush administration showed some resistance to farm subsidy increases when Congress began talking about it last year. But in the end, the administration utterly capitulated, and Bush is now giving speeches lauding the new subsidy bill.

In With Tax "Incentives," Out With Tax Cuts

The tax side of the budget is as much of a disappointment as the spending side. Bush's tax cut from last year got it mainly right with its focus on marginal rate cuts. This year, Bush calls for the rate cuts to be made permanent, but proposes no new supply-side tax cuts.

It should be noted that even with last year's tax cut fully phased-in, taxes as a percentage of gross domestic product (GDP) will still be more than 19% and near historic highs.

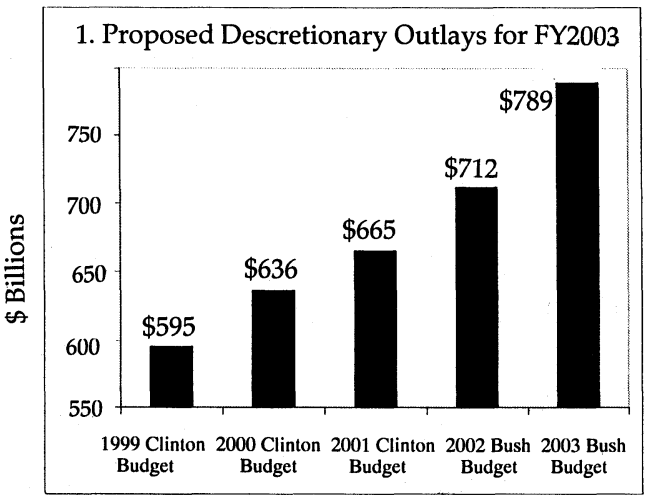

2003 Bush budget figure includes Emergency Response Fund.

The Bush tax cut was quite small, amounting to about one percentage point of GDP. Last year's cut was perhaps all Bush could have pushed through, but he should be pushing for substantial tax cuts every year. After all, the top personal rate will only drop to 35% when fully phased-in, and thus only partly reverses his father's and Clinton's tax rate increases.

The disconnect between the rhetoric and the actual proposals appears on the tax side as well. The budget includes a nice section on tax simplification, and the administration plans to come out with a series of policy papers on simplification. But Bush's tax proposals this year are probably as bad as Clinton's annual proposals for complicating the tax code with targeted tax incentives. The budget has nonsense tax credits for solar power, wind power, fuel-cell cars, and a special schoolteacher deduction. Aside from expiring provisions, there are 30 proposed tax changes: 20 of them would add complexity. Such targeted tax incentives are doubly bad because they create political constituencies against fundamental tax reform. Environmentalists will have no interest in a flat tax if it takes away their tax break for rooftop solar panels.

The Coming Taxpayer Crunch

The budget includes long-term forecasts for federal spending. These are really scary. They show that with no reform, just three programs, Social Security, Medicare, and Medicaid will increase in cost by more than five percentage points of GDP between now and 2030. New Congressional Budget Office projections say the increase will be seven percentage points. That may be optimistic if the programs are expanded with add-ons, such as prescription drugs. If these 2030 costs were thrust on us today, it would mean a $700 billion dollar annual tax increase. By comparison, Bush's tax rebate checks last year saved taxpayers just $40 billion.

So even assuming that the rest of government grows no faster than the overall economy during the next few decades, these programs alone will push federal spending to about 27% of GDP by 2030, up from about 19% today. State and local governments currently add about ten percentage points to the spending total, so assuming these governments don't grow any bigger, we are looking at a total government cost

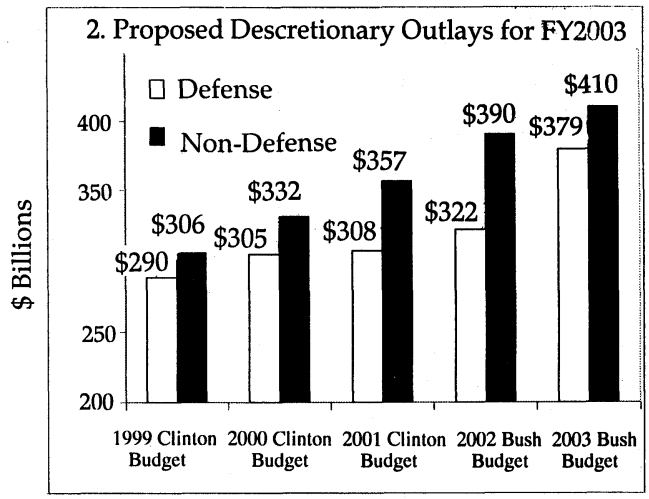

2003 Bush budget figure includes Emergency Response Fund.

of at least 37% of GDP by 2030. That's over 42% of net national product, the broadest measure of Americans' income.

If Americans want to limit the federal government to, say, 20% of GDP, then the government has to start shedding all non-core programs and functions. Social Security is obviously a high-priority item to privatize, and the budget does reiterate Bush's commitment to private Social Security accounts. But in addition to Amtrak, the budget chickens out from proposing privatization for other obvious candidates, such as the Power Marketing Administrations, the Tennessee Valley Authority, and the air traffic control system, which the budget deems "ineffective." Privatization has swept the world, but American policymakers still seem to think it is too radical.

Unfortunately, Bush missed a big opportunity in this budget to begin real reform of government by shrinking it. As a result, he is in danger of being remembered as a big-spending president rather than a tax-cutting president. ❑

Report

The Death of Cash

by R. W. Bradford

At last, the government has the tools it needs to take away the final shreds of individual privacy.

Cash money is one of mankind's greatest inventions. He who possesses it can trade it for just about anything. Once price is agreed upon, he simply hands it to the seller, takes possession of the good being purchased, and walks away. The whole interaction is over.

Until less than a half century ago, this was the way most personal transactions occurred. Oh, beginning in the early part of the last century, certain cash substitutes came into occasional use, mostly to effect transactions when face-to-face contact was inconvenient. A person might pay his rent, say, by sending his landlord a check. The landlord would deposit the check with his bank, which would, directly or indirectly, return the check to the remitter's bank, which would redeem the check with cash or, in some cases, a cash substitute such as a bank deposit. The check would then be returned to its writer, and that would be the end of it.

Early in the century, income taxes were introduced. Then, as now, citizens were pretty much on their own when it came to reporting their income and calculating their taxes. It didn't take long for government officials to figure out that cancelled checks revealed a good deal about a person's affairs and could be very useful in finding out whether he was reporting all his income. About 50 years ago, government required that banks make copies of all checks that pass through their hands and make those checks available to law enforcement authorities.

About 35 years ago, a new, convenient method of handling small transactions emerged: credit cards. At first they were used as an ancillary to travelers checks, a cash substitute that enabled merchants to make purchases from individuals unknown to them without using cash or checks, which might, after all, have nothing to back them up. The first credit cards were used mostly by the well-to-do as a convenience while traveling or entertaining. The issuer of the card guaranteed to pay the merchant the amount charged, less a modest commission, provided the merchant agreed to take certain relatively simple precautions. The card-holder was relieved of the need to carry cash and obtained what amounted to a free, short-term loan. He also obtained a record of expenditures in his credit card bill. This last feature made credit cards fairly popular with business people, whose travel and entertainment expenditures are often tax-deductible, provided that they can document them.

Re-enter the government, which also obtained something from credit card transactions — a detailed look at the economic affairs of its citizens. Legislation was enacted that required credit card records be maintained by banks and made available upon request to law enforcement authorities.

During this entire period, cash money existed side-by-side with checks and credit cards. It was somewhat less convenient in certain ways, notably that its risk of theft was slightly higher than that of other sorts of property, because its value was much higher compared to its mass and volume and because it could be exchanged so easily for just about

anything that anyone wanted to acquire. But it had advantages. For the buyer, it did away with the risk that his check or credit card might be refused because the seller did not want to take the risk of loss if the buyer's bank account was insufficient to pay the check or his credit card company refused to honor the charge, because, perhaps, the card had been stolen. For the seller, it saved the fees charged by the credit card company and the bank and provided him instant liquidity. But in the mid-1970s, the U.S. government began to put restrictions on the use of cash, in an attempt to minimize the amount of economic activity its citizens might engage in privately. At first, it merely required that banks report to the government whenever anyone withdrew or deposited cash in excess of $10,000, and required that anyone entering or leaving the country carrying $10,000 or more in cash report his doing so to government officials. The rationale was that drug dealers were using cash, and that these restrictions would help control the flow of illegal drugs.

Of course, the restrictions had very little effect on the drug trade. Anyone who could bring a ton of marijuana into the country without being detected could pretty well manage to take cash out of the country, too. After all, a ton of marijuana is large enough to fill a good-sized truck and gives off an obvious odor, while the cash for which it could be sold, generally $10,000 to $20,000 in those days, weighs only a few ounces, can fit inside a ladies handbag and carries no odor whatsoever.

The IRS wants to have a detailed report of every dollar that every American earns and how he earns it, and an equally detailed report on every dollar he spends and how he spends it.

What the regulation really accomplished was to give the government a closer look into the affairs of its citizens. My father was an Internal Revenue agent at the time, and he told me that occasionally a Cash Transaction Report (CTR) would be forwarded to the office where he worked, passed among the agents, and discussed during coffee breaks. "Oh, I wouldn't think that Joe Doakes had any good reason to handle that kind of money," an agent would say. "Maybe we should take a closer look into his affairs," another might respond.

Closing the Loops

During the past quarter century the requirements have been extended and tightened. Many merchants must also file CTRs with the IRS, banks are required to report any "suspicious" transaction to the IRS (which in effect generally requires them to report cash transactions of $3,000 or more), and various cash substitutes (money orders, cashiers checks, travelers checks) must be treated as if they were cash. The law allows the government to treat the mere possession of more than a nominal amount of cash as evidence of wrongdoing and confiscate it from whoever has it, leaving him to prove beyond a reasonable doubt that it is not, in fact, the proceeds of a criminal activity. This is an expensive process, and very often the people whose cash is confiscated simply give up or negotiate a compromise whereby the government keeps a substantial portion of the cash.

As recently as a few decades ago, large transactions in certain industries were customarily effected in cash, and it bore a substantial role in everyone's day-to-day life. In Britain, for example, in the 1970s, bundles of 10,000 pounds sterling, packaged in plastic bags, were routinely used in commerce. Certain industries in the U.S. continued to make most transactions in cash into the 1970s.

But the role of cash has become smaller and smaller. Not only has government systematically harassed its users and subsidized the use of checks, but merchants have discovered that there is so much consumer demand for payment by plastic that it would be foolish not to sign contracts with credit card companies that both require them to pay substantial fees for clearing credit cards and prohibit the merchant from offering cash discounts or passing on the extra cost of credit-card processing to their customers.

In 1983, I wrote an article on the decline of cash. "I believe the day will come," I said, "when you will be called in for an audit with the IRS and the auditor will have on his desk a detailed list of every cent you spent and every item you bought. 'Where did you get the money to buy this car,' he will ask. 'How can you afford to buy your wife this fur coat?'"

"Of course," I concluded, "our privacy will be shot: the government will be able to conveniently and easily look up and see how much liquor we buy, how much pornography we read, how much 'subversive' political literature we read — how much we spend on everything."

At the time, I believed that the fulfillment of this Orwellian vision was far, far in the future, and I doubted that any of the advocates of anti-privacy measures had tried to trace their implications as far into the future as had I. I also suspected that my prediction was, well, a bit paranoid.

Two years later, Roscoe Eggar, head of the IRS under President Reagan, stated that the ultimate goal of the changes in tax law and IRS regulations was to do away with tax returns entirely: the IRS would have a detailed report of every dollar that every American earned and how he had earned it, and an equally detailed report on every dollar he spent and how he had spent it. Knowing what income was taxable and what expenditures were deductible, the IRS would calculate the victim's income tax liability and send him a bill. Commission Eggar did not comment on what privacy Americans would retain once this policy had been achieved.

So the nightmare that I envisioned turned out to be the explicit policy goal of the Reagan administration. I haven't heard any politician state the goal quite so plainly since then, but law and regulations have continued to encroach on the privacy of Americans.

In the late 1980s, the Department of the Treasury announced that it was in the process of making some minor changes in U.S. paper money for the purpose of rendering counterfeiting more difficult. It would enlarge the portraits on the bills, for example, and move them slightly off-center. And it would embed in each piece of paper money a small plastic strip printed with microlettering.

A well-known investment writer saw in this an opportunity to increase the sales of his newsletter by reporting on the secret and sinister purposes of the "new money." Once it was released, he said, the government would on very short notice require that all existing paper money be turned in. If anyone had more than a small amount of it, it would have to be explained to law enforcement authorities; any currency not turned in by the deadline would cease to be legal tender. Further, the investment writer claimed, the microprinting was done in magnetic ink, making it detectable by the government if anyone tried to hide it in a safe-deposit box or to take it from the country.

If he really believed this, however, he was genuinely paranoid.

For one thing, it would be hugely expensive to recall the currency and do away with the legal tender status of existing currency. Any recall would cause a panic, and removing legal tender status would cause huge losses to those who held it. And it would be impractical for currency to be recalled quickly. Somewhere around 25% of all currency outstanding was in the hands of people overseas (where it was widely used in black markets). Recall would create a nice short-term profit for the Treasury, but it would forever destroy the use of the dollars overseas, since no one would want to take the risk of another such event. Printing money and exporting it saves the government billions of dollars per year and is tantamount to a huge profit source.

For another thing, although the magnetic ink on the plastic strip might be used by automated currency counting or sorting equipment, it certainly couldn't be used to detect currency in safe-deposit boxes or in the possession of people leaving or entering the U.S. Safe-deposit boxes are constructed of steel, and magnetism cannot penetrate steel and detect small amounts of magnetic material, certainly not the microscopic amounts contained in the microprint. Millions of automobiles, nearly all containing a ton or more of steel, cross U.S. borders with Mexico and Canada each year, and detecting a few micrograms of magnetic ink within the ton or so of automotive steel is physically impossible.

The federal government has installed a surveillance system in Washington, D.C. that when fully operational will include video feeds from inside shopping malls and apartment buildings.

The government's concern about the problem of counterfeiting was real. In the first century of American independence, when paper money was issued by private banks and printed by private companies, American security printers led the world in anti-counterfeiting technology. When the federal government began to issue paper money in 1862, it used the same private banknote printing firms that private issuers had used. But in 1873, the government established its Bureau of Engraving and Printing (BEP) to produce all U.S. paper money. Private firms continued to do business, printing securities and paper money for other countries, and they continued to make technological advances that kept them ahead of virtually all counterfeiters. But for more than a century, the BEP made no changes whatsoever in the way it printed paper money, aside from reducing the size of the bills in 1928, a change that actually made counterfeiting easier. By the late 20th century, color copying machines were widely available to make very good counterfeits of the BEP's by now ridiculously low-tech product. Plainly changes were long overdue.

The investment advisor who opposed this revision apparently sold a lot of newsletter subscriptions, then dropped the story when the currency was introduced without any recall, demonetization of old currency, or magical searches of safe-deposit boxes or of people crossing borders.

Meanwhile, however, technology continued to progress.

Technological Menace

There is now on the horizon a device that could be incorporated into paper money that would indeed make it vaguely similar to the currency of 1988's paranoid fantasy.

Electronic devices have been made smaller and smaller. Today, several companies manufacture very small devices that are intended to be an improvement on the ubiquitous bar code, that is familiar to anyone who buys anything in a supermarket. With bar codes, every product (including this magazine) has a unique number. The vender can simply program his computer with the price of each item, the checkout person scans the bar code, and the computer prints an item's description and its price on the cash register receipt. Bar codes not only save time at the checkout counter and minimize the number of errors, they also enable merchants to keep track of which products are selling and which are not, thereby lowering the cost of maintaining inventory and reducing losses from marking down goods that fail to sell.

RFIDs have one major advantage over holograms, microprinting, watermarks, and other passive devices: They enable every cash transaction to be tracked.

The problem with bar codes, as anyone who has ever bought anything in a store has noted, is that sometimes they are hard to find and sometimes they are marred, defaced, or otherwise unreadable. Isn't there a way to make them more reliable and easier to use?

Yes, there is. Instead of "reading" them with a light-emitting device, why not implant a tiny transmitter that can send a radio wave? Radio waves can be read more easily and more reliably than bar-code surfaces.

Thus the birth of radio-frequency identification tags, or RFIDs, tiny bits of computer memory with radio transmitters and antennas attached. They can hold and transmit a substantial amount of data, which can be read, erased, and rewritten by special devices.

At first, RFIDs were fairly large and expensive and thus were used only in applications where the expense was justified — in identification cards, for instance, that allow access

to high-value merchandise or confidential information.

But progress is inexorable, and various high-tech companies found ways to make RFIDs smaller and smaller and cheaper and cheaper. They did away with the need for a battery in the devices by powering them the radio waves sent by the "interrogator," as the device that reads them is called.

Today, RFIDs are used in airline baggage tags and library books. They can be read by receivers as far as three feet away, but they can be made as tiny as .04 inches across and .02 inches thick. That's nearly small enough to allow them to be embedded in paper. Current prices are as low as 20¢ each. That's pretty cheap, but it still amounts to a lot if they are to be imbedded in paper money. (The European Central Bank [ECB] printed 14.5 billion banknotes in preparation for release of the euro, the new European currency, on Jan 1; the total cost of embedding a 20¢ RFID in each would have been almost $3 billion.) According to a story published in December in *EE* ["Electrical Engineering"] *Times**, this technology has caught the interest of the ECB, which issues the euro, the "most common currency in the world," in the EC's opinion.

How much privacy do people want? The answer, apparently, is very little, provided they are asked to surrender it in small enough increments.

The ECB figures that if RFIDs can be made a bit smaller, a bit less fragile and a bit cheaper, they can be incorporated into paper money. This would not be a particularly attractive anti-counterfeit device, since it would remain no more effective than other technologies that banknote printers like Thomas de la Rue and American Bank Note Company are already using.

But RFIDs have one major advantage over holograms, microprinting, watermarks, and other passive anti-counterfeiting devices: They enable every cash transaction to be tracked. All that is required is to make banks and merchants install RFID readers in cash registers and transmit the data to central computers.

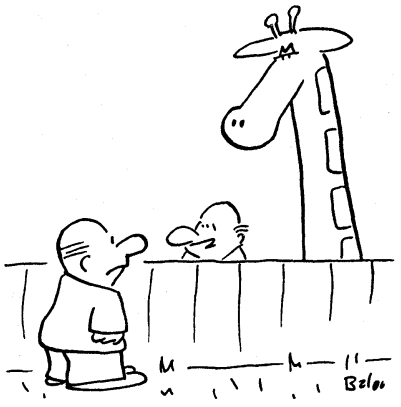

"These Father's Day gifts are getting weirder all the time."

Once such a system was implemented, the bank would report identifying numbers of every piece of paper money it gave you. When you spent it, the transactions would be recorded by merchants and reported to the authorities. And so on. And so on.

Implementation of this plan has obvious advantages for law enforcement officials. There would no longer be any such thing as "unmarked" bills for ransom payoffs, or any need for police to mark bills when they pay for goods when entrapping a seller of illegal drugs. And the IRS could achieve its dream of knowing everything about your income and expenses, thus saving you the trouble of filing a tax return.

Of course, there are other ways of helping law enforcement officials. The technology needed to open every piece of mail in search of incriminating evidence has existed ever since the first postal system was established. The technology exists to record virtually every conversation in the country and to use computers to examine it for suspicious words, the way computers are already used to examine key words in telephone conversations and email correspondence. Television cameras could be put on every street to record everything that might be evidence of crime. Putting them inside every room in every private home would also provide useful information to police. In fact, Britain has installed more than 2 million surveillance cameras to enable the police to observe what its citizens are up to, and the federal government has installed a surveillance system in Washington, D.C. that when fully operational will include video feeds from inside shopping malls and apartment buildings.

The question remains: How much privacy do people want? The answer, apparently, is very little, provided they are asked to surrender it in small enough increments. For now, the government's massive surveillance system in Washington doesn't record video feeds "unless there's a reason to do so," according to a report in *The Wall Street Journal*, and law enforcement officials have not yet installed biometric software that enables computers to identify and track the movements of specific individuals. But this too will likely change. "People in England have easily adapted to it," Stephen Gaffigan, the official in charge of the massive surveillance program in Washington. "There has not been an outcry about privacy."

Public outcry against embedding RFIDs in paper money is even less likely, if only because it will be almost invisible to the public. There was virtually no public protest against the requirement that banks photocopy every check they clear for the convenience of law enforcement officials or about the implementation of cash reporting regulations or their consequent tightening.

Of course, it's always possible that the technological bugs will not be worked out. Judging from past progress, however, this possibility seems remote. And some of the most innovative and successful high-tech companies, including Texas Instruments, Hitachi, Philips Semiconductors, and Infineon Technologies, are working on the project. They aren't talking much about it, though; spokesmen for Philips and Infineon told *EE Times* that they "are under strict non-disclosure agreements." Perhaps this will help minimize the public "outcry about privacy" that seems to worry the head of the federal surveillance program.

Anyway, the ECB doesn't anticipate incorporating RFIDs into the euro until 2005. Maybe it never will. And maybe the United States will refuse to follow suit. So why worry? Tomorrow is another day. ❑

*http://www.eetimes.com/story/OEG20011219S0016

"Seize All West Coast Japs"

by Bruce Ramsey

The internment as seen in 1942.

The decision to intern the Japanese-Americans, announced 60 years ago this month, is remembered today as an infamous attack on constitutional rights. Years afterward, the United States apologized for doing it, and paid an indemnity to surviving internees. But in 1942 it was hardly questioned.

This I discovered when I spent several hours in front of a microfilm reader, tracking the story in the *Seattle Times*. There is nothing better to get a flavor of a time than reading through a newspaper, particularly a mainstream, nonideological paper like the *Times*. It reflects the passions and prejudices of the day, even, perchance, when it tries not to.

At the beginning of 1942 Seattle's afternoon newspaper was saturated with war, and had been for many months — the events of war, arguments about war, preparations for war. As 1942 opened, just three weeks after the Japanese attack on Pearl Harbor, Manila was falling to the Japanese army and Gen. MacArthur's forces were retreating to the peninsula of Bataan. The Japanese were advancing down the Malay Peninsula toward Singapore. The Russians were pushing back the Germans from Moscow. At home, the Roosevelt administration was proposing to double the rate of income tax and begin withholding from paychecks, to control prices, to stop the production of cars, and to ration tires and gasoline.

The year's first story regarding enemy aliens was the order of Jan. 1 by Attorney General Francis Biddle that German, Italian, and Japanese nationals surrender their guns. I've heard the line, "The first thing they come after is your guns," and always doubted it. But that is exactly what happened. Axis nationals would also have to notify U.S. authorities of any plans to leave town. On Jan. 3 it was announced that travel permits would be issued at the U.S. Courthouse in Seattle. They were Axis nationals, and we were at war with the governments to which they owed allegiance.

All very civilized, except for an undercurrent that wasn't. On Jan. 5, a 20-year-old Seattle restaurant worker, a French Canadian, was slashed in the throat by a man who said, "I always wanted to get a Jap or an Italian."

A few days later there was an article about the 68 employees of the Union Electric Co., Seattle, who had formed a club in which each paid ten cents for each Japanese plane shot down, with the money to buy war bonds. They called it the "Slap-a-Jap Club."

On Jan. 6, the *Times* offered a small editorial — not the main one — that expressed concern about all the firings of "aliens and citizens of foreign birth." The editors appealed for "fair consideration in the case of each efficient worker and against indiscriminate and wholesale dismissals." They reminded readers that "no one in this country is by many ages detached from foreign parentage." And they said: "Let the FBI and all other authorities do the ferreting for danger. Help them with information whenever possible; but do not complicate the situation by spreading unwarranted prejudice."

What of non-aliens? Two days later, two U.S.-born Japanese were arrested for subversion. Another small editorial said there was no reason to be prejudiced against "other Japanese, especially the large number of native-born, whose manifestations of American loyalty leave no room for suspicion."

No room for suspicion, especially of the native-born. That was a position worth defending. But though the paper was sym-

pathetic to the Japanese, and tried to cool the tempers of prejudice, it did not defend this position against the government. January 1942 was a difficult time to do that. And the editorial voice was not the only voice in the paper. There were other voices in the news columns, reflecting the choices of news editors, the thoughts of reporters and the words of those who made news.

On Jan. 9 the paper reported on a Japanese drugstore proprietor shot by a Negro man who "apparently bore some resentment." It was not reported as racial or political. Two days later the man who shot the .38 revolver was picked up and said he had entered the store whistling *God Bless America* and heard a disparaging remark from the Japanese proprietor. The police were skeptical.

On Jan. 15 it was reported that 442 Americans captured on Guam had been interned in Japan. On Jan. 17, a story from China: "Jap Massacre of U.S. Missionaries Reported."

On Jan. 21 came a big headline, top of page one: "SEIZE ALL WEST COAST JAPS, SOLON DEMANDS."

"Jap" was a headline word. I don't know how pejorative it was in 1942, but it was surely not helpful to the American Japanese that they and the enemy were identified by the same word.

Remember the atmosphere after the one-day event of Sept. 11, 2001, and you'll have an idea of the feeling during the continuing war in 1942. A faint idea.

The "solon" in this story was Rep. Leland Ford, Republican of California. He was not a spokesman for the government. Rep. Ford, the *Times* said, "advocated moving all Japanese, American-born and alien, to concentration camps." Ford said he believed there "may not be" any difference in the loyalty of those Japanese who were citizens and those who were not, and those who were loyal "should be willing to acquiesce." Perhaps because he was speaking for himself his proposal was reported in unusually clear language.

Below this big story was a tiny one: "Armed Jap Hiding at Pier Arrested." A 17-year-old youth had been arrested on the Seattle waterfront hiding between two docks, "carrying an open knife." How big a knife? What had he been doing? The report did not say.

No editorial comment was offered on the trial balloon by Rep. Ford. The war rumbled on. On Jan. 21 came a story from the Philippines: "Prisoners of Japs Bound and Stabbed." On the same day: "Be on Alert for Coastal Sub Attack, Navy Warns." There were reminders during these weeks that Seattle was virtually undefended from air attack — though, because of its distance from Japan, it never was attacked.

On Jan. 25 was a story of two drunken Filipinos in Seattle who pulled a knife on a Japanese hotel clerk. The Filipinos were disarmed. "What started out to be a race riot turned into a near comedy," the story said.

On Jan. 28, some 500 employees of the Northern Pacific Railroad sat down on the job demanding dismissal of twelve "alien Japanese laborers." The laborers were sent home. This sort of thing was not entirely new: Earlier in the century there had been similar actions against Japanese and Chinese workers because they were willing to work for less than whites.

On Jan. 29, two Seattle Japanese were indicted for having applied for an export permit, before the declaration of war, to sell gasoline tanks to China. The indictment said the tanks were really bound for Japan. The license was never issued and the tanks never shipped, but the government said the tanks were "capable of storing enough gasoline to enable 12,800 Nippon bombers to make round trips between Seattle and Tokyo."

On Jan. 30 came a syndicated editorial column by non-*Times* employee Henry McLemore, which expressed in people's English what many Americans felt. McLemore had just visited Los Angeles, and had been shocked by all the Japanese there, "free as birds."

He wrote:

> There isn't an airport in California that isn't flanked by Japanese farms . . . They run their stores. They clerk in stores. They clip lawns. They are here, there and everywhere. You walk up and down the streets and you bump into Japanese on every block. They take the parking stations. They get ahead of you in the stamp line at the post office. They have their share of seats on the bus and streetcar lines.
>
> This doesn't make sense. How many American workers do you suppose are free to roam and ramble in Tokyo? Didn't the Japanese threaten to shoot on sight any white person who ventured out-of-doors in Manila? So why are we so beautifully courteous?
>
> I know this is the melting pot of the world and all men are created equal and there must be no such thing as race or creed hatred, but do these things go when a country is fighting for its life?
>
> Not in my book . . .
>
> I am for the immediate removal of every Japanese on the West Coast to a point deep in the interior. I don't mean a nice part of the interior, either. Herd 'em up, pack 'em off and give 'em the inside room in the badlands . . .

And *that* is what was done. But to go on:

> Sure, this would work an unjustified hardship on 80 percent to 90 percent of the California Japanese . . . (but) if making one million innocent Japanese uncomfortable would prevent one scheming Japanese from costing the life of one American boy, then let the million innocents suffer . . . Let us have no patience with the enemy or anyone whose veins carry his blood.
>
> Personally I hate the Japanese, and that goes for all of them.

The *Times* never said that. But it says something of 1942 that such sentiments from a syndicated columnist were within acceptable bounds in the newspaper industry.

The *Times* did not have a regular letters page as it does today, but it made an exception and printed four letters from readers. An anonymous writer accused the paper of being "bought out" by pro-Japanese, because of its disgusting liberalism. A couple thanked the paper for McLemore's column and asked for more. A woman complimented the paper for its toleration, and asked why it had printed that vitriol by McLemore. Finally, a female state senator wrote that

McLemore "screams in the best Nazi tradition regarding race and blood."

The *Times* commented on Feb. 1 with a secondary editorial that raised the question of "what to do about resident Japanese." This was the key issue. It said, "the problem can and will be worked out by the proper authorities."

Let the government decide. Well, the government *was* going to decide. That was obvious. The question for commentators was, do you put in your ten cents' worth, or not?

On Feb. 4, the FBI began systematic searches of the homes of alien Japanese on Bainbridge Island, across Puget Sound, to confiscate firearms and cameras.

On Feb. 5 came a screamer headline, "8000 Jap Spies, Says Dies!" Rep. Martin Dies, Democrat of Texas, was head of the Committee on Un-American Activities, not a spokesman for the government.

In another anti-Japanese editorial column, McLemore blasted the "bow-legged sons and daughters of the Rising Sun" and the government's pandering to them, which he found "mighty ridiculous."

On Feb. 7 it was reported that 440 Japanese aliens had been interned in Seattle, and some of them shipped to Montana. On the editorial page, columnist McLemore discovered that 248 California Japanese-language schools that had been closed after Pearl Harbor were trying to reopen. His indignant response: "Slant my eyes, bow my legs and hammer me down."

McLemore's rant is remarkable not only in itself — "slant my eyes" was a slam also at the Chinese, who were our allies — but in the lack of any substantial article to counter it.

On Feb. 8, the paper reported Japanese farms in California being searched for cameras and guns. On Feb. 10,

"If making one million innocent Japanese uncomfortable would prevent one scheming Japanese from costing the life of one American boy, then let the million innocents suffer."

"Monterey Jap Colonies Raided" (California). On Feb. 12, "Japs Kill Filipinos, Toss Bodies in Bay" (Philippines).

On Feb. 13, page one, below the fold, came the big story again: "Total Evacuation of Japanese on Coast Advocated." "Total" was defined as "aliens and citizens alike." The advocates were the entire congressional delegations of Washington, Oregon, California, and the nonvoting member from Alaska.

On Feb. 15, Thomas Clark, federal alien control coordinator for the Pacific Coast, declined to say whether Japanese Americans were dangerous. But he said that "if the Army and Navy say American-born Japanese are dangerous, I'll take them out."

On Feb. 16, at the top of page one: "Enemy Aliens Here to Be Ousted." *Aliens.* And it said: "The government does not plan to intern" them, and that they can settle "any place they desire as long as it is outside the prohibited area."

On Feb. 17, a little story appeared at the bottom of page one: "More Japanese Than Whites Study German at Broadway." Broadway was a public high school in Seattle; as at other schools, the demand for German had fallen sharply since 1939. In 1942, of those studying German, 42 were white and 45 were Japanese.

On Feb. 18, columnist McLemore was telling about his stroll through San Francisco's Japantown. "The Japanese were very nice to me," he said. But he quoted a cab driver, who said that the Japanese had been shamed after Pearl Harbor, but were "getting cocky again." The cabbie's advice to authorities was to "chase 'em all to the hills."

On Feb. 20, the *Times* reported "$100,000 Japanese Buddhist Temple Here Closed by U.S. Order." The temple was closed by the Treasury Department for not having an alien-ownership permit.

On Feb. 21, Gov. Arthur B. Langlie, after consulting with military authorities, ordered all Japanese in the state of

I've heard the line, "The first thing they come after is your guns," and have always doubted it. But that is what happened in this case.

Washington, aliens *and citizens,* to give up their firearms within six days. Previous gun confiscations had applied only to aliens in certain areas. The question of governmental authority was not raised — in this story or any story.

On Feb. 22, the FBI in Seattle arrested 103 Japanese said to be in an Axis spy ring. Big headline, few details.

On Feb. 25, 22 Japanese women, all U.S. citizens, resigned their jobs as clerks in Seattle's elementary schools after a mothers' petition called for their removal. "Mrs. Esther M. Sekor, chairman of the Gatewood mothers' delegation, expressed approval of the action of the Japanese girls," the paper reported. "'I think it's very white of those girls,' said Mrs. Sekor. 'They have our appreciation and thanks.'"

On Feb. 27, two Seattle Japanese were charged with being agents of Japan — for lobbying the state legislature from 1939 to 1941, when America was at peace, and for filming the Armistice Day parade in Seattle a month before Pearl Harbor.

On Sunday, Mar. 1, came a long article on testimony in Washington, D.C., before a committee headed by Rep. John Tolan, Democrat of California. Gov. Langlie testified, favoring relocation of the Japanese. D.K. MacDonald, president of the Seattle Chamber of Commerce, said Chamber members were of different minds on evacuation of the native-born Japanese, so he could offer no opinion on what to do. "We'd like to have a decision," he said.

James Sakamoto, leader of the Japanese American Citizens League, offered to take custody of noncitizen Japanese (many of whom were elderly parents of U.S. citizens) and report weekly on them to authorities. "We want to be fighting shoulder to shoulder with other Americans, not hiding in some place of safety while others defend our homes," he said. It was one of the few times any Japanese American was quoted.

Earl Milliken, mayor of Seattle, said, "The Japanese American Citizens League has been very helpful, but they

won't squeal on their own people. An Italian will come in and tell you if he knows of another Italian who is dangerous. The Japs keep such things down by coercion and threats, telling their subversive members they had better be good or else."

He summed up: "Seattle residents overwhelmingly desire removal of Japanese — particularly aliens, but the feeling carries over to the native Japanese as well."

On Mar. 2, the Washington state attorney general, Smith Troy, called for mass evacuation of "both alien and American-born" Japanese, should a catastrophe happen overseas and Americans riot against the Japanese here.

When asked about American-born Germans and Italians, Troy replied: "Speaking frankly, out here we feel we know the Germans and Italians a lot better than the Japanese."

That was probably true. Most ethnic Japanese were farmers. They were less a part of American society. There was a greater racial distance and cultural distance to most Americans. It is our tendency today to label the fears of Japanese as "racism," while dropping the context of Pearl Harbor, the war (which was going badly then), and the way people thought then. Part of that fear *was* a kind of racism, but it was understandable. It was a fact — a political fact. What should have been done in the face of it? To control and civilize what we do in the face of such facts is why we have law, a Constitution, and Bill of Rights. We have rules that we adopt during periods of calm to temper our acts during emergencies.

Two Seattle Japanese were charged with being agents of Japan — for lobbying the state legislature from 1939 to 1941, when America was at peace, and for filming the Armistice Day parade in Seattle a month before Pearl Harbor.

In 1942 we did not follow them.

On Mar. 3 came the decision: "Army Order Reveals Eventual Ouster of All Coast Japanese." The army did not say there had been an executive order by President Roosevelt. His name was not on it.

On Mar. 4, the *Times* commented — still in a secondary editorial: "If the Army regards the complete evacuation as necessary from the military point of view, let it be done without undue debate and vituperation."

It was done. The Japanese-Americans were not fully evacuated until Aug. 7, 1942, but the decision was announced in March.

A few thoughts come to mind reviewing these reports, always remembering that the *Times* is one newspaper, probably one of the more liberal ones, and not based in the center of the internment dispute, which was California.

1. *This was a hysterical time.* It was a war, a real war, with warnings about spies, saboteurs, and invasion. In the March 7 paper was a page-one map showing possible invasion routes on the West Coast, with a fat black arrow starting at the base of the Olympic Peninsula and striking toward Seattle and Portland. It was scary. All the stories about spies and saboteurs were scary, even if the details, if you thought about them, were faintly ridiculous, like the boy by the pier with a knife. When it was announced March 8 that 20 Japanese aliens had been arrested in Seattle in possession of 120 swastika lapel pins — what could be deduced from that? Who in 1942 was going to wear swastika pins? Said the paper, "It was pointed out that the Japs possibly intended to use the swastika pins to identify themselves as fifth columnists in the event the Japanese army invaded Seattle."

2. *Democratic politics were never suspended, even though the Constitution was.* Internment was by executive order, but it was not without careful political testing. It started as a trial balloon floated first by a lone congressman, then suggested by a group of congressmen, then endorsed in hearings by local officials and called for by voices in the press.

3. *Nobody fought the government.* All the belligerency was on the pro-internment side. I did read a tiny story that the social workers opposed any mass internment on the basis of race. But there was no march, no picketing, no petition, no speech. Not even a letter to the editor. No columnist went to bat for the Japanese. Nobody brought up the Constitution or the Bill of Rights. McLemore quoted the Declaration of Independence without naming it, only to kick it into the trash.

Nobody else quoted it. *Nobody.*

Remember the atmosphere after the one-day event of Sept. 11, 2001, and you'll have an idea of the feeling during the continuing war in 1942. A *faint* idea. The Japanese must have been keeping their heads down, following the Oriental maxim that he who puts up his head gets it cut off. None of the stories I read showed an ounce of belligerency from them.

On May 4, 1942, University of Washington student Gordon Hirabayashi intentionally violated the Seattle curfew on Japanese, and sued to demand his rights. That led the first of two infamous Supreme Court decisions on the internment, both of which the Japanese lost. But Hirabayashi's very American act came too late to affect the decision for internment.

There was no march, no picketing, no petition, no speech opposed to mass internment. Not even a letter to the editor. Nobody brought up the Constitution or the Bill of Rights.

4. *The language was unclear.* Only once in three months of papers did I see the phrase, "concentration camps," and it was early on, when the proposal was nonofficial. The more authority a speaker had the less likely he was to name what he was suggesting. It was not usually called internment but relocation, removal, or moving. Most of the stories did not concern themselves with where the Japanese Americans were being moved; those that did called the destination a colony or a center — not a camp, or, God forbid, a concentration camp.

And so it was done. ❑

Libertarians Come Back

by Adam Hume

A streak of bad luck for British right-wingers has brought in good luck for libertarian ideas.

Ten months ago, I reported in these pages that libertarians were under attack and losing influence within Britain's Conservative Party. Happily, that situation has changed.

The catalyst was the Tories' second successive landslide defeat. Voters had decisively rejected William Hague and his nationalistic campaign. His position was clearly untenable and he duly resigned the morning after the general election. This has provided the opportunity for libertarians to regain their influence on party policy.

The resulting leadership election produced no fewer than five candidates. Michael Portillo, the socially liberal former shadow chancellor, was the obvious frontrunner and declared his candidacy almost immediately. Michael Ancram, Hague's party chairman, soon followed and made his opposition to Portillo very clear. Iain Duncan Smith (with strong contacts in the Bush administration through the Heritage Foundation and American Enterprise Institute) was next. David Davis, an influential backbencher with links to the Adam Smith Institute (ASI) and the Institute of Economic Affairs (IEA), also joined the contest. The final candidate was Ken Clarke, John Major's former Chancellor of the Exchequer, and the only candidate who supported Britain's joining the euro currency sphere. Ann Widdecombe, the authoritarian champion of the Christian right and self-proclaimed virgin, unexpectedly failed to attract enough parliamentary supporters to sign her nomination form. She then declared her wish to return to the backbenches.

The first stage in the election was for members of parliament to select two candidates to be put to a ballot of all members of the Conservative Party. There were three parliamentary ballots with the candidate polling the fewest votes dropping out. Then party membership chose between the remaining two candidates by postal ballot.

A prominent Portillo supporter, Peter Lilley (who, as Hague's deputy, had labeled free marketeers as members of an anarcho-capitalist sect) quickly sought to re-establish his libertarian credentials during the campaign. The Social Market Foundation published his pamphlet arguing for the limited legalization of marijuana. He proposed that individuals be able to purchase cannabis from licensed outlets, such as liquor stores, and that cultivation be legalized. He stopped short of advocating full legalization on Dutch lines but indicated that he was willing to consider the merits.

Portillo won the first two ballots with Ancram and Davis dropping out. Most of Davis' supporters transferred their support to Duncan Smith and most of Ancram's supporters (though not Ancram himself) switched to Clarke, who won the final ballot, narrowly beating Duncan Smith. Portillo came in third by one vote and failed to make it through to the membership ballot. Portillo's elimination was a major upset and there was much media speculation about how the front-runner managed to turn an initial lead into defeat and humiliation.

The simple answer is that Portillo ran a poor campaign

and tried to be "all things to all men." His campaign team included several from the europhile left of the party who might have backed Clarke had he declared his candidacy earlier. Portillo's homosexual past cost him crucial right-wing votes. Lilley's pamphlet had prompted journalists to ask Portillo to state his position on the legalization of cannabis. He initially indicated his support and then tried to retract, thus appearing indecisive and lacking in principles.

More importantly, Portillo's support for tax cuts was lukewarm at best and he proposed increased spending on the National Health Service, state schools, and foreign aid. He declared that he would ban party spokesmen from speaking on European issues at the forthcoming party conference. This "centralist" agenda may have been an attempt to win support from the left of the party. In practice, it only cost him the support of free marketeers and eurosceptics who doubted his commitment to their cause.

Letwin has demonstrated his libertarian credentials through his eloquent and stubborn opposition to Tony Blair's Terrorism Bill.

Duncan Smith, by contrast, boldly stated his opposition in principle to Britain's joining the euro. He set out a platform that included major tax cuts, ending the National Health Service's monopoly and introducing education credits. The policies of Davis were remarkably similar and most of his supporters transferred their allegiance to Duncan Smith in the final parliamentary ballot.

Attempts by Portillo's campaign leaders to bully several MPs into voting for him failed spectacularly. A member of his team briefed the *Sunday Telegraph* that he had the support of Lady Margaret Thatcher. The story was strongly refuted by her office, thereby suggesting that Duncan Smith was her favored candidate. Portillo's campaign was severely damaged by this fiasco. Many local activists bitterly opposed Clarke's support for Britain's joining the euro and Duncan Smith won the membership ballot decisively by 61% to 39%.

Since Duncan Smith's election, his shadow cabinet appointments have strengthened the influence of libertarians. This is because Portillo, Clarke, and their key supporters chose to return to the relative obscurity of the backbenches. Oliver Letwin has replaced Widdecombe as Home Affairs spokesman. He is a committed free marketeer (he wrote *Privatising the World*) with a strong commitment to civil liberties. His mother, Shirley, was one of only six Ph.D. students of Hayek at the London School of Economics. Letwin has already demonstrated his civil libertarian credentials through his eloquent and stubborn opposition to Tony Blair's Terrorism Bill, gathering media plaudits for his efforts.

The leading libertarian in the shadow cabinet is John Bercow, who has advocated gay civil unions and drug legalization. Libertarian sympathizers in the shadow cabinet include Eric Forth, David Maclean, and Bernard Jenkin. Significantly, Maclean and Jenkin were Duncan Smith's campaign managers. Forth, in partnership with Maclean, had previously acted as the party's "Ron Paul" in the House of Commons. They cleverly used parliamentary procedures to delay government legislation and kill off Private Member's Bills (including some introduced by Tories) that would increase regulation or taxation.

David Davis secured the key post of party chairman. He recognizes the need to broaden the party's appeal, especially to black and Asian voters. One of his first initiatives was to purge the "Monday Club," one of the oldest conservative pressure groups, whose platform called for a halt to immigration, government financial assistance for voluntary repatriation of immigrants, and the restoration of capital punishment. Three members of parliament were required to sever their links with the organization.

The rise of the Christian right appears to have been halted with the departure of Hague and Widdecombe. This is despite the fact that Duncan Smith is the party's first Roman Catholic leader. It appears that the Renewing One Nation (Hague's influential social policy group) has been downgraded to an "affiliated" organization, a status shared by the Conservative Christian Forum that supplied its staff. The CCF has softened its stance on homosexuality under severe pressure from the new leader's office.

Under Davis' influence, Conservative policy advisers are once again turning to the ASI and IEA for radical ideas. This is a big change from the days of Hague's leadership, when policy advisers virtually ignored the free-market think tanks, and Lord Skidelsky, the chairman of Social Market Foundation, resigned from the party after accusing Hague of killing ideas within the party.

A key Davis appointment is that of Mark MacGregor as the party's chief executive officer. MacGregor was chairman of the Federation of Conservative Students when it was strong and libertarian. He is a major shareholder in a public relations company that organizes conferences for the ASI and IEA. It's as if Grover Norquist were appointed to run the Republican Party.

The strange reality is that today it is the authoritarian right, rather than the libertarians, being "purged."

The strange reality is that today it is the authoritarian right, rather than the libertarians, being "purged." The policy debate will be vigorous over the next two years. Libertarians, inside the party and think tanks, will need to argue their case convincingly against the authoritarian right, who will fight for their cause.

Media opinion suggests that it will be easier for the party to embrace social liberalism than radical free-market policies. Opinion polls suggest that the electorate remains hostile to further privatization, especially in health, education, and welfare. The challenge for libertarians is to develop innovative pro-liberty policies that can be sold effectively to the media and the public. The events of the last few years show that this is an opportunity that should not be spurned. ❑

Argentina's Fall From Grace

by Steve H. Hanke

When Argentina's economy melted down in January, everyone blamed their currency board system linking pesos to the dollar. Everyone was wrong.

Anyone attempting to make sense out of Argentina's fall from grace to economic and political chaos faces a real challenge. Most of the commentary has been, at best, confused and confusing. The road to economic health began on April 1, 1991, when Carlos Menem's government installed what was known locally as a "convertibility system" to rid Argentina of hyperinflation and give the country a confidence shock. Under the Convertibility Law, the peso and the U.S. dollar both legally circulated at a 1-to-1 exchange rate. The owner of a peso had a property right in a dollar and could freely exercise that right by converting a peso into a dollar. And that redemption pledge was credible because the central bank was required by law to hold foreign reserves to fully cover its peso liabilities.

With the passage of the Law of Public Emergency and Reform of the Exchange Rate Regime on Jan. 6, 2002, near-dictatorial powers were transferred to President Eduardo Duhalde and the convertibility system was swept into the dustbin. Consequently, the peso has been devalued and is now floating.

The confusing commentary about Argentina centers on its rather unusual monetary regime and the fact that, unlike the Argentine public, the chattering classes didn't approve of convertibility. In consequence, they have trotted out every half-truth or non-truth under the sun to bolster their claims that Argentina's problems resulted from its convertibility system.

This is nothing new. As Oskar Morgenstern stressed in his classic book, *On the Accuracy of Economic Observations*, wrongheaded arguments, distortions, and lies are common fare for the policy elite. For example, he recounts that:

> When the Marshall Plan was being introduced, one of the chief European figures in its administration (who shall remain nameless) told me, "We shall produce any statistic that we think will help us to get as much money out of the United States as we possibly can. Statistics which we do not have, but which we need to justify our demands, we will simply fabricate." These statistics "proving" the need for certain kinds of help, will go into the historical records of the period as true descriptions of the economic conditions of those times. They may even be used in econometric work! (p. 21)

Alas, much of what has been written about Argentina's convertibility system follows the script for the Marshall Plan. Central to the chattering classes' argument against convertibility was the claim that the peso was overvalued.

Supposedly, the peso's link to the strong U.S. dollar made the peso overvalued, rendering Argentina uncompetitive, causing the economy to slump, and forcing the government to default.

Does the story withstand examination? A classic sign of uncompetitiveness caused by an overvalued currency is declining exports. But Argentina's exports increased every year in the past decade except 1999, when Brazil, its largest trading partner, suffered a currency crisis. Exports during the first eleven months of 2001 were about 3.2% ahead of exports during the same period in 2000. Considering that estimated real growth in world trade was only 0.9% last

year, Argentina's export performance was relatively strong. Indeed, the export sector has been one of the few bright spots in the Argentine economy. If the rest of the economy had been growing as fast as the export sector during the last two years, Argentina would not be in a recession.

In an attempt to bolster claims of overvaluation, some observers asserted, on the basis of taxi rides from the airport or other casual impressions, that prices were high in Buenos Aires, and that high prices were evidence the peso was significantly overvalued against the dollar. A recent Union Bank of Switzerland survey of prices in 58 of the world's largest cities found that for a basket of 111 goods and services, weighted by typical consumer habits — including three categories of house rent — Buenos Aires ranked 22nd, about midway between the most expensive city, Tokyo, and the least expensive, Bombay. The survey also found those taxi rides that are allegedly so expensive cost about 8% less than in Rio de Janeiro.

There are other indicators that contradict the overvaluation story. For example, *The Economist* magazine's Big Mac Index indicates that the peso, before its devaluation, was 2% *undervalued.* And although the Big Mac Index, as well as more sophisticated estimates of equilibrium exchange rates, should be treated with great skepticism, a recent careful study of the matter using data from 1993 to 1999 indicates that the peso was always within 6% of its so-called fundamental equilibrium real exchange rate.

During the past three years, Argentina's monetary policy can be summed up in three words: intervention gone wild. No wonder Argentina's economy has imploded.

Doing the Math

Ignoring those facts, the chattering classes went on to claim that a devaluation was necessary to boost exports and economic growth. Does this claim hold water? Let's go through the arithmetic. The short-run price elasticity for Argentine exports is about -0.1. So, to stimulate exports by 1%, the real value of the peso (adjusted for inflation) has to depreciate by 10%. Exports in Argentina only accounted for 9% of GDP last year. Consequently, if the current devaluation of 50% (the floating peso is trading at two to the dollar) doesn't pass through to any domestic inflation — in short, if the nominal devaluation is a real devaluation — exports will increase by about 5%. Under this optimistic scenario, the current level of devaluation would add less than a half percent to GDP — a GDP that, thanks to the new exchange-rate regime, has collapsed.

In addition to errors of commission, the commentary on Argentina is replete with errors of omission, too. I have yet to see mention of the fact that Argentina's real GDP growth rate during the decade of convertibility was more rapid than during any other decade in the 20th century. Never mind. That little fact would have ruined the story.

If not the convertibility system and the peso, then what? Argentina's acute political and economic crises have resulted from an interrelated set of self-inflicted Argentine blunders.

Self-Inflicted Harm

In the 1990s, Argentina failed to carry out comprehensive free market reforms. Contrary to claims by Eduardo Duhalde, Argentina's new president, the neoliberal economic model was never more than partially implemented. The fiscal system is a mess and tax rates are sky-high. For example, the tax wedge between gross labor costs and net wages is a whopping 42%, comparable to the biggest wedges in socialist Europe and almost double that of the U.S. No wonder official unemployment has remained so high and the underground economy is so vibrant. In addition, over half the working-age population in some provinces is employed by the government. The Mussolini-style labor laws and the public health-care and social security systems remain unreformed and in need of modernization.

- In 1999, former president Menem failed to follow through on an experts' report that I co-authored with Kurt Schuler.* We had recommended the replacement of the peso with the dollar. Menem's failure left the peso vulnerable to meddling of the always unreliable Argentine politicians.
- In 1999, Argentina's voters elected a weak left-wing government. It was led by President Fernando de la Rúa. Although a decent man, he remained distant and removed from the economic realities of Argentina and was tone deaf to Argentina's politics.
- In 2000 and 2001, the de la Rúa government introduced three large tax increase packages on the recommendation of the International Monetary Fund. These pushed the top tax rates in Argentina to very high levels, much higher than those in the United States. Not surprisingly, these tax increase packages forced the economy to slow rapidly and total tax revenues collapsed. As a result, Argentina was unable to service its debt.
- In March, 2001, Domingo Cavallo was appointed Minister of the Economy. Cavallo's economic principles were subject to constant change and as fluid as the assets in a well-managed bank. This fact, combined with his hyperactivity, was a deadly cocktail.
- On April 25, 2001, President de la Rúa replaced the president of the central bank, Pedro Pou, with Roque Maccarone, a man who was inclined toward meddling with the rules governing the peso-dollar exchange rate.
- On June 19, 2001, Argentina introduced a multiple exchange-rate system. Under this setup, exports (excluding oil) took place with a devalued peso; imports with a reval-

Argentina's devaluation amounts to a great bank robbery, one in which the rights to 17.8 billion U.S. dollars in foreign reserves were abolished by the government.

*"A Monetary Constitution for Argentina: Rules for Dollarization." *Cato Journal*, v. 18, no. 3, pp. 405–19.

ued peso, and interest rates shot up. All other transactions take place at a peso-dollar rate of 1-to-1. This was the beginning of the end because Argentina abandoned the convertibility rules. Consequently, external drains of foreign reserves out of Argentina accelerated.

• On June 25, 2001, a law was put into effect in which the peso's anchor would switch from the dollar to a basket of 50% euros and 50% dollars once the euro reached parity with the dollar. This constituted another breach of the Convertibility Law and gave rise to further external drains of foreign reserves.

• In November 2001, Domingo Cavallo engineered a local debt swap in which domestic financial institutions, including banks and private pension funds, were forced to provide credit to the government. This destroyed billions of dollars worth of assets at these institutions and also replaced liquid tradable assets with illiquid, non-tradable assets.

• In early December, 2001, Argentina imposed an interest rate ceiling on interest paid in pesos. Consequently, bank runs and internal drains of deposits out of Argentina's banks accelerated. Then, in an attempt to slow the external and internal drains in Argentina's money and banking system, exchange controls were imposed. These totally abrogated the property rights people had been granted under the Convertibility Law. Argentines viewed this as theft and went to the streets.

• On Dec. 26, 2001, interim President Adolfo Rodriquez Saa proposed the issuance of a parallel currency, the Argentino. Whenever Argentina has found itself in a tight pinch in the past, it has resorted to the printing of more fiat paper money. Since these experiments have always ended badly, the public responded by rioting and the Argentino never saw the light of day.

• On Jan. 6, 2002, Duhalde scrapped the Convertibility Law and devalued the peso, which is now floating. In addition, the government is in the process of "pesofying" the economy.

During the past three years, Argentina's economic policy can be summed up in three words: intervention gone wild. No wonder Argentina's economy has imploded.

Argentina's Devaluation Was Like No Other

What set it apart is that it involved what Frédéric Bastiat termed legal plunder. The Convertibility Law gave a peso holder the right to freely convert a peso into a U.S. dollar. Argentina's redemption pledge was credible because the central bank was required by law to hold foreign reserves to fully cover its peso liabilities. This right of redemption made the convertibility system unique and distinguished it from typical fiat money systems.

Accordingly, with the repeal of the Convertibility Law, the redemption pledge was thrown to the winds and the peso holders' claims on foreign reserves held at the central bank were revoked. Consequently, Argentina's devaluation represents a great bank robbery, one in which the rights to 17.8 billion U.S. dollars in foreign reserves were abolished by the government. For the Duhalde government, that was just the beginning. Indeed, the government has passed a string of new laws that trample on property rights, make a mockery of the rule of law, and are worthy of the Bolsheviks.

Much of this centers on the pesofication of the economy. Embraced by the Duhalde government, this policy was first articulated by Ricardo Hausmann, a Harvard professor and former chief economist of the Inter-American Development Bank, in the Oct. 30, 2001 issue of London's *Financial Times*. The *Financial Times* leader of Oct. 30 dutifully endorsed pesofication, as did most of the chattering classes that reside in Washington, D.C. Prior to his pesofication manifesto, Hausmann had been one of the strongest advocates of dollarization.*

Pesofication has dealt a series of blows to the property rights of Argentines:

• Dollar reserves held by commercial banks were seized by the central bank and converted into pesos at 1.40 pesos per dollar. As of Feb. 1, dollar reserves held by commercial banks plus dollar vault cash was U.S.$5.4 billion. At two pesos per dollar, the windfall loss for commercial banks and the corresponding windfall gain for the central bank is roughly U.S.$1.6 billion.

• All bank loans originally made in dollars will be converted into pesos at 1 peso per dollar, generating a windfall gain for borrowers of dollars and a corresponding windfall loss for lenders. As of Feb. 1, the last business day before the new measures were announced, dollar loans were U.S.$45.8 billion. At two pesos per dollar, the windfall gain for borrowers and the corresponding loss for banks is thus about U.S.$23 billion.

Argentina totally abrogated the property rights people had been granted under the Convertibility Law. Argentines viewed this as theft and went to the streets.

• All bank deposits originally made in dollars will be converted into pesos at 1.40 pesos per dollar, generating windfall losses for depositors and windfall gains for banks. As of Feb. 1, dollar deposits were U.S.$39.8 billion. At two pesos per dollar, the windfall loss for depositors and the corresponding windfall gain for banks is thus about U.S.$12 billion. Overall, then, banks suffer a windfall loss of about U.S.$1.6 billion + U.S.$23 billion - U.S.$12 billion = U.S.$12.6 billion. (The capital of all privately owned banks, which constitute roughly three-quarters of the banking system, is U.S.$12 billion.)

• Under privatization agreements with private utilities, many of which are foreign-owned, utility rates were denominated in dollars and indexed to the U.S. inflation rate. These agreements have been redenominated in pesos at 1 peso per dollar. The contract nullification costs, as yet to be calculated, will run into the billions of dollars.

continued on page 41

*I am reminded of George Orwell's *1984*, in which the world was divided into three countries at war with one another. Oceania was in alliance with Europa against Eastasia. An orator from Oceania was haranguing the crowds, reviling Eastasia and praising Europa. Then a message was delivered from the central office; the alliances have changed! And without hesitation or change of inflection, the Oceania orator simply substituted the new ally for the old enemy. So it was with Hausmann's switch from dollarization to pesofication.

Report

Progress in Costa Rica

by Raúl Costales

Movimiento Libertario won at least five seats in Costa Rica's Congress, giving it the ability to advance its program and making it the most successful libertarian party in the world.

Candidates of the Movimiento Libertario appear to have won ten percent of the seats in Costa Rica's congress in the election of Feb. 3, making it the most successful libertarian party in the world. As this is being written, the ML has captured four out of the 57 congressional seats, its candidate is leading by a small but relatively safe margin (277 votes) in a fifth race, and another ML candidate trails by only nine votes in a sixth. Recounts will determine the definitive winners by March 15. Nationwide, the ML received about 140,000 votes for congress, which represents 9.33% of the total, and is more than triple ML's 1998 vote. And the ML performed well nearly everywhere, capturing 2.7% to 11.8% of the vote in every province, failing to come within 2% of electing a congressman in all but one.

The ML is pleased with how the election turned out, and will be even more pleased if it wins the sixth seat, which would give libertarians about 10% of the congressional seats. In the United States this would be the equivalent of ten senators *and* 44 congressmen. Of course, it was very unlikely that at this stage the ML's presidential candidate, Otto Guevara, would win the presidency, although at one point he attracted 10% of preferences in an opinion poll.

For the first time in history, Costa Rica's minor parties prevented both of the traditional parties' presidential candidates from obtaining the required 40% to avoid a runoff. This sent a very loud message to the political oligarchy that has ruled this country for many years.

The Movimiento Libertario is proving that a principled, morally centered libertarianism can attract many voters in a relatively short time. When the ML was founded six years ago, the libertarian approach was unknown in Costa Rica. When I first approached Otto, today's most popular libertarian in Costa Rica, asking whether he knew about libertarianism, he said: "No, what the heck is that?" The Movimiento Libertario has come a long way since then!

One thing that has been very exciting is the great support the ML is receiving from young people, not only young voters, but high-school and college students who will first vote in 2006. Part of the reason is the natural rebelliousness of youth — libertarians are rebellious against the current political establishment, to say the least — but it's also because of the advances in technology that make these young people more self-reliant and unwilling to accept government control over their lives. Anyway, the ML plans to increase dramatically its activity in high schools and colleges in the near future.

The Movimiento Libertario's Campaign Strategy

During the first months of the campaign, the Movimiento concentrated on a presidential campaign through TV ads. Since Otto had been chosen best congressman in many public opinion polls and by the news media, it had a good spokesman. Still, only about 60% of Costa Ricans knew of him on July 16, the day the ads began running. By the end of the campaign, his name recognition was 94.5%.

ML's objective was to run a serious presidential campaign that would discuss libertarian ideas and gain enough attention to be invited to a nationally televised debate with

the traditional party candidates. The ML achieved that. In his conclusion in the debate, Otto asked for support for Movimiento congressional candidates, and appealed to viewers to split their vote, which is fairly common in Costa Rica. (That is, many people voted for a presidential candidate who really has a chance to win the presidential race, but support the congressional candidates of another party.) So, when Otto's presidential preference was pushing 10% and the ML congressional preference was much lower, they changed the message and became the only one of the four leading parties to focus on getting more congressional votes. The result was a fast decline in Otto's presidential preference and a big increase in congressional preference. In the end Otto only got 1.68% of the presidential preference (about 25,000 votes), but helped the Movimiento achieve its main goal of more congressional seats. And it laid the groundwork for the presidential campaign in 2006.

The TV campaign, including production costs, absorbed 87% of its campaign costs; another five percent went for radio and newspaper advertising.

Cost of the Campaign

The ML spent about $217,000 for the 2002 campaign, with many of its contributions coming in late, enabling it to have more television advertising as the election got closer. The TV campaign, including production costs, absorbed 87% of its campaign costs; another five percent went for radio and newspaper ads during the last two weeks, and the remainder was spent on fliers, billboards, flags, T-shirts, caps, and bumper stickers. Nothing was spent on salaries, since all work was done by volunteers, and there were no office rental costs, since all locales were donated, including a party headquarters office in San José during the last two months of the campaign.

As libertarians the Movimiento refused any government funds for its campaign, and was the only party to do so. But preliminary estimates indicate that the ML would have been entitled to about $811,000, nearly four times what it spent! You can bet that the Movimiento will publicize this, as well as criticize the other parties for accepting such funds.

The Future

No party even came close to getting a majority of congressional seats. With Congress widely split among four parties, the ML's negotiating power will increase significantly from its current 1-against-56, David vs. Goliath situation. This should enable it to push forward some items in the libertarian agenda during the next four years, and to block even more legislation that violates rights.

But most importantly, there will be an increased discussion of libertarian ideas throughout the country. The Movimiento Libertario is a topic of study for high-school and college students, who regularly visit its congressional office to learn more about libertarianism. And the news media give libertarian positions a prominent place. Further, the ML's website in Spanish includes current congressional topics, positions and proposals, libertarian comics (a favorite), books, the test to find out if one is a libertarian, and much more.

ML also maintains an English website, a font of information about the revolution that is happening in Costa Rica. You can find it at www.libertario.org/en/. ❑

Argentina, *from page 39*

The only way to rectify all this plunder is to reverse it and restore the property rights regime that existed prior to Jan. 6. Argentina should dollarize the economy, as Kurt Schuler and I recommended on Feb. 1, 1999. This should be done at an exchange rate of 1 peso per dollar. In addition to restoring property rights, this would give Argentina a much needed confidence shock. The rationale is similar to that employed by Alexander Hamilton in paying the Revolutionary War debts of the United States at their par value, even though they had long since depreciated. Hamilton wanted to establish the United States as a good credit risk. He succeeded so well that the federal government soon became able to borrow on terms similar to those available for long-established European countries.

Argentina is now a terrible credit risk, and the government needs a dramatic step to re-establish the years of painstakingly established private and public credit it has destroyed in accelerating stages since Dec. 1, when then-president Fernando de la Rúa and his minister of economy Domingo Cavallo imposed a freeze on bank deposits.

If Argentina's central bank was put out of business and the peso liquidated, the turnaround would be just as rapid as in Ecuador, which dollarized its economy in early 2000. In two short years, that country has pushed its growth rate to the top of the Latin American charts, unemployment has fallen from 15% to 9%, and 30-day interest rates on deposits have fallen from about 60% to 3.65%.

If the Duhalde government fails to respect property rights by dollarizing the economy at a rate of one peso per dollar, the Bush administration should refuse to fill Argentina's begging bowl. Indeed, the Bush administration should refuse any direct aid and should veto any proposal for the International Monetary Fund, the World Bank, and the Inter-American Development Bank to lend money to Argentina. Fortunately, the U.S. government is required to do just that. Title 22, Section 2370 of the U.S. Code requires the suspension of U.S. assistance to any country that seizes ownership of property owned by U.S. citizens or corporations or nullifies contracts with them.

If that wasn't enough, President Bush echoed U.S. law in his State of the Union address of Jan. 29. In that speech, the president said, "We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance." As a matter of principle and law, then, the U.S. will be on firm ground if it sends Argentina's plunderers packing. ❑

Report

Cutting Back the State in Canada

by Paul Geddes

The new government in British Columbia has made some big promises about cutting taxes . . . and actually seems to be keeping them. But the news isn't as good as it sounds.

Last June, voters in British Columbia threw out the New Democrat Party (NDP), the explicitly socialist party that had controlled B.C. for a decade. The Liberal Party, which had a platform of tax cuts and less government, won 77 of the 79 seats in the provincial parliament. The new government announced a 25% across-the-board tax cut and plans to get rid of more than a quarter of the province's employees.

According to the rest of Canada, people in B.C. take their politics a bit too seriously. Accepted wisdom from a Toronto newspaper is that all the footloose fruits and nuts who couldn't make anything of themselves elsewhere in Canada slowly migrated westward until they hit the ocean. With nowhere else to go, they settled down to forcing their polarized visions upon each other. This is supposed to explain why the governments of British Columbia seem to rotate so rapidly from the reddest of the radical socialists to the blackest of the rapacious capitalists and why after ten years (1991–2001) of socialist taxing, spending, and regulating, British Columbians threw out the scoundrels and elected their ideological opposite, the new Liberal government.

Judging by current headlines, the leader of the Liberal Party, Gordon Campbell, has already overplayed his hand. Not only are the changes radical, according to media pundits, but he is making them simply to satisfy his pure ideological bias and out of class hatred of the poor. The evening news has become a full hour of bleating beggars wailing about cuts in their subsidies, bleeding-heart professors worrying about the tearing social fabric, and union leaders haranguing their followers to "Fight back! Fight back!" and promising to make the province ungovernable. Even the respected *Economist* magazine came in on message, subtitling their recent report on B.C. "a wild gallop to the right."

When government-loving professors, unions, and special interests are all angry, it is surely good news. But don't apply at your local Canadian embassy for your immigration papers just yet. In B.C., substantial reductions in the role of government in people's lives is still far away.

For one thing, the tax cut isn't as large as it sounds. Provincial income tax is only one-third of the total personal income tax collected, and personal income taxes are only one-third of the total taxes British Columbians pay. A 25% cut of one-third of one-third of taxes works out to about a 3% tax cut. Each year, the local free-market think tank, the Fraser Institute, calculates an annual Tax Freedom Day, the (metaphorical) day Canadians stop working for the government and get to start keeping what they earn. In 2000 (the last full year with the NDP) B.C.'s Tax Freedom Day was July 5, with taxes consuming 50.6% of the average family's income. Back of the envelope calculations indicate that the 25% provincial income tax cut would bring taxes down to about 47.5% of income and move Tax Freedom Day forward to about June 22. That's about the level it was in 1995, halfway through the NDP's reign.

This tax cut is a small step in the right direction, but provincial income taxes are still higher in British Columbia than in either Alberta or Ontario (the only other Canadian provinces that pay their own way in Canada) and the total tax bill

of 47.5% is still more than ten percentage points higher than Americans in any state have to put up with.

What is getting the demonstrators out into the streets is the announced intention to get spending under control. In the fiscal year 2001–02, provincial government expenditures reached $24 billion Canadian, just under 20% of gross provincial domestic product. But with a poorly performing economy, built-in automatic spending increases hidden in union contracts, as well as the $2 billion tax cut, the government faces an expected $3 to $4 billion deficit without making any changes.

After ten years of socialist taxing, spending, and regulating, British Columbians threw out the scoundrels.

Campbell proposes to balance B.C.'s budget by cutting provincial expenditures by 8% ($2 billion) over the next three years to reach a level of $22 billion. This translates into job losses for about 12,000 full-time bureaucrats (out of over 40,000 positions). By the end of this plan, B.C. should have around eight provincial employees per 1,000 residents, compared with Alberta's 9.3 and Ontario's 7.4.

Despite the impression one might get from the headlines, Campbell is *not* pioneering drastic changes but just trying to return B.C. to a level of taxation and expenditure considered normal for the other "have" provinces in Canada. Even with this "radical right-wing" shift, Campbell's government will still own 95% of the land area in B.C. and thus will retain control of the forestry resources responsible for a major portion of the economy. This "radical free-market" wingnut will also still own nearly all of B.C.'s valuable electricity generating and distribution services.

Nor has the government announced any plans to release citizens from the government-owned monopoly car insurance company or to allow citizens to opt out of its government monopoly medical service. Farmers' land has been declared protected (originally to save British Columbians from impending world famine) but farmers are still not allowed to sell land for more valuable uses. Even with falling world food prices, you can still find cows and fields of vegetables just minutes from downtown Vancouver. This "free market" government still restricts the production of milk, eggs, chickens, apples, oysters, mushrooms, and green vegetables so that B.C.ers have the honor of paying substantially higher than world prices for the pleasure of knowing that some of their food is grown close to home.

British Columbia has made some small baby steps in the direction of a free market, but not nearly enough to warrant all the fuss and squawks from the many special interest groups. But then again, the movement does seem to be in the right direction and we should be thankful for every incremental gain in freedom we can get.

Meanwhile, most B.C.ers are very thankful for their tax cut, despite its puny size. ❑

Letters, *from page 6*

zens of the academe, likening them to the spineless Brits of the 1930s, she misses one very important point. Britain did not spend the 1920s using military force hither and yon to teach disparate peoples the meaning of "perfidious Albion" in their native languages. In contrast, our government has spent billions of dollars teaching the world to sing David Bowie's classic "I'm Afraid of Americans" in their native tongues. Simply recognizing this fact does not make one a Nazi appeaser. Ignoring these truths leads to the deplorable situation we find today in which any article in *Liberty* that contains the words "rights of the Palestinian people" engenders a torrent of reader response that follows this pattern. "If the Palestinians are people and if they have rights those rights have been permanently invalidated because Israel is a democracy and none of the Arab states are." This position is held irrespective of the actions of the Israeli government and no matter how individual Palestinians are deprived of life and liberty.

At the end of the day we are reaping the whirlwind sown by generations that have ignored George Washington's sage advice regarding foreign policy and energized by the Supreme Court's failure to base *Brown* v. *Board of Education* on Justice Harlan's dissent to *Plessy* v. *Furgeson*.

It's time to get over it and move on. Sloppy thinking and cultural chauvinism are simply not acceptable.

Kevin P. Tyson
White Plains, N.Y.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to: letterstoeditor@libertysoft.com.

Quarantine 'em All

In "Go Forth and Multiply?" (March), Bruce Ramsey correctly observes that homosexuality is not catching. However, Ramsey omitted the following facts: First of all, homosexuals do often "catch" the AIDS virus from each other. Secondly, heterosexual women do often "catch" the virus from bisexual men. Lastly, none of the above would be taking place if AIDS carriers were isolated from society like TB carriers are. That can't happen because gays are protected in this country.

Robert M. LaFrana
Wyoming, Mich.

Be Nice, Doug! Or At Least Inoffensive. . .

Once again an issue has come out that I dare not leave for reading, as I would like to do, at the office of my doctor or dentist. The March 2002 issue contains more than one great example of why a good number of libertarians I know don't subscribe to *Liberty*: The publication can be depended on to print spectacularly offensive material in every issue.

Printing controversial material is one thing. Including articles or col-

continued on page 61

Reply

Szasz and Mises

by Bettina Bien Greaves

Maybe Ludwig von Mises didn't misunderstand psychiatry.

My first reaction when anyone criticizes Ludwig von Mises is to bristle. What do you mean by saying that my professor, my mentor, was wrong? Then I stop, look, listen, read, and reconsider. After all, Mises could have occasionally misspoken; he could have been misinterpreted; or, although I find it hard to accept, he could even have been wrong. I have read and reread Thomas Szasz's article ("Mises and Psychiatry," February) and believe it is a mix of all three.

Szasz says that Mises appears to accept the view of psychiatry that insanity is an illness. And Szasz calls psychiatry (and psychoanalysis, through its alliance with psychiatry) "a form of statist pseudo-liberationism" and "the most dangerous form of statism."

According to Szasz, "the standard psychiatric mythology" maintains that individuals who are classified as "insane," though innocent of lawbreaking, ought to be deprived of liberty and responsibility and incarcerated in a prison, even if that prison is called a "hospital."

Szasz says that by failing to draw a line between sanity and insanity Mises opens the door to classifying a man as "mentally disabled" by "the mere fact that [he] shares erroneous views and acts according to his errors."

And, if I understand Szasz correctly, he argues that is precisely what Freud did, and that that was why Mises admired Freud.

I admit that Szasz has legitimately called Mises to task for occasionally using the jargon of psychiatry, perhaps without fully realizing the significance of what he was saying. I cannot even understand what Mises meant in some instances, for instance in writing about the "Fourier complex." However, I disagree with Szasz on all four counts listed above: (1) that Mises accepted the view of psychiatry that "insanity" is an illness, (2) that those classified as "insane" should, on that account alone, be incarcerated, (3) that persons who believe and act on erroneous ideas should be labeled "mentally disabled," and (4) that Freud's classification of persons on the basis of their erroneous ideas was why Mises admired Freud.

Inside the Mind of Mises

Szasz quotes Mises' *Human Action*: "Man is a being capable of subduing his instincts, emotions, and impulses . . . *He is not a puppet of his appetites. . . . Human action is necessarily always rational.* The term 'rational action' is therefore pleonastic and must be rejected as such" (*Human Action*, pp.16, 19; Szasz emphasis added). And Szasz even states that these ideas of Mises on the purposiveness of human action "have formed the basis for [his, Szasz's] views on 'mental illness' and psychiatry." Szasz does not specifically say so in this article, although I believe he has elsewhere, that "he who acts antisocially," that is he who aggresses against the life or property of another, should be penalized for that act under the law; irrespective of whether or not he is considered "insane" or "mentally disabled." This, I believe, was Mises' view also. As a matter of fact, Mises wrote, in one passage quoted by Szasz, "To punish criminal offenses committed in a state of emotional excitement or intoxication more mildly than other offenses is tantamount to encouraging such

excesses."

Most people may consider the ideas of some persons and their reasons for acting strange, unusual, wrong, insane. But after all, in the view of both Mises and Szasz, he is a rational human being and, thus "capable of subduing his instincts, emotions, and impulses." Although he should not be punished for his ideas, he should be held liable under the law for any aggressions against others.

The Thin Psychiatric Line

Szasz says that the "line between sanity and insanity" determines "which individuals innocent of lawbreaking" will be "deprived of liberty and responsibility." Is it really true that "psychiatry (and psychoanalysis, through its alliance with psychiatry)" have become such an overpowering form of "statist pseudo-liberationism," that it even deprives persons of liberty and responsibility who are "innocent of lawbreaking"? Is it really true, as Szasz says, that "persons considered insane are incarcerated in mental hospitals" even if they have committed no antisocial act, have not been violent against themselves or others, have been managing their own affairs or were being cared for by willing friends or family members, and have expressed their odd, different, "insane," ideas only peacefully? Is it really true that persons whose ideas "ought to be viewed as the right to be wrong" are actually considered "insane" and are "incarcerated," i.e. imprisoned, in mental hospitals? Does psychiatry really incarcerate such "insane" but innocent individuals? If so, this is certainly a strong indictment against psychiatry. But not against Mises. Szasz says that Mises should have known about this situation. But that I cannot say.

Szasz has legitimately called Mises to task for occasionally using the jargon of psychiatry, perhaps without fully realizing the significance of what he was saying. I cannot even understand what Mises meant in some instances.

Quoting from my notes on a Mises' lecture: "The great contribution of Freud and of his predecessor, Breuer, consisted of explaining that even the behavior of lunatics and neurotics was guided by the desire to attain certain ends, just as is the behavior of everyone else." Every action a person takes, Mises pointed out, is always conscious, purposive, intentional, aimed at some particular goal or end. And every action stems from the ideas a person holds. And this applies not only to so-called "normal" or ordinary people but also to those society classifies as "insane." "Before Freud, people said neurotics were simply running around aimlessly but he showed that these people too wanted to achieve something." The difference is just that those called "insane" act on the basis of ideas others consider strange, abnormal, incomprehensible, even wrong.

"On the border lines of every scientific doctrine there are doctrines that are the results of undigested ideas. On these fringes there develop some ideas which are untenable. . . . Materialism assumed that ideas in the human mind were created by material conditions [deformities in the brain, bodily secretions, etc.]. The position of psychoanalysis was precisely the opposite of this materialism. The great fact of psychoanalysis is that psychic phenomena can bring about physical changes in men. Breuer discovered that a girl was paralyzed because of psychic conditions. Medical doctors had not been able to discover the cause. This was fifteen years before Freud's fame."

Mises wrote that the availability of free government health care has led to a new disease because of the ideas it has generated in the minds of some people. "Social insurance has thus made the neurosis of the insured a dangerous public disease. Should the institution be extended and developed the disease will spread." If a person believes he is sick, the idea, the belief, may actually make him sick. "Being ill is not a phenomenon independent of conscious will and of psychic forces working in the subconscious. . . . A special disease, traumatic neurosis, which had already appeared in some cases as a result of the legal regulation of claims for compensation for injury, has been thus turned into a national disease by compulsory social insurance. . . . [T]o feel healthy is quite different from being healthy in the medical sense." Similarly, if a man believes he is the king of Siam, it may not make him king, but it may make him act as he thinks the king of Siam would act. Irrational as his actions may appear to those who do not share his delusion, they are rational from his point of view. They make sense to him.

What Is Science?

In Szasz's view, the term "science" should be restricted to the hard (physical) sciences. That is, of course, a matter of terminology, a definitional question. Anyone may define the terms he uses as he wishes, although it is helpful when communicating with others to use definitions others accept, or to be very careful to clearly define one's terms. For Mises, praxeology, like geometry, was a *science*, a *science* of logic. Mises considered praxeology a science because it reasoned logical step by logical step from the basic a priori fact that men act. Economics, according to Mises deals with the *fact* that men act, not with their *reasons* or *motives*. Reasons and motives, he said, belong to the realm of psychology.

In Szasz's view, the term "science" should be restricted to the physical sciences. That is a definitional question. For Mises, praxeology, like geometry, was a science, a science of logic.

Mises called "action" a priori "because it is so fundamental that we cannot otherwise conceive of life as we know it in the world in which we live. Mises' reasoning then proceeded logically from one conscious, purposive, intentional, action taken to remove a "felt uneasiness" (Mises' term) to another, from acting to exchange one situation or thing for another situation or thing, and from one action to attain a certain end, chosen according to the actor's personal subjective values, to another action to attain another end. The conclusion reached at each stage in this logical procession is just as true

and just as incontrovertible as a law in the hard sciences. For instance, the economic law of returns (diminishing or increasing) and the economic law of price, commonly known as the law of supply and demand, both arrived at by logical reasoning, are just as true and just as incontrovertible as the geometric law, also arrived at by logical reasoning, that a straight line is the shortest distance between two points, or just as true and as incontrovertible as the physical law of gravity. It is through this process of reason and logic that the economist explains all economic phenomena — prices (ratios between the relative subjective values of traders), money (a commodity taken in trade in lieu of barter, to use later to obtain what the trader wants). Further steps in logic explain banking, credit, monetary manipulation, and the effects of the interference by force through government regulations and controls, etc.

It is true, as Szasz says, that Mises did not consider drug addiction a disease. He did not deny that the use of habit-forming drugs such as alcohol, opium, and morphine could be dangerous, but he considered government attempts to prevent their use even more dangerous. "If one abolishes man's freedom to determine his own consumption, one takes all freedoms away." However, Szasz quotes from Mises' *Omnipotent Government* (1944) to show that at least at one time Mises had actually advocated using the force of government to stem the drug traffic: "The League of Nations may continue to combat contagious disease, the drug traffic, and prostitution." Before coming to the United States in 1940, Mises had spent almost six years living and teaching in Geneva, Switzerland. There he had been able to observe at close hand how the League operated and he had become pretty much disillusioned as to its ability to fulfill its original intent — the promotion of peace. I interpret Mises' 1944 statement about the League of Nations as an indication of his complete disaffection with the League; he expected nothing more from it than busywork such as accumulating statistics and combating "contagious diseases, the drug traffic, and prostitution."

Conclusion

Szasz is certainly correct in calling attention to Mises' faux pas when he stepped outside his field of expertise. Other notables have made similar mistakes — Einstein spoke on behalf of socialism and Henry Ford crusaded at one time against what he saw as an "international Jewish conspiracy." In spite of Mises' 1927 remark that opposition to liberalism comes from "a pathological mental attitude" which "cannot be reached by resort to the method of reason," he did not recommend treating such persons as "sick" or "insane." He continued throughout his life to advocate the use of persuasion by "resort[ing] to the method of reason." Shortly after the First World War ended, he spent hours debating and arguing with Otto Bauer, the leading Austrian socialist of that day, to keep Bauer from implementing his program for the radical socialization of Austria. As a matter of fact, in the very same section of *Liberalism* quoted here, Mises stressed the importance of using rational arguments to reach neurotics. The neurotic adopts a delusion to make life more bearable, Mises says, because he cannot endure life in its real form. But it is not enough to demonstrate the absurdity of his delusion. "[T]he patient himself must overcome it. He must learn to understand why he does not want to face the truth. . . . Through self-knowledge he must learn to endure his lot in life without looking for a scapegoat on which he can lay all the blame, and he must endeavor to grasp [by study and understanding] the fundamental laws of social cooperation." ❑

In Response to Bettina Bien Greaves

Thomas S. Szasz

I would like thank Bettina Greaves for her comment on my essay "Mises and Psychiatry" (March). I share her admiration and respect for Mises and his work, shown by many laudatory references to his writings in my books.

For example, in Our *Right to Drugs: The Case for a Free Market* (Praeger, 1992, p. 159), I approvingly cite Mises' statement: "Opium and morphine are certainly dangerous, habit-forming drugs. . . . The mischief done by bad ideologies, surely, is much more pernicious, both for the individual and for the whole society, than that done by narcotic drugs" (*Human Action*, pp. 728–29). And in *Pharmacracy: Medicine and Politics in America* (Praeger, 2001, p. 65), I cite Mises' writing: "[Social insurance] has thus made the neurosis of the insured a dangerous public disease. . . . We cannot weaken or destroy the will to health without producing illness" (*Socialism*, p. 432).

These and many other acknowledgments of Mises' genius ought to suffice to show that my essay, "Mises and Psychiatry," was not intended to be, and ought not to be interpreted as, an "attack" on Mises. Mises was human and hence not perfect. As Greaves cogently notes, no one can know everything and even the wisest and most decent men can utter ill-advised opinions. Having said that, let me re-emphasize the crux of my argument regarding psychiatry.

My Objections to Psychiatry: Behavior Is Not Disease, Coercion Is Not Cure

1. Behavior is not disease. Greaves writes: "Breuer discovered that a girl was paralyzed because of psychic conditions. Medical doctors had not been able to discover the cause. This was 15 years before Freud's fame."

This girl was not paralyzed. She pretended to be paralyzed. Real paralysis cannot be cured by an exchange of words between doctor and patient, even if that exchange is given scientific-sounding names such as "hypnosis," "catharsis," and "psychoanalysis."

2. I distinguish, and urge libertarians to distinguish, between voluntary and involuntary psychiatric interventions. Breuer and Freud were physicians in private practice. Neither was a psychiatrist. Neither had, or could have had, involuntary patients; such persons were locked up in insane asylums, whose directors were state employees. (This is why most psychoanalysts in Austria-Hungary were Jews, but no

continued on page 60

Reviews

***In the Bedroom*, directed by Todd Field. Miramax Films, 2001, 131 min.**

Boredom In the Bedroom

Erika Holzer

"Over 90 critics nationwide agree *In the Bedroom* is ONE OF THE BEST PICTURES OF THE YEAR!" trumpets a Miramax full-page ad in *The New York Times* — and that was before Sissy Spacek copped a Golden Globe best-actress award for her performance in this film. But if you happened to scan the lineup of tributes in that advertisement, as well as prior and subsequent ads, and then came away confused, don't blame yourself.

On the one hand, you would have encountered accolades such as: "relevant . . . rooted in a profound understanding of humanity" (*The New York Observer*), " . . . exquisitely rendered emotional truth" (*Time Magazine*), "[p]hrase by phrase, image by image . . . an astonishingly rich work . . . undeniably seductive!" and " . . . artful depiction of family tragedy . . . " (*The New York Times*), " . . . it sneaks up on you . . . (*Chicago Tribune*), and "So real it took my breath away . . . two very enthusiastic thumbs up!" (guess who?)

On the other hand, you would have bumped up against: "A thriller that transcends thrills!" (*Rolling Stone*), "Grade: A! Riveting!" (*Entertainment Weekly*), "explodes with phenomenal force" (*The Wall Street Journal*).

Sound just a bit contradictory?

If you see the movie, you may decide, as I did, that *In the Bedroom* is itself contradictory — a hybrid phenomenon, and a not very satisfying one at that — depending, of course, on your tolerance for movies which promise one thing and deliver another.

I'll admit up front that the odd collection of accolades was part of the reason I put *In the Bedroom* on my must-see list (Roger Ebert's eager thumbs-up notwithstanding — usually a surefire way to know in advance I won't like a given movie). But curious to see for myself what the fuss was all about, I was further persuaded by a rave from one of my favorite reviewers, a person whose opinion I invariably respect even when we part company on the merits of a film. One sentence in particular grabbed me: "Director [Todd] Field . . . paces the story with a subtlety and a build that makes its two hours and ten minutes go by with the tightness of a much shorter film." Well, hey, I'm all for subtlety and, by implication here, a well-paced — one might even say, a tightly paced — drama. By the time I arrived at the movie theater, curiosity had given way to anticipation.

Fifteen minutes into the film, I was mildly engaged in what promised to be an interesting setup that was, any second now, about to slip into a gut-wrenching, conflict-filled family drama. Roughly half an hour later, I was still waiting for the promised setup to ignite — even as I tuned into the sound effects to my right: my husband, slipping into the twisting-in-the-seat routine that signals acute boredom.

Patting his hand in commiseration, I found myself remembering something Ayn Rand had said during a conversation about the construction of a novel. Dostoyevsky (whom Ms. Rand admired) had this maddening technique, she told me, of creating a suspenseful situation, then taking a long time to get to the point or introduce the new character he'd been teasing us about. He'd pull this novelistic stunt most often when the reader was anxious to get *on* with it. Finding myself in this very predicament, I actually thought there was hope for *In the Bedroom*.

It was a guilt-tinged hope, I'll admit. Here we have this adorably sweet, hugely naive, brilliant architect-to-be dragging out his summer-before-college romance with a pretty older gal whose goal in life is security for her and the kids and whose schizi, physically abusive, wildly jealous, estranged husband isn't just a time bomb waiting to go off — the creep is a grenade with the pin already pulled! The situation is obvious practically from the first fade-in, but that doesn't lessen the guilt trip — I mean, how would *you* feel, rooting for the nice young man's death just to get the story back on track?

I recalled the *Times'* giddy admiration of the movie's richness. The bit about "phrase by phrase" and "image by image" took on new meaning: a virtual pileup of talk, much of it unimportant, that stalled the promise of action to come. As I felt myself drowning in seemingly endless picturesque images of a lobster town in Maine, I thought of another line from my friend's movie review. He said that actor-turned-first-time director Field "sets up with cool understatement the elements that

make up the fabric of everyday living in a happy, well-adjusted family until the harsh light of tragedy plunges them into bitterness." There was plenty of fabric, all right. I felt smothered in it as director Field zoomed in on this or that transparently *significant* moment, all the while feeding in a lot of meaningless detail, while I waited with growing impatience for the harsh light of "until."

As for all that subtlety and understatement, I found it tedious and shamelessly repetitive. It led me to think that this neophyte director was either too undisciplined to yank himself away from the scenic small town ambiance, or that he hadn't the faintest idea how to turn a selective focus on it and use sense of place only long enough to enhance his story. And please don't tell me that's how we perceive *real life* — chock full of all the nitty-gritty details. Not unless you first pass the following test.

Fifteen minutes into the film I was engaged, awaiting a gut-wrenching, conflict-filled family drama. Half an hour later, I was still waiting.

Pop into the gorgeous lobby of a deluxe hotel full of eye-catching, expensive trappings. Or into one of those charming eclectic antique shops that boasts everything from china dolls to ancient sewing machines. Or hurry on over to a wedding reception full of music and food and friends who are expecting you. Or . . . you get the idea. Now tell me whether you looked at every single object in sight. More likely, you singled out the lobby's crimson velvet tasseled drapes . . . the Art Deco chandeliers . . . the green marble floor. Spotted the Raggedy Ann propped up on one of the shop's dusty overcrowded shelves . . . relived a moment out of your childhood — and, oh, that darling hen-shaped votive candle! Did a quick survey of the bride — love that lace mantilla! — raised an eyebrow at the long-fingered blond guy who was about to blow you away with his trombone . . . cut to a Baccarat glass bowl heaped with shrimp — how long before it runs out? — spied Maggie and Lynn both decked out in mauve silk . . . and not looking the least bit peeved with one another.

Whatever you noticed, you didn't notice everything.

Resting my case, I return to the big screen. I figure, with a suppressed sigh, that with *In the Bedroom* I'm stuck with pure naturalism from the first reel to the last. Oh, not the kind of naturalism that consists of moody vignettes and scattered incidents, beginning and ending nowhere. *In the Bedroom* is predominantly about characterization at the complete expense of plot, but it does at least purport to have a story — a purposeful direction, if you will — even if the events follow one another only in a temporal sense and not in the kind of logical sequence that signals plot. I tell myself that the family tragedy being depicted, though building at a snail's pace, is interspersed with a number of arresting and exceedingly well-acted interludes. But this movie has been stripped of real drama.

I am reminded of another family tragedy — one which Ayn Rand had brought up in our conversation about novel construction: the case of Romeo and Juliet. "To have a logical progression, you must first have a common dramatic element. Look at it in three steps," she counseled. "Step one: love at first sight. Step two: marriage. The common element is the family feud. It infuses steps one and two with drama and builds in a logical progression to an inevitable question — to step three: Will they be happy?" In other words, "plot" events arise out of preceding events, whereas with "naturalistic" events, they may or may not be purposeless (events in *In the Bedroom* are not), but they won't be necessitated by preceding events, either.

Ms. Rand had a lot more to say about naturalism on that memorable occasion. I already knew, of course, that instead of dealing in essentials, naturalism is laced with surface details. I knew the overall pattern of the literature — loose stories told with diffuse events whose purpose is to present or influence characters, often with long passages delineating inner feelings and thoughts, while action, if there is any, is virtually suspended. But what I hadn't realized was the degree to which many writers (and filmmakers) engage in what Ms. Rand called "crossbreeding" between the schools of Naturalism and her own Romantic Realism.

Warning against classifying naturalistic writers too rigidly — "you have to judge each story by essentials because no single story is without elements of both schools," she praised John O'Hara for his "good psychological studies" that often were "heartbreaking, sadly malevolent-universe stories illustrating some aspect of a character or a psychological process or even summing up a whole life in one incident." Very eloquent on their own terms, O'Hara's stories, she observed, though not always naturalistic, and not romantic either. They were nonetheless purposeful and went "deep." The "enormously overrated" John Steinbeck, on the other hand, was "pure naturalism — and pretentious at that." For burning social issues, you were far better off with Emile Zola.

When I asked for more examples, she ticked off Tolstoy, Chekov, Henry James, Fitzgerald — "all naturalists who selected intellectuals or upper classes for their subjects but treated them naturalistically." Another crossbreeder was Budd Schulberg (*What Makes Sammy Run*), whom she regarded as "somewhat talented, with a certain sense of drama and the ability to select naturalistic types while presenting his collective portraits quite skillfully." In contrast, Dostoyevsky, although characterization-oriented, wrote on the romanticist method, using purposeful events to show you the characterization.

I hadn't realized the degree to which many filmmakers engage in what Ayn Rand called "crossbreeding" between the schools of Naturalism and her own Romantic Realism.

As I exchanged goodbyes with Ms. Rand and stepped into the hallway of her apartment house, I distinctly remembered the color of the dress she

wore — black — but not much else about it; the way her glasses — colorless frames — would slip from time to time, and her impatient automatic gesture of pushing them up with no break in the conversation; those eloquent hand gestures as she emphasized a point. That was about it in the physical details department. Selective focus wins again.

I drag my focus back to *In the Bedroom* and wait to discover whether this adaptation of a short story will turn out to be start-to-finish naturalism or — hope springing eternal — whether I'll luck out and see it metamorphose into a not half-bad example of crossbreeding. My friend's review, after describing the main characters as a small town doctor — "local boy who has grown up and stayed put" — and his wife Ruth, a music teacher at the local school, had gone on to write: "But with Frank's [their son's] murder, all the suppressed concerns and resentments that went unnoticed when they were happy fester into open sores. And with the realization that his killer, the son of the town's leading family, will probably walk, the anger grows — an anger at the murderer, at the system, at the town, at Natalie [son's girlfriend], at each other, and at themselves." I await the dramatic payoff of such key events, in the form of some egregious action on the part of this leading family. The patriarch, maybe, making threats or pulling strings? An outrageous outburst in court? A down-and-dirty revelation about the legal justice system?

I see none of the above. What should have tipped me off was that director Field already opted out of shooting a dramatically obligatory scene: the doctor breaking the horrific news to his wife that their son has just been murdered. What we get is Matt standing in a doorway watching the oblivious Ruth at choir practice — and suddenly we're back at the house and coping. I felt cheated at this demonstration of directorial understatement. And I'm willing to bet that most of the folks who are singing the praises of this movie, if they stopped to think about it, would feel cheated, too.

I was reminded of the time when Ayn Rand and I took in a Museum of Modern Art presentation of a silent screen version of Victor Hugo's *The Man Who Laughs*, walking out after intermission because, as a disgusted Ms. Rand pointed out, the director "deliberately chose not to include the most crucial and dramatic turning points in Hugo's novel."

But now, watching *In the Bedroom*, I barely have enough time to register my frustration when the story veers off in a totally unexpected direction. I see where we're headed, but denial sets in. I simply refuse to believe the form of crossbreeding this movie is about to unload on me — until I recall the *Rolling Stone* accolade: "A thriller!" Very demanding medium, thrillers. Suspension of disbelief is a necessity. But thanks to director Field's preoccupation with characterization, by now I know *these* characters too well, thank you very much, even to begin to take seriously the father's rapid descent from good-natured, mild-mannered, controversy-avoiding, even obsequious milquetoast to vigilante killer, any more than I can accept this eager-to-please, don't-rock-the-boat mother's transformation into a lethal Lady Macbethish co-conspirator. Top it all off with the father's trueblue best friend not only aiding and abetting, but literally getting his hands dirty . . . er, bloody (my husband's acerbic aside, "Well, what are friends *for*?"), and you have an acute case of lack of good judgment on the part of director Field, who apparently was laboring under the impression that frustration and a dollop of rage was all he needed to turn his family drama into a noir thriller.

A disgusted Ms. Rand pointed out that the director "deliberately chose not to include the most crucial and dramatic turning points in Hugo's novel."

Another Field comes immediately to mind, first name Sally. Sally Field is proof positive that a more or less conventional mother and sturdy member of the community, a woman who can't kill a moth, let alone a man, can turn into a convincing vigilante and go gunning for the murderer of her daughter. Why? Because director John Schlesinger guided his screenwriting team into a step-by-step, totally plausible case for how maternal frustration and rage can erupt into violence — yes, even in Pacific Palisades.

I can shamelessly praise Schlesinger's brilliant achievement in Paramount's *Eye for an Eye*, a film based on my novel of the same name, because I had nothing to do with the movie except for cashing a check and getting periodic courtesy reports from the producer. In point of fact, Schlesinger later confessed to me that he'd never even read the book. But Schlesinger's direction of Sally Field and Kiefer Sutherland, playing the psychopathic killer, was memorable — eliciting superb performances from his stars and the rest of his excellent cast.

So shouldn't Todd Field be credited, at least, for eliciting superb performances out of Sissy Spacek and Tom Wilkinson and the rest of *his* excellent cast? Up to a point, maybe. Wilkinson's nuanced performance

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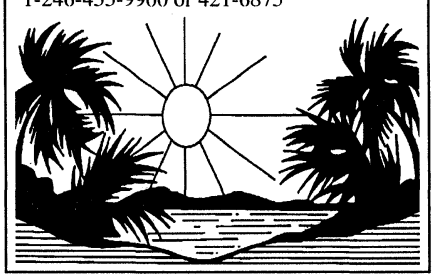

throughout was undeniably brilliant, and Marisa Tomei, as the murdered son's lover, did a fantastic acting job — the best in her career. But the eminently likable, always impressive, award-winning Ms. Spacek (when is the lady *not* brilliant?) was short-changed. No matter how talented an actress may be, she still needs script and directorial opportunities to shine, if you will. Director Field provided Spacek with precious few of those. So underplayed was her role — as written and directed, I hasten to add — that her acting throughout much of the movie consisted of looking uptight, being rude or abrupt, furiously smoking Marlboros, and putting on a stiff upper lip for friends and well-wishers. Only during the climactic explosion between wife and husband was she given the opportunity to rise to brilliance.

How to explain, in her case, the Golden Globe and, undoubtedly, the Oscar to come? I submit that critics and viewers generally feel extremely empathetic toward the character she plays, the horrific experience she's forced to endure, and, in the end, her tragic flaw: grieving mother acquiesces in cold-blooded premeditated murder. People, especially critics, adore tragically flawed characters.

By the same token, those who usually sneer at well-plotted drama, let alone melodrama, will go to the length, as some critics have, of labeling this family-tragedy-turned-melodrama as a "classic." Not in my book. Not in the same breath with *Romeo and Juliet*. ❑

***Lincoln's Virtues: An Ethical Biography*, by William Lee Miller. Knopf, 2002, 576 pages.**

Lincoln the Jeffersonian

Timothy Sandefur

William Lee Miller writes like a good professor talks — with a chatty and thoughtful tone that makes his books quite gratifying. His 1994 *Business of May Next* — a brief examination of James Madison's work on the Constitution and *The Federalist* — is practically conversational, but almost before the reader realizes it, Miller engages him in a sophisticated political analysis that reaches a peak in a chapter on the Constitution's complex relationship with slavery, and Madison's "odd *Federalist* paper." Better still was his 1996 *Arguing About Slavery*, simply one of the finest American history books ever written. In it, Miller managed to draw, from the details of a seemingly minor event — John Quincy Adams' quixotic congressional struggle in the Petition Crisis of the 1830s — the lessons of that tense epoch in history when the Civil War was just starting to simmer.

Although not as powerful as *Arguing About Slavery*, *Lincoln's Virtues* is casual and entertaining, but insightful. Miller is particularly keen on the vital element of Lincoln's public life — his unwavering insistence on the moral superiority of liberty. While other public figures of his day, such as Stephen Douglas, shirked this moral imperative, Lincoln always insisted that the Declaration of Independence set forth a timeless truth, "applicable to all men and all times," that all men are created equal. This equality of liberty was the bedrock upon which was founded the right to create a government in the first place; only if all men are created equal can they have the right to government by consent.

The question, then, in the Lincoln-Douglas debates — and later in the Civil War, and indeed, in today's war — was whether the Declaration's conceits are *true* or not. *Are* all men — and women — created equal? Douglas said no: "I hold that the signers of the Declaration of Independence had no reference to Negroes at all when they declared all men to be created equal," he said. "They did not mean Negroes nor the savage Indians, nor the Fejee Islanders, nor any other barbarous race." But Lincoln insisted that the Declaration was true; *all* men are created equal, and only on that basis could any legitimate government be created. "Our progress in degeneracy appears to me to be pretty rapid," Lincoln wrote.

> As a nation, we began by declaring that *"all men are created equal."* We now practically read it "all men are created equal, *except negroes*." When the Know-Nothings get control, it will read "all men are created equal, *except negroes, and foreigners, and catholics*" When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty — to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocracy.

Lincoln was therefore profoundly opposed to moral relativism. Miller notes this in passing in a story in which the young Lincoln once reprimanded some classmates for torturing turtles for sport. "When the boys in your neighborhood put hot coals on the backs of turtles to entertain themselves," writes Miller, "there are several courses of action open to you. . . . As a budding representative of the relativisms of the century to come, you could shrug your shoulders and say: 'They like to put hot coals on turtles, I don't like to put hot coals on turtles — preferences differ. Who is to choose? Don't be judgmental.'" Likewise, in debating the extension of slavery into the Western territories, Lincoln could have said, like Douglas, that one party wanted slavery, the other did not, and

"popular sovereignty" should allow the voters to decide for themselves. Instead, Lincoln blasted this enormity with simple logic: "Popular sovereignty, as a matter of principle, simply is 'If one man would enslave another, neither that other, nor any third man, has a right to object.'"

Yet while Lincoln was not a moral relativist, what accounts for his tolerance of others' differences? Miller notes that although Lincoln did not drink, smoke, swear, sleep around, or (usually) fight, he did not condemn those who did these things. So was Lincoln actually a relativist after all?

Absolute Morals

The answer — easy for libertarians to understand — is *no*. Lincoln insisted on the moral superiority of *liberty*. What a person *did* with that liberty — so long as he injured no nonconsenting person — was his own business. Lincoln disapproved of drinking, but respected the right of another person to drink, because, as Miller puts it, "once the protections [afforded to another's liberty] are breached, it may be *your* freedom of belief and speech that are suppressed." Because all men are created equal — because each person owns himself — each has the right to destroy himself if he so chooses, unfortunate as such a choice is. But that liberty does not extend to allowing a person to make choices for anyone else — i.e., slavery. "I believe," Lincoln said, "that every individual is naturally entitled to do as he pleases with himself and the fruits of his labor, so far as it in no way interferes with any other man's rights."

This is precisely the moral vision of the Declaration of Independence: All people have the equal right to pursue their *own* happiness without interference. One might say that Lincoln (not to mention the Declaration itself) was what Jonah Goldberg of *National Review* would call an "arrogant nihilist." But in reality, Lincoln's position — and libertarianism in general — makes a *profound* moral statement: It is immoral to force any person to abide by one's own will, whatever that will might be. Miller describes, for instance, how Lincoln came to reject farming in favor of politics, and yet, "He was not condemning . . . the 'idiocy of rural life'; he was simply saying that he himself did not want to farm. . . . [H]e came to know, and to trust, and to act upon, the judgments of his own mind." The right to act upon the judgments of one's own mind — or, as Jefferson wrote elsewhere, the right to "regulate [one's] own pursuits of industry and improvement" — is the "pursuit of happiness."

The Declaration thus served Lincoln as a fundamental text, as, in fact, it was meant to; that is precisely why the Confederates so boldly denounced it as a "self-evident lie," which, John C. Calhoun said, "has not a word of truth in it." The Declaration was not meant, as Douglas, or Roger Taney claimed, to apply only to whites, but to all people. Yet today, Douglas' and Taney's view — and even Calhoun's — is embraced by a large group of politicians and scholars, such as the New Jersey state legislators who, some years ago, defeated a bill requiring schoolchildren to memorize part of the Declaration. State Senator Wayne Bryant (who is black) declared that "it is clear African-Americans

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were not included in that phrase [that all men are created equal]. . . . Thomas Jefferson had slaves his whole life." If those words sound familiar to you, that's because they are Justice Taney's words from *Dred Scott* v. *Sanford*: "[I]t is too clear for dispute that the enslaved African race were not intended to be included . . . for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted." It is certainly chilling that a black legislator today is reciting Roger Taney. Our progress in degeneracy appears to be pretty rapid.

More to the point, Lincoln remains important today because so few

This equality of liberty was the bedrock upon which was founded the right to create a government in the first place; only if all men are created equal can they have the right to government by consent.

believe any longer that freedom is morally superior to servitude, or that the Declaration is *true*, everywhere and always. "*So what* if the Chinese oppress their own people?" say many Americans — and even many alleged libertarians — today. "They should be allowed to adopt any political system they choose. So what if the South had slavery? They still had the right to secede!" But if the Declaration of Independence is *true*, then the Chinese (or the Confederacy) have no more claim to legitimacy — no more right to oppress their own people — than to rob a bank or murder a man. If the Declaration is true, then any government not founded on the consent of equally free people deserves to be "altered or abolished."

Lincoln the Jeffersonian

Lincoln is the greatest descendant of Jefferson because, unlike so many of his contemporaries, and unlike so

many Americans today, he clung to that single moral-political vision that any "sovereignty" asserting a right to oppress, without any third party complaining, is a *false* sovereignty, a slave state, built on force instead of reason, built on coercion instead of persuasion — built, in short, on *genuine moral nihilism.* "If slavery is not wrong, then nothing is wrong," Lincoln said. If there is no natural right to liberty, then just law is whatever the sovereign says it is, and that sovereign — be it a king or a voting bloc — can oppress "Negroes and foreigners and Catholics," or capitalists or women or Muslims or whites, with impunity; may define slavery and freedom as the same thing, as Big Brother, or John Calhoun, did. But Lincoln, Miller

Lincoln remains important today because so few believe any longer that freedom is morally superior to servitude, or that the Declaration is true, everywhere and always.

writes, "was aware that a majority has moral dignity only if assembled under conditions of freedom, with freedom to overturn it maintained. He used the phrase 'the mere force of numbers,' reflecting an awareness that a majority assembled and maintained under unfree conditions could lack moral standing, and represent sheer, oppressive power."

If there is no right to freedom, then there is no way the command of the sovereign can be unjust; and this would only make sense in a universe where some people are born, as Jefferson scoffed, "with saddles upon their backs, and a favored few, booted and spurred, ready to ride them legitimately." Such a universe — where some people could by right create a state that enslaved others — is precisely the opposite of that contemplated by the Declaration, and by its student, Abraham Lincoln. It was instead the universe of Calhoun, who said, "It is a great and dangerous error to suppose that all people are equally entitled to liberty." It is the universe of

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those who believe that the Declaration can be "true here," but "not true there." It is the universe of *real* nihilism. Such nihilism holds that liberty is no more legitimate than the political choices of some countries to oppress their own people, because, well, what's true for us isn't true for them. "They like to put hot coals on turtles, I don't. Who is to choose? Don't be judgmental."

In his State of the Union Address in January, President Bush described Iran, Iraq, and North Korea as part of an "axis of evil," which America must defeat. Such nations — and one might add China, Cuba, and Saudi Arabia — use the language of "the right to govern themselves," when in reality they mean the right to enslave their people without any third man objecting; the right to dehumanize women; the right to re-enslave Elián González; the right, essentially, to put hot coals on turtles. "America," Bush said, "will lead by defending liberty and justice, because they are right and true and unchanging for all people everywhere. No nation owns these aspirations, and no nation is exempt from them." With these words, Bush joined Lincoln in rejecting such moral-political relativism. Abraham Lincoln is significant today because, as Miller writes, "If we not only have slavery as a fact in our free country but look with equanimity to its spread, and regard the spreading of slavery as the moral equivalent of the spread of freedom, then the republican movement around the world has reason to doubt us, and the enemies of freedom to laugh at our pretensions." ❑

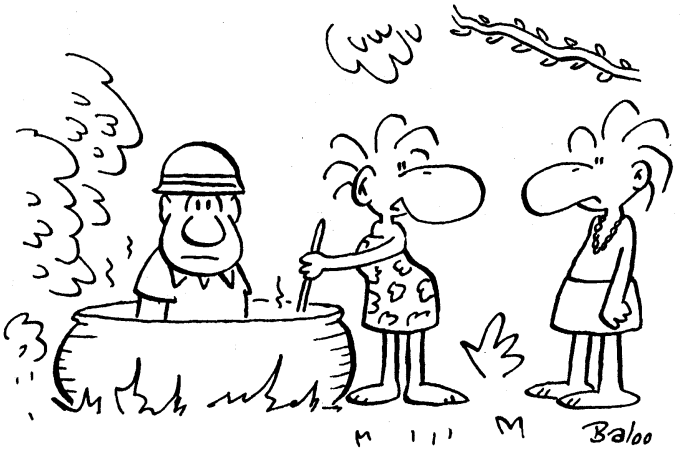

"Don't worry — he'll look a lot tastier after I roll him in breadcrumbs."

The Cold Six Thousand, by James Ellroy. Knopf, 2001, 672 pages.

Government as Criminal Conspiracy

Jeff Riggenbach

James Ellroy was born Mar. 4, 1948, in Beverly Hills, Calif. But there was no silver spoon in his mouth, and he didn't stay long in such rarefied parts — no longer than it took his parents to drive him back to their family home in the gritty Crenshaw District of Los Angeles. By the time he was six, his parents had split. By the time he was ten, he and his mother had taken up residence in the hot, dusty, decidedly blue-collar suburb of El Monte. Within weeks of their move, his mother was murdered, her body dumped in a weed-filled vacant lot. Ellroy moved back in with his father and began a career of burglary and petty larceny fueled by an ever-escalating intake of alcohol and various illegal drugs.

Then, in 1978, an unemployed and seemingly unemployable high-school dropout, he sat down to begin work on his first novel, *Brown's Requiem*. A not quite run-of-the-mill but also not really distinguished crime novel, *Brown's Requiem*, finally saw print, as a paperback original, in 1981. His second novel, a year later, marked a giant step forward for his new career. *Clandestine* not only caught the attention of crime fiction fans all over the country, it was also nominated for the Edgar Award of the Mystery Writers of America for Best Original Paperback Mystery Novel of 1982.

Unfortunately, Ellroy didn't immediately devote his full attention to this new artistic direction he had opened up for himself. Reportedly on the dubious advice of his editor at The Mysterious Press (the small, specialized publishing house that brought out most of Ellroy's early novels), he tried his hand at creating a series character. His next three books — *Blood on the Moon*, *Because the Night*, and *Suicide Hill* — recounted the doings of Los Angeles police officer Lloyd Hopkins.

He abandoned that whole ongoing series character shtick in the mid 1980s. Then, after a remarkable transitional novel called *Killer on the Road* (original title: *Silent Terror*), a harrowing portrait of the life and career of a serial killer, Ellroy returned to the fictional world he had first begun delineating in *Clandestine*. And over the next five years, by burrowing ever deeper into that world, he seemed at last to have found his own authentic vision and voice and emerged as the first writer of crime fiction since the late Kenneth Millar ("Ross Macdonald") to lay genuine, solid claim to a mainstream reputation as an important literary talent.

Andre Gide says somewhere that one of the most exciting of the various artistic possibilities inherent in the detective story is its ability to portray the world as a place in which no one is to be trusted, a place in which everyone suspects everyone else, a place which cannot, at least initially, be understood or made sense of at all,

presumably because someone (or perhaps several someones?), for mysterious motives of their own, are withholding information — perhaps information about some fateful event(s) far in the past — which alone can account for the world as we find it.

This is the Los Angeles of the late '40s and '50s as it unfolds in James Ellroy's five big novels of crime and corruption in southern California: *Clandestine* (1982), *The Black Dahlia* (1987), *The Big Nowhere* (1988), *L.A. Confidential* (1990), and *White Jazz* (1992). Ellroy's L.A. is a place where no one can be trusted — not your father, not your mother, not your lover, not your friends, least of all the police — and where understanding (which comes at all only to the most diligent and indefatigable of investigators) comes always at the cost of disillusionment and despair.

Ellroy is the first writer of crime fiction since Kenneth Millar to lay claim to a mainstream reputation as an important literary talent.

Clandestine is set in the early '50s and told from the point of view of a young Los Angeles cop named Fred Underhill. "During the dark, cold winter of 1951," Underhill tells us in the very first paragraph of his story, "I worked Wilshire Patrol, played a lot of golf, and sought out the company of lonely women for one-night stands."

One of these lonely women is a strange, sad lady named Maggie Cadwallader, whom Underhill picks up in a Western Avenue bar called the Silver Star. Shortly after spending one lonely night with her, Underhill finds himself at a murder scene — an apartment in which a young, attractive woman has been strangled and stabbed to death — looking at a book of matches from the Silver Star. Then Maggie Cadwallader herself (whom Underhill hasn't seen since their one lonely night together) turns up strangled to death in her apartment a few weeks later. On his own time, following his own hunches and his own intuition, Underhill begins investigating the case. And within days he amasses what seems to him to be almost enough evidence to justify arresting and charging a suspect, a gambler and womanizer named Eddie Engels. Underhill takes his evidence to his commanding officer, and his commanding officer calls in Dudley Smith.

"Dudley Smith," Underhill tells us, "was a lieutenant in the homicide bureau, a fearsome personage and legendary cop who had killed five men in the line of duty. Irish-born and Los Angeles-raised, he still clung tenaciously to his high-pitched, musical brogue, which was as finely tuned as a Stradivarius. He often lectured at the academy on interrogation techniques, and I remembered how that brogue could be alternately soothing or brutal, inquisitive or dumbfounded, sympathetic or filled with pious rage."

Shortly after his first face-to-face meeting with Smith, Underhill learns something else about the legendary homicide cop. "A lot of people think Dudley's nuts," Officer Mike Breuning, one of Smith's top protégés and sycophants within the department, tells Underhill, "but he's not. He's nuts like a fox."

"You have to know Dudley," Breuning continues. "I know him real well. Since I was a rookie. He's still pissed off about the Dahlia. He told me the Engels case is his penance for not catching the guy who sliced her."

Underhill gives this idea a moment's thought, then raises an objection: "He wasn't in charge of the entire investigation, Mike. The whole L.A.P.D. and sheriff's department couldn't find the killer. It wasn't Dudley's fault."

"I know," Breuning replies, "but he took it that way. He's a religious man, and he's taking the Engels thing real personal. The reason I'm bringing all this up is that Dudley wants to make you his number one man. He says you've got the stuff to go all the way in the department. That's no skin off my ass, I like being a sergeant in the bureau. But you've got to play it Dudley's way. I can tell you're not scared of him, and that's bad. If you cross him, he'll fuck you for real."

"I was at the academy when the Black Dahlia investigation was going

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on," Underhill tells us. "Smith was in charge of rounding up all known sex criminals in Los Angeles. After finishing his lecture, applause-loving actor that he was, he told us about the kind of 'human scum' with which he was dealing. He told us that he had heard things and seen things and done things in his search for the killer 'of that tragic, thrill-seeking colleen, Elizabeth Short,' that he hoped we, the 'cream of Los Angeles manhood,' about to enter 'the grandest calling on God's earth' would never have to hear or see or do."

But, Underhill muses, "Elizabeth Short's killer was never found — which meant that Dudley Smith was human, and fallible."

In Ellroy's L.A., the cops and the criminals and the politicians and the lawyers are all really in the same business — the force business.

Actually, however, as we know if we have read Ellroy's seventh novel, *The Black Dahlia*, Elizabeth Short's killer *was* found. It's just that she was never publicly exposed and prosecuted for her crime.

The Black Dahlia opens in 1942, when former light heavyweight boxer and would-be Los Angeles policeman Dwight "Bucky" Bleichert is a new academy graduate just beginning his career in law enforcement. It ends seven years later, after Bleichert has finally solved the Black Dahlia case and left the force, keeping his solution to himself. Dudley Smith never shows his face in this novel, despite what we have been told in *Clandestine* about the centrality of the role he played in the L.A.P.D.'s official investigation of the case. In point of fact, no one in the official investigation of the Dahlia case has more than a walk-on in Ellroy's novel about the case. *The Black Dahlia* isn't really about the abortive official investigation the case touched off at all; it's about how the case impacted two relatively low ranking cops who were only peripheral to the main thrust of the official investigation, but who were also the only members of the L.A.P.D. who ever got to the bottom of things and actually found out who tortured and murdered Elizabeth Short — and why.

"The pain is just nature's way of telling you that the federal government isn't spending enough on medical research."

The Big Nowhere (1988) begins on New Year's Eve, 1949, a few months after Bucky Bleichert discovers the final truth about the Black Dahlia case, and ends a few weeks later, at about the same time Fred Underhill picks up Maggie Cadwallader in the Silver Star. *L.A. Confidential* (1990) begins late in February of 1950, at exactly the point where *The Big Nowhere* left off; it itself leaves off in the spring of 1958, nearly three years after Underhill, long detached from the L.A.P.D., identifies and metes out his own personal justice to Maggie's murderer. *White Jazz* (1992) begins in the fall of 1958, when the events of *L.A. Confidential* are only a few months old, and ends early the following year — in 1959.

These last three Ellroy novels — *The Big Nowhere*, *L.A. Confidential*, and *White Jazz* — tell what amounts to one long, complicated, labyrinthine story interwoven with and periodically interrupted by a number of shorter, less complicated stories. These shorter and less complicated stories are worthy in themselves. They are expertly written, wrenchingly believable, and page-turningly compelling. There is, for example, the story of Danny Upshaw, the young L.A. County sheriff's deputy in *The Big Nowhere* who's not only afraid to come out of the closet in the Los Angeles of 1950 but also afraid to admit his homosexuality even to himself — an earnest, ambitious young man who obstinately sticks with a case he's been ordered to lay off until his compulsive, monomaniacally thorough investigation brings him face to face with . . . Dudley Smith. There's the story of Jack Vincennes in *L.A. Confidential* — cynical, crooked cop on the outside, self-loathing idealist on the inside — who persists doggedly in an investigation that leads him straight to . . . Dudley Smith. There's the story of L.A. police lieutenant David Klein in *White Jazz*, an old man near death, reminiscing about the days of his youth in Los Angeles in the '50s and the year he raced against time to dig up the dirt he needed to hold his enemies at bay and keep himself both alive and out of prison, and how, when he tracked down the last fugitive trace of truth in the case he was working, he found himself staring into the beady brown eyes of . . . Dudley Smith.

For some mysterious reason, reviewers and commentators on Ellroy's fiction have fallen into the habit of describing *The Black Dahlia*, *The Big Nowhere*, *L.A. Confidential*, and *White Jazz* as a "series" or "quartet" of novels about crime and corruption in the Los Angeles of the '40s and '50s. But actually, the quartet is a quintet, and the first volume is not *The Black Dahlia*, but *Clandestine*. For the longer one reflects on this series of interrelated novels, the more obvious it seems that the character with the best claim to being considered "central," the character around whom most of the rest of the fictional action tends to revolve and resolve, is Dudley Smith.

Ellroy's L.A. is a place where no one can be trusted — not your father, not your mother, not your lover, not your friends, least of all the police.

If you haven't yet read any of James Ellroy's crime fiction, take my advice: read *Clandestine* first. It's the indispensable first volume in the saga of Dudley Smith, the book which introduces us to Smith and prepares the way for everything we subsequently (to our increasing horror) find out about him.

And if you feel the need to skip any

part of the story, if the thought of reading your way through 2,000 pages of hard-boiled prose, no matter how accomplished, is more than you can bear, the volume to skip is *The Black Dahlia*. It's a good book, but it doesn't directly pertain to the saga of Dudley Smith, and the saga of Dudley Smith is what the rest of the set is really all about.

Smith is a vivid, fully realized character, one of the all time great villains in crime fiction. And the backdrop against which his story plays out — the backdrop of '50s L.A. with its violence, its corruption, its hookers and grifters and zoot suiters, its politicians and movie stars and communists, its country clubs and jazz joints and dry, faceless suburbs, its gangsterism and its self-righteous crusades — is, if anything, even more vivid than Smith himself. Moreover, Ellroy's L.A. quartet (or quintet, if you want to include *The Black Dahlia*) is effective not only as melodrama, but also as fictionalized social history. For though the dark and perhaps somewhat peculiar perspective Ellroy brings to bear on the Los Angeles Police Department and on police work in general in this series of novels doubtless owes a good deal to what seems to be his generally gloomy and misanthropic view of the world, it is also quite accurate — certainly to the spirit, if not to the letter, of the historical record.

In Ellroy's L.A., the cops and the criminals and the politicians and the lawyers are all really in the same business — the force business, the business of using power to compel other people to do one's bidding, whatever (and whoever's) that bidding may be. And numerous of Ellroy's characters, both major and minor, move back and forth from one branch of the business to another, rather in the way that people in Washington move from the university campus to the think tank and from there to the newspaper or magazine job and from there to public office.

This is the way real life works, not only in Washington and Los Angeles, but everywhere, and not only in the '50s, but everywhen. James Ellroy knows this, and he tells what he knows, shows what he knows, more convincingly than anyone else now working the same side of the street. This is what makes his crime fiction particularly interesting from a libertarian point of view — the fact that it derives from an essentially anarchist vision of politics.

That vision has become more explicit, much more explicit, in Ellroy's work since *White Jazz* was published in 1992. In *American Tabloid* (1995), the first volume of a new trilogy of novels about, as Ellroy puts it, "bad men doing bad things in the name of authority," we are shown, in intricate, obsessive detail: a bunch of mobsters disgruntled by Bobby Kennedy's rackets investigations and by Jack Kennedy's disinclination to roll back Castro's revolution and get their Havana casinos back for them; a bunch of rogue FBI and CIA covert ops specialists disgruntled by the administration's disinclination to roll back Castro's revolution and stand up to communism 90 miles off our shores;

Notes on Contributors

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and an *ad hoc* coalition between these two forces that brings down a president.

In the second volume of this trilogy, *The Cold Six Thousand*, published last year, we are shown, in intricate, obsessive detail, the gradual growth and ultimate triumph of a plot by the same two forces to take out Bobby Kennedy and Martin Luther King Jr.

In both these later novels, as in the series of earlier ones devoted to crime and official corruption in Los Angeles in the '40s and '50s, one long, complicated, labyrinthine story is interwoven with and periodically interrupted by a number of shorter, less complicated stories. *American Tabloid* contains, most prominently, the shorter, less complicated stories of its three viewpoint characters: Pete Bondurant, Kemper Boyd, and Ward J. Littell. Bondurant is a one-time L.A. County sheriff's deputy of French Canadian ancestry who gets kicked off the force for beating a prisoner to death, then turns bodyguard and drug procurer for Howard Hughes. That's only his day job, though. When he isn't busy with Hughes, he runs a blackmail operation in partnership with his girlfriend, who has sex with important, wealthy, blackmailable men while Pete takes incriminating pictures. He also freelances as a strongarm or hit man for, among other clients, Jimmy Hoffa. Hoffa flies Pete to Florida to get rid of an associate who's proved disloyal. Pete gets rid of him, "with extreme prejudice," as some might say. But he's caught — in the sense of "observed" — in the act.

Who observes him doesn't really matter in the present context. What matters is that the eyewitness evidence gives FBI agents Kemper Boyd and Ward Littell leverage over Pete. It enables them to pressure him into cooperating with them. What they want him to do is help them locate a woman who can seduce the rather easily seducible Sen. John F. Kennedy of Massachusetts, a woman who will allow them to photograph her and tape-record her *en flagrante* with the priapic senator; then they want him to pass the results along to the proper people at *Hush-Hush* magazine (an entirely fictional publication devoted entirely to "scandal," and clearly modeled on one of the great pulp successes of 1950s magazine publishing, *Confidential*), which Pete's regular employer, Howard Hughes, has recently acquired. Pete obligingly finds them Barb, a lackluster lounge singer and all-around gal on the make who is happy to see what she can do with JFK and happy to have it recorded in intimate detail, so long as the money's good. The operation goes forward.

Kemper Boyd is spearheading the operation. Boyd is acting under direct orders from J. Edgar Hoover, who wants to keep an eye on both Kennedy boys — Jack and Bobby — and accumulate information that will tend to defuse any threat they might pose to his empire. Hoover has already planted Boyd as a mole in the staff of the Senate select committee conducting investigations into labor racketeering, to which RFK is chief counsel. At the behest of RFK, the committee is focusing its investigative energy on James R. Hoffa of the Teamsters Union. Boyd is reporting faithfully to Hoover, and the transcripts of the secret phone calls that pass between them provide one of the novel's most deft and delightful characterizations — that of J. Edgar Hoover. But Boyd is telling Hoover only what Boyd feels he needs to know. In his spare time he's cozying up to the Kennedys, inveigling a job with the JFK for President campaign which he's sure is going to form in the near future. Then, on his trips down to Miami to "investigate" Hoffa's south Florida activities for the committee, he meets a couple of contract CIA agents named John Stanton and Chuck Rogers. They recruit him for a CIA operation designed to arm and train a force of Cuban exiles to invade the island and overthrow the newly established Castro regime — an operation funded by sales of heroin in south Florida.

Is there any real difference between the day-to-day conduct of the U.S. government and the day-to-day conduct of the Mafia?

Now Boyd has three jobs and three paychecks, which makes it a lot easier for him to live in the style he's always envied and to which he'd love to become accustomed. His jobs also put him in close contact with men of wealth and power on both sides of the law — men to whom he can cozy up and with whom he can gradually win a certain influence. When one of those three jobs requires him to bug Jack Kennedy and produce some usable dirt on him for the FBI director, he brings his old friend and fellow FBI agent Ward Littell into the picture. Littell is one of the best bug men to be found anywhere, and though he's a former Jesuit seminarian with a passionate admiration for the Kennedys, he can be expected to come in on the job as desired because in return he might be taken off his current beat — spying on American Communist Party members, which he regards as a waste of his and the bureau's time — and reassigned to the organized crime unit, where he desperately longs to work.

The Cold Six Thousand retains two of these three viewpoint characters — the two who survive the earlier novel — and extends their stories. It also introduces a third viewpoint character, Las Vegas cop Wayne Tedrow Jr., who is handed $6,000 and sent to Dallas on Nov. 22, 1963, by the Las Vegas Casino Operators Council. "They sent him to Dallas," Ellroy tells us in the first sentence of his latest novel, "to kill a nigger pimp named Wendell Durfee. He wasn't sure he could do it." Durfee had killed a casino employee during a recent visit to Vegas, and Wayne was sent to handle the matter partly to test his mettle. When he gets to Dallas he walks straight into the assassination plot, meets the principals, and winds up working directly for and with them in yet another entangled web of alliances between the CIA, organized crime, the Ku Klux Klan, and the FBI — a web which, within five years, yields up two more assassinations and further cements in place the foundations of the real power in American society.

The third volume of Ellroy's new trilogy, tentatively titled *Police Gazette*, is now being written. Taken together, the three volumes of the "Underworld U.S.A. Trilogy," as he calls it, provide a

sort of dramatized revisionist history of the 15-year period between 1958 and 1973. They are about more — far more — than just crime. "What I'm interested in now," Ellroy told a *Salon* interviewer in December of 1996, "is politics as crime."

And, of course, looked at from a libertarian perspective, that's precisely what politics is — crime, organized crime. Is there any real difference between the day-to-day conduct of the U.S. government and the day-to-day conduct of the Mafia? Both run a protection racket — only it's called "taxation" when the government does it. Both use force to get what they want. Ellroy sees this with a rare clarity, and that fact makes his recent fiction all the more fascinating when it is examined from a libertarian perspective.

Ellroy provides no anarchist rhetoric, of course. He is a novelist, not a political philosopher. As Ayn Rand noted in *The Romantic Manifesto*,

> Teaching is not the purpose of an art work, any more than it is the purpose of an airplane. Just as one can learn a great deal from an airplane by studying it or taking it apart, so one can learn a great deal from an art work — about the nature of man, of his soul, of his existence. But these are merely fringe benefits. The primary purpose of an airplane is not to *teach* man how to fly, but to give him the actual experience of flying. So is the primary purpose of an art work. (p. 171)

One can learn a great deal from James Ellroy's recent fiction — about the nature of the U.S. government, about the people and forces behind the events that transformed the 1960s. But these are merely fringe benefits. The primary purpose of these novels is to give their readers the actual experience of reliving recent American history with the blinders of conventional wisdom removed and the doors of perception cleansed.

The best news, however, is yet to come. What does it tell us that these novels have reached so vast and so enthusiastic a readership? What does it tell us that Ellroy's fictionalized treatment of the JFK assassination — *American Tabloid* — was named the best fiction book of 1995 by no less mainstream a publication than *Time* magazine? As I observed a few years ago in my book *In Praise of Decadence*, "the writers who gain the widest fame and favor with the public in any given period are the writers who do the best job of reflecting back to that public whatever are its own major preoccupations — the ideas, the dreams, the notions of what things in life are the most and least important, most and least worthy of a person's attention and concern." To judge by the enthusiasm with which it has greeted James Ellroy's dark novels of "politics as crime," the American public of today finds it very plausible that the murderers of JFK, RFK, and MLK were no "lone madmen" acting on their own; that branches of the U.S. government have cooperated with organized crime in the attainment of mutual goals; that branches of the U.S. government have manufactured and retailed heroin, sanctioned and even funded acts of arson, bombing, and murder, and worked to eliminate democratically elected officials whose policies were found to be inconvenient — in a word, that, at root, politics *is* crime. ❑

***A History of Terrorism*, by Walter Laqueur. Transaction, 2001, 277 pages.**

The Mind of Terror

Ron Capshaw

Since Sept. 11th, studies of terrorism have become terribly — in the most literal sense of that word — relevant. Hence the hurried reissue of Walter Laqueur's 1977 *A History of Terrorism*. By and large, Laqueur's main conclusions are even more valid now than in the 1970s. But the myths that Laqueur's book attempts to dismantle are still as strong as ever and in the same quarters (the media and academia), proof of the durability of political correctness.

When originally conceived, Laqueur's book was a corrective to the romantic revolutionary mongering of the New Left. Using the tools of a sociologist — definitions and patterns — Laqueur advanced the following conclusions: Terrorists are not spawned by unjust social conditions or government repression (otherwise, we would have all been terrorists in the Clinton years), but from conditions of relative freedom; terrorists are not idealists, but show great political naiveté, are frequently manipulated by foreign powers, and have no moral scruples or essential humanism; they are not have-nots, but frequently command large expense accounts and safe-house mansions all over the world; and finally, they are neither left nor right, but merely adopt the slogans that will best justify their actions.

Much of what Laqueur concludes is valid. Terrorists do adopt whatever ideology will provide cover for their violence or, as libertarians have been saying for years, the far right and the far left meet in a circle, mainly because both advocate violence for ostensibly political purposes, which in reality means the pursuit of power by any means. History has proven this model correct: Hitler admired Lenin, Stalin admired Hitler, and Castro is a Mussolini fan. Terrorists are politically naive. Even a cursory reading of their statements makes this apparent: The world is run by five Jews in Amsterdam; the CIA created AIDS in a South Dakota lab; George Bush Sr.,

charter member of the Freemasons, practices witchcraft ("Not now, Barbara, I'm boiling a frog"); and the Israelis shoot poison gas at Palestinian children. Superpowers do manipulate terrorists for their own ends. China and Cuba, both communist nations, frequently fund Islamic fundamentalist groups, which, taken to our shores, is like having Al Sharpton fund the Minutemen. Terrorists are not havenots, but we are still afflicted with this Weathermen-era defense mechanism. Clinton aide Strobe Talbot recently classified Osama bin Laden, the spoiled brat of an oil-rich sheik, as a "have-not."

Terrorists adopt whatever ideology will provide cover for their violence.

The Roots of Terror

Laqueur is less satisfactory regarding one of the premises to his conclusions. Arguing that terrorism breaks out in democratic, not repressive societies, Laqueur points to the lack of terrorism in Nazi Germany, Fascist Italy, and the Soviet Union. But Laqueur overlooks the fact that these countries are evidence of terrorist success in that terrorists have captured the reigns of power. All the characteristics Laqueur attaches to terrorists — their lack of moral scruples, their resort to violence as a political tool, their shifts to left and right in order to pursue power — were present in the governments of the Nazis and communists. And those labeled "terrorists" by these governments had none of these characteristics; indeed, they were the democrats and their punishable actions — practicing free speech, freedom of the press, freedom of religion, picketing — were the actions of civilized, nonviolent people. There are a number of reasons that might explain Laqueur's overlooking this glaring fact, the most innocent being the scholar's habit of missing the forest for the trees, the most sinister being his predilection for aligning himself with government rather than principles.

Of interest to libertarians is Laqueur's reminder that terrorism can be defeated but the danger is the high price paid by liberal democratic governments if they eradicate their democratic principles in the process. Sept. 11 has forced some uneasy compromises from libertarians. Protection has assumed equal if not greater importance than civil liberties. And how libertarians deal with this dilemma is of extreme importance. Most of his academic colleagues are all too eager to throw away civil liberties in extreme periods: Alan Dershowitz has recently supported police torture of suspects; in a more peaceful time, a professor once told me that she was willing to give up the Second Amendment in exchange for the government's protecting her from crime. Laqueur is to be commended for remembering that we need to have something worth protecting. Now that he has again exposed the chimera of politically correct definitions of terrorists, it is up to libertarians to create ways to protect the country from them and still retain the principles that make us different from the bin Ladens of the world. ❑

von Mises, *from page 46*

state mental hospital director was a Jew.)

As a libertarian, I have no more reason to oppose psychiatric relations between consenting adults than I have to oppose religious relations between consenting adults. By the same token, I oppose — and believe all libertarians ought to oppose — psychiatrists' using the power of the state to impose their "treatment" on involuntary "patients," just as I oppose clergymen's using the power of the state to impose their creed on atheists or heretics.

The problem is not that psychiatry is subject to abuse. The problem is that, today, psychiatry is synonymous with actual or potential coercion. Hence, it ought to be called "psychiatric slavery." I maintain that, like chattel slavery, psychiatric slavery *is* an abuse of human rights, as the following vignette illustrates.

In November 2001, New York City Police Commissioner Bernard Kerik, "concerned about how his 55,000-member force was holding up, announced mandatory mental-health counseling for every member of the New York City Police Department (NYPD)." The result:

> Ira Warheit, a Manhattan periodontist, can attest to the abuses that can occur when overzealous psychiatrists want to "help." Warheit spent three days volunteering at ground zero wherever he was needed — giving medical advice, passing out food and working on the bucket brigade. While taking a rest break at one of the staging centers around ground zero, he was confronted by a psychiatrist, Antonio Abad. They began talking, but within minutes the psychiatrist excused himself. He returned with a NYPD officer to have Warheit removed to Bellevue Hospital. "I tried to explain," Warheit says, "that there was nothing wrong with me, that I was a doctor volunteering, but the cop physically restrained me and I was transported to the psychiatric hospital." Once at Bellevue, Warheit continues, "a female doctor comes up to me and says she has some questions. I told her I'd be happy to answer her questions, but I wasn't going into the hospital. So she calls over two goons and they forcibly put me in restraints and shoot me full of Haldol." . . . According to Stuart Shaw, Warheit's attorney, "A claim has been filed for Ira for false arrest and false imprisonment. . . . What I'm afraid of is that Ira's case is just the tip of the iceberg. . . . I've handled a lot of commitments but none of the stature of Ira." . . . Ayal Lindeman, a volunteer emergency medical technician from Rockland County, N.Y., already had witnessed the seizure of another volunteer at ground zero when he met Warheit and learned his story. Lindeman tells *Insight*, "There's this doctor who was being told that he's going to the hospital, and he's saying 'I don't want to go,' and this psychiatrist gets the cops and they handcuff the poor guy and off he goes to Bellevue. This is a doctor who has been volunteering at ground zero — and this psychiatrist, Abad, is having him committed and pumped full of Haldol.'"* ❑

*Kelly Patricia O'Meara, "The Grief Police," *Insight Magazine / Washington Times*, Jan. 7, 2002. http://insightmag.com/main.cfm/include/detail/storyid/161502.html.

umns such as that penned by Douglas Casey ("My Madrassa," March), which seems almost designed to offend as many people as possible, is little other than foolishness. Casey's case could have been stated in a much more considerate manner, rather than giving the appearance of making a deliberate attempt to pile scorn on the majority of Americans.

I would love to get a subscription to *Liberty* for our local high school. But as long as you publish such juvenile writing, I dare not: From my experience, that sort of offensive material will turn more people off than just about anything else. When our county party secretary included material not even that offensive in the offerings at our county fair booth, I saw person after person pick it up, read just partway, throw it on the ground in disgust, and walk off.

Please ask Casey and the others who write in a snide and insulting manner to grow up, and learn to communicate as civilized adults. If we are ever to have any serious influence in the republic in which we live, it is essential that we rid ourselves of the image of eternal teenagers with barely grade-school manners.

Roy S. F. Wilson
Tillamook, Ore.

Riggenbach Is Right

Jeff Riggenbach ("All the Lies That Are Fit to Print," March) declares that, thanks to the media, one American in three still believes that non-violent pot smokers should be incarcerated for their "crimes." Based on my own experience, Riggenbach is exactly right.

A year ago, while serving as a director for a homeless shelter, run by a religious corporation, my letter to a local newspaper was published in which I supported legalization of adult use of marijuana. At the next board meeting, a member, brandishing the newspaper, demanded my removal from the board. After considerable discussion, the board of directors voted 6 to 3 to retain me. The three who favored my removal, including the board chairman, immediately resigned their positions in self-righteous indignation. Apparently, the "interminable" media, to which Riggenbach refers, has more persuasive power over one out of three Christians than even the Bible.

Grant W. Kuhns
Carlsbad, Calif.

Macs Rock!

High kudos to *Liberty* for printing the excellent letter from Marv Graham (March) wherein he so accurately stated, "Windows is the most bug-ridden, unstable, sophomoric, 'designed' by trial-and-error, half-baked piece of crap masquerading as an 'operating system' that I've seen . . ."

Congratulations, Marv, on your superb description of Windows. About the only word you left out was "antiquated." No matter how much window(s) dressing they come up with, the system operating under the glitzy Windows facade is still the ancient, junky, DOS. Buying a high-end PC is about as sensible as buying a new Lexus with a worn-out 1986 Chevrolet engine.

My "state of the art" Windows PC sits on a shelf in my garage gathering dust, spider webs, and mouse turds — a fitting use for this atrocity that pretends to be a computer.

On my desk sits an elegant modern masterpiece, the Macintosh G4 computer, with the most advanced operating system in the world, Mac OSX.

August Salemi
Atascadero, Calif.

Conservatives Are People, Too

Who gets to define "conservative"? My friends claim that I am to the right of Attila the Hun, so I thought that certified me. But in a letter to the editor (March), J. Dennon tells me that "Conservatives never stop ridiculing Thomas Jefferson's 'all men are created equal'" and later, Paul Rako tells me that conservatives believe that ". . . a terrorist hobgoblin lurks behind every bush." I'm aware of the temptation to set up straw men to bolster weak arguments, but enough already. I say that a conservative is conservative. Why would anyone think that it is "conservative" to approve the growth of government in the current hysteria about security?

George L. Andersen
Wilton, N.H.

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Terra Incognita

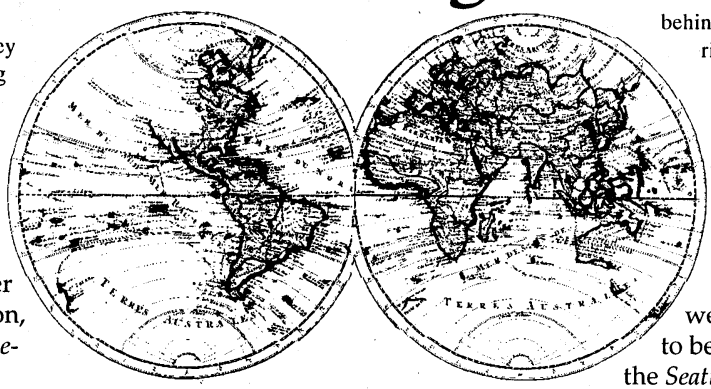

Minnesota

Sage contribution to the debate over gender equality, from an editorial in the (Minneapolis/St. Paul) *Star Tribune*:

> At plenty of companies, the doors to the big jobs are permanently locked to women. Many high-level technical jobs exist for smart women, but not enough women are available to fill them.

Cuba

Proof that even atheistic Reds read the Good Book, from the *Seattle Times*:

> "When I asked Fidel if they would be interested in buying lentils, he said, 'Even the Bible tells you how much protein there is in lentils,'" Sen. Cantwell reported.

Crosbyton, Tex.

A Texas high-schooler learns a real-life civics lesson, from the Lubbock *Avalanche-Journal*:

> High-school sophomore Justin Latimer was called out of class last September to meet with school superintendent Larry Morris, who told Latimer that he was forbidden to write letters to the editor of the local newspaper without first clearing them with Morris. Latimer had previously written to the Crosbyton *News and Chronicle* criticizing his school's decision not to play "Amazing Grace" before a football game in honor of those killed in the Sept. 11 attacks.

New Britain, Penn.

Proof that no man is above the law, from the *Post-Intelligencer*:

> On Dec. 21, 16-year-old Joe Csira found $600 in a mall while shopping with his mother. Csira turned the money over to the police department and was told that if no one claimed it he could keep it. No one did claim it, but when Csira went to take back the money, police told him he could not have it and cited a state statute that mandates that all unclaimed money is the property of the state of Pennsylvania.
>
> After Csira's story was broadcast on a local television station, several people stepped forward to claim the money.

Savannah, Ga.

An innovative lawmaker expands the jurisprudential frontiers, recorded in *Savannah Morning News*:

> Georgia state Rep. Dorothy Pelote (D-Savannah) has announced her plans to introduce a bill that would make it illegal to answer the door in the nude. Rep. Pelote, who has sponsored bills to prevent public school students from wearing long fingernails and supermarket baggers from licking their fingers, also told her colleagues in the state house that she had been visited by the spirit of missing intern Chandra Levy.

Merced, Calif.

Fashion note from the Golden State, reported in the *Fresno Bee*:

> When Michael Herrington was leaving The Cruise, a Merced nightclub, bartender Lisa Buscaglia asked him to stop because she wanted to ask him where he bought his shirt. A bouncer at the bar misunderstood Buscaglia's intentions and grabbed Herrington. After observing the incident, the club's owner called the police. The bouncer was apologizing to Herrington when two police officers arrived and attacked Herrington from behind. Herrington suffered fractured ribs, bruises to the face, and head injuries.
>
> Herrington did not reveal where he acquired the shirt, which featured a Harley-Davidson logo.

Olympia, Wash.

Further evidence, if any were needed, of the need for roads to be a state monopoly, as reported in the *Seattle Times*:

> The state Department of Transportation spent $100,000 on a historical review of the Alaska Way Viaduct and recommended that it be listed on the National Register of Historic Places at the same time it was studying ways to tear down the earthquake-damaged structure.

Charleroi, Belgium

Curious new debating tactic, reported in *De Morgen*:

> In a live televised debate, the mayor of Charleroi argued that his citizens' fear of crime was exaggerated and quoted police statistics showing that the crime rate was falling. During the debate, thieves stole a wallet, a laptop computer, and several handbags and coats from the participants.

U.S.A.

Organized sports encroach on another amateur recreation, from the *New York Times*:

> FOX Broadcasting plans to air a program called "The Glutton Bowl," a two-hour special devoted to eating competitions organized by the International Federation of Competitive Eating.

Inglis, Fla.

Mayoral proclamation banning satan from the city of Inglis:

> "Be it known from this day forward that Satan, ruler of darkness, giver of evil, destroyer of what is good and just, is not now, nor ever again will be, a part of this town of Inglis. Satan is declared powerless, no longer ruling over, nor influencing, our citizens.
>
> "In the past, Satan has caused division, animosity, hate, confusion, ungodly acts on our youth, and discord among our friends and loved ones. NO LONGER!"

Thanks to Russell Garrard, Steven M. Lewis, and John W. Moen for contributions to this month's *Terra Incognita*.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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The 5 Biggest Obstacles to Voting Libertarian ... and How You Can Shatter Them!

Why don't people vote Libertarian?

5 Obstacles

1. **The Wasted Vote Argument:** "I don't want to waste my vote. If I vote Libertarian, the worst of the other two candidates might get elected."

2. **The Spoiler Argument:** "The Libertarian cannot win, but he can cause the lesser of two evils to lose."

3. **The 'You Can't Win' Argument:** "If the Libertarian could win, I'd vote for her. But she can't win."

4. **The 'I'm a Democrat or Republican and I Vote the Party Line' Argument:** "My family has been Republican for 80 years. I always vote Republican. I never cross party lines." (A majority of registered Democrats and Republicans never cross party lines.)

5. **The Deal Breaker Argument:** "I disagree with the Libertarian candidate on one issue: abortion, immigration, the Drug War, foreign policy, or gun ownership - so I won't vote for him."

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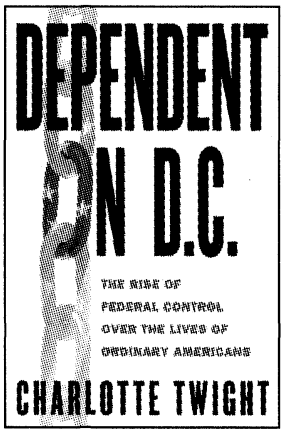

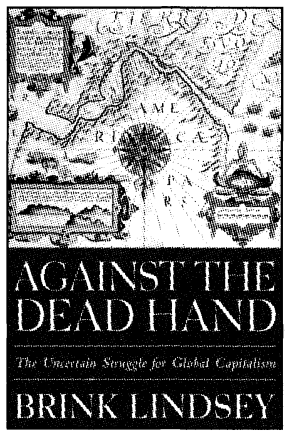

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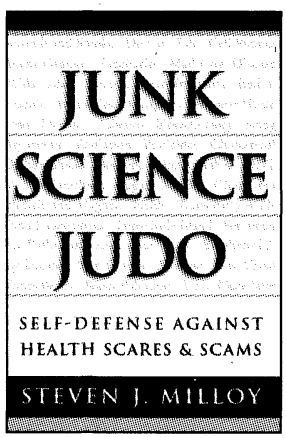

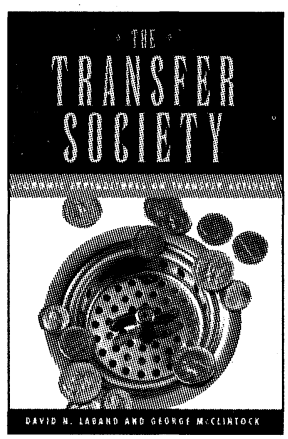

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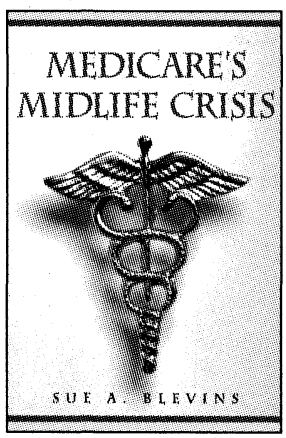

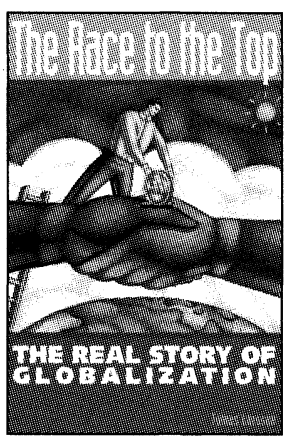

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Inside Liberty

May 2002
Volume 16, Number 5

4 Letters And now, a word from our sponsors.

7 Reflections We get a helping hand from inside traders, eat lunch at the dork table, tell a traffic cop to bug the hell off, fly the dangerous skies, and search for an honest historian.

Features

19 Liberty vs PATRIOTism Patriotism and unity are important in times of crisis — but so is preserving individual liberty and the democratic process. *Chip Pitts* and *Jennifer Holmes* explain.

21 The Trouble With Darwin Charles Darwin's theory of evolution is accepted as scientific fact. Yet, as *Gordon Tullock* observes, its most remarkable characteristic is how poorly it fits the data.

29 Libertarians, Conservatives, and the Religious Right A holy alliance between Evangelical conservatives and libertarians is exactly what the world needs, *Joseph Bast* explains.

35 Perception, Control, and Anarchy Is the human brain hard-wired for anarchy? *Michael Acree* unearths some surprising psychological evidence.

39 Can Islam Change? The trouble with Islam, explains *Frank Fox*, is that it still hasn't found its Martin Luther.

41 The Devil in Ms. Yates Why did Andrea Yates do the horrible thing that she did? *Sarah McCarthy* looks for an answer.

43 No Man's Land No taxes, no regulations, but all the ice you can use. *Steve Pendleton* reports from an anarchist's paradise.

Reviews

47 The Folly of Nation Building Before America's conquest of Afghanistan, George W. Bush opposed nation building. Now he's for it. By building them up, will we knock ourselves down? asks *Alan Bock*.

49 The Forgotten Individualist *Miles Fowler* looks at the fiction of a neglected giant of 20th century individualist thought.

53 Holocaust Denial on the Left Those who defend Jewish history against "Holocaust deniers" have done a greater injustice to humanity than deniers ever could, *Barry Loberfeld* explains.

55 Notes on Contributors Who's responsible for all this?

62 Terra Incognita Batten down the hatches.

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Letters

The Great Enslaver

Timothy Sandefur's undisguised admiration for Lincoln ("Lincoln the Jeffersonian," April) is hard to stomach. Lincoln is responsible for the deaths of 620,000 Americans, in return for which slavery was abolished (as it would have been anyway) and we got one country instead of two.

There is little doubt that all of us, including the descendants of the slaves, would be far better off today had the South been left free to go its own way. The huge central government that we suffer under would not exist. Competition between the Union and the Confederacy would have kept taxes and government power low, as people could easily have escaped from one country to the other.

Whenever you suffer from government today, you can thank Lincoln.

Richard D. Fuerle
Grand Island, N.Y.

Wrong Declaration

If Abraham Lincoln "always insisted that the Declaration of Independence set forth a timeless truth" regarding government, evidently it was not the one Thomas Jefferson set forth as the right of a people "to alter or to abolish it, and to institute new Government . . ."— in other words, the timeless right of secession.

William Lee Miller attempts to restore the Lincoln myth after Charles Adams' *When in the Course of Human Events* and Jeffrey Rogers Hummel's *Emancipating Slaves, Enslaving Free Men*. Both, per de Jasay, "took a machine gun to that sitting duck."

Jack Dennon
Warrenton, Ore.

Donde Esta el Logic?

Any first-week libertarian could pilot the QE2 through the gaping holes in Al Winter's justifications for America's fascistic immigration policies ("Letters," March). Everything he mentioned — California shortages of housing, electricity, water, and freeway space — is either heavily regulated or an out-and-out monopoly of some level of government.

Furthermore, what evidence is there for his claim that a full 95% of migrant workers' pay is sent back to Mexico? And even if that dubious claim is true, wouldn't increased wealth and a rising standard of living in Mexico — from whatever the source — erode the desires of Mexicans to travel "al norte"? Obviously, he hasn't the vaguest notion about how the free market works.

John Clark
Steamboat Springs, Colo.

Thumbs Down

"The Death of Money" by R.W. Bradford (April) reminds me of my own monetary nightmare, which is a society with no cash, checks, or credit cards. To buy anything you must put your thumb into a machine which reads your fingerprint and debits your account. If there is an outstanding warrant against you, the machine calls the police, grabs your thumb, and holds you until the men come and take you away.

Paul Studier
Lake Forest, Calif.

The New Money Laundering

Anent the "tagging" of paper money through the use of RFIDs: I predict the rise of money-changers as a method of protecting the privacy of cash transactions.

Here's how it will work: You receive a sum of money from your bank or ATM. It is magnetically imprinted with your "name." You now take this money to a money-changer who, for a modest fee, exchanges your "marked" bills for a mixed bag of "other people's money," which he obtained through similar transactions and with whose money he will now

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scramble yours. Any trail to the original issuer and to you is hopelessly scrambled.

Needless to say, such a transaction will cost more than it should because it will be illegal.

Albert S. Kirsch
Bal Harbor, Fla.

Riggenbach's Rant

I found Jeff Riggenbach's rant on journalism school ("Drugs in the Media: All the Lies That Are Fit to Print," March) amusing. He has nothing but scorn for those who waste their time on such trivial subjects as learning how to proofread. Clearly, Riggenbach was too busy getting a "solid grounding in history" to worry about such nonsense.

His argument might have been a little stronger had he not written a blurb for his article "Everyone 'know' drugs are addictive, ruining the economy, and killing addicts." Last time I checked, the word "everyone" is singular. Maybe Riggenbach could benefit from a little vocational training himself.

Amelia Cason
Washington, D.C.

The editors respond: Mr. Riggenbach, like other authors, is not responsible for the blurb at the top of an article or for proofreading his finished article. Titles, subtitles, and blurbs are written by *Liberty*'s editors, and the entire magazine is proofread by our proofreader, who apologizes to Mr. Riggenbach, and to the readers of *Liberty* for failing to detect the egregious typo that Ms. Cason spotted. He acknowledges that he is not perfect, and promises to endeavor to be perfect in the future.

Kudos for Holzer

Erika Holzer's review of *In the Bedroom* (April) was, at once, extremely clever, intelligent, and entertaining. The whole tone of the piece has a lovely friendliness — affection for the reader permeates the writing. I loved the lesson on naturalism and the allusion to Shakespeare. "Lady MacBethish" — great!

Jeff Warren
Los Angeles, Calif.

More Kudos

I enjoyed Erika Holzer's article about *In the Bedroom*. Her insight into its flaws were right on! The movie was long, drawn out, and boring. And while I thought Sissy Spacek's performance was very good, I didn't realize, until Ms. Holzer pointed it out, that Sissy showed her brilliance only in a few scenes. The movie certainly wasn't the "thriller" that *Eye for an Eye* was.

Carolyn Bussard
Santa Fe, N.M.

Viewers 1, Reviewers 0

Erika Holzer's article about the film *In the Bedroom*, an article in which she integrates Ayn Rand's concepts, is a valuable minicourse in writing. For me, it was also a catalyst.

My initial response to the movie, putting aside three fine performances, was that the whole thing was pointless, melodramatic, and stretched credibility. Unlike Holzer, I'm not a lawyer, but I couldn't buy the convenient plot device of a court not pressing for trial, thereby enabling an arrogant young

continued on page 46

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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From the Editor . . .

The War on Terror grinds on, but so far its impact on American life has pretty much been limited to inconveniences in airports (a natural object of complaint for upwardly mobile pundits) and a few liberties lost here and there (a problem that few pundits ever pay attention to).

In this issue, we follow the lead of the people, not the pundits. Just as ordinary Americans try to continue their peaceful pursuits in the midst of war, so *Liberty* continues to examine issues that have nothing to do with the Taliban. Thus, Gordon Tullock weighs Darwin's theory and finds it wanting. He also suggests how it must evolve if it is to survive. In a very provocative essay, Joe Bast argues that libertarians must finally learn to get along with conservatives and the religious right. That's not going to be easy to do if many of us agree with Sarah McCarthy's theory that Andrea Yates is a victim of the religious right.

Steve Pendleton tells people who cannot wait for total freedom where they can go to find it now. Speaking of total freedom, Michael Acree reviews the evidence that the human brain is hard-wired for anarchism.

Miles Fowler follows with an examination of a major Western novelist, and perhaps the most eccentric individualist of the 20th century; and Barry Loberfeld wonders how people can mourn one catastrophic attack on individual liberty without giving the same kind of attention to another, perhaps even greater such catastrophe.

We hope that our momentary inattention to the Taliban, etc., does not mean that the terrorists have won, but just in case it might, Frank Fox brings us back to our senses by asking if Islam will ever find its Martin Luther, and Alan Bock provides a look at the folly of "nation building," a policy that George W. Bush denounced until he conquered Afghanistan.

Meanwhile, our Reflections section notices the liberties we are losing (we figured that somebody ought to notice). It brings up a few other things, too. There's a lot going on in this world, and there's a lot going on in this issue of *Liberty*.

R. W. Bradford

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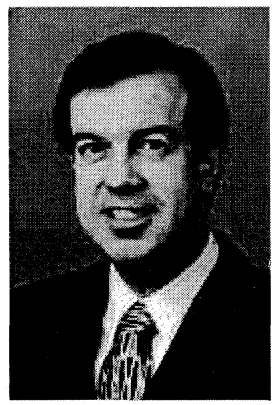

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Reflections

Cowardly New World — March 11 was the day the War on Terror celebrated its six-month birthday, and a day for the pundits to comment on how the war has been going. We've now destroyed the Taliban government, which we helped to create, and destroyed the fighting ability and most of the soldiers of al Qaeda, which we didn't help to create. It has been a swell war so far.

The few casualties we've had have pretty much been accidents, and there's been lots of good television, thanks to precision bombing (not quite as sharp as the stuff on a teenager's X-Box, but still pretty cool) and all those pictures of Afghan women grateful to walk with naked faces after years of hiding behind Taliban-imposed veils.

Our airports feel a lot safer, now that the National Guard's weekend warriors are standing next to every security checkpoint with machine guns and cammies. Sure, it's a little more difficult to fly (not to mention to go to a football game), but it's worth it to know we're secure. Meanwhile, people who look as if they might be Arabs are stopped, searched, and even held by the police at whim. There have also been a few incidents of, well, murder of innocent foreign-looking people. It's a small price to pay.

President Bush — the same president who was seen by the media and most of his fellow citizens as a so-so leader and, well, perhaps, a little slow — now polls out as one of the three greatest presidents in American history. Congress also enjoys new esteem, thanks to its willingness to pour money into the war and to give new powers to the police.

If press reports are to be believed, we are now ready to go into extra innings and attack Iraq, as soon as we can manufacture enough smart bombs. (We used up our inventory in Afghanistan.) And after Iraq, we'll go for Iran, then North Korea. Or maybe North Korea and then Iran.

The war that was born with the outrageous attack on Sept. 11 is now a robust baby boy, bursting with testosterone, ready to conquer the world as soon as he grows up.

Welcome to Pax Americana. Enjoy yourself.

If you value human liberty, however, this is not a good time for you. War has always been conducive to the growth of government power and the War on Terror is no exception. At every level, government officials have used the war to rationalize increases in their revenue and power. Three days after Sept. 11, the University of Washington announced that to prevent terrorist attacks at football games, people attending them would no longer be permitted to possess political pamphlets. Last week in San Francisco, armed federal agents moved in on a medical marijuana garden, arresting the people who were growing the herb for free distribution to cancer victims. California voters legalized medical marijuana five years ago, but until last week federal authorities were reluctant to overrule state law by violent means. But the War on Terror provided an opportunity. "History teaches us that in a time of national emergency, and we have seen that since Sept. 11, a nation's moral values are clarified." Thus drug czar Asa Hutchinson, explained his philosophy of human life.

And it's not just cancer victims who are now the enemy. It's every American who values freedom — as Attorney General Ashcroft reminded us: "To those . . . who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorism, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies and pause to America's friends."

The enemy is also every member of America's productive class. Government spending in the name of the War on Terror has been tremendous, and it will increase still further as the war goes on. It's an open secret — so open that it's been published on the front page of *The Wall Street Journal* — that a huge portion of the increased military spending is pork, plain and simple, and fights terror no more than do the restrictions on free parking at airports.

How long will the War on Terror last? Members of the governing class, aware of the opportunities that war offers for the aggrandizement of their own wealth and power, hope it will last forever. America's destiny, they seem to think, is to rule the world, eradicating governments that they themselves don't like, installing new ones that they do, arresting people on the high seas and even in other countries.

This is a new kind of imperialism. The United States has no desire to bring the world under its direct government. In this democratic era, doing that would mean letting people in other countries vote in our elections, which would certainly threaten the job security of the governing class. And it would mean extending the "safety net" of welfare benefits to everyone, something that Americans could afford only at the price of a huge reduction in their standard of living. Americans are merely to be the world's privileged elite, and they will pay for this exalted status merely with the coin of liberty. And — with the exception of a few bad people, like me, who "give ammunition to America's enemies"— they will pay that price willingly and even happily.

— R. W. Bradford

Lies, damn lies, and Arming America — So it turns out historian Michael Bellesiles, who wowed the intelligentsia with *Arming America,* made up a lot of the data he relies on to push his thesis that firearms ownership was rare in 18th-century America. Such outright duplicity is, one hopes, pretty rare in academia, making Bellesiles a sort of Stephen Glass of the scholarly world. But what's

really surprising is that so many people bought the argument in the first place — that he had to be exposed as a fraud before people recognized how flimsy his case was. First, why would one expect 18th-century probate records to list firearms as a matter of course? Firearms are personal property that, then as now, are usually passed by transfers among the living. Would an examination of current probate records provide an accurate picture of how many Americans own firearms today? Second, it's clear from contemporary accounts that gun ownership was quite widespread in the 18th century. Reading the *Federalist* the other day, I came across some illustrative passages. In No. 46, Madison, discussing the security of the people against an oppressive federal government, refers to "a militia amounting to near half a million of citizens with arms in their hands," and "the advantage of being armed, which the Americans possess over the people of almost every other nation." I guess he hadn't seen the probate records. — Gene Healy

No thanks, Officer — Following a precedent established in Hawaii, the New Jersey Supreme Court has unanimously ruled that police may only ask for "consent" to search a car if they have "reasonable and articulable suspicion" of criminal activity. So-called "consent searches" have become a common police tactic, enabling them to rummage through automobiles to look for drugs, unregistered firearms, and other contraband.

When asking for "consent" to search a car, the police accurately recognize that most people who are confronted by a police officer do not know that they have the right to refuse consent to the search. The New Jersey court's decision in *State* v. *Carty* recognized this fact.

The Court quoted with approval David A. Harris's law review article "Car Wars: The Fourth Amendment's Death on the Highway" [66 *Geo. Wash. L. Rev.* 556 (1998)] in which Harris decried "consent searches" predicated on mere traffic infractions: "Treating all citizens like criminals in order to catch the malefactors among us represents an unwise policy choice, an outlook favoring crime prevention over all of our other values."

Unfortunately, most state courts have followed the federal rule created in *Schneckloth* v. *Bustamonte*, 412 U.S. 218 (1973), by which a person can be deemed to "consent" to a search even if he did not understand that he had the right to refuse consent.

Remember, no matter where you are, if the police have probable cause or other legal justification to search you, they won't ask permission. If a policeman asks you if he can search your car, you have every right to say no. You have no obligation to give a reason. Just say No. — Dave Kopel

Legislative report — According to *The Wall Street Journal*, the Republican-dominated House has passed "two-strikes" legislation requiring a life sentence for anyone convicted of two federal child sex-abuse offenses.

Come now, isn't it time for the Vast Right Wing Conspiracy to leave Bill Clinton alone? — Clark Stooksbury

Monday morning legislating — After a football game, it would be unseemly to hear commentators discussing how the rules might be changed to allow the losing team to win next time. Yet that is exactly what's going on in the Yates post-trial phase. Virtually all the discussion is how we can change the rules so that the next Andrea Yates can be acquitted by reason of insanity. Most of the discussion is along these lines: The knowledge - of - right - and - wrong standard is too cut and dried because it's too easy to conclude from the defendant's behavior that he knew that his acts were wrong. So let's ditch that standard and switch to some variation of the "irresistible impulse" standard. After all, if someone says, "I couldn't help it," how can that be disproved? It's irrefutable! — Sheldon Richman

Fly the regulated skies — California airports have been shut down on several occasions because their $1.7 million CTX scanners mistook things like a Mickey Mouse snow globe, a dummy grenade, and a food processor for bombs.

The big problem with airport security is that FAA regulations apply across the board, and won't let the market react to circumstance. For instance, if airlines were to maintain their own security, travelers could choose the airline that best met their security needs. For example: Quick and Dangerous Air — "We'll get you there faster than the other

guy . . . maybe." It would have absolutely no security restrictions or checkpoints. It's quite possible that the carrier might even have a better security record than airlines with intrusive checks — a terrorist would be foolish to try and hijack a flight on which any of the passengers might be carrying firearms. If there were a mid-air shootout, the airline would be immune from lawsuits, since everyone aboard would have been flying with full knowledge of the risks involved.

Allowing airlines to self-regulate could spawn a host of innovative new carriers, like Smokers Airways: "All seats, all smoking, all of the time." Be sure to wear only brown clothes, and the masks will remain down throughout the entire flight for anyone who might like to breathe.

— Tim Slagle

Psychiatrist, diagnose thyself — By now I would have expected psychiatry to have a diagnosis for someone who coerces others for their own good. But then I guess that would hit a little too close to home.

— Sheldon Richman

If Swedes ruled the world — It seems to me that if we put the Swedes in charge, the situation in Palestine would clear up of its own accord.

Look at the record. Sweden went from being the land of the Vikings to, well . . . a land of sanctimonious wimps who, if you don't count a few under-the-counter ball bearing deals that kept the Nazi armies in the field an extra year or two, hasn't bothered much of anybody as long as any of us can remember. And they did it all with a government-enforced enlightened social policy.

I'm not sure how the mechanics of this works, but there are people in Sweden who earn their living by second-guessing the names parents give their kids. So, if Mom and Dad don't get it right, they get to try again. Which means that if you are a little boy you wind up with a good, masculine name to grease your way through the schoolyard years and on into a confident adulthood with nothing to prove in the manhood department. Think about it. When was the last time you met a Swede named Melville?

Well, the Middle East could do with a few more Thors and Magnuses instead of all those girly names the boys seem to get tagged with. No wonder those guys think they have to dress up in bullets and bombs just to go into a nightclub. What kind of luck is some poor schnook going to have sitting down next to one of those gorgeous Jewish chicks and saying, "Hi, I'm Ali"? He might as well just blow himself up and be done with it.

To make things worse, countries in the Middle East tend to be led by people with names out of old Steppin-Fetchit movies. How can anybody feel like he has a stake in society when he constantly has to kowtow to all those Yassirs and Nassirs?

Things are even worse in poor old Israel. No wonder Ariel Sharon is a blood-soaked, psychotic mass murderer. The guy's named after two girls, for heaven's sake.

And what about the Americans representing our government in the Middle East? The fellow in charge of the whole shooting match calls himself Tommy, while our head admiral goes by the name of Stuffelbeam. It's like the fourth-graders are in charge. You can just see the freckles and the shocks of red hair sticking out to the side.

And this Gen. Zinni the president keeps talking about? My guess would be he's a *Star Wars* character. I'm thinking about one of those guys who watched from the Rebel Base while Luke blew up the Death Star. This does not instill confidence in his prospects.

So here's my solution to three social problems at the same time: Convince the Swedes to offload their name-nannies onto the Middle East, bring our fourth-graders home, and let nature take its course without any further guidance from us. This will bring peace to Palestine, propriety to American foreign policy, and freedom to Sweden.

— William Merritt

A whiter shade of paleface — Players on the Native American University of Northern Colorado intramural basketball team have named themselves the Fightin' Whities — to satirize the tradition of using Indian mascots for sports teams. It was intended to give racists a taste of their own medicine, so the Native Americans were surprised that white people across the country were greatly amused and are swamping the team with requests for jerseys. Maybe Native American activists need to learn the white man's sense of humor. — Tim Slagle

Academic freedom from information — Recently I tried to discover information about a former colleague, now a full professor at a state university, who had been accused of plagiarism a decade ago. I heard that the

Update: Libertarians Win Six Seats in Costa Rica's Congress

In the April *Liberty*, I reported that candidates of the Movimiento Libertario had won four of the 57 seats in Costa Rica's national congress in the Feb. 3 elections, were leading by a small margin in a fifth race, trailing by 9 votes in a sixth, and that vote recounts would determine the final winners by about now.

Well, all recounts are in and the court battles are over. The results are final, and Movimiento Libertario won both contested elections! As a result, six of the 57 congressmen who will take office on May 1 will be libertarians.

The upcoming congressional composition shows that no party even came close to getting a majority of seats (the leader only got 19, a third). The traditional parties only have 36 seats among them, and to set the agenda of Congress 38 votes are needed. Thus, unless all other parties ally against Libertarians, which is very unlikely given the current political situation in the country, the Libertarian agenda will have to be included in the agenda of Congress.

— Raúl Costales

case had been "settled" and forgotten — until he was again accused of plagiarism. Attempting to get more information about the terms of settlement, let alone details about the plagiarism (which should after all be based upon verifiable evidence), I discovered that nothing was available in print about the first case. As for the second case, the only information available came from an unsympathetic departmental colleague who heard that the case went to some university committee a few years ago, and nothing had been heard since.

Thinking it odd that such information should remain unavailable at a "public" university, I asked another friend, a former professor, to explain this peculiarity. She reminded me that universities, even public universities, have secured exemptions from the Freedom of Information Act. Try to find out about student suicides, she challenged me. — Richard Kostelanetz

No justice, no freedom — The Andrea Yates murder case underscores the insult to us all that the psychiatric worldview represents. Living well requires effort. It takes work to think about and plan one's life, to get out of bed on time every day, to discharge one's responsibilities with care, to be decent to one's fellow human beings (even when they don't deserve it), and to make sure there's sustenance for self and family. But some people object to life's demands; they resign and look for a way out, sometimes by killing themselves or others. The psychiatrists say that only disease can account for their acting that way — implying that those of us who live well, and let live, deserve no moral credit. Then again, if Andrea Yates isn't responsible for killing her children, perhaps you and I aren't responsible for not killing ours. No responsibility equals no freedom. That's where all this leads. — Sheldon Richman

George "Smoot Hawley" Bush — The Bush administration's decision to abandon its free trade position to protect the domestic steel industry is distressful. Even Clinton didn't give in to this special interest pleading. But it appears that taxing consumers to help the steel unions is more important than letting the free market work, at least to the Bush team.

The decision was totally political. The last election was close. Bush barely carried Ohio and West Virginia and he narrowly lost Pennsylvania. Restricting steel imports is expected to improve his prospects in these states in 2004. It goes without saying that politics always trumps economics in Washington.

"I'm a moderate Democrat, but I'm not fanatic about it."

Whether this turns out to be good politics remains to be seen. Bush's move undermined his stance on trade here and abroad and triggered outraged cries from the European Union, Brazil, and other nations — and may yet trigger a response of further trade restrictions. Certainly, it will encourage other U.S. businesses to seek protection, every one of which will make America a less prosperous place.

And he didn't have to turn to protectionism to cover his political rear. The trade laws permit the president to offer any type of relief to a distressed industry. He could have suspended some of the more costly environmental regulations affecting the steel industry. Bush is a good communicator. He could have given a useful talk explaining that trade protection is wrong, akin to banning German or Norwegian contestants from participating at the recent Winter Olympics. Sure, we'd win more medals but it would reduce the value of the games.

Besides, we're already in one war; the last thing we should be doing is triggering a trade war. — Fred L. Smith

Comic strip hermeneutic — Perhaps it is a sign of ignominy to admit in a highbrow journal to reading comic strips, so I'll confess only to "scanning" the funny pages of the March 5, 2002, *Chicago Sun-Times*. My attention was drawn to a familiar word in Bob Thaves' "Frank & Ernest" panel. A man, standing on a mountain after apparently reading a tablet suspiciously resembling the Ten Commandments, exclaims, "The libertarians are going to go *bananas*!"

This codswallop is yet another example of the common confusion between libertarians and libertines. The damage caused by this erroneous perception is incalculable. And yet one cannot help but think that its cause is the failure of those who herald freedom to emphasize how man should conduct himself as strongly as they chant the mantra of liberty. — Howard Samson

What's your shelf? — Powell's, a huge Portland, Ore. bookstore, is the only one I know that sorts political titles by the topic "ideology." It offers an expansive acreage of books on pinks and reds; territory a quarter that size for conservative books, a similar zone for books on "radical right and fascist" topics (anti-KKK and anti-militia, mostly), and the two smallest areas: libertarian and anarchist. As I poked around I noticed a constant stream of browsers, men and women in their 20s, all casually dressed, all studious. Their interest was the anarchist shelf. And only part of that: a volume of Max Stirner, and another of the individualist anarchists of the 19th century, remained untouched. Their fascination was the new stuff by authors I had never heard of, railing against globalization and the WTO. The whole time I was there, only one person went to the "leftism" shelves, and he finally came to me asking about Michael Parenti, a rabid anti-capitalist I'd sometimes heard on NPR, and Noam Chomsky. Another left-anarchist. Gad. I decided it was time to leave. — Bruce Ramsey

Don't write, don't call — A while back, the *Kenyon Review* warned prospective contributors that it "does not read unsolicited manuscripts during the months

of April, May, June, July, August, December, and January, but we appreciate your interest and hope we will hear from you at a later day"; reminding all of us eager suitors to keep firmly in mind exactly which months the *Kenyon* cats are not in heat.

Since university-based quarterlies have never been too swift at responding to submissions anyway, so dependent are they upon unwieldy committees for decisions, it's hard to see what is gained for a magazine to announce so much inconsiderableness in advance. Perhaps nothing inflates a magazine editor's self-image more than announcing his or her idiosyncratic schedule of hibernation, forcing prospective contributors to remember not only the editors' names but also other personal details. ("Hey, Jack, can you remember whether Judy is in heat in June?") — Richard Kostelanetz

Stopping power — In Richard Linklater's movie *Waking Life*, there is a scene involving two gun owners in a bar. One tells a lurid story about shooting a knife-wielding madman. He then puts his gun on the bar and says that it hasn't been fired since the incident just described. "Why don't you try it?" suggests the barkeep. So the customer shoots the bartender, who, with his last breath, takes his own gun from behind the counter and kills the customer. The vignette seems to encapsulate perfectly the anti-gun-nuts' fantasy of gun owners as overgrown children with dangerous toys in their hands.

It flies in the face of the reality that the overwhelming majority of gun owners are far more adult than anti-gun advocates precisely because they have come to terms with the tangible power of the weapons in their control. It is the gun-control advocate who tends to be as careless of the power of the laws he would enact as he imagines the gun owner to be of his firepower. — Miles N. Fowler

The good, the bad, and the "good" bad — How many people who believe that Andrea Yates killed her children because she is insane would stop believing it if they learned, say, that she had taken out a $1 million life insurance policy on each child? Quite a few, I submit. Thus, apparently, there are "good" (i.e., acceptable) bad reasons and "bad" (unacceptable) bad reasons for heinous behavior. People with "good" bad reasons (say, greed) are sane and ought to be convicted and punished. People with "bad" bad reasons (say, a wish to thwart the devil or to escape an oppressive family situation) are insane and ought to be acquitted and treated. This sounds more like covert moral judgment than science or medicine.

— Sheldon Richman

Nightline of the Living Dead — ABC's attempt to replace its late-night "news" show *Nightline* with David Letterman's comedy show pleased me enormously in every possible way.

First, it demonstrated how seriously ABC is hurting — and it deserves to hurt. The same might be said about all three old-line networks.

For generations, the networks used government regulation to maintain monopoly power over the nation's sources of information. Their core audience consisted of people too lazy to read a paper and too slow-witted to wonder why there were only three sources of television news and why all three sources said almost exactly the same things, with almost exactly the same tone and emphasis.

When cable TV and the Internet came along, and were allowed to compete, the networks' core audience began to shrink. It is very shrunken now. And it's not an audience that advertisers want: it's too old, too poor, too dumb. So this is the audience of ABC News; and, according to David Bauder of the Associated Press, "at ABC News . . . 'Nightline' has been considered a flagship." The fact that ABC wants to scuttle it shows how bad off the network really is. And the other two networks aren't far behind in the slide toward oblivion.

Second, the attempt to drop *Nightline* shows how bad off ABC's parent company is. That company is the Walt Disney outfit, which bears as much similarity to Walt Disney himself as a sweet little dachshund bears to a monster attack dog. For a decade or so, the Disney company has been waging a successful campaign to cheapen and stupidify American culture. It has also waged a successful legislative campaign, inducing Congress to pass a radical revision of the copyright law (the appropriately named Sonny Bono Copyright Term Extension Act). This revision will keep Mickey Mouse out of the public domain until he's so old that his tail falls out.

Now, however (hallelujah!), Disney's profits are flat and it's closing down some of its operations. The plot to eliminate *Nightline* was an example of its desperate search to cut *something*. Fine. I hope this is also a sign that someday soon, the cats will finally get hold of Mickey, and do their duty.

Third, the *Nightline* crisis focused attention on how really, really bad network news has always been. Don't talk to me about Edward R. Murrow. I've listened to the tapes. I've seen the videos. If you think that what Murrow did was high-quality news reporting, then you have exceptionally low standards. But that's what the networks have always had, and rigorously maintained. Here's the proof.

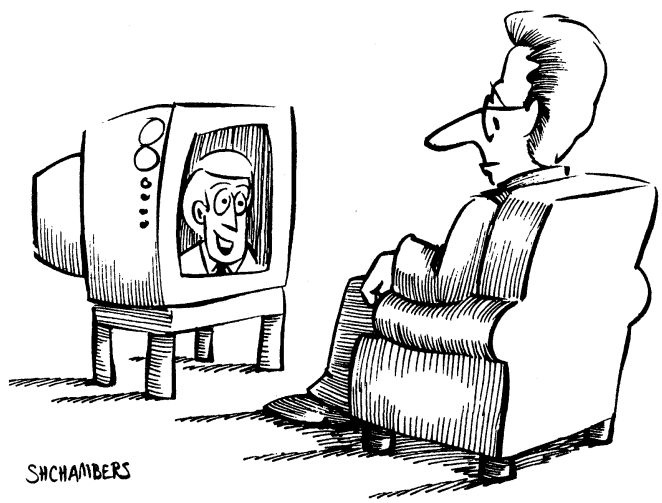

"Philip Morris closed sharply higher today on rumor of takeover by the Social Security Administration."

When *Nightline* came along in 1980 (as, initially, a series of reports on Jimmy Carter's Iran crisis, a crisis that, luckily for the show, quickly became chronic), it impressed almost everyone as a welcome relief from all other network "news" fare. And it wasn't any better then than it is now.

Nightline's highpoint, then and now, is the moment in every broadcast when Ted Koppel interrupts a long-winded guest to say, even more long-windedly, "Now, please allow me to interrupt you for just a moment. Some of our viewers may not have a complete understanding of what you mean by such terms as 'Congress,' 'bill,' and 'law.' So, for the benefit of our viewing audience sitting at home right now, would you please clarify the process by which 'Congress' transforms what you are now calling 'bills' into what you a few minutes ago called 'laws.' Thank you very much. Please proceed now." It's almost impossible to imagine a drearier interview style. Anyone who had a style like that at Fox News would be bounced during the first commercial.

But before *Nightline* came along, no one ever interrupted a guest on television, no matter how incomprehensible, turgid, or tedious the guest had become; after all, he wouldn't have been invited in the first place if the network didn't like him. Koppel broke the interruption barrier and was hailed for his bold imagination and inspired intuitions in the field of broadcast news. That's how bad the situation was in 1980. Now 22 years have passed, Koppel is still doing exactly the same thing, and the response from critics, pundits, and other people who purportedly spend their whole lives caring about the intellectual quality of television news is even more hysterically favorable to him than it was in 1980. That's how intellectual *they* are.

Well, Letterman wouldn't come to ABC, so Koppel is staying. At least for the moment. And, on second thought, I hope that the moment is long.

In his first inaugural address, Thomas Jefferson said, "If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." In that spirit, I say, If there be among us any tedious, irrelevant, pseudo-news programming, created in the days of the network news monopoly, let it stand undisturbed as a monument to the intellectual pretensions of the modern liberal elite and to the freedom of choice that more rational viewers now enjoy. — Stephen Cox

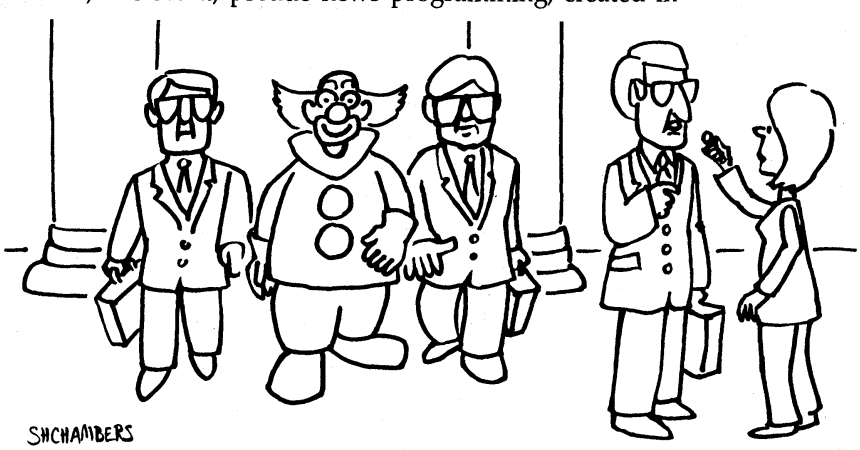

"We at Murton, Nichols, and Steed are proud of our extensive pro-Bozo work"

Where were the inside traders when we really needed them? — Contrary to what you hear from just about every politician and every pundit, the Enron collapse suggests that less regulation might make future disasters of this type less likely.

Enron, like most companies, sought to minimize liabilities on its balance sheet by transferring debts and risks to external parties. As most readers of business pages know by now, the entities to which Enron transferred many of its liabilities were creatures of Enron itself. Shifting risks to such entities is merely internal bookkeeping and has no net benefit. Shell games like this come close (or perhaps exceed) the threshold for fraud and the courts will be deciding whether stupidity or criminality is the more plausible explanation. But fraud isn't new and laws against that problem have long existed. No new regulations are needed here.

But other regulations may have deadened the market's ability to detect Enron's problems earlier, when they were less severe and when corrections would have been less costly. After all, some people knew much of the Enron story much earlier, indeed, at a time when Enron's share price was rising sharply. But markets are efficient and knowledge that a company is in trouble inevitably results in people selling the stock, driving down its price. What made it possible for Enron stock to soar to the $90 range while it was getting into worse and worse shape?

Certainly the laws against insider trading are part of the reason this happened. After all, the rationale for such laws is that no one should be allowed to profit from information garnered because of one's special position within the firm. It wouldn't be fair! Outsiders can gain from acquiring knowledge but insiders, whom we would expect to know more, can't.

Had Enron insiders been able to sell based on their realization that the firm was in trouble, Enron's share prices would never have soared so high and fewer investors would have rushed to purchase the stock. And, of course, the investors would have experienced lower paper losses when the share prices did drop. Instead, the share price increased rapidly throughout 2000 — creating the bubble. The Enron employees who thought they were rich soon found they weren't, and lots of other people lost money.

As Hayek and the Austrian economists spent their lives explaining, markets are best viewed as institutions that communicate information about the value of goods and services. If there is no ability to exchange goods, then that knowledge cannot exist. Under current law, outside investors can invest (or disinvest) in a firm based on their knowledge about it. But those in

the best position to learn critical information about a firm face major barriers to using and profiting from such information. Not surprisingly, many insiders — managers, employees, auditors, and investment analysts — find it less worthwhile to dig deep to find the real status of the firm. The executives' positions depend upon the firm's success. If they are unable to profit from bad news, they will tend to hide it, hoping they can turn the situation around.

The result of insider trading laws is that less energy is put into assessing the viability of firms. And, thus, stock values are always somewhat distorted. In most cases, those distortions are minor. In the Enron case, they were massive — and that fact turned a problem into a disaster.

— Fred L. Smith

Prairie fifth columnist — "Disgusting," exclaimed Rep. Tom Delay. Sen. Trent Lott fumed, "How dare Senator Daschle criticize President Bush while we are fighting our war on terrorism, especially when we have troops in the field? He should not be trying to divide our country while we are united."

Had Daschle denounced U.S. imperialism while linked arm-in-arm with Jane Fonda and Saddam Hussein? Did he attack President Bush as an election-stealing dolt who left America vulnerable to the Sept. 11 attacks?

No, the majority leader of the Senate, after praising the progress of the war to this point, said, "I think the jury's still out on future success," and "I think there is expansion without at least a clear direction."

Daschle's statements were fairly tepid criticism of a war that has so far been a big success, from a public-relations standpoint at least. But, at the risk of offending Delay and Lott, I think that this may be the only sensible thing Daschle has ever said. The war has achieved a few good results. Yes, the Taliban was perhaps the vilest regime of the last few years, and I'm glad it is out of power. Killing members of al Qaeda, and hampering its ability to operate, is a good thing. But whether the war has improved the long-term security of the United States is dubious. There is no guarantee that the Northern Alliance won't turn on us in the future, or even that it will still exist in six months. If al Qaeda survives, it will no doubt have a much larger pool of potential recruits than it had six months ago. The continued presence of the U.S. military in Saudi Arabia serves both as a source of antagonism and as a target.

The Bush administration's assaults on civil liberties at home won't make us any more secure from terrorism, only less free. We are still vulnerable to terrorism and we can't even talk about it in public. If fools like Trent Lott have their way, our extraordinarily narrow range of political "debate" will become even narrower, until perhaps Washington D.C. or some other major city lays in ruins.

— Clark Stooksbury

Springtime for Liberty — Sixty years ago, at this time of the year, Isabel Paterson, one of the exceedingly rare libertarians of her time, wrote in her column in the *New York Herald Tribune*: "Last week I was startled to see the word liberty in a new novel. . . . And it was spring again."

There are many times — especially during a gray winter — when being a libertarian can seem like nothing more than a way of noticing how badly the world runs, how grossly stupid and immoral one's fellow human beings can be. Merely to think of what goes on in countries like Zimbabwe or Saudi Arabia or the Sudan can be enough to make one abandon any optimism whatever about human beings. It can make one wonder whether the comparatively decent civilization of the modern West may actually be what its enemies often want to consider it — just a historical accident, one of fate's little jokes.

Then one turns to the political conduct of Americans. Here, in a nation dedicated to liberty and filled with its blessings, the very people who crusade for liberty in certain spheres also crusade for its abolition in others— conservatives fighting gun laws, for instance, but also trying to outlaw pornography; modern liberals fighting censorship of the Internet, but also trying to censor "hate speech" on college campuses. Often, these people lack even the incitement of self-interest that keeps the slave trade alive in Africa. They are one of fate's little jokes, but there isn't even enough logic to make the joke seem funny.

You are startled, once again, to see that the spirit of liberty can never die, because it is part of our nature. And suddenly, it is spring again.

But just when your meditations reach that point, something unexpected happens. You hear someone on the bus say, "*Of course*, we've got to end these laws on drugs." Your town votes down the big new tax increase. Some public official "speaks out" in favor of political correctness, and finds that even the liberals are laughing at him. Somebody starts a private school and makes it run, despite the opposition of the unions and the state and local regulations and the com-

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petition of massively subsidized public schools. Somebody starts a business and makes it run, with no help from anybody except the willing customers.

Once more you notice, in other words, that people can think and act on their own, that spontaneous human action reasserts itself, and native common sense revives. You are startled, once again, to see that the spirit of liberty can never die, because it is part of our nature; that, like the return of the year, it can never be abolished. And suddenly, it is spring again. — Stephen Cox

Drugs and terror — The Office of National Drug Control Policy (ONDCP) spent $3.5 million of taxpayer money to purchase two ads during the Super Bowl that accused recreational drug users of supporting terrorism. The ads featured various people saying things like:

> I helped murder families in Colombia. It was just innocent fun.
>
> I helped kidnap people's dads. Hey, just some harmless fun.
>
> I helped kids learn how to kill. I was just having some fun, ya know.

Then the screen faded to black with a message in bold white letters:

> Drug money supports terror.
>
> And a voiceover said: It's not like I was hurting anybody else.

The ONDCP followed up with a series of full-page newspaper ads, featuring extreme closeups of ordinary-looking people, with a caption printed in white letters across their noses saying things like, "On Wednesday, I played tennis, went to the mall, and helped smuggle guns to the Taliban." Across the bottom of the ad was this advice, "Drug money helps support terror. Buy drugs and you could be supporting it too. Get the facts at theantidrug.com."

The Drug Policy Foundation reacted to these ads by sending out a press release calling the ads "a politically motivated misrepresentation of the actual relationship between terrorism and illegal drugs" and pointing out that "the drug war — not drugs themselves — creates the illegal markets which help fund criminal and terrorist networks."

The Libertarian Party did more. On Feb. 27, it ran an ad in *USA Today* and the *Washington Times*. At first glance it appeared to be one of ONDCP's ads: an extreme closeup black and white photo of ordinary-looking man with white letters across his nose. But there were three crucial differences:

> The man was drug czar John Walters.
>
> The message on his nose said "This week, I had lunch with the president, testified before Congress, and helped funnel $40 million in illegal drug money to groups like the Taliban."
>
> And the message at the bottom said, "The War on Drugs boosts the price of illegal drugs as much as 17,000 percent — funneling huge profits to terrorist organizations. If you support the War on Drugs or vote for politicians who wage it, you're helping support terrorism. Get the facts at www. LP.org/drugwar.

The LP had hoped it might smoke out czar Walters into a joint appearance on a news program. That did not happen. But the LP got a fair amount of media coverage, including an interview of LP honcho Ron Crickenberger on the highly-rated "The O'Reilly Factor." Crickenberger did very well.

I don't know about you, but sometimes I am especially proud to be a Libertarian. —R. W. Bradford

Laughing yet? — Anyone notice that it's getting pretty creepy around the edges?

First, from the libertarian right, Lew Rockwell, president of the Ludwig von Mises Institute, is tallying up the goodies that'll flow our way if the terrorists blow up D.C.

"Let's say that Washington really was incinerated," writes Rockwell. "As difficult and alarming as this sounds, we live in times when horrible realities confront us every day. It is time that we deal frankly and honestly with the ugly prospect."

And, frankly, Rockwell sees more doughnut than hole if, praise be to Allah, the entire American capital is turned into a radioactive dust bowl: "The first thing that would happen is that your personal income would rise equal to the 40 percent you currently pay Washington in taxes. Because there would be nowhere to actually send the checks — excise taxes, income taxes, and payroll taxes would be meaningless."

He's serious. And retirement would be better: "Instead of having to wait for politicians to give us 'private accounts' for some portion of Social Security, we'd get real privatization with no FICA at all."

And if the wackos keep coming, to kill us all? No way,

says Rockwell, not after they see we don't mean business: "The country would be immediately vulnerable to attack by terrorists! On the other hand, there would be no one to enforce sanctions against Iraq, pay the troops in Saudi Arabia, or fund the settlements on the Gaza Strip, so the terrorists would lose their rationale for suicide bombings and the like. They might just choose to go home to their wives and kids."

Imagine that. These single-minded nutballs, after knocking down the World Trade Center, after running a passenger jet into the Pentagon, after leveling D.C., "might just choose" to head on back to their caves to keep a lid on their women and make sure no kids are flying kites.

Granted, Lew Rockwell does hate the government. He hates taxation. He hates all the D.C. alphabet agencies. And he really hates how the bureaucrats have messed up his retirement money. But still, nuking D.C.? That's one hell of a path to privatization.

And why would the 40% in federal taxes go to zero? Wouldn't it go to 60%, or 80%, if we had to replace everything? Or do we just bulldoze it all into one giant pile and leave it for the next civilization to clean up?

Just as nuts on the left is award-winning columnist and cartoonist Ted Rall, busy of late keeping the readers of the *Washington Post, Los Angeles Times,* and *New York Times* in stitches with comic strips about the women who lost their husbands on Sept. 11. "Terror Widows" starts with a drawing of a woman with dollar bills flying over her head, and these opening words: "They're eerily calm. They smile and crack jokes and laugh out loud. They're the scourge of the media."

The next frame shows a woman speaking behind a glut of TV microphones. Her words: "Of course it's a bummer that they slashed my husband's throat — but the worst was having to watch the Olympics alone."

Next frame, a sketch of a woman sitting on a couch with armfuls of overflowing cash. Her words: "I keep waiting for Kevin to come home, but I know he never will. Fortunately, the $3.3 million I collected from the American Red Cross keeps me warm at night."

In the final frame, a woman is being interviewed. "The unbearable grief of the empty spot in your conjugal bed must weigh down your heart with unimaginable pain." The woman's answer: "Huh? Oh yes, definitely." She's wearing the words "YOUR AD HERE" emblazoned across the front of her sweater.

A week later, Rall followed up with some fun comics about dead American troops. "Postmodern Heroes" starts with a sketch of two soldiers. The one in the USMC T-shirt says, "The REAL heroes didn't make it — they died for US."

Next frame, the two soldiers are looking at a photo of a dead colleague. "That's my old buddy Joey from Queens. No one knew as many bad jokes. Died in a helicopter crash . . . mechanical problems."

Next frame, a photo of another dead soldier. Asks soldier one: "Hey! Isn't that Big Ben? He loved his whiskey." Soldier two: "Sure is! Ben's helicopter went down on the way to Afghanistan. Rotor trouble, you know."

Next frame, a newspaper headline: "First Female Casualty." Soldier one: "Well, at least Brenda got to die in battle." Soldier two: "Not quite. She fell out of a helicopter OVER a battle." Soldier one: "Oh right — she killed Ken when she hit."

Final frame: "Actually, Ken's chopper fell apart at high altitude. Brenda took out a DIFFERENT helicopter."

Laughing yet?

Mr. Rall's funnies are syndicated in nearly 100 American cities. In 1995, he won first place in the Robert F. Kennedy Journalism Awards for cartoons. In 1996, he was one of three finalists for the Pulitzer. Today, his wrap-up: "I think this country died quite some time ago, and I can't say I'm terribly sad about it."

Laughing yet? — Ralph Reiland

Not yet — Much as I respect the thinking of Ralph Reiland (see previous reflection), I am not yet laughing at critics of state power, like Lew Rockwell. It's not that I favor incinerating Washington, D.C. — as nearly as I can tell, neither does Rockwell. I'm not laughing because I believe Rockwell has a good point: Ever-growing state power is a threat to me and to my country, and if we could dispense with it, we would all be better off.

Rockwell's idea is an interesting, if not particularly original, thought experiment, of the sort that philosophers have long concocted to explore moral issues. (Yes, I know, the first passage that Reiland quotes from Rockwell suggests the contrary. But Rockwell is plainly using a rhetorical device.)

Rockwell's conclusions seem inescapable, except that he overlooks an unfortunate fact. The federal government has plans to continue its rule if Washington were annihilated, and has infrastructure is in place to implement those plans. We don't live in a George Lucas film where an attack on the Death Star will make the world safe. — R. W. Bradford

Odd kid out — Like other John Stossel fans, I await each new ABC program eagerly, always surprised by his choice of an unusual subject and impressed by the support he apparently gets from a television network for his provocative, essentially libertarian investigations. (I've also been pained by discussions of him that grossly misrepresent his work, such as a critique in *The Nation* that portrayed him as a tool of corporate interests, blatantly forgetting that his feature on freeloaders concluded by identifying Archer-Daniels-Midland as the biggest mooch of them all.)

His recent documentary, "The 'In-Crowd' and Social Cruelty," begins as a gritty exposé of teenage nastiness that is scarcely unfamiliar to anyone recalling William Golding's *The Lord of the Flies,* not to mention his own experience. The climax is an interview with the parents of a daughter who committed suicide purportedly because of her schoolmates. The program concludes with less familiar institutional attempts to alleviate "social cruelty," which is an apt epithet that might catch on.

Two things were missing from the documentary: first, the alternative of pulling the socially disfavored kid out of school entirely, the libertarian alternative of home-schooling, and second, the option of simply changing schools. I know from my own experience in switching schools around the

age of eleven (and moving from the city to the suburbs) that I could be an insider in one place and an outsider in another. The truth absent from Stossel's program is that a teenage outsider need not be an outsider forever. Though all schools might be prisons, they surely differ from one another. Why Stossel missed the option of changing schools mystifies me.

Even as an adult, I've likewise noticed that I've "clicked," as I succinctly put it, with some social situations better than others, for reasons that have little to do with me per se but more with timing, values, culture, competition, and other factors that are unidentifiable; one difference between now and then is that now I'm generally free to move.

What was missing from this latest Stossel was libertarian intelligence. — Richard Kostelanetz

A man, a plan, a boondoogle— The Bush administration is not his father's Oldsmobile — I mean administration — but it isn't Ronald Reagan's either. Bush II is amenable to reducing government, but he's not passionate about it either. So while there are far more people available to head agencies who would like to curb their power than there were in the 1980s, there are fewer jobs for them.

Still, there are a few individuals worthy of praise. One is Mitch Daniels, who heads the Office of Management and Budget (OMB). OMB seeks to curb government's destructive tendencies to overspend, overtax, and overregulate — it's the Dr. No of government. Most OMB Directors find this task daunting and soon step aside from the unpleasantness of always saying "No." However, a recent action by Daniels suggests he's not afraid to fight.

Testifying before a congressional budget panel, Mitch laid out the case for cuts in the Army Corps of Engineers' budget. Questioning was predictably hostile, but he stuck to his guns. On that same panel was the Bush-appointed civilian head of the Corps, Mike Parker, former congressman from Mississippi. Parker quickly parted company with Daniels and complained bitterly that the administration's budget would cripple his agency's ability to "do good." (The Corps theme song might well be "Dam Every River, Channel Every Stream!") Mitch fumed and when he returned to his office, wrote a memo to the president pointing out that Parker's testimony had undermined the administration's budget. The president actually read the memo and fired Parker! Not surprisingly, in this age of pork-barrel politics, Parker has been praised and Daniels castigated for the episode. Still, it demonstrates that the administration seems willing to stand its ground on spending. I suspect Daniels will survive.

This little inside-the-beltway episode has a special meaning for me. I grew up in a Corps household. My daddy was in the Corps of Engineers for 43 years. His last position was as resident lockmaster on Lock #1 of the Pearl River canal system. My childhood was a graduate course in the practices of the Corps. The Pearl River system had been on the Louisiana congressional delegation's wish list for many years. After World War II, Jimmie Morrison, then congressman from that part of the state (the Florida Parishes for you history and geography buffs, that area in Louisiana that was part of Spanish Florida rather than part of the Louisiana purchase from France), finally got his turn at the pork barrel trough and Congress appropriated the funds to build a canal system linking Bogalusa, a paper mill town, to the Intercostal Canal, the major waterway located along the Gulf and Atlantic coasts.

Building a canal is a massive undertaking. Millions of cubic yards of dirt must be dredged or bulldozed away to create the canal itself. Vast quantities of steel and cement were required to construct the three locks needed to elevate shipping from the Gulf to Bogalusa. And all this construction was occurring in one of the great swamps of Louisiana (Honey Island Swamp, where some believe the Ivory Billed Woodpecker may yet survive). Lockmasters live on premises, and I grew up in the midst of this construction project. The experience was instructive and entertaining — all in all

My daddy was in the Corps of Engineers for 43 years. My childhood was a graduate course in the practices of the Corps.

a great childhood. My brother and I would get home from school, throw on our bathing suits and swim till supper in the canal. Fishing, walks in the woods, hunting — all available literally in our backyard.

I remember vividly the day the system was completed. A ceremonial barge load of paper products (Bogalusa's major industry) was towed down the system, passing the various locks on its way to the Intercostals. Bands played, pretty girls were kissed, flags were raised, generals were saluted, and ribbons were cut. And, of course, politicians gave speeches and speeches and speeches. The theme was upbeat: "Today, Bogalusa has been linked with markets throughout America. This canal system will repay its costs many times over as our local economies expand to serve these larger markets." And the barge moved along out of the lock and into history — because that was the last significant commercial load of anything that ever passed through the locks.

Why? Well, fairly simply, there wasn't much local commercial traffic to begin with, and what there was moved by

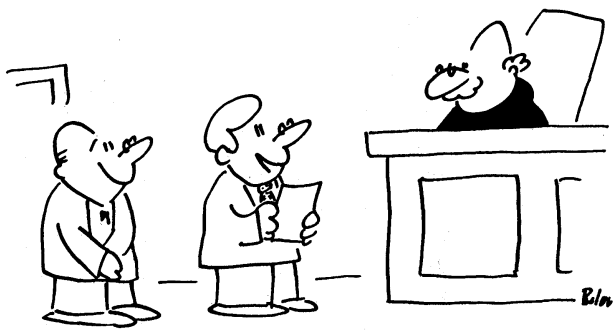

"Your Honor, my client pleads guilty to making poor lifestyle choices."

rail or truck. The government-regulated freight rates in those dark days, and higher rates were charged for land-locked cities. Opening the canal made Bogalusa a port city rather than a land-locked one, so its ground transport rates were lowered to a level where canal rates were not competitive. So local shippers decided to stick with their truck and rail connections. A few loads of sand and gravel came down the system in subsequent years, but nothing major.

Millions had been spent — the local economy had benefited from the construction funding for a few years — but nothing lasting came from the project. The canals gradually silted over and the locks were decommissioned. The canal system is no longer navigable. My childhood home and those of the other lockmasters have now been torn down.

A few years ago, I told this story to a meeting of the American Waterways Association in St. Louis. I expected hostile questions. And I did receive a few, although fewer than I expected. After the panel ended and I was leaving the platform, an individual came up, looked worriedly over his shoulder, and told me that he worked with the Corps and that I should know that an effort was underway to re-open the Pearl River system. I was a bit surprised and asked whether the economics of the project were now viable. No, he responded, they're even worse.

So I applaud Daniels' courageous effort to prevent such waste. Moreover, his feistiness suggests that there are some in the administration who seriously want to get rid of such idiotic porkery. — Fred L. Smith

Stefan Heym, R.I.P. — Stefan Heym, who died recently in Israel at 88, was one of the most provocative, indomitable writers I ever met. Born in 1913 with the name Helmut Flieg in Chemnitz, Germany (later Karl-Marx-Stadt), he emigrated to the U.S. in the mid-1930s, took an M.A. from the University of Chicago and began publishing fiction in English. Joining the U.S. Army under his new name, he served in a battalion filled with literary men as they broadcast through loudspeakers and over radio, in addition to writing leaflets in various languages, urging the Axis soldiers to surrender. Among his colleagues in this battalion was Hans Habe, a Hungarian who returned to Germany to become a conservative polemicist; Eugene Jolas, who had edited the Paris-based, avant-garde literary magazine *Transition*; and the writer and publisher Peter Wyden, born Wydenreich, incidentally the father of the current senator from Oregon.

Military service secured U.S. citizenship for Heym. Returning to New York, he wrote novels significant enough to be mentioned in more than one history of 1940s American fiction. In 1953, hounded by the FBI, so he told me, he emigrated to East Berlin with his American-born wife, where he continued writing novels, first in English for deposit at the Library of Congress (to secure international copyright, no fool was he), then translating them himself into his native German. He received support from the East German literary authorities (whose approval was necessary to publish there) and his wife established a publishing imprint (Seven Seas) for communist classics in English, until he wrote a novel sympathetic to the 1953 workers' revolt in East Germany. Banned from publishing in his new country for more than two decades, Heym repeatedly smuggled his manuscripts to West Germany where they became best sellers, and deposited his western royalties securely in Switzerland, where he vacationed. Fined at home for publishing abroad without permission, he told me that he took his bankbook to a court that simply deducted the requisite sum. He knew his prominence in the West made him immune to further state punishment. Every time he left East Germany, as he often did, usually to publicize his books or give interviews on West German television, he incurred the risk that the authorities would do to him as they did to his friend the poet Wolf Bierman — simply not allow him to return home. Courage Heym had in abundance.

"Why don't you live in West Berlin?" I asked him two decades ago at his house in East Berlin near the river in Grünau (the site of the rowing races memorialized in Leni Riefenstahl's *Olympia*). "I don't want to live in an American colony." Why did he want to live in the East? The experience of living in a country that was socialist in name but not in fact inspired his fiction, as indeed it apparently did. One repeated theme was the conflict between strong individuals and larger powers — an Ayn Randian theme incidentally reflecting his own life.

"Who can tell me about your last days in New York?" I asked.

"The FBI," he replied in perfect American English.

"Are you sure?"

"Yes."

"Did you ever get your FBI files under the Freedom of Information Act?"

"I'm no longer a U.S. citizen."

"I suspect you still are."

"Why?"

"Did you ever take East German citizenship?"

"I wouldn't do that."

"It's hard to lose U.S. citizenship," I replied, advising him to write my Greenwich Village swimming pool buddy, the lefty lawyer Leonard Boudin, who had experience helping sometime Reds negotiate with the U.S. government. Heym must have done so, because I remember reading in *The New York Times* about a large package of paper arriving directly from Washington in his Grünau house. Enjoying the image of some FBI shlubs in headquarters gathering pages with lots of black-out, I hoped he put those files to the best literary uses. Too bad neither the Nazis nor the Stasi were vulnerable to the FOIA, because those state policing agencies reportedly had files on him too.

His Cornell-educated stepson, Dave Gelbin, came to live in East Berlin in the mid-50s and stayed when he married an East German woman. Their daughter, whom I met in the East Berlin synagogue on Yom Kippur, spoke fluent American English even though she had never visited a "nonsocialist country," as she put it, because her "parents spoke American at home." She got some of her first jobs from East Germans who had spent the war years in English-speaking countries and out of nostalgia liked to speak English with her. To East Germans, the Heyms would always be ex-Americans. Eventually, once freed of communist control, she obtained the U.S. citizenship that her step-

grandfather had inadvertently retained.

When the Wall came down, Heym, still no fan of Western capitalism, became active in the remnant of the East German Communist Party, now devoid of Soviet-backed functionaries. Running (or standing, as the British would say) for a seat in the all-German parliament, he won. It turned out that the Bundestag had an established rule permitting the oldest member to give the opening speech each year. Accepting the privilege, Heym was as provocative as ever, not only in his words but in his presence as a communist, a Jew, and an American — a triple threat, as we say in American football. I read in an obituary that soon afterwards he resigned from the Bundestag when his colleagues voted themselves (including him) a 50% pay raise.

The tragedy was that novels popular in Germany didn't succeed here, for reasons I find mystifying, as they are not difficult, acknowledging stylistically such American models as Sinclair Lewis and Howard Fast, and often had Jewish subjects; but anyone who studies contrary receptions of the same figures in different countries often comes across such inexplicable anomalies. I admire him now as a writer of libertarian temperament, who made some wrong political choices, but who should be remembered for his heroic courage. — Richard Kostelanetz

Claude Brown, R.I.P. — When Claude Brown's *Manchild in a Promised Land* (1965) first appeared, I was a Columbia University graduate student, living as a Caucasian in a low-rent public housing project on the edge of Harlem. (My congressman was the legendary Adam Clayton Powell; the folks across the street were represented by William Fitts Ryan, less legendary.)

While *Manchild* was immediately hailed for its purported truthfulness in portraying the awful lives of young men in Harlem, I thought that the book was misleading. It certainly didn't accurately describe most of the African-American teenagers around me, who were struggling to help their families while going to school or working entry-level jobs. Since most African-American males in those years did not get arrested or die young, we can now safely say that as social reportage *Manchild* was generally false, to put it mildly.

What the book did, I came to realize, was portray stereotypes of degenerate and dangerous African-American life — stereotypes no less popular then than now. What else would prompt Tom Wolfe to proclaim, "Incredible! No Negro writer ever told the whole street thing in Harlem: Claude Brown is first." (The image of Wolfe researching Harlem streets in his trademark white suits was no less ludicrous then than now.) Or Norman Mailer to testify: "The first thing I ever read which gave me an idea of what it would be like day by day if I'd grown up in Harlem." What other than confirmation of stereotype would prompt Irving Howe, always a schlockmeister, to submit this encomium, published at the time and even reprinted in Brown's *New York Times* obituary: "The quivery reality of a boy's life, his struggle, his efforts at understanding. The book contributes to our sense of what America is today." Or Nat Hentoff, who should have known better, having actually set foot in Harlem upon occasion: "As a survivor among the dying and the dead, Brown tells it like it was — and like it still is." So unanimous was this herd of independent Caucasian minds.

"Okay! We've put in free speech, free press, and free assembly; what's next? . . . I know, I know! Free prescription drugs!"

The black writers Albert Murray and Ralph Ellison, both of them a generation older than Brown, both lifelong residents of Harlem, were among the first to suggest that *Manchild* was "a social science fiction," whose credibility, especially to whites (such as those quoted above), depended upon its satisfying stereotypes. I learned in the *Times* obituary that Brown was asked to write his initial memoir by Dr. Ernest Papanek, director of Wiltwyck School for disturbed boys, who placed it in Howe's *Dissent*. Its appearance there prompted an editor at Macmillan to give Brown an advance. The truth of this revelation is that a social scientist persuaded a former charge to provide testimony for those influenced by social science to appreciate, completing a circle enclosing more academic myth than social reality.

Actually reading the book to its very end, I questioned the memoir's authenticity when I got to this remarkable exchange: "Dad would say, 'Boy, why don't you stop that lyin'? You know you didn't see all that. You know you didn't see nobody do that.' But I knew I had." Huh? What is this anecdote doing here — at the very end of *Manchild*, not, say, buried in the middle? Why does Brown have his own authority figure question his narrative at the point where the moral of the story customarily belongs? Charitable perhaps, but sensitive to literary strategies, I have always thought this exchange a stroke of ironic intelligence reflecting Brown's acknowledgment of a confection. (For a similarly undercutting irony, check out the concluding lines of Thorstein Veblen's *Theory of the Leisure Class*, which mocks ornate style similar to that evident in his own book.) Though my paperback copy identifies *Manchild* as "Signet Non-Fiction," I've heard the book categorized as "a novel," the shift in genre-naming reflecting a general insecurity about its truthfulness.

Brown wrote only one other book in his remaining 35 years, *The Children of Ham* (1976). It told about Harlem teenagers who escaped the influence of heroin and were thus representative of his own life as not a jailbird but a survivor. So contrary to stereotype, *Children of Ham* didn't do a fraction as well as *Manchild*. — Richard Kostelanetz

Liberty vs. PATRIOTism

by Chip Pitts and Jennifer Holmes

Patriotism and unity are important in times of crisis, but they should not be a substitute for the democratic process that produces good policy.

Given the unprecedented sense of national vulnerability in the wake of Sept. 11, we undoubtedly need to correct gaps in our security. In so doing, however, we should not needlessly erode civil liberties. The balance between security and liberty now clearly tilts too much in the direction of government control and away from liberty.

Even before the current crisis, our government had garnered extensive new powers to combat terrorism. These powers themselves go too far. With the carnage of the Twin Towers and the Pentagon attacks, the balance between security and liberty now clearly tilts too much in the direction of government control and away from liberty.

The measures enacted in the wake of Sept. 11 are not our nation's first responses to terrorism. In response to the Oklahoma City bombing, 1995's Omnibus Counterterrorism Act and 1996's Antiterrorism and Effective Death Penalty Act became law. The first law granted government the authority to subject suspected terrorists to greater electronic surveillance, including access to telephone, motel, and travel records; to expedite the deportation of aliens even on secret evidence; and to prohibit members of foreign groups designated as terrorist organizations from raising funds in the United States. The second law allows the United States to prevent presumed terrorists from entering the country and gives the government the power to deport aliens with ties to terrorist groups. People who contribute to or raise funds for suspected terrorist groups can also be prosecuted.

After the attacks of Sept. 11, Congress passed the "USA PATRIOT" Act. The USA PATRIOT Act was rushed through Congress with unseemly haste, and admittedly wasn't read by most members of Congress. The haste was facilitated by including provisions that had been on law enforcement and intelligence "wish lists" for many years but which had been resisted in the more deliberative pre-Sept. 11 environment. The cute acronym stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," but it would be more accurate if the "A" stood for "Alarming" rather than "Appropriate."

The law includes some much-needed updates to take into account modern technology (such as resources to enhance shared databases for border enforcement, and providing for a personal wiretap order so that terrorists cannot circumvent the order by using varied or even disposable mobile phones).

But it also includes several provisions that appear to be clearly unconstitutional and a violation of our nation's human rights treaty obligations. Among these are the new requirements that:

- allow government to access personal consumer credit, health, or other data from businesses maintaining such data, and student data from universities (all without proving any crime);
- expand government ability to monitor your email and

Internet habits without your knowledge;

• allow government to search your house or premises without the warrant or probable cause traditionally required by the Fourth Amendment, without even needing to notify you in advance;

• expand government's ability to detain indefinitely and deport aliens by lowering the standard to mere "reason to believe" that the alien has engaged in "any activity that endangers national security";

• explicitly allow indefinite detention or deportation on mere "association" with any organization that ever used weapons (Would the Daughters of the American Revolution qualify? Surely contributions to peaceful branches of the African National Congress, or the political branch of the IRA, would.);

• diminish the key distinction, built up over years, between domestic law enforcement (traditionally subject to a higher standard) and foreign intelligence gathering (traditionally a lower standard), effectively putting the CIA back in the domestic surveillance business;

The anti-terrorist laws invert the presumption of innocence that is at the heart of our criminal justice system.

• in general, increase government discretion to act without the "individualized suspicion" usually required as a constitutional minimum.

Why should law-abiding citizens fear these laws? Recent history demonstrates the danger in expanding the FBI's power without proper oversight. Beginning in the 1950s, the FBI counterintelligence group, Cointelpro, actively investigated and infiltrated "seditious" groups. The vast intelligence operation was generally aimed at the left, targeting the Socialist Workers Party, the Black Panthers, anti-war activists, civil rights groups, and women's liberation groups in the 1960s. In addition, the FBI admitted that in the 1970s it wiretapped federal offices, members of Congress, their aides, and journalists. The agency used unapproved wiretaps, made illegal break-ins, and infiltrated suspected groups. In the 1980s, the FBI actively investigated the Committee in Solidarity with the People of El Salvador (CISPES), which opposed U.S. military aid to El Salvador. The group did not fund leftist guerrillas in El Salvador and was not active in terrorist activities in the United States. Its only "crime" was to oppose U.S. policy. The FBI used surveillance, informants, undercover operatives, and extensive gathering of bank records, trash, telephone records, and more, creating files on almost 2,400 citizens. More groups that support unpopular policies are likely to be targeted.

Unfortunately, suspected groups are not merely scrutinized. The government attacked the Black Panthers and the Symbionese Liberation Army. At the infamous Ruby Ridge siege, the FBI approved rules of engagement allowing the use of lethal force, without warning, against any armed individual. Normally, there must be imminent mortal danger before deadly force can be used. These are examples of an overzealous agency, or, at least, overzealous agents within the agency without sufficient oversight.

What about non-citizens? The president's executive order of Nov. 13 regarding military tribunals and detention is very broad and vague, applying to *any* non-U.S. citizen — not even limiting it to those fighting against us. Under this executive order, non-citizens would not be treated with the same rights and liberties as citizens. Yet according to long-standing constitutional law precedent, alienage is a "suspect class" justifying enhanced ("strict") scrutiny of discriminatory laws affecting this vulnerable group. In the words of U.S. Supreme Court Justice Hugo Black, "classifications based on alienage, like those of race or ethnicity, are inherently suspect." Moreover, the definition of terrorism leaves to presidential discretion who is subject to this executive order. The net is cast wide: Non-citizens whom the president has "reason to believe" are members of al Qaeda, or engage in, conspire for, or prepare for "acts of international terrorism" are subject to detention and military trial. This broad definition can be stretched to include resident aliens who exercise political speech in a purely peaceful, humanitarian way. For example, an Irish-American permanent resident who contributes to a fund for the widows and orphans of those killed in Belfast, or a Muslim permanent resident who contributes to a Palestinian relief fund, could be covered by the order.

The executive order exemplifies the problem that "terrorism" is a nebulous term that can be easily abused. Different agencies of the United States government can't even agree on a definition. Terrorism is an inherently political term, because it can be subjectively interpreted by those in power to support their own purposes. It is often difficult to distinguish between a terrorist group and a legitimate national liberation movement, especially among those in the establishment. Governing elites have easy resort to the terrorist label to justify the status quo. This definitional ambiguity poses a particular problem in that the 1996 Antiterrorism and Effective Death Penalty Act allows the secretary of state and attorney general to designate which groups are terrorist and to restrict their fundraising and other activities. The word "terrorism" in other words, can clearly be politically manipulated.

The dismal reality is that none of these new measures would have prevented the attacks on Sept. 11.

The problem is that, in moving toward a national security state, we're moving toward a Kafkaesque universe in which the mere suspicion that someone may be a terrorist means that he is then presumed to be one and is treated like one. This inverts the presumption of innocence that is at the heart of our criminal justice system. Though most of us are unlikely to be subject to this prejudicial treatment, many — or any — of us could be. Even in peaceful times, the definition of terrorism is political, problematic, and open to abuse. In times of national crisis, this definitional problem com-

continued on page 61

The Trouble with Darwin

by Gordon Tullock

The most remarkable characteristic of Charles Darwin's theory of evolution is how poorly it fits the data. Yet it is accepted as scientific fact.

At the age of twelve I became an atheist and have remained so ever since. I say this in order to make it clear I'm not a creationist. Indeed, if I were looking for a religious account of the origin of the world I think I would turn to the earliest such accounts in Mesopotamia and Egypt on the grounds that they are closer to the origins and hence more likely to be accurate. Genesis, although accepted by the Jews, the Christians, Islam, and the Mormons, is at least 1,000 years younger than the Mesopotamian and Egyptian tales. Indeed, part of the book of Genesis is lifted from Mesopotamian legends.*

This paper is an attack on the work of Darwin and the synthesis of the 1930s but it does not provide a replacement. Obviously, I think a replacement is highly desirable, but I have only wild speculations. One purpose of the paper is to stimulate thought in hopes that a new and better theory will be designed. I should say, however, I'm not alone in my discontent. A Nobel Prize recipient in the appropriate sciences, (Crick)** and a man knighted for scientific achievements, (Hoyle)‡ albeit in astronomy, not biology, have written strong attacks on the current theory.

I will turn to them in due course, but first let me explain the problem which makes me and them dislike the current theoretical position. The problem is that instead of a steady change with species being gradually replaced there are severe gaps in the fossil record; indeed, there are only gaps. Darwin was fully aware of this and he said that the fossil record was incomplete, which it was, and that there would be much more digging, which there was, and this would change the picture to one of continuous evolution. Unfortunately, this last has not happened. If anything the process has been in reverse.

Lee Berger, a man who has devoted his life to straightening out the history of the human species, says, "In fact the more fossils come to light, the less our family tree appears as a magnificently tall Redwood with well-defined branches thrusting toward the pinnacle of human achievement. Rather it resembles a scraggly thorn bush whose spiked and twisted interwoven limbs would be hazardous to unravel." ‡‡

The same thing has happened with other animal groups. When I studied biology in high school long ago, the textbook had a diagram showing the development of the modern horse. In essence it showed the main trunk of a tree with various species from eohippus to the modern horse arranged more or less vertically. Today, textbooks show either a bush or tree with many branches and the various species on the ends of these branches. The direct ancestors of the horse or the previous species are not shown because modern biologists have improved their knowledge of the various species. Far more fossils are now available, and paleontologists now realize that

*See *The Archives of Ebla*, by Giovanni Pettinato with an afterword by Mitchell Dahood, S.J., Doubleday, 1981. The afterword is a careful survey of similarities between the Old Testament and earlier Middle Eastern writings.

***The Astonishing Hypothesis*, by Francis Crick, Simon & Schuster, 1995.

‡*Evolution From Space: A Theory of Cosmic Creationism*, by Sir Fred Hoyle and N.C. Wickramasinghe, Simon & Schuster, 1981.

‡‡*In the Footsteps of Eve*, by Lee R. Berger with Brett Hilton-Barber, Adventure Press, 2000, p. 18. See also p. 67.

the earlier ones are not direct ancestors of the more recent ones. They are cousins rather than grandparents. Evolution may have been continuous with many intermediate types simply not having been preserved, but to believe this is a matter of faith, not science.

To return again to my far distant education, mutations and their effect on evolution were discussed in essentially a gradual, continuous model. Some individual member of a species would have a mutation. As was pointed out, the overwhelming majority of such significant mutations were not improvements. Occasionally however an advantageous mutation would occur and the individual would pass it on to its descendants. In addition, not all members of a species have exactly the same genes. The vast number of radically different dogs, which has been produced by selective breeding, illustrates that. Still, the range of variation that can be obtained without mutation is limited. No breeder has produced a cat out of canine parents.*

Darwin said that the fossil record was incomplete and that there would be much more digging and this would change the picture to one of continuous evolution. If anything, the process has been in reverse.

To further simplify the simple Darwinian-Mendelian model, after a mutation, the product, if viable, would not only preserve that mutation but also occasionally have other mutations. Further, that particular mutation might match well with variants already in the gene pool. These descendants in turn would have mutations, most of which would be disadvantageous, but some of which would be advantageous and lead to further changes. In time the original species would be replaced by an improved variant, which, since it was improved, could either out-compete the original model or occupy a special niche alongside the original species. The change, however, would have been a gradual consequence of many small changes, which ended up as a large total change.

Although Darwin did not know about mutations or Mendel's work, the synthesis of the 1930s created an apparently rigorous model, which had the same result. It also called for gradual change through the accumulation of small changes. Unfortunately, this also fails to account for the extreme dominance of gaps in the fossil record. Punctuated equilibrium, which I will discuss shortly, is an attempt to do that. It is, of course, possible that the gaps will eventually be filled by more digging. Certainly the number of fossils which have been dug up is but a small fraction of the total number existing in various parts of the earth. Still, it seems unlikely that we would not have many cases of gradual development in various species from the fossils we have now if the gradual change model fit reality.

Darwin pointed out the immense changes that selective breeding has made in domesticated species. But these changes have not originated a new species. In my college biology class it was pointed out that a Great Dane could not mate with a Chihuahua. Nevertheless we do not consider them separate species. Perhaps some of the modern engineered strains have changed enough so that we would consider them separate species from their ancestors. Perhaps, but I doubt it.

Now, of course, we can make genuine changes by adjusting the DNA. It doesn't seem likely that we could, even in the future, produce a new species by changing one or even a few genes. The change would have to be more radical. Altogether, the gradual change model in its conventional form doesn't seem adequate, and we need something new. Perhaps one of my readers will provide it.

For now, however: consider the cats. To a layman they seem to differ mainly in size. The lion looks very much like a large cat. Specialists recognize many more subtle differences both in structure and behavior. But the similarities are astonishingly great, and cats are all believed to be closely related and descended from some ancient common ancestor.

Nevertheless, they are separate species and there are no gradual transitions from one to another. A lion and a leopard are both carnivores although their behavior patterns are quite different. Most biologists do not ask why we do not find intermediate individuals. This does not represent a lack of curiosity, but knowledge of the reason why there are none. Each member of the cat family occupies a separate niche, and apparently there are no niches intermediate between the one occupied by the lion and the one occupied by the leopard.

But this raises the basic question about evolution. If a leopard had a mutation which changed one of its genes to the corresponding gene of a lion, this would move it out of its niche and make it less fit to survive. We do not know how many genes differ between the leopard and a lion. Until this point has been straightened out I will assume that there are 20. I do not have any idea whether this is even approximately correct, but some number is necessary for the next few paragraphs.

The account in Genesis is easy to poke fun at, but the account of modern biology depends to a considerable extent on faith also.

Once the first mutation had occurred there could be more mutations, but there's no reason to believe that mutations of this sort would be commoner than in any other leopard. Further, there is no reason to believe that these further mutations would be in the direction of making a lion. The process of mutation is generally thought to be random, with the selection among mutations being imposed by the environment. Since we observe no gaps between the lion and the leopard, it seems likely that there is no available niche between the ones occupied by the existing species. Any mutation that worked to change the lion-leopard situation would be anti-evolutionary and would probably be selected out.

The illustration on this page is an attempt to show these niches graphically. Each peak is a particular niche and the lines surrounding it are intended to be about one mutation

*I will here and later in the paper ignore the complications involved in sexual transmission. This is not because I believe they are unimportant, but because discussing them would not fundamentally change the reasoning and would involve a good deal of extra verbiage.

apart, with the fitness of the niche declining as you move away from the peak. The line connecting the two peaks is intended to show how difficult it would be for a series of mutations to change one species into another. This particular line is a simplification of what we might find if a super-skilled human breeder were making a deliberate effort to get from one species to another, say, a lion to a leopard. Natural transmission would not involve such a steadily directed chain of mutations. Nor could it aid getting through the valley between the two peaks.

Note also that there is another peak in the figure, which is another niche. This niche is unoccupied. We know that there are such unoccupied favorable niches because from time to time a species is brought in from some distant place and flourishes. If a particular individual gene were able to persist even though it offered nothing in the way of improved survival, the individuals who had it would be subject to further mutation. These mutations would essentially be random, but occasionally one would lead further toward another peak. This moves its possessor even further down the mountain from its original peak. It should therefore lead to even lower fitness. Only after perhaps ten mutations in that direction would further mutations, if they were lucky, lead to the second peak. Granted the fact that all mutations are essentially random, such transition seems impossible and, of course, we do not see it.*

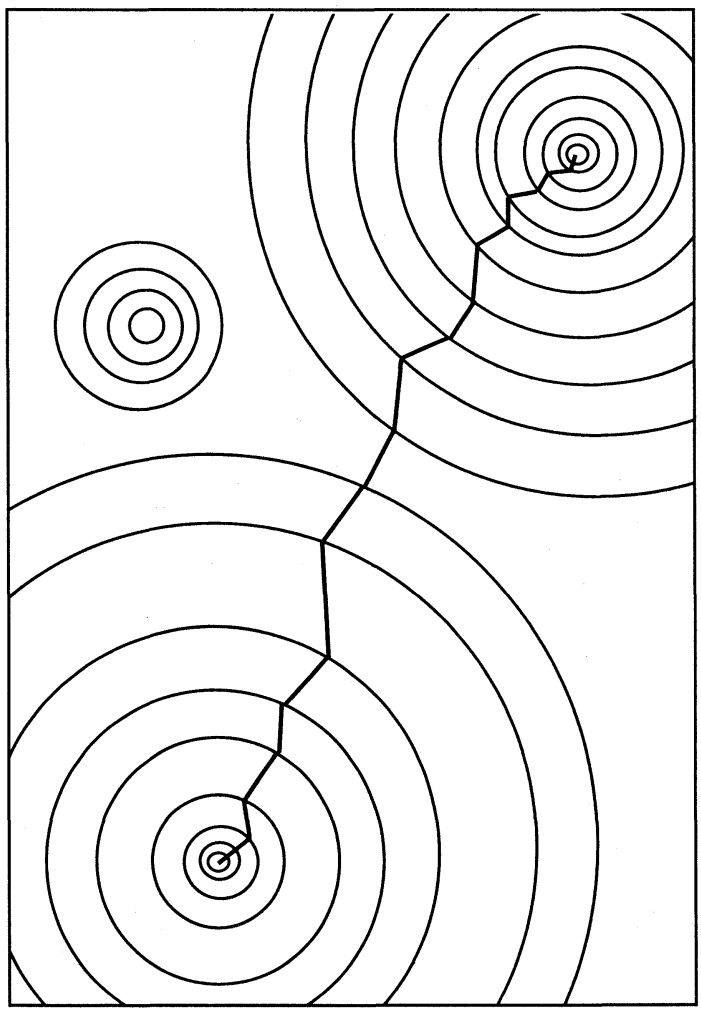

This is a problem that Darwin thought would be solved by further digging. It hasn't been solved. Among the general relatives of your pet cat there is the sabertooth tiger. Except for its very large canine teeth, to the layman it appears very much like a modern tiger. Since paleontologists frequently explain its extinction on the grounds that it was stupid, I presume that its brain case was relatively small. Interestingly, it lasted on the American continents much longer than on the Eurasian landmass. Presumably the competition was less severe in America. Anyway, it overlapped humans on our continent and lived long enough to be trapped in the tar pits of La Brea.

*Dawkins in *River Out of Eden* says, "Unlike human designers, natural selection can't go downhill — not even if there is a tempting higher hill on the other side of the valley." Basic Books, 1995, p. 79.

But to repeat Darwin's question, Why do we not have a continuing series of skulls with gradually shortening canines? The fossils simply move from the sabertooth tiger to the more modern tiger in one step. This raises Darwin's question in a particularly vigorous way. I should say that it is as hard to answer that question by using the intelligent designer theory associated with William Paley and some moderns as by using Darwin's theory. If there were an intelligent designer, why would he produce the sabertooth at all? Why not go directly to the modern tiger?

The orthodox answer to this problem is that creation did move gradually, but the intermediate species have not yet been dug up. This rather fits my figure, since species in the valley between the two peaks would have low survival ability; hence not many would be in existence at any time; hence few skeletons would be available. This assumes that the valley is the right depth to make survival difficult but not impossible. Since we have no measurements or even any way of making measurements I cannot say this is impossible, but it certainly seems unlikely.

I should, perhaps, pause here and turn to the public debate on the subject. The professional biologists normally desire that people on the other side, mainly but not entirely believers in the book of Genesis, be prevented from teaching their doctrine even in the form of a debate. I think this is motivated by the type of questions raised above. The account in Genesis is easy to poke fun at, but the account of modern biology depends to a considerable extent on faith also. The gaps in the evolutionary record are real and sizable. To feel that they will eventually be solved, as I do, is a matter of faith, not science. I think this particular belief comes closer to science than the book of Genesis, but nevertheless my belief is not science.

Paley, an 18th-century doctor of divinity, used a rather similar argument to imply the existence of an intelligent designer. He, being a minister, had no doubt about who that intelligent designer was. Belief in an intelligent designer does not entail belief in the literal details of the creation account in Genesis. St. Augustine said that the early books of the Bible were written so that the simple people of those times could follow them and the more sophisticated people of the fifth century A.D. could put more sophisticated interpretations on

the language.* Presumably, we are even more sophisticated and hence can deviate even further from the literal words of the Bible while still remaining Christians, Jews, Muslims, or Mormons.

Unfortunately, I do not believe in the intelligent designer, certainly not the God who purportedly wrote the Bible. Thus I am more or less barred from Paley's answer. As we will see below there are other people with excellent scientific credentials who are not believing Christians but who nevertheless believe in an intelligent designer. In all the cases I know of, and that is few, this intelligent designer is a civilization on some planet circling a far distant star.**

But let us look at Paley's argument which is simple and convincing. He points out that if you stumbled on a watch while walking through a field, you would not feel that it was an accidental, and more complicated than the usual rock. You would see in it obvious evidence of design. This is, of course, true. He then goes on to say that because the human eye shows exactly the same evidence of intelligent design, it could not have originated by chance.

Step-by-step, mutation-by-mutation change would at first disadvantage the entity, and this would be so even if a long chain of such mutations were likely to benefit it.

Dawkins took up the challenge and in *Climbing Mount Improbable*‡ explained how a very large number of very small steps could move toward the human eye. Further, he argued that each of the steps would have evolutionary value. In other words, in our figure we started in the valley and went up.

But even in respect to his simplified model, it's not obvious that Dawkins is right. If there were one light-sensitive cell on the outside of some animal, it is not at all obvious that having two would be much advantage. Dawkins jumps from one cell to a discussion of how a small colony of such cells might form a pocket and hence be on the first step toward an eye. Since the purpose is to get some idea of the direction of a light source, a bulge would seem to be equally likely. But the movement from one light cell to a cluster is more difficult evolutionarily than having a cluster form a pocket or bulge.

There is, however, a more serious problem. A cluster of light-sensitive cells on the outside of some animal would simply be a handicap unless it were connected to other parts of the animal in such a way that the animal responded to light sources in an evolutionarily desirable way. If we just had a number of light cells, they would necessarily reduce the fitness of the animal unless further changes to collect the information, process it, and take action were made. In other words, the development of a number of light-sensitive cells, or for that matter one cell, would actually be moving its bearer down into the valley of our diagram until the development of further apparatus would move it up toward another peak.

A step-by-step, mutation-by-mutation change would at first disadvantage the entity, and this would be so even if a long chain of such mutations were likely to benefit it. Although most biologists don't talk about this matter, it has worried a number of leading scientists. In 1954, Ernst Mayr "proposed that a peripherally isolated founder population could undertake a considerable ecological shift and genetic restructuring and become the ideal starting point for a new lineage."‡‡ Originally this was referred to as the "hopeful monster," but that terminology is now passé.

Normally today it is called "punctuated equilibrium" and credit for developing Mayr's idea goes to Niles Eldridge and Steven Jay Gould. We may, however, just as well start with the hopeful monster and then take up punctuated equilibrium later. Both of these ideas are occasionally mentioned in the biological literature but in a rather sketchy fashion. Since I am not a professional biologist I may have missed a more elaborate account, but the reader will, I hope, excuse me if I proceed with my best understanding of the matter.

Any niche may have in its outskirts small areas, which are partially cut off from the main niche. Strictly speaking the small areas should be thought of as pockets in the multidimensional niche space, but it's easier to think of this matter if we confine it to a real, but simplified model, the Galapagos Island archipelago. Consider the finches that Darwin found there and collected. Clearly the finch on the South American continent was the origin of these other tiny species found only on different islands. What had happened is fairly obvious. The islands are far off the mainland and finches normally do not spend much time over the open sea. Some of them, however, by accident reached the Galapagos and settled down.

Ptolemy worked out a theory of the solar system that was in complete accord with the facts as then known, and remained in accord with the facts discovered in the next 1,200 years. Today we look back at his work as intellectually a great achievement but also as wrong.

In each case the particular finches that arrived would be a small sample of the mainland finches and hence would not bring with them all the varying genes found in the whole species. Each one was an accidental example of selective breeding. Further, the environment of each island was different from the others and quite radically different from the mainland. Under the circumstances, mutations that would not be viable on the mainland might be preserved on an individual island. Further mutations could then take place, and eventually a separate species viable on that island, with its reduced competitive pressure and different environment, might

*Galileo quoted St. Augustine before the Inquisition, but the Inquisitors did not accept this defense.

**The most intriguing example of this intelligent designer I read about long ago in a science fiction short story titled "The Hobbyist." My research assistant has not been able to track this down, so I cannot give the citation.

‡Norton, New York, 1996.

‡‡"Change of Genetic Environment and Evolution" in J. Huxley, Hardy, and Ford, eds. *Evolution as a Process*, Allen and Unwin, 1954, pp. 157–180.

develop.

Eventually a breeding pair of such a species might return to the mainland. Probably they would not be able to compete and would be eliminated. One can readily imagine that at least occasionally one of these small, semi-detached environments might produce not only different but also improved species, which could then successfully invade the mainland. These true breeding strains would be the hopeful monsters. When they first began to mutate they became less fit and hence were the monsters, but with further mutations some might become a new and successful species. Using our diagram — in their isolated island they got through a series of mutations, which would have been deep in the valley. If they were still on the mainland they would have been eliminated in the valley stage.

Clearly this could happen, but note its high improbability. Only if there were very many of these small pockets semi-detached from the main environment and in at least one of them the right set of mutations occurred in the right order and then the semi-detachment dissolved, can the theory explain evolutionary progress. Further, the new creatures would have to be at least viable, if not optimal, on the island and markedly better than the native stock on the mainland. The theory, if true, provides an explanation of why there are few intermediate fossils, but it does not explain why there are none. Assume that the deviant species were only one percent or even one-tenth of one percent as common as the main species. We would find relatively few fossils but, given the total number of fossils we have, we should have at least some of these.

Why do we not have a continuing series of skulls with gradually shortening canines? The fossils simply move from the sabertooth tiger to the more modern tiger in one step.

The other problem is the probability or improbability of the process. To make it work, one would need tens of thousands of small environments at least one of which had the fortunate chain of mutations. Calculating the probabilities puts you up in more or less astronomical numbers; hence if we thought of this as occurring at a particular time, we would regard it as functionally impossible. On the other hand, if we consider the fact that many of the finch species on the mainland have existed for millions of years and the hopeful monster could have developed at any time, the improbability becomes less. It might be a very small chance during any one century, but we have many centuries and that might, emphasize might, make up for the otherwise very low estimate about the likelihood of this happening.

Let us go to punctuated equilibrium, which in a way is merely a generalization of the original idea by Mayr and has received more publicity than the hopeful monsters. It apparently is disbelieved by most biologists, but ideas normally start with minorities, and this theory may be correct. I don't think it is, but it is at least possible.

The existence of species unchanged for very long periods of time is the equilibrium of the Eldridge-Gould theory. The punctuation is the sudden radical change. What brings on this sudden radical change is not very clear. It might be a radical change such as the earth being hit by a comet. Many biologists think that such a change did occur at least once, and got rid of the dinosaurs. There is also speculation about other mass impacts at various times. Normally, however, changes in one particular species are not highly correlated in time with those in many other species, which would rule this particular mechanism out as an agency of evolution.

Suppose then that one particular finch which developed on Darwin's islands returned to the mainland and replaced the original finch species. The replacement might take a rather short period of time, geologically speaking. Thus if this sequence of events occurred, we would have an example of punctuated equilibrium. In collecting fossils we might or might not find an example of the intermediate stage. If the replacement was fast, and it might be, intermediate stage fossils would be rare. But note that to say they would be rare does not mean they would be totally nonexistent, which is the present situation.

The theory does, however, explain the almost complete absence of any fossils from the intermediate zone between long periods in which there is little change. Gould is an expert on snails and has found areas where tens of thousands of years of sediment have accumulated with exactly the same snails in each level. He has not found a lot of clear-cut cases in which a fairly radical change occurs in the same part of the deposit as the long period of stability.

Obviously this sort of thing could happen. But to put the main emphasis in evolution on obviously rare and very special phenomena seems unwise. Consider the necessary conditions: small special environments for which access from the main environment is possible but restricted, coupled with the special environments different enough to exert evolutionary pressure but not different enough to make the product nonviable in the main environment. To repeat: This is obviously possible but doesn't seem likely as a mass phenomenon. I think the reason that the hypothesis has been accepted by biologists is that they simply have no other explanation. It's not a good explanation, but it is possible to believe and a poor explanation is better than none. Still, if the only explanation that has been invented is poor, this is an argument for searching for another explanation.

Medicine is part of biology and there are two famous examples of the acceptance of unlikely theories in medicine simply because doctors couldn't think of another. The first of these is the general theory of "humors" which dominated Western medicine for almost 2,000 years. If you had criticized this theory to a 16th century doctor, he would've asked you for another theory and in the 16th-century you could not have answered. Fortunately, not everyone was satisfied and eventually the search led to a solution. Most of us would not be alive today if the new theory had not been developed.

The second false theory is Freudianism. For a considerable period of time this was the only theory of mental disease. Interestingly, although it is no longer much believed, it has not been replaced as a theory. We have discovered a number of drugs which suppress symptoms of mental disease although we don't really know why. Still, it is better to be without a theory than to believe firmly in the false theory.

I am, in essence, saying that we should be looking for a

new theory of evolution. I believe that the only reason for the present acceptance of punctuated equilibrium, in so far as it is accepted, is simply the absence of a better theory. I suggest that in this case a search is desirable and that the existence of a false theory, together with widespread acceptance of it, makes such searches feeble and unlikely to reach a conclusion.

Let us now go to the intelligent-designer theorists. A popular representative of them is Michael Behe* who is rather conventional in that he believes that the intelligent designer was God. I should immediately explain that he does not believe the book of Genesis is literally correct in all its details. He doesn't mention St. Augustine and his view that the early parts of the Bible were not literally true. He may in fact never have heard of him. He does, however, believe that the fundamental design of cells and single-cell animals cannot be explained by evolution. He is apparently willing to accept that evolution works at least sometimes at higher levels.

The only reason for the present acceptance of punctuated equilibrium, in so far as it is accepted, is simply the absence of a better theory.

To interject a bit of my personal history, when I was studying law at the University of Chicago, all students of the law school were required to take a famous course taught by the president of the university, Robert Hutchins, and his intellectual sidekick Mortimer Adler. This was mainly a course in philosophy of species, a subject on which both of them were experts, but it also dealt with evolution. They argued that while Darwin could explain most species changes, there were certain radical changes, one of which was the origin of humans, which required divine intervention. I was not converted and fortunately the final exam did not contain a question on this particular part of the course. I believe however that this view was quite widely held among philosophers of a religious inclination. Thus Behe is in good intellectual company in believing in evolution in some cases and not others.

His argument however is rather above my head. He deals with the internal functioning of single cells, a subject on which he, a distinguished expert on single-cell animals, can easily lose non-experts. His argument deals with the internal functioning of these tiny organisms and I found it convincing, but I doubt my judgment in this field. One point he made, however, I thought was very strong. He said there was no evolutionary explanation of the development of these single-cell animals. Indeed, he devotes considerable space to discussing places where such explanation would be expected and pointing out its absence. For example the *Journal of Molecular Evolution*** doesn't really offer any explanation although there are many articles whose titles rather suggest such an explanation. Mayr himself says that cellular biology is almost entirely descriptive. But the reader must go to Behe for a complete discussion. I have already admitted that he is rather above my head.

Behe's exploration of life on the micro level has at least the function of reminding us of a subject generally neglected by the evolutionary literature. I should like here to point out another defect in the evolutionary literature. Surely the single-cell living entities must have developed from yet simpler organisms. This would turn us to viruses. I've never seen an evolutionary account of the development of the cell from these simpler organisms. Indeed almost all of them, which we know about, are parasites on larger species. They make use of the cell machinery of larger animals to produce their descendants. So far as we know there are no totally free-living examples. A distinguished biologist in a letter to me said: "The history of what happened before the bacterial celled stage is a mystery that would be solved if earlier branches of the tree were known." That is, of course, true. All mysteries would be solved if the answers were known.

That absence of free-living examples loses importance when we realize that almost all of them were discovered because they cause diseases in larger organisms. Thus the evolutionary history of life begins with the single-cell entities. We can feel confident that if evolution is correct, small or less elaborate entities preceded the cells. But this is a gap, a blank space, in our knowledge of life. It is sometimes argued that at this level the things which we can see with an electron microscope are not really life. Still, they must have preceded the living cells. Perhaps, although those that now exist are parasites, the free-living ones, which preceded the cells, were destroyed by the cells or abandoned free life and became parasites.

The theory of distant origin does not solve the basic problem of the origin of life itself. It would presumably be as hard for life to start on another planet as on earth.

It is however a logical necessity that things simpler than the cell gave birth to the cell — if we believe in evolution. For a good discussion of the possible origin of subcellular life, see *The Problems of Biology*, by John Maynard Smith, Chapter 10.‡ To be honest, I don't find it very convincing and I suspect that neither does Maynard Smith. It is a difficult problem and the initial start on it is, not surprisingly, less than fully convincing. With time we may have a better solution.

There are, however, other possibilities of non-supernatural development. Hoyle and Wickramasinghe‡‡ and Crick§ seriously consider the prospect of extra-solar influence from some higher civilization elsewhere in the universe. Unfortunately both of these two sources handicap themselves by assuming that certain scientific verities of today are certain to be still believed in the far distant future.

In Alexandria a brilliant scientist named Ptolemy worked out a complete theory of the solar system and indeed of the universe. This theory was in complete accord with the facts as

Darwins's Black Box: The Biochemical Challenge to Evolution, by Michael J. Behe, Touchstone, 1998.

**Behe, pp. 173–179.

‡Oxford University Press, 1986.

‡‡*Lifecloud*, 1978, J.M. Dent. See also *The Intelligent Universe*, by Fred Hoyle, Michael Joseph, 1983.

§*The Astonishing Hypothesis*, Simon & Schuster, 1995.

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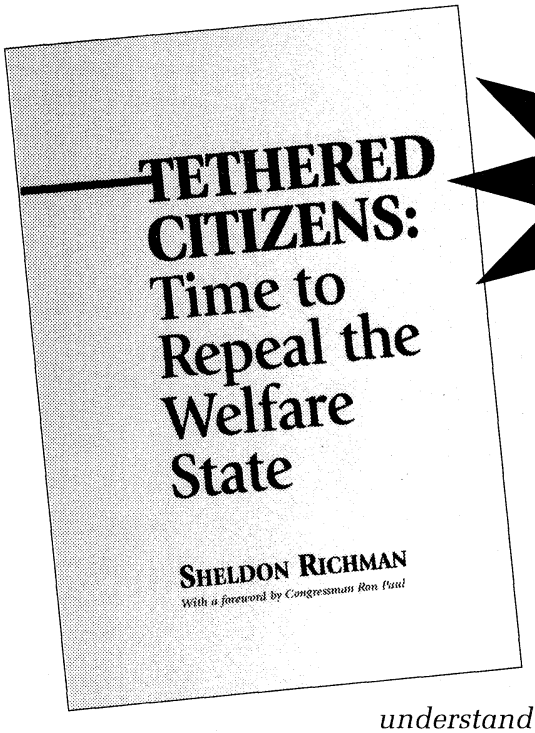

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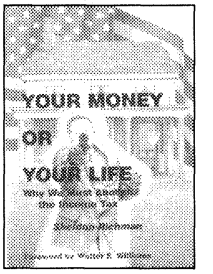

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then known, and remained in accord with the facts discovered in the next 1,200 years. Today we look back at his work as intellectually a great achievement, but also as wrong.

Today we have another theory developed by an equally intelligent scientist, Einstein, which tells us that it is impossible to have anything move at a speed higher than that of light. Believers that this theory is permanently true have to believe that any interstellar communication would take remarkably long periods of time. That some other civilization could exceed the speed of light would appear as impossible to most scientists as a proposal to transmit messages faster than the Imperial Persian post would have seemed to Ptolemy.

Somewhat amusingly, the July, 2000 issue of *Scientific American* devotes three articles, with illustrations, to the possibility of interstellar communication, with the implicit assumption that other civilizations would use radio. They have a table showing in which parts of universe the SETI investigation tried but failed to detect radio signals. Other civilizations more than 100 years younger than ours or perhaps 2,000 years older could exist and would not have been detected.

When this article was nearing completion, however, I saw on the front page of the *Washington Post** an article reporting that scientists had made light go much faster than the speed of light. This in a way was a grammatical error, but the meaning was clear. Einstein's maximum speed, which was light in vacuum, had been greatly exceeded by light passing through a carefully doctored vapor. The particular method has no significant application to long-distance communication, but give the scientists time and the interstellar spaceships of science fiction may well be with us in the future.

The cases of interstellar guidance of evolution suggested by Hitch, Hoyle, and Wickramasinghe depend on an implicit theory that other civilizations in the universe are not much ahead of us. This may be true, but it may also be false. The elaborate SETI project for detecting other civilizations depends on the assumption that they are not very much behind or very much ahead of our civilization. This is rarely made explicit. Our scientists seem as convinced of the permanent truth of Einstein's work as Ptolemy was of his.

It may not be entirely impossible, however, that somewhere in the universe there is another civilization which is engaging in transmitting very simple life, perhaps cells or even something simpler. It has been demonstrated that some cells are capable of surviving in the high-radiation environment of nuclear reactors and hence radiation would not necessarily kill cells in empty space. Cells apparently can remain viable even when frozen in Antarctic ice sheets. Cells might be able to drift through space and eventually reach earth.

Life on our planet might be either an accidental byproduct of life somewhere else, or the result of a deliberate seeding of the universe. Some meteorites contain simple organic chemicals. To say they are organic does not imply that they come from life, but only that chemists would classify them as organic. Still this does show some feeble evidence that space transmission would be possible.

But why would some civilization do this? If the cells are simply drifting in space they must have started long, long ago. Thus the civilization that sent them must be millions of years older than ours. It should then be much more advanced than we or have finally exceeded the life span of civilizations, if such a thing exists. In any event, it's hard to think of a motive for this activity. The radically different civilization might have radically different thought patterns than we do and hence we cannot expect to understand it.

The theory of distant origin does not, however, solve the basic problem of the origin of life itself. It would presumably be as hard for life to start on another planet as on earth. Of course, even if the origin of life is very, very, very improbable, there might still be enough planets to allow it to take place on one or a few, supposing that there are, in fact, many, many planets close enough to earth. Since we have no real theory, only speculations as to the origin of life, this explanation cannot be ruled out. Indeed, Hitch's speculation of tiny containers, in essence small spaceships, being deliberately sent out with a suitable set of organisms to start life cannot be ruled impossible, but I doubt that many of my readers will regard it as even remotely probable.

If there is continuous intervention, however, then one of the traditional questions about extra-earth civilizations is particularly relevant. "If an advanced civilization with space travel exists, why isn't it here?" Of course, we cannot say for certain that some advanced civilization has not been visiting us from time to time. Almost all religions report supernatural phenomenon which might simply be the view taken by primitive people of the behavior of scientifically more advanced people. Primitive people, when brought into contact with modern civilization, frequently are convinced that they are seeing miracles. Perhaps the innumerable religious accounts of miracles in the past reflect the same phenomenon. Perhaps, but I doubt it.

This whole article deals with a problem which we have not solved, and it seems to me we should try to solve. The solutions I've listed above seem to me unlikely. If they seem unlikely to the reader, I suggest he try his own. ❑

Interestingly, although Freudianism is no longer much believed, it has not been replaced as a theory. Still, it is better to be without a theory than to believe firmly in the false theory.

*July 20, 2000.

"The snake told me about them — they're called 'jammies.'"

Proposal

Libertarians, Conservatives, and the Religious Right

by Joseph Bast

Evangelicals and libertarians are natural, if unlikely, allies.

Conservatives, libertarians, and the religious right don't like to work together. The three groups often pull in different directions, driven by disagreements that run deep in philosophy and history. The doctrinal disputes get little attention in the press, and very few people can tell a conservative from a libertarian or a member of the religious right, much less grasp the finer distinctions that set apart Objectivists, paleoconservatives, and neoconservatives.

Not all libertarians eschew working with the right toward shared goals. I have been involved for several years with a group called the Chicago Conservative Coalition, an activist group that involves both libertarians and conservatives. We've tried to make this involvement less stressful by spelling out common ground and posting warning signs around areas of irreparable disagreement. The principal lesson we've learned is that understanding how libertarians disagree with "other conservatives" is the key to avoiding the falling out that left-liberal critics of conservatism and libertarianism hope for and often predict.

Why Should We Play With Them?

Some libertarians oppose working closely with conservatives, who (they say) enter politics with no principles and with the baggage of anti-liberal views on social issues. "Conservative" heroes such as Bill Bennett and Newt Gingrich are unreconstructed drug warriors: How can libertarians count them as allies? Conservatives (they say) have no more respect for individual freedom and limited government than do liberals.

Some conservatives return the favor by trying to kick libertarians out of the conservative "big tent." Libertarians (they say) are mouthpieces for a corporate capitalism that has almost destroyed traditional communities, small businesses, and the traditional family. Libertarians can be counted on to defend the "right" to smoke pot and make an easy buck, but (they say) have no more respect for the traditions and values required for the survival of a free society than do liberals.

The religious right's critique of drug-using, abortion-tolerant libertarians is, well, even more harsh.

And yet . . . by working together, conservatives, libertarians, and the religious right brought about the election of Ronald Reagan, the collapse of the Soviet Union, the fall of the Berlin Wall, the end of "the era of big government," repeal of the federal welfare entitlement, the global spread of capitalism, the defeat of Al Gore, and the increasing isolation of socialist tyranny in a dwindling number of countries.

This coalition was responsible for government spending, as a percent of national income, falling from 41% in 1992 to under 35% in 2001, back to about the same level it was in 1970. (Prior to the "War on Terrorism," government spending was projected to fall further to 32% by 2006.*

By working together, the three groups that make up the "conservative movement" changed the world. Keeping the

*These estimates are from Peter Brimelow's Nov. 12, 2001, *Forbes* article titled "Grab Redux?"

coalition together, though, requires that we know a little more about our allies, and think carefully about how we explain ourselves and our objectives to them.

What's a Conservative?

Friedrich Hayek ended his 1970 classic *The Constitution of Liberty* with a postscript titled "Why I Am Not a Conservative." In it, he observed that those who cherish freedom "find themselves much of the time on the same side as those who habitually resist change. In matters of current policies today they generally have little choice but to support the conservative parties."

Conservatives seek to prevent or at least slow down the pace of social and economic change, in order to preserve some of the beneficial aspects of the past. They share with socialists (alas!) an attraction toward collectivism; that is, they tend to identify groups rather than individuals as the basic unit of society to which rights and obligations can be attributed. Also like a socialist, a conservative (to quote Hayek again) "does not object to coercion or arbitrary power so long as it is used for what he regards as the right purposes."

Libertarians owe conservatives a debt for their insights into the role of private property in preserving freedom, the weaknesses of democracy, and the value of intermediate social institutions such as families, churches, clubs, and charities.

Nevertheless, conservatives have made major contributions to our theoretical understanding of political freedom. Libertarians owe conservatives an intellectual debt for their insights into the role of private property in preserving civil and political freedom, the weaknesses of democracy, and the value of intermediate social institutions such as families, churches, clubs, and charities. Conservative opposition to communism during the second half of the 20th century saved billions of people from despotic oppression. Conservatives, more often than libertarians, have been on the front lines opposing popular calls for more government-bestowed rights and privileges. Many paid a heavy price for swimming against the current.

Libertarians ought to sympathize with the need for compromise and pragmatism in politics; those are the rules of that game, however odious we think the game may be. Conservatives are elected to govern, not to preach the virtues of the Great Society. They often are able to get elected to office and to operate in this arena precisely because they are not bound to an explicitly anti-statist set of principles.

We can love 'em or hate 'em, but conservatives are casting votes on legislation and libertarians are not. When they come asking us for advice, we can either hector them for their past transgressions or teach them the principles they need to vote right the next time. It seems to be an easy choice.

What's a Libertarian?

Libertarians place the restoration of individual liberty above the restoration of the past. They observe the grotesquely enlarged government presence in the U.S. today and see little that should be preserved. When state policies restrict or distort voluntary action, they seek rapid and radical change. They cringe when conservatives advocate the use of government force in the name of "strengthening democratic values," providing "a sense of community rootedness," preserving "the goals, values, habits, and institutions of a good society," and so on.

If libertarians believe conservatives are prone to err on the side of too much government meddling, conservatives believe libertarians tend to err in the other direction. So eager are they to abolish massive chunks of the state that they seem unconcerned over the fate of individuals who rely on the state, not just for a welfare check or old age pension, but for justice, protection from crime, or use of common property. If freedom is a precarious heritage — it can be lost in a single generation — then libertarians ought to be more careful about what they hope for. A sweeping change in drug laws or retirement programs that fails, for whatever reason, could produce a backlash that plunges the country back into the "pink decades" of the 1920s and 1930s.

A crucial message conservatives need to hear is that not all libertarians oppose every government intervention. Adam Smith, whose *Wealth of Nations*, published in 1776, may entitle him to be called the first libertarian, found plenty for governments to do, including building roads, bridges, canals, and harbors; subsidizing (though not directly providing) schooling for low-income students; and "erecting and maintaining certain public works and certain public institutions."

According to Friedrich Hayek, there is "a wide and unquestioned field for state activity. In no system that could be rationally defended would the state just do nothing." Among the tasks he describes are "an intelligently designed and continuously adjusted legal framework" and "the prevention of fraud and deception." National defense is also expected to be the job of governments, not private agents.

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Henry Hazlitt, another prominent libertarian, wrote, "It is the proper sphere of government to create and enforce a framework of law that prohibits force and fraud. But it must refrain from specific economic interventions. Government's main economic function is to encourage and preserve a free market."

Milton Friedman, today's best-known libertarian, wrote in *Capitalism and Freedom*, "the need for government . . . arises because absolute freedom is impossible. However attractive anarchy may be as a philosophy, it is not feasible in a world of imperfect men."

Richard Epstein, perhaps the most brilliant libertarian

legal scholar writing today, says, "in those cases where voluntary exchanges cannot achieve potential widespread gains, public force may take up the slack to achieve the desired social outcome . . . Accepting that principle does not clear the path for the promiscuous use of state power. Rather, it requires some clear showing that the individuals subjected to state power all benefit on net from the program that has taken or regulated their property."

Some libertarians view these statements as heretical or embarrassing concessions, and seem willing to throw Smith, Hayek, Hazlitt, Friedman, and Epstein (and Gary Becker, James Buchanan, Charles Murray, Thomas Sowell, Walter Williams, and others) out of the "true" libertarian movement. They need to be reminded that since libertarianism is an intellectual and political movement and not a club, purging individuals isn't an option.

The distinction between libertarianism and anarchism is key to libertarian participation in the conservative movement. Many conservatives honestly don't know there is a distinction, and are quite relieved when they learn of it. Defining the libertarian goal as "limited government" instead of "no government" begins a dialogue about the proper role of government, rather than declaring the discussion ended before it begins. Even libertarians who incline toward the anarchist conclusion will find that they receive a more respectful hearing if they first explain that not all libertarians are anarchists.

The Unnecessary Fight Over Values

Conservatives are willing to call on government to preserve and protect values or institutions they deem critical to a good society, such as protecting unborn children, marriage, religious faith, charity, and respect for legitimate authority. They correctly observe that contemporary liberals often disparage traditional values and ignore the corrosive effects government programs can have on such values.

Conservatives suspect that libertarians, too, disrespect traditional values when they call for legalizing drugs and pornography and for tolerance of homosexuality and other lifestyle choices. They suspect that the libertarian values of individual liberty and personal responsibility are at odds with Judeo-Christian values and the character of good citizens.

Let me say bluntly that these two sets of values, so often set against each other by those who are sympathetic to neither, are not at odds. Hayek, and more recently Randy Barnett, have written eloquently on how libertarian values are part of a political theory that defines what is just, and are distinct from social theories that set out to define the good. Libertarianism, defined as theory of the role of the state in a free society, is silent about the values of its individual members or the goals of the myriad voluntary associations that find safe havens under its rules. All it forbids is the use of force to impose values or plans on others.

The libertarian paradigm of private property, individual freedom, and the rule of law reflects a set of values that are individualist and consequentialist (or materialist). These are liberal, not conservative, values. But libertarian political philosophy asserts only that these values should guide our thinking about the role and organization of government, not how we should run our lives or judge the performance of institutions that lack government's coercive power. Hayek, in fact, was convinced that the values that prevailed in the two arenas would always be different, posing a constant educational challenge to those seeking to defend the free society.

If viewed as social rather than political theory, libertarianism appears to be a competitor of or a substitute for religious faith, patriotism, commitment to family, altruism, and other values important to conservatives. And indeed, for many libertarians, it is. Their libertarian philosophy extends beyond government to challenging the authority of all institutions, including churches, family, and tradition. But libertarianism is a coherent political theory without this dimension, and libertarians are invited into the conservative movement expressly for their political, not social, theory.

Conservatives have a social theory they are comfortable with and committed to. What they lack are political principles enabling them to do more than preside over the slow decline of the Great Society. As Ronald Reagan and Margaret Thatcher demonstrated, conservatives equipped with libertarian political principles can craft messages that fundamentally change political culture and effectively stop the statist tide. George W. Bush is less articulate than Reagan or Thatcher, and much of his recent speaking has been cloaked in the rhetoric of a war presidency, but the political principles he expresses have also been libertarian, not conservative.

When conservatives come asking us for advice, we can either hector them for their past transgressions or teach them the principles they need to vote right the next time.

Libertarians and conservatives seeking to form alliances need to compartmentalize their beliefs. The values that work inside a family, church, or voluntary association are not reliable guides when crafting public policy. The former require face-to-face interactions among people with strong bonds of kinship or common belief, where problems of interest, knowledge, and power can be quickly confronted and solved (or, if not solved, do little damage to surrounding individu-

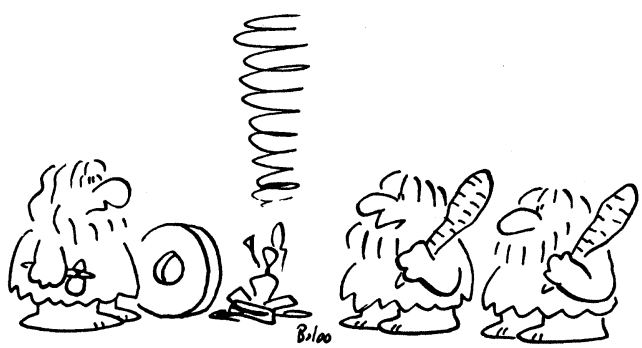

"Sorry, but this neighborhood isn't zoned for inventions."

als). Public policy involves coordinating the actions and plans of strangers across great distances and time involving unknowable considerations of fact and circumstance. Values for solving Barnett's problems in public policy require abstract rules and strict limits on the discretionary use of authority. The former can define and achieve the good; the latter can, at best, hope to achieve justice.

Objectivists, paleoconservatives, neoconservatives, and other factions of the conservative movement doubt whether this distinction between social and political theory is tenable. Each believes there is a closer relationship between the values that guide our day-to-day lives and those that ought to guide the state's conduct. I'm not a political philosopher; they may be right. But I do know this: Disagreements over what our personal values are or ought to be lay behind most of the disputes and angry withdrawals that mark the history of the conservative movement. To build an effective conservative coalition, they must be set aside.

Capitalist Values

Some conservatives sense that the libertarian's paradigm of individual freedom, personal responsibility, and the rule of law is not entirely neutral toward competing theories of the good. The economic order that arises from these principles is capitalism, and while capitalism's wealth-generating capacity has benefitted most conservative institutions, its "creative destructive" has simultaneously taken a toll on others. Conservatives had little choice but to favor capitalism over its 20th-century rivals, communism and socialism, but those rivals are now vanquished. Globalism, the latest phase of capitalism, is putting even greater pressure on families, communities, and small businesses. Are capitalist values, as distinct from libertarian political principles, a threat to conservative values?

The traditional libertarian response (as I read it) would go like this: Capitalism enables those engaged in the necessary activities of production and distribution to conduct themselves with dignity and integrity, to discover their latent talents and find pleasure in providing service to others. No other system can produce the goods and services needed to sustain the human population that two centuries of capitalist prosperity has brought into being.

This is all true, but it dodges the question. Capitalism gives us freedom of choice and unprecedented material prosperity, but has it enabled us to lead virtuous lives that satisfy our demand for spiritual fulfillment? The question isn't new — neocon Irving Kristol asked it in 1978 and unequivocally answered "no." (Hence the title of his book, *Two Cheers for Capitalism*.) Protests against meetings of the World Bank, public reaction to the Enron story, and the success of campaigns to demonize a growing list of industries and products (tobacco, guns, plastic, lead, biotech, etc.) all signal growing public discomfort with the "spiritual" side of capitalism.

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A good place to start is admitting that capitalism requires a moral as well as prosperous populace. As Michael Novak wrote in *Business as a Calling*:

> Businessmen have a vested interest in virtue. It cannot go forward with realism, courage, wisdom, honesty, and integrity without a highly motivated and virtuous work community. It cannot endure without leaders and colleagues in whom many key virtues are internalized. In this and in many other ways, business is dependent on the moral and cultural institutions of a free society: families, especially, schools, and public civic life. A nation's moral culture is even more fundamental than its physical ecology.

Libertarians can go further, sharing with nervous conservatives lists of "capitalist virtues" such as one that appeared in Benjamin Franklin's *Autobiography*, written in 1771, or the "Ten Secrets to Success" that appear in every issue of *Investor's Business Daily*. (See boxes.) The simple act of sharing these lists with conservatives shows we libertarians aren't deaf to the debate taking place outside our windows and around the world.

Beyond suggesting that capitalism contains its own moral virtues, libertarians can ask conservatives not to allow fear of the uncertain outcomes of freedom to lead them to call for government actions that limit freedom. A government powerful enough to ban certain drugs or reading material is powerful enough to violate the sanctity of one's home and physical possessions and to dictate how and what our children are taught. Worse, such a state is powerful enough to restrict criticism of and opposition to its decisions, potentially opening the door to tyranny and despotism.

Benjamin Franklin's List of Virtues

1. *Temperance*. Eat not to dullness; drink not to elevation.
2. *Silence*. Speak not but what may benefit others or yourself; avoid trifling conversation.
3. *Order*. Let all your things have their places; let each part of your business have its time.
4. *Resolution*. Resolve to perform what you ought; perform without fail what you resolve.
5. *Frugality*. Make no expense but to do good to others or yourself; i.e., waste nothing.
6. *Industry*. Lose no time; be always employed in something useful; cut off all unnecessary actions.
7. *Sincerity*. Use no hurtful deceit; think innocently and justly; and, if you speak, speak accordingly.
8. *Justice*. Wrong none by doing injuries, or omitting the benefits that are your duty.
9. *Moderation*. Avoid extremes; forbear resenting injuries so much as you think they deserve.
10. *Cleanliness*. Tolerate no uncleanliness in body, clothes, or habitation.
11. *Tranquillity*. Do not be disturbed at trifles, or at accidents common or unavoidable.
12. *Chastity*. Rarely use venery, but for health or offspring, never to dullness, weakness, or the injury of your own or another's peace or reputation.
13. *Humility*. Imitate Jesus and Socrates.

The Religious Right

Evangelicals and libertarians are natural, if unlikely, allies. Evangelicals, more so than conservatives, have reasons to fear and oppose government. In their efforts to prevent abortions, they confront government-funded clinics, police lines, sex-ed classes in public schools, and prosecution under the RICO statute. Their small, church-sponsored institutions face government regulations and mandates written for (and often by) much larger competitors, including the much-discussed threat of being forced to hire gay and lesbian teachers. If they homeschool their children, they are harassed by truancy officers. In their efforts to oppose sex and violence in the media, they face laws and court orders that seemingly give pornographers and rap stars more rights than neighborhoods, schools, and churches.

Unlike many other conservatives, evangelicals tend to be individualists rather than collectivists. Being born again is an individual conversion to faith that underscores the historical emphasis on individual freedom and salvation in Christianity.

The evangelicals who came to be known as "the religious right" sided with conservative (and sometimes with libertarians) during the 1980s and 1990s to call for lower taxes on families; oppose new rights and privileges for favored groups such as pregnant women, gays and lesbians, and atheists; and to preserve or to increase parents' authority over their children in matters of schooling, health care, and discipline. In each case, evangelicals found themselves searching for political principles to explain why they had to battle their own governments, and to make their case convincing to those who didn't share their religious convictions. Libertarians provided the missing ideas.

Understanding what the religious right wants requires some familiarity with the history of religion in the United States, particularly its relationship with egalitarianism, an "ism" that libertarianism seldom pays attention to, but which is already looming large in politics.

According to some religious historians, the United States is in the middle of the "Fourth Great Awakening," a surge in membership in evangelical or "enthusiastic" Christian denominations. Such religious uprisings seem to occur on a 100-year cycle, and their crests coincide with and fuel powerful political movements. In *The Fourth Great Awakening and the Future of Egalitarianism*, Robert William Fogel relates the causes championed by the first awakening (American independence), second (ending slavery), and third (creation of the welfare state), and predicts that "in the years to come, it will be impossible to understand political and ethical trends or economic developments without understanding the movement centered on enthusiastic religions."

The social and political agendas of past great awakenings have had strongly egalitarian themes. These themes harmonized with libertarian values until about 1900, when belief that the state could equalize the physical conditions of men overran faith in the Founding Fathers' libertarian paradigm. Most egalitarians gave up on capitalism completely during the Great Depression, and became a reliable constituency of the left for most of the past half-century.

Fogel expects that today's evangelicals also will pursue an egalitarian agenda, but this time it could harken back to the individualist and personal-responsibility themes that egalitarians once shared with libertarians. Evangelicals were among the first to realize that individual success in the new era depends on *spiritual* resources — a person's knowledge, values, and self-esteem — and that the state is powerless to redistribute spiritual resources. If you are an evangelical Christian and want to help someone, you don't ask someone else to give that person money: You offer to assist him directly yourself, and in the course of doing so share with him the positive message of Christ that gives meaning and inspiration to your own life. Evangelicals realize that welfare can't make up for spiritual and moral deficiencies; churches and voluntary community-based initiatives can.

Unlike many other conservatives, evangelicals tend to be individualists rather than collectivists. Being born again is an individual conversion to faith that underscores the historical emphasis on individual freedom and salvation in Christianity.

Libertarians need to build relationships with the leaders and future leaders of the religious right now, or risk spending the first half of the 21st century following in their wake. Our basic message should be that markets — blind to status, radically decentralized, and not subject to control by elites — are more likely to achieve egalitarian ideals than are governments. Rooting out government corruption and restoring accountability, two goals of every past great awakening, can best be accomplished by privatizing government institutions — from schools to pensions to international trade. An excel-

continued on page 61

Investor's Business Daily's "Ten Secrets to Success"

1. How you think is everything: Always be positive. Think success, not failure. Beware of a negative environment.
2. Decide upon your true dreams and goals: Write down your specific goals and develop a plan to reach them.
3. Take action: Goals are nothing without action. Don't be afraid to get started now. Just do it.
4. Never stop learning: Go back to school or read books. Get training and acquire skills.
5. Be persistent and work hard: Success is a marathon, not a sprint. Never give up.
6. Learn to analyze details: Get all the facts, all the input. Learn from your mistakes.
7. Focus your time and money: Don't let other people or things distract you.
8. Don't be afraid to innovate: Be different: Following the herd is a sure way to mediocrity.
9. Deal and communicate with people effectively: No person is an island. Learn to understand and motivate others.
10. Be honest and dependable; take responsibility: Otherwise, Numbers 1–9 won't matter.

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"Massachusetts Ends the Income Tax" **IS** news. National News.

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CHLM1201

Perception, Control and Anarchy

by Michael Acree

Is the human brain hardwired for anarchy?

Nearly 30 years ago, William T. Powers proposed a radically new theory of human nature, which he called Perceptual Control Theory (PCT). In the final chapter of his book *Behavior: The Control of Perception*,* Powers considered the social implications of his theory. This chapter, called "Conflict and Control," could as easily have been titled "Why Government Doesn't Work." It is the most eloquent argument for anarchy I have read. Powers himself subsequently retreated from the radical conclusions of that chapter, and in fact aligns himself with a number of standard leftist policy positions, such as income redistribution and gun control. Being somewhat embarrassed by what he now characterizes as a rationalization for youthful resistance to authority, he is certainly unwilling to pursue a libertarian agenda. But, whether he likes it or not, his ideas have profound and libertarian implications.

PCT requires some reflection to appreciate. The traditional view — both folk and scientific (whether behaviorist, psychoanalytic, or whatever) — is that people control (or try to control) their actions. PCT holds that what we control are our *perceptions*, using that term broadly enough to encompass everything from the nonconscious control of variables like body temperature or blood pressure to constructs like self-esteem.

The stock illustration is driving. When we are driving, we are not, as the naive might assume, controlling the position of the steering wheel. We can't plan where we want the steering wheel to be even a second in advance. What we actually control is more like the picture in the windshield — keeping in the center of the lane, maintaining a certain distance from the car in front, and so on. Our driving behaviors consist of whatever is necessary to maintain the desired perception. The desired perception constitutes a reference signal, against which we compare our existing perception. If I perceive the car drifting to the left of where I want to be, I act to move it to the right. Inexperienced drivers may overcorrect, and require a cycle or two to stabilize the position. But for anyone, at any stage of the process, discrepancies, in a closed feedback loop, lead to outputs — behaviors — in the opposite direction to reduce the error, and so on and on around the loop. What we're trying to control is not output but input (perception).

Powers wrote a simple program that nicely demonstrates the distinction between control of perception and control of behavior. A computer screen exhibits a square on the left, and your task is simply to move the cursor around the square with the mouse. The cursor, however, has "a mind of its own," as it were; if it drifts to the right, you have to move the mouse to the left to keep the cursor on the targeted square. While you're trying to trace the square, the program traces the way you're actually moving the mouse on the right side of the screen. It turns out that while you are concentrating on drawing a square, your are actually making the mouse trace out a wobbly circle (or a triangle or some other figure, depending on the setting of the program). You are controlling your perception of the mouse's location in relation to the square, quite unaware of the different shape your hand is drawing.

Powers suggests ten or eleven levels of perception control

**Behavior: The Control of Perception*, by W. T. Powers. Aldine, 1973.

in humans. Higher-order control systems set reference levels for lower ones. As I write this in longhand, low-level control systems are maintaining a certain pressure between my fingers and the pen, while others control the formation of letters in the sequence I intend. All this in the service, higher up the hierarchy, of goals like advancing libertarianism and the awareness of PCT. At the same time, other control systems are keeping me rocking in the porch swing, and maintaining my balance and my blood sugar levels.

At the base of the hierarchy are biological variables, like blood sugar and body temperature, that have to be maintained within a certain range for survival. Deviations from the reference state of these variables constitute *intrinsic error*, which we will act, at one level or another, to remove. If we don't know what to do — if none of the systems we have developed for controlling a variable is working — we start trying things at random. If we stumble on something that works, we have a new control system. The same mechanism — reorganization — comes into play in novel situations, and

Powers offers the most eloquent argument for anarchy I have read.

is involved in learning. A simple example of Powers': If we are approaching a door and don't know whether to push or pull, we simply try one or the other. A simple and elegant demonstration of reorganization is provided by the single-cell *E. coli*, which has but two means of locomotion. It can go straight ahead by moving its flagellae together, or it can tumble by moving them asynchronously. These capabilities are sufficient to propel it, with about 70% efficiency, along an increasing sugar gradient. So long as the environment is getting sweeter, it keeps going; when the sweetness decreases, it tumbles and takes off in a new direction, at random.

"Control of perception," of course, does not mean that I can willfully see an apple as an orange (without simply substituting an orange for the apple of my eye). The states of variables are controlled, to the extent anything is. For example, when I move an apple to my mouth, what I control is my perception of its position. Many perceptions cannot be controlled, however I might wish otherwise. That is our principal evidence for an external world. It's all perception, but it's not all of my making.

The reference signal, setting the goal for any particular control loop, embodies the concept of purpose. One of the significant achievements of control theory is thus the clear reconciliation of mechanism and purpose. Purpose has hitherto been generally excluded from the life sciences, as inconsistent with mechanism, but the problem has been simply that our concept of mechanism was too limited.

The closed negative-feedback control loop also embodies circular rather than linear causation: Perceptual inputs and behavioral outputs affect each other, with near simultaneity at the lower levels. Traditional theories, like behaviorism, cut the causal loop in such a way as to make it appear that input (environmental stimuli) causes output (behavior) — although our actions also affect what we subsequently perceive. In economics, for example, we commonly speak causally of incentives as if they determine behavior, but it is only the fact that people typically have indefinitely high reference levels for money that makes environmental conditions incentives or not. Although the controlled variable is obvious in this case, it can often be difficult to discern what variable people are actually controlling. It may take a skilled psychotherapist to find out.

Suppose, for example, you are discussing gun control with a friend, and observe that he seems resistant to the empirical evidence you offer from John Lott's research. What variable is he controlling? It might be a perception of himself as a good person, part of which to him means endorsing standard leftist policy positions. Maybe he simply doesn't want to lose an argument — or lose an argument to you, or to a libertarian. To determine which variable he is actually controlling, among a very large number of possibilities, would require further observation under specified conditions.

Control theory per se is not new; it was developed by engineers around 70 years ago. There have been a number of thinkers since then who have glimpsed its relevance for biology and psychology, but in many cases they didn't understand control theory well enough to make real use of it. Powers is the first to have worked out a systematic model of life, and of human functioning, specifically. It has been tremendously fashionable in the last 40 years for psychologists to propose "models" consisting of boxes linked with arrows, but when Powers, an engineer, presents a model, he's talking about something that you can build and that will work in the specified way. And his model has remained consistent with everything that has been learned about the neural, endocrine, and other systems of the body in the last 30 years.

That's much more than any rival theory can claim. In 1943, at the start of the digital revolution, McCulloch and Pitts proposed that the nervous system might operate like a digital computer, with the firing or not firing of neurons con-

The traditional view — both folk and scientific — is that people control (or try to control) their actions. Perceptual Control Theory holds that what we control are our perceptions.

stituting the binary basis of digital arithmetic and logical circuits. Psychologists, except for Powers, have never looked back on that initial assumption. One consequence is that models of human functioning have focused overwhelmingly on high-level cognitive operations, like chess playing, at which digital computers excel. In 1964, my introductory psychology professor observed that we still couldn't explain how a rat scratches itself. His observation still holds for mainstream psychology 40 years later. We're nowhere in terms of being able to model simple animal — or insect — behavior such as walking over uneven terrain. Current models of actions as simple as reaching out to pick up a glass of water require calculating the desired trajectory and thus the inverse kinematics, entailing the solution of very large systems of nonlinear differential equations. None of us can begin to do that, especially in real time — yet we assume that

the nervous system of a rat or a dragonfly can. Powers, observing that neurons fire at (more or less) continuously varying rates, argues that the nervous system is an *analog* computer. The neural architecture for such operations, using negative-feedback control systems, becomes extremely simple by comparison — within the capability of an ant.

Readers of Mises' *Human Action* will recall that Mises starts from a similar point, that human action springs from a felt sense of unease, an error condition, but Mises went no further toward developing the notion of negative feedback control. A more important similarity lies in Mises' and Powers' methodological individualism. Psychology, like economics, concerns itself exclusively with the statistical analysis of aggregates, even as it is widely understood that the equations derived for population data are inapplicable to individuals. Powers is as unique in psychology as Mises is in economics in his insistence that human behavior has to be understood at the individual level, and in his rejection of mathematical pseudomodels based on aggregate data.

Social and Political Implications

It is the essence of a control system that when something disturbs a controlled variable, the system acts to correct the disturbance, to reduce the error; it pushes back. I can boost my thyroid level temporarily by taking thyroid capsules, but my thyroid gland, perceiving a level higher than its current reference level, will shut down production. (Not being a yogi, I don't have conscious access to my thyroid reference level.) If someone says something that threatens my self-esteem, it will be hard for me not to try to correct the perceived error, the departure from my reference level. Similarly, if I myself do something that disturbs my preferred perception of self-esteem, I will rationalize that behavior or in other ways act to reduce the perceived error.

Conflict occurs when two control systems attempt to control the same variable at different reference levels. That's a problem within, as well as between, persons. If reference levels of two systems are far apart, relative to error sensitivity, both systems will output their maxima, canceling each other and leaving neither in control. If a disturbance moves the controlled quantity toward the reference for one system, that system will relax, so the quantity gets pulled back in the opposite direction. Powers offers the example of a man who has the goals both of being "assertive" and of being "nice." If he speaks up for himself, for instance in asking for a raise, the error created by his reference level for niceness will lead him to undo that act in some way, like a smile suggesting that he didn't really mean it. Then he will rebuke himself for being wishy-washy, and so on in endless vacillation.

We have been taught to deal with internal conflict by self-control, overcoming particular desires or fears by force of will. But this approach simply pits one control system against another. Because this approach is arbitrary, in the sense that it takes no account of the goals the behavior is helping to control, it will typically induce further conflicts elsewhere in the system. Resolution usually entails moving to a higher level, from which the system may be surveyed; Powers has been developing a technique he calls the Method of Levels to assist in that process.

To set reference levels arbitrarily in another person without inducing conflict is even more difficult than arbitrary intrapersonal control. One obvious approach is to try to change the other person's perceptions. "Look, this government project will create 20,000 new jobs, so you should vote for me." Readers of *Atlas Shrugged* will not need Powers to explain the limitations of deception as a method of interpersonal control.

If we want someone else to do something differently, our best hope is simply to explain what we want and try to get cooperation, formulating goals that will satisfy both parties. It is painfully obvious to us all that this approach also has its limitations, however, and frustration with it leads typically to the desire for arbitrary control of others:

> The only way in which one person can arbitrarily control the behavior of another person, without regard to the other person's goals, is through reward and punishment. That is, only by having the power to create and then alleviate intrinsic error in another person can one truly cause that other person to reorganize and behave in any way desired. (p. 266)

B.F. Skinner supposedly created in *Walden Two* a utopian community based only on rewards, without punishment. But, as Powers was evidently the first to notice, setting up such a community in the first place requires that its organizers get control of the food supply. Any such effort would be perceived by its residents as a hostile act — and be energetically resisted — something Skinner's rats were not in a position to do.

If we don't know what to do — if none of the systems we have developed for controlling a variable is working — we start trying things at random. If we stumble on something that works, we have a new control system.

Since human beings, like rats and other organisms, are control systems, it is simply in their nature to resist efforts to control them — unless those efforts take into account the goals of the controlled organism. Hence "*Any* system based on the control of behavior through the use of rewards (or, of course) punishments contains the seeds of its own destruction" (269).

Governments are obviously institutions for arbitrary interpersonal control based on punishment. (The use of

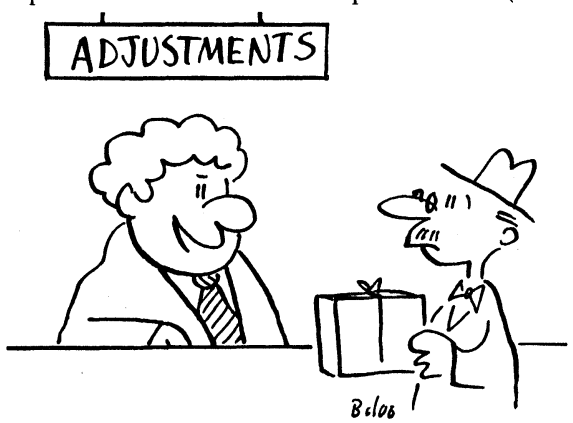

"Oh, not your purchase, sir — I adjust your *attitude*."

"rewards" — e.g., tax breaks — is minor, and parasitic on punishment.)

> In our American society there is a widespread belief in the rule of law (enforced by physical punishment) and in the use of incentives tied directly to our ability to stay warm, well fed, and otherwise happy. . . . If we are to trust the theory in this book, however, we must conclude the exact opposite. The more faithfully we adhere to the system of incentives and the rule of law, the closer must the country approach a state of open revolt. (270)

One might take Powers' words here from 30 years ago as prescient, in view of the rise of the militia movement and in international terrorism in response to increasingly oppressive attempts at control, domestically and abroad.

Purpose has hitherto been generally excluded from the life sciences, as inconsistent with mechanism, but the problem has been simply that our concept of mechanism was too limited.

> There is only one way I can see for fallible, ignorant human beings to live in accord with their own real natures and that is to discard forever the principle of controlling each other's behavior, dropping even the desire to control other people, and seeing at every level the fallacy in the logic that leads to such a desire. Whatever system concept we adopt in the effort to reach the conflict-free society, it must contain one primary fact about human beings: They cannot be arbitrarily controlled *by any means* without creating suffering, violence, and revolution. (269–270)

If, however, "Attempts to control behavior arbitrarily — one's own or that of other people — accomplishes nothing in the long run but to produce conflict and consequent pathology" (259), it is also obvious that everything is contingent upon that phrase "in the long run." The real question is what to do about all the mischief that can be perpetrated before the resistance succeeds. In the case of governments, as Powers himself acknowledged in *Behavior: The Control of Perception*, the "short run" may amount to many generations — too long for a Sam Adams or Osama bin Laden.

Powers now agrees with almost everyone else that the solution to the problem of "mavericks" — of people with whom negotiation will not work — is essentially to make sure that you're the biggest bully: To concentrate sufficient power in a single agency to guarantee that it can arbitrarily control anyone through punishment, and hope that it stays on your side, controlling other people, and yourself, in the way you would want. Powers is not unaware of the risks in this procedure, but he says he has been persuaded by Hugh Gibbons* both that government is necessary and that the rule of law can be made consistent with PCT.

Gibbons, a professor of law at Franklin Pierce Law Center in Concord, N.H., is familiar with PCT and has published a monograph addressing these questions in the journal *Law and Philosophy* (1984). Gibbons starts from the axiom that one must always allow another to act upon and within himself as a subject. "Coercion is legitimate only when it fosters cooperation" (180), and may be used only to avoid coercion, and not to produce benefits. Gibbons recognizes, however, that the axiom has no weight other than what people give it. Law is required just because the axiom is not hardwired, or effectively instilled. But he also acknowledges that, once a state moves beyond the limit of protecting basic rights, there is no way to control it, and it will in fact tend to keep expanding its power until it prompts a revolution or collapses from choking off production.

As if these concerns were not sufficient grounds for questioning the establishment of a state, Gibbons constructs a distinction which essentially authorizes the expansion of state power: the distinction between juridical and policy matters — more fundamentally, between certainty and uncertainty. Gibbons holds, reasonably, that his axiom does not require banning risky actions, such as driving, since no breach of respect for others is implied by driving (though we should presumably be liable for unforeseen costs imposed on others). But, whereas the U.S. Constitution — especially in the Ninth and Tenth Amendments — implies a crucial distinction between citizens and the state, Gibbons holds that the same principles apply to both. Thus the state is permitted to act whenever there is uncertainty about the results of its actions. That pretty well gives away the store. Policy matters may legitimately be decided by democratic vote, and all the fine discussion of rights and respect and the growth of state power is cast into irrelevancy.

Gibbons is also much concerned with the "captive audience" problem — coercive monopoly as a justification for state intervention — but fails to notice that government poses the biggest captive audience problem of all, since the state, enjoying a legal monopoly on coercion, is in a position to extract "acquiescence" far more effectively than a coal-mining company.

Current models of actions as simple as reaching out to pick up a glass of water require calculating the desired trajectory and thus the inverse kinematics, entailing the solution of very large systems of nonlinear differential equations.

So far as I can tell, Powers and Gibbons are unacquainted with the work of David Friedman, Bruce Benson, and others who have explored how a modern society might actually function without government. I am not sure whether their failure to follow their ideas through to their logical conclusions represents more a failure of nerve or of imagination — either is a little hard to imagine in a thinker as innovative as Powers. The word *anarchy* was not used in *Behavior: The Control of Perception*; the author argues only that the rule of law would in the long run lead to its own destruction; in fact, he resisted for a long time my ascription of that label to his theory. My sense is that he may have worked these ideas out in the abstract, but — despite the eloquence of his expression

continued on page 40

*"Justifying law: An explanation of the deep structure of American law," by Hugh Gibbons. *Law and Philosophy*, 3, 1984, pp. 165–279.

Can Islam Change?

by Frank Fox

"Every catastrophe in history is foreshadowed; there are always some signs in the sky warning people about the danger. Rarely does anyone believe them."
— Calel Perechodnik, a Jewish policeman in a ghetto in Poland

Perechodnik was right, although it is doubtful that human society will in the future avoid calamities that it could prevent. Not every human "flight from reason" can be avoided — still, the record of civilizations teaches us that while insanity may succeed in the short run, it does not prevail in the long term.

The events of Sept. 11 have been subject to much scrutiny, but those who plan calamity do not succeed for the simple reason that they do not take failure into account. The Japanese who attacked at Pearl Harbor did not consider the strength of the "sleeping giant." The Sept. 11 terrorists had already decided to give up their own lives, thus acknowledging a priori their failure. Al Qaeda could succeed in the short term, when it assumed the character of a corporation and used the technology of the West. But it could reward its followers only with death or imprisonment and was thus inferior to a criminal enterprise that masks its character with legitimate activities and so can at least promise wealth on earth to its members and entrance to universities, rather than paradise, to its young.

In the aftermath of the horrible events that befell America we need not only examine our weaknesses but also take pride in our strength. Much is being written about a clash of civilizations and particularly about impending conflict between Islam and the West. In his new book, *The Death of the West,* Patrick Buchanan forecasts demographic changes that spell the end of Western Civilization and the invasion of Europe and Asia by Islamic and African forces that will destroy our way of life. This is not the first time that forecasts have been made about the "decline of the West," and it is fundamentally poor history. Civilizations do not die. The Roman Empire did not "fall" in A.D. 476; it became something else.

The Islamic world is trapped in the 21st century with a faith that seems to be in the era of flying carpets when what threatens is carpet bombing. Islam is a faith that has not found its Luther and Calvin. Those who have remained steadfast to its teachings and imagery are not nations, but families with flags, and thus have not yet achieved the status that the smallest states in Europe have enjoyed for centuries. When a medieval merchant in Italy started his ledger with "In the name of God and profit," he at least understood the role of religion in the new world of finance. The Islamic world understands business methods, but it does not yet understand the role that religion should have in daily life. Indeed, most Islamic countries have not even grasped that something as fundamental as certain kinds of clothing make progress possible. When Kemal Atatürk decreed that Turkish men stop wearing the fez and that women need not remain veiled, he understood that simple fact.

Bin Laden and his followers assumed that they could bring the West to its knees by attacking the World Trade Center, the Pentagon, and the White House. They ignored the old truth that if you intend to kill the king, you had better succeed because otherwise the king's revenge will be most terrible.

The Islamic states whose history in the preceding century was marked by friendship for both Nazi Germany and the

Soviet Union have benefited from a status made up of unequal parts of Western dependence on oil and a romantic view of the desert. This has persisted and to it has now been added a virulent anti-Semitism. Our closest ally, Saudi Arabia, with its guiding doctrine of Wahhabism, continues to view the West with unremitting enmity. The Islamic cries of superiority will eventually resemble the histories of other bankrupt systems whose shrillness concealed their weakness. But one problem demands more attention. The brutal interludes of our times should end the endless debate of what makes a farsighted leader and lead us to examine very carefully the human propensity to become blind followers.

Americans are a resourceful and cheerful people, quite capable of taking care of themselves, and do not take kindly to those who try to stop them from enjoying life. Terrorism, the weapon of the weak, should alert us, not frighten us. We have to say this loud and clear to friends and foes alike: If one wishes to kill and maim innocents in the pursuit of a religious goal, he shall be speedily helped to martyrdom.

The Islamic world is trapped in the 21st century with a faith that seems to be in the era of flying carpets when what threatens is carpet bombing.

The fundamental inappropriateness of Islamic beliefs will eventually lead to cataclysmic changes in Muslim society. Younger Muslims, the *jeunesse dorée* from Mecca to Teheran, wait for an opportunity to depose their elders. The fact that some of them have chosen to give up their lives for reasons as varied as those of the Crusaders whom they vilify should not be taken as symptomatic of the generation as a whole. The Crusaders embarked on conquest for reasons that ranged from religious devotion to being released from payment of debts; and being simply unhappy at home or wishing to travel. Among the terrorists there must be many who find it difficult to contemplate a "nine to five" existence. The terrorist movement will eventually disintegrate like the Crusades did.

It is incredible that in the entire world of Islam there is no thundering voice that describes jihad as an abomination, as a cowardly attack on the innocent that no religion should sanction. It is telling that there has not been an important Islamic sage or leader who has stood against this self-defeating ideology. That Islam seems to have a great appeal among those in prison tells us a great deal about its future. As a faith it offers a refuge for a mind in turmoil, but unlike other faiths that preach love of the other, it turns the mind toward hatred of the other. It may change a belief, but the chemistry remains the same — toxic and volatile.

This new world of Islam bears only superficial resemblance to that civilization which held an honored place in the preservation and dispersion of knowledge when medieval society was still centered around the Mediterranean. But the absence of Islamic activity in the formation of nation-states ended such a chapter. After the naval Battle of Lepanto in 1571 there was no longer any prospect of Islamic competition with Christian civilization. The language and religion of Arabia survived, but the Muslim world has been backward ever since. The world moved west, away from the Mediterranean and toward the Atlantic. It led to a new chapter in world history in which Islam was only a bystander.

The fact that unremitting rivalry and warring among Islam's many tribes and states is met with calls for Islamic unification shows how far that world is from confronting its problems. In the end, like the person who chooses the right door because all the other doors have been closed off, the Islamic world must choose the Western path that has guided the growth and democratic character of Israel.

Of course, we are in danger individually and in groups — that is nothing new. As a civilization, the West, with America as its model, is just beginning to make its mark on the world. After all, Roman civilization lasted for more than a millennium, and did not even know enough about human reproduction to associate drinking from lead goblets with infertility. America, contrary to Buchanan, does not depend solely on reproduction. Its ideas are doing the propagating. It has a great future for itself and for the entire world. ❑

Anarchy, *from page 38*

of them — didn't really think through the ways giving up the rule of law would be incompatible with other social goals to which he still clings.

Powers has recently published a more elementary exposition of his theory in *Making Sense of Behavior: The Meaning of Control,** perhaps because many readers were put off by the neurological detail and engineering diagrams and equations in *Behavior: The Control of Perception. Making Sense of Behavior* does not discuss political theory explicitly, but, interestingly, nothing here is inconsistent with anarchy, either. Powers continues to argue for negotiation as the means of dealing with conflict, and is silent on the question of what to do when it doesn't work.

So, does PCT entail anarchy? Strictly, it could be said only to entail the (slightly) weaker proposition that, in the long run, government doesn't work — meaning that it will sooner or later lead to conflict, violence, and destruction. But does anarchy really need any further defense?

Regardless of what his theory may bring to the anarchist-minarchist debate, Powers is clearly committed to the principle of respect for others. (This leads him, incidentally, to a rather Szaszian view of psychiatry.) Neglected geniuses — especially those who have ideas about saving the world — are commonly bitter, and resentful of the rest of the world for not appreciating them. (*Liberty* readers will have no trouble thinking of examples.) If Bill Powers harbors any such feelings, they are scarcely apparent. Most unusually, he is a thinker who walks his talk: genuinely open-minded and humble, especially about his theoretical achievements; consistently respectful and cordial, even in media like email. The libertarian movement might be helped almost as much by the practice, as exemplified in that attitude, as by the theory of PCT. ❑

* *Making Sense of Behavior: The Meaning of Control,* by W.T. Powers. Benchmark Publications, 1998.

The Devil in Ms. Yates

by Sarah McCarthy

Why did Andrea Yates do the horrible thing that she did?

The Andrea Yates case is like a vignette from the film "Monster's Ball," which features, among other gruesome events, a state-mandated death by electrocution, a sheriff so brutalized by the grim realities of his job that he verbally and physically brutalizes his adult son until the son shoots himself, and a mother who grabs her fat son's Twinkies and HoHos from a hiding place under a cushion and tries to beat and humiliate him into dieting down.

The movie's executioners traditionally hold an execution eve party — the "monster's ball" of the title — to assuage their guilt and unease with what they have to do. This is an apt metaphor for our own lives, in which we all are dancing as well as we can, and trying to find joy and goodness and forgiveness where we can before the party's over. "I don't want to go out like this," says the sheriff's aging father as his son deposits him, incontinent with his oxygen tanks and cantankerous disposition, into a long-term care facility. "Neither do I," replies his son, off to a triumphant fresh start with his new love, best-actress nominee Halle Berry.

No matter how she waltzes around it, it's difficult to believe Andrea Yates will ever get past the horror and anguish of her crimes. Nor will the Texas jury that found her guilty of murder. The only goodness that can come out of this case is the example provided by the Yates — like a car wreck at the side of the road — of what can happen to those who get drunk on fundamentalist religious beliefs.

Religion by its nature asks that people suspend human reason and adopt faith, putting themselves into a state of unquestioning obedience to an unseen higher power. With a few selected biblical passages, it's only a few jumps from there to buying into the idea that women should be subservient to men, even if those men are silly brainwashed clods like Rusty Yates. And it really becomes dangerous when these religious zanies start giving out medical advice about childbirth.

For women, family planning is the bedrock of freedom. Without it, we live in biological chains. Andrea Yates was persuaded by her husband and a traveling minister, editor of a newsletter called *The Perilous Times*, that she shouldn't use birth control. She had five children and at least one miscarriage in six years.

Megan K. Stack of the *Los Angeles Times* describes the suffocating conditions that existed in the Yates household before Andrea drowned her five children:

> The cloistered household . . . was laced with offbeat, even dangerous, religious zeal, according to testimony in the trial. It was a home in which the husband and wife stuck to traditional roles. It was a home in which medicine was frowned upon, school systems were unacceptable and institutional religion was a tool of evil. Doomsday leaflets mailed to the house gave hysterical warnings against demonic influences that threaten young children: "I cannot stress how serious the whole thing is: By the time a child is 14 or 15 years old, it's too late," the Perilous Times newsletter said. Yates' husband, Russell "Rusty" Yates, read aloud from the tract during testimony. "If you feed them with the world's ways, you reap what you sow."

And the Yates indeed reaped the results of their world's ways. They lived in the world that upheld what Anna Quindlen has called "the insidious cult of motherhood," where perpetual childbirth at any cost is the exclusive ideal for God-fearing women — an ideal championed by right-wing ministers and promulgated by Patrick Buchanan as the path to salvation for Western civilization. In the world of perpetual motherhood, the mother's physical and emotional well-being, the family's economic circumstances, and the happiness of other children is sacrificed on the altar of unspaced perpetual childbearing.

Therapist Earline Wilcott, who counseled Andrea Yates for months in a Christian center, said the only time she met Rusty Yates he quoted from the Bible: Wives must submit to their husbands. "Sense of [Andrea Yates] being overwhelmed

and trapped with no alternative," Wilcott jotted in her notes.

Doomsday religious tracts written by preacher Michael Woroniecki wielded a heavy influence over the family's lifestyle. Their message: "You are going to hell."

"Do you have any idea how the information you just read would play to the mind of a psychotic individual?" defense lawyer George Parnham asked Rusty Yates.

But alas, the unflappable Rusty Yates, clueless throughout, appears to be a cross between Forrest Gump and Mr. Magoo. Though his wife had once held a knife to her throat and asked him to let her kill herself, and was hospitalized for two other suicide attempts, Rusty still didn't get it. Despite being an $80,000 per-year rocket scientist, Rusty Yates really didn't get much of anything that was going on in his own house.

Rusty Yates first met preacher Woroniecki when he was attending college at Auburn University and the two became friends. They stayed in touch, and the preacher's wife exchanged letters with Andrea. Woroniecki's leaflets said women have a biblical duty to endure natural childbirth as a "humbling" rite of passage. Andrea Yates gave birth to all five of her children without the aid of pain killers. Any woman who has given birth will recognize that as testimony to the thoroughness of Andrea Yates' brainwashing. Most people would not inflict on a dog what was done to Andrea Yates in the name of religion.

Andrea Yates' counseler said the only time she met Rusty Yates he quoted from the Bible: Wives must submit to their husbands.

The pamphlets also insisted on the importance of homeschooling. "While his wife sat catatonic in a mental hospital, Rusty Yates was out house-hunting," writes Megan Stack from the trial:

> He had a stipulation: There had to be space for a home school, which was Andrea Yates' job. "The social interaction the world tells you is so important is exactly what you need to protect your children from" the leaflet reads. The decision to abandon their first suburban house in favor of a nomadic life in trailer parks came after the birth of the Yates' two eldest children. The family lived for a time in a converted Greyhound bus Rusty Yates bought from the Woronieckis for $37,000. A pregnant Andrea Yates — who had recently miscarried — slept on a couch because she was afraid to climb over the steering wheel into the couple's bed, [Deborah] Holmes said. The family adored its newfound simplicity, Rusty Yates said. "We had a lot of stuff, a surprising amount of stuff," he told the jury. "It became burdensome."
>
> But it was more than that, Holmes and Wilcott testified: The couple insisted upon moving into the trailer, they said, because they feared the children would become materialistic. So they held a garage sale, and Andrea Yates lost her wedding gifts, furniture — just about everything except her sewing machine and cookware.
>
> "You saw her give up everything she'd worked so hard to gather when she was out on her own?" prosecutor Kaylynn Williford asked Holmes. "Yes," Holmes replied.

Though the Houston jury decided that Yates didn't meet the woefully inadequate legal definition of insanity, she was diagnosed as a suicidal schizophrenic. Dr. Melissa Ferguson, a psychiatrist at the Harris County Jail, said Yates was "one of the sickest patients I had ever seen" when she treated her after the June 20 killings.

Ferguson says Yates exhibited signs of paranoia and delusions — saying "I am Satan" and wanting to shave her head to reveal the "mark of the beast," or the number 666, that she believed was engraved on her scalp. Though the 666 on her scalp was imagined, Andrea's head was filled with religious ardor and fundamentalist beliefs which topped off in a bizarre concoction of delusions and hallucinations.

Megan Stack continues from the trial:

> For years, Andrea Yates suffered suicide attempts, catatonic states and psychosis. In a quavering voice, her best friend told the jury she watched helplessly while the 37-year-old mother wasted away, stopped talking to her children and paced aimless circles with a baby on her bony hip. Yates stopped bathing and grew too emaciated to breastfeed, said her friend Deborah Holmes. The two women became friends before Yates' marriage, when they worked together as nurses in a Houston hospital.
>
> For two years before the Yates children were killed, Holmes had kept a diary chronicling Andrea Yates' condition "in case something bad happens." Holmes said Rusty Yates considered child care a woman's responsibility and refused to help his wife tend the children. "I'm not saying he didn't play with them or enjoy them, but as far as care for them, he didn't," Holmes said. "If the kids' faces or hands were dirty, he'd say, 'Wait till your mother comes.' I called her husband crying and sobbing, saying she needs help now," said Holmes. "He'd say, 'I'll look into it.' I'd say, 'She's not going to make it through the weekend.'"

Women are somewhat more sympathetic to the plight of Andrea Yates because many of us have endured the sense of dependency and overwhelming sense of responsibility that can occur postpartum. I remember well the feeling of being diminished, dependent, and helpless after the birth of two children in eleven months. A college graduate who had been a teacher, earning my own salary, and an equal companion to my husband, I was now dependent on him for my very existence. It was not a good feeling, and it doesn't make for a healthy marriage. I began having agoraphobia and panic attacks. A formerly brainwashed Roman Catholic, tightly ensconced in the guilt and obedience trap, I was told by a priest in the hospital three days after the birth of my second child that if I planned to use birth control he could not grant me absolution. Filled with a sense of responsibility for the care of my two existing babies as well as with concerns about my own health, physical and emotional, I replied with a rebellious spirit that I was leaving the church. For the first time in my life I knew beyond a doubt that I was right, and the church that had had so much influence over me was wrong. For me, it was a heady experience, and I have never looked back. It was a beautiful thing, this leaving, this freedom to think for myself, to make my own moral decisions. At the monster's ball, you really don't need to dance with a crutch. ❑

No Man's Land

by Steve Pendleton

There is one large area of land left on Earth that really is a no man's land, available for claim by anyone who wants it.

Despite the rapacious expansion of nation-states in the last few centuries, there are still a few places on earth that have not been officially claimed. Some of these areas, known as no man's lands have been buffer zones between two hostile powers. Others lie in areas so remote as to be almost impossible to reach.

Some of these areas have been very small in size but very useful militarily. In World War I, no man's land was the area between the trenches of France — unlivable, but also valuable enough to waste millions of lives.

Today, most such no man's land territories make up narrow pieces of real estate dividing warring neighbors. Such zones exist — or have recently existed — in Bosnia, Beirut, Cyprus, and the DMZ between North and South Korea. After 1948, a small area of land divided the Jewish and Jordanian sections of Jerusalem for about 20 years. Of course, living in these areas would be extremely unnerving, lying as they do under the cannon of two unfriendly nations.

Occasionally, land has been officially unclaimed pending settlement of a boundary treaty. This usually, but not always, happens when the land is unpopulated and not thought to have economic viability.

For many years, two large areas of the Middle East were unclaimed. They were known as the Neutral Territories. One was a diamond-shaped bit of desert between Saudi Arabia and Iraq, just west of Kuwait. The other was a rectangular area to the south of Kuwait's border with Saudi Arabia. When oil was discovered, a treaty was signed dividing up the land.

However, there is one large area of land left on earth that really is a no man's land, yet does not serve as a buffer zone. Waiting nations are not exactly in line to claim it either.

Sounds like a possible paradise, doesn't it? A place subject to no nation's laws, because there's no nation there — or even nearby. A place with no military and no taxes.

Too good to be true? Gotta be a catch? Well, yes.

This land available for claim is part of Antarctica. This pie-shaped territory with the end of the wedge touching the South Pole is large enough to hide several states. Its eastern border is 90 degrees west longitude, the western edge of the Antarctic land claimed by Chile. The western boundary is 150 degrees west longitude, the eastern border of the Ross Dependency, claimed by New Zealand. The sheer size of this hunk of ice and rock is staggering. We're talking hundreds of thousands of square miles here.

With all this land available, why is there no nation's flag on it?

After all, the rest of the Antarctic has been claimed for years. Norway, Australia, France, and New Zealand have uncontested claims to various pie-shaped chunks of Antarctica. There are even claims on top of claims: On the Antarctic Peninsula, Chile, Argentina, and Great Britain all have claims that overlap.

These claims have been taken quite seriously. On several

occasions there have been shots fired between the British and Argentineans, though there were no casualties.

There are several grounds on which a country can advance a claim of sovereignty. The historically accepted means of obtaining sovereignty is that the first nation to plant its flag on a piece of ground gets title to it. (Of course, this procedure often ignores the original residents.) In 1972, the Kingdom of Tonga made sure that its claim to the Minerva Reef — which is under water at high tide — was internationally recognized by sending an expedition to it. (By the way, why do you think the United States planted an American flag on the moon?)

The second way is by "effective possession" — the nation that settles a piece of land can claim it if no one else wants to fight over it. Several of the Spratly Islands in the South China Sea have been occupied with this strategy in mind.

A third reason is the use of historic territorial claims. Chile and Argentina argue that their sovereignty over parts of Antarctica dates back to 1493, when neither country existed. In that year, by declaration of the pope, Spain and Portugal divided up the unknown world between them, which is why Portugal got Brazil and Spain got the remainder of South America. It also gave Spain claim to a portion of Antarctica, which Argentina and Chile inherited when Spain ceded its sovereignty over the southernmost parts of the Western Hemisphere after the revolutions of the early 19th century.

Sheer ice cliffs rise hundreds of feet straight out of the ocean, making landing extremely difficult, and ice shelves frequently shear off into state-sized icebergs.

Another argument which, at least indirectly, encouraged the creation of the No Man's Land was one put forth by a Canadian lawyer in 1907. He argued that countries bordering the polar areas should be allowed to establish polar claims along meridians adjacent to their boundaries. A look at the map will show that Antarctica's No Man's Land is bordered on the north only by the open Pacific.

This argument reinforces the claims of Argentina and Chile, whose claims extend over territory that was not even known until quite recently. Norway claims Queen Maud Land on the coast of Antarctica, but does not claim the quadrant within its pie next to the Pole. To do so might injure claims Norway has in the North Polar regions.

"Yes, I shot him — but I thought he was a hologram."

There are two other ways of supporting land claims in the Antarctic. One is by whaling voyages in the 19th century. Many polar discoveries were made by these far-ranging sailors. Norway's claim, for example, is largely justified by the discoveries of its pelagic whaling fleets. The other is by establishing post offices in the Antarctic and issuing postage stamps. Great Britain was the pioneer of this process — Scott's expeditions in the early 1900s each had printed postage stamps for use by expedition members on the ice. Since 1944 Britain has issued stamps for its claims, which it first called the Falkland Islands Dependencies, and more recently the British Antarctic Territory.

Since the 1950s, France has issued postage for its French Southern and Antarctic Territories. Australia releases stamps for Australian Antarctic Territories (though they are valid throughout Australia). New Zealand releases Ross Dependency stamps, though it no longer maintains a post office within the territory. Many other nations, Chile, Argentina, Brazil, Japan, Russia, and the United States to name a few, also release stamps to publicize their own Antarctic programs. That these stamps — and the post offices at the various bases — are used only by base scientists, tourists, and polar philatelists looking for souvenirs — is rather immaterial.

None of these territorial claims apply to No Man's Land. It is one of the least-visited, most inaccessible parts of the Antarctic. It is far from any other continent. Most research stations cluster on the Antarctic Peninsula, only a few hours' flight from South America.

It is also not as close to the South Pole as is the Ross Sea area. Thus, early explorers like Scott and Amundsen did not use the area as a jumping-off point for their dashes to the Pole.

Its coastline presents another problem. Sheer ice cliffs rise hundreds of feet straight out of the ocean, making landing extremely difficult. Also, at least in recent years, many such shelves have sheared off into state-sized icebergs. Another icy barrier is the sea pack. During winter the pack extends hundreds of miles north along the entire Antarctic coast, making winter shipping impossible. However, in the summer the pack retreats. In the Weddell Sea to the east of the Peninsula, and along the coast of the unclaimed land, however, the pack often lingers year-round.

What the pack does, of course, is make cruising in the Amundsen Sea (the geographical name for this area) quite dangerous, especially if your ship is not ice-hardened. In 1898, the Belgian explorer de Gerlache and his crew aboard the old sailing vessel *Belgica* were frozen in along this coast, and became the first men to withstand the rigors of an Antarctic winter. It proved to be a hellish experience. Many of the crew battled madness and depression. Not surprisingly, whaling ships and pole-racers avoided this region.

So it's easy to see why no nation has laid claim to this pie of snow and ice. However, one nation did keep an unofficial eye on the area and even gave the land a name — Marie Byrd Land.

In 1939, after two previous American expeditions to Antarctica, a third expedition under Adm. Richard Byrd's leadership went south. This group established two bases. One was at previously used Little America, on the Ross Ice Shelf to the west of Marie Byrd Land. The other was on Stonington Island off the Antarctic Peninsula.

On Nov. 25, 1939, President Roosevelt instructed Adm. Byrd that "expedition members . . . may take . . . steps such as dropping claims from airplanes, depositing writing in cairns, which might assist in supporting a sovereignty claim . . . no public announcements shall be made without specific authority of the Secretary of State."

One expedition member, Leonard Berlin, actually signed a document authorizing a U.S. claim. This paper was placed in a bottle and buried in a cairn on top of Mount Grace McKinley, within the boundaries of No Man's Land. Highly unofficial, but land claims have been won on less. The U.S. took additional similar actions during the fourth Byrd expedition, also known as Operation Highjump. This operated in the Antarctic during the 1946–7 summer season. Again, however, the U.S. made no formal claim, though many authorities assumed that such a claim had been made. Maps in well-known publications (e.g. *The Poles*, Time-Life Books, 1966) show it as American territory.

Whether America had a valid claim became irrelevant when the U.S. signed the Antarctic Treaty, which took effect in 1961, whose signatories agreed to make no future claims to Antarctica so long as the treaty is in effect. So long as the treaty remains in force, its signatories (including most major nations and a number of other countries which have established Antarctic research stations) have agreed to a number of conditions. The treaty also specifies that no nation interfere with another's scientific station, a condition that was observed when two nations were otherwise at war — as the United Kingdom and Argentina were in 1982. The British Signy Island and the Argentine Islas Orcadas bases, both located in the lonely South Orkneys, maintained a peaceful distance during the disturbance. The United Kingdom did forcibly eject the Argentines from their Corbeta Uruguay base in the South Shetlands at the end of the war. However, this was on a sub-Antarctic island chain.

Villa las Estrellas at Eduardo Frei base and Marambio base have seen families, schools, births — even a supermarket.

In practice, nations can build stations about anywhere they desire, aside from a few sensitive areas that have been declared off-limits because of their historical interest or to protect animal and plant life. Other than that, the ice is open ground.

No military weapons are allowed south of 60 degrees latitude. This applies to both land weapons and warships. (An exception is the armaments on icebreakers.) Warships are even forbidden to do target practice south of the line.

Military personnel, however, are often found in the Antarctic. That's because many scientific programs are run by a country's military. This is true of Argentina, Chile, Ecuador, and some others. The program of the United States relies on transport provided or aided by the U.S. Navy, Coast Guard, Air Force, and National Guard.

According to the treaty, no new claims can be made during its life. Since no one has publicly claimed No Man's Land, it cannot now be claimed by those who have not signed the treaty.

However, the treaty's rule against claiming No Man's Land does not stop a country from constructing bases there. Such construction has certainly been popular around the rest of the continent — in the 1990s at least 26 nations had been involved in building bases, and a few bases were built in No Man's Land.

In 1957, prior to the treaty's taking effect, the United States constructed Byrd Station, at approximately 89 degrees south, 120 degrees west. This was an underground station, built almost at the South Pole. Until 1972 a small complement of scientists served year-round. They studied physics, meteorology, geophysics, and glaciology. Snow gradually began to crush the buildings and scientific demands diminished. The original base was closed, but summer-only activities continued at Byrd Surface Camp. Scientific research has also been continued in the Horlick Mountains and at Aurora Sub-Station. The U.S. Navy and Coast Guard have also conducted a number of exploratory voyages along the coastline.

Could a private organization negotiate the huge amount of preparation needed for a successful Antarctic base? One already has.

In the 1970s, the Soviet Union established Russkaya Base on the No Man's Land coast. A more permanent camp was established in 1982. This was abandoned in the 1990s after the breakup of the Soviet Union. Both bases faced formidable supply problems. Byrd could be supported by air — an airstrip was hacked out of the ice — and by tractor trains. Russkaya could sometimes be supplied by ship, but the pack ice in its vicinity made this an iffy proposition.

Living in No Man's Land

Trying to live in No Man's Land would create some unique problems.

"Let's cut to the chase — I'm taking you off food."

First, it would be a hugely expensive proposition. Everything — and I mean everything — necessary for a base to survive without outside aid for at least two years would have to be moved in. This would require an ice-strengthened vessel or some form of air transport.

Such vessels are available, and fairly cheaply. Redundant vessels from the old Soviet arctic fleet are available for charter. They are already used to haul tourists to the Antarctic. I have visited the Antarctic in one of these. While not luxurious, it was quite seaworthy, and the crew seemed to know their way around the ice.

Could a private organization negotiate the huge amount of preparation needed for a successful base? One already has. For several years Greenpeace supported a four-man (actually three-man, one-woman) base on Ross Island. This was in the face of opposition by the signatories of the treaty.

Such a base might possibly be a profitable venture. One way to earn money would be to sell chunks of shelf ice. Fresh water is in high demand in much of the world. Though not technologically feasible today, mining might eventually prove economical. Fishing for such resources as the Patagonian toothfish and krill might produce funds. Finally, such a base could issue its own postage stamps. The Greenpeace base did so for a number of years, though I doubt its profit amounted to much.

Several nations have established families at their bases. Villa las Estrellas at Eduardo Frei base (Chile) and Marambio base (Argentina) have seen families, schools, births — even a supermercado. These families have agreed to live in Antarctica for two year periods.

Of course, the worst enemy of any Antarctic venture is the weather. In No Man's Land the temperature varies from 0 degrees Celsius during a summer heat wave to -50 Celsius in the depths of winter. The wind is almost constant. It blows, sometimes at hurricane speed, down from the interior of the continent. During the darkness of winter, no plane or ship could reach the base. Anyone living in No Man's Land would be isolated six months of the year.

What would the legal status of No Man's Land settlers be? Those who man stations now are considered citizens of their home countries. No passports are needed by scientists or tourists to visit any of the claims. Nationals of any country can visit any of the stations. Luckily, most Antarcticans and visitors seem to be pretty law-abiding sorts, since there are no police or military forces within helping distance.

Practically speaking, should a group decide to settle No Man's Land, no one would be there to stop it. It is certainly doubtful that any country would initiate military action on the continent — after all, military action is prohibited by the Antarctic Treaty. ❑

Letters, *from page 5*

killer — presumably facing something like 20 years in prison — to roam around town indefinitely, driving the bereaved parents out of their minds and — given his wealthy family — presenting a definite flight risk. But what really puzzled me, until I read Holzer, was the almost universal critical acclaim, even from the usually sophisticated *New Yorker*, which compared it to a Sophoclean tragedy.

Realizing Holzer was right about how "critics adore tragically flawed characters," this set me to thinking about what fundamental point *In the Bedroom* was trying to make. Was the implausible "third act" — grieving father turns vigilante — the director's way of giving some emotional goosing to an otherwise dull and monochromatic story? I didn't understand it; couldn't let go of it. I wished Ms. Rand were still around.

Then I realized the theme went much deeper than "the tragic flaw" nonsense. On the surface, you have this almost ideal American family — the mother a musicologist, the father a doctor, the son a bit confused but young — an idyllic New England existence straight out of Norman Rockwell. Early in the movie we're hit over the head with a sophomoric metaphor for all of life: two lobsters who get along . . . until you introduce a third one — into the net, in the bedroom, wherever. Until you unleash murder.

This is pure Theodore Dreiser, who had a gloomy opinion of mankind and whose novel, *The Financier*, used the metaphor of a fish tank housing a squid and a lobster. Day after day the lobster snipped off pieces of the live squid until there was nothing left. This makes a profound impression on the young-boy protagonist, who grows up to become a predatory capitalist: squids are devoured by lobsters, lobsters by men, men by other men.

In the Bedroom's theme is markedly similar: Even the most civilized men and women — even doctors and musicologists — are helplessly driven by emotion and instinct. In killing their son's killer, they had no choice. How else to preserve their marriage, their very sanity? The dead giveaway is the movie's last image: a wide, high-angle shot of the beautiful town with its sun-bathed harbor and its church spire, suggesting humanity at its best — until we look in the bedroom, in all the bedrooms.

Literature provides many examples of predatory nature as symbolic of human existence, but in good literature it's integrated into the plot or the characters' lives through conflict — for instance, *Moby Dick*, *The Old Man and the Sea*, Faulkner's *The Bear* — where the writers used raw nature to dramatize heroism, sometimes tragic heroism. *In the Bedroom*, in contrast, stops dead in its tracks for a lecture on marine biology in order to make its philosophic point.

The movie's theme is clear: human beings are pathetic creatures who, beneath the veneer of civilization, are primitive and violent. To date the movie, in limited release, has grossed only $17 million — not exactly a smash hit, despite the raves. The public may have more sense than the reviewers.

Al Ramrus
Pacific Palisades, Calif.

Who's Keeping Whom Down?

Ken Schoolland's case for open immigration ("Open Minds, Closed Borders," January) raises some interesting issues.

continued on page 60

Reviews

Fool's Errands: America's Recent Encounters with Nation Building, by Gary T. Dempsey with Roger W. Fontaine. Cato Institute, 2001, 224 pages.

The Folly of Nation Building

Alan Bock

When the war against Afghanistan — or the bombing campaign, depending on how much of a stickler you are for constitutional niceties like declarations of war — was just beginning, I distinctly remember hearing President Bush promise quite specifically that the United States wasn't going to get involved in "nation building" in Afghanistan. No, no, we had learned our lessons from the Clinton era. War on evil, yes. Nation building, no.

Bush may have been sincere about this, though no one ever lost any money betting against the sincerity of an American president. But when the slaughter of Asians cooled off, the earlier promise became, as politicians like to say, inoperative. The international dynamics — not to mention the nature of the people who populate the state and defense departments — virtually guaranteed it.

Fool's Errands, by Gary T. Dempsey and Roger W. Fontaine, could serve as something of a corrective. Most Americans have a vague feeling that the "nation building" adventures in which the Clinton administration dabbled distractedly — Haiti, Somalia, Bosnia, Kosovo — didn't turn out too well, but few believe they were catastrophic. Americans try hard to do the right thing, but those foreigners are just so, well, foreign. Anyway, hardly any Americans came home in body bags.

Fool's Errands makes it clear that even without the body bags, these ventures caused significant damage to the countries that endured them and to long-run American interests, at least if those interests include minimizing the number of people who resent the United States. They were guided not so much by naive American idealism as by the ideology of nation building, which is more European — or transnational — than American, and ultimately much more naive than simple boosterism. Dempsey and Fontaine tell just how miserably all these missions failed, despite — or perhaps because of — the best exertions of the "best and the brightest."

The notion that the United States is the wielder of virtuous power isn't an entirely new concept. At least since Woodrow Wilson a certain breed of American internationalist has been entranced with the idea of using power to do good, and a substantial number of internationalists have long been impatient with the idea of national sovereignty. It became more practical to abandon the idea of sovereignty openly, and make "human rights" and "democratic enlargement" the guiding principles once the Soviet Union ceased to be a threat.

The idea of nation building has been floating about for some time in the rarefied atmospheres of academic and diplomatic conferences held in warm-weather vacation spots. But nation building is a lot more complicated and difficult than nation builders profess to believe. In excruciating detail, Dempsey and Fontaine tell just how miserably all these missions failed, despite — or perhaps because of — the best efforts of America's policy elite. It makes for instructive, if hardly inspiring, reading.

The Clinton administration's "best and brightest" actually seemed to think, for example, that installing Aristide by force would transform Haiti into a democratic utopia. They got involved in Somalian domestic disputes and squabbles from a position of almost complete and arrogant ignorance, relying on the belief that military force and good intentions would ineluctably solve tribal rivalries that have gone on for centuries. They created a "multiethnic" Bosnia and and tried to manipulate its domestic politics when it proved unstable. They openly played favorites in Bosnia and Kosovo, creating widespread resentment against the United States from all sides.

Most of these failures have been reported by the American press. Dempsey and Fontaine stitch the loose threads into a larger tapestry of failure. And they explain the kind of thinking that leads to failure.

These Clinton-era fiascoes, the authors conclude, "were expressions of the administration's faith in the power of government, especially the U.S. government, to engineer solutions to political and social problems." At the end of the administration, with failure after failure staring him in the face, Clinton said, "We've got to realize that there are other places in the world that we haven't fooled with enough." The

White House then presented a "new development agenda for the 21st century" with an "accelerated campaign against global poverty" and the elimination of the "digital divide," and advocated "democratic enlargement" as a uniquely American (i.e., bureaucratic) response to globalism. Clinton's people were quite open and explicit about the fact that their program meant an end to outdated concepts like national sovereignty and that it would cost a great deal in military force and foreign aid.

Fool's Errands provides extensive quotations from academic proponents of nation building, many of whom had the chance to apply their theories as officials during the Clinton administration. They explicitly abandon the theory of equal sovereignty among nations, which has been a governing principle of international law for almost a century — and which was designed to minimize international conflict. The principle of equal sovereignty holds that what a sovereign state does inside its borders is its own business, even if it is reprehensible to others. Military action is justified only when a country takes action outside its borders, by making war on or interfering in the internal affairs of another sovereign state.

They were guided not so much by naive American idealism as by the ideology of nation building, which is more European — or transnational — than American, and ultimately much more naive than simple boosterism.

Although the principle of equal sovereignty was sometimes exploited by repressive regimes (e.g., the Soviets and Chinese) and, like any general rule of action, had gray areas — (when a subsidy to a foreign opposition group becomes an interference that could be called aggressive, for example) — most states respected the sovereignty of other states.

With the end of the Cold War, however, came much chin-rubbing about the proper role of the United States in a world in which it was no longer needed to contain the Soviet Union. As Dempsey and Fontaine put it, "One theme that proved popular with the foreign policy establishment — and which coincidentally required maintaining Cold War-era levels of global activism and defense spending — was 'promoting democracy.'"

Scholars left and right, including Morton Halperin, Tufts professor Tony Smith, Harvard professor Stanley Hoffman, and American Enterprise fellows Joshua Muravchik and Michael Ledeen, wrote articles and books arguing that the primary goal of American foreign policy should be to "promote democracy." National security adviser Anthony Lake noted in a 1993 speech that the United States had successfully contained threats to market democracies, but "now we should seek to enlarge their reach. We should strengthen the community of major market democracies. We need to pursue our humanitarian agenda not only by providing aid but also by working to help democracy and market economies take root in regions of greatest humanitarian concern." This became policy when Secretary of State Warren Christopher announced in June, 1993, that the Clinton administration's goal in Somalia was not simply to contain a potential threat, but to play "a sturdy American role to help the United Nations rebuild a viable nation-state." Although the term "nation building" was abandoned after the Somalia debacle, the same motive prompted U.S. interventions in Haiti, Bosnia, and Kosovo.

By the end of the 1990s, the pretense of respecting national sovereignty had virtually disappeared. There were crusades to wage. Bill Clinton told Wolf Blitzer in June, 1999, shortly after the end of the NATO bombing campaign in Kosovo: "Whether within or beyond the borders of a country, if the world community has the power to stop it, we ought to stop genocide and ethnic cleansing." This echoed what then-U.N. Secretary General Javier Perez de Cuellar had said as long ago as 1991, "that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents." Francis Deng declared that the concept of sovereignty should be "reinterpreted as a concept of responsibility to protect one's own citizens. The sovereign has to become responsible or forfeit sovereignty." Jan Vederveen of the Institute for Social Studies in the Netherlands averred that "It is not so much that sovereignty is becoming an 'archaic' notion, as some assert, but that it is increasingly being viewed as conditional in relation to human rights."

Proponents of nation building explicitly abandon the theory of equal sovereignty among nations, which has been a governing principle of international law for almost a century.

I am tempted to give two cheers for

"I don't know what we ever did around here before collective bargaining."

the notion that human rights are more important than state sovereignty. But in practice this notion has been used mainly to justify intervention and aggression (what else would you call a bombing campaign?) by the biggest, most powerful state in the world, or by an agglomeration of powerful countries.

Perhaps it would do no good to send copies of *Fool's Errands* to members of Congress and to executive-branch policymakers. But if you're uneasy about the notion of nation building, this book will give you even more powerful reasons to be concerned. ❑

***Rediscovering Vardis Fisher: Centennial Essays,* edited by Joseph M. Flora. University of Idaho Press, 2000, 248 pages.**

The Forgotten Individualist

Miles N. Fowler

All of Vardis Fisher's 37 books are out of print. The prevailing judgment among critics is that Fisher's earliest books are his best, although his last novel, *Mountain Man* (1965) has its defenders. The closest he came to a masterpiece is his second novel, *Dark Bridwell* (1931); indeed, critic Frederick Manfred has gone so far as to suggest that Hemingway never wrote anything as good as *Dark Bridwell*. Yet the novel never sold well, demonstrating — as if it needed demonstration — that artistic merit does not necessarily go hand in hand with commercial success.

In 1996, a year after Fisher's 100th birthday, Joseph M. Flora, began compiling *Rediscovering Vardis Fisher: Centennial Essays*. Flora tells us that Fisher is often viewed as "a curmudgeon, increasingly out of touch with the realities of the twentieth century" (p. 1), a view echoed by Doris Betts (94). Yet, far from being out of touch with the realities of his time, Fisher was ahead of his time in recognizing that the utopian experiments of the past century were failures, even disasters, which could explain why so few opinion-makers have been eager to embrace his legacy. Had Fisher been less talented but more in step with the march to serfdom, he might be taught regularly in American literature courses today.

Fisher's work has some political implications, and part of the reason for his continuing obscurity could be that he is too conservative for liberals and too libertarian for conservatives. Fisher has a libertarian streak, but while most of his readers enjoy his lyricism and gritty storytelling, few fully appreciate his political viewpoint, and most scholars see Fisher's ornery political opinions as a liability.

Flora and the other contributors to *Rediscovering Vardis Fisher* seem unable to recognize that Fisher is neither an anachronism nor a conservative. In the Menckenesque columns he wrote for Idaho newspapers for more than 20 years, he showed that his libertarian streak ran far too deep for him to fit comfortably into the conservative camp. His outspoken opposition to the Vietnam conflict must have seemed heresy to conservatives, not to mention his atheism and his rejection of traditional sexual morality. But Fisher also spoke out against the New Deal, Camelot, and the Great Society. Long before Bill Clinton turned the practice into self-parody, Fisher observed that Democrats rule by exploiting and even inventing economic crises.

Flora is puzzled by Fisher's hostility toward Roosevelt's New Deal because, after all, it employed him as director of the Idaho Federal Writers' Project, a branch of the Works Progress Administration, and provided him "with needed income and enhanced his reputation" (4–5). But Flora must have known from Fisher's autobiographical novel *Orphans in Gethsemane* that Fisher found the WPA hierarchy treacherous and his tenure on the Writers' Project frustrating and disillusioning. (At least the protagonist of *Orphans* found it disillusioning; Fisher himself may already have been disillusioned when he took the job.) Rebelling against federal micromanagement of the American Guide series, he defied orders from Washington, D.C. by publishing *Idaho: A Guide in Word and Picture* (1937) ahead of schedule. The book was a critical success, but Fisher was punished, nonetheless, when he was "promoted" to regional director of the Rocky Mountain states, an isolated position in which it was impossible to accomplish anything and from which he soon resigned.

Both Flora (5) and Betts (94) single out Roosevelt as if he were Fisher's principal political bête noir, but Betts allows that Fisher criticized "the American presence in Vietnam and almost everything else." "Everything else" included war in general, the incipient political correctness movement that tried to ban *Huckleberry Finn*, every president from Woodrow Wilson to Lyndon Johnson, then Vice President Richard Nixon, and virtually all of Idaho's politicians regardless of party affiliation. He once wrote a column in which he offered to run simultaneously for every federal office to which Idaho is entitled, and vowed that, in holding all of them at once, he would do a better job than the incumbents while saving taxpayers the cost of paying more than one salary.

In spite of its problems, *Redis-*

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covering Vardis Fisher is a serviceable introduction to Fisher's fiction. The contributors cover various subjects, but there is enough overlap to give more than one opinion on major topics. With the exception of Mick McAllister's fine piece, "Father to the Man: An Apology for Fisher's Indians," none of the essays have appeared anywhere else. Most are critical and devoid of fawning praise, but only Marilyn Trent Grunkemeyer's "An Anthropological View of the 'Testament of Man'" is hypercritical. Though Fisher published short stories, poetry, and nonfiction, *Rediscovering Vardis Fisher* focuses primarily on his novels and, to a lesser extent, Fisher himself. It includes a concise chronology of Fisher's major life events and publication dates and a critical bibliography by Mark Canada — an excellent guide to books by and about Fisher.

Shunned Individualist

Flora is dubious about Fisher's own explanation for his low esteem — that he had made enemies among "reviewers and critics because he had not joined the communist brigade" (5). Fisher never had enough popular appeal to safely ignore the whims of politically correct critics, like Hemingway did, for example. Further, when Fisher won the 1939 Harper Prize for *Children of God: An American Epic*, about the origin and persecution of the early Mormons (his only best-selling novel), the judges were prevented from exercising any prejudices they might have had because they did not know the contestants' names. Stephen L. Tanner, in his contribution to this collection, says Fisher told members of the Western Literature Association in 1966 "that the reason *Children of God* won the prize was that the judges thought the manuscript belonged to Bernard DeVoto" (109). Though Fisher was probably joking, the notion seems plausible because DeVoto, a popular liberal writer of the time, was known to have an interest in the Mormon experience. Fisher was also convinced that he had earned the ire of the Eastern publishing establishment by charging them with parochialism in their treatment of western American writers. A review of one of Fisher's novels, *The Valley of Vision*, appeared in the July 2, 1951, issue of

Time with the headline "Strictly From Idaho." After decrying the maliciousness of the review itself, Fisher wrote, "The worst part, of course, is that the state of Idaho, perfectly innocent of the whole matter, should have been dragged into it."

"The reasons for the vicissitudes of Fisher's fortunes during his lifetime are numerous," writes Flora, "some were not of his making, some were" (4). While acknowledging that some writers simply sink into obscurity after death, Flora lays some of the blame for Fisher's declining reputation in the '70s and '80s at the feet of his widow, Opal Laurel Holmes, whose alternating absence and defensiveness undermined her intention to protect her late husband's legacy. When Boise State

Fisher's libertarian streak ran far too deep for him to fit comfortably into the conservative camp.

University's library offered to set aside a room dedicated to Fisher's books and papers, she dragged her feet until the library decided instead to give the room over to the papers of Sen. Frank Church — "a nice piece of irony," adds Flora, "since Fisher (maintaining the right-wing bent of his politics) had attacked Church frequently in his newspaper columns" (7). Holmes was quick to act, on the other hand, when some Mormons (including Fisher's younger sister) tried to claim Fisher as a Mormon. Though nominally a Mormon in his youth, Fisher was not only an atheist but had never been properly catechized and, Tanner tells us, was so misinformed regarding details of Mormon theology and practice that *Children of God* is rife with errors (100–102). When she republished *Dark Bridwell* under her own imprint, Holmes appended an angry open letter to the president of the church. Flora believes that this material made "the edition inappropriate for classroom use" (8), though he provides no evidence that very many academics would have taught Fisher's masterpiece even without this screed.

Ultimately, we must explain

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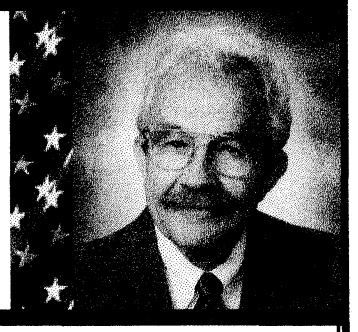

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Fisher's obscurity by taking into account his own choices. His first two novels, set in his native Idaho, earned him praise as a regional novelist, and his third through sixth novels, an autobiographical tetralogy, brought favorable comparison to Thomas Wolfe, his friend and former teaching colleague at New York University's Washington Square College. Fisher launched a career as a historical novelist with *Children of God* from which he earned enough to buy 23 acres in the Hagerman Valley of south-central Idaho, where he resided for the rest of his life. There, he wrote six modestly successful American historical novels, but his major literary project after *Children of God* was a series of twelve books he dubbed the "Testament of Man."

Fisher did not raise his estimation of primitive peoples so much as he lowered his opinion of civilized ones.

The first eleven are historical novels set in the Old World, the twelfth, an autobiographical novel revising and updating his earlier tetralogy. Fisher sought to explore the socio-political problems of the modern age in parables about those ideological choices that, in Fisher's view, led to Western civilization's present self-limiting beliefs and prejudices. Behind its historical settings, the "Testament" is really one man's attempt to grapple with his contemporary society as well as his own psyche. While intellectually provocative, the "Testament" novels are too eccentric to appeal to a mass audience and too uneven to win the favor of critics. The series became less and less marketable with each installment, especially given Fisher's skeptical view of Judaism and Christianity. But Fisher saw it through to the end, even while publishers, one after another, dropped him. The series as a whole could have been better researched (especially the prehistoric entries) and less didactic. As Larry McMurtry wrote, "Fisher has a strong desire to be the scholar-artist, but his gift for narrative is not always compatible with his yen for scholarship" (220).

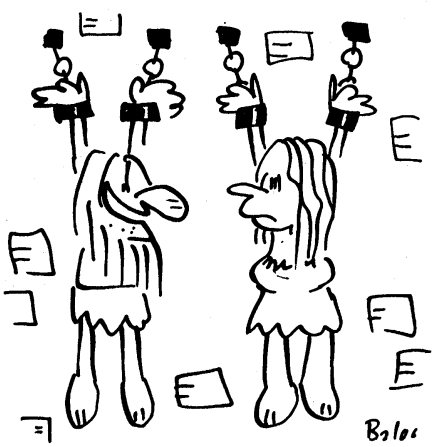

"How long you in for, Sonny?"

Political Readings

James H. Maguire questions the classification of Fisher as a naturalist by his early critics because Fisher does not portray nature as inevitably defeating his characters as naturalists so often do. Rather, he sees nature as "Janus-faced," presenting people with favorable or unfavorable circumstances more or less at random. In *Toilers of the Hills* and *Dark Bridwell*, the efforts of his more persistent characters are eventually rewarded. Fisher's third novel, *In Tragic Life*, tells of its protagonist's childhood of poverty and repression in a terrifying wilderness, but this character, too, persists and eventually finds sustenance and even pleasure in an otherwise arbitrary world. Maguire concludes that this is realism rather than naturalism. Peter Blakemore takes a different approach to Fisher's view of nature. The characters in *Dark Bridwell* live in a darkened canyon dominated by a turbulent river, and each sees the world differently depending on his or her relationship to — or isolation from — other people, animals, plants, the soil, and the river.

Marilyn Trent Grunkemeyer argues that "All of Fisher's heroes are clearly Fisher himself" (188), and claims that he agrees with the views of his protagonists even when he explicitly denounces them. For example, she insists that Fisher shares the views of Dove, the male protagonist of *Adam and the Serpent*, who has a revelation of the evil of women (186), despite Fisher's, as narrator, writing that "The idea of sin, and of woman as the one who brought sin into the world, had entered the consciousness of man, and this furious lunatic was giving a foretaste of the horrors to come — of all the incredible agonies to be suffered by millions in flame, on the rack, in dungeons, on the cross, because a mad prophet, shamed by his low estate and hating women, had boldly decided that they were the source of evil."

Any page of Mick McAllister's contribution shows a more profound understanding of the implications of cultural evolutionism than Grunkemeyer's entire essay. It is McAllister's view that, as a jumping off point for fiction, Fisher's bad anthropology is "harmless and heuristic." It is only when one takes it seriously as anthropology that it becomes dangerous (125). McAllister also recognizes that the key to understanding Fisher's often perplexing attitudes toward race and culture is in his changing portrait of the American Indian. Fisher's narrow research for his "Testament" series taught him to look at Native American culture as being at a primitive and childlike stage of development. "[H]e is, in the jargon of anthropological theory, a 'unilateral evolutionist,' committed to the idea that all cultures pass through roughly the same stages and that all humankind has essentially the same mind and evolutionary 'goal'" (125). Ethnocentricity is not equivalent to racism, McAllister argues; rather, racism is one kind of ethnocentricity while evolutionism is another. The latter holds that some types of societies are immature, leaving open the possibility that these "immature" societies can eventually "grow up." Thus Fisher is not a racist but rather a cultural chauvinist. The same childlike traits he applies to some of his Indian characters he also applies to white Europeans

One critic argues that "All of Fisher's heroes are clearly Fisher himself," and claims that he agrees with the views of his protagonists even when he explicitly denounces them.

in his novels set in the Stone Age.

"It is a tribute to Fisher's intellectual character," McAllister concludes, "that he was able, in *Mountain Man*, to see past the self-imposed blinders of his scholarly research to the essential common humanity of us all. It is an embarrassment to those who love his work despite its faults and limitations that he wrote for so long and, sometimes, so persuasively, wearing those blinders" (125).

My own view is that Fisher did not so much abandon his theory as he revised it in light of its inherent contradiction: In his "Testament" series, Fisher concludes that virtually all people in all historical eras, himself and his own included, are childish. If "civilized" men and women are like children and animals, how could Fisher maintain that Europeans are less so than Native Americans? When *Mountain Man*'s protagonist muses that the difference between Indians and whites is that Indians enjoy torturing their prisoners while whites do not, it is only 20 pages later that he observes white men enjoying the torture of Indian prisoners. McAllister wonders whether Fisher was aware of this dramatic irony, but I see no reason to doubt that he planted it deliberately. Fisher's view in *Mountain Man* is not a rejection of his earlier beliefs about human nature; he did not raise his estimation of primitive peoples so much as he lowered his opinion of civilized ones. Ultimately, Fisher's pessimism about humanity's capacity to achieve and maintain free societies forms the outer boundary of his libertarian tendencies. In spite of that, there is something to be savored, bittersweet though it is, in Fisher's longing for the full birthright of reason and freedom that he believes has been denied to all of us — especially at those times when pessimism seems most difficult to dismiss.

Had Fisher been less talented but more in step with the march to serfdom, he might be taught regularly in American literature courses today.

Denying the Holocaust: The Growing Assault on Truth and Memory, **by Deborah Lipstadt. The Free Press, 1993, 278 pages.**

Holocaust Denial on the Left

Barry Loberfeld

Justice Charles Gray read his verdict on April 11, 2000, after which both parties to the suit walked out of the courtroom and onto a London street. There, for all to see, was the insidious atrocity denier in the flesh — and yet no one thought to throw any eggs at Deborah Lipstadt.

Oh, they threw them at David Irving, whose status as a Holocaust denier was, even before the verdict, obvious to everyone — except, evidently, Irving himself, which alone can explain why he instigated the most self-destructive libel suit since Lillian Hellman served papers to Mary McCarthy (which, as William Wright in *Lillian Hellman: The Image, the Woman* observed, "forced one of the country's sharpest and most energetic minds to pore through the entire Hellman oeuvre in search of lies").

No doubt the only bigger fool was anyone who failed to put a little money on Miss Lipstadt. 2001 saw the publication of two books — *Lying About Hitler: History, Holocaust, and the David Irving Trial*, by Richard J. Evans (the main expert witness for Lipstadt's defense) and *The Holocaust on Trial*, by D.D. Guttenplan, an independent journalist publishing both here and in Britain — that provided a full account of the trial, and there's talk of even more (including one by Lipstadt herself) on the way. But even before I read these, it was the very audacity of Irving's legal challenge that had me off and running to find out exactly what Lipstadt, an Emory University professor and the author of *Denying the Holocaust: The Growing Assault on Truth and Memory* (1993), could have said about him. However, by the time I crossed the finish line and could put my seeing glasses back on, a very different question had won out: Was I the only one other than Irving to have actually read this book?

Forget about what she says about Irving. It's tame stuff, nowhere near as damning as what came out in court. A better portrait of the man — and of Holocaust denial — can be found in 2000's *Denying History*, by Michael Shermer and Alex Grobman. No, the interesting part begins (in Chapter 2: "The Antecedents: History, Conspiracy, and Fantasy") with Lipstadt's notion that the roots of Holocaust denial lie, not with neo-Nazism, but with World War II "isolationism," which she limns with exactly the spatter you'd expect, swinging from the mandatory suspects (e.g., Father Coughlin) to such genuine leading lights as John T. Flynn, whose worthy classic *The Roosevelt Myth* is apparently cited just to allow her to mention that it was "released by Devin-Adair, which would in turn become one of the leading publishers of Holocaust denial material" — an observation on par with pointing out that many of H.L. Mencken's pro-limited government essays first appeared in *The American Mercury*, which would "in turn" become one of the leading publishers of anti-Semitica. Delightfully, Lipstadt will soon treat us to an even lovelier image of guilt by association. But basically what she wants us to glean from this historical graffiti is the contention

that "[v]irtually all the [isolationists'] charges were adopted by the deniers" — "arguments [that] would become crucial elements in the deniers' [efforts]."

Such as? "They generally agreed that the United States should not have allowed itself to be drawn into the war" — a hideous conviction, to be sure, but at least one that can be correctly attributed to the isolationists, which is more than can be said for what comes next: "They recognized that [after the war] the Allies in general and Americans in particular were likely to balk at aiding a country that was perceived as vicious, if not genocidal. It was necessary, therefore, to mitigate, if not totally dissipate, the uniqueness of Germany's wartime behavior." The error may be mine, but I really don't recall the isolationists (who were often smeared as "pro-German") having been all that keen on foreign aid, much less that the architects of the Marshall Plan sought moral support from the (by then defunct) America First Committee. Well, no matter exactly whom Lipstadt has in mind, "they" accomplished this mitigation "in a number of ways," with the foremost being "by engaging in immoral equivalencies — that is, by citing what they claimed were comparable Allied wrongs." And the connection with Holocaust denial? Lipstadt contends that the concept of "comparable Allied wrongs" has become a fulcrum of contemporary Holocaust denial and a theme repeated continually in their literature.

Lipstadt contends that the roots of Holocaust denial lie, not with neo-Nazism, but with World War II "isolationism."

But the deniers do not stop with this. In order to achieve their goals, one of which is the historical rehabilitation of Germany, they must "eliminate" the Holocaust. Once they do so, this equation — that everyone is equally guilty — becomes even easier to make. If there was no Holocaust and the Allies committed terrible atrocities, then what was so bad about Nazi Germany?

Actually, that would render the equation, not "easier," but null. In any case, what we have here, in its essentials, is: Opposition to U.S. entry into World War II plus making rude noises about evils committed by nations other than Nazi Germany equals denial of the "uniqueness" of the Holocaust, which ("in turn") equals denial of the reality of the Holocaust — the Lipstadtian thesis.

Immoral Equivalencies

John T. Flynn was the father of David J.C. Irving. Honestly, I never suspected. Be that as it may, it's a revelation that does not "inform" *Denying the Holocaust* so much as it transforms it into something far more than a mere profile of crackpots and lunatics.

Lipstadt begins her explication of "immoral equivalencies" with two "mild example[s]." *Chicago Tribune* editor George Morgenstern had (in 1947) paralleled the "slave states" of the Axis with the "exploitation" of millions of native peoples by the British Empire. Similarly, William Neumann — "one of the first to attack prewar U.S. foreign policy," his only identification — opined that the Allies had committed evils that matched the Nazis' "point by point." (The first example given by Lipstadt: "Stalin had invaded Poland in 1939 . . .") But she hastens to warn us that there "were also those who, not satisfied with attacking Roosevelt or equating German and [Allied] wrongdoing, went a step further and portrayed Germany as the much-maligned victim of Allied aggression. Such arguments served as the model for those who would eventually seek not just to exculpate Germany for the Holocaust but to deny its existence altogether."

Indeed? "Such arguments" as? Believe it or not: the condemnation (as an atrocity) of "the bombing of Dresden and Cologne." So, when British Maj. Gen. J.F.C. Fuller damned the air raids as "appalling slaughterings, which would have disgraced Attila" — or when historian Max Hastings (*Bomber Command*) stated his belief that the "cost of the bomber offensive in life, treasure, and moral superiority over the enemy tragically outstripped the results that it achieved" — both were doing nothing but clearing the brush for the emergence from the muck of Ernst Zündel and Fred Leuchter. Even worse: "They" — presumably, "those who . . . went a step further"; here again Lipstadt fails to name names, Fuller and Hastings are my examples — "assailed Allied acquiescence in allowing the bifurcation of Germany and

Opposition to U.S. entry into World War II and making rude noises about evils committed by nations other than Nazi Germany amounts to denial of the "uniqueness" of the Holocaust, which in turn amounts to denying that the Holocaust ever happened.

"You knew when you took this job that there's no rest for the wicked!"

Soviet hegemony in Eastern Europe, ignoring the fact that the West had no alternative short of armed conflict with the Soviets." And so by failing to acknowledge the obvious reasons why American troops had to cross the Atlantic to save Western Europe from Nazism but could not march a few miles to save Eastern Europe from communism, "they" — wittingly? unwittingly? — paved for the deniers the way out of the wilderness and onto cable access television.

Lipstadt does not merely absolve communist ideology of any responsibility for Pol Pot's genocide — she denies that any genocide even happened in Cambodia.

These little points of contention of hers, however, are mere buds. Lipstadt's indictment of the "relativists" (i.e., the promulgators of "immoral equivalencies") fully flowers with so astounding a statement that it fairly begs to be quoted at length, and I haven't the heart to say no. Ergo:

> Relativists and German apologists cited the Allies['] mass transfer of German citizens from Czechoslovakia and Poland in the immediate aftermath of the war as the ultimate example of Allied brutality. Sen. William Langer (R-ND), who had vigorously opposed Roosevelt's foreign policy, spoke of a "savage and fanatical plot" to destroy fifteen million German women and children. Senator Langer claimed that three million of the German refugees had died en route. Freda Utley [*The High Cost of Vengeance*] described these population transfers as "crimes against humanity." Her choice of this particular phrase, which had already gained wide currency as a result of the Nuremberg indictments, was telling. (Eventually Utley would become one of the most vocal of Sen. Joseph McCarthy's supporters, branding one of those he accused of being a Communist spy as a "Judas cow," an animal who led others to be slaughtered). Using a tactic that typified the actions of those who, in their quest to defend Nazi Germany, stopped short of denying the atrocities [i.e., the Holocaust], she compared these transfers [and the concomitant deaths] with what had been done to the Jews. According to her the expulsion of millions of people from their homes for the sole "crime" of being part of the German "race" was an "atrocity" equivalent to "the extermination of the Jews and the massacres of the Poles and Russians by the Nazis."

Now what is Lipstadt saying here? That Sen. Langer was an isolationist extremist who invented wild tales of exiles and casualties? That Utley was a despicable McCarthyite and fellow traveler (of the "defend[ers of] Nazi Germany") who unconscionably exploited the language of the Holocaust to describe what was only . . . what? A myth? A hoax? Exactly what is Lipstadt denying? That about 16 million Germans were forced from their ancestral communities in Eastern Europe? That about two million were killed by this "transfer"? That they were expelled solely because they were ethnic Germans? That this action constituted a "crime against humanity," an "atrocity" in the same sense as the Nazi barbarities? That those who would affirm these statements do not do so only as the forward guard of Holocaust denial? Perhaps Lipstadt

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might care to ponder the reflections of G.M. Tamas, a Hungarian who (in *The Spectator* in 1989) wrote:

> The Jews were murdered and mourned. . . . But who has mourned the Germans? Who feels any guilt for the millions expelled from Silesia and Moravia and the Volga region, slaughtered during their long trek, starved, put into camps, raped, frightened, humiliated? . . . Who dares to remember that the expulsion of the Germans made the communist parties quite popular in the 1940s? . . . The world expects Germany and Austria to "come to terms" with their past. But no one will admonish us, Poles, Czechs, and Hungarians, to do the same. Eastern Europe's dark secret remains a secret.

And will remain so indefinitely as long as we allow the Deborah Lipstadts to convince us that to throw light on such evils is to "in turn" plunge the Holocaust into darkness.

Why should we exonerate Deborah Lipstadt as a mere ignoramus, when she herself condemns David Irving et al. as liars, hatemongers, immoralists, and clear-and-present dangers to the commonweal?

These are but a few examples of the applied Lipstadtian thesis, with the most noteworthy ones saving their appearance for the final chapter. But along the way Lipstadt spills a hint of what's there when she makes a passing comment about the "distasteful . . . creating [of] an immoral equivalence of the gulag versus the death camps." What, in the name of decency, is either "distasteful" or "immoral" about such a comparison, you ask? Good question. Lipstadt herself tells us that "between 1.5 and 2 million" died at Auschwitz, while scholar Robert Conquest notes that "some three million" died at Kolyma. Moreover, Lipstadt, in that final chapter, readily admits that "Stalin killed more people than did the Nazis." So, the answer is? The only one made possible by her thesis: Such comparisons are thinly veiled attempts to deny the reality of the Holocaust by denying its uniqueness.

The Battle for Uniqueness

In "Watching on the Rhine: The Future Course of Holocaust Denial," Lipstadt confirms any and all suspicions that her thesis is a juggernaut that recognizes and respects no boundaries. Focusing on the Historikerstreit in the '80s that involved Ernst Nolte and other German intellectuals who had compared the Holocaust to the other great mass murders of history (in the author's rendition: "the Holocaust was simply one among many evils"), she speeds far past the post of "comparable Allied wrongs":

> The [German] historians' attempts to create such immoral equivalencies ignored the dramatic difference between these events and the Holocaust. The brutal Armenian tragedy, which the perpetrators [she must mean current Turkish officials] still refuse to acknowledge adequately, was conducted within the context of a ruthless Turkish policy of expulsion and resettlement. It was terrible and caused horrendous suffering but it was not part of a process of total annihilation of an entire people.

I suppose that we should be somewhat thankful that in this case we at least get an unambiguous concession that the "policy of expulsion and resettlement" was not only real but even "ruthless." But that's all we get. Forget about the "annihilation of an entire people" — it seems quite uncertain whether Lipstadt really believes the "policy" killed any people. Our professor cites no sources for this rendition of history. Not that surprising, since it's a rendition shared by no one: not those who commanded the carnage nor those who actually witnessed it nor those who today truly "acknowledge [it] adequately."

Enver Pasha, one of the Turkish triumvirate rulers, openly declared, "The Ottoman Empire should be cleaned up of the Armenians and the Lebanese. We have destroyed the former by the sword, we shall destroy the latter through starvation." Talat Pasha, another Young Turk, was equally explicit: "Turkey is taking advantage of the war in order to thoroughly liquidate its internal foes, i.e., the indigenous Christians." The second group includes Mustafa Arif, minister of interior, who admitted that the "wartime leaders, imbued with a spirit of brigandage, carried out the law of deportation in a manner that could surpass the proclivities of the most bloodthirsty bandits. They decided to exterminate the Armenians, and they did exterminate them." Our ambassador, Henry Morgenthau Sr., wired Secretary of State William Jennings Bryan, calling the actions of the Young Turks an attempt at "racial extermination." In *Ambassador Morgenthau's Story* (1919), we read, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact." Finally, in 1994, Yossi Beilin, Israeli deputy foreign minister, provided the proper memorial: "It was not war. It was most certainly massacre and genocide, something the world must remember . . . We will always reject any attempt to erase its record, even for some political advantage." Too obviously, denying the Holocaust parallel can be the effect of only one of two causes, neither charitable: an immense ignorance of this history — or a conscious "attempt to erase its record" precisely "for some political advantage."

When the Holocaust becomes history's greatest victimization, then the Jews become history's greatest victims.

Lipstadt's discussion of the Khmer Rouge is so riddled with error as to actually require itemization:

> . . . [1] The Khmer Rouge's massacre of a million of their fellow Cambodians, [2] to which the Western world turned a blind eye, [3] was carried out, as Richard Evans [In *Hitler's Shadow*] observes, as a means of subduing and eliminating those whom Pol Pot imagined had collaborated with the Americans during the previous hostilities. The ruthless policy was conducted as part of a brutalizing war that had destroyed much of

Cambodia's moral, social, and physical infrastructure. [4] This is not intended in any way as a justification of what happened in Cambodia. [5] The Khmer Rouge's treatment of their countrymen was barbaric. But what they did was quite different from the Nazis' annihilation of the Jews, which was "a gratuitous act carried out by a prosperous, advanced, industrial nation at the height of its power."

Okay, let's take 'em as they come.

(1) The figure is closer to two million. Still, we should again be "somewhat thankful" that we at last get Lipstadt to acknowledge that a bona fide "massacre" (but not "genocide" — that would be pushing it) had occurred.

(2) Unless "the Western world" means Gareth Porter and George Hildebrand (*Cambodia: Starvation and Revolution*), this is simply nonsense. In fact, many Westerners (e.g., Assistant Secretary of State for East Asian and Pacific Affairs Philip Habib) predicted that a "bloodbath" would follow a Khmer Rouge seizure of power.

Why are Hitler's non-Jewish victims not part of "the Holocaust"? Why have the 5 million become not even a footnote?

(3) The massacre was carried out, as David Horowitz and Peter Collier (*Destructive Generation*) observe, "as part of [the Khmer Rouge's] unremitting assault on the cities as centers of bourgeois culture. . . . Their savagery was . . . a systematic strategy dictated by their Marxist political program, which required the destruction of traditional institutions like religion and family, and which required as well forced collectivization, liquidation of the 'parasitic' classes, and police terror." The notion that the Khmer Rouge singled out "those whom Pol Pot imagined had collaborated with the Americans" bears an unsettling resemblance to "the argument of Staughton Lynd and Tom Hayden . . . that the systematic mass murder of North Vietnamese peasants . . . by Ho Chi Minh's dictatorship . . . had been nothing more than spontaneous lynchings of pro-French traitors" (Michael Lind, *Vietnam: The Necessary War*). And "as part of a brutalizing war"? Meaning what — in response to the forces fighting the Khmer Rouge? Here the resemblance is with the equally unsettling Chomsky-Herman suggestion (in *After the Cataclysm*) that Khmer Rouge violence was a "direct and understandable response to the still more concentrated and extreme savagery of a U.S. assault that may in part have been designed to evoke this very response." Shifting into that mode, we may float the possibility that der Führer conceived the Final Solution in response to the declaration of war by Britain and France, who issued the declaration to achieve precisely that. Yet most disturbing — shocking, really, since Lipstadt herself clearly does not recognize it — is the symmetry of her

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adopted New Left historiography and the attempts of those who would deny or diminish the Holocaust by arguing that (in her paraphrase) "most Jews died of starvation and disease (as is the case in every war) or were killed as partisans and spies."

(4) Could've fooled me. Lipstadt does not merely absolve communist ideology of any responsibility for Pol Pot's class genocide — she denies that there was any genocide, any "annihilation" — but blames others (in "part") for the "ruthless policy."

(5) Again, meaning what? That the atrocity of the Killing Fields was a "non-gratuitous" act carried out by a poor, backwards, agrarian nation at the nadir of its power? What import would Lipstadt have us attach to that? Would she see, let's say, the rise of Nazism as somewhat mitigated by the fact that it was emphatically not an "act carried out by a prosperous, advanced, industrial nation at the height of its power"?

The Brown Terror was nothing more than the Red Terror's same genocidal socialism with class consciousness replaced by racial nationalism.

The Lipstadtian Thesis

By now it's impossible not to see where all this is going: Yes, other governments may have killed many persons, but only the Nazis acted with the intent of achieving "total annihilation of an entire people." It is the uniqueness of this racism that distinguishes the Holocaust as history's only true genocide. Witness this rhetorical marvel:

> These historians also seem intent on obscuring the crucial contrasts between Stalinism and Nazism. Whereas Stalin's terror was arbitrary, Hitler's was targeted at a particular group. As the German historian Eberhard Jäckel observed in an attack on Nolte and his compatriots, never before in history was a particular human group — its men, women, children, old, young, healthy, and infirm — singled out to be killed as rapidly as possible using "every possible means of state power" to do so. The fate of every Jew who came under German rule was essentially sealed. In contrast, no citizen of the Soviet Union assumed that deportation and death were inevitable consequences of his or her ethnic origins. People in the USSR did not know who might be next on Stalin's list. This uncertainty terrorized them. By contrast, during the Nazi assault on the Jews "every single one of millions of targeted Jews was to be murdered. Eradication was to be total." The Nazis did not borrow these methods from the Soviets. They were sui generis, and the refusal of these historians to acknowledge that fact reflects the same triumph of ideology over truth that we have seen throughout this study.

All right, so perhaps "marvel" doesn't quite do it justice. Doctors Jäckel and Lipstadt, if they are so focused on ethnic genocide, might wish to apply their criteria to the Armenian genocide (which Hitler cited as a precedent) or, even better, to the Ausrottung of the Native Americans (which Lipstadt doesn't deign to so much as mention) before finalizing their pronouncement of "never before in history." They might also think to acquaint themselves with the Bolsheviks' "monstrous plan of de-Cossackization," which "involved mass relocation of population, the extermination of a rich stratum of Cossacks, the creation of concentration camps for the families of rebellious Cossacks, and systematic terror" (Vladimir Brovkin, *Russia After Lenin*). An excellent book would be Aleksandr M. Nekrich's *The Punished Peoples: The Deportation and Tragic Fate of Soviet Minorities at the End of the Second World War*, although Lipstadt herself would probably prefer the example of persecution discussed in Louis Rapoport's *Stalin's War Against the Jews*. But is it really better not to know whether your "ethnic origins" (or any other factor) will condemn you to "deportation and death" until it's too late? I don't know; too bad Freud and Einstein aren't still around for us to ask.

Nonetheless, when it comes to the madness of genocide, there can be no doubt as to its etiology in 20th-century Europe:

> We are not carrying out war against individuals. We are exterminating the bourgeoisie as a class. We are not looking for evidence or witnesses to reveal deeds or words against the Soviet power. The first question we ask is: to what class does he belong, what are his origins, upbringing, education, or profession? These questions define the fate of the accused. This is the essence of the Red Terror.

The Brown Terror was nothing more than this same genocidal socialism with class consciousness replaced by racial nationalism — "National Socialism." Following as a matter of course (which Mises stressed in *Omnipotent Government*) were the party dictatorship, the cult of the leader, the secret police, the concentration camps, and all the other practical features of Stalinism. Sui generis? Nonsense, especially when considered in relation to another canon of Holocaust studies orthodoxy: the notion that the Nazi slaughter of the Jews was the inevitable culmination of two millenia of Christendom. As Ralph Raico once observed, "Crusader murders in Jerusalem in the year 1096 are an important part of the story, but not Bolshevik murders in the 1920s and 30s" — a most apt example of the "triumph of ideology over truth."

Unsavory Motivations

The verdict on Lipstadt? Certainly "immense ignorance" goes a long way toward explaining her means and motive. But there is also the matter of "political advantage." She is irreversibly convinced that we must proclaim the Holocaust history's *magnum crimen* lest Jew-haters go about claiming that

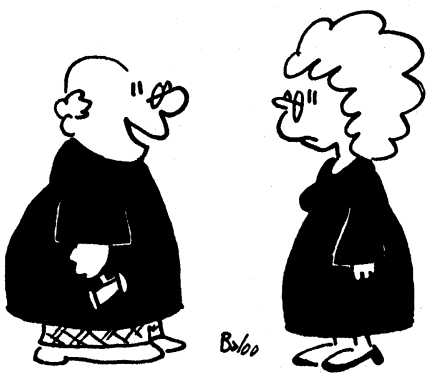

"So this is the famous Judge Oglethrope — your pictures don't do you justice!"

"it never happened." It's the same m.o. as the multiculturalist who insists that school texts "include" Crispus Attucks lest our Archie Bunkers go about claiming that "white people did everything" — historical interpretation retooled as a pre-emptive strike against lowbrow bigotry. Of course, though, the mention of Attucks is in no way comparable to the "basic strategy of distortion" that defines her work and the Holocaust deniers' equally. Thus, the question becomes: Why should we exonerate Deborah Lipstadt as a mere ignoramus, when she herself condemns David Irving et al. as liars, hatemongers, immoralists, and clear and present dangers to the commonweal?

Is the Ukrainian terror-famine ever even mentioned, let alone memorialized — in art, literature, and discourse — as the nadir of man's inhumanity to man?

Of their respective offenses, there can be no doubt that Lipstadt's (and that of her many Lipstadtian predecessors and contemporaries) has had the more widespread and destructive impact upon society. Ironically, she herself presents the evidence: "The question that logically follows from [these immoral equivalencies] is, Why, then, do we 'only' hear about the Holocaust? For the deniers and many others who are 'not yet' deniers, the answer to this final question is obvious: because of the power of the Jews." She condemns as paranoiac prejudice the inability to understand why we hear about the Holocaust alone; she doesn't deny the fact that we do. Indeed, how could she? When was the last time you heard about the Armenian horror? Does the name "Kolyma" appear in popular culture with anything near the frequency of "Auschwitz"? Is the Ukrainian terror-famine ever even mentioned, let alone memorialized — in art, literature, and discourse — as the nadir of man's inhumanity to man? Who speaks of the murders of Maoist China? Not Lipstadt, who nonetheless inadvertently provides a motive also for the discrepancy between communism and Nazism with which the tenured disintelligentsia, a virtual cosa nostra of Lipstadtianism, always vents its collective conscience. She writes, concerning the connection between Holocaust denial and the Far Right:

> As long as fascism could be linked with Nazism, and Nazism, in turn, could be linked with the horrors of the Final Solution, then both would remain thoroughly discredited. There were those, however, who were not willing to abandon these political systems. They knew that the only means of trying to revive them would be to separate them from the Holocaust and the multitude of atrocities that accompanied it.

Only minimal substitution is necessary:

As long as socialism could be linked with communism, and communism, in turn, could be linked with the horrors of the Red Terror, then both would remain thoroughly discredited. There were those, however, who were not willing to abandon these political systems. They knew that the only means of trying to revive them would be to separate them from the Soviet Union and the multitude of atrocities that accompanied it.

Now it simply will not do to allow the crimes of Stalin (and Mao, Pol Pot, etc.) to serve as the reductio ad atrocitas of class ideology the way the crimes of Hitler do of racial ideology. Nor can we have Old and New Leftists becoming the kind of social pariahs that paleo- and neo-Nazis are. And so the history of applied Marxism is subjected to denial by disregard.

Benefits of Victimization

Clearly a certain amount of the "political advantage" is collected by America as a whole, which can commemorate the atrocity it helped to end (in the "good war"), while forgetting those it did or could do nothing to stop, not even to speak of those it might have perpetrated. But by far the biggest cut goes elsewhere: When the Holocaust becomes history's greatest victimization, then the Jews become history's greatest victims. I shouldn't have to explain the benefits that accrue to that status in the present age. On one end, it has secured the Jews against religious fundamentalism (of the non-Jewish variety) and racial nationalism (of the non-Zionist kind). The Pat Robertsons and the Pat Buchanans watch their tongues (even though, perhaps predictably, that still fails to mollify the Alan Dershowitzes). And on the other end, it holds to a standard a Left that otherwise holds to no standard but the double standard.

Consider the example of Louis Farrakhan. For years he spewed with impunity his poison at "white people." The charge of "reverse racism" was as ineffective against him then as it is against affirmative action now. But when he spun to aim his venom at "the Jews"!

We may similarly note the observation of Shermer and Grobman: "Ironically, it is with issues such as Holocaust denial that all discussion of historical relativism ends. Ask deconstructionists if they think that the belief [that] the Holocaust happened is as valid as the belief that it did not happen, and the debate quickly screeches to a halt." Above all, this status operatively suppresses a latent Meinhofian "Jews with money" rage at a time when the Jews more than ever fail to conform to the Left's profile of "victims." Hence Mr. Dershowitz: "It is important to recognize that American Jews — even those whose families left Europe before World War II — are themselves vicarious survivors of the Nazi Holocaust." Who can doubt it?

When the Holocaust becomes history's greatest victimization, then the Jews become history's greatest victims. I shouldn't have to explain the benefits that accrue to that status in the present age.

This would appear to be the appropriate moment to mention yet another 20th-century atrocity, one that has received virtually no acknowledgement at all, its history not merely forgotten but mostly suppressed — with the Lipstadtians leading the effort. In *Denying the Holocaust*, the word

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"Gypsies" can be found but once, on p. 174, and it is only on p. 179 that we may read of the Nazis "using 'gas chambers' to kill millions of Jews and other 'undesirables'" — when Lipstadt quotes David Irving. We have come to the one question never studied in all the Holocaust studies courses: Why are Hitler's non-Jewish victims not part of "the Holocaust"? Why have the 5 million (the popular figure) become not even a footnote? How many people familiar with Hitler's infamous remark about the Armenians know that it was part of a statement calling for the wholesale slaughter not of Jews, but of Poles?

For her part, Lipstadt the legalist does not even serve up a helping of her stomach-turning distinctions for an answer — which makes sense since, again, there is no asking of the question. But then, what could she possibly say that would explain the absence of, not merely "equivalence" (which would here too be "immoral"?), but remembrance? Whether or not there is an answer to that question, the keepers of the flame are determined that "the Holocaust" remain, in Lipstadt's words, a "tragedy of civilization in which the victims were Jews" — and no one else.

Which finally leads us to ask: What, then, of that resounding cry of "Never again!"? If not one of the other tragedies of civilization constitutes another "again," whatever possibly could? For decades, we have been told that the Holocaust is a horror so unparalleled in history (and in its implications about the nature and moral status of humanity) that no one dare speak of other "events" in the same breath — with the result being that now no one speaks of them at all. Even those who perished alongside Jews are among the consciously forgotten. History discarded is history denied. As we weigh the Irvings against the Lipstadts, can there be any doubt whose is the greater guilt? ❑

Letters, *from page 46*

It seems to me that many of these people and organizations who ostensibly want to encourage immigration and help Mexican immigrants (who obviously make up the vast majority of our increasing population) are the very forces which hinder their progress in this country, which has the secondary effect of creating many of the social problems (overcrowding in the schools, overuse of our resources, and crime) observed in California. One example is the deranged position of the Roman Catholic Church with regard to birth control, which promotes high birth rates that add even more misery to the already overcrowded conditions in which many of these immigrants live. (Since I live in California, I see it firsthand.) Then there is the bulwark of Chicano groups and reactionary white "liberals" who promote multiculturalism while at the same time arguing their open border policy by using the "we are a nation of immigrants" mantra while ignoring the fact that in times past, *assimilation* was the norm, whereas today, ethnic identity — to the point of not learning English — is promoted through their statist "bilingual" taxpayer-funded services. Simply put, the idea seems to be: Bring a bunch of people up here; teach them that they are not smart enough to learn English — or tell them they're selling out their culture if they do; keep them at poverty wages; encourage high birth rates, thus making sure they remain overcrowded and undereducated; then pretend that this is all for their benefit.

Bill Clausen
Santa Barbara, Calif.

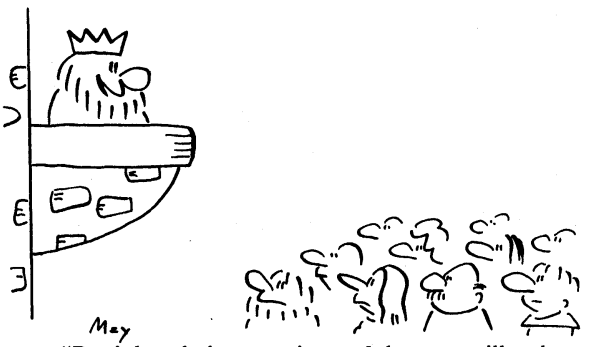

"Don't knock the recession — It keeps out illegal aliens out, doesn't it?"

Conservatives, *from page 33*

lent and accessible book to share with egalitarians that makes this point is Mancur Olson's final book, *Power and Prosperity*.

Given their keen interest in personal morality, members of the religious right will refuse to work with libertarians if the latter insist that libertarianism is a social as well as a political philosophy. Few members of the Religious Right will work with allies who are openly gay or who support abortion on demand. But this isn't a one-way street. Libertarians who agree to limit their contribution to political principles can rightly insist that members of the religious right drop from their agenda any public policies that would force others to adopt particular values or involuntarily fund plans based on the religious right's idea of the good.

Conclusion

Given the nature of politics today, it is unlikely that enough libertarians will be elected to state and national offices in the near future to affect public policy. If we want to have influence there, we must become numerous enough to challenge the ability of Republicans and Democrats to get re-elected, or we must influence the views of those elected officials who are sympathetic to our perspective. Both routes should be pursued, though only the second is addressed in this essay.

Liberal critics of conservatism, libertarianism, and the religious right frequently point out the differing values and ideals of the three movements and confidently predict the collapse of their alliances. Conservatives, libertarians, and members of the religious right often give credibility to such predictions by periodically storming out of coalitions.

The secret to coalition building is making sure that everyone who enters the coalition is aware of areas of agreement and disagreement and agrees to focus on the former and avoid the latter. In this particular case, this means libertarians know their social philosophy is at odds with most of their coalition-mates, but their political philosophy is ideally suited to fulfill the other groups' needs. Conservatives and members of the religious right know the "price" of obtaining a set of workable political principles is the absence from the coalition's agenda of any public policies that rely on the initiation of force.

The Chicago Conservative Coalition, which prompted many of the insights in this essay, is a modest project involving a dozen organizations. The groups were brought together in desperation, because each was unsuccessful in getting its issues taken seriously by the state's elected officials. It's off to a promising start, but I do not believe the validity of the observations appearing here depend on the success of the CCC.

If economic historians such as Robert William Fogel are correct, the next 20 years will see sweeping changes in public policy on a scale not seen since the 1930s. It is largely up to us — we few libertarians active today — whether that reform agenda will reflect libertarian or statist values. Working with conservatives and the religious right, I am convinced, is the best route to building a broad-based social movement in support of ideas that empower people by limiting government. ❑

PATRIOTism, *from page 20*

bined with enhanced executive discretion becomes extremely dangerous. Attorney General John Ashcroft recently said, "To those . . . who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorism, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies and pause to America's friends." Recently, Senate Majority Leader Tom Daschle criticized President Bush's proposed expansion of the war against terror. In response, Senate Minority Leader Trent Lott accused him of undermining the unity of the nation.

Patriotism and unity are important in times of crisis, but they should not be a substitute for the democratic process that produces good policy. Of course, there is always tension between order and liberty: Some order is necessary to create the conditions for liberty, but too much order can endanger liberty and even order itself. Before Sept. 11, traditionally leftist groups, like the ACLU, aligned themselves with traditionally rightist groups, like the NRA, to oppose versions of the 1995 and 1996 legislation. Ominously, since Sept. 11, fewer voices of dissent, constructive criticism, and honest questioning have been heard (with the ACLU being a notable exception).

Dissent is a fundamental value of this country — one the terrorists hate. We must be careful to uphold the value of free speech, especially in times of crisis. Even conservative columnist William Safire, and Republicans such as Georgia Congressman Bob Barr and Pennsylvania Senator Arlen Specter objected to the military tribunals. Criticism of U.S. policy is necessary, healthy, and desirable. Now our own government is promulgating secrecy of names of detainees, of evidence against aliens detained, in withdrawing government documents from libraries, in secret searches of homes or your Internet activity. The chief weapon against such secrecy is the disinfectant light of dissent.

The issue transcends proper balance between order and liberty. Our policies must also be effective. The dismal reality is that none of these new measures would have prevented the attacks on Sept. 11. To the extent that the measures alienate those best situated to provide intelligence on al Qaeda, or provide too much information to effectively sift through, they will be counterproductive. "Feel-good" measures play to politicians' desires to be seen as "doing something." But can any measure that upsets the balance between security and liberty by going so far that it undercuts our core values and societal identity truly be considered "effective"?

A closed and repressive society, intolerant of "alien" people and ideas, is precisely what the al Qaeda terrorists want us to become. By thoughtlessly moving our society in that direction, especially without clear corresponding benefits, we give the terrorists the most significant victory they are likely to achieve in this war. Strong dissent aimed at preserving and restoring liberty is the best route to victory for freedom and democracy. ❑

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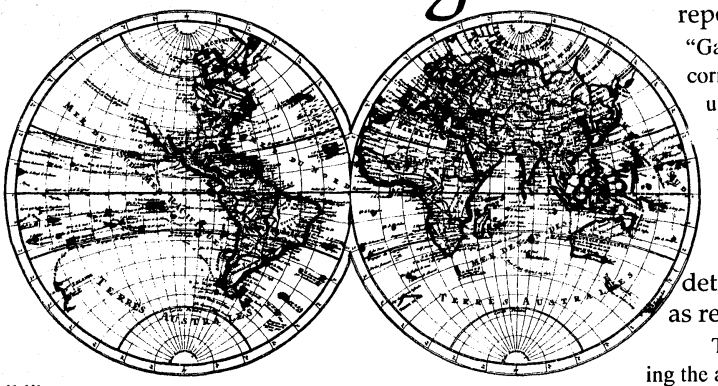

New York, N.Y.

High-powered etiquette for the 21st century, reported by the *South Florida Sun-Sentinel*:

"Three members of hip-hop diva Lil' Kim's entourage were arrested Friday on charges of allegedly firing 15 rounds at an unarmed Brooklyn man because he was talking too loudly on his cell phone, police said."

Ashland, Ore.

Horticultural note in the *Seattle Times*:

A man facing a 20-year sentence for growing marijuana in his house got off with probation Monday because the plants were in such bad condition.

New South Wales, Australia

Interesting lexicographical note from Down Under, from the *ninemsn*:

"New laws giving shopkeepers the right to protect themselves and their property would promote vigilantism, a civil liberties group warned."

Amsterdam

Consumer activism in the European Union, from a dispatch to the *Chicago Tribune*:

"A gunman apparently upset over the quality of wide-screen televisions took as many as 40 hostages Monday in the tallest building in the capital, the former headquarters of Philips Electronics. . . .

"In a statement faxed from the office tower to NOS state television, the gunman said he was protesting the 'arrogant manipulation by the vendors of wide screen television' and complained that consumers were being misled about the quality of the product."

Plantation, Fla.

Demonstration that the Bible remains as relevant today as it was when it was written, from a reader of the *South Florida Sun-Sentinel*:

"Gore supporters are going to court to change the state election laws and rightful authority of certain branches of government in an effort to burn G.W.

"Those of us who believe in the rule of law and the Bible can take some refuge in the belief that at times in the past the creator is said to have come down to Earth in the form of a burning bush."

Port Arthur, Tex.

Curious educational development, from the *Beaumont* (Texas) *Chronicle*:

The Port Arthur school district has canceled all further performances of an anti-violence play after fighting broke out among the 300 high school students watching it.

Knoxville, Tenn.

Unanswered questions in the University of Tennesee's *Daily Beacon*:

"Weren't all of the alleged 'hijackers' using fake IDs? If so, how do we know who they really were/are? (I doubt that there were any 'hijackers' on the planes.) Did cellular phone calls appear on the phone bills of any passengers on any of the planes? If not, why not?"

Washington, D.C.

Note on the role of consumers in today's economy, from a report by the Associated Press:

"Gasoline would have much more corn-based ethanol under an unusual compromise among environmentalists, oil companies and farmers."

Glencoe, Scotland

Evidence of the progress of detribalization in Great Britain, as reported in the *Daily Record*:

The clan MacDonald is protesting the appointment of Roddy Campbell to head the Glencoe Massacre visitors' center, memorializing the murder in 1692 of 38 MacDonalds by the clan Campbell. Said highland historian Hector MacDonald, "Don't get me wrong — I have nothing against the Campbells, but I wouldn't stay a night in the company of one."

San Francisco

Uplifting remarks of famed pornographer Larry Flynt at the opening of his new strip bar, the Hustler Club, quoted in the (San Francisco) *Chronicle*:

"I want to get this business out of the gutter. There's a difference between style and class. We want this club to be about class."

Pembrokeshire, Wales

The effects of sensitivity training among the Cambrian outdoorsmen, in the *Western Mail*:

The Pembroke National Park committee is voting on whether to ban memorial benches because they may depress walkers.

Port Townsend, Wash.

Progressive legislative proposal from a distinguished City Council, as reported in the estimable *Jefferson County Leader*:

Mayor Kees Kolff and Deputy Mayor Frieda Fenn told the press that the Port Townsend City Council would enact a "formula store ordinance" designed to "regulate even the menus and uniforms worn by employees of chain stores so that they don't look identical to other locations elsewhere." Deputy Mayor Fenn said that it would be "unfair" to enact the measure in time to authorize it to prohibit a Domino's Pizza, currently under construction, from selling pizza or using the Domino's logo on its uniforms.

Special thanks to Russell Garrard, Martin Solomon, Tim Slagle, Clark Stooksbury, Jim Switz and Ross Levatter for contributions to *Terra Incognita*.

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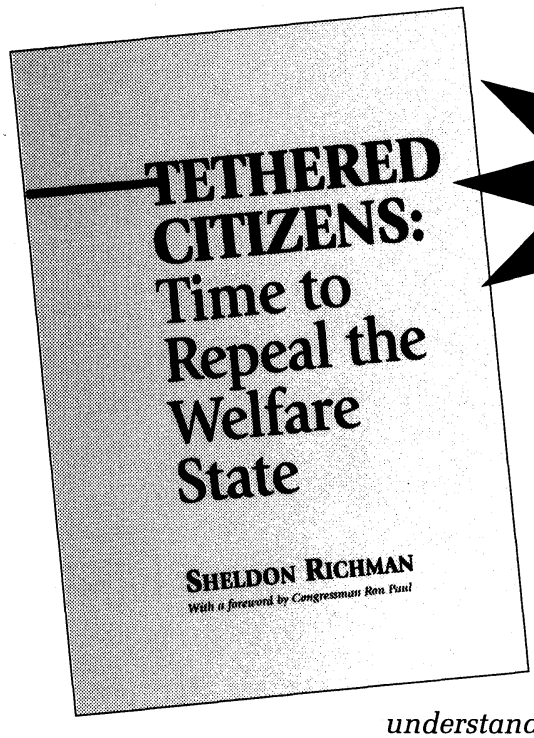

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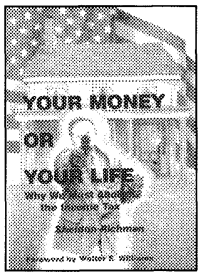

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Inside Liberty

June 2002
Volume 16, Number 6

4 Letters Peer review in action.

9 Reflections We nuke the puppies, make new friends in Kazakhstan, invest in the stock market, explore our feelings about women's intuition, play the Great Game, and put a lock washer in a parking meter.

Features

19 Hayek and Psychiatry Friedrich Hayek was a brilliant social thinker, and his ideas have consequences that even he didn't recognize. *Thomas S. Szasz* shows how, if we followed Hayek's prescriptions, psychiatry as we know it would disappear.

21 Behind the Vestry Door It is not enough simply to blame the scandals in the Roman Catholic Church on a few abusive priests and a church that tolerates them. *Sarah McCarthy* advises the church to change its ways.

25 How Safe Is Too Safe? Despite government's best efforts, airline travel is not yet 100% safe from terrorists. But it is already too safe, argues *William Merritt*.

27 The Myth of "Deadbeat Dads" *Stephen Baskerville* exposes special-interest groups that demonize and then criminalize divorced fathers into "deadbeat dads."

33 I Flacked the Sheriff A maverick Colorado sheriff goes to Washington, gunning for anti-drug laws. *Ari Armstrong* goes along to help.

35 The "Genius" Behind the Genius Grants It ain't pretty when a "naive liberal" puts his spin on communist oppression, as *Barry Loberfeld* discovers.

Reviews

39 The Lives of H. L. Mencken To understand the life of H. L. Mencken, one must understand that he lead five lives and tried to keep them separate, argues *R. W. Bradford*. Sometimes, he didn't succeed.

43 Property Rights on Razor's Edge The renewed vitality of property rights after *Lucas* rests on a single Supreme Court vote. *Bruce Ramsey* looks at a pre-emptive strike against the legal attack on property rights.

46 D-*ru*-ids, Mongolia, and the Origin of the Atomic Bomb Was Franklin Roosevelt on a quest for the Holy Grail? Why did he send a Russian agent to get him "grasses" in Outer Mongolia? Is the atom bomb a sign of Christ's return? *Stephen Cox* quests for answers.

49 Booknotes *Clark Stooksbury* ponders whether Dr. Seuss was a racist warmonger, and meanwhile gets ready for life in the country; *Karen Lewis* examines why the Glory of Empire made so many British liberals act so . . . illiberal.

50 Notes on Contributors Who, what, and where.

54 Terra Incognita Reality bites back.

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Letters

Sue for Accountability

In the Reflections section ("But you can be too crazy," April) Ralph Reiland says, "Measured in lost jobs and higher prices, we're each being hit, on average, with a hidden tax of $616 annually to support the cost of litigation . . ."

The problem with Reiland's argument is that it would cost even more if we didn't litigate. A system that treats surgeons who remove the wrong kidney differently from those who remove the right one is preferable to one that does not.

The simplest way to differentially reward participants is the possibility of a lawsuit. You can quibble about whether the product liability and medical malpractice systems in the country are optimal — and I think I could improve upon both — but we need either the real possibility of lawsuits or some less-effective substitute.

Thomas Crancer
Denver, Colo.

Statist Culture

"Go Forth and Multiply?" (March), Bruce Ramsey's review of Patrick J. Buchanan's *The Death of the West*, overlooks an important question: What is the damn government doing in the culture business in the first place? The bottom line is that Buchanan is a *statist*! He wants to be president so he can involve government into such areas as: religion, family size, personal values, and language.

Fred Bluestone
Pembroke Pines, Fla.

Mental Illness Is No Myth

My mental illness became acute in January of 1981, and I can state categorically that Thomas Szasz is wrong when he states that "mental illness is a fiction, a metaphor, a myth — on a par with fictions such as witch, unicorn, mermaid, sphinx, ghost, or *horribule dictu*, God" ("Rothbard on Szasz," March).

I was in Easton, Penn. six credits shy of a political science degree at Lafayette College. One morning in mid-January, while waiting for the spring semester to begin, I just woke up a madman. I was out of my mind and believed that Solidarity (remember Poland at about that time?) had come out in Pennsylvania and that the state government had fallen. I feverishly grabbed my address book and for an entire day called every name in it to relay the news. My paranoia was such that I would only speak to people in code, at first, until I was satisfied that they were trustworthy. When I called my mother, brother, and sister in Connecticut, I scared them half to death.

I came to believe one of my housemates was the devil. To ward him off, I broke glass and scattered it in the hallway in front of my bedroom door. Finally, my brother and sister came to Easton, packed me up and took me to my mother's house in Newtown, Conn. After a week or so of bizarre behavior, I was finally "kidnapped" by the police and taken to Fairfield Hills State Mental Hospital where I was diagnosed a severe manic depressive. Manic depression is a chemical imbalance in the brain, and the somatic remedy is lithium carbonate.

After a couple of weeks on lithium my psychosis cleared up and following a third week of observation I was released. I had never before smoked cigarettes, but the experience left me with a three-pack-a-day habit. I had previously been an occasional consumer of marijuana and alcohol, but I developed a hunger for both.

I have since survived a dozen relapses and involuntary commitments. Something about regular alcohol and marijuana use dilutes the restorative effect of the lithium and causes my mind to break down again. The last time this occurred was three and a half years ago when I was so wired that I went four days without sleep. During that time, my wife tells me, I was constantly babbling in secret code to the television. (By changing channels, I could get the most up-to-date information on the status of the underground and the counterrevolu-

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tion. When a number appeared on the screen, I would switch to that station. The weather map was really rough!)

I couldn't remember any of this when I awoke from a 26-hour sleep. I scared the hell out of my wife of five years, I scared myself because I had no memory of what I had done for four days, and my doctor was alarmed but entrusted me to my wife's care rather than an institution. I quit smoking marijuana and adopted a parsimonious approach to alcohol (which I concede I can't always maintain).

My doctor prescribed an antipsychotic medication known as haloperidol (Haldol). It seems to be working in combination with the lithium and my new regimen.

I could fill the pages of *Liberty* with examples of my 20 years of periodic psychotic behavior, but I think I have said enough. Dr. Szasz is to be commended for his courageous attempts to stop involuntary commitment when no crime has been committed. He is correct that people should still be held responsible (or at least accountable) for their actions whether or not they are deemed sane, but his central thesis that mental illness is a myth is just plain nonsense.

Had I been born in 1854 instead of 1954, I would have spent almost all of my adult life as a hopeless psychotic in a state home for the insane. Thanks to the lithium that Szasz derides, my life today is incomparably better. I wish Dr. Szasz would try to discover concrete alternatives to involuntary commitment rather than propagating a scientifically false thesis.

Courtenay Hough
Stamford, Conn.

What Cash Is

R.W. Bradford seems to worry about RFID tags on money ("The Death of Cash," April). I, too, saw the article in *EE Times* and found it to be, like so many articles in that publication, more an attempt by the technology's promoters to tantalize potential investors with a billion-dollar market than a true discussion of the technology's merits.

The privacy of cash comes from the fact that, to authenticate a note, I look at the note. Its appearance and tactile feel distinguish it as genuine. Other forms of payment require some central authority, a bank or credit card company, to authenticate and record the transaction. This record of the transaction provides a trail of evidence which can be used to rectify cases of fraud.

The truth is, the plain old 18th-century technology of marking serial numbers on currency is every bit as effective at enabling tracking as an RFID tag. And serial numbers are not easily obscured without noticeably defacing the bill, unlike RFIDs, which can be defeated by wrapping the bills in metallic foil, removing the chip with tweezers, or just sticking the notes in a microwave oven for a few seconds. In public places the RF signal can be jammed or spoofed to present bogus data. RFID tags require a strong RF field from the reading equipment for their power, so attempts to read the tag can be detected from far away.

If governments are to track cash around wherever it goes, RFID is neither necessary nor sufficient. To track the notes, equipment that reads and reports the location of cash (by their serial number, bar code, or RFID) must be installed wherever cash is used: the grocery store, the gas station, and, for that matter, the friendly neighborhood crack house. On private property. In foreign territory if, like U.S. money, many of the notes are used abroad. The article makes it sound like this is a minor step that can be approached incrementally. It is not minor step. It might be approached incrementally, but the introduction of RFID doesn't make it much easier.

Michael Radanovich
Rochester, N.Y.

Bradford responds: Serial numbers are not nearly as effective at tracking currency as are RFIDs, in that there is no plausible way of automating the reading and recording of serial numbers in ordinary trade. RFID-tagged currency would not need a particularly strong signal, since the EU's proposals calls for detectors to be built into cash registers and cash handling devices, and thus would be very close to the tags. Mr. Radanovich is correct in observing that detectors would have to be installed in nearly all locations where cash is used, but that is exactly what the EU's proposal specifies. And, of course, there are many potential problems that the developers may not be able to solve. All this I detailed in my report.

His claim that serial numbers on currency date back to the 18th century and that the "appearance and tactile feel" that "distinguish it as genuine" make it anonymous are simply false. Anti-counterfeiting devices have virtually nothing to do with facilitating safe anonymous exhange, as witness the fact that one cannot anonymously trade a registered security with similar anti-counterfeiting devices. And, at least in the case of U.S. currency, paper money with defaced serial numbers is still legal tender.

Lincoln's Legacy

How difficult it seems for some to visualize anything besides the here and now. Before Richard Fuerle (Letters, May) opined that Abraham Lincoln should have let the South go, he should have thought about all that would have meant.

The Civil War really was about slavery. Dividing the country was only a Southern ploy to dodge the issue. Confederate success would have been a disaster for all concerned. Don't blame the excesses of today's power-hungry politicians on Abraham Lincoln. While his politics stimulated the growth of federal power, they also destroyed an aristocracy.

The men who fought that war would have been dead by now anyway. In their lives they ended slavery in this country and demonstrated that the most dangerous creature God has yet seen fit to set loose on this earth is an adequately frightened free man. That's not a bad legacy.

Bob Jahn
Greenfield, Ind.

Do I Make Myself Clear?

In a Reflection (April), Alan Bock discusses the "intent of the First Amendment." The Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances."

That would seem to say: Congress shall make no law respecting an estab-

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lishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances. But it means: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

James Harrold Sr.
Springdale, Ark.

Give Islam a Break

In "Can Islam Change?" (May), Frank Fox seems to revel in the denigration of Islam. Honesty should have prompted him, perhaps, to specify "Islam in one specific form." It appears that his insularity caused him to refer to certain Arabs' attitudes as "anti-Semitic." Does he need to be reminded that Arabs are at least as "Semitic" as are Israelis? He makes several perceptive points, but I wish there were less invective in his article.

J. David Tholl
Wellesley, Mass.

Mirror, Mirror on the Wall

In his May 2002 article, "Libertarians, Conservatives, and the Religious Right," Joseph Bast wrote, "Evangelicals and libertarians are natural, if unlikely, allies."

Actually, evangelicals are the mirror image of libertarians. They are conservatives on social issues, and leftists on economic issues.

The average person who identifies with the religious right is a lower middle income person. Consequently, he or she benefits from Social Security, Medicare, unemployment compensation, and minimum wage laws. Moreover, he or she knows it. During the Reagan recession of 1982, when unemployment reached levels unmatched since the 1930s, Jerry Falwell admitted that he had no political authority over his parishioners when they were afraid of losing their jobs.

The political goals of the religious right include prohibiting abortion and pornography, enacting blue laws, and authorizing prayer and Bible reading in public schools. These cannot be achieved voluntarily. They require the backing of a government that is willing to initiate the use of force.

A more natural ally for the religious right is the labor movement. William Jennings Bryan created such an alliance during his unfortunately unsuccessful effort to be elected president as the Democratic candidate during the presidential campaign of 1896. Evangelicals were a part of the New Deal coalition during the 1930s. They usually voted Democrat until the Democratic Party adopted libertarian social values during the late sixties.

John Engelman
Walnut Creek, Calif.

Left, Right, and In-Between

Thanks for publishing Joe Bast's "Libertarians, Conservatives, and the Religious Right."

Although my experience is sparse compared to Bast's, his analysis confirms my observations. We have a multitude of potential allies out there. Allowing others to appreciate and accept our views in those areas of agreement without emphasizing the areas where we don't see eye to eye actually opens up avenues previously closed.

And, by the way, if we have a "religious right" there must be a "religious left." Why are they never mentioned in the mainstream media?

Richard O. Rowland
Aiea, Hawaii

Denying What?

In "Holocaust Denial on the Left" (May), Barry Loberfeld makes no mention of the unfairness of labeling as "Holocaust deniers" those who don't deny that the holocaust happened but who question Jewish claims of exactly what happened.

Robert M. LaFrana
Wyoming, Mich.

Lipstadt's Evil

The long paragraph of Deborah Lipstadt's that Barry Loberfeld quotes to discredit her thinking and which he calls a "rhetorical marvel" is actually well written and rather sound. Lipstadt notes that Hitler and Stalin had different reasons for committing their acts of mass murder. This is no doubt true. The evil in Lipstadt's argument is not that she has pointed out this difference; it is in thinking it makes any difference. Motives become absolutely unimportant when you are talking about large numbers like that, when you talk about mass murder on that scale. The only thing that is important morally is the act itself, not the reasons for the act, and if you are attempting to ascribe levels of evil, the numbers themselves are alone what is important; unless you are prepared to argue that one group of victims is more worthy than another group.

This apparently Lipstadt is willing to do, for by admitting that Stalin probably killed more people than Hitler and still maintaining that Hitler's crimes were a greater evil than Stalin's, she is implying that one group is better than another group and more worthy to live. This is a racist argument. Because the Jews of Europe died for reasons of race doesn't make them more noble, or less noble, or more worthy to live, or less worthy of living than any other group, and to argue otherwise is to be in turn a racist. That is the evil in Lipstadt's arguments.

Jonathan Miller
Chevy Chase, Md.

Proud to Serve and Protect

As an Evangelical Christian, history teacher, libertarian, and National Guard officer, I loved the May issue. Gordon Tullock's critique of evolutionary theory was surprisingly good. Few atheists are willing to admit that faith in macro-evolution is just that, faith. Barry Loberfeld's detailing of Holocaust denial on the left contained many facts I told one of my classes last week. Joseph Bast's call for cooperation between libertarians, conservatives, and the religious right erred only in not recognizing those many of us who occupy multiple categories.

So far, so good, but I have to take issue with R.W. Bradford's characterization of National Guard soldiers as "weekend warriors." For the record, in the last twelve months I attended more than a dozen weekend drills (mostly three-day events) and four two-week training sessions. Fortunately, my teaching job (private school, of course) allows me to do that. Many of my fellow "weekend warriors" have been called up for months at a time since Sept. 11. I must point out that I am writing this in my capacity as a private citizen. I am not a Guard spokesman.

Perhaps Bradford did not mean it to be pejorative. The Founders were justifiably wary of large standing armies. As a libertarian, I like the idea of the National Guard. We stand ready for deployment with little lead time, and we answer to the smallest political entity reasonably capable of fielding and controlling a modern military machine: individual states. I have no idea how many members of *Liberty*'s staff have ever worn the

uniform, but know this: Freedom is not free. If a man demands freedom but is not willing to pay its price, he is a parasite. "Weekend warriors" or not, our butts are on the line. R.W. Bradford, is yours?

Mitchell L. Goodrich
Norwich, Vt.

Bradford responds: You surmised correctly. I did not consider the term to be pejorative. When I was growing up, the term "weekend warrior" was used extensively in advertising recruiting men to the Guard, and it simply never occurred to me that the term has become offensive. It apparently hasn't occurred to a lot of other people too. I did a google search of the Web, and looked at the first five hits.

The first was the Air Force Reserve's recruiting site. Next was a newspaper column arguing that the term "weekend warrior" is obsolete. Third was the website of the commander of the Texas National Guard. Then came the personal website of a Guardsman who calls himself "the Weekend Warrior." The fifth was an article that used the term as a synonym for "National Guardsman."

So, if I am guilty of ignorantly using the term in a non-pejorative sense, so is the Air Force Reserve and three of the other four best matches in the Web that google can find.

If guardsmen standing near the security check-in at American airports "have their butts on the line," I would have to say that I do to: After all, as an unarmed passenger in the same place as the heavily armed Guardsman, I am presumably in greater danger.

Liberty's staff consists of three women and one man (me). None has worn the military uniform of their country. Presumably, as one who does not demand freedom, but is willing to pay its price, I am not necessarily a parasite.

Three Cheer Minimum

I was much taken aback to read Alan Bock state: "I am tempted to give two cheers for the notion that human rights are more important than state sovereignty" ("The Folly of Nation Building," May). Any genuine defender of human liberty would wholeheartedly support such a view, not merely be "tempted" to do so. Surely, violence is defensible when it is done to defend human rights. Those who live under oppressive governments have the right to seek help defending their rights, and therefore other states have the right (but not the obligation) to offer such help.

True, bombing campaigns kill innocents, but their real murderers are their own governments. We may be forced to kill innocent people when defending our rights. After all, the soldiers sent against us are often conscripts forced to fight against us. In these cases, the real murderers are the states that forced them to attack us. The same thinking applies to innocents who are forced to act as shields.

Paul Osborne
Neptune N.J.

Evolution and Faith

I suspect that there are problems with Mr. Tullock's understanding of evolution ("The Trouble With Darwin," May), but not being a biologist myself, I will leave that to others. What I would like to address here is his use of the word "faith."

Tullock writes:

> The professional biologists normally desire that people on the other side, mainly but not entirely believers in the book of Genesis, be prevented from teaching their doctrine even in the form of a debate. . . . The account in Genesis is easy to poke fun at, but the account of modern biology depends to a considerable extent on faith also. The gaps in the evolutionary record are real and sizable. To feel that they will eventually be solved, as I do, is a matter of faith, not science.

Those who believe in a literal interpretation of the Bible deny proven facts (the age of the planet, the extinction of animals, and changes in animals). Believers in evolutionary theory may have gaps in their understanding, but they are not denying that which has been proven. The difference in reasoning between these two points is so enormous that there is good reason why scientists do not want to see any version of "creationism" taught as science, and often do not want to engage in debate. In effect, creationists believe that the accused is guilty no matter how much evidence exonerates him; evolutionary scientists have enough evidence to prove innocent beyond a reasonable doubt, even if they are not sure who did it.

Which brings me back to faith. There is nothing wrong with it, and though it might not be "science" it is necessary to advance science. Every new idea must be staked on faith to some degree, but nothing should be allowed to cling to faith alone. I think Mr. Tullock under-

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stands this, but I do not think that all readers of his piece will come away with that understanding. I hope that Mr. Tullock will do something to correct this impression that all faiths are equal.

Kenneth James (Jamie) Poferl
Hopkins, Minn.

Help With "The Hobbyist"

I'm pleased to see a reference to Eric Frank Russell's classic science fiction novelette "The Hobbyist" in Gordon Tullock's "The Trouble with Darwin" — But I'm surprised that neither he nor his assistant could find the story: "The Hobbyist" appeared in *Astounding Science Fiction*, September 1947; was reprinted in *The Astounding Science Fiction Anthology*, ed. John W. Campbell, 1952; and was included in the big collection *Major Ingredients*, by Eric Frank Russell, 2000.

Robert W. Franson
San Diego, Calif.

The Logic of Evolution

Evolution is one of many processes known as "blind variation and selective retention." Like finding what works on your computer by pushing one button after another and remembering the one that does the trick, evolution works by subjecting heritably different individuals to an environment and propagating those that do best. Evolution is true almost as a matter of logic: (1) individuals differ in heritable ways, (2) if those differences make some individuals more likely to have more and better offspring than others, then (3) the population will change by increasing the numbers of those individuals having the favored differences.

It is obvious that individuals have heritable differences. Some genes have 40 or more different alleles (variations in the A, T, C, and G base sequences in their DNA). Most variations have no effect. But when the environment changes, some alleles can be more beneficial or harmful than others, and the species changes.

Nor is it difficult for new alleles to arise. During mitosis, meiosis, and other processes in a cell, the A, T, C, and G base sequences can be altered, sometimes drastically, and new alleles are made.

There are two reasons for gaps in the fossil record: (1) no matter how many fossils are found, people like Mr. Tullock will always pick two and say there are no intermediates, and (2) fossilization is hit and miss because it requires death to occur in a preserving environment, where few organisms die.

We can conclude that Paley's watch had a designer because we neither know nor can conceive of any natural process that could make a watch. But life can be made by a natural process — evolution.

By the way, evolution has its "watches" too. In fish, the recurrent laryngeal nerve goes in a direct route from the brain through a tube near the heart, then to the larynx. In the giraffe, this nerve goes all the way down the neck from the brain to the heart, then all the way back up the neck to the larynx, an additional ten to 15 unnecessary feet. What theory, other than evolution, can hope to explain that?

Richard D. Fuerle
Grand Island, N.Y.

The Genetic Family Tree

Tullock's critique of Darwin's work is missing most of the current analytic framework — namely genetic. The fossil record is notoriously poor, lacking as it does (for example) nearly the entire record of soft-bodied creatures that preceded by perhaps a billion or more years the familiar skeletons of recent fossils. The development of eyes, for example, had already taken place by the time we saw recent (e.g. hundreds of millions of years ago to the present) fossils. Until the development of molecular biology, the best that could be done was based on the 19th-century technology of digging up fossils, assembling them, and then trying to guess at their relationship. What is really remarkable is how close the fossil-derived family trees resemble the modern molecular biology family trees.

A great deal of the human genome is shared with the extant versions of other organisms. For example, we share about 85% of the mouse genome and even around 60% of the yeast genome. We share about 50% of the genome of bacteria and, in fact, a great deal of work has now shown that genes involved in aging and in life extension are shared by humans with mice, bacteria, yeast, and fruit flies, greatly accelerating progress in aging research by making it possible to work with these animal models. These genomic comparisons show us that much is evolutionarily conserved. Even plants share many genes in common with animals, including humans.

Attempting to relate organisms on the basis of fossils is extremely difficult. Proof of this is the ongoing debates that frequently erupt in scientific journals over the interpretation of some fossil or other. (One notorious example that was widely reported is the fierce disagreement, still unresolved, over whether structural aspects of a Martian rock that reached Earth represent a once-living creature.) Molecular biology can, through analysis of genes and of the proteins whose manufacture and function they regulate, provide family trees of extant organisms. For example, many of the genes that control learning and memory in fruit flies are shared with humans and, hence, the relationship of humans to fruit flies is much closer than one might have expected. You can develop a family tree by looking at the DNA that specifies an enzyme that is used by everything from bacteria to human beings. If you look at the DNA for a different enzyme that is also shared by all these organisms, you end up with the same family tree. This is powerful evidence for the validity of this technique.

Punctuated equilibrium, a recent addition to Darwin's theory by Stephen Jay Gould that is mentioned in Tullock's article, is an attempt to explain the fact that evolution, as seen in the available fossil record, does not occur at a constant rate. Punctuated equilibrium is not a critique of Darwin or of the theory of evolution, but part of a search for mechanisms that drive evolution.

The evolutionary answer to how complex eyes developed is that they evolved over time (and billions of years is a *very, very* long time) from simpler eyes. Even today, some light-sensitive one-celled organisms are able to move toward or away from light by the simple expedient of containing light-sensitive chemicals. How does the one-celled creature "know" that it contains light-sensitive chemicals and when those chemicals are activated? It "knows" because light-sensitive chemicals undergo certain chemical reactions in response to light, chemical reactions that are of a type widely recognized by other chemical constituents within living cells.

Darwin's theory of evolution never attempted to explain how non-living materials could have become a living organism. We now have a great deal of information on how, under a variety of natural conditions, necessary chemical antecedents of life (such as amino acids and nucleic acid) might have formed on Earth or formed elsewhere and ended up on Earth. The fact that the theory of evo-

continued on page 51

Reflections

Power to the people — According to Greenpeace's *Action Alert*, two of its activists dumped coal inside the Edison building in Irvine, Calif. to protest the building of a coal-fired power plant in Indonesia. To them, this is justice, since if Edison executives like coal, they shouldn't mind some of it in their offices. I think the biotech industry should return the favor, as Greenpeace is standing in the way of genetic modifications that could reduce the need for fertilizers in agriculture. Since Greenpeace is so fond of organic fertilizer, they shouldn't mind having a load of it dumped at their headquarters. — Tim Slagle

Boxer shorts out again — There are many things to be embarrassed about living in California. Some of them, like "Indigenous Peoples Day" on the list of Berkeley parking meter holidays, make you laugh. Others, like Barbara Boxer, make you cringe. She's one of those politicians I want to get rid of so badly I can never remember the name of the person I voted for — I only remember voting against her, again and again. I'll never forget her calling for a 50% cut in the defense budget while opposing military base closures in California. (To be fair, Boxer may not have understood the connection between the two.)

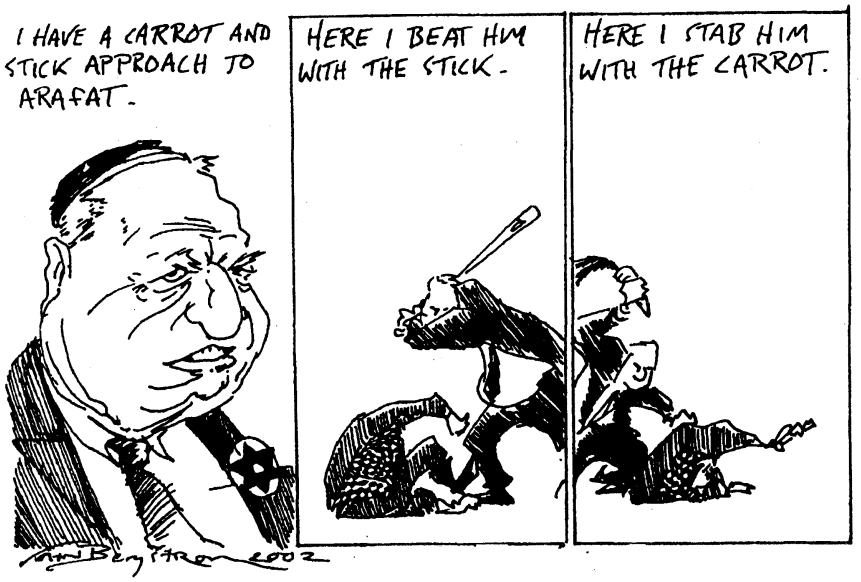

Our good senator's latest effort to save at least part of humanity is a series of letters to U.N. Secretary-General Kofi Annan and other world leaders, asking them to speak out against the use of women as Palestinian suicide bombers. Since we heard nothing from Boxer on this subject during the erstwhile all-male bombing era, one can only conclude that it doesn't matter as much if men blow themselves up. This latest bit of feminist foolery is reminiscent of Boxer's failed attempt earlier in her career to enact harsher penalties solely for crimes committed against women.

Of course, Boxer and her pals are always pushing for direct combat roles for women in the U.S. military, where many a man has heroically thrown himself on a live grenade or called down artillery fire on his own position. But this is the land of feminist schizophrenia: We thrust women into the deadliest male roles as a matter of principle, then invoke their "special" status like a random act of kindness whenever the spirit moves us. Boxer's plea echoes the underlying feminist message from the Andrea Yates case: Women are tough and independent, unless they do something really nasty and wrong — in which case they must be the prey of some male influence. In Boxer's view, the female bombers are being manipulated by fundamentalist Islamic clerics to kill, making them helpless victims once again.

Says Babs: "I am trying to wake people up to what it means when women start blowing themselves up. It's a tragic development that has not gotten enough outrage around the world." Or maybe people are just more concerned about an act of terrorism than about the sex of the terrorist. Who knows, maybe that's progress for feminism.

— Michael Drew

Intuit this! — If you've ever had the delightful opportunity of debating politics with a left-wing feminist, you will find yourself constantly running into the philosophical dead ends of, "That's not how I feel," or "I think you're wrong." For anyone accustomed to using facts and logic to support his view, this is more than a little frustrating. Even more annoying is the fact that, in a democratic society, it doesn't matter whether one's opinions are based on reality or on thin air, because either way you get one vote. While I won't challenge the wisdom of the Seventeenth Amendment here, I do blame this feminist chauvinism on an older stereotype that has its roots deep within the Patriarchy: the myth of women's intuition. For millennia, and perhaps beyond, women have been told that their "feelings" have a preternatural ability to judge situations correctly, in spite of overwhelming evidence to the contrary.

— Tim Slagle

The vanity Web — The worst part of the Internet is not the hate sites or the sappy family sites, but those sites maintained by the bloggers. This is a collection of pompous wannabe pundits, all across the political spectrum, who believe the world cannot sleep until it knows what they think of every possible public issue — and the precise time

that they recorded their thoughts. Oy! Are we to be spared nothing? — Sheldon Richman

Nuke the puppies — The president hasn't had much luck selling Americans on the idea that we should nuke North Korea. I think this is mostly because of poor salesmanship. If he renamed his proposal "The Puppy Protection Act of 2002," he would have more success. And it wouldn't be too far out of line — eliminating North Korea from the face of the earth *would* save a lot of canines from horrible deaths in kitchens across that country. And very few politicians would oppose it. What candidate could survive being called a "puppy hater." — Tim Slagle

Paint their swastika green — Whenever a group of enviro-lefties get together a lot of clumsy comparisons get thrown around about Republicans, free-marketeers, businessmen, and their resemblance to Nazis. Which is odd because those groups are almost all Christian or Jewish, don't advocate street violence or eugenics, don't tend to subjugate individuals to abstractions like racial purity, and are in no other way like Nazis.

But, when you look at the political wing of the environmental movement, you see a number of ominous parallels:

The Green Party is led by a bunch of pagan, vegetarian dropouts. So were the Nazis. Hitler was a artist and a vegetarian. The leader of the SS, Heinrich Himmler (another soy-sucker), wanted his Black Corps to be the vanguard of a pre-Christian, back-to-the-land movement. The rituals and symbols he devised to replace Christian services looked like a performance of Wagner's Ring Cycle with really bad art direction.

The Green Party claims to stand for workers' rights. "Nazi" is short for "National Socialist German Workers' Party."

Greens sometimes wear animal costumes to political functions. The Nazis went to their rallies in drag as well.

The Greens stand up for farmers and peasants, foreign and domestic. The Nazis were wonderfully agrarian, even advocating organized farming. They just wanted the farms to be in Ukraine, tended by the *untermenschen*.

The Greens advocate "decentralization." The Nazis practiced decentralization by giving their colonial governments life-and-death power over the organic farmers in their jurisdiction.

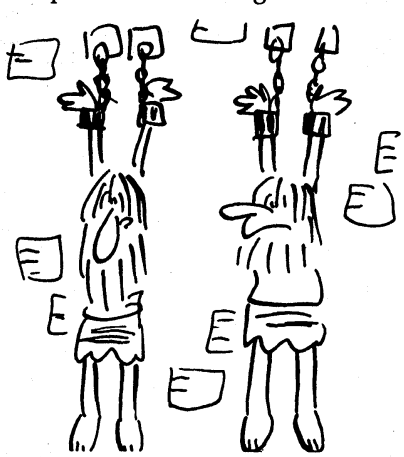

"I could have *sworn* I had the exact change!"

The Greens wage a war of sabotage for the oppressed peasants of the world. The Nazis waged a war for the oppressed Aryans of Central Europe.

Greens smash shop windows to protest world capitalism. One word: *Kristallnacht*.

The Greens hate guns, especially privately owned guns. The Nazis inflicted on the world groundbreaking "gun-control" laws, which they tested by confiscating the arms of German Jews.

The Greens are big tree planters. So were the Nazis. Seven years ago, an aerial survey of the former East Germany revealed a stand of larch in a forest of pine, forming a huge bright green swastika for a few weeks in spring and a flaming yellow one in the fall.

The Greens want investment in alternative energy. The Nazis pioneered not only synthetic oil from coal but invested a ton of reichsmarks in an alternative energy system exploiting a then-useless substance called uranium.

And, of course, there is the whole fetish for Volkswagen Minibuses. — Brien Bartels

Crisis, crisis, everywhere — At a conference this week in Madrid, U.N. Secretary General Kofi Annan called for a U.N. conference on the "graying" of the world population. By 2050, the U.N. projects, people over 60 will outnumber those under 15 for the first time ever, and that's a "challenge" meriting U.N. attention. Wasn't it just a few years ago that a U.N. conference in Cairo bemoaned the explosive population of young people and demanded free — or maybe mandatory — condoms for everyone? Maybe any demographic trend is a crisis to the U.N. if seeing it as such provides a pretext to increase its power. — Alan Bock

Notes from a first trip to China — Free enterprise has finally won in China, and without the need for Western troops. The government came to recognize that an economy commanded by the state simply doesn't work here. Once entrepreneurial energies were released, Chinese at home began to develop the skills already exhibited by Chinese living overseas. What I discovered during my recent ten-day, ground-bound trip from Beijing to Shanghai was the pervasiveness of entrepreneurs. On the bottom floors of apartment buildings were stores of different sizes selling a variety of things, often in close proximity to other stores selling roughly identical items. Around our hotel, in the outskirts of Shanghai, were several restaurants, a few product stores, and two beauty parlors. On the streets are peddlers. In the countryside, I saw individual farmers working lands. The principal activity everywhere appeared to be construction and more construction.

The central difference between the two major cities is that Beijing is only partially renovated. Adjacent to a new building is often a wreck or a shell on the verge of demolition. In Shanghai proper, the wrecks are gone. In their place are sleek skyscrapers comparable to those found in the Western world, most of them reflecting some degree of private investment. The area on the other side of the river, the Pudong, mostly modest farms 15 years ago, is now filled with spectacular new buildings. The harbor between them is filled with boats of all sizes, most of them commercial, with dockers

working well into the night. Given how much Shanghai has developed in only the past dozen years, I'm dizzied by any vision of what it might become a dozen years from now.

Recalling the adulation accorded Mao Tse-tung some decades ago, I hadn't realized until my visit what a bungler he actually was — not a malevolent dictator, like Hitler or Stalin, but an authoritarian jerk whose ideas were, as the Chinese today so charitably say, "70% right and 30% wrong," For instance, thinking that China should develop a steel production from the ground up, he commanded peasants to build backyard blast furnaces. Lacking iron ore, they melted down farm tools, pots, pans, and even doorknobs to meet quotas, leaving them unable to farm their lands properly, eventually causing a needless famine.

What I did see in China was an abundance of small trees, indicating an earlier failure by the state to plant the best palliatives to the bad air that continues to plague the country. All too often, I had the experience of looking up at a sky devoid of clouds, ruined by a gray haze. I heard that the sponsors of the 2008 Beijing Olympics have promised to plant trees west to the Mongolia desert, which is the source of the sandy winds that attack the capital every March. Jinan, an industrial city between the biggest cities, is particularly odorous and odious.

Lazy this culture is not. Retirees gather in public spaces soon after dawn to do slow-motion exercises together, socializing between moves — a practice no doubt superior to hanging out at a tavern or sitting alone before a television set.

Traveling by train between Beijing and Shanghai, I saw much empty land, hardscrabble though it looked, that made me wonder about the myth of Chinese overpopulation and then about the wisdom of the current state policy of penalizing people severely for having more than one child. On the other hand, the government does not let surplus populations emigrate. Our principal guide, an attractive young single woman, told us that her own government refused her permission to visit the United States, on the grounds, she said, that she wouldn't return home.

If Western capitalism could defeat communism without a major war, can it do as well with its current principal antagonist — fundamentalist and dictatorial Islam? I don't know. On one hand, I think that Islamic culture is so backward that it remains impenetrable by modernism. That accounts for why the radical movements staffed by the young are not modernist but antagonist. On the other hand, I can recall that communism some 50 years ago similarly looked intractably regressive.

— Richard Kostelanetz

Dowdy in pink — In her *New York Times* column April 9, Maureen Dowd joins Pat "Death of the West" Buchanan in lamenting the birth dearth among successful Americans. But where Pat blames feminism and other ideological culprits, Mo blames men. Fragile and insecure, the modern male flees from career-minded alpha females. "Men," she notes, "apparently learn early to protect their eggshell egos from high-achieving women."

She has at least half a point; but first, let's talk about where she's wrong.

For one thing, it's not so much that men are intimidated by high-status, career-minded women as it is that men could not care less about how successful a woman is. In seeking a mate, women are drawn to men with power and status; men, to women with beauty and charm. That's a generalization, sure. Generalizations are generally true — that's why we make them. Thousands of generations of human evolution have hard-wired these differences into our brains.

When Henry Kissinger said, "power is the greatest aphrodisiac," he meant that it had that effect on women. Henry the K is said to have been a very successful womanizer in his day. In contrast, all the power in the world isn't going to make Madeleine Albright look any better in a pair of leather pants.

It's not just a matter of brains: Successful high-status men of limited intellectual gifts have no trouble getting girls. If Kid Rock were behind a deli counter smearing mustard on a sandwich, Pam Anderson wouldn't look at him twice. Put

It's not so much that men are intimidated by high-status, career-minded women as it is that men could not care less about how successful a woman is.

Pam behind the counter, though, and suddenly every yob in the neighborhood is buying lunch there. Some of the ugliest men in show business — Steven Tyler, Jimmy Page, Mick Jagger — had groupies lining up by the dozens while the willing and lonely Janis Joplin often drank herself to a solitary sleep.

It's a cruel world, and both sexes are pretty shallow as far as what we're attracted to. But we're shallow in different ways.

And Maureen is wrong to suggest, via an unnamed male friend, that "if there's one thing men fear, it's a woman who uses her critical faculties," and "men prefer women who seem malleable and overawed." "Malleable and overawed": how exciting. If so, she'd better be pretty damned attractive, because the woman Maureen is describing doesn't sound

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like she could hold up her end of the conversation past the appetizer.

But Maureen is correct to suggest that men may be avoiding career-minded women. The statistics she cites make her case: 55% of 35-year-old career women are childless. Between a third and half of 40-year-old professional women are childless. The number of childless women age 40 to 44 has doubled in the past 20 years.

I have a theory about why this may be so: Women who focus maniacally on their careers are insufferably annoying. Consider the following case, described in Dec. 2000's *Washington Lawyer* magazine. In an article about how big-firm lawyers find the time to exercise, we're introduced to one "Beverly Jones":

"As a junior partner in a growing law firm several years ago, Beverly Jones devised a legal strategy for rethinking her priorities and for retaining exercise as a regular habit. 'There always seemed to be a deadline or problem or issue that got in the way,' she recalls, 'until I decided to treat exercise like a client and to make a contract with myself stipulating the steps I was required to execute and the penalties for noncompliance.'"

Now I don't know Ms. Jones, and I probably shouldn't judge her. For all I know, she's happily married, and has several children with whom she schedules quality time, providing strict penalties for noncompliance. But if she isn't married, I'm not going to ask her out.

I'm not setting up a double standard here or making some troglodyte argument that a woman needs a career like a fish needs a bicycle. What goes for Ms. Jones would go for Mr. Jones as well. A person that has to work an entry for "fun" into his or her day planner is a person no one should want to spend his life with. And yet women seem far more willing to put up with this sort of bargain than men. Why? See discussion re: status and power, above.

I don't know how much of all this applies to Maureen Dowd. I don't know why she's fiftyish, single, and can't get a date. But I do know that reasoning from one's own hard luck to a general social theory about gender relations is fraught with peril. Most people who are unlucky in love cry in their beer and grumble to a friend on the next barstool — they don't do it on the *New York Times* Op-Ed page. — Gene Healy

Word watch — Neither bad speech nor bad writing ever gets that way because it is struggling to convey the simple truth. It always gets that way because it is doing something else. It is either dumbing things down or beefing things up. And I do mean beef.

One of the worst samples of beef currently available is the fad for "it turns out." Nowadays, no respectable scientist or pseudo-scientist ever simply communicates his findings. Instead, he has to wrinkle his brow, look mysterious, lower his voice three octaves, and announce, as if he had solved the riddle of the sphinx, "It turns out . . . that the great majority of people who are struck by fully loaded tractor-trailers sustain major injuries." "It turns out . . . that spiders always have fewer than nine and more than seven legs." "It turns out . . . that the rain in Spain stays mainly in the plains."

There are, of course, other means of making a phony display of intensity. Here's one I'm sure you've noticed, at least subliminally. All producers of historical documentaries now coach the "experts" who appear on their programs to put everything they say in the present tense. Dr. Frintzlib may be a historian, but he's never, never, never allowed to discuss historical events as if they were, well, historical events. It's just so dull, thinking about old people galumphing around, way back there in the past. It's much more fun to live in the present, like MTV. Viewers should get the sense of everything happening *now*, right before their *eyes*! Thus: "It is 54 B.C., and Julius Caesar is fighting Cassivellaunus. Just two years later, it's 52 B.C., and he's back at war again, fighting Vercingetorix. But trouble is still brewing with Cneius Pompeius Magnus. Caesar doesn't know it, but in a few short years, both he and Cneius Pompeius Magnus turn up dead."

It turns out . . . that beefing up can be very similar to dumbing down.

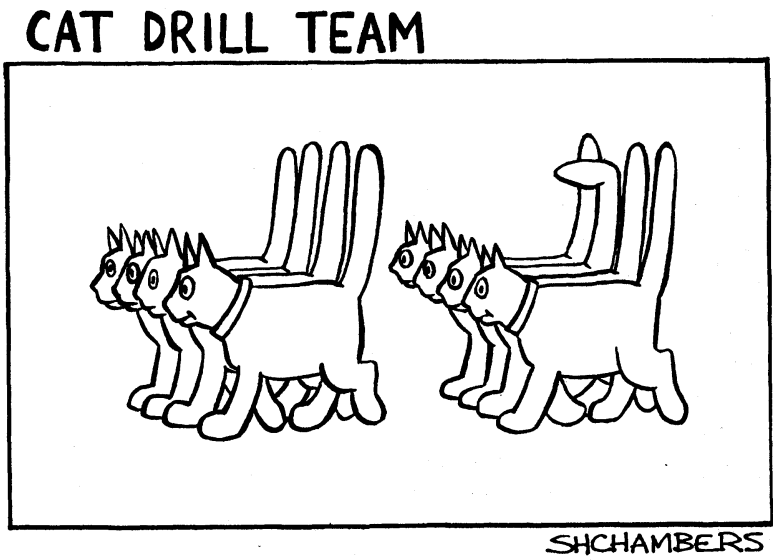

I recently watched the Queen Mother's funeral, as covered by CNN, MSNBC, and Fox News. They gave it their best, and their best, as Ellsworth Toohey said, wasn't good enough. The assembled throngs of anchors, commentators, and ad-libbers of unknown occupation did a lot of exclaiming about history, pageantry, and ritual, but I heard not one explanation of any visible aspect of those three momentous things. There were a lot of emphatic words, but nobody had any information to emphasize.

The funeral consisted of a church service. No one, as far as I could tell, tried to discuss or even to identify the parts of the church or its ritual. No one, as far as I heard, even hazarded a guess about the religious denomination that was staging the event. A very big deal was made of the fact that the queen chose the hymns for her own funeral, but no attempt was made to discover what her choice might conceivably indicate about her personality and view of life. "Guide me, O thou great redeemer, / Pilgrim through this barren land": interesting, is it not? Does that song indicate that the queen saw her life as, essentially, a pilgrimage, and the world around her as, essentially, a desert? No one

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paused to ask such obvious questions — and I believe that I know why.

My explanation is — not to put too fine a point on it — those people were all too *dumb* to understand the *words*.

When poor Christiane Amanpour, who is television's idea of an intellectual, tried to cite the source of the funeral oration's leading text, she revealed the fact that she was incapable of pronouncing the word "Ecclesiastes." It was safer, after that, for everybody just to stick with the phrase "Queen Mum." — Stephen Cox

The hot air from the Bush administration — Well, Bush didn't sign the Kyoto Global Warming protocol. It's too bad he couldn't leave well enough alone. While continuing to insist that the science of global warming remained uncertain at best, the Bush administration plainly felt that something had to be done.

That something is the administration's Cleaner Skies Initiative — a "voluntary" program to reduce carbon dioxide. Moreover, the administration sought to shift the debate from reducing CO^2 emissions to reducing CO^2 intensity. Burning fossil fuels means converting as much of the carbon in the fuel as possible into CO^2. Thus, emission caps require using less carbon-based fuels. In contrast, targets for CO^2 emissions require only that one use less fuel per unit of output — that is, that one becomes more energy efficient over time. An intensity target is stupid but somewhat less stupid than would have been a cap on carbon dioxide emissions.

Since firms pay for fuel, markets have become ever more efficient at using energy. The result is that energy intensity has been declining steadily since the Industrial Revolution. But still the intensity goal may make it harder for firms to modify their operations in response to changes in the marketplace. For example, during downturns in the economy, one might see energy intensity numbers going up. That could occur because a firm will still have to light and warm the plant, even if production levels drop. Also, if labor becomes more expensive, the firm might invest in more laborsaving technology. Again, that would tend to make the intensity score go up (labor-saving technologies are energy-using technologies).

But these distortion problems are small in comparison to the major problem created by the "voluntary" approach. A provision in the Clean Skies plan ensures that firms that "act early" (by reducing CO^2 emissions) will benefit if the government later acts to restrict CO^2 levels. That provision will likely encourage firms to assess their CO^2 emission levels and calculate what they might gain if the "voluntary" standard became mandatory. Recall that Enron lobbied heavily for the administration to sign the Kyoto accord. They believed that under Kyoto energy would be rationed and they would manage the market for energy ration coupons. The Clean Skies plan is foolish, but by strengthening the forces seeking caps on energy use, the administration has created more problems for itself in the future. And the last thing this administration needs is more Enrons.

— Fred L. Smith

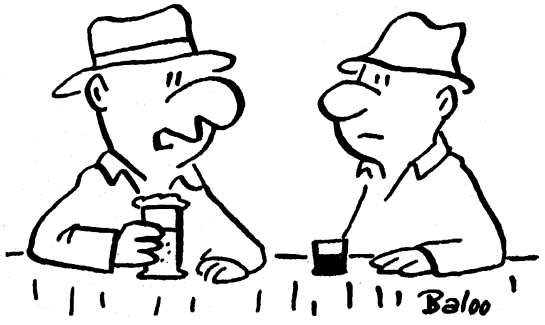

"I had twelve beers last night and I felt great. Then I woke up this morning and I felt lousy. I gotta give up sleeping!"

The decline and fall of the Roman umpire — An aspiring actor in Italy who poses for tourists in a Roman gladiator costume was arrested and could face three years in jail. Why? For carrying an unlicensed sword. "No one in Italy can just walk around with arms like that," said an indignant police spokesman.

Italian crooks must feel pretty secure. — Alan Bock

Taking stocks — Every time I read another cockamamie reason why the stock market is overvalued. I recall that in *Triumph of the Optimists*, Elroy Dimson, Paul Marsh, and Mike Staunton provide definitive figures with all biases removed for all major stock markets around the world for the last 100 years. They show real returns very close to six percent a year in almost all countries with a range of two and a half to eight percent. Anyone who thinks that selling short or avoiding stocks is a good idea after reading *Triumph of the Optimists* or other studies like those authored by Siegel or Engel has to be out of touch with reality.

That stock investing is a bad idea is one thing that libertarians and liberals seems to agree on. We know why the liberals believe this. It's because they want government to take a bigger share of people's assets and the decisions of how to spend them. Related to this is the tendency to keep all people small by making sure that most property is controlled by the government.

But why do libertarians distrust the stock market, when it has a long record of strong positive yields?

If I had to guess, I'd say it's because many libertarians are still part of the Howard Ruff school of economics, believing that collapse is imminent. They fail to recognize the dynamic nature of enterprise economies across the world, their ability to adjust, and the ability of the major property-owning groups to maintain a reasonably constant slice of the total pie. But I'm no psychologist.

Cautious bears like to bolster their harmful case by pointing to the fact that after stock market peaks — like those in 1929, 1906, or 1969 — it takes ten or 20 years to recover to the old highs. But this is also true of any set of random numbers similar to stock market changes. If you know that a peak has occurred, let's say that the market is higher than it's been in five subsequent years, then on average it will be five or 15 years before it is at that level again. A simulation with a random-number generator would quickly prove this.

— Victor Niederhoffer

Taxing for terror — Police in North Carolina say they have broken up a cigarette smuggling ring run by Arab-Americans who, police say, might have been using the profits to finance terrorist groups. Let's see, cigarette smuggling

only becomes lucrative when state governments impose unusually high taxes. So, high taxes cause terrorism? Or maybe high taxes are terrorism? — Alan Bock

A way out — The war party among libertarians is engaging in some dubious argument. Writes pro-war blogger Brink Lindsey: "But let's assume that the anti-war folks are right, and that interventionist foreign policy is indeed to blame for our present predicament. What does that matter now? What should or shouldn't have happened in the past doesn't change the present as it actually is. And in that real-world present, thousands of terrorists in dozens of countries are plotting right now to kill as many of us as possible . . .

"Once we face reality, we see that our options are essentially two. Either we try our best to stop these maniacs before they kill more of us, or else we leave ourselves at their mercy."

Well, I am for stopping maniacs. But I am skeptical of the notion that a war on terror is necessary. As I write, it has been seven months since Sept. 11, 2001, and there have been no attacks by al Qaeda since. Of course, there may be some in the future. That brings me to my second bunker of skepticism, which is whether my government can protect me. The performance of Sept. 11 was not encouraging. Certainly the Israeli government is not having a large success against teenagers strapped with bombs.

Well, I am for stopping maniacs. But I am skeptical of the notion that a war on terror is necessary. It has been seven months since Sept. 11, 2001, and there have been no attacks by al Qaeda since.

That is the insidiousness of it. Your country becomes the strongest in the world, able to crush any state, and you are then attacked by something that is *not a state.* Lindsey repeatedly refers to war as an activity of the state, in an effort to discredit libertarian anarchism. He doesn't seem to have noticed that we are not fighting a state.

Lindsey says, go after them! Fine; let's chase these miscreants around the wastelands, like Pershing pursued Pancho Villa across the deserts of northern Mexico. Maybe this time we will get our man. But also we have to think about defusing the reason for the attacks — and it was a *political* reason. Terrorists do not attack us simply because they are mentally ill. Osama bin Laden objected to our troops in Saudi Arabia, our embargo of Iran, and our support of Israel. Those reasons are political.

We may have two options: to continue to be the godfather and armorer for Israel, and continue in this "war," and all of its bad side effects, or to back away from the conflict and attempt to shake free of it. Lindsey argues that if we back off, there is no reason we should expect to be left alone. The nutballs might still keep attacking us. Maybe, but I doubt it. Why would they? Why would they sacrifice their lives attacking us if we were not standing in their way?

The key to an answer is that Israel and America have different interests. We keep thinking of their interests. If we would think of ours, we would see a way out.

— Bruce Ramsey

Making a difference, one person at a time — It recently occurred to me that anyone who believes that the world is overpopulated has the ability to reduce the world population by one. Imagine the wonderful effect if all the population alarmists jumped off a cliff at once, like lemmings diving into the sea. As each doomsayer plummeted nobly to his death there would be that much more food, wealth, and resources for the rest of world to share, and one fewer person ignorant enough to believe the world really works that way. — Tim Slagle

Homeland Über Alles — With a few months under its belt, the very name of the new Office of Homeland Security kinda gives me a World-War-II-ish, almost warm and fuzzy nostalgic feeling.

"Office of Homeland Security" — how quaint. What troubles me is that I'm unsure whether it invokes vaguely 1940s Britain or 1940s Germany. — Jim Switz

Party down — The biggest political news of 2001 — at least before Sept. 11 — was Vermont Sen. Jim Jeffords' party switch.

The immediate impact of his decision is obvious. By leaving the Republican Party to declare himself an independent (while voting with the Democrats on organizational issues), Jeffords made the Democrats the majority party. Thus, Sen. Tom Daschle (D-S.D.) replaced Sen. Trent Lott (R-Miss.) as majority leader, and Democrats now chair the Senate committees. That has meant big changes in what gets to the floor of the Senate, especially in blocked judicial nominations.

Once bills hit the floor, however, conventional wisdom last spring was that the Jeffords switch wouldn't matter much. It's the same 100 senators voting on each bill or nomination, after all, so why would they vote differently now? A judicial nominee who could get all 50 Republicans plus one Democrat under the old rules ought to be able to get 49 Republicans, the independent Jeffords, and one Democrat now.

But the conventional wisdom may be wrong. It fails to account for the possibility that party switchers change their votes as well as their labels. If Jeffords were to vote more like a Democrat, then President Bush's agenda would have a tougher time in the new Senate.

Evidence from two previous party switchers, largely ignored in the Jeffords media frenzy last spring, points to that possibility. The day after Republicans won control of the Senate in 1994, Sen. Richard Shelby (Ala.) switched to the Republican Party. He had been a relatively conservative Democrat and had engaged in high-profile conflicts with President Bill Clinton, so the switch wasn't a shock. But observers might be surprised to look back at what happened to Shelby's voting record. According to the American Conservative Union, for his first eight years in the Senate Shelby's conservative voting percentage had ranged between 43 and 76. Even in 1994, as Shelby often found himself

opposing the Clinton administration, the ACU gave him only a 55. But from 1995 to 2000, his ACU rating only once dipped below 90, and he scored a perfectly conservative 100 in 2000 (even though Citizens Against Government Waste dubbed him the "King of Pork"). Meanwhile, the liberal Americans for Democratic Action had rated the Democratic Shelby 35% liberal in most years. As a Republican, however, ADA never found him more than ten percent liberal. Shelby's voting clearly changed when his party label did.

A few months after Shelby, Colorado Sen. Ben Nighthorse Campbell also switched from Democrat to Republican and underwent a similar ideological migration. The ACU rated him 12 and 25 in his first two years in the Senate, then 96 in the year of his switch. Since then his conservative score has ranged from 72 to 96. His ADA score, on the other hand, has dropped like stair steps — from 75 percent liberal in 1993 to 55 to an unusually low 30 the year he switched, then 45, 25, 25, 15, 5. According to Michael Barone in the *Almanac of American Politics,* Campbell switched his stands on partial-birth abortion, oil drilling in Alaska, and assault weapons.

So what about Jim Jeffords? Conservatives would say that he was already voting like a liberal Democrat, so he has nowhere to go. But that's not quite right. Since he entered the Senate in 1989, his average ACU rating has been 27 — not very conservative, but not Ted Kennedy country either. His ADA average is 58 — liberal for a Republican, but a long way from Vermont Democrat Pat Leahy. The ratings of ideological groups on a small number of "key votes" may be a crude way to measure a senator's voting habits; but if Jeffords' ratings moved 30 points in the direction of his new party, roughly what happened to Shelby and Campbell, then a lot of Senate votes might be affected.

And there is no reason to think that Jeffords won't face many of the same pressures that previous party switchers have faced. Surrounded by new colleagues, encouraged to fit in, pressured to help the party deliver on its promises, the new boy naturally finds himself going along with his new team. And, of course, he may simply be unburdened of the pressures of the former caucus that kept him from voting as he would have preferred. After all, didn't Jeffords quit because he felt he was being pushed around?

Additionally, when an elected official switches parties in Washington, he also switches constituencies back home. The political challenge for a Democrat is to persuade some 60% of the voters, ranging from center to left, to support him. If he switches parties, he would retain some of that support. But rock-ribbed Democrats and liberals would no longer support him. His new goal would be to get some 60% of the voters ranging from center to right to back him. That would necessarily affect his decision on some votes.

Jim Jeffords will face similar pressures, in Washington and in Vermont — and he'll also be free of the pressures of the Republican caucus. There's every reason to expect his voting record to shift left.

So what's happened since March 2001? Jeffords' ACU rating didn't change much — it was 29 in 2001, compared to a lifetime rating of 27. But it's interesting to note that after his announcement, he voted the same way that Vermont Democrat Pat Leahy on all of ACU's key votes; his conservative votes were mostly on Bush nominees early in the year, and those are just the sort of votes that a party switch is most likely to affect. His liberal rating from ADA showed the same pattern; ADA rated him 40 in 2001, actually lower than his lifetime average, but he deviated from the liberal line only once after his switch. (There were fewer votes after that point, perhaps partly because of Democratic refusal to bring up Bush's nominees and proposals.)

A solid victory for either party in this fall's elections will reduce the impact of Jeffords. But for the rest of this year, and thereafter, look for Jim Jeffords to vote more solidly liberal than he did during his first 16 years in Congress.

— David Boaz

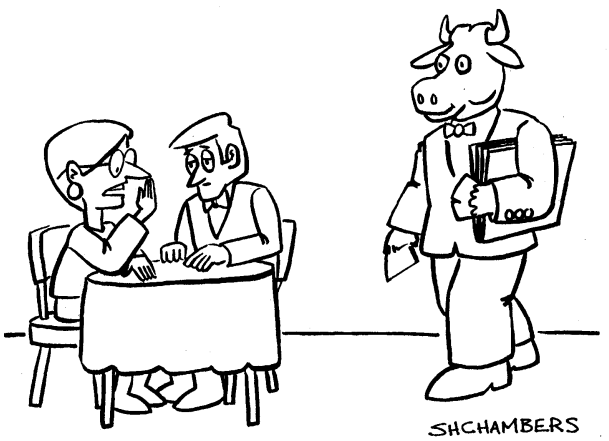

"Ixnay on the urgersbay."

Worrying about Frankenstein's monster

— A specter is haunting Europe — called the "precautionary principle." As generally defined, the precautionary principle states that a product or technology can be banned even if there is no scientific evidence that it is harmful. On first hearing, this policy seems to be little more than a restatement of the aphorism: better safe than sorry. In practice, however, the policy has become a rationale for viewing all innovations with suspicion, for requiring that innovators demonstrate that their product is safe before being allowed to proceed. But, since no innovation is absolutely safe (although many have made the world safer), this policy would slow or block any innovation.

The precautionary principle, like so many bad ideas, was part of the Rio Declaration of 1992. It has since found its way into various international treaties (the most important being the Biosafety Protocol agreed to in Montreal). In Europe, the principle has been become a binding rule. The precautionary principle is cited by the European Union as the rationale for its ban of U.S. beef (growth hormones, you see) and biotech corn (do we really know all there is to know about genetic engineering?). And, of course, those seeking to advance the global warming program often invoke it.

It is hard to envision any innovation being able to prove that it is safe. The rational test is to ask whether the world is made more or less safe by innovation — that is, to compare the risks of innovation and the risks of stagnation. Only those content with the present — those distrustful that the world could be a better place — are likely to endorse this policy. But Europe seems of that mind today. Perhaps, they

will rethink. A world without change is a world without a future. — Fred L. Smith

Show us your papers, please — Attorney General John Ashcroft is said to be considering a change in Justice Department policy that would permit local police to arrest people solely for violating federal immigration laws. In 1996, the Justice Department, in response to the immigration "reform" passed that year, decided that local officials should not do so unless they had entered into a special agreement with the Justice Department that involves specialized training and other provisions. No police department has done so.

Foisting federal responsibilities onto local police agencies might be the Bush administration's way of avoiding having to take an honest look at the shortcomings of current immigration policy. One can understand heightened concern about border control in the wake of the Sept. 11 terrorist attacks. But the kind of border control that might deter terrorists is actually made more difficult by policies that impose unrealistically low quotas on immigration.

When immigration quotas are lower than the demand for immigrant labor — which is manifestly the case today, given that there are an estimated 7 million illegal immigrants now working in this country — incentives are created for sophisticated smuggling operations, which can then be used by terrorists. It would make more sense to raise the quotas for people who simply want to work while the raising scrutiny on suspicious types. The INS might be able to handle that narrower job. It has demonstrated that it can't handle the larger job it has been assigned. — Alan Bock

Secretary Gale Norton: Roosevelt Republican? — Gale Norton, an individual who was once libertarian and who has long espoused a principled view of private property and the market, now heads the Department of the Interior. Previous holders of that position — Jim Watt and Bruce Babbitt — have taken strongly divergent stances. Watt was generally viewed as pro-business — his goal was to ensure that the people of the United States received economic value from the federal government's land holdings. Babbitt was generally viewed as favoring environmental goals — he sought to preserve the priceless heritage of America for future generations.

Norton has sought to plot a course between these extremes, arguing that America should seek instead a rich array of public-private partnerships to protect the land. It sounds reasonable. But is it?

Public-private partnerships in this context are agreements between private landowners and the government to restrict land development. An owner, for example, might agree to protect habitat or some species or not develop an area. In return, the government agrees to allow the owner to use the rest of his land for productive purposes. Sometimes, a public-private partnership will entail an agreement to reward a landowner for his "conservation" efforts by ensuring that adjacent properties remain free from development.

In practice, public-private partnerships generally involve large corporations or rich individuals and government. Large corporate interests and wealthy individuals can better afford to pay "greenmail" than can smaller businesses or small property owners. Indeed, since such rules reduce competition (small firms can't afford to idle any of their land), the big boys can actually benefit from such deals. Similarly, the large private landholder — the Robert Redfords and Ted Turners — can agree to set aside part of their land, especially if the government promises to keep the hoi polloi away from their front porch.

Republicans are all too prone to endorse public-private partnerships. Indeed, Teddy Roosevelt was a major proponent of such land restrictions, viewing private owners as incapable of "scientific land management." The Rockefellers eagerly supported state purchases of lands for non-development. As rich landowners with country estates, they were pleased that the taxpayer would bear the costs of creating buffer zones around their enclaves. Not surprisingly, the Rockefeller Republicans have been the leaders in the modern environmental movement.

This brand of conservatism is disdainful of private property. They seek always to shift private property into political hands. One strategy is to find an endangered species on the property (the Endangered Species Act is structured so that every piece of land will surely have at least one such species) and then call that fact to the attention of the owner, noting that this drastically reduces the value of his property.

Many Republican conservatives are all too prone to endorse public-private partnerships. This brand of conservatism is disdainful of private property.

They're still willing, they say, to purchase the land, though only at fire-sale prices. If the owner refuses, then the enviros move in with lawsuits and government action. If he accepts, the group purchases the property and then moves swiftly to resell it to an appropriate government agency. Another success for private-public partnerships!

Public-private partnerships blur the line between the coercive police power of the state and the voluntary arrangements of the market. Norton must decide whether she favors government or private property. If, as her background suggests, she does believe in the value of private property and private conservation, she should stop talking about private-public partnerships and promote the role of private property in advancing environmental goals. Speaking out for private property, clarifying that it is the only way of advancing environmental goals consistent with freedom, will not be easy. The environmental establishment is powerful, hates private property, and will lash out at anyone who challenges their "government knows best" paradigm. — Fred L. Smith

The Great Game, part CCCIX — Over the last three years, it has been made clear to me that I am not welcome at the Chinese University of Hong Kong. After 22 years here I decided to look for a new position. In February I was offered a position at the Kazakhstan Institute of Management, Economics, and Strategic Research. The next month, I journeyed to Almaty to see this institution for

myself and decide what to do. I was very impressed and decided to take the job. Since my family did not accompany me on this journey, I brought a camera to take pictures so that I could give them a sense of what Almaty and the university are like. However, while taking pictures at the school my daughter would attend, my camera died. I had already sunk a lot of money into this lemon and decided after the previous repair that the next time the camera ceased to function I would give up on it and buy a new one.

The next day, following an early breakfast at a nearby hotel, I made inquiries as to where I could find a good camera store. The hotel staff directed me to what they called a shopping center named Zangara. I took a pleasant half-hour walk and found a building that appeared to be the place in question. However, it was not yet open. Looking around, I saw two smiling middle-aged Oriental gentlemen sitting on a bench. I pointed to the building and said, in a voice expressing doubt, "Zangara?" They nodded yes. Then one of them pointed to me and asked, "English?" I said, "American" whereupon the man pointed to himself and said, "Uighur." I then asked in Mandarin Chinese, "do you speak Chinese?" He said he did. I then asked a question which greatly agitated him. I asked, "Did you come from China?" With a hint of anger in his voice he said, "No, I come from Xinjiang. Xinjiang is my country. China is not my country."

Xinjiang is the province in northwestern China. Most of those native to it are Muslims. The Uighurs are the most numerous of these people. The Chinese regime has adopted a policy for this region similar to that practiced in Tibet. They repress expressions of religious belief by the indigenous people and encourage ethnic Han Chinese to move to the area, where they get the best jobs. It has long been a practice of the regime to encourage Han Chinese to move into border areas as a security measure. The indigenous people are being transformed into a minority in their own homeland. Xinjiang is also of concern to the Chinese regime because it has been the prime location for nuclear weapons tests. Recently, Uighurs have resorted to some expression of violence. Beijing has labeled them terrorists and is seeking American recognition of this. The Uighurs are aware of George W. Bush's war against terrorism and take umbrage at being called terrorists.

Aware of all this, I apologized for my careless question. My new acquaintance then took it upon himself to educate me. He explained to me that the Uighurs were part of one people. This people also included Uzbeks, Tajiks, Kirgiz, Kazakhs, and Afghans. I asked if he didn't actually just mean the people of northern Afghanistan, having Tajiks and Hazara in mind. He said no — he meant all of Afghanistan. I am aware that the Pashtun in southern Afghanistan are ethnically and linguistically different from the northern peoples. However, I did not argue with him. I was not seeking to persuade him of anything, but seeking to understand his viewpoint.

I asked my interlocutor whether Mongols were also part of this people. He said they were not. I then asked if Tibetans were part of this people. He said they were. This was puzzling since I thought Mongols were more closely related to the Uighurs than the Tibetans. The only reason I can think of for his view is that Tibetans are subject to the identical repressive policies as the Uighurs.

My new friend then explained that this people should govern themselves in their own country. Furthermore, they would fight to the death against anyone who got in their way. He made it clear that he regarded China and the United States as being in their way and voiced support for Osama bin Laden. Actually, bin Laden and al Qaeda backed the primarily Pashtun Taliban against the Tajiks and others more closely related to the Uighurs. But, as I said before, my intention was not to engage this fellow in argument.

I asked the man whether he would return to Xinjiang if it became independent and he said he would. I then asked whether he had high hopes for independence and he said he did.

Considering what he said, together with the Russian conflict with the Uighurs' fellow Muslims, the Chechens (who have close links with al Qaeda), together with the American presence in (the former Soviet Republic of) Georgia to combat the Chechens, it appears that the Uighurs have their own axis of evil. It consists of China with two junior partners: Russia and the USA. Apparently, as President Bush expands the war against terrorism beyond al Qaeda and the Taliban, he is creating hostility towards the United States by other people who never had any grievances directed against Washington before. This chance encounter with the Uighurs was very fortuitous. I certainly learned a lot. — Ben Ostrov

"This is an experimental drug — Do you feel lucky?"

A lock-washer for your thoughts — The Treasury Department has been trying to eliminate the penny for years, but cannot bear the protests, which for the most part emanate from senior citizens who can remember when a penny actually could be used to buy something. I don't even bend down to pick pennies up anymore, as the exercise required to make a dollar is the equivalent of 100 knee-bends, and I don't ever work that hard for so little money. Gas stations that charge up to a dollar for twelve ounces of bottled water, and 25¢ for a tire full of air, give pennies away for free. I read somewhere that lock-washers and pennies both cost about 3¢ to manufacture. Treasury could eliminate the loss incurred in coining the denomination by simply recognizing lock-washers as the legal currency for 1¢. Since it costs three times as much to manufacture as they would be worth as currency, there would be no danger of counterfeiting. Meanwhile, my fellow shade-tree mechanics and I would never again have to make a trip to the hardware store

Hayek and Psychiatry

by Thomas S. Szasz

Friedrich Hayek was a brilliant social thinker, and his ideas have implications that even he didn't recognize. If we followed Hayek's prescriptions, psychiatry as we know it would disappear.

In "Mises and Psychiatry," in the February *Liberty*, I showed that Ludwig von Mises failed to appreciate the incompatibility between the principles of the free society that he espoused and the principles of psychiatry that he uncritically embraced.

Friedrich A. Hayek has articulated the political philosophy of individual liberty and responsibility more fully than anyone else, but, as I shall show, he shared Mises' blind spot about psychiatry: Hayek's conception of the rule of law is incompatible with his recognition of the legitimacy of psychiatric coercions and excuses, in both civil and criminal law.

According to Hayek, "Under the rule of law, government can infringe a person's protected private sphere *only as punishment* for breaking an *announced general rule*" (emphasis added).* This assertion contains two parts, the first relating to punishment, the second, to general rules. Only the second part has received the attention of libertarians that it deserves. The first part, emphasizing that the "government can infringe a person's protected private sphere only as punishment," has been curiously neglected by libertarians. This neglect is especially significant, and astonishing, in view of the fact that more Americans are now deprived of liberty on therapeutic than on punitive grounds. If, as Hayek recommended, nonpunitive sanctions were excluded from among the legitimate powers of the government, *psychiatry as we know it* would disappear. (Jurists and psychiatrists never tire of asserting that all coerced psychiatric interventions are therapeutic, not punitive.)

Loathing and Losing Liberty

Psychiatric diversion from the criminal justice system is a response to the need for social protection from individuals whose behavior is attributed to madness.** Such attribution is often the result of the individual's inviting psychiatric interference in his life, by acting "crazy." Why do some people act that way? Because they do not to know what to do with themselves and with their lives: They are aimless, conceited, incompetent, are faced with the consequences of earlier unwise choices, and are or feel helpless and dependent on others; they try to unload their problems of making a life for themselves on the shoulders of others; unless they can find a family member or friend willing to assume this burden for them, they often become defined as psychiatric patients. A kind of psychiatric matrimony thus comes into being, in which liberty is sacrificed for another, higher good: The patient sacrifices his own liberty for security, and the psychiatrist sacrifices the patient's liberty — and often some of his own as well — for the domination he gains over the patient.‡

Hayek recognized the problem that people who reject liberty pose for the free society. "It is very probable," he wrote, "that there are people who do not value the liberty with

* *The Constitution of Liberty*, by Friedrich A. Hayek. University of Chicago Press, 1960, p. 206.

**See "Psychiatric Diversion in the Criminal Justice System: A Critique," by Thomas S. Szasz in Randy E. Barnett and John Hagel III, eds., *Assessing the Criminal: Restitution, Retribution, and the Legal Process*. Ballinger, 1977, pp. 99–120. I thank Randy E. Barnett for permission to use material from this chapter.

‡ *Schizophrenia: The Sacred Symbol of Psychiatry*, by Thomas S. Szasz. Syracuse University Press, 1988, chapter 4.

which we are concerned, who cannot see that they derive great benefit from it, and who will be ready to give it up to gain other advantages; it may even be true that the necessity to act according to one's own plans and decisions may be felt by them to be more of a burden than an advantage."*

Most institutionalized mental patients rank liberty and responsibility low on their scale of values. How should the philosopher of freedom — or a system of laws committed to protecting individual liberty — treat persons who instead of wanting to be free, want to be enslaved? Who instead of wanting to be adults, want to be children? Both Mises and Hayek treat such persons as if they were, in fact, unfit for liberty because, like infants and imbeciles, they lack responsibility.

Individuals who complain of mental symptoms or irresistible impulses *feel*, or claim to feel, unfree with respect to certain experiences or desires. Individuals confined in mental institutions are *deprived* of much of their liberty. In both cases — more obviously in the latter — the "victim" is "compensated" for his loss by a commensurate "relief" from the responsibility of having to lead his own life.

If, as Hayek recommended, nonpunitive sanctions were excluded from among the legitimate powers of the government, psychiatry as we know it would disappear.

Insanity: Condition or Strategy?

The weakness of Hayek's writings touching on psychiatry lies in his treatment of insanity as a condition, similar to infancy, rather than a personal strategy, similar to imitation.** It is important to note that psychiatry's assault on the philosophy of liberty has always focused at this point, which is the philosophy's Achilles heel — namely, the notion of personal responsibility. For centuries alienists, mad-doctors, and psychiatrists have claimed that, like infants and imbeciles, insane persons are not responsible for their behavior; and people in all walks of life — professionals and layman alike — have increasingly embraced that claim. That is the basis for the near-universal acceptance — by liberals, conservatives, and even many libertarians — of the legitimacy of psychiatric diversion from criminal responsibility. Hayek wrote:

> The complementarity of liberty and responsibility means that the argument for liberty can apply only to those who can be held responsible. It cannot apply to infants, idiots, or the insane. It presupposes that a person is capable of learning from experience and of guiding his actions by knowledge thus acquired; it is invalid for those who have not yet learned enough or are incapable of learning. A person whose actions are fully determined by the same unchangeable impulses uncontrolled by knowledge of the consequences or a genuine split personality, a schizophrenic, could in this sense not be held responsible, because his knowledge that he will be held responsible could not alter his actions. The same would apply to persons suffering from really uncontrollable urges, kleptomaniacs and dipsomaniacs, whom experience has proved not to be responsive to normal motives.‡

The proposition that so-called kleptomaniacs and dipsomaniacs "suffer from really uncontrollable urges" is erroneous and unsupportable by evidence. Hayek here falls into the linguistic trap of psychiatry: He seems to think that because a word ends with the Greek suffix "maniac," it designates a bona fide disease, characterized by irresistible impulses to commit a particular act. Thus, the person who likes to steal is a "kleptomaniac," the person who likes to drink, a "dipsomaniac," the person who likes to commit arson, a "pyromaniac," and the person who likes his own single-minded obsession, a "monomaniac." (In the antebellum South, "drapetomania" was considered a mental disease characterized by the slave's uncontrollable urge to escape from bondage and seek liberty.§)

The language of psychiatry serves the purpose of making men seem like madmen, exhibiting behaviors they do not will and for which they are not responsible.‡‡ Hayek adopted this language when he spoke of "schizophrenics . . . whose actions are fully determined." However, there is no objective way to determine who is and who is not schizophrenic. Moreover, if an action is fully determined, it ceases to be an action and becomes instead a movement or reflex. These are crucial distinctions, especially because responsibility is *an attribution, not an attribute*, and because Hayek rightly insists that freedom under law requires the *impartial application of rules* applicable equally to all.

The patient sacrifices his own liberty for security, and the psychiatrist sacrifices the patient's liberty — and often some of his own as well — for the domination he gains over the patient.

When Hayek spoke of a "schizophrenic" as a person whose actions are not altered by his knowledge that he will be held responsible for them, he was gravely mistaken. If that were true, such a person could not be managed in a hospital. Plainly, the conduct of such a person is susceptible to influence, albeit often of a different kind than that which might persuade others. In addition, Hayek's reasoning about schizophrenics contradicts one of his important caveats, namely, that "in public life freedom requires that we be regarded as types, not as unique individuals, and treated *on*

continued on page 24

The Constitution of Liberty, p. 18.

**Insanity: The Idea and Its Consequences*, by Thomas S. Szasz. Syracuse University Press, 1997.

‡*The Constitution of Liberty*, p. 77.

§"The sane slave: An historical note on the use of medical diagnosis as justificatory rhetoric," by Thomas S. Szasz. *American Journal of Psychotherapy*, 25: 228-239 (April), 1971.

‡‡*Insanity*, by Thomas S. Szasz, op. cit.

Culture

Behind the Vestry Door

by Sarah McCarthy

It is not enough simply to blame the scandals in the Roman Catholic Church on a few abusive priests and a church that tolerates them.

A funeral Mass was held April 7 for the Rev. Dan Rooney, 48, a Roman Catholic priest who was found recently slumped over the wheel of his car with a gunshot wound to the head, three days after he was accused of molesting a young girl two decades ago. The suicide of Father Rooney, and the disappearance of Chandra Levy, connected perhaps, if they are connected at all, only by tenuous links of inferred sexual shame — the kind of deep sexual shame and fear that can result in death — one by suicide, the other a possible homicide by a man terrified at the threatened exposure of his sexual secrets, remind us that sexual outings are by their nature infused with danger.

In a nation that has become habituated to sexual spectacles, the current scandal within the Church is particularly tragic because of the tender age of the victims and the homosexuality of many of the priests, compounded by the Church's tempestuousness regarding sexual matters and the higher sensitivity to shame and guilt possessed by men of the cloth.

American society has an abysmally trashy record of managing sex scandals. We have just come off of what Philip Roth, in his prize-winning book, *The Human Stain*, calls an "enormous piety binge," where the president of the United States and a "brash, smitten twenty-one-year old employee carrying on in the Oval Office like two teenage kids in a parking lot revived America's oldest communal passion, historically perhaps its most treacherous and subversive pleasure: the ecstasy of sanctimony."

Roth continues: "In the Congress, in the press, and on the networks, the righteous grandstanding creeps, crazy to blame, deplore and punish, were everywhere out moralizing to beat the band; all of them in a calculated frenzy with what Hawthorne identified in the incipient country of long ago as "the persecuting spirit;" all of them eager to enact the astringent rituals of purification that would excise the erection from the executive branch, thereby making things cozy and safe for Senator Lieberman's ten-year-old daughter to watch TV with her embarrassed daddy again. No, if you haven't lived through 1998, you don't know what sanctimony is."

If we didn't learn in the nineties what sanctimony is — from the humiliation of a Supreme Court nominee crouched on his living room floor in the fetal position because of accusations by liberals, feminists, and civil rights activists inflamed by his use of the words Long Dong Silver (and really not much else) to a female law professor, and garbage can searches, videotape rental investigations, unconstitutional searches and seizures of a young girl's diaries, and the president of the United States being interrogated on TV like a POW held by enemy troops — with the priest scandal we

are about to find out.

The priest scandal raises questions about the culture of the Roman Catholic Church that is shaping and maintaining the behavior of its priests. Though I am a flown away Catholic and have not been immersed in the subterraneanly tempestuous culture of the Church since the age of 22, I have been thinking lately about the Church's culture. Perhaps it was the timing, since I had just emerged from adolescence and was entering early adulthood when I left, but the salient culture of the Church I remember was a cloyingly anxiety-producing mix of sexual repression, whispered guilt, and shame over small sins, followed by the relief of the confessional. At baptisms, devils are cast out and "unclean mothers" are forbidden to approach the altar. Like a government with ubiquitous regulations, most Catholics of child-bearing age live in widespread noncompliance with the sexual laws of the Church, making sexual sinners out of nearly all the members. The sexual requirements — abstinence, celibacy, prohibition of birth control, and the intolerance of homosexuality and divorce are not only unreasonable, but not even desirable as ideals.

Just as a fasting person or a dieter becomes obsessed with food, and is likely to binge on junk food, young celibates become inordinately preoccupied with sex.

Biological determinism and the behaviorism of psychologists like Skinner are currently out of vogue, overshadowed in favor of personal responsibility as the exclusive politically correct determinant of behavior; but there is nothing so personally irresponsible as the wholesale denial by institutions like the Church of biological and cultural realities. All people have sex drives put there by nature, and damming them up, as opposed to rationally managing them, results in bizarre outcomes just as a dammed up river will overflow its banks and wreak havoc.

In fact, statements by Dr. Jay Feierman, a psychiatrist who has seen hundreds of pedophile priests at a Catholic treatment center for abusive priests in New Mexico, support a link between sexual repression and pedophilia. Feierman says that celibacy is not "a natural state for humans to be in." Pointing to the celibacy requirement as being part of the cause of clergy abuse of children, he explains: "If you tell a man that he's not allowed to have particular friends, he's not allowed to be affectionate, he's not allowed to be in love, he's not allowed to be a sexual being, you shouldn't be surprised at anything that happens."

Research by the University of New Hampshire's David Finkelhor, Ph.D., supports those observations. Finkelhor, a recognized expert on the study of sexual abuse of children, has shown that repressive sexual attitudes linked to many religions may predispose some persons toward sexual activities with children, and Dr. John Money, a leading expert on sexual violence who has pioneered treatments for deviate sexuality at Johns Hopkins Medical School, adds that people raised in conditions where sex is viewed as evil, and where sexual curiosity is considered a punishable offense, are likely to end up with warped sexual identities.

Money describes the harmful effects of such environments as follows: "In girls, often you extinguish the lust completely, so that they can never have an orgasm, and marriage becomes a dreary business where you put up with sex to serve the maternal instinct. In boys, sex gets redirected into abnormal channels."

This is not new information. Five centuries ago, Martin Luther observed that the Catholic Church's leaders "were completely unjustified in forbidding marriage and in burdening the priesthood with the demand of continual celibacy. In doing so they have acted like . . . tyrannical, unholy scoundrels, occasioning all sorts of terrible, ghastly, countless sins against chastity, in which they are caught to this day."

The Church remains in medieval denial about the reality of the sex drive — its dogma allowing for no compromise or alternative outlets — not masturbation or birth control to avoid pregnancy, not married priests to avoid "burning," as Saint Paul would put it, and certainly not adult homosexual sex. Like a naive teenager afraid to plan ahead for possible sexual occurrences that could result in unplanned pregnancies and abortions, the Church's stubborn state of denial gives rise to unpredictable and destructive eruptions. Just as a fasting person or a dieter becomes obsessed with food, and is likely to binge on junk food, young celibates become inordinately preoccupied with sex. With such a damming up of the sex drive, heaven only knows where it will find outlets. Just as male heterosexuals denied sex in prison engage in homosexual behavior, and members of the Taliban forbidden the temptation of looking at or associating with women engage in sex with each other, celibacy might result in even children and sheep beginning to look like viable sex partners. As Francis Bacon put it, nature to be commanded must be obeyed.

Considering the alternatives, the methods the Church has been using to handle these problems — privacy, counseling, and settlements — do not look so bad.

The imposition of impossible edicts makes spiritual liars out of people, causing worse behaviors than the ones Church authorities try to eliminate. At the end of the day, I suspect it will be recognized that the fatal flaw in the Church is not sexual license brought on by the '60s, or the acceptance of gays in the seminary, but its overwhelming sexual repression, the same sort of repression that has led to the nutty displacement behaviors seen in radical Islamic cultures.

For gays to become the scapegoats of the priest mess would be a mistake. It would only add more insult and injury to gays, without addressing the Church's root problem — sexual repression. Historically and internationally, heterosexual child abuse has been a frequent occurrence in the Church.

It is interesting to speculate about why gays are so heavily involved in the priest mess, and how their behavior might

be shaped by Church culture. If you're gay and out of place in the mainstream couples culture, life in an all-male, non-married hierarchy where heterosexual couples and women are banished feels comfortable and safe. Incredibly, the Catholic Church might be inadvertently running the biggest closet in town. The atmosphere of steamy repressed sex, guilt, secret confession, repentance, relief, and forgiveness might not only provide shelter, but might just get sexy after awhile, like the priests many remember from their Catholic adolescence, who were a little too interested, with a ear close to adolescent confessions.

The Catholic Church has a dread of sex that is second only perhaps to Islam. This is a Church that explains away the sex linkage to births by proclaiming that they were achieved by virgins. When I was a young girl, virginity was about the only ticket to sainthood. Saint Maria Goretti was extolled for permitting a man to stab her rather than submit to rape. The mother of God was a virgin, and the subtitle of our parish was "the church of the sorrowful virgin." Eve, who had brought down mankind, was a temptress. Lesbians and gays simply didn't exist, and nuns went to town in pairs of two, covered in garb not unlike the burqas of Islam. The spirit of incipient, subterranean forbidden sex was everywhere. Kids giggled at the sight of a wisp of graying blond hair fringing out of Sister Pierre's veil. Believe me, we are better off shocked at the sight of Britney Spears' breasts than Sister Pierre's stray hair clump. I remember an eighth-grade classmate being slapped in the face by a nun in the front of the class for wearing a light natural lipstick, and the nuns forbidding patent leather shoes because they reflected upwards. Though Americans consider themselves to be sophisticated, enlightened, and modern, it's not been that long since American Catholics were subjected to the kind of environment found under the Islamic Commission for the Promotion of Virtue and the Prevention of Vice.

And who can blame the victim for not wanting to come forward? What child and his or her family want to embark in a mud slinging contest with the Catholic Church?

A recent poll by *USA Today* reports that eleven percent of Roman Catholics have personal knowledge of sex abuse by priests, and according to Gallup, 72% of Catholics believe the problem is widespread. For the most part, victims and their families have decided to deal with the problem privately rather than casting themselves as victims, with all that entails, in the center ring of a sex abuse scandal. Before the Church's quiet handling of the scandals is turned into a scorch and burn frenzy, it's important to remember that if victims and their families had not wanted it brushed under the rug, it never would have been.

Richard Cage, who has investigated pedophile cases for the police in Montgomery County, Md., for 25 years, says that "Our biggest challenge is when it involves the Church. Denial is our biggest problem. Parents are reluctant to have their child interviewed. And of the children that have been abused, at first 99% will deny it."

And who can blame the victim for not wanting to come forward? What child and his or her family want to embark in a mud slinging contest with the Catholic Church and with their friends and neighbors and relatives who refuse to believe that the parish priest whom they love and admire could be guilty of such a thing? Which child wants to cast himself as the pariah and joke of the neighborhood?

Opting under political pressures for a cure that will probably be worse than the disease, last week the New York Archdiocese said it would drop its policy of not reporting alleged child sexual abuse to police. Cardinal Egan says that if there is reasonable cause to believe an allegation, and if the victim does not object, civil authorities will be notified. Egan's statement fell flat with critics, write reporters Douglas Montero and Dan Mangan in the *New York Post*:

> "Talk is cheap," said David Clohessy, national director of Survivors Network of Those Abused by Priests. "Few Catholic leaders have been as insensitive to abuse victims as Egan has. He's full of hollow-sounding pronouncements, but the evidence clearly shows that he has impugned the motives of abuse survivors, and used hardball legal tactics time and again, and treated people who were hurting like the enemy." Also yesterday, Manhattan DA Robert Morgenthau said he has told a lawyer for the archdiocese he would seek to extend the state's mandatory reporting law to include priests.

In his anger and outrage, David Clohessy of the Survivor's Network has inadvertently embarked on a strategy ensuring that even more abused people will have hardball legal tactics used against them. Some of the accused will be innocent, others will be terrified and will hire tough lawyers. In war and in lawsuits, truth is the first casualty. Victim groups never seem to understand that once they bring their grievances to the legal arena, such tactics are inevitable. Considering the alternatives, the methods the Church has been using to handle these problems — privacy, counseling, and settlements — do not look so bad.

Rather than resorting to a punitive purge of priests, with a cast of characters that inevitably will include false and real perpetrators, truthful and delusional accusers, ecclesiastical versions of the coffee spill lady, and the inevitable suicides, the Church should find the courage to focus on curbing future pedophilia by widening the group from which priests are chosen to include women and by eliminating celibacy requirements. Columnists Maureen Dowd and Andrew Sullivan have suggested that to limit abuse by priests, women must be brought into the Church hierarchy. Dowd writes in the *New York Times* that:

> A monsoon of sickening stories lately illustrate how twisted societies become when women are either never seen, dismissed as second-class citizens or occluded by testosterone: the church subsidizing pedophilia; the Afghan warlords' resumption of pedophilia; the Taliban obliteration of women; the brotherhood of al-Qaida and Mohammed Atta's misogynist funeral instructions; the implosion of the Enron Ponzi scheme; the repression of women, even American servicewomen, by our allies the Saudis.
>
> The Saudi religious police let 15 little girls die in a school blaze in Mecca. The police — the Commission for the Promotion of Virtue and Prevention of Vice — stopped men who tried to rescue the girls or open the school gates, telling

them "it is sinful to approach" the girls because they weren't wearing head scarves and abayas, and there could be no exposure of "females to male strangers." . . . the Saudi police were operating on the philosophy "Better a dead girl than a bareheaded girl."

Dowd is right, of course, that the obliteration of women results in twisted societies, but she's missing the point that the obliteration of women is really just the symptom of an insidious underlying problem — pathological sexual repression. Sexual repression underlies each of the aforementioned sickening stories, with the exception of the Enron scandal. The inclusion of women in societies, is, in itself, no guarantee that things will not become twisted. Feminists have enabled American women to gain access to the workplace, but the excessive punitiveness of sexual harassment lawsuits, or the threat of sexual harassment lawsuits, is a sexually repressive process that itself ensures twisted stories, endlessly spotlighting legal-political sexual scandals, and maybe even some deaths like Chandra Levy's. Feminists have embarked on a purification drive in the workplace not unlike the Saudi policy of "better dead than bareheaded," that instead, inadvertently becomes "better dead than sexually harassed." High stakes legal shamefests casting women as victim whistle-blowers that ruin families, workplaces, and careers, is a twisted strategy that sends unprepared women to play with fire.

At the end of the day, who really believes that our much ballyhooed sexual political scandal "victims," Lewinsky, Jones, or Hill, were even victimized at all except by that which was done to them as stars of the sexual spectacle itself? Rape counselors have long grappled with the problem that women are first raped by men, and then by the legal system. Because of the terror of sexual accusations, such is also the case in sexual harassment and abusive priest cases.

If victims don't want to come forward and star in a legal-political circus, their rights should be respected. If they choose the dignity of quiet settlements and counseling, that should be their prerogative. Despite the widespread hysteria about the exploitation of an intern by the president of the United States, ask Monica Lewinsky, now or in 20 years, who abused her — Bill Clinton or the American legal-political system that outed her in the wake of the Paula Jones sexual harassment case, and the sanctimonious American media.

Americans should reconsider whether or not the legal system is the best first choice venue for solving sexual issues. Most Catholics know the terror of confessing private sins to a priest in a dark booth. Imagine the terror of sexual sins being heralded across the front page. It is the political equivalent of a public execution. As the moralists like to tell us, sunlight is the best disinfectant. But sunlight also brings drought, and burns, parches, and kills shade-loving plants. Draconian mandatory legal processes may, in fact, make victims, either young teens or their families, even less likely to come forward to complain about an errant priest. ❑

Hayek and Psychiatry, *from page 20*

*the presumption that normal motives and deterrents will be effective, whether this be true in the particular instance or not."** If by types Hayek meant categories identified by objective criteria, exemplified by "persons accused of crimes" or "persons convicted of crimes" — not categories identified by subjective judgments, exemplified by characterizations such as "subversive persons" or "persons suffering from schizophrenia" — then he is arguing for treating innocent persons as innocent, and guilty persons as guilty. If so, both civil commitment and the insanity defense violate the rule of law.

Schizophrenia: Attribute or Attribution?

In its accepted use, the assertion "he is a schizophrenic" resembles the assertion "he is a political subversive": Each phrase refers to an attribute for which there is no objective test; hence, it is an attribution not susceptible to proof or disproof. Neither assertion resembles the phrase "he is a diabetic," naming an attribute for which there is an objective test; hence, it is an attribution susceptible to proof or disproof.

The problem with the notion of schizophrenia is, moreover, twofold. On the one hand, the alleged illness cannot be identified by objective tests. At the same time, the behaviors attributed to it are, de facto, illegal, punishable by severe psychiatric sanctions.

It is unclear, then, how Hayek would reconcile his recommendation to treat people as types in precisely that public sphere in which psychiatrists insist that schizophrenics (as indeed all mental patients) ought to be exempted from the protections and penalties of the rule of law, and instead treated with "therapeutic compassion," as unique, sick individuals.

Hayek's well-founded insistence that, in a free society, laws must promulgate abstract or general rules is itself enough to invalidate the justification for all psychiatric coercions. In a passage that could have been written specifically to refute such justifications, Hayek wrote: "Because the rule is laid down in ignorance of the particular case, and no man's will decides the coercion used to enforce it, the law is not arbitrary. This, however, is true only if by 'law' we mean the general rules that apply equally to everybody . . . . As a true law should not name any particulars, so it should especially not single out any specific persons or groups of persons."**

Mental health laws mandating psychiatric coercions prescribe exactly what Hayek says genuine laws ought not to do: They single out "mentally ill" persons and judge and regulate their behavior by special criteria used to judge and regulate the behavior of "mentally ill" persons: The behavior of such "mentally sick" persons is not judged and regulated by the criteria of guilt and innocence, the criteria we use to judge and regulate the behavior of "normal" persons. Instead, it is judged and regulated by the criteria of psychiatry, turning those under "psychiatric treatment" into actual or potential nonpersons, devoid of what we regards as our constitutional or human rights. ❑

**Constitution of Liberty*, p. 78.

***Constitution of Liberty*, pp. 153–154.

How Safe Is Too Safe?

by William E. Merritt

Despite government's best efforts, airline travel is not yet 100% safe from terrorists. But it is already too safe.

It's hard to imagine America could have been so naive, but there was a time when our country was seized by the illusion that I was just the guy to help win the war in Vietnam. So, come the Summer of Love, I found myself at Fort Leonard Wood, Mo., learning what to do when the Viet Cong slipped up behind me with a weapon of mass destruction.

Here's what I was supposed to do:

If they came tiptoeing up with chemicals or germs, I jump in a hole and pull a poncho over my head. That way, the germs or the chemicals wouldn't jump in after me. But if they were about to toss a 100-megaton atom bomb my way, forget the poncho and go straight for the hole. Ponchos melt, and the last thing you want in a nuclear blast is a poncho running down your neck. And the suddenly decaying plutonium atoms streaming their warming rays over my unponchoed skin were no problem at all — the army was sure to have a stock of aloe vera somewhere for just that sort of thing.

Looking back, those holes and ponchos don't seem like they would have been as effective as the drill sergeants made out.

What they really look like is a charm against fear — the official, military version of the diving-under-your-desk drills we all practiced in grade school to protect ourselves from turning into harmful, ionizing radiation during spelling class. Practicing how to dive under desks was one of the ways you could tell that nobody had a clue what to do about atom bombs.

It was no different from the medieval doctors who dressed themselves in bird suits and stuffed herbs in their beaks to ward off plague bacilli. Or from the tribesmen who anointed themselves with magic lotions to turn bullets into rain. Or whirled their way to dervish invulnerability before charging headlong into a British square. Or cut out a whole bunch of extra human hearts to make sure they would win before setting off to do something about Cortez.

You could see it with the Patriot missiles in the Gulf War. Since there wasn't a damn thing in the world we could do about Scuds, we put on a great show of shooting Patriots into the sky. We never hit anything. But, by God, it calmed our nerves.

Hitler may well have thrown away the whole Second World War shooting useless explosives into the air. At least that's what Albert Speer says in *Inside the Third Reich* when he mentions that something like 100,000 flat-trajectory eighty-eights were tied up as anti-aircraft guns because, when the bombers came, civilians had to see somebody shooting back or they would have lost faith in the government — even though the anti-aircraft guns never hit much of anything and those eighty-eights, if used as artillery on the Eastern Front at a time Germany was losing every battle by ten percent, might have turned the tide.

When you look back at all the 16th-century townspeople

trying to do something about crop failures by burning old women at the stake, or running naked through the streets while hitting themselves with whips to make the floods go away, you begin to suspect there is a pretty good inverse mathematical relationship here: The more charms against fear, the less likely anybody has a clue what might really work. Which is pretty scary when you think about what's going on at the airport.

The fear-charmers were out in force the other day when I flew to Atlanta. They pulled an 80-something-year-old codger out of line and worked their comforting magic on every stitch and cranny of his person. Then they pulled aside an elegant, mid-twenties Asian lady — my personal first choice for a full-body search — and groped her.

By the time they got to me, terrorist suspects were backed up like al Qaeda in the processing line at Guantanamo. I had to hold out my arms. I had to submit to electronic devices and human hands. I had to take off my shoes and empty my wallet. Every rivet in my jeans, every eyelet in my shoes, had to be individually inspected and discussed.

It is no different from the medieval doctors who dressed themselves in bird suits and stuffed herbs in their beaks to ward off plague bacilli.

The terrorist suspect behind me muttered that the pat-down was more thorough than you get visiting a jail. He said this with the quiet authority of a man who knew what he was talking about.

I would have bought into all this as just one more not-very-efficient government intrusion into our liberties if it hadn't been for the National Guardsmen dressed up in their most serious-looking noncombat combat suits. Because, the more I thought about it, the more I couldn't figure out what those guys were doing there. As far as I can tell, they never actually search any of us potential terrorists. They don't handcuff us into long daisychains, then lead us away for interrogation by CIA agents. They carry scary-looking M-16 rifles but they never seem to shoot anybody — even though hardly a week goes by that some airport or other doesn't close down after some hothead who is about to miss his flight skips around the metal detector and scoots off down the concourse.

The more I thought about it, the more it seemed to me those guys weren't doing *anything* but standing around looking like Your Government Means Business. The whole thing made me think my plane just might blow up after all.

"You bet you're hired — and I can hardly wait to send the paperwork to the Equal Employment Opportunity Commission!"

Wisdom From the Nazi Experience

Here's a bit of wisdom from Otto Skorzeny, Hitler's head commando.

Skorzeny is the guy who kept Italy in the war by landing gliders on the top of a cliff in the Apennines and rescuing Mussolini from the Italian army. Then, when Miklos Horthy began looking like he was going to surrender Hungary to Stalin, Skorzeny slipped into Budapest and kidnapped Horthy's son from under the noses of the Hungarian army — keeping another country in the war on Hitler's side.

Skorzeny was so effective that, when word got out that he and a handful of men had slipped behind American lines at the Battle of the Bulge, Eisenhower wound up house-arrested by his own security people for a week, while Sir Bernard Law Montgomery wound up really arrested when a couple of American enlisted men decided to run an informal culture check on people passing by in jeeps, and demanded Montgomery tell them who won the World Series.

After the war, Wild Bill Donovan tried to recruit Skorzeny to beef up security against the Reds, but it didn't work out. Skorzeny told the OSS the very idea was foolish because anything at all can be stolen, kidnapped, or blownup by somebody who wants to steal it, kidnap it, or blow it up badly enough. There is simply no way to guarantee the complete safety of anything.

I think Otto had a good point, here. When you think about what's going on in our airports, the real question is not how to make air travel 100% safe. Even Otto Skorzeny couldn't do that. The real question is: What degree of expense, inconvenience, disruption, intrusion, and inefficiency are we willing to tolerate to achieve a level of danger we can live with?

The fear-charmers were out in force the other day when I flew to Atlanta. They pulled an 80-something-year-old codger out of line and worked their comforting magic on every stitch and cranny of his person.

I, personally, would gladly accept a few notches more on the danger scale for the sake of the enormous savings in hassles and intrusions but, sometimes to my surprise, I am not the measure of all things. So, a few weeks ago, I set out to learn whether other people agreed with me about this and, for a while, I asked everybody I bumped into this question: If you knew that, on average, there would be one terrorist-related airplane crash in the United States every month, would you still fly? With the exception of one guy who, for the sake of scientific unanimity I immediately dismissed as a statistical anomaly, every single person answered the same way: "Sure. The risk would be too small to worry about."

On the other hand, I didn't run across anybody who thought airport security should be more intrusive and annoying just to squeeze down the risk one more vanishing increment toward absolute zero. ❑

The Myth of Deadbeat Dads

by Stephen Baskerville

Special interest groups demonized divorced fathers into "deadbeat dads," and then criminalized them. The result: system that traces all newly hired employees, shifts the burden of proof to the accused, and throws fathers in jail for losing their jobs.

TV host Bill O'Reilly recently declared that "There is an epidemic of child abandonment in America, mainly by fathers." Sen. Evan Bayh has attacked "irresponsible" fathers in several speeches. Campaigning for president, Al Gore promised harsher measures against "deadbeat dads," including sending more to jail. The Clinton administration implemented numerous child-support "crackdowns," including the ominously named Deadbeat Parents Punishment Act; the Directory of New Hires, which contains the name of every newly hired individual in the country so that any deadbeat among them can be tracked down; and the Federal Case Registry, a massive system of government surveillance that aims to monitor 16–19 million citizens.[1]

In an ironic role reversal, Republicans have responded to the Democrats' law-and-order campaign with social programs. President Bush recently announced a $320 million program to "promote responsible fatherhood," and Congress is considering a bill to "reconnect fathers with their families." Yet the underlying message is similar. The administration promises to increase collections with a "five-year plan." "We want to send the strongest possible message that parents cannot walk away from their children."[2]

In fact, no evidence exists that large numbers of fathers voluntarily abandon their children. No government or academic study has ever demonstrated such an epidemic, and those studies that have addressed the question directly have concluded otherwise.

In the largest federally funded study ever conducted on the subject, psychologist Sanford Braver demonstrated that very few married fathers abandon their children. Overwhelmingly it is mothers, not fathers, who are walking away from marriages and thus separating children from their fathers. Other studies have reached similar or more dramatic conclusions.[3]

Braver also found that when they are employed, virtually all divorced fathers pay the child support they owe and that the number of arrearages "estimated" by the government is derived not from any actual statistics but from surveys. The Census Bureau simply asked mothers whether they were receiving payments. No data exists to corroborate the mothers' claims. As Braver found, "there *is* no actively maintained national database of child support payments."[4]

Braver's research undermines most justifications for the multi-billion-dollar criminal enforcement machinery, as well as the proliferation of government programs to "promote responsible fatherhood."[5] If Braver is to be believed — and no official or scholar has challenged his research — the government is engaged in a massive witch hunt against innocent citizens.

The system of collecting child support is no longer one of requiring men to take responsibility for their offspring, as most people believe. The combination of "no fault" divorce and the new enforcement law has created a system that pays

mothers to divorce their husbands and remove children from their fathers. "By allowing a faithless wife to keep her children *and* a sizable portion of her former spouse's income," writes Bryce Christensen, "current child-support laws have combined with no-fault jurisprudence to convert wedlock into snare for many guiltless men."[6]

Centuries of common-law precedent protected fathers from this possibility. "The duty of a father (now spouse) to support his children is based largely upon his right to their custody and control," ran a ruling typical of the age-old consensus. "A father has the right at Common Law to maintain his children in his own home, and he cannot be compelled against his will to do so elsewhere, unless he has refused or failed to provide for them where he lives."[7] While few were paying attention, new laws have completely overturned this principle and created a system, as attorney Jed Abraham writes, whereby "a father is forced to finance the filching of his own children."[8]

In 1975, President Ford succumbed to pressure from bar associations and feminist groups and created the Office of Child Support Enforcement (OCSE), warning that it constituted an unwarranted federal intrusion into the lives of families and the responsibilities of states. The size of the program increased tenfold from 1978 to 1998.[9]

When they are employed, virtually all divorced fathers pay the child support they owe. The number of arrearages "estimated" by the government is derived not from any actual statistics but from surveys.

This massive growth of law enforcement machinery was federally driven. Welfare legislation promoted by the OCSE and passed by Congress in 1984 required states to adopt child-support guidelines under the claim that it would get single-mother families off welfare by making fathers pay more. "No statistical data available then (or since) indicated that such legislation would have the desired effect," writes Robert Seidenberg. Because most nonpayment of child support results from unemployment, and most noncustodial parents of welfare children are not earning enough to pay as much child support as their children already receive in welfare, higher child-support guidelines cannot help these children.[10]

Then, in 1988, with no explanation or justification, the guidelines and enforcement machinery that had been created to help children on welfare were extended to include the 80% of child-support orders to children not on welfare.[11] Yet both Braver and a pilot study by OCSE itself had already made clear that nonpayment was not a serious problem among this class. A full-scale federal study that was planned to follow up the pilot study was quashed by OCSE when the findings of the pilot threatened the justification for its existence.[12]

Though child-support enforcement formally falls within the executive branch, the linchpin of the system is the family court, a secretive and little-understood institution. Unlike other courts, family courts usually operate behind closed doors, generally do not record their proceedings, and keep no statistics on their decisions. Yet they reach further into the private lives of individuals and families than any other governmental arm. "The family court is the most powerful branch of the judiciary," writes Robert W. Page of the Family Court of New Jersey, "the power of family court judges is almost unlimited."[13]

Like other state court judgeships, family court judgeships are political positions, elected or appointed by commissions dominated by lawyers who have an interest in maximizing litigation.[14] Family court judges wield extensive powers of patronage, thanks to their power to appoint attorneys and expert witnesses.[15] Like most courts, family courts complain of being overburdened. But it is clearly in their interest to be overburdened, since their power and earnings are determined by the demand for their services.

As Judge Page recommends:

> Judges and staff work on matters that are emotionally and physically draining due to the quantity and quality of the disputes presented; they should be given every consideration for salary and the other "perks" or other emoluments of their high office.

If the judiciary is viewed in part as a business, as Charles Dickens suggested, the family courts' customers are divorcing mothers who hope to win custody and windfall settlements. The more satisfied customers an enterprise has, the more it prospers. So it is not surprising that family courts are interested in attracting and satisfying customers. As Page writes:

> With improved services more persons will come before the court seeking their availability. . . . As the court does a better job more persons will be attracted to it as a method of dispute resolution. . . . The better the family court system functions the higher . . . the volume of the persons served.[16]

The judges who remove children from their fathers and the bureaucrats who seize the fathers' property and persons are often closely connected. David Ross, head of OCSE during the Clinton administration, began his career as a family court judge before moving to higher courts and a stint in a state legislature. The OCSE Web page says he was honored as "Judge of the Year of America" by the National Reciprocal Family Support Enforcement Association in 1983 and as "Family Court Judge of the Nation" by the National Child Support Enforcement Association (NCSEA) in 1989. That enforcement groups are bestowing honors upon judges indicates their interest in family court decisions, especially those that remove children from their fathers and award child support to their mothers: Without those decisions, the groups' services wouldn't be needed. And that a government Internet page boasts about awards given to its supposedly impartial judges by these interest groups indicates how little ethical scrutiny family court judges receive. The NCSEA Web page lists its members as "state and local agencies, judges, court masters, hearing officers, district attorneys, government and private attorneys, social workers, caseworkers, advocates, and other child support professionals," as well as "corporations that partner with government to enforce child support."[17] In other words, it is made up entirely of people who have a financial interest in having

children separated from their fathers.

Setting child support levels is a political process conducted largely by groups that benefit from divorce. Parents are largely excluded. In about half the states, the guidelines used to set child-support levels are devised not by the legislature but by courts and enforcement agencies, and in all states the courts and enforcement agencies play a dominant role in setting the guidelines.[18] Under the separation of powers we do not normally permit police and courts to make the laws they enforce and interpret, since this would create an obvious conflict of interest.

Provisions for citizen input are mostly perfunctory. In Virginia, of twelve members serving on the review commission in 1999, one member represented fathers. The rest were full-time lawyers, judges, enforcement agents, and feminists. When the fathers' representative in 2001 pointed out this fact in a *Washington Times* Op-Ed column, he was dismissed from the panel for his "opinions."[19] "The commissions appointed to review the guidelines have been composed . . . of individuals who are unqualified to assess the economic validity of the guidelines, or who arguably have an interest in maintaining the status quo, or both," writes a Georgia district attorney. "In 1998, for example, of the 11 members of that Commission, two were members of the judiciary, two represented custodial parent advocacy groups, four were either present or former child support enforcement personnel, and two were state legislators."[20]

The combination of "no fault" divorce and the new enforcement law has created a system that pays mothers to divorce their husbands and remove children from their fathers.

The conflicts of interest extend to the private sector, where privatization has created a class of government-subsidized bounty hunters with an interest in creating "delinquents." In 1998, Florida taxpayers paid $4.5 million to Lockheed Martin IMS and Maximus, Inc. to collect $162,000 in back child support.[21] Supportkids of Austin, Tex. describes itself as "the private-sector leader" in what it calls the "child support industry." The company is confident of rich investment opportunities, optimistic that delinquencies will only increase. "The market served totals $57 billion and is growing at an annual rate of $6 billion to $8 billion," reports its founder and CEO.

Some firms, like Policy Studies Inc. (PSI), also set the levels of what they collect. From 1983 to 1990, PSI president Robert Williams was a paid consultant with the Department of Health and Human Services (HHS), where he helped establish uniform state guidelines in the Child Support Guidelines Project under a grant from the National Center for State Courts. The guidelines he helped create significantly increased child-support obligations and Congress required states to implement the presumptive guidelines, giving them only a few months of legislative time to do so.[22] Virtually all states met the deadline, many by quickly adopting Williams' model. "The guidelines were enacted in 1989 to insure Georgia's receipt of an estimated $25 million in federal funds," writes William Akins. "They were hastily adopted . . . to beat the federal deadline."[23]

One year after joining HHS, and the same year the federal guidelines were implemented, Williams started PSI. "With his inside knowledge [Williams] has developed a consulting business and collection agency targeting privatization opportunities with those he has consulted," explains James Johnston of the Kansas Child Support Guidelines Advisory Committee. "In 1996, his company had the greatest number of child support enforcement contracts . . . of any of the private companies that held state contracts."[24] PSI grew "by leaps and bounds because of the national crackdown on 'deadbeat dads.'" From three employees in 1984, PSI grew to over 500 in 1996, before welfare reform legislation took effect, from which the company "stands to profit even more."[25]

Family courts usually operate behind closed doors, generally do not record their proceedings, and keep no statistics on their decisions. Yet they reach further into the private lives of individuals and families than any other governmental arm.

The profitability of these enterprises is a function of the size of obligations put on fathers. A collection agency only operates if there are arrearages and "delinquents." Williams therefore not only has a vested interest in making the child-support levels as high as possible, but to make them so high that they create arrearages.

Williams' model has been widely and severely criticized for its methodology. He himself has admitted that "there is no consensus among economists on the most valid theoretical model to use in deriving estimates of child-rearing expenditures" and that "use of alternative models yields widely divergent estimates."[26]

State governments also profit from child support, according to the House Ways and Means Committee, which notes that "States are free to spend this profit in any manner the State sees fit." States profit through federal incentive payments of 6–10% on each dollar collected, as well as receiving two-thirds of operating costs and 90% of computer costs. Federal outlays of over $2 billion in 1996 allowed California to collect $144 million and New York to receive $49.1 million.[27]

Most people assume that collections made through enforcement agencies involve arrearages or target those people who would not otherwise pay.

"Of course you're sick — we live in a sick society."

But this is not the case. To collect these federal funds states must channel all child-support payments, including those not in arrears, through their criminal enforcement machinery. This both further criminalizes the fathers and enables the government to inflate the amount of collections it makes, which helps divert attention from fact that the program operates at a consistent loss.

In January 2000, HHS Secretary Donna E. Shalala announced that "the federal and state child support enforcement program broke new records in nationwide collections in fiscal year 1999, reaching $15.5 billion, nearly twice the amount collected in 1992."[28] Yet the method of arriving at these figures is questionable. Figures from the OCSE show that collections in welfare-related cases (in which collection is problematic) have remained steady since 1994, while collections in non-welfare cases (in which compliance has always been high) continue a steady increase.[29] Thus the "increase" in collections was achieved not by collecting the arrearages built up by poor fathers but by bringing more employed, middle-class fathers, into the collection system.

In Indiana, a father has been shackled with an electronic ankle bracelet and forced to turn over three-fourths of his salary for the college expenses of a 21-year-old "child" while his 12-year-old goes without medical treatment.

Between the incentive payments, the court patronage, and the bureaucratic conflicts of interest, the systematic bullying by courts and enforcement agencies is becoming difficult to ignore. Several recent cases have attracted wide attention. In Milwaukee, a father was hauled into court and threatened with jail when penalties turned a 4-cent arrearage into hundreds of dollars. Another father was arrested for failing to pay child support during the five months he was held hostage in Iraq. In Texas, a janitor was exonerated after ten years on death row, only to be presented with a bill for $50,000 in child support not paid while in prison. In Virginia, child support is being sought for 45-year-old "children." In Kansas and California, teenage boys have been ordered to pay child support to grown women criminally convicted of statutorily and forcibly raping them, and an 85-year-old invalid sexually assaulted by his housekeeper has had his pension garnished for child support while being denied access to the child on the grounds it was not in the "best interest of the child." In Indiana, a father has been shackled with an electronic ankle bracelet and forced to turn over three-fourths of his salary for the college expenses of a 21-year-old "child" while his 12-year-old goes without medical treatment.[30] The list is endless.

Perhaps most disturbing is the case of Brian Armstrong of Milford, N.H., whom many believe to have received a summary "death sentence" for losing his job. Armstrong was jailed without trial on Jan. 11, 2000 for failing to appear at a hearing of which his family claims he was not notified, and was apparently beaten to death by correctional officials. Another inmate saw Armstrong being led into a room from which he then heard screaming before he was dragged away.[31]

Fatal beatings of fathers are probably not widespread in American jails, but the *Massachusetts News* has reported on many suicides. Charles London stabbed himself with a kitchen knife in August 1999 after being cut off from all contact with his two children and ordered to pay more than 75% of his salary in child support, leaving him with $78 a week. The National Association for Child Support Action has published a "Book of the Dead" chronicling 55 cases which they claim the official court coroner concluded fathers were driven to suicide because of judgments from divorce courts.[32]

The suicide rate of divorced fathers has skyrocketed, according to Augustine Kposowa, who attributes his finding directly to judgments from family courts. Reports by CBS, CNN, and Reuters ignored this conclusion in favor of therapeutic explanations emphasizing fathers' lack of friends and "support networks." One reporter told Kposowa his finding was not "politically correct."[33]

Advocates of "unilateral" divorce have portrayed it as a "citizen's right" and even a "civil liberty."[34] Yet in practice, "unilateral" divorce entails highly authoritarian measures. "To preserve these perks, especially child support," writes attorney Abraham, "the government commands an extensive enforcement apparatus, a veritable gulag, complete with sophisticated surveillance and compliance capabilities such as computer-based tracing, license revocation, asset confiscation, and incarceration. The face of this regime is decidedly Orwellian."[35] OCSE now maintains an army of almost 60,000 plainclothes agents, with sweeping powers to seize property and persons involved in divorce proceedings, including the power to issue arrest warrants.

Hunting alleged deadbeats also rationalizes highly intrusive monitoring of all private citizens. In addition to automatic wage garnishing from all obligors, even before they become "delinquent," the New Hires Directory now compels employers to furnish the name of every new employee to the federal government. "Never before have federal officials had the legal authority and technological ability . . . to keep tabs on Americans accused of nothing," wrote the *Washington Post* on June 27, 1999. "Just like in totalitarian societies, government bureaucrats will soon have the power to deny you a job, and the ability to monitor your income, assets, and debts," says Libertarian Party Chairman Steve Dasbach. "This law turns the presumption of innocence on its head and forces every American to prove their innocence to politicians, bureaucrats, and computers."[36] Several state governments have even voiced dissent, including skepticism over the reality of "deadbeats." "Under the guise of cracking down on so-called deadbeat dads, the Congress has required the states to carry out a massive and intrusive federal regulatory scheme by which personal data on all state citizens" is collected, the Kansas Attorney General's office charged in a federal suit challenging the constitutionality of the mandate.[37]

The distinction between the guilty and the innocent becomes almost meaningless, since officials are monitoring citizens who owe, those whose obligations are paid up, and those who are not under any order at all. The presumption of

guilt against those who are obeying the law was revealed by one official who boasted to the *Post* that "we don't give them an opportunity to become deadbeats." The presumption that not only are all parents under child support orders already quasi-criminals but that all citizens are potential criminals against whom pre-emptive enforcement measures must be initiated is revealed by Teresa Myers of the National Conference of State Legislatures (NCSL). "Some people have argued that the state should only collect the names of child support obligors, not the general population," she suggests. But "this argument ignores the primary reason" for collecting the names: "At one point or another, many people will either be obligated to pay or eligible to receive child support."[38]

The presumption of guilt extends into the courtroom, where a father charged with "civil contempt" need not receive due process and may legally be presumed guilty until proven innocent. "The burden of proof may be shifted to the defendant in some circumstances," according to a legal analysis by NCSL, which promotes aggressive prosecutions. The father can also be charged with criminal contempt. "The lines between civil and criminal contempt are often blurred in failure to pay child support cases," NCSL continues. "Not all child support contempt proceedings classified as criminal are entitled to a jury trial." Moreover, "even indigent obligors are not necessarily entitled to a lawyer."[39] The bottom line is that a father who has lost his children through literally "no fault" of his own faces a daunting burden: He must prove his innocence without a formal charge, without counsel, and without facing a jury of his peers.

Within the world of child-support enforcement a father becomes a "deadbeat" if he fails or refuses to surrender control of his family to the hegemony of the state. "Child support is 'paid' only when it's paid in a bureaucratically acceptable form," says Bruce Walker, of the District Attorney's Council in Oklahoma City, who claims to have jailed hundreds of fathers. A father is "supporting" his family if he pays by government-approved procedures to government-approved people and has "abandoned" it if he pays in any other way. "Men who provide non-monetary support are deadbeat dads according to the child-support system," says Walker. "Even men who are raising in their homes the very children for whom child support is sought are deadbeat dads."[40]

Though ostensibly limited by guidelines, a judge is free to order virtually any amount in child support. A judge who decides that a father could be earning more than he does can "impute" potential income to the father and assess child support and extract attorneys' fees based on that imputed income. The result, as Darrin White found, is that child support can exceed earnings. If a father works extra hours (perhaps to pay legal fees) or receives any other temporary income, he is then locked into that income and those hours, and the child-support level based on them, until his children are grown.[41] If a relative or benefactor pays the child support on his behalf, that payment is considered a "gift" and does not offset the obligation, which the father himself still owes.

A Rutgers/University of Texas study found that "many of the absent fathers who state leaders want to track down and force to pay child support are so destitute that their lives focus on finding the next job, next meal or next night's shelter."[42] Why so many divorced fathers seem to be unemployed or penurious may be accounted for in part by the strains legal proceedings put on work schedules. Fathers are summoned to court so often they lose their jobs. The Ohio Psychological Association found that employers report losing more productive time to divorce and custody proceedings than to alcohol and drug use combined.[43] Many divorced fathers are either ordered out of their homes or must move out for financial reasons. They may also lose their cars, often their only means of transportation to their jobs and children. Those who fall behind in child support, regardless of the reason, now have their cars booted and their driver's licenses and professional licenses revoked, which in turn prevents them from getting and keeping employment. An odd myopia is demonstrated in the controversy over whether to give child support priority over other debts in bankruptcy proceedings. Curiously, no one stops to ask the obvious question of why so many allegedly well-heeled deadbeats are going through bankruptcy in the first place.[44] In what some have termed a policy of "starvation," a proposed federal regulation will render these rich playboys ineligible for food stamps.[45]

It is hardly surprising that some fathers who have been worked over eventually do disappear. Anyone who has been plundered, harassed, vilified, and incarcerated — all on the pretext of supporting children taken from him by force and whom he is not permitted even to see — will eventually reach the limits of his endurance.

A father is "supporting" his family if he pays by government-approved procedures to government-approved people and has "abandoned" it if he pays in any other way.

There is nothing mutually exclusive about protecting the rights of parents and their children not to be separated without cause and enforcing child-support collection on those men who truly abandon the offspring they have sired. Requiring men to accept financial responsibility for their progeny has been a matter of public policy for centuries. But taking away people's children and forcing them to pay for it, as one scholar warns, is moving us "a dangerous step closer to a police state."[46] The "deadbeat dad," whom Braver and others diplomatically call a myth, is really more like a hoax, the creation of groups with an interest in separating children from their fathers and criminalizing the fathers. □

Notes

1. Department of Health and Human Services (HHS) press release, Sept. 28, 1998, and Website of the Office of Child Support Enforcement (OCSE); http://www.acf.dhhs.gov/programs/cse/pubs/2000/datareport/ch03.html#N91CD, accessed Oct. 1, 2001.
2. *Washington Times*, Dec. 10, 2001; *Handbook on Child Support Enforcement*, HHS, OCSE, Washington, D.C. (online: http://www.acf.dhhs.gov/programs/cse/fct/cshdbk.htm; accessed Oct. 1, 2001).
3. Sanford L. Braver, *Divorced Dads: Shattering the Myths* (New York:

Tarcher/Putnam, 1998), Chapter 7. Margaret F. Brinig and Douglas W. Allen, "These Boots Are Made for Walking: Why Most Divorce Filers Are Women," *American Economics and Law Review*, Vol. 2, Issue 1 (Spring 2000), pp. 126–27, 129, 158 (original emphasis). Women were "more than three times as likely as men to initiate separation," not with grounds such as desertion or adultery but for reasons such as "communications problems" and "drifting apart." Ilene Wolcott and Jody Hughes, *Towards Understanding the Reasons for Divorce* (Melbourne: Australian Institute of Family Studies, Working Paper No. 20, June 1999).

4. Braver, *Divorced Dads*, pp. 21–22 and Chapter 2, *passim* (emphasis original).
5. Robert Locke, "Deadbeat Social Scientists," *FrontPageMagazine.com*, July 2, 2001 (http://frontpagemag.com/columnists/locke/2001/locke06-29-01.htm; accessed Oct. 15, 2001).
6. Bryce Christensen, "The Strange Politics of Child Support," *Society*, Vol. 39, No. 1 (Nov.–Dec. 2001), p. 65. This "snare" can easily amount to a prison sentence without trial.
7. *Butler* v. *Commonwealth*, 132.Va.609, 110 S.E. 868 (1922).
8. Jed H. Abraham, *From Courtship to Courtroom: What Divorce Law Is Doing to Marriage* (New York: Bloch, 1999), p. 151.
9. *1998 Green Book*, House of Representatives, Ways and Means Committee Print WMCP:105–7, U.S. Government Printing Office Online via GPO Access, Section 8, "Funding of State Programs."
10. Robert Seidenberg, *The Father's Emergency Guide to Divorce-Custody Battle* (Takoma Park, Maryland: JES, 1997), pp. 107–8; Irwin Garfinkel and Sarah McLanahan, *Single Mothers and Their Children, A New American Dilemma* (Washington, DC: The Urban Institute Press, 1986), pp. 24–25. Christensen also found "windfalls to the custodial parents." "Strange Politics of Child Support," p. 66.
11. *FY 1998 Preliminary Data Report* (Washington: Office of Child Support Enforcement, May 1999), Figure 2, p. 35.
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14. Jerome R. Corsi, *Judicial Politics* (Englewood Cliffs, N. J.: Prentice-Hall, 1984), pp. 107–114; Richard A. Watson and Rondal G. Downing, *The Politics of the Bench and the Bar* (New York: John Wiley and Sons, 1969), pp. 98, 336, use the term "cronyistic."
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26. R. Mark Rogers, "Wisconsin-Style and Income Shares Child Support Guidelines: Excessive Burdens and Flawed Economic Foundation," *Family Law Quarterly*, vol. 33, no. 1 (Spring 1999).
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28. HHS press release, Jan. 27, 2000.
29. *FY 1998 Preliminary Data Report.*
30. *Milwaukee Journal Sentinel*, April 10, 1998; *Washington Times* April 27, 1999; *Los Angeles Times*, Oct. 11–12, 1998; *Quintela* v. *Quintela*; Neb. Ct. App., 4 Neb. App. 396, 2/27/96 (cited in *Speak Out For Children*, Vol. 12, No. 1 (Fall 1996/Winter 1997), p. 11); *Richmond Times-Dispatch* on July 12, 1998; *San Francisco Examiner*, Dec. 1, 1996; Supreme Court of Kansas, 252 Kan. 646; 847 P.2d 1273; 1993 Kan.; Associated Press, Oct. 30, 1998; Susan Hiller, "Elderly Man Who Said He Was Sexually Assaulted by Maid Awarded Damages," *National Post*, 3 Oct. 3, 2000; *Oregonian*, Aug. 21, 1999; Alliance for Non-Custodial Parents' Rights (ANCPR) press release, Dec. 4, 1999; *Canadian Press*, Nov. 13, 1998; ANCPR press release, Sept. 31, 1999.
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Report

I Flacked The Sheriff

by Ari Armstrong

What happens when a sheriff from Colorado goes to Washington, D.C. to tell the politicians about the drug war?

Bill Masters was a drug warrior for many years. In fact, he received the DEA's award for outstanding achievements in the field of drug-law enforcement. But today he's sheriff of San Miguel County, Colo. and he has come to see that his job as a drug warrior was at odds with his job as a peace officer. Today, he believes that the War on Drugs is undermining the notion of justice by both punishing those who have hurt no one but themselves and by offering the excuse of drug addiction to violent criminals. As he wrote in the November 2000 issue of *Liberty*, "What kind of peace officer — what kind of society would allow a peace officer — to use one minute of time, spend one dollar, or use one jail cell for a marijuana smoker, when vicious child murderers are on the loose?"

Masters recently wrote *Drug War Addiction: Notes From the Front Lines of America's #1 Policy Disaster*. In March, he went to Washington to speak out against the drug war and promote his book. I went along to take photographs, help with the scheduling, make notes, and collect videotapes and various bits of information.

As my wife and I drove to the Denver airport, I hoped I wouldn't be superfluous. I hate Denver International. It's the most difficult airport I've ever tried to find my way around, and it's painfully far from Denver. And I wasn't looking forward to the post-Sept. 11 airport security measures.

I showed up three hours early and breezed through the lines.

To my surprise, the "random" searches failed to target an attractive female. Instead, a tall, lanky man was selected for special attention. He wore a shit-eating grin that said, "I feel ridiculous and slightly embarrassed, but I know you feel a little embarrassed watching me, too."

At the security gate, I passed the military guys with the cool guns. I had to resist the urge to ask for technical information about the guns and to take a closer look at them. I didn't figure such conversation would go over very well. Man, that job looks boring. They wear camouflage inside the airport and have to carry guns around all day but they don't even get to shoot.

I was flying into Reagan, so there were extra-heavy-duty security precautions. They roped off an entire area near the gate and the military guys examined every nook and cranny with interesting-looking gadgets. Once we were checked into the "secure" area, we weren't allowed to leave. Of course, on the way out of the gate there was a non-secured door to the outside world.

I've seen photos of plastic knives a lot nastier than the box cutters those murderous bastards used last September, and nothing I saw would have prevented such weapons from making it onto the plane. But I felt secure because I knew that I and most of my fellow passengers were ready to do what needed to be done to fend off terrorists, should it come to that.

And I was damn proud to be flying again. Sure, the gov-

ernment has done its damnedest to screw up the airline industry. Still, jetting through the air while eating a turkey wrap and potato chips is a technological marvel, a salute to human ingenuity and all the secular values hated by mystical zealots of all stripes.

Once in the district, I purchased my Metro card and stopped by the Libertarian Party offices at the infamous Watergate building to meet up with George Getz and Ron Crickenberger, who were helping Masters publicize his book. Getz was worried that his press release hadn't generated the interest in Masters' visit he had anticipated — a previous release had generated over two dozen radio interviews for the sheriff.

I went to my hotel room to make a few phone calls and ate dinner at a nearby brew pub. The sheriff arrived. He is a pretty down-to-earth kind of guy, somebody who tends to make those around him feel comfortable. After stopping at the local Starbucks, we headed off to our first appointment, a radio interview with Alan Nathan, whose show *Battle Line* runs on Radio America.

Drug prohibition destroys trust among civilians within the community and between the community and law enforcement. Sheriff Masters is trying to win back a little bit of that trust.

After explaining how he wants Republicans out of his bedroom and Democrats out of his pocketbook, Nathan told us that he wasn't that enthusiastic about Libertarians, either, just because they're not centrist enough. He was a nice enough guy, though, and sympathetic to many of Masters' points.

Nathan just couldn't accept the notion of decriminalizing "hard" drugs, because drugs can make people go "crazy." The sheriff responded to this rather florid argument by pointing out that drug abuse may be bad, but that drug prohibition is far worse.

Back at LP headquarters, Getz had lined up a telephone interview with Jeff Johnson of the Conservative News Service, an online deal. The Sheriff was on top of his game as he explained that the drug war is largely about class. Rich people can afford fancy lawyers, so asset forfeiture and other weapons of the drug warriors are aimed at the poor and the politically unconnected. "I think you'd find new respect in the [law-enforcement] profession if we were to end the drug war," he said. To me, this is his most compelling message. The War on Drugs alienates the police from the people they're supposed "to serve and protect."

In a speech at Cato that afternoon, Masters told how, as a young lawman, he had gone toe-to-toe with a gang of ruffians in Telluride. He approached the group, and they dispersed. The fact that the patrons of the local cafe had lined up on the street corner behind him made all the difference. "We got your back, sheriff." Years later, after he had made his reputation as a drug warrior, many of those same patrons burned an effigy of him to protest his policies. You could tell it broke his heart.

These days, it can be easy to forget that the profession of protecting people's rights is among the noblest careers anyone can pursue. Drug prohibition destroys trust among civilians within the community and between the community and law enforcement. Sheriff Masters is trying to win back a little bit of that trust.

William Otis, a former federal prosecutor invited by Cato to respond to the sheriff, gave a response that struck me as sincere. He said, "There is much to admire in Masters' book, as there is much to admire in the libertarian philosophy which Masters champions." He referred to Masters as "a principled man" who hadn't sufficiently thought through the consequences of ending prohibition.

Legalizing drugs, Otis argued, would lead to more drug use and abuse. Even Masters realized this, he said, and then quoted the following from Masters' book: "Once drug prohibition is repealed and the violent black market is wiped out, the prices of most drugs will drop dramatically. Thus, some addicts and casual users may take more drugs, and some people who don't take drugs today . . . may start taking them" (64). But Otis failed to quote the very next line: "But that simple economic model doesn't tell the whole story. Repealing drug prohibition will also result in some people taking fewer or no drugs" because of things like more truthful education about drug harms, greater access to treatment, and more emphasis on personal responsibility.

Otis argued that drug use can result in death or physical injury to the user, that some people who take drugs hurt other people, and taxpayers bear the burden of irresponsible drug use. These social harms can be partially prevented, he suggested, through prohibition. As to the argument that the repeal of drug prohibition would be as salubrious as was the repeal of alcohol prohibition in 1934, Otis argued that, unlike the 1930s when alcohol prohibition was repealed, we live today in an "age of indiscipline" that has helped to "destroy moral standards." Otis cited the news story about a woman, who happened to be a recreational drug-user, who crashed into a man and left him dangling from her shattered windshield for days as he died in her garage. This, he said, illustrated the need for drug prohibition. The question running through my head was, "How many pot smokers did the local cops bust while this poor guy was dying in the woman's garage?" Even if he could link drug use and homicidal behavior — a stretch — Otis would still have to admit that she got the drugs despite the current program of prohibition. (It was later reported that the initial reports were wrong: The man, also a drug-user, had died upon impact or shortly thereafter.)

The sheriff had a couple hours sleep, then caught a plane home. But he had no opportunity to catch up on his sleep. A couple of skiers near Telluride had gone into an avalanche area and . . .

The sheriff responded, sensibly enough, that to take Otis'

continued on page 51

The "Genius" Behind The Genius Grants

by Barry Loberfeld

It isn't pretty when a "naive liberal" tries to put his spin on communist horrors.

People in other parts of the country are liable to imagine that Long Island has a newspaper like *Ripley's Believe It or Not*, what with everything from the "Amityville Horror" to Joey Buttafucco happening here. And they're not far from wrong — as anyone who's ever gotten hold of a copy of *Newsday* can attest.

The most intriguing piece of late, however, is one that contains no sex at all and whose only violence is to fact and logic. Its writer is not some local yokel but the publisher of a national magazine — John R. MacArthur of *Harper's*. He is, by his own description, a "naive liberal" — a term that, as we shall see, hides more than it reveals.

Consider, for example, MacArthur's "Neo-McCarthyism and the New Cold War Hangover" — its continuation on another page is called "Exhuming Communism to Fight It All Over Again" — in which he bemoans his innocence in having thought that the decay of the Soviet Union would fertilize "a more freewheeling argument about the exaggerated menace of communism." One might leap to suggest that his disappointment is the product less of his innocence than his orientation. There are indeed any number of texts that make a "freewheeling argument" about communism, all of which can now be found in the dustbin of history.* Today, even many of the one-time arguers themselves (e.g., David Horowitz, Ronald Radosh) concede that such works are about as useful as a pre-Columbian map. But if MacArthur is despondent about the argument that the disintegration of the Soviet Empire hasn't inspired, he is positively livid over the one it has, viz. it has "resurrected and solidified some of the worst elements of American historical dogma about Josef Stalin, World War II, the Cold War and McCarthyism." Meaning?

First came a reinvigorated Stalin-Hitler equivalency campaign, which for decades has sought to place the Soviet dictator on an equal footing with his German adversary, at least in terms of sheer savagery. The ultra anti-Stalinists believe that liberal and leftist dupes have somehow given Stalin a free ride by focusing on the more obvious crimes of Adolf Hitler. No more, they cry. Armed with French historian Stephane Courtois' massive 1997 compendium, *The Black Book of Communism*, historians Tony Judt of New York University and Martin Malia of the University of California at Berkeley have clambered on to mainstream media vehicles to announce their amazing revelation: Stalin was evil! He was really evil!

"No one," announced Judt last year in an op-ed piece for *The New York Times*, "will any longer be able to claim ignorance or uncertainty about the criminal nature of communism, and those who had begun to forget will be forced to remember anew." One might dismiss such a pretentious and condes-

cending generalization as mere academic bombast. Except that Courtois doesn't stop there; Courtois, in Judt's account, "claims that we can no longer insist on the conventional distinction between communism and Nazism, which sets Hitler's state apart as a singularly terrible regime to which nothing can compare. Those very features of Nazism that we find most repellent have now been proved endemic to communism from its inception."

Okay, you can start breathing again.

What of the "Stalin-Hitler equivalency campaign"? For some reason, MacArthur never considers why such a campaign was needed. There never was a Dillinger-Capone equivalency campaign because no one ever claimed to discern any moral distinction between the two. In contrast, while Hitler's Germany was condemned uniformly by the democracies, Stalin's Russia was championed by many in the West. As David Horowitz has observed:

> . . . Althusser and Brecht, Lukacs and Gramsci, Bloch and Benjamin, Hobsbawm and — yes — Edward Thompson too. Subtle Hegelians and social progressives, they were all promoters of the Stalinist cancer, devoting their formidable intellects and talents to its metastatic growth . . . And what of the tens of thousands of Party intellectuals all over the world, among them Nobel Prize-winning scientists and renowned cultural artists who saw no particular difficulty in assimilating Stalin's gulag to Marx's utopia, socialist humanism to the Soviet state?*

The question of how "good people" in Germany could have fallen under the spell of Hitler has been asked and considered repeatedly since the end of World War II — a reflection of the gravity of the question and the urgency for an answer. And yet it is "McCarthyism" to question the motives — to say nothing of the moral status — of those in the Free World who supported and defended communist dictators.

Imagine a historian who, commenting on a work of scholarship that brilliantly documents the horrors of Hitler's atrocities, states that no one "will any longer be able to claim ignorance or uncertainty about the criminal nature of Nazism, and those who had begun to forget will be forced to remember anew." Such a statement would be applauded by all. We can well imagine the abuse that would fall upon someone who characterized that statement as "a pretentious and condescending generalization" and "mere academic bombast" from an "ultra anti-Hitlerite."

Can MacArthur really be unaware that, while the "Zionist hoax" crowd has always been relegated to the fringes and the gutters, the deniers of and apologists for the many communist atrocities have included prominent journalists and professors? Does he really mean to suggest that the Soviet murder of 7–10 million Ukrainians actually has been given — both academically and popularly — the same attention as the Nazi murder of 6 million Jews? Hitler's crimes are remembered as "the Holocaust," whereas Stalin's crimes are remembered . . . how, if at all? (I hesitate even to mention Mao's mass slaughters, which have now almost completely fallen into the West's memory hole.) And would MacArthur really care to tell us who — apart from some hatemonger with a website — would deride a commitment to "never forget" the Holocaust as "exhuming Nazism to fight it all over again"?

MacArthur's keen sense of justice is noticeably troubled by Courtois' blanket condemnation of "communism." MacArthur finds this "disturbing":

> Lumping Stalin and, say, Ho Chi Minh together amounts to an ignorant polemic; good history is about making intelligent distinctions, and no "crime" committed by Ho and his followers in their ambition to rid Vietnam of successive foreign invaders can be logically called equivalent to Stalin's Gulag or his wholesale destruction of the Kulaks.

Really? Not the "tens of thousands of domestic opponents [who] were killed by Uncle Ho Chi Minh after 1954"? Or the "thousands of civilians [who] were clubbed to death in Hue during Hanoi's brief occupation of that city in 1968"? Not even the "bloodbath after Hanoi's victory — an estimated one hundred thousand summary executions, a million and a half boat people driven to exile and death, and a like number consigned to tiger cages and Marxist 're-education' camps — to complete North Vietnam's subjection of the South"?** Now is MacArthur claiming that not one of these things actually ever happened — or that not one of them can be called a "crime," since they were all obviously necessary to the struggle against imperialism? I don't know which view is worse. It's incredible that MacArthur can so berate Judt, and then demonstrate his own "ignorance or uncertainty about the criminal nature of communism" in Southeast Asia.

There never was a Dillinger-Capone equivalency campaign because no one ever claimed to discern any moral distinction between the two.

MacArthur gives his idea of "making intelligent distinctions" when he comes to the core of his argument:

> But it's one thing to lower Ho to Stalin's level; it's quite another to raise Hitler to Stalin's. . . . To borrow Judt's phraseology, the feature of Nazism that I find most repellent — the extermination camps and their systematic, train-to-oven efficiency — never existed in the Soviet Union. Political prisoners of different races and ethnicities survived the Gulag because it was not a collection of slaughterhouses designed to eliminate a distinct group of people; bureaucratic happenstance and whim, or the refusal to confess, sometimes resulted in unexpected clemency. By contrast, no Jew was intended to survive the Nazi death camps . . .

This is, quite simply, a lie. The Gulag was every bit an abyss into which multitudes were thrown never to return. Historian Robert Conquest: "For Russians — and it is surely right that this should become true for the world as a whole — Kolyma is a word of horror wholly comparable to Auschwitz . . . it did indeed kill some three million people, a

*David Horowitz, "The Road to Nowhere," *Liberty*, November, 1991, p. 26. This is not to overlook the "liberal" dupes, e.g., New Deal brain truster Rexford G. Tugwell, who opined, "The future is becoming visible in Russia; the present [i.e., America] is bitterly in contrast."

***Destructive Generation: Second Thoughts About the Sixties*, by Peter Collier and David Horowitz. Summit Books, 1989, p. 233.

figure well in the range" of the Nazi death camp.* Given the scale of death and suffering, MacArthur's legalistic distinction based on an occasional "unexpected clemency" is an obscenity. As for his fabrication of Soviet concern with the sincerity of prisoner confessions, the less said the better

Still, MacArthur is unrelenting in his determination to raise the soul of Uncle Joe to a considerably higher ring of hell: "It is false to make Stalin's indirect killings born of political ideology equal to Hitler's direct murder born of hatred for an entire race." What we have here is a claim that it is morally superior to commit mass murder indirectly against an entire class for ideological reasons than directly against an entire race. MacArthur continues: "Starving masses of people to death in Ukraine . . . is monstrous, but fundamentally different from gassing Jews en masse . . . "

In the name of God, how?

To justify that assertion, MacArthur states: "Some Ukrainian peasants in 1929 survived the famine by fleeing to the cities to try to find food; the Jews in Hitler's camps had no such option." That's about as helpful as noting that because some Jews (e.g., Freud, Mises, and Einstein) escaped persecution by fleeing to the West, the fact that destitute Ukrainians in Stalin's prison state had no such option makes Hitler into a relatively good man.

If we ignore how ultimately unimportant differences of degree are between them and weigh Hitler against Stalin, it is undeniably Stalin who comes out looking the worse. Consider the case of Archbishop Galen of Münster, who rallied the Roman Catholic clergy to protest Hitler's killing of the mentally ill and retarded. Der Fuehrer responded by stopping the murders. In similar situations, Stalin responded by murdering those who protested. Another example: German officers who refused to obey orders to commit atrocities were never punished for insubordination. This fact played a major role at the Nuremberg trials, where it was adduced to undermine the accuseds' defense that they had no choice but to follow orders for fear of their own lives. In contrast, under Stalin — and Mao and Pol Pot and Mengistu — those who refused to commit murder were themselves murdered. It seems inconceivable that anyone could "out-Hitler Hitler" — yet the communists did. Not only was Soviet communism morally equal to Nazism, it was also morally responsible for the rise of Hitler. As German historian Ernst Nolte observed, "the Gulag came before Auschwitz." British historian Paul Johnson elaborates:

> The camps system was imported by the Nazis from Russia . . . the scale of [Stalin's] mass atrocities encouraged Hitler in his wartime schemes to change the entire demography of Eastern Europe. . . . Hitler's "final solution" for the Jews had its origins not only in his own fevered mind but in the collectivization of the Soviet peasantry.

Soviet demographer Nick Eberstadt concurs: "the Soviet Union is not only the original killer state, but the model one."** Should anyone still harbor any doubt, he need only consider the statement of this Cheka official:

> We are not carrying out war against individuals. We are exterminating the bourgeoisie as a class. We are not looking for evidence or witnesses to reveal deeds or words against the Soviet power. The first question we ask is: to what class does he belong, what are his origins, upbringing, education, or profession? These questions define the fate of the accused. This is the essence of the Red Terror.‡

MacArthur concocts these transparently absurd distinctions between Hitler and Stalin out of an apparent need to cast Stalin as the lesser evil.‡‡ But why? Here is what he fears: "If Stalin was as bad as Hitler, then [Joseph] McCarthy's depredations against civil liberties and common decency become more palatable." Think about what's implicit in that assertion: If Hitler was worse than Stalin, then "depredations against civil liberties and common decency" — in the name of anti-Nazism — "become more palatable." This must explain why Leftists never condemn the creation of the House Un-American Activities Committee — by Soviet agent Samuel Dickstein (D-N.Y.) — as an organ to monitor American "fascists."§ Does he believe that this is the conspiratorial motive of scholars Courtois, Malia, and Judt and their "Stalin-Hitler equivalency campaign"?

While the "Zionist hoax" crowd has always been relegated to the fringes and the gutters, the deniers of and apologists for communist atrocities include prominent journalists and professors.

Amazingly, MacArthur generates more indignation over the actions of Sen. Joseph McCarthy and his followers in their ambition to rid the American government of Soviet agents than over any alleged "'crime' committed by Ho and his followers in their ambition to rid Vietnam of successive foreign invaders." Apparently, not only was Ho Chi Minh not "as bad as" Stalin — he wasn't even as bad as McCarthy! Equally amazing is that MacArthur imagines that his perverse quibbles and outright falsehoods could alter anyone's view of McCarthy. His view of McCarthy, cut to fit contemporary fashion, is that of evil personified — an evil now exemplified by such apparent neo-McCarthyisms as serious consideration of the evidence provided by Soviet archives with regard to the question of Russian spies (the archives are

Kolyma: The Arctic Death Camps by Robert Conquest. Viking, 1978, pp. 15–6.

**Quoted in Ralph Raico, "The Taboo Against Truth: Holocausts and the Historians," *Liberty*, September, 1989, p. 18.

‡Collier and Horowitz, p. 289.

‡‡Three times in his essay MacArthur reminds us that the Soviets were "our World War II allies" against the Nazis. So, while Stalin receives no mention of — let alone moral condemnation for — originally having been allied with Hitler, he nonetheless receives moral credit for eventually having been betrayed by him. But far more grotesque is MacArthur's effort to establish anti-Semitism as a point of distinction between the two dictators, a myth that obscures the fact "that Stalin had helped his erstwhile partner by acquiescing in the extermination of the Jews" (p. 73) — and that Stalin ultimately tried to similarly liquidate Soviet Jewry. *Stalin's War Against the Jews*, by Louis Rapoport. The Free Press, 1990.

§*The Haunted Wood: Soviet Espionage in America in the Stalin Era*, by Alexander Vassiliev and Allen Weinstein. Random House, 1993.

a forgery, MacArthur assures us) concluding that the Rosenbergs and Alger Hiss are guilty despite "the respectable counterarguments in support of [their] innocence." Incredibly, in the next breath he asks, "So why is it necessary to re-try and re-convict the Rosenbergs and Hiss?"

> I suspect today's neo-anti-communist movement is in part fueled by a profound desire to wipe out the tattered remnants of both the old and the new left. Not satisfied with Ronald Reagan's reversal of Franklin Roosevelt's New Deal legacy (or Mikhail Gorbachev's reversal of Lenin's), the emboldened reactionaries in U.S. politics, media and academia are out to settle scores with their counterparts who opposed the madness of the Vietnam War, the crime syndicate run by Richard Nixon and the racist laws of the former slave-holding states.

And there you have it: "Stalin-Hitler equivalency" equals anti-communism equals McCarthyism equals approval of My Lai, Watergate, and Jim Crow.

And what was ostensibly a scholarly endeavor to reassess the status of communism is, in fact, an attack on Leftists by a right-wing conspiracy so vast as to include even Bill Clinton, who played his part by "return[ing] the administration of welfare to the individual states, very much in keeping with the spirit of George Wallace's white supremacist doctrine of 'state's [sic] rights.'" Follow the Harold Hill (*The Music Man*) logic: Clinton returned welfare to the "individual states," and that sounds like "states' rights," and that stands for "white supremacist doctrine."

The bogey of "redbaiting" the socialist Left must come to be seen as ludicrous as the idea of "brownbaiting" the fascist Right.

Whatever you think of MacArthur, you cannot deny he is unique — literally. In no newspaper anywhere will we find his "counterpart" argue that remembrances of the Holocaust (e.g., *Schindler's List*) are motivated by the "profound desire" of leftist radicals to obliterate conservatism. The obvious reason is that no prominent conservative sympathizes with the ideology of Hitler; consequently, none sees a condemnation of Nazism as an attack on himself. In contrast, any number of prominent individuals — "in U.S. politics, media and academia" — share the Marxist ideology of Stalin, Mao, and all the other communist despots. It is here that his concerns fully surface, for what is the ultimate implication of a "Stalin-Hitler equivalency" but that it would marginalize those who propagate Stalin's ideas? Accepting the "Stalin-Hitler equivalency" means an end to the double standard that holds that Nazi Germany was the result of an evil ideology — racism — while Soviet Russia was the result only of an evil man. That claim once served to allow Marxists to convince people (including themselves) that Stalinism would die with Stalin, that Marxist ideology was innocent of Soviet crimes. Consequently, the world never said "never again!" to communism, with the result being that Stalinism thrived and spread — across the globe, decade after decade (while Nazism did indeed die with Hitler).

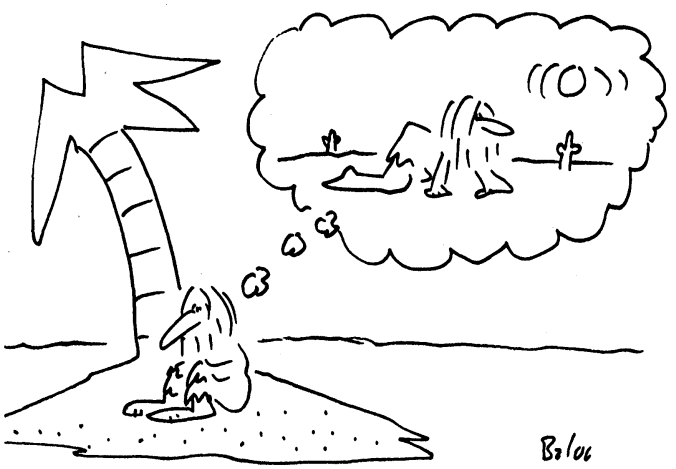

The "Stalin-Hitler equivalency" is only a euphemism for an equation that MacArthur fears even more. The connection that MacArthur and other "naive liberals" evade is not that between the dictators Hitler and Stalin, but that between the theorists Hitler and Marx. What they ultimately dread is not the notion that "Stalin was as bad as Hitler" in practice, but that Marxism is as evil as Hitlerism in principle. For what was Nazism ever other than Marxism in which class consciousness was replaced with racial nationalism?* Is a determinist doctrine of classism and class warfare less repugnant than one of racism and racial warfare? Is it less evil in principle? Is it less evil in practice? It is only if you can believe in MacArthur's morally grotesque distinction between "[s]tarving masses of people to death in Ukraine" and "gassing Jews en masse." Lest there still be any uncertainty, consider this: In the first months of 1849, Marx (using Engels' byline) wrote a series of pieces for the *Neue Rheinische Zeitung* in which he proposed the liquidation of different European ethnic groups that he deemed "reactionary." In 1924, quotations from these essays appeared in Stalin's *Foundations of Leninism*. The necessity of mass murder is one of the lessons that Marx taught Lenin, who in turn taught Stalin — who in turn taught Hitler.**

Our culture can no more be neutral or agnostic toward Hitler or Nazism than it can be neutral regarding Stalin or communism. The bogey of "redbaiting" the socialist Left must come to be seen as ludicrous as the idea of "brownbaiting" the fascist Right. And yet we have only to look at academia (to take one of MacArthur's own examples) to see how far from a single standard we still are.

As for John MacArthur, he is Exhibit A, a flesh-and-blood specimen of the very "liberal dupes" he contends exist only as fantasies of lunatic critics of communism. □

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*Consider the figure of Rosa Luxemburg whom many Leftists (e.g., *The Nation*'s Christopher Hitchens) revere as someone who could have "saved Germany" from Nazism. Speaking for the country's communists, she declared: "Socialism does not mean getting together in a parliament and deciding on laws. For us socialism means the smashing of the ruling classes with all the brutality that the proletariat is able to develop in its struggle."

**". . . Hitler admired Stalin, quite properly seeing himself as a mere infant in crime compared to his great exemplar." *Walking in the Shade*, by Doris Lessing. HarperCollins, 1997, p. 262.

Reviews

The Lives of H.L. Mencken

R. W. Bradford

H.L. Mencken, 1880–1956, was the most influential American literary critic of the 20th century, one of America's most influential personalities, and arguably the most prominent and influential American libertarian. He has never lacked devoted readers, and there are now signs that he is coming back into his own with a wider audience of educated people.

On April 7, C-Span celebrated his life with a two-hour program in its American Writers series, featuring Mencken anthologist Marion Elizabeth Rodgers, *Baltimore Sun* reporter Fred Rasmussen, and Vince Fitzpatrick, curator of the Mencken collection at the Enoch Pratt Free Library in Baltimore. The program, done live from the street outside Mencken's now-abandoned home in Baltimore, consisted primarily of call-ins, augmented by photographs of Mencken and selections from a 1948 interview recorded for the Library of Congress.

The program provided an introduction to Mencken, rather than a serious look at his life or work. The most provocative comment was offered in a brief excerpt of an interview with P.J. O'Rourke, who observed that Mencken was not an individualist in that he did not believe in the:

> sanctity of the individual, the primacy of the individual, the idea that society and political organization should be based on the individual and I don't think Mencken's opinion of the individual was quite that high. Mencken was a believer as many people in his era were, in the forces of culture. He may not have believed in politics. He may not even have been much of a nationalist, but he did believe in culture.

Despite O'Rourke's eccentric use of the term "individualism," this is a prescient observation. Of course, in a political context, individualism means that the state should keep its hand off the individual and allow him to bear the fruits of his successes and the costs of his failures — by which standard Mencken is one of the greatest individualists in American history. Happily, the American Writers program was followed by the full interview with O'Rourke.

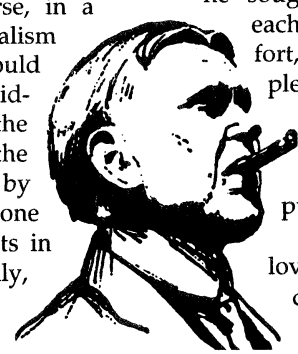

Judging from the number and character of the calls to the program, there is certainly a renewed interest in Mencken. This may, then, be a good time to evaluate some of the major sources of information about his life — and, indeed, to say something about the *many* lives he led.

H.L. Mencken led five lives, two public and three private. His public lives were as newspaperman and literary figure; his private lives were as family man, friend, and lover. There was some overlap among these lives (for example, he encouraged his friends and lovers to write for the literary publications he edited), but as a general rule, he tried to keep them reasonably separate. He had two reasons: he valued his independence, which he knew he could maximize by having more than one successful career, and he sought different things from each of his different lives: comfort, camaraderie, and private pleasures from his private lives: fame, money, excitement and intellectual challenge from his public lives.

He sought to keep his love life private but was quite open about his life as family man and friend. And for a man who vituperatively eschewed public relations and denounced professional p.r. men, he did an awful lot of work to enhance the public perception and reputation of his public lives as newspaperman and (especially) literary figure.

Anyone who read *The Man Mencken*, by Isaac Goldberg (1925) was bound to suspect that its subject had played a substantial role in writing it. For one thing, it contained a considera-

ble amount of information that could have come only from Mencken; for another, it was written very much in Mencken's own style. But his style is contagious — those who read Mencken very often ape him — so Mencken's role in his first biography was therefore conjectural until Carl Bode revealed in *Mencken* (1969) that Mencken had provided Goldberg with a "thick autobiographical typescript," much of which Goldberg rewrote by changing it from the first person to the third. ("It was, of course, very friendly," Mencken commented in his memoir [*My Life as Author and Editor*, p. 408], "and I doubt that it could be called penetrating.")

For a man who vituperatively eschewed public relations, Mencken did an awful lot of work to enhance his public perception and reputation.

Mencken's publicity-hounding continued after his death. He sequestered personal papers, correspondence, detailed records, a diary, and two lengthy memoirs for release 25, 35, and 45 years after his death, thereby ensuring a steady stream of new information and, presumably, new interest in his life and work.

The past five years have seen publication of abridged versions of Mencken's diary and two lengthy memoirs, one on his life as a newspaperman and one on his life as a literary figure. Revelations from these, and other papers, made past biographies somewhat obsolescent, so in 1994 Fred Hobson published the newest, most definitive biography, *Mencken A Life*. It is not surprising that an English professor like Hobson, already known to Menckenophiles as author of *Serpent in Eden: H. L. Mencken and the South*, would produce a rather dull biography. There is a dramatic contrast between Hobson's prose and that of Mencken and Mencken's livelier correspondents. Thanks, however, to the fact that Mencken is Mencken and that the biography of a literary figure is bound to quote extensively from its subject, Hobson's biography is a pleasant read.

Hobson enjoys two advantages over previous biographers: the release of various of Mencken's papers, most notably two long memoirs, *Thirty-Fine Years of Newspaper Work* and *My Life as Editor and Author*; and the availability of various previously unavailable personal correspondence. This latter consists mostly of letters from Mencken to various women friends, all of whom promised Mencken that they would destroy every last piece of correspondence. Their failure to keep their word, and their eventual sale of these letters to libraries, has added considerable detail to our knowledge of the private life that Mencken very much wanted to keep very private.

Before Hobson, discussion of Mencken's love life was pretty limited. Bode (1969) did write a chapter about Mencken's longest-lasting relationship, an affair with Marion Bloom that lasted more than a decade, and hinted at a few others. Hobson had the advantage of playing the voyeur through hundreds of old love letters. Mencken was discreet both as lover and romantic correspondent, so there's nothing salacious revealed. Mostly, the letters allowed Hobson (and any other scholar who goes to the trouble of reading them) to get a better idea of the women who interested Mencken and the sorts of things he found appropriate to write to them about. For a Menckenophile like me, this is interesting, though I wonder whether my interest is any different from that which motivates 3 million housewives to pick up *The National Enquirer* at their grocery checkstand each week.

In general, however Hobson's biography covers quite familiar ground, and covers it in a pedestrian manner, the way a welfare mom covers her new sofa from Kmart with clear plastic. For the individual unfamiliar with Mencken's life, it is a decent enough book, though there are livelier alternatives. I overstate Hobson's dullness, I suppose, but there certainly is a dramatic contrast between Hobson's prose and the prose of Mencken or of his livelier biographers.

One other thing annoys me about Hobson's book. In its "Acknowledgements," Hobson thanks the National Humanities Center and the National Endowment for the Arts for providing him financial support in 1991–1992. Why does anybody need a government subsidy for a book that is virtually certain to be a financial success? I know, writing a detailed scholarly biography takes a lot of work. But this is not a biography of an obscure figure of interest only to scholars. Mencken is a writer of enduring interest, whose fans are many. If you don't believe me, check the prices of Mencken's books in any decent used book store. Despite their large printings during his life and since, they continue to be scarce and to command very good prices, thanks to demand from fans and collectors of Menckeniana. I have corresponded with three different people who subscribe to *Liberty* only because, they say, we review new books on Mencken. Hobson's book was published by a major commercial publisher, extensively advertised and publicized. In short, its commercial success was virtually certain. So why does its author take a subsidy, let alone one forcibly extracted from his fellow citizens?

Mencken's two recently published memoirs, on the other hand, are much more fun to read, and reveal much more new and interesting information about their author.

Mencken once wrote a new constitution for Maryland that included a provision for a tax on bachelors of $1.00 per day, on the ground that it was "worth a dollar a day to be free."

The Private Lives of H. L. Mencken

Mencken sought to keep his love life private (hence public details were sparse until the publication of Bode and especially Hobson), but was quite open about his life as family man and friend. In all these lives he seems to have been very much a bourgeois but cosmopolitan Victorian. His father died when he was 18, leaving Mencken as head of his family, a responsibility he accepted without any evident hesi-

tation or feeling of burden. His mother lived until he was 45, and during all those years he lived with her in the row house in Baltimore that his father had bought in 1883. His home life was a peaceful refuge from the tumult of his careers as literary critic and newspaperman, an environment in which he found both comfort and pleasure.

He cultivated a reputation as a confirmed bachelor and misogynist, though the truth of the former charge was doubtful and the latter negligible. He once wrote a new constitution for Maryland that included a provision for a tax on bachelors of $1.00 per day, on the ground that it was "worth a dollar a day to be free" and his book *In Defense of Women* (1918) was sufficiently delphic to allow many to read it as anti-women. Nevertheless, he plainly enjoyed the comforts of women. My own suspicion is that he avoided marriage as long as his mother lived, appreciating the stability and comfort of his mother's home, his freedom both to pursue his careers and to avail himself of the pleasures of a variety of women. He began to think seriously of marriage only when his mother died.

He met Sara Haardt in 1923, when he lectured at Goucher College, a rather genteel Baltimore woman's college at which she was an English instructor. He courted her as well as several other women intermittently during the next few years. Sara was the youngest, the most similar to Mencken in class, culture and style, and the woman most clearly likely to play a subordinate role in their relationship. She also was in poor health, partly the result of an unfortunate intervention in her medical care authorized by a well-intentioned Mencken in 1928.

In choosing Sara, it seems plain that Mencken sought a quiet, comfortable, and secure home life, one similar to the life he enjoyed as a bachelor. Mencken's and Sara's love was deep and abiding, and her early but not unexpected death in 1935 devastated him.

Mencken enjoyed the company of literary figures and newspapermen, but his closest friends came from disparate walks of life. They included a physician, a violin maker, a medical artist, and an electrician. He seems to have sought in his friendships the same sort of comfort and security he sought in his family. His friends were by no means stupid or unaccomplished men, but plainly he valued common prejudices, loyalties, and similarities of taste over intelligence and accomplishment. In this way, perhaps, he was more demotically American than he would have wanted to believe.

Mencken as Litterateur

Mencken never limited his criticism to literature; he also wrote about politics, culture, art, music . . . and virtually anything else that captured his fancy. But it is Mencken the literary figure that we know best. There is a good reason for this. For one thing, virtually all his biographers are professors of literature, who naturally focus on his literary criticism. More importantly, it was as a literary critic that he made his reputation.

In the early years of the 20th century, he established himself as the most

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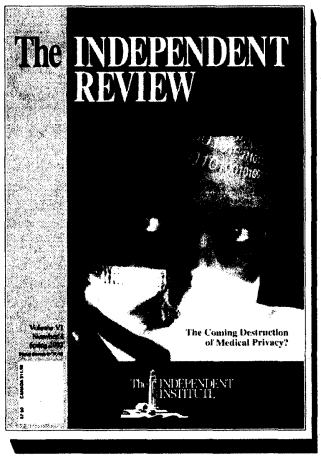

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intelligent, lively, and interesting critic in America. His first criticism was written for Baltimore newspapers, but he quickly sought out a wider stage. In 1908, he began writing criticism for *The Smart Set*, at the time a not particularly distinguished magazine of short stories, essays, and criticism. His acerbic wit, his skill at penetrating fundamental issues of style and taste, and his enormous appetite for work — in 15 years at *Smart Set*, he wrote more than a million words, reviewing an astonishing 2,000 books — gradually made him the nation's most influential literary critic.

As the 1910s ended, his interests gradually evolved away from literary matters toward cultural and political issues. He intransigently advocated civil liberties and general classical liberal values. Mencken often characterized himself as a "libertarian" and many contemporary libertarians see him as one of their own, though it is clear that he was not a libertarian in the sense the term is used today.* His open support for Germany in World War I made him an unpopular figure, leading him to turn away from political writing for a time and turn more to humor. This was when he wrote his fanciful history of the bathtub, a hoax that managed to take in a great many people, including not a few scholars. At the same time, he was establishing a reputation as a scholar himself, thanks to publication of *The American Language* in 1919.

Plainly Mencken valued common prejudices, loyalties, and similarities of taste over intelligence and accomplishment. In this way, perhaps, he was more demotically American than he would have wanted to believe.

Beginning in 1919, he gathered an anthology of his magazine writing, that he called *Prejudices*. It proved so successful that, over the next eight years, he did five sequels. He continued to be more and more a critic-at-large than a literary critic, a development evident in each successive collection of *Prejudices*. Even so, his influence on the literary world remained very substantial: In his memoir, for example, he twice mentions using his influence to get a Pulitzer prize for one or another individual.

In 1924, he launched *The American Mercury*, a monthly review that quickly became immensely popular with educated Americans and made him a celebrity on college campuses. But his success was not limited to highbrows. By now, his books were best-sellers and his newspaper column was syndicated nationally. In 1926, journalist Walter Lippman accurately described him as "the most powerful personal influence on a whole generation of educated people."

His popularity flagged during the so-called "Great Depression," but his literary output did not. He continued to write, to edit the *Mercury* (until 1933) and to play an important role in the management and editing of the *Baltimore Sun*, one of America's great newspapers. He wrote editorials, essays, memoirs and scholarly articles until 1948, when a stroke silenced him. He lived until 1956.

Rating Mencken's Biographies

Here are brief evaluations of Mencken biographies and memoirs, complete, I believe, through 1990. I rate them on a scale of one to four cigars, presumably "Uncle Willies," Mencken's favorite brand.

The Man Mencken: A Biographical and Critical Study, by Isaac Goldberg, 1925. Lively and fun — no surprise, since much of it was ghosted by Mencken himself — but covers his life and career only through 1925. 3.5 stogies.

Happy Days, by H. L. Mencken, 1940. A collection of brief memoirs about Mencken's childhood in Baltimore. Written for the *New Yorker* between 1936 and 1940, these sketches of boyhood are immensely readable, charming, nostalgic, and fun. They reveal a Mencken far different from the well-known critic and polemicist. It seems safe to say that the childhood of this upper middle class boy in the Gilded Age was not so idyllic as the adult recalls — we all remember the good things that happen to us better than the bad — but this in no way diminishes the charm of his recollections. Two decades since most recently reading *Happy Days*, I can recall dozens of phrases and images from it ("the protein factory that was Chesapeake Bay"). 4 stogies.

Newspaper Days, by H. L. Mencken, 1941. Another anthology from Mencken's *New Yorker* pieces, these concerning the exciting early days of his newspaper career. 4 stogies

Mencken often characterized himself as a "libertarian" and many contemporary libertarians see him as one of their own, though it is clear that he was not a libertarian in the sense the term is used today.

Heathen Days, by H. L. Mencken, 1943. The final entry in his *Days* trilogy. Not quite the equal of the first two efforts — one has an impression that for *Heathen Days*, he went over the same years refining the ore he rejected the first time through. Still, very good. 3.5 stogies.

Disturber of the Peace: The Life of H. L. Mencken, William Manchester, 1950. Manchester met Mencken in 1947 while doing research for his master's thesis on Mencken's criticism in *The Smart Set*, and continued to be a frequent visitor at Mencken's home even after Mencken's debilitating stroke in November 1948. Manchester is a fine writer and an able researcher, and *Disturber of the Peace* remains the biography that I would recommend to anyone wanting to get to know Mencken, despite the fact that the subsequent release of Mencken's papers leaves it incomplete in some details. 4 stogies

The Irreverent Mr. Mencken, by Edgar Kemler, 1950. A credible biography, written, like Manchester's, when Mencken was still alive, and thus suffering from lack of access to a lot of material, but benefiting from the help

* See "H.L. Mencken: Libertarian or Conservative?," by R. W. Bradford, *Liberty*, May 1992, especially pp. 55–6.

and cooperation of Mencken himself. 3 stogies.

H. L. Mencken: A Portrait from Memory, by Charles Angoff, 1956. A very bitter, highly personal portrait by a young man whom Mencken mentored, this book teems with anecdotes portraying Mencken as a vile and nasty low-life. Here is a picture that varies strongly from virtually every other account. It was the first Mencken book I ever read, and to this day it amazes me that I ever read another word by or about Mencken. Published shortly after Mencken's death, I suspect, because the law of libel does not allow a dead man (or an estate) to sue. 0 stogies.

H. L. Mencken, Literary Critic, by William H. Nolte, 1966. A competent biography, focusing on Mencken's literary criticism. 3 stogies.

The Constant Circle, by Sara Masefield, 1968. A literary memoir, written by a friend of Mencken's wife. It didn't do much for me. 2 stogies.

Mencken, by Carl Bode, 1969. Researched before Mencken's papers were released, but when many of his friends and family were alive and voluble. Does the job very well. 3.5 stogies.

Serpent in Eden: H. L. Mencken and the South, by Fred Hobson, 1974. I read this when it was published, and can only barely remember it now, despite its focus on one of the most colorful aspects of Mencken's writing and public career. So I guess it deserves a pretty low rating from me, though hardly an authoritative one. 1.5 stogies.

Mencken, a Study of His Thought, by Charles Fecher, 1978. Inept. 1 stogie.

The Diary of H. L. Mencken, edited by Charles Fecher, 1989, but written 1930–1948. To goose its sales at the time of publication, its publisher suggested rather absurdly that it revealed Mencken to be a closet anti-Semite. There are many lengthy gaps; it's too bad Mencken was not a more faithful diarist. And its editor cut about two-thirds from what Mencken did write. Still, this rates 4 stogies.

My Life as Author and Editor, by H. L. Mencken, edited by Jonathan Yeardley, 1993, but written 1942–43. Uncompleted, substantially (and pointlessly) condensed, but still rates 4 stogies.

Mencken: A Life, by Fred Hobson, 1994. Most thorough biography to date, but unduly dull. 2.5 stogies.

Thirty-Five Years of Newspaper Work, by H. L. Mencken, edited by Fred Hobson, Vincent Fitzpatrick, and Bradford Jacobs, 1994, but written during the war. Editorially condensed, as are Mencken's posthumous memoir and diary. I can appreciate the need to condense these lengthy works to maximize sales in the popular market, but why in the world hasn't the Enoch Pratt Library, which owns rights to the works, published a complete edition for scholars? Surely doing so would be economically feasible: Every university library and a great many Menckenophiles would purchase copies. In any event, this is a great book, of special value to any journalist, but a pleasure to read for anyone. 4 stogies. □

***Property Rights: From Magna Carta to the Fourteenth Amendment*, by Bernard H. Siegan. Transaction, 2001, 328 pages.**

Surveying Property Rights

Bruce Ramsey

Bernard Siegan begins his history of property rights with a look at the Magna Carta, from which sprang the phrase "due process of law." Siegan traces the spread of this phrase and the idea behind it, and its allied idea about the need for the state to pay when it takes private property. Through the English legal theorists Coke and Blackstone, colonial America, the first state constitutions, and the U.S. Constitution, Siegan lines up his cannons. He makes an impressive barrage, but for a long while the enemy is only dimly seen.

Then, halfway through, there appears Justice Harry Blackmun, who brought up the losing side in *Lucas* v. *South Carolina Coastal Council*. In that 1992 Supreme Court decision, the supporters of property rights took back territory that had been lost for many years. Blackmun, a defender of the administrative state, began his dissent from it with the sneering line, "Today the court launches a missile to kill a mouse."

"Denial of liberty is not a mouse," Siegan had written in *Property and Freedom*. But that book had focused mainly on what Justice Antonin Scalia had ruled in *Lucas*, a ruling that is still law today. *Property Rights: From the Magna Carta to the Fourteenth Amendment* focuses on Blackmun's dissent.

This is an important issue, and one that is likely to come up again. Right now, property rights are holding on by just one vote in the Supreme Court, and the Democratic Party, which is hostile to property-rights, has control of the judge-vetting process in the U.S. Senate. The battle of *Lucas* could be overturned, and if it is, the ammunition will come from the dissent of Harry Blackmun.

In the decade since *Lucas*, Siegan has seen Blackmun's dissent quoted again and again. Much of Siegan's book is a strike against Blackmun, and particularly against Blackmun's historical argument, which Siegan says is all wrong.

Lucas was a case of a builder who bought two lots, zoned single-family, on the Isle of Palms on the South Carolina coast. They were prime waterfront lots: In 1986, Lucas paid $975,000 for the two of them.

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Two years later, the state declared that such land should remain undeveloped to preserve beaches and dunes from erosion, to provide wildlife habitat, to increase public access to the beach, and to promote tourism. Lucas was forbidden from building. The question was: Should South Carolina have to pay him for taking his land?

Had the state *taken* it?

Lucas still had title to the land. He could picnic on it, lay out a towel and sunbathe on it, pitch a tent on it, park a trailer on it, put up a sign that said, "No Trespassing." He could sell it. Its value hadn't fallen to zero — but it was worth a good deal closer to zero than to the $975,000 Lucas had paid for it.

Scalia said Lucas had been denied "all economically beneficial or productive use" of the land. Effectively the land had been taken.

Only one state, South Carolina, allowed the uncompensated taking of land to build roads — and it denied monetary compensation on the theory that a road would add more to the value of the land than invading the property would subtract.

That did not mean by itself that the state had to pay. If Lucas' planned use of the land were noxious, offensive, or a nuisance, the state might not have to pay, because no owner has a right to create a nuisance. But the mere fact that the state *said* it was preventing some kind of harm, Scalia said, was not enough to justify not paying Lucas: "Since such a justification can be formulated in practically every case, this amounts to a test of whether the legislature has a stupid staff. We think the Takings Clause requires courts to do more than insist upon artful harm-preventing characterizations."

It was a neat argument. But Scalia had said little about Blackmun's historical argument. Blackmun had argued that for more than a century, courts

had been allowing governments to wipe out all commercial uses of property in order to protect the public good. There was, for example, *Mugler* v. *Kansas,* an 1876 case in which the owner of a brewery sued for compensation when Kansas went dry. The court said it was too bad; that the legislature had declared beer to be "injurious to the health, morals and safety of the community," and Mugler would not be paid. Was beer really "injurious"?

Next Blackmun cited an 1888 case upholding a law banning oleomargarine, and wiping out the margarine maker — was *margarine* "injurious"? Would Lucas' two houses on the Isle of Palms have been "injurious"? If that were so, why did the state of South Carolina, after paying Lucas, resell the land to another builder? This is the argument taken up in *Property and Freedom.*

Siegan's argument in Property Rights about what 19th-century Americans believed is part of an argument about what to do today about wetlands, salmon streams, urban-growth boundaries, and design review.

Property Rights takes on Blackmun's next claim: "The principle that the State should compensate individuals for property taken for public use was not widely established in America at the time of the Revolution."

Blackmun had asserted that in the early 19th century, "State governments often felt free to take property for roads and other public projects without paying compensation to the owners." Siegan shows that the main case Blackmun cited to demonstrate this proves no such thing, and that, as of 1860, only one state, South Carolina, allowed the uncompensated taking of land to build roads — and it denied monetary compensation on the theory that a road would add more to the value of the land than invading the property would subtract.

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Maryland Governor in 2002

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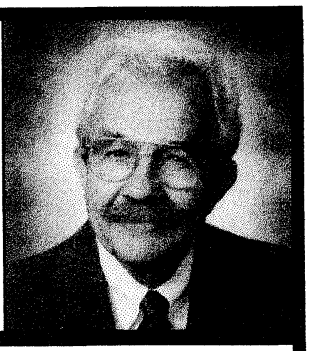

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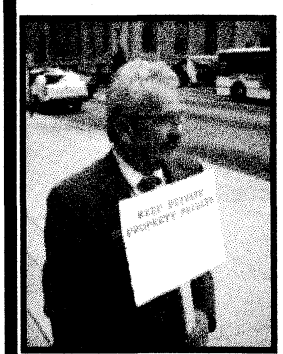

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Blackmun had not quoted any federal cases before 1870, but Siegan piles them on. He then offers 60 pages on the Fourteenth Amendment, focusing on the due process clause and the privileges or immunities clause. Here he shows what the Fourteenth Amendment meant to the men who proposed these provisions, revised them, debated them, and approved them. And what they meant was not that state legislatures may devalue private property to zero, or near-zero, by citing general public benefits.

But meanings change as judges change. And at the end of the book Siegan tells the story of how the privileges or immunities clause, long a bulwark of individual rights, was gutted in the *Slaughterhouse Cases* of 1872, only four years after it was enshrined in the Fourteenth Amendment.

In the final part of the book, Siegan goes well beyond Lucas and Blackmun. Siegan presents the Fourteenth Amendment as the great libertarian battering ram, if only judges understood what it was intended to say and do — particularly if they understood those old English phrases, "due process of law" and "privileges or immunities."

Regaining territory for liberty requires more than winning a historical argument; it requires winning today's arguments. But history matters — else why, for example, would scholars be arguing so hotly today about how many 19th-century Americans owned guns? Siegan's argument in *Property Rights* about what 19th-century Americans believed is part of an argument about what to do today about wetlands, salmon streams, urban-growth boundaries, and design review.

This is a fine book to help Americans acquaint themselves with what their tradition is and what it isn't. And it is not that property rights are absolute. In our legal tradition, no rights are absolute. Some, such as the right to freedom of speech, have an extensive territory — greater today than in the 19th century. Some, such as the freedom to contract over the sale of one's labor, formerly had a large territory but since the 1930s has been riddled with holes. *Lucas* and other decisions of the past 15 years have extended the right of property to a medium-sized domain, less than that of free speech but greater than freedom of contract.

Siegan's life work has been to make a historical and legal case to extend economic liberties, including the rights of ownership. He makes his case brilliantly in this book, and by focusing part of it on Blackmun's dissent, he raises the chance that his argument will count. ❑

***The A~tomic Christ: F.D.R.'s Search for the Secret Temple of the Christ Light*, by William Henry. Scala Dei, 2000, 333 pages.**

D-ru-ids, Mongolia, and the Origin of the Atomic Bomb

Stephen Cox

The thesis of this book, if I've got it right, is the following:

— That Franklin D. Roosevelt (president, 1933–1945) and Henry A. Wallace (secretary of agriculture, 1933–1941, vice-president, 1941–1945, secretary of commerce, 1945–1946) were disciples of the Perennial Philosophy or central tradition of world mysticism;

— That in the early 1930s Roosevelt and Wallace sponsored an expedition to central Asia, the purpose of which was to discover the current whereabouts of Jesus Christ;

— That this expedition was also a search for the Holy Grail, an object that Roosevelt had sought ever since he participated, as a young man, in an attempt to raise the famous treasure thought to be interred at Oak Island, off the eastern coast of Canada;

— That, once fully revealed, the secrets of the hidden Christ and the Holy Grail will demonstrate the nature of both the spiritual and the physical world, allowing an endless renewal of human life, the ability to travel from one "dimension" to another, and the means of releasing the inner power in all things;

— That, even partially revealed, these secrets have always been the source of physical and military power, a truth confirmed by the Roosevelt administration's invention of the atomic bomb in the decade following its spiritual invasion of Mongolia.

Clearly, this is important news, and the author is well equipped to communicate it. He is a popular writer of books of this kind, and can often be heard on radio. I heard him on Whitley Strieber's *Dreamland*; that's why I bought this book, which has given me finite but significant hours of enjoyment.

The book has only one flaw. It is a major flaw, and it is very damaging, but I will get to it later. Right now, I want to talk about its virtues.

One of them is the virtue of quaintness. What can be quainter than Henry's description of America at the start of FDR's regime — or, as he puts it, "at the end of the Great Depression":

> Hopeless millions were out of work.... Everywhere there was hunger. Americans thought the world was coming to an end. They literally scratched to live. At the same time they begged for another chance. Their

prayers began to be answered in March, 1933 when Franklin Delano Roosevelt took office as President of the United States.

That's quaint — almost as quaint as suggesting that the "Roosevelts may have been ancestors [he means descendants] of the . . . D-*ru*-ids [he means Druids] (possibly the family of the pharaoh Akhenaton)"; or that "the first A-bomb exploded within a days [sic] walk south of the Grand Canyon" (which is true, if you consider 300 miles a day's walk); or that "Novus Ordo Seclorum" ("A New Order of the Ages"), the motto that appears on the great seal of the United States, should be rendered into English as "New Order or New Deal of the Ages"; or that the appearance of the great seal on U.S. currency in 1935 establishes the fact that the administration's Asian expedition had returned with crucial spiritual knowledge.

And Henry's methods are quaintness itself. He is "an investigative mythologist" practicing "the science of mythology." I am not certain that I understand all the ramifications of this science, but I do know that it relies a lot on what he calls "the Language of the Birds. . . . This code equates words that sound alike in different languages, connecting word concepts by sound *in English*." Henry never says exactly what birds have to do with it, but never mind. Once you understand the language, you will understand the affinity between the a~tom (atom) and the Egyptian god Aton; between the biblical Tree of Life, which, as it seems, was an elm tree, and "the word *element*," which "stands for the first power, the first word or force which constitutes all physical matter"; and, finally, between the hieroglyphic letter "ru," President Franklin ROOsevelt, and a man named Roerich (RUrik), whom Henry Wallace and Franklin ROOsevelt put in charge of their campaign in central Asia.

Now, this Roerich was a truly interesting fellow, and his presence as a character in this book provides another good reason for enjoying it. But we don't need the Language of the Birds to understand him. Even the conventional historians whom Henry seems to think are hiding so much from us are onto him.

Nicholas Roerich (1874–1947) was a Russian painter. Once the associate of famous people with rhyming names — Stravinsky, Nijinsky, and so on — he hightailed it out of Russia when he saw that the Bolsheviks were turning out to be bad for business. This did not prevent him from helping the Soviet government unload its looted works of art to buyers in the West.

Roerich was never a very good painter, but he was extremely prolific; and he was something better, in a way: He was a genius at getting other people to consider him a genius. He didn't stop with painting. He dabbled in "peace" politics and succeeded in having himself nominated for the Nobel Prize — by the faculty of law at the Sorbonne, no less. He also dabbled in "Eastern" mysticism, of the Theosophical or anything-goes variety. He did more than dabble. He impressed impressionable people as the world's greatest visionary and spiritual force.

Henry' is "an investigative mythologist" practicing "the science of mythology." I am not certain that I understand all the ramifications of this science, but I do know that it relies a lot on what he calls "the Language of the Birds."

Henry Wallace met Roerich in 1929 at the museum that Roerich had convinced his wealthy patrons to build for him in New York. Soon Wallace was floundering happily in the swamp of Roerichian metaphysics. There was a long, ridiculous correspondence, familiarly known to historians and professional enemies of the New Deal as the Guru Letters. "Dear Guru," Wallace writes, "I have been thinking of you holding the casket — the sacred most precious casket. And I have thought of the New Country going forth to meet the seven stars under the sign of the three stars. And I have thought of the admonition 'Await the Stone.'"

Oh, my! How shall we translate that? Let's see . . . Consulting the Language of Birds, we find that the casket and the stone are, both of them, the Holy Grail, which, in turn, is Jesus Christ in his spiritual and possibly physical essence and existence. That's what Mr. Henry thinks. What Mr. Wallace thought remains unknown, if he thought anything in particular.

Wallace's discipleship to Roerich came to an unhappy end, for both the guru and his chela. In 1934, FDR and HAW sent an expedition to Mongolia to identify grasses useful to American agriculture. To the disgust of everyone who actually cared about Asiatic grasses, Wallace selected as leader of the expedition (you guessed it) Nicholas Roerich. When the expedition arrived in Asia, the Ag Department's scientists did their job gathering plants, and their reputed leader wandered off on his own, making himself a political nuisance and embarrassment.

Roerich was still in Asia when, in 1935, a wealthy former disciple clued Wallace in on his idol's true character. Wallace, who had abused and even fired lesser beings for trying to enlighten him on that subject, now turned against Roerich. Then he did the worst thing an American politician can do to an enemy: He notified the IRS that there was something fishy about his taxes. The IRS socked Roerich with a bill for $50,000, and Roerich decided to stay in Asia.

So much for Roerich. The strange

"No bouillabaisse today, M'sieur — we used up the last can of sardines yesterday."

literary progeny of the relationship, the Guru Letters, came into the possession of the Republicans, who were strongly tempted to use them against Wallace during the campaign of 1940; they refrained because the Democrats threatened to retaliate by using the Republican candidate's extramarital romance against them. In 1948, when Wallace was running for president under the banner of the Progressive (i.e., Pro-communist) Party, conservative columnist Westbrook Pegler got the Guru Letters and publicized them. Wallace had been and continued to be thoroughly Clintonian in his treatment of the issue — lying, threatening, stonewalling — but this time it didn't do much good. His reputation was permanently damaged, at least among people who still cared about Henry Wallace.

Roerich was never a very good painter, but he was extremely prolific; and he was something better, in a way: He was a genius at getting other people to consider him a genius.

Well, that's it; that's the history. A brief, reliable treatment of the facts can be found in *American Dreamer: The Life and Times of Henry A. Wallace*, by John C. Culver and John Hyde (Norton, 2000, 656 pages). Culver and Hyde are good writers, even though they seem, for some reason, to be fond of Henry Wallace. William Henry is not a good writer. He isn't even a good speller. But he deserves credit for bringing to light, once again, this bizarre chapter of American history. It's exactly the kind of thing that one would expect to happen under a regime in which intellectual quackery was often the ticket to arbitrary power. It's therefore a good historical and political lesson.

Of course, however, that's not the point that Henry wants to make. He seems to realize that neither Wallace nor Roerich nor even Roosevelt was all that he might have been, but what the hell? Seen from the standpoint of eternity, petty moral and intellectual distinctions fade and vanish away. No moral, political, or religious differences seem to matter very much. Everyone you ever heard of was part of a long, benevolent conspiracy to restore the world of the gods. At least I think that's what Henry means when he talks about "radicals":

> Jefferson, Washington, and Franklin were radicals. Kennedy was a radical. Martin Luther King was a radical. So too was Ronald Reagan. They sought to revive the human spirit through the resurrection of an ancient pagan belief in a Golden Age, believing that in this act we could create a utopia. The Holy Grail is the center of this new Eden. Call it Camelot or the New Atlantis, it is the home of the gods on earth.

It's quaint and funny to think of Martin Luther King and Ronald Reagan marching off to utopia, arm in arm with Washington and Franklin. It's quaint and funny to wonder how they could all be so "radical," yet all get along so well together. It's quaint and funny to ponder the concept of a Holy Grail that is also "pagan." But there's something lacking here. It's passion.

If there are fashions in delusion, and God knows, there are, the fashion represented by *The A~tomic Christ* is peculiarly bland. Nutball theories used to appeal to passion. Enraptured expectations of the millennium, panicky fears about invasions from outer space, embittered reveries about the destruction of the international bankers: those are things that make the heart pump harder. But unfortunately, what we have now, at least on this side of the prime meridian, is only an appeal to . . . "science."

I recently listened to one of the radio programs that exist to purvey this kind of thing, and I heard someone elaborate, at very great length, a theory that the Ark of the Covenant was a machine for generating electricity. At one point, the host did something that hosts on these programs almost never do: He challenged his guest's logic. What, he asked, would ancient people have *done* with a machine that generated energy? Good question. After all, there weren't any power lines or anything. But the guest had an answer. Oh, he said, modern people think that everyone who lived in the past was stupid, but actually, those people were just as bright as we are. Brighter! Just look at all the health advantages offered by ancient Israel's dietary laws! Ancient people were . . . *scientific*. Of course, that settled everything. There's no arguing with science.

For Henry, too, it's all scientific. The Holy Grail, the Tree of Life, the grand convocations of the gods of the ancient East — all the grand illusions boil down to nothing more than the scientific method. Christ was a scientist. Adam was a scientist. Roosevelt was a scientist. Henry is a scientist.

William Henry is not a good writer. He isn't even a good speller. But he deserves credit for bringing to light, once again, this bizarre chapter of American history.

Even mythology, once the expression of man's deepest anxieties and most glorious fantasies, is now a "science."

I suspect that this is one reason why people buy books like Henry's. I suspect that they want their delusions to be packaged as nonthreatening, inclusive, once-over-lightly assertions that everything is roughly equal to everything else and that "science" is the measure of all. Of course, they are totally ignorant of what science really is, just as they are totally ignorant of the subtle differences between Christianity and paganism, or the ancient world and the modern, or Roosevelt and Reagan. But this is a secondary concern. The real problem is the strange lack of passion now apparent, even in craziness. In America today, it's the bland leading the bland. ❑

Booknotes

Horton Smears a Who

by Clark Stooksbury

Before finding fame with *The Cat in the Hat* and *Green Eggs and Ham*, Dr. Seuss tried his hand as an editorial cartoonist. Between 1941 and 1943, he worked for the *PM*, a New York paper described by Dwight Macdonald as a "Stalinist-*cum*-populist daily." *Dr. Seuss Goes to War* (The New Press, paperback edition 2001, 272 pages) offers a selection of these cartoons with commentary by Richard Minear and an introduction by Art Spiegelman. Anybody who grew up with Dr. Seuss books will instantly recognize these cartoons and their artist. Seuss' editorial cartoons share many artistic themes with his children's books — stacking turtles, adorable elephants, and birds, though not yet cats in hats.

Seuss was the caricature of a jingoistic warmonger. His enemies, besides Hitler and Japan, were the isolationists. The America First Committee, Charles Lindbergh, senators Gerald P. Nye (Rep., N.D.) and Burton K. Wheeler (Dem., Mont.) and *Chicago Tribune* publisher Robert McCormick were among his targets. He portrayed the isolationists as being motivated by cowardice, bigotry, and support for the Nazis.

Seuss admirably opposed racial bigotry, except for when he espoused it. Some cartoons in this volume denounce the armaments industry for refusing to employ blacks, but this high-minded sentiment is balanced by his repeated portrayal of the Japanese as grinning, bespectacled, slit-eyed stooges. In one pre-Pearl Harbor cartoon a Japanese boy is portrayed buying various flammable items from an American eagle, proclaiming, "Ma wants to bake a cake." In another an endless expanse of Japanese-Americans is lined up along the west coast collecting TNT from a building labeled "Honorable 5th Column" while a man on the roof peers through a telescope with the caption: "Waiting for the Signal From Home . . ." Significantly, Hitler and Mussolini almost always stand in for Germany and Italy, while Japan is depicted as a generic figure.

Dr. Seuss Goes To War is a fascinating collection and I applaud Richard Minear and The New Press for publishing it. But I can't help being appalled by the substance of Seuss' views. His cartoons resemble the lunatic ravings of those supporters of the "War on Terror" who see 5th columnists and traitors among every dissenter and can't wait for war with the "Axis of Evil." The cartoons that Seuss didn't draw are also disturbing. If he was opposed to the internment of the Japanese-Americans, the Rooseveltian sedition trials, or the role of Uncle Joe Stalin as a U.S. ally, he did not bother to publish his views in *PM*. ❑

Freedom vs. Empire

by Karen Lewis

The 19th century was the age of self-congratulatory liberalism for England, and with good reason. In the 19th century, Britain was one of the most liberal, tolerant nations in the world. The irascible revolutionary Karl Marx, previously exiled from Prussia and France, worked and published in Britain with his collaborator Frederick Engels (who owned a cotton mill in Manchester) freely and without molestation or interference. Britain also gave a home to revolutionary nationalist Giuseppe Mazzini and hordes of exiled revolutionaries from the failed uprisings of 1848. Successive reform acts from 1832 on had progressively widened the franchise (on the local level, property-owning women could vote after 1869), so that by 1918 Great Britain had become a full democracy. Britain's was a liberal culture marked by religious toleration, local government, and free trade. Although British society wasn't without its critics, there was a broad consensus, at least until World War I, on commitment to reform through free trade, gradualism, the parliamentary process, and restraints on government power rather than through revolution.

Set against this liberal society at home was the contradiction of England's empire abroad, the largest in the world. At home, the Lockean idea of limiting state power and the concept of separation of powers held sway; abroad, the British ruled over their empire as autocrats. Those living in the empire, aside from those in English-speaking areas, were not citizens with natural rights, but conquered subjects. The same liberals who trumpeted free trade and individual rights in Britain defended the empire, even administered it (James and John Stuart Mill worked for the East India Company, Thomas Macaulay drew up the earliest provisions for education in India). How did a creed that professed to be universal (all men are created equal, all are endowed with reason) come to be applied so selectively? How did liberals square their involvement in imperial practice with their liberal principles?

These liberals and their rationalizations are the subjects of Uday Singh Mehta's book *Liberalism and Empire* (University of Chicago Press, 2001, 237 pages). He answers these questions by developing the concept of unfamiliarity (what other post-colonial scholars refer to "otherness"). While Mehta acknowledges that these men were anything but ignorant, they were, however, unfamiliar with the societies and peoples they wrote and thought about. This led them to conceive of these people's experiences and lives as provisional, or in some transitional stage to a better liberal future — one more like England's. The transition to make

Indians as British as possible was to be effected through education. This view wasn't unique to the colonized: England's intellectual elite commonly held that subordinate groups such as women and workers needed a prolonged period of education before they would be ready to take their rightful place (and their rights) in society. In the meantime, during this transitory or provisional stage, it was better that their educated superiors handle their affairs. The same principle applied to Indians. Despite their familiarity with India's long, distinguished civilization, liberals conceived of Indians as in a childlike, dependent state.

Even though 19th-century liberals were reformist and activist, they conceived of the British Empire as a vast project upon which they would work their magic for a perfect society.

Mehta is at his best when he examines and critiques this kind of cradle-to-adulthood governance. In an age when Third World scholars blame Western Civilization for all the evil of the world, Mehta finds value in the most unlikely and most politically incorrect of thinkers, the conservative Edmund Burke. Burke rejected the paternalistic elements of liberal thought towards Indians and was a severe critic of the East India Company and its officials, repeatedly condemning its mendacity in parliament. He also criticized British policy toward the American colonies and was glad when they won their independence. Com-pared to Burke, the liberals come off as paternalistic at best, arrogant at worst. Even though 19th-century liberals were reformist and activist, they conceived of the British Empire as a vast project upon which they would work their magic for a perfect society, preferably through direction, but by coercion if necessary. Their concerns were the maintenance of their own power, and they mistook their own military superiority for evidence that their civilization was more advanced. ❑

Are You Ready For the Country?

by Clark Stooksbury

I have noticed in my frequent trolling through bookstores and catalogs that the memoir is becoming a popular literary form. Of course, most are written by politicians, celebrities, or otherwise obscure people who happened to have climbed Mt. Everest, fended off a grizzly bear attack, or traversed the Pacific in a tea cup.

But *She's Gone Country* (Vintage, 2002, 283 pages) by Kyle York Spencer falls into another category. The author is an obscure former newspaper reporter who has no particular achievements to make her life worth reading about. She is a native of New York City with a bohemian upbringing who moved to Raleigh, N.C. to brush up on her reporting skills. One might expect her to have a lot of culture-shocking experiences, sort of a reverse *Beverly Hillbillies*. *She's Gone Country* resembles a TV show, but nothing so entertaining as *The Beverly Hillbillies*. It's more of a Dixified *Ally McBeal*.

Spencer airs her dysfunctional family's dirty laundry. She screws a shooting instructor she has just met in the course of researching an article. She whines about it to a friend who is living in L.A. Then she screws a Jesse Helms supporter and then guiltily whines about it to her support group of catty, self-absorbed women. She lies to her group, saying that she dumped the Helms supporter when actually it was Helms boy who stopped returning her calls.

Why would a self-respecting person write about herself in such a way? I don't know and I lack the stomach or the desire to find out why. ❑

Notes on Contributors

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Baloo is a nom de plume of Rex F. May.

Brien Bartels writes from a northern province of Ecotopia.

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Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history, in addition to working with audiotape, videotape, holography, and film.

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Sarah J. McCarthy is co-author of *Mom and Pop vs. the Dreambusters*.

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Thomas Szasz, M.D., is the author of *The Myth of Mental Illness and many other books*. He is professor of psychiatry emeritus, SUNY Health Science Center in Syracuse.

I Flacked the Sheriff, *from page 34*

"externalities" argument seriously, we would have to adopt police-state tactics to prevent the use of cigarettes and double cheeseburgers. Further, designer drugs like methamphetamine are a product of prohibition and will only become more prevalent if prohibition continues. Masters noted that the rate of drug addictions has remained constant regardless of the laws and asked, "Who are these mysterious people who will jump up and start shooting heroin once prohibition is repealed?"

During the question period, Roger Pilon noted that Otis' "cost-benefit" approach to drug prohibition is at odds with Republican rhetoric on other issues and pointed out that the costs of the drug war substantially outweigh the benefits. Most drug overdose deaths are a direct result of prohibition, which results in tainted drugs of unknown potency.

Oddly, Otis said that Masters was wrong to link gun prohibition to drug prohibition because, while the Second Amendment protects the right to bear arms, there is no constitutional provision to prevent the government from criminalizing drug use. Apparently, Otis has yet to make his way through to the Ninth and Tenth Amendments.

After dinner that evening, the sheriff and I met Getz to head over to a local television studio for an interview on C-SPAN's *Washington Journal*. The sheriff shined. He looked at home and he made an excellent presentation during his half-hour interview. He hit all the major points: drug prohibition wastes police resources, it doesn't stop drug addiction, it's hypocritical, it's enforced differently depending on class, and it subverts individual responsibility. One caller, a recovered addict, said, "I celebrate hearing these words." I was celebrating too, especially when the station showed a close-up of the book's cover.

After C-SPAN, the sheriff and I walked around the Mall. He had never been to the Jefferson Memorial or the Vietnam Memorial. Bill gathered a couple pencil rubbings of names on the wall. We chatted about his job. I learned a lot about law enforcement, which I found really interesting. We made our way back to the Watergate building and met Getz again, who drove us out to meet Roger Arnold so the sheriff could talk about the economics of the drug war on Arnold's radio show.

That night, Masters spoke at an LP-sponsored banquet. I had fun yakking with the local activists and policy wonks. It reminded me of the difference between the "small pond" of Colorado and the "ocean" of national policy centered in D.C. I remembered the days when I was a young idealist who just couldn't get radical enough. Well, now I'm an older idealist who hopefully knows better how to pick his battles.

As the sheriff and I had a drink at the hotel restaurant, I was struck by the irony of imbibing a drug that was once prohibited. Then we retired. The sheriff had a couple hours sleep, then caught a limo to Dulles and headed home. But he had no opportunity to catch up on his sleep. A couple of skiers had gone into an avalanche area near Telluride and been trapped under a wall of snow. Masters is a member of a volunteer rescue unit, which went into action. It found one of the skiers. The other remained lost and is presumed dead, after a snowstorm forced the crew to retreat and wait for warmer weather.

My flight left the next day. Back at Reagan, I was reminded that I had to show "government-issued ID" to board the plane. "Papers, please!" That was enough to jolt me out of my cheery optimism that everything would be okay now that Masters is taking his message to the public.

My flight was delayed for about an hour because of a security breach at Denver. Somebody had unplugged one of the metal detectors and nobody noticed for a while. They even brought some planes back from the runway and unloaded all the passengers. An unplugged metal detector. I'm not kidding. ❑

Letters, *from page 8*

lution doesn't explain how these chemicals originally became organized into living things is too bad (it would sure save a lot of effort), but what it does explain (for example, why most organisms reproduce sexually, why most organisms age, and where much social behavior comes from) is very impressive.

Durk Pearson and Sandy Shaw
Tonopah, Nev.

Teach Science, Not Creationism

I object to Tullock's implication that the reason many scientists object to teaching creationism in schools, "even in the form of a debate," is that they fear that objections to evolution will arise in class and the theory will be discounted. Nonsense. The reason for keeping creation stories out of science classrooms is that they aren't scientific.

Science has to be testable, creation isn't. For testing evolution, all one has to do is try to find an organism with no ancestor. While I think the "organism without an ancestor" is an unreasonably high standard, I think the species question is not, and evolution, being scientific, is happy to lay that on the table. The ground for creationists to work from is there. How does one test creationism, however? By finding a species God didn't make? Seeing as how we can't prove God created a species, we can't prove it didn't — and we are left to either throw our hands in the air or quote musty "Thou shalt not put the Lord your God to the test" passages.

Science should be predicative. In the case of evolution, we can say things like "If we induce selection pressure for taller chickens, we should expect most chickens in a particular flock to be taller in X number of generations." Then we can test our prediction. With intelligent-design or creation theory . . . what can we hypothesize? "If we pray that God sends us a dragon, we should expect to see a dragon after X prayers of Y degrees of faith"?

Christian Wiswell
Seattle, Wash.

A Universe of Possibilities

Gordon Tullock poses the problem of how improbable it is that life might come from non-life and cellular life from pre-cellular life. In pondering this, Tullock actually gives the solution to his problem. In elaborating on the hypothesis of the seeding of the Earth from distant civilizations, with its mere pushing back of the origin problem to another planet or planets, Tullock states:

> The theory of distant origin does not, however, solve the basic problem of

the origin of life itself. It would presumably be as hard for life to start on another planet as on Earth. Of course, even if the origin of life is very, very, very improbable, there might still be enough planets to allow it to take place on one or a few, supposing that there are, in fact, many, many planets close enough to Earth.

However, even if it is improbable that life would begin in any particular place, the more possible places for life to begin, the more probable it becomes that life would begin *somewhere.* There are certainly many, many, many more planets in the whole universe than there are near Earth. Earth's being seeded by a nearby planet would require this "near miracle" to occur among the systems of at most 100 billion stars, the number of stars in our whole galaxy, just to be generous. Then whatever probability that such seeding would occur would have to be factored in.

But the probability that life would begin somewhere would be greatly expanded by including the whole universe, with 10 sextillion stars. But then, how does that life get to Earth? Well, it's already there. Wherever that unlikely event took place is the place that the evolved people came to call their planet Earth (or la terre, etc.). Of course, by any other name it would still be home sweet home. This is the hypothesis presented in *Rare Earth* by Peter Douglas Ward and Donald Brownlee. It also is called the Anthropic Principle.

If one also postulates the many-worlds interpretation of quantum mechanics, then there would be infinitely many such universes in the multiverse, and surely somewhere, despite its unlikelihood in any one universe, a well-endowed planet would exist and life would grow on it, and again, only on such a planet in such a universe would anyone be wondering about the mysteries of life.

By the way, Tullock commits an evolutionary howler in asking, "Why do we not have a continuing series of skulls with gradually shortening canines? The fossils simply move from the sabertooth tiger to the more modern tiger in one step." Modern tigers have been around for over a million years; sabertooth cats lived contemporaneously until about 10,000 years ago. No one claims they evolved into modern tigers, as that would have to involve time travel to go back to the real tiger's origin. Here is a quotation from www.forevertigers.com/evolution.htm:

> Panthera, the "great cats" represent one genus within the family Felidae, which includes all living cat species, big and small, and first appears in the fossil record from about 30 million years ago in the form of the extinct species *Proailurus lemanensis.* (The genus Smilodon known colloquially as the "Saber tooth tiger" was a member of a now wholly extinct branch of the felid family and is not ancestral to the modern tiger, or any living cat for that matter.)

Charles Kluepfel
Bloomfield, N.J.

Finding the Fool

As I read Dr. Tullock's article on Darwin and the lack of evidence for evolution through natural selection, I started to chuckle and thought to myself, "Oh, they're putting out an April Fools issue." Then I looked at the front cover and saw that it was in fact labeled May! To paraphrase Stephen Jay Gould, "If I spent all my time answering such tripe I'd never get any work done." The numerous fallacies, inaccuracies, and downright distortions of the arguments for the fact of evolution are too many to address in a short letter to the editor.

P.C. Chapman
Rochester, N.Y.

Prove It

It is impossible to prove or disprove any scientific hypothesis because of lack of evidence. In seven painful pages of text, Tullock fails to provide a single fact that disproves a single hypothesis contained within Darwin's Theory of Evolution. He does, however provide a huge number of questions without answers, a lot of should nots and might nots, and some things that merely illustrate how hard it is to trace evolution — and says nothing about whether it's a good theory or not.

To absolutely prove Darwin's Theory of Evolution as unassailable, a continuous minute fossil record must still exist (and be dug up, identified, cataloged, and displayed) for all life that has ever existed — insects, fishes, reptiles, and mammals. For fossil excavators to exhume, from what's left of the fossil record, a complete step-by-step example of every evolved example of every species of life on this planet is obviously impossible.

Sometime in the past 4 billion years, life developed on Earth. Darwin's Theory of Evolution is the best way to explain how we got from there to here. Should it be questioned? Have a ball, but you cannot attack a theory without offering up either a proof that it is wrong or an alternate hypothesis to be tested in its place.

This is where Mr. Tullock's article fails. He did neither. Instead, he offers only suppositions, questions and probabilities that have no place in a critique of a theory that has accumulated millions and millions of pieces of individual anecdotal evidence in support of it.

Mike Endres
Eustis, Fla.

Evolution: Faster, and Slower, Than You'd Expect

Gordon Tullock misunderstands a few points about evolutionary theory. What he finds inconsistent is in fact entirely predictable and consistent.

Tullock is correct to question how a creature highly adapted to a certain situation can evolve since any change makes it less adapted to the situation. Indeed the creature doesn't evolve in that case, until the situation changes. And the situation does change. A new predator comes along, or a new prey, or a fast stream becomes a slow swamp. Climates change. Comets strike. Whatever. A creature perfectly suited to a certain situation suddenly finds itself in a different one, and must change or die. The mountaintop of Tullock's example shifts location or height. In extreme cases, it becomes a plane or a valley. The changes are often minor, and may be reversed in the next generation. The big changes that create gaps in the fossil record do not happen all that often, but we are playing with millions of years and eventually they do happen.

It was long assumed that the evolution would be slow. So it has only been recently that we realized it was quite "rapid" (keeping in mind each step is a generation long). Domesticated animals came from wild ones, but the two are easily distinguished. Within a thousand years, the wild has become the tame. A dozen generations in different situations and the creature becomes two different types. Within 100 generations, the types are two different creatures. And the different situations may persist for 10,000 or more generations.

This is why the gaps in the fossil record are not just a matter of little concern, they are highly predictable. A change happens and the animal "quickly" changes with it. The new form

then persists for a very long time. A creature that has a generation every year can become a new species within a century, and that new species may last 1 million years. That alone says there will be almost no fossils of the transition. Moreover, the transition forms were almost certainly small in number compared to the better-adapted final form. So there may be way more than 1 million fossils of the new species for every one of the transition, and the transition fossils may be early or late in the process, making them impossible to distinguish from the old species, or from the new. Add in that we have fewer than 100 fossils of many species (except where some disaster has killed and preserved many at once. But for our purposes, these are simply many copies of one fossil rather than a number of randomly preserved fossils). The net is a situation where transition forms are not going to be found, and not recognized as such if found.

As a minor point, Tullock is incorrect in assuming that the sabertooth tiger gave rise to the modern tiger. If anything, the reverse happened where some tigers became sabertooths, only to become extinct (probably because they were specialized big game hunters and vanished when something, quite possibly man, wiped out the big game animals). However, as far as I know, the two types of cat were related only in name.

David Carl Argall
La Puente, Calif.

The Theological Approach

Tullock rags about deficiencies in the fossil record, reminding me of someone who is browsing through the dump at colonial Williamsburg and saying there is no way a Lexus could have evolved, it must be God's work. The fossil record is spotty because fossils are produced by a very rare and special set of circumstances and those will change over time.

A major problem Tullock shares with creationists is his desire to look for genetic continuity in very high order species. Before we go comparing mammals, let's look at bacteria and plants. I think one will find stunning continuity there. Since sexual selection is typical of higher order animals one may induce that it is this very sexual selection that accounts for the lack of continuity. I contend that girl cats like the boy cats with spots or without spots but not with blotches — hence the differentiation that evolved between leopards and lions. Then again some girl cats must like stripes because — well, you get it. That's why species settle into local niches in the multi-dimension solution space that is existence. It's great to be a conscious mammal that can ponder this kind of stuff, which I guess gives us a global niche.

At least that's what the scientists would say. Me, I believe one day we will find the titanium pod that held Adam and Eve when space aliens sent them to earth 12,459 years ago. The reason they were sent here? So the aliens can die laughing. After all, we were specially bred to host the premier entertainment planet in the 23rd dihedrion.

Paul Rako
Mountain View, Calif.

Tullock responds: Only one of my critics has accused me of deceptive behavior and that is because I did not cite one, admittedly important, book. My very brief account of the development of eyes is indeed brief, but the existence of light detecting spots on some single-cell animals requires explanation instead of being used as an explanation for complicated eyes. The light sensitive spots on the surface of the one-celled animals could be selected for future generations only if there were some connection between it and the animal's behavior. My critic says the connection is chemical and although the interior of single-cell animals is not well known, I see no reason for doubting it. It is not an answer to my objection which was that a connection had to exist and the evolution of the connection involves different genes than the evolution of the light-sensitive spots.

The problem here is like that of the chickens mentioned by one of my critics. You may, of course, breed chickens for many characteristics. Indeed, if one looks around any agricultural area you find animals and plants that by selective breeding have been made radically different from their ancestors. None of them however is a new species. The gap between the two mountains is hard to cross.

With respect to the debate between evolution and one of the many different accounts of divine intervention, different religions having different accounts and different divinities, I am a follower of Karl Popper's and believe in the discussion process as the ultimate scientific method. The best way to resolve a debate is by experimentation, but sometimes this cannot be done. The big bang is not subject to direct experimental duplication. There are, of course, various existing phenomenon which point in that direction, but cannot be said to prove it. The same is true with evolutionary development. It is certainly the most probable theory now existing, indeed, I asked for a new theory of evolution. What that scheme will be I do not know, but I have faith that human mind will eventually solve the problem. It is ironic that my critics object to this proposed improvement. It is rare that I am accused of being too radical rather than too conservative.

For much of my life the Marxist superstition was important in social science and in particular in economics. I thought it was absurd and was perfectly willing to debate any Marxist on the subject. Indeed I thought all economics departments should have a Marxist scholar and organize debates between him and more orthodox economists. I thought this would be a good way of getting rid of an important heresy. I take it that several of my critics would have disagreed. Challenging the fundamentalists to produce evidence for their own position before an audience would be a help in dealing with those misguided people who believe in one or the other of the various religions in the world. The fundamentalists could, of course, rely on St. Augustine's argument, and that is essentially immune to formal criticism. It could be fully consistent with evolutionary theory. Defenders of evolution sometimes are driven back to such foolish arguments as that all animals have ancestors. So far as I know none of the upholders of special creation in one form or another deny that.

One of my critics says the fundamentalist argument is unscientific and deduces it cannot be taught in a science department. If he objects to debates in science departments they could be put somewhere else in the curriculum. I should warn this particular critic that he should not get into such a debate. I have not followed the fundamentalist scholars with any care, but I am aware of the fact that modern fundamentalists would offer arguments quite different from those he apparently thinks he would face. I suppose that after being badly damaged in the first two debates he would learn and do better later. There is no reason why the evolutionary theory even as it now exists, without the improvements that I hope will be made, could not win the debates.

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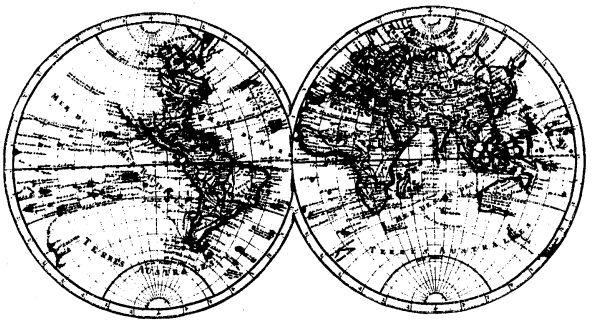

Delray Beach, Fla.

Exercise in logic from a letter to the *South Florida Sun-Sentinel*:

"It is time our government passed a law that made guns that kill illegal. If drugs are illegal, certainly an item manufactured to kill should be illegal."

U.S.A.

Advance in nutritional science, from the catalog of Thomas Nelson Books:

"Based on a biblical and historical study of what Jesus ate, as well as scientific research on why these particular foods are ideal for healthy living, *What Would Jesus Eat?* is the ultimate program for eating well in the twenty-first century."

Egypt

Morality takes a leap forward, from *The Wall Street Journal*:

Grand Mufti Nasser Farid Wassel issued a *fatwa* last year saying that beauty pageants with swimsuit competitions contravened Islamic law. The Grand Mufti proposed instead that pageant promoters stage a Miss Morality contest that would be awarded to "the woman who adheres to righteous principles best."

Tampa, Fla.

Evidence that drug use leads to more serious crimes, from the *Seattle Times*:

"Probation officers said Strawberry has been caught smoking, exchanging baseballs for cigarettes, autographing baseball cards and clothing and giving money to residents."

Bloomington, Ill.

The redemptive power of law, reported in the *Panagraph*:

The Bloomington police department has ticketed José Casas-Ruiz for DUI, not having a valid license, improper lane usage, and failing to wear a properly adjusted seat belt on the night of an automobile accident that killed him.

New York

Curators make a down payment on future attractions. In the *The Independent* of London:

Officials at the Lower East Side Tenement Museum are trying to use eminent domain to have the residents of a neighboring tenement evicted so the museum can expand.

Australia

Old habits die hard on the Farthest Shore, reported by the Australian Associated Press:

Peter John Russell has been arrested, charged with possession of 400 bloodworms, which police say he intended to sell on the black market.

Hopkinton, Mass.

Alarming news, reported by the *MetroWest Daily News* on April 15:

"Take a quick look at the pair of toads 4-year-old Casey Dicken found in her grandparents' pool yesterday, and they look relatively normal.

"They may even look like they're doing something a 4-year-old shouldn't see and probably wouldn't understand.

"But look closer, and there's something different about the two toads.

"They are one. They're connected. The two amphibians are conjoined, un-identical twins."

Hopkinton, Mass.

Retraction printed in the *MetroWest Daily News* on April 18:

"Looks can be deceiving. It's as simple as that. To the untrained observer, two toads enjoying a romantic moment together could easily be mistaken for an exotic, two-headed mutant."

Merrie Olde England

Insight into the development of the mind of evil, as Dr. Khaled Batarfi recalls his childhood friend Osama bin Laden in the *Sunday Herald Sun*:

"There was a movie, a series called *Fury*. It was American. Fury was a horse like his. He watched that. And he liked also *Bonanza*. That was one of the favourites. . . . Osama almost always brought the sandwiches which he made himself in the family kitchen after getting the servant, a woman, to leave. It was not correct to share the room. His speciality was tuna sandwiches."

Brabant, Holland

The thin blue camera that separates civilization from chaos, from a dispatch to *De Volkskrant*:

Police have set up security cameras to deter irate motorists from vandalizing the cameras it uses to catch speeders.

Tokyo

An advance in criminology, reported in the *Asahi Shimbun*:

Police caught 52 bicycle thieves last year by standing on the street greeting passersby while keeping an eye out for people who act suspiciously or try to flee. Reports a police official, "People without a guilty conscience find our greetings cheery. It's like killing two birds with one stone."

U.S.A.

Cultural note from the *Chicago Sun-Times*:

Michael Clarke Duncan, star of *The Green Mile* and *The Scorpion King*, revealed that he turned down Bill Clinton's invitation to visit the White House because it was on Monday night. "I told him I couldn't go because it fell on a Monday and that's *Monday Night Raw*. I don't go anywhere on Thursdays either because that's *Smackdown*."

Special thanks to Martin Solomon, Tim Slagle, Duncan Williams, and Owen Hatteras for contributions to *Terra Incognita*.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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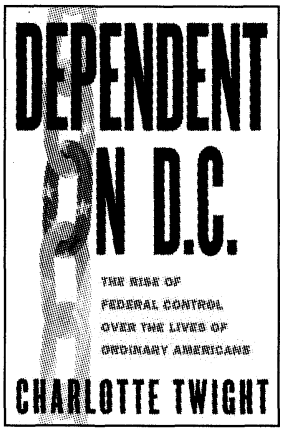

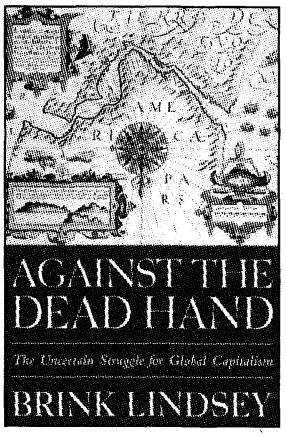

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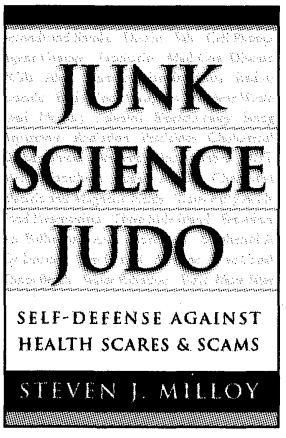

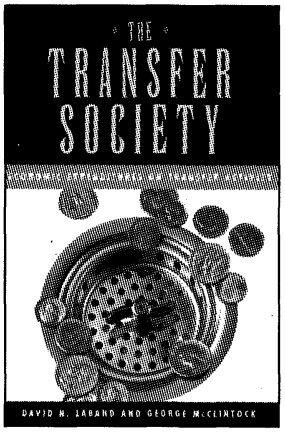

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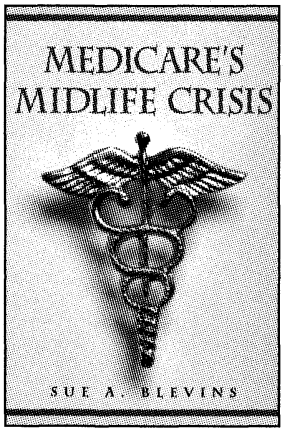

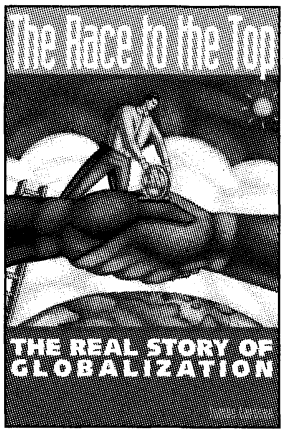

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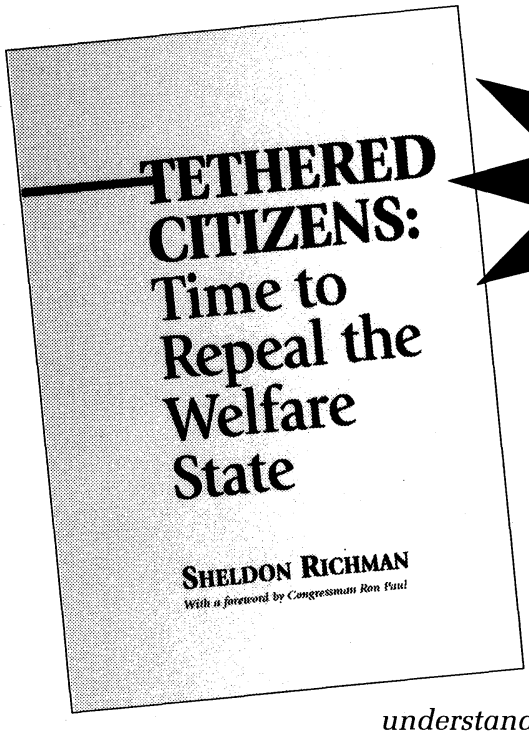

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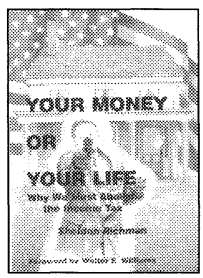

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Inside Liberty

July 2002
Volume 16, Number 7

4 **Letters** Our readers get the first shot.

9 **Reflections** We go through airport security with Dionne Warwick, smoke out Saddam, get healed by Mick Jagger, buy guns in Mexico and a new bride on eBay, and add four names to the Axis of Evil.

Features

19 **An Unexpected Discovery** The Internet changes everything for *David Ramsay Steele.*

23 **Bush's Splendid Little War** When the bugler blows reveille, who will stand up for liberty? *Clark Stooksbury* looks at the horrible cost — and futility — of the War on Terror.

25 **The Meaning of Pim Fortuyn** The media told us that Pim Fortuyn, the politician assassinated just prior to the Dutch election, was a "right-winger." None mentioned that he was an openly gay man who supported social tolerance and equal rights. *Stephen Cox* wonders, Just what is going on?

27 **Barney Fife, The First Amendment, and Me** You'd think that after 213 years, the meaning of "the right of the people to petition the government" would be pretty plain. But you'd be wrong, as *Ken Prazak* discovers.

29 **The Chief and His Ethnic Buddies** Chief Illiniwek and his braves are safe from the cavalry these days. But are they safe from the warriors of political correctness? *Bill Tonso* explores the world of ethnic stereotypes.

31 **I Get Carjacked** *T. G. Burke* knew the dangers tourists face in Miami, so he got all the permits needed to take his handgun along on his trip to south Florida. So where was it when the carjackers attacked?

33 **Liberty and Union, Now and Forever** From H. L. Mencken to Murray Rothbard, libertarians have sided with the Confederacy. This is a big mistake, argues *Timothy Sandefur*. It was Lincoln and the Union that were the true defenders of freedom.

39 **The Man Who Simply Stated the Obvious** P.T. Bauer's moral courage simply to state "the obvious," when so many other people — including many so-called experts — preferred to indulge their own fantasies, stands as a wonderful example for us all, *Robert Nelson* explains.

Reviews

43 **Chronicler of the New Deal** Not everyone worshipped the New Deal. Stephen Cox looks at the cranky individualist who exposed its flaws.

47 **The Pursuit of Life, Liberty and Economics** What does economics have to do with happiness? More than you might think, Donald J. Boudreaux discovers.

50 **Blacklisted, for Good Reason** Hollywood celebrates Dalton Trumbo as a champion of free speech. *Ron Capshaw* discovers that Trumbo actually favored free speech only for a select few.

52 **Booknotes** *William E. Merritt* visits the junkyard of science; and *Richard Fuerle* examines the Lucifer Principle.

53 **Notes on Contributors** Who we are and what we do.

55 **Terra Incognita** Dispatches from the real world.

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Letters

Appreciating Angoff's *Portrait* of Mencken

In "The Lives of H.L. Mencken" (June) R.W. Bradford rates Charles Angoff's *Portrait From Memory* of H.L. Mencken at zero stogies. I think it is far and away the best book on Mencken.

Angoff was Mencken's assistant at *The American Mercury.* I suspect that Mencken's gabble, as extensively recalled by Angoff, is quite authentic, though tinted. Bradford says that Mencken mentored Angoff, but this claim is refuted by remarks in Mencken's *Diary.* I think Mencken carried on to Angoff as a form of amusement, half to give expression to his prejudices and half to shock the conventional young Harvard-left man. The *Portrait From Memory* is as close to hearing Mencken's personal conversation as we will ever get. Angoff did not see the extent to which Mencken was joshing him, but he partly perceived that Mencken never took him seriously. Bradford describes the book as "very bitter," but there's an undercurrent of enormous can't-help-myself admiration and even tenderness. Angoff can't bring himself to be really bitter. Ultimately, the book is an account by a minor man who avidly absorbed every syllable. (Bradford mentions that it was the first Mencken book he had ever read; that explains his lack of appreciation.)

Dan Klein
Santa Clara, Calif.

Bradford responds: I rated the books on the basis of how well they inform the reader about Mencken's life. I did not know Mencken personally, so the only way to judge his biographies and memoirs is by comparing them to other information about Mencken, either from his own testimony or the testimony of those who knew him. So far as I am able to determine, the character presented by Angoff bears only trivial resemblance to the character that emerges from other sources. While a great many people who knew Mencken have remarked that Angoff's portrait bears scant resemblance to Mencken and not a single person aside from Angoff saw the bitter, nasty individual that Angoff portrayed in his bitter, nasty book.

As to Angoff's portrait being "as close to hearing Mencken's personal conversation as we will ever get," I'd like to remind. Klein that the extensive dialogue in the book appeared approximately three decades after the actual conversations occurred.

The Devil in Ms. McCarthy

Sarah McCarthy's article "The Devil in Ms. Yates" (May) provided no insight into Andrea Yates' character, but only into McCarthy's biases.

First, McCarthy indicates that Yates had her five children through unmedicated childbirth. She purports that natural childbirth is abuse and takes this to be evidence that her family's religious beliefs damaged Andrea Yates. I would disagree with this assertion, as my wife chose unmedicated childbirth when our second child was due and found the experience to be wholly positive. We don't have evidence that Ms. Yates felt her birth experiences to be abusive. All we really have is McCarthy's opinion.

Next, McCarthy chases after the Yates' "unconventional" views of doctors, public schools, and organized religion as evidence of the unhealthy sway that religion held over their lives. I am surprised that a writer for *Liberty* would feel estranged by negative opinions of the most powerful labor union (the American Medical Association), an invasive government program (public schools), and wealth redistribution plans (mainstream religion).

I suspect McCarthy's aspersions

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are products of her hostility to the religious origins of the Yates' opinions, rather than the opinions themselves. Was Andrea Yates an active proponent of these, or were they simply thrust upon her by her husband? McCarthy doesn't shed any light on this crucial question.

McCarthy makes the point that emancipating herself from her religion gave her freedom to think and decide for herself. This may have been a critical point in McCarthy's life, but it doesn't have much to do with Yates. Was it her religious beliefs that drove her to murder? Rebellion against those beliefs? Or was it a lack of control over her own life? We may never know.

Darrell Simon
Garland, Tex.

Thinking Primitive

In regards to Miles N. Fowler's article on the work of Vardis Fisher ("The Forgotten Individualist," May), Fisher's prehistoric characters don't act childlike because he was a racist lacking anthropological knowledge. Prehistoric people could not have been sophisticated exemplars of mental refinement. They had to invent their cultures and their behavior. This is the reason for the childlike behavior of Fisher's primitives: he understood that culture, refinement, and sophistication are inventions that could have taken forms other than those they have. He also understood that however intelligent people may be, they can also be limited by their culture and their circumstances, which is why he depicted some Native Americans as he did. And, yes, a culture that prescribes the worship of bears and imagines that a supernatural coyote built mountains and plains is not as reality-oriented as one that studies physics and geology as a function of physics.

David C. Morrow
Corpus Christi, Tex.

Safety in the Air

I found William Merritt's piece on airline security ("How Safe Is Too Safe?" June) puerile to the point of being offensive. The issue is not whether we are willing to accept one terrorist-related airliner crash a month. As one who is compelled to travel on business a great deal (and has done so without interruption since Sept. 11), I abhor what is going on at our airports. The question is what we can and should do to avoid the horrendous casualty toll a single successful terrorist onslaught can create.

The answer to this question is there for all to see — by the cooperative action by the individual citizens who are any airliner's passengers. Even on Sept. 11, the hijackers on the one seized aircraft that did not destroy its intended target were thwarted not by any governmental action but by alerted passengers who overcame their training in sheeplike behavior. Similarly, the would-be shoe bomber was stopped not by any governmental intervention but by an alert group of citizen passengers. In both cases our countrymen behaved as militiamen — acting as the founders envisioned Americans would if and when it was necessary or appropriate for them to do so.

Our government, naturally, is endeavoring to subvert such behavior, trying to convince us that its security steps and sky marshals will deal with any problems. But we already have sufficient experience to know that airport security never will work. Nor can it, unless we compel airline passengers to strip and fly naked. Even this may not work. Magazines, ballpoint pens, newspapers, the wires inside the gathered tops of the seatback pockets that hold airsickness bags, safety information cards, and airline magazines can all be deadly weapons in the hands of a terrorist with even rudimentary training.

Since attackers have the advantage of being able to pick their target or targets, they can put enough manpower on any given flight or flights to identify and overwhelm the limited number of sky marshals that the government can put on the specific target flights. The sky marshal program is just another costly government boondoggle.

There is no real alternative to allowing passengers to assume the responsibilities our country's Founders assumed its people would shoulder.

A logical and laudatory step would be to encourage, or at least permit those of our citizens who have undergone the background checks and taken the training and other steps necessary to obtain state permits to carry concealed weapons to keep their arms, loaded with frangible or other appropriate ammunition, with them when they travel. This, unfortunately, probably would be difficult in the prevailing political climate but, as G. Washington observed "[f]rom the hour the Pilgrims landed, to the present day, events, occurrences and tendencies prove that to ensure peace, security and happiness, the rifle and the pistol are equally indispensable. . . . The very atmosphere of firearms anywhere and everywhere restrains evil interference — they deserve a place of honor with all that's good . . ." Sadly, we no longer enjoy what James Madison described as "the advantage of being armed which Americans possess over the people of almost every other nation . . . [where] the governments are afraid to trust the people with arms."

K. R. Mudgeon
San Francisco, Calif.

Two Big Governments

Contra R.D. Fuerle's letter (May), there's no reason to think slavery would've been abolished anyway without war; *Dred Scott* v. *Sanford* had virtually established it nationwide. Only war forced the U.S. to act against slavery, to repress the rebellion, and the C.S.A. didn't offer freedom for service until near its end.

There's no reason to think two nations rather than one would have meant small government either. The C.S.A.'s government was highly centralized and coercive, with conscription of manpower, state management of industries, internal taxation, etc.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Had the war been avoided, there would have been two big governments instead of one.

Andrew O. Lutes
Mansfield, Ohio

Fight the Family Court

Thank you so much for running the article on "The Myth of Deadbeat Dads" (June). I have one such story and to have a voice as strong on this subject as Stephen Baskerville's moves me beyond words of gratitude for the perfect picture he paints of what is going on in the Family Courts in this country. I have lost my three children to the "system" and it is about time that America speaks up on these issues.

G. Keith Jackson
Washington, D.C.

Child Support and Suicides

While reading Stephen Baskerville's article, "The Myth of Deadbeat Dads," I had many tears of pain run down my face.

What Baskerville writes about is commonplace in New Jersey. I personally have attended the funerals of seven fathers in the last ten years who have committed suicide over losing their children, their homes, their pensions, their savings, their businesses, and their careers. When you work all of your life and do nothing wrong other then being a man and a father, and are then turned into a criminal and battered for many years, what purpose is there in your life?

Andy Kay
Bellmawr, N.J.

You Americans!

You over there in the U.S. are really backward! We here in France have adopted a policy of "shared residency for the best interest of the child." This means kids continue at the same school while they live every other week with each of their parents.

Concerning the draconian laws in the U.S., you should try and change them.

Nathalie Bugeaud, M.D.
Nantes, France

The Passion of Gordon Tullock

I had the good fortune of meeting Gordon Tullock a couple of times at the Center for Public Choice lectures held at the George Mason University back in the early '80s. His unassuming and attentive demeanor left a lasting impression on me. I'm pleased even more by his lucid, thought-provoking response (Letters, June) to criticism of his article on evolution ("The Trouble With Darwin," May). His questioning of the explanations for evolution comes not a moment too soon, considering recent publications excoriating the veracity of past research and scholarship in the field.

If the motive of one's passion for a body of knowledge is to obtain truth, then skeptics' challenges ought to be welcomed. As Tullock asserts, the discussion process is "the ultimate scientific method." Contrariwise, intellectual pursuit devoid of open discourse will always lead down a fruitless path of hubris, self-deception, and fallacious conclusions.

Tom Gilligan
Framingham, Mass.

Defining Evil Down

At the end of his bizarre review of Deborah Lipstadt's *Denying the Holocaust: The Growing Assault on Truth and Memory* (May), Barry Loberfeld asks, "As we weigh the Irvings against the Lipstadts, can there be any doubt whose is the greater guilt?" The answer of course, is clear, though far different from the perverse conclusion drawn by Mr. Loberfeld. David Irving's repeated craven lies, distortions, misinterpretations, fraudulent handling of historical documents, and myriad other crimes against historical science (see Richard Evan's *Lying About Hitler* among many others) disqualifies him from participation in any scholarly discussion of the issues.

But more to the point for libertarians, this gross mishandling of historical evidence was done in the service of whitewashing Adolf Hitler and the Nazi regime, that perfect example of the state incarnate.

How anyone in his right mind (and therein may lie the problem) can find a moral equivalency between the disgraceful antics of Mr. Irving, on the one hand, and the work of Ms. Lipstadt, a respected scholar with whom Loberfeld happens to disagree, on the other, is difficult to imagine. Apparently Mr. Loberfeld feels that itemizing horrors of the state throughout history, which he personally feels qualify as equal to or even worse than those perpetrated by the Nazis, and which Lipstadt in fact acknowledges but does not rank the same, somehow makes Lipstadt evil. More wicked in fact than an apologist for Hitler, a supposed scholar who intentionally distorted the historical record in an attempt to deny the very existence of the cruel oppression and mass murder of millions of people whose only crime was being born Jewish.

It takes a particularly twisted moral view to suggest that because this evil fascist state, in perpetrating its countless crimes against humanity also, not surprisingly, murdered many non-Jews, anyone who fails to accord these other victims the Loberfeld-approved equal status treatment are themselves far more guilty! Now that Loberfeld has passed judgment, I guess we can just dispense with specialization in the study of history. After all, someone may just focus a bit too much on the Jewish question, when there were also Poles or Gypsies who were victims. That apparently would be unacceptable under the Loberfeld scale of justice.

What he fails to understand, though the most elementary student of history should, is that there are legitimate differences between scholars regarding the relative morality of different historical events. Lipstadt, and certainly many other competent historians, feels that the Nazi pogrom against the Jews was in fact unique and deserving of unique treatment. This does not make her evil.

Michael Shermer and Alex Grobman, in their book *Denying History*, which Loberfeld apparently read, though failed to comprehend, employed a specific usable definition of the Nazi Holocaust: the systematic, bureaucratically administered destruction by the Nazis and their collaborators during the Second World War of an estimated 6 million Jews based primarily on racial ideology. That definition helps to identify the uniqueness of this particular historical event, and the reason why Lipstadt,

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among others, singles it out for special treatment.

Loberfeld's review is a classic example of missing the forest for all those darned trees. Lipstadt does not deny the reality of other murderous ventures by governments throughout history. But in her opinion, buttressed by substantial documented research, she feels it represents a stunning low in human history. In her opinion it should therefore be accorded a special status as the Holocaust.

You may agree or not. But to suggest that her conclusion (shared by many other responsible historians, Jewish and non-Jewish alike) is in any way equivalent to the sickness of David Irving and his ilk is noxious nonsense that I would expect to see in idiotic rubbish like *The Journal of Historical Review*. Its appearance in the pages of *Liberty* is disgraceful. You should be ashamed for being party to the publication of such drivel.

Jerrold D. Dickson
Los Angeles, Calif.

Loberfeld responds: To judge by Jerrold Dickson's letter, you'd think I condemned Deborah Lipstadt as a monster for giving Stalin a 5.9 in comparison to the perfect 6.0 she gave Hitler!

Yes, of course it is possible to make intelligent distinctions between historical events. But Lipstadt's basic contention — that any reasoning that there are atrocities that are "morally equivalent" to the Holocaust can be only a dishonest (and bigoted) attempt to deny the *existence* of the Holocaust — doesn't even begin to qualify. I maintain that it is manifestly indefensible.

The most convenient proof is the fact that Mr. Dickson himself provides no defense. Instead, he lumps Lipstadt with "many other competent historians," tosses out a commonplace *definition* of the Holocaust (the killing of "6 million Jews based primarily on racial ideology") and then, in a non sequitur, presents this as "the reason why Lipstadt, among [unnamed] others, singles it out for special treatment." In no way does this explain why it is a denial of the Holocaust to suggest, for example, that a state atrocity based primarily on *class* ideology can be as atrocious as one "based primarily on racial ideology." Nor does this in any way refer to either what Lipstadt actually said about particular atrocities other than the Holocaust (i.e., *her* historical distortions and misinterpretations, which form an "opinion" that is decidedly *un*buttressed by "substantial documented research," which he fails to identify) or what I said in response, which together go a long way toward demonstrating "[h]ow anyone in his right mind . . . " It's almost as if Mr. Dickson read (and thus could go on about) nothing in my essay except the one sentence he quotes.

No, it is not my worry that "someone may just focus a bit too much on the Jewish question," but that our society has focused entirely on Hitler's Jewish victims — and on one state atrocity — to the exclusion of others. It is positively Orwellian to describe this as "specialization in the study of history" — and "particularly twisted" to deride concern with "these other victims" as "the Loberfeld-approved equal status treatment."

David Irving is a widely recognized filbert whose influence extends to only a handful of other nuts — a spectacle that's more banality than evil. In contrast, Deborah Lipstadt is (as she strives to be) a palpable force for the preservation of the culture's historical blackout of genocides other than the Holocaust. But there is something to consider beyond this: how can Lipstadt argue that the opinion that the Holocaust should *not* "be accorded a special status" is "in any way equivalent to the sickness of David Irving and his ilk"?

Two BigHow Quickly You Forget!

"Terra Incognita" in your April 2002 issue offers "Proof that even atheistic Reds read the Good Book." It was only September 2000 when *Liberty* printed Bart Kosko's enlightening article: "Jesus Christ: Family-Hating Communist."

Charlotte Poe
Somis, Calif.

Reflections

Smoke 'em out — I just heard on the radio that some government agency is investigating American tobacco companies that were surreptitiously selling cigarettes to Iraq, in violation of the trade embargo.

Sooner let them kill themselves with cancers, I say, than bomb them. Also, consider exporting automobiles that failed safety inspections here, if not exporting everything that do-gooding environmentalists think unhealthy. The stuff has gotta go somewhere for its producers to make the profit they deserve. — Richard Kostelanetz

Officer, spank that man! — Mailbox bomber Luke John Helder was apprehended near Reno, Nev., and was treated by federal authorities to all the hospitality awaiting Osama bin Laden himself. I don't defend what this boy did, but I would like to see the reporting kept in proportion to the crime. Yes the kid took the juvenile pastime of making drugstore bombs to an extreme, and if the reports of nails and BBs placed in the devices are true, he certainly had some malice in mind. However, he planned his explosions geographically so the push-pins in the map at FBI Headquarters would form a big smiley face across the USA. I find it hard to believe that a kid who would plan that kind of prank had evil intentions. We have not apprehended a dangerous terrorist, but a deprived boy who probably never got enough spankings. If ever our penal system was lacking in sentences like public caning, now is the time. — Tim Slagle

The septet of evil — In February, about the same time President Bush designated Iran, Iraq, and North Korea as the "axis of evil," a report prepared by his administration was leaked to the Los Angeles *Times*. The report discussed contingency plans to use nuclear weapons against at least seven countries: China, Russia, Iraq, North Korea, Iran, Libya, and Syria. There are supposedly three contingencies for their use: "targets able to withstand non-nuclear attack; in retaliation for nuclear, biological, or chemical weapons; or in the event of surprising military developments."

This is dynamite. Not counting China and Russia, which I presume are on the hit list because they have substantial nuclear arsenals, the so-called "axis of evil" must now include five countries, with the addition of Syria and Libya. Even more disturbing are the reasons for a nuclear first strike, which basically boil down to anything that seems like a good idea at the time. This is really terrifying stuff. Not only does the United States spend more on "defense" (an Orwellian misnomer if there ever was one) than the rest of the world combined, but now it's apparently national policy to use nuclear weapons at will.

It's impossible to predict what the consequences of this will be, or when they'll occur. Will everyone else in the world simply knuckle under to the Pax Americana? It's possible; after all, it worked with Rome for centuries. But, unlike Rome, the United States constitutes only four percent of the world's population. And in Rome's day, nuclear, biological, and chemical weapons were not available to almost anyone who would like to use them, as they are today.

I'm of the opinion that anything that can be done almost certainly will be done eventually. When a strike is launched on the United States, chances are its source will never be determined. Meanwhile, new "terrorists" are being coined daily. U.S. actions are creating them much faster than the same U.S. actions are killing them.

All this actually makes me nostalgic for Clinton.

— Doug Casey

Back to the Libertarian Party — When I heard that Harry Browne, David Bergland and Michael Cloud had been invited to speak at the LP's convention this summer in Indianapolis, I could scarcely believe it.

You recall the case: as reported in the after the LP discovered that national director Perry Willis was working for Browne and his campaign for the party's presidential nomination in clear violation of the party's long established, obviously necessary rules, it decided to keep him on, provided he agree to do no more work for Browne. Willis agreed. Then he, Browne, and others conspired to keep him working for Browne, while secretly paying him by laundering funds through the bank account of another Browne staffer. When this was found out, Willis confessed and argued that the success of the libertarian movement required that he continue to work for both Browne and the party, which justified his violating his contract and lying to keep the violation secret, and Browne promised a full explanation. But when it became clear that party activists were not buying Willis' ends-justifies-the-means argument, Browne decided simply to refuse to say anything about the subject, refusing even to answer questions posed by the LP's national committee. The committee responded by condemning Willis, Browne and the others involved in the conspiracy, including Bergland and Cloud, and announcing a policy of refraining from doing any business with them until and unless they offered a satisfactory explanation of what had happened.

The Libertarian Party is having Browne and his cohorts speak at its convention, without having answered any questions about their subversion of the party or expressing even the slightest remorse.

So you can see why I was surprised to hear that Browne, Bergland and Cloud have now turned up again, as invited

and presumably honored speakers at the party's convention. I called LP national director Steve Dasbach to verify the story, and he immediately did so. I asked him whether Browne had finally agreed to answer the questions that party chair Jim Lark had been trying to ask for the past year and whether the party had changed its policy against doing business with Browne and his cohorts. Dasbach responded that neither event had happened. Instead, the party's staff had concluded that having Browne et. al. speak at the convention "does not constitute doing business with them because we are not paying them."

Who decided all this? Dasbach told me that the decision to invite them had been made by an "ad hoc" committee of party employees, consisting of himself, political director Ron Crickenberger, Marti Balcom, Nick Dunbar, and Diane Pilcher. The committee had "wrestled" with the decision, he said, because of concern that it might violate the party's policy of not doing business with Browne, and passed it on for approval from party chair Lark.

I have long been surprised by the number of the party's leading figures who have told me privately that what Browne and his campaign did was horribly wrong, but who have never publicly criticized Browne or his staff.

There was "no good option," he said, but the committee decided to let Browne speak at a luncheon open only to those who buy the most expensive convention package, and even those delegates "choose or not choose to attend," so party members unhappy with the whole nasty business would have an option not to hear Browne. He added that the party had "a tradition" of inviting its past presidential nominees to the convention following their campaigns, though he noted that it hadn't invited Andre Marrou, the nominee prior to Browne to the convention after his loss. (And hadn't invited Ron Paul, its nominee in the previous campaign, either, although Dasbach did not mention this.) And Dasbach said that Willis would "absolutely not" speak at the convention.

When Browne's new enterprise had attempted to rent the party's mailing list for fund-raising purposes, the party had invoked its no-business-with-you policy. Now it was having Browne and his cohorts speak at its convention, where they would surely attempt to raise funds, without having answered any questions about their subversion of the party or expressing even the slightest remorse. I wondered whether the party would have simply given its mailing list to Browne had he asked, on the theory that this was not "doing business" because no money would change hands. Apparently, the party is willing to give Browne opportunities that it will not sell to him.

One longtime party observer I spoke with said, "Well, the party's talent is pretty thin," and I think he was onto something. Browne and his coterie raised a lot more money that any other campaign team and money is what pays the salaries of the party's staffers. And Browne was a glib spokesman for the party. Apparently, LP officials value these talents enough to overcome any qualms about Browne's past deceit and involvement in defrauding the party. I have long been surprised by the number of the party's leading figures who have told me privately that what Browne and his campaign did was horribly wrong, but who have never publicly criticized Browne or his staff. I don't know their motives, but I have to wonder whether they too liked the money that Browne raised and the glib public face he provided the party. But possibility that rank-and-file members of the party will vigorously protest the presence of Browne & Co. on the speaking platform at their party's convention could make the upcoming convention an interesting one.

This decision had one consequence for me. I had to kill two reflections I'd written for this issue of *Liberty*. One praised the chairmanship of Jim Lark, who had generally shown good judgment in dealing with the Browne matter, and had seen the party through some difficult times. The other suggested that all candidates for national chair pledge to keep Dasbach as national director. — R. W. Bradford

Cured by the Stones — They're coming 'round again and so I'll be going on tour soon with the Rolling Stones. By next September, Mick will be 59, and I'll be 60, and, despite his penchant for gorgeous young models, I'm still trying to get him. I've been trying since 1978 when "Some Girls" first came out, when I was 36 and Mick was 35.

In 1999 on the "No Security" tour in Pittsburgh, I was miraculously cured by the Stones! After the concert, I wrote an article about it, about how I was shooting up prescribed medicine in the ladies room stall six weeks after colon surgery, carrying a bag of canned juices and wearing a disgusting ileostomy bag that seemed to be draining my strength away.

"There's no way you can go to this concert, Mom. It's irresponsible in your condition," lectured my newly risk-averse son. Making him nervous about what I was up to was a neat turnabout, itself almost reason enough to go. "They won't allow you in the arena carrying those cans," he said.

"You would know," I thought.

"She's going," said my husband, pulling me up from the couch where I was struggling to rise like a Phoenix of limp spaghetti. "Her favorite people in the world are just two miles down the street, and she's going."

I really didn't think I could go, which scared my husband. He knew I'd have to be almost dead if I wouldn't go to a Stones concert. "You're going," he said. "Just drink your juice." Years before, my husband was impressed by a story my mother told us, that my grandmother had fixed her daughter Marion's "lazy eye" before the days of corrective surgery by yelling "Put your eye down!" whenever Marion's eyes went off track. I don't know if the story's true, but as long as I knew Aunt Marion her eyes never crossed.

"Look at them," a young girl laughed to her boyfriend, pointing at us as we hobbled in baby steps through the throngs at Mellon Arena, gingerly trying to make it despite my foot-long incision. "That'll be us someday," said the young blonde.

"In your dreams, you mindless twit," I thought as I shuffled on by.

We made it to our seats just as the Stones were coming on stage. Usually I remember each opening chord and drum-

beat by Charlie, but this time I'm not so sure. I think it was "Jumpin' Jack Flash."

Everything was a blur, but I soon felt this irresistible life force surge through me as the music took off. Mick headed over to our section with his arms raised, his index finger pointing emphatically to the beat of the song, I threw down my juice cans and began to dance like a Holy Roller throwing down her crutches in a revival tent! I twirled like a dancing queen for eight songs and never looked back! And it was a cure that's lasted!

Later, in a cheap transparent ploy to meet Mick, I sent him a letter with the article about my miracle cure. I knew, of course, that he'd never respond. Responding to non-supermodels is not Mick's thing. The only sympathy he ever demonstrated over the span of his 40-year career was sympathy for the devil. But Mick's sympathy is not what I wanted. I wanted to spend some time with him, bask in his magical presence, hang out with Charlie and Keith, and be a tambourine girl for the Rolling Stones. I wanted to be like their exotic black singers dressed in skimpy spangled outfits with drop-dead gorgeous figures, backing up the Stones on tour. I wanted to be an amazing dancer like the Tina Turner who first taught Mick to dance.

In my letter and article, I wrote about the joy he had brought to the world with his music. All that stuff about the Brazilian model didn't matter considering the gifts he'd given us all. And since that big scandal and ensuing divorce, he's demonstrated his family values by moving back in with Jerry Hall. "He bought the townhouse next door when I was away," she laughed. "He knocked a hole through the dining room wall. I can't get rid of him."

When people are in trouble, some pray, and some listen to rock 'n' roll. During one of my medical procedures, I listened to Tom Petty sing, "My old man was born to rock, he's still trying to beat the clock," and to the Rolling Stones singing "Gimme Shelter." Since the days of Bill Haley and the Comets, rock 'n' roll has been about beating the clock in one way or another. Someone recently wrote that Mick Jagger is a "Peter Pan archetype," the forever young bad boy saying, "C'mon, Wendy, we can fly."

Three years went by since my letter, and I'd given up hearing from Mick until his new CD, "Goddess in the Doorway," was released with a disguised message for me. There's a song called "Joy" — joy at the love you bring, joy that makes me sing. That's what I wrote in my letter, almost word for word. And another new song, "God gave me everything I want, now come on, I'll give it all to you." Now, if I could just find a contractor and buy the townhouse next door, maybe I could be the next goddess in his doorway.

— Sarah McCarthy

False representation — In her book *Whose Trade Organization,* Lori Wallach argues that corporate interests have for too long dominated the World Trade Organization and that it is time for the non-governmental organizations (NGOs) to receive a seat at the table. She may soon get her way. Increasingly, the U.N. and other international meetings grant the representatives of "civil society" — a.k.a., left-liberal NGOs — rights equal to (or in some cases superior to) nation-states. This trend reflects most NGOs' favoring shifting power to these international bodies from national governments. The deliberations have become a stylized dance in which NGOs shout that more power should be granted the international agency and the agency spokesman reluctantly acquiesces.

Already NGOs such as the World Wildlife Fund, Consumers International, and the Naderites have gained prominent roles in determining international policy in areas from food safety to agricultural policy to world trade. No one has elected these groups to speak for them, yet they claim to be the only legitimate representatives of civil society.

As long as the United States participates in these international bargaining sessions, it is at risk. The best path would be for the U.S. to remove itself from such games. In a world dominated by the United States, America's non-participation means that nothing significant is likely to occur.

— Fred L. Smith

Stepped up airport security finally pays off — Singer Dionne Warwick was trying to fly to Los Angeles when baggage screeners noticed the lipstick container in her carry-on bag. I thought they were just searching bags for weapons; I don't know how joints in a lipstick container could pose a security risk. But they opened it, found eleven marijuana cigarettes inside, and hauled her off to the hoosegow. I guess the heightened security at U.S. airports isn't just to protect us from terrorists — unless the government feels threatened by the psychic hotlines she advertises or the risk that Warwick will belt out another rendition of "I Say a Little Prayer for You."

And what kind of joints did she have in the lipstick? Lipsticks aren't very big. I'm not even sure you could cram eleven sheets of cigarette paper into one, let alone any significant quantity of marijuana.

— Tim Slagle

Crusades and Jihads — There has been much discussion recently about the impact of the Crusades on the Islamic psyche, and with it, a lot of nonsense. The general view among the chattering classes is that medieval Islam was advanced, wise, and peaceful, whereas Christian Europe was violent and initiated the war on Islam. This view is not

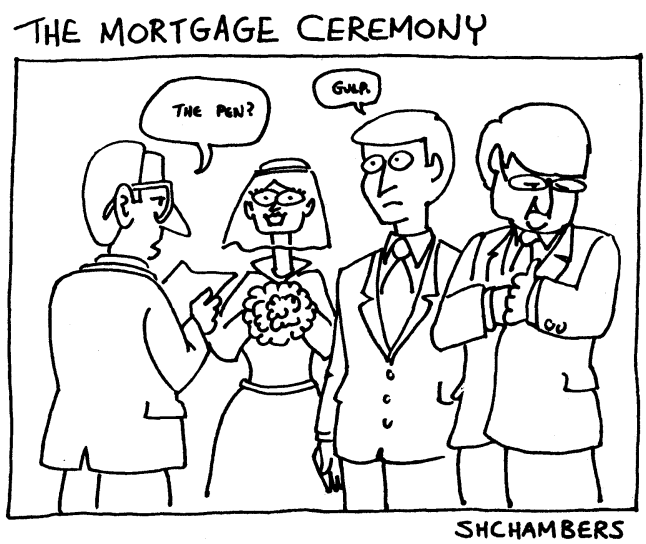

new. More than a century ago, in *Nathan the Wise*, German playwright G.E. Lessing portrayed both Jews and Muslims as fair and peace-loving, and only the Christians as devious and violent.

In one scene, Saladin's sister, opposing a liberal edict of the Muslim rule, asks why "Christians are here, when Muslims are not there." That, of course, is historical nonsense. Prior to the launch of the first Crusade, to *regain* the Holy Land, Muslims invaders had already conquered Spain and were in southern France, had conquered Sicily, and were attacking Christian Europe from the east as well.

Of course, Christian Europe was violent; it was a violent age. But the violence was not limited to Christians on Muslims. In fact, during the Crusades, there are numerous examples of European violence against other Europeans, while Muslims were no slouches in that sphere either. In the fall of Acre, for example, after promising safe passage to conclude a truce, Muslims broke their words and slaughtered every Christian man and child, saving only some of the women to use as sex slaves. If Christians need to apologize for the excesses of the 12th and 13th centuries, there are reciprocal apologies due. — Adrian Day

Fun with Bob Dole — Former Republican Senate leader, vice presidential candidate, presidential candidate and, more recently, Viagra pitchman and Britney Spears admirer extraordinaire, Bob Dole is now making the rounds of the talk show circuit plugging the senatorial candidacy of his wife, Elizabeth, and his new book, *Great Presidential Wit*. Visiting *Late Night with Conan O'Brien*, Dole regaled the insomniac audience with tales of chief executive humor. (It appears that Abe Lincoln was funny; Lyndon Johnson less so, Millard Fillmore not at all.) Lest we come to believe that Oval Office quips demean the august office of the presidency, Dole solemnly reminded his audience that America is the one country in the world affording its citizens a constitutionally guaranteed right to the pursuit of happiness.

Only, of course, it doesn't. My freshmen aren't very adept at distinguishing the Declaration of Independence from the Constitution, but one would have thought that venerable statesmen would do better. Evidently Mr. Dole's drugs and beverages of choice do less well by his brain than they do his various other organs. — Loren Lomasky

Gun rights in Mexico — The *Mexico & NAFTA Report* writes that the reform-minded Mexican government is proposing changes in the nation's firearms laws. The 1917 Mexican Constitution (Article 10) states:

"The inhabitants of the United Mexican States have the right to possess arms in their homes for their security and legitimate defense with the exception of those prohibited by federal law and of those reserved for the exclusive use of the Army, Navy, Air Force, and National Guard. Federal law shall determine the cases, conditions and place in which the inhabitants may be authorized to bear arms."

Despite this constitutional guarantee, a 1971 statute abolished independent firearms stores, and allowed firearms sales (to civilians) only by the Defense Ministry. The government's proposed constitutional amendment would liberalize the current severe rules on firearms sales, and specifically authorize urban households to possess up to five guns, and rural households to possess up to 15, provided that the guns are registered. The current restrictive laws are widely ignored. According to research by the Comision de Proteccion Civil de la Asamblea Legislativa, one third of the residents of Mexico City currently own firearms. Public Security Minister Alejandro Hertz Manero supports the constitutional amendment, because he says that people need to be able to protect themselves. — Dave Kopel

The power to regulate is the power to destroy — South Carolina law requires that all abortion clinics maintain a constant internal temperature between 72 and 76 degrees. This is but one example of what the National Abortion Rights Action League calls "TRAP" laws — or "Targeted Regulations of Abortion Providers" — cleverly designed regulations intended not to actually protect consumers but to run abortion clinics out of business. NARAL and other abortion rights groups are justly outraged about such regulations. But many leftists fail to see how these laws lay bare the connection between economic liberties and personal freedoms. Such sneaky uses of government's power to regulate have been used for centuries to reward political favorites and keep their competitors out of the market. Law professor Lawrence Friedman writes in his *History of American Law*, that "occupational licensing absolutely burgeoned during [the post-Civil War] period . . . Trade groups were anxious to control competition. . . . The justification was the same for all of these [professions]: safeguarding public health. The argument was quite obvious in the case of doctors and therefore had much more general appeal. For barbers, the argument was a trifle strained; and for horseshoers, fairly desperate." Although courts tried to protect businesses by striking down these laws, the New Deal courts abandoned these protections, at the behest of precisely these leftists who complain about TRAP laws. — Timothy Sandefur

Information overload — The institutional failure of the government to "connect the dots" prior to Sept. 11 did not happen because the intelligence and enforcement agencies lack resources, but because they are are so large and unfocused. An FBI agent in Phoenix warned last June that an increasing number of Middle-Eastern men, some connected with Osama bin Laden, were taking aviation courses, but no one made a more comprehensive investigation. A later FBI warning from Minnesota led to the arrest of Zacarias Moussaoui but not to a more wide-ranging investigation either, who knows for what reason.

According to every federal operative I've talked to recently, warnings of this sort are often missed simply because the sheer mass of paperwork that overflows from the FBI and every other federal agency makes it extremely difficult for agents to see patterns and to set priorities in following up on reports.

Curiously, the government's response to the terrorist attacks has largely been to beef up its bureaucratic systems, making them even more ponderous and lumbering. There are more than 40 federal agencies with some kind of intelligence function, and most of them, like most government bureaucracies, are insular, protective of their own turf, and reluctant to share information, which in bureaucratic worlds is power. It certainly makes more sense to streamline these

departments, fire a few people to let everybody else know this was serious, and demand a tighter focus on real problems. Instead, the War on Terror has put resources into arresting Dionne Warwick for having a few joints of marijuana. When focused, even government agencies can be reasonably effective, at least until the usual bureaucratic institutional imperatives reassert themselves. Instead, of course, our wise government has done the opposite of the sensible thing.

— Alan W. Bock

Global Warming Strikes Back! — According to *Variety*, "Twentieth Century Fox has won an auction for [the rights to produce] *The Day After Tomorrow*, a Roland Emmerich-directed disaster extravaganza about global warming that creates hurricanes, earthquakes, tornadoes and the onset of the next ice age, penned by Emmerich and Jeffrey Nachmanoff."

Now why is it that global warming is always connected with tragic consequences? Isn't it just as possible that global warming would cause milder winters, rain in deserts, and longer growing seasons in famine-stricken areas?

The apocalyptic tones used by environmental "scientists" remind me of the warnings of witch doctors in Tarzan movies while demanding that the white heroine be offered to the volcano god. When Pat Robertson claimed that a hurricane headed toward Disneyland was God's way of punishing the Mouse for his tolerance of homosexuals, people laughed. But when Al Gore claimed the same hurricanes were nature's way of punishing greedy people for their reliance on the internal combustion engine, he was heralded as a genius.

And anyway, how can global warming cause earthquakes? Maybe the movie will explain. — Tim Slagle

Poverty, crime and welfare — An article in the *Seattle Times* of May 9 declares that crime "has worsened in much of Europe, despite generous welfare states designed to prevent U.S.-style inequality and social conflict."

We can turn this into an intelligent statement by changing "despite" to "because of." Most of us Americans realized long ago that the welfare state is a breeding ground for sloth and evil. The more a government relieves people of responsibility for their own lives, the less reason they see to learn in school, qualify for a job, be honest and polite with one another, stay sober, or obey the law. Why bother, when your food, housing, and health care are provided free of charge anyway?

Criminality is much more the product of idleness than of poverty. People who make an honorable living do not waste time resenting the superior achievements of others. A society's real problem is the idle classes in academia, the bureaucracies, and the slums who have guaranteed incomes and time on their hands to brood over "inequality" wherever they can find or imagine it.

This is just an obvious truth. But as economist Thomas Sowell has said, nothing is more complex than avoiding the obvious. — John Clark

Congress binges — The neo-prohibition folks in Congress and in federally funded research institutions are hard at work trying to incite a moral panic over so-called "binge drinking" by college students. Yet whatever the merits of the hysterical claims about student drinking — when in fact today's students drink much less and much less often than students of a couple decades ago — Congress has no legitimate constitutional authority over the subject.

Defenders of federal obsession with college student alcohol consumption point first to the 21st Amendment (repealing federal Prohibition), which states, "The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited." Yet this clause, carefully read, simply gives Congress power over "transportation or importation" of alcohol in violation of local laws. "Binge drinking" isn't "transportation or importation." Congress has no power to control mere consumption of alcohol. Indeed, as Southern Illinois University law professor Brannon Denning points out in a forthcoming article (papers.ssrn.com/sol3/papers.cfm?abstract_id=265122) the U.S. Senate deleted a section of the proposed 21st Amendment which would have given Congress power to regulate saloons.

Defenders of federal obsession with college student alcohol consumption point first to the 21st Amendment. But it simply gives Congress the power over "transportation and importation" of alcohol — not "binge drinking."

And even that clause wouldn't have given Congress power over consumption outside of saloons. As ratified, the 21st Amendment gives Congress power to, for example, punish people who cross state lines to illegally import alcohol into a dry county. The only "binge drinkers" covered by the 21st Amendment are those imbibers who consume alcohol which is illegally imported across state lines.

A second asserted basis of congressional power regarding college drinking is Article I, section 8, which authorizes spending money to "provide for the . . . general Welfare of the United States." This is the asserted basis of power for federal subsidies for college anti-alcohol "counselors" and other neo-prohibitionist busybodies.

Ever since the 1930s when the Supreme Court abandoned its duty to enforce constitutional limits on congressional power, this clause has been interpreted to allow congressional spending for any purpose. Thus, it is certain that the Supreme Court won't interfere with federal anti-drinking nanny subsidies. Still, congresspeople and other citizens who claim to support limited constitutional government would do better to follow the position of James Madison, who explained that the spending clause gave Congress power only to spend for purposes otherwise enumerated in the Constitution, not for any purpose at all. — Dave Kopel

I see a large campaign contribution in your future — Oracle, the company that wants to force you to carry an Oracle-brand national ID card, has gotten California Gov. Gray Davis in huge trouble after it was

discovered that Davis and his minions forced the state government to choose Oracle for a $95 million state software contract, in violation of normal contracting procedures. The software contract has turned into a disaster, and Davis has announced that he is returning a $25,000 contribution from Oracle.

Oracle's sleazy relationship with incumbents is typical of company president Larry Ellison's tactics. Oracle was one of the leading companies which stirred up the Department of Justice lawsuit against Microsoft, and which stole documents from pro-Microsoft think tanks as part of a strategy for keeping Microsoft from competing against Oracle. — Dave Kopel

For love or money — Late in December a 24-year-old Internet entrepreneur named Kay Hammond from Birmingham, England, auctioned herself on eBay as a wife, and was shocked when bids reached £10 million, even though the reserve price was only £250,000.

Regrettably, eBay withdrew her advert less than 24 hours after it appeared, saying: "It's a grey area, but there are certain things that aren't considered appropriate, like people selling their virginity or their soul." That impresses me as a pretty humorless response, in addition to being inaccurate. People sell those things, and more, all the time, and for vastly less money. Ms. Hammond says: "I'm not selling my body and I'm not selling sex — I'm selling the whole thing."

Why not? Marriage, which is basically a Neolithic institution, has always been first and foremost about economics, not love. Love has always been merely a bonus or a come-on. Even relatively recent institutions like the dowry and the arranged marriage suggest this, as do older practices like polygamy and polyandry.

Part of the problematic status of marriage lies in the fact that life expectancies in pre-industrial times were something like 30 years, children had to become economically productive at about seven, and everyone was mated and reproducing by 15. Technology has skewed that timetable. It's already extended a person's active life by decades, and will eventually extend it by centuries. Tech makes the relationship between the sexes, like all areas of life, more fluid and ore interesting. The creation of church and state has skewed it in other ways, mainly trying to solidify and artificially extend an institution that originally only had something like a seven year half-life. This is, incidentally, the origin of the phrase "the seven year itch." After seven years, once the offspring have reached economic viability, there seems to be an urge to go onto something new in life.

It would be interesting to follow the career path of Ms. Hammond. I suspect she's not only smart and fun, but likely riding the wave of the future. — Doug Casey

Boob tube — I happened to catch just a little of the Sam and Cokie show on ABC. The topic at that moment was the question of arming commercial airline pilots. Cokie was dead against the idea: she was "terrified" at the thought of guns on the airplane. She would be afraid of a "nutty pilot with a gun"!

Even before George Will could speak, George Stephanopoulos reminded her that the pilots controlled the airplane and she had already trusted them with her life when she boarded the plane. A "nutty pilot" didn't need a gun to kill her and everyone else on board, which was, of course, the whole point. George Will then pointed out that the objective would be to defend the cockpit in order to land the airplane in the event of a terrorist takeover of the passenger compartments.

Cokie then said something like "What good is it to land a plane full of dead people?" Sam came to her rescue to change the subject before it could be said that a plane full of dead passengers is better than a plane full of dead passengers *and* the destruction of the U.S. Capitol building or White House, for instance.

It goes to show, among other things, that if you are the beautiful, Wellesley-educated daughter of a U.S. Congressman you can get paid millions of dollars to be a fool on American network television! — Jim Ross

Cry the beloved Rhodesia — I am not one to advocate interfering in other countries' affairs, but if ever there was a case for doing so, surely it is in today's Zimbabwe, run by megalomaniac Robert Mugabe. His latest lunacy is an edict saying the government can throw farmers off their land even before any judicial appeals can be heard. He has expelled all foreign journalists and prohibited independent election observers. Britain and other countries have offered massive aid if only Mugabe would back off a little. The only aid Britain should give to Zimbabwe should be to send a team of SAS sharpshooters to Harare, with a bullet inscribed "R.M." *That* would be a great gift to the people.

— Adrian Day

Conversation with an ex-priest — I phoned a friend, a former priest, now an architect, the day after Monsignor Eugene Clark delivered his arch-conservative homily at St. Patrick's Cathedral in Manhattan.

Monsignor Clark, Edward Cardinal Egan's stand-in when Egan was called to Rome to see the Pope, pontificated from the pulpit at St. Patrick's: "We know — we won't mention it outside the cathedral — we are probably the most immoral country, certainly in the Western hemisphere, and maybe the larger circle."

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Those words were spoken from the most prominent Roman Catholic pulpit in New York City, a pulpit not far from what used to be the World Trade Center, before other clerics half a world away decided, too, that America was at the bottom of the international morality pile.

"What's his standard?" asked the former priest. "We're worse than countries that chop off a woman's head for adultery, worse than countries that are chopping off hands for stealing? We're more immoral than nations that target parts of their own populations for starvation? Worse than China, with people in prison for political beliefs? What's his standard for morality?"

On top of blaming America, Monsignor Clark pontificated at St. Patrick's that gay men shouldn't be allowed to be priests, and that the idea that people are born gay is simply "not true."

"How does he know?" asked the ex-priest. "How does he know that people aren't born gay? Those urges are natural, for them, as natural as a heterosexual man's urges for a woman."

"There is no evidence whatsoever that men who are homosexual are any more a threat to boys than men who are heterosexual are a threat to girls," says Fred Berlin, MD, a member of a top-level commission appointed by Bernard Cardinal Law to set guidelines for the church response to abuse allegations. If Berlin, an associate professor of psychiatry at Johns Hopkins University, is right, will Monsignor Clark recommend that straight men also not be allowed to be priests?

Why, then, the reported 4-to-1 ratio of involvement with boys over girls in the current priest scandal? "It's mainly a matter of access," explains the former priest, "sexism in the church. You didn't have girls' choirs 20 years ago, when most of these cases we're hearing about happened. There were no altar girls. Only boys helped in the sacristy. It was a male environment, like prison. The homosexual activity in the jails doesn't mean that most of them are gay."

The issue we're dealing with, he says, more than anything, gay or straight, is male sexuality. "For a lot of men, whether it's due to conditioning or animal instinct, to be a true male means to be dominant, to have the power. Women are talked about as 'castrating,' for instance, when they want equality. For some men, if they don't feel that superiority, that power, they go lower, to a 30-year-old, or to 20 or 15. It's the 25-year-old husband hitting on the babysitter, or Hugh Hefner with his mansion full of bunnies."

It's the male ego that drives it, he says. "They want someone submissive and adoring. For women, it's the opposite. They seek equality, or someone stronger. There aren't millions of women who see a mansion full of dummies as the ultimate turn-on."

In 1970, a study commissioned by the American bishops said that two-thirds of priests were immature psychosexually. Many go into the seminary right out of high school. Add the prohibitions on them getting any experience, plus the fear, guilt, and raging hormones, and the access to children — and, if my friend's right, the domination dynamics of male sexuality — and we shouldn't be surprised at what's happening. What other outcome, given this mix, would be more likely?

"In my six years in the seminary, there was nothing taught about sex, except the prohibitions. Celibacy for nuns and priests, no birth control, no masturbation, no premarital sex, no gay sex, the Virgin birth — all of it saying that the pinnacle of living is not to have sex. You don't learn how to express yourself sexually with another person. And when the urges come, when they become too strong, where's there to go? To where you feel safe? To where, in fact, it's the most dangerous?"

And the church won't change, he says. "When the Church began, it was about caring, solace, community and unity. Now it's divisive. Now there is panic because they are losing their kingdom."

He explains how he began to rebel after hearing his first confession. "A woman with five kids whose husband had three jobs came crying, saying she was going to use birth control. I was supposed to say her husband could get a fourth job, that God would provide. Instead, I told her birth control was okay. A young couple came crying, broken-hearted at the death of their baby who had not been baptized. They cried that their baby would never see God. I couldn't tell them to believe the church. The line around my confessional went around the block, but I was creating my own church. I knew I would have to leave them, that I would be leaving them with someone else, so I told them they didn't need the church to tell them right from wrong, that they could think for themselves." — Ralph R. Reiland

When the Church began, it was about caring, solace, community, and unity. Now it's divisive. Now there is panic because they are losing their kingdom.

Wall St Journal: evil or stupid? — *The Wall Street Journal* has never met a war it didn't like the U.S. government to fight. During the Cold War, it was all for nuking the Russkies. Now that the United States has no powerful state enemies, it is all for nuking Baghdad and for blowing up still more dirt in Afghanistan and other target-scarce places in any and all God-forsaken deserts and jungles around the planet.

Those who have had the stomach to read the *WSJ* editorials over a period of many years must find themselves mulling over the question: are these guys just evil, or are they stupid, too? I personally incline toward the more-evil-than-stupid hypothesis, because when they adjust their moral compass to a tolerable setting — when they discuss, say, farm subsidies — they manage to reason well enough and to bring appropriate evidence to bear. On war and peace, however, no rhetorical trick is too despicable for them to use.

In the lead editorial for May 17, they plumbed new depths of disingenuousness, even though they did so in a good cause: criticism of runaway federal spending.

In introducing their argument, the editors concede that some of the increased spending is "very necessary." That part is, of course, the increased defense spending, which

itself merits the adjective "runaway," although they chose not to apply the term. The defense-spending increase of "40.8% over five years" they declare to be necessary because defense spending "had fallen during the 1990s to a pre-Pearl Harbor level of just 3% of GDP."

In that short phrase lurks more than one poisonous rhetorical snake. First, the editorialists imply that the decline in defense spending during the 1990s was ill-advised. If such decline was ill-advised even in the wake of U.S. victory in the Cold War, however, one wonders what sort of event might justify a decline — the second coming of Jesus Christ, perhaps? (Careful now, it might be an Islamist trick, or Saddam Hussein in drag.)

Next consider the "pre-Pearl Harbor" benchmark, expressed as the percentage of GDP consumed by defense spending. Here's some free advice: whenever anybody insists on using this measure, hold on to your wallet. For more than 50 years, war-hawks have used the defense percentage of GDP as a device to tie their favorite form of government waste to the productive power of the entire economy. Why, one might reasonably ask, should the proper amount of defense spending ever bear a constant (or any other) relation to GDP? A sensible answer to the classic question about defense spending — how much is enough? — never has had and never will have anything to do with the magnitude of GDP.

In preparing for engagement in the greatest war in history, the U.S. government made do with much less than half of what it is spending in 2002, when it has no powerful enemies whatever.

In 1941, as the United States was rushing to gear up for war against the greatest military power in Asia and the greatest military power in Europe, defense spending amounted to $13.8 billion, or approximately eleven percent of GDP (it had been two percent the previous year). Sure enough, that eleven percent is more than today's three percent. Far more important than the percentage of GDP, however, is the absolute amount of the spending. In terms of purchasing power, present defense spending — $343 billion for fiscal year 2002, not counting the supplemental appropriation now being approved — comes to more than twice the calendar-year 1941 spending.

So, in preparing for engagement in the greatest war in history, the U.S. government made do with much less than half of what it is spending in 2002, when it has no powerful enemies whatever and has to scour the earth to identify barefoot bandits who might or might not be in sympathy with a handful of maniacs goaded by U.S. actions in their holy lands to hijack and crash some American airliners into American buildings. Oh, well, any old excuse in a pinch. Moreover, this one is working like a proverbial charm, justifying a bigger run-up in defense spending than the Pentagon has seen since the Cold War bonanza of the early 1980s.

Amid all this success in looting the taxpayer for the benefit of the military-industrial-congressional complex, however, the *WSJ* editors complain that Congress has seen fit to approve jillions of new dollars for a panoply of reelection purchases. In putting up with this congressional business as usual, the president is said to be "showing Congress he can be rolled on any domestic issue." At this point, one leans toward the *WSJ*-editors-are-stupid hypothesis.

Anyone who has been paying the slightest attention over the years should know that a national emergency, real or (like the present one) purported, serves as a powerful lever with which the government pries loose from the public huge chunks of treasure and freedom, because such a crisis causes the public to submit more readily to government schemes, whatever they may be. Lately, in the wake of the Sept. 11 attacks, the polls showed that the public's longstanding distrust of government had suddenly been transformed into trust. It works every time, and the current "war on terrorism" is such a time.

Yet the *WSJ* editors pretend not to get it. They rail that the president ought to veto some of the congressional add-ons to teach the swines a lesson, and they fret that "the more domestic spending now, the less money for the military now and later." By this supposition, they reveal either rhetorical deviousness or historical ignorance. All the great military buildups of the postwar years have occurred at the expense of the private sector, not the government nonmilitary sector (see my article in *Explorations in Economic History*, July 1994, for a rigorous analysis).

The president's advisers, however, understand full well what is going on: it's called quid pro quo. It's also the way in which the executive and legislative branches of the U.S. government jointly parlay a crisis into a looting frenzy. Here we go again. — Robert Higgs

What if? — Certain political and military historians, as well as science fiction writers, have popularized a genre commonly known as alternate history. They propose "counter-factual" scenarios — that is, to imagine how events might have turned out if circumstances had been different. What if World War I had not happened? What if Nazi Germany had defeated the Allies? What if John F. Kennedy had not been assassinated?

And, hey, what if Yugoslavia's Slobodan Milosevic had still been in power when the terrorists attacked New York and Washington on Sept. 11?

If we operate under the assumption that the past, like the future, is a set of possibilities, not a certainty, and try to draw up a "What if?" scenario, we can indeed speculate that Milosevic could have succeeded in holding onto power and securing his government's control over the rebellious province of Kosovo despite opposition at home and abroad to his Greater Serbia agenda. Now, let's imagine he had still in been in power just when the Bush administration launched its war on global terrorism.

Under such a "counter-factual" scenario, could Milosevic have won the hearts and minds of lawmakers and journalists in Washington by framing his violent confrontation with the Albanian Muslims in Kosovo as part of the U.S.-led counter-terrorism offensive? In that context, could Milosevic have portrayed the Kosovo Liberation Army (KLA) as an "Islamic terrorist" group and have gotten away with it? Or, more important, could he have got a "green light" for a military

operation aimed at suppressing the anti-Serb uprising by the Kosovars and at maintaining Serb control over the territory?

Sounds far-fetched? I don't think so. In fact, one could argue that the alternate history I have just described is quite familiar. Change "Milosevic" to "Sharon" and it becomes obvious that the Israeli prime minister has been successful in using America's war on terrorism to advance his government's interests by identifying its violent confrontation with the Palestinians with the U.S. campaign against al Qaeda and company, linking Arafat to the "Axis of Evil," getting the diplomatic green light from the Bush administration to launch a military operation in the West Bank, and arriving in Washington as a "man of peace."

Poor Milosevic has probably been watching all of this on CNN, from his jail cell, waiting for another session of his "war crimes" trial and asking himself: "What if?"

Sorry, Slobo, but in politics, like in life in general, timing is everything. — Leon Hadar

Fairness for the Church — Like the anti-smoking vehemence of reformed smokers, few exhibit such anger towards the Church as lapsed Catholics

Sarah McCarthy ("Behind the Vestry Door," June) is not alone in using the current scandal as an opportunity to express her own, irrelevant agenda. Calls for the abolition of abstinence in priests and for married and women priests have a ready audience, but such would not have prevented sexual abuse.

Counterintuitively perhaps, incidence of sexual abuse among celibate Roman Catholic priests is no greater than that among other clergy of other denominations, married and female included, or indeed among the population at large.

The *Los Angeles Times* (March 25) reported that "national studies show no differences in the frequency of sexual misconduct by denomination, region, theology . . . " *Time* magazine, in its infamous "Can the Church Save Itself?" issue, reported the conclusions of a psychologist saying that sexual abuse among Catholic clergy was "consistent with other male clergy and the general population." In fact, said Dr. Thomas Plante, "the rate is probably higher in the general population."

If one wants to prevent sexual abuse, the evidence suggests one might as well call for Episcopalians and others to prohibit married clergy.

True cases of pedophilia by Catholic clergy are few (and each a grave sin). Moving known pedophiles to another parish, without evidence of recovery, is a serious misjudgment. But the incidence of true pedophilia among Catholic priests is very low. No doubt many of the cases are unfounded copycat accusations, such as we see with any publicized case of abuse. Others, no doubt, were actions not untypical of friendly uncles with no sexual motive, but deemed "inappropriate" behavior in this politically correct time.

And many cases of so-called pedophilia were clearly something different, if also wrong. By definition, pedophilia involves sexual activity with prepubescent children. Many of the reported allegations involve teenagers (ephebophilia) and may have more of a homosexual character than pedophiliac one. Now a priest in a position of trust making aggressive homosexual advances on a vulnerable teenager is also committing a grave sin, but one suspects that the media generally would not whip itself into such a frenzy over homosexual priests coming on to teenagers. After all, there is little frenzy against the idea that gays should be allowed to be Boy Scout masters.

Beyond calling for married and women priests, there was little of substance in McCarthy's article. Highlighter in hand, I was ready to tackle the piece for a rebuttal, but it was difficult to come to grips with her arguments. Rage flaying to the right and left, fury and frustration abundant, but how does one refute this? — Adrian Day

Fly the defenseless skies — The decision, announced by former Bureau of Alcohol, Tobacco and Firearms honcho John Magaw, now a "transportation security" undersecretary, that airline pilots can't have guns in the cockpits of commercial airliners reflects a culture of demonization more than a rational policy. Most pilots have military training, weapons training is not complicated, there are non-piercing bullets available. But guns are avatars of evil and cause tremors of fear among the ignorant.

Allowing pilots to arm themselves would likely have kept the Sept. 11 attacks from succeeding. Indeed, if the terrorists had known that airline cockpits are filled with people who are liable to be armed, they probably wouldn't even have attempted to hijack the planes.

As stupid as this decision was, it probably won't make much difference in the current War on Terror. If any prediction is relatively safe, it is that the next big terrorist attack won't involve hijacking airliners.

It does, however, subject the airlines and their passengers to one more absurdity — which our masters may think is a good thing in that it provides a highly visible signal that the government is doing something. The inconveniences and absurdities hoisted on the air traveler so far haven't seemed to have provoked much criticism from the general populace. Until that happens, expect further indignities, and the continuance of the government's policy of encouraging passengers to be passive sheep during a hijacking, rather than self-reliant and willing to act, as the passengers on Flight 93 were. — Alan W. Bock

Politicking in the federal court — A federal appeals court has held that the University of Michigan Law School may use race as a factor in admissions decisions. The decision occurred under strange circumstances, resulting in one of the most heated exchanges of legal opinions in memory.

In *Grutter* v. *Bollinger*, the trial court held that the law school was not allowed to discriminate against whites in

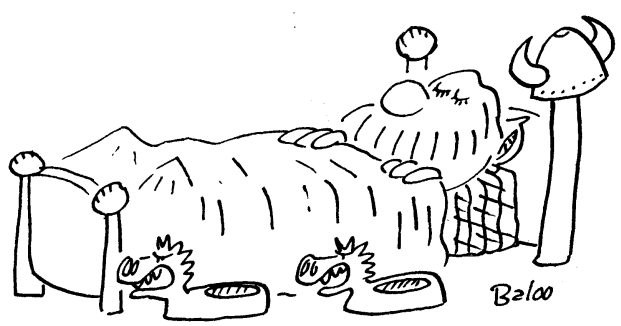

order to ensure racial "diversity" among the student body. This "diversity" rationale finds its origin in Justice Lewis Powell's opinion in the famous *Bakke* case of 1978. In that opinion, only Justice Powell endorsed the "diversity" rationale, and no subsequent Supreme Court opinion ever has — although the Court has permitted consideration of race for a (very) few other purposes. The diversity rationale has been rejected by the Fifth Circuit and the Eleventh Circuit. But in May, the Sixth Circuit reversed the trial court and held that the University of Michigan can constitutionally discriminate for "diversity" purposes. This conflict between the circuits makes it likely that the Supreme Court will take the case.

The opinions run for more than a 100 pages, and are remarkably frank. In one passage, for instance, concurring Judge Clay wrote that a black applicant having the same qualifications as a white student would "be a different person," because "this black applicant may very well bring to the student body life experiences rich in the African-American traditions emulating the struggle the black race has endured in order for the black applicant even to have the opportunities and privileges to learn." In other words, the race of an applicant determines his or her quality as a student — race determines the content of character. According to my dictionary, racism is "the belief that race accounts for differences in human character or ability and that a particular race is superior to others." As Judge David Boggs wrote in dissent, the assertion that a black applicant, even one from an upper-class American family, will of necessity contribute more to the class than a white or Asian applicant with more unusual life experiences is "starkly the policy of discrimination practiced throughout the ages."

What's unusual about the Circuit's *Grutter* opinion, however, is its intense bitterness, and particularly its focus on the unorthodox procedures the case was subjected to. In his dissenting opinion, Judge Boggs suggested that other judges sat on the case for several months while waiting for two conservative judges — Judges Norris and Suhrheinrich, both Reagan appointees — to retire, so that the case could be heard by nine judges (coincidentally enough for a 5-4 liberal majority) instead of eleven (which would have been a 6-5 conservative majority).

Judge Boggs' dissent outraged some of the other judges so much that they attacked him in their concurring opinions, calling his opinion "shameful," "inaccurate and misleading," "desperate and unfounded," "ludicrous," "baseless," full of "flagrant disregard for the Court's procedural measures," and "a new low point in the history of the Sixth Circuit [which] will irreparably damage the already strained working relationships among the judges of this court." Yet, as Boggs himself notes, "I would have been most pleased if my statement of apparent facts had been proven wrong. Unfortunately, that has not occurred." — Timothy Sandefur

Cigarette taxes fund terrorism — Federal prosecutors in North Carolina who arrested a couple of brothers in a cigarette-smuggling operation — buying in low-tax North Carolina and selling in high-tax Michigan — are now alleging something bigger and more sinister. The two Lebanese brothers are accused of using their ill-gotten gains to finance international terrorism by sending the profits to various shady Middle-Eastern groups. The incident should alert us to the danger of artificially high taxes which create high-profit smuggling opportunities.

The lesson applies to the larger War on Drugs, too. Interpol not long ago estimated that 20–50% of international terrorism is financed by the drug trade. Drug traffickers and terrorists both need to secure staging places and routes for moving illicit goods, people, weapons, and large stashes of cash that are difficult to trace, so it's not surprising that some have teamed up.

The huge profits from drugs are caused by prohibition. The government's dishonest TV propaganda campaign — having users "admit" that they finance terrorism — has it precisely backwards. Even setting aside the fact that the most commonly used illicit drug is marijuana, much of which is produced domestically and which is too bulky to be of much use to would-be terrorists, it is drug warriors, far more than drug consumers, who are responsible for drug trafficking's contribution to terrorism. — Alan W. Bock

Cashing in on scandal — Since the Catholic Church's priest scandal has become public, there have been two suicides and the attempted murder of a priest by a man who alleged the priest abused him. The Boston diocese has dug in and decided not to settle with accusers because they are running out of money. Instead, they are opting for a strategy of legal hardball to investigate the sex lives of accusers.

The latest suicide is accused priest the Rev. Alfred Bietighofer of Bridgeport, Conn., who hung himself in his room at St. Luke's Institute, a psychiatric hospital where he was ordered after he was accused of fondling twelve boys 20 years ago at Blessed Sacrament Church.

The Rev. Maurice Blackwell of Baltimore was recently shot and seriously wounded by a man who accused him of "inappropriate touching," a fourth-degree misdemeanor, nine years ago. Hidden from public scrutiny, the problem was festering and simmering, now people are freaking out and cashing in. More murders and suicides should be expected.

The *Los Angeles Times* says that the victim and the suspect in the Baltimore shooting were both respected people in West Baltimore, despite the cloud of pedophilia. People are taking sides, dividing the neighborhood between those who rallied around their popular clergyman, who won kudos for trying to rescue drug peddlers from a life of crime, and Stokes, a quiet barber with no criminal record. "For some," said the *Times*, "it was hard to figure why Stokes would have sought revenge so long after the alleged crime was committed."

"There is so much pent-up pain that now is finally beginning to surface," said David Clohessy, director of Survivor's Network of Those Abused by Priests, a Chicago-based support group. Excuse me for being cynical about what some in the media have referred to as "the most horrific crime imaginable," but since Sept. 11, such hyperbole appears laughable.

If we are serious about trying to alleviate problems, we need to take a look at whether or not this process really helps anyone. Ever since the Thomas-Hill hearings, it has been evi-

continued on page 26

An Unexpected Discovery

by David Ramsay Steele

The world is filled with opportunities, all just crying out to be missed.

On Friday evening, March 1, 2002, wanting to check a couple of points about Henri Bergson, I did a google search on him. I then had the thought: Why not do a google search on myself and find out what's out there? So I typed in the words David Ramsay Steele and got hundreds of results, many of which were about me and many of which were not.

The way these searches seem to work is that they look for any place where all the words entered occur close enough together. So, for instance, any document containing the names Bill Ramsay, Joe Steele, and David Jones in close proximity would have turned up on my search.

Very soon I noticed a result: "David Christopher 'Kit' Steele b. 1944 Edinburgh." Now, I was born in Edinburgh, Scotland, on 23 June, 1944, and I was christened David Christopher Ramsay Steele, but I have no recollection of being called "Kit," though Kit is a diminutive of Christopher (as in Kit Carson). I have never liked the name Christopher and stopped using it quite early. My first, slightly annoyed reaction was: There is another writer named Steele who was born in Edinburgh in 1944!

I therefore clicked on this search result, to find out who this upstart punk might be, and within a fifth of a second realized that I am Kit Steele. How is this possible? Here I have to fill in a bit of background.

A Murky Origin

As far back as I can remember, I disliked the woman I knew as my mother, and at some point began to suspect she was not my real mother. I didn't get on very well with my father either. One day at school, when I was eight, I found that all the other children in the class had brought copies of their birth certificates. I had been told nothing of this, but my father showed up later in the day and personally handed my birth certificate over to the teacher.

At the age of about ten, I went through some of my parents' documents which I wasn't strictly supposed to be looking at, and came across a letter implying that my "mother" was not my real mother, and possibly that I had an older brother somewhere. I accepted this thereafter but mentioned it to no one.

I grew up an only child in Birmingham, England. I clearly recall living in London before moving to Birmingham. My picture of my early life was that I had been born in Edinburgh, moved to London at the age of one, then to Birmingham at the age of four.

From an early age I loved the mother I could not remember, and dreamed of finding her again. I do not look much like my father, and I assumed I would look like my mother. I believed she would be very much like me in personal character, that if we ever met we would understand each other instantly, and that she would have been a remarkable beauty. I came to believe, and I do believe to

this day, that while she was, of course, a normal human being who would therefore have made a lot of mistakes in her life, she must have had an excellent reason for anything she decided to do, and that she owed me nothing. But I did always miss her, and I do miss her now.

When I was eleven, my father became a born-again Christian, and this changed the family lifestyle for the worse. My father and stepmother became less happy (though committed, of course, to the public protestation that they were a lot more happy), and my life became more acutely miserable. I soon became a skeptic with regard to theistic religion, a position I have maintained ever since.

I left school at 17 and went to work as a local newspaper reporter. I left home shortly afterwards, and then had little to do with my father and stepmother, though I did visit them occasionally, on amicable terms, and I ceased to dislike either of them, which is comparatively easy with persons one rarely meets. I became a great admirer of Bertrand Russell and an active member of CND (the Campaign for Nuclear Disarmament). Then I joined the SPGB (Socialist Party of Great Britain), a small Marxist group founded in 1904. After some years I went to the University of Hull and got a degree in sociology. I then (beginning in 1970) went through a profound crisis of ideology, which led me from Marxism to libertarianism. The story of that crisis and the ensuing transformation can be found in my book *From Marx to Mises* (1992), which doesn't seem anything like an autobiography, but really is.

I communicated rarely with my father and stepmother, though I did see them occasionally, and I visited my stepmother in hospital when she was seriously ill with cancer. After her death, I visited my father in (I think it must have been) early 1973, when I was 28, and he broached to me for the first time what I already half knew, with a few added details: that my late "mother" was not my real mother, and that I had an older brother somewhere, name of Bruce.

As far back as I can remember, I disliked the woman I knew as my mother, and at some point began to suspect she was not my real mother.

I asked my father about the possibility of tracing my mother and brother, and he said that my mother had been involved with a Pole, with a difficult-to-remember surname. He couldn't recall this Polish name and he had no idea what had become of my mother or my brother. I got the impression, though he may not have said this explicitly, that my mother had run off with her Polish boyfriend, taking her older son with her, and leaving behind her younger son, who was presumably more trouble. I inferred, for some reason, that this had happened when I was a few weeks old. My father told me that I had been raised for quite a while by his parents, in the attic flat above Charlotte Chapel, a big Baptist church in West Rose Street, Edinburgh, where they were the caretakers.

At this time and subsequently, I leaped to the conclusion that if I were going to find my mother and brother, it would be a matter of locating "Marjorie (difficult Polish name)" and her son "Bruce (difficult Polish name)." I decided this would be a time-consuming task, with very little likelihood of success, and that therefore it wasn't worth pursuing. I also subscribed to an ideological outlook which told me that blood is no thicker than water and that ancestry says little about who you are.

In recent years I have more often toyed with the idea of at least taking what I assumed would have to be the first step: having a search done at Somerset House in London, which holds records of all British births, marriages, and deaths, for anything they might have on Elsie Marjorie Allkins after her marriage to my father, or for anything on Bruce Ramsay Steele after his birth around 1942. But I never did get round to it. In addition to the other reasons there was the increasing possibility that she might already be dead.

For the first time since 1945, I saw what my mum looked like. She was lovely beyond my imagining, and facially she looked as much like me as a beautiful woman could.

In 1980 I got married and emigrated to the United States. In 1989 I divorced and remarried, and have since had four children: the second, Allan, was named after my father. The fourth, Duncan Bruce, was given the name "Bruce" after my absent brother. It hardly needs to be said that my views on kinship have undergone some subtle and not-so-subtle changes over the years.

And then on March 1, 2002 I stumbled on the fact that I am Kit and someone was looking for me.

Better Late Than None

Google took me to genealogy.com, the place on the Web you go to find out about your family history and your lost relatives. I had never heard of it before. The post had been placed there by my brother's daughter, Jennifer Ramsay, who mentioned that she lived in Canada. I replied immediately, identifying myself. But then I realized that she had posted the message in November 2001, and she might well have given up looking at genealogy.com. It didn't occur to me at the time that I could have found her email address from genealogy.com, or at least what her email address had been back in November, and sent a message more directly.

I went home and told my wife, Lisa, the news. Later that night, she was messing around on the computer and when I asked her what she was doing, she said, "Never you mind. Go to bed." Next morning Lisa told me she had looked at a number of Jennifer Ramsays in Canada (Ramsay is a common Canadian name), and located the likely one: a researcher into salmon lice at the University of Prince Edward Island. Prince Edward Island is a province north of Nova Scotia. This Jennifer Ramsay seemed to be possibly the daughter of one William Bruce Ramsay, a professor of

veterinary science at Nova Scotia Agricultural College. We were able to look at a picture of him on a faculty directory, and he did bear some resemblance to my father. Lisa downloaded the white pages for various towns in Nova Scotia. There were a number of William Ramsays and Bruce Ramsays. The most likely candidate was an entry for Bruce and Susan Ramsay in Truro.

Lisa also discovered that my mother, Marjorie Ramsay, had published a book of poetry, and Lisa even found some fragments of her poems on the Web. To judge from these, her poems are not very good. Her titles seem to be better than the poems themselves. The collection, published when she was approaching 50 is called *Half a Centennial Is Better than None*, and one of the poems is called *An Immigrant Remembers the Sea*. If I'd been around, I could have told her it's a good idea to strive for that kind of economy in every line of a poem, but I suspect she would have gone her own way regardless.

Marjorie and Allan Ramsay Steele

I called the number for Bruce and Susan. A woman answered and told me they were in Cuba on vacation (the Canadian government, unlike the U.S. government, permits its subjects to visit Cuba). After a few of my questions about Bruce, the woman became increasingly suspicious. I said: "I'm his brother." She was stunned and then overjoyed. She confirmed what I had deduced from Jennifer's post, that my mother had died — but only about two years ago.

The woman, who turned out to be Jennifer's younger sister, Robin, said: "I've got two surprises for them when they get back. I'm going to Japan, and his brother has called." In actuality she was holding out on her newfound uncle: She had three surprises for her parents. The third was: I've totalled the car and narrowly escaped with my life.

On March 3rd, I heard my brother's voice for the first time in 55 years. I also spoke with Susan and Jennifer. I was told of Christine, my first cousin in London, who is almost exactly the same age as I, and who played together with me when we were babies, when I was called "Kit," of course! I was able to talk to Christine, a big fan of my mother's, next day. It turned out that Christine, Jennifer, and Christine's sister and mother, had actually gone to some pains to find me in the U.K., without success.

Susan and Robin scanned some family pictures and emailed them to me: For the first time since 1945, I saw what my mum looked like. She was lovely beyond my imagining, and facially she looked as much like me as a beautiful woman could. She was, by all accounts, opinionated, argumentative, articulate, and occasionally dogmatic in manner, though sometimes likely to change her opinions alarmingly. She was known as "Bobbo" and possessed a special kind of charisma — my cousin still speaks quite naturally of herself as "following Bobbo's banner."

Bobbo's Story

Bobbo was born during a Zeppelin raid on London in 1918, or so she later claimed — Bruce says there don't appear to have been any Zeppelin raids that late. Bobbo joined the British Union of Fascists, Sir Oswald Mosley's blackshirts, at the age of 18, and rose rapidly to become, by some accounts, "Mosley's right-hand woman." As well as being Mosley's secretary, she was the BUF's chief female public speaker, and was regularly to be heard in Hyde Park.

Bobbo met Jock Steele (my father, Allan Ramsay Steele) through "the movement." Soon after they began living together, they were burned out of their London flat by the Communists. At the beginning of the war in 1939, the leading blackshirts were jailed without trial — presumably on the theory that they might assist and collaborate with a German invasion. Bobbo was sent to Holloway (the women's prison in England) along with Lady Diana Mosley (one of the Mitford sisters) and was let out after two years. It seems likely that when Bobbo got out of the clink, doubtless some time between the commencement of Operation Barbarossa and the attack on Pearl Harbor, her joyful reunion with Jock produced my brother Bruce. A couple of years later, their mutual affections were evidently still intact, and they produced me.

She was known as "Bobbo" and possessed a special kind of charisma — my cousin still speaks quite naturally of herself as "following Bobbo's banner."

For some reason, Jock and Bobbo later agreed to separate, and to split the kids between them. It may seem odd that she would take the older of the two, but for a woman who had to work, a child she could put into nursery school would have been less of a problem. So she didn't exactly run off with a man, and the separation happened when I was well over a year old. My later reconstruction of my early childhood was mistaken in some respects: I went to London later than I thought, and spent less time there

before moving to Birmingham.

All witnesses seem to agree now that Bobbo was not involved with a man at the time of the separation. However, I believe that, just as no scientific theory is abandoned until a more attractive candidate theory comes along, so no romantic relationship is abandoned until a more attractive candidate partner comes along. Only a few days ago I learned that Jock and Bobbo and my stepmother and her first husband were two couples who knew each other well over a long period. So an alternative hypothesis naturally presents itself.

I used to think I might be the legendary Pole's natural son. For one thing, I have a very wide and short skull, a shape rare among the Anglo-Saxons and quite different from my father's, but common in Central and Eastern Europe. I can never get glasses that are wide enough. But, as I now know, my mother had the wide skull too. Only DNA would settle it, but all the evidence I have suggests that I am indeed the offspring of Jock as well as of Bobbo.

Bobbo joined the British Union of Fascists, Sir Oswald Mosley's blackshirts, at the age of 18, and rose rapidly to become "Mosley's right-hand woman."

My mother took the child who looked like my father; my father took the child who looked like my mother. This kind of difference in the appearance of offspring is so striking that I find it remarkable that the true mechanism of inheritance was not discovered until 1865, and then was overlooked until 1900 because no one read Mendel's paper with any serious attention.

A few years after separating from Jock and me (and getting a divorce) my mother married a Czech Jew named Hajek, who legally adopted Bruce. Some years after that, the three moved to Canada. From then on my mother was generally known as Marje. Later, by some accounts, Hajek became increasingly violent, and my mother took Bruce and did a moonlight flit. Hajek disappears from the story, and is no doubt deceased. Marjorie and Bruce had changed "Ramsay Steele" to "Ramsay Hajek," then they dropped the Hajek and became just Ramsay, so my mother had four surnames in succession and my brother has had three. The most likely hypothesis to account for my father's story of a "Pole" is that he heard about Hajek and got his Eastern European nationalities mixed up. My father confirms that this is possible, and that the Pole he was thinking of was indeed Jewish.

My mother and brother moved several times within Canada. My mother's obituary says, "She lived in five provinces and worked at a variety of occupations from furniture salesman to antique store owner and hotel maid to medical librarian." In her final residence, Truro, Nova Scotia, "she was active in such organizations as the Multicultural Society and Toastmasters."

I am now continually finding out new things about my mum, and there is a lot to learn. In Canada, she passionately advocated various leftist causes. Marje Ramsay invariably drew attention to herself by her vociferous promotion of her radical opinions and her British accent. She was an anti-war demonstrator who declared that she had "always been a hippie at heart." While a hospital employee in British Columbia she blew the whistle on some newsworthy scandal. She had received little schooling early in life and regretted her lack of academic knowledge; she took courses in social anthropology at the University of Winnipeg. She favored nuclear disarmament and later came to see the "First World" as the earth's greatest threat. She admired Canadian environmental lobbyist David Suzuki. In the 1990s she was an environmental activist who pestered fellow-residents in her apartment building to consume less and recycle more. Even in her final days suffering severe complications of Parkinson's Disease, she initiated some kind of protest which became the occasion for a nursing home review. My brother Bruce, who turns out to be an excellent writer, is sending me his life story and my mother's in installments.

Into the Age of Lifestreams

This unexpected discovery has affected me in a number of ways and I will just mention a few of them.

I have become an Internet sap. When I heard people say "It changes everything; it's a miracle," I used to adopt a somewhat snooty and untrendier-than-thou posture. But now I have run out of superlatives. Yes, it's a miracle — but why confine oneself to understatements? It doesn't just change everything: it *changes everything*!

In Canada, she passionately advocated various leftist causes. She was an anti-war demonstrator who declared that she had "always been a hippie at heart." In the 1990s she was an environmental activist who pestered fellow-residents in her apartment building to consume less and recycle more.

(A technical note: I know now that if you do a google search and enclose the words you enter in quotation marks, you will get only results which include those words in that order: this will exclude a lot of mainly irrelevant material. It was lucky that I did not know this on 1 March, however, for then I certainly would have missed the post looking for "Kit.")

In speaking to various people in recent weeks, I have been struck by the frequency of such incidents. Seeking long-lost relatives or friends seems to be a rapidly growing pastime — it must already be comparable, in the sheer number of people participating, to psychotherapy, church attendance, social work, or weight-loss programs. There is also a very widespread fascination in tracing back family trees without looking for any specific individual. The genealogical interest is exploding as the Internet makes it so

continued on page 28

Report

Bush's Splendid Little War

by Clark Stooksbury

When the bugler blows reveille, who will stand up for liberty?

Along with most Americans, I favored a military response to the Sept. 11 attacks. If the president had decided to engage in a limited war to destroy Osama bin Laden and his organization while reducing and then eliminating U.S. involvement in the Middle East, I would have been on board. I had no illusions that such a campaign would have produced an easy victory. It is difficult to effectively fight against an enemy that is eager to die for a cause and has few attractive targets for all of our high-tech military hardware to hit. But it's important not to allow great crimes to go unpunished.

But Bush didn't decide to wage a limited war with concrete objectives. Instead, he went to war against abstractions such as "evil" and "terror." In his State of the Union address, he execrated three countries — Iran, Iraq, and North Korea, his "Axis of Evil"— that were not involved in the Sept. 11 attacks.

This war will leave America less secure. I cannot support it. But I can understand why most people continue to support the president and the war. They have a desire to do *something*, for revenge if nothing else. What leaves me confused is that so many libertarians support a war with such dubious, open-ended aims.

Brink Lindsey of the Cato Institute, for example, takes anti-war libertarians to task on his website, mentioning Antiwar.com, LewRockwell.com, and Againstthebombing.com without bothering to address any specific arguments.

Lindsey criticizes the Independent Institute for inviting Gore Vidal, whom he describes as a "monster" and the "king of all America Haters," to speak at an April forum titled, "Understanding America's Terrorist Crisis: What Should Be Done?"

Vidal is a harsh and sometimes wrongheaded critic of American society and foreign policy, but he does not hate America. In 1986, he criticized Midge Decter and Norman Podhoretz for placing the needs of their country (Israel) above those of his (the United States). He told *The Spectator* during the controversy, "I hate the American Empire, and I love the old republic," which sounds like the words of an American patriot. (For this, the respectable opinion arbiters at *The New Republic* and *National Review* denounced Vidal as an anti-Semite.)

Lindsey argues that "anti-state libertarians" are under "great pressure to conclude that there's no need for big militaries that can project force overseas." He continues, "it's very easy to drift from anti-state libertarianism into outright anti-Americanism. After all, if all states are bad, and the American state is the biggest, most powerful state in the history of the world, then it must be pretty rotten — right?" Well, yes it is. But there is a difference between America and the "American state." Criticizing the American state — or even hating it — does not amount to hating America.

Lindsey continues, "anti-state libertarians are becoming increasingly comfortable with the idea that all of our enemies are our own fault — the 'blowback' of our illegitimate pursuit of 'empire.'" Well, I am one libertarian who is extremely critical of the American state who questions the justice and wisdom of U.S. foreign policy without justifying or excusing criminal attacks against my country and fellow citizens. Just as I can counsel a woman to avoid walking in a bad neigh-

borhood alone at night without in any way justifying or excusing an attack on her, so I can counsel my fellow citizens to oppose a foreign policy that endangers all Americans without justifying or excusing the attacks that Americans suffer.

This is not a perfect analogy. The hypothetical woman I refer to is put in danger by doing nothing more than being in a public place where she has every right to be and minding her own business. The United States has not simply been whistling in the dark while walking innocently through the bad neighborhood of the Middle East. The "American state" that Lindsey wants to place above criticism has had its hand in everybody else's business for decades. We serve as Israel's sponsor while posing as an honest broker between that country and its enemies. We have allied ourselves with regime after despicable regime, from the Shah of Iran to the medieval despots in Saudi Arabia. When it suited our purposes, the U.S. tilted toward Saddam Hussein in Iraq and fanned the flames

The United States has not simply been whistling in the dark while walking innocently through the bad neighborhood of the Middle East.

of Islamic fundamentalism in Afghanistan. Our government even helped finance the Taliban in its efforts to stamp out the drug trade in Afghanistan. At best, Americans have been officious intermeddlers, trying solve other people's problems as if we have all the answers. Yet Lindsey acts as if blowback is simply a fantasy of anti-state libertarians and "America Haters" like Gore Vidal.

Fools, Rush Out!

He implores libertarians to "face the present as it actually is." Lindsey points out that even if one concludes that Sept. 11 is the result of past U.S. policy, it is too late to change that fact. He also states that if we simply leave the Middle East, it will "encourage the discovery of new grievances." I sympathize with both sentiments. We can't undo recent history, but only a fool would refuse to learn from it. What we needed was simultaneous attack against the terrorists and withdrawal of our support for various Middle-Eastern governments. It is impossible for us to do enough damage to guarantee our safety. Even if we kill 90% of the Muslims in the world, there would still be enough to devastate our country through suicidal terrorist attacks. If we simply retreat, the terrorists will be emboldened and would soon be demanding that we turn the White House into a mosque.

The Not So Super, Superpower

Lindsey argues that perhaps the attack occurred because the U.S. has failed to be belligerent enough. "There's a good argument that Sept. 11 could have been avoided if only we had intervened *more aggressively* in the past. Specifically, if we had taken Baghdad in 1991, we wouldn't have needed to keep troops in Saudi Arabia — and consequently the terrorists would have been deprived of that grievance" (emphasis in original). Curiously, by acknowledging that our occupation of Saudi Arabia may have been a cause of the attacks, he lends credence to the blowback theory that he has just denounced.

But this theory also raises another question. Since it is so easy for Web-log commandos like Brink Lindsey to "take" Baghdad in 2002, why didn't we do so in 1991? The official answer is that our war aimed only to liberate Kuwait. But it's difficult to avoid hypothesizing that the first Bush administration was afraid of paying the cost of toppling Hussein and "taking" Baghdad. Iraqi soldiers would have put up more of a fight if the U.S. and its allies were actually trying to conquer their country. Doing so would have almost certainly been a lot more difficult and expensive in terms of treasure and lives than was the liberation of Kuwait. By stopping short of invasion, Bush I got what appeared to be an easy victory.

This victory also had the unfortunate effect of fueling American military conceit. The late Robert Nisbet wrote in *The Present Age* of what he called the "Great American Myth," which emerged after the Great War. "Such was American prowess in war, derived from clean living and good hearts, that it did in a matter of months what the British and French had been at unsuccessfully for more than two years: that is lick the Hun." Lindsey buys into this myth when he rhetorically asks whether the world is better off because "American might crushed fascism" in the Second World War, a statement that ignores the contributions of Britain and the Soviet Union, among other countries.

When I see glib references to America's "crushing fascism" or "taking" Baghdad, I get nervous. Other countries don't simply cave to America's greatness. President Carter found that out in Iran. Of course, he was a sniveling wimp.

Brink Lindsey of the Cato Institute argues that "anti-state libertarians" are under "great pressure to conclude that there's no need for big militaries that can project force overseas."

But after 241 Marines were killed by a suicide bomber in Lebanon, even Ronald Reagan, who talked about "standing tall," decided that bugging out was the best idea. Bill Clinton bailed out of Somalia faster than you can say "warlord." In the Gulf War, George Bush quit while we were ahead.

In the April 22 *National Review*, Mark Helperin has a modest view of our recent victory in Afghanistan, "With the support of virtually every nation in the world, the United States went in on the side of one of two exhausted combatants locked in stalemate in open country devastated by years of war and starvation. The enemy fought without allies, supply, modern weapons, communications, intelligence, cover, or control of the air." He criticizes the president for failing to call for the sacrifice or the tools to fight a war that Helperin believes we need to fight and calls for a massive increase in military spending so that the United States can take on the Arab world single-handedly if need be and still have the resources for a war with China.

At least he is aware of how costly our role in the world is and he doesn't claim his views are libertarian. ❑

The Significance of Pim Fortuyn

by Stephen Cox

The media told us that Pim Fortuyn, the politician assassinated just prior to the Dutch election, was a "right-winger." None mentioned that he was an openly gay man who supported social tolerance and equal rights. Just what is going on in the Netherlands, anyway?

Tell me, what do the following people have in common: Maggie Thatcher, Clarence Thomas, Ayn Rand, Pim Fortuyn.

The answer is not (see below) that *all* these people are "right-wingers."

The answer is, these people all give the lie to the ruling (and often the only) political idea of the modern-liberal intelligentsia, the idea that they themselves are moral idealists tirelessly concerned with the welfare of such oppressed groups as poor people, women, "people of color," and gays.

If that's what really mattered most to them, then Clarence Thomas' rise from poverty to the nation's highest judicial bench would be a cause of pride and rejoicing, Margaret Thatcher's role as the most powerful woman of the twentieth century would evoke deep and respectful interest, and Ayn Rand's achievement as the most popular woman author of the century would merit devoted academic and critical study. Well, what a laugh, eh? To put it mildly, none of that ever happened. Thomas was smeared as a sexual harasser and porno hound, Thatcher was ridiculed as "Attila the Hen," Rand was ignored when possible and derided when necessary.

Why? You know why. Their politics weren't right. So there is something that's much, much, much more important than race, class, and gender to the race-class-gender merchants of the academic world and to the kind of media meisters who decree that every issue of their newspapers has to run at least one "positive" story about blacks, gays, and women. Did you know that newspapers have policies like that? Did you know how common those policies are? But only leftwingers need apply.

Now we have the case of Pim Fortuyn, the leader of Holland's second-largest and currently most influential political grouping. Fortuyn was assassinated on May 6. Fortuyn was openly gay. He was also a "far right-winger," according to the liberal media that bothered to report his death. It wasn't until two weeks afterward that I heard my first mention of it on national TV, and then it came from Fox News, "the right-wing outfit."

But Fortuyn wasn't right-wing.He just wasn't consistently left-wing. (If you want the scoop on this, go to www.indegayforum.org, and check out Paul Varnell's terrific reporting on the subject.) And that is enough to doom him to oblivion in the minds (and TV stations) of all those people who believe that the shooting of Harvey Milk, a left-wing gay who was a second-string San Francisco politician, is worthy of three pages.

No, I'm not running down Harvey Milk. And I'm certainly not running down gays. Quite the opposite. It's clear that the professional political friends of gays don't give a shit about them as gays, that is, as people defined by a sexual

identity, but only about them as they can be redefined by an imposed political identity. And that identity had better be the correct one.

It's worth asking, how did Pim Fortuyn get to be called "right-wing"? He did it by questioning *one* article of the modern-liberal political creed. He suggested that immigration of Muslims to Holland be diminished, because (imagine anyone saying this!) the Muslim political culture is an intolerant one.

This is not the place to determine to what degree, if any, a person's political culture ought to be held against him when he wants to migrate to another country. I can't resist saying, however, that libertarians who are pious on this point might ask themselves what they would recommend if a hostile foreign state decided to take advantage of America's tolerance for immigration by giving the patients in its mental institutions a one-way ticket to Miami. (By the way, this has actually happened.) Or do you think it would be worse to admit a million schizophrenics than to admit a million communists or theocrats? Of course, people have a right to be communists or theocrats, or even both. People also have a right to be schizophrenic. But what's your immigration policy? Hmmmm? It may not be the best policy simply to hope that if you admit enough immigrants who want to nationalize private property, put women in their place, stone adulterers, and castrate homosexuals, they will finally become so acculturated to a liberal society that they will give up on all their grossly illiberal ideas. Maybe they will, and maybe they won't. I'll put it bluntly: will you risk your balls on it?

How did Pim Fortuyn get to be called "right-wing"? He did it by questioning one article of the modern-liberal political creed. He suggested that immigration of Muslims to Holland be diminished, because the Muslim political culture is an intolerant one.

Before you write your letter of protest, please note the following. I am not promulgating a doctrine. I'm not even expressing an opinion. I am asking a question.

Obviously, the pressure-point in arguments about Fortuyn's views on immigration is the point at which people simultaneously realize, if they are capable of realizing anything, that Muslim political culture is, by and large, outrageously intolerant, and that many individual Muslims are much more tolerant than either you or I. All right, more tolerant than *I*. Have it your own way. But that's where the intellectual and moral issue lies. To address that issue in the way that Fortuyn addressed it should not be sufficient to get you shot, or to subject you to an automatic and near-unanimous smear campaign in the American press, starting within minutes of your death and ending only when the papers decide to let the whole thing drop as unimportant. After all, it's not just Muslim theocrats who are outrageously intolerant.

A note on Fortuyn's alleged assassin. Many people assume that you can have open immigration, so long as you're not maintaining a welfare state that, in effect, pays immigrants *not* to become acculturated. They may be right. I believe that that's what the welfare state has been doing in Holland, and I would be interested to know if Fortuyn ever considered dewelfarizing the nation, instead of forbidding immigration, as a way of dealing with the some of the uglier phenomena of cultural isolation. But not all the bad cultural artifacts of the welfare state can be associated with religious or national issues. Far from it!

The man accused of killing Fortuyn is usually described as an "animal-rights activist." That's true; he is. He is also a man who, according to one well-researched report, "lived on welfare" so he could work "full-time as an activist." The group he founded, a group appropriately entitled "Environment Offensive," was subsidized by the state to the tune of $250,000 between 1992 and 1998. The availability of political food stamps left the assassin with enough time on his hands to file "more than 2,000 lawsuits against farmers."

Clarence Thomas was smeared as a sexual harasser and porno hound, Maggie Thatcher was ridiculed as "Attila the Hen," Ayn Rand was ignored when possible and derided when necessary.

Is there a better illustration of how the modern-liberal state can go from bad to worse? ❑

Reflections, *from page 18*

dent that we need fundamental change in the way the United States manages sexual disputes. Other countries simply don't do it this way, with show trials and media shamefests that humiliate and abuse both victim and accused for psychiatric or interpersonal problems that could be simply resolved by counseling. The United States legal system has concocted a cure that is worse than the disease.

If you think the church has done a bad job of managing its priest scandal, wait till the legal system gets hold of it. — Sarah McCarthy

Stephen Jay Gould, R.I.P. — Stephen Jay Gould, the famous Harvard biologist and prolific science writer, died on May 20. Gould had just published his immense book *The Structure of Evolutionary Theory* before dying at 60 of lung cancer.

Gould's background included a strong liberal education which allowed him to write volumes of essays on a variety of fascinating subjects, making all sorts of connections between history, the humanities, and science. But although he was

continued on page 53

Vigilance

The First Amendment, Barney Fife, and Me

by Kenneth Prazak

You'd think that after 213 years, the meaning of "the right of the people to petition the government for a redress of grievances" would be pretty plain.

On May 3, I decided to go to the McHenry County Judicial Center in Woodstock to try my luck. (McHenry County is a Northwest collar county of Chicago, Woodstock the quintessential American town where *Groundhog Day* was filmed.) I began getting signatures on the sidewalk, in front of the building, not blocking any entrances or stopping any vehicular traffic. About 45 minutes later, a sheriff's deputy, Barney Fife in personality, Chief Wiggum in appearance, informed me that I couldn't proceed with what I was doing without a permit.

"Do you have a permit?"

"Yes. It's the First Amendment to the Constitution."

"No, you need a permit in order to solicit in front of the courthouse."

"I have all the permit I need. It's called the Constitution."

"If you don't cease right now, I'll have to arrest you for trespassing on government property."

Could he actually believe this shit? I mused.

"This is public property, sir — taxpayer-funded property. We pay your salary . . . in fact, you're a public servant — go get me a glass of water!" Well, no, I didn't really say that last line, but I thought it — a tip of the hat to George Carlin.

"You are on government property," he responded, "and you are trespassing. Leave, get a permit, or you'll be arrested."

"Well, if you arrest me, you'll be part of my lawsuit."

"All right, I'm talking to someone higher up."

Five minutes later he returned. "I talked to my supervisor and he says you need a permit. You have to go in fill out a form, and then they schedule you a day you can solicit."

"I'm not asking permission for a constitutional right. Don't you understand, if I ask permission, then it is privilege, not a right."

"You either go in and get your permit, or I'll have you arrested."

"Fine. Have me arrested then, because I'm standing up for my constitutional rights. Write my ticket. I could use the money. You will be a part of my lawsuit."

I continued to get signatures. In about 20 minutes, the Woodstock Police drove up. The officer got out of his car, and I said,

"Hi, how are you doing, sir?"

"Fine. How are you?"

We kept all niceties at a professional level and he finally said, "Look, I don't want to arrest you. Why don't you just get that permit?" I explained to him one more time that I have a constitutional right and I wouldn't be vigilant of that right if I asked for a permit. I cautioned him that he was the first line of defense for both law and justice. He agreed with that. I added, in as nonthreatening a manner as possible, that I would sue whoever was involved with the arrest. He asked me for identification. I told him my wallet was in my truck. He seemed perplexed and astounded that I had no identification on me personally. So he started asking all sorts of personal identification questions, apparently to match up a driver's license and I complied, figuring I may as well be cooperative. By the time he asked what color were my eyes, "Hazel?" I asked him whether I was under arrest. He said

no, he didn't want to "go that far."

He then asked me just to go in, get the permit, and "you can get back to petitioning." I relented, and said, well, if the permit process is a mere formality, and I can come right back out and petition, then I would do it.

Chief Wiggum brought me into the Judicial Center Supervisor after first going through that now very American activity, the metal detection search. The supervisor brought out the petition. I said, "If I fill this out, will I be able to go right out again and petition?"

He said, "No, that it would have to be set up for a future day." I explained that that was unacceptable and requoted the First Amendment emphasizing the fact that Congress can't even "abridge" First Amendment activities. He said they have rules and procedures and that I must abide by them. I explained that his rules and procedures are null and void if they run contrary to the Constitution.

"Whatever the McHenry County Board sets as policy," he said, "I must follow." "So that means, if the board told you to go out and kill Jews, then you'd kill Jews?" This seems to have gotten him angry. He threatened me with arrest for trespassing. Astounded, I reminded him that he invited me in there. "Well you're raising your voice . . . " "Is it now against the law to raise one's voice?" I inquired. So he said he was going to arrest me for "disturbing the peace." I turned around and left the office, after commenting to the supervisor that I wasn't calling him a Nazi, but asking him whether he would follow the rules if doing so violated his conscience. He restated that he must follow the rules.

Having exhausted my attempt to reach a human being instead of an automaton, I went back outside in front of the judicial center and explained to the police officer what had happened. I explained that I was fearful that our country was moving toward a police state. He agreed with me. I added that I felt that someone needed to be vigilant for the freedoms for which our Founding Fathers pledged their lives, fortunes, and sacred honor. And that I needed to draw the line somewhere and this was a good place to draw the line. He was starting to understand that I wasn't going to budge.

By then another police officer had arrived, just as professional as the first. He said that he didn't want to arrest me, and that they were going to work this out.

I continued getting signatures. Barney Fife said, for the umpteenth time, that I was going to be arrested. The first police officer asked the deputy whether he would be willing to actually go to court on this and ride the whole case out. The Deputy hesitated and then said he would go inside and find someone who would. Five minutes later four more officials came out. I went through the same routine, "First Amendment . . . right, not privilege . . . abridging free speech." I also mused, "Do you really think Thomas Jefferson would have asked permission for any of this sort of thing?"

They went into a huddle. Then the first police officer came up with an idea. Well, if I were going to be arrested, then he better make sure that the State's Attorney's office would be willing to prosecute the case. So those who huddled went back inside, and the police officer went to talk to someone in the State's Attorney's office.

"Look, I don't want to arrest you. Do you have a permit?"

"Yes. It's the First Amendment to the Constitution."

I continued to chat with the other police officer. We waited 15 more minutes. The first police officer came back out with the other four officials. They huddled for a bit, then the officer walked back to me with his thumb up. The State's Attorney had decided that as long as I didn't pass out any handbills I was within my rights and could stay.

So the police officers finally left. An hour later a reporter from a local newspaper (the *Northwest Herald*) approached me. He said that he had seen my whole incident and was astounded that they wanted to arrest me for practicing my First Amendment rights. He took my name, asked me a few questions for the apparent reason of running an article on my experience.

An hour later, another sheriff's deputy came to me while walking back to the building from his car after lunch break and said he was interested in the Libertarian Party. Did I have any handbills he could look at? Well, I told him what the agreement had been and that he could be setting me up. He said that he didn't want to get me into any trouble. So I said, if you want to steal one from my back pocket, that's up to you.

He took one and walked back in the building. Towards the end of the day, another Woodstock police officer signed my petition. ❑

Unexpected Discovery, *from page 22*

much simpler and cheaper.

Another side to this is that there are quite a number of people who find such contacts unwelcome. A friend of mine was called, in her twenties, by her biological father, who had moved out of her life when she was an infant. She loves her adoptive father and was distinctly displeased that her biological father should presume that she wanted to be reminded of his existence. Biological relatedness does not give you the right to intrude into another person's life.

Finally, I'm impressed by the fact that some projects, which seem almost foredoomed, if analyzed methodically, turn out to be child's play. I now realize that I had all the information I needed to look for my mother, with very little expenditure of time or money and with a high likelihood of success. I knew her maiden name was Allkins. I knew enough to figure out (though I didn't) that she must have had family in London. I assumed that because Allkins is a very ordinary-sounding English name, it must be fairly common, but actually it turns out to be a northern English name and quite rare in London. I could have simply called every Allkins in the London phone directories, and would quite likely, within a few minutes, have contacted someone who knew her. The world is filled with opportunities, all just crying out to be missed. ❑

The Chief and His Ethnic Buddies

by William R. Tonso

Chief Illiniwek and his braves are safe from the cavalry these days. But they are not safe from the warriors of political correctness.

Bright sunshine, blue skies, and autumn leaves. Parts of that picture-perfect football Saturday some 40 years ago are etched in my memory. The large and enthusiastic crowd in that Big Ten stadium. The gray-clad block of cadets from the United States Military Academy in the stands across the way, whose team provided the opposition. The cadets who performed spectacular trick-riding stunts on their mules during the half. And the half-time performance by the host school's marching band. As the band approached midfield it launched into a stylized Indian rhythm long associated with its university, and a figure attired in a Plains Indian costume, gorgeous feathered headdress and all, exploded from its ranks performing a stylized Indian dance. The crowd roared and the school spirit was palpable. I was impressed. It was my introduction to Chief Illiniwek, then just the mascot of the University of Illinois' athletic teams called the "Fighting Illini."

For several years now, the Chief has ceased to be just an athletic mascot. He has become the focal point of a controversy between those who, as an Associated Press story put it, "say the mascot honors Native Americans and critics who call the mascot racist and demeaning." Of course, the "Native American" mascot issue goes far beyond Chief Illiniwek. The Washington Redskins football team has recently come under fire for its nickname, the fans of the Atlanta Braves have long been criticized for their tomahawk chop, and, according to Bill Press, the liberal co-host of CNN's *Crossfire,* some 600 schools across the country, up through the university level, have replaced their "Native American" athletic nicknames with less controversial names. Recently, the members of a mostly "Native American" intramural basketball team at the University of Northern Colorado made national headlines by naming their team "The Fighting Whities" (sic) in reaction to the "American Indian caricature" appearing in the logo of a local high school team.

The "Native American" mascot issue is grounded in emotion and defies rational examination, but I'm going to try to examine it rationally anyway, after telling a little about myself and why I'm interested in the whole business. I'm a retired non-politically correct sociology professor, and for 28 years of my 29-year career I taught, among other subjects, minority and ethnic group relations. I see both race and ethnicity as social constructions, and I've long been fascinated by these phenomena, probably because of my own Italian-American roots, of which I'm very proud. My family and their neighbors were even harassed by the Ku Klux Klan back in the 1920s, a few years before I was born in 1933. To make things even more interesting, my family background is

not only not Catholic but not religious at all, and I well remember the automatic McCarthyite assumption that atheism and communism always go hand-in-hand. I didn't appreciate the widespread questioning of the loyalty of the non-religious in those days. And I have blue eyes, my hair was blond when I was young and had more of it, and I was a slender 6' 1" tall by the time I was a sophomore in high school, therefore, I don't fit the standard Italian stereotype, which isn't based on north Italians. So I've occasionally overheard unflattering comments about Italians from people unaware of my ethnicity.

I say all this for a reason. While as a sociologist I've always felt obligated to take a detached, analytical approach to ethnicity and race, as a private citizen who knows ethnicity from the inside and is very familiar with the histories of various ethnic and racial minorities, I can and do empathize and sympathize with them. *But I really get steamed when school and other teams give in to political correctness and change their "Native-American" related names to something else!* This little outburst has been brought to you courtesy of the private citizen me, not the detached sociologist me. Okay, now back to the rational examination.

I was born and raised in the far south of Illinois, and I'm as proud of my roots there as I am of my north-Italian heritage. I didn't attend the University of Illinois, but I did get up to Champaign-Urbana to see the game I've mentioned and another, against Indiana, in the early 1960s. I have a number of reservations about big-time college sports, but Chief Illiniwek's performance was very memorable for me. Yes, I know that no Illinois tribes wore eagle-feather bonnets, and that nothing about his costume is Illini authentic. But the Chief certainly wasn't mocking "Native Americans," and neither were the fans who roared their approval of his performance. What I saw in the fan reaction to his efforts was tremendous pride in this symbol of their team and the university it represents. And the very name of that university and its state is a French corruption of the Algonquin name (meaning superior men) of the "Native-American" confederation that once inhabited its region. States and communities from coast to coast carry "Native American" names — Peoria, Wichita, Miami, Delaware.

I received three degrees from Southern Illinois University in Carbondale between 1955 and 1976. When I entered SIU in 1951, our athletic teams were called the Maroons, after our school colors of maroon and white. Shortly thereafter that nickname was changed to the Salukis. A saluki is a very fast hunting dog that looks like a long-haired greyhound, and since it appears on the walls of Egyptian tombs dating back to 3500 B.C., it can probably lay claim to being the oldest pure breed of canine. Those who selected this name surely thought it particularly appropriate not only because the swiftness symbolized by this animal would be a welcome attribute for most types of sports teams, but because the southern third of Illinois has long been known as Little Egypt. Story has it that some time during the first half of the 19th century, a crop failure in the northern part of the state combined with a bountiful harvest in the south of Illinois left the latter area the granary of the state and it came to be associated with the Egypt of biblical times. At any rate Little Egypt has a number of towns with old Egypt names — Cairo (pronounced Karo, like the syrup, locally), Thebes, Karnak, and Dongola — and numerous businesses that incorporate Egypt, Egyptian, or pyramid in their names. In selecting the Saluki nickname, therefore, it should be obvious that no one was mocking salukis, Egypt, or Little Egypt.

The Fighting Irish of Notre Dame is a proud if stereotypical ethnic nickname if there ever was one.

Certainly, as was made clear at the time, Salukis was also selected because it's a very distinctive name, and SIU was a small but growing university trying to attract national attention in sports and otherwise. In 1967, when SIU, then still a "small college" basketball power, was invited to play in the still prestigious "major college" National Invitational Tournament, which it ended up winning, an Eastern sportswriter wrote:

> Princeton has its Tiger; B.C. has its Eagle.
> Rutgers has its Queensmen, a title truly regal
> But from frigid New York City to Kentucky's old Paduchee
> There's just one burning question — what the hell is a Saluki?

When schools have gone to animals for nicknames, they've generally been more conventional. Along with Princeton, countless other teams across the country from Little League to the pros, including my old Herrin Township High School teams, have long been called the Tigers. I'd be willing to bet that this name was selected because tigers are strong, fierce beasts capable of making short work of lesser creatures — and so it goes with panthers, cougars, wildcats, lions, bears, bruins, wolverines, lobos, wolves, huskies, bulldogs, razorbacks, longhorns, hawks, falcons, eagles, owls, and no telling how many others. Again these are attributes coveted by sports teams, as is the attribute associated with devils — troublesomeness. Duke has its Blue Devils, and our teams at Lincoln School, my grade school, were called the Red Devils. A few years back that name was protested, but not by people who felt that devils were being belittled. Some fundamentalists in town were apparently concerned that rooting for the Red Devils was a form of devil worship.

The teams of the University of Evansville, where I did my sociology professing, are called the Purple Aces, and their mascot is a riverboat gambler, Ace Purple. Evansville is located on the Ohio River in far southwestern Indiana, hence the appropriateness of the riverboat connection. And what

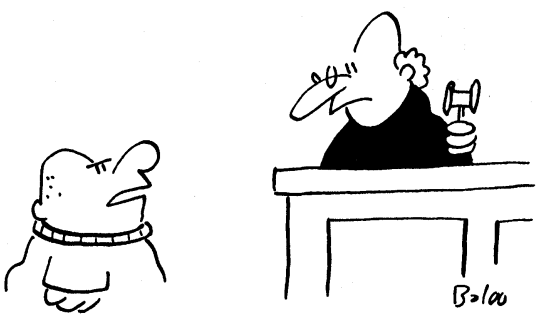

"I've been convicted in better courts than *this*!"

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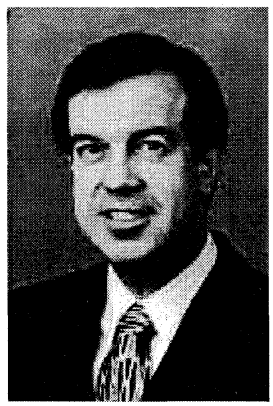

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athletic team wouldn't relish the reputation of being slick and tricky and, like Ace Purple, being able to take opponents to the cleaners? Most people nicknames and mascots symbolize toughness, strength, bravery, honor, ferocity, endurance, perseverance, or other admired, or at least, once-admired, traits — Vikings, Norsemen, Irish, Highlanders, Trojans, Spartans, Knights, Buccaneers, Pirates, Cowboys, 49ers, Rangers, Raiders, Leathernecks, and so on. Surely the Naval Academy isn't mocking Midshipmen, and schools such as Indiana, Oklahoma, Tennessee, Nebraska, and West Virginia aren't mocking the residents of their respective states when they use their nicknames — Hoosiers, Sooners, Volunteers, Cornhuskers, or Mountaineers — as their team nicknames. My point, of course, is that the nicknames and mascots of athletic teams, even based, as they generally are, on stereotypes, aren't selected to degrade in any way the animals or peoples chosen.

While those who claim that "Native American" names have been chosen for athletic teams to honor these earlier-arriving Americans (they originated elsewhere and came in ethnic waves like the rest of us — that's why I'm using quotation marks), I suspect that's a self-serving explanation aimed at disarming the charges of the politically correct. I doubt that anyone has ever popped up in a nickname-selecting committee meeting with "I've got it! Let's call 'em Indians in honor of Native Americans!" Yet the selection of "Native American" nicknames and mascots would certainly indicate that the selectors associated some admirable traits with the people chosen — Illini, Seminoles, Hurons, Chippewas, Warriors, Braves, or simply Indians or even Redskins. Why would the reasoning behind such selections be any different than that behind the selection of Eagles or Vikings?

The Irish, in this country and at home, have a well-deserved reputation for being pugnacious, and in the past many Irishmen served as mercenary soldiers around the world. Hence the Fighting Irish of Notre Dame, a proud if stereotypical ethnic nickname if there ever was one, even though Irish pugnaciousness hasn't always been appreciated in this country. But fighting for victory is what athletic teams are expected to do, and I suspect that's the main reason "Fighting" precedes "Irish" in this nickname. In this context, pugnaciousness is another *desired* attribute. Only the thinnest-skinned Irish would get upset by the Fighting Irish nickname, and I suspect that most are proud of it. In fact, according to David Nemec's *Great Baseball Feats, Facts & Firsts,* because it had so many Irish players, from 1912 to 1914 one American League baseball team was called the Molly McGuires. Though Nemec doesn't elaborate on the name, the Molly McGuires was a secret organization of Irish miners who used terrorist tactics against the coal companies in reaction to the oppressive living and working conditions in the Pennsylvania coal fields of the 1870s. That team later became the Cleveland Indians, a name some claim was selected to honor a "Native American" player for the Cleveland Spiders back in 1890.

While not all "Native Americans" were warlike, many were quite fierce — the Sioux, Comanche, Apache, Iroquois, etc. — and lived to fight, taking over each other's turf long before the mass arrival of Europeans. And far from fitting the image of the Noble Savage portrayed in Hollywood's *Dances With Wolves* (1990) and much of our recent popular culture, many of these peoples could be fiendishly cruel to those they captured. See Hollywood's *Ulzana's Raid* (1972) as a popular-cultural balance to *Dances With Wolves.*

Incidentally, according to Nemec, the name of the National League baseball team now based in Atlanta but that originated in Boston, the Braves, was selected in 1912 "because owner Jim Gaffeny was a Tammany Hall chieftain." Say what?! Well, anyway, it had nothing to do with "Native Americans." The convoluted ways that many major league baseball teams got their names is intriguing. Detroit was once the Wolverines, Michigan's state animal, but a local sports writer started calling them the Tigers when he "noticed that the blue-and-orange-striped stockings worn by the 1901 club resembled Princeton's colors." Pittsburgh became the Pirates when the club "pirated" a star player from another team. Houston became the Astros in 1965 when the team started playing in the Astrodome. Nemec notes that they had previously been the Colt 45s. He doesn't mention that in today's world a team named after a gun would be less than politically correct.

Many people, me included, would become righteously indignant about teams named the Dumb Dagos (or Wops, or Polacks), the Sneaky Kikes, or the Lazy Nigras (not to mention the other n-word that can no longer even be quoted). The very fact that no serious school or professional team has chosen such a name, even in the politically incorrect past, tells us that those who select team names aren't trying to belittle their teams or the people or creatures chosen to symbolically represent them.

Their ancestors put up a hell of a fight against our fighting whitey ancestors, and they have reason to be proud of them.

In these oh-so-sensitive times, the point will be lost on those who see racism and victims everywhere, and go ballistic over the use of insensitive words like "niggardly." *It means stingy or miserly, ignoramuses!* (Oops! Another outburst.) I sympathize with racial and ethnic minorities that are being oppressed, but not with those ethnics under the influence of guilt-ridden white liberals who feel put upon because their people are being associated with admirable traits through sports mascots and nicknames, or at least with traits that were once considered admirable before the dawn of our wimp era. According to a poll of "Native Americans" cited on a recent *Crossfire,* some 80% of them approved of "Native American" team nicknames. Their ancestors put up a hell of a fight against our fighting whitey ancestors, and they have reason to be proud of them. Eastern Michigan's teams were once called the Hurons, and those of Marquette were called the Warriors. Now they are, respectively, the Eagles and the Golden Eagles. But Central Michigan's teams are still the Chippewas, Bradley's the Braves, Utah's the Utes, and Florida State's the Seminoles. Long may they and others live along with the *Fighting* Illini and Chief Illiniwek! Yeh, another outburst. *Live with it!* ❑

I Get Carjacked

by T. G. Burke

Where is your gun when you need it?

I checked my rearview mirror as I stopped at the red light. The two older model cars, racing side-by-side up behind me, tickled my inner alarm. Was this trouble or was I just overly sensitive in a town famous for its carjackings? Maybe the Chrysler Concorde I had rented at Miami International had proved too tempting for some of the local predators. It was just sundown on our first day in Florida and already we appeared to be in trouble.

My wife, Sharon, and I had flown in from Indiana to visit friends in Miami — then on to Key West for a week of hard-earned fun in the sun. Our flight landed at 3:05 p.m. We picked up the rental car and were on our way out of the parking lot by four. Thinking I might like to own one, I had reserved a Dodge Intrepid to make an extended test drive. None were available when we arrived, so to make up for the inconvenience the rental company offered me a sleek black Concorde LXI for the same price.

What the heck! The Concorde and the Intrepid have the same chassis and engines. The locals claim to have cleaned up their world-renowned carjacking problem. Rental cars have been cleansed of all advertising and big "sun" signs mark the tourist routes.

We went to our friend Mary Ann's house in southwest Miami. After a nap and a couple of hours of catching up, Sharon, Mary Ann, her eldest son Abraham, and I all loaded up in the Chrysler. We headed for my favorite barbecue place on U.S. 41 at the edge of the Everglades. A couple of hours of good chicken and ribs later and we were headed back into Miami at sundown with a warm satisfied feeling.

I didn't notice them until I turned left onto Coral Way headed towards S.W. 87th. Approaching the red light — this was probably the first light I had stopped at since leaving the restaurant — I checked the mirrors and saw the two cars. The light at which I had turned had not changed yet so they had to have been following me before I turned. As I watched, the car in the left lane stopped beside the car behind me. There was no vehicle beside me. The car behind me eased forward to bump the rear of my car. I let off my brakes and he missed. He tried again. I let off the brakes again but I wasn't quick enough this time — though it was just a light bump.

"He hit us," Mary Ann yelled, "I don't believe this!"

"That's not all they're going to do," I answered.

A hand snaked out of the front passenger window of the car off my left, rear fender. It pointed to the other car then at us. Instructions I couldn't understand were shouted. The car behind me tried to bump me a third time and I decided it was time to run. Luckily, as I gave the Chrysler its head, the light turned green. A quick right at the last minute left them still going east on Coral Way as I sped away south on a side-street. After a few seconds I slowed, turned around, and continued my original course on Coral Way in case they decided to circle. I never saw them again.

My heart was thumping pretty hard. My surgeon's bypasses were still working. I should have been more calm. I usually carry a legally concealed firearm. I have invested time and money to get a permit in Indiana and a permit in Florida and I have been checked out by the Evansville Police, the Indiana State Police, the Florida State Police, and the FBI in both states. I practice regularly and I have used a firearm before to protect myself, though never having to fire it for that purpose. I should have been confident in my ability to protect my friends and family should the need arise. I should

have!

But all the practice, the police checks, the finger printings — and my constitutional rights — had been nullified by a ticket agent in Evansville who decided to make up his own rules. There had been at least four bad guys in those cars and all I had with me was a Florida concealed carry permit and a collapsible baton. My firearm was locked up in the security office at Evansville Regional Airport.

Several weeks before our vacation I had called the airline to get information on how to carry a firearm on the plane. I was told all firearms must go in checked baggage. When checking a firearm the customer must present the firearm unloaded and sign a "Firearms Unloaded" declaration and ensure that "small arms ammunition (eleven pounds or less) is packed in the manufacturers original packaging, or fiber, wood or metal boxes, or other packagings specifically designed to carry small amounts of ammunition. Firearms must be packed in a crush-proof type container manufactured specifically for the firearm in question, or a hard-sided suitcase. The container and/or hard-sided suitcase must either have a key lock or a combination lock."

All the practice, the police checks, the finger printings — and my constitutional rights — had been nullified by a ticket agent in Evansville who decided to make up his own rules.

We were dropped off in front of the airport by a friend and arrived at the ticket counter Sunday morning 90 minutes before our flight. I presented the agent with my ticket and told her I had an unloaded firearm in my baggage. She brought a supervisor over to the counter and the first thing out of his mouth was, "The ammunition has to be in a full, sealed, factory container, and the firearm and ammunition have to be in separate suitcases."

How could I comply with a brand new set of rules, for which I was not prepared? The people I had talked to on the phone hadn't said anything about separate suitcases. I only had one suitcase and my carry-on.

I had unloaded my firearm and placed the ammunition back in the factory container. How could I reseal the container? Should I throw my ammunition away? If I bought new ammunition in Miami and loaded my firearm was I going to have to throw that ammunition away before I could return? I fell back on the standard curse of bureaucratic nonsense.

"Do you have anything in writing?"

While he spent the next 40 minutes looking for something in writing, I walked over to the security officer who had been watching all this with a puzzled look. He didn't know what the problem was either, but, yes I could keep my firearm, ammunition and equipment in the security office until we returned from Florida if we couldn't resolve this.

As our flight time crept closer the supervisor finally returned with a computer printout and read the same information I had been given on the phone.

Sharon said, "Wait a minute! That's not what you told us. May I see that?"

"No," he said, pulling the paper back, "You can't see this!"

Well, that did it for me. I handed him the container of ammunition and told him to dispose of it.

He said. "Just put the ammunition in your carry-on."

What little hair I have left on my head stood on end. "Say what?"

The security officer, who during the last few minutes of conversation had sidled over next to us said, "He can't carry ammunition onto the plane! "

Supervisor, "Yes he can!"

Me, "That's it!"

I handed all my gear, ammunition, and my firearm to the security officer and asked him to keep it for me until I got back in a week. There was no telling what the supervisor had planned for me just because I had asked him to double-check his regulations.

As I took my baggage claim and headed for the security checkpoint, the security officer told me something I already knew. "It you run a bag with ammunition through security you'll be standing over there waiting for the sheriff while your plane is on its way to Cincinnati."

After I returned from Miami, I called the local manager of the airline and politely stated my complaint. A month and several conversations later, he tells me the supervisor has been retrained and he has used my case as a training tool with his ticket agents to make sure this doesn't happen to anyone else.

Just recently, I called the same airline's 800 number in Cincinnati to ask what I needed to do to carry a firearm on a domestic flight. I got the same information I got from the original phone call. Then I ask if firearm and ammunition had to be in separate suitcases. I got 20 minutes on hold. Then I was told that "the person who knows that information is out to lunch," and offered a helpful suggestion that I email my request to customer relations on the Internet.

We had a nice vacation in Key West and since we lived through it we have an exciting story to tell about Miami. I am not mad at the thugs in Miami. I know this danger and can prepare for it if the powers that be will let me. I am not even mad at the ticket agent — now. He was just some guy with a little power and a chip on his shoulder.

The car behind me eased forward to bump the rear of my car. I let off my brakes and he missed. He tried again. I let off the brakes again but I wasn't quick enough this time.

I am upset with the people in our state capitals and the people in Washington, D.C. who pass the laws that infringe, and allow others to infringe, on our rights. I am upset with politicians who pass conflicting laws, bureaucrats who make up regulations the average Joe cannot find or cannot understand, and the big corporations that do the dirty work by making up rules they do not have to post for everyone to see.

Most law-abiding citizens will do what I did in a situation like that. I "voluntarily" gave up my rights. That's the crime. ❑

"Liberty and Union, Now and Forever"

by Timothy Sandefur

From H. L. Mencken to Murray Rothbard, libertarians have sided with the Confederacy. This is a big mistake: it was Lincoln and the Union that were the true defenders of freedom.

It seems that libertarians will never stop fighting the Civil War. In "The Economic Roots of the Civil War" (*Liberty*, October 2001), Donald Miller advances some of the favorite arguments of today's Southern partisans, making the case that the South had the right to secede, and that the North's triumph was an instance of might conquering right. I know these arguments well; there was a time when I found them convincing myself. They bear some resemblance to libertarianism, and it is safe to say that a majority of libertarians agree with Walter Williams, Jeffrey Rogers Hummel, Murray Rothbard, and others who have taken up the banner of the South. Unfortunately, that resemblance cannot stand up to searching examination, at least, not while maintaining a consistent belief in liberty. To understand why, it's necessary to review a little history and a little constitutionalism.

As with all wars, there were probably as many reasons for fighting the Civil War as there were men who fought in it, but a number of the more important reasons can be identified. One of them was the so-called "tariff of abominations"; another, more important cause was the Nullification Crisis, sparked by Southern reaction to that tariff. But the most important cause was the question of the Western territories. As new states were being carved out of the West, the dominant question in national politics was whether these new states should be free states or slave states. The Senate was comprised of exactly as many senators from slave states as from free states, which effectively blocked any attempt to interfere with slavery by law. But this balance was a delicate one, and the South knew it. If the territories were admitted as *free* states, that balance would eventually topple, and Congress could then interfere with the "peculiar institution."

This was the reason behind the various compromises over matters such as the admission of Missouri in 1820 or of California in 1850. These deals were carefully designed, not to abolish slavery or to perpetuate it, but to put off having to deal with it at all. The desire to avoid the uncomfortable topic reached such a fever that the House of Representatives even wrote a standing rule of procedure prohibiting congressmen from introducing into Congress any petition by citizens asking for the abolition of slavery or the slave trade.

But in all of this, the prime question was, Can Congress prohibit slavery in the territories? The Southerners insisted it could not; Northern compromisers like Stephen Douglas argued that the residents of those territories should decide for themselves. The Constitution, on the other hand, was clear: the Congress *could* prohibit slavery in the territories. It explicitly grants Congress power to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Nevertheless, in *Dred Scott* v. *Sanford*, the Supreme Court decided that no, Congress could not prohibit slavery in the Western territories, or indeed anywhere. Opponents of slavery saw immediately what that meant: a "one-way ratchet" permitting the spread,

but not the restriction, of slavery. Slavery and its component institutions — suppression of freedom of speech and personal association, for instance — would spread west, and gradually the slave power would dominate the nation. This is what Lincoln meant when he warned that America would inevitably become all one thing, or all the other.

This question of slavery in the West sparked the famous Lincoln-Douglas debates. Douglas argued that the people in the West should decide for themselves whether to permit slavery or not: he called this "popular sovereignty." But Lincoln insisted that the people in the territories had no right to make such a decision, and his reasoning was the same as that of John Locke, two centuries before: *all men are created equal.*

Equality occupies the fundamental place in Locke's theory. In his *Second Treatise of Civil Government*, Locke argued that each individual was created by God, and entrusted by God with the guidance of his own life. Each person therefore owned himself (in life estate), and did not belong to any other individual. This was not original with Locke. A few decades before the *Second Treatise*, John Milton had put it this way:

> [God] gave us only over beast, fish, fowl
> Dominion absolute; that right we hold
> By his donation; but man over men
> He made not Lord; such title to himself
> Reserving, human left from human free.

Since each individual owns himself, and is not the natural ruler of any other, then each individual equally has the right to government by consent. After all, if the individual were

In Dred Scott, *the Supreme Court decided that Congress could not prohibit slavery in the West, or indeed anywhere. Opponents of slavery saw what that meant: a "one-way ratchet" permitting the spread, but not the restriction, of slavery.*

the natural property of another, he would have no right to have a say in how he is governed. It is only if all men are created free and equal that they have the right to have any voice in — let alone, a right to create — a government.

Because each individual has the right to defend himself in the state of nature, Locke argued, the individual who enters into society can cede that right to the state, and create a society in which the government's responsibility is to protect those equal, individual rights. Man's right to create government is therefore a form of the right to self-defense. But the state cannot therefore have any rights superior to those of the individuals who created it, because

> The Reason why Men enter into Society, is the preservation of their Property [by which Locke means life, liberty, estate, opinions, and so forth]; and the end why they chuse and authorize a Legislat[ure] is, that there may be Laws made, and Rules set as Guards and Fences to the Properties of all the Members of the Society, to limit the Power, and moderate the Dominion of every Part and Member of the Society. For since it can never be supposed to be the Will of the Society that the Legislat[ure] should have a Power to destroy that, which every one designs to secure, by entering into Society, and for which the People submitted themselves to the Legislators of their own making, whenever the Legislators endeavour to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, against Force and Violence.

In other words, government is created as a form of collective self-defense. But if government turns and begins to violate the rights of the governed, the people have the right to defend themselves against the government — *i.e.*, to rebel. Thomas Jefferson shortened this down to a beautiful *précis*:

Douglas was arguing for "popular sovereignty," which held that the people of the western territories had the right to decide for themselves whether they wanted slavery. Lincoln denied that the people had such a right.

> We hold these Truths to be self-evident, that all Men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new government.

Notice the logical order: because all men are created equal — with no individual the natural ruler of another — and because they are created with *inalienable* rights, they consequently have the right to create a government to protect those rights. And that government will be legitimate only insofar as it is based on that equal consent. If government violates those rights, the people have the right to defend themselves, through an act of revolution.

Thus the Declaration explicitly limits the right of revolution. Only when a government "becomes destructive of these Ends," can it be "the Right of the People to alter or to abolish it."

> Prudence indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer while Evils are sufferable than to right themselves by abolishing the Forms to which they have become accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government.

According to the Declaration of Independence, revolution is justified only as a form of self-defense against rulers who have engaged in a train of abuses and usurpations against those individual rights which just governments protect. This alone distinguishes an act of revolution from a mere criminal conspiracy. After all, what is the difference between a group

of men in Philadelphia in 1776 declaring themselves no longer subject to the laws of the English monarch, and a group of men in Chicago in 1920 declaring themselves no longer subject to the laws of the United States? Only this: that the laws which the Founders rebelled against violated the rights of the people who could defend themselves through revolution; while the laws against murder and robbery from which Al Capone might declare himself immune, were laws which *protected* those rights.

Thus we might sum up the error of the defenders of the South with a single statement from Jeffrey Rogers Hummel: "[A]s a revolutionary right," he says, "the legitimacy of secession is universal and unconditional. That at least is how the Declaration of Independence reads." The Declaration actually says exactly the opposite: only *a defense of individual rights* will justify an act of revolution.

This is why — contrary to today's defenders of the South — the leaders of the Southern cause in the 1860s did not base their arguments on the Declaration of Independence, and in fact explicitly denounced it. "There is not a word of truth in it," said John C. Calhoun. The principle that all men are created equal, he said, was "inserted into our Declaration of Independence without any necessity. It made no necessary part of our justification for separating from the parent country, and declaring ourselves independent." Others went further. Sen. Pettit of Indiana declared it a "self-evident lie." Gov. Hammond of South Carolina — who had once said "Slavery is the greatest of all the great blessings which a kind Providence has ever bestowed upon our glorious region" — denounced the "much-lauded by nowhere accredited dogma of Mr. Jefferson that all men are created equal." Contrary, then, to the oft-repeated claim that the Civil War was not about slavery, the question of slavery answers *the essential question* which determines whether secession in 1860 was an act of revolution or a criminal conspiracy. The Confederates themselves saw this clearly. That is why Alexander Stephens, vice president of the Confederacy, said that "Our new government is founded . . . upon the great truth that the Negro is not the equal to the white man. That slavery . . . the subordination to the superior race, is his natural and normal condition."

The Constitution of 1787 was not a treaty among the states, but an expression of the sovereignty by the American people; the people in states, but not as states.

The view that government was justified only insofar as it protected individual rights was anathema to the South and to its defenders. The distinction came down to the fundamental distinction which to this day differentiates libertarianism from all other political theories. These other theories believe in a fundamental right to govern other individuals, regardless of their consent. Philosophers of this sort, for instance Robert Bork, believe that they have a fundamental right to tell others how to live their lives, and when one suggests that they do not, they are furious and indignant; they feel that *their* rights have been violated. On the other hand, Locke and his modern descendants, libertarians, hold that the individual has the right to live free, without outside interference from kings or from majorities, so long as he does not interfere with the equal right of others to do the same. As Lincoln summed it up:

> We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name — liberty. And it follows that each of the things is, by the respective parties, called by two different and incompatible names — liberty and tyranny. The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a liberator, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one. Plainly the sheep and the wolf are not agreed upon a definition of the word liberty.

In the Lincoln-Douglas debates of 1858, Douglas took the wolf's position, and Lincoln took the sheep's.

Douglas was arguing for what he called "popular sovereignty," which held that the people of the western territories had the right to decide for themselves whether they wanted to create state constitutions with slavery, or without it. Lincoln denied that the people had such a right, particularly because it ignored the views of one large portion of "the people" — i.e., the prospective slaves. He based his position explicitly on the Declaration of Independence. Douglas insisted that the Declaration's phrase, "all men are created equal" referred only to whites: "[Lincoln] believes that the Almighty made the Negro equal to the white man," Douglas said. "He thinks that the Negro is his brother. I do not think that the Negro is any kin of mine at all."

> And here is the difference between us. I believe that the Declaration of Independence, in the words "all men are created equal" was intended to allude only to the people of the United States, to men of European birth or descent, being white men, that they were created equal, and hence that Great Britain had no right to deprive them of their political and religious privileges; but the signers of that paper did not

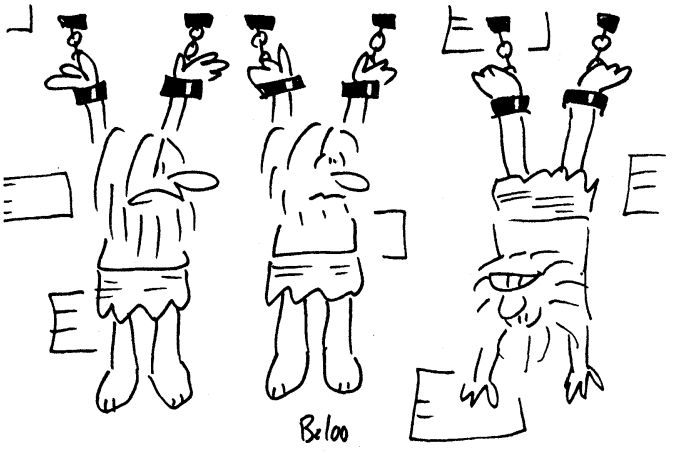

"See? — there's always somebody worse off than you are."

intend to include the Indian or the Negro in that declaration, for if they had, would they not have been bound to abolish slavery in every state and colony from that day?

Douglas made no apologies. "The Constitution of the U.S.," he said, "was framed by the white people, it ought to be administered by them, leaving each state to make such regulations concerning the Negro as it chooses, allowing him political rights or not as it chooses, and allowing him civil rights or not as it may determine for itself." Note the contrast between Douglas' view and Locke's: to Douglas, society is the source of rights; to him, "the people" have an inherent right to govern, and may determine how far they will allow individuals to have rights, so long as it is convenient to society to do so.

Lincoln disagreed. He believed that in a territory where slavery did not yet exist, the people had no justifiable right to create a slave society. "Douglas," said Lincoln, "with bitter irony and sarcasm, paraphrases our argument by saying: 'The white people of Nebraska are good enough to govern themselves, but they are not good enough to govern a few miserable Negroes!!' Well, I doubt not that the people of Nebraska are, and will continue to be, so good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other's consent*."

Why do libertarians defend the cause of an awful tyranny like the Confederacy?

> [T]here is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects — certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, *he is my equal, and the equal of Judge Douglas, and the equal of every other man.*

Lincoln's view, like Jefferson's, descended directly from John Locke: because the black man and the white man were fundamentally equal, they both had the right to government by consent, and no individual had the right to vote another individual into slavery. To Lincoln, therefore, a society with slavery was inherently illegitimate. It was a society not of right, but of force, and contrary to the principles of equality which were the foundation of the right to create a society in the first place. Without that equal consent, government was instead a criminal conspiracy to destroy or enslave the individual — which Locke specifically said was unjust.

This divide between the wolf and the sheep is important to understanding the division that today still remains over the question of the Civil War. Did the Southern states have the fundamental right to govern themselves, or did that right to self-government necessarily rest on a more fundamental right, which, when violated, also vitiated the alleged right to self-government — namely, the right of each person to self-ownership? Could one create a government based not on equality, but on slavery? Was there a right to create a government in which well over half of the population had no say, no right to life, liberty, or property — in which they indeed *were* property? Put more simply, the question of the Civil War is, *was the Declaration of Independence true or false?*

This is why the Southerners felt called upon to dodge or denounce the Declaration. It held that an act of revolution, to be justified, must be an act of self-defense: a defense of the individual rights of the people who were rebelling. But the Southerners, of course, could point to no such violation of their rights. The tariff so denounced by Calhoun and Miller was harsh and unwise — although no harsher than the Jefferson embargo had been on the North a half-century earlier — but it was not unconstitutional. The election of Abraham Lincoln as president was consistent with the constitutional mechanisms for presidential elections. And Lincoln had made clear that he was not going to interfere with slavery in states where it already existed (which the federal government had no constitutional authority to do). He *did* mean to prohibit slavery in the territories (which the federal government *did* have the constitutional right to do). The reinforcement of Fort Sumter — which was federal property — was not a violation of any right on the part of the South. In fact, it was the South which fired first, and the North was therefore justified in acting in self-defense against that initiation of force — by putting down an act which, despite its claim to be an act of revolution, was in fact a large criminal conspiracy.

In short, without being able to point to a long train of abuses pursuing the design of reducing them to despotism, the Southern states could not legitimately claim a right to revolt in defense of slavery, because, as Ayn Rand once put it, "Whether a slave society was conquered or chose to be enslaved, it can claim no national rights, and no recognition of such 'rights' by civilized countries — just as a mob of gangsters cannot demand a recognition of its 'rights' and a legal equality with an industrial concern or a university, on the ground that the gangsters chose by unanimous vote to engage in that particular kind of group activity."

Miller notes that the Confederate Constitution "forbade protectionist tariffs, outlawed government subsidies to private businesses, and made congressional appropriations subject to approval by a two-thirds majority vote." By reading his catalogue, one might think the Confederacy a veritable libertarian utopia. He does not mention the censorship of the mail, the ban on abolition petitions, the laws against interracial marriage, or even of teaching a slave to read, or even of *associating with slaves*, all of which were also illegal in the antebellum South. Nor does Miller mention that the Confederate Constitution included a provision that "No bill of attainder, *ex post facto* law, or *law denying or impairing the right of property in negro slaves* shall be passed." If the Declaration of Independence is right, that the only just government is one based on the consent of the governed, then any attempt to create a government founded on the protection of "the right of property in negro slaves" is a violation of the principle upon which the very right to found governments is based. You cannot have your right of self-government and eat it too.

How did the Southerners get around this little problem?

As mentioned before, some were unashamed to call the Declaration of Independence an outright lie. But others, like Calhoun, held that the Declaration had simply been misunderstood all these years. The revolution had not actually been fought over the inalienable rights of individuals, he argued, but over the rights of *societies*. As one political scientist has put it, Calhoun had to claim that "[w]hen the fathers spoke of equality, what they really had reference to, was the equality of the American states among other states of the world, or at the most the equality prevailing among white men. . . . [T]he doctrine of natural rights — that every individual possesses certain rights which are not derived from government, and of which he cannot be justly deprived by government — was either abandoned entirely or interpreted in such a way as to lose all application to the institution of slavery." According to this view, it is not individuals who are "created equal," but states, and it is in those states — in those collectives — where the decision may be made: which individuals shall be granted rights? This view turned the Declaration of Independence on its head. Now, all *states* were created equal, and whenever it is determined to be in the best interests of the state, the individual would be granted rights. This view — which today goes by the name "legal positivism" — was of course utterly contrary to the views of Thomas Jefferson, who argued in *Notes on Virginia* that "an *elective despotism* was not the government we fought for." That sentence would have no meaning in a Calhounian world. Thomas Jefferson's view — that the individual's liberty was the foundation of society, and the protections accorded to liberty were a barometer of that society's health — is the libertarian view. Contrary to Miller's assertion, the South hardly fought for "the same reason that the American colonies fought the Revolutionary War." They fought to maintain "the right to property in negro slaves" without interference from the North, which they called the right to self-determination.

But if the Confederacy laid waste to the principles of the Declaration of Independence, why do today's libertarians support its cause? I suspect it is because they believe, wrongly, that the Declaration stands for the proposition that a people has the right to create whatever government it wishes — that is, that the Declaration announces a fundamental right to the "self-determination of peoples." Yet this is precisely the opposite of the Declaration's actual meaning. That document insists that the *equal right of all individuals to be free* is the indispensable ingredient in creating any government, and that whenever any government violates this fundamental right, it is illegitimate and may be thrown off.

Others are more sophisticated. They argue that the right to secede is a *constitutional* right. This is a more complex question, and it requires an understanding of the nature of the Constitution's mechanism of divided sovereignty. The short answer is found in *Federalist* 15, in which Alexander Hamilton explains that the fundamental problem with the Articles of Confederation was "the principle of LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE CAPACITIES, and as contradistinguished from the INDIVIDUALS of which they consist." In other words, the Articles of Confederation failed (as Madison explained) because the authority of the Articles had been "derived from the dependent derivative authority of the legislatures of the states; whereas this [Constitution of 1787] is derived from the superior power of the people."

The Constitution of 1787 was therefore not to be a treaty among the states, but an expression of the sovereignty by the *American* people; the people *in* states, but not *as* states. While the states would have separate authority and sovereignty for the great mass of governmental powers, the people would form one whole nation for certain specified purposes. The Constitution therefore began not with "We the States," but with "We the People." Compare this to the preamble to the Articles of Confederation ("Articles of Confederation and perpetual Union *between the states* . . . ") or the preamble of the Confederate Constitution ("We, the people of the Confederate States, each State acting in its sovereign and independent character . . . do ordain and establish this Constitution").

When an opponent of the Constitution argued at the Pennsylvania Ratification Convention that "In the Preamble, it is said, *We the People*, and not *We the States*, which is therefore a compact between individuals entering into society, and not between separate States enjoying independent power," James Wilson replied in the affirmative:

Libertarians want to pin the blame for the vast expansion of federal bureaucracy on someone, and Lincoln is a handy target.

> [M]y position is, that the sovereignty resides in the people, they have not parted with it; they have only dispensed such portions of power as were conceived necessary for the public welfare. . . . In order to recognize this leading principle, the proposed system sets out with a declaration, that its existence depends upon the supreme authority of the people alone. . . . When the principle is once settled, that the people are the source of authority, the consequence is, that they may take from the subordinate governments with which they have hitherto trusted them, and place those powers in the general government, if it is thought that they will be productive of more good. . . . I have no idea, that a safe system of power, in the government, sufficient to manage the general interest of the United States, could be drawn from any other source, or rested in any other authority than that of the people at large, and I consider this authority as the rock on which this structure will stand.

In other words, the people are bound to their states and to the federal government separately, much as one owes separate bills to the electric company and the phone company. And just as the phone company has no authority to permit you to escape paying your electric bill, so the state government has no authority to break the constitutional compact. States are not parties to the Constitution.

This question — are the *states* parties to the Constitution? — came to a head during the Nullification Crisis of the 1830s. This crisis, which was sparked by the tariff Miller describes, broke upon the nation when the legislature of South Carolina claimed that the state government had the right to nullify federal laws which, in the state's view, were unconstitutional. Calhoun "asserted that the states were orig-

inally sovereign, and that they had never yielded up their sovereignty. They could not surrender a part and retain another part. . . . Given the original sovereignty of the states, and the indivisibility of sovereignty, either the states must be sovereign communities and the United States a mere agent, or the United States must be sovereign and the states wholly subordinate." In other words, the Constitution was a sort of treaty between the states, and the states were therefore free to abrogate it at will. They could "nullify" laws promulgated under it, or could nullify it completely — i.e., secede. He drew much support for this argument on the Virginia and Kentucky Resolutions of 1798, which were written by James Madison and Thomas Jefferson, respectively.

But one of Calhoun's most vehement critics was James Madison himself. Jefferson was dead by this time, and Madison now saw that Jefferson had made something of a mess in those resolutions. Jefferson had made exactly the same argument that Calhoun now, 40 years later, had taken up. But back in 1798, Madison had attempted to caution Jefferson to avoid saying that states were parties to the Constitution, or that they had the right to nullify federal acts. While Jefferson was writing his resolutions, Madison had sent him a note, asking, "Have you ever considered thoroughly the distinction between the power of the *State*, & that of *the Legislature*, on questions relating to the federal pact[?] On the supposition that the former is clearly the ultimate Judge of infractions, it does not follow that the latter is the legitimate organ especially as a convention was the organ by which the Compact was made." But by the time that note arrived, it was too late: the resolutions had already been mailed. Madison, who had argued since before the *Federalist Papers* that the states were not parties to the Constitution, had been a little embarrassed then, but he was humiliated now, and he tried to make clear that Jefferson had misspoken: "Allowances also ought to be made for a habit in Mr. Jefferson as in others of great genius of expressing in strong and round terms, impressions of the moment." The Constitution was binding on the whole people, not on the states, and the states had no right to nullify the laws.

It is distressing to see libertarians — advocates of individual liberty above all else — defend a society based on crushing liberty under the so-called "right to self-determination."

> T]he characteristic peculiarities of the Constitution are 1. The mode of its formation, 2. The division of the supreme powers of Govt between the States in their united capacity and the States in their individual capacities. 1. It was formed, not by the Governments of the component States, as the Federal Govt. for which it was substituted [i.e., the Articles of Confederation] was formed; nor was it formed by a majority of the people of the U.S. as a single community in the manner of a consolidated Government. It was formed by the States — that is by the people in each of the States, acting in their highest sovereign capacity; and formed, consequently, by the same authority which formed the State Constitutions. Being thus derived from the same source as the Constitutions of the States, it has within each State, the same authority as the Constitution of the State, and is as much a Constitution, in the strict sense of the term, within its prescribed sphere, as the Constitutions of the States are within their respective spheres, but with this obvious & essential difference, that being a compact among the States in their highest sovereign capacity, and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the States individually, as the Constitution of a State may be at its individual will.

Is a state therefore *never* permitted to leave the union? No, there is a constitutional mechanism provided for allowing states to leave: a bill may pass through the Congress to allow the representatives of the *people* to vote on it.

Since the states are not parties to the Constitution, but We the People of the United States are, only the people, through their representatives in Congress, have the right to permit a state to leave the union, just as only they have the right to allow a state to join the union. (In fact, Madison had been so perspicacious on the matter that he had insisted the Constitution must be ratified by special conventions, not state legislatures, because the latter mechanism would give the wrong impression, that the states were parties to the compact.) America's recent divestiture of the Philippines is an example of the constitutional mechanism provided for a territory or a state that wishes to leave the union.

The structural limitations on a state's "right to secede" are echoed elsewhere in the Constitution. As Lincoln pointed out in his July 4, 1861 speech to the Congress, the Constitution guarantees to every state a republican form of government. Such a guarantee would be meaningless were a State able to secede from the union: a criminal conspiracy might gather together, declare themselves the rightful government of, say, South Carolina, pass a resolution purporting to absolve the citizens of further allegiance to the federal government, and — were secession possible without congressional approval — proceed to create a state constitution which violated the principles of republicanism. In fact, this is precisely what happened in South Carolina in 1861. It was therefore proper for the president, who is entrusted with the

continued on page 54

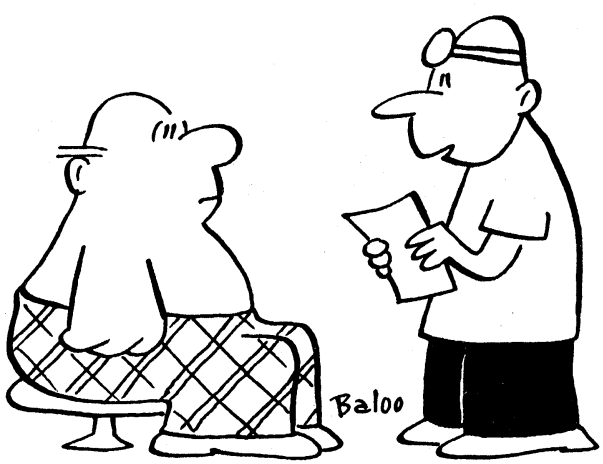

"Let's try a different tack — is there any political issue you feel strongly enough about to go on a hunger strike for?"

Obituary

P. T. Bauer: Defender of Freedom

by Robert H. Nelson

P.T. Bauer's moral courage simply to state "the obvious," when so many other people — including many so-called experts — preferred to indulge their own fantasies, stands as a wonderful example for us all.

Economist P.T. Bauer died on May 2 at the age 86. He was the 20th century's leading thinker about economic development, arguing that newly developing nations must free their markets to experience economic success.

Bauer had a rare ability confront the world as it was. Most people have elaborate ideological filters. Their perceptions are shaped by their expectations of the society that surrounds them. The art of genius often has less to do with sheer brilliance than with the ability to shed these powerful social filters. The failures of so much of our public life are attributable to a shortage of people who possess this gift, which Bauer possessed in such abundance.

When Bauer began his career in the field of economic development in 1947, the emerging intellectual consensus was that rich nations must give generously to poor nations to raise their economic status. Reflecting the dominance of democratic socialist ideas at the time, this was regarded as a matter of skillful national economic planning and sufficient outside sources of funding to put the plans into effect. It was a mechanical vision of economic growth, which saw social scientists — and especially economists — manipulating the levers of "the economic system" to generate sustained development. The role of ordinary flesh-and-blood people was not much of a factor. They were merely passive objects who responded to appropriate incentives, as designed by the planners and other "experts."

Foreign aid was integral to this vision as the source of the money to build the necessary roads, airports, dams, and other infrastructure. Further outside assistance took the form of legions of social scientists sent by rich nations to guide and participate in national economic planning. In the United States and Europe, the ideas of social scientists faced many legal, business, political, and other obstacles. In newly developing countries, by comparison, social and economic planners had a much freer reign to put their pet theories into effect.

Unlike most of his contemporaries, Bauer early on saw that these theories — how well intentioned they might be — were likely to do more harm than good. For one thing, they encouraged the creation of powerful new instruments of state control over the economy. However, the native elites in poor countries who controlled these state instruments were — with rare exceptions — not motivated primarily by the economic welfare of their fellow citizens. In many cases they had barely escaped village life themselves and were concerned above all with maintaining their newfound power.

For them, the control over a newly powerful state apparatus — and the large amounts of foreign aid now flowing into its coffers— amounted to a marvelous economic opportunity in itself. Capturing this aid for their benefit required talent and imagination, and many were up to the entrepreneurial task. It required learning how to parrot the lingo of Western social sciences, how to fit in at the endless conferences to "discuss" the keys to economic development, and how to curry favor with the top bureaucrats of Western aid agencies. As Bauer observed, these "official transfers" of foreign aid "enhance the hold of governments over their subjects, and promote the politicization of life" in poor nations.

In many countries, foreign aid represented "a significant part of government revenues and of foreign exchange earnings." It should not be surprising that both the Western experts who delivered this aid and the local government authorities who received it developed a powerful stake in its continuation. The "aid business" — as it had become — encouraged "governments to spend lavishly on obvious prestige projects, and to governments pursuing other policies which retard economic advance and harm the interest of their poorest subjects."

Zambia is one of the nations on which the largest amounts of foreign aid has been bestowed. In 1964, when Zambia became independent, the income per capita was around $600. Almost 40 years later, it is about the same. If all the foreign aid given to Zambia had simply been invested at a normal rate of business return in the marketplace, as recent calculations by the World Bank show, the income per capita of Zambia would today be about $20,000.

The art of genius often has less to do with sheer brilliance than with the ability to shed powerful social filters.

Dysfunctional governments in southern Africa — following Western models, led by people educated in Western universities, and propped up by Western money — failed to make even modest efforts in the 1990s to combat the spread of AIDS. In Zimbabwe, unless heroic measures are rapidly adopted, life expectancy will soon drop below 40 years. As recently as 1990, it was nearly 60.

It is not only that the participants in the economic development game have been corrupted by private motives. There has in fact been a complex blend of idealism and self-interest at work. Some Westerners have in fact been willing to make large personal sacrifices for the benefit of the economic welfare of the poor countries of the world. Unfortunately, their actions all too often led to opposite results. Western elites offered sentimental romanticism when tough-minded thinking was required.

When the economic planners look at a poor nation, they see the people and the land through the lens of their own economic theories and their own experiences in Europe and America. Their economic plans and prescriptions are mostly projections of their own dreams and fantasies. The people of the poor nations thus become the playthings for the lively imaginations of the Western intellectual elite. Although there are a few local accomplices in this real-world Disneyland drama — and these people benefit handsomely — the actual results are disastrous for most people in the poor nations of the world. All of this is of special interest and concern today in the wake of the events of Sept. 11, as the United States is apparently about to make a major new commitment to larger amounts of foreign aid around the world and especially to the "rebuilding" of Afghanistan with outside assistance.

As a student of economic development, Bauer was more aware than most of the role of culture and institutions in achieving "material progress" — as he saw the basic goal. He also wrote of the bankruptcy of the current economics profession that seeks to analyze an economy in ignorance of such factors — as though it is a physical system of Newtonian (or Einsteinian) laws of nature. The sociology of economics is more important to understanding the profession's theories than are the actual economic objects of inquiry. As Bauer thus observed, "external forces also shaped the subject" of economics "in an indirect but highly significant manner."

Indeed, the members of the economics profession function as high priests of contemporary society, called upon to develop ritualistic blessings on appropriate occasions. Their dedication to their priestly roles helps to explain the long "persistence and survival of evident errors of fact and logic," as Bauer had found time and again during his many years in studying developing economies. Economists claim to be true empiricists but Bauer concluded that they were engaged in a much different form of endeavor. Otherwise, it would be impossible to explain their "extensive preoccupation with refinements, at times indistinguishable from trivia, on the so-called frontiers of knowledge" that are in fact "apt to obstruct progress towards an improved understanding of reality."

At this point, the desperate need was merely for the "statement of the obvious [that] has become the first duty of thoughtful people." For Bauer, no fair-minded observer of the record of material progress around the world in the 20th century — and despite the "scientific" teachings to the contrary of much formal economic theory — could fail to see that "the widening of economic choice" for ordinary people in a free market is "the basic criterion of economic development." Providing the conditions for such a market represented "the essential tasks of government," and included "the successful conduct of external affairs, notably the defence of the country; and also the preservation and encouragement of external commercial contacts; the maintenance of public security; the effective administration of the monetary and fiscal system; the promotion of a suitable framework for the activities of individuals; and the provision of basic health and education services and of basic communications."

If all the foreign aid given to Zambia had simply been invested at a normal rate of business return in the marketplace, the income per capita of Zambia would today be about $20,000, instead of $600.

In standing against the tide of conventional opinion, the Bauers of the world are often harshly criticized — or, equally damaging, ignored — by their contemporaries. By now, owing significantly to his efforts, much of what Bauer said has become widely accepted by the World Bank and other international development organizations. His moral courage simply to state "the obvious," when so many other people — including many so-called experts — preferred to indulge their own fantasies, stands as a wonderful example for us all.

His death came a week before he was to travel to Washington to receive the first Milton Friedman Prize for Advancing Liberty, and the cash grant of $500,000 that accompanies it. It is nice to know that Bauer had learned of this great honor before he died. ❑

Reviews

Salvos Against the New Deal, by Garet Garrett, edited by Bruce Ramsey. Caxton Press, 2002, 282 pages.

Chronicler of the New Deal

Stephen Cox

The book was sitting on the mail-sorting table in my office. Other mail obscured the title; all that was visible was the illustration on the cover — a bright blue eagle, its wings stretched wide for flight, its left claw grasping three lightning bolts, its right claw grasping a beautiful blue . . . gear. The gear was a distinctive touch.

"What is that?" one of my colleagues asked, admiringly.

I was astonished by the question.

"It's the Blue Eagle!" I said. "One of the most famous symbols in American history." Judging by his expression, I wasn't sure whether that last statement was true. "At least," I said, "it used to be famous."

"A symbol of what?" he inquired.

"The NRA." No response. No shock of recognition. "The National Recovery Administration!" Still no reaction.

OK, I thought. Here goes.

"It was a scheme to nationalize the economy," I explained. "The federal government would control all major industries by fixing prices, wages, marketing policies, and working conditions. The main goal was to keep prices high. Businesses would be punished if they tried to cater to their customers with cheaper goods than those offered by the competition."

"Why would the government want to do *that*?" he asked.

"Good question. A lot of well-known experts thought it would rescue the economy. If prices were high, businesses would take in a lot of money and employ a lot of labor. That's what they thought."

"What about the people who had to pay the higher prices? What about the workers?"

"Well, the government would make sure that wages rose faster than prices."

My colleague was now regarding me as if I'd lost my mind.

"Really!" he said. "And who proposed these policies?"

"Franklin D. Roosevelt," I replied. "He not only proposed them; he implemented them. The NRA was the centerpiece of the New Deal economic program. It started in 1933 and continued until the Supreme Court struck it down in 1935."

"Are you *sure* it was Roosevelt?" he said.

"Yes, of course! Haven't you ever read anything about the New Deal? Here, this is a book about it. [Brandishing the book.] Garet Garrett was a journalist who wrote these essays pointing out the problems in the New Deal's economic programs. A lot of this history has been completely forgotten, but the more you know about it, the more interesting it is. You see . . . "

But I was losing my audience. "*Salvos Against the New Deal*, eh? Well, Stephen," my colleague continued, in a tone of kind indulgence to my not-so-secret vice. "You libertarians certainly have a unique perspective!" Then he walked away.

So much for my re-education campaign. In my office, as virtually everywhere else, Franklin D. Roosevelt remains the most admired American statesman of the 20th century. And Roosevelt's New Deal remains one of the least understood of all great American historical movements. Even the basic facts seem to have slipped out of the collective memory.

There is an obvious reason for the seemingly contradictory phenomena of reverence and ignorance. The actions of the Roosevelt administration, and the assumptions behind them, created the political and economic regime in which virtually all contemporary Americans were reared. Roosevelt was the grandfather of modern America, and his intellectual descendants exhibit a corresponding degree of piety for his memory. You don't want to know too much about your grandfather — not if you want to retain your childhood faith in him.

If you ever *should* want to know any more, however, Garet Garrett (1878–1954) is an excellent place to start.

He was born Edward Peter Garrett, then renamed himself — choosing, for some mysterious reason, to repeat his last name without repeating its spelling. There were a number of strange things about Garrett, including the fact that on Jan. 18, 1930, he was shot (three times) in a New York speakeasy. But don't draw the wrong conclusion. Garrett was an eminently respectable citizen of his age. He was a reporter, novelist, and financial journalist, the author of a number of popular books, and at the height of his career chief editorial writer for the

greatest of all mainstream magazines, *The Saturday Evening Post*. *Salvos* is a selection of the writing he did for the *Post* from 1933 to 1940.

There was one major respect in which Garrett was not mainstream — his political views, which increasingly allied him with a beleaguered minority in American intellectual life. It wasn't that his ideas went through some kind of revolution. Garrett stayed where he was, while the mainstream swept in new courses, far away from him. By conviction, Garrett was of the old regime, the regime before the New Deal.

One way of stating the difference is this: in the old America, it was assumed that not all human problems were capable of being solved, and if a problem did have a solution, it would probably be found in the realm of individual effort and responsibility, not in the realm of political action. In the new America, the America sitting hopefully at the table when the New Deal got dealt, it was assumed that all problems can of course be solved, so long as government exerts itself strongly.

Do you remember the Four Freedoms that Roosevelt declared the government must guarantee? No?

Roosevelt was the grandfather of modern America, and his intellectual descendants exhibit a corresponding degree of piety for his memory. You don't want to know too much about your grandfather — not if you want to retain your childhood faith in him.

Then I will list them for you. The Four were freedom of speech, freedom of worship, *freedom from want*, and *freedom from fear*. Now, how can a government guarantee that anyone, much less everyone, will be free from want and fear? It can't. But the idea that it can, and must, was the underlying assumption of the Roosevelt administration and its various accompanying economic schemes and dreams. To one degree or another, and usually to a pretty large degree, this has been the working assumption of all successive national administrations. It is the motivating assumption of the American voter, too. The modern social-welfare state is not a regime that politicians have simply imposed on the citizens; it is a regime that many, if not most, people, have ardently desired and insisted on maintaining. Nice people, too — but fully complicit with the state.

Garrett makes this point again and again. Consider what happens when miners (or the members of almost any other constituency) are invited to testify before Congress about whether the federal government should provide relief to distressed communities:

> The miners all said, of course, that the time had come; they described their distress. One complained that in his community, where there had been no work for two years, there was only bread and soup to eat. The soup had rice and barley in it, but wanted potatoes. But why no potatoes? Two years of idleness, land all around them, and no potatoes. Nobody asked them that question. (31)

Garrett was no anti-labor "reactionary." Workers were not the only ones responsible for the regime in which it goes without saying that the state is responsible for giving you potatoes, and you are responsible only for eating them. There was enough blame to go around, and a lot of it would have to fall on the mentality of the American businessman, who lived by the capitalist system and who might be expected to bear some small responsibility for defending it against massive incursions of state power.

Garrett describes an argument he had with an auto dealer in New Castle, Penn. Garrett maintained that there was an essential soundness in the attitude of the American people. Even in the depths of depression, they weren't consciously calling for socialist revolution and the destruction of the rich. Why? Because, despite their social-welfarist earnings and expectations, they still wanted to be rich themselves, or at least well-off, and they believed that America's economic system still made it possible for that to happen. Garrett observed that the popular mood was much more anti-capitalist during the depression of the 1890s than it was during the depression of the 1930s:

> "You had then millions of people who never expected to own carriages of their own. They couldn't imagine it. Your customers who are afraid to be seen with fine cars are living in the 90s. Tell them so."
>
> "I'll hire you to tell them, if you want a job. They wouldn't believe me."
>
> "That's because you don't believe it yourself." (25)

You don't believe it yourself. That's the verdict passed on American businessmen by all those people whom, looking back, we regard as progenitors of the American libertarian movement — Isabel Paterson, Rose Wilder Lane, Ayn Rand (especially in *Atlas Shrugged*, whose economic episodes are clearly derived from the New Deal era), Garrett himself. These people believed that the triumph of big government resulted in very large part from a failure of intellectual leadership by the natural opponents of big government, America's businessmen. While FDR and his ideological allies flayed the "economic royalists," "tories," and "malefactors of great wealth," most of the aforesaid malefactors were doing little or nothing to contest his charges. Often they showed that they deserved to be called those names, because they conspired with the state so as to be enriched for their own incompetence.

Roosevelt called for freedom from want and freedom from fear. Now, how can a government guarantee that anyone, much less everyone, will be free from want and fear?

If you're a bad businessmen, you have to love a regime in which government sets itself the task of saving *everybody*, even and especially businessmen who make bad investments. Under the New Deal, the colossal mistakes of business were rewarded with colossal salvation by Washington. Rather than allow foreclosure or liquidation of the incompetent farmer, banker, or industrialist, the federal government saved them — by giving them the wealth of the farmers, bankers, and industrialists who happened to be competent. It

didn't stop there. The Roosevelt administration funded its projects by, among other things, reducing the dollar to half its former value, thus destroying half the value of the savings that frugal people had entrusted to their bank accounts. Effects on future investments can easily be surmised. In fact, the 1930s saw *negative* investment in the American economy. As Garrett says:

> The New Deal saved intact that great mass of obsolete, inflated and imaginary capital that was about to be wiped out and ought to have been wiped out. . . . This alone would have been enough to limit recovery. (224)

And it did limit recovery. The depression of the 1930s lasted roughly twice as long as the comparably severe depression of the 1890s — thanks to the government's kind ministrations.

I have mentioned some of the originators of the modern libertarian movement. Garrett wasn't a pure libertarian.

It wasn't that his ideas went through some kind of revolution. Garrett stayed where he was, while the mainstream swept in new courses, far away from him.

He seems to have had little interest in the personal-rights side of the freedom philosophy. He doesn't seem to have worried very actively about victimless-crime laws and other "noneconomic" invasions by government of the private sphere (although his presence in that speakeasy shows you what he thought about Prohibition, at least). In his career, also, there is a recurrent, and embarrassing, interest in certain kinds of fallacious political-economic ideas, chiefly the idea that war can be prevented if states can manage to make themselves economically self-sufficient. He was in favor of laissez faire, with a few curious reservations. And certainly he had no idea that he was contributing to the foundation of a political movement that, from the 1960s on, would win almost all of its intellectual, and a few of its political, disputes with the regime of big government.

Garrett was not a theorist like Paterson, Lane, or Rand. He was a reporter — a reporter with unrivaled knowledge of his subject, the American political economy. Even more important, he was a reporter endowed with true rhetorical power. Garrett can give you facts and figures; he can give you case studies by the mile; but he can also refute a counterargument by merely reminding you that "everybody knows better" than that (169).

He is a master of both the baroque and the aphoristic style. Indeed, the power of his writing stems very largely from the dynamic tension between the two extremes. Now, a good aphorism is not a simple thing; it's the news of victory after a complex fight. An example: Garrett's little chain of aphorisms about the mystery of the 20th century, the aggressive state:

> No government can in any way extend its powers over people but to limit freedom. . . .
>
> If government cannot be limited freedom is lost. . . .

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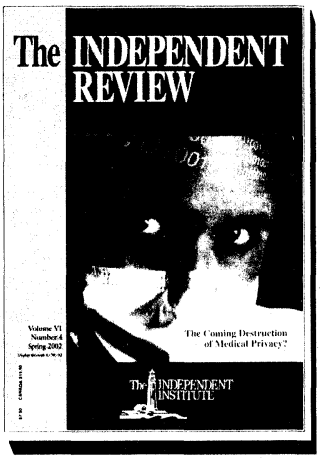

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> Let the Government's intent be good. That may be assumed. But the better the intent the worse it is, for the goodness of the intent disarms resistance. (212–14)

Proposition and deduction. The coolness of logic. But when Garrett wants you to *see* something, he will make you see it; and if this can best be done with a stroke of theatre, that's what he'll use. The building industry is a prosaic topic, isn't it? Well, maybe not:

> We have learned how to make towers stand in the sky. (51)

When there is a need for drama, drama will be provided — even, or especially, when the subject itself seems quite without drama. Here is Garrett on the politics of agricultural relief:

> The farm problem has come to have a kind of specious oratorical reality that removes it entirely from the realm of economic reason. It is covered with imaginary political sores. It is like a lost province or a submerged race. Those who talk rationally about it are cast out. (160)

Garrett knew the world, and basically, he loved it. What he hated was the new class of cynically destructive intellectuals.

Note that Garrett chooses a highly oratorical approach to the problem of other people's specious oratory. He has a sense of humor, and you would not want to get in the way of it. It takes a while to unlimber, but once it gets going, it crushes all opposition.

And there is tension here as well, because Garrett's humor is balanced by his noble hatred. He doesn't hate the businessmen, or the politicians, or the labor unions, or the voters. For these people he displays the sympathy, anger, and longing of the disappointed lover. Garrett knew the world, and basically, he loved it. What he hated was the new class of cynically destructive intellectuals. He hated them because they have no sympathies, and thus no disappointments:

> They have no heroes. They know nothing worshipful, past or present, and scoff at worship. If they are radicals, they plausibly deny it. As reckless idol breakers, they might be respected. But neither for anything they believe against idols nor for robust love of melee would they risk it. They want to be comfortable, and to live with small, sharp teeth inside the institutions they despise and bespatter. (138)

"Small, sharp teeth." No one has said it better. Those teeth are dangerous, but they are *small*.

One can read Garrett for the style; one can also read him for the content. If someone asked me to suggest the book that most clearly tells the story of the New Deal, I would immediately recommend this book. Out of the vast corpus of Garrett's work, Bruce Ramsey has selected the essays and reports that most effectively illumine the New Deal's many aspects, political, social, and economic; and he has arranged these writings so as to provide, not just a series of diverse works, but a connected history that can be read with enjoyment even by people who know nothing about the subject.

The history of the New Deal is notoriously difficult both to write and to read, because so much of it is focused on complex acts of legislation and intricate relationships between economics and politics. Garrett has the true reporter's gift for clarifying history without falsifying it or robbing it of its richness. And Ramsey has the true gift for editorship — in two ways: he selects the right material, and he knows how to annotate it.

I am under obligation to admit the possibility of bias: I appear in Ramsey's acknowledgments as an early reader of his introduction. But the introduction is what it is — a succinct, yet richly informative guide to Garrett's complex career and historical setting. As to annotations, Ramsey has a remarkable sense for what the general reader needs to be told. His notes are both erudite and exactly to the point; and they provide information not only about the names and terms that Garrett mentions but also about the long-range results of the controversies that were important to him. One leaves this book with the conviction that one truly knows the subject.

But it would be a mistake to read the book merely as a history of the New Deal, or even as a document in the history of libertarian thought. It should also be read as an introduction to the strangeness of history.

Here is what I mean. What horrified Garrett most about the New Deal was the weird assumption on the part of many of its managers (e.g., President Roosevelt) that industrial progress had gone too far, that America had suffered, as Roosevelt put it in his message to Congress on Jan. 3, 1934, an "*unnecessary* expansion of industrial plant" (emphasis added). Speaking to the National Democratic Club, Roosevelt decried efforts to make industry more efficient: "Reduction of costs in manufacture does not mean more purchasing power and more goods consumed. It means the opposite." Huh? Roosevelt, as Garrett points out, went on to contradict this message; but it's a fair sample of the New Deal's economic quackery. Suppose, Garrett argued, it wasn't true that increased efficiency and improved technology created prosperity for the

If someone asked me to suggest the book that most clearly tells the story of the New Deal, I would immediately recommend this book.

"Well, it's always been very easy for *us*."

American consumer. Then why did the American standard of living rise with the rise in efficiency? If the president's ideas were correct, "then the 25,000,000 motor cars you see in the highways are not there; it is all an illusion" (229–31).

You see what I mean about the strangeness of history. Who could imagine that an American president, instructed by his economic experts, would ever question improvements in efficiency and technology? Who could imagine that such a president would be revered, ever after, for his nearly supernatural insight into every factor that might contribute to the nation's happiness and well-being?

Now let us consider the ironies of history. Garrett richly communicates his horror of the New Deal, but the final effect of reading this book is something just the opposite of horror. It is relief. As one studies Garrett's analyses of New Deal folly, one keeps thinking: "but America survived."

True: since the 1930s America has gone on to other phases of quackery, propelled in many instances by the vast engines of government constructed during the Roosevelt era. Not since the 1970s, however, has the national pulpit rung with denunciations of technology and material progress. There has been real intellectual motion in America, and much of it has been motion in the direction that Garrett wished to see.

We cannot plot this motion, or predict it. As Garrett said, in his unique way of saying things:

> Public opinion has as many movements as the wind, sudden, unreasonable, cyclonic, erratic, going to and fro...

Seen in this way, the motions of public opinion are inexplicable and irrational. "Opinion" cares nothing about the distinction between quackery and truth — at least until truth appears (as it never has in America) in the form of abject starvation and defeat. But Garrett also mentioned:

> the great trade winds of thought and conviction, rising slowly, moving deliberately, knowing their way and how to go. (127)

Those are the intellectual winds that traffic with reality. And it was those winds that propelled Garrett's own intellectual voyage — though few were they who knew it at the time. ❑

The Joy of Freedom: An Economist's Odyssey, **by David R. Henderson. Prentice Hall, 2002, 361 + xx pages.**

The Pursuit of Life, Liberty, and Economics

Donald J. Boudreaux

I wasn't chomping at the bit to read this book. It's aimed principally at non-economists and non-libertarians, explaining to them the merits and morals of free markets as well as the demerits and depravity of the state. I expected to agree with nearly all of Henderson's arguments, but I read the book only because I'm always on the lookout for good books to recommend to people who are unfamiliar with the freedom philosophy. I didn't expect it to be a page-turner. I was wrong. Very wrong. This is one heck of a good book!

The range of government interventions that Henderson tackles is familiar. It includes, among others, Medicare, Social Security, minimum-wage legislation, government schools, affirmative action, occupational-licensing statutes, and taxation. And he weaves his case against these interventions into a text that persuasively explains the logic of how private property rights and freedom of contract either solve or altogether avoid nearly all of the problems allegedly requiring government regulation. Nothing new here.

But Henderson's wit, his passion, his skillful use of anecdotes and personal experiences, and his success at teaching rather than preaching make this book a genuine joy to read, even for those of us long steeped in the principles of free markets.

Readers of this magazine understand that freedom isn't important because of its abstract beauty, its theoretical consistency, or its effects on whatever aggregate you choose to call "society." It's important because it is indispensable to the flourishing of each individual. To be free is for *you* to be as fully as possible in charge of *your* potential.

David Henderson understands this. His case for freedom comes from his heart, but it is informed by his excellent mind that is a master of economics. This is one feature of the book that sets it apart from almost all others in its genre. Here we have an economist, using economics, making a passionate and persuasive case for personal freedom — a case that does not begin with cold abstractions ("consumers," "workers," "retirees"), but, instead, with the writer's soul. Even an incorrigible statist who reads the book and disagrees with all of its points would nevertheless have to conclude that Henderson's passion for freedom is rooted in Henderson's humanity — in his affecting insistence that his personal experiences and the reflections that these trigger properly inform his economics and his policy analysis.

Of course, Henderson is not the only economist who taps real-life experience as a source of economic lessons and policy proposals. But he is one of the very few *good* economists who do so. To pull this off requires the rare ability to discern the general truths that mingle always with a jumble of particular, fleeting details — to navigate deftly between the general and

the particular — and to display these truths in all of their timeless glory in ways that every reader understands is relevant to the actual events of his life.

To witness the achievement of this difficult task page after page is inspiring. And that's what I witnessed in Henderson's book.

Having said this, I have a confession. Try as I might, I can't describe satisfactorily just what it is about this book that appeals to me so powerfully. I love good economics — this book has plenty of that. I love passion — Henderson offers plenty of that, too, for both freedom and for economics. I love creative and clear communication — it sparkles on each page. I love stories — interesting ones abound here. I love the unexpected — lots of that. (One of the nicest features of this book is the freshness of the anecdotes and data that Henderson uses to make his points. He obviously worked hard, and succeeded, at avoiding stale stories and routine lines of argument.) I love intellectual courage — Henderson shows his by taking his arguments seriously and not flinching from drawing sometimes very radical conclusions. While at one level this is an introductory book, it is at another level a book for the ages. Henderson wants to make a solid case for free markets and liberty and obviously isn't much concerned with appearing "reasonable" to the crowd whose principal concern is political practicality. He knows (and shows) that the free market is almost always superior to state intervention, even for those areas that much polite, market-oriented company regard as "obviously" needing government oversight.

Otis Elevator Company lobbied in the 1960s for increasing the minimum wage as a means of speeding up the obsolescence of human-operated elevators and, thereby, raising the demand for Otis's own automatic elevators.

Still, there's something more about this book that I can't quite put my finger on, but that appeals to me deeply. I wish I could pin it down; I can't, but it's there. In lieu of identifying it, I offer some specimens of how Henderson looks at government intervention.

On drug prohibition, Henderson says that government treats us as ignorant "pets" — but "with this difference: When your pet misbehaves, you don't lock him up with convicted

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murderers and pretend that you're doing it for his own good."

On the politics inevitably swarming about the Federal Communications Commission, Henderson has the most succinct explanation I've read about why Congress refuses to privatize the electromagnetic spectrum. Maintaining government ownership of the spectrum ensures that politicians keep the privilege of determining which users get to enjoy its benefit: "Without that power, people wouldn't invite him [a congressman] to dinners and hunting parties as frequently, would contribute less to his campaign fund, and would return his calls less quickly, if at all. In short, he would be a less important man in Washington, and probably a less wealthy one." Henderson goes on to tell the story of how Lyndon Johnson used his political influence while in Congress to buy a Texas radio station, and how he then made a fortune by securing greater wartime rations of materials for those firms that bought advertising time on his station.

On government efforts to impose racial and other quotas on various venues of our lives: Henderson exposes these efforts as nothing less than violations of our freedom of association. His summary of the historical research on racial segregation — particularly that done by Jennifer Roback Morse on how Jim Crow-era state governments had to *force* Southern streetcar companies to segregate blacks from whites — is a treasure.

Henderson is not the only economist who taps real-life experience as a source of economic lessons and policy proposals. But he is one of the very few good economists who do so.

On the exclusionary and racist history of labor unions, Henderson points out that the famous line from what we now understand to be one of Al Gore's favorite boyhood songs — "Look for the Union Label" — was created in the 1880s "as a way to tell customers that a product was made by white laborers rather than by Chinese."

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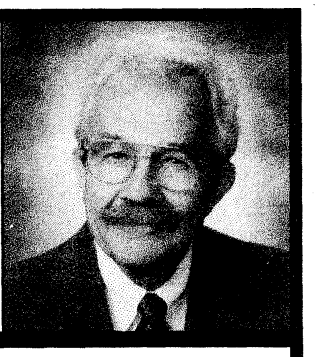

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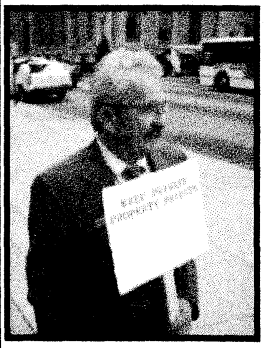

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On the minimum wage, we learn that the Otis Elevator Company lobbied in the 1960s for increasing the minimum wage as a means of speeding up the obsolescence of human-operated elevators and, thereby, raising the demand for Otis's own automatic elevators.

And on the Internal Revenue Service, Henderson has what is perhaps my favorite line in the book: "Calling taxpayers customers of the IRS is like calling chickens customers of the egg farmer."

This book is both passionate and reasoned. Henderson shows that good economics and devotion to liberty and human dignity complement each other perfectly. Buy this book, read it, read it again, recommend it to friends, and refer to it repeatedly for a telling statistic or a brilliant insight. It's a real joy.❑

Dalton Trumbo: Hollywood Rebel, **by Peter Hanson. McFarland & Company, 2002, 255 pages.**

Blacklisted, for Good Reason

Ron Capshaw

For many scholars, the post-Cold War era has been a liberating time, not only because the Soviet Union has toppled, but liberating in the sense of freeing writers from the confines of Cold War orthodoxies both left and right. Writers can now, for example, accept Alger Hiss' guilt and explore fresh areas such as why he did it rather than rehashing tired old debates about Woodstock typewriters.

But it has not been liberating for Peter Hanson. His work on Dalton Trumbo, the blacklisted screenwriter, is mired in the myths of a left still in denial about its causes célèbres. By presenting Trumbo as a civil libertarian, Hanson is merely perpetuating the image begun over 50 years ago.

The peculiar historiography began with Trumbo himself, gained new momentum by the counterculture and is regularly celebrated by the new Hollywood. In his 1949 pamphlet, *The Time of the Toad*, Trumbo adopted the guise of an anti-Cold War libertarian, using Anglo-Saxon concepts of individual liberty to decry the blacklist and Cold War as ushering in a police state. The countercultural Left, always searching for cultural heroes and the Cold War's first "victims," found both in Trumbo, a figure denied work for his political beliefs and a writer who stood up to the House Committee on Un-American Activities. According to a biographical blurb for the 1972 edition of Trumbo's anti-war novel, *Johnny Got His Gun*, he was "a fighter against censorship." Literary critic Robert Kirsch, writing in the early 1970s, called him "a principled actor against repression and thought control." In recent times, Trumbo has been celebrated with various tributes. Trumbo's alma mater, the University of Colorado, built the Free Speech Fountain in honor of him. During the recent controversy over the Academy Award given to Elia Kazan, Hollywood dissenters such as Alec Baldwin and Oliver Stone contrasted Kazan's support of "thought control" with Trumbo's promotion of "free expression." A Hollywood organization, The Fund for the First Amendment, gave witness to Trumbo's heroic image at a film retrospective recalling the blacklist period. When Trumbo came on screen (during his 1947 testimony before Congress) the audience cheered; when investigating congressmen appeared the audience booed.

Missing from this portrait has been Trumbo's membership in the American Communist Party — a fact Hanson does not omit. For him, it is merely one more facet of Trumbo's rebelliousness, one more addition to his résumé as a free thinker. But an examination of Trumbo's foreign policy stances shows this "free thinker" defending every zig and zag of the Moscow-inspired Party line. In 1940, during the period of the Hitler-Stalin Pact, he argued against American involvement in the European conflict. That same year he supported the Soviet invasion of Finland, even parroting Stalin's justifications for it by absurdly claiming that Finland was fascist and therefore a threat to Russia. During the Grand Alliance period, after Russia was attacked by Germany, Trumbo became pro-war, attacking those he previously supported, such as America First, as pro-fascist.

Neither was Trumbo, as Hanson calls him, an "upholder of a free screen." During his investigation by the House Committee on Un-American Activities in 1947, Trumbo wrote a polemic arguing that HCUA was trying to subvert the freedom of the screen, to create, in effect, a "slave screen." But Trumbo's "free screen" was a qualified one — with anti-Stalinist works not eligible. In a wartime letter to a party newspaper, he bragged that he was able to keep from making it to the screen such "untrue" and "reactionary" works as Trotsky's "so-called biography" of Stalin and Arthur Koestler's *Yogi and the*

In a wartime letter to a Communist Party newspaper, Trumbo bragged that he was able to keep from making it to the screen such "untrue" and "reactionary" works as Trotsky's "so-called biography" of Stalin and Arthur Koestler's Yogi and the Commissar.

Commissar.

Hanson's Trumbo, a "lifelong supporter of free speech," bears little resemblance to the editor who rejected an anti-communist writer's submission on the following grounds:

> It is difficult to support your belief in "the inalienable right of man's mind to be exposed to any thought whatever, however intolerable that thought might be to anyone else." Frequently such a right encroaches upon the right of others to their lives. It was this "inalienable right" in Fascist countries which directly resulted in the slaughter of five million Jews.

Even though he left the party in 1948 and personally experienced government repression soon afterwards, Trumbo still retained a qualified view of civil liberties. In 1956, he regarded the Smith Act, which gave the government the power to prosecute political dissent deemed harmful to national security, as necessary in 1940 and bemoaned that it had not been applied to the right. In 1959, he argued that it would have been permissible for the government during World War II to have banned *Johnny Got His Gun* in the interests of the "public good."

Hanson could have written an important work examining the peculiar world of Hollywood Stalinism during wartime. But he didn't. Instead, the he lets the war years breeze by, noting them only as the setting for Trumbo's patriotic films. But consider what it meant to be a Stalinist in wartime. Film critic Pauline Kael offered the best assessment of the atmosphere of that period for Hollywood Communists when she charged them with excessive patriotism and martial fervor. Claudia Jones, the editor of the *Young Communist Weekly*, advised readers in 1943 that "to hate the enemy is to love one's country." Marc Blitzein, a party member and composer, expressed his enthusiasm for strategic bombing and the Grand Alliance all in one stanza: "Open up that second front! Open up that Second front! We will bomb a tyrant's smile, and from his throat his insane Heil, We will bomb him, bomb him from the earth." Woody Guthrie had stenciled on his guitar, "this machine kills fascists."

This atmosphere of righteous combat influenced Trumbo; he even joined the party in this period for reasons of strategy: to aid his friends in the "coming battle with American fascism in the postwar period." And the state was an employable weapon in this endeavor. All of the government repressions Trumbo complained about during the Cold War — investigations by the FBI, government bills limiting dissent — were activities he himself celebrated or tried to direct during wartime. In 1941, he supported the government's Smith Act prosecution of American Trotskyites. In 1943, he urged the government to ban the Hollywood conservative group, the Motion Picture Alliance for the Preservation of American Ideals. In 1944, he asked the FBI to investigate and interrogate correspondents critical of the U.S war effort (even supplying the agency with a list of questions to ask them — quite a contradiction from his view of the FBI during the Cold War as "a hateful shadow preying upon the citizenry."

Hanson could have written an important work examining the peculiar world of Hollywood Stalinism during wartime. Instead, he lets the war years breeze by, noting them only as the setting for Trumbo's patriotic films.

The real Trumbo then, the one not celebrated by Hollywood or Hanson, was a selective libertarian, which is a contradiction in terms. He never denounced government repression directed at his enemies during World War II. It was only when the government turned on his political faction in the Cold War that the libertarian Trumbo appeared. But even then his libertarianism was limited. Trapped in the mental universe of wartime Stalinism, he still disqualified his enemies, the Trotskyites, from free speech protections, still supported the Smith Act if directed against the right, and still favored banning books.

Hanson suffers from a similar mal-

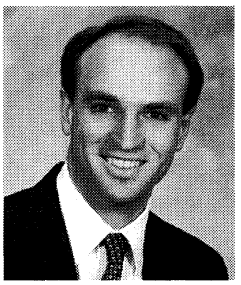

The Essence of Objectivism

An Introduction to Ayn Rand's "Philosophy for Living on Earth"

By William Thomas, M.A.

Its title taken from Ayn Rand's famous summary in the appendix to *Atlas Shrugged*, "My philosophy, in essence, is the concept of man as a heroic being, with his own happiness as the moral purpose of his life, with productive achievement as his noblest activity, and reason as his only absolute," *The Essence of Objectivism* provides a structured introduction to the key ideas of Objectivism. The result is a thought-provoking 6-lecture CD course that is intended for those who are new to Rand's work or have enjoyed her novels but are not deeply familiar with her philosophy. Here you will see how Rand's ideas fit together, how her philosophy is illustrated both in her fiction and in real life, and how Objectivism contrasts with philosophic and religious views that pervade our culture today.

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ady. Trapped in the embattled Cold War universe of *The Nation* magazine and Hollywood leftists, Hanson cannot move beyond the Trumbo image and present the complicated truth: that Trumbo was both a victim of a government repression and a supporter of it. His work is a reversion; it could have been written in 1948 as a pamphlet for the Hollywood Ten or in 1969 for *Ramparts*, but not in the liberating era of the post Cold War. ❑

Booknotes

Junk Science Junk

by William E. Merritt

Don't buy this book. It's not even clear this is a book in the sense that a book develops a set of ideas to communicate a central theme.

What *Junk Science Judo* by Steven J. Milloy (Cato Institute, 2001, 216 pages) appears to be is the final resting place for scores of anecdotes and observations that are too narrow, or too trivial, to turn into magazine pieces. So, rather than let them go to waste, Milloy has lumped them into twelve "lessons" that are supposed to teach readers to deconstruct scary health claims.

The first "lesson" is that some among us — he mentions the media, trial lawyers, politicians, activists, drug companies, and government bureaucrats — have an interest in promoting health scares. He backs up this claim with anecdotes about high-fiber diets, purple grape juice, chocolate, second-hand smoke, and fluoridated water — as if the very idea of people trying to use science for their own purposes is so startling that he has to illustrate the whole, unlikely concept with concrete examples before the reader can understand what he is driving at.

The second "lesson" is that, sometimes, the science behind scary health claims isn't very good. He follows this with a set of rules to test whether science is really scientific. Here are some of the rules: doubt everything, the burden of proof is on the person making the claim, it's not science if you know the answer before you run the experiment, speculation isn't science, some "experts" are biased, assumptions are guesses, anecdotes aren't data, and on and on through all the points of the scientific method my 14-year-old son would know if only he hadn't spent the eighth grade wandering through a fog of pheromones.

The temptation to use anecdotes instead of data must be particularly seductive because, if Lesson 2 is nothing else, it's a great place for Milloy to unload his next shoebox of anecdotes — the ones about how sometimes science isn't very good.

If you suspect — as I do — that plenty of wool has been pulled over lots of eyes by people phonying up science for political ends, then it's easy to buy into the notion that Milloy's anecdotes reveal something important about the individual studies they attack. But, to get there, you have to swallow Milloy's conclusions unexamined, because he never provides enough information about the studies he attacks to let you make up your own mind. Which, of course, makes *Junk Science Judo* indistinguishable from junk science.

If you come at Milloy from the point of view of someone who doesn't already agree with his conclusions, his examples are easy enough to attack. He gives an admiring statement, for example, about a judge who refused to go along with anti-second-hand-smoke hyperbole and insisted on hard evidence at trial. Good for the judge, you think. Good for the judicial system for finally holding the anti-smokers' feet to the fire. Wonder who this judge was. So you look him up in the back. He turns out to be from North Carolina.

I yield to no one in my admiration for the integrity of the good people of North Carolina. But discovering in 8-point type in the back of the book that the single ruling Milloy can find to debunk the hyperbole about second-hand smoke comes from North Carolina . . . well, if I wanted to challenge his conclusions, this might give me a place to start.

There are more "lessons" but most are of the same cloth — platitudes backed by logically unconnected anecdotes. But you get the point. ❑

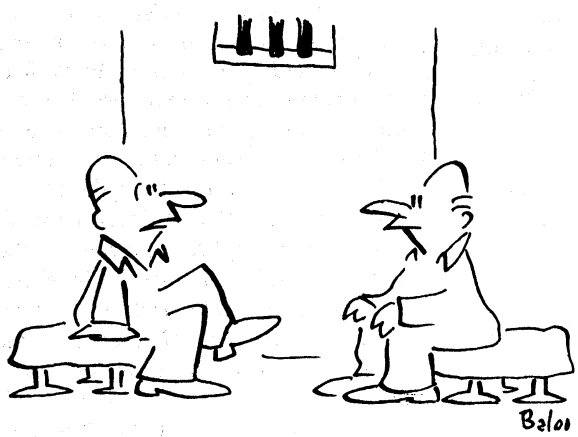

"I decided to get a life, and before I knew it, I got life."

The Unselfish Gene

by Richard D. Fuerle

Libertarians believe that the individual is supreme, not the group. Why? Because by nature man is like a bird, flying free, not a bee, a dispensable member of a hive. It follows that societies based on the collectivist belief that man is only a cell in a larger social body are against man's nature and are therefore doomed to failure.

petes with other superorganisms governed by other memes. For example, religions are memes that promise those at the bottom of the pecking order that they will move up to the top, in this world or the next, if they let the meme control them. Memes with the most convincing promises and the best motivators to make people form super-organisms that kill off competing superorganisms (usually by killing the people in them) move their superorganisms up the superorganism pecking order. It is not a pretty picture.

Bloom does not argue that man is naturally the kind of social animal that bees are, nor does he argue that socialism is consonant with man's nature. But he does says several times that we are "cells in a social superorganism" and this may require our elimination for the benefit of the superorganism, language that strikes fear into the hearts of a libertarians. Sometimes, though, it is hard to know whether Bloom despises these superorganisms or glories in them.

Like Freud, he believes that biology is destiny, so we cannot not be what we are. For him, amelioration is the best we can hope for.

It is a wise man who questions his own wisdom. Libertarians who accept the challenge of *The Lucifer Principle* will be wiser for doing so. ❑

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

Alan Bock is a senior columnist for the *Orange County Register* and the author of *Waiting to Inhale: The Politics of Medical Marijuana.*

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Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

Loren E. Lomasky is a professor of philosophy at Bowling Green State University and author of *Persons, Rights, and the Moral Community.*

Sarah McCarthy owns Amel's Restaurant in Pittsburgh and says her article is a cheap ploy to get the Rolling Stones there.

William E. Merritt is a senior fellow at the Burr Institute and lives in Portland, Ore.

Robert H. Nelson is author of *Reaching for Heaven on Earth.*

Kenneth Prazak hosts "Freedom Rings" a call-in talk show on WRMN 1410 AM out of Elgin, Ill., on Mondays at 9:00 A.M. Central time. It is live-streamed on WRMN1410.com.

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Reflections, *from page 26*

probably the most famous evolutionary scientist in America, Gould was a controversial figure, and regarded by many as more of a liability than an asset to science in general. Gould's critics were probably correct.

A number of Gould's allegedly radical critiques of Darwinism are of highly questionable value. In his book *Wonderful Life*, for instance, Gould insisted that the Burgess Shale — a geological feature which reveals a large number of fossils — reveals an important feature in evolutionary history: that during the Cambrian era, there was an "explosion" of the number and variety of body forms, rather than a gradual increase in the number of such forms. This, according to Gould, destroyed the Darwinian view that evolution proceeds gradually, but instead demonstrates that evolution proceeds in fits and starts, through some mechanism (the specifics of which Gould was never very clear about) other than natural selection.

In fact, the Burgess shale reveals nothing of the sort. First, it just demonstrates that during the Cambrian era, evolution had given rise to body features which were prone to fossilization, which earlier eras had not done — earlier eras were dominated by animals whose bodies were like jellyfish — things which don't fossilize very well. But second, and more importantly, the "Cambrian explosion" was really a logical fallacy on Gould's part. As Richard Dawkins wrote in *Unweaving the Rainbow,* Gould's misinterpretation comes down to arguing that in previous eras, evolutionary change had pro-

continued on page 54

"Union & Liberty, Now and Forever," from page 40

duty to see that the laws are faithfully executed, to enforce the supreme law of the land.

Why do libertarians defend the cause of an awful tyranny like the Confederacy? I think there are three reasons. First, because they misunderstand the principles of the Declaration, and believe that any people have the right to create any government they wish, without outside interference. But this principle, as Lincoln explained, reduces to no more than this: "that 'if one man would enslave another, no third man should object.'" The right to form a government can only be based on the equal right of all to self-ownership.

Second, I think libertarians want to pin the blame for the vast expansion of federal bureaucracy on someone, and Lincoln is a handy target. He instituted a military draft, issued paper currency, and created our first income tax. Of course, these things were done as war measures, and Lincoln openly acknowledged that they were legitimate only under the president's war powers, which are far more sweeping than his powers in peace time. Even the Emancipation Proclamation was justified purely as a war measure, because he acknowledged that it was permitted only under the more general power of the president as commander in chief (a theory that constitutional scholars had been advocating since at least John Quincy Adams). But attacking specific policies of Lincoln's execution of the war is a very different matter than claiming the South had the constitutional right to secede, or that it could base its act on the right to revolution. A number of the policies undertaken by Lincoln (and more often, his generals in the field) are indefensible, except perhaps by the president's affirmative duty to enforce the Constitution. But just as police brutality during an arrest cannot absolve a murderer of his crimes, so Lincoln's wrongful acts cannot justify the Southern rebellion.

The third reason so many of us libertarians defend the Confederacy is that we like rebellion, and we wish we could see more of it. The federal government has grown so far beyond its original constitutional limitations that it would be very refreshing to see states show a little resistance today. Certainly I can sympathize with this. In fact, by the principles of the Declaration of Independence, a state would have far more justification seceding from the union *now* than in 1860! And this was a large part of the reason that I was a modern-day sessesh myself for a long while. But the cause of the South simply cannot be justified by the principles of the Constitution or the Declaration of Independence — the guiding principles of libertarianism. The right of the people to govern themselves is not fundamental. The right to freedom is. If the former contradicts the latter, the former must be exposed for the tyrannical monstrosity that it is. Those who claim the right to enslave with impunity must be treated as criminals, be they Nazis, Communists, or Calhounites.

It is indeed distressing to see libertarians — advocates of individual liberty above all else — defend a society based on crushing that liberty under the so-called "right to self-determination." It is even more distressing to see them misunderstand and misapply the doctrines of the Declaration of Independence or the Constitution. Just before the Civil War, William Lloyd Garrison, the radical abolitionist leader, shocked his audience by publicly burning a copy of the Constitution. It was an evil document, he said, because it had included provisions protecting slavery. One of Garrison's colleagues strongly disagreed, and eventually broke off his friendship with Garrison over this act. This was Frederick Douglass, a former slave, who had escaped to become a great orator and author. Before the war, Douglass gave a speech called, "What to the Slave is the Fourth of July?" And in that speech, in response to Garrison as well as the Southerner, Douglass said a sentence which should be the watchword for all libertarians today. "Interpreted as it ought to be interpreted," Douglass said, "the Constitution is a GLORIOUS LIBERTY DOCUMENT." ❑

Reflections, *from page 53*

duced a variety of new phyla, while during the Cambrian era, evolutionary change was making new species — as if Gould were saying "Isn't it strange that no major new boughs have appeared on this tree for many years. These days, all the new growth appears to be at the twig level!" Yet, of course, it is those twigs — those new species — which will later grow into new boughs — new phyla.

This might seem minor except for all this talk of a different evolutionary mechanism — or, in Gould's term, a "facility for making evolutionary leaps" or the "mainspring of evolution." As Daniel Dennett explained at length in his book *Darwin's Dangerous Idea*, Gould attempted throughout his career to find some mechanism other than minor inherited variation (called natural selection). He found a few — things like giant meteors striking the earth which wiped out the dinosaurs — but these had already been discovered long ago by Darwinians, and in fact, were perfectly consistent with Darwinian evolutionary theory.

His assertion that Darwinian gradualism was untrue because it made no allowance for such catastrophic change was simply untrue. But his claim that some internal mechanism other than selection among inherited variations was responsible for evolution was worse. Gould's search for some new *élan vital* bolstered the creationists despite Gould's constant attempts to brush them off, and may even have been motivated by Gould's Marxist beliefs, which in the past were responsible for such unscientific "revolutionaries" as Trofim Lysenko, who claimed to have discovered a new, dialectically materialistic mechanism for evolution whereby summer wheat could be turned into winter wheat by simply keeping the seeds cold. The result of that was starvation in Russia.

The result of Gould's fudging will be less horrifying, but more pervasive, as generations of Americans, already under-educated in scientific matters, latch on to Gould's evasive "explanations" to claim that Darwinism is discredited, or fly to Gould's talk of revolution, only to find there the ancient miracle-working that Darwin demolished — one might have hoped, forever.

To paraphrase Twain, Gould's theory was both good and original, but what was good wasn't original, and what was original wasn't good. — Timothy Sandefur

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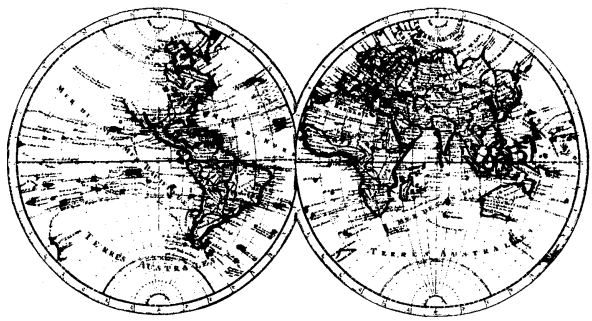

Washington, D.C.

Growing appreciation of the beaux arts in the world's greatest deliberative body. From the *Seattle Times*:

Elmo, the cuddly cutie from "Sesame Street" made a splash, appearing before a House Appropriations subcommittee to request $2 million for children's music programs.

"Please, Congress, help Elmo's friends find the music inside them," said Elmo, dressed in a business suit.

Pensacola, Fla.

Another attempt to create a heaven on the earth goes awry. Reported in *USA Today*:

The Rev. Thomas Crandall, a Roman Catholic priest, has been sentenced to four years and three months in prison for dealing drugs from his rectory.

E. Grand Rapids, Mich.

The arms war is getting serious in western Michigan, as reported by *The Grand Rapids Press*:

The public safety department has imposed a $500 fine for possessing a homemade potato launcher in a public park. "Just because it shoots a potato doesn't mean it's not a gun," said liaison officer Brian Davis.

McNeil Island, Wash.

The Evergreen State spares no expense in protecting its children, from a dispatch in the *Seattle Times*:

The state of Washington is spending $1 million a year to house, council, and protect the public from child molester David John Wrathall, the only resident of the state's new sex-offender halfway house.

Frederick County, Md.

Intellectual recreation in the Old Line State. Reported in *The Frederick News-Post*:

"For the past 30 years, local residents Jack and Betty Linton clipped every obituary out of *The Frederick News-Post* and added them to a collection started in 1930. The set of obituaries, which now takes up 264 drawers, is alphabetically catalogued. It will be set up in the local library's Maryland Room, which has extra security."

Germany

Curious European political note, from a dispatch in the *Frankfurter Rundschau*:

Germany's ruling Social Democrats have removed a promise from their election manifesto that Germany will win the 2006 World Cup.

Washington, D.C.

Interesting nomenclatural development, reported by the esteemed *Time Magazine*:

President Bush has given Russian president Vladimir Putin the nickname "Pootie-Poot."

St. Paul, Minn.

Minnesota's governor on his qualifications, and the respect he is accorded, from the Associated Press:

"I'm highly trained in demolition," said Ventura, a former Navy SEAL. "I can take C4 and put it in a shape charge and do it underwater, and blow up everything imaginable. But yet somehow the state of Minnesota doesn't think I'm qualified to shoot off a skyrocket. I take great offense at that."

Vladivostok, Russia

The perils of privatization, reported in the *Vladivostok Daily News*:

Power has been cut off from two of the Pacific Fleet's construction plants because the Russian navy is $3 million behind in payments.

Vietnam

Further evidence of the lasting damage that man's untamed consumption inflicts on Mother Earth, reported by the BBC:

Vietnamese peasants in the Mekong Delta have found a way to profit from the rats that are overrunning their paddy fields — harvesting the rodents for the dinner table.

But environmentalists have pointed out that the reason the farmers are battling with so many rodents in the first place is because adventurous diners have already munched their way through much of the snake population which used to keep the rats at bay.

Singapore

A new frontier in social welfare among the Straits Chinese, reported in the *Straits Times*:

The Social Development Unit of the Singaporean government has printed 20,000 leaflets called, When Boy Meets Girl — The Chemistry Guide to distribute to young singles. The guide offers practical tips such as who should pay on a first date and suggests dates such as a beach picnic and dog-walking.

New Bedford, Ma.

A dedicated educator learns too much about his subject. Reported in the *Boston Globe*:

Michael J. Currin resigned from his job helping parents combat drug use in city schools two days after he was arrested for accepting delivery of 44 pounds of marijuana shipped from California.

New Delhi, India

Political advance in the world's largest democracy, reported in *Dainik Ujala*:

Leaders of the Congress Party are consulting astrologers and religious leaders to determine the significance of the recent uprooting in a duststorm of a banyan tree that had stood outside its headquarters building for 125 years.

Special thanks to Justine Olawsky, Jim Switz, Russell Garrard, and Owen Hatteras for contributions to *Terra Incognita*.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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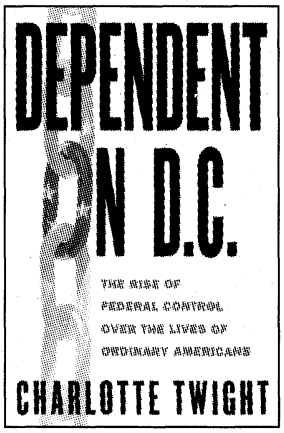

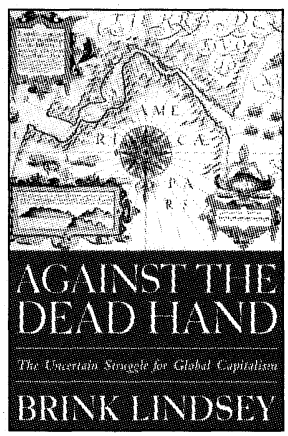

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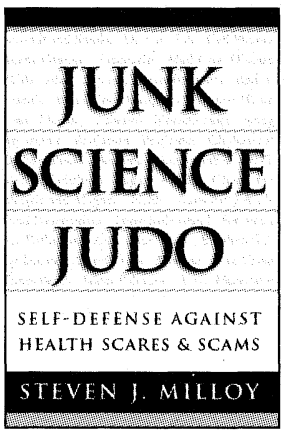

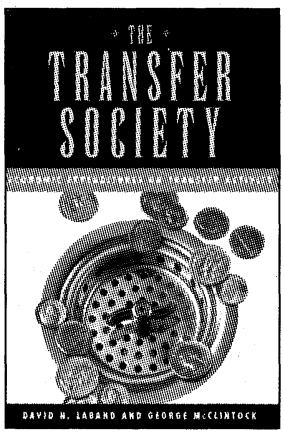

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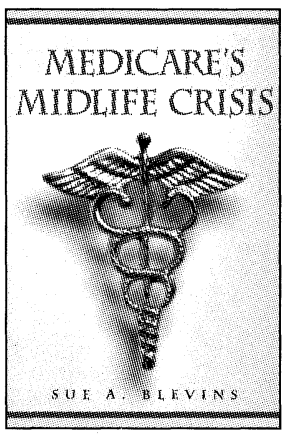

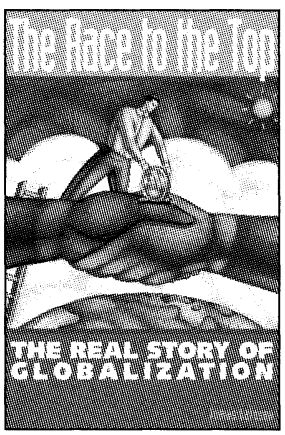

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Inside Liberty

August 2002
Volume 16, Number 8

4 Letters Our readers refight the Civil War.

7 Reflections We gaze on the furry face of evil, trade with the enemy, frisk Al Gore, put safety last, mourn the political death of "The Body," catch a Kennedy, fly the defenseless skies, and make the world safe for hypocrisy.

Features

19 Liberty at Fifteen *R. W. Bradford* recalls what we were trying to do, where we succeeded, where we failed, and where things turned out differently from what we had expected.

25 The Trouble With Szasz Thomas Szasz has spent a lifetime arguing that medicine and coercion don't mix. *Ralph Slovenko* explains why Szasz is just plain wrong.

33 Coercion and Psychiatry *Thomas Szasz* is unconvinced and unrepentant.

36 Discovering the Limits of Liberty Any line of thinking can be taken only so far. For *William Merritt*, the outer limits of liberty can be found in a shower stall in La Paz.

39 Immigration and Culture If no one culture is better than another, *Stephen Browne* wonders, then why do people want to immigrate to America?

41 Losangelesizing Ecotopia What happens when the environmentally sensitive citizens of Portland get fed up with bureaucratic-imposed density and congestion? They have a muddled election, that's what. *Randal O'Toole* reports.

43 Targeting Bob Barr Why in the world would the Libertarian Party spend its time and money targeting one of the most libertarian members of Congress? *J. Bradley Jansen* tries to figure it out.

45 Reforming Asset Forfeiture Police in Colorado can no longer simply steal the property of people they suspect of crimes, reports *Ari Armstrong*.

47 Bitten Tongues and White Knuckles America may be a classless society, but the American academy is not. *Ron Capshaw* reports on the hellish lives of graduate students and untenured teachers.

Reviews

49 Ayn Rand and the Curse of Kant Objectivism is a strange philosophy, argues *David Ramsay Steele*. It is almost a religion, in which Satan takes the unlikely form of an 18th century classical liberal philosopher.

58 Kipling for Moderns Is it really time for America to take up the "white man's burden" that Great Britain long ago abandoned? *Clark Stooksbury* has his doubts.

60 The Miracle of Government *Barry Loberfeld* learns that you can learn a lot from a stupid book.

61 Notes on Contributors Identifying the guilty parties.

62 Terra Incognita Reality bites back.

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Letters

The Pagan Perspective

Several times I have seen the word "pagan" used in a derogatory manner in *Liberty*. I take exception to this, and here's why.

Pagans are a large and growing number of people who already believe in the same fundamental views of liberty that libertarians do. The ethical core of most pagan religions is summed up in one sentence: if it harms none, do what you will. In fact, I am a libertarian *because* I'm a pagan. Libertarianism is the only political philosophy that coincides well with my spiritual beliefs.

It's true that many pagans are involved in the environmental movement. That's not surprising, considering that they are involved in a nature-oriented spiritual path. It's also true that many pagans don't currently subscribe to the libertarian view politically, but this is more the result of their not yet understanding about how things actually work. Pagans are people that libertarians should be courting, not alienating.

Steven Olson
Alexander, N.C.

What Color Is the Kettle?

In his Reflections item "The vanity Web" (June), Sheldon Richman writes about Web logs ("blogs"), calling their authors a "collection of pompous wannabe pundits" who write on "every possible public issue" along with the time and date of their various postings.

Hmmm, the lack of date and time notwithstanding, doesn't that sound remarkably like the Reflections section of *Liberty* itself?

William Bacon
Manassas, Va.

Nobody's Bloody Business

Stephen Baskerville's "The Myth of 'Deadbeat Dads'" (June) was like a breath of sweet, fresh spring air. But I have serious reservations about his unkind words on "no-fault divorce." He writes as if it were a legitimate function of government to assign guilt in the failure of a marriage. It's nobody's bloody business, particularly the government's, whose fault your divorce was!

Fred Bluestone
Pembroke Pines, Fla.

F.Y.I.

Kudos to Timothy Sandefur for his exposure of the illegality of Southern secession and the misguided and misinformed nature of the criticism by modern libertarians of Lincoln, one of the greatest apostles of human freedom in history ("Liberty and Union, Now and Forever," July).

Sandefur's article might have been even more persuasive had he refuted more of the superficially problematic facts used by the secessionists and their supporters to claim a constitutional right to dissolve the Union. For example, it must be admitted that the text of the Constitution is inconclusive as to secession — Article VII provides that ratification by nine states would establish the Constitution "between the States so ratifying the Same." Moreover, as a matter of logic, if the people in convention in states can accede to the Constitution, they might likewise secede from it in the same manner and by the same authority — which is what the Confederacy in fact attempted through secession conventions.

Fortunately for defenders of freedom and Lincoln, Harry Jaffa demolishes these and other states' rights arguments in his 2000 masterpiece, *A New Birth of Freedom*, which not only is among the very best of Lincoln biographies but is also an outstanding treatise on natural law, political theory, and the American form of government, all under one cover. Jaffa grounds his defense of Lincoln's prosecution of the Civil War in the natural-law heritage of freedom and equality that gave rise to our nation's founding, which is explicit in the Declaration of Independence and enshrined in the Constitution as well. Jaffa, with Lincoln before him, argues that the American Union was established by the Declaration and precedes the Union of the Constitution. The states were therefore created by the Union, not the opposite. "We the People" speaking in the Preamble

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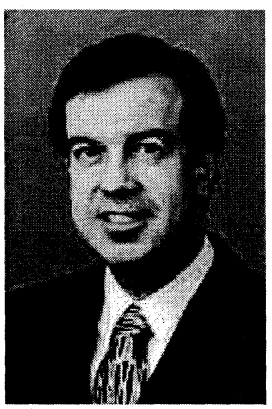

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are, of course, the same "one People" who by the Declaration dissolved their union with England to secure individual natural rights of freedom and equality — the very rights that the South was resolved to deny. The United States was formed by the Declaration in 1776, not upon ratification of the Constitution more than a decade later, as declared by the framers of the Constitution in Article VII, which recites that the Constitution was adopted in the twelfth year "of the Independence of the United States of America . . . " To paraphrase Jaffa, when the people ratified the Constitution, they committed to accepting the results of elections conducted pursuant to its rules. Breaking up the Union because of dissatisfaction with the results of such elections is the antithesis of self-government. There is no point to elections if minorities can accomplish by bullets what they cannot by ballots.

Joseph S. Sisca
Pittsburgh, Penna.

The Wrong Slogan

I am a little tired of libertarians who insist that the "Glorious Lost Cause" of the Confederacy was a libertarian cause.

I just can't buy into the idea that a government founded primarily for the purpose of preserving and extending human slavery was "libertarian." Yes, I know the "neo-Confederates" will insist that the Confederate cause didn't really have anything to do with slavery. I think they are fooling themselves. I've done considerable study of American politics before and during the Civil War, including the writings of Southerners and secessionists, and I'm convinced that slavery was the real issue behind Southern secession, a far more important issue than tariffs, other economic issues, or abstract "states' rights." When Southerners got down to specifics about what "states' rights" were being violated, almost invariably the issue had something to do with slavery.

Many Unionists of the time feared that if the South won, the result would not have been "two big governments," rather, successful secession would have bred more secessions, from both Union and Confederacy, resulting in a balkanized North America of small, squabbling states. What if they were right?

Some libertarians find this a delightful prospect, on the theory that small states are likely to be more friendly to liberty than big ones. I'm not so sure. If nothing else, a unified United States has meant freedom of movement and trade across a wide geographical area. And though it has often abused liberty, the federal government has also on some occasions been a recourse for people oppressed by local elites and entrenched, anti-liberty local laws and customs. Would we be more free as individuals if a hodgepodge of small states were free to erect trade and immigration barriers, fight frequent wars, and impose what libertarian civil rights activist Clint Bolick has called "grassroots tyranny"? I doubt it.

The victory of the Union in the Civil War was not a total victory for freedom, but I believe it was better than the alternative.

William Henley
Cleveland, Ohio

Bad Case to Bad Law

Attempting to rehabilitate Lincoln in the opinion of libertarians, Timothy Sandefur offers one insupportable constitutional point and then conveniently ignores two historical facts that undercut his position.

To begin with, his assertion that secessionist efforts must first pass through Congress is not supported at all by the text of the Constitution, which is completely silent on the matter of states seceding. The example of Philippino independence is not relevant, because territories are not states, and do not have the same legal status as states, a fact which Sandufer himself recognized elsewhere in his article.

To understand why this is so, we need look no further than the Ninth and Tenth Amendments, which are conspicuous by their absence from Sandefur's essay. They grant states all powers not explicitly reserved for the federal government by the Constitution. The right to secede, or a corresponding right of the federal government to prevent secession, appears nowhere in the Constitution. Leaving the Union is a right reserved to the states or the people, respectively, but not to Congress.

continued on page 24

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

The furry face of evil — On April 24, Congress gave us an instructive little display on how seriously they take your liberty and your money:

> Washington (CNN) — In what may be the first appearance of a Muppet before a congressional committee, "Sesame Street" favorite Elmo donned his best suit and tie and took his cause to Capitol Hill.
>
> The red, furry friend to toddlers everywhere gave evidence before the Education Appropriations Subcommittee to urge more spending on music research and musical instruments for school programs.

The *Washington Times* gave this account of Elmo's testimony:

> "Please Congress, help Elmo's friends find the music in them," Elmo pleaded. He added, "I love you, Congress." "And my grandchildren love you too, Elmo," said Rep. Ralph Regula, Ohio Republican and the panel's chairman.

A grown man talking to a goddamned puppet is bad enough. But a grown man who's a congressman talking to a puppet while he's trying to decide how much of our money to spend? Thomas Jefferson would gouge his own eyes out and wander Pennsylvania Avenue gibbering like a madman if he could see what we've sunk to. It's hard to keep your sense of humor about it when our political culture goes far beyond satire. — Gene Healy

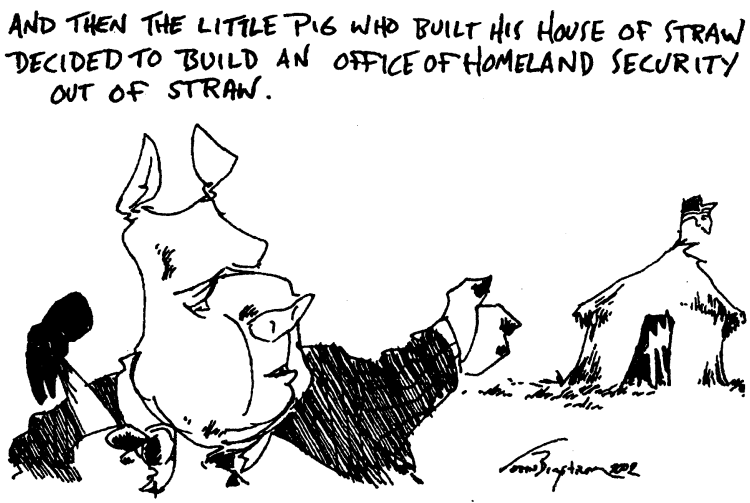

The new consensus — The other night, Tom Hazlitt and I were musing over the state of the world, and Tom shared a major insight into the current American political scene. The Democrats are determined to get to the right of the president on the war. The administration is determined to get to the left of the Democrats on domestic spending. I think he's on to something. Now we can look forward to a bipartisan expansion of government at home *and* abroad. — Fred Smith

Nomenclatural note — If naming sports teams after Indian tribes is an unacceptable insult, shouldn't we also change the names of other things named after Indians? Like Utah, Arkansas, Idaho, Illinois, Indiana, Kansas, North and South Dakota, Oklahoma, Tennessee, Texas, and Wyoming . . . — Dave Kopel

Making the world safe for hypocrisy — Hillary Clinton famously observed that the 1980s was "the decade of greed," epitomized by former President Reagan's accepting fees totaling $2 million for public speaking after he left office. Now it turns out that Sen. Clinton's husband Bill, who entertained us as president in the non-greedy 1990s, has accepted some $9.2 million in speaker's fees in his first year out of office.

Lest you think that the first family emeritus is being hypocritical, Julia Payne, the former president's spokeswoman, explained the fees in these words: "The paid speaking engagements by the former president are not instances where he goes in and out and makes this kind of money. He delivers a very thoughtful and compelling speech on globalization and he will also take questions from the audiences."

Oh, now I see.

— R.W. Bradford

Kennedys 387, Justice 1 — One of the few charming things about the murder trial of Kennedy kinsman Michael Skakel was the statements made immediately after the trial by the murderer's defenders. Skakel's attorney denied that there was any evidence against him, even circumstantial. (Skakel had confessed to the murder on a number of occasions.) And a Skakel brother (Kennedys of any description are never capable of having just one child or, indeed, of being alone at any time) emerged to characterize the trial as "a witch hunt." It's like *Citizen Kane*. On election night, Kane's toadies have two headlines prepared, one saying that he was victorious, the other saying *"fraud at polls."*

Less charming was the remark that the public mind will always associate with this trial. It is a statement by Michael Skakel: "I am going to get away with murder. I am a Kennedy."

The statement came perilously close to being true. Twenty-seven years were required to bring Skakel to justice. But justice was sweet when it came. No, I'll be honest. Vengeance was sweet. Vengeance for Martha Moxley, the

murdered girl, and vengeance for the nation, which has watched generations of Kennedys escape with impunity — no, with honor — from their disgraceful and stupid deeds.

"I am going to get away with murder." No wonder he said that. They didn't get Joseph Kennedy, the founder of the "dynasty," for making a fortune out of bootlegging and manipulating the price of stocks. They didn't get Joseph Kennedy for being an anti-Semite and a fascist sympathizer. They didn't get Joseph Kennedy for publishing a book, *I'm for Roosevelt*, in which he asked, "What matters a vote to a hungry man?" They didn't get Joseph Kennedy for having gangsters pass out money to local officials so that his son, John Kennedy, could win the West Virginia primary.

They didn't get John Kennedy for permitting things like that to happen in his campaign. They didn't get John Kennedy for the fakery surrounding his health condition and his drug use. They didn't get John Kennedy for falsely claiming that the Republican administration had permitted a "missile gap" to develop between the U.S. and the U.S.S.R. and that he ought to be elected president so he could close the nonexistent gap. They didn't get John Kennedy for accepting the Pulitzer Prize for a book he didn't write. They didn't get John Kennedy, who said that he ran for office so he could make the presidency "the center of moral leadership," for sleeping with an East German spy, a gangster's moll, and hundreds of less politically suspect women.

They didn't get Robert Kennedy, standard-bearer of left-liberalism, for having served as assistant counsel for the investigative committee of Sen. Joseph McCarthy. They didn't get the Kennedys for claiming, in the midst of campaign propaganda proceeding from the assumption that they were divinely commissioned to rule America because they were one, united, brilliant family, that John and Robert's sister Rosemary was "a schoolteacher in Wisconsin," when said sister had actually been lobotomized for being mildly retarded. They didn't get Teddy Kennedy for killing a simple-minded secretary by driving

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Romancing the Dismal Science • Mark Skousen unearths a dramatic tale — starring everyone from Carl Menger to Karl Marx — behind the history of the much-maligned dismal science. (audio: A501; video not available)

Future Imperfect • David Friedman leads a thrilling exploration of coming developments in biotechnology, and how they'll radically change the way we think about law and each other in the coming decades. (audio: A503; video: V503)

The End of the World As We Know It • Is globalization the disease or the cure? **Fred L. Smith Jr.** explains how expanding markets cripple intrusive government and make liberty that much easier to find. (audio: A504; video: V504)

Prisons for the Innocent • Washington state Supreme Court Justice **Richard Sanders** exposes America's mental health gestapo, and shows how thousands have been locked up for life without ever committing a crime. (audio: A505; video: V505)

All the Lies That Are Fit to Print • Jeff Riggenbach chronicles media coverage of illegal drugs — from early 20th century "Negro cocaine fiends" to "crack babies" of the 1980s — uncovering a legacy of shoddy coverage and botched reporting. (audio: A506; video: V506)

Who's Afraid of the Antichrist? • Douglas Casey takes a provocative look at the tenets of radical Islam and how they inspired the recent terrorist attacks. Does God hate America? (audio: A507; video: V507)

Terrorism on Drugs • Alan Bock probes the link between terrorism and America's drug war — and proposes a single

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The War on Terrorism (Part I) • Durk Pearson, Richard Sanders, David Friedman, R.W. Bradford, and **Fred L. Smith Jr.** discuss what will happen to our civil liberties in light of the recent terrorist attacks. (audio: A509; video: V509)

The War on Terrorism (Part II) • Douglas Casey, Jeff Riggenbach, Randal O'Toole, Alan Bock, and **R.W. Bradford** ask how terrorism will change our lives; for the better or for the worse. (audio: A510; video: V510)

reform that will end terrorism in America forever. (audio: A508; video: V508)

Central Planning on Main Street • Randal O'Toole makes the case against the cult of "smart growth" — and demolishes the plan to cram the world's population into an area the size of Kentucky. (audio: A511; video: V511)

How Libertarianism Must Change to Succeed • R.W. Bradford looks over the Libertarian Party's successes and failures and comes to a surprising conclusion: It's time for the LP to give itself a chance. (audio: A512; video: V512)

Grass-roots Organizing for Liberty • Randal O'Toole asks, Why has environmental activism been a rousing success and libertarian activism an unremitting failure? (audio: A513; video: V513)

A Short Introduction to Libertarian Anthropology • William Merritt takes a humorous look at differences between the sexes and how they got that way. (audio: A514; video: V514)

Abandon the LP? • Bruce Ramsey and **R.W. Bradford** discuss whether the Libertarian Party has failed in its mission — or whether that mission hasn't even been tried. (audio: A515; video: V515)

Law in Cyberspace • David Friedman explores how anonymity on the Internet can actually lead to a world of nonjudicial justice. (audio: A516; video: V516)

Kicking the FDA's Ass • Durk Pearson and **Sandy Shaw** recall their success over the Food and Drug Administration, and document the state's continued refusal to comply with their landmark legal victory. (audio: A517; video: V517)

Stalking Garet Garrett • Bruce Ramsey paints a picture of a paleo-libertarian from the *Saturday Evening Post* and his battle against the New Deal. (audio: A518; video: V518)

The Comedy of Tim Slagle • Tim Slagle takes on everything from vegetarians to the homeless in his classic comedy routine. (audio: A519; video: V519)

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the car in which he intended to have sex with her off a bridge, leaving her to die rather than summon aid and reveal his involvement. They didn't get Teddy Kennedy when he made a senatorial career out of his saintlike advocacy of the rights of women and the poor.

They didn't get Joseph P. Kennedy II, son of Robert Kennedy and founder of Citizens Energy, the "nonprofit energy company" that employed Michael Skakel as "director of international programs," who after twelve years of marriage and the birth of two children obtained an annulment on the ground that he lacked "due discretion" when he wedded at the age of 27. They didn't get William Jefferson Blythe Clinton for authorizing millions of dollars of naval expenditures to provide a burial at sea for the body of John F. Kennedy Jr., a private citizen whose airplane went down at sea either because (A) he was an incompetent pilot, or because (B) his wife was throwing a fit, as she was, apparently, wont to do, while he was attempting to control the plane.

Twenty-seven years were required to bring Skakel to justice. But justice was sweet when it came. No, I'll be honest. Vengeance was sweet.

But they did get Michael Skakel. — Stephen Cox

Making a list, checking it twice — Last evening, I attended the Mission Neighborhood Zoning Meeting in San Francisco. It didn't take long for a consensus to emerge. First, they compiled a wish list for the neighborhood: no traffic, no unemployment, no crowding, low-cost attractive housing, an aesthetic layout with no tall buildings blocking the panorama, inexpensive and well-functioning transit, thriving neighborhood businesses serving everyone's needs, lots of parks and open space, and free childcare. Next, they asked the government to grant their wish.

No concern about unintended harmful consequences, no worry about the morals of robbing from others to finance it, no concern about special interest groups siphoning off funds or the harassment of innocent individuals or the trampling of rights or the inevitable bloated bureaucracies to implement it or the police brutality needed to enforce it.

Any downside? Perhaps one sleepless night waiting by the chimney. — Michael R. Edelstein

Don't placard on me! — Vietnamese Communist Party General Secretary Nong Duc Manh is upset at protests near government buildings. Citizens should be content with filing grievances with local government agencies, he thinks, and "the fact that people gather with placards is abnormal. Other countries would not allow that. Our democracy is in many cases excessive."

If he thinks a few placards is a sign of "excessive" democracy, wait until somebody tries to introduce the concept of actual personal freedom. — Alan W. Bock

Frisking Al Gore — Here is the true index of the dominance of modern liberalism. Al Gore tries to get onto an airplane, and he gets searched. To determine whether he's a terrorist. Al Gore. Late Democratic nominee for president. He is searched, to determine whether he is an Islamic terrorist. Well, why is he being searched? Because, according to the foundational doctrine of modern liberal political correctness, everyone must be treated precisely the same, even or especially when there is no reason to do so. As a result, if you are in line to board a flight to Kansas City, and there's Al Gore in the line, and there's also a Saudi Arabian citizen, male, age 27, sweating and twitching and grabbing his balls like it's the last time he'll ever touch them, he and Al Gore have the same chance of being searched.

Of course, this is grossly offensive to 99% of Americans of every age, ethnicity, and political perspective. But it's the practice of the government — which, by the way, is allegedly conservative. You've heard the old expression, "We are all Marxists now." How about, "We are all modern liberal idiots now?"

As for Al Gore, I take it back. I hope he gets searched every time he gets on a plane. And I hope they find the evidence: the idiotic ideas that produced these idiotic policies. — Stephen Cox

Trading with the enemy — Once again, an American president has denied trade liberalization to Cuba. Trade liberalization will await political liberalization. But, certainly, this allows the tail to wag the dog. If America opened the door to trade with Cuba, then thousands, probably hundreds of thousands, of Cubans would engage in dialogue with their American counterparts. That dialogue and the resulting broadening of perspectives on the possible would do more to liberalize the Cuban political system than any liberalization Castro could ever do. Individual Cubans would exercise an increasing array of choices and would garner wealth. It's not easy to enslave a numerous and wealthy populace. Castro knows this well.

Will George Bush ever figure this out? — Fred Smith

Spreading the love — A "secret" Pentagon war game, some of whose results made it to the front page of the *New York Times,* concluded that war with Iraq would cause big strains on U.S. military capacity. We show no signs of reducing our commitments in Bosnia, Kosovo, or western Europe, and are ratcheting up the commitment in Afghanistan.

Meanwhile, the Bush administration thinks it is time to "resume military contacts with Indonesia" — that is, start giving 'em more ammo and weapons paid for by American taxpayers — now that the country with the largest Muslim population in the world has granted independence to East Timor and supposedly cleaned up its human rights act.

Is this prudent? Is there no limit to U.S. capacity to spend on military endeavors? — Alan W. Bock

A special dispensation — On June 20, the Supreme Court ruled that it is unconstitutional to execute the retarded. This is another affirmation of America's willingness to discriminate against the able. It's not enough that the retarded get to go to specialized public schools on a private bus, and have their own Olympics where they can win medals without even crossing the finish line. Now they can

plan and execute a heinous murder and escape their just reward. Seems to me that somewhere in between change counting and microwave oven operation, someone ought to teach these exceptional individuals that it is wrong to take the life of another. — Tim Slagle

Defining racism down — *"A black person cannot be racist."* Or so said Michael Moore in his May *Newsweek* website interview. He was promoting his new book *Stupid White Men.*

It is possible that Moore was trying to be funny. I wonder what Reginald Denny would say if he were asked to tell us which aspect of Moore's quip he found to be the most amusing. Joking or not, Moore, who happens to be white, went on to explain his statement this way: "Racism means that you have the political power to back up your prejudice, and to enforce and to make certain that your prejudices become either law or the way your society functions."

Oh, now I get it. This newspeak definition has been circulating on campuses for years, though no reputable dictionary has joined the campaign to help hijack English by publishing this tortured definition. On a still night by the glow of the tube, however, one can hear the tom-toms of political correctness growing louder and sense the spines of the publishers growing weaker.

Consider the now-defunct South African system of apartheid. Many of its proponents probably fulfilled the requirements of Moore's definition. When the proponents of apartheid lost political power, however, they also lost the ability to translate their beliefs into law. Michael Moore may not like it, but by his truncated definition, in South Africa today a Boer person cannot be racist.

Don't blame me; it's not my definition.

— Scott Chambers

Pocus hocus — The U.S. Department of Commerce has officially designated Russia as a "market economy." It's a little like a magic trick. Poof, you're capitalists. Pay no attention to that man behind the screen.

On the other hand, maybe there's something to the designation. With a twelve percent flat tax and its regulatory system in serious disrepair, Russia, for all its massive corruption, may have more of a market economy than the United States. — Alan W. Bock

Patient, heal thyself — A recent study found that Prozac was effective in treating depression in only 25% of the cases studied, while sugar pills were effective 32% of the time. Such numbers seem to indicate that medication actually perpetuates depression, as sugar pills seem to be more effective.

It also suggests that belief in pills actually cures the depression, regardless of what the pills contain. Such is the amazing power of faith. A study of this sort could account for the effectiveness of prayer against the same ailments. People who are deeply religious say they get great joy and peace from their religion, and it has helped them out of the darkest states of despair. This is probably why AA requires its members to submit to a higher power, to relieve the bout of depression that the alcoholic is sure to get when he sobers up and realizes he will never be able to sit in a bar again.

There seems to be a biological human need for faith, religious or otherwise. Perhaps this is why a lot of atheists become politically active. It could even explain the existence the Libertarian Party. — Tim Slagle

Judicial hyperactivism — More chicanery in the courts: in a case currently under consideration in the Ninth Circuit, Judge Stephen Reinhardt has ordered liberal law professor Erwin Chemerinsky to write an amicus (friend of the court) brief addressing the constitutionality of the tax deductions given to church leaders who receive certain housing benefits. The case arose when a pastor in Orange County deducted the "reasonable value" of his housing costs instead of the "actual value." The IRS took him to court, and he won — the only question in the case was whether the law permitted the deduction of actual or reasonable housing costs; neither party argued that the deduction was a violation of the separation of church and state. Nevertheless Judge Reinhardt has taken it upon himself to appoint Chemerinsky — whose views on the subject are already well known in the legal community — to address an issue which nobody in court is arguing to begin with.

Nobody can seriously doubt that Reinhardt already knows his answer, and intends to rule the deduction unconstitutional, despite the fact that nobody in the case has asked him to do so — a clear violation of legal rules. What is particularly upsetting is that Reinhardt and his pet amicus are right — the deduction is a flagrant violation of the First Amendment. But using sneaky tactics like this is dangerous for two reasons: future courts can use the same tactic to create far-ranging decisions on their own accord, with lit-

"To prevent such abuse in the future, priests will be allowed to marry — but *only* to other priests."

tle or no accountability; and secondly, using such tactics undermines the legitimacy of the argument itself, as future generations will associate the (correct) argument that such deductions are unconstitutional with the underhanded tactics used in this case. That lends a pretext to the martyr aspirations of the religious right, which wishes to portray itself as the oppressed victims of elite atheist conspiracies.

— Timothy Sandefur

The era of "the era of big government is over" is over — Let's see, Republicans are supposed to be the frugal party and President Bush ran on a platform of — well, not actually reducing the size of government, but of keeping spending in check. But the war on terror has changed all that. Not only is President Bush seeking the biggest military spending increase in two decades, he seeks increases in almost all areas of domestic spending. And the Republicans in the House are upping the ante, wanting twice what he proposed for Medicare, for example. Bush asked for a "supplemental" appropriation of $27 billion over the year's planned budget; the House came back with $29 billion. Discretionary spending — the programs Congress votes on each year — will be up from $657 billion last year to $740 billion this year, and Bush is seeking $773 billion for next year. And they get away with most of it by claiming it's related to the war on terrorism or "homeland security."

Truly, war is the health of the state. — Alan W. Bock

Better sorry than safe — This attempt to hang Sept. 11 foreknowledge on Dubya is dishonest and silly. So he got briefed in August that al Qaeda may have been planning to hijack airplanes. What steps was he supposed to take to secure our nation's airplanes? Stormin' Norman Mineta's nailclipper ban and full-body-patdown-and-random-search policy? Three-hour waits at airports would have gone over real well politically last summer. How about arming pilots? Unlike the intrusive and ineffectual searches currently being conducted, that actually would have stopped Sept. 11. But do you imagine for a second the Democrats would have let him get away with it? Can you picture the 30-second attack ads?

A free society is vulnerable at an almost incalculable number of points. I guarantee there's a piece of paper in a briefing book somewhere right now that says al Qaeda may adopt Palestinian tactics and use suicide bombers to blow up crowded buses. When it happens, is it going to be the president's fault? — Gene Healy

"Your first visit, Dr. Chomsky?"

The morality of the schoolyard — A boy at school pushed my son. It would have been no big deal, except that my son was wearing a splint to protect his broken wrist and the kid had pushed him on the splint. The kid, who was one of my son's friends, is an impulsive 11-year-old boy and has a temper.

When a kid attacks my son, I want an "I'm sorry," from the parents. That's No. 1. Secondly, I want to see that the parents have impressed on the kid that he was wrong, and ought not to do it again; and that there is some responsibility by the parents to see to that. I know they cannot guarantee it, but they can state a moral position.

With these parents, we didn't get a moral position. They don't take moral positions, I guess.

First off, they go along with their kid's story. In this case, the pushing was done on the playfield, in front of a lot of other kids. No teacher saw it, but the office manager saw my son crying, asked him what had happened, and called over the kid identified as the perpetrator. He said he hadn't pushed my son. My son had pushed him.

In the office he changed his story and said my son had fallen into him. From his manner, and the changed story, the office assistant concluded he was lying and said, "You're going to the principal." The boy insisted to the principal that my son had fallen into him. The principal said he would have to call witnesses — whereupon the boy changed his story a second time and admitted, crying, that he had done the pushing.

His parents complained the next day that the principal had been too coercive. Then they said my son must have done something to cause their boy to push him; perhaps my son had been too sarcastic. Then they said my son was too sensitive. Then, when my son went over to their boy the next day and talked to him, his parents said my son was too forgiving.

They never said their son had been wrong — either to push or to lie about it. Here was a couple, both of them, I believe, with advanced degrees, who could discuss their son without passing judgment. We talked morality, they talked psychology.

I don't know what they thought of us — narrow-minded and judgmental, I suppose. I began to think of them as dangerous. — Bruce Ramsey

Death of a hero? — What are we to make of a society that makes John Gotti a celebrity whose death was front-page news? I'm not sure, but it certainly isn't a good sign. — Alan W. Bock

See no evil — Amidst all the political bickering and blame tossing over the Phoenix Memo comes one clear fact:

FBI agent Kenneth Williams suggested in July of 2001 that Middle Easterners in flight schools across America should be interviewed, and have their visas checked, but the FBI didn't want to commit the manpower to perform those interviews. I wonder how many agents were tied up on marijuana cases that month? — Tim Slagle

Medianote — A summary of Fox News June 1 report on terrorism:

Sen. Bayh (D-Ind.): We need to give more powers to the FBI and CIA.

Sen. Sessions (R-Ala.): We need to give more powers to the CIA and FBI.

Moderator: We'll be back for more of the Great Debate after this message. — Ross Lavatter

Fly the defenseless skies — The Federal Aviation Administration opposes the proposal from airline pilots that they be allowed to carry hand guns on aircraft — one policy that could have prevented the Sept. 11 terrorist attacks. I hope pilots start making the following announcement at the beginning of each flight:

"Ladies and gentlemen, this is your captain speaking. I hope you enjoyed standing in line for two hours while a minimum wage grunt poked and prodded and felt you up. All this special treatment is courtesy of the FAA, which refuses to allow us trained, military professionals the ability to defend our ships from terrorists. If we were trusted to defend this aircraft, just as much as we are trusted to bring you home safe, most of the security precautions such as taking off your shoes and intrusive x-ray machines would have been irrelevant. Finally, I would like to remind you that in the unlikely event of a hostile takeover of this airplane, the United States Air Force has been instructed to shoot us out of the sky; at which point you will all be free to smoke during our very final descent. Thank you for flying Defenseless Air." — Tim Slagle

Alfred E. Bush — As a rule, I do not watch presidential speeches. Experience has taught me that they only disgust me and thereby spoil my day. In a lapse of concentration, however, I watched King George's brief speech pitching the establishment of a Department of Homeland Security. As I passed those twelve bizarre minutes, facing the TV, standing as if in a trance, I could not escape an overwhelming sense that the orator, in all his mock gravity, was none other than the *Mad* magazine mascot Alfred E. Newman.

Yes, the physical resemblance, complete with the protruding ears, was undeniable. Yes, the blank-moronic, faintly amused gaze was identical to Alfred's. And, yes, the quality of the rhetoric suggested the same level of understanding of the world that veteran *Mad* readers have come to expect from the magazine's signature figure. (To give credit where it's due, however, one ought to recognize that Alfred did say, "Crime does not pay . . . as well as politics.")

Perhaps some of my fellow citizens took this buffoonish presidential performance seriously — it never pays to estimate the public's intelligence too highly — but I hope I will be forgiven if I could but shake my head in melancholy and incredulity. Here we have the political head and military commander in chief of the world's most powerful empire, an emperor who has declared war against all those anywhere on the planet who fail to knuckle under to his plans for them, and this comic king cannot even pronounce the word "nuclear." (Look on the bright side: if someday he orders a "nucular" attack, maybe nothing will happen.)

Some will say, of course, that the Shrub is only the front man for the evil geniuses who actually make all the decisions, but I find little reassurance in that hypothesis. Just how smart can those true movers and shakers be if they cannot come up with a more plausible figurehead?

— Robert Higgs

Following a Newfie lead — In May 1948, when David Ben-Gurion proclaimed the State of Israel, I expressed (naive) satisfaction, in a conversation at Columbia University, that the Jewish people at last had a homeland of their own. A history graduate student disagreed, warning of grievous trouble ahead. If only the British mandate over Palestine could have continued! A similar thought applies to most countries of Africa nowadays: the states — meaning the politicians or tyrants who control them — are freer than under colonialism, but the opposite is true of the individual inhabitants, who suffer increased insecurity of person and property.

What brings these thoughts to mind is the current condition of Argentina. The country is suffering its fourth year of severe and apparently worsening recession. The narrowly focused diagnosis is a familiar one: a deficiency of demand for goods and labor backed by willingness and ability to spend money. The available monetarist lesson should not be thrown away merely because the current (or recent) monetary deflation will indeed prove to be an exceptional, mere blip in Argentina's long and soon-to-be-resumed history of money and price inflation. The one-to-one peg of the peso to the dollar in 1991 was a sensible move at the time, but deflationary side-effects emerged. Although the federal government could no longer simply print money, it and the provincial governments continued their reckless spending,

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covering their deficits by sales of government property and by heavy borrowing at home and abroad. Confidence flagged, spurring capital flight that worsened the monetary deflation; and the impact of recession on tax revenues worsened the fiscal situation. Late in 2001, trying to save the banks from runs and the exchange rate from flights into dollars, the government violated contracts and property rights by partially freezing bank deposits. This freeze, still not lifted, further worsens the deficiency of spending and the vicious-circle aspects of recession. So does the increasing reluctance of businesses to accept credit cards (in view of uncertainties and high interest costs). The sharp depreciation of the peso since abandonment of the dollar peg in January brings almost mechanical markups of many prices in Argentina, and justified fears of renewed inflation also spur price increases running ahead of actual money expansion. In purchasing-power terms, then, the shortage of spendable money worsens (temporarily).

The more fundamental diagnosis of the situation is deep-seated fiscal irresponsibility at the federal and provincial levels. In a TV interview in early June, apparently thinking that the cameras had been turned off, the president of neighboring Uruguay opined that all Argentine politicians, from first to last, are "a pack of thieves." An economic-information service (INFOBAE.com) polled its readers about the proper Argentine response. A clear majority answered: "Recognize that he is right."

Those readers are probably more realistic and sophisticated than the average Argentine man or woman. Still, I recall what Newfoundland did in 1933–34, when political irresponsibility had contributed to an unmanageable problem of public debt. Newfoundland voluntarily gave up self-government and reverted to being a British colony. Would anyone dare recommend a similar way out for Argentina?

— Leland Yeager

Drugs shorten FBI's attention span? — The reorganization of the Federal Bureau of Investigation announced by FBI Director Robert Mueller hardly lives up to his promise "to fundamentally change the way we do business." But it includes an interesting implicit admission that deserves a closer look.

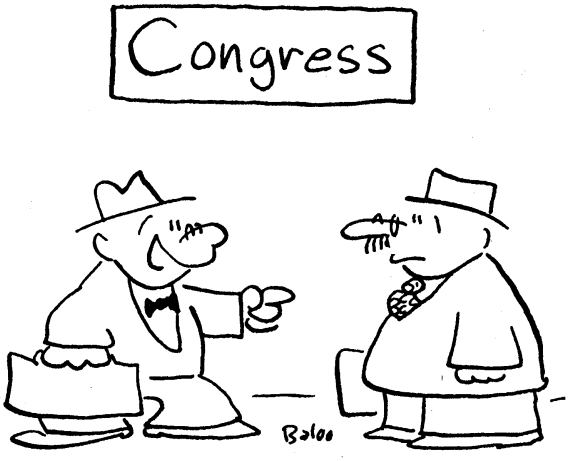

"I know what! — We could offer to forgo a pay raise in exchange for *tenure*!"

By announcing that 400 FBI agents would be shifted immediately from drug law enforcement to anti-terrorism units, Mr. Mueller acknowledged, without saying so, that continuing to try to fight the "drug war" is a distraction from the FBI's main mission of preventing terrorism. It is too bad that he didn't acknowledge this explicitly — or take the next logical step and acknowledge that a policy of prohibition, by increasing the profits available to the most ruthless of traffickers, helps to fund international terrorism — but his actions had a certain quiet eloquence. — Alan W. Bock

Economy down, government up — There is an old adage, "Government is the employer of last resort." Yet the economic downturn that began last March confirms another widely held libertarian belief: government layoffs are rare even when the private sector sheds jobs in response to a recession.

The U.S. Bureau of Labor Statistics (www.bls.org) maintains employment data on eight private industry sectors. They are mining; manufacturing (durable and non-durable goods); construction; wholesale trade; retail trade; transportation and public utilities; services; and finance, insurance, and real estate, or FIRE for short. The BLS also maintains data on government employment (federal, state, local) and subcomponents such as education.

The layoffs prior to this recession started in capital intensive private sectors when employment peaked in mining (February 1998) and manufacturing (April 1998). These were followed by wholesale trade (November 2000), construction (March 2001), transportation and FIRE (May 2001), retail trade (July 2001), and services (September 2001). In all of these sectors, workers who produce goods and provide services for consumers were laid-off in response to changing market demand.

What, then? I think what distinguishes libertarians in this culture is the principle of self-responsibility.

And government employment? No such adjustment process has occurred. Government employment has yet to peak, BLS data shows, increasing from 20,711,000 in March 2001 to 21,083,000 (preliminary) in February 2002. Total government employment increased every month since the recession began except last September when it fell by 24,000. The decline was attributable to seasonal factors, primarily the end of local government summer jobs.

The increase in government employment is sweeping and encompassed every component (federal, state, local) and subcomponent (education) between March and December 2001. These included:

Federal government employment: 2,613,000 to 2,615,000
State government: 4,836,000 to 4,928,000
State education: 2,055,000 to 2,112,000
Local government: 13,262,000 to 13,518,000
Local education: 7,492,000 to 7,642,000

The government sector's failure to shed its own employ-

ees in the recession is part of a postwar trend. Total government employment failed to peak in seven of ten postwar recessions, BLS data shows. The exceptions were the 1948–49, 1981–82, and 1990–91 recessions.

Layoffs are even rarer in recession in the government education sector. State education employment peaked in only one recession (1981–82) since the BLS first began compiling data on the sector in the mid-1950s while local education peaked only twice (1981–82 and the January–July, 1980 recession).

Government does not create jobs. It taxes entrepreneurs, redistributes wealth, and pads its own employment rolls. That this is occurring while millions of private American workers are being laid-off shows how far removed government is from the people. — Greg Kaza

Defining liberty — A perennial argument of libertarians is over how to define themselves to the public. Over time, the favorite has been the non-coercion principle. This unfortunately spawns a swarm of questions — about national survival in a war, or in an AIDS epidemic, or how to deal with lead pollution from gasoline, or the labeling of food and drugs, how to build roads, or how to pay for police, courts, and national defense. The main problem with the non-coercion principle is that it leads directly to a position that must obviously be compromised.

To focus on specific issues is to become too radical in another respect. Libertarians become the champions of gambling, prostitution, pornography, racial discrimination, usury, greed, hate, abortion, cigarettes, drugs, guns, and riding motorcycles without helmets. Well, we are opposed to prohibiting those things, or most of them, but that does not mean we are *for* them, and want proudly to wear them as badges.

What, then? I think what distinguishes libertarians in this culture is the principle of self-responsibility. It is the idea that each able person has to provide for himself, his spouse, and his children; that the risks of disease and old age are an individual and family problem, and that the very least, food, housing, and medical care should not be given away by the government to able adults. It is that to shield an able person from the risks and obstacles of life is to bore them and weaken them, and to make life trivial.

That idea distinguishes all libertarians, radical and not-so-radical, from the mainstream. It focuses attention not on the battles they have mostly won, such as free speech or the free market, but issues they continue to lose, such as free medicine. It gives libertarians common cause with some conservatives, a group that often says it's for self-responsibility but often isn't. And most of all, it gives them an ideal that is personal as well as political.

The writer who has come closest to this idea is Charles Murray, who, not incidentally, has made a name for himself outside the libertarian ghetto. Perhaps one reason is that his message is the right one. — Bruce Ramsey

The statute of limitations and you — You've heard the expression, "the tragedy of the commons." The "tragedy" is what happens when there's property that's "publicly" or "commonly" owned, and everybody takes advantage of it, biting off little pieces for themselves, until there's nothing left.

Now, it's a bit of a stretch, but I thought of that phrase when I heard Michael Medved on Chris Matthews' show the other night. The topic of discussion was the video of news correspondent Daniel Pearl being decapitated by his sadistic captors. Should people be able to see that? No, Michael said. It shouldn't be shown. Showing it would have "no constructive purpose."

Michael Medved is one of the most intelligent conservatives I can think of, and one of the most sophisticated. So he should know better than to say something like that. If things are judged by their "constructive purpose," then no Democratic regime will allow discussion of so disgusting a thing as the stains on Miss Lewinsky's dress, and no Republican regime will allow us to discuss the past self-indulgences of our current president. No, Michael didn't call for laws against discussing these things, but you know how it goes. First we have community standards, then we have appropriate licensing of electronic media, then we have . . . what we had only two short decades ago, a nation in which you never got to see anything that wasn't "constructive" to see.

You see your neighbor smoking pot. Who the hell cares? you think. Then you think, If anybody else sees this, and reports on me for not reporting it, I will be sent to jail.

That's the way our common heritage of liberty is eaten away, by good-natured people, each of whom just wants to take a tiny bite of it.

Here's another example — the current campaign against the Catholic church over the child molestation issue. Please! I'm not in favor of child molestation. And I'm not a Catholic. But listen: there's a libertarian purpose in statutes of limitation, in criminal charges that are clearly and accu-

"Attempted bribery, eh? — That ought to just about cover the fine."

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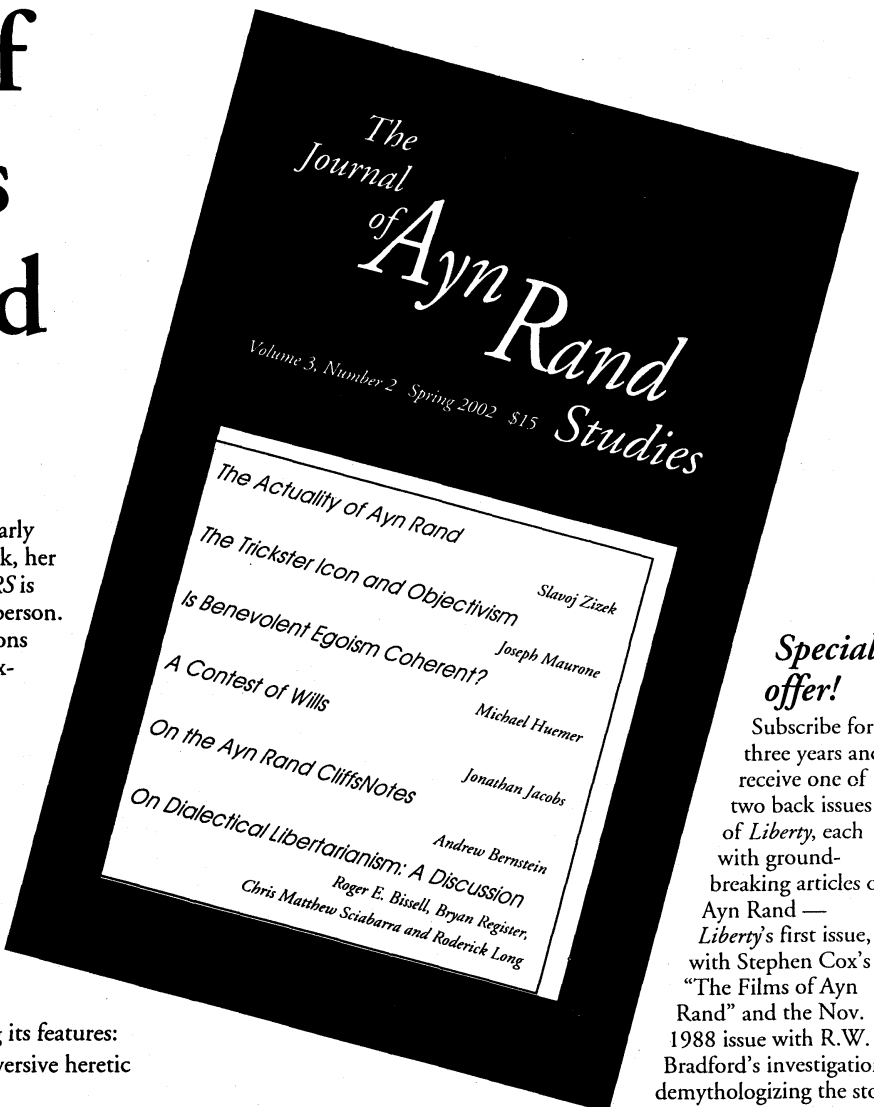

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rately defined, and in the immunity of law-abiding people from prosecution or legal harassment.

Everybody will agree, at least in principle, to the last two on that list, so I'll say a word in favor of the first, which is statutes of limitation. If there's no limitation on the time when charges are filed for a criminal offense, we'll have witnesses suddenly "remembering" the fact that John Doe smoked pot with them 50 years ago, and John Doe, now 90 years old, will be subjected to some Uniform Sentencing Law that gives everyone five to ten for drug violations.

Today, in the virtuous cause of stopping child molestation, we have people "speaking out" 20 or 30 years after they were allegedly molested, and being given as much credence as if the offense had allegedly occurred last week. We also have priests accused of one, all-inclusive offense, "child molestation," whether they raped a boy of eight or "inappropriately touched" a boy of 17. And we have calls, and more than calls, for people who knew or heard something about molestations or "molestations" to be prosecuted because these people *failed to inform the police.*

Look. If you see someone assaulting someone else, you have a moral duty to report it. If you know that your neighbor is molesting a child, you have a moral duty to report it. If you are a pastor or a bishop, and one of your subordinates is doing things like that, you have a duty to *stop* it. If, for some reason, you do not do these things, and you are summoned to court and asked to give your evidence, you have a legal duty to tell the truth about it. But this is a long way from saying that private citizens should be prosecuted or sued for not turning other private citizens in for violating the law. I invite you to consider the immediate consequence of accepting that proposition. You see your neighbor smoking pot. Who the hell cares? you think. Then you think, If anybody else sees this, and reports on *me* for not reporting *it*, I will be sent to jail. So I guess I'll have to report that guy.

Is that a stretch? No, it's not. Keep after the church in this way, and that's where you'll end up.

Actually, there is no "common" property. Every individual's rights are his or her own property. It's up to you to guard them. Don't let child molesters, opponents of child molesters, or the best-intentioned people in the world take your property away from you. — Stephen Cox

Francis Fukuyama and the end of liberty

— Francis Fukuyama tells us that libertarianism is a dead ideology in a poorly cobbled-together piece in the May 2 *Wall Street Journal*. Fukuyama, you may recall, was the guy who proclaimed "The End of History" back in the early 1990s. My guess is this prediction will work out about as well as that one.

Most of the piece is an attack on pro-cloning libertarians. But the part that interests me is the little aside on libertarianism and foreign policy. It says:

> The hostility of libertarians to big government extended to U.S. involvement in the world. The Cato Institute propounded isolationism in the '90s, on the ground that global leadership was too expensive. At the time of the Gulf War, Cato produced an analysis that argued it would be cheaper to let Saddam keep Kuwait than to pay for a military intervention to expel him — a fine cost-benefit analysis, if you only abstracted from the problem of weapons of mass destruction in the hands of a megalomaniac. Contrary to Mr. Reagan's vision of the U.S. as a "shining city on a hill," libertarians saw no larger meaning in America's global role, no reason to promote democracy and freedom abroad.
>
> Sept. 11 ended this line of argument. It was a reminder to Americans of why government exists, and why it has to tax citizens and spend money to promote collective interests. It was only the government, and not the market or individuals, that could be depended on to send firemen into buildings, or to fight terrorists, or to screen passengers at airports. The terrorists were not attacking Americans as individuals, but symbols of American power like the World Trade Center and Pentagon. So it is not surprising that Americans met this challenge collectively with flags and patriotism, rather than the yellow ribbons of individual victimization.

Sept. 11 did not end the argument for foreign-policy restraint. It underscored it, in a particularly horrific way. The destruction of the Trade Towers was Gulf War blowback. Pardon me for taking a simplistic view of the matter, but in 1989, Osama bin Laden had left Afghanistan and was back running the family construction business. It was U.S. troops in Saudi Arabia in 1991 that motivated him to get back in the business of killing infidels.

In 1989, Osama bin Laden had left Afghanistan and was back running the family construction business. It was U.S. troops in Saudi Arabia in 1991 that motivated him to get back in the business of killing infidels.

Who knows, maybe he or others would have found some other rationale to do it. Maybe in an alternative world, where the U.S. dismantled the Cold War alliances after the fall of the Berlin Wall and pursued a foreign policy of noninterventionism, Muslim fanatics would have attacked us anyway simply because, as the *National Review* phrased it, "we are rich, and powerful, and good." But in the history we actually lived through (the one that didn't "End"), there's a pretty direct link between U.S. foreign policy and the attack on N.Y.C. — Gene Healy

Joining the Islamonazis — Just in case you were wondering who's who in the Don't Resist Terrorism movement, a group of prominent left and far-left Americans has released a "Not in Our Name" joint letter denouncing the U.S. war against terrorists, as well as resistance to terrorists in Israel and elsewhere. (http://www.guardian.co.uk/comment/story/0,3604,737060,00.html). Signers include Edward Asner, Noam Chomsky, disc jockey Casey Kasem, Martin Luther King III (president, Southern Christian Leadership Conference), Barbara Kingsolver, Michael Lerner, E. Randall Osburn (executive vice president,

Southern Christian Leadership Conference), Michael Ratner (president of the misnamed Center for Constitutional Rights), faux Palestinian postmodernist Edward Said, Gloria Steinem, Alice Walker, and historian Howard Zinn. Not all of these people believe that "nothing is worth fighting for," since some of them celebrate the Palestinian fight to destroy Israel, but it seems apparent that these signers believe that protecting American civilians from murder by Islamonazis is not worth fighting for. — Dave Kopel

Searching for an excuse — Early in June the War on Terror came to the Washington State Ferries. The driver of every 15th vehicle waiting in line was asked to sign a paper consenting to a search by the Washington State Patrol, and to agree that any evidence found might be used against him. It was entirely voluntary, the government said. If the driver signed, he would be asked to leave his vehicle while police searched his cargo compartments and under his seats. If he did not sign, that was all right, but the captain of the ferry might choose not to let him board. The police, however, would not be responsible for his not boarding. That was up to the captain.

By what authority did the state do this? The American Civil Liberties Union asked the elected state attorney general, Christine Gregoire, Democrat. Her office made two replies. First, this was about the War on Terror, and that was not a topic subject to public disclosures. Second, it was a matter of attorney-client privilege, she being the attorney and the Washington State Ferries being her client.

In other words, the state was advising itself, and the content of its advice was a secret.

Well, the ACLU, bless them, was of the opinion that that was horse manure, and insisted on a copy of the attorney general's advice. A few days later, the ACLU received a seven-page memo from one of Gregoire's division heads. And here is what it said:

No law authorized anti-terror searches, random or otherwise, which were unprecedented in Washington state. Random searches were anathema to the Fourth Amendment and even more anathema to the Washington constitution. The only random search of cars that any Washington court had ever permitted was the search on one ferry where it was believed a felon had hidden himself in a car trunk. Still, the state might get away with the searches by citing a special needs exception if there were an immediate safety and security issue like a bomb threat.

Had there been such a threat? No.

Who had authorized the searches? It was a committee that included the state attorney general, the head of the state ferries and the U.S. Coast Guard. The Coast Guard had suggested the state order the searches, but had not ordered them itself.

The first press comment, from the morning *Seattle Post-Intelligencer*, was positive. The searches were justified, the *Post-Intelligencer* said. But a *Post-Intelligencer* editorial columnist who rides the ferry every day wrote a signed column denouncing the searches.

Two days later a *Seattle Times* columnist did the same, quoting from the memo. *The Seattle Weekly*, an alternative paper that leans left, ran a column that denounced the searches. It ran with a drawing of a ferry, John Ashcroft, and a hammer and sickle.

A powerful state legislator — a Democrat — stated that the State Patrol was paying for the searches with money that was never intended for such a thing.

The state ferries then announced that it was suspending the searches of cars because the terrorist threat had subsided. — Bruce Ramsey

A natural citizen, at least 35 years of age . . . — On June 3 the EPA released the 2002 U.S. Climate Action Report to the United Nations, and many were shocked to learn that the administration has changed its position on human-induced global warming. I suspect this shift was precipitated by the left's continual haranguing about George Bush's intelligence. Now that he agrees with the left on CO^2 emissions, it's going to be really hard to call him an idiot, especially when he's talking about protecting the en-*varn*-mint.

I don't know whether intelligence is really important for a president. I certainly want intelligent judges, and I guess that smart legislators might be good too. But I believe the constitutional duties of president only require the skills of a really good poker player. — Tim Slagle

This body don't run — A politician seldom looks better than when he is leaving the grubby game, especially when it's at an age when he can return to some relatively honest occupation. So it's especially pleasant to contemplate Minnesota Gov. Jesse Ventura's decision not to run for another term, even though the game will be less interesting without him.

Jesse, of course, was one of the few recent politicians who looked like a welcome breeze when he blew into poltown. It was refreshing that 37% of the voters preferred him to the virtually interchangeable Republocrat and Demican candidates in 1998. It was charming to hear him promise to return $4 billion in "excess" taxes the establishment politicians had enacted. And it was potentially instructive to note that he criticized the drug war and got elected, suggesting once again that the conventional wisdom that questioning the drug war is the current "third rail" of American politics is as untrue as most conventional wisdom.

Sadly, "The Body" became all too politic once he got in office. He did deliver a modest tax rebate, but then fell in love with taxpayer-subsidized transit. When the boom subsided and government revenues suffered, he proposed $2 billion in tax increases rather than spending cuts. The state budget grew 33% during his tenure. Minnesota voters caught on to the fact that while his style was more colorful than the average politician's, his substance was depressingly familiar. Recent polls showed him still competitive but in trouble in a three-way race, so he recrossed that thin and sometimes imaginary line between politician and entertainer.

May he stay on the marginally more honest side of it.

— Alan W. Bock

Liberty at Fifteen

by R. W. Bradford

Fifteen years ago, *Liberty* published its first issue. Things don't always work out the way you plan them.

There is a tendency for libertarian enterprises to engage in self-congratulation — witness the gala celebrations staged this year by Laissez-Faire Books for its 30th anniversary and by the Cato Institute for its 25th anniversary, not to mention the festivities arranged by *Reason* magazine for its various anniversaries. *Liberty* has never done much of this: it's not that we think there's anything wrong with such celebrations, we've simply been too busy editing and publishing a magazine — that is, doing what we like to do. We do notice our anniversaries. But we celebrated pretty much only in print. On our fifth anniversary we published a brief account of how we started *Liberty*, reprinting a couple of past articles, and publishing a complete index. Our tenth anniversary was marked by an account of the magazine's history. We also billed our 1997 editors' conference as our "10th Anniversary Celebration," but aside from some brief remarks by David Friedman and me at our customary Saturday night banquet, it wasn't any different from our usual editors' conference.

Still, 15 years is a milestone for any magazine, and it seems appropriate to look back at how the magazine was founded, how it has grown, and how it has changed. Fifteen years is a long time, long enough for international communism to change from an enormous organized threat to human liberty to a bad joke, long enough for George W. Bush to change from a party-loving businessman prospering on government subsidy to the head of the government itself, long enough for Bill Clinton to grow from being governor of a small state to president of the United States to the most embarrassing ex-president in our nation's history, long enough for the Libertarian Party to change from a party that had lost four presidential elections by large margins to one that has lost eight by even larger margins, long enough for me to change from a vigorous dark-haired 30-something to a gray-haired 50-something, long enough for Elizabeth Merritt to grow from a precocious 6-year-old girl to a precocious 21-year-old managing editor.

It's also long enough for a magazine to grow from a fledgling bimonthly with a circulation of barely 1,000 to a well-established monthly read by tens of thousands. That's what I'm writing about here: what we were trying to do, where we succeeded and where we failed, and where things turned out differently from what we had expected.

A Gleam in the Eye

Sometime in the mid-1970s, I began to think that the world needed a magazine that offered analysis of the political and economic situation from an unapologetically libertarian perspective, discussion of serious intellectual issues — including political philosophy, economic theory, political strategy — and commentary and reviews of a broader cultural nature than any libertarian or libertarian-oriented magazine had ever offered. I was, at the time, mired in the world of business, working over 80 hours each week, so the magazine I was thinking about remained nothing more than a gleam in my eye for the next several years.

By 1980, my success as an entrepreneur had enabled me to retire and turn my energy to ends other than making

money and I naturally began to think more seriously about *Liberty*. But it took me several years to extricate myself sufficiently from the business enterprise I had started, and there were personal matters to attend to as well. I continued to develop a business plan for the hypothetical journal, but it was 1985 before I felt ready to try to complete the plan and begin to implement it.

From the very beginning, I discussed my proposal with two people who are still intimately involved with *Liberty*: Stephen Cox, whom had been a close friend since my undergraduate days and was by now a professor of English literature at the University of California, and my wife Kathleen. It is not the slightest exaggeration to say that *Liberty* would never have existed, much less blossomed into the magazine you hold in your hands today, if both hadn't provided their formidable critical intelligence and just plain hard work to our effort. For more than 15 years, Kathy, Steve, and I have been the bedrock of the enterprise, people who could count on each other to do what needed to be done.

The next person I recruited was Murray Rothbard. At the time, Rothbard was perhaps the most influential living participant in the libertarian movement. He was a first-rate writer who devoted incredible energy to shaping libertarian opinion. He had formerly been associated with both *Reason* and the Cato Institute, but his querulousness had resulted in his being cut adrift. I thought he might be looking for an outlet for his writing. I sent him a letter outlining my plan, and he quickly agreed to come on board.

The next person to join our effort was Timothy Virkkala, a young Oregon "book junkie" and libertarian, at the time an obviously underemployed gas station attendant. I hired him as my personal assistant, and soon he was helping with *Liberty*'s development.

The next two people I recruited were prominent figures in two very different fields. Doug Casey was (and remains) a prominent investment analyst, who had recently published the best-selling financial advice book in history. Ross Overbeek was a leading computer scientist, though a few years later, he turned his considerable intellectual energy to genetics. *Liberty* had never been thought of as a strictly political magazine, and Casey and Overbeek brought a wider perspective and expertise.

Liberty's first and only editorial, titled "Why Liberty?" was mostly the portion of Liberty's business plan that today might be called its "mission statement."

The first issue of *Liberty* appeared on July 5, 1987. Today's reader would have no trouble recognizing it. Its cover featured a larger logo and less color than today's, but it was still basically the same. Its masthead listed the names of eight individuals, six of whom are still there for this issue. It was enlivened by wonderful cartoons by Rex F. May, whose work continues to delight our readers. It concluded with a page of "Terra Incognita," the absurd news clips that still remind us that life is real, and not entirely earnest.

The best laid schemes o' mice and men . . .

On page 4, there appeared *Liberty*'s first and only editorial, titled "Why Liberty?" It was mostly the portion of *Liberty*'s business plan that today might be called its "mission statement." It began by asking "Does the world really need another libertarian magazine?" and surveying existing libertarian publications. It concluded that all were either outreach publications, house organs, or scholarly journals, and that none of them "offer[ed] the kind of lively, provocative analysis that the intelligent libertarian craves." It went on to spell out our intentions (see "*Liberty*'s Mission Statement" at left.) It was signed by all five editors.

The first few issues of *Liberty* pretty much reflected this agenda. We published, for example, important original research on Ayn Rand, at the time the most powerful influence on libertarian thinking. We looked back at the origin of the contemporary libertarian movement and at a pioneer leader who moved underground, literally, to avoid the state. We challenged the fundamentals of libertarian ethical thinking in a controversial essay parodically supporting Robert Nozick's using rent controls to extort money from his landlord. We looked at the libertarian implications of the then-nascent micro-computer revolution. We offered independent analysis and commentary about the Libertarian Party, something which virtually no other publication was doing.

But things didn't work out as we planned for long.

Liberty's Mission Statement

We propose to publish *Liberty* as a journal produced by libertarians for libertarians, a journal with the space and inclination to discuss issues that interest libertarians, written from an unapologetically libertarian perspective.

We propose to publish lively discussions of these sorts of issues:

- the intellectual and psychological roots of libertarianism and of the hostility to liberty.
- the sort of society that libertarianism entails.
- cultural, social and historical matters from a libertarian perspective.
- the tactics and strategies of those libertarians seeking to libertarianize the world, as well as the strategy and tactics of those who believe in allowing the world to go its own way.
- the origin and history of the libertarian movement.

We seek to publish uninhibited discussions of these issues, without feeling any need to soft pedal libertarianism or to outline or defend the precepts of libertarianism (except for challenges from within).

We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate nonlibertarians.

We seek a periodical that does not soft-pedal libertarianism one whit.

. . . gang aft agley

The first major change in editorial policy occurred quickly. Shortly after publishing our second issue, we did a reader survey. We asked our readers to rate how well they liked various kinds of articles we'd published. The highest ranked kind of article was "analysis of current events." Second was "articles that analyze public policy." This was a huge surprise to us because at this point we had *never* published any articles analyzing public policy and the only thing we'd ever published about current events was our analysis of what was going on within the Libertarian Party.

We discussed this at some length, and hypothesized that many of our readers were telling us that what they'd like to see in *Liberty* was analysis of current events and public policy. Our original business plan specifically called for *Liberty* to refrain from publishing anything on public policy, on the theory that other libertarian publications, notably *Reason* (whose editor called it a "policy magazine") and the Cato Institute's publications were doing plenty of good work in this area. But it was plain that our readers wanted public policy analysis, and we decided to provide it, though we also insisted on publishing only the most interesting and best-written policy analysis we could find. This remains our standard to this day.

The same was true with commentary on current events. We had originally planned to limit our commentary to topics of special interest to libertarians — that is, to subjects about which our libertarian readers would have trouble finding commentary published elsewhere. Plainly our readers wanted more, and we intended to give them what they wanted.

We quickly found that such commentary often could not be expressed in article-length features. So in the final issue of our first year, we inaugurated Reflections as a front-of-the-book feature, consisting of commentaries long and short. It immediately became the most popular and widely read portion of the magazine, a position it has never lost.

We originally figured that the number of libertarians who would subscribe to a genuinely intellectual magazine was around 2,000, so we set a circulation target at that level. It turned out that demand for Liberty was much greater.

There was another important development that motivated us to publish more commentary about current events. In late 1987, I met Bill Kelsey, a magazine distributor, at a conference. He told me that he thought *Liberty* would sell just fine on newsstands. This dumbfounded me: I had assumed that a magazine of such radical libertarian sentiment would have little appeal to general readers. But I figured he knew his market better than I did, so I went along with his suggestion that we print an extra 500 copies of our third issue and ship them to him. To my further surprise, he sold over 90% of those copies.

We didn't have any idea what it was about *Liberty* that appealed to newsstand browsers, but we figured that they were probably more interested in current events or public policy than in say, the arcana of libertarian theory or the goings-on inside the Libertarian Party. Consequently, we have tended to feature more current events and public policy material on our cover and early in the magazine while putting inside-the-beltway libertarian material later, in the features section.

Overshooting our targets

Our failure to anticipate the excellent newsstand sales that *Liberty* has enjoyed was far from the only non-editorial aspect of our original plan that altered our perspective. We originally figured that the number of libertarians who would subscribe to a genuinely intellectual magazine was around 2,000, so we set a circulation target at that level. It turned out that demand for *Liberty* was much greater: we exceeded this target before our sixth issue was published. We revised our business plan accordingly, and have expanded our subscription base.

One day in 1987, I asked Reason's editor how he spent a typical day. To my surprise, he told me that he spent most of his time applying for grants and dealing with donors. This didn't seem like much fun to me.

Alas, the increased revenue from increased circulation did not show up on our bottom line, because our costs also rose. One factor was inflation. The cost of everything — especially postage, printing, and the salaries paid to our small staff — escalated, and we were reluctant to raise the magazine's price. *Liberty*'s cover price of $4.00 has never changed, and during our first twelve years as a bimonthly, our subscription price rose only once and by a very small amount. When we converted to monthly publication, we raised the subscription rate from $19.50 to $29.50 — which had the effect of lowering the per copy cost from $3.25 to $2.45. We also found it necessary to add to our staff, simply because the amount of labor needed to handle our burgeoning circulation increased.

But another major factor was that we underestimated how much quality writing we could find. Our original plan called for publishing six issues of averaging 40 pages each per year. Our first two issues had 48 pages, our third had 56 pages, our fourth and fifth had 64 pages, and our sixth had 80 pages. During the next few years we averaged more than 72 pages per issue. Printing and mailing longer issues costs more money.

Resisting temptation

If we are to believe what is published in trade journals about magazine publishing, the past decade and a half have been terrible for magazine publishing, with both subscriber and newsstand sales declining and advertising revenues down. The advice most often given to magazine publishers

to fight this trend is simple: attract more readers with shorter articles, more pictures, glossier look, and more color. The theory is that in this age of remote controls for changing channels, people just don't have the attention spans they once had. The poster child for this formula is *USA Today*.

Anyone who compares *Reason* magazine as published in 2001 to *Reason* as published in 1987 can plainly see the change, which has become even more evident since *Reason's* most recent makeover. And the trend continues: *Rolling Stone* just announced an editorial change that *The New York Times* describes as signalling "the end of *Rolling Stone*'s history as a publisher of epic narratives and literary journalism." No longer will it publish the work of writers like P.J. O'Rourke, Tom Wolfe, and Hunter S. Thompson. "Many editors have concluded," the *Times* reports, "that words in magazines are often beside the point." Now what's in are "funny charts, outrageous photos and articles that are little more than captions on pictures." *Rolling Stone*'s publisher thinks this is the result of the explosion of new media: "Back when *Rolling Stone* was publishing these 7,000 word stories, there was no CNN, no Internet. And now you can travel instantaneously around the globe, and you don't need those long stories to get up to speed."

I disagree. While the number of people who read may very well be declining, we at *Liberty* think that there remains a very substantial market for the kind of good writing that we publish. And we aim to serve that market.

I think the fact that we continue to provide quality writing may explain our success in newsstand sales, which are generally evaluated in terms of their "sell-through," that is, the percentage of copies distributed to newsstands that actually sell at retail. So far as we are able to determine, *Liberty* has the highest sell-through of any magazine of its kind. Until 1998, every publication mailed in the U.S. was required to make a public report that included data from which one can easily calculate sell-through, and in every year for which we have found data, *Liberty*'s sell-through has been higher than that of *any* magazine. For years, our sell-through was over 80%, while none of our competitors even managed to reach 50%. As is the case with other periodicals, our sell-through has fallen off in recent years, in what is generally considered a very bad market for newsstand sales. Even so, as far as we can determine our sell-through remains much higher than that of any competitor.

"Many editors have concluded," the New York Times reports, "that words in magazines are often beside the point." Now what's in are "funny charts, outrageous photos and articles that are little more than captions on pictures." We disagree.

A fundamental policy

One other aspect of *Liberty* has never changed, and I hope never will. *Liberty* is an independent publication, unaffiliated with any other organization or institution. We feel free to publish opinions that are unpopular with any other libertarian entity. Our editorial standard remains the same as it was on the day we began: *Liberty* publishes good writing of interest to intelligent libertarians. We do not care whom we offend. More than once I've taken angry phone calls from the heads of other libertarian organizations. I always try to be polite and understanding, but I never apologize or promise to tone down future articles. Among those offended by this open policy is me: *Liberty* frequently publishes writing that I strongly disagree with.

This is not necessarily the policy with other libertarian periodicals. One of *Liberty*'s contributing editors once told me that when he worked for another libertarian magazine, staffers discussed among themselves whether a particular submission followed the "KL," which was an abbreviation for the "korrect line." The editor of another libertarian publication once told me that he considered himself the libertarian movement's biggest expert on foreign policy, and would never publish anything on foreign policy that did not agree with his beliefs. This sort of policy impoverishes any magazine.

While the number of people who read may very well be declining, we at Liberty think that there remains a very substantial market for the kind of good writing that we publish. And we aim to serve that market.

Our open editorial policy was the reason that our "Why Liberty?" editorial concluded with a description of each of its editors. We wanted to make it plain that we not only brought very different life experiences to *Liberty* — we also brought different fundamental political beliefs:

> The bases of our libertarianisms vary as well: One of us (Rothbard) is a leading advocate of Natural Rights philosophy, three of us (Cox, Overbeek and Bradford) are Classical Liberals more or less in the utilitarian tradition, and one of us (Casey) is an anarchist in the neo-Objectivist tradition of the Tannehills.
>
> We acknowledge our differences of experience, of orientation, of approach. In the pages of *Liberty* we expect we will often disagree, and sometimes disagree with vigor.
>
> But all of us agree on two points:
>
> 1) We believe that the role of government in people's lives should be radically reduced or eliminated altogether (thus we are libertarians);
>
> 2) We believe that libertarians need an "inreach" journal — a periodical in which to sort out their differences, share their thinking, etc.
>
> That is why we publish *Liberty*.

The business of Liberty

Liberty has undergone one important change that I haven't mentioned yet. When *Liberty* was launched, it was

operated as part of an existing business wholly owned by me. I realized that most intellectual magazines and virtually all libertarian magazines were operated as nonprofits, but operating it as part of my business made it possible for me to write off any losses against the profits made by the other business activities, and it just seemed simpler to operate it that way.

My opinion was reinforced by a conversation I had with Bob Poole shortly after we started publishing, when he was still the editor and publisher of *Reason*. We were at a convention and there wasn't much going on and we got to chatting. I asked him how he spent a typical day. To my surprise, he told me that he spent most of his time applying for grants and dealing with donors. This didn't seem like much fun to me. And I figured that I really didn't want to edit or publish a magazine that was dependent on donors — I valued *Liberty*'s editorial independence so highly that I didn't even want to be tempted to allow donors to influence it.

More than once I've taken angry phone calls from the heads of other libertarian organizations. I always try to be polite and understanding, but I never apologize or promise to tone down future articles.

And these threats are real. More than one head of a libertarian nonprofit has told me of attempts — some successful — by major donors to get him to change what the nonprofit publishes. I'd like to think that I would have the backbone to stand up against such pressure, even if it means a substantial loss of revenue. But I don't think that anyone can ever know how he'd react in such a situation, and I really don't want even to face such a quandary myself.

Suggestions that *Liberty* go nonprofit continued — and there were many, including one from the head of a libertarian nonprofit who told me that I could earn a six-figure salary if I'd go nonprofit and seek funding from the sources that fund other libertarian nonprofits.

I resisted whatever temptation this might have been. But in 1993, I donated the magazine to a nonprofit corporation because I was tired of paying outrageously high postage rates. Postage is a magazine's single biggest expense, and the lower rates offered to nonprofits would enable us to expand our circulation substantially. (In fact, our circulation nearly doubled in the following two years.)

Since then we have done a single annual solicitation of donations from our readers, and three individuals have at one time or another made substantial donations. Because we believe our editorial independence should not be endangered by donations, we have used these generous gifts to finance non-core activities, such giving *Liberty* subscriptions to libraries or to young libertarian scholars, or improving our website. (I am happy to say that no donor has ever hinted at an attempt to influence any editorial matter. I think donors understand our inflexibility on this point.)

This helps make *Liberty* unique among political publications. Indeed, there is a certain sense in which *Liberty* is extraordinary among all publications.

A different kind of magazine

In the magazine business, publications are generally divided into two categories: circulation-driven and adver-

How It Was and How It Is

Liberty started 15 years ago. What a world that was! Suffice it to say that the Berlin wall had two more years to go, and I submitted my first articles to *Liberty* in typescript, on a primitive fax machine. No email. When *Liberty* HQ got the fax, it was retyped into magazine copy. No scanner.

Let me go back a little farther. It's late 1966. Bill Bradford and I are both denizens of an obscure state college, lost on the plains of western Michigan. He's the assistant editor of the college newspaper. I'm nobody. I write a letter to the editor, opposing conscription. Bill prints it, and seeks my further acquaintance. The rest is history. Both of us had a lust to write and publish. During the next 21 years, we talked our inclinations over, and in 1987, Bill started *Liberty*.

When some libertarians get successful, they start wearing coats and ties. Not us. It's still T-shirts and jeans at *Liberty*. And when some libertarians get successful, they start getting serious about everything. Again, that's not us. We're still as silly as we ever were, although we've learned a lot more stuff. I'm not sure that Bill needs to learn any more. One of his favorite sentence openings is, "I'm sure you know . . . " which he follows with some astonishingly obscure fact that he, in the innocence of his heart, actually imagines you've heard of.

Whether either of us is right about what we deduce from what we know — that's another question. Indeed, "we" couldn't ever be right, because nobody at *Liberty* ever agrees with anybody else. Bill works about 15 hours a day, but he's still able to call me up and fight with me.

What has *Liberty* accomplished? It wasn't *Liberty* that brought down the Berlin Wall. It wasn't *Liberty* that invented the Internet. But it's *Liberty* that provides the only really free forum for radical advocates of freedom in America.

I don't mean that other libertarian journals are filled with the voices of slaves agitating for slavery. On the contrary: I value all of them, and all of them have their place, just as *Liberty* has its place. What I mean by "free," in this context, is "independent," "nonaligned," and "nonpartisan." People who write for *Liberty* can be as partisan as they want to be, but *Liberty* has no party line. It is not the voice of any libertarian party, tendency, institute, lobby, or cause. It exists only to publish the best libertarian writing we can find.

Maybe that's not much. But it's a lot of fun.

— Stephen Cox

divided into two categories: circulation-driven and advertising-driven. Circulation-driven magazines are those whose primary source of revenue is sale of the magazine — for example, supermarket tabloids and most newsletters. Advertising-driven magazines are those whose primary source of income is advertising; examples include virtually all daily newspapers, consumer magazines, and trade publications.

But there is another category, one into which nearly all political and intellectual magazines fit: donor-driven magazines — that is, magazines whose primary source of revenue is donations, sometimes from a broad number of individuals, sometimes from a single wealthy donor, sometimes from foundations. I cannot think of a single libertarian publication besides *Liberty* that isn't in this category.

Our editorial standard remains the same as it was on the day we began: Liberty publishes good writing of interest to intelligent libertarians.

So what drives *Liberty*? I think it fits into yet another category, one that it has pretty much to itself. *Liberty* is writer-driven. We manage to publish a good magazine through the generosity of our writers and our contributing editors, virtually all of whom contribute their efforts without financial remuneration. Indeed, at the present time, *Liberty* has only a single paid employee.

In theory at least, *Liberty* will eventually pay its other staffers. But I have yet to collect a dollar from *Liberty* for the 15 years I've worked here full-time, and while *Liberty* theoretically rents office space from a building I own, so far it hasn't actually got around to paying any rent.

And that's just fine with me. I'd rather be beholden to our writers, whose work graces our pages, and to our readers, who fork over $29.50 per year, and to those (like me) who make modest donations, than to other nonprofits or to major donors.

Our writers — from intellectual giants like Thomas Szasz to bestselling authors like Doug Casey to subscribers who are inspired to write something extraordinary for us — are happy to be paid in the satisfaction of helping make *Liberty* the kind of magazine it is. So is Steve Cox, who not only contributes a tremendous amount of excellent writing, but also edits (somebody has to be able to reject writing by me!), advises — and helps in a million ways. So is Kathy Bradford, who takes care of the thankless job of seeing that bills are paid, government forms are filled out, proofreading corrections are entered, and does another million tasks, great and small. So is Jim Switz, who finds time to manage our database. And so am I. ❑

Letters, *from page 6*

The original states were careful to note which rights were being surrendered to the new Union. New York, Rhode Island, and Virginia explicitly stated in their ratification documents that the powers of the federal government could be "reassumed" whenever the federal authority began to injure or oppress the rights of the people. Massachusetts, South Carolina, and New Hampshire each incorporated language from the Tenth Amendment into their ratification resolutions, effectively implying, if not explicitly stating, that secession was not a matter under federal oversight. It is absurd to argue that a movement to secede from an oppressive Congress must first gain permission from that same institution.

Sandufer is correct to point out that the South makes a poor poster child for those who support the right to secede. This is not a new revelation. However, effectively eradicating the right to secession because it was first used as a defense for slavery is to take a bad case and make a bad (and unconstitutional) law.

Ken Braun
Lansing, Mich.

You Could Look It Up

In the July *Liberty* ("Reflections") Ralph Reiland quotes an ex-priest friend as asking: "How does he know? How does he know that people aren't born gay? Those urges are natural, for them, as natural as a heterosexual man's urges for a woman." The ex-priest was reacting to Monsignor Clark's statement that "gay men shouldn't be allowed to be priests . . . the idea that people are born gay is simply 'not true.'" But in Leviticus 20:13, the Lord said:

> If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination; they shall surely be put to death; their blood shall be upon them.

John 5:16 states that such capital offenses are not to be forgiven; the sentence must be imposed. Taking all that together says it doesn't matter if some men are born gay. God wants them — if caught in the act — removed from society.

Like they say: if all else fails read the instructions.

James Harrold Sr.
Springdale, Ark.

TC, Not PC

Contrary to what Reiland argues, the Roman Catholic Church's real problem is homosexual priests.

The molestations reach back almost 40 years. The 1960s and 1970s were not as "gay friendly" as society is today. Because of the various "revolutions" among our young people, fewer young men entered the priesthood in the 1960s and 1970s. The easiest way for the church to address this "problem" was to look the other way when young men of "alternate affectional preference" attempted to enter the seminary. The result, numbers of ordained men engaging in sexual activities with young men.

I use the term "young men" since little of the reported activity has occurred with boys of elementary school age. Most of the illicit activity has occurred between the ordained and young men of high school age. To suggest that these activities are "pedophilic" rather than "homosexual" simply attempts to handle the problem in a politically correct manner.

Seminaries have begun to "tighten up" recently as the church's hierarchy is beginning to face the real problem. Unfortunately, the next problem faced by the Church is very likely to be a number of ordained men dying of AIDS.

Speaking in a PC manner may be one of the social graces. Unfortunately, being Theologically Correct is the true task of the Church.

Bill Kelly
Dundas, Minn.

The Trouble With Szasz

by Ralph Slovenko

Sometimes, coercion is a good thing.

For about a half-century there has been an outpouring of articles and books by Thomas Szasz. Just to cite them would take a volume. They are known worldwide. A review of a biography of the financier and philanthropist George Soros tells us: "Nobody has ever satisfactorily explained the magical accomplishments of the Hungarian Jews. A persecuted minority in a land whose language is unfathomable to all others, they have been fantastically over-represented among high achievers in almost every field of cultural and scientific endeavor. Emigres from this small community have included John von Neumann, Leo Szilard, Eugene Wigner, Theodore von Karman, and Edward Teller" (Seligman, 2002). Though these are only illustrations, admirers of Szasz, of whom there are countless, would think it remiss to omit Szasz. Everywhere, Szasz is the No. 1 weapon in attacks on psychiatry, or at least a gadfly, always stimulating discussion.

With each successive writing, Szasz has advanced or rewritten his key beliefs about (1) the meaning of mental illness and (2) the "Therapeutic State" and its threat to individual freedom. On these issues his thinking has ossified into an ideology. His libertarianism has no room for communitarism.

The Meaning of "Mental Illness"

Perhaps the best known and most controversial of Szasz's books is *The Myth of Mental Illness* (1961). The title is catchy, but what does it mean? Szasz writes with exceptional lucidity, but at the end of the day, the title of the book had more impact than its contents. The title gave rise to the impression, rightly or wrongly, that Szasz was denying reality. Thus, for example, prominent psychoanalyst Glen Gabbard commented, "[Szasz says] that mental illness does not exist" (Goode, 2000).

Szasz says that what he was objecting to in *The Myth of Mental Illness* is the labeling of the phenomenon as "illness" and the use of the medical model, with all its consequences. In *Pharmacracy* (2001), Szasz explains:

> When I say that mental illness is not an illness I do not deny the reality of the behaviors to which the term points, or the existence of the people who exhibit them, the suffering the denominated patients may experience, or the problems they create for their families. I merely classify the phenomena people call "mental illnesses" differently than do those who think they are diseases. When a lesion can be demonstrated, physicians speak of bodily illnesses. When none can be demonstrated, perhaps because none exists, but when physicians and others nevertheless want to treat the problem as a disease, they speak of mental illnesses. The term "mental illness"

is a semantic strategy for medicalizing economic, moral, personal, political, and social problems.

Yet what is to be made of subsequent writings where Szasz compares the problem of "schizophrenia" to the "problem of the ether," that is, there is no such problem. Is he protesting the medical model or the reality of the phenomenon? In an article in *Liberty* (March 2002), Szasz says, "[The] message [of my book, *The Myth of Mental Illness*] is stated unambiguously in the title: Mental illness is a fiction, a metaphor, a myth — on a par with fictions such as witch, unicorn, mermaid, sphinx, ghost, or, *horrible dictu*, God." Later in the article he says, "My aim in writing *The Myth of Mental Illness* was to demonstrate the error in the belief that 'mental illness' is a medical disease, and to delegitimize its use as a weapon in the unholy alliance of the war of psychiatry and state against the individual — epitomized in the incarceration of innocent persons justified with mendacious euphemisms of 'hospitalization' and 'treatment.'"

Behaviors are not diseases or illnesses, Szasz proclaims, but behavior is controlled by the mind, and mind and body are interrelated. Time and again, Szasz says that what is involved is "problems of living." What is the solution to the "problems"? "Talk therapy" assuredly has not resolved them. What does Szasz suggest by way of solution? Critics wonder what type of problems are resolved by Szasz. Given his objection to the medical model, one must wonder why a department of psychiatry is in a medical school and why psychiatrists get a medical education. Szasz in the byline on his publications tends no longer to use the honorific "Dr." before his name and "M.D." following it, although he did so at one time; he continues to have his office in the medical school. Are people with problems lured by the honorific or the venue?

Szasz writes with exceptional lucidity, but at the end of the day, the title of the book had more impact than its contents.

Does the medical profession — or medication — have any role to play in alleviating the "problems of living"? Does medication or the medical mystique warrant the use of the medical model? Before the advent of psychotropic medication, mental hospitals were populated with demented individuals. Today, with the development of medication, one no longer sees individuals once described as catatonic.

The discipline most effective in dealing with a problem tends to be the way the problem will be classified. It may be called a crime by the police, a social problem by a social worker, a sin by the clergy, or disease by the physician. If treatable, it tends to be called a disease. The question is: which classification is most helpful to one and all?

Over the door of a church-based treatment center in Houston a sign announces, "Drug Addiction Is Not a Disease, It's a Sin." Don Willett, a policy advisor to then-Governor Bush, said "In the view of faith-based providers, addiction is indicative of sinful behavior; it's at root a moral problem that requires a moral solution, as opposed to the therapeutic notion that it's a disease" (Rosin, May 5, 2000). Willett did not elaborate what would be the moral solution, presumably prayer or exorcism.

Through the years Szasz has railed against categorizing (mis)behaviors as diseases, amenable to treatment through psychiatry. It is a result, he says, of our love affair with medicalizing life and replacing responsibility with therapy. He writes, "Lawyers, politicians and the public embraced this transformation as the progress of science, rather than dismissing it as medical megalomania based on nothing more than the manipulation of language" (Szasz, April 28, 2002). Actually, society turned to psychiatry because of the virtual bankruptcy of the criminal justice system (which seems to elude Szasz), and because psychiatry offered hope of alleviating human conflict and distress.

Pedophilia is the most recent illustration of which he is dismissive of categorization as disease. True to form, he condemns psychiatrists — especially the authors of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* — for classifying and treating pedophilia as a disease (Szasz, April 28, 2002). Actually, the term "pedophilia" is a term that covers the waterfront. Some individuals who commit pedophilia are mentally retarded, others are senile, tormented, or lonely, still others are psychopaths. Some pedophiles may limit their activity to undressing the child and looking, exposing themselves, masturbating in the presence of the child, or gentle touching and fondling of the child. Others perform fellatio or cunnilingus on the child or penetrate the child's vagina, mouth, or anus with their fingers, foreign objects, or penis and use varying degrees of force to do so. Are all of these behaviors equally offensive or harmful, all warranting a penal sanction? A prison sentence may be the equivalent of a death sentence, given the abuse of sex offenders that occurs in prison. Should there be special institutions for sex offenders, as there are in a number of states? In some cases is a psychiatric modality effective or appropriate as a treatment? Is Lady Justice wise in lifting her blindfold in order to look closely at both act and actor? Szasz apparently thinks not, but his reasoning, while provocative, is hardly satisfying.

In debunking "mental illness" as a disease, Szasz calls "schizophrenia" a "fake disease" — "the sacred symbol of psychiatry" (Szasz, 1976). Szasz terms schizophrenia a panchreston, that is, a dangerous word that purports to explain everything, but which on the other hand obscures matters. Szasz says, "The problem of schizophrenia which many consider to be the core-problem of psychiatry today, may be truly akin to the 'problem of the ether.' To put it simply: there is no such problem" (Szasz, 1957).

A leading and outspoken critic of Szasz, Dr. E. Fuller Torrey, formerly with the National Institute of Mental Health says:

> Szasz has produced more erudite nonsense on the subject of serious mental illness than any writer alive. As a historian Szasz is first class, but as a psychiatrist he never moved beyond a strictly psychoanalytic approach to treating schizophrenia. He argues, for example, that schizophrenia is merely a creation of psychiatry and "if there is no psychiatry there can be no schizophrenia." What wonderful simplicity! One wonders whether he has ever seen a patient with the disease. (Torrey, 2001)

To be a true disease, Szasz claims, "it must somehow be capable of being approached, measured or tested in a scientific fashion," and, he contends, only diseases lend to diagnosis. Yet what is a diagnosis but a category? We cannot do without categories, of one sort or another. We live by categories. In Philosophy 101, one learns that by necessity we divide up the world by categories. We use those categories that best help to deal with the phenomenon. Jose Ortega y Gasset in *The Dehumanization of Art* (1948, p. 15) writes:

> [O]ne and the same reality may split up into many diverse realities when it is beheld from different points of view. And we cannot help asking ourselves: Which of all these realities must then be regarded as the real and authentic one? The answer, no matter how we decide, cannot but be arbitrary. Any preference can be founded on caprice only. All these realities are equivalent, each being authentic for its corresponding point of view. All we can do is classify the points of view and to determine which among them seems, in a practical way, most normal or spontaneous. Thus we arrive at a conception of reality that is by no means absolute, but at least practical and normative.

Yet why arbitrary, as Ortega y Gasset suggests? It would seem that at times we can have reasons for our preferences or categories. Figuratively speaking, Plato suggested that a chicken be cut at the joints because that is the most convenient. We adopt that scheme that makes life most orderly, keeping in mind that the categorization we choose has consequences. What one does about something depends on how one categorizes it.

What counts as disease? Disease, or dis-ease, literally means not at ease. In that regard, people are like tightrope walkers, trying to reach a balance and to keep it. Dr. Karl Menninger, the renowned psychiatrist, called it "the vital balance." Like Freud, he proposed a unitary and gradational theory of mental disorder (not one of discrete entities). In his book *The Vital Balance,* shortly before undertaking *The Crime of Punishment* (in which I had a hand), he set forth his view of "mental illness," to wit, the persistent failure to cope with internally or externally induced stresses. Every individual, constantly exchanging with his or her environment, tries to make the best bargain possible with it, considering its threats, demands, opportunities, and danger. To end a crisis from birth trauma to an ingrown toenail, Menninger suggested, one needs an "anticrisis" in order to achieve that vital balance.

Given his objection to the medical model, one must wonder why a department of psychiatry is in a medical school and why psychiatrists get a medical education.

No matter what the complex causality of the disorder may be, it is the particular form of functioning (or of operating) with its content that constitutes the predominant and primary (although not exclusive) essence of the disorder and leads to secondary sequels, both organic and functional. The concept of functional disorder is found useful by many, and therefore continues to be used, but it is certain that the last word has not been said.

To be sure, no matter the causality of a disorder, it is not necessary for treatment to know it. A fire can be extinguished without knowing its cause, but knowing the cause may prevent a recurrence. The cause or causes may be known, or it may be neither known nor knowable. Researchers point to a myriad of causes of schizophrenia, including a virus from a cat (Ewald, 2002). What brought about Andrea Yates's state of mind that resulted in the drowning of her five children? According to the evidence, she was stressed out by a domineering husband, homeschooling five youngsters, living in cramped quarters, and discomforted by medication. At trial on a plea of not guilty by reason of insanity, psychiatrists offered diagnoses of depression and schizophrenia (Begley, March 11, 2002).

Medical science, like all sciences, does not proceed from ignorance to enlightenment in a straight line. In the words of the Spanish philosopher Miguel de Unamuno, it is marked by "a cemetery of dead ideas," with one seeming truth being thrown out for another that fits better with the latest research. Time and again, data are re-examined and reinterpreted (Kolata, Feb. 10, 2002). To explain the physical workings of the body, Benjamin Rush (1745–1813) updated the old theory of four humors with principles drawn from Newtonian physics and organic chemistry. He believed that all disease processes, including insanity, stemmed from disorders of the vascular system. Like most of his medical contemporaries, he recommended restoring the body's internal balance by opening the patient's veins to allow copious bleeding and by administering purging enemas. Rush summed up his diagnoses and treatment for insanity in *Medical Inquiries and Observations Upon the Diseases of the Mind* (1812), the first major American medical treatise on mental illness.

Before the advent of psychotropic medication, mental hospitals were populated with demented individuals. Today, with the development of medication, one no longer sees individuals once described as catatonic.

For the most part, contemporary psychiatry has endorsed the nosology suggested by Emil Kraepelin, a German psychiatrist born the same year as Freud (1856). Kraepelin viewed mental illness not as a continuum, as did Freud and Menninger, but as consisting of discrete entities. Kraepelin created a taxonomy of mental illness by studying symptom clusters and final outcomes, and by collecting family histories to trace hereditary traits. Psychiatry today argues, in effect, that psychiatry made a wrong turn by following Freud rather than Kraepelin. The initial work of the neo-Kraepelins came out of Washington University in the 1950s where a group of researchers — notably Eli Robins, Lee Nelken Robins, Samuel Guze, and George Winokur — would describe a disorder and then draft criteria for its diag-

nosis that were clear enough for different observers to give the same diagnosis to the same patient.

Unlike the first two editions of the American Psychiatric Association's *Diagnostic and Statistical Manual* (DSM), the third edition, published in 1980, was Kraepelin. The psychiatrists assembled under the guidance of Dr. Robert Spitzer argued that the "innovation" of DSM-III would be a "defense of the medical model as applied to psychiatric problems." The minutes from the first meeting of the Task Force on Nomenclature and Statistics stated:

> The diagnostic manual will be essentially behavioral, with exceptions for conditions of known etiology. . . . It was agreed that "functional" is no longer a suitable designation for a group of conditions — schizophrenias and affective disorders — which are no longer seen as purely psychogenic. (Wilson, 1993)

In other words, diagnosis in psychiatry should matter. When talk therapy was used for everyone, diagnosis was inconsequential. Now a diagnosis would mean that the diagnosed person was mentally ill, and ill in a way that different psychiatrists could reliably recognize, with treatment in a particular way. The manual listed more than two hundred categories and the number has grown in subsequent DSMs (only a few are commonly used). From the vantage point of DSM-III and the subsequent DSMs, it does not matter how an individual had become ill, but whether he met the necessary number of symptoms for a diagnosis.

Szasz has been an adamant opponent of efforts to prevent suicide. Those who have been helped by psychiatry to overcome suicidal ideation are grateful that Szasz was not in the vicinity.

The Kraepelin approach connects with insurance and medication. Insurance covers certain entities but not others (to be sure, to achieve coverage, there is manipulation in report writing). Medication has developed which targets specific symptoms. Today, that is the scheme of things. Is it the most orderly or workable arrangement? For Szasz's "problems of living," what problems would be covered by insurance — and would none or all be covered? What medication, if any?

"Just keep that on, and your identity crisis should clear right up!"

In daily life overstresses may build beyond ordinary control and threaten to upset internal balances. To reduce the tensions, a person may get assistance from one's family, friends, pastor, or physician. Sometimes the assistance is medication, or acupuncture. It is often purely happenstance what the manifestations of the imbalances are called and what type of help the individual receives — medical, legal, social, or pastoral. The term "biopsychosocial" would indicate a role for various professions in dealing with a disorder.

The mind-body dichotomy is perplexing. The *Oxford English Dictionary* defines "mind" as "The seat of a person's consciousness. . . . The soul as distinguished from the body." The Latin *mens* is defined as including mind, soul, reason, thought, and intention. Are there two separate camps: mind (soul) and body? Is it either/or? More and more it is coming to be realized that what is psychological is also biological and what is biological also has a psychological component. Symptoms correlate with alterations in brain function that produce a disorder. Physiological and biochemical data correlate brain function with mental functions. Considerable progress has been made toward establishing cross-correlations between activity of the mind and activity of the brain (Heath, 1996). In the introduction to DSM-IV it is stated:

> Although this volume is titled the *Diagnostic and Statistical Manual of Mental Disorders*, the term mental disorder unfortunately implies a distinction between "mental" disorders and "physical" disorders that is a reductionistic anachronism of mind/body dualism. A compelling literature documents that there is much "physical" in "mental" disorders and much "mental" in "physical" disorders. The problem raised by the term "mental" disorders has been much clearer than its solution, and, unfortunately, the term persists in the title of DSM-IV because we have not found an appropriate substitute.
>
> Moreover, although this manual provides a classification of mental disorders, it must be admitted that no definition adequately specifies precise boundaries for the concept of "mental disorder." The concept of mental disorder, like many other concepts in medicine and science, lacks a consistent operational definition that covers all situations. All medical conditions are defined on various levels of abstraction — for example, structural pathology (e.g., ulcerative colitis), symptom presentation (e.g., migraine), deviance from a physiological norm (e.g., hypertension), and etiology (e.g., pneumonococcal pneumonia). Mental disorders have also been defined by a variety of concepts (e.g., distress, discontrol, disadvantage, disability, inflexibility, irrationality, syndromal pattern, etiology, and statistical deviation). Each is a useful indicator for a mental disorder, but none is equivalent to the concept, and different situations call for different definitions.
>
> Despite these caveats, the definition of mental disorder that was included in DSM-III and DSM-III-R is presented here because it is as useful as any other available definition and has helped to guide decisions regarding which conditions on the boundary between normality and pathology should be included in DSM-IV. In DSM-IV, each of the mental disorders is conceptualized as a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual

> and that is associated with present distress (e.g., a painful symptom) or disability (i.e., impairment in one or more important areas of functioning) or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom. (American Psychiatric Association, 1994)

What about the practice of defining a disease in terms of treatability? Szasz says only the prescientific physician perceived illness in this way. Disease as "treatable," he says, is a perversion of medicine (Szasz, 2001, p. 141). But why not consider the response to medication as an indicia for a diagnosis? A physician who directs a famous medical center says, "There is nothing organically wrong with 70 percent of the patients who come to us but if a sugar pill helps them to feel better, isn't it really medicine?" In practice, diagnosis is often linked in psychiatry to the efficacy of a medication, but given the variation among individuals, there may be a response to one anti-psychotic medication (e.g., Clozapine) but not to another (e.g., Risperidone). In the book *Of Two Minds*, Tanya M. Luhrmann, an anthropologist, points out:

> If a patient doesn't seem to need medication for a particular symptom, he shouldn't be diagnosed with a disorder in which that symptom is prominent. For example, mood swings are necessary (but not sufficient) for the diagnosis of bipolar disorder. If the supposed manic-depressive does not respond to lithium or to another of the mood stabilizers, a psychiatrist will wonder whether after all he's schizophrenic. If a supposed schizophrenic is managed effectively on anti-anxiety agents or even without medication, a psychiatrist will question whether she is, in fact, schizophrenic. (Luhrmann, 2000)

In Szasz's view, modern psychiatry has led not to more enlightenment, but only to different victims for persecution.

Should it matter whether psychotherapy or medication can overcome suicidal ideation? Szasz has been an adamant opponent of efforts to prevent suicide. He observes, "Suicide began as a sin, became a crime, then became a mental illness, and now some people propose transferring it into the category called 'treatment,' provided the 'cure' is under the control of doctors" (Szasz, 1999). His view about suicide prevention can best be conveyed by his own words:

> Why do we now give psychiatrists special privileges to intervene vis-a-vis suicidal persons? Because, as I have noted, in the psychiatric view, the person who threatens or commits suicide is irrational or mentally ill, allowing the psychiatrist to play doctor and thereby, like other doctors, to save lives. However, there is neither philosophical or empirical support for viewing suicide as different, in principle, from other acts such as getting married or divorced, working on the Sabbath, eating shrimp, or smoking tobacco. These and countless other things people do are the result of personal decision. . . . Psychiatrist and patient are both lost in the existential-legal labyrinth generated by treating suicide as if it constituted a psychiatric problem, indeed a psychiatric emergency. If we refuse, however, to play a part in the drama of coercive suicide prevention, then we shall be sorely tempted to conclude that the psychiatrist and his suicidal patient richly deserve one another and the torment each is so ready and eager to inflict on the other. (Szasz, 1989)

Is it not simplistic to say that committing suicide is comparable to eating shrimp or working on the Sabbath? Those who have been helped by psychiatry to overcome suicidal ideation are grateful that Szasz was not in the vicinity (Jamison, 1999). In Szasz's view, if a person "wants" to commit suicide, just get out of the way. Reportedly, Szasz does not see patients who are suicidal, which may be an abdication of his training as a psychiatrist. The psychiatrist, having a license to prescribe medication, may be faulted in a lawsuit for not having prescribed it in the event of a patient suicide. If all psychiatrists were to copy Szasz and not treat individuals who are suicidal, where could they turn?

The "Therapeutic State" and Its Threat to Individual Freedom

More than anyone else, Szasz has stirred interest in law and psychiatry. In a passage quoted by libertarian fellow travelers, U.S. Supreme Court Justice Arthur J. Goldberg wrote in a review of Szasz's 1963 book *Law, Liberty, and Psychiatry*, "Dr. Szasz makes a real contribution by alerting us to the abuses — existing and potential — of human rights inherent in enlightened mental health programs and procedures. He points out, with telling examples, shortcomings in commitment procedures, inadequacies in the protections afforded patients in mental institutions and the dangers of over-reliance on psychiatric expert opinion by judges and juries" (Goldberg, 1964).

The verdict "not guilty by reason of insanity" implies a close connection between "insanity" on the one hand and "criminal responsibility" on the other. In *Law, Liberty, and Psychiatry* Szasz urges, "Let us not consider mental illness an excusing condition. By treating offenders as responsible human beings, we offer them the only chance, as I see it, to remain human" (p. 137). The concept of criminal responsibility, however, has its origin in ethics, philosophy, and canon law, not psychiatry, so it would be more appropriate to call a cleric or a philosopher as the expert witness rather than the psychiatrist, but society now considers their pronouncements too metaphysical. The psychiatrist is summoned by members of the legal profession, and then it is complained that psychiatry is corrupting the administration of criminal justice.

The Church after 2,000 years of experience with sin has turned to psychotherapy to deal with its pedophile priests.

Psychiatrists are also called into the criminal law process over the issue of competency to stand trial. It would appear that the appropriate person to decide whether the defendant is able to assist counsel is the defendant's counsel, or perhaps the judge. Actually, as Szasz points out in *Psychiatric Justice*, published in 1961, the rule on triability is often used for purposes other than that for which it was intended. It is

used by defense counsels to delay a trial until the emotions of the prosecuting witnesses have calmed, or until their memories have faded, and it is used by district attorneys to accomplish the goal of preventive detention or indeterminate confinement. Although the defense counsel or prosecuting attorney may make a point of seeking out a psychiatrist, ostensibly for the professional opinion they can bring to bear on the case, the psychiatrist may find himself used as a virtuous cover, behind which various goals are accomplished.

In the rebellious years of the 1960s, Szasz, along with George Alexander, then law dean at Syracuse University, and Erving Goffman, a sociologist at the University of Pennsylvania, organized an association for the abolition of involuntary hospitalization. In speeches to lawyers, Szasz urged the filing of lawsuits against anyone who would participate in seeking an involuntary hospitalization (Szasz, 1968). In a tribute to Szasz, Dr. A.L. Halpern said, "Szasz is responsible for what can be called libertarian transformation of psychiatrists which has resulted in more and more psychiatrists throughout the world (especially the United States) exercising great restraint when faced with the issue of involuntary commitment of non-dangerous mentally ill persons" (personal communication, Feb. 20, 2002). Alexander has called Szasz the "greatest freedom fighter of the 20th century" (personal communication, Jan. 5, 2002).

Actually, in every instance in the law-psychiatry intermix, the law, not psychiatry, controls, with psychiatric testimony used mostly for window dressing.

In the 1960s and 1970s the deranged or demented were portrayed as though they were political dissenters. In the book *Asylums* (1961), Goffman wrote that "chronic schizophrenia" was merely an adaption to the social system of the hospital. Ken Kesey's *One Flew Over the Cuckoo's Nest* (1962) was a fictional version of the ideas promoted by Szasz and Goffman. *Time* magazine called it "a roar of protest against a middlebrow society's Rules and the invisible Rulers who enforce them." Made into a popular movie, *One Flew Over the Cuckoo's Nest* depicted Randle McMurphy mobilizing the patients in the state hospital to challenge Big Nurse Ratchet and the evil psychiatrists who work there. The patients are depicted as oppressed, not sick. Kesey was a guru of psychedelic drugs.

In *The Manufacture of Madness* (1970), Szasz drew a parallel between the persecution of witches from the 13th through the 17th centuries and what he terms our persecution of people labeled mentally ill in the 20th century. In his view, modern psychiatry has led not to more enlightenment, but only to different victims for persecution. His book *Psychiatric Slavery* (1977) has a drawing on the dust jacket of a person in chains. The theme is expanded in 2002 in his book *Liberation by Oppression: A Comparative Study of Slavery and Psychiatry*, where he writes: "During the past few decades. . . . all relationships between psychiatrists and patients, regardless of the nature of the interaction between them, are now based on actual or potential coercion. This situation is the result of two major 'reforms' that deprive therapist and patient alike of the freedom to contract with one another. Therapists now have a double duty: they must protect all mental patients — involuntary and voluntary, hospitalized or outpatient, incompetent or competent — from themselves. They must also protect the public from the patients."

In the 1960s, a number of lawyers formed the Mental Health Bar and dedicated their careers to bringing lawsuits against states to get mental patients released from state hospitals, making it more difficult to involuntarily hospitalize or treat them, and passing legislation to effectively hasten deinstitutionalization (Slovenko, 2000). In the foreword to ACLU attorney Bruce Ennis's polemic against mental hospitalization, *Prisoners of Psychiatry* (1972), Szasz praised Ennis for recognizing "that individuals incriminated as mentally ill do not need guarantees of 'treatment' but protection against their enemies — the legislators, judges, and psychiatrists who persecute them in the name of mental health." For Ennis, as for Goffman, hospitals were places "where sick people get sicker and sane people go mad."

Ennis and colleagues — aided and abetted by Szasz — accomplished their goals. The numbers of mentally ill in jail or homeless, with freedom to be perpetually psychotic, are a living testimony to their success. Perhaps the opponents of the mental hospital should be given a mattress in a back alley to experience firsthand what they have wrought. A number of the members of the Mental Health Bar have expressed regret (personal communications). Joel Klein, one of them, became counsel for the American Psychiatric Association (and later attorney general challenging Microsoft), and Bruce Ennis went into the employ of the American Psychological Association. The two APAs needed counsel to defend them from attacks, and who better to hire than those who attacked them? Ironically, one might say, these lawyers created their jobs.

A Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State.

The history of mental hospitals is marked by twists and turns. In the early part of the 19th century there prevailed in the United States an era of what was known as moral treatment. Palatial manors to house the mentally ill were built at considerable expense in rustic, attractive (though remote) parts of the states. In 1842 Charles Dickens noted approvingly that American mental hospitals were supported by the state, a fact which made the government, in his view, a merciful and benevolent protector of people in distress. The constitutions of the various states mandated state-sponsored care of the mentally ill. In England, on the other hand, where public charity was minimal, the government offered the mentally ill, as Dickens said, "very little shelter or relief beyond that which is to be found in the workhouse and the

jail." Today those hospitals are being razed and the grounds turned over to private developers of subdivisions.

Ironically, in the 1960s and 1970s, with some notorious exceptions, mental hospitals were at their best in staffing and conditions since the era of moral treatment of the early 1800s. Justice Goldberg's comment about abuses in reviewing Szasz's 1963 book *Law, Liberty and Psychiatry* were not made on the basis of firsthand knowledge. In the 1960s, when the allegations of abuses began to mount, Senator Sam Ervin (later of Watergate fame) held hearings and uncovered no cases of "railroading." The American Bar Foundation also commissioned a field investigation of mental hospitals in six states, and it concluded that railroading is a myth. Professor Gerald Grob, the prize-winning historian of mental hospitals, wrote that during this period the hospitals provided an asylum nowhere else available (Grob, 1973).

In *Pharmacracy* (2001), Szasz writes (p. 97): "If a person *guilty* of assault or murder is deemed to be mentally ill, he should be sentenced for his crime, imprisoned, and offered treatment for his 'illness'; that is, he should be dealt with just as we deal with the criminal who has diabetes or tuberculosis" (emphasis by Slovenko). "Guilty"? Traditionally, the law says that "guilt" involves *mens rea* and *actus reus*, that is to say, a criminal intent and a volitional act. One or the other lacking, the law would not proclaim a defendant as culpable. Presumably, for guilt, Szasz would call for proof of *mens rea* or *actus reus*, but he does not say what evidence he would allow to establish or negate them, and he does not say what excuses, if any, he would allow. Excuses humanize or individualize the operation of the law. Centuries ago a person was not held responsible if he "doth not know what he was doing, no more than an infant or a wild beast" (*Rex* v. *Arnold*, 1724). The history of the insanity defense antedates psychiatry.

Josef Stalin was a tyrant but he did two good things: he developed an excellent transportation system and he kept the fast-food (aka junk food) franchises out of the Soviet Union. For that, all Russians are grateful.

In *Ceremonial Chemistry* (1976), Szasz argued against any limitations on the use of narcotics, at least until a crime other than drug use is committed. The apathy resulting from addiction is discounted or ignored by Szasz as is any concept of social responsibility. He advocates free access to illicit drugs but makes no mention of the consequences of this proposal, as though we live in a state of nature. His book *Pharmacracy* expands on the theme expressed in *Ceremonial Chemistry* (1976) where he wrote: "Inasmuch as we have words to describe medicine as a healing art, but have none to describe it as a method of social control or political rule, we must first give it a name. I propose that we call it pharmacracy, from the Greek roots pharmakon, for 'medicine' or 'drug' and kratein, for 'to rule' or 'to control.' . . . As theocracy is rule by God or priests, and democracy is rule by the people or the majority, so pharmacracy is rule by medicine or physicians" (pp. 128–129).

In Szasz's view, the United States has created a contemporary fascist health state. He pronounces psychiatry as "the most insidious and, in the long run, the most dangerous form of statism yet developed by man" (Szasz, Feb. 2002). His bete noir is the Therapeutic State (always capitalized). Time and again, he rails against it, not only in a book by that title (1984). He is oft-quoted. For example, in *The Death of the West* (2002), Patrick Buchanan writes:

> Since the 1960s, branding opponents as haters or mentally sick has been the most effective weapon in the arsenal of the Left. Here is the "secret formula" as described by psychologist [sic] and author Thomas Szasz: "If you want to debase what a person is doing . . . call him mentally ill." Behind it all is a political agenda. Our sick society is in need of therapy to heal itself of its innate prejudice. . . . [T]he root of the "therapeutic state" [is] a regime where sin is redefined as sickness, crime becomes antisocial behavior, and the psychiatrist replaces the priest.

To be sure, psychiatric language or psychobabble abounds. Freud's writings left their mark on many endeavors. Without familiarity with Freud, one would fail to appreciate the cartoons of Jules Feiffer, the films of Woody Allen, and the novels of D.M. Thomas or Philip Roth. The ordinary citizen says "paranoid," not "suspicious"; "sociopath," not "son of a bitch." Therapeutic language is substituted for moral language: "well" for "good," "ill" for "evil" (though the concept of "evil" has resurged with Osama bin Laden). Assuredly, though, the explanations of behavior given by psychiatry, however faulty they may be, is an advance over the religious view of demon possession ("the devil made me do it") with exorcism as the remedy. The Church after 2,000 years of experience with sin has turned to psychotherapy to deal with its pedophile priests (Dreher, 2002).

Psychological testing is now pervasive throughout society, including school systems, industry and the military, but what better way is there to identify and classify? As a way to solve problems and change habits, people in countless numbers have turned to psychotherapy. Is that a plus or minus? Socrates urged, "Know thyself!" Next to Argentina, the United States has more therapists (and lawyers) per capita than other countries to resolve "problems of living." Is that a plus? Some say not. In dissenting to the adoption of a psychotherapist-patient testimonial privilege to protect confidentiality, U.S. Supreme Court Justice Antonin Scalia asked (1996), "When is it, one must wonder, that the psycho-

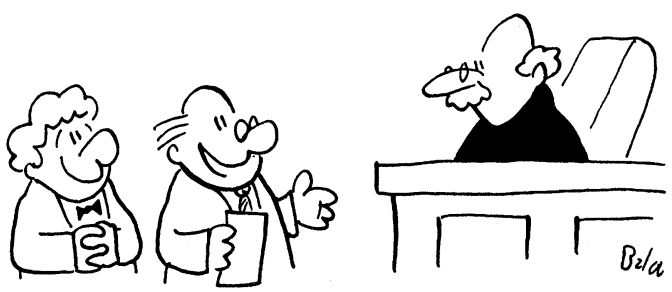

"Your Honor, my client pleads not guilty of bigamy by reason of insanity — who can argue with that?"

therapist came to play such an indispensable role in the maintenance of the citizenry's mental health?" The writer Fay Weldon (1994) claims that while marriage has been a nightmare through the ages, now husbands have psychiatrists to make it worse.

And yet where is the Therapeutic State ruled by psychiatrists? Szasz writes, "[P]sychiatric interventions — in particular, civil commitment and diversions from the criminal justice to the mental health system — are the most common, and most uncritically accepted, methods used by the modern state to deprive individuals of liberty and responsibility" (Szasz, Feb. 2002, p. 23). Actually, in every instance in the law-psychiatry intermix, the law, not psychiatry, controls, with psychiatric testimony used mostly for window dressing. In criminal responsibility, the scope of "mental disease or defect" is set by the law, not psychiatry, and it is extraordinarily difficult to establish "not guilty by reason of insanity" (NGRI) (Slovenko, 1995). The law sets the parameters on what it considers relevant. Even when the legal conditions are met, they are usually not accepted by the jury. In the rare case when a defendant is found NGRI, the law, not psychiatry, has control over discharge. In establishing triability ("competency to stand trial"), psychiatric testimony is used mainly as a tactic to postpone a trial. In civil commitment, the law sets the criterion of "dangerousness." In the usual scenario, a family in distress files a petition, a psychiatrist or two certify, but the court commits.

Szasz advocates free access to illicit drugs but makes no mention of the consequences of this proposal, as though we live in a state of nature.

Szasz's feelings about the Therapeutic State apparently derive from his heritage as a Jew growing up in Hungary and forced to flee the Nazis. Delusion, not empirical evidence, prompted the Nazis to view the Jew as a cancer on society that had to be removed at any cost. But even bad regimes can do some good things. Nazi Germany was decades ahead of other countries in promoting health reforms that today are regarded as progressive and socially responsible. Robert Proctor points it out in his book *The Nazi War on Cancer* (1999). Nazi scientists were the first to definitely link lung cancer and cigarette smoking. The Nazis' forward-looking health activism came from the same root as their medical crimes, and so anti-tobacco advocates in the United States, for example, have been labeled "health fascists" and "Nico-Nazis." Proctor points out the logical error of arguing that since the Nazis were purists, purists today must be Nazis. That too is Szasz's logical error when he describes the Therapeutic State as Nazi pharmacracy (Szasz, 2001, p. 141).

A Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State. Purists need not be fascists to support campaigns against smoking, or to promote nutritional food, education, sports facilities, parks, and walkable and bikeable communities. That would be a truly Therapeutic State. Josef Stalin was a tyrant but he did two good things: he developed an excellent transportation system and he kept the fast-food (aka junk food) franchises out of the Soviet Union. For that, all Russians are grateful.

Libertarians, quoting selectively in the defense of Szasz, do not quote the passage from Justice Goldberg's review of Szasz's *Law, Liberty and Psychiatry* where he states, "[B]ecause of the presence or possibility of abuses, [it does not mean that] government should never seek to be beneficent. . . . [T]he mark of a mature society lies in its ability to help its citizens lead full and productive lives without unduly intruding upon their sacred liberties. . . . [I am confident] that our society is endowed with this maturity. Dr. Szasz, like many others, thinks that it is impossible to maintain this delicate balance and that grave dangers lurk in the effort. He believes that a society which attempts to promote the 'welfare' of its citizens will succeed only in enslaving them" (Goldberg, 1964).

Szasz believes that the law has delegated much of its authority to psychiatrists. He urges psychiatry to disavow its aggrandizement of power in the legal system (Szasz, 1957). But, what power? The medical excuse plays an important role in out-of-courtroom situations (for example, excuse from school or work) and the medicals play a vital role in assessment of damages, but the psychiatrist is surely not the decision maker in the legal process. Not only does a psychiatrist have no power in the legal process, but his influence is dubious. The courts — judge or jury — do not pay all that much attention to the psychiatrist (sometimes psychiatric testimony is used as window dressing and is accepted only when, in the words of a famous Bing Crosby song, it is "going my way"). Assuredly, although psychiatric jargon abounds, neither the courtroom nor the country is run by psychiatrists. In fact, more often than not, psychiatry is debunked, as in the oft-quoted proposal in a bill by New Mexico Senator Richard Romero:

> When a psychologist or psychiatrist testifies during a defendant's competency hearing, the psychologist or psychiatrist shall wear a cone-shaped hat that is not less than two feet tall. The surface of the hat shall be imprinted with stars and lightning bolts. Additionally, a psychologist or psychiatrist shall be required to don a white beard that is not less than eighteen inches in length, and shall punctuate crucial elements of his testimony by stabbing the air with a wand. Whenever a psychologist or psychiatrist provides expert testimony regarding the defendant's competency, the bailiff shall contemporaneously dim the courtroom lights and administer two strikes to a Chinese gong.

The proposal passed the Senate by voice vote and the House by a vote of 46–13, but Gov. Gary Johnson vetoed it (*San Francisco Chronicle*, Jan. 31, 1996, p. E-8).

For the 120th annual meeting of the American Psychiatric Association, Los Angeles, May 4–8, 1964, I was invited by the APA to respond to an address by Thomas Szasz. For me, it was a memorable event. In attendance were thousands of members of the APA as well as others. The proceedings appear in the *American Journal of Psychiatry* 121 (1964): 521–548. It seemed redux when I was invited to respond to a presentation by Szasz on April 4, 2002, at Oakland University, Michigan, but due to illness, Szasz had to cancel. This paper is based on the response that I had prepared. ❑

Response

Coercion and Psychiatry

by Thomas S. Szasz

Coercing people does not cure them, even if done by a medical professional and sanctioned by the state.

Ralph Slovenko — one of the most respected authorities on psychiatry and the law in America — ably defends civil commitment and the insanity defense, procedures that I regard as crimes against humanity — as meritorious medical interventions. My response to his apologia gives me an opportunity to briefly restate — in the context of his comments — my reasons for opposing psychiatric coercions and excuses. The exchange of these opposing views should help libertarians ponder the issues and form their own conclusions about the compatibility, if any, of libertarian principles and coercive psychiatric practices.

The authoritative text, *Mental Health and Law: Research, Policy, and Services,* edited by Bruce D. Sales and Saleem A. Shah, states:

> Each year in the United States well over one million persons are civilly committed to hospitals for psychiatric treatment. . . . Approximately two-thirds of these admissions are officially identified as voluntary commitments; and the remaining one-third as involuntary actions. . . . It is difficult to completely separate discussions of voluntary and involuntary commitment because voluntary status can be converted efficiently to involuntary status, once the patient has requested release.

In a paper published in the *New England Journal of Medicine* in 1972, I showed that *all so-called voluntary mental hospitalizations* are, actually or potentially, involuntary incarcerations, instances of an officially "unacknowledged practice of medical fraud."

For the better part of 50 years, I have argued that civil commitment constitutes the single most important threat to the personal liberty of the American people today; that the use of psychiatric expertise in the courtroom — epitomized by the insanity plea and insanity disposition — represents the most important example of replacing the rule of law (determining the innocence, guilt, and punishment by what people do), with the rule of psychiatric opinion (determining the fate of persons accused of crimes by psychiatric interpretations of their mental state); and that, if true, these considerations are, or ought to be, of great interest and concern to libertarians.

In fact, libertarians have shown little interest in psychiatry. Most libertarians accept the common-sense view that psychiatrists are physicians who diagnose and treat mental diseases in much the same way that other physicians diagnose and treat heart diseases, skin diseases, and other diseases of the body.

My motives for engaging in a systematic criticism of psychiatry were, and are, primarily moral and political, and secondarily epistemological and medical. I wanted to expose and combat the psychiatrist's two paradigmatic procedures — usually called "mental hospitalization" and the "insanity defense" — as grievous moral wrongs and glaring violations of the political principles of the free society based on the rule of law.

A critical examination of psychiatry requires keeping in mind that the language we use to describe psychiatric pro-

cedures prejudges whether we regard them as helpful or harmful to the patient. Sir James Fitzjames Stephen, the great 19th-century English jurist warned: "Men have an all but incurable propensity to prejudge all the great questions which interest them by stamping their prejudices upon their language." This is especially true when we label a behavior a disease, and a procedure treatment, even though it is imposed on the subject against his will and he regards it as torture.

The intervention commonly called "mental hospitalization" or "civil commitment," I call "psychiatric imprisonment" or "depriving innocent persons of liberty under psychiatric auspices." The intervention commonly called the "insanity defense," I call "excusing individuals accused of crimes of responsibility by attributing their action to 'mental illness,'" and imprisoning them in a mental hospital.

Slovenko does not deny that psychiatrists incarcerate innocent people and excuse criminals.

Slovenko rejects this view. "Diagnosis in psychiatry," he declares, "should matter. When talk therapy was used for everyone, diagnosis was inconsequential." This is an astonishing falsification of the brutal history of psychiatric slavery. Slovenko knows that *psychiatrists* — as opposed to psychoanalysts and psychotherapists — rarely if ever used "talk therapy." For centuries, psychiatrists had only involuntary patients and treated them with tortures, such as straitjackets, cold baths, insulin shock, electric shock, and lobotomy. These "treatments" were administered against the subjects' explicit protests. Today, psychiatrists drug patients against the patients' will.

Slovenko continues: "Now a diagnosis would mean that the diagnosed person was mentally ill, and ill in a way that different psychiatrists could reliably recognize, with treatment in a particular way." Priests used to be able to "reliably recognize" and "treat" witches, and psychiatrists used to be able to "reliably recognize" and "treat" masturbaters and homosexuals.

This is not the place for a point by point refutation of Slovenko's defense of psychiatric slavery. A few more examples of his views and my objections to them must suffice.

There are 1 million commitments per year in the United States. In addition, 5 million children are on Ritalin for a mental illness (hyperactivity attention deficit disorder) and millions more receive counseling or child therapy. Children do not ask to be psychiatrically diagnosed or treated and are, by definition, involuntary subjects. Add to these numbers the millions of prison inmates and old persons, in and outside of nursing homes, routinely tranquilized with psychotropic drugs against their will.

Nevertheless, Slovenko finds it objectionable that I write: "Psychiatric interventions — in particular civil commitment and diversion from the criminal justice to the mental health system — are the most common, and most uncritically accepted, methods used by the modern state to deprive individuals of liberty and responsibility."

Slovenko does not deny that psychiatrists incarcerate innocent people and excuse criminals. Instead, he blames the procedure — of which he approves — on the law: "Actually, in every instance in the law-psychiatry intermix, the law, not psychiatry, controls, with psychiatric testimony used only for window dressing. . . . In the usual scenario, a family in distress files a petition, a psychiatrist or two certify, but the court commits." The truth is that neither law alone nor psychiatry alone could justify what is in effect preventive detention on "therapeutic" grounds. Each needs the other in equal measure. Lawyers and psychiatrists collaborate in implementing the body of law and procedures called "mental health law," in much the same way that lawyers and priests collaborated in implementing the body of law and procedures called the Inquisition.

Slovenko's account of the collusion between law and psychiatry makes it appear as if lawyers command psychiatrists who, in turn, must obey them. This is far from the case. Psychiatrists are free agents. No one has to be a psychiatrist. Psychiatrists are psychiatrists because they believe in and love coercion in the name of mental health. In most states, a single psychiatrist can detain a person in a mental hospital for 24 to 72 hours (or longer), and the patient must *request to be discharged in writing to get a court hearing,* at which the judge rubber-stamps the psychiatrist's recommendation and recommits the prisoner-patient.

Of course, psychiatrists, like all professionals, operate in a sphere allocated to them by law. The law authorizes pathologists to cut into corpses, surgeons to cut into patients, and psychiatrists to deprive innocent persons of liberty. I consider the fact that pathologists and surgeons choose to engage in the acts emblematic of their professional identity as evidence that they view the acts as "good," benefiting science or patients or both. Similarly, psychiatrists don't lock up innocent persons because the law compels them to do so. They lock up innocent persons because they consider psychiatric imprisonment "good," a procedure that benefits the patient or society or both (exemplified by incarcerating people to protect them from killing themselves).

Psychiatrists are free agents. No one has to be a psychiatrist. Psychiatrists are psychiatrists because they believe in and love coercion in the name of mental health.

"Force is the best medicine," declares a prominent psychiatrist. "The right to refuse treatment is one right too many," says another. As the psychiatric slaveholder sees it, the psychiatric slave ought never to have a right to self-determination. Slovenko defends that posture.

Let us be clear: we are not debating facts; we are debat-

ing moral values, social policies, and law. So sure are supporters of forced psychiatric "treatment" of the nobility of their cause that they advocate giving false information to the police — a criminal offense — to secure "help" for their "loved ones":

> Sometime, during the course of your loved one's illness, you may need the police. By preparing now, before you need help, you can make the day you need help go much more smoothly. . . . It is often difficult to get 911 to respond to your calls if you need someone to come & take your MI [mentally ill] relation to a hospital emergency room (ER). They may not believe that you really need help. And if they do send the police, the police are often reluctant to take someone for involuntary commitment. . . . When calling 911, the best way to get quick action is to say, "Violent EDP," or "Suicidal EDP." EDP stands for Emotionally Disturbed Person. This shows the operator that you know what you're talking about. Describe the danger very specifically. "He's a danger to himself" is not as good as "This morning my son said he was going to jump off the roof." . . . Also, give past history of violence. *This is especially important if the person is not acting up*. . . . When the police come, they need compelling evidence that the person is a danger to self or others before they can involuntarily take him or her to the ER for evaluation. . . . Realize that you & the cops are at cross purposes. You want them to take someone to the hospital. They don't want to do it. . . . Say, "Officer, I understand your reluctance. Let me spell out for you the problems & the danger. . . .*While AMI / FAMI is not suggesting you do this, the fact is that some families have learned to "turn over the furniture" before calling the police.*

Regrettably, Slovenko is not satisfied with presenting his views about psychiatry. Playing psychiatrist, he peers into my mind and diagnoses my motives: "Szasz's feelings about the Therapeutic State apparently derive from his heritage as a Jew growing up in Hungary and forced to flee the Nazis." This *ad hominem* comment rests on a historical error and is — probably unintentionally — subtly anti-Semitic. I left Hungary in 1938, when there were no Nazis in Hungary. The nearest Nazis were in Vienna. The real Nazis — as opposed to the Hungarian Arrow Cross — arrived only in 1944. I did not flee from any Nazis. I left because of the threat of Nazism and the imminence of World War II.

Adam Smith's and Lord Acton's love of liberty was inspired by the lofty motives of liberal humanism and a longing for a just society, composed of responsible individuals whose conduct is regulated by the rule of law and a government of limited powers. My love of liberty Slovenko attributes to the lowly motive of wanting to save my own skin from Nazis, nothing more. Slovenko does not explain why refugee psychiatrists fleeing the Nazis have been the leading promoters and practitioners of the worst kinds of modern psychiatric-"therapeutic" brutalities, such as insulin shock, electric shock, and lobotomy. To the best of my knowledge, not a single American or English psychiatrist who left Europe under circumstances similar to mine shared, or shares, my opposition to psychiatric coercions and excuses.

"Come, come, Mr. Robertson. We are not barbarians here. Why, the very bullets we shall use to execute you are made from rubber."

For the most part, Slovenko and I agree about the facts. We disagree about how we interpret them and about the kinds of social policies we consider desirable. Slovenko rejects my individualistic-libertarian perspective on politics and acknowledges his preference for a collectivistic-socialist system. He writes: "The Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State." I have made it clear that I use the term "Therapeutic State" ironically. Such a state provides coercions and prohibitions it defines as "therapeutic," not services the recipient considers beneficial. Slovenko either misunderstands this important point or, because of his own diametrically opposed political perspective, cannot grasp it.

In Slovenko's deck of cards, coercion in the name of health trumps the freedom to choose what food we eat.

"Josef Stalin" — continues Slovenko — "was a tyrant but he did two good things: he developed an excellent transportation system and he kept the fast-food (aka junk food) franchises out of the Soviet Union. For that, all Russian are grateful." Slovenko's last statement is hyperbole, symptomatic of his deep-seated belief that a state that prohibits competent adults from a choice of their own food preference is a benevolent, caring Therapist and deserves our gratitude. In Slovenko's deck of cards, coercion in the name of health trumps the freedom to choose what food we eat.

Slovenko mentions that Stalin developed a good transportation system, but does not mention that he destroyed tens of millions of his fellow citizens and incarcerated the rest behind the borders of the Soviet Union. He mentions that Stalin barred fast-food franchises, but does not mention that he converted churches into vodka factories. Some "therapy."

Slovenko's conclusion is, in fact, his premise. He assumes that psychiatric imprisonment and forced treatment help the person said to be mentally ill by remedying his illness that makes him dangerous to himself, and help society by remedying the "patient's" dangerousness to others. Some "medicine." ❑

Discovering the Limits of Liberty in Bolivia

by William E. Merritt

Any line of thinking can be taken only so far. For some, the outer limits of liberty can be found in a shower stall in La Paz.

Today, Bolivia seems like paradise to a libertarian. In 1981, the junta then in power waved adiós and a 22-party democracy rushed in to fill the vacuum. The surprising thing to a North American is that it seems to be working — or not working, which is a good deal more agreeable to libertarians. My guess is that having 22 political parties in congress, none of which comes close to a majority, is a much more effective check on authoritarian government than anything in our Constitution. At least as far as my two litmus-test questions went, every single *boliviano* had the same answer: "Yes, our votes are fairly counted" and, "no, the whole thing is very inefficient and nothing much gets done." In other words, by the standards of Thomas Jefferson, Bolivia has a mature democracy that protects the rights of its citizens.

Poverty is still pretty much omnipresent, of course. But it seems to be receding as fast as it can. Bolivia didn't even get around to land reform until the 1950s, which means only a couple of generations of *bolivianos* have had a stake in their country. To me, it seemed to be paying off, at least if food is any guide. Every woman I saw who was in her forties or fifties — every one — was about five foot, two. Many were stooped and wizened. Childhood nutrition had clearly been an issue for these ladies.

But not for their daughters. The girls — the teenagers and twenty-somethings — are tall, strapping, athletic, dark-haired, dark-eyed beauties. And they aren't wearing the traditional bowler hats and ankle-length skirts, either. They are in jeans and sweatshirts and, like as not, connected to headphones. To me, it looked like Bolivia was speeding headlong into — well, if not the 21st century, something like the 1970s.

Something about the chaos of its history has left Bolivia with a refreshing lack of nanny laws. In La Paz, which is the most sophisticated, most up-to-date, most worldly metropolis in the country, it is impossible to spot anything resembling a traffic regulation. Passing on the right is not only accepted, it's socially mandatory — *not* passing on the right will set loose a cascade of honks at your churlishness for blocking the way.

Seatbelts not only aren't required, they don't exist. Neither do child-safety seats — or meddling bureaucrats sticking their heads in your window at intersections to check whether your kids are trussed up and facing backwards in the currently approved manner.

There doesn't seem to be much in the way of automobile emission standards and, since gasoline engines don't work very well at 12,000 feet, almost everything on the street is diesel — which makes La Paz smell the way Portland would smell if the mass-transit people ever get their way.

Traffic isn't controlled by mindless electrical machinery, but by the free flow of countless pedestrians in the street because — in the old districts, anyway — the sidewalks are hardly wide enough for street vendors, let alone somebody wanting to walk somewhere. Another thing Bolivia doesn't seem to have is vagrancy laws or business licenses to keep people from setting up shop when and where they want. Actually, street vendors are supposed to be licensed, they just don't bother. So, when the police feel like it, they come around and sell day-use tickets to the vendors. Now I have never had to buy a day-use ticket myself, but I couldn't shake the impression that this ticket business is a good deal

more straightforward, and a lot cheaper, than being shaken-down by a big-city cop in the U.S.

Where there are sidewalks, things like manhole covers tend to break or get lost. Now, I can't say for sure they never get replaced. For all I know, La Paz may have just passed a bond issue to install new manhole covers. But you don't see evidence of that just walking around. Nor do you see yellow tape cordoning off the holes. What you do see is a lot of people with their eyes open watching where they are going — personal responsibility in full flower.

Soft-core porn is proudly displayed at newsstands. Families and marriages don't seem any the worse for it. And, when a several-hundred-year-old, several-story masonry facade looks like it's about to tumble into a crowded street, the owner does the logical thing. He pulls loose some cobblestones and uses the holes to brace the sticks to prop up his building.

La Paz is in a wet part of the world and has something like 200 rivers channeled beneath the streets. Now "river" may be an overstatement, but there surely is a lot of water down there. You can hear the gurgling. What you don't hear is so much as a peep about wild and scenic waterways.

To me, it looked like Bolivia was speeding headlong into — well, if not the 21st century, something like the 1970s.

Drug regulation doesn't seem to be much of a social priority. Coca leaves are the national snack and, as far as I could tell, there are no prescription-drug laws at all. You just walk into a pharmacy and buy whatever it is you need. In my case, it was some more Cipro — and the pills cost me less than the co-pay I had to cough up at home. I don't think this was a coincidence.

The whole business about coca is a sore spot. And it should be. Bolivians know all about our War on Drugs, and they do not approve. T-shirts are everywhere with the message *Coca no es la cocaína*. Coca is everywhere too, of course. All we *norteamericanos* had it in the morning boiled into tea, and hardly any of us ran crazy through the streets chopping up grandmothers to get the money for our next cup.

Every market has ladies with a set of iron scales plopped down among bags of coca leaves but, even way out on the Altiplano in a village about as isolated as we ever got anywhere on the trip, they wouldn't sell to our Canadian guide because he looked DEA to them.

The fact is, he did look DEA — at least the way Hollywood thinks DEA looks. He was tall, muscular, with open features and a broad smile. I wouldn't have sold coca leaves to him, either. But then, I live in the United States and, in the United States he really would have been DEA. In Bolivia, he was a guest. But a scary enough looking guest that even ladies who make their living selling a legal and traditional agricultural product in their own country — ladies who happened to be surrounded by huge open bags of coca leaves — were so terrified of the long arm of the U.S. government they wouldn't do business with a Canadian.

Dogs are fully and happily dogs without being leashed up or locked away and, sometimes, they pay the price. But not from being hit by cars. I never saw that. One midnight, though, when an annoying barking dog had been carrying on outside my hotel for about half-an-hour, something happened to warm the heart of every North American who has been conditioned never to dare do anything in such a situation. The string of barks was suddenly cut off by a blood-curdling yip. And then . . . nothing. I don't think it was a car that got that pest. I think it was a sleep-deprived *boliviano* and I say *olé* for *la libertad*.

I've always thought Mexican kids are freer than ours because they get to play with fireworks. But Bolivia goes Mexico one better. In La Paz, if you've got some dynamite, nobody thinks the worse of you if you do what comes naturally. So, if you happen to be marching in a political rally, which somebody happens to be doing almost any time you want to cross the street, and it occurs to you that tossing a stick or two into the onlookers will attract attention to your cause, you are not going to have to argue with Mothers Against Disorderly Dynamiting, or some other gaggle of busybodies telling you what you can and cannot do with your own dynamite. After you have passed by, whoever happens to be left just steers around the unexploded sticks and goes about his business.

Any American who remembers the '60s has a bad feeling about being caught in a political demonstration in Latin America, especially those involving dynamite. But the ones in La Paz looked pleasant and good-natured, and had nothing to do with somebody's opinion of *Yanquís* and whether their cars should be set afire. Mostly, they were about incomprehensible local matters — such as the group standing on a traffic island, singing melodic, non-threatening Andean songs along the lines of El Condor Pasa, while holding a Nazi flag. Painted over the swastika was a black circle with a back-slash — the universal sign for Stamp Out. It had something do with getting the Germans out of the phone company.

You just walk into a pharmacy and buy whatever it is you need. In my case, it was some more Cipro — and the pills cost me less than the co-pay I had to cough up at home.

Another rally — a parade, really — had a lot of music and dancing and marching bands and flags, and seemed rather festive even though it was in honor of the day Bolivia lost its seacoast 130 years ago in a war with Chile. Bolivians always celebrate Loss-of-the-Seacoast Day with parades and music and dancing.

In a few regards, Bolivia seems to be picking up some of our bad habits. Hunting is strictly forbidden. Boys owe a year of military service in case Chile turns out to have designs on the mountains. The drinking age is 21, and is strictly enforced by scary-looking National Policemen who favor fatigues, body armor, and chrome-plated, sawed-off shotguns when carding fuzz-faced teenagers in discos.

The voting age is 18, and it is strictly enforced, too. But by people much scarier than National Policemen: bankers. If your voter's card isn't stamped, you can't do business at a bank.

But these are small-potato nuisances. To the casual visitor, the place seems like a real-life, successful experiment in a lot of things libertarians hold dear. And, for my money, it was. At least if you don't dwell too long on the National Police.

I'm not sure what to make of those guys. There were a lot of them in La Paz, but they didn't act sinister and nobody seemed afraid of them. Still, it was hard to adjust to the sight of all that government hardware, and the whole thing started me thinking about where freedom really lies.

Surely, a lot of freedom is won and lost at very low levels. And, at the level of day-to-day activity, Bolivia is a lot freer than America.

I loved it. And then, one morning, I was taking a shower in my pretty-good, three-star hotel and ran smack up against the limits to my own tolerance for freedom.

My hair was lathered. Warm, amoeba-friendly water was streaming down my back. The world was good. I turned around . . .

. . . and, built into the shower stall with me . . .

. . . was a 220 switch box . . .

. . . and my thoughts turned to toast.

TOAST, I thought. *One . . . drop . . . one . . . SINGLE . . . drop . . . goes . . . in . . . that . . . box . . . and . . . I'm . . .*

. . . and the power cut out . . .

. . . and my medulla oblongata kicked in . . .

. . . and I skidded out of the shower in a stream of bubbles . . .

. . . and, right there in the darkness on the Road to Damascus, I experienced an unexpected political conversion.

I concluded that, in the matter of electrical codes, at least, Bolivia could do with a bit more government intrusion.

❖

Bolivia hasn't always been this way. It has recently emerged from a patch of bad government extending back to . . . well it's hard to put a finger on exactly how far back. Bolivia is a poor country and not much archaeology has been done. My guess would be at least to the Tiwanaku civilization, which began imposing itself on its neighbors around the time of Christ. But this may well be a failure of imagination on my part. Bolivians are ambitious and could have had some form of bad government well into the Early Stone Age.

But, as far as the Late Stone Age goes, we have a pretty good handle on what things were like — at least if you believe Don Pedro Sarmiento de Gamboa. And he was certainly in a position to know.

Just a few years after the final collapse of Inca resistance, he gathered up all the upper-class survivors he could lay his hands on and had each tell him, in private, the history of their own factions — and of their enemies', as well. When he had it written down, he read it to them as a group and made the changes they suggested. In the end, his *History of the Incas* is about as close as any of us is ever going to come to knowing about life in the Andes before Pizarro and his ironclad thugs showed up.

It must have been a lot like living in Nazi Germany or the Soviet Union, except without the moderating effects of a decent respect for the opinions of mankind. The Incas weren't good with just stone and agriculture and cloth, they had a genius for anticipating the worst brutalities of the next 500 years of world culture. In fact, it's hard not to read Sarmiento without having the feeling that Stalin and Hitler and Mao and Vito Corleone kept dog-eared copies by their beds.

Every ten citizens had their very own *Curaca* to report on them to the next *Curaca* up the line. *He* reported to the *Curaca* in charge of 500, who reported to the thousands *Curaca*, who reported to the big-deal *Curaca* in charge of 10,000. Students of mid-20th-century Germany will recognize this *Curaca* business for what it is — the *führerprinzip*:

Living in the Inca Empire was a lot like living in Nazi Germany or Soviet Russia, except without the moderating effects of a decent respect for the opinions of mankind.

Hitler's very own contribution to management theory, translated to a pre-European culture.

The Incas didn't just foreshadow the Nazis. They moved entire populations on a truly Soviet scale, from the Altiplano to the jungles, or from Chile to Ecuador, or the coast to the mountains. And for the same reason — to mess up the ability to revolt.

Like every pharaoh from Cheops to Mao, they consumed human labor on a prodigious scale. Everybody owed three months of work a year to the Inca, three to the local governor, and three to the Sun. Of the three months left, one had to be spent planting, one harvesting, and the remaining month was divided into days for things like mending clothes. It's no wonder nobody ever invented the gunpowder and steel that would have come in handy in 1532.

The Incas were five centuries ahead of Castro in offing successful generals. Like Caesar Augustus, they registered the whole population for taxation. Like loathsome monarchs everywhere, they iced their relatives when they took power. Like the Mafia, they sent out button men to make friends with whomever they wanted to lure to their deaths. And, in a half-hearted sort of way, they trailed along behind the Aztecs in dabbling in human sacrifice when things got scary.

When the Spaniards came, life actually may have improved under the unbroken brigandage of captains, governors, Jesuits, military juntas, death squads, and people with menacing titles like "political chief," "chairman," "supreme protector" calling the shots straight through to the 1980s — unbroken, that is, if you don't count occasional forays of foreign bandits like Butch and Sundance and Che dropping by to stir up things. ❑

Essay

Immigration and Culture

by Stephen Browne

If no one culture is better than another, why would anyone want to come to America?

A few years ago, when I was living and working in Belgrade, colleagues would sometimes joke with me, "Hey Steve, what are you really doing here? You're a spy, right?" I always got a kick out of the look on their faces when I answered, "No, I'm not a spy, I'm a Cultural Imperialist. I'm plotting to make the whole world American."

They didn't know it, but I was totally serious. I want everybody in the world to be free of the fear of arbitrary arrest and imprisonment and of getting the holy shit kicked out of them for speaking their minds. I don't care whether you eat at McDonald's or not, I make a better hamburger anyway.

I know the Red Chinese, among others, have learned enough PC-speak to tell us sternly that they have their own cultural and political traditions, different but not inferior from ours. Yeah, right. I bet some Chinese guy getting the eyeballs knocked out of his head for speaking out of turn gets warm fuzzies thinking, "Gosh. I'm participating in my people's ancient tradition of Getting the Shit Kicked Out of You for Speaking Freely. I feel so Chinese."

Historically, if by chance you did not care to participate in such ancient customs, there was an alternative. If you had the guts to leave what was familiar behind and risk everything on the unknown, you could become an American.

In the January issue of *Liberty*, my friend Ken Schoolland told why he believes we should leave the door open to anybody who makes that choice. In the February issue, Bruce Ramsey told why he believes we no longer have that luxury. Since then, almost all the responses from letter writers have been against Ken Schoolland's position, sometimes hysterically so.

It's interesting that both Schoolland and Ramsey are married to immigrants. I myself am an expatriate American living in Poland and married to a Pole. I must admit that I am a bit uncomfortable with the fact that I can easily come to Poland and stay for indefinite periods of time with little bureaucratic hassle, but Poles cannot do the same in my country. I also find disturbing that, to accompany me back to the States, my wife will have to go through a lot of official bother, answering some nasty intrusive personal questions from immigration bureaucrats, while my son and I can breeze through after merely flashing our passports.

Furthermore, in the (highly unlikely) event of a return of communist despotism, or an invasion of the Tartar hordes (perhaps less unlikely than one might think), I want very much to be able to get my in-laws into America. I don't think any Americans would object to a few more computer experts or good-looking, well-educated ladies with pleasant personalities.

Or maybe some would. I remember meeting in Bulgaria a beautiful young opera singer, who had won international competitions in Europe and had earned a full scholarship to study in America. Her visa was denied by a woman at the American embassy who told her, "Oh you beautiful Bulgarian girls, you just want to go to America and find an American boy to marry, and then what will our poor girls do?" I dunno, maybe re-examine their attitudes? Dear gentlemen of this 80%-male movement, you would weep bitter

tears if you could meet some of the ladies I have known who were denied visas to America.

But what about the hordes of unskilled laborers that pour across our southern border, and even through our ports? Well, I am not an economist, but I do grasp the notion that wealth comes from labor, and there is no economic sophistry that can convince me that a large labor pool willing to work for low wages, under conditions unacceptable to the native-born, can be bad for a country's economy.

What seems to be lacking in the immigration debate is imagination and sufficient tough-mindedness. Hordes of unskilled Chinese and Irish built the transcontinental railroad, and what an appalling lot they were! Brawling, drinking, whoring, dope-smoking scoundrels you wouldn't want near your daughters, many of whom you'd rather have hanged than had for neighbors — and yes that's great-granddad I'm talking about here. But they did assimilate and their descendants are now gravely debating about who is unassimilable and shouldn't be let in.

I bet some Chinese guy getting the eyeballs knocked out of his head for speaking out of turn gets warm fuzzies thinking, "Gosh. I'm participating in my people's ancient tradition of Getting the Shit Kicked Out of You for Speaking Freely. I feel so Chinese."

But we're talking about the worst of all possible immigrants! Not the cultured and well-educated, but the uneducated and unskilled. But often it has been precisely these kinds of people that have been the most willing to assimilate, eager to forget the customs, habits, and even the language of countries that offered them nothing but lives of grinding poverty and a place at the bottom of the "natural order of things." Their children grew up in America proud, cocky, even arrogant — and afraid of nothing under the sun.

Irish writer Walter Bryan spoke of the miraculous change of the feckless and irresponsible Irish immigrants into bold, self-confident Irish-Americans. "A change so total that it can only be ascribed to the action of something previously lacking in their diet. Probably food." The tragedy of our immigration rules is that they keep out people who would make fine Americans. Americans I'd swap for any number of the one's we've already got. As Eric Hoffer said, "Nobody hates America like native Americans. America needs immigrants to love and cherish it."

And yet, I am afraid.

Some time ago, I saw on *60 Minutes* the story of an immigrant Palestinian family, that had a conflict between the father, who wanted his daughter to grow up in a proper Muslim way, and the daughter, who wanted to live like a normal American high-school kid. Because the father was suspected of ties to Hamas, the FBI was bugging the house and thus got it all on tape when the father stabbed his daughter to death. They got the daughter's screams and her mother comforting her, "Hush little one. Hush, and die."

I am afraid that we have lost our nerve. Afraid that as a society we no longer have the self-confidence to tell immigrants, "This is what we believe, this is the way we live and it works for us. You may bring something to offer from your culture, indeed we welcome it, but certain things you must leave behind. Your wars and ancient hatreds have no place here. You must abandon customs which are incompatible with our rights and freedoms. Your loyalty must be to America and your fellow Americans, even those who were hereditary enemies in your homelands. We know this is a great deal to ask, but a great deal is given in return."

Why can't we tell these people that if they try to practice that quaint custom in our country, we will stuff their mouths with pig flesh and hang them in its hide?

I have also heard about a Spanish-language radio station in California that advertises itself as "The Voice of Occupied Aztlan" and openly advocates the colonization and *reconquista* of the formerly Mexican lands in the West. I understand very well that no American remembers what no Mexican ever forgets — that the southwestern quarter of the continental United States was once the northern half of Mexico. American settlers were invited to settle in Texas and other parts of the Southwest because Mexico could not fill the land themselves. Eventually the immigrants preferred to live under the political institutions they were familiar with. Now that it's desirable real estate Mexicans want it back.

So why haven't we told these people that we respect their opinions so much that we have decided that if we catch them in arms against us, we will treat them, not as criminals subject to the rules of criminal justice, but as soldiers subject to the rules of war.

Hell, even a first-generation Mexican-American friend of mine admitted that if Mexico still owned the Southwest it would just mean that wetbacks would have another 1,500 miles to hike to sneak across the border.

The tragedy of our immigration rules is that they keep out people who would make fine Americans.

Once our schools were the means of assimilating countless immigrants who were often amazed and grateful that this land would freely give them education, the privilege of aristocrats in their homelands. Nowadays, schoolchildren are taught that they should never consider anyone else's way of life to be in any way inferior and that we have no right to demand that anyone adopt our way of life, or even our language, when they come to live in our country.

Maybe travel to America has become just too damned easy. In times past, immigrants were to some degree self-selected by the expense and sheer physical difficulty of just getting here. This biased things in favor of the brave and resourceful and limited the number of people willing to risk the voyage. It has been estimated that to immigrate from Europe to America in the 17th and 18th centuries, or to migrate westward across America in the 19th century cost a

continued on page 61

Dispatch

Losangelesizing Ecotopia

by Randal O'Toole

What happens when people get fed up with bureaucrats forcing their city to increase its population density and congestion? The "Smart Growth" interests fight back by confusing the voters, and densification is slowed, but not stopped.

On May 21, 2002, nearly two out of every three Portland-area voters voted to "prohibit increased density in existing neighborhoods." Opponents and supporters of Smart Growth, the planning fad that calls for increasing urban densities, both claimed victory, leaving many people confused. This is not surprising: land use regulation and the resulting confusion have plagued Oregonians for a long time.

• In 1969, the legislature required every city and county in the state to zone all land in their jurisdictions.

• In 1973, the legislature created a seven-member appointed commission that would write rules with which all city and county plans and zoning would have to comply.

• In the mid-1970s, the rules written by the commission required all cities to identify *urban-growth boundaries.* Outside of the boundaries, most land would have 40-acre minimum lot sizes.

• Planning and zoning was complete by the mid-1980s, when 1.25% of the state was inside of urban-growth boundaries, about 4% was zoned "rural residential" (5- to 20-acre minimum lot sizes), and the rest was zoned "rural" (40-acre minimum lot sizes).

• In the late 1980s, the 40-acre minimum lot size was increased to 160 acres.

• In 1993, a new rule was written requiring owners of farm land to actually earn (depending on land productivity) $40,000 to $80,000 a year farming before they could build a house on their own land, no matter how many acres they owned.

Up to this point, all of the impacts of planning had fallen on rural folk. Since rural people make up only 30% of the state, their protests were ignored by the city dwellers who were happy to have the state "protect open space" at the expense of the ruralites. Portland-area residents were so happy with planning, in fact, that in 1992 they voted to create Metro, a regional government with dictatorial planning authority over 24 cities and 3 counties.

Rapid population growth in the late 1980s and early 1990s led to the development of most of the available vacant lands inside the growth boundaries of Portland, Eugene, and Oregon's other urban areas. Planners had originally promised to expand the boundaries as the state's population grew. To maintain affordable housing, Oregon law requires that each city compare the amount of vacant land within its boundary with the projected growth rate to ensure that the boundary has 20 years supply of developable land.

Yet, as Peter Drucker reminds us, anytime the government does anything, it almost at once becomes "moral." Instead of being a flexible planning tool, the growth boundary became a sacred line for many. By 1993, a *zero-option* movement was growing that demanded no expansion of the boundaries, especially the boundary around the rapidly growing Portland area. As a result, the state legislature agreed that Metro could meet the 20-year developable land supply requirement by rezoning existing neighborhoods to higher densities.

Metro anticipated an 80% increase in the Portland area's population by 2040. Its plans called for a mere 6% expansion of the urban-growth boundary. The zero-option people have prevented even that.

In 1995, to accommodate growth, Metro gave population targets to each of the cities and counties in its jurisdiction. To meet their targets, the municipalities had to rezone many neighborhoods of single-family homes for apartments and other high-density developments.

Metro insisted that local governments use *minimum-density zoning*, meaning that all new development in that zone be at least 80% of the maximum density of the zone. If you

own a quarter-acre lot in an area zoned for 36-unit-per-acre apartments, you can't build a single-family house: you must build at least nine dwelling units. If your house burns down, you can't replace it with another home; you must build apartments or row houses.

This rezoning provoked enormous controversy in the neighborhoods in which it took place. Despite dozens of meetings crammed with hundreds of angry residents, the cities managed to rezone almost every neighborhood on Metro's target list. City officials told residents that they had no choice: Metro was making them do it.

Today, most Portland-area neighborhoods of single-family homes can point to nearby four- and five-story apartment buildings that have sprung up in response to Metro's demands for higher densities. These developments contribute to congested streets, crowded schools, and overstressed water, sewer, and other urban services.

If your house burns down, you can't replace it with another home; you must build apartments or row houses.

Because the demand for apartments was pretty much satisfied in 1995, developers built these high-density complexes only after getting millions of dollars in subsidies from Metro and local governments. Metro often buys land and resells it to developers at half price on the condition that they put in high-density housing. The cities then waive property taxes and development charges. Metro also funnels direct grants to many developers using federal funds that, ironically, are supposed to be used to reduce congestion.

In 1989, a group named Oregonians in Action formed to help defend rural landowners from Oregon's strict land-use laws. Rural groups had previously challenged the laws at the ballot box in 1976, 1978, and 1982. But the city-dwelling majority always outvoted the rural minority.

The politics changed in the 1990s as densification began imposing significant costs on urban residents. So Oregonians in Action put a measure on the November 2000 ballot. Measure 7, as it is known, requires local governments to compensate landowners if any land-use regulations have reduced the value of their land since they purchased it, the measure easily passed. The courts have since held up Measure 7, but its success at the ballot box has left planning proponents worried.

In 2001, Oregonians in Action gathered enough signatures to put a measure on the ballot that would take away Metro's authority to require cities to increase neighborhood densities. Polls showed that most Portland-area voters supported the urban-growth boundaries but opposed densification. This measure should have led to a clear debate over the tradeoffs between density and expansion.

Metro responded by putting its own measure on the ballot. Metro's measure prohibited density increases in selected neighborhoods only, and then only until 2015. But the ballot titles for the two measures were worded almost identically. If both measures passed, the one with the most votes would prevail.

Metro's measure completely changed the nature of the debate. Instead of a debate over density vs. expansion, it was a debate based on demonizing Oregonians in Action. Metro's supporters never mentioned they wanted higher densities. Instead, they claimed that greedy land speculators supported Oregonians in Action's measure. Metro's measure, they claimed, would protect neighborhoods and restore local control without helping evil developers.

Oregonians in Action could have responded in kind, by demonizing Metro. Instead it took the high road: it chose to campaign for the merits of its own measure without impugning the integrity of the other measure. "Our ads were anti-density, theirs were anti-developer and never addressed density," says Oregonians in Action's director, Larry George.

Metro's strategy succeeded. With the support of Oregon's popular governor and other top officials, Metro's measure won 66% of the vote. Oregonians in Action's measure won only 42% of the vote.

Yet in a sense, Oregonians in Action's strategy succeeded, too. "I voted for both," admits George. "We wanted at least one of the anti-density measures to pass overwhelmingly, and that happened." Metro's measure provides at least some protection against density, but if the other measure had passed, George feared that "Metro and friends would have had us tied up in court for years."

The victory of Metro's measure can hardly be construed as a victory for Smart Growth. "During the whole campaign," notes George, "they ran away from density and even argued that Metro does not mandate density increases." Many observers believe that Oregonians in Action's measure would have easily won if Metro hadn't confused the issue by putting its measure on the ballot.

Yet it is clear that Portlanders still place a lot of faith in Metro and government planning. "People are fed up with the increasing traffic problems and other issues brought about by density," one voter told me, "but they are not ready to defang Metro."

Metro's internal documents admit that its plans will quadruple congestion and that its real goal is to "replicate" Los Angeles-style congestion in Portland.

Since its creation, Metro built support for its policies by claiming that they would reduce congestion and save Portland from becoming like Los Angeles. In fact, Metro's internal documents admit that its plans will quadruple congestion and that its real goal is to "replicate" Los Angeles-style congestion in Portland.

Multnomah County, which contains Portland, was about the only county in Oregon to vote against Measure 7 in 2000, and it voted overwhelmingly for Metro's measure in 2002. Washington and Clackamas counties, which contain most of Portland's suburbs, also voted against Measure 7 and split nearly 50–50 on the density measures.

So the May election represents a mixed victory for both sides. The planners won; density lost. How much influence the vote will have on Portland's future remains to be seen. ❑

Targeting Bob Barr

by J. Bradley Jansen

Aside from Ron Paul, Bob Barr is the most libertarian member of Congress. Unfortunately, he supports the Drug War. Is that a good reason for the Libertarian Party to set its sights on him?

The Libertarian Party has targeted drug warriors in the upcoming election as part of a national "spoiler" strategy to defeat leaders of the War on Drugs. The "Incumbent Killer Strategy" targets five federal incumbents — three Republicans and two Democrats. The goal is to scare other House and Senate members into backing away from their support for the War on Drugs.

Among those the LP is targeting is Bob Barr, a former federal prosecutor and four-term incumbent from Georgia's 7th District. In the redistricting done after the last census, state Democrats put him into the same district as fellow incumbent Republican Congressman John Linder, and Barr is in for a tough primary fight. The LP plans to run ads this summer against Barr in the primary.

The Libertarian Party's decision is an unmitigated mistake.

If the LP succeeds, it will take out one of the best friends libertarians have in Congress, a man second only to Rep. Ron Paul (R-Tex.), the LP's 1988 presidential nominee, as a supporter of the libertarian agenda. Except for the War on Drugs, Bob Barr is generally quite libertarian, and his leadership among conservatives has helped advance the libertarian cause on Capitol Hill. American Conservative Union chairman David A. Keene has observed, "Bob Barr is an innovator and a leader. He's considered partisan by those who don't like him, but he's fought for privacy and individual rights alongside folks like Rep. Barney Frank (D-Mass.) to reform our civil asset forfeiture laws and the American Civil Liberties Union in warning about the future dangers lurking in our nation's response to Osama bin Laden and his buddies."

Barr was instrumental in the formation of the broad left-right-libertarian coalition, including drug reform groups, that defended civil liberties immediately after Sept. 11. I worked closely with Rep. Barr's office during the four years I worked for Congressman Ron Paul. Barr was on the short list of people on the House banking committee that I could rely on to stand up for limited government, less regulation, and privacy. He was also reasonable and approachable even on drug issues.

When the Federal Reserve System tried to promulgate its infamous "Know Your Customer" regulations, Barr was initially sympathetic to the idea, based on the very limited information he had, which had come mostly from other former prosecutors. But Bob Barr did his homework, and came to realize that the measure destroyed personal privacy and forced banks to spy on their customers for the government. The public campaign against the regulation would not have succeeded without Barr. In this effort, Barr and Paul were joined by the Libertarian Party, whose DefendYourPrivacy.org website enabled people to sign an online petition that was responsible for more than half of the negative comments the Fed received. He even pushed for an amendment that would have also rolled back many existing reporting requirements that undermine individual financial privacy.

Yet the LP is trying to defeat Barr in the GOP primary. How does Barr compare to the incumbent GOP congressman he faces there? I compared Linder's and Barr's voting records to each other. In the 107th Congress when Ron Paul stood up for our sovereignty against the United Nations (Roll Call votes 245 and 246), it was Bob Barr who supported

him, not John Linder — just as Barr supported Paul in cutting corporate welfare by limiting funding for the Export-Import Bank (Roll Call vote 261).

If one looks at their willingness to go on the record before forced to show their hand in a vote, it is Bob Barr who again has the better record. Rep. Barr is a co-sponsor of H. Res. 197, "Stop U.N. Gun Ban." Linder is not. Barr supports H.R. 2615 "Stop National Medical ID and the Patient Privacy Protection Act." Linder does not.

Congressman Barr is a leading defender of civil liberties. He introduced legislation that forces the National Security Agency's Project ECHELON to provide a full accounting to the Congress of their covert monitoring of millions of phone calls, faxes, and emails. He led the fight against National ID Card proposals and introduced legislation in 1998 to check the federal government's abuse of wire-tapping laws — including the use of roving wiretaps — and also opposed governmental interception of cellular phone calls. He introduced legislation to mandate that the federal government issue "Privacy Impact Statements" every time it issues a new rule or regulation.

The LP effort to defeat Bob Barr in the primary is, at best, a waste of precious resources sorely needed for LP candidates in the general election. At worst, it will contribute to the defeat of one of the most libertarian-minded congressmen we have.

He was a chief sponsor of a law to limit abuses of the civil asset forfeiture statutes. He fought against OSHA regulations and to limit small business vulnerability to frivolous labor litigation. He is a board member of the National Rifle Association, and a staunch defender of the right of Americans to own and use firearms. He has introduced and sponsored legislation to block litigation against gun manufacturers for the acts of their customers and to limit any background checks and mandate they be conducted "instantly."

Barr has succinctly advocated the principle that while criminals must be punished to the full extent of the law, their civil liberties must be protected with even more vigor. He is a staunch defender of American sovereignty and opposes the executive branch's overzealous use of our military abroad — he even filed suit against President Clinton's war in Kosovo without congressional approval. He is a fierce critic of the United Nations — and to a lesser degree NATO — and has consistently supported efforts to withdraw U.S. membership from the United Nations. He co-sponsored a committee amendment to withdraw the U.S. from the International Monetary Fund and the World Bank.

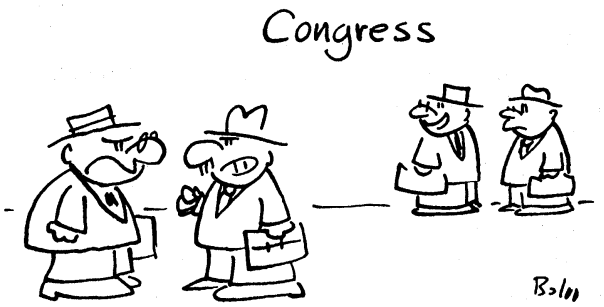

"Those two are a riot — they keep introducing legislation to regulate each other!"

Since his first day in Congress back in 1995, Barr has tirelessly fought to eliminate the Internal Revenue Code, supported the "flat tax" proposal, and consistently supported passage of a constitutional amendment requiring a two-thirds supermajority of Congress to raise taxes. He was an early supporter of lowering the capital gains tax and recently he introduced legislation to provide tax credits for educators: public, private, and homeschool! More than any other member of the Georgia delegation, Congressman Barr has parted with the Republican majority to vote against bloated "pork barrel" spending.

He has continually fought the unconstitutional "campaign finance reforms." Defending our fundamental rights, he has filed a lawsuit to prevent implementation of the recently passed legislation. Linder personally introduced legislation to ban so-called "soft money" to political campaigns. Barr was a very visible leader of the impeachment of President Clinton.

John Zogby, a pollster for Linder's campaign, admits that the race at this point is tight but thinks his client has the edge. He was surprised to learn the Libertarian Party was targeting Bob Barr. In fact, only two pollsters I reached were familiar with the LP's project. Amy Walter who covers the House races for the *Cook Political Report* was only vaguely aware of the effort and thinks it offered evidence that Bob Barr is "a leader in Washington," adding that the LP opposition is "sure going to backfire."

Whit Ayers, who is polling for the Barr campaign, echoed Walter's analysis. He could not understand why the LP would target his candidate since "Bob Barr has more libertarian instincts than all of my other Republican clients put together." This observation actually made him a bit uncomfortable since, according to his polls, national security and economic insecurity were the issues that matter most to likely Republican primary voters. He doesn't believe that the LP's plan to target Barr on the drug war will work because the drug war is "way, way down the list" of issues Republican primary voters care about.

I think my friends at the LP should act like a political party and not like a PAC. We are not a single-issue party — except for the issue of liberty. We have an historic opportunity to present ourselves as a viable alternative if we can take the mantle as the party of smaller government from the Republicans and the party who defends constitutional liberties from the party of Bill Clinton, Janet Reno et al.

The LP effort to defeat Bob Barr in the primary is, at best, a waste of precious resources sorely needed for LP candidates in the general election. At worst, it will contribute to the defeat of one of the most libertarian-minded congressmen we have, while failing to gain any allies. The LP has a historic opportunity to present itsellf as a viable alternative to the big parties, instead of spending its money and energy trying to defeat one of libertarianism's few friends in Congress just because they disagree with him on one issue. ❑

Reforming Asset Forfeiture

by Ari Armstrong

A new alliance of libertarians, conservatives, and liberals has enacted important restraints on the ability of police to seize the property of people merely accused of crimes.

This year Colorado's legislature passed HB 1404, making it the most recent state to significantly reform its asset forfeiture laws, following New Mexico, Utah, Oregon, and Missouri.

Thanks to the new law, Colorado cannot seize the property of people who haven't been convicted of crimes, with a few exceptions. Seized property no longer is simply turned over to the police or prosecutors, thus reducing their incentives to seize property from innocent people. Instead, the property is sold, with the proceeds first going to pay off lien holders, innocent co-owners, and victims of the crime. Half of what's left goes to drug treatment, and the other half must be budgeted by a city council, county commission, or state agency.

The bill passed the house April 16 by a vote of 51-11, with all the negative votes coming from Democrats. On May 3, it passed the senate 23-10, with each major party providing half the "no" votes. Gov. Bill Owens signed 1404 on May 31.

The key to getting the bill passed was the large and diverse coalition that rallied behind it. Republican Shawn Mitchell championed the bill in the house. A lawyer who is somewhat libertarian in his thinking, Mitchell worked hard behind the scenes and defended the bill point by point in committee and on the floor. He got help from Democrat Alice Madden. In the state senate, which has a one-person Democratic majority, Majority Leader Bill Thiebaut took over.

Christie Donner, head of the Colorado Criminal Justice Reform Coalition, did most of the heavy lifting. She researched the possibilities for reform, studying forfeiture reports from police agencies and examining a number of legal cases involving forfeitures. Donner, who also leads the Rocky Mountain Peace and Justice Center, approaches politics from a left liberal perspective.

Donner was able to help secure a lobbyist, Melanie Layton of Colorado Legislative Services, to work the bill. Free-market types rarely have kind words to say about lobbyists, but having a good one on your side makes an enormous difference.

Another advantage was a poll funded by Donner's organization in September 2001 that showed strong public support for reform. The pollsters asked, "If there was a ballot initiative which would require a person to be convicted of a crime before their property could be confiscated, would you vote yes, in favor of the initiative or no, against the initiative?" 83% said yes. Another question asked if the proceeds of forfeiture should be "spent to fund drug treatment programs." 78% said yes.

While researching the forfeiture reports from police agencies, Donner found that many agencies hadn't even been reporting forfeitures, as required under existing law. Some of the reports were apparently lost by the state agency that handles them, but many were never sent in, and those that were filed were often vague.

Dave Kopel, research director for the Independence Institute and contributing editor to *Liberty*, also played an

important role in promoting the bill. Kopel is a libertarian Democrat, but the think tank where he works appeals mostly to Republicans. Kopel is a lawyer and a prolific writer, and his testimony in the house committee was powerful.

Then there was me, a libertarian activist. I talked with legislators, helped with the media work, and generated political action from libertarians and conservatives.

Support for the measure came from across the political spectrum. Many conservatives don't like runaway forfeiture laws because they violate property rights, and leftists oppose them because they strike at civil liberties and open the door to police abuses. Of course, loose forfeiture laws have long been detested by libertarians.

A leader from the American Constitution Party spoke in favor of the bill. Support also came from Douglas Bruce, author of the Taxpayer's Bill of Rights. Fliers supporting 1404 circulated at gun shows. At the same time, Terrence Carroll of the Colorado Progressive Coalition endorsed it and spoke eloquently on its behalf. The Colorado ACLU released a statement supporting the bill.

One DA lamented that under the new law, "The burden of proof is shifted to us."

With two exceptions, Colorado's district attorneys, sheriffs, and chiefs of police strongly opposed the measure. Sheriff Bill Masters, a libertarian from Telluride (San Miguel County) who has long been critical of the drug war, saw the reform measure as a way to help the law enforcement community. "The public needs to be able to trust law enforcement, and clear forfeiture rules that protect the innocent and reduce monetary incentives will help to restore some of that lost trust," he argued. "This legislation goes a long way toward assuring the citizens that there will be integrity in the process of seizing persons' property when necessary and that this tactic will be directed only at the true proceeds of criminal activity." Sheriff Bob Braudis of Pitkin County was equally vocal, telling the *Aspen Daily News*, "To continue to finance the war on drugs with seizures from people who are never convicted of a crime is not only counterintuitive, but unfair."

The proponents of forfeiture reform found a champion in Vincent Carroll, who edits the editorial pages of the *Rocky Mountain News*. The *News* put out two lead editorials and at least one bylined column in favor of the bill. The *Denver Post*, Grand Junction's *Daily Sentinel*, the *Colorado Springs Gazette*, and other papers also endorsed the reform, with the *Post* adding two or three more bylined columns

The district attorneys, who comprise one of the more powerful lobbies at the capital, were indignant and furious. But they had been their own worst enemies. One DA reminded the legislature that even if you're found "not guilty" by a jury, that still "does not mean you're innocent of criminal activity." Another lamented that under the bill, "The burden of proof is shifted to us."

Denver DA Bill Ritter defended the "rebuttable presumption" that any cash found over $1,000 was connected to a crime. He argued people should provide "evidence of legitimacy" if they carry that much cash. He complained that sometimes there is a "person on the jury who frustrates our attempts to get a conviction."

The Colorado Criminal Justice Reform Coalition, which opposed the reform, offered a much milder reform — toughening reporting requirements — in hopes of sidetracking the measure. The state's district attorneys tried to gut the bill by offering amendments to remove most of the reforms. They came within a few votes on the floor of the house of removing the requirement for a criminal conviction. On the senate side, the Republican opposition attempted to kill the bill by pushing it into appropriations. This was at the tail end of the session, so the bill would likely have died there if they had succeeded.

The new law provides a few exceptions to the criminal conviction requirement. If the defendant dies or flees from justice, the forfeiture may proceed. The most significant exception is for non-criminal owners. The bill allows for forfeiture if the non-resident owner of the property is notified of criminal activity and fails to take action. Libertarians opposed this exception because it put the burden of law-enforcement on private citizens, but the bill probably wouldn't have passed without this exception. Even so, non-criminal property owners got some relief, since the new law requires that the state must show that it is connected to the crime by "clear and convincing" evidence, rather than merely a "preponderance of the evidence."

While the bill does not accomplish everything libertarians might want, it goes a long way toward restoring fairness to the forfeiture process. It helps protect property rights and civil liberties. It discourages "forfeiture seeking" by police. It also encouraged a public discussion about forfeiture and the proper role of police and prosecutors. That alone was worth the effort.

The key to getting the bill passed was the large and diverse coalition that rallied behind it.

What's most encouraging to me is the way civil libertarians from the left and right joined together to pass pro-freedom legislation even in — especially in — the post-Sept. 11 environment. I believe we will see more interesting alliances emerge as time goes on. Hopefully, conservatives will become more accepting of the left's concerns about privacy and police abuses, while those on the left will tolerate property rights and the right of self-defense. I think the left-right spectrum will continue to fold in upon itself, and that policy issues will increasingly become battles between civil libertarians of all stripes and statists of both the left and right.

Of course, federal agents in Colorado can still seize property as usual. Even local police agents can join federal teams and get a cut of the loot. And law enforcement may end run 1404 by sending more forfeitures through federal agencies or "home rule" cities.

The work of civil libertarians is never done. ❑

Bitten Tongues and White Knuckles

by Ron Capshaw

"The sharp aside and the witty nuance are the consolation of the losers and are the one thing that pomp and power can do nothing about." — Czeslaw Milosz

Once at a seminar in graduate school, I had one of those rare moments of solidarity with my fellow students, people I ordinarily thought of as ruthless competitors. The professor presiding over this class was typically pompous and egotistical and as he droned on I decided, for once, to see how the other students were reacting. What I saw on their faces was the usual rapt expressions of the sycophant. But their white-knuckled hands contrasted sharply with their eager expressions. I looked down at my own knuckles and saw the same color.

We sat in silence, with no outlet for our anger, because free speech does not exist for students in graduate school. Students know, or learn through a series of painful encounters, that to speak out of turn — that is, to offer an original point to the professor's discussion — is to invite social death in graduate school. But take them out of earshot of the professors and a dam of power fantasies burst forth. Psychiatrists who view power fantasies as evidence of incipient fascism would have a conniption over these dream fantasies. Some samples:

"I want to force Professor Nudge [not his real name] to watch *Rambo*."

"I want to tie her up and make her watch me burn a picture of Stalin."

"I want to defecate in one of his books, close it, put it back on the shelf, and then leave a note reporting the deed. . . . then the bastard will frantically check every book on his 500-book shelf."

One can learn much about the nature of academia by examining the above examples. The elaborateness of these fantasies is more striking even than the hatred behind them. They are the dreams of people who have brooded long and hard. The torment these students wish to inflict is psychological, not physical: They want the victim to live with the pain.

What fuels this anger and cruelty?

Consider the average length of graduate school in the humanities: eight years. Eight long years of servility, of repressed free speech. "The classroom is no longer a place for the free exchange of ideas," one New York student told me. "I had a class with a professor I admired and when I questioned one of her arguments, she suggested I leave her class permanently." A frequent complaint of students is that professors do not want original arguments in papers, but merely a written version of the professor's own arguments. "I was repeatedly graded down for my arguments," a UCLA student told me, "then I got it through my head that I should take the professor's lectures and put them in essay form. When I did that, my grades improved." Students with different politics are not allowed to express these opinions in class. "My parents were refugees from Stalin," one New York student reports, "when I criticized his policies in class, I was told to leave the class by the professor." It doesn't take long for students to learn that graduate school is not the life of an intellectual, but the life of a sycophant: "I have learned to

shut up and nod my head vigorously to what the professor says," according to a Texas student. She throws up her hands: "I need a job." One student, off the record, complained, "my professor gets all weepy-eyed about the blacklist. But he enforces his own blacklist." A New York professor, a noted defender of the blacklisted, circulated a petition to keep conservative scholar Ronald Radosh from obtaining a job.

Surely there have been dictatorial professors in the past who could not countenance dissent, contradiction, or even a display of intelligence by their students. And these figures are not unique to academia; one finds autocratic know-it-alls in every branch of working life — from the bank president who wants "yes-men" to the Sears maintenance manager who demands agreement on every matter from the "staff." One sheds very early in life the idea that one gets ahead by talent and learns that a certain measure of sycophancy is par for the course.

Students know, or learn through a series of painful encounters, that to speak out of turn — that is, to offer an original point to the professor's discussion — is to invite social death in graduate school.

The operative words here are "get ahead." In the past, students endured their professors knowing that one day they would be in their place. But that place is no longer waiting for them. According to the latest figures, over two thirds of students receiving their Ph.D.s in English will never receive a full-time teaching job. It's even worse for history Ph.D.s; fewer than 50% will get a full-time teaching job. Why?

The practices of the corporate head, who will do anything to cut costs, have filtered down to academia. Rather than hire a Ph.D. full time, departments, to avoid providing health insurance, hire adjuncts — part-time professors. These adjuncts log full-time hours though, teaching on average four classes a semester — the average load of a full-time, tenured professor. Now academic heads are mere goalies, presiding over and directing a staff of part-time teachers. Sixty percent of the teaching departments of the City University of New York branches are adjuncts. The history departments in three different colleges and universities in one city have only a single full-time professor each — and he, as you guessed, is the department head.

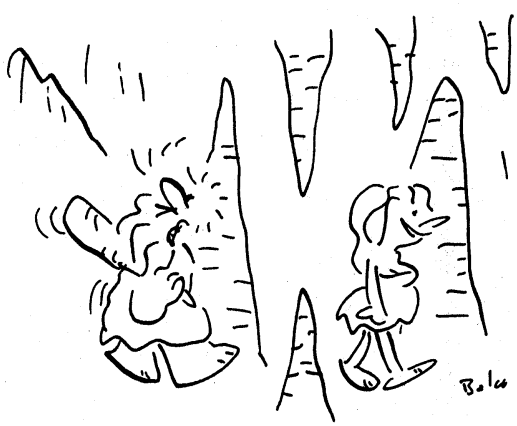

"Watch your step, dear — I rearranged the cave today."

It is maddening for students to see these policies in action; it is another to see them practiced by people whose professed principles are socialist. "My professor calls himself a Marxist-Leninist," a student reported to me, "and yet he refuses to hire full-time Ph.D.s because he doesn't want to have to provide health insurance." There is something sickening about the hypocrisy of radicals acting like Reagan Republicans According to a professor from the 1950s generation, it is the '60s radicals, those who once "protested the corporate 'beast', who have originated these extremely exploitive practices." A glance at statistics confirms his point. Before 1974, the year the first Ph.D.s from the 1960s generation were hired, 20% of faculties in New York were adjuncts. By 1990, when these hires had probably climbed the academic ladder, 67% of New York faculties were composed of adjuncts.

What is equally maddening for students is the policy of affirmative action based on politics that is at work in full-time hiring. For '60s radicals have hired their own non-degreed kind. Angela Davis, a former Black Panther, holds a chair at Harvard. Bernadine Dorn, a Weathermen/girl, is a Law Professor (!) at the University of Chicago. It seems the best way to receive a Ph.D. these days is not to work for the degree, but to have conspired to blow up a government building in 1969.

"My parents were refugees from Stalin," one New York student reports, "when I criticized his policies in class, I was told to leave the class by the professor."

But the generation that tried and failed to take over Columbia as students in the 1960s has now succeeded as tenured professors in the 21st century. And their '60s-era goal — destroying the university system, that pillar of Western Civilization — is being accomplished through multicultural studies dwarfing out courses on Adam Smith and Plato. But they have become the "corporate beast" they attacked in the 1960s; they just have hipper rhetoric.

So what is the solution? George Orwell characterized Charles Dickens' solution to societal ills as the ruling class experiencing a change of heart. There is not much chance for those currently in power to have this change. But those lucky few Ph.D.s who do get a job need to take Dickens' solution to heart. Revenge upon like-minded students of their former bosses will not solve anything. It merely perpetuates the problem of exploitive, dictatorial professors — and of helpless, repressed students. Those who do get a full-time position need to return classes to what they used to be: a place for the free exchange of ideas, for perfecting debating skills, for original arguments.

Otherwise, there will be more decades of white knuckles. ❑

Reviews

The Contested Legacy of Ayn Rand: Truth and Toleration in Objectivism, **by David Kelley. Objectivist Center/Transaction, 2000, 128 pages.**

Ayn Rand and the Curse of Kant

David Ramsay Steele

Libertarians generally disagree on issues of metaphysics, epistemology, and ethics — not to mention whether there is a God and whether Jennifer Lopez can act. There are several competing candidates for "the" libertarian worldview but so far none of them has managed to acquire dominance or even to attract a majority of libertarians. Is this philosophical disunity a weakness?

Anyone who assumes that it simply *must* be a decisive advantage for all those engaged in a common task to first agree upon their philosophical principles should consider the example of science. The growth of scientific knowledge involves the cooperation of thousands of individuals with diverse philosophical outlooks. Great physicists, for example, have included theists and atheists, determinists and indeterminists, materialists and idealists. This heterogeneity does not seem to have hurt physics, and may have helped it. If science can get along perfectly well without agreement on philosophical matters, why should we suppose that libertarianism requires philosophical unanimity?

Objectivists, however, say that there is something wrong with the libertarian movement because it combines people with different philosophical views. David Kelley, who was booted out of the "official" Objectivist movement headed by Leonard Peikoff, because he gave a lecture to a not exclusively Objectivist libertarian audience, has become head of the broader and more tolerant Randist tendency embodied in The Objectivist Center, an alternative to Peikoff's Ayn Rand Institute. Kelleyism has now replaced Rothbardism as the main transit camp for refugees from official Objectivism. In basic political and economic policy, both the Peikoff and the Kelley organizations espouse the liberalism of Herbert Spencer and Ludwig von Mises, that is, they are unmistakably libertarian. For liturgical purposes, both decline to label themselves "libertarian."

Kelley agrees with Peikoff that there is something wrong with the libertarian movement because it is an untidy assemblage of individuals who differ with one another over philosophical issues. But if libertarians were all to agree on a single monolithic non-Objectivist philosophy, Peikoff and Kelley would be even more irritated with us. Although it may sound as though Kelley and Peikoff don't like the libertarian movement's heterogeneity, what they really object to is something different: the fact that we don't all swallow *their* philosophical opinions.

Kelley's pamphlet, *The Contested Legacy of Ayn Rand*, is a revision of the work published as *Truth and Toleration* ten years earlier. It's aimed at the Peikoff crowd and therefore devotes quite a number of pages to arguing for positions which are pretty obvious, against positions which are pretty idiotic. It has its droll moments. Kelley was excommunicated by Peikoff because he spoke at a libertarian supper club associated with Laissez Faire Books. The ARI's Peter Schwartz denounced Kelley by likening libertarians to the Soviet and Iranian regimes. Kelley observes, in poker-faced prose:

"Laissez Faire Books does not run a Gulag Archipelago of concentration camps, nor does it advocate a medieval fundamentalist theocracy. It has not issued a murder contract on an author it doesn't like. Schwartz regards these differences as superficial" (p. 36).

From Error to Hell and Back

Shoved screaming into the world, we humans jump to conclusions about it and become tenaciously attached to these conclusions. It's natural for each of us to suppose that everyone else will share our beliefs, and when we find to our dismay that they don't, the most plausible hypothesis is that they are possessed by the Devil. Peikoff believes that if someone advocates opinions which deviate from his own, then, with a few negligible exceptions such as the mentally retarded, that person must be a rotter. The same conviction possesses two-year-olds on their crabbiest days.

While Peikoff thinks that people with evil ideas have to be evil them-

selves, Kelley believes that bad ideas sometimes happen to good people. Like Abraham talking back to Yahweh about his modest proposal to incinerate the citizens of Sodom and Gomorrah, Kelley insists that not all non-Objectivists are terribly wicked, even though the great majority admittedly are. Kelley opines, for instance, that "few Marxists are innocently mistaken" (106). If we were to read all of *Contested Legacy* except for page 55, we might conclude that Kelley believes "honest error" to be extremely rare. On that page he explicitly states that it is not so rare, but the overall impression remains that it is not as common as dishonest error, whatever that may be.

Against Peikoff, Kelley insists on a distinction between evil ideas (opinions with which he disagrees) held for evil motives and evil ideas held because of "honest error." Yet Kelley's distinction is far from clear. We would know what he meant, of course, if Objectivists said that evilly motivated persons not prone to "honest error" were concealing what they really believed. But neither Peikoff nor Kelley seem to be claiming that evil convictions maintained for evil motives are not sincerely held — that the Marxist who preaches the labor theory of value is at heart convinced of marginal productivity and is artfully concealing that fact, or that the musician who stubbornly maintains that Mozart is better than Rachmaninov actually prefers Rachmaninov but won't cough up to it. I get the impression that, to the Objectivist way of thinking, it's precisely because these despicable scoundrels sincerely believe the loathsome ideas they propound that they must be steeped to the marrow in wickedness.

We fall in love with our opinions; we are attached to them and feel loyalty to them. It's therefore painful to abandon our beliefs, and we are often reluctant to do so. Having a belief pulled is indeed more painful than having a tooth pulled.

Peikoff offers the theory that there are "inherently dishonest ideas," by which he means ideas so vile that they could not possibly be held for honest or innocent motives. I don't think he means that the persons holding these ideas are cold-blooded con artists who pretend to believe something they know to be false. Rather, he thinks that they do sincerely believe these ideas because of some nastiness deep in their souls. This nastiness infects their brains with something called "irrationality," whereupon they quite spontaneously arrive at the nauseating non-Objectivist conclusions.

Kelley takes a more moderate position, but one essentially akin to Peikoff's. For Peikoff, once you know that someone espouses evil ideas you shouldn't attempt to communicate with that person, whereas, for Kelley, you might give him the benefit of the doubt for a while and permit him to listen to your expositions of Objectivism. Just how it can be admirable for Rand to appear on *Donahue* and fence coyly with its socialist host, telling him what a fine fellow he is, while it is unconscionable for Kelley to lecture a libertarian audience on why they ought to become Objectivists, is a riddle I will leave to the adepts of the most arcane rites.

This entire dispute about evil and error is puzzling. What I don't see is how Objectivism can come up with a concept of evil as something distinct from error. Why isn't any departure from Objectivism considered a kind of mistake? If morality is rational pursuit of self-interest, why isn't all immorality a matter of miscalculation? The Objectivists have taken over from the Judaic tradition the notion that capable people in possession of all the facts can willfully commit sin, not noticing that this makes little sense in their new framework of rational egoism.

Rand says that we have a choice to think or not. Yet, aside from shutting down our thinking by cutting our throats, we cannot choose not to think. Thinking itself is involuntary and inescapable, though we can to a limited extent direct our thoughts. As the lugubrious Sartre might have put it, we're condemned to think. Kelley seems to hold that the basic choice is whether to "evade" or not — maybe "not thinking" is a picturesque expression for thinking evasively. But if someone evades, which can be diagnosed from the tell-tale symptom that he does not give as much weight to Objectivist arguments as Objectivists do, why isn't *that* just a mistake?

Kelley talks a lot about "honest error" but the adjective is redundant. Error is always necessarily honest. A person can pretend to be making a mistake, when he's really getting what he wants. Or a person may make a "deliberate mistake," like adding some numbers and arriving at a wrong answer, because he has an intention which overrides the normal one of getting the right answer. Either of these may, according to context, be dishonest, but they are not genuine examples of error.

It's natural for each of us to suppose that everyone else will share our beliefs, and when we find to our dismay that they don't, the most plausible hypothesis is that they are possessed by the Devil.

We could try to retrieve a coherent position from the squishy Objectivist catchphrases by saying something along the following lines: To live your life to the full requires the investment of a lot of effort, training yourself to think rationally. Some folks shirk this unpleasant work, just as some who set out to learn the piano can't be bothered to practice their arpeggios. In thus failing to invest for the future, by learning the most effective ways to think, these people are acting contrary to their self-interest, and this constitutes "evil."

Thus reconstructed, the Objectivist notion becomes perfectly coherent and very traditional, but the "moral failure" here is still nothing more than a type of mistake, and insofar as it's a mistake like that of the person who can't bring himself to saw his leg off when this is the most promising way

to escape from a deadly trap, it's the kind of mistake which arouses our sympathy.

Why People Argue Badly

Rather surprisingly, Kelley claims that we can discern the presence of the irrationality and dishonesty Objectivists are concerned with by witnessing examples of inappropriate behavior in argument. "One may observe whether a person gets angry when his position is challenged, or relies on the cruder sorts of fallacies such as *ad hominem* or appeal to emotion, or dodges from one issue to another in response to objections" (56).

People often argue in these defective ways, and there are many books on logical fallacies and critical thinking designed to expose and correct such faulty discourse. The fact that people behave like this says nothing about the correctness or incorrectness of the views they propound: if this is what is meant by dishonest error, then there can just as easily be dishonest truth.

Why do people often argue "dishonestly" or "irrationally"? Here Kelley gestures towards an Objectivist psychoanalysis: "The way in which a person defends relativism in ethics, for example, may reveal that he is moved by hostility toward the very idea of objective standards . . . " (56). But then, if someone argues "irrationally" and "dishonestly" in support of ethical objectivism, what does that reveal?

There are at least three causes of bad arguments:

1. Most people are unfamiliar with the canons of logic and relevance. When Rand tries to argue for a position by vilifying the character of anyone who disagrees with her, there is no need to suppose that this reveals something shameful about her innermost soul. It is simply that she does not know any better.

2. The arguer may be more interested in effectiveness than in soundness. When George Orwell contended during World War II that intellectuals who opposed the war were homosexuals and therefore cowards, he clearly understood that this was not the strongest of arguments for fighting the Germans, but thought it might nonetheless have persuasive force.

3. We fall in love with our opinions; we are attached to them and feel loyalty to them. It's therefore painful to abandon our beliefs, and we are often reluctant to do so. Having a belief pulled is indeed more painful than having a tooth pulled.

Kritik to *Gulag* in Necessary Steps

The main reason most libertarians are not Objectivists is because Objectivist arguments are so feeble, and Kelley's pamphlet illustrates this fact very nicely. While defending his own position against Peikoff's, Kelley restates Objectivism in outline, with some added refinements. I will here criticize only one example of the familiar Objectivist claims he reiterates.

Objectivism maintains that the ideas of evil genius Immanuel Kant (1724–1804) gave rise to modern collectivism, notably the regimes of Stalin and Hitler. This theory of historical causation seems to be crucial to Objectivism. As is clear from Kelley's

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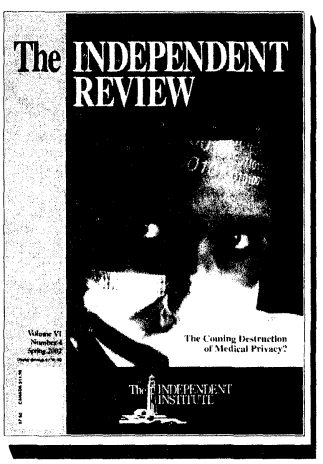

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pamphlet, Objectivism is committed to two propositions:

• that there is (as a matter of historical fact) a tight fit between general philosophical views and political programs, and

• that this tight fit is enforced by politics coming into conformity with philosophy, and not vice versa. It follows that if philosophical views change, politics will change in a determinate direction. It is true that Kelley makes some statements which go against this theory as I have summarized it, but these statements seem to be ad hoc abandonments of the Objectivist theory, reminiscent of the ad hoc abandonments of historical materialism you get when you talk to Marxists.

The Objectivists' chief example of this historical process is their contention that the philosophical ideas of Kant led to the Gulag and to Auschwitz. And this is why they are so convinced that libertarianism must founder unless it adopts Objectivist views on metaphysics, epistemology, and ethics.

The Objectivist historical theory as summarized by Kelley (40–41) states that ideas originating in philosophy spread to other disciplines, and then into the culture at large, where they influence the actions of politicians. In one paragraph, Kelley asserts that this process unfolds "through a sequence of necessary steps" (40). In the very next paragraph he challenges Peikoff's claim that the process is "inexorable" (41). I cannot see the difference between proceeding by necessary steps and being inexorable. For Kelley, the process must proceed by necessary steps, or Kant's ideas *needn't* have had such terrible consequences, and most libertarians' rejection of Objectivism *needn't* ensure the triumph of statism. And yet the process cannot proceed "inexorably," because, as Kelley politely puts it, "these are very strong claims about historical causation."

Just how did Kant's ideas give rise to collectivism? Kelley points out (44) that Kant was a classical liberal, that is, his political views were the same as Rand's, Peikoff's, and Kelley's. As a proponent of limited government and individual rights, Kant was not simply falling in with fashion: he was a passionate individualist who gave a prominent place in his ethics to a man's obligations to himself, who held that one ought always to view other persons as ends in themselves, who welcomed the American revolution, and who (in Part I of his *Metaphysics of Morals*) developed a rigorous defense of private property.

Kelley also points out that "There have in fact been very few orthodox Kantians" (74). This fact is manifestly a problem for the Objectivist theory that Kant fathered collectivism, and so Kelley immediately adds: "Most people use this term [Kantian] to refer to ideas that share Kant's basic epistemological view about the relation of mind to reality, or his ethical view about the relation between values and duty." Not all Kelley's readers will be aware that people who are Kantians in *this* broader sense have also been quite few, except for Germany in the late 19th century. In the English-speaking world, adherence to Kant's distinctive views on these matters has generally been negligible. Furthermore, the few Kantians have not been in the forefront of the growth of collectivism. Kantians and Neo-Kantians have tended to be associated with classical liberalism.

For Peikoff, once you know that someone espouses evil ideas you shouldn't attempt to communicate with that person, whereas, for Kelley, you might give him the benefit of the doubt for a while and permit him to listen to your expositions of Objectivism.

Kant is acknowledged to be a great and influential philosopher, yet his influence has not primarily taken the form of having a lot of philosophers agree with his distinctive positions. That one rates a philosopher as outstanding does not mean that one buys his conclusions: many philosophers have admired Kant's arguments without accepting any distinctively Kantian tenets. This is the preponderant take on Kant: that he was a brilliant thinker whose system's fundamental postulates cannot survive critical scrutiny.[1] Kant has stimulated many philosophers to work on issues he raised and arrive at un-Kantian results. His writings have been influential, but only a small part of that influence has been to convert philosophers to his distinctive views.

By "Kant's distinctive views" I mean specific philosophical positions which are well-known as Kant's, whose attribution to Kant is not controversial, and which were not held by anyone before Kant. The most prominent is Kant's "Transcendental Aesthetic," his view that we can experience the world only by imposing certain categories on it, and that these categories, such as space, time, number, and causality, are not in the world independently of our experience, but are indispensable ordering principles we bring to the world. The vast majority of philosophers since Kant have been impressed by the way Kant argues for this somewhat startling contention, but have found it unconvincing.

The Curse of Kant

In order to defend the Objectivist claim about the dire spell cast by Kant, we have to accept that almost all the "necessary steps" must have occurred chiefly by way of thinkers who rejected everything distinctively Kantian. One way to pursue this line is to say that some people after Kant took up positions which were admittedly opposed to Kant's, but which they would not have embraced if they had not been reacting to Kant. However, this does not look credible: it is difficult, for instance, to think of any view maintained by Russell or Moore (after the 1890s, when they rejected Idealism) that they might not easily have come to if Kant had never existed. And if Kant is to be blamed for the thinking of subsequent writers who reacted against him, then we ought to blame him for Objectivism.

According to Kelley, Kant "thought the source of our duties was not society but a higher 'noumenal' self residing within every individual. . . . It was because there is no such thing as the noumenal self that later thinkers such

as Hegel, who wanted to preserve the ethics of duty, turned to society as its source and object. Kant's philosophy, then, did contribute to collectivism, but the effect was indirect" (44).[2] Here we have an attempt to save the Objectivist theory that Kant is responsible for the rise of collectivism by arguing that, for all Kant's individualism and libertarianism, his ethical theory contained a weakness which could only have led his successors to replace this ethical theory with a more collectivist one.

Notice that Kelley is not consciously backing away from Rand, but trying to defend her. As he volunteers, "Most Objectivists, myself included, would say that collectivism is the political expression of Kantianism" (74). He accepts Rand's and Peikoff's view that "the results" of Kant were "mass death in some countries, a welfare state in others" (47). Kelley's reconstruction is that because there *is* no noumenal self, Hegel was bound to see this — though not to see anything else that was wrong with Kant — and was therefore bound to substitute society for the noumenal self.

Just how it can be admirable for Rand to appear on Donahue and fence coyly with its socialist host while it is unconscionable for Kelley to lecture a libertarian audience on why they ought to become Objectivists, is a riddle I will leave to the adepts of the most arcane rites.

Kelley here falls in with a widespread supposition: that Hegel was somehow the natural or likely next step after Kant. This facile assumption is called into question by the fact that, in his major impact on German philosophy, *Kant came after Hegel*. The heyday of Kant's influence arrived when German philosophy had become disenchanted with Hegel. There was, inside German philosophy, a major "Back to Kant" movement, beginning after 1850. This "Neo-Kantianism" was a diverse but almost entirely German intellectual movement which is known only patchily in the English-speaking world. Kant's following in Germany was vastly higher in 1880, and Hegel's considerably lower, than had been the case in 1830. The Neo-Kantians went "back to Kant" mainly because, like Kant, they wanted to understand the philosophical implications of modern science. They found the idealism of Fichte, Schelling, and Hegel inadequate for this purpose.[3]

Since the Neo-Kantian domination of German philosophy coincided with the upsurge of socialism throughout the world, some Neo-Kantians were socialists and some leading socialists looked to Kantian ethics.[4] However, Kantian influences were generally prominent in that wing of Social Democracy which became Revisionist, maintaining the liberal values of tolerance and rational debate, and effectively accepting the continuation of capitalism. The wing of Social Democracy which led to Bolshevism stamped out Kantian influences in favor of Marxian materialism, with its striking similarity, in metaphysics, to Objectivism.

Presuppositions of Collectivism

If, then, we trace what happened historically to Kant's ideas, we are unable to find anything which looks like a step-by-step progression from Kant to collectivism. There is also another way to test the Objectivist theory: we can read the utterances of those who did espouse collectivism, and try to discern what were the arguments which made them do this. Although this is a big and complex subject, a few generalizations can be made by anyone who has read a lot of the relevant historical material and tried to grasp what was going on in people's minds at the time.

A list of the main propositions acceptance of which favored collectivism would certainly include the following: free competition always destroys itself by turning into monopoly; the commercial requirement to show a profit needlessly restricts the technical development of industry; poverty will not be reduced without government action (and then in retrospect: material progress for the poorest has been largely accomplished by government action); the free market left to itself will impoverish a large section of the population, because the market's inherent tendency is for wages to fall to subsistence; intelligently planned organization must be more efficient than leaving things to the interplay of market forces coordinated only by automatic and "unconscious" feedback; capitalism is a very recent invention and most of human history has gone on without it; and even in exceptional cases where laissez faire does lead to prosperity, it destroys the vital human sense of community solidarity, and thus fosters mental insecurity and anxiety.[5] We can easily comprehend how these propositions might appeal to people one or two centuries ago, and we can see that anyone believing them would find it natural to conclude that collectivism would be an improvement over capitalism. As far

If Kant is to be blamed for the thinking of subsequent writers who reacted against him, then we ought to blame him for Objectivism.

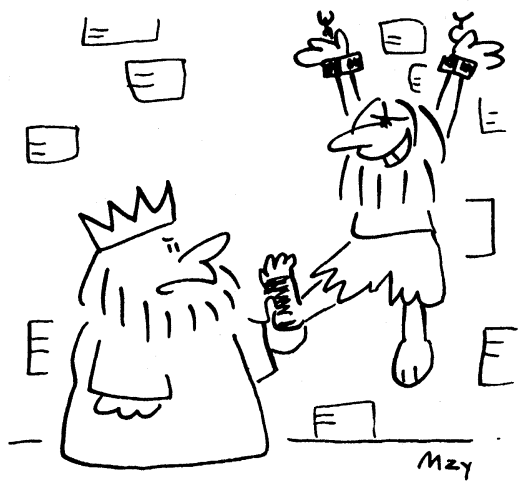

"I promise I won't get mad — just tell me how you get the bottoms of your feet so dirty!"

as I can see, they owe precisely nothing to Kant or to Kantian ways of thinking.

In response to the above objections, some Objectivists may respond that modern thinkers, though overwhelmingly non-Kantian, have all advocated views which are inimical to Objectivism and are therefore just as pernicious as Kant's. Russell, for example, though decidedly anti-Kantian, held (in his most influential "logical atomist" period) that there were sense-data (that is, he maintained that the content of the experience of perceiving an object is not identical with the perceived object), and this contradicts Rand's remarks on perception and is therefore proof of Russell's pathological mental and moral condition.

It's true that Objectivists denounce all modern philosophy without exception: they have no time for the pre-Kantian metaphysical or epistemological views of Galileo, Leibniz, Spinoza, Descartes, Hobbes, Locke, or Hume. To mindless mystics like myself, these writings constitute a glorious adventure of the human intellect, but to Objectivists they are nothing but foul-smelling garbage, from which "rational men" recoil like Count Dracula from a crucifix. And Russell's approach, for example, is undeniably similar to Hume's.

However, any such response would surrender the Objectivist claim that Kant is peculiarly responsible for Soviet and Nazi mass murder. To say that all philosophy since 1274 has been leading by necessary steps to collectivism would not suit the Objectivists' case at all. It would have the embarrassing consequence that precisely those philosophers who prepared the way for classical liberalism and the acceptance of modern science would be the progenitors of collectivism.[6] For this reason I repeatedly referred above to Kant's "distinctive" views. Positions Kant shared with earlier thinkers, however much Objectivists may gag on them, cannot be examples of Kant's uniquely diabolical influence.

Explaining Collectivism's Retreat

Another difficulty for the Objectivist theory (as Kelley is uneasily aware) is the shift away from collectivism over the past 40 years. While we may argue about the magnitude of this shift, it has certainly happened. Deregulation, denationalization, and the abandonment of "economic planning" have been perceptible in almost every country of the world. There are certainly horrors in today's world, but there is currently nothing to equal the extraordinary organized brutality of the KGB or the Gestapo. Kelley quotes Peikoff as saying that Kant "unleashed" Lenin, Stalin, Hitler, "and all the other disasters of our disastrous age" (41). Who put the leash on them again?

During the last 40 years, distinctively Kantian ideas have not become less influential: they have been uniformly uninfluential throughout. While broadly libertarian social and political ideas have gained some ground, specifically Objectivist philosophical ideas have had no influence on the discipline of philosophy. Is there, perhaps, a lag in the influence of philosophy on politics? There was, it is true, a steep decline in Neo-Kantian

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following in Germany in the first three decades of the 20th century, but I hardly think Objectivists would want to attribute the retreat of collectivism in the 1980s to the advance of phenomenology and logical empiricism in the 1920s[7] (these were the movements which supplanted Neo-Kantianism and they are both movements which nauseate Objectivists).

Kelley argues that people's experience of the reality of collectivism led to the downfall of the totalitarian regimes (47). If this kind of ad hoc adjustment is accepted, the whole Objectivist theory of historical causation has to be rejected. Kelley cannot have it both ways. Either political programs always arise by necessary steps from the dominant philosophical ideas or they don't.

Furthermore it is not true that the death of socialism was a practical adjustment independent of theory. It was the result of an ideological sea-change. What we have witnessed since the "Crisis of Marxism" in the 1890s is the rebirth of libertarianism following its eclipse in the second half of the 19th century. Objectivism is a footnote to this rebirth. Neo-Kantians like Mises and Hayek and empiricists like Milton Friedman overthrew the ideological hegemony of collectivism. They did not require any help from Objectivist philosophy and they did not get any.

What may seem baffling to Objectivists is that this intellectual movement largely bypassed the discipline of philosophy. Inasmuch as philosophy has been involved, it appears to have made adaptations to the change in political direction "after the fact." But the idea that philosophy is bound to determine thinking in other scholarly disciplines is just one more honest Objectivist error. Philosophy does not occupy any such queenly station.

Philosophers No Longer the Leaders

The Objectivist theory as summarized by Kelley claims that intellectuals in disciplines other than philosophy take their direction from philosophy. Against the Objectivist theory, I want to make four assertions, the first two very general, the third and fourth

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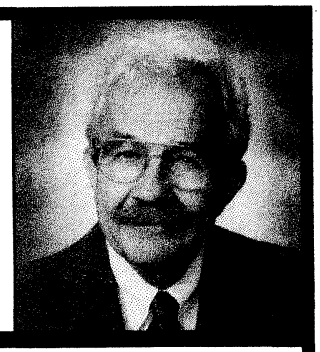

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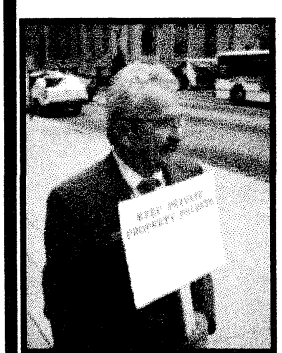

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more narrow:

1. Among the many factors affecting the evolution of ideas about culture, politics, and society, the influence of general philosophical ideas is not always of great weight.

2. There is no tight fit between metaphysics or ethics and politics or economics. Any metaphysical theory, for instance, is (as a matter of historical fact) compatible with any political viewpoint.

3. While ideas originating in philosophy sometimes affect thinking outside philosophy, it's also true that ideas originating outside philosophy frequently affect thinking inside philosophy.

4. Until about 200 years ago the leading philosophers were intellectual leaders of society in a way that is no longer possible.

To mindless mystics like myself, the writings of Galileo, Leibniz, Spinoza, Descartes, Hobbes, Locke, or Hume constitute a glorious adventure of the human intellect, but to Objectivists they are nothing but foul-smelling garbage, from which "rational men" recoil like Count Dracula from a crucifix.

Philosophy has always responded to developments in other intellectual areas. Kelley points out that Kant's philosophy would have been found unintelligible two centuries before Kant, because it was prompted by philosophical developments during that period (46). Of course this is true, but, even more to the point, nothing like Kant's metaphysics would have made much sense but for the revolution in physical theory wrought by Copernicus, Galileo, Kepler, and Newton.[8] *The Critique of Pure Reason* is an attempt to address urgent conceptual problems posed by the success of Newtonian physics.

Not only does philosophy adapt to influences from other areas, but when there is a link between a philosophical idea and a cultural or policy idea, we often notice, at least in our own day, that some very minor philosophical ripples make big waves outside philosophy. This shows non-philosophers picking somewhat obscure philosophical tendencies to suit their theoretical preferences, rather than adapting to whatever the philosophical consensus turns out. Consider the major influence the ideas of French postmodernists and deconstructionists or of T.S. Kuhn have recently had upon American academics in humanities disciplines other than philosophy. Within philosophy itself, Anglo-American or even French, these ideas are very minor fringe events.

In days gone by, the leading philosophers were indeed the leading thinkers who often set society's intellectual agenda. Leibniz invented differential calculus. Descartes devised coordinate geometry. Hume was the greatest historian of England prior to Macaulay. Kant came up with a theory of the formation of galaxies and solar systems — the theory now accepted by all astrophysicists. These really were the leaders of thought in their time. Since then, ineluctable specialization has taken its toll, and philosophers today are in no sense the intellectual leaders of the world. Nor is it likely that they ever will be again.

The Objectivist Theory Is Wrong in Principle

It doesn't look, then, as if Kant's ideas could have led by necessary steps to collectivism, and we can see that people have actually become collectivists — and then ceased to be collectivists — for reasons having nothing to do with Kant. But suppose that the historical facts were different. Suppose, contrary to fact, that people who accepted Kant's distinctive metaphysical, epistemological, and ethical views did show some tendency to become collectivists, and that the turning of the tide against collectivism had been accomplished by people who had some proximity to Objectivist metaphysics and ethics. The Objectivist theory of historical causation would still be unacceptable, for reasons touched upon but not consistently thought through by Kelley (41–42, 46–49).

What is meant by saying that Kant begat collectivism? It is clear what is meant by saying that thinker X fathered policy y, if in fact X advocated y, and the people who implemented y were influenced by reading X and claimed the authority of X. Even in such cases, some skepticism is in order about the putative historical causation.[9] With Kant and collectivism, however, X was implacably opposed to y, and the people who implemented y persecuted the followers of X. An attempt might be made to fix responsibility on X by saying that X's ideas, after adjustments that were bound to be made by successors, would lead to y. This seems to be Kelley's approach, in his remark about Kant and Hegel. Here the obvious questions are: Were *those* adjustments (as opposed to others or none) *bound* to be made? And would those adjustments *have* to lead to y?

The main reason most libertarians are not Objectivists is because Objectivist arguments are so feeble, and Kelley's pamphlet illustrates this fact very nicely.

I have pointed out that the actual historical events do not corroborate the Objectivist theory. Now I'm looking at the principle of the thing: could any such theory be true? What Hegel meant is often debatable: let us accept for the sake of argument that Hegel did exactly what Kelley said he did. Was it necessary that a successor to Kant would adapt Kant in just the way Kelley describes? A fairly obvious alternative would have been to drop any reference to the noumena, postulating a "higher" self within the phenomenal individual. Anyone who reads Kant on ethics can see that bringing in the noumena is a bit of a makeshift: the ethical system makes sense without this move.[10] Another alternative would have been to scrap Kant's approach and replace it with a different one such as some version of utilitarianism or contractarianism.

Hegel's adaptation of Kant, then,

could not have been necessary. But even if we assume that it was necessary, must it then necessarily have led to collectivism, as Kelley claims? And there's no reason why someone who views "society" as the "source and object" of ethics has to be politically collectivist: those are distinct issues. (After all, Hegel was no socialist.[11]) So to get from Hegel's ethics to collectivism must rely upon several further steps, none of which could have been necessary.[12] Furthermore, this method of historical explanation is caught in a paradox. If we say that B was *bound* to take A's thought in a particular direction, then we must be at a loss to explain why A himself did not take it in that direction.

In terms of historical causation, then, any system of ideas could have been developed in many alternative ways,[13] and it is always wrong to claim that a system of ideas which found adherents at one historical period was bound to lead "by necessary steps" to a different system of ideas which was able to win adherents at a later period. A historical claim of this sort is not just mistaken in a particular case: it can never be correct in any instance.

The wing of Social Democracy which led to Bolshevism stamped out Kantian influences in favor of Marxian materialism, with its striking similarity, in metaphysics, to Objectivism.

The Objectivist theory that the courageous 18th-century libertarian thinker Immanuel Kant was the father of 20th-century collectivism does not look promising. ❑

Notes

1) The same consensus view applies to a number of other philosophers, notably Plato and George Berkeley.

2) Kant distinguishes between "phenomena" (things insofar as they can be perceived) and "noumena" (things insofar as they are beyond sensory experience).

3) Kelley says that Kant's system "was modified extensively by a long line of thinkers: Hegel, Marx, Schopenhauer, Nietzsche, and others" (46). This falsely implies a cumulative and widening Kantian influence. Marx's metaphysics and epistemology are a development of Feuerbachian materialism, closer to Objectivism than to Kantianism. Marx's ethics is peculiar and elusive but at any rate alien to Kant's. Schopenhauer and Nietzsche were both provocative essayists and superb prose stylists who had a high regard for Kant and a fine contempt for Hegel, and who profoundly influenced political and artistic culture. Within philosophy they are both dead ends. And Nietzsche was mainly celebrated for precisely those egoistic, anti-Christian views which were taken over from him by Rand.

4) See Thomas E. Willey, *Back to Kant: The Revival of Kantianism in German Social and Historical Thought, 1860–1914* (Detroit: Wayne State University Press, 1978).

5) These are all false propositions, but we could add many true ones, for example that Malthus's population principle is unsound (in the 19th-century English-speaking world, Malthus was the chief argument against socialism), that there is progress in human history, or that traditional institutions can be changed by the application of rational analysis, with beneficial results.

6) Objectivists already have the challenging task of explaining how Aquinas, doctor of the medieval Church, was the father of individualism, despite the fact that 20th-century neo-Thomists like Jacques Maritain have been men of the left, or of explaining how David Hume, second only to Kant in the Objectivist pantheon of demons, came to be the chief ideological inspiration of the U.S. Constitution.

7) The Davos disputation of 1929, involving Martin Heidegger, Rudolf Carnap, and Ernst Cassirer, marked a watershed in 20th-century philosophy. See Michael Friedman, *A Parting of the Ways* (Chicago: Open Court, 2000). Heidegger was a phenomenologist who later gave support to the Third Reich. Carnap, one of the founders of logical empiricism, was a revolutionary socialist. Cassirer, the last of the great Neo-Kantians, was a classical liberal and author of the superb anti-totalitarian work, *The Myth of the State*.

8) Among other non-philosophical influences which have deeply impacted philosophical thought, an obvious example is the Protestant Reformation.

9) Nothing is more easily demonstrable than the overt and acknowledged influence of William James on the origins of Fascist thought. But it would be a leap to suggest that Pragmatism helped to bring about the political phenomenon of Fascism. I don't say it would be false, but it would be a leap, and anyone who wanted to advance it as a serious thesis would be wise to spend a few years examining the historical evidence.

10) Kant (like Descartes and like Objectivism) accepted both physical determinism and human free will. Attempting to reconcile these, and holding that physical determinism applied only to phenomena, he supposed that individuals somehow directly apprehend the moral law in the noumenal world. This seems to be his main motive for bringing the noumena into ethics.

11) It is a commonplace that Hegel, though he would have furiously opposed anything like Communism or National Socialism, inadvertently helped along these totalitarian movements by his glorification of the state. In no sense was this statolatry implicit in Kantianism. Nor does it arise from any special emphasis on "society." Quite the opposite: Hegel oddly departs from the liberal tradition that society exists independently of the state.

12) Kelley also mentions but does not elaborate what he may hold as an independent historical path by which Kant's thought generated collectivism: Kant supposed that "reason is inefficacious" (74). This is a bizarrely misleading characterization. Presumably it refers to Kant's view that a certain class of metaphysical puzzles are insoluble because they lie outside any possible experience. Just why the view that some metaphysical questions ought to be abandoned as futile might lead to collectivist politics is mysterious. Kant's is not a standpoint which recommended itself to Marx or Lenin or Stalin (who on such matters essentially agreed with Rand and Kelley), and I am not aware of any attempt to connect the historical dots between Kant and collectivism in this way.

13) Kelley seems to acknowledge this fact in some of his remarks but, as I have pointed out, this amounts to ad hoc abandonment of his main thesis.

"The computer thinks you're malingering."

The Savage Wars of Peace: Small Wars and the Rise of American Power, by Max Boot. Basic Books, 2002, 428+XX pages.

Kipling for Moderns

Clark Stooksbury

In *The Savage Wars of Peace*, Max Boot makes perhaps the clearest-cut call for American imperialism since Rudyard Kipling, from whose poem, "The White Man's Burden," he takes his title. Boot examines U.S. military encounters from the Barbary wars in the early 19th century to the bombing of Yugoslavia in 1999 and includes a small-war analysis of our disastrous big war in Vietnam. Anyone who had American history in high school has at least heard of the Barbary wars, the Spanish-American War, and the Boxer Rebellion, but probably knows little about them. Boot fills in the blanks and dredges up numerous U.S. interventions that your high school teacher never heard of.

He begins his story in 1804 with a raid to recapture a ship taken by the pasha of Tripoli and liberate its crew, imprisoned by the same.

After winning independence, the United States followed the policy European powers used in the Mediterranean: it paid off the Barbary states along the northern coast of Africa. But Americans were not comfortable paying tribute ("Millions for Defense, but not one Cent for Tribute!" was the rallying cry) and when the pasha of Tripoli abrogated its 1796 treaty with the United States (which, the pasha decided, did not include enough money) and declared war on the United States in 1801, President Jefferson decided to respond militarily. Boot details the exchanges between the Navy and the Barbary states and examines the people involved, most notably Stephen Decatur. Boot however, feels the need to stretch the exploits of Decatur and the U.S. Navy to meet his needs, claiming that the naval hero had helped set America on the path to becoming the "world's policeman, the protector of commercial shipping, and upholder of international laws against piracy and other transgressions," when Decatur was actually involved in protecting American shipping and interests in one particular area. Policing the world was still a few decades down the road.

The White Man's Burden

The heart of *Savage Wars* covers the period from 1898 to 1941, which was the golden age of America's small wars. The major event of 1898 was the Spanish-American War. Look at the typical Spanish-American War monument and you see the dates 1898–1902. Actually, the U.S. defeated Spain rather handily in a few months. The monuments should be amended to read "Spanish-American War 1898–1898." The war that occurred from 1899 to 1902 was to conquer the Philippines, whose people weren't any happier as part of the American empire than as part of the Spanish empire. After defeating Spain, the United States took control of Cuba, Puerto Rico, and the Philippines. The decision to annex the Philippines was hotly controversial. President McKinley decided to pursue annexation after prayerful reflection led him to conclude that it was his duty to "uplift [the Filipinos] and civilize and Christianize" the Roman Catholic country. This crusade was the costliest, and the largest of the small wars that Boot describes. American military personnel lost 4,234 dead and 2,818 wounded. The cost to the Filipinos was much higher. They lost some 16,000 soldiers and 200,000 civilians out of a population of 7 million. Boot rationalizes this slaughter by stating that, "it is not surprising that in such stressful circumstances U.S. soldiers did not always observe the Marquis of Queensberry rules," and brings up allied atrocities in World War II. But he misses the point. The U.S. was the aggressor in the Philippines, and no amount of road building and hospital construction can change that. At least the allies in the Second World War could say that the war crimes they committed were to *repel* aggression.

Boot is also concerned about applying modern standards of morality to the actions of the past. "Then too it is not entirely fair to apply twenty-first century morality to the actions of nineteenth-century soldiers." Fair enough. Let's see what some contemporary commentators had to say. Boot quotes Mark Twain commenting on the war in the Philippines by suggesting that the American flag be redesigned with "the white stripes painted black and the stars replaced by the skull and crossbones." Republican senator George F. Hoar of Massachusetts criticized the war in the Philippines in these terms:

> We crushed the only republic in Asia. We made war on the only Christian people in the East. We converted a war of glory to a war of shame. We vulgarized the American flag. We introduced perfidy into the practice of war. We inflicted torture on unarmed men to extort confession. We put children to death. We established reconcentrado camps. We devastated provinces. We baffled the aspirations of a people for liberty.

Boot doesn't consider the possibility that democracy won't grow everywhere the U.S. plants its seeds, or that Marines might not be its best cultivators.

(Sen. Hoar was not mentioned by Boot.)

A Savage Warrior . . .

If there is a central figure in *Savage Wars*, it is Smedley Butler. Butler joined the Marine Corps as an officer in 1898 when he was 16. He participated in most every small war that Boot chronicles from the turn of the century until he retired in 1931, including the Philippines war, China (twice), Nicaragua, Honduras, Mexico, and Haiti.

Perhaps the most notorious of these invasions began in Haiti in 1915. The U.S. sent troops to restore order, hold off European influence and protect U.S. business interests. They stayed until 1934. The fighting was not particularly intense and the U.S. Marines put more effort in what we might now call nation building. Smedley Butler helped establish a joint Marine and Haitian police force called the Gendarmerie d'Haiti. He was also instrumental in having Haiti adopt a new constitution that allowed for foreign ownership of land and endorsed U.S. occupation. The assembly that was elected in American-supervised elections balked at endorsing the constitution so Butler forced the American-installed president to dissolve the legislature. When the constitution was submitted to a plebiscite, the overwhelmingly illiterate Haitian electorate approved it with near unanimity.

The only problem Max Boot sees in our Haitian adventure was that it did not go far enough. He credits the operation with keeping European influence out, but acknowledges that efforts at uplifting the Haitians ultimately failed because we didn't stay long enough. The occupation lasted 19 years — whether we should have stayed 38, 57, or 76 years he does not say. He doesn't consider the possibility that democracy won't grow everywhere the U.S. plants its seeds, or that Marines might not be its best cultivators.

A similar result occurred after two separate occupations of Nicaragua between 1910 and 1912 and then again from 1926 to 1933. The Marines built infrastructure and established a National Guard and supervised elections that Boot characterizes as fair, although the concept "fair elections" is dubious in a country that is occupied by a foreign power. When the Marines left, Anastasio Somoza took over the National Guard and the rest of the country a few years later. Once again, the only problem that Boot sees in U.S. intervention was in a failure to go far enough.

. . . For Peace

To oversimplify a little, Boot's purpose is to glorify small wars and to get the U.S. into more of them. Yet his hero, Smedley Butler, denounced militarism and U.S. imperialism after his retirement from the Marine Corps and called himself a "military isolationist." Boot devotes a few paragraphs to the anti-war Butler after devoting dozens of pages to the warrior. He cut the heart out of what is perhaps Smedley Butler's most famous statement about his military career, so I will flesh it out a little. The former Marine wrote in a socialist magazine called *Common Sense* in 1935:

> I helped make Mexico and especially Tampico safe for American interests in 1914. I helped make Haiti and Cuba a decent place for the National City Bank boys to collect revenues in. . . . The record of racketeering is long. I helped purify Nicaragua for the international house of the Brown Brothers in 1909–1912. I brought light to the Dominican Republic for American sugar interests in 1916. I helped make Honduras "right" for American fruit companies in 1903. In China in 1927 I helped see to it that Standard went its way unmolested . . . Looking back on it, I feel I might have given Al Capone a few hints. The best *he* could do was to operate his racket in three city districts. We Marines operated on three *continents*.

Savage Wars is as enjoyable and entertaining as an apology for imperialism can be. Boot never met an intervention that he didn't like and he wants the U.S. to get into ever more of them.

Boot makes several references to business interests playing a role in driving U.S. interventions. He states that U.S. "government officials did not view [intervening abroad to protect American and European business interests] as a subsidy for profiteering. They saw it as a protection of property rights, the cornerstone of civilization." But this explanation doesn't fly. Sending the Marines to a banana republic to serve the interests of United Fruit amounts to a taxpayer-funded insurance policy. Also, there is no record of the military intervening to stop U.S. business interests from violating the rights of the natives. In fact, as Boot reports, the U.S. Supreme Court ruled during the Philippine War "that the Constitution doesn't follow the flag and that the U.S. could govern foreign peoples without giving them citizenship and all of its attendant rights."

Boot dismisses Butler's 1935 book, *War Is a Racket* as a "very short, very crude exposition of an economic determinist viewpoint which held that all wars, whether the occupation of Haiti or World War I, were launched by capitalist cabals for their own benefit." There is some merit to this characterization — Butler named names and gave facts and figures to justify his thesis — but he fails even to consider the benefits of war to the political class. What president ever achieved "greatness" without a war? In Butler's era, American intervention was often motivated by high sounding notions such as McKinley's desire to "Christianize" the Philippines or Woodrow Wilson's desire to "teach the South American Republics to elect good men."

"Not even coveting? — No offense, but we're going to end up as a really neurotic ethnic group!"

Boot concludes that Butler's pacifist Quaker roots reemerged in his retirement. Butler, however, had these concerns fairly early in his military career as is evident in a 1910 letter to his parents from Nicaragua in which he states "that the whole revolution is inspired and financed by Americans who have wildcat investments down here and want to make them good by putting in a Government which will declare a monopoly in their favor."

Lay Down the White Man's Burden

Savage Wars is as enjoyable and entertaining as an apology for imperialism can be. Boot never met an intervention that he didn't like and he wants the U.S. to get into ever more open-ended, low-intensity conflicts. One has to wonder why he bothers to go to all this effort. Isolationism is unthinkable among the political-bureaucratic-journalistic elite that establishes the boundaries of acceptable thought in this country.

There is no sign that the U.S. will slow its rate of foreign intervention, even assuming we ever win the "War on Terror." For more than a century our country has heeded the words of Rudyard Kipling:

Take up the White Man's Burden
Send forth the best ye breed
Go, bind your sons to exile
To serve your captive's need. ❑

***What Government Can Do*, by Benjamin I. Page and James R. Simmons. University of Chicago Press, 2000, 409 pages.**

The Miracle of Government

Barry Loberfeld

"Those who do not know their opponent's arguments do not completely understand their own." There's a lot of truth in that adage, and free-marketeers looking to test their grasp of the case for laissez faire won't find a better place to find such arguments than in *What Government Can Do*, by Benjamin I. Page and James R. Simmons (University of Chicago Press, 2000, 409 pages). This articulate compendium of political and economic arguments for state intervention is the work of not one but two professors of political science, Benjamin I. Page of Northwestern and James R. Simmons of the University of Wisconsin, Oshkosh (b'gosh!).

My personal favorite is a political argument: "It would be rather peculiar to attack the legitimacy of any and all government 'interference' with the private economy when government action makes such an economy possible" (page 36). Using this reasoning, we would be remiss to protest government interference with the free exercise of religion since "government action" protecting freedom of religion is what makes such free exercise possible in the first place.

For a taste of the authors' economic argumentation, sample their discussion of the minimum wage. Both are aware of the economic objections to the minimum wage — that it increases unemployment — and of nothing more. So they cite the now-infamous 1994 Card-Krueger study ("[u]sing careful econometric techniques") successfully refutes the "conventional wisdom." That study did no such thing.

For one thing, its methodology was flawed. For a study to gauge accurately the effect that an increase in the minimum wage has on employment, all other factors that affect the employment rate have to remain constant. This just doesn't happen in the real world. The fact that the increase pushes the employment rate down doesn't mean that there isn't at the same time other, possibly stronger, economic forces pushing upward. The Card-Krueger study made no effort to examine these other factors. Not surprisingly, better-conducted research arrived at conclusions opposite to Card and Krueger's.

What Government Can Do is in its way the inverse doppelgänger of *Beyond Politics: Markets, Welfare and the Failure of Bureaucracy* by William C. Mitchell and Randy T. Simmons. Mitchell and (this) Simmons are also political science professors, but ones who had their views of the relationship between market and state radically changed by the insights of the Public Choice school of economics. But Buchanan and Tullock don't make an appearance in *What Government Can Do*, and neither do Mises and Hayek (except for a spare footnote). However, the authors do find it to their advantage to quote Milton Friedman. "We may want government to do something to help the poor or to reduce inequality. Even Milton Friedman has taken this point. *Capitalism and Freedom* . . . expressed openness to an extensive income-redistribution program in the form of a 'negative income tax'" (43). And, later, they write: "Choice-based policy alternatives might conceivably include completely abolishing public schools and letting private markets do the job, but that idea has been rejected as too extreme (or at least not politically feasible) even by Milton Friedman" (185).

Using the authors' reasoning, we would be remiss to protest government interference with the free exercise of religion since "government action" protecting freedom of religion is what makes such free exercise possible in the first place.

The lesson couldn't be clearer: any concession to statism in part is a concession to statism in principle. ❑

Immigration, *from page 40*

family about seven years' income, not to mention the travel time and the dangers of the trip. It's easier these days.

Deng Xiaoping famously remarked to Jimmy Carter that America is still at least a sea voyage or an air trip from the largest mass of population on earth. Where I live, it's an overland trip of a week on the Trans-Siberian railroad. When Chinese first started to come to Hungary in large numbers about ten years ago, the government reacted by making each family from China sign an agreement to have only one child while they are living in the country. Poland and other countries in the region have similarly limited entry from China.

Is this an unconscionable violation of their rights? Poland is the size of New Mexico and has a population of about 38 million. How many people could China send here in a year? A decade? Is it wrong for Hungary or Poland to try to keep their country for themselves? Is it wrong for us? Are the questions equivalent?

The Kingdom of Hawaii allowed (or could not prevent) unlimited immigration of laborers to do the plantation work the native population was not willing to do. There is no Kingdom of Hawaii anymore. Good for us, but the native Hawaiians may not see it that way.

Some of our friends in Lithuania are concerned about the presence of a large Russian population in their newly independent country, and are not very comfortable with a fair-sized population of ethnic Poles either. After regaining their long-desired independence, they wonder whether their fate is to become a political appendage of a resurgent Russian Empire or a new dynamic Poland.

Sometimes I despair of the shortsightedness of the policy of keeping so many visitors out of our country. We have a chance to gain cultural hegemony over the world without firing a shot, by exposing as many foreigners as possible to our way of life. Yet, in this age of cheap mass transportation we could possibly be swamped by invaders too numerous to assimilate. And the fact is that any conceivable measures we could take may only slow down the process.

Experience has shown that people overwhelmingly prefer to live their lives in the environment they grew up in when the conditions are at least bearable. I have noticed over the past ten years that Poles are no longer anxious to leave Poland in large numbers now that the country has become a much more pleasant place to live. Those that do leave for professional reasons have a much greater likelihood of returning. Our future may be a race to Americanize the world before the world descends en masse on America. □

Notes on Contributors

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Terra Incognita

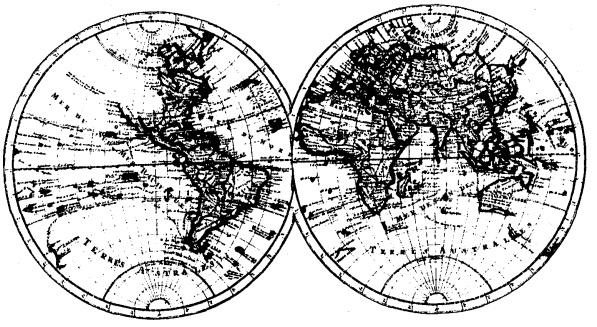

Portland, Ore.

A breakthrough in international misunderstanding, from the Associated Press:

Muggins the Clown is going to Afghanistan on a goodwill mission. Muggins, executive director of Clown Interactive Programs, said, "My research has shown that it's very possible that Afghanistan's culture is beginning to lose its connection with humor. We want to reconnect and reintroduce humor."

Muggins plans to tone down his act. "Instead of going into the reds and yellows and chartreuse greens that make you look like a neon sign, I'll wear blues and softer colors," he said.

Surrey, U.K.

An avicultural note in the *Daily Mail*:

The oldest bird in England is Charlie, a 103-year-old macaw belonging to Peter Oram. Charlie was once owned by Winston Churchill, who taught him to swear.

Grand Rapids, Mich.

Aneisha Howard, a 27-year-old Toyota sales consultant and mother of three, explains how she made friends by mail with John Gotti, as reported in *The New York Times*:

The act of revealing her most sacred thoughts to a stranger, who also happened to be a convicted murderer and Mafia boss, never spooked her, Mrs. Howard said. People told her she was crazy. She told them that Mr. Gotti never pulled the trigger; he just arranged the killings. "I never focused on the fact that he was this mass-murderer guy," she said.

Lithuania

Easing highway safety standards in Eastern Europe, as reported by *The New York Times*:

As part of Lithuania's bid to join the European Union, the health ministry has dropped requirements that women undergo a gynecological examination before being issued a driver's license.

Berlin

A great setback in the freedom of press, from the *Washington Post*:

A German court yesterday banned the media from suggesting that Chancellor Gerhard Schroeder dyes his hair

New Zealand

Antipodean cultural note, from the *New Zealand Herald*:

The New Zealand film awards have been canceled because of a lack of films.

Bolton, U.K.

Dispatch from the war against job discrimination, from the *Bolton Evening News*:

A government job agency has asked firms to rewrite ads asking for "friendly" applicants because they are discriminatory.

Leon, N.Y.

Juvenile delinquency rears its ugly head in Amish country, from *The Buffalo News*:

Three young Amish men have been charged in a late-night race that left a buggy smashed and a horse dead.

Frontenac, Mo.

Tough law enforcement in the Show Me State, reported by *The Saint Louis Post-Dispatch*:

Pez candy dispenser collectors moved their annual convention from Frontenac after an undercover police officer busted a teen who sold a $3 "Star Wars" pez dispenser without a merchant's license.

Slidell, La.

Taking a bite out of crime, as reported in the *Times-Picayune*:

A man accused of stealing a Krispy Kreme delivery truck and leading police on a 15-mile chase as doughnuts tumbled out the back was arrested Monday after he tried to ram a patrol car while fleeing sheriff's deputies. Said police spokesman Lt. Rob Callahan, "this is a sobering reminder that police officers put their lives on the line whenever they initiate a pursuit."

Kalikavu, India

Soccer hooliganism strikes in the home of nonviolence, from *Sify News*:

A protest march by people in Kalikavu, Malappuram, turned violent when soccer fans stormed the Kerala State Electricity Board offices in protest of frequent power failures during the World Cup.

Opa Locka, Fla.

A federal judge recognizes a defendant's constitutional rights for once, as reported in the *Miami Herald*:

Accused drug dealer Roderick B. Carter won a new trial because the jury pool in his original trial contained too many people whose last names start with the letter "G," including six Garcias, two Gomezes, two Gonzalezes, and two Guerras.

Quoting William Shakespeare and the telephone book, defense attorney David O. Markus persuaded a federal judge that the panel violated Carter's Sixth Amendment right to a jury comprised of his peers.

Ocean City, Md.

The high cost of sexism to our economy, from the *Baltimore Sun*:

Frank J. Iula Jr. has filed a $500,000 lawsuit against Maryland State Police alleging that he was wrongfully arrested during a traffic stop because he called a female trooper "Hon."

Beijing

A setback in the progress of aromatherapy, as reported by the *South China Morning Post*:

A Chinese state company has given up its plan to perfume Beijing's streets with air freshener.

Special thanks to Bruce Ramsey, Russell Garrard, Jacob Lapp, and Owen Hatteras for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

Military Tribunal Rules Violate the Rule of Law

by Sheldon Richman

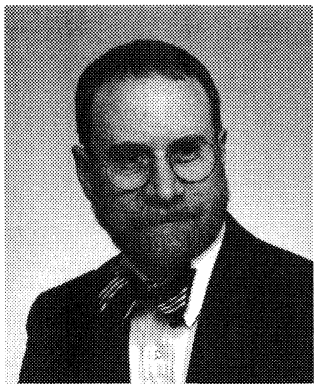

The government giveth and the government taketh away. Sometimes it does so simultaneously.

When the Bush administration announced it would hold military tribunals for captured Taliban and al-Qaeda members, concern about the un-America nature of the proceedings were so loud the Pentagon was forced to go back to the drawing board to fine-tune the plan. When the modified rules were released recently, some critics breathed a sigh of relief. Even congressional critics were muted.

The *Los Angeles Times* editorialized that the new rules "moved the adjudication of the cases closer to this nation's ideals, including the rule of law." The *Wall Street Journal* gloated that the critics should have waited, thus avoiding the egg now on their faces: "With the Pentagon's release yesterday of the tribunal regulations, the critics look more out of touch than ever."

Well, not so fast. The same day that the *Journal* ran that editorial, the papers were carrying the latest news from the administration. The *New York Times* reported that the detainees may be held indefinitely — even if they are acquitted in a military tribunal.

Let that sink in: acquittal would not mean release. Why? Because these are "dangerous" people, Pentagon lawyer William J. Haynes II says. How's that for a commitment to "this nation's ideals, including the rule of law." It appears the critics of military tribunals were not premature in voicing their concerns.

All this makes Defense Secretary Donald Rumsfeld look a little silly when he says, "If one steps back from examining the procedures provision by provision and instead drops a plumb line down through the center of them all, we believe that most people will find that, taken together, they are fair and balanced and that justice will be served in their application."

Government spokesmen intone about incarcerating violent people for the "duration of the conflict." The trouble, of course, is that "the conflict" refers to an open-ended war against a nebulous abstraction: terrorism. The government is thus claiming the authority to hold acquitted persons until they die and are therefore no longer dangerous. This is not something I identify with the American Way.

Very little about this war would satisfy the nation's Founders. It's either checks and balances or blank checks. We can't have it both ways.

Ah, but we want it both ways — the ways of empire and the ways of constitutional republic. Sorry, it can't be done. Bush acknowledged that implicitly when he refused to ask Congress for a formal declaration of war. Majority Leader Tom Daschle did the same when he said Bush would not need congressional authorization to attack Iraq.

And the president left no doubt when he announced in his state of the Union address that what began as a narrowly defined effort to stop terrorism aimed at the American people had mutated into a campaign to rid the world of all evil no matter where. The "axis of evil" figment, ridiculed from so many quarters, is correctly interpreted as an imperial program pure and simple. Without evidence that Iraq, Iran, and North Korea had anything to do with the September 11 attacks, they are now on the list of "next targets." Why? Because they may be trying to develop weapons of mass destruction. And what of those nations that already have such weapons — India, Pakistan, China, Russia, Israel? And those authoritarian allies that oppress their own people? Morocco, Egypt, Saudi Arabia, Turkey, ad infinitum? We overlook that.

By now you might have the impression that foreign policy is cynicism writ large. You'd be right.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State****, and editor of* ***Ideas on Liberty*** *magazine.*

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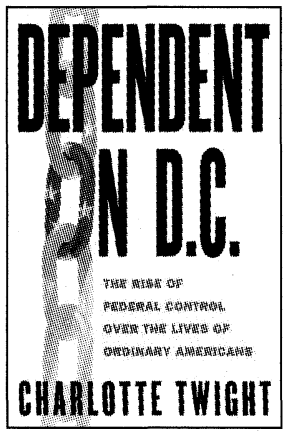

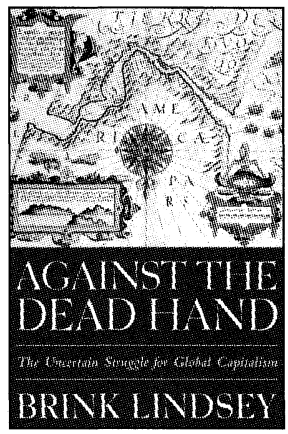

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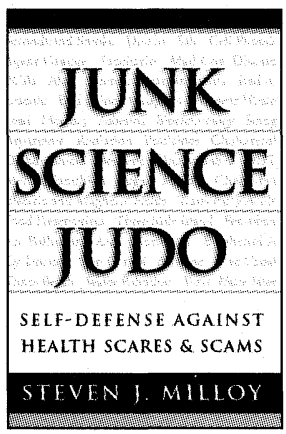

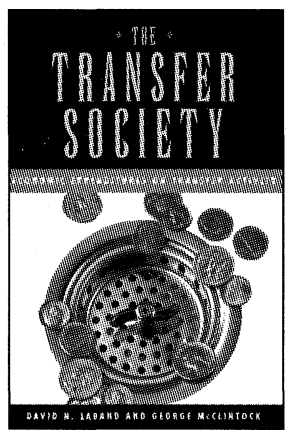

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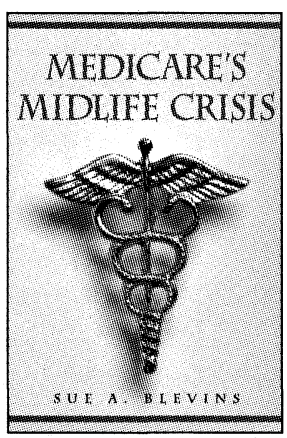

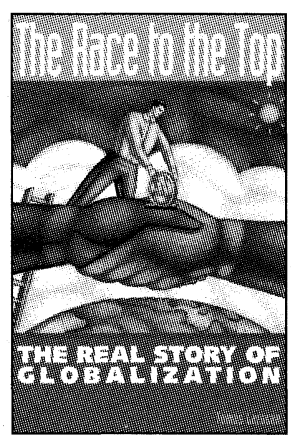

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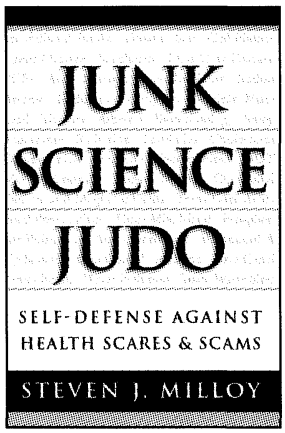

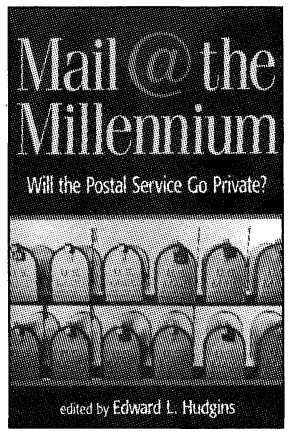

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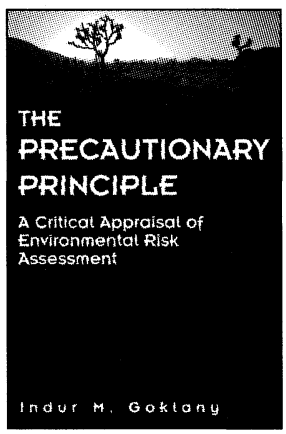

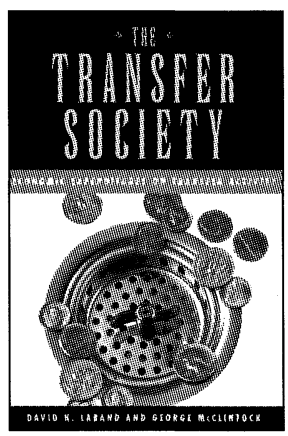

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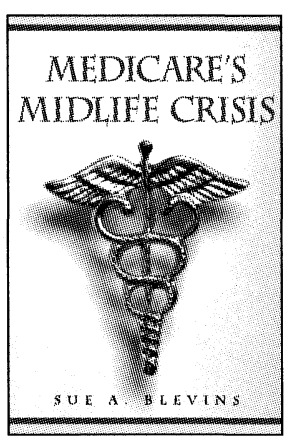

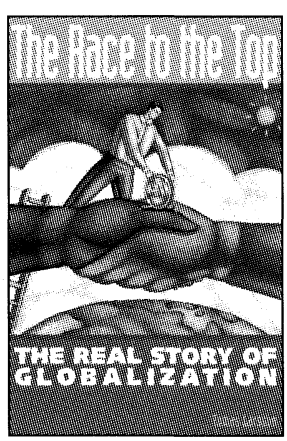

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Inside Liberty

September 2002
Volume 16, Number 9

4 **Letters** Our readers get a few things off their chests.

9 **Reflections** We take the Pledge, ride the subsidized rails, fan the fires of Wall Street, look for smoke in Nevada, pin a penguin on NASCAR, get lost in the desert, and feel free to move about the LAX parking lot.

Features

19 **The Geography of Taxes** Federal taxes are the same across the country, but what an American pays in local taxes is five times higher in some states than in others. *R. W. Bradford* tells where taxes are high, where they are low, and looks at the relation between taxes and growth.

31 **Free Therapy Today, Regrets Tomorrow** Getting your health insurance to pick up the bill for your counseling might not be such a good idea, argues *Dolores Puterbaugh.*

33 **The Many Faces of Mr. Hiss** Alger Hiss had it all: wealthy parents, powerful friends, an Ivy League education. So why did he become a spy for the most murderous dictator in history? *Ron Capshaw* looks for an answer.

35 **Practical Idealism** You'd better be careful what your ideals are, warns *Wendy McElroy.* They determine the world you live in.

37 **Crossroads in Indianapolis** America's fifth party converged to deal with its problems. *James Barnett* reports.

41 **Fear of the Press** Real political parties do not fear an independent, critical press, observes *R. W. Bradford.*

43 **Letters to MIAs** A lot of prominent Libertarians missed this year's convention. *Ken Sturzenacker* brings them up to speed.

45 **Convention Diary** *Carol Moore* fights for a peace plank, runs for office, gets down in the trenches, and kisses Ed Crane.

Reviews

53 **A Glimpse Ahead?** *Chip Pitts* discovers that Stephen Spielberg's nightmare is George W. Bush's vision for America.

56 **Sometimes a Great Nation** Less than a century ago, Argentina was among the world's richest countries. *Stephen Cox* looks at a new book that tells just how much ruin there is in a nation.

59 **The Manufacture of Terror** *Osama bin Laden* scares you a lot more than he should, explains *Gene Healy.*

60 **Utopia for Kids** At last, *Joe Bast* writes, there's a good book on freedom for kids. *Jane S. Shaw* isn't so sure.

57 **Notes on Contributors** The folks who brought you all this.

62 **Terra Incognita** Be careful out there.

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Letters

Sex in the Seminary

Scott Chambers has hit one of the nails in the "pedophile priest" issue right on the head in his cartoon in the August issue. The problem is not numbers of priests attracted to little boys, the problem is — and has been for years — the Roman Catholic Church's "looking the other way" as homosexuals made their way through the church's seminaries and up the hierarchical ladder. How else would a man who in his own words "fell in love with a 23-year-old theology student" become the archbishop of Milwaukee?

Although the church appears to be reeling from recently exposed secrets, it will begin to face a real problem as many priests begin dying from AIDS. The few rallying to the church's defense will leave — their faith destroyed. The church has destroyed its credibility and will no longer have medieval control over the modern world. Victory at last for those who have the unmitigated gall to think for themselves.

Bill Kelly
Dundas, Minn.

Liberate This!

George W. Bush's war might be splendid but Clark Stooksbury's knowledge of recent history isn't ("Bush's Splendid Little War," July). He writes : "Iraqi soldiers would have put up more of a fight if the U.S. and its allies were actually trying to conquer their country." Why should they? The "conquest" (actually a liberation) would have been quite popular. The Kurds and Shi'ites were in open revolt against Saddam's dictatorship, he had dragged his country into two disastrous wars, and Schwarzkopf wanted to drive into Baghdad. Back in Washington, Bush the Elder and Colin Powell (men with spines of chocolate) chickened out.

It's worth noting that during World War II, the Germans were seen as liberators in parts of the Soviet Union. It remained this way even after the Nazi plan of Slavic enslavement became clear. Why? Because these people figured no matter what a monster Hitler was he couldn't be as bad as Stalin.

Jordan Simmons
Laurinburg, N.C.

The Confederacy: A Conspiracy of Foreigners?

At last a libertarian magazine publishes an article saying that the Southern states did not have the right to secede ("Liberty and Union, Now and Forever," by Timothy Sandefur, July). Not only is Sandefur correct, but there is more to the story of the Confederacy than its proponents and apologists admit.

The Founders knew that allowing secession would end the United States; Thomas Jefferson was virtually the only one to comment in favor of such a right. The first constitution, the Articles of Confederation that became effective in 1781, said explicitly not just once but twice that "the union shall be perpetual." Most of the same people wrote today's Constitution several years later.

But mention of this perpetuity is seemingly conspicuous by its absence in the Constitution of 1787. Secession advocates have therefore felt free to use the Tenth Amendment, which reserves to the people and the states other rights not explicitly mentioned elsewhere, to justify a right of the states to leave the U.S. at will. Evidence that the Founders had not changed their minds is, as Sandefur mentions, given in Federalist 15, which explains a primary flaw of the Articles of Confederation but is not in itself a clear rationale against secession. A more explicit one is given in Federalist 58, which refers to "the baneful practice of secessions" — going on to call the practice "subversive" and a cause of "public convulsions, and the ruin of popular governments."

Only around 1830 did serious secession threats begin, centered in South

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Carolina. By then the Founders were dead. Not by coincidence did South Carolina later became the first state to secede, among other strange things that happened in 1860–1861. The Confederate states cited the threat President Abraham Lincoln purportedly posed to the practice of slavery, even though he had sworn he would leave it alone where it existed. The North had been weakened by financial scandals, and many weapons had been transferred south where they just happened to fall into insurrectionists' hands. The South simply grabbed federal property and public works without offering compensation that might have gained it sympathy in the North.

Also, election and legislative irregularities — many based on scattered votes from a fraction of the population — happened in a number of Southern states including Georgia, Louisiana, and Texas, suggesting outcomes fixed to favor secession despite popular sentiment in those states largely against it. For example, secessionists appealed to Texas governor Sam Houston for a convention to vote on the issue and made an end run around him when he refused, calling a sudden election in which only 50,000 voted out of a state population of 600,000. Fernando Wood, the mayor of New York, proposed that his city also secede to become a "free city." This would have crippled the North not just because of the loss of manufacturing capacity, but also financially, and Wood knew it. In an address delivered to the city government on Jan. 6 1861, he used arguments most libertarians would recognize in favor of breaking away, asking, "Why should not New York City, instead of supporting by her contributions in revenue two-thirds of the expenses of the United States, become also equally independent?" Finally, it took extraordinary measures by Lincoln to keep Maryland from seceding, which would have isolated Washington, D.C. — with obvious results.

All of this suggests something larger was going on. But what? Here are clues. The influential head of South Carolina College (now the University of South Carolina), British native Thomas Cooper, agitated there for secession to protest "unfair" tariffs as early as the 1820s. He was the catalyst for the secession crises that followed. Many of his cronies and initiates had foreign ties. They and others with such ties later became active in the Confederacy: one example is Judah P. Benjamin. He served the Confederacy as attorney general, secretary of war, and finally as secretary of state, but was originally a British subject and went to Britain after the war. Also, the business interests whom Wood was allied with, who would have benefited from New York as a free city, had ties to Europe as well as the South.

In addition, there was real risk that Britain, France, and other European powers might enter the war on the side of the South, especially after the Trent affair in 1861 in which a Union warship commander seized two Confederate representatives from a British steamer bound for Europe. Liverpool was "seething with pro-Confederate sentiment. More Rebel flags were said to be flying there than in Richmond," said Nathan Miller in *Spying for America*. Its shipyards built warships for the South. Only distaste for slavery prevented European recognition of the Confederacy; this was compounded by Lincoln's Emancipation Proclamation. Finally, while the U.S. was preoccupied by the war, Britain, France, Belgium, and other colonial powers felt free to invade Mexico to install a monarchy, despite the longstanding Monroe Doctrine.

Secession was the result of decades of foreign manipulation in the South by European powers, particularly Britain. The true intent was not to create a new country, but to destroy the United States. Britain, France, and other colonial powers were still empire building, but they smarted from the loss of territory that became the United States. They worked to break up the country and nearly did. Had the South split off, in its war-torn state it would have been no match for foreign invaders taking back old territories; then it would have been the North's turn. If this scenario had occurred, in the absolute best case we would now speak British English. And we would have solid reason to curse the Confederacy. Lincoln did what he had to do. Get over it.

Edwin Krampitz Jr.
Drewryville, Va.

Defending Lincoln

Bravo to Timothy Sandefur, for his excellent article putting the Civil War

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into a clearer historical and constitutional light. He justly criticizes those libertarians who defend the Southern secessionist cause (and with it, implicitly, Confederate tyranny), pointing out their misunderstanding of both the Declaration of Independence and the U.S. Constitution.

As Sandefur notes, the essential principle of the Declaration is not a supposed right of a people to create whatever government it wishes — the so-called right of "self-determination of peoples" — but, rather, is "the equal right of all individuals to be free."

The American Revolutionaries of 1776 declared their independence from King George III's government because, as the text of the Declaration details, that government had denied them this fundamental right in various ways, evidencing a "long train of abuses and usurpations" which justified their exercise of the right of revolution (that is, the right to alter or abolish the existing system of government and to refashion a new government better suited to its legitimate ends).

In contrast, the Southern secessionists of 1860–61 had no legitimate complaints justifying revolution. The historical evidence is overwhelming that the Southern states seceded from the Union because they understood that Lincoln's election effectively thwarted their two key demands for the expansion of slavery — that Congress pass a slave code permitting the institution in the Western territories and that all the states, free as well as slave, be forced to recognize property rights in "sojourning" slaves (that is, not runaway slaves, but slaves brought voluntarily by their masters into free territories). The provisions in the Confederate Constitution for the permanent establishment of slavery — provisions which increased the powers of the national government and limited the powers of the states, with regard to the so-called "peculiar institution" — clearly show what Southern secessionists demanded with regard to slavery, in the wake of the Supreme Court's activist decision in the Dred Scott case.

Sandefur also is correct in pointing out the dubious constitutional grounds for the supposed right of secession. As he points out, the U.S. Constitution is based upon the sovereign power of the people of the United States, as shown both by the explicit language of the preamble ("We the People," not "We the States") and by James Madison's clear exposition of the concept of dual sovereignty. Moreover, Lincoln was right in arguing, as he did in both his First Inaugural Address and in his special message to Congress on July 4, 1861, that "the Union is older than any of the States, and, in fact, it created them as States," and that "no one of our States except Texas ever was a sovereignty. . . . The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution."

Lincoln also was right in arguing that "the central idea of secession is the essence of anarchy." So perhaps it is not surprising to see modern libertarians dividing along philosophical lines, with anarchist libertarians condemning Lincoln and the Civil War, but minimal-government libertarians (like myself) understanding Lincoln's arguments and instead condemning the Southern secessionists, not only for their defense of slavery but for their actions undermining republican government and the rule of law.

The secession of the Southern states, simply because they were unhappy with the results of the 1860 election, presented the question, as Lincoln said, "whether discontented individuals . . . can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth."

This argument is not "just plain nonsense," as Jeff Hummel and others have asserted. Rather, it is based on the fundamental organizing principle of republican government: the principle that the minority must acquiesce in the legitimate decisions made by the majority. As Thomas Jefferson said in his First Inaugural Address in 1801, once a vote has been taken according to the rules of the Constitution, everyone must "arrange themselves under the will of the law." Noting the "sacred principle" that the equal rights of the minority must be protected, Jefferson nevertheless maintained that "the will of the majority is in all cases to prevail."

Sixty years later, Abraham Lincoln faced the greatest crisis that any American president has ever faced. While we might justly condemn some of the actions he took in waging the Civil War (Mark Neely, in his book *The Fate of Liberty*, ably shows the many civil liberties violations that resulted from efforts to enforce the draft laws, for example), Lincoln should not be condemned for his determination to take seriously his oath as president, to see that the laws be "faithfully executed" in all the states. Nor should he be condemned for concluding, justifiably, that the doctrine of an unlimited right of secession is "one of disintegration and upon which no government can possibly endure." The rule of law is (or should be) an important principle to libertarians, too.

David N. Mayer,
Columbus, Ohio

Declaration of Secession

The idea that the Declaration created the U.S. and the states were then bound to the U.S. forever is silly. If so, how could states have had the power to withhold their ratification of the Constitution? Is this the best argument these guys have?

The Declaration was *all about* secession. That was the point. How can you twist that document into one that strictly prohibits secession under any circumstances?

It is quite clear that at the time of ratification people felt that they could withhold their consent to join and also withdraw their consent later if they chose. The Constitution is silent on secession so it's a power reserved to the states under the Tenth Amendment. The states can leave the Union by the same authority with which they joined it. To get around these clear facts Sandefur buys into the silly, tortured argument that the Declaration somehow created the U.S. and prohibits secession (I'm laughing as I type this).

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What interests me more is why obviously intelligent, well-read people would strain logic and credibility so hard to arrive at a silly conclusion. I think the answer lies in the bigger picture. If secession was legal, then Lincoln had no grounds to prosecute a war that killed over half a million people.

John Foster
Baton Rouge, La.

The Real Story

Timothy Sandefur makes it evident that the old controversy between the confederalists and the consolidationists has reared its head among libertarians. By a "confederalist" I mean someone who believes that our Constitution of 1787 is a compact among sovereign states, while a "consolidationist" is one who thinks that we then formed a single consolidated nation. Sandefur is a consolidationist and, as usual, advances the argument from the Preamble. He believes that the wording of the Preamble to the Constitution "We the people of the United States, in order to form a more perfect Union, etc., do ordain and establish this Constitution for the United States of America" proves that the Constitution was established by all the people in the United States taken in aggregate and that, therefore, what we have is a consolidated nation, not a federal union of sovereign states.

This is incorrect. When the Constitution was passed by the Constitutional Convention the Preamble read: "We the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, etc., etc., do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity." Then the committees on style changed the preamble to its familiar form for only one reason. They did not know which states would ratify the Constitution and which would not. And so they substituted "We the people of the United States, etc." for the enumeration of all the 13 states. They made no change in the meaning of the Preamble. The phrase "the United States" simply had the same definition which had been given to it in the Treaty of Paris, signed four years earlier: "His Britannic Majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, etc., etc., to be free, Sovereign, and Independent States . . ."

Patrick Henry advanced the Argument from the Preamble at the Virginia ratifying convention as a reason the Constitution should not be ratified. But he was answered by James Madison, whom Sandefur seems to think was a consolidationist. Madison replied to Henry: "Who are the parties to it [the Constitution]? The people — but not the people as composing one great body; but the people as composing thirteen sovereignties: were it as the gentleman [Henry] asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it . . ." At that time nine states had ratified the Constitution, and it was in operation when Virginia ratified it on June 24, 1788 — with the explicit reservation, both for herself and for all other states, of the right of secession. Subsequently New York and Rhode Island also joined the Union with similar reservations. And no other state objected. In view of these facts how can any one deny the right of secession to any state?

In any case the process of ratification itself was an expression and a demonstration of the sovereignty of the people of each state taken individually. The state legislatures could not ratify the Constitution, since they operated under powers delegated by the people, and those powers did not include the further delegation of powers to a central government. So each state legislature called for the election of a convention to consider the ratification, the members of the convention to have the power to do so. The reservation of the power to resume the powers delegated was made as explicit as it needs to be in the Tenth Amendment. And the Tenth Amendment was not even necessary for the purpose under the rule *expressio unius est exclusio alterius.* The central government was never given the power to coerce a state that wanted to secede. And it had no powers other than those enumerated even without the Tenth Amendment. Gouverneur Morris made the motion at the Constitutional Convention that the Constitution be ratified by a single convention representing all the people of all the states *en bloc* in order to give us a consolidated nation. The motion was not even seconded. Sandefur quotes a speech of James Wilson at the Pennsylvania ratifying convention to the effect that "sovereignty resides in the people," but "the people" is the people of each state taken individually. Wilson had attended the Constitutional Convention himself. Sandefur concludes that ". . . the state government has no authority to break the constitutional compact." Nobody has ever claimed that they do. The sovereign people of a state, acting through Sovereign Convention or plebiscite, not through the state legislature, can resume the powers delegated to the federal government.

There was no hint of a denial of the right of secession in our political discourse until Chancellor Kent's *Commentaries,* published in 1826. The denial of the right of secession is a neoterism devoid of any grounding whatsoever in the antiquity of the Republic. Judge Story tried to deny it, and so for a while did Daniel Webster. But Calhoun was so persuasive in the debate over nullification in February of 1833 that by 1839, in his speech before the Supreme Court in the case of *The Bank of Augusta* v. *Earle,* Daniel Webster himself had become a confederalist. And so was even John Quincy Adams, who defended the right of secession in his 1839 speech on the Jubilee of the Constitution.

Sandefur thinks that if the Southern states wanted to secede they should have applied to Congress for permission. Fat chance! Congress was controlled by the North, and the South was providing more than three quarters of federal revenues through the tariff, and it was being spent in the North.

William Rawle's book prescribing the proper procedure for the secession of a state, had received quasi-official status by being adopted at West Point as a text in constitutional law. The Southern states did everything according to Rawle and called secession conventions to resume the powers delegated in 1787 and 1788, then sent commissioners to Washington to arrange payment for federal property

within their borders and to assume their share of the national debt.

If Sandefur thinks that the Confederate States of America were "all awful tyranny," what does he think of the United States of Abraham Lincoln, who was throwing people into jail without due process by the tens of thousands for the crime of disagreeing with him?

Wayne Holman
Glen Ellyn, Ill.

Just Like All the Others

In the August issue William Henley claims to have studied the writings of Southerners and secessionists, and is convinced that slavery was the real issue behind Southern secession.

The fugitive slave act (which Lincoln supported in his inaugural address) had been declared constitutional (*Dred Scott*) and was being enforced throughout the North. A runaway slave had to make it to Canada to be free, which created a huge buffer making it unlikely a slave could escape. With a separate Confederate nation a slave would only need to make it to Pennsylvania, and could, in some cases, be free before his former owner even knew he was gone. This would have required a "slave free" buffer in the north of the Confederacy and would have reduced the area open to slavery. An international border also would have made it easier for fanatics like John Brown to raid slave owners and escape back across the border, and it's unlikely the C.S.A. could have executed him any deader than the U.S. did. Slavery was not legally threatened in the U.S. It most certainly was threatened in the C.S.A.

The Civil War was fought for the same reasons as all other wars: money and territory. The reason Southern writing focused on slavery was because it's hard to convince a man to die in battle just to determine which businessman gets to exploit his widow. The battle cry of "The North's going to free the slaves" always carried the implication "and we all know what a free black man's going to do the first time he sees a white woman, don't we?" (And it's an effective ploy. Just changing the word "free" to "stoned" gave us the War on Drugs.)

The war was fought over tariffs, slavery was just the ploy used to get the soldiers to show up.

Paul Kelly
Boulder, Colo.

Electric Liberty

I am disappointed with William E. Merritt's conclusion in "Discovering the Limits of Liberty in Bolivia" (August) that government intrusion is necessary with electrical codes. Hasn't he heard of Underwriters Laboratories? In a country one generation away from widespread malnutrition, it may take a while for electrical wiring to catch up to our standards.

In any case, if the 220 switch box was properly grounded, a little water would not turn him into toast. In fact, where I live, it is common for the electrical meter and circuit breaker box to be mounted on the outside wall of a house.

Paul Studier
Lake Forest, Calif.

The Trouble With Slovenko

It was interesting to see the weakness of the statist arguments in Ralph Slovenko's attack on Thomas Szasz ("The Trouble with Szasz," August). I was surprised by its highly questionable logic and its disregard for word meanings. Thomas Szasz provided a reasonable rebuttal to Slovenko's nonsense but I still feel that it is worthwhile to highlight three other problems I noticed.

1) Slovenko claims that "neither the courtroom nor the country is run by psychiatrists. In fact, more often than not psychiatry is debunked." As proof he offers a New Mexico bill that was extremely insulting to psychiatrists. How does the New Mexican legislature's effort to make fun of psychiatrists "debunk" psychiatry? If this is the best example Slovenko can offer for what he claims to be a frequent "debunking" he should have concluded that occasionally psychiatry is ridiculed.

2) Slovenko also claims that, "Szasz argued against any limitation on the use of narcotics, at least until a crime other than drug use is committed." Slovenko seems not to appreciate the differences between a crime and a vice. He apparently thinks that all illegal acts (which, at various times and places have included things like: being a homosexual, being a Christian, being an atheist, drinking a beer, loaning money at interest, or learning to read) are *ipso facto* crimes. Ironically, he accuses Szasz of lacking "any concept of social responsibility" while he himself twists the concept into a collectivist justification for anything the statists wish to impose.

3) Slovenko says, "The discipline most effective in dealing with a problem tends to be the way the problem will be classified. It may be called a crime by the police, a social problem by a social worker, a sin by the clergy, or disease by the physician. If treatable, it tends to be called a disease. The question is: which classification is most helpful to one and all?" Unfortunately, he never answers this question! The only thing he has demonstrated is the fact that each discipline likes to define a perceived problem under its own terms, whether its response is "effective" or not. The real question here is: why should "one and all" be in my business?

Since the police have the power to force me to do things I may not wish to do, it is a moral requirement of good government to make sure that crime is narrowly defined to those actions which violate the rights of another. All other groups should never be granted the power to force me to do anything, and therefore they can make up any definitions they like. A social worker may decide that my libertarian views are a "problem" for my neighbors; a priest may tell me that agnosticism is a "sin"; a physician may proclaim my excessive sugar consumption a "disease"; so long as their opinions do not become law, I will happily defend their right to disagree with me.

What Slovenko and many others choose to ignore is the corrupting nature of power and the immorality of placing "progressive" causes before individual rights. It is true that "The Nazis' forward-looking health activism came from the same root as their medical crimes," but it is a fatal error to think that you can divide these things out into separate groups and have one without the other. The Nazis — National Socialists — wanted what all socialists want, utopia. They knew that there was a better way to do things (everything) therefore they felt justified in imposing that way every time they felt they understood it. They disre-

continued on page 32

Reflections

***Johnny Jihad cops a plea*—** A plea agreement with federal prosecutors allowed Taliban POW John Walker Lindh to avoid a life prison sentence. He will instead have only 20 years to convert other federal inmates to radical Islamism. — Brien Bartels

***But can they rap?* —** Those of us committed to "racial progress" should take comfort in the recent developments in the changing face of American crime, which is no longer that of a black teenager in a T-shirt but, shazam, expensively dressed white guys, whose pilferage involves sums unknown to black teenagers, and whose damage to America is almost incalculable. — Richard Kostelanetz

***Now I get it* —** The Bush administration says the terrorists attacked us because we are rich and free, and vows that this should never happen again. So it's boldly acting to impoverish and enslave us. — Sheldon Richman

***Agin' with the ragin' Cajun* —** James Carville has enthusiastically endorsed Social Security privatization.

I want you to read that again. Democratic operative James Carville, feared campaign manager and strident commentator, the man who sold Bill Clinton to America, and author of *We're Right, They're Wrong,* has endorsed Social Security privatization with the zeal of a redeemed sinner.

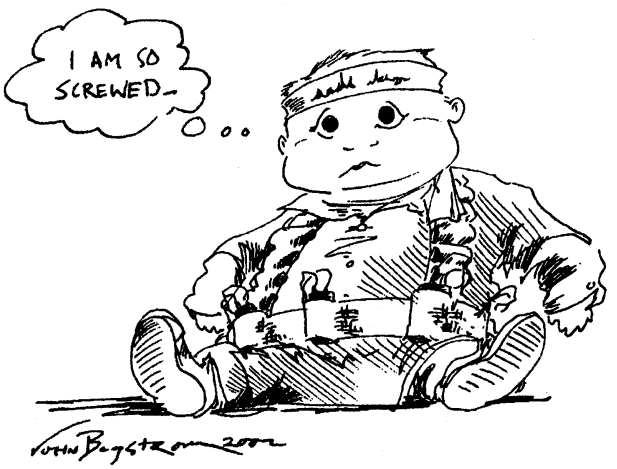

Of course, he didn't realize it. He was probably just mouthing off as he is wont to do, and this is what popped out:

> You see those charts that say if you put away $500 a year starting at age 20, by the time you're 50, you'd have a gazillion dollars? It just makes you ill that you didn't do it. You almost want to grab young people and shake 'em and say, "Please don't make the same mistake I did. Please."

In other words, if 20-year-olds had a few more dead presidents left to rub together on payday, we wouldn't be talking about today's young people growing into dog-food eating welfare louts. We'd be worrying about how the economy was going to produce enough gold-plated walkers and Armani nipple-high golf pants.

Of course, almost no 20-year-olds have extra dead presidents to rub together. Partly that's a function of being 20 in the world's most consumerist culture among the most nubile and cleanest co-eds. But another reason might be the terrible toll the government takes from their paychecks, which is a lot more than the $500 figure Carville was mouthing off about.

And if Carville wants to put that money back into their hands and potentially into a long-term savings strategy, well, Jim, finally you really are right about something. — Brien Bartels

***Chunky monkey business* —** As the stock market plunges into record lows and bargain hunters salivate like mall junkies on the day after Christmas, pundits are beginning to speculate about who is responsible for this drastic slide toward reasonable price-to-earnings ratios. I can't help but think that enemy number one are the leftist baby boomers.

When the "don't trust anyone over 30" crowd went through menopause and joined the AARP, something fascinating started to happen. They lost their long-ingrained mistrust of capitalism, and with all the courage of the Temperance Society going into the speakeasy for a drink, jumped into the market. Maybe they were jealous of their kids, making enormous money in Internet startups, and wanted in on the action. Maybe the spectacular 20% annual gains were reflecting not value, but an entire generation sticking its life savings into the market for the very first time.

I think the real tragedy of the market collapse is that their distrust of capitalism has been redoubled. The clamor for investigating bankrupt corporations like WorldCom and Enron reflects that hatred. The biggest danger is that this crash might repeat the 1929 advent of Rooseveltian socialism, and we'll have to wait another 75 years for a return to constitutional government. — Tim Slagle

***You're now free to move about the parking lot* —** I write on July 4. It is 4:00 p.m. At 11:30 a.m., a man fired shots at the El Al counter at the Los Angeles airport. He killed two people, and he was killed. As a result, the international section of the airport was closed, and thousands of passengers waiting for planes were kicked outside, forced to wait without plan or purpose or sanitary facilities until the airport authorities decided, in their wisdom and generosity, to allow them back in. Domestic flights resumed, but very slowly. Ground traffic in the airport dis-

trict was locked in an impenetrable snarl. Air traffic around the world was convulsed by the crisis at LAX.

How many people, I wonder, will die because of this? How many old men and women will have heart attacks? How many organ transplants will arrive too late? How many hopeful young people will miss the connections that are crucial to their lives, because . . . because . . . why?

On a fairly regular basis, banks in my neighborhood are held up by guys with guns. Very occasionally, somebody gets shot. My neighborhood is not shut down when this happens.

On a fairly regular basis, people are killed in traffic in the Los Angeles basin. Los Angeles is not shut down when this happens.

Why, then, is LAX shut down?

On television, I watch the invariably fat-assed cops, "security personnel," rescue-vehicle workers, etc. etc. etc., strolling around behind their barricades of yellow ribbon, talking to one another, or perhaps to themselves, on hand-held electronic devices, while thousands of suffering fellow humans mill about in front of them, seeking, with intense and inquiring looks, to discover when, if ever, they will be permitted to escape from the concentration camp in which they have been penned. The "security personnel" continue to speak importantly in the direction of their hands. Nothing else is going on.

It is 4:40. A "spokesman" comes on TV to say that one part of the international terminal has been opened (no signs of this on the live TV feed) but another part of it "will remain closed, pending ongoing FBI investigation." Oh. I see. The FBI takes five hours, plus, to establish that a crazy person did a crazy thing. They do this by, in effect, closing the LA airport. "We want to do the best job possible for the traveling public, here at LAX," the mayor of Los Angeles just said. That does not, it appears, include keeping the airport open.

What would you do if you wanted to encourage terrorism? What I would do is to make sure that whenever anything abnormal happened in the American transportation industry, the whole thing would be shut down. This thought is not original. It would occur to anyone. I assume that it occurs to all "security personnel" who are, at this moment, battened on the terminals at LAX. I therefore assume that they do nothing in response to this realization because they want to do nothing. I assume that they are sadists. — Stephen Cox

Political horsepower — While most of the professional sports are either stagnant or declining, NASCAR's popularity is booming. I was thinking about this while watching a race this past weekend: NASCAR, to the best of my knowledge, is the only major sport not governed by a union.

Then, as is wont to sometimes happen when I'm stoned, another thought struck: NASCAR is very libertarian, at least in its support for the concept of free markets as evidenced by its deification of corporate sponsorship. AOL Time Warner, Pfizer (Viagra), UPS, and Budweiser are just a few of the big-name companies that annually shell out big bucks to ride the NASCAR bandwagon.

With so much speculation about who the Libertarian Party should target for outreach, I submit that NASCAR fans should be at the top of the list. For starters, there are millions of them. Secondly, they aren't politically correct (their championship trophy is named after a brand of cigarettes — The Winston Cup). Third, while I don't have the demographics to back up this claim, my guess is that most NASCAR fans lean right, which, for good or bad, is the previous slant of most libertarians. Last but not least, NASCAR fans have a sense of humor (NASCAR produces some of the funniest commercials on television).

I used to be one of those people who looked down their noses at stock car racing. Like a lot of people who think of themselves as "intellectual," I used to think the sport's primary audience was trailer park trash. Other than the occasional spectacular wreck, I didn't understand what was so entertaining about watching 43 cars drive around a oval track for three hours. Then I moved to Tennessee, where NASCAR is a religion second in popularity only to football (the University of Tennessee Volunteers being the major denomination).

Other than the occasional spectacular wreck, I didn't understand what was so entertaining about watching 43 cars drive around a oval track for three hours. Then I moved to Tennessee . . .

I lived in Tennessee four years before peer pressure got the best of me and I watched a complete race from start to finish. The following year I saw five races. Last year, I watched maybe 20 races. While I've yet to plunk down any In-God-We-Trust dollars for NASCAR paraphernalia, more and more I'm finding myself glued to the television set on Sunday afternoons, and thus a captive audience for the parade of corporate logos and sponsor messages that is NASCAR.

I can't quite put my finger on it, but something about the blatant commercialism tugs at the purse strings of my capitalist heart. Think of the statement libertarians could make if the Statue of Liberty was painted on the hood of race car, or better yet, the cute Liberty Penguin. And if the Libertarian car won, instead of thanking God and Coor's Light, the victorious driver could thank free markets and the LP.

Of course, this would be expensive. I don't know what the going rate is to sponsor a car, but it's no doubt several million dollars. Somebody would have to start a foundation.

Then again, even if we raised the money, I doubt the Libertarian Party would go for it. The results are too easy to quantify. In NASCAR, to be successful, you have to win — or a least come close. — Steve Cason

The Pledge and the law — On June 26 the Ninth U.S. Circuit Court of Appeals held that reciting the Pledge of Allegiance in public schools is unconstitutional because of the words "under God." This decision, whose

reversal is widely expected, appears to be one more case of judicial overreaching, to which that particular appeals court is especially addicted.

My outrage over its decision is slighter, however, than over various court decisions banning prayer in schools and even at school football games. The First Amendment says that "Congress shall make no law respecting an establishment of religion," but it says nothing at all about what religious expression the states may tolerate in their schools. Neither does the Fourteenth Amendment, and it is quite a stretch to hold (as some courts have done) that that Amendment "incorporates" a strained extension of the no-establishment clause. I do think, and for the usual reasons, that organized prayer in the schools is a bad idea; and as a school-board member or state legislator, I would have voted against it. But to make this a federal issue is just one more unwarranted move toward centralization of power. I don't much admire plaintiffs who give the federal courts such opportunities.

What weakens my outrage over the June 26 decision is the fact that *Congress* inserted "under God" into the pledge by an act of 1954. This federal act arguably does verge on official endorsement of monotheism in opposition to polytheism, nontheistic religions, and atheism. Why couldn't, and can't, Congress leave well enough alone?

That schoolchildren may be browbeaten or shamed into reciting the religiously tinged pledge gains plausibility from its mass recitation by members of Congress on June 27. A similar sign is the haste of Alabama politicians across the political spectrum to condemn the Circuit Court. So is the abuse that Rush Limbaugh heaped onto callers on June 27 who ventured to doubt in God and his promotion by government.

I do wish that the case had not arisen and that Congress had not provoked it, but I recognize some merit in the decision about what is, after all, an act arguably infringing on the First Amendment. Some critics of the decision point out that even the Supreme Court opens its sessions with "God save the United States and this honorable Court." But Congress, as far as I know, did not legislate that wording. If the Supreme Court should uphold the appeals court, political pressure would grow for a positively pro-religion constitutional amendment. Regrettably, in my view.

— Leland B. Yeager

Resisting the Pledge — For most Americans, caught up in the post-Sept. 11 anti-terrorist hysteria, the Ninth U.S. Circuit Court of Appeals' decision to ban government schools from exacting the Pledge of Allegiance from their inmates was a horrible thing. This sentiment was so widespread that virtually every member of Congress, whatever his political orientation, took the opportunity to grandstand and posture.

I was not so upset. It's not that I like the idea of the state's forcing children to make a daily profession of religious faith. It's just that the "under God" phrase in the Pledge of Allegiance is, so far as I am concerned, one of its less objectionable passages.

The Pledge of Allegiance, the literary work of a 19th-century American socialist, is fundamentally a profession of faith in government, the product of the secularization of religion which is gradually replacing the irrational belief that there is a supernatural entity capable of magic with a belief that there is a natural entity capable of magic.

My atheist friends like to talk about the harm that faith in a supernatural being has done, pointing to Europe's wars of religion or, if they are a bit more *au courant*, to fundamentalist Islam's jihad against the West. But the death and destruction occasioned by these conflicts pales in comparison to the horrible toll of statism in just the first half of the century just past, in which untold millions of people were killed and most of Europe and Asia laid waste. There is another reason, I think, that faith in government is generally more destructive than faith in a supernatural being: many believers in traditional religion make no attempt to impose their will on others and some even respect the rights of nonbelievers, while statolotrists almost always seek to require that everyone — including nonbelievers — obey the strictures of their religion. No church has ever tried to force me to obey its rules or to pay

it for its services. The same cannot be said of government.

When I was in high school, someone got the idea of having the entire school recite the flag pledge simultaneously, with one anointed student leading the profession of faith over the school's intercom during the second period. I thought the idea a bad one and refused to participate. Before long, most of my fellow inmates also ceased to participate and pretty soon the whole thing became a farce.

I don't particularly like to make a big deal about the issue, though. And as an adult, I haven't yet been subjected to anything much akin to the pretty-much mandatory recital of the flag pledge exacted of government school students. Occasionally I've been in a public place at which the pledge is being recited. I simply stand up and remain quiet with my hands at my side. It's not like I'm on a crusade about this. But I am unwilling to make a pledge that I am not prepared to keep.

In the meantime, I am amused by the spectacle of my conservative friends ostentatiously taking the oath of fealty to the state, crafted by a crackpot American socialist.

— R. W. Bradford

Riding the rails on the dole — Calculating my deductible expenses for the past year, I noticed that professional postage costs have declined from roughly three grand year in and year out for most of the 1990s to less than a thousand now. I'm sure I'm not alone in spending less at the USPS, using the Internet instead not only for brief communications but for whole manuscripts of books in progress. Rather than lowering rates to remain competitive, our audacious Postal Service got an increase, further discouraging most people from using their services, creating a greater deficit, mark my words, prior to a desperate, overpublicized appeal for federal funds simply to survive. My own opinion is that two centuries of service notwithstanding, any company charging uncompetitive prices should be allowed to go bankrupt. Bye bye.

A few years ago, when I had to travel from New York City to Wilmington, Del., purportedly on Amtrak's most active route, I discovered that our railroads, already subsidized, wanted roughly $110 round trip for its normal train and yet more moolah for a faster train. In contrast, a bus company demanded less than 35 bucks for a round trip.

As a compulsive reader, I prefer the bus to the train, whose defuse overhead lighting gives me a headache. By charging too much, Amtrak creates the preconditions for demanding yet more subsidy for its passenger service. The one lesson Enron should teach us is that society benefits from letting incompetence go bankrupt; subsidizing economic stupidity is inevitably self-defeating. Don't ever miss the opportunity to repeat that truth. Ever.

— Richard Kostelanetz

Lost in the desert — It is somewhat mysterious that President Bush departed from his original instincts and decided to get more involved in the Middle Eastern quagmire, even threatening to present his very own plan for a "provisional" Palestinian state. (Ted Carpenter of the Cato Institute calls it the "partially pregnant" solution.)

Yes, yes, I know. The Bushman wants badly to attack Iraq and all his advisers tell him he needs at least nominal support from at least one or two Arab regimes. And the tacit price seems to be movement in Israel toward at least some sort of promise to tolerate a Palestinian state.

But the very fact that everybody knows that Bush is desperate to make progress in this quest gives the U.S. less leverage in the area than it has had in recent memory. Furthermore, from the radical Palestinian perspective, the murder-suicide bombing tactic has been working. It has disrupted life in Israel and hurt Israeli morale, and has caused more Israeli casualties (especially in proportion to Palestinian casualties) than any recent campaign. Yasser Arafat may have some modest incentive to bring the campaign to a close in the near future, but the real militants, over whom Arafat may not even have effective control, have almost none.

Talking heads babble about Camp David and Oslo as if they were examples of the United States stepping in and magically forging an agreement. They seem to forget that both those agreements came after months, even years, of behind-the-scenes negotiation by the parties themselves, and were only blessed by the United States when they were pretty much done deals. There's no evidence of a done deal or a desire for one on either side. If anything, the pressure on both Sharon and Arafat comes from those who want them to be even more intransigent and unyielding.

To be eager to step forward with an "American plan" in such circumstances suggests a certain lack of realism.

— Alan W. Bock

Popularity über alles — I loathe the totalitarianism, the hypocrisy, and the personal vileness of Hillary Clinton as much as any right-wing wacko, but when Rudy Giuliani was the GOP candidate against her in the race for New York's open Senate seat in 2000, I was unable to choose between them. Giuliani is simply the very worst sort of person America's political system has to offer. As a federal prosecutor in the 1980s, Giuliani was out of control, trampling on individual rights and the rule of law in his zeal to put unpopular people into prison. As mayor of New York, he was a drug warrior *par excellence.*

Now I realize that there were not hoards of New Yorkers

waiting for my opinion about how to vote, so whether I stated a preference for either candidate made little difference. But like most Americans, I treat partisan politics as some sort of goofy sport, and although I invariably vote for every Libertarian candidate whose name appears on the ballot, I usually have a favorite in prominent political races, just like I usually am cheering for one team or the other in the World Series each fall.

Mark Skousen is a friend of 20 years, but I have to wonder what inspired him to choose Rudy Giuliani to be the Foundation on Economic Education's speaker at its annual banquet. I am well aware that Giuliani is very popular right now, basking in the glory of leading New York in the aftermath of the Sept. 11 terrorist attack. But should a libertarian institution like FEE pursue popularity over principle?

FEE has been an important libertarian institution for a long time, and I hope this little flirtation with statism will prove to be only a temporary aberration.

Skousen also took heat from some libertarians for inviting conservative television star Ben Stein to keynote the recent FEE convention. While Stein is certainly no libertarian, his conservative views are generally coherent with libertarian views, and I don't know of any that can reasonably be described as antithetical to human liberty. Sadly, the same cannot be said for Giuliani.

Skousen's choosing Giuliani to keynote the banquet touched off a storm of controversy among libertarians on the net, culminating in some of the nastiest and crudest personal attacks I've ever witnessed. I hope that Skousen will recover his senses and stop sucking up to fascists like Giuliani, no matter how popular they are. FEE has been an important libertarian institution for a long time, and I hope this little flirtation with statism will prove to be only a temporary aberration. — R. W. Bradford

The fires of Wall Street — In the wake of a continued slide on Wall Street, recent reports indicate two major Oregon fires have merged to form the largest fire in Oregon's history. Similar mergers occurred earlier this summer in Arizona and Colorado.

Consumers groups have argued that such mergers can harm consumers. The fires indicate such mergers improve efficiency. The SEC is looking into the matter.

— Ross Levatter

Voting their interest? — Do people vote their economic interests? Here is some evidence that collectively, they don't. The Tax Foundation has estimated the effects of the Bush tax cuts of 2001, averaging tax savings per person by state. Here are the jurisdictions whose taxpayers benefit most, and the average tax break per person from July 1, 2001 to Sept. 30, 2002:

1. Connecticut $750
2. New Jersey $585
3. Massachusetts $567
4. D. C. $559
5. Washington $527

Here are the states whose taxpayers benefit least:

1. West Virginia $201
2. Mississippi $204
3. Arkansas $224
4. New Mexico $227
5. Montana $228

The most obvious difference is in income: in the first group, average incomes are high; in the second group, low. But consider also how they voted. The first five, who got the most benefit from the cuts, voted mostly for Gore. Of the states whose people are getting the least benefit, four went to Bush in the election, and Bush lost the remaining state, New Mexico, by 366 votes. — Bruce Ramsey

The costs and benefits of cost/benefit analysis — Writing in *The Wall Street Journal* on July 19, drug czar John P. Walters argues — shockeroo — that the costs of legalizing drugs would outweigh the benefits. He maintains that legalizing drugs would increase use, abuse, and deaths.

Okay, set aside for the moment the gross immorality of forbidding people to possess, use, and trade in drugs. Consider only Walters' claim with regard to the increase in use, abuse, and deaths that might result from legalization. Notice that one can with equal reason make the same claim about, say, the legalization of automobiles, alcoholic beverages, ladders, power tools, water skis, motor boats, and indeed any number of goods that the government deigns to allow people to use.

Opponents of drug legalization simply refuse to recognize that, like all those other goods, drugs have benefits for their users. Why else, indeed, would people go to such trouble and expense to obtain and use the drugs in the first place?

In a cost/benefit analysis of legalizing any risky good

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whatsoever, the analysis will almost certainly seem to justify forbidding people to use the good so long as one resolutely ignores the benefits people get from such use. The entire exercise as conducted by Walters and his ilk is utterly imbecilic. — Robert Higgs

Crouching Tiger, Hidden Boycott — The National Council of Women's Organizations is urging a boycott of The Masters Tournament sponsors to protest the Augusta National Golf Club's "men only" policy. The boycotters asked Tiger Woods to sign up, but he refused, remarking that he wouldn't be opposed to the private club's restrictions, even if they were split along racial lines.

But there is a real reason why an athletic organization might want to discriminate against women. Men and women have different styles of play, which can make it difficult for them to share the same course. Women tend to play more slowly, and use different tee locations.

Meanwhile, I wonder whether the National Council of Women's Organizations would support ending the ban on men in the LPGA. — Tim Slagle

The Strip smokes

— This November, Nevadans will have the chance to vote for the largest decommissioning since the War on Drugs began.

A ballot initiative sponsored by Nevadans for Responsible Law Enforcement amends the relevant portion of Nevada's constitution to legalize use and possession by adults over 21 of up to three ounces of marijuana. Driving while high, sale to minors, smoking in public or in casinos, and sale in a prison or school would remain illegal.

The initiative also provides for regulation of marijuana with taxes and licensing similar to those for tobacco. Advertising for marijuana would be banned from TV, radio, newspapers, magazines, and billboards. A First Amendment debate over that clause won't be relevant for a while, however.

The initiative will be effective Jan. 1, 2005, if it passes in the 2002 and 2004 general elections. This is possible, given that Nevada's medical marijuana initiative passed in 1998 and 2000, in the latter year with 65% of the vote. But even then it is unlikely that many people will apply for a license to sell marijuana for the simple reason that federal authorities would arrest them. For the same reason that medical marijuana initiatives are meaningless if they use the word "prescribe" but effective if they use the word "recommend," sale would still be a de facto crime.

President Bush declared during his campaign that his belief in states' rights trumped his opposition to medical marijuana — as the then-governor put it, in his inimitable way, "I believe each state can choose that decision as they so choose." But his attorney general evidently does not share that view, given the raft of prominent federal busts in California for marijuana crimes that are perfectly legal under Proposition 215, which legalized medical marijuana use in 1996. (One of these busts — a buyers' club in West Hollywood — was in October 2001, when, one would think, federal law enforcement had more pressing work to do than yanking joints from the hands of sick people.)

Still, the initiative could mean that local and state cops in Nevada no longer go after small-time users — and, perhaps even more significantly, open a debate and force politicians to assess how far they are from their constituents. It could usher in a political sea change if Nevadans, and Americans in general, begin to wonder why the feds, who have no interest in the Sagebrush State's brothels and casinos, are so upset about a few ounces of weed — and why those elected to represent them don't seem to wonder the same thing.

— John Tabin

Who put the kink in the hose?

— Twice in June, firefighters in Washington, D.C., have had to use a neighbor's garden hose to fight fires because their own equipment didn't work. In a time when President Bush wants Homeland Security elevated to a cabinet-level office, the comical Three-Stooges image of firemen wrestling a garden hose in this federally managed city should remind us of the dangers inherent in ceding emergency services to a massive central bureaucracy. —Tim Slagle

Paying for corporate fraud — All told, we're down about $5.6 trillion in market capital that's vanished from the American economy since March 2000. Measured against peak values, what's gone is more than 75% of the Nasdaq and about 40% of the Standard & Poor's 500. On average, that works out to roughly $60,000 per U.S. household.

Speaking before Congress, Federal Reserve Chairman Alan Greenspan pointed to a corporate way of life corrupted by "infectious greed," a culture of cooked books and insider dealing that's caused a breakdown in confidence among investors and hefty drops in the market.

Coming on top of sharp cuts in investment spending, a recession, lagging profitability and the terrorist attacks of Sept. 11, Greenspan warned that recent revelations of tricky corporate accounting and fake profit reports are extraordinarily threatening to an economy that depends on straight shooting when it comes to the numbers. Simply stated, inves-

tors who can't trust earnings reports will be reluctant to buy stocks.

"Poorly structured" stock options have "perversely created incentives to inflate reported earnings in order to keep stock prices high and rising," explained Greenspan, undermining the proper alignment of "the long-term interests of stockholders and managers."

With options, an executive is given the opportunity of buying shares of his company's stock at some time in the future. If the stock price goes up, he buys at the previously fixed lower price, often with a company loan, and automatically pockets a profit. If the stock falls, he doesn't buy. It's no-risk capitalism. Heads I win, tails you lose.

In theory, options are meant to motivate executives to improved levels of performance, with the benefits flowing across the board to customers, employees, and shareholders. Instead, we're seeing "pump-and-dump" schemes where stock prices are artificially pumped up by exaggerating sales and hiding costs, followed by option purchases and then a dumping of the overvalued stocks before the prices collapse.

"The entire system caused the people who run companies to focus on the short term: get the stock price up, cash in the options, make your quick bucks and make your numbers, instead of building fundamental values," says Securities and Exchange Commission Chairman Harvey L. Pitt. "People think that folks can rob the public and get away with it."

Greenspan's warning: "Our market system depends critically on trust."

As it now stands, Americans trust Catholic priests twice as much as they trust stockbrokers and CEOs of large corporations, according to a new CNN/*USA Today*/Gallup poll. Some 45% of Americans say that priests can be trusted, while 48% say you can't be too careful in dealing with them. In contrast, only 23% of Americans say they trust CEOs and stockbrokers.

Ranking at the top in the Gallup survey are "teachers," "people who run small businesses," "middle class people," "military officers," and "police officers," with 84, 75, 75, 73 and 71% of Americans, respectively, saying those groups can be trusted. None of those groups, of course, are in the driver's seat when it comes to calling the shots at places like Enron, Global Crossing, and WorldCom.

And so, with $5.6 trillion down the drain and the most trusted folks in the country off on the sidelines, it's the politicians — with a trust ranking of only 26% in the Gallup survey — who've stepped up to the plate to establish a system of honest accounting and clean things up in corporate America. Given the record of Congress, that's not unlike putting mass murderers in charge of rehabilitating shoplifters.

"The level of creative accounting, deception and lies in Congress make the actions of Enron and WorldCom seem like child's play," asserts George Mason University economist Walter Williams.

Sen. John McCain (R-Ariz.) doesn't disagree, saying that politicians are playing a weak hand when it comes to lecturing anyone about straight-forward accounting: "Too often, we have cooked the books, exploited off-balance sheet accounting, fudged budget numbers and failed to disclose fully the nation's assets and liabilities."

With Social Security, for instance, there's not a dime in the "trust" fund, nothing in the "lock box." The politicians have simply spent the "surplus" on other things, guaranteeing an increasingly bad deal as the number of workers per retiree declines. The National Taxpayers Union projects the outcome: "While a worker born in 1915 who retired at 65 in 1980 collected $71,390 more than he paid into Social Security, a worker born in 1975 can expect to collect $93,486 less than he contributed."

Writes *Detroit News* columnist Thomas J. Bray: "If you thought WorldCom accounting was outrageous, you have to be panic-stricken by the way the federal government accounts for your 'guaranteed' benefits under Social Security. When it comes to cooking the books, the feds are gourmets."

Politicians are calling for 20-year jail terms for executives found guilty of cooking the books, i.e., twelve and 15 more years behind bars than the average time served, respectively, by America's convicted murderers and rapists.

The latest word from Capitol Hill has politicians calling for 20-year jail terms for executives found guilty of cooking the books, i.e., twelve and 15 more years behind bars than the average time served, respectively, by America's convicted murderers and rapists. Applying this new crackdown on phony accounting to themselves, not many members of Congress would find themselves out of jail before 2022.

— Ralph R. Reiland

Voucher logic — It's always painful to witness the performance of someone who's not even half as clever as he imagines. After the High Court's pro-voucher decision, the Rev. Barry Lynn went on show after show suggesting (with what he no doubt thought was the greatest of wit) that perhaps the next step was to hand out police vouchers to people. Heck, if we can separate one function from the state (well, sort of), then why not separate all functions from the state?

This is a remarkable argument coming from the executive director of Americans United for Separation of Church and State. Its *locus classicus* is Edmund Burke's *A Vindication of Natural Society*, which said that if we separate the *church* from the state, we might as well separate the *state* from the state. This premise was drawn out so consistently and so rig-

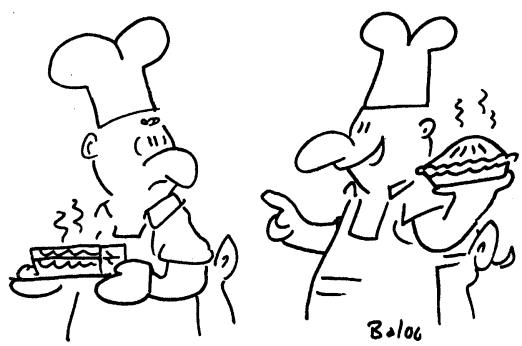

"Hold still, Vince — there's a fly on your forehead."

orously that the book was actually taken seriously by Murray Rothbard, who hailed it as the first presentation of free-market anarchism — all of which serves as yet another demonstration that one man's reductio ad absurdum is another man's logical conclusion. — Barry Loberfeld

A race worth watching — What Libertarian Party candidate will garner the most votes for a major partisan office this year? My guess is that it will be Bumper Hornberger, who is challenging GOP incumbent John Warner for one of Virginia's seats in the U.S. Senate.

There are two reasons that I think Hornberger will do quite well.

First, he's a very attractive and energetic candidate. Anyone who's heard him speak knows that he's a spellbinder, of the Baptist preacher sort. It isn't exactly my cup of tea, but it strikes a resonant chord with a lot of people. He doesn't have much money, but the kind of campaign he's running shouldn't need much money. He's campaigning mostly among the underclass, attending African-American street fairs and gun rights rallies, seeking the votes of people about as far from the elite as you can get. And he's campaigning full-time, visiting cities and towns from one end of the commonwealth to the other, driving his own car, staying in budget motels to keep expenses down. He's meeting a lot of people and finding support — and volunteers — in the process. This kind of campaign doesn't cost a great deal of money.

Second, the Democrats figure they have no chance to unseat Warner and have decided not even to field a candidate. That leaves Hornberger as the logical choice for disaffected Virginians. And a lot of Virginians have a lot of reasons to be disaffected with John Warner, who even after a long Senate career remains best known as one of Liz Taylor's ex-husbands. Among the disaffected are Democrats, African-Americans, and conservative Republicans. Warner is pretty much a typical liberal Republican, whose support of gun control has subverted his base among GOP conservatives.

Hornberger is a Libertarian Party candidate, but he won't be identified with the LP on the ballot. The longtime LP activist was denied his party's nomination, reportedly after the intervention of Jim Lark, a fellow Virginian LPer who was the party's national chair until the party's convention just past. When I asked Lark to explain why he had opposed Hornberger's nomination, he explained that Hornberger "does not have the integrity that befits a candidate of the Libertarian Party of Virginia," a charge he backed up with a 13,889 word email message, and indicating that there was vastly more evidence of Hornberger's transgressions but that he lacked the time to detail them all. The gist of his argument, as nearly as I can fathom, is that Hornberger had made mistakes in his criticisms of certain LP officials, including Lark, and had either not apologized for them, or had apologized insufficiently. Lark warned Hornberger that if he sought the party's nomination, Lark would vigorously campaign for None of the Above. Others in the Virginia party thought a Senate campaign would be a waste of resources.

For far too long, libertarians have focused their energy on the elite, with little to show for it. This is not surprising, since the elite is the primary beneficiary of the modern corporate state, and the underclass its biggest victims.

I was a bit surprised that Lark would be so concerned about ethics, considering that he refused to help censure Harry Browne for Browne's concealing the fact that he had hired the party's top employee to secretly work on behalf of the Browne campaign to secure the LP's 1996 presidential nomination, in complete contravention of the LP's rules. But I think what's really happening here is that Lark is very angry with Hornberger, who, in his zeal to reform the LP has sometimes jumped to incorrect conclusions — in much the same way that Hornberger is very angry at Lark, who in his zeal to help the LP has made some poor judgment calls and jumped to some incorrect conclusions about Hornberger. I think both Hornberger and Lark are well-meaning people who sometimes have shown bad judgment, but both worthy and effective advocates of liberty. I wish they'd concentrate their energy on spreading libertarian ideas among non-libertarians rather than in attacking and trying to thwart each other.

Right now, Hornberger is doing just that. When it became plain to Hornberger that he would not get the party's nomination, he decided to run as an independent, a fact that might just help him get more votes. Far more Americans consider themselves to be independents than Libertarians. Hornberger believes he could actually win the election, something I think very unlikely. He would like to raise

Correction

Thanks to an editing error compounded by a proofreading glitch, "Reforming Asset Forfeiture" (August) reported that the "Colorado Criminal Justice Reform Coalition . . . opposed the reform." In fact, as reported in detail elsewhere in the article, CCJRC was a major force in getting the reform enacted. Our apologies to the author and to any readers who may have bee misled.

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enough funds to run some radio and television advertising, and I hope he manages to do so. And I think that he will.

I feel strongly enough about the prospects of Hornberger's campaign that I've sent him a contribution. I'd do the same for Lark if he were mounting such a campaign.

The way I look at it, my contribution to Hornberger can help him win an impressive number of votes. And I am delighted to help a libertarian carry his message into America's underclass. For far too long, libertarians have focused their energy on the elite, with relatively little to show for it. This is not altogether surprising, since the elite is the primary beneficiary of the modern corporate state, and the underclass its biggest victims.

— R. W. Bradford

The Turkish experience — Americans justifiably view President Wilson's role in negotiating the Treaty of Versailles as one of the most disastrous failures of American diplomacy.

But let's not forget the great success achieved by his successor, President Harding, in a different peace treaty following World War I. In 1923, the Allies signed the Treaty of Lausanne, establishing peace with Turkey. The treaty was an adjustment of the more punitive Treaty of Sevres, which had been signed in 1920, but which was not recognized by Kemal Atatürk's government.

The Lausanne Treaty set the modern boundaries of Turkey, and guaranteed that Turkey would respect the rights of non-Muslim minorities. The treaty recognized Turkish sovereignty over parts of Kurdistan and Armenia, and the Allies abandoned claims to a sphere of influence in Turkey. The Allies also abandoned their 19th-century "capitulation" rights to exercise extraterritorial jurisdiction over their nationals within Turkey. By treating Turkey fairly, the Lausanne Treaty helped bring Turkey into the modern community of nations. While German blandishments had induced the Ottoman Empire to enter World War I against the Allies, Lausanne's fairness helped Turkey resist pressure to join with Germany during World War II.

Although modern Turkey is not a perfect democracy, it's the world's best example of a democratic Muslim nation; and since Lausanne, Turkey has treated its minorities much better than have the Arab dictatorships. Not surprisingly, the Lausanne Treaty is a continuing source of resentment for bin Laden and other Islamonazis.

Given Turkey's continuing progress towards freedom and democracy — and the continuing regression of Arab dictatorships toward barbarism — perhaps it is time to consider whether a Turkish protectorate should be re-established over terrorist Syria and its colony in Lebanon. Surely the Turks would rule those unhappy nations with more decency than does the hereditary tyrant Bashar Al-assad, and certainly Turkey would reverse Assad's program of using those nations as staging grounds for terrorist.

— Dave Kopel

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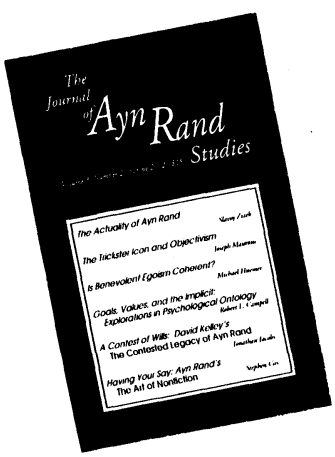

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by R. W. Bradford

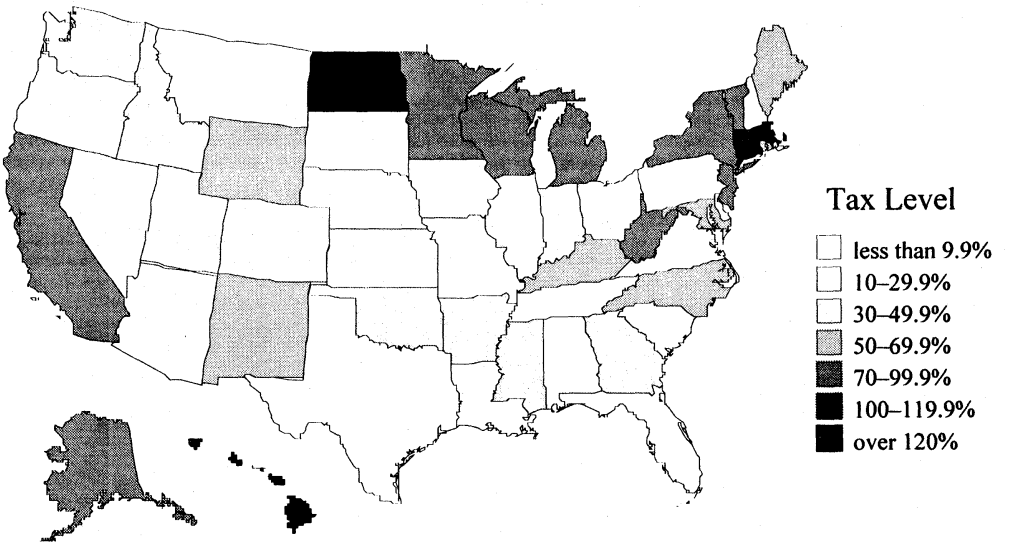

Where Taxes Rise the Fastest

Increase in state and local taxes per capita, adjusted for inflation, 1992–2000

state	*increase*	*rank*	*state*	*increase*	*rank*	*state*	*increase*	*rank*
Alabama	15.9%	46	Louisiana	16.8%	45	Ohio	38.9%	33
Alaska	81.6%	11	Maine	67.3%	15	Oklahoma	35.8%	35
Arizona	25.8%	41	Maryland	56.5%	17	Oregon	38.8%	34
Arkansas	45.7%	27	Mass.	103.9%	6	Penna.	46.7%	25
California	98.0%	7	Michigan	83.5%	10	R. Island	55.6%	19
Colorado	31.0%	39	Minnesota	117.0%	5	S. Carolina	27.2%	40
Conn.	139.0%	1	Miss.	32.6%	37	S. Dakota	-1.6%	50
Delaware	117.6%	4	Missouri	22.7%	44	Tennessee	8.8%	48
Florida	24.0%	43	Montana	25.1%	42	Texas	5.1%	49
Georgia	31.8%	38	N. Carolina	51.0%	21	Utah	42.2%	30
Hawaii	120.5%	3	N. Dakota	121.4%	2	Vermont	93.5%	8
Idaho	46.6%	26	Nebraska	39.6%	32	Virginia	42.9%	29
Illinois	47.0%	24	Nevada	47.8%	23	W. Va.	70.4%	14
Indiana	33.1%	36	N. Hampshire	9.9%	47	Wash.	48.3%	22
Iowa	42.1%	31	N. Jersey	72.7%	13	Wisconsin	88.8%	9
Kansas	44.9%	28	N. Mexico	64.4%	16	Wyoming	56.3%	18
Kentucky	52.5%	20	N. York	76.2%	12			

John Q. Nutmeg is a resident of Bridgeport, Conn. He is married, has two children, owns his home, and earns $75,000 per year as a freelance computer programmer. Last year, he paid $16,910 in direct taxes to his state and local governments.

He likes living in Bridgeport. But he wonders: Isn't there a place I can live where taxes aren't so high?

Mr. Nutmeg's problem is a very easy one to solve. Connecticut has the highest taxes in the nation. He could save on taxes simply by moving just about anywhere else. If he moved to New York City, he'd save a whopping $7,749 per year, paying just $9,161 in state and local taxes. If he doesn't mind a little cold weather, he could move to Anchorage and almost double his savings: he'd pay only $2,543 per year. If he doesn't care for cold winters, he could move to Las Vegas, where he'd pay $3,315, or to Jacksonville, where he'd pay $3,726.

In fact, every American who doesn't live in Wyoming or Alaska — and only one American in 251 has that pleasure — can lower his taxes simply by moving to another state. Wyoming and Alaska are two of seven states with no income tax, and their other personal taxes are all quite low. The result is that personal taxes in Wyoming and Alaska are lower than any other state. The savings can be considerable. For most people, the tax bite in Alaska or Wyoming is less than half what it is in their own state and locality:

Income	*Wyoming*	*Alaska*	*U.S.*
$ 25,000	$1,142	$ 931	$ 2,007
50,000	1,563	1,665	4,019
75,000	2,485	2,543	6,584
100,000	3,307	3,167	8,983
150,000	4,632	4,397	13,718

Where are taxes lowest?

It is plain that Wyoming and Alaska have the lowest combined state and local income, sales, property, and automobile taxes, and by a rather substantial margin. But the question of where taxes are lowest is a bit more complex. One thing is certain: Wyoming is not the lowest tax state.

Each of the 50 states has its own unique tax ecology. Wyoming, Alaska, Washington, Nevada, and Florida all have low personal taxes. This is not to say, however, that they have low taxes. These states rely on indirect taxes or "exported" taxes, i.e. taxes that generally do not fall directly on individual local residents. When computing personal taxes, other taxes — whether on business activity, hobbies, liquor, tobacco, natural resources, tourism, or anything else — are ignored on the theory that many residents do not pay them.

The actual figures for direct taxes paid by a family of four at five different levels of income, in all 50 states and the District of Columbia are detailed on pages 22–26

First, a brief explanation about the figures. Income tax figures assume that both spouses work, with one making more than the other, and that an increasing portion of total income is coming from interest and capital gains as incomes rise. Property tax is based on the actual local tax rate; for families with $50,000 or $75,000 annual income, housing values are calculated by dividing the median value of homes in each market by the median family income in each, and then multiplying that ratio by family income. For families with an annual income of $25,000 the same method is used except the final price is increased by 5%; for families with $100,000 income, it is decreased by 5%; and for $150,000 it is decreased by 10%. Sales taxes come from the Bureau of Labor Statistics consumer expenditure survey for each market. Automobile taxes include gasoline taxes, excise taxes, motor vehicle registration fees, and property taxes on cars, and make assumptions about the size, power, and age of each family's motor vehicles, based on their income levels.

What's missing from this picture, of course, is indirect taxes, of which there is a very great variety. For most individuals, the most important indirect taxes are what are generally called "sin" taxes, that is, taxes on products or activities that are widely believed to be sinful. Sin taxes are easy to sell to voters, on the ground that they will discourage normal people from odious behavior. All states impose substantial excise taxes on tobacco and alcoholic beverages, and some impose taxes on soft drinks, on grounds that using these products is sinful and ought to be discouraged. These taxes are not included in this analysis because consumption of these goods varies considerably from one individual and one family to another.

Are Taxes Rising?

For most Americans, there is good news and bad news regarding state and local taxes.

Here's the good news. In most states, direct personal taxes are falling. In 1990, a family of four living in Portland, Ore., and earning $50,000, paid $7,310 in direct personal taxes. In 2000, that same family paid only $3,987. In 37 states, direct personal taxes declined.

Now here's the bad news. In every state but one, total taxes per capita increased. In Oregon, where direct personal taxes declined almost 40%, total state and local taxes increased a whopping 39% per capita. Between 1992 and 2000, state taxes per capita, after correcting for inflation, increased in every state except South Dakota. The average increase was 18.3%.

The disparity between the general decline in direct taxes and the broad increase in total taxes is easy enough to explain. People don't like paying taxes, and personal taxes — that is, taxes paid directly by individual taxpayers — are the most visible taxes to most people. So legislators (and voters using referenda and initiatives) like to reduce them. But people do like the benefits that governments bestow on them, and these benefits cost money. So legislators resort to indirect taxes — mostly on businesses — to pay for increased spending. So indirect taxes increase, while personal taxes fall.

As Sen. Russell Long, who spent 16 years as chairman of the Senate Finance Committee, liked to say, "Tax reform means: Don't tax you. Don't tax me. Tax the fellow behind the tree." People with the least influence pay the most taxes. In the extreme case, this means that states and local governments tax people who live elsewhere and thus have no say whatsoever in electing their taxers. Examples of what government officials call "exporting" taxes abound and are growing rapidly: dozens of American cities and states tax car

continued on page 27

Give Carla Howell's Libertarian Campaign for Governor your active support now – volunteer or donate now – and **we will give you MORE National Media Coverage than any Libertarian Presidential Campaign in history!**

The #1 Libertarian Campaign in America!

Carla Howell is ready to win the highest Libertarian vote total for Governor in history.

Carla Howell is ready to win the highest Libertarian vote percentage for Governor in history.

Carla Howell is ready to topple a Republican Governor. (Massachusetts **Governor Jane Swift** is **NO Ron Paul**, **NO Barry Goldwater**. She's a Big Government, High-Tax, High-Spending, Anti-Gun Freedom, Liberal-Appeasing, Eastern Establishment Republican.)

Carla Howell is ready to win National Media Coverage.

Proven Credibility

40% Name Recognition. 1,480,000 voters in Massachusetts.

Carla Howell has given her "small government is beautiful℠" Libertarian campaign speech hundreds of times. Nationally broadcast on C-SPAN TV.

NBC, ABC and **CBS** in Boston. Featured in a PBS documentary. New England Cable News, Fox, and Warner Bros. Network. The O'Reilly Factor.

Talk Radio? David Brudnoy, Gene Burns, Howie Carr, Greg Hill, Blute and Ozone, Jay Severin, Larry Elder, and Neal Boortz.

Newspaper Coverage? *Boston Globe*, Front Page Sunday Edition. *MetroWest Daily News*, Front Page. *Boston Herald*, Front Page.

Proven Performance

Carla Howell campaigned 15 Months – 15 hours a day — for U.S. Senate against Ted Kennedy.

She recruited and mobilized **726 campaign volunteers.**

Over 11,500 Yard Signs. $50,894 in Radio Ads.

$150,577 in Prime TV Ads on Boston CBS, NBC, and ABC.

Campaigns and Elections Magazine ranked her Libertarian U.S. Senate Campaign the #1 Third Party campaign in America in 2000.

1998 Libertarian State Auditor: **102,198 Votes.**

2000 Libertarian Campaign for U.S. Senate against Ted Kennedy: **308,860 Votes.**

Most Successful Libertarian U.S. Senate Campaign in History!

Weak Massachusetts Republican Party

71% of Massachusetts **Democrat officeholders** are **unopposed** by Republican candidates.

13% of the voters are registered Republicans.

The Boston Sunday Herald, the state's biggest pro-Republican Newspaper, on July 9, 2001:

"And for those who claim Republican conservatives have no other place to go, remember just two words: Carla Howell."

carla howell

National Media Coverage

The Wall Street Journal. USA Today. The Washington Post. Time. Newsweek. Business Week. National Review.

ABC, CBS, and NBC Network TV News. 20/20. Dateline. Nightline. Face the Nation. Meet the Press. "Massachusetts raises taxes" is NOT news.

"Massachusetts Ends the Income Tax" **IS** news. National News.

"Unknown Libertarian candidate for Governor gets 7%" is NOT news.

"Libertarian Carla Howell **Topples** Republican Governor" **IS** news.

With your help, the Carla Howell, Libertarian for Governor campaign will be National News.

Please donate generously.

www.carlahowell.org

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Libertarian for Governor

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CHLM1201

State and Local Personal Tax Burden: Family of Four with $25,000 Income, 2000

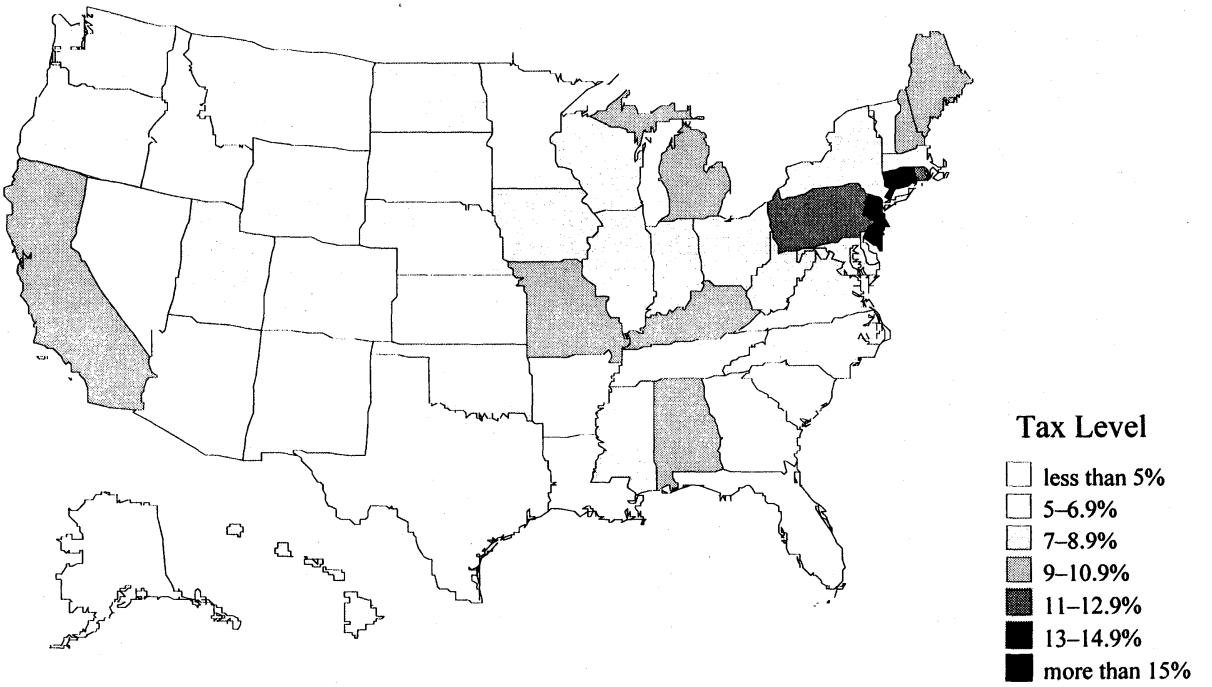

state	income	property	sales	auto	total	percent	rank
Alabama	1112	290	912	198	2512	10.5%	6
Alaska	0	809	0	122	931	3.7%	51
Arizona	198	241	902	137	1478	5.9%	42
Arkansas	479	585	835	228	2127	8.5%	16
California	0	1309	704	275	2288	9.2%	11
Colorado	0	415	634	208	1257	5.0%	49
Conn.	0	4385	544	492	5421	21.8%	1
D.C.	932	344	658	213	2147	8.6%	15
Delaware	439	759	0	164	1362	5.5%	44
Florida	0	482	581	199	1262	5.1%	48
Georgia	415	241	828	194	1678	6.7%	37
Hawaii	823	500	613	270	2206	8.8%	13
Idaho	110	431	572	226	1339	5.4%	46
Illinois	409	728	745	228	2110	8.4%	18
Indiana	711	655	531	106	2003	8.0%	26
Iowa	586	761	569	185	2101	8.4%	19
Kansas	102	270	698	286	1356	5.4%	45
Kentucky	1331	550	537	232	2650	10.0%	5
Louisiana	385	0	892	156	1433	5.7%	43
Maine	60	1811	437	194	2502	10.1%	7
Maryland	0	1048	561	182	1791	7.2%	32
Mass.	510	1005	324	202	2041	8.2%	24
Michigan	1139	445	557	190	2331	9.3%	9
Minnesota	0	650	629	232	1511	6.0%	41
Miss.	162	504	771	413	1850	7.4%	30
Missouri	565	644	805	313	2327	9.3%	10
Montana	430	658	0	243	1331	5.3%	47
N. Carolina	468	562	700	237	1967	7.9%	27
N. Dakota	136	996	632	200	1964	7.9%	28
Nebraska	212	729	692	31	1664	6.7%	38
Nevada	0	607	616	299	1522	6.1%	40
N. H.	0	2210	0	152	2362	9.5%	8
N. Jersey	223	2543	626	139	3531	14.2%	2
N. Mexico	110	706	928	135	1879	7.5%	29
N. York	329	754	864	67	2014	8.1%	25
Ohio	780	674	556	179	2189	8.8%	14
Oklahoma	637	399	984	186	2206	8.8%	12
Oregon	896	690	0	184	1770	7.1%	33
Penna.	1129	1157	535	199	3020	12.8%	3
R. Island	0	1888	566	359	2813	11.2%	4
S. Carolina	148	552	538	368	1606	6.4%	39
S. Dakota	0	701	876	143	1720	6.9%	34
Tennessee	0	651	1033	147	1831	7.3%	31
Texas	0	625	897	185	1707	6.8%	35
Utah	438	430	967	258	2093	8.4%	21
Vermont	0	1079	464	162	1705	6.8%	36
Virginia	580	649	547	273	2049	8.2%	23
W. Va.	582	460	737	278	2057	8.2%	22
Wash.	0	990	952	172	2114	8.5%	17
Wisconsin	204	1122	563	210	2099	8.4%	20
Wyoming	0	368	653	121	1142	4.6%	50

State and Local Personal Tax Burden: Family of Four with $50,000 Income, 2000

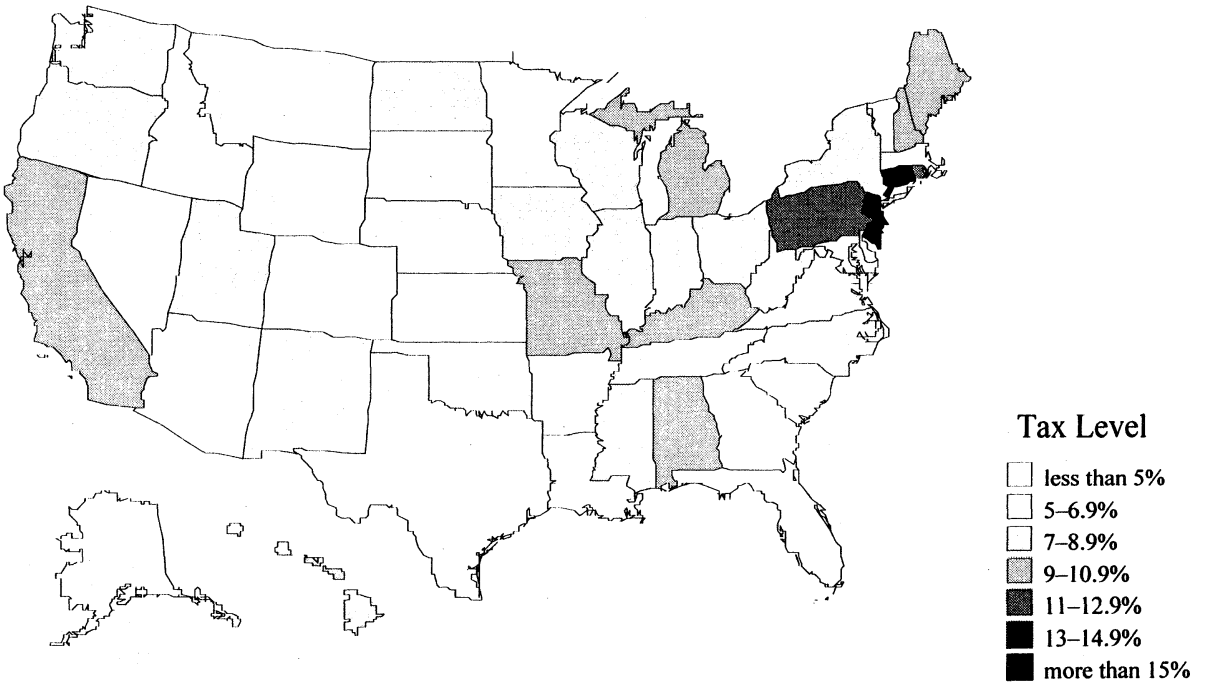

state	income	property	sales	auto	total	percent	rank
Alabama	2298	578	970	247	4093	8.2%	22
Alaska	0	1541	0	124	1665	3.3%	50
Arizona	901	535	972	186	2594	5.2%	44
Arkansas	1648	1114	871	295	3928	7.9%	28
California	432	2562	817	364	4175	8.4%	20
Colorado	850	790	758	235	2633	5.3%	43
Conn.	316	8352	695	691	10054	20.1%	1
D.C.	2427	915	775	218	4335	8.7%	16
Delaware	1856	1445	0	170	3471	6.9%	37
Florida	0	1379	697	206	2282	4.6%	48
Georgia	1585	1094	890	278	3847	7.7%	30
Hawaii	2320	1084	657	279	4340	8.7%	15
Idaho	1909	820	632	233	3594	7.2%	35
Illinois	1172	1766	844	235	4017	8.0%	23
Indiana	1711	1276	579	110	3676	7.4%	32
Iowa	1904	1642	655	251	4452	8.9%	12
Kansas	1327	744	750	371	3192	6.4%	40
Kentucky	3184	1048	606	315	5153	10.3%	8
Louisiana	1225	740	1008	163	3136	6.3%	41
Maine	1443	3450	512	218	5623	11.3%	5
Maryland	2423	1997	744	188	5352	10.7%	6
Mass.	2028	1914	408	219	4569	9.1%	11
Michigan	2902	847	627	211	4587	9.2%	10
Minnesota	1774	1427	750	265	4216	8.4%	19
Miss.	1088	1177	796	600	3661	7.3%	33
Missouri	1783	1227	899	434	4343	8.7%	14

state	income	property	sales	auto	total	percent	rank
Montana	1715	1254	0	300	3269	6.5%	39
N. Carolina	1990	1071	762	302	4125	8.3%	21
N. Dakota	644	1897	695	206	3442	6.9%	38
Nebraska	1277	1388	795	84	3544	7.1%	36
Nevada	0	1156	697	347	2200	4.4%	49
N. H.	0	4210	0	181	4391	8.8%	13
N. Jersey	619	4844	691	142	6296	12.6%	3
N. Mexico	1167	1344	950	153	3614	7.2%	34
N. York	2712	1507	949	75	5243	10.5%	7
Ohio	2201	1284	642	185	4312	8.6%	17
Oklahoma	1881	856	1013	191	3941	7.9%	27
Oregon	2482	1314	0	191	3987	8.0%	25
Penna.	3648	2205	654	206	6713	13.4%	2
R. Island	1097	3596	681	547	5921	11.8%	4
S. Carolina	1755	1070	593	537	3955	7.9%	26
S. Dakota	0	1335	941	147	2423	4.9%	47
Tennessee	0	1240	1124	152	2516	5.0%	46
Texas	0	1388	1006	190	2584	5.2%	45
Utah	2122	818	1046	294	4280	8.6%	18
Vermont	1079	2112	557	167	3915	7.8%	29
Virginia	1789	1235	613	351	3988	8.0%	24
W. Va.	1697	876	817	361	3751	7.5%	31
Wash.	0	1885	1069	178	3132	6.3%	42
Wisconsin	1840	2199	639	217	4895	9.8%	9
Wyoming	0	702	697	164	1563	3.1%	51

State and Local Personal Tax Burden: Family of Four with $75,000 Income, 2000

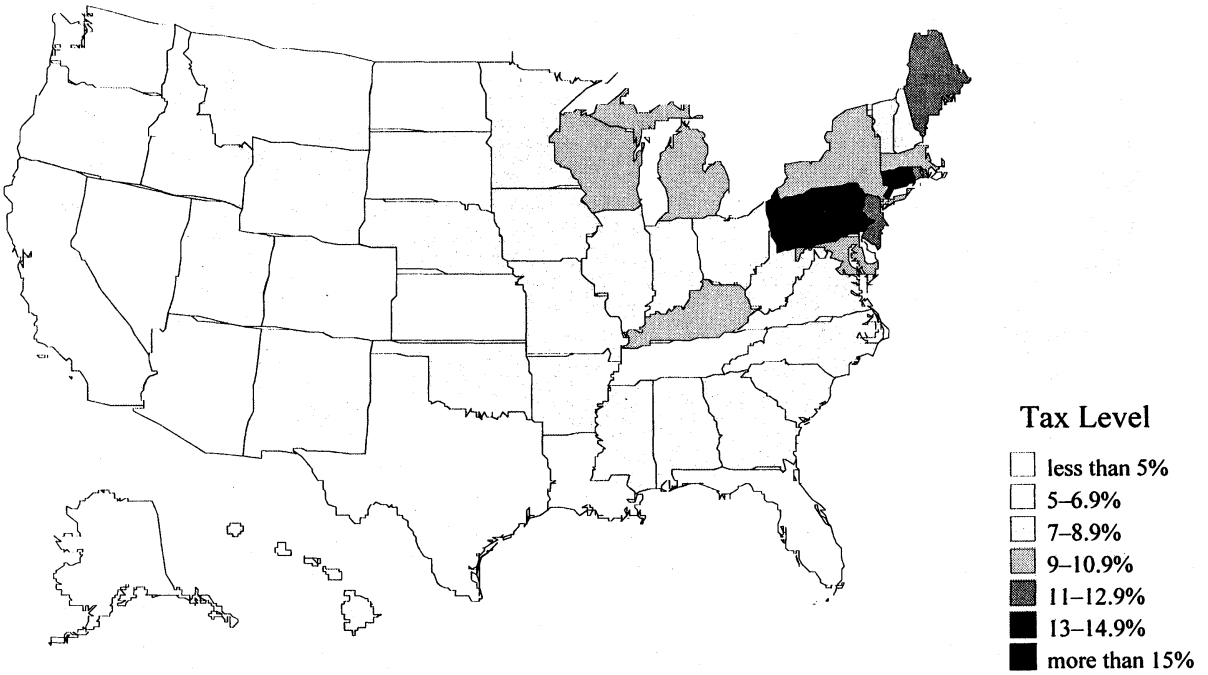

state	income	property	sales	auto	total	percent	rank
Alabama	3458	880	1444	407	6189	8.3%	33
Alaska	0	2311	0	232	2543	3.4%	50
Arizona	1574	1000	1458	405	4437	5.9%	44
Arkansas	3035	1671	1307	478	6491	8.7%	28
California	1843	3880	1228	592	7543	10.1%	10
Colorado	1746	1184	1136	544	4610	6.2%	43
Conn.	2267	12529	1010	1104	16910	22.6%	1
D.C.	4418	1517	1158	363	7456	9.9%	11
Delaware	3302	2167	0	293	5762	7.7%	37
Florida	0	2322	1046	358	3726	5.0%	47
Georgia	2815	1992	1334	445	6586	8.8%	25
Hawaii	3965	1698	986	492	7141	9.5%	16
Idaho	3697	1573	947	415	6632	8.8%	23
Illinois	1867	2858	1240	420	6385	8.5%	30
Indiana	2708	1930	869	189	5696	7.6%	38
Iowa	3477	2568	983	351	7379	9.8%	12
Kansas	2713	1243	1125	606	5687	7.6%	39
Kentucky	4978	1572	909	506	7965	10.6%	8
Louisiana	1985	1748	1512	360	5605	7.5%	40
Maine	3174	5174	769	500	9617	12.8%	4
Maryland	4021	2995	1116	329	8461	11.3%	7
Mass.	3316	2871	627	485	7299	9.7%	13
Michigan	4664	1270	940	389	7263	9.7%	15
Minnesota	3209	2448	1125	491	7273	9.7%	14
Miss.	2180	1885	1194	949	6208	8.3%	32
Missouri	2992	1841	1349	670	6852	9.1%	18
Montana	3482	1881	0	567	5930	7.9%	36
N. Carolina	3544	1606	1143	488	6781	9.0%	21
N. Dakota	1204	2846	1042	329	5421	7.2%	41
Nebraska	2701	2082	1175	126	6084	8.1%	35
Nevada	0	1734	1045	536	3315	4.4%	49
N. H.	0	6316	0	369	6685	8.9%	22
N. Jersey	1092	7265	1036	263	9656	12.9%	3
N. Mexico	2470	2016	1424	258	6168	8.2%	34
N. York	5303	2301	1424	133	9161	12.2%	6
Ohio	3781	1926	964	325	6996	9.3%	17
Oklahoma	3293	1337	1520	357	6507	8.7%	26
Oregon	4315	1972	0	328	6615	8.8%	24
Penna.	5312	3307	982	359	9960	13.3%	2
R. Island	1959	5394	1021	823	9197	12.3%	5
S. Carolina	3246	1854	889	848	6837	9.1%	19
S. Dakota	0	2002	1412	258	3672	4.9%	48
Tennessee	0	1860	1686	264	3810	5.1%	46
Texas	0	2192	1508	340	4040	5.4%	45
Utah	3547	1227	1472	549	6795	9.1%	20
Vermont	1970	3396	835	295	6496	8.7%	27
Virginia	3040	1853	919	579	6391	8.5%	29
W. Va.	3232	1313	1225	589	6359	8.5%	31
Wash.	0	2828	1600	309	4737	6.3%	42
Wisconsin	3275	3333	959	381	7948	10.6%	9
Wyoming	0	1052	1046	387	2485	3.3%	51

State and Local Personal Tax Burden: Family of Four with $100,000 Income, 2000

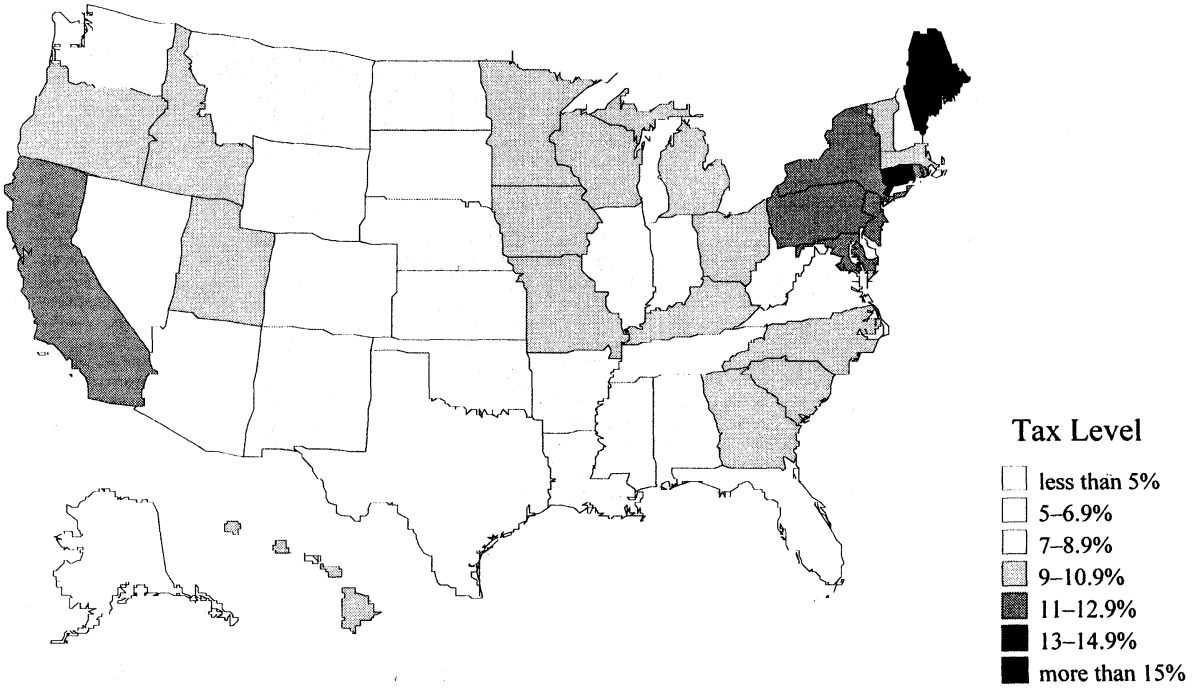

state	*income*	*property*	*sales*	*auto*	*total*	*percent*	*rank*
Alabama	4538	1122	1925	531	8116	8.1%	36
Alaska	0	2928	0	239	3167	3.2%	51
Arizona	2338	1466	1945	581	6330	6.3%	43
Arkansas	4491	2116	1743	636	8986	9.0%	26
California	3730	4935	1640	818	11123	11.1%	8
Colorado	2661	1500	1515	739	6415	6.4%	42
Conn.	3616	15869	1352	1605	22442	22.4%	1
D.C.	6538	1998	1544	380	10460	10.5%	11
Delaware	4808	2745	0	321	7874	7.9%	38
Florida	0	3077	1395	380	4852	4.9%	47
Georgia	4057	2710	1779	654	9200	9.2%	23
Hawaii	5686	2190	1314	519	9709	9.7%	16
Idaho	5442	2229	1263	436	9370	9.4%	21
Illinois	2573	3732	1657	440	8402	8.4%	35
Indiana	3713	2453	1159	202	7527	7.5%	40
Iowa	5229	3309	1311	438	10287	10.3%	12
Kansas	4137	1642	1500	824	8103	8.1%	37
Kentucky	6827	1991	1212	716	10746	10.8%	9
Louisiana	2675	2554	2016	413	7658	7.7%	39
Maine	4976	6554	1025	661	13216	13.2%	2
Maryland	5634	3794	1488	348	11264	11.3%	7
Mass.	4707	3637	849	587	9780	9.8%	14
Michigan	6427	1609	1253	439	9728	9.7%	15
Minnesota	4699	3265	1500	646	10110	10.1%	13
Miss.	3269	2452	1592	1420	8733	8.7%	30
Missouri	4274	2332	1799	973	9378	9.4%	20

state	*income*	*property*	*sales*	*auto*	*total*	*percent*	*rank*
Montana	5545	2382	0	751	8678	8.7%	31
N. Carolina	5362	2035	1524	654	9575	9.6%	19
N. Dakota	2024	3605	1390	367	7386	7.4%	41
Nebraska	4173	2637	1555	270	8635	8.7%	33
Nevada	0	2196	1394	627	4217	4.2%	49
N. H.	0	8000	0	469	8469	8.5%	34
N. Jersey	1881	9203	1369	271	12724	12.7%	6
N. Mexico	4005	2553	1899	285	8742	8.7%	29
N. York	7943	2936	1899	142	12920	12.9%	4
Ohio	5626	2439	1285	344	9694	9.7%	17
Oklahoma	4716	1632	2027	381	8756	8.8%	28
Oregon	6156	2498	0	350	9004	9.0%	25
Penna.	7067	4189	1309	380	12945	13.0%	3
R. Island	3351	6833	1362	1290	12836	12.8%	5
S. Carolina	4723	2482	1185	1271	9661	9.7%	18
S. Dakota	0	2536	1882	273	4691	4.7%	48
Tennessee	30	2356	2247	281	4914	4.9%	46
Texas	0	2835	2011	356	5202	5.2%	45
Utah	4914	1555	1986	599	9054	9.1%	24
Vermont	3305	4631	1113	311	9360	9.4%	22
Virginia	4312	2347	1225	777	8661	8.7%	32
W. Va.	4857	1664	1634	798	8953	9.0%	27
Wash.	0	3582	2137	328	6047	6.1%	44
Wisconsin	4787	4240	1279	403	10709	10.7%	10
Wyoming	0	1333	1395	573	3301	3.3%	50

State and Local Personal Tax Burden: Family of Four with $150,000 Income, 2000

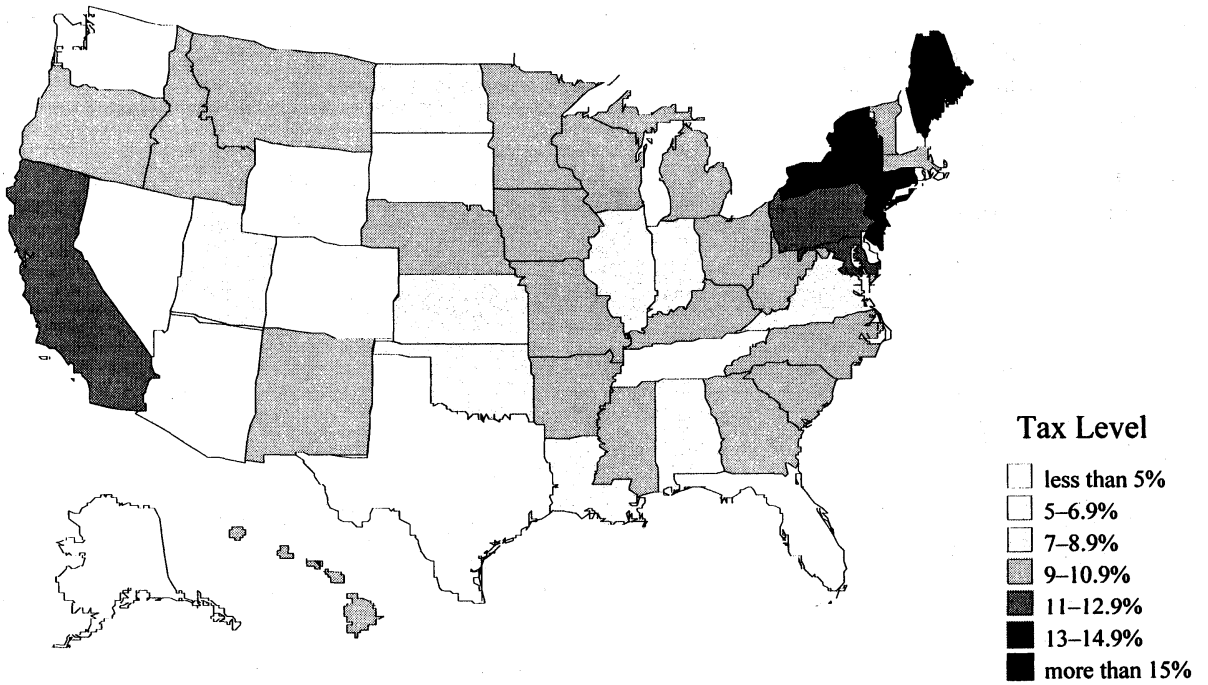

state	income	property	sales	auto	total	percent	rank
Alabama	6681	1634	2888	695	11898	7.9%	38
Alaska	0	4161	0	236	4397	2.9%	51
Arizona	3978	2794	2917	729	10418	7.0%	42
Arkansas	7527	3007	2614	833	13981	9.3%	27
California	7653	7044	2470	1137	18304	12.2%	7
Colorado	4145	2132	2273	936	9486	6.3%	43
Conn.	6150	22551	2146	2337	33184	22.1%	1
D.C.	10722	2960	2315	380	16377	10.9%	9
Delaware	7958	3901	0	304	12163	8.1%	36
Florida	0	4587	2092	370	7049	4.7%	46
Georgia	6517	4147	2669	966	14299	9.5%	23
Hawaii	9287	3174	1972	506	14939	10.0%	16
Idaho	8908	3541	1895	426	14770	9.9%	19
Illinois	3986	5480	2481	431	12378	8.3%	35
Indiana	5761	3499	1738	196	11194	7.5%	41
Iowa	8209	4792	1966	580	15547	10.4%	13
Kansas	6974	2441	2250	1133	12798	8.5%	34
Kentucky	10520	2830	1818	1015	16183	10.8%	10
Louisiana	4319	4167	2675	514	11675	7.8%	39
Maine	8559	9314	1537	853	20263	13.5%	3
Maryland	8818	5391	2232	339	16780	11.2%	8
Mass.	7561	5168	1352	746	14827	9.9%	17
Michigan	9952	2287	1959	505	14703	9.8%	21
Minnesota	7965	4899	2188	859	15911	10.6%	12
Miss.	5432	3585	2388	2118	13523	9.0%	30
Missouri	7225	3313	2797	1394	14729	9.8%	20
Montana	9966	3385	0	943	14294	9.5%	24
N. Carolina	8618	2892	2430	873	14813	9.9%	18
N. Dakota	3672	5122	2163	359	11316	7.5%	40
Nebraska	7469	3747	2315	558	14089	9.4%	25
Nevada	0	3121	2091	751	5963	4.0%	49
N. H.	10	11368	0	602	11980	8.0%	37
N. Jersey	4573	13078	2038	267	19956	13.3%	4
N. Mexico	7268	3629	2849	279	14025	9.4%	26
N. York	13387	4205	2896	139	20627	13.8%	2
Ohio	9569	3466	1945	335	15315	10.2%	14
Oklahoma	7524	2491	3006	365	13386	8.9%	31
Oregon	9782	3549	0	340	13671	9.1%	29
Penna.	10601	5952	1902	370	18825	12.6%	6
R. Island	6152	9709	2043	1964	19868	13.3%	5
S. Carolina	7731	3738	1721	1899	15089	10.1%	15
S. Dakota	0	3604	2732	266	6602	4.4%	48
Tennessee	150	3348	3188	273	6959	4.6%	47
Texas	0	4120	2837	349	7306	4.9%	45
Utah	7579	2209	2659	5601	13007	8.7%	32
Vermont	5995	6580	1499	304	14378	9.6%	22
Virginia	6831	3336	1732	1054	12953	8.6%	33
W. Va.	8105	2364	2401	1087	13957	9.3%	28
Wash.	0	5090	3301	319	8710	5.8%	44
Wisconsin	7730	6054	1924	393	16101	10.7%	11
Wyoming	0	1894	1965	773	4632	3.1%	50

from page 20

rentals and motel rooms on the theory that residents of other cities and states are more likely to rent a car or motel room than local residents. This principle underlies the tax system of entire states. Let's take another look at the three states with the lowest direct personal taxes:

State	*Direct Personal Taxes*	*Taxes per Capita*	*Taxes as % of GPI*
Alaska	3.22%	$2,263	12.20%
Wyoming	3.24%	1,948	12.40%
Nevada	4.28%	1,842	15.10%
U.S. average	8.64%	1,920	12.13%

These three states extract the smallest amount of *direct* taxes from their citizens, with each averaging less than half the national average. Yet the *total* amounts of tax dollars per person that two of the "low" tax states extract are bigger than average, one of them substantially so. And all three take a bigger than average chunk of the total personal income of their residents.

What do the three states in common? Excellent ways to export taxes. Alaska and Wyoming have substantial taxes on mineral extraction, and Nevada gets much of its revenue from legalized gambling, an activity conducted mostly by tourists. Hawaii carries tax exportation to tourists to an extreme: it charges an excise tax of eleven percent on virtually all temporary lodging (college dormitory rooms, which

State Taxes Per Capita, 2000

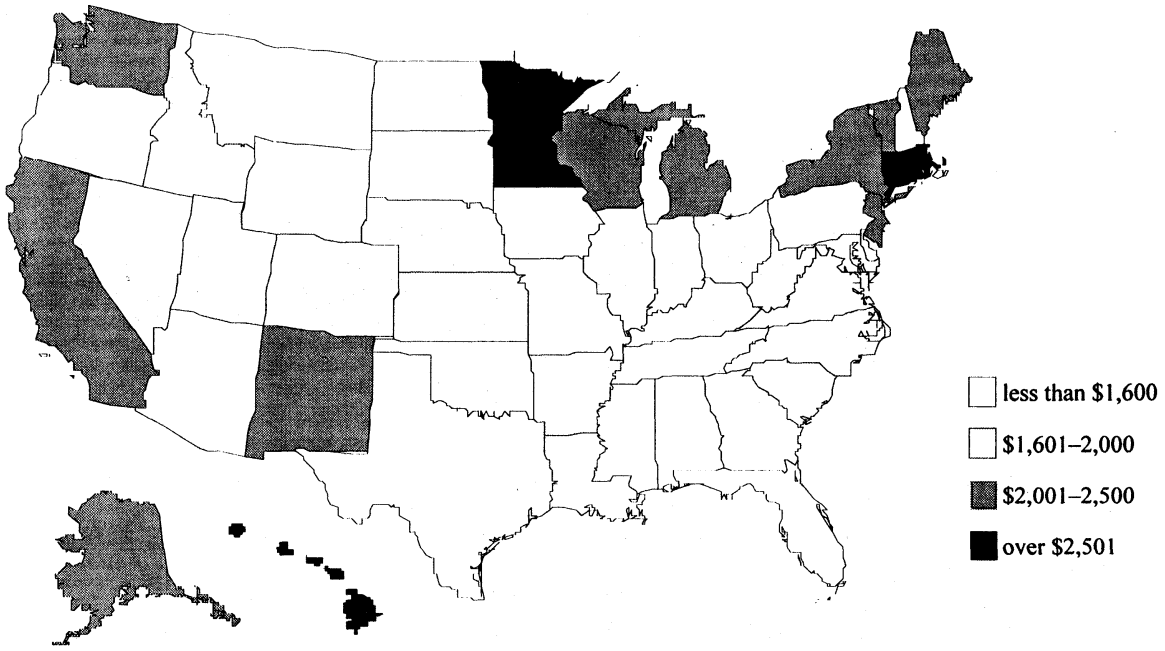

state	*taxes*	*rank*	*state*	*taxes*	*rank*	*state*	*taxes*	*rank*
Alabama	1448	47	Louisiana	1457	46	Ohio	1733	35
Alaska	2270	11	Maine	2087	15	Oklahoma	1696	36
Arizona	1579	42	Maryland	1955	17	Oregon	1738	34
Arkansas	1822	28	Mass.	2544	6	Penna.	1829	26
California	2474	7	Michigan	2290	10	R. Island	1829	19
Colorado	1645	40	Minnesota	2711	5	S. Carolina	1591	41
Conn.	2987	2	Miss.	1656	38	S. Dakota	1228	51
Delaware	2721	4	Missouri	1532	45	Tennessee	1360	49
Florida	1553	44	Montana	1564	43	Texas	1315	50
Georgia	1650	39	N. Carolina	1890	21	Utah	1782	31
Hawaii	2752	3	N. Dakota	1826	27	Vermont	2416	8
Idaho	1837	24	Nebraska	1742	33	Virginia	1787	30
Illinois	1835	25	Nevada	1860	22	W. Va.	1849	23
Indiana	1662	37	N. Hampshire	1372	48	Wash.	2132	14
Iowa	1772	32	N. Jersey	2157	13	Wisconsin	2357	9
Kansas	1810	29	N. Mexico	2058	16	Wyoming	1952	18
Kentucky	1904	20	N. York	2199	12			

are filled mostly by students from within Hawaii, are exempt) and a tax of $2 per day, on top of the usual sales tax, on the tens of thousands of rental cars on the islands. It also charges higher property tax rates on condominiums that are owned by out-of-staters than on those occupied by state residents.

Of course, taxes on tourists and on the extraction of natural resources do not really "export" taxes. By taking eleven percent of the gross revenue on the rental of accommodations, Hawaii isn't really costing tourists more: it is reducing the net income (and therefore the value) of rental property. Similarly, by charging coal miners an exorbitant fee to extract coal from their property in Wyoming, the state isn't forcing residents of other states to pay more for coal; it is simply reducing the profitability of coal mining and the value of property that has coal. The ultimate effect of these taxes is not to export taxes, it is to confiscate the property of a relatively small number of people.

We've had a lot of tax reform in the last decade, and it's taken a lot of different forms. But the bottom line is this: indirect taxes have increased substantially while direct taxes have declined in three-quarters of the states. State taxes, corrected for inflation, and normalized for population, increased in 49 of the 50 states.

State Taxes as a Percentage of Gross Personal Income, 2000

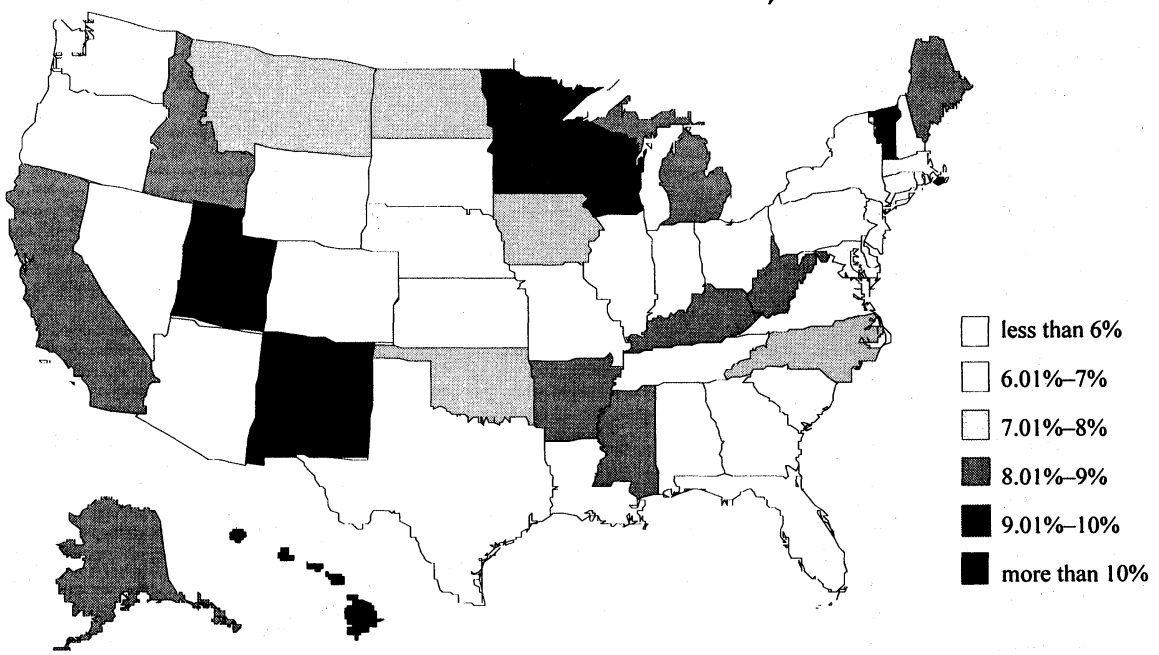

state	*taxes*	*rank*	*state*	*taxes*	*rank*	*state*	*taxes*	*rank*
Alabama	6.41%	39	Louisiana	6.52%	36	Ohio	6.44%	38
Alaska	8.04%	16	Maine	8.63%	9	Oklahoma	7.59%	22
Arizona	6.73%	31	Maryland	6.17%	43	Oregon	6.55%	32
Arkansas	8.58%	10	Massachusetts	7.36%	23	Pennsylvania	6.55%	35
California	8.45%	11	Michigan	8.21%	15	Rhode Island	6.99%	27
Colorado	5.53%	47	Minnesota	9.07%	6	South Carolina	6.97%	28
Connecticut	7.89%	19	Mississippi	8.23%	14	South Dakota	5.05%	50
Delaware	9.19%	5	Missouri	5.94%	45	Tennessee	5.52%	48
Florida	5.91%	46	Montana	7.26%	24	Texas	5.09%	49
Georgia	6.35%	40	North Carolina	7.65%	20	Utah	8.02%	17
Hawaii	10.21%	2	North Dakota	7.94%	18	Vermont	9.57%	4
Idaho	8.32%	13	Nebraska	6.61%	34	Virginia	6.18%	42
Illinois	6.03%	44	Nevada	6.62%	33	West Virginia	7.18%	8
Indiana	6.50%	37	New Hampshire	4.54%	51	Washington	8.83%	25
Iowa	7.06%	26	New Jersey	6.27%	41	Wisconsin	8.85%	7
Kansas	6.83%	29	New Mexico	9.85%	3	Wyoming	7.61%	21
Kentucky	8.36%	12	New York	6.77%	30			

Where Taxes Are Lowest

As we've already established, people pay the lowest amount of direct personal taxes in Alaska and Wyoming, with Nevada, Florida, South Dakota, Tennessee, Texas, Arizona, Colorado, and Washington filling out the top ten.

But we've also seen that this fails to consider many of the taxes that people finally have to pay. While direct personal taxes are actually declining, these other taxes are growing rapidly.

Let's look at other approaches to answer this question.

Total tax receipts: In 2000, South Dakota collected a total of $927 million in taxes, less than any other state. But South Dakota has only about 750,000 people, fewer than many cities in other states. It has the fourth lowest population of all the states. Its low tax take is partly the result of its lack of people, which plainly has nothing to do with the overall level of taxes.

Taxes per capita: South Dakota has the lowest taxes on this basis also, collecting just $1,226 for each resident in 2000. Looking at per capita taxes makes better sense than ignoring indirect taxes (and awarding the low tax crown jointly to Wyoming and Alaska), or ignoring the population and prosperity of a state. But this method has its own problem, a fact that becomes clear when you look at the other states with low per capita taxes. People in states that are poor simply cannot afford to pay as much in taxes as people in more prosperous states.

Taxes as a portion of personal income: This takes into account the relative prosperity of each state's residents, as well as (indirectly) the population of the state, thereby eliminating the inherent advantage of small states and poor states. Here the champion is New Hampshire, with South Dakota and Texas as runners up.

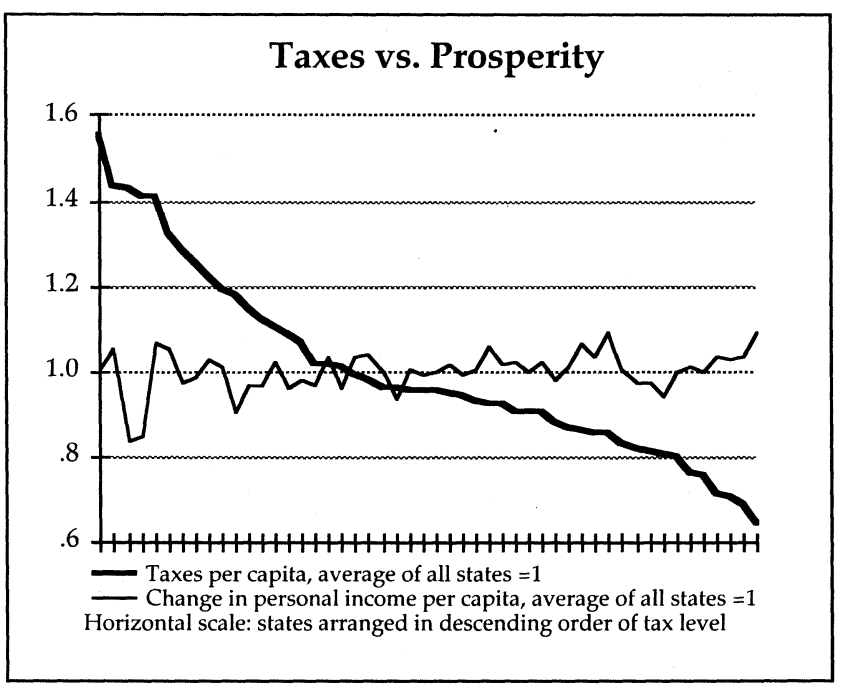

But there is a problem with this method as well. New Hampshire has the lowest taxes as a percentage of total personal income mostly because it has relatively low taxes and relatively high income. If government is spending money to fulfill the needs of its people, you'd think that the more prosperous a state is, the lower its taxes would be. After all, there are presumably a lot more people who need help paying for medical care in a relatively poor state like South Dakota than in a wealthy state like New Hampshire. The same is true about other needs. Yet New Hampshire spends far more per capita than South Dakota.

The problem with this thinking is that it assumes that governments spend money on legitimate needs.

H.L. Mencken defined a platitude as a proposition that (a) everyone agrees is true, and (b) is not true. If ever there was a platitude, it is the notion that government spends money on legitimate needs.

If you have any doubt, consider the fact that personal income in every state increased substantially in the 1990s. People's need for assistance falls when their own income rises. Yet government spending increased in every state.

Rising incomes have been accompanied by rising government expenditures through all of America's history, and so far as I can figure, in the history of every democratic society in which income was rising. Government spending in the 19th century, when the U.S. was far less prosperous than it is today, was much less than it is today even after normalizing against population and correcting for inflation. A few years ago, I did a search for specimens of democratic governments whose size and power could plausibly be argued to have declined. I could find only two: the Republic of Texas in the mid-1840s and New Zealand in the late 1970s. In both cases, the reduction in state power was the product of virtual bankruptcy. In every case where people in a democratic society grow richer, taxes and state power rise, despite the fact that, in general, government expenditures are a detriment to economic growth.

Why this perverse relationship between private making and state spending? The simple fact is that government is for most people a luxury good. When you can afford more, you buy more. Times are good, so why not raise taxes? That will buy all sorts of things: environmental amenities, fancier public buildings, even nicer pensions for your parents, so you won't have to worry about taking care of them in their nonage. And government spending buys something else that many people find to be very important: relief from guilt. "Why should I feel bad about the poor or sick? I pay my taxes like a good citizen, and the government takes care of the problem." Whether the funds expended achieve their desired effect is seldom explored. After all, carefully examining the consequences of a program runs the risk of discovering that it failed to achieve its desired effect, and that it instead caused all sorts of undesired effects — which undermines the relief from guilt.

And the Winner Is . . .

So where are taxes lowest? The last time I did this survey, I concluded that New Hampshire was the champ. But its

total taxes per capita increased by 55% between 1992 and 2000, leaving three states lower. And its increasing direct tax take removed it from the lower 50% of the states. Given the fact that South Dakota has the lowest total taxes per capita, it ranks second in gross taxes as a percentage of gross personal income, and is the only state that actually reduced taxes during the 1990s, I think South Dakota wins the low tax crown. Congratulations!

Taxes and Growth

But now let's consider a more general issue. What is the relationship between taxes and growth? In theory, one might expect a strong inverse correlation between taxes and prosperity — that is, the higher the taxes, the lower the rate of economic growth. To check this out, I did a statistical analysis between economic growth and three other factors.

Direct taxes and growth: I checked for a correlation between the level of direct personal taxes, using the average tax rate for families of four earning $50,000 and $75,000, and economic growth as measured by change in gross personal income per capita. There was no significant statistical correlation between these two factors.

Tax levels and growth: I checked for a correlation between tax levels, as indicated by total taxes as a percentage of gross personal income, and growth, as measured by change in gross personal income per capita. There was no significant correlation between these two factors.

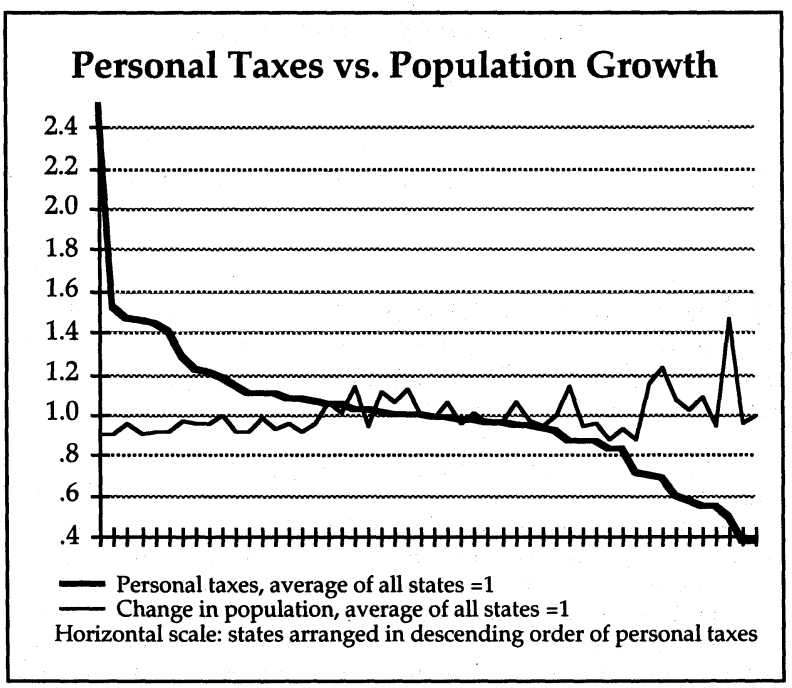

Average tax per capita and economic growth: I checked for a correlation between total state taxes per capita and growth as measured by change in gross personal income per capita. There was an inverse correlation of .32, meaning that lower taxes per capita account for 32% of the increase in gross personal income. (See graph 1.)

This correlation surprised me. While I expected that a lower tax bite would mean higher growth, I was surprised to see such a strong correlation, because state taxes make up a much smaller portion of a person's tax burden than federal taxes. This suggests that prosperity is much more sensitive to taxes than I had imagined.

Taxes and Population Growth

Is there a relationship between taxes and population growth? In theory, it seems that there would be. After all, people can move from a high tax jurisdiction to a low tax jurisdiction, and some people will be inclined to do so. Of course, you usually cannot move if you have a job in a particular location without losing your job. This constraint affects a great many people. But there is one very large exception: retired people. In addition, people in certain professions (e.g., writers, consultants, computer programmers) can telecommute.

To check this issue out, I did a statistical analysis of the relationship between population growth and three other factors.

Average tax per capita and economic growth: I checked for a correlation between total state taxes per capita and population growth. There was no correlation. This is not surprising, because people care about what taxes they themselves pay, not about the average taxes paid by all residents of a state.

Tax levels and population growth: I checked for a correlation between tax levels, as indicated by total taxes as a percentage of gross personal income, and population growth. There was no correlation. Again, no surprise: people care much more about what taxes they pay than about the average tax level paid by everyone.

Direct taxes and population growth: I checked for a correlation between the level of direct personal taxes, using the average tax rate for families of four earning $50,000 and $75,000, and population growth as measured by change in gross personal income per capita. There was a strong correlation of .40 — meaning that tax considerations account for 40% of population growth. (See graph 2.)

I expected a relatively high correlation, but again I was surprised that it turned out to be this high. After all, population growth depends on a number of factors other than migration: the age of the existing population (small children and old people do not have babies), the cultural values of the population (some subcultures are inclined to have more children than others), and the level of prosperity (richer people generally have fewer children), to name a few.

The correlations that I examined have interesting policy implications. People who oppose population growth should support higher personal taxes; people who oppose economic growth should support higher taxes of all kinds. Perhaps the politicians in Ecotopia will pick up on this. Right now, they seem to miss it. Oregon, the most Ecotopian of all states, is pursuing exactly the wrong policy. Its recent cuts in direct personal taxes will no doubt stimulate population growth. Of course, Oregon's cuts in direct taxes have been done by voters at the ballot box, not its policy elite or politicians. Its policy elite and politicians have increased indirect taxes enough to stifle economic growth. So the net effect is a larger but poorer population. ❑

Warning

Free Therapy Today, Regrets Tomorrow

by Dolores Puterbaugh

You should think twice before using your health insurance to pay for counseling.

Millions of prescriptions are written annually for Prozac, Paxil, Zoloft, and other "antidepressant" drugs. How many people who receive these prescriptions understand that, forever after, they will have to mark "yes" on every licensing form, job and volunteer application, medical history form, and lease application that asks whether they have ever been treated for a mental illness?

Groups with an interest in expanding the number of people diagnosed with mental disorders are constantly reinventing and redefining the parameters of mental illness. The bible of mental health managed care, the *Diagnostic and Statistical Manual of Mental Disorders* grows ever thicker. It now comprises hundreds of checklists which define, subjectively, the diagnostic criteria of so-called mental disorders.

The inclination to use health insurance to pay for counseling and psychotherapy services has led most mental health professionals to play the diagnosis game. I frequently get calls for premarital counseling services. Thus far, wanting to marry is not considered symptomatic of a mental illness (although radical feminism may influence the American Psychiatric Association, the arbiter of mental diagnoses, to change this) and thus no therapist can bill an insurance company for premarital counseling. If the couple does not want to pay out-of-pocket (Why spend money to prepare for a lifetime commitment? After all, there's the champagne fountain and commemorative gifts to be purchased.) they will seek a therapist who will agree to see them together but bill one or the other's insurance company for individual counseling. This means giving a mental illness diagnosis to appease the insurance company and forever labeling the customer as a mentally ill patient. Chances are, this process has not been explained to the client, but the client is happy to pay only a modest co-payment rather than the whole fee. Similarly, family counseling is billed by picking one member to be the diagnosed patient — the one with the "problem." A family may seek counseling for a very good reason — for example, in a blended family with three of his, three of hers, one of theirs, all ages under 13, with two boys the same age and two girls with the same name — where talking through adjustments makes perfect sense. But insurance companies are paying for a "medical" service and that means one person must be identified as a patient.

The common practice in my profession of diagnosing clients to save them a few dollars is simply unethical. Clients usually have no inkling that there can be many long-term and serious ramifications of this decision to save literally a few dollars. In a divorce or lawsuit, will your previous treatment for "mental illness" be used against you? It has affected the outcome of custody and divorce litigation; it can keep you from a hunting license and may create fences between you and other goals seemingly unrelated to your short-term counseling long ago. How often have you read the account of some incident in the newspaper listing a subject's previous treatment for depression with medication as a salient fact?

The number of Americans, now estimated as one in five, diagnosed with a mental illness is to a great extent a result of this disease-izing of life. Getting through adolescence, adjusting to an empty nest, grieving a loved one, negotiating the ups and downs of marriage — these are not mental disorders. These are facts of life. By dishonorably folding these figures into the number of persons with real, persistent emotional troubles, the pharmaceutical and psychiatric industries inflate their importance while realistic and appropriate services are often unavailable for both the severely troubled and the get-

ting-through-life clients.

In linking psychotherapy and counseling services to a mandatory diagnosis of mental illness, the leaders of the mental health professions have effectively stigmatized services which for years have facilitated insight and personal growth for countless persons. People are increasingly resistant to counseling because they perceive it to mean one is "mentally ill," which, indeed, it does, on paper, if one uses a health insurance program or community mental health center.

It has affected the outcome of custody and divorce litigation; it can keep you from a hunting license and may create fences between you and other goals seemingly unrelated to your short-term counseling long ago.

Seeking counseling does not constitute proof of mental illness. Responsible therapists, for example, routinely consult with other therapists, for professional advice as well as assistance in keeping our emotions from coloring our efforts to be helpful to clients. Is this is a mental disorder, or responsible professionalism?

Psychotherapy can be a godsend to persons struggling with life problems: overcoming abuse, bereavement, breaking bad habits. But the mandates of diagnosis are stern; bereavement, for example, may last only two months before the wise men and women of the American Psychiatric Association determine it is no longer grief but "a major depressive disorder," a mental illness. This says more about the emotional state of the deciding board members than it does about a husband of many years who has lost a beloved wife.

If a person pays a health insurance premium so that his or her money can be pooled with the funds of thousands of others to pay for services, those services should be rendered accurately, rather than manipulated based on the ethics of the particular professional.

If the current debate on parity in mental health services can include honest public dialogue about the widespread misuse of diagnostic categories as well as the benefits of psychotherapy and caring support in times of emotional pain, it would be a useful process. But it does not. Instead, the medical, pharmaceutical, and insurance industries continue to misrepresent the reality of mental health services to the public. ❑

Letters, *from page 8*

garded freedom of choice and freedom of thought because they wanted freedom from problems. People who make bad choices or have bad thoughts must be stopped before they cause societal harm; that is the essence of "forward-thinking" government. What the Nazis demonstrated is the ultimate end of "progressive" politics. In the name of a better future, what you get is a more controlled future and less ability to distinguish right from wrong. Will you do some measurably good things along the way? Of course, but that does not forgive the far greater evils you will perpetrate. Slovenko believes that we can have the good without the evil, that we can impose solutions upon the "problems" of others without losing sight of what is or is not a problem. He thinks that you can ignore individual rights, the very foundation of a just and moral society, in those cases where it is absolutely necessary, without necessarily causing a fundamental breakdown of justice and morality. His shortsighted perspective is tragic but hardly unique. Don't you think that is what the Nazis thought? Not to mention the Italian Fascists, the Soviets Socialists, the Chinese Communists, the Cubans, the North Koreans, the Cambodians, the ad nauseam?

How many would-be do-gooders does history need to show you before you get a clue?

James K. Lambert
Hopkins, Minn.

How Ralph Slovenko Reads

A paraphrase from C. S. Lewis's *Screwtape Letters* where Screwtape advises Wormwood to activate that most useful skill of "horror and neglect of the obvious" should sum up my take on Slovenko's pathetic criticism of Thomas Szasz:

You should practice reading the writings of Thomas Szasz for an hour and not understanding anything you have read that anyone whose mind isn't clouded with a competing agenda would understand instantly.

Martin D. Kessler
Lynn, Mass.

State Psychiatry

Neither Thomas Szasz nor Ralph Slovenko discuss the real problem in psychiatry — medical licensing laws. Licensed physicians work for the state. If they don't please the authorities, they lose their licenses. Add the prescribing laws and the psychiatrist also becomes the gatekeeper for medicines. This was not always the case. Prior to 1910 there were few licensing laws, and America was a far healthier country in relation to other nations of the world.

Lawrence D. Wilson
Prescott, Ariz.

More Trouble With Slovenko

Ralph Slovenko makes serial fallacious arguments, all of which have been addressed implicitly or explicitly within the myriad of works by Thomas Szasz.

Among these arguments are the following elemental errors:

1. He mistakes reliability for validity. Slovenko approves of psychiatric diagnosis which means, he says, that "the diagnosed person was mentally ill, and ill in a way that different psychiatrists could reliably recognize." When such agreement is accomplished, it merely means that psychiatric practice is sufficiently routinized to the point that behavioral syndromes lead to a consensual conclusion. This is irrelevant to the crucial criterion of validity, which means a concept measures what it claims to measure.

If all psychiatrists agree that speaking a "word salad" corroborates a diagnosis of "schizophrenia," that makes the diagnosis reliable. But it doesn't make it valid.

2. Slovenko argues that when an individual has a salutary reaction to an alleged therapy, it proves that there must have been a disease entity causing the initial behavior. The fact that a chemical agent or talk therapy has a desired effect on an individual does not *ipso facto* prove a disease is being

continued on page 34

The Many Faces of Mr. Hiss

by Ron Capshaw

Alger Hiss had everything going for him: wealthy parents, powerful friends, an Ivy League education . . . So why did he become a spy for the most murderous dictator in history?

The reasonably certain authenticity of the Venona telegrams has provided historians with the opportunity to move beyond the tired old debates about Woodstock typewriters in the Hiss case and simply ask: why did Hiss steal American secrets and pass them on to Stalin's intelligence service?

Hiss sympathizer Kurt Vonnegut has criticized detractors for hammering Hiss' personality into the mould of one-dimensional Stalinism, but the more thoughtful of these critics are frankly baffled by Hiss. Reviewing Hiss' post-prison book, Sidney Hook wrote that "one misses the passionate protest and burning sense of outrage usually found in the writings of those who consider themselves unjustly accused." Richard Crossman complained, "there is not one paragraph or a line about the man Alger Hiss or his wife Priscilla." Even his supporter Dean Acheson pronounced Hiss an enigma.

But beneath the passionless facade, there was a personality. To those in his party cell, Hiss was a rather "romantic" communist. This description may explain Hiss' purported "exhilaration" at going to prison. Here was an opportunity, after years of hiding his ideology behind government service, to make a sacrifice. But the self-sacrificer was also a sacrificer of others (a noted Stalinist characteristic) — his colleagues, his friends, even his son — by allowing them to go out on a limb for him that he knew one day would break.

Hook's observance of a passionless Hiss may lead us to another area of Hiss' personality — one that is free of guilt. Hiss himself provided hints of such: "I can't understand people who tell me they are ashamed of something. I have done nothing of which I am ashamed." Hiss even admired the Mafiosi he did time with, pronouncing them "healthy" because they had no sense of guilt. Isaac Deutscher described the ex-communist, "He is haunted by a vague sense that he has betrayed either his former ideals or the ideals of bourgeois society."

But Hiss, as far as we know, never did express guilt over his communist espionage. And as for bourgeois ideals, he had no ethical problem with wrapping himself in the New Deal flag.

How could Hiss perform his two roles without snapping under the pressure? Other spies from the same period confessed to the overwhelming pressure of their double lives. Klaus Fuchs has written of a successful way of coping with this double life by establishing a trip wire that until crossed, could allow him to relax:

> I could be free and easy and happy with other people without fear of disclosing myself because I knew that the other compartment would step in if I approached the danger point.

This may have been the modus operandi of Hiss. Hiram Haydn, an editor at Random House, describes an odd interview with Alger Hiss. Haydn describes how mask succeeded mask and role succeed role throughout the interview. At first, Hiss was quiet and dignified, then aggressive and authoritarian, and then "he seemed abruptly defensive. There was fear and suspicion in his expression and he answered me in guarded monosyllables."

Still, the double burden of government work and espion-

age activity in the 1930s that became, after 1949, a triple burden with the addition of the victimized New Dealer role, had to have caused some form of pressure. But all of those who came into contact with Hiss remarked on Hiss' supreme confidence. Nathan Weyl, a fellow Soviet spy, remarked that Hiss was "always sure of himself." His government colleague, Jerome Frank, wrote that Hiss was "eminently well-balanced." This self-confidence, combined with his reported "deep commitment" to communism, may have given him the strength to juggle roles.

A compartmentalizer who knows no guilt — that may be a working description of the Hiss personality. By day, he works in New Deal Washington; by night, he is leaking documents to communist agents. At Yalta, he arrives with the American delegation; later, he is decorated by the Soviets for secret services rendered. Mask upon mask, layer upon layer.

To those in his party cell, Hiss was a rather "romantic" communist. This description may explain Hiss' purported "exhilaration" at going to prison.

Added to this portrait though is a playful, mocking Hiss, a catch-me-if-you-can personality. Again, Haydn proves instructive:

> He became gaminlike, elusive, answering my questions with the manner of a shrewd, precocious boy who was playing games and admiring his skill at them.

There appears time and again a Hiss who drops clues to his opponents during the verbal sparring. The House Committee on Un-American Activities was privy to this game, if not fully aware of it, when Hiss implied in his testimony that the 1930s were a much better era for relations between communists and liberals, the party line at the time of his questioning.

The clue-dropper appears in his autobiographical reminiscence of Stalin at Yalta, the same Yalta where he was decorated by the Soviets. In "Stalin, the Enigmatic Host at Yalta," Hiss follows the trajectory of his bizarre session with Haydn. He begins with a mask of anti-communism (Stalin is a ruthless dictator who butchered his people) followed by a bold gesture, a peek behind the mask (Stalin is considerate and intelligent — the Stalin portrayed in the Hollywood film *Mission to Moscow*); more importantly, he is a populist who waits patiently in line behind his staff to go to the bathroom while the aristocratic Churchill retires to his privy in his suite. Finally, a retreat back to safety, the trip wire alerting him: Stalin is brutal.

But this portrait still does not supply us with why Hiss did it. Was it the ultimate game for him? The ultimate gamble? Or was he a deeply committed partisan as Whittaker Chambers has argued? Until documented admissions from Hiss' papers become available, the jury, unlike the one in 1949, is still out. ❑

Letters, *from page 32*

relieved. No doubt providing a sensuous, beautiful woman to an upset spurned male would in some cases relieve his anxiety; this does not make such provision an authentic therapy.

3. Using the pathological criterion of demonstrable lesion as disease, Szasz has repeatedly over time emphasized that if schizophrenia could validly be attributed to a brain lesion — as Parkinsonism can be — then it would an authentic illness. His argument is that schizophrenia would then be a neurological illness, not a psychiatric disorder; moreover, he submits that in psychiatry the term schizophrenia is used inconsistently.

4. In depicting the role of psychiatrists in the criminal justice system Slovenko argues that it is the court which rules, not the psychiatrist. This is a profoundly disingenuous argument, for it merely asserts without proof a hierarchically inferior role of the psychiatrist. One could easily argue that it is repeatedly psychiatric expertise to which courts typically turn to make final dispositions in the "law-psychiatry intermix." And, speaking of which, Slovenko unquestioningly parrots the new received wisdom that "Not Guilty by Reason of Insanity" (NGRI) represents the "rare" case, ignoring the deep involvement that psychiatry wields in the criminal justice system in alternative sentencing, mitigation of sentences, plea bargains, and the like. Moreover, the percentage of successful NGRI cases, generally accepted to be a quarter of one percent, masquerades the fact that over the years this misleading statistic translates into thousands of cases.

Richard E. Vatz
Towson, Md.

Bradford's Bias

In the August 2002 *Liberty*, R. W. Bradford said that the Libertarian Party has run in eight presidential elections. This is true. He also said the party did better in its first four presidential elections than it did in the more recent four. This is false.

Carrying the party's presidential showing out to three places past the decimal, the results have been:

1972	.005%	1980	1.065%
1976	.212%	1984	.246%

Average for the first four presidential elections: .382%.

Then:

1988	.472%	1996	.504%
1992	.279%	2000	.365%

Average for the four recent presidential elections: .405%.

If Bradford wanted to be accurate, he would have said, the Libertarian Party had lost its second four presidential elections by about the same margin that it had lost its first four. But Bradford has an emotional bias against the Libertarian Party, and the joy he takes in belittling it overcomes his joy in being strictly truthful.

Richard Winger
San Francisco, Calif.

Bradford responds: I have enormous respect for Richard Winger, whose data-gathering is a huge help to those who analyze the performance of all third parties and who shares a

continued on page 52

Essay

Practical Idealism

by Wendy McElroy

You'd better be careful about what your ideals are. They determine the world you live in.

Many factors have contributed to the recent economic collapse in Russia, but one of the most prominent is the lack of institutions that constitute the "rule of law." Russia simply does not have in place the basic social structures — such as a predictable and accessible court system — upon which the daily functioning of the market depends. As the totalitarian structures were swept away or rendered ineffectual, free market ones did not arise to fill the vacuum. For example, there was virtually no means by which to register land titles or to enforce business contracts. In *Socialism,* Ludwig von Mises observed that "it is no accident that it is precisely in the defense of property that Law reveals most clearly its character of peacemaker." Without a tradition of common law to draw on and hindered by a lumbering government, law cannot function as a peacemaker.

The laws and customs of a society are embodied by its institutions, like the family, the court system, and the church. Institutions evolve over a long period of time to reflect the history and dynamics of a culture. For example, the institution of common law, though hardly perfect, has the charm of having evolved on a grassroots level to meet the real, perceived needs of people. Similarly, the institutions of money and the market arose naturally to satisfy human needs and they continue to adapt in response to changes in those needs.

But to say that society's institutions arise naturally is not to say human beings do not play an active role in shaping them. Trial by a jury of one's peers, for example, was a procedure consciously conceived of in order to maximize the justice of verdicts. At some point, specific individuals decided to employ this procedure, which then weathered the test of time well enough to become a cornerstone of Western jurisprudence.

Politics is the institution with which contemporary libertarians seem most preoccupied. Libertarians often observe that the political system "institutionalizes corruption"; that is, that current political structures and procedures inherently tend toward bad results, such as the redistribution of wealth or the personal corruption of those who are elected. In a sense, this is an optimistic view of things. If institutions can be sculpted so that they result in corruption, then they can be designed in order to minimize it. They can be designed with a tendency toward freedom rather than tyranny. The Founding Fathers attempted to embed "proper" tendencies within government institutions when they constructed a system of checks and balances in order to curb the centralization of power.

The specific structures and procedures of any institution will largely determine the results it produces. Although the institutions advocated by libertarians may seem minimal — socialist Ferdinand Lassalle ridiculed it as "a night watchman state" — it is crucial that they embody free market ideals rather than statist ones, because the structure will determine the result. For example, the procedures must respect the consent of each human being rather than impose majority rule (democracy) upon unconsenting individuals.

The question becomes: how can institutions be designed so as to tend toward realizing libertarian ideals? Answering this question requires a bit of backtracking as the concepts of "ideals" and "idealism" have come under vigorous attack within the movement, and they require a defense of their own before proceeding.

Libertarians as Inescapable Idealists

Anyone who advocates a society or a social condition that is remarkably different than what exists is an "idealist," that is, a person who favors things as they might or should be

rather than as they are. Being a libertarian means advocating a society based on individual rights rather than on collective social control. It means arguing for a social structure that is markedly different than the current one. Thus, libertarians are idealists, whether they like it or not. Part of trying to alter the basic rules of society is to have a vision of the proper rules and proper structures that it should have, but does not.

There are two distinct forms of idealism, both of which are practical and useful. The first is almost a psychological position. I am an anarchist, but I never expect to see a perfectly voluntary society — that is, one without crime and violence — just as I never expect to be in perfect health. Yet I advocate society by contract just as I take vitamins every day, because I want to get as close as possible to both ideals. The only way I can approximate this ideal is to hold it firmly in front of me as a standard against which to measure the world. In this sense, an ideal is like true north on a compass, and it serves a valuable function whether or not true north (the ideal) can be reached. This is the form of ideal embodied in the wording "things as they . . . should be."

The second form is more practical. Ayn Rand was fond of claiming there was no contradiction between the ideal and the practical. If an ideal is being used as blueprint on which to construct reality, e.g. the ideal of privatizing roads, then Rand is undoubtedly correct. If the blueprint is inherently flawed and cannot be translated into reality however you alter surrounding circumstances, then it is flawed and should be abandoned as a blueprint. This is form of ideal embodied in the wording "things as they . . . might be."

Both forms of idealism are valuable in designing institutions that will act as vehicles for individual rights, rather than as barriers to them. Consider the court system. Some legal theorists, such as Randy Barnett, have argued that only civil courts should exist in a libertarian society because all that can properly be redressed or restituted are crimes against property rights, including property in one's own person. When held up to be measured against the true north ideal of libertarianism — namely, the primacy of individual rights — the court system suggested by Barnett fares well. Having ascertained this, it is appropriate to move onto the next and more difficult stage of idealism: how can the ideal be best translated into a practical reality? The answer is far from clear. Would a purely civil court system use the traditional civil standard of a "preponderance of the evidence" or the traditional criminal one of "beyond a reasonable doubt'"? Would there be a presumption of innocence? These procedural matters would evolve over time as people struggle to construct an institution that expressed and furthered the ideal of individual rights. It would evolve naturally in the presence of competing solutions to the problem.

I am an anarchist, but I never expect to see a perfectly voluntary society just as I never expect to be in perfect health. Yet I advocate society by contract just as I take vitamins every day, because I want to get as close as possible to both ideals.

Consider another institution: tariffs. Some libertarians have argued that revenues acquired through custom duties could serve as a substitute for those raised through taxation. When held up to be measured against the true north of libertarianism — again, the primacy of individual rights — there can be no justification whatsoever for the institution of tariffs. Such duties clearly interfere with the individual's right to trade freely. Neither the institution's goal nor its design — its internal structures and procedures — can be used to further individual rights, only to violate them. The institution of tariffs cannot be reformed or harnessed for libertarian good. It is a step in the wrong direction, and libertarianism should only consider how it can be eliminated as swiftly as possible.

Although I might well excoriate someone who stole $10 from the purse of a friend, I willingly shake the hand of a professor who fought for a position in which he receives hundreds of thousands of dollars of stolen tax money.

Institutional Analysis

Socialist historians and political thinkers have developed a sophisticated institutional analysis of society. Libertarians might do well to do the same, and not merely because there is a vacuum of theory to be filled. In the absence of sound institutional analysis, libertarians have adopted attitudes and positions that act as barriers to their ideals being realized.

One example is the cavalier attitude with which most libertarians view their relationship to institutions. Almost all of us behave differently toward institutions than we do toward individuals. Libertarian professors at state universities pocket tax money, while insisting "taxation is theft." Libertarian candidates accept matching funds because buying more publicity advances the cause of liberty. These are voluntary actions, which are different from those taken under duress, such as paying taxes.

The usual criticism of those who voluntarily accept tax funds — when any criticism is voiced at all — is that the recipients are not really libertarians. The usual defense is that implementing principles is a complicated matter. What does this discussion have to say about the libertarian view of institutions? Even those of us with poor enough manners to raise questions about tax-supported professors regularly number "the accused" among our closest friends and sometimes even accept them as intellectual mentors. I certainly do. Like most other libertarians, I tend to apply a different standard of ethics to dealing with other individuals than to dealing with institutions. Although I might well excoriate someone who stole $10 from the purse of a friend, I willingly shake the hand of a professor who fought for a position in which he receives hundreds of thousands of dollars of stolen tax money.

Several factors may account for the different standards of ethics. Perhaps institutions are seen as cold and corrupt. Perhaps so many steps exist between the theft of money

continued on page 52

Report

Crossroads in Indianapolis

by James Barnett

Libertarian Party members came to their convention to deal with some serious problems. When push came to shove, well . . .

This year's Libertarian Party Convention was held in Indianapolis, Ind., "The Crossroads of America." The party itself was at a crossroads, having to deal with four different crises. Its most immediately pressing problem is its financial crisis: the party has been hemorrhaging cash for nearly two years, mostly because its membership is declining, though its members are also donating less than in the past. The second problem the LP needed to solve is how to stop the decline in membership. Its third crisis is its failure to win elections: after three decades, running thousands of candidates and spending millions of dollars, the LP has failed to win any significant partisan election. And its fourth crisis is how to deal with the problem that its standard-bearer in the past two presidential elections conspired with other party leaders to violate fundamental party principals by secretly hiring the party's top official to help him capture the party's nomination and then laundering funds to compensate him.

These were the problems the party faced as delegates arrived in Indianapolis. But people don't necessarily go to conventions only to deal with serious problems. They also go to conventions to have fun. As I drove to Indianapolis, I wondered: how will the assembled members face these issues?

I arrived in town the night before the convention sign-up. Tired from a long drive, I verified that indeed I had found the right hotel, the right convention center, and, for that matter, the right city. Then I headed off to find my hotel room and get some sleep.

I was up bright and early the next morning and set out to find the media room. I could not find it, but I did manage instead to find the operations center, where I ran into Bill Winter, the LP communications director. He told me that *Liberty* would be denied press access for its "consistently biased coverage" of the Browne campaign and the Libertarian Party. He wouldn't even give me a brochure listing the events. If I wanted to cover the convention, he said, I could join the LP and buy a conventioneer's package at a cost of several hundred dollars. I called *Liberty*'s editor, Bill Bradford, with this strange news, but it was still early on the West Coast, and Bradford hadn't yet made it to the office, so I left a message.

While waiting for him to call me back, I came across one of the candidates for LNC chair, Eli Israel, who was holding court with supporters and campaign workers at the hotel's in-house Starbucks. I asked him and his supporters why he was right for the job. One supporter said, "Israel frames his words only in positives." Israel himself boasted of the impressive membership growth record of the Massachusetts LP under his chairmanship; it now has over 700 active members. He supported the re-election efforts of Ken Bisson, the current vice chair, praising his "focus and commitment." "You want him a heartbeat away from the chairmanship because he's accomplished," Israel joked. "I want him a heartbeat away because he's a physician."

Israel's opponents for national chair were former Texas state chair Geoffrey Neale and George Phillies, a physics professor at Worcester Polytechnic Institute, also in

Massachusetts. Israel had been the most vehement apologist for Browne, former national chair David Bergland, national director Perry Willis, and the others who had defrauded the party. Phillies was a longtime critic of the Browne people and an advocate of a more decentralized party. Neale was a newcomer on the national party scene, but he was also generally perceived as being critical of the Browne people. Most observers believed that no candidate could win on the first ballot, after which either Phillies or Neale would drop out, and the race would come down to Browne candidate Israel and an anti-Browne candidate, either Phillies or Neale.

I then attended the business meeting held by the party's National Committee. Treasurer Daryl Martin started off his remarks with "I told you so," alluding to the $1.3 million deficit that the party incurred last year. Revenue had fallen, he said, because of the recession and the Sept. 11 attacks. "I think Sept. 11 was definitely to blame for that month," he said. "Revenue for that month was only $98,000. You have to go back to 1996 to a get a month's revenue less than that."

Party founder David Nolan gloomily predicted the party's demise.

A controversy briefly flared when committee member Joe Dehn brought up the matter of *LP News*' allowing certain advertisers — including Eli Israel — to delay payments for months at a time. This raised suspicions of favoritism by staff for certain candidates for party office. Dealing with the issue was delayed until further information could be gathered.

After the business meeting, I sat in on a luncheon for the Libertarian Victory School, where the topic of conversation was the party's platform. The Platform Committee proposed creating an "executive summary." This was to be the party platform, shortened and broken down by issue. The committee hoped that by distributing the planks piecemeal, candidates and local parties could explain the party's positions while driving away as few potential voters as possible. They also hoped that, unlike the complete platform, someone might actually read them.

Finally, the convention itself began. Conventioneers funneled into the hall to get their credentials and complimentary CSPAN bags. One attendee carried around a svelte guitar and strummed it for small audiences in the hall. Geoff Neale walked down the registration line shaking hands and passing out chocolate coins, urging passersby to vote for him. An Ed Thompson supporter asked Neale his opinion of Jesse Ventura. Neale said he didn't approve of going the celebrity route. He didn't think they were reliable, citing Howard Stern's bid for governor, which ended very quickly when Stern refused to disclose his personal finances, leaving the party with no candidate.

Bradford got back to me, and was as puzzled by Winter's strange decision to ban *Liberty* as I was. He told me he'd see what he could find out and call me back as soon as he did.

As registration continued, I spoke with George Phillies in his hospitality suite. Phillies spoke of the role of the national party, which he thought should bring "inspiration and support to Libertarians across America." But, he added, "we can't tell Libertarians what to do, and we shouldn't if we could." He said that, unlike the other candidates for the national chair, he thought it was silly to run the LNC like a business since the Libertarian Party is a voluntary organization.

Phillies pressed for closer ties to sympathetic groups like the Pink Pistols and the Liberty Belles. When asked about the LP's declining membership, he thought the national office's aggressive fundraising might be a factor. Phillies was outspoken, intelligent, and filled with ideas about the party's organizational philosophy. "The Libertarian Party was not created to bury our members in fundraising letters," he said. "Building the party by recruiting members is like making the sun rise by finding a rooster and pinching it in the backside until it crows! It won't work!" It was strange to watch a professor spit out polished sound bites.

That evening Bradford called me on my cell phone. He told me that he had spoken with party director Steve Dasbach, who had assured him that he and party chair Jim Lark would talk to Winter and get him to give me press credentials. Later in the day he told me that I would be given a press pass, though it would omit any mention of *Liberty*. Tomorrow morning, I could finally begin to cover this convention in a more conventional fashion.

In a chipper mood, I attended the opening ball. Someone said, "There are underage children at the bar, so this must be a Libertarian convention."

I returned to the media center in the morning and found Bill Winter, who told me that Lark had asked him to give me a press pass, but he had refused. This left me little alternative but to buy basic membership into the Libertarian Party if I wanted to cover the convention, which I reluctantly did.

The floor was half empty when I arrived. There were 307 delegates registered that morning. Several states had no delegates at all. As the convention progressed, delegates decorated their signs with state emblems. Indiana added a basketball to its sign, Washington added a Grande Starbucks cup.

As mayor of Tomah, Wisc., Ed Thompson eliminated nine of the 24 city committees, knocked $5 million off the city's debt, and held the line on taxes.

In his opening remarks national director Steve Dasbach used hellfire words about the importance of this conference and to announce the lineup of speakers to the convention. This was in stark contrast to the Dasbach I would see running around putting out fires behind the scenes.

During a break I headed back over to the hotel and caught Neale enjoying a cigar at the bar. I asked the Tim Robbins look-alike what he would do first as LNC chair. "Ask for bio information on LNC members and print up business cards for the members." He praised himself for raising membership in Texas at a much lower cost than Israel had done in Massachusetts. He said he truly felt sorry for slinging mud in the chair's race, but cautioned that negative campaigning is the normal state of affairs in any election. On

that remorseful note, I headed back to the convention for the bylaws debate.

The LP convention was in the shadow of a convention of the Church of God in Christ, a Pentecostal church that has grown from 3 million members in 1973 to an estimated 8 million in 1997 and has branches in 52 countries including Italy, Australia, and Japan. Its mostly black delegates were quite a contrast to the mostly white LPers. The Libertarians had to navigate a bazaar of fine church clothing and Holy Bible products to get to the convention floor. One delegate remarked that it was a "cultural shock" walking by the church folk. No one at the LP convention made any effort to set up a booth and sell the ideas of liberty to the COGIC attendees.

Not much was going on, so I sat in on a meeting of supporters of Julian Heicklen, "the most dangerous man in America." Heicklen bragged that he was the number-one most arrested criminal in America for his symbolic acts of defiance, including routinely smoking joints on the Penn State campus. I didn't get to learn much more about him because the meeting quickly devolved into a debate amongst audience members about libertarian purity.

After the Liberty Pledge reception that evening, the delegates crowded together to listen to the chair candidates debate. The first to speak was Geoff Neale. His demeanor was rather theatrical, with his comments broken up by long pauses, which I am pretty sure he thought were dramatic. His campaign goal was to use the national organization to promote good candidates. From there, according to him, membership would grow. He emphasized frugality, and criticized Massachusetts' modest membership growth and high expenses under Eli Israel's chairmanship.

Israel was next. He was a master of audience participation, asking members to clap and stand frequently. When he wanted an applause line, he would back away from the microphone and stare off into space. He received several chuckles for his use of the term "classic libertarians" to refer to the older members. (Carol Moore, a longtime activist who was running for party secretary, somehow found a "Classical Libertarian" button, which she wore for the rest of the convention.) He stressed growth, growth, and more growth. He had stats on how much growth the party needed, though he didn't seem to have a plan to get it.

Last up was Phillies, who repeated everything he'd said to me on Wednesday, including his "crowing rooster" metaphor. Half of his speech was one long tangent on libertarian philosophy, complete with the term, "city on a hill." It was creepy to listen to him plug his political strategy book and talk over applause.

I don't think the debate changed too many opinions.

While this was going on, the Fourth of July fireworks began outside. Alas, the delegates missed the fiery celebration of America's independence.

In the morning session on Friday, the conventioneers debated minor language changes in the party platform, and voted on every plank. Only the abortion plank was close. Another controversy arose over the Platform Committee's motion to change the immigration plank to say, in part, that " . . . in the interest of national security, we recognize the need for respectful screening at U.S. borders for the purpose of denying entry to dangerously criminal or medically contagious persons, to protect the rights and lives of U.S. citizens. We call for the amnesty for all persons who have entered the country illegally and are not proven threats to anyone's health, safety, or rights." This didn't satisfy party purists. A minority report on the new language in the plank pointed out the inconsistency of empowering the government to screen immigrants yet in another place calling for the abolition of the INS. The report went on to say that the new plank "retreats" from the old plank by allowing the government to define the terms "criminal" and "medically contagious," asking whether someone with herpes, or who has committed a drug offense or a "thought crime," could be barred from entering the U.S.

In light of Sept. 11, the party no longer advocates the "abolition of the secret police, such as the Central Intelligence Agency." It now calls for security agencies to be "transparent." The plank still urges the immediate withdrawal of troops from Saudi Arabia and the repeal of the Uniformed Code of Military Justice.

I walked over to the exhibitors. The usuals were there:

Israel had stats on how much growth the party needed, though he didn't seen to have a plan to get it.

the Advocates for Self-Government, NORML, Mary Ruwart. I spoke with Bill Masters, the libertarian sheriff from Colorado. He pretty much confirmed what I had heard on the streets of Indianapolis, "I'm hesitant about legalization, but I think the drug war is a waste."

I didn't make the full round of hospitality suites this time so I missed Geoff Neale's Statue of Liberty costume. I did attend the Ed Thompson suite. It was filled with college students from all the big Wisconsin schools, one of whom I had seen riding his electronic skateboard around the halls.

Thompson had given a fiery speech earlier in the day, getting standing ovations from the floor. If there were a candidate that everyone seemed to like, it was Thompson, who, as mayor of Tomah, Wisc., had eliminated nine of the 24 city committees, knocked $5 million off the city's debt, and held the line on taxes.

Thompson received seven percent in a Public Opinions Strategies survey of 500 registered Wisconsin voters. The poll was published in the *Milwaukee Journal Sentinel* and listed about 21% of the voters as undecided. These numbers are roughly equal to those taken about the same time before Jesse Ventura's successful 1998 gubernatorial run. When I asked Thompson whether it was possible for him to "convert" his brother Tommy to libertarianism, he said, "No. He'll never change. He was a very popular governor of Wisconsin. I asked if he wanted to be lieutenant governor and he turned me down flat." He said that his brother might even be sent by Bush to campaign for Ed's Republican rival, Gov. Scott McCallum. "He's got a boss, and he complies," he said. It wasn't that there is a feud between Tommy and him, he said, it was just politics.

"You've been criticized in the media for your awkward-

ness," I said. "Yeah, they're trying to make me out like a dummy, and I'm very intelligent. I've got an excellent head on my shoulders and a high IQ," he said. "I didn't finish college, but that doesn't make me ignorant. I am awkward, at first. I'm a laborer. I worked behind a bar. I welded cars. I plowed snow. I was not a state representative out around the state giving speeches. I've got heart, and people know where I stand."

I asked of his thoughts about Ventura. "It was an inspiration to meet him," he said. "He broke the mold as a third-party candidate." His campaign strategy, he said, "is to win. I don't have any money. I've spent $250,000, and I've borrowed $200,000 from the bank myself and put it into the campaign."

Finally, the party would elect a new chair. Eli Israel's nomination was first Saturday, and he was nominated by Harry Browne. Browne was there as a delegate from Massachusetts; his own state's party did not elect him as a delegate. Israel had been Browne's strongest defender against the charges brought against him in the National Committee, and now Browne enthusiastically endorsed Israel. It was reminiscent of his enthusiastic nomination of his friend David Bergland for national chair in 1998.

The crowd stood and cheered for Browne, but it was not a repeat of his 1998 nominating speech for Bergland, which most observers believed turned the tide in Bergland's favor. More than a few delegates sat on their hands, and after his speech, fliers were distributed calling for "Anybody But Eli," and accusing Israel of packing the Massachusetts delegation with local supporters of him, Browne, and Bisson.

Neale topped the balloting with 261 votes; Israel came in second with 178, and Phillies third with 123. Phillies withdrew from the race. Israel quickly figured that the end was near: it was obvious that nearly all Phillies' supporters would vote for Neale on the next ballot, giving him a comfortable majority, and withdrew from the race. Phillies supporters quickly moved to have Phillies be reintroduced to the ballot, but their attempt failed.

Neale's demeanor was rather theatrical, with his comments broken up by long pauses, which I am pretty sure he thought were dramatic.

With only one remaining candidate, it looked like the election was over. But party rules require a majority and specify that None of the Above (NOTA) is always a nominee in any election, so another ballot was taken. But Neale heartily beat NOTA.

In his acceptance speech Neale looked like he was about to cry, but didn't. He called for an end to party bickering and for a new consensus. "It's time build. It's time heal. Please join me," he said.

Later that night the conventioneers were awakened by a false fire alarm. Libertarians and church members alike stood on the far street in their jammies waiting for the fire marshal to allow them back in. As I was walking back into the hotel I saw several delegates questioning Lark over party matters — at 3:00 in the morning!

I decided to stick around for the post-convention meeting of the National Committee on Sunday. Neale immediately kept one campaign promise: he asked members for their résumés and bios.

Joe Dehn again raised the matter of the *LP News*' extending credit to some party members but not to others. In a rather tense standoff between Dehn and treasurer Daryl Martin (who had been re-elected without opposition), Martin said that he would have to travel to the party's office in Washington to sort out the matter. Dehn questioned why the matter could not be settled right then, suggesting that the LP accounts are in disarray. The matter was again tabled.

The convention costs were then discussed. New members of the committee could not understand why the hotel costs were so high and why the attendance rate was so low. Don Gorman proposed that the party consider replacing Steve Dasbach, who had negotiated the hotel contract and guaranteed a much larger attendance. The LNC went into executive session, and no decision was made.

Browne was there as a delegate from Massachusetts; his own state's party did not elect him as a delegate.

During the closed session, I spoke with Gary Copeland, Libertarian gubernatorial candidate for California. He was pleased that the party had a new chair and a new LNC. With the election of the new members who favored reform, some badly needed changes might be made. "The Browne people are obviously gone. Browne even said his own epithet in his speech. 'How is this going to continue on?' He knows this is the end of the Browne situation," he said.

David Nolan had given an address the night before the LNC chair vote. In it, he made a gloomy prediction of the party's demise. If the party does not double in membership every two years for ten years, he said, then the party will fold. The only way the party could double is by making a major impact in the 2004 election.

That's why the party activists came to Indianapolis. They had to deal with specific problems and get back on the road to growth. Whether the delegates made the changes needed remains to be seen. But it seemed to me that not enough was done, and that most delegates were relying on blind faith that somehow membership will pick up and revenues will increase.

The election of Geoff Neale and the defeat of Israel indicates that the party is no longer dominated by the allies of Harry Browne, who have pretty much run things for the past several years. But it is easy to read too much into Neale's election. The other three officers were re-elected, including one closely allied with Browne, and delegates returned eight of the 14 non-officer members of the LNC.

Meanwhile, in spite of the "Anybody But Eli" campaign, Geoff Neale told *Liberty* that he saw no "message of dissatisfaction." He added, in the rather pompous style that politicians affect, "I would hope that I was seen as a choice due to

positive factors rather than an alternative to undesirable factors . . . I am most pleased with the caliber and qualifications that the membership has chosen to send to the National Committee, and count myself lucky to have their skills and wisdom to guide me over the next two years."

The only really bright spot, for most delegates, is Ed Thompson's campaign in Wisconsin. Some attendees were even preparing to fly to Wisconsin to help out his campaign weeks before the election.

Hope springs eternal, it would seem, in the breasts of Libertarians. ❑

Fear of the Press

by R. W. Bradford

Real political parties don't fear an independent, critical press.

The Republican Party has never denied *Liberty* press credentials for its conventions. Nor did the World Trade Organization, when we sought to cover its meeting in Seattle in 1999. Nor has any other organization that we've asked . . . not until July 3, 2002, when the Libertarian Party denied our reporter credentials to cover the party's national convention.

Shortly after James Barnett agreed to write a story about the LP convention for *Liberty*, I emailed the LP national director Steve Dasbach to request press credentials for him, or to advise me to whom such a request should be sent. Dasbach didn't get back to me, but I wasn't particularly concerned: I know how busy the party's staffers are as conventions approach, and the LP had more or less routinely granted press credentials to reporters from *Liberty* at every national convention since 1987.

So I was a bit surprised to get a call from Barnett on the day the convention started telling me that Bill Winter, editor of *LP News*, had refused to give press credentials to anyone directly affiliated with this magazine, because coverage of the party in *Liberty* has been biased. I didn't have Winter's phone number, but I had the number for Steve Dasbach's cell phone, so I called him. Dasbach said he'd look into it, and get back to me. Later that evening he said that he and national chair Lark would talk to Winter and assured me that Barnett would be granted credentials.

The next day I got another call from Barnett. Winter had stood firm and refused credentials, and Dasbach and Lark would not overrule him. Barnett and I discussed different ways he might still attempt to cover the story. Barnett eventually joined the LP and attended the business sessions and filed a story.

This is a very amusing development.

The LP for years has complained that the press won't take the party seriously, offering it scant coverage when it covers it at all, and treating it, at best, as a sideshow to the American political circus. There has only been one publication outside the confines of the party itself that takes the LP seriously. And that publication is *Liberty*.

Since our inception in 1987, *Liberty* has sent reporters to every LP national convention, and very often more than one reporter. I myself was among those covering the 1987, 1989, 1991, and 2000 conventions; senior editor Steve Cox also reported from the 1987, 1989, and 2000 conventions. Contributing editors Mike Holmes, Brian Doherty, and Leon Hadar attended the 1987, 1996, and 1998 conventions on our behalf, as have other *Liberty* reporters and staff.

We've opened our pages to several national chairmen, the party's executive director, and numerous other party leaders and activists. We've also published writing of LP presidential candidates John Hospers, Harry Browne and Ron Paul (Hospers has for many years been a senior editor of *Liberty*, as was Browne for a while).

Our editorial policy has remained the same: we take the party seriously enough that we publish intelligent commentary on the party and report independently on its activities. From time to time, some of those writing in our pages have been critical of some within the party, including some at its highest levels. But we've always kept our pages open to responses and other perspectives; Dasbach's article in *Liberty*'s February 2001 issue, for example, was directly solicited by us.

At the same time, what is the rest of the media doing? Normally, the press in the convention city sends a reporter who files a story, treating the LP convention more or less the way they report on other elements of the political fringe. A few major publications will occasionally do a feature on the party, again treating the party as a sideshow, eccentric, or a band of weird idealists. Occasionally, these stories are even positive, especially when they are written by a reporter who happens to be libertarian. Other than that, coverage of the LP is pretty much limited to its own publications, or small circulation publications by activists.

For years, many of the majority of libertarians who are not involved in the LP have argued that the LP is ineffective and a waste of energy, coming preciously close to sharing the major media's view of the LP as an amusing sideshow. Now the LP has banned the only publication that doesn't share this view.

Which makes you wonder: maybe those libertarians and the major media are right. Perhaps the LP has marginalized itself to the point that it is simply irrelevant. Certainly there are a lot of reasons to believe this. While the LP got off to a fast start in the 1970s, culminating in the election of a handful of state legislators and winning nearly a million votes for its presidential candidate in 1980, its electoral appeal has declined ever since, with candidates seldom getting more than a percent or two in contested races for partisan office, despite spending huge amounts of money and energy, and running many times more candidates for office than any other third party.

There has only been one publication outside the confines of the party itself that takes the LP seriously. And that publication is Liberty.

The party's leadership has shown questionable judgment. The party's membership has been declining for nearly three years now, and its revenue has fallen sharply for the past two years. This was quite predictable, and one would think the party's leadership would plan for such a possibility. But it didn't. The sad result is that the party is financially shaky. It even managed to lose a reported $30,000 on the convention just past, thanks to its overestimating the number of people who would attend by a huge margin. Normally conventions are a source of substantial profit.

Cynics among the party's critics suggest that the party's staff has become a self-perpetuating elite, more concerned with their own positions and salaries than with the health of the party. The more optimistic of its critics see the staff as well-intentioned incompetents.

Most of these problems the party brought upon itself. Bad management, wasting resources, raising money for one purpose but spending it on another, paying its professional staff substantial salaries despite the absence of any measurable success — these are all things that could have been prevented by competent leadership. In effect, the Libertarian Party has marginalized itself.

And by banning *Liberty*'s reporter from its convention, it only marginalizes itself further.

It is also amusing that Winter based his ban on the claim that "*Liberty*'s coverage of the LP and the Browne campaign is biased."

On the surface, one might think that the LP's leaders would be pleased that *Liberty* takes the party's activities so seriously, and that *Liberty*'s editor (me) has endorsed in its pages every LP presidential nominee since *Liberty* began publishing. You'd think they'd not be upset with the article that Steve Cox wrote about the 2000 convention or the coverage that I wrote about the 1996 convention either — Harry Browne personally complimented me on it. Nor was Winter unhappy about the article we published that was written by his boss, Steve Dasbach.

No, he's talking about two or three subjects:

1) The reports that our editorial team made in 2000 about charges against the LP and its 1996 presidential campaign made by longtime party activist Jacob Hornberger. We concluded that Hornberger's charges could not be completely substantiated by the evidence then available; but our investigation revealed that the Browne campaign had raised funds under false pretenses and substantially misrepresented how it spent the money, over 40% of which was paid to staff, and virtually none of which was spent on advertising. We also examined public information about the party's "Project Archimedes" membership drive, and found evidence that it was systematically misrepresented to the membership and used fraudulently to raise funds.

It's not clear whether Winter and national director Dasbach, who refused to overrule Winter's petulant decision, want to operate without substantial press reportage and without independent criticism or whether they think they can intimidate those who write for Liberty.

2) The analysis of the 2000 election results, which put a less-positive spin on the party's showing than the party's staffers put on it in the party's publications.

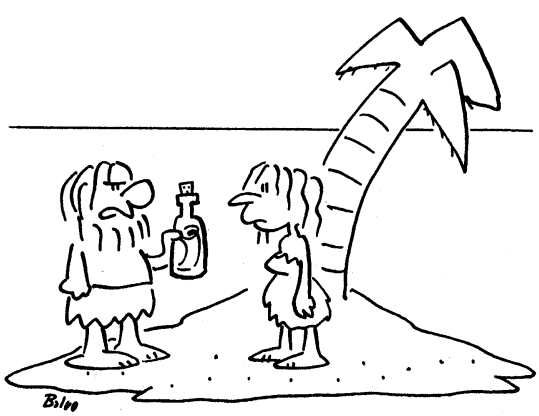

"Can you believe this? — the bottle was returned for three cents additional postage!"

3) *Liberty*'s breaking and reporting the discovery that Browne had secretly hired the party's national director to work on his behalf prior to the 1996 nomination, and paid him with laundered money, and at least some of the subsequent commentary that we published on the subject.

It's not clear whether Winter and national director Dasbach, who refused to overrule Winter's petulant decision, want to operate in the dark, without substantial press reportage and without independent criticism, or whether they think they can intimidate those who write for *Liberty*.

But one thing is clear: this is another sad episode in the Libertarian Party's self-marginalization. ❑

Memos to Libertarian MIAs

by Ken Sturzenacker

A lot of Libertarians chose not to attend the LP convention. An LP veteran brings them — and an LPer, MIA for 20 years, who did appear in Indianapolis — up to speed.

If people are known by the company they keep, the growing number of people no longer willing to be seen in public with the Libertarian Party are, at the very least, indicative of a severe public relations problem.

Membership in the national LP has dropped nearly 25% since Nov. 30, 1999.

Attendance — paying attendance, that is — at the LP's recent national convention in Indianapolis was down from both the 2000 presidential year in Anaheim, Calif., and the 1998 event in Washington, D.C.

How far down? Rooms at the LP's headquarters hotel, the downtown Marriott, were available on Priceline.com for $57.

To a few of those former LP activists who chose not to attend this year, short notes from the road are in order:

To: Don Ernsberger
Founding Member of the LP
Pennsylvania

Dear Don,

Before you left the LP at the end of the '96 campaign, you had spent months commuting to D.C. in preparation for the '96 presidential nominating convention. During your visits to LP HQ at the Watergate, you'd seen boxes of Harry Browne for President campaign literature; you'd known that during the early months of the Browne campaign its delivery address was the private mail facility across the courtyard from the LP's offices at the Watergate.

Given the number of months you saw open boxes of Browne campaign literature at LP HQ prior to the '96 convention, you were convinced there was no way Steve Dasbach, then the LP national chairman, could not have known that the Browne campaign was being aided from inside HQ.

Nothing's changed. Dasbach says he is the one who decided to invite Browne and his 1996 campaign co-chairman, David Bergland, to speak in Indianapolis. Dasbach was an enabler for Perry Willis throughout Browne's campaign; apparently, he has not changed a bit.

When the reporter for *Liberty* magazine introduced himself to Browne in the convention hall Saturday, Browne refused to talk to him.

To: Bill Bradford
Editor and Publisher, *Liberty*
Washington

Dear Bill,

You already know Browne was not the only one to stiff your reporter, James Barnett. In his petty, two-year-old snit, LP communications director Bill Winter refused to grant Barnett press credentials. Winter pretended not to know, or care, that Barnett was on his way across country to *Liberty*'s offices in Port Townsend, Wash. for an internship, or that he had not yet met you in person. As far as Winter was concerned, Barnett was persona non grata simply because

"*Liberty* has written negative stories" about the LP.

Most delegates don't know that Barnett had to join one of the state parties, Virginia, just to get access to the floor. As a result of Winter's temper tantrum (before leaving the direct employ of the LP for a freelance contract as editor of *LP News*), Barnett was denied access to the many speakers outside the convention hall who may have made interesting copy, some of it perhaps positive enough to satisfy even the persnickety Bill Winter.

To: Gene Cisewski
Former LP National Director
Wisconsin

Dear Gene,

Do you still have audiotapes of the 1998 convention? If you want to know what Harry Browne said in his speech nominating Elias Israel of Massachusetts for national chair, listen to Browne nominating David Bergland four years ago. "Double the membership in two years, double it again, and double it again . . ."

We all know how well that worked. At the end of May 2002, LP national membership was 470 less than it was at the end of May 1998. At least this time, fewer than 180 delegates bought the fantasy.

Oh, yeah, judging by the receptions they got, looks like Ed Thompson, LP candidate for governor in your state, may do substantially better than the LP candidate for governor in Eli Israel's home state.

To: Jacob Hornberger
Keynote Speaker, 1996 LP Presidential Nominating Convention, 2002 U.S. Senate Candidate
Virginia

Dear Bumper,

Judging from the "What's New" section of hornberger2002.com, your campaign website, you earned far more value from campaigning for the U.S. Senate in Virginia than you would have gotten with a long weekend in Indianapolis.

Who knows? Maybe LP national chairman Jim Lark would have refused to give you credentials as a delegate. After all, his voice was the loudest, insisting you not run as a Libertarian.

Knowing you, you would have found a huge audience anyway. Some 16,000 people attending the conference of the Church of God in Christ — a virtually all African-American denomination — were between the LP's convention hotel and the LP's meeting hall. For years, you've been preaching outreach to minorities, and your Op-Ed program at the Future of Freedom Foundation has demonstrated growing acceptance within both the black and Hispanic communities.

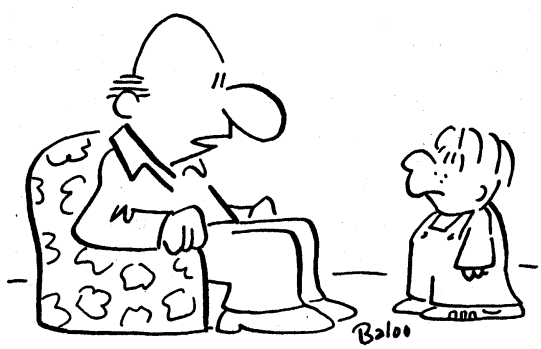

"I hereby sentence you to school for twelve years."

Half of the 16,000 were registered delegates, the other half families, from babes in arms to teenagers. How many pulpits and congregations they represent is anybody's guess, but a thousand might be a fair starting point. They were there to hone their outreach skills; many LP delegates seemed most interested in the quibbles over the bylaws and platform.

The marketing geniuses at LP HQ did not prepare any material for this group. Nothing on the War on Drugs, which puts such a large percentage of African-Americans in jail. Nothing on Social Security, even though African-Americans have a shorter life expectancy than whites. Nothing advocating choice in education, even though government schools in inner cities across the nation — filled mostly with African-Americans and Hispanics — are among the worst in the world. Nothing at all. From the perspective of the LP HQ staff, the party had nothing to say, no tool for outreach, to 16,000 middle-class black Americans of faith.

You know Betsy Summers, Pennsylvania's highest ranking Libertarian officeholder? She spent a lot of time in conversation with ministry conference exhibitors, and bought 1,000 copies of the "World's Smallest Political Quiz" to distribute back in Wilkes-Barre and the rest of Luzerne County.

To: John Famularo
Former LP National Secretary, 1993–1996
Pennsylvania

Dear John,

Perry Willis, Jack Dean, and Sharon Ayres weren't there either. In one of several "P.S.s" in his June 1997 fundraising letter, Willis claimed that he had "only" been able to contribute $300 to the LP and the Browne campaign during 1996.

Since then, of course, the LNC has learned that Steve Dasbach, then the LP national chairman, had secretly granted Willis a contract with a couple of nifty incentives based on membership and fundraising — without consulting the LNC first. And you've disclosed that Willis was paid under the table for work for Browne's campaign in violation of his contract as an employee of the LNC.

1996 was the year many of us gave the $2,000 legal maximum to Browne, plus the $1,000 max to vice presidential candidate Jo Jorgenson, and paid our own way to the convention — plus whatever contributions we made to other candidates. By comparison, Perry was Scrooge.

To: Ed Crane
President, Cato Institute
LP National Director, 1973–1977
Washington, D.C.

Dear Ed,

What were you thinking, really, sitting there at the head table during the banquet Saturday night waiting to accept the LP's Champion of Liberty award?

You remember the banquet in 1979? Far more people attended after the LP had nominated Ed Clark as our presidential candidate, out of a membership base perhaps 40% of

what it is today.

But the contrast between the LP and Cato could hardly have been more stark: a couple of hundred folks at $100 a ticket at the LP dinner, versus a couple of thousand at $250 a pop at both your 20th and 25th anniversary events.

Cato doesn't finish its events in the hole either, does it? Of course, Cato doesn't refuse to give press credentials, ignore potentially receptive audiences, or shun one of its most effective, persuasive spokespeople. ❑

Convention Diary

by Carol Moore

Down in the trenches, the action — and confusion — is hot and heavy.

As a 23-year member of the Libertarian Party, I always tell people you can have a lot more fun with it if you don't take it too seriously. Unfortunately, I don't always take my own advice.

So at the 2002 National Convention I once again found myself deeply involved in trying to influence the decisions of both the delegates and of the Libertarian National Committee through two groups I helped initiate — Libertarians for Peace and Pro-Choice Libertarians — and through running for secretary against longtime LNC honcho Steve Givot.

I won a few battles and lost a few — and have more entertaining stories about the struggles between those motivated by principles and those motivated by prestige, perks, paychecks, promotions ,and all the other trappings of political power. Jefferson said that revolutions have to be fought at least every 20 years. In the Libertarian Party, we have to fight them at every convention.

Wednesday, July 3

The pre-convention Libertarian National Committee meeting, with chair Jim Lark presiding, began with the treasurer's report. In the spring of 2001, Daryl Martin took over for LNC treasurer Mark Tuniewicz, who quit without explanation, prompting speculation that he was disgusted with the staff's financial shenanigans. At the pre-convention meeting of the Libertarian National Committee, Martin argued that the LNC had to change its culture of budgeting and use more project accounting to avoid continuing budget shortfalls, something I remember being discussed at the December 2001 LNC meeting — and how many times before that? Martin blamed the drop in membership on the recession, the Sept. 11 attacks, members' refocusing on local activism, and the disappointments from the 2000 elections. He didn't mention that by losses in membership caused by the "Sept. 11 attacks," he meant all the people who bailed once they realized the party meant it when it said it was noninterventionist. And he didn't mention all the Republicans brought in by Project Archimedes who left when George Bush was elected. Nor did he mention those disgusted by presidential candidate Harry Browne's involvement with former LP director Perry Willis' improper work for his campaign — not to mention those disgusted because Browne was investigated at all. (Many Browne fans hope that once any FEC-related statute of limitations has passed, Browne will apologize publicly to LP members for this failure of judgment.)

Given the headquarters' profligacy ($100,000 a year office space, comfortable salaries for longtime bureaucrats, the ability to fork out tens of thousands of dollars to help LNC or staff cronies in need), some members still worry about the future of the national Libertarian Party. Will those used to prestigious offices and good salaries be willing to downplay principles to keep membership steady and the money flowing in? Are they doing so already?

❖

The Party's new director of marketing, Mark Schreiber, has 25 years of experience; reportedly, his work for Chi Chi's restaurant is one of his biggest successes. He said that he sees "potential problems" in developing the LP as a "brand," namely, the Statue of Liberty logo, the name of the party ("Liberty Party" might be better), the slogan "the Party of Principles," and strategies like Politically Homeless Booths. "Replacing these would just make my job a lot easier."

At the state chair's breakfast the next day, Mark began the same spiel by telling the sad story of how when he was running for Indiana lieutenant governor he did a long interview with a reporter. The final story focused on the Libertarian Party's support of child pornography, which is

how the reporter interpreted the LP national platform. I got disgusted and walked out.

It seems to me that implementing his proposals would probably mean that a few LNC members and staffers would shape a new LP image — and then expect us all to kowtow to it. But the LP is not an owner-controlled business that can shape and control a narrow image; it is an organic political body that must allow different state parties and individual candidates to craft the image that best suits them and their constituents.

Eric Caron, the new director of development, reported that he had raised his whole salary for the year in his first month on the job. Caron, who formerly worked for The Heartland Institute and a D.C. membership association, is calling up dozens of major donors who haven't been called in years by anyone who knows how to get money out of them. And he is going out and meeting with libertarian think-tank types and libertarian-oriented special interest groups.

Many Browne fans hope that once any FEC-related statute of limitations has passed, Browne will apologize publicly to LP members.

I've asked him what he would do if some major donors offered to contribute only if the LP softened its message on some issue. He assured me he'd make it clear the LP would not sell out its principles — and try to get their money anyway. His biggest problem is an incredibly clunky database and accounting system. He is looking forward to using the popular development and fund-raising software Raiser's Edge, which the staff is currently exploring on a trial basis. The treasurer is leery of the Raiser's Edge program and warns ominously that it will cost at least $80,000.

❖

LNC member Joe Dehn brought up that he hadn't received the report on who owed the LP money for more than 60 days. He requested the report at the March meeting and operations director Nick Dunbar implied he would get one out. Another LNC member tried to pooh-pooh the problem but Dehn demanded a response. This had been an issue during the 2000 campaign when Harry Browne had been allowed to pay for *LP News* advertisements at his leisure.

Nick confirmed that the only real debts were those due *LP News*, and that only Bill Winter knew the answer. Winter was standing in the back of the room, but no one asked him to report. I sensed a heavy blanket of fear and intimidation hanging over the whole discussion.

Treasurer Daryl Martin said he did not ask for regular reports on this and assumed there were not many *LP News* accounts receivable overdue. Steve Givot huffed that he was against the idea of individual LNC members asking for the report because that's an Executive Committee job. Joe Dehn moved that there should be a regular report of all accounts receivables over 60 days. This passed.

❖

Every year the LP hands out the Sam Adams Award for Outstanding Party Activist, the Thomas Paine Award for Outstanding Party Communicator, and the Thomas Jefferson Lifetime Achievement Award. In the past nominations were requested well in advance through *LP News*. This time there was only a rather late email from LP HQ.

Massachusetts gubernatorial candidate Carla Howell immediately sent out repeated requests for supporters to nominate her, her partner and fundraiser Michael Cloud, and Harry Browne for the awards. Even though Browne and Cloud had each won one previously. Not surprisingly, the three of them got eight to ten times as many nominations as the next highest scoring candidates. Given the skewed results of the nominating process, the LNC decided to remove the awards from the convention's agenda.

❖

Steve Givot, who has been trying to gut the platform for years, fantasized out loud at the December LNC meeting about the delegates suspending the rules to vote on a brand-new platform — one he obviously hoped to have a hand in writing. This idea met opposition. However, the LNC can issue a new party program at any time and had not done so in eight or nine years. So Givot satisfied himself with rewriting the program.

The program that he and the staff came up with was reviewed by the Advertising and Publications Review Committee and other LP members. They variously thought it was too neo-conservative, too negative, or that it did not talk about LP successes or libertarian solutions. (It's worth noting that, while the foreign policy section mentions bringing troops home, it mentions nothing about ending foreign aid and alliances.) These advisors cleaned up some of the more dubious language.

The staff published the LP Program as a glossy pocket-sized booklet given to delegates. One of the rumors circulating at the convention, and relayed to me by an allegedly "in the know" person, was that it cost $20,000 to print the booklet for convention delegates. This seems unlikely — $20 a copy would be a little extravagant even for the national office.

The party's new director of marketing sees "potential problems" in the party's logo, name, slogan, and strategies. "Replacing these would just make my job a lot easier."

The LNC voted to accept the program, though it authorized that changes be made before it is finalized.

Thursday, July 4

Knowing that communications director Bill Winter had given notice that he was quitting his job and that the hunt for a replacement was about to begin did not lessen my annoyance at the small number of press people I saw registering. The LP press strategy seems to be sending out press releases, some of them silly, to try to get staffers on usually obscure radio stations. When one mentions they could hold press conferences to pump up press excitement for some libertar-

ian initiative, they just whine that no one comes to their press conferences. Did it even occur to them to even try to hold a convention press conference with, say, Texas Rep. Ron Paul, New Mexico Gov. Gary Johnson and Wisconsin gubernatorial candidate Ed Thompson?

Anyway, it was not surprising that only a few members of the press showed, in addition to the obligatory C-Span cameraman, there were an Associated Press photographer, a Reuters reporter, and an *Indianapolis Star* reporter.

I had a skirmish with Bill Winter, asserting that I managed to get lots of publicity as an amateur working the Waco issue. He said: "Oh, but that was a single issue." I replied: "And what is the Libertarian Party — a representative of a couple of hundred single issues!"

The AP photographer did ask for my name after taking photos of me with my peace flag in the background. And one of my two nominators for secretary got his photo on the front page of the *Indianapolis Star* because he was wearing an amusing hat. Visuals work, folks.

After the convention press secretary George Getz reported that this convention got the best coverage he had seen since his first convention in 1996. He cited its being the first convention that earned coverage by every network affiliate, which was probably more a result of the party holding the convention in a small city. It's a lot easier to get television coverage in Indianapolis than in Washington, D.C. or Los Angeles. The convention also got the usual — or maybe a bit less than usual — coverage by C-Span and lined up the usual interviews on talk radio.

I believe the press coverage was more a matter of the LP's curiosity value and the press's sense of obligatory fairness than of the national party's news value. One of my campaign slogans was: "Issues build movements. Parties and candidates who work issues and make a difference generate real news that excites the public's imagination." If we can't hire libertarians who know how to do that, we should at least hire a few quasi-libertarians who can teach them.

Bill Winter refused to give press credentials to James Barnett, whose report is on page 37, presumably because *Liberty* has published some unfavorable articles about the Harry Browne campaign. Oops! No critics wanted here. Barnett had to join the Virginia party just to get access to the floor.

I also heard plenty of complaints that another opportunity for outreach was completely overlooked. A convention of 8,000 delegates involved in the auxiliary ministries (outreach) of the Church of God in Christ were meeting — and engaging in fervent capitalist activity through dozens of vendors. However, there was no outreach material to pass out to them — and even if material had been brought, I doubt the old and tired "new party" leaflet would have roused much interest.

❖

Sarah Lawrence was scheduled for a 9:30 a.m. Friday talk titled, "Is That a Burqua on the Bedroom Floor?" Today, she and a woman friend decided to see how Libertarians would react to a burqua-wearing woman.

Upon entering the convention area they were immediately pounced upon by an LP staffer who was not impressed by "VIP" badges. Because of an alleged terrorist threat at the nearby RCA dome the security guard then asserted that if the burquas were being not worn for religious purposes, Sarah and her friend were to leave. Security escorted the women to the women's room to take off the burquas and then to the escalators and asked them to leave. The next day the LP staffer informed them she had had to report the incident to the FBI. After the story spread among delegates, LP executive director Steve Dasbach apologized to Ms. Lawrence.

Libertarians really should not let themselves be used like this by the security state.

❖

LNC member Joe Dehn reported that there were 307 delegates at the beginning of the convention. Late in the afternoon, he reported that the figure was up to 373. The official convention business opened with a motion to amend the bylaws to explicitly allow the seating of delegates whose names had not been submitted prior to the opening of the convention, but only if approved by a 7/8 vote of the convention. This technical correction was interpreted by many to be part of plot by national chair candidate Eli Israel to pack the delegations.

Geoff Neale was stiff in his introductory remarks, but effective in emphasizing setting goals, efficient planning to reach those goals.

A rumor was circulating that Israel had dozens of Indiana LP members ready to pack various state delegations. Already about 15 Indiana LP members had been placed in Massachusetts to vote for Israel, the Massachusetts party chair, and a candidate for national chair who was allied with Indiana vice chair Ken Bisson.

After much contentious debate, the proposal passed by a narrow margin, but only after delegates demanded new additions be listed by whether or not the person was an LP member from his own state or another state.

❖

At each convention the delegates vote on whether to "retain" each plank of the Platform. Abortion prohibitionists were ecstatic to note that the Women's Rights plank passed by only 53%. However, at least one Platform Committee member, helped by several friends, encouraged delegates to vote "none of the above" on the whole platform as a way of showing support for the Platform Committee's proposal to rewrite the platform. Considering that 73% was the highest percentage garnered by any plank, it is likely that this effort cut down the Women's Rights plank's vote total by at least ten points.

❖

Treasurer Daryl Martin's report to delegates was heavy on text and contained no supporting charts, graphs or lists of financial statistics. From the floor, Aaron Starr, chair of the California party and a professional CPA, made a number of criticisms of the report from a financial-accountability standpoint. Some on the National Committee argued that sophisti-

cated financial management is more important than good old-fashioned accounting practices meant to capture errors and fraud. I myself don't know much about accounting, but I do know how to spell "Enron" and "WorldCom."

Harry Browne debated Bill Winter about the party's response to Sept. 11. Winter took the position of the LNC hawk faction and staff members who are afraid of more member dropouts: the U.S. should engage in a "measured military response," though after first jumping through a number of Constitutional hoops — ones the staff usually forgets to mention in its press releases. Browne made the case for peace. Winter's contention that Americans are just not willing to listen to arguments that U.S. interventionism led to the attacks sounded like one more excuse for the fact that the LP press office can't — or won't — write press releases or stage press events on foreign policy that garner any press attention.

Browne, who may have rubbed the truth in a little too hard in the first few weeks after Sept. 11, is on solid ground today when he says libertarians must stand up for principle on this unpopular issue, just like they do on other unpopular issues like Social Security and drugs. It's just one more libertarian cross to bear. Browne argued that support for the war is a mile wide and an inch deep. Standing by libertarian principles means standing up against the War on Terrorism and U.S. interventionism.

George Phillies surprised everyone by being positively inspiring on issues and strategy, insisting that the party is not a membership club and that membership will grow as the LP wins more elections.

Winter jabbed at Browne's argument that government doesn't work when it comes to defense. He accused Browne of making a "futilitarian" argument and implied that Browne took a weak, pacifist position that doesn't work. "Just ask the Taliban!" crowed Winter.

Browne replied that one can't trust that the government is really motivated to defend Americans. He used the examples of Wilson's sending boats to be torpedoed by Germans and Roosevelt's provoking Japan into attacking Pearl Harbor, used as excuses to enter World Wars I and II, respectively. Browne wondered whether Sept. 11 merely gave Bush more of an excuse than he needed for the war he wanted to fight anyway. Libertarians' goal must be preventing the next attack, not avenging the last one. And he will not stop saying that in every forum he can.

Browne and Winter agreed that those who committed the Sept. 11 attacks should be brought to justice, but Browne thought that the U.S. government is incapable of Winter's "measured military response." Browne said, "Giving money and guns to government is like giving whiskey and car keys to teenage boys," and once you've done so, it's a little late to say, "I didn't mean for those innocent people to be killed."

Audience members had some interesting comments. One elderly fellow remembered his frustration as he watched Roosevelt manipulate the U.S. into World War II and then demanded "unconditional surrender" from Germany, something bound to lead to the deaths of millions more people, as it indeed did. In contrast, Sarah Lawrence (of burqua fame), an Englishwoman, said she was grateful for America's help in winning WW II.

Toni Nathan said we should work harder to support repeal of the Logan Act so Americans can help other countries defend themselves and that the U.S. government only should speak out about injustices in the world — including the ones the U.S. has caused.

James Madison, of Veterans Teaching Peace in Schools and Libertarians for Peace, said he found it is very easy to get people to understand about non-interventionism. He hands out fact sheets and asks them "How would you feel if in another country was occupying or attacking us?" He lets them know that this doesn't justify terrorist attacks, but finds that most people understand his point.

One last speaker challenged the notion that either American or Afghan citizens were truly innocent. "We all allow our governments to do these things and therefore we are part of the problem."

❖

Thursday evening about 200 libertarians packed a hotel ballroom to hear the candidates debate. Vice chair candidate, incumbent Ken Bisson, was dry in reciting his past contributions. Opponent Steve Boone stated he was running on the principle that someone should oppose the incumbent.

Current secretary Steve Givot boasted about his long, detailed minutes and his promotion and facilitation of the Strategic Plan. As his opponent, I got up and promoted "short minutes, out on time so the members will know what national is up to" — to a big applause — and hiring media staffers who know how to work the issues. "As an amateur working the Waco issue, I ended up on *Nightline* — why can't the LP staff get someone on *Nightline*?" More big applause. If the vote had been held then, I might have won. Unopposed current treasurer Daryl Martin reiterated his slogan: "Martin for Trea$urer. The Only Choice."

❖

Former Texas chair and LNC member Geoff Neale was stiff in his introductory remarks, but effective in emphasizing setting goals, efficient planning to reach those goals, and giving activists "chain saws instead of hatchets" to crank out the work. He noted that Texas spent $34 per year to deliver member services but Massachusetts, home of opponent Eli Israel, spent $135 a year.

Israel repeated his mantra that the party was too small and had to grow — the same old schtick members had been hearing from his advisor Michael Cloud for years. Israel's promise to double the party every two years got embarrassingly little applause.

Later, when specially asked, he only mentioned using direct mail, $10 first year memberships, and "finding other means" to enlarge the party. Israel got his biggest applause when he did his rather amusing Kennedy impression at the end. From what I saw, Eli was his own worst enemy when it came to losing votes, as much as his detractors might like to take credit for his eventual loss. (I heard a number of delegates complain about his supporters persistent efforts to

sway them.)

George Phillies surprised everyone by being positively inspiring on issues, strategy, and presentation as he insisted that the party is not a membership club and that membership will grow as the LP wins more elections. He got lots of enthusiastic applause — including for his rabid criticism of U.S. military intervention. On that score, Elias Israel — who had been criticized for characterizing Libertarian Middle East non-intervention proposals as "anti-Jewish" — finally outlined his position on foreign policy: the military's role was to protect America and nothing else; he favored punishment of the guilty and protection of the innocent. Geoff Neale was more forthcoming, stating that the United States should not "take our neighbor's lawn mower or throw our trash in his yard." He noted that even wars declared constitutionally by Congress could be bad wars and criticized the U.S. war in Afghanistan as the wrong way to apprehend the perpetrators.

Friday, July 5

Steve Trinward of Tennessee moved from the floor that the convention give its awards to three recently deceased activists: The Sam Adams Award for Outstanding Party Activist to former Tennessee chair Richard Pearl; the Thomas Paine Award for Outstanding Party Communicator to long-time activist Bruce Baechler; and the Thomas Jefferson Lifetime Achievement Award to New York City activist and police office John Perry, who died at the World Trade Center disaster on Sept. 11.

The security guard then demanded that if the burquas were being not worn for religious purposes, Sarah and her friend were to leave.

Despite the massive applause from the floor, two delegates from the Massachusetts delegation immediately moved that the convention vote between these three nominees and the three individuals who had received the most nominations for those positions, without mentioning that they were Carla Howell, Michael Cloud, and Harry Browne. Delegates quickly voted this motion down and voted to give the awards to the "fallen heroes." One person told me he saw most of the Massachusetts delegation walk out after losing the vote.

Friday's registration count started at 456, including some new, convention-approved delegates. It rose to 536 by the afternoon as more delegates arrived in town.

I had sat through much of the July 2 and 3 Platform Committee debate. The committee's main concern was gaining the power to write an executive summary of the Platform consisting of one sentence for each plank, and the right to develop a proposal for a revised Platform to the official 2004 platform committee. Both Platform Committee proposals passed easily Friday morning.

Despite all the committee's work to pass a number of specific recommendations onto the floor, delegates had three hours or less of the allotted four hours to consider proposals. Only five proposals were considered and four approved — two of them factual updates. Shot down was a proposal to oppose the "death penalty qualification" for jurors. Passed, after some debate, was an addition to the election laws plank mentioning alternatives like proportional voting systems with multi-member districts and instant runoff voting (IRV) for single winner elections.

Another proposal concerned replacement of the first paragraph of the Internal Securities and Civil Liberties plank which read: "We call for abolition of secret police, such as the Central Intelligence Agency. We support Congressional investigation of criminal activities of the CIA and FBI and of wrongdoing by other governmental agencies."

Eli Israel's promise to double the party every two years got embarrassingly little applause.

Replacing it was an ominous first sentence: "The defense of the country requires that we have adequate intelligence to detect and to counter threats to domestic security." Following was some confusing language about under what conditions the CIA and NSA become rogue agencies fit for abolition. Several members suggested deleting the language. Then a delegate got up, announced he was a former member of the CIA, and said the LP just looked naive calling for the abolition of the CIA under any circumstances. These two arguments swayed delegates to delete all language referring to abolition or oversight of these agencies. Also added was opposition to any Department Of Homeland Defense, the PATRIOT Act and other counterterrorism infringements of civil liberties.

Maryland delegates, including Platform Committee member Dean Ahmad, were incensed over the removal of reference to the abolition of the CIA and NSA and twice managed to bring discussion of new wording to the floor. Both times their proposals were shot down. Meanwhile, I kept grousing: what about abolishing the Waco killers — the FBI? Like many "hard core" libertarians, I think the party still should call for abolishing all three agencies.

Saturday, July 6

The morning registration count was 615; a figure of 624 was reported in the afternoon — the high point of the convention. The day started with Michael Cloud's standard speech, which sounded to me rather canned and heartless — in fact, rather like the one Carla Howell gave. Motivational speaker and talk show host Reginald Jones, on the other hand, was heartfelt and exciting and got lots of applause when he kidded the audience about running for president in 2004. The LP sure could use an African-American candidate for a change.

Someone put out an anonymous quarter-page sheet complaining about Israel's attempt to pack the delegations and urging people to vote for "Anybody but Eli." A button to that effect also circulated.

An active Massachusetts county chair, Rich Watras, quit

his position in disgust over what he considered to be fraudulent attempts at packing and his frustration over the LPMA's refusal to give him the list of LP members in his district for organizing purposes — or even to mail members and inform them of contact information for their local county chair. Just one more example of the wisdom of the LP delegates in rejecting Eli Israel for chair.

After almost a year of fear and loathing among opponents of Israel, the chair's race was anti-climactic. Harry Browne nominated Eli Israel with promises of growth, growth, and more growth. His speech was met with tepid applause. Chris Azzaro of the Liberty Victory Fund seconded the nomination and got a more enthusiastic reception. Evidently feeling he needed to bolster his failing campaign, Eli seconded his own nomination, but the delegate response again was tepid, except for the obvious centers of enthusiasm in Israel's Massachusetts, Schmerl's Arizona, and the conservative states of Indiana, Illinois, and Ohio.

My 1998 image as "Carol who wrote that great book on Waco" had transmuted into "Carol, that troublemaking peacenik."

Nominators for both of the other chair candidates received more enthusiastic applause, and from a larger variety of delegations. Mary Ruwart, Lorenzo Gatzenaga, and Fred Collins nominated Geoff Neale. And Richard Freedman, Melinda Pillsbury Foster, and Dean Ahmad nominated George Phillies.

The first round of voting was Neale 261, Israel 178, Phillies 123. Since Phillies would be dropped from the next round, it was assumed that most of Israel-critic Phillies' votes would go to Neale. Israel didn't have much choice but to do what he did: make a graceful concession speech. (One person overheard Michael Cloud urging him to concede.) Though not too many people bought Israel's claim he did so in the name of "party unity," we were all grateful he saved us another round of voting.

❖

Ken Bisson, longtime apologist for a variety of dubious LNC doings, beat Maryland activist Steve Boone by only 22 votes — 260 to 238, with six delegates casting their votes for sentimental favorite "None of the Above." If Boone had worked the floor harder he could have beaten Bisson.

My race for secretary was less successful than in 1998, when Steve Givot beat me by only 27 votes. In the past four years, Steve had tamed his obnoxious image (as his nominator Don Gorman pointed out) and facilitated the Strategic Plan. Meanwhile, my 1998 image as "Carol who wrote that great book on Waco" had transmuted into "Carol, that troublemaking peacenik." So Givot beat me handily 348 to 147.

With no opponent, treasurer Daryl Martin was voted into office by acclamation — denying me a chance to "write in" George Phillies. However, I'll keep encouraging Daryl to develop a Phillies-like ability to focus in on questionable LNC and staff financial dealings and accountings.

These re-elected officers — and a number of returned LNC members — have been part of many of the LNC's problems of the last few years. We shall see if new chair Geoff Neale and a couple of the more energetic new LNC members can help steer the party in a more successful and principled direction.

A root canal the week before the convention helped dissipate my play money, so I couldn't afford to attend the $100-a-plate banquet. But I could lurk in the reception area before the banquet. Considering I had been handing out the Libertarians for Peace leaflet, which included incriminating quotations from both of the banquet's main speakers, Cato president Ed Crane and talk show host Neal Boortz, I figured I might as well ask them about those quotations.

Crane was in a jolly mood and sporting his 20-year-old "Smash the Crane Machine" button. He even gave me a kiss. (We remember each other when we were young, slim, and gorgeous.) However, as I began to discuss various Cato publications that strayed from non-interventionist foreign policy, I could see his eyes glazing over and his thinking "Oh, no, not this nitpicking again." So I left him alone to enjoy the rest of his evening.

Boortz was more garrulous. When I asked him about a quotation on his website that seemed to support invading Iraq, he replied: "I don't think we should invade, I think we should just nuke them!" After laughing heartily, he assured me at length that he really was for a non-interventionist foreign policy and I left 90% convinced.

Sunday, July 7

National Committee elections began the day. Delegates elected the pragmatic Bette Rose Ryan with 316 votes, followed by the forceful Mike Dixon with 277, the radical Lee Wright with 265, the popular Don Gorman with 259, and the political animal Austin Hough with 257. Four out of the five were not at-large incumbents. Later revelations of elected regional representatives showed that many of the same representatives were returning but there were a host of new alternates.

This year there actually was time for Judicial Committee elections. Seven nominees were approved by acclamation: Dean Ahmad, Greg Clark, Rock Howard, Tom Knapp, Richard Moroney, David Nolan, Nick Sarwark, Blay Tarnoff. Voting for these ended more than an hour before noon, leaving lots of times for debating resolutions.

Libertarians for Peace had announced for months that it would bring a short but strong non-intervention resolution to the floor. It had already garnered almost 350 libertarian signers to a similar petition online. The convention advertisements and booklet listed resolutions as the final agenda item. On Friday I noted that the staff had moved the resolutions to Saturday morning on the printed "Agenda as Adopted." Jim Lark confirmed to me that this was a mistake and "should be reprinted." I confirmed with secretary Steve Givot that he would type up our short Libertarians for Peace resolution so it would be displayed on the large screen at both ends of the hall.

However, as soon as Judicial Committee voting was finished, and before chair Jim Lark could more than mumble that resolutions was the next item on the agenda, two Maryland libertarians jumped up and made rapid-fire proposals, first to make a bylaws change to adjust the formula for delegate selection, and then to reinsert "abolish the CIA"

type language in the Internal Security platform plank. Both proposals were shot down immediately.

Thinking he was coming to the rescue of irritated delegates who just wanted to go home, North Carolina delegate (and new LNC alternate) Sean Haugh jumped up and called for adjournment. A few individuals started calling "Resolutions," even as a number of people seconded adjournment. Lark confirmed to the hall that movements to adjourn were not debatable. Delegates quickly voted to adjourn — missing an opportunity to debate whether members want to make peace and non-intervention a larger part of the national party's agenda. We peaceniks have to be more aggressive.

❖

The traditional post-convention meeting was chaired by Geoff Neale. Twelve of 18 LNC members carried over from the previous term. The oldies obviously intended to carry on as if this was the previous LNC; there were but a few objections from new members.

Re-elected secretary Steve Givot explained his method of taking minutes for new LNC members: he likes to keep long minutes that reflect all points of views, even though it is difficult to do this. He promised to send them to LNC members about 30 days after the meeting and expects comments back by 30 days later; they are then put in draft form on the web page until they are approved at the next meeting. In practice this process often meant Givot did not get even a draft of the official minutes out to members before the next LNC meeting — one of the reasons I ran against him.

Mark Nelson requested shorter minutes sent out in a more timely manner so LNC members can review them. But Geoff Neale approved Givot's *modus operandi*. Michael Gilson proposed "flash minutes" of decisions with long ones to come later. Nelson formally moved that minutes be short and out quickly. Givot argued against this motion, claiming that even for a two-sentence proposal like Nelson has just made, Givot needs to check Joe Dehn's video recordings to make sure he's got the right wording! Nelson's proposal failed by approximately 10 to 6.

Don Gorman proposed that the Executive Committee be abolished. Steve Givot pointed out one would have to make such a proposal listing all alternate language in the LNC Policy Manual that now currently concerns the Executive Committee — and it may be irrelevant if the LNC adopts the controversial Carver Self-Governance Model (in which the board delineates guidelines under which staff can act at their discretion). Gorman did not get a second.

Geoff Neale recommended for Executive Committee the officers, as well as Mike Dixon and Mark Nelson. Joe Dehn and Mark Cenci also were proposed. All were elected. Only Neale and Cenci are new members. All LNC members are invited to participate in Executive Committee meetings but they usually are not given much notice and often choose not to participate anyway.

Lee Wright seemed the most skeptical and was most insistent new members be given sufficient time to review new material. Bette Rose Ryan, the only woman on the LNC, commented that the Strategic Plan has lots of fine long-term goals but what the LNC really needs is short-term planning to achieve specific policy goals. This excellent and sensible suggestion was ignored by the rest of the LNC.

Executive director Steve Dasbach reported that in year 2000, 1,000 people paid for convention packages. For 2002, the staff budgeted for 900 but it became clear that closer to 500 would end up paying. Nevertheless, Dasbach predicted the financial loss won't be much worse than in 2000 ($30,000) because they cut expenses this time. He reported that the most common reason cited by non-attending delegates surveyed by LP staffers was the economy. He promised a rough report on income and expenditures in two weeks and a nearly final one in a month.

Steve Givot brought up the subject of the *LP News* accounts receivable. He noted that operations director Nick Dunbar generated reports that indicated that there were more aging accounts receivable than had been thought — some over four months old. However, he could not generate a final report because they needed to be "reconciled" with information in the D.C. office. Givot intoned: "We could be sued if we gave out the wrong information on accounts receivable." Obviously to quash any suspicions, Steve Dasbach jumped up and asserted that the "regular advertisers pay regularly."

After assuring the body this was not "personal," Don Gorman moved that the LNC open the position of executive director to other applicants. He moved that Dasbach may reapply for the position and compete against other candidates.

Some LNC members demanded this be discussed in executive session (that is, that it kick the press and non-committee members out of the room). Though Don Gorman said that he wasn't going to bring up much more than already had been brought up about Dasbach's alleged shortcomings, and that anyway, members have a right to hear it. The committee voted 10-4 to go into executive session.

Ed Crane was in a jolly mood, sporting his 20-year-old "Smash the Crane Machine" button. He even gave me a kiss. (We remember each other when we were young, slim, and gorgeous.)

After 40 minutes or so, members were allowed back in. Michael Gilson said, for the record, that in Florida there is a continual flow of résumés for all paid positions and it should be like that at national — asking for resumes should not need an executive session. Gorman agreed. Dixon announced that the sense of the executive session had been that while they weren't going to formally vote on accepting new résumés, they would allow the chair to do what he needs to do.

Chair Geoff Neale said he wanted a meeting as soon as possible to deal with budgeting issues, but August was too soon for several people. Neale suggested early September. Someone remarked that secretary Steve Givot will be out of the country in September, so the LNC would have to wait until his return. Neale remarked that LNC meetings cannot be scheduled at the secretary's convenience and a recording secretary can be appointed for that meeting if Givot cannot attend. A few members looked shocked at this comment because Steve Givot has acted as *de facto* chair so often and for so long. Long time LNC observers chuckled. The LNC soap opera continues . . . ❑

Letters, *from page 34*

passion for the LP with me. So it pains me to have to challenge his negative comments on my intellectual honesty.

Contrary to Winger's suspicion, I very much did want to be accurate, and contrary to his claim, I was absolutely accurate in what I did.

Here are the data:

Year	Nominee	States	Total Vote	LP Vote	Pct
1972	Hospers	2	2,424,731	2,648	.109%
1976	MacBride	31	51,699,843	170,968	.331%
1980	Clark	51	86,515,221	921,199	1.065%
1984	Bergland	42	72,596,706	228,705	.315%
1988	Paul	47	84,545,706	430,483	.509%
1992	Marrou	51	104,405,155	291,627	.279%
1996	Browne	51	96,456,345	485,798	.504%
2000	Browne	50	103,882,505	384,460	.370%

In the first four elections, the LP nominee got a total of 1,323,520 votes, of 213,236,501 total presidential ballots cast in the states on whose ballots the LP nominee appeared. That's an average of 0.62%.

In the next four elections, the LP nominee got a total of 1,592,368 votes, out of 389,289,711 votes cast in the states on whose ballots the LP nominee appeared. That's an average of 0.41%.

So the average LP presidential vote share fell from 0.62% to 0.41% between the two periods. That's a decline of more than a third.

I am pretty sure where Winger went wrong. When calculating the LP's share of the vote he included in the total, votes cast nationally, including states on whose ballots the LP nominee did not appear. The better showing his analysis shows in the more recent elections is a product of the LP nominee's being on the ballot in more states, not of his getting a bigger share of the ballots from citizens who had the opportunity to cast their votes for the LP nominee.

He makes a second mistake in simply averaging the annual vote shares. This treats every election's percentage as equal, whether voters able to vote for the LP nominee were 2.4 million, as in 1972, or more than 100 million, as in 1992 and 2000. If baseball used this method of calculating lifetime batting averages, then the performance in which a player had only a few opportunities to hit, usually the first and last years of his career and years when he was injured, would carry far more weight than years when he played a great many games, usually his best years. The impact of this error, however, is much less than the impact of the first.

I suppose Winger might respond that citizens of states on whose ballots the LP nominee did not appear could have written his name in if they wished. This is true enough, but as a practical matter, virtually no Americans write in the names of presidential candidates. He might just as well have listed the average total votes the LP nominee received in each four year period, thereby skewing the results even more toward the proposition that the LP's performance is improving.

The indisputable fact is, however, that the LP's performance at the presidential level has declined.

I must confess to one of Winger's charges: I do have an emotional bias about the Libertarian Party. But my bias is for the LP, not against it. But I do not allow my bias to interfere with my analysis of the party's performance. I suspect Winger shares my bias. But I fear he may have allowed his emotional bias to skew his analysis.

Check the Record

In your August issue, J. Bradley Jansen claims that among the members of Congress, Bob Barr (R-Ga.) is "second only to Ron Paul . . . as a supporter of the libertarian agenda." Yet according to the analysis of congressional voting records by David Boaz that appeared in your May 2000 issue, Barr voted pro-liberty only 58% of the time — barely above the 52% average for GOP congressmen. Further, Boaz's tabulation showed 27 Republicans with a rating of 75% or higher, so Barr isn't even close to being second. He may not be the devil incarnate, but he's certainly no libertarian!

David F. Nolan
Mission Viejo, Calif.

Idealism, *from page 36*

through taxation and the receipt of stolen money as salary that the harm appears remote. Or maybe the cultural respect granted to university professors might act as a buffer to criticism. Whatever the reason, it is clear that libertarians badly need to develop a thorough system of institutional analysis, especially since libertarian ideals will ultimately be expressed through, or defeated by, the institutions of society. The only way to clarify an individual's relationship to, and responsibility to institutions — and to shed defining light upon such paradoxes as anarchist professors who fight to be financed by state theft — is to seriously pursue a libertarian institutional analysis.

Anarchist writer and lecturer Ken Gregg once made a casual comment that I have pondered for years. He said, "If you ever did sweep away the State, another one would arise the next morning because there is a market demand for government." The institution known as "the State" exists because it offers services people desire, services they demand. Any ideology that seeks to dismantle the State should also plan on replacing it. It is not enough to take over the existing institutions because most of them have been designed or have evolved to serve a purpose that is antagonistic to individual rights. It is not enough to sit by idly and let the market place take care of the problem. The idea of naturally evolving institutions never envisioned human idleness. Quite the contrary, institutions evolve in the presence of industry and ideas competing vigorously with each other.

If the heartbreak of Russia can teach a lesson to us libertarian idealists, I hope it is this: to facilitate the growth of healthy institutions, it is absolutely necessary to develop a system of institutional analysis that expresses libertarian ideals. It is necessary because institutions — healthy or not — will inevitably evolve to fill whatever vacuum exists. Every institution tends toward a certain result and expresses certain ideals, even if those ideals are nothing more than the personal enrichment or aggrandizement of the men whose hands are on the reins of power.

I want the ideal to be individual freedom. It is time — past time — to draw up blueprints for the social structures that will support its weight. ❑

Reviews

Minority Report, **directed by Steven Spielberg. 20th Century Fox, 2002, 145 min.**

A Glimpse Ahead?

Joe W. "Chip" Pitts III

A virtually all-seeing state, monitoring your location and actions on closed-circuit television, listening to your conversations and reading your email, entering your home without your knowledge to search for contraband — this is the world of the new Steven Spielberg blockbuster *Minority Report.*

The film takes its core idea and tone, but little more, from a Philip K. Dick short story in which three mentally stunted but psychically gifted mutant "Pre-Cogs" help prevent crime by predicting its future occurrence. In one of the movie's many richly imagined innovations, the Pre-Cogs are revered as quasi-divine (they live submerged in a womblike tank of amniotic fluid within a room called the "Temple"). Instead of Dick's punch cards, they project their neural output directly onto large screens. John Anderton's (Tom Cruise's) Pre-Crime unit then locks up perpetrators before they can actually commit crimes. Anderton thinks the system works perfectly — until he finds himself accused.

Despite the filmmakers' intent to create a world not too distant from our own, they could scarcely have predicted how resonant the film would be by the time it was released.

Pre-Crime's motto is "that which keeps us safe, keeps us free." The same slogan could work for John Ashcroft as he rounds up and indefinitely detains terrorist suspects on "national security" grounds. American citizen Abdullah al Muhajir (José Padilla) was detained merely because police suspected he might have been planning to build a radioactive "dirty bomb." The quest for security also manifests itself internationally in the latest incarnation of the "Bush Doctrine," threatening other nations with pre-emptive military strikes before they can threaten us with weapons of mass destruction.

These cases have in common a disregard for traditional evidentiary requirements; that is, without probable cause in the case of domestic criminal suspects or an actual breach of the peace in international affairs. The truth of actual fact is deemed less important than the putatively greater "truth" that a possible threat requires serious pre-emptive action, no matter how remote it might be.

In *Minority Report,* those apprehended by Pre-Crime protest their innocence. But their protests have no effect. They *are* innocent, but that is not considered relevant. What matters is society's interest in eliminating crime. This classically utilitarian rationale — the greatest good for the greatest number — trumps individual rights in the movie because of the proven reliability of the Pre-Cogs' predictions. As Cruise's character says in the movie, "the fact that you prevent it from happening doesn't change the fact that it was going to happen." The Pre-Cogs have never been wrong in the unit's six years of testing.

Of course, our human judges — Bush and Ashcroft — are hardly as infallible as the mutant Pre-Cogs. The perfect Pre-Cog track record is perhaps the main fictional element in *Minority Report.* In real life, fallible humans weigh messy utilitarian considerations against rights-based considerations. This bomb may help end the war, but will it kill too many civilians? Since we're sure this suspect is a terrorist, shouldn't we keep him locked up even if we don't have enough evidence to prove it? Responsible decision-makers in modern societies strike the balance not on the basis of arbitrary whims, mere suspicions, superstition, or religion, but on the basis of demonstrable facts. Political theorists (ranging from Madison and Jefferson to Karl Popper) have thus stressed the need for open debate and institutional checks and balances to temper and correct imperfect human decisions.

The imperfect world continues to inspire more perfect unions, good and bad. At their worst, they resemble the dystopias of science fiction or real-world totalitarian experiments. Some utopias considered attractive to many, like Plato's Republic or Osama bin Laden's Greater Islam, have frighten-

ing similarities, including the forced subordination of "lower" castes to "higher," quasi-divine, elements. Plato's Republic, no less than al Qaeda's ideal, was a conservative throwback away from Athenian democracy and toward a Spartan tribal state in which a select few govern the masses through specially revealed secret knowledge. When an investigator refers to the growing "priestly" power of the Pre-Crime unit in *Minority Report,* a member heartily agrees that sometimes they act "more like clergy than cops." Despite the tension between this approach and American ideals and experience, such elitist inclinations also mark the current administration. Against these arrogant strivings for perfection, Popper's classic *The Open Society and Its Enemies* stands as both indictment and prescient warning.

The administration's theory, like that of the Pre-Crime unit and indeed the entire movie, is that we live in a Fallen World of lost innocence, and need purification. In a sense, all are guilty. Given the number of fundamentalist Christians currently in positions of power, this pessimistic view of human nature as tainted by original sin inevitably expresses itself in policy.

A state that monitors your location and actions on closed-circuit television, listens to your conversations, reads your email, and searches your home without your knowledge — this all-seeing state is the world of the Steven Spielberg blockbuster Minority Report.

The president's executive order of November last year sidestepped ordinary civilian courts and authorized indefinite detention and military tribunal trials for any non-citizen that the executive branch "has reason to believe" is a supporter of terrorists. The hastily enacted PATRIOT Act similarly authorizes indefinite detention and deportation on even broader grounds, not merely of terrorism or association therewith, but any activity the attorney general has reason to believe endangers national security. The Guantanamo detainees are being held indefinitely despite the plain language of the 1949 Third Geneva Convention entitling them to a presumption of prisoner of war status and an individualized hearing in cases of doubt. The government justifies this by holding that they aren't soldiers from another party to the Convention, but unlawful combatants (i.e., al Qaeda terrorists), even though most were apparently members of the Taliban's army or associated militias who would fall within the scope of the Convention.

Minority Report
20th Century Fox
Directed by Steven Spielberg
Screenplay by Scott Frank and Jon Cohen
From the story by Philip K. Dick
Starring:
John Anderton: Tom Cruise
Danny Weaver: Colin Farrell
Lomax Brugess: Max von Sydow
Agatha: Samantha Morton
Lara Anderton: Kathryn Morris

All these new laws and legal interpretations invert the usual presumption of innocence: no evidence of actual guilt or indeed of having done anything at all is required if the standard is unlimited executive discretion exercised for "protective" purposes. Like tribal shamans or judges, only the elite is allowed to see the facts underlying any suspicions. Anderton says in Dick's short story, "[even the Pre-Cogs] don't understand any of it, but we do." The movie's spreading atmosphere of paranoia and mistrust is reminiscent of modern-day America: only those possessing secret special knowledge are entitled to judge guilt or innocence. The contrast with democracy, which assumes that we are all able to judge matters affecting us, is apparent.

In many of these cases, the administration has been lax in requiring evidence in large part because the evidence often simply isn't there. Conspiracy laws can be used to convict those involved with overt acts of terrorism — they were used to convict Sheik Omar Abdel Raham in the first World Trade Center bombing. But Padilla hasn't even been charged with a crime. Justice William O. Douglas once noted, "[w]e in this country . . . early made the choice — that the dignity and privacy of the individual were worth more to society than an all-powerful police." The administration has made this once again an open question.

I just returned from a week in New York and a couple of weeks in Europe. I could not help but be struck by the extent of electronic surveillance in public places. In *Minority Report,* law enforcement can ask for a "full camera," or photographic record of all your activities. This is already possible for those in Times Square or London's Piccadilly Circus or Leicester Square. In London, ubiquitous signs remind you that your every action is being monitored by closed circuit television. A local newspaper reported over a million and a half cameras in operation. In Great Britain, at least, there was parliamentary debate before extending surveillance powers over telephone, email, Web surfing, and mobile phone location from police, security forces, and tax authorities to many additional government departments. No such genuine debate took place in this country before adopting the PATRIOT Act. Instead, businesses clamored over each other to provide stronger, more centralized biometric and other identification, database, and monitoring technologies. The trend toward decreased privacy will only continue.

As will the perennial search to use new technology to attain a risk-free, perfect society. And some of the new technology holds promise. Retinal scans, for example, seem to be a lot more reliable than facial recognition technology, less intrusive than full-body scans, and at least theoretically able to reduce racial profiling. Other emerging technologies, like genetic testing to predict future crimes, and

the prospect of brain implants, including memories, pose even more dangers than the technologies in *Minority Report*. But as we are reminded by the movie, any technology (and personal data obtained thereby) can be either used positively or abused. I don't mind the occasional purchase suggestion from Amazon.com, but I wouldn't like to live in the world of constant monitoring and unremitting personalized chatter envisioned by the filmmakers.

The movie plays repeatedly with the question of whether the knowledge gleaned from the Pre-Cogs really is perfect, since human interpretation of their insights could introduce possible flaws. The quest for perfect control and security is, alas, as futile as the quest for final victory in the war against terrorism, as long as we are human. Indeed, attempts to remove all risk are not only futile, but usually counterproductive. The administration's classified reports already question whether the Afghan war has decreased the threat, or merely driven al Qaeda deeper undercover to become more dangerous.

While the film's complex texture and plot cannot be reduced to a few clear lessons, the film reminds us — while stimulating, entertaining, and disturbing us — of freedom's importance in an increasingly hostile environment.

Protecting society through preventive incapacitation (incarceration or, in the extreme, execution after proof) is one of the accepted rationales for criminal law, in addition to rehabilitation, punishment, and deterrence. But forgoing the proof requirement raises serious issues of constitutional compliance, basic fairness, and effectiveness. Trying to further extend the preventive and retributive logic to international relations, without the careful proof criminal law requires, undermines the framework of international law carefully cultivated over centuries. Sanctioning a rule that we would be loath to have other states adopt violates the key principle of reciprocity and could create more rather than less instability and terrorism. Though this was not the meaning of the title "Minority Report," applying a rule to aliens and ethnic minorities that we wouldn't want applied to ourselves also violates the principle of reciprocity at the heart of not only legal but also all major ethical and religious systems.

One wonders whether the Pre-Cogs' predictions become self-fulfilling prophecies, as in the story of Oedipus meeting his fate because of the prophecy — whether there is a sort of Heisenberg principle at work here, by which our actions in seeking truth affect the truth we seek. After all, Anderton searches for his victim precisely because the Pre-Cogs say that he will murder him.

There seems to be a similar fatalism in the current administration's

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Personals

SWM, 28, libertarian atheist ISO free-market F in D.C. www.ben5.com.

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actions. Tragic ignorance seems to be propelling us toward an inexorable destiny of fighting the wrong enemy — states rather than terrorist individuals — creating more terrorists and enemy states in the process. By increasing pressures on these enemies for its own "pre-emptive" action, the administration mutates and multiplies the threats, rather than minimizing them.

And all the while we're forgetting why we're fighting in the first place: to preserve a culture of tolerance and free choice against the forces of prejudging, of prejudice, of notions such as "Pre-Crime." Will we, as individuals and society, be able to exercise free will against this determinism?

Of course, *Minority Report* does not focus so closely on these issues. As with all good art, the drama arises from the tension within and between the artistic elements (especially, the movie's characters, ideas, and auditory and visual music). But while the film's complex texture and plot (crafted by screenwriters Scott Frank and Jon Cohen) cannot be reduced to a few simple and clear lessons, the film reminds us — while stimulating, entertaining, and disturbing us — of freedom's importance in an increasingly hostile environment. ❑

***The Sorrows of Carmencita: Argentina's Crisis in a Historical Perspective*, by Mauricio Rojas, translated by Roger G. Tanner. Timbro, 2002, 146 pages.**

Once a Great Nation

Stephen Cox

To most *norteamericanos* the phrase "South America" suggests, if it suggests anything, the outline map of a strange landform dangling inexplicably from the Isthmus of Panama, an appendage divided by strange, squiggly lines into things that must, logically, be countries ("So Paraguay and Uruguay *aren't* the same?"), sprinkled here and there with tiny images of peoples and products: a man in a serape, a coffee cup, a llama. Stationed in the center of one of the map's oleaginous political shapes is an icon of something vaguely resembling a cowboy, except that he's wearing a funny kind of hat, which means he's a . . . what do they call those guys? . . . A gaucho! That's it. So this must be Argentina. One of those quaint little backward countries.

Well, not really.

Argentina is one of the most important and interesting countries on earth. It developed late as a political economy, even later than the United States, but it developed with extraordinary speed, thanks to a regime that was generally hospitable to free trade. In the late 19th and early 20th centuries, Argentina was a dynamic part of the world economy. After basic political stability was established around 1860, the nation experienced an average per capita economic growth rate of three percent. By the early 1900s, Americans and Europeans used the phrase "rich as an Argentine" to describe substantial wealth. By 1914, only Great Britain was more urbanized than Argentina; by 1929, only Great Britain had more cars per capita. In that year, Argentina led the world in exports of such things as frozen meat and wheat. It was, according to Mauricio Rojas, one of "the world's ten wealthiest nations in terms of per capita income. . . . The distance between Argentina and the rest of Latin America in terms of development and prosperity had grown conspicuously large" (44).

But this economic good conduct was not to last. During the world economic crisis of the 1930s, Argentina came to rely more and more on nationalist and protectionist policies. Then, at exactly the time when fascism was being defeated in Europe, Argentina enthroned the fascist dictator Juan Perón, whose goal was to redistribute income and make the nation economically independent of all those wicked foreigners — chiefly British and American — who would otherwise be most likely to invest in it. Unluckily, Perón (and his abominable wife, Evita) had a fair degree of success, in the short run. Large income transfers took place from one social class to another, enormous numbers of government jobs were created, and tariffs and other economic controls drove the price of foreign goods so high that Argentina began producing her own incredibly expensive manufactures. Meanwhile, markets dried up for the agricultural products that she had once lucratively exported. The political results fulfilled the melancholy prediction of F. A. Hayek in *The Road*

to Serfdom: state management of the economy turns political influence into the primary determinant of financial success, and the people who are best at exerting political influence transform themselves into the new ruling class ("the aristocracy of pull," in Ayn Rand's phrase). A progressive free enterprise economy turned into the political regime of *Atlas Shrugged*.

Perón was well on his way to ruining the country when the military expelled him. That was 1955. By then, however, as Rojas argues, Argentina's economic strategy was largely set; and Argentina continued on her way to complete ruination. The mechanism — you guessed it — was inflation. The government couldn't pay its bills, so it tried to inflate them away. The "rise in prices between 1976 and April 1991 was an incomprehensible 2.1 billion times" (89). During approximately the same period, per capita income sank by over 25%, and the poverty rate among Argentine households soared from five percent to 27%. Those were the days, as I remember, when the government-operated telephone system provided so few phones (and what is cheaper than a *phone*?) that householders waited till businesses closed for the weekend, then tapped into the temporarily unused lines so they could enjoy two days of phone service, anyway. The service was so bad for everyone that books were published about how to dial "the tricky 3-4 combination."

After Maggie Thatcher defeated Argentina in the Falkland Islands War (1982), the military regime was driven out. A civilian president, Raúl Alfonsin, was elected and eventually managed to pass on power to another elected president, Carlos Menem. Alfonsin's various attempts to reform the economy, some of them sensible, some of them not, faced the fanatic opposition of all those groups to which Peronist (and other populist) economic policies had given political power — those "strong organisations and interest groups which for decades had been fighting a devastating [economic] distribution struggle which they were in no way prepared to stop" (100). There were 13 general strikes during Alfonsin's six years in power. Strike activity was led by Peronist public-employee unions — a fact that gives strong support to Rojas' idea that Argentine political life remained structurally Peronist. Alfonsin attempted to reduce the size of government, but (proponents of states' rights, please note the following) no sooner had he thrown people off the employment rolls of the general government than the provinces added them to their own employment rolls. By 1989, public employees in La Rioja province constituted "more than half the gainfully employed population." A correspondent from *The Economist* observed "schools with more teachers than students" (100–101).

The regime of Carlos Menem, Alfonsin's successor, began in deplorable circumstances. Menem faced catastrophic hyperinflation, which was bad, and he had campaigned as an old-fashioned Peronista, which was worse. Here, anybody would say, was a stage set for fascism. But Menem betrayed Peronist principles, made peace both with Britain and the United States, the chief target of Argentina's envy, and began a campaign of privatization and

In the early 1900s, Americans and Europeans used the phrase "rich as an Argentine" to describe substantial wealth.

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

James Barnett is a writer living in Virginia.

Brien Bartels is executive director of the Libertarian Party of Washington State and a congressional candidate in Seattle.

Joseph Bast is president of The Heartland Institute, a Chicago-based nonprofit think tank.

John Bergstrom is a cartoonist and illustrator in southern California whose website is attackcartoons.com.

Alan Bock is a senior columnist for the *Orange County Register*.

R. W. Bradford is the editor of *Liberty*.

Ron Capshaw is a freelance writer and rebellious academic living in Richmond, Va.

Steve Cason is the author of *Frogg Pond: A Third World Adventure*.

Scott Chambers is a cartoonist living in Arizona.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Titanic Story*.

Gene Healy is a writer in Washington, D.C. and publisher of genehealy.com

Robert Higgs is an economist and editor of *Independent Review*.

Keith Knight is a San Francisco cartoonist whose website is kchronicals.com.

David Kopel is research director at the Independence Institute and author of *Antitrust After Microsoft*.

Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

Barry Loberfeld is a freelance writer based on Long Island.

Wendy McElroy is editor of ifeminists.com and is the author of *The Reasonable Woman*.

Carol Moore is author of *The Davidian Massacre*. Her website is carolmoore.net.

Joe W. (Chip) Pitts III is a Dallas-based international attorney and businessman.

Dolores Puterbaugh is a therapist in private practice in Largo, Fla.

Bruce Ramsey is a journalist in Seattle.

Ralph R. Reiland is a professor at Robert Morris University and a Pittsburgh restaurateur.

Sheldon Richman is editor of *Ideas on Liberty*.

Jane S. Shaw is a senior associate of the Political Economy Research Center in Bozeman, Mont.

Tim Slagle is a stand-up comedian living in Chicago and proprietor of timslagle.com.

Ken Sturzenacker is a longtime libertarian activist and former television news producer.

John Tabin is an editorial intern at *Liberty*.

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austerity. Free-market principles that had aided Argentina a century before now guided another Argentine government. Menem went so far as to make the Argentine currency fully convertible with the U.S. dollar — "a counterpart to the gold standard of the past" (119) — and to forbid the central bank from ever making loans to government. The result of Menem's reforms (only a few of which I have listed) was an explosive growth of the national economy and of per capita income, which rose 40% in eight years.

Yet when the nation had recovered sufficiently to be able to look about her, evidence appeared on every side of the corruption of Menem's faction. More ominous was a general reflocking of economic pigeons. For reasons that might be a little more clearly explained than Rojas explains them, Argentina kept borrowing a lot of money. (One of the reasons was the overvaluation of the Argentine currency, which created recessionary tendencies that were countered by borrowing money to pump up trade.) By the start of the new century, Menem was discredited and out of office — at least temporarily; even Perón came back — and the government was seizing the people's wealth by forcibly converting bank balances in dollars into bank balances in pesos, at an imaginary rate of exchange. In the late 1990s, public spending and borrowing soared, with our old friends the provinces as principal culprits.

Argentina's progressive free enterprise economy turned into the political regime of Atlas Shrugged.

Then there was unemployment. Peronist policies had made it virtually impossible to be unemployed in Argentina. In 1978 unemployment stood at about two percent — a world-historical low. "Employed" did not, of course, mean quite the same as "working." Argentine productivity was as astonishingly low as Argentine unemployment. When Menem started firing people and privatizing industry, unemployment rose accordingly, with predictable costs to all those people who were no longer receiving pay for doing little or nothing. One thing that Menem did *not* get rid of was the Peronist social security and employee welfare system, which, according to our author, took "about 50 per cent of gross wages" (125). Nevertheless, social security and pensions were underfunded, last year, by a nearly incredible 40%. Ahem! I think we've found the culprit.

And here's the moral: "Argentina has long been living beyond its means, and this has become part of both the popular and the political culture" (128). And what does living beyond one's means really signify? In a private individual, it signifies a lack of responsibility for voluntarily assumed obligations, a contempt for the principles of cooperation with others and honesty with oneself, an inability to face reality and to do the hard things that need to be done in the present for the sake of happiness in the future. It signifies, in short, an abject moral and psychological failure. This is what Rojas sees throughout the past 70 years of the romance between Carmencita, the naive young woman by whom he typifies the Argentine republic, and the economic fallacies of the modern world. It's terrible to see a person with so much charm end up this way.

In December 2001 Carmencita suffered one of the worst jiltings of her career. The state, which could no longer conceal its bankruptcy or explain its depredations on the populace, suffered total collapse. So far, the vital elements of Argentine society have failed to disentangle themselves from the rotting corpse. Rojas predicts that catastrophe will continue, until Carmencita comes to her senses.

"So sad . . ." he says at the end of it; and it's a good thing to find an expert in economic history who has a heart. This one has a brain, too, because he can see that economic events are not wholly unrelated to moral ones. If Argentine political culture had possessed a sense of responsibility, if it had favored commerce and cooperation over redistribution and force, if it had balked at theft in the form of confiscation, theft in the form of inflation, theft in the form of protectionism and taxation and subsidy, then all would have been well. But it is not well.

The Sorrows of Carmencita is a beautifully produced, intelligently written book on an important subject. Faint praise? If you think so, then tell me how many books *you've* recently seen that have those qualifications.

Timbro, the publisher of *The Sorrows of Carmencita*, is a classical-liberal institution that ought to be better known by libertarians in the United States. I don't think it's out of place to give you the address of Timbro's website. It's www.timbro.se. Check it out. ❑

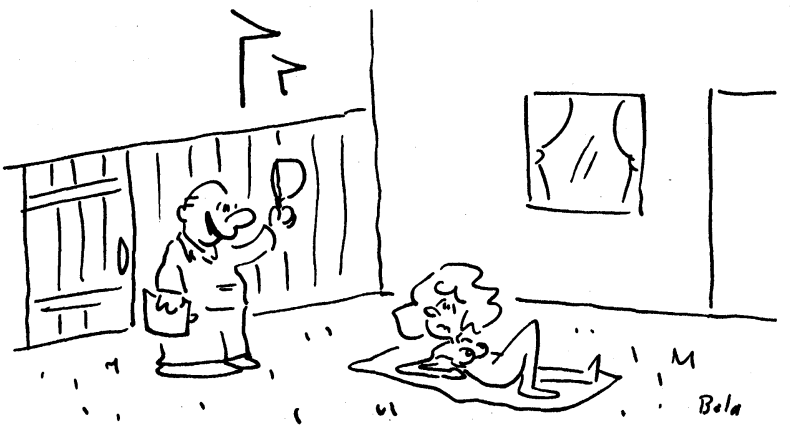

"Good afternoon, Ma'am — I'm the meter reader and I think I love you."

Holy War, Inc.: Inside the Secret World of Osama bin Laden, by Peter L. Bergen. Free Press, 2001, 304 pages.

The Manufacture of Terror

Gene Healy

Peter L. Bergen is a terrorism expert who's studied Osama bin Laden for years and interviewed him in 1997. He started writing this book before the Sept. 11 attacks. He was so confident that the book would be a bestseller, whether he got it to press quickly or not, that he took the time to do a comprehensive and accessible account of what he calls the "multinational holding company" of terror that is al Qaeda.

In addition to the fact that *Holy War, Inc.* is highly readable, I liked it for two reasons: it confirmed what I've been telling people about U.S. foreign policy being a chief motivating factor behind Islamist terror (and it's always nice to have your prejudices confirmed), and it made me worry a lot less about al Qaeda's capabilities.

Bergen punctures the conceit — so popular among neoconservatives — that al Qaeda is after us because we're rich, capitalist, democratic, secular, fun-loving, and free:

> In all the tens of thousands of words that bin Laden has uttered on the public record there are some significant omissions: he does not rail against the pernicious effects of Hollywood movies, or against Madonna's midriff, or against the pornography protected by the U.S. Constitution. Nor does he inveigh against the drug and alcohol culture of the West, or its tolerance for homosexuals. . . .
>
> Judging by his silence, bin Laden cares little about such cultural issues. What he condemns the United States for is simple: its policies in the Middle East. Those are, to recap briefly: the continued American military presence in Arabia, U.S. support for Israel, its continued campaign against Iraq, and its support for regimes such as Egypt and Saudi Arabia that bin Laden regards as apostates from Islam.

Bergen is no peacenik Blame-America Firster — he supports President Bush's proposed war on Iraq. So when he says that al Qaeda is motivated by American interventionism, he has no particular political ax to grind. He's just stating his informed opinion. The "they-hate-us-because-we're-beautiful" crowd over at *National Review* should take note.

HW Inc. made me worry less about al Qaeda's capabilities because it makes clear that their successes thus far have been largely a product of American complacency and unpreparedness.

Don't get me wrong: al Qaeda's patience and detailed planning of operations is impressive. But how do you get a speedboat full of explosives right up next to an American destroyer (the U.S.S. *Cole*)? How do you hijack a plane with a boxcutter? You do it by capitalizing on the fact that everyone that ought to be vigilant is asleep at the switch.

This is nowhere clearer than in Bergen's account of how Ali Mohamed, an Egyptian al Qaeda operative, became a U.S. Army Special Forces instructor in the late '80s. Like Zacarias Moussaoui and Mohammed Atta, Ali Mohamed was pretty vocal about his beliefs. But nobody did much about it:

> Four of Mohamed's superior officers say that he made no secret of his deeply felt Islamist beliefs and even claimed to have trained militants in Lebanon. But his opinions did not bother his supervisor. . . .
>
> Lt. Col. Robert Anderson, Mohamed's overall boss, did find some of his beliefs disturbing. Anderson recalled being particularly struck by a conversation with Mohamed about the Egyptian president Anwar Sadat, who had been assassinated in 1981 for making a peace deal with Israel. "I told him I thought that Anwar Sadat was a true patriot for Egypt," Anderson said.

Bergen punctures the conceit — so popular among neoconservatives — that al Qaeda is after us because we're rich, capitalist, democratic, secular, fun-loving, and free.

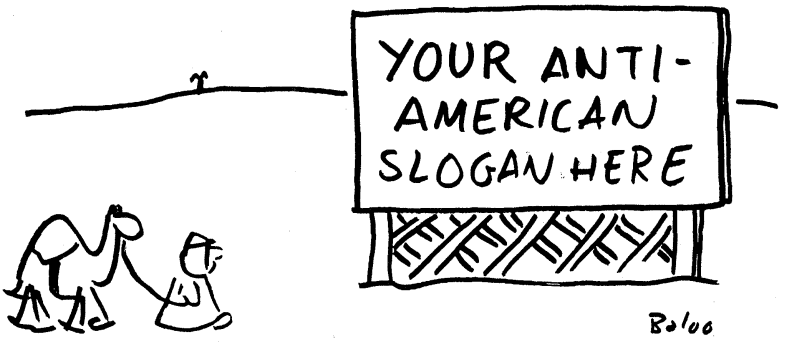

"With a very cold stare, he said to me, 'No, he had to go, he was a traitor.'" Indeed, Anderson says, Mohamed told him that he had belonged to the same army unit as Sadat's assassin.

Anderson filed two intelligence reports on Mohamed, but — surprise! — "no one ever followed up."

I keep reading about al Qaeda's sophisticated computer hacking abilities, and their attempts to develop weapons of mass destruction. But a lot of these folks don't sound all that bright. Take Mohamed Odeh, an al Qaeda operative who helped with the 1998 bombing of the U.S. embassy in Tanzania. Upon his arrival in Karachi's airport shortly after the bombing, Pakistani immigration officials took Odeh aside because his passport showed a man with a beard, but he had subsequently shaved his off so as to appear less religious. They asked Odeh, "are you a terrorist?" Instead of denying it, he stayed silent. When they pressed him about the bombing, he tried to persuade the immigration officials that it was "the right thing to do for Islam."

Is al Qaeda a paper tiger? I wouldn't go that far. But I wonder if they're as dangerous as federal power-grabbers have led us to believe.

I know that al Qaeda's supposed to be working on an "Islamic bomb" to terrorize D.C. or New York (in fact, Bergen notes that al Qaeda's interest in weapons of mass destruction was sparked by repeated U.S. government warnings that such weapons could easily be produced by terrorist groups) but with brainpower like this at their disposal, let's just say I'm not going to put my house in D.C. up for sale anytime soon.

Is al Qaeda a paper tiger? I wouldn't go that far. But I wonder if they're as dangerous as federal power-grabbers have led us to believe. We've gone ten months without a major terror attack. And I'm sorry, but I find it hard to believe that that's because the FBI is on top of things. ❑

***Princess Navina Visits Voluntaria*, by James L. Payne. Lytton Publishing Co., 2002, 105 pages.**

Utopia for Kids

Joseph Bast

Libertarians often lament the fact that our ideas are seldom seen in movies, books, songs, and other elements of popular culture. Our intellectual leaders tend to be economists, who are more often the butt of jokes than the objects of esteem by the rest of the world. One of our flagship publications is titled *Reason*, eloquent testimony to the persuasive arts we tend to ignore.

Into this gap comes Jim Payne, a respected political scientist who has written a series of children's books, now numbering four, the latest being *Princess Navina Visits Voluntaria*. I haven't read the first three but plan to do so soon. The fourth one is marvelous, so good that many of my nieces and nephews and brothers and sister, and even my parents, can expect to see it under the Christmas tree this December.

I rarely read fiction and I have no children, so why should you trust my reaction to this book? Maybe because I did read it and like it, even though I rarely read fiction and I have no children!

Princess Navina is easy to read, often humorous, quick-paced, and clever. Young and non-ideologically aware readers will enjoy the deftly sketched characters, scenes, and plot. It's fun to read out loud, the sign of good writing. The typesetting and illustrations make it appear to be a typical children's book.

But *Princess Navina* is not at all a typical children's book. Its protagonist (the princess) is on a quest to find the best form of government for her father's duchy of Pancratica. When she arrives on the shore of Voluntaria, she soon learns that commonplace features of government do not exist here; indeed, the very word is missing from their vocabulary.

The rest of the book uses the princess's adventures in Voluntaria to explain why houses would be well maintained without zoning ordinances; roads, clean water, schools, and aid to the needy provided without taxes; and public safety ensured without regulations. It is a libertarian tour de force, complete with a small and heart-breaking story within a story that teaches us the difference between initiating force and using defensive force.

It is a genuinely important contribution to efforts to get libertarian ideas into the popular culture, using the time-honored techniques of reaching children at an early age.

Payne appears to be a voluntarist, which means his libertarianism is a moral as well as political philosophy. Consequently, his libertarian utopia might seem strangely secular to those with religious convictions, too decentralized and pre-industrial for fans of technological change and globalism, and perhaps too pacifist for those who find justification for punishment outside the feelings of actual victims or (in cases of homicide) their survivors.

But, of course, that's the beauty of fiction. Payne is free to paint a picture of a different world as he imagines it would emerge in the absence of gov-

ernment power. He writes it to describe how he would like the world to be, not the most probabilistic scenario based on empirical research or deduction from first principles.

Princess Navina is a warm, bright, and enjoyable book. It is a genuinely important contribution to efforts to get libertarian ideas into the popular culture, using the time-honored techniques of reaching children at an early age and painting a utopia where ideals are not shadowed by details and compromises. It is the perfect gift for friends and relatives of all ages. Buy a dozen copies! Write about it!

This book could have more long-term impact than countless policy studies and scholarly books. ❑

Dream On

Jane S. Shaw

Let me begin by saying that I don't much care for didactic fiction. As a child, I wouldn't have read *Gulliver's Travels* had I known it was social commentary; I never quite bought into *The Lion, The Witch, and the Wardrobe*; and I would have missed out on a wonderful chunk of childhood had I known my most admired author, L. Frank Baum, was making fun of governments.

That said, I agree with Joe Bast in part — there is much to be said for this book. Although I didn't perceive the plot to be as "deftly sketched" as Joe did, James Payne has come up with an easy-to-read illustration of libertarian tenets.

Set in a fairy-tale land with a quaint but vaguely European culture, the story shows how volunteers can achieve many more objectives than most people assume. Voluntaria has a garden association that ranks neighborhoods by amenities, property owner organizations that replace zoning, privately supplied parks, charitable committees, and voluntary anti-crime societies. The enforcement mechanisms of pride, shame, self-interest, and reputation are all given their due.

These alternatives to government control are well grounded in theory. Neither is Payne dogmatic. For example, the townspeople weren't able to raise enough money voluntarily to save a bridge from collapsing. The bridge fell down.

Furthermore, in the tradition of Locke and Hobbes, Payne even hypothesizes how such a voluntary society might have come about. Disgusted with continuing wars, the early residents became pacifists. These pacifists kept being overcome by enemies, so eventually someone (Herbert Herbert) came up with the idea that people should resist aggression, just not start it.

Okay, now the hard part. The Catch-22. Have you ever heard libertarians say, "In a libertarian world, that wouldn't happen . . ." Or, "In a libertarian world, people wouldn't act that way . . ." ? In other words, they postulate that things would be completely different if the state were not in charge, and I often read them to mean that people would interact in a totally different way. This is the world that Payne visualizes as Voluntaria.

Granted, things would be different in such a world. But people would not be different — and because people would not be different, that world is unlikely to come about!

Payne insinuates not only that everything can be managed by private groups — which is conceivable if not likely — but that people will become more generous and cooperative. This changing attitude on the part of citizens is necessary in order to keep problems (and outliers) limited and manageable.

Payne supports this position with a number of statements. A citizen who remembers the collapse of Penny Bridge says optimistically, "Every failure in any public service teaches this same lesson, that society depends on generosity and cooperation, and that we must try harder in the future to overcome selfishness. In this way, healthy values are continually reinforced, and our culture grows more generous and more neighborly with each generation."

And elsewhere: "Over the years, people have gradually absorbed this message [that using force is wrong], and it has now become a basic part of our cultural heritage, so that even individuals who might be angry or deranged hesitate to resort to violence."

This almost sounds like Jean-Jacques Rousseau. Yet one thing we have learned in the past few thousand years (or at least those of us who share the "constrained" vision articulated by Thomas Sowell) is that human nature doesn't change much. Humans don't break out into generosity and love simply because the oppressive force of the state is lifted. By reducing the power of the state, we free up many talents and interests of individuals, but we don't change human nature.

Thus, a true Voluntaria would be troubled by free riders, people prone to use violence, and people trying to game the system. Voluntaria's Committee for Peace and Safety (COPS) only goes after aggressors; it does not initiate force. But what is to keep its members from initiating force? If they did, before long you would have conflict and ultimately a settlement on the basis of might, not voluntary choice.

Granted, things would be different in a world like the one Payne visualizes. But people would not be different — and because people would not be different, that world is unlikely to come about.

I love freedom and seek to replace coercive relationships with voluntary ones. I know that voluntary — i.e., market — relationships are more cooperative and civil than political ones because they pose win-win situations rather than zero-sum relationships. Life gets better in countries dominated by markets rather than coercion. But just how far can you go with this idea? In my view, farther than we have come, but not as far as James Payne would like to take us. ❑

Terra Incognita

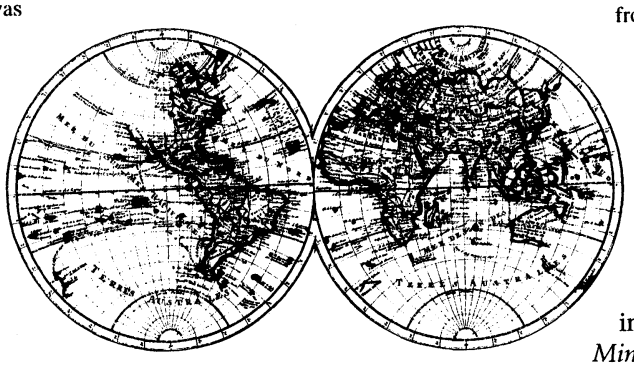

Abington, Mass.

New tactic in the war against animal cruelty, reported by the *Boston Herald*:

The Animal Protection Institute is trying to keep the Clyde Beatty-Cole Bros. Circus from making its appearance in Abington by putting out the word that the show is canceled, when in fact, it is not.

Waterloo, Ont.

Curious notion of justice in America's socially progressive neighbor, from the Ontario *Record*:

Six months after Brant Kardas was hit by a car and nearly killed, he received an invoice from the City of Waterloo for $41.43 for contributing to the road being closed.

Hollywood

Esthetic note, from *Evening Magazine*:

David Cassidy's latest project is a TV movie titled *The David Cassidy Story*.

Chandler, Ariz.

An advance in ethnological studies in sagebrush country. Reported in *The Nation*:

Scores of U.S.-born Hispanics have sued the city of Chandler after they were arrested during a sweep of illegal immigrants. Police approached people on the street based on the "lack of personal hygiene" and "strong body odor common to illegal aliens" and asked to see ID and immigration papers.

Saudi Arabia

A fruit in hand is better than three similes in the bush. Reported in *USA Today*:

Mike Craft, president of Lucent's Saudi branch, says it's not fair to compare Saudi women to South African blacks. "It's like grapefruits and oranges," he says. "Both are citrus fruits, but they are different in size and don't taste the same."

Rome

A setback in reconnecting the governed to their government, from Reuters:

Professor Alfredo Fioritto, who heads a task force of legal experts and linguists, admitted that the Italian government's plan to simplify bureaucratic language is going to be tough.

"Simplifying language is very difficult. It means you have to know what you are talking about."

Franklin, Ohio

Harmful consequences of drinking on the job, from *Dayton Daily News*:

Police caught the man suspected of stealing $700 worth of electronic equipment from the First Church of the Nazarene by following a trail of empty Budweiser beer cans that led from the church parking lot to the man's home.

The High Seas

Setback for apiculturalists, reported in the *Naples [Fla.] Daily News*:

The Afkhami family is suing Carnival Cruise Lines because Carnival evicted them from a cruise ship after employees discovered that the family was keeping 160 live bees in its cabin.

Bengal, India

Advance in forensic medicine, from the *Silliguri Barta*:

Police arrested a man, named only Ishua, for extortion after he impersonated a eunuch. He had been blessing children and getting money from their parents in return.

K. Jayaraman, a police superintendent in Silliguri said: "We raided Ishua's house and found that he lived there with his wife and two sons. Later a medical investigation confirmed that he was a man — not a eunuch."

Minneapolis, Minn.

Setback in the art of the singing cowboy, reported by the *Minneapolis Star Tribune*:

Sheriff's deputies held 72-year-old Fritz Herring in jail for nearly twelve hours and questioned him about his mental condition after he tried to deliver a singing telegram to an employee at the Hennepin County Government Center. Herring was dressed as a cowboy and deputies were troubled by the fake pistol at his hip.

Lancaster, Penn.

Curious tactic in the war against child molestation, reported by the *Patriot News*:

Gordon Neal Diem told a Cumberland County jury yesterday that he conducted a sexually explicit three-month Internet conversation with a 17-year-old Carlisle girl only as part of his research into a subculture of people who sexually abuse children.

Asked about some photographs depicting child sex that police found at his home, Diem said one of them "helps motivate me to my altruism" of exposing child sexual slavery.

He said his hope is "that one day I would get an FBI agent who would finally respond to me or a newspaper reporter who would take this seriously so we could stop what these bastards are doing."

Great Britain

A Seinfeldian lawsuit advances in the Mother Country, from *The Sun*:

Nicholas Riddle, director of the firm that owns the copyright to John Cage's music, is suing The Planets over their new recording *A One Minute of Silence* because he says it too closely resembles Cage's *4'33"*.

Port Angeles, Wash.

Advance in marketing science, from a photo caption in the *Peninsula Daily News*:

Garrett Lumens shows off a favorite dragon for sale at Raven's World on West First Street. The shop is a mainstream metaphysical animal awareness, nature spirituality, new age gift store . . . with something for everybody.

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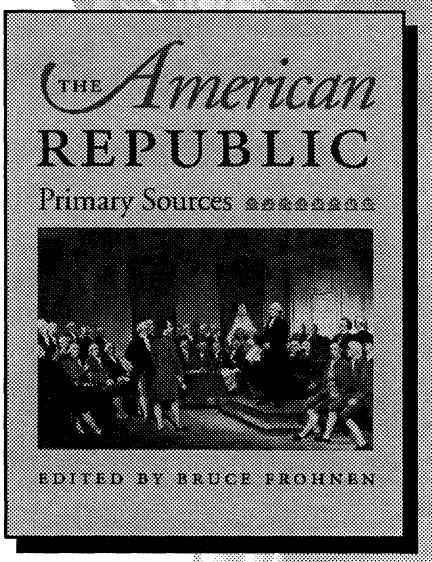

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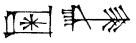

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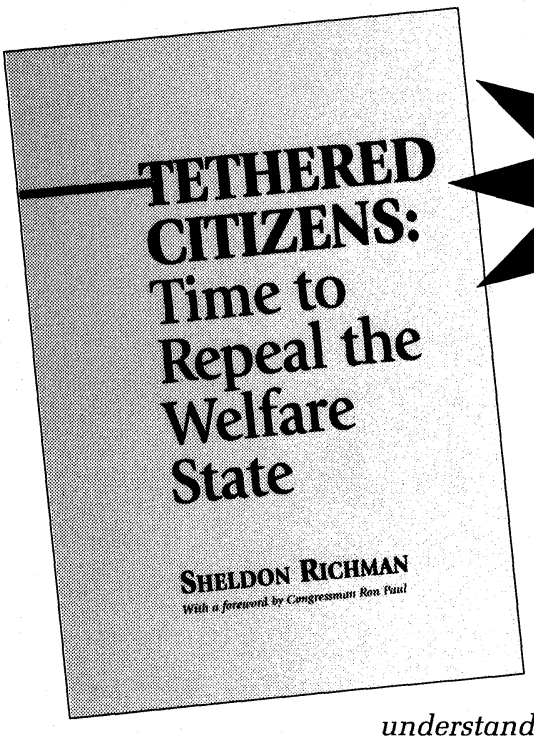

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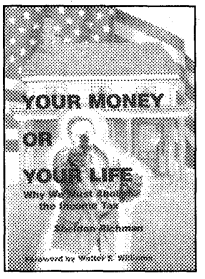

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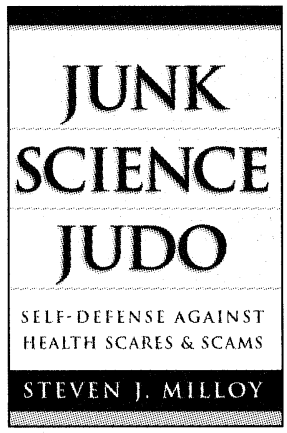

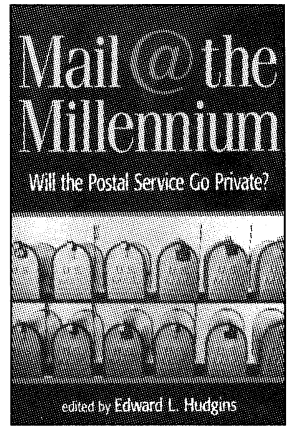

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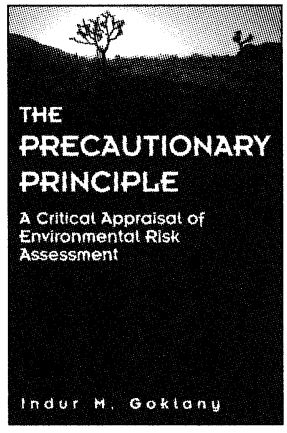

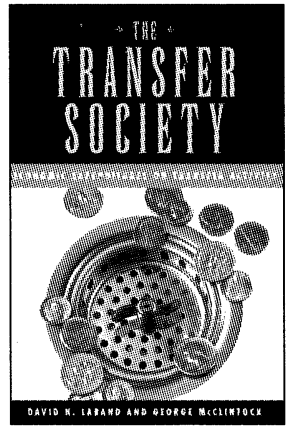

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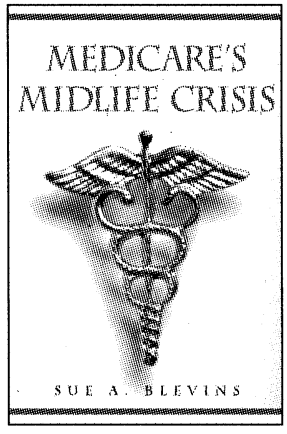

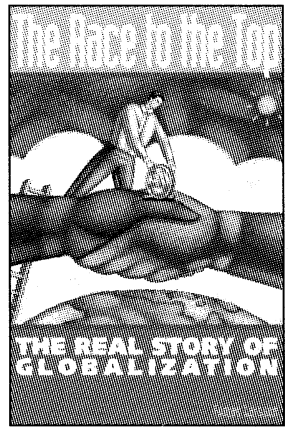

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Inside Liberty

October 2002
Volume 16, Number 10

4 **Letters** We lead with our chin.

7 **Reflections** We defend Martha Stewart, celebrate Jim Traficant, dream of defying traffic flagpersons, detect lies in Congress, watch our words, and enjoy a good beer!

Features

15 **Living With the War on Terror** Why did we abandon our liberty and increase our tax burden without gaining any increase in security? *R. W. Bradford* explores this mystery.

19 **The Case of Johnny Jihad** The government's case against John Walker Lindh was pathetically weak, and Walker had excellent legal counsel. So why did he plead guilty and agree to do 20 years hard time? *George W. C. McCarter* finds the answer.

23 **Living With Fire** Forest fires look different on the ground in Oregon than they do in the canyons of Washington, D.C. *Randal O'Toole* journeys through the ecology of the western forests.

27 **The Problem of Original Intents** Neither leftists nor rightists seem to be able to figure out what the Constitution means, argues *William R. Tonso.*

29 **Courting Ignorance** It is not enough for judges merely to know the laws of man, *Bart Kosko* argues; they must also know the laws of nature.

31 **Ayn Rand Goes to West Hollywood** It's a long and winding road from a bestselling novel to your local multiplex. *Paul Rako* guides you along the way.

35 **Freedom of Choice, Cigarettes, and Thomas Szasz** Cigarettes kill people. So why do so many libertarians defend smoking and downplay its dangers? *Todd Seavey* looks for answers.

Reviews

45 **Blonde Bombshell** Ann Coulter is full of sound and fury, *Clark Stooksbury* observes, but what does she signify?

48 **Bias, From the Inside** *John Tabin* looks for bias in the bestseller that exposes the bias of the liberal media.

50 **Nixon in Life and in Art** Why do artists portray Richard Nixon in only one dimension? The answer, suggests *Stephen Cox*, has a lot to do with how far American artists have wandered from accurate, or even interesting, perspectives on the world.

52 **Paving the Way** Dwight Eisenhower hits the open road to campaign for government-subsidized highways. *Bruce Ramsey* traces his route.

51 **Notes on Contributors** Just in case you wanted to know.

54 **Terra Incognita** Reality bites.

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Letters

Slovenko's Psychosis

In the article "The Trouble with Thomas Szasz" (August), Ralph Slovenko argues in favor of a Therapeutic State in which the agents of the state have the power, as they do now, albeit with perfunctory judicial oversight, to place people against their will into state institutions where the state's psychiatrists will supposedly restore their minds to health.

Slovenko tells us not to worry: "A Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State." In this context Slovenko mentions that Joseph Stalin did a good thing by keeping "the fast food (aka junk food) franchises out of the Soviet Union." He says, "For that, all Russians are grateful." I will assume Slovenko's observation was meant to be serious, although I had to pause a moment to be sure I had read correctly. Did Stalin also have fast food junkies committed? If so, does Slovenko approve?

If someone said Slovenko was a silver-tongued devil, would we expect when we met Slovenko to see that his tongue was composed of silver? Would he be a devil? If someone said that he had a large skin cancer on his right hand, if we shook hands with him would we expect to see a lesion on his hand?

What if someone said Slovenko was mentally ill? What would that mean? If he gave us permission to examine his body, what would we notice besides his having a silver tongue, a lesion on his right hand, and possibly horns on his head? Would we examine his brain? What if we could not find any lesions in his brain? We probably would say that he did not have a brain disease, at least one that we could find. But a psychiatrist might insist that nevertheless Slovenko was mentally ill. What would that mean?

If Slovenko was accused of committing a crime and he said the devil made him do it, would we believe him? If he said that when he committed the crime, he did what the devil told him to do, would we find him not guilty by reason of insanity? How would we know if he was mentally ill, or lying, or stupid? How would psychiatrists determine which category fits Slovenko?

Charles S. Howard
Fayetteville, Ark.

Libertarians! You Have Nothing to Lose but Your Chains!

Libertarians support the Confederacy because the only freedoms they really care about are the freedoms that enable one to become and remain rich. This is why they favor right-wing dictators like Papa Doc and Augusto Pinochet. Slaves are more convenient to rich people than employees. Slaves cannot quit. They cannot strike. They can be flogged legally.

Libertarians support the Confederacy for the same reason that Karl Marx supported the Union. When Abraham Lincoln was re-elected in 1864, Marx wrote him a congratulatory letter on behalf of the International Workingmen's Association. In this letter Marx wrote, "From the commencement of the titanic American strife the workingmen of Europe felt instinctively that the star-spangled banner carried the destiny of their class."

John Engelman
Walnut Creek, Calif.

Liberty: A Yankee Publication

When I read Timothy Sandefur's defense of our own little home-grown American Hitler, war criminal and destroyer of constitutional liberties as well as the Constitution itself ("Liberty and Union, Now and Forever" July), I

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was sure that the editors of *Liberty* had taken complete leave of their senses and had betrayed everything for which I believed the magazine stood. Then I remembered that *Liberty* was published in Washington state and that the Pacific Northwest had been settled by Yankees (notice how politely I omit the word that most properly precedes that noun) and that the great majority of editors and contributors hail from or were lobotomized north of the Mason-Dixon line as do the three published responders to that article.

If Sisca and Henley (Letters, August) had learned to read original sources such as Lincoln's *First Inaugural* rather than an hagiographer and rank propagandist such as Jaffa, they would have known that Lincoln was probably as racist a president as ever the U.S. had, a fact that was inescapable from as early as the Lincoln-Douglas debates. But the horror of what Lincoln did in destroying the country and the government which Washington, Madison, and the rest of the Framers left us had to be whitewashed in some fashion and the big lie, perhaps even the greatest lie, was necessary to keep the common folk believing that this was still "the land of the free."

Perhaps someday the Constitution will again mean something — be something more than a lie told to the young and innocent before they are sent off to die for the American Empire — but I very much doubt it. There are some who say the old Republic died at Appomattox, but I think that the truth of it was that it died the very minute that Lincoln took the oath of office, an oath that he had not the least intention of keeping; his entire political life had been an act of rebellion against the Constitution which he swore to uphold but immediately began to shred so that he could create a government that would have never been acceptable to the Framers. Franklin and Jefferson were right. We had a republic but we could not keep it. The Constitution became, exactly as Jefferson feared, "a blank page . . . by construction"; Lincoln washed it away with the blood of southerners and gave us in its place something as close to the dreams of Lenin and Bismark as he could manage. And we will never regain what we lost until we begin to tell ourselves the awful truth of who and what he was and what he did.

Nicholas Harcourt
Cushing, Okla.

The editor responds: After we publish tens of thousands of words on the Civil War that take what might be reasonably characterized as a "pro-Confederate" position, *Liberty* finally publishes a piece that defends the Union. For this, Harcourt condemns us as mere pawns of our environment, and worse yet, Yankees? If Harcourt had learned to read original sources like the actual magazines that we publish, he would know better. Not only have we published pro-Confederate articles by Donald Miller, William E. Merritt, and R.W. Bradford, but we have even published a discussion of Lincoln's racism, quoting the selfsame passages from the Lincoln-Douglas debates that Harcourt is upset that we have not published!

Liberty and Secession, Now and Forever

Most of the essays regarding the right of the Southern states to secede from the Union have been phrased, "Did the the Southern states have the right to secede?" My view is that they did have that right and in reality, they*did* secede from the Union and formed the Confederate States of America. Then, the USA attacked the CSA and conquered them.

Rights are theoretical constructs that allow us to make a moral or ethicaldecision about a particular action. In practice, however, rights must frequently be defended with arms if the other party does not respect your

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rights.

The South seceded (rightfully, in my opinion) but the North whipped them (just as the Europeans conquered the native American Indians who were unable to withstand the onslaught). Sad, but true.

Michael Lee
Houston, Texas

A Glimpse at Zion

All of the legal pretexts acknowledged by Chip Pitts ("A Glimpse Ahead," September) in his correlation of the movie *Minority Report* and the world as we see it have been ignored in this country, especially in the context of why we're fighting terrorism in the first place.

For a moment, let's try to see all this from another perspective.

Israel was established by terrorist acts and has continued to use terrorist tactics both inside and outside its borders. It taught us all (especially the British) how effective blowing up buildings and people could be even in the aftermath of a World War that killed close to 100,000,000 people. That the people whose territory and property was taken by Israel have learned this is obvious.

What has me worried is that Bush's proposed pre-emptive military strikes on an international scale could easily lead to our following Israel's example of sending a gunship or a tank battalion to remove a local suspect under the same pre-emptive theory, which would be in complete disregard of our system of laws. Waco, of course, would be our national example.

Our troops fighting a surrogate war in Afghanistan and the World Trade Towers tragedy are just some of the costs associated with having armed and aided Israel for 50 years. We are now paying a huge price in the ways we are having to change our own country. None of this is coincidence.

Harold Shull
Phoenix, Ariz.

Irrational Evil

David Ramsay Steele ("Ayn Rand and the Curse of Kant," August) justly raises the question, what do Objectivists mean by "evil ideas"? I cannot speak for Ayn Rand, Leonard Peikoff, or David Kelley but I think I can show why this concept arises and stands out in Objectivist philosophy.

The simplest "evil ideas" for Objectivism are the prefabricated excuses, especially religion. I do not mean here to offend religionists, although to some extent that can't be helped. I hope every believer will see that my points are sometimes correct, and I shall be careful not to argue the universal, that they always are. The two most honest men I have known have both been sincere Christians.

Suppose a loved one has died. The facts are clear. The coffin is open. Reality only permits one belief. Who wouldn't want to believe their loved one isn't really dead? If an excuse to believe that is readily available, who could blame the grieving for indulging in it? Is that indulgence evil? For Objectivism, yes, and just for Objectivism. It breaches the cognitive relation between a mind and the facts of reality, knowingly and willingly substituting something else for reality. No other philosophy insists upon the morality of this relationship, and the immorality of defying it.

What harm does it do? Not much perhaps, directly and by itself. But it's never by itself, it has strings attached and they're not always so innocuous. It's essentially connected to other excuses for other beliefs, which also breach the cognitive relationship, etc. They all excuse beliefs that aren't true and many of the truths left out are important.

What other excuses are understandable? One might desperately need an excuse to believe that he's a good man if he gives to the needy, even if he cheats his customers or cheats on his wife. That might be difficult to believe without an excuse, but appropriate excuses are immediately available and the self deception is often successful. It's much easier if he's already accepted the previous excuse.

Suppose your friends, or your thoughts, include a bunch of shysters. Then you'll need an excuse to do what's right, more than what's wrong. How can that excuse hurt anything? Without cognition of moral reality — the cognition avoided by the excuse — there's no way to limit it to just what's right. History is full of "reasons" to do what's right that turned into reasons to do wrong.

Why did I rape and murder those little children? I don't know. God knows, He made me what I am. I don't understand why I do what I do, but God understands. God always understands.

Tom Porter
Reseda, Calif.

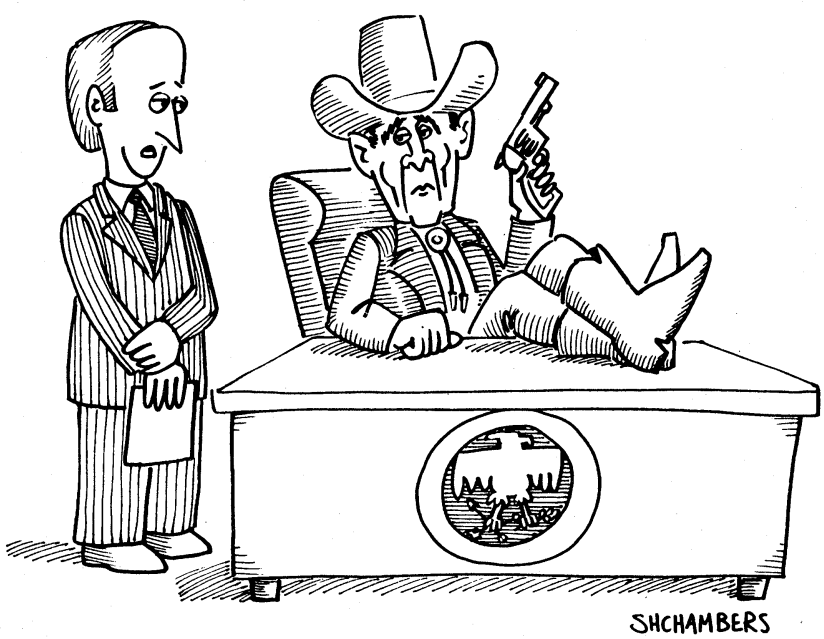

"Mr. President, you can still order an attack on Iraq, but it's a bit late to call it a 'surprise.'"

Reflections

Taking up arms, at last — On Aug. 2, 2002, former President Clinton told an audience in Toronto, "If the Iraqis ever invaded Israel, I would personally get in a ditch, grab a rifle, and fight and die."

Question: How many sarcastic remarks can be made about that declaration? Answer: an infinite number.

Here are the first ten that occurred to me.

1. It had better be a pretty wide ditch.
2. This is the greatest thing that ever happened to Iraqi public relations.
3. I remember that former President Jefferson once said, "If the Spanish ever invaded France, I would personally get in a ditch, grab a rifle, and fight and die."
4. So much for Democratic policies on gun control.
5. Well, it's better than spending the night with Hillary.
6. It all depends on the meaning of the word "fight."
7. He's finally doing his draft board proud.
8. I think he's given up on the Nobel Prize for Peace.
9. Dang! I didn't know that Ontario had liberalized its drug laws!
10. Maybe he meant that word that *rhymes* with "ditch."

— Stephen Cox

Cops for weed — As reported in this space last month, Nevada's November ballot will include an initiative to legalize, at the state level, possession of up to three ounces of marijuana for adults over 21. Now the Nevada Conference of Police and Sheriffs, which represents 65% of the Sagebrush State's street patrol officers, has strongly endorsed the initiative. Their spokesman noted that this would free up police to deal with more serious crime.

Law enforcement has been cowed by drug warriors for so long, this is almost surprising. But what worker wouldn't support changing a policy that requires him to waste time at frivolous, unpleasant tasks while more important work goes undone? For that matter, what manager would countenance the productivity-loss associated with such a policy?

The answer, of course, is a public-sector manager.

— John Tabin

It wasn't terrorism, go back to your picnic — It's hard to say which was more disturbing: the shooting at LAX back on the Fourth of July, or the FBI's bizarre statements immediately following the event. It took our crack Homeland Security experts more than 24 hours to conclude that an Arab gunman who fired eleven shots at the El Al ticket counter was "intending to kill" someone. Perhaps they thought he might have been reaching for his photo ID and inadvertently pulled two loaded guns and took out five victims by mistake. Maybe they thought he might really have been on his way to Israel (that favorite Fourth of July destination spot for Egyptians), innocently carrying his guns when the continuous no-smoking announcements at the airport suddenly drove him over the edge.

— Michael Drew

Judicial watch — Normally I am as happy as the next guy when a politician is sent to the hoosegow. After all, if a person were honest, why would he go into politics?

But I won't join the mass celebration of the conviction of Rep. James Traficant and his subsequent move from the House of Representatives to the Big House. It's not that I doubt that Traficant was guilty of the charges against him — it seems pretty likely that he used congressional staffers for private work. What I don't like is the fact that Traficant alone among the 535 members of Congress has been singled out and punished for this misdeed.

Traficant was at worst a harmless eccentric. I'd be happy to see him behind bars, but only after 533 former colleagues were incarcerated.

A couple of years ago, I had occasion to spend some time with a group of young congressional staffers and ex-staffers. As the night and the booze flowed on, the conversation turned again and again to the shenanigans of members of Congress, shenanigans consisting mostly of using the resources of office for private advantage. Practically everyone was sharing stories about bosses' or former bosses' malfeasance of this sort.

With his goofy hairpiece, incoherent conspiracy theories, and customary peroration of "Beam me up, Scotty!" Traficant was very different from the blow-dried, suck-up-to-the-special-interests confidence men who inhabit the House of Representatives. But what cost him his job and his freedom was his refusal to play the political game. He couldn't be counted on to maintain the pretense that Congress is the deliberative body of a free republic. For that he was singled out and his job and his freedom torn from him.

So I overcame my temptation to say, "One down, 534 to go!" In my book, Traficant was at worst a harmless eccentric. I'd be happy to see him behind bars, but only after 533 former colleagues were incarcerated.

Make that 534. It's worth noting that Bill Clinton survived similar charges, even after evidence was made public that he had compounded his crimes with perjury. Last Sunday's paper included a brief note that author Jeffrey Archer was serving a sentence for perjury in a civil case — something that, when proof of Clinton's perjury was made

public, over 200 members of Congress assured us never happens. — R. W. Bradford

The case against Martha — Martha Stewart is just the kind of perfect rich person that everybody loves to hate. Sure, the recipes and crafts she talks about are the work of the talented homosexuals working underneath her, and when she entertains, she does what everyone in her social bracket does: hires a caterer. But you have to admire that she turned her eponymous company into a brand worth billions of dollars.

When I first heard that she was under investigation, I feared for her liberty. It would be very difficult to assemble a jury without at least one person whose dinner table always looks less than elegant, or who has served a fallen souffle to dinner guests, and had to confess that she'll never be *half* the woman Martha Stewart® is. Envy and hate often enable people to find guilt where none exists.

I was pretty sure that poor Martha would be working on window treatments that repeat the theme of "vertical bars" and picking a lipstick that complements the orange in her new "pantsuit." For a brief moment I even thought it would be an interesting idea for a cable network to continue filming her show from inside. Kind of like *Oz* meets *Trading Spaces.*

Then I heard Martha blame the investigation on a "Republican witch hunt." (A poor choice of words, considering the sex and disposition of the person being "hunted.") Maybe I'm a little jaded from the Clinton administration, but when I hear a Democrat complain about a right-wing conspiracy, I automatically assume she's guilty. Lock her up for even suggesting such a thing. — Tim Slagle

If *I* Were Going to Commit Mass Murder

If *I* were going to commit mass murder,
I'd want to have a pretty good reason;
and what disturbs me about most of the
mass murderers in American history
is that their reasons, examined up close,
seem flimsy.

Indeed, they look less like real reasons
than mere deceptions. That is — and I hate to say so
at this late date, but the more I learn, the more I'm
convinced — those guys really didn't have much
interest in murder as such:
It was just a convenient means
to a personal political end.

Now, if I'm correct, an awful lot of people
have killed and been killed for no good reason —
have been sold, so to speak, a bill of goods
by politicians out to get a bit more power
or a little more time in office. And you've got to wonder
why so many folks failed to see through the flimflam.

Well, ordinary people have problems of their own,
so it's to be expected that they often harbor
urges to sign a fat munitions contract or
desires to land a regular job or
hopes to make a real-estate gain or
inclinations to slaughter the ancestral enemy.

And maybe that's all it takes:
power-drunk leaders and insecure, gullible followers
— none of them too touchy about homicide —
provoked by the usual incidents and reported atrocities
that provocateurs and propagandists with half a wit
can supply at will.

So the big and little episodes of American mass murder,
Lincoln's and Wilson's and Truman's and Bush's,
are hardly surprising — ho hum almost — and
we can surely expect repeat performances.
Still, if *I* were going to commit mass murder,
I'd want to have a pretty good reason.

— Robert Higgs

Musing on a construction delay — There was a time when I worried about America turning into a police state. But not so much, anymore. Nowadays it's construction workers I worry about.

When I was a kid, police directed traffic. We even had a name for them. We called them traffic cops. We knew they were the law and, like it or not, they had the authority, we didn't, and it was a good idea to mind.

But not anymore.

Nowadays, there you are, tootling down some street you've tootled down dozens of times before, on your way to some important appointment you have calculated exactly how long it takes to get to, and a blonde with a pony tail, a yellow hardhat, and an international-orange safety vest steps in front of your car with a stop-sign-on-a-stick. What I want to know is, do I have to be polite to her?

And if I weren't? Would it be a life-altering mistake, like being rude to an airport employee?

And, what about the foremen? I've always been under the impression that flaggers are the lowest-paid, least-skilled workers on a project. What if I were rude to a construction worker and she called over the foreman and I was rude to him? What then?

Would they drag me from the car and tie me up with dry-wall tape?

If I resisted, would they club me into submission with their two-liter steel thermos bottles? Would they just plant a nail gun on my lifeless body to show they had only been protecting themselves when they stapled me to death?

What if I wasn't rude, what if I just ignored her?

Would she jump into her 4X4 and give chase?

If she couldn't catch me, would she radio ahead to other construction workers to make the intercept? ("You can dodge and you can flee, but you can't outrun my old CB.")

What if I didn't stop for them, either? Would I become an interstate fugitive from construction projects?

Would my picture show up in job shacks all over the country, making life a living hell until a special team of Federal Job-Site Enforcement Authorities finally hunted me down?

What if I didn't just run by her, but ran over her?

Would that be one of the 60 or so federal crimes that carry the death penalty, like killing an on-duty cop?

What if I wanted to direct traffic? Could I just buy a

hardhat, and an orange vest, and stand in the road and make cars go where I want?

Or do I have to take some kind of class, first? Do I have to attend the Construction Academy and formally take an oath to "Swerve and Deflect" before society will entrust me with a stop-sign-on-a-stick?

What if I haven't been sworn in and decide to direct traffic, anyway? What is the penalty in this state for impersonating a construction worker?

Or does the real power lie with the paving contractor? Does he have to deputize me before I can stand in the street and tell people where to go?

There's probably more to this than I've thought about, but I have to break it off. The blonde in the pony tail and the yellow hardhat just turned her sign to SLOW and the cars ahead of me are starting to ease forward.

— William E. Merritt

The bubble economy — It seems clear to me, if not to believers in nearly perfect markets, that the soaring of the stock market before its recent collapse was a bubble of "irrational exuberance." Various factors tend to prolong a rise and impede early correction. Analysts working at brokerage firms have been relatively reluctant to recommend selling individual stocks. TV programs like Louis Rukeyser's are essentially cheerleading for market gains. Most investors understand being in the market on the bull side more easily than being in it on the bear side. For many, a short-sale position is peculiar and uncomfortable. Rules about short-sales only on an uptick — against selling short at declining prices — contribute to the market's asymmetry.

Personal experience convinces me of a further factor: sale of appreciated stock incurs a capital-gains tax, but one can avoid it by holding the stock until death, when the cost basis is updated. This factor tends to discourage sales of stock, including those that the holder thinks overpriced. Politicians might suggest changing the law to tax mere paper gains on stock still held or to maintain the original cost basis, even many decades old, on stock transferred at death. But the intrusiveness and practical difficulties would be enormous.

Financial and real resources would have been better allocated if the stock market had not soared unsustainably before its delayed and consequently sharpened collapse. Its

perverse behavior is partly the government's fault.

— Leland B. Yeager

What's polygraph for the goose . . . — In the emerging tale of how U.S. intelligence services failed in the closest thing to a legitimate function they have — protecting the American people from outrages like the Sept. 11 terror attack — it's hard to know who is the biggest hypocrite. Sen. Richard Shelby, of Alabama, ranking Republican on the Senate Intelligence Committee, is a good candidate. He was recently the leader in creating a program to polygraph some 15,000 scientists at Department of Energy labs. But he bristled at the idea of senators and Senate staffers being asked to take polygraphs, harrumphing that "First of all, they're not even admissible in court, and second of all the leadership have told us not to do that."

But Shelby's hypocrisy may be trumped by those asking senatorial bigwigs to take the tests. It seems the National Security Agency (NSA) intercepted a Sept. 10 phone conversation in Arabic referring to the next day as "zero hour," but didn't translate it until Sept. 12. The NSA was less interested in fixing this intelligence failure than in finding out who leaked the info and let the American people in on the embarrassment, so it ordered an investigation into the leaks and wanted to polygraph the Senate Intelligence Committee members and staffers.

— Alan W. Bock

Luminaries for Williams — It seems that Enron and WorldCom aren't the only entities with dubious accountability. In his bid for re-election, Washington, D.C. Mayor Anthony Williams gathered up 10,000 signatures to get his name on the Democratic Party ballot. Signing up were such luminaries as Kelsey Grammer, Billy Joel, and British Prime Minister Tony Blair.

Only 2,000 signatures were needed, but since he paid his staffers a dollar per name, I guess they couldn't resist fudging. The Board of Elections fined Williams and removed his name from the primary ballot, leaving him to run as a write-in candidate.

— James Barnett

Respecting the unrespectable — The judge who sentenced James Traficant to eight years in jail — a sentence richly deserved, if only because he was the biggest bore in Congress, and that's saying something — complained that Traficant had "no respect for government." When I heard that, I immediately thought of a cartoon I saw in some pro-communist book I read when I was a kid. It was a defense of some leftist who refused to testify before Congress. It showed a man reading a newspaper. "Why did they accuse him of contempt of Congress?" the man asks his wife. "Don't we all feel the same way?"

— Stephen Cox

"Sorry, the system's down."

Got beer? — Never let it be said that we report only the bad news. Recent research suggests that beer (in moderation, of course) may protect against heart attacks, stroke, hypertension, diabetes, and dementia. It might even be better for you than red wine.

Cheers!

— Alan W. Bock

I Kings 16:11— To the ongoing amusement of the civilized world, San Francisco finally passed a law prohibiting people from relieving themselves in public. Not unexpectedly, local homeless advocates (among the looniest of the loony left) opposed the measure. Perhaps the array of male organs regularly on display around the park near my downtown office and elsewhere is all just part of the Bay Area's "celebration of diversity." I must admit I haven't researched far enough to find out what the penalty might be for unzipping and letting it rip — since I know it is merely academic.

If you're going to literally pay thousands of drunks and drug addicts from around the country to come live on the street, sleep in doorways, and take over public parks, the "end result" in terms of bathroom usage is likely to remain fairly constant over time. Oh, but now we have a law against it? There may be some candidates for the citizenship merit badge lying on the street out there, but I haven't encountered many to date. More to the point, a local cop I know refers to the city in question as "the world's largest outpatient clinic."

A few months back the *San Francisco Chronicle* ran a story on a street person who has been arrested over 40 times for various drunken assaults and disturbances. At his various trials he is routinely urged to go into a voluntary alcohol treatment program. When he refuses, he winds up back out on the street, where he is most likely now gearing up full-throttle for his next trial. (Note: his last trial alone cost the public over $200,000.) What kind of ultimatum are they going to give this guy under the current system the next time he decides to relieve his urge outdoors: "Three pints and you're out?"

For all the fascination with Eastern mysticism in the Bay Area, it's a shame so few have mastered the basic principle espoused by the late Tibetan spiritualist Chogyam Trungpa: "common sense sanity."

— Michael Drew

Alarms and diversions — Not only do the recent reports of corporate fraud give lie to the notion that professional accountants protect the public, they also call into question one of the basic characteristics of capitalism, itself — the boom-bust cycle. When all the phony profits and concealed debt are weeded out, we are going to dis-

cover that there never was a boom at all — just a lot of cooked books. And, now, there isn't really a slow-down — just a recognition of where we have been all along.

It's as if we had been playing in a flight simulator — virtual highs followed by a virtual bumpy landing, without anything ever actually taking place — just one more meaningless thing we did to entertain ourselves during the Clinton years. — William E. Merritt

High on violence — Alvaro Uribe, the newly inaugurated president of Colombia, has declared a state of emergency, a surtax on the wealthy, and announced a host of restrictive measures designed to thwart guerrilla rebels — prohibiting public rallies and interviews with guerrillas, and allowing curfews, wiretaps, and searches without a court order.

Colombia's civil strife is fueled by the drug war. Drug prohibition creates premium prices that make coca more profitable to grow than corn or bananas — and makes peasants prime targets for protection rackets from both leftist guerrillas and rightist paramilitaries. All sides are more violent, better-funded, and better-armed because of the drug war. But neither the United States nor the Colombian government is interested in the single step that would do more to defuse the level of violence in Colombia than any other. — Alan W. Bock

For the children — Running for governor of Florida, Janet Reno is complaining that the state's child welfare offices have lost track of hundreds of children who ran away from foster homes, or who have been abducted by their natural parents. There's little reason to doubt that Ms. Reno would be able to change the situation. When she focused her attention on the Branch Davidian children or on Elián Gonzáles, she made absolutely sure that no one escaped. As attorney general, Ms. Reno pioneered the innovative use of poison gas, tanks, and machine guns in the services of child protection, as well as demonstrated a willingness not to let her child-rescue efforts be constrained by such trivialities as the U.S. Constitution. Imagine what she could accomplish as governor of Florida. — Dave Kopel

Running on empty — Turns out Ron Crickenberger, who is making his second run for the U.S. House from Virginia's 8th District, will be on the ballot as an Independent rather than as a Libertarian because the Libertarian Party of Virginia forgot to file the appropriate paperwork with the state board of elections. Kind of ironic, given that Crickenberger is the LP's national political director. — Ken Sturzenacker

From the mouths of losers — *The New York Times* reports that leading Republicans oppose the president's plan to topple Saddam. In support of this proposition, the *Times* trots out Brent Scowcroft, an architect of Bush I's failed Iraq policy, who wants to postpone doing anything about Iraq until the Arab-Israeli conflict is solved — a formula for doing nothing, ever.

After the Communist coup in the Soviet Union, Scowcroft advised conciliation with the Communists, rather than support for Yeltsin and Gorbachev. After Sept. 11, Scowcroft opposed toppling the Taliban. If Scowcroft was wrong about regime change in Iraq in 1991, Afghanistan in 2001, and the USSR in many different years, why should his fears of destablizing Iraq be taken seriously today? — Dave Kopel

The second casualty — H.L. Mencken, America's greatest cultural critic, saw the folly of the nation's entry into each of the World Wars, and, I suspect, was somewhat depressed by it. He reacted to each war by withdrawing from writing on public matters: why bring upon yourself a torrent of abuse and possible punishment? Happily, he was a man of protean talent and a multiplicity of interests, and when the war came, he simply wrote about other subjects.

I am no H.L. Mencken, but I share his reaction to the War on Terror and Islam. My sadness has, I think, cut back my appetite to write. It just isn't as much fun to ridicule the folly of wars in which lives are lost and liberty destroyed as it is to ridicule George Bush's idiotic farm subsidy program, Bill Clinton's habitual lying, or Al Gore's blockheaded stupidity.

Like Mencken, I am puzzled and saddened to find that many of the people that I love most dearly — and writers and intellectuals for whom I have the greatest respect — have been caught up in the war hysteria. But unlike Mencken, I am the editor of a political magazine, and that makes it difficult to avoid writing about this awful war.

This is why you will find, elsewhere in this issue, my comments on the first anniversary on the war. — R.W. Bradford

That man . . . Bill Clinton — Catching up with old copies of the *New Yorker*, I found a profile of an ex-military man who had defrauded some antiques dealers. After he realized what he had done (or after he got caught; reports vary), he felt that he could no longer regard himself as "an honorable man," which had always been his self-image. Indeed, he said, watching the 1999 impeachment hearings, a terrible thought struck him: "I'm no better than

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Bill Clinton." Perhaps parents and teachers should use that as a concretization of the notion of conscience for their charges: "Why, if you did that, you'd be no better than Bill Clinton." But reserve it for serious offenses. — David Boaz

Tax and wither — The mailman delivered the September issue of *Liberty* on the same day that I was scheduled to have dinner with Jim Panyard, the president of The Pennsylvania Manufacturers' Association.

A cover article by R.W. Bradford, "Where Taxes Are Lowest," shows Pennsylvania to be a high tax state, right at the top in terms of how much its local and state governments grab from people's paychecks. One map in the article, for instance, shows that the combined tax bite on personal income from local and state levies exceeds 13% in only Pennsylvania and Connecticut.

Another map shows the percentage increase in state and local taxes per capita, adjusted for inflation, from 1992 to 2000 in each state. Pennsylvania, starting from an already high level of taxation, increased taxes by 46.7%, during those eight years. Half the states, most starting from a lower level of taxation than Pennsylvania, increased state and local taxes by a smaller percentage than Pennsylvania during that same period.

In New Hampshire, Texas, Louisiana, Missouri, Alabama, South Dakota, and Tennessee, for instance, state and local taxes per capita increased from 1992 to 2000 at less than one-half the rate of increase in Pennsylvania.

Not surprisingly, the article concludes by pointing to a strong correlation between tax rates and population changes, i.e., squeeze the people in Pittsburgh enough and they'll head off to Raleigh or Atlanta. The policy implications, concludes Bradford: "People who oppose population growth should support higher personal taxes; people who oppose economic growth should support higher taxes of all kinds." In other words, elect the big spenders, kill economic growth, and export our young.

At dinner, Mr. Panyard told much the same story, explaining how government overspending and oppressive taxation in Pennsylvania has radically undermined the state's economic future. Among his points:

• Among the twelve states that are Pennsylvania's key economic competitors, Ohio, New Jersey, Maryland, New York, California, Florida, Georgia, North Carolina, Texas, Maine, Illinois, and Virginia, Pennsylvania's overall growth in economic output was fourth from the bottom over the past ten years and dead last in the past five years.

• From 1990 to 2000, job creation in Pennsylvania grew at just over half the national rate — ten percent in Pennsylvania versus 19% nationally.

• Pennsylvania's working-age population grew from 1990 to 2000 at less than one-sixth the national rate — 2.5% in Pennsylvania versus 18% nationally.

• Ranked against its key economic competitors, i.e., the twelve states listed above, Pennsylvania ranked dead last in personal income growth.

• Over the past 20 years, total state operating expenses in Pennsylvania have increased at nearly double the rate of inflation.

• In 1999, Pennsylvania's state and local governments spent a total of $5,887 for every man, woman, and child in the state.

• From 1990 to 2000, the growth in the number of state and local government employees in Pennsylvania increased at more than three times the rate of population growth in the state.

• In 2000, Pennsylvania's business taxes per employee were 158% the national average. Pennsylvania, for example, has the highest rate of taxation in the nation on corporate capital and the third highest tax rate on corporate income.

• Since 1981, over 400,000 manufacturing jobs have been lost in Pennsylvania — nearly 100,000 since 1991, and 51,000 of those in 2001 alone.

The message? Big Brother is a killer. — Ralph Reiland

The apple doesn't fall far from the Bush — One decade ago, a President Bush who had reached unprecedented heights of popularity by responding decisively to the aggressions of a homicidal Arab megalomaniac found himself fighting a less tangible foe, economic recession. Stratospheric poll numbers were brought down to earth by the eclipse of good times. But what put paid to the political career of that Mr. Bush was less the economic downturn — it proved to be a minor blip in an unprecedented cascade of growth — than his faltering grasp on events. Presidential rhetoric was especially unfortunate. After declaring his foe to be "worse than Hitler," Bush acquiesced in an armistice that left Hussein firmly ensconced in power and able to continue stuffing his toybox with devices of mass destruction. Coupled with Bush's notorious "read my lips" backtrack, the president's image as a man of principled resolve was undone.

After declaring his foe to be "worse than Hitler," Bush acquiesced in an armistice that left Hussein firmly ensconced in power and able to continue stuffing his toybox with devices of mass destruction.

I am not customarily given to approving citations of Karl Marx, but his observation in *The Eighteenth Brumaire of Louis Bonaparte* that "History always repeats itself, the first time as tragedy, and the second time as farce" is strikingly apposite today. If the current President Bush does not wish to join his father in the dustbin of failed administrations, he urgently needs to regain focus in the campaign against perpetrators of terrorism and to halt stream-of-consciousness blathering about stock markets and the economy. Most of all, he needs to recapture that unexpected flash of seriousness which, in the aftermath of Sept. 11, gave him the appearance of not being altogether too small a man for the job he holds.

— Loren E. Lomasky

Profit or perish — Much as I liked Ron Capshaw's expose of the academy, "Bitten Tongues and White

Knuckles (August)," I think he misses the universal truth that if an institution is not devoted to profit, the most ambitious within it strive for power and thus for the abuse of power. This result is as true for universities as for religious organizations as for "socialist" states as for cultural magazines and anything else not run for profit. The function of anarchist-libertarian criticism should be illustrating that truth by exposing its different forms of abuse in various institutions. — Richard Kostelanetz

Coincidence or conspiracy — Does anyone else find it spooky that this year of Middle East carnage and mayhem is now being topped off by an airborne killer from the West Nile? — Loren E. Lomasky

Huckster ethics — Recent scandals about the dishonesty of business executives and accountants remind me that David McCord Wright recognized "criticism" as one of the "vital," if less obvious, "requirements of social growth." Wright meant "insistence upon 'qualitative' standards of social development," something beyond mere rising output per head. "Mere increase in output can be increased garbage as well as increased sources of better living" (*Capitalism*, 1951, pp. 50–51). Wright may have had types of goods and services specifically in mind, but surely business practices are an equally appropriate target. Well-based criticism is constructive and not anti-business; markets work on trust. (Attention to dishonesty in government and politics goes without saying.)

Honesty and decency mean more than operating just inside the limits of law and preannounced rules (like generally accepted accounting principles). The cases that might arise are too multifarious to be covered in advance and in detail. To suppose that the law determines, or at least registers, what morality requires is a tacitly statist notion. If government should try to enforce everything good and suppress everything bad, wielding coercion as its ultimate sanction, it would incur immense costs, would fail, and would preside over a totalitarian society.

Looseness, vagueness, and flexibility are dangerous characteristics of government law. They leave scope for selective prosecution, predatory lawsuits, and arbitrary penalties. But I think that the law can, and does, forbid and punish actual fraud, and without defining the many methods of fraud in exquisite and impossible detail.

Still, many gray areas inevitably remain. They too should be dealt with, but dealt with not by actual law but by the informal and more flexibly enforced precepts of ethics. No otherwise immoral behavior becomes acceptable by being done in the name of business. Wright's appeal for criticism is relevant here. The media and ordinary consumers perform a public service, in my view, when they denounce dishonest and borderline-dishonest business practices, even rather trivial ones. The rationale of the crackdown by Mayor Giuliani's police on even minor offenses in New York City may apply to nongovernmental enforcement as well. Attention even to minor matters may encourage decent behavior more generally.

In mentioning a few examples of doubtfully honest advertising, I'll set aside downright fraudulent pitches such as those that arrive in spam email. Currently offered on Spanish-language television in the United States is a series of products said to be good for sour stomach, asthma, diabetes, lack of energy, painful menstruation, impotence, skin spots — whatever. These prominent claims are withdrawn only in fleeting small print at the bottom of the screen. There the viewer learns — if he can read quickly enough — that the products have nothing to do with diagnosing, treating, curing, or preventing any disease, being nutritional supplements only.

Many television and magazine advertisements feature an attractive price in voice or in large print and, in small print, a "shipping and handling" charge obviously exceeding any plausible costs. Some advertisements do not even put a dollar figure on that charge, evidently in hopes of exploiting the momentum of customers enticed to the brink of purchase. As for "handling," shouldn't it be taken for granted that a seller bears the cost of making his product available for sale at its price? Since the "shipping and handling" charge is an unavoidable part of the total price charged, it is questionable to semi-conceal it as a small-print addendum to a large-print come-on. (I have no quarrel, however, with bona fide shipping charges that depend on the weight or dollar value of the order or that add so much for a first book, say, and a lesser amount for each additional one.)

A magazine advertisement for a gold-clad (and presumably thinly clad) replica of the 1933 Double Eagle states its weight as "1 oz. avdp.," neglecting to point out that the avoirdupois ounce is smaller than the troy ounce usually employed in such contexts.

Many products are offered at prices to be reduced by mail-in rebates. Why, instead, aren't the prices simply reduced by the amounts to be rebated? Evidently the seller hopes that the buyer will be forgetful or lazy or will stumble in trying to jump through the required hoops. Price discrimination like this is not to be condemned root and

branch; economists know that discrimination can be constructive in various circumstances. I haven't reached a firm judgment on price discrimination of the just-mentioned and similar kinds, but I do wish that it triggered fuller discussion.

Open criticism can exert a healthy discipline over business practices in both trivial and momentous areas. It could be made interesting for readers and TV viewers. And it should not be muffled by inappropriate libel and slander laws. — Leland B. Yeager

Spam scam— There is a new threat to our liberties, one that is supported by the vast majority of Americans. No, I don't mean President Bush's star chambers. I mean the pending legislations against unsolicited commercial emails ("spam"). Most private citizens and big corporations support these measures without really thinking of the consequences. Let me restate — private citizens haven't thought them through, but the big corporations know fully well what they are doing and why.

Of course, it's a nuisance to get spam. But, really, unless it contains a virus it is harmless. It is far more ecological than paper junk mail. The inks and chemicals in junk mail have direct ecological consequences that can last decades. Delete spam and it is gone forever. So, why all the fuss?

Unfortunately, people believe they have a right to not be invited to do something — as if their email is their own homesteaded property. But, in truth, email addresses are de facto leased pieces of the Internet — a communal endeavor. Others have a right to post their wares and ideas on the bulletin board. You have a right to ignore it. But you've no right to tell others what they can and cannot post.

Americans' natal prudishness and penchant to censor is strong and government and corporate lackeys feed on them. The government does so because it loves to micromanage its citizenry. The corporations do so because they want to eliminate startup businesses with interesting ideas. That these two entities seek to limit your freedoms is bad enough — but that they choose to do so by hiding behind so-called anti-spam grass-roots organizations (many of which do not disclose their corporate sources of funding) is especially Machiavellian. — Richard Kostelanetz

Mao tse-Thatcher vs. Deng Xiao-Blair— A recent article in the often interesting "Arts and Ideas" section of *The New York Times* reports on the intellectual debates in China. Reporter Joseph Kahn says that the dominant faction is "what the Chinese call neoliberal. Its proponents argue that China should complete its economic and social evolution that began under Mr. Deng [Xiaoping] by selling off state companies, shrinking the government, strictly enforcing property rights, and letting the market work its magic. The neoliberals in some ways tend to echo Ronald Reagan and Margaret Thatcher." The other faction calls itself the New Left. (One wonders just how different are the Chinese words for "neoliberal" and "new left.") "Many in this school want the government to reduce inequality, provide a social safety net and intervene more in the market to tame the economic cycle." Libertarians would take issue with both sides, especially since Kahn says that some neoliberals like the Pinochet model — an undemocratic government that can take bold actions to deregulate the economy without worrying too much about popular opposition.

But look at it this way: in Red China, as we used to call it, 26 years after the death of Mao Zedong, the political debate sounds like a debate between Margaret Thatcher and Tony Blair. What an astounding development! One billion people are moving into the global economy and slowly being liberated from the backbreaking labor that has been their lot since time immemorial.

Perhaps an even more intriguing indicator is a report that comes to me from a devotee of a Houston Rockets bulletin board. The hapless Rockets used their no. 1 draft pick to draft 7-foot-5 Yao Ming from China. The Chinese government said that Yao could play in the NBA but would owe half his immense salary to the Chinese state. And young Chinese basketball fans are coming to the bulletin board and complaining that such a demand is outrageous. My correspondent, a journalist with a liberal periodical who must remain anonymous, says, "I wonder where these well-indoctrinated kids of communism got the false consciousness that having to surrender 50% of your income is wrong?"

In Red China, as we used to call it, 26 years after the death of Mao Zedong, the political debate sounds like a debate between Margaret Thatcher and Tony Blair. What an astounding development!

Now, intellectuals and basketball fans with access to the Internet probably don't make up one percent of China's citizens. But these reports should give us some reason for hope as we confront the dismal state of American politics in the Bush-Clinton-Bush era. — David Boaz

Losing majority — The national office of the Libertarian Party is busy raising funds for Project Majority, with the ostensible goal of fielding 218 or more candidates for the House of Representatives, enough to make a majority, if they were all elected.

In a fundraising effort for Project Majority, the LP's Ron Crickenberger quotes Richard Winger's observation that "In the past, any party strong enough to run candidates in a majority of districts became strong enough to elect at least one member to Congress."

It's hard not to think that the LP has put the cart before the horse. The fact that parties in the past that managed to field candidates in a majority of House races went on to elect at least one member of Congress is, as Winger notes, a result of their being "strong enough."

The LP fielded more than 218 candidates for congressional seats in 2000. This was not the result of its overall

continued on page 18

Living with the War on Terror

by R. W. Bradford

Why did we abandon our liberty and increase our tax burden without gaining any increase in security?

A year has passed since four small groups of Muslim revolutionaries boarded four U.S. passenger planes, hijacked them, and tried to crash them into buildings in New York and Washington, D.C. Two jets hit their intended target, the World Trade Center in New York, causing nearly 3,000 deaths. Another crashed into the Pentagon, causing 184 deaths, though it is doubtful that the Pentagon was their intended target. The fourth plane crashed in Pennsylvania, killing all hijackers, passengers, and crew, apparently after passengers attempted to overcome the hijackers.

The American people responded to the attacks with shock, grief, patriotism, hostility toward Muslims in general and Arabs in particular, and increased support for their government.

In the year since Sept. 11, the U.S. government has responded to the attacks in the following ways:

It destroyed the government of Afghanistan, which had harbored an Islamic revolutionary group believed to have supported the terrorists. It established in its place a client state, whose existence depends on continued United States military presence.

It arrested or otherwise detained numerous people whom it suspects (or claims to suspect) of terrorism or, at least, of unpopular opinions or activities that we do not like. These individuals have been denied the right to a trial, denied the right to counsel, denied the right to due process of law. It has convicted one "terrorist," an American who never supported any act of terror against his country in any way.

It is preparing to invade another Islamic state, one not even tangentially involved in the attacks of Sept. 11, on the ground that it is a "terrorist state," i.e. one that has sought to produce devices of mass destruction with which it can threaten its neighbors. Other countries, notably the U.S. itself, which have produced devices of mass destruction with which they threaten their neighbors, are not targeted by the government's campaign.

It has instituted numerous restrictions on the personal liberty of its citizens, restrictions ostensibly designed to prevent another successful terrorist attack on them. The government has given itself the right to search people who try to travel or attend public events, to conduct secret searches of people's property and secret copying of their private documents, to hold citizens as well as non-citizens in prison for indefinite periods, to make librarians provide government agents with the titles of books that any person has withdrawn from a library, and to do many other things destructive of its citizens' freedom and privacy.

These restrictions almost certainly would not have prevented the Sept. 11 attacks. Federal agencies have released several studies in which government operatives, posing as ordinary airline passengers, have boarded passenger aircraft while carrying concealed weapons that were far more dangerous than the razors and box-cutters used by the Sept. 11 terrorists. Terrorists using more sophisticated weapons — knives made from ceramics or disguised as parts of such common carry-on items as attaché cases — would have vir-

tually no risk of detection under the current regime.

While any of the new restrictions — not all of them instituted by the federal government; hysteria is a swamp that stretches far beyond the waters of the Potomac — might plausibly have made life more difficult for certain terrorists, many of them have no relevance to terrorism, and can be explained only as bureaucratic power lust. The University of Washington has prohibited possession of political leaflets at football games; meanwhile, Washington State Police randomly search people who travel on ferry boats, on the theory that it might apprehend a terrorist disguised as a tourist or commuter.

Ridiculous? Certainly. But it is difficult to see how *any* of the government's actions have made Americans more secure from terrorists who are willing to give up their own lives in committing their acts of terror. No government in history, not even totalitarian dictators like Stalin, Somoza, Pol Pot, Hitler, or Mao, has ever managed to do this.

Islamic fanatics who hated America because it is a prosperous, free and open society got their wish: Americans reacted to their terrorist attack by making themselves less free, their society less open, and their country less prosperous.

None of the recent anti-terror measures make Americans any less secure from foreign terrorist attack, either, with the possible exception of the government's more aggressive foreign policy, which might inspire further terrorists. But the simple fact is that Americans are, and have always been, extremely secure from foreign terror. In the more than two centuries since the founding of the republic, the attack of Sept. 11 is only the second significant act of terrorism by foreign revolutionaries directed against American civilians on U.S. soil. The organization allegedly responsible for the Sept. 11 attacks has, so far as anyone can determine, attempted at most one additional act of terror: a British man tried to light his shoe on fire on a trans-Atlantic flight, and was quickly subdued by passengers and crew.

Security at U.S. airports was not adequate to prevent terrorists from boarding planes on the morning of Sept. 11. Why did security fail? Most Americans believe it was because security operations were simply incompetent. What's curious is that the people who believe this almost invariably reacted by expressing support for the government and its security efforts — the very efforts that they believed had failed. The federal government had virtual total control of the security system that failed, so giving the government further resources seems questionable at best.

But there was another condition the terrorists needed to succeed in their deadly mission: they needed passengers and crew who would not resist. The terrorists could hurt a lot of people with their knives, and even kill some of them, but four or five men armed with knives could hardly keep them all at bay if the passengers and crew were willing to put their lives in jeopardy to regain control.

Of course, the passengers and crew members were doing what the government had told them to do when faced with hijackers: co-operate and let the experts on the ground deal with the hostages. The failure of this response was spectacularly evident when the first two planes crashed into the World Trade Center. But once people aboard the other hijacked planes learned about the WTC attacks, they reacted by attacking the hijackers, in one case overpowering them and causing the plane to crash with relatively little loss of life and property, and in the other, it seems fairly likely, causing the plane to crash into what was, at most, a secondary target.

Ironically, the one measure that would substantially reduce the incidence of successful plane hijackings — the arming of pilots — has been resisted by the Bush administration and by most Americans, on the preposterous theory that a pilot armed with a handgun might pose a greater threat to them than a pilot armed with a 250,000 pound jet aircraft. If there ever was a case of ideology trumping evidence this is it: hasn't everyone just seen how much damage a person armed with a jet plane can do?

Here is the situation today: we are no more secure from terrorist attacks than we were before Sept. 11, and we are less secure from government attack in our homes and persons. We can be arrested and held without the right to a speedy and public trial or even to consult with an attorney, our property can be searched without our even knowing it and can be confiscated on the flimsiest of pretexts. Our government is exercising its overwhelming military power to impose its will on people all over the world; it is establishing, in effect, the largest and most powerful empire in the history of the world — which motivates the people we subjugate to hate Americans more and more thus making Americans less secure in their travel abroad. Ironically, Islamic revolutionaries who hated America because it is a free and open society — and consequently a happy and prosperous place to live — got their wish: Americans reacted to their terrorist attack by making themselves less free, their society less open, and their country a less prosperous and less happy place to live.

There is a sensible and well-disposed minority among us, and they are potentially just as influential as any "silent majority" or "moral majority" has ever been alleged to be.

How did we get into this situation? How did we abandon our liberty and increase our tax burden without gaining any increase in security?

The answer, I think, lies in a little recognized religious development. Over the past century or so, Americans have gradually abandoned their traditional religious belief in a Supreme Being, an other-worldly, ethereal God who can

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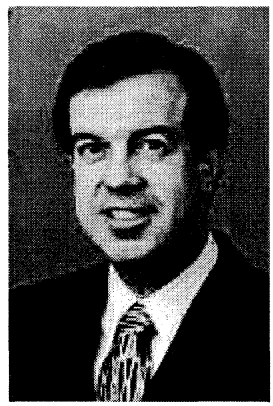

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perform miracles and intervene in their lives in ways both good and bad.

They have replaced this other-worldly god with a god that lives very much in this world. The new god is the state. Like the old god, it can perform miracles; it can, for example, spend more than it takes in year after year with no ill effects and can take money from everyone and distribute it among everyone with virtually everyone gaining in the process — and it can cure disease, end poverty, and solve virtually any problem and relieve any discomfort that a person can face.

Just as people formerly reacted to tragic or disturbing events by renewing and increasing their faith in God, people now react by renewing their faith in the state, beseeching it to help, and making additional offerings.

And just as the faithful in years past generally declined to examine whether their renewed faith, prayer, and offerings actually protected them from calamities, so Americans today aren't looking too closely at whether their renewed faith, prayer, and offerings to the state actually are protecting them.

From time to time there have been rogues among religious functionaries who exploited offerings of the faithful to increase their own power and influence, so today there are state functionaries who use the revival of faith in government to their own advantage. Of course, just as before, faith recedes as the calamity recedes into the past. The cynical among us might suspect that the Bush administration's insistence on war against Iraq is partly motivated, at least on a subliminal level, by the desire for another calamity to "bring us together."

For the present, at least, many Americans seem unaware that the money spent and the liberties abandoned have failed to make them more secure. They have no evidence for their belief in the efficacy of government; they simply think that by some mysterious process paying more taxes, supporting military action abroad, and giving up their rights and allowing their privacy to be invaded will somehow help. It is an act of faith.

But there is a sensible and well-disposed minority among us, and they are potentially just as influential as any "silent majority" or "moral majority" has ever been alleged to be. What should they do?

They should insist, at all times, upon the obvious truth: that absolute security is impossible; people who are bereft of moral sense and willing to die for their envies and hatreds can successfully perpetrate an act of terrorism. Recognizing this, the sensible minority should demand reasonable efforts to make us reasonably secure: armed air crews, alert security forces, a non-aggressive foreign policy, and so forth.

This demand should be matched by its correlative, that the government should restore the security it has already taken from the people; they should demand that our government undo the measures that subvert our liberty and privacy while not significantly increasing our security.

Just as the faithful in years past generally declined to examine whether their faith, prayer, and offerings actually protected them from calamities, so Americans today aren't looking too closely at whether their faith, prayer, and offerings to the state actually are protecting them.

Sensible people will recognize that one of the reasons why so many Muslims are so hostile to America is that our government is attempting to impose its will almost everywhere in the world. They should call for a stop to this.

The power of the sensible minority is always great, because the power of the truth is great. And the truth is that government is merely a human institution, incapable of magic and, thanks to its broad power and its popular support, susceptible to the human frailties, follies, and vices that have undermined all people's attempts to live happy and fulfilling lives. These frailties will never be wholly removed, but their effects can be limited when their expression and idol — the state — is demystified by common sense. This is the task of the sensible minority. And its challenge. ❑

Reflections, *from page 14*

strength, but of a special, concerted effort. Most of the campaigns for those races were virtually nonexistent. At the presidential nominating convention in Anaheim, the party's National Office promised to match spending for its congressional candidates' television ads dollar-for-dollar, provided that the campaign raise at least $5,000 for advertising. Fewer than 20 of the candidates managed even to do this.

This year, the National Office is raising funds for the filing fees for candidates in Nebraska, Kentucky, and Washington. These fees are modest, averaging less than $1,500 per candidate. If the candidates cannot raise these modest sums on their own, how can anyone expect them to run anything akin to a competitive campaign?

Let me make a radical suggestion: any candidate who is not able to produce sufficient signatures or dollars to pay filing fees does not deserve to be on the ballot in a general election.

Athletes compete in track and field based on their training and preparation, not with outside assistance after the race has started. Athletes who fail to clear the hurdles in their path do not get to go to the finish line. If the LP is ever to break out of its quarter-century-old mold of failure in big races, our candidates must prepare early and well enough to have the support and stamina to achieve more after the ballot access deadline than before it.

If the LP is ever to succeed, it must have real campaigns and candidates. Potemkin campaigns may fool a few donors, but they don't fool the voters. — Ken Sturzenacker

The Case of Johnny Jihad

by George W. C. McCarter

Why would a man who can prove his innocence plead guilty to a loathsome crime?

It was widely reported in mid-July that John Walker Lindh pled guilty in federal court to two felonies, and that he will be sentenced to 20 years in prison as a result. Since there is no parole in the federal system, Lindh will serve virtually the entire sentence, a spell of hard time by anyone's measure. According to most media reports, the typical public reaction was that Lindh is a traitor who deserves an even harsher sentence. The government, however, knew better. "Twenty years is a period of time almost as long as he's been alive," U.S. Attorney Paul McNulty was quoted as saying at the time of the plea. "This is a major sentence." In view of what Lindh actually admitted when he pled guilty (carrying weapons while serving in the Taliban army), it is not surprising that McNulty crowed about the sentence rather than the plea.

Lindh is the government's only conviction of a so-called "terrorist" since Sept. 11, and John Ashcroft's Department of Justice would have us believe it has removed a major security risk from the streets. The American people were led to assume the gravity of Lindh's offenses by DOJ's public (but surely never genuine) flirtation with the death penalty and by articles such as one by a prominent law school dean in *The Wall Street Journal*, urging that Lindh be tried for treason. In denying Lindh bail, a federal magistrate ruled: "It may be argued by the defense that the defendant is a loyal American. But the evidence before the court belies that assumption." Thanks to a carefully orchestrated public relations campaign by the Justice Department, the American people readily came to see the "American Taliban" as a genuine terrorist, and to link him implicitly with the events of Sept. 11.

But beyond outbursts of rhetoric from federal bureaucrats, there has been little public discussion of what crimes John Walker Lindh actually committed, what evidence the government has against him, what offenses he pled guilty to, and why he did so. What Lindh conceded is far different from what the government originally accused him of, and the 20-year sentence he faces is not justified by the harmless offenses he admitted. And although his plea was technically voluntary, the public's (and hence the jury pool's) consistently negative view of him as a result of DOJ's false and prejudicial media campaign must have weighed heavily in his or his lawyers' calculations.

The original indictment claimed that Lindh "engage[d] in a conspiracy to kill nationals of the United States, including civilians and military personnel, by committing murder." The mainstream media for the most part uncritically accepted the government's line that Lindh was an evil and dangerous fanatic who deserves every minute of the 20 years he faces. For example, *The New York Times* editorial on the plea claimed he admitted to "serious crimes." *The Wall Street Journal*'s James Taranto described those offenses as "aiding terrorists and carrying explosives." Taranto's disingenuous precis is just accurate enough to be grossly unfair. A more complete account was provided by John Riley in *Newsday*: "Lindh pleaded guilty to supplying services to the Taliban and carrying a rifle and grenades while supplying services." That sounds more like Ernest Hemingway in the Spanish Civil War than it does like "aiding terrorists."

Riley further reported that Lindh testified on the day of the plea as follows: "I provided my services as a soldier to the Taliban last year from August to November. In the course of doing so I carried a rifle and two grenades, and I did so knowing that it was illegal." If John Walker Lindh knew before the Americans captured him in December that serving as a foot soldier in the Taliban army was illegal under U.S. law, he is a better lawyer than I am. Unless the judge probed Lindh as to the nature and extent of his knowledge of U.S. law, it doesn't take much of a cynic to assume his "knowing that it was illegal" line was a convenient little perjury, necessary for the court to accept his plea. And it is quite possible Riley's version of what Lindh said is mistaken. The only "knowledge" Lindh admitted to in the written plea agreement, as opposed to Riley's account of what he said in court, was that he "knowingly carried with him an AKM rifle and two grenades."

With a fair trial and capable legal representation, it is hard to imagine a jury convicting Lindh of anything.

But whether Lindh knew it or not, his actions did indeed violate U.S. law. The reason that Lindh's foreign service, unlike Hemingway's, was technically illegal is made plain in the government's indictment:

> On July 4, 1999, President of the United States William J. Clinton declared a national emergency to deal with the threat posed by al Qaeda and the Taliban. Specifically, the President found that:
>
> The actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.
>
> In his Executive Order 13129, the President prohibited, among other things, the making or receiving of any contribution of funds, goods, or services to or for the benefit of the Taliban.

Lindh joined the Taliban's army in August of 2001, and a month later real terrorists attacked the Pentagon and the World Trade Center. Shortly thereafter, the U.S. government (sort of) declared war on the Taliban. John Walker Lindh never attacked the United States — the United States and its surrogate, the Northern Alliance, attacked him. What was Lindh supposed to do at that point, resign? The U.S. Army takes a dim view of private soldiers "resigning," especially in wartime. It is safe to assume the Taliban's rules on desertion were at least as strict as ours, and we have shot deserters in all of our major wars through World War II. In any event, the "crimes" of joining the Taliban and carrying weapons had already been committed when American forces arrived in Afghanistan. Resigning, even if possible, would not have expiated his technical guilt.

The government has never claimed to have eyewitness evidence that Lindh took up arms against the United States. The prosecution was always based on his own admissions, such as they are. The government has not released transcripts of its interrogations, but it is likely they are no more incriminating than interviews Lindh gave to the public press, since it is the latter that Lindh's lawyers tried unsuccessfully to exclude from evidence at trial. It is worth looking closely at what Lindh actually said, to put the significance of his guilty plea into proper perspective.

Lindh's most celebrated interview was with CNN's Robert Pelton, first aired on Dec. 21, 2001. A transcript is available at CNN's website, and it shows that, after reading "literature of the scholars," Lindh says his "heart became attached" to the Taliban; that he attended several "training camps" for non-Afghan volunteers; and that he was captured by the Northern Alliance after a 100-mile march on foot to Mazar-e-Sharif. More important than what was on the tape is what was not: evidence that Lindh was a terrorist or was hostile to the United States in any way. The tape did confirm that Lindh served the Taliban and probably carried a weapon while doing so. (He admitted that when the Northern Alliance ordered the captured Taliban to "give all of the weapons many people were hesitant, so many of them held — they hid inside of their clothes hand grenades, which is against what we had agreed upon.") So yes, the "crimes" John Walker Lindh pled guilty to did occur, if you leave aside the issue of *mens rea*, or guilty intent. That is all the infamous CNN tape proves. And it isn't much.

There is another, arguably more incriminating, interview that Lindh gave to Colin Soloway of *Newsweek* on Dec. 1 "while waiting to be taken into detention along with over a dozen other wounded men, mostly Arabs, in a large cargo truck," according to Soloway. The *Newsweek* article has received less media attention than the Pelton interview, perhaps because there is no tape to back it up. But recently such defenders of the prosecution as *The Wall Street Journal* and *The New Republic* have cited it as proof that Lindh was an enemy of the United States. Here is the offending passage in its entirety:

> When asked if he supported the September 11 attacks, he hesitated. "That requires a pretty long and complicated explanation. I haven't eaten for two or three days, and my mind is not really in shape to give you a coherent answer." When pressed, he said, "Yes, I supported it."

That sounds like a damning admission: a native-born American serving in a foreign army "supported" the murder of 3,000 mostly American civilians. If true, that was big news, and a good reporter would have run with it. But Soloway dropped it. Instead of following up by asking in what ways Lindh "supported" the attacks, whether he had any foreknowledge of them, or how much he even knew about them while serving in the Taliban army, Soloway's article immediately shifts gears. It recounts at length, and in a manner sympathetic to Lindh, the circumstances of his capture and wounding at Mazar-e-Sharif.

If Soloway, who claims to have heard the remark about

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supporting the Sept. 11 attacks, attached so little importance to it, should we do any more? After all, Lindh asserted at the time that he was having a hard time giving "a coherent answer." When he finally gave his answer, how much had he been "pressed"? And his response, "I supported it," was in the past tense. Had he changed his mind when he received more information? And, even in the worst case, since no one claims his alleged support went beyond mere cheerleading, this "admission," if true, is nothing more than a particularly tasteless exercise of Lindh's First Amendment rights. (Incidentally, the same Colin Soloway who claims to have heard the "I supported it" remark co-authored a later article in *Newsweek* that attributed the government's acceptance of the guilty plea to the "growing realization . . . that the government had stoked a bonfire to fry a guppy.")

The enthusiasm in media and political circles for "throwing the book" at John Walker Lindh reveals an indifference to the facts and a strange lack of empathy. Lindh went to Pakistan, and then Afghanistan, for entirely idealistic reasons, even if few Americans share those ideals. He almost certainly joined the Taliban army without any notion he could be prosecuted for it, and he then endured hardships and tortures beyond anything experienced by contemporary American soldiers. (His account of the prisoners' uprising at Mazar-e-Sharif, and their captors' brutal response, is terrifying.) There is no public evidence that he ever committed, or intended to commit, any overt act against the United States or against American personnel. With a fair trial and capable legal representation, it is hard to imagine a jury convicting him of anything.

Lindh is the government's only conviction of a so-called "terrorist" since Sept. 11, and John Ashcroft's Department of Justice would have us believe it has removed a major security risk from the streets.

Why then did he plead guilty? Defenders of DOJ will argue that the government must have had evidence of real wrongdoing by Lindh, that Lindh copped a plea to avoid facing that evidence at trial, and that the government acquiesced to protect vital sources from testifying at trial. All that is possible, but there is nothing in the record beyond Lindh's plea itself to support it. Since no incriminating evidence has been leaked, and since even the government didn't claim it had more evidence when it accepted the plea, some other explanation seems likely. I suspect Lindh and his lawyers felt they couldn't get a fair trial, and that the government took unfair advantage of that fear to scare Lindh into agreeing to a sentence he was unlikely to receive at the end of a completed judicial process.

The government chose to bring the case in Alexandria, Va., where the jury pool is heavily laden with military personnel, federal employees, and their friends and families. The judge was plainly hostile to the defense, if widely reported shouting matches are any indication. As we have seen, mainstream media coverage was a relentless anti-Lindh drumbeat, from death penalty to treason to calling him "Johnny Jihad" and other epithets. And, of course, he was technically guilty of at least the "crimes" he pled to. If trial in a hostile forum was certain to result in conviction of those so-called crimes, and possibly others far more serious, taking the plea seems the reasonable thing to do.

Under the circumstances, it is hard to criticize Lindh's lawyers for what might at first look like a failure of nerve. But the government's zeal to incarcerate Lindh for 20 years is another matter. Quite simply, that sentence is vastly, grossly disproportionate to anything we know about what John Walker Lindh actually did. It calls to mind the old saw that the government can "get" anyone it wants to, if only it tries hard enough. From the outset, John Ashcroft wanted to "get" John Walker Lindh. Apparently indifferent to ethical issues of pretrial publicity, Ashcroft announced to the world when Lindh was indicted that "Americans who love their country do not dedicate themselves to killing Americans" and that the U.S. attorneys trying the case would "secure justice for the nation that John Walker Lindh betrayed" and "uphold values that he dedicated himself to destroy." The government utterly failed to back up any of those extravagant charges. No wonder Ashcroft let his subordinates give the press conference to announce the pitiful guilty plea a few months later.

Apparently indifferent to ethical issues of pretrial publicity, Ashcroft announced to the world his department would "secure justice for the nation that John Walker Lindh betrayed" and "uphold values that he dedicated himself to destroy."

For the government to put a naive and basically guiltless young man in prison for 20 years as a trophy for an ambitious politician, just because it can, crosses a moral and ethical line. If there is good cause to lock up Lindh for 20 years, the government should make it public, for it has signally failed to make such a case to date. Failing that, Judge T.S. Ellis III should reject the coercive "bargain" when he sentences Lindh on Oct. 4, and require a deal more in line with the trivial and technical infractions Lindh appears to have committed.

More likely, the principal actors now on stage are incapable of such dispassionate mercy. It will fall to a future president (or perhaps even this one, who has referred to Lindh as a "poor fellow") to see the facts more clearly than we do now and to pardon him or commute the sentence. John Walker Lindh was prosecuted because he was an American supporter of radical Islam around the time of Sept. 11, not because he committed any real crime. As long as he remains incarcerated, the United States will hold at least one political prisoner. ❑

Living With Fire

by Randal O'Toole

Forest fires look different on the ground in Oregon than they look in the canyons of Washington, D.C.

On Aug. 22, 2002, President Bush flew over the Biscuit Fire, the largest fire in Oregon in more than a century, on his way to the site of the Squires Peak Fire, where he announced a "healthy forests initiative." The initiative calls for treating excess fuels on 2.5 million acres of federal lands for ten years and for expediting the fuels treatment process by exempting it from environmental oversight.

At first glance, the fires President Bush visited lend support to his initiative. But when examined more closely, they prove that his initiative is doomed to failure. To understand why, you need to know a little about Western fire ecology and the incentives facing federal land managers.

For most of the 20th century, the Forest Service promised presidents and Congress that it could keep fires out of the forests if it just had enough money and resources. Yet fires today are just as bad as they were a hundred years ago. Now, the Forest Service has a new line: a century of fire suppression has led to excess fuels in the forests, thus leading to bigger fires. So the agency wants to spend billions of dollars on fuel treatments to protect the forests and nearby homes from those fires.

As this issue of *Liberty* goes to press, the Biscuit Fire is approaching 500,000 acres, which makes it twice as large as the largest other fire in Oregon since the Forest Service was created in 1905. But the Biscuit Fire isn't big because of excess fuels. It is big because current Forest Service firefighting strategies call for letting many fires burn and merely containing those fires by burning more acres in backfires. Such backfires are supposed to burn all the brush so the original fire dies for lack of fuel.

A week before the president visited the Biscuit Fire, I drove down the Illinois River Canyon to see Jerry and Gayle Sorenson, who live on a private inholding in the Siskiyou National Forest. A few weeks before, the Forest Service had given the Sorensons a "mandatory order" to evacuate. But instead, they stayed and protected their home and other property from the fire.

As I bounced on the narrow, winding road down the canyon, I could see ridge tops where every tree had been killed. But in other areas only a few trees were dead, and in some areas the trees were untouched by fire except for some blackening on their trunks. Fire ecologists say trees will survive so long as fires do not burn more than 60% of their needles or leaves.

When I got to the Sorensons', I asked Jerry how much of the fire I had seen was Forest Service backfires. "On this side of the river, all of it," he said. "The 'real' fire never got beyond my place. On the other side of the river, the fire reached McCaleb Ranch," about four miles upstream from the Sorensons but still six miles (as the crow flies) from the forest boundary, where the backfires began.

The Forest Service is resorting to backfires instead of directly attacking fires because it is worried about firefighter safety. When four firefighters burn to death, as happened in Washington in 2001, or 14 are killed by fire, as happened in Colorado in 1994, the result is weeks of negative publicity.

The Forest Service has responded by relying on large backfires to avoid putting firefighters in the path of wildfires. This helps explain why so many recent fires are so big. The backfire I had seen, just one of many on the Biscuit Fire, covered 34,000 acres.

Meanwhile, the Squires Peak Fire was supposed to provide an object lesson in the need for fuel treatments. The Bureau of Land Management (BLM) had planned to treat excess fuels on some 500 acres of land. They did most of it, but delays caused by environmental appeals prevented treatments on 80 acres. When the fire entered those 80 acres, it got out of control and eventually burned 2,800 acres and cost $2.2 million to suppress.

The lesson the Bush administration has learned from this is that environmentalists should not be allowed to delay fuel treatments with appeals. That's the wrong lesson. The real lesson should be the futility of trying to stop fires through fuel treatments.

As I bounced on the narrow, winding road down the canyon, I could see ridge tops where every tree had been killed.

The Forest Service and BLM estimate that 70 million acres need treatment now and 140 million acres will need treatment soon. At the planned rate of 2.5 million acres a year for ten years, they will reach less than twelve percent of those acres. One hundred years and $100 billion will be needed to treat all 210 million acres — but then it will only be time to start over.

Fortunately, the problem is not nearly as severe as the Forest Service and BLM want Bush to believe. In fact, the buildup of undergrowth, leaves, and other flammable fuel in the forests is not really much of a problem at all.

Fifty years ago, Smokey the Bear taught us to make sure that every fire was "dead out." Few people realized that Smokey was helping the Forest Service justify its spending huge sums of money on fire suppression despite the fact that many forest scientists believed fires played an important role in forest ecosystems.

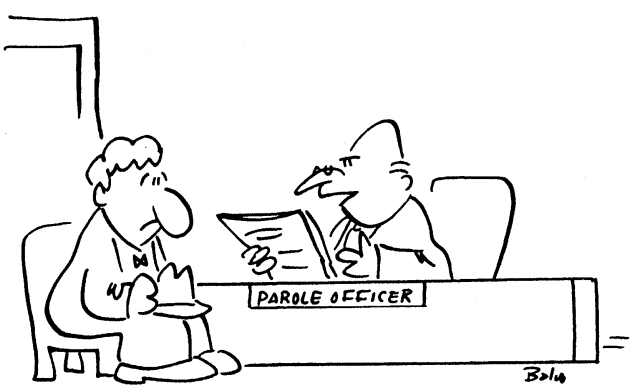

"Your parole conditions clearly state that you're not to associate with known criminals, and here you are in the newspaper, running for *Congress*!"

During the 1990s, Forest Service timber sales declined from 11 billion board feet per year to less than 2 billion board feet, and the agency began looking for a new mission that would convince Congress to give it a lot of money. So it began spreading a new story: that decades of fire suppression had turned the forests into a veritable tinderbox that threatened nearby homes and communities.

After the 2000 fire that burned several hundred homes in Los Alamos, N.M., the excess-fuels scare panicked Congress into giving the Forest Service and other federal agencies a huge increase in their budgets. Congress doubled their fuel treatment budgets, after already quintupling them in the previous decade. The Forest Service alone received a 38% increase in its total annual budget, most of it for fire.

Today, Congress is spending nearly $3 billion a year on fire. Some of this money goes to the Park Service, Bureau of Land Management, and other Interior Department agencies, but two-thirds goes to the Forest Service, which is in the Department of Agriculture. Record-breaking fires this year in Colorado, Arizona, and Oregon have set the stage for a further budget increase next year.

The excess-fuels theory also led to a fierce debate between environmental and timber interests. Environmental groups blame recent fires on the debris left behind after timber cutting. Timber supporters blame environmentalists for delaying Forest Service fuel treatment projects. Both sides agree there are excess fuels, they just disagree on what to do about them. A number of free-market think tanks have joined the fray on the side of the timber industry, effectively but ironically going on record in favor of giving the Forest Service more money and power.

Congress is now giving federal land agencies about $400 million a year to eliminate some of the excess fuels by burning them or removing them from the forest for commercial use. This is up from only about $20 million a year a decade ago. Yet even $400 million produces pitifully limited results: the treatment of less than 2.5 million acres a year out of 70 to 210 million that must be treated, according to Forest Service estimates.

Most of the increased funding is going for more fire suppression. About $2 billion a year is spent on firefighting and preparedness, which includes hiring standby firefighters, buying equipment, and acquiring aircraft, fire engines, and other vehicles used in fire operations. This is up from just a few hundred million dollars a year a decade ago.

Fire ecologists almost universally agree that the federal government should let more fires burn rather than suppress them. Whether lit by humans or by nature, fires have been a part of North American wildland ecosystems for ten millennia. Suppressing them for just a few decades has led to major ecological changes in the forests, which in most cases have reduced the forests' utility for timber growing, recreation, wildlife habitat, and other resources.

Despite widespread agreement about the value of fire, federal agencies led by the Forest Service continue to sup-

press 99.7% of all fires on federal lands. They say this is necessary because the excess fuels have made the forests vulnerable to catastrophic fires that could damage soils, watersheds, and wildlife habitat, not to mention kill a lot of trees and burn down houses and other structures.

Both the fire suppression and the fuel treatment budgets, not to mention President Bush's proposal to eliminate environmental review of fuel projects, are based on the excess -fuels theory. Without excess fuels, there would be no need to increase fuel treatment budgets from $20 million in 1991 to $400 million today. Without excess fuels, the Forest Service and other agencies could let more fires burn and save money, not to mention firefighters' lives, on fire suppression.

To assess the role of fuels in recent Western fires, I reviewed decades of fire data. I fully expected to find that excess fuels had led to recent fires that are larger, deadlier, or costlier than fires earlier in the 20th century. To my surprise, I couldn't find any hint of excess fuels in any of the fire trends.

The average number of acres burned in the last five years, for example, is no greater than the average in the first half of the 1960s. The number of acres burned reached an all-time low in the early 1970s, when the Forest Service had a strategy of minimizing the number of acres burned through direct attacks on fires.

Because of the expense of carrying out this policy, pressure from the Office of Management and Budget and Congress led the Forest Service to adopt a new policy in 1978 that called for containing fires rather than minimizing their size. Under this policy, firefighters would rely more on backfires and less on direct attack.

On-the-ground reports from fire managers confirm that it is droughts, not excess fuels, that are responsible for recent large fires.

As of this writing, at least 14 firefighters have died this year. An average of 17 died each year in the 1990s, which is more than double the number killed in the 1950s. But this includes causes not directly related to fires. Of the 14 firefighters killed this year, five died in aircraft accidents, eight in auto accidents, and one was killed by a falling tree. I don't know whether the tree was weakened by fire or if the firefighter just got unlucky, but it doesn't appear that the fires themselves are any more deadly than they were a few decades ago. In fact, the number killed by smoke or fire has actually declined from 6.5 a year in the 1950s to 5.5 a year in the '90s.

What about firefighting costs? If the excess-fuels theory is correct, then fires should cost more to put out today than they did a few decades ago. Yet from 1970 to 1999 actual suppression costs grew no faster than the rate of inflation.

Preparedness costs, however, grew much faster than the rate of inflation. For most of those years, the Forest Service tried to persuade Congress that spending more on preparedness would result in an overall savings because it would reduce fire suppression costs. With lots of crews of firefighters on hand, for example, they could go out and stop every little fire before it got big. Since fighting big fires is terribly expensive, preventing even one big fire could save millions.

This theory was also a great budget-enhancing ploy for the Forest Service, leading to steady increases in preparedness funding. But it doesn't seem to have worked on the ground. The Forest Service and other federal land agencies spent a record amount on fire suppression in 1988, set a new record in 1994, and another record in 2000. Although pre-suppression budgets for 2002 were more than 50% greater than those in 2000, 2002 is on track to set another record in suppression spending.

Structures can be completely fireproofed by replacing flammable roofs and landscaping one or two acres around each home with a non-flammable material such as a lawn.

"For the last 2,000 years, we've generally seen large burns every two-to-four hundred years" in most western forests, says Cathy Whitlock, a paleoecologist at the University of Oregon. "The current forest fires are in keeping with this long-term pattern of infrequent large fires."

The West has always had large fires, and, until the forests turn to deserts, it will always have them. This is one reason why many fire ecologists think that the best thing the Forest Service can do is to just let more fires burn — a policy that does not do much for Forest Service funding, and has not been adopted.

Instead, the last few years created a golden opportunity for the Forest Service. Three of the last four years have seen severe droughts throughout much of the West. On-the-ground reports from fire managers confirm that it is these droughts, not excess fuels, that are responsible for recent large fires. But in Washington, D.C., the Forest Service repeatedly tells Congress the fires are due to excess fuels, which helps them get larger appropriations.

The Forest Service justifies its need for additional funding to suppress excess fuel-based fires on a 1999 report from the General Accounting Office. With all due respect to GAO staffers, they are accountants, not fire ecologists. The Forest Service itself disputed the report when it came out, saying it exaggerated the fuels problem. For example, the GAO attributed the increase in acres burned from 1970 to 2000 to excess fuels; the Forest Service correctly pointed out it was due to the change in fire policy from minimizing acres burned to containment.

The real problem with fire suppression is not a shortage of funds but too much money. This began way back in 1908, when Congress was foolish enough to give the Forest Service a blank check for emergency fire suppression. At

first, intrepid national forest managers considered it a badge of honor to not have to resort to the blank check. But soon, the temptation was too great, and the bureaucrats responded to the incentives that Congress had given them.

The blank check gives federal land managers "a double system of accounting," observes fire historian Stephen Pyne. A fixed account applies to normal times and a second unlimited account applies to emergencies. "The secret to creative financing," Pyne adds, "is to transfer as many costs as possible from the budgeted account to the non-budgeted, 'emergency' account."

In 1935, the chief of the Forest Service got more creative and decided that national forests could have an emergency without having a fire. All that was needed was a high risk of fire, such as a drought, and local managers could dip into the blank-check fund, thus saving their budgeted money for other uses.

Stories of abuse of the blank-check fund are legion. During an emergency, managers made wish lists of equipment they desired, including everything from trucks to typewriters (or, more recently, fax machines). Naturally, when the fire was over, the equipment was still around. One Forest Service employee once confessed to me that his district only had enough money to pay its employees for eleven months a year, and counted on fires to fill in the gap.

"The secret to creative financing is to transfer as many costs as possible from the budgeted account to the non-budgeted, 'emergency' account."

In the mid-1970s, costs were getting so out of hand that Congress decided to eliminate the blank check and give the Forest Service a fixed budget for fire. If the agency exceeded this budget in a severe fire year, it would pay the deficit out of its reforestation fund and then pay back the fund out of next year's fixed budget. This actually led the Forest Service to take many steps to reduce its costs.

Then two severe fire years in a row in 1987 and 1988 forced the Forest Service to borrow some half a billion dollars from its reforestation fund. After much begging and pleading by Forest Service officials, Congress reimbursed this fund in 1990. Since then, the agency returned to the blank-check mode and fire costs have spiraled higher.

Congress began a real firestorm of spending after the 2000 Los Alamos fire. 2001 was a mild fire year but the Forest Service freely spent 50% more on suppression per acre burned in 2001 than in 1999, when there was a severe drought.

All-out fire suppression on national forests in the south in the 1920s led to a huge accumulation of fuels that resulted in catastrophic wildfires in the 1930s. It took years for the Forest Service to learn its lesson, but by the 1940s it finally supported prescribed burning in the South.

It stands to reason that fire suppression in the West would have the same results. But the Forest Service did not authorize local managers to let fires burn in the West until the 1970s, and even then only a few managers were brave enough to do so. The Park Service began experimenting with prescribed fires in Western national parks in the 1980s, but the Forest Service had very little money for such controlled fires until the last four or five years.

Comparisons of historic photos of federal lands with recent photos of the same locations reveals that fire suppression has had dramatic ecological changes in many places. Grasslands have been converted to forests. Forests dominated by fire-resistant species such as ponderosa pine have been converted to forests dominated by fire-sensitive species such as true firs. Lands that forest managers hoped would grow back into beautiful stands of timber after logging have often instead become stocked with "dog-hair" thickets of thousands of tiny, and commercially worthless, trees, most of which would have been killed by a fire.

Fires, in short, thin the forests of overstocked vegetation, favor some species over others, and favor some ecotypes over others. The species favored by fire are often (but not always) both commercially more valuable as well as more aesthetically pleasing. Thus, in many areas fire suppression has reduced both commercial and noncommercial values on the federal lands.

Yet these ecological changes do not necessarily translate into excess fuels. Forests may have lots of wood in them, but they aren't necessarily more fire-prone than grasslands. In fact, most of the wood in a forest is inaccessible to fire. As anyone who has tried to light a campfire knows, fires start with small pieces, while the large trunks of the trees will only catch fire at high temperatures that are rarely reached in even the hottest forest fires.

Many trees growing in hot, dry climates have evolved a thick layer of bark that tends to be pretty fire resistant. Fire will rarely kill a healthy tree unless it gets into the top of the tree.

A recent scientific report published by the Forest Service's Rocky Mountain Research Station reveals that less than a third of western forests — mainly ponderosa pine and Sierra Nevada mixed conifer forests — are ecologically adapted to frequent light burns, and only half of those have excess fuels. Most of the remaining forests in the West are ecologically adapted to infrequent fires. While fire suppression may have changed those forests, excess fuels are not usually the result.

Even in ponderosa pine and Sierra Nevada mixed conifer forests, the problem of excess fuels is exaggerated. The fire that burned some 200 homes in Los Alamos and led Congress to nearly double budgets for fuel treatments and fire suppression started in a ponderosa pine forest.

Forest Service researcher Jack Cohen, however, says that treating federal lands is the wrong solution. Cohen has shown that homes and other structures can be completely fireproofed by replacing flammable roofs and landscaping one or two acres around each home with non-flammable materials. A mowed lawn, for example, is an excellent defense since even if the grass catches fire it will not burn

continued on page 34

The Problem of Original Intents

by William R. Tonso

Nether leftists nor rightists seem to be able to figure out what the Constitution means.

According to the left-liberal intelligentsia, the United States Constitution is a living document. The Founders could not anticipate the complexity of our modern, technological society; therefore, they argue, the Constitution the Founders gave us has to be adjusted as we go along to keep up with the times. Yes, the Constitution contains the rules for changing itself via amendment, but that process is time-consuming and requires much more cooperation from the unenlightened than the enlightened social engineers are likely to get.

What to do?

Easy! Simply get as many progressive judges as possible in slots from the bottom of the federal judicial system up through the Supreme Court so that they can issue enlightened decisions when needed, unencumbered by any constitutional original intent that would be dated even if it could be discerned. Hence there is a battle to elect liberal presidents who will appoint progressive judges who will put life into the Constitution, and left-liberal legislators who will confirm them.

Needless to say, the beauty of this approach to applying the Constitution tends to be lost on conservatives, the unenlightened, anti-progressive sorts who make enlightened amendments to the Constitution so difficult to come by. Conservatives argue that the Constitution embodies certain basic principles concerning the control of government by the governed and, particularly in the Bill of Rights, restrictions on government's power over the governed, the intentions of which are both discernible and timeless. Adjustments to the Constitution should be difficult to make, be carried out through the amendment process when made, and should be aimed only at relating constitutional principles to changing conditions rather than to altering or undermining those principles. To conservatives, the progressives' living Constitution is no Constitution at all — it's tyrannical rule by judges and social engineers.

I agree with the conservatives on the original-intent issue. The Founders saw government as a *necessary evil*, and so do I. And I don't trust social engineers or elites, enlightened or otherwise. So as far as I'm concerned, any law that's not in keeping with original intent is unconstitutional and, therefore, illegitimate. But certain conservative assumptions concerning the Constitution and Bill of Rights also give me pause. For example, conservative columnist George Will once suggested that the Second Amendment, which guarantees individual Americans a right to keep and bear arms, was anachronistic and that its repeal was called for. Even such strong conservative Second Amendment defenders as radio talk-show hosts Rush Limbaugh and G. Gordon Liddy have several times over the airways declared that the only constitutional way to restrict gun ownership by law-abiding citizens in the United States, though they wouldn't support

such an action, would be to repeal that amendment. Even more troubling is the fact that Don B. Kates Jr., a strong supporter of the Second Amendment who has written extensively about it in scholarly as well as popular publications, has made this argument. In his column in the January, 2002 issue of *Handguns* magazine, Kates wrote "that the Constitution contains the power of amendment whereby a right that is now outmoded and senseless may be removed." And in the February issue of the same magazine he wrote that "the only way to deprive the people of the right it [the Constitution] guarantees is to formally repeal that right and take it out of the Bill of Rights."

Will, Limbaugh, Liddy, and Kates are simply wrong. According to the way the Founders saw them, the rights listed in the Bill of Rights are *pre-existing natural rights.* They were not granted by the Bill of Rights; it merely guaranteed them. If we look to the original intent of the Founders in this matter, therefore, a repeal of the Second Amendment would not get rid of the natural individual right to keep and bear arms that the amendment guarantees. One might question, as I do, the objective existence of natural rights. I subscribe to the belief that we have only such rights as we lay claim to and can protect, and that it makes good political sense to lay claim to and protect those listed in the Bill of Rights as the basis of a republican form of government. But the Founders didn't question the existence of natural rights, and our government is based on the assumption that they do exist. The notion of natural rights, even if only culturally rooted, has great political utility.

The rights listed in the Bill of Rights are pre-existing natural rights. They were not granted by the Bill of Rights; it merely guaranteed them.

And then there's the standard conservative critique of the Supreme Court's *Roe* v. *Wade* ruling on abortion, that ruling being grounded in the notion that we have a right to privacy that's violated by laws criminalizing an act that's nobody's business but that of the woman having the abortion. I don't know how many times I've heard Rush and others point out exasperatedly that there is no right to privacy specified in the Constitution. But in denying that rights exist because they aren't specified in the Bill of Rights, these conservatives are doing exactly what opponents of the Bill of Rights among the Founders feared some faction or other would eventually do. The enumeration of certain rights, they argued, would imply that those enumerated are the only rights protected by the Constitution. That's why the Founders inserted the Ninth Amendment in the Bill of Rights: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

How is abortion a constitutional issue at all? The basic question of the abortion issue is, when does a person with rights protected by the Constitution come into existence, at conception or at birth? If the answer is at conception, then abortion is murder, and murders committed in private are still murders. If the answer is at birth, then it's the woman's business, because the fetus is not a separate human being but a part of the woman who wants to get rid of it, and it has no constitutionally protected rights.

But whether a person with rights comes into existence at conception or at birth can't be determined by any court even if that court appeals to a science presumed to be detached. Science has enabled us to follow the development of the fetus from conception to birth, those on both sides of the abortion issue agree, but it can't tell us when a person with rights comes into existence.

The answer to this question is grounded in the philosophical or religious perspectives of those on the various sides of the debate. *The issue can be settled only when one side convinces the other or forces it to accept its views or suffer the consequences.* In other words, it would seem that the only constitutional way of settling the abortion issue is in the messy political arena — citizens voting their consciences to elect officials who in the give and take of politics will pass laws, or even a constitutional amendment, declaring whether the fetus will or will not be *considered* a person with constitutionally guaranteed rights. Unless the Constitution is amended to specify that the fetus does or doesn't count as a person with rights, judges have no authority to rule on the subject or on whether or not the fetus can be legally aborted, and original intenters should be arguing this point.

The abortion issue can be settled only when one side convinces the other or forces it to accept its views or suffer the consequences. The only constitutional way of settling the abortion issue is in the messy political arena.

If living constitutionalists point to the Seventh Amendment as obvious proof that the rights covered by the Bill of Rights are anything but timeless and can safely be ignored once outdated, the original-intent answer is obvious. That amendment states: "In Suits at common law, where the value of the controversy shall exceed *twenty dollars*, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law" (emphasis added). Twenty dollars in the late 18th century was much more money than it is now. But the right guaranteed by this amendment isn't dated simply because the Founders didn't anticipate inflation. The specified value needs only to be updated by figuring what $20 at the time of the founding would be worth now. The authorization for ongoing adjustments could be accomplished through amendment without impacting the specified right.

It would behoove those of us who argue for the original-intent approach to the Constitution to examine just what that might involve. ❑

Courting Ignorance

by Bart Kosko

It is not enough for judges merely to know the laws of man; they must also know the laws of nature.

Two new studies show that the prospects look good for more junk science in the courtroom. State trial judges turn out to be as scientifically challenged as the laypersons who make up juries.

The first study was a May National Science Foundation (NSF) survey of 1,574 adults and a review of related polls on scientific literacy in the United States. It found that overall scientific literacy remains "fairly low." Only 54% of adults knew that it takes the earth one year to orbit the sun (66% of men versus only 42% of women).

Most adults missed something in the films *Star Wars* and *Goldfinger* because only 45% knew that lasers focus light waves rather than sound waves (61% of men versus 30% of women). But 65% knew that the father's gene picks the sex of the child (72% of women versus 58% of men). Few could explain how scientific inquiry works or the purpose of a control group in a medical study. Just 22% could even loosely define a molecule as a collection of bound atoms as in the hydrogen and oxygen atoms that make up water.

The NSF study found that belief in pseudoscience continues to rise. A full 41% of adults believe that astrology is somewhat scientific despite any scientific evidence to support the claim. A stronger finding is good news for psychic hotlines: a solid majority of 60% believes that some people possess psychic power or ESP. And only 54% agree that humans developed from earlier species of animals. Perhaps the rest have found a better way to explain their own tailbones.

The NSF literacy study suggests that most adults are not fit to serve on a jury that must decide questions of fact based on scientific or technical evidence.

The law has long since recognized the educational limits of jurors. Judges alone decide questions of law. They alone interpret the text of statutes and contracts because long ago jurors could not read. Judges also act as jurors and decide all questions of fact in bench (nonjury) trials.

And the state and federal rules of evidence give judges the power to take "judicial notice" of many alleged facts in a trial and thereby force all parties and jurors to accept the alleged fact as true. Federal Rule of Evidence 201 restricts judicial notice to facts "not subject to reasonable dispute." But either the trial judge or one or more appellate judges gets to interpret which disputes are "reasonable" and which are not. Indeed the courts have put forth no scientific evidence whatsoever to support their many rules of evidence. Most of these rules simply codify old common-law practice as in the infamous "dying declaration" exception to the ban on hearsay — the dying man will supposedly tell the truth and not indulge in spite or fantasy because he is about to meet his Maker.

The Seventh Amendment requires trial by jury in federal civil cases where the amount in controversy exceeds $20. But the Seventh Amendment shares an odd status with the seldom-cited Third Amendment and its prohibition against quartering troops in private homes without compensation. These are the only two amendments among the first eight in the Bill of Rights that the Supreme Court has not "incorporated" at least in part through the Fourteenth Amendment and thereby applied to the 50 states. My University of Southern California colleague and constitutional law expert Erwin Chemerinsky argues in his *Constitutional Law* that the

only reason the court has not incorporated the Third Amendment is that no major case involving it has come before the court (although the Second Circuit did argue that it is incorporated in *Engblom* v. *Carey*, 677 F.2d 957, 1982). Chemerinsky concludes that the states "can eliminate juries in some or even all civil suits without violating the United States Constitution."

Judicial immunity is a related source of judicial power in the courtroom that deserves mention here. Judicial immunity derives from the old "right" that a king could do no wrong. The immunity from liability is almost absolute in this country but is merely a qualified immunity in many other countries. The Ninth Circuit showed how seriously it takes judicial immunity when it sat *en banc* in 1986 to rehear a case (*Ashelman* v. *Pope*, 793, F.2d 1072) and then issued this unanimous and shocking opinion: "a conspiracy between judge and prosecutor to predetermine the outcome of a judicial proceeding, while clearly improper, nevertheless does not pierce the immunity extended to judges and prosecutors."

The Supreme Court's lengthy opinion failed to mention what may be the best reason to have juries at all: they provide an in-court check on judicial power.

A unanimous United States Supreme Court gave federal judges even more power in 1996 (*Markman* v. *Westview Instruments*, 517 U.S. 370) when it said that juries could no longer interpret the technical claims in a patent. This is more important than it sounds because some analysts have estimated that firms may spend as much as a quarter of their research and development funds on patent disputes.

The *Markman* decision says that now only federal judges can interpret a patent's claims because the "construction of written instruments is one of those things that judges often do and are likely to do better than jurors unburdened by training in exegesis." But the Supreme Court's lengthy opinion failed to mention what may be the best reason to have juries at all: they provide an in-court check on judicial power.

The continued transfer of power from juries to judges raises a key question: just how technically competent are judges?

A new study reported in the April issue of *Judicature* gives some disturbing answers. The formal study appeared last October in the journal *Law and Human Behavior*. The study interviewed 400 state trial-court judges from all 50 states. It found that "many judges may not be fully prepared to deal with the amount, diversity, and complexity of the science presented in their courtrooms" and that "many judges did not recognize their lack of understanding."

The study measured how well trial judges understand the four so-called Daubert factors that the Supreme Court in 1993 (*Daubert* v. *Merrell*, 509 U.S. 579) said federal courts should consider when they decide whether to admit scientific evidence into court. About half the states follow the Daubert standard. The rest follow an earlier standard of "general acceptance" in the scientific community called the "Frye test" from the old case *Frye* v. *United States*, 293 F. 1013 (D.C. Circuit, 1923). But all judges are familiar with the Daubert standard (and a drafting committee has already proposed amending Federal Rule of Evidence 702 on expert witnesses to directly reflect the Daubert holding).

A full 91% of the judges said they should act as the gatekeeper for admitting scientific evidence. And a majority understood the two easiest Daubert factors: whether the evidence had undergone peer review and whether it was generally accepted.

Now the shocker: only about one judge in 20 understood the two key Daubert factors of testability and error rate.

A claim or theory is testable if and only if it is falsifiable — some observation can in principle refute or falsify it. Observing more helium than hydrogen in the universe would falsify the theory that the universe began in a fiery Big Bang because the theory predicts the reverse proportions. Falsifiable claims always risk something in test. Such testability distinguishes science from nonscience. That is the thrust of Einstein's famous quip that "No amount of experimentation can prove me right but a single experiment can prove me wrong."

Yet only 6% of judges understood the concept of falsifiability. Many seemed to confuse it with fabricating data. And only 4% understood how error rates in data or measurements affect scientific claims while 91% said they found the concept useful. The plain conclusion is that most state judges are not competent to adjudicate disputes of technology or science. And a natural conjecture is that many federal judges may not be either.

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A short-term solution is for judges to hire their own scientific experts to help them decide the claims of well-paid dueling experts. But experts are expensive and complex trials can last for months or even years. The long-term solution is more science training in K–12 schools and in law schools. Law is the only profession that does not include even basic statistical inference in its curriculum.

Until then many judges will continue to let dubious experts testify before scientifically incompetent jurors who can free murderers or bring down whole corporations. That breach of care borders on judicial negligence — because ignorance of science is no excuse. ❑

Ayn Rand Goes to West Hollywood

by Paul Rako

It's a long and winding road from bestselling novel to your local multiplex.

At the 40th anniversary party of the publishing of *Atlas Shrugged* I heard John Aglialoro complaining that he'd spent a million bucks for the movie rights and time was running out to get it made. He said the problem wasn't with the script, the problem was getting a major studio to sign up for the project. The next thing I heard about the venture was that the film deal was dead but there was going to be a mini-series on TNT. Now TNT has pulled the plug on that too.

There are a couple of important things to observe about all this. First is that Mr. Aglialoro is switching milieus, to invoke a Randian style of analysis. He starts out complaining about his million bucks. He's a businessman with a problem. When asked what the holdup was he starts talking about needing a major director and a major studio. All of a sudden he's not a businessman with a problem. He's an *artiste* and he needs a major studio and a major director to help him achieve his artistic goals.

The other interesting thing is his assertion that he doesn't have a script problem. I disagree. He must have a script problem, otherwise he would have a major director and major studio by now (five years later). An interesting tidbit that supports this thesis is the fact the movie turned into a mini-series. This flat-out proves he has a script problem. He is trying to make a video novel, not a movie. That's why he needs ten hours to tell the story instead of two. The script probably has too many characters doing too much stuff in too many places, just like any other Russian novel.

What Aglialoro has is the literary version of a Peter Keating floor plan. What he needs to do is "Roark" it by ripping out all the labyrinthine passages and spiral staircases and twisting hallways. John Aglialoro also has a business problem. He's a million out and the clock is ticking. Let's put our *artiste* hats in a bucket where they belong and get practical. First off, the million that got dropped five years ago has to return two million in today's dollars to beat even the bond market. The problem is that sinking more money into this project is even riskier then the original investment. So any further investment must be absolutely minimal. In addition the return has to come in months, not years. Major director and major studio? Forget about it. It will take a year of memos and meetings just to get the gaffer on board, much less a director.

What Mr. Aglialoro needs to do is go down to West Hollywood and knock on a few doors. Before long he will find experienced directors and actors that can kick out a feature-length film in a few months for way less than a million bucks. Yup, make *Atlas Shrugged* as a porn film. It shouldn't be too hard since, when you come right down to it, Dagny was something of a slut, right? She did Francisco (at 16!) then Rearden, and then Galt. Those are just the ones we know about. I'm sure Eddie Willers was getting some, and Cheryl Taggart must have been immediately drawn to the gal wearing the pants in her new family.

The million for the script and the million for the filming should return $5–9 million in two years, easy. Voilà, Mr. Aglialoro's business problem is solved. Sure that Peikoff guy might complain, but if he does, Aglialoro can just rename the thing *Atlas Goes Down* and by the time the case works its way through courts you could buy off Peikoff with a couple hundred thousand and still have a new house (or two) on the coast. I leave to your imagination all the really great scenes we can put in the movie. Like when Dagny is trying to get Ken Danagger to stay in business — a few office scenes, a few train scenes, and heck, there'd be a ton of good stuff when she does it in the train tunnel and . . .

It shouldn't be too hard to make Atlas Shrugged *as a porn film, since Dagny was something of a slut. She did Francisco, then Rearden, and then Galt. Those are just the ones we know about. I'm sure Eddie Willers was getting some, and Cheryl Taggart must have been drawn to the gal wearing the pants in her new family.*

Shhhh. Hear that howling sound? That's the Objectivists. They are going completely, absolutely, apoplectically ballistic. Objectivists have the same lack of humor as the guy that stuck an ice pick into Trotsky.

Sorry Leonard. Sorry David. I'm just kidding. I'm just trying to make a point about business problems vs. artistic problems. Perhaps we can rework the script and keep the story a conventional non-porn type of feature.

Okay, the first thing everybody has to realize is that however *Atlas Shrugged* is adapted it will be a bad movie, in the opinion of Objectivists and libertarians. Let's face it, there is no progress that is to the liking of these people. (I know, I'm one of them.) You could have Coppola, Lucas, and Spielberg direct it and resurrect Ayn to do the script and Objectivists would still hate it. They hate everything. It's their way.

So we are going to a make movie that the Objectivists will hate. This won't make it a bad movie. In fact, the more the Objectivists complain the better the box office potential. See, we are not trying to be didactic. That's the kiss of death for any film. Propaganda doesn't sell. We are trying to get one or two key words and key concepts in the public's head. Then they can buy the book and get really blown away or maybe they will get involved in the movement or maybe they will just appreciate John Stossel's documentaries more.

Remember, we are no longer *artistes*. We are artists. That's an *artiste* with some business sense.

The first rule of making a successful movie is that it must have a good story. Not a good story to the middle-aged male atheist tax cheats that comprise our movement. No, the story must be a good one to 14-year-old girls, because they drive the entire movie industry. The only good story to a teenage girl is a love story. So that's what we need to write. Duh. Before you start spouting off about intellectual and moral issues and timeless truths, you need to pull your head out of wherever it's at and look around.

Did you see *Titanic*? If you read Stephen Cox's great book about the *Titanic* you know the amazing moral, social, intellectual, and political issues that were involved in that incident. All great stuff. All really interesting. To us. To a 14-year-old girl? Nope. That's why the *Titanic* movie was a love story. And a pretty good one. Titanic grossed $1,835,400,000. That's 1.8 *billion* dollars. See what a good love story can do for you? Same thing goes for *Pearl Harbor*. Boy, you could really bring out some great intellectual issues about Pearl Harbor. To us. But not to a teenage girl. What did they make? A love story. You can bitch and moan all you want. It's not the studios, it's not the directors, and it's not the writers. It's what works. Period. You can't blame General Motors for building SUVs and you can't blame the liquor stores for alcoholism. The market provides what works. Love stories work. Tortured Russian intellectual exercises don't. At least they don't work at the box office. That's why there is no movie. Yet.

Now that we've got all the conceptual framework built, we're gonna write a nice love story. Everything else pretty much just falls out from that. I'll just touch on some of the major issues so the writers don't go astray again.

1) It must be short. Not paring knife short. Machete short.

2) There is only one acceptable love story in the book. That's between Dagny and Rearden. Galt comes way too late and Francisco banging a 16-year-old just won't get past the censors.

3) Despite what I said about Dagny as a slut, we all know this would be Box Office Death, so Francisco is a childhood friend and she never does Galt. If she did Galt it would not only make her a slut but also have her two-time a primary character. Nope, Dagny and Rearden. Period. Live with it.

Before you start spouting off about intellectual and moral issues and timeless truths, you need to pull your head out of wherever it's at and look around.

4) For the same reason Rearden cannot be married. Maybe divorced, but certainly not cheating on his wife.

5) Francisco's in but as a complementary character and foil. Everybody else gets cut — no Eddie Willers, no James Taggart, no Cheryl, no Ragnar, no Midas, no Halley. Galt may never even make a physical appearance. His speech, condensed to 40 seconds, will be background to Dagny and Francisco so we can have reactions and flashbacks to keep things moving. Even 40 seconds of Galt's speech will be tough on those teenagers.

6) Villains: They're in but with minimal character development. Mouch and Thompson will be combined into one

Discover the "French Spirit" That Led to the French Revolution

The French Revolution
In Three Volumes

By Hippolyte Taine
Translated by John Durand
Introduction by Mona Ozouf

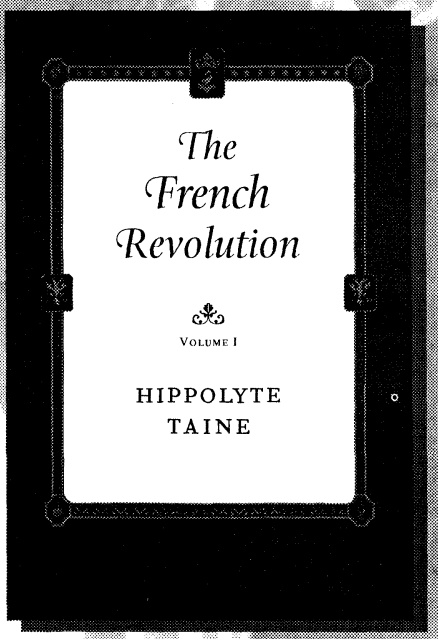

Hippolyte Taine's *The French Revolution*, which is written from the viewpoint of conservative French opinion, is a unique and important contribution to revolutionary historiography. Taine condemns the radicals of the French Revolution, unhesitatingly contradicting the rosy, Rousseauesque view of the Revolution.

Taine approached the Revolution in the same way that a medical doctor approaches a disease. Indeed, he described his work not so much as a history as a "pathology" of the Revolution. His method constitutes his principal contribution to study of the subject. This method began with an examination, not of the French, but of the English. As Professor Mona Ozouf observes, Taine "maintained [that] the history of the Revolution depended on the definition of the French spirit." He had, in an earlier account of English literature, defined "a unique explanatory principle" for investigation of the contrasting societies of the French and the English. This principle among the English, he reported, is "the sense of liberty," or what he described as the English conviction that "man, having conceived alone in his conscience and before God the rules of his conduct, is above all a free, moral person." In contrast to the English ability to conserve and even to expand liberty through gradual adaptation to changing circumstances, Taine identified a "French spirit" that became, Ozouf emphasizes, "his central explanation of the French revolutionary phenomenon." This phenomenon explained, Taine argued, why France "had demolished its national community well before the Revolution"—thus making the Revolution not only inevitable, but also inevitably terrible.

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Hippolyte Taine (1828–1893) was a historian and philosopher who was one of the primary figures in French Positivism.

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character as will Stadler and Ferris. Same with Boyle and Taggart and ix-nay on the brother connection — way too complex for a nice love story. The labor guy, Gus Webb? Or was he in the other book? Anyway it doesn't matter, he's out. Lillian can be Rearden's sister or maybe (and I mean maybe) his ex-wife. Phillip is out.

7) Developing characters: The wet nurse was always a favorite of mine — after all I did cry when he got popped, but then I was 14 and pretty emotional then. Still, a developing character or two is pretty good.

8) Supporting characters: Well, the bum on the train is a great role. Supporting Oscar for sure. Show him in the new job Dagny gives him. Everybody loves a recovering wino.

9) Plot: Dagny overcomes a bunch of dorks to become a successful railroad tycoon while meeting the man of her dreams.

10) Why railroads still? Because the props will be cheaper than planes to rent. The transpo is the MacGuffin, as Hitchcock used to call it. It really doesn't matter. It also needs to be shot in contemporary times because a '40s costume piece will be too expensive and would add nothing to the romance.

11) Climax: Galt's speech — *not*. The speech needs to be moved to before the Galt's Gulch episode because that will be the climax. I don't know, let's have Hank keep circling until he finds Dagny and they are united in paradise and then the lights go out all over the country. If we film in California the lights will go out all by themselves so that should save on SFX and production costs.

12) Neither Galt nor Francisco is a love interest but Francisco can serve as the surrogate Galt until he does appear.

I know you're probably getting ready to write the magazine and complain and call me names. I just thought you might want to know what it would take to have a major studio and a major director make this film. It will take a script based on these principles. Your failure to understand that is indicative of the failure of libertarians to succeed in convincing the public at large. You have to take your intellectual victories where you can. The victory of this film is that it will cast businesspeople as heroes and sympathetic characters while the government and incompetents will be villains. That may not be enough for you but it is all you are going to get for the next 50 or 100 years and I want to see the film, not argue about it's purity or fealty to the novel. That we can make it as a feminist piece with Dagny as a successful businessperson is great. (I would have her juggling family and kids while she succeeds but I fear the inevitable death threats I would get from the Objectivists.)

Nope, a nice feminist love story. 85 million domestic gross and the marketing tie-ins boggle the mind. The John Galt action figure alone will probably pull in a million or two. Then we can remake *The Fountainhead* and it won't be long before all the brainiacs and *artistes* con some poor slob into doing a second *Atlas Shrugged* because all the movement types hated the first one. Now you're getting some coverage baby. Now you're getting some legs.

Send in the writers, we're ready now. ❑

"Living with Fire," *from page 26*

hot enough to ignite the home.

Other Forest Service researchers estimate there are only about 1.9 million acres of high-risk lands with homes or other structures on them. More than three-quarters of these acres are private. Instead of treating these acres, however, the Forest Service has a goal of treating 70 to 210 million acres of federal lands. This is far more expensive yet will fail to protect homes located near those federal lands.

One reason why homes are vulnerable to fire is that the Forest Service effectively shields the insurance industry by spending millions to protect buildings that may be worth only a few tens of thousands of dollars. Insurers offer homeowners little or no discount for replacing wood shake roofs because, they say, wildfires burn so few homes that they have no actuarial data.

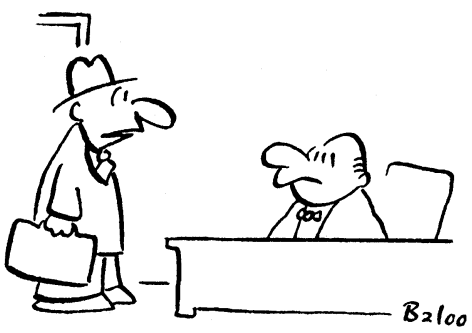

"I can't get anywhere with this voter apathy poll, sir — nobody will answer the door."

Rather than give the Forest Service bureaucracy more money and power, Congress must turn off the flow of money that is fueling the fire-suppression machine. This can be done in one of two ways. The centralized solution is for Congress simply to stop giving the Forest Service money. The agency should be encouraged to let fires burn so long as they don't threaten private land. Congress might appropriate some funds to assist private homeowners with fireproofing their roofs and yards. But funding for fuels treatment, preparedness, and suppression should be eliminated or curtailed.

The problem is that few members of Congress can resist the temptation to promise to solve problems by throwing money at them. So long as Congress can sign the check, the Forest Service will waste the money. The decentralized solution is to let each national forest, park, BLM district, or other land unit fund itself out of its own revenues. Then each will have an incentive to find the most efficient local solution to fire problems.

The Forest Service is laced with perverse incentives, but releasing it from environmental obligations, as commodity interests want, will not fix those incentives. Nor will throwing money at the problem, as some environmental groups want. Congress shouldn't let a mythological fuels crisis stampede it into giving the Forest Service more money and power without addressing its underlying problems, which include congressional blank checks and other misincentives that grow out of political control. ❑

Freedom of Choice, Cigarettes, and Thomas Szasz

by Todd Seavey

Cigarettes kill people. So why do so many libertarians defend smoking and downplay its dangers?

The American Council on Science and Health (ACSH), for whom I edit the webzine HealthFactsAndFears.com, is sometimes described as "libertarian except on smoking." This label is not entirely accurate.*

The implication of the "libertarian" part of the label is that we want almost everything (except assault, theft, and fraud) to be legal. While ACSH's only official goal is to promote sound science, it is true that, as a practical matter, this often puts us at odds with environmental activists and others who want every imagined or hypothetical risk to be met with a new regulation. If you are presumed innocent until proven guilty, you should not be jailed, fined, or regulated simply because, say, some activist theorizes, without offering any good evidence, that you are elevating cancer levels or causing rashes among your neighbors. For simplicity then, I'll accept the libertarian label.

What, though, causes some people to see our position on smoking as an exception to the libertarian rule?**

Does ACSH call for outlawing smoking? No. On the face of it then, there must not be anything unlibertarian about ACSH's smoking position. Ah, but we do call attention to the terrible dangers of smoking — to the fact that it diminishes the health of all users and kills hundreds of thousands of Americans every year (or, if you insist, it is the means by which hundreds of thousands of Americans choose to *kill themselves* each year).

This, it appears, is enough to make us suspect in the eyes of many libertarians — and many conservatives — who fear we are no different than left-leaning, pro-regulation anti-smoking groups, Ralph Nader-style safety fanatics, and other promoters of the nanny state.

This suspicion is not only unfair but is evidence of some problems with the way libertarians attempt to apply their philosophy. These misapplications of libertarian principles can lead to extreme and implausible libertarian statements on health-related matters ranging from smoking to suicide to schizophrenia.

Smoking

Libertarians justly fear misguided government regulation, but their fear of regulation should not cause them to pooh-pooh all worries about the troubling social trends regulations are intended to combat. For the most part, libertarians understand this distinction, but they often become knee-jerk defenders of a disapproved activity such as smoking, dismissing its dangers.

Libertarians should be the last people to think that all criticism of an activity (such as smoking) logically implies a desire to outlaw that activity or, for that matter, that all praise logically implies a desire to subsidize. The whole point of libertarianism is to remove most of life's myriad

*American Council on Science and Health is a scientific organization and has advisers from all parts of the political spectrum, but it is frequently characterized, with reason, as libertarian.

**And when I say "our position," I should note that ACSH has writers and advisers of varying political bents, united by their desire for sound science, but it is primarily our president, Dr. Elizabeth Whelan, whose vocal opposition both to nonsensical regulations and to smoking has earned us the "libertarian except" label, so I'll treat her position as the consensus ACSH view for purposes of the current argument.

debates from the legislative arena. If, in the libertarian view, humans are not supposed to settle matters of right and wrong with laws, except for matters involving assault, theft, and fraud, they should instead use private *social* pressure.

If libertarianism really meant "you cannot criticize anyone's private actions" (rather than simply "you shouldn't outlaw them"), libertarians would logically have to oppose not only anti-smoking commentary but weight-loss advice, movie criticism, etiquette, religious sermons, and baseball fans shouting "batter can't hit."

Furthermore, even if selling cigarettes ought to be legally permitted, we can still call the practice evil, as surely as we can call someone evil for tempting his friend to get drunk before walking out onto thin ice. Undoubtedly, the drunken friend bears final responsibility for his own actions, but it would be nihilistic of us to approve of the tempter's words. And moral nihilism is precisely the (unfair) charge that libertarians are always denying. Just because libertarians want most things to be legal does not mean they are alienated, cocaine-snorting, porn-watching, prostitute-hiring, anti-social, loner misfits. Nor does it mean they must approve of others being that way.

Misapplications of libertarian principles can lead to extreme and implausible libertarian statements on health-related matters ranging from smoking to suicide to schizophrenia.

In Defense of Busybodies

No one likes a busybody, but there are times when being a busybody is the appropriate course of action. If your cousin, who tends to take your advice, were to become anorexic, it would be foolish to say that this was just a choice on her part, no better or worse than any other, and therefore behavior that you ought to respect and keep silent about. If you can persuade her to eat, do so, and I'm confident no one will call you unlibertarian for doing so. And if that sort of intervention is acceptable, then why not a strenuous effort to warn people about smoking, which kills hundreds of thousands of Americans a year and makes millions sick? If mass death is not reason to speak up, what is?

Would an organization be considered unlibertarian if, for instance, it consistently opposed regulation yet loudly urged people to wear bike helmets? Is your next-door neighbor being unlibertarian when she lectures you for not wearing boots when you go out in the snow? For that matter, would someone be unlibertarian if he adamantly opposed laws against pornography while just as adamantly urged people not to buy the stuff? I don't think so.

If such an individual is to be considered unlibertarian, the term "libertarian" does not mean what I thought it did when I adopted it, and I will have to drop the label after all. Nineteenth-century philosopher John Stuart Mill, often regarded as a precursor to modern libertarians, was himself fuzzy on this distinction, sometimes describing both Victorian social pressure and law as undesirable constraints, other times lauding the power of social norms as superior to the blunt instrument of law.

So under what circumstances should we expect libertarians to object to social pressure, and under what circumstances should we expect libertarians to accept social pressure?

I fear good old-fashioned "reverse psychology" may explain why libertarians react this way. If the government threatens to outlaw something, libertarians may refuse to criticize that thing, or may even find something admiring to say about it. Such a response is perfectly reasonable when the thing threatened with legal sanctions is truly harmless, but smoking most certainly is not harmless. Libertarians might be on firmer ground if, say, they responded to recent talk of a "fat tax" by praising fattening foods (these can more easily be enjoyed in moderation than smoking), but even in that case, it would be absurd for them to start calling physicians unlibertarian for warning people about the danger of obesity. Let us not be knee-jerk defenders of every bad habit that the government threatens to squash, or we will become the libertine caricatures that critics say we are.

The Moral Responsibilities of Experts

Those who have some familiarity with statistics and medical science arguably have a special obligation to spread the word about dangers such as smoking, since most people are very bad at calculating probability, especially about long-term, far-off risks such as a gradually increasing risk of death by lung cancer and the spectrum of other cigarette-related diseases, including many forms of cancer, cardiovascular disease, chronic obstructive lung disease, and more (though there are subtler, more immediate negative effects from smoking).

Libertarians' fear of misguided government regulation should not cause them to pooh-pooh all worries about the troubling social trends regulations are intended to combat.

The libertarian temptation is to say that people simply calculate that the joy of smoking outweighs the very high risk of death (smoking kills about *one in three* of its users), but most users likely aren't making that calculation carefully, and many are obviously working very hard to avoid thinking about the odds at all. Avoidance of thoughts about the future is particularly easy for shortsighted, undisciplined teenagers (i.e., most teenagers) — which is why, despite all its denials, the tobacco industry thinks of teens as one of its most important markets.

Should public health experts sit back, secure in the knowledge (and happy to take it as an ideological axiom) that smokers "chose" their course of action, thus eliminating any reason for us to regret the consequences? And even if

some libertarians find that line of reasoning persuasive, what on earth explains its appeal to some conservatives, when conservatives are perfectly happy to ban vices far less likely to be fatal, from marijuana to pornography? Imagine that an engineer — knowing that most people have a poor grasp of physics — discovered that thousands of his fellow citizens were planning to rush onto a rickety bridge, resulting in injury to all of them and death to many. Would we fault him for screaming about the dangers of walking onto the bridge, perhaps even screaming repeatedly, until people were sick of listening to him?

Some of the people walking onto the bridge might choose to ignore the engineer. Some of them might insist they had gotten the message but show by their behavior that they weren't taking the threat seriously (or weren't rationally calculating the odds, given their apparent concern for their own safety in other settings and their lack of concern in this case). Most frustratingly for the engineer, some people might tell him — with looks of weary anguish — that they understand the odds but are now very, very attached to the idea of walking onto the bridge and just can't summon the willpower to find another route across the chasm.

Now you have some idea what it's like to be a public health expert and watch millions of people take up smoking — indeed, being urged to take it up, at a young age, by callous, lying tobacco companies — and being denounced as a killjoy for your warning.

A Particularly Bad Case

At the end of the day, the violation of property rights is the one thing to which libertarians are steadfastly opposed, and in a world where property rights are often trampled on, that's a very valuable core principle. There are some other criteria, fuzzier but still valuable, that are commonly used by people of a libertarian bent to spot danger:

(1) Libertarianism correctly identifies *fraud* as one of the most destructive human behaviors.

(2) Libertarianism also often counsels a wariness of so-called *junk science*, the use of shoddy, phony studies to dupe the public or push a given group's agenda.

(3) Libertarianism usually distinguishes between the rights of *rational adults* and the more limited rights of minors, presumably on the grounds that there is not as close a correlation between the desires of minors and their long-term happiness as there is between the desires of adults and their long-term happiness.

(4) Libertarianism rightly stresses the importance of individual decision making, lamenting any loss of individual *autonomy*.

(5) Libertarians generally believe that whether a policy leads to long-term human happiness is an important criterion by which to judge the success or failure of that policy. (If millions of people were killed and maimed, libertarians would not be reassured by the assertion that those millions suffered for the greater glory of the emperor or suffered so their attacker could "make a statement" on behalf of animal rights, Islamic fundamentalism, or some abstract conception of social justice).

Libertarians, then, might not want smoking outlawed, but it would be unsurprising if they despised or at least strongly disapproved of the tobacco industry (and discouraged other people from smoking and selling cigarettes), since the industry would appear to violate or at least bend the five principles noted above in the following ways:

(1) The tobacco industry has long made *fraudulent claims* about the safety of its products, and not just in order to stave off government regulation. The industry's goal, particularly before the link between smoking and lung cancer was familiar to the general public, was in part to lull consumers into a false sense of safety, in effect tricking them into killing themselves. Call it capitalism, call it fraud, call it what you will — it isn't a nice thing to do to people. The familiar mandatory warning labels, seemingly a great blow to the industry, are in fact an industry-approved shield against lawsuits that blends all but unnoticed into the sea of labels and health warnings gracing everything from cyanide to snack foods in our society. The warning label does little, as the industry well knows, to inculcate the full range and relative severity of the risks posed by smoking. Most everyone knows, in the broadest sense, that smoking is unhealthy, but the devil is in the details and few people know them besides health experts and the tobacco industry.

No one likes a busybody, but there are times when being a busybody is the appropriate course of action.

The vague warning labels give no idea what "dose" makes one susceptible to the illnesses hinted at. In a world full of warning labels and minor risks, potential smokers are unlikely to get any sense of the (significant) relative risks of smoking from the brief labels. The tobacco companies, for all their public protestations that the risks of smoking are exaggerated, know that the risks are severe and numerous, many of them little-recognized by the general public — and many, such as an increased risk of colon cancer, irreversible after just a few years of smoking, even if the smoker quits*. Half of all lung cancer diagnoses now occur in people who had already given up smoking.

(2) The tobacco industry, through its Council on Tobacco Research, was for decades one of the *most influential purveyors of junk science*. They were eager obfuscators on behalf of a deadly product, and they were happy to disparage standard methods of epidemiology and widely accepted notions of disease causation if it helped confuse potential customers. Libertarians and conservatives do not accept this kind of nonsense from groups promoting fear of ozone depletion, and they shouldn't accept it from the tobacco industry. (I should note that at least one prominent libertarian, my old boss John Stossel at ABC News, has consistently pointed out the dangers of smoking and even included the tobacco industry among the culprits in his one-hour special *Junk*

*See ACSH's pamphlet, *Irreversible Health Effects of Cigarette Smoking*, at: http://www.acsh.org/publications/booklets/iesmoke.html.

Science.)

Even with the Council on Tobacco Research now defunct, many of the obfuscations it produced linger and are occasionally unwittingly repeated by libertarians and conservatives, such as the idea that smoking might simply be correlated with lung cancer rather than causing it — a perversion of the often-sounded warning against leaping to epidemiological conclusions, but a warning that has little to do with the strong link between smoking and lung cancer. Lung cancer seldom afflicts non-smokers. After careful efforts to rule out confounding factors, it appears that smoking accounts for a twelve to twentyfold increase in one's likelihood of developing lung cancer, a relatively rare condition among nonsmokers. While it is true that "everyone knows cigarettes are bad for you," the industry has done a more artful job than most libertarians recognize of concealing or obscuring facts about smoking's dangers in order to leave the muddled impression that "smoking is bad, but then, so is everything else." Cigarettes marketed as "light," low-tar, safer alternatives are a reminder that the industry wants people to think of smoking as a manageable, only moderately dangerous activity.

If every other product on the market really were as bad for you as cigarettes, a reasonable person probably should abandon free market principles in favor of heavy restrictions on personal liberty.

(3) Despite their claims not to market to minors, tobacco companies' own documents show that they are acutely aware of their need to recruit new customers from the ranks of *teenagers*, who are notoriously bad judges of long-term consequences. While even children must be held accountable to some degree for their own actions, and even commercial speech featuring cartoon camels may deserve the protection of the First Amendment, surely we cannot be as comfortable with teens' "rational choice" to smoke as we might be with adults'. Tobacco companies aren't particularly subtle about their efforts to recruit teens, either, sometimes sponsoring massive cigarette giveaways in clubs likely to be frequented by youth. As with the classic strategy of the drug pusher, the first sample's free.

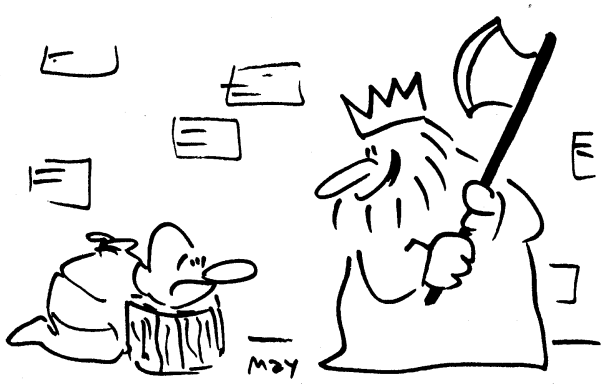

"Hey, cheer up — this is only a cartoon!"

(4) But in the end, it's still the individual's choice whether to continue smoking, right? Of course it is. But are we to assume that by definition nothing bad ever happens to a person by choice? Some libertarians, as will be discussed below, reject the whole concept of "addiction," saying that it is simply an arbitrary label for what might more accurately be called "lifestyle choices for which some people will give up a great deal." Fair enough. I'm willing to grant that addiction can be described that way, even in cases where addicts began their pattern of self-destructive choices in part because of deceptive safety claims. But again, does calling behavior "choice" place it beyond criticism? Should we not be troubled by any choices?

As Dr. Gilbert Ross, ACSH's medical director, once put it, an autonomous individual may, after repeated efforts to kick a drug habit, technically "choose" to abandon his livelihood, home, and family in favor of slowly dying in a flophouse with a heroin needle in his arm — and that's the sort of choice that we mean when we say *addiction*. If labeling it "addiction" does not prove it is cause for concern, neither does labeling it "choice" prove it is not cause for concern. Frequent nicotine consumption — reinforced by physical withdrawal symptoms, repeated unsuccessful efforts to quit, and usually by expressions of regret for having picked up the habit in the first place — is a choice, but it would be naive to claim it is a choice as easily resisted as any other, such as whether to buy a particular pair of sunglasses. To pretend it isn't a troubling and special case would be to ignore the empirical facts. Just because smokers choose to smoke rather than having cigarettes forced upon them by armed guards does not mean that *all is well*.

(5) Some libertarians are strictly concerned with rights-adherence, not with utilitarian consequences (increases or decreases in human happiness), and don't really care (or, more likely, claim not to care) how much misery is caused by some social trend so long as no one's property rights are violated in the process. I'll address the fundamental problems with that view at greater length below, though I would imagine most readers don't need my help to see them. Utility, I realize, is impossible to gauge with much accuracy absent telepathy, since we cannot know the intensity of other people's suffering or joy (that is the core insight of the Austrian school of economics, whose adherents logically conclude that we ought therefore to leave individuals free to make their own choices, pursuing their own diverse and unknowable preferences in the marketplace). Nonetheless, there are obvious situations in which outward manifestations of suffering are so apparent that we can reasonably extrapolate — albeit without certainty — about the sufferers' mental states. If that were not true, we would have no rational grounds for choosing who to aid first if confronted by the simultaneous sight of two people, one of them frowning because he can't find his car keys and the other screaming and weeping because his foot is caught in a bear trap.

I believe that millions of people being ill and scores of

thousands of people dying slow, excruciating deaths from lung cancer each year from an avoidable cause (few of them gasping "I have no regrets!" with their final breaths) is *probably a non-utility-maximizing outcome*. We might, at the very least, want to seek non-coercive means of alleviating that outcome. Most libertarians see the statistic about socialism killing some 100 million people in the 20th century as pretty damning, and presumably not just because those people were coerced but because . . . well . . . they died. Might not a freely chosen pattern of behavior that killed some 60 million people during the same time period at least be called troubling, even if we are not bothered by it in the same way that we are by political coercion?

Let us not be knee-jerk defenders of every bad habit that the government threatens to squash, or we will become the libertine caricatures that critics say we are.

Freedom of Choice Remains More Fundamental Than Health

Even with all the reasons to worry about smoking — a deceptively marketed, junk science-backed, youth-tempting, seemingly addictive practice that leads to mass death — some people still say that cigarettes should be legal, since individuals should always, in the end, be allowed to make their own choices. Well, you know what? I *agree*, and so does ACSH. How's that for libertarian? As Felicia Ackerman, one of my philosophy professors at Brown, rightly noted, health is not necessarily something that everyone values highly, so they should be free to trade off health for other benefits, such as entertainment.

Yet surely, even if some practice that has the characteristics described above is not a fit target for regulation, it is troubling enough that we ought to take special care, preferably in some non-coercive way, to minimize the negative effects of this particular exercise of freedom. That's all most of us at ACSH want: to inform people of smoking's dangers and to allow narrowly targeted lawsuits against the tobacco industry in those cases where members of an aging, dwindling cohort of smokers can genuinely argue they were fraudulently assured of tobacco's safety a half-century ago and took up the habit as a result. Is that so unlibertarian? (Whether any individuals can legitimately claim to have been deceived by the industry and whether a substance can be addictive enough to take the blame for years of a user's consumption are topics for courtroom debate, but they are not debates that can be ruled out of bounds by basic libertarian principles — libertarians still believe in courts, after all.)

Many of us at ACSH are sufficiently libertarian that we favor decriminalizing marijuana, by the way, in part because there is far less evidence for its being addictive or lethal than there is for cigarette smoking.

We do not support special taxes on tobacco nor the familiar mandatory warning label nor the tobacco industry's "Master Settlement Agreement," which has been squabbled over in recent years by all the participants. We encourage voluntary social pressure because we don't want people to suffer and die needlessly, and we approve of lawsuits when warranted by demonstrable fraud (and the documents exist to show that the tobacco industry knowingly lied to its customers about the substantial risk of death, most brazenly around the 1950s but throughout the subsequent decades as well, as noted in an article by Dr. Whelan available at http://www.healthfactsandfears.com/high_priorities/smoked/2002/document030102.html).

Does this concern about smoking, then, make us fascists? Well, at least one libertarian appears to say yes. But then, as we'll see, some libertarians will call you a fascist if you believe that there is a mental state we can label "addiction" . . . or, for that matter, if you actually believe that there is a disease called "schizophrenia." Examining the strange — but in some circles very popular — views of these radical defenders of eccentric behavior will help explain how ACSH ended up at odds with some of its ideological kin on the issue of smoking.

In the May/June 2002 issue of *Society*, libertarian psychologist Jeffrey Schaler notes the growing tendency to medicalize all behavioral problems: people who in the past would have been called philanderers are now called sex addicts; irresponsible spenders are now shopaholics; and so forth. Since most people think that the mentally incompetent need treatment or even physical restraint, explains Schaler, this contemporary tendency to medicalize all undesirable behavior becomes a convenient excuse for making everyone either wards of the state or steady sources of income for psychiatrists. Obviously, there is some merit to Schaler's argument, but he concludes that virtually any expression of concern about "public health" (he uses scare quotes) is thinly veiled fascism, or at least closely related to fascism philosophically:

For the believer in free will, addiction and insanity are not simply behaviors arranged along a continuum of human action — they are vexing cases that must be shoehorned into one of two rigid, completely separate categories: chosen and unchosen behavior.

> In a parallel with Dr. Himmler's "racial hygiene" . . . today's new public health ideology can be characterized as moral hygiene . . . Both are forms of medical and public health imperialism . . . Human beings are again being homogenized by the state, in a manner reminiscent of National Socialist *Gleichschaltung*.

Attacking the concept of alcoholism, Schaler notes:

> Cirrhosis of the liver is a disease caused by habitual heavy drinking. Habitual heavy drinking is not a disease. Habitual

heavy drinking does not become a disease by being called "alcoholism." Similarly, a broken neck is (in the broadest but still literal sense) an illness, but hang-gliding is not an illness, and hang-gliding would not become a disease by being called *suspendere labi*.

It will come as no surprise that Schaler is the author of a book titled *Addiction Is a Choice*, which attacks the pervasive idea that drug users have no real control over their behavior.

An Ancient Debate in Modern Form: Free Will vs. Determinism

Most people see human behavior as falling along a continuum, with thoughtful, informed, carefully chosen behavior on one end, physically coerced action (such as being grabbed by the neck and forced to kneel) on the other end, and addiction somewhere in between (with those forms of addiction that involve intense physical withdrawal symptoms perhaps falling a bit closer to the coercive end of the spectrum than such pseudoaddictions as "shopaholism"). The continuum model is easier to accept if one is not a believer in "free will," in the strict philosophy-class sense of the phrase. If one is a "determinist," that is, if one believes that the brain is, after all, a physical thing and that each decision it makes could at least in principle be traced back to identifiable prior causes, it is easier to think of ordinary choice, addicted choice, and coercion as differences of degree rather than dissimilar phenomena.

I do not exaggerate when I say that Thomas Szasz and his strictest followers consider schizophrenia little more than a rationalization for irresponsible behavior.

This is not to say that the chain of causation necessarily leads back quickly to events external to a person's own skull — despite the eagerness of some determinists to point to external forces as the immediate cause of every human decision, thereby minimizing or even eliminating individual responsibility for criminal or immoral behavior. One can think that a particular person threw a punch because he's a violent jerk, even if one thinks that ultimately one could trace the genetic and environmental circumstances that led him to be a violent jerk. A determinist has as much reason as the free will advocate (if not more) to want criminals imprisoned, nice people rewarded, and nasty people chastised. After all, social incentives are an important cause of behavior, and those of us who (thanks again to our genetic and environmental influences) want the world to be a happy place would not want to see incentives for proper behavior eliminated.

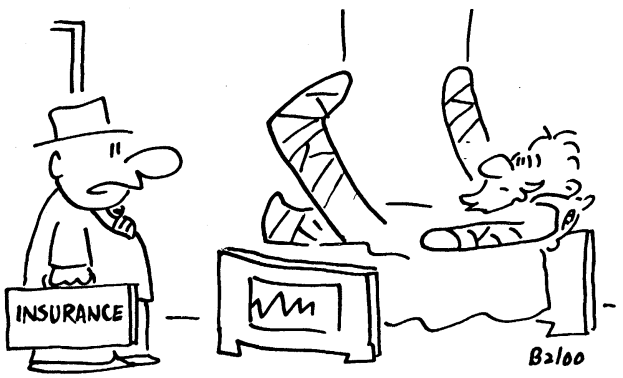

"Sorry, Mr. Quixote, but you're not covered for windmills."

Many libertarians, however, see free will as a natural complement to their political views and are repelled by deterministic arguments, since they seem to suggest that some people have more control over their actions than others. Many libertarians are wary of talk of "addiction" or "criminal insanity" not because they have dispassionately examined the world and found that the phenomena of addiction and insanity do not exist but because it would be *extremely convenient* for a philosophy rooted (as they see it) in radical free will *if* they did not.*

For the believer in free will, addiction or insanity are not simply behaviors arranged along a continuum of human action but vexing cases that *must* be shoehorned into one of two rigid, completely separate categories: chosen and unchosen behavior. And since a free will adherent wouldn't want to coddle people who behave badly by saying that they had *no* choice but to drink or act crazy, he has no choice but to insist that even the most addictive or crazy behavior is as freely chosen as opting for a red instead of a blue sofa on a shopping excursion. One ardent Schaler fan with whom I am acquainted — a talented fiction writer with a theatrical bent — likes to caricature the determinist view (and the ACSH position on smoking) as the belief that cigarettes foist themselves on smokers against the smokers' wills, like tiny automatons that leap unbidden into the mouth and murder their innocent victims.

Of course, no one at ACSH thinks smokers are that helpless. Actually, my friend is unintentionally parodying her own views, since only the ardent free will advocate would see the smoking issue in such cartoonish, black and white terms: either people rationally, happily opt to continue smoking or else they are violently forced by some external power to do things they don't want to, like slaves or prisoners. The pretense that all human action fits tidily into one of these two categories makes it much easier to dismiss any concern about addicts or lunatics as authoritarian.

Libertarians have tolerated these arguments for too long. It is extremism of this sort that renders libertarianism a marginal movement, linked in the minds of many people more to the anarchic excesses of the '60s than to the ideals of the

*Similarly, for these libertarians, it would be convenient if there were no children, since they are generally agreed to be incompetent in many situations to choose in accordance with their own best interests. So it is that libertarians sometimes manage to tie themselves into knots on the topic of the rights of children, with opinions ranging from the view that children have no rights against their parents — at least, none enforceable by third parties such as the state — to the view that children have exactly the same rights as adults and thus must be bargained with and cajoled but never picked up and hauled screaming out of the playground when dinnertime comes.

Founders or the principles of a sound economy.

Where Do They Get These Ideas?

Thomas Szasz has to be given much of the credit (or blame) for promoting this radically nonjudgmental approach to human behavior that has done so much to shape libertarian views on smoking.

However, Szasz does not stop at calling habits, such as smoking, freely chosen behavior patterns; that, we all agree, is largely a matter of semantics. In books such as *Schizophrenia: Sacred Symbol of Psychiatry*, Szasz argues that even schizophrenics are just people who behave badly or in socially unacceptable ways. Mental illness is, one of his book titles tells us, a "myth." He has also written books comparing psychiatry to slavery and the Inquisition — not just for poetic effect, mind you, but as examples of similarly oppressive regimes. A brief introduction to his views can be found at Szasz's official website.* As Szasz's online manifesto states:

> The term "mental illness" refers to the undesirable thoughts, feelings, and behaviors of persons . . . The classification of (mis)behavior as illness provides an ideological justification for state-sponsored social control as medical treatment . . . Classifying thoughts, feelings, and behaviors as diseases is a logical and semantic error . . .

No one who has heard stories of people institutionalized because of their sexual orientation or their dissident political views (as was common in the Soviet Union) can fail to sympathize with Szasz's fear of psychiatry as a means of social control. But to go so far as to call mental illness a myth — even to put "schizophrenia" in scare quotes and refer to it as a "supposed illness" — is absurd. I do not exaggerate when I say that Szasz and his strictest followers consider schizophrenia little more than a rationalization for irresponsible behavior. Szasz notes, for example, that "schizophrenics" always seem to hear voices that counsel bad behavior — providing them with a handy excuse — but never good behavior.

No doubt feigned insanity (or the self-deluding belief that one is and must remain mentally incompetent) is sometimes a handy excuse for crimes or other irresponsible behavior. And another oft-repeated argument Szasz makes — that no physical abnormalities can be identified as the cause of most familiar mental illnesses, making it impossible to objectively identify such illnesses in the way that one might identify a broken leg — may be reason enough, as a practical matter, to abolish the insanity defense in criminal cases and to be extremely cautious about having people committed to asylums. Some people may just be very eccentric, after all. Some people like to water ski and others like to wander the streets unwashed muttering Bible verses to themselves. Just because behavior is odd — or evil, for that matter — doesn't mean it's an illness.

Naturally, libertarians defend individual freedom of action so long as those actions do not directly harm others, and in saying schizophrenics are fundamentally no different from people with strange hobbies, Szasz is defending their freedom. In many legal battles, I would no doubt find myself on Szasz's side. But like adherents of all other ideologies, some libertarians — perhaps including Szasz — tend to ignore inconvenient facts of life in order to make the world "fit" more smoothly with their ideology. Just as the elimination of the concept of addiction makes it easier to argue against drug prohibition, the elimination of the concept of mental illness makes it easier to argue against involuntary institutionalization.

Problems With Szasz: Ignoring Inconvenient Facts?

To some extent, the insanity debate, like the addiction debate, is a semantic one. Szasz often insists that calling mental disorders "illnesses" is a clear-cut definitional error, "like calling a whale a fish," since illness, by definition, must involve observable physical dysfunction. But in insisting that schizophrenics are simply choosing to behave in socially unacceptable ways, Szasz, Schaler, and their followers seem to resist the common-sense view that some overt manifestations of mental illness, such as seizure-like or hallucinatory conditions, are illnesses.

No one who has heard stories of people institutionalized because of their sexual orientation or their dissident political views can fail to sympathize with Szasz's fear of psychiatry as a means of social control. But to go so far as to call mental illness a myth is absurd.

A young person I know (who moves in libertarian circles but is not the Schalerite fiction writer mentioned above) recently developed what most people would regard as classic signs of schizophrenia (though I won't pretend we understand the brain well enough to create a foolproof checklist of symptoms). Previously confident, outspoken, and very healthy-looking, my acquaintance became convinced that passersby on the street and fellow passengers in elevators were glaring with undisguised hate, that the staff of a local hotel was putting poison or knock-out drugs in the food they served, and that strangers held mysterious secrets to financial success and should be contacted in the middle of the night. My acquaintance lost the ability to keep track of time and developed the strange habit of getting into cabs without giving the driver any instructions on where to go, other than "to someplace safe." My acquaintance, once a lively conversationalist, would repeat the same points obsessively — such as his desire to locate specific lost objects — all the while looking terribly thin and haunted. Anyone relying on common sense rather than Szaszian stubbornness would have thought "there's something terribly wrong," as I did, long before hearing any official diagnosis.

What is baffling is that Szasz and Schaler have no doubt encountered far more extreme cases without their disbelief in mental illness being shaken. Does someone exhibit high

*http//Szasz.com.

scientific standards or just pigheaded stubbornness if he insists that mental illness is a myth even after meeting, say, a man who constantly convulses and shrieks and insists that he must wear a tinfoil hat to prevent the CIA robots in his stomach from receiving instructions via radio? I don't doubt that there are Szaszians dogmatic enough that they could sit through a conversation with such a delusional individual just as calmly as if speaking to someone with minor misconceptions about geography or someone who mistakenly thinks that President Reagan was elected in 1978.

We may not understand the brain processes responsible for mental illness, but we are justified in strongly suspecting we are dealing with mental illness when something such as schizophrenia produces the same basic symptoms across time and across cultures, in people who suffer because of their conditions and have so little to gain from feigning an inability to function or from suddenly adopting eccentric, self-destructive lifestyles.

Some people like to water ski and others like to wander the streets unwashed muttering Bible verses to themselves. Just because behavior is odd — or evil, for that matter — doesn't mean it's an illness.

The Real Philosophical Error: When Is Anything an Illness?

There is a more serious problem with the Szaszian insistence on identifying specific physical causes before labeling something mental illness though.

Szaszians will sometimes concede that a condition marked by *both* aberrant behavior and a clearly defined brain abnormality or other physical cause can rightly be labeled mental illness. So, for instance, if overexposure to heavy metals consistently produced delusions, the Szaszian would say the demands of science had been satisfied: both aberrant behavior and a physical cause have been identified.

But wait a second: why should even this be called mental illness, in the Szaszian view? If we are insistent that behavior cannot generally be labeled an illness, why should the fact that it is preceded by a physical event such as heavy metal exposure matter?

I am reminded of a chemist I knew who, after exposure to mercury early in his career, became convinced (whenever he went off his medication) that he was Norwegian royalty. Now, presumably Szaszians wouldn't have called his conviction that he is royalty mental illness if he had manifested the belief in the absence of a physical cause. Why, then, call it madness even in the presence of a physical cause? After all, we don't call *every* thought that a person has after metals exposure madness. If a man were exposed to heavy metals and then decided to take up cross-country skiing, we wouldn't call the skiing insanity simply because it was preceded by an identifiable physical event.

If the Szaszians are willing to call claims of royalty that follow metals exposure mental illness but not willing to call cross-country skiing that follows metals exposure mental illness, then they must admit (contrary to their stated principles) that *they do judge the health or sickness of actions and beliefs by the content of the actions and beliefs*, such as the failure of beliefs to jibe with obvious external reality. The Szaszians must, then, either hold that *nothing* (even in the presence of observable physical causation) can be labeled crazy or else abandon their philosophy and join the rest of us in judging people crazy — however cautiously — on the basis of observed behavior.

For Schalerites and Szaszians to imply that they are simply awaiting more detailed descriptions of the physical causation of mental illness is either a lie or a nonsequitur. By their own reasoning, they have no rational grounds for calling anything a mental illness even if we can describe the phenomenon down to the individual neural firing. All we can say, given their linguistic stubbornness, is that, for example, neural firings caused by sexual hormones lead to arousal, while heavy metals lead to believing you're Norwegian royalty. Why call *either* an illness or dysfunction by Szaszian standards? We should, by their reasoning, just say caffeine leads to heightened alertness, a bullet through the skull leads to altered language use, LSD leads to seeing weird hands coming out of the ground, heavy metals lead to fanciful notions about Scandinavian succession, as-yet-unknown brain events lead to thinking the hotel staff is out to poison you, and "retardation" leads people to "choose" to be very bad at math. Why call any of it a medical condition or illness? These are all just different ways that a brain can be, different lifestyle options, if you will. All is well!

And any Szaszians tempted to bite this particular bullet and just say that no brain state (whether physically understood or not) can ever be labeled dysfunctional or diseased, must contend with a further problem: how is it, then, that we can even label a heart, liver, or lung diseased? If one wanted to be as stubborn about physical illness claims as the Szaszians are about mental illness claims, couldn't one insist that a heart that stops beating is not really "ill" in any meaningful sense but rather is "behaving in a socially disapproved way"? Who's to say that a femur bone *ought* to remain in one piece instead of being broken up into twelve parts and causing pain? Isn't it just narrow-mindedness on our part to label this femur dysfunctional while labeling the intact ones "healthy"?

That sounds absurd, and it is. It is equally absurd to insist that the *mind* has no identifiable healthy functions, such as perceiving external reality, differentiating between real people and imagined ones, forming basic logical chains of thought, or spotting contradictions and reaching decisions.

Anyone who accepts Szaszianism may someday find himself having the unsettling experience of being forced to reject those views after direct confrontation with the madness of a relative or friend who was once healthy. I am less concerned, though, about the emotional impact of disillusionment on Szaszians than I am about the fate of their men-

tally ill friends and patients, who may not get the treatment they need because of Szaszian dogmatism. Anyone who has dealt with schizophrenics knows that some of their most "eccentric" notions are often notions about their medication. The last thing that a potentially self-destructive schizophrenic — who perhaps thinks his medication is poison left for him by Martians — needs is to be told by an ardent Szaszian that those views about his medication, while mistaken, are within the bounds of rational discourse.

Moderation and Utilitarianism

Even if one suspends for the moment all debate over whether schizophrenics are mentally ill and whether smokers are addicted, it would seem reasonable to assert that certain activities such as smoking or attempting to stop a bus by willing one's body to turn into steel are harmful, even if wholly voluntary.

That is, it would seem reasonable unless one were a particularly dogmatic libertarian — and some people are.

Following the Austrian insight that only an individual can gauge his own happiness, libertarians commonly equate happiness with preference fulfillment. This makes sense. People who want one thing to happen but have another thing forced upon them are usually not happy about it. But people can have short-term preferences that are not in accord with the fulfillment of their preferences over the *long-term*. While drunk, you may want to Jet Ski, but the resulting paralysis and brain damage may hinder your long-term goal of being a ballerina, for instance. Observation of the real world seems to suggest only that choice and happiness are strongly *correlated*, not that they are synonymous.

Furthermore, choice and happiness should not be declared synonymous by definition or tautology simply to make a philosophy of individual liberty easier to defend. This point is often made by *Critical Review* editor Jeffrey Friedman. Like Elizabeth Whelan, Friedman is sometimes described as unlibertarian for thinking that libertarians should, in essence, abandon their principles — but seek pragmatic, utilitarian arguments for their political program. After all, if your principles do not lead to practical, utilitarian outcomes, rival intellectuals — not to mention the rest of humanity — are likely to ask why they should bother listening to you.

Most libertarians chose their principles because of an *empirical* belief that individual decision making *tends* to lead to happiness. But even if this tendency is so strong that we ought to elevate it to the status of a political principle ("let people do what they want with their own bodies and property so long as they do not harm others' bodies or property"), it would be intellectually dishonest to pretend that the principle can now be used as proof that *no* instances of misery-inducing free behavior exist. Perhaps there are even some instances in which individuals would have been happier if legally forbidden to follow their own preferences.

I suspect most libertarians when confronted with addiction, insanity, or old-fashioned temptation turn the original empirical generalization into a principle and then use the resultant principle to define away all the empirical "tough cases." This is a bit like noticing that the local theatre almost always shows the best movies on its biggest screen, deciding that one should generally see the movies that play on the big screen, and then, when confronted with a fabulous movie that is being shown on a smaller screen, stubbornly declaring that it *cannot* be a great film, since it has already been established that the best movies show on the big screen.

Or to put it in more immediately relevant terms: the fact that individual choice works like a charm (that is, it increases happiness) 99% of the time may be sufficient reason to adopt an overall anti-government stance or an overall attitude of tolerance, but it cannot tell us whether addiction is an exception to the "choice works" rule, nor for that matter can it tell us whether insanity or a hasty decision to commit suicide while in the throes of depression is an exception to that rule. Once one admits that choice and happiness are merely *correlated* rather than *synonymous*, one has to ask whether certain unusual sorts of choices might fall into that hypothetical one percent of cases in which individual choice does *not* work like a charm and instead leads to misery.

If one is as stubborn about physical illnesses as Szasz is about mental illnesses, one could insist that a heart that stops beating is not really "ill," but rather is "misbehaving."

Death and Illness Are Genuine Problems

Any social problem can be looked at either as an opportunity for utilitarian debate or merely as one more opportunity to adhere to libertarian principles. If, for instance, a raging fire is about to destroy a town, most people would say the problem is the *fire*. A sufficiently stubborn libertarian might say that the problem is that the local fire department has not been privatized. While many people might agree that the fire department could be run more efficiently if private, few sensible people would say, with flames licking at their homes, that privatization is the *primary* or *immediate* concern in this scenario.

While it is perfectly legitimate for libertarians to insist that regulations be kept at bay in the smoking debate, it would be narrow-minded in the extreme for them to say that regulations are the *primary* or *only* problem in the smok-

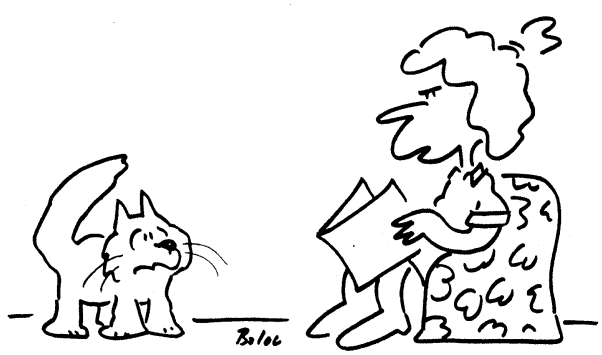

"Don't come crying to me — hit the mouse *back*!"

ing debate. If everything from death by lung cancer to living as a raving maniac in the streets is simply another choice to be respected, one must ask whether *any* outcome would ever convince the die-hard hyperlibertarian that choices can be wrong — wrong in that they lead to misery. If someone were reduced to a sobbing, confused, and starving wretch, eager to commit suicide after years of self-mutilation and heroin addiction — but, hypothetically, might have been spared that fate if forced (only for a moment) to take anti-psychotic pills at a young age and thereby have lived a happy and productive life full of laughter, self-satisfaction, and strong friendships — should we, as principled freedom-lovers, be indifferent to the two scenarios?

Libertarians, faced with the question "What if everyone starved under your system?" typically respond, appropriately enough, that they know enough economics to be confident that that will not happen. Fine. But implicit in such an answer, as Friedman likes to point out, is the utilitarian belief that widespread human happiness is the ultimate test of political principles. If the principles produce misery, there is no sensible reason to adhere to them.

The question libertarians who care about utility must ask themselves before they dismiss the concerns of anti-smoking groups is: "All right, what if virtually no one starved under your system and there was widespread peace and prosperity — *but* some 4 million people died from smoking around the world each year?" The proper utilitarian solution to this problem may not involve the tiniest bit of government coercion — cultural pressure and education may be sufficient to turn people off smoking without any regulations or taxes — but libertarians should at least be *interested* in the problem. Yes, some anti-smoking activists undoubtedly are authoritarians, but that is no reason to dismiss all anti-smoking activists as authoritarian. Libertarians who fail to realize this play into the hands of their critics by appearing callous about illness or about the painful and premature deaths of many of their fellow beings. Creeping socialism is a problem, but so is death.

Pragmatists vs. Ideologues

When confronted with the fact of widespread cigarette consumption leading to widespread death, a reasonable person wonders whether there is some way to retain the benefits of consumer freedom while limiting the disastrous health effects. The ideologue of the left says that cigarettes are further proof that capitalism is evil, that it always leads to big companies exploiting and harming the public, and calls without a second thought for massive regulation or even prohibition.* The libertarian ideologue, meanwhile, says that consumer freedom is sacrosanct and in the end always wise, and he insists that the buying and selling of cigarettes is as ethically neutral an activity as buying and selling Tinker Toys.

What neither the leftist nor the overzealous libertarian is willing to admit is that cigarettes *are* different, a genuine special case. Nothing else we know of packs the same addictive, popular, legal, deadly, and youth-attracting wallop to public health. If every other product on the market really *were* as bad for you as cigarettes, a reasonable person probably *should* abandon free market principles in favor of heavy restrictions on personal liberty.

But cigarettes are unique. So the leftist is wrong. And so is the overzealous libertarian. Reasonable libertarians will examine the unique health threat posed by cigarettes in scientific terms first, then consider whether the threat they pose warrants no action, some regulation, or a combination of concerted voluntary efforts to educate potential and current smokers and, in those cases where it is warranted, legal attacks against fraud.

That willingness on the part of libertarians to engage in messy, practical debate would benefit both public health and the libertarian movement itself, by showing it to be capable of dealing with imperfect reality instead of just the tidy categories constructed by ideology.

Time for Excommunication?

Some will say a libertarian who counsels voluntary, non-regulatory responses to such crises as smoking and debilitating mental illness — and agrees with coercive activists that such things are crises — is no libertarian at all. To that, the proper post-ideological, pragmatic, utilitarian response is probably: who cares? It's more important to be right than to retain some political label as though it were a badge of tribal membership. Rigidly fixed political labels may just be a last vestige of humanity's waning tribalism — a crutch for those who can't cope with ongoing debate and changing minds. If one were to hew to the strictest interpretation of the Libertarian Party definition of libertarian, for instance, it's not clear that Ludwig von Mises, Murray Rothbard, Ayn Rand, Friedrich Hayek, or Milton Friedman would qualify as libertarians, when in fact all are giants of libertarian thought. So let's not waste energy declaring libertarians who denounce cigarettes "libertarian except on smoking." Better to spend that mental energy trying to figure out how to help millions of smokers break a deadly habit, as boring and nonideological a task though that may seem to some.

In the end, whether called libertarian or not, our primary concerns will be advancing human well-being and maintaining the integrity of science. Those goals don't seem to us to be at odds with liberty. ❑

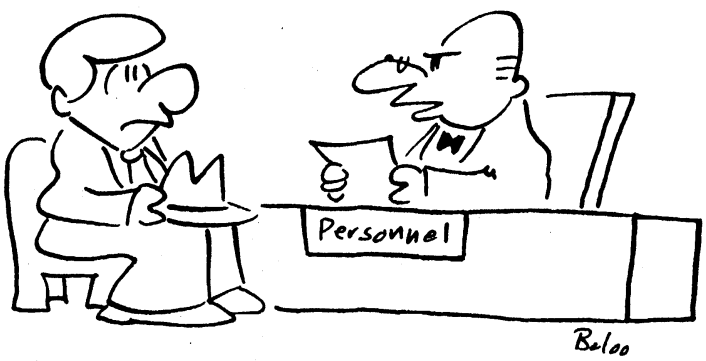

"A retirement plan? — are you bad-mouthing the Social Security system?"

*The ideologue of the traditional right opposes the regulations largely, I suspect, to annoy the ideologue of the left.

Reviews

Slander: Liberal Lies About the American Right, by Ann Coulter. Crown, 2002, 256 pages.

Blonde Bombshell

Clark Stooksbury

I have strongly divergent opinions of Ann Coulter. I sometimes find her outrageously cheeky — attacking the editors of *National Review* as "girly-boys," advocating a massive war to convert the Middle East to Christianity . . .

But Coulter often strikes me as shrill, snide, and petulant, all in service to a particularly vacuous brand of conservatism — Rush Limbaugh in a mini-skirt. In a column last fall she gave as an example of liberal "treason," the "toppling [of] the Shah of Iran and giving Islamic fundamentalism its first real foothold in the Mideast" while ignoring the role of her hero, Ronald Reagan, who directly supported Islamic fundamentalism in Afghanistan and armed the Teheran regime. She is easier to take in small doses — the longer I spend reading and studying Coulter, the less I like her.

I experienced this ambivalence while reading her latest book, *Slander*. When she attacks *The New York Times*, Gloria Steinem, or Michael Moore, I find myself agreeing with her. Her attacks are sometimes misguided, but since she sprays with a verbal machine gun, she's bound to occasionally hit her target. On the other hand, when she comes to the defense of her Republican heroes, brandishing G.W. Bush's SAT scores or gushing over Ronald Reagan, I was slightly embarrassed for her.

There is no question that the political left is bankrupt. Democrats and left-wing pundits (with a few notable exceptions) traded in their integrity and self-respect to defend Bill Clinton and in return got NAFTA, GATT, welfare reform, the slaughter of innocent foreigners at his political convenience, and repeated assaults on civil liberties. At the same time, their attacks on the right were frequently reduced to hysterical name-calling. In this atmosphere, Gloria Steinem denounced Bob Dole, a middle-of-the-road hack with no discernible principles, as a "right-wing extremist."

Forrest Gump, Call Your Office

Consider, for example, Coulter's response to the habitual leftist attack on the intelligence of those on the right. She grossly overstates that "every consequential Republican to come down the pike is, instantly, invariably, always, without exception called 'dumb.'" This is nonsense. Every person in the world has been called stupid by someone, even if only by a brother or sister, but who would argue that the left expended any great effort trying to characterize such consequential Republicans as Barry Goldwater, Richard Nixon, or Henry Kissinger as stupid? Appropriately, Coulter expends most of her energy countering attacks on the intelligence of Ronald Reagan, Dan Quayle, and George W. Bush. Reagan was often accused of being dumb, senile, or both, but you would never learn from Coulter that he had a disturbing habit of giving people evidence for these charges. She makes no mention, for example, of Reagan's doddering performance in his first debate with Walter Mondale in 1984, or of his delusional belief that he filmed a death camp liberation while in the Army Signal Corps when he actually served out the Second World War in the States, or of any other instance that called into question Reagan's grip on reality when he was president. Instead, someone relying solely on Ann Coulter would assume that the attacks on Reagan's intelligence were devoid of content, simply the product leftist hate-mongering.

Reagan deserves credit for having a superficially successful presidency and for continually succeeding while his political enemies underestimated his abilities. Politicians like Pat Brown and Jimmy Carter learned the hard way that Reagan was a formidable opponent, but it would be absurd to pretend that he didn't give his enemies repeated opportunities to question his intelligence and coherence. Coulter's defense of Reagan would be a lot easier to swallow if she did not

insist on canonizing the 40th president. I counted nine places where she refers to Reagan as "the guy who won the Cold War"(or words to that effect) sometimes, "single-handedly." She refers to the collapse of the Soviet Union as the result of the Gipper's "massive defense buildup, military invasions, support for anti-communist insurgents around the globe, and finally, walking away from the table at Reykjavik." If all it took to get rid of the Soviets was to invade Grenada and fund the B-1 bomber, one wonders whether defeating them was such a great accomplishment.

Coulter signed on to the Republican "team" and is a forceful advocate of its cause. She should take a good hard look at her teammates.

Elsewhere she refers to Reagan as having a "spectacularly successful" second term and repeats, "arms for hostages, arms for hostages" as an example of a "stupid, meaningless phrase" used by leftists. In Reagan's second term, the Republicans lost control of the Senate, Robert Bork's supreme court nomination failed, aid to the Nicaraguan Contras (the overriding issue of his second term) was consistently hindered by Congress and the Reagan Administration was distracted for long periods of time by the Iran-Contra scandal. Perhaps his greatest accomplishment was to turn Republican politicians and conservative pundits into apologists for exploding deficits.

Coulter is merely following the party line among movement conservatives where it is obligatory to fawn over the 40th president. It requires a Stalinesque rewriting of history to pass this record off as "spectacularly successful" and pretend that "arms for hostages" is an empty chant. I've already quoted Coulter damning "liberals" as traitors for supposedly enabling an Islamic fundamentalist regime to come to power in Iran. The Reagan administration sold arms to the same regime. One is tempted to shout in the fashion of the talking head shows that Coulter haunts, "HE WAS *ARMING* THEM, DAMN IT!" That would seem to be vastly more treasonous.

Dumb and Dumber

Coulter also rallies to the defense of J. Danforth Quayle and George Walker Bush, although she leaves out a lot of important details. Quayle got off to a bad start immediately after Bush nominated him in 1988 because of his inartful handling of his Vietnam-era draft evasion via the National Guard. Later he was hurt by his poor debate performance with Lloyd Bentson in which the Texas senator elevated himself from nonentity to statesman by telling Quayle that he was, "no Jack Kennedy." Actually, the problem was that Quayle was precisely Jack Kennedy — without the dozens of family retainers constantly applying a veneer of wit and erudition. As in her defense of Reagan, Coulter simply doesn't mention these embarrassing incidents. Quayle's term in office was marred by repeated gaffes (some, no doubt apocryphal) such as his difficulty in spelling "potato." On the upside for Quayle, he headed up the influential anti-regulatory Competitiveness Counsel and he thoroughly outdebated Al Gore in 1992. Coulter strangely fails to mention these factors that mitigate in the former Veep's favor. At the risk of earning Coulter's formidable ire, I should point out that Dan Quayle seems to be smarter than George W. Bush.

Only a partisan Republican could fail to see the evidence of George Bush's dullness. He recently asked Brazilian president Fernando Henrique Cardoso, "do you have blacks, too?" When Bush spoke in my hometown a few months ago he gave an incoherent and muddled speech about how the terrorists hate "the fact that we believe there ought to be honest political discourse," and about the importance "for citizens in this country to put a face on America for the world to see, the true face. And that's by loving somebody . . . It certainly means mentoring a child; putting your arm around a child . . . It means organizing a program in your church or your synagogue or your mosque, to help hear the universal call of loving somebody just like you would like to be loved by yourself." He prattled about his now notorious domestic spy program. "We call it terrorism information program, it's a TIP program. This is a program where truckers can report anything that might be suspicious to local authorities. One of the most innovative TIP programs in the country took place in Maine. Governor King, working with the local FBI, signed up a lot of lobstermen. So when they're out there pulling their pots to get the lobsters, if they see something suspicious taking place along the Maine coast, they share the information with the local jurisdictions, local law enforcement jurisdictions . . .

These are not gaffes or mispronunciations (Grecians, Kosovians, etc.). These are nonsensical ravings. In the midst of war and recession, the Leader of the Free World prattles on about Maine lobstermen on the lookout for terrorists and about "organizing a program" in your "mosque." But Ann Coulter is an extremely partisan Republican and sees only a "masterful leader" full of "charm and resolute determination."

Coulter is sometimes outrageously cheeky — attacking the editors of National Review as "girly-boys," advocating a massive war to convert the Middle East to Christianity . . .

Who Will Grade the Guardians?

It is fair for Coulter to question the neutrality of journalists who, while, talking about how stupid George W. Bush and Dan Quayle are, inflate mediocrities such as Bill Bradley and Al Gore into Deep Thinkers. She quotes a litany of descriptions of Bradley as "cerebral," and a *New York Times* article in which,

> a presidential candidate was repeat-

edly quoted using such expressions as "That's no good for sure" and "Isn't she cool?" Telling a reporter he wanted to discuss "big think" ideas, he stammered "I can't say this, it's going to sound so weird." That was intellectual colossus Al Gore. Naturally, this led the *New York Times* to query: "Is Al Gore too smart to be president?" Mr. Gore's "challenge," the *Times* explained in that very article, is "to show that he is a regular guy despite a perceived surplus of gravitas, which at least some Americans seem to find intimidating." Or as Gore himself eruditely put it: "weird."

Coulter goes so far as to compare verbal SAT scores among Bradley, Gore and Bush. (Gore wins with a 625, but Bush with a 566 is solidly ahead of Bradley's 485.) She also quotes a litany of Democrat and media gaffes (Al Gore: "A zebra cannot change its spots.") and errors that would be endlessly mocked if they were made by Dan Quayle.

In her zeal to display the flaws of Al Gore, Coulter ridicules his performance in the 2000 debates.

> In the first debate, he was his natural self — little Miss-Know-It-All . . . In the second debate he overcompensated and became Norman Bates in the last scene of Psycho . . . Naturally, therefore, the entire nation was on tenterhooks waiting to see what new weirdness Gore would unleash in the third debate. . . Even the audience was laughing at Gore for his ridiculous pomposity. Bush was in on the joke, laughing and winking at audience members as Gore grew increasingly insufferable.

All of which accords, roughly at least, with my memory of the debates, but begs a question that doesn't occur to Coulter: if Al Gore was such a complete laughingstock — a universally mocked buffoon — how did he manage to win the popular vote in the 2000 election? Without the timely intercession of Ralph Nader, Al Gore would have won a solid victory. The debates gave voters an unfiltered opportunity to view the candidates. One would assume from Coulter's analysis that Gore would have received only the votes of *New York Times* editors and of Barbara Streisand's sewing circle,

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instead of finishing ahead of her champion.

Meet the New Boss . . . Same as the Old Boss

Ultimately Coulter's constricted world view is her biggest weakness. She signed on to the Republican "team" and is a forceful advocate of her side's cause. But she should take a good hard look at her teammates. The Republicans gave up on rolling back the leviathan state during Ronald Reagan's first term. After the Cold War, they continued to advocate a meddlesome foreign policy to the detriment of the national interest. Even their family values talk is empty — Newt Gingrich was no more faithful to his second wife than Bill Clinton is to his first. For Coulter, none of this matters, she can always fall back on her mantra, "it's all liberals' fault!" ❑

***Bias: A CBS Insider Exposes How the Media Distort the News*, by Bernard Goldberg. Regnery Publishing, Inc., 2002, 232 pages.**

Bias, from the Inside

John Tabin

Bias by Bernard Goldberg was in the top ten of *The New York Times* best-seller list for the first four months of this year, often at number one. Jesse Ventura brandished it at a news conference and George Bush conspicuously displayed it on a photo-op walk to Marine One.

The hook that made the book is that Bernie Goldberg is both an "insider" — he was a reporter for CBS when he wrote the 1996 *Wall Street Journal* op-ed that serves as the jumping off point for the book — and a lifelong Democrat, though his language suggests that he might have voted for a Republican at some point in the past few years, but never before. In fact, in 2000 William Tonso used a Goldberg segment to illustrate the media's ignorance of and bias against guns.

In some ways, *Bias* isn't worthy of the tempest it's caused. It's wildly uneven; while there is serious and worthwhile discussion of the mechanisms and manifestations of reporters' leftward slant, much of the book is a gossipy, hyperbolic, and occasionally illogical screed.

It is strange when Goldberg says there is *"no difference whatsoever!"* (his emphasis) between the "News Mafia" and La Cosa Nostra when it comes to what happens when you break the "code of silence." Since the book is a fast read, I had little time to reflect on whether CBS News actually has dissenting reporters killed before I came to Goldberg's mocking of CBS News producer Andrew Heyward for saying that repeating Heyward's thoughts on left liberal bias "would have been like raping my wife and kidnapping my kids."

Goldberg wonders what kind of self-centered blowhard would dramatize criticism of himself like that. He has a point — it would be like comparing mistreatment by your employer to a mob hit.

Goldberg is on much more solid ground discussing the culture of the media elites. Network news steals everything from print, so they pretty much regurgitate what *The New York Times* and *Washington Post* are saying. And since they travel in circles well insulated from the rest of the country, they rarely hang around with people who disagree with them. "After a while," Goldberg writes, "they start to believe that all civilized people think the same way they and their friends do. That's why they don't simply disagree with conservatives. They see them as morally deficient."

There are several good chapters on specific media transgression; coverage of racial issues, AIDS, and homelessness are all addressed. To aficionados of media criticism, little of this is new, but it's presented in a concise, easy-to-digest package.

Reactions to the book from those in the established media have ranged from circumspection (*The New York Times* said the book should be "taken seriously") to outright vitriol (Michael Kinsley dismissed it as a "dumb book"). The most extended and thoughtful reaction from the left came in a March *New Republic* cover story by Jonathan Chait, who contended that the book's thesis needed refining: media bias is more complex than just a straight left-wing tilt. Their script calls for "more stories about poverty and environmental despoliation during Republican administrations, and more stories about government bloat and military unpreparedness during Democratic ones." Chait calls this an "equal-opportunity" bias — but is it really no worse to be portrayed as cruel than to be portrayed as soft? (I've never seen a story on "government bloat" that addressed the coercive nature of taxation. Government is occasionally a joke, but rarely an outrage.)

Chait also argues, using data from the left-wing Fairness and Accuracy In Reporting (FAIR sees a *rightward* media bias, which indicates how far to the left their perspective is), that in fact reporters are more socially liberal than the general population, but also more economically conservative.

If this were true, the news would have a largely libertarian flavor (with

a few exceptions — there are certain social issues, like gun control, where the left-liberal position is the opposite of the truly liberal position). I doubt there are many readers who feel this is the case. Reporters may be more likely to support free trade than the general public (one case of their "conservatism" Chait cites), but steel workers losing their jobs to imports, for example, both fit the "cruel right-wing" script better and are easier to find than the inevitably greater number of jobs created in steel-using industries.

One thing neither Goldberg nor, as far as I know, any of his critics mention is the media's bias on the drug war, which is decidedly toward Bill Bennett's side of the argument. Scare stories on the latest club drug trends are a staple of local and national news. Scaring people about their children's brains turning to mush is an easy way to get an audience, and being against drugs (like being against cigarettes and "greed") seems to be considered a sign of "compassion" by the media. I once saw Bill O'Reilly tell a libertarian guest that his call for legalization showed he didn't care about children. O'Reilly, of course, is meant as an alternative to the mainstream media shows — where a libertarian wouldn't be booked in the first place.

Goldberg says there is "no difference whatsoever!" between the "News Mafia" and La Cosa Nostra.

In 1995, media critic Jon Katz argued in *Wired* that the old model of objectivity was becoming obsolete, and a standard of "informed subjectivity" would be better. *Wired*'s website at the time allowed readers to spar with authors in the message boards, and I was objectivity's most vocal defender. I felt then that with a license to opine overtly, the facts would be even further distorted. In the past seven years, the explosion of the Internet and cable news, much of which is almost exactly what Katz described, has convinced me that no insulated establishment can maintain a monolithic bias in a free market of ideas. Whether or not I agree with the perspective, I much prefer the open bias of Matt Drudge's tabloidish Internet journalism to the feigned objectivity of the evening news. If Dan Rather wants to be a shill for the Democratic party while pretending to be evenhanded, he's perfectly welcome; as Goldberg says in his conclusion, I can just "aim my remote . . . and click the button marked 'off.'" Then I can log in and check *The Drudge Report*.

Still, despite its flaws, *Bias* has made some in the media acknowledge their problems. Maybe they'll do some house cleaning, and begin producing a less-biased product. That would be a good thing. ❑

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***Nixon on Stage and Screen: The 37th President as Depicted in Films, Television, Plays and Opera*, by Thomas Monsell. McFarland & Company, 1998, 247 pages.**

Nixon in Life and in Art

Stephen Cox

Politically, Richard Nixon was a typical inhabitant of that sad desert of Republican Party history that was bounded on one side by the low, jumbled hills of Wendell Willkie and Thomas E. Dewey and on the other by the glittery Las Vegas of Ronald Reagan.

Like Reagan, he was, at least theoretically, a supporter of free markets and individual rights. Like Willkie and Dewey (and Huey and Louie too, I guess), he wasn't particularly interested in either of those things. What interested him was gaining and keeping office. For that purpose he, in company with virtually all the other Republican pols of his generation, supported every big-government scheme that anybody ever thought of, including schemes designed to benefit precisely those people (professors, welfare workers, "artists") who would never, ever vote for him. Because their politics was formed largely by reaction to other people's whims, Nixon and the thousands of public figures whom he typified were always falling for weird, momentarily popular ideas. Example: when inflation drifted slightly upward in 1971, Nixon responded with a sudden, despotic imposition of wage and price controls on the whole economy. He suspected that it wouldn't work, and it didn't. Well, so what? He was re-elected in 1972.

Nixon's openness to expedients could lead, by chance, to some good things, too. He rendered one of the greatest services to liberty that any American statesman has ever rendered when he pledged to end conscription, and did so. In this instance, he was actually opposing the mindset of the liberal establishment. At the time, leading Democratic politicians were calling for conscription to be expanded, in order to make slavery fair for all. Nixon appears to have perceived that violent opposition to "the military-industrial complex" was chiefly motivated, not by any sincere conviction that either war in general or the Vietnam War in particular was "wrong," but by the decided disinclination of middle-class youths to fight a war. He acted on that perception, and it turned out to be correct. For all intents and purposes, the end of the draft was the end of mass agitation in the United States.

Unfortunately for Nixon, however, this turned out to be another one of those cases in which the people who profited from his actions continued to detest him. His big mistake came early in his career, when he participated in the popular anti-communism of the time. Anti-communism is the one thing that the liberal establishment never forgives in a Republican politician. Nothing that Nixon ever did could free him from the mark of Cain stamped on his forehead by the anti-anti-communists who for the past half-century have systematically promoted a confusion between him and the man now popularly regarded as the worst villain of all time, Sen. Joseph McCarthy.

This accounts for 66.6% of Nixon's bad reputation. For the other 33.3% we must blame his own personality, which was always more interesting than his politics. Odd, vulnerable, shifty as vulnerable people often are, coarse as men of his generation were taught to be, admiring of intellect without being an intellectual, admiring of grace and courage without ceasing to admire phoniness and cunning, Nixon was finally defeated by the second-ratedness within him, ably assisted by the third-ratedness of his subordinates and the fourth-ratedness of his opponents. Nixon was a strangely fascinating American. I put that last word in its place of emphasis because I cannot picture him as a denizen of any other clime. Can you?

Odd, vulnerable, shifty as vulnerable people often are, coarse as men of his generation were taught to be, admiring of intellect without being an intellectual, admiring of grace and courage without ceasing to admire phoniness and cunning, Nixon was finally defeated by the second-ratedness within him, ably assisted by the third-ratedness within him.

Since Nixon was, in his way, a representative American, it is interesting to see how other Americans have viewed him. That's what Thomas Monsell helps us do. He offers a detailed, year-by-year accounting of hundreds of representations of Nixon supplied by the performing arts during the past half-century. His research is almost frighteningly extensive, his judgments are fair, his writing is pungent. *Nixon on Stage and Screen* is both

a trustworthy reference book (I found only one substantive error — an allusion to an alleged parody of the film *High Noon* that is in fact a parody of the TV series *Gunsmoke* [p. 76]) and a juicy story about all the things that can happen to you when people with typewriters decide to do you in. Because that's what 99% of the people responsible for the works considered in this volume try to do to Nixon. They try to do him in. In the process, they reveal a great deal more about themselves than they reveal about RMN, the human punching bag.

Quite a number of these people are repeat offenders, producing work after work on the theme of Nixon's wickedness. Gore Vidal (can there be such a man?) is one example: two plays and a movie, plus a TV miniseries attacking Nixon associate Alexander Haig. Oliver Stone, on whom even Vidal purportedly looks down (212), is another one: three films and a "dialogue" published in a magazine. Then there are the paranoids — e.g., Robert Altman, whose vision of America (projected in the play and film *Secret Honor*) appears to be that of a nation controlled by 100 "wealthy power brokers who . . . meet in California's Bohemian Grove" and who ensnare aspiring young politicos like RMN by placing ads for people to run for Congress (134). Yes, I'm sure that's the way things happen in American politics — and it's all so dramatically compelling, too.

Notice should also be taken of the fetishists of sex theory, who find themselves able to account for Nixon's *bizarre* ideas (such as his suspicion that there might possibly be such people as communist spies) only by reference to such unlikely features of his psyche as erotic yearnings for the communist spy Ethel Rosenberg. On this topic, consult one of the cultural indicators that Monsell dutifully unearths, Robert Coover's terminally disgusting novel *The Public Burning*. I parted company with Coover's work after witnessing his public reading of part of it, but Monsell assures us that "the novel's epilogue contains a scene in which Nixon is sodomized by Uncle Sam" (21). This is the kind of thing that is supposed to reflect badly on *Nixon*.

Defending the ludicrous account of Nixon delivered by *Secret Honor*, Altman said, "Whether it is true or not doesn't make any difference because in art what you try to do is explore various views of things. This is just a view" (134). Here is a refreshingly innocent declaration, especially for someone who, to my knowledge, has never used his art to explore any idea that dared to wander outside the well-established confines of the American left. Despite all the talk, by people cited in this volume, about the use of art to explore Nixon's "tragic" character, any authentic evocation of tragedy requires a degree of sympathy for the protagonist, a degree of sympathy that is precisely what does not emerge in the artistic views of Nixon that have thus far been produced. Perhaps funds were lacking for a truly tragic treatment. Or perhaps the only "art" that gets funded in America is art that is immune from sympathy with any but a left-wing worldview or character for-

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mation. Of course, it would be very easy, supposing that Hollywood is *not* more sympathetic to communism than it is to Richard Nixon, to turn the story of his life into a tragic film. First you would establish sympathy by showing the young RMN heroically battling the commies. Then you would investigate the fatal flaw that got the mature RMN mixed up in the Watergate mess. Anyone could write a film like that. Funny, isn't it, that nobody has?

But if you really want to see how far American art has wandered from accurate or even interesting perspectives on the world, ask yourself this question: where is the spate of films, plays, and television dramas exploring President Clinton's flaws and errors? Here, one might imagine, is the kind of thing that would practically write itself in Hollywood. After all, the town voted en masse for Clinton. Surely the people who backed him for president must believe that he qualifies as the kind of character whom Aristotle regarded as fit to become a tragic hero — a good man, "or one better rather than worse."

Despite all the talk about the use of art to explore Nixon's "tragic" character, any authentic evocation of tragedy requires a degree of sympathy for the protagonist, a degree of sympathy that is precisely what does not emerge in the artistic views of Nixon that have thus far been produced.

And surely those people, if they're smart enough to vote, would never deny that Clinton has some interesting flaws, perhaps even more interesting flaws than those of Richard Nixon. But dramas about the tragedy of Clinton appear to be slow in coming. In fact, there aren't any. Offhand, I can't even think of a novel that shows Bill Clinton being sodomized by Uncle Sam. Now, why do you suppose that is? ❑

***American Road: The Story of an Epic Transcontinental Journey at the Dawn of the Motor Age*, by Pete Davies. Henry Holt, 2002, 274 pages.**

Paving the Way

Bruce Ramsey

In 1919, Americans knew the continent could be crossed by motor vehicle. It had been done in 1903 by a couple of adventurers, and in the years that followed, adventurers and auto promoters continued to cross it. It generally took two months, and entailed many breakdowns and being hauled out of mud holes by teams of horses. So what was the point of the First Transcontinental Motor Train of 1919?

The 1919 trip aimed to show what *ought* to be done, which was to connect America's islands of good roads into a highway system that motorists could travel from coast to coast.

Railroads had been transcontinental for 50 years. Some of the lines had been built with subsidy, but most were built with the lure of profit. Roads were different. There was no profit in building them, which is why Garet Garrett noted in 1923, "we came to have the finest railways and the worst highways of any country in the civilized world."

The first organized effort to build a decent transcontinental highway occurred in 1913, with the organization of a private association to promote a transcontinental road, to be called the Lincoln Highway. The association sold memberships and raised seed money for what would be a public project, getting contributions from auto, tire, and cement companies. The boss of Goodyear signed on, as did the boss of Packard. Henry Ford refused to contribute. He said government should build the roads.

And it looked as if government might. States were floating highway bonds, and there was a bill in Congress, the Townsend Bill, to create the U.S. highway system. The bill needed a push.

That was where the Transcontinental Motor Train came in.

It was an Army project, officially unrelated to pushing a bill in Congress. The Army had just helped win World War I and needed something to do. So did Dwight Eisenhower, a 28-year-old lieutenant colonel. He was stationed across the country from his wife Mamie, and he was bored. He signed on to go along on what was billed as a recruiting drive and a test of the motor transport corps.

The Motor Train was a convoy of 81 vehicles, some of them five-ton Mack trucks. Trucks had solid tires then, and on rough roads they'd feel like they were shaking the drivers' teeth out. They lacerated the unpaved roads. In Utah, one critic said that after the trucks had passed, the road looked like it had been bombed. The trucks were too heavy for the rickety bridges, and they had to reinforce or rebuild scores of them.

The convoy was a media event. It was seen, its promoters claimed, by more than 3 million Americans. The Army men were greeted in every town, at least if they arrived before midnight, and treated to public showers, lemonade, fried chicken, cigar-

ettes, oratory, and parades. In Ogden, Utah, they were met with "young women, especially selected for their looks, handing out baskets of peaches and watermelon slices." Salt Lake City presented the commander, Col. Charles McClure, with a six-foot car made entirely of flowers.

Every city wanted to be on the Lincoln Highway — because they had learned what happened to the towns that were on the railroad, and to those that weren't. Ogden had used political pull to get on the road; Denver was scorned.

Railroads had been transcontinental for 50 years. Some of the lines had been built with subsidy, but most were built with the lure of profit. Roads were different.

American Road bills itself as the story of the greatest road trip in American history, but it was written by Pete Davies, an Englishman. Davies first read of the Motor Train in *The Prize*, Daniel Yergin's history of the oil industry. "There were only three paragraphs," he writes, "but it seemed worth looking into." On April 7, 2001, he bought a pea-green 1985 Chevy Caprice and set off across the United States to mine every library and historical association along the trail.

The book is a mixture of narrative of the trip, history before the trip, after the trip, and description of the road today, all of it told in good humor (not humour).

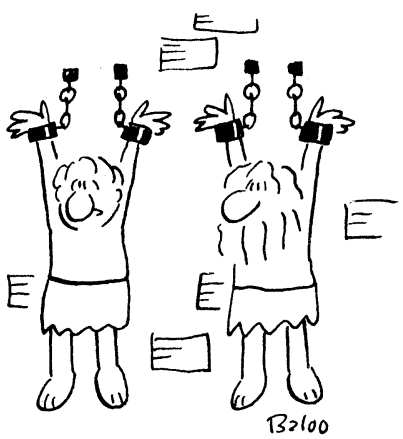

"Uh-oh — my arms are getting tired!"

Some of the stories are from the dispatches of McClure and his chief mechanic (who weren't always on speaking terms). McClure drove the men hard, and Davies reports that in Nevada, "The men were so tired by now that their telegrams seem only barely to cling to intelligibility. Cabling headquarters from Eureka, McClure said he was in Austin, Texas."

Some of the stories are from memoirs. Ike told how he and a confidante had played a joke on the Easterners, faking a report that Indians might attack. They borrowed a shotgun, and assigned a particularly credulous Easterner to midnight sentry duty. They sneaked out and began making war-whoops in the sagebrush until the Easterner let fly with both barrels, which had been secretly loaded with blanks.

Some of the stories have no relation to the road but were too good to pass up. In Rawlins, Wyo., there is the tale of three doctors and an assistant, Lillian Heath. They found themselves in possession of the corpse of Big Nose Charlie, who had been hanged, and wanted to know if the brain of a criminal was different from that of respectable folk. "So with Big Nose Charlie's cadaver conveniently at hand," Davies writes, "they cut off the top of his skull to have a look. Whether their investigation produced any profitable theories isn't recorded, but Miss Heath — who's said subsequently to have become the first female doctor west of the Mississippi — kept the lidless skull on her desk for years thereafter."

One of the doctors, John Osborne, removed some of the skin, tanned it, and made a pair of human-skin shoes. "Then he went into the livestock business, got himself elected governor of Wyoming, and wore these human-skin shoes at his inauguration." The shoes, Davies reports, are on display at the county museum at Ninth and Walnut.

The Motor Train was a success in the way that counted: the Townsend Bill was passed, with a considerable push from the mayors and governors along the route. Federal money, supplied by a tax on gasoline, became available for highways. The program was deemed constitutional, on grounds that the Constitution authorizes "post roads." And the market had figured out no way to provide good intercity roads anything like the way it had provided rails.

But the first road across America would not be named after Abraham Lincoln. Federal officials would number roads, not name them. They called the designated Lincoln Highway from Philadelphia through Granger, Wyo., U.S. 30, and from Ely, Nev. to Sacramento, Calif., U.S. 50. Much of the Utah road, some of which had been financed by Goodyear and Packard, was abandoned in favor of a route due west from Salt Lake toward Wells and Winnemucca. Central Nevada towns such as Eureka and Ely, which expected to be on the main national arterial, found themselves on what is now called "The Loneliest Road in America."

Americans took to the open road. It allowed them to own and control their own vehicles rather than buy tickets to ride on vehicles owned by someone else. They could go where they wanted, when they wanted, which fit the national psyche perfectly.

Central Nevada towns such as Eureka and Ely, which expected to be on the main national arterial, found themselves on what is now called "The Loneliest Road in America."

A generation later, after seeing the German autobahns, Eisenhower signed the bill that created the Interstate Highways. We all know the result, but people have mostly forgotten how it began. *American Road* tells a colorful part of it. And at a time when all the proper and progressive people itch to "get people out of their cars," it is refreshing to read a story that unapologetically celebrates the open road. ❑

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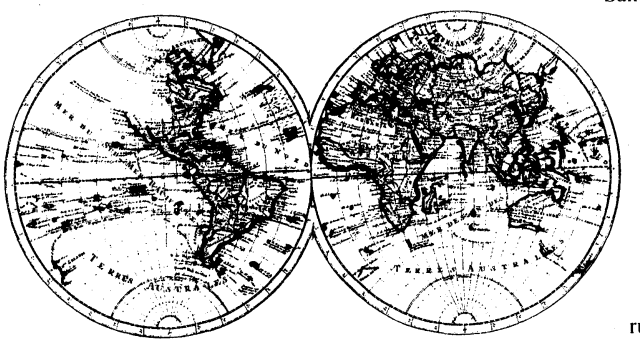

Washington, D.C.

A dispatch from the War on Terror, as reported in the *Seattle Times*:

The anti-terrorism package passed by the House includes $2 million for the Smithsonian Institution to buttress security of thousands of animal specimens stored in inflammable alcohol.

U.S.A.

A theological breakthrough, as reported in *U.S.A. Today*:

Catholicshopper.com offers Jesus Sports Statues, each showing Christ playing sports with children. The twelve versions include Jesus showing a kid how to drive a golf ball, and Jesus scrapping for a hockey puck.

Singapore

Dispatch from the War on Drugs, as reported in the *Singaporean New Paper*:

An undercover investigation by Singapore's drug squad has made Marks & Spencer remove crackers from its shelves because they contain poppy seeds.

A drug squad spokesman said: "Because the Misuse of Drugs Act states that morphine is a controlled drug, you're not supposed to have morphine in any amount."

Andhra Pradesh, India

Modern dairy technology comes to the Indian subcontinent, as reported in *The Deccan Chronicle*:

An Indian dairy firm has started marketing instant Holy Cow Dung mixed with camphor, turmeric, and sandalwood paste to help urban Hindus perform their rituals properly.

One young housewife said: "I used to avoid cow dung because of its bad odour. But this Holy Cow Dung does not smell that bad and I am going to apply it at home."

Tokyo

Soccer hooliganism reaches the Far East, from the *Shukan Post*:

Japanese women can't get enough of England's soccer captain David Beckham. "I stayed at hotels where Beckham stayed during the World Cup. I checked toilets he might have used, took photographs of them and even licked them," one woman said. "I'm definitely going to England. I want to live in Beckham's neighborhood and go swimming or shopping together with him. If I meet his wife Victoria, I will ask her to leave him."

Stoughton, Mass.

Criminological note, from *The Patriot Ledger*:

Council on aging director Christine Quinn, four months on the job, told selectmen in a letter that the Tuesday afternoon bingo crowd at the town's senior center has grown "increasingly unmanageable and intimidating" and the situation is "potentially unsafe" in the wake of her new rules.

At Quinn's request, a police officer was stationed at last week's game, where about 75 seniors played without incident.

England

New extremes in rags-to-riches journey, reported by the *Seattle Post-Intelligencer*:

"Now that she has had a fairy-tale wedding to Sir Paul McCartney, Heather Mills is a far cry from her days as a homeless runaway, when people urinated on her head."

France

Dispatch from the War on Terrorism, fought with Gallic élan, from Reuters:

A suspected member of the Basque separatist group ETA escaped from France's notorious Sante jail by swapping places with his brother during a visit, red-faced French prison officials said.

Ismael Berasategui Escudero, arrested by French police in May in possession of a loaded pistol and suspected of being linked to a large haul of weapons found in southwest France in April, pulled off the switch on Saturday.

Prison officials only noticed the ruse on Thursday when Escudero's brother, who bears a family resemblance but is not a twin, made them aware of it himself.

The Friendly Skies

Yet another dispatch from the War on Terror, from the *San Francisco Chronicle*:

San Jose State University student Maxim Segalov was charged Wednesday morning before a U.S. District Court magistrate with interfering with a flight crew. He faces up to 20 years in prison and up to $250,000 in fines stemming from an incident aboard American Airlines Flight 781 from Chicago to San Francisco when the crew saw Segalov using a cigarette lighter to heat up some AA batteries, which he mistakenly believed would recharge them. Crew members became concerned and the plane made an emergency landing in Salt Lake City.

Stanford University chemistry professor emeritus John Ross said batteries require electricity to be recharged. He also said heating a battery with a flame could lead to a small explosion and release some chemicals, but it would not threaten an airborne plane.

Seattle

Victory for the Million Moms, as reported in the *Seattle Times*:

High School chemistry teacher Larry Gulberg has been charged with a weapons felony after police learned that he uses a 3-foot steel pipe with a hole in one end that he calls a "carbide cannon" to teach students about balancing chemical equations.

Julian, Calif.

One way drug use endangers our homes and children, as reported in the Associated Press:

Firefighters made progress Wednesday as they fought to corral a wildfire east of San Diego that forced dozens of residents to evacuate. The blaze started July 29 when a National Guard helicopter clipped a power line during a search for marijuana plants in the rugged, isolated area. The 53,200-acre fire had destroyed 22 homes.

Special thanks to Jim Switz, Russell Garrard and Clarence Van Abbema for contributions to Terra Incognita. And to James Traficant, just for being James Traficant.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

Farmers, Get a Job!

by Sheldon Richman

It kind of makes me wonder what country I'm living in when I pick up the newspaper and read this from the Associated Press:

"With crop prices mired near record lows, the government says farm earnings will drop 20 percent this year unless Congress enacts a new farm program or approves more emergency payments."

Before we dissect this "news," let's step back and appreciate the big picture. For many years the environmental movement has been warning that the out-of-control human race will imminently starve itself to death because of the Malthusian notion that population growth will outstrip food production.

Well, it hasn't quite worked that way. Instead of starving people and wealthy farmers (which is what should have happened if the doomsayers were right), we have fat people (see the recent Surgeon General's report) and farmers belly-aching about low crop prices.

Getting back to the AP story: I'm a magazine editor, and I have yet to read in the newspaper that "editors' earnings will drop 20 percent this year unless Congress enacts a new editor program or approves more emergency payments." Do you know what I and my fellow editors have to do if our earnings drop to a level too low to live on? We have to look for higher-paying jobs! I assume that mechanics and real-estate salesman have to do the same.

But not the farmers. They have apparently been bestowed with the Divine Right to Farm. If they can't make enough to live on, they have the legal power to loot the rest of us so they can stay on the farm anyway.

Maybe the yeoman farmer, the noble man of the soil, is too busy lobbying for taxpayer subsidies to learn a little economics. But when a line of work won't pay a satisfactory income, it is the market's way of saying we have enough people doing that; go find something else to do. Why should farmers be an exception to a perfectly good rule?

Do you realize that 30 percent of the wheat farmer's gross income comes from the government? Thirty percent! The guys that grow other grains and soybeans get 20 percent of their income from Washington. Can you say "socialized agriculture"?

I know how the farmers would respond. They need special treatment because they have to contend with the weather and price fluctuations. Like that's something new. Farmers have been plagued by drought, floods, and pests since biblical times. Uncertain prices are just as old. Guess what: the free market long ago evolved ways for farmers to transfer the risks to people willing to accept them in return for the prospect of high profits. They're called insurance and futures markets. The government has screwed up crop insurance because it thinks it can handle it better than private companies. The futures markets still work. The principle is simple. A farmer doesn't know what the price of his crop will be when he plants it. But there have always been risk-takers who are willing to bet that the price will be even higher than the farmer is happy to accept. So the risk-taker promises to buy the crop from the farmer at an agreed-on price. That gives the farmer a guarantee against a lower price and the risk-taker the chance for a real killing. Everyone is happy.

In other words, farmers don't warrant special treatment. Capitalist technological advances have made it possible to grow more food on less land and with fewer farmers. Why don't we face it already?

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State****, and editor of* ***Ideas on Liberty*** *magazine.*

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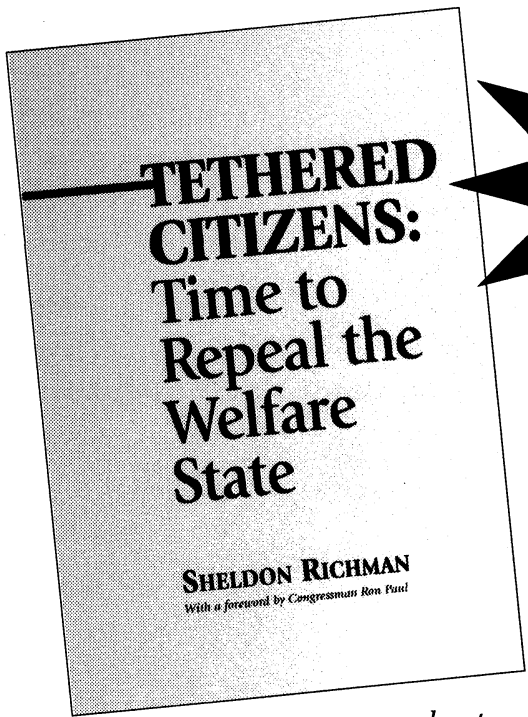

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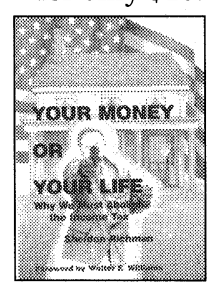

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Inside Liberty

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4 **Letters** Our readers set us straight.

7 **Reflections** We watch our words, ponder reparations, demand reparations for the St. Bartholomew's Day Massacre, celebrate Rosie the Rubblesifter, visit the Twilight Zone, and kick up our heels and dance!

Features

19 **On the Road With Ed Thompson** A trip across Wisconsin with a guy who owns a bar sounds like a dream come true to *Tim Slagle*, even if the guy is running for governor.

23 **Independent in Virginia** *Ken Sturzenacker* samples the food on the campaign trail of Virginia's independent Senate candidate.

24 **Beyond the R's and D's** It may be a dull off-year election, observes *Chester Alan Arthur*, but you wouldn't know it looking at these campaigns.

27 **Ms. Coddington Goes to Wellington** *Deborah Coddington*, a widely-read libertarian journalist, was just elected to the New Zealand Parliament. She had a lot to say in her maiden speech.

29 **Science vs the State: The Case of Kennewick Man** A Federal District Court has rejected Bill Clinton's attempt to destroy important evidence of early man in America. But, *Timothy Sandefur* reports, it cannot undo the politically-motivated destruction of an important archeological site.

31 **How Fat Are We?** Is America's obesity "crisis" the result of fast food? Or of fast and loose manipulation of statistical data? *Randal O'Toole* weighs the evidence.

35 **Shakedown in Johannesburg** Ostensibly, leaders of all the world's governments came to the World Summit on Sustainable Development to solve global problems. But, *Robert H. Nelson* discovers, they actually came to put their noses in the feedbag.

37 **Regulator, Unbundle Thyself** What do you get when you mix a computer genius, a power-lusting trustbuster and a dim-witted Wall Street Journal editorialist? *Ted Roberts* describes the result.

38 **The Party's Over?** Is it too late to save the Libertarian Party from its own employees? Not if the party's new leadership can help it, reports *R.W. Bradford*.

Reviews

41 **Is the State Dispensable?** *Kyle Swan* tries to escape Leviathan with the help of a good book.

44 **The Soul of an Economist** *Jane S. Shaw* examines the decidedly undismal life of a dismal scientist.

46 **Literary Neighborhoods** *Richard Kostelanetz* loves New York enough to review books on two of its most fecund neighborhoods.

48 **Prophet of Liberty** *Martin Morse Wooster* outlines the man who kept liberty alive among conservatives.

50 **Booknotes**

45 **Notes on Contributors** The buck starts here.

54 **Terra Incognita** The truth is out there.

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Letters

A Waste of Energy

After reading the articles about the Libertarian Party convention (September) about all the political squabbling at the LP convention, I only have this to say: too many libertarians waste their time and energy on endless debate and petty personal battles that could be better spent advancing the cause of freedom. I prefer to fight the fascists and not my fellow libertarians.

Paul Talbott
Minneapolis, Minn.

NOTA vs the LP

The account of *Liberty* being denied press credentials promised by party officials for the last Libertarian Party national convention was very informative.

Earlier this year the promising ideas in the LP's new strategic plan caused me to think about rejoining the party. The continuing bad behavior of high party officials shows me that the LP is still likely to be a waste of time and money. For now I'll continue to vote "None of the Above" with my resources and stay out of the LP.

Martin L. Buchanan
San Diego, Calif.

What a Party!

I have belonged to the Libertarian Party for 20 years and run for California State Assembly as its candidate. I have never been ashamed of being a member of the Libertarian Party. At least not until I read that my party's communication director, Bill Winter, refused *Liberty* press credentials for the annual convention.

Do I want these people running the country? I'm no longer sure. Words like "petty," "vindictive" and "small-minded" don't bring enough emotional energy to this ridiculous development. The funny thing is that I was ready to bury the hatchet vis-a-vis the Harry Browne-funny-money escapades of the campaign and the national party. I figured they were just misguided acolytes that were so sure Harry was the best thing to happen to the Party that they felt any financial impropriety in the cause of Harry's campaign was no vice. Now I'm back to seeing them as a bunch of slick scam artists that need to be purged, exiled, and forever banished from our midst. How could Winter do something so self-defeating? They aren't even good at being sleazy. They invite Harry Browne and exclude the premiere publication of libertarian thought. What were they thinking? Were they thinking at all? Or were they "just following orders" from *übermeister* Browne? I'm surprised Ed Crane didn't hurl chunks right on stage. I bet he's glad he pulled out when he did.

Five years ago Michael Cloud, Willis, Bergland, Ayres, Winter, Harry Browne, and the rest of the Washington smoothies descended on the 1997 California Libertarian Party Convention in Sacramento and pitched the "Unified Membership Plan." Just send all the money to Washington and the real professionals will revolutionize the party overnight. Two hundred thousand members by 2000. Millions and millions of dollars, all spent on hard-hitting TV ads. Just let Harry and his cadre do all the thinking. And don't worry, they'll send a little of the tribute back to the state and local parties. Now, what's the reality? Reduced voting totals. Shrinking membership. Millions of dollars raised, all right, but all spent on those professionals' perks and perquisites. And a scandal that actually justifies the existence of the Federal Election Commission, because without its reporting requirements we never would have figured out how corrupt things were getting. What a disgrace. What a pathetic disgrace.

I came to love *Liberty* magazine seven years ago after trying out an issue or two. I think I saw an ad for it in *Reason* magazine. I guess that makes *Reason* a gateway drug. The entire time

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it has been obvious that integrity and accuracy is paramount to the editors. It was also obvious that Bradford *et al.* were not only small-l libertarians but also supported the Party. They were especially supportive of Harry Browne. Even in the midst of the scandal, with Jacob Hornberger screaming like a castrated goat, *Liberty* went to enormous lengths to provide evenhanded and fair coverage to all parties.

And the thanks for this level of professionalism is to be banished from the Libertarian Party National Convention. I know that R.W. Bradford was a friend of Harry Browne and that *Liberty* did as much as anyone to help promote him. You can be sure that on July 4, 2002 there were a few broken hearts in Port Townsend that got broken even more. Happy Independence Day from the fascists in the Libertarian National Party. Give them a lever long enough and they will ram it up our ass and shake all the money out of our pockets while making snide jokes about what yokels we are.

I really don't know what to do. My first instinct was to write the Libertarian Party a letter explaining that I was dropping out after 20 years and that I would be supporting my local and state parties directly. I could still be registered as a Libertarian. At least they can never take that away from me. But ironically, it was the articles in *Liberty* about the convention that softened my attitude. Maybe Bill Winter was having a bad day. Maybe his days will get worse when the new leadership hands him his head on a plate. No, they'll still get my 25 bucks. But that's all they'll get until I see every one of the smoothies forever expelled from the national party leadership.

Paul Rako
Sunnyvale, Calif.

In Defense of Secession

In your September issue Edwin Krampitz Jr., commenting on Timothy Sandefur's article "Liberty and Union" in the July issue, makes the statement that "The South simply grabbed federal property and public works without offering compensation that might have gained it sympathy in the North." This is totally false. On Feb. 25, 1861, within a week of his inauguration, President Jefferson Davis, pursuant to a resolution of the Confederate Congress, appointed a commission of three eminent citizens to go to Washington with plenary authority to negotiate both payment for U.S. property within the Confederate States and the assumption of their fair share of the U.S. national debt. This commission consisted of A.B. Roman of Louisiana, a Whig and former governor of his state; Martin J. Crawford of Georgia, a states-rights Democrat and former U.S. congressman, and John Forsyth of Alabama, a Constitutional Unionist and former U.S. ambassador to Mexico. The Lincoln administration refused to receive the Confederate commission, but Secretary Seward did communicate disinformation about Fort Sumter to it through Justices Nelson and Campbell of the U.S. Supreme Court.

Also in the September issue Paul Kelly asserts that "The fugitive slave act (which Lincoln supported in his inaugural address) had been declared constitutional (Dred Scott) and was being enforced throughout the North." This is also false. Northern states — Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, Ohio, and Iowa — were passing "Personal Liberty Laws" which prohibited "the rendition of fugitives from service." In doing so they were nullifying not only a federal statute but an article of the Constitution itself. The state of New York prohibited even the right of transit for a recovered slave. In 1854 the Supreme Court of Wisconsin declared the fugitive slave law unconstitutional. The state legislature declared in 1859 that if the U.S. Supreme Court should overrule the state Supreme Court, Wisconsin's interests might require its immediate withdrawal from the Union. Any libertarian will sympathize with the opponents of the fugitive slave law, but a deal is a deal. The Southern states did not uni-

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laterally abrogate the constitutional compact, as Sandefur has charged. The terms of the bargain had already been violated by the Northern states, and hence it was no longer binding on the Southern, either legally or morally.

David Mayer leaves me baffled when he asserts that "Moreover Lincoln was right in arguing, as he did in both his First Inaugural Address and in his special message to Congress on July 4, 1861, that 'the Union is older than any of the States, and, in fact, it created them as States,' and that 'no one of our States except Texas ever was a sovereignty . . .'" Lincoln seems to have been confused about the locus of sovereignty. It resided in the peoples of the various states, not in the state governments. To call the association of October, 1774, a "Union" is preposterous. All 13 peoples of the various states were sovereign, though they delegated some of the attributes of their sovereignty to state governments and others to a federal government. They created the "Union," i.e., the federal government, through the process of ratification. It took place in the context of the social contract theory of the time. It was an agreement among the sovereign peoples of the 13 states. The proposition that "the Union is older than any of the States, and in fact created them as States" does not succeed even in being wrong. It's totally meaningless. Lincoln was what Ayn Rand called a "mystic of muscle." Only "the Union" rather than "society" was the great hypostasized abstraction to which he was willing to sacrifice real human beings — by the hundreds of thousands. In the space of his personal mythology it performed mighty deeds. At the same time he kept God around to relieve him of responsibility for his acts, as his Second Inaugural shows.

Wayne J. Holman III
Glen Ellyn, Ill.

Render Unto Caesar

R.W. Bradford's "Living with the War on Terror" (October) analogy comparing faith in the state to faith in God may hold for many people. But not for those you call the faithful. At least not the Christian faithful.

We don't view the transaction as a trade-off of faith, prayer, and money in exchange for protection from calamities. At least not the calamities you are referring to. Only the big one at the end.

Jim Printz
Decatur, Ala.

The Other Ground Zero

While reading R.W. Bradford's intelligent "Living with the War on Terror" on the aftermath of Sept. 11, I became distracted by the remarkable assertions that (a) the Pentagon was probably not the intended target of the terrorists who hijacked Flight 77 out of Dulles, and that (b) it is likely that passengers or crew aboard Flight 77 fought back, thereby forcing the terrorists to crash into the Pentagon rather than their original objective. I say that these assertions are remarkable because Bradford's article is the first and only place I have ever seen these possibilities raised.

I live near Washington, D.C., a city teeming with potential terrorist targets. There is no question that the destruction of such landmarks as the Capitol, the White House, or the Washington Monument would have great symbolic and psychological impact. There is every possibility that Flight 11 out of Newark, which crashed into a field in Pennsylvania, was indeed headed for one of those structures. However, not only is the Pentagon also a powerful landmark, it is one of the largest office buildings in our Metropolitan area, so the idea of it being a primary target is far from inconceivable.

Almost all of the victims aboard Flight 77 and at the Pentagon were local residents, with family and friends left behind. If, in fact, it has been deemed likely that some of the people aboard Flight 77 managed to fight back, I should think this news would be of great comfort to their families and friends, not to mention that it makes for great propaganda. Therefore, while I acknowledge that our local press is not always reliable, I would still expect to have seen such a revelation covered extensively in the pages of the *Washington Post*. That has not been the case. Instead, apparently, I must rely on a magazine published a continent away — a magazine, for all its erudition, with rather limited circulation, for this news. I am thus compelled to ask — Mr. Bradford, please cite your sources.

W. Luther Jett
Washington Grove, Md.

Bradford responds: I did not make the first assertion that Mr. Jett ascribes to me. I wrote that "it is doubtful that the Pentagon was their [the hijackers'] intended target," which is substantially different from saying that it was "probably not the intended target."

And I made the second only in a much more qualified way: I wrote that in the case of Flight 77, "it seems fairly likely" that "the people aboard reacted [to learning of the WTC crashes] by attacking the hijackers . . . causing the plane to crash into what was, at most, a secondary target."

On what do I base these speculations? While I agree with Mr. Jett that selecting the Pentagon as a primary is "far from inconceivable," I think it would not be the terrorists first choice. We can be reasonably certain that the WTC towers were chosen as targets for two reasons: (1) in the warped minds of the terrorist lunatics, the WTC somehow symbolized America and all its wickedness, and (2) they wanted to kill as many people as possible. If they hadn't wanted to maximize the number of people they murdered, they could just as well have attacked at night, when far fewer people were in the WTC.

True enough, as Mr. Jett points out, the Pentagon is a "powerful landmark" and "one of the largest office buildings" in the city. But it is also only five stories high and is spread over 34 acres. To do damage to the Pentagon comparable to the damage at the WTC would require crashing hundreds of planes into it. A single plane crashing into it could cause relatively little property damage and loss of life. And while the Pentagon undeniably has some symbolic value, the nation's capital has many other buildings that have greater symbolic value. Mr. Jett lists some of those better targets.

So what target would the terrorists choose? One with modest symbolic value at which an attack will kill relatively few people and do relatively little property damage? Or one with much more symbolic value at which an attack will kill more people and do more property damage?

Of course, I was speculating here, as I tried to make clear. No one knows what happened on Flight 77. But we do know that people on board knew about

continued on page 51

Reflections

Triumph of the chicken hawks — As each day passes, the drumbeat for war with Iraq grows louder. The main drummers — Bush, Cheney, Gingrich, Wolfowitz, Pipes, Lott et al. — all have one thing in common: they conveniently missed active duty service even though they were draft age — dying age — during the Vietnam War. Some got married, others hid in the Guard, and still others got a neat letter from their family doc who swore they were bedwetters or claimed some other equally serious draft-dodging disability. Amazing that they are all now super hawks. Maybe they should serve as the point assault squad before our main force hits the Iraqi beaches. — David Hackworth

Tour de snail — In the post office today, an unremarkably long line gave me the time to speculate on their management and marketing practices. Staring down at me from the wall was a life-size poster of USPS spokesperson Lance Armstrong. It occurred to me how typically federal the decision to hire this man as their spokesperson really was. While other shipping companies sponsor race cars that set speed records and paint their logos on the sides of jet planes, the U.S. Postal Service hires as their representative the detesticled winner of a French bicycle race. — Tim Slagle

Eerie parallels — In 1914, Archduke Franz Ferdinand, heir to the throne of the Austro-Hungarian Empire, and his wife Sophie were assassinated by a Slavic terrorist named Gavrilo Princip who wished to liberate his nation from Austrian control. Serbia was justly accused of providing the equipment and training that facilitated the assassination. Austria's response: if you can't control your terrorists, we'll control them for you. This led immediately to the global cataclysm of World War I and the attendant loss of millions of lives. — Wendy McElroy

The crimson ride — Visitors to Alabama may welcome a warning about our traffic rules — not rules written in the statute books but ones observed in practice. When a traffic light turns red — and I mean red, for who cares about mere yellow? — the message conveyed is: "Hurry up. You have only a couple of seconds." I have seen two and even three cars go through an unambiguously red light.

A stop sign means: "Stop if you feel like it." And who could be expected to feel like it if stopping would queer your chances of beating the oncoming traffic through the intersection?

What about signaling turns and lane changes? My colleague Roger Garrison, an expert on all cars and collector of classic cars, reports that the last item of dealer preparation before delivery of a new car in Alabama is disconnection of the turn signals. Garrison may be exaggerating, but he makes a point. Only an apparent minority of Alabama drivers signal correctly. Among those who use signals at all, many treat them as mere adjuncts to the steering apparatus, to be used simultaneously with but not before an actual turn of the wheel. — Leland B. Yeager

My heroes have always been government employees — Who are the heroes of Sept. 11? According to the postal service, only government employees need apply. In its stamp to honor the heroes of Sept. 11, the postal service honored only the police and firemen who died in the terrorist attack. This seems a curious choice: police and firefighters were doing their jobs. They were paid premium wages to face danger in the protection of life and property. If you honor them as "heroes," why not honor the other people who died in the attacks while doing their jobs? Why not honor everyone from the window washers and janitors to the bond traders and executives? After all, they too were doing their jobs when they were killed.

If dying while doing one's job makes one a hero, why not honor the sales lady who slips on the floor, clunks her head on a piece of furniture and expires?

This logic may not satisfy those who think the matter through. After all, if dying while doing one's job makes one a hero, why not honor the sales lady who slips on the floor, clunks her head on a piece of furniture and expires? Why not honor the office boy who is run over by a drunk driver while taking his boss's laundry to the cleaners? For that matter, if you are going to honor that office boy, why not honor some fellow worker who gets hit by a drunk driver while hoofing it over to McDonalds for lunch?

Happily for the families of the victims of the terrorist attack, President Bush hasn't fallen victim to this sort of thinking. He has gone on record as saying that *all* those who died in the hijacked planes on Sept. 11 are heroes, whether or not they were government employees or were working at their jobs.

To my way of thinking, a hero is someone who shows courage beyond the call of duty. By this standard, both the postal service and the president are wrong. The heroes of Sept. 11 were the passengers on Flight 93 who overwhelmed the hijackers and prevented the aircraft from hitting its target. This view is shared by the House of Representatives, which has passed a resolution honoring those passengers. But it doesn't please the families of the victims who did not resist the terrorist attacks. They have organized to demand

that Congress declare all the victims to be heroes.

Winchell's Donuts, on the other hand, has chosen to honor only the cops and firemen. Winchell's offered all "uniformed workers" free donuts on the anniversary of the attack as "a tribute to the heroism and sacrifice of those who lost their lives on Sept. 11." — R. W. Bradford

Word watch — "Then said they unto him, Say now Shibboleth: and he said Sibboleth: for he could not frame to pronounce it right. Then they took him, and slew him at the passages of Jordan" (Judges 12:6). Let that be a lesson to him. In your next life, learn something about pronunciation.

Every group has its shibboleths — linguistic tests that indicate who belongs to that group, and who doesn't belong. It may not make sense, but the location of the epicenter of the strongest earthquake ever recorded in North America is pronounced New *Mad*rid (Missouri), not New Ma*drid*. If you're so ignorant as to pronounce it New Ma*drid*, you're just proving that you're not a Missourian, or a geophysicist, either. It may not make sense, but the word "err" is pronounced like the name of the city in ancient Sumer, not like the name of the stuff you're breathing. It's *ur*, not *air* — and no, I'm sorry, the way one pronounces the first syllable of "error" is irrelevant to the case.

Of course, only purists care about things like this; but that just means that purists are the only ones worth worrying about when you're pronouncing words. Would you rather identify yourself with them, or with the slouches who sound the last letter in "Mackinac"? I'm sure you see my point.

The really important shibboleths, however, are tests of insight and knowledge, not of pronunciation. If you use "democracy" as a synonym for "republic," you betray yourself as one of those Americans who know precisely nothing about the nature and history of America's form of government or the problems that have perennially afflicted it. Most of these people are allowed to vote, I believe, but that's a pity, because they're on the wrong side of the intellectual Jordan.

Does it matter? Not to them, of course. It's possible, though, that the decline of the American educational system can be measured in terms of the neglect of shibboleths. The thing about a shibboleth, after all, is that the people who fail the test don't even know that they're being tested.

For a long time, we've witnessed commentators on the American judiciary, some of them jurists themselves, lamenting the fact that the Supreme Court seems "disinterested" when it comes to such and such an issue. These people are blissfully unaware that disinterestedness — i.e., a lack of "interest" in the sense of personal investment, involvement, concern, or bias — is exactly what judges are supposed to have. It's a hell of an intellectual who doesn't know that there's a distinction between "disinterested" and "uninterested." It's a hell of a school system that can let him escape without knowing it.

About 20 years ago, Americans lost the verbal ability to distinguish bag "ladies" from real ladies, and the chronically "homeless" (i.e., bums) from the unfortunate people who are temporarily in need of housing. During the recent search for the guy who kidnapped two people from a lover's lane in Lancaster, Calif., a cop told national television that he didn't yet have a specific description of "this gentleman." Sure. Your grandfather and the president of the bank and the

rabbi down the street and the guy lurking in the alley to hit you on the head and steal your money: they're all gentlemen, every one of them. And this is a policeman talking!

Now let's think about profanity. Nothing wrong with it, so long as you put profane words in profane places. The problem starts when people don't even know that they're dealing with profane words. Is it a defect in sex education, or merely in manners, that "suck" and its derivatives now raise their heads unblushingly in every conceivable context? "Mommy! This porridge really sucks!" No, don't tell me it's the same thing that happened to "rock 'n' roll." Do I have to explain this to you?

But more embarrassing events have been preparing. On July 29, Howard Fineman, one of the nation's preeminent political reporters, appeared on MSNBC's preeminent interview show, *Hardball*, and discussed the willingness of Democratic Sen. John Kerry to get "down to the shorthairs" with President Bush about his military policies. It was obvious that Mr. Fineman, albeit a grownup, had no idea what he was saying.

Neither had the announcer for MSNBC's rival, Fox News — and her sin was even more serious than Fineman's assault on the barrier between the profane and the bland. But I have to lead up to this one. Here goes.

You've noticed how many people have taken to using the derogatory term "infamous" to refer to something that they actually mean to praise. Today I overheard a fellow patron of my neighborhood coffeehouse directing an out-of-towner to "San Diego's infamous zoo." I'm sure he didn't mean that there was any infamy, any ill-fame or opprobrium, associated with the city's principal tourist attraction. (Old San Diego joke: "There are two things to do in this town: see the zoo and join the Navy." This notion of the city's character is confirmed by a newer saying, just as apt: "San Diego is as far west as the midwest goes.") I'm sure that the helpful citizen was simply and totally ignorant of the fact that "infamous" means something very different from "very famous." Indeed, this is knowledge that he could never have acquired in the course of 17 years of public education.

He was not to blame — no more to blame than the unfortunate Israelite who was apprehended at the Jordan with the wrong word on his lips. But what, I've often wondered, do such people think when they are annually exposed to the news clip of Franklin D. Roosevelt addressing Congress on the subject of "Dec. 7, 1941, a date which will live in infamy"? Do they think he meant "a date which will live in famousness"?

On July 28, the Fox News announcer gave me my answer. Introducing a list of the nine stalwarts rescued from the mining disaster in western Pennsylvania, the newslady burbled joyously, "There are more names that will now live in infamy!" Oh, those evil miners!

What next, I wonder. Will the NAACP start praising people for their magnificent intolerance? And if they do, will the recipients rejoice in their indignity? — Stephen Cox

Anthropological note — In a ceremony late last August, 105 children were buried alive in India — just for a minute. Evidently the goddesses Muthukuzhi Mariamman and Kaliamman needed some propitiating, and this was just the sort of thing that they go for. The event, called "The Festival of the Pits," is conducted every five years or so, and requires that children, after being rendered unconscious with chemicals and wrapped in burial shrouds, be laid in graves, and then pulled out before they actually die.

It takes a village to raise a child. — Timothy Sandefur

The geography of reparations — I'm convinced reparations for past injustices are a good idea. I myself am descended from Huguenots who left France following the St. Bartholomew's Day Massacre. My accountants are even now calculating the value of my ancestral properties and accrued interest since 1572. On my mother's side, I have one forebear who was the last Scot to be drawn and quartered by the English. My Scottish nature still suffers from the stigma, and the only cure comes in pounds sterling.

My wife is from Prussia. On her behalf I am investigating possible action against certain peoples of the Warsaw Pact nations and descendants of all signatories to the treaties of Versailles and Yalta to seek restitution for her family's bakery in Bromberg, farm in Schulitz, and house in Schleussen, lost as a result of gross political malfeasance.

Naturally, I want to be fair. I would not consider suing companies, governments, or churches, for fear of wrongly penalizing the innocent, including, perhaps, my own Huguenot cousins who remained in France or converted to Catholicism after the fact, or any of my wife's kin who may have bought stock in the company that took over the bakery. The only fair thing to do is seek out the actual descendants of the guilty parties. Here a problem arises. The St. Bartholomew's Day Massacre was 15 or more generations back from anyone alive today. That's upwards of 60,000 ancestors for each possible litigant. Since I want to be sure I'm collecting from the right people, I must find a way to distinguish the degree of culpable blood in each defendant

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so the bill can be prorated correctly according to the sins of each one's forefathers.

If truth be told, my own 60,000 ancestors present something of a problem. Sixty thousand is the population of Myrtle Beach, S.C., plus the population of Panama City, Fla. There may be some who can look with a serene eye upon the Myrtle Beach and Panama City of their ancestry and say, "All were honest. There is no infidelity in these towns, no extramarital conception, no surreptitious adoption. No Englishman who passed himself off as a Scot. No Roman Catholic who ran off with a Protestant and raised the children as Huguenots. Everyone played by the rules. My blood is pure." Some can, but I can't.

I have been to Myrtle Beach. I have been to Panama City. Not everyone in those towns plays by the rules, and it's hard to conceive of two towns of that size where everyone is honest. My swarthy skin (Mom says we have "Mediterranean blood") may have come from some brown-skinned Highland lass or some sun-baked son of Toulon, but I can't swear it wasn't a soot-stained Englishman or a sin-blackened Roman Catholic.

My proposal is to challenge historians, genealogists, and DNA specialists to join in an effort to draw a true map of the entire race of man, one that would fully document the degree of guilt and victimization in each genetic profile. You may think it impossible, but can it be any harder than reading the mind of another to determine his intent? And the courts do this all the time.

I'm convinced reparations for past injustices are a good idea. I myself am descended from Huguenots who left France following the St. Bartholomew's Day Massacre. My accountants are even now calculating the value of my ancestral properties and accrued interest since 1572.

I am aware that this ambitious undertaking is fraught with risk. There may be more injustice in my family history than I've reckoned with, and I admit it's likely that some ancestors were victims while others were culprits. Some of us who seek reparations may end up suing ourselves. (If this happens to me, I intend to face it like a man. I will borrow to pay the debt and apply for credit against the judgment.) But how else are we to redress historical wrongs?

The sooner the work gets underway, the better.

— Frank Laffitte

Postmodern hootenanny — While watching some of the televised concerts given to raise funds for the survivors of the victims of Sept. 11, I found myself increasingly engrossed by the actions of the audience. I had noticed this before, but as I can seldom stand to watch these performers beyond a minute or two, my observations have been fleeting. But this time a sense of patriotism obliged me to stay, and I gained an insight, which I had not had before.

It used to be that when pop singers or groups performed, audiences remained silent and listened. I'm not sure how it came about, but somewhere along the way this changed. It was as if a resentment had manifested itself: why should public performance be limited to those few lucky enough to have been born with a beautiful voice tone? Why should performing be limited to the Crosbys, the Comos, the Sinatras, the Streisands? After all, we all want to sing.

From about the sixties on, anybody and everybody began taking to the stage. They didn't have beautiful voices so they made no attempt to sing beautifully; they just wailed, moaned, or screamed, whatever took their fancy. They invariably carried guitars too, which they couldn't really play, but which solicited an indulgence from the audience to judge them by the fair standards applied to those who are jacks of all trades, masters of none. And if you were still missing it, they danced, or rather pranced, the whole time, to make it clear that they were just good old boys or girls having fun. And they didn't dress up either; backyard work clothes were good enough. Nothing stuffy here.

And they carried the game further: forget the Cole Porters, the Irving Berlins, they even wrote their own songs. Of course most of them couldn't do this very well either, so songs became either one line affairs repeated endlessly, or disjointed tirades. But even that didn't matter, because between the wailing, moaning, jumping, and screaming, it was rare that anyone knew what they were saying anyway.

But what proved good for the goose, proved good for the gander: the audiences soon came to realize that these guys aren't much better than we are, why should we leave all the fun to them? And in a peculiar intrusion, they changed their role from spectator to performer.

Today's audiences scream, shout, clap, wave their arms, jump, dance, and have a good-old time. What they do not do is listen. The function of the entertainers is no longer to present their own performance, but rather to lead the audience in a performance of its own. It is an irony that these entertainers who had usurped a stage that they were not really worthy of, have in turn, been reduced to little more than the bouncing ball of a sing-a-long. It was certainly not their intention, but for better or for worse, these performers have brought about the democratization of the art of public musical performance.

— Frank Ricciardione

Who is Jaikie Galt? — I find old books a comfort on long train trips, so recently I was reading John Buchan's 1930 novel *Castle Gay*. Like most of Buchan's books, it's good light entertainment, about how a snotty newspaper publisher, a retired grocer, and two college students defeat a bunch of Communists. But it was only at the end that I realized that one of the college students, who is called "Jaikie" most of the time, is actually named . . . John Galt!

Buchan's John Galt, like Ayn Rand's, is a self-reliant, self-created individualist. But there the similarities end. For one thing, Buchan's Galt is Scottish. Moreover, he's a rugby player.

I've never heard of any evidence that Rand was a Buchan fan, but there's nothing about Buchan's novels that

Rand would find objectionable. I think Rand would have admired Buchan's self-reliance and his anti-communism. And since *Castle Gay* appeared in 1930, it's a book Rand could have read.

So . . . was Ayn Rand a secret John Buchan admirer?

— Martin Morse Wooster

The measure of man — For those of us who respect spontaneous orders, the metric system has always rankled a bit. No one can deny the merits of an easy-to-calculate system of weights and measures. But this one usually arrives by government fiat.

Given this ambivalence, I was somewhat tickled to learn, from *Invention & Technology* (Fall 2002) that the meter is based on a mistake. In "The Mis-Measure of All Things," Ken Alder (author of a new book on the metric system) explains that the goal of the French revolutionaries was — as in everything else — utopian and grandly ambitious. They did not merely want to clean up the mess of varying weights and measures or to introduce a practical system, but rather to "measure the earth precisely." The foundation of the system would be a meter equaling "precisely one ten-millionth of the distance from the North Pole to the equator."

This precision was not realized.

The story is a sad one. Two skilled scientists spent seven years calculating the distance from the North Pole to the equator using the surveyor's technique of triangulation along the Paris meridian. Exactly how they used this to determine the circumference of the earth is beyond my understanding, but it involved creating a series of triangles from fixed, elevated points, measuring the distances of one side of each triangle to determine the lengths of the others, incorporating astronomy to determine the latitudes at the north and south point of the measured meridian, and extrapolating to obtain the earth's circumference.

But poor Pierre-Francois-André Méchain! He made the mistake of checking his findings. A year after he had calculated the latitude at Barcelona (and following a terrible accident and in the middle of war between France and Spain), he measured again from a spot a mile away. Although he corrected for the one mile distance, he came up with a different latitudinal figure and could not reconcile it with the first. He concluded that he had made a mess of things. Ashamed of the discrepancy, he kept it a secret, becoming increasingly morose until his death.

After Méchain's death, his colleague, Jean-Baptiste-Joseph Delambre, studied Méchain's notebooks. He saw the discrepancy but ultimately concluded that the differences were not due to human error. Rather, they were caused by what Alder calls "minute gravitational effects caused by the misshapenness of the earth"; in other words, each of the earth's meridians is slightly different in length. Thus, the meter can't be one ten-millionth of the circumference of the earth everywhere.

By that time, the meter had been adopted with great fanfare, on the wrong assumptions. But not to worry. A measure is a measure, and it doesn't really matter whether it is one ten-millionth of the earth's circumference or not. What does matter is that the populace disliked it. The new metric system was so hated that Napoleon repealed it, and France didn't completely accept it until after World War I.

Now, suppose that instead of trying to measure the circumference of the earth, the French utopians had backed off and decided to do something simple — such as build a base-10 measurement system on a familiar unit such as the yard (*aune* in French). Before Méchain and Delambre had returned to Paris, seamstresses would have been purchasing cloth by the *aune-nouvelle*, carpenters would be happily cutting boards into *deci-aunes*, and schoolchildren would be learning the new system along with their multiplication tables. Now, that would be a spontaneous order!

— Jane S. Shaw

Rosie the Rubblesifter — One day last September I was standing in line at 7-11 and chuckled as I read the cover of *TV Guide*: "Fall Preview: Tough Women Rule." Funny that through the days of wall-to-wall coverage of the carnage at the World Trade Center that same week, very few women could be seen in the heart of the rescue effort — "in the shit" as they would say in Vietnam. Feminists around the country threw down their *TV Guides* in anger and went on the air almost immediately, complaining about the predominantly male images of heroism surrounding Sept. 11. Some were upset that President Bush and Mayor Giuliani spoke of the "brotherhood" of firefighters during the crisis. Well now they've gone and done something about it.

According to Kathy Rodgers of the National Organization for Women, "we knew we couldn't let women be erased from history — again — so we started gathering stories." I'll say. The result is a documentary film produced by the NOW Legal Defense and Education Fund called *The Women of Ground Zero*, featuring the sagas of six women from various professions serving there the day of the attack.

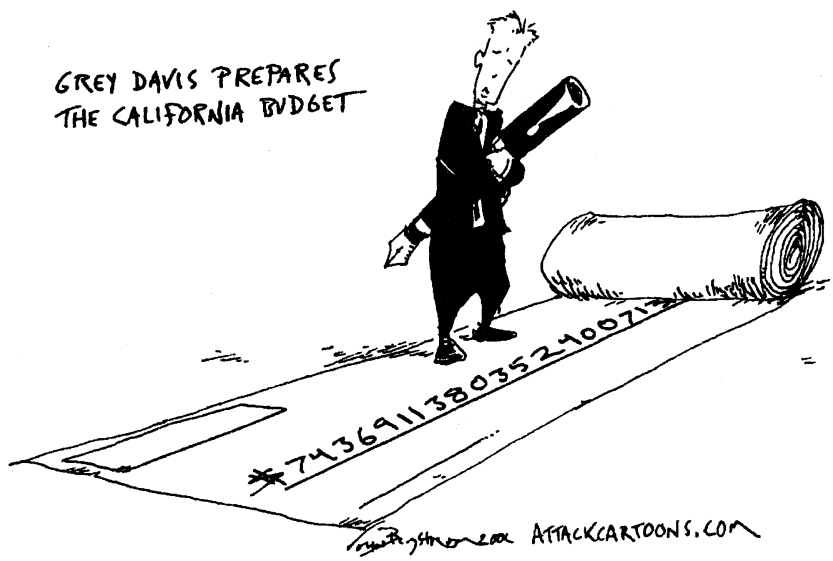

(A separate, roughly parallel book of the same title has also just appeared.)

I should clarify that I sincerely respect and admire any individual called to duty that day, male or female. But the clear implication from the sisters of NOW (and swallowed whole by the media), that the male-dominated rescue picture around Ground Zero somehow involved suppressing images of women, is just laughable — if not surprising. To whine about the coverage of women at the World Trade Center, where four out of five of all people killed were men (a rarely reported fact) — including 399 of the 410 rescue workers on the scene — reveals the pettiest chauvinism, i.e., exactly what we've come to expect from NOW and its ilk. It goes without saying that if the female victims outnumbered males by four to one and constituted over 97% of the rescuer fatalities, the media would have billed the event as "the women's tragedy," pure and simple.

The "Women of Ground Zero" phenomenon, complete with its own websites and fundraising efforts, perfectly captures our new "multicultural" ethos. If the view out there doesn't match your special group fantasy, go ahead and paint your own; you'll be amply praised in the process. How well your new picture corresponds to the larger reality is irrelevant, since the latter must be "wrong" if it doesn't prominently feature your group.

If the female victims outnumbered males by four to one and constituted over 97% of the rescuer fatalities, the media would have billed the event as "the women's tragedy," pure and simple.

The truth is, the cameras didn't have time to create a distorted picture on Sept. 11. That always happens later.

— Michael Drew

Economics of the Twilight Zone — During a recent day off, I watched *The Twilight Zone* on the Sci-Fi Channel. During a commercial break it occurred to me that the message of the episode and the message of the commercial were exact opposites — and that conflict contained an important economic lesson.

The episode, "The Brain Center at Whipple's" (1964), shows how the *Twilight Zone* brings its patented poetic justice to one Mr. Whipple, Evil Capitalist, who has decided to introduce a new computer system at his factory, at the cost of some 40,000 jobs. The plant foreman, sympathetic to the employees who will be laid off, objects with a moving speech about the pride that manufacturers take in their products; another employee reacts by charging into the plant at night and sabotaging the machine with a crowbar, while yelling that it dehumanizes people to take away their jobs.

The proper reaction to this is, of course, Henry Hazlitt's: we don't employ people just to employ them; we employ them to produce stuff. If we wanted to give people jobs, we could hire them to dig holes and fill them back up again.

But it's enlightening to ponder the consequences of the economic ignorance of Rod Serling (who wrote the episode). At one point in the episode, Mr. Whipple tells the foreman that the machines will cut down on time lost through employee hospitalization. This is true. Yet the foreman still objects to the new machines. Does he mean that it is better for these employees to be injured than for them to not be injured? The foreman doesn't think of it that way, but that is just the point: Serling's preachy script fails to consider the fact that all of life consists of trade-offs. We cannot have a perfect world, in which all people feel a sense of personal fulfillment — and also don't have to suffer work-related injuries; in which people have remunerative jobs — and still have time to sit back and watch *The Twilight Zone*. We must make choices between possible alternatives. We choose to work because we want to earn money rather than sit around all day; we get jobs because businessmen want to produce goods, not because they want to provide jobs. People buy goods because those goods are worth more to them than the money they trade for them.

Serling's failure to comprehend trade-offs reaches its most ludicrous in a scene in which Mr. Whipple fires the technician in charge of computer repair. (Whose job is, one would think, in higher demand as a result of Whipple's decisions.) The technician complains that the plant is cold and forbidding because the employees have all been fired. Mr. Whipple responds that the machines cut down on the amount of time lost to maternity leave — to which the technician reacts with shock. Why, Mr. Whipple is equating maternity with an illness, or some other triviality! Why, he is against motherhood! "Mr. Whipple," the technician intones, "in your world there will be many fine products — but precious few people to buy them."

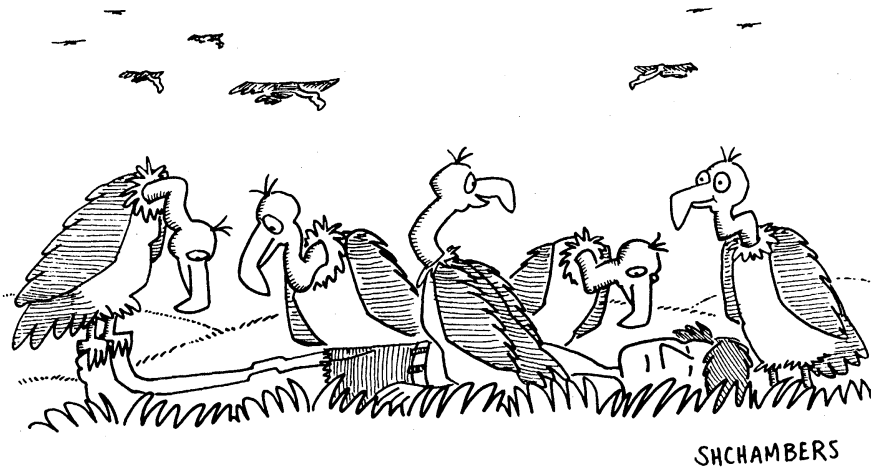

"Isn't it wonderful how a simple thing like a shared meal can create a sense of community?"

Come again? Why would Whipple produce fine products for no buyers? And people will stop having children because Whipple objects to paid maternity leave?

During one commercial break, however, some economic common sense managed to creep in. The commercial — for Dell computers — shows some office employees looking out a window at the office next door, where the employees are engaged in an impromptu Office Olympics, because their computers have failed, bringing work to a standstill. "Why don't our computers ever fail?" asks one envious onlooker. "Because we have Dells," replies the office manager. The employee suggests that perhaps a computer failure could be arranged, since it looks so fun. "Let's put it this way," the office manager replies. "Because our computers work, we won't have to work this weekend."

By Serling's logic, this answer is heartless; ignoring the spiritual value of working on weekends — after all, an office worker has pride in his work, doesn't he? Why should Dell Computers take away that pride by improving productivity and lowering the cost of the end product?

The history of automation is a history of increasing availability of products, lower prices, and improved standards of living. To take just one example: in 1817, New England produced 4 million yards of cotton cloth. Twenty years later, that number was 308 million. That's 7700%. Now, if Mr. Whipple's employees are correct, the world is better off with 4 million yards of home-produced textiles on dangerous looms — with the consequent employee injuries, high prices, lack of substitutes — than with 308 million machine-produced yards. After all, the manufacturers of cotton fabric have their pride!

In the end, Mr. Whipple, heartless enemy of motherhood, is fired and replaced by Robby the Robot, who paces the office twirling his watch chain just like Mr. Whipple did, while Whipple and his old foreman sit in a bar drinking and crying about their fate. The episode is an artifact of the common fear in the 1960s that computer technology would change our world so drastically that man would be enslaved by the machine. But at the end of the century, the real result should be clear: computers have liberated us in innumerable ways. If there are complaints, they come — as always — from the writers, who alone suffer the illness of "alienation." Only a few years before this episode aired, C.P. Snow wrote, in defense of factory labor, that "the poor have walked off the fields and into the factories as fast as the factories could take them." Today they are walking out of the factories and into their own back yards. True, some of them, like Mr. Whipple, waste their new spare time getting drunk. But if they feel a sense of emptiness as a result — whose fault is that?

— Timothy Sandefur

Eco-splat — While sitting around a campfire in the woods of northern Michigan, it occurred to me that perhaps maximum biodiversity isn't always the optimum state of the earth. After swatting my 50th mosquito of the evening, I realized that if the entire genus and species were wiped from the face of the planet, I wouldn't shed a single tear.

So let's drain the wetlands and bring on the DDT. Do it for the sake of the children, who are threatened by West Nile Virus and malaria, and if any environmentalist complains, let's tie him naked to a chair, and leave him in the woods until he realizes the error of his thinking.

— Tim Slagle

Reparations, Community and Common Sense — On the surface, at least, almost everyone seems to be profiting from the campaign to appropriate public money for "reparations" payments to the descendants of slaves. By enlisting in this cause, racial demagogues who have run out of anything else to demand can keep their business going in perpetuity. So can conservative talk-show hosts who have run out of anything else to denounce, and modern-liberal journalists who have run out of any other source of To-the-Finland-Station crowd scenes. It doesn't take much to satisfy these people. The recent march on Washington to demand reparations produced a crowd of 2,000 (tops), and the media, both liberal and conservative, acted as if the 1960s had come again.

(The farmer's market down the street from me draws a bigger crowd than that every Sunday. So do a lot of church services. So do very many anti-abortion "rallies." So do all conventions of Jehovah's Witnesses. Why don't the *Washington Post*, the *L.A. Times*, and Mr. Sean Hannity ponder the significance of *these* phenomena?)

I am saddened by the realization that I've fallen into the same trap as the reparations mongers: I've attributed rights and responsibilities to groups instead of individuals.

But I did say "*almost* everyone seems to be profiting." What I meant was, I am not profiting. I'm alternately bored, irritated, and saddened by the reparations claptrap.

I just gave my reasons for being bored. My irritation expresses itself in a voice that screams inside me, as soon as the word "reparations" is mentioned, "My great-grandfather fought in over 30 battles to free the slaves! My family owes *nothing* to *nobody*!" Inside other heads, the voice screams what one of my modern-liberal professors gave out with when he first heard the "r" word: "Don't come to *me* for reparations! Until 50 years ago, my family wasn't within 5,000 miles of this country!"

After the voice stops screaming, however, I am immediately saddened, saddened by the realization that I've fallen into the same trap as the reparations mongers: I've attributed rights and responsibilities to groups instead of individuals. There's as much reason for me to claim exemption from responsibility for slavery because I am a member of a certain family as there is for an African-American to claim a benefit from slavery because he is a member of a certain family: there's zero reason on either side. Individual slaves, and individual slavemasters, ceased to exist over a century ago.

There is a second reason for sadness. The basic idea behind the reparations agitation — the idea that "slavery

built this country," that America "profited from the toil of the slaves," and that America's profits should therefore be repaid to the slaves' descendants — can only result from the assumption that slavery was an economic *good*, that slavery somehow *worked*. The fallacy of this idea is demonstrated, as clearly as anything in economic history can be demonstrated, by the radically different economic achievements of the North and South, as well as by the notorious tendency of Southern slaveholders to turn up bankrupt. Ignorance of these facts is saddening. So is ignorance of the fact that the labor theory of value was discredited almost as long ago as slavery itself. But ten times sadder is the spectacle of people who try to alleviate the horrible effects of slavery while simultaneously believing that there was something good about it.

— Stephen Cox

Leadership for dummies — Rumor has it President Bush is reading a new book by Eliot Cohen, called *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime*. The book describes the leadership characteristics of successful wartime politicians like Winston Churchill and Abraham Lincoln. Cohen argues that politicians should study the tactics and logistics of warfare, in order to carefully scrutinize the military, and maintain the momentum of popular support.

But the most essential ingredient that successful wartime leaders have is precisely that which the Bush administration has now utterly squandered: the moral advantage. After the Sept. 11 attacks, President Bush announced to the nation that "I will not yield, I will not rest, I will not relent in waging this struggle for freedom and security for the American people." That struggle meant that "we will pursue nations that provide aid or safe haven to terrorism. Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists."

A year after barbarians murdered 3,000 Americans, we are not safer; we have accomplished only a gold-plated victory in Afghanistan, the true hollowness of which becomes more obvious every day. (A recent mission of 2,000 American troops to a region of Afghanistan near the Pakistani border resulted in the capture of exactly zero terrorists — because, as commander of the 82nd Airborne Division, Col. James Huggins, explained, "there was advance warning in each of the sites we went to.") Meanwhile, Palestinians continue their suicide-bomb war against Israel, with Saudi and Iraqi support; Pakistan hangs on by the slender thread of a dictator only slightly less anti-American than his sanguinary people; terrorists attack Russia and India with impunity (but Russian reprisals against nations harboring terrorists are greeted with White House condemnation); Saudi Arabia, which funds and propagates Islamic terrorism throughout the world, is called a "moderate regime" and an ally, protected not only by President Bush, but by the intelligence services, which resolutely deny the convincing evidence that Saudi money funded the sophisticated intelligence operations behind the Sept. 11 attacks. The exceptions to the Bush Doctrine have now completely swallowed the doctrine.

President Bush began the war by declaring that we would not be cowed; we would root out terrorists and kill them. Then that turned into "bringing them to justice." Then that turned to "a political solution to the Middle East crisis." Arafat called the White House's bluff; the president reined in Israel; and by the time a bomb at Hebrew University killed five American students, Bush's indignation had become darkly comical. "I am just as angry as Israel is. I am furious," he said. One could almost hear resolution itself fluttering away in the breeze — and then there was nothing. Shakespeare said that:

> conscience does make cowards of us all;
> And thus the native hue of resolution
> Is sicklied o'er with the pale cast of thought,
> And enterprises of great pith and moment
> With this regard their currents turn awry,
> And lose the name of action.

But in Bush's case, it is not conscience, but so-called "realpolitik" — "political solutions" without military victories — politics without ideals — means without ends — that has enervated the war. America's resolution was squandered with the politics of the "peace process," (patented by bureaucrats at Foggy Bottom) whereby a nation slowly bleeds to death rather than being conquered outright. The results of both is the same. There was a day when this "peace process" was confined to Israel. That was bad enough; today it has spread to America.

Now, contrast Bush's hollow and pathetic "fury" with the genuine power of a leader like Winston Churchill. He made no compromises, no "peace processes" with Hitler, and allowed no such pretenses to stand in the way, precisely because they are pretenses. Backing down from a rightful stand only prolongs the agony — in the end, the right will prevail, but only at a cost increased by delay. "It is vain to imagine," said Churchill in 1938, "that the mere perception or declaration of right principles, whether in one country or in many countries, will be of any value unless they are supported by those qualities of civic virtue and manly courage — aye, and by those instruments and agencies of force and science which in the last resort must be the defense of right and reason. Civilization will not last, freedom will not survive, peace will not be kept, unless a very large majority of mankind unite together to defend them and show themselves possessed of a constabulary power before which barbaric and atavistic forces will stand in awe."

Only firmness in the right — not military tactics or careful administration — can assure victory in a war which the administration now seems to wish it had never declared.

— Timothy Sandefur

Word watch II — "The word is the shadow of the act." So the ancient Greeks believed, and they were right. Any strange and untoward alteration in words is the shadow of some strange and untoward activity of human thought.

Consider the recent alteration in the most popular euphemism for death, which for many years was "he (or she) passed on." Now one hears on every side, "He (or she) passed." Just that. Passed. That's the end of the sentence. Hearing that, anyone interested in stories instinctively won-

ders, "Passed *where*?" Even the Ancient Mariner didn't just pass; he passed "like night from land to land." The verb "pass" requires some faint obeisance to the fact that motion has direction. That's what the "on" was for.

Of course, the reason why "on" is no longer heard is that many people feel embarrassed to hint that there may, in fact, be a direction to human life, that there may be a place that the deceased go *on* to. The embarrassment may result from a decline in religious belief or, more likely, from a politically correct decline in the willingness to confess to religious belief. Well, I'm sorry, but you have to decide. Either you believe in God or you don't. If you do, please continue to resort to the conventional euphemism, which well expresses your view: "he passed on" to heaven, or someplace else. If, however, you don't believe in God, please omit all implied reference to the idea that human life is part of a story that *passes* anywhere beyond mortality. Find your own euphemism for death. Or just, for God's sake, say "he died."

Now we come to a verbal disturbance which indicates that when you sense an alteration in the common tongue, you should consider the possibility that the alteration is politically inspired.

I refer to the abominable misuse of the word "issues": "I have issues about that," or, if you don't care to be even that specific, just "I have issues." Note that this is always said in a combative, self-righteous tone, as if the speaker were delivering a party platform. And it's true, "issues" is an inherently political word. The ominous alteration in its use is its transference to formerly nonpolitical contexts. People now say, "I have issues with men" or "I have issues with women," or "I have issues with soft drinks," in the way that people used to say, "I'm voting for Taft, God damn it!" Not surprising, I suppose: since the 1960s, the best minds have been saying that everything is political.

"Issues" is a political disturbance of the noun. The next problem I want to mention involves a political disturbance of the preposition.

Have you noticed that (leftist) people on television now characterize themselves as "advocates for" some indefinite thing or other — "diversity" or "child welfare" or "racial equality" or whatever the cause du jour happens to be? "Advocate," of course, is a transitive verb; it needs a direct object, as in: "I advocate an increase in the income tax." Well, fine. I can understand that statement. I don't agree with it, but I can understand it. But what can you say to someone who intones, "I advocate for tax policy," or "I advocate for children," or, in a still more putrid style, "I advocate around issues of women's health care." You can't say anything, because nothing has been said to you. These are meaningless statements.

Yet the tone comes through, and it is not a nice tone. The effect of "for," in such locutions, is to transfer interest from *what* is advocated to *who* is advocating, with the suggestion that advocacy is not merely a favorable discussion of certain ideas ("I advocate socialized medicine") but a full-time occupation, a legitimate means of claiming respect and remuneration. "I work for the bus company," "I stock shelves for Safemart," "I advocate for product safety labels." All the same thing, right? No, not quite. Tell me what, precisely, you're advocating, and then I'll tell you whether you merit any social recognition for advocating it. But don't tell me you're advocating "for" it.

As for the effect of "around," the less said the better. Real people talk about equality; they say what they think it is; they debate whether it's good or bad; but only phonies are "concerned with issues around equality." They may also be concerned with issues around the old Marxist theory that all social and moral problems are "mutually implicated," so that talk about one thing always, inevitably leads to talk about everything. (In other words, when Marxists talk around an issue, I mean they really talk *around* an issue.) But whatever it is that has addled these people's little heads, it's clearly time to suggest to them that the rest of the world is neither so phony, nor so confused, as they are. If someone says to you, "I'm concerned around issues of health care," tell him, "Well, then, I'm sorry to find that you're not concerned with *health care* — because I am." — Stephen Cox

The unspoken alternative — Every time I hear public debate about rising medical costs I regret that no one introduces into the argument the libertarian alternative of the elimination of medical licensing, the state-enforced monopoly that keeps physicians' fees artificially high; and whenever I hear complaints upon the lack of money for public schools in America I regret that no one introduces into the argument the libertarian alternative of the elimination of compulsory education, because nothing would reduce costs, as well as eliminate unruly students, more surely and swiftly than letting them depart (ideally until they think it wiser to return).

Just as the doctor's union opposes vehemently any debate over licensing, so the principal opponent of any reconsideration of compulsory education is not students or parents but the teachers' unions. — Richard Kostelanetz

Market watching — People avidly follow the Dow, the NASDAQ, and S&P in the attempt to know how the economy is doing, how to invest, and whether to buy or sell stock. Few people stop to think what these index figures mean and what makes them go up or down. They are massive totals comprised of countless bids and asks for shares of

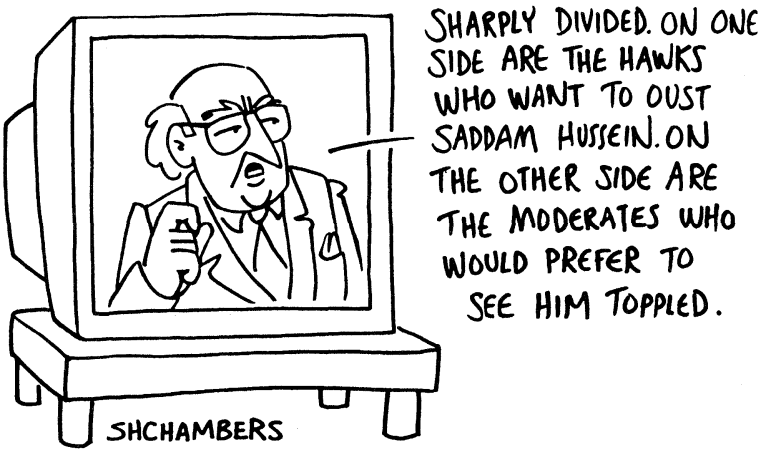

stock in specific companies all added together.

As such they don't mean very much — because no one buys "the market" as a whole. Anyone buying or selling stock must buy stock in specific companies. What is important to remember that each of these companies is trying to furnish some good or service that consumers want. Whether the stock of any particular firm goes up or down depends on the success of its managers to satisfy its customers. And how its managers proceed is influenced to a great extent by whether or not they expect government to interfere with their efforts, disrupt their plans, impose more or different regulations, raise taxes, or issue new quantities of dollars to disrupt their cost calculations.

"The market" is nothing but a collection of countless individual companies, entrepreneurs, and business managers, each of whom is doing his or her best to anticipate costs, potential sales, and the consequences of government interferences on his or her particular company. The most valuable contribution governments (at every level) could make to the economy and the well-being of the people would be to assure everyone that it would halt all increases in taxes, regulations, and the money supply. But since Sept. 11 every so-called "crisis" or "emergency" has called forth more taxes, more regulations, and more money — for certain political favorites.

These political actions can be disastrous. The companies that are hindered as a result from doing their best to serve their customers may have to curb production, purchase less from suppliers, lay off workers, and perhaps even go out of business. How companies are affected varies from company to company. But it always depends on the expectations of the consequences by company owners, managers, and entrepreneurs. And the more disruptive interferences they expect from government, the more discouraged they will become as to their prospects for continuing energetically in business.

Whether widespread depression or prosperity results will depend on the decisions and actions of individual businessmen. And government has the power to influence them for better or worse. — Bettina Bien Greaves

In space, no one can hear you lip sync — Lance Bass, a member of the almost-defunct teen-pop group *NSync almost became the third space tourist. What made this trip so spectacular is that NASA is finally catching on to the idea of space tourism, and for the first time is helping with the training.

Duane Carey, a shuttle pilot and father of two teenage daughters, said, "What's exciting about this is getting a creative person up there . . ." *NSync creative? That's probably the first time those two words have ever appeared in a sentence. — Tim Slagle

More globes warming — There have now been three bodies in the solar system other than Earth that have been reported to be warming: Mars, Triton, and Pluto.

On July 20 and then on Aug. 21 of this year, Pluto passed directly between Earth and certain stars in the constellation Ophiuchus, allowing scientists to obtain information on Pluto's atmosphere. Marc W. Buie of Lowell University and James L. Elliott of MIT found that, although Pluto is now three percent farther from the sun than it was in 1988 (the last time Pluto occulted a star seen from Earth), the planet's surface is now slightly warmer. Another team at the Observatory of Paris also measured an increase in Pluto's surface temperature.

According to B. Buratti of the NASA Jet Propulsion Laboratory, Triton's lightcurve has recently increased in amplitude, its spectrum has reddened distinctly more than once, and even its atmospheric pressure has been increasing. A lightcurve is the variation of a body's apparent brightness with time.

In January's *Science News*, scientists reported that using Mars Surveyor camera, they found that the walls of pits in the polar icecap had receded by about 1 to 3 meters. This rate of erosion is described as "phenomenal." A *Science 294* article "suggests that colder winter temperatures over the Northern Hemisphere continents during portions of the 15th through the 17th centuries . . . and warmer temperatures during the 12th through 14th centuries . . . may have been influenced by long-term solar variations."

Though there may be speculation as to the reasons for the surface warming for each of the bodies for which it has been reported, Mars, Pluto, Triton, and Earth, a simpler explanation that would apply to all would be an increase in the Sun's output. Despite the reports on Mars, Pluto, and Triton, there hasn't been a peep from anyone (as far as we know) concerning a possible connection between this and putative "global warming" on earth.

Remember the case of the dog that didn't bark? This may be another one. NASA is being given huge amounts of money to study global warming, yet it hasn't proposed the obvious project of designing an inexpensive satellite to precisely measure solar output over time. The U.S. pays about 2 billion dollars a year of our money for global warming studies; that can buy a lot of silence.

— Sandy Shaw and Durk Pearson

Vend, my friend! — Warsaw is maturing, so they say. It used to be that you encountered sidewalk vendors everywhere and the park around the Palace of Culture in the center of the city was filled with small metal booths called *scieki* ("jaws") where people sold all kinds of goods and you could encounter highlanders from the mountains selling smoked cheeses, sheepskins, and fleece vests off of sidewalk tables.

I used to have an apartment right above an open-air produce market where I could go out on my balcony and plan my dinner with a pair of binoculars (Red Army surplus bought at the open-air market) and take the elevator down to do my shopping.

Now there are hypermarkets in almost every district and businessmen are grumbling about how we have to get rid of these vendors. "No sophisticated city has street markets like this. It looks primitive." The grounds around the Palace of Culture have been cleared of all the booths and only a few vendors with tables remain. There are still sidewalk vendors, but they are subject to licensing regulations and appear to be growing fewer. Maybe it's a sign of progress, but I still find it depressing. The markets and vendors gave this city a certain character, which is hard to come by considering how ugly much of Warsaw is.

This morning as I was walking to the train station I passed a few vendors near the entrance to the underground.

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Suddenly I saw a man rush up the stairs from the subway entrance nearby shouting. In a flash I saw goods whisked off of tables and packed into bags and the tables removed. Sure enough, a pair of city cops came trudging up the stairs and walked across the plaza, while the vendors sat around looking innocent. Maybe the cops knew something was going on, maybe they didn't. I suspect they really didn't want the bother of hassling somebody trying to make a living and harming nobody — or at least I like to think so.

God, I love this town! — Stephen Browne

Time for a change — By the time most of you read this, you will have already paid into a nefarious government mandated pyramid scheme whether you wanted to or not. Not me, however. I am fortunate enough to live in a state that doesn't engage in such silly mathematical nonsense. No, I'm not talking about Social Security. I'm talking about that other pyramid scheme: Daylight Saving Time.

It clearly fits the definition of a pyramid scheme by taking time (or more precisely, light) from one area of the day and moving it to another area. Of course, like any pyramid scheme, in order to keep it running, it requires an infinite amount of time, constantly shifting one segment to another. Nothing is produced, just transferred.

Indiana (where I live) has some small portions of the state that practice Daylight Saving Time (DST), while the majority of the state doesn't practice it. I live in the saner part of the state. Unfortunately many of my fellow Hoosiers are clamoring to jump on the DST bandwagon of constantly resetting millions of clocks. This is similar to impetuous children giving in to peer pressure. Their main argument is, "Everybody else is doing it."

I've lived in other states that do practice DST. Thus I have personally witnessed the foolish ritual of eternally moving clock hands forwards and backwards like some perpetual and indecisive metronome. So I have seen and lived with both sides. Thus I can speak from experience about the DST nightmare.

If Indiana follows other states like lemmings over the DST cliff, it can look forward to the following "benefit" that most other DST states share: After each time change a person's sleep pattern will be thrown completely out of sync. This lasts about two weeks until the body gets accustomed to the new schedule. This will happen twice a year. That equals one month out of your life, each and every year, that your body is thrown exhaustively out of whack.

DST proponents ignore this fact (perhaps they're too tired to realize it?) and feel that their manipulation of clock hands somehow affects the independent structure and flow of time and light. This is similar to primitive people who believed only magic rituals during an eclipse could bring the sun back. In both cases, nature simply goes on despite man's futile attempt to influence it. Yet both groups will insist that their efforts must be invoked in order to make life better.

What neither the primitive savage nor the DST proponent understands is that their actions have no impact. Except in the case of DST, where it actually causes harm. The number of car accidents and deaths that inevitably occur during the weeks following every time change is anybody's guess. You don't steal an hour of a driver's sleep without consequences.

And, of course, by changing the time and giving more light to one group that stays up late, you are simply taking light away from another group that gets up early. Anyone who sleeps, anyone who drives, and anyone who recognizes the inherent flaw in all pyramid schemes should actively oppose Daylight Saving Time. But, unfortunately, most people will continue to move their clock hands twice a year, more people will lose light to others, more people will lose sleep, more people will fall asleep at the wheel, and more people will actually think DST is a good idea. You can count on it like clockwork. — Chris Henderson

Skousen out at FEE — On Sept. 24, the Board Of Trustees of the Foundation for Economic Education ousted Mark Skousen, who had served as its president since Dec. 5. Skousen and his supporters believe that he was ousted for having invited former New York Mayor Rudy Giuliani to speak at a FEE banquet in October. Skousen had been subjected to a lot of criticism for inviting Giuliani, on grounds that Giuliani had a long record of prosecutorial abuse and hostility to individual liberty (see "Popularity über alles," Reflections September). Skousen certainly underestimated the hostility of libertarians to his Giuliani invitation, which reverberated around the Internet for weeks. One investor was so annoyed by the invitation that he offered to donate $10,000 to FEE if Skousen would allow Doug Casey, who has a long history of speaking the truth to powerful politicians, to speak at the same banquet. (Skousen turned down the offer.)

But there were other factors that led to his firing. Staffers of Laissez-Faire Books (LFB), which FEE had acquired earlier this year, bridled under Skousen's management, which they considered to be ham-handed. Others at FEE were unhappy about Skousen's self-promotion. And there were concerns about FEE's finances as well.

I look on Skousen's departure from FEE with mixed emotions. I was as critical of his invitation to Giuliani as anyone, and I appreciate the other concerns that people at FEE and LFB had. But Skousen had also brought considerable energy to the organization, which certainly needed it. FEE's fundamental problem, it seems to me, is that its original mission is obsolete. FEE was founded by Leonard E. Read in 1946 as a remnant organization, intended to keep the faith in freedom in a world where libertarian thinking had little influence or intellectual respect.

In pursuing that mission, FEE was extraordinarily successful. But the renaissance of libertarian thinking that began in the 1960s gradually made FEE's mission obsolete, and so far as I have been able to see, FEE hasn't really settled on a new mission.

I offer two suggestions:

FEE could focus its energy on educating political conservatives in free-market economics, which was a major part of its activities during much of its early years. Libertarian thinking has grown less and less influential ever since most libertarians abandoned the conservative movement in the 1970s, and FEE could do a lot to remedy this situation.

continued on page 26

On the Road With Ed Thompson

by Tim Slagle

A trip across Wisconsin with a guy who owns a bar . . . sounds like a dream come true.

On Sept. 18, I drove up to Wisconsin and spent a couple of days traveling with the Ed Thompson campaign. I know Wisconsin better than a lot of people. I earn my living doing stand-up comedy, and there is a whole lot of comedy work between Lake Michigan and the St. Croix river. I've spent a lot of time in the Cheesehead State's bowling alleys, hotel lounges, and supper clubs.

Ed is Wisconsin. His friendly demeanor is infectious. He is a natural bartender, always making sure your drink is full, and keeping you busy listening to his great stories. When he tells you that he *knows* that he can win, you can't help but believe him.

Who doesn't love a Wisconsin supper club? Big thick steaks and fried fish are standard fare. Mr. Ed's Tee Pee Supper Club in the small town of Tomah is a living relic from half a century ago. An old theater marquee was converted into the sign for the place in 1950. Under its light, a buxom Indian maiden in a short buckskin skirt has been stirring a cast-iron pot over a campfire since long before political correctness was a gleam in some killjoy's eye.

I get into Tomah at around 1:00 a.m. Media director Josh Morby tells me that the "War Wagon" will be leaving the Tee Pee at around 7 in the morning and if I want any sleep I'd better get it now.

I pull up around 7:05. The War Wagon is a big old 1982 Fleetwood Pace Arrow RV, with threadbare dusty rose upholstery. Its rusty sides are freshly painted with a yellow and black "Ed Thompson for Governor" sign. There is a SpongeBob SquarePants air freshener hanging from the rear-view mirror. The Wagon got a brand-new engine up in Ashland two weeks back, and this is its maiden voyage on the new engine.

I meet Darryl Pokela, who will be driving, and Larry Powell, who is handling the scheduling. It's going to be a day full of phone interviews, press conferences, and a run across southern Wisconsin, with stops at a few towns that want to build casinos, but have been denied a license from the state. It should be a local issue, says Ed. If a town wants to vote against a casino, that's fine — but if they want one, then why does Madison have the right to tell them they can't?

Ed has been campaigning twelve hours a day, seven days a week for the past year and a half. His face is recognized all over the state, and around every bend in the road you will see Ed Thompson signs in people's yards. He still gets a kick out of seeing every one, and it's a big event in the War Wagon whenever one is spotted. Of course, when anyone sees an opposition sign, it's time to make a crack, but fortunately that rarely happens. It is a sure bet that Ed Thompson clearly owns one demographic: "voters most likely to put a

sign on their front lawns."

Darryl asks Larry to reach out the window and adjust the mirror. Larry complies, but the adjustment only lasts a couple seconds; the screws are pretty weak, and the mirror sags back to its original position. We make a mental note to try and fix the problem at an upcoming stop.

First stop is at a McDonalds in Mauston. Here we pick up Ed's old boxing coach Jim and campaign volunteers, Rose and Leona. None of them is under 60, and they're the kind of good-earth, small-town people you're always comfortable around — people you expect to stand behind in a buffet line, but never think you'd meet in a Libertarian campaign.

With a gravelly voice and white brush cut, Jim looks and sounds exactly like you'd expect a boxing manager to sound. Ed introduces me as being from *Liberty* magazine. "No kidding," Jim says, "*Liberty* magazine! Boy, I didn't know they still published that. I should show you, I've got a copy of *Liberty* from way back in 1932. It only cost five cents back then, how much you charging for it now?"

It is a sure bet that Ed Thompson clearly owns one demographic: "voters most likely to put a sign on their front lawn."

I tried to explain to him that the *Liberty* magazine he's talking about went out of business in the '50s, and that I'm along to report for a completely different magazine, a political magazine that's only been around for 15 years.

"No, it's the same magazine," he explains. "It just got started printing again, cause that magazine is over 80 years old." I found it easier just to agree with him.

Leona gets on board with her lunch in a bait bucket. She had gall bladder surgery in 1995, and she pulls out a letter-to-the-editor that just got published in the Juneau County newspaper. She shows me the little bottle of brandy she keeps in her purse for emergencies. "Heart condition, you know."

Rose is 67-years-old and works the late shift in a nursing home. She has been up all night. She loves to can and has put up almost 150 jars of vegetables already this summer. She slips in the back of the RV for a power nap.

All three of them are really excited to be on a road trip in the War Wagon.

Our next stop is at the gas station for a fill up. The War Wagon's main gas tank is rusted out and needs to be replaced so we're running on the auxiliary tank. It only holds 20 gallons, so we have to fill it up every hundred miles or so. I recommend that any candidate travel like this, because the constant stops are great opportunities to get out and shake a few hands. Ed tries to meet everybody at every stop.

Back in the Wagon, we all have a fresh cup of gas station coffee, and Ed sits next to me and starts talking. He tells me the now-famous video poker story. On the night of Dec. 15, 1997 four cops raided the Tee Pee Supper Club. An undercover policewoman had come into the club and put $10 into one of the machines back in July. A little while later, she went to the bar and asked for a $5 payout on the machine. That was enough to raid the place. The police went through the entire club, seizing all the cash on hand and all the video poker machines. Thanks to Christmas parties that evening, it had been a very busy night for the club, and the police snatched $4,000 from the restaurant till and $1,800 from the bar. It was part of a publicity stunt: in all, the police busted 43 taverns and seized 115 machines that night. The prosecutor offered Ed a deal: pay a fine and forfeit the cash they'd seized, and he'd be free to go about his business. Ed was determined to fight the law that he felt was unjust. "If the state can hold a lottery, then they're admitting that there is nothing wrong with gambling. I'm trying to make a living here. I was ready to go to prison if I had to."

This was not an idle statement. Ed spent several years working in a prison, and knows all too well what goes on in there. His platform calls for separating violent from nonviolent criminals. He believes in the legalization of victimless crimes, like drugs, and thinks the state would be better served by allowing nonviolent offenders the option of wearing a bracelet, and remaining under house arrest.

Ed went to trial facing the prospect of eight years and $4,000 in fines. The first juror interviewed for the trial said, "I support Ed, and there's no way I will ever find him guilty." The other 58 jurors saw that the first one was dismissed, and repeated his performance. A few hours later there were only seven left, not enough to seat a jury. The judge was furious. He ordered the cops to go into town and round up anyone they could find. Meanwhile, the prosecuting attorney was ready to cut a deal. He would settle for an $800 fine.

Ed said he wouldn't give them a dime. Ed's attorney said, "Well, then *I'll* pay the damn fine."

"After billing me $10,000 it was the least he could do," Ed says.

The state had to return the money it seized, though it sold Ed's machines and the other 111 it seized that night at auction to a Texas man for about $5,000. Ed mentions that they could have made ten times that amount if they had just sold them back to the taverns they took them from.

Ed campaigned for a law to allow tavern owners to have video poker machines, and to lower the fines for a machine that pays out. The law was passed and now the Tee Pee has five video machines, one more than was seized on that night in 1997.

"Do your machines pay out?" I ask.

"Of course they do," he says, "of course they do."

The cops had aroused a sleeping bear. Ed never was interested in politics until that point. He suddenly realized that perhaps the government does not hold the best interests of the public in its heart, and was determined to fight bad government.

Ed believes that the whole raid was staged by a Democrat attorney general as a way to embarrass Ed's brother Tommy Thompson, then the Republican governor of Wisconsin. Now his brother is the secretary of Health and Human Services in the Bush administration and the attorney general is the Democrat's candidate for governor.

We leave the press conference in Kenosha, and there are

huge black clouds on the horizon. It starts raining pretty hard. "Boy, she's coming!" says Larry. We get into a pretty heavy storm and the Wagon starts leaking in three places. The air conditioner is also broken, so the humidity is almost unbearable. The windows get so fogged we can't see out, and we get a little lost. Meanwhile, Ed is on the phone with the *Wisconsin Christian News*.

We get turned around and try to make a Y-turn in someone's driveway. As he was backing into the highway, Darryl remembers that he was going to fix the sideview mirror. It's flat against the window now, and completely useless. We barely miss getting creamed by a delivery truck that locks up its brakes.

After the conference we go to lunch at the home of Dr. Mike and his wife Angela. Dr. Mike has an interesting take on child support. He has told his wife's ex-husband, who has fallen on hard times, that he no longer has to pay child support if he can't afford it. Dr. Mike can certainly take care of all the kids. The state of Wisconsin, however, will not allow the doctor or his wife to refuse the support. He thinks that since the state holds all support checks for two weeks there may be a huge account on which they collect interest. Meanwhile, the deadbeat dad is such a popular villain for the government that there probably isn't a chance that they will ever reform the policy. After dinner he says grace, and asks God to bless Ed and the campaign. Ed is genuinely humbled. Someone suggests blessing the War Wagon, as it might help.

The next conference is at a local job center in Janesville. It is one of those government facilities that usually pop up in a town where there is high unemployment. It never really helps, but it gives local residents the feeling that the government cares and is working on the problem. This center is just a couple years old, and it was built in a recently closed Kmart. "Boy, you're going to be able to build a lot more of these pretty soon," I muttered to myself.

Inside were a lot of young single mothers wandering around and a couple kids surfing the net in the room labeled "High Wage Technological Training Center." A couple of Ed's friends see him and tell him that nobody knows anything about a press conference today. We start gathering in the waiting area while Larry and Darryl go and try to straighten things out. A couple minutes later the room reservationist comes out and apologizes for the mix-up. "That's fine," says Ed, who has already introduced himself to Cathy of the *Janesville Gazette*, "We'll just do the conference here."

Brandi tells Ed that she's so depressed, that she can't keep a job, and asks him to help. Ed opens his arms and gives her a really big hug.

"No, that wouldn't be good," explains the reservationist, "this is too public." That doesn't sound right to me — an event like this is supposed to be public. She sequesters us all in room H. "This one is going to be free all day," she says.

Ed explains to the group that he would let any city that wants a casino to have one. "How do you know when you have too many?" asks Cathy.

"How do you know when there's too much of anything?" Ed responds. "You let the market decide. If there's too many, they won't be able to make enough money, so they'll have to close a few. This place here, used to be a Kmart. There were too many, now it's closed." Cathy, obviously educated at a liberal arts college, has never considered an idea like that before. I'm happy to hear economics 101 being taught in such a simple, over-the-fence approach.

A male job center employee comes into the room, and asks for Ed's attention for a moment. Ed obliges, and comes back a minute later. He wraps up the conversation, then explains that we're going to have to leave as, contrary to what the reservationist says, there's another event scheduled for the room.

"I'm a libertarian too." Ventura told Ed. "Well then why don't you tell people that you're a libertarian?" "Because the libertarians told me I'm not one."

On the way out, Ed is approached by Brandi and her mother. Brandi is a 20-ish blonde with a pierced eyebrow and blue contacts. She tells Ed that she's so depressed that she can't keep a job, and the state of Wisconsin refuses to classify depression as a disability, so she is being denied important funds and services. She asks Ed to help. Ed opens his arms and gives her a really big hug, which was all he has to offer. It's probably a lot of what the girl needs, I think to myself. Maybe she needs a spanking, too, I think, and her mother could use a stern lecture about spoiling adult children. But I'm just an observer on this trip.

"What happened to the conference?" I asked Ed.

"We were tossed."

"What?"

"This is a public facility, and you can't hold political rallies in public buildings."

That doesn't sound right; I think they just don't like his politics. I can't believe how calmly he's taking this. I go over to a bulletin board, and pull down a sign that urges single mothers to vote for Democrats and take it to the front desk. "I understand you're not to use this facility for political purposes, so I did you the favor of removing this for you." They glare at me as I leave.

Later, Ed confides in me, "That was funny what you did. You know I still can't believe they did that to me. First thing I'm gonna do when I'm the governor is defund that damn job center."

Rose tells me a story about fishing in Alaska. She and some friends went fishing for sockeye in the Russian River. They had to use flies, which was a little foreign to a Wisconsin group used to using live bait, so they weren't having much luck. Rose got bored so she went back to the cabin to bake some bread. Well, she baked a couple loaves, and

some Danish pastries, and pretty soon some guys from Washington state were at the door with a stringer of really nice salmon. "Tell you what," they said, give us a loaf of bread and we'll give you three salmon filets." Deal.

When the rest of the fishing party came home that night with their one fish, they were astounded to see the beautiful fillets frying up in the pan. "I told them they were using the wrong bait," she laughs.

❖

The picnic pavilion in Shullsburg is filled to capacity when we get there, and there are four reporters. It's a beautiful September evening, the trees are just getting a whisper of fall color and the Shullsburg Miners are out on the football field just down the hill practicing for the big game this weekend. The coach's whistle is clear in the cool night air. Ed is on fire; he absorbs the energy from the crowd and gives it back. They love him. It's a happy ride home. I notice that the side-view mirror is now completely missing.

I stay at the Tee Pee way too late that night, drinking Pabst Blue Ribbon and trying to get one of the video poker machines to pay out. The next morning, I drag myself back at around 10 a.m. Ed greets me with a ham and cheese croissant. "You just missed Jim," he says. "He brought that 1932 issue of *Liberty* magazine to show you."

We're taking Ed's minivan today, since there's only four of us and it's just a media run down to Madison. The word is that Ed's brother has decided to endorse Scott McCallum, the Republican candidate. Tommy won't endorse Ed, because Ed is not a Republican. "So why aren't you a Republican?" I ask.

"Because I'm a libertarian. I can't be something I'm not. I've been a libertarian my entire life."

"Are you 100% libertarian?"

"I don't even know what that means."

"Well, a lot of libertarians expect every libertarian to pretty much agree on everything. I know that's impossible, but we all seem to be pretty close on a lot of major issues."

"You know," Ed starts, "I got to sit down and talk with Jesse Ventura when he came to see me. He says to me, 'So, you're a libertarian?'

"I said, 'Yah,'

"He said, 'You know, I'm a libertarian too.'

"I said, 'Well then why don't you tell people that you're a libertarian?'

"He said, 'Because the libertarians told me I'm not one.'"

Ed's son Josh is driving today. Adam Dick is coaching Ed as we drive. Adam abandoned a successful legal career to work on Ed's campaign. He left New York City on the morning of Sept. 11, 2001 with the smoke from the Twin Towers in the rearview mirror of the Ryder Truck. I cannot imagine how difficult that first week was. He lost friends in the Towers.

In his heart, Ed was hoping that his brother would surprise everyone and endorse him at the last minute.

We're not halfway to Madison before the phone starts ringing. It's Charlie Sykes from Milwaukee. Ed has a great chat about how it's wrong that the Wisconsin Broadcasting Association is excluding him from the debates. He met their criteria, so they added more. It's a story heard time and again: established parties don't like the competition, and media outlets don't want to give third parties a shot. Charlie promises to include Ed in any debates held on his radio show. We find out later that after Ed hung up, Charlie warned his listeners that voting for Ed was wasting your vote. Same old story.

Every interviewer wants to ask the same question today, "How do you feel about your brother endorsing Scott McCallum?"

Ed plays it really smooth. "He's under pressure from the party and the White House to do this. It just goes to show the trouble with being a career politician. Look at the power these parties have over career politicians."

We're walking across the University of Wisconsin campus, and all the kids are waving to Ed like he's an old friend. "See all those yellow posters stuck way up on the tower there?" he says. "Those are mine!"

"How do you like knowing that your supporters are vandals?" I ask.

"I love it!"

We go into the student paper, the *Daily Cardinal*, for an interview with its editor in chief. The kids really like Ed, and I don't think it's just because he wants to lower the drinking age to 18 and legalize pot. They're hearing ideas they've never heard before. A lot of kids wander in, and are nodding their heads in agreement. The editor asks, "Did you ever get the engine on the War Wagon fixed?" Everyone laughs.

The last TV interview for the day is WKOW for the evening news. Once again, the question about Ed's brother is asked. Ed finishes the question, but when we leave he is visibly shaken. He rips off his suit coat and takes a shadow punch at a tree branch. I can see that his four years of "Toughman" boxing and Jim's coaching left him quite capable of self-defense.

"Why the hell would anyone ever want to be in public life?" he asks.

I could see that he had just been playing a good cover all day. In his heart, he was hoping that his brother would surprise everyone and endorse him at the last minute. We get in the van. "You know what? For the first time since I started doing this, I feel like I'm losing. I wanted to work from the grass roots up. I've been working twelve hours a day, seven days a week. If I fail, it can't be done.

"I really believed that if I worked as hard as I could, that I could win. This is the first time that I'm thinking that maybe we're not going to. How can you? They stack the deck against you."

Back at the Tee Pee the weekly fish fry is going on. Ed introduces me to all the regulars. Rose comes in and buys me a beer. "I've got some good news for you. Leona and I decided that tomorrow we're both going to send our $25 in and we're joining the Libertarian Party. How about that? I bet we'll be the oldest new members they ever got." ❑

Independent in Virginia

by Ken Sturzenacker

The campaign trail is paved with dedication, hard work, and ethnic food.

Neither rain nor wind nor chill of night could keep Jacob Hornberger from campaigning for the U.S. Senate over Labor Day weekend. Hornberger's reports from the trail, which has crisscrossed Virginia and reached nearly 60 cities and towns, had made for such great reading that I had to get in on the action myself.

I set off early Saturday for the state's pork BBQ championships in Richmond, along with Bumper, Karen DeCoster of Michigan, Betsy Summers, Pennsylvania's highest-ranking Libertarian elected official, Bumper's campaign manager Scott McPherson, his wife Charlotte, and their two young children.

The six of us, wearing "Hornberger for U.S. Senate" T-shirts, made Bumper's campaign visible to everyone who came by. As volunteers, we made it possible to cover all the entrances to the site, a luxury Bumper and Scott do not always enjoy.

Band after band of dark, heavy clouds held attendance down during the early afternoon; by 5 p.m., a steady drizzle settled in, chasing away hundreds of people who had come to sample some of the 20 pork BBQ dishes, plus a variety of fried foods, from fish to Oreos. Yes, fried Oreos!

The Richmond hotel we stayed at was the site of a square dance weekend which had drawn a couple of hundred people from the region; Bumper met with several, but didn't take any dancing lessons. By the time we had checked out, perhaps a couple of dozen of the hotel employees also had Hornberger for Senate brochures.

The people we encountered reacted favorably to Bumper's campaign. In most instances, merely telling African-Americans that Bumper is running against incumbent Republican John Warner sparks a big smile and other expressions of approval and support. With no Democrat in the race, the votes of African-Americans — some 30% of Virginia's population — are up for grabs. And only Jacob Hornberger is deliberately seeking their support.

The early Sunday forecast was for more rain across the Tidewater, so Bumper and Scott decided we should head inland in search of voters. We found some at a brief stop at the Albemarle County Fair, but the bureaucratic mentality — "you have to rent a booth, and stay inside it. You are *not* allowed to roam the fairgrounds to give out brochures" — led to our fairly quick departure.

Turning north, we crossed the Blue Ridge Mountains and Skyline Drive to get to Harrisonburg, one of the four cities in which the Hornberger for U.S. Senate campaign ran radio ads in August.

At the site of one event, we found two. The first and larger was a soccer league match between two of the Hispanic teams in the northern end of the Shenandoah Valley. Spectators lined both ends of the field and along the sidelines where a variety of food was being cooked and served. We spoke with most of the spectators and all of the vendors, and had just enough of the Spanish-language brochures left to give one to every family. We sampled the food (and went back for seconds!) as Bumper talked with league organizers and posed for a photographer who works for two newspapers in the area, one a Spanish-language newspaper which had given him some of the earliest coverage of his campaign.

On the far side of the field people were preparing for an auction of horses used in Western riding and shows. We talked to them, but discovered that most were from outside Virginia, so we headed toward campaign headquarters, Bumper's home in Ashburn, planning to stop and distribute brochures in Warrenton on the way. But it was raining so hard when we got there, that we decided that it just wouldn't be worthwhile.

Even before the Chinese food was delivered back at Bumper's, we'd already written the first news release of the evening. Soon after dinner, Scott and Charlotte took the children and the leftovers home, while Karen, Betsy, and I started making plans to revisit Virginia for another round of campaigning. ❑

Beyond the R's and D's

by Chester Alan Arthur

It may be an off-year election in which the major parties are playing a tedious game of positioning themselves for slim majorities, but you wouldn't know it from looking at libertarian campaigns.

Finally, Libertarian Party campaigns are making news from coast to coast, although not necessarily in a way that libertarians might wish.

In California, Gary Copeland, the LP candidate for governor, made headlines with a very unusual performance on talk radio. He was a guest on the Brian Whitman program on KABC, Los Angeles. In what might reasonably be characterized as a heated exchange on immigration, the host ordered Copeland's microphone turned off. Here is a transcript of what Whitman then said:

> Turn Gary's microphone off please. Gary, this is . . . excuse me Peter, Gary is walking out. Well, don't let the door hit you in the ass, Gary. Hold on Peter, hold on a second. The fact is that this man is a lunatic, Gary Copeland. He is now getting up and he is leaving the studio. The fact is that I give everyone on this show an opportunity to speak. Excuse me, Gary. (Sound of spitting.)
>
> Did you just see that? Mr. Copeland just spit upon me! Did you see that, Nicole? I'd like to call the police please. Mike, will you call the police? Gary Copeland, the Libertarian Party candidate for governor of California just spat upon me, and I will be calling the police, and I will be filing an assault charge against this lunatic.

Whitman was obviously thrilled by what had happened. He made the episode, which he dubbed "loogie-gate," the centerpiece of his website and wallowed in the publicity that followed, including reports by Fox News, CNN, the *New York Post*, the *Washington Post*, the *San Francisco Chronicle*, and the *Sacramento Bee*.

Copeland was not so thrilled. He was embarrassed about losing his temper and apologized. "I was wrong. I am publicly apologizing to Californians and to Brian Whitman . . . Brian was doing his job and I, in a fleeting moment, had forgotten mine. I am here to fight for liberty, not to create showers of non-verbal condemnation."

The leaders of the California LP were not thrilled either. They had disliked having Copeland as their party's nominee from the start. He had won the nomination in a state-wide primary, in which the party's leadership supported his opponent, former Vice Presidential nominee Art Olivier. But Olivier's name was removed from the ballot because of what the LP leaders called a "voter registration glitch": state law requires candidates to be registered to vote as members of the party whose nomination they seek, and Olivier had not registered as a Libertarian.

Shortly after the incident, California LP Chair Aaron Starr called a meeting of the party's executive committee to consider withdrawing its support of Copeland and urging LP members to write in Olivier's name. It wasn't the first

time that Starr had called on the executive committee to repudiate Copeland. But it was the first time he had enough votes on the committee to do so. The move was academic — the law does not allow party leaders to reverse a primary election — but it got a lot of press, bringing the story to the attention of some important national media. In fact, the executive committee action got considerably more press than Copeland's spittage got on its own.

Whether California's LP leadership is happy to have spread the story more widely is not known. Nor, for that matter, is it known whether Copeland is happy to get the publicity. According to polls, Copeland remains the choice of about four percent of Golden State voters.

Curiously, neither the party leadership's repudiation of Copeland nor Copeland's spitting on the talk show host has made it into one prominent publication: to date, the story has not made the *LP News Online* or the national LP's website.

The other LP story that made the national media comes from North Carolina. It began when Rachel Mills, LP candidate for legislative district 11, was approached by *Playboy* to pose for a photo feature on "The Women of Enron," her employer. She didn't like the idea, but she mentioned it to North Carolina LP Executive Director Sean Haugh, and he suggested that a pinup calendar of libertarian women might be a good fundraiser.

The calendar, quite modest by today's standards, caught the eye of James Carville, who invited Mills onto his television talk *Crossfire*. There Mills ably defended her libertarian views as Carville slobbered and conservative Tucker Carlson was shocked! shocked! Like the Copeland story, the item was picked up by the national media as a novelty item. Unlike the Copeland story, it managed to make the *LP News* website.

Other Races to Watch

LP politics is, of course, only a sideshow in the American process. But this year, the Republicans and Democrats are running campaigns almost bereft of issues, making it difficult to identify any whose outcomes might indicate changes in the political direction of the country. Republicans have stressed the importance of supporting the president in his War on Terror and his proposed war on Iraq and tried to avoid discussion of the economy, which they do by basically accepting a somewhat watered-down version of the Democrats' views on the economy. Democrats believe the president's popularity is so high that challenging his wars would be political suicide, so they generally support them, or at least watered-down versions of them and talk mostly about economic issues. I am sure that some seats in Congress and state houses will change hands, but it will be hard to find any meaning in the changes.

"Turn Gary's microphone off please, Gary is walking out. Well, don't let the door hit you in the ass, Gary. The fact is that this man is a lunatic. He is now getting up and he is leaving the studio. The fact is that I give everyone on this show an opportunity to speak."

But there are other races with libertarian involvement that merit attention.

In three races for the U.S. Senate, the libertarian candidate is challenging an incumbent with no opposition from the other major party. Historically, libertarians tend to get much higher vote totals in races without candidates from both major parties, and that'll likely be the case this time as well.

In Virginia, former LP presidential candidate Jacob "Bumper" Hornberger is running a shoestring guerrilla-type campaign against Republican incumbent John Warner. Jim Lark, former national chair of the LP and a power in the Virginia party, opposed his candidacy, so he decided to run as an independent. He faces another independent, a female LaRouchie who got 18% of the vote when she challenged Warner twelve years ago. Hornberger has raised about $30,000 so far. He's spent $10,000 on radio advertising and the balance on travel, brochures, a website, and aerial banners. During the first part of his campaign, Hornberger, a personable guy, stressed personal appearances, seeking the votes of African-Americans and conservative voters who are unhappy about Warner's opposition to gun rights. In mid-September, he cut back on personal appearances and is concentrating on using his website as a campaign tool. His website has won some awards, but I doubt it will win many votes.

In Massachusetts, Michael Cloud is running as the Libertarian Party nominee against popular Democrat Sen. John Kerry. His campaign has raised about $200,000 so far, and it's spending money primarily on yard signs, bumper stickers, and advertising in gun publications. Cloud says he is focusing his energy on the Massachusetts ballot measure to repeal the state's income tax.

After I wrote a brief reflection on the Hornberger campaign in the September *Liberty*, contributing editor David Boaz emailed me that, although he lives in Virginia, he'd not even heard of Hornberger's campaign. He offered to bet a dollar that Cloud would do better in Massachusetts than Hornberger would do in Virginia. I took him up on the bet.

I mentioned this to Cloud, and he told me that I was a sucker. He said that he would get "17% to 23% of the vote," and had a "gut feeling" that he might do even better, while Hornberger would get only "about seven percent" of the vote. Despite his confidence, I haven't kissed my dollar good-bye. Cloud has two major advantages: he has far more money to spend in his campaign, and he is the only opponent the major party incumbent faces. Hornberger has practically no money, and there is another independent candidate in his race, so the anti-incumbent vote will be split. On the other hand, Hornberger is running as an independent, a political identification with which many voters identify, while Cloud is running as a Libertarian.

There's another LP Senate candidate who faces only a

single major party opponent. In Kansas, Steven A. Rosile is challenging popular Republican Senator Pat Roberts. Rosile's campaign hasn't attracted much publicity, despite his call for repeal of the 17th amendment.

The anti-income tax measure in Massachusetts is the work of Michael Cloud and Carla Howell and is reportedly getting support from 40%to 45% of the voters. Cloud hopes that the measure, whose public spokesperson is Howell, would help her race for governor. That contest has a high profile, thanks to the aggressive campaign of Republican Mitt Romney in what is normally a fanatically Democrat state, and is perceived to be close, which will probably depress Howell's vote total. Cloud, who is managing her campaign as well as the anti-tax campaign and his own Senate campaign, predicts that she will get more than 10% of the vote, "enough to cost Romney the election."

Michael Cloud told me that if Thompson's campaign had been willing to pay him a 30% commission, he could have raised $250,000 for it.

Cloud also predicts that Ed Thompson will get 6% to 8% in his race for governor of Wisconsin. He believes the campaign could have done much better if it had raised more money. He told me that if it had been willing to pay him a 30% commission, he could have raised $250,000 from major donors, but the campaign didn't want to pay that much and Cloud "didn't want to use up that much goodwill for nothing."

The other race worth watching is in South Dakota, where a jury nullification measure is on the ballot. "Initiated Constitutional Amendment A" would amend the state's constitution to guarantee that defendants in criminal cases would have the right "to argue the merits, validity, and applicability of the law, including the sentencing laws." Neither side has done any advertising yet, but the measure has garnered a lot of press in the state and around the country. No polling on the issue has been published, but observers think the initiative has a good chance of passing. One reason it is garnering public support is the publicity surround the late-August trial of Matthew Ducheneaux, a Native American quadriplegic who uses marijuana to control muscle spasms. He was convicted of smoking marijuana after a judge ruled that he could not inform the jury of his medical need for the substance. Even the prosecutor admitted that he did not want to prosecute Ducheneaux, let alone convict him.

And, of course, there is the well-publicized ballot measure to legalize possession and use of small amounts of marijuana in the privacy of one's home. In July, local polls showed voters evenly split on the measure. The head of the Nevada Conference of Police and Sheriffs polled the organization's board members on the subject and found them in favor of the measure. He issued a statement endorsing the measure. This touched off a storm of controversy, and the board took a formal vote, this time opposing the measure. Since then police organizations around the state have begun a major campaign against the measure, and the White House Drug Czar has announced that the federal government will also finance a campaign against it. Support is falling. The most recent poll, conducted on August 26 and 27 by Mason-Dixon Polling, showed the measure failing by 15%. ❑

Reflections, from page 18

Another possible mission would be to focus on promoting the economic and social thought of Ludwig von Mises. Mises, who was selected by editors of this magazine as Libertarian of the Century, was long closely associated with FEE, and supporting Misesian scholarship and popularizing his thinking would be a excellent fit for the organization.

Yes, I know that the Ludwig von Mises Institute was established for this purpose. But promoting Mises' thought is only the ostensible purpose of the Mises Institute: anyone who looks carefully at its record quickly concludes that its real mission is to promote the thinking of Murray Rothbard, a student of Mises whose thinking and intellectual agenda was quite different from Mises. Rothbard was an anarchist who more or less promulgated the Soviet view of American foreign policy, along with a ragbag of other beliefs having little or nothing to do with Mises' thinking, which taken together, in Rothbard's view, constituted an entirely new intellectual discipline. Mises advocated democracy with very limited powers and didn't share Rothbard's more fragrant historical beliefs and theories. Mises and Rothbard also had several important, though arcane, disagreements about economics.

As if to underscore its allegiance to Rothbard rather than to Mises, the Institute has recently republished the 1949 edition of Mises' magnum opus, *Human Action*, rather than the subsequent editions prepared by Mises himself. Mises Institute President Lew Rockwell reportedly claims that he believes the 1949 edition to be "more scholarly," but cynics observe that the main substantial differences between it and subsequent editions is that it lacks Mises' criticism of Rothbard. Certainly some competition with Rockwell's strange version of Mises would be a healthy thing.

Of course, I don't know all that has gone into the deliberations of FEE's board, and for all I know it has discussed the situation along these or more fruitful lines. (I am not a member of the board, though a board member contacted me and offered to nominate me earlier this year. I talked to Skousen about the possibility of my joining the board, and he was unenthusiastic, so I let the matter drop.)

FEE is the nearest thing the libertarian movement has to an institution, and its continued health is important both to the movement and to the cause of liberty. I hope that FEE's trustees find a way to renew FEE's vitality and redefine its mission.

— R.W. Bradford

Ms. Coddington Goes to Wellington

by Deborah Coddington

In July, Deborah Coddington was elected to the New Zealand Parliament as a candidate of the ACT Party.

Coddington, a widely read journalist, had previously been deputy leader of the Libertarianz Party, and twice run for Parliament on its ticket.

This, her maiden speech in Parliament, shows what liberty looks like from the south side of the globe.

Mr. Speaker, congratulations on your appointment as speaker for the new term of the 47th Parliament.

My decision to stand for Parliament raised eyebrows among some of my former colleagues in the media. As a member of the fourth estate they considered I was abandoning my role of holding the third estate to account.

I was expected to provide an explanation for wanting to leap the divide.

As an issues-driven journalist I campaigned against sex offenders, child abuse, the slow death of the academic curriculum, the introduction of the NCEA, the dissolution of the family.

While many of my friends in the media railed against the invisible hand of the market, I feared the visible boot of government. It stamps on individual liberties and puts its toe into the private lives of adults — from their employment contracts to their choice of television viewing, and latterly that most private of relationships — what is agreed in the bedroom.

But now I am a member of this Parliament and therefore, some would say, part of the force behind the bossy boot of the state.

But I am here as a member of the ACT Party, the only party that unashamedly promotes small government and a liberal vision.

Big government, like any domineering body, is most harmful to those who are vulnerable, who are struggling, those desperately seeking happiness.

I am reminded of the inscription on the Statue of Liberty:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free,
> The wretched refuse of your teeming shore,
> Send these, the homeless, tempest-tost, to me,
> I lift up my lamp beside the golden door!

The U.S. Coast Guard does not find people swimming from Florida to Cuba through shark-infested waters. And despite her many faults and aberrations, America is still a beacon of freedom and prosperity.

But what is freedom? As a crusading journalist I have seen what freedom is not.

Freedom is not the family whose lives are blighted because they discovered the man they trusted, a respected member of the community, was granted name suppression and

moved freely through society sexually abusing children in his care.

Freedom is not manifest in the lives of children like James Whakaruru, a Hastings 4-year-old savagely beaten to death by his mother's boyfriend, imprisoned once already for beating James. This killer, when released, resumed assaulting James on a weekly basis. In April 1999, despite the fact numerous officials knew James was at risk, the state's agents failed to protect him.

James was stomped on, punched, kicked, choked, thrashed with a jug chord, beaten with a vacuum cleaner pipe, a hammer, and a drawer — all over a period of two days — until his internal organs could take no more and he died.

Big government, like any domineering body, is most harmful to those who are vulnerable, who are struggling, those desperately seeking happiness.

Justice Wild, when sentencing James' killer, said: "All through this beating James apparently said nothing, but stared blankly at you, I daresay wondering why you were doing these terrible things to him. Sadly, a judge like me hears and sees evidence of many dreadful and awful things. However, the photographs in evidence in this case taken of James upon his admission to hospital and subsequently during the post mortem examination are shocking and distressing. I must admit that it is beyond comprehension to me how any adult could inflict injuries of this sort to a little child."

When I wrote the original story on James' death for *North & South* magazine I asked defence counsel for the killer why James' mother returned to her boyfriend despite placing her child in danger. He said, "You have to understand, without James she lost her income and her house."

Freedom is not condemning 1 million New Zealanders, as a recent literacy survey showed, to a life bereft of the advantages, benefits, and unremitting joys of discovering knowledge. Today nearly 20% of young New Zealanders are leaving school without the basic literacy and numeracy skills required for everyday living.

Unable to sign off on Health and Safety regulations they'll not find work in factories. Confused about the instructions on a contraceptive pill packet, they may bear unwanted children. Seduced by no-deposit, interest-free hire purchase, they could sink into crime under a crushing pile of debt.

I am totally in favor of a compassionate and supportive welfare net which helps people with dignity. But making able-bodied, intelligent, healthy people permanently dependent on the state is one of the worst things you can do for them.

Welfare should be there for the truly vulnerable, not the corporates who successfully lobby governments to pass laws protecting their wealth. Picking a corporate winner inevitably results in a taxpayer or consumer loser. Those most adversely affected are those on low incomes with children.

Freedom is not forcing struggling families to pay more than they need to for shoes and clothes because of tariffs which protect corporate bosses.

Freedom is not granting special privileges to unions by raising the minimum wage levels. The unemployed will always be competition to the unions and governments should not bow to union bosses' demands for protection from their competition.

Increasing the minimum wage condemns more people to a lifetime of dependency, deprived of the chance to acquire more skills and knowledge.

Freedom is not telling parents which school they must send their children to. As a board member of a large government secondary school I have had to administer unfair zoning regulations which prevent parents from poorer suburbs sending their girls to what they see as the best school.

Unable to afford a house in the grammar zone, or to go private, their children must go to the nearest local school. For many disadvantaged children, education is their one ticket out of poverty. If they miss this bus, their futures can be very difficult.

We allow employees the freedom to choose whom to work for without legal constraints based on gender, age, appearance, and ethnicity, but we refuse those same liberties to employers.

We have a country that was built, in part, by pioneering men and women making lives for themselves in a remote and difficult land. They were self-reliant, they helped each other, and fundamental to their turning New Zealand into a First World country was the protection of their property rights.

While others railed against the invisible hand of the market, I feared the visible boot of government. It stamps on individual liberties and puts its toe into the private lives of adults.

Today private property owners must get permission from the state to make even the subtlest improvement to their own land. I have seen a man fined $20,000 for turning a muddy eyesore into a duck pond.

Edmund Burke once stated that bad law is the worst form of tyranny. The Resource Management Act certainly fits that description.

New Zealanders are concerned about equity. We honor the concept of an equitable society, but this should mean a society where individuals have the same rights to pursue their own personal interests, provided they tread softly, not on the dreams of others.

A free and fair society helps the poor by promoting jobs

continued on page 36

Science vs. the State:
The Case of Kennewick Man

by Timothy Sandefur

A Federal District Court has thrown out the Clinton administration's plea to destroy important evidence of culture in prehistoric America, but it cannot undo the politically-motivated destruction of an important archeological site.

Almost 10,000 years after his death, Kennewick Man may finally be let out of his tomb, thanks to a decision in a federal trial court. The skeleton, or what is left of it, has been the subject of an intense legal battle between scientists and fundamentalist Indians who insist on their right to bury the skeleton, out of the reach of science.

The controversy (reported in "Creationism: Not Just for Fundamentalists Anymore," December, 2000) began in 1996, when a group of boating enthusiasts discovered human bones beside a riverbed near Kennewick, Wash. The skeleton proved to be 8,500 to 9,000 years old, rousing the curiosity of scientists who had thought that immigration to North America had been more recent. More intriguing still, the skeleton's features resembled Asian tribes more than North American Indians.

But under the Federal Native American Graves Restoration and Protection Act (NAGPRA), skeletons that have a "cultural affiliation" with an Indian tribe must be turned over to that tribe for burial. The Umatilla, Yakama, and Colville tribes demanded that the skeleton, which they call "the Ancient One," be delivered to them for "repatriation," and the Bureau of Land Management obliged. A group of scientists objected; the skeleton did not reveal any "cultural affiliation," or even physical resemblance, to members of these tribes. They filed suit, and the Army placed the skeleton in storage, pending the outcome of the suit.

The lawsuit had all the makings of racial-political demagoguery, and indeed, the Clinton administration seemed to be intent on playing it for multiculturalist point value. The Army Corps of Engineers ordered a stop to any DNA testing on the skeleton, and on orders from "the White House" (nobody quite knows from whom, exactly), dumped 1,000 tons of rock on the site where the skeleton was discovered, to ensure that no further bones or artifacts could be unearthed. The Army also allowed Indians to perform rituals over the skeleton which contaminated it with foreign DNA. After the ceremonies, some of the bones were taken and buried (nobody quite knows by whom), but the Corps refused to allow scientists to examine the skeleton. The bones were badly handled — at one point, the skull was held together with rubber bands, some bones were kept in a paper sack, and the femurs disappeared only to be found, five *years* later, in a cardboard box in the coroner's office. The Department of the Interior, taking the case over from the Corps, held secret meetings with the Indian tribes in preparing for the litigation.

In late August, after a five-year lawsuit, the Federal District Court in Oregon announced its decision (*Bonnichsen, et al.* v. *United States*). Noting the "unfair" and "biased" activities by the Army Corps of Engineers and the Department of the Interior, the court said that the decision that the skeleton was "culturally affiliated" was based solely on the age of the remains and the fact that they were discov-

ered in American soil. This, the court held, is insufficient. "The term 'Native American' requires, at a minimum, a cultural relationship between remains or other cultural items and a present-day tribe, people, or culture indigenous to the United States. A thorough review of the 22,000-page administrative record does not reveal the existence of evidence from which that relationship may be established in this case." In fact, the evidence "would not support a finding that Kennewick Man is related to *any* particular identifiable group or culture." To define "Native American" as including "people or objects with no relationship to present-day American Indians" would be "absurd."

> Under the Defendants' interpretation, possibly long-extinct immigrant peoples who may have differed significantly — genetically and culturally — from any surviving groups, would all be uniformly classified as "Native American" based solely upon the age of their remains. *All* pre-Columbian people, no matter what group they belonged to, where they came from, how long they or their group survived, or how greatly they differed from the ancestors of present-day American Indians, would be arbitrarily classified as "Native American," and their remains and artifacts could be placed totally off-limits to scientific study. This court cannot presume that Congress intended that a statutory definition of "Native American" requiring a relationship to a "tribe, people, or culture that is indigenous to the United States" yield such far-reaching results.

The court concluded that it "cannot be confident of [the government's] ability to decide a matter fairly," and thus, in an unusual move, ordered the government to allow the scientists access to study the skeleton.

The skull was held together with rubber bands, some bones were kept in a paper sack, and the femurs disappeared only to be found, five years later, in a cardboard box in the coroner's office.

The Kennewick Man controversy reveals some of the wounds that racial and religious politics have opened in this country. Indian tribes, supposedly sovereign nations, have been subjected to such mistreatment and ignorant meddling that they have turned to the powerful influence of collectivist notions of ethnic and political "solidarity." Rather than being interested in the truth about their origins, they, like fundamentalist Protestant communities, have instead embraced a form of literal creationism best summed up in a statement by Armand Minthorn, religious leader of the Umatillas, and one of the defendants in the suit: "From our oral histories, we know that our people have been part of this land since the beginning of time. We already know our history. . . . My people have been here since time began. I know how the world began, and I know how the world will end." Just like fundamentalist Christian sects, the Indians see themselves as the victims of a modernizing world, and see scientific analysis as intrusion and exploitation. One can see their point: to them, this is tantamount to graverobbing, a practice which, in the 19th century, was quite common in Indian graveyards. You wouldn't want scientists playing with your grandma's bones, either.

But these bones are thousands of years older than the formation of the Umatilla tribe. Any connection to the current tribe, if there is any, is so distant as to push the boundary between respect for the dead and absurd mysticism. At some point, a skeleton stops being a relative and becomes an artifact. If that point hasn't been reached in the case of the Kennewick Man, when *is* it reached? One answer might be when "cultural affiliation" can no longer be established. But this presents three problems: first, the criteria for establishing "cultural affiliation" are as vague as politics, rather than being as precise as science. Second, NAGPRA's provisions for dealing with "unaffiliated" skeletons are still under review, and may end up not allowing scientists any say in the matter at all. Third, societies which pride themselves on continuity and tradition will find "cultural affiliation" easier to establish — by any criteria — than societies which seek dynamism and discovery. To make things more difficult, the former sorts of societies have explicit constitutional protection in the "free exercise" clause, while the latter have none. As Richard Dawkins puts it, "If you say 'Look, here is overwhelming evidence from carbon dating, from mitochondrial DNA, and from archaeological analyses of pottery, that X is the case,' you will get nowhere. But if you say 'It is a fundamental and unquestioned belief of my culture that X is the case' you will immediately hold a judge's attention."

Just like fundamentalist Christian sects, the Indians see themselves as the victims of a modernizing world, and see scientific analysis as intrusion and exploitation.

This quandary puts liberals in a particularly difficult position. On one hand, the scientific community has always sought a better understanding of the natural world, to provide for "the relief of man's estate." They have consequently been more liberal, believing (rightly) that conservatism's emphasis on culture and traditionalism, and distrust of reason, skepticism, and free speech, are incompatible with that understanding. Fundamentalism is science's enemy, and it belongs squarely in the Republican Party. On the other hand, liberalism's emphasis on Tolerance at All Costs Except for Western Civilization has brought about a liberal hostility toward science itself. Science is now the intrusive mechanism of Western logocentrism; a form of exploitation and "rape of the natural world." Postmodernists, "deep green" environmentalists, militant feminists, and outspoken black history professors, have all turned the left against the Enlightenment and its products; as environmentalist Kirkpatrick Sale says, "Nothing less than a drastic overhaul

continued on page 53

How Fat Are We?

by Randal O'Toole

America's obesity "crisis" is not the result of fast food, but of fast and loose manipulation of evidence.

A few years ago, at a *Liberty* editors' conference, Bill Bradford asked, "Now that the tobacco case is just about settled, what will lawyers and left-wing activists demonize next?" Several people guessed fattening food; I suggested instead, automobiles.

Soon after, Al Gore declared war on sprawl and the automobile. A Sierra Club lawsuit stopped all highway construction in Atlanta and Congress passed legislation that gives more funding to mass transit systems that carry less than 2% of American travel than to highway systems that carry nearly 90%.

Yet the war on fattening foods was not far behind. Recent announcements by the surgeon general and Centers for Disease Control and Prevention have proclaimed an "obesity epidemic." Nutritional activists urge people to sue fast-food restaurants and food manufacturers for making them fat. At least one such lawsuit has already been filed. They also want government to regulate food advertising aimed at children, tax high-calorie foods, and subsidize nutritious low-calorie foods.

The anti-fat and anti-automobile campaigns have even converged. Anti-auto and anti-suburb urban planners claim that suburbs and automobiles are a public health menace because they encourage people to get fat rather than exercise. They recommend a dose of high-density housing and auto-free downtowns. Yet the data show that inner-city residents tend to be more obese than those in the suburbs.

In fact, there are no clear data showing that there is an obesity epidemic at all. The only evidence for it is unverified telephone surveys whose results differ from actual measurements of American weights.

The basic source for the claim that there is an obesity epidemic is an annual CDC survey indicating that the share of Americans who are obese has increased from 12% in 1991 to more than 19% in 2000. The CDC defines "obese" as having a body-mass index (BMI) of 30 or more. "Overweight" is a body-mass index of 25 or more. BMI for adults is calculated by dividing a person's weight in kilograms by the square of their height in meters. For those who are not yet metricized, multiply your weight in pounds by 703 and divide by the square of your height in inches.

Without naming any names, if you are a balding researcher who is 5 feet 7 inches tall and weighs 159 pounds, your BMI is a marginally satisfactory 24.9. However, if you creep up to 160 pounds, you fall into the overweight category with a BMI of 25.1. Sadly, this means that our hypothetical researcher probably shouldn't have the Valrhona chocolate mousse that everyone else is enjoying for dessert tonight.

Some people have questioned the CDC's method of measuring obesity, pointing out that by CDC definitions, most NFL football players would be considered obese. While it is true that the body-mass index fails to measure fat vs. other kinds of body materials, there are even more significant sources of error in the CDC's surveys.

If you believe the CDC surveys, breakdowns of obesity levels by state show some rather alarming trends. In my home state of Oregon, for example, less than 15% of adults were considered obese in 1995, but by 2000 more than 20% were obese.

Some states are even worse: Georgia's obesity rates more than doubled between 1991 and 1999, from less than 10% to more than 20%. Obesity increased in every state during that time period, with the greatest increases in the South and Midwest. Surgeon General David Satcher has called the obesity epidemic a "crisis" because obesity supposedly kills

325,000 Americans a year and adds $117 billion to annual health care costs.

What happened between 1990 and 2000 that would explain this sudden ballooning of the American public? The popular explanation is that people are eating fattier foods and exercising less. However, I can think of three other explanations that make more sense.

First, the explanation for just about every demographic trend in modern America: baby boomers. Perhaps they got older, exercised less, but kept eating. The problem with this is that the CDC claims that the most fattened adult age class is 19- to 29-year-olds and that children are also getting fatter.

A second explanation for increased obesity rates can be found in the declining unemployment and rising incomes of the 1990s. As Paul Fussell observes in his 1983 book, *Class*, obesity is in large part a class phenomenon. One hundred years ago, it was fashionable among the wealthy to have a paunch, and men's clothes were even designed to emphasize one. This is what led to the popular notion of wealthy people as "fat cats."

The only evidence for an obesity epidemic is unverified telephone surveys whose results differ from actual measurements of American weights.

Today, of course, the middle and upper classes prefer to be fashionably thin, but working class people tend to be overweight. CDC researchers agree that "lower economic status . . . is associated with obesity." Just as weight indicated wealth a century ago, it indicates security today. Perhaps the booming '90s saw unemployment rates at near-record lows, enabling more people to earn enough money to feed their families enough to become overweight, without acquiring the upper-class aversion to fat.

A close look at the obesity statistics supports this notion. According to CDC data, obesity is growing fastest among Hispanics. CDC data also indicate that the most obese children are African-American girls, 17% of whom are overweight compared to less than 12% of other groups. A study from the New Jersey University of Medicine finds that 22% of Hispanic and black children are likely to be overweight compared with only 12% of non-Hispanic white children.

If there is an obesity epidemic, then, it may merely reflect a healthy economy that has provided enough jobs to bring low-income people out of poverty and into obesity. If so, then one sure cure for the epidemic would be a good, long recession. Policies aimed at such a recession would make as much sense as trying to cure congestion by stopping new highway construction and putting barriers in existing roads — which, of course, are the policies recommended by anti-sprawl forces.

The best explanation is that the numbers are simply wrong. They are based on a random telephone survey of people's heights and weights done by state health officials and coordinated by the CDC. Only 21 states participated in the survey in 1985. By 1990, all but five (mostly thinly populated) states reported in, and all joined by 1994.

How accurate is a telephone survey? Without naming any specific genders, a lot of people I know won't even tell their husbands how much they weigh, much less a complete stranger calling on the phone. At the same time, people of a completely different gender tend to overstate their height. (Our hypothetical researcher would like everyone to know that he is really 5 feet, 7.5 inches tall, but modestly used 5 foot 7 for the purposes of this article.)

Because so many people understate their weight or overstate their height, CDC researchers assume that actual obesity rates are much higher than are revealed by their telephone surveys. Indeed, they point out that real measurements of large numbers of Americans reveal much higher rates of obesity — 22% — than any of the telephone surveys, which so far have never recorded rates as high as 20%.

Thus, the obesity epidemic may really be a truthfulness epidemic. Perhaps interviewers in recent years prodded interviewees a bit harder to get more accurate results. Or perhaps people are more willing to admit they are overweight because so many popular writers blame obesity on McDonalds, Coca-Cola, Frito-Lay, and other food makers rather than the overweight people themselves.

Stephen Milloy, who publishes the junkscience.com website, calls these numbers "unadulterated junk science" since the data collected by telephone were never verified. Milloy suggests that reports of a fat epidemic are coming from bureaucrats and academic researchers who simply want to expand their budgets and power.

I downloaded data from the ominously named Behavioral Risk Factors Surveillance System, the annual poll that the Centers for Disease Control claims is "the world's largest telephone survey." The CDC and state public health agencies contact close to 200,000 people a year and ask them hundreds of nosy questions about their health and opinions.

The CDC brags that the survey has had major influences on public policy. For example, it says, the survey's finding that most people think second-hand smoke is dangerous convinced the Oregon legislature to ban workplace smoking. Whether second-hand smoke really is dangerous seems to be beside the point.

Using the downloaded data for 2000, I compared BMI with income, education, and race. The average BMI of all the people surveyed (at least, all those who gave their weights and heights) was 26.4, and 20.4% of them were obese. The first table confirms that BMI is strongly correlated with household income: the lower the income, the higher the BMI and the higher the obesity rate.

Household Income	Average BMI	Percent Obese
<10,000	27.3	27.5%
10,000–14,999	27.2	25.7%
15,000–19,999	26.8	24.0%
20,000–24,999	26.7	23.1%
25,000–34,999	26.5	21.1%
35,000–49,999	26.5	20.8%
50,000–74,999	26.3	18.6%
75,000+	25.7	15.1%

BMI is also correlated with education: the lower the education, the higher the BMI and the higher the obesity rate.

The only exception is the category of people with no education. This is probably heavily stocked with recent immigrants, as 38% of this category is Hispanic compared with 8% of the total.

Education	Average BMI	Percent Obese
None	27.4	25.2%
Grade 1–8	27.6	28.3%
Grade 9–11	27.2	26.2%
Grade 12	26.7	22.3%
College 1–3	26.4	20.6%
College grad	25.7	15.4%

Asians (including Pacific islanders) have the lowest BMIs, followed by non-Hispanic whites, Hispanics, Native Americans, and blacks. "Other" is somewhere in the middle.

Race	Average BMI	Percent Obese
Black	28.2	31.6%
Native American	27.8	29.1%
Hispanic	26.9	22.7%
Other	26.8	22.6%
Non-Hispanic White	26.2	19.2%
Asian-Pacific	24.3	8.3%

BMI is also correlated with age: BMIs and obesity rates peak in the 50–59 age category and fall with decreasing and increasing age away from that category. This tends to support the baby boomer hypothesis.

Age	Average BMI	Obesity Rate
<30	25.0	14.3%
30–39	26.4	20.0%
40–49	26.8	22.6%
50–59	27.4	25.5%
60–69	27.2	24.3%
70+	25.8	16.0%

Stephen Milloy cites an editorial from *The New England Journal of Medicine* questioning the surgeon general's claims that obesity causes 325,000 deaths or more per year — and, by implication, the claim that the health costs of obesity are more than $100 billion per year. "That figure is by no means well established," says the *Journal*, adding, "Most of the evidence is either indirect or derived from [studies with] serious methodological flaws."

More than one recent study has found that weight is less important to health as you get older. Our hypothetical researcher, whose 50th birthday is imminent, will be reassured to know, for example, that people over 50 can have BMIs as high as 32 and not suffer any greater mortality than people with BMIs under 25. Researchers add that, unless such people have heart disease, diabetes, or some other obesity-related disease, asking them to diet "might unjustifiably decrease their perceived quality of life."

CDC and other nutritional researchers have a strong incentive to claim that we are suffering from an obesity epidemic, for such claims are likely to lead Congress to direct more research and other funds to them. Yet these claims are hardly new. "Overweight is so common that it constitutes a national health problem of the first order," said the Metropolitan Life Insurance Company in 1942. In 1952, the director of the National Institutes of Health declared that obesity was the nation's primary health problem.

Yet it remains true that some Americans are obese and that severe obesity is associated with heart disease, diabetes, and other health problems. To what extent do the suburbs cause that obesity?

The detailed data suggest that, if anything, people living in cities are more obese than than those living in suburbs. While many minorities are moving to the suburbs, Hispanics and blacks remain concentrated in cities and the suburbs remain heavily white. It appears that location tends to be less important than income.

A report from an anti-auto group SprawlWatch insists that the "built environment" contributes to obesity because it encourages auto driving rather than walking or cycling. But another finding of the CDC telephone survey is that the amount of physical activity Americans undertake has *not* changed substantially in the last decade.

In fact, says another report, "the activity levels of Americans appear to have changed little, if at all, from the 1970s to the 1990s." This indicates that increased driving and the built environment have nothing to do with any recent changes in obesity rates.

Despite this finding, the report's authors recommend that "cities, zoning authorities, and urban planners" should "modify zoning requirements, designate downtown areas as pedestrian malls and automobile-free zones, and modify residential neighborhoods, workplaces, and shopping centers to promote physical activity." Among the other recommendations are to "Designate an annual National 'No-TV' Week," restrict advertising of high-calorie foods on children's television, tax high-calorie or high-fat foods, and subsidize low-calorie nutritious foods.

If seriously obese people do in fact die younger than thinner people, it may be that the health costs they impose on society are lower, not higher, than average.

These and 26 other recommendations are made with absolutely no assessment of their efficacy. Before elected officials and government bureaucrats start implementing such policies, they should find out whether they will work or whether they will do more harm than good.

Anti-sprawl activists are also quick to note that children today are less likely to walk to school and more likely to have their parents drive them. But this isn't a suburban phenomenon either. Before 1980, 80% of American schoolchildren walked to school. By 1990, less than a third did.

Yet 57% of American families didn't move to the suburbs during the 1980s. Instead, something else must explain this change.

The answer seems to be milk cartons — specifically, the "missing children" campaign that crested in the 1980s. This media-generated panic turned out to be phony — the vast majority of the "kidnapped" children had been taken by one of their family members in a custody dispute. Yet CDC Dr. William Dietz believes that "parental fear about kidnapping"

is one of the major reasons why children today get less exercise than they did 20 years ago.

Eric Schlosser, author of *Fast Food Nation*, has a different take on sprawl and obesity. He argues that fast-food restaurants such as McDonalds were "a catalyst" to sprawl. And he also blames those fast-food restaurants for the obesity epidemic, claiming that the price paid for fast food fails to account for the "real price" of the meal, mainly the social cost of obesity.

Schlosser's view is underscored by George Washington University law professor John Banzhaf, who takes credit for helping "come up with the idea of suing tobacco companies as a way of shifting the cost of smoking from the nonsmokers to the smokers." Now he argues that the oft-cited $100 billion cost of obesity is partly paid "by people who maintain a healthy weight in the form of higher taxes and health insurance." Banzhaf is urging people to sue food companies for imposing those costs on society.

The survey's finding that most people think second-hand smoke is dangerous convinced the Oregon legislature to ban workplace smoking. Whether second-hand smoke really is dangerous was beside the point.

This is a difficult case for lawyers to make because, in contrast to smoking, fatty foods produce no "second-hand fat." It will be hard to prove that a particular food contributed to obesity, that obesity caused a particular health problem, and that that health problem imposes costs on people who don't suffer from it. And if seriously obese people do in fact die younger than thinner people, it is possible that the health costs they impose on society are actually lower, not higher, than average.

So some nutritionists go beyond Banzhaf and advocate suing food companies just for selling people fatty foods. The ironically named Marion Nestle, a nutrition professor at New York University and author of the forthcoming book, *Food Politics: How the Food Industry Manipulates What We Eat to the Detriment of Our Health*, observes that "The function of the food industry is to get people to eat more, not less."

"There's a lot of people who benefit from people being fat and sick," Nestle claims elsewhere. "So the response to the food industry should be very similar to what happened with the tobacco companies," meaning that food companies should be sued for making people fat.

This is a common theme of the anti-corporate, pro-government movement: people are so easily manipulated by advertising that they need government regulation to protect them from things they shouldn't do. Anti-fat activists argue, for example, that vending machines should be banned from schools so that students aren't given the opportunity to buy junk food.

Indeed, many food activists want to demonize fatty foods just as tobacco has been demonized. "I want to get to the point where people are in the hallway and see a vending machine and say, 'That's bad, that shouldn't be there,' in the same way as if they saw a cigarette vending machine," says Tom Farley of the Tulane University School of Public Health and Tropical Medicine.

In fact, *Newsday* columnist Meredith Berkman recently filed one of the first anti-fat lawsuits against the manufacturer of a snack food called Pirate's Booty. In December, 2001, the Good Housekeeping Institute tested Pirate's Booty, which is basically flavored puffed rice, and found that it contained three times as much fat as the label stated. The manufacturer, Robert's American Gourmet Foods, blamed the problem on a change in its manufacturing process and immediately recalled the product from store shelves.

Nearly four months after the recall, Berkman filed a $50 million class-action lawsuit against Robert's Foods, claiming "emotional distress" and nutritional damage because she had fed Pirate's Booty to her daughter. The complaint claims to represent all consumers who ruined their diets and had to spend more time at the gym because they ate mislabeled Pirate's Booty.

Of course, manufacturers should not mislabel the nutritional content of packaged foods. But in a broader general sense, can McDonalds hamburgers, Hostess Twinkies, and Ben and Jerry's ice cream be blamed for making people fat?

Frank Zappa once promised, "there will come a time when you won't even be ashamed if you are fat." If the left has its way, we will reach that time not because we no longer find fat to be aesthetically repugnant but because we can blame fat on giant corporations instead of ourselves.

Michael Pollan takes a different attitude in his recent book, *Botany of Desire*. Pollan is no friend to the food industry and makes it clear that he opposes, for example, genetically manipulated foods. He also notes that refined sugar is a recent phenomenon: a little more than a century ago, few people could afford most sweets.

But he tries to imagine what it was like the first time in prehistory that someone tasted honey or some other sugar. The closest he can come is to recall his 1-year-old son's reaction when he tasted his birthday cake; the first time he was treated to a sweet. A look of wonderment came over his face, as if to say, "Why didn't you tell me there was something like this in the world? I am going to dedicate the rest of my life to getting more of it." And, Pollan notes, "he pretty much has."

Pollan's son was too young to be manipulated by advertising or the food industry. The lesson is that diet and physical activity are matters of self-discipline (or, in the case of children, parental discipline). Fast-food restaurants and other parts of the food industry sell things that people want, and the industry is subject to enormous selection pressures filtering out things that people don't want. The health-food and weight-loss segments of the industry are each multi-billion dollar industries in their own right.

To the extent that it is a real problem, obesity is a personal problem, not a social problem. Lawsuits won't solve it, nor will taxes on fat, subsidies to low-fat foods, censorship of advertising, or restrictions on auto driving. The government should stay out of our kitchens, supermarkets, and restaurants. ❑

Report

Shakedown in Johannesburg

by Robert H. Nelson

Ostensibly, leaders of all the world's governments came to the World Summit on Sustainable Development to solve the problem of sustaining economic development without environmental degradation. In fact, they came to put their noses in the feedbag.

About 100 heads of state came to Johannesburg, South Africa, for the World Summit on Sustainable Development. Japan alone brought 500 members in its official delegation. One hotel operator reported hiring 24 extra chefs. The top hotels in town stocked up on foods like Beluga caviar and champagne oysters. They expected the delegates staying in the hotels to consume 2,000 pounds of prime beef, 1,000 pounds of shellfish, and 400 pounds of salmon.

Tens of thousand of people attended. Travel costs alone were more than $100 million. All told, the Jo'burg summit cost at least $250 million. Putting that money into mosquito nets instead, says Roger Bates of Africa Fighting Malaria, "could avoid 7 million malaria cases and save the lives of 350,000 children per year."

The delegates were there to solve the problems of the poor, but didn't want to see them in person. The World Summit was centered in Sandton, an exclusive enclave of high-rise towers and fancy hotels, built in recent years to escape crime-ridden downtown Jo'burg. Before the summit, the street traders were cleaned out. Leon Louw, head of South Africa's Free Market Institute, observed that the authorities "have turned the place into a White Group Area with all signs of Africa removed." The world summit, he said, was creating a "Disneyland Fantasyland" for the pleasure of visiting delegates. In protest, hundreds of local hawkers of goods marched during the summit against their treatment by the authorities.

Among the heads of state in Jo'burg were such worthies as President Robert Mugabe of Zimbabwe, happy to escape his own crumbling economy. He was joined by President Sam Nujoma of Namibia, who declared recently that "British imperialism" is the real problem in Zimbabwe. "We cannot allow imperialism to take over our continent again," he said, voicing a common view among African leaders. The top officials of undeveloped nations pressed the rich nations of the world to commit to large new infusions of foreign aid. Many of them were apparently convinced that outside forces are responsible for their current problems and hold the key to their future economic progress.

President George Bush was Public Enemy No. 1 in Jo'burg. Bush had the effrontery to stay at home to work on the problems of the U.S. economy and other pressing issues for his nation. Bush simply would not fit in with the Jo'burg crowd; his idea of a party is cleaning brush on his Texas ranch.

The leaders of the top nongovernmental organizations (NGOs) travel around the world in similar luxury. For example, the International Union for Conservation of Nature (IUCN) occupied a new building for the summit that put the headquarters of most American corporations to shame.

But not all the people who came to Jo'burg expected sushi and caviar. There were many smaller NGOs that operated on a shoestring. Some of their members scrimped and saved to make a pilgrimage to the World Summit. For them, it was a religious revival meeting to top all others. They came to hear secular incarnations of Billy Graham condemn the sins of the world — many of which are the work of American multinational corporations. There was a lot of talk of a new "earth charter" that would bind all the

creatures of the world — human and nonhuman — together in happiness and harmony.

Like all religious revivals, it was a festive occasion. There was a genuine sense of the coming together in Jo'burg of people from every nation. For true believers in the environmental credo of "sustainable development," the feeling of camaraderie was a powerful elixir.

Yet no one at the summit seemed to have any idea what "sustainable development" means. Almost every activity in the world today — from chemical manufacturing to setting aside forest reserves — has attached "sustainable" to its mission statement. It is the secular substitute for good and evil; the language of old-fashioned moral judgment is out of style these days, but a new language of "sustainable" and "unsustainable" has taken its place.

All told, the Jo'burg summit cost at least $250 million. Putting that money into mosquito nets instead could avoid 7 million malaria cases and save the lives of 350,000 children per year.

As religions go, modern environmentalism is closest to old-fashioned Calvinism. That is probably why it resonates so well in northern European countries where the Protestant Reformation first took hold. A group of Swedish NGOs issued a formal statement declaring that "increased consumption" was the greatest threat to the future of the world.

Germany — the birthplace of Martin Luther — had the largest presence of any country in the exhibit areas. The think tank of the German Green Party, the Heinrich Boll Foundation, receives $35 million per year in public funds. The Foundation offered nonstop seminars and put out the most widely read manifesto; the "Jo'burg-Memo" found that the central issue facing the world today is "changes in lifestyle, in the concepts of consumption and production, and in the understanding of individual and social purpose." A key part in the necessary religious revolution of the future would have to be played by "institutions of learning and faith."

It was a strange combination — kleptocratic leaders of impoverished nations, staid international bureaucrats networking with their counterparts from around the world, and true believers in a perfect — a "sustainable" — world to come. All of them, to be sure, came to Jo'burg to party in their own fashion.

They would have been better off staying home. There was nothing there to suggest that anything had been learned since the Rio summit ten years ago that offered the prospect of a better outcome. The words "central planning" were virtually never uttered but that is what it was all about: planning the future of the world in one large convocation, as if that could actually be done. ❑

New Zealand, *from page 28*

and growth, providing opportunities for all, and a social safety net. A free and fair society does this without penalizing success with envy-driven taxation schemes.

A fair society does not turn those who work hard and accumulate wealth into pariahs, driving them offshore. We should reward effort, not take someone else's riches simply because we don't have them.

I believe New Zealand can and should be a more prosperous and fairer country, with greater personal freedoms, a more limited government, and open competitive markets.

Globalization, capitalism, and tolerance do wonderful things for people — cheap phones, the Internet, affordable cars, fresh vegetables out of season, unorthodox lifestyles, opportunities for all no matter what level of society a child is born into.

But the history of the world shows us that the alternative to individual liberty is paternalism, despotism, serfdom, tyranny, misery.

Three days after I became a list MP, Milton Friedman, an American economist and hero for freedom, turned 90 and was honored by George Bush at a White House ceremony. But even if Clinton was in office — or Carter or Reagan — this great American would still have been celebrated for using his brilliant mind to advance a moral vision.

In June this year Sir Roger Douglas was awarded the Hayek medal — the first time this honor has been given to someone outside Europe. The citation to Sir Roger stated: "This medal is presented to outstanding politicians, entrepreneurs and scholars who stand for the aims and values of a free society and who, as you did in your whole political life, courageously defend the principles of classical liberalism in our days."

Mr. Speaker, this house should be proud of this achievement by one of its eminent former members.

For one brief moment in time, at the end of the 1980s, the world looked to New Zealand as an example of greater economic freedom. Since then we've gone to sleep and allowed our country to wallow in complacency.

Perhaps Lord Acton was correct when he said the true friends of liberty are always few.

But I'm more optimistic. In my head and my heart I don't believe I'm very different from most New Zealanders in my aspirations. I'm just a girl from Ugly Hill Road but I'm proud of what I am — white, much loved mother of four, heterosexual, well-educated, and happy. I was born white and female, but I've worked hard at the rest.

I love excellence and I believe this country can be smart, happy, and liberated. It will be bumpy, but in this new Parliament I see individuals in every party who I know share my vision for a liberated country where children are protected, private property rights are secured, empowered parents can choose the best education, entrepreneurs can soar free from government restraint, and adults can pursue their lawful business unfettered by Orwellian legislation.

And, in the words of Joseph Conrad: "I would take liberty from any hand as a hungry man would snatch a piece of bread." ❑

Regulator, Unbundle Thyself

by Ted Roberts

What do you get when you mix a computer genius, a power-lusting trustbuster and a dim-witted *Wall Street Journal* editorialist?

Those who are ignorant of the blessings of private property lurk everywhere. Even in *The Wall Street Journal*. One of their columnists, whom I won't name — let's just call him Vladimir L. — writes often of the government's jihad against Microsoft. Vlad doesn't want to shutter Windows, the company's fine operating system, but he does believe the government "should require the software monopoly to expand consumer choice in its dominant operating system." In the capitalistic columns of *The Wall Street Journal*, yet. It was like meeting Satan in church. Even worse, he held the pulpit. Comrade L sounds like he'd be delighted to see the Windows OS all unbundled; naked, standing alone like a chimney of a burned-down house.

I wrote Vladimir (whom I assume is bilingual) a very sweet letter telling him how much I usually enjoy his column. However, I noted that if he's going to write for *The Wall Street Journal*, he should sharpen his understanding of private property rights: i.e., Microsoft built and owns an OS that belongs to Microsoft. Not to you or me or the government.

They can adorn it any way they want, I suggested to this pillager of private property, in order to present a more attractive or even less attractive choice to the consumer. It belongs to them like your pocket handkerchief belongs to you. They are allowed by the tenets of capitalism to enhance, reduce, or eliminate compatibility with other consumer choices — as long as they don't use a gun or knife to bolster sales. The marketplace will speak for the consumer as it always has. "Hmmm, I love that OS, but now I can't use browser X or whatchamacallit Y, so I won't buy the OS." That's choice enough.

The song that the Microsoft critics sing, once it's decoded, is really a hymn of praise to that golden operating system. Evidently, it's so good that people would buy it even if it came wrapped in Bill Gates' unwashed underwear.

And why is there so much religious passion in the tone of the Microsoft critics? Why is it so difficult to understand that the marketplace is a far better evaluator of Microsoft's product than a federal judge who tries to synthesize, express, and enforce the whims of 20 million consumers whom he's never talked to? I don't get it. (And by the way, I have an iMac so there's no chauvinism in my attitude.)

There's not a lick of logic in Vladimir's exposition of Microsoft's villainy. His basic contention is that Microsoft, this wildly successful provider of services, discourages the use of competing auxiliary software like Web browsers and instant messaging, which customers would have to buy separately, at extra cost and risk technical problems. So? When the pain of incompatibility exceeds the gain provided by nimble software — don't worry — Billy G will get the message in his pocketbook like you get a 6 a.m. wake-up call on your clock radio. He'll be forced to mount that OS on a disc and make it a frisbee.

"They should require the software monopoly to expand consumer choice," says Vladimir L. Gulp! What a mouthful of nonsense for a *Wall Street Journal* journalist. Expand consu-

continued on page 40

Report

The Party's Over?

by R. W. Bradford

As the Libertarian Party's membership plunged and it neared bankruptcy, its headquarters staff gave themselves "outstanding" performance reviews and "extraordinarily generous" vacation packages. Now, it looks like the party is over.

The question of whether the newly elected Libertarian Party National Committee and national chairman would deal with the national party's increasingly serious crisis appears to have been answered at the meeting of NatCom's executive committee on Aug. 21. The meeting, conducted by telephone, focused on setting the agenda for the Sept. 21 meeting of the full National Committee, but its real subject was the deepening financial crisis of the national LP.

The first item on the Executive Committee (ExCom) agenda was the treasurer's report. The party, treasurer Deryl Martin reported, had $71,000 on hand and current liabilities of $216,000. Chairman Geoff Neale reported that its situation had deteriorated by $45,000 during the previous 19 days for reasons which he did not understand.

These figures did not include certain liabilities, including more than $105,000 in payments to staffers for unused vacation time, accrued under what party secretary Steve Givot called an "extraordinarily generous" vacation time policy which had been established without the knowledge of the party's officers or directors.

And there were other irregularities: headquarters staff "acknowledged" that they had not deposited certain convention revenue into the convention account and had used the convention funds for other purposes. After listing a variety of reports he had requested from headquarters and apparently not received, Martin said, according to the minutes, that he "no longer has any faith in any reports that he is being presented by staff" and that he personally doubted some of the financial information that staffers provided him.

The committee passed a motion directing the party's outside auditors to prepare a written report on the "accuracy of account receivables on our books as well as the effectiveness and propriety of the accounting controls in place by staff to accurately record and report such information," together with "a written statement from our auditors as to exactly what was included in *each* of their past three audits to confirm the accuracy of any accrued liability for vacation or sick time as well as a quantification of how much of each appeared on our financial records in the audited statements."

The committee passed a motion mandating a subcommittee to examine and report to the National Committee details of the staff's accrued overtime, sick leave, and personal leave; copies of all employee manual and procedures; "copies of all operational/procedures manuals, if they exist" and a list of employees and their job descriptions. Next the committee moved to have executive director Steve Dasbach provide a "mid-year assessment . . . regarding progress on all metrics . . . for which an employee is considered responsible" and projections of revenue and expenses for the balance of the year.

The committee then passed additional motions requiring that Dasbach prepare a report on how money has been raised and spent, including an explanation of any figures that varied by more than ten percent from the budget. Next

it considered a motion to have Dasbach prepare a "cost benefit analysis of all projects that have had the benefit of a special fund raising appeal . . . detailing the funds raised, in what manner they were raised, across what period of time, the direct cost of funds, . . . indirect costs, . . . staff time involved, and the results achieved as they relate to metrics for 2002." At this point, treasurer Martin reiterated that "he does not feel that he can trust the responses that staff will provide to such requests to be accurate," and Chairman Neale said that "if he were in staff's position and saw a similar request, he could conclude that he should be 'packing his bags.'" The motion passed.

Treasurer Deryl Martin reiterated that "he does not feel that he can trust the responses that staff will provide to such requests to be accurate."

But there was more. Dasbach was told to prepare an "updated" report on Project Archimedes, the direct mail membership campaign conducted in 1997–98 which was systematically misrepresented by party staffers to both the membership and the National Committee, and he was told that this report must be "a side-by-side comparison of numbers rather than an anecdotal report or summary." Then he was ordered to prepare a "summary" of how much time he had spent on each major item in the budget. Neale expressed concern that employee reviews showed "uniformly strong performance," something very unusual in his past business experience. Next, the ExCom told Dasbach to prepare detailed plans for cutting spending at the national office by $10,000, $15,000, and $20,000 per month. This report, and all the others, were to be delivered to the NatCom members by Sept. 7.

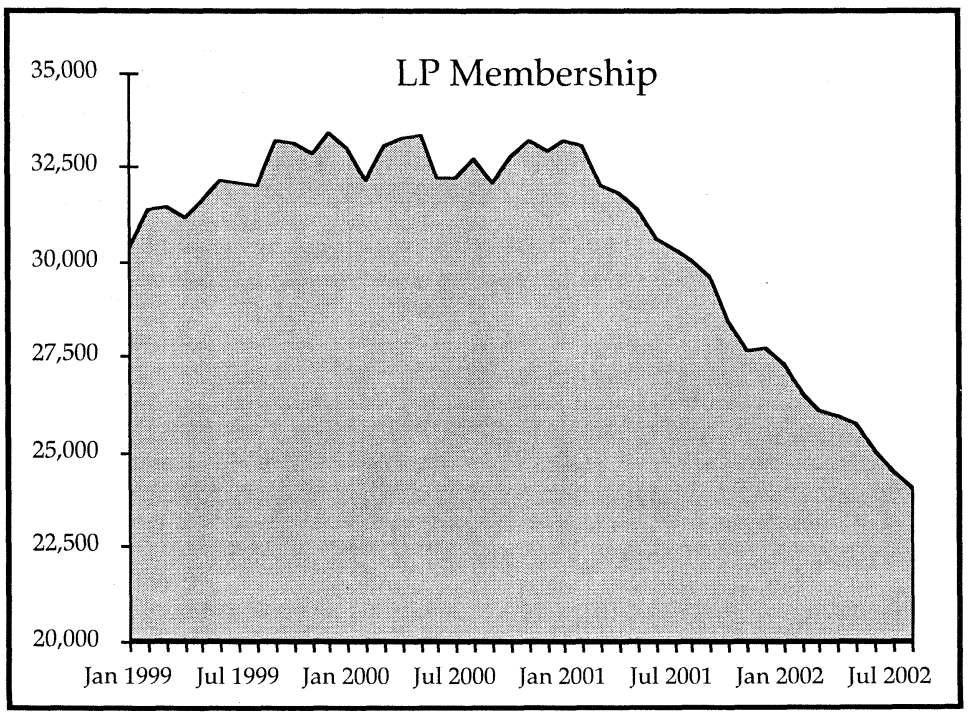

Finally, ExCom decided that, to save costs, the only staffer who should attend the Sept. 21 NatCom meeting should be Dasbach and that no refreshments should be provided at the meeting.

The bottom line was as plain as plain could be: NatCom intended to find out what had gone so terribly wrong, and the LP's staff and especially executive director Steve Dasbach were going to be held accountable for the situation. The party had serious financial problems, party staffers had misused funds, failed to provide accurate information to the National Committee and treasurer, had adopted an "extraordinarily generous" policy regarding vacation for themselves, and could not be counted on to provide accurate information about what they were doing and how they were spending money.

As the party's chair said, the staff should be "packing its bags." A few days later, Dasbach, who had been working on a month-to-month basis, submitted his resignation.

The National Committee met on Sept. 21, as scheduled. Dasbach had failed to get the reports to NatCom prior to the meeting, so members were not as prepared to deal with the situation as they had intended to be. Most of the meeting was conducted in executive session (that is, with the press and public barred from attendance and members prohibited from talking about what had happened with anyone other than other members). Our reporter got only the sketchiest information, and the draft of the minutes contained little detail. The draft summary of the two-day meeting was less than a page long, compared to five pages for the minutes of the much shorter ExCom meeting. Perhaps the executive sessions and sketchy summary were products of an understandable reluctance to air the party's dirty laundry in public. Or perhaps the secrecy was the product of the unreliability of the information in Dasbach's reports.

The minutes did report that the committee had passed two resolutions: one to accept Dasbach's resignation, the other acknowledging its financial difficulties, advising members that it is trying to deal with them, and asking for "understanding and support" from members. The actual contents of the various reports that Dasbach was asked to prepare, as well as further information about the situation at party headquarters and the party's finances, were all discussed in executive session. Our reporter spent most of his time outside the meeting room while the committee met in executive session, and obtained information on only one discussion that did not show up in the meeting summary —

a discussion of a proposal to make the LNC's email list private. The proposal was tabled, because of fears that such an unprecedented move might give the appearance that the board is acting in secret.

If the items discussed at the ExCom meeting were followed up during the secret proceedings of the National Committee — and all indications are that they were — it appears that the National Committee is ready to fulfill its responsibility to oversee the party's national office. One person who was at the closed sessions told me that the LNC members felt like they were jurors and that Neale and Martin presented the evidence of mismanagement, incompetence, and worse at the national party's headquarters so compellingly that members felt they had no choice but to convict.

The days of staffers giving each other "outstanding" and "superior" performance reviews and "extraordinarily generous" vacations even while the party was edging toward bankruptcy seem to be coming to an end. As we go to press, a reliable source has told us that several other staffers have decided to resign.

George Phillies, who ran for the party's chairmanship as a more radical reformer than Neale, fears that NatCom has not done enough. "Geoff Neale ran for National Chair as a businessman, not a leader," he said. "He inherited a party operation in extreme disarray, with hundreds of thousands of dollars of debt. He has spent his time on operations, not communicating with members. Membership and revenue continued to plummet. The message 'there's been a serious change at National' still needs to be sent."

Phillies blames the mess at headquarters on 1996 amd 2000 presidential candidate Harry Browne's "dream team" of party leaders — Perry Willis, David Bergland, Steve Dasbach, Bill Winter, and Ron Crickenberger. "They turned out to be the 'nightmare' team: giving the party falling membership, declining revenues, escalating debt."

Michael Cloud, who was part of the Browne team until he decided to concentrate on political activities in Massachusetts, disagrees. He told me that cash shortages are quite normal in election years, and that treasurer Martin is a "liar." When I asked him whether he really meant this, he said that he did indeed, and that Martin actually did trust the party's staff to prepare accurate financial reports, and

Chairman Geoff Neale said that "if he were in staff's position and saw a similar request, he could conclude that he should be 'packing his bags.'"

was lying when he said that he didn't. In Cloud's view, the party's problems stem primarily from no longer having Perry Willis working for it. Willis, you will recall, was repudiated by the party after it was discovered that he had consciously violated his employment contract as the party's director by secretly working to help Harry Browne obtain the party's presidential nod.

Party members will judge for themselves how much credence to place in these views. What must be clear to everyone is that the party will no longer be able to function as it has in the recent past, and veil its incompetence behind a curtain of jiggered books and rosy promises of future progress. ❑

Eric Dubiel assisted with this article by reporting on the LNC meeting.

"Unbundle Thyself," from page 37

mer choice? That's a governmental prerogative? What Bill of Rights, what Declaration of Independence does Vladimir or the federal court read? Show me the words, please.

Here's an analogy. General Motors manufactures vehicles — including an operating system called a Chevy. Well, what if Chevy only sculpted their rims for one kind of tire — say Michelins. Or say the General Motors CEO called up the Michelin CEO and said, "Mich, tell you what I'll do. I'll put a notch and groove arrangement on my rims such that only Michelins fit. In return you must only sell Michelins to *me*. Your tire will be the original equipment. Your tire will be the *only* equipment forever and ever. And you and I and our 20 million shareholders will be happy and rich forever and ever."

Would GM do that? Why not? Some consumers who want a Goodyear tire would cold-shoulder the Chevy. The price of incompatibility in their eyes would outweigh the attraction of that nifty Chevy. Drivers who want a *choice* of original or replacement rubberware will avoid Chevies like they avoid a ditch beside the highway.

The consumer rules! That's as it should be. It's called a free marketplace.

And what about that sound system and temperature system in my new Chevy? Wonder if it's made by Chevy or any manufacturer with whom they've made a deal. Wonder if a Bose (my preference) is compatible with a 2002 Chevy? Of course it is, for a price. So is X, Y, and Z with my Windows OS.

How about your daily newspaper with your favorite columnist? How about *The Wall Street Journal* that hosts Mr. L? He's as bundled as a Microsoft OS. I must buy the whole *Wall Street Journal* to read Vladimir. Why can't he be forced by a consumer-friendly government to unbundle his column? Microsoft, says the courts, "violated the antitrust laws by integrating its web browser into its Windows OS in an effort to freeze out other browsers."

Well, substitute Vladimir L's column for Web browser and *Wall Street Journal* for the Windows OS and it's a "gotcha!" If I want to read Vladimir, I must buy the entire *Wall Street Journal* to get his words. What about Trevor T? He's a really sharp computer columnist, but he doesn't write for the *Journal*. How fair is that to a technology-hungry consumer? Why don't they make Vladimir unbundle himself?

I just don't get it. We should take this choice out of the computer user's hands and place it before a federal judge who thinks a browser is a large quadruped that loves clover? Why doesn't he go after Campbell's Corporation — they've been getting away with bundling pork and beans for years. ❑

Reviews

Escape From Leviathan: Liberty, Welfare and Anarchy Reconciled, by J.C. Lester. St. Martin's Press, 2000, 246 pages.

Is the State Dispensable?

Kyle Swan

In the 1963 movie *The Great Escape*, Charles Bronson, Steve McQueen, Richard Attenborough, and James Garner are allied prisoners who devise an elaborate plan to tunnel out of Zagan, an "inescapable" Nazi prison specially designed to house "problem" POWs. J.C. Lester has designated for himself an only slightly less formidable task. Instead of Zagan, he intends to break free of Leviathan. He wants to escape the notion that a state is necessary to protect individual liberty, property, or welfare.

This is a version of radical libertarianism, according to which, in practice and in the long run, economic rationality, interpersonal liberty, human welfare, and private-property anarchy do not conflict. I think that this "extreme compatibility thesis" is probably false — perhaps Lester would even agree (p. 5) — but his defense of it manages to give it more than a veneer of plausibility. This is a wonderfully effective way to pull off a piece of philosophy and engage the casual reader.

Bold conjecture is the order of the day. Following this, Lester presents highly nuanced and sophisticated defenses. Some might recognize this approach as critical rationalism, the epistemology Karl Popper advocated. The method is anti-foundationalist in the sense that Lester's compatibility thesis isn't justified in terms of other beliefs that are true and/or reasonable. Instead, his thesis is simply held out hypothetically, unsupported, and exposed to attempted refutations and possible falsification. I have doubts that this epistemological method is the best we can do. I don't see why there can't be a transfer of justification between two propositions, one of which is grounded in the other. Someone clever enough should be able to do this in a case for libertarianism. (Loren Lomasky identifies its foundation in a particular theory of practical reason in *Persons, Rights, and the Moral Community*. Alas, Lomasky's is no radical libertarianism.) Lester's book is engaging enough, though, that I'm willing to play along.

But making two (or even three or four) ideas logically compatible with each other doesn't have to be especially difficult. For example, and one that Lester discusses, determinism might be compatible with people having free will. To be sure, the conception that a free will is one that is not determined by anything external to the agent isn't compatible with determinism. But that conception isn't the only one available. Instead, one might opt for a conception according to which one's will is free so long as it isn't interfered with, or compelled, by others. Determinism presents no logical problem for this conception of free will (or perhaps more precisely free agency). The very obvious point is that it may be very easy to make a set of terms logically compatible with each other simply by defining the terms in such a way that they don't conflict.

This raises three important questions for Lester. Firstly, how does he define the relevant key terms: economic rationality, interpersonal liberty, human welfare, and private-property anarchy? Secondly, do these concepts, as he defines them, conflict in practice? Finally, are his definitions of these concepts plausible? These questions suggest two ways to offer a refutation of Lester's thesis. On the one hand, someone might claim that there is, in fact, a conflict in these ideas, even on Lester's particular account of them. On the other hand, someone could show that Lester has offered one or more truncated, incoherent, or otherwise implausible definitions. If this is the case, it might occur to someone that the compatibility thesis is threatened when the key terms are suitably redefined.

Lester is clear and forthright about his definitions: "'interpersonal liberty' is 'not being imposed on by others'; 'general welfare' is 'people having their unimposed-wants satisfied'; 'market-anarchy' is 'unrestricted libertarian trade'; and the underpinning conception of 'rationality' is 'agents always attempt to achieve what they most want under the perceived circumstances'" (2–3). Not being imposed on, or interfered with, by others

not only seems compatible with unrestricted libertarian trade, it also seems to presuppose it. If that's right, and it's true that agents always attempt to achieve what they most want, then it seems right to think that they'll generally succeed in satisfying their unimposed wants. It sounds utopian, but according to Lester, this could work in practice, at least in the long run.

Is it all so simple? Why do we see so much poverty, homelessness, environmental catastrophe, unemployment, and so many other social ills? Lester has a ready answer, familiar to libertarians: "If you tell me what most worries you about the world, then I can often tell you how politics is the sole cause of it, or how politics considerably exacerbates it." (1).

Lester's is the best defense of radical libertarianism I've seen. I was surprised by how many times over the course of reading the book an objection I had been considering was put to rest by one of Lester's defenses. This is a testament to both Lester's philosophical ability and the depth he attains in the book. However, a critical rationalist is presumably interested in a bit of criticism.

Lester displays a cunning knack for anticipating criticism and responding to it. Along the way, he treats the reader to a wonderful mixture of philosophical sophistication and hard-nosed libertarian policy advocacy.

I'll restrict myself to two modest ones. First, I think that either the four ideas are not strictly compatible, or, if they are, the compatible thesis becomes somewhat trivial. Secondly, I disagree flat-out with one of Lester's definitions.

Consider first a way in which Lester's conception of liberty might conflict with his conception of welfare or private-property anarchy, namely, that it may be very hard indeed for one to pursue one's welfare or employ one's property without imposing on others. Lester recalls the issue raised by David Friedman that "turning on a light or striking a match can send photons onto the property of others, so, given absolute property rights, one cannot even do such trivial things without the permission of everyone affected" (73). A possible way to handle such cases would be to claim that liberty is not compromised when an imposition is legitimate or when it accords with a just or morally acceptable procedure. But Lester closes this door. He no doubt has many moral commitments, but he purposefully refuses to allow them any role in his arguments, which only go to the objective compatibility of the central ideas.

But that objective compatibility seems threatened by this case and an indefinitely high number of cases like it. In this particular case, a theorist seems forced to choose between an individual's absolute control of property and perfect liberty. The choice Lester apparently prefers is to give up perfect liberty: "Libertarianism need not pursue perfect liberty in cases where, as a matter of self-evident and ineluctable fact, perfect liberty is entirely unattainable. In such cases, libertarianism may consistently demand just that social arrangement which will yield the maximum liberty that is practically feasible" (74). In this passage, Lester admits the possibility of cases where his definition of liberty conflicts with his definition of private property. Given the existence of such cases, it would not be difficult to imagine cases in which liberty would also conflict with people's having their unimposed wants satisfied. Because of such conflicts, Lester decides to retreat from his proffered definition of liberty, "people not having a subjective cost initiated and imposed on them by other people" (58), to a different one where impositions on others are to be minimized. It turns out that "liberty admits of degrees" (59).

What will determine in these cases the extent to which impositions will be permitted? Presumably, in cases where the perceived conflict is between individual liberty and private property, it will be just those impositions that are compatible with protecting another's property. Lester's discussion of copyrights is relevant here; he argues that they be protected in perpetuity (95 ff.). There are certainly some cases where this would impose costs on some who do not own the copyright, even those who, for example, won the race to the idea, but lost the race to the copyright office, or arrived at the idea later than, but independently of, the copyright holder. But such impositions are compatible with, or even required for, protecting property (and, according to Lester, the general welfare).

So Lester has achieved a kind of compatibility in these cases between private property and the maximization of individual liberty. But he has done so by rendering the compatibility thesis into something far less impressive. The bold conjecture he began with is weakened to the more judicious claim that liberty must be compromised in order to secure strong property rights. But who would have doubted this? Who would deny that private property is compatible with as much individual liberty as is attainable when perfect liberty (as Lester defines it) is unattainable? Besides, Lester actually had a choice here. Instead of allowing the protection of private property to condition the "amount" of individual liberty, he might have done the opposite. Perhaps his discussion of patents is relevant, since in the case of patents, he seems to do just that. While copyrights are given very stringent protections, Lester restricts the employment of patents. "If someone arrives at an idea that would otherwise probably have been arrived at by another person in, for instance, about a year, then he can have a full libertarian patent for only about a year (the kind or amount of investment involved is irrelevant to any claim)" (98).

Lester's is the best defense of radical libertarianism I've seen.

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I think Lester's definition of rationality is implausible. Lester basically accepts

the mainstream economist's conception of rationality as self-interested utility maximization, but with an amendment. Rather than taking the standard, objective, empirical approach to instrumental rationality, he opts for the "Austrian," subjective, aprioristic approach. The view on this approach amounts to the claim that "introspection and reason show that agents are instrumentally rational in the sense of being purposeful maximizers" (14); "to act at all is to do what one most desires, most wants, or thinks it best to do" (24). According to Lester, "This a priori sense does not imply egoism . . . " (11). The amendment is supposed to render the notion of instrumental rationality more realistic and therefore lend more credibility to the "conclusions of the (generally pro-market) economists, the conceptions of liberty and welfare, and thus the compatibility thesis" (2).

However, there is a simple and often-employed example that tends to cast doubt on Lester's definition: "agents always attempt to achieve what they most want under the perceived circumstances" (3). He wants to capture the idea that to say A has a reason to do X means simply that A has an unimposed motive or desire that is furthered by doing X. But what if someone has a desire that is based on a false belief? I believe there is a glass of juice in front of me, which I want to drink. Actually, in the glass is gasoline. Do I have a reason to drink it? The right answer is no, since drinking it doesn't satisfy any desire I have (it rather conflicts with a pretty important one). But I would have been attempting to achieve what I most wanted under the perceived circumstances. My desire and actions makes perfect sense if I do drink the gasoline, but that's different than whether or not I had an objective reason to drink it. If I did know what was in the glass, I'd judge myself not to have any reason to drink from it. There would be no motive or desire of mine furthered by doing so.

The answer to the important question about what someone has reason to do, then, seems to require that he have full information and impeccable reasoning skills. What someone has reason to do is what he would now want to do on the whole if all the consequences of all the different lines of conduct open to him were accurately foreseen. This supposition is wildly unrealistic, so doubt might be cast on the generally pro-market conclusions of economists and thus on the compatibility thesis.

My guess is that Lester has ready responses to these criticisms. Throughout the book he displays a cunning knack for anticipating criticism and responding to it. Along the way, he treats the reader to a wonderful mixture of philosophical sophistication and hard-nosed libertarian policy advocacy. Everything from interpersonal comparisons of utility, weakness of will, and the problem of altruism, to issues of social justice and equality, criminal justice and the law of torts, discrimination, and intellectual property receive thoughtful treatment.

Discover *Why Freedom*, By Jason A. Junge

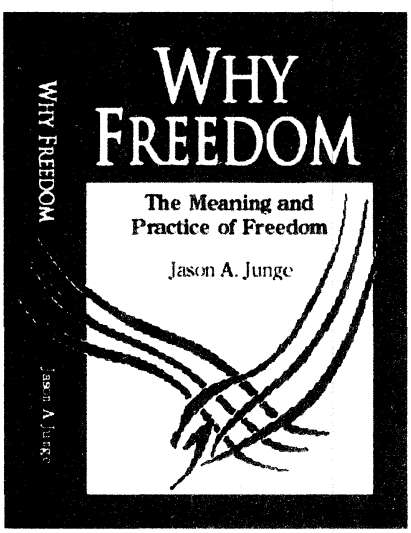

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In all of this, I think Lester does a good deal better than Steve McQueen and his cohorts. In the movie, all but three were eventually caught and most executed. Even so, it was a great escape. Similarly, the ultimate success of Lester's *Escape From Leviathan* isn't that he actually escaped the all-powerful state. It's like McQueen's try to escape his pursuers by jumping over a fence, but instead landing in a pile of barbed wire. Pulling the twisted metal from his skin, he smirks. Caught. But not done in. ❑

***A Personal Odyssey*, by Thomas Sowell. Free Press, 2000, 308 pages.**

The Soul of an Economist

Jane S. Shaw

I almost missed this wonderful book. Bruce Ramsey's review in *Liberty* (January 2001) is the reason. Ramsey started off making the book very attractive. With vivid anecdotes, he described how young Tom Sowell became "gifted at the art of putting down bureaucrats, bluffers, and mediocrities." And Ramsey told a story that might be emblematic of Sowell's approach to life — how, as a Marine, he got away with not cleaning his rifle, a tedious two-hour task that every Marine was supposed to do every day.

But Ramsey concluded his review warning the reader not to expect anything really personal here. "His biography is not about his feelings or his thoughts about the big questions of life. Much of it details a progression through classrooms, and searches for jobs in which he does not have to work for idiots. This will disappoint some readers." And this tocsin was echoed by a statement in the book's preface: "I promise not to bore the reader with my love life." Well, there are many books to read. I concluded that this book would be somewhat dry and academic and put it aside.

For some reason, I recently took *A Personal Odyssey* on a long airplane trip. I was thoroughly absorbed. All the way to Cancun, I alternately laughed and wept. Since reading *A Personal Odyssey*, I have had a conversation with another reader of the book. We found ourselves retelling the best stories to one another, even though each of us had read them.

My enjoyment of this book undoubtedly has something to do with my high esteem for Thomas Sowell. For those who don't know much about him, Sowell is one of the foremost American economists. He wrote a classic of our era, *Knowledge and Decisions* (strangely missing from the list of his books at the beginning of this one), which builds upon the famous essay by Friedrich Hayek, "The Use of Knowledge in Society." He unpacks Hayek's insights to illuminate most of the problems of modern "liberal" society, from how justice is meted out to why people resist markets. And Sowell has done much more than that. For example, his *Conflict of Visions* helps us understand how a chasm between two views about human nature explains many of the intellectual conflicts in modern history; and his *Visions of the Anointed* illustrates how modern "liberals" succeed in maintaining their hold over so many people's thinking.

Yet in spite of his achievements, Sowell has been an object of intense hostility from intellectuals and the media. During the early 1980s, when reporters and editorial writers sought ways to picture Ronald Reagan as benighted and conservatism as malicious, they treated African-Americans who did not toe the Democratic Party line as turncoats to their race. Although Sowell, an African-American, was not politically active, he was outspoken. In books, articles, and interviews, he failed to treat blacks as victims. He even pointed out some peccadillos, as when he noted that Patricia Harris, HUD secretary in the Carter administration and an African-American, had belonged to a sorority that accepted only light-skinned girls. (This caused an uproar and led Sowell to conclude that it is not criticism that hurts, but truth.)

Anyone who respects Sowell as I do naturally wants to know more about him, and this book tells it. No, not about his love life, but about a brilliant person with apparent handicaps (his race, his poverty, and his unwillingness to suffer fools being the leading ones) making his way in the world. As Ramsey noted, the rich collection of anecdotes begins with Sowell's early life in a black neighborhood in Charlotte, N.C., moves through his turbulent adolescence in Harlem, and then records his many — also turbulent — experiences as an economist.

Sowell's early life was spent resisting authority.

From the first chapter, almost every page — no, every paragraph — turns up something interesting. For example, Sowell's early world (he was born in 1930) consisted almost entirely of black people. He didn't realize until his family moved to New York when he was 9 years old that most of the people in the United States are white. In Charlotte, his aunt Ruth worked as a maid in the home of a white family. Accompanying her there, he noticed that the kitchen had two faucets. "They sure must drink a lot of water around here," he commented. Ruth explained that the family had hot running water.

Much of Sowell's early life was spent resisting authority. Exactly why, I don't know, but his uncanny insight into bureaucracy and his skepticism

about people's motives fueled his rebellion, while also enabling him to get away with it. When he lived in Harlem, he had numerous confrontations, first with teachers and then with the court system. At one point, a teacher told him to pick up a magazine that had fallen to the floor after some roughhousing in the classroom. Stating that he hadn't put it there, he refused. The teacher snatched the report card he had just received and, holding her grading pencil, threatened to deduct ten points from every grade on it. Confident that she could not change the official grades recorded in the school office, he told her just that. Wilting, she threw the card back on his desk.

Sowell didn't realize until his family moved to New York when he was nine that most of the people in the United States are white.

How this truculent teen, who left home at age 17 with his possessions in a cheap cardboard suitcase, became a prominent economist is the burden of this book. Many of Sowell's recollections must have stuck in his mind because they taught him something, such as bureaucracy (his treatment by Columbia University introduced him to "academic ethics") and learning (a statement he read by mathematician Charles Sanders Peirce taught him to "avoid having your own definitions trap you in beliefs that would not stand up under scrutiny").

Some stories intertwine his professional, intellectual, and personal life. For example, while he taught at Cornell, Sowell became increasingly concerned about his son, who was approaching age four and still could not speak. At the same time, Sowell faced the last step of the arduous Ph.D. process at the University of Chicago, foreign language examinations in French and German. Rather than having to return to Chicago for these, Sowell was allowed to take the examinations from a visiting professor from Mississippi, Earl J. Hamilton.

In the course of their conversations, Sowell told Hamilton about his despair over his son. The professor assured him that if he just accepted his son, gave him love and attention, and stopped pushing him to talk it would turn out all right. Sowell changed his attitude and, indeed, before the final examination in German, his son had begun to speak.

At the end of the German oral, Hamilton said, "You are a free man." Sowell comments: "The irony was not lost on me that I was being set free by a white Mississippian. He had also set my son free — from silence." Sowell's son turned out to be extremely gifted in mathematics, and Sowell wrote a book called *Late-Talking Children*.

Sowell's objectivity about race did not mean that he was indifferent to the fate of black children who lacked opportunity. At Cornell in the 1960s he created a summer program that was designed to help African-American high school students prepare for college. But he quickly found himself at odds with the emerging *Zeitgeist* of the period, which held that any disadvantaged minority students deserved the best remedial education that could be

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Sowell wanted to recruit the most talented and most motivated minority students. He prevailed initially, but not for long. When one student slacked off, Sowell wanted to dismiss him. But the department chairman overruled him, and the reduced expectations had a destructive effect on the motivation and morale of the other students. Sowell never repeated the program.

Certainly, if Sowell had a more accommodative personality, his personal odyssey would have been quite different. He might have spent more time in university faculty meetings or in government offices, and he might have become a more popular figure. Instead, he became known as reclusive. On the favorable side, however, his choices left him more time for his writing, time that was well spent in creating masterful works. As Bruce Ramsey said, "those who know Sowell's work will find value in this book . . ." No caveats needed. ❑

***The Greenwich Village Reader: Fiction, Poetry, and Reminiscences, 1872–2002*, edited by June Skinner Sawyers. Cooper Square, 2002, 727 pages.**

***SoHo*, by C.L. Byrd. Doubleday, 1981, 511 pages.**

Literary Neighborhoods

Richard Kostelanetz

If only for the richness and variety of the selections, *The Greenwich Village Reader* transcends all previous books known to me about the subject, which has always represented to me the closest semblance of libertarian heaven. This thick anthology demonstrates that a compendious compilation can sometimes treat a subject more thoroughly than a volume written by only one person. Among the authors selected are Henry James, William Dean Howells, O. Henry, John Reed, Theodore Dreiser, Djuna Barnes, Edna St. Vincent Millay, Joseph Mitchell, Chandler Brossard, Lionel Trilling, Anatole Broyard, Sinclair Lewis, Mary McCarthy, Judith Malina, Edmund Wilson, Michael Harrington, and Madison Smartt Bell. After I read it from cover to cover, the only major omissions occurring to me are my late friend Ned Polsky's "The Village Beat Scene," which was reprinted in his book *Hustlers, Beats & Others* (1967), and anything about Village music or modern dance.

In her introduction, the book's editor circumscribes Greenwich Village with Broadway to the east and West Houston Street to the south, implicitly clarifying that the neighborhoods to the east and south have always been different in ways not immediately apparent, especially to those residing outside New York.

East of Broadway, which was called the East Village in the early 1960s, had inferior housing stock, more ominous streets (particularly in its eastern precincts), and immigrant populations. As the West Village became increasingly gentrified during the mid-20th century (and cheap rents there became scarce after 1970 or so), the East Village succeeded it as a genuine bohemia dominated by political and social radicals with a scattering of writers and even fewer artists. Rock 'n' roll, for instance, had a presence in the East Village while the West was more hospitable to jazz. The only authors born after 1940 living in the West Village nowadays are slicksters and journalists.

By contrast, the neighborhoods to the south of Greenwich Village are something else. That area west of West Broadway has less definition with modest residential buildings east of Varick Street (extending Seventh Avenue south) and offices to the west of that dividing line. (Viking-Penguin inhabits a Saatchi edifice on Hudson Street, extending Eighth Avenue.)

The neighborhood south of West Houston Street but east of West Broadway became known as SoHo in the late 1960s. In its heyday, it was not a bohemia like the Villages, but something else — an artists' colony. However, whereas most American artists' colonies were built on empty land, like Fire Island, or in under-populated hamlets, like Provincetown or the Springs, SoHo was made in empty industrial spaces. And, unlike previous colonies, SoHo was home not to dozens of artists, but to hundreds, if not thousands. If a typical Village apartment had, say, 700 square feet, the minimum legal space in SoHo was 1,200 square feet. Some artists lived and worked in as many as 11,000 square feet. (My own home had 1,900 square feet, giving me space enough for 16,000 books.) One measure of the difference between a bohemia and an artists' colony is that writers are scarce in the latter and political radicals even scarcer.

SoHo was home not to dozens of artists, but to hundreds, if not thousands.

What SoHo artists also discovered was ways of successfully inhabiting open space, creating a model for well-

heeled people who would have previously preferred an apartment with many rooms. Once they wanted such interiors for themselves, prices for both renting and buying in SoHo escalated spectacularly. By 1980, aspiring artists settled elsewhere, initially to areas east of SoHo and later to outlying burgs.

The point of this digression is that an East Village reader, which someone ought to do, would have different contents, probably beginning with chapters from Henry Roth's *Call It Sleep* (1934) and including writers who initially published in languages other than English. A SoHo reader would likewise be yet something else.

❖

SoHo is the name of a novel published in 1981 by C.L. Byrd, identified on the dust-jacket flap as "the pseudonym of two writers closely involved with the New York art world." I didn't notice it when it first appeared. Nor does anyone I know remember it. A postal card that I send to "Byrd" at Doubleday, asking their real identities, did not get a reply.

One measure of the difference between a bohemia and an artists' colony is that writers are scarce in the latter and political radicals even scarcer.

I inadvertently discovered *SoHo* last year while surfing the Internet and purchased a used copy that had previously belonged to a library in Stony Creek, Conn. The library slip attached to my copy's back page reveals it was borrowed nearly 20 times between 1981 and 1983, one satisfied reader perhaps recommending it to another, and then only a few times since.

In my copy is pasted the promise, apparently from promotional literature, of:

> a multigenerational saga of a family of Jewish immigrants and their success in the worlds of business and art. When Eli Dansky, a six year-old Russian Jew arrived in New York with his mother in 1913, the area of Manhattan just above the financial district was known as "The Valley," for its lack of tall buildings created a dent in the soaring skyline. But in the next generation things were to change for both the family and the area — fortune and family feuds for Eli, the bohemian atmosphere for a rapidly growing cultural and artistic center for SoHo. When finally the family future seemed assured, the past reappears, as haunting and dangerous as the empty shells of buildings surrounding the Danskys. Rich in period detail, with colorful characters and an intriguing plot, the novel, recounting the family's rise above its immigrant origins, will appeal to a broad spectrum of readers: New Yorkers, Jews, immigrants, and art lovers alike.

A bestseller *SoHo* surely wasn't. This is unfortunate. *SoHo* has knowledgeable descriptions of the neighborhood in the mid-20th century, including characterizations of the kinds of entrepreneurs who dominated a turf

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beneath the radar of large corporations — not only manufacturers of buttons and small landlords, like the Danskys, but gallerists and restauranteurs, not to mention artists both successful and not. Mike Fanelli's venue is accurately described as "a small, friendly bar — like a saloon in a fin de siècle photograph — with signed pictures of boxers hanging on one wall. The customers were predominantly blue-collar workers from the neighborhood, though it was hard to distinguish them from the artists among them, who wore proletarian denim shirts and dungarees or overalls."

Consider the accurate evocation of Canal Street on a weekday in 1966:

> A number of stores had, in effect, burst and spilled out onto the street, so that their wares were displayed in irregularly ascending rows of trays and boxes — some resting on trestles, some on other boxes — in the way that fruit and vegetables were arranged outside old-fashioned greengrocers. In front of one store were containers of vacuum tubes, condensers, transformers, loudspeaker cones — everything the radio or hi-fi enthusiast could require — the price of each item boldly stated on a hand-lettered card. Another shop offered plumbing supplies — mundane objects that became exotic isolated out here on the street — and a third displayed sneakers, sandals, and several kinds of work boots, all crowded onto a kind of miniature bleachers. A cascade of legal pads, ledgers, typewriter ribbons, old calendars, pencil sharpeners, ink pads, and desk lamps overflowed from an office supply company. Nearby were rolls of garden hose, brass rods, hacksaw blades, nuts and bolts, hatches, frying pans, bathroom cabinets, casters, door handles, toilet paper holders — the contents of a hardware store that had been turned inside out — and next to that a cluttered assemblage of electric motors in all sizes and shapes.

This is so wonderful I wish I wrote the passage; that's why I quoted it at length.

Having read the book from beginning to end, all 511 pages, during a long airplane flight, I still wonder who wrote *SoHo* and so publish this appreciation in part with the hope that "C.L. Byrd" will identify themselves. ❑

Principles and Heresies: Frank S. Meyer and the Shaping of the American Conservative Movement, **by Kevin J. Smant. ISI Books, Year, 348 pages.**

Prophet of Liberty

Martin Morse Wooster

Get a bunch of libertarians together, and you'll usually find that one of the perennial topics of conversation (usually the one just after, "Say, what do you think of Ayn Rand?") is whether libertarians are part of the left, part of the right, or have nothing in common with liberals or conservatives.

My answer is that some libertarians are leftists, some rightists, and, given that there aren't that many libertarians, that everyone should be nice to each other. It's thanks to Frank S. Meyer that we can ask this question. For, as Kevin J. Smant shows in his interesting biography of Meyer, if Meyer had not been active in the 1950s and 1960s, it's likely that the conservative movement would have evolved in a more statist direction. Meyer was the most freedom-oriented of the conservatives that came to prominence with the rise of National Review.

Your interest in Principles and Heresies will depend on how interested you are in the internecine quarrels of conservatives in the 1960s. Smant, a historian at Indiana University (South Bend), isn't that concerned about Meyer's inner life; one gets a hazy sense reading this book of what Meyer was like as a father or as a friend. But what emerges is a very strong sense of what Meyer's ideas were — and why they still matter.

Born in 1909, Meyer spent his early years as a committed Communist organizer. After World War II, he had a crisis of political faith. What appears to have happened to Meyer is that he read F.A. Hayek's The Road to Serfdom and Richard Weaver's Ideas Have Consequences at roughly the same time, and cobbled together a political philosophy that combined elements of libertarianism and conservatism.

Given the shifting nature of Communist doctrine, ex-Communists were very good at defining and resolving arguments. So when National Review started in 1955, Meyer joined on as literary editor, a position he held until his death in 1972. But Meyer was also the conservative movement's chief ideologist, the man who defined to the outside world what conservatism meant.

Meyer's response was to develop a philosophy he called "fusionism," which he explained in his most important book, In Defense of Freedom (1962). In foreign policy, Meyer was a hardline Cold Warrior. Domestically, he was a moderate libertarian.

Meyer did many things that libertarians would admire. He homeschooled his children, in an era when homeschooling was illegal. He had a long argument with National Review copy editor Arlene Croce (who later became The New Yorker's dance critic) in which he said that "liberalism" should be capitalized when referring to current politicians, in order to differentiate them from the classical liberals of the 19th-century. And Meyer opposed the draft — and, in a move quite radical at the time — allied him-

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self with like-minded leftists.

In developing his ideas, Meyer had the tacit support of William F. Buckley. Buckley's views were best explained by Milton Friedman, in an interview with Brian Doherty. Buckley, according to Friedman, is "not a libertarian. But neither is he a socialist. . . . His National Review had a tremendous influence in providing a base for collaboration between the libertarians on the one side and the free-market conservatives on the other." The man who made the collaboration possible, according to Friedman, was Frank Meyer.

Meyer's influence was felt in several ways. According to Smant, National Review editors fought over

Meyer was the most freedom-oriented of the conservatives that came to prominence with the rise of National Review.

many things, at quarterly editorial conferences known as "agonies." One faction, led by William F. Buckley's sister, Priscilla Buckley, and National Review executive editor James Burnham, was what we would now call neoconservative. Burnham and Priscilla Buckley thought that, in order for conservatism to be "respectable," rightists should accept the welfare state in return for a hardline anti-Communist foreign policy. But these editors were usually outvoted by Meyer, William Rusher, and L. Brent Bozell, who preferred a more market-oriented conservatism.

Another sign of Meyer's influence can be seen in an incident that didn't happen. Conservatism in the 1960s defined itself in part by the people expelled from the movement. There was a sharp, nasty break with the John Birch Society and a more nuanced separation from die-hard Southern segregationists.

However, despite the efforts both of such hard-core libertarians as Karl Hess and Murray Rothbard and such statist conservatives as Russell Kirk and Ernest van den Haag, National Review made no attempt to expel liber-

tarians from the conservative movement. Historians can't, of course, explain why things didn't happen, but it's likely that Meyer's argument that libertarians and conservatives had many ideas in common carried the day.

Libertarians, of course, have many differences with conservatives — about defense, drug policy, and the size and purpose of government. But as Smant shows, some libertarians are comfortable considering themselves part of the right. And perhaps Frank Meyer's lasting legacy is to ensure that conservatives and libertarians discuss their differences as a civilized argument between friends, and not as an intellectual heresy that can only be resolved by excommunication. ❑

Booknotes

Too Smart for His Own Good? — I'm not alone, I'm sure, in thinking that a book of cultural criticism should have a substantial biographical note for a writer to establish his or her authority. And so in reading *Smart Jews* (University of Nebraska Press, 1996, 255 pages.), a provocatively titled volume by a writer previously unfamiliar to me, Sander L. Gilman, I looked for signs of authorial authority. None appears within the book itself — other than his report in the preface of an invitation to give lectures at the University of Nebraska. *Smart Jews* also lacks a card page, as it is called, across from the title page, behind the half-title page, where an author can list his previous titles.

Only on the dust-jacket, which might have been eliminated from a library copy, did I find that "Sander L. Gilman is Henry R. Luce Professor of the Liberal Arts in Human Biology at the University of Chicago." All those capital letters notwithstanding, what kind of "postmodern" information is this? Is this particular Gilman (not the drama critic Richard G. or the football coach Sid G.) a cultural historian? A sociologist? A "humanistic" biologist? The nephew-in-law of a media mogul? A pseudonym? A fiction perhaps? Is the lack of conventional departmental designation meant to tell the cognoscenti that this Gilman must be superior to mere profs of one or another recognizable discipline? Isn't the reader abused when told someone is Very Important but not why?

The one-paragraph bio note continues by mentioning four previous "works": *Difference and Pathology: Stereotypes of Sexuality, Race, and Madness*; *Jewish Self-Hatred*; *Anti-Semitism and the Hidden Language of Jews*; and *Inscribing Order*. Those titles don't answer the questions about intellectual authority or even a disciplinary identity as much as display an indisputable taste for certain academic lingo, which naturally attracts those predisposed to the lingo while repelling those who aren't (such as myself).

A professor friend thinks this bio note reflects laziness from both the author and his publisher "because it takes some social energy to imagine an audience and to try to explain to them what your expertise is and how and where you were educated or what you are interested in or any other intellectually identifying mark. Just to name your most recent potboilers and leave it at that is demonstrably lazy." In that case, the bio note epitomizes the principal quality of the book as a lazy compilation with a sharp title. Nothing but nothing is more conducive to pigritude than smugness.

Once I got to the book's footnotes, I noticed that, slight self-identification notwithstanding, modesty is not among Professor Gilman's virtues, as he repeatedly cites his earlier publications. I then began to realize that the book's skimpy biographical note is finally smug — designed to assume that for this Gilman ordinary badges of authority might be unnecessary. This smugness is meant in turn to impress, I guess, those who already know something about Professor Gilman while alienating those, such as myself, who are unfamiliar. What is gained for Gilman or his publisher by such smugness (other than a needlessly circumscribed audience)?

What publishing strategy could be yet more smug? No biographical note at all, of course — just like *Moby Dick*, *Hamlet*, or the Bible.

— Richard Kostelanetz

Gen-X Orphan — Dave Eggers is a young author who is inspired by his personal tragedies, comic family situation, and his fellow twenty-something generation Xers to create, in his own words, "a memoir-y kind of a thing." Eggers displaces the sorrows and anxieties he has as a young orphan who struggles to raise his 8-year-old brother in a memoir whose title is both daring and true: *A Heart Breaking Work of Staggering Genius* (Simon & Schuster, 2000, 375 pages).

Before the action gets started, the preface and acknowledgments demonstrate a masterful piece of prose while setting a comedic tone for the rest of the novel. The story begins with the death of Eggers' parents but quickly changes focus to the aftermath. Eggers leaves his hometown outside of Chicago and moves with his siblings to San Francisco where he encounters a booming generation-X culture. The rest of the story plays out the enormous possibilities of a 21-year-old orphan as he makes his way through the early nineties balancing the role of guardian to his 8-year-old brother, attempting to lead a normal social life and founding and editing *Might* magazine. Those looking for a typically thick plot line will be disappointed after the first few chapters: Eggers deals almost exclusively — yet brilliantly — with everyday events, tangible characters and their subsequent dialogue.

AHWOSG is not a sob story. Eggers copes with the death of his parents by living a life of triumph and comedy rather than defeat or sorrow. Eggers' genius is to be found in his fascinatingly contagious narration voice that reveals his extremely unique and loveable personality. Eggers is very young and as a Pulitzer Prize finalist, has shown potential to be a great American author. However, fans of good writing should be just a little fearful that Eggers may not be able to follow up such a masterful work: *AHWOSG* is hard to beat.

— Thomas W. Bentley III

Letters, from page 6

the WTC attacks. I think there is an excellent possibility that those on board reacted the same way that those on board Flight 11 reacted: by resisting the hijackers. Why wouldn't they? They had nothing to lose. The alternative to trying to thwart the terrorists was to face a death even more certain — and being an unwilling participant in a much greater act of terrorism.

Correction[2]

In "The Geography of Taxes" (September), R. W. Bradford has a problem with his interpretation of the correlation of .32 between gross personal income and state taxes per capita. He noted that "There was an inverse correlation of .32, meaning that lower taxes per capita account for 32% of the increase in gross personal income. This correlation surprised me. While I suspected that a lower tax bite would mean higher growth, I was surprised to see such a strong correlation . . . "

Had he interpreted the correlation correctly, he wouldn't have been quite so surprised. A correlation coefficient by itself is virtually meaningless. It is only when it is squared that it can be interpreted in a meaningful way. $(.32)^2$ yields what some statisticians refer to as the coefficient of determination or the common variance. This is .1024 in this case, and means that that the lower taxes per capita account for only 10.24% of the increase in gross personal income.

This is an all too common error, given the shoddy teaching of statistics in America. I've seen research articles in economics, social sciences, and biomedical journals where the author is gleeful over a statistically significant (at the five percent level) correlation of .14. Alas! When squared that means 95 times out of 100 only 2% of the variance in one variable can be predicted if the distribution of the other variable is known. That's almost as bad as predicting by throwing darts at a wall blindfolded.

After much pressure from guys like me, many editors of research journals have begun to require that the r^2 value follow the correlation in parentheses.

Given my political bias, I would have liked for the correlation to have been .57 which would have made your 32% prediction accurate.

James Lee
Athens, Ohio

Bradford responds: Mr. Lee is correct. I apologize to anyone who has been misled by my article.

Here is how the error occurred. My knowledge of statistics is limited. After I derived the correlation coefficient, I called a former editor who had been our staff expert on matters statistical to ask him just what a correlation coefficient of .32 means. He replied that lower taxes per capita account for 32% of the increase in gross personal income. This seemed dubious to me, as I wrote in the article, so I went to an outside expert. My doubt did not result from any slight statistical knowledge that I may possess, but from my sense that attributing 32% of the increase in GPI to gross taxes per capita overestimated the relationship. Nevertheless, the expert I consulted concurred with the interpretation of our former editor; and I went to press. The mistake, of course, remains my own responsibility. Obviously, I ought to have been more resourceful in having my work expertized.

My thanks to Mr. Lee for pointing out my error.

The Psycho-Epistemology of Wit

I write about Paul Rako's article "Ayn Rand Goes to West Hollywood," (October) about the filming of *Atlas Shrugged*.

But first, a joke; one of the few Objectivist jokes in existence, I'm sure:

> Mr. X: "Did you hear they're going to be making a TV miniseries out of *Atlas Shrugged*?"
> Mr. Y: "Oh, really?"
> Mr. X: "Yes, one segment will be the plot, and the other three will be shots of people listening to John Galt on the radio."

Now, Mr. Rako's suggestion that the above novel be made as porno was a joke, but it was certainly better than his "real" suggestion. I mean, come on: no Eddie Willers, James Taggart, nor Ragnar Danneskjöld, or Midas Mulligan? I'd rather have a porn version of *Atlas Shrugged* out there for people to see because it would generate interest in the book without generating false expectations. At least 90% of porn movies that actually have a plot are parodies, and as such are to be taken with a grain of salt. Noted examples are *The Sperminator*, and *Edward Penishands*.

The movie to be made is not *Atlas Shrugged*, but *Non-Contradiction*. This, of course, is the title of the first third of the novel, and it should be made as close to the book as possible. It would end with the Wyatt oil conflagration, a perfect ending for a movie with a child on the way. If the free market rewards the picture with the capital to make *Either-Or* and *A=A* then they should be made together, to save costs, and released a year or two apart, a la *Lord of the Rings*. If there is anything the movie business likes, it's sequels. Making a gutted version of *Atlas Shrugged* as a single movie doesn't leave any room for any. But you can bet that if all three "*Atlas* series" movies were big at the box office, someone would write a fourth sequel. It might be really (*John Galt: Beyond Thunderdome*) terrible, but who knows?

I'd go to see a film of *Atlas Shrugged*, unless it was porn, in which case I'd rent it.

Paul Scott Williams
Denver, Colo.

Humor Must Be Metaphysically Appropriate

For some time now *Liberty* has been printing flimsy articles about Ayn Rand. Now we are treated to Paul Rako urinating on *Atlas Shrugged*. Given the likelihood that most of your readers, whether Objectivists or not, have found inspiration from this novel, you are driving a lot of them away, including me.

Warren Gibson
San Carlos, Calif.

Rako responds: I apologize if I have offended my neighbor in San Carlos. As I tried to make clear in the article, I read *Atlas Shrugged* when I was 14 and it had a profound effect on me. I have reread it many times since and still find it wonderful. A jaunty piece suggesting a radical simplification of the story for mass consumption is hardly urination. I beg Mr. Gibson not to prove my point that we have no sense of humor, else I must conclude: "I have met the enemy and he is us."

Strictly Speaking

In "The Problem of Original Intents" (October) William R. Tonso makes a mistake about the constitutionality of abortion. The U.S. Constitution defines only the relationship between the federal and state governments and the relationship between government and individuals (the amendments), nothing more. Nowhere does the U.S. Constitution define or regulate the relationship between individuals and other individuals, this is reserved to the states (Tenth Amendment). The Constitution prohibits government encroachment upon individual rights, but it does not prohibit *individual* encroachment upon individual rights.

Abortion, depending on how you view it, is either an individual's action toward herself or an individual's actions toward another individual. So the answer to Tonso's question, "How is abortion a constitutional issue at all?" is simple — it isn't. It is a matter that must be settled by the individual states. Perhaps the only time where federal intervention in the abortion issue is warranted is if state governments *force* individuals to commit abortions without due process of law, which undoubtedly is a blatant violation of the 14th Amendment (and the Fifth Amendment if the federal government is in question).

W.B. Hendricks
San Antonio, Tex.

Abandoning Our Rights

Just as William R. Tonso has it, the Second Amendment "guarantees individual Americans a right to keep and bear arms." It is anachronistic, not because George Will says it is, but because the American people, for time out of mind, have demonstrated beyond peradventure their refusal to use the means appointed. The arms to which the Second Amendment referred were not only the musket over the mantle and the horse pistol in the drawer. The American arms, that the British detachment at Lexington attempted to seize, were powder and cannon. Arms are what armies have.

Enforcement of the Constitution by force of arms involved a particle of risk. One particle too many, evidently, for modern Americans. To avoid the risk, Americans have permitted their government to assume monopoly of the use of force. With force the state extracts money. With money the state creates force. Positive feedback renders said assumption irreversible.

Once you grant to the state a monopoly on the use of force, you no longer possess the option of changing your mind. You are no longer a citizen, Ducky. You are a subject.

Jack Dennon
Warrenton, Ore.

Vice and the Law

Todd Seavey's approach to the cigarette issue ("Freedom of Choice, Cigarettes, and Thomas Szasz" October), i.e. legal laissez faire coupled with social concern, would be an excellent model for a societal response to any form of "self-medication." I use the term broadly, to cover not only prescription and nonprescription drugs but also supplements, alternative, and holistic medicine. Some writers have extended this concept to include consumption of alcohol, tobacco, and illegal drugs, and this makes perfect sense if "self-medication" is defined as ingestion or application of any substance or treatment for purposes of curing an ailment, enhancing health and well-being, *or* altering one's mood, attitude, or perceptions. That last should certainly cover addictive substances, ranging from mildly addictive ("happy hour") to severely addictive (heroin addiction as Seavey describes it), and is obviously not always compatible with conventional ideas of health and well-being. So for purposes of definition at least, we have to fall back on each individual's concept of what *they* need in any given circumstance i.e., not argue with their reality or their felt needs. This sounds like total subjectivism, but we don't give up at that point.

Seavey is absolutely correct in that social concern is not the same as social "policy" (read "laws, crime, and punishment"). The goal should be to minimize coercive social policy down to the "libertarian" level while heightening social concern. It should be clear, moreover, that social policy is not always *based* on social concern, and this makes it especially difficult to root out. If it were based on genuine social concern, one would expect, even in an authoritarian system, to see a rough correlation between the direct social impact of a given form of self-medication and the degree of restriction on it, or the severity of punishment for doing it. Instead, we have notorious mismatches, like that between tobacco and marijuana. Why is this? One thing is clear right off the bat — there are greater restrictions on "feel-good" drugs than on "feel-less-bad" drugs, or ones that have a neutral effect on emotional state. This, I submit, is a direct effect of residual Puritanism in our society, or its use as a front by a cynical ruling class. It seems that it's still wrong to feel better than one ought to. More profound than this is the issue of "mind-altering" drugs. Here we run into not only the Puritan prohibition against having too much fun, but a broader and more insidious prohibition against having, or sampling, or becoming aware of, a different "reality", one that competes with the one we are supposed to subscribe to in order to be good citizens.

Religious wars — notoriously the most fierce — are always between two versions of reality, and the government's "War on Drugs" has a religious zeal that would be the envy of any Islamic militant. A person or group will defend their reality with more fanaticism than they will their country, home, or family, or even their own physical survival. A society has an agreed-upon reality that is, on the most basic level, implicit and held unconsciously. Everyone gets along as long

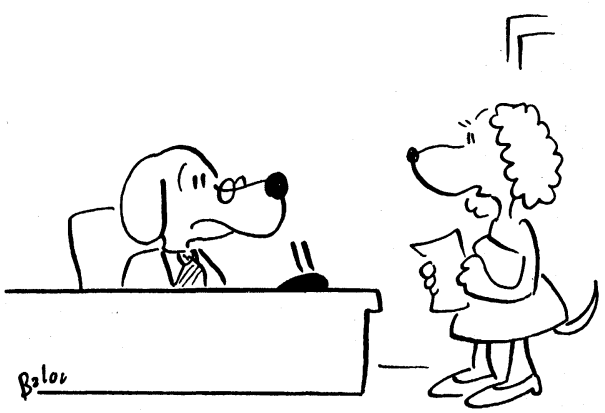

"That's right, Senator — Demographic analysis shows that your best running mate would be a liberal Northeastern cat."

as no one questions the basic premises — the axioms, the core principles. But let someone try and break out, and the penalties are severe, because even if there are no demonstrable social costs, it constitutes a grave threat to the smug and self-satisfied metaphysics and epistemology of the dominant group. There are accepted ways of being and knowing, and you violate them at your peril. Hence the violent reactions to the rise in mind-altering drug use during the 1960s. But hence, also, the other extreme of the spectrum, namely the Szasz position and other forms of metaphysical and epistemological indifferentism. We should be able to see how society overreacts to threats to the approved version of reality without having automatically to aid and abet all possible alternatives. We can also express genuine social concern — and, yes, charity — without passing the buck to government, with all the resulting abuses, blunders, and injustices which will surely follow.

If there is one "gray area" in all of this, it's in terms of *potential* social harm. Even if we allow individuals the right to harm themselves or take their own lives, accepting whatever social costs may result (e.g., the leaving of orphans), do we have the right to constrain those who are considered a danger to others, not because of any crime already committed, but of the likelihood of one being committed? Should the paranoid schizophrenic with violent tendencies be pre-emptively locked up, or do we adopt the equivalent of a "one bite" law even in that case? Do we wait for him to attack someone? For that matter, isn't this almost precisely the argument we're having these days about Saddam Hussein? I suppose a pure libertarian position would be to wait and see — to never strike first. What if the schizophrenic (or the dictator) *announces* that they're going to go out and kill someone as soon as possible? Does society have any rights in that case? (Maybe he's joking. Do schizophrenics know their own mind? Apparently some do, but many don't.) Should libertarianism be tempered with common sense and discretion, as Seavey implies in the case of children's rights? We don't consider children insane, as a rule, but we don't consider them totally sane either — not in the adult sense. Would I trust the kid next door with a weapon of mass destruction? No — no more than I would an insane adult, or Saddam for that matter. Unless we prefer to hide our heads in the sand, we're going to encounter a few of these "tough cases" now and then, and I think one could preserve the "spirit" of libertarianism in each case, even while appearing to violate the pure letter. I also think that this "gray area" (which isn't really all that gray) is going to be quite narrow, not the vast, echoing gulf that's been excavated by the academics and the courts over the past few decades. And of course, a libertarian system should be capable of self-correction based on results. It would certainly beat the current system, which is blinded by habit, leftover Puritanism, and a level of fear verging on panic when anyone tries to act according to their own vision of the world and their place in it.

David W. Witter
Sterling, Va.

Kennewick Man, from page 30

of this civilization and an abandonment of its ingrained gods — progress, growth, exploitation, technology, materialism, and power — will do anything substantial to halt our path to environmental destruction. . . . " Thus, as Virginia Postrel describes in *The Future and Its Enemies,* left and right are converging in a single, anti-progress party. Old-fashioned liberal scientists, advocates of the welfare state and the progressive application of science to politics, are at last confronted with the monster they have created: groups demanding the right to be tolerated for intolerance (billing itself as "pride" or "liberation") and which dispute the very possibility of science.

Of course, not all Indian tribes are hostile to science and discovery, although many of them are. (Vine Deloria Jr., a Sioux and author of the foreword to *Skull Wars*, a book about the Kennewick Man controversy, writes that "Within our lifetime, the differences between the Indian use of the land and the white use of the land will become crystal clear. The Indian lived with his land. The white destroyed his land. He destroyed the planet earth.") But the Kennewick Man controversy is only the tip of a much larger iceberg: leftist hostility to modernism.

This is a crisis of liberal political philosophy, and its real world consequences are not going away with the *Bonnichsen* court's vindication of science. The opinion may still be appealed, and, more importantly, several new skeletons have since been discovered, dating back 10,000 years or so. Some of these have already been lost, such as one skeleton found in Idaho, which the Shoshone destroyed in 1991. "Spirit Cave Man," discovered 50 years ago in New Mexico, and only recently dated, was reviewed by the Bureau of Land Management and declared *not* to be culturally affiliated with an Indian tribe; but the NAGPRA Review Committee reversed that decision in late 2001 and ordered the bones turned over to the Fallon Paiute-Shoshone tribe; that dispute is still pending. A state law in California, which would have required all state universities to examine their collections for skeletons with Indian affiliation, and turn them over to tribes, has been amended and is still in committee. A review of NAGPRA's regulation of "unaffiliated" skeletons is going on now, and scientists hope that they will be at least allowed a voice in the decision. But so long as dogmatism is considered a respectable philosophical position, these controversies will continue, and will grow worse. What is now an argument within liberalism will spill over into a society-wide conflict with dangerous consequences: indeed, it already has. Environmentalist terrorist groups have already blown up laboratories and destroyed decades of research, blocked the use of "golden rice" and other genetically modified foods, and scared the bejeezus out of people whose lives could be vastly improved by food irradiation or gene therapy. Like hippies at the 1968 Democratic Convention, multiculturalists and radical environmentalists are breaking down the doors of the more respectable left, who wonder, naively, where these hooligans came from. ❑

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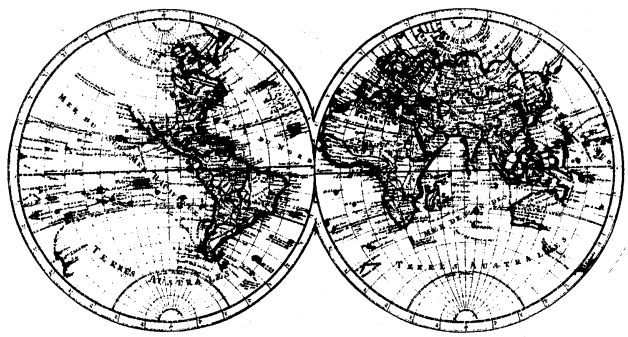

Indianola, Iowa

Evidence that lethal weapons should be entrusted only to law enforcement officials, as reported by the Associated Press:

> Jon Carl Petersen, 41, was arrested Tuesday after driving with a blood alcohol level more than twice the legal limit as he chased and threatened with a gun a group of teenagers who had thrown toilet paper at his house.
>
> Petersen will be allowed to carry a weapon and continue his duties as head of the Iowa office of the Bureau of Alcohol, Tobacco and Firearms.

Montreal

Dispatch from the War on Drugs, from the *Telegraph*:

> Disa Eythorsdottir, an American bridge player, was stripped of her silver medal won at the World Open Championships for refusing to take a drug test.

Sweden

Proof of the superiority of health care under socialism, as reported in the *New York Times*:

> A report by the Swedish government released this month has revealed that at any given time, ten percent of the country's work force is on sick leave.

Winona, Minn.

Innovation in local government finance, as reported in the *Winona Daily News*:

> The Winona City Council plans to raise $200,000 next year by charging property owners for the rain that falls on their land.

New Haven, Conn.

Sad news for Objectivist entrepreneurs, from a feature in *U.S.A. Today*:

> Jeffrey Sonnenfeld, CEO of the Leadership Institute at Yale University, says executives who take refuge in the capitalist utopia of *Atlas Shrugged* are "reading themselves into a trance of defensive self-delusion."

Seattle

Nutritional advance in Ecotopia, from a report in the *Peninsula Daily News* of Port Angeles, Wash.:

> Deep-fried Twinkies are the latest hit among school children and adults in Seattle. The fad caught on after the fried Twinkies were sold at a fair that came to town in August.

Le Lavandou, France

European advances in life extension, from a dispatch from *Reuters*:

> The mayor of Le Lavandou, a French Mediterranean town, faced with a cemetery "full to bursting," has banned local residents from dying until he can find somewhere else to bury them.

Dover, N.H.

A dispatch from the War on Drugs, from the Associated Press:

> Police arrested nine current and former McIntosh College students on drug charges Tuesday, as the city police chief said he was pushing federal prosecutors to seize, under federal drug forfeiture laws, a college dorm where most of the suspects lived.

Cambridge, Mass.

Advance in manners in the academy, as reported in the *St. Petersburg* (Fla) *Times:*

> The Massachusetts Institute of Technology issued an apology to Canadian brothers Ray and Ben Lai for using a picture of armed and armored character Valerie Fiores from the Lai brothers' comic book *Radix* to illustrate a press release announcing its having been awarded a $50 million government grant.
>
> The press release told readers to "Imagine the psychological impact upon a foe when encountering squads of seemingly invincible warriors protected by armor and endowed with superhuman capabilities, such as the ability to leap over 20-foot walls."
>
> Edwin L. Thomas of MIT's Institute for Soldier Nanotechnologies issued the apology, which MIT posted on its website, when comic book artists Ray and Ben Lai issued a "cease and desist" order after trying for five months to get an acknowledgement and apology.

Detroit

Dispatch from the War on Terror, from the *Detroit Free Press*:

> Luminita Marinas, 62, pleaded guilty Wednesday to littering after making a plea agreement that limits her to feeding squirrels no more than one 8-ounce cup of nuts under four trees in John F. Kennedy and Spindler parks, two 8-ounce cups behind her Nine Mile store, two 8-ounce cups near her apartment complex on Kelly Road, and two 8-ounce cups near a tree on Norton Avenue.

New Zealand

Advance in worker safety in progressive New Zealand, from the *Dominion Post*:

> Censors at New Zealand's Office of Film and Literature are being given funds to overcome "psychological pollution" encountered in their work, by taking instruction in aerobics and playing the piano.

Seattle

Environmentalists lose one in court, as reported in the *Seattle Times*:

> The state Court of Appeals ruled yesterday that the water running through a drainage pipe 15 feet below the south parking lot of Northgate Mall is not a creek deserving of stringent environmental safeguards.

Special thanks to Russell Garrard, Owen Hatteras, Elias Bean, and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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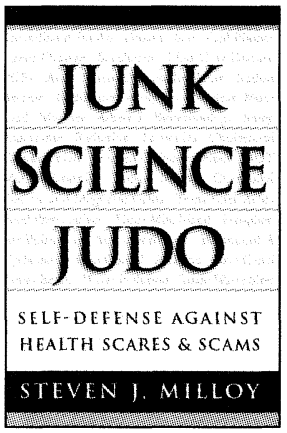

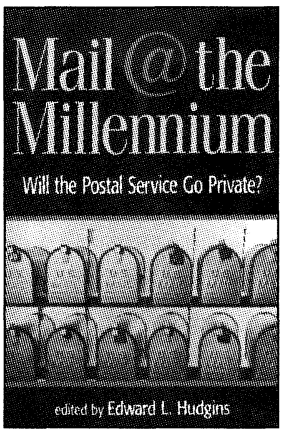

The rise of the Internet and the proliferation of private package-delivery services have brought the U.S. Postal Service to a crossroads. As more people correspond and pay bills online, what is the role of the Postal Service? Do we really need a monopoly that continues to run huge deficits, or is it time to consider other options? Sixteen economists, scholars, and business leaders offer a variety of answers. Cloth $19.95 ISBN 1-930865-01-5/ Paper $10.95 ISBN 1-930865-02-3

The "precautionary principle"—a "better safe than sorry" rule—is increasingly invoked to justify government regulations to stop potential environmental problems such as global warming, genetically-modified foods, and DDT. The author argues that not halting such potential crises might entail health risks, but so might their regulation. He argues that a balanced application of this principle cautions against aggressive regulation. Cloth $17.95 ISBN 1-930865-16-3

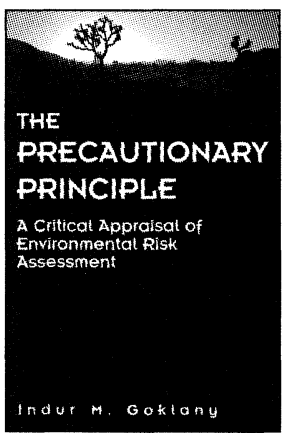

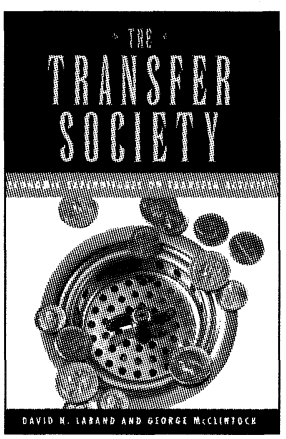

How much do Americans spend each year taking wealth from others or protecting their own wealth from being "redistributed"? From locks to lobbyists, cops to campaigns, Americans spend over $400 billion a year on either taking someone else's wealth or protecting their own. This book makes a significant contribution to both political science and economics in terms a layman can understand. Cloth $19.95 ISBN 1-930865-10-4/ Paper $8.95 ISBN 1-930865-11-2

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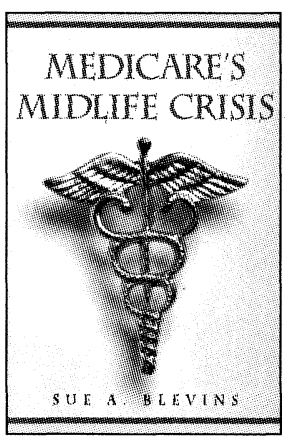

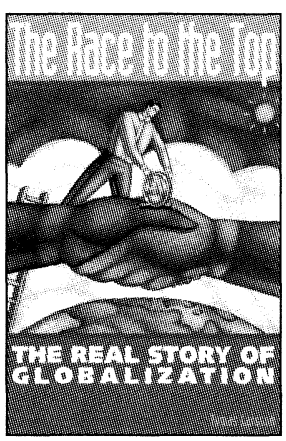

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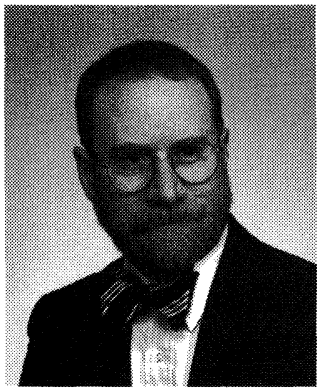

"I know ev'rybody's income and what ev'rybody earns; And I carefully compare it with the income-tax returns."
— W.S. Gilbert, *Princess Ida*

April is the cruelest month, for reasons other than what T.S. Eliot had in mind. This is the month in which you must account for yourself to Caesar. The authorities, having relieved you of a goodly portion of your earnings before you even caressed the bank-notes, now demand you show cause why you should not remit still more.

And in further demonstration of the principle that the citizen in this beloved democracy is the master and the government the mere servant, you are requested to affix your signature 'neath these calming words: "Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete."

Those who find such threats — sorry, I mean words — unduly harsh have clearly not visited the friendly IRS website. There you will find much useful information, including the "truth about frivolous tax arguments." These are the sundry claims that no American citizen is legally obliged to pay the income tax. The IRS apparently feels it is necessary to educate any American who labors under the delusion that he may not be deprived of his property against his will.

The first "frivolous argument" is that filing an income tax return is voluntary: "Proponents point to the fact that the IRS itself tells taxpayers in the Form 1040 instruction book that the tax system is voluntary." Considering the source of the argument, it might seem something more than frivolous. But, alas, the government subscribes to the Humpty-Dumptian philosophy of language found in Lewis Carroll's *Through the Looking-Glass*: "'When I use a word,' Humpty Dumpty said, in a rather scornful tone, 'it means just what I choose it to mean — neither more nor less.'"

As the IRS explains, "The word 'voluntary,' as used in Flora [*v.* United States] and in IRS publications, refers to our system of allowing taxpayers to determine the correct amount of tax and complete the appropriate returns, rather than have the government determine tax for them."

That, I submit, is a most peculiar definition of "voluntary." My *American Heritage Dictionary* has a rather different take on the word. Its primary definition is: "Arising from or acting on one's own free will." The second definition includes the words "done willingly." But that's not what the IRS means at all. By "voluntary" it means: Volunteer or else!

If filing is not voluntary, how about actually paying the tax? No dice. According to the IRS, the two go together like love and marriage. "The requirement to pay taxes is not voluntary," the website states.

Let us pause. The IRS has established, at least to its own satisfaction, that we have no choice about filing returns and paying taxes. Failure to comply can bring fines and imprisonment. What does this prove? It proves what libertarians have been saying for eons — that taxation is theft. Here it is right from the taxman's mouth: taxation is not the price we pay for civilization; it is not dues for country-club privileges; it is not a sacred rite of democracy. It's theft — unalloyed and unabashed.

I can accept the government's theft. I don't like it, but I can live with it if I must. (What choice have I?) What I can't accept are insults to my intelligence. Memo to the IRS commissioner: Drop the word "voluntary" from your literature. We're not idiots.

But I risk frivolity, don't I? And we all know the penalty for that.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State****, and editor of* ***Ideas on Liberty*** *magazine.*

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December 2002
Volume 16, Number 12

4 **Letters** Our readers take aim.

7 **Reflections** We defend Martha Stewart, offend the president, study the prices of chicken parts, celebrate the few, but proud, defenders of peace in Congress, shop at a socialist bookstore, and get kicked out of the Libertarian Party.

Features

21 **Taking Economics Into the Lab** In 1956, Vernon Smith did something revolutionary: he checked out economic theory in the lab. In 2002, his pioneering work was awarded the Nobel Prize. *Alan Bock* looks at this extraordinary individualist.

23 **Reports of My Death** Little things for *Stephen Cox* do add up when he is faced with a life-threatening event.

25 **Environmentalism in Flames** The fires of 2002 burned more than trees. *Robert H. Nelson* surveys the damage.

27 **Is Anarchy Possible?** Is the state dispensable, even in theory? Is anarchy possible? *J. C. Lester* and *Kyle Swan* duke it out.

31 **Deutschland Unter Alles** Germany made a spectacular recovery after World War II. Now it is slowly killing itself. *Oliver Becker* offers a not-quite-yet postmortem.

35 **Not So Continental** The United Kingdom is not so united, observes *Stephen Berry,* especially when it comes to the question of whether it should join the rest of Europe.

37 **Why Secession Was Wrong** The time has come for all good men to agree that it was Lincoln's Union that defended and extended freedom in the Civil War, pleads *Timothy Sandefur*.

41 **The Use and Misuse of Cultural Relativism** Relativism is indispensable as an analytical tool, observes *William A. Tonso* — and downright dangerous as a worldview.

43 **A Literary Life and Its Discontents** *Richard Kostelanetz* learns the importance of making the right enemies.

Reviews

45 **Rediscovering Jacob Bronowski** *Timothy Sandefur* rediscovers a forgotten intellectual superhero.

50 **The Hillsdale Mystery** Was the scandalous love tryst-suicide at this small conservative college really a plot to cover up something worse? *Stephen Cox* weighs the evidence.

51 **Living and Dying in Socialist Britain** *John Clark* looks at life — and death — in the hospitals of welfare-state Britain.

52 **Notes on Contributors** The perps and their lives.

54 **Terra Incognita** It's a mad, mad, mad, mad world.

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Letters

A Waste of Energy

After reading the articles about all the political squabbling at the Libertarian Party convention (September), I only have this to say: too many libertarians waste their time and energy on endless debate and petty personal battles that could be better spent advancing the cause of freedom. I prefer to fight the fascists and not my fellow libertarians.

Paul Talbott
Minneapolis, Minn.

Rudy the Good

R.W. Bradford wrote in the September issue (Reflections) that, "Giuliani is simply the very worst sort of person America's political system has to offer." During Rudy Giuliani's eight years as mayor of New York City:

• The 8.25% sales tax on clothing costing less than $110 was eliminated. New Yorkers now shop for clothes in New York City instead of New Jersey, Westchester, or Long Island.

• The 6% commercial rent tax in the Bronx, Queens, Brooklyn, Staten Island, and Manhattan north of 96th Street was eliminated. It was lowered to 3.6% for businesses below 96th Street.

• Metrocards were introduced for mass transit riders (unlimited rides for 1-day, 7-days, 30-days) saving bus and subway riders hundreds of dollars annually.

• The number of murders was lowered to less than 700 each year from more than 2000 each year.

• New York became the city with the lowest crime rate out of nine cities with populations of more than 1 million.

• A law was passed restricting XXX-strip clubs and movie theaters to more than 500 feet away from residences and houses of worship. This has cleaned up Times Square, which has had a building boom and a vacancy rate of less than 1%.

• People who urinated in the street or squeegeed your car window without your permission were given summonses.

• The number of tourists and theatergoers to Broadway plays has increased steadily and has broken all records.

• The garbage dump on Staten Island (where I live) was closed.

It is obvious that Bradford does not live in New York City.

Joseph McNiesh
Staten Island, N.Y.

Freedom and Value

As a Christian, I believe that abortion is (almost always) morally wrong, but as a libertarian I believe that a woman should (almost always) have "the right to choose." I believe that prostitution is wrong because of the harm it brings to both buyers and sellers, but also believe that it should be legal. Am I being inconsistent?

No.

Thank you, Todd Seavey ("Freedom of Choice, Cigarettes, and Thomas Szasz," October), for the reminder that liberty is more about the rules of the game than it is about viewpoint.

John G. Cartledge
Allentown, Penn.

Johnny Jihad

If the intention of George W.C. McCarter's piece on "The Case of Johnny Jihad," (October) was meant to make me feel sorry for John Walker Lindh he failed miserably.

According to McCarter, "Lindh went to Pakistan, and then Afghanistan, for entirely idealistic reasons." So what? That somehow makes it okay — "Sorry, I was just an idealist, please forgive me." How many communists, National Socialists, fascists, and fundamentalists of all religious faiths could say the same thing? Does that make them guilt free? There is a big difference between writing pamphlets for an unpopular cause and joining an armed group of thugs who openly demand the deaths of Americans in service to Allah! Lindh

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was not some innocent victim, simply trying to do the right thing as he saw it, he was or is a traitor. To use a standard dictionary definition, "treason" is, "the offense of attempting to overthrow the government of one's country or of assisting its enemies in war."

McCarter conveniently forgets that bin Laden declared war on the U.S. years ago. That Lindh met with bin Laden, on friendly terms, and willingly chose to take up arms with bin Laden's allies. You can argue about his "idealistic" motives till he gets out of prison, but why should anyone care? Maybe he only went to Afghanistan because he wanted to live in a society where he could beat women freely, who's to say, what we do know is that he was hanging out with people whose stated goal was the destruction of the U.S. (with a rifle and grenades in hand!). So what if "John Walker Lindh never attacked the United States"? It is ridiculous to say that, "the United States and its surrogate, the Northern Alliance, attacked him." The kid didn't trip one day in California and stumble into the Taliban on the other side of the globe! The U.S. military, and our local help, attacked the terrorists and the regime that supported them. How is it unreasonable to hold Lindh responsible for being a part of that regime? McCarter rhetorically asks, "What was Lindh suppose to do at that point, resign?" as if the answer was an obvious "no." Let's see, if you joined a group of fanatic collectivists who hate the U.S. and you just learned that they have attacked the U.S., targeting civilians, the correct thing to do would be: a) Stay true to your ideals and stand with your new friends, or b) Come to your senses and refuse to support these barbarians any longer? McCarter seems to be making a case for the old "I was only following orders" defense, in slightly new packaging. Unfortunately for him, such a plea is never valid.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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From the Editor . . .

I have received a fair number of emails wondering why *Liberty* hasn't been more critical of the post-Sept. 11 war on terrorism, the U.S. invasion and occupation of Afghanistan, and the war that the president promises us in Iraq. I see similar criticisms of *Liberty* in discussions on the Internet. My first thought was that our critics are simply mistaken, that some of the most trenchant criticism of these wars has appeared in our pages. But I don't think the critics mean to denigrate the anti-war writing that has appeared in these pages. I think what they find troubling is the fact that we've also published a fair amount of writing that generally supports, or is at least sympathetic to, the war on terror and the invasion of Afghanistan. And I have to say that I share some of the critics' concerns.

I have passionately opposed the invasion of Afghanistan and practically every measure purported to fight terrorism at home, not to mention the all-but-undeclared war against Iraq. And it troubles me that, at least in the case of the first two of these, a good many libertarians are not in opposition. It troubles me more that this applies to some of the people whose intelligence and judgment I respect the most. I wish they'd agree with me and write stuff for *Liberty* that agrees with me.

I have, however, continued to publish their writing. From its get-go, *Liberty* has sought to publish good writing of particular interest to libertarians, and this most certainly means that we try to publish as wide a variety of intelligent libertarian opinion as we can. I am committed to maintaining that policy.

It hasn't been easy in this case. The reason, I think, is that this is the only time I can recall that a good number of intelligent libertarians have disagreed with me about an important current issue on which I believe the proper libertarian vision (by which I mean, of course, my opinion) is so manifestly obvious. There have been moments when I have been tempted to put *Liberty* on an anti-war crusade. Why in the world, I wonder, should I publish anything on the subject that doesn't blast the insanity of the wars, the perniciousness of the Bush administration, and the growth of state power in the name of protecting us from terrorists?

A couple weeks ago, I read Christopher Hitchens' column in the Oct. 22 issue of *The Nation*. It was his swan song. He announced that he was quitting *The Nation*, because it would not tolerate his support for Bush's coming invasion of Iraq. When he had begun his column more than 20 years ago, he explained, *The Nation*'s publisher had described the magazine as "a debating ground between liberals and radicals," but now that "the magazine itself takes a side in the argument, and is becoming the voice and the echo chamber of those who truly believe that John Ashcroft is a greater menace than Osama bin Laden" it seemed "false" to continue his column in its pages.

After reading that, I was thankful I hadn't surrendered to my temptation. Hitchens was the very best writer in *The Nation*, one of the few reasons to read that generally tediously leftist magazine. His loss to *The Nation* is tremendous.

It's not that I think that writers like Steve Cox and Sally McCarthy would quit writing for *Liberty* if *Liberty* were to go on a anti-war crusade. It's that their writing is some of the very best that has ever graced our pages. And that includes their writing that sympathizes with or defends the wars. And, despite the fact that they arrived at different conclusions than mine, their writing remained infused with the love of liberty and of life that lies at the heart of this enterprise.

That would not keep me from being pleased if no one submitted any defenses of the Bush's theory that he should be able to initiate a war against any country that he believes may be planning to harm the U.S., without even explaining to anyone why he believes that country is up to no good.

R. W. Bradford

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Lindh was not an innocent victim of the system. He did not get railroaded by the Man and he is certainly not a "political prisoner." If joining the army of a totalitarian state that harbors and supports terrorists who have declared war on the U.S. is not an act of treason, what is? Just because he wasn't caught firing upon his fellow Americans, just because he didn't make it back to America with a bomb or some chemical weapons under his coat to carry out more slaughter does not mean that there was a lack of "*mens rea*, or guilty intent." Lindh did not make the choices he made because he supported the principles of "life, liberty and the pursuit of happiness," and he doesn't deserve to walk no matter how you spin the facts. The bottom line is: He got off light!

Jamie Lambert
Denton, Tex.

McCarter responds: The writer mentions "spinning the facts," which is precisely what he has done, and quite ably from his point of view. He believes that "the friend of my enemy is my enemy," and he declines to consider the facts pre-Sept. 11, when Lindh joined the Taliban. Lindh went to Afghanistan, not to injure the United States, but to support the Taliban's fundamentalist regime against domestic opponents. Naive and irrational as that decision may have been, it was not criminal in any moral sense. Had Lindh been apprehended on Sept. 10, I doubt even John Ashcroft or the writer would have demanded a sentence of 20 years.

We Didn't Start the Fires

Randal O'Toole ("Living With Fire," October) appears to have targeted Political Economy Research Center (among others) when he wrote that "a number of free-market think tanks have joined the fray on the side of the timber industry, effectively but ironically going on record in favor of giving the Forest Service more money and power." If this is directed at PERC, it is an error. The Forest Service has proven to be a poor land steward at great fiscal cost. In numerous articles, I have recommended that the Forest Service "and all federal land agencies" decentralize land management and harness market forces to pay expenses. PERC board member (and Nobel Prize winner) Vernon Smith and PERC executive director Terry Anderson have gone even further, recommending privatization of the nation's public lands.

O'Toole seems to be arguing against what he calls the "excess-fuels" theory, the view that a major cause of the vast fires that have plagued the West in recent years is a build-up of fuel because fires have been suppressed. However, he never explains what is wrong with this theory. In fact, he states that this is exactly what happened in the South in the 1920s. Forest Service policies led to "a huge accumulation of fuels that resulted in catastrophic wildfires in the 1930s."

This is surely the case in the West. Fire suppression has changed the ecological structure of many forest environments. Forests have become densely choked with spindly trees that compete for moisture, nutrients, and sunlight. In these forests, fire quickly burns the lower bark and climbs the ladder of fuels to the tree crowns. The accumulation of fuels has come about both because of natural growth in the face of fire suppression and also through past logging practices, which left piles of wood after harvest. In times of drought, these accumulated fuels have increased the risk of hot, stand-replacing fire.

What seems to bother O'Toole is that the Forest Service is using the "excess fuels" theory as a budget-enhancing ploy to obtain more money for fighting fires. This may be true. However, the Forest Service's bureaucratic preferences do not invalidate the claim, supported by strong evidence, that the way to control the fires is to remove excess fuels, thin forests, and conduct prescribed burns, at least in certain forest types. If the government does not do this, then nature will take its course. O'Toole seems content to let that happen. He says approvingly that "many fire ecologists think that the best

continued on page 53

Errata

Mark Skousen became president of the Foundation for Economic Education on Sept. 1, 2001, not on Dec. 5, as reported on p. 18 of *Liberty's* November issue. And Ron Paul attended the 1991 Libertarian Party convention, contrary to what was reported on p. 10 of *Liberty*'s July issue. Thanks to readers who pointed these errors out.

Reflections

Open and shut case — I'm glad the D.C. Park police (of Vince Foster fame) didn't investigate the D.C.-area sniper deaths. If they did, they might just have concluded they were all suicides. — Chris Henderson

Maximizing political profits first — New York's Republican governor George Pataki may have authorized the most cynical and misleading political advertisement of any modern campaign. The voiceover in a Pataki radio ad announces that his Democratic opponent, State Comptroller Carl McCall, has the power to vote proxies for stock held in state pension funds. The announcer goes on to report that on hundreds of occasions McCall voted against making companies accountable for pollution and other alleged forms of corporate wrongdoing. "Carl McCall puts corporate profits first. George Pataki puts you first," the announcer concludes. Of course, what McCall actually did was exercise his fiduciary responsibility to oppose crank shareholder proposals that are routinely voted down at annual meetings. Pataki never criticized those votes when McCall made them, and there is no doubt that Pataki would have voted the same way himself had he been comptroller. But the ad makes no false statement of fact, so Pataki can probably get away with it. — Bill McCarter

Good news for Dildos "R" Us — Among constitutional guarantees is now the right to sell vibrators or dildos. U.S. District Judge Lynwood Smith Jr. of Alabama has declared in a 78-page ruling on a case that has dragged on since 1998 that a state law banning the sale of sex toys violates a constitutional right to privacy. One wonders whether defense attorneys argued about the Founding Fathers' true intentions toward sex toys when they penned the document. — Wendy McElroy

My Montgomery mama — Here in Alabama, our governor is so compassionate (his admirers call him "the Montgomery Mama") that the blanket of his compassion is intraspecies. I mean his zeal for diversity transcends mere humanity. This is no idle claim. I have the documents to prove it: just yesterday the governor sent Queenie — that's my cat — a letter full of threatening legalisms. The point was that she had to pony up 25 bucks and get a rabies shot. I read it to her slowly so she could grasp the Latinized legal language. "It's the law," I explained to her. She meowed back something ugly (a literal translation would be embarrassing) about the governor and the contents of her litter box. Then she tried to explain in her limited vocabulary that cats rarely get rabies.

But I think what really bugged her was the suspicion that the great benevolent lover of all species in Montgomery didn't give a damn about her. He was only afraid she'd bite some member of *his* species and pass on her affliction. But being a human being with the ability to read, collect, and analyze information, I know the odds of contracting rabies from a cat are about the same as the odds of a Muslim winning the Republican gubernatorial primary, even if he carries 90% of the feline vote. I think the Montgomery Mama of all species just covets that 25 bucks. — Ted Roberts

All power to the president! — In 1789, the U.S. Constitution gave Congress the power to declare war. In 2002, Congress gave that power away, to George W. Bush.

Congress succumbed to the president's theory that it is appropriate for the United States to mount a military attack on the government of another country, provided only that the president believes that country is a threat to the United States, and that the president need not explain to the American people, to Congress, or to anyone at all why he believes the nation faces a foreign threat. In the process, Congress also ceded to the president the power to take away the inalienable rights of Americans, guaranteed by the Constitution, provided, again, that the president believes the country is threatened.

George W. Bush now has greater personal power than any other president, including Wilson and Roosevelt, who presided during world wars, and even Abraham Lincoln, who presided during the Civil War.

On the face of it, George W. Bush is the most powerful president in American history, with greater personal power than any other president, including Woodrow Wilson and Franklin Roosevelt, who presided during world wars, and even Abraham Lincoln, who presided over the Civil War, the nation's most horrible calamity by a wide margin.

He managed to get this power despite the fact that the United States faces no serious military challenge from any other nation — in fact, when the United States is by a wide margin the most powerful government in the world. No other government can even challenge U.S. military superiority. The U.S. has fought several "small" wars in the past two decades with hardly a casualty, imposing a new government in Haiti, deposing a government in Yugoslavia, expelling an occupying military force in Kuwait, working its will on most of Iraq, destroying a government in Afghanistan and installing in its place a puppet state, kept in power by an occupying U.S. military force. It has even invaded

another nation and kidnapped its head of state, hauling him to the United States and charging him with breaking an American law while outside U.S. jurisdiction, then convicting him and sentencing him to a long prison term.

George Bush has managed to do all this because a tiny handful of Islamic terrorists discovered what sensible people have always known: that people who are willing to give up their lives can kill other people. This has always been the case and it always will be. The fact has been forgotten that the government, through its inattention to airline security, its construction of a building particularly susceptible to attack by air, and its fostering an ethic of giving in to the demands of hijackers rather than challenging them, enabled this attack to succeed.

And add to the list of forgotten facts the following: that attacks like those on Sept. 11 could not succeed again because passengers and crews will not again surrender control of an aircraft to a small number of lightly armed men, that there is no evidence of any relationship between the Sept. 11 terrorists and the three nations that comprise Bush's "axis of evil" and the fact that the three nations are in no way an "axis" of anything.

All most Americans can think about, it seems, is that a handful of Muslim men killed nearly 3,000 people on Sept. 11, 2001. The threat of sudden, violent death is mesmerizing. Any response seems reasonable.

If the president needs to do away with our constitutional rights . . . well, that's a small price to pay. And if the president wants to attack another country because he says he believes it is a credible threat to us . . . well, what the hell, he ought to be allowed to do so, even if he won't tell us, or even the people we've elected to Congress, what evidence he has for doing so. After all, war isn't such a bad thing. Practically no Americans die in wars, and those that do mostly die in accidents.

It's easy to see why Congress abandoned its responsibilities and converted the president into an emperor. Most members of Congress are spineless people who are concerned mainly

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Romancing the Dismal Science • Mark Skousen unearths a dramatic tale — starring everyone from Karl Menger to Karl Marx — behind the history of the much-maligned dismal science. (audio: A501; video: V501)

Future Imperfect • David Friedman leads a thrilling exploration of coming developments in biotechnology, and how they'll radically change the way we think about law and each other in the coming decades. (audio: A503; video: V503)

The End of the World as We Know It • Is globalization the disease or cure? **Fred L. Smith, Jr.** explains how expanding markets cripple intrusive government and make liberty that much easier to find. (audio: A504 video: V504)

Prisons for the Innocent • Washington state Supreme Court Justice **Richard Sanders** exposes America's mental health gestapo, and shows how thousands have been locked up for life without ever committing a crime. (audio: A505; video:V505)

All the Lies that are Fit to Print • Jeff Riggenbach chronicles media coverage of illegal drugs — from early 20th century "Negro cocaine fiends" to "crack babies" of the 1980s — uncovering a legacy of shoddy coverage and botched reporting. (audio: A506; V506)

Who's Afraid of the Anti-Christ? • Douglas Casey takes an provocative look at the tenets of radical Islam in the wake of the Sept. 11 terrorist attacks. Does God hate America? (audio: A507; video: V507)

Terrorism on Drugs • Alan Bock probes the link between terrorism and America's drug war — and offers a single reform that will end terrorism in America forever. (audio: A508; video: V508)

Live!

The Liberty Editors' Conference featured several sessions on the recent terrorist attacks. Now you can listen to what the editors of Liberty think in this collection of raw and unrehearsed commentary! Available individually for standard prices or as a group for only $40!

The Liberty Group • Tim Slagle, R.W. Bradford, Fred L. Smith, Jr., David Friedman, and **Alan Bock** participate in a roundtable discussion including their take on how the U.S. should respond to terrorism. (audio: A502; video: V502)

The War On Terror (Part I) • Durk Pearson, Justice Richard Sanders, David Friedman, R.W. Bradford, and **Fred L. Smith**, Jr. discuss how the attacks on the World Trade Center and the Pentagon will change our nation and the world. (audio: A509; video: V509)

The War on Terror (Part II) • Douglas Casey, Jeff Riggenbach, Randal O'Toole, Alan Bock, and **R.W. Bradford** discuss how the attacks on the World Trade Center and the Pentagon will change our nation and the world. (audio: A510; video: V510)

Central Planning on Main Street • Randal O'Toole makes the case against the cult of "smart growth" — and demolishes the plan to cram the world's population into an area the size of Kentucky. (audio: A511; video: V511)

How Libertarianism Must Change to Succeed • R.W. Bradford looks over the Libertarian Party's successes and failures and comes to a surprising conclusion: It's time for the LP to give itself a chance. (audio: A512; video: V512)

Grassroots Organizing for Liberty • Randal O'Toole asks, Why has environmental activism been a rousing success and libertarian activism an unremitting failure? (audio: A513; video: V513)

A Short Introduction to Libertarian Anthropology • William Merritt takes a hilarious look at differences between the sexes, how they got that way, and how the Libertarian Party has failed to exploit this valuable information. (audio: A514; video: V514)

Abandon the LP? • Bruce Ramsey and **R.W. Bradford** discuss whether the Libertarian Party has failed in its mission — or whether that mission hasn't even been tried. (audio: A515; video: V515)

Law in Cyberspace • David Friedman explores how anonymity on the Internet can actually lead to a world of non-judicial justice. (audio: A516; video: V516)

Kicking the FDA's Ass • Durk Pearson and **Sandy Shaw** recall their success over the Food and Drug Administration, and document the state's continued intransigence in complying with their landmark legal victory. (audio: A517; video: V517)

Stalking Garet Garett • Bruce Ramsey paints a picture of a paleo-libertarian from the Saturday Evening Post and his battle against the New Deal. (audio: A518; video: V518)

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with being re-elected. And they can all read the polls.

But I do not think the American Republic is dead. It is only sleeping. The president's support is a mile wide but an inch deep. Congress can stop the war any time it pleases, simply by refusing to appropriate the funds needed to prosecute it. The courts can declare the president's usurpations unconstitutional anytime they please. Of course, neither Congress nor the courts will intervene until people change their views, and this will probably not happen until the costs of the war become higher.

The most likely way that the American Empire will come undone is the way in which other empires have come undone: it will grow so corrupt that it cannot sustain itself.

The French and British tolerated their governments' wars of empire, which included some of the most brutal and hideous acts of terrorism in the history of the world, so long as the costs were low, so long as the wars were fought by professional soldiers and adventurers eager for spoils, so long as the people subjugated could be robbed and exploited to pay for the cost of subjugating them. Citizens of the Soviet Union tolerated their government's wars against their neighbors until the costs began to include their sons and they began to realize that their government was making their lives poor, nasty, brutish, and short. Americans were happy to prosecute the war in Vietnam until the costs got out of control, until the war began to cost them their sons, conscripted into the killing fields of southeast Asia, and began to cost them their money, through a ten percent income tax surcharge.

One thing that governments do very well is obscure the relationship between cause and effect. Like any magician, however amateur, governments are adept at misdirection. Right now few Americans have any real idea of what the preparations for war are costing them, either directly (through the taxes they pay and the depreciation of their dollar-denominated assets) or indirectly (though the depressing effect that higher taxes have on economic activity). Americans have wasted hundreds of billions of dollars in their reaction to the events of Sept. 11, in millions of ways great and small, through taxes, through greater regulation, through malinvestment of time and money.

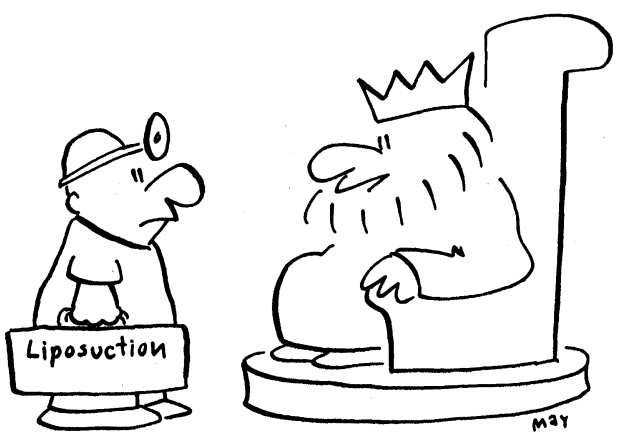

"Get over to the Bureau of the Budget and see what you can do."

Sadly, the most likely way that the American Empire will come undone and the Republic restored will be the way in which other empires have come undone: it will grow so corrupt that it cannot sustain itself. Power corrupts, as Lord Acton observed, and absolute power corrupts absolutely.

America has been a singularly fortunate land, thanks to the cussedness of its people and its republican tradition. When its government has gotten out of control, the traditions of republican government and individual rights have reasserted themselves, in the wholesale dismantling of the state in the Gilded Age that followed the Civil War, the tax cuts and inactivist government of Harding and Coolidge after the Great War, the GOP's resurgence after the depression-and-war imperialism of Franklin Roosevelt, and a similar resurgence after the despotism of Lyndon Johnson's Vietnam War and "Great Society."

The question is when the next resurgence will happen, and how much will we suffer before it does. — R.W. Bradford

Libertarian #100019497 — The day I received my first issue of *Virginia Liberty*, the official newsletter of the Virginia Libertarian Party, I received a phone call from Marianne Volpe, the LP state chairwoman, asking me why, as I stated in my Sept. 2002 *Liberty* article, I "reluctantly joined" the Libertarian Party.

If you recall, I went to the LP convention as a reporter for *Liberty*, only to be denied a press pass by the LP's lame-duck director of communications Bill Winters, in an attempt to keep *Liberty* from covering the convention. Winters even instructed George Getz, the LP's press secretary, to make sure that I didn't somehow slip into the convention. I spoke about this with the party's chair Jim Lark, and its national director Steve Dasbach. Both said they disagreed with Winters' goofy decision, but would not overrule it. Winters suggested I join the party and purchase a convention "package." This seemed like an odd way to treat the press, and I wasn't about to be bullied into paying the party several hundreds of dollars on a "package" in order to do my job. The party's by-laws authorize any member to attend its conventions without charge, so I coughed up $25 and joined the party.

Ms. Volpe told me that she had been under the impression that I was not reluctant about joining the party. She was aghast that my membership was not as enthusiastic as she would prefer. She could not appreciate that I was reluctant to fork over $25 to cover an event to which I should have been admitted at no charge, reluctant to turn around and go home since I was locked into a hotel arrangement. She made it plain that she considered my reluctance to amount to fraud by misrepresentation, and refunded my dues with a stern lecture.

This raises an interesting question: if they are so worried about my joining the party to cover the event why didn't Jim Lark, or Steve Dasbach, or George Getz, all of whom

were aware of my strange experience, say anything about it when I interviewed them during the convention? George Getz even shook my hand and congratulated me for joining.

At any rate, I got my $25 back. — James Barnett

The postmaster general builds a new fortress — There are whole universities full of economists who devote their intellectual talents to the question of how government policies affect our private lives. Marriage, parenting, housing, and occupation, they say, are all subject to monetary incentives or disincentives embodied in tax, welfare, and medical policies. Could be. I know the minute I discovered mortgage interest was deductible, I went out and bought a house, any house. And as soon as I discovered that Medicare wouldn't pay for a tummy tuck, a derriere diminution, and a reforestation of my balding skull, I canceled my appointment with Dr. Newbod and learned to love the dumpy stack of flesh and bone that holds my soul. And when I figured out that the Social Security program penalized me for earning too much money, I learned to nap in the afternoons.

But let me tell you, no government policy has so positively affected my behavior as the shiny new post office building in my town. I was there last week for a simple postal transaction and instead took a lesson in forbearance. Guess why? Because for some reason only understood by the postmaster general in faraway Washington, this new building provides poorer service than the old building.

What can we do about the postal budget except pray that the postmaster general spends our money for postal delivery trucks instead of Dom Perignon for the annual party celebrating the traditional postage rate hike?

There's not another post office next door or down the street, you know. And if you think you've spotted a marketing niche — like Henry Ford saw horseless carriages, like Bill Gates found Windows, like Hugh Hefner latched onto T&A — forget it! It's illegal. You cannot compete — first-class letterwise that is — with the U.S. Postal Service. They'll mail you 3rd-class to a federal pen with no return address in a poorly wrapped cardboard box, which they'll drop from trains, planes, and trucks every chance they get.

The U.S. government is the only monopoly that has a monopoly on the prosecution of monopolies. If Microsoft is a coercive competitor, the post office is a robber baron.

Like I say, I've learned patience and the joys of fellowship at our new post office. There's nothing you can do except stand there and chat about the ever increasing price of stamps.

Even worse there's one common line — unlike the grocery that's incentivized to take your payment — for all three windows. You can't even have a little fun trying to guess which line gets you to the window the quickest. You're at the random mercy of chance. We're talking roulette, not blackjack. Line strategy — a concept based on scientific observation and subsequent judgment in choosing a line — is unavailable to you.

Here's a lady with a big box marked with red letters that say, "Python inside — handle with care." Okay, you can figure this out. She's returning her pet to its native Peru. Don't get behind her. This thing is gonna have to be defanged, and it's gonna take a while for the reptile orthodontist to arrive from the Lincoln Park Zoo in Chicago. Besides, with my luck this beast will wrap himself around the clerk a couple of times and they'll have to unroll him. Another lengthy transaction.

If there were multiple lines, one for each window, you would line up behind the guy holding a single white envelope without a stamp. But that common line takes all the challenges out of waiting. No alternatives, no tactical judgments; just waiting and talking about the exciting new world of commemoratives.

Besides the commemorative theme, there's a lot of complaining about the service; and angry muttering about where the post office can put its profit. Nobody's suggesting Fort Knox.

"They're raising rates again, too," says one of my linemates. "What am I gonna do, go next door?"

But we all agree; it couldn't be the personnel. They're

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decent guys. Friendly — helpful to a fault. They've worked these windows for many years and not once have I caught them sleeping.

"It's the system, stupid," says my heart. — Ted Roberts

From gadfly to faction — The last couple of months would have been a profitable time to have a handful of publicly identified libertarians in Congress to oppose a war on Iraq. We have one, Ron Paul; and it is good we have him. But one makes a gadfly. Ten would have made a faction.

The peace party almost had Dick Armey, a former economics professor and free marketeer. Actually, we had him and lost him; and while we had him, he made a greater splash than Paul, because the majority leader is a big fish. But apparently Dick Cheney got to him.

Admittedly, libertarians are not unanimous on the question of a preventive war against Iraq. Still, probably a majority of libertarian opinion is against it, and though avowed libertarians are a small fraction of the electorate, they ought to claim at least a handful of House members.

Well, take a look. The Republican Liberty Caucus (RLC), which is trying to foment a libertarian faction in that party, ranks candidates according to the familiar Nolan chart, a two-dimensional ranking for economic and political freedom. In recent years, Paul has ranked highest of any in the House, but right behind him have been such Republicans as Jeff Flake (Ariz.), Dana Rohrabacher (Calif.), Zach Wamp (Tenn.), Steve Chabot (Ohio), Donald Manzullo (Ill.), Bob Schaffer (Colo.), and J.D. Hayworth (Ariz.).

All of them voted for war.

Six Republicans voted against war. The RLC had rated three of them as libertarian-leaning in 2001: Ron Paul, John Hostettler of Indiana, and John Duncan of Tennessee. The other three are non-libertarians: Jim Leach of Iowa, Connie Morella of Maryland, and Amo Houghton of New York.

I had never even heard of Hostettler or Duncan. I don't know whether they call themselves libertarians. But libertarians ought to be whooping them up, and sending them fat checks. They might send a few Valentines to the others, too, because it took courage to oppose their president and party leader.

They might also rethink the Nolan chart. It doesn't have foreign policy on it. Perhaps it should measure not economic liberty and political liberty, but liberty and peace.

Finally, they might also rethink their dalliance with the Libertarian Party. The larger reason why so few Republicans reflect their ideas is that so few libertarians vote with the major party whose ideas are closest to theirs.

— Bruce Ramsey

Aborting the obvious — A study recently released by the Alan Guttmacher Institute found that the national abortion rate fell by eleven percent between 1994 and 2000. However, the study also noted that for women below the poverty level, the rate of abortion actually increased by a whopping 25% over the same time period. "Researchers were surprised" by this split in the data trend according to media reports, and could offer no real explanation. The Guttmacher press release on the study said only that "high levels of abortion among economically disadvantaged women reflect that these women have high pregnancy rates, as well as a greater likelihood . . . of ending a pregnancy in abortion." This tells us nothing about why the rate for low-income women suddenly shot upward compared to the average during the period measured.

One Kathryn Kolbert, "legal expert on reproductive rights" at the Annenberg Public Policy Center, offered this explanation: "There have been more and more restrictions on funding for abortions and in some instances, family planning and contraception services." So less funding would explain why wealthier women started having fewer abortions and poorer women more? Try again.

Of course, there is one possible explanation for this seeming anomaly. Shortly after the Republican landslide of 1994, word got out on the street that the government was no longer going to pay poor women to keep having children indefinitely. The Welfare Reform Act of 1996 transformed the notorious "Aid to Families with Dependent Children" (AFDC) into "Temporary Assistance to Needy Families" (TANF), which was not only temporary, but included such mean-spirited features as a requirement that recipients must work to get the maximum of amount of temporary benefits. Just maybe this new input into the equation started having an impact on pregnancy outcomes?

Welfare reform is such an unholy thing in left-leaning intellectual circles that most are loathe to acknowledge it at all — unless they have some cause to condemn it.

Since I've never worked for one of those esteemed institutes where "policy analysts" do their thinking, I could be wrong here. But I suspect our friends at the Guttmacher Institute and Annenberg Public Policy Center know exactly why low-income women's abortions have shifted dramatically upward in recent years.

But welfare reform is such an unholy thing in left-leaning intellectual circles that most are loathe to acknowledge it at all — unless they have some cause to condemn it. By the same token, some pro-life conservatives are probably just as reluctant to attribute rising abortions in the underclass to their beloved welfare reform. I think in the end the numbers from this study plainly tell the story — even if the authors won't. — Michael Drew

The milkman cometh — A protest by the People for the Ethical Treatment of Animals turned ugly in October, when over a hundred schoolchildren pelted the protesters with their lunch milk. One PETA activist, dressed as a cow, was held down and drenched in moo juice for ten minutes, before being rescued by police. "This is a stupid idea," one child told scotsman.com. "We should be encouraged to drink milk and I certainly won't stop drinking milk just because a man has dressed up as a cow outside my school."

When the pain in my sides finally stopped my laughing at this story, two things occurred to me. First, while engaged in their delightful counterprotest, the schoolchildren were chanting "Milk for the masses!" — understanding what so many American college students do not: that the alleged compassion of the anti-technology left is really a cover for a philosophy that seeks to deprive real people of real nutrition. The vandalism and protest against "globalization" is really vandalism and protest against the only means of actually feeding people around the world. Yet the leftists who destroy golden rice and sabotage years of genetics research are portrayed as heroes who care deeply about the spiritual values of life. In fact, they are pro-death. Second, PETA's recent media campaign encouraging college-age girls to strip down to their panties and hold signs reading "We Don't Wear Fur" would probably be a much more popular protest outside of high schools. — Timothy Sandefur

Whatever gets you through the weekend — I abhor urban street crime as much as the next guy — more than the next guy, in fact. Yet I've never quite been able to understand the point of those neighborhood marches against violence that have sprung up recently in crime-ridden areas of San Francisco and Oakland. Let's break it down: we know the marchers are against violence. We know the authorities (despised as they may be by some of the marchers) are against violence. People who read about the marches in the paper are against violence; it's not like they need to be converted to some radical cause as would be the case with, say, anti-war or anti-fur marches. The only people currently in favor of violence are the violent criminals themselves, the very element of society least likely to be moved by these love-in style gatherings.

In a typically supportive media account of a recent weekend "Cry for Peace" march in Oakland, one passer-by stood "waving at marchers, cheering them and offering the occasional hug." He declared: "I really believe they may save a few lives just by showing they care."

Many on the left — the usual inhabitants of such demonstrations — seem to be under a permanent spell of this kind of "magical thinking." If you try hard enough to feel something, especially in a big group, others are sure to feel it too. And if they don't, well, at least you and your friends feel better. One participant in the Saturday march in Oakland put it this way: "We need all these marchers to pick a corner and talk to these dope fiends." — Michael Drew

Candy corn, society, and me — When I was a kid, I loved candy corn. You know, those tri-colored, syrupy-flavored little triangles. Well one day I ate an unusually audacious amount of those little suckers and, Mom was right, I got sicker than a dog.

After that, the mere smell of candy corn made me queasy, and to this day I find them disgusting.

From time to time certain phrases or words seem to be tossed about by everyone. Soon, they lose their original impact or their meaning becomes distorted. Either way, it becomes tiring to hear them. Recently, a certain word has become so prevalent that it has come to the point that it makes me nauseated every time I see or hear it. Just like candy corn. I often have to put down what I'm reading and walk away.

What word could rival the effect of those sickeningly sugary little candies?

Social.

Now I'm not saying that writers who use "social" make me sick, and therefore I can't stand them. On the contrary, I am often dismayed that some otherwise brilliant discourse gets muddled with candy corn, er, I mean, social this, or social that. As for example:

In last month's *Liberty*, Stephen Cox reflected that "strange and untoward alteration in words is the shadow of some strange and untoward activity of human thought." He gives examples of "verbal disturbance" and winds up on advocate, and people "advocating for." I was with him all the way on this, but then he writes, "Tell me what, precisely, you're advocating, and then I'll tell you whether you merit any *social recognition* for advocating it" (my emphasis, barf).

What is "social recognition"? Why not simply "recognition"? Why does Cox think I'm concerned with social recognition, simply because I advocate something? And how is Cox able to determine whether I merit it, whatever it is?

Elsewhere in the October *Liberty*, Kyle Swan wrote, in his review of J.C. Lester's *Escape From Leviathan*: "Why do we see so much poverty, homelessness, environmental catastrophe, unemployment, and so many other *social* ills?" (my emphasis, barf again). If I lose my job that's a *social* ill? If subsequently I lose my home and am homeless, that too is a *social* ill? How so?

Since "social" is a term usually associated with humans (and certain other insects), I advocate that writers who wish to use it first read *Human Action* by Ludwig von Mises. Mises points out that "Society is the outcome of conscious and purposeful behavior . . . an outcome of human action." He further states, "It is a delusion to search for it outside of individuals. To speak of a society's autonomous and independent existence, of its life, its soul, and its actions is a metaphor which can easily lead to crass errors."

Delusion and crass errors indeed. Can society recognize? Have ills? Take its medicine? Does it get hungry? Can it get sick on candy corn? Of course not, only individuals can do those things. Society is mindless. It is only individuals who can think and act.

Society is an abstraction. An idea that cannot lead to any

practical result. Society is the sum of individual actions. Individuals cooperate with others for their own personal welfare, and the result is society.

Pass the candy corn. I wish to make a social statement.

— Joe Dabulskis

Lots of room for expansion — The government of Egypt is attempting to rebuild the famous Library of Alexandria. The project has been over a decade in the making, and, thanks to help from Iraq, Britain, and the United Nations, Egypt has finished construction of a building with room for 8 million books. But it currently only has 200,000 volumes, because, as the London *Guardian* reported in October, "Egypt's fondness for censorship has meant that rows have already erupted over its book collection policy. Critics accuse the government of President Hosni Mubarak of failing to stand up to Islamist pressure. One Alexandrian Greek writer, who asked not to be named, said: 'My latest book can't even be published in Egypt because it questions God.'"

— Timothy Sandefur

A woman's place is on the sidelines? — Andy Rooney is in hot water again, this time for complaining about "those damn women they have down on the sidelines [of football games] who don't know what the hell they're talking about." I'm no fan of the *60 Minutes* commentator, but I think Rooney's current sentiment resonates with many more people than are willing to admit it publicly. Judging from the latest feminist storm of media abuse heaped on the octogenarian blubbermouth, it'll probably be awhile before anyone of note stands up to speak about the subject again. (Fortunately we not-of-note people are still here to carry on.)

I remember a column by a former female sportswriter ridiculing the archetypal male "sports nut," pointing out that "for women, sports is just another interesting slice of life." She couldn't have been more right, and for that reason alone probably shouldn't have been hired as a sportswriter in the first place. Why should any game played, coached, and watched by fanatics be analyzed or presided over by a dilettante? Many of these people are "doing sports" to shine up their résumés for future career advancement; I've heard them say so openly. Hard to say the same about a John Madden or a Terry Bradshaw.

But Rooney misses the larger point behind his own emotion, one reason his critics are having a field day. Maybe some of these women really are knowledgeable; maybe some really are football fanatics. Maybe some men (like Rooney) aren't very knowledgeable themselves. I really don't care. For me and millions of others, men's sports is like a blue collar "men's meeting." Just as the typical women's support group or business club doesn't want a male voice presiding over it (God forbid), I do not want to hear a female voice disrupting the male bonding of my men's meeting. It's too trite to say that I like, love, and yes, respect women as people, but at the same time I really do.

As for genuine female sports fans, most of those I've known have no particular desire to hear a female voice covering men's sports anyway. Many women were among those who complained about former San Francisco Giants announcer Sherry Davis (the first woman to hold the job in the majors) making fans at the ballpark feel like they were in a second-grade classroom.

Why should any game played, coached, and watched by fanatics be analyzed or presided over by a dilettante?

All of this is very personal and subjective, of course. Then again, men might take a cue from women on the point that sometimes the personal, subjective answer happens to be the right one.

— Michael Drew

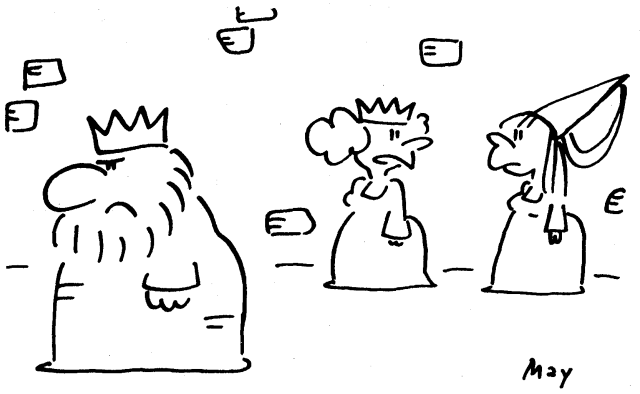

"Oh, he's just sulking because I didn't sustain his veto."

Wail of the war wimps — In recent weeks, as the debate over an impending U.S. invasion of Iraq intensifies, some in the anti-war camp have taken to referring to those members (almost all of them) of the War Party who are innocent of military experience as "chicken hawks," "war wimps," and other similar terms. U.S. Senator and Vietnam veteran Chuck Hagel recently tarred Richard Perle with the feathers of a chicken hawk by suggesting that "Maybe [he] would like to be in the first wave of those who go into Baghdad." Justin Raimondo published a column titled, "Attack of the Chicken-Hawks" at antiwar.com. In *Liberty*, David Hackworth excoriated war advocates who never had put themselves in harm's way. Naturally, members of the War Party are not amused.

Eliot Cohen (whose byline indicates that he is a former Army officer) in the *Washington Post* and David Harsanyi at frontpagemagazine.com have both entered the fray to try to discredit these attacks, but both seem determined to miss the point. They point to the supposedly wise decision making of non-veteran FDR and bad decisions made by military leaders.

But the point is not (or it shouldn't be) that only veterans are qualified to make the decision to go to war, or that, as Cohen imputes, "a former airborne ranger get[s] twice as loud a voice as a former ICBM crew chief." The point, at least as far as I'm concerned, is that those politicians and pundits and intellectuals who think the U.S. should attack dozens, if not hundreds, of countries, yet failed to serve

when they had the chance, are hypocrites. Their failure to serve indicates a lack of seriousness about their values, and members of the political class attack each other on this basis all of the time. When the Clintons, who denounced the "decade of greed" in their 1992 campaign, were exposed as unscrupulous money grubbers, their opponents did not remain silent. Likewise, any number of spokespersons for "family values" have paid the price for their divorces and marital infidelity. So it is only natural that those warmongers who passed on their own opportunity to fight in a war, or just to experience the tedium of military life, should have it thrown up in their faces.

In the 1939 film *The Four Feathers*, the main character resigns his commission in the British Army just before he is about to be sent to war in the Sudan. For this, he receives four white feathers — symbols of cowardice — from three army comrades and his fiancee. He heroically redeems himself and forces his friends to take the feathers back.

Members of the Bush administration and the staffs of the *Weekly Standard*, *National Review*, etc. have accumulated enough feathers by now to stuff a mattress.

— Clark Stooksbury

A socialist enclave — Last month while attending the Mont Pelerin Society meetings in London, I came across the Socialist Bookshop housed, fittingly, in the Bloomsbury district where Virginia Woolf, John Maynard Keynes, and other non-conformists used to meet. The store was well-organized and numerous customers browsed the stacks. A couple walked in with two children in tow, future socialists, no doubt. I talked with the proprietor, a friendly and intelligent woman who wore red clothing and red lipstick — just a coincidence, I'm sure. She told me that the Socialist Bookshop has been in business for 30 years, catering to people of all ages, especially students attending the nearby University of London. Following the fall of the Berlin Wall, sales of books on socialism dropped significantly. But she reported that in the past five years, the bookstore has seen a recovery. The anti-capitalist mentality seems to be back in vogue, although with a fresh new face and moniker. None of the titles on display used the word "socialism," but instead incorporated the new watchwords of socialists: "environmentalism," "globalization," "greed," and "capitalism." Their latest bestseller is *Anti-Capitalism: A Rough Guide to the Movement*. I was surprised to see several titles by authors traditionally claimed by libertarians, including writing by Thomas Paine and George Orwell.

There used to be a free-market bookstore in Covent Garden in London, called the Alternative Bookshop, but it closed in the mid-1980s. Does that mean only socialists know how to make a profit?

— Mark Skousen

A libertarian failure — I was in high school when Hitler's army invaded the Rhineland in 1936. One blow from France, or probably just an ultimatum, would have defeated him — he was operating on sheer bluff. But his gamble paid off: as Hitler himself later described it, "If the French had then marched into the Rhineland, we would have had to withdraw with our tails between our legs, for the military resources at our disposal would have been wholly inadequate for even a moderate resistance."

Why did he take such a gamble? He was convinced that France and Britain, ill-prepared and still reeling from the horrible losses of World War I, did not have the will to act. They lacked the will even at Munich in 1938, and the result was millions of dead in 1939–45, and a war that was almost lost.

Will the Allies wait too long this time? If the congressional Demothugs have anything to say about it, they will. If the "libertarians for peace" movement has its way, they will. Do these groups really believe there will be no second strike, or that Saddam's forces will be no stronger than the first time when they make it? Or is it, as after World War I, fear, dread, wishful thinking (if we don't think about it, it will just go away)?

"Imagine," writes historian Paul Johnson in the current (Oct. 14) issue of the *National Review*, "a world in which the United States was stricken by a successful series of nuclear,

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biological, and chemical attacks. Putting aside the appalling loss of American lives this would involve, the global consequences would be horrifying. The world would be plunged into the deepest recession in its history. There would be no power-of-last-resort to uphold international order. Wolf and jackal states would quickly emerge to prey on their neighbors. It would be a world as described by Thomas Hobbes in his *Leviathan* (1651) in which . . . civilization would break down, and life, for most of mankind, would be 'nasty, brutish and short.'"

How this situation should be dealt with is a matter of great controversy and enormous urgency. But libertarian laissez faire is surely not the answer. Self-defense, even preemptive strikes, as in Israel's war on Egypt in 1967, are not yet ruled out in libertarian theory — perhaps only in practice? — John Hospers

If this is "inside," then would "outside" be? — It is against federal law to buy or sell stock on the basis of "inside information," that is, on non-public information that would have a substantial effect on the value of a company's stock. The problem with criminalizing this behavior is that investors almost *always* base their decisions to buy or sell a stock on some sort of information which is not known to every other investor.

So the law has generally been construed only to apply to information that is available exclusively to a company's employees or officers and that will unequivocally affect its stock price. Typically, this has meant information about pending mergers or acquisitions. A company agrees to be acquired by another firm at a stock price higher than the current price on the stock exchange. If an insider knows that in a few hours or a few days the stock of Company XYZ will be acquired by ABC Corp. for $100 per share, he is not investing when he buys stock at the market rate of $85. He is shooting fish in a barrel, and reducing the profits of the people who sold the stock in ignorance. This seems unfair.

Prosecuting Sam Waksal might get them headlines in The Wall Street Journal, but it wouldn't garner much space in the New York Post or much airtime on Inside Edition. So why not prosecute Martha Stewart, a genuine celebrity, and one easy to ridicule?

In November of last year, Sam Waksal, the president of ImClone, a company developing a new cancer drug, was given a "heads up" by the Food and Drug Administration that it would not approve ImClone's new drug. When this news became public, the value of the stock would surely fall. Sam Waksal sold his stock before its price fell, and he told other members of his family to sell theirs as well. Metahomemaker Martha Stewart, a friend of Waksal's, also sold her Imclone stock. Many people suspected that Stewart decided to sell because of "inside information" she had received from Waksal.

Whether Waksal's sale of his own stock was illegal was open to question. No one had ever before been prosecuted for selling stock based on information from a regulatory agency before. But the story made the front pages because of its connection to Martha Stewart.

Not surprisingly, the Securities and Exchange Commission decided to prosecute Waksal: after all, successful prosecution of Waksal would extend the definition of insider trading, thereby giving the SEC greater power — and the anti-corporate climate that resulted from the stock market's dive and the revelations of high-level fraud at some corporations would provide an excellent climate for such a dubious prosecution.

But the SEC smelled more blood. Prosecuting Waksal might get them headlines in *The Wall Street Journal*, but it wouldn't garner much space in the *New York Post* or much airtime on *Inside Edition*. So why not prosecute Martha Stewart, a genuine celebrity, and one easy to ridicule — the object, quite frankly, of a great deal of envy?

On Oct. 22, *The Wall Street Journal* reported that in September, the SEC had notified Stewart that it intended to recommend charging her with securities fraud. Sure, there was a problem: insider trading law had previously been applied only against insiders, not against people who had, or thought they had, insider information.

The *Journal* mentioned in passing that the SEC does not believe Stewart actually had obtained any information about the FDA's revelation to Waksal that it was going to reject his firm's cancer drug. You might think this would be a serious roadblock to prosecution. Here the imaginative prosecutors at the SEC came up with a novel theory: in their investigation of Waksal's sale, a plea-bargaining employee of his stockbroker claimed to have informed Stewart that Waksal had sold some stock, and that, after hearing this, Stewart had decided to sell her stock.

Now that's extending the definition of "insider"!

The SEC is going further. According to the *Journal*, the SEC is also "considering bringing charges for Ms. Stewart's public statement about her arrangement with her broker," attempting to mitigate the unfavorable effects that the SEC's jihad was having on the value of stock in Stewart's own firm, not to mention her own reputation, when she claimed she had a pre-existing order to sell the stock, when in fact she did not.

Meanwhile, Sam Waksal copped a plea with the SEC, apparently because he feared that the SEC would extend its prosecution to include his elderly father and because the huge amount of publicity would make it difficult for him to be acquitted.

The charges against Stewart have no merit. But I suspect the SEC is hoping that Stewart will cop a plea to its first charge in exchange for its dropping the second, thereby extending its power and grabbing more headlines. Just to be safe, they plan to prosecute her on a civil basis, which means she will not be accorded the constitutional rights guaranteed to those prosecuted for criminal offenses.

This little exercise in prosecutorial abuse brings to mind

a conversation I had with a relative 30 years ago. He liked to play the horses, and had taken a job at the pari-mutuel window at a local track. One of the job's advantages, he told me, was that it enabled him to see how the guys "with shit on their shoes" were betting. These guys, he said, worked in the stables and had inside information that was of considerable interest to a guy like him.

I never knew whether he made money at the races, though I always doubted that he did. — R.W. Bradford

Do what to the chief? — R.W. Bradford said in the October issue of *Liberty* that many Americans tend to equate government with God. This makes perfect sense. Far too many people actually capitalize the "g" in government the same way they capitalize the "G" in God. And, of course, is it more than coincidence that Monica Lewinsky picked the sexual position that most closely resembled a person on their knees praying and, in this case, worshiping that age-old religious icon: a phallic symbol? — Chris Henderson

Tails I win, heads you lose — Six years ago, David Williams got a coupon good for $20 in gambling chips at Casino Aztar, a riverboat casino docked on the banks of the Ohio River in Evansville, Ind. Within a year, he had lost about $5,000 at the casino. Then he had a lucky night, winning back his losses and more. But within two months, he had a losing streak that cost him nearly $40,000. By the time another year had passed, his losses were over $170,000.

A "friend," *The Wall Street Journal* reports, "persuaded a state judge to hospitalize him involuntarily" to treat his "addiction" to gambling. The institution forwarded news of his addiction and his photo to the casino, which banned him from entering the casino and put his photo in a book of banned patrons. About a year later, he managed to get in without any of the security guards noticing. Some months later, by which time he had lost more money, a security guard caught him at the door.

He hasn't gotten into the casino since. But now he's trying to get back at it. He has sued Casino Aztar for millions of dollars for allowing him to gamble there. Legal experts think he has an excellent chance of winning his suit.

Early in the last century, a middle-aged couple would arrive in a small town and take the finest room in the town's finest hotel, often claiming to be British nobility. The husband would visit local stores and explain to the manager that his wife suffered from kleptomania, but was otherwise harmless. Could the stores simply keep track of what she stole, and he would gladly pay for it? The stores were happy to oblige, not wanting to cause pain to a refined visitor suffering from a sad disease. The dutiful husband would settle up for his wife's pilferage, and a few weeks later the couple would leave town.

Weeks later, after an inventory revealed extraordinary losses from the mysterious disappearance of expensive merchandise, a particularly prescient manager might suspect that his sales people may not have noticed some of the items

R. W. Bradford

speaks out on

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taken by the noblewoman. But by then, the couple would be long gone, staying at another hotel in another small town.

If Williams wins his case, we may see this old con game revived. All that anyone has to do is claim an addiction to gambling, fool a psychiatrist, inform a casino of the alleged problem, then sneak back in after a few months. If he wins at the tables, he has a nice profit. And if he loses, he wins bigger ones — not only will his losses be refunded, but he will be rewarded with "punitive" damages as well.

America — what a great country! — R.W. Bradford

Word watch, part IV — In the words of the old gospel song,

I have good news to bring,
And this is why I sing;
All my joy with you I'll share.

Progress is being made; we are moving forward. A formidable set of cliches has suffered serious damage to its reputation.

It happened on Oct. 17, when Montgomery County, Md., Police Chief Charles Moose was giving his daily press conference on the progress, or lack of progress, in the search for the I-95 sniper. Mr. Moose is not the nation's best rhetorician. He alternates between spasms of verbosity and jut-jawed refusals to communicate. His verbal quirks have been irritating people since the sniper thing began. On that day he faced his severest test. He had to admit that the alleged eyewitness on whose testimony he and other lawmen had been pinning their hopes had actually faked his eyewitnessing. Moose had an awful time admitting that. Finally a reporter asked if what he was saying was that the purported witness might have lied.

Moose responded, "I'm moving forward."

Yes, that's what he said. "I'm moving forward."

After outraged reporters pestered him some more, he finally answered the question with a simple "Yes." But the damage had already been done. "I'm moving forward" had been disgraced and discredited before a nationwide television audience. It will never be the same — and neither, I hope, will any of its near relations, such as "Let's just try to move the discussion forward, shall we?" "I think we should move beyond all these divisive discussions," "I think our campaign has moved beyond that now," and all the other means that have become popular, during the past decade or so, for dismissing any question of responsibility for anything that occurred in the immediate past.

It's easy to see how such cliches gained popularity. The careers of Mr. and Mrs. Clinton were constructed almost entirely of those materials, and although very few people have any respect for Mr. and Mrs. Clinton, if prominent personalities say anything enough times, it has a tendency to stick. Look at Lyndon Johnson, whom everybody hated, but who bequeathed us the lasting legacy of both "escalation" and "my fellow Americans."

But the Clintons were only a subsidiary cause of the popularity of the "moving forward" cliche. The self-help movement was much more important. "One day at a time." "I'm in recovery." "I've moved on with my life." And deeper even than self-help, there is the dominant metaphor of capitalist, Judeo-Christian, post-Darwinian society, the idea of life as motion, progress, transformation, evolution, a continual exodus from Ur of the Chaldees and a continual journey toward the City of God, or Science, or the Ability to Get Up in the Morning Without Reaching for a Bloody Mary. This is all to the good — or at least some of it is. Americans demand progress. What is more, they expect it. And once you've progressed . . . Hey! That was then; this is now.

If prominent personalities say anything enough times, it has a tendency to stick. Look at Lyndon Johnson, whom everybody hated, but who bequeathed us the lasting legacy of both "escalation" and "my fellow Americans."

Have you noticed that the clerk in the department store can't simply ring up your purchases — he's got to say, "I'll *go ahead* and ring up your purchases"? (Or the truly abominable, "I'll go ahead and ring you up," which introduces a lot of other issues, none of which I can face right now.) That's another verbal symptom of the national vice and virtue. Americans can't exist for longer than 30 seconds without specifying that we are, indeed, moving forward.

There was a time when "go ahead" was reserved for situations in which there was some doubt about whether anyone was really going to go ahead: "Should I go ahead and do that now?" "Yes, for God's sake, go ahead!" The steady creep of "go ahead" into otherwise normal contexts suggests a positive, and, if you will, a progressive addiction to the metaphor of progress.

Harmless? Perhaps. Charming? Occasionally. There is some charm — insidious though it be — even in Franklin Roosevelt's inspired choice for the title of his book about how he was blundering through the Great Depression. The book is titled *On Our Way*. It's a fecklessly engaging picture: America packing its collective picnic basket and collectively jamming itself into the old flivver, embarked on one more jaunty romp to somewhere.

As a guide to conduct, however, the "moving forward" metaphor has always left a lot to be desired. Three years after *On Our Way* was published, the nation was still no closer to getting out of the Great Depression, but Roosevelt was still looking ahead, yet *farther* down the road. He asked in his second inaugural address: "Shall we pause now and turn our back upon the road that lies ahead? Shall we call this the promised land? Or, shall we continue on our way?"

In answer to these ever-pregnant questions, the president pledged to build "the new order of things," an order to be constructed with "the new materials of social justice." Yes, and look at the damned thing now. No, just look at the Social Security system, and you won't need to look any farther.

Believe it or not, though, there are worse things than Franklin Delano Roosevelt. When you consider the current usage of the "moving forward" metaphor — its employment as a tool of blank denial, of a total lack of interest in anything that may have happened a moment before — you see something even more outrageous to the intellect than the methods of Roosevelt's second inaugural.

That the metaphor has finally achieved its reductio ad absurdum is reason for profound and lasting gratitude. Thank you, Chief Moose, for everything! — Stephen Cox

Mises for the masses — Ludwig von Mises and Friedrich Hayek, the famous 20th-century Austrian economists, are coming up in the strangest places — how about *The Economist* magazine, and the Harvard and Columbia schools of business! A few weeks ago, *The Economist*, the world's premier news magazine, ran a cover story, "Doldrums: The World Economy and How to Rescue It," and highlighted the Austrian "malinvestment" theory of the business cycle as the "best" explanation for the high-tech boom-bust cycle. I recently met with Kim Clark, dean of the Harvard Business School, who cites the Austrians in his latest book, *Design Rules: The Power of Modularity*. He's fascinated by Hayek's theory of dispersed knowledge. Then there's John O. Whitney, which *Business Week* named "most outstanding professor" at Columbia Business School. Professor Whitney's course, "Managing in a Market Economy," starts with Mises' classic article, "Profit and Loss," and four chapters from Hayek's *Law, Legislation and Liberty*. Tyler Cowen of George Mason University and I were guest lecturers this fall semester. After my lecture, one of the students said, "Austrian economics is completely different than anything we've been taught at Columbia." Prof. Whitney even mentions Hayek in his latest book, *Power Plays: Shakespeare's Lessons in Leadership and Management*. Only $5.99 in hardback from Amazon! — Mark Skousen

An ancient plague — When I was an ephebe, I was much impressed by one of Mary Renault's historical novels about ancient Greece. Lately I felt an urge to read another one, *The Mask of Apollo* (1966), a story about the ancient theater. Renault knew all the ancient sources and knew exactly how to use them. For instance, here is her protagonist's approach by sea to the great fortifications of the city of Syracuse: "All this was the work of [the tyrant] Dionysius. The cost hardly bore thinking of; but then his rapacity was famous all over Greece; it was said, and I started now to believe it, that he taxed his subjects' incomes as high as twenty percent. I asked the captain how they bore it." — Stephen Cox

The Times, they aren't a-changin' — I recently had an experience that you've probably had too. It happened at a dinner party given by friends. Hosts and guests were all charming, intelligent, sensible people. Their politics were moderately conservative, with a libertarian streak: during a discussion of the drug laws, I found that everyone favored repeal, and I didn't even have to bring that topic up. One other generalization can be made about these people, however. They appeared to get all their news and public debate from just two sources: Public Broadcasting and the *New York Times*.

The mind's resiliency is miraculous. Just as most smokers survive, decade after decade, their daily doses of poison, so, as I found, my friends had survived, with their sanity at least partially intact, decades of relentless exposure to the ignorance, folly, and outright lies of the nation's two major molders of elite opinion.

Other people have not been so lucky. As sociologists long ago discovered, the association of one's opinions with a purportedly elite source provides a guarantee of one's identity and significance, but dependence on the source can also produce a mortal fear of dissent. That is why even the most preposterously illiberal views — the advocacy of a radical program of affirmative action, for instance, even when it hurts oneself or one's children — are generally safe from criticism in America's intellectual and professional circles. Hesitate about affirmative action, and people start looking at you as if you were opposed to welfare, abortion, or the Darwinian account of the origin of species. You're just not saying what people say on *All Things Considered*.

Everyone knows this. The mystery is the degree to which the purveyors of modern-liberal opinion actually believe the opinions they purvey. Of course, they don't believe what they always say about the modern-liberalness of their news coverage: "Oh no, it's not 'liberal' at all; we bend over backwards not to take sides." I know they don't believe that,

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because nobody could believe it. But do they believe the rest of their guff?

I recently discovered a partial answer to the question of the liberal media's alleged sincerity. It came to me in a *New York Times* editorial about the University of North Carolina's love affair with the Koran.

As you know, UNC administrators decided to require that all new freshmen read a laundered (none of that kill-the-non-Muslims stuff) edition of the Koran and participate in "discussions" of the book. The only way out of the requirement was to write an essay explaining why you wanted out of it. Now, this reading assignment was not made in the context of some introductory great books course in which a variety of religious and philosophical views were to be entertained. The assignment had one simple, palpable purpose: the aim of indoctrinating students in the idea that Islam, which is currently a major non-issue in U.S. politics ("non" because no respectable source is permitted to question the moral standing of Islam, although everyone, it seems, is encouraged to question the moral standing of Christianity), is merely a sweet, inoffensive, alternative lifestyle that could not possibly have had anything to do with the events of Sept. 11, 2001.

That's bunk, of course. No major religion, no major philosophical or political tendency, is ever merely sweet and inoffensive and without unfavorable as well as favorable effects. This is an obscure truth, known to few among us, but it is of some importance in the interpretation of human life. What's obvious, however, is that UNC was attempting to indoctrinate its students in certain religious and political views.

Every civil libertarian should have been outraged by this attempt, in the same way in which such people would be outraged if the East Overshoe School District required kids who didn't want to recite the pledge of allegiance to write an essay about why they wanted to be so weird and different, or if the book that UNC forced on incoming frosh was the Roman Catholic catechism. After all, the Roman Catholic Church has been under attack lately, so perhaps we should all just learn a little bit more about it. . . . Yeah, sure. That wouldn't get anywhere with the *New York Times*. But the Koran assignment did. In fact, it was a hit.

For the *Times*, you see, nothing is more important than what might be called reverse identity politics — the solidification of a political identity derived from not being something. For the *Times*, the thing you should not-be is "conservative." The fact that conservative groups protested UNC's policy and took UNC to court over it was enough for the *Times* to decide that UNC must be right, and very right indeed.

This judgment could not be stated honestly, of course. The *Times* will never publish an editorial that starts, "Conservatism is a wicked thing." Nevertheless, that judgment must at all times be communicated, even in connection with the UNC episode, which was clearly a fiasco of modern liberalism. Picture, then, the *Times* editorialist as he went about ransacking the paper's enormous storehouse of logical fallacies to find useful weapons of hate — and finding quite a lot of them, such as . . .

Baseless psychologizing. The *Times*, or its Ouija board, knows all about the secret motives of people who are so eccentric as to criticize the University of North Carolina. "What they really oppose," the *Times* avers, "is the effort to study Islam objectively, without presuming at the outset that it is inherently evil." If you are staggered, as I was, by the effrontery of that statement, you may pause and contemplate it for a while, before proceeding to the next fallacious strategy, which is . . .

Pious self-congratulation, closely followed by demonization of one's adversaries: "Let's hope for the sake of the students and the state as a whole that their despicable efforts fail." Why despicable? Because we say so. And who are we? The people who are not despicable. The funny part, of course, is the image of the *New York Times* portraying itself as the guardian angel of . . . North Carolina! It's hard to keep that mask on, though. A few sentences later, there's a withering reference to the days when the benighted southern state persecuted "Communists." If you are a modern-liberal editorial writer, you must never forget that your audience derives an important part of its political identity from its self-righteous anti-anti-communism. But we have still not reached the core of the *Times'* argument.

I hope that if Arkansas ever passes a law requiring motel keepers to place a Gideon Bible in every room, the Times will congratulate Arkansans on the preservation of their freedom to read the Bible.

Remember, please, that we are talking about a University requirement. We are not talking about the University's permission for the Koran to be read and studied. We are talking about the University's requirement that all entering freshmen bone up on the sacred scriptures of a certain religion. Even the *Times* has not forgotten this; its editorial is coyly entitled "Required Reading."

So the *Times* knows what it's up to when it proceeds to congratulate itself on the fact that the conservative adversaries of UNC's forced immersion in the Koran did not prevail in court. Here is the *Times'* way of summarizing this history: "A federal court last week refused to bar the students from reading and discussing the book."

In other words, to protest against the requirement that something be read is to deny people the freedom to read it on their own. I hope that if Arkansas ever passes a law requiring motel keepers to place a Gideon Bible in every room, and the courts somehow refuse to annul that law, the *Times* will congratulate Arkansans on the preservation of their freedom to read the Bible.

An idle daydream. Let's return to the original question: do people who argue like this believe their own arguments? I cannot imagine that they do. I cannot imagine that of anyone. Here is ignorance and folly, but it is not the ignorance and folly that people try to escape, and fail. It is ignorance and folly that is desired and sought and at last created.

I'd hate to tell the *New York Times* what the Koran has to say about conduct like that. — Stephen Cox

Profile

Taking Economics Into the Lab

by Alan Bock

In 1956, Vernon Smith applied something from his training as an electrical engineer to economics: experimentation. In 2002, this pioneering work was awarded the Nobel Prize.

When I met Vernon Smith last year I had no idea I was talking to a future Nobel Prize-winning economist, nor did I have any particular understanding of what experimental economics was. I just thought the gray-haired, ponytailed professor was the most interesting speaker at a Hoover Institution conference on the quiescent but still unresolved California energy crisis — he was obviously intelligent, delightfully irreverent, and had an impish twinkle in his eye as he explained that California hadn't experienced an energy crisis but a market-design crisis caused by the politicized 1996 reorganization (all the speakers agreed it wasn't really deregulation) of the California energy market.

After his talk I approached him to say how much I had enjoyed it and we chatted for a few minutes. I liked him even better, but didn't think it likely we would run into one another again since he was heading an institute at George Mason University on the other side of the country.

The Nobel committee announced on Oct. 10 that Smith was a co-winner of the Nobel Prize in economics with Princeton psychology professor Daniel Kahneman. Smith's name sounded familiar but I hadn't placed it yet. Then I remembered. Smith had written a delightful article for *Liberty* back in 1992. Titled, "The Economics of the Emergence of Humankind," it began with these words: "This is about who we were in prehistory, and how we were shaped by economic principles. It is an exciting story, perhaps humanity's most important story; it may even be true!"

Vernon Smith is one of us. A freedom guy.

And his contribution to economics is important. To some extent economics as it is traditionally taught, depends on certain assumptions that might be viewed as shaky — that participants in markets are "rational calculators," or *homines economici*, driven almost solely by self-interest. To be sure, most classical economists have a more nuanced approach. But as understood by most college freshmen, the discipline can be criticized with some justice for assuming that human beings act in ways that a few years' experience in the real world will tell you they really don't.

Daniel Kahneman put some scientific flesh on common sense, studying (along with his colleague Amos Tversky, who died in 1996) human judgment and decision making. He showed that most people use intellectual shortcuts and sometimes decide on the basis of their biases rather than a rational weighing of the evidence.

Deborah Prentice, chair of Princeton's psychology department, claimed in a university press release that this affirmation of the obvious (at least to a non-academic) "challenged the microfoundations of economics. If people are not always capable of making rational decisions, then a lot of what economists had inferred on the basis of those assumptions really needed to be re-examined."

Maybe, maybe not. The "rational calculator" assumption was always a convenient way to construct economic models rather than an assertion about actual human behavior. For the purposes of economic models, assuming that most peo-

ple most of the time will act in their economic self-interest is serviceable enough, though it does carry dangers. And the Austrian school decades ago moved beyond it.

Then there are the experiments Vernon Smith started doing back in the 1950s when he was teaching at Purdue. "I began doing them largely as a teaching tool," he told me the day after the award was announced. He did acknowledge that with his background in the hard sciences — he got a bachelor's degree in electrical engineering at Cal Tech before getting an M.A. from Kansas and a Ph.D. from Harvard in economics — he hoped that his little experiments using students equipped with hard cash in market-like situations with differing pricing mechanisms might lead to something important.

They not only helped students understand, they surprised even Smith at showing the efficiency of free markets, "disabusing me of most of the ideas I received as a graduate student at Harvard," he told me. Before Smith most economists assumed markets were efficient only with large numbers of buyers and sellers. But the experiments "demonstrated the power of free choice right before my eyes," Smith told me. "With only a few students as participants I hadn't expected such quick convergence into a competitive supply-demand equilibrium. But there it was. And it happened again and again."

The experiments surprised even Smith at showing the efficiency of free markets, "disabusing me of most of the ideas I received as a graduate student at Harvard."

Originally derided as something economists don't do, lab-style experiments in economic behavior proved their value and developed into a field itself, of which Smith is widely acknowledged as the pioneer. In addition to demonstrating economic principles to sometimes hard-to-reach students, these experiments demonstrate that differing "rules of the game" in markets can make huge differences in outcomes. Experiments also can give policy proposals what the Nobel committee called "wind-tunnel tests," so ideas can be refined before they're sprung on an unsuspecting public.

The fact that proposals can be tested, of course, doesn't guarantee or even make likely that politicians will pay attention. We're still more likely to get proposals that benefit re-election chances or enhance bureaucracies than those that actually benefit the general public. But the means to test political promises are increasingly available.

Dr. Smith plans to donate his share of the Nobel money — about half a million dollars — to a non-profit he and some colleagues started in 1997 called the International Foundation for Research into Experimental Economics (IFREE, of course). It will not only fund more research and help students, but Dr. Smith says it should be possible to keep most of the loot from the tax man, "which I consider a highly moral activity."

My kind of guy. ❑

Inside Vernon Smith's Lab

I learned about Vernon Smith's economic experiments while taking a course in mathematical economics and money and banking. A grad assistant passed out a sign-up sheet with instructions that we were to fill it out if we were interested in participating. We were all economics majors and there were payments for participating, so most of us signed up.

The experiments were held in the computer lab. In the beginning there were few attendees, sometimes not enough to conduct an experiment. When I arrived, I was asked to show an ID and proof that I had volunteered for that specific time and date, and then told to sit behind a designated computer. On the days when too many people arrived, names were picked randomly; those people were given a $5 show-up fee and guaranteed a spot at the next experiment. Each person was then assigned a code that matched up with their respective computer. First we did a point-and-click computer tutorial, to make sure that we understood the computer program. We were told to not talk or leave the room for any reason, lest we lose our show-up fee.

Then the experiment would begin, typically with each participant given either a quantity of merchandise to sell or a quantity of money with which to buy the merchandise offered by others. Those with merchandise were instructed to sell it for as much money as possible and those with money were instructed to buy the merchandise for as little money as possible. Participants were shown how to place and take bids. Then each participant holding merchandise posted his selling price and each participant holding money posted the price he was willing to pay. Any seller could accept any bid, at the same time withdrawing his sell price; and any bidder could accept any offer to sell and simultaneously withdraw his bid. All this was executed very quickly by the computer, which also calculated the profit of each player. After 10 or 15 rounds, total profits were calculated and the winners received their profits in cash.

It was best to do your transaction as fast as possible. After the first or second round, I usually got the idea of the scenario. Sometimes the cost of my merchandise was so high I couldn't sell it and sometimes I made a healthy profit from my trade. On my first game, I walked away with a measly $8, while others walked away with over $30 that same game. It was rumored that one man made over $40 in one game.

The games would vary every time too. Sometimes, I was allowed to bid directly with another contestant under a time limit. But most variations were pretty straightforward supply and demand games. The notional merchandise trading wasn't as fun as Monopoly, but then again Parker Bros. doesn't reward you for building Baltic Avenue hotels.

— James Barnett

Of Storerooms and Significance

by Stephen Cox

Little things in life *do* add up when one is faced with a life-altering event . . . such as cancer.

Early in the morning of July 9 I entered the hospital to undergo an operation for the kind of condition that newspapers call "a life-threatening illness." It was kidney cancer, and the operation consisted of the removal of part of my kidney and a rib that had the misfortune to be standing in the way. The operation appears to have been successful. I'm still feeling the aftereffects, and will for some time, but I believe that the operation saved my life.

It's ordinary to talk about "what you learned" from such experiences, and I'm going to do some of that. Another purpose of this reflection, however, is to talk about a problem that I encountered at the hospital and have been thinking about ever since.

But first, What I Learned.

I learned that, for me, there are many worse experiences than discovering that one has a potentially fatal disease. Any number of failed romances, anxiously anticipated tests, and transitory professional disappointments have troubled me more than knowing that I had cancer. I can't say whether this demonstrates how wise I am, or how stupid. I assume that I wouldn't have felt quite the same way if I'd received a diagnosis of an irremediably terminal condition. But I can't claim much sympathy for my preoperative hardship and distress. On the assumption that I might not survive the operation, I cleaned up some stuff that I wouldn't want my executor to be plagued with, and I completed a couple of literary projects that I would be disappointed to leave in an unpublishable condition. Then, on the more likely assumption that I would survive, I stocked my refrigerator with a lot of easy-prep food, and I was ready to go to the hospital.

Contrary to my expectation, almost everyone I met there was intelligent, efficient, kind, and thoughtful. My physician and his team conducted a long and difficult operation with confidence before the fact and modesty after it. My insurance paid for everything except the first $250.

Needless to say, I was happy about all that. But to me the most impressive aspect was my friends. They are a very diverse lot. What had always interested me, in thinking about them as a group, was their difference from one another. What I noticed now was their similarity. They all turned out to be aggressive, determined, take-charge personalities. They wanted the best for me, and they made sure that I got it, whether that meant taking care of me themselves or making sure that somebody else was doing it, and doing it right. After my operation, they fed me, clothed me, cooked for me, cleaned for me, anointed my wounds, and managed my moods. They entertained me, advised me, listened to me, and even left me alone when I needed to be alone.

Just before I went to the hospital, I asked three friends (the legally stipulated number) to exercise my "power of attorney for health care," which means being willing to decide, if necessary, the point at which my life would not be worth continuing. Two of these people are straight and one is gay. Two are libertarians and one is a modern liberal. One is an atheist, one is a devout Christian, and one is waiting for all the evidence to come in. But I never had to think about discussing "my wishes" with any of them. I knew without asking that on questions of life and death we would all make the same decisions.

Because of my friends I can make the ridiculous, but perfectly true, statement that the weeks I spent killing cancer were far from the unhappiest weeks of my life. Some, indeed, were among the happiest.

As I indicated, however, there is one part of my experience that I've had trouble coming to terms with. It has nothing to do with problems of religion or politics or ethics or my ideas about the health-care system. My ideas about those topics didn't change in the least, although some of the tonalities deepened in ways that I don't think I can evoke very clearly. What I can discuss is the place I was put in just before I went into the operating room.

The weeks I spent killing cancer were far from the unhappiest weeks of my life. Some, indeed, were among the happiest.

Like most other non-medical personnel, I'm always surprised by the way that the insides of a hospital look. The rooms always look much nicer or uglier, much more efficient or less efficient than I would have expected. The pre-op room presented more than the usual surprise. It looked like a storeroom. There were two or three hospital beds scattered about, but the other furnishings consisted of some tall metal cabinets with the doors ajar and some little metal chairs and tables with a lot of amorphous stuff sitting around on them. In short, the place was utterly lacking in the dignity to be expected of the Last Place I Might Ever See on Earth.

They wheeled me in there, and I lay on my bed while a nurse asked me for the 40th time whether I was allergic to latex. Then a young anesthesiologist leaned over me and formally reviewed the dangers of the operation. "There is a small chance that your teeth may be broken or your mouth otherwise injured by tubes injected into your oral cavity . . ." He concluded by mentioning the danger of cardiac arrest. "In other words," I said, "you mean I may die." "Yes, that's what I mean." "I understand," I said. We were both laughing, although the chance that I might die on the table undoubtedly loomed a lot larger in my mind than it did in his. It was, in truth, very small.

Those conversations didn't bother me. What bothered me was the wait that followed. It took about 20 minutes for the anesthetic he administered to exit the IV tube and work its way into my brain. During its journey, I was left alone. My primary concern, at that august moment, was the possibility that, somehow, while I was waiting to pass out, I might develop a raging need to piss. I could picture myself rising from my bed, festooned with IVs, to demand that the operating team go cool their heels until I returned from the restroom. I knew it was one more humorous proof that embarrassment is generally more frightful than death, but the thought failed to cheer me.

My secondary concern was a trifle less silly. I was not, after all, entirely alone. There was one other person in the room, and she was becoming a bother. She was a busy little woman, and she was apparently a nurse, but she was not there to attend to me. She was wandering back and forth from one storage cabinet to another, counting things, arranging things, and chattering to herself, or perhaps to me, about the difficulty of keeping all these things in order. The mundane quality of her conversation cannot easily be exaggerated. "Oh my," she kept saying, in her little sing-song voice, "oh my. I just don't know. I thought they were all right here, but now I don't know where they are. I don't know where they went. I need to count them all again. One, two, three . . . no, no . . . One, two, three, four . . . I need to count them all again now . . ." Despite her struggles, she seemed quite complacent.

This will be my ultimate experience of life, I thought — not the wise words of loving friends, not even the ghastly testimony of my own fears, but a stranger's trivial monologue about pure trivia. I couldn't even say that I was saddened or insulted. No, no: I would go to my death in a state of mild irritation, nothing more. I was thinking in this way when a posse of young men took hold of my bed and pushed it through the big double doors of whatever lay beyond. It was then that I lost consciousness.

I often recur to that episode, and when I do, I find that it's associated in my mind with many things. It brings to remembrance the scenes from my childhood in which I first encountered death. I remember a little frame house with tarpaper brick on the outside and overheated rooms on the inside; a strangely transformed neighbor sprawled on a hospital bed that overshadowed the cheap, familiar furnishings; the patient lying silent while the television continued its intrepid round of sitcoms and the assembled relatives shouted to one another over the blasts of laughter, diligently discussing the latest baseball news. Was it all a brave attempt to reassure the dying man with a pretense of normalcy? Or was it merely a crass announcement of the insignificance of human life? "Oh my, oh my. I just don't know."

I still do not want to die in a storeroom, no matter how zen that prospect might seem to some more purely spiritual being.

I can't entertain those memories for very long, however, before I recall, by contrast, the many scenes of my own life that have been distorted and embittered by my demand that every moment be charged with significance. If the reality was insignificant, I wanted at least the symbol. If you don't really love me, at least you can act like it. I needed the first two-thirds of my life to learn that I should stop ruining the ordinary and the pleasant with my demands for the extraordinary and the dramatic. But now, thanks to the little nurse in the hospital and her insupportable chatter, I've discovered that I can only be satisfied with the end of my life if something of intense symbolic significance is arranged to happen at that end. Apparently, I'd be happy to exchange the ordinary nurse for a demon from hell, dispatched with special orders to summon me to the wrong side of that painting in the Sistine Chapel.

That seems absurd enough. Yet what is either life or

continued on page 34

Epistle

Environmentalism in Flames

by Robert H. Nelson

The fires of 2002 burned more than trees.

The forest fires that raged this summer across the West threatened more than homes. The environmental movement's 30-year claim to the moral high ground in American policymaking may have ended in the tinderbox forests of the western United States.

As the fires were burning, we witnessed the astonishing spectacle of prominent environmentalists denying that they had strongly opposed the mechanical thinning of western forests — the most effective means to reduce fire hazards. The truth is more nearly the opposite. For the past ten years, environmental groups have waged a total war on forest thinning.

Several years ago, the Sierra Club began to oppose all further commercial removal of wood from the national forests, thinning or otherwise. In northern California, the "Quincy Library" agreement was blessed by an act of Congress, despite fierce opposition from national environmental groups. The main purpose of the agreement among local environmentalists, government officials, and timber representatives was to reduce fire hazards resulting from excess fuel loads in nearby national forests. The agreement finally collapsed in the face of the unremitting hostility of leading environmental organizations.

Throughout the West, environmental court suits, administrative appeals, and other opposition has been so fierce that in most areas a sensible forest planner would never even bother to propose a thinning project in the first place. Environmentalists argue that prescribed burning should instead be used to accomplish the necessary fuels reductions. Yet, prescribed burning is often impossible where physical structures are located or where existing fuels build-ups are already too combustible. In many areas the actual choice is between mechanical thinning and the acceptance of periodic (if unpredictable) conflagrations such as seen in the Colorado and Arizona fires this past summer.

Environmentalists have in effect opted for the latter. However, they cannot say so officially. When pressed by critics, their only escape has been to lie about past actions. How has this demoralizing turn of events come about?

The fierce passions aroused by the environmental movement often reflect an underlying religious inspiration. It is the flawed "theology" of the environmental movement that has led to the current impasse. The core value of the environmental movement is to protect and, where possible, to restore "nature." The Wilderness Act declared the purpose to set aside areas that are "untrammeled by man." Even when it is not explicitly invoked, this ideal of naturalness is in the background of most environmental policy thinking.

The basic problem is that it is often literally impossible to do anything that is "natural." Like other past utopianisms, the pursuit of an impossible naturalness is bound to yield confusion and policy failure, as seen now in the national forests of the West.

When Europeans arrived, many of these forests had already been manipulated for thousands of years by Native Americans, mainly through the setting of fires. If "untrammeled by man" recognizes Native Americans as human beings, the goal of "natural" means the restoration of the forest conditions of at least 10,000 years ago. The alternative is to yield to implicit racism, putting Native Americans in the same category as wolves and grizzly bears. Europeans may have lived fallen lives of sin since the transgression of Eve but environmental theology now seemingly says that Native Americans were left behind in the Garden.

In the early Massachusetts colony, Cotton Mather saw Indians as the heathen agents of the devil; current environmentalism inverts this thinking but is no less discriminatory. As the historian of forest fire, Stephen Pyne, writes, current environmental thinking amounts to "stripping American Indians of the power to shape their environment"; it is an act that "is tantamount to dismissing their humanity."

It is the flawed theology of the environmental movement that has led to the current impasse.

In their current stressed condition, a "restoration" of even Native American patterns of forest management can be accomplished only through heroic management actions. The historic norm for the widespread ponderosa pine forests of the interior West is 30 to 60 large trees per acre; today, many of these same forests contain 300 to 600 small ("kindling") trees per acre. Setting a torch to these forests is like lighting a torch to a bonfire. The result would be historically unprecedented and environmentally damaging in many ways; it would be no more "natural" than the all-out harvesting of timber through clear-cutting.

Indeed, the only way to restore a Native American fire regime is to mechanically cut down most of the small trees now present on the forests, thus negating the consequences of a century of Forest Service fire suppression and more recent non-management policies. Once the excess wood loads have been removed, it might then be possible to re-establish a long-term regime of frequent prescribed burns at low intensities — mimicking the historic lightning and Native American fires that existed before the modern era of suppression.

However, it is still a fantasy to suggest that such an outcome would be "natural." If an original Rembrandt painting is destroyed, it is lost forever. Even a perfect replica — indistinguishable to anyone but the most accomplished art historian — is not the real thing. To pretend otherwise is to perpetrate a fraud. Yet, environmentalists are now engaged in something very similar. Any future shape imposed on the national forests will have been created by human action. So long as the Forest Service manages the forests, they cannot be "wild." They are special type of "garden," a colonial Williamsburg of original nature. Nothing can change this, however much some people might wish otherwise.

The national forests have today become grist for the scriptwriters of environmental fantasies. A cynic might say that this "Disneyland management" of our national forests is their actual highest and best use. Fantasy sells and there are millions of people in New York, Los Angeles, and other urban centers who enjoy images of the Garden of Eden of the national forests. By contrast, the rural people in the West who are directly affected by the livestock grazing, hiking, hunting, timber harvesting, and so forth on these forests constitute a small (and less moneyed) minority.

However, the downside to Hollywood management of the national forests became apparent in the summer of 2002. Even many distant urban dwellers were upset at the spectacle of Western homes burning to the ground on their TV sets. The residents of Denver found "natural" management less attractive when it meant choking in the smoke of nearby forest fires.

The ultimate problem with the use of the national forests as a fantasy playland is the potential for contrary images to arise. When Hollywood filmed the life of John Nash in *A Beautiful Mind*, it took large dramatic license. This is fine for a movie. But no such license can be granted for the environmental scriptwriters for our national forests. If the current Hollywood management is exposed as such, the viewers' pleasure will be undermined as well. Large sums of federal money — and other large costs borne by the local people who live in close proximity to the national forests — will simply go down the drain. Indeed, that is what was happening this summer in the raging forest fires of the West.

As a religion, modern environmentalism has been a form of fundamentalism, in part a protest — like other fundamentalisms — against the uglier elements of "the modern project." Environmentalism seeks to defend "nature" in the face of scientific and economic assaults. But no modern Thomas Aquinas has carefully worked out the intellectual logic and defended the theological coherence of the environmental value system. Indeed, like other fundamentalisms, the environmental version may work as a popular religion (it has in fact succeeded spectacularly in the past quarter-century) but it is weaker on scientific and historical grounds — and thus is also a poor basis for public policy.

Like other past utopianisms, the pursuit of an impossible naturalness is bound to yield confusion and policy failure, as seen now in the national forests of the West.

That is the dilemma faced today by the environmental movement. It is caught between inspiring the faithful with a popular faith versus maintaining its theological coherence and policy effectiveness. The fires raging across the West this summer may finally require environmentalists to opt for more careful thinking. If that means the end of environmental religion, or the shift to a brand new phase, so be it. ❑

Controversy

The Plausibility of Anarchism

by J. C. Lester and Kyle Swan

Is the state dispensable, even in theory? Is anarchy possible?

In November's Liberty, Kyle Swan denied that anarchism is a plausible political alternative.

J. C. Lester now defends the anarchist position. Swan responds, and Lester gets the final word, at least for now.

The Trouble With Swan

by J. C. Lester

Kyle Swan's review is, for the most part, refreshingly accurate and it offers pertinent criticism to which I am happy to respond.

The extreme classical liberal or libertarian compatibility thesis that *Escape From Leviathan* defends is that there is no long-term, practical, systematic conflict among economic rationality, interpersonal liberty, human welfare, and private-property anarchy. Swan thinks this extreme version is probably false and suggests that perhaps even I would agree. I do not, though I am open to argument. But what I happen to believe at any moment is a piece of fleeting autobiography that is irrelevant to the truth of the thesis or the soundness of the arguments in *Escape From Leviathan*.

As Swan explains, I use Popper's critical rationalist epistemology of seeking tests for my conjectures instead of trying to support them. Swan doubts that this "is the best we can do." He says, "I don't see why there can't be a transfer of justification between two propositions, one of which is grounded in the other." But how is the first one grounded? Swan observes that Loren Lomasky sees libertarianism as having "its foundation in a particular theory of practical reason." I cannot usefully deal with this brief suggestion here beyond noting that deeper levels of theory are not thereby a foundation in any epistemologically justified sense. They are merely more basic conjectures. It is conjectures all the way down. Hence there is no ultimate support.

It is true that, as Swan notes, making "ideas logically compatible with each other doesn't have to be especially difficult." But in *Escape From Leviathan* I am engaged in making ideas coherent that also withstand independent criticism. I am not defining my terms so that they are merely consistent but defending theories of each conception (particularly rationality, liberty, welfare, and anarchy) as in itself capturing a relevant notion in a way that withstands criticism and solves various problems.

Swan goes on to say that "the conception that a free will is one that is not determined by anything external to the agent isn't compatible

with determinism." But a free will that is not determined by anything external to the agent is compatible with determinism — unless Swan views an "agent" as involving only an abstract mind (so even every part of the brain is "external") rather than a kind of biological entity (as I would view it).

Swan then offers a conception of free will that is clearly along the lines defended in *Escape From Leviathan* and (also) compatible with determinism: "one's will is free so long as it isn't interfered with, or compelled, by others." He states that "it may be very easy to make a set of terms logically compatible with each other simply by defining the terms in such a way that they don't conflict." But I do not do that, as Swan seems to suggest. I defend a particular theory of free will from criticism and argue that other theories are false. One cannot validly reject pro and con arguments, as Swan effectively does here, on the assumption that the mere fact that someone has consistent theories just shows that he might have fiddled the definitions. I might also counter that "it may be very easy to make a set of terms logically incompatible with each other simply by redefining the terms in such a way that they do conflict." (However, I ought to note that the truth or falsity of my theory of free will is not crucial to the compatibility thesis — metaphysical free will could do the job too — but I did need to give some coherent account of this that fitted with my theory of rationality.)

In addition to this implicit criticism, Swan offers two explicit criticisms of my thesis: "First, I think that either the four ideas are not strictly compatible, or, if they are, the compatible thesis becomes somewhat trivial. Secondly, I disagree flat-out with one of Lester's definitions."

Swan cites "the issue raised by David Friedman that 'turning on a light or striking a match can send photons onto the property of others, so, given absolute property rights, one cannot even do such trivial things without the permission of everyone affected' (page 73)." He says that "a theorist seems forced to choose between an individual's absolute control of property and perfect liberty. The choice Lester apparently prefers is to give up perfect liberty."

How does the protection of private property limit liberty when private property is derived from liberty?

Here Swan is simply mistaken. I argue that neither of these is possible. Libertarians would not be libertarians if they were not for liberty — though perhaps only for as much liberty as is possible. Swan asserts that "Lester admits the possibility of cases where his definition of liberty conflicts with his definition of private property." But there is no clash of "definitions." Because of inescapable clashes in proactive impositions, perfect liberty is not always possible (in fact private property itself is a way of minimizing such clashes). That is all.

Swan continues that "it would not be difficult to imagine cases in which liberty would also conflict with people's having their unimposed wants satisfied." Of course. But mere imagined possibilities are not a problem for the practical claim of the compatibility thesis. I do not in any way "retreat" from my conception of liberty as "people not having a subjective cost initiated and imposed on them by other people" (or the absence of proactive impositions, for short). Liberty is maximized where welfare is maximized and private property is maximized. Hence these things do not conflict. I do not say that we can have perfect liberty, perfect welfare, and perfect private property (though I can make some sense of each of these).

Swan asks "What will determine in these cases the extent to which impositions will be permitted?" The answer is that overall impositions should be minimized by whatever means does this best. Swan supposes that "where the perceived conflict is between individual liberty and private property, it will be just those impositions that are compatible with protecting another's property." No, it will be whatever maximizes liberty (i.e., minimizes overall proactive impositions). Has he forgotten that *Escape From Leviathan* deduces property rights, including self-ownership, by applying the theory of interpersonal liberty? Liberty is not defined in terms of property (except as a useful rule of thumb).

Libertarians would not be libertarians if they were not for liberty — though perhaps only for as much liberty as is possible.

On my perpetual copyrights, Swan suggests that this will sometimes impose costs on those who do not own them. How? There is no explanation or argument given. He then suggests that costs might be imposed on "even those who, for example, won the race to the idea, but lost the race to the copyright office, or arrived at the idea later than, but independently of, the copyright holder." This seems to be confusing copyrights and patents. At the extreme, copyrightable innovations are not likely to be thought of independently ("I wrote an identical *Hamlet* before I knew of Shakespeare's play"?). It is also conflating criticism of the abstract theory with criticism concerning a possible practical difficulty. In *Escape From Leviathan* I discuss various problems and solutions with respect to each. Strictly, I do not recognize distinct categories of intellectual property but envision a spectrum of intellectual innovations ranging from those that might, otherwise, be independently created very soon afterwards (e.g., some mechanical inventions and pharmaceuticals, also maps and mathematical tables) to those that are unlikely ever to be independently created (e.g., books, symphonies). I cannot see what Swan finds problematic with this so I cannot usefully say more.

Of my compatibility thesis, Swan asserts that the "bold conjecture . . . is weakened to the more judicious claim that liberty must be compromised in order to secure strong property rights." I cannot understand why Swan thinks this. It is wrong in two crucial ways. 1) Liberty is never compromised. Libertarians, qua libertarians, must opt for the maximum liberty possible (and perfect liberty might not be possible). And 2) In *Escape From Leviathan* I clearly take the position that simple private property as normally conceived does have to

be modified when it clashes with liberty (for example, contra Rothbard, I argue that the person who finds himself surrounded by someone else's property must be allowed reasonable easements, though perhaps with some compensation payable, as that is a lesser imposition on the other owner than allowing his imprisonment is on him).

Swan asks, "Who would deny that private property is compatible with as much individual liberty as is attainable when perfect liberty (as Lester defines it) is unattainable?" If Swan means "generally compatible," then just about everyone who is not a libertarian would deny that private property is compatible with as much individual liberty as is attainable. I do not mean only to argue with libertarians. Swan says that my choice is for "allowing the protection of private property to condition the 'amount' of individual liberty." I cannot understand this. This sounds like the thinking of someone with a non-libertarian conception of liberty. How does the protection of private property limit liberty when private property is derived from liberty? Patents are then put forward as an example of my doing the opposite, and "right," thing. But I explain how patents are different from copyrights in applying my theory of liberty. What is wrong with my explanation? How is only this putting liberty first?

My aprioristic "definition" (theory) of rationality is "implausible": that "agents always attempt to achieve what they most want under the perceived circumstances." Swan thinks this implausible because of the possibility of false beliefs. If I mistake a glass of gasoline for a glass of juice, I do not have an "objective reason" to drink it "[b]ut I would have been attempting to achieve what I most wanted under the perceived circumstances."

So what? I am defending a theory of subjective rationality. Why should I be defending an objective (perfect?) theory instead? I do not object to objective theories, as such; they are simply peripheral, at best, to explaining the real values, choices and actions of agents (and Swan's version looks more like unattainably perfect prudence). Does Swan think my subjective theory will somehow lead to mistaken gasoline drinking in practice? I do also argue that it is overall welfare-enhancing — so also objectively rational? — to allow people to learn from their own mistakes and I refer the reader to the literature on what happens when "experts" are empowered to choose for them. Is there something faulty with that? ❑

You Can't Have It Both Ways

by Kyle Swan

I won't say anything here about the structure of epistemic justification. When Lester asks about two propositions, one of which is justified in terms of the other, how the other is ultimately justified, it isn't that he's unaware of the variety of internalist and externalist versions of foundationalism. He's just not convinced by any of them. However, I'm surprised that in his response to my review he fails to understand what he seemed to in his book. The critical rationalist method seems to suggest that Lester's extreme compatibility thesis is probably false (even if I wasn't able to refute it). In his response to my review he claims he doesn't think the thesis is probably false. But he had written that "such bold universal theories might be false, and probably are: in an infinite universe it is statistically unlikely that we have stumbled on the truth" (page 5). I had understood Lester here to be recognizing at least one consequence of the critical rationalist approach. But perhaps he regards his extreme compatibility thesis as one of these statistical anomalies.

I also won't say anything about freedom of the will. Firstly, because this is a topic upon which we seem to agree. Secondly, we also agree that this discussion isn't central to the compatibility thesis. But I hadn't brought it up to criticize it. Rather, it seemed an instructive example of the fact that questions regarding the logical compatibility of ideas depend upon one's definitions of those ideas.

Lester is right that it would be mistaken to assume that the fact that someone has a consistent set of ideas shows that he might have fiddled with the definitions. But I didn't base any of my arguments against the compatibility thesis upon any such assumption. Rather, I tried to show that, in order to deal with certain practical problems, Lester must fiddle with them. This was the point of my first criticism that liberty, as Lester defines it, isn't always compatible with absolute private property rights. Friedman's example is but one case. The way Lester says he disagrees with Rothbard is another (107). The liberty Lester defines as the absence of proactive impositions isn't possible here unless the property rights of the others are compromised or "modified" in some way. But alternatively, the others' absolute control of their property isn't possible here unless the individual liberty of the first person is compromised.

Liberty, as Lester defines it, simply isn't always compatible with absolute private property rights.

As I suggested, this is a function of Lester's definition of liberty as the absence of proactive impositions. In practice, it is not generally possible to secure for someone the absence of proactive impositions. This is so just because others exercise their property rights, and/or act so as to improve their welfare. Their doing so ultimately has the effect of imposing some subjective costs on somebody or other. Recognizing this, Lester opts for social arrangements that "yield the maximum liberty that is practically feasible" (74).

Therefore, Lester is wrong to say, as he did in his response, "liberty is never compromised." He does not typically recommend the absence of proactive impositions. Typically it's practically impossible to secure this. Instead he recommends minimizing proactive impositions. This does constitute a retreat from the compatibility thesis as he initially formulated it. It amounts to an admission that liberty as absence of proactive impositions is not "in practice and in the long term" compatible with general welfare and private property.

I think it's a sensible retreat. The compatibility thesis is now not as obviously false. But it's also not quite as bold.

Non-anarchists, non-libertarians, even political liberals agree with Lester that proactive impositions should be minimized and that this minimal level of proactive impositions is compatible with other values in the political realm. The disagreement amongst them concerns just what that minimal level needs to be in order to secure those other values. It is an important debate, but also a familiar one, that Lester is contributing to. It's misleading for him to claim that he's offering an account of the objective compatibility of all these values.

Lester also misunderstands my discussion of his position on intellectual property. I neither argued against nor endorsed either of his policy recommendations here. I didn't say that the way he deals with copyrights is a mistake and the way he deals with patents is the "right" way. I merely described his positions wanting to illustrate one aspect of my first critique. With respect to the compatibility of liberty as the absence of proactive impositions with absolute control of private property, Lester says he argues that "neither of these is possible." I think he's wrong about this.

In very specific matters of practical policy, absolute control of private property is possible so long as liberty, as the absence of proactive impositions, is compromised. This would be the case if copyrights were perpetual, as Lester thinks they should be.

The idea is that sometimes, in very specific matters of practical policy, absolute control of private property is possible so long as liberty, as the absence of proactive impositions, is compromised. This would be the case if copyrights were perpetual, as Lester thinks they should be. If someone had an idea that someone else later secured a copyright to (let's say, having arrived at the idea independently of the other), the latter person retains absolute control of the material. However, the liberty as absence of proactive impositions of the former person is compromised. On the other hand, in the case of patents, the liberty of others as Lester defines it is expanded as the patent holder's control of his property is compromised. It would also be easy to think of actual cases where the same would be true about liberty and welfare. In some of these cases, it might be good policy for the former to condition the latter. In other cases, the opposite is true.

Lester responds to my second criticism by declaring that he is defending "a theory of subjective rationality." Well, I knew that and noted it in my review. The problem is that, given his definition of what rationality is and its purported connection to welfare as want-satisfaction, he is committed to the implausible claim that the person I imagined has enhanced his welfare by drinking the gasoline. Lest anyone should be confused in the way Lester apparently was, this is a complaint about Lester's account of rationality and so the compatibility thesis. It is not an argument for empowering anyone to interfere with anyone else. ❑

No Need to Retreat From Liberty

by J.C. Lester

One theory I believe is that many of the theories I believe must be false. And they are more likely to be false the bolder they are. But that does not entail that I cannot consistently believe any particular, even bold, theory. I need a more specific reason seriously to doubt it than that I am confident that many of my theories must be false. Otherwise I could never believe anything, perhaps including the original (meta-) theory. Off hand, I think that is the correct answer to an apparent paradox about beliefs that Swan effectively raises. It is keener with critical rationalism, perhaps, rather than unique to it. Though, as I said in my previous reply, my beliefs at any moment are mere aspects of fleeting autobiography. They have little or nothing to do with the truth of objective theories and the soundness of objective arguments.

Swan reasserts that "questions regarding the logical compatibility of ideas depend upon one's definitions of those ideas." So I reassert that I was defending the conceptual and practical compatibility and plausibility of certain theories. This cannot be reduced to whether certain definitions are logically consistent.

Swan asserts that "in order to deal with certain practical problems, Lester must fiddle" his "definitions." It was not a "fiddle" with "definitions" but various arguments that showed that the libertarian conception of liberty, as I theorize and defend it (I am not doing lexicography, even of the stipulative variety), "isn't always compatible with absolute private property rights" as these are normally understood. I cannot see why Swan sees my answer to David Friedman's apparent paradox of absolute property rights as not a serious philosophical answer (in short, that it is a genuine and explicable error to think that libertarian liberty conceptually requires such absolute rights) but mere definition fiddling. On my response to Rothbard on this issue Swan thinks that my conception of liberty "isn't possible here unless the property rights of the others are compromised or modified in some way." Presumably he means that liberty cannot be applied perfectly. That is right. So what? When there are inevitable clashes of liberty, as I explain will happen, normal understandings of property rights have to be modified to maximize liberty (strictly, libertarian property rights can only be respected in this way). He goes on, "But alternatively, the other's absolute control of their property isn't possible here unless the individual liberty of the first person is compromised." Why should he have such so-called absolute control if it clashes with liberty? Swan seems to think that

Swan seems to mean that liberty cannot be applied perfectly. That is right. So what?

continued on page 34

Deutschland Unter Alles

by Oliver Becker

Germany's economy made a spectacular recovery after World War II. Now it is slowing dying.

When you think of Germany, you might think of the *wirtschaftswunder*, the economic miracle by which the nation regained its prosperity in just a few years after the devastation of World War II under the free-market policies of Ludwig Erhard.

Times have changed since then, and not for the better.

In nine out of the last ten years, the German economy's growth rate was among the lowest in Western Europe. It was a meager 0.7% last year, and this year it will be around 0.5%. The government's budget deficit is 3% of gross domestic product, barely below the maximum allowed by the Treaty of Maastricht, to which the countries adopting the euro as their common currency agreed in order to ensure fiscal stability.

The German state gobbles up 48% of its country's GDP, and uses the money to pay for such worthwhile expenses as counselors for homosexual couples, airports in the eastern German countryside that never see a traveler, and the subsidy of failing industries. The last use seems to be a favorite of Chancellor Schroeder's, who has wasted hundreds of millions of euros on a giant construction company that went bankrupt about a year after receiving taxpayer dough, and 350 million euros this year on a insolvent phone company, whose plight will certainly not improve soon, as Germany is Europe's most overcrowded telecommunications market. Quite luckily, this summer he was unable to save the industrial conglomerate Babcock because he could not find a bank to go along with his rescue plans. Quite a few German taxpayers celebrated this failure with champagne.

Today, the country has 4 million unemployed. In some areas of the former East Germany, as much as 23% of the work force cannot find a job. At the same time, Germans labor under one of the most complicated tax codes in the world. Seventy percent of all the tax literature in the world is produced in this country. While large corporations can use loopholes to reduce substantially their tax bills, especially after the half-hearted attempt at tax reform in 1999, Germany's once-vaunted *mittelstand*, its small and medium enterprises, chafe under an ever-increasing tax bill. Approximately 40,000 companies will declare bankruptcy this year.

With a population increasingly consisting of imbeciles it would be hard to repeat the long-forgotten economic boom, anyway. The so-called Pisa study, which compared the abilities and knowledge of schoolchildren in the major industrialized countries of the world, ranked German kids near the bottom of the heap, far behind the United States. But the education bureaucrats believe that it is cruel not to let a kid graduate from high school, to keep him from entering college, or, heaven forbid, to force him to actually learn something.

This was the situation when Germans went to the polls on Sept. 22. What did the people do?

Well, they chose to ignore it.

The Social Democrats, whom 38.5% of voters preferred, are so closely allied to the unions that it would be impossible for them to espouse any legislation that organized labor does not approve. For them, it is paramount to secure high wages and benefits and job security for their clientele, ignoring the unemployed or feeding them on empty promises. That a moribund economy will, in the long run, secure the livelihood of no one, seems to either not matter or be completely lost on them. Under socialists, Germany's already overregulated labor market has been deprived of its last vestiges of flexibility. A freelancer who works for only one company over an extended period of time can now sue to be employed permanently. Social benefits run at 40% of wages, which basically amounts to a complete ban on low-wage labor. Employing the same person on a temporary contract and renewing this contract after it expires is possible for only a limited amount of time, thus endangering businesses with strong seasonal demand. Chancellor Schroeder made much of his plan to restructure the government-run unemployment office and add incentives for long-time unemployed to work.

Instead of having to learn how to survive in a free market, East Germans rapidly came to appreciate the new Santa Claus with deep pockets from the West.

This plan mixed quite reasonable steps like redirecting more of the employees of the government employment office towards finding new jobs for jobless people (only 10% of them do that currently), denying unemployed people who reject certain job offers any more benefits to an unspecified extent and giving tax credits to jobless who start working as freelancers (so-called "me-corporations") with "not-so-brilliant" ideas like giving special rate credits to companies who create jobs or letting the government employment office set up a temp agency, thus competing with private companies in this industry (and thus most likely destroying this nascent service in Germany). Whatever the merits and shortcomings of the plan may be, it seems clear that though it may slightly improve the efficiency of the labor market, it will not change the significant shortage of economic growth and thus of jobs that the German economy suffers from.

"You want the afternoon off? — Are you trying to be funny?"

Notwithstanding the official line that 2 million jobs could be thus created, the announcement by a think tank that these plans would at most help to bring some 200,000 people into work was ignored by all parties. Social Democrats toed the line that there was not much anyone could do about the county's paltry economic growth, since the United States, Germany's biggest trading partner, was doing so badly. In one of the few highlights of the campaign, a speaker for the Communist Party said that since we were unable to act by ourselves anyway, maybe we should ask to vote in the U.S. presidential election next time, instead of wasting time and money on a federal chancellor.

The Green Party, the Social Democrats' junior partner in government, scored its best result ever in a federal election, winning 8.6% of the vote. The Greens were mainly responsible for the sharp increase in the tax on gasoline, raising the price in Germany to about 4 euros (about $3.90) per gallon. The proceeds were meant to help subsidize social security and health benefits, thus cutting labor costs and unemployment, but it did not work out this way. The health care system, which offers full coverage for almost any treatment, offers no incentives to either patients or doctors to save money. Not surprisingly, its cost has almost tripled in the last 20 years. With an ever-aging population, and companies sending older employees into early retirement in droves in order to get them off the payroll, pension contributions also continue their inexorable way upward.

The Greens' other big reform project is to stop the use of nuclear energy within the next ten years. This basically ensures continuous use of heavily subsidized German coal, which is among the most expensive in the world. Generous government grants for the use of environmentally friendly energy, such as wind, has meanwhile led to the mushrooming of completely unproductive producers, more intent on living on subsidies than providing energy. Wind energy prices in Germany are among the highest in the world now.

For the next four years, the Green Party wants to cut labor costs by increasing taxes on wealth and estates and giving the money to the state-run health insurers and pension board, thus making it almost impossible and pointless to save and invest money. They have no idea of the effect of their policies on labor productivity in a country with capital-intensive industries.

Far from offering an alternative, the opposition Christian Democrats promised nothing but more of the same — though a bit more efficiently run. Having been overwhelmingly rejected by the voters four years ago after instituting some minor reforms to the labor market, the party was keen on appearing just as socialistic as the ruling coalition.

Edmund Stoiber, the allegedly conservative Christian Democrat's candidate for chancellor, used "social security" more than any other words during his speeches, and the slightest hint at possible reforms was accompanied by the emphasis that, of course, he did not want to see any "U.S.-American conditions" in German cities. He attempted to convince people that nothing would change but everything would be better if he were only chancellor. When the government postponed a tax reform planned for next year because of the need to have funds for disaster relief after catastrophic floods in the country's eastern part, Stoiber hastened to say that corporate taxes had to be raised to maintain the so-called social "balance." The ruling socialists were only too happy to comply. Challenged to expound his views on health-care reform, all his shadow health minister could come up with was the shifting of some expenses from one government program to another, and the introduction of some regulations apparently no socialist had yet thought of. Not surprisingly, the Christian Democrats got only 38.5% of the vote.

But Germany has a party of classical liberals, doesn't it? Aren't the Free Democrats the party of individual rights, the free market, and lean government? So how did they fare? Their result of 7.4% was slight improvement compared to their dismal result of 6.2% four years ago. But even they made no serious effort to develop an alternative plan for solving current problems. The party dished out plans for a wide-ranging tax reform, but when asked where he wanted to cut government expenses, Free Democrat boss Guido Westerwelle could not name one item or program to cut. Apparently in despair, some weeks before the election, one of the Free Democrats top people began to publicly insult the Israeli prime minister and a German talk-show host of Jewish descent, obviously attempting to fish in the sea of far-right voters. For the rest of the campaign, the party busied itself with internal bickering, not wasting time on convincing voters of the merits of freedom. With friends like these, freedom really does not need opponents.

To find out how Germany got itself in this sorry situation, one needs to go back to the country's past. After the horrors of World War II, achieving a maximum social consensus became the paramount objective, ostracizing everyone who held views outside the mainstream. The early thinkers of the Republic, trying to combine socialism with capitalism, thus creating the so-called "social market economy" tried to eliminate the extremes on the left and right. When, with increasing prosperity, the '60s and '70s saw a steep growth of government expenses, the country seemed to be easily able to afford this. After all, even the Social Democrats of the 1970s were not as far left as Lyndon B. Johnson, Jimmy Carter, or Harold Wilson.

But having not fully participated in the West's swing to the left, the conservative government of the 1980s and 1990s saw no need to reform on the scale done at the same time in the United Kingdom and the United States. All that can be said for Helmut Kohl, the chancellor of 16 years, is that during his regime socialism advanced less quickly than under his predecessors.

With reunification, the nation added 16 million people brought up under communist influence and in no way familiar with the capitalist system. Problems in bringing its socialist economy into West Germany's market economy were answered with clamor for the state to step in, and Kohl, always eyeing the next election, was all too ready to comply. Instead of having to learn how to survive in a free market, East Germans rapidly came to appreciate the new Santa Claus with deep pockets from the West. One hundred billion Deutschemarks flowed from West to East each year, money that was wasted on public baths with no visitors, roads with no destination, and hospitals with no patients.

When the conservatives were finally removed from power in 1998, leaving a decrepit economy and an empty treasury, the Social Democrats found a nation all too receptive for their basic tenet that as long as there is someone left to fleece, the state has the right and goddamn duty to pour down money on everyone who seemed to be doing worse than he thought he deserved. It was not hard work and flourishing capitalism that was to bring Germany back from the brink, but "social cohesion," government-sponsored innovations, and an industrial policy which conserves existing industries at the expense of newcomers. Four years, a couple of hundred billion Deutschemarks in public debt, a couple of hundred thousand bankruptcies, and a stock market crash later, Germany has turned from the *wunderkind* to the "sick man of Europe," as British papers enjoy pointing out.

All that can be said for Helmut Kohl, the chancellor of 16 years, is that during his regime socialism advanced less quickly than under his predecessors.

Germans seem to have come to enjoy life in a country of splendid decline. Since most still have jobs and enjoy high wages and the world's most lavish social safety net, it is easy to ignore the problems the nation faces. And since people have been brought up on the notion that one man's need is the right to another man's fortune, they will go on to clamor for redistribution and the fruit of their betters' labor. The welfare state, no doubt, will procure it for them, for whatever the cost, thus ensuring an occupation for the huge workforce in government pay. People will be bereft of their last vestiges of independence, diligence, and creativity, turning to their masters and licking the hands that feed them, until one day — and since this is a rich nation, this day is far-off — nothing will be left to plunder. Maybe, just maybe, Germans will learn that it does not pay to trade one's economic or any other freedom for the comely, warm, and limpid security the state has to offer.

But for this generation, it will be too late. The current discourse in the country — or the sheer lack of it — proves only one thing: for the foreseeable future, Germany is lost without redemption. ❑

Anarchism, from page 30

such control is somehow libertarian. I explain — not "define" — why it isn't.

As Swan observes, it is indeed not possible to secure perfect liberty in the sense of the complete absence of proactive impositions, and so we can only maximize liberty (minimize proactive impositions) as far as is practical (if I were really trying to fiddle my definitions why would I make it so hard for myself by coming up with a definition of liberty that cannot be perfectly implemented?). Swan insists that this shows that liberty is "compromised." It is true that we have to make "compromises" in terms of absolute individual liberties (I cannot have perfect liberty without interfering with your perfect liberty) in order to maximize overall liberty. But as perfect liberty for all at all times was simply not an option I simply cannot understand why Swan thinks liberty as a goal to be aimed at has been "compromised." What other aim has compromised it?

Now Swan also thinks that minimizing proactive impositions (maximizing liberty) is "a retreat from the compatibility thesis as [I] initially formulated it. It amounts to an admission that liberty as absence of proactive impositions is not in practice and in the long term compatible with general welfare and private property." Why assume that I am committed to perfect liberty here? Or why not also assume that I am committed to perfect welfare (having all of your unimposed wants satisfied) and perfect private property (with no criminal interference whatsoever) — both of which are also not practical — and then complain that I retreat from them too? The compatibility thesis is that liberty, welfare and private property do not clash. More of any one means more of the other two. It is not that we can have perfect liberty. That is a perverse interpretation, as well as one that inconsistently ignores perfecting the other two. Why does Swan think I would put forward a thesis involving the perfection of liberty when I knew that such perfection is not possible?

So there is no "retreat." Swan's perfectionist interpretation of the theory was not so much "bold" as stillborn. My maximalist theory is bolder, many would say too bold, than any other version I know of among libertarians. It is misleading to say that "[n]on-anarchists, non-libertarians, even political liberals agree with Lester that proactive impositions should be minimized." The latter two, at least, are prepared to allow proactive impositions in order to achieve "other values in the political realm." They are not aiming at a "minimal level" and they are often even reckless or oblivious concerning liberty. Swan states that it is "misleading for [Lester] to claim that he's offering an account of the objective compatibility of all these values." My reconciliation concerns only certain conceptions of liberty, welfare and anarchy. Why is it not objective?

When I wrote that the absence of proactive impositions was incompatible with absolute control of private property, as normally understood, I meant in Friedman's and Rothbard's examples — not in every possible instance. I still do not see what this has to do with Swan's discussion of intellectual property. When Swan supposes that if the independent later inventor of an "idea" can have the "copyright" and "absolute control" I agree that then "the liberty as absence of proactive impositions of the former person is compromised." Does Swan think my system entails this scenario? I do not. Swan then asserts that "in the case of patents, the liberty of others as Lester defines it is expanded as the patent holder's control of his property is compromised." Why is this liberty rather than license (doing something at someone else's proactively imposed expense)? Swan is appealing to some kind of common sense view of liberty rather than addressing the arguments in *Escape from Leviathan*. As I cannot see what his point is supposed to be, I do not know what sense to make of his assertion that "[i]t would also be easy to think of actual cases where the same would be true about liberty and welfare."

Swan thinks "given [my] definition of what rationality is and its purported connection to welfare as want-satisfaction, [I am] committed to the implausible claim that the person [he] imagined has enhanced his welfare by drinking the gasoline." I am not committed to any such view just because the theory of welfare, and the compatibility thesis, is concerned with people's overall want-satisfaction. Drinking the gasoline will obviously decrease this. So I still cannot see a problem. ❑

Cancer, from page 24

death without the desire for significance and intensity? And what, after all, is my chattering little nurse, if not a symbol — for me, a pretty intense symbol — of the problem of life's significance, and of how we confront that problem? Symbolism is hard to get away from, once you start to wonder about it. I could not get away from that woman in the pre-op room, and I cannot get away from her now. What emphasis I give to her — that's another question.

After all my meditations on the issue, I still do not want to die in a storeroom, no matter how zen that prospect might seem to some more purely spiritual being. And yet, I do not want to be the kind of person who dies with a disappointed craving to die in some other, more intensity-fraught location, all for the sake of its symbolic significance.

A great poet (in a poem I have never really liked) spoke of "the one life, within us and abroad." I think I'm beginning to understand what he meant. He meant, among other things, that the world of poetry, symbolism, dramatic intensity is not separate from the world that seems to lack those things.

A world without the symbol-making, symbol-demanding power, a world in which poets never spoke and readers never liked or disliked, would not be a world worth thinking about. It would be a paltry, insignificant world. Yet, at least in sober moments, I thank God that there are people who spend their time counting medical supplies, and chattering about it too; because they are as much a part of this amazing world as I am, and they contribute to its amazing life. Another great poet, writing of death, said that "ripeness is all." I may be as far away as ever from understanding exactly what *he* meant, but I know that every extraordinary statement consists, in the end, of common words. ❑

Not So Continental

by Stephen Berry

The United Kingdom is not so united when it comes to joining the rest of Europe.

In January 2002, most countries of the European Union (E.U.) moved to a common currency called the euro, the only exceptions being Denmark, Sweden, and the United Kingdom. This is only the latest move in an attempt by the European political elites to form an integrated European superstate. Members of the E.U. already share a common tariff policy and the pressure is on to harmonize taxes, regulate conditions of employment Europe-wide, and construct a common defense policy. The institutions of the E.U. are undoubtedly skewed in favor of the creation of a centralized European federal state: the European Commission is staffed by full-time bureaucrats who are also part of the legislative process, the European Parliament simply reinforces the Commission's centralizing tendencies, the European Court of Justice is a powerful device for integration, and the Council of Ministers (political representatives of the 15 E.U. members) behaves as if it were a European cartel of politicians.

As a political entity, the European federal superstate would be quite formidable. In the year 2001 the population of the 15 members of the E.U. totalled some 380 million souls, about 95 million more than in the United States, and the gross domestic product amounted to $8 trillion U.S. per annum (about $2 trillion less than that of the United States'). In the year 2004, it is planned to add further new members to the E.U. The short list of candidates is Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. This further expansion would add another 75 million people to the E.U. but, because many of the new members belonged to the old Eastern bloc, the actual increase in the E.U. economy would only be an additional five percent. It comes as no surprise to libertarians that the guys at the top are looking for a chance to create a new political Leviathan and wield the big stick. But how do people as a whole in the United Kingdom regard the prospect of becoming part of a new European superstate, and can the European political elites overcome the considerable opposition on the ground and actually bring their grand project to fruition?

The decisive event in British history took place a mere 40,000 years ago, when a narrow strip of water (later referred to by English speakers as the "English Channel") was formed. It has divided the European mainland from the islands off its northwest corner and ensured that in many respects Britain would develop differently from Continental Europe. A further result of this division has been the "To what extent is Britain part of Europe?" debate. This debate has been acrimonious, entertaining, of at least 1,500 years duration and still shows no signs of abating.

Although England was occupied by the Romans for 400 years, little permanent impression was left. Roman law became the norm in Continental Europe but successive invasions by Angles, Saxons, Danes, and Vikings meant that it

was the Anglo-Saxon legal system which took root in the U.K. After the 1066 Norman Conquest there has been no further successful invasion from Continental Europe for almost 1,000 years, but the descendants of the Norman Kings did pursue endless, damaging quarrels in Europe. For instance, the disastrous Hundred Years War between the royal houses of Plantagenet and Valois was a dynastic squabble over who could claim legitimate rights to this or that piece of land in what is now known as France.

In the middle of the 16th century, contemporaneous with the first European settlements in North America, the split with Rome and the fall of Calais (the last English possession on the continent of Europe) to the French, a policy of keeping Europe at arms length was inaugurated. It would be wrong to call this policy totally noninterventionist with respect to mainland Europe, but it was considerably less interventionist than what went before or came after. Alliances were made with European powers, but British intervention was of an ad hoc nature and even in wartime typically consisted of a small expeditionary force or of paying other powers to do the fighting. It was essentially a reactive policy aimed at preventing one power, whether it was the Spain of Philip II, the France of Napoleon, or the Germany of the Kaiser, from dominating mainland Europe. Above all, with one exception, Britain made no European territorial acquisitions — and therefore no European territorial commitments — as a result of these wars. This policy lasted for almost 400 years and can be seen to have paralleled the rise and fall of the British Empire.

The decisive event in British history took place a mere 40,000 years ago, when a narrow strip of water (later referred to by English speakers as the "English Channel") was formed.

Perhaps it was the result of anxiety about an overextended empire, perhaps it was the decline of classical liberal thinking in the U.K., but whatever the reason, this policy changed in the first decade of the 20th century. British governments made permanent alliances in peacetime with two European powers (France and Russia) and full scale intervention in World War I was the result. One million dead, massive debts, and a commitment to maintain the European order created by the Peace of Versailles in 1919 was a further consequence. The interventionist trend was taken to its limit when Neville Chamberlain offered guarantees to Poland and Romania — countries which the U.K. was unable to defend — in March 1939. Hitler's invasion of Poland prompted the declaration of war on Germany in Sept. 1939 and the most disastrous conflict in British history.

In the second half of the 20th century the decline in British power has not generated a more modest foreign policy — rather the opposite. The U.K. has pursued a twin-track foreign policy during this period. I have the general impression that, first and foremost, British politicians want to be part of U.S.-sponsored interventions in dim, distant lands and that getting on with European integration normally takes second place. Occasionally however, the policy changes. European integration takes first spot and intervention in obscure areas of the globe momentarily comes second. Anyone who suggested a third option for the U.K. of minding its own business would be regarded as having outraged the canons of Foreign Office decorum, someone hopelessly out of touch with the real world.

But, if the views of the political elite have changed toward Europe, the views of the man in the street remain obdurately the same. Hundreds of years of history are not to be shaken off so easily and the typical British citizen feels a closer affinity to the English-speaking nations of North America and Australasia than those pesky, unintelligible foreigners on the other side of the water. In 1975, the European Union was sold to the population as the "European Economic Community," an opportunity for increased trade, and was popular as such. But as the integrationist project wore on, so has the unpopularity of the E.U. increased with the U.K. population. Indeed, this feeling is not confined to the U.K. Whenever people have a chance to vote on further integrationist measures, whether the vote is in the U.K., Ireland, or Denmark, the people give them the thumbs down. There has to be a referendum when the U.K. government finally proposes adoption of the euro but the opinion polls remain firmly set against it. How Blair must envy the German government, which was able to exchange the Deutschemark (the most successful currency of the last 50 years) for the euro without having to obtain the consent of the German people — which it knew would not be forthcoming.

After World War II the United States encouraged the political and economic integration of Western Europe as a bulwark against the Soviet system. Now that the Soviet system has collapsed, the possible growth of a competitor in Europe will not be regarded so benignly by the ruling circles in Washington. It's bad enough that those Europeans feel powerful enough to indulge in a tit for tat trade war with the Bush administration. But it was unconscionable that a German chancellor should have the barefaced cheek recently to condemn the proposed invasion of Iraq as a "military adventure" in which the Germans would take no part — and he duly had his knuckles rapped. I might add that the French president Chirac would also have condemned the Bush Iraq policy if he were not so cynical and corrupt and intent on ensuring that French companies got their share of any pickings which might be going after an inva-

Now that the Soviet system has collapsed, the growth of a competitor in Europe will not be regarded so benignly by the ruling circles in Washington.

continued on page 53

Why Secession Was Wrong

by Timothy Sandefur

The time has come for all good men to agree that it was Lincoln's Union that defended and extended freedom in the Civil War.

The libertarian position on the Civil War — that the South had a right to secede, and that Lincoln wrongfully forced the South to remain in the Union — has been so prevalent for so long, that when I challenged it in "Liberty and Union, Now and Forever" (July), I expected there to be many objections. A decent respect for the opinions of mankind requires that I address a few of them here.

First, Ken Braun of Lansing, Mich., (Letters, August) wrote that I purposely ignored two vital facts in my analysis: that the states ratifying the Constitution did so while reserving to themselves the power to secede; and second, that the Tenth Amendment reserves all power to the states which is not expressly delegated to the federal government — therefore, the right to secede is reserved to the states. In an essay of over 6,000 words, I should be forgiven for failing to address some points — this was not an attempt to evade the issues presented by these points. But neither of them undercuts my thesis.

We might note at the outset that even if such "reservations" were relevant and binding, Virginia was the only such state which did end up seceding. But in fact, such "reservations" are neither binding nor relevant. There can be no conditional assent to the Constitution, just as (at common law) there can be no new terms in agreeing to a contract. Either the people of a state ratify the Constitution — and accept that it is the supreme law of the land — or they do not.

But even granting that conditional ratification could occur, consider the wording of some of these supposed reservation clauses. Virginia's Act of Ratification (June 26, 1788) declared that "The powers granted under the Constitution being derived from the People of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression." New York and Rhode Island likewise declared that "the powers of government may be reassumed by the people whenever it shall become necessary to their happiness." These "reservations" contain no reference to a power of unilateral secession, and do not contradict my assertion that no such power exists. The wording makes clear that these "reservations" actually refer to the right of revolution, not the right of secession. But neither I, nor James Madison, nor Abraham Lincoln ever denied that the people of the United States (or of any state, or of any county, etc.) reserve — as all people always reserve — the right to revolution. That right, as the Declaration of Independence explains, is inalienable. What we deny is that there *was any such injury or oppression*.

This must be very clear to understand the argument against the Confederacy. The question of the Civil War is really two questions: first, is there a constitutional right to secede? If the answer to the first question is no (and it is), then the second question is, was the South engaging in a legitimate act of revolution? The failure to separate these

two questions lies at the heart of the misapprehension among many libertarians that the South was right in the Civil War. Jeffrey Rogers Hummel, for example, writes that "as a revolutionary right, the legitimacy of secession is universal and unconditional. That at least is how the Declaration of Independence reads." But what the Declaration *actually* says is that revolution is a form of self-defense; only when "a long train of abuses has evinced a design to reduce [the people] under absolute despotism, it is their right, it is their duty, to throw off such government." This should be familiar to libertarians — it is the principle that one may not initiate force, but may use force to prevent or punish such an initiation. The South was subjected to no such train of abuses. They asserted that their rights had been violated by Lincoln's intent to ban slavery from spreading west into the Federal Territories, but in fact, Lincoln was right about that: the Constitution does give the federal government that power. As for the "Tariff of Abominations," it was terrible economic policy, but it was not unconstitutional. If there is no constitutional right to secede, then the people of the South could justify their secession only if it was an act of self-defense. But it was not; in fact, it was the North that acted in self-defense after the firing on Fort Sumter.

I make no attempt to defend the particular actions Lincoln undertook in prosecuting the war; they are irrelevant to the question of whether states can secede.

But doesn't the Tenth Amendment reserve a right to secede? The Tenth Amendment reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Amendment therefore *reserves* powers to the states — it does not create them. Only if the state had that right in the first place can it be retained. To assert that the right to secession is supported by the Tenth Amendment is therefore to beg the question — we still must show that the states had the right to secede in the first place.

Braun also states that the Ninth Amendment reserved a right to secede. That Amendment, however, is irrelevant. It says that the enumeration of rights in the Constitution should not be construed so as to limit other rights retained by the *people*. It reserves nothing to the states. Thus, at most, the Ninth Amendment reserves to the people a right of revolution — which, again, nobody denies. But it does not reserve a right in *states* to secede. Likewise, the Tenth Amendment reserves to the states only those powers which they had to begin with. Other powers are reserved in *the people*. But this returns us to our beginning point — who is this "people"?

States have no constitutional authority to secede because the states are not parties to the Constitution — only *the people* are. The Constitution was created by we the *people*, not by we the states.

This is the central issue at the heart of the Civil War controversy, so it bears some emphasis. Stephan Kinsella has written that my original article was wrong because Article VII provides that "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution *between the States so ratifying the same.*" Thus, writes Kinsella,

> the Constitution was established "between" the first nine states to ratify . . . the classic language employed in treaties, which provide that the treaty becomes effective, among the states ratifying, when a certain threshold number of states have ratified it. Such treaties are clearly among and between the member states and bind only those who voluntarily adhere to it. Likewise, the American states were the original parties to the Constitutional compact. This is also made clear from the *Federalist* papers and the ratification documents, which say over and over again that the states were the ones ratifying, and joining, the Constitution and the new Union; not the people as a whole.

But in *Federalist* 43, Madison directly addressed the "delicate question" of how the federal government might treat states which refused to ratify. "The express authority *of the people alone* could give due validity to the Constitution," he wrote (emphasis added). This he contrasted with the Confederation, which "stands in the solemn form of a *compact among the States. . . .* "

> It has been heretofore noted among the defects of the [Articles of] Confederation, that in many of the States it had received no higher sanction than a mere legislative ratification. The principle of reciprocality seems to require that its obligation on the other States should be reduced to the same standard. A compact between independent sovereigns, founded on ordinary acts of legislative authority, can pretend to no higher validity than a league or treaty between the parties.

Note the contrast between a Constitution and a treaty — the Articles of Confederation were a treaty; the Constitution is not. Madison went on to explain that were there only nine states to ratify the Constitution, "no political relation can subsist between the assenting and dissenting States." But this does not contradict the fact that where the Constitution *was* ratified, the people of the United States became *one people* for particular purposes — that the Constitution was ratified by *the people* and not the states. At the Constitutional Convention, Madison explained to the delegates that the "difference between a system founded on the Legislatures only, and one founded on the people, [was] the true difference between a *league* or *treaty*, and a *Constitution. . . .* A law violating a treaty ratified by a pre-existing law, might be respected by the Judges as a law, though an unwise or perfidious one. A law violating the constitution established by the people themselves, would be considered by the Judges as null & void."

On this issue, the *Federalist* is not even equivocal. *Federalist* 15, for instance, announced the theme of the entire work: "The great and radical vice in the construction of the existing Confederation is in the principle of *legislation* for

states or *governments*, in their *corporate* or *collective capacities*, and as contradistinguished from the *individuals* of which they consist." Likewise, in *Federalist* 16, Hamilton explained that the Constitution "must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations. . . ." He continues in number 23, that "we must abandon the vain project of legislating upon the States in their collective capacities; we must extend the laws of the federal government to the individual citizens of America." In number 33, Hamilton explained that were the Constitution to legislate for the states in their collective capacities, "it would . . . be a mere treaty, dependent on the good faith of the parties, and not a government, which is only another word for *political power and supremacy*." In number 40, Madison explained that the Constitutional Convention, "instead of reporting a plan requiring the confirmation *of the legislatures of all the States* . . . have reported a plan which is to be confirmed by the *people*. . . ."

Madison never wavered on this principle, either. At the Virginia Ratification Convention in Richmond, Patrick Henry challenged Madison to explain these words. "[W]ho authorised [the Constitutional Convention] to speak the language of, *We the People*, instead of *We, the States?* States are the characteristics, and the soul of a confederation." Madison replied that the authority of the Articles of Confederation had been "derived from the dependent derivative authority of the legislatures of the states; whereas this [Constitution] is derived from the superior power of the people." The Constitution did not consolidate the states entirely, Madison held — the Constitution was partly national, partly federal — but "[s]hould all the States adopt it, it will be then a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people at large."

In my earlier article, I quoted James Wilson, who explained that the Constitution "sets out with a declaration, that its existence depends upon the supreme authority of the people alone," as well as James Madison's explanation, 50 years after ratification, that he still held as he always had: the Constitution was formed "by the people in each of the States, acting in their highest sovereign capacity . . . the same source as the Constitutions of the States [so that] it has within each State, the same authority as the Constitution of the State . . . and constitute[es] the people thereof one people for certain purposes, [so] it cannot be altered or annulled at the will of the States individually, as the Constitution of a State may be at its individual will." Even when drafting the Virginia Resolutions — the act which gave birth to the secession movement, Madison noted that there was a distinction "between the power of the *State*, & that of *the Legislature*, on questions relating to the federal pact. On the supposition that the former is clearly the ultimate Judge of infractions, it does not follow that the latter is the legitimate organ especially as a convention was the organ by which the Compact was made."

The Constitution was created by we the people, not by we the states.

Even the opponents of the Constitution recognized that it would be binding on the people and not on the several states. We have seen Patrick Henry's remarks. Robert Yates, in *Brutus* 12, likewise admitted that "this Constitution, if it is ratified, will not be a compact entered into by the States, in their corporate capacities, but an agreement of the people of the United States, as one great body politic. . . . It is to be observed, it is not an union of states or bodies corporate; had this been the case the existence of the state governments, might have been secured. But it is a union of the people of the United States considered as one body, who are to ratify this constitution, if it is adopted."

Wayne Holman of Glen Ellyn, Ill. (Letters, September) complains that in my insistence that the Constitution was formed by the people and not by the states, I rely on the Preamble. It is true that the Preamble states "*We the people* . . . do ordain and establish this Constitution." (This marks a sharp contrast from the Articles of Confederation, which declared that they were "Articles of Confederation and perpetual Union *between the states* . . .") But it should be clear from the authorities I have cited — and there are many more — that the Constitution was always understood as binding on the people of the United States — not on the states as in a treaty.

There can be no conditional assent to the Constitution, just as there can be no new terms in agreeing to a contract.

Holman makes an insightful distinction between Madison and those, like Daniel Webster, who insisted that the Constitution was a "consolidation" of the states. Madison did indeed maintain that the Constitution was binding on the people *in states* but not *as states*, and was therefore not a "consolidationist" strictly speaking. This, though, does not change the fact that for the specified, limited purposes of the Constitution, it is binding on the people, and not on the states, and cannot be dissolved by a unilateral act of a state, within the law. (The right to *revolution* still exists, as discussed above.) The Constitution is not a *consolidation*. As explained in *Federalist* 39, it is partly national, and partly federal. But as far as the specified powers are concerned, the Constitution does turn the people of the states into the people of the United States. Which "people" ratified the Constitution? The people of the United States. This is the same "people" for whom the Tenth Amendment makes its reservation. (Incidentally, if "the people" in the Tenth Amendment meant the people *as states*, then the phrase "or to the people" would have been redundant. Such a reading therefore violates the rule that one should construe the Constitution to give force to all provisions.)

Finally, Holman writes that "The central government

was never given the power to coerce a state that wanted to secede." In this he echoes Kinsella, who writes that "The Constitution nowhere authorizes or empowers any branch of the federal government to prevent a state from seceding." This, again, begs the question. The Constitution — among other things — 1) is the Supreme Law of the Land; 2) guarantees to every state a republican form of government; 3) requires the president to see that the laws are faithfully executed; 4) guarantees the privileges and immunities of citizens when they travel interstate; 5) prohibits states from entering into any compact with another state absent congressional permission; 6) prohibits states from entering into any confederation at all; 7) preserves every state's right to two senators. These powers would all be rendered meaningless, were a state able to secede unilaterally, within the framework of the Constitution. In any case, the states are not parties to the compact; they have no right to secede, therefore, and such a right cannot be retained to begin with. The right to *revolution* may be, and is, retained. But that right, as the Declaration of Independence makes clear, cannot be used to justify the secession of the Confederacy.

The states' "reservations" at ratification contain no reference to a power of unilateral secession; no such power exists.

On this point, it's pertinent to note one point on which Ken Braun may be correct, and I may have been in error. I argued in "Liberty and Union" that states can leave the Union if the people of the United States agree to allow a state to leave — doing so through their representatives in Congress. Although I believe I am still correct on this point, I must admit that the Constitution only gives Congress the power to *add* new states, not to allow states out of the Union. Holman points to the legal maxim of *expression unius est exclusio alterius*, and under such a reading, the Constitution would *absolutely prohibit* a state from leaving the Union. In any case, this argument only strengthens my position that there is no constitutional right to secession.

In the end, we can answer the constitutional questions posed by the Civil War: is there a constitutional right for states to secede? No, because the states are not parties to the compact, because the Constitution implicitly prohibits it in many instances, and — an issue I have not had space to discuss thoroughly — because the union of the states was not created by the Constitution, but by the Declaration of Independence. Secondly, since the people retain the right of revolution, does that right justify the secession of the Confederacy? The answer to this is also no, because the South suffered no aggression; its firing on Fort Sumter was therefore an initiation of force. The president being constitutionally required to see that the laws — including the supreme law of the land — be enforced, Lincoln was therefore right to enforce the Constitution, at point of arms, if necessary.

This is not to justify everything that Lincoln did. I have not attempted to defend the particular actions Lincoln undertook in prosecuting the war: suspending the writ of *habeas corpus*, instituting a draft, and other such war measures. War measures are frequently harsh and unjust, and may safely be condemned from the comfortable vantage point of retrospection. They are nevertheless irrelevant to the question of whether states have the constitutional authority to secede. That question goes to the heart of the Constitution of 1787. It is a complicated question, but an important one. Unfortunately, almost a century and a half after the war, it is still difficult for many people to discuss the subject dispassionately. The recent vituperative exchanges between Thomas DiLorenzo and Thomas Krannawitter have tended to inflame the passions rather than to address the technicalities of the constitutional issues. I am glad to see readers of *Liberty*, like Edwin Krampitz Jr., David Mayer, and William Holman, being more thoughtful; I hope at least this will lead libertarians to question the prevailing libertarian interpretation of the war. If, as the Virginia Declaration of Rights observed, "no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles," then nothing could be more rewarding than discussing this subject thoughtfully and dispassionately, and with a firm adherence to individual liberty as our primary concern. ❑

In Response to Timothy Sandefur

by William E. Merritt

Timothy Sandefur makes a thorough, scholarly, and compelling case that the South had no constitutional right to secede from the Union. But I don't think breaking up the Union had much to do with adhering to guidelines laid down in the Constitution. Breaking up the Union was about getting rid of the Constitution.

Gorbachev made similar arguments in the late 1980s when he tried to convince the Baltic States that it was against the law to secede from the Soviet Union. Gorbachev was at least as persuasive as Sandefur, but arguments based on Soviet legal theory missed the point. The Balts weren't asking Soviet judges to give them legal cover for secession. The Balts were through with the Soviet legal apparatus.

Parsing words from previous generations for no better reason than to thwart actions by living people reflects the worst kind of discredited 20th-century thinking. Real people get to throw off real governments for whatever reasons seem real to the people at the time.

No board can bind a future board. No legislature can bind a future legislature. And no generation can peaceably bind its children to any form of government whatsoever — no matter what words they use, or fail to use — if their children do not wish to be so bound. ❑

The Use and Misuse of Cultural Relativism

by William R. Tonso

Cultural relativism is indispensable as an analytical tool — and downright dangerous as a worldview.

Two years ago, the *Los Angeles Times* reported a survey saying, "Even more striking, while 57 percent of respondents say they consider abortion to be murder, more than half of that group agree that a woman should have the right to choose an abortion." Huh?! Are there actually lots of people out there who believe that women have the right to commit murder? Maybe, maybe not.

Having taught sociology at the college level for 29 years, I found long ago that many, if not most, of my students considered killing, even understandable and positively sanctioned killing in war or in self-defense, to be synonymous with murder. So maybe these respondents were using the word "murder" in this way, as synonymous with killing, and therefore, were simply acknowledging that some killings, or "murders," abortion being one kind, are acceptable. Maybe, but nowadays there is another very real possibility.

Earlier in the article, "a senior research associate who studies abortion at the Center for American Women and Politics at Rutgers University" was quoted saying: "Americans, in terms of their own code of morality may view abortion as murder and may be comfortable with it being illegal, but most Americans don't want to impose that on other people . . . . It's kind of a live-and-let-live approach . . . . Most Americans are in favor of letting people make their own individual choices." Apparently missing the black humor of her reference to "live-and-let-live" in the abortion context, this researcher may not have a way with words, but she was on to something.

A year or so before I retired, I started asking my students whether they would remain friends with anyone who they found out was involved in something, *whatever that might be*, that they not only disapproved of, like, say, smoking or nose picking, but that they considered to be immoral. What seemed to be a straightforward question gave many of my students problems. Their responses were often in line with the "live-and-let-live" philosophy cited by the Rutgers "researcher." During one such discussion, a student admitted that, even though he considered abortion to be immoral, he once had given a female friend a ride to a clinic for an abortion. He was not responsible for the pregnancy.

On another occasion, an articulate student whom I always enjoyed having in class because she could be relied on to keep discussions going, approached me after a sociology of deviance class to ask on what grounds, if any, one could personally judge behavior to be moral or immoral. Ironically, this young woman held strong Christian beliefs, while I'm a third-generation nonbeliever and a sociological relativist, yet she was confused about this issue and I wasn't. I pointed out to her, without intending any sarcasm, that if she was the serious Christian that she often professed

to be, her religious beliefs should provide her with a framework for judging morality.

Yet I could understand her predicament. Somewhere along the way, probably with help from the social sciences, and even with my help, her religious beliefs had been relativized. Christianity in its various forms had simply become a system of beliefs that some people accepted and others did not, so while her faith could guide her behavior, she was uneasy about imposing her beliefs on those who didn't share them.

When I started teaching sociology at the Methodist-affiliated University of Evansville in 1969, it didn't take me long to become uncomfortable with the way sociology textbooks regularly defined and explained "cultural relativism." The last introductory text I used, *Sociology: Cultural Diversity in a Changing World*, by George J. Bryjak and Michael P. Soroka (the 3rd edition), stated that "*cultural relativism* is the belief that there is no universal standard of good and bad or right and wrong and that an aspect of any given culture can be judged only within its own context." Bryjak and Soroka went on to note: "The problem with cultural relativism is that any behavior can be accepted, rationalized, and justified." And after mentioning the genocides committed in Cambodia, Uganda, and Rwanda in recent decades, they state: "Few individuals would condone this behavior or accept cultural relativism as a justification for torture and murder. The question, therefore, is how far can we push the cultural of [sic] relativism perspective?"

Conflict may be unpleasant, but short of social engineering to the point of a Skinnerian Walden II, I suspect that it will remain part of the human condition.

At least Bryjak and Soroka see a dilemma here. But the dilemma they see, which seems to be responsible for the live-and-let-live reluctance of Americans nowadays to pass judgment on behaviors that were widely considered abhorrent not too many years ago, is the creation of "social scientists" who, like them, have blurred the distinction between their roles as scientists, on the one hand, and as private citizens on the other.

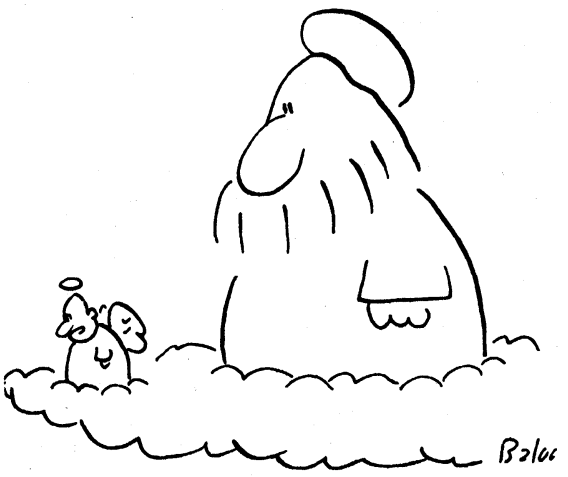

"Adam's got that Garden of Eden in a real mess — he needs a maid or something!"

Social scientists, as I long noted in a handout to my students, are called upon to *analyze, explain,* and/or *understand* social phenomena, not to *judge* them. Therefore, a social scientist studying the Nazi movement, for example, had better take into consideration that exterminating Jews was a moral act to dedicated Nazis. As private persons, social scientists may, and I hope do, strongly disapprove of this Nazi position, but unless they keep their personal views under control while they study Nazis, they'll be doing propaganda rather than social science.

Cultural relativism, as I always told my students, *is an indispensable analytical tool to the social scientist, not a principle to live by*. If as social scientists we're going to try to *analyze, explain,* and/or *understand* why people behave in ways that we find strange or wrong, we're going to have to relate to them by getting into their worlds. We can't afford to ethnocentrically assume that our ways are the only right ways. But to *analyze, explain,* and/or *understand* them social-scientifically doesn't mean that we must personally *condone* what they do. As a sociologist I think that I have some *understanding* of what Nazis, Ku Klux Klansmen, and others of their kind believe and why they believe it, but my *understanding* of them wouldn't keep the private citizen me from violently opposing them.

During one such discussion, a student admitted that, even though he considered abortion to be immoral, he once had given a female friend a ride to a clinic for an abortion.

There's no reason for anyone to allow important culturally rooted values to which he subscribe to be undermined simply to accommodate people perceived to be culturally different. If standing up for the core of our ways results in conflict, so be it. Conflict may be unpleasant, but short of social engineering to the point of a Skinnerian Walden II, I suspect that it will remain part of the human condition. Personally, I have no faith in social engineering and I'm leery of those who have a cultural vested interest in encouraging it. We think we're right, they think they're right, and understanding the basis of our disagreement isn't necessarily going to bring us together. One or both sides have to change, and both sides might consider the costs of change too great. Politically, a recognition of the relativity of culture need not encourage tolerance, unless as the multiculturalists inconsistently assume, our culture is inferior to others and we're expected to give in to those others. ❑

Memoir

A Literary Life and Its Discontents

by Richard Kostelanetz

Making the right enemies is important.

The nastiest review I ever received came in 1973 in the *New York Times Book Review,* traditionally a repository of puffs. The reviewer was L.J. Davis, a novelist about my age whom I'd not heard of before. His review was vulgar, personal, ugly, and tasteless, to put it mildly. I remember writing an appropriately blistering reply, contrary to the common advice for authors to ignore negative notices. A few weeks later, when a mutual friend brought us together at a party, we got on reasonably well. Davis later invited me to participate in a summer writing conference he was running.

Perhaps a decade later, when I was looking to purchase a studio in his marginal Brooklyn neighborhood, he recommended the best real estate agent, who treated me well as a friend of L.J.'s. For one pair of buildings I needed a partner to take the one I did not need. L.J. wanted it and so we agreed to buy them together. Unfortunately, someone purchased the property a few days before we could make a bid. I almost became an immediate neighbor of someone whom I'd met through such inauspicious beginnings.

A year or so ago, I introduced him to a girlfriend to whom he, something of a compulsive talker, began to repeat his review. I had to remind him that I thought him a good guy who was an idiot about art. Fortunately for him, as well as our friendship, he long ago retired not only from fiction writing but fiction reviewing, becoming instead one of America's best investigative business journalists.

After three decades writing about colleagues and editing books that often included the works of contemporaries, I've learned that fellow writers are like women — you can't win them all. Some I directly offended with a negative notice, much as L.J. Davis initially offended me — intentional enemies from whom I could scarcely expect love. Some are poets with overinflated reputations; others are publishers with excessive designs; some are critics with holes in their pants or heads up their sleeves. I can testify that very few, if any, of these enemies do I regret making.

I recall hearing in my 20s the composer Milton Babbitt telling me, "When I was a young man, I had the good fortune of making all the right enemies." More recently, I asked him whom he had in mind when he gave me that advice. Babbitt's answer was Randall Thompson, who held the chair in composition at Harvard in the 1940s and is now forgotten. Perhaps I've been as fortunate. One advantage of making the right enemies is that they often bring you friends — and even lovers — on the principle that one's enemy's enemy merits one's friendship. I suppose it is fair to characterize some of these guys as true chumps in my professional game.

Aside from enemies, I have detractors who were not directly offended but have disliked things I've written. Sometimes they have shared their dislike with others, just as I've shared my dislike of things that other people have done. Bad-mouthing is inevitable in every art world. Someone lacking detractors isn't universally loved, which is

impossible, but inconsequential.

Adversaries are those who hold distinctly contrary positions. In contrast to me, they like traditional art rather than avant-garde; they prefer highfalutin prose to my plain style; they prefer exclusions both professional and aesthetic to my sense of openness. They are Marxists or conservatives, while my politics are anarchist and libertarian. Since adversaries are necessary to confirm the integrity of one's own positions, I need these guys as much as they need me. Conversely, were former adversaries to agree with me on crucial issues, I would have reason to doubt myself. I suppose it could be said that I've had the good fortune of making many of the right adversaries.

One advantage of making the right enemies is that they often bring you friends — and even lovers — on the principle that one's enemy's enemy merits one's friendship.

Wounded egos are yet another class, including, for instance, those who expected me to mention them in a critical survey or include them in an anthology. Some of these I regret, because they are people I like but could not fit into one or another project. Or needlessly forgot about. Others are narcissists who take any slight to heart. Usually, I'll never know who such people are, because they'd sooner expose their wounds to others than tell me.

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I'm more likely to know those who expected their asses to be kissed and, disappointed, resort to devious rhetoric to aggrandize themselves. One deceit typical of the latter is to speak of those who don't appreciate them as having "difficult personalities," generally popular though they may be, because wounded egos measure everyone else exclusively in terms of responses to themselves. I consider slights from them to be, in Harry Smith's felicitous phrase, "the mere consequences of not playing the game."

This last sort of antagonist expresses *ressentiment*, which is a psycho-sociological term for the virulent jealousies of the underclass. In my experience, it is found not in failed writers, who generally conclude something is lacking in their work, but in power people, such as editors and professors, who suffer daily nuisance in exchange for presence and thus resent any presence gained without power — not just professional successes, but with friends and lovers.

Socioculturally, they represent an underclass elevated temporarily into an institutionally ensconced upper class. What they fear for themselves, not unreasonably, is the loss of visibility when their power is relinquished. The result is the need to drag superior colleagues down to their own level.

In my experience, ressentiment is found not in failed writers, who generally conclude something is lacking in their work, but in power people, such as editors and professors, who suffer daily nuisance in exchange for presence and thus resent any presence gained without power

Ressentiment also infects those who owe their visibility to only one powerhouse, whether a single individual, a single group, or a single institution, out of the anxiety that such support might be lost — the institution might disintegrate, they might be dropped — leaving them nowhere.

As someone who has received awards while having little power and support from many sources, I find these victims of *ressentiment* to be the hidden gremlins of my existence. Often they do their dirty work under the table, as when they persuade a publisher not to do something of mine or are jurors on a grants panel, undermining me behind my back. They operate less out of distaste for me per se than out of both an inability to accept independent achievement and an insecurity about themselves. Precisely because such *ressentiment* comes from people currently holding professional power, few attack it when its ugliness is displayed, though it is remembered once the malefactor loses power.

I can't claim to have made any other good friends, let alone potential real estate partners, through negative reviews, as L.J. and I befriended each other, but he and I might be different from most of our colleagues in this respect. ❑

Reviews

The Identity of Man, by Jacob Bronowski. Prometheus Books, 2002, 120 pages.

Rediscovering Jacob Bronowski

Timothy Sandefur

Too few libertarians are familiar with Jacob Bronowski, and it is gratifying to see that they will have a new opportunity with the republication of *The Identity of Man* by Prometheus Books. One of his many collections of lectures, *Identity* was first published in 1965 and revised a year later to include "The Logic of the Mind," a lengthy synopsis of the topic of the book — namely, whether a machine can ever "think" in the way that a human being does. He answers no. This is an endlessly fascinating debate, and although Bronowski's treatment of it is not as persuasive as those of Daniel Dennett or Douglas Hofstader (who answer yes), Bronowski's path is strewn with uniquely fruitful insights.

This isn't surprising, however; he was a unique man. Born in Lodz, Poland in 1908, Bronowski and his family escaped the simmering revolutions of Eastern Europe by fleeing to Germany, just in time to be trapped by World War I. After the war, when Bronowski was twelve, the family moved to England. He arrived, he later said, speaking "rather badly, two words of English I had learnt on the channel boat," but was soon enrolled in a school in London's East End. He loved English, but he was equally adept at mathematics, and he often noted his good fortune in learning these two languages, as he thought of them, simultaneously. He was skilled enough at math that he qualified for a scholarship to King's College, Cambridge in 1927. There he met some of the brilliant minds of the early 20th century; in fact, Bronowski seems to have been everywhere and known everyone in the prominent intellectual movements of the era. As an undergraduate, he co-founded a literary magazine called *Experiment*, in which he published some of the first works by William Empson and Kathleen Raine, as well as his own poetry, deeply influenced by imagist and surrealist schools. He wrote extensively, and in 1932 made the first English translation of an essay by Salvador Dali. Bronowski, whose mathematical specialty was geometry, was already profoundly interested in the connections between art and science.

Bronowski (or "Bruno," as nearly everyone called him) had hoped to receive a fellowship upon graduation, but he discovered that, being a Jew, that avenue was almost certainly closed to him. He was disappointed: he had always admired English toleration, and would denounce Nazism as early as 1933, when he wrote in *Granta* that it "marks the ascendancy of all that is worst in academicism and university dogmatism. With it learning and education die, and bigotry stalks the land." Upset at finding anti-Semitism so strong in England, Bronowski moved to Paris, where he took up residence with the then-unknown Irish poet Samuel Beckett. The two edited a book of poetry, *European Caravan* (now a rare book, because it was Beckett's first). A short time later, Bronowski returned to England where he became a lecturer in mathematics, but he remained interested in poetry, and began writing a book, *The Poet's Defence*. He became acquainted with the writer Robert Graves, whose *I, Claudius* was corrected by Bronowski's girlfriend Eirlys Roberts. Bronowski and Roberts became summer guests on the island of Majorca, where Graves and his mistress, the American poet Laura Riding, had taken up residence. But the friendship did not last long; Bronowski, Graves, and Riding all had vast egos, and when the unknown Bronowski challenged the world-famous Graves to a poetry-writing contest, they had a falling out.

In the 1930s, Bronowski had another sort of falling out. Although communism had had a profound influence on him — it was said he inherited Marxism from his mother, who was an active union organizer — he was profoundly disappointed by the Spanish Civil War. Like many intellectuals of that time, he had seen the war as a conflict between fascism, which was traditional, dogmatic, and conservative, and socialism, which was open, liberal, and tolerant. The era's intellectuals bought into social-

ism, not because they were anti-individualists, but precisely for the opposite reason: as John Dewey put it, modern liberalism "knows that social conditions may restrict, distort, and almost prevent the development of individuality," and thus it sought to create a welfare state as a means of helping individuals to reach their full potential: a goal close to the heart of scientists. But the conclusion of the war caused many leftists to feel let down, not so much by the victory of Franco and fascism as by the tactics of the Soviets, who were more concerned with protecting and expanding the Communist Party than with defeating Franco. The atrocities committed on both sides, and the staggering death toll, all for a futile conflict between dictatorships, struck Bronowski deeply enough that he published a book of poetry about it. But if Bronowski had ever been a socialist, he would never call himself that again, and his criticisms of Marx would become stronger over the years.

After his break with Graves, Bronowski returned to England to teach, and was recruited to work on secret war research by the notorious scientist (and Stalinist) J.D. Bernal, whose work on protein crystallography later paved the way to the discovery of the double helix. As a mathematician, Bronowski was in charge of calculating more efficient bombing methods, but in his spare time he was writing a book on the mystical poet William Blake. *Man Without a Mask* (later retitled *William Blake and the Age of Revolution*) would become one of the most influential works on a poet whom previous generations had seen as practically a lunatic. In Bronowski's eyes, however, Blake was a social commentator, railing against evils which he ascribed to the Industrial Revolution. Bronowski sympathized with Blake, but he did not concur in his rejection of modernity and science. In fact, he believed that science was a profoundly humane discipline, and that the Industrial Revolution was in fact the very source of our concern for suffering: "We today are scandalized that boys went on climbing chimneys for nearly eighty years after the heart rending poems which Blake wrote about them," he wrote. "But boys had been climbing for a hundred years before Blake without a line of protest from Addison or Gay or Dr. Johnson. . . . It was the engine, it was the horsepower which created consideration for the horse; and the Industrial Revolution which created our sensibility."

Bronowski's project was to defend the principles of the Enlightenment in an age in which science was beginning to be seen as the enemy of freedom.

In Bronowski's eyes, Blake represented the 18th century's emerging understanding of human needs, an understanding made possible only by science and industrialization. Technology not only liberated man, it was also a profound statement about the pointlessness of human suffering. But that revealed a deeper connection: science itself was a statement about man's nature, and the key to his survival and happiness. This became the central theme of his career after 1945, when he was sent as the head of the English team investigating the effects of the atomic bombs at Hiroshima and Nagasaki. What he saw there horrified him so much that he switched his scientific interest to biology, and encouraged others to do the same. But while the effects of the bomb were horrible, Bronowski was even more disturbed by the reaction among intellectuals, many of whom blamed science itself, and began arguing for a return to faith and social stratification. These critics, like F.R. Leavis or Russell Kirk, saw liberalism as an effect of the Enlightenment's abandonment of faith, and the cause of evils such as reason, skepticism, and anti-authoritarianism, which had culminated in messianic ideologies and war. It had done so by revealing that man had no essential nature, and thus could be made to serve the dogmas of madmen. Liberal defenders of science found themselves backed into a corner, and many, like Bernal, threw their weight behind communism, arguing that science had, indeed, proven that man had no nature; that he really could be transformed by the proper application of scientific methodology. But to Bronowski, both of these positions were wrong: science did liberate man, but it did so only by discovering that he did have a nature, to which social institutions must conform. His project was to defend the principles of the Enlightenment in an age in which science was beginning to be seen as the enemy of freedom.

In 1950, Bronowski published his first book on the subject, *The Common Sense of Science*. Anticipating C.P. Snow's more famous *Two Cultures* (1959), as well as Virginia Postrel's recent *The Future and Its Enemies*, Bronowski argued that the academy was being split by those who, frightened by Frankenstein monsters, rejected science and reason as damnable attributes of modernity, and embraced instead romanticized visions of ages past — and those who embraced science, or rather, a sham version of it, which proposed to apply itself solely to verifiable technicalities rather than the needs of the soul — art, ethics, or politics, which such scientists saw as purely emotive, nonrational qualities — pursuing efficiency, but unable to say what to be efficient about. Bronowski returned to this argument in his 1956 *Science and Human Values*, among his best books, comprising three lectures he delivered at MIT. Here he began to combine the themes that had dominated his career: the first essay focused on the process of creativity, the second on the moral character of science, and the third on the connections between art and science. A second edition added "The Abacus and the Rose," a radio pro-

Bronowski had much in common with Ayn Rand, although when Theodore Roszak noted this similarity, Bronowski is said to have been outraged.

gram he wrote which elaborated on all these themes. Bronowski's artistic interests had never left him; his 1951 play *The Face of Violence* had won the Italia Prize as the best radio show of the year.

Radio, and later television, made Bronowski a household name (and even got him a mention in a *Monty Python* skit). During the 1950s and '60s, he became a celebrity through a radio program called *The Brains Trust*, on which he served as a scientific expert alongside Julian Huxley. Listeners were impressed by the breadth of his knowledge, and he soon jumped to television, making a number of specials about modern scientific breakthroughs. His ability to communicate to audiences, and his unique literary style made him a popular expositor of science, but among the scientific and philosophical community, he sometimes found himself an outcast, alongside his friend Karl Popper. Philosophers regarded them as superficial and outdated; scientists thought Bronowski a "mere popularizer." (Many continue to regard him as superficial: Richard Dawkins took a few unnecessary swipes at him in *Climbing Mount Improbable*.) But Bronowski continued to defend Enlightenment values, including limited government. In one remarkable essay, published in the posthumous *A Sense of the Future*, Bronowski even argued for a separation of government and science, including avoiding government funding, which he saw as a source of intellectual corruption.

For Bronowski, science provided an example of a community not based on a shared mythology of Marxism, or the "noble lie" that conservatives embraced. Nor did science necessitate value neutrality. "'Value free,'" he said, "is a particularly comic phrase since the least valuable freedom in the world, and the greatest slavery, is 'value freedom.'" Instead, the scientific community was a community centered around the search for truth. That search inherently required a moral structure, or as Bronowski put it, "there is a social nexus which alone makes verification [and therefore discovery] possible. This nexus is held together by the obligation to tell the truth. Thus it follows that there is a social injunction implied in the positivist and analyst methods. That social axiom is that *We ought to act in such a way that what is true can be verified to be so.*"

Unfortunately, Bronowski did not address the implications of this principle on economic behavior. If dissent and toleration in the marketplace of ideas are justified by the overriding social principle of a search for truth, it would seem to follow that, in the actual marketplace as well, new services, new inventions, and new management procedures are a means of addressing other human needs. (Indeed, one necessarily implies the other, since economic liberties such as property rights are an essential protection for dissent and free debate.) A scientist proposes a new theory and seeks to have it published in a book; he should be free to sell that book as well as propound the theories embod-

Discover ***Why Freedom***, By Jason A. Junge

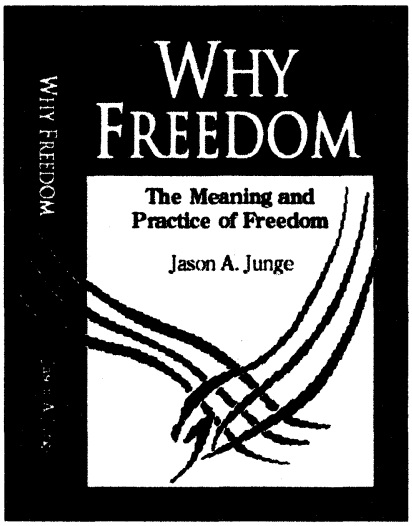

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ied in it. Engineers inspired by his theory should be free to put it into practice in the form of a new invention. Investors should be free to offer that new invention to the public in the form of a new product. And, just as in the marketplace of ideas, consumers may accept or reject it as they choose — and to deal with the consequences of those decisions. It is regrettable that Bronowski, who eagerly sought to create "a philosophy which shall be of a piece," failed to explore these principles.

Nevertheless, his work clearly rejects anti-Enlightenment conservatism, like that espoused today by Robert Bork — but also modern liberalism, like that espoused by Richard Rorty. In fact, here and elsewhere, Bronowski had much more in common with Ayn Rand, although when Theodore Roszak noted this similarity in his book *The Making of a Counterculture*, Bronowski is said to have been outraged. But Roszak was right. Consider this passage from *Sense of the Future*: "it is precisely the doctrines of the Dark Ages which treat man as fixed and dead, a sinful exhibit who can seek virtue only in self-denial. These ascetic virtues are equally the marks of the dead societies of the Middle Ages which we still perpetuate — societies constantly on the brink of famine, in which the greatest virtue of man was to achieve the heroics of an insect in a colony, and sacrifice himself for the hive. We are somewhat past those famine days, and we should be past those famine virtues."

In the end, Bronowski defended science as the only method of knowing that was proper to man. "And I am infinitely saddened," he said in 1974, "to find myself suddenly surrounded in the west by a sense of a terrible loss of nerve, a retreat into — into what? Into Zen Buddhism; into falsely profound questions about, Are we not really just animals at bottom; into extra-sensory perception and mystery." Science had got us into the mess of the 20th century, but he believed that science — or rather, the virtues of which it was the culmination — would get us out.

Near the end of his life, Bronowski went to the site of a Nazi concentra-

tion camp to film part of the television series that became his masterpiece, *The Ascent of Man*. The series was unscripted, and Bronowski spoke to the camera extemporaneously. On this occasion, he surprised the cameraman by wading into a mud puddle, where the ashes of murdered Jews had been flushed, saying:

> It is said that science will dehumanize people and turn them into numbers. That is false, tragically false. Look for yourself. This is the concentration camp and crematorium at Auschwitz. This is where people were turned into numbers. And it was not done by gas. It was done by arrogance. It was done by dogma. It was done by ignorance. When people believe that they have absolute knowledge, with no test in reality, this is how they behave. This is what men do when they aspire to the knowledge of gods. Science is a very human form of knowledge. We are always at the brink of the known, we always feel forward for what is to be hoped. Every judgment in science stands on the edge of error, and is personal. Science is a tribute to what we can know although we are fallible.

The Identity of Man was presented as a series of lectures to the American Museum of Natural History in 1964, shortly before he and Jonas Salk moved to San Diego to found the Institute that bears Salk's name. In the lectures, Bronowski touched on one of his favorite themes: the role of imagination in epistemology. The human mind, he believed, did not work in an orderly progression, but in a series of leaps, by making likenesses between things and then testing those likenesses. Thus the process of discovery was not an axiomatic or deductive system, but a series of guesses and conjectures which became working theories when they revealed an underlying natural structure. All knowledge, in this sense, is analogy. But a computer, proceeding mathematically from premises to deduction, could make no such guesses. Bronowski illustrated this by reference to "a man with an electrode in his brain who found that it inhibited him from saying the word *butterfly* when he was shown one. He snapped his fingers in frustration, and when the current was switched off, he explained why; he had tried to say *moth* as a way out, and could not find that word either. The search within ourselves for such likenesses is the creative gift by which man commands the hidden potential in nature and in himself."

Bronowski's argument does not make much headway against the more thorough arguments of Daniel Dennett, who argues not only that robots can think, but that "your great-great-grandmother was a robot!" Since rocks don't think, and minds do, many thinkers have insisted that there is a qualitative distinction between matter and mind. Dennett rejects this, and seeks to connect the mind to physical properties. If mind is an algorithmic process, it can (in principle) be reproduced in a computer. And in fact, the process of imagination does seem to be understandable in this way. Imagination seems to be a sort of double-consciousness, in which one part of the mind conjectures a likeness between two perceptions, and another rejects it analytically, like a game of I Spy. Teach a computer to guess, based on likenesses, for example in a facial-recognition program; then apply selection pressure by rejecting the wrong guesses and accepting the right ones. Repeat the process ten thousand times a day for a billion years, and the result is the human brain. Thus the mind — or rather, the illusory unity produced by a spontaneous order in a brain in which many operations are going on simultaneously — convinces itself that it has conjured up an idea, when in reality the idea is the product of algorithm.

Bronowski believed that while evolution required us to modify our notion of human nature, it did not require us to abandon it. There is, at bottom, some reason that, as he put it, we milk the cows and the cows do not milk us.

But although Bronowski was probably wrong that computers cannot be taught to think, he was more interested (as is Dennett, in his book *Elbow Room*) in why it is that such a possibility makes us so uncomfortable. Of course, we fear that we will lose our freedom. But here, Bronowski argued, we need not worry — we are not capable of knowing enough information in enough detail to put us into such a prison. According to the old canard, a person knowing the position and velocity of every particle in the universe can predict with absolute certainty every event that will ever take place in the future. But the fact is, we not only cannot live long enough to acquire such knowledge, but such knowledge cannot be discovered in the first place. Man is not a god, able to stand outside nature and manipulate or understand it all *in absentia*; he is a part of it, and simultaneously affects, and is affected by it.

The question of whether man has a unique nature is the unique philosophical problem created by the Darwinian revolution. If man is not *essentially* different than the animals, but only different in *degree*, then the propositions of natural rights would seem to fall apart: man could be made to fit any political environment, if only he is trained, or even bred, for it correctly. If the mind is only a computer program, a new version of that program could make a man a better proletarian. To many theorists, for example Oliver Wendell Holmes Jr., politics did indeed become an expression of, and a tool for, man's further evolution, based not on any objective right or wrong, but upon survival strategies and experiences, each with an equal claim to legitimacy. If stoning women for removing their veils "works" in Saudi Arabia, and no-fault divorce "works" in California, there would be no objective reason to choose between these two, because there is no universal standard of political legitimacy, only subjective preferences. In fact, natural rights theory has been abandoned by most intellectuals, precisely because its defenders have, by and large, failed to meet this challenge. (There are some excellent exceptions, for instance Larry Arnhart's book *Darwinian Natural Right*.) Nor is political philosophy the only field where

this challenge must be met. In *The Meme Machine,* Susan Blackmore argues that since the concept of a unified "self" within the mind is, as I have said, an illusion covering over the many operations going on at once in the brain, the very idea of the *self* should be rejected in favor of a new form of Zen Buddhism. You will, she hopes, finally abandon the illusion and embrace the fact that your mind is out of your control — since there's no you to begin with.

But Bronowski believed that while evolution required us to greatly modify our notion of human nature, it did not require us to abandon it. There is, at bottom, some reason that, as he put it, we milk the cows and the cows do not milk us. That uniqueness, which Bronowski called "human specificity," is indeed the product of an evolutionary process, just as the unified mind may be. But the fact that it is a product of evolution does not mean it is artificial or worthless. The ability to grasp things through words, or rather, symbols, was the key to human uniqueness, even if it is the product of evolution. In *Ascent of Man* he referred to:

> [s]ome beautiful experiments . . . first done by Walter Hunter round about 1910. . . . [H]e would take some reward, and he would show it to an animal and then hide it. . . . If you take a rat and, having shown it the reward, you let it go at once, the rat of course goes to the hidden reward immediately. But if you keep the rat waiting for some minutes, then it is no longer able to identify where it ought to go for its reward. Of course, children are quite different. Hunter did the same experiments with children, and you can keep children five or six waiting for half an hour, perhaps an hour. Hunter had a little girl whom he was trying to keep amused while keeping her waiting, and he talked to her. Finally she said to him, "You know, I think you're just trying to make me forget." The ability to plan actions for which the reward is a long way off is an elaboration of the delayed response. . . . It is a central gift that the human brain has to which there is no rudimentary match . . .

Darwin does not entail nihilism; just the opposite. It can be the key to understanding our past, and thus planning for the future.

Bronowski died suddenly of a heart attack in 1974, and legal complexities have kept *The Ascent of Man* from being as widely distributed as other great documentaries (like Kenneth Clark's *Civilisation,* which inspired it). But libertarians would be well served to examine Bronowski's work as an insight into their unique heritage: alone among political philosophies, libertarianism and science are concerned with the truth about man and nature. What Bronowski found in the sociology of science is what libertarianism seeks to find in political society in general: a tolerant society which, to paraphrase Milton, closes up truth to truth as we find it. Science has "mastered nature; but it has been able to do so only because its values, which derive from its method, have formed those who practice it into a living, stable, and incorruptible society. Here is a community where everyone is free to enter, to speak his mind, to be heard and contradicted. . . . Science [has] survived," Bronowski concluded, "because it is less brittle than the rage of tyrants." ❑

Hillsdale: Greek Tragedy in America's Heartland, **by Roger Rapoport. RDR Books, 2000, 206 pages.**

The Hillsdale Mystery

Stephen Cox

Michigan's Hillsdale College, founded in 1844, was originally a stronghold of abolitionism. Today it is a stronghold of conservative-libertarian values. To be more precise, it is a stronghold of conservative mores and libertarian political and economic theories. Hillsdale is one of the very few academic institutions in America in which Friedrich Hayek and Ludwig von Mises have achieved the status of saints.

It is the libertarian aspect of Hillsdale that has made it famous. In an attempt to avoid interference from the federal government, Hillsdale refuses federal funding. You can count on the fingers of one hand the other institutions of higher education that have had the guts to do that, or even the concept of doing it. During the 28-year administration of George Roche, who came to Hillsdale from the libertarian Foundation for Economic Education, the small college used its free-market principles as the basis for an aggressive national fundraising campaign that raised hundreds of millions of dollars, more money "than George W. Bush and Al Gore combined" (page 124).

The campaign displayed the good side of George Roche. The bad side was the cult of personality fostered by his dynamic leadership, a cult that he appears to have done nothing to discourage. There is room for a lot of different opinions about the merits and demerits of the Roche administration. One thing is certain: it ended badly, very badly.

On Oct. 17, 1999, Lissa Roche, President Roche's daughter-in-law, distressed by his recent second marriage, announced to horrified family members that she had been carrying on a long-term sexual affair with him. On the same day, Lissa Roche was found dead, an apparent suicide, in the college arboretum. General acceptance of her accusation against her father-in-law quickly led the college trustees to procure George Roche's resignation. Although he continued to avow his innocence, the scandalous story remains the orthodox explanation of events.

Roger Rapoport, a professional writer with no apparent ideological or other ax to grind, has reopened the case and determined that there is considerable reason to doubt that story.

Leaving aside the mystery story, however, there is much to recommend his book. Its account of Roche's rise to fame is a significant chapter of Americana.

The police investigation was shoddy; important testimony is uncorroborated or implausible; it is not proven that Lissa's claims were true, or even that she killed herself after making them. Rapoport is a clear and intelligent writer; his analysis cannot lightly be dismissed.

Leaving aside the mystery story, however, there is much to recommend his book. Its account of Roche's rise to fame is a significant chapter of Americana. Its account of Roche's relationship with his daughter-in-law, interpret it however you decide to interpret it, is of great psychological interest. The subtitle's references to "Greek tragedy" and "America's heartland" should not deter the reader; the book is not a melodrama.

This is one of those books that deserves to be widely distributed but probably isn't. For that reason, I'll let you in on the fact that if you can't find it in your local bookstore, www.rdrbooks.com will help you. ❑

***Life at the Bottom*, by Theodore Dalrymple. Ivan R. Dee, 2002, 263 pages.**

Living and Dying in Socialist Britain

John Clark

Ronald Reagan once said that socialism works in only two places: heaven, where they don't need it, and hell, where they've already got it. In his day the world's socialist exemplar was the Soviet Union, founded on the principle of abolishing private property by all means, at any cost. This experiment was a fair success according to its own purpose. Whether Soviet citizens got a decent life out of it is another question, and not a difficult one to answer. When that regime collapsed in about its 74th year, there was nothing of value to show for such continuous, massive poverty, pollution, famine, torture, and death.

British socialism had the less extreme and nobler-sounding goal of providing for the bodily needs of all its subjects. In this ideal society, no one would have to worry about going hungry or homeless or untended. According to Theodore Dalrymple, in *Life at the Bottom*, this socialism has been quite a success according to its purpose. There is today, he notes, almost nothing that a British resident can do to relieve the state of its obligation to feed, house, entertain, and care for him.

As a physician in a British inner-city hospital and prison, Dr. Dalrymple has observed as much of the socialist reality as any person can — not just at his workplaces but also in many homes, streets, public areas, and from interviewing some 10,000 patients over the years. What is this reality like? When the state provides for everyone's needs regardless of effort or conduct on their part, far too many people see no need to learn about the past, use their time well in the present, or plan for the future. "A system of welfare that makes no moral judgments in allocating economic rewards promotes anti-social egotism." This is what we see — an ignorant, coarse, slovenly, filthy, lawless caste of socialist "beneficiaries" and others who suffer their abuse and harm.

There is always a danger that a policy of insurance will promote the behavior or condition that it insures against; this is what economists call "moral hazard." It is much in evidence in all aspects of British society today. Those socialists either were blind to the moral hazard or regarded themselves as exempt from, or even the authors of, the law of nature. Egotism begets egotism and, per Dalrymple, "misery increases to meet the means available for its alleviation."

The more health care is viewed as a "right," to be consumed by oneself and paid for by others, the more widespread, inevitably, become smoking, gorging, boozing, doping, snorting, and other unhealthy behaviors. Typically, several patients a day are admitted to Dr. Dalrymple's hospital having "attempted" suicide by sublethal overdose for, among other reasons, the benefit of a free hospital stay. Far from appreciating this care, many

such patients are abusive and threatening to the physicians, nurses, and staff who provide it. Visiting physicians from India and the Philippines who at first admire the socialist ideal are soon appalled by the reality. "On the whole," says one, "life is preferable in the slums of Manila."

A less obvious result of the moral hazard of health care as a "right" is increased violence in general. Why should one refrain from punching, clubbing, stabbing, or shooting another person when the system is always there to put the damage right? Combined with other incentives to lawlessness such as the dole, a worthless school system, and lax policing,

There is today, he notes, almost nothing that a British resident can do to relieve the state of its obligation to feed, house, entertain, and care for him.

Britain has some of the world's highest rates of theft, robbery, and assault — and even the highest rates of such crimes with firearms, despite ("despite") strict gun-control laws.

In a recent column, April 8, Molly Ivins denounced America's health-care system as "stupid" and "falling apart." Her solution, of course, is to replace it with a socialized system like Britain's. Fine — Dalrymple gives her and like-minded people a chance, if they'll be so honest with themselves, to learn how their ideal functions in reality. Americans have no experience with socialized medicine, so they are mostly pretty ignorant about it. Its advocates are ignorant even of their ignorance.

Britain's knowledge dates from the founding of their National Health Service in 1948. Thirty years later, economist Milton Friedman noted that while the population had grown since then, the total number of hospital beds had declined. Health-care bureaucrats have said at times that the lost capacity for treating the sick and injured was not needed anyway. Yet it's hard to believe that growing numbers of elderly require less health care year by year, while on the other hand so much is expended on drunks, junkies, and brawlers who regard hospital care as their "right."

As sure as any natural law, this incentive to neglect and abuse one's own health will lead many people to do so, in every way possible. Inevitably these derelicts will require income support and subsidized housing and jail and prison cells as well. That is one lesson of Dalrymple's book. Why, in America, suppose that our bumbling amateurs can avoid all of the experts' mistakes?

We have better options than to grant power over our lives to amateurs, experts, or whomever. One is to take primary charge of our own health. This means following the rules of nutrition, fitness, and hygiene that any 6th grader or the surgeon general can learn. It may mean paying directly for routine services that we want and buying our own insurance policies for services that we hope we'll never need (e.g., surgeries and hospital stays). And instead of relying on the government to tax us to pay for our health care, we can offer to share our own wealth with the poor and those who serve them.

The more we can learn from others' experience, the less time and money we will waste and the less misery we will suffer. Dalrymple has done an invaluable service by telling the stark truth about socialized medicine. So compelling is *Life at the Bottom* that I read it cover to cover in a day's time — and later reread it twice. ❑

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

James Barnett is *Liberty*'s editorial intern.

Oliver Becker is a consultant with Price, Waterhouse in Europe.

Stephen Berry has written numerous articles for libertarian and chess magazines.

Alan Bock is a senior columnist for the *Orange County Register* and the author of *Waiting to Inhale: The Politics of Medical Marijuana*.

R.W. Bradford is editor of *Liberty*.

Scott Chambers is a cartoonist living in Arizona.

John Clark is a title insurance specialist living in Seattle, Wash.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Titanic Story*.

Joe Dabulskis is a small businessman in rural northeastern Oregon.

Michael Drew is a writer living in Berkeley, Calif.

Chris Henderson is a writer living in Avon, Ind.

John Hospers is a philosopher, author of *Libertarianism*, and was the Libertarian Party's first presidential candidate.

Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

J.C. Lester is author of *Escape From Leviathan*.

George W. C. McCarter practices law in New Jersey.

Wendy McElroy is editor of ifeminists.com and is the author of *The Reasonable Woman: A Guide to Intellectual Survival*.

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Robert H. Nelson's most recent book is *Economics as Religion: From Samuelson to Chicago*.

Bruce Ramsey is a journalist in Seattle.

Ted Roberts is a freelance humorist living in Huntsville, Ala.

Timothy Sandefur is (slowly) working on a biography of Jacob Bronowski.

Mark Skousen is author of *The Making of Modern Economics*.

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Kyle Swan is a visting assistant professor of philosophy at the College of Charleston in Charleston, S.C.

William R. Tonso is a professor emeritus of sociology at the University of Evansville, Ind.

Letters, from page 6

thing the Forest Service can do is to just let more fires burn."

Yes, fire is part of the natural forest process. It is a condition that the people of the West must learn to live with. But to allow fires to burn freely, wiping out valuable landscapes, is myopic. Uncontrolled fires put individuals and homes at risk, reduce property values, emit mass quantities of carbon dioxide, degrade water quality, and subject water flow to immense variability, among other things. It is true that there are benefits that come in the form of soil nutrients, diversity, and forest regeneration, and that is why prescribed burns should be a part of forest management.

In spite of our differences, O'Toole and I agree that a self-sufficient Forest Service would be a better Forest Service. Allowing markets to play their role would encourage managers to seek out the highest valued forest uses. I predict that these uses would vary from place to place and would include timber harvest as well as various forms of recreation, habitat enhancement, and watershed protection. Actions to reduce fire risk where appropriate would be a result of these choices. But if we let it all burn, there will be little value left.

Holly Lippke Fretwell
Political Economy Research Ctr.
Bozeman, Mont.

O'Toole responds: What is true in the South is not surely true in the West. In fact, 80% of the forests in the South are ecologically adapted to frequent, light fires. Fire suppression would be expected to lead to a build-up of fuels that could result in catastrophic fire.

In contrast, only about a third of the forests in the West are ecologically adapted to frequent, light fires. Even on that third, there is no evidence in published fire records that a build up of fuels has led to more severe fires. In fact, for the past five decades the number of acres burned each decade almost exactly correlates with the severity of summer droughts.

In any case, proposals to give the Forest Service more power to cut trees without environmental oversight and to give it more money to thin or otherwise treat supposedly fuel-laden forests will simply not reduce fire hazards. Yet a number of free-market groups have explicitly or implicitly endorsed these proposals. They should focus instead on decentralization.

Treachery!

James Barnett failed to give your readers a complete explanation of how he came to "reluctantly" join the Libertarian Party ("Crossroads in Indianapolis," September). He left out how he approached me, as Libertarian Party of Virginia Chair, and told me that he wanted to join the LP. I was delighted that he wanted to join, and explained that he could buy a basic membership and attend the business sessions, like any other regular LP member.

Barnett left out his real reason: to attend the convention so that he could complete his assignment to write a story for *Liberty* magazine. He made no mention that he was a reporter and that he was only in St. Louis (sic) that week to write a story.

I learned in mid-August that Barnett was a reporter for *Liberty*, and that he had not intended to join the party, but did so because it seemed to be the only way for him to complete his reporting assignment.

I told him directly that he was not truthful with me. He asked if I wanted to revoke his membership. I explained that I would return his $25 to him, but I did not consider this "revoking" a membership since he did not join in good faith. His money has been returned to him.

Marianne Volpe
Alexandria, Va.

Mr. Barnett has a reflection on this incident elsewhere in this issue. — Editor

The Infamy of Whichery

In speaking of shibboleths, Stephen Cox ("Word watch," November) notes the correct pronunciation of "erred" and quotes FDR's correct usage of the word "infamy," but does not mention that FDR erred by saying "a date 'which' will live in infamy" rather than "a date 'that' will live in infamy" (for once in his life erring on the side of the non-restrictive).

Doc Daniels
Tempe, Ariz.

The View From Cassadaga

Your review of *Princess Navina Visits Voluntaria* (September) is so chock-full of subtle truths that not many intellectuals should be expected to be able to grasp it. As you might suspect, I managed to escape every blasted state-run university in the world for 75 years.

Out with the intellectuals. In with common sense.

Jacob Lapp
Cassadaga, N.Y.

Britain, from page 38

sion. If the European Union becomes stronger and if the U.S. government does embark on a policy of bringing democracy to the Middle East at the point of a gun, I would expect the tensions between the U.S. and the E.U. to grow as their interests increasingly diverge. Which way the U.K. would jump in those fraught and unfortunate circumstances is anybody's guess.

But whether the situation will develop along these lines remains questionable. Milton Friedman and a few other significant economists think that the euro will fail within ten years. At the moment the German economy is struggling and lower interest rates would be the standard recipe. But the control of interest rates has now passed to the European Central Bank. Although this institution may have its offices in Frankfurt, it has to set interest for eleven countries other than Germany and many of these do not want lower interest rates. Hard cheese for the Germans. But if one of the major European economies were in dire straits and decided to leave the euro in order to be able to set its own interest rates, the grand European project would take a major hit from which it would be difficult to recover. As a libertarian who does not much care for states — let alone superstates — I would pop open a bottle of my very best French champagne to celebrate. And I would wager my entire collection of Schubert songs that I would by no means be the only person in the U.K. celebrating in this fashion. ❑

Terra Incognita

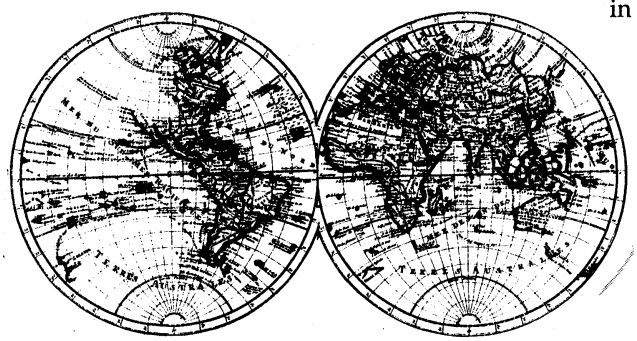

Blacksburg, Va.

Taxonomic note in *Virginia Tech Magazine*:

From working with kids on reading programs to seatbelt promotion programs to sponsoring recycling programs, everything the HokieBird does represents good things.

Recklinghausen, Germany

A sad day for children, from Reuters:

Two zookeepers have been suspended and put under police investigation for slaughtering and barbecuing five Tibetan mountain chickens and two Cameroonian sheep from the zoo's petting area.

Seattle

Innovative one-stop shopping concept in the Emerald City, from an advertisement in *Seattle Weekly*:

Experience Henna Tattooing, Massages & Facial Plastering. 2 for 1 dinner specials.

Russia

Evidence of the return of high culture to the former Eastern bloc. Reported in the *Seattle Post-Intelligencer*:

A new hit pop song, *I Want Someone Like Putin*, has teenagers swooning over the president's strength and reliability.

West Hartford, Conn.

Proof that crime doesn't pay, from the *Hartford Courant*:

Hartford police officer Gregory DePietro has ruined his chances of joining the West Hartford police force after taking a lie-detector test during his job interview, during which he admitted that in his previous position he had falsified police reports, slept on the job, stolen police property, fixed parking tickets, destroyed drugs taken as evidence, and stolen from suspects under arrest.

Coldwater, Mich.

Advance in law enforcement, from the *Battle Creek Enquirer*:

In a four-paragraph release sent to area news organizations Tuesday, the Branch County sheriff's department reported the investigation of several complaints of possible telemarketing fraud in the area, especially targeted at the elderly.

"In the course of this investigation, it was learned that this is going on throughout the United States and some of these telemarketing programs are believed to be operated by Al-Qaeda. The CIA has announced that they acquired a videotape showing Al-Qaeda members making phone solicitations for vacation home rentals, long distance telephone service, magazine subscriptions and other products."

The reports were apparently taken from a Sept. 18 edition of *The Onion* headlined "Report: Al-Qaeda Allegedly Engaging in Telemarketing."

Fort Myers, Fla.

Curious Halloween rites in the Sunshine State, from a report in the *Naples Daily News*:

This year's haunted house, sponsored by the Naples Jaycees, gives children the choice of executing either Osama bin Laden, Saddam Hussein, or Fidel Castro. After they make their choice, strobe lights reflect off tinfoil-covered walks and the floors vibrate to make the experience of an execution as real as possible.

La Porte, Tex.

Another consequence of schools' tragic failure to give pupils a solid background in botany, reported in the *Houston Chronicle*:

Police on Aug. 14 served a warrant at the home of 88-year-old Irene Gilliam Hensley, in the 200 block of North Nugent Street. The department received a warrant after an officer — following a tip from a family member of Hensley's — identified marijuana plants growing in the backyard after he peeked over Hensley's fence. Mrs. Hensley was released after an analysis revealed the plants to be okra.

Sydney, Australia

There are strange things done in the Down-Under sun, from a dispatch to the *Miami Herald*:

Troy Michael Bowron, 25, won $33,600 from the Jannali Inn in southern Sydney for negligence after he slipped and broke his arm on a greasy bar floor. The floor was made dangerous by patron Ross Lucock, who had taped pork chops to his feet after being told he would not be served more alcohol because he was barefoot. Lucock had won the pork chops in a meat raffle at the bar earlier that night.

Louisiana

Notes from the sporting life, reported in *U.S.A. Today*:

The state prison at Angola is getting a nine-hole golf course, and the one in Avoyelles Parish is getting four holes. Both will be outside prison fences, and only prison employees will play. Wardens say inmate trusties can learn new trades as groundskeepers and caddies.

Pullman, Wash.

The state of the art of editing at the estimable house organ of Washington State University:

The Daily Evergreen would like to sincerely apologize for an injustice served to the Filipino-American, Spanish-speaking, and Catholic communities on the front page of Thursday's *Evergreen*.

The story "Filipino-American History Recognized" stated that the *Nuestra Señora de Buena Esperanza*, the galleon on which the first Filipinos landed at Morro Bay, Calif., loosely translates to "The Big Ass Spanish Boat." It actually translates to "Our Lady of Good Peace."

Special thanks to Russell Garrard and Robert Service for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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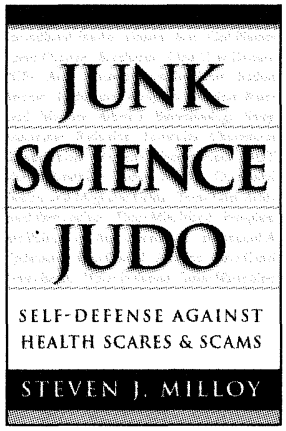

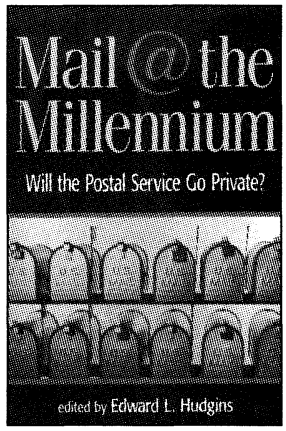

The rise of the Internet and the proliferation of private package-delivery services have brought the U.S. Postal Service to a crossroads. As more people correspond and pay bills online, what is the role of the Postal Service? Do we really need a monopoly that continues to run huge deficits, or is it time to consider other options? Sixteen economists, scholars, and business leaders offer a variety of answers. Cloth $19.95 ISBN 1-930865-01-5/ Paper $10.95 ISBN 1-930865-02-3

The "precautionary principle"—a "better safe than sorry" rule—is increasingly invoked to justify government regulations to stop potential environmental problems such as global warming, genetically-modified foods, and DDT. The author argues that not halting such potential crises might entail health risks, but so might their regulation. He argues that a balanced application of this principle cautions against aggressive regulation. Cloth $17.95 ISBN 1-930865-16-3

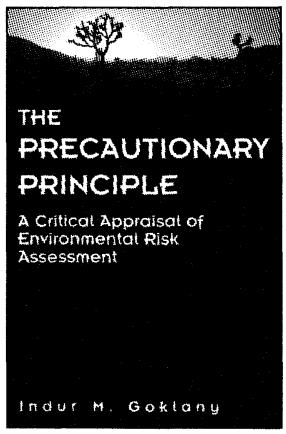

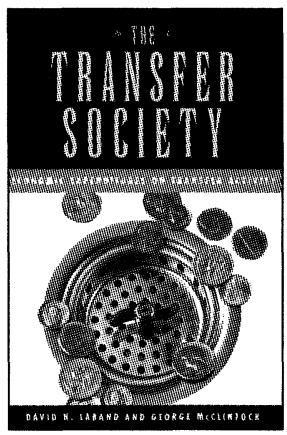

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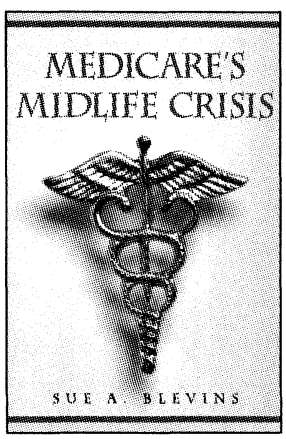

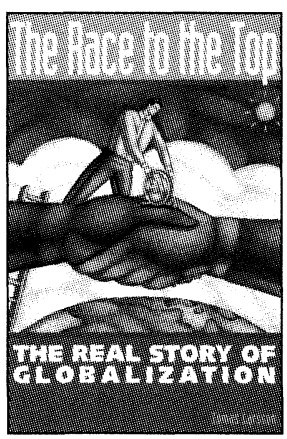

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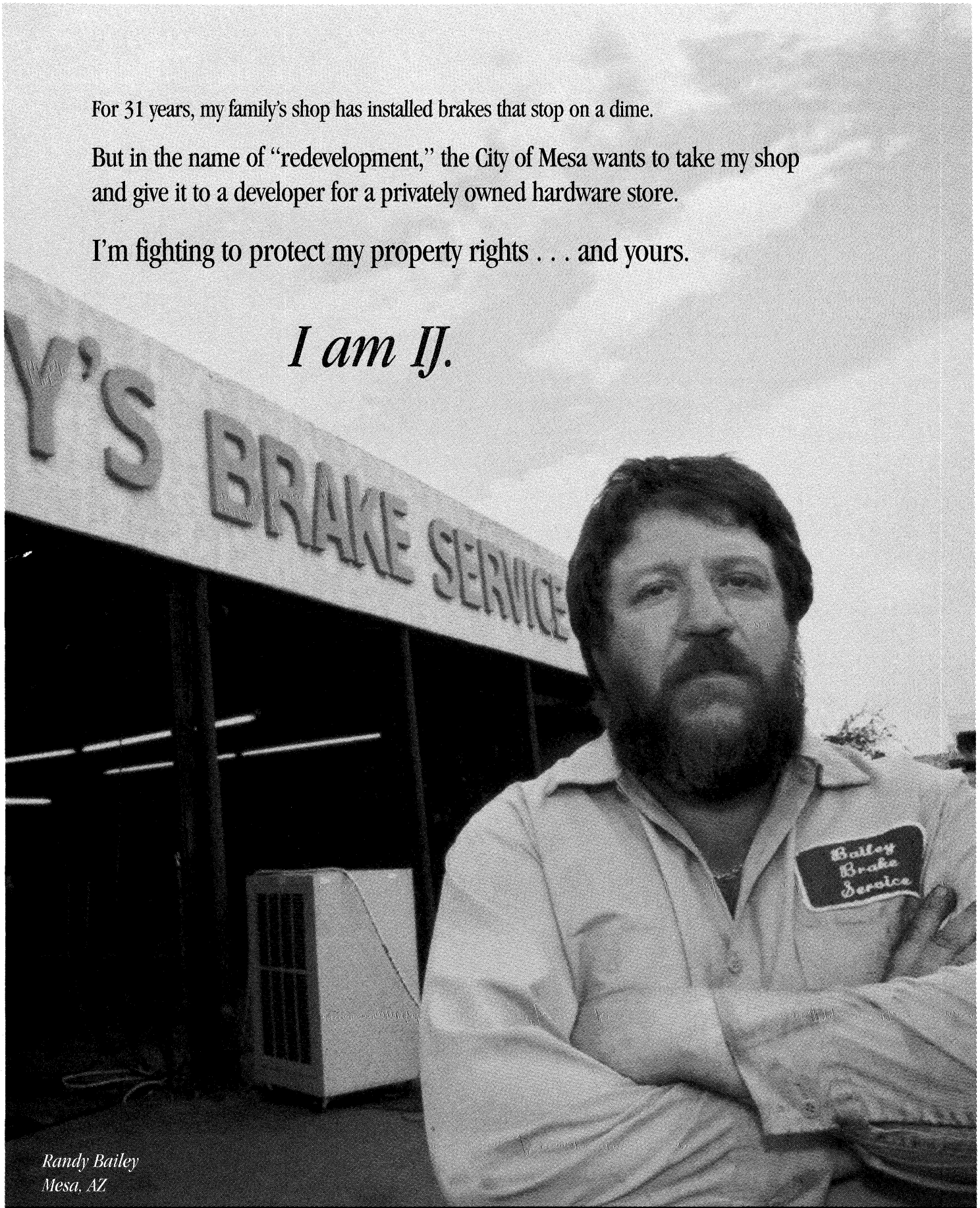

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Bush, Rumsfeld, and Orwell

by Sheldon Richman

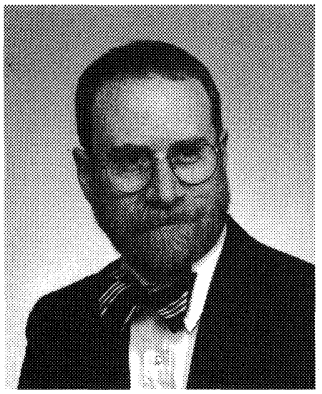

It has long been clear that most of what government leaders say and do makes no sense unless you understand that they think we are idiots, uninformed, or both.

Could there be better evidence than recent remarks by President Bush and Secretary of Defense Donald Rumsfeld?

Let's start with the much-admired Secretary Rumsfeld. He was asked whether a U.S. attack on Iraq would provoke terrorism against Americans. With his strong, set jaw, steely eyes, and slight, arrogant smile, he said something very close to this: We were attacked on 9/11 when we weren't at war with Iraq.

One problem: Since 1991 there has not been a time when the U.S. government was not at war with Iraq.

John Laughland of the London *Spectator* reports from Baghdad that U.S. and British forces have flown 4,000 bombing missions in northern and southern Iraq since 1998. (That's after "dropping ... the equivalent of six or seven Hiroshimas-worth of ordnance" during the open war.) The official position is that these sorties enforce the "no-fly" zones, that is, the parts of Iraq that the United States, without anyone's authorization, says the Iraqi government may not patrol from the sky. Are these surgical missions to strike military installations? That's what the U.S. government says. In a fascinating piece of Orwell-speak, the government refers to the "provocative use" of Iraqi anti-aircraft weapons. If the United States flies offensive warplanes over Iraq, that's not provocative. But if Iraq activates defensive anti-aircraft weapons, that is provocative.

Mr. Bush seems to be using as his text George Orwell's *Nineteen Eighty-Four*. This book is revered for many reasons. But an underappreciated virtue of the novel is that it illustrates how foreign policy is effectively used to manipulate the domestic population. Readers recall how in that society, allies became enemies, and enemies allies, overnight, with nary a reference to their former status. Sound familiar? H.L. Mencken, the keen observer of the political scene, understood the game: "The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary."

Mr. Bush is beginning to master the lingo. When he was asked whether Congress would approve his request for a resolution authorizing force, he said, "If you want to keep the peace, you've got to have the authorization to use force." He's more wordy than the ubiquitous slogan in Orwell's dystopia: "War is Peace."

If this sounds cynical, be reminded that the draft resolution Mr. Bush sent to Congress was not just about Iraq. It was a blank check to let him use force broadly. Here's the relevant passage: "to use all means that he determines to be appropriate, including force, in order to enforce ... United Nations Security Council resolutions ... defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security to the region."

Restore international peace and security to the region? Could the language be broader? This authorization would be Napoleonic in its dimensions.

It's not what the Constitution's Framers had in mind when they gave Congress the power to declare war.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State,*** *and editor of* ***Ideas on Liberty*** *magazine.*

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Inside Liberty

January 2003
Volume 17, Number 1

4 **Letters** Our readers share their thoughts on the War Between the States, the Muppets, Johnny Jihad, rock 'n' roll, the Twilight Zone, and destesticled bicyclists.

5 **Reflections** We read Santa's diary, order pot with extra biscuits, examine JFK's drug use, calculate the CPI (Chicken Price Index), celebrate apathy, get nasty with the Democrats, and start our own gun buy-back program.

Features

17 **Freedom at the Ballot Box** This year, the voters voted, the Republicans won, and freedom lost. *R. W. Bradford* looks at the election and its consequences.

23 **The Republican Killers** Being a perennial spoiler is not something to be proud of, says *Chuck Muth*.

25 **Iraq: the Wrong Place, the Wrong Time, the Wrong War** Invading and occupying Iraq will likely undermine American national security, perhaps catastrophically so, warns *Gene Healy*.

31 **Fraud in the Forest** If fraud is committed deep in the National Forest, and no taxpayer is there to discover it, does it make any difference? It does to *Randal O'Toole*.

33 **Liberty and the Taxonomy of Felis Catus** Newborn kittens are not just cute, observes *Nelson Hultberg*. They can teach us a lot about liberty and servitude.

35 **Learning From the Brain** The Founding Fathers reconvene in the State House (now air-conditioned) with their sleeves rolled up, ready to go to work. *Dan Hurwitz* gives an account.

39 **My Schizophrenia** Some schizophrenics can free their own minds. *Elizabeth A. Richter* did.

41 **The Drug Club** *Kirby Wright* describes how coming of age in Hawaii leaves fond memories of innocence, discovery — and the drug culture.

Reviews

45 **A Rich Life** *Mark Skousen* looks at the life of David Rockefeller, and wonders: is this the man who is said to run a conspiracy to rule the world?

47 **Judging the Court** *Timothy Sandefur* examines the record of the Supreme Court.

50 **The Truth About Vietnam, at Last** A quarter century ago, Daniel Ellsberg blew the whistle on the Vietnam War. Today, as *Bruce Ramsey* discovers, Ellsberg is showing us just how things went wrong in Nam.

52 **Celebrity Intellectuals** *Richard Kostelanetz* surveys the lay of the intellectual landscape.

51 **Notes on Contributors** The brain trust.

54 **Terra Incognita** Read it and weep.

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Letters

Secession and Consent

At common law, your prior consent can bind you to perform a contract. Your consent cannot be presumed; it must be explicit. No other person can consent for you, not even a "Founding Father." Yet Timothy Sandefur ("Why Secession Was Wrong," December) tells us that because it was ratified years ago by "We the People," the Constitution is the supreme law of the land, binding on all.

At common law the Constitution, as a contract, is void. The Constitution is binding, not because of your consent, which was never given, or by any other provision at common law, but because the action taken by your forefathers created irreversibly an entity possessed of physical force sufficient to compel your performance.

Jack Dennon
Warrenton, Ore.

Rights, Secession, and Exemptions

I loved Timothy Sandefur's argument that Virginia could not secede because its conditional ratification of the Constitution, reserving the "right" to secede, was unacceptable. That is true. If its ratification was unacceptable, it was never part of the Union in the first place.

However, this overlooks the problem of Texas. Texas could have only entered the Union if the United States government first recognized its "right" to secede from Mexico. We can parse "Who da people? We da people" forever, but Texans can always argue that they entered with the real and quite reasonable understanding that the United States recognized a "right" of secession, and that it was the Union, not the Confederacy, that was adding new terms to the contract after it was signed.

Far too many of us seem to be confusing objective morality (right and wrong are the same for everybody) with subjective, political, morality (right and wrong are determined by whether I'm doing it to you, or you're doing it to me).

This works both ways, though. Both Robert E. Lee and Jefferson Davis served in the Mexican-American War, which was nothing more or less than a land grab. While the Confederacy can argue that the Union had recognized its "right" to secede, the Union can argue that both the civil and military leaders in the Confederacy had recognized its "right" to invade its neighbors and annex their territory.

In actual fact, though, no state can have the right to secede, because governments don't have rights. They have powers, and so far no state has had sufficient power to secede.

Paul Kelly
Boulder, Colo.

Anarchy, State, and Slavery

As an anarchist, I take the position that only individuals can have rights, because only individuals can act. Neither the states nor the federal government has any rights at all, so the states had no right to secede and the feds had no right to keep them in the Union.

Timothy Sandefur thinks like the lawyer he is — he searches the politicians' laws for a loophole or an interpretation that supports his position. I say, "To hell with Constitutions and laws made by men, regardless of what they say!" Rights do not appear or disappear because politicians say, "It's the law."

Libertarians want a less powerful government and even Sandefur should concede that Lincoln increased the power of the state. But his position seems to be that freeing the slaves trumps everything else — they get more freedom, we get less, but their

continued on page 24

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Reflections

Blame Russia first — So I guess we're supposed to accept the view that Chechen terrorists took 700 hostages in Moscow because of their hatred of Russia's freedom and prosperity, its traditions of free elections and freedom of religion, and its modernity — not its policy in Chechnya?
— Jim Cox

A modest proposal — Everyone knows that in everything from package delivery to education to health care, the private sector beats the government hands down. With that in mind I would like to suggest that some freedom-loving group run a private gun buy-back program.

Advertise, set up a booth, and whenever anyone brings in a gun, offer him the same absurdly low price that all the state-run gun buy-back programs do; say, 20 dollars. At the end of day, perhaps several hundred dollars will be paid out. Sure, some rusted pieces of junk that no one would want will be purchased. But what about that antique revolver with the pearl handle grips brought in by the unknowing granddaughter who hates guns? Twenty bucks! What about the AR-15 brought in by the recently widowed gun phobe? Twenty bucks! The group can then either keep the decent weapons for their members or auction them off at fair-market value to raise even more money than they paid out.

And everyone involved should get a Federal Firearms License. That way, when the police show up at the booth to try and shut it down, the freedom lovers can whip out the licenses and offer the police 20 bucks for the guns on their hips.
— Chris Henderson

Kentucky Baked Chicken — A customer at a Kentucky Fried Chicken in Mill Valley, Calif., opened his box of chicken and discovered two bags of marijuana instead. Apparently he had accidentally used the code word ("extra biscuits, please") that the server used to recognize his *other* customers. The server has now been arrested — evidently, the Colonel did not mean for his herbs and spices to be quite *that* special.
— Timothy Sandefur

Proof of a beneficent God — Richard Reid tried to sneak a bomb on an airplane in his shoes. Now every day thousands of Americans are forced to remove their shoes during the ritual Kabuki dance of random searching we blithely accept as a condition of flying during the War on Terror. We should be grateful to Reid that he did not try to hide his bomb in his underwear.
— Ross Levatter

Spring buzzards — If you think the idea of term limits has no merit, consider this: on Dec. 5, Strom Thurmond turned 100, just prior to his retirement from the Senate and at least ten years after losing coherence. He was first elected Senator in 1954. Fritz Hollings (he did the voice of Foghorn Leghorn, didn't he?), the "junior" senator from South Carolina, turned 80 years old Jan. 1, 2002 and was first elected in 1966. As the new year dawns, the average age of sitting South Carolinian Senators is 90 and they've been planted in their jobs for an average of 41 years.

I suppose Robert C. Byrd (KKK-W.Va.) isn't too worried about being forced to retire; at 85, the rheumy-eyed, pork-barrelling, old windbag is just a kid.
— Jim Switz

Profiles in Deceit — Nearly four decades after the death of John F. Kennedy, the men appointed to protect his reputation finally allowed a scholar limited access to his medical records. It turns out that JFK was a lot sicker than anyone imagined, though biographers had imagined a lot, and he was under the influence of a wide variety of drugs most of the time he was president. The medicines, we now learn, included "corticosteroids for his adrenal insufficiency; procaine shots and ultrasound treatments and hot packs for his back; Lomotil, Metamucil, paregoric, phenobarbital, testosterone, and trasentine to control his diarrhea, abdominal discomfort, and weight loss; penicillin and other antibiotics for his urinary-tract infections and an abscess; and Tuinal to help him sleep." One might have thought he could put himself to sleep just by counting his medications, but apparently he couldn't.

For most of his life, Kennedy was racked with pain. Several times he was at death's door. Throughout all this, however, he and his staff systematically concealed and lied about his medical problems.

For most of his life, Kennedy was racked with pain. Several times he was at death's door. Throughout all this, however, he and his staff systematically concealed and lied about his medical problems, fearing that if voters knew, they'd not be likely to give him as much power as he craved.

The carefully chosen historian, Robert Dallek, was allowed only to read Kennedy's medical records and take notes under the supervision of Kennedy staff. And Dallek proved to be a good choice for the keepers of the Kennedy Myth. In the December issue of the *Atlantic Monthly,* Dallek prefaces a summary of what he learned from the files by pointing out that past presidents had also failed to disclose life-threatening illnesses to the public, and suggesting that Richard Nixon had ordered burglaries of Kennedy's medical records during the 1960 campaign. The implication, of

course, is that this justifies the elaborate lies of Kennedy and his tenders.

The three sketchily told 19th-century cases of presidential secrecy are instructive, if only for their lack of relevance to the Kennedy mythos. The first case is William Henry Harrison, whom Dallek identifies as "the first Chief Executive to hide his frailties." Harrison, a former frontier soldier, died of pneumonia after only a month in office. All the accounts I've read say that he came down with the disease after refusing hat and coat while riding a white stallion

Kennedy's entire life — together with his afterlife as a historical figure — has been the product of conscious myth-making.

to his inauguration and delivering the longest inaugural address in all presidential history, despite a cold rain descending on his aged body. Some concealment, eh?

The next president to "hide his condition" was Zachary Taylor, whose "handlers," Dallek tells us, "refused to acknowledge that cholera had put the President's life in jeopardy" until he was nearing death. Shocking, isn't it? Imagine what would have happened if Taylor had commanded an arsenal of atomic bombs!

The third case cited by Dallek is that of Grover Cleveland. During Cleveland's second term, the nation faced a financial crisis, thanks to imprudent inflationary measures enacted while Republicans controlled both the White House and the Congress (Cleveland was a Democrat), which enabled profiteers to loot the public treasury by the simple means of presenting silver to the treasury, then demanding "Treasury Notes" in exchange, and then redeeming these notes in gold at another treasury office, then selling the gold, buying more silver, and repeating the process. Cleveland's vice president, Adlai E. Stevenson (the grandfather of the 1950s Democratic presidential nominee) was an inflationist and supported the idiotic legislation.

That was the situation when Cleveland learned that a sore in his mouth was cancerous. It was evident that if the public got wind of his illness, it would be difficult if not impossible to deal with the problem. So Cleveland kept the cancer secret, endured extremely painful surgery in the privacy of a yacht at sea, and maintaining his authoritative position as an active president, successfully lobbied Congress to repeal the ruinous legislation. Cleveland recovered from his illness, and lived another quarter century.

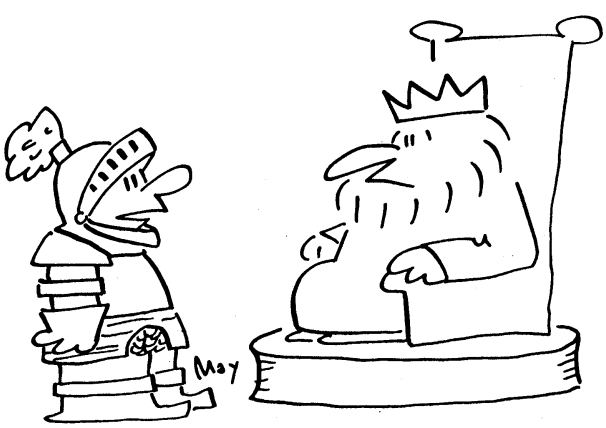

"The peasants weren't grumbling after all, Sire — it was just their stomachs growling"

What's interesting about these cases is that in each of them the president was afflicted while in office. The Constitution did not then provide any way for the president to turn over responsibilities to the vice president without actually dying. Keeping news of presidential afflictions private arguably prevented worse crises. In Cleveland's case, concealment was an act of actual heroism.

Kennedy's actions were vastly different: he had been seriously ill for decades before he even sought the presidency, very often suffering from severe pain and taking many different medications, including anti-psychosis drugs that could easily affect his judgment. One must question the judgment of a historian who could picture Kennedy's actions as at all similar to those of Harrison, Taylor, and Cleveland.

But it gets worse. Dallek's suggestion that Nixon hired thieves to obtain Kennedy's medical records is offered without a scintilla of evidence. Dallek reports that in 1960 the office of two of Kennedy's many physicians were ransacked by thieves who were never apprehended or identified. From this, he surmises that the first burglary was a failed attempt to find records of Kennedy's health, and that when the thieves failed at that, they committed the second burglary.

After reporting the extent of JFK's health problems and the huge amount and variety of drugs he was taking, Dallek is careful to conclude that there is no evidence that the pain, drugs, or brushes with death ever affected Kennedy's judgment or leadership. Oh, Kennedy "was not without failings" — invading Cuba and moving too slowly on civil rights — but "they were not the result of any physical or emotional impairment."

It's a sorry spectacle all the way around, but I don't see why any of this should surprise anyone. Kennedy's entire life — together with his afterlife as a historical figure — has been the product of conscious myth-making. His father was a Hollywood producer enamored with the value of public relations and convinced that it was possible to portray anyone — whether a movie star, a movie producer, or a politician — in any way one wanted, if one was only willing to pay for the right public relations experts. Every element of JFK's public image was assiduously created and maintained by a staff of hired experts; best-selling books were written and credited to Kennedy; his views on most public issues were hidden from the public, as were his remarkably extensive sexual escapades. Portraying him as a healthy vigorous man in the prime of his life, when he was actually an extremely sick man, barely able to live anything resembling a normal life, and getting the medical treatment typical of a man in his eighties.

Dallek's account of JFK's health includes one episode that is particularly revealing about JFK's character and the character of his father, whose ambition drove his pursuit of

power. By 1954, after Kennedy had won a Senate seat and had started on his way to the White House, his "back pain had become unbearable." He was using crutches almost all the time, and could hardly walk from his office to the Senate floor. His physicians proposed a rather avant-garde surgery, telling him that he might otherwise lose the ability to walk, but that given his other diseases, the surgery could easily prove fatal.

His father urged him not to have the surgery, "reminding him of FDR's extraordinary achievements despite confinement to a wheelchair." For once, JFK defied his father. According to his mother, "Jack was determined to have the operation. He told his father he would rather be dead than spend the rest of his life hobbling on crutches and paralyzed by pain."

Apparently, then, only his father exceeded JFK in lust for power.

— R. W. Bradford

He would have wanted it this way

— The funeral service for Sen. Paul Wellstone commanded thousands of Democratic activists and faithful from throughout Minnesota and beyond. Many Republican commentators found it shocking that the services turned into a thinly disguised political rally for his not-then-yet-announced replacement, former Sen. Fritz Mondale.

Yet is it fair to blame the Democrats? Really, what else could have been expected? Democrats are today primarily composed of people who see society as nothing but politics, who see the world through politics-colored glasses. You cannot expect to gather thousands of such people together and not have a political rally. It is their raison d'être.

At the service, some Wellstone epigrams were read aloud. One in particular caught my ear: "Politics is the process by which people's lives are improved." I'm assuming Wellstone's friends went out of their way to choose his most sagacious insights for the crowd. It made me think, which is sadder: the life of someone cut down unexpectedly in his prime at age 58; or the fact that a person can teach political science at the university level, spend twelve years as a senator in D.C., and still possess such a sophomoric understanding of political power.

— Ross Levatter

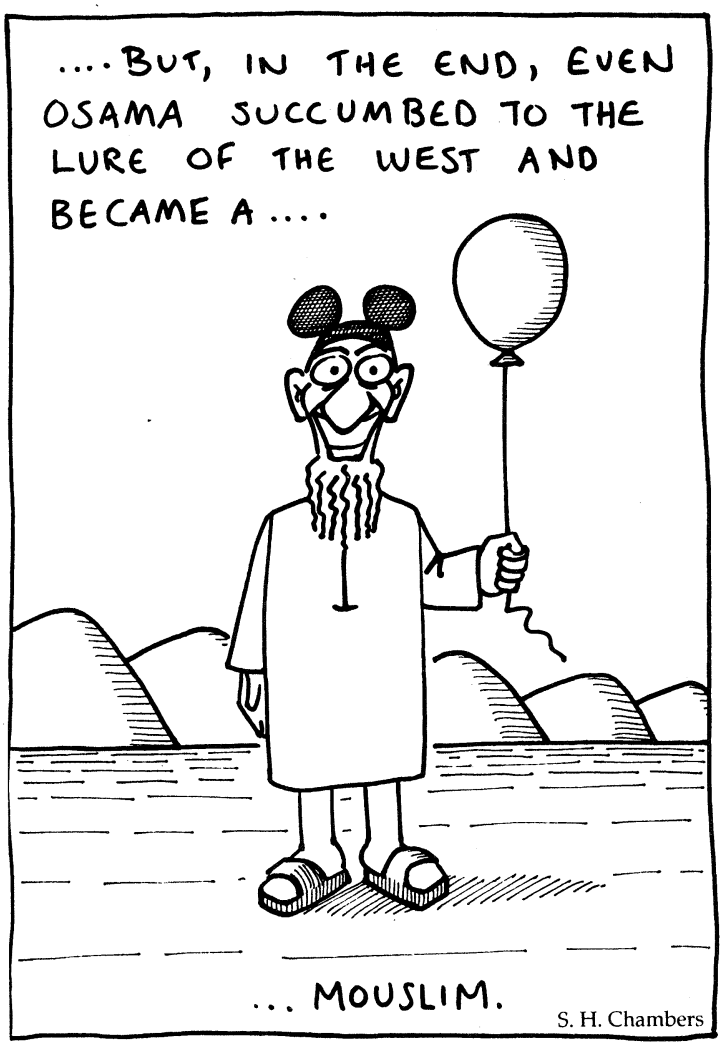

Christmas: American style —

Christmas is truly an American holiday. Santa Claus is based on European legends, but the man we recognize is based on Coca-Cola ads. Rudolph was a marketing scheme created by a copywriter over at Montgomery Ward. I seem to think "The Night Before Christmas" was written as a holiday promotion, too. There might be a few European carols still on the holiday playlist, but they've been pushed to the bottom by the likes of Bing Crosby, Nat King Cole, and Burl Ives. Dickensian story themes have been replaced by Jimmy Stewart, Dr. Seuss, and Charles Schultz. Kids today are more familiar with the Daisy Red Ryder BB gun than with Tiny Tim.

Before Edison there was simply no way to light the holidays the way we do now. It astounds me to think that some people used to put lit candles on a Christmas tree. I bet that tradition was started by the building trades. In Europe, they don't put out as many Christmas lights because there's always a war breaking out every 30 years or so, and they don't want to give the bombers anything to focus on. They also don't want to waste the precious electricity they need to power their radios and run the air raid sirens.

European countries also have high tariffs, and can't afford all the cheap Chinese Christmas decorations that we cherish over here. Thanks to 75 years of Communist rule in China, you now can get a string of 50 lights for under four bucks. It takes a good hour to find the bad bulb and untangle a string from last year; which means you're working for less than minimum wage if you're not just throwing them away.

We might envy our cousins in Europe for their one month holiday every summer when all businesses shut down, but if you think about it, this country shuts down for almost a month and a half. From Thanksgiving to New Year's Day, America goes through six weeks of overeating, parties, and shopping. It's kind of like a capitalist Mardi Gras before January brings the resolutions and Visa bills, and we all swear, "never again."

— Tim Slagle

Why you can't take politics seriously . . .

— Proposition 302, which passed easily on Arizona's ballot in November, will increase the cigarette tax by 60 cents per pack, as well as the taxes on other tobacco products. Some attribute the ballot's success to Cathy Danielson, 40, of Lake Havasu City, who had her larynx removed because of smoking-related cancer and appeared in commercials in support of the proposal. Danielson said she was thrilled the measure passed. "I started smoking at 13," she said, "and smoked up to the doors of the hospital."

So Danielson, who was not deterred from smoking by laryngeal cancer, believes raising the price of a pack of cigarettes by 60% will convince others to stop smoking — and the majority of Arizona voters go along with this logic.

Truly voting is a magnificent opportunity to satisfy the universal desire to wield power irresponsibly.

— Ross Levatter

Two cheers for apathy — This is not an argument [cries of "Thank God!"]; it's an observation. America is on the brink of war, but it is as calm and relaxed as anyone can remember it being. There is nothing like the expectation, or the anger, that was aroused by the lead up to the last Gulf War. At that time, people — not just politicians — could be found on every hand, angrily debating motive, cause, strat-

An entry in Santa's diary — Whatta year it's been. It seems like I no sooner finished making my '01 deliveries when it's time to make up my list for '02.

Lemme tell you I've had some rough rides this decade. You think Christmas Eve '94 over Sarajevo was a candy-cane sleigh ride? It brought back to mind the perilous days of World War II. You shoulda been with me over London — Christmas Eve '41.

Yeah, like I say, this year has been a mess. I shoulda known I was in trouble when Mrs. Claus got a job offer from the FedEx folks — VP of Polar Operations, they offered her. And to sweeten the kitty, they threw in Northwest Canadian Operations, too. Guess what they were after? Not her nimble mind, but the packaging, distributing, and networking secrets of our operation. We've been in business almost 200 years, you know. And I figured out that hub secret in the late 1890s. You think it's easy to deliver a billion gifts in one night? Then eat a billion cookies, and drink a billion egg nogs without crashing into a roof top?

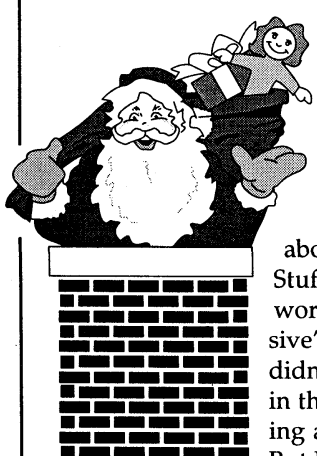

Sure, they made a mouth-watering offer to Mrs. Claus. Pay and fringes that made me and my non-profit operation look like small potatoes. But Mama turned them down. After all, she'd signed a non-disclosure and non-competitive agreement with me a hundred years ago. I'd have taken them to court faster than they could get a package from Memphis to New York. And can you picture a judge or jury finding *against* Santa Claus? Ho, ho, ho. That ended that.

But Mama wasn't the only trouble. Those animal-activist people came up in April. Worried about the reindeer, you know. Were the pens big enough? Were they getting a balanced diet? Stuff like that. The work load worried them, too. I mean there's a billion Christian kids in the world and there's only a 4–5 hour delivery window on Christmas Eve. By what "cruel and oppressive" technique did we drive those gentle reindeer — none of whom had work permits? They didn't seem concerned about a pudgy senior citizen who lowered himself down a billion chimneys in the same time period. I tried to explain that there was a miraculous side to the business involving a special holiday time warp decreed by the boss. Kinda like the way he bends time in space. But I'm not sure they understood. "See ya in court," was their final statement.

"Merry Christmas," I shouted back. I just can't believe Donner and Blitzen would testify against me.

No sooner had I waved goodbye to my litigious visitors when the FDA, OSHA, and FAA folks showed up. All carrying briefcases bulging with enough regulations to choke a paper shredder — but not one copy of Dicken's *Christmas Carol*. They had blizzards of questions. What was the age of the reindeer fleet? Were there any illegal immigrants among the elves? If a kid ate a leg off one of my dolls, would she suffer from indigestion? There was also a lady from the Justice Department with a cherry-red nose who was worried about tasteless jokes about Rudolph's cherry-red nose.

But the climax to their investigation came when they asked to see our payroll records. "Well, there're no payroll records," I explained, "because nobody gets paid."

The Department of Labor guy made a spastic motion like Blitzen had jabbed him in his hindquarters. "That's against the law," he said. "You're the worst violator on record of minimum wage legislation!" Then they all started jabbering about non-profit corporations, Chapter S partnerships, and Small Disadvantaged Business (the elves, you know). "We'll see you in court," they chorused as they filed into their government 747.

"Ho, ho, ho," I shouted.

Me and Mama went back to the workshop. After all, I'm only a simple manufacturer and distributor of toys. And I don't have a legal staff. Maybe next year we'll skip the whole delivery thing and attend one of those government seminars where they teach you compliance techniques.

— Ted Roberts

"Give Me Liberty or Give Me Death."
—Patrick Henry, 1776

When it came to Christmas presents, old Pat sure was an extremist! But even so, he had a pretty good idea. This year, give your friends and family the gift of the world's leading individualist thought — and help spread the seed of *Liberty*!

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egy, and risk. Friendships were broken; business plans were altered. There is nothing like that now.

Of the people who are intellectually awake (and they are all that matters in this context), perhaps ten percent are violently repelled by the prospect of war; a scattered few of these protest in public. Another ten percent, perhaps, are eagerly awaiting the great moment when America finally starts cleaning house in Mesopotamia. The remainder, frankly, do not seem to care.

Why? Here are some contributing causes:

Awareness that America easily won its last Gulf War.

Anger over Sept. 11, tempered by skepticism about whether the Iraqis had anything much to do with it.

Boredom. Saddam Hussein is one of the world's most boring people.

Contempt for foreign, especially Islamic, technology, tempered by fear that the dictator of Iraq might actually have some devastating weapon at his command.

I suppose it would be better if the public avidly sought the truth and was eager to follow wherever it led, yet the absence of hysteria is not greatly to be regretted. I'll take "apathy" as a second choice, at least.

A not-contemptible degree of awareness of the risks of war, tempered by a not-contemptible degree of awareness of the dangers of letting yet another jerk get an atom bomb.

Disappointment with America's failure, so far, to crush the terrorist insects absolutely, coupled with the realization that it may be impossible for America to do that.

If this is what's going on in the popular mind, then the nation's famous "apathy" may not be the deplorable thing that both the warmongers and the peacefreaks believe it to be. I suppose it would be better if the public avidly sought the truth and was eager to follow wherever it led, yet the absence of hysteria is not greatly to be regretted. I'll take "apathy" as a second choice, at least. But I'm sorry; I seem to have strayed into the argument zone. Oops! You have to admit, however, that I haven't posed as a military expert.

— Stephen Cox

"I've been in at least 20 experiments and I've *never* met a *black* rat. *Never*!"

Honk if you love the New Paradigm — I live in a town a little left of McGovern. Residents plaster their cars with anti-war bumper stickers — which I don't mind — and anti-business stickers, which I do mind. But some of the *other* stickers are just down right aimless.

One sticker proudly proclaims, "Raise Consciousness Now!" How simple. It's as if consciousness could be raised on command. Always with these stickers, it's an informal command too. An anonymous third person is demanding that you change your behavior, thoughts, and emotions. The term "consciousness raising" is in the dictionary, as a noun, and it means, "the process of learning to recognize one's own needs, goals, and problems or those of a group to which one or someone belongs." But the sticker refers to no object or goal. Are they referring to the poor and indigent? The Iraqi people? Golf caddies? Typical of a left-wing slogan, it ends with "Now!" Should I raise my consciousness now while I'm on the road and neglect the mere mundaneness of traffic signals?

I'm still trying to figure out whether the car's other bumper sticker, "We Need a New Paradigm!" applies to the real world or to the driver's consciousness. And what does it mean, anyway? I think it's safe to say that when Thomas Kuhn spoke of "paradigm shifts" in scientific discoveries, he didn't think it would turn into the political cliche of disaffected leftists who want to will their vision of government onto society.

I suspect the extreme leftists could be a potent force in politics today, if they would just refine their message and refrain from ten-dollar words. The left wins when it appeals to the emotions of Joe Bagadonuts and doesn't confuse him with in-group, leftist jargon. — James Barnett

The prices of civilizations — Editor Bill Bradford may be the expert of comparing state taxes (see the September issue of *Liberty*), but he can't hold a candle to PriceWaterhouseCoopers when it comes to comparing international taxes. Every year, PWC sends me two thick guidebooks on individual and corporate tax rates in 125 countries. Not your typical bedtime reading, but I'm always amazed at the wide differences in tax policies between nations. For example, did you know that:

- 55 countries (44% of those surveyed) have no capital gains tax, including the Bahamas, Bermuda, Cambodia, Greece, Hong Kong, Kuwait, Mexico, New Zealand, Peru, Switzerland, and Vietnam. (Unfortunately, Germany just abolished its exemption.)
- European countries have payroll taxes reaching nearly 50% of income (and that's not counting income taxes); for example, the employee's share of social security taxes in Belgium is 13% and the employer's share is 34%, for a combined social security tax of 47%!! Austria's combined SS contribution is 39.3% (SS combines unemployment, sickness, accident, and pension categories). And we thought 15% was outrageous here in the good ol' USA.

• Europe also has a nasty habit of imposing a wealth tax (Sweden, Finland, France), even Swiss cantons have a wealth tax (whatever happened to Swiss secrecy laws?).

• Some anomalies: Polish gamblers can live tax free on money won in legally registered casinos and lotteries; Greece sticks a stamp tax of 0.6% on gross salary; Germany and Finland still impose a "church tax" on members of officially recognized churches.

• Hong Kong is still one of my favorite tax jurisdictions: maximum income tax is 17%; no withholding on wages and salaries; no taxes on capital gains, dividends, and interest. However, the Chinese overlords did impose a 10% "Mandatory Provident Fund" (social security) tax, equally divided between employer and employee, in late 2000. Dirty commies.

— Mark Skousen

Word watch — Even cliches die. At least some of them do. And (to cite a cliche that's been around since Homer) it's interesting to see which ones bite the dust. Unless I miss my guess, however, there's some bad news coming from Clicheville. Among the cliches that seem to be buying the farm (that one's pretty recent, and I have no idea where it came from: do you?) are expressions that reflect an understanding of individual preference and market exchange, while cliches that represent human behavior in simpler, less economically cogent ways appear to be doing pretty well.

In my extreme youth, the expression "each to his own" or "to each his own" was heard very frequently — so frequently that you sometimes wanted to scream when you heard it. The thing descended from longer, ickier expressions, such as the cliched witticism of the 18th century, "Each to his own taste, as the man said when he kissed the cow." It could appear in startlingly illogical contexts, such as the ineffably silly theme song of the '50s situation comedy *I Married Joan*: "To each his own! / Can't deny / That's why I / Married Joan!" Nevertheless, it conveyed a truth. Preferences are fully individual and not to be quarreled with, even when someone's preference is for a cow named Joan.

One almost never hears that expression now. The cliche (if you want to dignify it with that august title) that currently greets any evidence of eccentric choice and preference is "Whatever!", which, when translated, means, "I see that you're an individual — so what? I don't give a damn. Get away from me." Not exactly an affirmation of individualism.

Here is another cliche one rarely hears anymore: "You pays your money, and you takes your choice" — as accurate a representation of individualist and free market principles as I can think of. What one does hear, ad nauseam, is a cliched approval of people who "pay their dues." Former Vice President Mondale, we were told in November, deserved nomination and election to the Senate because "he paid his dues"; he'd spent a lifetime sacrificing his intellect, if any, to the needs of the Democratic Party. But notice what's going on in the "dues paying" cliche. It represents life, not as a process of free exchange — choosing, paying, and receiving the article you rightly or wrongly chose — but as a process of submitting to the rules of club membership. People pay whatever they're told to pay, and that makes them good. Well, good enough, maybe. Eventually, they may get something back.

I'm sorry, folks. I'd rather hang out with the illiterates that pays their money and takes their choice than stand in line for favors with the former VP.

Of course, there are some very bad choosers in the marketplace of life. How shall we portray these people? One way is to remark that "there's one born every minute" — which means that we'll never run out of suckers. And you don't even have to include the word "sucker"; everybody gets the point. Or did get the point. The young adults whom I meet have never heard that "there's one born every minute," and they almost never understand the phrase.

They do understand a certain old cliche whose use has increased steadily over the past 30 years, until it is now virtually omnipresent: the cliche about the guy who bought the Brooklyn Bridge. Note the difference between the two cliches. The "Brooklyn Bridge" cliche focuses on one person

Former Vice President Mondale, we were told in November, deserved nomination and election to the Senate because "he paid his dues"; he'd spent a lifetime sacrificing his intellect, if any, to the needs of the Democratic Party.

who does a stupid thing, and the stupid thing is his attempt to purchase a structure that is publicly owned and therefore not for sale. "There's one born every minute" presents no such bias against privatization, and no implication that stupidity is rare among the populace. It suggests that stupidity is everywhere, in both public and private life; it suggests that even you might be stupid. The only person immune from the implied critique is the speaker, because he is the one who knows how stupid other people are, and rejoices in — indeed *banks on* — the fact, perceiving its potential benefits to his revenue stream. The "Brooklyn Bridge" cliche is democratic, conformist, deadening. "There's one born every minute" is meritocratic, individualist, joyous, enlivening. That is why, I suppose, you seldom hear it.

"I demand a recount!"

One last example. For many years, I've been using an old and formerly very common response to differences of opinion and the conflicts they incite. "That's what makes horse races," I say, and it usually ends the argument. Now, however, the expression has that effect only because everything has to stop while it's being explained. *No one* understands it the first time around. And this is not an expression, mind you, like "have your cake and eat it too," which was born with a severe verbal handicap. "Have your cake and eat it too" is not amusing; it's just a strange little puzzle: what the hell does "have" mean in this context? Who "has" a cake? "That's what makes horse races" is different. There's no puzzle about the words; instead, there is a chain of easy reasonings, ending in a mild flash of fun. You disagree with someone; there's a difference of individual judgments, the significance of which you summarize by observing that such differences are "what makes," what is necessary to, "horse races." Your opponent then has the opportunity to think, "How is that true? Oh, I see! There wouldn't be any horse races if nobody bet on them; and nobody would bet on them if everybody agreed on the likely outcome. Differences of individual judgment are therefore necessary to horse races, and by extension, to every other kind of fun." At this point, your opponent, beaming with satisfaction at his own intelligence, becomes your friend.

It's a great cliche, but I'm afraid that most people are no longer up to figuring it out. I leave you to guess why this should be true. Here are the possibilities. Put a check next to any explanation you agree with.

A. People are losing their appreciation for individual differences.

B. People are losing their ability to get through more than one step of a logical process.

C. Horse races no longer happen. — Stephen Cox

What's wrong with capitalism — Like any other system of human relationships, capitalism is imperfect. Its flaws stem from human nature ("bad apples") and from people trying, often by trial and error, to pursue sometimes conflicting goals. So we come across the principal/agent problem — say, the cashier who treats us rudely because the store owner is not there to monitor her. Time lags trip us up, too. The insurance industry takes time to restore predictable prices in the wake of Sept. 11; with technology changing rapidly, all of us struggle with incompatible computer systems; and many feel restaurants are too slow to offer non-smoking sections.

"Yes, but United Nations Resolution 242 was never intended to apply to *marriage*."

There's the simple problem of differences in taste. Sleazy ads on radio talk shows annoy me (but then the shows are "free"), while other people hate the tacky kitsch of towns that spring up outside national parks, catering to tourists. Finally, government intervention launches new problems that many people ignorantly blame on capitalism.

I've had other complaints. For example, I was shocked by day-labor companies in Boston that picked up skid-row workers each morning, returned them in the evening, paying them wages that were then used to buy alcohol. Today, I recognize that this exchange offered each side about the best it could get, given what it was looking for and willing to buy.

Government programs replaced such exchanges and in doing so created welfare recipients and street beggars.

All that said, I do have a gripe. Why are there such low minimum payments on credit cards? By requiring people to pay a minuscule portion of their debt, companies deliberately tempt people to overextend themselves and build up heavy interest payments. This policy (from top management — it's not a principal/agent problem) seems outside the spirit of Adam Smith's view that self-interest leads to general benefits. An echo of that example is found in my ATM machine: when I enter a deposit in my checking account, my receipt tells me not just what my new total is but how much I have available to spend — at high interest rates. But when I put money in my savings account, which has no "checking-plus" feature, I am told that I do not have access to all my money — they want to make sure I can cover it all.

Well, that's it. To me, that's what is wrong with capitalism. Yes, it's a short list. — Jane Shaw

Duopoly, now and forever — With the latest revelations that the Libertarian Party is now deep in the red, perhaps it's time libertarians join the Republican Party. Sure Republicans aren't perfect. They're militaristic and socially stifling, but they are the closest vessel to power liberty lovers can get — especially now, after the GOP's electoral success. And if you don't like the Republicans, then maybe form something akin to the Republican Liberty Caucus within the Democratic Party. The point is, there is nothing wrong with joining the two parties with the intent to advocate liberty. I think James Weinstein — giving advice to the Greens — sums up the perfect point about the modern party system:

> . . . as quasi-state institutions they are no longer political parties in the European parliamentary sense. The Republican and Democratic parties are legally regulated structures with fixed times and places where anyone can register. Open to all, they have no ideological requirements for membership. To become a Republican or Democrat, you just register as such. In fact, these are not really parties at all, but coalitions of more or less compatible social forces in which various groups contest for influence under a common banner.

It used to be that political parties were stagnant. Political innovation came from stealing or merging ideas from challenging third parties, like the Populists. Thanks to the turn-of-the-century election reforms towards direct primary laws,

however, the two parties have been reduced to Thomas Nast cartoons. — James Barnett

The "N" factor — There are many possible explanations for the Democrats' defeat in the November election. President Bush's party benefited from Sept. 11. The Democrats fielded a number of unattractive candidates. The Democrats waffled on their "message" until there wasn't any message left.

There's something true, in varying degrees, about all those explanations. But there's another one that nobody in the media has identified, or will identify, and it may be as important as any of the rest. It's this: the Democrats were perceived as nasty, nasty people.

Nasty. Personally unpleasant. Mean. Arrogant. Creepy. That's the "N" factor, and it will continue to dog the Democrats until they get rid of all the unpleasant, mean, arrogant, creepy people who came into party leadership during the era of Mr. and Mrs. Clinton. Maybe it will dog them beyond that point: Al Gore, the Clintons' principal rival, has been a nasty little man throughout his political career.

The Democrats have been the de facto rulers of this country since 1933. Hence their nastiness when opponents crop up.

The national Democratic Party is currently being run by Clintonistas like Democratic National Chairman Terry McAuliffe, who entertained America on the morning after the election with a ranting speech in which he demanded that the Republicans be gracious in defeat. In what universe has the loser ever attempted to reingratiate himself with the populace by making such a demand? It didn't help that the speech was delivered in the most ungracious words possible, with taunting references to President Bush's obligation to put up or shut up, now that he'd won — or that even as McAuliffe spoke, reporters on every news channel were informing the nation that the president had commanded all Republican minions not to celebrate or gloat or even privately sneer about the election results.

It was national Democratic leaders like McAuliffe, it is rumored, who advised Minnesota Democrats that it would be to their political advantage to turn the funeral of the posthumously beloved Sen. Wellstone into a Castro-length televised political rally, and to prohibit the vice president from attending this orgy, on the pretense of not wishing the privacy of friends and families to be mussed and pawed by Secret Service men. Meanwhile, just to make the snub more obvious, the clever decision-makers warmly invited former President Clinton and his Secret Service cohort. This weird electoral tactic was considered a guaranteed winner by Democratic leaders and their media clones, right up to the moment when the hastily nominated Democratic replacement candidate confessed his ignominious electoral defeat — defeat by the "N" factor in which his party had so recently been glorying.

Of course, the "N" factor had been prominent way before the Wellstone "funeral." It showed in the staunch refusal of many Democratic leaders to admit that President Bush was a "legitimate" president; in the Democratic leadership's public gloating over the ripeness of his brother for defeat in his bid for re-election as governor of Florida; in the illegal replacement of the New Jersey Democratic senatorial candidate with a candidate considered more likely to win, a self-righteous old windbag whose principal claims to fame were snotty remarks about his opponents and his success in prohibiting anyone under 21 from having a legal beer; in the declaration of Sen. Carnahan of Missouri that because the President had failed to do away with Osama bin Laden, he was now going after her; and in those strange reports that always issue, like frogs from the mouth of the False Prophet in the book of Revelation, out of Democratic Party spokesmen as an election nears — reports of shadowy "committees" dedicated to harassing minority voters at the polls, reports of leaflets tacked up in black neighborhoods, urging people not to vote or to vote on some *other* day, leaflets of which the source can somehow never be identified . . . Can anyone but a television interviewer fail to entertain the speculation that such patently ridiculous attempts to depress the minority vote are manufactured by the Democrats themselves?

While this stuff was going on, the Democratic senatorial candidate in South Carolina was attacking Republican hero Rudy Giuliani, remarking that "His wife kicked him out and he moved in with two gay men and a Shih Tzu," and asking the vital question, "Is that South Carolina values?" Nasty? You might say so. Giuliani appropriately wondered what would have happened if the Republicans said such things about the Democrats. "I do think there's a double standard," the former mayor opined. Right, Rudy; indeed there is.

Double standards result from arrogance and entitlement. When entitled people are challenged, they very often turn very nasty. The Democrats have been the de facto rulers of this country since 1933. Hence their nastiness when oppo-

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nents crop up. But the nastiness of the post-Clinton party sets entirely new standards.

Let's call them the Minnesota standards. Few people who are at all interested in politics will ever forget the spectacle of jolly "Fritz" Mondale, the people's friend, laughing it up with his buddy Bill ("Good Times") Clinton at the funeral of the man whom Mondale was about to replace on the Democratic ticket. Few people will forget the television interview in which the governor of Minnesota angrily explained why he stomped out of the funeral in protest against its tastelessness and nastiness. Few people will forget friendly "Fritz" Mondale, the elder statesman, using his campaign to prolong the spirit of the funeral — delaying debate on the pretense that he wanted to get to know the people of his own dear state and, when he finally debated, accusing his liberal Republican opponent of being a sold-out slave to his party's Satanic "right wing." There was real hatred in Mondale's tone — and arrogance, and entitlement, and, as it turned out, stupidity, too. Because he lost.

It must be said that Mondale was comparatively gracious in defeat. Compared, that is, to Chairman McAuliffe, or to that other Democratic Party senior statesman, lovable old Bill Moyers, who two days later told his audience on PBS that the Republican victory was a triumph of the "right wing" and that the Republicans would now proceed with their plans to give "corporations a free hand to eviscerate the environment." Of course, Moyers has credibility. After all, he is where he is today because he was once press secretary to Lyndon Baines Johnson.

Now, Lyndon Baines Johnson was one of the nastiest guys who ever corrupted the American political system. And the people got rid of him, when they would have stuck with Kennedy, had he lived — Vietnam or no Vietnam. The next Democratic president, Jimmy Carter, was a very nasty man, and I have no doubt that when he ran around the country calling Ronald Reagan a racist, he contributed significantly to his defeat by Reagan. Few people believe that the next in this strange line of Democratic Presidents, William Jefferson Blythe Clinton, would have won re-election if he had been able to stand for a third term. It was simple good judgment, on Al Gore's part, not to invoke the spectre of the lying, cheating, finger-pointing Clinton during his own campaign for the presidency. Clinton had become too obviously nasty for any but the truly brain-dead to admire. As long as President Bush continues to present a vivid contrast between the nasty Democrats and the nice (if somewhat slow and dumb) Republicans, he will have a tremendous edge on his opponents.

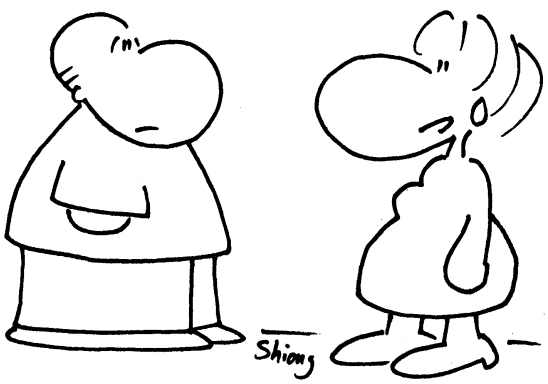

"You're a nice guy, Lou, but the fact that our ex-spouses are married to each other isn't much to build a relationship on."

But can the Democrats get rid of their nastiness? Like it or not, George Bush's leadership was validated by the public in the election of 2002. As I write, however, the Clintonistas are maintaining their hold on the Democratic Party. McAuliffe still has his job, and, according to Deborah Orin, writing in the *New York Post*, internal critics of his performance still insist on anonymity. She suggests that Clinton's hold on the party may even be strengthened in the near future. Al Gore has started blabbering again about how he actually won the election of 2000, and soon-to-be-former Senate majority leader Daschle has started whining about how Bush still hasn't caught Osama bin Laden — as if Daschle or any of the other Democrats had put forth any idea of his own about how to do that. There seems to be a psychological problem here.

And there's a practical problem. The Democrats can't get rid of their nastiness until they stop seeing it as the last, best way to energize their base. The fact that their base was not particularly energized during the very nasty 2002 election may possibly lead to a change of heart — or at least of mask. But what else have the Democrats got to offer? It must occur, even to them, that the answer to that question is, "Very little, and even less than the Republicans."

— Stephen Cox

Exploring the hermeneutics of contemporary pasquinadism — I have long suspected that the hard sciences are going the same way as "softer" pursuits, like sociology: namely, they have become too political and unscientific to be taken seriously. A howling hoax just played on the so-called respectable physics community — read: academically sanctioned or tax-funded community (either description will do) — argues my point. And it has the added benefit of slamming what passes for academia in these softer sciences.

The hoax against the physics community is apparently in retaliation for an earlier embarrassment inflicted on the social sciences by a physicist.

In spring 1996, the academic journal *Social Text* published an article by Alan Sokal, a professor of physics at New York University, titled "Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity." The journal, which is committed to radical politics and controversial views, is a renowned influence within the "cultural studies" community. In lay terms, the gist of Sokal's article was to argue that the traditional concept of gravity was a fiction created by capitalism that would be swept away by a postmodern (socialist/feminist) theory of quantum gravity.

On the same day that the article appeared in print, Sokal confessed to the academic trade publication *Lingua Franca* that his piece was a spoof and the "august" editorial board of *Social Text* just couldn't tell the difference.

Sokal meant to highlight the absurdities that pass for research in the social science now that they have become dominated by postmoderns and relativists.

Now two French semiologists — the science of reading signs — who published at least five pieces in respected, mainstream physics journals have declared those essays to be parodies consisting entirely of Cuisinarted string-theory buzz phrases. Even worse, the two brothers Igor and Grichka Bogdanov earned graduate-level physics degrees from le Universite de Bourgogne by defending two equally bogus dissertations.

In this mud-slinging war between the hard and soft sciences, both realms are deserving targets of ridicule. Perhaps the mutual discrediting will lead academics to wonder whether state-funded, state-regulated research and pursuit-of-truth is disastrous in *any* field of knowledge? What are the odds?

Now the Bogdanov Brothers are claiming that their papers are serious, and the accusations of a "hoax" constitutes the hoax itself. Meanwhile, the prestigious journal *Classical and Quantum Gravity* has decided to cease using the two referees who accepted one of the Bogdanov papers for publication. I would agree with a friend's comment, "Knowledge is expanding faster than the quality control," but I am not sure that it is knowledge that is expanding.

— Wendy McElroy

The CPI (Chicken Price Index) — Well, Alan Greenspan didn't do it again. Our Fed chairman, whose roar rattles the marketplace like the Wizard of Oz terrifies Dorothy, did nothing this summer. We had awaited his ministrations like the vulgarati awaited the debut of the *Anna Nicole Smith Show*. Vulgarati and investors were both disappointed. And that's okay.

I just wish that Mr. Greenspan paid as much attention to the price of chicken leg quarters as he does to all those economic indices like JOLT (jobs), VIX (volatility), and CPI (inflation, sort of). I wish he would sit down to a plate of these cluckers instead of bending over funny numbers all day.

After all, our Fed chairman like the so-called Wizard of Oz is only a 163-pound central banker. No match for the 500-pound gorilla who rules the Marketplace of Money. The Friday before Chairman G's at-bat, the gorilla playfully slapped down the ten-year treasury note by 14 basis points — a significant event in the eyes of interest-rate obsessants. The stock market yawned. So why were investors all bubbly over the possibility of a puny one-quarter-point cut in the rate? It's the religion of economics; the numbers game. The chairman and his fellow seers divine the health of the economy and its prognosis with a hatful of funny numbers.

Personally, when it comes to numbers, I prefer the price of leg quarters. So simple and verifiable. By leg quarters I mean those chicken parts — drumstick and thigh — that typically come in ten-pound bags. When the sign above the counter says 39¢ a pound, as it often does, there can be no misinterpretation of the price of chicken unless the scale is rigged, which is not near as common as the inflation of Merck's co-pay revenue or the hot-air ballooning of Enron profits or the hiding of WorldCom's capital expenses. The

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— R. W. Bradford

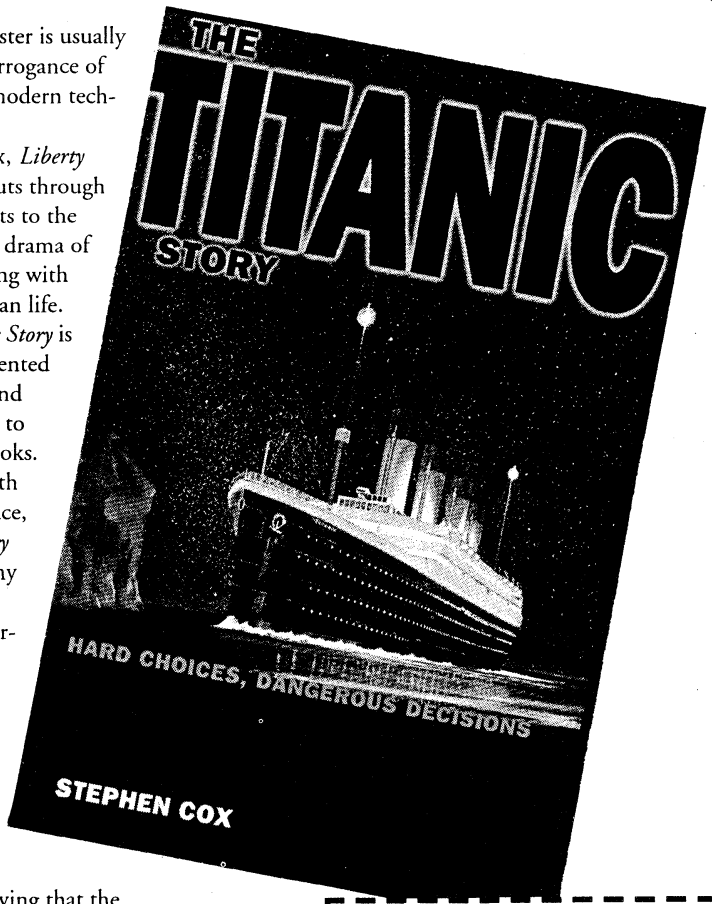

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price of chicken leg quarters answers that age-old question first posed by Adam when he was expelled from the Garden to the land of toil: how long do I have to work for a decent meal?

Now let's historically digress. For ten years the astute observer of clucker quarters has noticed that their bargain price usually hovers around 39 cents. That's the typical, full-colored grocery-ad price. Imagine! Roughly five minutes of minimum-wage labor gets you a pound! A generous helping of chicken. That's a banner economic headline. Bargain hunters like me load up our cart. Sometimes, leg quarters go for 29 cents a pound. Consider; you do not have to slaughter the chicken. You don't even have to dismember, pluck, and clean it. Or pull out those sharp pin feathers. Two dollars and 90 cents gets you a 10-pound bagful. Ten pounds of poultry protein for a half hour of the lowest paid labor. If you're a Wall Street analyst, those ten chicken dinners might cost you two blinks of your eye over the WCOM P&L sheet.

But wait. Don't gorge on 29-cents-a-pound cluckers because maybe once a year the grocery ads shriek — "*nineteen cents a pound. This is not a misprint.*" That price is literally cheaper than the fertilizer that comes out of a cow.

At this price you should disregard Purina Cat Chow and the scrapings off your plate. Feed cluckers to your cat.

At this price you should burn them in the fireplace instead of wood and enjoy the warmth as well as that delightful smell of roasted chicken.

At this price some scientific wizard is going to design a six cylinder automobile engine fueled by guess what?

Nineteen cents for 16 ounces of nourishing protein! You're young, untrained, maybe even dumb. You stock the shelves at a convenience store, you sweep floors, you babysit, but you can bring home a meal for about a minute of work! Only in America!

So, don't worry about capitalism. Forget about crooked bookkeepers who play hide-and-seek with expenses and cook books instead of battered chicken parts. All is well because the system still churns out cheap chicken dinners for us tired, poor, and huddled masses — just like the Lady in the harbor promised. — Ted Roberts

Libertarians and crime — Libertarians too often oppose what government does, simply because it is government that is doing it. It is one thing to resist governmental encroachment into areas where government has no business going, but another thing entirely to resist government when it is acting in those areas legitimate to its purposes.

"I was out late last night — how about some easy listening?"

The Founders were well aware of the dangers posed by government, but they regarded the absence of government a greater danger still. Thomas Paine saw government as necessary to "restrain our vices." James Madison wrote: "If men were angels, no government would be necessary." The Founders accepted what we libertarians often fail to acknowledge: that crime is a greater threat to our lives, our liberty, and our property than is government. In the Preamble to the Constitution, the Framers specifically charge government with the duty to "secure the Blessings of Liberty to ourselves and our Posterity." The Founding Fathers believed that liberty could not prevail in the absence of government.

As Ayn Rand wrote: "there is really only one proper function [of government] the protection of individual rights. Since rights can be violated only by physical force, and by certain derivatives of physical force, the proper function of government is to protect men from those who initiate the use of physical force: from those who are criminals."

It is time for all libertarians to accept that law enforcement is a necessity; time to accept that it is law enforcement that protects us "from those who initiate the use of force, from criminals"; and — secures "the blessings of liberty."

Fear of crime in America is palpable. Americans live in barricaded homes: bars, gratings, locks, and double locks are standard (or, in the countryside, dogs and shotguns). If we venture out, fear accompanies us, and many have not done so during evening or night hours in decades. We relocate from large cities to small cities, and to smaller cities still, but find no escape from crime and the fear of it. We Americans live in a society that has produced the highest material standard of living in history, yet find little joy in it. Crime has destroyed our happiness, polluted our lives.

The Libertarian Party cannot succeed while remaining silent on the issue of crime. It makes much of its advocacy of the repeal of drug laws, but this is a timid and piecemeal advocacy. The larger question is: is it ready to advocate tough, no-nonsense enforcement of laws against crimes against life, liberty, or property? Or will it continue to marginalize itself by ignoring this whole issue? Libertarians can effectively invalidate thousands of laws, including the drug laws, simply by altering the law enforcement agenda. But they do not even try. We are too bent on opposition, too stuck at negative. Freedom through crime suppression offers the Libertarian Party the breakthrough issue it needs to enter the American consciousness. — Frank Ricciardone

Yellows and reds in the Golden State — I've been doing some research on the history of California's constitution, and it has been an eye-opening experience indeed. If you thought that nobody really talks like the villains in *Atlas Shrugged*, take a look at the *Debates and Proceedings of the California Constitutional Convention, 1878–1879*. The convention was called as a result of the electoral victory of the Workingmen's Party, a national socialist party founded by Karl Marx himself in 1864. The Workingmen

continued on page 53

Freedom at the Ballot Box

by R. W. Bradford

The voters voted, the Republicans won, and freedom lost.

Every election has good news, at least every election does for libertarians like me. At the very least, every election involves the defeat of several loathsome politicians who have used the power of their offices to undermine liberty.

In this election, for example, former vice president Walter Mondale, long an advocate of high taxes and expanded state powers, was defeated in a bid for the U.S. Senate. And, if *Newsweek*'s Margaret Carlson is to be believed, virtually every candidate whom Bill Clinton tried to help was defeated. But every election also has its bad news. In this one, voters in New York re-elected Republican governor George Pataki, perhaps setting the stage for the pompous fraud — elected as a fiscal conservative, but a profligate spender in office — to seek the presidency. And marijuana legalization efforts were defeated everywhere they were on the ballot, except in the District of Columbia.

I might be happier with the election results, however, if I could enter fully into the spirit of "libertarians like me." Since we reject huge portions of both parties' agendas, the defeat of virtually anyone or anything proposed by a major party can seem like a victory for us. But we live in a real world, and knee-jerk reactions like that don't tell us much about the real world in which one party or candidate may be worse for liberty than the others. The question remains: did liberty advance in the November election, or not?

The answer is complicated. In a general way, Republicans won. For the first time since 1955, the GOP controls the presidency and both houses of Congress.* Out of all the years between 1931 and 2002, Republicans controlled both houses of Congress for only ten, and in eight of those they had to deal with a Democrat in the White House. In theory, not having Congress and the White House under the same party's control should make it harder for government to do much mischief. If Congress is controlled by one party and the presidency by another, the president should be more likely to veto legislation than he would if the same party controlled everything. And if the two houses of Congress are divided, so much the better. That's the theory. The reality is that a power split between parties has generally yielded little better results than one party controlling the whole shebang, at least in recent years.

Since 1981, the only time the same party controlled the presidency and both houses of Congress was in 1993–95, under Bill Clinton. The Democrats introduced a lot of really awful legislation but got practically none enacted. Voters were so dismayed by the Democrat program that they turned control of both the Senate and the House over to Republicans, who had not controlled the House for 40 years. During that time of split power, the two parties usually compromised by each letting the other enact and implement part of its agenda. The GOP got more defense spending and the Democrats got more welfare spending, and both got all the pork barrel spending they wanted.

When one party controlled everything, as was the case in 36 of the 50 years prior to 1980, it did little to implement the other party's agenda, and pork barrel spending in districts held by the opposite party was, shall we say, limited. To be fair, in all but two of those 36 years, it was the Democrats who controlled the government. And for most of those

*I know, briefly in 2001 they did, until Jeffords became an "Independent."

years, the Democrats were busy implementing radical agendas — the New Deal and the Great Society — that vastly stimulated the growth of government. But the period of Democrat control in the 1970s was not a period of uncontrolled government growth: it saw substantially lower defense spending, and the dismantling of various New Deal economic regulations.

Well, where do we stand today?

The Republican Prospect

For the past 25 years, Republicans have been more or less committed, in rhetoric at least, to a more constrained government. When they've held the presidency, they've blamed the huge growth of government on the Democrats who controlled Congress. When they've controlled Congress, they've blamed the continued growth of government on the Democratic president. Now the GOP controls it all. They no longer have any excuse for the growth of government and erosion of liberty. It's time for them to put up or shut up. Or it would be a time if politics took place in what we normally view as the real world, a world in which bullshit is not a major currency.

In theory, not having Congress and the White House under the same party's control should make it harder for government to do much mischief. The reality is quite different.

But while it may be possible for Republicans to continue fooling some of their supporters, people who actually pay attention to politics will not be victimized by their attempts to obscure the slippage between rhetoric and policy. Either the Republicans will actually implement some constraints on government or it will become apparent to anyone with the slightest critical capacity that they are unwilling to do so. That's a good thing — but not a very good thing.

The GOP victory was primarily the result of its ability to exploit war hysteria. It was the terrorist attack on Sept. 11 that made Bush popular, and it was his War on Terror that carried the GOP to victory. And war hysteria is seldom conducive to liberty: witness the very sorry showing of the marijuana legalization ballot measures in this election. Just about the only ballot measures whose results were unambiguously libertarian were measures to limit or reduce taxes. Of course, these are almost always popular: voters almost always want lower taxes. The problem is that voters also want higher spending, and are quite happy to evade the fact that every dollar the government spends is one that it has already taken in taxes, directly from citizens or by the indirect method of inflation.

What about the policies the GOP supports? On election eve, *The Wall Street Journal* predicted that, "If Republicans control House and Senate," we should expect:

- parts of President Bush's tax cuts made permanent;
- drive for "tax reform";
- defense spending growth; and
- drug-industry-friendly Medicare prescription benefit advances.

Certainly the GOP's call for making Bush's tax cuts permanent is a good thing, but the rest of the changes the *Journal* predicts are of mixed value at best. "Tax reform" almost always means tinkering with the tax code to reward your supporters and punish your opponents, thereby expediting future fundraising. Increased defense spending has to mean either higher taxes or more inflation. As for medical care: what Americans need is for the government to get out of the act entirely. It astonishes me that Republicans can call for less regulation of every other industry while supporting increased federal involvement in medicine. Is it any wonder that the one segment of our economy that the government controls is the one where costs are skyrocketing?

The Democratic Prospect

Yes, the Republicans are preferable in some ways to the Democrats. Certainly the Republicans' tax program is preferable to the Democrats' proposals to make the system more "equitable" by means of "tax cuts" — for "workers" and other methods of redistributing wealth (i.e., taking it from people who produce it and giving it to others). One may also wonder at the Democrats' call for a crackdown on corporate excess. Already, the crimes of Enron, Arthur Andersen, and WorldCom are punishable by long prison terms — under current law, the white collar criminals of these firms may very well spend more time in the gray-bar hotel than most murderers and rapists.

It doesn't take a genius to know that the reason why the crooks at Enron and WorldCom got away with their crimes as long as they did was that so many people were drunk with profits from the obviously inflated stock market that they abandoned common sense. It should have been obvious to anyone who looked at the stock market boom of the past decade that a

Back to the Drawing Board

In Massachusetts, Libertarians were looking for a major showing in the race for governor.

Libertarians had a well-known candidate in the person of Carla Howell, who had gotten eleven percent of the vote against Ted Kennedy in the last election, thanks in part to the GOP's nominating a candidate so lame that the party actually repudiated him.

And the Howell campaign had an original and plausible strategy. Knowing that it would be difficult to raise funds and issues on Howell's behalf because of the heat generated by the major party candidates in this race, Howell's campaign manager came up with a novel strategy: Howell would head an effort to abolish the state's income tax and gain publicity from appearing as its spokesperson both in news coverage and advertising.

It sounded like a plausible strategy. But it was a colossal failure: Howell took barely one percent of the vote. — R. W. Bradford

good deal of fraud was involved in it, but stockholders didn't want to meddle with the goose that laid the golden eggs. Hey, their retirement fund was worth millions already, and if things continued to go as well as they were going, they'd soon all be billionaires.

Nearly a decade ago, I observed that the Democrats, who then held the presidency and both houses of Congress, were on the verge of a long-term, possibly permanent decline. People were losing their faith in the magical welfare state, and the Democratic Party was becoming an obsolete coalition of interest groups with little in common except lust for power and its perks. In the course of predicting that Bill Clinton would be the last Democrat elected president for at least half a century and that the GOP would win the 1994 elections, I pointed out that the Democratic Party's decline would accelerate, because its first casualties would be congresspersons from marginal districts, who tended for that reason to be moderate. The radical leftists would then be in charge, and they would further alienate voters.

We are beginning to see this happen. After the election, House Democratic leader Dick Gephardt resigned and Democrats chose Nancy Pelosi to replace him. Gephardt was, as Democrats go, a moderate, representing a middle-income St. Louis district that includes a substantial number of rural and suburban residents where Clinton barely managed to capture a majority of the vote in 1996, after carrying just 44% in 1992. Pelosi, by contrast, represents a tiny, high-income, 100% urban San Francisco district that Clinton carried with 76% of the vote in 1992 and 81% in 1996. She was hand-selected for her position by her predecessor, radical-leftist ward-healer Congressman Phil Burton.

The process of Democratic self-marginalization which began a decade ago continues.

The Libertarian Prospect

For libertarians, the most important races in this election were in Texas and Washington. In Texas, libertarian Congressman Ron Paul won re-election easily, garnering over two-thirds of the vote. In Washington, Jim Johnson, a libertarian seeking a seat on the non-partisan Supreme Court, lost by a hair. Johnson, who was supported by the GOP and has a strong record on tax limits, property rights, and individual rights, was opposed by a staffer of the state's Democratic attorney general and was victimized by a series of vicious attack ads during the week before the election. He managed to carry 30 of the state's 39 counties, but votes from the big cities, and rural concentrations of wealthy retirees defeated him.

But when most people think about libertarians in politics, they're thinking about "big L" libertarians; that is, libertarians who are active in the Libertarian Party. The Libertarian Party and its campaigns got a lot more publicity this year than in most off-year elections. LP campaigns and candidates made the national news five times before the election:

• The National LP spent $35,000 to oppose Republican Congressman Bob Barr in the GOP primary, purchasing

Meanwhile, at Party Headquarters . . .

For the past several years, the national Libertarian Party has focused the party's slim resources on activities other than winning elections. In this election year, for example, the national party spent $54,600 on political campaigns, less than three percent of its budget. And about 65% of the funds it spent on campaigns was used to purchase a handful of advertisements opposing Republican Bob Barr in the GOP primary in Georgia. (LP national political director Ron Crickenberger took credit for helping to defeat Barr, though this seems extremely unlikely: Barr lost by more than a 2 to 1 margin and the LP's ad budget was tiny in comparison to the millions spent by the candidates and their partisans.)

Rather than winning elections, or even doing well in them, the national party has spent its efforts on items that it can use to help it raise funds: publicity stunts like the attack ads against Barr and recruiting large numbers of candidates for elections for which there is no hope of victory by any definition. This year, the party made a huge deal of the fact that it had 219 candidates for the House of Representatives, more than any other fringe party has ever had, and beefed up its list of "victories" by recruiting candidates to run for extremely low-level non-partisan offices which would otherwise go uncontested.

This is not really surprising: the national LP is run by staffers whose interests do not necessarily involve winning elections or affecting policy. They need a constant flow of cash to pay their salaries, to give them "performance" bonuses, and to pay for their perks of office. Until recently, the party's National Committee has provided no effective oversight.

The new National Committee and the national chair elected at the convention in July seem to be trying to get the staff under control. It's a big job, and all men of goodwill wish them well. Unfortunately, the chair and the committee seem disinclined to level with the general membership, if the way the party reported the resignation of National Director Steve Dasbach is any indication. After forcing Dasbach to resign, the National Committee allowed the *LP News* to bury the story on page three and omit any mention of the reasons for Dasbach's leaving, not even mentioning that Dasbach was told to "pack his bags." I suspect the leadership is reluctant to inform the membership of the extent of the problems for fear that it would hurt fundraising. Others have suggested a simpler explanation: *LP News* is still edited by Bill Winter, a part of the entrenched bureaucracy, who cannot be fired because the party owes him so much money for unused vacation and sick leave, thanks to Winter's negotiating an extraordinarily generous contract with Dasbach, without the knowledge or approval of the national chair or the National Committee.

— R. W. Bradford

Stalking Horse for the GOP?

If DNC chairman Terry McAuliffe starts donating to the Libertarian Party, and raising money for LP campaigns, perhaps we should not be surprised. After all, Libertarian Party candidates arguably did more damage to the prospects for fiscal restraint, economic freedom, and educational choice than the Democrats did in November.

Some clues to the current state of the LP:

1) Libertarians have come to be perceived as some sort of junior Republicans. Most of the recognition the LP got during the 2002 campaign was for how many votes they might take from Republicans.

2) Most LP candidates do not run campaigns meant to appeal to the political left. This only hardens the impression that the LP runs to the right most of the time.

3) LP HQ seems incapable of choosing its fights wisely. It attempts to paste an LP name into every possible race, regardless of the candidate's qualifications, resources, or even his agreement with libertarian thinking.

4) Republican challenger John Thune lost by 527 votes in his race for the U.S. Senate in South Dakota, where the LP candidate dropped out and endorsed Thune, but did so too late to get his name off the ballot. Arguably, the 3,071 votes the LP candidate got helped re-elect Democrat Tim Johnson, a clone of South Dakota's senior U.S. Senator, Tom Daschle.

After the votes were counted in Arizona, the LP's candidate for governor (and former candidate for the LP presidential nomination) Barry Hess, asked if he could give his 1.7% of the votes to the Republican, who needed less than that to eke out a victory.

In Alabama, the LP candidate for secretary of education got 30,000 votes, far more than the number by which the liberal Democrat who heads the state teacher's union won.

If the LP wants a reputation as the spoilers in certain races, then it had darn well better be perceived as a party which is always consistent about trying to defeat the candidate who is less supportive of the Libertarian Party platform.

At the moment, LP HQ seems both irrelevant and unrelated to the (relative) success of some LP candidates. Too often, it seems to work against achieving success, with so-called "emergency" fundraising appeals less than 90 days before the November elections for candidates who are so far out of the realm of contention that HQ has to pay their filing fees. Nothing in the experience of the past several months suggests that the LP is about to achieve a significant resurgence of growth in either membership or contributions. At the moment, with membership down roughly 30% from just three years ago — the prospect of an LP presidential campaign in 2004 seems a bit ludicrous. — Ken Sturzenacker

attack ads on local television and cable. The ads hit hard at Barr's support of the War on Drugs. Although the ads played virtually no role in the outcome of the heavily financed battle between two incumbents — which Barr lost to another incumbent (also, notably, a drug warrior) by a huge margin — they nevertheless attracted some press coverage, if only for the novelty a fringe party buying ads designed to affect a major party primary election. The nearly universal opinion of political analysts is that the ads had no impact. Given the fact that both candidates support the drug war, it's hard to think of a worse investment of Libertarian Party funds than a violent attack on *one* of them.

The GOP controls it all. They no longer have any excuse for the growth of government and erosion of liberty. It's time for them to put up or shut up.

• California LP gubernatorial candidate Gary Copeland got a lot of publicity by spitting on Brian Whitman, a talk-show host who had cut off Copeland's microphone and denounced Copeland as a "lunatic."

• The Montana LP candidate for the U.S. Senate got extensive coverage for his revelation that his skin had permanently turned blue because he had for several years drunk a solution of alloidal silver, hoping to ward off diseases and to prepare himself for shortages of antibiotics at Y2K.

• The North Carolina LP got publicity when James Carville got a copy of its "Ladies of Liberty" pinup calendar and invited one of its models, a candidate for the state legislature, to appear on CNN's *Crossfire*. There, Carville slobbered over the candidate, and Tucker Carlson was shocked.

• The LP candidate for governor of Wisconsin got publicity for, of all things, running an excellent campaign and raising a lot of important issues. He was featured in favorable articles in the *New York Times* and the *Washington Post*, places where libertarians seldom get good press.

The Libertarian Party fielded a record 219 candidates for the U.S. House, 23 candidates for the senate and 21 candidates for governor. As usual, all of them lost. The highest vote percentage attained by any candidate in these elections was that of congressional candidate Robert Murphy, who got 24.4% of the vote in Oklahoma's 3rd district. The formula for getting this impressive vote? Murphy was on the ballot as an "Independent," not as a Libertarian. He faced only one major party opponent. And, according to his campaign website, he did not campaign "because he is a primary caregiver for a dear friend who is suffering from bone cancer."

Of those Libertarian candidates who faced opponents from both major parties, the best performance by a wide margin was that of Ed Thompson, who got 10.5% of the vote for governor in Wisconsin. In addition to facing opposition from both major parties, Thompson also faced another

fringe party candidate. As a rule, a second fringe party candidate cuts the LP vote about in half. Another problem was that Thompson appeared with the Libertarian Party label; Libertarians who run as independents (such as Robert Murphy) usually do about twice as well as those who run with the LP label. These two factors are often overlooked by people who analyze LP returns, but Thompson would almost certainly have done better still if he had, for instance, shed the LP name.

In this election, the LP ran 137 candidates on the LP ticket against opponents from both major parties but without other fringe party opposition. Those LP candidates received, on average, 2.73% of the vote. Fifty LP candidates faced opposition from both major parties and from one or more other third party candidates. These LP candidates, on average, received just 1.34% of the vote. This strongly suggests that more than half the votes that LP candidates receive come from people who are more interested in voting against both major party candidates than in supporting a Libertarian candidate.

The tendency holds when the LP candidate faces just one major party: in these races, LP candidates averaged 11.71% of the vote when they were the only third party candidates on the ballot; when there was another third party candidate, the LP candidates averaged just 6.67%. Libertarians running as independents did much better than libertarians running as Libertarians. There were 24 LP candidates who ran as "Independents"; they received an average of 4.19% of the vote. There were 195 candidates who ran with the "Libertarian" label; they received an average of 3.30%. But the effect of running as an Independent instead of a Libertarian is probably substantially greater than these figures indicate, since the "Independent" libertarians all ran in areas where Libertarians traditionally do badly: all were in New Jersey or in states that were part of the old Confederacy.

The LP ran a total of 21 candidates for the Senate. Those facing opposition from both major parties got an average of 1.5% of the vote; those with only one major party opponent got an average of 13.9% of the vote. The LP ran a total of 23 gubernatorial candidates, all of whom faced opposition from both major parties. Aside from Thompson in Wisconsin, the best performance was that of Tom Cox, who attained 4.6% of the vote in Oregon. The average vote that LP gubernatorial candidates received was 1.9%; with Thompson excluded, it was 1.5% — virtually the same share of votes that Libertarians got in races for the Senate against two-party opposition. In sum, Thompson's campaign stood head and shoulders above all other LP campaigns, despite the fact that it got precious little help from the national party and was dreadfully underfunded.

The LP ran thousands of other candidates for offices, but won a grand total of three partisan elections. Two of the victors were longtime Republican incumbents who had switched parties in San Miguel County, Colo. (population 6,971): Bob Dempsey, coroner, and Bill Masters, sheriff, who has earned considerable attention by calling for drug legalization. Masters had no opposition; Dempsey defeated a former staffer. The only other partisan LP candidate to win an election was Edward A. Dilts, elected without opposition to the Advisory Board of Needham Township (population 4,682), Johnson County, Ind. (*LP News* erroneously reported that Dilts had been elected to the Township Board.) LP members won elections to 25 non-partisan positions in local government. These offices included the boards of three community services districts, two health care districts, two recreation and parks districts, three school districts, a harbor district, two sanitary districts, and a fire district. In addition, LP members won two races for city council, one for justice of the peace, and one for soil and water conservation supervisor. Party candidates captured six local advisory board seats without opposition and without their names appearing on the ballot. In all, there was one partisan victory in a contested election, two partisan victories in uncontested elections, 25 victories in local non-partisan races, and six "victories" in uncontested races that were not voted on by the public.

More than half the votes that LP candidates receive come from people who are more interested in voting against both major party candidates than in supporting a Libertarian candidate.

To outside observers, this list of victories seemed pretty paltry for a party that has spent 30 years and millions of dollars. Indeed, the party showed considerably less success than it did 20 years ago, when it elected three members to state legislatures. The day after the election, *LP News* reported that the party's "members were buoyed by a flurry of local wins." The discussion among LP activists on the Internet, however, has been decidedly unbuoyant, and the *News* did not report how it discovered that members were

Not Quite Totally Nationalized — The gleeful post-election summary judgment of the political pundits that elections have in effect been "nationalized," is essentially correct; the wave of the future seems to be driving us toward bigger government, more centralization, and more government spending. George W. Bush's pre-election blitz on behalf of Republicans simply accelerated this trend. The Republican position (i.e., the Bush position) on practically all the issues in contention calls for more power to the executive. The defeat of Democrats by Republicans in the 2002 election, therefore, gives little reason for free-market libertarians to rejoice — except as it shows that there is still a chance to try to change the climate of opinion; the politicians can't yet impose their will by fiat in this country, but must try to persuade a majority of the voters. — Bettina Bien Greaves

"buoyed" by the election. The party's national political director, Ron Crickenberger, said that the party "moved forward this year, albeit slowly. . . . In one sense we did better than the Democrats. They have fewer elected officials coming out of the election — we will have a few more." Of course, in another sense, it might possibly be said, the Democrats did better: they won tens of thousands of contested partisan elections, many of them to important positions, while the LP won a race for coroner in a rural county in Colorado.

The LP ran thousands of candidates for offices, but won only one contested partisan election: a longtime Republican incumbent who had switched party affiliation in San Miguel County, Colo. (population 6,971) was re-elected coroner.

Besides gaining national attention five times prior to the election, LP campaigns made the national news twice afterward.

• LP campaigns were widely blamed for costing Republicans several close elections, most notably the Senate seat in South Dakota, where Libertarian Kurt Evans got 3,071 votes in an election that Democrat incumbent Tim Johnson won by just 527 votes. If the GOP candidate John Thune had taken just 1,800 of those 3,071 votes, or 58.6%, Thune would have won. And since Libertarian views are generally closer to those of Republicans than Democrats, if Evans hadn't been on the ballot, it's likely that more than 58.6% of those who voted for him would have voted for the Democrat incumbent. (This is a superficially sound argument, but it doesn't hold up to scrutiny. See "LP: Killer of Republicans?" below)

• The second national news story was a clearly unfortunate one. Two weeks after the election, neighbors of Idaho's LP gubernatorial candidate Daniel Adams called the police to report hearing gunshots. Police discovered that Adams was wanted for a probation violation in Ada City, and went to the scene. When they arrived, they found Adams confrontational and suspected he intended to "commit suicide by cop," i.e., attack the police in the hope of being shot. "We won't play that game," Captain Leroy Cordes of the Payette County sheriff's office told me. Police used a non-lethal Taser in an attempt to subdue Adams, Cordes said, and he lunged at them with a saber. He was subdued and arrested for battery. Suddenly the Blue Man and the Spitter didn't seem like the LP's saddest candidates after all. ❑

Note: All figures cited are from the most complete returns available at the time of publication.

No Libertarian Spoilers This Year

One of the most common "insights" that pundits have offered about the election is that LP campaigns cost the GOP several important contests. Articles and op-eds making this arguement have appeared everywhere from the *New York Times* to *The Weekly Standard*, and even appear in this issue of *Liberty*.

The most widely cited race in which the LP allegedly cost the GOP an important election was the contest for the senate seat in South Dakota, where Libertarian Kurt Evans got 3,071 votes in an election that Democrat incumbent Tim Johnson won by just 527 votes. If 1,800, or 58.6%, of those votes went to GOP candidate John Thune, leaving just 1,271 for the Democrat, Thune would have won. And since Libertarian views are generally closer to those of Republicans than Democrats, if Evans hadn't been on the ballot, it's likely that more than 58.6% of those who voted for him would have voted for the Democrat incumbent.

This argument sounds plausible, but it has some serious flaws. For one thing, there is considerable evidence that about half the vote that LP candidates get in three-way races comes from people who for one reason or another are inclined to vote against both major party candidates. There is no evidence that these people favor the Libertarian political program or that they would be more inclined to vote for a Republican than for a Democrat or (likeliest of all) for no candidate at all. There is substantial evidence that about half the voters who choose the LP nominees wouldn't vote at all if the LP candidate were not on the ballot, leaving only half the votes up for grabs by the major parties.

But this was not a typical election. Evans had withdrawn from the race and endorsed Thune, thereby encouraging voters who were ideologically motivated to switch their votes in the same way. These voters, obviously are not part of the 3,071 votes for the LP candidate, leaving a higher proportion of anti-major party voters among those who ultimately voted for Thune.

If Evans' withdrawal took a quarter of his supporters to the GOP and half his original voters were anti-major party, that would leave just 1,152 votes up for grabs. Of these, Thune would have had to win 840, or 73%. This is a very high percentage; past experience indicates that Republicans get about 66% of votes that would otherwise go to the LP if voters are denied an opportunity to vote Libertarian.

Applying this same analytic method to the other seven races in which the LP candidate's vote total exceeded the margin of victory, reveals that the LP didn't affect the outcome of a single race.

— R.W. Bradford

The Republican Killers

by Chuck Muth

Being a perennial spoiler is not something to be proud of or to aspire to.

The answer to "bad" Republicans is to replace them with better Republicans — not with Democrats who are far worse. Such common sense political wisdom, however, appears to be completely lost on the Libertarian Party, which seems to subscribe to a political strategy equivalent to burning the village down in order to save it.

Republican John Thune lost his bid to knock off incumbent Sen. Tim Johnson in South Dakota by a lousy 524 votes. A stinkin', lousy 524 votes.

Thune had racked up a respectable lifetime rating of 83 from the American Conservative Union, while Johnson earned a pathetic 21, so South Dakota voters had a clear choice between a government-loving incumbent liberal and a fairly consistent limited-government conservative.

Yet knowing that this was likely to be a neck-and-neck race from the beginning — and that control of the Senate may well have hinged on this one race — the Libertarian Party put up Kurt Evans as a spoiler candidate. To Evans' credit, he dropped out of the race and endorsed Thune about a month before the election, but not soon enough to have his name removed from the ballot.

On election day, he garnered 3,071 votes — more than enough to have changed the outcome of this race and given the limited government cause an additional voice in the Senate.

It defies common sense for the Libertarian Party to have gotten into this race at all. Evans never had a prayer of winning; the only *possible* impact he could have was to serve as a "spoiler" who would throw the race to Johnson. Which is exactly what happened.

I do give Evans credit for seeing the light — even if too late. Who I can't excuse are the 3,071 supposedly limited-government numskulls who voted for a candidate who had dropped out of the race, thereby giving another six-year term to a guy who stands against just about everything they stand for.

Libertarian Party supporters have a point when they observe that many Republicans are far from being champions of limited government. But while they excel at diagnosing the disease, they are remarkably deficient in providing a cure.

Witness a column written by the LP's last presidential candidate, Harry Browne, in which he lamented that, "The winning incumbents have never bothered to introduce a single bill to reduce government in any significant way, while they have been reliable supporters of all sorts of new big-government schemes."

Okay, let's stipulate that this is true; you'd be hard-pressed to get much of an argument over it from me. But it is also true that not a single Libertarian Party member of Congress has ever introduced a single bill to reduce government in any significant way.

And why not?

Because not a single Libertarian Party candidate has ever been elected to Congress.

It's easy to sit in the stands and criticize the players. It's easy to take strong, no-compromise positions when you know you'll never win an election and actually have to govern.

The simple fact is, if you want to change public policy, you have to change public officials. In that regard, the Libertarian Party has been a dismal failure — unless, of course, you consider it a success to throw a few close elections from a decent-but-not-perfect Republican to a *far* worse Democrat.

It defies common sense for the Libertarian Party to have gotten into the South Dakota senate race at all. Its candidate never had a prayer of winning and the only possible impact he could have was to serve as a "spoiler" who would throw the race to Johnson. Which is exactly what happened.

Until the LP takes seriously its responsibility to get candidates elected instead of just heckling from the sidelines, I can't take it seriously as a credible political party, no matter how sympathetic I am to its ideology. Being nothing more than a perennial spoiler is not something to be proud of nor to aspire to.

Liberty-minded people who want to change public policy need to join with conservatives in the GOP. Period. The key isn't just to get more Republicans elected, but better ones, like Texas Republican Ron Paul.

Libertarians can help do that by abandoning their third-party "movement" and helping to elect more limited-government candidates in the GOP's primaries. And having more libertarians under the party's "big tent" would help enormously to buck up the spines of the conservative jellyfish already there.

A far better use of the time, talent, and treasure invested in the LP would be to establish a grassroots organization to put libertarian issues into play on Capitol Hill and around the country by lobbying and campaigning for ballot initiatives.

One need only to look at Massachusetts this year to see the potential of such an approach. Libertarian Carla Howell's ballot initiative to repeal the state's income tax received the support of 45% of the electorate. Yet Carla Howell, the gubernatorial candidate, received a puny one percent of the vote total.

Clearly, the problem wasn't the message, it was the messenger.

The LP has shot itself in the foot year after year by running candidates who weren't serious, or were, often, outright kooks. And it sure doesn't help to have earned the reputation of inevitable losers. People still root for the Cubs, but no one seriously expects them to win the World Series. It's even worse for the LP.

It's time for rational libertarians to abandon the rookies and amateurs in the LP and come play in the big leagues with the big boys.

We're leaving the light on for you. ❑

Letters, from page 4

freedom is more important than ours.

Not only that, but Sandefur seems to reject any means of abolishing slavery except war — paying off the slave owners would not have been acceptable to him because that would imply that his hero, Lincoln, was a war-mongering tyrant.

And what price would Sandefur have been willing to pay for the immediate abolition of slavery? Apparently, the 600,000 deaths and countless rights violations of the Civil War were not too high a price for him. Would any price have been too high? I doubt it.

Richard D. Fuerle
Grand Island, N.Y.

Not Funny!

I was really offended by Tim Slagle's "Tour de Snail" in the November Reflections. I note that Slagle is a comedian. I suggest he find another line of work, because this piece was not funny; ignorant, insensitive, and way wide of its intended mark, but not funny. He describes Armstrong as "the detesticled winner of a French bicycle race."

Armstrong survived a very virulent form of cancer after chemotherapy and surgery to remove one of his testicles and part of his brain (the cancer had also spread to his lungs), then went on to win the Tour de France four times, an event that is generally recognized as the world's most difficult test of human endurance (yes, including the Ironman). I would like to think that the *Liberty* editors would be a bit more discerning in what they publish. Other than being truly offensive, how does such drivel promote liberty?

Jerome Reid
San Diego, Calif.

In Defense of Elmo the Muppet and Rock 'n' Roll

Are you planning to officially change the name of this magazine to "Curmudgeon Monthly"? In the August Reflections, you let Gene Healy level a gratuitous curse against Elmo the Muppet, one of America's most beloved media figures. For the November issue, you tracked down Frank Ricciardone, the last living rock 'n' roll basher, and gave him half a page for "Postmodern Hootenanny," a mean-spirited rant against the three generations of Americans who grew up with rock music. I thought it was a transcript of my mother denouncing Elvis 45 years ago.

Cole Porter and Bing Crosby were fine artists, but if Ricciardone thinks the rock era has produced no one of their stature, he simply hasn't been paying attention. Looking for lyrics of substance? Check out David Bowie. Beautiful melodies? Bryan Ferry. Expressive vocals? Joan Osborne. All of

continued on page 44

Iraq:

The Wrong Place, the Wrong Time, the Wrong War

by Gene Healy

Invading and occupying Iraq will likely undermine American national security, perhaps catastrophically so.

War with Iraq appears to be all but a foregone conclusion. President Bush reads the Republican takeover of the Senate as a vindication of his regime-change policy; the UN Security Council will no longer stand in his way, and any intransigence the weapons inspectors encounter upon their return to Iraq may provide the administration with the *casus belli* it seeks. Indeed, as this issue goes to press, laser-guided bombs may already be falling on Baghdad, clearing the way for ground troops.

Nonetheless, it's worth examining how we got here, not only because the administration's case for war is so weak, but because many in our "movement," for lack of a better term, have signed on.

The administration has framed its case for war in terms of American national security. That's the case I'll address. I won't argue with their assessment that Hussein is an evil and murderous tyrant; clearly he is. I won't argue that venal or frivolous motives lie behind the administration's push for war — such as a desire to control Iraqi oil fields or a personal vendetta on the part of President Bush. I don't think such motivations are what drive the administration. Finally, I won't even spill much ink on the moral case against war in Iraq, even though I think that case is quite strong. Simply put, it's wrong for us to kill (at a minimum) hundreds of innocent Iraqi civilians based on an entirely speculative possibility of future harm. But as it happens, the pragmatic case against invasion is strong enough to suffice by itself. Iraq does not represent a threat to American national security. In fact, invading and occupying Iraq will likely undermine American national security, perhaps catastrophically so.

The administration argues that Saddam Hussein may not be deterrable. But it has provided no reason to believe that deterrence — which sufficed to contain nuclear-armed Mao and Stalin, the gold and silver medallists in the 20th-century's genocidal Olympics — will not work. And it ignores the fact that Hussein has demonstrably and repeatedly been deterred from using weapons of mass destruction against enemies capable, like the U.S., of massive retaliation. The administration argues that Hussein has links to al Qaeda and may have had a hand in Sept. 11. But its evidence on those counts amounts to a plea of "trust us." Finally, the administration argues that forcible regime-change can lead to a free, prosperous, and democratic Iraq, which will serve as a beacon to surrounding nations. But it ignores the much greater risk that an invasion will increase the risk of terrorist attacks in both the short term by making Hussein undeterrable and the long term by leading to a newly empowered al Qaeda.

A Demonstrably Deterrable Dictator

In "Tales of the Tyrant," in May's *Atlantic Monthly*, Mark Bowden, the investigative reporter who wrote *Black Hawk Down*, profiles Hussein's rise to power and bloody reign. Anyone who doubts Hussein's brutality should read the piece. In it, Bowden recounts Hussein's fascination with Josef Stalin. He writes of a meeting in 1979 between Saddam and the Kurdish politician Mahmoud Othman:

It was an early-morning meeting, and Saddam received

Othman in a small office in one of his palaces. It looked to Othman as if Saddam had slept in the office the night before. There was a small cot in the corner, and the President received him wearing a bathrobe.

Next to the bed, Othman recalled, were "over twelve pairs of expensive shoes. And the rest of the office was nothing but a small library of books about one man, Stalin. One could say he went to bed with the Russian dictator."

But like his hero Stalin, Hussein is a survivor. As Bowden notes, Hussein "never sleeps in his palaces. He moves from secret bed to secret bed. Sleep and a fixed routine are among the few luxuries denied him. It is too dangerous to be predictable." He employs body doubles. In fact, so concerned is Hussein with his own safety, that he's adopted a modern-day equivalent of royal food-tasters. Hussein imports all his food, and has the shipments "sent first to his nuclear scientists, who x-ray them and test them for radiation and poison. The food is then prepared for him by European-trained chefs, who work under the supervision of al Himaya, Saddam's personal bodyguards." It's hard to imagine that someone so intensely focused on self-preservation would take action that's clearly suicidal, such as attacking America with chemical or biological weapons.

Refusal to take administration officials at their word when they allege that Iraq had a role in Sept. 11 or that the regime harbors al Qaeda isn't paranoia: it's hard-headed realism, borne of experience.

It's fairly certain that Hussein retains some chemical munitions, some biological agents, and that he's made efforts to develop nuclear weapons. It's also true that he's used chemical weapons in the past, both against the Iranian army and Kurdish civilians. But one thing he has never done is use those weapons against any enemy capable of massive retaliation.

This is well-covered ground, but again, Hussein had chemical weapons during the Gulf War. However, in response to a thinly veiled American threat of nuclear retaliation, he chose not to use them. None of the 42 scuds launched at Israel were tipped with chemical weapons. He didn't even use them against American forces driving him out of Kuwait, and possibly marching on to Baghdad: none of the 40-some scuds shot at allied forces during the war had chemical payloads.

"There's nothing like an ice-cold beer to take your mind off the evil-doers."

Those who favor preventive war are not moved by this argument. A scud delivery comes with a return address, they argue; delivery by terrorist intermediaries may not. But if Hussein ever considered this strategy, the evidence suggests that deterrence worked here as well. Hussein first got nerve gas over 20 years ago. His hatred of Israel predates his hatred of the U.S. (Israel launched a preventive airstrike on the Osirik nuclear reactor in 1981, after all). Hussein has had longstanding links with anti-Israel terror groups like the Palestine Liberation Front and the Popular Front for the Liberation of Palestine. Thus, he has long had the means, the motive, and the requisite links with people who would carry out a sneak chemical attack on Israel. If using terrorists to deliver weapons of mass destruction (WMDs) is such a foolproof scheme, then why hasn't Hussein tried at least once over the years to use them against (militarily dominant and nuclear armed) Israel? Hint: the answer's in the parentheses.

Proponents of preventive war argue that weapons of mass destruction change the deterrence equation fundamentally. Why that should be so, given that neither such weapons nor terrorist groups are new developments, isn't obvious. First, as I argue below, it's not entirely clear that chemical and most biological weapons make the grade as "weapons of mass destruction." Second, common sense and CIA intelligence assessments argue that a war undertaken to eliminate the Hussein regime is likely to increase our exposure to attack with chemical and biological weapons by leaving Hussein with nothing left to lose.

Surely, though, nuclear weapons qualify as WMD. Regime-change proponents argue that, even if there's no evidence that Hussein plans to attack us, we should hit him now, before he's capable of nuking an American city. As President Bush put it, "we cannot wait for the final proof — the smoking gun — that could come in the form of a mushroom cloud." But the issue of nuclear weapons deserves a more sober assessment than it's currently getting. As Brookings Institution defense policy analyst Michael O'Hanlon has noted:

> Saddam probably could not hurt the United States directly with a bomb even if he had one. Even if he overcomes his most serious obstacle by obtaining fissile material on the black market, he would probably be able to build only a few nuclear weapons, and they would be big. That would make it hard to transport such weapons to give to terrorists or his own foreign-based operatives for use against a U.S. city. He might be able to sneak a bomb into Kuwait or another neighboring state with a low-flying aircraft, but the plane might well also get shot down. He probably does not have a missile big enough to carry what would be a fairly primitive and thus large nuclear warhead.

Thus, even if, contrary to everything we know about his

behavior, Hussein were to develop a death wish, it would be quite difficult for him to strike an American city with nuclear weapons. Of course, a nuclear-armed Hussein would limit our freedom of action in the Middle East, making a war for regime-change far riskier. But that's not an argument that Hussein represents a threat to American security, and, as the administration surely recognizes, it's not as compelling a talking point as the horrifying if implausible spectre of a nuclear Sept. 11.

The Missing Link

Hussein's pursuit of chemical, biological, and nuclear weapons isn't the only justification administration officials have offered for war. They've also intermittently relied on the argument that the Iraqis have ties to al Qaeda, and may even have helped plan Sept. 11.

Such cooperation isn't impossible, but it would be surprising. Bin Laden and Hussein are natural enemies. Bin Laden believes that even the decrepit theocracies of Saudi Arabia and Egypt are godless, Western regimes. Hussein took power as a member of the Baathist pan-Arab socialist movement. Sad to say, he's what passes for a secular ruler in the Middle East.

When CNN purchased a cache of al Qaeda training tapes last August, they were surprised that the collection included a documentary — not meant for public consumption — that was highly critical of Saddam Hussein. But that came as no surprise to those like terrorism expert Peter Bergen who have studied al Qaeda for years and are familiar with bin Laden's distaste for the Iraqi regime, which does not govern according to sharia and in which women are allowed to drive and (gasp!) bare their heads.

Common sense and CIA intelligence assessments argue that a war undertaken to eliminate the Hussein regime is likely to increase our exposure to attack with chemical and biological weapons by leaving Hussein with nothing left to lose.

None of that proves that tactical cooperation between Hussein and al Qaeda hasn't happened. After all, Hussein has cooperated with Islamic radicals seeking to destabilize the autonomous Kurdish sector in Northern Iraq. But the evidence that he's cooperated with al Qaeda is vanishingly thin.

The key piece of evidence for the Hussein-al Qaeda connection is a meeting that allegedly took place in Prague in April 2001 between hijacker Mohammed Atta and Ahmed al-Ani, an official with the Iraqi embassy who was later expelled on suspicion of espionage. Czech Prime Minister Milos Zeman and President Vaclav Havel have both asserted that the meeting took place. However, the CIA, the FBI, and the chief of Czech foreign intelligence have all cast doubt on the story. U.S. intelligence officials — despite an exhaustive investigation and evident pressure from the administration to say otherwise — have said they can't establish that Atta was in Prague in April 2001. At a press conference last April, Columnist Robert Novak asked Rumsfeld point-blank whether Atta met with al-Ani; Rumsfeld: "I don't know whether he did or didn't."

Clearly, if Rumsfeld doesn't know whether the meeting happened, it can't serve as a justification for war. Neither can Rumsfeld's repeated — and unsubstantiated — charges that Hussein is "harboring" al Qaeda operatives.

Skepticism in Defense of Liberty Is No Vice

War skeptics tend to feel uneasy when Secretary Rumsfeld asserts without offering evidence that Iraq is "harboring" al Qaeda, or when the Turkish government reported in September that it had intercepted a shipment of 33 pounds of weapons-grade uranium en route to parts unknown (it turned out to be five ounces of harmless, non-radioactive powder). The administration has its sights set on regime change, and one fears that one *casus belli* is as good as another in its view. Other commentators have invoked the sinking of the battleship *Maine* in Havana Harbor, and the Gulf of Tonkin incident to remind us that when it wants to go to war, the executive branch tends not to be scrupulous with the facts. But we don't need to go that far back if we're looking for cause for concern. Gulf War I had its own set of war-justifying myths, propagated by some of the same people who now urge us to launch Gulf War II.

Hussein took power as a member of the Baathist pan-Arab socialist movement. Sad to say, he's what passes for a secular ruler in the Middle East.

In the run-up to Gulf War I, Dick Cheney's Pentagon warned that a quarter of a million Iraqi troops and 1,500 tanks were massed at the Saudi border, ready to invade. As the *Christian Science Monitor* noted this September, contemporaneous commercial satellite photos of the region show nothing but desert in the areas that the Iraqi buildup was supposedly taking place.

The Bush I administration also took advantage of Kuwaiti propaganda about Kuwaiti babies being ripped from incubators by Iraqi soldiers. In the fall of 1990 a 15-year-old girl known only as "Nayirah" testified before Congress about this alleged atrocity. It emerged some time later that "Nayirah" was the daughter of the Kuwaiti ambassador to Washington, and had not been anywhere near the hospital where these events supposedly took place. Instead, she'd been coached by a D.C. PR firm that had a $10 million contract with the Kuwaiti government to push public opinion toward war. The incubator story was referred to repeatedly during congressional debates of authorization for the war. The truth emerged only after the lie had served its purposes.

Refusal to take administration officials at their word when they allege that Iraq had a role in Sept. 11 or that the

regime harbors al Qaeda isn't paranoia: it's hard-headed realism, borne of experience. When you're listening to our leaders make their case for war, remember that — despite what they told you in civics class — the citizen's first duty is skepticism.

Worst-Case Scenario

It's also incumbent on the informed citizen to assess carefully the risks attendant to the proposed war. The ground war phase of Gulf War I lasted less than a week. But this time around, if they fight, the Iraqis are not going to get caught in suicidal set-piece battles. It's more likely that the Republican Guard will remain holed up in Baghdad, fighting a house-to-house war of attrition in which Iraqi civilians serve as human shields.

If that happens, there will be substantial civilian casualties. The Israeli Defense Forces took a lot of criticism for their tactics — bulldozing buildings that had not been evacuated, using Palestinians as human shields — last spring in the West Bank town of Jenin. (It soon emerged that reports of a "massacre" had been greatly exaggerated.) But should it come to close-quarters urban combat, it's safe to expect American tactics to be more brutal than those employed by the IDF. Unlike the Israelis, we're not willing to accept heavy battlefield casualties. Rather than fight house-to-house — and take the losses that would entail — we'll likely blow up whole city blocks. And the Qatar-based Arab news channel Al Jazeera will have reporters on the ground to film it. Sure, we'll win, but there will be significant costs: hundreds of American casualties and thousands of dead Iraqi civilians. In the process of winning the war, we'll provide al Qaeda with propaganda footage sufficient to recruit the next generation of jihadis.

Add to this the possibility that Hussein again launches scuds at Israel, this time tipped with chemical warheads. In Gulf War I, the threat of massive retaliation deterred Hussein from using his chemical arsenal. But, to state the obvious, it's hard to deter someone who knows you're coming to kill him. As soon as the scuds are in the air, an Israeli reprisal is a given: Ariel Sharon is on record that Israel will respond if attacked. Bin Laden's depiction of American intervention in the Middle East as a "crusader alliance" between the United States and Israel will gain further credibility for the Muslim "man in the street."

There's little question that Israeli reprisals would weaken King Abdullah's government in Jordan, a moderate regime that has made peace with Israel. Abdullah presides uneasily over a population that is 50% Palestinian, and is said to be terrified by the impact Gulf War II could have on Jordan. But more disturbing still is the impact these events could have on the Musharraf regime in nuclear-armed Pakistan. A protracted war that includes Israeli participation would strengthen the hand of the pro-Taliban Islamists in the Interservice Intelligence agency, thus greatly exacerbating the WMD problem. Given that Islamic parties recently won 59 of the 342 seats in Pakistan's parliament, a fundamentalist takeover is a real possibility.

In the process, the Bush administration will also make a self-fulfilling prophecy out of its nightmare scenario in which Hussein passes off chemical and biological weapons to terrorists. With his death warrant signed, sealed, and in the process of delivery, Hussein will have no reason not to pass off substantial chunks of the Iraqi biochemical arsenal to Islamic radicals. In fact, this is exactly what the president's own CIA director has concluded. In a letter read before a joint hearing of the House and Senate intelligence committees in early October, CIA director George Tenet noted that "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons." However, Tenet went on to say that should Hussein conclude that a U.S. attack on Iraq could not be deterred, "he probably would become much less constrained in adopting terrorist action."

Terrorist action with conventional weapons is disruptive enough. Consider the case of John Muhammed and John Lee Malvo, the Washington D.C.-area snipers. Despite having little or no formal training in long-range shooting, this none-too-bright pair repeatedly shut down the D.C. Beltway and terrorized greater Washington for close to a month. What could a couple of dozen well-trained agents achieve with similar tactics?

In the process of winning the war, we'll provide al Qaeda with propaganda footage sufficient to recruit the next generation of jihadis.

Terrorist action with chemical or biological weapons could be more disruptive still. War on Iraq substantially increases the likelihood of that scenario. Indeed, another CIA report given to the senators in the run-up to the congressional vote on use of force stated that Hussein might "decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him." It's not clear that such a strategy would succeed; even under ideal battlefield conditions, chemical and biological weapons have never been as devastating as those wielding them have hoped (See Gregg Easterbrook's article, "The Meaninglessness of 'WMD,'" in Oct. 7's *The New Republic* for more information). But certain agents, such as smallpox, are more threatening than others. The CIA's Weapons Intelligence, Nonproliferation and Arms Control Center (WINPAC) has concluded with "high confidence" that Iraq retains stockpiles of smallpox. It may well be that modern public health facilities, coupled with military quarantines and forced vaccinations, could keep death tolls below Sept. 11 levels. But that's an experiment I'd rather not undertake.

You know we've reached an odd pass in political discourse when a humor magazine best sums up the administration's rationale for a preventive attack: in its "man on the street" interviews, the Sept. 25 edition of *The Onion* quotes "John Englund, Software Developer," who says, "It's clear to me that nothing short of war will stop Iraq from using its weapons."

Best-Case Scenario

I don't think the worst-case scenario is the most likely. That doesn't mean it should be discounted entirely. The worst case — Hussein passing off chemical and biological weapons to terrorists, a generation of new al Qaeda recruits, as well as loose nukes in Pakistan — is sufficiently awful to caution against another invasion of Iraq, if we can possibly avoid it. Since the downside scenario I've described is substantially more likely than Hussein's attacking the United States if left unmolested in Baghdad, that alone should be dispositive, in my view.

But the worst-case scenario may never happen. Perhaps Hussein will not be able to pass off WMD to terrorists, and perhaps his regime will collapse rather quickly instead of mounting protracted resistance to a U.S.-led invasion. We should keep in mind that there were quite a few self-styled experts who waxed apocalyptic in 1991 about "the fourth largest army in the world" and "the elite Republican Guard." If professional pundits were capable of humility, they'd have been humbled after the war turned out to be the biggest turkey-shoot in American military history.

This time around, the war may go just as easily as it did in 1991. I've got no special insight into the psychology of Iraqi Republican Guard soldiers, but I wouldn't be a bit surprised if they'd rather switch than fight. Where's the percentage in fighting a losing battle against the most powerful military in human history? I wouldn't stake my life on an easy victory, but I would put a substantial amount of money on it.

In the best-case scenario, Hussein doesn't pass WMD off to terrorists and he never gets to launch the scuds. Shortly after the air war begins, he's deposed by a Republican Guard coup. We take Baghdad without a single U.S. battlefield casualty. Triumphalism is in the air, and the chorus of self-congratulatory I-told-you-so's rings out in op-ed pages and TV talk shows across the land.

But our troubles are just beginning.

Welcome to the Occupation

At this point, we've conquered Iraq. Now what do we do with it? One plan being floated, according to the *New York Times*, uses the postwar occupation of Japan as a model. In this version of the MacArthur Regency, Iraq will be governed by an American military commander such as General Tommy R. Franks, commander of United States forces in the Persian Gulf.

The MacArthur Regency worked in Japan because the U.S. occupiers entered a country sick to death of war, with a tradition of deference to authority (encouraged by the Emperor's call to cooperate with U.S. authorities) and a monocultural middle class that could form the basis of a democracy. As historian John Dower puts it, "the ideals of peace and democracy took root in Japan — not as a borrowed ideology of imposed vision, but as a lived experience and a seized opportunity. It was an extraordinary, and extraordinarily fluid moment — never seen before in history and, as it turned out, never to be repeated." That process is particularly unlikely to be repeated in Iraq, a fissiparous amalgam of Sunnis, separatist Shi'ites, and Kurds. Keeping the country together will require a strong hand and threatens to make U.S. servicemen walking targets for discontented radicals.

Former Secretary of State Henry Kissinger — no dove, he — noted that he was "viscerally opposed to a prolonged occupation of a Muslim country at the heart of the Muslim world by Western nations who proclaim the right to re-educate that country." As well he should be. Such a policy would be the most generous gift imaginable to the al Qaeda recruitment drive. It makes bin Laden's ravings about a Crusader-Zionist alliance to de-Islamicize the Middle East look half-plausible to the angry young men of that hate-filled, backward region.

When CNN purchased a cache of al Qaeda training tapes last August, they were surprised that the collection included a documentary that was highly critical of Saddam Hussein.

Indeed, it's hard to think of a foreign policy initiative that could do more to empower al Qaeda than invasion, occupation, and reconstruction of Iraq. To see why this is so, it's necessary to examine what motivates bin Laden's murderous band. Some commentators on the right have offered a theory of "why they fight" that amounts to "they hate us just because we're beautiful." The cover of the first post-Sept. 11 edition of *National Review* declared that al Qaeda attacked us "because we are rich, and powerful, and good." On July 4, 2002, libertarian Brink Lindsey, on his popular weblog brinklindsey.com, titled an entry "Why They Hate Us," and quoted the Declaration of Independence: "We hold these truths to be self-evident: that all men are created equal."

Those who have made a career of studying al Qaeda do not agree that the primary motivation behind the bin Ladenists' anti-American jihad is hatred of the West's political and cultural freedom. Peter Bergen, bin Laden's biographer, and one of the few Westerners to have interviewed

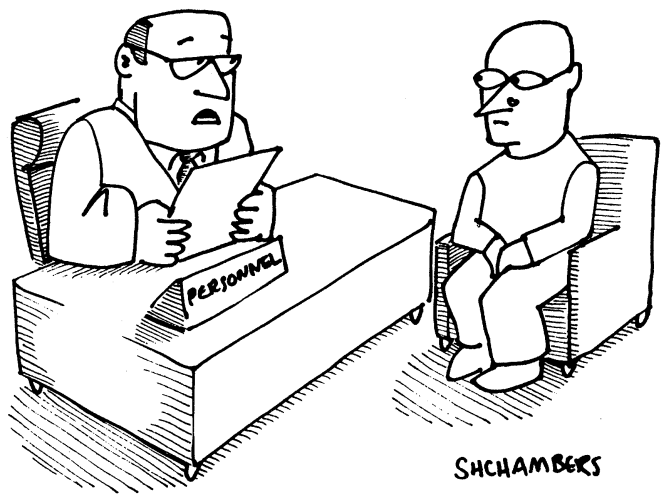

"I see that under 'hobbies' you've indicated 'watching television.' Could you be more specific?"

him, writes in his book *Holy War, Inc.* that:

> In all the tens of thousands of words that bin Laden has uttered on the public record there are some significant omissions: he does not rail against the pernicious effects of Hollywood movies, or against Madonna's midriff, or against the pornography protected by the U.S. Constitution. Nor does he inveigh against the drug and alcohol culture of the West, or its tolerance for homosexuals. . . .
>
> Judging by his silence, bin Laden cares little about such cultural issues. What he condemns the United States for is simple: its policies in the Middle East. Those are, to recap briefly: the continued American military presence in Arabia, U.S. support for Israel, its continued campaign against Iraq, and its support for regimes such as Egypt and Saudi Arabia that bin Laden regards as apostates from Islam.

A few obligatory caveats: first, examining al Qaeda's accusations against the United States does not in any way imply endorsement of those alleged grievances. A particularly ugly feature of the year-long debate over prosecution of the war on terror has been a readiness on the part of anti-terror hawks to fling the charge of "blame-America-first" when one proposes to scrutinize al Qaeda's motivations. That charge reflects a hostility to debate and a fundamental lack of seriousness. We are at war with al Qaeda, and in war it is necessary to understand the enemy, as any military strategist from Sun Tzu onward could tell you.

The goals of early American foreign policy were expressed succinctly in the Gadsden Flag: "Don't tread on me." The Bush Doctrine might fairly be formulated as "You may perhaps be thinking somewhere down the road about treading on me, and you're also treading on your own people, so I'll tread on you."

Second, acknowledging that al Qaeda is in the main motivated by hostility to American foreign policy doesn't require one to deny that radical Islamists also resent America's prosperity and freedom. It's doubtless true that most bin Laden acolytes and sympathizers conceive of themselves as members of a once-proud civilization now characterized by backwardness and incompetence. No small part of their rage is fueled by envy. But it's also true that very few fanatics are willing to strap on a suicide belt simply to protest American prosperity. When al Qaeda leaders speak to the Muslim "street" in an attempt to garner new recruits, they focus on American foreign policy because they believe that the "street" resents American foreign policy. And they're right, as the most comprehensive recent public opinion research in the Muslim world indicates. A Zogby poll released in April 2002 surveyed respondents from ten Islamic nations on their attitudes toward American culture, capitalism, and foreign policy. The results show broad appreciation for America's economic system and culture. But when asked whether they approve of U.S. government policy toward the Palestinians, just one percent of Kuwaitis, two percent of Lebanese, three percent of Egyptians and Iranians, five percent of Saudis and Indonesians, and nine percent of Pakistanis say yes. "It's not our values, it's not our democracy, it's not our freedom . . . it's the policy they don't like," said James Zogby.

Finally, to acknowledge that al Qaeda is motivated by hostility to American intervention in the Middle East is not to argue that we have but to pull our troops out of Saudi Arabia, end aid to Israel, and stop the Iraqi embargo, and al Qaeda will lay down its arms. It's reasonable to surmise that many of those already committed to the struggle will remain committed to the struggle, and will not quit if the U.S. disengages from the Middle East. Similarly, reasonable people can disagree about how much freedom of action we have to disentangle ourselves from the Middle Eastern tar baby in the foreseeable future.

What's utterly unreasonable is to assume, as the administration and its fellow travelers seem to, that the number of recruits to al Qaeda's murderous jihad is relatively fixed, and will not increase dramatically if the U.S. begins a policy of conquering and occupying Middle Eastern Muslim countries with the avowed purpose of making them secular and free.

"A Doctrine of Armed Evangelism"

But that is the policy we've embarked upon. Key administration officials, such as Deputy Defense Secretary Paul Wolfowitz, top Pentagon consultant Richard Perle and perhaps Vice President Cheney view regime change in Iraq as a stepping stone to regional transformation. As the *New York Times Magazine* noted in a recent profile of the influential deputy defense secretary:

> The striking thing about Wolfowitz is an optimism about America's ability to build a better world. He has an almost missionary sense of America's role. In the current case, that means a vision of an Iraq not merely purged of cataclysmic weaponry, not merely a threat disarmed, but an Iraq that becomes a democratic cornerstone of an altogether new Middle East.

It's odd to find this sort of vision appealing to folks on the political Right. Why would the sort of people who think government is too ham-handed even to promote modest social engineering goals like safe-sex among teenagers, think we can promote a revolution in Islamic theology via AC-130 gunship or create a bourgeois society where no preconditions for it exist?

But clearly something broader than a pedestrian concern for American national security is at work here. Neoconservative Michael Kelly identified it when he described the Bush policy as "a doctrine of armed evangelism" in the service of freedom. Kelly writes:

> Unlike the European powers, America has never sought to own the world. In its peculiarly American fashion, it has sought to make the world behave better — indeed be better. In modern times, this evangelism has focused not on the need for "Christianizing" and civilizing the heathen populations (President McKinley's justification for taking the Philippines), but on the defense of what President Kennedy called "the freedom of men."

continued on page 32

Fraud in the Forest

by Randal O'Toole

If fraud is committed deep in the National Forest, and no taxpayer is there to discover it, does it make any difference?

Waste, fraud, and abuse of accounting standards are in the news — and not just at Enron and WorldCom.

For decades, the Forest Service claimed to be one of the few federal agencies that earned a profit. But its calculations of profit depended on the same accounting tricks practiced by Enron and WorldCom.

Like Enron, the Forest Service inflated its revenues by counting as receipts the cost of national forest roads built by timber purchasers. The U.S. Treasury never saw a dime of this "revenue," but it appeared in Forest Service reports to Congress every year.

Counting roads as in-kind revenue might be okay if they also showed up on the cost side of the ledger. But the Forest Service argued that roads were a capital investment, so it didn't have to count them as operational costs.

While standard accounting practice would amortize capital costs over a few years or a few decades, the Forest Service argued that many road costs didn't have to be counted at all because the roads would last forever. In effect, the agency amortized these costs over eternity — something even WorldCom didn't dare to do.

Now that national forests sell only about 18% as much timber each year as they did before 1990, the Forest Service has declared many of these "eternal" roads to be surplus and is removing them as fast as it can — at taxpayer expense, of course.

Correcting for this and similar accounting tricks reveals that the Forest Service did earn a profit — in 1969 and a few years in the early 1950s. Otherwise, taxpayers heavily subsidized the national forests.

The Corps of Engineers and Bureau of Reclamation have long used such deceptive accounting to justify their dam projects. More recently, America's urban transit authorities routinely confuse capital costs and operating costs.

Because most federal transit subsidies are for capital projects, many transit agencies push to build capital-intensive modes such as light rail. Outside of Manhattan, buses almost always work as well as rail at a tiny fraction of the cost. Yet transit officials in Portland, Salt Lake City, Denver, and many other cities are building rail empires by claiming, "federal dollars are free."

To further cloud the issue, transit agencies count a significant share of rail operating costs as capital costs. Railroad beds, tracks, and other infrastructure must be rebuilt every few years. The agency that runs the Washington, D.C., subway system, which cost $9.7 billion to build, says it needs $10 billion to purchase new railcars, replace escalators, and otherwise keep the system in shape over the next few years. Counting such routine costs as capital costs allows transit agencies to claim that rail costs less to operate than buses. This helps gull local taxpayers, who must subsidize most of the operating costs, into supporting rail construction.

There are two differences between government and corporate accounting abuses. First, when corporations cook the books, the main people who are hurt are its stockholders

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and bondholders. When government agencies lie, every taxpayer must contribute to the loss.

Second, corporate shenanigans are self-correcting: companies must eventually admit their losses or go bankrupt. But congressional appropriators reward government bureaucracies for wasting money by throwing good money after bad year after year, decade after decade. Although Forest Service timber sales have fallen more than 80% since 1990, Congress actually gave the Forest Service more money for timber sales this year than in 1990.

The Forest Service even argued that many road costs didn't have to be counted at all because the roads would last forever. The agency amortized these costs over eternity — something even WorldCom didn't dare to do.

Certainly, accounting standards need improvement, and the private sector is already moving in that direction. Arthur Andersen is practically out of business, and companies on various stock exchanges are all hastily reviewing their books to ensure they aren't guilty of Enron- or WorldCom-like practices. Meanwhile, hardly anyone looks at the books of government agencies.

The Forest Service and transit agencies maintain their credibility because special interest groups, such as timber purchasers and rail construction firms, lobby Congress to look the other way. Attempts by Congress to set corporate accounting standards give interest groups new opportunities to lobby for special loopholes for their deceptive plans. When caught, they just say, "We only did what the federal government told us to do."

Before trying to dictate accounting standards to the private sector, Congress should get its own house in order. If it can't, it has no business telling others how to run their businesses. ❑

Iraq, from page 30

This vision appears increasingly central to the way the Bush administration views its war aims. I fear it also appeals, consciously or unconsciously, to many libertarians who support the war. And in some ways that's understandable. Human rights are universal. Why then should they be denied anyone because of an accident of birth? Who didn't thrill to the sight of merchants offering VCRs for sale in Kabul, or women uncovering their faces in public for the first time in years?

But libertarianism is more than just a dedication to "the freedom of men." It entails a particular theory of the state. It recognizes that government is, at best, a necessary evil; as Washington put it, "like fire, [government] is a dangerous servant and a fearsome master." Recognizing this, we entrust to it only limited goals: securing the liberty of Americans from enemies foreign and domestic. Armed evangelism goes far beyond the limited, constitutional goal of securing "the common Defense" of the United States. In this theory, the state has gone from a necessary evil with a limited task, to a necessary good with considerably broader aims.

The modest, liberty-securing goals of early American foreign policy were expressed succinctly in the Gadsden Flag: "Don't tread on me." The Bush Doctrine goes far beyond those modest goals. In its narrowest formulation it reads: "don't get strong enough to be able to tread on me." But it might fairly be formulated as "You may perhaps be thinking somewhere down the road about treading on me, and you're also treading on your own people, so I'll tread on you."

Will this new formulation make us safer or freer? I fear we're about to find out. ❑

Liberty and the Taxonomy of Felis Catus

by Nelson Hultberg

Newborn kittens are not just cute. They can teach us a lot about liberty and servitude.

It was a chilly winter day, and one of our family cats had just given birth in the basement of our house. Mom hustled my two brothers and me downstairs to view these newborns after their arrival, and I have always been glad that she did. I learned about one of the great truths of existence, and I don't mean the birth process. What I learned took place in the days and weeks after the kittens were born.

There were six kittens born that snowy afternoon, and within a matter of days, two were crawling their way out to the sides of their box and actually attempting to climb over the edge. Right from the start they were amazingly curious and assertive, willing to tackle life and to fend off whatever was in their way. Another two of the kittens were mildly curious and went about investigating the center of the box, but never attempted to scale the sides. The last two kittens hung back and remained under their mother's stomach all the time, never venturing out even to the center of the box, let alone to the world beyond. They remained close to their mother's womb for weeks, tremulous and content only to be taken care of.

I didn't realize it at the time, but these two kittens provided me my first lesson about the welfare state. Most welfare-seekers want to return to the security of their mothers' wombs by erecting a massive Nanny State bureaucracy to care for them. What else could possibly motivate someone to pay taxes amounting to 40% of his income and then wish to promote *more government programs*? There are plenty of these people around; they vote for political humbugs like George McGovern, Bill Clinton, and Albert Gore. (Conservatives have their own humbugs, but that's another story.)

Of course, not all those who favor the welfare state are psychologically seeking the security of the womb. Some are just misguided idealists unable to work their way out of the collectivist brainwash they received in college.

Which of these statist archetypes — the misguided idealist or the womb seeker — is more predominant is impossible to say, but whenever you're dealing with statist mentalities, there's an easy way to find out with which you're involved.

Ask the welfare statist to read something critical of his views. How he responds is a clue to his nature. The misguided idealist will almost always take a stab at reading what you offer. The womb seeker will almost always find a way to avoid reading what you offer.

The misguided idealist is basically in search of the truth, and can often be reached. The womb seeker, however, is fleeing from the truth. He seeks only support for his previous convictions and shuns any literature that might upset his beliefs. He's not really interested in what is the best kind of society. What drives him is a pervasive dread of a society in which he will have to stand on his own. He hates the society that, early in life, he began to sense was never going to reward his meager talents with the riches and status he sees others achieving. What drives him is an animosity toward those he subconsciously deems as superior and a desire to level down the dynamic achievers he sees around him so that he will not have to get up every morning and be reminded of his comparative lack of success in life's endeavors.

Even though capitalism gives him a standard of living unparalleled in history, and one that he could never attain in

a collectivist society, he concentrates *only on the disparity between himself and the more dynamic achievers he sees around him.* He tells himself that the confiscation of wealth he votes for is to bring up poor people, not to bring down rich people.

The womb seeker never bothers to try to understand about how capital accumulation can only take place in a capitalist society and that the more freedom people have, the more capital they can accumulate, and therefore the *more prosperous* their society will be. He never bothers to try to understand how integral the free, creative minds of entrepreneurs are to the growth of productivity, and thus of *prosperity,* for himself and his fellow citizens. Ignorant of these vital economic truths, he becomes easy prey for the demagogues of the left who cater to his hatreds and his envy. His reason becomes corrupted, and he readily accepts the politics of enslavement. He votes for more and more progressive tax rates, more and more oppressive regulations of the dynamic achievers around him. After all, it is the dynamic entrepreneurs who are allegedly responsible for all the misery and strife and poverty in the world. Confiscating their wealth is not theft; it is the right thing to do.

There were six kittens born that snowy afternoon, and within a matter of days, two were crawling their way out to the sides of their box and actually attempting to climb over the edge.

Karl Marx laid down a very heavy piece of propaganda with his labor theory of value, his theory that profit is theft of the workers' contribution. But anyone past the age of 35 who has participated in any form of business endeavor can see through this malarkey. It doesn't take a genius to see that brawn goes nowhere in a business until those with brains come up with the innovations that attract customers and the methodologies that ease labor. That three generations of intellectuals have bought into Marx's preposterous theory is testament to the fact that those who live in ivory towers know nothing about the real world of business. One wonders how many of such intellectuals themselves are womb seekers instead of misguided idealists.

Ever since I was able to think in an adult manner, it has amazed me — this susceptibility of so many men and women to the preposterous theories of the left and thus their willingness to readily offer up their money to political humbugs who advocate their enslavement through more and more centralized government. *Why would anyone willingly vote away anything as precious as their freedom, their rights, and their earnings?*

Ayn Rand, of course, identified the most powerful motivation behind people's willingness to be enslaved when she showed that the undergirding morality of altruism drives people out of guilt to sacrifice themselves to the collective and its government henchmen. But there are other motives also, and one of them is certainly the desire of the weak personality for a *life of security at any cost.* As Mises shows so tellingly in *The Anti-Capitalistic Mentality,* he who loathes the free society loathes its constant reminder of his inability to rise on his own merits. The massive welfare state thus becomes his protection both economically and psychologically.

This is why the authoritarian state appeals to so many. It offers those lacking in "inner resolve" the political equivalent of a mother's womb in which to avoid the rigors and harsh realizations that come with freedom.

The tragedy is that the welfare-state womb sacrifices the creative and daring to the dull and craven. This is the legacy of collectivist liberalism that has come down to us from Woodrow Wilson, Franklin Roosevelt, Lyndon Johnson, and William Jefferson Clinton. Those who are by nature climbers over the edge must now fight to keep the craven and dull from overwhelming them.

After many decades of wrangling with those on the political left, I have concluded that it is a waste of time to try and reach the womb-seeker type of statist. It's not that they can't understand the truth. It's that accepting the truth requires one to possess an *innate inner resolve* toward reality that they were not given at birth.

Our statist elite has risen to power over the past 100 years by enlisting wave after wave of intelligent and idealistic, but naive, students to go out and proselytize throughout their lives for more government programs, more regulation of businesses, more confiscatory taxation of productive men and women. A subtle, socialistic serfdom has been sold to them under the guise of an ideal society in which there will be no more poverty, misery, anxiety, and inequality. To sell this mess of pottage, reason, history, and the economic facts of reality are thrown down the memory hole.

The last two kittens hung back and remained under their mother's stomach all the time, never venturing out even to the center of the box, let alone to the world beyond.

The total state is not here yet, but it's on its way. When it arrives, it will be, as Tocqueville warned, "unlike anything that ever before existed in the world." It will be a dreadfully benevolent power that "compresses, enervates, extinguishes, and stupefies a people" until they are "reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd." Imagine a Swedish-style social welfare state (with 75% tax rates) mixed in with global corporatism in the manner of the original movie *Rollerball* that has to contend with desolate outback sectors of the world like we saw in *Mad Max.*

Such a future is coming to us because we have allowed our once limited republic to become an unlimited democracy, which has allowed the seekers of a false ideal to form a

continued on page 40

Learning From the Brain

by Dan Hurwitz

The Founding Fathers reconvene in the State House (now air-conditioned) with their sleeves rolled up, ready to go to work.

The great majority of Americans are convinced, understandably enough, that ours is the best form of government in the world. At the same time, most of us know that our society is burdened by a number of failings that this same government, for all its merits, seems powerless to correct. Year after year goes by without significant improvement in our educational system, with no lessening of the traffic congestion on our roadways, with no letup in governmental waste and extravagance, with no better control of the budgetary process, with no solution to the inevitable shortfall in Social Security funding, and with no meaningful remediation in drug use despite billions spent on the effort. Worse, there is a growing apprehension that these and other chronic problems may be beyond our ability to solve because of systemic obstacles to change that have accumulated in recent years both within government itself and its special interest environs. Washington is losing its ability to evolve and no one seems able to do anything about it.

What does any self-respecting institution do when faced with serious problems that in-house people have been unable to resolve? It hires the most competent outside consultants that can be found. So, as a thought experiment, allow me to enlist the services of a crack team of experts with a proven track record in the field of political theory. Let me reconvene the Constitutional Convention of 1787 in today's Philadelphia and ask our Founding Fathers to apply their legendary intellects to our current political dilemmas.

We may be uncertain about where the conferees' deliberations would lead, but we can safely identify their starting point: an unqualified belief in the "will of the people" as the one and only proper engine of governmental evolution. After all, we can hear them explain, who knows better the changing needs of society than the individuals that comprise it? And who better, then, to guide government in meeting those needs than those selfsame individuals acting in concert. To our Founding Fathers, the "will of the people" was more than a slogan; it was the foundation upon which they framed the Constitution and it would seem inconceivable that they would venture upon any less solid footing today.

It is safe to assume our Founding Fathers would conclude that the governmental problems that have arisen over the intervening centuries are not the product of their conviction that government should be a product of the "will of the people," but rather by its misapplication. Back in 1787 they took for granted that a legislative assembly was the only conceivable mechanism for translating the people's will into law. Obviously, they could not then have foreseen the industrial and technological revolutions that lay ahead. Awakened in today's world, they soon discover that today's legislative process bears little resemblance to the one they had fashioned. Now elected representatives respond to different motivations than those involved simply in satisfying the needs of their constituents. By the time vox populi has worked its way through Congress, it is hardly recognizable. Partisanship, cloakroom trade-offs, personal ambition, addiction to earmarked expenditures, racial-religious-ethnic sensitivities, and a host of other extraneous influences take their toll. The result is Congress at best provides a crude, parochial representation of the will of the people and often operates as though it didn't even exist. The beautiful flower our Founding Fathers lovingly transplanted from ancient Athens has turned into a thicket of kudzu.

Lesser men would be daunted by these revelations, but the Founding Fathers are strengthened in their resolve to set things aright. We can picture them gathering in the now air-conditioned State House with their sleeves rolled up; ready to go to work.

Nature Lends a Helping Hand

Our Founding Fathers are distressed by the deterioration that has occurred in the political arena over the last two centuries, but are exhilarated by the advances that have taken place in the scientific realm. It is only natural for them to inquire whether modern science might offer some new approach to the organization of government. Their admiration of nature as a talented gadgeteer is nothing compared to the awe in which they hold her skill as a wondrously accomplished systems designer. The evidence is all about them. Nature has proven her ability to organize living things of every size and description — ant colonies, flocks of geese, herds of elephants, and the like — not to mention her success in harmonizing the forces governing quarks and quasars and everything in between. Are our Founding Fathers not justified in thinking that somewhere in nature's vast repository of accomplishments is stashed away a piece of sociobiological engineering reasonably analogous to that of harmonizing the needs of human beings with their government? And would they not hasten to rummage through nature's catalogue of systems in order to find that piece? And in doing so, would they not spot there on page 12,591 (or thereabouts) exactly what they were looking for?

You don't need a microscope to figure out that the human brain and the U.S. government are very different things.

So it is that our Founding Fathers discover the four-color diagram of the human brain. It is accompanied by a caption reading, "a device for (a) actuating human thought and employing it to direct the complex operations of a corporate entity, and (b) a state-of-the-art mechanism for coordinating the performance of all the parts of the human body so as to best ensure their common, long-term survivability."

Facing the diagram is a page of descriptive text that is copied and handed out to each of the conferees.

Off the Record Speculations

Having tracked down this useful intelligence, our weary Founding Fathers, now at the end of a long, difficult day, must be forgiven for adjourning their meeting and sauntering over to the nearby City Tavern for a bit of well-deserved relaxation.

I am not so presumptuous as to identify what final decisions our Founding Fathers arrive at when they meet on the following day to begin their deliberations. But no such effrontery would be involved in eavesdropping on the casual exchange between two of these gentlemen as they, between puffs of pipe smoke and drafts of beer, ponder the uses that could be made of the day's findings.

"Well, the search is finally over. The human brain is a fascinating contraption, isn't it?"

"Fascinating, certainly. Whether it can do us any good is another story. I'm afraid many of our colleagues will find it too complicated to be of much use. In any case, the analogy is strained. You don't need a microscope to figure out that the human brain and the U.S. government are very different things."

"Yes, yes. All true. On the other hand, when all is said and done, the human brain is the only model in the natural world that comes close to what we need. Nature has spent millions of years perfecting a physiology suitable for governing us as individuals. Why shouldn't we at least consider extrapolating some of her techniques and using them to govern groups of individuals? It's worth thinking about, I tell you."

"Ah. That raises another question. Thinking with what? We can hardly expect our own brains to be impartial."

"They will be if we drink enough."

"Point well taken. All right. If nothing else, it should be interesting to see where the brain-government road leads."

"It was for me."

"You've already given it some thought, then. Good. I brought along a copy of that handout on the brain. Let me read the first paragraph to get us started."

> The salient feature of the human brain is its very existence. Nature not only found it useful to concentrate this species' mental activity in a single organ, she took strenuous measures to increase its utility by expanding its information-gathering and processing powers.

"To me that's saying human society can no more get along without government than a human body can do without its brain. If we buy that argument, the model discredits anarchy and, on the face of it, seems to promote bigger government. But the human brain weighs only three pounds and

operates on about 18% of the body's blood flow. Compare that with the 30%+ of the gross national product that's eaten up by taxes to support the gargantuan federal government our descendants have cooked up. Besides, if you ask me, the brain is doing ten times as much work for the money."

"Agreed. I'll go on then with the second paragraph."

> Also significant is that, for all its remarkable intellectual ability, the brain is totally devoid of physical ability. However tempted nature may have been to graft a muscular appendage upon the male brain for the purpose of tipping hats, no such organ ever evolved. Nor, in the case of females, did one appear for the purpose of fluffing hair. Instead nature has endowed the brain with all the prowess of a bowl of Jell-O.

"What that says to me is that government ought to be confined to the management of information and decision-making. Period."

"So you're saying the model rules out all government-operated facilities. Mail delivery, education, transportation, police and fire protection, and all the rest."

"Exactly."

"That puts the privatization debate to rest, at any rate. This next paragraph talks about the brain's configuration. Probably not important to us. Should I just skip it?"

"No, please. Read on."

> The human brain is not a homogeneous mass of gray cells; it contains specialized areas reserved for different functions. Emotional response stems from one area, sensory information is handled in another, and so on. The most significant demarcation of sites, from the standpoint of a possible brain-government analogy, is that between the brain's autonomic functions and its voluntary tasks. The regulation of body temperature, heart rate, blood chemistry, and a host of other routine regulatory assignments are performed in the lower brain areas. Reasoning and invention occur in the upper brain remote from the more primitive sites.

"I'd say it's of great importance. What it means to me is that instead of thinking of government as one big blob as we do now, we should think of systematizing its operations — feathering them out and studying them individually. For starters we ought to split what we now call 'government' in half."

"How do you mean?"

"Setting aside the judiciary, which is essential no matter what, the bulk of what we think of as governmental activity involves the legislative and executive branches. But because they've operated in such close proximity — physically and legally — that they've become inextricably tangled. Nature wouldn't tolerate that kind of messiness for a minute."

"So the brain-government would require their separation?"

"Right. Given different names. Different faces. Different towns, if need be. Most important of all, there needs to be a clean distinction between their functions."

"Start with the executive branch."

"What had been the executive branch. Now let's call it the 'adminent.' It would be responsible for running the show on a day-to-day basis within existing laws and regulations. The regulation of traffic flow, utilities, sanitation, law enforcement, policing the environment, protection of individual rights, and that sort of thing would be within its bailiwick."

"A bureaucracy, in other words."

"Not the kind you probably have in mind with layer upon layer of divisions, huge staffs, and huger budgets. I'm talking about a number of small, sharply focused agencies that would monitor each of the areas needing supervision in much the same way specialized sites in the lower brain perform a multitude of automatic tasks. Remember, these agencies would have no operative capacity. They probably shouldn't even have the authority to contract out. That would be handled by a separate purchasing department."

"A number of agencies, you say. How big a number?"

"Off the top of my head, I would guess 40 or so."

"All reporting to the president? That wouldn't work."

"No it wouldn't. That's one of the reasons I'd eliminate the presidency altogether. The brain doesn't seem to need a master control so I would think the adminent could get along very nicely without one. That would leave each agency free to operate independently."

The legislative and executive branches have operated in such close proximity — physically and legally — that they've become inextricably tangled. Nature wouldn't tolerate that kind of messiness for a minute.

"Then who would keep them under control?"

"The public. I picture each agency being run by a popularly elected minister who would be judged on the basis of his agency's performance index."

"Forty positions to be filled each election? What a campaign brouhaha that would create."

"Not if the electorate were arbitrarily divided into 40 equal-sized blocks each dedicated to only one agency and voting for only one minister, people whose last initial was 'N' might control one block, for example. Nothing says every voter has to connect with every candidate to have an effective democracy. Every brain cell doesn't connect with every other. I'd rather see one million people vote intelligently than 40 million vote stupidly."

"I couldn't argue with that. But without a top administration who would allocate funding among the agencies?"

"Under normal circumstances, the available resources would be divided equally among them on the grounds that every agency was equally vital to the whole. Naturally, situations could arise that would encourage cooperating agencies to exchange resources, but I would imagine that any such coalitions would be temporary. In case of severe crises, in which voluntary cooperation might well break down, built-in mechanisms would be activated to redistribute funds on the basis of index ratings. I could imagine a severe drought producing a spike in, let's say, the agricultural agency's index which would, in turn, trigger an automatic increase in its funding and a corresponding reduction in all the rest. Pretty much the way the brain reapportions blood flow

when necessary."

"I was at a symphony concert the other night when the conductor, on a lark, left the podium in the middle of a piece. I must say the orchestra continued to play very satisfactorily thereafter. Whether a president could leave the stage as imperturbably, I'm not so sure. But let's assume for the moment that the adminent you're talking about could maintain the status quo. What about the second half of this brain-inspired system of yours? That's the hard part, isn't it? Dealing with the legislative process."

"Right. How to provide the means for society to evolve without getting bogged down? It's the same problem we've been wrestling with from the beginning, but now we can go back to the brain-government model for answers. And what do the upper spheres tell us about fashioning a coherent policy from all those noisy brain cells?"

"I don't know but I have a hunch there goes Congress."

"Right again. Don't you see the similarity between the will of the neurons and the will of the people?"

"Not as clearly as you, apparently. Do you think we could really get by without any sort of legislative assembly?"

"The brain does."

"The brain does a lot of things we can't do. What would you replace it with?"

"Let's call it the 'freedoment.' I like to emphasize its voluntarist nature."

"Naming it isn't the problem. Structuring it is the problem."

"I'm getting to that. Think about it. A free, bottom-up economy is superior to a command, top-down one, right? As Hayek explained, no group of experts could possibly have the knowledge to make intelligent economic decisions governing billions of transactions under every circumstance imaginable."

The human brain weighs only three pounds and operates on about 18% of the body's blood flow. Compare that with the 30%+ of the gross national product that's eaten up by taxes to support a gargantuan federal government.

"No question."

"Then, for the same reason, why wouldn't a free, bottom-up polity be superior to a command, top-down one? What I'm saying is why not let the people themselves express the will of the people? If some group — some non-profit, some union, some corporation, some special interest, what have you — wants a law, let them have it."

"And that would go for adminent agencies, too?"

"Why not? Ideas from all over the place bubbling up to the surface. Legislation without legislature."

"We don't need slogans. We need a system. It sounds to me as though you'd be inviting pandemonium."

"Not necessarily. Obviously there would need to be some sort of validation authority to expose raw proposals to a series of objective criteria: consistency with existing law, conformance with a bill of rights, respect for private property and the free market, safety to the environment, etc. Plus some financial safeguards, surely. And we'd want an appeals tribunal before which counterarguments could be aired. Naturally, the group that introduced a proposal would have to pay all the costs related to its investigation. I don't think we'd need much more than that."

"So once the proposals have been blessed by the validation authority and slipped through your other filters, they'd become law? Just like that?"

"With the exception of those that affect the general public in some significant way and should therefore be subject to direct vote. Over time I would expect there would be fewer of such sweeping measures and more of the kind focused on narrower interests."

"What would stop some of these proposals from being selfishly motivated?"

"Nothing, I hope. I assume greed would enter the picture in every case. Just as it does in commercial transactions. Hopefully the welfare of the community as a whole would notch up one group at a time by one law at a time. Two invisible hands are better than one, they say."

"Possibly, but I still think that a lot of bum legislation would make it through the process. Everybody feels sure 'there ought to be a law' regarding his pet project. With your scheme every nut in the country could go ahead and actually create one."

"Again, I would hope so. It's not my scheme, by the way. It's nature's. How many experiments do you think she performs before she finds an innovation worth keeping? What we'd need, obviously, is a way of weeding out our mistakes as effectively as she weeds out hers. And the way we could do it is require that every law has to be accompanied by a quantitative feedback mechanism that spelled out in advance what the law meant to accomplish and a methodology for measuring its efficacy. If the law proved successful in terms of its original mission, then it would be automatically extended. If unsuccessful, it would automatically self-destruct."

"Let me get this straight. Here's your freedoment in action — proposals flying all over the place, lobbyists putting pressure on the validation people, arguments over which proposals had to be put to a vote, scads of economists preparing feedback mechanisms."

"No question about it. There'd be plenty of activity, but not as far as the lobbyists are concerned. The brain is wrapped in a membrane that protects it from extraneous elements. I would think that we'd want to do that with the new governmental entities as well — that is, require that the flow of information be restricted to established, open channels. No back-door stuff. No outside noise."

"All right. Lobbyists aside. It still seems to me that your freedoment could create a bigger mess than we've got now."

"As time went on only the fittest laws would survive and balance prevail. That should quiet things down a great deal."

"If you say so. Here's the last paragraph of the handout."

The brain's compartmentalization does not mean its various components operate in isolation. On the contrary, each of its

continued on page 40

My Schizophrenia

by Elizabeth A. Richter

Some schizophrenics can free their own minds. This one did.

I just went to see the movie *Minority Report* a few weeks ago. As I watched Tom Cruise zoom and slug his way out of the traps closing in upon him, I felt strangely unnerved and anxious, yet also exhilarated. "I'm innocent," he declares when "Pre-Cogs" accuse him of a future murder. "You have a choice," chants Agatha the "Pre-Cog" hostage as Tom Cruise lifts his gun-laden hand towards his possible victim. "You have a choice." These words reverberate in my mind, as I recall similar words I once heard directed toward me.

Twenty-four years ago, I was hospitalized for two years at McLean hospital in Belmont, Mass., diagnosed with schizophrenia, often considered a chronic, incurable disease of the mind. One day I was sitting at the center of the ward right next to the nurses' station. Sean K, a mental health worker, sat across from me on a folding chair. He was a big guy with wiry, black hair, a red, acned face, a paunch that hung over his belt, and large feet in heavy leather sandals. We were talking about Donna, who was in the quiet room communing with her voices, and about Gerry, who had been transferred to East House, not because he'd been violent, but because his refusal to take his medication made staff afraid that he might be. As we spoke, Sean clutched a clipboard to his knee with one big hand and stroked his chin with the other. It was midday, a busy time on the Hall, and every once in a while our vision of each other was obscured by patients and staff walking by. "Well," he said, "Do you know what makes you different than most of the other patients here?"

"What?" I asked curiously.

"You don't like it. You don't enjoy it," he said.

"What do you mean?" I asked, not sure of what he was talking about.

"Psychosis," he said. "You don't like it and you don't enjoy it. The others do. That is what makes you different than most of the other patients here."

According to popular culture, schizophrenia is a brain disease that is often acquired through heredity. It is characterized by persistent delusions and hallucinations that are largely suppressed only by the use of powerful anti-psychotic medications. This past year I watched a program on schizophrenia produced by *Nightline* and the prime image I recall from this program is one of a psychiatrist walking down the streets of a city, eyes straight ahead, intoning the words "Take the medication" while a homeless man with mental illness clutched at his sleeve. So, is the schizophrenia I was diagnosed with chronic? Can it only be controlled by the use of powerful anti-psychotic drugs, or is there another way, the way of choice, as Sean implied to me years ago as we sat together in mid-hall?

Apparently, of those diagnosed with schizophrenia, approximately 25% recover spontaneously and without treatment. One very publicized case of this kind of recovery is that of John Nash, whose story is told in the movie *A Beautiful Mind*. He didn't take medication. His recovery was the result of choice. "I became disillusioned with my illusions," he said in one interview. One of the most touching scenes in the movie takes place when Nash bids them fare-

well. A similar scene takes place at the end of the thinly disguised autobiographical account of schizophenia found in *I Never Promised You a Rose Garden*, when the protagonist Deborah turns her back on her illusions. "I am going to embrace the real world," she says to her illusions, "fully and completely. Goodbye. Goodbye."

Somehow, while watching *Minority Report* we knew that by affirming the capacity to choose, the Pre-Cog Agatha was affirming the fundamental nobility of the human soul. She knew that, as human beings, we are not mechanical drones caught helplessly in the twin fists of heredity and biochemistry. So much that we do in life has to do with attitude, expectations, and, ultimately, choice. Sean's words that day at McLean echoed in my mind and eventually transformed the sequence of my choices so that today no one would consider me to be a person with schizophrenia. Could it be that different words, damning words, caught other patients on the hall with the same diagnosis that I had, in a trap they could not escape?

There are no easy answers to the problem of schizophrenia, and I am the last person to want to add more burdens to the shoulders of people who suffer with it. I have often used medication temporarily when I thought it was necessary. However, I would say that 25% of people with schizophrenia, or even more, can find their way to full recovery by exercising their capacity to choose.

I am aware that within the field of mental health, there are those who would like to suppress this information and shut down the survivor movements that insist upon letting us know about it. But just because a fact makes you uncomfortable, requires you to work harder, or to seek more complex solutions to problems, doesn't make it untrue. The right to choose defines us as human beings.

People with schizophenia should be allowed to exercise the right to choose, because contrary to what some people would have us believe, they are as human as anyone else. ❑

Kittens, from page 34

union with the seekers of their mother's womb in order for them both to implement their pathological yearnings. United, they outnumber those of us who are strong-willed enough to live on the strengths of our own merits and perceptive enough not to buy into the bunkum of a heaven on earth through wealth redistribution.

Where is this to end? It does not look too favorable for the intrepid souls. The tremulous of life and the misguided idealists are making it more and more difficult in America to climb over the edge of the statist box and escape to a free world of accomplishment. The motives of enslavement consume more and more of our people with each passing decade. The womb of security that lures the craven and the lies that deceive the naive drag us all into bondage.

The kittens that clung so close to their mother never knew how much they were missing by refusing to explore their world. But what can you tell someone who doesn't want to know? The craven are blissfully content with their ward's life and the naive are dutifully obsessed with chasing their illusory heaven on earth, but those of us who see life as an exhilarating crucible to relish in an independent way feel only despair with the death of freedom that must come. ❑

Founding Fathers, from page 38

100 billion or so neurons connects with as many as ten thousand of its colleagues. Coursing through this vast, unimaginably intricate network are interoperable waves, triggered at the rate of 40 times a second, that allow data to be shared, associations arrived at, lessons learned, experience tapped, and decisions made, all without the intercession of any sort of master control. By activating some sites and deactivating others, each brain wave creates a fleeting image of reality from which it determines its next course of action so setting off another cycle of trial, error, and readjustment.

"What does that tell you?"

"It tells me that the argument you brushed off at the beginning may be the really critical one. The brain isn't simply complicated, it's infernally complicated. Unfathomable. I don't care how intriguing it is as a model, if we can't replicate its activities, what's the use?"

"But we can. Admittedly in a crude way, but it would be a start. Do you realize that more than half of the U.S. population — some 143 million Americans — are connected to the Internet? And at the rate it's growing — something like 20% a year — it won't be long before practically everyone's online. The network's not only increasing in size, it's growing in power. Baud rates are going up; more services and functionality are being added. On top of all that, the network's likely to become more distributive. Networks within networks with each node sharing processing and storage facilities with perhaps hundreds of others in the same group. With all that in place, self-organization shouldn't be too far behind."

"So you're saying the Internet could mimic the brain's information system?"

"Obviously not. However it does give us, for the first time in human history, the opportunity to enjoy the benefits of decentralization while, at the same time, maintaining social cohesion. Up until now, the focus has been on the Internet's commercial applications. I believe its impact on politics will be far more revolutionary. Wrap the Internet around the adminent and freedoment, connect the wires, keep everything transparent, and we'd have whatever was needed to build a genuinely workable system. The mess in Washington would finally be cleaned up. That's my view, at any rate. How does it look from your point of view?"

"From where I sit I see, one, my glass is empty; two, my pipe's out; three, the tavern's closing down; and four, if my brain falls any deeper into self-analysis, its going to need therapy. Time to turn in, my friend."

"Not an easy job being a Founding Father is it?"

"Never was. See you in the morning." ❑

The Drug Club

by Kirby Wright

Coming of age in Hawaii leaves fond memories of innocence, discovery — and the drug culture.

During my senior year at Punahou School in Honolulu, my extracurriculars included accompanying my friend, Steve Johnson, on his drug deals. We'd go off campus and hang out outside the Lutheran Church — that's where Steve sold his magic mushrooms, Maui Wowie, Bangkok hash, and hash oil. The hash was being smuggled into Hawaii in hollowed-out boards and Steve knew the smuggler's brother, so he got a good deal. He'd carry his drugs and paraphernalia, including a scale he'd ripped off from chemistry lab, in his mother's old cosmetic case. Steve's blond hair was a beacon to students searching for mind-altering substances. Everyone from the brains to the jocks would show up on the church lawn and even ROTC cadets marched across the street. Drugs had a way of bringing people together.

Steve and I had become friends after his chemistry textbook was stolen and I let him borrow mine on weekends. He'd been a brain until his father died flying helicopter missions into Cambodia. He'd always thought of his father as a hero and, with him gone, he quit ROTC and got into drugs. Steve claimed the combination of hash and blotter acid damaged his eyesight and forced him to wear glasses. He couldn't wear contacts because his corneas were warped. He said drugs were destroying his sense of sight but they made up for it by stimulating his mind. Because most of the money he made supported his consumption of hash oil, he quit buying new clothes and ate only two scoops of rice and gravy for lunch. He started shopping at Big 88 army surplus in the low-rent district of Kapahulu. He was the first to wear camouflage pants to school and he started a craze that swept through campus. Dean McQueen said it was a slam against the military. Miss Takata, my English teacher, made a camouflage skirt. It didn't take long for Sears and Liberty House to catch on and create entire camouflage sections. When I told Steve he should get a percentage, he said he'd gladly sell his rights for a quart of hash oil.

❖

The closest I'd come to getting high was raising Kona Gold in plastic buckets out in the backyard. I'd planted seeds Steve gave me in the high potency mix my father used for his hydrangeas; it didn't take long for them to germinate. Because the breadfruit and lauhala trees shaded the low areas, I put

the buckets on the shake roof to catch more sun. They were a foot tall in a month and my father never noticed. After I bragged about my green thumb to Steve, he drove me home one day in his Dodge Dart and asked to see the plants. We snuck in through the back gate and I took six buckets off the roof. Steve examined each plant as if he were a doctor making a house call — he sniffed shoots, squeezed stalks, and cut leaves with a Swiss Army knife attached to his key chain. I could see my mother through the screen door preparing dinner; she was wearing a pink dress and a blond

Steve scheduled his drug deals when church wasn't in session. He didn't like the idea of priests lecturing and people praying while he was making illegal transactions less than 50 feet away.

wig. She reminded me of a fat Mrs. Brady. Steve showed me how to increase bud production by pinching the shoots. I was getting nervous because it was almost *pau hana* time and my *hapa haole* father would be pulling into the driveway. He was a lawyer and was usually in a bad mood the second he got home from work.

"This'll help production," Steve said as he pinched.

"I can do that later," I replied.

"This your first crop ever?"

"Yeah."

"They're your *keikis*."

My mother walked out to the lanai carrying a ceramic bowl full of hamburger, bread crumbs, sour cream, and raw eggs. She was making meat loaf from a recipe she'd found in the *Boston Globe*.

"The secret is the sour cream," she announced.

"Oh, goody," I said, "now we can all get constipated."

"You used to be a nice boy," she whispered.

To my mother, anything that came out of the *Globe* was like the Word of God because she'd been born and raised in Brookline. "Hello, Steve," she said as she kneaded the ingredients with one hand. Her fingers were covered with sour cream and bits of raw hamburger.

Steve continued pinching. "Hello, Mrs. Gill."

"Would you boys like a nice cold drink?"

"I'll swig a beer," Steve said.

"How about some guava juice?"

"Beer's got more vitamins."

My mother walked out to the lawn. "My," she said, "what beautiful plants. Is that really marijuana?"

Steve pulled a joint from the pocket of his Aloha shirt. "Wanna puff?"

"Oh, no," my mother said, shaking her head. "I don't want to take a bad trip."

"That's only from LSD," I said.

"Are you boys taking LSD?"

"Only when I surf," Steve replied.

My mother massaged the sour cream into the hamburger. "Better put those plants back before you-know-who gets home."

❖

My plants were three feet tall in no time. The females were sending out glistening white hairs and the tips of some of the hairs were turning red. The plants had a wild sweet smell. Two were males and I was tempted to pull them up by the roots; they could fertilize the females and turn the buds to seed but I didn't have the heart to destroy them. Instead, I clipped off the pollen pods that hung like ornaments off the stalks.

Akino, our cleaning lady, was sweeping the lanai while I filled an old water pitcher at an outdoor faucet. When I'd tried swallowing my tongue as a convulsing baby, she held a spoon over my tongue. She'd saved my life. Akino had been a picture bride who'd come to the islands to marry the Japanese man who paid for her passage from Osaka. Now she was a grandmother. She was upset that her granddaughter was dating a Chinese boy. She considered the Chinese a dirty, inferior race. She rested the broom against the trunk of the breadfruit tree and looked up on the roof. "What kine plants dat?" she asked.

I unscrewed the cap on a bottle of Orchid Bloom and poured some into the pitcher. "Poinsettias."

"I nevah see poinsettia li' dat."

I pulled a chair over, stood on it, and watered the plants. "They're a special breed," I said, "from Kona."

"Da big island?"

"Yeah."

Akino grabbed the broom and continued sweeping. "Ya get da green t'umb," she told me, "jus' like yoah faddah."

❖

Before I'd made a dime, my big brother Ben demanded 25% of my profits as hush money. I offered ten percent. He

He couldn't wear contacts because his corneas were warped. He said drugs were destroying his sense of sight but they made up for it by stimulating his mind.

refused and threatened to tell. I countered by saying I'd blab about his escapades at the Punahou Carnival, such as peeing on a vampire in the Haunted House and shooting a girl in the eye with a dart. He began torturing me with stories of HPD helicopters flying by with infrared sensors. He said the fuzz could spot *pakalolo* on rooftops.

"They're getting your cell ready," Ben said, "at Oahu State Prison."

"You're lying about those sensors."

"Jailbird."

Then Steve showed me an article about drug busts in *High Times*. The sensors really did exist. "Airborne narcs," Steve warned. Whenever I heard a chopper, I'd run out, pull the plants off the roof, and hide them in my room. Lawnmowers, chainsaws, and motorcycles started sounding

like helicopters. Ben said Five-0 was closing in and that I'd have a Samoan boyfriend in prison. The plants started dropping leaves. Bud production waned.

After weeks of paranoia, I called Steve and he took the plants away.

Steve scheduled his drug deals when church wasn't in session. He didn't like the idea of priests lecturing and people praying while he was making illegal transactions less than 50 feet away. There was a small cemetery under a giant coconut tree and Steve said one of the ghosts might haunt him the rest of his life if he sold drugs during service. We got there early one day and waited for the noon Mass to end. Steve held gram and half-gram weights and he kept rolling them around in his hand like they were marbles. He reminded me of the captain in *The Caine Mutiny*. The service ended and a Chinese woman picked her way past us with a cane. Steve flipped open his cosmetic case. He plucked out a scalpel and a sharpening stone. He wiped the blade off on his camouflage pants and started rubbing the blade against the stone. A breeze came up and the fronds on the coconut tree rustled. Steve turned the blade over and sharpened the other side. He tested its edge by pressing it against his thumb and shaving off a piece of skin. Then he pulled out a block of dark brown hash. It had a pungent odor.

"Smells like *kukae*," I said.

"It's not *kukae*." He began slicing off squares from the block.

I looked across School St. and saw a student advisor on loan from Stanford making his way past the hedges of night-blooming cereus. His name was Hoagie Peabody. He waited for traffic to ease. A car stopped and he jogged across the street.

"Narc," I said.

Steve looked up from his work. "Client."

"Come on," I said, "he's McQueen's fink."

"Hoagie boy's my two o'clock."

Hoagie jumped over the curb like it was a hurdle and jogged toward us. "That looks good enough to eat," he said and squatted down across from Steve.

"The usual?" Steve asked.

"Double," Hoagie replied. His hair was dark brown and he had sideburns like the singer Tom Jones. A red pencil was tucked behind his ear. He wore long sleeves, pleated slacks, and zoris. Rumor had it Hoagie had nailed three cheerleaders in one month and was working on the chicks in the Pep Club. Most of the girls and even some of the women teachers swooned whenever he walked by. I considered Hoagie a poacher. His age and maturity gave him an unfair advantage. I knew the only reason he'd picked Punahou was because of our girls. He'd dated Dawn Yamashita his first week on campus and I heard Dawn crying her eyes out during a movie Dean McQueen made all the seniors watch. In the movie, this girl is tempted to make love to a jerk and there are all these corny allusions to sex, like a jackhammer busting through asphalt and a pile driver pounding a pile through the ground. The guys started giggling and Dawn ran sobbing out of McNeil Auditorium.

Ben had told me Hoagie would start out by advising a girl and then invite her over to his place to see his Stanford yearbook; it wouldn't be long before he had her on his water bed.

"How's the sex life, Hoagie?" Steve asked.

Hoagie frowned. "These Punahou chicks make you work."

"I thought you scored Eva?"

"Skin-on-skin," he said. He rolled over on his belly and started doing push-ups on the lawn. The red pencil didn't fall out as he went up and down. It was like the pencil was glued to his head. "It's tough getting the juice," he admitted.

"What about Stanford?" I asked.

"What about it?"

"Don't you get any juice there?"

"Gallons," Hoagie said. He quit doing push-ups and rolled over next to us. He stared up at the sky. "Who you guys dating?"

I shook my head. "No one."

Steve pulled the scale out of his cosmetic bag. He started humming to the tune of "Born to Be Wild" and set up the scale on a flat patch of grass. He placed lead weights on one side and a hunk of hash on the other. "There's this babe at Kalani," Steve told Hoagie when he finished the song.

My mother walked out to the lawn. "My," she said, "what beautiful plants. Is that really marijuana?" Steve pulled a joint from the pocket of his Aloha shirt. "Wanna puff?" My mother massaged the sour cream into the hamburger. "Better put those plants back before your dad gets home."

"With all this choice meat running around at Punahou?"

"I've been to Hotel St.," I said.

Hoagie smiled. "Smart man." He slid the pencil out from behind his ear and used it to dig dirt out from beneath his big toenail.

"Hey, Hoagie," I said, "does Stanford take C+ students?"

Hoagie started in on the other big toe. "Are you Punahou's starting quarterback?"

"Once I tried out for the track team."

"Tried out?" he asked. "Didn't you make it?"

"No."

Hoagie shook his head. "Are you student body president?"

"I hate politics."

Hoagie slid the pencil back behind his ear and watched Steve try to balance the hash against two grams of lead weights. The scale tipped in favor of the hash and Steve shaved off a sliver with his scalpel.

"How 'bout clubs?" Hoagie asked me. "Organizations?"

"All Jeff does is watch me deal," Steve said.

"The Drug Club," Hoagie said. "Got any Hawaiian

blood?"

"One-sixteenth."

"That's not enough."

The scale balanced. Steve plucked the hash off the scale and wrapped it in foil. "Jeff's a minor minority," he said.

"Will any college take me?" I asked.

Hoagie locked his hands together over his head and stretched. "There is one," he said, "but that's only 'cause they score out-of-state tuition."

"Which one?"

"If I get a treat," Hoagie said, "I'll tell."

"No treats," Steve said, "store policy."

"Remember those plants I gave you?" I reminded him.

"*Pakalolo* plants?" Hoagie asked.

Steve grimaced. He started rooting through the vials and baggies in his cosmetic case. He pulled out a baggie and examined its contents. "I'll throw in a 'shroom."

Hoagie looked up at the steeple. "Two 'shrooms."

Steve nodded. "That's still 40."

"Sure they're magic?" Hoagie asked as he reached for his wallet.

"Picked 'em myself in Mokuleia."

"They'll give you visions," I promised.

Steve put the square of hash and the mushrooms in a plastic baggie while Hoagie counted out $40 in tens and fives and stacked the bills on one side of the scale. Steve grabbed the money and slipped the scale back in the case. "Thanks for shopping at Steve's," he said and shut the lid.

Hoagie slipped the baggie into his shirt pocket and stood up. "Gotta *hele*," he said. "Eva's waiting at the snack shop."

"What about that college?" I asked him.

"What college?"

"The one you said might take me."

"Try the University of Colorado," he said, "at Boulder."

"*Mahalo*," I replied. "Hey, Hoagie, do they do drugs at Stanford?"

"Everyone I know drops acid before their morning classes."

"Righteous," said Steve.

Hoagie patted the baggie through his shirt pocket and looked down at me suspiciously. "Hey, man," he said, "are you a narc or something?"

"No."

Steve was still sitting across from me when he pulled out a vial of hash oil and began heating the bottom of the vial with a lit match. The oil began to smoke and he sucked the smoke into his lungs through a glass straw. "Want?" he asked, offering me the vial.

I shook my head. I watched Hoagie cross School St. against heavy traffic and disappear behind the wall of nighblooming cereus surrounding the campus. There was something about him that made me think he would lead a life impervious to injury no matter how close he came to danger. Hoagie was the kind of guy who knew the way to act and the things to say to get what he wanted.

I hated him for what he had done to Dawn. ❑

Letters, from page 24

that in a single performer? Paula Cole.

As for the audience activity at rock concerts, why shouldn't music arouse as much passion as soccer? If Ricciardone thinks most of the people in the world sit quietly through an evening's entertainment and applaud politely at the end, he has obviously never even been inside his local Chinese cinema.

You've managed to piss me off by printing these diatribes that have nothing to do with the libertarian philosophy. Imagine how somebody one third my age would react. It's hard to believe that this is a magazine I used to leave in airport terminals and doctors' waiting rooms.

Gene Fellner
Chevy Chase, Md.

The Twilight of Liberty

Libertarianism is a fringe movement and Timothy Sandefur proves why in his "Economics of the Twilight Zone" (Reflections, November), in which he lambasts Rod Serling for "economic ignorance." He misses the point of the story: Serling was complaining about the dehumanization of modern society, that man had replaced a spiritual god with an electronic one.

Therein lies libertarianism's main problem: it seems to care more about money than about human beings. Sandefur writes that those like Mr. Whipple "waste their new spare time getting drunk." Is Mr. Whipple supposed to enjoy being homeless? I suppose so since the company is making more profits. This way of thinking — that people are only as good as their usefulness — has a name: totalitarianism. And true freedom lovers hate that to their dying breath.

Jordan Simmons
Laurinburg, N.C.

The Citizenship of Johnny Jihad

In "The Case of Johnny Jihad" (October), George McCarter correctly points out, though not in so many words, that Walker Lindh was essentially convicted of the crime of United States citizenship. Or more precisely, the crime of committing proscribed acts while retaining the status of United States citizen. While this raises interesting questions regarding the demarcation of citizenship and the distinction between citizen and subject, an important tangential concern has received scant attention. The "crime" for which Lindh was convicted was enacted by presidential edict. This means that it is not duly enacted law. Even a broad reading of the constitutional powers of the executive does not include the legislative function of defining criminal activity. Constitutional Separation of Powers is dead, and beside it lays the rotting corpse of Federalism.

Samuel Lovely
La Verne, Calif.

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Reviews

Memoirs, by David Rockefeller. Random House, 2002, 517 pages.

A Rich Life

Mark Skousen

For years an internationally powerful organization has been meeting behind closed doors. Neither the public nor the press are invited, the meetings are by invitation only, members are not allowed to report to the press, and are discouraged from publishing their remarks. This private club of several hundred individuals from around the world includes extremely wealthy business leaders, heads of state, presidents of highly influential think tanks, and Nobel Prize winners. They make no bones about their agenda — to create a "one world" policy matching their own. And, according to recent meetings, many of the participants think they are winning.

Who is this worldwide covert power structure? The Trilateral Commission? The Council on Foreign Relations? The Bilderbergers? The Illuminati?

No, it's the Mont Pelerin Society, the international organization of freedom fighters created in 1947 by Friedrich Hayek, Ludwig von Mises, and Milton Friedman.

Not many conspiracy theorists consider the Mont Pelerin Society an international secret society with sinister motives, but if you think about it, the MPS isn't much different than the CFR. Both meet in private in hopes of changing the world. Whether they have succeeded or not is another question.

And that brings me to David Rockefeller, considered by some as "conspirator in chief," whose newly released *Memoirs* is surprisingly candid and engulfing. It's all here — family feuds, liaisons with Communists, making and losing millions of grandfather's fortune, World War II, OPEC. You feel like you've relived the world history of the 20th century after reading Rockefeller's 517-page odyssey.

As a young conservative, I grew up fearing nuclear war, communism, and the giant one-world conspiracy of the Rockefellers, the Rothchilds, and other private banking dynasties. In the early 1970s I read paperbacks like *None Dare Call It Conspiracy* by Gary Allen and Larry Abraham and *The Naked Capitalist* written by my uncle, W. Cleon Skousen. Men like the Rockefellers were not only the most powerful men in the world, I was told, but downright evil, working behind the scenes to create the world's central banks, manipulate the rise and fall of governments, and institute a one-world socialist state.

I have a great deal of respect for these conservative writers, especially my uncle. I have no doubt that giant underworld conspiracies do exist — the Communist Party certainly was one — but I do not think that the Rockefellers, or any other group, can control the world. The countervailing forces are simply too massive for any one group to achieve monopolistic control for very long.

In the mid-1990s, working on an article for *Forbes*, I interviewed David Rockefeller in his offices on the famed 56th floor of Rockefeller Center. Boy, was I disappointed. He shocked me with the statement, "I am an Austrian economist!" It's true, in a way. In *Memoirs*, he describes how he learned economics at Harvard from the great Austrian *enfant terrible* Joseph Schumpeter who taught him to reject Keynes; then enrolled in the London School of Economics and sat at the feet of Friedrich Hayek and Lionel Robbins, who taught him to reject Harold Laski, "the pied piper of the left"; and finally, wrote his Ph.D. dissertation at that famous bastion of free-market economics, the University of Chicago (founded by his grandfather). Hayek helped Rockefeller choose his dissertation topic on economic waste; his dissertation committee included Frank Knight and Jacob Viner.

Yet it would be a grave distortion to suggest that this academic pedigree makes Rockefeller some kind of libertarian. His generation of Rockefellers has been enthusiastic supporters of big government and of a large "safety net" welfare state. David waxes eloquently about his brother's four-year term as governor of New York and creation of a "model of progressive state government." He liked Alger Hiss and, when rumors were flying of Hiss's being a Soviet agent, David was the only board member of the Carnegie Endowment to vote against firing him as president. He describes Yasser Arafat as "a small, canny, and charm-

ing man," not as a terrorist. He withdrew from the "ultraconservative" Pesenti Group because he "was not personally convinced that the Red Menace was quite as menacing" as other members believed it to be. He was an early advocate of trade with the enemy, the Soviet Union. He and other members of the Trilateral Commission traveled to Havana in 2001 and spent all night meeting with Fidel Castro. He admits that his rebellious daughter Abby is a Marxist and an "ardent admirer" of Castro.

Not many conspiracy theorists consider the Mont Pelerin Society an international secret society with sinister motives, but if you think about it, the MPS isn't much different than the Council on Foreign Relations.

David's mother commissioned a Mexican painter, Diego Rivera, to create a mural for the entrance lobby of the RCA Building, a mural with an unmistakable Marxist theme of class struggle and capitalist oppression, and a portrait of Lenin. (The mural was so controversial that the Rockefellers had it destroyed; Rivera produced a second copy, which now hangs in the Palacio de Bellas Artes in Mexico City)*.

Yet Rockefeller's one-worldism was doomed to fail from the beginning. As he himself points out, members of the Council on Foreign Relations and the Trilateral Commission engaged in too much infighting (over Vietnam, the Middle East, economic policy, etc.) to dominate the G7 governments. George Gilder, who grew up with the Rockefellers, made this clear to me. David Rockefeller, like many businessmen, is more a "pragmatic" middle-of-the-roader than a die-hard ideologue of any sort. Rockefeller plays both sides with equal acumen. On the positive side, Rockefeller lobbied hard for the Kennedy tax cuts in 1962, and later worked to convince the Kennedy administration that the Alliance for Progress should emphasize "private enterprise and investment" in Latin America, rather than simply support socialistic dictators because they opposed communism. "We urged governments throughout the hemisphere to remove foreign exchange controls, tame inflation and budgetary deficits, and remove the network of other controls which restricts enterprise and sustain local, high-cost monopolies," he writes. His tutor Hayek would be pleased. Rockefeller denounced the Marxist president of Chile, Salvador Allende, and applauded the "pro-market" reforms of his successor General Pinochet ("despite my own abhorrence of the excesses committed"). When chairman of the Council of the Americas, Rockefeller issued a report supporting "lowering trade barriers, opening investment to foreigners, privatizing state-run and controlled enterprises, and stimulating entrepreneurial activity." Milton Friedman couldn't have said it better. "No one should feel guilty about making money, nor about taking prudent risks." Ayn Rand didn't say that, David Rockefeller did.

There's much to applaud in the youngest grandchild of John D. He ably defends his grandfather's drive to make a "cheaper, better, and more reliable supply of petroleum," his deep religious faith, and his philanthropic projects such as the University of Chicago and the Rockefeller Institute for Medical Research. David R. could have lived the life of Riley. Instead he enlisted in World War II as an intelligence officer in Europe. He was not a gifted student, but after the war decided to earn a Ph.D. in economics at the University of Chicago. He could have chosen a career in government, or philanthropy, like his brothers, but decided to work in private business. (He turned down Nixon's offer to be secretary of the treasury.) He could have gone to work in a chauffeured limousine, but took the Lexington Avenue subway for his first twelve years at Chase Manhattan Bank. He regrets traveling too much (he's visited 103 nations) and not spending enough time with his wife and six children.

As a financial advisor and money manager, I have to admire Rockefeller's risk-management skills. He took chances investing in supermarkets in Latin America, lending money to Argentina, and helping build the Embarcadero Center in San Francisco and the Twin Towers in New York. Some paid off, some didn't.

In short, Rockefeller is a very complex man, a pro-market businessman, a big-government Republican. You won't find any mention in his *Memoirs* of the Cato Institute, the Manhattan Institute, or the Mont Pelerin Society.

If Rockefeller was as powerful as his right-wing detractors say he is, why do Bill Gates and Warren Buffett lead the world's biggest money makers, rather than David Rockefeller, who barely makes the Billionaires Club in the *Forbes* 400 Richest People in America list? If the Rockefellers can manipulate governments and banks at will, why did Rockefeller's dad, John D. Jr., lose $110 million building the Rockefeller Center during the Great Depression? If the Rockefellers can easily avoid taxes through "secret" trusts, why was David Rockefeller complaining about 90% tax rates in the late 1940s? His father's trust paid him $1 million a year, but he was left with only $150,000 to live on.

If Rockefeller can manipulate the world from the 56th floor of the GE Building, why couldn't he prevent the terrorist demolition of the Twin Towers, known informally in the city as "Nelson" and "David"?

More to the point, if Rockefeller and his secret cabal can manipulate the world from the 56th floor of the GE Building, why couldn't they pre-

* But it would be a mistake to think that the Rockefellers have supported only leftists: the Laura Spellman Rockefeller Foundation funded Ludwig von Mises in the early 1940s and the publication of both *Bureaucracy* and *Omnipotent Government*.

vent the terrorist demolition of the Twin Towers, known informally in the city as "Nelson" and "David"? Rockefeller's dream of a New World Order was blown to smithereens on Sept. 11, 2001. The lesson is as clear as the Aldrich nose on David's face: neither the Council on Foreign Relations nor the Trilateralists can control radical Islam, nor the radical militants in this country and around the world. And that's the real conspiracy, far scarier than any secret combination of wealthy businessmen. ❑

***Cato Supreme Court Review 2001–2002*, edited by James L. Swanson. Cato Institute, 2002, 269 pages.**

Judging the Court

Timothy Sandefur

This is the first of a to-be-yearly roundup of Supreme Court decisions by the most important libertarian lawyers in the country — which is to say, the most important lawyers in the country. Richard Epstein, Clint Bolick, Roger Pilon, and others have written case notes on the more important of last year's decisions, as well as a closing section briefly describing the cases scheduled for this year's term. The *Review* does an important job well, and is very timely, too. Epstein's article on *Tahoe-Sierra Preservation Council* v. *Tahoe Regional Planning Agency* is the first on that case, and is particularly interesting for another reason: writing for the majority, Justice Stevens had singled out Epstein's brief (written with the Institute for Justice) and essentially wrote his opinion as a reply to Epstein. Thus the *Review* gives Epstein the last word.

Tahoe-Sierra involved a series of prohibitions on all construction in the Lake Tahoe area. These "temporary moratoria" began in 1981, and remain in place. The plaintiffs argued that this 21-year ban took their property for public use, and thus they were entitled to just compensation. Nevertheless, by shifting the focus of his opinion to address only a part of the ban, Stevens was able to argue that it did not rise to the level of a taking under the Fifth Amendment, since, you know, the ban might be lifted . . . some day.

More important to Stevens, though, was the danger that the principle of compensation presents to the administrative state. Requiring government to pay for what it took from the Tahoe landowners would mean it should pay for other:

> normal delays in obtaining building permits, changes in zoning ordinances, variances, and the like, as well as to orders temporarily prohibiting access to crime scenes, businesses that violate health codes, fire-damaged buildings, or other areas that we cannot now foresee. Such a rule would undoubtedly require changes in numerous practices that have long been considered permissible exercises of the police power . . . [and] would render routine government processes prohibitively expensive or encourage hasty decision-making.

Thus is an argument refuted by the frightening nature of its conclusion.

This paragraph, though, shows that *Tahoe-Sierra* is really a thin cover for the gaping wound in American constitutionalism: the fact that the Court has looked the other way and allowed the legislative and executive branches to construct a massive governmental edifice totally alien to the Constitution on which it allegedly rests. In theory, there is a distinction between an exercise of the government's police powers and an exercise of government's authority to take property for public use. The former never requires just compensation (the police don't have to pay a robber when they take away his gun) and the latter always does. But today, government exceeds its constitutional limitations so regularly that the line dividing the police power from the power to regulate, or to provide public goods, has been blurred. The distinction was gradually abandoned beginning in the 19th century, and came to crisis proportions during the Progressive Era, when the administrative state was born. The progressivist John Dewey denounced "the notion that there are two different 'spheres' of action and of rightful claims: that of political society and that of the individual, and that in the interest of the latter the former must be as contracted as possible." As political scientist Robert Horwitz points out, this means that "the standard [for determining the nature and extent of the state] must be the empirical determination of which consequences of private activity are sufficiently 'serious' or 'irretrievable' to warrant political intervention." In practice this means government gains "complete responsibility for determining the limits of [its own] political power."

The corrosion of the boundary between public and private life meant that government could simply regulate anything. What remained of the difference between public use and private use? Or between private property and public property? Such distinctions retreated down a theoretical hall of

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mirrors until the New Deal, when the Court virtually abdicated its duty to prevent government from overreaching. When, in *Wickard* v. *Fillburn*, the Court held that Congress' power to regulate "commerce between the several states" meant it could prevent citizens from growing wheat in their own gardens for personal use, the idea of a Constitution creating a barrier between citizens and the state became almost a cruel joke.

Yet the Fifth Amendment remains, just as it was written in 1789. And fidelity to its takings clause is, as Epstein writes, "a large job, because it requires an assessment of the legitimate purposes for government action [i.e., the limits of the police power], and some assessment of whether the means chosen are reasonably related to those purposes." The Court has pushed away that responsibility so fervently as to convince itself that pushing it away *is* its responsibility. And still the Fifth Amendment remains.

Horwitz notes that progressivism cannot solve the problem of the tyranny of the majority, since it depends on "empirical determinations" of when regulation serves the public welfare. Thus the progressives placed "almost full dependence" on "an educated, public-spirited, and active citizenry." Today's defenders of the regulatory welfare state thus criticize Epstein for his "conceptual" — that is, *principled* — approach to determining where the police power's boundaries lie, and demand instead a "pragmatic" approach. But, writes Epstein, "such epithets as 'pragmatic' and 'conceptual' ring hollow without any explanation of how that 'pragmatic' system works." The Court has developed so-called balancing tests to determine when regulation serves the public welfare, but these tests — which, coincidentally enough, tend to come down in favor of government far more often than not — barely disguise the fact that they facilitate a welfare state that is spinning out of control. Simply put, government cannot afford to pay for all that it takes from us, and Justice Stevens knows it. Finding a graceful way out of that quagmire is as messy as finding "peace with dignity" in Vietnam.

Another way the Rehnquist Court seeks escape is through Eleventh Amendment sovereign immunity. This concept, which even its defenders admit lacks the slightest shred of textual support in the Constitution, prevents Congress from allowing citizens to sue a state without the state's permission. At first it applied only to suits in federal court. Then it was extended to state courts. Last term, in *FMC* v. *South Carolina State Ports Authority*, the Court extended it to administrative agencies as well. The Eleventh Amendment — which reads in its entirety, "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state" — now prevents the federal government from subjecting states to suits in administrative agencies. In theory, such immunity limits Congress' authority to force states into compliance with federal regulatory schemes; Congress has written many checks on the state's account, and allowed citizens to cash them in court. Robert Levy, whose article reviews *FMC*, writes that "the reach of federal power is reduced when states are immunized from litigation brought by private citizens suing under federal statutes." But, he notes, protecting the state from suits by citizens is also a dangerous — and philosophically unwarrantable — practice.

The Court has developed so-called balancing tests to determine when regulation serves the public welfare, but these tests — which, coincidentally enough, tend to come down in favor of government — barely disguise the fact that they facilitate a welfare state that is spinning out of control

Sovereign immunity has no place in a government based on equality and consent; it belongs to a political theory which views justice as the will of the sovereign. Governments based, like ours, on compact, are limited in the same way individuals are: they have no authority to do to us what we cannot ourselves do to each other. This is precisely why government must pay when it takes our property. As Locke explained, "the legislative is not, nor can possibly be, absolutely arbitrary over the lives and fortunes of the people. For it being but the joint power of every member of the society given up to [the] legislator, it can be no more than those persons had in a state of nature. Nobody can transfer to another more power than he has in himself, and nobody has an absolute arbitrary power to take away the life or property of another." Likewise, a government of the people can have no right to exempt itself from law. In a sense, then, Levy gets it backwards when he writes that ours is "a federal government of delegated, enumerated, and, therefore, limited powers." Actually, it is because free government can *only* have limited powers that they are enumerated, and thereby delegated. And it is for the same reason that it should not be able to take our property — or do anything else to us — without answering to the law.

Sovereign immunity is another cover for the elephant in the room: the federal government has long since burst through the Constitution's restraints. Yet the Court is unwilling to address that, as Levy notes. "The growth of the administrative state was an 'unforeseen phenomenon' because it was patently unconstitutional." But even though Justice Thomas admitted that the administrative agency "lacks any textual basis in the Constitution," he ignored the implications of that fact.

The administrative state's annihilation of the distinction between public and private leads to another perverse result: liberals, once reliable defenders of free speech, are now turning their backs on that heritage. James Swanson puts it starkly in his article on *Republican Party of Minnesota* v. *White*: "The Court was one vote away from ruling that a candidate in a democratic election may not discuss disputed issues with the public. Even more troubling than the fact of the narrow majority is the content and tone of the dissent [which] simply ignores the Court's vast literature on the vital importance of political speech in American life." Justice Stevens even wrote that he would allow the state to prohibit judicial candidates from saying *anything* that "emphasizes the candidate's personal predilections rather than his qualifications for judicial office." In other words, even honest political opinions are too much of a bias. *White* is a dry run for the approaching case against "campaign finance reform," which regulates political speech to an unprecedented degree, but the fact that liberals are willing to tolerate extreme controls on speech by candidates should really come as no surprise. In a society where everything is regulated, jobbery and political favoritism are inescapable, even when the regulator himself is basically honest. Defenders of the administrative state place "almost full dependence" on "an educated, public-spirited, and active citizenry," but as government planning repeatedly fails (as it must) to achieve perfect efficiency, its designers become convinced that there must be something wrong with it — why, human error! — and so the regulators themselves must be regulated. The perfect bureaucracy requires the perfect bureaucrats: unimpeachable, perfectly objective, incapable of being bribed, incapable even of honest political views which might tip the scales. If no property is too private to be regulated, then no opinion is too private to be silenced.

If no property is too private to be regulated, then no opinion is too private to be silenced.

The *Review* makes a handful of oversights, but they are more evocative than frustrating. Jonathan Turley's article on *Watchtower* v. *Village of Stratton* raises the interesting question of why the Court has so studiously avoided addressing the right to anonymous speech. Turley rightly points out

that the Founders frequently wrote anonymously — including *The Federalist Papers*, which were written under the pseudonym "Publius." But Turley doesn't mention that the Supreme Court *itself* often writes anonymously: tough cases, like *Bush* v. *Gore*, are often issued as "*per curiam*" opinions, to disguise the author, or present a unified front. Thus the Court itself finds value in a form of speech which it still resists acknowledging is protected by the First Amendment.

Another oversight comes in Clint Bolick's article on the school-voucher case, *Zelman* v. *Simmons-Harris*. Bolick fails to address the one legitimate argument raised by Justice Souter's dissent: that the Cleveland scholarship program leads to government interference with religion. As Souter noted, participating schools in Cleveland were prohibited from giving "admission preferences to children who are members of the patron faith," and were even told what they could teach children: "a separate condition," wrote Souter, "that 'the school not teach hatred of any person or group on the basis of . . . religion,' could be understood (or subsequently broadened) to prohibit religions from teaching traditionally legitimate articles of faith as to the error, sinfulness, or ignorance of others, if they want government money for their schools. For perspective on this foot-in-the-door of religious regulation, it is well to remember that the money has barely begun to flow." The irony of a liberal like Souter worrying about government overregulation should not lead us to overlook the fact that this is a real problem — certainly more substantial than the dissenters' ludicrous conjuring of the specter of religious warfare. In the balance, Souter's concern is outweighed by the benefits of school choice, but it is an argument worth addressing.

Some parts of the *Review* will be difficult for non-lawyers; others are written clearly enough for laymen to understand just how precarious their freedom is. For the past several decades, that hasn't mattered much to lawyers. In fact, Alexis de Tocqueville wrote that "although [lawyers] value liberty, they generally rate legality as far more precious; they are less afraid of tyranny than of arbitrariness, and provided it is the lawgiver himself who is responsible for taking away men's independence, they are more or less content." But there is a growing number of lawyers who do care about freedom, and the *Review* will be an invaluable tool in their efforts. ❑

***Secrets: A Memoir of Vietnam and the Pentagon Papers*, by Daniel Ellsberg. Viking, 2002, 498 pages.**

The Truth, at Last, About Vietnam

Bruce Ramsey

In August 1964 there is news of a North Vietnamese attack on U.S. warships in the Gulf of Tonkin. Then a second attack. President Johnson gets on television and speaks to the American people. He brings foreboding of war. He has "unequivocal" evidence, he says, that North Vietnamese PT boats have made two "unprovoked" attacks on U.S. Navy ships "on routine patrol in international waters."

Daniel Ellsberg, an analyst for the Department of Defense, knew better: the ships had not been on a routine patrol. They had not been only in international waters. The skipper had reported a second attack, but said later that his only contact was by radar, and that he suspected that his men were shooting at a bogey.

None of which Johnson told the American people or Congress, when he asked for the authority to use military force "as the president determines" — and which Congress gave him, by a vote in the Senate of 88 to 2.

Secrets is the story of the Vietnam war as Ellsberg saw it and thought about it for seven years. It is a clear, logical, well-written book, and one of the best to come out of the war.

Ellsberg came to the conclusion early on that Vietnam was a war of political allegiances in which the edge went not to the side with the greatest firepower, but to the side that cared most about winning. And that was not likely ever to be the South Vietnamese, or the Americans.

One highlight of this book is Daniel Ellsberg's advice to Henry Kissinger on what it's like to be cut in on official secrets. Ellsberg told him:

> You will feel like a fool for having studied, written and talked about these subjects, criticized and analyzed decisions made by presidents for years without having known of the existence of this information . . .
>
> That will last about two weeks. Then, after you've started reading all this daily intelligence input and become used to using what amounts to whole libraries of hidden information, you will forget there ever was a time when you didn't have it, and you'll be aware only of the fact that you have it now and most others don't — and that all those other people are fools . . .
>
> It will become very hard for you to learn from anybody who doesn't have these clearances. Because you'll be thinking as you listen to them: "What would this man be telling me if he knew what I know?" . . .
>
> You will deal with a person who doesn't have these clearances only

> from a viewpoint of what you want him to believe and what impression you want him to go away with, since you'll have to lie carefully to him about what you know. In effect, you will have to manipulate him.

Kissinger listened to all this and said nothing. He had been named national security adviser to President Nixon, but Nixon had not taken office, so it was too early for him to evaluate the classified information about Vietnam. For Ellsberg, it was old stuff. He had been in the war bureaucracy for years, with access to the secret dispatches, and had turned against the Southeast Asian war and wanted to stop it. And he was worried that the Nixon administration would repeat the mistakes of the previous administrations. The book presents a devastating portrait of Lyndon Johnson, who ran in 1964 as the peace candidate, accusing Barry Goldwater of being for war. Goldwater was, in fact, for cranking up the war — but so was Johnson. Not quite as much as Goldwater, but far more than he revealed to the electorate. As in 1940, the peace candidate got down to the serious business of escalation as soon as the election was over.

What Ellsberg found in the Pentagon Papers was that presidents all the way back to Truman had had good advice. In particular, the risks were pointed out to Kennedy and Johnson, and they ignored the warnings.

The theme of *Secrets* is that the fundamental problem with America's Vietnam policy was not bad advice to Johnson or Kennedy about sending in advisers and troops, or the failure to see a "quagmire." What Ellsberg found in the Pentagon Papers was that presidents all the way back to Truman had had good advice. In particular, the risks were pointed out to Kennedy and Johnson, and they ignored the warnings. Remembering the embarrassment over the Democrats' having "lost" China, they did not want their name identified with any further loss. And so they were willing to gamble on poor odds, marketing their policy with lies.

As a Republican, Nixon had an opportunity to blame the war on the Democrats and pull out, and, as Ellsberg explains, the Democrats were mainly to blame. But instead Nixon decided he would extricate America "with honor" by substituting air power for troops, covering his political weaknesses with high explosives.

"The president was part of the problem," Ellsberg writes:

> This was clearly a matter of his role, not of his personality or party. As I was beginning to see it, the concentration of power within the executive branch since World War II had focused nearly all responsibility for policy "failure" upon one man, the president. At the same time it gave him enormous capability to avert or postpone or conceal such personal failure by means of force and fraud. Confronted by resolute external resistance, as in Vietnam, that power could not fail to corrupt the human being who held it.

Ellsberg does not mention Franklin Roosevelt in this context, but that is what "since World War II" implies. This is the foreign policy of a monarchy, not a republic.

Ellsberg also develops some powerful thoughts in this book about

Notes on Contributors

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responsibility. He quotes the story of an Army general who feels stabbed in the back by Johnson, and who gets in his car and drives to the White House to hand Johnson his resignation, but turns back at the gates; and how that general afterward was ashamed of his failure to act.

Ellsberg thinks of what he would say if his son were drafted. He writes:

> I would tell my kids, I thought, that no one could make it all right for them to carry a gun or shoot anyone just by telling them they had to. That would have to be their choice, their entire responsibility. If I ever did it again — I would tell them, as I now told myself — it would be because I chose to do it . . . I would also examine very critically my own reasoning for it . . . Responsibility for killing or being ready to kill was not something you could delegate to someone else, even a president.

In was in that frame of mind that Ellsberg decided to "cast my whole vote" against the war by leaking the Pentagon Papers, which detailed the lies of Kennedy and Johnson, and of Truman and Eisenhower before them. The last part of the book is about making that decision and carrying it out: how he came by the papers, how he smuggled them out, how he tried to leak them through Sen. William Fulbright, Sen. George McGovern, and others, and how he finally chose the *New York Times*; and how that led to federal injunctions, a Supreme Court ruling, and his own prosecution for leaking.

Ellsberg came to the conclusion early on that the would not be the side with the greatest firepower, but to the side that cared most about winning — and that was not likely ever to be the South Vietnamese.

Disclosing papers to the public was not spying; it was leaking. This was the first time in American history, he says, that anyone was prosecuted for a leak, and it turned out that there was no clear law against it.

The *New York Times* won its case at the Supreme Court. Ellsberg won his case when the judge dismissed it following the news that the Watergate burglars had ransacked the office of Ellsberg's psychiatrist.

Secrets has some delicious tidbits. There is Henry Cabot Lodge, the U.S. ambassador to Vietnam, dismissing the idea of fair elections in Vietnam by saying that if he and Nixon had had a fair election in Illinois, they would be vice president and president, respectively, and not Lyndon Johnson, a man who had "spent most of his life rigging elections." There is Nixon, visiting Lodge in Vietnam, endorsing the idea of Vietnamese elections "as long as you win." And there is McGovern, promising to break the story of the Pentagon Papers and welshing on the deal because he feared doing so would hurt his chances to become president.

Critics will say this is a self-serving book, and I suppose it is. So are a lot of good books. And this one tells a good story and fine illustration of the dangers of giving too much political power to one man. ❑

***Public Intellectuals*, by Richard A. Posner. Harvard University Press, 2002, 408 pages.**

Celebrity Intellectuals

Richard Kostelanetz

While some are skeptical of writers who are awesomely prolific, I'm more inclined to observe this principle: the more a writer publishes, the more likely it is that some of his stuff might be very good. Richard Posner's recent books illustrate this rule in subtle ways.

His *Public Intellectuals*' subtitle is "A Study of Decline," which echoes Russell Jacoby's thesis in *The Last Intellectuals* (1987). Where they differ is that Jacoby, coming from the political left, doesn't discuss much about the putative successors to his earlier heroes; while Posner, clearly not a lefty, exposes the failures of many current intellectual celebrities while barely mentioning their predecessors. Reaching the same conclusion by different routes, Posner and Jacoby implicitly illustrate my thesis, made in reviewing Jacoby 15 years ago, about professional obstacles blocking the emergence of younger political intellectuals.

Being neither left nor right, I think that both are wrong. The great tradition of public intellectuals continues, though with people whom Jacoby and Posner do not mention and may not even know. Debunking academics is not enough, given the title of his book. Since Posner's own affiliations are mostly nonacademic, can I be alone in questioning why didn't he have more respect for his own cultural class? And, curiously, every name on Posner's list of nonacademic intellectuals (page 29) was born before 1938. He has not yet done research on independent scholars younger than 64!

The most interesting section of *Public Intellectuals* records Posner's sta-

tistical research with a long list of intellectuals, noting not only Internet hits but scholarly citations and mentions recorded by LexisNexis. While such statistics have their truth, they also depend upon taste on the names submitted. In this respect, I fault Posner for not including several public intellectuals who are major league to me, among them Peter F. Drucker and Thomas Merton, Murray Rothbard and Thomas Szasz.

Nonetheless, what is best in Posner's new book are passing remarks and individual critiques. Posner deals critically with Noam Chomsky, whom others rarely mention, perhaps because his words scarcely appear in the more prominent media. Nonetheless, his books are read, his name scores usually high on Google searches (and not only for his pioneering conjectures in linguistics). In a recent poll of its readers, the magazine *Anarchy* judged him more influential than everyone else.

Like other prolific writers, Posner is predisposed to leave behind passing remarks that have slight relation to his principal argument. For example, buried beneath other concerns is this brilliant appreciation of the political implications of a Marx Brothers' classic film: "*A Night at the Opera* (1935) . . . confronts a WASP establishment of top-hatted officials, first-night opera goers, wealthy widows, grasping capitalists, the first-class passengers and captain of an ocean liner, and a supporting cast of thick-necked plainsclothesmen and other capitalist lackeys with a trio of vulgar, lawless, destructive, ostentatiously non-WASP scalawags led by a Leon Trotsky look-alike [Groucho]. Yet this disorderly trio (portrayed in a film as a loudmouth, doubtless Jewish schemer, a thickly accented lower-class Italian, and a simple-minded clownish mute of indefinite foreign origin) not only runs circles around the establishment but also vindicates artistic values and unites the romantic leads. Yet not even in 1935 were the Marx brothers perceived as a threat to capitalism and decency." As a great fan of *A Night at the Opera*, with a taste for anarchist art, I wish I'd written these and remain pleased to quote them. If you write a lot, the greater the likelihood that some of it might be really good. A Richard Posner book filled with criticism as strong as this, about anything, I would gladly recommend from beginning to end. ❑

Reflections, from page 16

founded by Karl Marx himself in 1864. The Workingmen ran on a platform of gaining government control over corporations and excluding Chinese immigration. Hostility to the Chinese was particularly rampant in California, but was shared in Washington, D.C., where the federal government prohibited Chinese immigrants from becoming citizens. The 1879 California Constitution punished with forfeiture any corporations that hired Chinese workers, and prohibited Chinese immigrants — or, in the code words they used, "those not capable of becoming citizens of the United States" — from owning any property in California. The convention reached perhaps its lowest point when debating a provision in the Bill of Rights. The following exchange occurred:

> Mr. O'Donnell: I move to amend by inserting after the word "men," in the first line, the words "who are capable of becoming citizens of the United States."
>
> Mr. McFarland: I second the amendment. [Laughter.]
>
> The Chairman: The Secretary will read it as amended.
>
> The Secretary read: "All men who are capable of becoming citizens of the United States, are by nature free and independent."

The motion failed, but it was hardly the most radical moment of the convention. One delegate, Charles Ringgold, frankly denounced the federal Constitution, calling instead for "a political structure that would be in accordance with the spirit of the age. . . . The Declaration of Independence is a political expression. The Constitution of the United States is a political abortion . . . violated in the interest of capital in every section and article. It has outlived its usefulness."

Some members were even more candid:

> What right have they to so much land? The gentleman from Tehama says he bought it. What difference does that make? What business has he to get that many acres of land? What does it matter how a man got it? . . . I would like to have some of this land myself. [Laughter.] I see that other men have been smarter than I have, and they have got more than I have; there are lots of men worse off than I am. I would like to know what business a man has to have more than six hundred and forty acres of land? If a man cannot live on that, he ought to die. [Laughter.] We don't want a man to have a right to buy this land. It don't matter about buying it. That don't make any difference. If they had a legal right, what difference does that make? We are strong, and we have a right to say what they shall do with it. We want to say that we have a right to go and take it. All this section says is, that we must pay the assessed value. . . . I do not understand at all, sir, how we can be consistent, when we are striking at these other monopolies, as we call them, when we are taking away their property, when we are regulating the use of it, unless we do it to this greatest of all monopolies — the monopoly of the earth itself, which God Almighty gave to us as a home for all men.

The *Debates* are out of print, and are a rare book. The debates at the 1849 convention, on the other hand, are available online, even though California doesn't use that constitution anymore. No wonder — the 1879 convention is truly embarrassing. The roots of California are bright red.

— Timothy Sandefur

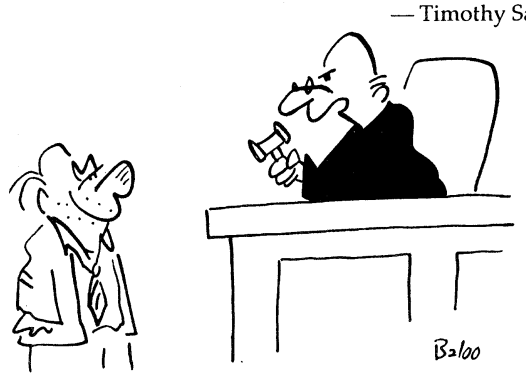

"No, I don't think this could be the beginning of a beautiful friendship!"

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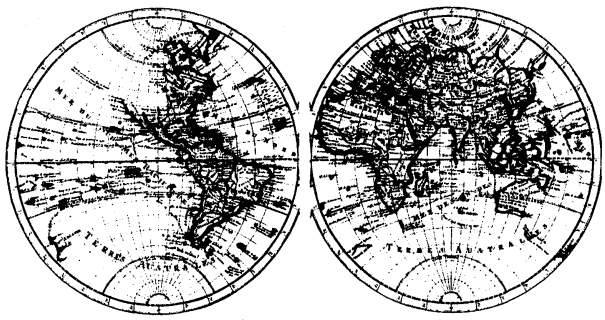

Urumieh, Iran

Dire warning from a distinguished messenger of Mohammed, quoted in the Iranian newspaper *Etemad*:

Conservative prayer leader Jojatoleslam Hasani has denounced the "moral depravity" of dog ownership and called on the judiciary to arrest all dogs and their owners: "I demand the judiciary arrest all dogs with long, medium or short legs together with their long-legged owners, otherwise I will arrest them myself."

Cincinnati, Ohio

Perils of accepting government subsidies in the Buckeye State, reported in the *Cincinnati Enquirer*:

County commissioners unanimously agreed Wednesday to send the Bengals' stadium lease to the prosecutor's office for a legal opinion on whether the team has violated the agreement by failing to field a competitive team.

Pendleton, Ind.

Evidence of the critical intelligence of fast food managers. From the *Indianapolis Star*:

A former Burger King worker filed a federal lawsuit against her employer Wednesday over a supervisor's strip search of her. According to the suit, the employee, then 15, was working part time at a Burger King in Pendleton on Dec. 17 when a caller claiming to be a policeman asked if there was a girl working the front counter. The caller told the supervisor he was investigating the alleged theft of a purse by an employee. Following instructions from the caller, the supervisor allegedly told the teen to remove all of her clothes. The supervisor was asked by the caller to describe the girl's hair color and length, as well as her tan lines.

North Dakota

Dangers of sporting life in the Peace Garden State. Reported in the *Boston Globe*:

Michael Murray of Brooklyn Park, Minn. was shot by his dog while lining up a photograph of the pheasants he had shot. Sonny, his English setter pup, jumped on a 12-bore shotgun lying on the ground and it went off.

"At first I didn't know what happened," Murray said. "I got that blinding flash of pain and I sat down. Blood was pumping out of my ankle. Sonny just laid by my side. He knew something was bad."

New York

Inspired legal argument, reported in the *New York Post*:

Vincent Siccardi, the lawyer representing a couple accused of taking part in three-way sex on a train, says his clients should be praised for taking the train instead of driving while drunk: "Here are two responsible people. They were at a party. They were drinking. It shows that they are responsible. If more people did that, we'd have fewer problems on the road."

Port Townsend, Wash.

New professional service offered to residents of Ecotopia, from an advertising handbill:

Personal Assistant: Goddess of "Clutter Removal." The intention of services provided are dedicated to bringing more abundance, health, and prosperity into your sacred home space by clearing out old energies and creating new space for well-being.

Seattle

Criminological note in the *Seattle Times*:

After five hours of attempted negotiations, SWAT-team maneuvers, and repeated barrages of tear gas, officers stormed a North Seattle home yesterday to discover they had spent the entire morning surrounding a dog.

Manatee County, Fla.

Firm enforcement of gun laws in the Sunshine State, from the *Herald Tribune*:

Capt. Van Fussell, the district commander for the Florida Highway Patrol's Venice office shot himself in the foot with a handgun Monday morning while taking his biannual firearms qualification exam at the Manatee Technical Institute firing range. Fussell will be required to retake the exam.

Brighton, U.K.

An advance in public safety, from *The Argus*:

College student Edwyna Dyer was questioned by police for two hours and her home was searched by firearms officers after a photo clerk turned her in for trying to develop pictures of her father standing behind fake guns.

Police destroyed the photos to prevent them from being circulated.

Sacramento

Sporting note in the *Sacramento Bee*:

Four Sacramento State football players are to be disciplined for spraying themselves with non-stick cooking oil before a game against University of Montana.

Singapore

Medical note reported by Reuters:

The United States and Singapore said Tuesday they had largely finalized a free trade agreement in which Singapore conceded to allow sugarless gum prescribed by doctors and dentists as having therapeutic benefits to be sold by pharmacists. If the deal goes through, Singaporeans will be legally able to chew gum for the first time in ten years.

California

Gary Copeland, Libertarian Party candidate for governor of California, identifies himself. From the *Weekly Universe*:

"I am the tear on your cheek and a ray of sunlight on a winter's day. I am the river that flows from the mountain and the fire that lights the darkness. I am the point of a spear in heat of battle and the calm that stretches over the ocean. I am the death of a loved one and the seed of your child. I am Druid."

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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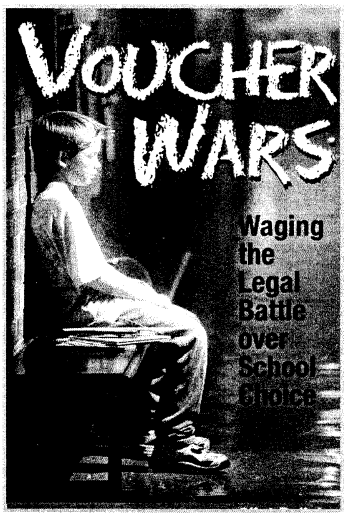

Voucher Wars: Waging the Legal Battle over School Choice
Clint Bolick

The recent Supreme Court school voucher decision has brought the issue of educational freedom and quality to national attention. This book recounts the drama and the tactics of the 12-year battle for choice and, in the process, distills crucial lessons for future educational freedom battles. March 2003
160 pp./Cloth $20.00 ISBN 1-930865-37-6
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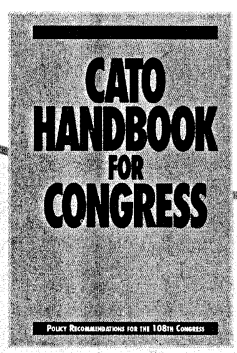

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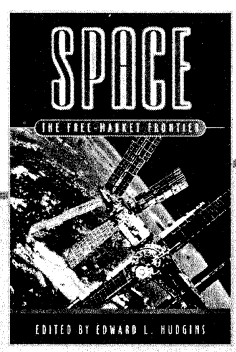

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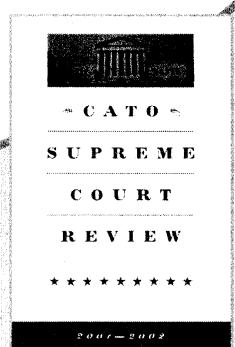

This new annual review from Cato analyzes the just-concluded Supreme Court term, looking at the most important and far-reaching cases of the year. Written from the classical Madisonian perspective, this review is a must for all who follow the Court and its decisions. 269 pp./Paper $15.00 ISBN 1-930865-35-X

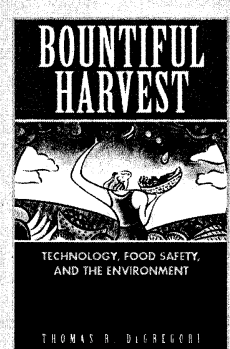

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"What more felicity can fall to creature, than to enjoy delight with Liberty." — Spenser

What Dionne Warwick Reveals about the Drug War

by Sheldon Richman

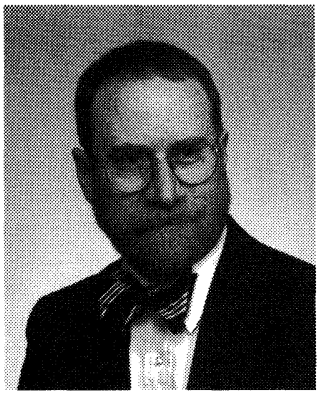

The American Inquisition got another one recently. Singer Dionne Warwick, who was found with nearly a dozen marijuana cigarettes at the Miami airport, had her charges dropped in return for promising to undergo "drug treatment" and to make anti-drug public-service announcements.

Let's look at what Ms. Warwick's case says about the "war on drugs," which is not a war on drugs at all, but a war on people. This modern-day Inquisition is designed to hunt down drug heretics. Ultimately, its victims are punished not just for what they do, but also for what they think. And what they think are forbidden thoughts about drugs. Instead of believing, say, that a glass of wine is okay, but a joint is bad, they may think that a joint is not much different from a glass of wine. We can't have people thinking that. That's why Ms. Warwick was offered the deal. As a celebrity, she is more valuable as a convert than as a convict.

That the Inquisition is aimed at thoughts can be readily seen in the terms of her deal. To avoid trial she had to promise to attend "drug treatment." This "treatment" consisted of talk by her and by psychiatrists, psychologists, or other mental-health personnel. Ms. Warwick, under obvious duress, perhaps said she was stressed and thought that marijuana would help her to relax. Or maybe they explored how low self-esteem "caused" her to use drugs. Or maybe her interest in drugs was attributed to mental illness. (If so, why is the criminal law involved?) She probably said she sees the error of her ways and won't do it again. Nationwide, the taxpayers pay hundreds of millions of dollars to finance this inflated nonsense that goes by the name "treatment." Most of the people there are trying to stay out of jail.

Then there are those public-service announcements. Here is where Ms. Warwick will do public penance by recanting her heresy. She will probably tell kids not to use illegal drugs. How convincing will that be? Until recently, she apparently saw nothing wrong with using marijuana. She "got religion" (an apt phrase here) just after criminal charges were filed against her and then dropped. A coincidence? If not, why should anyone believe anything she says about drugs? It is certainly more likely that she'll deliver her anti-drug message only because she could go to jail if she refuses. When someone has that strong a personal interest in making a statement that conflicts with her own previous conduct, we are entitled to skepticism, if not outright incredulity.

While Ms. Warwick will avoid prison in return for her reeducation and public recantation, others are not so fortunate. The prison statistics are a scandal. According to the U.S. Bureau of Justice Statistics, in 1999 more than half (57 percent) of federal prisoners were drug offenders. That's more than 68,000 people. In 1997, state prisons held 251,200 drug offenders, about 20 percent of state prison inmates. A disproportionate number of those prisoners are black.

Americans are losing their liberty for having unapproved ideas and acting on them peacefully about what substances they should be free to ingest. That is unworthy of a self-described free society.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State,*** *and editor of* ***Ideas on Liberty*** *magazine.*

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Inside Liberty

February 2003
Volume 17, Number 2

4 **Letters** Our readers stand up for the Libertarian Party, sit down for fatty food, say no (and yes) to war, and buy the farm.

5 **Reflections** We live the posh life in Kabul, seek independence for the Big Apple, bash SUVs, bemoan the passing of Al Gore, answer the call of the North, cheer for Al Sharpton, and grouse about the decline of the Republic.

Features

19 **Suppose the Globe Is Warming . . .** If Global Warming means longer growing seasons, milder winters, and greater prosperity, why are so many people willing to go to such extremes to fight it? *Robert H. Nelson* reports from the front in the world's latest War of Religion.

21 **John Rawls and the Veil of Incoherence** The 20th century's most influential political thinker just died — *Jan Narveson* performs an autopsy.

23 **Liberty and Union Don't Go Together** *Joseph Sobran* challenges the argument for America the Indivisible and wonders, if the Constitution promised to bind the states forever, why would any have decided to join?

25 **A Year at FEE** *Mark Skousen* recounts his all-too-short year as president of the Foundation for Economic Education, and wonders whether the sun is setting on America's oldest freedom organization.

27 **The Romance of the New Religions** *Stephen Cox* is your guide.

31 **Guns in the Dock** The courts weren't always so careless about the Second Amendment, *Dave Kopel* reports.

33 **The Coercive Anarchism of Noam Chomsky** *Barry Loberfeld* discovers that the world famous philosopher's vaunted "anarchism" ultimately amounts to its very opposite.

37 **A Model for Libertarian Activists** *Jacques de Guenin* tells how a small group of dedicated people convinced the public that taxes should be cut, trade freed up, and government reduced — all within a decade.

Reviews

41 **A Politically Correct H.L. Mencken** H.L. Mencken was undoubtedly America's most influential literary and social critic, and arguably America's most influential libertarian. But, *R.W. Bradford* wonders, was he also an anti-Semite, as a new biography claims?

46 **Freedom, Not Protection** *Bettina Bien Greaves* discovers a new breed of feminists who seek simple freedom — and eschew the quotas, exemptions, and special protections sought by old-line feminists.

49 **The Dialectics of Liberty** *Ari Armstrong* looks at dialectical libertarianism.

52 **Authenticity and the Art of the Documentary** More often than not, as *Richard Kostelanetz* observes, documentaries don't record their subjects — they record their makers' opinions.

51 **Notes on Contributors** Your faithful correspondents.

54 **Terra Incognita** News you can't use.

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Letters

Overlooking the Evidence

Timothy Sandefur ("Why Secession Was Wrong," Dec.) overlooks the long and contentious process of ratifying the Constitution. I wonder how Sandefur would parse his way around this statement by Shelby Foote: "If any of the original states ratifying the Constitution had the slightest idea that if they joined this new government they wouldn't be able to leave it again, not one would have joined."

Ken Lucas
Scottsdale, Ariz.

Liberty and War

I fully appreciate the fact that you are giving libertarians both sides of the debate about the potential of war with Iraq. I have protested both the war in Vietnam and the Gulf war. I now fully support our country going in and taking over Iraq.

I believe that libertarians who object to our involvement in this war forget the basic premise of being a libertarian: don't initiate force.

Force has been initiated against us. Gene Healy's excellent argument ("Iraq: the Wrong Place, the Wrong Time, the Wrong War," Jan.) against our engagement with Iraq omits one vital part. He does mention 9/11 but, fails to mention the 3000 of our citizens killed. This is bigger than Pearl Harbor.

After the attack at Pearl Harbor we sent forces into North Africa and the South Pacific. We did not directly attack Japan and Germany. I would guess our president sees this in an appropriate way.

If we have troops in Iraq it is only a few hundred miles over mainly desert to control Medina and Mecca. I suspect that we could then deal with the Muslim world in a serious fashion.

Tom Joslin
Seattle, Wash.

Fat Is Therapeutic

Randal O'Toole's piece, "How Fat Are We?" (Nov.), is just what the doctor ordered! With all the upcoming (and surely politically correct) books about the "evils" of "fast food," common sense must reign, not the Centers for Disease Control.

I have discovered over the years that there is no need to take an anti-anxiety pill after a "bad-hair day." My substitute remedy: a quick pint of Haagen-Dazs (any flavor) should do the trick. And, if that don't do it, head to the freezer and pull out those frozen White Castle cheeseburgers you've secretly kept (after your better half ordered you to destroy them . . . something or other 'bout fat)! Now, add extra mayo, pull out a frosty one from the fridge, throw the salad in the trash or, better still, feed it to the cat. Last, but not least, wash it all down with a 6-pack of Bud! You'll feel fantastic.

Fred Bluestone
Pembroke Pines, Fla.

Devolution Now!

Once again R. W. Bradford reports the failures of the Libertarian Party ("Freedom at the Ballot Box," Jan.). Perhaps he is correct and it is time to reconsider our party. As an LP member for at least 25 years, I long ago concluded that libertarianism will never be accepted by more than a small minority of people. We need our own party, but we need a party that can succeed.

To succeed, our party should have no ideology, just one simple goal: move power to the smallest possible unit of government — from federal to state to local to individuals. We would seek not to downsize government programs, but simply to *downslide* them (and their funding). By advocating local control instead of abolition, we could gain the support of people on both the left and the right.

Richard D. Fuerle
Grand Island, N.Y.

Libertarians vs. Republicans I

Bruce Ramsey laments that only six Republican congressmen adhered

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briefly to libertarian principles to vote against Bush's War (*Reflections*, December). There were in fact many others who voted against the war. Democrats all.

In comparing the Democratic and Republican parties, let's look at history. Which party gave us Internet censorship and the Communications Decency Acts I and II? Which party fought to retain conscription? Under which party's president did social welfare programs grow (a) $51 billion in 1995–2000 and (b) $96 billion in 2001–2002? Which party controlled Congress from 1995 forward while discretionary federal spending grew 7 percent annually? Which party's government threatened Canada with trade sanctions if they ended restrictions on marijuana? Which party submitted to Congress the largest budget in the history of the Republic — $2.13 trillion? Which party calls for a constitutional amendment banning abortion? Which party's government ordered banks and brokerage firms to report "suspicious" transactions to the government? Which party's Senate Majority leader slipped the Brady Bill through the Senate after it was known to be dead? Which party works hard for corporate welfare programs like missile defense and the new Stealth fighter? I could go on, but *Liberty* only runs 56 pages.

Democrats may like big government, but Republicans love truly humongous government.

On civil liberties, there is absolutely no comparison. Janet Reno at least professes regrets. John Ashcroft never will. It is no accident that the ACLU — and I am proud to sit on my county ACLU board — is filled with liberal Democrats, not conservative Republicans.

Far worse than all of the above put together is a Republican president who kidnapped an American citizen, threw him into a Navy Gulag, denied him access to counsel, and claimed that a presidential *lettre de cachet* defining the kidnappee as an "unlawful combatant" allowed the president's minions to ignore the Constitution. This is not merely big government. It is tyranny already born, crying lustily in the cradle.

To give Ramsey his due, it is indeed true that many Libertarians support their own party and not the large party that stands close to theirs. Unfortunately, a few libertarians instead advocate supporting the party of huge and tyrannical government that now occupies the White House.

George Phillies
Worcester, Mass.

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Libertarians vs. Republicans, II

Does Chuck Muth ("The Republican Killers," Jan.) really expect libertarians to support Senate candidates like South Dakota Republican congressman John Thune, based on his lifetime rating of 83 by the American Conservative Union? Given the differences between the conservative and libertarian social agendas, I would not automatically assume that Thune's libertarian and conservative rankings would be similar.

Third party candidates may well affect the outcome of races between major party candidates. But major party officeholders themselves set up the rules that generally give the election to the candidate with the most votes, rather than requiring a runoff when no candidate receives a majority.

The vote totals achieved by so-called "spoiler" candidates generally reflect the dissatisfaction of voters with the choices that the Republicans and Democrats present to them. If third-party candidates were not around, Thune may well have been elected to the Senate - but he would likely be casting votes on the legislative agenda of President Al Gore.

Charles Barr
Las Vegas, Nev.

A New Strategy Needed

I greatly enjoyed the debate in the January *Liberty* about the effectiveness of the Libertarian Party. ("Freedom at the Ballot Box," "The Republican Killers") As a disillusioned former Libertarian Party activist, I have a suggestion, based on history, that might

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provide a useful alternative to our current frustration.

Not many people know that in the early 1900s, the state government of North Dakota (my home state) was run by a socialist organization called the Non-Partisan League. This group ran candidates under both the Democratic and Republican party labels. This group had a profound influence on the state, founding the only state-run bank in the U.S., and erecting a protectionist system for the state's agriculture. Later the NPL was absorbed into the Democratic party, which was ironic, since most successful NPL candidates were actually Republicans.

Why can't libertarians for a group to adopt this strategy? In Arizona, where I live now, there are many districts that are so heavily Republican or Democratic that the other major party doesn't bother to field a candidate. I imagine this is true in other states as well. Since candidates are chosen by primary, we could run our candidates in the primary of the weaker major party. Or we could run Independents in other races where there are two candidates, especially where there's little difference between them. We could also endorse non-members who made a minimum score on a pro-liberty ideological test, rather than expecting them to be 100% with our party line. Otherwise we could end up opposing a good man like Ron Paul simply because of his stand on abortion, for example.

That brings me to the second part of my argument: why do so many libertarians assume that we're closer to the Republicans than to the Democrats? We can woo liberals, too: I myself am a former liberal. We can stress civil liberties and opportunities for minorities. Look at the Institute for Justice —it's done our cause immeasurable good by helping out the poor, the elderly, and minorities, the same people the Democrats claim to favor. And why would liberals, if they really thought about it, support putting people in jail for victimless crimes? If the Dems are truly marginalizing themselves, that may be where the true opportunity lies.

Vaughn L. Treude
Phoenix, Ariz.

Real Tax Reform

Sheldon Richman, in his musings on "Fiscal Force," (December), misses one of the best examples of what he calls the "Humpty-Dumptian" use of words by the IRS. As Richman writes, the IRS says that filing a tax return is "voluntary" in the (non)sense of "allowing taxpayers to determine the correct amount of tax and complete the appropriate returns, rather than have the government determine the tax for them." Thus, the IRS definition of "voluntary" is: "being allowed to do something for oneself rather than having the government do it for him."

In the next breath, the IRS maintains that "The requirement to pay taxes is not voluntary." Thus, by the IRS definition, paying taxes is *not* something I would be allowed to do myself, rather than having the government do it for me.

I can live with that. Let the government pay the taxes for me.

T. Anthony Rowls
Sherman Oaks, Calif.

War Wimps

In "Wail of the War Wimps" (*Reflections*, Dec.), Clark Stooksbury stated his case rather mildly — by my standards. Chicken Hawk? I think a more appropriate term would be Chicken Shit!

My father, who was a mortar squad leader on Bougainville and a forward observer on Guam and Iwo Jima, said it best: "What happens in war is that one bunch of politicians gets mad at another bunch of politicians so they tell their people, 'Let's you and them go fight.'" Another cause of war is when one government has something another government wants. As Jacob Bronowski put it: "War is a highly organized and co-operative form of theft."

The practical fact is that young men are yanked out of their lives, guns are thrust into their hands, and they are sent off to kill other young men who have been yanked out of their lives and guns thrust in their hands. While these young men huddle shivering in their foxholes hoping that they will live to see the next sunrise, the people who cause the problems — the politicians, generals, priests, mullahs, tribal elders — sit back in their comfortable digs and move their chess pieces around.

When those who declare war, vote for war, or send troops into battle, have to actually go with those troops themselves . . . When they know that they, themselves, will have to shiver in a foxhole, endure an artillery or mortar barrage, draw a bead on another human being, press the trigger, and watch their "target" drop and writhe on the ground — in the full knowledge that someone else may be drawing a bead on them — then, and only then, will we learn what is really worth fighting for.

Ken Valentine
Alta Loma, Calif.

Buying the Farm

This is a response to Steve Cox's appeal ("Word Watch," Reflections, Jan.) for a history of the expression "to buy the farm" as a synonym for dying. I first ran across it in Heinlein's *Starship Troopers*, and my recollection is that ol' Robert A. went to enough trouble to make sure his readers grasped the context that it was a probably a neologism that he included in the book's future-speak. Heinlein presented it as military slang for a soldier's death, especially (but not always) in battle.

Tom Flynn
Amherst, N.Y.

Stephen Cox asks where the cliche "he bought the farm" came from. Just in case you haven't heard from anyone else, tell him it comes from the old barn storming days.

When pilots wanted to set up an air show they would rent a farm close to a town, since they needed both room and a crowd. It didn't take long till farmers realized those planes carried gas and sometimes crashed. They began demanding a cash deposit up front to cover the contingency.

When someone went out in a really spectacular crash that did a lot of damage, his contemporaries would say that he had "bought the farm." It originally meant to die in a really spectacular way, now it just means to die.

Paul Kelly
Boulder, Colo.

Stephen Cox speculates on the origin of the expression "bought the farm." I do not claim to know the ultimate source, but the first time I heard it was in pilot training in the early 1940s. If some unfortunate airplane driver lost a tug of war with Sir Isaac Newton and dug a big hole in the ground he was

continued on page 36

Reflections

The posh life in Kabul — The Overseas Private Investment Corp. is looking into financing a $40 million deal to build a Hyatt Regency in Afghanistan's capital, Kabul. Apparently the new hotel would be across the street from the American Embassy. Guess we couldn't expect all those "nation builders" being brought in for a day or three of lucrative consulting to put up with anything less than four-star standards. — Alan W. Bock

Media note — In 1997, voters in Seattle created the Sound Transit Authority, funded in part by a special tax attached to the purchase of automobile license plates. In 2002, voters abolished that tax. Local government officials have refused to stop collecting the tax on grounds that the 2002 measure conflicts with the 1997 measure, and they do not know which law should take precedence over the other. So owners of motor vehicles are still paying the fee. All this has been duly reported by the local media.

One wonders how the local media would have reacted if someone in the area had been apprehended whipping African-Americans in his backyard, and offered the defense that he didn't know whether chattel slavery was illegal, since prior to the ratification of the 13th Amendment in 1865, the laws of the United States authorized chattel slavery, and he didn't know which of the laws took precedence over the other. — R. W. Bradford

Once you're hooked, it's all downhill — I admit it. I'm addicted. I'm hooked on the white powder. I know it's dangerous. I know it can kill me. I know many people (including the rich and famous) have died as a result of doing it. But I can't help it. The rush I get when I'm doing it is incredible. And even though it is pretty expensive and my nose gets all red, dry, and painful after every episode, I plan to keep on doing it. I can't help it. When I'm not doing it, I think about how bad I want to go right back to it.

I've had debates with my conservative friends about whether or not the government has a vested interest in keeping people like me from doing stuff like this. Especially since it is inherently dangerous. They seem to think it is just fine for the government to prohibit people from doing stuff like this. Not me, however. I'm going to seek out this incredible white powder whenever and wherever I can, no matter the danger. Yep, I'm going to keep on skiing.

— Chris Henderson

Old hate in new bottles — You know how "the right wing" is always supposed to be spreading "hate"? Consider these loving and pacific comments from former president Clinton about the Trent Lott follies, as reported by the AP on Dec. 18:

"How can they [the Republicans] jump on him when they're out there repressing, trying to run black voters away from the polls and running under the Confederate flag in Georgia and South Carolina?"

"I think that the way the Republicans have treated Senator Lott is pretty hypocritical, since right now their policy is, in my view, inimical to everything this country stands for."

"Everything"! Suppose that Lott had said that about anyone. Clinton practically called for a revival of the House Un-American Activities Committee or Sen. McCarthy's Permanent Subcommittee on Investigations. (Although it's interesting that Clinton made his remarks "while attending an event for the European Travel Commission.") If that revival occurred, however, would there be a public figure willing to ask, as someone asked Sen. McCarthy, "Have you no decency? At long last, have you no decency"? — Stephen Cox

We're not in Kansas any more — A threatened transit strike in New York City forced officials to write contingency plans which included allowing limousine and livery car drivers to pick up passengers. Perhaps another solution would be to abandon the laws which restrict the ability of gypsy cabs to operate within the city.

For the rest of America, such a disaster is inconceivable. Mr. and Mrs. Middle America moved out to the suburbs years ago where there isn't a single union to threaten everyday travel. The worst travel worry for most Americans is a flat tire or a dead battery. Organized extortion is something to keep in mind when you hear urban planners talk about the benefits of public transit. — Tim Slagle

The race war — From about 1968 to 1992, liberals were against war. Then they went wholehog for intervention in Bosnia.

"Bosnia turned these liberals into hawks," writes George Packer in "The Liberal Quandary Over Iraq," *The New York Times Magazine*, Dec. 8. "People who, from Vietnam on, had never met an American military involvement they liked now were calling for U.S. air strikes to defend a multiethnic democracy against Serbian ethnic aggression. Suddenly the model was no longer Vietnam. It was World War II and armed American power was all that stood in the way of genocide."

Liberals supported military interventions in Haiti, East Timor, and Kosovo, and itched for intervention in Rwanda. They mostly supported the post-Sept. 11 move into Afghanistan, which Packer says was a war of national security but had human rights as a side benefit. For liberals, the overrunning of al Qaeda training camps was less important than the videos of happy, unshrouded women.

Now comes an invasion of Iraq, Packer says, and the liberals are suspicious but unsure.

All this surprises me, because liberals are almost my mirror opposite. I was for most of the struggles of the Cold War, because communism was a worldwide movement that ultimately laid a political claim to me. But Serbian nationalism never was, nor was Indonesian nationalism. I had no stake in who won in Kosovo or who ruled Haiti, East Timor, or Rwanda. As a rule, when their interest is involved, liberals want to run and hide, it's only when they are disinterested that they want to fight.

Well, I think I have figured them out. What motivates them is ethnicity and race. We all think about these things, but liberals and leftists think about them more. To them, South Africa in 1985 had a much more evil government than Burma, because it was whites oppressing blacks, whereas in Burma it was Asians oppressing Asians. It was not important to liberals that there was considerable freedom of the press in South Africa but none at all in Burma, or that there was some democracy in South Africa and none in Burma. Nor were liberals interested in blacks oppressing blacks in Africa — at least not until the open butchery in Rwanda. And they have had little to say about the recent chaos in Nigeria.

It seems the reason for this is that the cause that inspires liberals and anoints them with moral superiority is civil rights for black Americans. Any issue that can be fitted into that mold will be their issue. The other mold they use, as Packer says, is World War II, which they see as a crusade to stop the Holocaust.

Each involves collective guilt and collective redemption, which are the core tenets of modern liberal ideology. Some liberals seem to think these are at the core of their opponents' ideologies as well. That is, deep down their opponents must be motivated by racism, sexism, backlash, anger, and hate.

It is a false assumption. Your opponent is rarely a mirror image of you. And one illustration of this is the similarity of thinking by liberals and libertarians about a war on Iraq.

This may be the first issue in years about which I agree with Al Gore. And maybe the last. — Bruce Ramsey

The Independentista Party — The next time New York City Libertarians (calling ourselves the Independentista Party to woo Nuyoricans) get an opportunity to pitch a candidate for mayor, may I recommend it be one who runs on a platform of New York City independence. Disassociating ourselves from all the larger entities that take more in taxes than is returned, the Independentistas should advocate free access to all drugs, casino gambling, the elimination of the minimum wage, unlimited immigration, and the termination of welfare (prompting all the vagrants sent here to move out). And, when folks from Jersey, Westchester, or Connecticut come to NYC for its superior culture, charge them a toll — make 'em pay for the privilege of visiting a superior country.

— Richard Kostelanetz

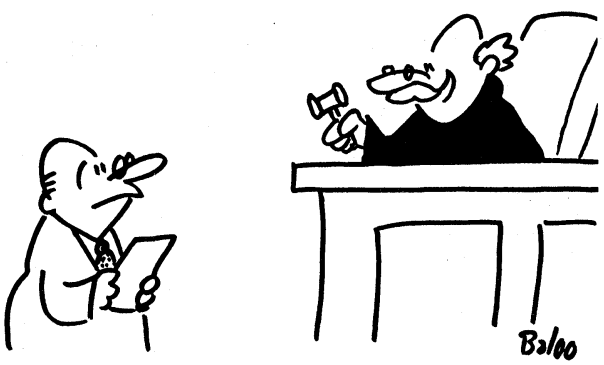

"Let's get right on with this next case, Counselor — three more convictions and I can retire!"

Lott thought he felt he didn't agree — The old saw about America having two parties — an evil party and a stupid party — was richly confirmed by the Trent Lott debacle.

Lott, Republican pretender to majority leadership of the United States Senate, went to the 100th birthday celebration for retiring Republican Sen. Strom Thurmond. Fifty-four years earlier, Thurmond had bolted the Democratic Party and campaigned for president on the States Rights ticket. His motive was opposition to President Truman's proposed civil-rights legislation, which intended, among other things, to eliminate racial discrimination in federally funded jobs. In context, the States Rights Party stood for the maintenance of racial segregation in the South.

Thurmond, who is said to have been the first senator to hire a black aide, long ago made his peace with the civil rights movement. He is respected by both blacks and whites in his home state of South Carolina. Lott, however, could not leave the events of 1948 alone. He insisted on saying that he was happy that his own state, Mississippi, had voted for Thurmond, and that "if the rest of the country had followed our lead, we wouldn't have had all these problems over all these years."

What did that mean? It didn't mean anything. It certainly didn't mean that Lott, one of the biggest buckets of political pabulum that has ever caused the American palate to shrink away in disgust, was announcing his support of resegregation. Even if Lott believed in that, it's the last thing he would ever come out and say. The fact that he said what he said is the best possible evidence that he didn't mean it.

Naturally, however, the high-volume spokesmen of the evil party, the Democrats, started publicly interpreting Lott's remarks — his "racist statement" (Albert Arnold Gore Jr.) — as a revelation of the fact that he spent every night in sympathetic analysis of the early speeches of Adolf Hitler. The Democrats knew better, of course. I am certain that not one of these people ever seriously entertained the thought that Lott was a racist. But they saw their political opportunity, and they took it.

Of course, Lott began explaining and regretting and explaining again and regretting still more, and the affair got worse and worse, because this leading spokesman of the Grand Old Party can't talk his way out of a paper bag. Besides, he looks exactly like a used-car salesman. I know they said that about Nixon, but this time, it's true. He might not be able to help looking like that, but he does. It's impossible to listen closely to what he's saying, because you're always thinking how much he looks like a used-car sales-

man.

And now, with apologies to any actual used-car salesmen who may be reading this, I'll continue.

To me, the most interesting of Lott's explanations and regrets was the one he came up with *second*. He said that his "words were terrible," but that the mistake he had made was a "mistake of the head and not of the heart, because I don't accept those policies of the past, not at all."

In other words, "Please forgive me — I can't THINK."

Or, alternatively, "Please forgive me — I THOUGHT that segregation was a good idea; then I realized that I didn't FEEL that way."

Take your pick. The only thing more pathetic than this alternative is the alternative faced by every person who walks into a voting booth in America. Will it be Evil today — or Stupid?

— Stephen Cox

Another Lincoln — On May 8, Jose Padilla was arrested by federal agents in Chicago. The agents told the press that they believed Padilla had met with al Qaeda leaders in Pakistan. Padilla was turned over to the military and has been held incommunicado ever since, pursuant to a personal order from President Bush.

Initially, this might seem to violate two provisions of the Bill of Rights. The Fifth Amendment specifies that "No person shall . . . be deprived of life, liberty, or property, without due process of law. . . ." Padilla is undoubtedly being deprived of his liberty. The "due process of law" in this case, so far as I can tell, consists of being held without being informed of one's rights, without being able to consult an attorney, without being able to plead for one's own release, all because the president ordered it.

The Sixth Amendment seems to suggest that the president has no such rights: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Padilla has been held for 225 days. He has not been allowed to see his attorney, or anyone else. He has not been tried by any jury. He has not been confronted by any witnesses. He has been denied access to counsel.

Fortunately, there are those who care about the rights of American citizens. One such person, an attorney named Donna Newman, filed a suit on behalf of Padilla. Bush's attorney, John Ashcroft, argued that Newman was not a friend of Padilla, and therefore had no right to plead for his right to counsel, and argued that because Padilla has been labeled an "enemy combatant," he is not entitled to the rights guaranteed by the Constitution.

In U.S. District Court on Dec. 5, Judge Michael Mukasey ruled that Bush did have the right to declare Padilla an "enemy combatant" and to hold him indefinitely, provided that Bush had "some evidence to support his finding. " But he rejected the idea that Padilla could not be allowed to consult with counsel, calling Bush's argument a "gossamer speculation," and observing that the government had extensive experience in dealing with terrorists and other dangerous prisoners who are entitled to meet with their attorneys. He told Bush's legal representative that the government must find a way to allow Padilla to meet with attorneys by Dec. 30.

On that date, Padilla will have been held for 239 days. And he still will not even know that anyone is trying to get Bush to recognize his rights. Unless a higher court rules otherwise, Padilla can still be held indefinitely, without the right to trial, or to secure evidence in his defense, or to face witnesses against him. The right to confer with an attorney will mean little, because George Bush believes that he has the power to arrest an American citizen, declare him to be an "enemy combatant," and hold him forever. And the courts go along with it.

This is all too reminiscent of another Republican president, Abraham Lincoln, who believed he had the right to suspend part of the Constitution in time of war. Of course, Lincoln faced a real war, one in which more Americans died every day (as a percentage of America's population) than have died in all 464 days of the "War on Terror" taken together. Lincoln's suspension of the right of habeas corpus had a gossamer veil of legality, since the Constitution specifies that "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." But it was only a veil: Lincoln hadn't suspended the writ in an area in rebellion, but in non-rebelling states where people merely disagreed with the president.

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Meanwhile, Jose Padilla sits in jail, with no more rights than if he were the victim of a totalitarian government.

— R. W. Bradford

And sodomy for all — The U.S. Supreme Court has agreed to revisit the question of whether state laws that prohibit sexual activities conducted in privacy between consenting adults violate the U.S. Constitution.

In the case of *Lawrence* v. *Texas*, the court will revisit an issue it decided in favor of state regulatory power by a five-to-four margin in 1986. In *Bowers* v. *Hardwick*, the court decided there was no constitutional right to private homosexual sex and left Georgia's law prohibiting sodomy in place (while quietly hoping, like most of us, that the state wouldn't be too aggressive in enforcing it).

Back in 1986, 24 states and the District of Columbia still had sodomy laws on the books. Now only 13 do. Texas and

three other states ban only homosexual sodomy, while the other states ban all sodomy (defined as "deviant sexual intercourse" and usually interpreted to include anal and oral intercourse).

In the Texas case, the court could use "equal protection" to strike down the law. If the same act is legal for heterosexuals but illegal for homosexuals, homosexuals are being denied equal protection of the law. But what about states that ban certain sexual practices for everybody (but seldom enforce the laws)?

Assistant District Attorney A. William Delmore, of Harris County, Texas, argued in a brief that, "government may require adherence to certain widely accepted moral standards and sanction deviation from those standards." This is a pernicious doctrine. Government should confine itself to protecting citizens' rights and punishing those who harm or violate the rights of others, leaving moral standards that don't involve outright harm to churches, civic organizations, and families.

There is no doubt that sodomy laws are objectionable in a free society. But are they forbidden by the U.S. Constitution? Roger Pilon, Director of Constitutional Studies at the Cato Institute, thinks so. First, he cites the Ninth Amendment, which says in its entirety: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." That was included in the Bill of Rights to remind us that the framers not mentioning an individual right doesn't mean people didn't have it. We might find in that reminder a right to privacy, to sexual freedom, or the more general right of a free citizen to be left alone by government if he or she is not harming another person. Roger Pilon also thinks the Fourteenth Amendment, which states in part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," forbids laws that intrude into private bedrooms. "That clause was meant to be the principal font of rights against the states, to protect the freedom and personal integrity of the individual," he told me. Clarence Thomas has been especially interested in the "privileges or immunities" clause as a guarantee of individual liberty, and he might be able to use it in this case to good effect.

There is no doubt that sodomy laws are objectionable in a free society. But are they forbidden by the U.S. Constitution?

I also would include the clause that guarantees the states will maintain a "republican" form of government, arguing that part of the definition of such a government is that it protects individual rights rather than violating them. Unfortunately, there are almost no decisions extant that deal with this issue. — Alan W. Bock

The axis of dumb — Could the international situation get any more confusing? Bush's foreign policy team is supposed to be brilliant. I guess they'd have to be to follow this web of intrigue.

After a bunch of Arabs crashed airplanes into American landmarks, the U.S. invaded largely Pashtun Afghanistan to depose the Taliban. In order to take out the Taliban, the U.S. made common cause with Afghanistan's neighbor, Pakistan. Pakistan is run by a military dictator and has nuclear weapons with which it menaces its neighbor, India. We've subsequently discovered that Pakistan's secret service all but invented the Taliban in order to pacify its basket-case neighbor. With friends like these . . .

Now the U.S. has mounted a campaign against Iraq, which is run by a military dictator who may have weapons of mass destruction he might use to menace his neighbor, Israel. But, as the Bushies press all the diplomatic flesh they can lay hands on in order to forge an anti-Iraq alliance, lo and behold, North Korea announces *it* has weapons of mass destruction which Pakistan helped it to produce.

Pakistan continues to play a vital role in our pacification of Afghanistan. I suppose it follows that the next step in the War on Terror is we reoccupy Germany with help from Saudi Arabia because the Sept. 11 criminals came from Hamburg. — Brien Bartels

Four answers — to the question asked in a headline in the Dec. 13 *Wall Street Journal*: "Can Hermeneutics and Quantum Theory Shape Your Reality?"

1. Yes, especially if you're a college professor looking for a government grant.
2. Why can't *Liberty* ever have headlines like this?
3. Whew! I'm glad my reality has shape, after all.
4. More confirmation of the idea that the *Wall Street Journal* has been taken over by space aliens. — Owen Hatteras

"We wish you a Merry Xmas" — One of the greatest threats to religious freedom in America is the ignorance of public school employees. In a school district near Sacramento, Calif., a school principal announced that the word "Christmas" would not be allowed in the school. In Yonkers, N.Y., a school superintendent ordered the removal of all religious decorations, including Hanukkah symbols. These things generally are done by school officials who do not understand the First Amendment's prohibition of the establishment of religion, and think such prohibitions are required by a Constitution which they, being public school employees, have never read. The law, of course, does not require schools to ban mention of Christmas. In fact, California law specifically prohibits schools from banning religious statements.

But while such Scroogery rouses the indignation of students and parents — and rightly so — religious conservatives actually profit from the ignorance of so-called educators. They have much to gain by portraying themselves as a persecuted minority, and these infringements give them that opportunity. Conservative talk show hosts, for instance, have got a lot of mileage out of saying that, in the recent *Newdow* decision, the Ninth Circuit declared it unconstitutional to say "under God" in a classroom. In fact, it did no such thing. Any student and any teacher may pray voluntarily, at any time he wishes, in any public school in

the United States. He simply may not try to force or intimidate others into doing so. — Timothy Sandefur

An epiphany for Hillary? — A positive note from November's election was that universal health care lost in Oregon by nearly a four-to-one margin. Four-to-one. In *Oregon*. Could it be possible everyone is waking up from the bureaucratic nightmare that is single payer health care? A side benefit was that, after looking at those results, Hillary Clinton remarked that she was way too "liberal" to ever be elected president. We can only hope. — Tim Slagle

The case for SUV bashing — Time was when every libertarian knew that, in order to defend someone's right to engage in a certain behavior, it was neither necessary nor (in at least a few cases) desirable to endorse or recommend that behavior in and of itself. You could consider gambling a foolish waste of time and money but defend people's right to engage in it if they wanted to. You could consider drug use irrational and disgusting but defend people's right to engage in that too. The fact that an activity is consensual, and therefore outside the proper bounds of state action, does not mean it is noble or admirable or advisable in itself.

To judge from the rising chorus on the SUV controversy, however, some people in this movement of ours have lost track of this simple truth. (Or could it be that they're simply too unreflective to have seen the obvious?) Nearly two years ago, the Cato Institute sounded the first joyous notes of what was to become a full-throated hymn of praise to the SUV in movement publications, bringing out a flashy, six-page study by a pair of Rutgers University economists that showed that SUVs "are saving lives." A little over a year later, *Reason* devoted its cover and not a few inside pages to a frankly billed "defense of the SUV," and four months after that, *Reason*'s Jacob Sullum devoted his syndicated column to raising the by-now familiar hosannas. "People like SUVs," Sullum announced, "because they're roomier, more comfortable, and safer than lighter, smaller cars."

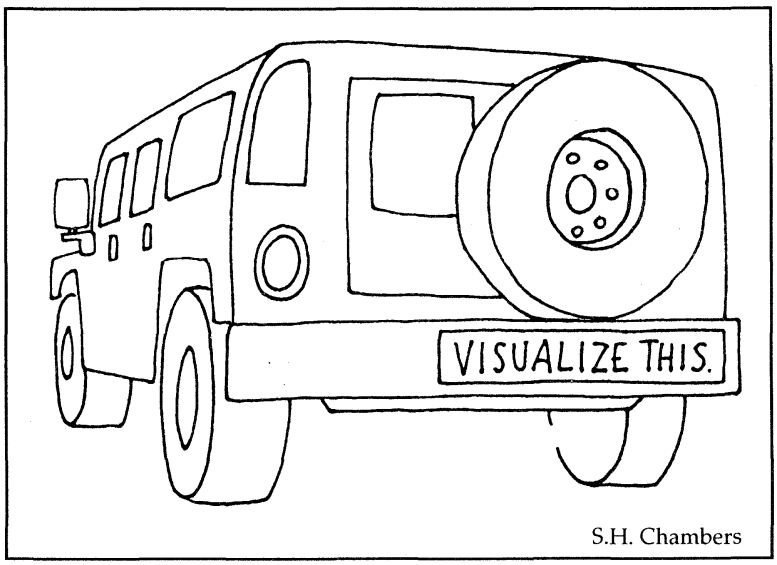

S.H. Chambers

But this is disingenuous to say the least. It's a simple tautology to propose that any given vehicle is "roomier than smaller cars." If the cars it's being compared to are smaller, then, ipso facto, it must be roomier. And comfort is a matter of opinion. Personally, I've never ridden in or driven any SUV that came anywhere close to the comfort I got used to back in the late '80s and early '90s when I was driving an Audi 5000.

As for safety, well the story isn't quite as simple as Sullum and the Cato study, upon which his assertion largely is based, would lead us to believe. After all, what does "safer" mean to the ordinary driver? To the ordinary driver, does "safer" mean, as Cato's economists patiently explain, the more SUVs we've had on the road in recent years, the bigger the "decrease in traffic accident fatalities per capita, fatalities per licensed driver, and fatalities per registered vehicle," to say nothing of "fatalities per vehicle mile traveled"? Is this the kind of information that is likely to convince a particular driver that SUVs are "safer" than passenger cars? Or is the ordinary driver more likely to be impressed with statistics on how much safer (or how much less safe) any particular SUV driver or passenger will be while traveling in that vehicle? What the ordinary driver wants to know, I think, is not the overall trends in traffic fatalities since SUVs became popular, but rather the odds that he or she will be hurt or killed in an accident in an SUV.

Looked at in this way, the figures tell a somewhat different story. As Stephanie Mencimer summed it up in the December *Washington Monthly*, "The occupant death rate in SUVs is 6% higher than it is for cars — 8% higher in the largest SUVs. The main reason is that SUVs carry a high risk of rollover; 62% of SUV deaths in 2000 occurred in rollover accidents." Part of the reason doubtless lies in the fact that, though SUVs, being top-heavy, are prone to roll over, "SUV roofs are not reinforced to protect the occupants against rollover." The fact is that, from the point of view of the individual driver, SUVs are not "safer." The fact is that people buy SUVs, not because they are safer than smaller, lighter cars, but because they believe they are. And they believe this because they are uninformed. If they were informed, they would know that the safety and roominess they are seeking in an SUV more likely can be had, at a comparable price, in a number of high-end station wagons.

As an example, consider the 2003 Audi A6 Allroad Quattro wagon; compare it with the 2003 Ford Explorer. A fully loaded Explorer costs almost exactly the same amount as a minimally loaded Audi Quattro, but the minimally loaded Quattro has all the same goodies as the Ford, and a few more the Ford doesn't have. Moreover, the Quattro isn't top-heavy, doesn't roll over, and affords significantly better protection to both driver and passengers than any Ford on the road. Sullum makes much of the fact that "[a]lthough most SUV owners don't take them off road, they still value four-wheel drive in rainy or icy conditions." But such drivers would get even better traction from the computer-

controlled all-wheel drive in the Quattro.

All this information is available on the Internet to anyone, including those at the Cato Institute and *Reason* magazine. Why, then, the rush to defend the SUV?

Is it a naive belief that markets are always right? In a sense, of course, they are. But they don't necessarily or even usually reward excellence, only the ability to supply what people want. People do not always, or even usually, want excellence. To economists, of course, the term "excellence" is meaningless, indistinguishable from whatever is wanted by some buyers. Everyone always thinks his choice is the most excellent of the alternatives; otherwise he wouldn't have chosen it. But there is another kind of excellence, the excellence of being well adapted and well designed to serve intended purposes. It is with this sort of excellence in mind that Macintosh enthusiasts decry the Windows operating system as an inferior product despite its market dominance.

The SUV is the Windows of the automotive world — an inferior product that has achieved market dominance in its niche by relying on the ignorance of the buying public. For, as H.L. Mencken memorably put it, "Nobody ever went broke underestimating the taste of the American public."

The fact that an activity is outside the proper bounds of state action does not mean it is noble or admirable. Some libertarians have lost track of this simple truth.

So why the rush to defend the SUV? I suspect it's as simple as this: SUVs are currently under attack by Greens, "Progressives," and many mainstream liberals, all of whom are calling for government action against the marketing of these vehicles. The SUV cheerleaders' reasoning goes, "my enemy's enemy is my friend; if the liberals and the left hate SUVs, then we must love them." This is, of course, absurd.

I'd argue for a more judicious take on this controversy. Government should not interfere in the market for SUVs. On the contrary, it should end the millions of other regulations already in place on the auto industry. If it weren't for certain of those regulations, it is unlikely the SUV would have come into existence in the first place. The absurd idea of putting a luxury passenger car body on a truck chassis began to look attractive to manufacturers only when government-mandated fuel economy standards for passenger cars began to make it impossible to legally produce the kinds of big, heavy, vulgar vehicles a significant portion of the American public always has favored. — Jeff Riggenbach

Political discourse — Sen. Lott said that Strom Thurmond should have been elected president in 1948. So? At a 100th birthday party isn't it excusable to flatter the honoree without worrying about the precise meaning or exact accuracy of the words of praise? The uproar among politicians and in the media over a possible sinister meaning hidden in Lott's words surprised me, but it shouldn't have. These people are anxious to find or invent material that will titillate the public or sway "rationally ignorant" voters. Even in some universities nowadays, professors must be careful lest their words are interpreted as mean or insensitive.

A kind of Gresham's Law of political discourse is at work, as was illustrated again in the 2002 elections: bad arguments crowd out policy analysis involving political philosophy and economics. One implication is that we should beware of throwing ever more decisions of life into the democratic political arena. With government limited to its core functions, politicians would be better able to monitor the bureaucrats adequately, and voters to monitor the politicians. But too many people, including supporters of McCain-Feingold, look for a remedy in curbing freedom of political speech and freedom to contribute toward paying for it.

None of this is to deny that party leaders should perhaps be chosen nowadays for their political skills and for ability to foresee and forestall any twisting of their words.

— Leland B. Yeager

The call of the north — Radical left-wing filmmaker Michael Moore recently released his new fictional documentary, *Bowling for Columbine*. A portion of the film is a fawning Valentine to that chilly social utopia to the north: Canada. In several interviews Moore has waxed fondly about Canada's peaceful culture. One wonders, "If it's so perfect, why doesn't he move there?"

I've had the same question about newsreader Peter Jennings, who never misses an opportunity to complain about America, the nation that has made him a millionaire many times over. I suspect the reason that Moore and Jennings haven't migrated north is good old-fashioned self-interest. Canadians with earnings in the neighborhood of Jennings' and Moore's are taxed at a rate just shy of 90%.

Could we get these guys deported? — Tim Slagle

Gateway to nonsense — The RAND Corporation, which started life as the Air Force's think tank, has become the latest organization to debunk one of the more enduring myths of devoutly ignorant drug warriors — that marijuana is a stepping stone or "gateway" that leads to "harder" drugs like heroin or cocaine. Noting that certain studies show those who use marijuana are more likely to use heroin or cocaine than those who never have used marijuana, RAND does an essentially statistical and partially sociological study, which shows those coincidences are not causative and these numerical associations would be there whether or not there is something about marijuana that leads people to want to try other drugs.

Although RAND trumpeted its study as "challenging an assumption that has guided U.S. drug policies since the 1950s" — which is true enough — it is hardly novel among those with a modicum of respect for science. The 1999 Institute of Medicine report on medical marijuana, commissioned (and then ignored except for one convenient sentence) by then "drug czar" Gen. Barry McCaffrey, reported "no evidence that marijuana serves as a stepping stone on the basis of a particular physiological effect" and then

dropped in the sentence, "the legal status of marijuana makes it a gateway drug," without further comment.

The IOM report didn't tease out the obvious implication of that statement — that the best way to disassociate marijuana from "hard" drugs would be to legalize it — but it doesn't take a lot of intellectual heavy lifting to do so. Unfortunately, like most drug warriors, current "drug czar" John Walters is more into intellectual heavy lying than heavy lifting. — Alan W. Bock

I'm going to miss you, Al — Is Al Gore's decision not to run for president a good thing for liberty?

Yes, in the sense that it registers a major pre-campaign defeat for the anti-libertarian ideas that Gore tried to use to get himself back in the ring, ideas like a "single-payer" (i.e., communist) federal "health insurance" scheme. Gore's much-publicized lurch to the left was visibly unhelpful to him. The more press coverage he got, the lower (despite all the puffing by the media) fell the sales of his insipid books, and the lower he himself fell in the opinion polls.

I'm afraid, however, that the answer is also No, in the sense that the absence of Gore, who retained some standing with Democratic Party professionals, makes it easier for even meaner, more vicious exponents of American socialism to muscle their way onto the ticket. There are politicians who are not so easy to laugh away as the palpably ridiculous Mr. Gore.

On balance —

No, not on balance. I'm not feeling balanced about this issue. What I'm about to say comes straight from a grieving heart.

I'm going to miss Al Gore.

Gore was God's gift to every political writer in America, except those chained in the deepest dungeons of *The New York Times*. He wasn't just stupid and maladroit. He was *reliably* stupid and maladroit. He never did anything right, and he did so many wrong things that you could never run out of copy, so long as Al Gore was around. And he always insisted on being around.

There's still hope, of course — and let's keep hope alive — that Gore will continue to insist on staying active, and that people will pay some attention to his continued blatherings. In fact, the former is virtually inevitable. But the latter . . . I'm not sure that he'll attract enough audience to make noticing him seem like anything but a sad exercise in nostalgia, or an obvious way of providing filler.

So, goodbye, Al. I'm sorry, truly sorry, that I won't have you to kick around anymore. — Stephen Cox

One cheer for Al Sharpton — Trent Lott's recent statement that "we wouldn't have had all these problems" if the segregationist candidate, Strom Thurmond, had won the presidency, reflects badly enough on Lott. But the reaction among Republicans is far more upsetting. Rush Limbaugh and others dismissed the gravity of Lott's remarks as though their offensiveness was a trumped-up charge. That's understandable. Bigots like Al Sharpton and Jesse Jackson have made careers of going about with a racism gun, shooting everything in sight. Their credibility further is weakened by the vein of racism running through the Civil Rights Establishment. But, this time, they were right. Lott did not "misspeak." Presumably accustomed to whispered jokes among Southern paleo-cons, Lott didn't even really apologize. Segregation, he said, was a "discarded practice of the past" — apparently, of no more moral significance than a 1984 Chevy Nova.

Never did Lott address the circumstances leading up to Thurmond's 1948 run for the presidency. In 1946, on a roadside in Monroe, Ga., a white mob murdered a black World War II veteran, his wife, and two of their friends. One of the corpses was found with 180 bullet holes in it. President Truman was so horrified, he began a campaign to pass new civil rights laws and more vigorously enforce those already existing. In retaliation, Thurmond and a handful of others split from the party, denouncing Truman for trying to undermine the "Southern way of life."

The desegregation movement was a great moment in American history because it represented a rededication to the principles of the Declaration of Independence: all men are created equal and it is wrong for the government to distinguish between individuals because of their race. But it should come as no surprise that a prominent Republican soullessly mouths the words of regret over his seeming to endorse the "discarded policies of the past." Conservatives simply do not believe in the Declaration's principles.

Segregation, Sen. Lott said, was a "discarded practice of the past" — apparently of no more moral significance than a 1984 Chevy Nova.

In 1993, Russell Kirk (who preceded Robert Bork as America's leading conservative intellectual) told a Heritage Foundation audience: "don't I believe in equality of opportunity? No, friends, I do not. The thing is not possible. First of all, genetic differences cannot be surmounted between individual and individual. Thomas Jefferson and the whole

"This Michael Jackson's a pretty good performer, but she ain't no Betty Grable!"

school of 'created free and equal' knew nothing whatsoever of human genetics. Inequality is the natural condition of human beings. Charity may assist those not favored by nature, but attempts to impose an artificial equality of condition and intellect, although in the long run they fail, meanwhile can work great mischief in any society and — still worse — damage human nature itself."

Kirk and his supporters may dissemble, but the racial tinge of such words is undeniable. Compare them, for instance, to the "cornerstone speech" of Confederate Vice President Alexander Stephens: "Our new government is founded upon the great truth that the Negro is not equal to the white man. This truth has been slow in the process of its development, like all other truths in the various departments of science. It was so with the principles announced by Galileo. It was so with Adam Smith and his principles of political economy. It was so with Harvey and his theory of the circulation of the blood. It is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now, they are universally acknowledged. May we not, therefore, look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? . . . With us, all of the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the Negro."

Republicans are absolutely right to cry "Double Standard!" Former KKK dragon and Democratic Sen. Robert Byrd, for instance, sails neatly by while Jackson and Sharpton say nothing. But it would be even greater hypocrisy for our leaders to demand that, say, Yasser Arafat denounce terrorism in every speech, while minimizing the offensiveness of a Mississippi good ol' boy who tells his audience that things wouldabin bettah if thar hain't bin nunna dat dee-seg-ruh-gay-shun. — Timothy Sandefur

Rewriting history — In politics, it is amazing how the banners of the victors change after the battle.

I am thinking of Initiative 776, approved last November in the state of Washington. The initiative was a mopping-up measure following an earlier one by the same sponsor to remove a state property tax on cars. Before the earlier one, I paid about $650 a year for my Washington license tabs. After it, about $85. I-776 promised to reduce everyone's tabs to $30.

The measure repealed two sets of taxes: a $15 tax levied in four counties and a 0.3 percent property tax levied in the public transit district in three of the same counties. Two-thirds of the tax being repealed went to Sound Transit, a Seattle agency on the verge of building light rail.

For voters around Seattle, I-776 would affect light rail more than anything else. But the plan for light rail is none too popular, having doubled in price and shrunk in miles by one-third since 1996. It has its fervent supporters, especially in Seattle, but likely not a majority. So the campaign against I-776 — funded by labor, environmental groups, Boeing, and others — argued that I-776 was *not* about light rail.

The plan for light rail is none too popular, having doubled in price and shrunk in miles by one-third since 1996.

It was about democracy and good government, about the sponsor, Tim Eyman, about roads, about buses. It was not, not, not about light rail because it didn't mention a revote on light rail. (Actually, it did, but what the hell.)

The measure passed statewide. But inside the light-rail taxing district, the majority was strongly against it. A great cheer came up from the leaders of Sound Transit: their people had supported light rail! Light rail had won a moral victory!

But they never had waged a moral battle. They never had undertaken a defense of light rail. They had claimed the battle was about something else.

This has happened before. In 1995 there was a measure on the Washington ballot that required government to compensate property owners if regulations reduced the property's value. A great campaign was put up against this, with two main messages. First, the measure was poorly written. Second, it would cost the taxpayers a lot of money. The first was a technical argument and the second a conservative argument. Neither was a liberal or environmental argument.

The statewide "no" vote was 59%. Following it was a wave of congratulation. Voters had supported the environment and rejected property rights. And that is how the measure is remembered today. — Bruce Ramsey

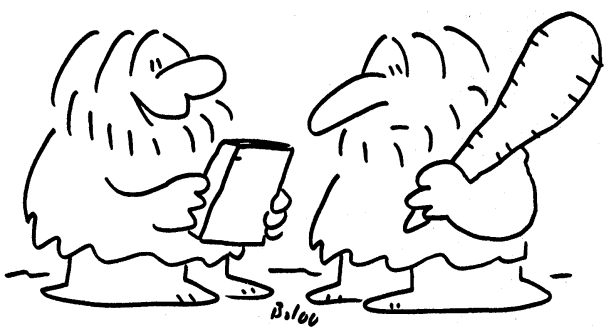

"Now that we've invented language, I've drawn up some talking points."

Word watch — "What do you mean?" Paul exclaimed, when the December issue of *Liberty* came out, with my customary "Word watch" Reflection in it. "You haven't come to closure!"

"Closure!" I replied. "I wasn't trying to *close* anything!"

"No, no! I'm talking about the word. The word 'closure.' You were discussing the fact that people abdicate responsibility for what they've just done by saying that they're moving on with their lives or they're in recovery or something . . ."

"I never mentioned recovery."

"Well, that's another one, then. But you forgot to mention closure. When people are trying to get rid of something, they always say that they want to come to closure, they're trying

to achieve closure, they're working toward closure, they're sure that we're all together on this and we're all working toward closure. And that's a lot funnier than anything that you mentioned in that reflection of yours."

At this point, I have to tell you that Paul has a peculiar sense of humor. You may remember that scene near the end of *The Fountainhead* — the movie version — where Gail Wynand signs a contract with Howard Roark, then reaches for a gun and shoots himself. He shoots himself off-camera, but you know that he's done it because you hear the gun go off and you see the pages of the contract blown back by the blast. When we were leaving the theater after viewing the film, Paul said that there was one thing he didn't understand: "Why did he shoot that contract?"

You see what I mean.

"What's funny about closure?" I asked.

"It's funny because they want both things at once. They want to move on with their lives, quote unquote, and the faster the better, but they also want to bring everything to a stop. They want to stop the things they don't like, anyway, such as their debts and their friendships and their plans for something that they don't want to do but they promised to do. They want to bring all *those* things to closure . . ."

"Pretty funny."

"It is, really. Really it is. But you've gotta think about it."

"I'm thinking. It's hard, but I don't want to bring the process to closure. Not yet. That would be premature. Soon, though."

"I'll say one more thing."

"Go ahead."

"This is one of those committee words."

"Committees? We have committees?"

"Yes we do. Everybody does. You can inoculate for smallpox, but you can't inoculate for committees. Even tattoo parlors have an elaborate committee structure. And committees have special words. That's where 'agenda' comes from, of course, and why everybody is assumed to have one. And once you've got your agenda written out, you can put 'action items' on it. I like action items. They're a way of telling people that they've got to do something by telling them that it's something they've already received. There it is on the agenda — the action item. Anyway, committees are always coming to closure. They 'come to closure,' but they also 'leave open' their 'option' to 'revisit the proposal' at some future date. It's a great method of having both things at once. Imagine what would happen if God did things like that."

"I can't imagine."

"Neither can I. But it would be almost as much fun as a committee meeting."

"All the same, I hope we live to see closure on this 'closure' issue."

"So do I. But the real problem is, it doesn't make any sense. 'Closure.' I was 25 years old before I knew that there was such a thing in the world, and I'd been closing doors all that time. I mean, what have you 'achieved' when you've 'achieved closure'? Does it mean that you're through with something? You can forget all about it? You can file it away in that drawer that only your 'administrative assistant' knows how to find? Or is it just a way of saying, 'This is the Rolling Stones' Fourteenth Farewell Tour'?"

"I don't know."

"Neither do I. But that's the point, isn't it?"

— Stephen Cox

P. R. boot camp — The U.S. State Department is bringing Iraqi exiles to Washington for what it calls "media training." Will these would-be post-Saddam rulers be instructed in how to set up a government that balances power and respects the individual rights of citizens? Not exactly. Instead, they'll stay at the classy Radisson and get lessons in how to handle themselves in media interviews and how to give speeches. The hope is, apparently, that they'll learn to lie as well as their sponsors. — Alan W. Bock

Time to sober up — The post-election emails and faxes from the Drug Policy Alliance tried to put a cheerful face on the failure of drug reform measures on the November ballot, noting that, since 1996, voters have approved 19 of 24 state drug policy reform initiatives. But releases before the election had crowed that voters had placed themselves on the reform side 17 of 19 times. The reformers lost three and won two on Nov. 5, and the ones they lost were more prominent and potentially more important than those they won.

The midterm election this year was a significant setback for a drug reform movement that had been riding fairly high with shrewdly selected issues centered around medical marijuana patients and the idea of treatment rather than incarceration for nonviolent offenders.

Time magazine's cover story for Nov. 11 (released before the election) highlighted this success and predicted more, noting that 80% of Americans support making marijuana available medicinally and 72% prefer fines rather than jail for marijuana possession. Although it included more than its fair share of bad puns and "clever" winks to hippie-ness (a trivializing temptation no journalist seems able to resist), the *Time* article included a fairly accurate assessment of the

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relatively small health risks associated with smoking cannabis and acknowledged (as government spokesmen almost never do) that there is solid scientific evidence for some medical benefits.

But the voters spoiled the story, rejecting a measure in Ohio that would have provided treatment rather than incarceration for simple possession offenders (similar to Proposition 36, which California voters passed and which is working fairly well) and, measures that effectively would have legalized possession of small amounts of marijuana for any purpose.

It wasn't a clean sweep for the drug warriors. Voters in Washington, D.C. approved a measure to require treatment instead of jail with a 78% margin. In Massachusetts, 19 local non-binding resolutions passed, instructing legislators to vote for making marijuana possession a civil rather than criminal offense.

In San Francisco, voters approved a measure directing city officials to look into growing and distributing cannabis to patients who qualify for it. That would mean the feds, who have been aggressively closing medical marijuana cooperatives and dispensaries in California, would have to think about arresting city officials.

On balance, however, the election results were a setback for drug reformers, especially if you count those few who dreamed of the Democrats taking over Congress, making Michigan Democrat John Conyers chairman of the Judiciary Committee, and were prepared to hold hearings on marijuana medicalization and decriminalization.

Consequently, I especially was interested to attend a national conference of the Marijuana Policy Project and Students for Sensible Drug Policies in Anaheim. The prepublicity suggested it would be something of a triumphal affair, celebrating Tuesday's victories and planning the next steps. It turned out to be more sober and sobering, a reassessment of where the movement stands. From the speakers and panels, I got the idea this setback might be almost a blessing — a reminder that drug law reform will be a long, difficult battle in which reformers will have to work in coalition against people with deeply rooted, vested interests in the status quo. Most of the attendees seemed to absorb this message and to leave the meeting determined not to be deterred. It will be interesting to see if the attitude lasts.

— Alan W. Bock

Let them eat sense of belonging — The saddest thing about the leftists is the perversity of their priorities. Although they wrap themselves in the flag of Compassion for the Poor, they routinely support policies that harm the poor most of all: the minimum wage, for example, which costs hundreds of thousands of entry-level jobs and harms most those for whom the Democratic Party claims to feel the most pain.

Another example is the left's opposition to the increase in food productivity. Environmentalist terrorist groups attack genetically modified crops, lobbyists stall food irradiation, and pseudo-intellectuals impose on the Third World international agreements which stifle industrialization. Just like conservatives, liberals talk of the "spiritual value" of things while turning their backs on the inhumane impact of their actual policies.

Activists in Oaxaca, Mexico, have managed to stop the placement of a McDonald's in the town. A "historic preservation society" blocked the new restaurant in order to preserve the sanctity of the city's culture. Francisco Toledo, a famous Mexican artist, led the society. "This place is not for McDonald's," he told FoxNews. "This is a sacred space."

Of course, McDonald's employs millions of people around the world — McDonald's is a franchise operation, so the restaurants are not owned by a central corporation — and provides cheap food. What Toledo is really saying is that it is more important to have "sacredness" than to have jobs and cheap food. Now, perhaps he is right. Perhaps having a McDonald's in town is really just as dire a fate as he thinks. But what about the people who could have had jobs and cheap food? Why do they not have a say in that decision? Toledo believes that it is better for a poor man to be unemployed and to pay more for food, than to have a McDonald's in the area. And yet this attitude passes for "compassion" among leftists.

Perverse compassion isn't limited to the left, however. Conservatives denounce free trade just as fervently and with precisely the same inebriated morality. If you're not paying enough for steel, the government must force you to pay more. Sure, this increases inflation and lowers the quality of available steel, but this is the conservative version of compassion: that is, compassion for the American steel industry, which uses the law to bilk us all.

Just like conservatives, liberals talk of the "spiritual value" of things when turning their backs on the inhumane impact of their actual policies.

I recently was taken to task for criticizing an episode of *The Twilight Zone* which denounced the Evil Capitalist main character, Mr. Whipple, for streamlining operations by replacing his factory workers with machines. Greedy Mr. Whipple described at the beginning of the episode how many thousands of people each year were injured on his job site before automation. Yet he is portrayed as evil for his decision to automate. In other words, it is good for people to suffer on-the-job injuries and to pay more for products because these things contribute to a "sense of belonging." Modern society, with its safe production and its cheap, easily available products, just alienates us from one another and results in nasty old "atomistic individualism."

This alienation thesis is hooey; probably the most enduring hooey Marxism ever produced. It is a disease that affects only the elites. The jobs that the Oaxaca McDonald's would have offered workers, or the improved nutrition offered by genetically engineered crops, the lives Mr. Whipple saved, and the products that he made cheaper — these matter a lot more to poor people than all the elite sen-

timentalizing over community and interpersonal bonds. Anyone with a sane concept of morality should agree with this.

"It is all very well for us, sitting pretty," said C.P. Snow half a century ago, "to think that material standards of living don't matter all that much. It is all very well for one, as a personal choice, to reject industrialization — do a modern Walden, if you like, and if you go without much food, see most of your children die in infancy, despise the comforts of literacy, accept twenty years off your own life, then I respect you for the strength of your aesthetic revulsion. But I don't respect you in the slightest if, even passively, you try to impose that choice on others who are not free to choose."

— Timothy Sandefur

Shoot first, ask questions later — What the Bush administration is proposing in Iraq is not a preemptive war; it is a preventive war. "There's a well-accepted definition for preemptive war in international law," Joseph Cirincione, director of the Non-Proliferation Project of the Carnegie Endowment, told me in a phone conversation."Preemptive war is justified by an imminent threat of attack, a clear and present danger that the country in question is about to attack you. In such a case a preemptive attack is recognized as justifiable." The most widely (though not universally) accepted recent example is Israel's decision to attack first in 1967 when Arab armies obviously were preparing to attack. But what the administration is discussing in terms of Iraq is not an imminent threat of attack on the United States (which might justify a preemptive strike) nor even on any of Iraq's neighbors. What the administration wants to do is to attack Iraq to prevent or neutralize a *potential future threat*. That's very different from an imminent threat.

The United States never has before undertaken a preventive war. If we were to go to war simply because a country's leader is dictatorial, despotic, and has weapons of mass destruction, there would be no shortage of countries to attack: Pakistan, China, North Korea, and possibly Russia would all qualify.

Attacking Iraq because it poses a potential future threat someday might not strictly be,"a pretext for outright aggression," as Cato Institute foreign policy analyst Ted Carpenter suggested to me, but it would be a dangerous precedent. Do we want the United States to strike first whenever we see a potential problem? That would keep our military very busy and provide plenty of grist for those who see this country as an imperialist aggressor.

Mr. Cirincione, who recently co-authored the new book, *Deadly Arsenals: Tracking Weapons of Mass Destruction*, believes it is virtually certain that Iraq still has chemical and biological weapons and is probably trying to obtain nuclear weapons. But that doesn't make the threat imminent.

— Alan W. Bock

Putting Jefferson to music — I was surprised to see a throwaway comment in *Liberty* ("A Literary Life and Its Discontents," by Richard Kostelanetz, December 2002) that composer Randall Thompson "is now forgotten." Anyone involved in choral music knows Thompson well. Thompson's *Alleluia* is one of the most often performed sacred works and his *Testament of Freedom* is the purest libertarian piece of classical music I've heard or sung. Readers of *Liberty* might want to seek out a recording of this stirring, classic call to arms in the fight for freedom. It was written to honor the 200th birthday of Thomas Jefferson, in 1943, when Thompson was head of the music division of the School of Fine Arts at the University of Virginia. Soon after the all-male UVa. Glee Club debuted the work on Jefferson's birthday bicentennial, Thompson's *Testament* was broadcast nationwide and then to armed forces overseas in the tense months leading up to D-Day. (I have a private recording of the Reston Chorale performing it with the Virginia Chamber Orchestra on the occasion of Thomas Jefferson's 250th birthday in 1993 and several other recordings are available.)

At the Foundation for Economic Education Seminar in Las Vegas last May, I gave a talk on freedom themes in jazz and opera. The pickings were slim in opera, but I managed to wrest a few messages from Beethoven's *Fidelio* and some Verdi operas. A better example was Thompson's *Testament of Freedom* since it contains pure libertarian texts from the pen of Thomas Jefferson set to appropriately stirring music. The full text is too long to include here, but I will summarize it below:

(1) The first movement opens boldly: "The God who gave us life gave us liberty at the same time. The hand of force may destroy but cannot disjoin them." These words are excerpted from Jefferson's first great freedom tract, "A Summary View of the Rights of British America," written in May 1774, somewhat by accident, when he was laid up with dysentery and had nothing much else to do during the long days of his recovery. In June, the full 23-page, 3,000-word pamphlet was printed in Williamsburg and without attribution due to its incendiary nature. It then was reprinted in Philadelphia and appeared as far away as England. It gained the widest currency of any of Jefferson's pre-war writings.

(2) The second movement begins, "We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery." This text was written on July 4, 1775. It first was called "A Manifesto on Arms." Published two days later as "The Declaration of Causes and Necessity of Taking Up Arms," the paper raged against a long list of British provocations and culminated in an all-out cry: "Arms we will employ for the preservation of our liberties, being with

"Your problem is very, *very* common — I'm going to refer you to Oprah."

one mind resolved to die free men rather than to live slaves."

(3) The third movement has a martial feel: "We fight not for glory or for conquest," but "against violence actually offered, we have taken up arms." This is another passage from "The Declaration of Causes and Necessity of Taking Up Arms (July 6, 1775). The Battle of Bunker Hill had just taken place, in June 1775, and there was still a strong debate for and against "taking up of arms" in America. It is also important to remember that 56 fairly rich men soon pledged their "lives, fortunes and sacred honor" against the world's mightiest empire with scant chance for victory. They surely would have been hung for treason had they lost. As men of principle, they sought to justify their actions with such lofty words as Jefferson's, later amplified by Randall Thompson's powerful music.

(4) The final section moves forward 46 years. It is from a letter to John Adams in 1821 beginning: "I shall not die without a hope that light and liberty are on steady advance." This letter is very similar to Jefferson's final letter, also written to Adams, ten days before both he and Adams died on the 50th anniversary of the Declaration. In a chilling preview of 20th century wars, Jefferson wrote: "Even should the cloud of barbarism and despotism again obscure the science and liberties of Europe, this country remains, to preserve and restore light and liberty to them."

Perhaps the most dramatic performance of Thompson's Testament came on Jefferson's birthday in 1945 when victory in Europe was in sight. President Franklin D. Roosevelt had died the day before in Warm Springs, Ga., and many other major concerts were being cancelled. Instead of cancelling the Carnegie Hall concert scheduled for Jefferson's birthday, Serge Koussevitsky conducted the Testament in FDR's honor, preceded by some other works and followed by a minute of silence then *The Star-Spangled Banner*.

Thompson is well remembered for *Alleluia* and *Testament of Freedom,* but he was an educator as well as a composer. I won't go over his entire resumé but, after his war years in Virginia, he became the first Walter Bigelow Rosen Professor of Music at Harvard, and chaired the Harvard Music Department from 1952–1957. An axiom of classical music is that "greatness stands the test of time." *Liberty* readers can test the two composers any time they want. They need only buy any version of Thompson's *Testament of Freedom* and compare it to any work by Milton Babbitt, a "serial" composer. (In brief, serial music arranges twelve tones in a row and treats those tones as a math exercise, thereby rejecting any tonal center or programmatic content.) Babbitt advocated an extreme in serialism called "total serialism," i.e., music not only based on a single arrangement of all twelve pitches, but also with serialism in dynamics (volume), duration (note length), timbre (tone color), and register (pitch). It is robotic music — an aural computer game. In time, serial music and Babbitt may be forgotten, but we will be singing Thompson's great works for centuries. — Gary Alexander

LP Spoilers?

In last month's *Liberty*, R. W. Bradford reported that there were no Libertarian spoilers in the November 2002 election. That may be true for Congress, but it wasn't true for the Oregon governor's race, which was perhaps the most important race for the state's property-rights advocates in many years.

On one side was Democrat Ted Kulongoski, who strongly support Oregon's confiscatory land-use laws. On the other side was Republican Kevin Mannix, who supports giving landowners compensation for regulations that reduce the value of their property. Then there was Libertarian Tom Cox.

Kulongoski outpolled Mannix by 36,219 votes. But Cox received 57,760 votes. Even if you assume that many of those votes would not have gone for Mannix, it is likely that Cox spoiled Mannix's chances. So Oregon is stuck with another four, and probably eight, years of the most repressive land-use regulations in the nation. Thank you, Libertarian Party.

— *Randal O'Toole*

Last month, I described a method for determining whether the presence of an LP candidate in a race affected its outcome, and applied that method to *every* race for governor, the House of Representatives, and the Senate, and concluded that no LP candidate had made a difference. I included Oregon's gubernatorial election in this analysis. It wasn't even one of the races whether the LP came close to changing an outcome.

The math in this case is pretty straightforward. If one assumes that *every one* of the 57,760 voters who chose the Libertarian would have chose either the Republican or Democrat had the Libertarian not been on the ballot, Republican Mannix would have had to capture the votes of 46,990 of them— that's 81.5% of the total — to change the outcome of the election. If some voters chose not to vote for governor at all if they have no option to vote for the LP — and there is evidence that a great many votes are in this category — the GOP share of the would have to have been much larger even than the 81.5% figure.

There exists precious little data on how those who vote for Libertarians would vote absent the Libertarian alternative. So far as I have been able to discover, no exit polling on this subject has ever been done. A poll of voters who indicated they would vote for Libertarian Ed Thompson in Wisconsin's gubernatorial race indicates that 30% would have voted Democrat, 30% Republican, 27% Green, with the remainder not voting, if the Libertarian had not been on the ballot. Obviously the Republican candidate wouldn't be able to get anywhere near the minimum 81.5% of the total vote if Oregon is even remotely like Wisconsin.

A recent study in Washington state, which showed that Democrats are about 23% more susceptible to Libertarian direct mail efforts than are Republicans, also tends to undermine the notion that most LP voters would vote Republican if there were no LP candidate on the ballot.

— *R. W. Bradford*

Suppose the Globe Is Warming . . .

by Robert H. Nelson

Global warming means longer growing seasons, milder winters, greater prosperity — so why are so many people worried about it?

The geographic center of population in the United States in 1900 was in Bartholomew County, Ind.; today it is in Phelps County, Mo. — about 100 miles farther south, corresponding to an average increase in daily temperatures over much of the United States of about two degrees Fahrenheit. As it happens, this is half of the current predictions for the most likely level of global warming over the next century. Over the past 100 years, Americans have already voted with their feet that they are willing to pick up and move to obtain a warmer climate. With a moderate amount of global warming, they could stay put and get the same benefit.

Almost all climate models predict that global increases in temperature will be greater toward the North and South Poles, and locations close to the equator will experience less — and possibly little — warming. In other words, temperatures in Miami a hundred years from now may be about what they are today, but Minneapolis temperatures on average may be considerably warmer. Climate models also predict that the greatest warming impacts will be in the winter and at night, just the times when a little more warmth might be most appreciated in places like Minneapolis.

It is beginning to sound as though global warming is an answer to someone's prayers. Instead of complaining, maybe we should be thanking our lucky stars. Canada and Siberia may boom. Indeed, Yale University economist Robert Mendelsohn writes, in a study published by the American Enterprise Institute, that there has been a "near revolution" during the past five years in predictions of the socioeconomic impacts of global warming. It now appears that "many countries will benefit from warming. . . . The industrialized nations of the earth happen to lie in boreal and temperate climates, where warming is likely to prove beneficial."

Mendelsohn is a widely respected economist who has published numerous articles in the leading journals of the economics profession. One of his collaborators in climate change research has been fellow Yale economist William Nordhaus, the co-author with Paul Samuelson of recent editions of the classic introductory textbook, *Economics*. Mendelsohn and other economists with similar messages have been largely ignored by the media because they turn the conventional thinking about climate change upside down.

The more recent and more optimistic estimates of warming impacts on society reflect a variety of developments in the socioeconomic modeling of climate change. The best estimates of sea-level rise have fallen by about 50% over the past decade, now requiring less expenditure to mitigate higher ocean levels. Agricultural productivity is now expected to rise considerably as a result of the fertilization effect of higher levels of carbon dioxide in the atmosphere.

The most important improvement in socioeconomic modeling of the effect of global warming is to take much greater account of the dynamic changes that occur as climates change. Many of the old modelers were already predisposed to see increased temperatures in a negative light; they saw all harms and ignored the many potential benefits. But now some researchers are attempting to be more analytically neutral; they are doing actual scientific work, as opposed to using science as a propaganda tool in support of

strong existing moral convictions.

For example, global warming might curtail the ski season for existing resorts, perhaps driving some them out of business. This is a real cost of climate change, the kind that should be factored into studies of net impacts. However, it is also necessary to take into account that the ski resort may be able to relocate 100 miles farther north at an equally attractive site. Moreover, golfers in places like Pennsylvania may now be able to play in March, creating a new benefit that needs to be accounted for. As long as the climate changes are not too large and the rate of warming is not too rapid — new modeling calculations have reduced predictions in these regards as well — the process of social and economic adjustment need not be painful.

Contemporary environmentalism offers a secularization of older Christian teachings, especially as found in the more ascetic strains of Calvinism and Puritanism.

In fact, for some people it will not be painful at all. Instead of having to move south in search of warmer climates, a warmer climate will now move to them. They will be able to stay in their old familiar communities and with their families and friends, even as they have milder winters and longer growing seasons for their cornfields and gardens.

There is a strange paradox in the international politics of climate change. The countries in northern temperate zones will likely experience actual economic gains. If there are any major negative impacts (there are still large uncertainties in climate modelling), the countries nearest the equator are most likely to experience them. As Mendelsohn explains, "North America, Europe, and the former Soviet-bloc countries are all likely to benefit from warming, while tropical and subtropical regions of Africa, South America, and Asia are more likely to suffer damages."

Yet, it is the possible losers near the equator who are the countries that have been staying out of the Kyoto discussions and other international climate change negotiations. A main reason given by President Bush for his rejection of the Kyoto Protocol in March 2001 was the absence of provisions for restraining greenhouse emissions by less developed countries.

The poorer countries of the world today are in fact much more concerned with their current pace of economic development than with any future changes in world climate. Rather than rich nations such as the United States spending trillions of dollars over the next few decades for climate mitigation — and mostly for the benefit of the poorer nations nearer the equator, as it now seems — these less developed nations would much rather receive the funds directly. If the poor countries were offered a choice — mitigation of global warming by a few degrees or a few trillion dollars of funding (the cost of mitigation) that could instead be directed to poor countries — what sense would it make for them to choose the slightly cooler climate? What would help them more: trillions of dollars or slightly cooler temperatures? The answer is obvious.

So why are Europeans virtually hysterical about the American rejection of the Kyoto agreement? The only way to make sense of Kyoto is in terms of environmental religion. In contrast to Americans, a majority of Europeans have largely given up on Christianity. This does not mean, however, that they have abandoned religion. Many of them have now redirected their old religious fervor from the Christian Bible to a new environmental gospel.

Their beliefs are also less novel than it may appear. Contemporary environmentalism offers a secularization of older Christian teachings, especially as found in the more ascetic strains of Calvinism and Puritanism. It is no accident that environmental religion is most popular in old Protestant countries such as Holland, Sweden, and Germany. As theologian Mark Stoll explains, "modern society displays everywhere unintended consequences of the doctrines laid down by John Calvin, William Perkins, Richard Baxter, and scores of Calvinist and Puritan men of the cloth. . . . The world has been transformed with new answers that are often only old ones rephrased." Environmentalism is a leading case in point.

The "sin" of climate change is that it puts human beings in the place of God. In actually changing the climate of the earth — an idea that would have been inconceivable a mere two centuries ago — humanity is altering "the Creation" as it was given to us. Human beings today are literally "playing God." And there is no greater sin in the Bible than to seek to take the place of God.

As the Bible tells us, God will destroy those who challenge His authority. The biblical punishment typically is an environmental calamity — devastating flooding, famine, disease, pestilence, and so forth. Today, it is not God (explicitly) but global warming that will bring on virtually the same environmental calamities. Owing to current human sinfulness, including a gross excess of consumption, rises in global temperatures will soon cause the oceans to rise and flood the land, food supplies to dwindle, hurricanes to rage, and diseases such as malaria to spread to new areas of the world.

This story, of course, is as old as Adam and Eve. Human beings have challenged God and now they will be punished severely. In modern environmentalism, the biblical imagery has been replaced by a new contemporary set of religious metaphors that appeal to the many secular people of our time who may nominally even consider themselves "atheists."

Our current depraved condition is compounded by the fact that we are destroying the world for material gain. According to a Calvinist way of thinking, a life of luxury and high living is a corruption and a temptation to further sin. Mendelsohn and other current economists who are busy calculating the benefits and costs of global climate change — and find little or no likely problem for the world for at least the 21st century — are the new voices of false prophets.

In Calvinist theology, a calling is pursued for the sign it

continued on page 24

John Rawls and the Veil of Incoherence

by Jan Narveson

John Rawls' theory of justice has two elements: individual liberty and the "favor the bottom" principle that justifies the welfare state. Not surprisingly, Rawls fails to reconcile these two elements.

John Rawls, undoubtedly the most famous and revered political philosopher of our time, died Nov. 24, 2002. He was 81. His philosophical fame rested especially on his two major books, *A Theory of Justice* (1971) and *Political Liberalism* (1993). The many obituaries in recent newspapers and journals emphasize his personal modesty, to the point of reclusiveness, and that trait is confirmed by all who knew him. (This author met him but did not know him well personally. I did however study his two books intensely.) Rawls was the subject of much adulation throughout most of his philosophical life. This has resonated in his obituaries.

But adulation does not serve well the cause of philosophy. Rawls was devoted to philosophy. In his lifetime he became extremely famous for setting forth, as he supposed, two basic principles which were to delimit the arena of political justice, and also for setting forth, as he thought, a foundational argument for them. Everyone cites these, both the principles and the foundational idea, and much learned ink has been spilled discussing them. But far too much of the discussion is adulatory rather than critically rational. Above all, it will not do to accept Rawls' own word about his intentions as if those intentions were fulfilled by the mere fact of his proclaiming them. In fact, Rawls' system is a failed enterprise, a fabric which will not bear the weight he wanted it to hold, and those who hold it up as something like definitive of liberalism need to get back to their drawing boards.

In particular, it simply will not to do to say, as so many seem to think Rawls does, that "he put individual rights ahead of the common good." This simply is not true. He was not even trying to do that. He did claim to put individual rights above social utility, specified in *utilitarian* terms. But utilitarianism is not a view of the common good. It is the view that *aggregate* cardinal utility is the supreme end of all moral and political action. But aggregation, in principle, overrides individuals, and thus cannot count as the common good. The common good must be good for all, not merely most. The view that we all have individual rights which cannot be sacrificed in the name of utility is a view that Rawls purports to hold, and he spends a great many of the 600 or so pages of *A Theory of Justice* saying this.

The funny part of it is that this doesn't seem to be true anyway, when you look at his two principles. Only the first of them purports to set forth strong rights for all, rights to liberty that are not to be outweighed by anything. Or so he says — repeatedly when he proclaims that liberty has "lexical priority" over his other principle. That assertion might render credible the idea "that the state's first duty with its citizens is to respect this capacity for autonomy — to let them live life according to their own lights, and to treat them, in Kant's phrase, 'as means not as ends'" (Ben Rogers' obituary in *The Guardian*, Nov. 27, 2002). Yet when we get to the second principle — the "favor-the-bottom principle," as it has been called, a problem arises. For this second principle appears to tell us that society should supply those at the bottom of the heap with whatever it takes to make them as well off as they can be — the "maximin" idea. But who is going

to supply these less fortunate people with the goods in question and how? The answer is, as it can only be, the more fortunate people, and the answer to the other question is that they will be compelled to supply it to them. So much for the liberty of all — and so much for treating all people as ends and not as means. For the second of Rawls' principles obviously entails — as Nozick pointed out so long ago, in a criticism that Rawls never responded to, let alone effectively replied to — that the talented and energetic are to be used as means to the end of the well-being of the unfortunate and perhaps lethargic or otherwise unenterprising. So the contradiction between the two principles is stark.

Rawls' system is a failed enterprise and those who hold it up as something like definitive of liberalism need to get back to their drawing boards.

There is worse to come. Rawls and Rawlsians piously supposed that he had at last found the happy medium between out-and-out egalitarian redistribution and out-and-out free-enterprise libertarianism and moreover, that it is his device of the Veil of Ignorance that made this possible. But he's done nothing of the sort. The second principle is plainly inconsistent with the first one as it stands, no matter how you interpret it. But the second, in being "maximin," is a maximizing principle. But if we are to favor the worst-off maximally, we can only do that if we aim at making them exactly as well off as everyone else. If they are not so, then in principle it is possible that they could be still better off — at the expense, of course, of those above, but that's the name of this game, remember.

Rawls often employed the language of Pareto optimality, and talked, misleadingly, as though the second principle was not to be fulfilled at the expense of the first one, but only if the "bottom" people can be made better off without making others worse off. Now, if you mean by this to allow for people of great heart as well as deep pockets, people who think they themselves are well off only if others are too and thus voluntarily support the poor, that would be fine. But it isn't what Rawls meant, and certainly not what his droves of followers think. They obviously mean to implement the welfare state, rather than to point out that those who wish to help others are welcome to go ahead and do their best at it, thanks. And the welfare state imposes, involuntarily, on the taxpayers who support it.

In fact, you can read the Two Principles in only two ways. Either Rawls really means it about lexical priority, in which case you can throw the second principle into the dustbin; for, since it can only be implemented as a principle of justice at the expense of the first principle, making that first principle as inviolate as he proclaims it to be leaves you no room at all to apply the second one. Alternatively, he really means it about maximin, and liberty be damned; in which case he may as well throw the first principle into the trash can — and will end with egalitarian socialism, not with the mixed economy that he and his followers apparently think he has justified. You can't have it both ways, and Rawls offers no hint of an idea that could effectively split the difference between the two. That's what he needs, but as the principles are stated, it can't be done, and he certainly didn't do it, nor even tried hard to do so. I believe he simply didn't understand the point, as would be suggested by his utter failure to respond to Nozick's challenge, let alone to respond effectively.

This brings us to the Veil of Ignorance. But here again we have problems. Rawls opens *A Theory of Justice* with the assertion that he accepts the standard economic conception of human practical rationality. But then he proposes that social principles must be negotiated (so to speak) behind the Veil of Ignorance. Of course, since nobody knows who he is behind that Veil, there isn't really any "negotiation" to do, as many have pointed out. But never mind, for now the question is only what someone behind the Veil will do.

Which brings us the question whether they will, in their cloudy paradise, take any notice of the fact that the folks out there in the real world are, given the standard economic theory of rationality, quite incapable of paying any attention to anything handed down from behind the Veil, if it conflicts with what they would do anyway.

There is the further point that the classic conception of the Social Contract calls for unanimous agreement, agreement by all on the fundamental principles. But you don't need a Veil for that. Quite the reverse, in fact. A real agreement among all is an agreement among real people, not idealized nonentities, and the agreement will be a compromise among them, each modifying his pursuit of his interests to the extent needed to achieve social benefits. The classic liberals supposed that the effect of this would be the liberty principle, alias Hobbes' First Law of Nature, Locke's Law of Nature, etc. Those principles do not give us anything like maximin. They give us only, Do Unto Others as You Would Have Them Do Unto You, that is, general reciprocity. How much social insurance of the welfare-state type that includes is an interesting question, but on the most plausible analysis, the answer is None, so far as compulsive requirement is concerned. Rather, it will leave our interest in health and safety to the insurance business or co-ops, all of which are voluntary, and to our good will and sentiment for others — not to compulsory state action.

Rawls claims to put individual rights above social utility, specified in utilitarian terms. But utilitarianism is not a view of the common good. It is the view that aggregate cardinal utility is the supreme end of all moral and political action.

All this means that in essentials, Rawls' theory is a massive failure. The adulation for his character and person are all very well, but if it is the truth about society we seek, then it is not to be found, so far as the major matters are concerned, in the works of Rawls. ❑

Exposé

Liberty and Union Don't Go Together

by Joseph Sobran

Neither logic nor history provide any support for the notion that American States are bound forever into one country.

Timothy Sandefur makes a better case against secession than Lincoln ever did, which ought to tell us something. Still, I find it unconvincing.

Nearly all modern discussion of secession overlooks the force of the word *state* in the 18th century. Thanks to the Civil War, to most Americans today a "state" means a mere subdivision of a larger polity — a province rather than a locus of sovereignty. Who today would describe Maryland and Connecticut as "free and independent states"? (Let alone that they "are, and of right ought to be, free and independent states"!) Yet this is the status the Declaration of Independence claims for them. It nowhere asserts that they are only parts of "a new nation," "one nation, indivisible," or any "nation" or "Union" at all. That idea was alien to Americans in 1776.

Shortly afterward, while the states were still fighting for independence from Great Britain, the Articles of Confederation said in Article II: "Each state *retains* its sovereignty, freedom, and independence" (my emphasis). This meant their independence of each other as well as of Britain.

In 1783 the Treaty of Paris, concluding the Revolutionary War, recognized not a single entity called "the United States of America," but 13 "free, sovereign, and independent states," which it named individually.

Did these states give up their hard-won (and jealously retained) "sovereignty, freedom, and independence" when they ratified the Constitution? Surely such a grave step — a virtual reversal of the Revolution — would have had to be made explicit. It was not. Even Anti-Federalist opponents of ratification never, as far as I know, charged that the Constitution itself denied the sovereignty of the states; they merely feared that the destruction of state sovereignty would be the practical *result* of ratification. And with good reason, as it turned out.

As Sandefur notes, three states ratified the Constitution while reserving the right to secede from the Union later. But Sandefur asserts: "There can be no conditional assent to the Constitution, just as (at common law) there can be no new terms in agreeing to a contract." If so, it would seem to follow that the three conditional ratifications were invalid, and that the three states still "retain their sovereignty, freedom, and independence."

These states were not adding "new terms" to a contract already concluded; they were spelling out their understanding of the terms of the contract itself. Secession was not a "constitutional right." Rather, the Constitution *presupposes* the right of secession, the same right the Declaration claims.

Evidently, since nobody objected to these conditional ratifications at the time, everyone accepted them in principle. *Of course* free and independent states could secede "unilaterally" from a mere confederation! Again, the distinct older meanings of "state" and "federal" have been forgotten. Today "federal" has actually become a synonym for "centralized"! A trace of the old view survives in the Constitution's habit of speaking of "the United States" in the plural: not "it," but "them." The Civil War has even had baneful semantic consequences.

The Constitution doesn't forbid secession — nor could it, given the very nature and definition of a state. Nor does it provide for any power to suppress secession. It was left to Lincoln to assert the novel doctrine that a seceding state was in "rebellion," which in turn forced him into incoherent positions and plainly unconstitutional actions.

For example, in 1861 Lincoln ordered the arrest of 31 Maryland legislators on the mere suspicion that they were *about* to vote for secession. And after conquering the seceding states, he installed puppet military regimes in them.

Given the relatively meager and strictly limited powers of the federal government, as originally envisioned, was it really reasonable to kill people for trying to withdraw from it? Hundreds of thousands of them? Can Mr. Sandefur really believe this?

Throughout the war he notoriously suppressed dissent in the North. All this (and there was much more) required him to defy the federal government's constitutional duty to "guarantee to every state in this Union a republican form of government, and . . . protect each of them against invasion," not to mention its duty to honor the Bill of Rights. These clear usurpations of power refute — and mock — Lincoln's rhetorical claim that self-government itself was the Union cause.

The Constitution remains "the supreme law of the land," superseding state laws and constitutions, only as long as those states choose to remain within the Union — just as one is bound by the rules of a club only as long as one remains a member.

Finally, as Madison assured his readers in *Federalist* 45, the powers of the federal government were to be "few and defined," largely confined to foreign relations, while the powers remaining with the states were to be "numerous and indefinite," governing most of the ordinary business of social life. Given the relatively meager and strictly limited powers of the federal government, as originally envisioned, was it really reasonable to kill people for trying to withdraw from it? Hundreds of thousands of them? Can Mr. Sandefur really believe this?

Without the right of secession, the states have no ultimate peaceful defense against federal usurpations. This is not a very subtle point. The explosive and uncontrollable expansion of the federal government after 1865 speaks for itself.

When every American child today is born $100,000 in debt — his share of the "national debt" imposed on him without his consent by the federal government, as its annual budgets have leaped from millions to trillions — can we really congratulate him on enjoying self-government? Or might it be more honest to tell him frankly that he is a slave?

This, of course, is not the chattel slavery Lincoln opposed. It is the new slavery to the state, the consolidated state, that Lincoln helped establish. It is what Hilaire Belloc presciently called "the Servile State," in which some men are systematically forced to work for others. And it is here. ❑

Global Warming, *from page 20*

may offer of God's favor. Hard work is undertaken not for the material outputs that are produced, but for the labor that disciplines unruly souls. Many contemporary environmentalists seem to see actions to prevent climate change in a similar light. Whether there is any actual benefit or not, it is important to spend trillions of dollars for climate mitigation as an act of moral statement. It shows our contrition for our wayward living and further offers a "sacrifice" — as a primitive tribe might sacrifice a fat goat — to our environmental "god."

For many environmentalists, economists are always seeing the world backwards. They believe economists count as benefits what are really costs and as costs what are really benefits. The very act of committing large resources to a good cause may technically be "inefficient," but we are likely to become better people — morally speaking — as a result. The largely useless crusade for "recycling" as an end in itself, it might be noted, has a similar moral character.

If environmentalists have become the new missionaries to save modern civilization from its sins, there may be little harm in all this for the rich countries. They can easily enough afford to indulge in some economic waste for its own sake. The current poorer nations of the world, however, are more likely to experience real suffering.

They may be doubly victimized. Unlike Europe and North America, they cannot afford a large loss of worldwide economic output; many of their people are now living in dire poverty, even at the edge of mere physical survival. Lacking a long Judeo-Christian heritage, they are also likely to feel resentment at being used as instruments of the missionary urges of the Western world. People in places like India and China are today being told that they must abandon their current false religions. Environmentalism is the latest form of religious imperialism.

We are living today in an age when Marxism, socialism, and other older secular religions of the 20th century have failed. Mainstream Protestantism — which so thoroughly adapted itself to secular ideas — is in crisis. The Roman Catholic church often seems equally confused. It is understandable that many people are looking for new religious outlets.

The environmental crusade against climate change, however, is more likely to benefit the rich of the world and to harm the poor. It would be more in keeping with traditional Jewish and Christian teachings for the rich to take large direct steps to help the poor. The Kyoto Protocol is a major diversion from that essential task. In his tale of the Grand Inquisitor, Dostoevsky reminded us that it is a very old story — religious ideals perverted by a clever (now environmental) priesthood for the benefit of the rich and powerful. ❑

A Year at FEE

by Mark Skousen

Is the sun setting on the world's oldest freedom organization?

The Foundation for Economic Education (FEE) is often called "America's oldest freedom organization." It predates the Institute for Humane Studies, the Cato Institute, and the Libertarian Party; its monthly magazine *The Freeman* (now *Ideas on Liberty*), was published for years before *Reason* or *Liberty* began publication. FEE was founded in 1946 by Leonard Read, a libertarian businessman and prolific writer most famous for his book *Anything That's Peaceful* and his essay "I, Pencil." For almost 60 years, the Foundation has been located in a 35-room mansion on a five-acre estate in Irvington-on-Hudson, just 20 miles north of Manhattan. Through its books, student seminars, and *The Freeman*, FEE has been associated with some of the biggest names in the freedom movement: Ayn Rand, Ludwig von Mises, Henry Hazlitt, and Milton Friedman, among others. Even Ronald Reagan, John Wayne, and Lawrence Welk wrote letters of support to Read. (Go to www.FEE.org for a delightful color photograph of Ronald Reagan reading *The Freeman*, while his wife, Nancy, rests on his shoulder.)

Yet since the passing of its founder in 1983, FEE has fallen into obscurity while the Cato Institute, the Heritage Foundation, and Hillsdale College have become household names. It has struggled to survive financially and *The Freeman* has dropped to only 5,000 paid subscribers. A series of presidents, including Hans Sennholz and Donald Boudreaux (now chairman of the economics department at George Mason University), worked hard to resurrect the glory years of FEE. Their efforts were valiant. But despite these valiant efforts, when I became president of FEE in August, 2001, many of my friends in politics and finance had never heard of it.

So now it was my turn to take on the challenge of resurrecting FEE. I thought my background had prepared me well. I hold a Ph.D. in economics from George Washington University. I've been a professor of economics and finance at Rollins College for 16 years. I've edited a very successful investment newsletter and spoken on economics and liberty to a wide variety of audiences. Having written over a dozen books, including three textbooks, *The Structure of Production*, *Economic Logic*, and *The Making of Modern Economics*, I felt it was time to focus my efforts on spreading the word.

And I had a long experience with FEE. I have been an avid reader of *The Freeman* since the 60s, a columnist since 1994, and a financial supporter of FEE. I knew Leonard Read and have lectured at the FEE mansion many times over the past two decades. FEE published my Ph.D. dissertation, *Economics of a Pure Gold Standard*, in 1988 and a pamphlet, *What Every Investor Should Know About Austrian Economics and the Hard Money Movement*, in 1995. For many years, I have recommended FEE in my investment newsletter, *Forecasts & Strategies* as the one organization worthy of a tax-deductible contribution. Most importantly, economic education has always been as much my passion as the world of investing.

So when Gary North, a longtime FEE supporter, urged me to apply for the job as president in early 2001, I jumped at the opportunity. When the FEE board approved my

name, our family suddenly dropped our easygoing lifestyle in Florida and moved to New York, with less than a month's notice.

Attract Attention!

I immediately went to work to restore the glory days of FEE, telling the board that my plan was to think big and make FEE a household name. I read everything I could about FEE, including Leonard Read's private diaries and essays. My wife, Jo Ann, and I worked twelve-hour days, including weekends, to turn a candlestick (Leonard Read's favorite symbol of liberty) into a lighthouse. I paid my respects to Andrew Carnegie, the legendary financier buried a few miles away in Sleepy Hollow Cemetery, by following his advice to "attract attention." The first thing I did upon arriving was to replace the 50-year-old sign at the Broadway entrance with an impressive new sign. Here are some of the other FEE accomplishments in my first year:

FEE has fallen into obscurity while the Cato Institute, the Heritage Foundation, and Hillsdale College have become household names.

- We acquired Laissez Faire Books, the largest distributor of books on liberty in the world.
- We created the annual Leonard E. Read Book Award for Excellence in Economic Education.
- We publicized FEE by obtaining complimentary exhibit booths at the Money Shows and other major investment conferences around the country.
- We created the James U. Blanchard III Memorial Scholarship Fund to finance scholarships for needy international students to attend FEE seminars. We raised over $60,000 in our first year and eight international students were recipients of the Blanchard scholarships this summer.
- We updated our primary website, www.FEE.org, and created a daily news service, www.FEEnews.org, with Ron Holland as editor. He did a terrific job and FEE won an award for this new daily news service. This past summer, FEE.org was averaging 30,000 new visitors each month — not "hits," visitors.
- We dramatically expanded our high school and college outreach program, with Dinesh D'Souza serving as our spokesman on college campuses, and Greg Rehmke expanding his debate program into the homeschool arena.
- We invited Nobel Prize economist Milton Friedman to write an article for *Ideas on Liberty* (a first).

The FEE National Convention: First Time on Nationwide TV

Perhaps our greatest achievement was the FEE National Convention ("FEE Fest") at Las Vegas in early May. It put FEE on the map and people are still talking about it. We attracted nearly 900 paid attendees, 100 exhibitors, and 80 speakers (including Ben Stein, Charles Murray, Ron Paul, Nathaniel Branden, and Dinesh D'Souza). FEE Fest was co-sponsored by Reason Foundation, Heritage Foundation, Young America's Foundation, Institute for Humane Studies, Leadership Institute, Goldwater Institute, *Liberty* magazine, and dozens of other freedom organizations. Our seminar director, Tami Holland, put together this program in only four months and Kim Githler, president of the Money Show, was able to negotiate a contract with Bally's/Paris Resort Hotels without requiring a minimum deposit (thus minimizing our risk). We made some money — $14,000 — on the convention, but more importantly, we made FEE visible for the first time in decades, and introduced hundreds of people to free-market economics in the course of three wonderful days. "I feel an electricity that I have not felt in many years among libertarian gatherings," commented Nathaniel Branden. We received extremely favorable comments from attendees, and even today people write us to ask when the next FEE convention will be.

As a result of the convention, FEE appeared on nationwide television for the first time when C-SPAN *Book TV* taped speeches by Dinesh D'Souza, Harry Browne, Michael Ledeen, Charles Murray, Tom DiLorenzo, and me. C-SPAN *Book TV* broadcast these speeches from the FEE convention repeatedly from May until November. C-SPAN was so impressed with the FEE convention that they wanted to bring two crews to the next one.

As an added benefit of the convention, FEE acquired two new prestigious toll-free numbers, 1-800-USA-1776 and 1-888-USA-1776. These numbers — previously owned by the U.S. Bicentennial Commission — were valued by an independent media consultant conservatively at $400,000. The toll-free numbers were donated by Terry Easton, a telecommunications expert who attended the FEE convention and was so impressed with the "new" FEE that he offered to help FEE financially in many other ways.

FEE Summer Seminars: "You Changed My Life!"

The FEE convention also led to the doubling of student/teacher seminars. We sold out all of our student seminars this past summer and even had to add an additional seminar because of higher demand. Over 175 students attended. One major supporter who attended the FEE convention was so pleased that he more than doubled the number of scholarships he awarded to FEE summer seminars.

In addition, we made money on all our seminars this summer (a first). We cut costs by using staffers and trustees to teach. My wife, Jo Ann, and the staff prepared 3,200 meals in the FEE kitchen, thus saving thousands of dollars. But the best part was the response of the students. (One student wrote me, "I will be forever grateful to FEE for making this life-changing event possible. It was one of the most enjoyable and productive weeks in my life.") Of all the things we did in 2002, the student seminars were the most rewarding.

My Most Controversial Decision: Inviting Rudy Giuliani to Speak

Every year FEE plans a fall dinner in October for trustees and supporters. My goal was to put FEE on a national ped-

continued on page 29

The Romance of the New Religions

by Stephen Cox

They may believe nutty things, but not everyone involved in new religions is nuts.

There is a book in my possession called the *Pocket Dictionary of New Religious Movements*. It was written by a Canadian college professor named Irving Hexham. It's a small-format book, only 120 pages long. I bought it on impulse, while I was looking for something else, then promptly set it aside and forgot it. A few weeks later, it bobbed to the top of a pile of stuff, and I discovered what a treasure I had acquired.

For one thing, it's a fine work of scholarship. Its six or seven hundred entries cover the whole field of new age, occult, counterculture, eastern-import, Atlantis-based, UFO-contacted, meditationally oriented, life-changing experiences. The publisher is the evangelical InterVarsity Press, but don't let that frighten you. Hexham is not only a deeply learned guide but an exceedingly fair one. He takes each religion as it comes, doesn't get satirical about any of them, tells you where to find more information, if you want it, and never loads the dice. Well, that's not quite true. If he thinks there's Nazi or fascist influence lurking somewhere in the historical background of one of the groups or individuals he's discussing, he's certain to give that background a lot of emphasis, perhaps overemphasis; and he spends a good deal of time showing that he detests the "anti-cult" and "deprogramming" movements. He has the odd idea that people should be left to make up their own minds, supposing that they have any — an idea that leads him to harbor bad feelings about both the fascists and the folks who grab their sisters-in-law and lock them in a motel room till they've brainwashed them out of the brainwashing they got in the ashram. I can't criticize Hexham for this prejudice of his.

"New religions" is a word he uses in place of "cult" — which, again, is fair enough, since nobody knows what a cult is, anyhow, and why start off with invidious words? Besides, many of the new religions have very respectable roots in ancient philosophic or religious traditions. Some of the fruits are respectable, too. Nobody could hold a grudge against Baha'i, or laugh at it, either. You might yawn. But Hexham's next entry after "Baha'i" is "Alice Bailey," and here's what he says about her: "At the age of fifteen Bailey had a vision of an entity who she said was Christ but who she later, under theosophical influence, decided was a mystic teacher, Koot Hoomi. . . . After a dispute with the Theosophical Society in 1920, she founded the Arcane School. Her most important idea was the coming of a new world master who would unite East and West" (p. 22).

Well, good for Alice. We could use a new world master. And her notion is a good deal more exciting than Baha'i. A big step downward in respectability, though.

On the following page, we encounter Moses David Berg

("Mo"), founder of the modestly denominated Children of God movement. Berg "claimed to have received revelations from a host of spiritual beings, including creatures he called 'the Abominable Snowman' and 'the Pied Piper.' These revelations led him to advocate polygamy . . ." This is a *great* deal more exciting than Baha'i.

But excitement is the keynote of Hexham's book. You might regard that as a curious thing, considering the dull way in which the new-religion groundswell first started heaving through our culture. As Hexham suggests (25), "new religions" tend to be 19th- and 20th-century products of the intellectual conflict between science and Christianity. People whose faith in Christianity was undermined by scientific criticism started packing up their religious feelings and moving elsewhere. So far, this seems as uninspiring as the rituals of any other moving day. But wait! Having relieved themselves of the burden of Christianity, people were now free to resort to gaudier ideas, such as Wicca, spiritualism, British Israelism, channeling, pungent Western misinterpretations of dusty Eastern mysticisms — almost anything, in short, that could satisfy a lust for travel to exotic climes.

I remember hearing a Christian minister address this theme. "I won't fight with you," he said, "if you tell me you can't believe in Christianity. But please don't follow that up by telling me what your horoscope had to say this morning."

I've known quite a few people who were involved in "new religions." Very few of them were nuts. They believed nutty things. That's different.

The general rule — again, I'm excepting Baha'i, and whatever new religion you happen to think is respectable — is to turn something ancient and distant into something just plain goofy, and then to turn that goofy thing into something goofier still. (Witness Alice Bailey's struggles with Theosophy.) On the evidence of Hexham's book, the visionaries of this world spend virtually all their time quarreling with other visionaries. But you can't keep 'em down. They just keep comin'. And there's a genuine pleasure in contemplating the strange blossomings of their religious imaginations, each with its own bright colors and its own rich, heavy smell.

The categories alone are enough to inspire you with the spirit of romance. "UFO religions." "Cargo cults." "Audience cults" (a new one on me — Hexham uses it to refer to religious groups that center on the paid seminar or lecture series). "Yogic" as opposed to "Abramic" religions.

And the movements — here the door of glory opens wide. The New Church. The New Thought. The New Age. The Order of the Golden Dawn. The Oneida Community. The Ananda Community. The Findhorn Community. Phineas Parkhurst Quimby's Science of Happiness, which became Mary Baker Eddy's Christian Science. Guy and Edna Ballard's I Am Movement, which bore new fruit in Elizabeth Clare Prophet's Church Universal and Triumphant. AMORC. Positive Thinking. EST.

And people, all these people who arrived as messengers of new ideas, all these people who, as Sinclair Lewis put it, took it as their professional duty to "box with the ineffable." Ignatius T.T. Donnelly. Judge Rutherford. Ananda Kentish Coomaraswamy. "Bo" and his friend "Peep." Poor David Koresh. Dr. William S. Sadler, who started recording what one of his patients said after falling asleep, and decided that he was hearing messages from a spirit being — next stop: Urantia! Simon Kimbangu, prophet of the Kimbangist church, who received a vision of Jesus and as a result was jailed for life in the Belgian Congo; fortunately, however, "people began to see [Kimbangu himself] in dreams, and his movement spread" (68).

The great religions are the romances of the soul with God. The little religions are the romances of the soul with itself.

Most of these visionaries seem to have written books — and what a glorious vindication of the word, or at least of words, has resulted thereby! Madame Blavatsky's *Isis Unveiled*. Wallace D. Fard's *The Secret Ritual of the Nation of Islam in a Mathematical Way*. Erich von Daeniken's *Chariots of the Gods*. Lobsang Rampa's *The Third Eye*. Shirley MacLaine's *Out on a Limb*. Helen Schucman's *A Course in Miracles* ("the book has sold almost two million copies" [36]).

And do not forget the concepts. Mesmerism. Ascended masters. Alien abduction. I-thou. Gaia. Kundalini. The Age of Aquarius. Lemuria (or Mu), the Pacific Ocean counterpart of Atlantis. Ancient astronauts. Theosophy. The much harder to pronounce Anthroposophy. Emergent evolution. And — what we are all, surely, on our way to: Deification.

Well, there are about a million ways to look at this spectacle. Here are some.

1. These people are just a bunch of nuts.
2. They're all in it for the money.
3. All religions are the same, anyhow.
4. Who am I to judge? I'm sure they all make people happy.
5. How can I get my boyfriend out of Scientology?

I am sympathetic to number 5. I can't get enthusiastic about 1–4.

I've known quite a few people who were involved in "new religions." Very few of them were nuts. They believed nutty things. That's different. And no, not every screwball notion gets thought up because somebody wants to make money off it. A real screwball cares mainly about his screwball theories. The money's fine if it comes in, of course.

continued on page 30

FEE, *from page 26*

estal, so I invited the #1 speaker in America, former mayor Rudy Giuliani, to be the keynote speaker. I didn't think this choice would be out of character, since past speakers have included Lady Margaret Thatcher, Bill O'Reilly, and Paul Gigot (new editorial page editor of *The Wall Street Journal*). Although not a libertarian, Giuliani had almost single-handedly transformed the world's most powerful city from a stifling, dirty, dangerous metropolis into a thriving, safe, and clean city. Giuliani proudly points to the recommendations of the Manhattan Institute, a free-market think tank, as having influenced his decision to cut taxes, privatize, and deregulate the city's economy. And few questioned his leadership during the terrible days after the terrorist attacks in September, 2001. I probably would not have moved to New York if Giuliani hadn't been mayor, because the New York of ten years ago simply wasn't safe or inviting.

In my mind, the biggest risk was financial — Giuliani gets a high honorarium and we had reserved the big ballroom at the New York Hilton. My goal was to attract the largest gathering of freedom lovers in New York history and to let them know that FEE was the place to learn more. Kim Githler again came to our aid by co-sponsoring the event and negotiating excellent terms with the Hilton. The chances of getting Giuliani were slim, however, since he turns down nine out of every ten requests. But everything fell into place when Giuliani accepted my invitation. And John Stossel of ABC News graciously agreed to be Master of Ceremonies for the event. Talk about a one-two punch! I quickly arranged pledges from supporters to buy patron tables to cover the cost of Giuliani's honorarium, and Tami Holland went to work selling tickets. Everything was set for a spectacular extravaganza that would elevate FEE to national prominence.

However, I failed to take into account one thing — the extreme reaction of some libertarians around the country to my choice of Rudy Giuliani as a speaker at a FEE event. Many were outraged that I would select a "fascist" and a "thug" who "represents everything inimical to what FEE stands for," to quote some of the more colorful lines from libertarians on the Internet. I was attracting attention, all right, but not the kind I was expecting. I countered by explaining that the Liberty Banquet was not an endorsement of Giuliani's political record, but an outreach program. We wanted the general public to become familiar with FEE as the best source of sound economics, and what better way to attract the public than to invite America's hero after Sept. 11? Thousands of investors and business people didn't know FEE from Adam, but they knew Giuliani, and by coming to a banquet with America's mayor as speaker, they would be introduced to a powerful new organization that could change their lives forever.

The only way we are going to make a difference in this world is if we reach out to people who don't yet agree with us. Sound economics is too important to leave only to libertarians! Henry Grady Weaver wrote in a FEE pamphlet: "I [already] believe in free enterprise. Explain it to those who don't, not to me." Amen!

It didn't seem to matter that John Stossel, a true libertarian hero, was willing to appear on stage with Giuliani, or that Giuliani had done wonders to restore the value of life, liberty, and property (the libertarian trinity) in the city of New York. I was amazed how closed-minded my libertarian friends were to Giuliani's positive contributions. "It's like inviting the devil to church," accused John Pugsley. My response: "I already did that when I invited Doug Casey to speak at the FEE National Convention on Sunday, May 5." Many Christian libertarians, including me, were offended by Doug's attack on Christianity, but I was willing to listen to his opinions. I wish libertarians could be more tolerant and open-minded, more willing to have a dialogue with those whose views differ from their own. As Ben Stein, our keynote speaker at the FEE convention, said, "It's funny how libertarians are so controlling." (I was criticized for inviting Ben Stein, too, because he wasn't a pure libertarian.)

I didn't think choosing Rudy Giuliani to speak would be out of character, since past speakers have included Lady Margaret Thatcher, Bill O'Reilly, and Paul Gigot.

Ironically, another organization, Washington Policy Center, dedicated to "advancing limited government and free markets," promoted their own banquet in Seattle two weeks before ours. The keynote speaker? Rudy Giuliani. They had over 850 attendees in a very successful outreach program.

Mission Aborted!

It was during this ongoing debate over Giuliani that I received a startling telephone call from the chairman of the FEE board. He said the executive committee had met and decided to ask for my resignation. He did not go into details, aside from saying the board did not share my grand vision for FEE. He cancelled the Liberty Banquet and all future FEE national conventions.

I must admit that this move was the most shocking and disappointing event I've ever experienced in the freedom movement, and it came at a time when FEE was on the verge of once again making a real impact. Over the past ten years my wife and I had put our hearts and souls, as well as a good deal of money and reputation, into FEE and then it ended like this! It seemed unfair to us and destructive to FEE's future. I have no doubt that the board members are good people and well-intentioned supporters of liberty. They volunteer their time, donate funds, and attend board meetings without compensation. Several board members were quite supportive of my presidency and wrote letters on my behalf. But I did not want to cause further controversy by fighting a divided board, so I agreed to resign. I still feel a great sadness about this.

Looking back, I made lots of mistakes as president, things I would do differently if I had the benefit of hind-

sight. I would have worked more closely with the board and spent more time raising money. I probably tried to do too much too soon. But I think we did some things right and, in large measure, fulfilled the mandate I was given.

When I became FEE's president, the organization was coming off a difficult year financially and charitable giving was plummeting across the country. I am pleased that in the six months before I was asked to resign, FEE's revenues were up 30% and contributions were up 20%. And I am proud of the FEE convention and the student seminars.

After the executive committee cancelled the fall dinner, I was worried about the financial burden the cancellation of the Liberty Banquet would put on FEE, since it would still have the expense of honoring Giuliani's contract while returning the patron table donations. So with the help of my publisher, Tom Phillips, and Kim Githler of the Money Show, we resurrected the Liberty Banquet and it went off on schedule Oct. 25 at the New York Hilton. It had lost momentum after the initial cancellation and a three-week delay in sending out the major promotions, but we still managed to attract 250 paid attendees. Rudy Giuliani was the perfect gentleman and quite a few libertarians gave him a standing ovation.

When I was asked for my resignation, it was the most shocking and disappointing event I've ever experienced in the freedom movement, and it came at a time when FEE was on the verge of once again making a real impact.

Jo Ann and I have appreciated the many letters and emails of support we have received during this difficult period. I continue to teach on college campuses, write my investment letter, speak at conferences, and author books. Instead of writing a column for *Ideas on Liberty*, I am now a contributor to *Liberty* magazine. I have my free time back but, to paraphrase John Maynard Keynes, I'd rather be the slave of some great cause.

Whither FEE?

Jo Ann and I will persevere, but what about America's oldest freedom organization? An aggressive new FEE is unlikely under the current board. The new toll-free numbers have been returned to Terry Easton (upon his request), the daily news service is dormant, and the Blanchard Scholarship Fund is looking for a new home. There's talk among a few board members of selling the FEE mansion and distributing the assets of FEE to other freedom organizations. Such an action would be most unfortunate. As one FEE supporter wrote, "it would be a crime to discontinue FEE since it was the first free-market foundation preaching in the wilderness to the business community which was then plagued with Keynes' dogmas."

FEE deserves to survive and prosper. Many organizations do a fine job of lobbying in Washington, researching public policies, supporting important libertarian scholarship, and fighting the enemies of freedom. But only one organization is dedicated solely to educating students, teachers, businesspeople, and citizens on the principles of free markets and sound money. And, if there's anything the world needs desperately, it's a strong dose of sound economics and an enthusiastic FEE. Jo Ann and I sincerely hope FEE can regain its influence.

When the Founding Fathers signed the Constitution of the United States in 1787, Benjamin Franklin, looking toward the half-sun carved on the back of the president's chair, observed, "I have often in the course of the session, looked at that [chair] behind the president without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun."

In a similar vein, as I was leaving FEE at the end of my presidency, I stood before the large portrait of Leonard E. Read located above the mantel in the living room of the FEE mansion and wondered whether Len was smiling or sad.

I think that, for a year at least, he was smiling. ❑

Religions, *from page 28*

Maybe he'll do a few things to help it come in. As for his theories, however, he'll argue to the death for them.

But no, just because someone's a screwball, that doesn't mean you can't call him one. L. Ron Hubbard wasn't really on the same road as St. Thomas Aquinas, and anybody should be qualified to judge between them. And no, again: all religions are not the same. The great religions are the romances of the soul with God. The little religions are the romances of the soul with itself.

They are also the romances of the soul with romance. And that's what makes them fun.

What if somebody gave you convincing evidence that if you went to your computer right now, and you called up such and such a website, you could chat with a warrior from one of the ancient civilizations that still inhabit the planet Mars? And you went to your computer, and there he was! The guy from Mars! If that happened, you'd be thrilled. Don't tell me that you wouldn't. It would be the most romantic thing that ever happened to you. It would give you a new and much more glamorous view of the universe. It would change your life.

Very unfortunately, there are no ancient civilizations inhabiting the planet Mars. You're not going to be able to contact them, and you probably won't even be able to imagine that you are. Not everyone is qualified to live in the New Age. But you can do the next best thing. You can enjoy watching the behavior of the people who think that such propositions make perfect sense. I think you'll agree — the show is worth the ticket.

Now in conclusion — I'm sorry. Even after reading Hexham's book, I have no idea how to get your boyfriend out of Scientology. ❑

Guns in the Dock

by Dave Kopel

The Bush administration has reasserted the legal doctrine that the Second Amendment guarantees an *individual* right to bear arms. But for much of this century, courts have ruled otherwise.

President Theodore Roosevelt carried a handgun for protection, loved hunting, and twice used his State of the Union to promote marksmanship training in all American schools. George W. Bush has gone even further in concrete work to protect Second Amendment rights, and victories last November by Second Amendment candidates in Missouri, Minnesota, Colorado, and other states mean that almost all of President Bush's nominees for the federal judiciary will take office. Although the president has not imposed a Second Amendment litmus test on prospective nominees, there is little doubt that his judges will be considerably more respectful of Second Amendment rights than most Clinton appointees have been.

These judges are not, however, likely to be aggressive innovators, but rather will be careful to follow precedent. For federal courts deciding issues arising under the United States Constitution, state court cases are not binding precedent, but they can provide guidance. So let's take a look at two of most important state court cases on the Second Amendment: the first case to use the Second Amendment to declare a gun control law unconstitutional, and the first case to claim that Second Amendment rights belong to the government, not the people.

In the 1846 case *Nunn* v. *State* (1 Ga. 243), the Georgia Supreme Court was faced with a challenge to a recently enacted handgun ban. Because the Georgia state constitution did not have its own right-to-arms provision, the Georgia Supreme Court turned to the U.S. Constitution's Second Amendment.

The Georgia legislature had banned the sale and possession of knives intended for offensive or defensive purposes, and pistols, except "such pistols as are known and used as horseman's pistols." The law made an exception which allowed the possession, but not the sale, of the banned weapons if the weapon were worn "exposed plainly to view."

The Georgia Supreme Court combined natural rights analysis with the Second Amendment to declare the law unconstitutional. True, the Georgia Constitution had no right to arms, but the absence of an explicit right did not empower the legislature to infringe upon the fundamental rights of Americans. Since when, inquired the Georgia court, "did any legislative body in the Union have the right to deny to its citizens the privilege of keeping and bearing arms in defence of themselves and their country?"

The court wrote that "The language of the *second* amendment is broad enough to embrace both Federal and State governments nor is there anything in its terms which restricts its meaning" (emphasis in original). Interestingly, anti-slavery activist Lysander Spooner had made a similar argument the year before, in his 1845 book, *The Unconstitutionality of Slavery*, in which he argued that state laws which forbade slaves to possess arms unless their master consented were a violation of the Second Amendment.

The Georgia court kept the introductory clause to the Second Amendment firmly in view: "our Constitution assigns as a reason why the right should not be interfered

with, or in any manner abridged, that the free enjoyment of it will prepare and qualify *a well-regulated militia*, which are necessary to the security of a free State." So: "If a well-regulated militia is necessary to the security of the State of Georgia and of the United States, is it competent for the General Assembly to take away this security, by disarming the people? What advantage would it be to tie up the hands of the national legislature, if it were in the power of the *States* to destroy this bulwark of defence?" (emphasis in original).

This argument anticipated the U.S. Supreme Court's ruling in the 1886 case *Presser* v. *Illinois*. While upholding a particular gun control law (against armed mass parades in public), the U.S. Supreme Court noted that state gun control laws which interfered with the militia of the United States would be unconstitutional.

The notion that the Second Amendment is a power of the government, rather than a right of the people, was invented in 1905.

The Georgia court described the Second Amendment as an "unlimited right" which meant:

> The right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear *arms* of every description, and not *such* merely as are used by the militia, shall not be *infringed*, curtailed, or broken in upon, in the smallest degree; and all this for the important end to be attained: the rearing up and qualifying of a well-regulated militia, so vitally necessary to the security of a free State. Our opinion is, that any law, State or Federal, is repugnant to the Constitution, and void, which contravenes this *right*, originally belonging to our forefathers, trampled under foot by Charles I and his two wicked sons and successors, re-established by the revolution of 1688, conveyed to this land of liberty by the colonists, and finally incorporated conspicuously in our own *Magna Charta*! And Lexington, Concord, Camden, River Raisin, Sandusky, and the laurel-crowned field of New Orleans plead eloquently for this interpretation! And the acquisition of Texas may be considered the full fruits of this great constitutional right.

The Nunn opinion concluded by holding that the state legislature's ban on concealed carrying was valid because it did not interfere with a citizen's Second Amendment right; but insofar as the law "contains a prohibition against bearing arms openly, it is in conflict with the Constitution, and *void* . . ." Since the indictment did not specify that Mr. Nunn's weapon was concealed, the charges were quashed.

The *Nunn* court's approach to natural rights was not unusual for its time; in an 1857 Massachusetts case, Chief Justice Lemuel Shaw — perhaps the most influential state court judge of the period — used principles of "natural justice" to find that the state constitution required the use of grand juries for infamous crimes, despite the absence of any grand jury language in the Massachusetts Bill of Rights (*Jones* v. *Robbins*, 8 Gray 329 [Mass. 1857]). In *The Bill of Rights* (1998), Yale law professor Akhil Amar analyzes the similarities between *Nunn*, *Jones* v. *Robbins*, and similar rights-protective cases from antebellum state courts.

After the Civil War, Georgia added a right to arms to its state constitution. The final form of the right, adopted in 1877 is: "The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne." Since then, Georgia courts have measured gun control laws against the Georgia state constitution, without relying on the U.S. Second Amendment.

While not all court decisions in the 19th century were as supportive of the Second Amendment as was *Nunn*, no case from that century ruled that the Second Amendment was anything other than an individual right.*

The notion that the Second Amendment is a power of the government, rather than a right of the people, was invented in 1905. In the town of Salina, Kan., James Blaksley was convicted of carrying a pistol while intoxicated. When he appealed his conviction, neither Blaksley nor the prosecutor argued that the Second Amendment did not pertain to individuals, and the matter was therefore never briefed. The government attorney had simply argued that the local law was a reasonable gun control. Nevertheless, the Kansas Supreme Court chose to issue a decision announcing that the Second Amendment, and the right to arms in the Kansas state constitution, did not belong to citizens (*Salina* v. *Blaksley*, 83 P. 619 [Kan. 1905]).

Disarmament of individual citizens by Kansas' proslavery government was denounced as a violation of the Second Amendment by the 1856 national Republican Convention and by Massachusetts radical Republican Charles Sumner.

According to the *Salina* court, the "right to arms" meant only that the state militia, in its official capacity, and while in actual service, could not be disarmed. The *Salina* court rejected or misdescribed every 19th-century source of authority which it used. (No 18th-century or prior sources were cited.)

The Kansas court rejected the Kentucky case of *Bliss* v. *Commonwealth* (12 Ky. [2 Litt.] 90 [1822] [Kentucky state constitution found to forbid a ban on concealed carry]) and the long line of cases holding that, in order to secure a well-regulated militia, individual citizens needed to be able to

continued on page 53

*In 1842, a concurring opinion by an Arkansas Supreme Court judge said that the Second Amendment right was merely "an assertion of that general right of sovereignty belonging to independent nations, to regulate their military force" (*State* v. *Buzzard*, 4 Ark. 18, 32 [1842] [Dickinson, J., concurring]). This is the only known document from the 19th century asserting that the Second Amendment does not guarantee a right of individuals to possess firearms. The concurring opinion was not cited by any other 19th-century court. Even in Arkansas, all subsequent case law regarded the Second Amendment as an individual right (e.g., *Fife* v. *State*, 31 Ark. 455, 456 [1876]).

The Coercive Anarchism of Noam Chomsky

by Barry Loberfeld

The world famous philosopher's "anarchism" ultimately amounts to its very opposite.

An essay on radical behaviorist B.F. Skinner was the last thing I expected to encounter when I picked up Noam Chomsky's classic political tract *For Reasons of State*. However, I soon recognized the value of this piece, which I found notable for its presentation of the MIT linguist's own notions of freedom and dignity — and what constitutes their negation.[1]

For me, Skinnerian behaviorism has long been a dead issue because Skinner's concept of control requires an impossible definition of freedom. What would constitute for Skinner an entity with free will, a being whose behavior is governed by what's "inside the skin," not by its environment? At first, I thought only a wind-up toy would qualify. But I soon realized that even this fails to meet his standard: the toy is not "free" to walk forward if a wall blocks its way; its behavior too is determined by its environment. To Skinner, interaction with an environment is "control" by that environment. "Freedom" can only be behavior that occurs *apart from any environment* — i.e., apart from reality.

One of Chomsky's many telling criticisms of Skinner relates to this point: "The libertarian whom [Skinner] condemns distinguishes between persuasion and certain forms of control. He advocates persuasion and objects to coercion. In response, Skinner claims that persuasion is itself . . . [a] form of control." Well put, Professor. This libertarian wholeheartedly agrees, which is why I was shocked to see Chomsky later put forth a theory of behavior that itself confuses persuasion with coercion:

"The most obvious form of control . . . is differential wages. . . . Since the industrial revolution, [socialism] has been much concerned with the problems of 'wage slavery' and the 'benign' forms of control that rely on deprivation and reward rather than direct punishment." And: "There is, of course, no doubt that behavior can be controlled, for example, by threat of violence or a pattern of deprivation and reward. . . . Sanctions backed by force restrict freedom, as does differential reward. . . . [I]t would be absurd . . . to overlook [as does Skinner] the distinction between a person who chooses to conform in the face of threat, or force, or deprivation and differential reward and a person who 'chooses' to obey Newtonian principles as he falls from a high tower."

In a passage from *Beyond Freedom and Dignity*, Skinner says much the same thing: "Productive labor, for example, was once the result of punishment: the slave worked to avoid the consequences of not working. Wages exemplify a different [approach]: a person is paid when he behaves in a given way so that he will continue to behave in that way" (p. 30, which, no, Chomsky doesn't quote). Both Skinner and Chomsky believe the same thing, that economic persuasion is not persuasion but "control" — coercion — and those subject to it are not free. Whereas the traditional taskmaster beat those who did not obey orders (force), today's marketplace employer simply fires them ("deprivation") — or, if they do obey, pays them ("reward"). Capitalism controls all behavior by matching different behaviors with different wages ("differential reward"), with zero being the wage for some behaviors (again, "deprivation").

Susan Lopez wants to be a singer like her idol, Jennifer Lopez. However, she is not *free* to be one. She isn't thrashed when she opens her mouth. It's just that no one (including Professor Chomsky) will pay her to sing; she is "free" to sing only to the extent that she is "free" to starve. Consequently, she has no choice but to work at the only job for which people will pay her — collecting bedpans at the retirement home. This is not what she wants to do at all, and she would prefer at the very least to work only part-time, but that means the loss of her medical benefits. For Chomsky, Susan Lopez is not free — free to be "able to do as one pleases," which is the "natural goal" of a "decent society," one in which all the Susan Lopezes will have the same freedom as "those fortunate few [e.g., Jennifer Lopez] who can choose their own work generally do today." And, as Providence would have it, the professor knows exactly what will take us to this Promised Land: the redesign of our culture to approximate the "socialist dictum, 'From each according to his ability, to each according to his needs.'" The first part will eliminate "reward," the second "deprivation."

Chomsky believes that economic persuasion is not persuasion but "control," and those subject to it are not free.

His program for clause one is quite simple: stop paying people to work. No wages, no "wage slavery." Chomsky doesn't tell us who will accomplish this or how. He is skeptical, even scornful, of the suggestion that people work for "extrinsic reward," be it money or "prestige [or] respect," and won't work (i.e., will "vegetate," in his characterization) without it. The "decent society" will have "no shortage of scientists, engineers, surgeons, artists, craftsmen, teachers, and so on, simply because such work is intrinsically rewarding."[2] Any intimation that "history and experience" might cast doubt on this is dismissed as having "the same status as an eighteenth-century argument to the effect that capitalist democracy is impossible."[3] He insists that "from the lessons of history we can reach only the most tentative conclusions about basic human tendencies" at one (anti-empirical) moment, only to insist elsewhere that "[w]e also find . . . that many people often do not act solely, or even primarily, so as to achieve material gain, or even so as to maximize applause." Exactly where we find these "many people," the professor, renowned for his copious footnotes, provides not even a clue. My own impression, if I may borrow Chomsky's words against Skinner, is that "the claims are becoming more extreme and more strident as the inability to support them and the reasons for this failure become increasingly obvious."

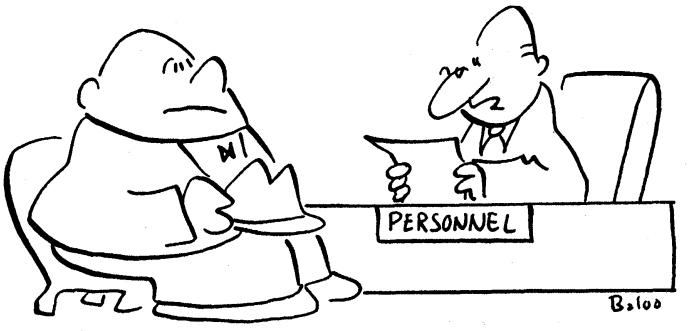

"How come you got fired from all these food-service jobs?"

Chomsky writes, "interesting and socially useful work is . . . rewarding in itself." Socially useful — determined how and by whom, absent the mechanism of supply and demand? "Were we to rank occupations by social utility in some manner" — what manner? The answer comes in the form of a question: "Is it obvious that an accountant helping a corporation to cut its tax bill is doing work of greater social value than a musician, riveter, baker, truck driver, or lumberjack?" It is, if "social value" denotes how everyone allocates his personal resources. That's why the accountant earns far less than Jennifer Lopez but far more than Susan Lopez.[4] But the professor uses the term "social value" to denote how *he* would allocate everyone else's resources. What emerges is another implicit "dictum": from each according to his own judgment, to all according to Chomsky's. This is a clear (though unacknowledged) echo of Skinner's behaviorist tenet that "the control of the population as a whole must be delegated to specialists."

And how can Chomsky guarantee that the jobs that are "socially useful" (e.g., bedpan collection) will be the same that people (e.g., Susan Lopez) find "interesting"? He can't, which is why we're informed that in this "decent society, socially necessary and unpleasant work would be divided on some egalitarian basis." But the obligatory mention about "egalitarian basis" tells us only *how* people will ideally do the work; it doesn't tell us *why* they'll do it. Since the work is not "interesting," it cannot be "rewarding in itself." That leaves only two alternative motivations: the button of "direct punishment" or the switch of "deprivation and reward." A self-professed "libertarian and humanist" who seeks to guide and free us from any manifestation of "authoritarian rule," Chomsky himself can find only sundry "forms of control" blocking all the exits.

For most socialists, people are selfish creatures who wouldn't even give you a smile unless you paid them and wouldn't toss a penny to the poor unless you forced them. But for Chomsky, people are selfless souls who are content to work for work's sake and are more than delighted to have the fruits of their labor given to others. These one-dimensional models of motivation simply ignore the way that many different and complex members of humanity are able to speak for themselves in the forum of the market, where each names his price and others take it or leave it. Of course, this is the very "wage slavery" Chomsky denounces.

What about the second clause — "to each according to his needs" — the other half of the moral formula to free us from such "slavery"? Here Chomsky provides no argument at all. He has nothing to say about the sort of practical policies that would be needed to implement this principle (and thus eradicate "deprivation"). Apparently, if any sense at all is to be made of this, we must make it ourselves.

One way that is sometimes suggested is a guaranteed

income or a ration of basic necessities. In contrast to the free-market, the free-lunch frees Susan Lopez to sing full-time without starving. Leaving aside the question of how the government of the "decent society" will acquire the wealth for this distribution, does this distribution satisfy Chomsky's standard of freedom? Here "history and experience" offer two answers: socialist dictatorship and social democracy. The first is easily disposed of: Noam Chomsky himself would be the last person in the Free World not to concede that Communist governments, in their monopolization of all resources, employ "deprivation and reward" as a means of exacting obedience from their subjects.

But what about a social democracy, which, as a matter of "positive rights, simply gives people what they need, no questions — or obligations — asked? A decisive *no* comes from 1971's *Regulating the Poor,* edited by Francis F. Piven and Richard A. Cloward, which concludes that welfare programs arise "from the need to stem political disorder during periods of mass unemployment, and to enforce low-wage work during periods of economic and political stability. The institution of relief is thus best understood, not as charity, but as a system for regulating the poor." So, "when the destitute become disorderly and tumultuous, often on a scale which threatens political stability," the amount of a welfare payment is raised in order to quiet them down ("reward"). "Once turbulance subsides," the amount of a payment is lowered to sub-wage levels ("deprivation") and the poor

Chomsky's program is quite simple: stop paying people to work. No wages, no "wage slavery."

"are forced off the relief rolls and into the low-wage labor pool." Yes, "wage slavery"!

The only remaining political option is anarcho-syndicalism, so it's hardly surprising that this approach is so closely associated with Chomsky.[5]

Here we must run our own Gedanken experiment. Let us imagine that there are no ethical or economic problems in a situation in which the kids who were hired at a Big Burger outlet Monday take over the store Tuesday. They kick out the manager and break all ties with the corporate home office, and no police intervene to protect property rights. Having truly seized the means of production from the bosses, these workers have at last freed themselves from "wage slavery" and the concomitant "deprivation and reward." Or have they? The fact is, they *still* must arrive for work on time, look presentable, keep the place clean, cook the right food the right way, and be courteous, or else they won't get paid — by the only real boss: the sovereign consumer, who pays (or doesn't pay) the salaries of all the employees of Big Burger, from its CEO to the guy working the fryer.

Fundamentally, either Smith gives *something* — food, clothing, medicine, money, acknowledgment, friendship, consent, cooperation, approval, sex, love — to Jones ("reward") or he doesn't ("deprivation"). What isn't either "deprivation" or "reward"? Chomsky's terms cover (and condemn) all of the give-and-take inherent in human interaction — "a handy explanation for any eventuality." That's what he says of Skinner's theory, and it's especially appropriate to quote it, since his own terms are, too obviously, merely commonplace synonyms for Skinner's technological-sounding "negative reinforcement" and "positive reinforcement."[6] And, like Skinner's, Chomsky's contention that we are "controlled" by this either-or, "given the vacuity of the system . . . can never be proved wrong."

But just who's enslaving whom in "wage slavery"? Am I the consumer controlling the kid behind the counter

Either Smith gives something — food, clothing, medicine, money, acknowledgment, friendship, consent, cooperation, approval, sex, love — to Jones ("reward") or he doesn't ("deprivation"). What isn't either "deprivation" or "reward"?

through "deprivation" by withholding my money if he doesn't "take my order"? Or is he controlling me through "deprivation" by withholding the burger (which I need for food) if I don't obey his demand for a specific sum of money (for which I had to work)? Is my physician coercing me into working (for wages) by denying me medical care if I don't pay him, or am I coercing him into working (as a physician) by denying him money (for food, clothing, etc.) if he doesn't treat me? The very logic of "wage slavery" casts each man as both slave and master.[7] I am reminded at this point of the wonderful cartoon that has one mouse in the Skinner box saying to the other, "Have I got this guy trained! All I have to do is press on this bar and he gives me food."

The Chains That Bind Us All

How could it be otherwise? Freedom, for Chomsky, could only be behavior that occurs apart from any *social* environment — i.e., apart from one's fellow human beings, whose every response to one's every action constitutes either "deprivation" or "reward." To free oneself from Chomsky's "slavery," one must live apart from society and provide his own food, shelter, medical care, companionship, etc.[8]

For money and definitions alike, bad drives out good. Absurdist conceptions of freedom serve only to undermine valid ones, which in turn exposes us to the kinds of political schemes proposed by Skinner and Chomsky. Consider how the "theory" of 30 years ago has become the "practice" of today. While Skinner's name may not have the currency it once did, his environmental determinism has actually become the de facto psychological ideology of the "social constructionist" left, which also, in the wake of Communism's demise, has adopted an "anarchist" persona mirroring Chomsky's.

But there is a slight difference between the two thinkers. Skinner's implicit vision of who would be a free man is as

unimaginable as a square circle, yet Chomsky's can (to some degree) be conceived and has, in fact, recently been dramatized: Tom Hanks in *Cast Away*. But whatever might be said of such a life, it has never been one that men of freedom and dignity have sought. ❑

Notes

1. This worthiness was recognized also by editor James Peck, who included an abbreviated version of the essay in 1987's *The Chomsky Reader*. As Clemson University psychologist Robert L. Campbell has observed, "Once Chomsky put forth these arguments, the demise of behaviorism . . . [was] assured. B.F. Skinner never answered Chomsky's arguments in print . . ." (dailyobjectivist.com/Extro/dividedlegacyofnoamchomsky3.asp).
2. Chomsky believes he's making a point when he asks whether a Harvard psychologist "would become a baker or lumberjack if he could earn more money that way." Personally, I'd like to ask whether Chomsky would trade the money, prestige, and respect of an MIT professorship for a post at, for example, Brooklyn Polytechnic.
Also, looking at the last item on this list, we might ask why the teachers' unions are forever telling us that we must raise salaries if we want to attract more and "better" people to go into teaching. Will people suddenly recognize the "intrinsically rewarding" nature of education once "differential reward" (i.e., the lure of better-paying jobs) is eliminated?
3. If the professor still "awaits a rational argument" for the importance of "extrinsic reward" (i.e., incentives, monetary and otherwise), he'll find possibly the best in James D. Gwartney and Richard L. Stroup's *What Everyone Should Know About Economics and Prosperity*, 1993.
4. This is not to affirm that prices are the only values. For an important clarification, see "Market Value" in Harry Binswanger (ed.), *The Ayn Rand Lexicon: Objectivism from A to Z*, 1986, pp. 280–1.
5. It would be quite an understatement to say that Chomsky's actual position vis-à-vis anarchism and statism is somewhat "problematic." Can he really somehow be both a socialist and an anarchist — or does logic force him off the fence? In *Class Warfare* (1996, pp. 122–3), he declares, "[R]ight now I'd like to strengthen the federal government. The reason is . . . in this world there happen to be huge concentrations of private power [i.e., business corporations] which are as close to tyranny and as close to totalitarian as anything humans have devised . . . [s]o you end up supporting centralized state power" to fight that "private power." This is a wholly unremarkable statement: socialism, the suppression of private enterprise, operatively requires "centralized state power." Who, from Lenin to Rothbard, would object? Even more along these lines, he (in a September 1999 interview with *The Progressive*) decries privatization as a crusade to destroy "every aspect of human life and attitudes and thought that involve social solidarity." What kind of libertarian, let alone anarchist, considers *state coercion*, not mutual consent, the foundation (indeed, the whole) of "social solidarity"? Worse yet, our New Left radical is parroting "corporate liberal" Robert Kuttner, who too uses "social solidarity" to label the meta-value supposedly evinced by welfare state programs (*The Life of the Party: Democratic Prospects in 1988 and Beyond*, 1987, pp. 16–7). But compare all this with the fact that Chomsky regularly identifies himself as a "classical liberal" and earnestly bemoans how *liberalism*, a term that once stood for opposition to (or at least limitations on) state power, has been "perverted" to mean "a commitment to the use of state power for welfare purposes." He even fancies himself a kind of "[Old Right] conservative, like [Sen. Robert] Taft, [who] wants to cut back state power, cut back state intervention in the economy — the same as someone like [Sen.] Mark Hatfield — to preserve the Enlightenment ideals of freedom of expression, freedom from state violence, of law-abiding states, etc." (quoted in Milan Rai, *Chomsky's Politics*, 1995, p. 188 n. 24). Now compare that with his conviction that "New Deal liberalism . . . [and] its achievements, which are the result of a lot of popular struggle, are worth defending and expanding" (*The Common Good*, 1998, p. 5). If this is still not enough, I give you the *lagniappe* of a "socialist" who worries about the danger that corporations — social bodies — pose to individualism, since "[t]here's nothing individualistic about corporations" (*Keeping the Rabble in Line*, 1994, p. 280). Though if that's true, then wouldn't these corporations be veritable fonts of "social solidarity" — not "private power" — which would consequently obviate the need for their suppression by "centralized state power"?
My "conclusion" is that Chomsky's political vocabulary, like Skinner's techno-cant, is a dialect of Newspeak that I'll "happily leave to others to decode."
6. Skinner seems to anticipate this when he writes, "What the layman calls a reward is a 'positive reinforcer'" (p. 31).
7. The term "wage slavery" is generally associated with Marx's prediction that wages under capitalism would eventually fall to rock bottom, so that the worker, much like a slave, would be laboring for subsistence — hence, "wage slavery."
But near the end of his essay, Chomsky writes, "An increase in wages, in Marx's phrase, 'would be nothing more than a better *remuneration of slaves*, and would not restore, either to the worker or to the work, their human significance and worth'" (original emphasis). So, whereas subsistence wages drive the worker into "misery, agony of toil, slavery, ignorance, brutality [and] mental degradation" (again, Marx), even ever-increasing wages deny him his "human significance and worth," the absence of which we evidently must acknowledge like the presence of the emperor's nouveau apparel. Wages plummet, wages soar, wages *stagnate* — it's all the same "slavery."
8. Elsewhere (p. 390), Chomsky reveals that he (like Marx in "On the Jewish Question") agrees when "Rousseau argues that civil society is hardly more than a conspiracy by the rich to guarantee their plunder."

Letters, *from page 6*

said to have "bought the farm."

W. T. Furgerson
Louisville, Tenn.

The Editor responds: There is considerable scholarly literature on the origin of the phrase "bought the farm." Several hypotheses are advanced, but no conclusive evidence. One fact is well-established: the earliest recorded usage was in 1955. This eliminates Heinlein's *Starship Troopers*, published 1959, as a source. Kelly's explanation that it came into use during the barnstorming days immediately after World War I is not very plausible either: It's unlikely that the expression was in common usage for more than 30 years without being recorded. If Furgerson's memory is correct, the expression was widely used for more than a decade without being recorded; this too seems unlikely.

A Model for Libertarian Activists

by Jacques de Guenin

A century and a half ago, a small group of men challenged entrenched power, convinced the public that taxes should be cut, trade freed up, and government reduced — all within a decade.

We are in 1838, at which time the United Kingdom was divided into roughly six social classes:

- The elder branch of the aristocracy, who owned practically all the land and had a majority in parliament.
- The younger branch of the aristocracy, who owned little or nothing since, in order to avoid the partition of properties, only the first-born son inherited property. Since noblemen despised creative work, members of this class could sustain themselves only through the exploitation of the working classes: external exploitation through wars, conquests, and colonization; internal exploitation through taxes, tithes, charges, and monopolies. They made up the larger part of Army and Navy officers, the clergy, and colonial administrators. They also emigrated to the colonies, where they became landowners. (At that time, the U.K. had 45 colonies.)
- Manufacturers, bankers, and traders. The Industrial Revolution was in full swing, and this class was becoming more and more significant.
- Shopkeepers and craftsmen
- Factory workers
- Farmers. They rented their land from the big landowners, led a rather miserable life, and hired even more miserable agricultural workers.

The parliament had around 580 members, 160 of whom were elected by the counties and 420 by the burroughs. There were two major parties, the Tories and the Whigs. Certain conditions were required in order to be an elector. These conditions were such that the counties elected only aristocrats. The burroughs elected aristocrats too, but they also elected representatives from the manufacturing and trade bourgeoisie. However, each party was controlled by the aristocracy so that, whatever the majority, the parliament was controlled by the aristocracy.

The Corn Law

In 1838, the kingdom was plagued by a law called the Corn Law, which restricted the import of grains. It was introduced in 1815, and amended several times. It concerned all grains, but its effect was particularly tragic in the case of wheat, a requisite for making bread, then a vital food for most people.

Before Napoleon's continental blockade, the import of wheat was relatively free, and custom duties were not very high. The blockade gave English producers a quasi monopoly, followed by a rapid increase in prices. At the end of the Napoleonic wars, the price of wheat fell by half, and producers were alarmed. In 1815, they managed to promote a law whose object was to stabilize the price of corn at a high level. No foreign wheat could enter the market if the market price was below 80 shillings a quarter. Without ever reaching that level the price of wheat rose again considerably, as did the price of bread, the staple diet of the workers. Working classes became very poor. Their consumption of manufactured goods decreased. Exports also decreased, as ships could no longer carry return freight such as grain. Manufacturers were forced to make workers redundant which increased poverty even more.

The law impoverished workers and traders, but it

worked well for the aristocracy. It raised the cash value of the most important agricultural product, thereby raising the rent that the aristocrats could charge for land, virtually all of which was owned by them. Not surprisingly, the aristocracy was opposed to any reform.

In 1828, however, the government of the Duke of Wellington managed to amend the legislation a little. Wellington was intelligent enough to perceive how precarious the situation was, and his prestige gave him freedom to maneuver. He introduced a so-called "sliding scale," working thusly: when the price of wheat reached 73 shillings per quarter, foreign wheat could be imported without duty. When it fell below that price, foreign wheat was charged a duty. It was a small improvement, and a very insufficient one.

The Corn Law helped to make the Britain of 1838 a place where social inequality was extreme, destitution was prevalent, and criminality was high.

Besides grain, there was a complicated protectionist system affecting a number of other vital food products such as sugar. These tariffs were called "differential" because they depended on a product's origin. They guaranteed an outlet for colonial products, and were a significant source of revenue for the colonists.

The Corn Law helped to make the Britain of 1838 a place where social inequality was extreme, destitution was prevalent, and criminality was high. The decrease of all consumption resulted in lower tax revenues. The state deficit was increasing to the point of threatening its credit.

History of the League

In 1838, the Anti-Corn Law Association was created in London, but had little success in changing things. In October 1838, seven men from Manchester decided to take matters into their own hands. They modified the statutes and the name of the Association, which became "The Anti-Corn Law League," or, more popularly, the League.

Their aim was to mobilize public opinion to put pressure on parliament to repeal the Corn Law. The League proclaimed that repealing the Corn Law would have extraordinary benefits for the kingdom. It would:

- increase industrial outlets
- develop employment
- decrease the price of bread
- increase industrial and agricultural productivity through competition
- promote peace between nations.

Manchester was a good base for the League because it was the major manufacturing city in the country, and its activity was particularly affected by the strangling of international trade.

The founders surrounded themselves with people from the middle class: industrialists, merchants, bankers, traders. Among its leaders, four were to play a decisive role: George Wilson, the president, who administered the huge machinery of the League with great competence and rigor; Charles Villiers, the spokesman of the league in Parliament; Richard Cobden, its most active and most influential member; and John Bright, a great orator, and a faithful disciple and friend of Cobden.

Richard Cobden was born in 1804 to a poor farm family. He was trained by an uncle to become a clerk in his warehouse. At 21, he became a travelling salesman, and was so successful that he was able to set up his own business by acquiring a factory making printed cloth. His company became very prosperous. At the age of 30, he left the management of the company to his brother so that he could travel. He wrote some remarkable articles in which he defended two great causes: pacifism, in the form of nonintervention in foreign affairs, and free exchange. He revealed himself to be a clear and brilliant economist.

From 1839, he devoted himself exclusively to the League, neglecting even his family, though he was very fond of them. He displayed the talents of a great tactician, being rational, skillful, tenacious, and resolute. He was to be elected MP for Stockport in 1841.

John Bright was a manufacturer from Lancashire. He belonged to a Quaker family. He was to be elected to the Commons in 1843. He was a very eloquent speaker — clear, precise, and moving, especially when describing poverty, revealing a deep conscience and a quasi-religious sense of his responsibilities. Even though he was self-educated, he supported his eloquence with well-chosen literary and historical references.

A determined individualist, he considered freedom of exchange as the remedy for all economic evils. He was very wary of state intervention in economics and society.

A nonconformist, he pleaded for the equality of religions under the law, criticized the privileges of the Church of England, supported the separation of church and state, and asked for the right of Jews and atheists to swear a non-Christian oath and be allowed into Parliament.

Within the League, he acted as the unconditional supporter of Cobden and a star speaker. But he avoided appearing as a formal forefront leader, because, as a Quaker, he was not accepted by all groups.

These four people played the major roles in the League, but many more people of high quality and reputation spent a lot of their time, money, and talent for it.

For seven years, until the final victory, the League endeavoured to gain more and more people to its cause, radiating farther and farther from Manchester until it covered the whole kingdom. Meetings were organized in the larger cities. In London, they were held weekly. Everywhere they took place in the largest rooms available, containing several thousand people in London, and up to 10,000 in Manchester. Everywhere, all seats were booked and many people were left outside. More and more subscriptions made it possible to finance books, brochures, periodicals, and even to pay professors to spread understanding of economics among the general public.

The first spectacular breakthrough happened in 1841.

That year, the League managed to win over the so called "dissident churches," i.e., the non-Anglican ones. Sixteen hundred "dissident" priests responded to the call of the League, and 700 of them gathered in Manchester. They decided to preach the cause of freedom of exchanges throughout the kingdom, as it was "in agreement with the Laws of providence that it was their mission to propagate."

The League then endeavored to put the farmers on their side. That was trickier insofar as the latter believed that their fate was linked to protection. Within two months, Cobden held 40 meetings among the agricultural population. To quote Bastiat, "There, often surrounded by thousands of farmers and laborers among whom, no doubt, also sneaked in some troublemakers, a cool, skillful, and eloquent Cobden impressed his audience, and even aroused sympathy among his most implacable opponents."

The aristocracy, which had treated the League with disdain resulting from their feeling of political invulnerability, began to worry. They scrutinized the public and private lives of the principal leaders of the League, but soon realized that they had more to lose than to win at this game. They then spread the litany of eternal protectionist sophisms: the protection of farmers against the invasion of foreign products, the lowering of workers' salaries by factory owners taking advantage of the lower cost of subsistence, national independence, outlets for colonial products, control of the sea, etc.

But a remarkable feature of the League was that its actors were skillful economists, and none of these sophisms could stand up to them. Tirelessly, they demonstrated that *only the full and unilateral repeal of all obstacles to free trade could bring about prosperity for all.*

With poverty and its causes becoming more and more obvious, the aristocracy attempted to soothe the situation through charity. They organized subscriptions to help the poorest. They introduced laws reducing daily working hours. But manufacturers, in turn, took measures to help the truly needy directly. At the same time, the League clearly showed that the only source of hardship was spoliation by the aristocracy.

But the aristocracy still had one defense: its majority in parliament. Then, in a new phase of its action, the League methodically endeavored to have the maximum number of its supporters elected to parliament. At the request of Cobden and Bright, several thousand free-traders registered on electoral lists, and kicked out all those who did not have any right to be on them.

At the elections of 1841, five League members, including Cobden, had been elected. Sir Robert Peel, the leader of the Tories, was again prime minister. Extremely clever and competent, he came from the manufacturing bourgeoisie, and he sought to attract its members into Parliament. Being a lucid opportunist, he soon realized that the League held the truth about the causes of poverty, and that its progress was irreversible. But he felt obliged to defend the interests of the class which had brought him into power. He certainly foresaw that the supporters of the League would obtain a majority in Parliament sooner or later, and thought he might as well implement himself the measures that would become inevitable. During the next five years, he took measures aimed at alleviating the most severe poverty, thus giving some tokens of satisfaction to the free-traders, and, on the other hand, to broaden the outlook of the aristocracy.

In order to improve public finances, he introduced an income tax, exempting revenues below 150 pounds, that lasted three years. He introduced a series of custom duty reforms. Straight import prohibitions were abolished. Oxen, sheep, and fresh and salted meat, the import of which had been prohibited, were now admitted with low duties. Duties on 650 basic consumer goods such as flour, oil, rice, vinegar, beer, wool, cotton, linen, and leather were considerably reduced and the duties for 430 products were eliminated. Export duties, which notably penalized machinery and coal, were abolished.

The League endeavoured to put the farmers on their side. That was tricky because farmers thought that their fate was linked to protection.

Economic activity grew, poverty diminished, and, in accordance with the Laffer Law, customs revenues actually increased.

Concerning the Corn Law, Peel acted very cleverly. Experience had shown that the price of wheat on the market fluctuated around 56 shillings, and never rose above 65 shillings. The ceiling of the "sliding scale," at 73 shillings, was therefore pointless. Peel reduced the ceiling to a fixed rate of 56 shillings, which gave to the people the impression of a great discount — without really addressing the problem — and still keeping rents high.

Cobden feared that these improvements might enervate the supporters of the League, though its objectives were far from achieved. So he persuaded his friends to change gear. Until 1844, it seemed impossible to obtain MPs from the counties because one had to own rural property to be an elector. On closer inspection of the electoral law, Cobden discovered an obscure amendment called the Chandon clause, which granted the right to be an elector to any person owning a property yielding an annual revenue of at least 40 shillings. The aristocracy had used this clause in 1841 to register a number of its minions on electoral lists. Nothing prevented the manufacturing and trading classes from doing the same.

Cobden submitted his plan to the League council in December 1844. The deadline for registration on the electoral lists was Jan. 31, 1845. In ten weeks, Cobden organized no less than 35 meetings in the Northern counties of England in order to encourage suitable people to become electors.

Meanwhile, the support of the League from various corners was steadily increasing, and, with it, the means at their disposal. To illustrate the magnitude of their effort, let me quote figures from the annual report for the year 1844 presented on Jan. 22, 1845, by Mr. Hickin, secretary of the League, in front of 10,000 people. First of all, here is the

income statement. (I have made an attempt to evaluate the sums in present day dollars. It is, I agree, a very bold and fragile estimate. 1£ (1840) = $84 (2000).

Revenues	£ 86,009	($7,224,000)
Expenses	£ 59,333	($4,984,000)
Balance	£ 26,676	($2,240,000)

More than 200 meetings were held in England or Scotland, to mention only those attended by official representatives of the League.

Two million pamphlets and 20,000 copies of each issue of the League's weekly journal were distributed.

The offices of the League received a huge number of letters, and sent about 300,000!

The League professors opened courses in 36 counties out of 40. Everywhere, and most particularly in agricultural counties, demand for professors largely exceeded supply.

England was divided into 13 electoral districts. Agents well versed into the knowledge and practice of law were assigned to each district to supervise the preparation of the electoral lists and if necessary, obtain their rectification by judgment.

On May 26, 1846, Parliament passed a law instituting unilateral freedom of exchange. The law lasted for 85 years, during which the United Kingdom enjoyed a brilliant period of freedom and prosperity.

This operation was carried out in 160 boroughs. Up to then, free-traders had outnumbered the monopolists in 112 boroughs, resulting in a fair chance of a free-trade candidate being elected in many of these.

It was only recently that the League had directed its attention to the electoral lists of the counties. Within a few days, the balance in favor of the free traders increased by 1750 in North Lancaster, 500 in South Lancaster, and 500 in Middlesex.

Every year, Charles Villiers, an MP from the League, had proposed a motion to Parliament in favor of the repeal of all protectionist laws. It had always been defeated, but the majority against the repeal decreased year after year: 303 in 1842, 256 in 1843, 206 in 1844, 132 in 1845. Peel started to prepare the minds of the MPs for a gradual repeal, but he came up against both the great landlords, and the free traders who wanted a complete and immediate repeal.

In 1846, a terrible famine struck Ireland, because heavy rains had rotted the potato crop, the staple diet of the Irish people. Bread was too expensive to replace potatoes. In December, Peel decided to apply an emergency reduction in the duty on grain through government decrees, but he lost the support of his own cabinet and had to resign.

The queen called upon the leader of the Whigs, but he was unable to form a cabinet. So, she asked Peel to come back and form a new cabinet. He did it with Tories individually favorable to the repeal. He then proposed to parliament a more radical measure abolishing the Corn Law. After numerous debates and some to-and-fro with the House of Lords — which proved to be more open to freedom of exchange than expected — Parliament put an end to protectionism. On May 26, 1846, the law instituting *unilateral* freedom of exchange was passed by a majority including, besides representatives of the League, Whigs, Tories, and Irish representatives. The law lasted for 85 years, during which the United Kingdom enjoyed a brilliant period of freedom and prosperity known as the Victorian Era. We should call it instead the Free Trade Era.

The Tory party, however, was irreparably divided. On that same evening, Peel lost a vote of confidence on his Irish policy. He had to resign. Before leaving, he paid tribute to Cobden in his last parliamentary speech, saying :

> The merit of these measures, I declare it to the honorable members of the opposition as well as to ourselves, this merit does not belong to any party. There arose between parties a coalition which, helped by the government, led to the final success. But the name that should, and certainly will be, attached to these measures, is that of a man, driven by the most disinterested and the purest motive, who, with tireless energy, appealing to public reason, demonstrated their necessity with an eloquence all the more admirable as it was simple and without affectation, it is the name of Richard Cobden.
>
> Sir, I now close the observations which it has been my duty to address to the House, thanking them sincerely for the favour with which they have listened to me in performing this last act of my official career. Within a few hours, probably, that power which I have held for a period of five years will be surrendered into the hands of another — without repining — without complaint on my part — with a more lively recollection of the support and confidence I have received during several years, than of the opposition which during a recent period I have encountered.
>
> In relinquishing power, I shall leave a name, severely censured I fear by many who, on public grounds, deeply regret the severance of party ties — deeply regret that severance, not from interested or personal motives, but from the firm conviction that fidelity to party engagements — the existence and maintenance of a great party — constitutes a powerful instrument of government: I shall surrender power severely censured also, by others who, from no interested motive, adhere to the principle of protection, considering the maintenance of it to be essential to the welfare and interests of the country: I shall leave a name execrated by every monopolist who, from less honorable motives, clamors for protection because it conduces to his own individual benefit; but it may be that I shall leave a name sometimes remembered with expressions of good will in the abodes of those whose lot it is to labour, and to earn their daily bread by the sweat of their brow, when they shall recruit their exhausted strength with abundant and untaxed food, the sweeter because it is no longer leavened by a sense of injustice.

Sir Robert Peel left public life that same evening. He died four years later in a riding accident.

The League dissolved itself on July 22, 1846.

A ceremony commemorating the passage of the law took place on Jan. 25, 1848. It was attended by 3000 people. Another was celebrated on Feb. 1, 1849.

Richard Cobden was exhausted and ruined when the

continued on page 53

Reviews

The Skeptic: A Life of H.L. Mencken, by Terry Teachout. HarperCollins, 2002, 410 pages.

A Politically Correct H. L. Mencken

R. W. Bradford

H.L. Mencken once said that he had it on the authority of a prominent publisher that books about Abraham Lincoln always make money, no matter how bad they are. The publication of Terry Teachout's *The Skeptic: A Life of H.L. Mencken* brings the number of biographies and memoirs about Mencken to 21, which means that a book about Mencken has been published, on average, once every 3.67 years since Mencken celebrated his 45th birthday in 1925. The longest gap between publications was eleven years, but some decades have seen as many as four. I wonder: have biographies of Mencken become "sure things"?

Mencken was arguably the most prominent and influential American libertarian of the 20th century. Part of the reason why Mencken's life is so frequently chronicled is simply that it was a very interesting life: he was both America's leading literary critic and its leading political pundit, and he chronicled nearly half a century of American life. But the more important part, I think, is that Mencken wrote with a style that is simultaneously outrageous and delightful. Since biographies of writers invariably include substantial quotations from their subjects, biographies of Mencken are almost certain to be read with pleasure.

Another reason why the flow of Mencken biographies has lasted so long after his death is that Mencken arranged his affairs so that important biographical information would be made available to scholars at various intervals, some as long as 35 years after his death.

Nothing new has come out since 1991, however, and Teachout's biography is the second to be able to exploit all of Mencken's papers and memoirs. It is unquestionably superior to the first such biography, Fred Hobson's *Mencken: A Life.* In many ways it is the best of all the biographies despite an egregious and mysterious flaw.

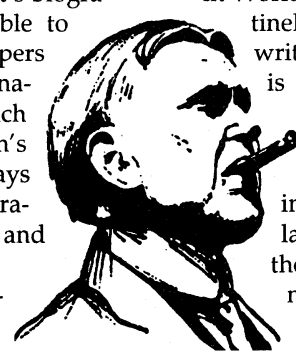

I'll discuss the flaw a little later in this essay. Right now, I want to admit that I wasn't looking forward to reading *The Skeptic* with great anticipation. For one thing, while I've read a good deal of Teachout's magazine writing and have found it quite serviceable, I've never been particularly enthusiastic about it. For another, having read virtually everything written by Mencken that is reasonably available, including all his books and all his writing for *The American Mercury,* as well as eight or ten of the biographies and all six of the memoirs of his life, I wasn't convinced that I'd learn very much from Teachout that I didn't already know.

What's impressive about *The Skeptic* is that Teachout does a very good job of explaining Mencken's life and career in the context of the times in which he lived. Teachout even manages not to be outraged or addled by Mencken's hostility to Franklin D. Roosevelt and America's involvement in World War II, subjects that routinely outrage and addle other writers. For me, the best thing is that Teachout does a fine job of putting Mencken's literary criticism in context, thereby rendering it intelligible to people who lack professional training in the subject. The major weakness of my own understanding of Mencken is my limited familiarity with American literature between 1900 and 1940. I never have been able to appreciate his literary criticism fully. Oh, I'd read some Howells, Lewis, Conrad, Shaw, and a little Dreiser, but none of Gene Stratton Porter or Harold Bell Wright. Teachout's discussion of Mencken's criticism, and of many of the novelists that Mencken criticized, may not be comprehensive or scholarly, but it provides enough

information to give me a feel for the reasons why Mencken regarded these authors in the way he did.

There remains one very serious problem. Time and time again, Teachout calls Mencken an anti-Semite. According to the index, Teachout mentions "Jews" or "anti-Semitism" on a total of 44 pages. That's the same number of pages that mention the *Baltimore Sun*, where Mencken worked for nearly a half-century. George Jean Nathan, with whom Mencken co-edited both *The Smart Set* and *The American Mercury*, is mentioned on but 47 pages.

From reading *The Skeptic*, one might almost think that Mencken was more concerned with Jews than with his closest literary partner or the newspaper for which he worked (and on whose board of directors he served). Indeed, one might think that Mencken had practically made a career of thinking about Jews.

The notion that Mencken was an anti-Semite gained notoriety in 1990, with the publication of his diary. That book included a couple of brief passages that could be interpreted as anti-Semitic. The editor declared Mencken an anti-Semite, and the publisher made rather a big deal of it, presumably in hopes of increasing the book's sales at the expense of the author's reputation.

Against the notion that Mencken was anti-Semitic stood the evidence of his entire life: most of his closest friends were Jews, he expressed sympathy for Jewish settlement in Palestine, he advocated that the United States accept German Jewish refugees from Hitler's pogrom. There was also the testimony of the people who knew him. To me, the case that Mencken was an anti-Semite remained very thin, but I do not think the issue was resolved.

Now comes Teachout and, in his case for Mencken's anti-Semitism I detect something missing: an argument. Although he repeatedly calls Mencken an anti-Semite, he never actually argues that he is. In lieu of an argument, he offers us the testimony of others to the same effect and quotes several passages from Mencken that contain pungent opinions about Jews, many of them not favorable, and a lot about the history of the charge that Mencken was anti-Semitic. He tells us, "It is not his anti-Semitism for which he will be remembered — but that he was an anti-Semite cannot now reasonably be denied." He tells us that Joseph Epstein believes that "It is, alas, impossible any longer to let Mencken off the hook on the charge of anti-Semitism." And somehow, I am pretty certain, Teachout expects us to be convinced by this thin gruel of expert testimony and unconvincing evidence.

Mencken wrote with a style that is simultaneously outrageous and delightful. Since biographies of writers invariably include substantial quotations from their subjects, biographies of Mencken are almost certain to be read with pleasure.

This is strange. Normally, when an author makes a controversial charge, he offers some crucial defense of it. If you want to argue that someone is an anti-Semite, you explain what you mean by "anti-Semite" then you show evidence that the person meets your definition. Teachout does none of this.

The closest he comes is the two specimens of argument from authority already mentioned — unless one considers the passages from Mencken that Teachout considers such powerful prima facie evidence of anti-Semitism that they needn't even be so characterized. I have gone through the book and examined every passage from Mencken that Teachout quotes and everything Teachout wrote that conceivably could be construed to support his charge. Here is a list of such sentiments as might be considered hostile to Jews. Teachout's writing, including his quotations from Mencken, are in italics. My comments are in Roman type.

• *Long after they [Mencken and his long-time friend and colleague George Jean Nathan] parted company, he [Mencken] would make his own pen portrait of his dapper ex-friend, this one etched with a rusty nail: "A slight fellow, of less than average height, he is intensely self-conscious about his physique, and is at great pains to avoid being seen with women who are not smaller than he is. If they are known by sight to all the Jews and whores who hang about the theatres and nightclubs, so much the better, for though he has denied, in recent years, that he is a Jew himself, a typically Jewish inferiority complex is in him, and it gives him great satisfaction to have some eminent (or even only notorious) fair one under his arm."* (p. 88)

Mencken indicates that he believes there exists such a thing as a "typically Jewish inferiority complex." Is this anti-Semitic? I don't see that it's any more anti-Semitic to say this than it is anti-American to say that a person has "a typically American credulity," or anti-German to say that he has "a typically Teutonic tendency toward authoritarianism."

• *"I had little if any prejudice against Jews myself," he wrote in My Life as Author and Editor, "and in fact spent a great deal of my leisure in their company, but they were rare in the publishing business and rather resented by the Goyim, and there was little indication that they would ever be successful. . . . [I]t also seemed to me, in the early days of our acquaintance, that [Knopf] showed a certain amount of the obnoxious tactlessness of his race." But as Mencken got to know Knopf better, he changed his mind about the young publisher.* (137)

At the worst, this demonstrates that, in the early part of the 20th century, Mencken believed Jews to be obnoxiously tactless, but that this belief was insufficient to keep him from making close friends of them. Knopf became one of Mencken's close Jewish friends. Is this proof of anti-Semitism?

• *Mencken wrote: "The Jews of Detroit, outraged by the anti-Semitic nonsense printed by Henry Ford in his Dearborn Independent, have had an ordinance passed barring that curious journal from the news-stands. . . . I am certainly not anti-Semitic and never read Ford's paper, but I carry away from the Detroit episode a suspicion that he must have mingled some truth with his libels, else the*

yells would have been less raucous. No sane man objects to palpable lies about him; what he objects to is damaging facts. Perhaps if I read Ford I'd dismiss his case as without merit, and so, maybe, would every other fair man — but the Jews, with singular fatuity, now seem to be doing their best to make it impossible for me and other men to read and gag at him. (165)

In sum, Mencken believed that when people tried to suppress opinions through censorship, they might be trying to hide something. Is this evidence of anti-Semitism?

• *Praising the Bible for its "lush and lovely poetry," he remarks that it is "astounding" that the Jews should have been responsible for "nearly all of it" since they could be "very plausibly" described as "the most unpleasant race ever heard of." Nor did he let it go at that. In a passage full of faint echoes of Nietzsche, he went on to explain: "As commonly encountered, they lack many of the qualities that mark the civilized man: courage, dignity, incorruptibility, ease, confidence. They have vanity without pride, voluptuousness without taste, and learning without wisdom. Their fortitude, such as it is, is wasted upon puerile objects and their charity is mainly only a form of display. Yet these same Jews, from time immemorial, have been the chief dreamers of the human race, and beyond all comparison its greatest poets. . . . All this, of course, may prove either one of two things: that the Jews, in their heyday, were actually superior to all the great peoples who disdained them, or that poetry is only a minor art. My private inclination is to embrace the latter hypothesis, but I do not pause to argue the point."* (247–8)

Here Mencken expresses a variety of generalizations about Jews, some favorable ("the chief dreamers of the human race, and beyond all comparison its greatest poets") and some unfavorable ("vanity without pride, voluptuousness without taste"). These are certainly odd and idiosyncratic generalizations, but are they evidence of anti-Semitism?

• *[Mencken wrote that] "The disadvantage of the Jew is that, to simple men, he always seems a kind of foreigner. . . . Thus he is an easy mark for demagogues when the common people are uneasy, and it is useful to find a goat."* (270)

This is plainly an opinion about non-Jews, and a very unflattering opinion. Is this evidence of anti-Semitism?

• *[Mencken wrote that] "On the one hand, it [the Jewish settlement in Palestine] is being planted intelligently and shows every sign of developing in a healthy manner. But on the other hand there are the Arabs — and across the Jordan is a vast reservoir of them, all hungry, all full of enlightened self-interest. Let some catastrophe in world politics take the British cops away, and the Jews who now fatten on so many lovely farms will have to fight desperately for their property and their lives."* (271)

Here, surely, Mencken expresses sympathy with Jews.

• *In letters to his Jewish friends, he [Mencken] explained that "the uproar being made by the Jews in this country is doing them far more harm than good," inflaming anti-Semites in Germany and America alike. "A very definite anti-Semitic movement is gathering force behind the door, and whenever a convenient opportunity offers it will bust out," he told Benjamin De Casseres, one of the Mercury's Jewish contributors. "At that time you may trust me to mount the battlements and holler for the Chosen."* (277)

Here he plainly expresses support for Jews against anti-Semites.

• *[Regarding the anti-Semitic activities in Germany, in 1938:] "It is to be hoped," he wrote, "that the poor Jews now being robbed and mauled in Germany will not take too seriously the plans of various foreign politicos to rescue them. Those plans, in all cases, smell pungently of national politics, and in not a few cases they are obviously fraudulent." Dismissing as "next door to murder" the English plan to resettle German Jews in Tanganyika and British Guiana, he pointed out with gleeful precision that the White House was doing no better, since FDR had stated that he had "no intention of proposing a relaxation of the immigration laws" that prevented most Jews from emigrating to the United States. "Such gross and disgusting peck-sniffery," Mencken said, "is precisely what one might expect from the right hon. Gentleman, and I only hope the American Jews who have swallowed so much of his other buncombe will not be fetched by it." The only way to help Jewish refugees, he added, was "to find places for them in a country in which they can really live. Why shouldn't the United States take in a couple of hundred thousand of them, or even all of them?"*

This little-known Sun column was exhumed in the eighties when the posthumous publication of Mencken's diaries led to renewed accusations that he was an anti-Semite. "Help for the Jews" was offered as proof to the contrary, though those who quoted from it almost always neglected to mention the last two paragraphs:

> *I am here speaking, of course, of German Jews, and of German Jews only. . . . The question of the Eastern Jews remains, and it should be faced candidly.*

Teachout even manages not to be outraged or addled by Mencken's hostility to Franklin D. Roosevelt and America's involvement in World War II, subjects that routinely outrage and addle other writers.

If we mean by "anti-Semite" one who holds unfavorable opinions about Jews, then Mencken certainly was anti-Semitic.

"There'll be a short delay while they find me a left-handed ax."

Many German Jews dislike them, and were trying to get them out of Germany before the present universal disasters came down. There is a faction of them that tends to be troublesome wherever they settle, and there is apparently ground for the general belief that in this country they incline toward the more infantile kinds of radicalism.

Fortunately, they are not numerous in German Jewry. The really large accumulations of them are in Poland and Rumania. It would be obviously impossible, even if it were prudent, for the United States to take them all in. But there is still plenty of room for them, and in a land where there is no prejudice against them, and their opportunities are immensely better than in Tanganyika or Guiana, or even Palestine. That land is Russia.

Having made so outrageously cynical a suggestion, Mencken affected to be dismayed when the Sun received "floods of letters of protest and abuse" from Jews who declined to go along with his solution to the problem of Eastern Jewry. He then decided that since nothing he wrote short of "the most preposterous flattery" would satisfy the Jews, he would write no more about them, "no matter how poignant their sufferings." (287–8)

It may be " cynical" to suggest that the U. S. admit only German Jews, and that Eastern European Jews might better find a home in Russia, but is it anti-Semitic? Only if one denies that German Jews are Jews. After all, to be "anti-Semitic" presumably means to be against *all* Jews because they are Jews. The fact that Mencken opposes admitting millions of Jews to the U. S. while supporting the expedited admission of hundreds of thousands of Jews tends to support the idea that he disliked Eastern European Jews, but it undermines any suggestion of anti-Semitism. Contrast Roosevelt's refusal to expedite the admission of any Jews.

Something is missing in Teachout's case for Mencken's anti-Semitism: an argument.

• *[Mencken wrote:] "The sharp, unyielding separateness of the Jews, based on their assertive racial egoism, marks them off as strangers everywhere. . . . The chief whooping for what is called racial tolerance comes from the Jews, who are the most intolerant people on earth. In the United States, as in all countries that they inhabit, they interpret tolerance to mean only an active support of their own special interests. . . . I hate to have to ask a man what he is — Jew or Christian, German or Englishman, European or Asiatic. There are so few persons in the world who are really worth knowing that it is wasteful and absurd to sort them into categories. But the average Jew leaves one no alternative. He is Jewish before he is a man, and presses the fact home with relentless lack of tact. This habit, I suspect, is one of the chief causes of Jewish unpopularity, even among those who are not rationally to be called anti-Semitic. "*

Mencken may have felt that he was "not rationally to be called anti-Semitic," but few who are fully acquainted with all the available evidence are likely to agree with him, though by the looser standards of his own time and place he might well have been acquitted of the charge. He was, after all, no Nazi — but he was willing to leave the Nazis to their own malevolent devices rather than see the United States go to war with Germany. He loathed Adolf Hitler — but no more than he loathed FDR. He thought America should open its doors to Jewish refugees — but only if they were his kind of Jews. He sympathized with their distress — but thought they had brought it on themselves. Perhaps most telling is the language he used to criticize Jewish friends such as Philip Goodman, who decided that they could no longer keep silent about the plight of the Jews under Hitler: Their crime, he said, was to have "turned Jewish on me. " (289–90)

What a curious melange this is. First, Teachout quotes Mencken expressing a severe hostility to racial prejudice, but adding that the fact that so many Jews insist on being thought of first as Jews rather than as individuals makes it harder for some people to remember this. Is this evidence of anti-Semitism?

Then Teachout assures us that "few who are fully acquainted with all the available evidence" think that Mencken was not anti-Semitic. This, of course, is simply an argument from authority — a request that we accept on faith the conclusions of people who have seen "all the evidence," including evidence that is uncheckable, since it is available only to those permitted to see all Mencken's papers, including the portions of his diary and his two journalistic memoirs that his heirs, the Enoch Pratt Free Library, have chosen not to make public. It seems Teachout expects us to accept the existence and character of evidence that he does not permit us to see.

Finally, Teachout identifies as convincing evidence of Mencken's anti-Semitism "the language he used to criticize Jewish friends," whose "crime," Mencken said, was to have "turned Jewish on me. " But Mencken wasn't accusing his friends of a "crime." The actual passage from Mencken's memoirs is this: "Goodman and I became friends almost immediately, and remained so until the shattering impact of Hitler made him turn Jewish on me."* The emphasis on Hitler, and the background of Mencken's long-standing isolationism, help to clarify his meaning. Mencken's reaction is similar to that of his contemporary Rose Wilder Lane, who broke with Isaac Don Levine, a close Jewish friend, when the impact of World War II caused him to forsake the isolationism they had shared. The relationship could not survive the understandable difference in views. This is not anti-Semitism. In the same way, Mencken is saying that, understandably, Hitler's deeds "made" his friend discover that his Jewish identity was more important to him than his relationship with Mencken.

• *He [Mencken] broke his silence . . . , taking . . . advantage of the occasion to sum up what he saw as the consequences of World War II: . . . "the Jews have been euchred out of . . . Palestine . . ."* (308)

Here Mencken jumps to the wrong conclusion — Britain ultimately did support Jewish settlement of Palestine and even the expulsion of non-Jews from that territory. But is this evidence of anti-Semitism? Or of sympathy with

*Teachout's source note misidentifies the source of this quotation and fails to inform the reader that it is part of a much longer sentence about how his friendship with Goldman began in 1918.

Palestinian Jews? Pretty obviously the latter.

• In 1955, shortly before his death, and seven years after a third stroke had virtually destroyed his ability to speak, write, or read, his secretary discovered among his papers the manuscript for a book, consisting of a collection of miscellaneous notes of varying lengths, which was eventually published as *Minority Report*. Mencken somehow managed to decide which of the notes to publish. Teachout offers no explanation of how a man who could hardly speak and could not read at all was able to take on such a task. Among the notes that Mencken cut was one that read: "The Germans, taken together, practice hardness and have a considerable talent for it, but individually they are mainly sentimentalists. Something of the same sort is true of most other nations, including the Jews. It reveals itself in the fact that every one, as the saying goes, has a pet Jew. The explanation here is that the average educated Jew tends to be an endurable enough fellow, despite his obvious failings, whereas Jewry as an organized body is almost unqualifiedly unpleasant."

Mencken described his fellow Germans in Baltimore as "ignoramuses of the petty trading class." Surely this is a harsher characterization than what Teachout finds offensively anti-Semitic. Should we conclude that Mencken was an anti-German bigot?

Mencken begins with an opinion about "most nations," including the Jews — an opinion that is hard to view as hostile or even very unflattering. Then he finds the average educated Jew "to be endurable." This sounds hostile, though when one considers how many people Mencken found to be endurable, it might better be considered a compliment. Then he expresses an unfavorable opinion about the "organized body" of Jewry, an evaluation he made of just about every "organized body" he ever encountered. In the context of his normal literary conduct, is there anything here that is anti-Semitic?

Of Americans, Mencken wrote: "No other known man, indeed, is so violently the blowhard, save it be his English kinsman. In this fact lies the first cause of the ridiculous figure he commonly cuts in the eyes of other people: he brags and blusters so incessantly that, if he actually had the combined virtues of Socrates, the Cid, and the Twelve Apostles, he would still go beyond the facts, and so appear a mere Bombastes Furioso. . . . Braggadocio, in the 100% American — 'we won the war,' 'it is our duty to lead the world,' and so on — is probably no more than a protective mechanism erected to conceal an inescapable sense of inferiority." This is less flattering, I think, that what Teachout finds "anti-Semitic" in what he said of Jews. Should Mencken be denounced as an "anti-American"?

He described his fellow German-Americans in Baltimore as "ignoramuses of the petty trading class." Surely this is a harsher characterization than what Teachout finds offensively anti-Semitic. Should we conclude that Mencken was an anti-German bigot?

• Teachout quotes a "private conversation" that Charles Angoff claims he had with Mencken some 23 years earlier, in which Mencken expresses a sentiment that " . . . Hitler is a jackass. But he isn't altogether crazy in what he says about the Jews . . . " (337). Teachout also reports that Mencken's friends believed the recollection, and Angoff's entire book, to be, well, inauthentic. He quotes Alfred Knopf as saying, "The laws of libel forbid my saying what I think of [Angoff's book], but you can get the idea from Churchill's references to Mussolini in his wartime speeches." Teachout dismisses this, saying that he thinks that " . . . even after allowing for malice and exaggeration, much of Angoff's book is plausible enough . . . " Teachout's view to the contrary, Angoff's claimed verbatim memory of a 23-year-old conversation is hearsay evidence of the crudest sort; I can't see why we should give it more than passing consideration.

• Charles Fetcher, who edited Mencken's diary for publication, thought Mencken was an anti-Semite (339). Having read Fetcher's conclusion, though not the evidence in the case, a considerable number of writers who were unfamiliar with Mencken also decided he was an anti-Semite. A great many other people, including those who knew Mencken well, disagreed. Joseph Epstein, the distinguished essayist, was among those who dismissed the charge. Five years later, he changed his mind, though Teachout does not tell us why (339–40).

❖

That's it: the entire case that Mencken was an anti-Semite. It remains, to put it mildly, far from obvious. What is obvious is that Mencken said some pungent and unflattering things about Jews, as he did about all races and cultures, including his own. Where, now, does the argument stand?

In the wake of World War II, and Adolf Hitler's attempt to kill all European Jews, anti-Semitism has become an especially serious charge, a charge that should not, I think, be made lightly. I am tempted to speculate about why Teachout makes it without providing any real argument. If there is more definite evidence among Mencken's private papers and the unpublished portions of his diary and memoirs, why won't Teachout tell us what that evidence is? Why be content with such weak evidence as he has advanced?

Against the notion that Mencken was anti-Semitic stood the evidence of his entire life: most of his closest friends were Jews, he expressed sympathy for Jewish settlement in Palestine, he advocated that the United States accept German Jewish refugees from Hitler's pogrom.

I can concoct several hypotheses. Teachout wanted his book to be controversial in order to increase its sales, so he included this conclusion despite

the lack of any convincing evidence. Or Teachout's editors thought the evidence was not very interesting, and cut it from the book. Or Teachout, for some reason unknown to his readers, wanted to keep the evidence secret.

These are only a few of the possible explanations. They may be unlikely. But we have no way to know.

The question of whether Mencken was anti-Semitic depends, of course, on what one means by "anti-Semitic. " If we mean by "anti-Semite" one who holds unfavorable opinions about Jews, then Mencken certainly was anti-Semitic. But by that definition, anyone who ever has an unfavorable opinion about any group of people can be regarded as anti- that group. Is everyone who thinks that Italians tend to be bad drivers or the English to be poor chefs to be tarred with the same brush? I doubt that a single person of any community or cultural group does not harbor at least a few unfavorable opinions of his peers. Should we describe Billy Graham as "anti-Christian" because he has observed that many Christians are hypocrites? Or George Steinbrenner as "anti-Yankee" because he once characterized the players on the team he owns as "lazy"?

Today, to be sure, when intelligent people use the term "anti-Semite" they do not mean to cast so wide a net. In the aftermath of Hitler, we think of someone as an anti-Semite if he harbors a genuine hatred of Jews merely because they are Jews, and if he wants to do them grave harm (usually because he harbors some preposterous conspiratorial fantasy about them). This accounts for the incendiary character of the term, which is invariably used as an epithet of a particularly vile nature.

Mencken bore no hatred for Jews merely because they were Jews, and he sought to do them no harm. He opposed efforts to discriminate against them. He advocated making an exception to U.S. law to admit hundreds of thousands of persecuted Jews to the United States. He had numerous long friendships with Jews. Teachout himself provides powerful testimony of Mencken's absence of anti-Semitism.

There are a couple of other annoying problems in *The Skeptic*. For some reason, the book's preface, prologue, and first two chapters lack chapter headings at the top of the page, while its final eight chapters, source notes, bibliography, epilogue, and index do not. The source notes are strangely elliptical, identifying material only by chapter, thus making it a chore to track down the source of any particular quotation. The sources of some quotations are never identified at all. Given these flaws, which appear to be evidence of sloppiness at some stage of the editorial process, it is almost surprising that the book's bibliography is good and its index comprehensive.

So, where does this book stand among Mencken's biographies? It depends on what you're looking for. If you want a feel for Mencken as a writer and thinker, the best biography remains William Manchester's *Disturber of the Peace* (1950), which is also the most fun to read of any Mencken biography. If you want an account of Mencken's life, Carl Bode's *Mencken* (1969) is your best bet. If you want an account of Mencken's life and career with a good accounting of their historic context, but unfortunately weighted down with frequent and unsupported assertions of Mencken's anti-Semitism, Teachout's book is a fine choice. ❑

***Liberty for Women: Freedom and Feminism in the Twenty-first Century*, by Wendy McElroy, ed. Ivan R. Dee, 2002. 353 pages.**

Freedom, Not Protection

Bettina Bien Greaves

Wendy McElroy knows a lot about the struggle of women to remove legal obstacles to their freedom. She is a libertarian, an individualist feminist (ifeminist), and has written extensively on the history of women's struggle for rights, as well as on such provocative subjects as sex, rape, prostitution, birth control, abortion, and pornography. In *Freedom and Feminism,* she has assembled a number of carefully chosen papers by authors from widely varied backgrounds, ranging from law professors and economists to a former call girl and a midwife. Each contributor discusses how best to enhance and protect the freedom and rights of women.

Women were legally discriminated against for centuries. For all practical purposes, however, they now enjoy equality under law — at least in the United States. They may own property, make contracts, vote, and engage in almost any peaceful pursuit they wish. Yet radical feminists of the so-called "women's movement" and the National Organization for Women (NOW) are not satisfied. They view men and women as enemies, members of "separate and politically antagonistic classes" (p. 14). When radical feminists notice unequal social and economic outcomes, they refuse even to consider whether they could be the product of natural differences between the sexes in interests, goals, and approaches to life and work. Rather, they blame inequality of opportunity and push for government coercion and privileges to even the score for

women in the workplace, in academia, and in society. McElroy and her fellow ifeminists see things differently. "Ifeminism . . . champions free-market solutions rather than governmental ones. . . . [I]t also defends every choice between consenting adults . . ." (19). Women are self-responsible individuals, neither entitled to nor in need of special protection or privileges of any kind, but simply equality under law. "[A]ll human beings have a right to the protection of their persons and property" (5). And this right to protection against aggression imposes an obligation to respect the equal right of others.

Anti-discrimination regulation gained momentum in the United States with the 1963 Equal Pay Act and the 1964 Civil Rights Act. As Richard Epstein points out, the prohibition against sexual discrimination was added to the Civil Rights Act, almost as a joke, by "Southern senators determined to show the absurdity of prohibiting private discrimination on the basis of race" (34). But its consequences have been no joke.

Radical feminists are not satisfied. They view men and women as enemies, members of "separate and politically antagonistic classes."

I was shocked to learn that the U.S. Supreme Court cited the 1978 Pregnancy Discrimination Act, in conjunction with the Civil Rights Act, to override the constitutionally guaranteed right of contract. Johnson Controls, a manufacturer of batteries, had sought to protect, by contractual agreement, the potential offspring of its women employees from exposure to dangerous chemicals by restricting the jobs available to fertile women. The Court overrode the right of contract by finding "obvious bias in Johnson Controls' policy; men, but not women, were given a choice about whether they wished to risk their reproductive health for a job exposing them to high levels of lead, thus the policy 'explicitly discriminates against women on the basis of their sex' . . ." (140). The Court, as Ellen Frankel Paul observed, "rather cavalierly, placed employers in a Catch-22 situation where they were damned by the anti-discrimination law if they restrict fertile women from jobs that expose them to hazardous chemicals or possibly damned by the tort law if they do permit women to work around dangerous substances and their fetuses are harmed." (142–143).

The contributors to *Liberty for Women* show how various anti-discrimination laws intended to benefit women have had the opposite effect. According to Paul, determining women's salaries on the basis of comparable worth, as some have recommended, would increase the cost of hiring women, make them less competitive on the market, and reduce their desirability as workers. Economist Jennifer Roback points out that if women's wages were artificially inflated, employers would tend to substitute capital for labor. Comparable worth "exaggerates all the problems the women's movement has been trying to change" (210). When it comes to affirmative action, "using a quota system rather than merit to allocate jobs . . . drives a wedge between individual worth and economic success" (184). Paul says that laws to cope with charges of sexual harassment and discrimination on the job lead to prejudice against hiring women out of fear of frivolous and costly lawsuits. She favors the tort approach, under which the employer would only be liable if the victim suffered "economic detriment and/or extreme emotional distress" and the employer knew about the abuse but failed to stop it. (201–202)

The most thought-provoking chapters in this collection are those dealing with prostitution, midwifery, and new reproductive technologies. McElroy recognizes that new reproductive technologies raise "vexing ethical questions" and "serious questions about individual rights and contract law" (268). In her view, the objections of the radical feminists to the "new reproductive technologies" stem from their generally anti-science and anti-patriarchal positions (271). But the principle of women's contractual rights is still pertinent. "The new reproductive technologies, like effective contraception and access to legal abortion, seem to provide women with the 'choice' central to virtually all brands of feminism" (268). The radical feminist's position "is not simply a rejection of bad choices. It amounts to a denial of women's ability to choose anything at all" (274). "The most dramatic expression of radical feminists' contempt for individual choice is their passionate rejection of surrogate motherhood" (275). "The feminist rejection of surrogacy, then, is just another assault both on women's right to make 'wrong' choices and on the free market, which is the arena of her choices" (277). "The true issue surrounding the new reproductive technologies remains 'a woman's body, a woman's right'" (278).

Freedom and Feminism assembles carefully chosen papers by authors ranging from law professors and economists to a former call girl and a midwife.

Prostitution is dealt with from two radically different viewpoints — that of a law professor and that of a prostitutes' rights activist and former call girl. According to University of Chicago professor of law and economics Martha C. Nussbaum, "what seems right [with respect to prostitution] is to use law to protect the bodily safety of prostitutes from assault, to protect their rights to their incomes against

"Well, you *can't* grow up to be Prime Minister."

the extortionate behavior of pimps, to protect poor women in developing countries from forced trafficking and fraudulent offers, and to guarantee their full civil rights in the countries where they end up — to make them, in general, equals under the law, both civil and criminal." (109) "[W]here the woman's entry into prostitution is caused by some type of conduct that would otherwise be criminal: kidnapping, assault, drugging, rape, statutory rape, blackmail, or fraud . . . the law should take a hand in punishing her coercer" (110). However, we should realize that "there is nothing per se wrong with taking money for the use of one's body. That is the way most of us live and the formal recognition of that fact through contract is usually a good thing for people, protecting their security and their employment conditions" (112).

Prostitutes' rights activist and former call girl Norma Jean Almodovar maintains that no voluntary activity among consenting adults should be criminal. "So long as the sex is consensual it should not matter to anyone outside the relationship how many times the sexual activity occurs, or with how many sexual partners, or for whatever mutually agreed upon price. If mutual agreement is not present in any relationship, there already exists an abundance of applicable laws specifically relating to coercion" (76).

> Prostitution is a business, a service industry. It should be run as a business, subject only to the same kinds of business laws and regulations as other businesses.
>
> Decriminalization would allow this to happen. It would repeal all existing criminal codes from noncoercive adult commercial sex activity, and related areas, such as management and personal relationships. It would involve no new legislation to deal with prostitution per se, because there are already plenty of laws which cover problems such as fraud, force, theft, negligence, and collusion. Those laws could be enforced against anyone who violated them, just as they are now, when force or fraud is used in any other profession. (86–7)

Community midwife Faith Gibson presents a fascinating history of midwifery from 1899 to 1999, documenting the contributions of midwives to the safety of childbearing women and their babies, and the medical profession's attempt to develop obstetrics as a medical specialty by eliminating, or at least suppressing, the practice of midwifery. Midwifery has been defined as the "illegal practice of medicine" (307), subjected to special regulations and educational requirements, and at times declared illegal (310). Gibson maintains that it is the "childbearing woman's right to choose among all the 'safe' options" (321) in childbirth, including midwifery.

It isn't possible to cover all the issues of special interest to women discussed in this volume by McElroy and her ifeminist associates. Suffice it to say that they approach them from a point of view that differs from that of NOW's radical feminists. They stress,

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in Joan Kennedy Taylor's words, "[woman's] economic self-sufficiency, psychological independence, and 'realistic attitudes toward female competence, achievement, and potential'" (279). They recommend solutions based on markets, not on government coercion. Cathy Young sees increasing "support for the view that an individual's noncoercive sexual behavior is no one else's business" (202). Camille Paglia, self-styled "equity feminist," considers anti-pornography legislation "inherently infantilizing" (28). Because an inordinate number of women become victims of crime and violence, ifeminists argue that they should have the right to armed self-defense; their freedom to own guns should not be restricted (231–57).

Liberty for Women is an important book. It points out that "all human beings have the same interest in life, liberty, and the pursuit of happiness. All human beings share the same natural rights just as they share a basic biology" (18). Yet there are some issues that hold special interest to women. With respect to them, the contributors to *Liberty for Women* agree with University of Chicago law professor Richard Epstein that to protect women's rights and freedom of opportunity, one need only remove legal restrictions and allow everyone, men and women alike, the freedom to enter into contracts, "the capacity to move about freely . . . also the capacity to better oneself through voluntary transactions." The simple removal of legal restrictions will open up opportunities to women everywhere and "enhance the vitality of the social system as a whole." As editor McElroy says, she considers "voluntary cooperation as the proper basis of society" and "defends every choice between consenting adults" (19). ❑

Liberty for Women is an important book. It points out that "all human beings have the same interest in life, liberty, and the pursuit of happiness."

***Total Freedom: Toward a Dialectical Libertarianism*, by Chris Matthew Sciabarra. The Pennsylvania State University Press, 2000, 467 pages.**

The Dialectics of Liberty

Ari Armstrong

Polls conducted by *Liberty* magazine suggest that libertarians are increasingly moving away from a "moralistic" conception of libertarianism, and toward a consequentialist one. Along with Jeffrey Friedman of *Critical Review*, Chris Matthew Sciabarra may best represent this shift. The tendency is fully evident in *Total Freedom*, the third in Sciabarra's series on dialectical libertarianism.

What is "consequentialism"? Many conflate the term with social "utilitarianism." Others assume that it implies pragmatism. But consequentialism is simply the theory that actions are good (or bad) in terms of the results they yield. Actions are not good in and of themselves. Libertarianism is a good political philosophy because it results in the kind of society that is most beneficial to human life. This need not imply a "greatest good for the greatest number" calculation; consequentialism can just as well hold the individual human life as its moral standard. Thus, Ayn Rand's consequentialism takes an egoist turn, and her Objectivist theory of rights depends on the theory that respecting others' rights is the best way to further one's own life.

Consequentialists need not be pragmatists. A pragmatist tries to weigh each decision based on the costs and benefits of the moment. Libertarianism implies that correctly formulated principles are essential to true practicality. The end of a prosperous, harmonious society does not justify tyrannical or rights-violating means, precisely because such means are incapable of attaining that end.

To be consequentialists, libertarians must, first, make sure their means actually attain their ends and, second, identify how important the ends are. It's not acceptable to pull some limited end out of a broader moral context and evaluate the means only in reference to that limited end. For example, the relatively limited end of "advancing the cause" does not justify fraud, even if the cause is right, because fraud harms more fundamental values such as property rights and honesty in human relationships, all of them necessary to the ultimate value of human well-being.

In *Total Freedom*, Sciabarra criticizes all reductionist approaches and favors a richer, more inclusive libertarianism. As in his previous work (*Ayn Rand: The Russian Radical*), Sciabarra loads his title with meaning. To quote from his introduction, his book:

> stresses the necessity of context, the "totality" of systemic and dynamic connections among social problems (hence, "total") that beckon toward fundamentally libertarian solutions (hence, "freedom"). (1)

The "dialectical" libertarianism that he has in mind is not Marxist or Hegelian but a much more commonsensical stressing of the relationships that need to be traced among all considerations bearing on freedom. He is not aiming "to *validate* libertarianism in any of its manifestations" (14, emphasis in original) but to focus on methodology. He notes at the outset that his "dialectical approach is . . . opposed to the abstract notion of 'total freedom' advocated by libertarians who have isolated their ideal from the context on

which it depends" (2).

Sciabarra immediately establishes the possibility that a contextualized, dialectical conception of freedom may produce quite different results from what certain influential libertarians, such as Murray Rothbard, had in mind. If libertarianism is understood roughly to mean "less state power," then Rothbard's conception of radical libertarianism as the complete absence of the state (to be replaced by market institutions) finds its challenge in Sciabarra's work. Indeed, Sciabarra argues that Rothbard's project ultimately fails, paradoxically, because it is not radical enough, when "radicalism" is properly understood in a dialectical light. (Of course, Rothbard's failure to substantiate "anarcho-capitalist" theory does not imply that the theory is false, as Sciabarra [14] recognizes.)

So how does dialectical libertarianism work as a methodology? Some reviewers (such as those from the Ayn Rand Institute) have blasted Sciabarra for daring to draw parallels between libertarian heroes such as Rand and the hated Hegel. Maybe that's why Sciabarra begins his history with the chapter, "Aristotle: The Fountainhead," to emphasize the breadth of the dialectical tradition.

As Sciabarra reminds us, Aristotle's strategy is to "start with a review of the theories of other thinkers" (33, quoted). "Aristotle learns from those who came before him in order to transcend their limitations, preserving what is true, discarding what is false" (33). Aristotle attributes a historical dimension to dialectics, noting that "previous labours that have been handed down from others have been advanced bit by bit" (27, quoted). In Aristotle, we find that the "most essential characterization of a dialectical orientation . . . is the emphasis on context in our analysis of any philosophic or social problem" (29). To grasp the context, we must regularly alter our points of view, consider the various ways in which terms may be used (30), and grapple with the issues raised by other theorists.

Sciabarra defines dialectics formally as "an orientation toward contextual analysis of the systemic and dynamic relations of components within a totality" (173, original in italics). The concept is perhaps most easily understood when distinguished from other common orientations: dualism, monism, atomist, and strict organicism.

A good example of dualism is the Cartesian mind-body dichotomy. A dialectician seeks to understand the relationships and interconnections between mind and body. A monist, on the other hand, would affirm either mind or body at the expense of the other substance. A strict organicist sees all of reality as a single whole in which none of the parts assumes individuality. An atomist sees reality as a random sea of disconnected parts; an atomistic individualist, for example, might ignore the importance of human relationships.

The fact that many people willingly vote for increased state power calls into question Rothbard's conception of the state as strictly coercive.

The dialectician, however, sees reality as split neither along two metaphysical planes (such as the physical and the spiritual, or the phenomenal and the noumenal), nor into a multiplicity of parts. Dialectics recognizes individuality as well as connections among individuals. People are part of history and cannot view history from a truly external vantage point; similarly, people are part of reality and cannot view reality externally. For the dialectician, people can actively alter history, yet they cannot go outside history to do so. Dialectical radicalism necessarily excludes utopianism.

Sciabarra addresses a criticism by Will Wilkinson, an Objectivist, who suggests that dialectics by Sciabarra's conception may be only a "vacuous but confusing synonym for 'what good thinkers do' or at best, an injunction to keep an eye out for unexpected relations among phenomena" (185, quoted).

In response, Sciabarra argues that although dialectical thinking should be universal, it is not thereby trivial. To provide an analogy: the rules of arithmetic are universal to the treatment of any mathematics problem, but that's not triviality. Another analogy may be drawn to the scientific method: all scientific inquiries ought to follow proper method, yet both the history of science and modern research are riddled with examples of poor method. The scientific method is indeed "what good scientists do," but sainthood lies in the details.

Sciabarra backs up his claim for the nontriviality of the dialectical method by showing that people — even people closely associated with the dialectical tradition — often stray into error by neglecting dialectics at critical points.

Plato is sometimes considered the father of the dialectical method, but Sciabarra finds it possible to criticize his work as "the stillbirth of a [dialectical] tradition" (21) because he maintains a "dualism of mind and body, and the strict organicism of synoptic divinity" (25). Kant is also a target for reproof: "[f]or all his dialectical insights, Kant suffers from philosophic schizophrenia: despite his grasp of organic unity, he seems to accept a dualistic metaphysic" (57). Hegel, while admittedly difficult to interpret, seems to reify dialectic, a tendency that leads him to posit a kind of ahistorical strict organicism (61–62, 77–8).

Marx, of course, goes badly astray. His exploitation of Hegel's historical dialectic makes him "perilously close to adopting a synoptic standpoint on the sweep of history" (91). While others have criticized Marxists and other socialists for their use of dialectic, Sciabarra criticizes them on the ground that they fail to be consistently dialectical. Marxism is "profoundly undialectical" in that it "presumes a total grasp of history." Marxism entails "godlike planning" that inspires a warning: "Those who attempt to build a road from earth to heaven are more likely to wind up in hell" (5). For Sciabarra, the brutality of 20th-century regimes purported to be socialistic is no accident or coincidence but a product of their undialectical intellectual program.

Sciabarra turns to the dialectical traditions that became the foundation of libertarianism in his section, "Beyond the Atom: The Organic Legacy of Classical Liberalism" (111). Liberalism "has, at its best, shown a profoundly

dialectical regard for the organic, dynamic, and spontaneous structures in human social relations" (111–2). Classical liberals such as Herbert Spencer and Carl Menger defied stereotypes of atomistic thinking. Menger, widely considered the founder of the "Austrian School" of economics, which through Ludwig von Mises informed Rothbard and other important American libertarians, "recognizes interconnections between economic, social, and political dimensions" and seeks a multi-sided analysis (119). Finally, Sciabarra summa-rizes the work of Mises, Hayek, and Rand, treating material covered in much greater depth in his previous books. His analysis raises a number of interesting issues.

Sciabarra achieved what he set out to do: reclaim the dialectical tradition from the Marxists, who abused it, and make the case to libertarians that they should adopt a more dialectical point of view.

Sciabarra's analysis points the way to significant corrections to Rothbard's work. For Sciabarra, Rothbard makes too sharp a distinction between market and state. Almost all property was at some point in history acquired unjustly (by libertarian standards). The "true" owners of property are not ever likely to be sorted out, a fact at odds with Rothbard's claim of market voluntarism (212). Along the same lines, if the social system could be converted completely to capitalism, the market would remain heavily influenced by prior state spending and regulations (261). As Sciabarra asks, "Will not the market continue to reproduce the injustices of state-influenced property distributions?" (262) Rothbard tends to view the market as preceding the state, with the latter existing secondarily and parasitically, but another plausible theory claims the state often sets the context for market forces (236, fn. 2). In addition, the fact that many people willingly vote for increased state power calls into question Rothbard's conception of the state as strictly coercive (221).

While Rothbard was adept at pointing out the spontaneous nature of the market, he initially ignored the fact that the modern state is in large part a spontaneous outgrowth of cultural morality. "[E]ven slavery and the state might be viewed as products of social evolution," Sciabarra notes (349). Rothbard believed, in his earlier years, that a libertarian political system can accommodate nearly any variety of personal ethics. Later on, it is true, Rothbard gained a "deeper appreciation of the cultural preconditions of freedom" (356), though his new "paleoconservative" allies were perhaps unlikely to fulfill his libertarian agenda.

As Sciabarra (215) puts it, "Rothbard argues for a radical separation between personal morality and political ethics." Unfortunately, this leaves open the question of how a libertarian society might be achieved in the first place; it ignores the "here to there" problem. Personal ethics within a culture profoundly influence the selection of a political system. Rothbard is ultimately "utopian" because he advocates a "deliberately designed code of moral political action abstracted from the historical and cultural context within which it gains specificity" (204).

It is important to step back slightly from such issues, however, and notice that simply because Rothbard holds a dualistic view of market and state, does not mean that a legitimate distinction cannot be drawn between the two. It also remains possible that one could be deemed "good" and the other "evil." To draw a simple analogy, one need not hold a dualistic view of "body" and "cancer" in order to want the cancer cut out or otherwise killed off. A student of Rothbard might overcome his or her teacher's deeply dualistic tendencies and still regard the state as fundamentally parasitic. Sciabarra himself notes that market and state can be viewed as a legitimate distinction, instead of a duality, when he notes that other "thinkers emphasize the distinction of state and market [but] do not necessarily endorse a *dual-*

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ism between these spheres" (238, emphasis in original). Sciabarra "does not expect to resolve [the] debate" surrounding "anarchist-minarchist tensions" introduced by such thinkers as Rothbard, though he optimistically hopes "that its resolution can emerge from the dialectical framework" that he proposes (208, fn. 38). The "jury is still out" on the issue (341).

In any event, Sciabarra achieved what he set out to do: reclaim the dialectical tradition from the Marxists, who abused it, and make the case to libertarians that they should adopt a more dialectical point of view. Because he understands the impact of ideas on history, Sciabarra wants to make sure that libertarianism blossoms into a fully dialectical enterprise. Absent a sound dialectical foundation, a libertarian program would be at best ineffectual and at worst harmful. For Sciabarra, who shows an overriding concern for human well-being, a dialectical libertarianism is our best hope for achieving a better, increasingly humane world. ❑

Authenticity and the Art of the Documentary

Richard Kostelanetz

Lewis Jacobs' unique anthology of criticism and reportage, *The Documentary Tradition* (1971), has a defining phrase attributed to the British filmmaker John Grierson, "the creative treatment of actuality," that makes me wonder about that curious adjective "creative," granting as it does a license not only for slickness and propaganda in film but even for lying and self-delusion. I once saw a string of "documentaries" purportedly about Germany immediately after World War II. What is really documented in these late 1940s films, which are filled with optimism about rebuilding the defeated nation with the aid of the Marshall Plan and thus neglectful of such post-WWII hardships as food rationing, is the Allied mentality at the time. Similarly, what is essentially documented in the more familiar example of Leni Reifenstahl's *Triumph of the Will* (1936) is not Germany in 1935 but the generation of a collective fantasy.

A documentarian, as distinct from a propagandist, makes his or her production decisions for reasons of authenticity. In a 21-minute film made about pre-WWII Berlin as represented in the surviving great Jewish cemetery there, Martin Koerber and I stuck to our theme — the cemetery as an evocation of a lost world — thereby eschewing a lot of "creative" moves, some of them quite fashionable in documentary filmmaking. If the cemetery in its current state is our subject and visual archaeology our theme, we decided it would be inauthentic for us to show anything else, even pictures of the place at times past. All the images ever seen on screen come from the cemetery.

For the soundtrack, we recorded the voices of Berliners talking about the cemetery and the world represented there. To show these people now, we felt, would be inauthentic, not only because it would be false to allow them to upstage the cemetery but also because, as these Berliners are talking about themselves at times past, it would be yet more false to show them as they look now.

The talking head is one convention unacceptable to me, whether in documentary films or in televised news. The talking head is not an interesting image in film, but that is not my only, or even my best, reason for avoiding it. A talking head gives the impression that those on screen were chosen instead of others whose testimony was not as neat or as illustrative of the reporter's or the director's theme. The talking head is so inauthentic, or used so inauthentically, that, remote control in hand, I invariably turn off the television news as soon as one appears.

When an airliner crashed a year ago into the New York City Rockaways, the local television stations presented talking heads, some on the scene itself, others elsewhere, simply because they lacked footage of the fire at its apex. Images of firemen moving their hoses were repeated for a lack of anything better. One difference between Belle Harbor and, say, the World Trade Center is that the latter is a good distance from the normal orbits of local news camerapeople.

I have seen more than one Kristallnacht documentary that by focusing upon talking heads misses the opportunity unique to film to create a kinetic image (in our case, the cemetery as a world) and thus an afterimage. To me, if a purported documentary fails to instill in viewers' heads an afterimage of its subject, it is finally not a film but, simply, an illustrated magazine article.

One further trouble with the convention of the talking head, so popular in film since the advent of television, is that whatever details someone's visage may have become more blatant than subtle, more distracting than revelatory. If the speaker has a malformed face, for instance, that aberration falsely affects the viewer's perception of his or her testimony. A handsome or acceptable face, especially if respectably attired, lends a false authority. As the convention of the talking head comes from television, most "films" employing it are actually aimed for distribution by television. In our time, simply to make a film that looks better on the large screen is to reflect authenticity, or a lack of opportunism, in the use of the medium itself. (It follows that refusing to transfer a film to videotape, or refusing to allow it to be broadcast on television, becomes a sign of filmmaking integrity.) Disappointed in the reportage of the Rockaways crash, I'm eager to see the film (if one is made). ❑

Gun Laws, *from page 32*

own and practice with guns.

The *Salina* court quoted a sentence from Joel Bishop's famous legal treatise *Statutory Crimes* that "the keeping and bearing of arms has reference only to war, and possibly also to insurrections." The quote was accurate, but the Kansas court avoided the language surrounding the quote and other writings by Bishop, which made it clear that Bishop thought the right to arms was "declaratory of personal rights," and therefore belonged to individuals, not the state.

Lastly, the Kansas court quoted *Commonwealth* v. *Murphy*, an 1896 decision which had upheld, against a state constitutional claim, a Massachusetts law (similar to the Illinois law upheld by the U.S. Supreme Court in *Presser*) which banned mass parades with weapons. The Massachusetts court had written: "The right to keep and bear arms for the common defense does not include the right to associate together as a military organization, or to drill and parade with arms in cities or towns, unless authorized so to do by law" (44 N.E. 138 [Mass. 1896]). But the Massachusetts holding that the right to arms does not authorize individuals to behave in a certain manner is not the same as the Kansas holding that there is no individual right at all.

The *Salina* court did not discuss the pre-Civil War history of Kansas, where the disarmament of individual citizens by the proslavery government was denounced nationally as a violation of the Second Amendment by the 1856 national Republican Convention and by Massachusetts radical Republican Charles Sumner, in a fiery speech on the floor of the Senate.

The main basis of the *Salina* holding is the Kansas court's textual analysis of the implications of the Kansas arms right provision and of the Second Amendment. The Second Amendment was not at issue in the case and was simply analyzed as a guide to textual analysis of the Kansas provision. The court made no attempt to explain why the framers of the Kansas constitution, in the middle of an Article titled "Bill of Rights," suddenly inserted a provision that had nothing to do with rights, but which instead tautologically affirmed a power of the state government: in essence, that the *militia is under the complete power of the state government.*

Decades later, the Kansas Supreme Court moved away from *Salina* by declaring a local gun control ordinance unconstitutional (*Junction City* v. *Mevis*, 601 P.2d 1145 [Kan. 1979]). By then, however, *Salina*'s no-right theory had spread far beyond the boundaries of Kansas. The next case to adopt a no-right theory was *United States* v. *Adams* (11 F. Supp. 216 [S.D. Fla. 1935]), in which a federal district court stated that the Second Amendment "refers to the militia, a protective force of government; to the collective body and not individual rights." The *Salina* no-rights position was widely adopted by federal district and appellate courts in the last three decades of the 20th century, although the *Salina* case itself was not always acknowledged.

While Attorney General Ashcroft has come under fire for acknowledging that the Second Amendment rights belong to the people, he is simply returning to a position held by United States attorneys general before the administration of Lyndon Johnson. The contrary position, promoted by Johnson's attorneys general, and written into Department of Justice policy by the Nixon administration, is founded on a 1905 Kansas case which is itself utterly lacking in logic or precedent. As courts grapple with Second Amendment issues in the 21st century, we may hope that they reject the fraud that began with *Salina*, and are guided by the spirit of freedom articulated so eloquently in *Nunn* v. *State*. ❑

Cobden, *from page 40*

League finally reached victory in 1846. So the League organized a subscription in his favor which reached the unbelievable sum of 75,000 pounds! ($6.3 million). The sum was handed to him with great cheers during the last meeting of the league.

This money allowed him to start another campaign of his own. For 14 months, he toured Europe with his wife in order to promote freedom of exchange and peace. In 1849, he submitted to Parliament a law instituting compulsory international arbitration before any conflict, and, in 1851 a general reduction of armaments. Towards the end of the 1850s, he was asked by the government to negotiate a freedom of exchange treaty with France. His opposite number was Michel Chevalier, a ministry of Napoleon III, and a friend and admirer of Bastiat. The treaty was signed by Cobden and Chevalier in 1860.

Cobden died in 1865.

The Lessons of the League

The League's approach included the following tactics:

- It focused on a single goal;
- It propounded the right argumentation
- It conducted a moral, quasi-religious crusade
- It was single-minded in the face of opposition
- It gained the support by the middle class
- It obtained parliamentary representation
- It took advantage of the intelligence and skill of the prime minister

This order is not irrelevant, since it can be expected that if the six first conditions are met, there will always be — sooner or later — enough politicians to espouse the cause. Of crucial importance is the first element: we libertarians are very wonderful people fascinated by a number of questions. But we shall never achieve anything if we do not focus our actions on a single cause. Remember the Rev. Martin Luther King and the abolition of segregation in the busses. From that standpoint, Bill Bradford's idea to concentrate the last Libertarian presidential campaign on the single issue of repelling the drug laws was certainly not a bad one.

Remember the advice of Margaret Mead: "Never doubt that a small group of thoughtful, committed persons can change the world. Indeed, it's the only thing that ever has." ❑

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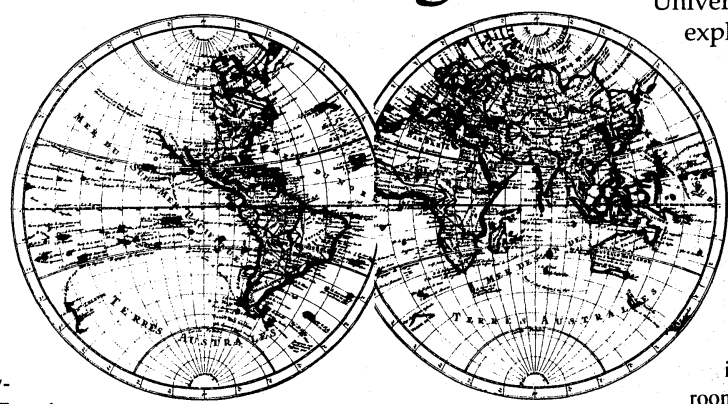

Maidenhead, England

The Christmas season is not so jolly in Jolly Old England. Reported in the *Daily Telegraph:*

Vicar Lee Rayfield reduced young children to tears and stunned their parents when he said Santa Claus and his reindeer would burn to a crisp while delivering presents at supersonic speed.

U.S.A.

An exciting gift idea for the bibliophile on your list, discovered by the *Seattle Times*:

For a $35 donation to the William J. Clinton Foundation, supporters will receive a 2002 Clinton Library commemorative ornament.

France

An advance in equality before the law, reported in *The Economist*:

The Winegrowers Assoc-iation has sued the government over its campaign against drunk driving. The growers claim that it is illegal under French law for safety campaigns to discriminate between products — including those that make you drunk and those that don't.

Berkeley, Calif.

High moral standards of public officials in America's Progressive paradise. From the *San Francisco Chronicle*:

Berkeley mayor Tom Bates is facing prosecution for stealing newspapers that endorsed his opponent the day before the election.

Mountain Home, Ark.

Alarming development in the Land of Opportunity. From *USA Today*:

Arkansas' divorce rate has reached such heights that Gov. Mike Huckabee has declared a "state of marital emergency."

Houston, Tex.

The dangers of drunk walking, reported on *ABC13 Eyewitness News*:

A rush-hour accident brought traffic to a halt on the Southwest Freeway. Around 4:30 Tuesday afternoon, a man was struck by a black Chevy truck. The driver stopped to render aid to the victim. Police say the man who was hit was running across the freeway chasing after a partially empty can of beer.

Fort Worth, Tex.

Perils of the technological age, reported in the Associated Press:

Businessman and former pastor James Andrew Smith was charged with possessing child pornography after a photo of a nude boy appeared during a computer slide presentation he gave at work. Smith blamed the image on a computer virus.

Liverpool, England

Advance in law enforcement, from a dispatch in the *Liverpool Echo*:

A life-size cutout of police officer Teresa O'Brien stands in at the police contact point in the Tesco's store in Cables Retail Park in Prescot, Merseyside.

Tesco usually sees at least one shoplifter a day, but in the seven days the cutout has "patrolled" the store, no shoplifting offenses have been reported.

Chattanooga, Tenn.

The state of free debate at the University of Tennessee, as explained by the *University Echo*:

Though the University of Tennessee-Chattanooga does not have a required section for free speech, the assembly policy on campus requires that recognized organizations fill out a reservation form, and Student Development will grant final approval. Demonstrations are allowed inside of assigned meeting rooms, stadium facilities or nearby residential or academic buildings on campus.

Valparaiso, Chile

The fatal weakness of an innovative marketing technique is exposed by *La Cuarta*:

A 35-year-old ice cream man is in jail awaiting charges after he sold chocolate ice cream laced with cocaine paste to an off-duty policeman.

Ann Arbor, Mich.

A victory for civil liberties, reported in the *Oakland Press*:

A U.S. District Court judge has ruled that the Waterford School District violated a student's free speech and due process rights when it suspended him for posting "intimidation and threats" on the website "Satan's Web Page."

"One would think most intelligent adults would realize this was satire, given that the website was allegedly written by Satan," Richard Landau, the student's attorney, told the court.

Sacramento, Calif.

Eco-scam, reported in the *L.A. Times*:

After a yearlong investigation, law enforcement officers have arrested 14 people accused of defrauding the state's recycling program of millions of dollars by hauling bottles and cans from Mexico and neighboring states and redeeming them in Los Angeles.

New York

Advance in the science of public health, reported by the *New York Post*:

The New York City Health Department is warning doctors they could face malpractice suits if they don't push patients to kick the smoking habit.

Special thanks to Russell Garrard, James Ogg, and William J. Clinton for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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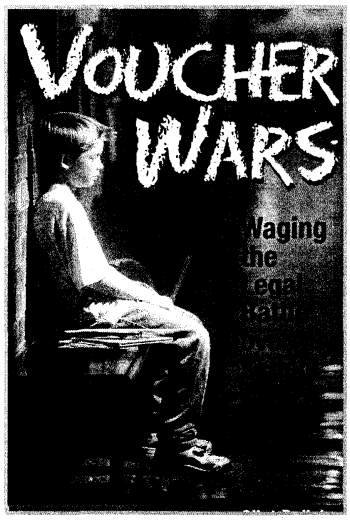

Voucher Wars: Waging the Legal Battle over School Choice

Clint Bolick

The recent Supreme Court school voucher decision has brought the issue of educational freedom and quality to national attention. This book recounts the drama and the tactics of the 12-year battle for choice and, in the process, distills crucial lessons for future educational freedom battles. March 2003

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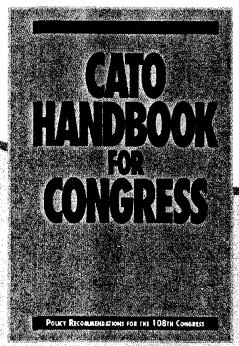

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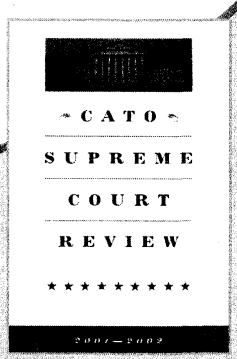

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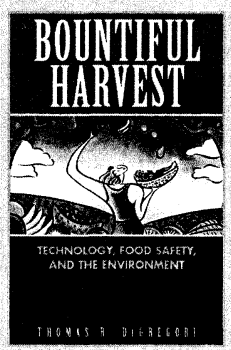

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"Liberty is the sovereignty of the individual."— Josiah Warren

What Dionne Warwick Reveals about the Drug War

by Sheldon Richman

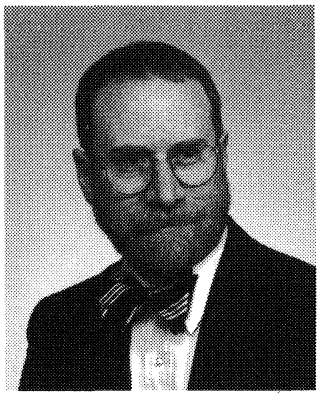

The American Inquisition got another one recently. Singer Dionne Warwick, who was found with nearly a dozen marijuana cigarettes at the Miami airport, had her charges dropped in return for promising to undergo "drug treatment" and to make anti-drug public-service announcements.

Let's look at what Ms. Warwick's case says about the "war on drugs," which is not a war on drugs at all, but a war on people. This modern-day Inquisition is designed to hunt down drug heretics. Ultimately, its victims are punished not just for what they do, but also for what they think. And what they think are forbidden thoughts about drugs. Instead of believing, say, that a glass of wine is okay, but a joint is bad, they may think that a joint is not much different from a glass of wine. We can't have people thinking that. That's why Ms. Warwick was offered the deal. As a celebrity, she is more valuable as a convert than as a convict.

That the Inquisition is aimed at thoughts can be readily seen in the terms of her deal. To avoid trial she had to promise to attend "drug treatment." This "treatment" consisted of talk by her and by psychiatrists, psychologists, or other mental-health personnel. Ms. Warwick, under obvious duress, perhaps said she was stressed and thought that marijuana would help her to relax. Or maybe they explored how low self-esteem "caused" her to use drugs. Or maybe her interest in drugs was attributed to mental illness. (If so, why is the criminal law involved?) She probably said she sees the error of her ways and won't do it again. Nationwide, the taxpayers pay hundreds of millions of dollars to finance this inflated nonsense that goes by the name "treatment." Most of the people there are trying to stay out of jail.

Then there are those public-service announcements. Here is where Ms. Warwick will do public penance by recanting her heresy. She will probably tell kids not to use illegal drugs. How convincing will that be? Until recently, she apparently saw nothing wrong with using marijuana. She "got religion" (an apt phrase here) just after criminal charges were filed against her and then dropped. A coincidence? If not, why should anyone believe anything she says about drugs? It is certainly more likely that she'll deliver her anti-drug message only because she could go to jail if she refuses. When someone has that strong a personal interest in making a statement that conflicts with her own previous conduct, we are entitled to skepticism, if not outright incredulity.

While Ms. Warwick will avoid prison in return for her reeducation and public recantation, others are not so fortunate. The prison statistics are a scandal. According to the U.S. Bureau of Justice Statistics, in 1999 more than half (57 percent) of federal prisoners were drug offenders. That's more than 68,000 people. In 1997, state prisons held 251,200 drug offenders, about 20 percent of state prison inmates. A disproportionate number of those prisoners are black.

Americans are losing their liberty for having unapproved ideas and acting on them peacefully about what substances they should be free to ingest. That is unworthy of a self-described free society.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State,*** *and editor of* ***Ideas on Liberty*** *magazine.*

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Inside Liberty

March 2003
Volume 17, Number 3

4 **Letters** Our readers fight about the Iraq and the Civil War, find the good in Noam Chomsky and John Rawls and the evil in Rudolph Giuliani, expose the sorry state of Texas justice, and celebrate their SUVs.

7 **Reflections** We unpack the State of the Union, smoke in Paris and New York, learn a lesson from Genghis Khan, look inside Molly Ivins' head, go boating on a dry lake, fondly recall the burning of the White House, and find Thomas Jefferson sticking to his guns.

Features

19 **Totalitarian Information Awareness** The nightmare world of George Orwell isn't just fiction anymore, thanks to a new program from George Bush and an old Iran-Contra convict. *Chip Pitts* reports.

28 **Am I Libertarian?** *Brink Lindsey* thinks war against Iraq may be a good thing. Should he be read out of the libertarian movement?

31 **Freedom and the Wolves** Revolution is the right of the people always and everywhere, argues *Timothy Sandefur*. But it is not the right of state legislatures, and when they enact legislation to withdraw from the United States, they must be crushed.

37 **The Sacred Element** Burning fossil fuel, *David Ramsay Steele* discovers, is the only way to save life as we know it.

39 **Rothbard vs. Mises** What happens when these giants of libertarian thought conflict? As *R. W. Bradford* discovers, Rothbard trumps Mises, at least at the Mises Institute.

Reviews

41 **"Do Their Spells Really Work?"** *Stephen Cox* explores the weird world of witchcraft, where nice girls cast spells and manufacture new "ancient" myths.

44 **The Trouble With Trade** World trade raises the standard of living of all people everywhere. So why do so many people oppose it? *Bruce Ramsey* looks for answers.

45 **What's So Great About America** Conservatives know a lot about America's virtues. Unfortunately, as *Jane S. Shaw* discovers, part of what they know is not true.

46 **Art and Life Well Played** Tom Stoppard's plays sparkle with intelligence and wit. So it's no wonder, *Timothy Sandefur* explains, that postmodernists can't stand them.

52 **Marx Reconstituted** Marxists have looked to the writings of Eduard Bernstein, hoping to resuscitate socialist theory. *David Ramsay Steele* discovers that it'll take more than Bernstein's fiddling to pull off that miracle.

51 **Notes on Contributors** About the perps.

54 **Terra Incognita** What goes around comes asquare.

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Letters

Conservatives and War

Gene Healy's analysis of the U.S.-Iraq confrontation ("Iraq," January) is the best I have read. Careful, well-reasoned articles, such as Healy's, are what make *Liberty* the best libertarian journal of opinion, and one of the best journals of opinion available.

I find it of interest that similar arguments against the proposed war with Iraq are found in Patrick Buchanan's *American Conservative*.

In each publication, there have appeared careful and convincing arguments against this war. It is unfortunate that all the other conservative journals of opinion are beating the war drums, ignoring their own previous arguments against such ventures, and, in the case of the *National Review*, forgetting their once great admiration for the just war doctrine.

Henry S. Heatherly
Lafayette, La.

License to Kill

Gene Healy argues, "The modest, liberty-securing goals of early American foreign policy were expressed succinctly in the Gadsden Flag: 'Don't tread on me.'" He fears the "Bush Doctrine" and believes it to be a threat to American safety and freedom. As he characterizes it, a war against Iraq amounts to one of two things:

1) "Don't get strong enough to be able to tread on me."

2) "You may perhaps be thinking about treading on me, somewhere down the road, and you're also treading on your own people, so I'll tread on you."

Since I am one of the "fellow travelers" who is "unreasonable" enough to think killing a murderous, power-mad dictator and the implementation of a representational government in Iraq actually would decrease the ability of al Qaeda to recruit new members and would lead to positive changes in the region, I would like to note a few of my disagreements with Mr. Healy.

1) "Early American foreign policy" was designed for a militarily weak and physically isolated land. Now, the United States is the sole superpower and technology has made it feasible for a handful of well-financed fanatics to do catastrophic harm. Maybe it is time for a new policy.

2) Given that the moral goal of good government is to secure liberty, how can it accomplish this under constant terrorist threat? If we are unwilling ever to play global policeman, even against criminal masterminds like Saddam, who has successfully rooted out every vestige of justice from his slave plantation, then we must be willing to live in a police state. We face that alternative.

3) The Bush administration will not be "treading on" Saddam. This man invaded his neighbors and treated his "own people" as if they were his own property. This man pays the families of Palestinians who blow themselves up in suicidal attacks against Israeli civilians. This man sees himself as the rightful ruler of the Arab world, as surely as Hitler saw himself as the rightful ruler of Europe and Stalin saw himself as the rightful ruler of the U.S.S.R. This man undoubtedly is envious of bin Laden, who made such a mighty strike against the Western Juggernaut, and it is willfully naive to think he does not wish to top it.

Jamie Lambert
Denton, Tex.

The Good Side of Noam Chomsky

Despite the fact that Noam Chomsky calls himself a "classical liberal," he deserves to be taken to task for his anti-capitalist views. That's why I appreciated Barry Loberfeld's article ("The Coercive Anarchism of Noam Chomsky," February). For what it's worth, I also disagree with Chomsky's well-known views about the innateness of grammar. All that said, I count myself as a Chomsky fan.

Chomsky has done a tremendous

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job publicizing the evils of U.S. foreign policy, and the responsibility of the mainstream media in not revealing those evils. From the U.S. support of a right-wing dictatorship in Chile, to its complicity in the Indonesian invasion of East Timor, to its continued collaboration with Israel's oppression of the Palestinians, Chomsky brings to light important issues the mainstream media ignores.

I can imagine some libertarians saying that the oppressive regimes the U.S. government supports at least are better than the socialist alternatives. I think there is room for legitimate disagreement amongst libertarians on this issue. But what we *should* agree upon is that any financial contribution one gives to a foreign political organization should be voluntary, not coerced via taxation. This is all the more important when the U.S. government uses the money it takes from us to support dictatorships oppressing innocent people. It is fortunate for libertarians that Chomsky's astute foreign policy analyses, for the most part, are kept separate from his anarcho-syndicalist views.

Bradley Monton
Lexington, Ky.

One Cheer for John Rawls

While I did not expect my libertarian brethren to shed many tears at the passing of John Rawls, I was a bit surprised at the passion of Professor Narveson's condemnation in his "Autopsy" (February), and I believe his slightly overworked state has created some errors in his perspective.

Professor Narveson mentions "social contract" theories that depend on actual agreement as if these presented no philosophical or practical problems. Of course, there never has been an actual unanimous social contract among all persons. More importantly, a person looking to reach such an agreement would face the moral question of what terms he could reasonably ask for. One can view Rawls' Veil of Ignorance as a mechanism for answering that question, whether or not one accepts Rawls' specific answer. Rawls made clear that the "social contract" was a conceptual

From the Editor . . .

The War on Terror goes on, though it's difficult to see how any reasonable person looking at how the "war" is conducted could believe that its target is terror. There has not been a single terrorist attack since the infamous suicide bombing of Sept. 11, 2001. The U.S. has conquered the country in which the leader of the terrorists was living, and our armed forces are now occupying that country and keeping a puppet government in power. Meanwhile, the terrorist leader remains at large, most likely still in that country.

President Bush has identified three other countries — none of which has any connection with the terrorist attack or with each other — as the "Axis of Evil," and is preparing to invade, conquer, and occupy one of them. Bush figures that so long as there are hardly any American casualties in these wars of conquest, Americans will support them. And that has seemed to be the case.

At home, American liberties are being curtailed, and no one seems upset. Plans are under way to require Americans to file detailed travel plans before leaving the country, and the only mention in the press I've seen of this ominous development was a story in a local paper noting that travelers on the local ferry boat will be exempt from the regulations. I heard on television that the Super Bowl would have more than 2,000 armed military and police and the area around it would be closed to cars and planes.

The Bush administration has hired Iran-Contra convict John Poindexter to develop a computerized system that would create and maintain incredibly detailed portfolios on all Americans. And I do mean detailed: it would include everywhere you take your cell phone, every purchase you make other than with cash, every book you buy or borrow from a library, every website you browse, every phone call you make, every email you send, every place you visit that has a security camera . . .

A New Zealand woman was held for questioning by the INS when it was discovered she'd years earlier overstayed her visa, thoroughly searched (including her private parts), and refused entry, all as the "normal way of business." These stories — and hundreds of other stories about traditional liberties being taken away by the government — have hardly been reported in the press and very few Americans are upset by either the fact that none of these developments can possibly protect us from terrorists or that every one of them increases government power and reduces American freedom.

Most Americans go about their business, figuring that such outrages are either necessary for their safety or are imposed on other people, not them. As long as they aren't interfered with too much, their jobs are paying well, and they can enjoy their sports and entertainment, there's no reason to get upset.

This is, of course, the way ordinary people in Germany reacted to Hitler. When the Allies defeated Hitler and showed Germans film of Hitler's death camps, the people expressed surprise and horror. "We didn't know that was going on," they said.

This is the biggest story in America today, and while other media ignore it, *Liberty* is doing its best to cry alarum. Our lead feature "Totalitarian Information Awareness," is an exposé of the Bush-Poindexter plan to keep incredibly detailed dossiers on all of us. (Other outrages are detailed in "Reflections.")

But there's more to life than the War on Terror and the concomitant Americans' surrender of their personal liberty. The very best defender of Lincoln and the war against the Confederacy, Timothy Sandefur, confronts his critics. (Next month, Joe Sobran will vindicate the South.) Brink Lindsay, whose limited support for Bush's foreign policy has encouraged some to excommunicate him from the company of those who love liberty, looks at the case against him. David Ramsay Steele looks at the weird environment of the future. And your editor responds to a weird McCarthy-like attack.

In our lead review, Steve Cox takes a look at witches and ghosts and the people who believe in them. But we don't stray too far from the real world: other reviews look at globalism, socialism, conservatism and contemporary drama.

As usual, we begin with letters from our readers and, of course, our editors' "Reflections" on what's going on in the world.

R. W. Bradford

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device to give moral guidance, not an actual state of affairs, and, in so doing, did more to rehabilitate social contract theory than any other philosopher of the 20th century.

Further, although I am no supporter of Rawls' Second Principle, it is wrong to suggest it calls for strict equality. I think most libertarians believe social institutions that allow differential rewards according to effort or skill would result in the production of greater total wealth than if rewards were strictly equal. Rawls' Second Principle is based on the idea that the smallest share can be made larger than an equal share would have been if such differential rewards were permitted. Indeed, libertarians argue that the poor are better off under a free market system than any other. Thus, Rawls' Difference Principle is, in fact, whatever Rawls' intention, a call for laissez faire.

Finally, one could make a good argument that, behind the Veil of Ignorance, a person would choose not the maximin rule, but the rule of maximizing utility. Indeed, Rawls has to work hard to avoid this conclusion, given the origins of the Veil of Ignorance in prior work by John Harsanyi, a Nobel Prize winning economist. Of course, many contemporary philosophers, libertarian or otherwise, and including Professor Narveson, have condemned utilitarianism for its insufficient theoretical grounding in individual rights. Nevertheless, utilitarian arguments, at least insofar as they support economic reasoning, historically have had great practical effect in advancing liberty, as chronicled, for example, in the article by Jacques de Guenin, also in your February issue.

Though many (if not most) libertarians would prefer to eschew any contact with utilitarianism, I think the cause of liberty is important enough that we should acknowledge the value of a metaphor by the philosopher Charles Pierce: "It is better to have an agreement that is like a rope made from many strands rather than a chain of single links."

Gordon G. Sollars
Kinnelon, N.J.

Narveson responds: Mr. Sollars appears to find my short piece on Rawls full of "passion," and he evidently thinks this has led me astray. I would point out that much of the article summarizes an extensive analysis in an article of mine published back in 1976, so if it's "passion" that's supposed to have stimulated my reflections, it's hardly the passion brought on by his recent demise. (It is, though, in part, irritation at the huge impression Rawls has made among people who appear not to have followed this argument carefully.)

I would also mention to him that, in another article, "Rawls and Utilitarianism," I do indeed point out that, contrary to Rawls' oft-reiterated complaints about utilitarianism, it looks as though utilitarianism is nevertheless where his apparatus would take him, on one reasonable interpretation of how the Veil of Ignorance is supposed to work.

As regards the social contract, the talk of "actual agreement" is misleading, since it makes it sound as though the social contract is a sort of World Meeting; this, of course, does not and cannot happen, any more than anyone can actually be behind a Veil of Ignorance. Both devices are, of course, hypothetical, even figurative. But they may be different figures. The Veil says that you reason morally only if you take the point of view of nobody in particular. But social contract says that there is reason for us all to agree — to agree in the light of what we *actually are*, not from a perspective that we cannot, in fact, have.

Several writers have argued, as do I, that Rawls has a problem in that, if there is a marked disparity between what you would agree to if you were nobody and what you would do if you are somebody, how could it be rational to prefer the Veil result to the real-world result?

The social contract view, on the other hand, argues that agreement can happen only if it is genuinely to the advantage of all parties, and such agreement is often extremely helpful in the real world, and that what we call the Principles of Morals have just that status. A Rawlsian construction doesn't solve that problem, but begs the question.

When Mr. Sollars says that it is an "error" to suppose that the Difference Principle leads to strict equality, he repeats what thousands of readers have also wanted to say. Unfortunately, merely asserting things like that is not effective without making the required argument. And Mr. Sollars produces, as

continued on page 36

Reflections

Eight years is a long time — As we went to press on Jan. 28, President George W. Bush used his State of the Union address to tell Americans that there were a few new things the federal government should start taking care of. Like providing prescription drugs for all Americans over 65. Like providing "treatment" for users of recreational drugs. Like providing medication to people in Africa and the Caribbean who are afflicted with AIDS. Like doing research on a hydrogen-powered automobile, so that we can move air pollution from where people drive to remote areas where we can put energy-guzzling hydrogen plants. Like providing vaccines and treatments for diseases that are responsible for dozens of deaths a year.

I'll leave a full analysis of the costs of Bush's new programs to think-tank wonks who have more time on their hands and more stomach for this kind of work. But I quickly added up the amount of increased spending that the president specifically mentioned in his speech: the total comes to $17,601,050,000. This on top of all the increased military spending he has promised so we can conquer and occupy Iraq.

In his State of the Union address eight years ago, left-liberal Democrat President Bill Clinton famously declared, "The era of Big Government is over." Today, a conservative Republican told Americans, in effect, "The Era of Big Government is back." — R. W. Bradford

Another triumph for Prohibition! — The latest *Monitoring the Future* survey on teen drug use noted, as the *New York Times* reported, "One of the biggest declines occurred in smoking, with the proportion of teenagers who said they ever had smoked cigarettes falling by 4 or 5 percentage points compared with 2001 in each of three grades — eighth, tenth, and twelfth."

Let's see, how many adult tobacco users had to be arrested to produce those results (not counting smugglers trying to take advantage of tax differentials between states)? Wait! You mean total prohibition might not be the key to reducing teen drug use?

Incidentally, the reduction in teen marijuana use, after a year of heavy propaganda and law enforcement, was much smaller than that for tobacco, within the statistical margin of error. Heroin use remained unchanged. — Alan W. Bock

Paging Mr. Occam — According to a University of Michigan psychologist working for the Institute of Social Research, tobacco use among teenagers is down to the lowest point in thirty years and government anti-smoking efforts are credited for this success. Perhaps that credit is due.

Or maybe the government crackdown on stores that sell to minors, the federal sting operations against tobacco vendors, and the recent assaults on privacy passed in the name of Homeland Security, have made it a little more uncomfortable for children to tell the truth about their cigarette use on an official-looking survey. — Tim Slagle

Finding truth in a strange place — Neil Cavuto, financial reporter, Jan. 7, 2003: "The rich are not the problem. The government *is*."

Thank God, I have lived to see this on TV. Now if the rich contributors to political movements would only start to believe it. — Stephen Cox

Optimistic note — The tactic of the "general strike" to shut down a country was developed by radical socialist theorists, known as "syndicalists," early in the last century. Now, oil company executives are using it against a putatively socialist president in Venezuela. Maybe what goes around really does come around. — Alan W. Bock

Taxing Molly Ivins' intellect — Upset with President Bush's tax cut plan, columnist Molly Ivins warns that America's more well-to-do taxpayers might go out and do something unproductive if the government seizes a smaller portion of their incomes.

"There's no guarantee," Ivins writes, "that rich people will do anything economically productive with more money." Of course, there also is "no guarantee" the government will do anything "economically productive" with the money if there isn't a tax cut, and "no guarantee" anything "economically productive" will happen if the government redistributes the money to those who haven't earned it.

Since we're talking about people spending their own incomes, not welfare checks, one could well argue that it's none of Ms. Ivins' business whether the money is spent on something "economically productive." Furthermore, "the rich" in America have a long record of spending in a manner that makes all of us more "economically productive."

Simply stated, annual per capita income in the United States isn't 150 times higher than in Zaire because we have 150 times more natural resources per capita, or because we work 150 times harder, or because we're 150 times smarter or stronger. More than anything, American productivity and income is corollary of the ratio of capital to labor — the level of capital risk-taking individuals have invested per employee in plants, equipment, and technology.

Sounding like she's overdosed on the Marxist idea that we'd all be better off without savers, investors, and entrepreneurs, Ivins sees red when it comes to Bush's call to end the double taxation of dividends. This reform would deliver a boost to the stock market and strengthen America's ability to compete with other developed nations. Of the world's 30 developed nations, only three — the U.S., Ireland, and Switzerland — impose a double tax on corporate income. And Ireland and Switzerland have radically lower corporate tax rates, giving the U.S. corporations by far the heaviest tax burdens.

Says Ivins: "One reason dividends should be taxed is because the people who get them don't work for the money. In the old days, people who lived off their investments were known as 'coupon clippers' and generally were despised as non-working parasites." According to Karl Marx, the abhorrent bourgeoisie made their money off the labor of the proletariat. Or, as Ivins updates it and applies it to those who receive dividends, "They're making money off other people's labor." Left unsaid is the fact that workers are making money, by way of higher productivity, off other people's risk-taking and investing.

From Stalin's Gulag to Mao's Great Leap Forward, from Ho to Fidel to Pol Pot, the big story of the 20th century is that some people weren't satisfied with merely applying a double tax on those who were "despised as non-working parasites." For the true believers, the real haters, a massive genocide was required on the road to a parasite-free dreamland. "The Christian imagines the better future of the human species in the image of heavenly joy," wrote Moses Hess in his *A Communist Confession of Faith* (1846), "We, on the other hand, will have this heaven on Earth."

By the time it was over, the purification drive for an egalitarian utopia claimed 100 million victims, a slaughter Martin Malia, Professor of History Emeritus at the University of California, describes as "the most colossal case of political carnage in history."

In 1995, with Republicans in control of both chambers of Congress for the first time since 1952, a proposal was on the table for a cut in the tax on capital gains. Wrote Ivins:

> You don't even have to read all the economic studies that show that cutting capital gains doesn't improve investment — just remember back to the 1980s. What did all the newly rich do with their gelt? They paid for gold-plated bathroom fixtures and then used the rest to buy other companies that then bought other companies that then bought other companies, leaving the whole corporate structure riddled with debt. Billions of dollars were spent, but not one additional widget was produced by anybody.

Well, she's way off track. Lots more widgets were produced after the Reagan tax cuts in the 1980s. The unemployment rate, 9.7% in 1982, fell to 5.5% in 1988, the lowest rate in 16 years. Per capita after-tax income in real terms, i.e., adjusted for inflation, rose by 19% in the 1980s — nearly double the rate of the 1970s — and the real income of households in every quintile group increased every year from 1983 through 1990. The annual level of investment spending, in real dollars, jumped by 76% in the 1980s and consumer spending nearly doubled, rising in inflation-adjusted dollars from $1.8 trillion in 1980 to $3.4 trillion in 1988.

And it wasn't all spending by the super-rich on gold-plated faucets. In the bottom fifth of income earners, real household income increased by 12% in the 1980s, reversing a 17% slide between 1979 and 1983. The nation's poverty population, after growing by 7 million in the 1970s, dropped by 4 million in the 1980s.

And so, here we go again. We're not all in this together, say the class warriors. The rich, warns Ivins, can't be trusted to spend their own money in a way that's "economically productive." The record shows she's wrong.

— Ralph R. Reiland

"No big deal — just another media frenzy."

City of smoke — Where I now live, it's just about impossible to smoke in public. Only a few refuges remain: certain bars with seating outdoors, cigar clubs, the San Diego zoo. It's not like the good old days. If you watch old black and white movies, you know that all of America was a great place to smoke. I especially enjoy scenes that take place in theatres full of men in fedoras smoking cigars.

As I write, thousands of puritanical, non-smoking Americans happily sip their espressos surrounded by smokers.

France is still the land of *gauloises* and *gitanes* — the land of smoke-filled rooms. The French love to smoke. Paris is hated and loved for its smoky cafes. Most American expatriates in France complain about the smoke for a year, then they get used to it and never give it another thought. As I write, thousands of puritanical, non-smoking Americans happily sip their espressos surrounded by smokers. In America, they would be outraged and would insist that they could not tolerate the smoke. In France, they have no choice. They adapt. They become polite and honest about smoking.

Many French people have a formal way of smoking through a long meal: one before, one between courses, one with coffee (always served after dessert, never with dessert), and one or more with cordials.

The French language has delightful expressions to describe smoking. For example, to talk with a cigarette dangling from your lips is to "*parler la cloppé au bec,*" literally, to "speak butt-in-beak." One may substitute just about any verb. You might *bosser* (to hump, as in to work) or *baiser* (to hump, as in to screw) or, more likely, since the enactment of the mandatory 35-hour workweek, *glander* (to do nothing, in a guilty, lower-class, urban version of *la dolce far niente*) *à la cloppé au bec.*

Could all of this smoky culture be blown away by legislative hot air?

In January of 1991, the French government passed a law requiring cafes, restaurants, and bars to create and enforce non-smoking areas and to post prominent signs indicating

smoking and non-smoking areas.

I lived in Paris at the time. For weeks, television news broadcasts dedicated several minutes a day to the topic. Journalists interviewed restaurateurs and men in the street, smokers, and non-smokers. In the French bank where I worked, there was a lot of talk about the new law. Would the police enforce it? Would the cafes respect it? Was it a good idea?

At first, the law had little effect and barely was enforced. Nevertheless, the authorities promised progressive enforcement.

Meanwhile, I moved back to California. Time passed. Last year I took a short trip to Provence. I was curious to see how the anti-smoking campaign was going.

Smoking in bars, restaurants, and cafes continued unchanged. Some places had signs for non-smoking areas. The patrons always ignored the signs and second-hand smoke often obscured them. One cafe had an illegally tiny sign, with tiny letters, in a tiny corner of the room. It read, "*Ceci est la zone non-fumeur,*" or "Here's the non-smoking area." A couple of bars posted a sign — apparently a mass-produced insult to the anti-smoking law — that said simply, "*Bar Fumeur,*" or "Smoking Bar." Finally, I saw the most sensible of all signs, "*Si la fumée vous dérange, sortez.*" "If the smoke bothers you, leave." — Michael Christian

Still smokin' after all these laws — Sympathetic though I might be to attempts to eradicate behaviors I dislike, I also know these attempts are doomed to fail. Mayor Ed Koch once joked that advising homosexuals to refuse gay sex is like telling the ocean to stop rolling, creating in my mind an ultimate image of vain activity.

Though his attempts to legislate the end of smoking are not likely to be any more successful, our current mayor, fresh from great corporate success in the English-language investment info biz, believes he can do it. I doubt it.

One New York City domain particularly resistant to this attempted coercion is immigrant enclaves. Only a few days after the law went into effect, I went to my favorite Greek tavern for music and dance. Out front is a signed photograph from the previous major, Rudolph Giuliani, who is known to enjoy a good cigar (as well as for prosecuting other people's sins). Well, in a ground-floor space no greater than 1,500 square feet, perhaps half of the fifty patrons were smoking. So was the proprietor who addresses his audience only in Greek. Some people were smoking cigars! My first thought was that perhaps these revelers didn't know enough English to read newspapers. Then I remembered that Greek-language weeklies are published in New York. The cops could have made one helluva bust here if they wanted to, but they didn't, and I suspect they won't. Not the least reason is that too many cops smoke.

Attempts to make illegal anything people desperately want produce not only unintended deleterious effects but also unanticipated business opportunities. Ban by law the selling of alcohol and one result is the organized crime we associate with historic Prohibition. Prevent Americans from owning gold and entrepreneurs will sell gold coins. Ban abortion, I once conjectured, and the beneficiaries would be rogue doctors, those experienced at delivering illegal services, and those in the incarceration industry, none of whom merit anyone's support. The beneficiaries of Giuliani's elimination of the sex industry from precincts west of Times Square have been real estate interests in Queens and Jersey City (who don't pay NYC taxes).

When Mayor Bloomberg raised the taxes on cigarettes purchased in New York City (now retailing around $7.50 per pack), the first beneficiaries were entrepreneurs offering to sell cartons by mail. They must be doing well if the prominent ads I see, particularly in print media, are any indication of their success. The losers include New York retailers of newspapers, most of them South Asian immigrants, whose profitable sideline in the weed is declining. Take-out restaurants should benefit from Bloomberg's crusade more than storefronts, as those desiring to conclude dinner with a smoke will prefer to eat at home. My bet is that law-abiding smokers will do things not yet predictable, but the effect of which will be to undermine the purported purpose of the law, even as some imaginative entrepreneurs, de facto libertarians, will exploit the state-created economic opportunity.

— Richard Kostelanetz

USA: travel at your own risk — Under new regulations proposed by President Bush, anytime you want to leave the U.S., you will have to tell the government where you're going, what you're planning to do, and how long you're planning to do it. This sort of intrusion on personal privacy was imposed on Russians while Russia was in the grip of a communist dictator, but it is unprecedented in America or any other free society. The fact that they are now being seriously proposed, and without any vigorous public objection, argues a truly disturbing degree of meekness in the populace.

Travel restrictions can be brutal and senseless. Consider what happened to Maggie Anderson, a citizen of New Zealand who is married to an American. Anderson is a 51-year-old former flight attendant who has visited the U.S. hundreds of times. She and her American husband visit their U.S. relatives every summer. But last August when she tried to enter the country, immigration officials discovered that, on a visit in 1998, she had overstayed her visa by eight days.

She was held for questioning, which involved being handcuffed and, according to the Associated Press, "made to spread her legs for a rubber-glove search." After 33 hours of such abuse, she was sent back to New Zealand. "It was emotional rape," she said.

If you think this is an isolated example of a hyper-zealous bureaucrat, think again. The San Jose *Mercury-News*, which broke the story, reported that "Immigration and Naturalization Service officials say what happened to Anderson happens dozens of times every day at major international airports. No travel violation, INS officials say, is too minor after Sept. 11."

Immigration officials are just doing their job. That's what the Nazis who were gassing Jews said in their defense at their trials in Nuremberg at the end of World War II.

This isn't something that happened to some young Arab who could plausibly be considered a threat. This is what happened to a middle-aged, middle-class woman from a friendly, non-Arab country, married to an American, who

happened to violate a minor travel regulation. Is anyone safe anymore? — R. W. Bradford

Anti-Semitism, imagined and real — Nothing annoys Jewish me more than the reading of past writers in search of purported expressions of "anti-Semitism," which allegedly has been found in the work of H.L. Mencken, T.S. Eliot, and e e cummings, among others. Forget about it. Many people said and wrote similar things at the time. What was more important than what they wrote is what they (and other people) did.

Mencken published Jews; his designated successor as editor at the *American Mercury* was Charles Angoff, who later edited anthologies of Jewish-American literature. One of Ezra Pound's favorite younger writers was Louis Zukofsky.

I suspect the point of publicizing such utterances from the past is scaring the currently prominent away from saying anything similar today. As a writer, I have a visceral reluctance to censor anything — written or said.

On the other hand, the suburban golf club that uninvited me from a function a half-century ago was anti-Semitic. The Ivy League university that had a semi-secret quota on Jewish applicants four decades ago was reflecting anti-Semitism. When the National Endowment for the Arts funded remarkably few proposals with Jewish content during the 1980s, it was, in my opinion, anti-Semitic, though the private excuse of the officials there was that Jewish charities should support Jewish-American art. (In fact, the best work was supported in Germany, where cultural benefactors liked to mock Ronald Reagan and, by extension, America.) Was the Jewish writer Irving Howe anti-Semitic when he boasted of helping to terminate the professional careers of only Jewish writers — first, communists, then younger Jewish writers — whom he regarded as unacceptably radical?

Previously, in these pages, I mocked the current Bush administration for having only one visible Jew, Ari Fleischer, in its top echelon, albeit in the highly visible position of chief flack. This last fact illustrates to me that the battle of inclusion is not yet won. — Richard Kostelanetz

No accounting for media accounting — Leaving aside the merits or demerits of President Bush's tax-cut proposal, the discussion in the media during the first few days following its unveiling revealed so many fallacious assumptions and incomplete evaluations it's not that easy to try to unpack them.

"The huge Bush tax cut," we are told, "will cost $670 billion." Why does letting those who earn money keep more of it rather than letting the government take it amount to a "cost"?

The phrase "will keep $670 billion out of the hands of greedy predatory parasites" seems more accurate to me, but I won't insist on it. How about "will transfer $670 billion from the government to taxpayers"? That would be more neutral. And more accurate.

By the way, that's $670 billion over ten years.

Why is it necessary to use the ten-year figure and never mention that the annual figure — $67 billion — in a budget of $1.94 trillion amounts to about 3.5%? Could it be because a proposal "costing" 3.5% doesn't sound huge and dramatic enough?

Then, there's the question of whether that $670 billion will in fact be the amount by which federal revenues are reduced.

In the first place, projections over ten years almost always are wrong no matter how conscientious the assumptions and calculations. In the second place, the $670 billion projection is based on a static model, rather than a more useful dynamic model, of taxpayer behavior. Static modeling assumes people will not change their behavior if their tax bills or their circumstances change.

Back in 1997, for example, a static-model analysis predicted that cutting the capital gains tax rate from 28 to 20% would lead to a federal revenue loss of $50 billion over five years. In fact, federal revenue from capital gains taxes *increased* by $100 billion.

In reality, the only thing that can be said with certainty about the plan is that it will *not* lead to a $670 billion reduction in government revenues over ten years. — Alan W. Bock

Even the lakes are dry — Bootlegger County, Mississippi: where the weekend is as dry as a sandpile in a Saudi Arabian backyard. But next door is Chugalug County, Tennessee, awash in beer, wine, and more heavily fortified spirits. (I jazzed up the names so they don't put me in jail.) It's as though heaven and hell are next-door neighbors without the wide world in-between. Freedom on one side, storm troopers on the other.

Now the boundary between the two counties is not marked by a guardhouse or border guards like you see in those newsreels of the early '40s. The only way you know you've left the desert of Mississippi for the lush, watery swamps of Tennessee is the sight of the "Sportsman's Single Stop" on your right. It's a filling station, as my generation describes it, and it sits a couple hundred yards from the Tennessee side of the border. It's more than a plain ole filling station. You can fuel yourself as well as your car.

Because they sell beer. Cold golden beer. Draft, can, or bottle. You can sip an eight-ounce plastic cup of brew ($1) right there in the store while you're admiring the yellow, red, and green fluorescent plastic worms. Or, you can get yourself a two-gallon plastic containerful to go. Some people claim they even deliver the golden merchandise. All this is very strange to a septuagenarian beer drinker, who marvels at the legal restrictions on quenching your thirst with a malt-flavored beverage in these Southern United States.

We spend a lot of summer weekends in Tishomingo County. And, since the great white way of Broadway, the museums and libraries of Manhattan, the art galleries of Paris, and even the gambling casinos of Tunica are not across the street, I drive five miles down the road to the Sportsman's Single Stop when I need entertainment. "Single Stop" says it all. They've got bait, beer, bologna sandwiches, and gas for the boat. All under one roof.

"How come?" I ask one of the clerks behind the counter. "What's going on here?"

"Well, most of them Mississippi folks is bootleggers and they keep on voting dry," says my Tennessee counterman. A wide grin goes with this political analysis. "The bootleggers need the work, dontcha see."

Yeah, I've heard that one before. It's the streetwise answer 95 percent of the time. Sometimes it includes the

local sheriff. Big deal. Like you and me, a pro-dry guy only gets one vote — or five or six if he's got a big family. Still, there's got to be more thirsty carpenters than bootleggers and sheriffs with large families. You'd think the bootlegger/sheriff block would be outvoted.

The clerks at the Single Stop, when they're not filling up two-gallon plastic containers of beer and singing "Rocky Top," like to talk about "the raid." It happened last year. Like chicken-eating turkey buzzards, federal and state lawmen swooped down on the nearby Tishomingo County marina (on the "wrong" side of the line) while it was full of docked boats and opened bottles of firewater.

There's a whole social class of weird, land-loving mariners who buy boats that never see open water. These boats are floating saloons. Their occupants like to wear sailor hats and drink beer in a deck chair. In this case, we're talking Tishomingo County boats on a Tishomingo County lake. And, in Mississippi, by mandate of the legislature, even lakes are dry and so are the boats that float on their surfaces. Unfortunately for the sailors, these boats weren't. The turkey buzzards arrested so many boozy admirals they had to haul them off to court in a bus. All this happened not 500 yards from the Tennessee filling station that'll let you sip on the premises, carry it out in cases, or as some say, deliver it to your front door. I bet, if they knew how, they'd like to link every kitchen sink faucet in Tennessee to their Bud Light spigot — kinda like a PC tapping into the Internet. Go figure. — Ted Roberts

S.H. Chambers

All cannon fodder is created equal — I have been a libertarian for many years, and there are still some moments when I remember why I am one.

I experienced one of those moments on New Year's Eve, when I watched Brit Hume's show on the Fox News Network. Brit wasn't there that night, or things might have turned out differently, but his panelists Morton Kondracke and Fred Barnes were there as usual. Both are conservatives — or, in the case of Kondracke, as close as you can come to it. Both welcomed the opportunity to respond to the recent suggestion by Charles Rangel, Harlem's congressman-for-life, that conscription be reinstituted in the United States. If the Bushites want to fight a war, Rangel said, let those who support them face the draft, or see their sons have to face it. Maybe then they'd think twice about going to war.

The suggestion was ironic, but it reminded me of the days when liberals like Rangel wanted "selective service" to become "universal military training," so that the draft would somehow be rendered "fair." Teddy Kennedy was the apostle of that religion. But Richard Nixon, a Republican president who, for once, was following the lead of libertarian advisors, just went and abolished the whole durn thing, and the draft was no longer available for social engineering.

It was Nixon's most truly conservative act. No conservative should be attracted to conscription. Conscription was, and always will be, the favorite agency of the aggressor state. In peacetime, it regiments and indoctrinates the populace; in wartime, it encourages tactics of the most expensive kind, the kind that (witness Vietnam) depend not on the advanced technology that always gives the advantage to a capitalist, and therefore to a free, country, but on conscript soldiers deployed as cannon fodder. Then, having sent "our boys" into battle, the state can turn to the populace and pressure it for still more active support of its policies, both foreign and domestic, so that the welfare of the citizen soldiers will not be threatened.

Sixty years ago, Isabel Paterson, who was present at the start of the modern conservative and libertarian movements, provided conclusive justification of the principle of an all-volunteer army in her book *The God of the Machine*; twelve years ago the principle was fully vindicated by the victory of the American professional army in the Gulf War; one year ago the principle was revindicated by the victory of the same army in Afghanistan, an army fighting with the express purpose of minimizing cannon fodder. The principle was justified in every way that a conservative should value. Knowing this, I confidently expected Kondracke and Barnes to wail in opposition to the draft.

They didn't. Instead, both of them immediately and enthusiastically endorsed it. Barnes was ridiculously explicit: we need the draft, he said, *not* because we need more soldiers, but because we need more "fairness" and "community" (such as we had during the Vietnam War!). As viewed by the two conservative sages, conscription is social engineering's great success story, providing invaluable lessons in democracy and togetherness. Just think: everybody gets the

same haircut! Besides, being drafted introduces you to people whom you otherwise would never encounter (because, of course, you wouldn't *want* to encounter them). In short, Kondracke and Barnes endorsed the most extreme and vulgar nonsense of the modern liberals.

So it was then that I remembered why I'm a libertarian. It's because everybody else is crazy.

No, really. They are. — Stephen Cox

Ambivalence makes strange bedfellows — Oregon allows supporters and opponents of ballot measures, for a fee of $500, to present their cases in a pamphlet distributed to all voters before the election. Such a pamphlet was distributed before the Jan. 28 election on whether to raise income taxes "temporarily" to help the state overcome its deficit. In addition to statements from the usual suspects — teachers' unions, tax opponents, etc. — this pamphlet features statements from Alternatives to Growth Oregon (AGO), the state's outspoken no-growth environmental group.

Curiously, AGO submitted statements both in favor of and opposed to the tax increase. On the pro side, AGO says tax increases are good because they discourage people from moving to Oregon. On the con side, AGO says that tax increases are bad because some of them subsidize growth.

AGO's preference seems to be high taxes that are spent as inefficiently as possible. We can laugh at AGO's naivete, but we also can see the group's ambivalence as an opportunity.

Curiously, Alternatives to Growth Oregon came out both for and against the tax increase.

The no-growth movement attracts many people because they don't like subsidies. We don't like subsidies either. If we cultivate this part of their platform, we can gain a powerful ally. If we focus on the part of the platform we don't like, we risk gaining a powerful opponent. — Randal O'Toole

Register guns, not Muslims! — January 10, 2003 was the deadline for people from thirteen predominantly Arab or Muslim countries to register with the U.S. government under a new system for tracking foreign nationals. In a statement regarding this immigrant registration, the American Civil Liberties Union said, "These registration schemes are not making us any safer. They do nothing but damage our reputation as a freedom-loving society . . . "

This is the same organization that proclaims: "The ACLU . . . believes that the Second Amendment does not confer an unlimited right upon individuals to own guns or other weapons nor does it prohibit reasonable regulation of gun ownership, such as licensing and registration."

One has to wonder what the ACLU would do if, as the immigrants stepped off the boats, the NRA handed them free firearms. Would the ACLU then be for or against registration? — Chris Henderson

Murder rate fizzles — The Committee to Protect Journalists reports that 19 journalists worldwide were killed during 2002, most of them in direct reprisal for their investigative work. Few of the killers have been brought to justice. The countries where journalists are most at risk are Russia and Colombia, in each of which three journalists died in the line of duty. In fact, this marks a decrease in journalist on-the-job mortality rates: 37 were killed in 2001. I know not everybody will consider this a healthy trend, but pardon me for special pleading if I do. — Alan W. Bock

Champion of whom? — Curious to me is the current interest within the political arena over which party is more concerned with minorities. For decades, the Democratic Party has claimed to champion minorities, while by their very name, they promise to represent the will of the majority. — Tim Slagle

Winning isn't the only thing — Jesse Jackson still is preaching racism, which as a sermon topic pays a lot better than love, forgiveness, and all that old stuff about the other cheek. This time the Pope of Prejudice, along with the Black Coaches Association, is blaming racist America for the lack of black college football coaches. The BCA wants 20 percent of the coaches' chairs to be filled with black hindquarters within three years.

The BCA publicly has threatened to urge stellar black athletes to turn away from schools that "lack diversity." That's hatespeak for "white coaches."

A waste of breath! Black athletes are too smart to reject Penn State, Alabama, and USC for Southwest Central U, and thereby miss an opportunity for NFL riches. Also, it's warming that white alumni don't reply in kind and deny their contributions to big-time college football and basketball programs that lack player diversity: not many whites on the field these days.

There's even more noise about coaches in the NFL. Sportswriters love to display their racial loving kindness on this issue. (Wonder what percentage of sportswriters are black?) It's all a conspiracy, they tell us. Why do they see white racism concerning coaches and not black racism in the selection of players? Why does one disproportion trouble them but not the other? How do you explain a whopping 75 percent predominance of black players?

Easy. It is not a conspiracy. Blacks are better athletes. If you wanna win the football game, odds are you'll select a black DB. Coaches, owners, and general managers wanna win. There is no NFL executive so mean, so low down, so hateful of minorities that he won't play Ricky Williams over his slower, smaller white counterpart and clasp him with a tight interracial hug when he scores. The execs want to win!

If the Grand Klagon of the KKK coached the New York Jets, you'd see the same black player imbalance. So, why doesn't the same logic apply to the hiring of coaches?

— Ted Roberts

Conquest by demography — Military conquest has immense long-term consequences, especially when followed by political conquest. Cultural conquest can be greater yet, even though it's completely non-violent. America is often accused of "cultural imperialism" by the chattering

classes. Well, I understand the resentment of the intellectuals, but McDonald's has never tried to subjugate the natives. And even if the U.S. Marines did, there's never been a conspiracy to insinuate ad-bearing T-shirts, baseball caps, and Hollywood movies into the farthest reaches of the planet. It happened because everybody (except the intellectuals, of course) actively reached out for those things. American culture has overwhelmed the rest of the world.

The definitive type of conquest is demographic because it can't be undone. What can people do if millions of people from a different culture enter their country, or a region of their country? Do they simply abandon their country to them? You can't get rid of them short of doing what has come to be called "ethnic cleansing." Ethnic cleansing is mankind's most time-honored solution to dealing with this intractable problem.

The definitive type of conquest is demographic because it can't be undone. What can people do if millions of people from a different culture enter their country?

In earlier times, the most certain way to deal with the outsiders you couldn't use as slaves was simply to kill them. It made some sense in a world where resources were looked on as a zero-sum game, where the fewer people there were to share with, the better off you were. That, and it made no sense to keep around the friends and relatives of people you killed, because they might resent it and return the favor with extreme prejudice. What Hitler did to the Jews was actually no different from what conquerors have always done with people who didn't accommodate themselves to the newest world order. Hitler is viewed as a special devil not because his actions were so unusual, or even because they were an unwelcome anachronism in modern, more humane times. They were condemned because he zeroed in on particular ethnic groups, unlike Marxist-oriented despots like Stalin, Mao, or Pol Pot, who killed absolutely anybody, based on belief alone.

In pre-industrial times, conquered minority people who kept their own customs and resisted integration were likely to be ethnically cleansed. Fortunately, in modern, secular, urban, capitalistic societies they are, or should be, a non-problem. Today's society makes it easy for people to associate (or not) with whom they wish, intermarry, and even open restaurants with strange cuisines to profit from outsiders. That's why ethnic cleansing will be less of a problem as the world becomes richer.

Genghis Khan (1167–1227), and Tamerlane (1336–1405), were notorious for ethnic cleansing. The Mongolians conquered the Chinese militarily and then politically; but under Mongolian rule, the Chinese conquered the Mongolians demographically. The Chinese didn't cleanse an area, they submerged it in humanity. The Chinese conquest of Tibet in 1950 wasn't very nice, but it was completely unexceptional. What made it different from most conquests, as well as permanent and irretrievable, is that Beijing caused millions of ethnic Han to populate Tibet. And they're never going home, because most of Tibet's residents are now Han who have been born there, and they substantially outnumber the Tibetans. The same process is now happening in Xinjiang.

"Mongolia" used to be one place, until the mid-1600s, when the distinction between "Inner" (which is today just a province of China) and "Outer" (which is the independent country we're discussing) was first made. The Mongolians have attempted to regain the lost territory, but when you're dealing with demographic immersion, resistance is futile unless you're both incredibly powerful and incredibly ruthless.

This is a situation the U.S. will have to face. Today, there are a half-dozen states (prominently including California and Texas) where people of European ethnicity will soon be in a minority. There is every reason why that trend is likely to accelerate; within most people's lifetimes, Hispanics will be majorities. Personally, I have no problem with this. From a strictly historical perspective, you can see it as the Hispanics retaking territory that was originally theirs; Anglos only really started laying claim to the southwest in the 1830s, well within the lifetimes of two long-lived individuals.

Of course, I see all these arguments about "our" land as spurious and ridiculous to start with; the land belongs to the individuals who own it, and their race is irrelevant. But I realize that's not the way most people see it, so there will likely be problems as Hispanics demographically capture large portions of the United States. I actually expect we'll see an "Inner" and an "Outer" Texas; Americans will get to feel like the Mongols.

People seem genetically programmed to prefer people of their own ethnic and genetic background to those of another ethnic and genetic background. The more genes we share with people, the more we are likely to treat them as brothers. The fewer genes we share, the more likely we are to treat them as "others." That's why we treat apes (with whom we share around 98% of our genes) better than horses, horses better than fish, and fish better than nematodes (with whom we share about 50% of our genes) because the greater the genetic difference, the less human (or like ourselves) they are. So, looked at from a strictly biological point of view, the "open door" policy of Western countries, welcoming mas-

"I don't have to look — I'd *know* if I had an elephant back there!"

sive immigration of different races, would seem to be asking for trouble. — Douglas Casey

The lesson of monk — The TV show "Monk" features a virtuoso detective, Adrian Monk (Tony Shalhoub), who solves crimes while struggling with his own obsessive-compulsive disorder, a problem which has led to his suspension from active police work. He tries to get reinstated, and is turned down because he cannot be relied on to carry out all the duties of a police officer, such as responding appropriately to gunfire.

If police departments were commercial companies, there would be no problem. This quirky individual with a knack for solving crimes would be hired as a consultant on a fancy salary and relieved of the distraction of routine police duties. That might still be the most efficient choice, even after he recovers from his emotional problems, which, we are implausibly informed, will occur when he solves his wife's murder (I only hope we're not going to be expected to swallow the story that he did the killing himself and has repressed the memory.)

Someone who can see clues that everyone else misses doesn't need to carry a gun, make arrests, or write reports. But since police departments are operated as bureaucratized, tradition-bound, quasi-military collectives, this manifestly rational solution is out of the question. *Monk's* moral is clear: privatize the police. — David Ramsay Steele

The romance of the queue — When you enter my post office, you know you have entered a clockless zone where time is dead. Like gambling casinos, opium dens, and supermarkets, the Postal Service ignores the sunlit world outside.

Even windows are absent. Heaven forbid you should see the sun traverse the sky as you wait in line. You realize that time is mortally wounded the minute you catch that interminable line facing the counter. It moves like a green slug on your patio pavement. There is so little progress that it has segmented into clumps of four or five customers, in conversational or gin rummy groups. Vendors sell popcorn and folding chairs.

I tell my endearing but unattached daughter to drop the Internet and pick up her pen. Write some letters, go to the post office, meet your beau in line — not online. There is plenty of time to listen to detailed bios of suiters. More beautiful friendships have been made in post office lobbies than in neighborhood bars. It's cheaper, too. Even better, this federal facility is an effective screening device for feminine seekers of law-abiding companions, either for a few weeks — or eternity. Mailers, on average, have a cleaner legal record than barflies. And, they hold better jobs with richer pension benefits, since they're not laying out $7.50 a pop for Jack Daniels Black. Drop by one day and check it out. Bring a package so you won't look like an imposter. — Ted Roberts

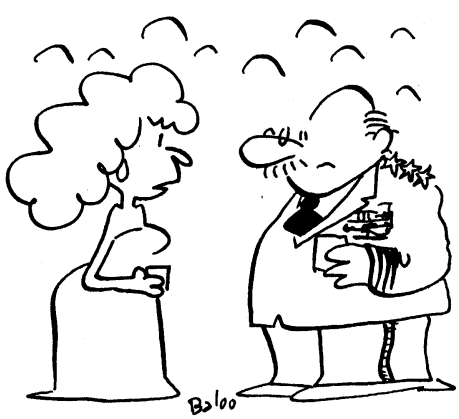

"*Six* purple hearts? — You must really be accident prone!"

Just desserts — In the early 1800s, the British were seizing American ships bound for French ports, and occasionally conscripting Americans born in Britain. And they weren't preventing traders in Canada from selling guns to Indians, who sometimes killed Americans. President James Madison wanted a declaration of war.

But many, perhaps most, Americans felt these were trivial reasons to go to war. If you didn't want your ship confiscated by the British, you shouldn't trade with France, with whom the English were at war. Some merchant's indiscretion shouldn't drag everybody into a war. Westward moving colonists had many virtues, but respect for the property rights of the Indians who already lived there wasn't among them. The British in Canada were trading guns for the Indians' furs as the influx of American colonists was destroying the fur trade; not surprisingly, the Indians wanted to defend themselves.

Madison managed to get Congress to declare war, but he couldn't get them to raise taxes to pay for it. Madison then tried to recruit 50,000 citizens to invade and conquer Canada, but succeeded only in garnering an army of 5,000, which was roundly defeated but only after they burned the Parliament buildings in Toronto. It was mainly in retribution that the British burned the White House the next year. Their expeditionary force, however, was noted for its good manners, and, in fact, they did their best to avoid damage to private property.

As the British closed in on the city, many Americans correctly attributed the pointless war to Madison. One young lady gained fame for stopping her carriage in front of the White House, loosening her very long tresses, and saying, "I pray that I may have the privilege of parting with this hair, in order to make a noose for Mr. Madison." If someone intimated feeling like that today, she'd be arrested, and charged with any number of crimes. In the War of 1812, Dolley Madison actually feared that those opposing the war might lynch her husband.

Dolley had to leave most of her personal possessions in the White House before it was burned simply because she couldn't round up enough carriages to carry them away; there was a shortage in D.C., since all her neighbors were doing the same thing.

Isn't it charming that, in those days, the perpetrator of a deed could expect to suffer its consequences directly? In today's national security state, high government officials have legions of servants to whisk them to safety, and spare them even an inconvenience in the process. Perversely, they are the ones least likely to suffer any adverse consequences of their actions. And, of course, a declaration of war is unneeded, and funding can always be found from some-

where in the Defense Department's $396 billion budget.

— Douglas Casey

Karl and Sandra and Adam and Hugh— What a strange enclave is the few square miles called Hollywood. A beachhead of doubters on the western shores of capitalism, specializing in risk taking; practitioners of hard-core capitalism.

So why are they throwing eggs and rotten fruit at Adam Smith instead of kneeling at his shrine? Why is it they just can't stop dissing the system? It's guilt! "And low self esteem!" answer the psychoanalysts. It's a variation of the old Groucho joke: any club that admits me is not worth joining. Or, any system that pays me millions to mimic reality has gotta be faulty.

Take Hollywood's recent morality play, *Two Weeks Notice*: a two-hour manifesto on central planning disguised as a romantic romp. It employs a lavishly paid Hugh Grant and Sandra Bullock. Comedy — I was expecting and I got some. Leftist politics — I was not expecting but I got a lot of that, too.

Sandra's character, Lucy, is an activist well-equipped with physical feminine adornments. She lights the room with charm instead of revolutionary torches. She's bright; a Harvard Law School grad. Lucy the Lawyer flames with passion. Her creator — God or Karl Marx — put her on earth to improve a sick system that produces men of business who erect large condos for profit — that's George's (Hugh Grant) specialty.

Evidently, one of Lucy's Harvard courses taught her the art of lying down in rubbly streets blocking the path of cranes swinging lead balls against trembling antique buildings — buildings that block condolian progress. Because that's where we find her in Scene One. There's Lucy in the street, on her back, applying her education. And still hectoring, lecturing. Her passion rivals that of Genesis. You'd think that George is planning the Tower of Babel, not a simple multiple dwelling in Brooklyn.

George is a rich, dumb, and greedy real estate tycoon with a winsome smile that even Lucy's dull dialectic can't erase. He's a devil with dimples who wants to put up a high-rise edifice to house the homeless; but only those who can lay out half a mil for 1,600 square feet.

The scriptwriters give Lucy buckets of honeyed words to buttress her cause, loosely defined as a diatribe against the globalization of Brooklyn. (Lucy the Lawyer would love the low-profile architectural splendor of Pyongyang!) Poor Hugh just listens and dimples up his face. He gets not one word to explain that providing shelter for humanity, even to those east of Beverly Hills, is a laudable enterprise.

Can you believe it, this malevolent blocker of sunlight to pale Brooklyn kids wants to build dwellings and serendipitously increase the supply of residences, thereby reducing rents. What nerve — why shouldn't the state build and cheaply rent a groundhugging sprawl of shrunken condos? (Try this question on your North Korean friends.)

Plot? Not much except he wants to build his sun-blocking, soot-spewing Tower of Babel on the site of the homey community center: a landmark edifice splashed with sunshine and the smiles of children. This antique structure, like the tootsie center in your candy sucker, is the sweet ideological heart of the film.

You get the idea.

— Ted Roberts

Individual rights need not apply — The so-(and badly-)called "collective right" interpretation of the Second Amendment has been given a second wind by the recent *The Second Amendment in Law and History: Historians and Constitutional Scholars on the Right to Bear Arms*, edited by Carl T. Bogus. It is a concerted response to the many thinkers of the past few years who have been championing the "individual right" theory. I will leave it to those targeted writers to fire back in their own defense. However, there is one passage that I cannot resist taking aim at myself.

University of Tulsa College of Law professor Paul Finkelman addresses (p. 142) the argument that the "people" who have a right "to keep and bear arms" in the Second Amendment are the same "people" — that is, private individuals — who have rights in the First, Fourth, and Ninth Amendments. His counterargument: consider, for example, the term "people" in the First Amendment — "Congress shall make no law . . . prohibiting . . . the right of the people peaceably to assemble." If it is hard to construe the word "people" in the Fourth Amendment to be anything but a reference to individuals, it is equally difficult to construe the term in the First Amendment as anything but a collective right. Clearly, the idea of the people assembling contemplates a large number of people and not a single person assembling.

Meaning what? That an "assembly," like a "well regulated Militia," is a government-controlled unit of select persons? That we can assemble only with whom, when, and why as determined by the legislature? Extending this, does it mean people may join together to form a church, but no one individual has a right to his personal religious convictions?

The right of assembly is the right of the individual — each and every individual ("the people") — to assemble with those who'll have him. The problem comes from the notion that a "collective" is something other than a collection of individuals, and it really gets bad when we are told that "the people" means the state. For the integrity of the debate, let us

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acknowledge that those, who believe that the Second Amendment grants a right to average citizens, are advocating a "civil rights" interpretation, while those, who contend that the mentioned right belongs only to the state governments, are advocating what cannot be called anything but the "states' rights" theory. — Barry Loberfeld

Ignorance is bliss — A front-page feature in *The National Law Journal* reported that courts are "wrestling" with the "major problem" of Internet-savvy jurors who are accessing information specifically withheld from them by judges. Yes, these self-informed jurors are wreaking havoc on the justice system.

Judge Michael Wilkinson, a Maricopa County Superior Court judge in Phoenix, recently declared a mistrial after a juror went on the Internet and learned an accused child molester, if convicted, faced a minimum sentence of 17 years in prison. She thought that was excessive. Presumably, the judge only found out about this because the juror talked about the minimum sentence with other jurors.

In some cases, jurors are looking up legal and medical terms and judging cases on their own understanding of the facts instead of relying solely upon the lawyers' courtroom presentations.

In a widely publicized Conway, S.C. case, a woman was accused of killing her fetus because she used crack cocaine during her pregnancy. A mistrial was declared last year because two of the jurors had looked up medical information (presumably about the effect(s), if any, of crack cocaine on a fetus). The woman was convicted in a second trial.

In another trial, a juror came to the jury room carrying several pages she had copied from *The Physician's Desk Reference*, as well as the book itself. The bailiff saw and quickly seized the excessively informative book and that juror was replaced. Another juror admitted she had looked up medical terms on the Internet, but she was not replaced — there were no more alternate jurors. Besides, she must have appeared benign relative to somebody who would bring a hard copy of medical information into the jury room.

What does the professor mean? That an "assembly," like a "well regulated Militia," is a government-controlled unit of select persons? That we can assemble only with whom, when, and why as determined by the legislature?

Recently, a federal judge in Philadelphia ruled against a mistrial, even though a juror admitted he researched a defendant's financial condition on the Internet before he and his fellow jurors awarded him $2 million.

The *Journal* reports the chair of the criminal litigation section of the American Bar Association, Laura A. Miller, as saying jurors' cyberspace research clearly is misconduct and judges need to be even more specific than in the past about what information jurors can and cannot access.

Right. Judges should tell people, even more specifically, what they can and cannot look up on their own computers in the privacy of their own homes. — Sandy Shaw

The guns of Thomas Jefferson — Did you celebrate January 1 as something besides New Year's Day? Among those who did were Americans United for Separation of Church and State, the ACLU, the Baptist Joint Committee on Public Affairs, and the Council for Secular Humanism.

The occasion? Why, it was the anniversary of President Thomas Jefferson's letter to the Danbury Baptist Association. That document is famous for Jefferson's construing of the First Amendment's religious clauses as "building a wall of separation between Church and State." This broad and generous reading by a Founding Father is seen as a support by those who advocate the notion that the First Amendment goes far beyond its actual language.

One cannot help but wonder whether those who embrace the advocacy groups mentioned above believe the Second Amendment may well have its own "Danbury letter" in Jefferson's 1787 correspondence to William S. Smith. The Sage of Monticello wrote: "And what country can preserve its liberties, if the rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take up arms. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." There you have it. Every point of the so-called "insurrectionist" theory of the Second Amendment is present and accounted for: private citizens have a natural right to keep and bear arms as a check on the rise of tyranny.

So why in the Danbury letter considered indispensable to our understanding of the First Amendment, while the Smith letter is dismissed as irrelevant to our understanding of the Second? Why don't our "civil libertarians" speak of the Second Amendment's right to "take up arms"? Is or isn't Jefferson the Rosetta stone of our inalienable rights and their codification in the Constitution? Or has he become, much like that Constitution, suitable only when he serves our ends? — Barry Loberfeld

A new enlightenment? — A recent project here at Revolution HQ (a.k.a. my home) involved ripping out florescent light fixtures and replacing them with incandescent halogens. I have to wonder why anyone would want fluorescent lighting in an American home. The warm glow of an incandescent bulb is much more pleasing to the senses and recalls the warm, comforting glow of the night light many of us once had in our bedrooms to chase away childhood monsters.

Perhaps the difference in the feel of the two types of lighting can be traced to our primitive ancestors. The slow burning of a thin metal wire inside a glass envelope causes incandescence. That produces heat and light similar to the hot coals our ancestors sat around to ward off cold and predators. I can understand why Edison stayed up the entire night staring at his first light bulb.

Fluorescence, on the other hand, is caused by a high voltage electrical discharge, much like the lightning that made our ancestors tremble in fear, hide in caves, and pray to the gods for deliverance. It is really suitable only for penal institutions. The cold blue seems to bring out every blemish and

vein, and it burns the eyes like a chlorine swimming pool. The harsh light actually is blinking sixty times per second and its persistent hum tortures the eardrum. Fluorescents are preferred only for their efficiency, as they use less than one-third the energy of an incandescent lamp. I suspect a good portion of communist Eastern Europe was illuminated with fluorescent lighting.

Because of the energy savings from fluorescent bulbs, and pressure from environmentalists' lobbies, many "progressive" cities have passed laws forbidding the use of incandescent bulbs in commercial locations. Some of these towns are dark and dreary for most of the winter and the lack of incandescent lighting contributes to the melancholy feel of that season in such places. I have visited towns where you cannot find a single incandescent bulb in any hotel or restaurant. I would not be surprised to learn those areas have elevated suicide rates.

— Tim Slagle

— Alan W. Bock

Coffee for the goose, marijuana for the gander — Dutch researchers say drinking coffee — seven cups a day — cuts the risk of Type 2 diabetes by 50 percent. The study is not yet confirmed, but if it is, do you suppose it will stop neo-Puritans from trying to get us to drink less coffee? I suspect that their urge to govern what others ingest is almost completely independent of reliable information on documentable harm. Otherwise, marijuana would be legal and tobacco would be banned.

Endangered word list — The government compiles lists of endangered plant and animal species and passes laws to protect them. The reason, at least the ostensible reason, is that, at some future date, these species (or non-species, such as "the northern spotted owl") may be crucial to human happiness. Even the lowly snail darter may wind up curing cancer.

However that may be, it's evident that plants and animals aren't the only things that deserve protection. Endangered words should be protected, too.

Now, I don't mean every word. Some words are born to die. No cancer will ever be cured by "rear" (as in "corn is raised; children are reared"). Nobody should leap into the river to save the grammar-book elaborations of that strange word "shall." But there are many locutions, such as the ones I am about to list, that are well worth rescuing.

Some of them are worth it because they identify concepts that should not be lost. Others are worth it simply for the color and spirit that they add to life. Some are formal, others are highly informal, but each is a resource that people should not be without. And the great thing about words is this: you don't need a government program to protect them. All you have to do is — use them!

So here goes. I've made a few notes, but I suspect that you'll see for yourself why the words I mention deserve to be saved.

1. Words endangered because their habitat has been degraded by neighboring words. Consider:
   - uninterested (harassed by disinterested)
   - ingenuous (in flight from ingenious)
   - leave, and get off (threatened by exit and deplane)
   - fewer (preyed upon by less)
   - sensuous (overwhelmed by sensual)
   - number, as in "I have a large number of ideas" (flattened by amount)
   - favorable and unfavorable (ravaged by positive and negative)

2. Words that are hurting simply because their plurals do not end in "s." Unfair? You betcha. And it's up to you to do something about it. Amaze your colleagues by telling them that the latest spreadsheet lacks a datum. Then act on a broad front. Protect all minority singulars and plurals:
   - datum-data
   - graffito-graffiti
   - phenomenon-phenomena
   - criterion-criteria
   - medium-media
   - alumnus-alumni-alumna-alumnae (yes, there are four of them — isn't that great?)
   - aluminum-alumina (sorry, just kidding)

3. Strong verbs. These words have been endangered ever since English came up with the weak and lazy -ed suffix, which was originally supposed to provide for the naturalization of foreign verbs. Now almost every verb has been "naturalized" in that way. But we can save what remains of our old-growth verbs. Why would anyone prefer to say, "She thrived on the publicity," when he can say, "She throve on the publicity?" and, "She has thriven on the publicity"? Keep these verbs in your prayers:
   - strive-strove-striven
   - shine-shone-shone
   - wake-woke-woken

dive-dove- (ugh!) dived
cling-clung-clung
heave-hove-hove
spit-spat-spat
shit-shat-shat

4. Verbs in complicated relationships. A friend notes that verbal complexity has become unfashionable: "'I will have seen that movie by tomorrow night' — say that to people, and they'll look at you as if you were a freak." Another friend laments that the subjunctive has long been on the trail of tears. Such problems can be addressed only by determined attempts to reintroduce complexity. Be brave enough to eschew "I'm not rich enough to be in that club" for "Were I rich, I would already have been asked if I should like to become a member."

5. Fighting words. John Kenneth Galbraith once discussed "the affluent society." He might have done better to discuss "the nice society." In modern America, even the poor tend strongly to be rather *nice*. But niceness now endangers many venerable terms of abuse:

busybody
blowhard
uppity
persnickety
puddinhead
skunk
weasel
scamp
cretin
moron
illiterate
gauche
priggish
lunatic
unhinged
knave
goon
goof
drivel
drool

If you have *a mean streak* (and who doesn't?), you can go on and on with this.

6. Loving Words. The Nice Society is one in which people hesitate to get carried away, even with praise. So we are in danger of losing

super
swell
tops
boss (as adjective, of course)
sight for sore eyes
glorious
heroic
gallant
chivalrous (when's the last time someone complimented you on a chivalrous action?)
gentlemanly
lovely
pristine
virginal
and almost all other decidedly favorable terms except "awesome," which now means something like "OK".

"Freeze!"

7. Interjections. The world becomes a poorer place whenever a colorful interjection goes extinct. Please practice sensitivity toward:

gosh!
golly!
say!
holy mackerel!
holy moly! (note the classical allusion)
hallelujah!
well, I declare!
well, I'll be a monkey's uncle!
in a pig's eye!

8. Others. Many expressions, while endangered, escape public concern because, like Basque or certain other weird little linguistic phenomena, they are not readily classifiable. But just because the following words have no Societies for the Protection Of doesn't mean that they shouldn't be protected:

tarry
long time, no see
every Tom, Dick, and Harry (although, as Carolina Beroza suggests, this should probably be updated to "every Brandon, Hunter, and Josh")
athwart
by dint of
puttin on the dog
puttin on airs
suppose (used as Edward G. Robinson uses it in *Double Indemnity*: "Now, suppose you go downstairs . . .")
thither, and its offspring thitherto
pooh-bah
pooh-pooh
grammar school

Besides using endangered expressions from time to time, you may want to adopt a particular expression as a personal companion and pet.

I must warn you, however, that some expressions now up for adoption are wild creatures that have been abandoned by people who thought they could handle them but were eventually forced to give them up. You will probably remember the incident, a few years ago, in which "niggardly" slipped off its leash and terrorized Washington, D.C. "Sticks" and "hillbillies"often cause problems for farm folk; the adjectival use of "discriminating" has proven difficult to maintain in urban areas; and "crippled people," "bums," and "swamps" (synonym for "wetlands") are outlawed within 1000 yards of most colleges and universities.

Still, these unfortunate expressions need your help. And all they really want from you is . . . lip service. — Stephen Cox

Exposé

Totalitarian Information Awareness

by Joe W. (Chip) Pitts III

The nightmare world of George Orwell isn't just fiction anymore, thanks to a new program from George Bush and an old Iran-Contra convict.

Unbeknownst to most Americans, their liberty is being consumed by the triad of counter-terrorism programs enacted since Sept. 11: the Patriot Act*, last fall's Homeland Security Act, and finally the "Total Information Awareness" initiative conceived and run by former Iran-Contra felon John Poindexter.†

Total Information Awareness (TIA) starts from the recognition that our daily lives are monitored more than ever before. But while most of us find this at least vaguely objectionable, TIA sees in this an opportunity to capture terrorists. After all, those who visit Times Square in New York, or Piccadilly Circus in London, are on camera hundreds of times per visit; even in less concentrated environments, it's now routine that shopping malls, convenience stores, banks, ATM machines, airports, restaurants and other merchants, and their parking lots capture us as we carry out the transactions that constitute the business of life. Our phone calls are made on mobile networks that include location-monitoring technologies pinpointing where we are at any given time. Palm Pilots, other PDAs, or laptops may inform us of the nearest Starbucks location, but also tell the network where we are and what we want, from the news we read to the books we order online. Satellites hover overhead, communicating constantly with GPS sensors in our cars, trucks, boats, and handheld devices, viewing details as minute as the license plates on our vehicles, as highway toll tags authorize our passage and record our comings and goings. Cable television companies monitor and record our pay-per-view transactions. Travel agencies and our own Internet bookings track our preferences and meanderings. Doctors, hospitals, universities, and insurance companies increasingly rely on networked, digitized medical records. Credit and debit card terminals at grocery and video stores, gas stations, and hotels note where and when we make our purchases, and the digital signals sent along the financial networks determine whether we'll be allowed to proceed with the purchases, or execute our stock trades, or not. The IRS and other government agencies both monitor increasing amounts of such elec-

*Considered in these pages in May, 2002.

†While his conviction on five felonies (e.g. obstructing justice, destruction of documents, lying to Congress) was later overturned on the technicality that it relied in part on his own immunized testimony, the facts remain that he masterminded the illegal sale of arms to Iran to fund assistance to the Nicaraguan Contras. Both the Iranians and the Contras were considered by our government and human rights groups to be guilty of terrorist acts. So Poindexter — who funded terrorists and provided misinformation about it — is now in charge of using information to fight terrorism. America — what a country!

tronic records, and create new records about us and with us, as we pay our taxes, appear in court, or apply for driver's licenses, passports, visas, or other government benefits using electronic means.

TIA would gather up and link all these datapoints and streams — whether emails, phone calls, instant messages, video or audio broadcasts, records of gun purchases, car rentals, or charitable contributions — into hundreds of millions of virtual dossiers on each of us, then "mine" that data for patterns resembling the patterns of terrorist activity coming from other datastreams. In this way, TIA hopes to detect and "preempt" terrorist activity.

If you're not familiar with "data mining," think for example of Internet search engine Google — but on steroids — or perhaps the way those credit card companies sometimes call you because they think they've detected a pattern of fraud in your transaction data (and recall how often they're wrong!). Well, TIA will be the same sort of effort, but orders of magnitude broader.

While the many depredations of liberty over the past year and a half often have been described as "Orwellian," the appellation fits none as aptly as Poindexter's baby. TIA threatens to suck the oxygen from liberty's flame in a way unprecedented in the history of our republic. Even George Orwell, who invented "Big Brother" in his novel *1984*, would be shocked at the pervasiveness and ruthlessness of the intrusion that Poindexter is trying to implement.

Poindexter has now removed the logo that graced the TIA website (www.darpa.mil/iao/) during the first year or so of its existence: the creepy, Masonic, all-seeing eye within a Pyramid, like that on the back of a dollar bill, but emitting a ray of light (or a death beam?) spanning the globe, and accompanied by the slogan *"Scientia Est Potentia"* ("Knowledge Is Power"). (The prior logo may still be viewed at www.computerbytesman.com/tia/index.htm.) But the ominous connotations of those images linger despite the website's hasty cleansing.

The "Patriot" Act

The infamous "Patriot Act" gutted at least half — the most important half — of the Bill of Rights. The all-important First Amendment's guarantees of free expression and assembly were undercut by allowing an unprecedented degree of government intrusion. Librarians and bookstores are now supposed to turn over information on our reading habits, undoubtedly chilling free thought and breaking down the foundation of free inquiry that undergirds the ability to question and dissent from government actions. The Fourth Amendment's guarantee of freedom in our homes and personal effects from unreasonable searches was seriously undercut by allowing electronic surveillance (without our knowledge) of our home computers, emails, and Internet surfing habits, and "sneak and peak" search warrants authorizing searches of our houses without our being told.

The Total Information Awareness program would gather up all the information publicly or privately recorded — including emails, phone calls, instant messages, video or audio broadcasts, records of gun purchases, car rentals, and charitable contributions — into dossiers on every American.

The Fifth Amendment's guarantee of due process and the right to confront witnesses against you means little if immigrants and even American citizens (like Jose Padilla or Yaser Esam Hamdi) can be indefinitely held without charge, access to lawyers, or a judicial hearing, trial, or review of any kind simply by virtue of the government *labeling* them "terrorists" or "enemy combatants." The Sixth Amendment's right to a speedy public trial apparently applies no longer. Even the Eighth Amendment's guarantee against cruel and unusual punishment seems to be held in little esteem, if certain reports of beatings and solitary confinement of detainees without access to family or health care, and other reports of detainees transferred to face torture in places like Pakistan and Egypt can be believed. While we can be thankful that torture was openly discussed only briefly as a legitimate policy tool, our government's new insensitivity to the delicacies of interrogation methods strongly suggests that it cares far more about ends than means, and about so-called results more than liberties. The Patriot Act sets the stage for intense government focus on the activities of innocent people and misdirects governmental resources from appropriate focus on actual terrorist activities. At least in the Patriot Act some homage was paid to continued weak oversight through the persistence of judicial warrant requirements in some instances (although the process of forum shopping to find a friendly judge renders this more a formal than a truly substantive protection). Since that time, however, a special federal appeals court decision has obliterated most of what was left of the wall between intelligence and law enforcement. TIA's technological approach risks bypassing such protections completely.

Even George Orwell, who invented "Big Brother" in his novel 1984, would be shocked at the pervasiveness and ruthlessness of the intrusion that Poindexter is trying to implement.

The Homeland Security Act

It's ironic, to say the least, that a conservative president putatively committed to limited government has brought into being the most massive new bureaucracy since the various military services were brought into the Department of Defense fifty years ago. The new Homeland Security Act, totaling about 500 pages, consolidates 22 federal agencies and about 170,000 employees, including the Secret Service, the Immigration & Naturalization Service, the Border Patrol, and the Coast Guard. Note that the two agencies most impli-

cated in the intelligence failures preceding Sept. 11, the CIA and FBI, are not included in the agency. Though this is perhaps for very good reason (especially the desirability of separating the different functions of these powerful agencies from the also powerful new mega-agency), it is inexplicable that the CIA and FBI remain essentially unaccountable for their failures.

The biggest reorganization of government in the past fifty years may or may not eventually enhance homeland security, but it certainly doesn't augur well for preserving liberty. Thanks to some strong voices including outgoing Congressman Dick Armey (R-Tex.) — now a consultant with the ACLU, along with his former colleague Bob Barr (R-Ga.) — there are a couple of exceptions to this. The law says that it doesn't authorize either a national identity card, or Attorney General John Ashcroft's previously planned program to turn neighbors, utility repairpersons, the cable guy, the postman, and citizens in general into a "Terrorist Information and Prevention System" (TIPS). This latter was a particularly appalling idea, reminiscent of communist and fascist neighborhood cells reporting on neighbors, reminiscent of Pavlik Morozov, the celebrated 14-year-old Soviet martyr who was honored for being a good party member and turning in his family to authorities.

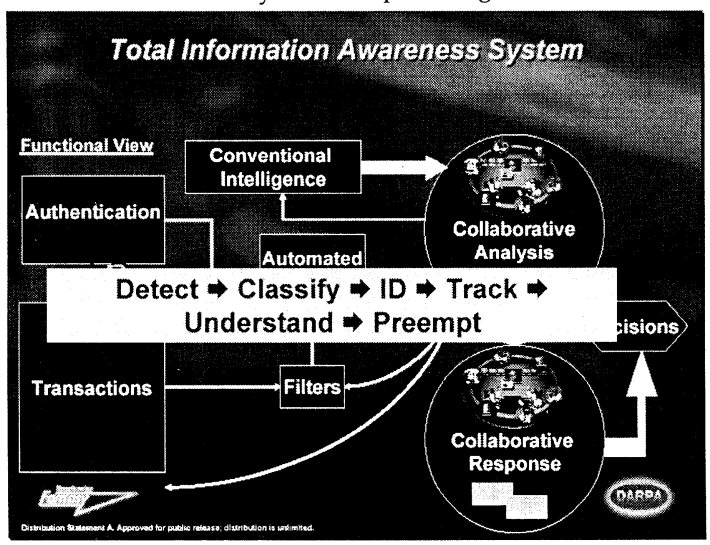

Alas, the rest of the Homeland Security Act rides roughshod over liberty instead of protecting it. The TIA program contemplates even greater intrusion than the rejected identification card and TIPS programs. The new law creates a "Homeland Security Advanced Research Projects Agency" (HSARPA), modeled after the Defense Advanced Research Projects Agency (DARPA), which created the Internet.* HSARPA is funded at the not inconsiderable taxpayer expense of $500 million annually, and, like DARPA, it will "promote revolutionary changes" in technologies to protect the homeland. What was a separate bill approved by the House of Representatives last summer, the Cyber Security Enhancement Act, was added at the last minute to the Homeland Security Act. It expands the ability of law enforcement authorities to monitor email or telephone conversations without first obtaining a court order. It also grants Internet Service Providers (ISPs), like AOL, Yahoo, or Earthlink, greater room to release information to *any* governmental authorities if, in their eyes, there's a "good faith belief" that there is an "immediate threat to a national security interest." These liberalizations further loosen the "emergency" exception that had already been provided in the Patriot Act, by removing the requirements that the disclosure be based on a "reasonable belief" and be connected with an "immediate danger of death or physical injury." It places the ISP in the position of distinguishing between evidence of a real threat and (supposedly protected) free speech, with a likely chilling effect on the latter.

Finally, the Homeland Security Act also takes further steps along the road to a more secret government, by expanding the grounds on which TIA or other government activities can be classified, and reducing the scope of access to information about governmental decision-making through the Freedom of Information Act.

The TIA Toolbox

If the Patriot Act sets forth the ideology and plans for a newly intrusive state, and the Homeland Security Act builds the framework, Total Information Awareness may be seen as providing the tools to make it all work.

TIA, moreover, threatens to be just as ineffective an overreaction to legitimate concerns over prior intelligence failures as the Homeland Security Department. But, while the Homeland Security Department's counterproductive effects are likely to be mainly in the short-run (as culture clashes, lack of system interoperability, and fighting for position diverts officials from vital tasks), TIA is likely to have lasting harmful effects unless modified. TIA remains within DARPA at present, at the vanguard of its attempt to incubate "revolutionary" counter-terrorist technologies. According to DARPA's own documents posted on the Electronic Privacy Information Center website†, TIA is funded at $240 million through fiscal year 2003 (despite Defense Department Undersecretary Pete Aldridge's statements on November 20 that the amount was only $10 million per year).

Of course, technology is neutral, with any technology capable of good or bad applications by the user. Some of the voice recognition, automatic translation, and other TIA technologies being developed, like the Internet, have applications that would be socially desirable both in the fight against terrorism and in other private sector uses. For example, the "Babylon" project envisions, on a small and more selective scale, something like the "universal translator" familiar to Star Trek fans: an earpiece combined with a battle-hardened Palm Pilot-like device allowing two-way natural language translation for soldiers in the field, beginning with "low-population, high-terrorist-risk" languages. Given the special difficulty of detecting and quickly responding to and reducing casualties from bioterrorism, the Bio-Surveillance project's work on early detectors, ranging from medical data to "animal sentinels" (operating on the "canary

*Sorry, Al.

†www.epic.org/privacy/profiling/tia/budget.html

in a coal mine" principle) is also most welcome. The "Genoa" project to facilitate sharing and analysis of data, already legally available, also sounds prudent and helpful, since the failure to predict and stop 9/11 mainly resulted from the government's failure to do just this.

But, as with any technology, placing it in the hands of an untrustworthy or malevolent operator (e.g. Poindexter) raises concerns. A program going by the acronym "EARS" (Effective, Affordable, Reusable Speech-to-Text) aims at more powerful automatic transcription, allowing the government to transcribe more effectively large quantities of audio information — overheard conversations, radio broadcasts, or telephone intercepts — into easily absorbed written text. Another program would automatically extract, summarize, and translate critical information from large quantities of foreign language speech. Still another program, on "Evidence Extraction & Link Discovery," will automatically search Web pages, text messages, phone calls, email, and other data sources, to identify patterns between people that could reveal terrorist activity. "Genoa II" will facilitate "human-machine decision collaboration" to solve complex problems more quickly and reliably. The Human-ID-at-a-Distance program will use cameras and biometric identifiers (e.g. recognizing you by your face, gait, and/or iris, using visible or infrared means) to automatically spot terrorists from afar. (DARPA had also considered but withdrew under pressure a plan to tag all Web communications with biometric identifiers ("eDNA")).

At TIA's core is the "Genysis" project to create the "mother-of-all-databases." The appeal of "anything, anytime, anyplace" knowledge sounds empowering when it's the common vision (as it is) of software, media, and communications companies, relating to individual productivity, control, and effectiveness. The feelings it inspires when inverted to empower government *against* individuals are not quite the same. God-like omniscience in the hands of a perfect God may be a fine thing, but in the hands of imperfect humans running already-powerful governments, the prospects of such additional power are truly frightening in ways that the American public and lawmakers don't yet appreciate. The long-term harm could be even more serious than the national identification card and the TIPS informant programs outlawed in the Homeland Security Act.

The Genysis database would allow the government to plumb all sorts of public and private information, from all the transactions you engage in, your observed actions, the noises you make, and, yes, even the thoughts you think.

There has never before been an effort to analyze data on the scale contemplated by Poindexter's initiative. "Genysis" aims to develop an "ultra-large, all source, omni-media, virtually centralized, information repository database." DARPA is loathe to suggest it would be anything like the puny commercial "databases" of today's world. (The TIA website says they use the term "database" merely "for lack of a more descriptive term.") The contemplated database would seem to aim at a near infinite capacity, for input of as much data as possible about everyone. A "key metric" described in documents on DARPA's website* is "the amount of total information that is potentially covered." (Great fodder for "Saturday Night Live" and other comedians, but George Orwell might warn you to stifle the laugh.) In case you had any doubt, we're talking the BIGGEST DAMN DATABASE IN THE HISTORY OF THE UNIVERSE. Oracle's Larry Ellison must be filling swimming pools with saliva, drooling over this (now there's a pretty image for you).

This database ("for lack of a more descriptive term") would allow the government to plumb all sorts of public and private information, from all the transactions you engage in, your observed actions, the noises you make, and, yes, even the thoughts you think, to enable the government to rapidly "detect, classify, ID, track, understand, and preempt" terrorists. This would naturally include the manifestations of your thoughts in the email or mail you send, other text you write, books you check out, or websites you surf, but there actually have been and remain government programs to read your thoughts, ranging from the Defense Department's famous psychic weapons detection programs to "non-invasive neuro-electric sensors" being considered for use in aviation security. You may think I'm kidding, but check out www.epic.org/privacy/airtravel/foia/foia1.html. They plan to use XML (Extensible Markup Language) or successor languages to facilitate interoperability between all these diverse databases.

Among the disparate databases to be connected (from the TIA website) are financial, educational, travel, medical, veterinary, transportation, housing, government, and communications databases. These will be complemented by "novel methods of populating the database from existing sources" (this already sounds a bit kinky) as well as creation of "innovative new sources." (Blockbuster soft-porn video rental records?) Again, you may think I'm joking, but I'm not: some of the al Qaeda operatives were apparently into porn, and we know that several visited a strip club before 9/11; this database would attempt to extrapolate from the conjunction of such facts with, for example, immigration entry from Saudi Arabia, telephone calls to Afghanistan, and purchases of guns or religious books, to identify terrorists.

I wrote in these pages last year† that the administration's "preemption" approaches at home and abroad reminded me of the science fiction writer Philip K. Dick's dystopian visions, rendered on the silver screen in such memorable movies as *Bladerunner*, *Total Recall*, and most recently, the Tom Cruise-Steven Spielberg collaboration, *Minority Report*. One of the TIA programs — "Wargaming the Asymmetric Environment" — really sounds like the Pre-Crime Unit in that last movie: it would aim to "predict and act against" terrorists based on models of past behavior in their political, cultural, or ideological environment. In other words, mere

*www.darpa.mil/iao/index.htm

†"A Glimpse Ahead," September 2002

suspicion of possible future terrorist activity based on past activities, including guilt-by-association, could result in present preemptive action. Again, while the specific preemptive methods used aren't tied to the technology and haven't been announced, one can imagine that, in the case of serious terrorist threats, the force used could be extreme. Not that we don't need strong actions against true terrorists: we do. But our Constitution and Bill of Rights are intended to ensure that innocent people are not wrongly harassed and ensnared in the fight against criminals and terrorists. As Marc Rotenberg, Executive Director of the Electronic Privacy Information Center recently told *Business Week:* "TIA is not likely to be an effective way to prohibit future terrorist acts, but it will have an enormous impact on the government's ability to monitor things not related to terrorism."

Hitler routinely used the innocently created government records of the countries he invaded to determine and eliminate groups and political opponents he didn't like.

Even if TIA's basic projects are feasible (and substantial technical challenges persist, as further discussed below), you're right to ask yourself whether the benefits from such unprecedented government surveillance would outweigh the costs. The only thing scarier than the current TIA plans, which are unlikely to work, is if the government comes up with ways to make TIA work. For, once that occurs, the proliferation of lost liberties will continue, as pressures build for TIA to be turned to other purposes perceived as benign, like fighting crime, collecting taxes, or protecting the rich from the poor. In the meantime, by encouraging excessive faith in technology and overconfident complacency, it's highly likely that this "ultimate system" will result in even more massive intelligence and security failures than those occurring in connection with Sept. 11.

"Trust Us"

TIA is supposed to be merely a research and development project, and in a recent Defense Department briefing, Undersecretary Aldridge stated that the project won't use real-life data. The website and related documents, however, emphasize developing "useable tools" and "leave-behind prototypes" that can be "stress-tested in operationally relevant environments," and both the website and subsequent reports make clear that various agencies actually have and are testing TIA technology in the field, with real data. As the *New York Times* reported, "a prototype is already in place and has been used in tests by military intelligence organizations."

The program architects say that they will try to "create privacy filters, 'aliasing' methods, and automated data expunging agents to protect the privacy of U.S. citizens, and those not involved with foreign terrorists." The idea would be that data can only be viewed in an "anonymous" fashion unless a certain individual's activity merits closer scrutiny, at which time that individual could be "unmasked." Undersecretary Aldridge says "we're designing this system to ensure complete anonymity of uninvolved citizens." But note the unintended irony in his answer to a reporter's question at his briefing last fall:

> Q: I'm sorry, I don't understand one piece of this. Is this entire program based on totally fabricated data? In other words, it's all hypothetical?
>
> Aldridge: There's some real data that we use, but it's normal data that's available legally. The privacy issues, those will be fabricated stuff.

Perhaps it was a normal slip of the tongue rather than a Freudian slip, but ordinary people will take little comfort that "the privacy issues . . . will be fabricated stuff," or that proven liar Poindexter is responsible for assuring that such protections are built in to the system. After all, he and Ollie North got into trouble in the first place because they failed in their attempt to delete all copies of 5,000 Iran-Contra emails.

In addition to dispensing comfort that the system design will ensure privacy (though, of course, any system can be hacked by someone, if only the system designers), we're told we can rely on the Ombudsman within the TIA office (who works for Poindexter) or the Chief Privacy Officer or Civil Liberties Officer within the new Homeland Security Department (who works for Tom Ridge in an agency whose mission is security, not privacy or liberty).

Here's Aldridge again:

> Q: Every time they use a telephone, that call enters the database. And if it is voice recognition, for example, then that enters the database, hypothetically, right?

Many people agree with Sun Microsystems CEO Scott McNealy: "You have zero privacy. Get over it."

> Aldridge: Hypothetically, yes.
>
> Q: How is this not domestic spying? I don't understand this. You have these vast databases that you're looking for patterns in. Ordinary Americans, who aren't of Middle East origin, are just typical, ordinary Americans, their transactions are going to be perused.
>
> Aldridge: Okay . . . Once that technology is transported over to the law enforcement agency . . . [w]e'll have to operate under the same legal conditions as we do today that protects individuals' privacy when this is operated by the law enforcement agency.

So the final bastion that Poindexter and his colleagues point to are the privacy laws in this country — as if the protections offered by those privacy laws were in fact extensive and effective, as if they weren't already substantially eroded in the past year and a half by the Patriot Act then the Homeland Security Act, as if businesses will routinely litigate or stand up to heavy government pressure in the name of security to disclose our information, and as if such laws aren't likely to be even further eviscerated when the next terrorist attack happens (as it surely will). Again, I'm not as much a fan of "Saturday Night Live" as I was in its early

days, but if they haven't already done a sketch on such a cruel joke, they should. The sad reality is that U.S. privacy laws have never been very strong, and have recently been weakened considerably. Consequently, some businesses will insist on a government subpoena before complying with government requests for data, but many businesses will roll over in the face of "national security" requests from "the government," and all will be struggling to define the limits of their rights and responsibilities in the current environment.

The idea of a constant swarm of nanobots constantly monitoring our actions raises serious questions about technologies concentrating even more centralized power within the Leviathan.

If the privacy law argument doesn't reassure you, Poindexter, et al. have another one up their sleeve. Invoking the mantle of technology's "neutrality," they assure us that it's not the technology as much as the *use* of the technology that needs oversight and monitoring. And, they say, effective oversight, e.g. by the agencies using it or by intelligence and armed services committees of Congress, would be more than adequate to protect our lives and liberties. But oversight by one of the agencies using the technology, especially in an administration with as much a penchant for secrecy as this one — which has clamped down on freedom of information act laws and continues to litigate issues such as disclosure of the documents showing Enron's influence on our energy policy — will not be adequate. Neither history nor human nature afford much comfort on this score. One need not invoke Lord Acton's dictum that power corrupts to recall that the history of data records used by defense and intelligence services in this and other countries is replete with instances of records manufactured for innocent purposes, then being warped to nefarious ends by government officials. Hitler routinely used government records in the countries he invaded to determine and eliminate groups and political opponents he didn't like. J. Edgar Hoover, in this country, notoriously abused surveillance and information nominally obtained for national security purposes to persecute communists, suspected communists, anti-war activists, or merely political opponents like Martin Luther King — all despite theoretical oversight from other branches of government. Attorney General John Ashcroft, Presidential spokesman Ari Fleischer, and others in the administration have already suggested that those who disagree with them are aiding and abetting the terrorists.

Undersecretary Aldridge is quick to point out that Poindexter was merely the father and current director of the TIA project, whose "enthusiasm" for the idea "is why we developed and started to fund it." For a hint of Poindexter's enthusiasm, take a look at the logo from his slide presentation describing TIA (see page 25).

Aldridge says that Poindexter would not (necessarily) be the one using these tools. But even if that's true, and who knows whether it will be or not, how many other Poindexters, or Nixons for that matter, might be empowered?

In fact, throughout history, government is responsible for more atrocities and abuses of liberty than any private group. The bottom line is that oversight has never adequately prevented such abuses, especially when there is a real climate of fear insulating government privacy invaders from criticism. As we all know, once technological capabilities exist to ignore or undo safeguards, the temptation to use the technology's full power can be overwhelming. With Poindexter's proven mentality of "the end justifies the means," why would anyone trust him to put adequate protections in place?

While no one would question these technologies applied only to terrorists, the problem is that they're premised on probing all sorts of mainly innocent data transactions, using automated computer algorithms to pick out what seem to be patterns of terrorist activity (but could just as readily be, and would almost always be, completely innocent interactions and relationships).

Unfortunately, many in the establishment seem to agree with the quote attributed to Sun Microsystems CEO Scott McNealy: "You have zero privacy. Get over it." For example, the recent, well-intentioned Markle Foundation report*, constructed by luminaries including many with whom I've worked and otherwise respect, seems to have largely caved in on the substance of privacy issues, while paying rhetorical homage to the need to respect privacy and liberty. The report, in several places, praises the initiatives and approach of Poindexter's office, and proposes guidelines for accessing public and private databases that rely on a standard of mere "relevance" to terrorism in the eyes of government officials, whose discretion we're again supposed to trust, and seems to assume without question that even private databases must be open to government searches. This would make McNealy's statement, which was really an overstatement at the time, a reality. At least the Markle report must also be given credit for other language preferring narrower approaches using existing information (e.g. watch lists) to fishing expeditions aimed at gathering as much new data as possible.

Humans are notoriously complex animals, and unlike most consumers, terrorists know how to adapt, to fit in and hide by behaving like innocent individuals.

"We Are Experiencing Technical Difficulties"

The technical challenges involved with TIA, especially the Genysis centerpiece, are immense. They stem mainly from the sheer ambition of the project and size of the

*www.markletaskforce.org

planned virtual database, which compounds the impact of the data quality and interoperability challenges that even ordinary data mining efforts face. There will, of course, be more errors as the quantity of data input from the U.S. and around the world is drastically expanded. Not only could real terrorist activity be harder to detect (the old needle in a haystack problem suddenly becoming one of a needle in an ocean of constantly flowing data); with that much more data flowing through the system, there will likely be many more "false positives" (innocent people erroneously labeled terrorists). To the extent that law enforcement depends in part on legitimacy and cooperation from the population, such a result could not only be of dubious value, but actively counterproductive.

As an example of the sorts of errors that could occur, consider more deeply those credit card fraud detection programs. If you're like me, and travel a lot, you've probably received what seem to be ceaseless calls — "your card was just used in Moscow, a day after it was used in Amarillo" — which, at least in my experience, have never once accurately predicted fraud. This is because the programs rely on automatic analysis of patterns of activity, and are actually pretty rigid. Since some credit card thieves travel around, businesspeople like me are "false positives" and have to put up with all the calls. The system never seems to learn about and adapt to my own patterns, even though I'm a good customer.

In addition to expected errors resulting from the automated systems doing what they're supposed to do, unexpected problems will result from inevitable human error, misuse, and abuse of the information. Recent examples coming to mind include White House Political Director Karl Rove's lost slides providing instructions on how to exploit the war for political gain, or the Navy's loss of a dozen computers containing classified information. These accidents caused embarrassments and are real security breaches. In addition to technical mistakes from the errors in data quality plaguing databases of all kinds — e.g. misspelled names, outdated addresses, unintended variations in formats for data entry — there are common human errors stemming from incorrect interpretations of the data. An example of this is the number of completely innocent people that have missed funerals or pressing business when they've been prevented from flying, because they happen to have names that are similar to those names on the government's controversial "no-fly" list. That list itself illustrates still another example of human error: it has overreached to include not only known terrorists, but also peace activists and some who are guilty of nothing more than dissent against government policies. This, in turn, goes to a core problem with governmental infringements on privacy: they present you out of context, often without any ability to rebut the government position with more accurate, rich details of your own life. We become who the machines, and the government agents interpreting their output, say we are.

In November of last year, an un-manned CIA Predator robotic probe "took out" six suspected al Qaeda members in Yemen, including a U.S. citizen. No evidence was produced, and it is unlikely any ever will be, that confirms any ties between these individuals and al Qaeda, which was one reason some critics classify this as an extra-judicial assassination rather than a targeted killing, legal in wartime. Certainly, the lack of due process raises concerns, as execution is more serious than detention without trial or mere surveillance. This is especially so since the same approach could easily be used within the United States as well as abroad (recall how the military was deployed to assist with the recent sniper attacks in Washington, D.C.). Unmanned flying vehicles like the Predator are shrinking all the time, and reportedly are already being considered for use in the U.S. to help with border patrol and search for suspects. DARPA has already funded programs for nanotechnology "bots" which at insect-size (and approaching molecular size) can individually or in "swarms" monitor and wirelessly communicate about activities, or, in the future, even come together to use collective intelligence to deploy a weapon against foes. (Check out science fiction writer Michael Crichton's new novel, *Prey*, which, like most of his work, is based on sound science projected a few years into the future.) Needless to say, the idea of a constant swarm of nanobots joining the increasingly ubiquitous net of audio and visual sensors, GPS location devices, and wireless networks constantly monitoring our actions raises serious questions about technologies concentrating even more centralized power within the Leviathan. The ultimate nightmare would be automated detection technologies hooking up with automated "preemption" technologies to have the war of machines against humans that's at the heart of "The Matrix" films and many other science fiction scenarios.

I expect that some people, upon learning of my concerns, will accuse me of being a Luddite. But the charge has no basis. I've always been an "early adopter" of technologies, am a gadget freak, and have invested in and helped to lead several startup companies based on the sort of pattern recognition, voice recognition, and database and data-mining technologies sought by TIA. These technologies, which include advanced computing methods like artificial intelligence, neural networks, genetic algorithms, and evolutionary computing, can substitute for or provide invaluable software add-ons to the old massive supercomputers or "big iron" previously used to analyze reams of complex data and predict outcomes. My experiences with such technologies has taught me their huge potential in limited contexts, mainly related to such areas as consumer marketing, retail-

ing, and financial services. I'm familiar with behavioral modeling in these contexts, and the power of real-time, dynamic pattern recognition operating on large, complex, non-linear data sets to enhance event prediction and decision optimization (yes, we really talk like this). Frankly, the documents on the TIA website read like a bad dot-com business plan for the anti-terrorist boom times, strikingly similar to the many actual dot-com business plans I've had the pleasure of reading and quite a few in which I regret to say that I invested. (I hope Congress and American taxpayers do not make the same mistake.)

But I'm also acutely aware of the limits to and hype associated with some of these technologies and approaches, and the many flaws in assuming that the technologies can be transplanted wholesale to other contexts and expected to be used effectively against terrorism, for example. Poindexter's response would be that the very nature of the "revolutionary" technologies pursued by TIA and DARPA is to transcend these limits. Maybe . . . but could it be at the cost of ultimately fomenting another American revolution? The challenges of using technology to predict human behavior are toughest of all — even when the humans aren't terrorists trying to outsmart you.

Humans are notoriously complex animals, and unlike most consumers, terrorists know how to and can be expected to adapt, to fit in and hide by behaving like innocent individuals. But while terrorists will continue to do so, the 99.9% of innocent individuals won't evade the system so readily. Pentagon spokeswoman Jan Walker says that "People have to move and plan before committing a terrorist act. Our hypothesis is their planning process has a signature." Poindexter similarly argues that terrorists leave "fingerprints" that TIA aims to detect. The problem is that this fundamental assumption, which underlies the entire TIA project, may simply be untrue. The U.S. experience with terrorism, particularly "global terrorism" of the sort represented by al Qaeda, remains very thin — probably too thin to provide a meaningful model.

We certainly had quite a bit of information prior to the September 11 attacks themselves that, properly shared and analyzed, could have tipped off authorities to the planned attack.

A Better Way

After the appalling intelligence failures leading up to Sept. 11, the government clearly needs to do a much better job with the information and resources it has. And certainly the government should not be encumbered by outdated computer systems that don't allow them to perform their essential and legitimate functions. It's far from clear, however, that they need the expanded powers granted them in the Patriot Act and Homeland Security Act, let alone the TIA project. The absence of those powers wasn't the reason for the intelligence failures, and granting the powers endangers the liberties we are supposed to be defending in this "war on terror."

It would have been far preferable to have already had a thorough and independent investigation of "what went wrong" prior to taking all the draconian measures taken, and certainly would have been more conducive to pinpointing and addressing the actual problems. Instead, the Congressional hearings on the matter were delayed and truncated, and the independent investigative commission belatedly established is likely to be no more than another self-justificatory, "feel-good" measure offering merely the illusion that something meaningful is being done.

Given that the intelligence agencies already receive much more data than they know what to do with, will the solution really be found in dramatically increasing the inflows of that data?

Intelligence agencies proved themselves grossly incompetent, as they have in other contexts, like evaluating Soviet Union strength or Saddam Hussein's nuclear capabilities.

We certainly had quite a bit of information prior to the September 11 attacks themselves that, properly shared and analyzed, could have tipped off authorities to the planned attack. This included information from the CIA (never transmitted to the FBI) about two of the hijackers who had attended U.S. flight school (Khalid al-Midhar and Nawaf al-Hazmi) and entered the U.S. in early 2001; the FBI's July, 2001 "Phoenix Memo" warning that bin Laden's agents might be training in U.S. flight schools; the Minneapolis FBI's August investigation of Zaccarias Moussaoui for suspicious flight school activities, which was never connected to the previous bits of information; and two Arab language intercepts of al Qaeda transmissions by the National Security Agency from the day before the attacks, indicating "tomorrow" to be "zero day" and the day "the match begins," which were not translated until September 12 due to the paucity of Arabic language translators in U.S. intelligence. Republican Senator Arlen Specter of Pennsylvania, a former prosecutor, has said that in his professional judgment this was not merely a job of "connecting the dots," but a "virtual blueprint" for the attacks that was more than sufficient for the intelligence agencies to have spotted the plot.

Improving the sharing of relevant data between intelligence agencies, and improving their abilities to "mine for gold" in the vast storehouses of data already collected, could clearly have dramatic payoffs in preventing terrorist attacks by focusing on *important, quality* data. But vastly expanding the *scope* of data collected to more broadly encompass the activities of innocent Americans or foreigners is a very different thing, worrying even Newt Gingrich, not to mention others from across the political spectrum. Given that the intelligence agencies already receive much more data than they know what to do with (already exceeding *each day* all

the printed pages in the entire Library of Congress), will the solution really be found in dramatically increasing the inflows of that data? This will gather in what everyone acknowledges will be 99.99% irrelevant "noise" instead of the focused "signals" of actual terrorist plots, and is unlikely to help combat terrorism. Rather than exponentially increasing the problem by having TIA looking at the whole universe of all activity by all innocent people, why not focus on terrorists, starting with those on the watch list, i.e. those whose behavior makes them true suspects? Since we know that several of the hijackers were on the terrorist watch list but entered the country nonetheless, isn't it a much more urgent priority to correct the human and technology problems that resulted in such obvious snafus? A more targeted approach would both be more effective in combating terrorism, as well as more protective of our liberties, particularly in this climate of expanding executive discretion and diminishing legislative and judicial protections for those liberties.

Citizen, vs. Government Awareness, Needed

The mind reels at the many ironies in TIA being pushed by the Bush administration, which, as nominally conservative, supposedly believes in limited government, private enterprise, and market-tested solutions. Instead of limited government, TIA is the most intrusive government surveillance project in world history. Instead of supporting the privacy and trust that underlies e-commerce, and the magic worked by private enterprise, TIA would obliterate those values and slap the invisible hand that's feeding it and all (or most) of us. Instead of market-tested solutions, TIA chooses to impose radically intrusive, top-down technological solutions assuming that government planners know best, spending reams of taxpayer dollars to create a deceptive and vicious cycle that legitimates those technologies without evidence and stifles dissent and meaningful discussion and pursuit of more effective approaches. Does it not occur to Bush or the government planners that America's distinctive values, dynamism, and very identity might be gravely harmed by these moves toward a society of such constant surveillance and control?

In a time of such great fear some strong security measures are inevitable, divorced though they might be from genuine security needs or measures that would truly enhance security. But once enacted, they tend to stay. Their impact on culture is often not appreciated. The U.S. is distinguished by our love of individual liberty. To thoughtlessly sweep away that liberty in an illusory quest for more security is to undermine, in fundamental respects, who we are. And this special American identity and culture will hardly be the last, or the only, social cost. One can easily foresee a world in which offhand comments about religion or politics are detected and lead to your being hauled in for interrogation by Ashcroft or his successors. Or a world in which you're forced to smile at home or work because if you don't, the sensors (and censors) will pinpoint you as a malcontent who doesn't adequately appreciate this great country of ours. George's World. (Bush or Orwell? The difference is fading.)

Why haven't more Americans protested these violations of our fundamental freedoms? Part of the reason is simple ignorance: in a climate where even the lawmakers passing these bills admittedly don't read them before they become law, it is tough to expect average citizens to care much. An abstract notion like "privacy" may seem expendable when compared to the alleged tangible anti-terrorism benefits we derive from giving it up. But this underestimates the importance of privacy, which means in practice the autonomy and freedom from government interference that runs throughout all the most important provisions of the Bill of Rights. Part of the reason is also fear, as an extraordinary sense of new vulnerability seems to justify and even demand extraordinary actions. And part of the reason is a pervasive but misplaced confidence that these violations happen only to "others" and that we are not all at risk. Yet without the procedural protections in the Bill of Rights to serve as a check on the quality of decision-making, any of us could easily be wrongly accused without any way to defend ourselves. If history teaches us anything, it teaches that infringements on the liberties of the few quickly become infringements on the liberties of the many. As Justice William O. Douglas said: "We in this country . . . early made the choice — that the dignity and privacy of the individual were worth more to society than an all-powerful police." Whatever technologies or approaches the government adopts should be strenuously tested in light of our values and liberties.

Does it not occur to Bush or the government planners that America's distinctive values, dynamism, and very identity might be gravely harmed by these moves toward a society of such constant surveillance and control?

Despite all the 20th-century rhetoric about "totalitarianism," sheer geographic size combined with technological limitations and the complexity of unpredictable human behavior to frustrate the worst ambitions of petty tyrants, though plenty of horrors happened along the way. 21st-century technology, however, for the first time offers a way to transcend the previous physical limits on surveillance by means of the already ubiquitous and ever-expanding electronic networks monitoring our public and private activities, and the new capabilities TIA is pursuing (like voice recognition, biometric identification, automatic translation, and data management) that allow gleaning much more knowledge from that surveillance information. Linking together and mining these data sources on which we depend to communicate, do business, relax, and interact, would make "totalitarian information awareness" a real possibility. It's clear that in the current climate it's not safe to rely on any one branch of government to guard our most basic liberties, but that, as always, strong dissent and citizen action, protest, and vigorous lobbying, is the best defense. Otherwise, like the characters in Orwell's *1984*, soon we won't know whether we're watching our televisions, computers, or even the fair blue sky or the artificial lights at night — or whether they're watching and listening to us. ❑

Am I a Libertarian?

by Brink Lindsey

Two very different libertarianisms jostle uneasily together under a common label. Though they generate broadly similar answers to many current policy questions, they are sometimes as different as Mises and Rand.

Am I a libertarian? I call myself one, but some people hotly deny that I have a right to do so. Which raises the question: what's in this particular name? Who deserves the "libertarian" label, or who deserves to be stuck with it?

My libertarian credentials would appear to be fairly solid. I work at the Cato Institute, which is generally acknowledged to be the leading libertarian think tank in the country. And I'm a contributing editor of *Reason*, the country's most-read magazine of libertarian opinion. Yet I'm sometimes told by self-described libertarians that I'm not a member of good standing in their club, and, some days at least, I tend to believe them. What gives?

The people who contend that I don't deserve to call myself a libertarian argue that some of my political views are un-libertarian. Specifically, I support military action against Iraq, a position that has put me at odds with many (though by no means all) of my fellow libertarians, including the foreign policy scholars at the Cato Institute. And the disagreement goes beyond Iraq: although I am by no means a knee-jerk interventionist, I do believe that sometimes the projection of American military power abroad is necessary to safeguard American lives and advance American national interests.

Meanwhile, on the domestic policy front, I hold a range of views that many self-described libertarians consider to be, for lack of a better word, heretical. I support some types of health, safety, and environmental regulation, as well as tax-funded spending programs to aid the needy, educate the young, and ease the burden of economic dislocation. That is not to say that I support anything like today's regulatory and welfare state; on the contrary, I favor a dramatic retrenchment in government spending and controls. But I do not believe that the "minimal state," much less anarchy, is the desirable end point of reform.

If some libertarians are uncomfortable with me in their movement, let me say that the feeling is mutual. When I describe myself as a libertarian, I usually hasten to add some kind of qualification. For example, I'll say that I'm a 'small-l' libertarian, meaning that I disavow any affiliation with the Libertarian Party, which I consider to be an embarrassment. Even beyond the matter of the political party, the fact that so many self-described libertarians are hard-core ideologues makes me ill at ease when using the l-word to identify myself. Dogmatism, rigid orthodoxies, "excommunication" of "heretics," the narcissism of small differences, these are the vices to which ideologues of all stripes are prone, and in my mind they have precisely zero to do with the true spirit of liberty. What place do I have or want to have in a movement in which such vices seem to be fairly widespread?

But here's my problem, and the problem for all the anarcho-Savonarolas who want to read me out of libertarianism: if I'm not a libertarian, what am I?

Am I a conservative? Let's see; I support the legalization of drugs and prostitution, abortion on demand in the first trimester, and the use of early-stage embryos in scientific research. I think that a flag-burning amendment and the res-

toration of prayer to public schools are dumb ideas. I don't subscribe to any organized religion. And I'd argue that much of the social and cultural ferment of the 1960s was positive. You think the conservatives will have me?

Am I a liberal? Calling myself a liberal in early 21st-century America doesn't make much sense. I support a flat tax, full Social Security privatization, and school vouchers. I can call myself a free-market liberal, and I sometimes do, but that still doesn't clear up the confusion. After all, I'm for capital punishment, and I oppose racial preferences. I favor restrictions on abortion after the first trimester, and an outright ban on late-term procedures. And I find bobo prejudice against red-state America to be insufferable. Who will understand what I mean when I call myself a liberal? (Yes, I've tried "classical liberal," but most people don't have the slightest idea what that means, and furthermore, the term suggests a backward-looking nostalgia for some mythical golden age that strikes me as both bad marketing and out of sync with what liberty is all about.)

There's no need to worry in our day and age about giving away the store to the collectivists. They run the store already.

Two Libertarianisms

The root of the problem is that there are two very different libertarianisms jostling uneasily together under a common label. Call the first one radical or utopian, and the second pragmatic or reformist. Though they tend to generate broadly similar answers to many current policy questions, their philosophical underpinnings are miles apart.

The radical libertarian vision starts with an abstract ideal: a polity in which government's sole function is to protect individual rights to life, liberty, and property. A "true" libertarian, in this view, is someone who upholds this ideal as the *summum bonum*. True libertarians may get their hands dirty in the real world and advocate incremental reforms, and they may even be coy about their long-term hopes, but when pressed they must declare their allegiance to the ideal. Any deviation from the ideal, any support for any extension of government's proper role beyond rights protection, is seen as impure and compromised. Such deviations represent concessions to statism; they "open the door" to relentless and limitless expansion of Leviathan.

Pragmatic libertarianism, on the other hand, starts with the status quo in all its wretched messiness. Reformists share with their radical confreres a moral commitment to the sanctity of individual rights, and a deep appreciation of the fertility of competition and the limits of centralized control. But reformists apply their principles in a very different way: not as blueprints for an ideal society, but as guides to incremental reform. As to the precise outlines of an ideal society they are agnostic or even indifferent. For them the goal is expanding the real-world frontiers of liberty, not spinning utopias.

Pragmatists do not measure a person's libertarianism on the basis of doctrinal arcana, by whether he supports fully privatized roads, for example, or the elimination of compulsory vaccinations even during epidemics, or the repeal of laws against blackmail. That anyone would actually hold such positions, or, worse, use them as litmus tests, strikes the pragmatic libertarian as crankish and bizarre. No, reformist libertarians determine their allies on the basis of the major issues of the day. Does a person support reforming the tax code to shift its focus away from social engineering and toward raising revenue in the least burdensome way possible? Does he support the phase out of pay-as-you-go public pensions? Does he support measures that would subject the public school monopoly to vigorous competition? Does he support a move away from drug prohibitionism? These are issues that matter, and all those who are willing to join in these causes are welcomed as fellow reformers, not scrutinized for hidden heresies.

Pragmatic libertarians do not worry that their acceptance of a broader role for government concedes some vital principle. Radicals charge that anything short of complete ideological consistency creates openings for the statist impulse to take root and then run rampant. It's a concern that might make some sense if we were currently living in a libertarian polity and were worrying about setting dangerous precedents. But, hey, here's a news flash: that libertarian polity is nowhere in sight! There's no need to worry in our day and age about giving away the store to the collectivists; they run the store already, folks, and our job is to convince them to give it back. Appealing to them on the ground of principles that neither they nor the vast majority of the American public share (for example, that the state has no proper role at all in education, or in safeguarding against destitution among the elderly) is not, in my view, the most effective strategy.

Utopians Get Nowhere

Reformist libertarians eschew utopianism, not because they are less intellectually rigorous than their radical cousins, but because they are more intellectually rigorous. A utopia of pure rights protection, upon careful scrutiny, turns out to be a will-o'-the-wisp. Let's start with examining one niggling little problem: that full-fledged protection of property rights is incompatible with industrial civilization. In the normal common law of property, we are able to enjoin trespassers from coming onto our property, even if their trespass causes us no tangible harm. If I own a 5,000 acre spread, and my neighbor makes a daily practice of stepping onto one far corner of it, I can go to court and get an injunction ordering him to stop it. So if that same neighbor runs a factory that sends effluents into the air over my spread, I should be able to stop that, too. I shouldn't have to prove that it constitutes an

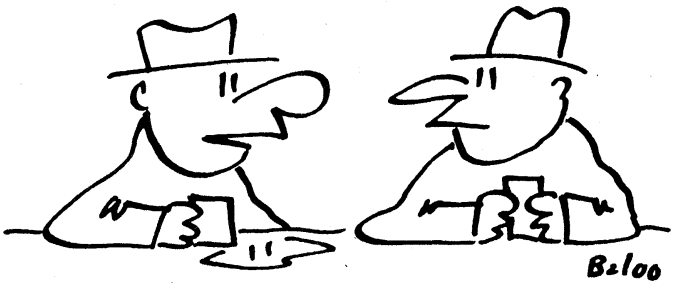

"That's okay, but your best bet is to leave your worries on somebody else's doorstep."

"unreasonable" nuisance; I shouldn't have to prove that it imperils my health; the only thing that should matter is that there is a trespass on my property that I don't like. Which means that all it takes is one property-owning green zealot per airshed to shut down the whole economy.

There are many other ways in which property rights are bent to further the public good of economic development. How about the common-law refusal to enforce cartel agreements? A purist regime would enforce those contracts as a matter of course, which would throw all those free-market arguments about how cartels are inherently unstable right out the window. Many humdrum, totally-taken-for-granted laws subordinate rights protection to economic considerations: the restriction of damage awards to compensation for "foreseeable" harm, limited tort liability for corporations, adverse possession, the rule against perpetuities, bankruptcy law, first-to-file title rules, and the protection of good-faith purchasers of negotiable instruments. Straighten out all these little deviations from utopian purity, and kiss the modern industrial economy goodbye. I'm afraid that most radical libertarians simply haven't thought through such issues, or, worse, that they maintain their utopian faith by willful blindness to its many inconvenient complications.

Although a regime of legal protection of individual rights is one of the greatest achievements of civilization, and the surest basis of most of the rest, nonetheless it is not a project that can be pursued with unswerving consistency, at least not with results that would be broadly acceptable. More basically, the project of securing individual rights cannot even be launched without a political decision to embrace certain values at the expense of others. Rights theorists argue that rights ultimately can be justified as compelled by reason, and I have a good deal of sympathy with that argument. But such an argument, even if successful, still leaves unanswered a fundamental question: why be reasonable? Why value a system based on reason over one based on other human values or needs?

Dogmatism, rigid orthodoxies, "excommunication" of "heretics," the narcissism of small differences are the vices to which ideologues of all stripes are prone, and they have precisely zero to do with the true spirit of liberty.

Clearly there are alternatives: people have been unreasonable throughout most of history. A Wahhabi imam believes unbending adherence to the Shari'a makes for the ideal social order, and reason isn't going to convince him otherwise. Indeed, he believes that unbridled reason is an evil to be combated. Ultimately, then, the case for liberty is an assertion of values: a society in which liberty is the primary political value is a better society than the alternatives, both because liberty is intrinsically valuable and because it is a potent instrument of our other values.

But, if people in society achieve a consensus on the primacy of liberty and then deploy the coercive powers of government to uphold that value, it should not be surprising that they want to assert other values through collective action as well. In my view, therefore, the only intellectually defensible libertarian position is that liberty should be the primary political value, and that other values should supplement rather than supplant the sphere of voluntary activity or civil society. I don't think the position that liberty is or ought to be the exclusive political value is tenable.

Where to draw the line on which subsidiary values can be recognized, and how, is not a question susceptible to principled resolution. There are no analytically sustainable bright lines. Rather, such questions are matters of judgment. It is inevitable that people will disagree on these judgment calls.

For the libertarian alternative to really gain ground, it must fashion a message and a program that begins, not with unworkable ideological contraptions, but with the here and now of political reality.

But the general principle of liberty as the highest political value is something that unites us all and defines us as libertarians.

Pragmatism and Modesty

Libertarians of the pragmatic variety are no less fervent than their radical friends in their dedication to liberty. They are, however, much more modest about the nexus between liberty and any abstract ideological formulations. For utopian libertarians, "true" liberty is a kind of Platonic form, an imagined state of affairs that conforms exactly to a specific conception of individual rights. In the pragmatic vision, by contrast, liberty is, at bottom, an actual civilizational achievement that has historical existence and that we enjoy, to a greater or lesser extent, in our daily lives. Abstract principles of individual rights and market competition shed light on real-world liberty and serve as tools to help us protect liberty and, with luck, foster it. But libertarian principles, like all human concepts, are reductions of human experience; they are partial truths, necessarily incomplete. They are maps to guide our action, but we should always remember that the map is not the same thing as the territory it describes. All maps leave things out; all maps have distortions. And so, when we use our libertarian principles, we should satisfy ourselves with plotting the day's journey; it is folly to presume we can know the location of some ultima Thule at the end of all history's travels.

The intellectual modesty of reformist libertarians includes the realization that there is not a "correct" libertarian answer to every contemporary public policy question. All libertarians agree about the importance of property rights, yet they can disagree, and disagree fiercely, about how to define those rights in certain instances (for example, intellectual property) and what to do when workable property rights are impossible to assign (for example, in the case of rights to clean air). And

continued on page 38

Freedom and the Wolves

by Timothy Sandefur

"No . . . law denying or impairing the right of property in negro slaves shall be passed."
— Constitution of the Confederate States of America, Sec. IX cl. 4

"*Though it cost the blood of* MILLIONS OF WHITE MEN, LET IT COME. *Let justice be done, though the heavens fall.*"
— John Quincy Adams (on the possibility of war to free the slaves)

Although I am honored by Joseph Sobran's compliment, that I make "a better case" against the Confederacy than Lincoln did, I must decline it. My articles have done little more than reword Lincoln's July 4, 1861 message to Congress.

Unfortunately, Mr. Sobran seems to lose track of the philosophical foundations of federalism. The purpose of federalism is not to protect the rights of states, but the rights of the individuals who make up the states. As Madison asked in *Federalist* 45, "Was, then, the American Revolution effected, was the American Confederacy formed, was the precious blood of thousands spilt, and the hard-earned substance of millions lavished, not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual States, that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty?" While Mr. Sobran's answer would appear to be yes — the essential political goal is the protection of state sovereignty — the Constitution's framers answered no.

The idea that America is not a nation was quite popular among the fire-eaters who would later advocate secession. I think James Madison, John Quincy Adams, Frederick Douglass, and others put that argument to rest far better than I ever could, so I will simply refer the reader to their writings for a response. As Madison said, "It seems strange that it should be necessary to disprove this novel and nullifying doctrine. . . . What can be more preposterous than to say that the states as united, are in no respect or degree, a Nation . . . altho' acknowledged to be such by all other Nations & Sovereigns, and maintaining with them, all the international relations, of war & peace, treaties, commerce, &c . . . [?]"

Sobran writes that only as a result of the Civil War do we look upon Maryland or South Carolina as component parts of the federal union, instead of "free and independent states." It is ironic that Mr. Sobran uses this phrase; it comes from the Declaration of Independence, which declared that "these *united* colonies are free and independent states." The states did not declare independence from each other when they declared independence from England; they declared themselves independent as a single political unit, vesting federative power (part of the executive power) in the Continental Congress. The Declaration goes on to explain that "as free and independent states, they have full Power to levy War, conclude Peace,

contract Alliances, establish Commerce, and to do all other Acts and Things which independent states may of right do." But, of course, none of the states did any of these acts upon independence — only the Continental Congress ever did. This is one reason that, in Lincoln's July 4 address, he argued that the union predates the Constitution; that the Declaration (which Jefferson and Madison called the "fundamental act of union of these States") created the union first, and that the states derive their existence from it.

I have not embraced this more Websterian view of the union. Instead, I have taken the Madisonian view that while the Articles of Confederation was a sort of treaty between essentially independent states, the Constitution of 1787 reconstituted the sovereignty of the union and the states. This accounts for the fact that, while the Articles begin "Articles of Confederation and perpetual Union *between the states of* . . . " and immediately remind us that "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled," the 1787 Constitution begins very differently. "We the people of the United States . . . do ordain and establish this Constitution." The Constitution is, as I have explained at length, a union of the people, not of the states. Although I thus differ from Lincoln, I have not discussed hitherto this difference in detail because it is both complicated and irrelevant. Whether or not the Treaty of Paris or the Articles of Confederation recognized the states' independent sovereignty does not change the fact that the Constitution of 1787 is a compact between the people of the United States, not a treaty between the states. On this point, Mr. Sobran argues that the Constitution must not prohibit secession because, had the states been presented with that option, they would have refused it. Or, as one reader put it, "I wonder how Sandefur would parse his way around this statement by Shelby Foote: 'If any of the original states ratifying the Constitution had the slightest idea that if they joined this new government they wouldn't be able to leave it again, not one would have joined.'" Of course, the statement requires no parsing — it is the opinion of a 20th century Southern historian, who is not a lawyer or an expert on the Constitution, and who, though old, was not a contemporary of the founding generation. Most importantly, the statement makes the same essential error that all defenders of secession make: it assumes that the "states" ratified the Constitution. They did not do so. The people of the United States ratified the Constitution. The states cannot therefore "leave" the union since they did not "join" it. The Constitution is a government of the people, not a treaty between sovereign states. The people who did ratify the Constitution were presented with precisely that decision — and they did ratify it. It fell to the generation that followed ratification to argue that, contrary to its plain language, contrary to the *Federalist*, contrary to the explanations in the ratification conventions that the Constitution "will be then a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people at large . . . [a] distinction . . . [which] is very material" — that the Constitution was not a government after all, and America not a nation; that the states created the federal government and that they were as independent as they had been under the Articles of Confederation.

The Articles of Confederation was a sort of treaty between essentially independent states. The Constitution of 1787 reconstituted the sovereignty of the union and the states.

It is true that the Constitution's proponents did not deny — nor do we yet deny — that it leaves some sovereignty in the states. But the most essential feature of the Constitution is divided sovereignty. The states are sovereign in their own capacities; the federal union is sovereign in its capacity. They are separate entities whose social compacts are separately binding on the citizen — just as the electric company and the water company send a customer different bills. The electric company has no authority to absolve him from paying his water bill; so, too, the states have no authority to absolve him from his allegiance to the federal union. Mr. Sobran does not discuss divided sovereignty, but seems to think that the federal government must be either a treaty between the states, or a total consolidation of them. Justice Bushrod Washington explained divided sovereignty very succinctly: "the general government derives its existence and power from the people, and not from the states, yet each state government derives its powers from the people of that particular state. Their forms of government are different, being derived from different sources; and their laws are different." Or, as Justice Kennedy put it more recently, "The Framers split the atom of sovereignty. It was the genius of their idea that our citizens would have two political capacities, one state and one federal, each protected from incursion by the other. The resulting Constitution created a legal system unprecedented in form and design, establishing two orders of government, each with its own direct relationship, its own privity, its own set of mutual rights and obligations to the people who sustain it and are governed by it. . . . [T]he National Government, the mark of its legitimacy, is that it owes its existence to the act of the whole people who created it."

This concept of divided sovereignty accounts for the plural usage of "the United States" coexisting with the singular usage. The states are independent in some respects, as *Federalist* 45 explains. But in other respects, they are not. The union itself is one of these latter respects — no state has the authority to break it because states are not parties to the compact. The compact is between "we the people," not between "we the states," as I have explained at exhausting length.

Sobran appears to have missed my point with regard to the so-called "reservations" of the "right to secede." Several people have argued that if there can be no conditional ratification, then the three states which (Sobran claims) passed such "conditional ratifications" must never have been in the union to begin with. I do not know that anyone, including the most ardent defender of secession, really believes these states did not ratify the Constitution to begin with. If, indeed, these states passed such things, it would have to be the condition which failed. But I deny that what these states passed

were "conditional ratifications." Let us once again examine the alleged reservation. The only state which passed such a "reservation" and which later seceded was Virginia, whose "reservation" read: "The powers granted under the Constitution being derived from *the People of the United States* may be resumed by *them* whenever the same shall be perverted to their injury or oppression." Note that this nowhere refers to any power of Virginia to secede, nor to any unconditional right to revolt for any reason the state sees fit. Rather, this is simply a restatement of the Declaration's premise that whenever government "becomes destructive of [life, liberty, and the pursuit of happiness], it is the right of the people to alter or to abolish it" — that is, as an act of self-defense, the people may "resume" the "powers" granted under the Constitution. Since federal powers were not being "perverted to the injury or oppression" of the people of Virginia, their secession cannot be justified as an act of self-defense. Moreover, this "reservation" acknowledges that the Constitution derives its power, not from the states, but from the people of the United States, so that the power to "resume" is left in *their* hands, not Virginia's.

The states cannot "leave" the union since they did not "join" it. The Constitution is a government of the people, not a treaty between sovereign states.

Thus, when we actually read the documents to which Mr. Sobran refers, we see that they reserved not a "right to secede," but the right of *revolution*. As I pointed out in my last article, it is the failure to distinguish these two things which causes many libertarians to misunderstand the Civil War. Nobody, not even Lincoln, denied that the right to revolution is a right which people, including Southerners, possess at all times; it is inalienable. It is, however, a right of a certain nature. It can only be exercised in self-defense; otherwise it is not a revolution, but an initiation of force.

What is the difference between a revolution and an act of crime? Not mere force of numbers. According to libertarianism, revolution is self-defense writ large. It is the use of force in defense of individual rights. Crime, on the other hand, is the use of force when one has no right. A robber may not excuse himself for shooting the policeman who tries to arrest him by saying that his was an act of revolution. Libertarianism is thus not inherently opposed to the enforcement of the law — as Locke put it, "the end of law is not to abolish or restrain, but to preserve and enlarge freedom. . . . For who could be free, when every other man's humor might domineer over him?" A law is just and enforceable when it preserves freedom; but when the law enslaves us, we have the right to break it. This is the difference between the American Revolution (begun after a long train of abuses evinced a design to reduce America under absolute despotism) and a communist revolution, which has as its primary goal the infringement of the rights of others. The former is an act of self-defense; the latter is not. The former is revolution; the latter is crime.

On which side of this spectrum does the Confederacy lie? I have argued that it falls on the latter, because the "right" which the South sought to vindicate was *the right to enslave others without interference from Washington, D.C.* Such a right cannot exist; it is an initiation of force. Any alleged "revolution" to defend that "right" is in reality a form of theft. This is why Lincoln said that we need to be clear about our definition of liberty:

> We all declare for liberty; but in using the same word we do not all mean the same thing. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name — liberty. . . . The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a liberator, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one. Plainly the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails to-day among us human creatures, even in the North, and all professing to love liberty. Hence we behold the processes by which thousands are daily passing from under the yoke of bondage, hailed by some as the advance of liberty, and bewailed by others as the destruction of all liberty. . . .

Libertarians simply *must* be on the side of the sheep, and not the wolves.

I do not see the connection between Lincoln and the modern national debt, which is a relic of Progressive, New Deal, Great Society, and Reagan era economic policies. I do not defend the welfare state; what I deny is that the secession of 1861 was either constitutional, or a legitimate act of revolution. Deficits are irrelevant to that question. Of course, war costs money and lives; it is "all hell." This is why libertarians seek to avoid war. And, as a libertarian, I hardly deny that a child born today is in many ways less free than a child born in 1850 (assuming we're talking about a rich, white child!). Not only have I never denied that we are in a terrible fix today, but I have gone so far as to say that I think the founders would have considered armed rebellion against the federal government *today* as far *more* justified than was the secession of 1861. But that is not the question here. The question here has two steps: 1) Was the secession of 1861 constitutional? I have answered no, because the Constitution is binding on the people, and cannot be abrogated by a state. 2) If the answer is no, then was the secession of 1861 a legitimate act of revolution? Again, I have argued that the answer is no, because revolution can only be justified as an act of self-defense.

Nobody, not even Lincoln, denied that the right to revolution is a right which people, including Southerners, possess at all times; it is inalienable.

Sobran's other arguments only restate positions I have attacked. He makes no attempt to explain the compacts

clause, the preamble, or the many other parts of the Constitution to which I referred in my articles; he does not refute the passages from the *Federalist* and *Antifederalist Papers*, the speeches in the ratification conventions, or other documents to which I referred, but argues only that the Constitution does not proscribe the alleged "right to secede." And his explanation of the guarantee clause begs the question. My point was that if a state can unilaterally secede, the guarantee clause is a vain and idle enactment. Mr. Sobran's explanation, that the clause binds only those states that have not seceded, is essentially like saying that the law prohibits a person from doing an act, unless he chooses not to obey the law, whereupon the law cannot bind him, so his act is not illegal. In other words, "You shall not do this act unless you choose to do it." That logic makes no sense to me.

What is the difference between a revolution and an act of crime? Not mere force of numbers. Revolution is self-defense writ large. It is the use of force in defense of individual rights.

At this point it may be said, as one reader put it, that I am "thinking like a lawyer." Of course I am; the Constitution is a law. If an electrician were to tell you that a toaster will not work on "flower power," you would not say to him, "You are only thinking like an electrician! Widen the scope of your mind!" We must know what the law is, before we can say what it ought to be.

But then Mr. Sobran shifts his focus to the extremity of Lincoln's war tactics. I have never argued that all of these tactics were justified; I do not believe that I, a century and a half after the fact, can form a clearer judgment on tactics than the people who were, at the time, fighting the war, and I have resisted the impulse to play armchair general. Were I to do so, I am sure I would disagree strongly with many things that Lincoln did in prosecuting the war. I have not mentioned the military draft, for instance, an institution I consider wholly illegitimate on moral, political, legal, and economic grounds — although many people ignore the fact that the Confederacy instituted a military draft, too. That is irrelevant. The question at hand is, was the war *itself* justified?

The Civil War takes us back to first principles, and the first principle of libertarianism is that the state is not inherently legitimate, but derives its legitimacy from the rightful consent of those who create it. This consent is based on the principle that each individual owns himself. William Merritt errs, therefore, when he argues that "people get to throw off real governments for whatever reasons seem real to the people at the time." Libertarianism sees the state, or revolution, as legitimate *only* insofar as they protect the rights of the individual; a nation based, as the Confederacy was, on the premise of inequality and the right to own others, is not a legitimate nation, but a gang of pirates — organized, perhaps; uniformed and obedient to their captain, but pirates nevertheless. And when pirates attack, as the South did at Fort Sumter, it is the job of those who have sworn to support and defend the Constitution of the United States, to enforce that law. Blood is frequently shed in putting down pirates and freeing their victims. But libertarians have always stood firmly on the proposition that life is not so dear, nor peace so sweet, as to be purchased at the price of chains and slavery.

Mr. Sobran phrases the question by asking whether or not it was legitimate for the federal government to kill people who made war on the Constitution, even to the hundreds of thousands. Likewise, one reader wrote that "[Sandefur's] position seems to be that freeing the slaves trumps everything else — they get more freedom, we get less, but their freedom is more important than ours. . . . [W]hat price would Sandefur have been willing to pay for the immediate abolition of slavery? Apparently, the 600,000 deaths and countless rights violations of the Civil War were not too high a price for him. Would any price have been too high?" To this I have two answers; one rhetorical, one logical.

My first answer to the question, Was it worth 600,000 deaths to free the slaves? is *absolutely yes*. It would have been worth it at twice that price; indeed, it would have been cheap at a thousand times that price. It would have been cheap if the war had lasted until the present day. It would have been cheap at the price of *oceans of blood and mountains of bones*. Thomas Jefferson once said, "Were there but an Adam & an Eve left in every country, & left free, it would be better than as it now is," and I have little sympathy with a libertarianism which does not share that estimation, which does not believe that freedom is more important than life, or which can speak of the freedom of "them" as separate from the freedom of "us." We already know how free "they" were in the antebellum South, with its whipping, raping, and lynching; its fugitive slave laws and its curfews; but how free were "we" in the antebellum South? With its lynch mobs, its censorship of the mail, its *fatwas* against abolitionist writers? How free was a white man who wanted to befriend a black man, or to teach him to read, or to marry a black woman? How free would America have been under the blood-drenched slave codes that Southern states wanted the Congress to pass? Americans, cherishing their libertarian founding, have long believed that freedom is sweeter than life, and I dearly hope they go on believing that. To paraphrase Rose Wilder Lane: if this makes me an extremist, then I'm extreme as hell.

Was the secession of 1861 a legitimate act of revolution? The answer is no, because revolution can only be justified as an act of self-defense, never to protect criminal prerogatives.

Mr. Sobran inserts his final point, asking whether a child today is not enslaved to the state, for rhetorical purposes, to rile the tempers of libertarians who resent the current state of affairs. This doesn't work, since I share that temper. But were I tempted to, I might imagine a world in which the Confederacy had been allowed to leave the union and declare its independence. We might even imagine, though I am not convinced of it, that by 2003, the Confederacy had

abolished slavery. Do we think they would have also abolished Jim Crow, or written the Civil Rights Acts of 1866 and 1964? That they would have abolished the laws against teaching blacks to read? Or legalized the mailing of abolitionist literature? Do we think they would have a black man on their Supreme Court, or a black woman on the Supreme Court of one of their states?

Could we, seeing a little black child on a sidewalk in Atlanta, Georgia, in this Confederate States of America of 2003 — could we congratulate him on enjoying self-government? Or might it be more honest to tell him frankly that, in order to protect the "right" of whites to "govern themselves," and preserve their "peculiar institutions" from federal interference — to protect, that is, the *liberty of the wolves* — the state of Georgia was allowed to leave the union (in violation of the Constitution) and to have a revolution (in violation of the principles of equality which justify revolution) so as to preserve the right of whites to enslave his ancestors, and to maintain the segregation of the races? Might it not be more reasonable, in such an alternate universe, to say to this boy that our nation's dedication to liberty was less than our dedication to the "right of (the white people of) a state to govern without interference," that our dedication to equality was limited only to the equality of states, and not the equal right of all to the ownership of themselves? That all our talk of freedom was so much tissue, and all our talk of revolution so much war-whooping? Would it not be more frank to say that our nation was not a nation, but a confederated gang of pirates who justified their thievery by appeals to majority rule, and the right of one man to enslave another without hearing any third man object?

Was it worth 600,000 deaths to free the slaves? Absolutely yes. It would have been worth it at twice that price.

Would it not be right to tear the Declaration of Independence into shreds before his eyes, and tell this little boy that America was never a nation based on the freedom of individuals, but freedom of states — that "the American Revolution was effected, the precious blood of thousands spilt, and the hard-earned substance of millions lavished, not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual States, that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty?"

So much for rhetoric. "Reason, cold, calculating, unimpassioned reason, must furnish all the materials for our future support and defence." My second answer, therefore, comes from thinking like a lawyer. I have laid it out at excruciating length already. The Constitution is a compact between the people, not a treaty between the states. A state may therefore not unilaterally secede from it — a fact buttressed by many other clauses in the Constitution, by the explanations in the *Federalist* and *Antifederalist Papers*, by the speeches in the ratification conventions, and by other documentary evidence. Since secession is not constitutional, it must be an act of revolution in order to be justified. It was not, however, an act of revolution in 1861, because the South initiated force, and did so in defense of the ownership of slaves. Since the Constitution is the supreme law of the land, and since the president is constitutionally required to see that the laws be faithfully executed, it fell to Lincoln to enforce the law at point of arms if necessary. Executing the law often requires the taking of lives. When a policeman kills a kidnapper or a murderer, I am saddened at the loss of life, but I do not dispute the legitimacy of the act. So, too, when soldiers attack an organized group of lawbreakers trying to kidnap and murder millions of black human beings, in violation of the supreme law of the land, then I do not dispute the legitimacy of defending the law at point of arms if necessary, whether it be July 4, 1861 or September 11, 2001. "'Let us have peace,'" said Frederick Douglass, "Yes, let us have peace, but let us have liberty, law, and justice first." It is awful that the war came. But Lincoln did not initiate force; the South did, and the blame must be laid on them.

My ancestors fought for the Confederacy. Like other descendants of those brave men, I admire their courage and their willingness to die for what they believed in; I hope no reader will interpret my argument as disrespectful of their memory. But, as Douglass — one of "them" — said in 1878, "we must not be asked to say that the South was right in the rebellion, or to say the North was wrong. We must not be asked to put no difference between those who fought for the Union and those who fought against it, or between loyalty and treason. . . . It was a war of ideas . . . between a government based upon the broadest and grandest declaration of human rights the world ever heard or read, and another pretended government, based upon an open, bold, and shocking denial of all rights, except the right of the strongest." We libertarians all wish the federal government would stop intruding on the powers of the states, or that states would show more resistance to its constant expansion; we wish it would act like what it is — a government of limited and enumerated powers. We wish that the people of today would show as much spirit in resisting government as the Southerners showed in the pursuit of their damned cause. But our enthusiasm for a little rebellion now and then must not mislead us into supporting rebellion for its own sake, or a rebellion which sought to impose the worst deprivations of liberty. Our belief in resistance must not distract us from our primary goal of freedom. ❑

"The prisons are overflowing, and they're running out of room to sequester juries."

usual, no such argument. (Nor, of course, do you defend a writer who argues for P by showing that, in reality, *something like* P is really true.)

Abstractly, maximin entails equality. If there are no restrictions on how maximin applies, then if any item is different in degree from any other, it being a degree of something capable of redistribution, then you literally maximize the minimum by redistributing to equality. That's a matter of elementary mathematics, and there's nothing to argue about there. My argument merely points out that the only conditions Rawls does introduce that are supposed to justify inequality in the face of maximum cannot, on his own terms, succeed in doing that. And the importance of that is the fact that so many readers have supposed that Rawls has, at last, found a genuine middle way between the libertarian free market and out-and-out egalitarianism.

I, of course, fully agree that a market society will, in fact, do better for the poor, but market society denies that the poor actually have a right to that larger share which they will, we think, get in a market arrangement. And that is what is at issue. Rawls and the egalitarians among us think they do, and my point is that Rawls has not shown this.

Mr. Sollars did not attend to the argument. (I refer readers especially to my lengthier exposition which is now available in my book, *Respecting Persons in Theory and Practice*. My article, "Rawls and Utilitarianism" is found in a harder-to-get source: H. Miller and W. Williams, *The Limits of Utilitarianism*.)

Get Thee Behind Me, Mr. Giuliani

In "A Year at FEE" (February), Mark Skousen analogizes a libertarian's distaste for Rudy Giuliani's ideas to a Christian's distaste for some of Doug Casey's. However, Doug Casey never was in a position to (nor would he, as a libertarian, want to) forbid churches from opening within 500 feet of a school, residence, sex shop, or other church, thereby relegating churches to the far reaches of industrial areas.

While it is commendable Skousen supports the free exchange of ideas, Giuliani would use municipal art funds (a bad idea to begin with) to favor one set of ideas (say, the Metropolitan Museum of Art) over another set (say, certain exhibits at the Brooklyn Museum), thwarting that exchange.

As for Giuliani's leadership after the attacks of Sept. 11, I wonder how those who worked near the World Trade Center and wanted to memorialize the tragedy with personal photographic records of the destruction felt about it when they were threatened with confiscation of their cameras.

And Ben Stein's non-libertarian ideas? At least Ben Stein is funny.

Charles Kluepfel
Bloomfield, N.J.

Giuliani, the Fascist

Mark Skousen relates that the reason for his departure is the Giuliani invitation for the proposed FEE convention. He continues to defend that invitation.

As a "Drug Warrior" and gun foe, Giuliani is responsible for incarcerating thousands. His actions, as prosecutor and mayor, were responsible for numerous deaths and untold ruined lives. I have more respect for Charles Manson.

In this instance, it is not merely someone with a controversial ideology, but someone who has done a significant amount of actual harm. Should I welcome the opportunity to pay to hear Pol Pot or Stalin, because they took interesting actions? Giuliani, and currently, John Ashcroft, show their true Republican colors: economically conservative and socially fascist. Financially rewarding Giuliani for his anti-liberty posture is to encourage others to follow his example — a ridiculous notion.

Jim Kinard
Lancaster, Ohio

Giving Gaia Her Due

I've always thought Gaia (who might otherwise have little use for big-brained apes) created human beings to recover her fossil carbon, locked deep in the earth, and recycle it back into the biosphere.

Just kidding. I think.

Paul Bonneau
Beaverton, Ore.

The People vs. the States vs. the United States

I read with great interest, yet considerable disappointment, Timothy Sandefur's "Why Secession Was Wrong" (December). While he addresses all the appropriate questions, he deduces erroneous conclusions.

Sandefur contends the people, not the states, not only adopted but also established the Constitution. Therefore, he continues, a magnetic and virtually unbreakable force binds the two. Surprisingly, he fails to acknowledge the powers afforded the states in nearly every aspect of the document.

Consider the following:

1) Publis addressed *The Federalist Papers* to "the people of the state of New York."

2) *Federalist* 39 describes the ubiquitous role of the states in the amendment process as "neither wholly national nor wholly federal."

3) Election laws fall almost entirely under the purview of the states. Governors appoint senators to fill vacancies and authorize special elections. State legislatures create laws regarding ballot access for local, state, and federal offices.

4) States elect the president via the Electoral College. Electors chosen by the people, and by the state legislatures in the formative years of the republic, select a candidate. In fact, electors in some states have no legal obligation to vote for the candidate to whom they pledge themselves. Has Sandefur forgotten Florida in 2000?

The Constitution and the People remain bound together only through the consent of the states. They formed a compact, not a treaty, granting limited authority to a federal government omitted in the Articles of Confederation. In return, they accepted wide-ranging latitude in most government functions.

Apart from direct election of representatives to Congress, the people have virtually no direct participation in government at the federal level. Moreover, the people approved the Constitution only through their respective state delegations. Would not the corollary — a state through its citizens has the right to secede from it — then be true?

For instance, consider recognition of homosexual marriage. Though largely overshadowed by legitimate debates on morality, the Defense of Marriage

continued on page 52

Parable

The Sacred Element

by David Ramsay Steele

Burning fossil fuel is the only way to save life as we know it.

Listen children, this story is more than just true. It's true many times over, for the very same sequence of events has happened thousands of times on different worlds.

Once upon a time there was a well-positioned planet endowed with much carbon. And sure enough, on this planet there developed a marvelous array of living organisms. Out of these myriads of species, there emerged, by a succession of lucky accidents, one intelligent animal, with the capacity for building civilization and the indefinite development of knowledge. So far, so good.

As these intelligent animals exulted in their technological and artistic achievements, 8they little suspected that a terrible, malign force was pitilessly draining away the life's blood from their world. They were living in a shadowy and attenuated time, the darkness of death closing in on the biosphere, the light of life sputtering feebly amid the encircling gloom.

Of course you all know the explanation. For millions of years of evolution, countless living organisms had been dying every day, and some of these dead organisms became trapped deep in the planet's crust, their precious carbon locked out of circulation. Since biomass is fixed by the quantity of available carbon, the continual removal of carbon spells shrinkage and degeneration.

Left to itself, life automatically eliminates the conditions for its own existence, though thankfully it does so quite slowly. Occasional volcanic eruptions do liberate some carbon, but this is a mere trifle compared with the enormous losses inflicted by the formation of peat, coal, and petroleum deposits. Forests are the number one menace to life, for any tree will eventually die, and who can say what will then become of its priceless carbon?

A momentary reprieve came along when some of the intelligent animals began to dig for coal and drill for oil and gas. They thought only of the profits to be earned by providing their fellow species-members with cheaper fuel, but unbeknownst to themselves, they were benefitting their own population and their biosphere in an entirely different way. By liberating the imprisoned carbon, they helped — though this was no part of their intention — to counteract the insidious shrivelling of the biomass.

But these intelligent animals soon abandoned fossil fuels — while the vast bulk of the lost carbon still lay entombed beneath the planet's surface. Nuclear, solar, and other forms of energy completely superseded oil and coal, when only a minute proportion of the carboniferous deposits had been reclaimed for the benefit of life. The march of death recommenced!

Eventually, however, a few of these intelligent animals — on our world we know them as the Six Prophets — began to preach the novel idea, though to us it is common sense, that carbon must be disinterred from the geological graveyard if life is to fulfill its potential. The holy cult of carbon redemption was born: the saints pledged themselves to donate a sixth of their income to extract coal and oil, solemnly oxidizing these organic minerals in magnificent public rituals and also in millions of humble household shrines.

New coal mines and oil wells were created, far more than in the days of fossil fuels, with the single intention of resurrecting these substances and reclaiming their carbon to sustain the living world. It was soon realized that it was often easier

to pump oxygen down below and burn the deposits where they lay, but millions of tons and barrels were brought to the surface so that the devout could personally witness their reclamation. The liberation of carbon became the biggest of charities, and later (when every individual had become immensely wealthy by primitive standards), the sole charity, the last surviving philanthropic "good cause."

In our world, this all happened a long time ago. The observable benefits have been spectacular, even over just the last 6,000 years. Our climate is more lovely and more temperate. The sky is bluer and the rain finer. The air is filled with the bright plumage of wondrous new birds. Vegetation springs up everywhere with an eager rapidity that would have astonished our ancestors, the dazzling effulgence of its emerald verdure far outshining the drab coloration of earlier times.

Nuclear, solar, and other forms of energy completely superseded oil and coal, when only a minute proportion of the carboniferous deposits had been reclaimed for the benefit of life. The march of death recommenced!

The redemption of carbon has already created a worldly paradise, yet the great work has barely begun. Our machines have sniffed out every ounce of coal, oil, and diamonds for thousands of meters below the surface, they continue to go deeper — and there are vast reserves of limestone, chalk, and marble down there, just waiting to be converted.

We award our most distinguished medals and our most prestigious prizes to those members of our species who redeem lost carbon and restore it to the living world, thereby triumphing over death. And that's why we're going out today, children, for six hours, to watch the ceremonial burning. For today, the Sixth of June, is Carbon Redemption Day, or Life Day, the most glorious holiday in our calendar. The redemption of carbon is a voluntary act, a noble deed of unsullied virtue. No pastime is more strictly righteous. "All religion is folly save only the sacrament of carbon redeemed and life amplified" (Third Prophet, 46:656).

Children, you are now 6 years old, and you may look back on this day as the most momentous of your lives. The torch of life now passes to you. No one can *make* you dedicate your life to burning fossilized mineral compounds. Only you can decide, of your own free will, to undertake that heroic commitment for the benefit of future life on this planet and its many far-flung colonies.

I know that you are good children and that all six of you will do your bit to save the planet. Please don't let me down. Now let's go and have fun watching all that wonderful smoke. A happy Life Day to one and all! ❑

Lindsey, *from page 30*

while libertarians agree generally about the desirability of market-oriented reform, they can clash over the proper sequencing of incremental reforms. It is often an open question whether one marginal reform, on its own, will actually improve the transmission of market signals or instead only amplify the distortions of market signals created by policies left unreformed.

Pragmatic libertarians also realize that the principles of individual rights and market competition offer little guidance in the realm of foreign affairs. Of course, no libertarian could advocate a policy of conquest and colonial exploitation of conquered peoples. Beyond that, though, libertarian principles offer little guidance. The primary desideratum is the protection of liberty here at home from foreign threats; at the same time, though, libertarians wish for the advance of liberty abroad. How do we accomplish these things? Does self-defense stop at our borders, or does real security sometimes depend on the deployment of forward defenses, or the preemption of incipient threats? Does the active encouragement or protection of liberty abroad stir up threats against us, or does it prevent them from arising or worsening? I do not believe there are any pre-packaged answers to these questions. They must be sorted out, case by case, in the tangle of actual, real-world circumstances.

So, to return to the original question: am I a libertarian? Yes, I am, if you mean a pragmatic, reformist libertarian. If, however, the libertarian label is reserved for radical utopians, then the shoe doesn't fit, thank you very much.

Unsurprisingly, given my views, I believe that pragmatic, reformist libertarianism represents the most vital and promising expression of the libertarian impulse. First, it accords far better than the radical alternative with the great current of the freedom-loving intellectual tradition. Neither Jefferson, nor Madison, nor Paine, nor Smith, nor Hume, nor Tocqueville, nor Cobden, nor Hayek, nor Friedman advocated the chimera of a minimal state; all saw a broader, if still tightly circumscribed, role for government. Utopianism is not the distillation of the libertarian tradition; it is a caricature of it.

Furthermore, reformist libertarianism offers the best hope for expanding freedom's frontiers in the future. The false alternatives of American liberalism and conservatism create an enormous opportunity for a libertarianism grounded in the real world. Liberals weary of their movement's obeisance to anti-market interests and victims' lobbies, conservatives repelled by their movement's coziness with the religious right, these are the broad constituencies to which reformist libertarians can make their appeal. But for the libertarian alternative to really gain ground, it must fashion a message and a program that begins, not with unworkable ideological contraptions, but with the here and now of political reality. It must lead public opinion in the direction of greater appreciation for the sanctity of rights and the creative power of competition, gently, firmly, patiently, and just a few steps ahead of those whose minds it seeks to change. It must recognize that there is only a path of ongoing reform and adjustment, no final destination of perfection, and that we all have much to learn along the way. ❑

Response

Just Whose Institute Is It, Anyway?

by R. W. Bradford

If the powers that be at the Ludwig von Mises Institute don't have a Rothbardian axe to grind, they have a funny way of showing it.

In a curious article published by Lew Rockwell, head of the Ludwig von Mises Institute, J. H. Huebert quotes briefly from a reflection I wrote for the November *Liberty*, and comments thereon:

> [P]romoting Mises' thought is only the ostensible purpose of the Mises Institute: anyone who looks carefully at its record quickly concludes that its real mission is to promote the thinking of Murray Rothbard, a student of Mises whose thinking and intellectual agenda was quite different from Mises. . . . As if to underscore its allegiance to Rothbard rather than to Mises, the Institute has recently republished the 1949 edition of Mises' magnum opus, *Human Action*, rather than the subsequent editions prepared by Mises himself. Mises Institute President Lew Rockwell reportedly claims that he believes the 1949 edition to be "more scholarly," but cynics observe that the main substantial differences between it and subsequent editions is that it lacks Mises' criticism of Rothbard.
>
> Each and every assertion in this passage is false. . . . This is an abbreviated version of Mr. Bradford's comments. The unedited version contains even more falsehoods about Mises and Rothbard that are beyond the scope of this article.

One must compliment Huebert on his taste for controversy. He is not claiming merely that I am wrong about some details, but that "each and every assertion in this passage is false."

So let's look at each of the "assertions" I made, with an eye toward evaluating his claim.

Assertion #1:

> [P]romoting Mises' thought is only the ostensible purpose of the Mises Institute.

Clearly, the institute exists to promote Mises' thought. The organization is, after all, named for Mises and uses Mises' family coat-of-arms as its logo. If Huebert doubts this, perhaps he should read the Institute's incorporation documents, which state its purpose to be "to promote the economic theories of Ludwig von Mises through the collection of contributions, awarding of fellowships, and publishing and distribution of his works."

Assertion #2:

> . . . anyone who looks carefully at its record quickly concludes that its real mission is to promote the thinking of Murray Rothbard . . .

This is a judgment call. The issue boils down, I think, to the question of where Mises and his disciple Murray Rothbard, whose thinking the Mises Institute also assiduously publicizes, disagree and, whether the institute tends more to support Rothbard's or Mises' views in these areas.

A couple of examples, one theoretical and one practical, come immediately to mind:

(1) natural rights is at the heart of Rothbard's political thinking but is dismissed out of hand by Mises;

(2) Mises defended patents; Rothbard argued that patents were wrong.

Normally, I'd figure this is the sort of thing that people discuss and question rather than simply denounce as false.

Assertion #3:

> [Murray Rothbard was] a student of Mises whose thinking and intellectual agenda was quite different from Mises.

Huebert is simply wrong, as he himself admits when he writes:

Assertion #4:

> . . . the [Mises] Institute has recently republished the 1949 edition of Mises' magnum opus, *Human Action*, rather than the subsequent editions prepared by Mises himself.

Again, Huebert is simply wrong, as, again, he soon admits: "One may or may not think their reasons for reverting to the first edition were good ones . . . "

Assertion #5:

> Mises Institute President Lew Rockwell reportedly claims that he believes the 1949 edition to be "more scholarly," . . .

For this assertion to be "false," one would have to prove there exist no reports Rockwell claimed he believed the 1949 edition to be "more scholarly." In fact, at least one person has reported Rockwell's opinion to me. (That person is Bettina Bien Greaves.) Huebert himself goes on to state that the first edition is in fact "more scholarly," which certainly doesn't help his case against me very much.

Assertion #6:

> . . . cynics observe that the main substantial differences between it and subsequent editions is that it lacks Mises' criticism of Rothbard . . .

To prove that this, the final "assertion" Huebert claims is "false," is actually true, one need only identify two people who are in some sense cynical about Rockwell and who have observed that the main difference between the editions is that the Mises Institute edition lacks the criticism of Rothbard. This is pretty easy to do. I know several such people myself. Huebert himself acknowledges that such people exist:

> . . . among rumormongers, who are in no way affiliated with the Institute, and who are not privy to its decision-making processes, Mr. Bradford's version is the most frequently repeated: The first edition, these people claim, was chosen because the fourth edition contained new material that conflicted with Rothbard's views on anarcho-capitalism and natural rights.

Curiously the person who originally surmised to me that the first edition "was chosen because the fourth edition contained new material that conflicted with Rothbard's views on anarcho-capitalism and natural rights" was undoubtedly not a "rumormonger who is in no way associated with the Mises Institute"; it was Bettina Bien Greaves, an Adjunct Scholar of the Institute.

One must compliment Huebert on his taste for controversy. He is not claiming merely that I am wrong about some details, but that "each and every assertion" that I made "is false."

Huebert does not directly address the question of whether the later editions include substantial material critical of Rothbard. He prefers to explain, as the introduction to the republication explains, the choice was made on these grounds:

> (1) later editions omitted passages on German wartime barter policy; (2) later editions omitted some insights on monopoly theory; and (3) later editions add a defense of conscription that contradicts Mises' own writings of 1919, 1939, 1940, and 1946.

He may be correct, I suppose, in suggesting that the editors found these changes important, but Mises' criticism of Rothbard to be so uninteresting and unimportant that it doesn't merit mention. However, none of this undermines the truth of anything I wrote, since I made no claim at all about the actual motivations of the editors of the new edition.

Huebert reports that the Mises Institute considers Mises' thinking on natural rights to be a "dissenting" view. Dissenting from what? Rothbardian orthodoxy?

As to the "even more falsehoods" that Huebert claims to have discovered in the "unedited version" of what I wrote, it's impossible to respond, since he doesn't tell the reader what those "falsehoods" were. Nor is it clear what he means by the "unedited version." My piece was in fact edited prior to publication, but only by staff at *Liberty*, and I seriously doubt that any of them sent a copy of the "unedited version" to Huebert. My guess is that he is being a little sloppy in his writing: what he really means by "unedited version" is the edited and published version from which he quoted, in its complete form, unedited by . . . him.

Not willing to halt his attack, even after he's run out of text, he goes on to criticize some arguments I might have made, but did not:

> If the Mises Institute is trying to suppress Mises' and other dissenting views on natural rights, they're doing a terrible job.

This is a strange. Huebert reports that the Mises Institute considers Mises' thinking on natural rights to be a "dissenting" view. Dissenting from what? From the thinking of Mises, whose thinking the Institute is designed to promote? Or from the Rothbardian orthodoxy? Doesn't the fact that the Institute discusses these "dissenting" views (i.e., Mises' views) suggest that it is not trying to suppress them? It might. Might it also suggest that the Institute is trying to challenge libertarian philosophers to reconsider Rothbard's view (which they mostly reject) rather than Mises' view (which they mostly accept)?

> If the Mises Institute is so interested in suppressing the content of later editions of *Human Action*, it is curious indeed that they would make the entire fourth edition available for free on their web site.

It doesn't seem curious to me that an institute whose purported purpose is to promote Mises' thinking, having done what it was able to do to make the first edition of *Human Action* into the standard edition, and having met considerable criticism for having done so, would continue to make the edition it is trying to suppress available in an inconvenient form to access. *Human Action* is more than 880 pages long, and plowing through it on a computer screen is no easy task.

continued on page 51

Reviews

The Triumph of the Moon: A History of Modern Pagan Witchcraft, by Ronald Hutton. Oxford University Press, 2000, 502 pages.

"Do Their Spells Really Work?"

Stephen Cox

I want to start by talking about ghosts.

Samuel Johnson, one of the Enlightenment's greatest intellectuals and, in his way, one of its greatest skeptics, observed that people in every human society have claimed to see ghosts. On that evidence, he was inclined to credit their existence, though not to credit their existence in every case that he heard about.

Recently I was talking with a friend, an intelligent young man in his twenties. He is a person of conservative disposition — thoughtful, moderate, self-controlled, immune to fanciful ideas. He comes from a conservative, professional family, which educated him in traditions of order and self-discipline. If there's any word you would trust, it's the word of someone like him. And he happened to say to me, casually and as if it had no philosophical implications whatever, that when he was growing up, he lived in a house with ghosts.

It started when he was seven or eight years old. He was walking out of his bedroom when something tapped him "very methodically" on the left shoulder, three times. He didn't feel that there was anything "sinister" going on: "It was trying to get my attention." After that, there were many times when he looked from the kitchen into the bedroom hallway and saw a human-shaped shadow walking "nonchalantly" from door to door. Sometimes he would hear his father calling him from another room, but when he went to that room, no one was there. His father — who, by the way, refused to believe that any of the other strange things was happening — also heard him calling from rooms that turned out to be empty. The same was true of his mother and sister.

"How long did these things go on?" I asked.

"Till we moved out of the house," he said, "when I was 15. I was afraid that they were focused on me instead of the house. But it stopped as soon as we moved. And I've never experienced anything like that since."

I didn't ask many questions. I was somewhat surprised that I didn't. It wasn't because I found the story too strange to follow up on. To the contrary: it was so simple and straightforward that no questions seemed necessary. He related what happened, not as something that needed to be explained or justified, but as an event of daily life — unusual, to be sure, and far from pleasant, but no more demanding of hard questions than somebody's recollection of coming home to find graffiti on the backyard fence.

At this point, since you're probably sneering at my credulity, I want to assure you that I have read the philosophical literature on belief in supernatural appearances, and that I do know the adolescent-psychology theory of poltergeist phenomena. Well, what my friend encountered wasn't poltergeists, and his experiences stopped, not when he got out of adolescence, but when he moved out of a certain house in Sunnyvale. Also, I don't care what Hume said: if I ever see a ghost, I'll believe in ghosts, and if a trusted friend says that he saw a ghost, I'll be likely to believe that he did. (If you tell me that you saw one, I don't think I'll grant the same degree of credence. I don't know you.) To continue this string of disgraceful admissions: I confess that I don't see why the use of objective reason should begin with a dogmatic exclusion of certain kinds of evidence. And, speaking from a purely aesthetic point of view, I confess that I believe our world would be a great deal poorer if the radical skeptics actually convinced us all that there cannot ever be any truth in such stories as my friend related. The story caused him considerable pain, and I sympathized with him. All the same, it conjured up the kind of shadows that give life its relief and roundedness.

Fortunately or unfortunately, however, there are people who have sought to regularize human contacts with the mysterious and induce them to happen by command. This used to be the province of spiritualism, which

was mostly very phony. The popular movement of the present hour is the neo-pagan religion of "witchcraft." This is the movement that sometimes calls itself Wiccan, and it is the subject of the book under review.

How popular is "popular"? From a website that discusses the appointment of Wiccans as chaplains in state prisons in Wisconsin, I derive the following statement: "Estimates of Wiccans in the U.S. vary greatly, from 200,000 to 5 million." Other sites give numbers of 10 million at the high end and 3 million at the low end. But let's see. Five million would be about one in every 60 Americans. So the next time you're in a Wal-Mart in Kansas City, one out of 60 of the people you see milling about the aisles will be a witch. Doesn't sound very likely to me. But OK, I'll be fair. The next time you're in a coffee shop in San Francisco, two out of three of the customers will be a Wiccan. That will make up for the paucity of witches in the deep midwest.

Sorry. It's less ridiculous to believe in witchcraft than it is to believe that there are five million witches in America. And believing in witchcraft is much more ridiculous than believing in ghosts. After all, ghosts don't appear on order. Either they appear or they don't, and no one knows why. Witchcraft, by contrast, depends on the notion that we can actually get acquainted with supernatural "forces," most of which are hackneyed literary metaphors, like the moon goddess or the personified earth, and use them, perhaps command them, for our benefit.

Evidence is lacking of anyone's ability to do that. And the history that modern witches tell about their movement has equally strong evidentiary problems. The usual story is that ancient Europe worshiped a goddess identified with the moon and a variety of other things, that her worship went underground when Christianity took over, but that it survived — very well, thank you — by handing down its beliefs and practices from one generation of witches to another, until it was rediscovered and popularized in the twentieth century.

This is where our author, Ronald Hutton, comes in. He shows, to any sane person's satisfaction, that there was no pagan witch-religion that survived the coming of Christianity. Modern paganism was originated by modern people, and very modern people, at that. As Hutton demonstrates in meticulous detail, it's almost all post-World War II. Also wrong is the picture that many people, especially radical feminists, have been delighted to paint of the mass executions of witches during the European past. I say "delighted" with ironic emphasis, because there is something very repulsive about the desire to magnify human suffering in order to create imaginary martyrs for one's cause. As Hutton indicates — to my relief, if not to that of the radical feminists — there were far, far fewer victims of witch-hunts than we've been led to suppose. "There was no long-lasting or wide-ranging persecution of witches in early modern Europe . . . Only a tiny percentage of people suspected by their neighbours of witchcraft were executed. . . . [M]ass arrests . . . were concentrated in a few specific places and times during the period 1560–1630, a short span in the whole extent of the medieval and early modern epochs" (p. 379).

Witchcraft depends on the notion that we can actually get acquainted with supernatural "forces," most of which are hackneyed literary metaphors.

Hutton's book is unsurpassed as a scholarly account of modern witchcraft, its origins, motives, and fantasies about itself. It is one of the most penetrating accounts of the invention of any modern religion. Its logic is strong, its array of facts is enormous, its spirit is charitable but never naive; only its proofreading is bad (in fact, damnable). Of special interest is the account it provides of the role that scholars and intellectuals played in fostering false stories about the so- called Old Religion that is supposed to have engendered the modern world of Wicca. People like Robert Graves, Margaret Murray, Marija Gimbutas, and other competent scholars are very largely responsible for the wholly unsupported historical myths that surround neo-paganism. It takes a lot of self-delusion, or something worse, to make a case for those myths. But scholars made it, and readers bought it.

The market had been prepared by two centuries of literary romanticism, which sometimes equated emotional longing with spiritual truth, and almost two centuries of intellectual crusades against Christianity. Many people, and not just intellectuals, either, turned out to be very willing to believe in any religion except the dominant one, which as an identifiable force in society could be blamed for virtually anything they carried a grudge about. Then, as Hutton says, came the "powerful emotional currents" of the latter half of the 20th century — "a yearning for a reunion with the natural world and one's own imagination, for a spirituality of liberal self-expression and self-actualization, and for a greater parity and partnership between the sexes, especially in religion. . . . " (Women have so large a role in witchcraft that Aleister Crowley, one of the movement's demigods, "declared that he would not himself enter the witch religion because 'he refused to be bossed around by any damn woman'" [218].) Hutton observes that "the 1960s, in particular, witnessed an explosion of articulations of those needs and attempts to realize them." He makes an especially interesting assessment of one type of emotional need: "As the natural world became tamer and tamer, and the recesses of the globe more familiar, so Westerners began, more than ever before, to treat their own minds and souls as wild places, worthy of exploration. The new witchcraft, which united religion and magic, provided for some a particularly exciting way of entering those inner landscapes" (285–86).

I have to tell you that the religious behavior of the witches whom Hutton studies doesn't look much like an invasion of the "wild." It looks more like an invasion of Toys 'R' Us. His contemporary witches are nice, fairly normal people. Their standards of what counts for evidence may be deplorably low, but so are most people's. They don't have sex on the altar, they don't worship anything that they regard as satanic, and their spells and chants are aimed at doing good, not harm. They appear to spend most of their time celebrating "nature" and imagining that they themselves are one with Her. They are a mildly creative addition to the world's

vast collection of spiritual self-expressions. But it's sad: they were in quest of something "wild," and look where they ended up. It is always curious to see how little is required to satisfy the soul.

Two other things are worth noting. One is the ironic fact that the followers of a contemporary religion of nature should demand that it be rooted in the practices of the distant past. Most of the originators of modern witchcraft convinced themselves that it had been around since the dawn of time and that it must therefore have a rich and literal history, even if they had to make one up. Certain intellectual leaders of the movement now hesitate over such claims about the beginnings of the Craft, while continuing to revel in the long and supposedly illustrious career of the religious category that includes it, paganism. Yes, it's true; some people did use to worship the moon. What that proves is another issue.

And it's strange that certain exponents of witchcraft, especially feminists, imagine that it is something revolutionary, while also imagining that it originated in the prehistoric past — when, as we know, all the world was lapped in peace, under the benevolent reign of the Great Goddess. Many founders of modern witchcraft were political conservatives, sighing for the good old days before industrial capitalism; nowadays, leaders and followers are pretty firmly allied with the left, but the longing for a sanction from the past has never left them — perhaps because they sense that the spiritual foundations which they themselves have laid are too feeble to bear much weight.

This leads to the second of the things worth noting. Hutton says that the "most disturbing recurrent experience" connected with his research has been the response of the people he meets "in social situations . . . middle-class people of high education and professional ability" who are, in "overwhelming majority," atheists, agnostics, or nominal Christians. These people operate on the premise that there is no such thing as a supernatural phenomenon, not even a ghost. But when Hutton tells them that he does research on practitioners of witchcraft, "far and away the most frequent question which they ask . . . is, again and again, 'Do their spells really work?'" (271).

Hutton finds this disturbing because he's afraid that if people entertain the possibility that witchcraft works, they will begin to persecute witches for working evil. This seems farfetched, until one recalls how much heat was generated, a few years ago, by stories spread in this country by vicious or demented people who suddenly happened to "remember" that they had been brought up in witch covens that routinely conducted human sacrifice.

From another point of view, however, the question posed by Hutton's ostensibly nonbelieving friends offers a wry confirmation of the saying of one of Robert Browning's characters, who remarked that antireligious people may have as much trouble fighting off doubts as religious people have:

> Just when we are safest, there's a sunset-touch,
> A fancy from a flower-bell, some one's death,
> A chorus-ending from Euripides —
> And that's enough for fifty hopes and fears
> As old and new at once as nature's self,
> To rap and knock and enter in our soul,
> Take hands and dance there, a fantastic ring,
> Round the ancient idol, on his base again —
> The grand Perhaps!

And it must be said: compared with Hutton's friends, the Wiccans don't come off badly in the intellectual department. There are a lot of silly things inside their heads, but at least they know what's in there. ❑

When Hutton tells them that he does research on practitioners of witchcraft, "far and away the most frequent question which they ask is, again and again, 'Do their spells really work?'"

***World on Fire*, by Amy Chua. Doubleday, 2002, 304 pages.**

The Trouble with Trade

Bruce Ramsey

In *World on Fire*, Amy Chua, a young professor at Yale Law School, argues that capitalism and democracy, the twin ideals of foreign policy, are often undone in countries with a market-dominant minority — a distinct group better at business than any other group. Think of the Chinese in Indonesia and Burma; the Lebanese in West Africa; the Indians in Fiji and East Africa; the English in Zimbabwe and South Africa; or the Jews in Russia.

Chua comes from a "third-tier" family of Filipino-Chinese tycoons, the owners of a plastics conglomerate in Manila. The family has vacation homes, servants, and "safe deposit boxes full of gold bars, each one roughly the size of a Snickers bar." Chua's aunt sent her one of these goodies before the aunt was hacked to death by the chauffeur. The aunt was Filipino Chinese, the chauffeur native Filipino.

The Chinese are not loved by the native Filipinos, the Indonesian *pribumis*, the Malaysian *bumiputras*, the Tibetans, or Burmese. These folks will often privately admit that the Chinese are more enterprising. A Tibetan guide once told me that if he had 100 yuan (about $12) he would drink it up with his friends, whereas a Chinese would put it in the bank and invest it in his

business. He respected the Chinese for that. But he also resented the Chinese for being in his country, for keeping to themselves and showing by little things that they thought themselves superior (which they do).

What does all that have to do with the market? When clotted and crusted markets are opened up to commerce, it is groups like the overseas Chinese who are in a position to make the most of it. They already know business and they have connections abroad. As they build wealth in these markets, however, they often build resentment as well. It does not particularly matter that minority investment causes everyone's wages to go up. After 30 years of Suharto capitalism, the Indonesian *kampong* of 1995 was much improved over the *kampong* of 1965. The average Indonesian had better food and medicine, and many had televisions. But that did not protect the Indonesian Chinese from being burnt out.

A riot is not democracy, but balloting may express the same urges. Ask the resentful majority what it wants, and it may want to get even. Chua argues that this happens more often than Americans know. We assume that the nationalizations in the mid-20th century — oil and railroads in Mexico, for example — were ideological. In China and Cuba they were. But often it is ideological cover for the dispossession of a minority — in Mexico's case, the *gringos*.

In no country did pure capitalism and pure democracy exist at the same time. But those two things are what America is offering for export: the simple, stripped-down models.

All this might lead up to an argument for some kind of insular socialism, but it does not. Chua is in favor of the things she criticizes. But she argues that markets and democracy evolved in the West over a long period. The franchise was at first limited to property owners, and expanded slowly; and even with universal adult voting, majorities are restricted by law. Capitalism, in turn, evolved from laissez faire to the welfare state. In no country, she says, did pure capitalism and pure democracy exist at the same time. But those two things, she says, are what America is offering for export: the simple, stripped-down models.

A libertarian will argue that what Chua thinks of as a laissez-faire system (what's going on in Russia, for example) is not the genuine article. Fine; adjust the definitions. A country that has evolved a relatively pure capitalism will have institutions — courts, fraternal societies, insurance companies, savings banks, unions — to make the system work the way people want it. The institutions will have evolved with the economic system, and the economists who justify the economic system may not think about them. But they are there; and if capitalism is dropped from dirigibles ready-made into a non-capitalist society, those institutions will not be in place. Neither will the habits of mind that make capitalism work. These institutions and habits may be developed, but some groups will deploy them faster than others.

It is the same with democracy. America doesn't have pure democracy and never has. The libertarian will be less defensive of that, because the democracy he advocates (if he advocates it at all) is strictly limited by constitutional law. But such a system cannot be dropped from the sky, either. Unless people have a clear idea of the meanings of their constitutions, and have the will to defend those meanings, the constitutions won't matter.

Chua reminds us that while we may define a free society in a kind of recipe — "simple rules for a complex world" — key ingredients are often left out of the mix.

For the market-dominant minorities, this book is a warning: to be clannish is to court danger. It is wise to intermarry and assimilate, if you can. The Chinese assimilated in Thailand in a way they did not in Malaysia. It was easier in Thailand, because the Thais are ethnically and religiously closer to Chinese — there is no revulsion over eating pork, for example — and partly because the Thai government promoted assimilation. As a result, the Chinese in Thailand are politically more secure and accepted than the Chinese elsewhere in Southeast Asia. But Thailand is not the usual case.

Nor is America. It is not realistic to ask every country to become an unlimited melting pot, because most countries don't want it.

The last third of Chua's book is an attempt to analyze Israel and America as "market-dominant minorities" in the Middle East and the world, respectively. It's an analogy, and it is stretching her argument.

Chua reminds us that while we may define a free society in a kind of recipe — "simple rules for a complex world" — key ingredients are often left out of the mix.

The book ends on a weak and unconvincing appeal for foreign aid. She admits that redistribution of wealth will do nothing to alter the division of talents, and says that it has been proven that education alone will not do much. She mentions Hernando De Soto's campaign to create property rights for the poor, and endorses it, but says that will not be enough; government-to-government aid is needed. She reaches this position by a process of elimination, and does not argue for it, which is pathetic. It would have been much more honest to admit that she doesn't have an answer.

The strength of this book is in its clear and colorful outlining of the problem. It is a reminder not to take those rankings of capitalism and economic freedom from Heritage and Cato too seriously. What they measure is important — but there are other factors, unmeasured, that may get between an enterpriser and his bars of gold. ❑

What's So Great About America, **by Dinesh D'Souza. Regnery, 2002, 218 pages.**

America's Virtues

Jane S. Shaw

The title of this book can be read as a sneering question, "What's so great about America?" Or it can be the label for a straightforward list of what is, indeed, great about America. Dinesh D'Souza wants us to reflect on both possibilities.

My guess is that he started writing this book well before the September 11 attacks, but the attacks give the book its focus. "Why They Hate Us" is the title of his first chapter, and for those of us who are still trying to figure out why, his perspective is helpful. D'Souza's book is not as deep as Bernard Lewis' *The Middle East* or Samuel P. Huntington's *Clash of Civilizations* — and his conclusions may be wrong — but it offers insight.

As a prominent conservative, D'Souza is juggling several tasks. He wants to clarify why America (that is, the United States) is worth admiring and to defend it against its critics. And not only its Islamic critics: he also wants to defend America against its leftist elites, with whom he has done battle ever since he was an outspoken writer for the peppery campus newspaper, the *Dartmouth Review*. But he also wants to convince fellow conservatives that America does indeed have excesses — and attempt to explain why — while still arguing that America's freedom, rather than its excesses, explains the terrorists' hatred. He also wants to justify the war against terrorists.

D'Souza builds his arguments with personal vignettes that compare his family traditions in India with his life in the United States (he is now a U.S. citizen) and with pithy statements such as, "It is a great mistake for Americans to believe that their country is hated because it is misunderstood. It is hated because it is understood only too well" (p. 184). D'Souza observes that America has shown the world that it is possible to have freedom and prosperity. Immigrants flock to America for both. "The moral triumph of America is that is has extended the benefits of comfort and affluence, traditionally enjoyed by very few, to a large segment of society," he writes (78). To D'Souza, Islam is in decline, not America. He argues that "the Islamic fundamentalists don't just object to the excesses of American liberty: they object to liberty itself" (184).

In spite of his admiration of America, D'Souza is bothered by the deterioration of its traditional values, revealed by the high divorce rate, widespread illegitimacy, and the "barbarism and weirdness of many teenagers" (136), among other things. "Life in the United States is characterized by a peculiar restlessness and angst, even in the midst of prosperity," he contends (136–7). Part of his goal is to explain why.

He argues that the cause is not capitalism, not technology, but the ghost of Jean-Jacques Rousseau and his cult of the "true self" (145). D'Souza argues that a search for "authenticity" of self has replaced the previously sturdy element of American history, the religious conviction that there is a "moral order in the universe that is separate from us and that makes claims on us" (147) (he cites Augustine as the source of this idea). Confidence in this order has collapsed, and has been replaced by the search for self-fulfillment, often in bizarre ways.

So, like many conservatives, D'Souza identifies the 1960s as the time when everything fell apart, although (somewhat subtly) he doesn't blame the 1960s generation directly. Rather, he blames the parents' generation (the World War II-era "greatest generation") because "it failed to replicate itself" (152). In any case, the shift to Rousseau has turned the American tradition of liberty into a pursuit of "radical freedom, largely to the exclusion of the question of what that freedom is for." He contends that "the great conservative challenge is to bring this issue back to the forefront" (160).

Well, I think he may be right, though I may have been taken in by D'Souza's talents as a writer. Although a slim book, *What's So Great About America* is wide-ranging in scope, quoting Pericles, Rousseau, America's founders, and Islamic writers such as Ibn Khaldun. The writing is agreeable to the point of glibness, and its chief selling point may be its inspirational nature. I read the book some months ago, but when I returned to it to review it, I couldn't at first remember why I liked it or even much of what it was about. This suggests that, as a writer, D'Souza has an effect similar to fund-raising letters. These letters draw in their targeted readers by touching their ideological "hot buttons" and confirming their prejudices. That may be what happened to me.

The search for "authenticity" of self has replaced the sturdy religious conviction that there is a "moral order in the universe that is separate from us and that makes claims on us."

Taking a sterner position, then, I will raise the possibility that D'Souza's conviction that America's adversaries can be overcome may be in error. D'Souza appears to reflect the "universal civilization" strain of today's strategic global thinking, as discussed by Samuel P. Huntington in *The Clash of Civilizations*. This view of global struggles sees the values developed over the history of the West — capitalism, freedom, individualism — as triumph-

ing over other civilizations. Eventually, this way of thinking goes, everyone will adopt the culture of the West because it is superior. But Huntington sees this as a Western pretension — mere "ideology" — that is doomed to failure. The West is just one civilization like any other; it has its values and it will have its day.

I'm a neophyte in these matters. I do like the combination of sensitivity and triumph that Dinesh D'Souza conveys in *What's So Great About America,* but maybe that means I'm a conservative, or gullible, or both. On the other hand, America really is great, isn't it? ❑

Tom Stoppard: A Life, **by Ira Nadel. Palgrave, 2002, 621 pages.**

Art and Life Well Played

Timothy Sandefur

Tom Stoppard is best known to American audiences as the man who put the Oscar in *Shakespeare in Love*. He is among the cleverest dramatists working today, but he writes for the stage, an art form with which few Americans have any connection today, and his intensely intellectual style further limits his appeal. As Ira Nadel writes, "Stoppard is too smart, and his public is put off, if not offended, by his show of knowledge." One would think, then, that Stoppard would be automatically dear to the intellectual class, among whom obscurity and inaccessibility are necessary credentials for greatness. Yet in recent years, Stoppard has been pilloried by many of those intellectuals as being overly conservative, if not reactionary.

It might be astonishing to imagine that a man can be called reactionary when his plays include such avant-garde tricks as *The Real Inspector Howard*, the characters of which include a pair of critics who come out of the audience to criticize the play, or *Cahoot's Macbeth*, which includes lines like:

> *Easy*: — evidently knick-knacks quarantine only if bacteriologic waistcoats crumble pipe — sniffle than postbox but shazam!!! Even platforms — dandy avuncular Donald Duck nevertheless minty magazines!
>
> *Macbeth*: Eh?

That Stoppard, whose work appears at first as impenetrable as the aphasia usually sponsored by NEA grants, has come to be regarded as conservative, reveals a very important division in modern thought.

Much of 20th-century art, influenced by relativity and the misunderstanding of it, was motivated by a profound skepticism toward the ability of the human mind to understand anything objectively. Where art once strove for an immaculate presentation of the actual objects of perception, it now attempted to catch the often fleeting moments of experience. This manifested itself especially in a rejection of old artistic forms. Impressionism — whether in painting as with Monet, or in literature as with Conrad — abandoned the idea of a God's-eye view of nature, and tried to capture the process of perception instead. The rules of classicism seemed like yesterday's dogma, if not outright oppression.

Skepticism toward knowledge which past generations had once taken for granted was to be expected, of course, at a time when philosophy was declaring God dead. As Stoppard wrote in his play *Jumpers*, "The truths that have been taken on trust, they've never had edges before." But over the century, that skepticism transformed gradually into cynicism. Modern thought began by doubting what had once been assumed, and ended by rejecting the very possibility of knowledge; likewise, modern art started by rejecting classical artistic forms, and ended by abandoning the very idea of artistic standards. Under the influence, particularly, of Marxism, philosophers came to believe that not only economic and social institutions, but even thought itself, was the product of class and environment. Logic itself was only one "means of knowing," or even part of a diabolical conspiracy to perpetuate the social control of elites — setting up the rules of the epistemological game, as it were, in order to ensure that the elites would win. Such cynicism was embraced by leading Nazi philosophers, who distinguished between "German science" and "Jewish science," but it is today extremely popular among postmodernists, who distinguish between "male" and "female" epistemologies, and to whom all that we know is merely a vast illusion, called the "metanarrative," which determines how we behave, think, feel, buy, and sell. Reality cannot be understood — probably, it does not exist — it is only a story to be told. (Hence the joke: one postmodernist says to another, "I'm a deconstructionist," and the other replies, "No you're not; you're just saying that.") Postmodernism thus places its heaviest emphasis on the study of language and literature, and the postmodernist's highest praise for a work of art is to call it "subversive." As Stoppard puts it in *Rosencrantz and Guildenstern Are Dead*,

> *Ros*: What are you playing at?
>
> *Guil*: Words, words. They're all we have to go on.

Fittingly enough, Nadel's book picks up this theme. As he notes in the introduction, Stoppard is highly skeptical of the value of biography, even though many of his plays are, in some sense, biographical. Because biographies give the reader a false sense of thoroughness, the reader can often be misled into unfounded assumptions about the subject. But Nadel seems to concede too much to this notion that biography is largely in the eye of the

reader. True, biographers frequently blow small facts out of proportion, and miss bigger issues — and in Stoppard's case, the situation is further complicated by the fact that he knew little of his own family background until very recently, when he learned the details of his Czechoslovakian Jewish roots. On one hand, this enabled Stoppard to create his own personality free of powerful ethnic or traditional influences. But, on the other hand, this makes it difficult for Nadel to develop themes from Stoppard's life. He compensates by piling on more facts, so that, while one appreciates the scattered sparks, one often ends without much light — a reaction common among Stoppard's own audiences, who often leave the theater both amused and confused. But, while it's true that the biographer's job isn't to produce the Definitive Work, it's also not to merely compile facts for readers to draw their own conclusions; rather, it is to present the author's own honest interpretation, as one piece in an open-ended analytical process. Nadel's writing is very readable, but he sits a little too close to the screen.

Stoppard's belief that biography is chiefly done by readers echoes one of the themes of postmodernism, which sees the audience as the source of all literary meaning. Postmodern obsession with "narratives" rejects the notion that those narratives can correspond to anything actually true; instead, it sees them as instruments in a society-wide power struggle. Michel Foucault writes that "there is a battle for 'truth,' or at least 'around truth,' — it being understood once again that by truth I do not mean 'the ensemble of truths which are to be discovered and accepted,' but rather 'the ensemble of rules according to which the true and the false are separated and specific effects of power are attached to the true,' it being understood also that it's not a matter of a battle 'on behalf' of truth, but a battle about the status of truth and the economic and political role it plays." Postmodernism is therefore a modern form of cynicism, and its greatest enemy, naturally, is the philosophical legacy of the Enlightenment, which explicitly embraced the idea that there are "laws of Nature and of Nature's God," in science as well as politics — laws which the human mind can comprehend through reason, and use to its benefit. The postmodernist rejection of this legacy is the primary crisis of leftist intellectuals at the dawn of the 21st century, because it puts the left against progress, and on the same side as conservative reactionaries like Robert Bork or Leon Kass. Hence, the almost panicked tone among the older generation of liberal scientists, who went to graduate school because they wanted to help humanity, but whose labs are now being firebombed by environmentalist college students who claim to represent the *real* left.

Stoppard's subversion comes from a skeptical rejection of preconceptions, not a cynical rejection of any possibility of knowing.

Stoppard is in the same position as these scientists. In fact, scientists are often great admirers of Stoppard, whose plays have featured intriguing references to mathematics, quantum theory, and the life of Galileo. As Nadel writes, "Science, specifically mathematics, becomes the means of classifying and explaining the actions of an apparently arbitrary and illogical system . . . a . . . role it will increasingly play in Stoppard's later work. . . . In [Stoppard's play] *The Invention of Love*, Housman confidently declares that 'textual criticism is a science whose subject is literature, as botany is the science of flowers and zoology of animals and geology of rocks.'"

Stoppard's plays are "subversive" in that they are often obscure and filled with astonishingly witty writing; his talent for puns which hit below the belt is at least equal to Shakespeare's. One of my favorites, from *Rosencrantz and Guildenstern Are Dead*:

> *Guil*: Well, then — one of the Greek [plays] perhaps? You're familiar with the tragedies of antiquity, are you — ? Maidens aspiring to godheads —
>
> *Ros*: And vice-versa —

But Stoppard's subversion comes from a skeptical rejection of preconceptions, not a cynical rejection of any possibility of knowing. Skepticism, at bottom, is the opposite of cynicism: the skeptic demands proof; the cynic denies that proof exists. Skepticism — a profoundly Enlightenment virtue — is predicated on the assumption that some kind of knowledge can exist and can be valuable. In Nadel's words, "The future may be disorder, but it doesn't prevent us from seeking ways to predict it." Stoppard's genius at wordplay, which often makes his plays into sustained philosophical dialogues (a literary form very popular in the Enlightenment) is not, like so much postmodernist literature, primarily aimed at blowing up leftist political bugbears like science, capitalism, and Antonin Scalia — but instead, at actual discovery of some kind. He is investigating, not merely interrogating.

Stoppard studied modern philosophy, characteristically concluding "I read it with great enjoyment. It was really very stimulating as well as absurd."

Cynics, by contrast, reject discovery as impossible, and investigation as a kind of rape. The result, ironically enough, is that the real cynic ends up being utterly gullible. The dumbest "mark" of the con man cannot tell the difference between the genuine article and the counterfeit, but the cynic denies that distinction outright. All truths, for him, are foolishness. Hence the word "cynic," which derives from the Greek word for "dog," and was first applied to their kind in the declining days of Athens, when the original cynics wandered the streets naked, drinking out of pig-troughs. Very subversive, that.

Terry Teachout recently commented that "there are two modernisms, one deeply conservative and tradition-based, the other profoundly radical and antinomian." Stoppard, though not exactly dogmatic about tradition, is actually in the former camp

— a skeptic, not a cynic. This accounts for his excellent knowledge of science and literature, in which he is largely self-educated. (Works like *Shakespeare in Love* or *Rosencrantz and Guildenstern Are Dead* are amusing enough in themselves, but if one knows enough Shakespeare, the cross-references open up new levels of comic wealth.) Likewise, in researching *Jumpers*, Stoppard studied modern philosophy, characteristically concluding "I read it with great enjoyment. It was really very stimulating as well as absurd." And, more importantly, it explains Stoppard's belief in artistic integrity. "No, no," says a character in *Artist Descending A Staircase*, "each one is vital and every moment counts — what other reason is there for trying to work well and live well and choose well?"

The postmodernists were initially drawn to Stoppard because they imagined that his rejection of classical forms was their kind of subversion. But Stoppard does not reject all rules. In fact, he understands that rules of some sort are absolutely essential to creativity. One advantage of classical artistic rules was that they made it relatively easy to tell good work from bad: one can quickly spot a mistake in a line of iambic pentameter. But the criteria of modern poetry are far more complicated. Still, they must exist. The constraints of verse force a writer to be more creative; like a bottleneck, they increase the pressure to find the *mot juste*. Without such criteria, though, the writer need not search through his thesaurus for a two-syllable word that means what he's looking for, because a three or four syllable word will work just fine. The result is work that is "close enough," rather than precise.

So, while the postmodernist is correct that the formal rules of poetry or drama are artificial constraints, he is wrong to reject them entirely. Even if they are artificial, they are an essential means of forcing the writer to discipline himself, with the result that poetry comes out as "heightened speech" — speech chosen carefully. The problem is that in postmodernism's rush to greater and greater degrees of toleration, and its increasingly cynical rejection of judgment, it has abandoned the idea of constraints, which are essential to the creation of art. Once we abandon all rules as arbitrary, we end up being unable to distinguish between a block of uncarved stone and Michelangelo's "Moses." Relaxing or changing the rules does not destroy art — we can make beautiful art with rules which seem extremely lax by comparison — jazz, for instance, or the poetry of Walt Whitman. But abandoning rules entirely eradicates the distinction between art and noise.

His belief in art got Stoppard in trouble with the intelligentsia in 2001, when he denounced the pseudo-prestigious Turner Prize, a British artistic award for avant-garde work, routinely awarded to those who think they have evolved beyond the need for rules. In 2001, the Turner was given to Martin Creed, whose display consisted

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of an empty room with the lights flickering on and off. In 1999, one of the leading competitors was Tracey Emin's "Unmade Bed," which was just what it sounds like — a pile of rumpled bedding and dirty underwear. "The term artist," Stoppard told the Royal Academy of Arts Annual Dinner, "isn't intelligible to me if it doesn't entail making. . . . From there it is but a hop, skip, and a jump to Tracey's knickers." As Nadel writes,

> Tracing conceptual art back to [Marcel] Duchamp, whom he approved for making a valid attack on prevailing cultural values, Stoppard contrasted Duchamp's work with that of the conceptualists and installation artists who were the new orthodoxy only because they were hailed by the art establishment. Their protests against society had lost value because their art was self-contradictory. The audience was stunned. . . . A pandemic of criticism rained down as Stoppard's opponents at last had proof of his conservative, reactionary, and bourgeois taste. . . . The artists Gilbert and George were cornered and asked if they had ever met Stoppard. They replied that they once went to one of his plays "but we didn't last long — there were too many words."

Stoppard's plays have much that is absurd, or surreal, and he has said that "a play in the theater is an equation which is continuously changing and most of the variables are specific to the performance." But his modern fascination with process has not misled him into completely rejecting substance. On the contrary, his literary cleverness is beyond compare; he produces plays filled with brilliantly multilayered meanings and levels of complexity. The amount of labor that goes into his work reveals a deep respect for the fact that creativity is made possible by rules, and this makes him nothing if not a craftsman. It is entirely understandable that he would be revolted by today's Dadaists, for whom all art is affectation. That this can be considered reactionary is as sad a commentary on the state of our culture as the existence of the Turner Prize itself.

Stoppard's genius at wordplay is not, like so much postmodernist literature, aimed at blowing up leftist bugbears like science, capitalism, and Antonin Scalia — but instead at actual discovery.

Once we abandon all rules as arbitrary, we end up being unable to distinguish between a block of uncarved stone and Michelangelo's Moses.

There is a second irony about cynicism: despite the unutterable silliness of their credo and behavior — despite the fact that they are unable to distinguish between Michelangelo and an unmade bed — cynics take themselves with absolute seriousness, even while everyone else is laughing at them. But Stoppard always tries to amuse, at least. "The 'role of the theatre' is much debated (by almost nobody, of course)," he writes, "but the thing defines itself first and foremost as recreation. This seems satisfactory." His plays often leave audiences laughing — with a curious frown soon to follow. They will doubtless continue to do so for many years to come. ❑

***Selected Writings of Eduard Bernstein, 1900–1921,* by Eduard Bernstein. Amherst: Humanities Press/Humanity Books, 1996, 194 + viii pages.**

Marx Reconstituted

David Ramsay Steele

In the final decade of the nineteenth century, it became just impossible to remain an orthodox Marxist. The doctrine of Marx, as formulated in *The Manifesto of the Communist Party* (1848), greatly elaborated and somewhat revised in subsequent writings, and codified by Engels in *Anti-Dühring* (1878) could no longer be maintained by anyone, because they were living in a world which, according to Marx's theory, could not exist.

At this time, in the nation with the world's second largest industrial economy, the German Social Democratic Party was rapidly gaining ground. It was soon to become the biggest political party in the history of the world up to that date, and was to remain the biggest party in Germany until the rise of Hitler. Its acknowledged intellectual leaders, headed by Karl Kautsky, "the Pope of Marxism," were solidly Marxist and treated the works of Marx and Engels as Holy Writ, quoting from them piously and endlessly.

The German Social Democrats were the most prestigious socialist party in the worldwide socialist movement, the Second International. Almost all Marxists everywhere respected Kautsky, Bebel, Wilhelm Liebknecht, and the other German socialist leaders above any living expositors of Marxism. The Social Democrats had the support of most of the German working class. Socialist parties, mainly led by Marxists, were also gaining electoral support across the rest of Europe. This naturally confirmed Marx's prediction that socialism would arrive first in the most industrially advanced countries. Occasional puzzlement was expressed at the anomalous situation of the United States, culminating in Werner Sombart's book, *Why Is There No Socialism in the United States?* (1906)

The Social Democrats, like most Marxist organizations, had two sets of

objectives or demands, a 'revolutionary' program conforming to Marxist views of the imminent termination of capitalism, and a program of reforms, or immediately practical measures (such as public housing and occupational health and safety regulations) to be implemented within capitalism, and indeed, requiring for their success the continued existence of capitalism. Workers supported the Party primarily because of its 'immediate' demands, but at first this caused few qualms among ideologues, since they believed that capitalism was, objectively and independently of anyone's will, moving towards socialist revolution. The growing fear of some Marxists that 'reformism' was a threat was itself a recognition that capitalism was proving perversely resilient: if it were true that capitalism necessarily had to lead to socialism, then reformism could hardly be a serious obstacle.

In the 1890s one of the leading Marxists, Eduard Bernstein, a trusted friend of the late Marx and Engels, began to write articles arguing that Marxism had to be 'revised' to take account of the actual evolution of capitalism. By this time, some adaptation of Marx had already taken place. His labor-vouchers had been abandoned, for example, and most leading Marxists had reluctantly accepted some necessity for markets and money to survive for generations after the socialist revolution.

In 1899 Bernstein produced his book, *The Presuppositions of Socialism and the Tasks of Social Democracy* (best known in English as *Evolutionary Socialism*). Bernstein's 'Revisionism' attracted a storm of invective, and some blistering but inadequate intellectual criticism. He was often threatened with expulsion from the Party, but eventually left of his own accord. Somewhat ironically, he and the now-defrocked Kautsky both joined the breakaway Independent Socialist Party, because of their opposition to the First World War, which the overwhelming majority of Social Democrats, along with most Marxist intellectuals, patriotically supported.

After the war, Bernstein rejoined the Social Democrats and his Revisionism became gradually more acceptable (though the Party did not formally abandon the Marxist commitment to class struggle until 1959). European socialist parties, including those like the British Labour Party which were never Marxist, are all Bernsteinians now, though they have gone further in accepting a role for the market and discarding government interventions than Bernstein would have dreamed of.

Bernstein's 1899 book has been familiar to Anglophones since 1909, and has led many intellectuals, such as Sidney Hook, on their first steps away from Marxism. Bernstein's numerous later writings, a few of which are collected here, have been unavailable. They show Bernstein honing and adapting his theses, meeting the torrents of criticism and wild abuse with calmly reasoned arguments.

Capitalism, said Bernstein, was not developing in the way that the traditional Marxists were claiming. Engels, for example, had declared: "Marx has never based his communistic demands on this [the exploitation of the workers], but on the necessary collapse of the capitalist mode of production which is being daily more nearly brought to pass before our eyes."

Bernstein questioned Marx's reasons for supposing that capitalism would break down or that it would ever spontaneously cease to advance in technology and output.

Bernstein questioned Marx's reasons for supposing that capitalism would break down or that it would ever spontaneously cease to advance in technology and output. He questioned the assumption that the class struggle between employers and workers would wax ever more intense. He questioned the necessity for capitalism to destroy itself via the emergence of cartels and other monopolies. He questioned the assumption that "the magnates of capital" were becoming absolutely or relatively fewer.

He argued that Marx had identified possible tendencies which were real, but which could in practice be overwhelmed by countervailing forces Marx had neglected. Thus, Bernstein showed from statistics that the rise of big corporations did not mean concentration of wealth ownership, because these corporations actually had numerous small and medium shareholders. The capitalists, as a class, were not shrinking, but growing. "Their number increases both relatively and absolutely." (But Bernstein did wrongly think that the number of active entrepreneurs was decreasing.) The middle classes were not disappearing as Marx had expected, but growing. The class of wage-workers, the proletariat, upon whom all hopes for socialism were staked, was not becoming more homogeneous and united, as predicted, but more variegated, more differentiated, more divided into separate groups with little in common. It was presumably with mixed feelings that Bernstein, a staunch internationalist, also noted that the workers were not losing their attachment to their nation.

Bernstein went on to point out that the appearance and growth of huge enterprises did not imply the disappearance of small and medium enterprises. These were not just remnants of the past, but were constantly regenerated by novel developments. He questioned whether the state was up to the practical administrative job of taking over all these thousands of enterprises and operating them as a single organization. He denied that economic crises must get worse, and suggested that they might become milder.

The later essays in this collection show Bernstein's survival as a Social Democratic theorist and his partial vindication. A 1905 essay is called "From Someone Pronounced Dead." By the 1920s it was Kautsky's Marxism which was buried. Along with Kautsky and all the old Marxist leaders, Bernstein pointed out the horrific, reactionary, and anti-Marxian character of Leninism, though he was later to mention that the Marx he had known did possess "a Bolshevik streak."

As always happens when an ideology is waning, its proponents began to deny that it had ever held some of the positions formerly advocated. Kautsky, for instance, was to deny that Marxism had ever believed in the spontaneous breakdown or collapse of capitalism. As Steger points out, the later Bernstein did not merely repeat the ideas of his 1899 book, but developed new and quite subtle criticisms of orthodox

Marxism, such as his careful analysis of the phrase "scientific socialism." In his identification of capitalist trends, Bernstein was usually right on the money. Probably his most serious error was to over-rate the viability of cooperatives.

Bernstein always remained fundamentally Marxist in outlook. He went on revising the ideas of Marx and Engels, as they had done, though with more boldness and better statistics. He continued to accept the materialist conception of history and the theory of surplus-value (Marx's two great discoveries, according to Engels' funeral address). Bernstein retained such typical erroneous socialist notions as that a major part of retail trade is unproductive and parasitic. While arguing that economic crises would probably not get worse, he leaned heavily on the influence of collusive activity among capitalists, in cartels and trusts, to curtail such crises. His program for the future was a muddled blend of specific reforms governed by the ideal of "democracy," which he confused with liberty.

Defending the principle that socialist coercion raises the sum total of liberty, Bernstein maintained that legislation limiting hours of work is "actually a fixing of a minimum of freedom, a prohibition to sell freedom longer than for a certain number of hours daily, and, in principle, therefore, stands on the same ground as the prohibition agreed to by all liberals against selling oneself into personal slavery" (*Evolutionary Socialism* [Schocken, 1961] p. 150; see *Selected Writings*, pp. 182–83). If I choose to sell my labor for twelve hours a day, given that I can in fact walk off the job whenever I feel like it, my liberty is not being extended but restricted if I am compelled to stop at ten hours. Bernstein did not quite realize that capitalism automatically generates indefinitely rising productivity and therefore ever shorter hours of work, and that legislation endeavoring to speed up this process by limiting the working day merely penalizes the poorest workers, who may feel they actually need the money they could have gotten in those two criminalized hours.

Freakishly, for a Marxist intellectual, Eduard Bernstein came from a proletarian background. He died on December 18th, 1932. Had he lived a little longer, there would have been at least three adequate reasons (anti-war activist, Social Democrat, and Jew) for his disappearance into Hitler's camps. Bernstein was a gentlemanly intellectual of integrity and charm, who patiently and courageously chipped away at an ossified orthodoxy from within. He played a peculiar role in creating today's world, and in retrospect appears as a vastly more important Marxist writer than Lenin, Trotsky, or Mao.

Steger himself hopes that revisiting Bernstein will help rebuild a new, non-Marxist socialism, "as an ethical protest against the systemic injustices perpetuated by capitalism" (p. 25). Leftist intellectuals like Steger have learned all that Bernstein could teach them; one final, remarkable fact is still waiting to drop into its slot: there is no future in anticapitalism. ❑

Notes on Contributors

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Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

David Ramsay Steele is the author of *From Marx to Mises.*

Bradford, *from page 40*

> Yet if the perceived problem is, in fact, the lack of an organization that treats Mises' ideas as a "closed system" not to be improved upon, then Mr. Bradford is correct: the Mises Institute is doing nothing to fill that void.

This is, of course, an obvious "straw man" argument. So far as I know, no one argues that we need an organization "that treats Mises' ideas as a 'closed system' not to be improved upon." Why Huebert would suggest this, I have no idea. Perhaps it is to defend the Institute against the charges of many scholars (including some who receive financial support from it), who are inclined to opine, in private conversation, that the Mises Institute is inclined toward treating its Rothbardian system as more or less closed — as a system of thought to be advocated and promoted rather than something to be investigated or criticized.

So what does Huebert serve up? A claim that I made six "false" statements in the two paragraphs he quotes from a reflection. Five of these he admits are true. And he provides powerful evidence in support of the other one. ❑

Letters, *from page 36*

Admendment several years back should have failed precisely because it exemplifies a matter reserved to the states. Should a state be compelled to recognize, and thereby assess equal value to, a law of which its people disapprove?

Conversely, southern states abused this authority from Reconstruction through the 1960s, prompting the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. An argument even exists — articulated most eloquently, and defended most sincerely by Barry Goldwater — to oppose those measures on federalist principles.

State constitutions expand liberty, provided they do not encroach upon constitutional guidelines. Laws regarding open primaries, libel, licensing and registration of motor vehicles, tax policies, and term limits, among many others, are devised by and for the people of a particular state. Sandefur overlooks this indispensable point.

Whether the Confederacy would have failed remains a separate question, as is the morality of its policies. The states, however, devised the Constitution and provided themselves with the right to withdraw from United States.

Michael Lavin
Olive Branch, Miss.

The Nut Behind the Wheel

I guess I find the claim that SUVs ("The Case for SUV Bashing," Reflections, February) are less safe because of the danger of roll-overs to be kind of suspect. I'm not saying the books have been cooked. Since I never have examined the studies, for all I know they may be as accurate as the gun-related child death totals that include teenage gang violence. It's the fact that rolling a vehicle over, while easier to do in more top-heavy vehicles, may say a lot more about how people drive the vehicle than how badly designed the it is.

Perhaps if people were more aware of the roll-over danger (and the simple method of avoiding it), we could reduce the incidence and save more lives. Unfortunately, it's hard to find a motivated group interested in such education. Manufacturers don't want to remind customers of negatives related to their products. And people who dislike SUVs are not interested in helping others drive them more safely . . . they want others to make more sensible choices (i.e., more in line with what they choose). As a result, the headline for any story based on roll-over dangers will not be "SUV Drivers Need To Take Additional Care in Cornering." It will be "SUVs are not safer than smaller, lighter cars."

I agree with Jeff Riggenbach that government meddling in car design played a large role in creating the market for SUVs. I also agree that overly exuberant defenses of SUVs and Microsoft products are likely the result of "the enemy of my enemy is my friend" gut reactions. I also think he demonstrates the insidious power of the "enemy of my enemy" response by so readily adopting the position of SUV foes: that increased roll-over danger means that SUVs are inherently less safe from the point of view of the individual driver.

I think SUV roll-over statistics are like those that indicate antilock brakes have encouraged a significant group of people to drive more dangerously in unfavorable road conditions: a cause for education about safer use of antilock brakes, not an argument for keeping them out of your cars altogether.

Matt Magri
Milford, N.H.

The Politics of Science

Wendy McElroy skirts a fine line on the supposed politicization of the hard sciences ("Exploring the hermeneutics of . . . ," Reflections, January). For one thing, she erroneously reports that the French brothers Bogdanov initially claimed to have perpetrated a reverse Alan Sokal hoax on theoretical physics. The pair expressed complete sincerity to me and other science writers who investigated the story. Other researchers apparently started the hoax rumor. Of course, the source of the claim doesn't alter mainstream physicists' inability to parse the papers in question. However, the agnostics quoted in news reports generally were those who had the most face to lose. Outside experts were more uniformly critical.

Problems may exist in the systems for Ph.D. granting and paper acceptance in physics. But to say the politics of state-funded research per se has castrated the hard sciences is unreasonable. State funding conceivably could foster a pro-government bias (which is irrelevant in this instance) and, possibly, a glut or disproportionate balance of researchers.

For example, string theorists, whose intellectual forebears built the Bomb, outnumber those pursuing other approaches to so-called quantum gravity by roughly ten to one overall. (Coincidentally or not, string theorists sometimes are accused of herd mentality.) In contrast, Canada's Perimeter Institute for Theoretical Physics, endowed by technology entrepreneur Mike Lazardis, is more evenly split.

Nevertheless, it's easy to take the argument for no authority too far. Some libertarians tend to shrug off uncomfortable scientific results. Climate researchers, to pick a pointed example, seem to have come to a strong consensus that human action has contributed to global warming trends. By dismissing state-funded research, we libertarians come off as ideologues rather than the thoughtful people we usually are.

J. R. Minkle
Brooklyn, N.Y.

The State vs. Justice

Proponents of crime suppression must weigh the need to protect lives and property against the risk of convicting the innocent and allowing overzealous police and prosecutors to tear up the Constitution. In suggesting the Libertarian Party adopt crime suppression as its breakthrough issue, Frank Ricciardone ("Libertarians and Crime," Reflections, January) ignored that the fear of crime already has tipped the scales in favor of the police state.

Crime is already at historically low levels. Just how much more pervasive and intrusive would the police pres-

ence have to be in order to reduce murders by another ten percent? What about robberies? Burglaries? Would it require cameras on every corner?

Sergeant Ricciardone suggested the Libertarian advocacy of freedom through crime suppression would include altering the law enforcement agenda away from enforcing the drug laws. But is this realistic? As the rates of crime against persons and property drop, preventing each additional crime becomes more difficult. Meanwhile, victimless crimes, which continue in societies despite crackdowns, become relatively easier to pursue.

No one is in favor of crime. I, and nearly every one of your readers, have been the victim of a crime at some point. However, at least in Texas, fear of crime has turned the justice system into a giant conviction and incarceration machine.

In Harris County, 20 of the 22 judges in local felony courts previously worked in the District Attorney's office (from "Death Fair" by Michael Hall, *Texas Monthly*, December 2002). The media has given much attention to the poor quality of the public defenders assigned in death penalty cases. Your readers can imagine the sort assigned for the trials and appeals of those accused of lesser crimes. If an outmatched and underpaid defense attorney improperly objects to misconduct by the prosecutor or judge, the right to appeal that point is lost. Meanwhile, the appellate rules require that even intentional violations of the rules by the prosecution be disregarded unless they *directly* violate the limited protections listed in the Constitution.

Studies repeatedly have shown that jurors expect the accused to prove his innocence and hold it against him if he does not testify in his defense. No wonder the Harris County D.A. is adamantly against cameras revealing what goes on during deliberations!

In addition, at the end of the appellate process, when a habeas corpus application is supposed to permit challenging incompetent attorneys, police perjury, and bogus evidence, the state provides no attorney for a non-death row prisoner. The prosecutor composes "suggested findings." In most cases, the trial judge, a former prosecutor, signs these findings, unchanged, and the state's highest court (100% Republican) accepts them without a written opinion (a 3" x 5" postcard is sent). Federal courts *must* accept the findings as true under the 1996 AEDPA signed by Bill Clinton.

Texas is an extreme example (I hope). However, I submit that, throughout the nation, a citizen charged with a crime faces a nearly impossible battle against this tax-funded machine.

I, too, am dismayed that libertarians often are silent on the issue of crime. Libertarians should be the first to decry the excesses always found when citizens hand unchecked power to government agents after fear strikes the populace.

Thomas Giesberg
Rosharon, Tex.

Vox Populi, Vox Dei

In his January 2003 book review, "Judging the Court," Timothy Sandefur wrote of the fact that the "Supreme Court has looked the other way and allowed the legislative and executive branches to construct a massive governmental edifice totally alien to the Constitution on which it allegedly rests."

He seems to have meant by this that the Supreme Court should have prevented popular extensions of the federal government like the Food and Drug Administration, the Social Security Administration, and Medicare.

It is possible for the Supreme Court to make a decision that 60 percent of the American people disapprove of, as long as most do not disapprove vigorously. It is not possible for the Supreme Court to make a decision that 70 percent of the people disapprove of, and make it stick.

Nevertheless, I reread the U. S. Constitution. I found nothing that would forbid the establishment of a powerful and expensive government, if that is what most of the voters want. Because most of the voters did want such a government during the last century, that is what we have.

I did find Article I, Section 8 (1). It reads: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and *general Welfare* of the United States" (emphasis added). That rather clearly reads like the authorization of the welfare state.

John Engelman
Walnut Creek, Calif.

Kopel Soft on Gun Rights

Dave Kopel's article entitled "Guns in the Dock"(February) failed to do justice to the Second Amendment movement! He failed to mention the language from the concurring opinion by Justice Hugo L. Black in *Duncan* v. *Louisiana*, 391 U.S. (1968), wherein Black quotes the words of the legislators regarding the individual right to keep and bear arms. He also failed to mention the language of Justice Harlan in *Moore* v. *East Cleveland*, 431 U.S. (1977) and the strong language of the 5th Circuit decision last year in *U.S.* v. *Emerson*.

Mr. Kopel failed to mention the problem posed in the recent decision by the United States Supreme Court in *U.S.* v. *Bean*, wherein convicted felons must go through the Bureau of Alcohol, Tobacco, and Firearms (BATF) to obtain a restoration of their civil right to purchase a firearm — even if Congress refuses to fund the BATF to process the applications — without any mention of whether any constitutional amendment is implicated in arms bearing.

As a member of Jews for the Preservation of Firearms Ownership, I implore all readers to learn the lessons from history: every genocide of the 20th century began with gun control laws. Adolph Hitler killed more people who were not Jewish than who were.

I believe the government uses drug laws partly to disqualify firearm ownership. Do you question whether genocide cannot and is not happening right here in the United States of America?

This is why I only vote for Libertarian Party and Green Party candidates. I ask people to disregard the judges' lies that the jury must follow the judges' instruction of law, even if the jury disagrees with the law. You get what you vote for!

Richard Paul Zuckerman
Metuchen, N.J.

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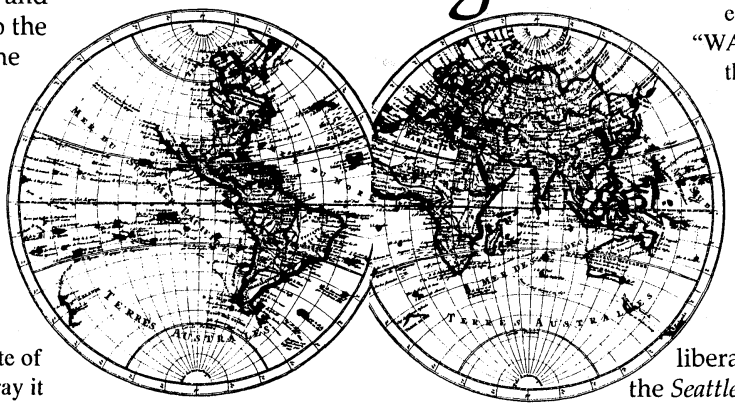

Bristol, Conn.

Law enforcement maintains its sense of propriety, noted in *USA Today:*

Government Acquisitions LLC is offering five new police vehicles to the city at a cost of $1 a year for three years in exchange for ad space on the cars. Chief John DiVenere said he wants to see what the ads would look like before making a decision. He said ads for beer, cigarettes, or guns wouldn't be accepted.

Havana, Cuba

Fidel Castro on duty and love, from an open letter to the Cuban people, quoted in the *Seattle Post-Intelligencer:*

"It was my duty to protect my beloved left leg," he wrote. "With it, I have practiced many sports, including soccer, have run in races, jumped, swam, climbed mountains. . . . "

"It had never betrayed me," the Cuban leader wrote of his left leg. "I couldn't betray it now."

West Midlands, U.K.

A remarkable advance in educational psychology, from a dispatch from the BBC:

Teachers at a primary school have been told not to mark children's work in red ink because it encourages a "negative approach."

In future, pupils will see their mistakes struck through with a green pen.

Chicago, Ill.

Dispatch from the War on Drugs, reported by the *Chicago Sun-Times:*

Chicago police arrested José Galvan, 43, and his co-worker, Juan Luna, 21, and charged them with felony drug charges for possession of more than $650,000 worth of marijuana. Galvan and Luna claimed that the cargo in their pickup truck was hay for a Roman Catholic Church nativity scene.

Prosecutors dropped felony drug charges after crime lab tests discovered that the marijuana in question was actually hay, said Jerry Lawrence, spokesman for the Cook County state attorney's office. But the two remained incarcerated at Cook County Jail so federal immigration officials could check to see whether they were in the country legally.

Youngstown, Ohio

Enlightened judicial decision, from the hometown of James Traficant, reported by the *Houston Voice:*

On December 18, the Seventh Ohio District Court of Appeals in Youngstown, Ohio, ruled that it is constitutionally permissible for police to hide video cameras in public toilets.

Kingdom of Saudi Arabia

Curious news item reported by the prestigious *New York Times:*

About 85 percent of Saudi women are wearing the wrong size bra.

Washington, D. C.

From a press release from the United States Postal Service:

The U.S. Postal Service reports that about 99.9% of its postal tubs, each bearing the official warning, "WARNING: Maximum penalty for theft or misuse of postal property $1,000 fine and three years imprisonment (18USC 1707.)", have been stolen. The Postal Service believes many are being used as "footstools."

Seattle

Seattle Police Department to liberalize parking ticket policy. From the *Seattle Times:*

On Dec. 9, a police officer ticketed John Seth for accidentally leaving his automobile lights on after leaving his parked car, telling him "Merry Christmas," as she handed him the ticket. The officer explained, "We can cite for it, so we do."

Lt. Steven Paulsen decided against pressing charges, "It's bad P.R. . . . My decision was, 'Hey, let's get rid of it.' . . . I mean, why ding someone, especially around Christmas?"

The officer had seen on the ticket form a violation listed as "Lights, parked vehicle," and concluded that it was illegal for a parked car to have its lights on. It was eventually discovered that it referred to a law requiring vehicles to have "lights that work properly."

Panama City, Fla.

The latest in upscale living in the Sunshine State, from a dispatch in the *Wall St. Journal*:

At WaterColor, a housing development featuring new $1,000,000 homes, 15,000 bales of pine needles are brought in and strewed about to hide the sand and "provide a backwoods feel." In addition, tree branches are "carefully strewn along trails" so that "it looks like they just fell out of a tree," said head gardener Snookie Parrish.

Union, N.J.

Proof of the vitality of the American free-market system, from a report in the *Seattle Post-Intelligencer:*

At "The Evidence Store" in Union City, N.J., lawyers who specialize in personal injury suits can purchase detailed replicas of injured legs, jaws, knees, eyes, spines, wrists, pelvises, and other body parts to impress jurors with the pain felt by their clients.

Special thanks to Russell Garrard, James Ogg and Owen Hatteras for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita,* or email to terraincognita@libertysoft.com.)

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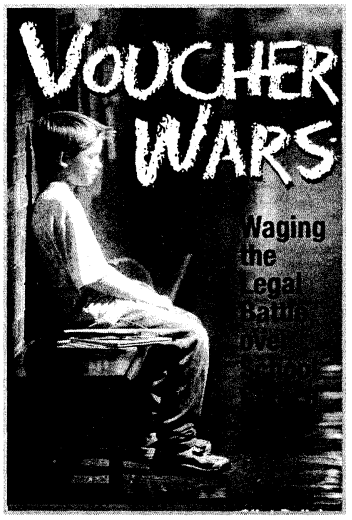

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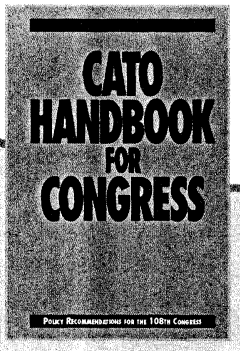

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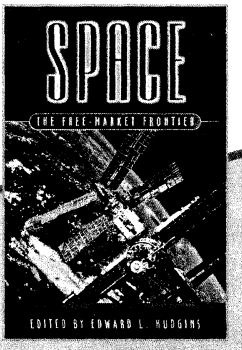

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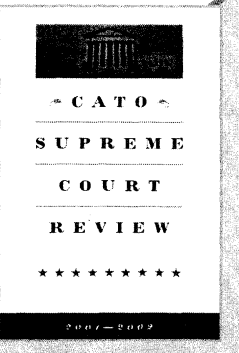

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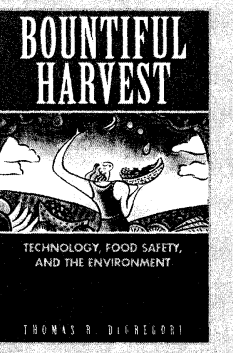

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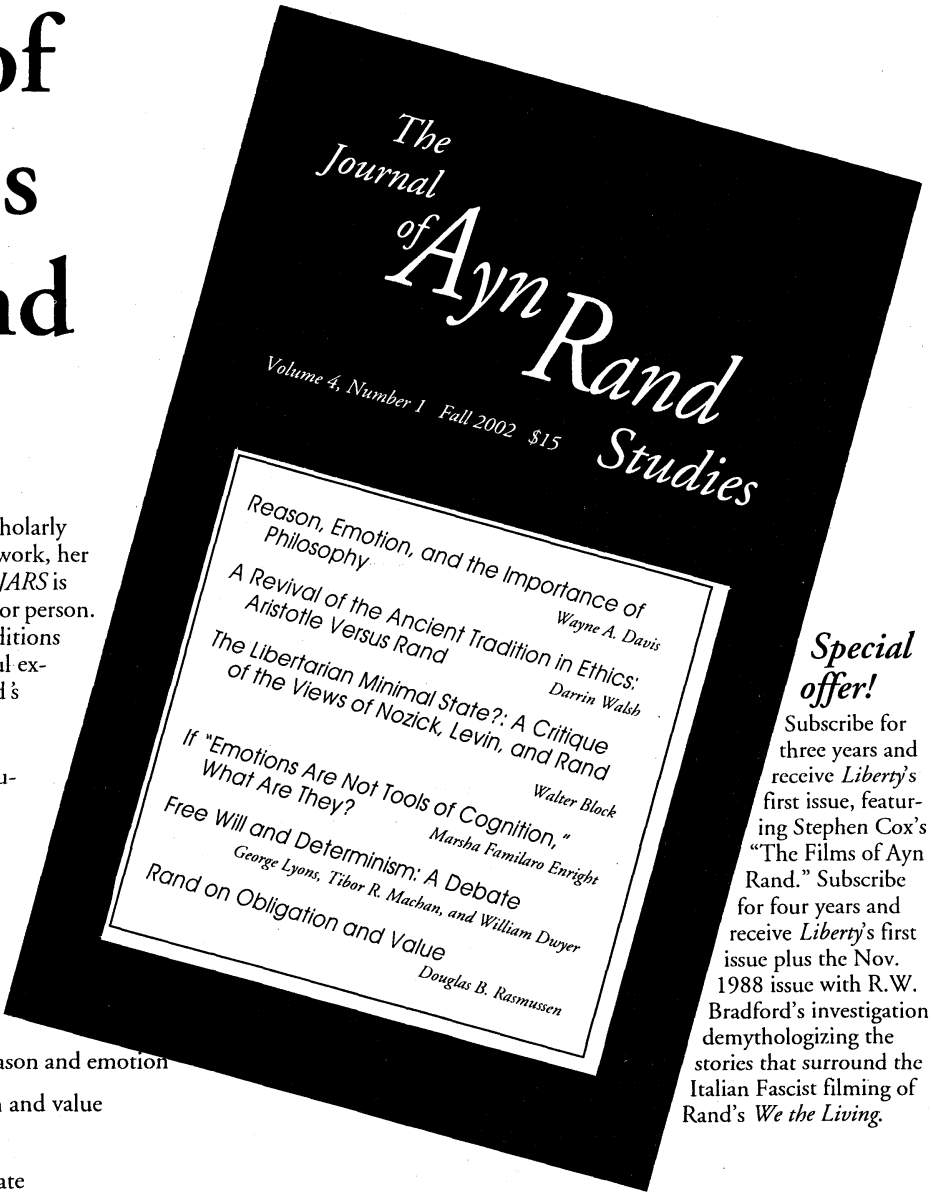

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- The well-being of the people infiltrating our borders — than about the decent Americans already living here.
- Creating jobs in corrupt dictatorships — than preserving jobs in America.
- The security of the Middle East — than the security of the U.S.
- Protecting "alternative families" — than supporting bedrock American families.
- The preservation of value-free multicultural hash — than the achievements of American culture.

And on and on.

And it seems the Media — both liberal and conservative — are often in full lockstep. Without a word of dissent, Or Even an Impolite Question!

Pat Buchanan

Taki Theodoracopulos

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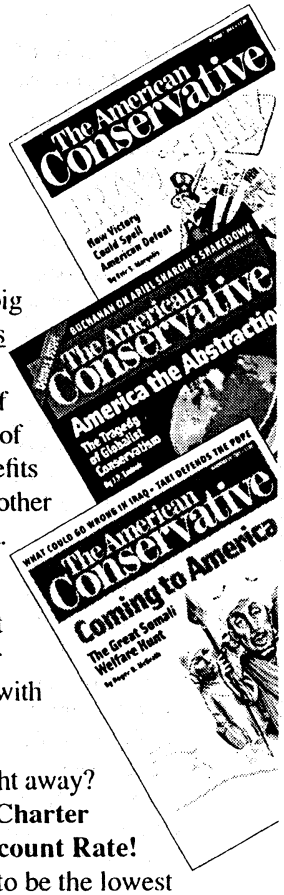

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Inside Liberty

April 2003
Volume 17, Number 4

4 Letters Our readers fire the first shots.

7 Reflections We fire a few final shots at the head of the Axis of Stupid before he orders shots fired at the Axis of Evil, mourn the loss of Marines in the War on Drugs, celebrate the good ol' days of Silent Cal, ride our BMWs out of Mother Russia, and discover that we aren't "family."

Features

19 Why Tax Reforms Don't Reform If you think a national sales tax or a flat-rate income tax would rid us of a meddlesome IRS, think again, warns *David Welber*. And *David Boaz* and *R. W. Bradford* take a hard look at taxes on use, sales, and death.

25 Liberty & Disunion, Now & Forever After 137 years, isn't it time to stop fighting the Civil War? But this won't happen until we undiscover a few new powers that Honest Abe discovered in the Constitution, argues *Joseph Sobran*.

27 From Nation-State to Stateless Nation Common sense says that where anarchy exists, chaos and destruction are sure to follow. So just how has Somalia defied common sense for more than a decade? *Michael van Notten* reports from the Horn of Africa.

33 The Call of Christ to Freedom If you love Christ, argues *Stephen Legate*, you ought to love liberty too.

37 The Poverty of Samuelson's Economics Paul Samuelson has taught generations of college students. Sadly, as *Alan Ebenstein* points out, his economics doesn't even meet its own standards as science.

39 I Want My SUV! *Karen De Coster* has a few good words to say about the murderous gas-hogs that support terrorism.

41 The Death Penalty in America *Ralph Slovenko* provides just the facts, ma'am.

43 Perverting a Message of Peace *Jeff Nall* tells what happens when George W. Bush searches for words of war in the works of a great man of peace.

Reviews

47 Leftists Outwitted, Libertarians Short-Shrifted *Garrett Brown* reads Dinesh D'Souza's letters to a young conservative.

50 U.S. Terror Tactics in WWII *Bruce Ramsey* takes a close look at the American bombing of Germany and Japan, and discovers that the bombs weren't aimed at military targets.

52 The Market for Culture *Jane S. Shaw* shows how trade helps — and hinders — culture.

51 Notes on Contributors All about us, in two columns.

54 Terra Incognita Be careful out there.

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Letters

Database Roulette

Chip Pitts is right on about TIA ("Totalitarian Information Awareness," March). Dabbling sometimes in mathematics (I am a trained chemist), I did a little spreadsheet doodling to demonstrate just how absurd the data-mining intended by TIA really is, and projected the incidence of "false positives" likely to be generated.

I will spare you the calculations and just lay out the results, based on simple assumptions. Obviously, the more terrorists there are in the U.S., and the more accurate the system is in correctly identifying the innocent and guilty, the fewer false positives there will be. Unfortunately, the number of terrorists is so small as to produce absurd results.

Assume, e.g., a whopping 10,000 terrorists in a population of 100 million (excluding children and the old, that's a rough figure.) If the data mine is 99.9% accurate (!) there will be 9,990 correctly nailed terrorists (10 will slip through) and 100,000 incorrectly nailed innocents, a false-positive rate of 91%!

More reasonable numbers, like 1,000 terrorists and 90% accuracy give a false positive rate of 99.99%!

Play with the numbers all you like; it doesn't get any better. Pitts called this a "feel-good" measure; in one sense it is, but, well . . . I don't feel so good.

Albert Kirsch
Bal Harbor, Fla.

Just How Many People Will You Kill to Make Men Free a Little Bit Sooner?

The U.S. was not the only place where slavery was abolished during the 1800s. It was also abolished in Argentina, Bolivia, Brazil, Colombia, Cuba, Ecuador, and Venezuela, plus the vast British Empire, and the nearly as vast French Empire. But only the United States resorted to war to abolish slavery.

Timothy Sandefur's defense of President Lincoln ("Freedom and the Wolves," March) rests heavily — one might say entirely — on the notion that Lincoln's war was justified because it ended slavery in the U.S. Sandefur should explain why we suffered Lincoln's war — which killed 620,000 Americans and destroyed billions of dollars worth of property — while many other countries rid themselves of slavery without a Great Emancipator and a bloody war.

Jack Dennon
Warrenton, Ore.

FEE Is Alive and Well . . .

In regard to former Foundation for Economic Education (FEE) president Mark Skousen's article ("A Year at FEE," February), I should like to point out that, contrary to his implication, FEE is not resting in obscurity but rather aggressively expanding.

We have, for example, just formed an alliance with the National Schools Committee, an organization which has been providing materials on economics and the free enterprise system to children in first through eighth grades for more than 50 years. When combined with our already very successful outreach program for high school and college students, this means that we have the potential to reach any student, regardless of grade level, with our educational materials.

Our weekend seminars, which were a hallmark of Leonard Read's years as FEE's president, are coming back with a bang. Israel Kirzner and other intellectual leaders of the free market movement will be participating in these. *Ideas on Liberty*, our magazine, is reaching more and more readers. And our December contributions campaign achieved levels not seen in several years.

The other free-market think tanks that Skousen wrote about should not be compared to FEE because we have different missions. Their mission is to

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influence public policy. Therefore, they must seek publicity. FEE, on the other hand, does not require publicity on such a scale because our very different mission focuses on the effective education of individuals.

FEE remains alive and well, continuing to honor that mission of being the entry point for educating students and the business community about individual rights, free enterprise, and private property.

J. Brooks Colburn
Irvington-on-Hudson, N.Y.

. . . Or, at Least, Not Quite Dead Yet!

I have mixed feelings about Mark Skousen's article about his experience with FEE. On the one hand, I agree with Skousen that FEE has "fallen into obscurity" and needs serious revamping. Most libertarians that I know think of FEE as a creaking dinosaur.

Many of Skousen's ideas were worthwhile. I was skeptical at first of his proposal for the FEE National Convention but I had to admit that the convention was well-organized and successful. Not only did it draw attention to libertarians, it brought many people and organizations together who had had little contact for many years in ways that could spark new interest and new networking. I regret that FEE has no plans to continue it.

On the other hand, there's more to this story. I was not privy to FEE's reasons for letting Skousen go, so can in no way speak for them. However, as co-founder and former co-proprietor of Laissez Faire Books, I figure I'm entitled to an opinion about how he ran that enterprise. Based on what I saw and heard, his management of LFB left a lot to be desired. Running a bookstore is a specialized skill; just because someone has been successful in another area doesn't necessarily mean they are skilled in all areas. Just one example among others that came to my attention: Wasting the front page of the Laissez Faire Catalog on a book entitled The Dogs of Capitalism. Offer it to our customers? Maybe. Devote the front page to it? No way. Not good marketing; it's too trivial a book. If LFB ever sells all the 500 or so copies Skousen bought, I'll take this back!!

There was also the lurking fear among many of us that Skousen would water down the book listings to reflect his own socially conservative approach. Goodbye, George H. Smith and books on victimless crimes such as drugs and prostitution. This would gut LFB of its radical nature and its willingness to tackle issues the mainstream won't. Perhaps we were wrong; we'll never know.

I can only hope that Skousen's dismissal does not mark a return of FEE to obscurity, comfy sleepiness, and preaching to the choir. I hope FEE will learn from the good that Skousen did and jump forward to the 21st century, not fall back to the 19th.

Sharon Presley
Oakland, Calif.

Difference Principle Revisited

Perhaps I owe Professor Narveson an apology for assuming that there was any passion in his Rawls "Autopsy" (February), however, he does confess to feeling some irritation over the topic in

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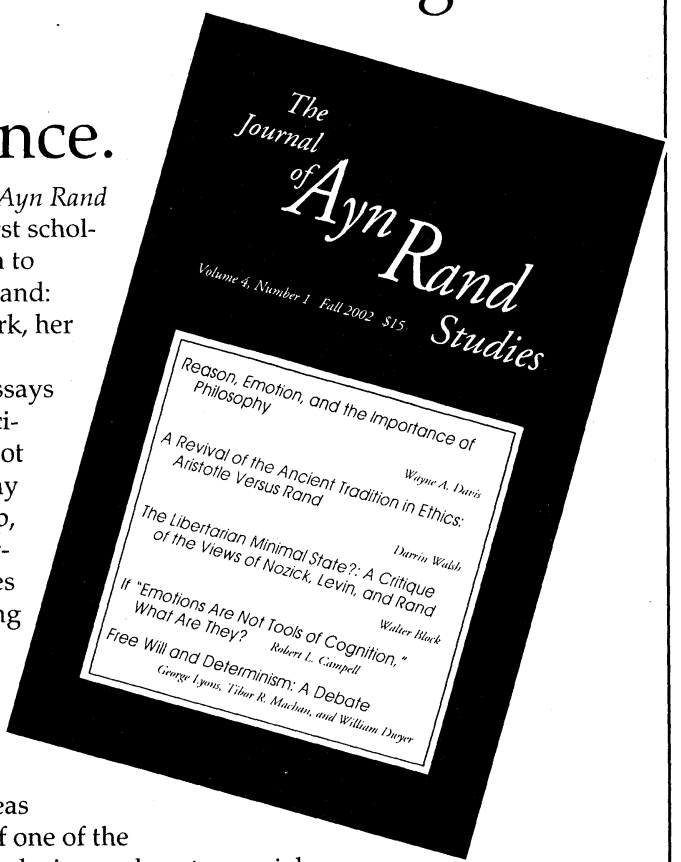

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his reply to my letter (March). Without, I hope, becoming passionate myself, I, too, would like to express some irritation. First, in that *Liberty* allowed Professor Narveson a good deal more space for his reply to me than I required in my intentionally brief original remarks. I was, after all, not writing a book or even a journal article, but rather, as *Liberty* aptly noted in its caption over my letter, just giving a single cheer for John Rawls. Second, in that Professor Narveson uses this generous space to claim that I did not "attend" to his argument, while pointing us to various works in which he said a good deal more. It is true that I "attended" only to the argument that Professor Narveson put in his "Autopsy." I can only assume, on present evidence, that had he wished to say more, *Liberty* would have been happy to grant him the space.

Further, I will assume that *Liberty*'s editor does not plan to give *Liberty* over to restating the entire literature on Rawls, so I will make this reply quite brief, even at the risk of possibly failing to address some other crucial point in Professor Narveson's reply. The argument that the Difference Principle does not call for strict equality assumes only that some persons of ability will not put forth their full efforts if they will receive only an equal share. (I strongly doubt that many libertarians find this assumption controversial, but perhaps Professor Narveson has a conclusive attack on it that I have missed.) Thus, the total wealth to be distributed under the Principle will be larger than it otherwise would be, if the more able persons are given a larger share. In turn, this increase in total wealth makes possible to the least advantaged a share absolutely larger than an equal share would have been, though it is relatively smaller than the share received by the more able.

Professor Narveson seems to be looking at the matter in a purely static fashion. It is true that at each point in time an equal share based on the current total wealth would provide more than the least advantaged are receiving — that, he says, is "elementary mathematics." Unfortunately, it is a mathematics too elementary to capture the dynamics of the situation over time. Focusing only within each time slice on what could have been done will result in a smaller absolute share for the least advantaged, and so is incorrect under the Principle itself.

As I said in my first letter, the Difference Principle is wrong in several ways, but, whatever its faults, it does not call for strict equality.

Gordon G. Sollars
Kinnelon, N.J.

George and Adolf

I did not vote for George W. and I am not about to defend all the actions he has taken under the umbrella of the "War on Terror." Nevertheless, R. W. Bradford's comparison of Bush to Hitler ("From the Editor . . ." March) must be challenged.

To say that "ordinary people in Germany reacted to Hitler" the same way that Americans are reacting to Bush is not only an insult to ordinary American people and the president but a tremendous devaluation of Hitler's evil and the German people's guilt. What indication do you have to think that Bush ever hopes to slaughter men, women and children in death factories because of their religion or their cultural background?

Before Hitler even became "president" (and absolute dictator) of Germany, he had already committed the gravest attacks on liberty. To name a few examples, he:

* banned all political parties other than the National Socialists;
* attempted to ban all Jewish-owned businesses;
* kicked Jews out of the government and made it clear to them that they were not welcome in the country;
* suspended the constitution;
* enacted complete governmental control of the media;
* opened numerous concentration camps, where political prisoners were held, tortured and killed without trial;
* carried out the "Night of the Long Knives," in which members of his own government along with hundreds of other citizens were shot in a single weekend.

To think the Bush administration — which is openly attacked in the press and in the streets, which is facing a new election next year without complaint, which has never denounced a class of innocent people — is close to a Hitlerian regime would be laughable if

continued on page 18

Reflections

Imposing democracy — In his second debate with Al Gore, George W. Bush denounced "nation-building," by which he meant intervening in other countries to try to impose democratic and free-market institutions on them whether they wanted them or not. He also criticized the previous administration for being too dependent on support from alliances like NATO and international organizations like the United Nations. He favored a more independent foreign policy.

Since NATO and the U.N. had ensnared the U.S. into dubious foreign military activity (in Haiti, Somalia and Yugoslavia), activity that involved nation-building, it seemed pretty certain that Bush was advocating a much less activist foreign policy than President Clinton's. Indeed, it looked as if the U.S. under Bush might very well adopt the traditional, classical liberal foreign policy: free trade and friendship with all nations, and a military kept for defensive purposes only.

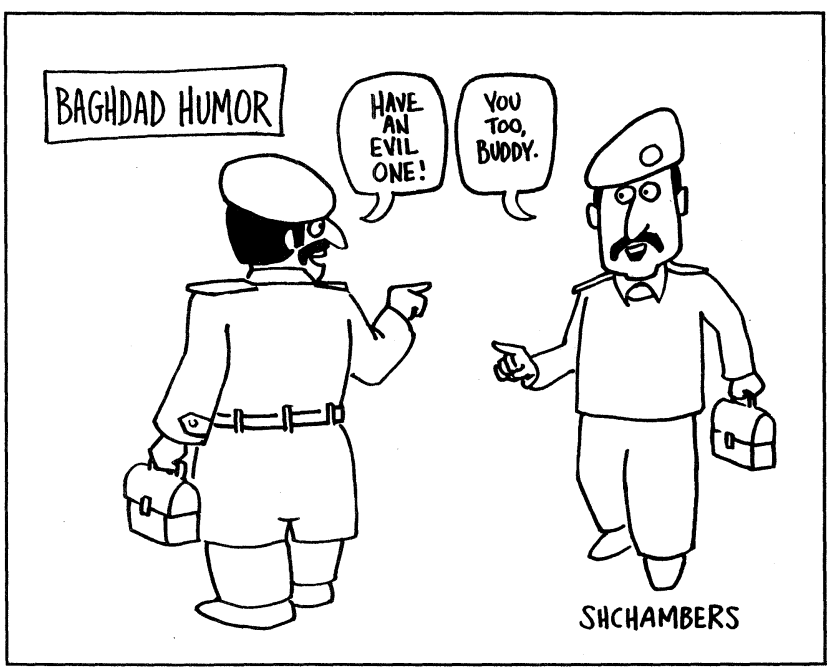

Bush kept half of his foreign policy promises: he has gleefully ignored the U.N. and NATO, proceeding with plans to invade Iraq, occupy it, and set up a puppet government, all in the name of nation-building.

The hubris of the Bush policy knows no limits. The administration has already set up a task force to determine what sort of taxes the new, democratic, free-market Iraq will impose on its citizens. Right now, the Iraqi government is funded mostly by oil revenues; its only taxes are modest levies on real estate and inheritance. Plainly, according to the Bush administration task force, it needs more taxes, though not at first. Initially, to build popular support, there will be no taxes at all. But once a popular government has been established, Iraqis will get a progressive income tax.

—R. W. Bradford

What goes around comes around — The CIA is now reporting that North Korea has the technology to hit targets on the west coast of America. It just occurred to me that these targets include large clusters of people who supported Clinton throughout the '90s, whilst he was selling missile technology to the Chinese in return for campaign contributions. It's nice to know that since so many west coast residents subscribe to Eastern religions, the concept of "Karmic Justice" is not foreign to them. — Tim Slagle

Revenge of the New Dealers — The Department of Homeland Security is a Republican version of New Deal public works programs. — Richard Kostelanetz

Taxing for terror — The FBI says that Hezbollah, an Islamic terrorist group, has been partially financing itself buying cigarettes in North Carolina (where cigarette taxes are low) and reselling them in Michigan (where cigarette taxes are high). The lesson for state legislators? If you impose high taxes, you are supporting terrorism. — Randal O'Toole

Hubris alert!— Americans who wonder why people in the rest of the world regard the U.S. as, well, bossy, might do well to reflect upon this, from an editorial in *The Wall St. Journal*: "Multilateral groups have their uses, as NATO has proven over the decades, and as even the U.N. has shown when it has followed American leadership (Korea, the Gulf War)." — R. W. Bradford

We're all Clintonites now — Clinton Lite. Is that what American conservatism has come to in the 21st century? It's a complex story, as there are many competing strands in President Bush's agenda.

Bush will never match the ambitious view of government of his predecessor, who managed to propose 104 new federal initiatives in 89 minutes in his last State of the Union speech. Still, in his State of the Union address, Bush did manage to recommend that the federal government spend taxpayers' money on such Clintonesque programs as a new hydrogen-powered automobile, drug treatment, mentors for disadvantaged children, AIDS treatment in Africa, and a massive new prescription drug entitlement for the elderly.

It's a far cry from the individualist, free-market, less-government conservatism of Barry Goldwater and Ronald Reagan. Conservatives used to believe that the U.S. Constitution set up a government of strictly limited powers. It was supposed to protect us from foreign threats and deliver the mail, leaving other matters to the several states or to the private sector — individuals, families, churches, charities, and businesses.

Bush has rejected the clarity of that vision, seeking a sort of Third Way between Reagan and Clinton. He campaigned across the country telling voters, "My opponent trusts government, I trust you." But in speeches to more liberal audiences, he ridiculed "the destructive mindset . . . that if government would only get out of the way, all our problems would be solved" and declared that "Government must be carefully limited — but strong and active and respected within those bounds."

His State of the Union agenda can only make us ask, Where are those bounds? If the federal government should build cars, train mentors for kids, and treat AIDS in Africa, what are the limits of its responsibilities? Traditional conservatism recognizes limits to government's wisdom and abilities.

Washington's new big-government conservatism is a product of several factors. First, Republicans spent so many years complaining about the budget deficit that they got out of the habit of arguing that some programs just weren't the business of the federal government; the deficit was an all-purpose reason to oppose new programs, but when the deficit (temporarily) disappeared the spending spigots opened. Second, Republicans feared offending any group by denying its claims on the federal purse, so they conceded the moral high ground to the big government crowd. Third, the limited-government conservatives and libertarians were joined by the neoconservatives, who brought with them both a keen understanding of the threat of communism and an expansive view of the role of government. As Bush adviser Stephen Goldsmith put it in *The Wall Street Journal*, "compassionate conservatism does accept continued state action, but advocates altering that action to fit common conservative principles." Today's neocons call for "national greatness," not for limited government, and look to Theodore Roosevelt and Harry Truman, not James Madison and Barry Goldwater, as their models.

The same shift is visible in foreign policy. In his campaign Bush talked about restraint and humility. "If we don't stop extending our troops all around the world in nation-building missions, then we're going to have a serious problem coming down the road," he said in his debate with Al Gore. Obviously the terrorist attacks of September 11 (though indeed they demonstrated the risks of foreign interventionism) changed the focus of U.S. foreign policy; but the shift in Bush's agenda goes far beyond tracking down the al Qaeda network that attacked America. Now the United States is undertaking "nation-building" missions in Afghanistan and soon in Iraq, challenges that will be far more difficult than Clinton's mission in the Balkans. Worldwide interventionism is risky business. It is no easier to run the world than to run a national economy, and the costs may be even greater.

When they're given a chance to vote, Americans don't like big government. Last November 45% of the voters in the most liberal state in the Union, Ted Kennedy's Massachusetts, voted to abolish the state income tax, despite dire warnings from even conservative pundits that the measure would wreck vital services. On the day that President Bush spoke to the nation, Oregon's liberal electorate voted 55–45 to reject a proposed tax increase, thereby instructing the legislature to implement substantial spending cuts.

Bush's program is a far cry from the individualist, free-market, less-government conservatism of Barry Goldwater and Ronald Reagan.

Given that our election laws have made incumbents virtually impregnable, and campaign finance restrictions make it hard to fund outsider candidates, it is hard to produce political leaders who will challenge the status quo.

For now, our best hope is the schizophrenia in Bush's agenda. Inspired by the worldwide trend toward markets and the rise of the investor class in America, Bush combines his little bits of big government with a promise to cut taxes at the margin and to bring choice, competition, and individual control to two of the linchpins of the welfare state: education and Social Security. If he succeeds in those endeavors, we may yet see a new birth of freedom in America, in spite of the Citizen Service Act, the mentoring initiative, and the hydrogen-powered car. — David Boaz

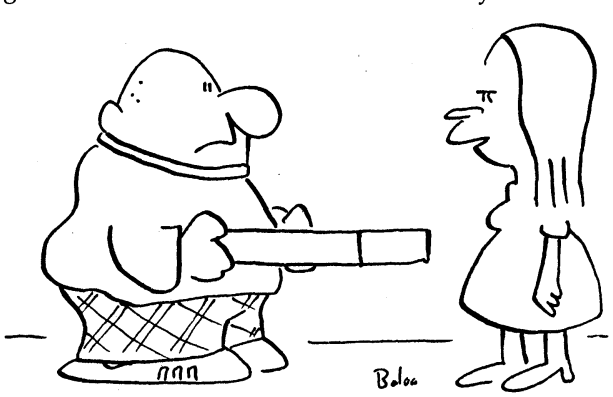

"Marijuana, maybe, but *pizza* can't be for medicinal purposes!"

Four Marines fall in War on Drugs — Lt. Col. Robert J. "Ramrod" Theilmann, 47, a Camp Pendleton flight instructor and commander of a 300-member flight squadron dubbed the Coyotes. Maj. Steven G. Palombo, 36, whose wife just gave birth to a baby daughter. Capt. David C. Cross, 34, who just rejoined the Marines after picking the wrong time to try to get a job as a commercial airline pilot. Maj. John Walsh, 36.

All were well-trained, brave Marines dedicated to serving this country in war and peace. All lived in San Diego County near Camp Pendleton. All left behind grieving families, friends, and colleagues who will never get to see how they would have fulfilled their great potential in life.

And all of them, although there is not the slightest evidence that any of them had anything to do personally with illicit drugs, have to be added to the ever-expanding roster of casualties of the drug war.

The four Marine reserve pilots, based at Camp Pendleton but operating during the last week of January in Falcon Heights, Texas, near Harlingen, were part of a drug-law enforcement operation totaling six helicopters and 53 Marines, deployed along the Mexican border. When their helicopters collided in the dead of night all four were killed.

Sadly, the cause they died for was not a cause of which America can be proud.

The War on Drugs has not stopped Americans from using drugs the government has deemed illicit. What it has done is increased violent crime, led to the deaths of innocents, tempted authorities to blur distinctions that have traditionally protected American liberties, wasted billions of dollars of the taxpayers' money, and promoted corruption and dishonesty.

And in January it took the lives of four brave Marines.

Using the military to enforce domestic laws is a bad idea. The missions of the military and of law enforcement are different, so their training is different. Whatever one believes about the drug war in general, it should be clear now — especially in these times of rumors of war — that the use of U.S. military forces in drug enforcement should be ended immediately. We had been told that such use was being reduced in light of the struggle against terrorists, but this tragedy in Texas shows it hasn't stopped.

The temptation to skirt law and tradition and enlist the military in a crusade that civilian law enforcement seemed to be losing is understandable. But it hasn't worked. Illicit drugs are still widely available on the black market; supplies are, if anything, more bountiful than a few years ago. And the military has more important missions.

It is time to open a serious debate on drug laws. The War on Drugs has undermined our liberties and helped to subsidize terrorism and violence. I personally challenge "drug czar" John Walters to an open and honest debate where all sides are represented and given a fair hearing, before the drug war claims more casualties. Will he have to courage to accept?

— Alan W. Bock

Reefer Madness, part LXXXVII — A recent anti-drug campaign warns that marijuana is more dangerous than people think. They show either a car crash, or somebody putting flowers on a memorial for a friend lost in an accident. The voice-over repeats what sounds like an incriminating statistic: "One out of three people, stopped for reckless driving, and tested for drugs, tests positive for marijuana." Let's look at that statistic another way. It indicates that a full two-thirds of persons forced to submit to a drug test, after a reckless driving pullover, test negative for marijuana. All it proves is that the majority of reckless drivers who look like drug users are not pot heads. (It isn't mentioned how many of those pulled over pot heads are also legally drunk; I would guess all of them.) It's also worth mentioning that tests for marijuana, unlike those for alcohol, detect whether the subject has smoked dope during the previous few weeks, not whether they are under its influence at the time of the test.

The accident footage in the commercial is nothing more than a red herring. There is no logical connection between the accident footage and the statistic, as they are talking about pullovers rather than fatal accidents. That would indicate to me that the ads were written before they did their research, that they wanted to show a link between automobile casualties and marijuana, and the "one in three" statistic was the most incriminating one they could find. I don't want to suggest that it is safe for people to drive under the influence of marijuana, but you have to wonder whether driving while stoned is as dangerous as the ad suggests if this was the most devastating statistic they could come up with.

— Tim Slagle

An opportunity for Libertarians — The theory, first proposed by *Liberty*'s editor, that the Libertarian Party's need for a new approach and the nation's need of drug reform might both be filled by the LP's nominating for president a candidate who would make ending the War on Drugs the centerpiece of his campaign is about to be tested.

Judge Jim Gray, author of *Why Our Drug Laws Have Failed and What We Can Do About It*, is seeking the LP presidential nomination on just that theory. Gray is an articulate advocate of ending the War on Drugs, well-known and well-connected in the drug reform movement. His book was endorsed by everyone from Milton Friedman to Walter Cronkite to Baltimore mayor Kurt Schmolke to former Secretary of State George Schultz.

If he wins the LP's nomination, voters will be given their first opportunity ever to make an unequivocal anti-drug war statement and the LP will get its first real chance to rise above the sad 0.5% vote share that has been its chronic fate. In fact, there is good reason to believe that he might win as much as 10% or even more of the vote.

Jim Gray offers Libertarians something they badly need: a credible candidate who can plausibly capture 10% of the presidential vote. And he offers the nation something it needs: a way to call a truce in the War on Drugs.

Medical marijuana initiatives have been enacted by voters of several states and nearly a third of all Americans tell pollsters that they favor drug legalization. The families of victims and potential victims of the drug war include an awful lot of people who might be motivated to vote for a third-party candidate like Gray as a way to make an unequivocal statement against the War on Drugs.

— Chester Alan Arthur

Your litmus test is back from the lab — Last issue, Brink Lindsey treated us to a taxonomy of libertarians, radical and reformist ("Am I a Libertarian," March). The occasion for this was his attempted excommunication by libertarians he deems radicals and utopians. The sole charge against Lindsey, for all I can work out, is his support for

some kind of military action against Iraq.

I find the link between Lindsey's "excommunication" and his analysis of it rather tenuous. The issue isn't tension between any two factions in the movement. Sure, all of us can point to a libertarian who is more "radical," or more irascible, or just plain ruder, than ourselves. And there are plenty of us who are too busy applying litmus tests to each other's Internet postings to get out in the real world and actually protect or promote freedom.

But all that seems to separate Lindsey from his accusers is the issue of launching a war against a state which, it is argued, is both too dysfunctional to tolerate, and just functional enough to threaten America with nuclear and/or biological annihilation.

Lindsey's justification for military action against that state, published elsewhere, just didn't work. In fact, it read like the rote pronouncements of Ari Fleischer. This is not to say that I think Lindsey simply takes the administration's press releases for reality, but the fact is no argument for war can go very far on the existing evidence of the Iraqi threat.

Brink, I'm glad you're in the movement. But as far as Iraq, what the hell are you thinking? — Brien Bartels

Feeding their habit — In his State of the Union address on January 28, President Bush asserted that "Too many Americans in search of treatment [for addiction] cannot get it. So tonight I propose a new $600 million program to help an additional 300,000 Americans receive treatment over the next three years."

Bamboozled again! That money will help addiction treatment providers, not "addicts." The most popular programs available to help people control their addictions are self-help ones such as Alcoholics Anonymous, SMART Recovery, and their various offshoots. These programs are free. They "work" as well as anything else pushed by addiction quacks — which is to say they work as well as leaving people to their own "devices." Self-help programs are created, organized, and managed by people who want to help themselves. The people who run and participate in them don't need any money from the federal government. Whatever expenses they incur are paid for by program participants, as well they should be. The only people who stand to benefit from Bush's $600 million handout are addiction treatment providers.

— Jeffrey A. Schaler

Millions for bounty, but not one damn cent for invasion — If Saddam is as crazy as our government says he is, and if he possesses "weapons of mass destruction," as is also said, then the last thing we should do is declare war on Iraq. Don't the Bushies believe what they say? Don't they imagine that a crazy man might do something previously unimaginable with those weapons?

Sooner put out a bounty on taking him out, even as high as 50 million bucks, or wait for him to die, as he surely will.

— Richard Kostelanetz

Cold War souvenirs — I remember reading about a town in the former Soviet Union where the main industry was old side-car motorcycles that looked like vintage BMWs. This town couldn't get goods from anywhere else in the country because of the inefficiencies of communism, but it had overruns of these motorcycles. Hence everybody owned at least one. Farmers plowed their fields with motorcycles because they were easier to obtain than tractors.

Well, apparently an American entrepreneur, touring on a motorcycle, rolled into this town and thought he had died and gone to heaven. He quickly arranged to get exclusive license to bring these bikes into the U.S., where they are sold today as the cheapest and least reliable sidecar-equipped bike you can get.

I recently received a catalog of military surplus. Even though I abhor everything about the U.S.S.R., for some reason I delight in owning old Soviet military items. You can actually get old KGB watches with rotating bezels. Usually these bezels are used for divers to estimate how much air is left in tanks, though I imagine the KGB used them to insure that the prisoner they were torturing didn't get more than ten minutes of sleep. Mercifully, these watches are also unreliable.

Originally I thought my fascination was based solely on their antique quality. Because Soviet manufacturing was based on technology from the West, and the last time they had good access to Western products was during WWII, these things have a vintage look to them. They got their BMW (er, Ural) motorcycle plant by the simple means of stealing it from conquered Germany.

It just occurred to me why I really love this Soviet stuff: like the GIs who used to take things off of dead Nazis to bring home and flaunt, I am a victorious combatant in the Cold War. No, I never knew the horrors of actual battle, and I do not demean the courage of those who did, but the Cold War was different. Rather than sending soldiers into battle, Ronald Reagan got into a game of chicken with Mother Russia over which government could raise more tax revenue from its population. In essence, as a taxpayer throughout the '80s, I was drafted into that war. Some bonds written to cover the deficits acquired from that conflict won't be paid for 15 more years. So, as a victorious soldier in the only war I'll ever fight in, I have a right to flaunt my war souvenirs taken from a dead social engineering experiment. You should see my new fur hat. — Tim Slagle

Punish us, please! — London's *Observer* reports the United States is punishing Germany for opposing an invasion of Iraq by removing "all its troops and bases" from Germany "and end[ing] military and industrial co-operation between the two countries." Rumor has it that, upon learning of the intended pull-out of U.S. troops, several nations — including South Korea, the Philippines and Saudi Arabia — requested punishment as well.

At least the U.S. is not using the same accusation against Germany that it hurls at France — namely, "Don't you remember what we did for you in World War II?!"

— Wendy McElroy

A fishy idea — Politicians who oppose Social Security choice like to use the term "lockbox" — a concept, like the Internet, invented by ex-Vice President Gore. And a word well chosen since it implies that your funds are stuffed in a dark, clammy, enclosed space far from the bright blessings of compound interest.

The conundrum — worthy of exegetical study to wor-

shipers of big government — is how the administrators of our funds avoided the blessing of growth. The lockbox contents, if converted to ownership in safe U.S. Treasuries, would accumulate like snow in a blizzard instead of mold on moist tennis shoes.

When our ex-vice president first used this lockbox expression, some hearing-impaired retirees in New York City were shocked — pacemakers beeped like microwave ovens. Loxbox?? Oh my God — he's bought smoked salmon with my money. Wonder if it was Nova or the cheap stuff? Don't laugh. Nova Scotia lox would have been a great investment. Much better than the dark recesses of that government vault.

The greatest casualty in the government's critical care unit of stillborn, crippled, and deformed programs is Social Security. Not that they won't pony up the benefits on the red letter day. Oh, they may finagle the date or toughen the qualifications or even print up a stack of money to cheapen your payoffs, but no political party — including the National Socialist German Workers Party, if they win in 2004 — is going to renege on the money. If you believe it will come to that, you should strongly suggest to your wife that she sew her wedding ring into her undies, safe from the confiscatory arm of the state.

The consoling thought, say the fans of the status quo, is that Social Security was intended as a supplementary retirement system with a significant charitable component. It's those last three words, not often headlined, that frustrate the investor-saver. And that's why examining your Return on Investment and bleating about lack of growth are pointless exercises. Before you talk about ROI, slowly and thoughtfully pronounce the phrase, "Social . . . Security." What can it mean except that it's clearly a triumph of government nomenclature? Taste each word. Notice that the program is not titled "Financial Security." Notice it is not called "Your Payoff for a Lifetime of Contributions and Compound Interest." Literally, it would seem to mean that your beneficent government, when you get old and cranky, shall provide you a warm bevy of friends and relatives so you would *never* feel socially insecure. Hopefully the system will soon change into a private investment account. — Ted Roberts

A lot on their plates — Occasionally, I stumble across an article that reminds me why our founding fathers fought the British. I just read that, in London, there is now an $8 per day charge to bring a traditionally fueled vehicle into the central part of the city. I know that places like San Francisco always have charged tolls on the inbound sides of bridges, and I have no qualms with a town charging a cover. In London however, their enforcement technique is straight out of the film Brazil, and right in line with supporting BBC by selling television licenses.

Rather than set up tollgates (which would be a logistical nightmare on the maze of roads that lead into London, and would probably only exacerbate the congestion) they have decided to set up a network of 800 video cameras around the central city which focus on license plates, record them all, and check the numbers of everyone driving in that part of town against a database of people that had paid the daily fee.

— Tim Slagle

Political note — I have it on good authority that, by the time this magazine hits the newsstands, Congressman Pat Toomey of Pennsylvania will announce his challenge of incumbent Senator Arlen Specter in the May 2004 primary.

Forty years old, and one of the brighter and harder-working Congresscritters, Toomey is a possible early contender for the Republican presidential nomination in 2008 or 2012. While he's no libertarian, he was a Cato Sponsor in the early 1990s; and in 2001, an advocate of increasing George W. Bush's proposed $1.6 trillion tax cut to $2 trillion. By those measures alone, he would be vastly preferable from the point of view of most libertarians and conservatives to Senator Specter, who is generally perceived as a Democrat sitting on the Republican side of the aisle, though those with long memories will remember his admirable exposé of the ATF's entrapment of Randy Weaver and the FBI's murder of Vicki Weaver.

— Chester A. Arthur

Lies, damned lies, and the dodo — We all "know" that plant and animal species are constantly "going extinct," and that they are "going extinct" at a "rapidly increasing rate." But some of the things that we supposedly know aren't really true.

Ask yourself, What's the most recent species to go extinct?

Huh? You don't remember? No, it's not a trick question. And yes, you should have heard about it, if the environmental organizations are doing their job. That's one of the things they're for, isn't it — to let us know when species go extinct?

Unless species go extinct so rarely that the environmentalists don't want to bring it up . . .

And please, don't go on and on about the extinction of the passenger pigeon, or the dodo — or the Neanderthal, which one environmental website lists along with the passenger pigeon and the dodo as an example that we should all be mindful of. Those extinctions happened a long, long time ago.

I recently asked myself this question about the last extinction. The stimulus was one of those articles that the local paper runs on a slow news day. It was the ordinary, desperate report on the state of the world's flora and fauna, as viewed by environmental experts and a newspaper reporter whose job is to swallow everything that such people have to say. Amid all the dire forebodings and authoritative predictions, a stray fact stood out: "Of 20,000 species of plants native [to the United States], more than 200 have gone extinct." You can see the dimensions of the problem! And they're not very large.

But the story got me curious. How rapidly *are* extinctions taking place? To simplify matters, I decided to confine myself to mammalian species, the only kind of species that people generally care about, and the kind of species that are, generally speaking, most vulnerable to extinction, being so large and all.

To find the answer, I went to the Web. I figured that if the environmental activists are doing anything to inform the public, they're doing it over the Web. And there are, in fact, so many environmental websites that I expected the crucial information to leap into view very rapidly. It didn't. Virtually all the sites that concern themselves with extinction turn out to be more concerned with scaring you than with providing detailed, factual reasons for you to be scared. They simply lament the loss of a few sample species, without ever mentioning how long ago those species were lost. It takes you a while, but eventually you realize that you can dry your tears for the eastern woodland bison. It perished in 1825.

This appears to mean that when I'm off in the desert by myself, and thereby constitute an isolated vertebrate population, I become a new species, California desert man.

The sites also have strange practices with lists and statistics. They say that so many species are "threatened" or "endangered" or "qualify" to be considered as such, but the closer they get to the current die-off rate, the fuzzier their data become. Also, they commonly inflate the notion of "species," a word that means, according to one of them (a site more candid than most), "species, subspecies, varieties [!], and vertebrate populations." This appears to mean that when I'm off in the desert by myself, and thereby constitute an isolated vertebrate population, I become a new species, California desert man, a mammal that is severely endangered and in need of protection. After all, it's down to only one animal. I think this may be why the lists of extinct animals include so many wolves and bison and foxes with geographical adjectives attached: "Great Plains wolf," "Southern Rocky Mountains wolf," etc.

But I'll give the list-makers the benefit of the doubt and include all the "species" they mention. Assiduous searches and comparisons of purportedly authoritative sites indicate that environmentalists believe that since 1492, 25 species, quasi-species, or pseudo-species of mammals have gone into extinction in the continental United States. And during the past 25 years, it seems that there have been only two real or supposed extinctions: the extinctions of the hot springs cotton rat and the Penasco chipmunk.

The cotton rat is listed as having gone extinct in 1996, but the last specimen was collected in 1909, so who knows when it happened? The chipmunk is said to have died out in 1980, but there's a problem with that, too. The New Mexico Department of Game and Fish — which, by the way, considers the Penasco chipmunk "a subspecies of the least chipmunk" — appears to be of two minds on the question of whether the little guys are gone. It talks about them as if they were still alive, but notes that the last, unconfirmed, sighting happened in 1993.

Speaking of confirmation, I have so far failed to confirm the extinction of the big thicket hog-nosed skunk, which according to some lists became extinct in the mid-1990s. I hope that it didn't. Anything with a name like that should live forever. Other sources proclaim the end of the Mexican gray wolf and the black-footed ferret, two mammals that are not only alive but the object of programs designed to repopulate the wild with them.

Environmentalists helped to save those critters. If that's what environmentalists do, it's fine with me. But I've stopped worrying about their comments on the dizzy pace of animal extinction. — Stephen Cox

My dad's free lunch — TV hosts with remodeled faces, economists who believe in interest rate manipulation, corporate execs who cook the books for lunch, even CEOs who eat free at the executive buffet — they all use the expression, "there's no such thing as a free lunch." But not many pundits know its ancient origins. No, I didn't discover it in an earthenware jar in the caves of Qumrum. I learned it at the knee of my father, whose life span embraced the terrible teens and roaring twenties, plus six duller decades.

His tales were full of woe, of stock market collapses, unemployment, wars. All of which resulted in brisk, low-calorie suppers and lots of exercise sprinting out the back door when the landlord, looking for rent, banged on the front door. Nobody was fat. The typical American wage earner was a lean, low-cholesterol, dead-broke machine.

But occasionally in the midst of a tale of midnight flight from raging landlords, my father's face would brighten at the happy thought of the "free lunch." Remember these were hard times and only "rich folks" dined out. You paid your three nickels — if you had three nickels — for maybe a slice of meat, two vegetables, and a wedge of pie. A request for more brought a stony stare, as in Dickens' *David Copperfield*. Life was more like a soup kitchen than a buffet.

"But, ah, that free lunch," grinned my old man as he patted his stomach. "All you wanted. Cheese, bologna, pickles, lunch meat. All you wanted," he repeated. And you only had to buy a 7-cent beer. The cold cuts were free!

Well, even a 1930s economist — not exactly a golden age

for economics — knew that "there ain't no such thing as a free lunch." Saloon No. 1 had beer for 7 cents and a table full of cold cuts. Help yourself. Saloon No. 2 had no buffet, but the beer was a nickel. Saloon Number 3 charged the 7 cent price for a mug of beer sans bologna and pickles, but it was higher quality brew. That "free lunch" wasn't free by anybody's definition. Somehow it was reflected in the price and quality of the beer. Or even subtler — its saltiness victimized the diner with thirst. Another beer, another 7 cents.

— Ted Roberts

An offensive request — Turkey has requested that NATO provide military equipment to help defend Turkey against military action expected from Iraq once the U.S. invades that Arab nation from its bases in Turkey. It all might be resolved by the time this sees print, but most observers think this is the most internally destabilizing event NATO has yet experienced.

Turkey's request was defensive only in an Alice-in-Wonderland sort of way — but a way that was accepted enthusiastically by U.S. diplomats and the war-panting media.

France, Germany and Belgium raised objections to Turkey's request. Numerous American commentators tut-tutted that the action by the three European countries was a callow abandonment of the basic NATO principle that an attack on one is an attack on all, and will break up, or at least harm, the alliance that has so successfully kept the peace on the Continent and deterred aggression since World War II, blah-blah-blah.

It's not quite so simple.

The request from Turkey was, as Cato Institute defense policy analyst Charles Pena put it to me, "a perversion of Article 5 [of the NATO charter]." It was not a request for help in the face of an unprovoked attack, but a request for help in anticipation of retaliation by Iraq in the wake of a possible offensive military action against Iraq led by the United States.

Turkey's request was defensive only in an Alice-in-Wonderland sort of way — but one that was accepted enthusiastically (and with a small orgy of France bashing) by U.S. diplomats and the war-panting media. It is really a request to facilitate an attack by the United States about which many European countries have serious reservations.

Steven Everts, a defense expert at the Center for European Reform in London, came closest to the heart of the issue, when he old the *International Herald Tribune* that "what Europe is quarreling about is not so much how you deal with Iraq, but how you deal with the United States."

NATO was formed as a defensive alliance against the Soviet empire. In essence, it assured Europeans that the United States would come to their side if the Soviets invaded Europe. With the collapse of the Soviet Union, that rationale disappeared. NATO was kept in existence essentially by inertia. Nobody wanted to take the initiative to disassemble it, and the emerging post-communist East European countries viewed membership as an affirmation of their acceptance as Europeans.

Through all this post-Soviet muddling, NATO's charter has never fundamentally changed. It is still a defensive alliance designed to respond to unprovoked attacks on member nations.

— Alan W. Bock

Word watch — One of the hit songs of the disco era (the most regrettable moment in American musical history) was "We Are Family," recorded in 1979 by a group called Sister Sledge. The four singers in that group were actually sisters, so they can't really be blamed for what happened next, which was that all sorts of people who were *not* related to one another, who were not "family" in any plausible sense of that word, began using the "family" phrase (and its numerous, equally uninspired variations) to insist on the idea that they were *too* related. Feminist activists. Gay and lesbian support groups. Celebrities involved in charity fund-raising schemes. Italian restaurant chains. And the beat goes on. We are all "family" now.

That's one dreadful thing that happened. Here's another. At about the same time, churches all over the United States stopped worshiping God and Christ and started worshiping "family," using the noun in that kitschy, de-articled way, or turning it into an adjective, as in "family values." This was, of course, a big step down, theologically. The Bible may be about a lot of things, but it is not about the values of families — at least if the values one has in mind are lofty values. There are families in the Bible, and a lot of them, but . . . Let me put it to you this way. It's been said that there's one really happy marriage in the Bible, and that's the marriage of Ahab and Jezebel.

But whatever you think about the effect of "family" on religion, there is clearly a breakdown in diction here. Before the 1970s, "family" was "Mrs. Henderson's family," or "my family," or "the family"; it wasn't stripped of its adjectives and absolutized as a single, invariable, abstract entity like the "trust," "love," or "loyalty" that families are often said to embody. To say, "I'm concerned with family" or "I believe in family" in the same way as one says, "I'm concerned with loyalty" or "I believe in Christianity" — this is new, and ominous. It means that people want to exchange their assessments of actual families for the abstract admiration of "family" per se.

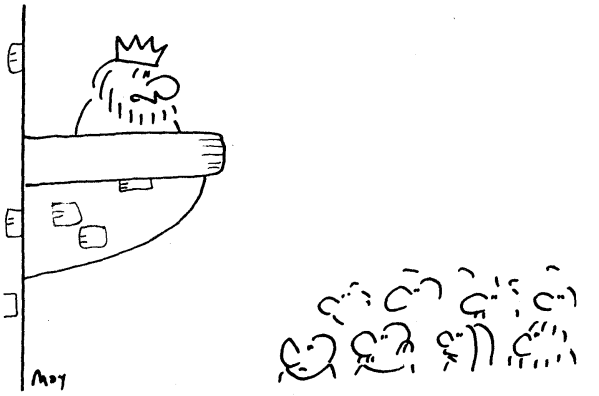

"Sorry about that war — it was a mid-reign crisis."

Let's consider the function of "family" as an adjective preceding "values." "Family" has long been in common use as a descriptive adjective: "We have an unhappy family life"; "We went on one of those dull family outings"; "I really made a fool of myself at the family Christmas party." Now it is being used as a qualitative adjective, equivalent to "good" or "godly" or "healthy" or some such thing. No one knows exactly what such thing, since "family" currently covers so much ground. Presumably, "family trip" can now apply equally to the Sledge sisters' annual vacation and to a parade for world peace populated exclusively by the inmates of an orphans' home. Yet "family values" seldom appears without the implication that it denotes something as well-determined as a branch of higher education: "political science," "military history" . . . "family values."

Away with "family"! But it will probably remain with us for a good long time. Indeed, it is tightening its grip on us. A recent, and disturbing, indication is the prominence it achieved in the aftermath of the space shuttle disaster. This time we can't blame the churches or the celebrities, much less Sister Sledge. The responsibility rests, as it so often does in cases of linguistic catastrophe, on government and media.

AP story, February 5: "NASA Family Struggles Through Grief." The story was about NASA employees who feel "guilty" because they think they might have been able to do something to prevent the disaster. Why, then, shouldn't the title read, "NASA Employees Struggle with Guilt"? No, that would too clearly identify an important issue, the issue of whether someone might actually be responsible for the event, and whether that someone might be a paid official of the government, rather than a member of some loving family group. In short, the correctly titled article would point beyond emotions ("grief") to the assessment of fact ("guilt").

I am not saying that I know there was guilt. No one yet knows why Columbia fell from the sky. But it is obviously quite possible that NASA officials somehow caused the accident. That possibility has been apparent from the first. So strong is NASA's claque in the media, however, that what one heard on radio and television was not, "How terrible NASA executives must feel, knowing that they might have caused the disaster," but "How terrible NASA executives must feel, concerned as they are with 'family.'"

Seven hours after the disaster, NASA leaders held a press conference. They talked for almost an hour about their feelings; then they provided approximately two minutes of information about the sequence of events that took place over Texas. This brief, but not especially lucid, interval culminated in an admission that one of the speakers didn't have his "cheat sheet" with him, so he couldn't say exactly when the spacecraft broke apart. The attitude was, we're too upset to convey any facts.

"Nice invention, but you left the lid up."

No doubt they were. Then why call a press conference? To express their feelings about the "NASA family," of course. And that was apparently fine with most of the media representatives. The first questioner asked the executives to talk some more about the "NASA family." They did so, at enormous and, by now, very redundant length. When a few questions were finally put about the issue at hand, which was the destruction of the taxpayers' (no, not "NASA's") spacecraft and the lives of its crew members (no, not "NASA family"), the nation learned such interesting things as the fact that in seven — no, by now eight — hours, NASA executives had not listened to the tapes of Columbia's last moments, and could therefore not say exactly what remarks were made during that time. None of the honchos could adequately explain the technical terminology that they used during their one brief flirtation with fact.

But all of them seemed confident that they knew what had *not* caused the disaster. It was not terrorism. It was not the impact of any of those things that somehow keep breaking off the world's most expensive machine. It wasn't this; it probably wasn't that. But whatever it was, it made no difference: *we* are family, and *we* are resolved to keep the shuttles flying, no matter what.

I'm sorry. I don't want to be crude, but I'm not the one who started this. There ought to be grief in the face of death, but there ought also to be dignity and responsibility. Please, when I die, if there's reason to believe that you might accidentally have caused my death, don't come to the funeral and talk about your "family" feelings. Talk about what happened to me. And if you don't know what happened, shut up.

— Stephen Cox

One-trick donkey — Abortion sure brings out the libertarian rhetoric in Democrats. The six Democratic presidential candidates shared a stage for the first time at a gala dinner put on by NARAL Pro-Choice America, the new name of the National Abortion Rights Action League. The candidates fell over themselves to make the most ringing defense of abortion rights and the sharpest criticism of President Bush and the Republican Congress.

Howard Dean, former governor of Vermont, proclaimed, "This government is so impressed with itself in promoting individual freedom they can't wait to get into your bedroom and tell you how to behave." Of course, abortions don't usually take place in the bedroom but rather in a doctor's office. And Governor Dean wants to nationalize doctor's offices and take away medical freedom with his "universal health care" program. He doesn't even believe that a terminally ill woman should have the right to choose medical marijuana to ease her pain.

Sen. John F. Kerry (D-Mass.) promised to bring up the abortion issue if he finds himself debating President Bush next year: "I'll tell him, 'There's a fundamental difference between he and I (sic; it's been a long time since Kerry's prep school grammar classes): I trust women to make their own decisions. You don't.'" Fine words. But it looks like the *only* decision John Kerry trusts women to make is the decision to

have an abortion. He doesn't trust a woman to make the decision to invest her Social Security taxes in private accounts that would provide her a more comfortable retirement. He doesn't trust a woman to own a gun. He doesn't trust a woman to make her own decision on where her children will go to school.

Former House Democratic leader Richard A. Gephardt acknowledged a change of heart on the abortion issue: "I came to realize that the question of choice is to be answered not by the state but by the individual." With language like that, Gephardt could run for the Libertarian Party nomination. But what question of choice — other than abortion — does Gephardt think should be answered "not by the state but by the individual"? Like Kerry, he opposes Social Security choice, school choice, and the right of individuals to choose what drugs they will use, either for medical or recreational purposes. He voted to deny gays and lesbians the right to marry the person they choose.

Too many people these days think "choice" only refers to abortion. I'd like to hear a presidential candidate say, "I believe in a woman's right to choose. I believe in a woman's right to choose whether to have a child. I believe in a woman's right to choose any job someone will hire her for. I believe in a woman's right to choose to own a gun. I believe in a woman's right to choose the school she thinks is best for her child, public or private. I believe in a woman's right to choose what kinds of art she will spend her money on, even if she prefers Madonna or Randy Travis and Congress wants to give her money to Robert Mapplethorpe or Luciano Pavarotti. I believe in a woman's right to choose to drive a cab, even if she doesn't have a license. I believe in a woman's right to choose the employees she wants for her business, even if they don't fit some government quota. I believe in a woman's right to choose the drugs she prefers for recreation, whether she chooses Coors or cocaine. I believe in a woman's right to choose how to spend all of her hard-earned money, without giving half of it to the government."

Whatever one's decision on the right to choose abortion, surely that is a more difficult issue, involving more lives and more complexities, than the right to choose a school for your child, to use marijuana, or to own a gun. And yet many of the supporters of "a woman's right to choose" don't support a woman's right to make those choices.

When a Republican president is holding U.S. citizens without a court hearing, implementing a Total Information Awareness program to compile information on all citizens, and spending more taxpayers' money on every nook and cranny of the federal government, it's great to hear leading Democrats talk about freedom, trusting people to make their own decisions, and limiting the power of the state. It would be even better if they applied those noble principles to more than one issue.

— David Boaz

See José work — "They're taking our jobs. Their newborn babies are automatic U.S. citizens. They crowd our hospitals and fill our prisons." You've heard it all on talk radio and in conversations with friends. When the discussions get around to the illegal immigration question, the overwhelming sentiment is to send them all back and seal the borders.

Most Americans believe the flood of immigrants is destroying the nation's economy, as well as corrupting our institutions and culture.

It just isn't so. Rather than being a drag on the economy, the burgeoning population of working immigrants provides a steady, positive thrust to business activity. These people quickly fill low-level jobs and have a work ethic that impresses most employers. They do their jobs, pay income and FICA taxes, save a little, and buy goods and services.

The major political parties stealthily support what is happening for reasons which are patriotic, political, and selfish. To be sure, Democrats like the flood of immigrants because newcomers tend to vote for Democrats. Republicans — entrepreneurs and CEO types — favor it because of the cheap labor. The politicians are thinking of what's best for their country too — it's a fiscal thing.

The new immigrants have positive effects. They find employment and enroll in the Social Security system. Without this influx of new blood, the system would collapse because it is top heavy in the ratio of retirees to those working. Our nation's birth rate is declining — high divorce rates, abortions, working wives — so the burden is mounting on the working contributors in the system. We need a constantly growing work force.

Moreover, the nation's economy is driven by demand for consumer goods and services. If some 20 million illegal immigrants went back home *mañana*, we would have a depression in a Tijuana minute. Their significant production would be lost as would rent payments, furniture sales, food purchases, car payments, and all the rest. We would have to coax them back to save the economy.

Our elected leaders are mum about it, but there is little doubt that those with power and influence in Washington understand the hard truth.

See José sneak across the border. See José work. See José pay into the Social Security fund. He's an outlaw, but a useful one. José is important on the home front too. A family man, and more religious than most of us, he is more like we used to be than we are. He may vote liberal, but he thinks conservative.

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The law allows 900,000 legal immigrants into the country annually. That equals a new major city each year, and it doesn't count the illegals. With our pillaged and upside-down Social Security program, plus our debt-based monetary system as carried on by the Federal Reserve, our nation needs a steady growth of capital and labor just to maintain the status quo. Heavy immigration is the answer.

Take an immigrant to lunch, and give a wink and a nod to your elected representatives. — Jerry Askeroth

Plumbing the depths of stupidity — There's a lot of controversy over just how stupid, George W. Bush actually is. I'm convinced he's actually a person of marginal intelligence, fortified by little experience, and very little general knowledge. My friend Victor Niederhoffer, who has a genius level IQ, disagrees. He thinks that the fact that Bush has a Harvard MBA and graduated in the top half of his class is de facto evidence of an IQ north of 130. I would counter that Harvard is notorious for graduating people once they gain admission, and admission can be a highly political process. Entirely apart from the possibilities presented by cheating, grades in school don't necessarily indicate either high or low IQ. Look at Teddy Kennedy, another Harvard man.

The Baby Bush would have taken batteries of intelligence tests throughout his school career, and the results are still in existence, unless his father, exercising foresight, arranged for them all to be "misplaced." If he wanted to end the controversy, he could release them. Then the argument could be productively refocused on more important things, like his lack of wisdom, or the shallowness of his character, or his phony moral veneer.

Recently a high-ranking Canadian federal official characterized Bush as "a moron" for his hard-line stance on Iraq at the NATO meeting in Prague. Canadian stupidity experts now say that may be a correct assessment.

"Technically, a moron is someone who is stupid but looks normal," said Albert Nerenberg, the film director who is completing a documentary titled *Stupidity*. "Much has been said recently about Bush arriving at a point where he looks presidential. What's intriguing about morons is that they can pass as just about anyone, but inside they're still morons." The film is being commissioned by the Documentary Channel and the CBC, and features interviews with Noam Chomsky, John Cleese, Bill Maher and former Bush speech writer David Frum. A trailer for *Stupidity* can be found at www.trailervision.com. I certainly plan to see the film when it comes out, and I expect the president to play a prominent role.

Bush is characterized as being stupid mostly by those who don't like his politics, so their motives may have colored their judgment. When in doubt about the meaning of a word, I've always found it helpful to check a dictionary. Mine says "stupid" means "slow of mind, given to unintelligent decisions or acts; acting in an unintelligent or careless manner; lacking intelligence or reason." By that definition, almost anyone would have to agree that Bush is stupid.

Stupid comes in three flavors: moron, imbecile, and idiot. I suspect that Bush is actually a moron, which my dictionary defines as "a mentally retarded person who has a potential mental age of between 8 and 12 years and is capable of doing routine work under supervision." Bush is clearly capable of doing work under the supervision of his Axis of Evil advisors.

I think it's going too far to refer to him as an imbecile, which is "a feeble-minded person having a mental age of 3 to 7 years and requiring supervision in the performance of routine daily tasks of self-care." But, by the time The Forever War is truly underway, I have no question *boobus americanus* will be referring to Bush as an "idiot," which, my dictionary reminds us, is "a feebleminded person having a mental age not exceeding 3 years and requiring complete custodial care." — Douglas Casey

The ultimate gift — The war party argues that Saddam Hussein might develop a nuclear bomb and give one to the al Qaeda network, which would detonate it on us. Therefore, we should take out Saddam now, before he has his bomb.

There are two weak links in this argument. Attention has been focused on the first, which is whether Iraq could develop a bomb, given that its economy was substantially wrecked in the 1991 war, imports blocked, and industry subject to inspection.

The second is the assumption that if his scientists could make a nuclear bomb, Saddam would give one away. People slide over this one without examining it. It *could* happen — sure. But what country has ever given away a nuclear weapon? The Russians bankrolled numerous communist insurgencies, but they were careful about what they gave away. No nuclear weapons. No missiles. No strategic weapons of any kind. (The ones in Cuba were under Russian control.) The Soviet Union never allowed its satellites to have control of nuclear weapons, either. China did not give them away. And this includes the time of Stalin and Mao.

If Saddam had a nuclear weapon, he would test it, so he could be sure he really had it and not just a scientist's promise — and because we would stop talking about invasion, as we have with Kim Jong Il.

Nor is that an odd thing. It is a normal thing. The value of powerful weapons shrinks as more people have them.

Saddam Hussein has had poison gas for years, and has not given it away. He has had various biological weapons over the years, and he has not given them away.

Could his scientists make him a nuclear weapon? I doubt it, but maybe they could.

If he had it, he would test it, so he could be sure he really had it and not just a scientist's promise. A man like Saddam would have to have it tested. Also, he would want to show off to the world that he had it. Because we would stop talking about invasion, as we have with Kim Jong Il.

Judging from history, that is *all* Saddam Hussein would do with his nuclear weapon. Why? Because that is how nuclear weapons have been used for the past 55 years. They

are not battlefield weapons. They are tickets to the don't-mess-with-me club. — Bruce Ramsey

A toast to Silent Cal — "Politicians," says my good friend, Herb, "are the only burglars who can steal a wage earner's money without a gun or a knife. And no danger of apprehension because the guy with his hand in your pocket is supported by the police, the FBI, the National Guard, the U.S. Marines, and the Supreme Court." Herb hates taxes like a midnight toothache. "The last truly great U.S. president was Calvin Coolidge, who could easily have been a silent film star making a lot more money than hanging around the White House." So says Herbie. "And the last great piece of legislation was the Magna Carta," he adds just to show the depth of his research.

"But Herb — Coolidge played poker and drank bourbon with his pals in the White House bar for four years — that's all he did. And Mrs. Coolidge, as hyperactive as a sloth with mono, hung new curtains in the White House master bedroom. That's about the extent of the Coolidge agenda."

"You make my point," said my historical friend as he poured down a beer that should have had my name on it since I paid for it. "Calvin Coolidge," continued Herb, "passed about as much legislation as an oak tree in the White House lawn — my kinda prez. Laws and traffic lights; they both cause gridlock. And once they're up . . . well, when's the last time you saw the city engineer admit he was wrong, pull down a light, and run a public announcement in the local paper: 'Folks, that light on Raceway Blvd. and Lazy Lane was a terrible mistake. Only a cat and two chickens penetrated that rural intersection last month. We'll be taking it down next week. Components will be awarded to spectators as souvenirs to municipal inefficiency.'

"And note that it took Congress a hundred and two years to dismantle a three percent tax on your telephone — instituted to finance the Spanish American war of 1898. Tax law is harder to change than those ten rules carved in the granite tablets of Mount Sinai!"

Then Herb watered his roots again with my Budweiser. — Ted Roberts

Remembering Lou Harrison and Leslie Fiedler — When the composer Lou Harrison and the essayist Leslie A. Fiedler died within days of one another at the beginning of February, I realized not only that I was fortunate enough to know them both, albeit in different ways, and at different times of my life, but that they resembled one another in details and ways I'd not noticed before. Each was born in 1917; each wore a beard for most of his life; each carried his robust head on a portly body. Each did a degree of accomplished work in other arts; in Fiedler's case, fiction; in Harrison's, calligraphy and poetry. I doubt if they ever met each other.

Similarly cultivating reputations as incorrigible radicals, both Fiedler and Harrison were professional outsiders whom insiders eventually, if reluctantly, accepted. Both were thought to be Westerners, to epitomize an extravagant western American sensibility that was unavailable to effete Easterners, even though Fiedler was born in Newark, took his B.A. at New York University, and taught and lived in Buffalo for more than three of the last decades of his life. And Harrison spent some of his 30s in New York City, incidentally working as a reviewer for a local daily newspaper. I knew Fiedler first as a teacher of a summer-time writing course at Columbia University in 1961, just after I turned 21; and I recall that he encouraged me to publish my writing, which I started to do soon afterwards. For a while, I tried to emulate the ironic complexity of his prose.

Fiedler didn't keep in contact with prominent former students, for reasons unknown to me. Maybe he didn't care. Perhaps he lacked respect for himself as a teacher. Nonetheless, he affected the lives of younger colleagues. The writer Samuel R. Delany tells me that Fiedler made his academic career possible, in spite of the absence of even an undergraduate degree, by inviting him to a certain academic conference in the mid-1970s.

Lou Harrison I got to know in 1990, when I asked a magazine to let me do a profile of him. He and his life partner Bill Colvig picked me up at the train station in San Jose, impressed that I had taken the train from Seattle, rather than a plane, as they, too, preferred to travel around the country by train. I stayed at their house for several days, where I had my own room (most recently occupied by the composer Alan Hovhaness and his wife Hinako) and could raid the refrigerator at night. The house was actually just one element in a compound that included a trailer that was Lou's preferred composing studio, a platform that could become a stage for performances, a garden, and much else, all behind walls that insured privacy. Given that Aptos was near the chilly Pacific Ocean on the Santa Cruz peninsula that is the apex of a desert, most every day in Aptos was sunny and in the 70s. From that visit came several appreciations, even one about his writing, as well as a long interview.

Both men regarded themselves as belonging to a beleaguered minority: Fiedler as a Jew, Harrison as a homosexual, and each made this affiliation a principal subject of their work. Just as the titles of Fiedler's books included *The Last Jew in America* (1966) and *Fiedler on the Roof* (1991), so Harrison wrote operas that had not only homosexual implications for the cognoscenti but explicitly gay titles and subjects: *King David's Lament for Jonathan* (1941) and *Young Caeser*

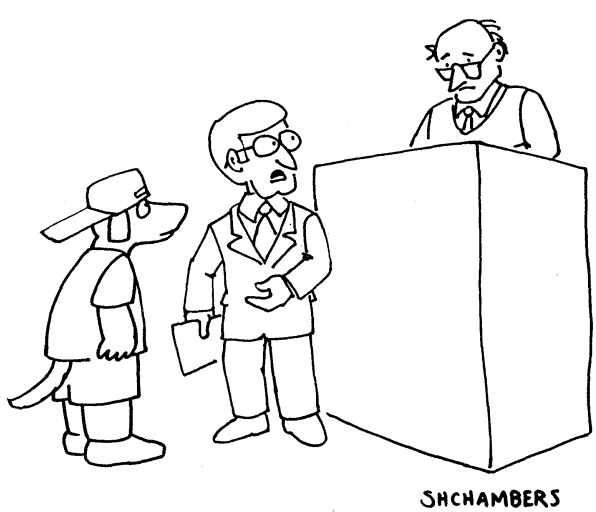

"But your honor, the defendant is nearly 50 in dog years — clearly an adult."

(sic) (2001). I wrote about both of them in *Liberty*.

Lou and I shared the same birthday, May 14 (he was 23 years older than I), and for many years we tried to telephone one another around that date. Though I don't subscribe to astrology, there were aspects of Lou's Taurean personality that looked very, if not embarrassingly, familiar. A few years ago, I received three calls within a few days of each other, perhaps indicating that Lou's memory was slipping; but he never failed to tell me about the opera he was planning for Dennis Russel Davies to conduct at Lincoln Center.

I forgot to call this past May, as did he; and so I planned to telephone him after a series of concerts devoted to his influence at Juilliard this past January. That weekend he boarded a train that should have taken him to Columbus, Ohio. When the train stopped at Lafayette, Indiana, Lou went with friends to a fast food place where he had a heart attack, dying with the pleasures not of art or sex but, like all big boys should, of food. — Richard Kostelanetz

Letters, from page 6

it were not coming from such an intelligent man as Mr. Bradford. War certainly does strange things to people. It causes government officials to overreact and the general population to passively accept, to some degree. Worst of all, it causes freedom-loving people to imagine that the removal of a tyrant is somehow unjust.

The only person comparable to Hitler in our present situation is Saddam, and even that would be more accurately expressed by a comparison to Stalin.

Jamie Lambert
Denton, Tex.

Bradford responds: Contrary to Mr Lambert's charges, I neither compared Bush to Hitler nor suggested that the Bush administration is "close to a Hitlerian regime." All I suggested was that ordinary Americans were reacting to their loss of liberty under Bush in a way similar to the way ordinary Germans reacted to their loss of liberty under Hitler.

If the thrust of Mr. Lambert's letter is that it is a mistake to suggest a moral equivalency between Hitler and Bush, I applaud him. Libertarians have too often suggested such an equivalency between American leaders and dictators. This reveals a very serious failure to recognize that there are serious differences of degree between, say, the depredations of Stalin (who killed 30 million innocent people) and Franklin Roosevelt (who imposed price controls on Americans).

Having said this, I do not think there should be a complete moratorium on comparisons between American leaders and such monsters. For American leaders sometimes do monstrous things, and even monsters do not always act monstrously. For example, as I understand it, Hitler's "concentration camps" of the 1930s were modeled on American Indian reservations and were not much different from America's "detention camps" for Americans of Japanese ancestry of the 1940s. Observing similarities of that sort ought not bring approbation. (Of course, Hitler comparisons are sometimes overused, becoming cliches, and under such circumstances should be avoided as a matter of literary judgment.)

Stupid and Evil

As a new reader of your magazine, I was taken aback at Stephen Cox's confirmation of the old saw that America has two parties: the Evil party (Dems) and the Stupid party (GOP) (Reflections, February). From what I've observed, it's obvious that the GOP has led the assault on civil liberties during the past two years. Republicans are also lead promoters of a belligerent nationalism and its favored bedmate, aggressive militarism.

Need I mention the ever-more-regressive tax code, welfare programs for big oil/auto/pharmaceuticals, pouring weapons into the Third World (Colombia, Kurdistan), etc., etc.?

What to conclude about the tug of war between our duopoly political parties? Evil is as Stupid does.

Paul Trombley
Chicago, Ill.

Minority Report

In his review of Teachout's biography of Mencken ("A Politically Correct H.L. Mencken," February), R.W. Bradford confesses an inability to account for Teachout's unfounded accusation that Mencken was an anti-Semite. Perhaps the best explanation is the current, self-serving, oversensitivity of all "minority" groups to any negative statements about themselves. Since most generalizations, positive or negative, about whole groups of people admit of exceptions and are, therefore, more or less inaccurate, the only way to avoid charges of "anti-Semitism" or "racism" is to avoid making any negative generalizations at all. Although Mencken made some negative statements about Jews, which were not true of all Jews, the grave charge of "anti-semitism" in any serious sense of that studiously undefined term, is misapplied. In exoneration of Mencken, one very strong piece of evidence was his advocacy of making an exception to U.S. law to admit hundreds of thousands of persecuted Jews to the U.S.

Barry Freedman
Los Angeles, Calif.

Persona Non Grata

Having been thrown out of The Mises Institute, I must certainly agree with R.W. Bradford's observation that it's much more about Rothbard than Mises ("Just Whose Institute Is It, Anyway?" March).

As I said in *The Amateur Science of Economics*, "Mises has as much chance in The Mises Institute as Christ in Christianity."

D.G. Lesvic
Pacoima, Calif.

General Welfare, Phooey!

In your March issue (Letters), John Engelman writes, "I did find Article I, Section 8 [which reads] 'The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and *general Welfare* of the United States' (emphasis added). That rather clearly reads like the authorization of the welfare state." Wrong.

Why is the phrase "general welfare of the United States" so confusing? The Constitution clearly states "general welfare of the United States," not "the specific welfare of certain people in the

continued on page 32

Why Tax Reforms Don't Reform

by David A. Welber, C.P.A.

Many people think a national sales tax or a flat tax would lighten the burden of government and quash the hated IRS. Fat chance.

Our current system is an abomination. It consists of zillions of pages of legislation, kazillions of pages of regulations, revenue rulings, and court decisions. At the federal level, taxes are extracted by the IRS, which has broad powers, acts arbitrarily, and consists of a bureaucracy that combines heavy-handedness and bureaucratic ineptitude (don't they all?), against which most of us have no recourse because most administrative agencies often ignore courts. Everybody loves to hate the IRS, and with good reason.

But in spite of occasional caterwauling by grandstanding congressmen and senators, the IRS does exactly what it has been assigned to do by Congress — collect taxes. It is what columnist Joseph Sobran has called "the business end of government largess." If you get a check from the federal government, it has most likely been collected by the IRS.

The reason our system is such an abomination is that it combines revenue collection with social engineering, wealth redistribution, and mean-spirited revenge against those who have done well. Any tax code that raises huge amounts of money while also redistributing the wealth and punishing the wealthy and providing a mass of incentives, often at cross-purposes, is inevitably byzantine in its complexity.

Not surprisingly, an awful lot of people would like to replace the complicated and arbitrary tax code with one that is simpler and fairer. But simplifying the code is no simple matter. For one thing, the same people who have legislated our current tax system will have to enact any replacements for it, and they will be influenced by the same special interest groups and voters supporting them.

Two major alternatives have been proposed: a flat-rate income tax and a national sales tax. These sound quite simple in theory, but in practice they are anything but simple. And if they were enacted and implemented, the resulting system might very well be more complex and more arbitrary than the current system.

Let's look at these proposals.

Flat Income Tax

At current levels of federal expenditure, proponents say, any flat-rate tax would have to be somewhere between 17 and 21%. But, its advocates say, it would simplify taxes. Hah! With Congress generating the legislation? The idea that Congress can pass anything that is simple is pure fantasy. We've already had a flat-rate income tax, and recently. It was anything but simple.

In his 1985 State of the Union message, President Ronald Reagan proposed such a flat-rate tax. He proposed increasing exemptions to take millions of low income people off the tax rolls, while simplifying the tax code so that most people could file their income tax using a postcard-sized form. I began to fear for my livelihood as a CPA. Well, I had nothing to worry about. What happened? Congress got hold of it.

The theory was sound. Apply a flat rate of taxation to all income, disallowing as deductions and credits those items that are essentially used to shelter income from taxation. But,

oh the practice. What Congress enacted was a tax law that contained more text than the previous three tax laws combined. Yes, we got a flat rate of taxation, but, because Congress refused to change its profligate spending habits, they had to pass a bill that was "revenue neutral." After debating these problems for almost two years, they arrived at a rate that had to be so high, 28%, that a lower rate, 15%, was applied to lower levels of income, in effect, creating a graduated flat tax. And, in order to prevent higher income taxpayers from benefiting from the lower levels of taxation for the lower levels of their income, a so-called bubble rate of 31% was inserted to phase out the benefit of the 15% bracket for higher income taxpayers. The intention was to have a flat rate of 28% for higher income taxpayers. As complicated as that sounds, it really could have worked, had the rest of the tax law not been written.

The "flat tax" of '86 so complicated tax return preparation that I have prepared every tax return by computer since it went into effect.

The act got rid of a lot of tax deductions, credits, and other tax benefits that we CPAs used to reduce our clients' taxes. But most tax benefits were not simply done away with. Only a few were repealed, such as the investment tax credit, or the General Utilities provision, which had protected corporations and their shareholders from double taxation upon liquidation. Most, however, were limited, reduced, or had conditions placed on them, requiring that these limitations, reductions, and conditions be computed after computing the tentative benefit. This so complicated tax return preparation that I have prepared every tax return by computer since this law went into effect. Because it takes more time to to prepare these computer-generated tax returns than it took to manually prepare returns before tax reform, the fees that I have had to charge my clients have increased dramatically.

As most of us in the tax preparation business had become cynical about tax legislation — and tax legislators — our predictions were that, with the tax benefits eliminated or reduced, the rates would soon start drifting higher. We did not have long to wait. The law had so many flaws in it that Congress passed two laws in quick succession to attempt to correct them — the Revenue Act of 1987 and the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), which were essentially what we have come to call "technical corrections" acts. While they did correct some of the errors, and some of the injustices, in the '86 act, they began the process of increasing the marginal tax rates, destroying the flat tax aspect.

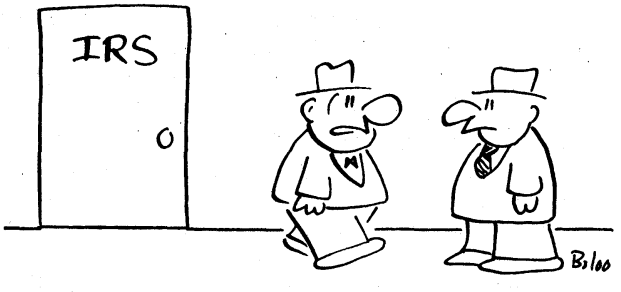

"If I didn't know those guys were public servants, I could swear it was the other way around."

The "bubble" rate, as we had predicted, became the top marginal rate. Then, in the Bush and Clinton tax increases of 1991 and 1993, the top rate was raised to 39.6%, purportedly to decrease the deficit, but actually to cover for the profligate spending ways of Congress. But the 39.6% rate does not tell it all. The real marginal rate is actually higher. Because of phase-outs of itemized deductions and personal exemptions for taxpayers with higher incomes, these deductions being reduced as income increases, the real top marginal rate may actually be as much as 3% higher. Even if one does not account for these hidden or marginal rates, the top rate is only 10% lower than it was before the flat tax was tried.

This illustrates the critical weakness in any flat tax — politicians write and pass the legislation, and they have powerful reasons to tinker with it constantly. Not only do they inevitably want to get more money from taxpayers, they also find tax-code tinkering to be a powerful incentive when it comes to fund-raising.

Don't get me wrong, I favor a tax rate that is the same for all taxpayers. I find no moral or constitutional justification for discrimination in taxation. No matter what its base — income, consumption, or sales — I think our tax rate should be flat.

So let's suppose Congress has the will, once again, to pass a flat-rate income tax. (I know, that's a very large supposition, but bear with me.) How do you define "income?" Income is easily defined, isn't it? Ask Enron about that. Whole forests have been leveled to provide paper for the text that defines income for tax purposes, and an equal number of trees have given their all to provide the Financial Accounting Standards Board (FASB) with enough paper to define income for accounting purposes, and both definitions are still works in progress, and, as Enron has shown, both definitions are easily manipulated.

Well, then, as some have demanded, why don't we just simply tax everything, all income, no deductions? Since a number of people actually believe that it can be done, I'll even dignify it with an answer — actually, with a question. What is income? Stupid question?

You work, you get paid. That's easy. Your pay is income. You get a W-2 form and report it as income. What about gifts? Are they income? Your father pays your college tuition. Is that income? "Only money you receive is income," you might reply. What if your parents give you money to help you buy a house? Is that income? If it is going to be treated as income, what happens if they buy the house and give it to you? Is that income? If so, what about that ugly tie your kids give you on Father's Day?

What if your boss provides you with lunch instead of making you pay for it with your taxed income. It's not money. But, shouldn't it be considered income? If not, your boss could help you avoid paying taxes entirely by paying you in kind, i.e., with the goods and services that you need.

If only cash receipts were income, you could avoid taxes by bartering your goods and services for those of others.

What about the grocer down the street? He receives payment for his goods in cash. Is that all income? Should his tax be paid on his gross sales, while yours is paid on your wages? What about what he must pay the wholesaler for the groceries that he sells? Shouldn't his tax be figured on his gross margin? What assumptions should he use in determining his cost in his beginning and ending inventories so that he accurately deducts his cost of goods sold? What about those expenses that he must incur to operate his store, such as electricity, heat, water, trash disposal?

So, you still think a flat tax would be simple? I hope you see, now, that the graduated rates of taxation, while perhaps the most unfair part of the tax law, are, by no means, what complicates it. It is the definition of income that is the most complicated part of our income tax system. That will not change with a flat tax, and in fact did not change, except for the worse, when we actually tried a flat tax in 1986. And there will always need to be an agency — even if you scrap the IRS and call it the Federal Revenue Collection Agency (FRCA) — to enforce the tax law, collect the taxes, and to audit taxpayers to see if they have accurately reported their income and paid their tax.

National Sales Tax

Okay, let's forget the flat tax. Let's consider a national sales tax, to be collected by retailers and forwarded to the appropriate government taxing agency, after withholding a percentage as compensation for the retailer's efforts. With a national sales tax, assuming that it replaces our income tax system rather than merely supplementing it, you would never again be required to fill out one of those hated income tax returns. Right?

Not so fast!

Most states still have an income tax, many requiring the completion of a tax return. My state, Pennsylvania, even authorizes municipalities and school districts to collect taxes based on earned income and net profits. Some states base their taxes on federal taxable income, while others collect taxes that are a defined percentage of the federal income tax. Pennsylvania creates its own definitions of income, requiring the filing of a state tax return that starts from scratch and adds up income as defined by Pennsylvania personal income tax laws. In all of these cases, any abolition of federal income taxes would not completely abolish the need to file annual income tax returns, unless . . .

The federal sales tax legislation could force or entice the states to abolish their income taxes and to replace them with a sales tax that integrates with the federal sales tax system. One proposal even has the states being forced or enticed into collecting and enforcing the national sales tax, with the state tax piggybacked onto the federal tax. I see a real Tenth Amendment problem with that, but what the heck? What's a constitutional right when we're talking about taxes? If the states don't comply, proponents propose to authorize a neighboring state to go in and collect the tax. I can envision

Tax it all— One law of politics is that every level of government always wants more money. Ever since the 1930s, when the sales tax was invented to replace property taxes — which people simply could not afford to pay — as the basic way of funding state government, the states have sought to extend the tax as far as possible. They have succeeded in extending it in many ways, but one kind of transaction has remained exempt: the purchase of goods by the citizen of one state from a citizen (or business) of another state. That's why, for example, unless you live in Maine, you don't have to pay sales tax when you buy stuff from L.L. Bean.

Tax raisers have run into a brick wall in the form of Article 1, Section 8 of the U.S. Constitution, which grants to Congress the power "to regulate commerce. . . . among the several states." The Supreme Court has repeatedly ruled that unless Congress gives the states the right to tax interstate transactions, the states cannot tax them. And Congress has never done so.

The states have cleverly worked around this by enacting "use" taxes, taxes on goods or services purchased in interstate commerce. Unlike the sales tax, it is not exacted of merchants, but of consumers themselves. If, for example, you buy a new down jacket from L.L. Bean and you live in California, you are supposed to obtain a "use tax return" from the state, fill in the details of your purchase, and remit the use tax to the state.

Of course, virtually no one does this, and enforcing the law against individuals is too complicated and would yield too little revenue to make it worthwhile. (A state sales and use tax enforcer once told me that the law is only really enforced against businesses and, occasionally, against people the state "wants to get.")

Part of the reason why Congress has been unwilling to enact a law authorizing state taxation of interstate commerce is that many very small mail-order concerns would, in effect, be put out of business by it. The reason is that figuring out the rate to charge is very complicated. Sales taxes are authorized by 45 of the 50 states and the District of Columbia. But don't get the idea that there are just 46 sets of rules and regulations a mail order merchant would have to learn. Many states have authorized cities, counties, school districts and even transit districts to enact their own sales taxes. There are about 7,600 different sales tax jurisdictions in the U.S., and they frequently change their tax rates and rules about what is exempt. It would be a huge burden on a large business like L.L. Bean to keep track of all the different rates and the boundaries of different taxing authorities — and an impossible burden on smaller merchants.

Recently, however, several state governors have organized the Streamline Sales Tax Project. The idea is to reduce the overwhelming complexity of the tax, so that they will have better luck lobbying Congress to authorize taxation of interstate sales.

Here's the lesson of all this: the only way to get politicians to simplify taxes, is to convince them that simplification will enable them to raise the things. — R. W. Bradford

national guard troops and state police of non-complying states clashing with those of tax-collecting states to protect their citizens from foreign tax collectors.

Then there is Social Security. Revenue for Social Security and Medicare benefits, at least on paper, is provided by a tax collected from employers, and a self-employment tax collected from self-employed taxpayers when they pay their income tax. Half of the tax collected from employers is withheld from employees, half is paid by the employers. Then the U.S. Treasury gives the Social Security Administration bonds in the amount of any current surplus so that the general fund can continue to spend more than it takes in. One of the benefits claimed by the proponents of a national sales tax is that it would abolish employer withholding of taxes, which effectively hides the magnitude of the taxation from the taxpayers. That won't happen, unless Social Security is abolished (my choice!) or financed by some other method.

It is the definition of income that is the most complicated part of our income tax system. That will not change with a flat tax, and in fact did not change, except for the worse, when we actually tried a flat tax in 1986.

National sales tax proponents propose to replace the revenue from Social Security and Medicare taxes with revenue from the sales tax. But, how much should be credited to Social Security and Medicare? There's the rub. Social Security taxes, and accrued benefits, are based on income as defined by Social Security — mostly personal service income. How would Social Security and Medicare know the benefits to accrue, and how much to claim from general revenues? It's simple. You would have to report to them manually. I don't know about you, but to me this smells suspiciously like a tax return.

It gets worse. The hated IRS, and its audits, would be abolished, or so crow the proponents of the national sales tax. But, if you are required to file an annual report to the Social Security Administration, who is to verify the accuracy of those reports? As benefits are based on lifetime income, participants will have strong motivations to show as much income as possible. Those among us of deficient character will even find it in their hearts to cheat — to overstate

The Death Tax for the Other 98 Percent —

A new study from the Federal Reserve says that the wealth gap between rich and poor grew wider as the stock market boomed in the late 1990s. The most obvious reason is that more than half of all American families now own stocks either directly or indirectly — but almost half don't.

That means that when the stock market rises, the gap between the stock owning half and the non-investing half grows. How to close the wealth gap? Bring more Americans into the investor class. President Bush's plan to let younger workers invest their Social Security taxes in stocks, bonds, or other private assets would do that.

Social Security modernization would not just help all working Americans become investors, it would help end the Social Security death tax.

Pollsters are often mystified by the unpopularity of the estate tax — lately renamed the "death tax." How, they ask, can so many people object to a tax that falls on only a few rich people? They have a point.

What everyone seems to have missed, though, is that there *is* a death tax that affects every working American. It's called Social Security.

Every year, every American worker pays 12.4% of his income to the Social Security system. Workers may not realize this, since the money is taken out of their paychecks in advance. (That's what FICA means on your paycheck.) And half the tax is concealed by pretending that the employer pays it — but economists agree that a tax on wages ultimately comes out of the worker's pocket.

When a worker retires after paying 12.4% of wages for years, he or she gets a monthly Social Security check. The return isn't very good, but at least there's a check (so far). But look what happens when the worker dies: after paying in for all those years, the worker owns nothing. He can't leave anything to his children.

In short, Social Security imposes a 100% death tax on every working American. The money he "saved" all those years disappears.

And there's considerable money involved. Take a thirty-something couple earning $54,000 a year. Social Security promises to pay them about $27,000 a year (in today's dollars) when they retire — if Social Security still has any money. But when they die, that income stops, and there's no estate to leave to their children. (Of course they may have saved other assets, but the Social Security assets would not survive them.) On the other hand, if they had been putting those Social Security taxes into a retirement fund divided between stocks and bonds, they could expect to have nearly $1 million in their personal retirement account at retirement. That fund would pay them an annual income more than double what Social Security promises, and they would still have $1 million to leave to their children — or their church or favorite charity — at their deaths.

If that couple invested solely in stocks, though exposed to greater short-term risk, they could expect to have even more money — $1.6 million. That's what the Social Security death tax costs a working couple. If they were allowed to put 12.4% of their income into real investments, they could accumulate as much as $1 million or more — and the Social Security death tax takes it all.

Reform that would allow younger workers to put their Social Security taxes into personal retirement accounts would end the Social Security death tax — the tax that hits every working American — and dramatically narrow the wealth gap. — David Boaz

income, understate expenses, and report non-reportable income, such as rent, interest, or dividends. Someone will have to check the accuracy of the annual reports, correct errors, and punish deliberate offenders. This smells to me like (choke, gasp) an audit.

Furthermore, no matter what the rate of taxation, there will be those who will cheat. Merchants will try to get a leg up on the competition by not collecting the tax from some of their cash customers, or by not remitting all that they have collected, or by interpreting the law in such a way as to make their business tax-free. There will be customers who will try to get out of paying the tax, and there will be a black market, a thriving underground economy dealing in all commodities at the retail level to avoid the paying of the sales tax. How do I know this would happen? Because it already exists in states and nations that tax transfers of ownership of personal property. Businesses try to be classified as wholesale, purchasers try to convince retailers that they are also retailers or manufacturers, cash transactions take place, buyers purchase from out of state, cigarettes are smuggled from North Carolina to New York, booze is smuggled from Maryland into Pennsylvania, buyers and sellers wink and exchange goods for cash, or goods for goods, all to avoid the tax. With the addition of a national retail sales tax, there will be an even greater incentive, on a greater array of products, for all sorts of tax avoidance schemes. No matter what other taxes are eliminated, no matter how low the rate, there will always be people who will try to avoid paying. For lower income people, it may become a matter of survival to avoid paying the sales tax on such necessities as milk and bread.

The point here is that, even if this sort of thing does not happen very frequently, the government tax collectors will want to root it out. This will motivate them to (choke, gasp) audit. They will audit sellers of merchandise to make sure that all retail sales are taxed, that wholesale transactions are not retail, that all taxes collected are remitted. But, as there are ways of beating auditors, such as cash transactions, they will need to go further into the records of the businesses, and the lifestyles of the owners, to make sure that they are not hiding untaxed transactions. At some point, they will be invading private homes, perhaps at random, demanding to see the receipts for all purchases made to see if people have paid the tax on all purchases. We may find ourselves getting nostalgic for the good old days of IRS audits.

With a national sales tax, assuming that it replaces our income tax system rather than merely supplementing it, you would never again be required to fill out one of those hated income tax returns. Right? Not so fast!

Then there is the claim that a national sales tax would be simpler. There are two problems with this. First, any tax system that has been around a long time will get complicated. There will be legislative revisions, regulations, and court decisions, none of which is ever simple. This is what has happened to the Internal Revenue Code.

Second, sales tax laws are not particularly simple. I have extensive experience with the sales tax enforced by Pennsylvania, my home state. Let me assure you, it is far from simple.

People will try to avoid paying the tax. Some will cheat as I have described above. Still others will try to get their particular transactions legislated, regulated, or adjudicated to be tax free. In Pennsylvania, taxable commodities are taxed only if sold to the ultimate user, and whole forests have been leveled in describing who is and who is not the ultimate user. In any retail tax system, as many people as possible will want their transactions to be classified as wholesale.

Until the government substantially reduces its levels of expenditure, there will not ever be an acceptable tax rate, or tax collection system.

Then there are specific use and organizational exemptions. Machinery used in manufacturing is exempted from Pennsylvania sales tax. Government agencies and jurisdictions are exempt, as well as religious institutions and charities. Therefore, there is a whole body of legislation, regulation, and adjudication defining what constitutes manufacturing and what does not, what constitutes government, what constitutes charity. And there are audits to make sure that the rules are being followed.

Pennsylvania does not tax all retail transactions. Goods that are classified as necessities are not taxed. Food and clothing are exempt, but not all food and not all clothing. Groceries are exempt, but not all groceries. There is a category of groceries that is not exempt, while food that is sold by an eating establishment is taxable, unless it is a grocery type of item that is sold in a separate grocery department. Clothing is tax exempt, but there are categories of clothing that are taxed.

Originally, services were exempt. In 1991, facing a huge budget deficit, Pennsylvania added some services to the list of taxable retail transactions, but not all services. Accounting and legal services were exempted at the last minute as a result of intense lobbying by the accountants and attorneys. However, data processing services were included, and accounting firms had to keep their billings for such services separate from their accounting, consulting, and tax services so that they could collect and pay taxes on the taxable services. Temp agencies found their services taxed in the new law, but were later able to have that reduced to include only their profit above and beyond the part paid to employees and payroll taxes.

This is only a cursory explanation of parts of Pennsylvania's sales and use tax, but it makes my point. No matter what the rate of taxation, no matter how much it

reduces price levels or creates general prosperity, there will be people who do not want to pay it, or consider themselves too poor to be able to afford it. There will always be people who will arrange their affairs so as to reduce their level of taxation.

And so long as the tax code is written by politicians, some people will band together into special interest groups to reduce or eliminate the taxes they pay. There will always be people who think they are paying too much, and there will always be politicians who see political advantages in paying attention to them. As a result, there will be exempt transactions and exempt items, and whole volumes of text describing the exempt transactions and commodities.

First to be exempted will be government agencies. Then religious institutions will claim a First Amendment exemption. Then poverty pimps, aided by the food industry, will get certain categories of groceries exempted as "necessities." And there goes your simplicity. I predict that every year,

continued on page 32

Death and taxes — Elsewhere in this issue, David Boaz wonders why "so many people object to a tax that falls on only a few rich people." He's talking about the tax on property that a person attempts to leave to his heirs. I think part of the reason is the manifest unfairness of it all.

Here is how the system works: a person works his entire life and, thanks to some combination of his own perspicacity, hard work, prudence, and good fortune, he saves a substantial amount of money. Along the way, he pays income tax on every dime he earns. This is a not inconsiderable sum: depending upon the jurisdiction in which he lives, such a person may pay income taxes totalling more than 50% of his income. Some people who are middle aged today have paid as much as 90% of their income in taxes.

Well, this exemplary person dies, and if, thanks to his thrift or good fortune, he has retained a substantial amount of his earnings and wants to leave it to his family, the taxman thereupon demands that his estate turn over to the government as much as 55% of the savings upon which he has already paid income taxes of as much as 90%.

This is, I believe, patently and obviously unfair. I suspect that's why the arguments to keep the death tax are almost always nothing more than blatant "screw-the-rich" rhetoric. Envy may be widespread, but most people do not regard it as a virtue, despite the efforts of the political class.

I am also a bit surprised that opponents of the death tax seldom use arguments based on fairness. Bush and his allies have framed the current debate on elimination of taxation on dividends primarily on the theory that doing away with the tax would stimulate the economy. This is a dubious argument at best. An appeal to fairness would be much more persuasive: after a corporation pays income tax on its earnings, why should its stockholders (the owners of the corporation) have to pay income tax on the same earnings when they are distributed to them?

There is another aspect of death taxes that I've never heard discussed: ultimately, they are a tax on productive capital. Consider how one can avoid these taxes. There are only two ways: you can give your money to a government-certified, government-regulated charity or you can spend it on consumer goods for yourself.

You cannot give it (or at least very much of it) to your children without paying a "gift tax," a tax that was established for the explicit purpose of keeping people from avoiding death taxes. Indeed, Uncle Sam is so worried that he won't be able to confiscate most of your estate that he piles on extra taxes if you try to leave it to your grandkids.

Think about that. Suppose you are 90 years old and have managed to save $900,000. Your only son is 68 years old and has terminal cancer. If you revise your will to leave your estate to your grandchildren, Uncle Sam deems this an attempt to reduce your tax by "generation skipping" — that is, denying him a chance to take a bite out of it when you die and another bite out of it when your son succumbs to cancer. (Leaving property to a grandkid is considered a "loophole," you know, and is therefore evil.)

That leaves the other way in which the elderly can dispose of their money without incurring taxes or turning it over to a government-certified and government-regulated "charity." They can spend it on themselves. Not that they can do anything lasting with it — if they buy real estate or art or a new car or securities or any kind of property, this property becomes part of their estate and is subject to the same tax.

What they can do is spend it on services and products that they consume immediately. If you've ever wondered why luxury cruise ships are so full of old people, you might want to remember this.

So one effect of this manifestly unfair tax is to encourage people to remove their assets from the world's stock of working capital and spend it on extravagant personal indulgences. This makes the world a substantially less prosperous place.

The death tax also has a powerful effect toward centralizing the economy into the hands of major corporations. If a family-owned small business is successful at all, it quickly becomes valuable enough to incur substantial death duties when its owner dies. The only way they can be paid is if the business, or part of it, is sold to raise cash.

The newspaper in the small town where I grew up, for example, is now part of a national chain owned by an international media corporation. So is the radio station. Many of the farms in the surrounding area that were family-owned when I was a kid are now owned by so-called "agribusinesses." The timberlands that surround the town where I now live are mostly owned by huge lumber companies.

Most people think that the corporatization and centralization of ownership is not a good thing. Yet the single biggest reason why it happens is the death tax. Most of the people I know of who have sold out their successful small business to some major national company did so either because a death tax was due or was inevitably coming due.

I suspect that most people who decry economic centralization and control and big business haven't figured out that death taxes inexorably lead to control by big corporations.

This is another of the prices we pay for screwing the rich.

— R. W. Bradford

Rejoinder

Liberty & Disunion, Now & Forever

by Joseph Sobran

Last issue, Timothy Sandefur argued that the Civil War was constitutional as well as just. But he has understood the issue in terms inherited directly from Lincoln's rhetoric. That simply won't do.

Mr. Sandefur seems, to me, confused on a basic point, addressed at length by Jefferson Davis in his memoirs. "We the people" were "we the people of the United States"; that is, the people as members of *states*; that is, of the "free and independent states." I don't, by the way, see how it is "ironic" that I quote the very phrase on which my argument depends and Mr. Sandefur's argument founders.

"We the people" weren't a simple numerical majority, whose membership in states was submerged in membership in a "nation." This conception of "the people" as mere mass belongs to a later era, the era of democracy and nationalism. "We the people of the United States" ratified the Constitution as members of distinct states, not en masse by national referendum. That is why we can say both that "the people" *and* "the states" ratified the Constitution.

This articulation of the people into states is, after all, the reason we have the Electoral College, which is now generally regarded as an anachronism, but which reflects the original primacy of the states; it is why senators were originally chosen by state legislatures, not by popular vote; it is why there was a Senate, where even the smallest state was equal to the largest, in the first place. From the standpoint of mass democracy, the Senate is an irrational institution, in which people are unequally represented. It remains as a mere relic of state sovereignty.

This sovereignty is also why the Federal powers were spoken of as "delegated." Powers are delegated by a superior authority to a lesser one, and they may be revoked at the pleasure of the superior authority. An authority whose powers are merely contingent, or "delegated," can't be the ultimate ruler. That role belonged decisively to "the people" — the people of the states. "States' rights" is merely shorthand for the sovereignty of the people. (This is a dubious idea in itself, but we are discussing the original, common understanding of the confederated republic.)

The identification of "the states" with "the people" also resolves what has become the riddle of the Second Amendment. Does it protect a right of states or of individuals? The answer is both. It forbids the Federal Government to disarm the people of "a free state," whose "security" (against federal invasion itself, if it comes to that) depends on their "right to keep and bear arms." If they should choose to secede, they are assured of the means to do so. Like the rest of the Bill of Rights, the amendment is a safeguard against federal power. It is meant to put teeth in the people's — and the states' — freedom. (See *The Federalist*, 28, 29, 46.)

To miss all this is to be blind to the design of the Constitution. It speaks constantly of the "states," often in the plural, never of the "nation" or "Union" as later nationalists and consolidationists would have it. And it is chiefly because of the Civil War that the political idiom of the older America is now almost foreign to us. We may easily suppose that we are speaking the same language which that America spoke when we clearly aren't. Many key terms of the old vocabu-

lary have lost their old force: among them, *sovereignty, delegate, usurp, confederation,* and (I must say again) even *state.*

We must not skate over the many documents in which the "sovereignty, freedom, and independence" of the states — that is, of the people of the "several states" — were emphatically claimed and reaffirmed. Mr. Sandefur tells us that these documents (Federalist *and* anti-Federalist alike!) *deny* these attributes of the states. I must have missed something.

The Declaration doesn't announce a "Union," let alone an indissoluble one or what Mr. Sandefur oddly calls a "single political unit." It announces 13 distinct political units in firm alliance, "free and independent" not only of Britain, but of all other states, including each other. They weren't vassal states announcing their fealty to a new master.

The Articles of Confederation repeat the point: each state "retains" — keeps — the sovereignty it already has. Why say this, if the states weren't independent of each other? They needed each other as allies against a powerful enemy (the Articles were adopted, after all, during the Revolutionary War); yet they pointedly refused, even then, to surrender any of their sovereignty to the Union. The people of the states feared a "consolidated" central government, foreign or home-grown, and we can hardly doubt that if they had understood the Constitution to deny state sovereignty, they would simply have refused to ratify it. Is it even conceivable that they would have consented to submit to an irrevocable contract to obey a new government, no matter how many powers it might usurp?

"Divided sovereignty" is a terribly refined idea, but it is evasive nonsense. At some point, push comes to shove, and we must face the raw question of power: who is boss? Mr. Sandefur also seems to confuse nullification and secession; nullification was a novelty, all right, but it was actually a compromise designed to *avert* the necessity of secession.

The Civil War was fought over secession, not slavery. Lincoln himself was quite clear, even vehement, about this central issue; the northern cause acquired its anti-slavery nobility much later. And several slave-holding states seceded only when Lincoln made war on the states that had already seceded.

My remarks on Lincoln's conduct of the war weren't meant as moral criticism (though he was brutal enough); I was calling attention to the impossible position he had put himself in. He couldn't keep his oath to uphold the Constitution while denying the right of the states (again, the people of the states) to secede. He was forced to usurp powers unconstitutionally in order to "save the Constitution" on his peculiar terms. There was no way to do it constitutionally. Lincoln's conception of the Union entailed mass arrests of dissenters and even elected officials, the suppression and destruction of newspapers, arbitrary military courts, and the installation of puppet governments. I repeat: so much for self-government.

The president is sworn to uphold the Constitution, not to "save the Union" at all costs to the Constitution; and if he has to choose between the Constitution and the Union, well, he must keep his oath. Lincoln didn't.

The president is sworn to uphold the Constitution, not to "save the Union" at all costs to the Constitution; and if he has to choose between the Constitution and the Union, well, he must keep his oath. Lincoln didn't. On his premises, he couldn't. The Union — or rather, a compulsory Union — was his golden calf.

As Harry Jaffa puts it, Lincoln "discovered" a "reservoir of constitutional power" that (conveniently) authorized him to take measures that had never before been regarded as presidential prerogatives, such as arresting state legislators, as well as citizens who expressed opinions contrary to his. Presidents, especially in wartime, have been "discovering" unsuspected presidential powers ever since. Today the incumbent continues this baneful tradition. We might wish that such constitutional discoveries had been made by impartial legal scholars rather than interested parties.

If chattel slavery had been a thousand times worse than it was, it wouldn't affect the constitutional issue a whit. That issue must be settled by logic, not pathos and hyperbole.

I might add that Lincoln seems almost totally ignorant of the ratification debate. As far as I can tell, he never even read *The Federalist*. Jefferson Davis knew that debate thoroughly.

As a northerner, I would have opposed war to prevent secession, not out of any special sympathy for the South, but because the rights of my own state, and therefore my own rights, were also at stake. Mr. Sandefur (he is far from alone in this) seems to confuse secession and chattel slavery, and like Lincoln, he begs the question by equating secession with "revolt," "rebellion," and even "treason"; but we are discussing whether secession violates the U.S. Constitution, not whether slavery was either the chief motive or a sufficient reason for secession. Many abolitionists had urged their own states to secede; so had various New Englanders; and before Andrew Jackson, nobody seems to have denied that a state might peacefully withdraw from the Union.

On the other hand, wise southern leaders like Davis and Alexander Stephens warned the South against seceding. It would mean removing most Democrats from Congress and giving the Republicans majorities in both houses. There would then be nothing to stop Lincoln from waging an unconstitutional war, which the North would surely win. And so it proved. But these men questioned only the prudence, not the right, of secession.

Faced with an earlier secession threat, Thomas Jefferson replied: "If any state in the Union will declare that it prefers separation . . . to continuance in union . . . I have no hesitation in saying, 'Let us separate.'" Apparently Jefferson was unaware that his Declaration of Independence had created

continued on page 32

Report

From Nation-State to Stateless Nation

by Michael van Notten

Where anarchy exists, chaos is sure to follow. Or so most people believe. Somalia has been defying this supposition longer than a decade.

The Somali nation abolished its central government ten years ago and became a stateless nation. During that time, the fears expressed by many international observers that Somalia would fall into chaos have not only not been realized, but many Somalis are finding statelessness an agreeable condition. Somalia is more peaceful, and the people are becoming more prosperous. Boosaaso, located at the tip of the Horn on the Gulf of Aden, is a case in point. When Somalia had a central government, Boosaaso was a small village. Into its port a few small fishing boats came each day to offload fish. Occasionally, a cargo vessel came in as well. Officials of the Republic crawled over these boats collecting taxes and demanding payment for every kind of service, real or imagined.

With the demise of the Republic, control passed to the local community and the port began to be managed on a commercial basis. A lively import/export trade developed and soon reached an estimated value of U.S. $15 million per year. Private enterprise provided essential public services such as trash collection and telecommunications. In eight years, the population grew from 5,000 to 150,000. Parents and teachers put up schools for their children and even built a university. In the absence of a government-run court system, the heads of the extended families of contentious parties settled disputes on the basis of customary law.

While Boosaaso is a dramatic example, its experience is more the rule than the exception throughout Somalia. Somalis are surviving and prospering without a central government. Exports in 1998 were estimated to be five times greater than they had been under the Republic.

This remarkable change in Somalia's political structure shows that there exists a viable alternative to democracy — indeed to legislative government in any of its forms. That is welcome news to many in Africa who have become frustrated and disillusioned with the results of endless attempts to institute democratic government. Democracy became popular in 19th-century Europe because it promised less taxation and more freedom than under monarchy. But it failed to deliver on its promise. European governments on average now take half of everyone's wealth while giving only meager returns in service and grievously hampering freedom and productivity. Economists have estimated that without such burdensome regimentation, each individual would create four to eight times more wealth than now.

If democracy has failed in practice in Europe while still being defended in theory, it cannot be defended even in theory in a clan society such as Somalia. Democracy presupposes independent political parties and an electorate willing to debate issues and vote accordingly. In a society composed of close-knit kinship, ethnic, or religious divisions whose members would find it unthinkable to vote otherwise than by group affiliation, the group with the largest number ends up controlling the truly awesome powers

of government. Its own ethic then dictates that it direct those powers to the benefit of its own members. In self-defense, other groups must then either vie with one another to capture the power by coup or revolution or else attempt to secede. The turmoil in Somalia following the demise of the central government consisted of groups attempting to position themselves to control the government they assumed would soon be re-established. In this case the mere expectation of a centralized power structure was sufficient cause for conflict. The United Nations interventions aggravated the situation by keeping alive that expectation. The conflict has only abated as the probability of a central government being established has receded.

The Somali Alternative

While it might seem that the Somalis are pioneering a new political path, in reality they have only returned to their traditional, pre-colonial system of clan government. A clan is a kin-based association of a large number of extended families. Before examining that kind of government, however, a few general observations will make us better acquainted with Somalia.

The Somalis are a central East African nation of some 15 million people inhabiting the Horn of Africa, a part of the continent about twice the size of France that juts out into the Indian Ocean. Soon after the Suez Canal opened in 1869, four colonial powers — Britain, Italy, France, and Ethiopia — occupied the territory and continued to occupy it for nearly a century. In 1960, as the colonial period drew to a close, two of the former colonies, Italian Somaliland and British Somaliland, were combined to form the Republic of Somalia. Thirty years later, in January 1991, that government collapsed and was dismantled. Each of the 60 Somali clans within the former territory of the Republic reaffirmed its sovereignty, and clan leaders undertook responsibility for maintaining law and order. Today private individuals assure order by participating in what amounts to a free market for security services. Several questions arise. How was this market-based political system brought about, what problems arose, what solutions exist, and what has been achieved thus far?

Many Somalis are finding statelessness an agreeable condition. Somalia is more peaceful, and the people are more prosperous.

Problems and Solutions

The Republic of Somalia's central government was not abolished by legislative act or referendum. It just happened. It could happen because a popular consensus had formed. The consensus began forming in 1978 when the central government lost its war with neighboring Ethiopia. From the time of that defeat, the people were ready to return to their traditional form of clan governance, under which the clans themselves provide whatever laws, judges, and police are needed to prevent or manage disputes. The opportunity to return to clan government arose in 1991 when, after a protracted civil war, the people succeeded in ridding themselves of the dictator, Siad Barre. By a stroke of luck, neither of the candidates to succeed him was willing to concede to the other, creating a deadlock similar to the one that arose that same year in Moscow between Boris Yeltsin and Mikhail Gorbachev. With the government in limbo, the Somali civil and military servants were no longer paid, and since each community regarded them essentially as intruders in any case, they fled to their own clans. Thereupon, the people dismantled all government property. This was partly opportunism, but it was also in part a conscious effort to prevent the re-establishment of a central government.

The transition to a wholly different political system was not easy. As in the Soviet Union, bandits took advantage of the temporary lack of authority to commit crimes with impunity. Some former generals and colonels lined up with former politicians and soldiers in an effort to establish central governments on a town-by-town basis. They imposed taxes, and some even established quasi-diplomatic relations with foreign governments.

The clans faced many problems during this difficult time. In the urban areas, where most modern business is conducted, statutory law had superseded the customary law. Consequently, the traditional law of the land had not continued developing to meet the requirements of a global market economy. The clans, moreover, which until the end of the colonial period had served mainly to uphold the customary law, had now become somewhat transformed into political pressure groups. Many Somalis who had opted out of the customary law system during the heyday of the Republic were unwilling to submit themselves again to the traditional ways. In many places, moreover, politicians had confiscated land from the clans and given it to others. When the clans began to repossess those lands, foreign reporters and Somali intellectuals alike reacted by filling the newspapers with horror stories to support their view that without a central government the nation was doomed. These stories discouraged many people from investing their time, knowledge, money, and skills in Somali enterprises. As if this were not enough, Muslim fundamentalists, hoping to replace the clan system with a theocracy, waged intermittent small wars to remove what they perceived to be obstacles to their cause. The United Nations dealt the final insult by invading Somalia with an international army of 38,000 troops, the first of more than a dozen unsuccessful attempts it would make over the next decade to re-establish the central government.

The Need for Freeports

Ten years have gone by since the Somalis reverted to their traditional political system, and many problems have been resolved. The United Nations and former Somali politicians have failed in their attempts to reimpose a central government. When necessary, the Somalis expelled them by force. The overwhelming need now is to attract investment capital, and for this to happen, the Somalis must create freeports. In the opinion of Peter Drucker, one of the

most prominent economists of the 20th century, "To create wealth, jobs and incomes in desperately poor countries, the freeport is the only program that works."

Freeports are industrial estates that are largely exempt from the laws of their host country. Given this freedom, they can create a legal environment that is protective of property rights and freedom of contract. Without such protection, most investors and business people will not risk their time and money in developing countries, where many aspects of the business environment are sub-optimal. In the present political constellation that is the Somali nation, authority to grant development rights for a freeport vests in the councils of elders of the clan or sub-clan owning the land where the freeport would be established. The law under which the freeport would be established would be a combination of the laws of the host clan and those of the freeport itself. Where inconsistencies arose between the two bodies of law, the courts would have to find a compromise. Hence it is crucial to understand clan law.

Today it is fair to say that private individuals participating in a free market for security services assure order in Somalia.

Somali Clan Law

The laws of the Somalis are based on custom. That means that a rule becomes enforceable only after the great majority of the people are already abiding by it. The basic rule most Somalis customarily respect is the right of each individual to his or her life, liberty, and property. Although Somali law in general prohibits any violation of this right, there are nevertheless flaws, weaknesses, and lacunae in the Somali legal order. No legal system is without imperfections. Consequently, there is room for improving and strengthening the Somali law. This is happening even now in the hustle-bustle of Somali daily life. The more people engage in business, the more quickly new rules emerge and the law adapts itself to the requirements of a modern free-market society. Clan law has a built-in method for adapting to changing circumstances. Each court discovers the law. A court is entitled to declare that a particular custom has become law when it finds the great preponderance of the people observing that custom.

Not only will the law grow as more Somalis engage in business, but practitioners of the law can accelerate that growth by publishing their jurisprudence and facilitating access to it and scholars and teachers of the law can contribute by commenting on it. In these, the laws of the 60 Somali clans will gradually evolve into a common law, a single body of law for all Somalis. The process will accelerate with increased interaction with foreign business people, causing a cross-fertilization among the various ethical concepts, business methods, and laws in the marketplace. Creating freeports will stimulate that interaction. Several clans along the Somali coast are already considering embarking on a freeport policy.

Somali law differs from the prevailing legal systems of the Western world in some fundamental ways.

- Criminals are not imprisoned but only made to compensate their victims.
- Crimes against society do not exist, which obviates the need for public prosecutors.
- Fines must be paid to the victim or to his family, not to the court or clan.
- Everyone must be insured against any and all liabilities he or she might incur under the law.
- Judges are appointed by the litigants, not by the clan.
- Courts of justice are paid for by the litigants, not out of taxes.

The following may help clarify these points:

No imprisonment. In a democracy, criminals are imprisoned and may be forced to pay heavy fines. Somalis, on the other hand, have no use for prisons and severely limit the amount of fines. They focus on the victim rather than the criminal. Their law requires people who violate the rights of others to compensate their victims. Somalis realize that a prison term cannot offset the violence perpetrated against the victim but only compounds the violence in society. They also recognize that prisons are costly to build and operate (and when funded by taxes bring about a further violation of property rights), and that imprisonment does little to deter crime but, in fact, frequently affords criminals opportunity to improve their criminal skills.

Defining crime. In a democracy, almost any conduct can be declared a crime, including smoking marijuana, reading pornography, using a monetary unit of one's choosing, or criticizing a government. Also it is commonplace for democratic governments to fail to prosecute many real crimes such as police detainment and torture of innocent people or extorting money. Such abominations become possible when the law originates in parliaments. In the Somali nation, as noted, the law is not promulgated by politicians but is rather discovered by judges. Only the victim or his family can start a criminal proceeding in a Somali court of justice. A natural right of a natural person must have been violated before there can be a crime. Only an independent and impartial court of justice can establish whether such a right exists and has been violated.

Somalia's transition to a wholly different political system was not easy. Bandits took advantage of the temporary lack of authority to commit crimes with impunity.

Fines to the victim. In a democracy, the government can impose almost any type and level of fines, and it usually stipulates that these be paid to the government. Such a practice provides an incentive to invent more crimes and to increase the level of the fines. Under Somali law, on the

other hand, fines imposed for willful violation of the law rarely exceed the value of that which has been alienated or destroyed. Fines are always due to the victim and his family, rather than to the court of law or the clan as a whole.

Insurance. In a democracy, except in rare cases like driving a vehicle, no one is obliged to insure himself against possible future liabilities under the law. Thus, large numbers of destitute people risk nothing but their freedom when committing a crime. This surely provides an incentive to criminal behavior. In Somalia, on the other hand, every person must be insured under the customary law. A Somali must also retain a legal representative, i.e., someone who will act on his behalf should he commit a crime or become a victim of one. Should he commit a second or a third crime, he will lose his insurance and be expelled from his clan, his country.

Judges. In a democracy, the central government runs the court system. This enables it to organize the courts in such a way that it will not be condemned when it or those whom it favors violate true property rights. Because Somali law consists only of those rules the community customarily abides by, so long as the Somalis continue to respect property rights, government officials will not be allowed to "pass a law" abridging those rights. As a further safeguard, Somalis have the right to ignore any court of justice whose judges have not been freely chosen by the contending parties. This rule gives judges an incentive to render a just verdict. Even one unjust verdict might result in a judge not being asked ever again to provide judicial services.

No taxation. In a democracy, rendering justice is a costly process, and raising revenue from taxation to pay for it makes it even more so. Many economists agree that taxation destroys more wealth, or prevents it from being created, than the money it collects in that manner. Rendering justice under the Somali law, on the other hand, is done without taxation and at almost no cost to the nation as a whole. Somali judges and policemen perform their services on a part-time basis, and often without asking any reward. In Somalia, it is considered a great honor to be asked to serve as a judge. The Somali system has a further virtue. Being largely immune to political manipulation, no laws come into being that serve primarily the interest of a particular political pressure group.

In the Somali nation, the law is not promulgated by politicians but is rather discovered by judges. Only the victim or his family can start a criminal proceeding in a Somali court of justice.

Kritarchy

It must be recognized that some features of the Somali traditional law as it now stands are not in harmony with property rights. Among these are inadequate protection of the natural rights of women, deterrents to saving and investing, inalienability of land except to a clansman, and others. Elsewhere I have discussed these and other weaknesses and how they can be expected to be resolved in the further development of the law. The main subject before us, however, is not the law but how the Somalis managed to bring about, in a relatively short time, a complete change in their system of governance. They succeeded because their new system was in fact the system they had always had. Indeed, in rural Somalia, which comprizes probably 90% of the country, the customary law continued to operate. The customary courts continued there. This situation resembles that of North America in 1776, when the Americans waged war against the British government in order to preserve the freedom they had enjoyed during the preceding 150 years. In like manner, the chief concern of the Somalis after removing their dictator was not to innovate a new kind of politics, but to preserve the indigenous system of governance.

Because Somali law consists only of those rules the community customarily abides by, so long as the Somalis continue to respect property rights, government officials will not be allowed to "pass a law" abridging those rights.

The British author Robert Southy more than a century ago coined a word, "kritarchy," to describe the Jewish political and legal system during the period of the Judges before Israel had a king. It was an arrangement broadly like that of the Somalis. The period ended, according to the Book of Samuel, when the Jews, impressed by the pomp and pageantry of neighboring kingdoms, wanted a king of their own. "We will have a king over us, that we also may be like all the nations" (1 Samuel 5:19). Samuel talked with Yahweh, who catalogued the dire consequences that would follow, ending on the note, strange to moderns accustomed to government claiming fully half of the GNP, "He will take your manservants and maidservants, and the best of your cattle and your asses . . . He will take the tenth of your flocks, and you shall be his slaves." The word *kritarchy*, a composite of the Greek words *kriteis* or *krito* (judge, to judge) and *archeh* (principle), is an apt choice to describe the system of the Jews since not only among the ancient Jews but in many clan societies that respect property rights, including the Somalis, justice is the ruling principle and judges are among the most respected individuals.

It would seem a most useful addition to the language to generalize this little-used term beyond its biblical and its ethnic or clan context to mean any political system based on equal justice for all, in other words, any political system that respects the rules of society inherent in human nature. Because most of its customary rules are compatible with property rights, the Somali political system could be characterized as a near-kritarchy.

The opponents of Somalia's near-kritarchy are those who

champion democracy. It came as a surprise to the Somalis that so many foreign governments should be so eager to establish a democracy in Somalia. This eagerness originated partly in the fact that several governments had lent money to Somalia's dictator and wanted to recover their money. These creditor governments don't care whether a government they lend money to is a criminal government or a just one; their only concern is that the borrower practice taxation. Even more to the point, these champions of democracy have invested so much in convincing the world that the only political options are a tax-levying democracy on the one hand or a tax-levying dictatorship on the other, that they can't allow a third, taxless alternative to emerge. It never bothers them that a democracy is prone to collapse, bringing dictatorship in its wake, because eventually the citizens will call again for democracy. But woe to the nation that would opt for kritarchy. The recent experience of Somalia shows that when it comes to restoring a government with the power to tax, almost no cost is too great for the United Nations and its supporters. Nevertheless, for ten years Somalia has withstood such pressures and is prospering, demonstrating to the world that there is a viable alternative.

Visualizing a Pure Kritarchy

Although a pure kritarchy exists only as a theoretical possibility in today's world, the concept alone fulfills a vital need. It gives us an ideal toward which to aspire. It serves as a direction marker, enabling us to keep on course throughout the complexity and distractions of our daily lives. Holding an ideal concept of a truly free society is as essential as the North Star to the mariner. Though the mariner may not reach the Star, it guides him to the country and port where he wants to go. Let us visualize as clearly as possible, therefore, the ways in which a pure kritarchy might function in the future.

An important enabling principle of a pure kritarchy is that its "operatives" include not only private judges, police, and soldiers but also, and even primarily, insurance companies. In a pure kritarchy, as Somali practice suggests, everyone would be insured against legal liabilities he or she might incur under the law. In clan-based society, kin groups perform this function. As in Somalia today, the uninsured would be regarded as irresponsible and reckless and would be handicapped in doing business or finding employment. Insured persons, on the other hand, should they be caught transgressing the law, would incur higher premiums, giving them added incentive to respect the natural rights of others. Finally, in contrast to a democratic government which frequently benefits from crime, insurance companies in a kritarchy would thrive only by preventing it. The fewer crimes and torts, the less they would have to pay out to their customers.

Besides judges, policemen, soldiers, and insurance companies helping to maintain the peace, a viable kritarchy would require suppliers of infrastructure such as electric power and water utilities, roads, sewerage, telecommunications, education. Such suppliers can be found in droves in the many companies and educational institutions already offering these services on a free-market basis. The more such provider organizations grow and prosper under economic freedom, the easier will be the transition to kritarchy.

Many would like to stop the seemingly endless seesaw between democracy and dictatorship but see no way to do it. In Somalia, the obvious way was to return to clan government. But the people needed a catalyzing situation to put them on that road. The situation, when it came, had two critical elements. One was that the dictator had lost a war and with it, his already precarious popular support. The other was that Somali opinion makers knew enough of the strengths of kritarchy and the weaknesses of democracy to swing the popular consensus in favour of the former. These opinion makers were the heads of the extended families, known as elders, and the religious figures. They were not the Somali intellectuals, who were mostly trained in government-run universities and naturally, therefore, championed democracy.

The Somali experience shows that there exists a political system superior to legislative government in any of its forms. Kritarchy has increasingly demonstrated its viability during the past ten years in Somalia and has the potential for a broader application in the rest of Africa. Somalis succeeded in making their transition to kritarchy despite domestic turmoil exacerbated by repeated interventions by the United Nations.

The Somalis have succeeded in fending off those who would impose democracy because they already had in place the necessary operatives for maintaining a kritarchy. Had their traditional institutions of law and order failed to do the job, the Somali nation might have fallen into chaos. And had the people not been prepared to fight to defend the traditional clan system to which they had returned, the United Nations might indeed have succeeded in re-imposing a central government in Somalia.

Increasing numbers of private business firms and associations now routinely offer the kinds of infrastructure services needed to support Somalia's near-kritarchy. Given the failure of democracy in other African nations, the growing numbers of these free-market providers, and the many indications of the Somali clans' growing resolve to continue fending off a central government, could one be far wrong in predicting a new political trend over the whole of Africa? ❑

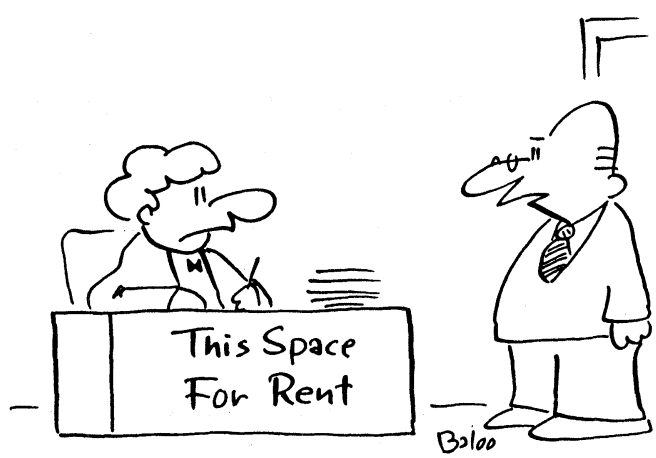

"Normally, Schowalter, I applaud initiative, but . . ."

Why Tax Reform Doesn't Reform, from page 24

new categories will be made exempt. Soon, the national sales tax will be every bit as complicated as the current income tax is.

One claim by the proponents of this tax is that it will be more visible than the current system, in which taxes are withheld at the source, and are never seen by the taxpayers, who see net pay, rather than gross pay as their real income, and what they don't see they don't miss. As a result of this new visibility, proponents claim, people will begin demanding lower levels of government expenditure so that their taxes will be lower, and I cannot deny that some will do that. But in the 2000 election, half of the voters cast their ballots for Gore for president because he promised to steal from the other half. We can never discount the kleptomaniac vote. People will simply not give up their government check in exchange for lower taxes. Rather they will vote for politicians who promise to shift the burden to others.

As with the flat-rate income tax, I cannot outright condemn a flat-rate retail sales tax as a viable replacement for our current abomination. But I want people to realize that it will not, as promised by its proponents, eliminate most of the problems inherent in our current system: we will still have an intrusive enforcement and collection agency and extensive audits by that agency; we will still have most of the complexity; and we will still have high taxes.

Until the government substantially reduces its levels of expenditure, there will not ever be an acceptable tax rate or collection system.

As Milton Friedman has observed, because government has no resources of its own, produces nothing, and creates no wealth, every expenditure it makes is, by its nature, a tax. It can be paid by taxes that are collected directly from taxpayers. Or by borrowing money, thereby taxing future taxpayers. Or by inflation, by creating new money to fund a deficit, which reduces the value of the currency held by everyone.

The only tax reform that will genuinely address the problems that proponents of the flat tax and of a national sales tax seek is to reduce taxes substantially, which requires reducing government spending substantially.

Politicians and bureaucrats, who have a taste for controlling the behavior of others, who maintain their power by lassoing ever more people into dependency on government expenditures, and who are able to convince large constituencies that they cannot live without government subsidies, or that nothing good ever happens without the government forcing it, will never approve any meaningful tax reform. As long as voters are willing to to demand government subsidies for themselves, while demanding that someone else be made to pay for it, as long as people demand that the government expend resources to control the behavior of others, as long as voters do not consistently, and persistently, vote for politicians who return the government to its constitutional boundaries, not very much will change in tax collections. In fact, until government is returned to its constitutional boundaries, there will be no tax system that will satisfy anybody. Given recent performances by politicians, bureaucrats, and, especially, voters, I'm not optimistic. ❑

Liberty & Disunion, Now & Forever, from page 26

an indissoluble Union. Nor did he suppose that the Constitution had repealed the "unalienable rights" of the people of the states.

But what about slavery? Constitutionally speaking, it is irrelevant. The validity of a legal right doesn't depend on the purpose for which it is exercised; it may be claimed even by "wolves," to use Mr. Sandefur's terms. If we have a legal right to free speech, we don't have to justify the specific content of our speech in order to exercise that right. If the people of a state have a legal right to secede, they possess it regardless of why they choose to do so.

If, in other words, chattel slavery had been a thousand times worse than it was, it wouldn't affect the *constitutional* issue a whit. That issue must be settled by logic, not pathos and hyperbole. Mr. Sandefur says even 600,000,000 deaths would have been a "cheap" price to free the slaves. I'll raise him: I'll stipulate that 600,000,000,000 deaths would have been a cheap price to free a *single* slave. But what has this to do with whether the Constitution forbids secession?

Lincoln's war made subsequent federal tyranny possible. Not that he intended results he couldn't foresee; but we should remember that the federal income tax was one of his many innovations. Under the guise of midwifing "a new birth of freedom," he begot the Servile State in America. ❑

Letters, from page 18

United States." Is this distinction too difficult to understand?

Engelman thinks the Framers authorized a welfare state in Section 8? Note well: back in Jefferson's day he was taken to task for stretching the general welfare clause by making the Louisiana Purchase.

Kevin Ralston
Bellevue, Wash.

Pragmatisim for Progess

Brink Lindsey has tapped into the potentially biggest problem facing the libertarian movement: the glut of people who would rather die with their principles intact but unrealized in society than win small victories when and where they can, en route to a slow but cumulative victory. The current welfare-police state behemoth wasn't built overnight, and it won't be dismantled overnight either. To have libertarian candidates running on a platform of riding into town and wielding a big axe to chop everything down may sound great to our ears, but it's unrealistic and hopelessly naïve.

Lots of (if not most) libertarians don't want to admit it, but the people of this country are so far away from being able to handle a libertarian form of government

continued on page 42

The Call of Christ to Freedom

by Stephen Legate

Do not accuse a man for no reason, when he has done you no harm.
— Proverbs 3:30

Christians often conflate libertarianism with libertinism. We generally assume that not forcing others to behave virtuously is the same as countenancing vice. I believe, to the diametric contrary, that Christian virtue is imperiled by the coercive nature of politics and that Christians must adopt political principles of libertarianism as the best way to love our neighbors and lead them toward the light of Christ. On its face, this claim may seem implausible, so let me begin by examining what Jesus himself might have to say on the matter.

Jesus of Nazareth was a revolutionary. His radical pronouncements still have the power to astonish. "Love your enemies and pray for those who persecute you," is a command directly contradictory to all our instincts and our sense of justice. "Anyone who looks at a woman lustfully has already committed adultery with her in his heart." As a young man reading this wisdom, I clearly remember thinking, "Well, what the heck kind of chance does that give me?" Perhaps Jesus' most supremely radical words were these, which concisely express the reason the Jews demanded His death: "Before Abraham was, *I am*."

I believe the most amazing aspect of Christ's ministry is a matter of first principle, one taken for granted so much throughout His message that it never specifically is stated. It is best evidenced in the story of the rich young man in Matthew 19. The man comes to Jesus asking what is required for eternal life. After assuring Jesus that he has kept all the commandments, he asks what he still lacks. Jesus says this: "If you want to be perfect, go, sell your possessions and give to the poor, and you will have treasure in heaven. Then come, follow me."

Most of the time, when we examine this scripture, we focus on the high cost of discipleship. Sell all your possessions, and follow me. That's quite a tall order. But we gloss over the first phrase, the phrase that begins with the conditional. "If you want to be perfect . . . " The implicit message of that phrase is this: not only did Christ die for us, not only did God become man and love us enough to endure the cross for our sins, but He did so and now *demands* nothing in return.

He *asks*. He asks for our faith, love, and worship. He asks us to heed His call, and accept His grace. He asks us to practice temperance, charity, humility, and chastity, and to seek His strength in those moments when we falter. But He only asks. He only tries to persuade, He never forces. As C.S. Lewis put it: "He cannot ravish, He can only woo." He wants us to love Him and, by definition, love must be chosen. It cannot be forced or it is no longer love.

It is an incredible thing, that the All-in-All, the Alpha and Omega, would dress down into a frail human shell and die in agony to save me, only to give me the option of ignoring His effort. Here in this choice, left open for us, is an essential principle of Christianity that is too often forgotten: human

free will, specifically the freedom of each person to choose his or her path, is at the center of God's plan. We are free, and God wants us to choose Him, but our choice only has meaning if it is *our* choice.

Laws of Vice and Virtue

Robert Heinlein observed that humans divide politically into two groups: those who want people to be controlled and those who do not. The former and larger division of humanity supports what I call Laws of Vice and Virtue. These laws are not enacted to protect individual rights, defend victims from criminal aggression, or settle civil disputes between parties. Rather, they are enacted in order to coerce individuals into adopting or abstaining from certain behaviors.

We are free, and God wants us to choose Him, but our choice only has meaning if it is our choice.

Vice laws prohibit "unwanted" behaviors, such as selling your body for money; selling, buying, or using drugs; and playing games of chance (unless, of course, these activities are run or regulated by the state). Laws of virtue amount to various forms of forced charity. They require us, through taxation, to fund social services, art museums, and medical research, whether or not we agree with these uses of our money. Together, Laws of Vice and Virtue peer into personal behaviors: sexual activity, substance use and abuse, the sharing, hoarding, or squandering of wealth, etc., and wherever these behaviors are deemed unacceptable or inadequate, the Laws of Vice and Virtue bring the full coercive power of government to bear.

Conservatives tend to favor and support vice laws; leftist liberals, conversely, tend to favor and support laws of virtue. Christians from both ends of this political spectrum tend to uncritically assume that those laws they favor are Christian in spirit and intent. Yet, neither Christian conservatives nor Christian liberals seem to give much thought to what Jesus might have to say on the topic.

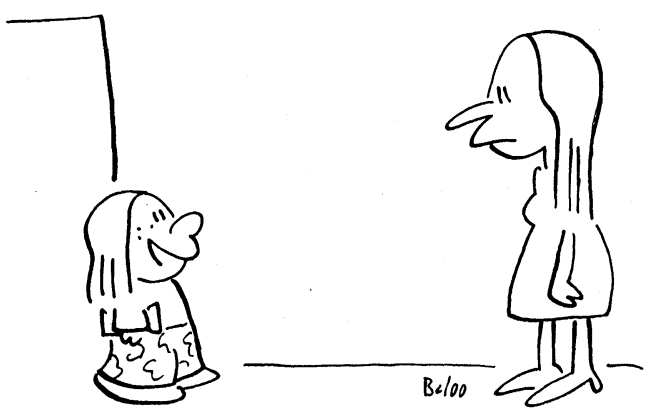

"We learned in school today that a million years ago, *everybody* was homeless."

They ought to. Put bluntly, the principle of God-given free will is not reconcilable with Laws of Vice and Virtue.

If Christ gives a man the freedom to choose the destiny of his very soul, does that not imply he is free to choose whether to inject his body with heroin? And if he chooses the needle, do we have the right to take it from him by force, saying, "Christ gave you this choice, but frankly we think that was a bad idea"? If Christ calls a woman to chastity and humility, but she chooses promiscuity, and then pornography and prostitution, are we to step in with the authority of government and say, "You've chosen poorly, please re-read 1 Corinthians 6 during your stay in jail"?

The Lord Himself let the rich young man choose to walk away, rather than surrender his wealth to charity and live a life of service to God incarnate. Are we to accost him on the other side of the hill with two armed agents of the Internal Revenue Service and say, "The Lord let you keep 100% but the poor people around you really deserve about 30% of that"?

I don't believe so. If we seek Christ, if we seek to follow His model and let Him mold us into His image over the course of a lifetime, one of the things we must surrender is our desire to police the vices and virtues of others.

Grace, Freedom, and Government

Two arguments spring immediately to mind against this assertion, one theological and one political.

As with all things, we should search God's will first. Some Christians might argue that, in the Old Testament, we see a series of laws that are far more invasive, proscriptive, and coercive than our modern Laws of Vice and Virtue. Leviticus, for example, recommended banishment of any Israelite who ate the fat of a cow, sheep, or goat, and the death penalty for anyone who cursed his father or mother. God handed down these harsh laws and they seem to indicate His support for the unrestrained use of state power to modify personal behavior.

But let's not forget that Christ has taken the burden of the law from our shoulders and left it at the Cross.

As Paul made clear throughout his epistles, this should not invalidate the concept of law so much as change our attitude toward it. The law is no longer a hard line that we must either toe or face judgment, because Christ extends His grace to us. He is pleased with our best efforts to shun vice and embrace virtue, even though we stumble and never reach perfection. As the writer of Hebrews put it: "The former regulation is set aside because it was weak and useless (for the law made nothing perfect), and a better hope is introduced, by which we draw near to God."

The story of the Pharisees and the adulteress in John 8 provides a concrete example of Jesus' approach to the law as it was applied to vices and virtues. The Pharisees wanted to stone the woman to death, as commanded by Mosaic Law. Jesus' renowned reply was: "If any one of you is without sin, let him be the first to throw a stone at her." So, looking at our modern Laws of Vice and Virtue, do they track more closely to Old Testament legalism, or the grace of Christ? If we are to emulate Him, should we not offer those around us our own pale shadow of that flawless grace?

The Lever of Hell

Looking more deeply into Christian theology, we find further emphasis placed on the importance of free will. It is true that Christ only asks us to follow Him, recognize His sacrifice, and receive His grace. He makes clear it is our choice. But it is also true that our choice can have dire consequences.

To paraphrase Jonathan Edwards: choose wrong and you burn. If you choose to reject God, God will honor your choice, for all eternity. Whether Hell is an "outer darkness," or a "lake of burning sulfur," it is a fearful threat. Christians might wonder why, if God uses the threat of hell to coerce us to salvation, shouldn't we use prison to coerce others to virtue? I'll answer Jonathan Edwards with his postmodern counter-equivalent, Mojo Nixon:

> You only live once
> So off with them pants,
> Hell ain't for sure,
> It's only a chance.

There is something of a "reality gap" between the threat of imprisonment on Earth and the threat of eternal punishment after death. Even the most seasoned, spirit-filled Christian will acknowledge a difference between his fear of God's judgment and his fear of an IRS audit. If we reject God's grace, it is an article of faith that the consequences are dire. If the police catch us breaking the law, the consequences are tangible and they come whether or not we believe in them.

In addition, it is worth noting that as Christians we believe that God's judgment of our vices and virtues is perfect in every way: perfectly just, perfectly comprehensive, and without flaw in knowledge of fact or motive. Can anyone, Christian or otherwise, seriously claim that the government's judgment approaches that standard?

If Christ gives a man the freedom to choose the destiny of his very soul, does that not imply he is free to choose whether to inject his body with heroin?

Vengeance Is Mine

Let's ask another question. Can the government's penalties really add much weight to the punishments ready-built by God into the vices themselves?

> Who has woe? Who has sorrow? Who has strife? Who has complaints? Who has needless bruises? Who has bloodshot eyes? Those who linger over wine . . . — Proverbs 23:29–30

Anyone who has escaped the clutches of a drug addiction will be able to tell you a great deal about the consequences of exceeding the design specifications of the human body. The short-term physical pain suffered by a heroin addict in withdrawal, the long-term negative health effects of alcoholism, the tendency of 20-something-year-old crack smokers to up and die right in mid-puff are all taps from God's clue-by-four and would seem to deliver much nastier lumps than the negative experience of jail time.

> Whoever loves money never has money enough; whoever loves wealth is never satisfied with his income.
> — Ecclesiastes 5:10

Greed and charity are two sides of the same coin. Will you love people and use money, or love money and use people? Those who choose the latter path find that as time passes their money loses its luster and truly honest connections with the people around them get harder and harder to come by. Does taxing the miser's income and giving it to the poor add much to his burden of isolation, or create virtue where none before existed?

Looking at our modern Laws of Vice and Virtue, do they track more closely to Old Testament legalism, or the grace of Christ?

> For the lips of an adulteress drip honey, and her speech is smoother than oil; but in the end she is bitter as gall, sharp as a double-edged sword. — Proverbs 5:3–4

Tales of the happy hooker are legendary. Precisely that — legendary. A minority of workers in the sex industry truly love their work, while in their 20s. By their mid-30s, their numbers are decimated. By their mid-40s, they've all but disappeared. God designed sex to be His most beautiful biological gift, a way for two to become one in flesh and spirit. Those who nightly throw that pearl before swine become so empty and jaded that incarceration becomes just a minor annoyance, a cost of doing business.

To be sure, the book of Job makes clear that God does not always punish vice and reward virtue, and certainly not to equal degrees. But, with occasional exceptions, a life of charity, chastity, and temperance is longer, healthier, and happier than a life dominated by greed, debauchery, and addiction. God has ensured that the very design of our bodies and psyches repays us — with interest — for our abuses, usually before prison enters the picture. Is God's price not enough? Can human laws and punishments have much effect on a person who clings to vice in spite of God's design?

Jesus Christ, Anarchist?

In response to the theological possibility that Christ would rather we not legislate vice and virtue, many Christians turn to the notion that these laws aren't really about individual choices, but about the sum-total social effects of such choices. In doing so, they depart from the realm of theology and approach the happy demesne of politics.

The assertions run thus: we need social programs that redistribute wealth because, sum-total, people aren't charitable enough to care for all the poor, so the government must fill in the gap. We need laws against drug abuse because, sum-total, people aren't temperate enough, and without gov-

ernment force backing up the taboo, everybody would end up an addict.

Lather, rinse, repeat.

Libertarians have already published volumes of counter-argument to these assertions, challenging them on factual, empirical, theoretical, logical, and ethical grounds. My interest here is in the fundamentally anti-Christian presupposition made by the partisans of government coercion: that if the government doesn't do a thing, it won't be done.

The Idolatry of Statism

Most Christians would assume the dominant religion in the United States in the 20th century was Christianity. Certainly, if you measure dominance by church attendance figures, that would seem to be the case. On Sunday morning we Christians, by and large, put our butts in the pews.

But where did we put our faith?

Beginning with the dawn of "progressive" politics at the turn of the century, moving through alcohol prohibition, FDR's New Deal, LBJ's Great Society, then Reagan's escalation of the War on Drugs, and culminating in Clinton's efforts to socialize health care and criminalize sexual misbehavior in the workplace, through all of this, our faith was growing. But not our faith in God. We gave lip service to God. We put our faith in government.

If a man were a drunkard, the government would make him sober. If a family were poor, the government would take care of them. If a man didn't save enough for retirement, the government would garnish the wages of all workers to provide his pension. If a child didn't have enough money for a hot lunch, the government would fire up the oven in the school cafeteria. If a man didn't have a job, the government would make one for him. If people sold drugs to our children, the government would put a stop to it. If health care were too expensive, the government would foot the bill. If a person felt any degree of sexual tension in the workplace, the government would allow him or her to take action in court to rectify the situation.

In America today, though a majority of us call Christ our savior, a much larger majority of us hold to this creed: if something is wrong with the world, the government can and must fix it. If something is right with the world, the government can and must encourage (or even require) it. And if the government removes its influence from a particular area of society, the result will be chaos. This doctrine smacks of idolatry of a particularly futile nature.

Prohibition was an abysmal failure. Most of the New Deal was declared unconstitutional in 1935, and by 1938 it was clear the rest of the New Deal hadn't provided any measurable improvement of economic conditions. LBJ's Great Society did not end poverty in his lifetime, and the program's remaining vestiges won't end poverty in ours. Nixon was the first president to use the phrase "War on Drugs" and, by any quantifiable measure, the government has lost that "war." Clinton signed an expanded sexual harassment bill and, before he left office, he was in court defending himself against sexual harassment charges.

Never has faith been more misplaced. The golden calf was better to its worshipers than statism has been to its adherents. Every attempt to use the coercive powers of government to end poverty, indulgence, and debauchery has failed in the long run, most often spectacularly. But if government fails us, how should we, as Christians, attempt to deal with these problems? The answer comes, as it so often does, in seeking to emulate Christ.

Christ's Personal Nature

Christ is God: omnipresent and eternal. He doesn't need to speak to us in a group with a loudspeaker and a microphone. He is with each one of us every moment of our lives. His is that still, small voice that speaks to us at just the right time and in just the right way. He knows each of us better than we ever can know ourselves, and the degree to which He tailors His call to us is nothing less than, well, God-like. Christ's nature is ultimately personal and persuasive. Although we do not share His power and perspective, we ought to try to emulate His example when considering how to deal with the vices and virtues of others. So, getting personal here, it doesn't begin with "us." It begins with "you."

If Christ has pierced your heart with charitable desires, then, by all means, be charitable. Give your time, expertise, love, and money to those needy to whom Christ leads you.

Christ's nature is personal and persuasive. Government's nature is general and coercive. When it comes to issues of vice and virtue, you cannot logically serve both.

Speak to others about that need, urging them to join you in doing the Lord's work. If they do not share your calling, if you do not persuade them, let them be. It flies in the face of Christ's example to force charitable behavior from others.

If the Lord has inflamed your spirit against the vice you see all around you, then, by all means, speak out against it. Picket, boycott, publish, preach! Plead with anyone (and everyone!) who will listen. Persuade them to turn away from depravity toward the only true source of life and love. But if they will not listen and you call on government to force them to virtue, then that virtue ceases to have meaning, because it ceases to be a choice.

The question here is not what the Lord would have you do about your own vices and virtues. That's obvious. Nor is the question what the Lord would have you say to others about their vices and virtues. That also is obvious. The question is: When it comes to vice and virtue, what would the Lord have you *force* others to do?

I'll say it again. Christ's nature is personal and persuasive. Government's nature is general and coercive. When it comes to issues of vice and virtue, you cannot logically serve both. You must choose where to put your faith, and how your faith should translate into action.

A Call to Action and Witness

When we insert government into issues of vice and virtue, we deny others' God-given freedom. Worse, we attempt

continued on page 42

Exposé

The Poverty of Samuelson's Economics

by Alan Ebenstein

One of the things that economics lost when it became a mathematical discipline was the ability to meet its own standards as a science.

There is in academic economic theory a growing unease, an unease that the entire approach of the field may be in error. This unease is reflected in the growing criticism of the prevailing method of "doing" academic economics — the great emphasis placed on complex and difficult mathematical formulas to express economic activity.

Paul Samuelson is still perhaps the preeminent representative of the contemporary approach in academic economic theory. Is Samuelson's mathematical method of presenting economic theory of value, or should it be placed on the trash heap of history?

Samuelson is a brilliant mathematician, and his intellectual power (and good sense of humor) is not in dispute. The question is, has he added anything of value to the understanding of economic activity? History abounds with brilliant scholars whose work was considered significant and lasting during their time, but whom later generations consider to have employed fatally flawed methods of reasoning.

There is a difference between intelligence and relevance of intellectual or academic output. The most brilliant individuals — individuals whose intelligence far outstrips the rest of us — can be completely wrong in their factual appraisals of the world. The attempt will be made here to argue that this is the case with the complex and difficult mathematical methodology Samuelson uses to present the simple truths of economics. In short, Samuelson is a great mathematician, but he knows little about economic activity. He does not understand how the market works.

In his primary work in economic theory, the 1948 *Foundations of Economic Analysis*, Samuelson writes that a "meaningful theorem" is a "hypothesis about empirical data which could conceivably be refuted, if only under ideal conditions."[1] Fortunately, Samuelson has made many economic predictions over his career that are capable of refutation. With respect to larger, macroeconomic issues, his predictions have invariably been wrong. A few examples over the decades will suffice to demonstrate this proposition.

Early in his career, Samuelson predicted that after World War II, there would be a worldwide depression, contrary to what actually happened. In the 1973 edition of his famous textbook, *Economics*, he predicted that though the Soviet Union then had a per capita income roughly half that of the United States, it would catch up to the United States in per capita income by 1990, and almost certainly would by 2015, because of its superior economic system. In 1981, he wrote in opposition to President-elect Ronald Reagan's proposals: "Swift decontrol of energy prices . . . will certainly add to the inflation rates consumers will endure from 1981 to 1983,"[2] again the opposite of what occurred.

Arnold Beichman, a research fellow at the Hoover Institution, and Austrian economist Mark Skousen have collected many examples of Samuelson's miscomprehension of global macroeconomic activity, and moral obtuseness with

respect to Communism, from *Economics*. In the 1976 10th edition of this work — which is perhaps the best-selling economics text of all time — Samuelson wrote that it was a "vulgar mistake to think that most people in Eastern Europe are miserable,"[3] a shockingly naive or callous statement. In the 11th edition, four years later, he removed "vulgar."[4]

As Beichman goes on to note, in the 1985 edition of *Economics*, "that entire passage had disappeared. Instead, he . . . substituted a sentence asking whether Soviet political repression was 'worth the economic gains.' This non-question Samuelson . . . identified as 'one of the most profound dilemmas of human society.' In the face of looming Soviet economic disaster, the 1985 Samuelson text offered these paragraphs: 'But it would be misleading to dwell on the shortcomings. Every economy has its contradictions. . . . What counts is results, and there can be no doubt that the Soviet planning system has been a powerful engine for economic growth.'"[5]

Samuelson predicted that, after World War II, there would be a worldwide depression, contrary to what actually happened.

In the 1989 13th edition of *Economics* — as Soviet-style socialist command economies were in collapse around the globe, and as eastern Europe was aflame in revolution that would spread to the Soviet Union two years later — Samuelson opined that "contrary to what many skeptics had earlier believed": "The Soviet economy is proof that . . . a socialist command economy can function and even thrive."[6] Skeptics, indeed — in 1989!

Skousen observes that while Samuelson:

> overplayed the economy of the Soviet Union, he underplayed the successful postwar economies of Germany and Japan, and the newly developing countries in Europe, Asia and Latin America. From the 2nd to the 14th edition, Samuelson briefly mentioned the dramatic story of West Germany's postwar recovery to elucidate the benefits of currency reform and price freedom. . . . The same could be said of Japan's postwar economic miracle. . . . Samuelson barely mentioned Japan. . . . In the 1980s and 1990s, . . . Samuelson and [later editions' coauthor William] Nordhaus still practically ignored Japan. In the 12th edition, they asked, "For example, many people have wondered why countries like Japan or the Soviet Union have grown so much more rapidly than the United States over recent decades." They spent many pages discussing the Soviet Union, but except for a brief reference to "rapid technical change," they were silent on Japan.[7]

Economic events require explanation. They can be described in words that portray the physical world of sensory data. The fundamental problem in Samuelson's approach — and that of 20th century academic economic theory generally — is that it assumes economic activity is susceptible to the sort of precision that exists in the physical sciences. But economics is not (or at least is not yet) a physical science. It relies heavily on what people think, both factually and normatively. What people think is, moreover, liable to change.

Paul Samuelson's mathematical economic theory has not proved reliable in predicting economic activity either at a point in time or over time. Rather, he superimposes a mathematical superstructure, which is indeed necessarily correct, over human behavior to which it is not, or is not much, applicable.

The attempt to apply complex and difficult mathematical methodology to economic activity was and is a mistake. Notwithstanding the prominence he achieved during the 20th century, the view here is that Paul Samuelson, and the mode of economic theory he represents, will hardly be remembered at all by future generations of economists, other than from a historical perspective. The mathematization of economic theory was a step in the wrong direction.

From a libertarian perspective, it is essential that the propositions of economics be presented in a manner in which they can be understood. If prices are decontrolled, will they then tend to rise or fall? If interest rates are lowered, will this increase or decrease economic activity? If the federal government runs a budget deficit, will this stimulate or retard economic activity? Is central planning effective or ineffective? Samuelson, and perhaps most contemporary economic theoreticians, have typically misunderstood the practical relations between cause and effect with respect to questions such as these.

The presentation of economic activity in complex and difficult mathematical form has been misconceived. This presentation obscures economic questions and allows economists to hide behind blackboards of equations that, because no one (or almost no one) understands them, including often many economists, say little. Irrelevance is the poverty of Paul Samuelson's economics. ❑

The fundamental problem in Samuelson's approach is that it assumes economic activity is susceptible to the sort of precision that exists in the physical sciences.

Notes

1. Paul Samuelson, *Foundations of Economic Analysis* (Harvard University Press, 1948), 4.
2. Paul Samuelson, *Newsweek* (1/5/81), 52.
3. In Arnold Beichman, *The Wall Street Journal* (11/17/94), A-21.
4. Ibid.
5. Ibid.
6. Paul Samuelson and William Nordhaus, *Economics*, 13th ed. (McGraw Hill, 1989), 837.
7. Mark Skousen, "The Perseverance of Paul Samuelson's Economics," *Journal of Economic Perspectives* (Spring 1997), 148–9.

Response

I Want My SUV!

by Karen De Coster

Are Sport Utility Vehicles muderous gas-hogs that support terrorism? Or simply another option for American drivers?

In the February 2003 issue of *Liberty*, Jeff Riggenbach presents what he argues is a libertarian case for bashing SUVs. I couldn't disagree more. I find it peculiar that someone can back into libertarian reasoning from what appear to be personal conclusions about the lifestyles and preferences of the masses.

To begin, Riggenbach scoffs at Jacob Sullum's claim that consumers think SUVs are "roomier, more comfortable, and safer than lighter, smaller cars." To Riggenbach, "comfort is a matter of opinion." Indeed it is! Riggenbach then proceeds to tell us how he finds Audis more comfortable than SUVs, as if his opinion is some defining statement of authority.

Then Riggenbach trots out the rollover argument. The contention that SUVs are more likely to roll over is a pointless comparison. Certainly the bigger and taller vehicle will be more prone to rollovers in the case of careless driving. So are delivery trucks, step-vans, commercial trucks, and even consumer vans.

Any number of comparisons can be made between vehicles to show that one vehicle will be "less safe" than the others in some way. One could take this argument to absurdity and prove nearly every vehicle on the road to be a hazard as compared with something else.

The "safety" arguments, however, emerge from a totalitarian impulse in which folks feel compelled to control the choices of others. All of the little tyrants in the anti-SUV crusade look for something, anything, to make their argument look like the moral one, or in this case, the "libertarian" one. However, nothing is more un-libertarian than jumping on the authoritarian hysteria-mobile of anti-SUV-ism.

The safety-rollover argument appears to say that one who buys an SUV is inclined to drive like a madman and therefore become a statistic. If we use that line of reasoning, what do we deduce about sports car buyers, one who buys a hopped-up-Chrysler muscle car, or a 1000-cc sport bike?

If consumers value protection from rollovers above all other aspects of vehicle ownership, they will make their buying decisions based on that. But in fact, most people do feel it *is* safer to drive an SUV — rollover statistics aside — because they can sit in a left turn lane and have a better view around the 18-wheeler in front of them. Sitting up higher provides a sense of stability for consumers on a road full of vehicles that dwarf the size of their SUV, let alone a compact car; and they can actually see what is around them when backing out of a driveway.

The anti-SUV movement as a whole also stresses "potential harm." In fact, the short list of potentially harmful vehicles on the road includes commercial trucks, semis, double-trailer monsters, delivery step-vans, all work trucks, car carriers, trucks with trailers, fifth-wheel rigs, campers, RVs, cement rigs, and so on. The term "potential harm," used often by the anti-SUV types, should be a red flag for any libertarian. The notion that we can eliminate, legislate, or regulate any potentially harmful consumer items that aren't "as safe" as other items in their class is a quick road to tyranny.

So why, indeed, do folks single out SUVs for hysterical treatment when there are oceans of other bigger and more dangerous vehicles on the road?

For one thing, egalitarianism is alive and well. The

safety argument is a fundamentally egalitarian argument, and alas, it is being used by libertarians to support their own anti-SUV idiosyncrasies. Going outside of Riggenbach's analysis, the constant outcries against bigger SUVs bearing down on smaller cars and therefore causing the other guy to get killed — instead of the SUV owner — are entirely egalitarian and ought to be rejected out of hand by any libertarian. Of course there is nothing wrong with putting your survival (and that of your loved ones) before that of the guy who is on the other end of a head-on collision. Since when should we want to drive a smaller car so we can "even up the score" so that our kids, spouse, and grandma have no better chance of survival than the other guy who drove through a red light while talking on his cell phone?

Why does Riggenbach care what other people "believe" about safety issues, and therefore proceed to tell us that we're all "uninformed?" What anyone "believes," and therefore acts upon, is not up for holier-than-thou judgment by Jeff Riggenbach or anyone else. That people can claim they have the upper hand in making decisions on safety issues for others is ludicrous.

SHChambers

"It's *not* a typo, Mr. Pluth. It means what it says: 'gallons per mile.'"

Riggenbach goes on to tell us that the Audi Quattro is a significantly better vehicle, and proceeds through a series of personal judgments on the Audi's safety, value, and its propensity to exceed the 4-wheel-drive capabilities of SUVs. Why does he find it necessary to provide 4-wheel-drive devotees with an authoritative, non-SUV option in their lives, which, again, is mere subjective opinion on his part?

First, whatever anyone's argument is for owning 4-wheel-drive SUVs, it is none of anybody else's business. Since when do the offerings in a free market limit themselves to what is needed? Though Riggenbach does not bash SUVs on the basis of consumer needs, and thankfully so, the whole "need vs. want" line of reasoning, which is the underlying theme of the majority of the anti-SUVers, is suspiciously Marxist. In a free society, we don't *need* half of what we've got. The excesses and frills are signs of excess productivity, leisure time, and enjoying the fruits of one's own labors.

In a free society, we don't need half of what we've got. The excesses and frills are signs of excess productivity, leisure time, and enjoying the fruits of one's own labors.

Many SUV haters proceed to say that since they can do without 4-wheel drive in their little corner of the world, then everyone else can, and that's that. Riggenbach wisely grants that folks may need 4-wheel-drive, but again, he plays the Audi card.

The Audi can be objectively proven to be a better quality vehicle than, say, an Explorer. However, certain consumers may value much more than outright quality, and that can include such things as size, style, attitude, colors, or even a straight-up preference for American-built cars or a specific manufacturer such as Ford.

Riggenbach makes the claim that if it weren't for certain government regulations in the auto industry, "it is unlikely the SUV would have come into existence in the first place." The modern SUV was indeed a result of putting a truck-like body on a car chassis to get around Corporate Average Fuel Economy (CAFE) standards; however, large utility vehicles were around before there were ever CAFE standards or a term such as "SUV." Remember the old Ramchargers, Suburbans, Land Rovers, and International Harvester trucks? Large utility vehicles have long been in demand on the free market.

Let's face it — the arguments against SUVs are a combination of hatred for the hoi polloi and their "commercial" tastes, the impulse to control others, and the appearance of wanting to maximize safety, a wholly utilitarian argument. Defending the collectivist, despotic, foot-stomping anti-SUVers cannot reasonably be done on a libertarian basis because basic libertarian philosophy holds that your freedom ends at my nose.

Finally, Riggenbach claims that certain libertarians defend SUVs only because the greens oppose it, and he calls that "absurd." Indeed that would be. What is even more absurd is that statement on why SUVs are defended. In fact, it is perplexing to think that he can overlook the totalitarian aspects of claiming to be able to make everyone else's decisions for them, while expecting others to grant his opinion that SUVs — and even Microsoft Windows! — are inferior products, yet a world of ignorant consumers can't quite comprehend this on their own. Nevertheless, this is the type

continued on page 46

Report

The Death Penalty in America

by Ralph Slovenko

For the state to execute a criminal, he must be found competent to be executed. Not surprisingly, a lot of men on death row will put a lot of effort into proving their own incompetence.

If Andrea Yates had been sentenced to death for the drowning of her five children, it would be highly unlikely that the sentence would be carried out. Only a small fraction of the 3,700 inmates who sit on death rows nationwide will ever be executed. Far more death row inmates die of natural causes than of execution of their sentence. The number of people executed in the United States in any given year has yet to exceed the number killed by lightning.

There are several ways executions are delayed or avoided. After the trial stage is completed, the court machinery continues to operate for some time. Appeals can be made at all levels of the state courts as well as in the federal courts. John Wayne Gacy, who confessed to killing 33 young males, filed 523 separate appeals, none of them based on a claim of innocence, and so delayed his execution by 14 years.

When court procedures are finally exhausted, when review is no longer pending, the fate of the prisoner passes into the hands of the executive branch of the government. In many jurisdictions, the governor has to order the execution, and he often avoids the decision as long as possible. Reprieves are commonplace.

Then, too, the condemned prisoner must be competent to be executed. In 1986, in *Ford* v. *Wainwright*, the U.S. Supreme Court ruled that the Constitution precludes a state from executing those who have temporarily or permanently become incompetent or insane. But even before this decision, the rule was well established in most states, either by statute or common law, although the logic behind the rule is vague. In the words of one jurist, "Whatever the reason of the law is, it is plain the law is so." One justice, dissenting against the rule, said, "Is it not an inverted humanitarianism that deplores as barbarous the capital punishment of those who have become insane after trial and conviction but accepts the capital punishment of sane men?"

In the decision, the court did not set forth what standard was applicable in determining whether a person is incompetent or insane. Justice Powell, the swing vote in the opinion, proposed a standard when he stated in his concurrence that, "I would hold that the Eighth Amendment forbids the execution only of those who are unaware of the punishment they are about to suffer and why they are to suffer it." Alvin Ford, the inmate involved in the case, died a natural death in 1991 while on death row.

The execution of the penalty also depends very much on the attitude of the warden toward the penalty and whether he will attest to the incompetency or insanity of the condemned person. The issue of competency to be executed becomes relevant when the date of execution has been set. Needless to say, symptoms of insanity and incompetence become commonplace on death row when a date of execution is set.

The ostensibly ill inmate is transferred to a forensic or criminally insane unit of a state mental hospital, where he lives out his days. The death penalty *does* serve as a deterrent — at least to those already sentenced to death. Time and again I have heard a superintendent tell an inmate,"If

continued on page 46

The Call of Christ to Freedom, from page 26

to abrogate our responsibility to care directly for our fellow sinners.

If snorting cocaine is against the law, the addict becomes a criminal. The law builds a wall between him and law-abiding citizens. He becomes not a brother we pity, love, and witness to, but a miscreant we fine and jail. Following this line, his sin does not call for our compassionate action; it calls for government intervention.

If we pay our tax dollars to provide food stamps and public housing for a single mother of four children, it makes us that much less likely to take time to visit her personally and give direct attention to her family's needs. If it turns out that Chicago's housing project Cabrini Green is not the best environment in which to raise children, it also makes us that much less able to help that family.

We have been statists for so long we have become comfortable with the idea of using government as our proxy in all our best opportunities to care for our fellow human beings. The government can jail sinners. And the government can write checks and build ugly block housing. But the government can't say to the sinner: "I know why you're doing this because I've done it, too, and I'm here to tell you there's a better way." The government can't say to the needy: "Here are some groceries, let me help you cook tonight. How's your son doing on his math homework?" And the government definitely can't say: "You know, I don't do these things of my own strength. The truth is: Christ called me to help you. And I owe Him so much I just had to answer."

What would our society be like if we stopped voting for virtue and against vice, and started acting? If there are 150 million of us who claim Christ as savior, then there are five of us for every person in poverty. There are ten of us for every drug addict. There are dozens of us for every prostitute and porn broker. If we were to dismantle every vice law and state social program tomorrow, and replace them with direct Christian action and involvement, would our country really be worse off? And more importantly, wouldn't Christ's love be more evident in our world? How would that affect the unsaved?

For the Christians who've made it this far and remain unconvinced, I have only one more question:

Do you have any friends or family who do not know Christ? Know any atheists? Muslims? Scientologists? Surely you must, unless you lead an unusually sheltered life. Now, consider your attitude toward their unbelief, and the long-term consequences.

Unless you style yourself a Grand Inquisitor, I imagine you respect their freedom to choose not to believe. I'm sure you worry about them, and use whatever openings the Lord provides to try to witness to them, but when push comes to shove, you know the choice is theirs. I highly doubt you ever would consider trying to get the government to imprison them until they saw the light. You recognize their right to determine the destiny of their immortal souls. They will either choose union with Christ or outer darkness. All you can do is love them, advise them, live your witness, and pray for them.

If you grant them freedom in this most final, most eternal of choices, how is their freedom to abuse their bodies and misuse their money even an issue? How do finite concerns trump the infinite?

Free by Design

Freedom, paradoxically enough, can be something of a burden. There are times when I wish the world were different. I wish Christ had given us a smaller range of options. I wish the government actually were an effective counter to vice and promoter of virtue.

But God in His wisdom built the world as it is, not as I want it to be. He not only gave freedom to me, but also to Anton LaVey, John Rockefeller, Heidi Fleiss, and Jimi Hendrix. Their choices were perhaps less sound than mine, but no amount of votes, taxes, or jails could have changed them.

Libertarians — Christian, and non-Christian alike — often understand that an uncompromising commitment to Christ and an uncompromising commitment to liberty are not incompatible. Christians — libertarian and non-libertarian alike — should understand the same.

Christians, we are free. Christians, *so are they*. Let's recognize the boundaries, *and the opportunities*, and act accordingly. ❑

Letters, from page 32

that even if it were possible to put one in place right away, it would be doomed to failure. Libertarianism requires self-discipline and personal responsibility, yet even a cursory glance at today's world reveals a grossly undisciplined culture that worships instant gratification — libertinism rather than libertarianism — and expects the government to take care of, if not pay for, its every problem. On the flip side, you have to deal with the folks of conservative Middle America, who aren't going to come rushing to your cause by trumpeting that you're the defender of making cocaine and heroin legal. And then you also have the truly apathetic — the people who right now are freely handing over their liberties to the government in the name of fighting terrorism.

The best approach, then, is to win over people's hearts and minds, incrementally, in terms they can understand and with causes they can rally around without pause, such as lowering taxes or regaining constitutional liberties. Once you've produced results that they can see and from which they benefit, they'll become more receptive to your harder-to-sell issues, such as the decriminalizing of drugs or the elimination of their favorite government program. And that will happen, as they again come to care about the principles on which this nation was founded. Even then, would we achieve a purely libertarian America? No. That will never happen, simply because you can never expect 260,000,000 people to think exactly alike. But at least by approaching the cause of liberty in a pragmatic fashion, we could get much closer to the ideal than the idealists will ever take us.

Adrian Rush
South Bend, Ind.

Perverting a Message of Peace

by Jeff Nall

Martin Luther King Jr. fought for justice, equality, and peace. George W. Bush conveniently forgets that last part of King's legacy.

"More and more I have come to the conclusion," said Martin Luther King, "that the potential destructiveness of modern weapons of war totally rules out the possibilities of war ever serving again as a negative good."

When President Bush spoke of the great Martin Luther King in honoring his national holiday for the year of 2003, sentiments like this were not to be heard.

Instead the president choose to quote King in such a way that one might believe King would favor war with Iraq:

"Dr. King wrote that, 'Injustice anywhere is a threat to justice everywhere,'" explained Bush in his proclamation, apparently attempting to paint his White House agenda in a shade of black interest. "As Americans celebrate the 18th national commemoration of the life and legacy of this great leader we recognize the lasting truth of his words and his legacy, and we renew our commitment to the principles of justice, equality, opportunity and optimism that Dr. King espoused and exemplified."

But before Americans are distracted into believing that war with Iraq is righteous or that Dr. King would have thought so, we should look more carefully at his actual beliefs. Because while President Bush made sure to focus on King's devotion to civil liberties for Americans, there was a greater message King stood for, vital to all of humanity: peace amongst all practiced by all, for all.

While giving a cursory nod to King's doctrine of equality, Bush ignored King's all-out opposition to war and his support for passive resistance. King's widow, Coretta Scott King, addressed the issue before Senate Majority Leader Bill Frist and Georgia Governor Sonny Perdue in celebration of Martin Luther King day recently. "We commemorate Martin Luther King as a great champion of peace, who warned us that war is a poor chisel for carving out peaceful tomorrows," she said. "May his challenge and his example guide and inspire us to seek peaceful alternatives to a war with Iraq and military conflict in the Middle East."

Though it seems a great double talk to speak about equal rights while stripping the civil rights of suspected terrorists, as the Bush administration has been eager to do, it seems an even greater dishonesty to ignore completely King's championing of non-violent reconciliation, even amongst nations, as his wife poignantly reiterated in her speech. While King's focus was undoubtedly on the struggle of black America, his primary target was injustice and violence, manifested in the mass mistreatment of African Americans and oppressed people everywhere.

Omitting integral viewpoints of a leader like King is a mistake; it is an attempt to cast down those viewpoints contrary to the agenda of those seeking to compel Americans to

go to war. Imagine the shift in public opinion if instead of hearing the White House make daily statements about the necessity of attacking Iraq before the weather becomes unfavorable, the American people were versed in the passive resistance of one of the most respected Americans and his denouncement of war as a civilized resolution.

Bush ignored King's all-out opposition to war and his support for passive resistance.

Those who look to Martin Luther King for more than a conveniently lifted quote surely recognize that he would fervently protest Bush's doctrine of preemptive war. It was as if King spoke of President Bush and his aspirations in the Middle East when he had this to say: "Many men cry 'Peace! Peace!' but they refuse to do the things that make for peace."

He also said, "The large power blocs talk passionately of pursuing peace while expanding defense budgets that already bulge, enlarging already awesome armies and devising ever more devastating weapons." And, "So when in this day I see the leaders of nations again talking peace while preparing for war, I take fearful pause. . . . Before it is too late, we must narrow the gaping chasm between our proclamations of peace and our lowly deeds which precipitate and perpetuate war."

Bringing King's fears to fruition, Bush has declared America must intervene in Iraq to serve peace throughout the world. "For the sake of peace," Bush said, encouraging the international community to condone military action Iraq, "this issue must be resolved."

In his 2003 State of the Union speech, Bush said, "We seek peace. We strive for peace. And sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means — sparing, in every way we can, the innocent."

Many member nations of the U.N. have tried to convince the U.S. to hold off action until inspections have run their course, citing the near impossibility of Iraq attacking while its weapons program is under the microscope. But less than a week after MLK's holiday Bush spoke of King's legacy while calling for the end of diplomacy in favor of war in "weeks, not months."

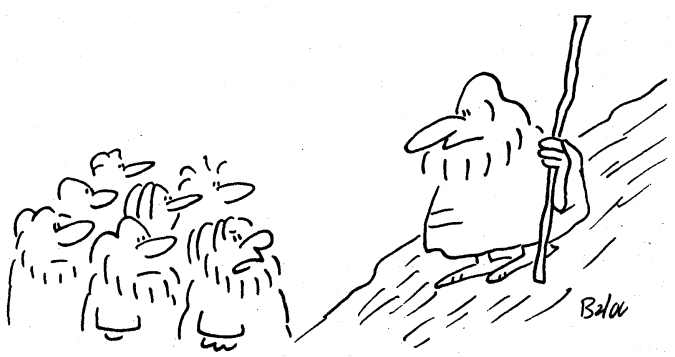

"Forty years wandering in the desert? — Couldn't you find a god who knows a short cut?"

Expressing his enthusiasm for a get-them-before-they-get-us approach, Bush said this in his State of the Union: "Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike?"

This impetuously bellicose preamble is as old as war itself. King asserted that one must set the example of peace before it will occur and overall denounced this sort of rationalizing of war as necessary to accomplish peace. But the Bush administration is not interested in setting an example for peace. Bush has ignored efforts on the part of Iraq to work with inspectors when they decided to openly receive U.S.-made U-2 surveillance planes used by weapons inspectors, once more beating the war drum. While freedom's ring is sometimes heard from the White House, the cry for peace is stifled.

"The bottom line is one of disarmament and the president's interest is in disarmament. This does nothing to change that bottom line," White House spokesman Scott McClellan droned on in response to the developments. Meanwhile President Bush has continued with his usual rhetoric saying, "Saddam Hussein has broken every promise to disarm. He has shown complete contempt for the international community."

It is interesting to note, with so much rhetoric directed toward the United Nations, that King respected dearly the idea behind the organization. "The United Nations is a gesture in the direction of nonviolence on a world scale," he said. "As the United Nations moves ahead with the giant tasks confronting it, I would hope that it would earnestly examine the uses of nonviolent direct action."

One can almost recognize the partial realization of King's hope in the reluctance of the U.N. to endorse an attack on Iraq, and in its dedication to using world-wide sanctioned inspectors to find and, if necessary, disarm any found threat before authorizing military action.

But most important is the view King held about political figures attempting to wage war with words of good intentions and peace, especially when they claim, as Bush does, to be securing peace preemptively. "The heads of all the nations issue clarion calls for peace," King explained, "yet they come to the peace table accompanied by bands of brigands each bearing unsheathed swords. The stages of history are replete with the chants and choruses of the conquerors of old who came killing in pursuit of peace. . . . Each sought a world at peace, which would personify his egotistic dreams."

War in Iraq is apparently so central to Bush's "egotistic dreams" that his purported dedication to peace becomes incoherent. Secretary of State Colin Powell tells the world in the occasional statement that peace is still possible if only Iraq would disarm. Yet at the same time, Secretary of Defense Donald Rumsfeld has balked at Germany and France's devotion to a peaceful alternative and dubbed the two part of "old Europe" in an attempt to demean the spirit

shared by not only many of the governments throughout the world but, more importantly, throngs of protesters for peace from Great Britain to the United States. Along these lines it's interesting to note that we insist that democracy is the only fair form of government, yet when the majority of citizens in Britain oppose the war American administrators care little about the will of the people.

A few lines come to mind in viewing the issue of the popularity of war, and the subjectivity of its righteousness.

"Vanity asks the question 'Is it popular?'" King responded when asked about his dissenting opinion hurting the nation's solidarity over the Vietnam conflict. "Conscience asks the question 'Is it right?'"

Bush, along with his speech writers, has constantly conjured images of a divine battlefield replete with the evil men trying to destroy the world, versus men of God fighting for goodness, even though Bishop Melvin Talbert, chief ecumenical officer of the United Methodist Church, amongst other religious leaders has spoken up to disagree with the morality of this war. In fact Talbert has gone so far to say that if the U.S. were to attack Iraq such an act would violate "God's law." But still Bush has continued with his crusade often projecting the idea that God is sanctioning his preemptive war. This is an old strategy used to promote the wars and crimes committed by nearly every invading force from the Crusades to modern terrorists. Bush has hijacked the language of conscience to serve the warlike purposes of his power lust and vanity.

It was not only those favoring war King admonished. He also admonished those who either condoned or ignored their duty as human beings to protect mankind from the destructive consequences of war. King noted that the role which churches have played in war has often been fallible and regrettable.

"In a world gone mad with arms buildups, chauvinistic passions, and imperialistic exploitation, the church has

Those who look to Martin Luther King for more than a conveniently lifted quote surely recognize that he would fervently protest Bush's doctrine of preemptive war.

either endorsed these activities or remained appallingly silent. During the last two world wars national churches even functioned as the ready hackneys of the state sprinkling holy water upon the battleships and joining the mighty armies in singing, 'Praise the lord and pass the ammunition.' A weary world, pleading desperately for peace, has often found the churches morally sanctioning war."

King abhorred the power struggles played by governments and suffered by everyday men and women. He loathed the military's courting of the poor and disadvantaged. The class warfare waged by paying men and women with unpromising futures to join in a service of war and murder rather than paving paths toward education would have evoked King's ringing and tireless denunciation. It would only take him long enough to read through a brochure for the Army promising recruits up to $85,000.

"We are spending all of this money for death and destruction and not nearly enough money for life and constructive development," said King of the Vietnam War.

There should be no mistake: just because there are two

Bush has hijacked the language of conscience to serve the warlike purposes of his power lust and vanity.

African Americans in the White House does not mean King's vision is represented. King's legacy goes beyond his service to the cause of equal rights for African Americans. Few of Kings views or values are shared by an administration hell bent on war, including Condoleezza Rice and Colin Powell. Though the two have shown some empathy for King's civil rights legacy, peace and cohabitation were King's ultimate end.

"If we assume that mankind has a right to survive then we must find an alternative to war and destruction. In a day when Sputniks dash through outer space and guided ballistic missiles are carving highways of death through the stratosphere, nobody can win a war. The choice today is no longer between violence and non-violence. It is either nonviolence or nonexistence," King said.

King also quoted President Kennedy in saying "Mankind must put an end to war or war will put an end to mankind." It takes no time to realize King stood for peace, love and in strident opposition to war by typing in his name on any Internet search engine. One will be flooded with hundreds of recent articles and postings building towers of peace against military action from the very ashes of his life and spirit of his words.

This is the real Martin Luther King, the greatest philosophic, educated, popular, pragmatic pacifist of our nation. Not just the leader of the civil rights movement, not just a whimsical dreamer, and not just a spiritual leader. He was a strong human being very much aware of our world and the perils surrounding it. "I have tried to embrace a realistic pacifism," he once said. "Moreover, I see the pacifist position not as sinless but as the lesser evil in the circumstances."

King was more than just a civil rights leader, he was attempting to carry an even greater message of hope and charity and love for all of mankind as espoused by his supreme mentor, Christ. King was not a politician but an activist and as a result his words are direct, decisive, honest and unmistakably lucid and at the same time poetic.

Martin Luther King recognized the subterfuge of world leaders from Napoleon to Hitler to Nixon who used peace as an end to justify murderous rampages on innocent citizens of the world. Though King at one time believed in war as deterrent of greater evils, he ultimately recognized such a

malevolent means would never achieve the goal of world peace. King's thinking is reminiscent of that of Christ, and it is strange many Christians favor a war that clearly violates Christ's "love thy neighbor" and "turn the other cheek" view. Like Christ, King observed that suffering the indignity and loss perpetrated by one's enemy is better than becoming like them in spirit. Only by setting an example and enduring peacefully will your enemy be defeated. Besides, violence begets violence, does it not? After all, it's doubtful militant civil rights groups would have been able to make much progress for the freedom of African Americans had the way not been paved by King. So long as men can justify killing other men, war engenders a vicious cycle that only hardens aggressors and brews hatred in the defeated (look no further than the Holy Land for an example).

If King had a few words to say to the president he might have used these words, which he did in fact say when he was still living. "The alternative to strengthening the United Nations and thereby disarming the whole world may well be a civilization plunged into the abyss of annihilation, and our earthly habitat would be transformed into an inferno even the mind of Dante could not imagine."

It is clear King held dearly the hope of demilitarizing nations such as Israel and the United States with potent arsenals of destruction. However it is also clear that this can only be done through "uniting" nations and seeking peaceful alternatives.

"America," said King "the richest and most powerful nation in the world, can well lead the way in this revolution of values. There is nothing, except a tragic death wish, to prevent us from reordering our priorities, so that the pursuit of peace will take precedence over the pursuit of war."

In reflecting on how King would view the current conundrum in Iraq one might look back on a speech he made in 1964.

"I still believe that one day mankind will bow before the altars of God," said King in his Nobel Prize Acceptance speech, "and be crowned triumphant over war and bloodshed, and nonviolent redemptive goodwill will proclaim the rule of the land." ❑

Slovenko, *from page 41*

you misbehave, you'll be sent back to fry."

Psychiatrists have balked at treating inmates on death row so that they will be "fit to be executed." Psychiatrists are physicians whose training and credo aim to preserve life, not to hasten its ending.

In 1992, the Louisiana Supreme Court ruled it impermissible to medicate forcibly individuals to render them competent to be executed. Since then Maryland, South Carolina, and the U.S. Eighth Circuit Court of Appeals (*Singleton* v. *Norris*, 267 F.3d 859 [2001]) have called for the commutation of a death sentence to life imprisonment without parole when the individual is found incompetent to be executed.

In years past, and today, the competency-to-stand-execution procedure, via the executive branch, in many cases has achieved the functional abolition of the death penalty. Under the governorship of Earl Long of Louisiana, no one condemned to death was put to death. He presumed that any one on death row is "not competent to be executed." Though the United States has the death penalty and courts do in fact sentence criminals to death, more often than not, the sentence is not executed. ❑

De Coster, *from page 40*

of decision that is best left to the individual consumer, and it is one that is not necessarily based on out-and-out quality, but is established on a consumer's notions of subjective needs, wants, utility, and ultimate satisfaction.

In a world awash in dictatorial proclivities and disdain for commercialism, Cato, the Competitive Enterprise Institute, and yes, some of the folks at *Reason*, have been heroic in stepping up to combat the nonsense spewing forth from the SUV haters. People "defend" the SUV because they defend free markets and free choice. They defend SUVs because they are tired of hearing the self-chosen Gods of What is Good or Bad come between others and their lifestyles.

When all's said and done, what does "bashing" mean anyway? Everybody likes to use the terms "SUV bashing" or "anti-SUV," but what exactly would they like to see happen? Are they hoping the whole world will peacefully boycott SUVs based on their personal anecdotes? Not going to happen. Or are they cheering on the state to take a stand and rid us of that which they don't like? At least the Left makes no bones about it — they want the government to regulate everything they don't like out of existence. As for all the assorted conservative and libertarian SUV "bashers," well, they remain evasive about how a free market can rid us of SUVs, but they make the argument that government planning created them, and therefore, they hint that, ultimately, government taking them away is not a problem.

Anyway, how can the libertarian who defended "decadence" sensibly make a case against SUVs? ❑

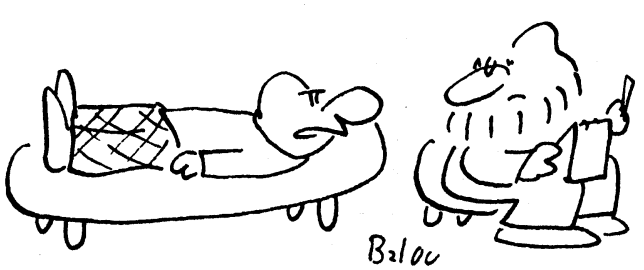

"Since it's a recurring dream, how about giving me a price break?"

Reviews

Letters to a Young Conservative, by Dinesh D'Souza. Basic Books, 2002, 229 + viii pages.

Leftists Outwitted, Libertarians Short-Shrifted

Garrett Brown

Dinesh D'Souza's *Letters to a Young Conservative* is a simple book with a simple purpose. In a series of 31 short letters, D'Souza attempts to enlighten a young and somewhat naive admirer about the character of contemporary American conservatism. He hits a number of topics, as one would expect, from immigration and globalism to crime and gun control. Appealing to the interests and concerns of college students, he also insightfully discusses such issues as the literary canon, affirmative action, multiculturalism, and postmodernism. Mercifully, he never lingers too long on a given topic. The longest letter is 16 pages long — an advertisement, really, for his book on Ronald Reagan — but most letters cover their topics in fewer than eight, generously typeset pages. The author's sarcasm and sense of humor animate the correspondence throughout, and by the end, what's apparent is not so much a coherent set of conservative ideas as a strong and lasting impression of the author's personality and perspective.

D'Souza's first book, *Illiberal Education: The Politics of Race and Sex on Campus,* made a stir upon its publication in 1991. Primed perhaps by the commercial success and critical acclaim of Allan Bloom's book *The Closing of the American Mind,* D'Souza was among the first to translate Bloom's pedagogical concerns into a critique of educational policy. D'Souza exposed the anti-liberal underpinnings of political correctness and showed with ample empirical evidence how affirmative action, though well intentioned, actually undermined or blunted the achievement of its beneficiaries. In particular, he cited the high drop-out rate of affirmative-action students, who were ill prepared to compete with students admitted on merit alone. Higher enrollment statistics pleased administrators and politicians, but was the unseen toll on individuals too high a price to pay? D'Souza thought so, and others quickly followed suit. Perhaps more so than any other book, *Illiberal Education* is responsible for turning the tide against affirmative action and political correctness. For this reason alone, D'Souza is of considerable interest as a social commentator and as critic of government misrule.

D'Souza, a native of India, came to the United States in 1978 as a Rotary exchange student for his final year of high school. At the encouragement of his Arizona host family, he applied to Dartmouth College and was admitted for the fall term of 1979. D'Souza says that at the time he was "a pretty typical Asian American student" and not a conservative: "In fact, I didn't see myself as political. In retrospect, I realize that by the end of my freshman year my views were mostly liberal." He observes, "A liberal current flows on most college campuses, and the more prestigious the campus, the stronger the current. If you do not recognize this, you will surely be swept along. The only way to avoid this is to actively resist the waves." As the year drew on, he became disillusioned with much of the radicalism he saw around him on campus, but he had "no coherent way to think about it or to express [his] dissatisfaction." But by the end of his freshman year, as some of his thoughts began to coalesce, he decided to plunge his oars in the water and fight the current.

D'Souza offers this sketch of his personal history in *Letters* as an explanation of how he became a conservative. In some ways this is the most compelling part of the book. For those who are familiar with D'Souza's work and have followed his career, it's nice to learn something about his early life and relationships and to see how these naturally fit together with the subjects he writes about. His account of his involvement with the conservative *Dartmouth Review,* then in its infancy, is particularly interesting, as is his description of his relationship with the paper's mentor, English professor Jeffrey Hart. Both had a profound influence on D'Souza, clearly shaping his conservatism and the way he

writes and talks about it.

At the *Dartmouth Review*, he explains, "we recognized that to confront liberalism fully we could not be content with rebutting liberal arguments. We also had to subvert liberal culture, and this meant disrupting the etiquette of liberalism. In other words, we had to become social guerrillas. And this we set out to do with a vengeance." D'Souza recounts several amusing run-ins with the Dartmouth faculty and leftist students. Most amusingly, he also offers his young correspondent a few ideas as proof he hasn't lost his touch for guerrilla action: "Conduct a survey to find out how many professors in the religion department believe in God. Distribute a pamphlet titled 'Feminist Thought' that is made up of blank pages. . . . Prepare a freshman course guide that lists your college's best, and worst, professors. Publish Maya Angelou's poems alongside a bunch of meaningless doggerel and see whether anyone can tell the difference."

The target here, of course, is political correctness. Since the publication of his first book, D'Souza has proven himself to be quite skilled at puncturing the arguments for P.C. He explains, "The best way to defeat political correctness is to expose its lies. Basically, P.C. is about pretending, about publicly insisting that something is true when we know privately that it isn't, about shutting down people who won't conform to the prevailing orthodoxy." The stability of the entire edifice of political correctness, he argues, relies on people's fear "that if they speak the truth they will first be accused of racism and then hounded and penalized. One has to be brave to defy these taboos and threats, and that is why one of the most important qualities needed among campus conservatives is courage."

D'Souza has had to demonstrate no small amount of courage himself. Perhaps the most amusing letter, "How to Harpoon a Liberal," takes up the issue of how to deal with an unruly audience. Having had much experience with such audiences, D'Souza tells of numerous instances in which he outwitted even the most hostile or disruptive students. "Hecklers can be intimidating," D'Souza writes, "but the speaker has a great advantage: He has the microphone. Not long ago, while I was lecturing at UCLA, an American Indian . . . began to shout. Every time I said something, no matter how benign, he would yell, 'That sounds like Hitler.' 'That's just what Hitler thought.' 'More Adolf Hitler.' Finally I had to pause and say, 'Look if you keep this up, by the end of the talk you will have given Hitler a good name.' That shut him up." D'Souza found that sometimes the best way to deal with a heckler is "to humiliate the student completely . . . to defeat his distraction strategy and regain the audience's attention."

By the end of D'Souza's correspondence, what's apparent is not so much a coherent set of conservative ideas as a strong and lasting impression of the author's personality and perspective.

D'Souza admits that, being a person of color, he enjoys a kind of immunity that allows him to speak with greater candor: "If a white guy said the things that I say, he would be hounded off the podium!" He rightly points out, "This shows the degree to which the race debate is rigged. Many people's opinions are excluded from the outset." His goal, he continues, "is to use [his] ethnic immunity to raise the curtain on some of these taboo issues, and to expand the parameters of what is permissible to say, so that we can have an honest discussion that includes all parties." In this regard, D'Souza has certainly succeeded, and libertarians should applaud his efforts.

D'Souza's humor and style are grounded in his understanding of the differences in temperament between left-liberals and conservatives: "The predominant liberal emotion is indignation. When I was at the *Dartmouth Review* the majority of the letters we received from liberals began with the sentence, 'I am shocked and appalled.' Liberals are always shocked and appalled by something. By contrast, the predominant conservative emotion is the horselaugh. The conservative is one who chuckles and guffaws." Later, D'Souza links these dispositions to contrasting views of human nature: "It is precisely because liberals believe in the goodness and malleability of human nature that they are perennially outraged when this nature proves resistant to liberal reforms. It is precisely because conservatives believe that human nature is flawed that they have modest expectations about people, and about politics. Thus, when things turn out badly, conservatives are pleased. People who expect the deluge are always delighted that all they have to endure is an occasional thunderstorm." This accounts, in large measure, for the mirth and cheerfulness of D'Souza's book and his outlook on life and politics. These personal characteristics are, no doubt, what make him a popular writer and a much-sought-after public speaker.

But D'Souza leaves quite a bit out, even regarding the personal context that is emphasized by these informal letters. There's nothing here about his family or his childhood in Bombay. At times it seems as if he arrived in the United States a blank slate, with no innate or inherited opinions about government and society. The letter-writing convention wears thin over time, and as the correspondence proceeds unnaturally from one discrete topic to another, it becomes disappointingly more contrived and predictable. (For a more successful effort, see Mario Vargas Llosa's *Letters to a Young Novelist*; as one would expect, the accomplished novelist is more successful at this.) Having glimpsed at D'Souza's more relaxed and personal writing style, one begins to wonder what his actual letters to his family, friends, and colleagues must be like.

The book's two real strengths — its personality and simplicity — also reveal its shortcomings. It would be a mistake to confuse how one arrived at an idea with the status of the idea itself, but that is what D'Souza seems to do. The details of one's personal development, while of interest to friends, admirers, and biographers, are irrelevant in assessing the truth of particular political or economic principles

and may even be misleading in this context. D'Souza also seems at times more concerned with refuting liberal arguments than with describing or defending conservatism itself. Actually, one could argue that he arrives at his definition of conservatism by exclusion. Having dismissed liberals from serious consideration, he must show that libertarianism on the other side isn't a viable option either. D'Souza opens *Letters* with a discussion of libertarianism, and his qualified rejection of it is perhaps the book's greatest disappointment.

One of the only things that we learn about D'Souza's young correspondent is that he's a self-described "libertarian conservative." D'Souza applauds this as "an excellent way to preserve your libertarian economic philosophy within a broader conservative worldview." For D'Souza, libertarianism is merely a "philosophy of government," which is silent on "the question of how liberty is to be used" and "the central question of what constitutes the good life." Unlike conservatism, it isn't a "philosophy of life." This is an odd distinction to make, particularly in a book about government and politics. It seems almost a categorical mistake to expect a political philosophy to yield a meaningful worldview. In fact, this is the same categorical mistake made by

It would be a mistake to confuse how one arrived at an idea with the status of the idea itself, but that is what D'Souza seems to do.

liberals when they claim that "everything is political." By conflating politics with a worldview or a philosophical outlook, both succeed only in conferring ubiquity upon politics and trivializing the other concerns of life. Politics is only the frame of the picture, not its subject. It cannot — or should not — generate content or purpose. Those can only be endowed by individual will, and that will is shaped by values that we learn from our families, our rich and diverse cultural traditions, and our moral and religious convictions. Libertarianism doesn't attempt to sort these out, because it lacks the tools and resources to do so.

Surely, D'Souza knows better than to conflate politics with philosophy. He's certainly familiar enough with the canon of libertarian thought. In his final letter, D'Souza lists "the most important works produced in the past half century or so that a young conservative should read." Nearly a quarter of them are by libertarians: Milton Friedman, Friedrich Hayek, Ludwig von Mises, Charles Murray, Ayn Rand, and Thomas Sowell. This is inescapable: D'Souza needs these writers to give his brand of conservatism some heft and intellectual weight, as well as some economic insight. Yet, even being familiar with their arguments, he is still troubled by the constitution of liberty.

D'Souza cannot embrace libertarianism, because he refuses to relinquish his concern with virtue and the good society. He starts at the right place: "Being conservative in America means conserving the principles of the American revolution. . . . It means fighting to uphold the classical liberalism of the founding from assault by [modern] liberalism." Realizing, however, that this is not quite enough for a complete description of conservatism, D'Souza adds "a concern with social and civic virtue." But this carries him too far afield with a vague and arbitrary definition of the role of government. He gets caught in his own trap by pitting one set of virtues against another. The conservative virtues are, according to D'Souza, "merit, patriotism, prosperity, national unity, social order, morality, responsibility." The liberal ones are "equality, compassion, pluralism, diversity, social justice, peace, autonomy, tolerance." But the distinctions between the two lists break down too easily. Just think of the virtues that you yourself value. They're likely to be some subset of both lists. D'Souza never explains why one set of values might be favored over another. Moreover, all of these virtues are specifically civic virtues. In so far as D'Souza attempts to offer not just a philosophy of government but a philosophy of life, his list excludes such private virtues as sincerity, fortitude, moderation, humility, and curiosity (not to mention the theological

For D'Souza, libertarianism is merely a "philosophy of government," which is silent on "the question of how liberty is to be used" and "the central question of what constitutes the good life."

virtues), which have public benefits without being aligned with a particular political disposition.

While D'Souza agrees with libertarians on issues such as taxation, regulation, school choice, and racial and gender preferences, he believes that it is acceptable in some situations — involving drug use, pornography, gay marriage, and abortion, for example — for the government to tell individuals what they can and cannot do. He reasons that, since people sometimes make bad decisions, their choices must be limited, particularly when those choices have a deleterious effect on the public good, however defined. Ironically, D'Souza offers the best rebuttal to his own argument:

"If taxes keep going up, the American dream is going to be Mexico."

"Conservatives defend freedom not because they believe in the right to do as you please, but because freedom is the precondition for virtue. It is only when people choose freely that they can choose the good. Without freedom there is no virtue: A coerced virtue is no virtue at all." A libertarian couldn't have said this better himself.

On a final note, I must add that while I enjoy D'Souza's sarcasm and sense of humor, I found his cracks about homosexuals and women tiresome. Liberal feminists and gay-rights activists make easy targets, of course, but after a point, the joking seems gleefully adolescent, revealing a discomfort with the subject that can only be an obstacle to genuine understanding. There are, after all, many homosexuals and feminists who do not fit the stereotypes and profiles he describes, and they deserve some credit for reintroducing reason and care into the political discussion. In contrast to D'Souza's position on gay marriage, for instance, Jonathan Rauch and other members of the Independent Gay Forum offer compelling conservative arguments based on the very virtues that D'Souza himself prizes.

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These shortcomings aside, *Letters* is a useful book. It provides another opportunity to revisit some fundamental political issues, while acquainting us with an outspoken and personable member of the conservative movement. Libertarians can learn much from him, even though in the end his conservatism comes up short as a coherent philosophy of life or government. While "conservatism may often be a useful practical maxim," as F. A. Hayek astutely observed, ultimately "it does not give us any guiding principles which can influence long-range developments." ❑

Strategic Bombing by the United States in World War II: The Myths and the Facts, **by Stewart Halsey Ross. McFarland & Co., 2002, 244 pages.**

U.S. Terror Tactics in WWII

Bruce Ramsey

It is an enduring image of World War II: brave American flyers wobbling back to England in their shot-up B-17s. We think of old movies such as *Command Decision*, in which airmen faced daunting odds to do such strategically crucial things as flattening the German ball-bearing works at Schweinfurt.

Brave they were; midway through the war, the odds of an American being shot down in a 25-mission tour of duty were greater than half.

What was exaggerated, writes Stewart Halsey Ross, was the strategic value of bombing. Not because stopping all ball-bearing production in Germany wouldn't have had strategic value — it would have — but because the bombing didn't stop it. The Schweinfurt raid of 1943 damaged about 10 percent of the ball-bearing machinery there at a cost of 60 airplanes and 599 men.

The four-engined American bombers of World War II were, in fact, mainly weapons of terror. That is not why the first of them was designed. But Ross, who spent two years analyzing bomb-accuracy tests for the U.S. Army Ordinance Corps, argues that that is what they were mainly good for. The Army Air Force generals couldn't say that publicly, but they knew it, acted on it, and got used to it.

The theory sold to the public was that the war could be won quickly from the air by stopping the flow of things like ball bearings. When the B-17 was developed, it was fitted with the Norden bombsight, a much-ballyhooed military secret. (Actually, the Germans stole it in 1938 and didn't think much of it.) In the American desert, where the Norden was tested, it worked. But it required the ground to be visible, the plane to come in at 15,000 feet or lower and fly dead level for the last 10 minutes under the control of the bombardier. Over cloudy Europe, airmen could most often not see the ground; and flying dead level at 15,000 feet was a good way to get shot down.

It was easier to fly at 20,000 feet and unload over a city. The British, who began bombing earlier, quickly switched to night flying, which amounted essentially to pattern bombing. The Americans proudly bombed by day, pretending to be more precise about it, but that the precision, Ross argues, was mostly for show.

Terror bombing had its own justification. It was supposed to "dehouse" workers and thereby disrupt war production. If the German did not have a house, he would not go to work. It was

also thought he might riot, and bring his government down. Germans did neither. Bombing did make tens of thousands of people homeless, but people found places to live and arms production continued to increase until the last year of the war.

Bombing started to make a difference in mid-1944, when bombers began to do substantial damage to Germany's factories that made motor fuel from coal. A shortage of fuel kept the *Luftwaffe* on the ground and ended the panzer advance in the Battle of the Bulge. But by then the war was almost over.

Most of the bombing of Japan was in 1945, and was even more clearly terror-bombing, especially the use of incendiaries against Japan's wood-and-paper houses. That certainly had an effect on Japan's willingness to fight, Ross writes, but the human cost was terrible.

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In the far larger air war over Germany, Ross writes, bombing was a matter of grinding down the enemy's supply of planes and pilots — particularly pilots — by having more to waste. "At a fundamental level, the air war from 1939 to 1945 . . . could be compared to the daily butchery in the trenches of France between 1914 and 1918."

Of the 405,000 American soldiers killed in World War II, one-fifth were airmen.

It has its message, but this book is linear and matter-of-fact. It is divided into such chapters as The Airplanes, The Bombs, The Bombsights, The Aircrews, The Defenses and The Five Cities. The five cities are Hamburg, Dresden, Tokyo, Hiroshima and Nagasaki, and the description of what was done to them is so brutal as to be almost unreadable.

Thank goodness bombing is more accurate today, even though our precision-guided munitions do not always work and when they do, they do not always spare the innocent. In the first Gulf War they were used to target sewage treatment and water purification plants. Their destruction had no military value in a 100-hour war but created political pressure, and spread intestinal disease, for years ahead.

"For a country that does not actively seek to expand its territories, but rather to achieve global hegemony, strategic air power is the nearly perfect weapon," Ross writes. Here is how it began. ❑

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Creative Destruction: How Globalization Is Changing the World's Cultures, by Tyler Cowen. Princeton University Press, 2002, 179 pages.

The Market for Culture

Jane S. Shaw

Tyler Cowen, an Austrian economist at George Mason University, is engaged in an ambitious project — attempting to show how markets benefit the arts. His latest book, *Creative Destruction,* is a companion volume to his 1998 book, *In Defense of Commercial Culture.* In both books, he argues that markets and trade enrich artistic and cultural expression.

The first book undermined the elitist claim that markets — "commercialism" — downgrade artistic quality by forcing artists to appeal to mass audiences. Summoning evidence from the goldsmiths of the Renaissance to present-day rap music, Cowen showed that markets (and the prosperity and technology they engender) enable artists to appeal to smaller, specialized customer niches, increasing the overall quality and diversity of art and culture.

In a similar vein, *Creative Destruction* argues that global trade contributes to artistic expression, because trade enables artists to find and absorb new technology, new materials, and new ideas. As their artists obtain knowledge and materials from the rest of the world, countries whose people engage in trade develop richer and more diverse art forms, most notably in their urban centers.

This book is ambivalent, however, and its argument more nuanced than the 1998 book. Although Cowen contends that trade spurs artistic diversity within cultures, he recognizes that some cultures suffer. When a small, isolated culture is opened to the world, the impact of other cultures may overwhelm it. Thus, "globalization tends to encourage large, internally diverse polities, rather than small unique ones" (p. 65).

Discussion of these issues is confused and hampered by the lack of consensus on what, exactly, "culture" and "diversity" mean. If a culture is viewed as the characteristics of a people in a geographical place who hold an all-encompassing "ethos" — that is, a world view or *Zeitgeist* reflected in their religion, art, culture, and political relationships — then trade may be viewed negatively. Trade may damage or even drown this culture. Yet Cowen argues that in modern societies an alternative process of cultural preservation proceeds. Ethnic identity can be nurtured "in a few select and carefully carved-out spheres of life" — such as retaining the Yiddish language or elements of the American Indian heritage — but not as an "all-embracing totality" (69).

Cowen recognizes that some cultures first flourish but then decline upon contact with outsiders. He calls them Minerva cultures, after Hegel's statement, "the owl of Minerva flies only at dusk." Cowen uses the term to mean that cultural expression often flowers just as a culture is beginning its decline, which often happens after an isolated region experiences contact with foreign ideas, materials, and knowledge. To illustrate a Minerva culture, Cowen cites Hawaiian music. Drawing on Pacific, American, and Asian styles and technology as well as indigenous sources, Hawaiian music developed a distinctive style late in the 19th century and early in the 20th, a unique sound that ultimately affected country and western, blues, jazz, and other music. But the efflorescence was brief. "American dominance of the island — in cultural, economic, and political terms — was only a matter of time," says Cowen. "The vital indigenous Hawaiian culture has since dwindled precipitously, having been swamped by the greater numbers and wealth of mainland Americans and Asians" (57).

Yet this concern with a "Minerva culture" is just one downbeat in an argument that generally views trade as contributing to artistic expression. Trade creates new art forms and has been doing so for thousands of years.

Cowen stresses that most "indigenous" arts are really the products of multiple influences developed through assimilation of materials, techniques, and styles that came about through contact with other parts of the world. For example, modern Jamaican music got its start when migrant workers went to the American South in the late 1940s, where they heard rhythm and blues; after they returned, they listened to rhythm and blues on radio broadcasts from New Orleans and Miami. The first Jamaican music "breakthrough," says Cowen, was "ska" tunes in the 1960s, which incorporated influences such as "doo-wop, swing, crooners, and the softer forms of rhythm and blues" (60).

Cowen's message is that trade enriches and multiplies cultural expression within most societies, even though it may weaken or deplete geographically-based cultures.

Navajo weaving took off as an art form only after trade provided means and possibilities that weren't initially available. The Navajo had learned weaving from other Indian tribes in the 18th century, using wool from their

sheep (the Spanish had brought sheep to the New World) to make blankets. Around 1825, the Navajo weavers were exposed to the patterns of textiles made in Saltillo in northeastern Mexico. These distinctive and colorful patterns reflected styles worn by Spanish shepherds, originally influenced by Moorish designs. Inspired by the Mexican patterns, Navajo weavers turned utilitarian blankets into works of art. As they developed their craft, they incorporated colors that weren't available through their vegetable dyes by unraveling cloths made industrially in Europe and using the yarn to weave blankets in their own style.

One of the important influences of trade, of course, comes from patrons. The renewal of Navajo art in the 20th century — not just its blankets, but also jewelry and paintings — came about because Navajo artists began to sell their art in ways more typical of modern artists. "Navajo creators deal with the external marketplace in similar ways as do mainstream American artists," says Cowen (70). They become known as individual artists by name, not just as anonymous craftsmen. "We have seen a Navajo cultural revival, but on terms that are partially Western rather than thoroughly Navajo in the earlier sense of that word," he writes (70).

Cowen also observes that the decline of some cultural activities, such as Papua sculpture, may disappoint wealthy American or European buyers. But the decline may occur because the artists have found better opportunities. "Bringing a shopping mall to Papua New Guinea gives the Papuans more choice, but it may give the American collector of Papuan sculptures less choice, if it weakens the inspiration behind those sculptures by changing the underlying social ethos" (146).

Cowen's message is that trade enriches and multiplies cultural expression within most societies, even though it may weaken or deplete geographically-based cultures. "The question is not about more or less diversity per se, but rather what kind of diversity globalization will bring. Cross-cultural exchange tends to favor diversity within society, but to disfavor diversity across societies" (15).

The chief weakness of *In Defense of Commercial Culture* is that it doesn't have enough examples. Cowen examines a few topics in depth, such as music, weaving, and cuisine, to illustrate the cultural impact of trade. And those discussions are fascinating. But he does not discuss representational art such as painting, sculpture, and photography, and performance arts (except for movies, which he discusses brilliantly) are also given little consideration. By selecting such a narrow palette, especially compared to his previous book, he makes us wonder if the story of trade's impact fully holds up. I think it does, but I'd like to see more. Certainly, there is room for another book — or at least a few papers by graduate students. We have a lot to learn about culture, both ours and others'. ❑

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Literature

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Gay libertarian man — 42, 5'10", 165, blond/blue/stache, atheist, HIV neg. — seeks romance. I live in San Francisco. Email: mdf1960@yahoo.com

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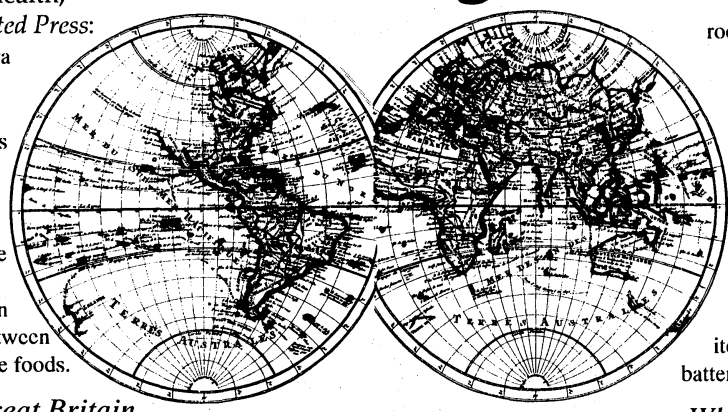

Salem, Mass.

How American non-profit animal shelters solve stray pet shortage, earning a substantial profit in the process, as reported by *U.S.A. Today*:

> Thanks to the success of campaigns for people to have their pets spayed or neutered, there are not enough animals to meet demand at many American animal shelters. To deal with this problem, shelters have imported more than 14,000 strays from Puerto Rico. The shelters typically price the animals at more than $200 each.

St. Paul, Minn.

Advance in public health, as reported by the *Associated Press*:

> Jesse "the Body" Ventura plans to make Minnesota's welfare program the first in the country to ban recipients from so-called junk food such as potato chips and candy bars.
>
> Plans in other states have failed once policy makers discovered the difficulties in sorting the grocery aisle between acceptable and unacceptable foods.

Great Britain

Advance in animal husbandry, described by the *Times* of London:

> Farmers throughout the country have 90 days to put a toy in every pigsty or face up to three months in jail. If they fail to do so, they can be fined up to £1,000 or jailed for three months.

Brussels, Belgium

Progress regulation in the E.U., from *Radio Vlaanderen International*:

> People who want to work from home in Belgium must clean their house every day and are obliged to take a shower after a day's work, have separate toilets for men and women and post notices stating that it is forbidden to spit. Alcohol in a house is also strictly prohibited.

India

Progressive ways help devotees of an ancient religion, from the *Sydney Morning Herald*:

> The Agri Gold Co. has begun marketing an instant, just-add-water version of the holy cow dung that many urban Hindus use in their purification rituals. Camphor, turmeric and sandalwood paste are added to alleviate the foul smell, which is the main reason many Hindus had been leaving the dung part out of the ritual.

Olympia, Wash.

Curious political development in the Evergreen State, as reported by the *Tacoma News Tribune*:

> David Goldstein is circulating an initiative that says, "The citizens of the state of Washington do hereby proclaim that Tim Eyman is a horse's ass." State officials have objected, and substituted the phrase "hindquarters of a horse" for the proposed language. Eyman is under attack because he has chaired campaigns to reduce taxes using the initiative process.

Berlin, Germany

Product liability problem troubling the tourist industry in the E.U., as reported by *Reuters*:

> A German couple are demanding compensation from a tour operator because a maid repeatedly interrupted them while they were having sex in their hotel room during a holiday in Cuba, even though they had a "Do Not Disturb" sign outside the door.

Bath, England

Alarming consequences of slovenliness in Merrie Olde Englande, from Reuters:

> A 26-year-old man ripped off his roommate's beard because the roommate had not done his household chores.

Stockholm, Sweden

Alarming new occupational hazard, reported by Reuters:

> A growing number of explosions in caskets during cremations have been sparked by undetected items such as heart pacemakers, whose batteries ignite in the intense heat.

Wheaton, Ill.

Progress comes to the Bible Belt, from a report in the *New York Post*:

> Wheaton College has repealed its rule that prohibited its students from dancing.

Harlan, Ky.

Novel legal defense offered in the Bluegrass State, as reported by the *Los Angeles Times*:

> Gary Damon Stephens, 28, admitted that he killed his parents five years ago but said he stands by his earlier explanation, that the deceased were pod people, not his real parents.

Minnesota

Advance in fundraising techniques developed at the prestigious University of Minnesota at Duluth, reported by the *Minneapolis Star-Tribune*:

> One hundred twelve University of Minnesota-Duluth students wolfed down 14,000 donated White Castle burgers in order to raise money for the Salvation Army.

Gaffney, S.C.

Curious discovery at an animal shelter in the Palmetto State, from a story in the *Charlotte Observer*:

> Thirty dead cats found in a freezer at a nonprofit animal shelter led to the arrest of the two operators.

Portugal

Advance in the science of skin care, as reported by *Journal de Noticias*:

> Hemorrhoid-suffering pilgrims are trekking to the town of Murtosa to rub the affected body part against a statue of St. Goncaio, hoping for relief (since the 13th-century priest was known for curing acne).

Special thanks to Russell Garrard, Owen Hatteras, John Barry, and William Walker for contributions to Terra Incognita.

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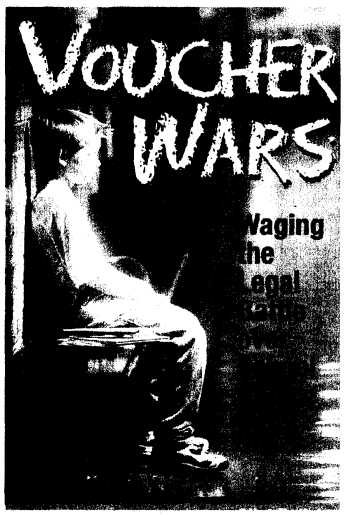

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Clint Bolick

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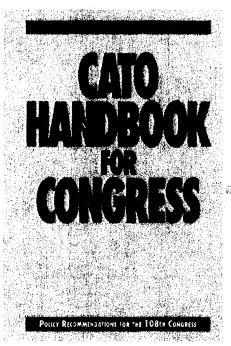

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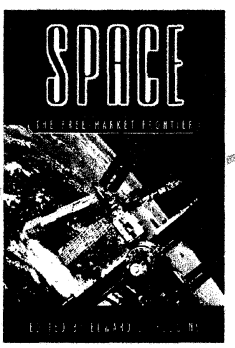

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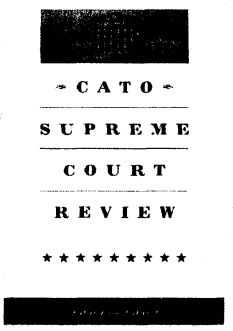

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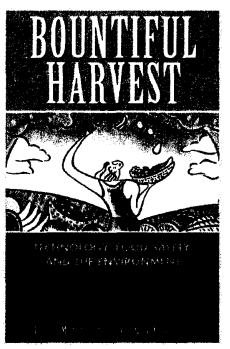

This provocative work by Thomas R. DeGregori explores many of the revolutionary technological advances of the past century, such as the development of bioengineered foods. It debunks the conventional wisdom that many of these advances are harmful to humanity. *Bountiful Harvest* is sure to spark debate about the role of technology in our lives. 262 pp./$12.95
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What Dionne Warwick Reveals about the Drug War

by Sheldon Richman

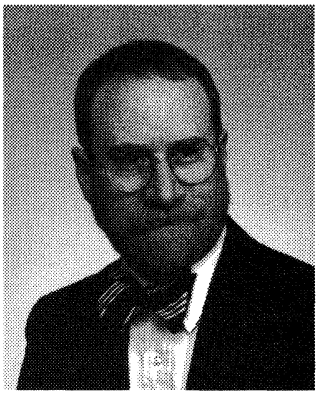

The American Inquisition got another one recently. Singer Dionne Warwick, who was found with nearly a dozen marijuana cigarettes at the Miami airport, had her charges dropped in return for promising to undergo "drug treatment" and to make anti-drug public-service announcements.

Let's look at what Ms. Warwick's case says about the "war on drugs," which is not a war on drugs at all, but a war on people. This modern-day Inquisition is designed to hunt down drug heretics. Ultimately, its victims are punished not just for what they do, but also for what they think. And what they think are forbidden thoughts about drugs. Instead of believing, say, that a glass of wine is okay, but a joint is bad, they may think that a joint is not much different from a glass of wine. We can't have people thinking that. That's why Ms. Warwick was offered the deal. As a celebrity, she is more valuable as a convert than as a convict.

That the Inquisition is aimed at thoughts can be readily seen in the terms of her deal. To avoid trial she had to promise to attend "drug treatment." This "treatment" consisted of talk by her and by psychiatrists, psychologists, or other mental-health personnel. Ms. Warwick, under obvious duress, perhaps said she was stressed and thought that marijuana would help her to relax. Or maybe they explored how low self-esteem "caused" her to use drugs. Or maybe her interest in drugs was attributed to mental illness. (If so, why is the criminal law involved?) She probably said she sees the error of her ways and won't do it again. Nationwide, the taxpayers pay hundreds of millions of dollars to finance this inflated nonsense that goes by the name "treatment." Most of the people there are trying to stay out of jail.

Then there are those public-service announcements. Here is where Ms. Warwick will do public penance by recanting her heresy. She will probably tell kids not to use illegal drugs. How convincing will that be? Until recently, she apparently saw nothing wrong with using marijuana. She "got religion" (an apt phrase here) just after criminal charges were filed against her and then dropped. A coincidence? If not, why should anyone believe anything she says about drugs? It is certainly more likely that she'll deliver her anti-drug message only because she could go to jail if she refuses. When someone has that strong a personal interest in making a statement that conflicts with her own previous conduct, we are entitled to skepticism, if not outright incredulity.

While Ms. Warwick will avoid prison in return for her reeducation and public recantation, others are not so fortunate. The prison statistics are a scandal. According to the U.S. Bureau of Justice Statistics, in 1999 more than half (57 percent) of federal prisoners were drug offenders. That's more than 68,000 people. In 1997, state prisons held 251,200 drug offenders, about 20 percent of state prison inmates. A disproportionate number of those prisoners are black.

Americans are losing their liberty for having unapproved ideas and acting on them peacefully about what substances they should be free to ingest. That is unworthy of a self-described free society.

Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of ***Tethered Citizens: Time to Repeal the Welfare State,*** *and editor of* ***Ideas on Liberty*** *magazine.*

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Inside Liberty

May 2003
Volume 17, Number 5

4 **Letters** We save the best for first.

7 **Reflections** We envy communist tax rates, pity British homeowners, study courtly manners, taunt litigators, peer into Pyongyang, and go back to school with the Unabomber.

Gulf War II

17 **The Costs of Victory Over Saddam** If you think conquering Iraq is expensive, argues *R. W. Bradford*, wait till you see what it costs to occupy Iraq and try to plant democracy there.

19 **On the Anti-War Front** *Stephen Cox* explains why the hawks are ahead in the polls.

21 **The Logic of War** The Bush administration's arguments for war don't stand up to scrutiny. *Stefan Herpel* reports.

27 **Disconnect** *Bruce Ramsey* makes the case for a cold beer.

29 **The New Terrorists** *R. W. Bradford* looks at the face of terrorism.

Features

31 **Dismalization** *Timothy Sandefur* discovers why we cannot do stem-cell research, abolish slavery, or have gay marriage.

33 **How to Win the Drug War** Prohibition is a total failure, but its failure can be exploited for the cause of liberty. *James Gray* tells us how.

35 **Hollywood Does It Better** American movies dominate the global market. This is good, *Jacques Delacroix* argues. Even in France.

38 **Milk for the Masses** The federal government provides free milk, cheese, juice, and cereal to moms who have to live on $100,000 a year. But, as *Michael Dahlen* discovers, this isn't the worst thing about the program.

Reviews

41 **My Orwell, Right or Wrong** Christopher Hitchens has tried to give our favorite socialist a makeover. *David Ramsay Steele* likes the real Orwell better.

48 **The Economics of Education** If education is the key to prosperity, then why are Japan and Switzerland so rich? *Stephen Berry* looks for an answer.

51 **Propaganda for War** *Bruce Ramsey* retraces America's steps into World War I, and discovers the trail had been clearly blazed by the British.

52 **Notes on Contributors** Beauty marks and all.

54 **Terra Incognita** Valuable information for worldly travelers.

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Letters

I Believe . . .

Bombing for peace is logical. The "Patriot Act" is patriotic. Good Americans don't protest or question their government. Corporate executives can be entrusted with our elder citizens' health care. Forests need to be cut down in order to save them. Oil companies will protect our environment. Our enormous new budget deficits are no problem. Preemptive war is legal by international law. We can liberate Iraqi civilians by launching 8,000 missiles into their cities, and shooting our incredibly radioactive plutonium-laden "depleted uranium" bullets all over their country. The world's people support this slaughter, and Jesus thinks it's okay too.

Mr. President, I believe. . . .
I believe. . . . I believe.

David Singelyn
Warner Springs, Calif.

Death Is Cheap, If It's Not Yours

"Give me liberty or give me death." With those words, Patrick Henry entered the history books. In his article, "Freedom and the Wolves" (March), Timothy Sandefur expresses a similar sentiment. He opines it was worth "600,000 deaths to free the slaves; would have been worth it at twice that number; and, indeed would have been cheap at a thousand times that price." Wow!

Mr. Sandefur, when Patrick Henry said, "Give me liberty or give me death," he meant his own death, not the deaths of 620,000 others. But, even at that, a lecture hall permits a certain bravado not so easy to muster on the far reaches of the old plantation. The slaves did not rise up, did not rebel, spoke no speeches, because they knew death would be a certainty. Instead, they clung to life and they clung to hope. They clung to life, as we all do, Mr. Sandefur, because, however wretched that life may be, it is all we have. And, though the lives of 600,000 others may be cheap, our own is dear.

Frank Ricciardone
San Diego, Calif.

The Remarkable Generosity of Timothy Sandefur

Timothy Sandefur is remarkable for his generosity in the number of lives he would have been willing to sacrifice to free slaves in the 1800s. The 600,000 lives he sees as being cheap to free slaves is far less than he seems willing to pay to influence an argument "at the price of oceans of blood and mountains of bones." With this enthusiasm I can imagine he would have been proud to be among them. Would Sandefur have blocked as vigorously the many Europeans from receiving passage to the New World in exchange for years of indentured labor?

For instance, would he jeopardize his life to prevent Charles W. Nash, when just six years old, from being sent here to work for room and board and no wages for 15 years? Young Charles didn't think too much of the idea either. He ran away at the age of 12 and eventually became a giant of the early automobile industry (and gave employment to Walter Chrysler). Every descendant of Africans I have asked did not regret that their ancestors arrived here, rather than being left behind under their African slavemasters. The talented black professor and author, John McWhorter, seems to confirm this (see his book *Losing the Race* and the recent *Authentically Black*).

I would expect a libertarian to be far more imaginative — for a free market solution to slavery. If abolitionists were so determined to end slavery that they would send their sons to war to destroy, murder, and be killed, then why could they not, instead, have gone to slaveowners and bought as many slaves as their consciences and finances would permit? Not only would it have saved the obscene destruction of lives

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and property at a fraction of the cost, but it would have accelerated the end of slavery and its unfortunate derivatives. Slaveholders might have begun to value their "assets" with more affection, and bettered their circumstances.

Rather than fight Lincoln's holy, misguided war, reason would have permitted states voluntary separation. If peacefully granted secession then, reunification might have been requested and granted long ago. But if not, through free trade both independent nations (and each state) could be competing, as they should, for greater liberty and prosperity — transferring less to freeloaders — and with the wisdom to let all states and nations run their own affairs with neither subsidy nor federal interference. I have absolutely no doubt that statesmanship such as this would have made us more prosperous and left us with more of our constitutional liberties.

Charles Schisler
North Palm Beach, Fla.

The Right of Secession

Ben Franklin said treason was a term used by the winners to define the losers. The logic used by Timothy Sandefur in "Freedom and the Wolves," suggests a similar definition of secession: secession is a term used by the winners to discredit the losers. Sandefur says the South could not secede from the Union legitimately because it had slavery. By that logic, Mexico was right to put Davy Crockett against the wall and shoot him and Patrick Henry should have been given death when he asked for it.

Sandefur suggests that the actions of the Southern states regarding secession were arbitrary and not actions of "We, the People" and, therefore, void. The Southern states elected delegates to special conventions and, at those conventions, the delegates voted for secession (you know, representative government) with the exceptions of Virginia and Texas, which each held a plebiscite. Their reasons for voting in favor of secession were varied, but among them were taxes, especially tariffs (you know, the same reason we seceded from England).

The Union did not have the high moral ground in the War Between the States. Article I, Section 2 of the U.S. Constitution made slavery legal. Lincoln's "Emancipation Proclamation" did not apply to the Union, where Slavery was practiced during the War Between the States and was not abolished until December 1865. By that time, the war was over.

If the War Between the States was about slavery, why didn't the Union send ambassadors to the Southern states to inform them they could secede from the Union after they freed the slaves? If the War Between the States was about slavery, why didn't the Union grant secession after the war was over and the slaves were freed? Does anyone think the average Confederate soldier charged the hill saying, "Slavery! Now and Forever!"? Do people know Robert E. Lee freed his slaves before the war or that Thomas "Stonewall" Jackson never had any slaves?

At issue is not whether the South should have seceded from the Union but, rather, whether the South had the right to do so. If Sandefur were to argue that the South was unwise to use violence to secede, I would join him. If he had argued that slavery was unjust and should have been fought against, I would be on his side at once. If he had claimed that John Brown was right in what he wanted to do, I would be on his team. I do not enjoy defending governments; not even governments much better than most — U.S.A., Texas Republic, The Confederacy, etc. — but secession is a *right*.

Sandefur asks us to use our imagination to picture a black child under the Confederacy. I ask you instead to look at the condition of black children under our federal government. The U.S. Government has destroyed many black children and their families. Its welfare system has taken many fathers away from the home. Its drug laws have caused chaos, making the streets unsafe for children (and everyone else) in many black neighborhoods. Its schools have failed to educate. Its taxes have caused poverty. Its Social Security system harms everyone, but harms blacks more than whites because they are forced to join sooner and they, on average, die younger. It robs blacks and everyone under it of the ability to leave a bigger inheritance to their children. Its Food and Drug Administration kills people, including blacks, by stopping cures from being marketed.

The proper role of government is the protection of rights. Our government is failing because it is not interested in the protection of rights, but in obedience. The real question is not what our forefathers did, but what we will do.

That is why I am working to make the Libertarian Party successful. The Libertarian Party can be the vehicle for the first non-violent liberation revolution. This is not an easy task; the task even seems impossible. But, at least, it is one we can achieve without killing 620,000 people.

Jim Burns
North Las Vegas, Nev.

Slavery and Freedom

As a reader new to *Liberty* but not to the cause of freedom and, as a native son of Texas, I find Timothy Sandefur's proposition that independent and sovereign states have no right to secede from the Union to be laughable.

The Tenth Amendment specifies, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Constitution does not prohibit the secession of any state from the United States.

Article I, Section 10 does prohibit the states from forming a confederation. However, having acted lawfully and in accordance with their rights guaranteed by the Tenth Amendment, the states that seceded from the Union in 1860 and 1861 were no longer subject to the Constitution and, therefore,

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were free to confederate or ally themselves as they saw fit. As the duly elected representatives of their citizens, the legislatures of the eleven Confederate States of America (CSA) determined it was no longer in the best interests of their people that they should remain a part of the Union.

Contrary to Sandefur's assertions that the Confederacy initiated hostilities, it was the federal government's refusal to withdraw its troops from sovereign territory that provoked an act of self-defense by Confederate batteries against the Union's Fort Sumter. It was the federal government whose powerful guns controlled the approach of any vessel into Charleston harbor. As shipping was vital to the Southern economy, foreign control of a harbor as important as Charleston posed a clear and present danger to South Carolina and the CSA. So, they were clearly within their rights to eliminate this threat, by force if necessary.

As to slavery, I do not mean to suggest it is anything other than evil. But it should not be forgotten that the purpose of the Constitution is not to "deliver us from evil." In 1861 slavery was constitutional in the entire country, and completely legal in states that had not outlawed the practice.

If the real purpose of Lincoln's prosecution of hostilities against the Confederacy was to free the slaves, why did he wait until 1863 to make his Emancipation Proclamation? And why the the Proclamation leave slavery legal in the Union? Why did the Union wait for nearly three years after the Proclamation to outlaw slavery? One may only surmise the true motive for Northern aggression — the South did not invade the North, after all — was to be found elsewhere. Few wars are waged for anything other than economic reasons, so that seems a reasonable and likely motive for Lincoln. Clearly, Lincoln only used the issue of slavery to further his own agenda.

Slavery as an institution was doomed when Lincoln took office in 1860 just as surely as the necessity for factory workers was doomed with the advent of robotic manufacturing.

The Constitution demands power flow from the people, to the states and, lastly, to the United States. Today, we have allowed our political foundations to be inverted, to the point that the federal government is now the supreme sovereign of the land, the states are its barons, and the people are subservient to both. The sovereignty of the people and of the states, along with 617,000 human lives, was the true casualty of the Civil War. Ironically, we have all, no matter our skin color, become enslaved to a federal master. Like the harsh and unjust treatment some Negroes received at the hands of their white masters, this new slavery only will end when we take matters into our own hands — when we kill the master and so slip our chains.

Tony Smith
Chattanooga, Tenn.

Smoked

I have never in my lifetime felt so stirred up by someone's opinion as I was when I read Michael Christian's "City of Smoke," (Reflections, March). I am very much a non-smoker and I resent the stand Mr. Christian takes on smoking in public. I'll skip the lecture on all the evils of smoking and stick to how this practice affects *my* freedom to enjoy dinner in an otherwise inviting social atmosphere. Why should I have to be subjected to smoke as someone who chooses to forego this indulgence? How dare Mr. Christian suggest that non-smokers ought to leave if the smoke is bothersome. My choice not to smoke in no way infringes on anyone else but people who do smoke heavily infringe on my rights. I'm not so inconsiderate of Mr. Christian's rights as he is of mine. I wouldn't dare suggest that he leave. I only ask for the common courtesy that he and other smokers please not smoke in an enclosed space. That's simply not fair.

M. L. Conley
Broadway, Va.

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Reflections

Citizenship has its privileges! — On March 16, after an Israeli bulldozer ran over an American college student who tried to block the Israelis from razing a home owned by Palestinians in Gaza, Israel issued an official apology, calling the incident "a regrettable accident," and started an investigation. Also that weekend, Israelis killed seven Palestinians, an incident that they did not investigate, and for which they did not apologize. — R. W. Bradford

Out-taxing the communists — A new bill in Communist Cuba allows private-farm co-ops to distribute 70% of their profits, reducing the state's take to 30%, which happens to be below the tax rate in capitalist America, whose income tax has become dangerously "progressive," i.e. re-distributive. The top 5% of taxpayers now pay over half of all income taxes paid, whereas the top half of taxpayers pay 96% of taxes.

In addition to the unfairness and economic consequences of such a system, there are important public policy concerns. Where half the population pays no tax, many people have no stake in cutting taxes or government spending, and the politics of envy take root. To be in that top 5% of taxpayers, by the way, which includes both individual and joint returns, one need earn $120,846, hardly extravagantly rich. — Adrian Day

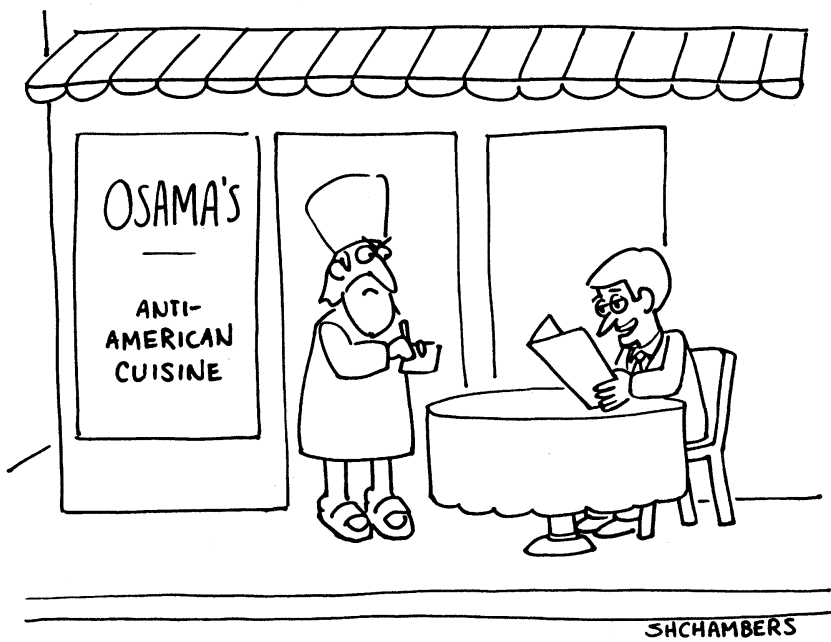

"I'll have the 'Great Satan Salad' and the 'Filthy Pig'."

Three mile deep sixed — That happy blur of white you saw on the horizon last month was the massed surrender flags of armies of trial lawyers. Believe it or not, they have abandoned their pirate frigate, Three Mile Island. For 25 years they have cruised the litigious seas seeking plunder. But in early January an appeal court turned a deaf ear to a lower court, which granted dismissal of all charges vs. the Three Mile Island owner, General Public Utilities.

It's all over. According to the courts, nobody died or sickened that fateful day the reactor leaked. Nobody's malady can be traced to escaped radiation, although a couple thousand plaintiffs sought fiscal balm for every bodily ill they'd ever encountered (which would have been followed by a class action suit including every man, woman, and child in the state of Pennsylvania).

I lived in the Boston suburbs for years, and every time a blizzard plugged up our streets and driveways, the headlines roared "Blizzard Kills Dozens." Heart attacks, of course. Nobody questioned how many imperfect Boston hearts would have shut down with or without shoveling the drive. Nor did it occur to the headline authors how many Bostonians enjoyed lobster Newburg longer because of the exercise opportunities furnished by that beneficent snowstorm. Give 'em time. Sooner or later, the lawyers will figure out how to sue a blizzard. But just maybe the defeat of the Three Mile Island suit will at least slow them down. — Ted Roberts

History for Dummies™ — In a recent article, David Frum made a good point regarding the 1960s civil rights movement: many leaders of the movement were far more radical than we tend to recall nowadays, which suggests that "we should have a measure of understanding and tolerance for those white southerners who opposed [them]." Not because we sympathize with segregation, but out of simple honesty, and because history is much more interesting that way. This came to mind because I was recently quite disappointed in Taylor Branch's *Pillar of Fire* (the second part of his history of the civil rights movement; sequel to his very good *Parting the Waters*). It's not that I wish he'd attack the civil rights movement — I don't. But portraying the movement as if it's the angels vs. the devils is much less interesting than the reality.

One example — Branch writes about California's 1964 Proposition 14, which protected the rights of property owners to refuse to sell to people, if they chose (pp. 522–523). Now, Prop. 14 was obviously a backlash, in part, against the 1964 federal Civil Rights Act, which limited property rights by prohibiting owners from refusing on the basis of race to sell houses to people. Now, I think you have the right not to

sell your property if you don't want to, even if you're racist, because I believe in property rights, not because I think Jim Crow was good. But defenders of Jim Crow would also favor Prop. 14. Thus there were complicated reasons to support Prop. 14, and even if one disagrees with those reasons, one should at least address the fact that these arguments existed.

But here's how Branch characterizes it: "A warning sign was buried beneath election reviews [from the 1964 election]. California voters embraced both Johnson and a constitutional right to segregated neighborhoods, as promoted by Ronald Reagan and the real estate industry." So to Branch, the whole thing comes off as good guys vs. bad guys — idealistic liberals against the wicked "real estate industry" and a racist Ronald Reagan, who advocated a "constitutional right to segregated neighborhoods" — rather than the far more interesting and complicated fact that some favored and others opposed Prop. 14, for *many* reasons, and not all of them crazy or evil. Reagan was many things, but he wasn't racist, and his support of Prop. 14 was not based on a "constitutional right to segregation" — it was based on his belief in freedom of contract.

But it is also true that the Goldwater campaign winked at racists, and hardly went out of its way to denounce segregation. History, like other things in life, is much more interesting when told objectively. — Timothy Sandefur

Word watch — Ours is a technical age, which means that all of us have tens of thousands of technical terms at our disposal, and millions of opportunities to use them wrong.

"Wrong" doesn't mean "colloquially" or "metaphorically." It's all right to play with technical expressions, so long as you don't fall on your ass. (That's a technical expression for what used to happen a lot when I played sports in school.) For example: I'm tired of hearing this expression, but there's nothing in itself objectionable about calling a trip to the restroom a "pit stop." Nevertheless, every word we use is chained to its associations. So when Greta Van Susteren, who's smart enough to know better, recently referred to the visit of a video crew to a certain locality as "making a pit stop" there, she neglected to notice that she was creating an image of guys with cameras and reflecting sheets either (A) getting their tires changed and their axles greased, literally, or (B), metaphorically, taking a piss. I'm sure she didn't intend either one.

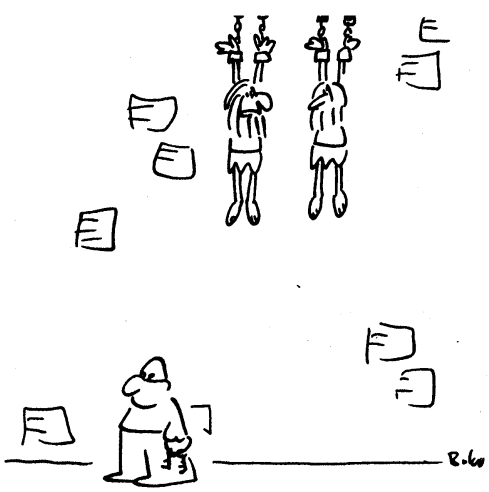

"My horoscope said I'd rise to great heights."

Of course, many technical terms get misused because people simply don't understand the original meaning and image. Almost everyone equates "parameter" with "perimeter," despite the fact that "parameter" doesn't mean "limit or boundary" but a certain kind of term in a mathematical function. It must be admitted that if "parameter" had been properly understood by people in general, it would never have attained its current celebrity status, but that's true of a lot of celebrities. It doesn't mean that you have to hang around with them.

"Paradigm" has been similarly misunderstood. It started out as a technical term used by grammarians. A paradigm is a pattern: "goofball, goofballs, goofball's, goofballs'." It's not, except by a weird extension, the kind of extension that reveals one's ignorance of the meaning of the word, a synonym for "what ought to happen," as in "the president's paradigm for Social Security reform." Neither is it a synonym for "scenario," as in the kind of question that's always being asked in press conferences: "Uh, sir, uh, what's your, uh, paradigm, what's your scenario, for the way this thing is gonna play itself out?" "Scenario" is closer to the mark than "paradigm," but its original meaning — "a screenplay, or outline of a dramatic work" — connects it with things that somebody controls, as an author controls a play, not with situations that humans lack the power to determine. You can ask about God's scenario for the nation's future, but you shouldn't ask about the president's scenario. Not unless you want to commit the nation's most common theological mistake, the confusion of the president (any president) with God.

"Oh, you're just being a purist."

"Yes, and purists are the only people you need to worry about when you're choosing words."

"Oh."

All technical terms have a capacity for extension, and misextension. Consider those once obscure computer words "interface" and "input," words that are now used to obscure all other, more specific images of human collaboration. "Input" routinely wipes out "influence," "advice," "interference," "assistance," "help," and all their verbal cousins and aunts, while "interface with" schemes to destroy "talk with," "meet with," "argue with," "inform," "learn from," "confide in," etc. etc. Bad, bad words, "input" and "interface" — words that masquerade as other words, take their nests, and murder them.

Perhaps the worst impostors of this kind are "positive" and "negative," charlatans that sneaked into respectable homes and offices during the 1960s and 1970s and are still there, boldly taking the jobs of other words. I know what I'm talking about. Until a few years ago, I used those words, too. Then I woke up. I realized the nature of the fraud that had been perpetrated on me. "Positive" and "negative" apply to photography and electricity, not to human attitudes. Oh, they originally played one or two minor roles in the human drama. A "positive" opinion was a definite one. To say that someone "negatived" a proposal was a fancy way of saying that someone turned it down. Now, however, "positive" is used for everything from "grudgingly agreeable" to "wildly

enthusiastic," and "negative" replaces everything from "gingerly dismissive" to "violently opposed." Those two silly, blustering terms have proven themselves capable of slaughtering whole armies of more precise locutions.

Let's get rid of them. If you're pressed for time, or if you simply don't want to specify *how* violently somebody loves or hates something, you can always fall back on "favorable" and "unfavorable." At least then, you'll be saying something human. Humans don't have positive and negative poles, but they do have favorable and unfavorable reactions.

Two other technical terms are of special concern right now, because there's evidence that they have escaped their proper confines and are about to stalk the earth freely, laying waste to all they meet.

One of these expressions is "begging the question." It's a technical term for a mistake people make in arguing. It means "supporting a claim with a claim that is itself unproved, or supporting a claim with an irrelevant argument." Example: X argues that drug laws should be abolished because they drive up the price of drugs and create a class of criminals who profit by selling drugs at inflated prices. Y replies by arguing that no one really needs to use marijuana anyway; people are better off without it. Y has begged the question.

"Begging the question" is a very useful term. But the awful news is that (on television, at least) it's no longer being used to tell people, "You're not making sense; shut up"; it's being used to tell them, "That's interesting; give us more nonsense. We're *begging* for it." Somebody comes on TV and says, "We have crime because we don't devote enough money to public education," and the host says, "But that begs the question: how will taxpayers be convinced that more money is needed?" Enough said. Watch out.

We may live to see a world in which murderers heave the bodies of their victims off the end of the Santa Monica Pier, in plain view of the thousands there assembled, and cannot be convicted.

The other marauding expression — and this one is more dangerous, because even the dictionaries have dropped their guard against it — is "corpus delicti." Older dictionaries define this as "the basic element of a crime; as, in murder, the death of the murdered," or "the sum or aggregate of the various ingredients which make a given fact a breach of a given law." Unfortunately, "corpus" suggests "corpse" to the ignorant mind. Still more unfortunately, we live in an age in which the media have become obsessed with true-crime coverage. Television is always looking for the body of the Capitol Intern or the Northern California Mom or some other luckless citizen. Television hires "experts" to talk about these matters, and the experts say things like, "Well, Dick, it's mighty hard to charge somebody with murder when the body has never been recovered. You just don't have the corpus delicti!" Wise nods all around. But you certainly *can* have the corpus delicti without the corpse; all you need to have is the evidence of a crime.

When I was a kid, there was a TV series set in San Francisco during the gold rush. One of the little dramas in that series was a comedy showing the people of San Francisco making fools of themselves because folks kept being murdered and everybody knew who was doing it, but the culprits couldn't be brought to justice because the bodies were hung with weights and dropped into the bay. "We can't prosecute; we don't have the corpus delicti!" Eventually, someone thought to look in a dictionary and discovered that "corpus delicti" doesn't mean "corpse." So everybody heaved a sigh of relief and went out and hanged the murderers. That's how I learned the truth about this mysterious expression. Nowadays, however, you may look in a dictionary and find that "the body of a murder victim" is actually listed as a possible meaning of the term. We may live to see a world in which murderers heave the bodies of their victims off the end of the Santa Monica Pier, in plain view of the thousands there assembled, and cannot be convicted because some juror found a modern dictionary.

That's the paradigm I foresee. And it doesn't make me feel very positive. — Stephen Cox

ANWR nonsense — With the current war jitters, gasoline prices have spiked above $2 a gallon in some places. This has led our friends in the Department of the Interior to do a public-relations push for oil drilling in the Alaska National Wildlife Refuge so that we can "reduce our dependence on foreign oil."

I hate to break it to our fearless leaders, but the price we pay for fuel is based on world market prices. The most optimistic projections are that ANWR will add less than 1.5 percent to world oil production over the next 50 years. If ANWR were in production today, the $1.99 you paid for gasoline this morning might have been $1.96 instead. Big deal.

Why is it safer to drain America first? If we are really concerned about oil dependence, let's keep ANWR in reserve. Then, when the Saudis, Venezuelans, Canadians, or whoever threaten to cut off our oil supply, we can just thumb our noses and say, "We can get oil from Alaska anytime we want." — Randal O'Toole

Thieves' paradise — An Arab student living in England exclaimed, "September 11th was a great day. Osama Bin Laden is a great man and all Americans deserve to die." His neighbor, an Englishman, replied, "I hate Arabs and Muslims." A unpleasant exchange, but one without fisticuffs, just words.

One of the men was hauled into court under the newly minted Anti-Terrorism Act. Which man? The Englishman, of course. He narrowly escaped jail time only because of his "remorse." (He was sentenced to community service and fined.)

Meanwhile, a homeowner who shot a burglar while defending his family has been put in jail. The career criminal who burgled him has been convicted more than 30 times for burglary and other violent crimes. He has been given government aid to sue the homeowner. The homeowner, a farmer living in a rural area whose home had been broken

into several times in the past, has been denied parole because he is deemed a danger to future burglars.

The chief justice has directed judges not to imprison first or even second-offense burglars. One judge took this to extremes, freeing a professional burglar with 51 previous convictions, saying he hoped the man would give up drugs and develop his talent for writing poetry. British police solve only 12 percent of burglaries, usually offering victims only a free session of "distress counseling" and not even attempting to solve the crime — unless, of course, the homeowner attempted to resist the burglary, in which case the homeowner is arrested.

Only 30 percent of police time is spent on crime; the rest is devoted to paperwork, community work, teaching anti-racism, and so forth. Johnson suggests the fundamental problem is a lack of moral right and wrong, wherein crime is viewed simply as a social problem. But the police do have time for the really important crimes. Well-known country writer Robin Page was arrested and detained in a police cell after telling a countryside rally that rural dwellers should have the same rights as blacks, Muslims, and gays. Similar sentiments expressed by Prince Charles, though causing some stir, did not lead to his arrest. — Adrian Day

Justice: rude, wild, and terrible — I was recently looking through the new biography of Justice William O. Douglas (*Wild Bill* by Bruce Allen Murphy). The book has raised eyebrows because it is the first real biography of the controversial judge, and it shows that hardly a moment of his life was untouched by lies, vanity, manipulation, and overwhelming rudeness. Douglas was a crass, unpleasant, arrogant man, an incurable womanizer who reveled in abusing his employees.

Murphy calls attention again and again to Douglas' rudeness, but does this really matter? Does the fact that Douglas was an unpleasant man make him a bad judge? Murphy says no, and in reviewing the book, Judge Richard Posner agreed: "Murphy is right to separate the personal from the judicial. One can be a bad person and a good judge, just as one can be a good person and a bad judge."

That may be true, but one cannot be a truly *rude* judge and be a good judge. There's a reason the word "courtesy" contains the word "court" — courtesy evolved during the Renaissance, as the forms of behavior appropriate at court. Today, much of the law is based on courtesy, especially at the Supreme Court level. There is no constitutional provision, or law, which sets out the procedure, for instance, whereby four judges agree to bring cases before the Court. The "conference" procedure justices use to decide cases is not set out in any law, either. All these things are decided by tradition and compliance — in short, by courtesy.

For instance, in 1973, a group of anti-war activists asked Justice Thurgood Marshall for an injunction to halt bombing in Cambodia. Marshall refused, on the grounds that military decisions belong to the president. But the activists didn't give up; they contacted Douglas. Court tradition required Douglas to refuse to issue an injunction when a colleague had already refused, but Douglas issued it, rejecting what he called Marshall's "predilections." Of course, the full court reversed Douglas within hours, hiding its embarrassment under legal prose: "In the ordinary course, a Justice acting as a Circuit Justice would defer acting with respect to a District Court order."

Douglas' "Wild Bill" image makes for spectacle, but in the end, it was corrosive to the order and courtesy demanded of a stable legal system. One can be a bad person and still be courteous — so one can be a bad person and a good judge. But Douglas' rudeness ultimately undermined respect for him, his opinions, and the law itself. He was both a revolting human being, and a truly terrible judge.

— Timothy Sandefur

Cubs and the city — The Chicago Cubs are upset because a couple of apartment buildings that for decades have been looking down into Wrigley Field, one of the few privately-owned sports facilities left in professional sports, have been converted into bars that charge a fee to watch the game from the rooftops. The ball club planned to build Wrigley Field's bleachers higher, blocking the freeloaders' view. The city of Chicago responded by declaring Wrigley Field a historical landmark, making it impossible for the club to do any modernization without swimming through a swamp of red tape.

It used to be an honor to be recognized as a historical site, but of late the restrictions put on private property owners have made historical status a bane to be avoided at all cost. Once a building is declared historic, it is virtually impossible to do anything other than rehab the property, and structural changes are strictly forbidden, even if they are an aesthetic improvement. For instance, one of the proposed regulations at Wrigley Field would apply to the ivy growing on the walls, requiring a lengthy process just to replace a dead plant.

Historical preservation committees are populated by old hippies whose brains have been severely crippled by the '60s, and who have a difficult time navigating ordinary urban landscapes. They oppose structural changes because they have a tendency to bump into things unfamiliar, like Dick Van Dyke and his ottoman. Historical preservation is how they keep from getting lost in their own neighborhoods.

— Tim Slagle

Hayek at Harvard — Can a Harvard economist who named his dog "Keynes" be trusted as the next chairman of the Council of Economic Advisers? N. Gregory Mankiw was named to replace Glenn Hubbard. Steve Moore of Club for Growth condemns Mankiw for attacking supply-side economists as "charlatans and cranks" and "snake-oil salesmen" in his bestselling economics textbook. But I demur.

I've known Greg Mankiw for years, and he has gradually transformed himself from a Keynesian to a neo-classical free-marketeer. Mankiw purged his negative comments about the Reagan supply-side revolution in the new edition of his book. In his *Fortune* columns, he praised Milton Friedman and school vouchers. He endorsed Bush's call for tax cuts and reform of Social Security. His claim to fame: He is the first Keynesian to turn Keynes upside down. Recall that Keynes called his pro-government demand theory a "general" theory, while relegating the classical supply-side theory to a "special" case. Mankiw reverses the order. He starts his textbooks with the classical model as the "general" theory,

and puts the Keynesian "short-term" model at the end as a "special" case. I wouldn't be surprised if he names his next pet "Hayek." — Mark Skousen

Now, more than ever — A few days before the April *Liberty* went to press, I saw a poster in my small town announcing a meeting to organize a local anti-war group. I couldn't attend the meeting — I don't have time for much of anything but work when press dates loom — but I did call the organizer. She was, not surprisingly, an elderly leftist long experienced in opposing war. In the course of our conversation, she told me that she had discovered a great anti-war spokesman and a great resource for those opposed to the war. The spokesman was Ron Paul, Texas congressman and 1988 Libertarian Party presidential candidate; the resource was his website.

A few days ago, *The Wall Street Journal* published an article about how Paul has gained a national reputation as a critic of the war, while maintaining his popularity within his conservative Texas consti-tuency.

Is this the first time a libertarian politician has gotten a national following by advocating a libertarian position on an extremely important national issue? I think so.

Paul's emergence as an articulate opponent of the war raises an intriguing idea: would he consider challenging George W. Bush for the GOP nomination? He's run for president before, though that ambition doesn't seem to burn as brightly as it once did. But he just might give it a shot.

Certainly, Republican voters deserve an opportunity to protest the war. There is substantial opposition to it among Republicans and conservatives, but no Republican or conservative leader is articulating it except Pat Buchanan. He is by now an old warhorse who has run for president as many times as William Jennings Bryan and has unfortunate anti-foreign, anti-immigrant, and anti-trade baggage weighing him down further. And besides, he shows no inclination to run.

That leaves Ron Paul, an articulate and attractive candidate with a national following that crosses the political spectrum. It's extremely unlikely that he can wrest the nomination from George W. Bush. But he might help expose Bush's nonsensical case for war and, in so doing, bring closer the day when America retreats from its imperial ambition, making itself — and the entire world — a freer, happier, and more prosperous place. And who knows? No one thought that Eugene McCarthy's quixotic challenge to Lyndon Johnson in 1968 had any chance of success. McCarthy didn't win the nomination, but he brought down LBJ and brought the end of the Vietnam war closer.

The last time I voted for a Republican presidential candidate was in 1968, when Richard Nixon had two libertarians among his closest advisors and I was yet to learn what a liar and hypocrite Nixon was. But I'd break that streak to vote for Ron Paul. — R. W. Bradford

Pyongyang's nuclear calling card — To understand what's going on in North Korea, which seems on the surface to be antagonizing the United States in a reckless and opportunistic fashion, it might be helpful to step back a bit and consider the recent history of the Korean peninsula. South Korea has grown into an economic powerhouse, while North Korea is still an isolated basket case that can get attention mainly by rattling its large and possibly nuclear but overall rather creaky saber.

In early February, the North Koreans announced that they were reactivating their nuclear facilities, which have been shut down since 1994 (although the regime has admitted it has carried on a secret program to make nuclear weapons). Then, the North Koreans blustered that, if the United States launched an attack on Pyongyang's nuclear facilities, it would trigger a "total war."

Since the South Korean capital, Seoul, is only 30 miles from the demilitarized zone and could be reached with artillery and, since North Korea in 1998 tested a missile that arched over Japan, both countries hope it's bluster and would prefer to defuse the situation. The United States is involved because we have 37,000 troops in South Korea and President Bush named North Korea as part of the "Axis of Evil." Also, the U.S. exposed North Korea's secret nuclear program last October without a game plan to deal with the consequences.

"What's really going on is the North's leaders are trying to come in from the cold without sparking a rebellion in which they lose their heads," Chalmers Johnson told me on the phone. He's a University of California emeritus professor of political science and Asia specialist whose recent book, *Blowback*, predicted many of the consequences of U.S. involvement in so many overseas squabbles. "North Korea fears the U.S. will come after them after it deals with Iraq, and wants, in its bizarre and clumsy fashion, to get U.S. attention and reach an accommodation," he said.

The U.S. has no good options, so it's time for a dramatic

move. We should quietly tell South Korea it can say that if North Korea behaves, the South will get U.S. troops — which function as a tripwire rather than effective defense anyway — off the peninsula. Then we can leave the problem of easing North Korea into the modern world to its neighbors.

— Alan W. Bock

Enlightened cynicism — I was leafing through my old copy of Bartlett's *Familiar Quotations*, looking for something else and there it was: the La Rochefoucauld page.

I hadn't seen La Rochefoucauld in quite a while. It was good to meet him again. He hadn't changed a bit. He was still the haughty Francois, Duc de La Rochefoucauld (1613–80), author of the *Maxims*, several hundred expressions of the cynical wisdom of the Enlightenment. He was still the author from whom good people shudder and turn away.

That's unfortunate for them. If they studied La Rochefoucauld, they might learn something about what naked goodness is up against, and arm themselves accordingly.

It's not a *bad* world that La Rochefoucauld describes. His idea that every "virtue" is associated with some "vice" can work both ways. Even hypocrisy has a relationship to something good: "Hypocrisy is the homage that vice pays to virtue."

As La Rochefoucauld advises, don't trust to the love of justice: "The love of justice is simply, in the majority of men, the fear of suffering injustice."

On the other hand: "The gratitude of most men is merely a secret desire to receive greater benefits."

Perhaps you don't like to hear that. But he has worse things to say: "True love is like ghosts, which everybody talks about and few have seen."

Would you be better off if you didn't consider that possibility? Perhaps you'd feel better. I know that I would. I also know that my sensitivities are wounded when I hear La Rochefoucauld say that "to succeed in the world, we do everything we can to appear successful." I would rather think that to succeed you just do a good job. It would be more pleasant, after all, to cherish the simple faith of the character in Conrad's *Secret Agent*, who "set before him a goal of power and prestige to be attained without the medium of arts, graces, tact, wealth — by sheer weight of merit alone." Before people act on such a faith, however, they should at least be warned that their tactics may not work. That's what La Rochefoucauld does. He provides the warning.

"I'm afraid I might get fired — the boss just found out that I work here."

While I'm praising him, I'll sound my own warning. He's not always right. I don't believe that "the understanding is always the dupe of the heart." There is such a thing as objectivity, and there are ways of arriving at it. I must admit, however, that the understanding usually has about as much chance with the heart as a ball of string when the cat gets it.

Some of the other maxims are doubtful or contradictory. It may be true that "we need greater virtues to sustain good fortune than bad." I suspect that it is. If you want moral instruction, you know instinctively that you're more likely to find it in people's deathbed scenes than in the amorous episodes of their 19th year. But it may also be true that "neither the sun nor death can be looked at steadily."

Then there are differences in interpretation. Maxims have to be interpreted in the light of one's own experience, and my experience sometimes differs significantly from that of La Rochefoucauld. When he says, "What men call friendship is only a reciprocal conciliation of interests, an exchange of good offices," and when he goes on to call it "a form of barter from which self-love always expects to gain something," I think he's right, but not in the way he thinks he is. He's thinking about people who abandon their friends when they no longer expect to gain any concrete rewards from them; I'm thinking about friends who stick by each other because they always expect to gain something of spiritual importance to themselves.

Yet his basic principle is right: there is an economy in friendship, just as there is an economy in everything else. I don't mind being told that my friends like me because I have something to offer them. That's a worthwhile addition to my own "self-love."

I also don't mind being told about certain personal characteristics that, my author insists, I share with everyone else. It may not be pleasant to learn some of these things, but if I'm going to navigate the shallows that lie within me, I need to know where they are. After a few sharp nudges from La Rochefoucauld, I'm prepared to admit that "we," meaning "I," "rarely find that people have good sense unless they agree with us," that "usually we praise only to be praised," and that "we would rather speak ill of ourselves than not talk about ourselves at all." The proof of that last saying is before you.

Of course, the strength of a maxim is the pleasure we get from the way it's put. That's what makes us willing to confront any critical message it delivers. If someone tells me, "You don't care how much I suffer! You don't feel bad about me at all!", I will tell him, in all seeming sincerity, that he's wrong. Of course I care. I care very much. Don't you accuse me of not caring. I care about your problems just as much as you do — you miserable piece of slime. But when La Rochefoucauld tells me, in his droll way, "We all have strength enough to endure the misfortunes of others," I

immediately succumb. "You're right!" I admit. "I have no empathy at all."

La Rochefoucauld is not especially fond of adverting to political issues, but when he does, he usually has something important to say. Libertarians often think of the Enlightenment, which was the cradle of our political conceptions, as a time of high idealism. Thomas Jefferson. Thomas Paine. The storming of the Bastille. But one reason why liberty was able to be born into the world was that people like La Rochefoucauld had shown that liberty was not simply a matter of high ideals. People had always cherished high ideals. Liberty could only be enjoyed when they came to terms with the fact that high ideals, in themselves, were as much the problem as the solution. Ideals had always been used as an excuse for destroying liberty. Only when ideals, as such, were distrusted could the necessary checks and balances be devised. As La Rochefoucauld advises, don't trust to the love of justice: "The love of justice is simply, in the majority of men, the fear of suffering injustice." When you understand that, you can start thinking, as the fathers of our constitution thought, about ways of turning the fear of suffering injustice into a basis of limited government and the system of equal justice it is capable of maintaining.

The cynical wisdom of the Enlightenment is not to be found only in La Rochefoucauld. You can find it in Adams, Hume, Chesterfield, Johnson, Smith; you can find it in the most brilliant commentary on the American form of government, Madison's tenth *Federalist* paper; and you can find it in the 20th-century libertarians who are most mindful of the Enlightenment — Garrett, Hayek, Paterson. If liberty finally got its start, it was because people like La Rochefoucauld prepared the way for it. If it is still alive, it is because other people understood how that way was prepared. Live in the world, these people say; but live with both eyes open.

— Stephen Cox

Hope for Libertarians? — For decades, Libertarians have been rolling out the same strategy: we'll nominate for president someone who is a good spokesman for libertarian thinking, we'll raise as much money as we can among ourselves, try to get as much publicity as possible — maybe this year we can get in the debates! — and hope to get enough votes to make somebody pay attention to us. Some years we get more votes than others, but no matter how hard we work, no matter how much money we spend, no matter what our choice for presidential candidate — a renegade Republican congressman, an unknown California attorney, an unknown former legislator from the nation's least populous state, a best-selling author whose last bestseller happened 25 years ago — we capture the votes of two or three or maybe four out of every 1,000 voters.

If you always do what you've always done, you'll always get what you've always got. That tired old adage may be obvious to everyone except those Libertarians who figure that in 2004 the LP should nominate a talk-show host or a guy who's run a couple of low-level races and garnered an embarrassingly small vote share, then raise as much money as we can, and try to get as many votes as possible. Who knows, we might get into the presidential debates!

That's why the emergence of two unannounced outsider candidates for the LP presidential nomination is so encouraging. L. Neil Smith, a science fiction writer from Colorado, is certainly different. He ably represents the flaky fringe of the party, with all its enthusiasm and wonderfully weird approaches to America's problems. (I remember his proposal that we threaten to bomb Iraq with pig urine during Gulf War I.) Smith is a smart and charming guy. I doubt he'd do any better than the more-of-the-same approach of the announced candidates, but it's hard to believe he could do appreciably worse. And his wit, charm, and radicalism might just attract some real support.

Jim Gray, a judge from Orange County in California and author of *Why Our Drug Laws Have Failed and What We Can Do About It*, proposes another approach: make the party the vehicle of protest against the War on Drugs. I've written and spoken on behalf of this notion for nearly a decade, so naturally I look upon Gray's candidacy with a lot of sympathy. The theory is that if the LP is ever going to get enough votes to be noticed, it must come up with a breakthrough issue, one that will motivate ordinary voters to abandon their habit of voting only for Republicans and Democrats and cast their ballots for a fringe candidate.

Surveys show that as many as a third of the voting population favors legalization of marijuana. Voters in seven states have legalized marijuana for people suffering from horrible diseases (only to have first a Democratic and then a Republican administration undo the laws at the point of the bayonet). Yet, except for a few radical Democrats representing university districts and maverick libertarian-Republican congresscritter Ron Paul, marijuana legalization is opposed by virtually every major party politician. Last I heard, there were a million Americans in jail for marijuana possession. They can't vote, but they all have families who would rather have them home. And only God knows how many parents suspect their teenage kids might be messing with marijuana — and don't want them arrested, or their own homes confiscated by the drug warriors.

The theories behind the candidacies of Smith and Gray are unproven. They may work, they may not. But unlike the theories behind the two announced candidates Gary Nolan and Michael Badnerik, these strategies have not been tried

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over and over again with a record of nothing but failure.

— R. W. Bradford

You can always tell a Harvard man —

I've read several autobiographies by Ivy-educated intellectuals of my generation with a certain empathetic interest, including David Horowitz's *Radical Son* (1997) and Victor Neiderhoffer's *The Education of a Speculator* (1996), and once thought about doing a collective review of them. Alston Chase's *Harvard and the Unabomber* (2003) is not an autobiography per se but a biography written by someone whose life was similar in several respects to his subject's. Though Chase is several years older than Ted Kaczynski, each graduated from Harvard, where their public school backgrounds made them feel socially alienated; each obtained doctorates elsewhere and became university professors before "throwing up," as the British would say, their tenure-track academic jobs to live sparely in the state of Montana. Though older than Ted Kaczynski, I went as a public-school boy to a nearby Ivy League college, where I, too, felt socially awkward, graduating, as Kaczynski did, in 1962 (when I returned to New York City, which I've scarcely left since); so the cultural world portrayed in this book's pages frequently corresponded to mine as well.

For example, Chase frequently notes the influence that Paul Goodman's *Growing Up Absurd* (1960) had upon Kaczynski and other undergraduate outsiders at the time, though it wasn't included in the curriculum. Its theme was identifying the oppressive "system," which was Goodman's all-purpose euphemism for inhumane institutions. (Apparently not literary, Chase misses the complementary influence of the Beat writers who were popular outside the classroom at that time.) Reading Goodman in the early '60s made me think that a life of self-employment would be best for me, though I later learned that my much-less-educated Levantine Jewish ancestors had always regarded working for anyone else as ipso facto "slavery." When asked for a superlative about myself for my class's 25th reunion booklet, I couldn't resist submitting "longest unemployed — $24^2/_3$ years."

Among the required readings in the Harvard General Curriculum taken by all undergraduates there in the late 1950s were the writings of Lewis Mumford (1895–1990), then renowned as an extraordinary self-educated polymath. While he was a good literary critic and a great architectural critic, he was also a Luddite who wrote *Technics and Civilization* (1934) and later portentous books critical of technology's impact upon people and society. After passing 40, Mumford lived not in New York City, where he was born and raised, but in an upstate hamlet named, no joke, Amenia. (Goodman, another native New Yorker, died young, not in the City but in northern Vermont.)

At Brown University, whose curriculum was thankfully less regimented, Mumford's advocate was an odd Viennese émigré trained as a mathematician (like Kaczynski) but with broader intellectual ambitions. Then named George W. Morgan, he taught a supra-departmental "University" course that claimed not to teach an identifiable subject but the *truth*. That has always been a dangerous move in any hierarchical, isolated community devoid, as Brown was, of worldly correctives.

Reluctant (or unable) to write and publish, Morgan cleverly restricted his seminar to only a select few, inevitably gathering an ambitious but unsophisticated group to hear his preachings. Needless to say, Mumford was Morgan's favorite living prophet. Since I learned early from anarchists such as Paul Goodman and Henry Miller to fear authoritarian preachers, I avoided this guy and have avoided Truthmen since. (Some of the best lessons learned at school are negative.) So prominent intellectually was Morgan at Brown four decades ago that I was surprised to find nothing — *nothing* — on him in a Google search, which has become the principal measure of cultural presence, not to mention immortality. Perhaps the ultimate fate of minor Luddites is Internet invisibility. Whether any Morganites became rural recluses I do not know. His mentor Mumford, who currently scores a respectable 15,000 Google hits, now strikes me as a fool who was incidentally a truly awesome architectural critic.

One truth that should not be missed is that t(pr)eaching has always been more serious at Ivy League schools, no less at Brown than Harvard, in part because students are thought to be more impressionable to ideas and more likely to have intellectual careers. A professor who moved from Princeton to a branch of CUNY once told me that his students at the former became lawyers whom he would later meet in his professional life; his former students at Lehman College in the Bronx became taxi-drivers whom he would subsequently meet in his social life.

In addition to dubious intellectual influences, Kaczynski suffered from becoming a paid guinea pig in experiments conducted by Henry Murray, perhaps the most distinguished American academic psychologist of his time and a close friend of Mumford. (My most significant other met them, both together and apart, at Harvard in the mid-60s when her father was the Norton Professor of Poetry.) With wisdom gained by time and research, though limited by Harvard's continued refusal to release all relevant papers, Chase portrays Henry Murray as a manipulative Svengali who not only gladly peddled his intelligence to governmental agencies, including the CIA (which established a whole division reflecting his influence), but whose "research" wrecked individual lives, including Kaczynski's. "Was his motivation not perhaps science at all," Chase warns, "but what Germans call schadenfreude — taking pleasure in others' discomfort?" An amphetamine dependency contributed to Murray's operational self-confidence.

Kaczynski's Luddite readings at Harvard were not enough to make a Unabomber, Chase suggests, nor was his social alienation there as a kind of proto-nerd. The catalyst was Henry Murray. One truth is that, then and probably now, Harvard is no less devoid of pernicious academics — no less a part of the academic "system" — than, say, Podunk U. After all, other young men at Harvard around the same time were among the first Americans to take LSD. Parents who congratulate themselves on the superficial "success" of their children are, like Kaczynski's, unlikely to identify dangers.

Indeed, one recurring theme of this book is the stupidity of many accredited psychologists, especially those who allowed their hypotheses about the Unabomber to be quoted (and thus published) before his capture. "The psychological profilers repeatedly vacillated," Chase writes. "At first, they described the killer as an obsessive-compulsive white man

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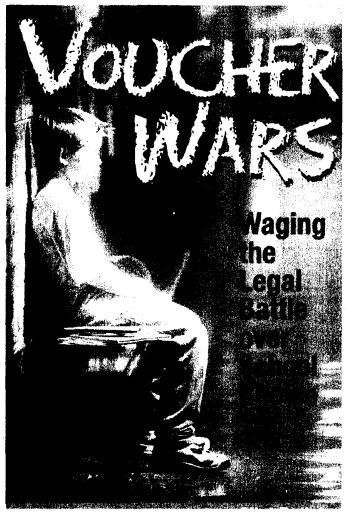

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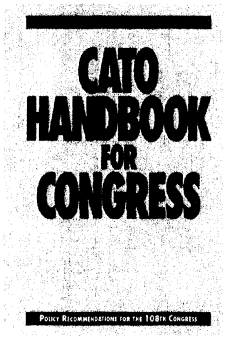

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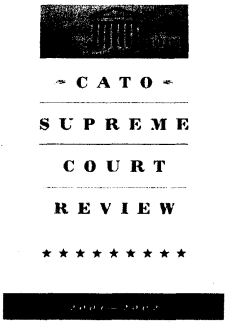

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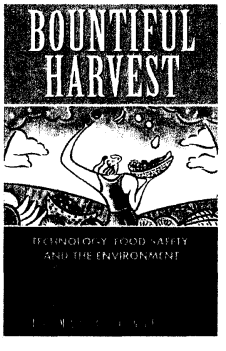

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who had a string of menial jobs, moving frequently. Given his evident talent at constructing bombs, they theorized he may have been a carpenter or machinist, and an extremely neat dresser. Later, they surmised he might be a college professor." To Chase, Kaczynski was less congenitally crazy than the victim of bad ideas and bad people. A third factor, no doubt more persuasive to some than others, was misfortune in his rare relations with women.

Chase's book inadvertently portrays the underside of Ivy alumni — the bright guys who wouldn't be remembered in the alumni magazines, some of whom left the visible workaday world to pursue their visions. The classmate who remembered Kaczynski best at the time of his arrest was a middling poet named Gerald Burns, another public-school alumnus, also class of 1962, who died in 1997 in Portland while working as a dishwasher at Arby's and a clerk in an independent bookstore. Another classmate of theirs was an aspiring novelist in downtown Manhattan three decades ago. I recall him boasting that he would give his fiction only to "major publishers," which was his mistake, because most of his literary contemporaries who survived decades later favored smaller publishers. The last I heard this sometime "writer" was living modestly along the coast of Maine. A third classmate is an orchestra conductor who graduated with a magna in history and literature, perhaps the most prestigious humanities major, but now works mostly as a midweek proofreader at Standard and Poor's in New York. Though Harvard degrees might bring advantages to most alumni, they were, in the arts at least, finally not enough.

Kaczynski spent nearly 20 years — literally the best years of his life — in high-minded terrorizing. Rather than give up his Luddite mission and perhaps live the remainder of his life in a Montana cabin of 120 square feet, he sought influence — rather, *influence*. He so clearly believed in the press he was generating that with the false promise to desist from additional bombings he could intimidate national newspapers into publishing his manifesto. Once his words appeared in print, his younger brother could tell the authorities who authored them and exactly where to find him. So serious was the older Kaczynski about his Luddite ideas that, once arrested, he refused to accept the insanity defense proposed by his initial lawyers. To his death, no doubt, he will be a Harvard boy.

— Richard Kostelanetz

Fly the monopolistic skies — There was a time in the mid-20th century when the only U.S. flag carrier internationally was Pan American World Airways. If you flew over the Pacific, there was no choice. You could only fly on the wings of Pan Am. Pan Am was a price-fixing cartel of one, subject only to the politicized restraints of the federal government. This was good news to Pan Am executives and maybe their employees, a group of people numbering 10,000 at most. But it was bad news to millions of people: makers of airplanes, business travelers, adventure travelers, tourists, and anyone involved in the tourist trade. Opening the airways over the Pacific to competition allowed opportunities and cheap tickets to flourish, thereby benefitting the millions.

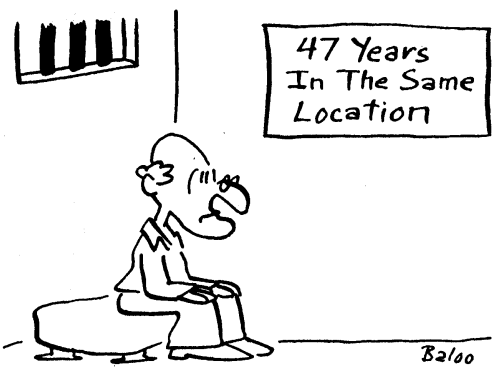

Time and the preponderance of beneficiaries are the great allies of free markets, especially in a democracy — a system that enthrones majority rule. Sooner or later those millions who love authentic Peking duck, surfing in Maui, want to see family in Shanghai, or build airplanes for Boeing — they will outvote the several thousand executives, employees, and majority shareholders of Pan Am. Pain for few, pleasure for many.

Granted, economic justice took several decades, but eventually the law of large numbers prevailed: not directly in a plebiscite on the governmental perversion that constrained a free market airline network, but recognition by politicians of the political benefits to be gained by rewarding many and penalizing few.

Now consider what happens in a non-democratic country like China. The overlords of a billion Chinese have made a frightening discovery: their subjects, despite decades of torture by radio, TV, marketplace walls, truck-borne loudspeakers, pamphlets, political telemarketers, skywriters, and specially-trained parrots strategically placed in the home of key community leaders, are unmoved. The typical Chinese buyer is as frugal as his American counterpart. He prefers to pay, say two yuan rather than three or more yuan for a bowl of rice flavored with a spoonful of sesame oil and a few chunks of marinated pork. And the same attitude prevails toward airline tickets. Shocked bureaucrats are certain of this phenomenon because, springing up like weeds in a formal garden, are discounters of tickets. Thriving discounters who wantonly violate the government guidelines on ticket prices. Did I mention that most of the airlines that buzz in Chinese skies are government owned? Well, they are. This means that ticket discounters, though they befriend the consumer, are enemies of the state.

The state policy of China, unmindful of popularity and the law of large numbers, is to keep ticket prices high. Consequently, the state airlines, they figure, will grow financially robust and eventually be able to compete internationally. It's classic protectionism; shelter for the frail, indigenous infant. Nurture the incubated industry with artificially high prices. Sooner or later, goes the script, it will bless it's overcharged victims with jobs and pay heavy taxes to the state. Eventually, all will benefit. But initially, it's pain for many, pleasure for few. That's the plan. And in a regulated society when the will of the people is replaced by a central planning office, it shall be done.

According to news reports, those discounters (who, like their entrepreneurial U.S. comrades, want to get rich by offering cheap tickets) will face criminal penalties. If the authorities believe that will work, we ought to send over a few hundred fast-talking American salesmen who offer a heck of a bargain on an aged, but well known bridge in Brooklyn.

—Ted Roberts

Gulf War II

The Costs of Victory Over Saddam

by R. W. Bradford

By the time this issue reaches its readers, the United States will have invaded Iraq.

In this special section, Liberty *examines the cost of the war, the motives of the warmongers, the sad state of the anti-war movement, and the conduct of the war.*

The U.S. will be at war by the time this magazine reaches you. President Bush has promised us war by March 19, unless Saddam Hussein resigns or is booted out of office by his own military, and neither seems likely. Like it or not, Saddam appears to remain in firm control of the military and shows little inclination to resign and face an American firing squad.

Normally, I don't put a lot of confidence in the promises of politicians, but George W. seems bound and determined to invade Iraq, no matter what the consequences.

America's invasion of Iraq will have enormous impact on our lives. Already, it has cost us billions of dollars in increased defense spending: the cost of sending troops to the area and returning them, without including the cost of the war itself, is already $23 billion. The Congressional Budget Office (CBO) estimates the cost of fighting the war at $14 billion the first month and $8 billion per month after that. Occupying Iraq will run at least $12 billion a year, and may run many times that figure. No one knows how long the occupation will last.

All this occurs in the context of an exploding budget deficit, which the CBO estimates will add $1.8 trillion to the national debt in the next ten years, providing that we do not invade Iraq, all the 2001 tax cuts are allowed to expire, no further tax cuts are enacted, spending increases merely keep pace with inflation, and Bush's Medicare expansion is not enacted. (If this last measure is enacted, in ten years, the annual cost of that program will be about $1.7 trillion per year, or about $6,000 for every man, woman, and child in the country.) Health and Human Services Secretary Tommy Thompson has admitted that the Bush proposal will "hasten the program's slide toward insolvency," reports the *Washington Post*.

But the president plans to expand spending even more. If his defense spending bills are enacted — and they are going to have to be, if we are going to invade the other members of the "Axis of Evil" — we will soon be spending

more than we did at the peak of Ronald Reagan's Cold War defense buildup.

To keep the national debt from growing to absurd levels, Bush must either increase taxes or crank up the printing presses at the Bureau of Engraving and Printing. Inflation is the dirtiest and sneakiest tax of all, robbing the elderly of their savings, turning generation against generation, and increasing the cost of capital (thereby, hurting productivity). Either way, you and I will pay.

The war on Iraq is a new government program, and as with most new government programs, its advocates have misrepresented its costs.

Of course, it is far from certain that the war will go as planned.

There is a word for what you're doing when you invade another country and maintain control indefinitely by force of arms, even if you say you're doing it to "build democracy." That word is imperialism. And if there's one lesson that we should learn from the 20th century, it is that imperialism doesn't work.

Consider how the century began. Over half the world's territory was controlled by three great European empires: Britain, France, and Russia. Europe also had another great power, Germany, which aspired to become a genuinely imperial power.

In 1914 World War I began, with Germany and a few pitiful allies pitted against the three great empires and their allies. Within three years, the three great empires were at the point of losing the war. It was only the intervention of the United States, still a free republic, despite its tiny overseas empire (Hawaii, the Philippines, Puerto Rico, and a few flyspeck islands), that saved the allies. The war destroyed one of the huge empires, Russia, replacing it with a brutal communist dictatorship, and left Britain and France scarred forever.

Germany rose again against the same empires, and again, it was the intervention of the United States that saved them. Even so, long before the century ended, Britain and France had lost their empires and become minor powers, while Germany and the U.S. — the same two powers that had never put together an empire — were the world's economic powerhouses.

Of course, the 20th century's experience isn't unique. Other conquerors have had the same problem: just look at what happened to the empires of Napoleon, Alexander the Great, and just about every great empire ever assembled. (Okay, I'll admit that the Roman Empire lasted a lot longer. It's the proverbial exception that proves the rule.) If you want to understand why empires virtually never last, read *The God of the Machine*, Isabel Paterson's idiosyncratic but brilliant 1943 book on war and empire.

How will the war go? I don't think anyone really knows. Many people believe our technological advantage is so great that we will simply invade and slaughter, in the manner of the Battle of Omdurman in 1896, where a technologically superior British army killed 10,000 Muslims while suffering only 48 casualties. They may very well be right.

But the problem the U.S. faces is not the cost or casualties of the war. It is the cost and casualties of the peace. The invasion and conquest of Iraq may very well lead to a protracted occupation that will make the U.S. occupation of South Vietnam seem like a Sunday school picnic.

Please don't misunderstand what I'm saying here. I think Saddam is a terrible dictator, and it would be a wonderful thing if he were replaced and democracy blossomed in the desert of Iraq. The question is: just how much are we willing to pay to get rid of him? Is it worth the lives of thousands of American men and women? Is it worth severe damage to the economy and to our way of life? Is it worth the surrender of our civil liberties and property rights?

There's another important question: can we build a liberal democratic society in Afghanistan or Iraq? In the other members of Bush's hallucinated "Axis of Evil," North Korea and Iran? In all the other dictatorships of the world? In any of them? And, if it is possible to build democracy, can it be built on the foundation of invasion, conquest and slaughter?

These are questions for the American people to answer, through their elected representatives. Right now, most Americans don't seem to be very worried about the costs. The war on Iraq is a new government program, and as with most new government programs, its advocates have misrepresented its costs.

Back when I was in high school, the Democrats ran television ads showing a man putting a dime in a pay phone to make a telephone call, while the announcer explained that that dime was what Medicare will cost each American per month. That was what we were told in 1965. Now, as soon as Bush's new expansion of Medicare is implemented, every American — every man, woman, child, and babe in arms — will pay an average of $500 per month for Medicare and allied programs.

To keep the national debt from growing to absurd levels, Bush must either increase taxes or crank up the printing presses at the Bureau of Engraving and Printing.

I remember that dime and that commercial when I hear White House budget chief Mitchell E. Daniels Jr. say that he is not worried about "today's deficits, and tomorrow's for that matter."

Maybe invasion is the only way to deal with Saddam. Maybe it's worth impoverishing ourselves and losing our freedom to get rid of him. But let's not underestimate the costs of the war, or of Bush's other huge expansions of government power. ❑

Gulf War II

Meanwhile, on the Anti-War Front

by Stephen Cox

The only trouble with the anti-war movement is that it's populated with left-wing twits.

In recent months, as I've watched the small fluctuations in the opinion polls regarding public attitudes toward the president's handling of Iraq, I've often wondered how different the numbers might be if the anti-war movement were not, in essence, an anti-Bush, anti-Republican movement. Each day, I receive a torrent of anti-war emails; each day, I hear anti-war speeches on television and radio. The great majority of these messages are mere diatribes or rants, shrieks of anger against the president. They take for granted all the notions they need to prove: the idea that Bush is provoking war simply to grab Near East oil; the idea that he is "fixated" and "obsessed" with "world domination"; the idea that he is a "racist" who nonchalantly "plans to kill 500,000 Iraqi children," and many ideas of like temper.

None of this rhetoric surfaced in response to President Clinton's attacks on Iraq, Somalia, Haiti, or Yugoslavia. On those occasions, in fact, very little anti-war rhetoric surfaced at all, except as emitted by the stray libertarian or conservative isolationist. I cannot recall a single Democratic congressman showing up on TV to tell us that war never solved anything, or to ask how many children must be killed before the president had his way. This says something about the tendency of domestic politics to drive foreign politics in the United States. To realize that if Bush were in favor of abortion and against school prayer and capital punishment, millions of anti-war voices would be hushed — that is a strange realization, and an ominous one, no matter what you think of the specific merits of the case for attacking Iraq.

More clearly than ever before, I believe, the great liability of the anti-war movement is . . . the anti-war movement. It is a movement that programmatically refuses to separate itself from radical left-wing sentiment. As far as I can tell, the leaders of the great majority of public demonstrations are motivated by the agenda of the hard left and are using Bush's preparations for war against Iraq (overtly a fascist dictatorship) as an exhilarating new way of combatting capitalism and the Republican Party. When Sean Hannity and Alan Colmes interviewed two leaders of the recent school walkout-in-protest-of, one of the two responded to questions about what kind of war he *would* support by listing World War II (of course) and Castro's revolution (oh, really?). The other one sat listening with an inane smile on his face. Of course, the whole idea of walking out of high school and college classes to protest a war is incomprehensible except in terms of a protest against established institutions that is merely adopting one particular war as an excuse.

It's not just the organization of the anti-war movement that's in question. It's the disreputable character of its personnel. The Senate's great spouter of anti-war views is Teddy Kennedy, that lifelong apostle of peace and exemplar of human dignity. The media's great exponents of pacifism are a little mob of Hollywood stars who think that the way to stop war is to get their followers to jam congressional offices with calls and faxes, thus relieving themselves of the inconvenience of showing up in person to display

their self-righteousness. When two Los Angeles radio guys urged their listeners to retaliate by doing the same thing to the business offices of the stars, they were threatened with legal action to get the FCC to prevent them from mounting such protests. Thus do the important people in Hollywood defend (other) Americans' right to dissent and engage in peaceful, though annoying, protest.

Oh, I see. Writing a shelf of insipid historical novels and catty books of essays constitutes proof of seniority in the Americanism department.

No, I'm not talking about any of the good arguments against this war, or war in general. I may not buy them all, but they certainly exist. You'd never know it, though, once the current anti-war gang got going. The text of their little drama is so contemptible — a mishmash of sentiments about war always being the worst option (again, oh really?), predictions of calamity, and the aforementioned slanders of Bush — that one immediately turns to the subtext. In most cases, this is the argument that we, or at least I, am obviously smarter than you, or at least he (the president), so therefore I should be running the country and determining its foreign policy. There is no other way to explain Senator Kennedy's remarks, ever. There is no other way to explain the angry prattle that one hears on NPR and PBS. And there is no other way to explain such phenomena as . . . Gore Vidal.

Can there really be such a person? Listening to him being interviewed, one weighs the odds, and considers it probable that there isn't one. An opportunity to do so occurred on March 5, when the real or supposed Vidal visited Alan Colmes' radio show. Colmes, a modern-liberal opponent of the war, kept trying to make sense of what Gore was saying, and Gore kept preventing him from making any. Gore's theme was the stupidity or evil of the president; his evidence was the allegation that no fighter planes were scrambled on 9/11 until after all the damage had been done. This isn't true, but never mind — what was his point? He refused to say that he was accusing Bush of being the kind of leader who plots to destroy the lives of thousands of fellow-citizens in order to concoct a crisis in foreign affairs. Oh, no, he wasn't saying that. He wasn't one of "you people" (journalists) who know nothing of "fact" and deal only in "opinion." Well, Colmes asked, aren't you giving us your opinion? No, I'm giving you the facts. But aren't you suggesting an opinion? No, just the facts. But aren't you *insinuating* an opinion? No! No! No! Well, then, why are you on my show?

One thing led to another, and Vidal announced that he, Vidal, had always been a good American, better than "most other people" in this country. Curiously, Colmes then accused him of arrogance, to which accusation he replied, "I've spent my whole life writing about America." Oh, I see. Writing a shelf of insipid historical novels and catty books of essays constitutes proof of seniority in the Americanism department. When callers finally intervened in the by-then very embittered discussion, it emerged that Vidal's alleged facts about the airplanes weren't facts at all. But that didn't matter: *he* was still correct, in his own eyes.

With opponents like that, is it any wonder, any wonder at all, that the president does so well in the polls? ❑

What's cash got to do with it? — At the brink of war a new theory arose to explain why George W. Bush wanted to invade Iraq: to protect the dollar as the world's reserve currency. Saddam Hussein threatened the hegemony of the dollar, the theory went, by pricing his oil in euros.

There is a certain type of mind that leaps for the "insider" explanation, available only to those in the know. It is the type of mind that thinks it is sophisticated to say, "always follow the money." Not that they follow it, only that they say that.

The earlier assertion of that type was that war was about oil. Bush had been an oilman (sort of) and Cheney had run an oil-services company. The invasion must be about "control" of Iraqi oil.

What would that mean? Without a war, America had already limited the amount of oil Iraq could sell. Did an invasion mean taking the oil, selling it and keeping the money? That was not something America was likely to do. It would cost more politically than it would pay and no precedent for this type of action had been set.

But this currency explanation — that was even cooler, because it was less obvious. Not that it stood up to even the first barrage of questioning.

Was Iraq important enough to influence the value of the dollar?

What country had ever strengthened its currency by starting a war? Would an addition of $100 billion or $200 billion to the U.S. national debt, on top of rock-bottom interest rates, strengthen the currency?

Could it be that Bush pretended to care about terrorism and "weapons of mass destruction," but that in private what really got his goat was Saddam's preference for the euro?

I recall the Nixon tapes. These reached right through the fog of public relations and spun to what the chief executive was thinking. And he was not thinking of currencies.

When H. R. Haldeman brought up the plight of the lira, Nixon snapped, "I don't give a shit about the Italian lira." It was the only mention of currencies that I remember from the tapes. Nixon was not interested in currencies. He was thinking about squeezing North Vietnam for political concessions. He was thinking about who was going to win, and who was going to get credit. That is what war is about. Not money.

— Bruce Ramsey

Gulf War II

The Logic of War

by Stefan B. Herpel

There are many reasons that a country wages war; the official reason, the real reason, and the myriad explanations given to sell the former and obscure the latter.

If the war hasn't started by the time this issue of *Liberty* hits the newsstand, it likely will start very soon thereafter. We have had a lot of time to think about and digest the administration's arguments for war, and it is important, I think, to try to determine what has really driven the thinking of American policymakers.

Whatever one may think about the merits of past American military engagements, history suggests that official reasons for war frequently do not correspond to the actual reasons. Government has often relied on various forms of deception to build public support for, or overcome public opposition to, war. There are typically two parts to the official deception. One is to conceal the factors that are really driving the war policy. The other is to emphasize considerations that are invalid or, while conceivably valid, are in fact of little or no importance to the policymakers themselves.

Generally, an attempt to analyze what is really driving a government's war decision will not, by itself, provide a basis for assessing the necessity or morality of the war. Once the real reasons for a war are discerned, they may turn out to be valid, despite their concealment by the government. Likewise, the reasons the government has disingenuously offered to the public to justify the war may actually have merit, despite the fact that policymakers have privately rejected them. One can imagine, for example, a government dominated by policymakers of a realpolitik mindset rejecting as irrelevant a humanitarian argument for war, while invoking that argument in its public pronouncements precisely because it knows it will appeal to a certain segment of the population, thereby expanding the base of public support for the war. Even so, if the government is not telling the truth about its reasons for embarking on something as important as war, we ought to know about it.

George Kennan, the venerable historian and diplomat, recently observed that, because of all of the unforeseeable consequences that wars inevitably have, the prejudice in the current age should always be against war, as long as there is some peaceful policy option. My own view has been that the known risks and costs of a second Gulf War plainly outweigh its benefits, and that a continuation of the policies of containment and deterrence (with an inspection regime) is preferable to war.

Lately, however, I have wondered whether there is a need to revisit my utilitarian calculus, as the distance we have advanced toward war and the implications of reversing course at this late stage are immense.

After threatening for more than a year to remove Hussein by force, and after having moved more than 200,000 troops into the region, pulling back now, in the midst of anti-war protests here and around the globe, will likely embolden our adversaries and cause allies in dangerous regions of the world to re-evaluate their ties with the U.S.

Let's consider the situation, and the reasoning that we are faced with.

The Official Reasons for Gulf War II

1. The Alleged Link Between al Qaeda and Saddam Hussein

The administration has repeatedly stressed the connection between Hussein and al Qaeda. A link between a secular Muslim government like Hussein's, which has executed mullahs, and a fundamentalist organization like bin Laden's has always seemed suspect. If there were truly a link, revealing it

would be a powerful way to galvanize public support for a war, because of the fear and sense of vulnerability engendered by Sept. 11. But the administration has notably failed to support this charge with credible evidence.

The claim that the government floated for months in late 2001 and 2002 was that Mohammed Atta, the chief hijacker in the 9/11 attacks, had met secretly with an Iraqi intelligence agent in Prague in April 2001. The CIA at some point concluded that this claim could not be corroborated, and government officials eventually stopped talking about the alleged meeting without ever acknowledging the lack of reliable evidence to support it.

Governments have long relied on various forms of deception to build public support for or overcome public opposition to war.

In his speech before the United Nations on February 6, Secretary of State Powell offered different evidence in an attempt to substantiate his claim of a "sinister nexus between Iraq and the al Qaeda terrorist network." This time, the principal evidence concerned a terrorist named Abu Musab Zarqawi and a terrorist organization, Ansar al-Islam. Powell claimed that Iraq was harboring "a deadly terrorist network headed by Zarqawi, an associate and collaborator of Osama bin Laden and his al Qaeda lieutenants." During his speech, the secretary also showed a photograph of what he said was a chemical and explosives factory being operated by the terrorist organization Ansar al-Islam in a Kurdish area of northeastern Iraq. According to Powell, the organization has ties to the regime in Iraq and has given sanctuary to al Qaeda operatives who fled during the war in Afghanistan.

This was an important speech and there is every reason to believe that Powell was making the Bush administration's best case for a connection between Hussein and bin Laden's group. But at least two significant weaknesses in the secretary's case were quickly exposed. Ansar al-Islam is an organization that has engaged in terrorist acts in Kurdistan, and is intent on replacing the two dominant political factions in Kurdistan, the KUP, and the KDP. A *New York Times* article that appeared the day after Powell's speech quoted a senior official of the KUP, who was said to be familiar with intelligence on Ansar al-Islam, as saying he did not "know anything about this compound." The article also reported that Kurds pointed out that Khurmal, the village named on the photo, was not controlled by Ansar al-Islam, but was instead controlled by Komala Islami Kurdistan, a more moderate Islamic group. Moreover, if there is a chemical plant in that part of Iraq, the secretary did not explain why the U.S. had not "taken it out," especially given the close relationship the U.S. has with the Kurdish leadership in Kurdistan and its continuing overflight operations in northern Iraq.

As for the allegations regarding Zarqawi, CIA Director George Tenet, offering Congressional testimony on February 12, qualified much of what Powell had said or implied in his U.N. speech. Tenet said that Zarqawi was not "under the control" of Hussein. He indicated that Zarqawi took money from bin Laden, but also that Zarqawi and al Qaeda were independent.

Kenneth Pollack, the former Clinton administration official who advocates the war option, acknowledged last year in *The Threatening Storm: the Case for Invading Iraq*, a book that is drawing praise from both supporters and opponents of the war, that, so far as we can tell, any ties between bin Laden's group and Hussein are "tenuous and inconsequential." Secretary Powell offered nothing in his speech of February 6 that would warrant a different conclusion. Indeed, the secretary's new evidence of a link was, at best, only marginally better than the earlier evidence.

It is, of course, possible, as President Bush has stated, that at some time "Iraq could decide . . . to provide a biological or chemical weapon to a terrorist group or individual terrorists." Hussein *could* sell or give away weapons of mass destruction to al Qaeda, despite their ideological and political antagonism. But it also *possible* that other states, states that are more active in the arms trade than Iraq, such as Iran, North Korea, and China, could transfer WMD or important components used to manufacture them.

In any event, what is pertinent is not the existence of a possibility, but rather our best assessment of its probability. Pollack, who maintains that "terrorism is the least of the threats posed by Iraq to the interests of the United States," argues persuasively that this is unlikely. He notes that Saddam has distanced himself from international terrorist groups in the last two decades "because he cannot be certain how they will act and how their actions will affect his own security." This concern would be "ten times" greater if WMD were involved, Pollack says, which explains why, to the best of our knowledge, Saddam has never previously made such weapons available to terrorist groups. Indeed, Pollack contends, Saddam knows that if the United States were to "tie [him] to an act of terrorism conducted with WMD, he would pay an exorbitant cost for it."

Because of all of the unforeseeable consequences that wars inevitably have, our prejudice should always be against war as long as there remain peaceful policy options.

Removing Hussein from power would indeed make it practically impossible for him to transfer WMD to any terrorist organization in the future. But it simply does not make sense to think that our policymakers have chosen war for the purpose of eliminating an unlikely possibility, especially given all the known risks and direct costs (between $100 and $200 billion, by most estimates) of a second Gulf War, which include some of the very risks the war is ostensibly designed to prevent. As former NATO Supreme Commander General Wesley Clark recently observed, if our military action divests Saddam of effective control over his own WMD before U.S. forces have an opportunity to assert control, the chemical

Gulf War II

and biological weapons that he surely still possesses could fall into terrorist hands. Another risk is that Saddam will be driven into an unholy tactical alliance with al Qaeda, and that terrorist attacks will be launched to coincide with a war. There is also a risk that while Saddam is going down to defeat, he will launch a missile with a chemical warhead into Israel, prompting Israel to strike back with WMD of its own, or that Hussein will use biological or chemical weapons against Shiite or Kurdish populations in Iraq.

There are, of course, additional known risks other than those the war is supposedly being waged to prevent. One is that Hussein could destroy infrastructure, including oil wells and related equipment, during an attack. Another is that war could inspire the overthrow of moderate Arab states, or lead to inter-ethnic fighting in Iraq of the kind that occurred in Yugoslavia following the fall of its strongman, Tito. The veteran journalist Arnaud de Borchgrave, who knows Pakistan well, has said that a second Gulf War could even lead to a breakup of Pakistan, with anybody's guess as to who would end up with control of that country's significant arsenal of nuclear weapons. Perhaps the most serious risk to the West, which I happen to think is a virtual certainty, is that war will lead to increased anti-Americanism in Muslim populations and to more terrorism against Americans and their interests. Bassam Tibi, a moderate Muslim scholar who teaches in Germany, argued persuasively in his 1997 book, *The Challenge of Fundamentalism*, that the first Gulf War led to a dramatic increase in militant Islamic fundamentalism. And we know that the first Gulf War was a major inspiration to bin Laden and his network in their jihad against the West. A second Gulf War, whose objective of regime change is far more ambitious than that of Gulf War I, will likely lead to even greater radicalization of Muslim populations throughout the world.

In short, in light of all of the known risks of this war, it is not plausible that the mere possibility of WMD transfer to al Qaeda has motivated policymakers in the Bush administration to embrace the war option.

Nevertheless, the government's statements regarding ties between al Qaeda and Hussein appear to have had the desired effect on public opinion. A Knight-Ridder poll conducted in early January of this year showed that 65% of respondents believed that Iraq and al Qaeda "are allied and working together to plan new acts of terrorism." That belief has even colored public views of who was responsible for the Sept. 11 attacks. Despite the fact that fifteen of the hijackers were Saudis and none of the remaining four were Iraqis, 21% of the respondents in that same poll believed that most of the 9/11 hijackers were Iraqi citizens, 23% believed that some of them were, and 6% believed that one of them was. A New York Times/CBS News poll conducted in early March of this year revealed that 45% of the respondents believed that Saddam Hussein was "personally involved" in the attacks on the Pentagon and World Trade Center.

2. Iraq's Military Threat to the U.S. and its Allies in the Gulf

President Bush has pressed the case for war by saying that "the Iraqi dictator must not be permitted to threaten America and the world with horrible poisons and diseases and gases and atomic weapons." The idea of Saddam acquiring a nuclear weapon is not a salutary prospect. But the notion that the acquisition of a limited nuclear capacity would pose a direct military threat to the U.S. is not credible. Nor would Saddam pose such a threat even if he were eventually to develop nuclear weapons with sufficient range to reach the U.S. Just as leaders of the Soviet Union understood the consequences of initiating the use of nuclear weapons, so Saddam would have to know that any nuclear attack against the U.S. would be met with overwhelming retaliation.

While President Bush has suggested that the only conceivable reason Saddam wants a nuclear weapon is to use it, this is an obvious fallacy. There are undoubtedly regional reasons why Saddam wants such weapons — Israel has many nukes and Iraq's arch enemy Iran is closer to development of a nuclear weapon than Iraq is — and nuclear weapons would enhance Saddam's prestige in the Arab word. We know from the history of the Soviet Union during the Cold War that having a large arsenal of weapons does not necessarily carry with it an intent to use them against a foreign adversary. Acquiring one or two nuclear weapons would give Saddam greater influence over other Gulf states (some of them our allies), but there is little chance that he would actually use the weapons against any neighboring state unless he were attacked first with similar weapons.

A link between a secular Muslim government like Hussein's, which has executed mullahs, and a fundamentalist organization like bin Laden's has always been dubious.

3. Iraq's Violation of U.N. Resolutions

This issue requires little comment. The Security Council declared in Resolution 1441 (2002) that Iraq was in violation of Resolution 687 (1991), which, among other things, required Iraq to provide an accurate and complete disclosure of all aspects of its programs to develop weapons of mass destruction. There is no doubt that Iraq has violated that resolution. But there are many countries that are in violation of U.N. resolutions, including Turkey, Morocco, and Israel, and those violations are seemingly of little or no importance to the U.S.

There are two other considerations that suggest that Hussein's violation of U.N. Resolutions is not what is driving American policy. When President Bush and other officials first broached the subject of war, they made clear that its purpose was to effect regime change in Iraq, and not merely to coerce Saddam into behaving differently (as was done in Gulf War I). While regime change could presumably be authorized by the United Nations if that were deemed necessary to compel compliance with earlier U.N. resolutions, deciding beforehand to use such a drastic remedy demonstrated that the Bush administration had embarked on

a policy that was completely divorced from the legal framework of the U.N. President Bush ultimately made a decision to attempt to seek U.N. Security Council approval for a war, but the fact that he came to this decision late, and has since made it clear that the U.S. will go to war with or without U.N. approval, means that the institutional imperatives of the United Nations will be observed when it is in the interests of the U.S. to do so, and disregarded when it is not.

4. Humanitarian Reasons

Saddam Hussein is undeniably a brutal despot, presiding over a cruel and repressive regime. President Bush has suggested that removal of Hussein would improve the lot of his people:

> On Saddam Hussein's orders, opponents have been decapitated, wives and mothers of political opponents have been systematically raped as a method of intimidation, and political prisoners have been forced to watch their own children being tortured. America believes that all people are entitled to hope and human rights, to the non-negotiable demands of human dignity. . . . Our demands are directed only at the regime that enslaves [the Iraqi people] and threatens us. When these demands are met, the first and greatest benefit will come to Iraqi men, women and children. The oppression of Kurds, Assyrians, Turkomens, Shi'a, Sunnis and others will be lifted. The long captivity of Iraq will end, and an era of new hope will begin.

Even in the speech from which these remarks were taken, however, they were offered as an afterthought, not as a principal reason for going to war with Iraq, and that is how they are usually presented. In any event, there are many cruel and terrible dictators in the world, and many regimes that treat their citizens miserably. One thinks immediately of the Sudanese government, which since 1984 has waged a terrible war in the South (only recently halted by an uneasy truce) that has claimed more than a million of its citizens' lives. Charles Taylor, the leader of Liberia, has not only been a brutal despot in his own country, he also sponsored the rebels in neighboring Sierra Leone, whose main method of terror was to hack off the limbs of civilians, including children. There has been no talk by this administration of regime change in the Sudan or Liberia. In short, the lot of Iraqis may be improved by Gulf War II, depending on how the war is conducted and its aftermath, but this is not a consideration that provides an important motivation to American policymakers.

The Actual Reasons for War

1. Oil Security

Administration officials are quick to denounce any implication that oil is a factor. For example, Richard Perle, the chairman of the administration's Defense Policy Board, said recently, "I find the accusation that this administration has embarked upon this policy for oil to be an outrageous, scurrilous charge." Secretary of Defense Donald Rumsfeld said in an interview with Al-Jazeera, the Arab television network, that suggestions that oil is behind U.S. policy are "[u]tter nonsense." The secretary added, "This is not about oil, and anyone who thinks it is is badly misunderstanding the situation." The suggestion that it is "outrageous," "scurrilous" or "utter nonsense" to claim that oil is a factor is sheer hyperbole. After all, in *A World Transformed*, a 1998 book co-authored by the first President Bush and Brent Scowcroft, his National Security Advisor, Scowcroft justified the first Gulf War by saying that our "vital interests" were such that "we couldn't possibly allow Iraq a stranglehold over the oil supplies of the industrialized economies." Bush I echoed that point by alluding to the "economic stakes of Iraq's invasion," which he described as flowing from "the economic impact of Saddam's control of so much of the world's oil supply."

In a poll conducted just before Bush's final deadline for invasion, 45% of Americans believed that Saddam Hussein was "personally involved" in the attacks on the Pentagon and World Trade Center.

But there are compelling reasons to believe that oil is no less important to Gulf War II than it was to Gulf War I. Kenneth Pollack, the former Clinton administration official who is a proponent of war, has not been as reticent as administration officials in citing concerns about oil supplies and prices as a primary reason for waging Gulf War II. In *The Threatening Storm*, Pollack contends that Saddam hopes to use the acquisition of nuclear weapons to fulfill his goal of "call[ing] the shots in a grand Arab coalition" of Middle Eastern states. Pollack believes that if Saddam were to achieve his goal of "dominance of the Gulf oil region and its oil supplies," that "would constitute a dire threat to U.S. national security."

"Oops! I think we just took out Paris!"

Gulf War II

Saddam "threatens the economic health of the world," Pollack argues, "because all of the evidence we have suggests that if [he] controls the Gulf oil fields, he will use this power to advance Iraq's political interests, even to the detriment of its economic interests and the world's." He would "be willing to cut or even halt oil exports whenever it suited him [in order] to force concessions from his fellow Arabs, Europe, the United States, or the world as a whole." Pollack goes so far as to claim that if Saddam were to attain that kind of dominance over the other oil-producing states in the Mideast, the result could be a "new Great Depression."

Plainly, the oil motive is a plausible one, especially for those decision-makers within the administration who believe that, if Saddam were to dominate the Gulf region, he could cause oil to be used as an economic weapon against the U.S. and the West. There is evidence that points to oil as a principal factor underlying the administration's Gulf War II policy. As reported by the Columbia University economist Jeffrey Sachs and others, the James A. Baker III Institute for Public Policy of Rice University completed a study (together with the Council on Foreign Relations) in April 2001, which was reportedly presented to Vice President Dick Cheney, who was then heading the Energy Policy Development Group (also known as the "Energy Task Force"). The study, which was entitled "Strategic Energy Policy Challenges for the 21st Century," concludes, for a variety of supply and demand side reasons, that the energy sector is in "critical condition" and predicts that an energy crisis, not unlike that of the early 1970s, "could erupt at any time." The Baker Institute study notes that the U.S. "has forged a special relationship with certain key Middle East exporters, which . . . we assumed, would adjust their oil output to keep prices at levels that would neither discourage global economic growth nor fuel inflation." The pre-Sept. 11 study suggests that those assumptions might no longer be justified because "[t]hese Gulf allies are finding their domestic and foreign policy interests increasingly at odds with U.S. strategic considerations, especially as Arab-Israeli tensions flare."

The most serious risk to the West is that war will lead to increased anti-Americanism in Muslim populations and to more terrorism against Americans.

The Baker Institute study emphasizes the importance of two Gulf states to any future energy problems — Saudi Arabia and Iraq. Saudi Arabia is the world's largest exporter of oil and has the world's largest known reserves. Iraq, even with U.N. and multilateral sanctions in place, is still one of the largest exporters and, at 112 billion barrels, has the second largest known reserves. The study emphasizes that Saudi Arabia has been our key oil ally but indicates that its ability to remain cooperative on oil pricing and supply is questionable, in part because of the actions of Iraq, our principal oil adversary:

> Iran and Iraq accuse Saudi Arabia of seeking higher production rates to accommodate the economic interests of the United States, Japan, and Europe at the expense of the needs of local populations, creating internal pressures in the Arabian Gulf region against a moderate price stance. Bitter perceptions in the Arab world that the United States has not been evenhanded in brokering peace negotiations between Israel and the Palestinians have exacerbated these pressures on Saudi Arabia and other Gulf Cooperation Council countries and given political leverage to Iraq's Saddam Hussein to lobby for support among the Arab world's populations.

But Iraq has done more than just impose political pressure on Saudi Arabia and our other oil allies in the region. According to the Baker Institute study, it has periodically elected not to sell all the oil it could in an attempt to drive crude prices higher, and it has otherwise "demonstrated a willingness to threaten to use the oil weapon." While Saudi Arabia has thwarted those efforts, the study concludes that its continuing ability or willingness to do so cannot be taken for granted:

Saddam has distanced himself from international terrorist groups because he cannot be certain how they will act and how their actions will affect his own security.

> Over the past year, Iraq has effectively become a swing producer, turning its taps on and off when it has felt such action was in its strategic interest to do so. Saudi Arabia has proven willing to provide replacement supplies to the market when Iraqi exports have been reduced. This role has been extremely important in avoiding greater market volatility and in countering Iraq's efforts to take advantage of the oil market's structure. Saudi Arabia's role in this needs to be preserved, and should not be taken for granted. There is domestic pressure on the GCC leaders to reject cooperation to cool oil markets during times of shortfall in Iraqi oil production. These populations are dissatisfied with the "no-fly-zone" bombing and the sanctions regime against Iraq, perceived U.S. bias in the Arab-Israeli peace process, and lack of domestic economic pressures [on the U.S.].

The Baker Institute study reports that Saddam has also been engaged in a "clever public relations campaign" designed to link Arab oil policy with the Arab-Israeli conflict, and to "stir up anti-American sentiment inside and outside the Middle East." Saddam has succeeded to some extent in "recast[ing] himself as the champion of the Palestinian cause . . . among young Palestinians."

Finally, the study recognizes that the U.N. and multilateral sanctions imposed on Iraq have created a policy dilemma for the U.S. On the one hand, sanctions (especially prohibitions on foreign investment in Iraq) have "had a severe effect on potential Iraq production," and relaxing them would "quickly add capacity to world oil markets." On

the other hand, allowing more Iraqi oil to come to market would "encourage Saddam Hussein to boast of his 'victory' against the United States, fuel his ambitions, and potentially strengthen his regime." Saddam could use oil revenues to build weapons of mass destruction, which would make him even more powerful in the region. The study does not discuss war as an option, and instead recommends an easing of sanctions coupled with "highly focused and enforced sanctions that target the regime's ability to maintain and acquire weapons of mass destruction."

Vice President Cheney's Energy Task Force issued a report on May 17, 2001 which is known as the "National Energy Policy." That report, like the Baker Institute study, emphasizes the idea that America is now facing "the most serious energy shortage since the oil embargoes of the 1970s," and warns of more serious energy problems in the future that, if left unsolved, "will inevitably undermine our economy, our standard of living, and our national security." The portion of the "National Energy Policy" report dealing with international issues of energy policy describes Saudi Arabia as having been "a linchpin of supply reliability to world oil markets," but does not mention concerns about the future dependability of Saudi Arabia that were evident.

It is not plausible that the mere possibility of weapons transfers to al Qaeda has motivated the Bush administration to embrace the war option.

While it would have been impolitic for the Bush administration to voice those concerns publicly, it is easy to imagine hard-headed realists in the administration like Cheney and Rumsfeld entertaining them. It should be remembered that Cheney and Rumsfeld were serving in high-level positions in the Ford administration when the Arab oil embargo wreaked havoc on our economy and contributed to Gerald Ford's defeat in the 1976 presidential election.

The "National Energy Policy" report does not mention Iraq by name, but it plainly recognizes the policy dilemma posed by the U.N. sanctions regarding Iraqi oil exports and foreign investment, and recommends a policy review of sanctions with respect to their impact on U.S. "energy security." In addition, it acknowledges that another policy challenge is posed by the periodic efforts of OPEC to cut back on exports and cause an artificial rise in price, without mentioning Iraq's role in those actions. Again, one can easily imagine Cheney and Rumsfeld sharing the Baker Institute's view that those actions of OPEC are, in part, the result of pressure from Iraq, which has attempted to exploit the widespread belief in the people of the Arab states that the U.S. is not being evenhanded in the Israeli-Palestinian conflict.

The report also observes that by 2020, "Gulf oil producers are projected to supply between 54 and 67 percent of the world's oil." As such, it concludes, this region will "remain vital to U.S. interests"and to "world oil security," and the Gulf will therefore "be a primary focus of U.S. international energy policy."

The Sept. 11 attacks would have provided an impetus — and a political opportunity — to go to war over oil security issues of the kind described only five months earlier in the Baker Institute study. Following the attacks on the World Trade Center and the Pentagon, concerns about the dependability of Saudi Arabia as an oil ally could only have intensified as the role of bin Laden and other Saudi nationals in both the hijackings and the funding and promotion of militant Islamic fundamentalism generally, became increasingly clear. Meanwhile, the administration appeared to reject one of the principal oil policy prescriptions of the Baker Institute study — the recommendation that the U.S. make serious efforts to defuse tensions in the Arab-Israeli conflict. If anything, those tensions have been allowed to worsen since President Bush assumed office. With that policy option ruled out, the most important remaining proposal of the Baker Institute study was the recommendation to phase out oil-related sanctions against Iraq, a proposal that would have had the undesirable effect of strengthening Hussein politically and militarily in the Gulf region.

Removing Hussein by force and replacing him with a friendly regime offered some clear advantages over relaxation of sanctions. War would simultaneously eliminate our principal oil adversary and create a new oil ally to supplement or perhaps replace the questionable Saudis. Iraqi oil could be tapped and brought to market without fear that it would strengthen an unfriendly regime and lead to greater use of the oil weapon against the West. And the level of public fear that was engendered by 9/11 would make it far easier to sell a war to the public than before, at least if it was pitched as something necessary to combat terrorism.

One lesson learned from the first Gulf War was that oil and its effects on the economy did not sell. In *A World Transformed*, the first President Bush and Brent Scowcroft acknowledged the public relations disaster caused by Secretary of State James Baker's statement in November 1990 that the reason we were prepared to fight Gulf War I was "jobs, jobs, jobs." Concern about pitching Gulf War II in this way would be even greater today, because this time Hussein has done nothing nearly as conspicuous as invading a neighbor state.

2. Protection of Israel

Another factor driving this war is the belief that it will promote Israel's security interests. A recent article in the *Washington Post* reported that supporters of Ariel Sharon believe he and Bush have "the closest relationship in decades, perhaps ever, between a U.S. president and an Israeli [head of] government." Sharon has made no secret of his desire for regime change in Baghdad, describing it as of "vital importance." And he and Bush are also in agreement with the policies that Sharon's Likud government has been pursuing with respect to the Palestinians.

A number of Bush's neoconservative advisers, including Defense Policy Board Chairman Richard Perle and Deputy Secretary of Defense Paul Wolfowitz, are longstanding hawks on the Israeli-Palestinian conflict and strong advocates of regime change in Iraq. According to a report in the *Washington Post*, Perle was part of a study group that, in

Gulf War II

1996, proposed to Israel's then prime minister, Benjamin Netanyahu, that he abandon the Oslo peace accords and reject the idea of trading "land for peace." The *Post* quoted the study group as recommending that Israel should "focus on removing Saddam Hussein from power in Iraq."

Stanley Hoffmann, a distinguished Harvard historian, has been particularly blunt in his criticism of the influence of this faction in the administration, insofar as it tends to view Israel's interests as coinciding with those of the U.S.:

And finally there is a loose collection of friends of Israel, who believe in the identity of interests between the Jewish state and the United States — two democracies that, they say, are both surrounded by foes and both forced to rely on military power to survive. These analysts look at foreign policy through the lens of one dominant concern: is it good or bad for Israel? Since that nation's founding in 1948, these thinkers have never been in very good odor at the State Department, but now they are well ensconced in the Pentagon, around such strategists as Paul Wolfowitz, Richard Perle and Douglas Feith.

Disconnect

by Bruce Ramsey

The feeling of being isolated, not personally but politically, began for me Sept. 11, 2001, and has grown worse. I had supported George W. Bush, even argued for him in these pages, and held out some hope for his time in power. By late summer 2001 he had just pushed through his cut in income and inheritance taxes, and had continued to support individual accounts within Social Security. I liked that.

On Sept. 11 it was as if someone had gone down into the cellar, retrieved an old war movie, and said, "Attention everybody. Now we're gonna watch this." Pundits noted how George W. Bush was so presidential. Well, he was. He knew what to do.

So did the conservatives. I still shake my head at how the conservatives — not the stupid ones, but the smart ones — joined the parade at the first flag unfurling. They had no doubts about a War on Terror. A police action against al Qaeda I could understand. But a War on Terror? A war on militant Islam? A war to politically reconstruct the Middle East? What the hell?

The conservatives marched away. Their radio talk shows, to which I tuned regularly, are now war, war, war, all the time, and a disgusting mockery of the French as "cheese-eating surrender monkeys."

The left is saying what I am saying if you stop at the first slogan, "No Iraq War." I have one of those signs in my window. But I am not one of them. Never have been.

I focus in and out of the news in a dispirited way. It is daily minutiae of a dull game — votes in the Security Council, what the French said, whether Saddam has violated U.N. resolution something-or-other, what Hans Blix said, blah blah blah. Everything the inspectors find is a reason for war and everything they don't find is a reason for war. There is no focus on essential questions.

Recently I saw a story about the missiles that Iraq had not given up. The TV showed several of these white-finned cylinders, perhaps two feet in diameter, stacked on the back of a truck. No mention of the range. Three newspaper accounts later, I found their suspected range, 93 miles.

Iraq has missiles that go 93 miles. Well.

Then there is all the talk of "weapons of mass destruction." The announcers no longer say what sort of weapons those are, but I remember they are chemical, biological, and nuclear, and I am cynical about why such radically dissimilar things are put in a common category, and given that particular name. I am skeptical of whether any of them is a threat to me.

I listen to my president and he says he must disarm Iraq to protect the United States. I don't believe him. I didn't believe everything my government said before, but I did, in fact, believe many things it said. Now I find that some of the things Saddam Hussein's government says actually make more sense, and that is not a comforting thought.

I see American troops, young and robust, eating their pouches of hot jambalaya. They are my country's soldiers. I don't want them killed. And yet I don't yearn for their triumphal entry into Baghdad because I don't want them to be in Baghdad. I think of the taking of Seoul by the Marines in 1950, half a century ago, and that American troops are still in Korea, and that their being there is part of a whole other problem that I might be thinking about.

I think of a cold beer.

Sharon and the neoconservatives in the administration not only believe that removal of Hussein will greatly reduce a significant security threat to Israel, but also reportedly would like to see democracy established in Iraq, in an attempt to promote it elsewhere in the Gulf. They believe that, because democracies are less likely to be hostile in their foreign relations than dictatorships are, democratization of Iraq and other Arab states would be beneficial for Israel.

If this view actually carried the day within the administration, then the establishment of democracy in Iraq could be viewed at least as a subsidiary motive for the war policy. But in contrast to the views of the neoconservative faction in the Pentagon, many in the State Department doubt that democracy can be readily established in Iraq or other Middle Eastern countries because the political traditions in those nations are so antagonistic to it. They also believe that, even if conditions allowed for the establishment of democracy, there is a very real risk that militant fundamentalists could win power in democratic elections in most of the Arab states. Lending credence to that fear, Arnaud de Borchgrave has reported that "two highly placed Saudi non-royals" told him that, if free elections were held in Saudi Arabia today, and bin Laden were running for prime minister, he would "win in a landslide."

The State Department view (and the presumed view of Cheney and Rumsfeld) has apparently prevailed, as the Bush administration announced recently that a post-War Iraq would be ruled by a U.S. military government for two years following the war. The plan, reportedly, is to remove the top echelon of the Baath Party leadership of Iraq, while leaving the rest more or less in place under U.S. military rule. In the end, the establishment of democracy in Iraq does not seem to have assumed importance even as a secondary factor underlying U.S. war policy.

3. Preserving American Credibility

Richard Perle and others have stressed that maintenance of U.S. credibility absolutely requires that we wage war if Hussein does not comply with our demands. If the U.S. backs down now, in the face of protests here and in Western Europe, our adversaries will be emboldened, and our allies will no longer regard us as dependable. Likewise, retired General Wesley Clark, who was opposed to the run-up to war with Iraq, now says that we have gone so far in threatening war and moving troops into position that we have to engage in war to preserve credibility.

"You may have already won the war . . ."

This, however, is probably a superfluous factor to those who have supported war from the start for other reasons. Indeed, some commentators have implied that Perle and other advisors may have intended from the beginning to create a situation in which the credibility argument could be convincingly invoked.

Of course, those opponents of war who regard the U.S. as a "rogue superpower" will not be concerned about any damage to U.S. credibility that would result from a pullback of our forces.

4. Politics

The political climate created by Sept. 11 made this war possible. Without Sept. 11, the U.S. almost surely would have continued to address the problem of Saddam with some version of the containment and deterrence measures it had been using since Gulf War I, perhaps combined with some easing of foreign investment prohibitions in Iraq. It is also likely that the ability to fight Gulf War II with an all-volunteer military, as opposed to a draft, has contributed to public support for the war.

Without Sept. 11, the U.S. almost surely would have continued to address the problem of Saddam with the containment and deterrence measures it had been using since Gulf War I.

Author and political commentator Joe Klein goes further than this, suggesting that one political angle to the war is "the Karl Roveian hope that all those perplexed elderly Jewish Pat Buchanan voters will butterfly over to the Republican column in 2004." Others have suggested that the real Roveian hope is that the war will deflect attention from the administration's failure to capture bin Laden in the year and a half after the president said he would get him "dead or alive," and its failure to address the more urgent situation in Pakistan, where al Qaeda cells are freely operating and, according to some captured al Qaeda fighters, working to develop chemical weapons and rudimentary nuclear devices, and where some 11,000 madrassas are still teaching 750,000 Pakistani boys that "jihad is the noblest of human endeavors." Rove would not be doing his job if he were not considering the political advantages of a second Gulf War, but it is hard to assess the extent to which such considerations may be driving policy.

If Gulf War II is won quickly and with a minimum of casualties on both sides, the divergence between the government's stated reasons for going to war and the real reasons will become less important even to people who are aware that there is a difference. That, in my view, would be unfortunate. A government that deceives the people about something as important as war cannot be trusted to tell the truth during times of peace. ❑

Gulf War II

The New Terrorists

by R .W. Bradford

It's a whole new world.

I first became aware of the profound evil of totalitarianism when, as a child, I learned how the Nazis and Communists treated the people they captured. They held their prisoners in secret locations, depriving them of what they were used to and comfortable with: food, sleep, water, knowledge of time, and whether it was day or night.

They played on their prisoners' secret and darkest fears, used physical force against them, made them wear black hoods, held them in "stress" positions for hours on end, gave them "encouragement" to talk by pistol whipping them and even, in some cases, by capturing their children to provide them with an incentive to talk.

Not a pretty picture. Enough to convince me of the perfidy of the Communist and Nazi brutes who terrorized the world only a couple generations ago.

How does it look when the inquisitors are not Communists or Nazis, but contemporary Americans?

Every phrase I've used to describe totalitarian treatment of captives is a direct quotation from a *Wall Street Journal* article titled, "How Do U.S. Interrogators Make a Captured Terrorist Talk?" (March 4). All these tactics are legal, a White House spokesman told the *Journal*, because "al Qaeda prisoners are 'unlawful combatants' who enjoy neither constitutional rights nor the protections of the Geneva Convention, which govern treatments of enemy soldiers."

"The standard for any type of interrogation of somebody in American custody is to be humane and to follow all international laws and accords dealing with this type of subject," Bush spokesman Ari Fleischer said on March 3. "That is precisely what has been happening and exactly what will happen."

Just what do "international laws and accords" keep a government from doing to a prisoner? Well, there are two things that are prohibited by the UN Convention on Torture: inflicting "severe" pain or suffering or transferring a prisoner to a jurisdiction that inflicts "severe" pain or suffering.

What does this mean in practical terms? "You're just limited by your imagination," explained a person identified by the *Journal* as a "U.S. law enforcement official," because the treaty has no enforcement mechanism.

But there's one other thing the administration won't be able do: it won't take the prisoners to the U.S. or to "someplace like Spain or Germany or France" or "near a place where he has Miranda rights or the equivalent of them," a "senior federal law-enforcer" told the *Journal*.

But should our forces capture enemies at all? Within the administration, there "has never been any consensus [on whether to kill or capture] because it's such a sticky issue," one Bush administration official told the *Journal*.

Some officials think shooting them down in cold blood is a bad idea. "Look, even if we think it's unlikely [the captive] would talk," an FBI official told the *Journal*, "we don't necessarily know that." But, the *Journal* reported, killing them on sight also has strong support within the administration. Some officials argue that our forces should simply kill terrorists, without making any attempt to capture them, especially if the captives are well-known, because holding them would run the risk that a public outcry would arise to let the prisoner have his day in court.

Although the Bush administration has said that prisoners will eventually be tried by "military tribunals," no tribunals have actually been set up, and officials fear that actually trying the prisoners might bring bad publicity.

The Pentagon has said that the tribunals will be run by three to seven military officers, who will have the power to close the proceedings and withhold evidence from the defendant. The defendant cannot be compelled to testify in court, but the testimony he makes while being questioned — that is, being held in a "stress" position, being denied food and sleep, being beaten ("a little bit of smacky-face," is the way one government interrogator put it), being blindfolded and reminded that their captors also hold their children and being threatened to be sent to a country where actual "severe" torture can be used to make them talk — is admissible. And the defendant has the right to attorney of his own choice, provided the attorney is a U.S. citizen with a security clearance. And after the detainee is convicted, he has the right to "make a statement" before he is sentenced.

It's a good thing that this is a government of laws, not of men. Only Yahweh knows how we'd treat these prisoners if we were a dictatorship, like Hitler's Germany or Stalin's Russia. ❑

Bust out the duct tape! — So, U.S. Defense Secretary Donald Rumsfeld created trouble for British Prime Minister Tony Blair — inadvertently or not, who can be expected to tell — by commenting that the U.S. could take Iraq all by itself, with or without British troops. Antiwar Brits pounced on the comment and suggested the British troops already there should come home and study war no more.

It's not that it isn't fun sometimes to hear Don Rumsfeld talk — he's often candid and has less concern about whom he might offend with an occasional indiscreet comment than most boring government officials. But sometimes he might do well to put a sock in it. Or perhaps Tom Ridge can finally find a use for some of that famous duct tape. — Alan W. Bock

Hardly unique — It is almost universally said and believed that the current war is unique in American history, because America is attacking first, instead of responding to attack.

You may regard this as bad or good, but it's not true.

It wasn't a British attack that initiated the War of 1812; it was a decision of the American leadership, led by the so-called War Hawks. It wasn't a German attack that initiated America's entry into World War I; it was a decision by President Wilson. And it wasn't a Spanish attack that initiated the Spanish-American War. Spain was trying to appease the United States, which insisted on going to war.

Don't be misled. History didn't start today.

— Stephen Cox

An oily theory — It's fun to say the war in Iraq (I'll assume it's underway by the time this sees print) is all about oil. While there will almost certainly be beneficiaries of a war with Iraq that puts the U.S. in charge of the oilfields — and most of the beneficiaries will be U.S. and British companies, with the Russians, Chinese, and French frozen out — going to war for oil is hardly an efficient way to get cheap oil. If we really wanted cheap and abundant supplies the best bet would be to declare peace and open trade. War might redistribute the beneficiaries of oil (at the expense of American taxpayers and American military personnel) but it won't make oil cheaper or more abundant. I suspect the war is really about projecting American power, increasing American influence, protecting Israel, and positioning the United States to go after the next target in the War on Terror. And I find that prospect a lot more chilling, frightening, and potentially destabilizing than a crude scramble for crude that seems to some war opponents the essence of evil.

— Alan W. Bock

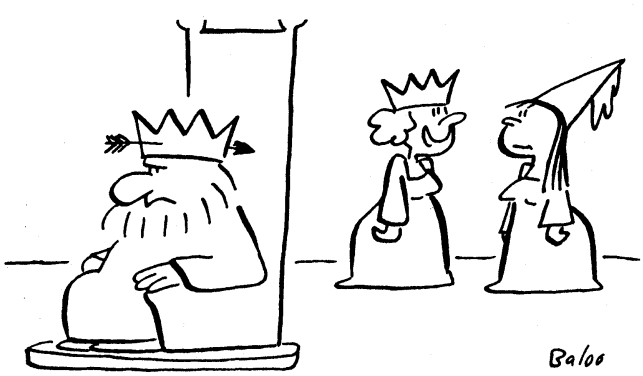

"His new belly dancer turned out to be from an Iraqi hit squad."

Top 10 Reasons to Conquer the World — A number of people who call themselves libertarians are arguing that many benefits will accrue if the United States government attacks Iraq. Prevent future terrorist attacks. Stop the diffusion of weapons of mass destruction. Save the poor Iraqis from a nasty dictator. Make the world safe for democracy. That sort of thing.

I don't know why they stop with just Iraq. Seems to me these people should have the courage of their convictions. The following is a brief list of some of the many benefits that will accrue if the United States government simply takes over the entire world:

1. Stop the threat of Islam easily, by having Congress declare it a cult and ending mosques' tax-exempt status.
2. Eliminates the unpatriotic option of "America: Love It or Leave It."
3. Easier to justify all those American troops around the globe.
4. No more need to suck up to the French.
5. Everyone could benefit from Social Security.
6. How else to pay for prescription drugs for seniors?
7. Current federal budget spread out among all those new taxpayers equals lower taxes!
8. Inspiring words of Emma Lazarus . . . "Give me your poor, your weary, yearning to breath free . . ." achieved automatically.
9. No more foreign wars.
10. Less chance Florida would decide presidential elections.

— Ross Levatter

Essay

Dismalization

by Timothy Sandefur

We can't abolish slavery or do stem-cell research or have gay marriage because these things treat people as "mere" agents and ignore the "higher" things of social belonging.

About a year ago, I had an after-dinner conversation with a conservative (drunk, of course, as so many conservatives like to be after dinner — *beer good, marijuana bad!*), on the subject of the libertarian view of marriage. We had begun by talking about homosexual marriage, but, as usual, he trotted out the standard and comforting lie that libertarians don't care about moral things. In particular, he was mortified at my speaking of marriage as a type of contract. "You mean, you think marriage is a *contract?*" he asked. "Like when I hire a plumber to fix my toilet?" Of course, he chose the toilet because he wanted to choose something distasteful; one might point out that a contract to pay a heart surgeon to do bypass surgery on you is also a contract, like when you hire a plumber to fix your toilet. (William Blackstone spoke of marriage as a contract, as did Edward Coke. Indeed, it was not until the 11th century that marriage became a sacrament of the Christian church.)

Since then, I have continued to reflect on this "mere contract" notion. It's an incident of something I think I'll call "dismalization." I'm not an economist, but I know enough economics to confuse laymen. I do know that economics is a fascinating science, providing profound insights into both social institutions and the behaviors of individuals. And yet it is often called the "dismal" science. Not long ago, Eugene Volokh pointed out that this term originated in Thomas Carlyle's 1853 pro-slavery pamphlet, *Occasional Discourse on the Nigger Question* (sic):

> Truly, my philanthropic friends, Exeter Hall philanthropy [i.e., abolitionism] is wonderful; and the social science — not a "gay science," but a rueful — which finds the secret of this universe in "supply and demand," and reduces the duty of human governors to that of letting men alone, is also wonderful. Not a "gay science," I should say, like some we have heard of; no, a dreary, desolate and, indeed, quite abject and distressing one; what we might call, by way of eminence, the dismal science. These two, Exeter Hall philanthropy and the Dismal Science, led by any sacred cause of black emancipation, or the like, to fall in love and make a wedding of it — will give birth to progenies and prodigies: dark extensive moon-calves, unnameable abortions, wide-coiled monstrosities, such as the world has not seen hitherto!

Now, consider what this passage is saying. Economics is "dismal" because it treats individuals as "mere" economic agents, rather than recognizing the social bonds that connect these individuals — the social bond, in this instance, being slavery. Slavery is more essentially human, more meaningful, in some visceral, organic, essential sense. An economic interpretation of human behavior, by contrast, is somehow *inhuman* — "atomistic" — ignoring some qualitatively superior principle which "makes us human." This principle is never defined and, indeed, people such as the conservative with whom I was conversing would say it cannot be defined, because it exists on a higher plane than mere social sciences.

Lest it be thought that I exaggerate, consider the following from federal Court of Appeals judge and former member of Congress Abner Mikva. Asked to write a foreword for a law review symposium on public choice theory, Mikva produced a surprisingly bitter attack on the articles in the symposium. He wrote:

> Mathematics has always held a strong allure for many social scientists, whether they be economists, lawyers, or political scientists. There is something so orderly about a discipline that has precise, finite, dependable, predictable answers to almost all of its problems. . . . Despite its seductiveness, however, the postulates of mathematics usually provide only fool's gold for human problems.
>
> I think back on the emotional stimuli that I have experienced in my policymaking days — anger, love, envy, hope, optimism, pessimism, fear, worry, compassion, sternness, a sense of history, despair for tomorrow, and a sense of *déjà vu*. I was not and am not unique. Most policymakers are driven by these emotions in conflict. Because, unlike decisions in the economic sphere, policymaking is not one-dimensional, it cannot be charted on a graph. Until the day when our governmental institutions are run by machines, instead of people, I do not believe theories like those of the public choice model adequately explain the way our government works. Until we start voting for the computer, I will dissent from the public choice advocates.

Economics is "dismal" because it treats individuals as "mere" economic agents, rather than recognizing the social bonds that connect these individuals.

Put aside the suggestion that perhaps what's wrong with our country is precisely that our politicians make their decisions on the basis of *emotional stimuli*, instead of logic, reason, or science. What's more interesting is that Mikva does not directly attack the economic methodology or the validity of the conclusions. His point is that the very *idea* of describing legislative behavior from the perspective of public choice theory is itself invalid, because it overlooks some human essence. It's wrong because it's demeaning.

A true economist would respond with the (doubtless correct) economic explanation that it is to Mikva's advantage, as a federal judge and a former legislator, to believe his actions are inexplicable from the perspective of public choice theory, which views political conflict as a struggle to take over bureaucracies for self-interested reasons; something Mikva himself would call shabby. But I find it more interesting how his attitude toward economics parallels the criticisms that Stephen Jay Gould frequently leveled against evolutionary psychology. Like Mikva, Gould called Richard Dawkins' theories "reductionistic" and demeaning, and when Dawkins demanded a specific critique of his methods or conclusions, Gould never proffered any: he simply continued shouting "reductionism!" to the end of his life.

I won't suggest an economic explanation for the theme I see in these three things, but a memetic explanation instead (which would doubtless have irritated Gould). There's an advantage to a meme which can convince its host that it's more noble in some indefinable sense. A meme for "dismalization" benefits from the fact that the explanations of economists and evolutionary theorists are generally made in boring classrooms and libraries, while the romanticization of, for instance, slavery, can take advantage of the rush of adrenalin and vigor of witnessing an event up-close, and so forth — the "blood and iron" factor. Take an example from C.P. Snow's *The Two Cultures*, when he quotes a passage from D.H. Lawrence, who is, in turn, commenting on a passage from Dana's *Two Years Before The Mast*, in which a sailor named Sam is flogged by his captain. Lustily describing Sam's flowing blood, Lawrence concludes, "The Captain has a new relief, a new ease in his authority, and a sore heart. There is a new equilibrium, and a fresh start. The physical intelligence of Sam is restored, the turgidity is relieved from the veins of the Captain. It is a natural form of human coition, interchange. It is good for Sam to be flogged."

Lawrence feels some sort of energetic thrill from the physical savagery of the beating — a sexual thrill, even; he describes it as "coition." I don't mean to say that Lawrence is an inhuman monster; on the contrary, I think everybody feels, to some minor degree, an attraction to certain savage thrills. As Conrad wrote in *Heart of Darkness*, "Yes, it was ugly enough; but if you were man enough you would admit to yourself that there was in you just the faintest trace of a response to the terrible frankness of that noise." Perhaps this attraction really is some vestige of our animal ancestry. I don't know. But I do find it interesting that the appeal to dismalism is usually made in defense of older, traditional, socially-accepted things. One rarely hears the reverse: arguments for *innovation* made on the grounds that the *status quo* is somehow "dismal" while the innovation, whatever it might be, is somehow "more human." Instead, it's usually in defense of old traditions — and almost always, traditions which lack any other conceivable defense — that one hears the dismalist argument. We can't have gay marriage, because gay marriage treats marriage like a "mere" contract, which is dismal. We can't abolish slavery because it treats people like atomistic individuals, ignoring social connections, which is dismal. We can't have laissez-faire capitalism, or stem-cell research, or just compensation for regulatory takings, because these things treat people as "mere agents," as "isolated individuals," and ignore the "higher things" of social belonging, or the "needs of living in a society," and so on and so forth. Mikva, Gould and the rest use dismalism to preserve the ghost in the machine, either to protect "human dignity," their own vanity, or political institutions that lack any valid defense. ❑

Statists denounce dismalism to protect their own vanity and political institutions that lack any valid defense.

Call to Arms

How to Win the Drug War

by James Gray

The drug war has trampled our liberties, broken up families, and done nothing to stop the flow of illegal drugs. So how can people of good will end this pernicious war?

For more than two decades I was a soldier in the War on Drugs. In the course of my career, I have helped put drug users and dealers in jail; I have presided over the breakup of families; I have followed the laws of my state and have seen their results.

At one point, I held the record for the largest drug prosecution in the Los Angeles area: 75 kilos of heroin, which was and is a lot of narcotics. But today the record is 18 tons. I have prosecuted some people, and later sentenced others, to long terms in prison for drug offenses, and would do so again. But it has not done any good. I have concluded that we would be in much better shape if we could somehow take the profit out of the drug trade. Truly, the drugs are dangerous, but it is the drug money that is turning a disease into a plague.

I saw the heartbreaking results of drug prohibition too many times in my own courtroom. I saw children tempted by adults to become involved in drug trafficking for $50 in cash, a lot of money to a youngster in the inner city, or almost anywhere else. Once the child's reliability has been established in his roles as a lookout or gofer, he is trusted to sell small amounts of drugs. Of course, that results in greater profits both for the adult dealer and his protégé. The children sell these drugs, not to adults, but to their peers, thus recruiting more children into a life of taking and selling drugs. I saw this repeated again and again. Like others in the court system, I didn't talk about it.

More than once, I saw a single mother who made a big mistake: she chose the wrong boyfriend, a drug dealer. One day, he offered her $400 to carry a particular package across town and give it to a fellow dealer. She strongly suspected that it contained drugs, but she needed the money to pay her rent. So she did it. And she was arrested, convicted, and sentenced to five years in prison for the transportation of cocaine. Since the mother legally abandoned her children because she could not take care of them, they all came to me, in juvenile court, to be dealt with as abused and neglected children.

I tell these mothers that unless they are really lucky and have a close personal friend or family member that is both willing and able to take care of their children until they are released from custody, their children will probably be adopted by somebody else. That is usually enough to make a mother hysterical.

Taxpayers shouldn't be very happy, either. Not only does it cost about $25,000 to keep the mother in prison for the next year; it also costs about $5,000 per month to keep a child in a group home until adoption. For a family of three, that means that our local government has to spend about $145,000 of taxpayer money for the first year simply to separate a mother from her children. And it falls upon me to enforce this result. I do it, because I am required by my oath of office to follow the law. But there came a time when I could be quiet about this terrible situation no longer.

I concluded that helping to repeal drug prohibition was the best and most lasting gift I could make to my country.

On April 8, 1992, I held a press conference outside the Courthouse in Santa Ana and recommended that we as a country investigate the possibility of change.

Since that time, I have spoken on this subject as often as possible, consistent with getting my cases tried. Most people listen; some agree, and others still want to punish me for my attempts to have an open and honest discussion of drug policy. I remember a short introduction I received before one of my talks, which was along the lines of: "I know you all want to hear the latest dope from the courthouse, so here's Judge Gray."

The major parties will never begin the process of ending the War on Drugs. It takes another party to do that — one that holds dear the principles of liberty.

During the next few years, I worked on a book to expose the evil anti-drug crusade. In 2001, my book, *Why Our Drug Laws Have Failed and What We Can Do About It — A Judicial Indictment of the War on Drugs*, was published by Temple University Press. It was the culmination of my experience as a former federal prosecutor with the United States Attorney's Office in Los Angeles, criminal defense attorney in the United States Navy JAG Corps, and a trial judge in Orange County, California since 1983, experience which had long before convinced me that our nation's program of drug prohibition is not simply a failure, but a hopeless failure.

In February, I took another step to end the War on Drugs. After being a Republican for all of my adult life, I registered as a member of the Libertarian Party. I realized that the major parties will never begin the process of ending the War on Drugs. It takes another party to do that — one that holds dear the principles of liberty. I had taken the "World's Smallest Political Quiz," and discovered that I was already a libertarian. I was frustrated and concerned about our country's lack of principled leadership, the direction of our economy, and the continued subversion of the protections of our Bill of Rights. The Libertarian Party is my natural home. And it is the Libertarian Party's historic mission to begin the peace process in the War on Drugs.

Drug prohibition has resulted in a greater loss of civil liberties than anything else in the history of our country. The United States of America leads the world in the incarceration of its people, mostly for non-violent drug offenses. Statistics show that all racial groups use and abuse drugs at basically the same rate, but most of those incarcerated are people of color. The War on Drugs has contributed substantially to the increasing power, bureaucracy, and intrusiveness of government. And, of course, the sale of illicit drugs is by far the largest source of funding for terrorists around the world. If we were truly serious about fighting terrorism, we would kill the "Golden Goose" of terrorism, which is drug prohibition.

It is important to understand that the failure of these laws is not the fault of law enforcement. It makes as much sense to blame the police and the criminal justice system for the failure of drug prohibition as it would to blame Elliot Ness for the failure of alcohol Prohibition. The tragic results are the fault of the drug laws themselves, and not those who have been assigned the impossible task of enforcing them.

"We the People" are facing radicals at the controls of government who are impervious to the harm they are causing. When the head of the Drug Enforcement Administration expressly flouts the will of the people as expressed, for example, by California's medical marijuana Proposition 215, that is one thing. He is a policeman, enforcing the law as ordered. But what about when the head of the Department of Justice subverts that will? When John Ashcroft, as the United States Attorney General, directly acts against the expressed will of the people in this area, simply because he disagrees with it, he is not being conservative. We should call this action what it is: extremist. And when various officials of the federal government use our tax money actively to oppose state ballot initiatives all around the country, we should call that what it is: illegal.

The Republican and Democratic parties are invested in the drug war, committed to it. If we wait for them to act against drug prohibition, we will be waiting a very long time. However, we Libertarians are singularly in a position to help. I suggest that the Libertarian Party make the issue of the repeal of drug prohibition the centerpiece issue of all state and federal political campaigns for 2004. R. W. Bradford has made a similar argument in speeches over the past several years, and in an article in the December 1999 *Liberty*, and so possibly have others. The idea is not original with me, but it is a good idea.

I understand that, historically, the Libertarian Party has been largely unsuccessful in putting its candidates into office. But that can change, and in many ways the voters are ahead of the politicians on this issue. If we can make it clear that every vote for a state or federal Libertarian candidate represents a vote to end the War on Drugs and we capture only a third of the votes of people who want drug reform, we will get ten percent of the vote. That would be enough to make us a political force to be reckoned with and to put the drug war into the nation's political debate.

For more than two decades I have been a soldier in the War on Drugs. I have helped put drug users and dealers in jail; I have presided over the breakup of families; I have followed the laws of my state and have seen their results. But it has not done any good.

I want to make this very clear. If we focus our campaign on the drug issue, people who agree with us will not worry about "throwing away their vote" on a third-party candidate. For a change, *every* vote will be seen to matter.

Many Americans have seen and suffered through the unnecessary harms perpetrated by our failed drug policy.

continued on page 40

Advantage: Hollywood

by Jacques Delacroix

American movies dominate the global marketplace. This is a good thing. Even in France.

At first blush, globalization would seem to be a good thing: it facilitates the spread of literacy, the diffusion of useful technologies, and socio-economic progress. Nevertheless, a large segment of public opinion in this country and, apparently, a larger segment in Europe and certain other countries (such as India), takes a jaundiced view of this globalization, seeing it as a clandestine domination to further "exploitation" of the already poor and weak by the already rich and powerful. I searched far and wide for novel economic damage to the poor of this world, beyond the predictable, localized, transitory dislocation predicted by economic theory. I found none. Instead, I discovered one truly new phenomenon of the past 50 years: the global hegemony of the American cinema.

Hostility to this particular kind of globalization is not new: in 1946, French motion picture workers demonstrated on the Champs-Elysees to protest the dominance of American movies in France. Since then movie theaters have multiplied everywhere in the world, including in poor countries, television has achieved a near-global reach and video-cassettes have proliferated unchecked.

Between 1970 and 1995, according to UNESCO figures, the American share of global motion picture production rose from less than 9 percent to about 45 percent. Of 65 countries reporting for 1995, 1994, and 1993, only four imported more movies from any country than they did from the U.S.: Azerbaijan, Tadzhikistan, Uzbekistan, and Iran. Even Cuba imported more movies from the U.S. than from any other country.

Some 600 to 750 movies are produced in the U.S. every year, roughly as many as are produced by the 33 European countries together. Only the Chinese, Japanese, and Indian industries are of similar magnitude. Hong Kong and China produced about 450 per year in the mid-'90s. Between 250 and 300 are turned out in Japan each year but they do poorly worldwide, except for animated products. For India, estimates range from a low of 400 to 500 movies per year in the past ten years to a high but probably reliable 800 to 900 between 1991 and 1993. A little fewer than one third of these films are produced in Hindi, the rest in Tamil and other languages.

Although the foreign revenue figures of the Indian movie industry are still modest, of the order of $250 million per year recently, its products are said to be present in a wide variety of countries, including some beyond the Indian diaspora, such as Japan, Russia, and much of the Middle East (CIO 2002), Indonesia, and even Pakistan (Chatterjee, 2002) as well as in the former Soviet Central Asian republics (UNESCO,1995:8-1). We all remember that the re-opening of Afghan movie theaters after the rout of the Taliban regime was widely reported by the international press as having been celebrated with Indian movies.

Westerners familiar with them as well as university-educated Indians often treat Hindi-language ("Bollywood") movies dismissively. In the context of the present discussion, this might be a mistake. Although they tend to have childish

plots and to display exaggerated acting, they also feature music, singing, and energetic dancing on a scale not seen in Hollywood since the '40s, often beautiful scenery, and increasingly, satisfying violence. It would not be surprising if this cocktail appealed powerfully to the large segment of the world population that is illiterate or poorly educated (mostly in the Third World). The American cinema's hegemony may soon be challenged from this quarter. (Even as Indian audiences increasingly appreciate American movies.) "Globalization" cuts more than one way.

Approximately 430 to 450 movies were produced in the Philippines in 1994 and 1995. If this is a new and durable trend, the Philippines should be added to this list. In addition, Colombian, Brazilian, and Mexican films might qualify: the made-for-television soap operas shown in many parts of the Third World and in the former Communist countries have hard numbers but they are difficult to come by.

But it is American cinema that dominates global entertainment. People watch American movies wherever it's not forbidden. By contrast, Americans watch few foreign movies. In 2000, the share of European movies shown in the European Union was estimated at 23%, the balance was almost entirely American. Most European pictures don't do well in Europe outside of their national markets. Hence, if an exact count were done of the spread of French movies in the U.K., or of German movies shown in Italy, the numbers would be minuscule. Even when a prosperous and educated country such as France erects devices of economic dissuasion against foreign (read "American") movies, the results are underwhelming: about 60% of all admissions in France are to American movies, fewer than in Germany (about 75%) but about the same as in Sweden.

Those with a knack for turning out or distributing certain goods will supply others, for the benefit of all.

The massive asymmetry in film exports between the U.S. and the rest of the world may be the result of any number of factors. The fact that foreign movies occasionally do well in the U.S. market — *Life is Beautiful* from Italy and the first Pokémon cartoon from Japan — suggests that public preference, and possibly language barriers, are more likely to be issues than American distribution superiority. Yet, language barriers may be less significant than one would guess. Luc Besson's *Jeanne d'Arc* (*The Messenger*), released in 1999, purportedly produced in English to make it accessible, registered 3.07 million admissions in the European Union in that year, against 40 million for *Star Wars Episode 1*. Even *Patch Adams* did better. *The Messenger* flopped so badly in the U.S. that admissions and revenue figures are hard to find. For 1999 also, only one British production and two U.K.-U.S. co-productions, all in English, figure among the top worldwide 50 admission getters. In Belgium where practically the whole population understands French, French-made movies usually obtain less than a 10% market share, against an 80% share for American movies.

The U.S., with its large monolingual population, consistently provides a more munificent environment for the movie industry than does the European Union. The U.S. movie market also grows somewhat faster: from about 1,000 million cinema admissions in the U.S. and about 600 million in the EU in 1987, to about 1,400 and 800, respectively, in 2000.

This is similar to other national specializations. The Italians and the French, who always produced wine for themselves, also provide much of the wine for the rest of the world. Some of their best buyers live in other wine-producing countries such as the U.S., Germany, and Switzerland. This is exactly the situation international trade is supposed to generate. Those with a knack for turning out or distributing certain goods will supply others, for the benefit of all. Note also, that under relatively free trade, it's possible for producers from historically excluded areas to challenge the hegemonists: see the current success of Australian wines in the U.S.

Do Movies Influence?

The belief that movies are potent agents of change, especially with respect to values, is instinctive and widespread. Typical of this unexamined belief is the assertion by one Indian journalist that, "United States-based Indians take their kids to the [Indian] movies to reinforce cultural values. Weak on plot, the movies promote respect for seniors and the benefits of arranged marriages." Yet, there are not many hard facts substantiating the idea that movies or television do anything to people's values or attitudes. Professional students of the cinema tend to be skeptical that they do anything at all.

In *American Audiences on Movies and Movie-Going*, Tom Stempel, a teacher of cinema at Los Angeles City College, has selected 158 people haphazardly (rather than at random) to tell everything they know, remember, and think about movies. The result is a wonderfully live document that shows that a movie's effect depends on the viewer's age, sex, life experience, length of experience as a movie-goer, the largely accidental material and social conditions under which a movie is viewed, and of the company one keeps while viewing it.

Many of Stempel's respondents reminisce on how a particular movie made no impression on them, or a bad impression the first time, while they enjoyed it the second time, or vice versa. Movies often serve as markers of one's personal life, like the Kennedy assassination or the Sept. 11 attack, without having a meaning of their own. Viewers often report that they do not take seriously the movies that made the strongest impression. These include *Star Wars, Raiders of the Lost Ark, Close Encounters of the Third Kind* and *Jaws*.

This speaks to the issue of "encephalokleptophobia," the fear that the screen is stealing one's mind: viewers don't give much attention even to those movies to which they say they pay attention. The only two examples in the book of movies durably altering attitudes (and even behavior) are *Jaws* and *Psycho*. Several viewers said they ceased enjoying swimming in open waters and even stopped swimming altogether after seeing *Jaws*. A couple said they were afraid in the shower after seeing *Psycho*.

Stempel recounts that, in the 1920s, a morality league, convinced of the evil spread by movies, spent $200,000 — at least $2 million in today's dollars, a munificent amount — to have social scientists study the impact of movies, only to be told

that more often than not, movies don't affect attitudes. He also cites several critics, including Charles Champlin of the *Los Angeles Times*, to the effect that movies exist only by the "consent of the entertained," a posture that constitutes the overall conclusion of his book.

There is also striking anecdotal evidence that movies are impotent to alter values. Canadian commentator Michael Adams, writing in *The Globe and Mail*, argues persuasively that twenty years of increasing exposure of Canadians to American movies and television are associated with a strong value divergence between the two neighbors: as Americans became more patriarchal in their outlook, Canadians, including French Canadians, veered more toward egalitarianism in matters of gender.

The strongest evidence that the screen affects people comes from studies of television violence. Beginning as a curious skeptic, two years ago I surveyed the literature, both secular and scholarly, and accept that there may be a relationship to violent behavior. My change of heart was effected by a careful and tentatively exhaustive meta-analysis by Paik and Comstock published in 1994 in *Communication Research*. These scholars pieced together 217 empirical studies done between 1957 and 1990 and relating television viewing with anti-social behavior. They show robust and statistically significant cumulative evidence that exposure to television violence is associated with a propensity to engage in anti-social behavior. However, their meta-analysis is based on studies that are short on hard field measures of violent behavior and also conceptually and methodologically independent from the independent variables, according to the authors' own description. This raises technical issues and poses the question of unintended ideological bias. Moreover, the studies do not take into account that violence-prone individuals may be more likely than others both to commit anti-social acts and to seek violent stimuli.

A 1999 editorial in the usually careful British medical journal *The Lancet* asserts that, contrary to a widespread impression, "It is inaccurate to imply that the published work (more than 1,000 scientific studies) strongly indicates a causal link between virtual and actual violence." Scholarly students of the media often point to the same lack of resolution. Thus, in a review of the National Television Violence Study 3, covering the years 1994–1997, Steven Chaffee comments in the *Journal of Communication* that criminal violence is decreasing at the same time as exposure to television violence is increasing.

Viewers often report that they do not take seriously the movies that made the strongest impression. These include Star Wars, Raiders of the Lost Ark, Close Encounters of the Third Kind and Jaws.

There are more sophisticated approaches to the issue of movie influence, but they are few and far between, I think. A study by a Native-American sociologist (unfortunately a small study but sophisticated in design), brings a subtle answer to the question of what movies do to people (Shively, 1992). The author tries to capture how matched groups of whites and Sioux Indians perceive a classic Western movie where the bad guys are Comanche Indians. All subjects enjoy the movie; all say they like Westerns; all respondents, whites and Indians alike, state that they identify with the intended good guys — John Wayne and another white actor. Asked why they like who they like however, the whites mostly single out the moral integrity of the characters; the Sioux emphasize in the same proportions the bravery of the same characters; the whites appreciated the intelligence of the characters while the Sioux pay tribute to their toughness. While most of the whites think the movie is a good historical document, none of the Sioux thinks so.

Hollywood films cannot help but convey to global audiences important realities of American life — generic features of life in Western, secular, democratic, capitalist societies.

The Virtuous Global Effects of American Motion Pictures Hegemony

If one concedes screen products may generate or encourage violence, one must also accept the possibility that they may affect behavior in socially desirable ways. Thus, Michael Curtin argues in the *Journal of Communication* that satellite television circulates beneficently subversive (i.e., non-traditional) images of femininity. A moving testimony comes from the Albanian novelist Ismail Kadarè: during the long night of Albanian communism, in which Albania was the most isolated country on Earth, frequent exposure to garden-variety Western television courtroom dramas ultimately induced among Albanians a distaste for personal blood feuds.

I pose the question: what virtuous influence may American movies have on the rest of the world and in particular on the poor and downtrodden?

Even if movies don't do much directly to alter either values or behavior, they inadvertently carry factual information. American movies are shot mostly in the U.S. and Canada. They are directed mostly by American directors or by Americanized Brits. Although Hollywood is one of the world centers of political correctness and of left-wing piousness, Hollywood films cannot help but convey to global audiences important realities of American life — generic features of life in Western, secular, democratic, capitalist societies. Among these:

• Technological wizardry: from the parting of the Red Sea to *Jurassic Park*'s terrifying dinosaurs, the American cinema showcases its mastery of the natural world — even if its immature purposes enrage French intellectuals. Most people in the Third World and in the former socialist countries are farmers, miners, or industrial workers, living in direct contact with production. It's no mystery to them that improve-

continued on page 40

Milk for the Masses

by Michael Dahlen

Why does the government program to provide better nutrition to poor mothers and their kids actually provide inferior nutrition to wealthy mothers and their kids?

Government entitlement programs have earned a reputation for squandering taxpayers' money, fostering dependency, and exacerbating the conditions that they were meant to alleviate.

For two years, I worked as a nutritionist for Women, Infants, and Children (WIC), a government program designed "to safeguard the health of low-income women, infants, and children up to age five who are at nutritional risk by providing nutritious foods to supplement diets, information on healthy eating, and referrals to health care."*

Both women and children are eligible to receive WIC vouchers redeemable at a participating supermarket for milk, cheese, eggs, peanut butter, juice, and cereal. Infants under one year old are eligible to receive vouchers for formula, infant juice, and infant cereal. In Pennsylvania, where I worked, there are two infant formulas that WIC provides: Similac and Isomil. WIC will also provide other formulas but only with a doctor's prescription. The women on the program also receive nutrition counseling and education.

In order to qualify for WIC, individuals must have a nutritional risk and meet income requirements. The nutritional risk requirement is basically meaningless, however, because WIC guidelines define "nutritional risk" so loosely that almost anyone would qualify. For example, if you consume "only" two servings of vegetables a day instead of three, which is the recommended amount, then you are at "nutritional risk" — a qualification that is met by most Americans. In the two years that I worked at WIC, I saw thousands of individuals and every single one of them had a "nutritional risk" as defined by WIC guidelines. It is on the dubious basis that you have to have a "nutritional risk" to qualify for WIC that it is promoted primarily as a nutrition program rather than as the welfare program it is.

The other requirement is that family income must be "at or below 185 percent of the U.S. Poverty Income Guidelines," based on family size. As of this writing, a family of two, for example, must have a gross income under $1,841 per month. For a family of four, it must be under about $2,791 per month. These requirements cover the contiguous 48 states, D.C., Guam, and U.S. territories; Alaska and Hawaii have higher income allowances.

In addition, those receiving Medicaid automatically qualify for WIC regardless of their income. At the clinic where I worked, there were several children on the program whose families were making over $60,000 per year and even some making over $100,000 per year. These were cases where the family had a child with some kind of medical condition, disease, or disability that had automatically qualified the child for Medicaid, and which, in turn, automatically qualifies the child for WIC.

In order to determine whether a family meets the income requirements, they are required to show recent pay stubs, child support stubs, SSI stubs, etc. WIC re-certifies its participants every six months. At these re-certifications, WIC has to re-verify every family's income to determine whether they still qualify. If a family's income changes between its re-certifications, they are not required to report it to WIC. In other words, if a family is re-certified today and it meets the income requirements, then it will receive WIC vouchers for the next six months regardless of whether its income rises above WIC requirements during that period.

If someone is self-employed, then he or she is required to

*From the website of Food and Nutritional Service of the Department of Agriculture.

show us last year's income tax return. Let us say hypothetically that a self-employed individual's income for 2002 qualifies his family for WIC. In 2003, his business picks up and his income rises above WIC levels. Even though his income would currently be too high to qualify for WIC, his family will be able to stay on WIC for longer than an additional year because WIC will not see his 2003 income tax return until some time in 2004.

At the clinic where I worked, there were several children on the program whose families were making over $60,000 per year and even some making over $100,000 per year.

People in certain situations can easily qualify for WIC by deception. For example, if two people in a family are working and we ask them to provide proof of their family income, they can easily just show us one individual's pay stub and say that that is their only source of income and WIC would have no way of knowing otherwise.

Welfare and Dependency

The ostensible purpose of government welfare programs is to help poor people get out of poverty, but the people running these programs have a vested interest in creating more poor people and keeping them dependent. More poor people means more people who qualify for welfare, which means more funding for welfare programs. My supervisor's concern was always our "numbers." If this month's caseload increased from last month's, she was happy. A story related by a co-worker illustrates welfare administrators' vested interest in keeping poor people poor.

A few years before I started, the organization that I worked for had an anniversary party. A woman who had been on WIC for years was invited and was paid a special tribute. The organization was celebrating the fact that this woman has been endlessly dependent on government handouts! If actually helping poor people were its goal, the organization would celebrate people who got off welfare and became able to make a living for themselves.

Some defenders of welfare programs claim that such programs do not create dependency because no one really wants to be on welfare. Besides, these defenders say, welfare is hardly enough to live on. Two experiences that I had at WIC undermine this argument.

One woman on WIC had recently married the father of her children. Before they married, they had separated for a while before getting back together. She told me that, economically, things are harder for her now than when she was a single mom without any income, even through her husband is working. As a single mom, she was on WIC, cash assistance, food stamps, Medicaid, and other programs that paid for her rent and utilities. She also told me that during that period, since the government basically paid for all her expenses, she was on easy street and did not have a care in the world. Then she stated, "I can see why people fall into the trap and become dependent on the system." Now, thanks to her husband's good job and steady income, she no longer qualifies for any welfare programs, except WIC.

The second experience of mine involves another woman who came into WIC with her family to be re-certified. As I verified her husband's income, I discovered that he had earned significant overtime pay, which had pushed his family above the income requirements by quite a bit. I told the family that they no longer qualified for WIC because their income was too high. The husband said to me that he had been unaware that we counted overtime pay, but I explained to him that I have to count it if it is on a regular basis. "So what you're telling me is that I shouldn't work overtime," he said. "I shouldn't try to make more money. I shouldn't try to get ahead." In one sense, this guy was exactly right. That is the implicit message government entitlement programs send to their recipients. What incentive is there to work or to work more if you are just going to lose your entitlement benefits? As this guy was leaving my office he said, "I guess I'll quit working overtime."

The Benefits of WIC

When I was an undergraduate majoring in nutrition at Penn State, I was required to take a course in community nutrition. The professor of this class discussed a cost-benefit analysis that had been done for WIC, which concluded that every dollar spent on WIC saves two dollars in medical costs. Unfortunately, I do not know the source of the study or how those figures were arrived at, but I have my doubts as to its validity.

Consider the effect of WIC on breast-feeding. Breast-fed infants generally have a better immune system and get sick less often. One of my duties as a nutritionist for WIC was to promote breast-feeding and to educate pregnant women regarding its benefits. The vast majority of women on WIC, however, decide not to breast-feed. Why? I suspect it is because WIC will pay for formula, but not for breast-feeding. The best way for WIC to achieve its goal of higher breast-feeding rates would be to stop providing formula. But free formula is what attracts most women to WIC in the first place. Without free formula, more low-income mothers would breast-feed out of necessity. More infants would be breast-fed and would therefore be healthier.

The vast majority of women on WIC, however, decide not to breast-feed. Why? Because WIC will pay for formula, but not for breast-feeding.

This is one reason why I doubt that every dollar spent on WIC saves two dollars in medical costs. In addition, I was able to observe the appalling inefficiency of government welfare programs. Research by economist Thomas Sowell demonstrates that only 30% of all the money devoted to welfare actually gets to its recipients. The other 70% is eaten up in administrative costs. Compare this to private charities such as The Salvation Army where over 80% of the money it receives gets to recipients.

Today, people are less inclined to donate money to private charities aimed at helping poor individuals. They do not have as much money to donate as they otherwise would because of the excessive taxation required to fund government entitle-

ment programs and they think that the government is taking care of the problem. Historical evidence confirms this. Milton Friedman has pointed out that "the heyday of laissez-faire, the middle and late nineteenth century in Britain and the United States, saw an extraordinary proliferation of private eleemosynary organizations and institutions. One of the major costs of the extension of governmental welfare activities has been the corresponding decline in private charitable activities."

If we did not have any government entitlement programs like WIC, more people would donate money to private charities, which are more efficient and effective in helping poor people than the government is. Even if it were true that every dollar spent on WIC saved two dollars in medical costs, the fact is that, if the field were left to private charities, it is very likely that every dollar spent on a private charity would save substantially more than two dollars in medical costs.

What about the benefits of increased nutrition education provided by WIC? Most women on WIC couldn't care less about the nutrition education that WIC offers. They are on WIC simply to get free food. As a former nutrition educator for WIC, I would estimate that less than 5 percent of the participants I saw had any real interest in the information I was giving them.

WIC fails at every level. It saps productivity from the economy by taking wealth from its producers and putting it into non-productive bureaucratic overhead and by discouraging the productive labor of welfare recipients. It is clear that WIC fails to improve the nutrition of its recipients by offering them quick fixes like free baby formula and Cheerios. Welfare programs like this create a sense of entitlement and foster dependency. They serve to perpetuate a class of people whose most basic needs are increasingly met through government programs, rather than through their own productivity. Such dependents resist self-responsibility out of conditioned habit. People conditioned in this way can be counted on to be concerned with increasing welfare programs, which only reinforces the perniciousness of the welfare system. ❑

How to Win the Drug War, *from page 34*

And many of these people are organized. By the time this article is published, I will have contacted all the drug policy reform groups I know, such as the Drug Policy Alliance, Families Against Mandatory Minimums, Common Sense for Drug Policy, Families Against Three Strikes, the National Organization for the Reform of Marijuana Laws, the Marijuana Policy Project, the Drug Policy Foundations of Texas, Hawaii, and New Mexico. I will call their members to join me and become dues-paying members of the Libertarian Party, and request their friends and family members to do the same.

The people in these groups are frustrated by the absence of a tangible national movement that they can support. In addition, in many ways they have learned through their experiences to share libertarian principles and values. The more people who register Libertarian, the more public attention will be paid to the issue of drug policy reform. This, in turn, will attract additional members, and additional attention. I think this plan will be successful, because most of the people in these groups are active; they are committed; they vote, and they have friends who vote.

Today, most Americans realize that our country is not in better shape with regard to the use and abuse of drugs and all the harm and misery that accompany them than we were five years ago. They also are beginning to understand that since that is the case, we can have no legitimate expectation of being in better shape next year than we are today unless we change our approach. Accordingly, many of our fellow citizens are beginning to realize that it is okay to discuss this subject.

Whether they know it or not, Americans are looking to the Party of Principle for guidance and leadership. Our slogan in 2004 should be "This Time It Matters." ❑

Advantage: Hollywood, *from page 37*

ments in living conditions are often earned through technological progress.

• Abundance for ordinary people: in America, regular people own cars and trucks. There is more than enough food for all; even the poor — especially the poor — are obese. Even if they look sloppy, Americans wear clothes of good quality. The blue-collar class lives mostly in individual housing of impressive size and comfort.

I note that the unintentional transmission by movies of glimpses of the prosperity of ordinary Americans precedes by years the invention of the word globalization. I saw James Dean in *Rebel Without a Cause* as a French teenager in the late '50s. I remember experiencing difficulty connecting mentally with the movie because I could not figure out where it was taking place. I understood Los Angeles well enough but I had trouble grasping the fact that the proximate setting was a high school because so many of the boys had cars, a privilege few European adults enjoyed at the time. Once I had grasped the inescapable truth, it nudged my perception of the possible.

• Individual freedom: those houses and automobiles are some of the best supports to personal autonomy ever devised. At the movies, American women commit adultery in vast throngs. Their husbands or lovers may murder them, or they may be punished by fate, but mostly they get off scot-free. They are never beheaded or stoned to death. Homosexuals are often mocked in American movies but the mildness of the mockery suggests that there is no throwing them from tall buildings or toppling heavy walls upon them, as was done in Afghanistan under the Taliban. In crime dramas, poor members of racial minorities who are railroaded by corrupt authorities have a lawyer to defend them in court. Third World revolutionaries may have trouble dealing with this fact.

It seems to me that the most dramatic example of globalization, the worldwide domination of the American cinema, even including its most vulgar emanations, cannot be cited ritualistically as evil. Its ability to shape values is limited, but inasmuch as it does influence them, its unintended message is the possibility that human wants may be satisfied and basic human dignity respected. ❑

Reviews

Why Orwell Matters, by Christopher Hitchens. Basic Books, 2002, 211 + xii pages.

My Orwell Right or Wrong

David Ramsay Steele

At the end of his book on George Orwell, Christopher Hitchens solemnly intones that "'views' do not really matter," that "it matters not what you think but *how* you think," and that politics is "relatively unimportant." The preceding 210 pages tell a different story: that a person is to be judged chiefly by his opinions and that politics is all-important.

Why Orwell Matters is an advocate's defense of Orwell as a good and great man. The evidence adduced is that Orwell held the same opinions as Hitchens. Hitchens does allow that Orwell sometimes got things wrong, but in these cases Hitchens always enters pleas in mitigation. Hitchens' efforts to minimize the importance of Orwell's objectionable views, or in some cases his inability to see them, paint a misleading picture of Orwell's thinking.

Orwell's Anti-Homosexuality

One way of playing down Orwell's non-Hitchensian views is to attribute them to his unreflective gut feelings. We are to suppose, then, that when Orwell thought things over, he anticipated the Hitchens line of half a century later, but whenever Orwell slid into heresy, it was because he allowed himself to be swayed by his intense emotions.

Of Orwell's opposition to homosexuality, Hitchens says: "only one of his inherited prejudices — the shudder generated by homosexuality — appears to have resisted the process of self-mastery" (p. 9). Here Hitchens conveys to the reader two surmises which are not corroborated by any recorded utterance of Orwell, and which I believe to be false: that Orwell disapproved of homosexuality because it revolted him physically, and that Orwell made an unsuccessful effort to subdue this gut response.

Orwell harbored no unreasoning, visceral horror of homosexuality and he did not strive to overcome his disapproval of it. The evidence suggests that, if anything, he was less inclined to any such shuddering than most heterosexuals. His descriptions of his encounters with homosexuality are always cool, dispassionate, even sympathetic. His disapproval of homosexuality was rooted in his convictions. He was intellectually and morally opposed to it.

Compare Orwell's opposition to homosexuality with his opposition to inequalities of wealth and income. Both of these standpoints involve an element of moral disapproval, but both are reasoned and thoughtful, both draw upon an elaborate theoretical structure conveyed by an ideological tradition — in the first case, *fin-de-siècle* preoccupation with degeneracy, in the second, socialism. How apposite would it be to dismiss Orwell's income-equalitarianism, one of the foundations of his socialism, by saying that it was an involuntary shudder, that he could not rid himself of an inherited, unreflective prejudice?

Orwell's anti-homosexual position (definitely not "homophobia," which would suggest irrational fear) flowed naturally from beliefs and values about which he was quite forthcoming, though he never provided a systematic exposition. Orwell held that modern machinery and urbanization were inhuman and degrading. City life was rootless, alienating, and demoralizing. Although there was no going back to the organic rural community which had been shattered by the industrial revolution, any more than there was any going back to religious faith, both losses were sad and wrenching — in this respect, Orwell's outlook is akin to that of Mr. and Mrs. Leavis. Industrial and scientific progress could not be stopped without unacceptable consequences, but were essentially malign.

Orwell was decidedly against birth control as well as feminism and homo-

sexuality.[1] He singled out "philoprogenitiveness" (a high valuation for having children) as one of a handful of essential precepts of any viable society. He believed (as did most intellectuals in the 1940s) that western society was beset by a crisis of declining fertility. He routinely equated decency with masculinity and masculinity with virility and physical toughness. He expressed contempt for people who took aspirin. He did not welcome reductions in the working day or increasing affluence, because more leisure and more comforts were liable to lead to enervating softness and a life of meaningless vacuity. As was remarked by someone who knew him well, his human ideal would have been a big-bodied working-class female raising twelve children.[2]

Though I cannot unpack all this here[3], it forms part of a coherent and cogent worldview, and relates Orwell to the "anti-degenerate" thinking of influential writers like Max Nordau. During the Second World War, Orwell repeatedly insinuated, or more than insinuated, that "pacifists" were homosexuals and therefore cowards. The "nancy poets," Auden and his friends, were a favorite target. Apparently no one ever explained to Orwell that *ad hominem* arguments are generally fallacious, and he often made his point by unfairly questioning the motives of those whose views he was combatting.

Above all else, Orwell was a rhetorician and a propagandist. He doubtless sincerely believed that homosexuals were more inclined to be cowards and therefore more inclined to be politically against war. But he certainly chose this kind of argument because he thought it would work as an instrument of persuasion, and perhaps it did. One remarkable thing, though, is that the "pacifist" views Orwell assailed in this manner were precisely the opinions he had himself held until quite recently, and had enthusiastically propounded for almost a decade.

Among advanced and humane thinkers in Orwell's day, there was still an overwhelming consensus that homosexuality was pathological. This had been the view of Krafft-Ebing and of Freud, for instance. The theory was still popular among intellectuals that the alienation of urban life encouraged masturbation, which led to various perversions, especially homosexuality. It is not especially surprising that Orwell, who was never one for intellectually striking out on his own, would assimilate this predominant view. At this time, anything perceived as sexual ambivalence was quite commonly taken as a symptom of decadence and disintegration, as witness, among many examples, the figure of Tiresias in *The Waste Land*.

In the mid-1930s Orwell resisted conversion to socialism because he associated it with cranky and degenerate practices, including vegetarianism, nudism, teetotalism, and sexual abnormality. After he had become a socialist, he saw these associations as a liability to the socialist movement, and therefore saw it as incumbent upon him to fight against them within the left. He perceived middle-class people as more susceptible to crankiness than working men, and went out of his way to emulate what he identified as working-class habits, even to the extent of slurping his tea out of his saucer. Orwell's *machismo* is therefore intimately linked with his worship of the proletariat.

Orwell held that modern machinery and urbanization were inhuman and degrading. City life was rootless, alienating, and demoralizing.

Orwell's Anti-War Phase

Another of Hitchens' techniques is to tell us what Orwell must have been thinking when he arrived at his mistaken views. He reconstructs Orwell's thoughts so as to offer a rationale for Orwell's views which is acceptable to present-day political correctness and to Hitchens, while it may not be the rationale that would have occurred to Orwell. Here's an example:

> So hostile was Orwell to conventional patriotism, and so horrified by the cynicism and stupidity of the Conservatives in the face of fascism, that he fell for some time into the belief that 'Britain', as such or as so defined, wasn't worth fighting for. (127)

Notice that Orwell "fell," rather than reasoned his way, into this position. Because Orwell's anti-war standpoint up to August 1939 is an opinion that Hitchens disagrees with, it is implicitly attributed to Orwell's emotional reactions, and these reactions are presented sympathetically. We are invited to admire Orwell's motives and ignore his arguments.

However, this reconstruction of Orwell's motives for being a "pacifist" is not convincing. It is not a report of the reasons given by Orwell, or by the bulk of the left, whose anti-war theories and attitudes Orwell shared. You would hardly guess from Hitchens' remarks here that Orwell observed the growth of anti-fascist pronouncements by Conservatives and viewed them with concern as signs of warlike intentions towards Nazi Germany, or that he condemned the Chamberlain government for its arms build-up.

Orwell's view, prior to his conversion to a pro-war position, was very much in line with the "pacifism" of the left, harking back to the First World War and expecting the next war to be similarly indefensible. If, as Hitchens quite reasonably does, we take Orwell's real career as a writer as starting in October 1928, then for more than half of that career Orwell was a "pacifist." Orwell joined the Independent Labour Party and his anti-war views were quite similar to those of other I.L.P. members; he left the I.L.P. after he began to support the war.

Orwell accepted the common leftist view that "fascism" was nothing other than capitalism with the gloves off, and that going to war would make Britain fascist (or speed up Britain's going fascist, which was probably inevitable in due course) so that no true "war against fascism" was possible. War against fascism, then, could only be a feeble pretext for a war driven on both sides purely by the economic rivalry of capitalist states.

Here, as time and again throughout Hitchens' book, we see Hitchens concealing from his readers (inadvertently, for Hitchens does not quite grasp it himself) that Orwell has a reasoned way of arriving at conclusions Hitchens doesn't like. Orwell, of course, did not think up the reasoning or conclusions for himself, but adopted

both from the leftist discourse of the times, though within the range of views on the left, he selected some positions in preference to others, and then engaged in controversies with fellow leftists.

The Banality of Orwell's Politics

Hitchens praises Orwell for having noted that Catholics tended to be pro-fascist. But it is misleading to present this as though it were an isolated *aperçu*, without mentioning that Orwell was doggedly anti-Catholic. In a letter to a girlfriend he casually dismisses one writer as "a stinking RC,"[4] though there may be an element of self-mockery here with respect to his own anti-Catholicism, which was notorious among his acquaintances, for earlier in this letter he refers to "my hideous prejudice against your sex, my obsession about R.C.s, etc." Orwell was very much a Protestant atheist; in his youth there had been a vigorous Catholic movement in British letters, against which he reacted strongly; Orwell saw the Catholic Church as an old and still formidable enemy of freedom of thought.

It's perhaps necessary to add, since this seems so strange today, that Orwell lived in a culture where it was unquestionably the done thing to make derogatory or laudatory generalizations about entire groups of people, however defined, and at the same time minimal good manners to treat individual members of those groups with complete respect, as well as sporting and decent to take individuals as one found them. On a personal level, Orwell was open and considerate to homosexuals, Catholics, and Communists.

Orwell was decidedly against birth control as well as feminism and homosexuality. He singled out a high valuation for having children as one of a handful of essential precepts of any viable society.

Hitchens often gives the impression that Orwell's opinions were exceptional, and occasionally seems to imply that Orwell was almost isolated. This is a popular take but it won't bear examination. In broad outline, Orwell's political views could scarcely have been more commonplace. For the most part, they were the leftist orthodoxy — and that means the intellectuals' orthodoxy — in the 1930s and 1940s. They were mainly the political correctness of his day, just as Hitchens' views are of his. And on the rare points where this characterization might be disputed, Orwell's views were still far from *outré* in that milieu at that time.

Hitchens' primary exhibit is Orwell's attitude to "the three great subjects of the twentieth century . . . imperialism, fascism, and Stalinism" (5). By "imperialism" Hitchens means only the British Empire: he is an enthusiastic supporter of American imperial expansion today. By "Stalinism" he means Communism, his years on the left having left him with the habit of being semantically charitable to Trotskyists. And within "fascism" he loosely includes both National Socialism and Spanish Nationalism. A crucial premise of Hitchens' thesis is that being simultaneously opposed to these three entities was unusual. This is a simple factual error. Thousands of people held these views.

As an example, let's look at Bertrand Russell, probably the most influential writer of the British left in the 1920s and 1930s, someone who knew Orwell and someone from whose opinions on political questions Orwell seldom greatly diverged (though their views on culture and personal fulfillment were quite unalike). Orwell had a short life, so that some of the writers who had influenced him in his youth outlived him — another was George Bernard Shaw.

Russell was an active and outspoken opponent of the British Empire. He was chairman of the India League, pressing for Indian independence. Russell was always a committed opponent of Fascism, Naziism, and the Spanish Nationalist rebels.

Immediately after the Bolshevik seizure of power in Russia in 1917, Russell displayed some general sympathy for the new regime. He then visited Russia and wrote *The Practice and Theory of Bolshevism* (1920), shocking many by his bitter opposition to Communism (Bolshevism renamed itself "Communism" just around this time). Russell remained resolutely opposed to Communism until Orwell's death and then until at least 1958 (when he began to soften his opposition to the Soviet Union because of his belief that the extinction of humankind through thermonuclear war had become a serious likelihood).

He routinely equated decency with masculinity and masculinity with virility and physical toughness. He expressed contempt for people who took aspirin.

In the 1930s, both Russell and Orwell were at first opposed to the looming war with Germany, both were classed as "pacifists," and both switched at around the same time to support for the war. Russell wrote the anti-war book *Which Way to Peace?* (1936), while Orwell wrote an anti-war pamphlet that was not printed and has not survived, though we can figure out much of what it must have said by scattered remarks he made at the time. As Hitchens notes, Orwell also tried to persuade his friends to form an illegal underground group to sabotage the war effort.

Orwell reports that he changed his view about the war as the result of a dream, on August 22, 1939, twelve days before the outbreak of war. Hitchens' statement that Orwell became pro-war when "the war itself was well under way" (127) is thus inaccurate, though it is true that Orwell's new position did not become widely known until after the war had begun. Russell is on record as having switched to support of the war by early 1940. He explained his change of position in a long letter to the *New York Times* in February 1941,[5] in which he dated his re-appraisal to the Munich agreement, and especially to Hitler's subsequent breach of that agreement by occupying

the whole of Czechoslovakia.

Most leftists at the beginning of the 1930s were anti-war (or, as they were loosely called, "pacifists").[6] Some remained against the war, but many, including Russell and Orwell, switched to support for a war against Hitler. I mention this to emphasize that in case Hitchens wants to take support for the British war effort as evidence of anti-Naziism, Orwell was a late convert to support for the war effort (as Hitchens, of course, fully acknowledges), and in this respect was a fairly ordinary leftist intellectual of the period. Though there isn't space to document it here, Russell's commitment to all three of Hitchens' correctness tests was more resolute, more unswerving than Orwell's. At times, for instance, Orwell wobbled on the issue of Indian independence, asserting that it was not really practicable (just a few years before it became a reality).

Goodbye to the Empire

Aside from Russell's views, there is much wider evidence for the broad opposition to the empire, to Naziism and Fascism, and to Communism. The tide of leftwing support for dismantling the empire was so strong that the Labour Party, following its landslide election victory in 1945, was able to rush through independence for Burma and India.

After all, what was at stake? There had long been a widespread view within British politics that the empire was a net drain on Britain's resources and would better be abandoned.[7] The majority of those in favor of holding onto the empire accepted that the colonies would gradually acquire more self-government until they achieved "dominion status," the stage reached by countries like Canada and Australia. India in the 1930s was already largely self-governing, except for foreign policy, and more self-government would no doubt have arrived even under Churchill.

Orwell repeatedly insinuated, or more than insinuated, that "pacifists" were homosexuals and therefore cowards.

During the war, the Indian Congress, under Gandhi's inspiration, opposed the war and took the position that the Japanese or Germans would be no worse as rulers than the British. Britain therefore suspended the Congress and imposed martial law in India, an important piece on the strategic chessboard. Though critical of martial law, Orwell (again, like Russell) was not in favor of giving India independence while the war was going on, a position that flowed automatically from his support for the war effort.

Orwell believed that the empire was "a money racket," that Britain benefitted economically from exploitation of the colonies, and that decolonization would necessarily bring about a sharp drop in British living standards. Orwell, writes Hitchens approvingly, "never let his readers forget that they lived off an empire of overseas exploitation, writing at one point that, try as Hitler might, he could not reduce the German people to the abject status of Indian coolies" (44). Orwell might be forgiven for overlooking, in the heat of the moment, that the Indian coolies' status was abject before the British arrived, after which it became less abject, but what to make of Hitchens, all these years later, holding aloft this daft remark as if it were a penetrating observation?

The abandonment of the empire coincided with the beginning of the most rapid rise in British living standards ever experienced. Taken overall, the empire was probably a net drain on British resources. Certainly, there is no clear indication that the British people as a whole suffered economically from giving up the empire.

The Left Loves Orwell

Orwell wrote for leftwing intellectuals, they were his intended audience, and he strained to make his opinions acceptable to them. He was adroit at trimming his utterances to gain maximum acceptability by the left. When, in his final years, he suddenly attained literary fame, he acquired a much larger audience. And this was embarrassing, like one of those Hollywood comedies where someone whispering to an intimate acquaintance discovers too late that the public address system has been switched on, and his words are being carried to everyone in town.

Hitchens reproduces some choice examples of leftist hostility to Orwell. Any Communist Party member or fellow-traveller, and any orthodox Trotskyist defender of the Soviet Union as a progressive workers' state, was bound to regard Orwell as a bitter enemy. Hence the nasty attacks by Raymond Williams, E.P. Thompson, and Isaac Deutscher, which Hitchens deftly dissects. It is rather surprising that Hitchens doesn't similarly excerpt some of the feminist examples of anti-Orwell diatribe, among which Daphne Patai's is, though sometimes unfair, often quite perceptive.[8]

It is easily confirmable that the bulk of books and articles on Orwell are both leftist in political orientation and very well-disposed towards Orwell. The left has all along been predominantly pro-Orwell. The most common view among leftists is that Orwell is the property of the left, and that it is therefore outrageous if a rightwinger cites Orwell in opposition to totalitarianism. If you start researching Orwell, you soon lose count of the times you have read about the sacrilege of the John Birch Society in using "1984" as a telephone number.

A particularly crude example of the most prevalent leftist view is *Orwell for Beginners*.[9] The *For Beginners* series is a set of socialist tracts, in the form of easy introductions to modern thinkers illustrated with cartoons. *Orwell for Beginners* is one of the most inaccurate and amateurish of this commercially successful series; it exemplifies the conventional opinion that anyone who mentions Orwell in criticizing socialism is doing something unconscionable, because, to a leftist, Orwell is "one of ours."

Hitchens refers to "the intellectuals of the 1930s" (56) as though most of them were pro-Communist. He mentions Orwell's "innumerable contemporaries, whose defections from Communism were later to furnish spectacular confessions and memoirs" (59). Hitchens is not alone in exaggerating the importance of Communist influence in the 1930s. The notion that most British intellectuals were bowled over by Communism is an inflated leg-

end.

There were those very few intellectuals, like Maurice Dobb and Maurice Cornforth, who remained Communists throughout. There were those promising young intellectuals like Christopher Caudwell who became Communists and died fighting for Communism in Spain. Whether they would have remained Communists for long had they survived a few more years is not certain. I doubt it. There were those who enjoyed whirlwind romances with Communism, like Auden and Spender, and who could never furnish spectacular confessions and memoirs because they had nothing spectacular to recall or confess. There were some who left the Party or never joined it but remained devout fellow-travellers. There were some *sui generis* cases, like J.B.S. Haldane, whose wife left him and wrote an informative book that may be considered a slightly spectacular confession and memoir, and who himself faded away without actually breaking with the Communists, or John Strachey, a non-C.P. member who preached the Communist line with great eloquence for a few years, then put it all behind him to seek a career as a Labour politician. Then there were the broad ranks of the left, who may have had spasms of sympathy for Communism now and then, but who were not to be dislodged from support for the Labour Party or the I.L.P., both essentially anti-Communist organizations.

He went out of his way to emulate what he identified as working-class habits, even to the extent of slurping tea out of his saucer.

The rarity of the individuals who conformed to the pattern described by Hitchens is illustrated by the fact that Richard Crossman couldn't find a single convincing British example of a former Communist intellectual turned anti-Communist for the landmark volume, *The God that Failed*, and not wishing to go to press without one British specimen, had to make do with Stephen Spender.

The lack of any such examples did not arise because large numbers of intellectuals joined the Communist Party and never left it. It arose because very few joined the Communist Party at all, and nearly all of those who did left quickly before they could get up to any skullduggery worth memorializing. My guess would be that prior to 1941 more British intellectuals joined the I.L.P. than joined the C.P.G.B. And, it goes without saying, far more joined the Labour Party than either of those. The gigantic Labour Party, with a membership of millions, operated a rigorous and active policy of excluding all members of the Communist Party or any of its front organizations.

To say all this is not to belittle the effectiveness of the Communist Party of Great Britain. It had an extraordinary impact on British political and intellectual life, *given that it was always such a small group of people with so little popular support*.

It might be contended that the real influence of the Communist Party was not in its membership but in the spread of pro-Communist ideas among non-C.P. members. But first, this too can easily be exaggerated. Much of it was akin to Western admiration for Japan in the 1970s. It did not mean that the admirers wanted to do the bidding of the admirees.

Second, Orwell was not as implacable an anti-Communist as is often supposed. *The Road to Wigan Pier*, for instance, has some cracks against the Communists and some compliments to them. It comes down in support of their line *du jour*, the Popular Front, and it dismisses resolutions "against Fascism and Communism" with "i.e. against rats and rat poison,"[10] a remark as idiotically pro-Communist as anything in *Les communistes et le paix*.

But Stink He Does

After Orwell's *Road to Wigan Pier* came out in 1937, Orwell was twitted by Communists, who gleefully quoted his scandalous slander against the English workers: that they smelled. Orwell branded this a "lie" and persuaded his publisher Victor Gollancz to make a fuss about it.

Hitchens indignantly denies that Orwell wrote the sentence, "The working classes smell." Hitchens vouchsafes that this would be a "damning" sentence, a "statement of combined snobbery and heresy." All his hormones of outrage firing, Hitchens rushes to poor Orwell's defense: Orwell "only says that middle-class people, such as his own immediate forebears, were convinced that the working classes smelled" (46). According to Hitchens, to accuse Orwell of saying that the workers smelled is a "simple — or at any rate a simple-minded — confusion of categories," and he refers readers to *The Road to Wigan Pier*, where what Orwell says about the odiferous working classes can be "checked and consulted."

A pity, then, that Hitchens did not take a minute or two to check or consult it. Orwell broaches the topic of proletarian smelliness by stating that in his childhood "four frightful words" were "bandied about quite freely. The words were: *the lower classes smell*."[11] So far this is consistent with Hitchens' reading, and must have been where Hitchens stopped. Orwell now pursues this theme for three pages.

Orwell reports that he changed his view about the war as the result of a dream, on August 22, 1939, ten days before the outbreak of war.

At first he does not strongly commit himself on the factual issue of proletarian redolence, though he does imply that the comparative uncleanliness of navvies, tramps, and even domestic servants is a matter of observation. He quotes from a Somerset Maugham travel book: "I do not blame the working man because he stinks, but stink he does. It makes social intercourse difficult to persons of sensitive nostril." Then Orwell confronts the inevitable factual question:

> Meanwhile, do the "lower classes" smell? Of course, as a whole, they are dirtier than the upper classes. They are bound to be, considering the circumstances in which they live, for even at this late date less than half the houses in England have bath-

> rooms. Besides, the habit of washing yourself all over every day is a very recent one in Europe, and the working classes are generally more conservative than the bourgeoisie. . . . It is a pity that those who idealize the working class so often think it necessary to praise every working-class characteristic and therefore to pretend that it is meritorious in itself. (121)

The "meanwhile" indicates that though Orwell feels he can't evade answering the question, he wants to put it in its unimportant place, as an aside to his main argument. He avoids answering it directly or literally, while making his meaning quite clear: the smelliness of the lower classes is not a false belief held by the upper classes, but a fact.

A little later Orwell mentions the notion "that working-class people are dirty from choice and not from necessity," again accepting that they are dirty while trying to leave that point in peripheral vision. "Actually, people who have access to a bath will generally use it" (122). He has already told us that most households don't have bathtubs, which means that the great majority of working-class people don't have baths in their homes. Earlier, Orwell has closely identified being dirty with smelling (119–120), so there is no room to interpret him as accepting the griminess of the lower orders without also acknowledging the olfactory corollary.

We see then, that despite some references by Orwell to the middle-class belief that the lower classes smell, worded almost as though this belief were in itself wrong, Orwell ultimately does not flinch from the objective fact that the English working classes of 1936 are dirtier than their social superiors like himself, and that they therefore smell — though it's not their fault. This is not an invention of Orwell's detractors, as Hitchens heatedly asseverates, but Orwell's very own opinion. And Orwell's opinion on this point is correct.

As an English working-class child in the 1950s, when things were a lot better than 20 years before, I can recall that, though most homes by then had bathtubs, it was out of the question to pay for hot water to be available all the time. The water was heated for the occasion, and when it was bath night, once a week at most, barely enough was heated for one bath per person; this meant that if the depth of water in the tub exceeded about two inches, it would get uncomfortably cold. (Showers did not become common among the English working class until the 1960s.) You didn't wash your hair as often as you had a bath (so the shoulders of jackets and coats were always greasy, as therefore were places like chairbacks that they frequently touched), and you "could not afford" (the opportunity cost was too high, because of your low income) to change your socks, underwear, or shirt every day. Clothes had to be washed by the housewife, by hand, in a sink, with soap flakes and then hung on a line, every Monday unless it rained, to dry in the wind. Wearing the same clothes for many days or weeks at a stretch is probably more conducive to a noticeable smell than not bathing.

After *The Road to Wigan Pier* appeared, Orwell must have kicked himself for having given the Communists such an easy way to ridicule and discredit him. He blustered, not quite honestly, parsing his written words, trying to make something of the fact that he had never literally said "the lower classes smell," except in attributing these words to middle-class snobs. Yet Orwell had unmistakably intimated that the working classes smelled, and it is both careless and pointless of Hitchens to maintain otherwise.

Orwell does not flinch from the objective fact that the English working classes of 1936 are dirtier than their social superiors like himself, and that they therefore smell — though it's not their fault.

I've Got a Little List

In 1945 the Labour Party swept to power in Britain, with a landslide electoral victory. Orwell saw himself as a supporter of this government, though he speedily became disappointed in it.

The British Foreign Office had a covert section known as the Information Research Department, concerned to counteract Communist propaganda. George Orwell supplied this department with a list of names, annotated with comments mainly on their possible Communist connections, but also their sexual habits, their characters, their ethnic backgrounds, and their political soundness generally.[12] Orwell, it now seems to some, was a McCarthyite before McCarthy.

This is a sensitive matter for Hitchens. He has an unbroken record of detestation for "McCarthyism" recently speaking out in condemnation, yet again, of Elia Kazan's cooperation with HUAC in naming old Communist associates, which led to the interminable vilification of Kazan by Hollywood and the mainstream media. Hitchens has also been labelled "Snitchens" by Democratic Party faithfuls, because he gave testimony to Congress corroborating the fact that Sidney Blumenthal had been spreading dirt about Monica Lewinsky at the behest of his boss, the Arkansas Rapist.

Here Hitchens tries to show that there is a great gulf between what Orwell did and what McCarthyites did, but he is not very convincing.[13] He draws various distinctions, some of which are questionable, while others are quite genuine, though they don't gainsay a certain family resemblance between the two endeavors.

"A blacklist is a roster of names maintained by those with the power to affect hiring and firing," says Hitchens. Why would Hitchens say this, except to imply that Orwell's list was not truly a "blacklist"? Yet Hitchens quotes Orwell as writing that "If it [the listing of "unreliables" by the I.R.D.] had been done earlier it would have stopped people like Peter Smollett worming their way into important propaganda jobs where they were probably able to do us a lot of harm."[14] So Orwell's intention was that his list should be used as (or as part of) a blacklist, to stop suspected Communists from being hired.

In another attempt at exculpating Orwell by legalistic definition, Hitchens says that "a 'snitch' or stool pigeon is rightly defined as someone

who betrays friends or colleagues in the hope of plea-bargaining or otherwise of gaining advantage" (166). Does this mean that the same behavior for motives other than "advantage," such as sincere concern about the Communist threat, would grant immunity from these labels? Many like Kazan who told the truth about their involvement with the Communists to the F.B.I. or to HUAC did it as a matter of conscience. And as for the fact that Orwell did not personally know most on the list, Hitchens surely needs to do more work on this angle. Can it be right to report to the authorities one's suspicions of a stranger's Communist sympathies, intending that this will hurt his employment chances, and simultaneously wrong to report one's definite knowledge of a friend's Communist Party membership?

Nineteen Eighty-Four made many a Westerner feel like committing suicide and many a Communist subject feel like not committing suicide (because someone outside hell understood what hell was like).

On the *Daily Telegraph*'s reference to "Thought Police" in this connection, Hitchens protests that "the Information Research Department was unconnected to any 'Thought Police'." Must conservative newspapers be subject to a ban on the most elementary use of metaphor? Compiling secret government files on the ideological outlooks of people who have broken no law but are suspected of holding certain opinions is surely one aspect of the phenomenon satirized in Orwell's Thought Police.

My point is not that Orwell should not have given this list to the I.R.D., though perhaps he shouldn't, but that Hitchens should be more understanding of "McCarthyism", a term now most often used for activities with which McCarthy himself was not connected. Many of the elements now collectively referred to as "McCarthyism" were wrong, and there were some horrible injustices. But, contrary to most conventional accounts, there actually was a Communist conspiracy; it was no hallucination. When it is known that the Communist Party is under the control of Moscow and its members are used for conspiratorial work such as espionage and disinformation, should it be out of the question to deny sensitive government posts to Communists? That's what Orwell and Tail-Gunner Joe wanted to do, and I think both of them had a good general case.

There is also a suggestion in Hitchens' account that Orwell and Celia Kirwan, his old flame at the I.R.D., were doing this anti-Communist chore for democratic socialism, which renders it more virtuous. It would surely be hard for Hitchens to argue that democratic non-socialists ought not to be entitled to do anything to combat Communism that democratic socialists are entitled to do. Furthermore, since most Labour voters were not "socialists" even in a very broad sense, there would be something not very democratic about employing a secret government agency for disseminating democratic socialism.

Hitchens is now a militant supporter of Bush's war against what Hitchens calls "theocratic terrorism," though its next step is apparently to terrorize a lot of non-terrorists in secularist Iraq. Any threat posed to Americans by Islamic terrorism today is paltry by comparison with the Communist threat of the 1940s and 1950s. The current "War on Terror" is committing more injustices than were ever committed by "McCarthyism," though the victims this time do not include well-connected academics, bureaucrats, or movie stars. Far from complaining about these injustices, Hitchens smacks his lips at Bush's magnificent "ruthlessness." Hitchens has yet to get his ducks in a row on the question of when it is right to give information to the government.

My own view is that while you shouldn't give the government the time of day on a matter of drugs, pornography, insider trading, or illegal immigration, when it comes to murder, rape, or being a member of the Communist Party and therefore *ipso facto* a Soviet agent, under the conditions of fifty years ago, you may sometimes, according to the precise circumstances, be morally obliged to cooperate with a government body by telling it what you know. Whereas "McCarthyism" was mainly concerned with people who lied about their past deeds in behalf of a specific organization, Orwell's list was mainly concerned with people's ideological sympathies whether or not these had resulted in illegal acts. This aspect of the comparison surely does not favor Orwell.

Why Orwell Matters, Really

Orwell matters because he was a great writer. Orwell's social and political views are interesting, as are those of Samuel Johnson and Jonathan Swift, but they are most interesting for their nuances and their precise expression rather than for their gross anatomy, which was unexceptional and sometimes fashionably silly.

Orwell wrote two novels worth reading, *Burmese Days* and *Coming Up for Air*. He wrote a wonderful little allegory, *Animal Farm*. He wrote by far the most powerful of all dystopian stories, *Nineteen Eighty-Four*, which made many a Westerner feel like committing suicide and many a Communist subject feel like not committing suicide (because someone outside hell understood what hell was like). He wrote excellent accounts of his own experiences, somewhere between investigative journalism and sociological participant observation.

That's quite a lot for an individual who died at forty-six. Yet there is something of greater weight than all of these put together: the numerous short pieces, the essays, and reviews he turned out rapid-fire, week by week, mainly to put bread on the table. Although Orwell was not an original theoretician, and his ideas, broadly characterized, were all off-the-shelf, he had a superb gift for formulating them sharply, so that their implications appeared fresh and unexpected. These writings sparkle with polemical virtuosity; they throb with life.[15] They will make entertaining reading for centuries to come. ❑

Notes on page 53.

Does Education Matter? Myths about Education and Economic Growth, **by Alison Wolf. Penguin Books, 2002, 332 pages.**

The Economics of Education

Stephen Berry

Policy makers of the Right and Left may differ over many things, but of one thing they are certain. Education — and here more seems to mean better — will be the key to success in the knowledge-based economies of the future. As a report to the British Parliament recently put it, "Learning is the key to prosperity. Investment in human capital will be the foundation of success in the twenty-first century." And there is scarce a dissenter to this in the Western World. Whether we look at Europe, North America, Australasia or Japan, the trend in recent decades is inexorably in the same direction. Expenditure on education is increasing, the number of teachers is growing relentlessly and, in many countries, the percentage of students who enjoy the benefits of college education exceeds 50 percent within their particular age group. The United Kingdom which, along with Japan, once practiced a highly selective system to govern entrance to university now sends more than a third of 18 year olds to college. Even the indomitable Swiss finally have cracked. With a strong tradition of apprenticeship, Switzerland fought a valiant rearguard action against the worldwide trend, but now has 15 percent of school graduates registering for university attendance — almost double the level of five years ago.

What could a doubting Thomas say who believed that the expansion of universities in the West had taken on a political life of its own, that perhaps governments had got it wrong here, too? Until recently he had to hide his head below the parapet, but now all this may be changing. Alison Wolf, a professor of education at the University of London, has written a book which questions many of the assumptions behind the great education expansion and has injected a little iron into the soul of lonely skeptics such as myself.

We should be clear on what the arguments in this debate turn. The more educated do indeed tend to earn more than their less educated compatriots and the economists of education even go so far as to correlate extra years at college with increments in income. But Professor Wolf wants to critically examine whether it was the time at college which made these high-earning people skilled. She also wishes to question whether if everyone had the same education as the high earners, they would have the same incomes and whether continual additions to the time spent at college will automatically add to GDP. Even the idea that education and economic success will be closely linked in the globalized 21st century is put under the microscope. It may be just as likely, she maintains, that we have over-educated workforces as that we need more graduates for the hi-tech future.

When employers hire graduates, might they just be looking for a method of ascertaining the ability of a particular candidate, not looking for particular skills?

No one doubts that in the modern world "having the right qualifications in the right subjects from the right institutions" matters. Whichever country you look at, the educated not only earn more, but they are also less likely to be out of work. But when employers hire graduates, might they just be looking for a method of ascertaining the ability of a particular candidate, not looking for particular skills? Wolf maintains that the answer to this question is yes. Education has become a socially acceptable method of ranking people. The better educated on the whole tend to be smarter and work harder, and hiring by credentials is convenient, legal, and unlikely to lead to trouble. The billions of public money poured into education may have, from the economic point of view, resulted in a rather expensive method of job filtering.

Employers are definitely looking for the most able people they can find. How long you stay on at school is closely related to how well you do at school, and years of education are correlated to general intelligence. In addition, years in education are a good indicator of motivation, perseverance, and organizational abilities, all desirable qualities for the employer. If one indicator of educational success, such as a degree or an American high-school diploma encapsulates a whole package of cognitive and personality measures, the employer will be happy.

Suppose, Professor Wolf says, "that everyone left school for good at the age of 15, or even twelve, instead of the modern habit of staying on longer and longer. Suppose too that, before leaving, everyone took some exams which provided a clear ranking of population. How much less productive would the economy, and most of these people, then be?" (p. 30) One might be even more radical and question whether in the scenario outlined by Professor Wolf, with the billions spent

on education returned to the taxpayers to spend as they wish, the economy might in fact be more productive.

Economists who attempt to calculate the economic benefits from education employ a number of concepts. The first is the so-called "private rate of return" to education. This calculates the income people get from education after allowing for both the direct expense of education and any income they may have foregone whilst undergoing education. It involves thinking of education spending as an investment and calculating what percentage return an individual will get for his or her education. The private returns can be described as benefits to individuals who receive the education.

The "social returns" aim to take into account the costs and benefits of education to society as a whole. Economists work out how much income is received by the educated as a result of their education and what sort of return this offers on the total amount spent, rather than the amount spent by the educated themselves. Most economists are agreed that the social returns, though considerably lower than the private returns, make education a good deal for the public. The Dearing Committee of Inquiry into Higher Education (1997) in the U.K. maintained that since the late 1960s, "the long run social return [to higher education] . . . has run at about seven to nine percent."

But I believe there is a spurious objectivity here. It is indeed possible to obtain figures for lifetime incomes, link these earnings to years spent at school, and compute the costs of schooling in terms of private and public expenditures. It is further possible to calculate a rate of return which will relate the expenditures to lifetime income differentials. We may even then compare this rate of return to that obtained from non-human capital. But to establish the cause and effect relationship, to show that the income differential is the result of more education, is a rather different 64 thousand dollar question. A close correlation has been found between intelligence and years at schooling and a further correlation between the wealth of parents and the length of schooling of their children. In order to be effective, the rate of return calculations for education have to separate out and quantify such factors as these which might also explain income differentials. I do not believe that this has been done and indeed doubt if it is possible.

There are further problems with income calculations which Professor Wolf alludes to. The concern with wage levels can mislead on the relationship between education and economic growth. An important condition for economic prosperity is a legal system which enforces contracts, and a legal system means lawyers — a conclusion you can't avoid, try how you might. But one should be wary of linking lawyers' salaries too closely with economic growth. The number of lawyers and the salaries they are paid might also have something to do with the volume of law and regulation in a particular society. To assume that because lawyers are well paid we should send even more people to law school to improve growth may lead to results the very opposite of which we wish.

Countries which in the last half-century embraced central planning of the economy also tended to believe in a rapid expansion of the educational sector. UNESCO was being true to form when in 1972 it talked about "a close relationship between educational planning . . . and national overall plans for economic and social development" (40). The upshot of these policies was to generate a plethora of expensively educated bureaucrats and low growth rates. But a rate of return analysis for these people would have shown them (and the economy) benefitting from education when compared with their uneducated fellow citizens. One doubts if the average peasant farmer in

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the Third World would have been too impressed with such an analysis, and might well have pointed out that it is just as possible for more education to mean less growth. The dubious benefits from expanding the number of lawyers and bureaucrats causes Professor Wolf at one point to wryly remark, "On the contrary: it is no more self-evident that, since some education makes some of us rich, more would make more of us richer than it is that 'two aspirin good' means 'five aspirin better'" (28).

If it is difficult to ascertain the importance of education for economic growth by looking at evidence within one country, can we do better by comparing the experience of different countries? Here too, the experience is inconclusive. In 1980 Egypt was the 47th poorest country in the world in terms of per capita GDP. Fifteen years later it was the 48th poorest, though in the meantime the educational sector had expanded considerably. Just about the only thing that Egypt has in common with South Korea of late is that they have both expanded their education sectors. During the last 30 years, South Korea also took care to expand its economy. Although in 1979 it had a smaller proportion of its young people in university than Egypt, by 1993 that proportion was much higher. You can be South Korea, enjoy high economic growth and increase the educational sector or be like Egypt, fail economically and still expand education somewhat.

Switzerland is one of the richest developed countries in the world but the number of young people enrolled at Swiss universities is still way below the average.

Predictably, it is South Korea which is one of the favorite examples of development economists who wish to make the case for increased spending on education. But there are plenty of examples which run counter to their mantra. The Hong Kong education system did not have the central direction and planning of either Korea or Singapore — indeed many of the Hong Kong workforce were illiterate peasants who had fled across the border from China. Yet the Hong Kong economic growth rate over the last 50 years stands comparison with any country's. Switzerland is one of the richest developed countries in the world but its educational arrangements are a cantonal, not a national affair, and the number of young people enrolled at Swiss universities is still way below the average in the Organization for Economic Co-operation and Development. The evidence of different countries across the world might just as well show that economic growth results in education rather than education causing economic growth.

Professor Wolf refers to two American economists, Mark Bils and Peter Klenow, who offer an interesting test of this idea. The main argument of the advocates of education expansion is that education increases productivity and therefore the educated have higher wages. It is typically the case that as workers become more experienced and build up skills, they will earn more. This is the so-called "experience premium." As we have seen, in many countries the length of time spent in education has increased for most young workers. Bils and Klenow therefore point out that if the additional education has improved productivity both in the short term (workers have less to learn when they start work) and long term (workers learn faster and more effectively), wage statistics should register the fact. We should expect the "experience premium" to decline over time. Highly educated young workers should get paid more on entry to a job than previous generations did, but accumulate less of an "experience premium" because they have less to learn. Moreover, those countries with the most rapidly narrowing premiums should grow the fastest as they benefit from the increasing number of well-educated young workers.

Bils and Klenow were not able to detect any such trend and the size of the "experience premium" seemed to bear little relationship to the growth rates of different countries. They were, however, able to detect the phenomenon of the fast-growing economy encouraging and generating further schooling. And well they might. If education provides the certificates which are the recognized and legitimate route to economic success, children will want more of them, especially when they come with a hefty contribution of taxpayers' money.

But maybe the skepticism I have outlined above is ancient history and everything is different now? In the new economies of the 21st century, skills and flexibility are all and only education can deliver growth in the new "knowledge economy." "Western economies have moved from manufacturing goods to manufacturing ideas" — or so the purveyors of this turgid jargon would have us believe. What really will be the occupational structure of the new economies of the 21st century?

If education provides the certificates which are the recognized and legitimate route to economic success, children will want more of them, especially when they come with a hefty contribution of taxpayers' money.

The "it's all different now brigade" are right to point out that certain jobs such as that of the coal miner have all but disappeared across much of the advanced world, but wrong if they imply that all the new jobs will be ones requiring high degrees of skill. Professional and managerial jobs may have increased in number, but skilled and semi-skilled manual work has correspondingly declined. And have no doubt about it, low-skilled jobs still exist by the millions. Two of the fastest growing jobs of the last decades were "care assistant" in nursing homes and hospitals and answering the phone in call centers. As long as we continue to live in houses and apartments, travel to work, and shop for a rich and varied

array of goods, rest assured that there will still be jobs for people who clean streets and offices, operate supermarket checkouts, pack and deliver boxes, and sort out the plumbing.

There are many reasons why people who do these kind of jobs might benefit from becoming acquainted with the novels of the Brontë sisters or starting a course in the Italian language, but none of them have anything to do with the education for growth arguments peddled by modern policy makers. As Professor Wolf dryly notes, "I find it difficult to construct a convincing argument that more . . . degrees are needed so that people will be educated enough to stack shelves, swipe credit cards, or operate a cappuccino machine effectively." In fact, it's probable that over-education (in the sense that people have developed skills which are not being used) is the norm throughout much of the Western world. In the U.K., some economists have pointed out that large numbers of jobs demand qualifications from their holders which were not required in the past. Increasing the number of people with formal qualifications means that employers can insist on an applicant having more education and view with suspicion anyone without qualifications. The result is quite simply that jobs which once went to people who left school at 16 or 18 now go only to applicants who have degrees. Education has become a race where everybody is running faster and longer but, lo and behold, it is still true that only ten percent of people can finish in the top ten percent.

In this review I have concentrated on the criticisms of the "education means growth" section of Professor Wolf's book as I regard these as her most important and valuable contribution. Before I conclude, I should mention that she covers much more ground in her general discussion of the position of mass education in the modern world. She laments the fact that the increase in student numbers has reduced the average quality of university education and produced the famous "dumbing down" effect. Yet, it's a racing certainty that, if you have increased numbers of students going on to further education, the courses will have to be made palatable and passable for the majority of students. Otherwise you will have even more people dropping out of college, and in some countries this number has already reached eye-popping proportions.

Professor Wolf points out that the efforts to expand the number of graduates has gone hand-in-hand with government financial stringency to make the entire enterprise feasible. She further maintains that there is an egalitarian thrust to the grand project and this has resulted in the elite universities being squeezed. I must part company with her here. Many of the best universities across the Western world have a growing private income and benefit from considerable donations by their rich alumni. The main sufferers from the large expansion of the education system over the last 50 years are located outside — not inside — the education sector. The late Peter Bauer noted that foreign aid was largely the transfer of resources from the poor of the First World to the rich of the Third World. The present education system is in fact the transfer of resources from the poor of the First World to the rich of the First World.

I will not end on a discordant note. That someone who works within the academic field of education should question the economic value of education speaks for a certain courage. That Alison Wolf should have done this in a book which is well argued and entertainingly written is better still. This book is a wake-up call to education policy makers the world over. ❑

Propaganda for War: How the United States Was Conditioned to Fight the Great War of 1914–1918, **by Stewart Halsey Ross. McFarland & Co. Inc., 1996, 341 pages.**

Propaganda for War

Bruce Ramsey

How did America get itself into World War I? The proximate reason is that German submarines were sinking American cargo ships, which was outrageous and intolerable. But where were the merchant ships going? To Britain. Had they gone to Germany, they would have been sunk by the British.

For the first three years of war, the United States stood aside, neutral in form but "distinctly non-neutral in spirit," writes military historian Stewart Halsey Ross. His book, *Propaganda for War,* describes how Americans were talked into fighting their first war in Europe.

I looked up this book after having read his more recent work, *Strategic Bombing by the United States in World War II,* which I reviewed for last month's *Liberty* ("U.S. Terror Tactics in WWII"), which had turned a critical eye on American war policy. So does this book. At times it is slow going — Ross is not a sprightly writer — but it describes a piece of history with obvious application to what's happening today.

Like the wars that came after it, World War I was sold as a moral cause — a crusade against absolutism, barbarism, and the "Hun." The British argued that if Germany won in Europe, it would cross the Atlantic and attack the United States. This was far-fetched, but people believed it. The British also argued, writes Ross, "that there could be no negotiated peace with Germany short of total Allied victory, and that England, France, and Russia were, in fact, fighting America's

war. Once the United States was actively a belligerent, the nation's public opinion would be directed to accept nothing less than 'unconditional surrender.'"

Ross tells how Britain set up a propaganda office and went to work grinding out atrocity stories. In Belgium, German soldiers were said to bayonet babies, to nail men to the sides of buildings, and to ravish women and cut off their breasts as a mark of conquest. We have heard such stories in our own time — of Iraqis unplugging incubators in Kuwaiti hospitals, for instance. But today we are more skeptical and are more able to verify stories of this sort. Eighty-five years ago it was easier to maintain a lie, and, Ross says, that's just what the British did. So did the Germans, but their propaganda, he writes, was "never on the scale nor of the consistently high quality of the British effort."

German propaganda was passed on in the German-language press in the United States, which was extensive then. This won some support among German-Americans. But the English-language press was much more extensive, and it was overwhelmingly pro-British. "One month into the war, nearly every newspaper in English in the United States was editorially parroting England's propaganda line," writes Ross. He quotes libertarian journalist Garet Garrett, then an editorial writer at the *New York Times*, about his own newspaper, while it officially claimed to be neutral: "You can't prove it on any one day," Garrett wrote in his journal. "It is the continuing effect that comes from having day after day unconsciously accepted the *Times* appraisal of news values . . ."

In Belgium, German soldiers were said to bayonet babies, to nail men to the sides of buildings, and to ravish women and cut off their breasts as a mark of conquest.

In May 1915, a U-boat sank the *Lusitania*, a British-flag liner sailing from New York to Liverpool. The Germans claimed that it had been carrying munitions, which it had, but the action also killed more than 1,200 civilians including 128 Americans. Passengers on *Lusitania* had been warned by the Germans, including the famous ad that the German Embassy placed in the New York papers. But they had not been warned on that last day by the British admiralty, who knew where the subs had been operating and that the subs would target the munition laden-ship.

Ross speculates, as does historian Diana Preston in her 2002 history, *The Lusitania*, that First Sea Lord Winston Churchill deliberately kept the *Lusitania* in the dark. "A major diplomatic objective of the British was to bring America into the war; purposefully putting the *Lusitania* into maximum jeopardy would have served that strategic objective," Ross writes. He offers some circumstantial evidence of that, as did Preston, but claims it as a possibility, not a fact.

How would the U.S. government react to the sinking? The secretary of state, William Jennings Bryan, had been given the job because he had helped Wilson get the Democratic Party's nomination. He was a genuine neutral and he knew the ship was carrying munitions. He wanted a measured response, but he never had much say about Wilson's foreign policy. Wilson, the former college professor,

A major diplomatic objective of the British was to bring America into the war; purposefully putting the Lusitania into maximum jeopardy served that strategic objective.

Notes on Contributors

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responded belligerently to Germany, virtually demanding the end of submarine warfare. Bryan tendered his resignation and was replaced by Robert Lansing, who supported the Allies' war effort.

So did many in the State Department. The U.S. Ambassador in London, Walter Hines Page, wrote to Wilson that the war "is a world-clash of systems of government, a struggle for the extermination of English civilization or of Prussian autocracy. . . . It is a matter of life and death for English-speaking civilization."

There arose a movement of "preparedness," which was mixed with portents of war. Its leaders were Maj. Gen. Leonard Wood and President Theodore Roosevelt. The old Rough Rider "yearned to be in the seat of power," Ross writes, and by the summer of 1915 "was in full cry." Liberal journalist Walter Lippmann denounced the war party for "its unconcern about law, its radical jingoism, its exaltation of the federal government as supreme, its attacks on civil liberties."

Also in the summer of 1915, J.P. Morgan & Co., the Wall Street financiers who had bailed out the U.S. Treasury in 1895 and 1907, undertook to bail out the British Empire. It did something the American government would not do, but which Wilson heartily approved: it raised loans for Britain in the United States. By April 1917, American bankers had lent the Allies more than $2.1 billion gold dollars — loans that paid for the cargoes carried by the merchant ships.

Still America was not in the war. In 1916, Wilson ran for re-election on the slogan, "With honor, he kept us out of war." He had, sort of, and after the *Lusitania*, Wilson had intimidated Germany into stopping its sinking of U.S. merchant ships. But the submarine was Germany's most effective weapon, and Germany's loosening of the noose around Britain did not mean any loosening of the British blockade of Germany. Early in 1917 German war leaders decided to sink everything going to Britain and take their chances with the Americans. In April 1917, that decision brought America into the war.

Then the propaganda became official. George Creel, a journalist of little renown, was named head of the government's new Committee on Public Information. His job was "to convince a lukewarm population that the nation was engaged in a life-and-death struggle against the forces of darkness," Ross writes. "For the first time in United States history, a government organization not only 'conditioned' all important news originating in Washington, but totally controlled it."

The social and political effect of war was another story, from censorship to the banning of beer and brothels and the renaming of everything German. The government seized the railroads, jacked up the brand-new income tax, drafted men and threw war resisters in jail. Freedom of speech was gone.

Americans allowed their liberties to be curtailed not only because they were now at war, but also because they had been conditioned by three years of propaganda. They had become partisan in thought, outraged at the acts of one side and not the other, and more and more accepting of a not-really-neutral position. When the war ended, more than 100,000 American men had died in a conflict that was none of their business and which served no valid American interest. ❑

My Orwell, Right or Wrong, *from page 47*

Notes

1. Orwell himself was sterile. He and his wife adopted a son, whom Orwell devotedly cared for after her death.
2. Most of the above views are clearly propounded in Chapter 11 of *The Road to Wigan Pier*.
3. See my forthcoming book, *Orwell Your Orwell: An Ideological Study* (South Bend: St. Augustine's Press, 2004).
4. *Complete Works*, Volume 10, p. 268.
5. Reprinted in Ray Perkins Jr., ed., *Yours Faithfully, Bertrand Russell: A Lifelong Fight for Peace, Justice, and Truth in Letters to the Editor* (Chicago: Open Court, 2002), pp. 177–182.
6. This term was commonly used to include those who were not strictly pacifists.
7. See for example Peter Cain, ed., *Empire and Imperialism: The Debate of the 1870s* (South Bend: St. Augustine's Press, 1999).
8. *The Orwell Mystique: A Study in Male Ideology* (Amherst: University of Massachusetts Press, 1984).
9. David Smith and Michael Mosher, *Orwell for Beginners* (Writers and Readers, 1984).
10. *Road to Wigan Pier* (London: Penguin, 1989 [1937]), p. 206.
11. *Orwell, The Road to Wigan Pier* p. 119. Orwell's italics.
12. George Orwell, *Complete Works*, Volume 20, pp. 240–259. Unfortunately Secker and Warburg have not handled the *Complete Works* happily. The hardbound edition is available only as a set at a monstrous price. Volumes 1–9 are Orwell's nine book-length works. Volumes 10–20 comprise all of Orwell's other output, arranged chronologically. These last eleven volumes, but not the first nine, have been released in paperback, with no volume number or series title on the cover or title page. None of them can be bought in a regular way from bookstores in the U.S., though they can be purchased from British suppliers online. They are usually listed by title, with no indication that they belong to the Collected Works. Volume 20 has the title *Our Job Is to Make Life Worth Living*, 1949–50.
13. With the air of one setting the facts straight, Hitchens declaims that the "existence" of Orwell's list "was not 'revealed' in 1996." But no one has ever suggested that it was. The fact that Orwell had passed on this list to a covert government agency was revealed in 1996.
14. Hitchens, p. 163; Orwell, *Complete Works*, Volume 20, p. 103.
15. The essays are now available in one 1,400-page volume: George Orwell, *Essays* (Knopf, 2000). Also invaluable are the four volumes of *The Collected Essays, Journalism, and Letters of George Orwell* (Godine, 2000 [1968]).

Terra Incognita

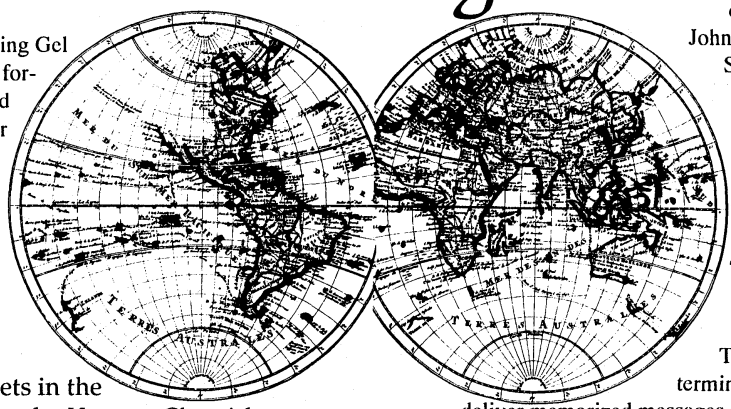

San Diego

Curious news from the frontlines in the War on Drugs, reported by the *Seattle Times*:

Two Tijuana businessmen purchased a Nissan Pathfinder at auction from the U.S. Customs Service. When they attempted to cross the border with the truck, Customs discovered 37 pounds of marijuana in a hidden compartment that they had missed earlier. The businessmen were arrested, convicted, and sentenced to a year in prison.

United States

Aramis Laboratories offers a cure for the beer belly:

"Ab Rescue Body Sculpting Gel is an advanced thermogenic formula that tones, tightens, and enhances ab definition. After 8 weeks, when used with your fitness program, your skin will improve by 20% in tightness, 24% in firmness and 38% in tone. Men's Fragrance. $30."

Houston, Tex.

Sad news for gourmets in the Lone Star State, reported by the *Houston Chronicle*:

Students at Rice University have discovered that the tiny bits of polyunsaturated fatty acids created by cooking meat — barbecue — contribute to Texas' smog problem. Fine particles may be subject to increased regulation if it is found that metropolitan areas do not meet federal air quality standards.

China

Setback in the struggle for natural foods, from the *Straits Times*:

China's health ministry banned the sale of human breast milk after revelations that a restaurant was serving dishes cooked with the milk from rural mothers.

United States

A small victory for personal privacy, from the *Philadelphia Inquirer*:

Several of the nation's leading medical schools have announced that they will abandon their decades-old practice of letting students perform pelvic exams on women without their consent while they are under anesthesia.

Tacoma, Wash.

Sign posted on receptacles inside restroom stalls at the Tacoma Main Public Library:

"For the Safety of our Patrons:
Please place needles and other sharp objects here."

Oslo, Norway

A new variety of esthetic experience, reported by the *Houston Chronicle*:

A flying sheep's head hit a concert goer and fractured his skull at a concert of the metal band Mayhem.

New Delhi, India

Hot air forces parliament to overturn budget proposal as found by the *Seattle Post-Intelligencer*:

Upset by a budget proposal to raise the price of fertilizer, lawmakers in India's lower house of parliament shouted their opposition for four hours. The proposal was overturned.

Healdsburg, Calif.

A athlete reveals how he managed to become a champion without the use of steroids, reported by the Associated Press:

"Whenever you see a tense muscle, they're going rock," said Jeff Johnson, the world champion at Paper, Scissors, and Rock. "If they look relaxed, it's going to be paper."

New Athens, Ill.

Impressive specimen of innovative American entrepreneurship, from the *Chicago Tribune*:

Paul Kinsella of New Athens has launched "Afterlife Telegrams," a service which enlists terminally ill volunteers to promise to deliver memorized messages in the hereafter to the dearly departed of your choice.

Springfield, Mass.

Dispatch from the frontlines in the war between church and mega-store, as reported by the *Concord Monitor*:

Kimberly Coutier has filed a lawsuit against Costco Wholesale Corp., after being fired for refusing to remove her eyebrow ring. Miss Coutier says that she belongs to the Church of Body Modification and wore her eyebrow ring and other piercings as a sign of her faith.

Denmark

Curious activity of Scandinavian Boy Scouts, from the *Anchorage Daily News*:

A Danish scout group acknowledged that it "may have crossed the line" by organizing a game of tag in which adults pretending to be Nazis chased children dressed as Jews around a phony concentration camp.

Europe

Advance in the depravity of dairy products, from *Wine & Spirits Magazine*:

Unilever, an English-Dutch company, has unveiled seven new varieties of its Magnum ice cream, each taking as its namesake one of the deadly sins: avarice, sloth, envy, lust, gluttony, pride, and wrath. "Lust" is vanilla ice-cream covered with a layer of strawberry chocolate; "gluttony" is dark chocolate ice cream with a white chocolate topping.

Alabama

Motto on store receipts of Alabama's state-owned liquor stores:

"GOD BLESS AMERICA
It's the LAW!"

Special thanks to Leland Yeager, Russell Garrard, Owen Hatteras, Thor Albro, John Barry, and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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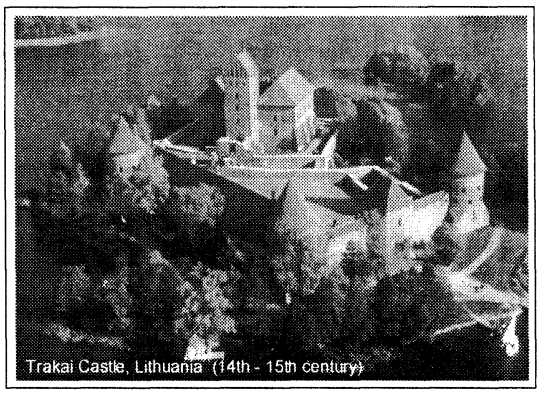

Trakai Castle, Lithuania (14th - 15th century)

and returns to Vilnius at approximately 6:00 PM on the 14th of July. Price is a bargain at only **$549**. (shared). It includes travel, hotel accommodations, meals and admission to all attractions.

Periodic updates on the conference will be posted on the ISIL website: http://www.isil.org. Or you can get them by signing up for the FREE FMNews, published by Free-Market.net (now a division of ISIL). Or you can write ISIL at the address below for printed materials.

A Stellar Speaker Lineup

Andrei Illarionov (Russia) – chief economic advisor to Russian president Vladimir Putin.

Mart Laar (Estonia) – past Prime Minister of Estonia.

Yuri Maltsev – former advisor to Russian president Mikhail Gorbachev – now teaching Austrian economics in the US.

Jaroslav Romanchuk VP of the official opposition party in Belarus and CEO of a free-market think tank in Minsk. A long-time Objectivist, he introduced Andrei Illarionov to the Russian version of Ayn Rand's *Atlas Shrugged* (a project launched with the help of ISIL in 1992).

Other speakers in our kaleidoscope of movement luminaries, include:

- Dean Ahmad (USA)
- Alphonse Crespo, M.D. (Switzerland)
- Algirdas Degutis (Lithuania)
- Louis James (Free-Market.net CEO)
- Elena Leontjeva (Lithuania)
- Christian Michel (Switzerland/England)
- Prof. Jan Narveson (Canada)
- Mary Ruwart (USA)
- Ken Schoolland (USA)
- Remigijus Simasius (Lithuania)
- Doug den Uyl (USA)
- Ramunas Vilpisauskas (Lithuania)
- Plus many more to be announced.

Also included in the conference package is an evening concert at Trakai Castle (see photo above), a visit to "Stalin World" (a theme park chronicling the horrors of communism); an opening reception (July 6), and a closing gala banquet (July 10). Checkout is in the morning of July 11th.

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with annotations by George Harper

Behind the Smoke & Mirrors

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Michiganistan?

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The War Criminals in Our Midst

by Robert W. McGee

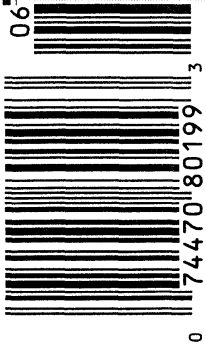

Also: *Alan Ebenstein* looks back at Roosevelt's Raw Deal, Veronica Menezes Holmes examines America's debt to the French, Jo Ann Skousen discovers how Hollywood extracted the conflict and drama from the Civil War . . . plus other articles, reviews & humor.

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Inside Liberty

June 2003
Volume 17, Number 6

4 Letters Fresh from the mouths of our readers.

5 Reflections We discover our inner nation, get scanned by Mormons, envy Somalia, tamper with the mails, take pity on Sen. Santorum's wife, and take a stroll down the Arab Street.

"Victory" in Iraq

11 We Are the Borg Resistance is futile and Islamic fundamentalists know it. *William E. Merritt* worries about a war that can't be won.

15 Behind the Smoke and Mirrors The war on Iraq isn't about Osama bin Laden, weapons of mass destruction, liberation, or even oil. *R. W. Bradford* offers a guided tour of American gullibility.

21 Why We Conquer On the eve of war, *George W. Bush* told Americans why he was about to order the invasion of Iraq. *George Harper* reads between the lines of the president's speech.

Also: Cleaning Up After the War Party, by *Clark Stooksbury*, and Criminals in Our Midst, by *Robert W. McGee*

Features

31 The Rorschach Test of Limited Government *Robert A. Levy* has the results: left-liberals and conservatives ignore the "inkblot" amendment, and find only what they want to find in the Bill of Rights.

33 America's Debt to France Send that Freedom Toast back to the chef. *Veronica Menezes Holmes* defends our misunderstood friends, the French.

35 Michiganistan? The Wolverine State joins a handful of conservative Islamic states in its retribution against people having the wrong kind of sex. *Leon Drolet* looks at the curious history and geography of repression.

Also: Bedfellows Make Strange Politics, by *Ralph Reiland*

41 Fireworks! There will always be good reasons for Americans to be proud of their government, *Ross Levatter* learns.

Reviews

43 A War Too Civil *Jo Ann Skousen* looks at how Hollywood extracted conflict and drama from the Civil War.

44 Choose Your Own Adventure Are free will and determinism compatible? *Timothy Sandefur* looks at a philosopher who says, astonishingly, "Yes."

47 Getting It Wrong William F. Buckley Jr. rewrites the history of the Radical Right, mainline conservatives, and libertarians. *R. W. Bradford* sets the record straight.

50 Raw Deal *Alan Ebenstein* is glad to see FDR's legacy judiciously trashed.

51 Character Counts *Bruce Ramsey* would like to know where our heroes are leading us.

52 Notes on Contributors The Dream Team of the Invisible Hand.

54 Terra Incognita The poor man's Atlantis.

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Letters

The War on Self-Ownership

Timothy Sandefur stated that we "the people have a right of revolution" ("Freedom and the Wolves," March) and that "not even Lincoln denied that the right to revolution is a right which the people . . . possess at all time; it is inalienable. It is, however, a right of a certain nature. It can only be exercised in self-defense; otherwise it is not a revolution, but an initiation of force."

I quite agree with Sandefur. I would also like to point out that the so-called War on Drugs is, in fact, a war on the inalienable right of self-ownership. That evil and illegitimate policy violates the rights of otherwise non-violent, non-larcenous, consensually behaving adults. As such, we have the right of self-defense and a revolution is called for by the Declaration of Independence.

Sandefur goes on to say that "Americans, cherishing their libertarian founding, have long believed that freedom is sweeter than life, and I dearly hope they go on believing that." Sorry, Sandefur, but that is no longer true, if it ever has been. All the people in prison, serving years and years for not violating anyone's rights, because of the War on Drugs, proves me right. I, personally, am serving a 27-year sentence for a first-time, non-violent, drug conspiracy conviction in which there were no drugs. Not one. No one is marching on Washington demanding the end of this obscene travesty and violation of inalienable rights.

David A. Nichols
El Paso, Tex.

High on the Highway

Tim Slagle referred to an anti-drug ad which states that "one out of three people, stopped for reckless driving and tested for drugs, tests positive for marijuana" (Reflections, May).

While Slagle made some good points, he missed an opportunity to point out the real misuse of statistics in this ad.

The purpose of the ad is to make people think that every time they see a reckless driver, there is a good chance the driver is high on marijuana. But take a closer look. There are numerous classes of drivers mentioned in the statistic.

The overall, encompassing group is "reckless drivers." The second-largest group is the people who are "stopped" for reckless driving which, in my experience, is a tiny fraction of the idiots who are cluttering the roadways. And the next sub-group, included in the "stopped" category, are those who are tested for drugs. What percentage of reckless drivers are tested for drugs? Most reckless drivers are drunken teenagers (a statement for which I can offer no corroborating evidence, but which I stand by nonetheless). Who would bother to give a drug test to a person who has already failed a sobriety test? Also take into consideration the point made by Slagle, that a marijuana test doesn't tell when you used the marijuana.

That actual number of drivers who are high on marijuana at any given time has got to be minuscule, even among that group labelled as reckless.

David Kirkpatrick
Klamath Falls, Ore.

Amendment from on High

In the April 2003 issue (Reflections), Alan Bock jumps on the feds for "[u]sing the military to enforce domestic laws." The executive branch has always had the power to defend our borders from invasions — without a declaration of war from Congress. Whether the flood of illegal Mexicans is an invasion, an incursion, or a mistake is debatable, but the reality is that Mexican military Humvees have crossed the border and fired on

continued on page 40

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Reflections

I, nation — Individual sovereignty may be closer to reality than libertarians ever suspected. The U.S. 9th Circuit Court of Appeals, in *Inyo County* v. *Paiute-Shoshone Indians*, recently ruled that Indian tribes may have immunity from searches in criminal investigations. This is supported by the Bush Administration which said the tribe's immunity should be upheld to preserve "the dignity to which their sovereign status entitles them." Four states — Washington, Arizona, Montana and New Mexico — are siding with the tribe in this case.

In another development arising out of federal law on Indian gaming, a gambling permit has been issued to an Indian tribe that consists of one person. So, if a lone remaining member of an Indian tribe can claim sovereign status and immunity from searches in criminal investigations, when can the rest of us be entitled to the same equal protection, individual sovereignty and immunity? Or, is such status reserved only for those who meet the federal government's convoluted definition of sovereign? — Errol Nelson

Will someone please tell Salt Lake City the Olympics are over? — I visited Salt Lake City recently and was surprised to see that city and church officials have preserved their strict security measures long after the Winter Olympics ended. Here it is 15 months since the last Olympian left the "Crossroads of the West," and Salt Lake still randomly searches cars at the airport. (My son Tim refused to allow them to search his car when he came to pick me up. The police officer had never heard of the 4th Amendment. Amazingly, he let him go through.)

The Salt Lake Airport also continues to conduct random searches on people boarding airplanes, a policy abandoned in most other cities. Worse, the Mormon Church insists on having its own faithful go through security machines to attend its semiannual conference. It's bad enough being treated as a criminal every time you get on an airplane in this country. Now even the church treats its own as potential terrorists and heretics.

A spokesman for the church's conference center reportedly said, "We have these security machines held over from the Olympics — why not use them?" I can understand New York City or Washington, D.C. adopting a war-zone mentality, but Salt Lake City? Is this paranoia? Or hubris?

— Mark Skousen

Let's not be moronic — In a Reflection in the April *Liberty*, Doug Casey argued that President Bush is a "moron." Not a figurative "moron" who pursues foolish policies, but a literal moron — that is, someone with the mental age of an 8–12 year old, who is capable of performing routine work under supervision. It is unfortunate to see Casey succumbing to the same kind of ignorant snobbery about Bush that pervades much of the elite media. On the SAT, Bush scored a 640 in math, and a 566 verbal. This puts Bush's verbal score in about 95th percentile of all high school juniors and seniors, and in about the 98th percentile for math. It is obviously impossible for someone with the mental age of an 8-to-12-year-old to achieve such scores.

People can have legitimate disagreements with Bush's foreign policy, or they can believe (as Brink Lindsey and I do) that Bush policies are generally wise; there are good arguments on both sides. But claiming that Bush is implementing his particular policies because he is stupid adds nothing to the argument. Substituting personal insult for serious argument has become a common tactic of the p.c. hard Left in universities, and a magazine such as *Liberty*, which aims to elevate political discourse, shouldn't stoop to such tactics. — David Kopel

Somalia envy — The loving appreciation of "anarchy" in Somalia in the May *Liberty* reminds me of the last political tragedy of the 20th century: Al Gore's concession of the 2000 election. Not that I wanted him to win — heaven forbid — but repeated court challenges by his backers could have kept the White House empty and thus saved taxpayers a load of money, implicitly demonstrating that this country could survive without a president — that the United States could, in effect, realize the political sophistication of Somalia.

— Richard Kostelanetz

Santorum and the Sodomites — Just like Sen. Rick Santorum has "no problem with homosexuality," but just a "problem with homosexual acts," I have no problem at all with Sen. Santorum as long as he doesn't have sex. I personally respect him to the max and have even voted for him. I want to assure you that I have absolutely nothing, nothing against the man — as long as he remains celibate. He's right that he need not apologize to gays for saying homosexuality poses a threat to the family and to society in general. "In every society," said the senator, "the definition of marriage has not ever included homosexuality. That's not to pick on homosexuality. It's not, you know, man on child, man on dog, or whatever the case might be."

Man on dog! Man on dog is precisely the bone I want to pick with Sen. Santorum — that, and his orientation, which I see as a threat to America. I can't help it, those are my feelings. It's not just that he looks like a Basset hound, but I get nightmares about imagining what would happen when the sex police make their rounds and peer through the Santorum bedroom window and suddenly are confronted with the sight of the senator's wife having sex with what they believe is a dog!

I'm sorry, I can't help it, but it just looks bad, and I am personally disgusted by the thought of a woman having sex with a man who looks like a basset hound. Nowhere is it written that men who look like hush puppies can enter into

marriage contracts. Normally, I would argue feverishly against invasions of privacy that entail peeping in the bedroom window of consenting adults, but the senator himself assures us that he does not believe that anyone, and I stress, anyone, has the right to privacy. In fact, he tells us, a right to privacy doesn't exist at all! He can't find it in the Constitution, and it was just an erroneous concept stuck into law by some nutso Supreme Court ruling that struck down laws regulating contraception.

The Court's opinion in the contraception case, *Griswold* v. *Connecticut*, found that the right to privacy was unstated, but implicit, in the U.S. Constitution. How silly! Imagine the Supreme Court coming up with an idea like that!

The senator assures us that the right to privacy doesn't exist at all. He can't find it in the Constitution — it's just an erroneous concept stuck into law by some nutso Supreme Court ruling that struck down laws regulating contraception.

If the senator hadn't borrowed his political orientation from the Taliban, he might have noticed the Fourth Amendment to the United States Constitution:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Maybe I'm nuts, but that paragraph screams out privacy to me. One can only imagine what things need to be searched and seized when the police kick in the door to check for contraceptive use or the possible occurrence of gay sex. But the senator could effectively and correctly argue that contraception is a threat to the propagation of the human race, and against biblical prescriptions to be fruitful and multiply.

"If the Supreme Court says that you have the right to consensual sex within your home," says the senator, "then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery, you have the right to anything." Why, you could kill people in your bedroom! You would have the right to masturbate till you went blind! You could do a *ménage à trois*! Someone could hang on the chandelier! All those are just gateways to Dr. Johnson's sex toys, to Long Dong Silver, to *The Joy of Sex* and to Silicon Sally Love Dolls and lap dancers. Let's confiscate those jellies, and rubbers and pills that facilitate this lifestyle! If there's a city or town so decadent that it wants to legalize this junk, let them do it one by one, town after dirty town, so we can see who they are, these cities that should be turned to salt!

"They *are* poached eggs, sir — we grabbed them when the chicken wasn't looking."

Senator, I'm sorry, it's not that I'm dissing you, but it's just how I feel. It comes down to the fact that I think your philosophy is totalitarian and stupid and I don't think people like you should be U.S. senators or be allowed to breed.

— Sarah J. McCarthy

We, the disingenuous — The staff attorney for the Ohio branch of the American Civil Liberties Union visited my university last week to report on the two University of Michigan affirmative action suits now before the U.S. Supreme Court. Although I suspected that he and I would differ concerning the merits of the dispute, I wanted to see whether there might nonetheless be some common ground between contemporary libertarians and the nation's most venerable organization dedicated to the protection of citizens' liberties. After all, I thought, even if the ACLU has decided that, on balance, the interests of the state in ameliorating a heritage of racial discrimination and disadvantage are compelling, it would acknowledge that the practice of affirmative action raises troubling issues concerning the constitutional guarantee to equal treatment under the law.

The fact that I've written this Reflection has probably tipped you off that my expectations were disappointed. The anti-affirmative action stance, we were told, need not be taken seriously. That is because when opponents of affirmative action talk the language of individual rights, they are being "disingenuous." What they really desire is preservation of privilege. The plaintiffs who contend that employment of racial criteria deprived them of access to the university are also being disingenuous. They are simply stalking horses for the radical right. And so the evening went. The presentation offered very little information concerning the legal issues being considered by the court — itself, according to the ACLU, being held hostage by a cabal of five crusading conservatives — but a continuing commentary on the opponents' discreditable motives.

The evening was drawn to a close with a pronouncement that the real agenda of those attempting to shut down affirmative action is no less than "to close the doors of higher education to minorities." Apparently the legal strategy of today's ACLU is to find disingenuity under every rock and crevice, and then to root it out with demagoguery and defamation.

— Loren Lomasky

Killing swarthy Muslims for Jesus — A year ago I wrote a newspaper column about Israel. It was addressed to conservatives, who have become Israel's most hard-core supporters in the United States. I asked them why they supported Israel in its war with the Palestinians. I argued that if either side could say the war was about its "right to exist," it was the Palestinians. Israel exists; the

Palestinian state does not — and Israel already has about 78% of the land of Palestine.

I got more emails from that column than anything I have written. I also appeared on two radio talk shows, both conservative in which the host and the callers argued for Israel.

And now I have a better idea of that conservative sentiment.

In the column I had dealt briefly with two arguments: that Americans should side with Israel because it is a democracy and because it is in a war against terrorism. And I heard both of those arguments in the emails.

But also other ones. There is a belief among evangelical Christians that the Israelis are God's chosen people, and that all of Palestine belongs to them because the Bible says so. You don't see that in the mainstream press, because the mainstream press does not deal in religious arguments. Religious arguments are presented in a ghetto. Religious believers, when venturing out into the secular mainstream, use secular arguments. They talk about democracy, but that is not what is in their hearts.

In writing the column, I was dealing with their public argument, but not the argument they cared about.

That was the first thing. The second thing was that when people talk about Israel as a democracy, they are really engaging in identity politics. They are not saying, "This land should belong to whatever group has the most egalitarian voting system." It is saying, "I support the Israelis because they are like me." And the Israelis may be more like him, in religion, political ideas, wealth, style of living, dress, etc.

Is that how one should decide a claim between two foreigners? I didn't see why it should be.

The third thing was the argument about terrorism. Which boils down to, "I'm for Israel because suicide bombing, especially of civilians, is disgusting." And it is disgusting. But

There is a belief among evangelical Christians that the Israelis are God's chosen people, and that all of Palestine belongs to them because the Bible says so.

Israeli soldiers kill civilians. It is not suicide bombing; it is an organized activity of the Israeli state. One could call it a government program. Is that not disgusting?

What you find disgusting depends on which side you're on, and that depends on how you define the issue. A few humanitarians will say that all killing is equally bad, and feel it. But for most, the idea comes first, the disgust second, the arguments third. — Bruce Ramsey

The supreme incentive — Let's not be intellectually lazy, nor verbally imprecise when we generalize about our government. Remember that all generalizations, including those about government, are false, including this one — unless you properly identify the bureaucratic sector under discussion.

But first consider the basic tenet that the problem lies in the coils of incentive and evaluation that envelop any organization. Obviously, in the private sector, if Jerry's Rug Shampoo Service ("We'll clean the cat for free") is not good at cleaning rugs and cats, profit will elude Jerry. The shop will close. The cat will be filthy. However, if the rug shampoo service is a government agency unmindful of profit — and even turns your rug emerald green — it will still roll on forever like the muddy Mississippi. No profit, no incentive. And no way to measure the effectiveness of the Department

If Jerry's Rug Shampoo Service ("We'll clean the cat for free") is not good at cleaning rugs and cats, profit will elude Jerry. The shop will close. The cat will be filthy.

of Rug Shampoo Service.

What isn't obvious is that there is a division of the government that depends on the supreme incentive. It is called the Department of Defense and the supreme incentive, of course, is life. If you make a mistake landing a tomcat on the careening deck of the *Theodore Roosevelt*, you'll lose your life. If the flight control office makes a judgmental error, death can result. If the mechanic who services the engine gets careless, the same. There are huge incentives involved in operating and maintaining weapons and explosives — not to mention the peril of the battlefield. The result of inefficiency, like the wages of sin, is death. Incentives far more powerful than profit drive the operation. This is not true of the SSA or the Bureau of Indian Affairs or the IRS. By the way, it is interesting to note that the public isn't so dumb. When they are polled about the departments of the federal government, the DOD usually leads in efficiency. — Ted Roberts

Unhealthy skepticism — Michael Fumento has made a name for himself as the journalist who debunks health scares. In essence he argues that people tend to worry about the wrong things, from passive smoke to heterosexual AIDS, and not enough about the right ones. I usually agree with him. But not this time.

I had planned a family trip to China for early April. In late February, I began hearing about a strain of pneumonia in a Chinese province I planned to visit. Initially, I had the same reaction as Fumento: don't worry. It is a few cases out of millions. I booked tickets, reserved hotels, and paid the money.

And then the story got bigger, and bigger, and bigger.

By the time Fumento's piece was published in Canada's *National Post*, March 28, the disease had been given a name, Severe Acute Respiratory Syndrome, or SARS. It had broken out into Hong Kong, Singapore, the United States, and Canada. And it was a creepy disease. It began like the common cold, spread to the lungs, and in fatal cases puffed up the lungs until they burst.

It spread in the hospitals. The Italian doctor in Hanoi who first identified it died of it. The Hong Kong doctor who brought it from China checked himself into a hospital and died of it. The CEO of the Hong Kong Hospital Authority, who had been reassuring the public about the handling of it,

came down with the disease himself.

Hanoi closed its hospital. Singapore closed its government schools. Hong Kong closed its schools and made one of its public hospitals SARS-only. Hong Kong also quarantined a huge Kowloon condo complex, Amoy Gardens, when it found that the disease had spread from one unit to the unit directly above.

The Centers for Disease Control recommended that nurses and doctors treating SARS patients wear rubber gowns and gloves, eye protectors and respirators.

Not surgical masks. *Respirators*.

When Fumento wrote, the disease had killed 54 people out of almost 1,400 known infected worldwide; as I write (April 7) it is 89 out of 2,416. It is true, as he says, that this is less than 4 percent. But that assumes that the rest of the 2,416 will live. Consider the statistics as Hong Kong gives them: 883 cases, of which 127 recovered and 23 died. The rest are still in the hospital.

Subtract the ones in the hospital, and the death rate is 15 percent.

And I think: is "Why all the fuss" the right attitude? That was the attitude of the Chinese government for four months while it said almost nothing.

I say: raise the alarm!

And I did my part. I stayed home. — Bruce Ramsey

Roll film — Fortunately, the more telegenic moments of the war in Iraq ended before they could interfere with the blockbuster movie season of the spring and summer.

Let's see what's coming up. A new addition to the Rambo franchise is on deck, as is an utterly pointless and illogical sequel to *Terminator* 2. (I exempt the third installment of *The Lord of the Rings* from this category. *TLOTR* is a "saga," not a franchise.)

But I am looking forward to the two new installments in *The Matrix* series, one of which will open this month. In 1998, *The Matrix*, with its treatment of the classic story of good triumphing over impossible odds, galvanized a lot of libertarians, especially the younger generation. When libertarians meet, the inevitable question (usually a variation on "What made you a libertarian, reading Mises or Rand?") is just as likely to be framed as "So, what made *you* take the red pill?"

Of course, the series may have lost some of its urgency. In 1998, there might have been some people who worried that self-aware machines might indeed try to take over the world, as they did in the backstory to *The Matrix*. I imagine that had something to do with the technology stock bubble. In 2003, everyone was worried about the Iraqis taking over the world. Which is probably why Stallone is working on another Rambo film.

Artificial intelligence inheriting the earth is a theme (or at least the contrivance) in the *Terminator* movies, in which world-dominating computers and human rebels take turns sending each other back in time to shoot up Los Angeles. In the *Terminator*, remember, the Pentagon's AI decided to stage a coup against the organics by starting a nuclear war. It will be interesting to see how the screenwriters tried to square their fictional time stream with the events that have changed the world since the first movie in 1984, or even since *T2* in 1991.

Come to think of it, rule by computers is a plot that does seem to surface in theaters fairly often. But I don't think it's really a fear that grips most ordinary people, but rather a projection of the rational fear of the Hollywood establishment. I mean, if you were a major American screenwriter or actor, wouldn't *you* be afraid of being replaced by a machine? — Brien Bartels

Word watch — Every modern war has its distinctive vocabulary, a set of words that is spread, multiplied, and in many cases originated by the popular media. In the Civil War it was "Old Abe" and the "secesh" and "hold the fort!", and ultimately "carpetbaggers" and "scalawags" and the "Lost Cause." In World War I it was "huns" and "doughboys," "they shall not pass" and "over the top," "unrestricted submarine warfare" and "40 and 8," and ultimately "armistice," "reparations," "corridors," "partitions," and "open covenants, openly arrived at." World War II, a self-consciously plebeian war, popularized "grunts," "spam," "dog tags," "dog-faces," and a lot of other mostly down-at-the-heels words. While our soldiers in Vietnam engaged in "firefights" around "strategic hamlets," Walter Cronkite told hapless viewers of CBS News that the Pentagon was once again "beefing up American forces," proof that the war was being "escalated" instead of being "Vietnamized." And eventually, after the war was over, we got to hear a lot about "fragging."

All war words, appropriate or inappropriate, interesting or uninteresting, become tiresome with repeated use. The vocabulary of the current war took only hours to become so, despite the fact that some of it was effective, in carefully measured doses.

"Shock and awe" has a biblical solemnity, coupled with the little lilt, the little hint of conscious self-dramatization, that one often finds in the King James Version.

"Boots on the ground" is as sonorous as, well, boots on the ground; it has, besides, that small, invigorating whiff of S and M.

"Embedded," used in regard to media correspondents

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traveling with military units, must have been coined by some public-information officer who'd spent the past 20 years trying to get the drop on the media elite. The word worked its magic. Now, instead of pontificating in front of the Pentagon, with the associate producer making sure that everybody's got enough Sprite, the Dan Rather wannabes were fighting to be embedded in a Marine Corps platoon sweating its way across the Iraqi desert. That can't be bad. But even good words can be heard too often.

Here are some other expressions that can stand a rest:

"Harm's way." This one has been creeping up on us for a long time. When the war began, it crouched and sprang. Now it's everywhere. But after all, it's just War Lite, war talk for non-warlike people. To be "in harm's way" sounds as if you were standing someplace where you might possibly stub your toe or pick up a splinter or something. It doesn't suggest the idea of having to blast your way out of an ambush while a hundred other guys try to blow your head off.

"Regime change." Bernard Lewis, the Western world's (deservedly) most respected authority on Islam, denied being responsible for inventing this phrase. He pointed out that both "regime" and "change" have been in common speech for a long, long time. It might also be observed that the madcap Iraqi state was positively begging for the item in question. The thought of "regime change" just naturally goes together with the thought of "Saddam Hussein." Nevertheless, efforts are underway to make "regime change" go with a lot of other things. Prospective President John Kerry, for instance, has attempted to make it synonymous with "getting rid of George Bush." But whatever one thinks of Kerry's implied comparison of Bush with Saddam — and I think it's a classic revelation of the Democrats' most potent and reliable motivation, which is hatred of Republicans — "regime" really does mean more than "that guy I don't like." It means a whole system of things. By the time this reflection is published, however, I'm sure that we will have reached the point where Little Leaguers are demanding a regime change whenever they're disappointed in their coach.

"Boots on the ground" is as sonorous as, well, boots on the ground; it has, besides, that small, invigorating whiff of S and M.

"Smoking gun." The popularity of this one dates to the Watergate era. It really is an evocative phrase, a phrase that's capable of all kinds of uses. What it means right now is, "Saddam's weapons of mass destruction." But the phrase is so overworked that, from the strictly linguistic point of view, it would be better if those weapons never got found. Let's not let the saying spread any farther. It might be funny, and it might solidify support for the Second Amendment, if people went around saying, "Is that a smoking gun you're carrying, or are you just happy to see me?" But I don't want to hear it.

"Fog of war," meaning a soldier's inability to know exactly what's going on while he's fighting, is a less happy expression. It's one of those phrases that *smell of the lamp* — an old-fashioned way of saying that it's the kind of phrase that has to be found by searching late at night, with the lamp on. This one is always attributed to Clausewitz's *On War*, although Clausewitz didn't say it quite like that. He said it in a more complicated manner. If you ever happen to read Clausewitz, you'll get so sick of his trademarked method of saying obvious things in pompous ways that you'll quickly resort to someone else — maybe to someone like Mary Poppins, who was just as warlike, and much more perspicuous. But yes, Clausewitz was right: soldiers can't know everything; unpredictable things happen in battle. They also happen when I try to cook. There's something eerie about the fog of cuisine.

Saddam's information minister enjoyed a brief run as the Iraqi Jerry Lewis, but his success as an entertainer was largely dependent on the fact that everybody knew he would not have time to repeat his best lines.

Well, if you like "fog of war," keep it. It's not patently offensive. Just don't say it all the time. But that's the problem. Only the rare television news show fails to include "fog," "boots," "embedded," and "smoking gun" in every one of its 15-minute segments. This is something that we have to live with. We're embedded. Our boots are on the ground.

Some wartime cliches are less innocent of purpose than the ones I've mentioned so far. "The Arab Street," consistently invoked by people who have never set foot outside the network limousine, is a conceptual hand grenade, used to annihilate everything in its vicinity. Whatever the United States does, short of mass conversion to Wahhabi fundamentalism, is certain to "arouse the Arab street," and the results are always "likely to be devastating." This "street" is dark and angry and oddly memorious. Tom Brokaw, observing the destruction of Saddam Hussein's statue in the center of Baghdad, registered dismay about the (shocking!) appearance of the American flag and its effects on Islamic hearts and minds. Casting himself as the Proust of the Arab street, Brokaw intoned: "Memories in this part of the world go back a long way, back to the Crusades in some cases." People must have very long lives on the Arab street. Or maybe they don't. Maybe they just believe everything their government tells them. Whatever. I can't see why we should worry much about (A) advanced geriatrics or (B) mind-numbed robots.

Speaking of (B), I could spend all day on the sayings of the former Iraqi government, although the numbness, in this case, was self-induced. Its great rhetorical achievement was a stupendous unity of tone. Goebbels and Hitler had much more tonal variation. When Saddam and his flacks were flapping, all their big effects came from the kind of imagery one associates with a delinquent eight year-old: "hit them with your shoe," "rattle their joints," "put a knife to their throats," "we were able to chop off their rotten heads," "God is grill-

ing their stomachs in hell." Sad to say, nothing resonant emerged. Saddam was unable to repeat the success he once achieved with "the mother of all battles." His information minister enjoyed a brief run as the Iraqi Jerry Lewis, but his success as an entertainer was largely dependent on the fact that everybody knew he would *not* have time to repeat his best lines.

In the verbal war, no one laid a glove on America, except Americans. Our verbal losses resulted entirely from friendly fire. Among the most serious attacks by American forces on American speech were two prevalent and ridiculous mispronunciations: "ca-SHAY" for "cache," as in "a large ca-SHAY of weapons"; and "calvary," used of a military unit. I may be naive, but I am astonished to find that even senior military officials, let alone $200,000-a-year media correspondents, have no idea that "cavalry" is the name of the military outfit, whereas "Calvary" is the name of the hill where Jesus died. Maybe these people are Muslims, after all. But even if they are, they should still learn how to read.

Confusion of sounds is nothing, of course, compared with confusion of concepts. The worst losses in this category occurred on Battle Ground America, in the thousands of newspaper and television reports that characterized antiwar demonstrations as "peaceful" and "nonviolent," no matter what happened, short of somebody actually getting lynched. Marvelous: all those hate-filled demonstrators, and nothing unpeaceful takes place! Unfortunately, it was a miracle like most other miracles. It was something that didn't happen.

I am looking at a picture of "demonstrators" in San Francisco, trashing a line of newspaper vending machines. What an homage to freedom of the press! What touching gratitude to the liberal media! But, to paraphrase the old poet: the heart, misgiving, asks, can this be peace? No, I don't think so. Neither is it peace when the "demonstrators" merely decide to immobilize the city, as they did in San Francisco, Los Angeles, Chicago, and New York. You can measure their sincerity by their choice of action. When in doubt about the means available to protest a foreign war, it was obvious to them that what you should do is prevent your neighbors from getting to work.

Suppose that my friends and I decided to protest the war by sitting down in your driveway and keeping you from leaving home. Would that be "peaceful"? Suppose I refused to budge, even when the cops came. Suppose I started smacking the cops with signs, vomiting on the pavement, and throwing things through your windows. Would that be "nonviolent"? Maybe *I* would call it that, but why should you? As antiwar battalions melted from The American Street, they left much of the media with gaping holes in its credibility — damage incurred, in large part, because of inadequate defenses against "nonviolence" and other weapons from the demonstrators' massive arsenal of words.

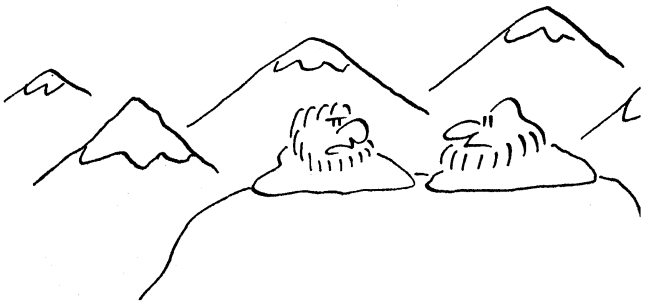

"I just found out that the mantra you gave me is Pig Latin!"

As deep calls to deep, so the absurd calls to the absurd. My favorite absurdity on the military side is a remark delivered by General Montgomery Meigs, who on April 3 told MSNBC that such and such an attack on Baghdad would be a "blow to the solar system." The general had, of course, been aiming at the *solar plexus* — but his blow went wide.

— Stephen Cox

Getting the copyright — Reading William F. Buckley's undeservedly popular new novel, *Getting It Right*, which I review elsewhere in this issue, I noticed what is almost certainly a violation of copyright. The book includes a letter to the editor of *National Review* defending Ayn Rand against Whittaker Chambers' silly claim that she was a totalitarian. Fine. But until its inclusion in the novel, this letter was never published in *National Review*, or anywhere else. The notion that merely submitting a letter to a publication gives the publication's editor the right to use it as he sees fit — nearly a half century later — seems highly dubious, at the very least. The letter, by the way, was from Alan Greenspan.

— R. W. Bradford

You have mail — I confess that when I lived in New Jersey, I had a strong prejudice against the monopoly we call the U.S. Postal Service. It began when I asked our postman to estimate the delivery date of a parcel and he told me to "mind my own business." Obviously, a dog bite victim in the later stages of rabies. I got so paranoid that I continually tested him. My favorite was the "nonesuch" address trick. I'd pen a fictitious address on the envelope — then wait to see if the piece ever returned to me. And how long it took. Herb, my pal, had a variation on this theme. He used obscene or highly suggestive street names. He never got his stuff back. I would not stoop to that. Or he would test their honesty by noting on the envelope, "Handle With Care — Cash Inside."

Another much more subtle scheme used several levels of mistaken addresses to find the threshold of non-delivery. For example, 115 Cockamamie Lane (the correct address) would initially be penned as 115 Schlockamamie Lane. And if they got that right, the next letter said 115 Glockamamie Blvd. And if, amazingly, the boys and girls in blue deduced that one, he'd work on the zip code. But they were pretty clever and sometimes could make delivery with only the correct name and country.

Herb said the trouble was they were always criticizing his private life. "If my daughter," said the man in the red, white, and blue jeep, "only wrote once a month, I'd quit sending her kids presents." "And if you're so smart," said Herb, "why are you still driving a Jeep that I drove in the Korean War 40 years ago?" He hasn't gotten a real letter since — just bills.

Our post office people in Huntsville are spectacular — particularly the fella that works our block. I once mailed an anonymous letter — no return address — to "the luckiest girl in the world, Southeast Huntsville" — said the envelope — that's all. Just Southeast Huntsville. My mailman brought it right to our front door and handed it to my wife. — Ted Roberts

"Victory" in Iraq

We Are the Borg

by William E. Merritt

The War on Terror is a conflict that America can't win and can't stop fighting. Osama and company think they are fighting for the life of their civilization — and they're right.

Back when Uncle thought I was just the guy to bring peace and freedom to Vietnam, he shipped me overseas and gave me three days of what he called "in-country training" before actually setting me loose in the country. This gave him the chance, among other things, to show me how to use an M-16 rifle, which he hadn't bothered about in the six months before he sent me to 'Nam.

So late one afternoon I found myself, along with about 150 other guys, hiking to the rifle range out the back gate of the 25th Division base camp at Cu Chi.

The rifle range proved to be a footpath along the wrong side of the last string of concertina wire — where we straggled out until we were in a line about a quarter of a mile long, then turned and pointed our rifles across a field. It was a big field, and sloped away for hundreds of yards. There weren't any targets out there. Or trees or bushes or stumps or anything else to give Charlie something to sneak up behind. So, it came as a surprise when a green tracer sailed back the other way.

There was a lot of ineffectual scrambling around, then we all slunk back inside while gunships spent the rest of the evening using Vulcan miniguns to plow up the rifle range. It was quite a show, although I seriously doubt that whoever plinked off that tracer was still there. And since, as far as I know, nobody on either side was hurt, no equipment was busted up, and no real estate changed hands, what happened that evening had no military significance. Except, of course, it was the whole reason we lost the war.

Here we were, maybe 150 guys, all trained soldiers, all locked and loaded in the most free-fire of free-fire zones on a rifle range — all of us flown 10,000 miles for the one purpose of shooting at the very guy who had just shot at us and, yet, we never did because, in the meantime, we had managed to get ourselves so strung out in front of our own wire that we weren't soldiers anymore, just ducks lined up in a shooting gallery.

Now the problem with the Vietnam War wasn't that we stupidly chose the wrong tactics and foolishly relied upon inappropriate weapons. The problem was, there weren't any tactics we could have used, or weapons we could have

designed, that would have changed the outcome. We lost that war the moment we got into it, because there was not, and there never could have been, any way to win it.

I think something like this happened in 1941 to the Japanese. The United States could beat them with one hand tied behind our back, and we did — although it was more like one hand and three fingers, because 83 percent of our resources went to Europe. And the Japanese who thought about that kind of thing knew before they launched the first plane at Pearl Harbor exactly what was going to happen.

The problem with the Vietnam War was that there weren't any tactics we could have used, or weapons we could have designed, that would have changed the outcome.

The Japanese didn't attack Pearl Harbor because they were stupid. They attacked Pearl Harbor because they were caught in a geopolitical trap. They were up to their eyeballs in a war with China when President Roosevelt cut off their oil and steel, and they had no choice but to fold — with unguessable political consequences at home — or go after the natural resources in Indonesia. And there wasn't any way to do *that* without getting it on with us, the Brits, the Dutch, the French, and the Aussies all at the same time — so they did. And hoped for the best.

When nothing at all will work, but you have to do something, whatever it is you do best can seem like the best thing to do, even if it won't work any better than anything else. It's the oncologist approach. Catch cancer, and some oncologist is going to fill you up with radiation and poisons, even though he knows you are going to die anyway. It's just that radiation and poisons are what oncologists know how to do.

In 1941, what the Japanese knew how to do was fight. Their soldiers may well have been the most loyal and most disciplined ever to go into battle. The Zero was the best fighter plane in the world and, by Pearl Harbor, the average Japanese aviator had been training since he was 13 years old, had 4,000 hours in the air before even being assigned to a combat unit, and had flown a lot of missions over China. Our guys went to flight school after college, had about 300 hours in the air before being assigned to a unit, and no time in combat at all.

In weeks, the Japanese had cleaned every clock from Honolulu to Hong Kong to Singapore to Bangkok, from Manchuria to New Guinea, and owned every island, oil well and rubber plantation in Malaysia, Indonesia, the Philippines, Wake, Guam, and every place in between. And none of it changed the fact they were going to lose because, in the end, there simply was no possible strategy to win.

I worry that we are in the same boat — that, from the moment that first plane slammed into the North Tower of the World Trade Center, we had lost, because we have no path that will lead us to any result we can live with.

We can seal our windows and doors, but the only way to keep poison out of our bedrooms is to use so much plastic sheeting and duct tape that we smother.

We can seal our borders until we commit economic suicide, and as much cocaine as anybody wants to snort will still get through, as many Mexicans as anybody cares to hire will still slip across and, even in the midst of an Orange Alert, armed Cuban soldiers will still have to come ashore and hunt around Key West until they can find a Coast Guardsman to defect to.

Even if we could seal our borders, that wouldn't be enough. We live in a productive country. Everything it takes to do us in is already in here. Timothy McVeigh took down an office building, and a lot of people, with fertilizer and a rented truck. You can still buy box cutters down at Office Depot. And, with almost 300 million people in America, somebody is going to want to use them.

Or we can go goose-stepping into the future with John Ashcroft, and commit social suicide by enlisting the whole country into our very own Stasi, until we have no creativity and no freedom and no reason left to exist as a society anymore.

Or, we can kill ourselves the Japanese way. We can knock over Afghanistan and Iraq, and we will look pretty impressive doing it, although our tactics won't be as imaginative as the Japanese bicycle invasion of Singapore, or as daring as the hit on our battle fleet at Pearl. Then we can go after Syria and Iran and Arabia and Egypt and Pakistan and, maybe, Indonesia and Malaysia and Thailand and the Philippines, just like the Japanese did. And none of it will save what we want to save any more than anything the Japanese could do saved them.

When I think of the absurd, ineffectual scrambling around we do in the name of Homeland Security — mothers being forced to drink their own breast milk to prove they aren't sneaking dangerous liquids onto an airplane in baby bottles, people who are undergoing cancer therapy arrested when they set off radiation detectors in New York subways, kids busted for making jokes at airport security checkpoints, federal guards feeling up 80-year-old women so we can pretend we don't have profiles on terrorists — it reminds me of that day at the rifle range 35 years ago when we didn't have a clue how to win that war, either. Then, like now, we were good at battles. In Vietnam, we won every single battle we fought. But battles weren't the point, and we wound up running in circles every time some guy with a green tracer bullet took a potshot at us. Because there wasn't anything better we could do.

We can go goose-stepping into the future with John Ashcroft, and commit social suicide by enlisting the whole country into our very own Stasi, until we have no creativity and no freedom and no reason left to exist as a society anymore.

Of course there is one other option. We could stop danc-

"Victory" in Iraq

ing with dictators, stop defiling the sacred sands of Saudi Arabia with our infidel boots, shed ourselves of the murderous thugs who run Israel, start acting like we believe in our own ideals and, in general, quit bugging everybody else.

But I doubt that this would ever have worked — even if we hadn't already pissed off the rest of the planet by now. Because it's not just us Americans that the underdeveloped parts of the world worry about. It's the whole modern, post-Enlightenment, industrial, consumer thing — what Middle-Easterners call Western Industrialization — that they hate and fear. And they hate it and fear it with good reason. It is destroying what they love.

Of course there is one other option. We could stop dancing with dictators, stop defiling the sacred sands of Saudi Arabia with our infidel boots, and start acting like we believe in our own ideals.

We are the Borg.

And we are coming to assimilate them.

And they know it.

The thing is, like all those television Borg who are coming to assimilate Captain Janeway, we didn't start out as Borg. We just happened to get assimilated first. And, now, what destroyed the culture of Locke and Jefferson is coming after them. And there's nothing more they can do to protect their heritage than we were able to do to protect ours.

Assimilation never goes down easy — and it always seems to be accompanied by violence and upheaval. For us, it was the Civil War where our ideals of individual freedom and limited government got strangled. In Europe, it was Napoleon and Nazis and Bolsheviks and a couple of World Wars. Japan went through firebombing and Hiroshima and foreign occupation until now, with their Pokemons and Hello-Kitties, they must be the most assimilated people on the planet.

All of which makes me very pessimistic that the Middle East is going to get off easier than anybody else. If anything, Muslims have a greater sense of their own history and culture than we and the Europeans ever did. And they are likely to kick the hardest to hang onto it. And kicking at us must look like the best way to protect themselves from what they think we represent. And there isn't anything we can do about that, no matter how fine a military we have. Because, when you come down to it, we do represent it. ❑

That dog won't hunt — I understand completely the arguments of libertarians who opposed the Iraqi War on isolationist grounds. Isolationism is the intelligent — and the idealistic — tradition of our country. There may be problems, of course, with a sudden isolationism. Once you've gotten yourself into a poker game, you have to insist that the other players abide by the rules. But the isolationist position is by no means silly or self-contradictory.

What I do not understand is libertarians who argued against the war, not simply because it was contrary to American traditions and interests, but because it represented "interference" with or "aggression" against another state. This is a bizarre phenomenon: people who have little or no respect for any state, as such, but have a pious reverence for the boundaries, constitutional provisions (if any), and self-determination of the Republic of Iraq.

That dog won't hunt. If I see my neighbor gassing his kids, I have a perfect right to walk into his house and kill him. Should I kill my own kids in order to do that? No. Would it be better to call the cops? Usually, yes. But that would not be the time to get pious about the neighbor's title to his city lot. And governments in general have much less claim to respect than property owners in American cities. When it comes to Iraq . . .

No, I'm sorry. You can't be a statist and a radical libertarian at the same time. — Stephen Cox

Imperial gun control — Conservatives have almost always resisted even the first hint of gun control, which is why for the life of me I can't figure out how come so many of them are so hungry for this war.

Even Floyd R. Turbo knew how ridiculous it is to attempt to stop violence by going after every gun: you'll never get them all. The law-abiding might be easily (though pointlessly) disarmed, but rogue individuals will always find a way to get a gun, thus creating the worst possible situation. So, the smart thing would be to forget gun control and allow the law-abiding to arm themselves — i.e., defense over disarmament.

It just seems so obvious to me that Bush's policy is nothing but gun control on an international scale. He wants to play Sarah Brady and disarm every rogue nation out there: first, Afghanistan; now, Iraq; next Iran, North Korea, and God knows who else. Can anyone claim that this is going to protect us from some nut unleashing anthrax (or whatever) in a major U.S. population center?

I like to think of this as the "conservative case against the war," but will any conservative actually buy it? I might have already answered myself: consistency has never been a conservative virtue. Be that as it may, what is prudent for a great nation, can scarce be folly for the entire world.

— Barry Loberfeld

Safety first — Whenever I hear that President Bush is addressing troops, I'm reminded that early in 1968 the only places where LBJ could securely appear in public were military bases. Soon afterwards, he withdrew from the Democratic primary. — Richard Kostelanetz

Cleaning Up After the War Party

by Clark Stooksbury

As the debate over Iraq raged, members of the war party enjoyed rebutting the lame slogan, "war never solves anything." Mona Charen repeated a line in her syndicated column that has been making the rounds lately. "The answer to this argument, if you can call it an argument, could almost fit on a bumper sticker: Apart from securing American independence, ending slavery, and defeating Nazism and communism, war has never solved anything."

This response, although beguiling, is about as weak as the argument it supposedly rebuts. Of course, American independence was secured by a war. But what about the other items on Charen's list?

Slavery was indeed "solved" in the United States after a failed bloody war of secession; 620,000 Americans died in the process. Writing in the March, 2003 *Liberty*, Timothy Sandefur opined on the costs of that war: "It would have been cheap at a thousand times that price. It would have been cheap if the war lasted until the present day. It would have been cheap at the price of *oceans of blood and mountains of bones*." But a more rational person might notice that countries from Great Britain to Brazil managed to abolish slavery while avoiding fratricidal wars.

Nazism was also "solved" in a war, but that isn't the whole story. Great Britain and France went to war against Germany to guarantee Poland's sovereignty. What you would never learn from Charen is that, after the victory over Nazism in 1945, Poland was still not sovereign. That portion of the war failed. In fact, eastern and central Europe came under the total domination of the Soviet Union.

There is a case to be made that certain allied policies helped to extend Hitler's reign. In January, 1943, Franklin Roosevelt announced that the only satisfactory conclusion to the war was an unconditional surrender by the Axis powers. This policy, when coupled with allied bombing of German cities, helped to stiffen German resolve and lengthen the war.

Mona Charen believes that communism was "solved" by war. The United States directly engaged in two wars against communist forces with mixed results. In Korea, we managed to keep the southern half out of communist hands. In Vietnam, the U.S. fought its longest war, but failed totally while causing a massive crisis of legitimacy for the government at home. It's hard to imagine anyone putting Vietnam on a bumper sticker for the benefits of war.

The collapse of the Soviet Union was the product of containment that allowed its internal weakness to destroy it from the inside. Ronald Reagan was determined to increase America's nuclear capability and aid anti-communist insurgencies around the world. He also wisely decided to stoke the fires of Islamic fundamentalism in Afghanistan, in order to defeat the Soviets. But even he — in spite of the occasional open-mike blunder — had no intention of directly attacking the Soviet Union.

After weakly rebutting the weakest argument against invading Iraq, Charen still needed to fill out her column, so she threw in a few reasons why we should invade. Charen tells us that, "Saddam has rewarded the families of suicide bombers in Israel with huge cash prizes. One of the plotters of the first World Trade Center bombing carried a phony Iraqi passport, another fled to Iraq after the terror attack and is believed to be there still." What she could not tell us is that Iraq has attacked the United States, or ever presented even the remotest threat to do so.

There is one instance of an Iraqi attack on America that Charen and other members of the war party never mention. In 1987 an Iraqi fighter jet attacked the *U.S.S. Stark* in the Persian Gulf, killing 37 Americans. Iraq claimed it was a mistake, and it probably was. But there is a more important reason why the attack has slipped down the memory hole. For the war party, Iraqi history must always begin in August, 1990. When the *Stark* was attacked, the Reagan administration had a policy of "tilting" towards Iraq against the enemy of the moment — Iran. When Hussein committed most of his acts that the war party constantly use to justify an invasion — invading his neighbors, using poison gas, etc. — Iraq was a U.S. client. If George W. Bush was terribly concerned about this, all he had to do was to call daddy, who was the vice president at the time, and let him know.

"Victory" in Iraq

Behind the Smoke & Mirrors

by R .W. Bradford

The war on Iraq isn't about Osama bin Laden, weapons of mass destruction, liberation, or even oil.

Americans have long been extraordinarily gullible. They entered the Great War on behalf of Britain, France, and Russia on the belief that doing so somehow constituted "saving the world for democracy," despite the fact that the countries it saved were no more democratic than Germany, whom they sought to destroy. They enacted Prohibition, on the conviction that simply outlawing alcohol would end a range of problems from public drunkenness to childhood poverty to the absenteeism of factory workers. They fought World War II in the belief that by allying themselves with the bloodiest dictator in history, a madman who without the slightest doubt actually sought to rule the world, they were saving the world from a madman who sought to dominate the world. They declared a War on Drugs in the belief that arresting users of recreational substances that were neither tobacco nor alcohol and incarcerating them for lengthy periods of time and running television commercials about the dangers of non-nicotine, non-alcohol drugs would end the harm done by drug use. They declared a War on Poverty in the belief that taking from the well-off and giving to the less well-off would end the sad state of affairs in which fully 25% of our population lived in poverty, which was defined as having to get by on less money than three quarters of the American populace.

Americans' reaction to the War on Iraq again illustrates this gullibility — indeed, it suggests that Americans have transcendent gullibility and have passed into the netherworld of those hopelessly addicted to bamboozery.

Consider why Americans have concluded that conquest of Iraq is such a Good Thing. The regime of Bush II has offered Americans three rationales for conquering Iraq:

1) Saddam Hussein was behind the 9/11 terrorist attacks, and deserves to be punished.

The administration repeatedly suggested that Saddam was behind the terrorist attacks, despite the fact that the 9/11 terrorists were part of a fundamentalist Moslem revolutionary group that stood diametrically opposed to modern, secular socialist Moslems like Saddam — and despite the fact that there was not so much as a scintilla of evidence that Saddam was involved in the 9/11 attacks. And the campaign was successful: on the eve of the American invasion of Iraq, nearly half of all Americans believed Saddam had ordered the attacks of Sept. 11.

The patent falsity of the "Saddam-ordered-9/11" rationale for conquest, however, was apparent to a modest majority of Americans, and another explanation was plainly needed. So Bush and his staff came up with another rationale:

2) Saddam Hussein had developed some weapons of mass destruction (WMD) and was working on others. This justified conquering them.

The administration argued that Saddam was flouting an agreement to forswear development of "weapons of mass destruction," i.e., the sort of sophisticated weapons that the United States possesses. He already has chemical and biological weapons, Bush said, and if we don't stop him quickly, he'll develop means of delivering them. And he's also working on nuclear weapons. Once he develops such weapons and the means to deliver them, we will be vulnerable to his aggressive ambitions, and can never be safe. If we don't attack him now, he will inevitably attack us, with damage even worse that what happened in the 9/11 terrorist attacks.

This rationale also was offered to the United Nations in hopes that it would convince the world's secondary powers

to support American conquest. The theory here was that Saddam's development of chemical and biological weapons violates his ceasefire agreement with the U.N. and therefore justifies collective international action (i.e., U.S.-led invasion) against Iraq. When it became evident that most U.N. members and members of the Security Council would reject the U.S. proposal, it was withdrawn.

It failed to convince many people outside the U.S., but *homo americanus* bought the theory lock, stock, and missile. Stop this madman before it's too late, they cried, else we will never be secure in our homes again.

And so the process of conquest was begun. But as the invasion proceeded, it became doubtful that Saddam possessed any usable chemical or biological weapons. Even when facing annihilation, Saddam's forces never deployed the chemical or biological weapons that Bush had said they possessed and would use upon the slightest provocation.

Some Americans began vaguely to suspect that perhaps Saddam had never possessed any effective WMD in the first place. This impression has been reinforced by the failure of the conquering forces to discover any. Indeed, the only evidence that Iraq possessed weapons of mass destruction that the administration offered was that its armed forces found gas masks and poison antidotes in some Iraqi hospitals they had seized. These proved the Iraqis had chemical weapons because, well, why else would they have means of defending themselves against chemical weapons? So far as I can tell, no one seems to have noticed that this logic would suggest that

War crimes and popcorn — When I heard the president denounce the Iraqi soldier who donned a taxi-driver's uniform, loaded a bomb into a taxi, and blew it up while going through a U.S. checkpoint, I was reminded of one of my favorite movies.

Desperate Journey was made in the early days of World War II, when Hollywood wanted to build support for the war. It is the story of five flyers who are shot down after heroically abandoning the cover of clouds to take out a key target in Germany. After being shot down, the flyers are captured by German soldiers, but quickly escape and make their way across the country to the Netherlands, from which they hope to escape to Britain with critical information to help win the war. Like most war propaganda films of the era, this one draws its *dramatis personae* from varied backgrounds. Errol Flynn is the swashbuckling Aussie pilot, Ronnie Reagan the smart-mouthed, street-wise American, Arthur Kennedy the Canadian accountant who had volunteered to save civilization, Alan Hale the overage American who lied about his age to get into action against the Nazis, and Ronald Sinclair the son of an English ace from the first world war, who had to prove his mettle.

These characters escape the Germans by a remarkably simple means: when questioned by evil German officer Raymond Massey, Ronald Reagan speaks double-talk, thereby confusing Massey to the point where Reagan can sucker punch him right in Nazi headquarters. He leaves Massey's office and tells the soldiers guarding the other POWs that Massey wants to see Errol Flynn. Amazingly, they take Reagan (who is for some reason daintily drinking a cup of tea) at his word, and Flynn enters the office, where he imitates Massey's voice and uses Massey's intercom to call in a guard. They get the drop on the guard and have him order in the rest of the POWs. They knock out the guard and spend the next half hour ransacking Massey's office, looking for secrets. Finally another guard knocks on the door. Apparently Flynn's imitation of Massey's voice is no longer good enough to fool the other Germans, so all five jump out a window to freedom.

Before long, they're knocking out German soldiers, swiping their uniforms, and working their way across Germany. Between killing Germans and blowing up their factories, they learn that the war has been going very badly for the Axis, welcome news to moviegoers back home who were otherwise dependent on unreliable eyewitness accounts of newspaper reporters. After an exciting chase, the heroes escape to Britain, where the information they've picked up turns the tide of the war. The movie is great fun, the sort of thing teenage boys of all ages (e.g., me) like to watch over and over again.

And here's the connection to current issues. In the incident I mentioned, Americans responded to the Iraqi soldier's attacking them while wearing a taxi driver's outfit by blasting a cannon into a van, carrying Iraqi women and children, that didn't halt promptly when ordered to do so at a checkpoint. In *Desperate Journey*, the Germans reacted to the allied soldiers donning German uniforms, blowing up factories and killing German soldiers by saying silly things with funny German accents and making fools of themselves in many different ways. All the times I've watched the film, it never occurred to me that Ronald Reagan was portraying a war criminal. But now I learn that he is one — at least if I believe George Bush, who thinks that the Iraqi soldier who donned a taxi driver uniform to attack American soldiers is a war criminal. In fact, Reagan, Flynn, et. al. were worse war criminals than this Iraqi guy. They were not content merely to disguise themselves as taxi drivers: they actually wore the uniforms of their enemy. And they were not content merely to attack members of the opposing army: they took out a chemical plant, killing civilians in the process.

Me? I still think *Desperate Journey* is fun, and Errol Flynn and Ronald Reagan are cool guys. War criminals? No, I can't see it.

— R. W. Bradford

War and weak stomachs — What a bellyacher cannot do is accept blame for unfortunate results of his own actions. Thus, the military complains that media around the world show footage of Americans held prisoners of war or dismembered. If you can't stand the heat, Harry Truman used to say, get out of the kitchen.

Once the bellyaching personality finds an audience, the stream of exculpatory fantasies will never stop. If, say, the current adventures into Iraq fail to pacify the entire country quickly or simply cost too much for voters to accept — if the Republican Party is dumped in 2004, as seems quite possible to me — don't be surprised if Republican bellyachers charge that the hot warriors among them were really Democrat provocateurs who intended to sabotage the G.O.P. One difference is that this time the bellyachers might be right.

— Richard Kostelanetz

"Victory" in Iraq

every American family who built a fallout shelter during the Cold War must have possessed nuclear weapons.

President Bush possesses the finest, best financed, and most pervasive intelligence network in the world. It surely provided him accurate information on Saddam's arsenal, including whether it possessed any effective chemical or biological weapons. And it is evident that Saddam did not, else he would have deployed them against the invaders who in a few weeks destroyed his entire government, promised to kill him, and plainly possessed both the means and the will to do so. To believe that Bush actually believed the story his representatives told the United Nations is to believe that American intelligence is grossly incompetent.

On the eve of the American invasion of Iraq, nearly half of all Americans believed Saddam had ordered the 9/11 attacks.

There is another problem with this rationale. Chemical and biological weapons are not particularly effective weapons. They are notoriously difficult to control, nearly as likely to kill your own forces as the enemy's. And they are much less destructive than the sophisticated weapons that the U.S. has developed. They would not be much of a threat to America or to Americans. Furthermore, even if Saddam possessed such weapons, he had no way to inflict them on us. (It is worth noting that the anthrax outbreak in the U.S. had its origin, not in Iraq or in any other foreign power, but in the anthrax program of the United States government.)

Indeed, the notion that chemical and biological weapons constitute some sort of uniquely destructive class of weaponry is merely a public relations ruse. In the entire history of warfare, chemical and biological weapons have killed about 100,000 people — approximately the same number of people killed by the conventional bombs U.S. airplanes dropped on Tokyo in a single day in 1945. And the U.S. development of the most destructive conventional bomb in history — a 21,000 ton monster the Bush administration dubbed the "Mother of All Bombs" — and the threat to use it against Iraq for its "psychological" impact suggests that the charge of "terrorism" is as applicable to Bush II's U.S. as it is to Saddam's Iraq.

Of course, the obvious falseness of the "weapons-of-mass-destruction" rationale was evident even before the invasion began. Despite its apparent failure to succeed in efforts to develop deployable WMD, Iraq was certainly not unique in trying to do so. Many other countries are doing the same. If the U.S. is to conquer them all, it has a very big job on its hands — a job too extensive and expensive for even America to undertake.

And what about North Korea? It has not merely sought WMD: it has actually obtained them. It has nuclear weapons and the missiles to deliver them. Yet the U.S. has made no move to conquer North Korea. The reason? No one in the Bush administration has given a credible answer to that question. But it seems safe to surmise that the reason for attacking a country that seeks but does not possess WMD while not attacking a country armed with nuclear weapons is that Bush does not want to run the risk of Americans suffering the sort of death and destruction that Iraqis have suffered in the U.S. invasion. This provides a powerful incentive for other countries to accelerate their own development of WMD, as the one sure way to avoid U.S. attack. So the effect of an invasion to prevent the spread of WMD would be to provide powerful incentives for WMD to be developed by every country that cherishes its independence.

No, the threat of chemical and biological weapons was not a worry to the president. It was a propaganda tool that he hoped would help build support for the conquest of Iraq. It was credible to American boobs for a few weeks, but once the invasion began, it lost its credibility.

The Bush administration had foreseen this. It had another rationale for the invasion ready to go, one that it had already hinted at when it dubbed its invasion "Operation Iraqi Freedom."

3) Saddam is a brutal dictator who oppresses his people, and we should liberate people from brutal dictators.

As soon as American television networks began sending back pictures of some Iraqis welcoming American invaders (and asking them for food, water, and medical care, whose supply the invasion had interrupted), Bush and his minions proposed a new explanation to replace the newly discredited weapons-of-mass-destruction rationale: the U.S. was invading Iraq to liberate its people from their cruel dictator. This rationale had one virtue that the others lacked: it contains an element of truth: it is undeniable that Saddam was a brutal dictator who oppressed his people.

Any invasion designed to prevent the spread of WMD provides powerful incentives for WMD to be developed by every country that cherishes its independence.

But this rationale also fails to make sense. If being a brutal, oppressive dictator is enough to bring on the wrath of the American military establishment, then the U.S. has a lot more countries to invade. According to Freedom House, a non-partisan group that evaluates political freedom and civil liberties of all 192 independent countries in the world, there are 42 countries other than Iraq that are "not free." If the U.S. is going to invade them all, it has a big job ahead: the 42 "not free" countries contain more than a third of the world's population and include three countries who possess nuclear weapons. Even if the U.S. were to leave those dictatorships alone, it would have to mount 39 other invasions.

While the United States certainly has the military might to conquer two relatively small countries like Iraq and Afghanistan, it should be remembered that doing so required a year and a half's time and more than $100 billion. Mounting another 39 invasions would take much longer and cost much, much more. And if the U.S. also attacked unfree countries that possess nuclear weapons, the costs would escalate enormously.

If Americans were to take a look at America's allies in its invasion of Afghanistan and Iraq, they would notice that a good many are also dictatorships. Oman, Pakistan, Qatar, Saudi Arabia, Tadzhikistan, Turkmenistan, the United Arab Emirates, and Uzbekistan all are identified by Freedom House as "not-free." Presumably, if the purpose of American invasions had actually been a desire to liberate oppressed people, the dictatorial governments of these countries would not have supported them.

Bush had never shown any particular affection for Iraqis, and there are dozens of other countries suffering under dictators comparable to Saddam. Surely, if Bush wanted to free the world's people from the thralldom of lunatic dictators, he would have started someplace else, someplace where he and the United States had a stronger interest, such as Cuba.

Political decisions in America almost always have both a rationale and a reason. The rationale is the explanation that is palatable to the public but cannot stand logical scrutiny; the reason is the actual explanation. Bush II's decision to restrict steel imports was offered to the public as an effort to protect the jobs of American steelworkers. This protectionist measure will protect the jobs of steelworkers, all right, but at a huge cost exacted from every other American in the form of higher taxes and higher steel prices. It would be cheaper simply to give every displaced steelworker a cash payment from the U.S. treasury and to import the cheaper steel. But the president didn't make this proposal; voters simply wouldn't want to pay the direct cash subsidy to highly paid steelworkers. So the president offered the job-saving rationale to the public and bought the votes of steelworkers at an even higher cost. His rationale was protecting jobs; his reason was to get the political support of steelworkers and steel producers.

If being a brutal, oppressive dictator is enough to bring on the wrath of America, then the U.S. has a lot more countries to invade.

Of course, very few Americans have thought through any of this. Simply, most accepted one or another or even all of the president's rationales for conquering Iraq, despite the fact that they make no more sense than subsidizing steelworkers via import restrictions. Americans are far too busy wrapping themselves in the flag and celebrating victory over a tinpot dictator to give careful consideration to how it happened.

A few people — mostly those with a strong dislike for the president — have gone to the trivial effort needed to see past his flimflammery. Alas, almost without exception, they have settled on a theory of his "real" motivation that makes no more sense than the absurd explanations offered by the president himself.

I refer, of course, to the notion that the president and his administration are motivated by greed for oil.* These facts are offered in support of this theory: Iraq has a lot of oil. The U.S. imports a lot of oil. Bush was once in the oil business. So was his vice president. Bush's father attacked Iraq a decade ago and cited the security of oil supplies as one of his reasons for doing so.

The supply of oil depends on how strongly holders of oil properties are motivated to sell. And Saddam was just about the most strongly motivated seller of oil around.

That's all true. But it doesn't provide anything resembling a sensible reason for invasion or conquest. Americans import a lot of oil and the lower the price of oil, the less the imports cost. This provides a rationale for the U.S. to try to keep the price of oil as low as possible. But will conquering Iraq lower the price of oil?

Certainly not. It will have the exact opposite effect. It will *raise* the price. For one thing, invasions run on gasoline and jet fuel, and increased demand means . . . well, unless the law of supply and demand was repealed when I wasn't looking, increased demand means higher prices. Furthermore, damage to Iraqi oil fields destroys oil and impedes the process of bringing it to market. For these reasons, the price of oil will increase, at least in the short term — as indeed, it has.

In the long term, the supply of oil depends on how strongly holders of oil properties are motivated to sell. And Saddam Hussein was just about the most strongly motivated seller of oil around. His dictatorship was cruel and not very popular, which meant two things:

1) He was strongly motivated to keep taxes low, in order to minimize domestic opposition. *The Wall Street Journal* reported that his government imposed only two taxes, one on inheritance and another on real estate. Iraqis suffered no income tax, no sales tax. The sale of oil paid for almost all government expenses.

2) He was strongly motivated to maximize his support by subsidizing all kinds of domestic efforts and providing a broad array of government benefits. This cost a lot of money — obtainable by selling oil.

Saddam was much more motivated to sell oil at low prices than was Kuwait's royal family. Saddam had more than 24 million mouths to feed, while the royal family of Kuwait had only about 860,000. The two countries have

*This theory has gained currency among some libertarians; see Stefan Herpel, "The Logic of War," *Liberty*, May 2003.

"Victory" in Iraq

about the same amount of oil. Which had the incentive to sell it more quickly? It is in no way surprising that before the first Gulf War, Kuwait produced fewer than 2 billion barrels of oil per day, while Iraq produced an estimated 3.5 billion barrels per day. (*CIA World Factbook*, iraqresearch.com)

As difficult to understand as this sort of analysis may be to conspiracy theorists, it is pretty obvious to businessmen and economists — to the kind of men, that is, who made up the two Bush administrations. So why did Bush I float the idea that Kuwait had to be wrested back from Iraq to ensure our supply of low-priced oil?

Almost certainly, Bush I's minions floated the idea in 1991 for the same reason that Bush II and his minions provided its equally spurious rationales for conquering Iraq in 2003: it was a public relations ploy to build support for a war. When it turned out that most Americans were aghast at the notion of going to war for cheaper oil, the Bush I administration dropped the rationale and took up others. Today this rationale survives mostly in the minds of conspiracy thinkers and nitwit leftists, who remember how little public support it gained for Bush I.

So why did Bush II decide to conquer Iraq? I won't try here to provide a definitive answer to that question, but I will offer a few suggestions.

Bush's personality and public record suggest two hypotheses. He is a politician who values his popularity and is determined to remain very popular. He is well aware that presidents who start and win wars generally gain considerable popularity. In addition, he is a moralist of the sort who hasn't inhabited the White House since Woodrow Wilson. He has described his anti-Muslim activities as a "crusade," and his behavior is entirely consistent with that of the moral crusader bent on destruction of his enemy. And he is the devoted son of a man who had invaded and defeated Saddam, but had withheld the coup de grâce, thereby disgracing himself and becoming only the second incumbent president in the 20th century to fail to be re-elected. I suspect his motivation can be found in some combination of these reasons.

Public choice theory is a method of analyzing political decisions as if political leaders were ordinary human beings, subject to the same incentives and motives as are other people. As Nobel laureate James Buchanan has observed, it is politics without the romance.

Unfortunately, public choice theory is all too often limited to analyzing policy decisions about government regulation of the economy, taxes and the like. But political scientists will find that it is also an important way of seeing through the preposterous rationales offered for foreign policy and other non-economic political decisions. Americans who seek to understand the world they live in, and rise above the gullibility and mass hysteria that characterizes so many of their fellow citizens, must examine political decisions without romance. They must attend, not to the motives that they wish to find, but to motives, conscious or unconscious, that have some plausible connection with the benefits that the decision-makers seek. ❑

No business like show business — Now that the war is essentially over, Hollywood antiwar protestors are casting themselves as victims of censorship. That's really funny, because during the troop deployment, they were allowed to say anything they wanted. They got plenty of air time being interviewed by sympathetic tele-journalists who listened to their opinions not because they were expert or eloquent, but because Hollywod stars are cute and famous and have really pretty clothes.

What Hollywood leftists mean when they claim to be victims of censorship is not that they were actually forbidden to speak, but that their fans are no longer interested in buying their DVDs and CDs.

Hollywood artists are learning that the First Amendment can be a double-edged sword. Yes, in America, you are allowed to say whatever you want, but nobody is forced to listen. In show business, the refusal to listen translates into lowered royalties and box office receipts. It's not censorship, just the free market. That gag you feel over your mouth is nothing more than the invisible hand of capitalism.

— Tim Slagle

Castles in the sand — After Saddam's statues starting falling, attention turned to how the rest of the Arab world was reacting to this turn of events.

One Egyptian commentator said that he wished the Iraqis had put up a longer fight "for the dignity of the Arabs."

Hmmm.

Another way they could regain their dignity would be to overthrow their own Ba'athist dynasties, sartorially absurd duchies, religious fanatics and democratic presidents for life, preferably without waiting for Bush and Blair to come knocking on the gates of their backward little plats of sand.

— Brien Bartels

Let Iraq play hookey — A warning to the powers who will be trying to influence the future of Iraq *and its educational system*. Trying to establish a school system by government, any government, is fraught with danger that the authorities in control may use it to create an ideological, religious, ethical, cultural, linguistic, political faction intolerant of all others. Remember what Mises said:

> [T]he school is a political prize of the highest importance. It cannot be deprived of its political character as long as it remains a public and compulsory institution. There is, in fact, only *one* solution: the state, the government, the laws must not in any way concern themselves with schooling or education. Public funds must not be used for such purposes. The rearing and instruction of youth must be left entirely to parents and to private associations and institutions.
>
> It is better that a number of boys grow up without formal education than that they enjoy the benefit of schooling only to run the risk, once they have grown up, of being killed or maimed. A healthy illiterate is always better than a literate cripple.

Tell that to the marines! — Bettina Bien Greaves

Criminals in Our Midst

by Robert W. McGee

Criminals in our midst — Shortly after 9/11 Bush said that he wanted Osama bin Laden, dead or alive. Before the war began in Iraq, President Bush on several occasions said that he planned to "take out" Saddam Hussein during the first few days of the invasion. Bush later added Hussein's sons Qusay and Uday to the hit list. Apparently he has no qualms about assassinating people he labels as war criminals. Trials and due process can be thrown out the window, especially if the culprit had annoyed his daddy.

Saddam Hussein is not a nice man. A report by Human Rights Watch estimates that over a 15 year period, Hussein has displaced or killed more than 200,000 of the Marsh Arabs. Another Human Rights Watch report estimates total deaths caused by the Hussein regime over the last two decades at between 250,000 and 290,000. That doesn't include other atrocities that Hussein has committed, including torture, which do not always result in death. So it can be conceded that these acts, cumulatively, qualify Hussein as a war criminal.

Then there is Slobodan Milosevic, the former leader of Yugoslavia, who is accused of killing 10,000 Bosnians and deporting another 250,000, and committing additional war crimes in Croatia and Kosovo. If Milosevic is convicted on any of these charges, he will be recognized as another war criminal.

And let's not forget Osama bin Laden. If we add the deaths from the World Trade Center, plus the people who were on the airplanes and in the Pentagon, plus a few from other capers he might have been involved in, the total comes to about 4,000.

Do any other recent world leaders qualify as war criminals? Let's take a look at three recent U.S. presidents.

The U.S.-led economic sanctions that have been imposed against Iraq since August 1990 have killed somewhere between 1 and 2 million people, many of them children under the age of five. The International Action Center, founded by former U.S. Attorney General Ramsey Clark, estimates that the sanctions have killed 1.5 million Iraqis. UNICEF estimated that between 1991 and 1998, sanctions and the resulting inadequate nutrition and disease caused the deaths of 500,000 Iraqi children under the age of five. Mortality rates among people over five years of age have also increased. The UNICEF Report of April 30, 1998 estimated that the sanctions were killing 40,000 children under the age of five and 50,000 people over age five every year.

If we use the UNICEF figure of 90,000 deaths a year or 7,500 a month as a reasonable estimate, and if we start counting deaths as of November 1990, three months after the sanctions were imposed, then the sanctions killed 202,500 Iraqis while President Bush I was in office (November 1990 to January 1993), 720,000 during Clinton's two terms (February 1993 to January 2001) and 195,000 so far during President Bush II's reign (February 2001 to March 2003 and running). Bush II stands to go to the top of the list of war criminals if he nukes Iraq and North Korea, as he has threatened .

The list below compares the deaths caused by the U.S. sanctions against Iraq to those caused by war criminals Saddam Hussein, Slobodan Milosevic and Osama bin Laden.

- Clinton — 720,000
- Hussein — 270,000
- Bush I — 202,500
- Bush II — 195,000
- Milosevic — 10,000
- bin Laden — 4,000

When President Bush II jabbers on about the evils of Hussein, we should keep these figures in mind to place things in perspective. Hussein's killing days appear to be over. Those of Bush II may just be beginning.

The stability crisis — One of the many disappointing things about media coverage of the Iraqi war has been the anxiety of the talking heads about "civil disturbances." As soon as looting of government offices broke out across Iraq, the networks and the classy newspapers started demanding that it be stopped, *forthwith*. The thought of "anarchy" was intolerable. Even some of the people on Fox News, by far the most pro-war, pro-military outfit, got into the act. A Fox correspondent went about the streets of Amman, Jordan, interviewing young men who professed themselves profoundly concerned about "the breakdown in law and order" in the neighboring country. There was no followup question about the breakdown in law and order during Iraq's past generation as a police state.

I remember talking to the late Russell Kirk, doyen of American conservatives, on a summer day in 1991. It was one of the many days when Yugoslavia was breaking apart and Western governments were worrying themselves sick about the need to "stabilize" the place. "Stability," he growled. "They're always concerned about stability." Russell Kirk was no libertarian. But he knew that there are a lot of things more important than what people call law and order.

— Stephen Cox

"Victory" in Iraq

Why We Conquer

by George W. Bush
with annotations by George Harper

On the eve of war, President George W. Bush took to the airways to explain to Americans why he was about to order the United States armed forces to invade Iraq.

My fellow citizens, events in Iraq have now reached the final days of decision.

Please note that nowhere in this speech does Bush explain why the "decision" must be made now. He nowhere explains why Iraq, which has been hobbled and disarmed by U.N. sanctions and U.S. bombing for twelve years, poses an imminent threat to anyone that must be resolved now by force of arms.

For more than a decade, the United States and other nations have pursued patient and honorable efforts to disarm the Iraqi regime without war.

The "patient and honorable" efforts include nearly daily bombing for twelve years, to enforce the illegal no-fly zones, that have U.N. sanction. It also includes twelve years of economic sanctions imposed by the U.N. that illegally targeted the Iraqi civilian population, in violation of the Geneva Conventions. The U.N. effort to disarm Iraq was itself a violation of the U.N. charter. Whatever these efforts were, they were not "honorable."

That regime pledged to reveal and destroy all its weapons of mass destruction as a condition for ending the Persian Gulf War in 1991.

This is not strictly true. The U.N. imposed the disarmament requirements as part of Security Council Resolution No. 687, which was passed in April of 1991, when Iraq was a defeated but still sovereign nation.

Since then, the world has engaged in twelve years of diplomacy.

This is true, but irrelevant, in view of the bombing and the economic sanctions that the U.S., Britain, and the U.N. have perpetrated upon Iraq in the last dozen years. Diplomacy pales in significance to an undeclared war.

We have passed more than a dozen resolutions in the United Nations Security Council.

To the extent those resolutions demanded Iraqi disarmament, those resolutions were illegal and in violation of the U.N. charter.

Article 2.1 of the U.N. Charter states that the U.N. is "based on the principle of the sovereign equality of all its members." Article 2.4 of the U.N. Charter states that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Article 7 of that Charter states that nothing in the U.N. Charter authorizes the U.N. to "intervene in matters which are essentially within the domestic jurisdiction of any state." Article 51 of the U.N. Charter recognizes "the inherent right of individual or collective self defense" from armed attack, and states that nothing in the U.N. Charter "shall impair" that right. One searches in vain for any provision in the U.N. Charter that authorizes the U.N. to disarm a sovereign nation, or to invade a sovereign nation that is not already at war.

Resolution 1441, dated Nov. 8, 2002, gave Iraq 30 days to provide a full report on its programs to develop weapons of mass destruction. It also asserted that Iraq had failed to comply with Security Council Resolution 687, which ordered Iraq to destroy, or remove, or render harmless all chemical and biological weapons and all ballistic missiles with a range

of 150 km. Significantly, neither 687 nor 1441 authorize force to compel compliance. Ironically, when Secretary Powell recently addressed the U.N., he cited evidence of removal as evidence of non-compliance that would justify war!

Together, 687 and 1441 are obviously in conflict with Articles 2.1, 2.4, 7, and 51 of the U.N. Charter, and in conflict with the right of every sovereign nation to defend itself by means which it chooses for itself. A right that has always been recognized by international law.

The "patient and honorable" disarmament efforts include nearly daily bombing for twelve years.

At the time Security Council Resolution 687 was passed, Iraq was a sovereign nation, and the U.N. had no authority to disarm it. History provides us with examples of infrequent attempts to restrict the sovereign right of nations to arm for defense, which attempts always end in disaster. A case in point is the Allies' disarmament and dismemberment of Germany in the years following World War I. The consequent insecurity of the German people, and their resentment, fueled the rise of Adolf Hitler. Had the allies respected the sovereignty of Germany, World War II would have been less likely to happen.

If we concede the U.N. the authority to manage the internal affairs of sovereign states by governing their armaments, and even disarming them, then we have taken a huge step towards world government. The same resolutions and arguments that have been used against Iraq could someday be used against us. We must remember that the U.N. is composed of many nations. Even now, we are witnessing attempts by such organizations as the World Trade Organization to dictate our internal taxation policies. What will we say when the U.N. turns its attention to our military policy? The U.N. may someday have its own military, and its own powers of taxation. Our present use of the U.N. as a cover for our military adventures may someday come back to haunt us, and that day may be very soon. For instance, it is conceivable that President Bush, Colin Powell, and the Joint Chiefs of Staff could be tried for war crimes, even in absentia.

As a practical matter, such a trial would be of little consequence now, since the U.N. depends upon the U.S. for the bulk of its money and troops. But the day may come when the U.N. has its own money and troops. A U.N. that does not respect the sovereignty of individual nations is a threat to the security of every nation, including the U.S.

We have sent hundreds of weapons inspectors to oversee the disarmament of Iraq. Our good faith has not been returned. The Iraqi regime has used diplomacy as a ploy to gain time and advantage. It has uniformly defied Security Council resolutions demanding full disarmament.

Actually, Iraq has not uniformly defied the disarmament requirements. On March 7, 2003, inspector Hans Blix testified that Iraq was approaching complete compliance. As already pointed out, Powell has cited removal of WMD as evidence of non-compliance, even though S.C.R. 687 calls for such removal!

Over the years, U.N. weapon inspectors have been threatened by Iraqi officials, electronically bugged, and systematically deceived. Peaceful efforts to disarm the Iraqi regime have failed again and again — because we are not dealing with peaceful men.

These efforts to disarm Iraq are not "peaceful," as mentioned above. The U.N., the U.S., and Britain have been carrying on an undeclared war against Iraq for twelve years. Any Iraqi efforts to evade or stall disarmament are justifiable as self defense, in accord with U.N. charter provisions 2.1, 2.4, 7, and 51.

Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

When Secretary of State Powell attempted to prove this, in his speech before the U.N. Security Council, he was unable to do so, without resort to outdated and forged evidence. Even after weeks of the latest war efforts including the invasion of hundreds of miles of Iraqi territory by infantry, the U.S. has been unable to uncover any evidence that the Iraqi regime possesses the alleged WMD.

This regime has already used weapons of mass destruction against Iraq's neighbors and against Iraq's people.

It is none of the business of the U.S. government whether Iraq has used WMD against its own people, or against Iraq's neighbors. Our government is not the world's policeman. Our Constitution confers upon the U.S. government no

Life, liberty, and the pursuit of cheeseburgers

— Wartime. I haven't been as prolific as I would like since the outbreak of Gulf War II. All the places I look for obscure bits of news to rant about are so filled up with war news that there's no room left for anything fun. And I am a little leery of commenting upon the war, as it has become evident to me that there is a split between me and other libertarians on this issue. Perhaps I'm wrong, but I don't see Muslim fundamentalism as a benign religion of antiquity. I see fundamentalist Islam as a threat to everything I hold dear, from miniskirts to Jim Beam to bacon double cheeseburgers. Rather than coexist in peace, the Wahhabis believe that Allah will not be satisfied until the entire world agrees to live under the laws of Islam. They truly want to destroy modern civilization and return us to the Middle Ages. There is a very special animosity toward liberty. I would not be so adamant about fighting this threat either, had Sept. 11 never happened. I felt that we could peaceably co-exist, but the attack on the morning of Sept. 11 changed my mind. I believe we had ignored the threat long enough. Islam declared war on us years ago, it's just that we never noticed. Kind of like getting beat up on by a little kid: it's cute as hell until he accidentally scores a direct hit in the crotch. — Tim Slagle

Ye freedome toste — You can go with "freedom fries" and "liberty toast," but I'm registering my protest against Paris by expunging all words of Norman origin from my vocabulary. From now on, it's nothing but god-ald Anglo-Saxon for me! — Barry Loberfeld

"Victory" in Iraq

power to police relations between Iraq and its people, or between Iraq and its neighbors.

Note that Bush does not mention that the U.S. helped supply some of these WMD to Iraq in the 1980s.

Bush commenced this latest war on Iraq without a congressional declaration of war. However, even if Congress were to declare war against Iraq, under the present circumstances that declaration would itself be unconstitutional. The Constitution, in Article I Section 8, authorizes Congress to raise and spend money in military affairs only in "defense."

Iraq has not uniformly defied the disarmament requirements. On March 7, 2003, inspector Hans Blix testified that Iraq was approaching complete compliance.

Iraq has not attacked our territory. We are at peace with Iraq. It cannot even be credibly argued that Iraq is preparing an imminent attack on our borders. Of course, now that our tanks rolled in Baghdad, our people at home may suffer new acts of terrorism, provoked by our attack! But, at present, Iraq is no threat to our national security. A mere 700 miles is the top range of its missiles.

The regime has a history of reckless aggression in the Middle East.

Actually, while the American military has invaded dozens of countries, Iraq has only twice invaded another country: once in the case of Iran and once in the case of Kuwait. The war with Iran could not be termed "reckless aggression," because Iraq was asserting its rights to a 200 km channel on the border of Iran, called the Shatt al Arab Waterway, to which it had a traditional claim. Moreover, if Iraq were guilty of "reckless aggression" in invading Iran, then so was our government, since it encouraged and financed that war as part of a strategy to prevent Iran from achieving dominance in the Middle East.

Iraq's invasion of Kuwait was not reckless; it was an attempt to settle an 80-year-old border dispute. Iraq had a claim to all of Kuwait's territory. Kuwait was created only in 1921, when Great Britain severed Kuwait from the territory of Basra, one of several parts of the old Ottoman empire that were cobbled together to form modern Iraq.

It has a deep hatred of America and our friends.

Iraqis may indeed hate America, but this hatred was not unprovoked. Our government gave Iraq the "green light" to invade Kuwait, and then our government invaded Iraq to punish it for the invasion we encouraged. After invading, we killed 100,000 Iraqi soldiers who were fleeing on the Highway of Death between Kuwait and the city of Basra. Our government then carried on a twelve year campaign of bombing Iraqi territory to enforce illegal no-fly zones. Is it any wonder that they hate America? If the Iraqi people did not hate America, that would be something to wonder at.

And it has aided, trained and harbored terrorists, including operatives of al Qaeda.

While it appears that the Iraqi government has terrorists, our government admits that it has no evidence that the Iraqi government is connected to al Qaeda. Nor is there any indication that the Iraqi government is connected to al Qaeda or to the 9/11 attacks. The Iraqi government is, in fact, one of the secular regimes that al Qaeda would prefer to overthrow, in favor of a fundamentalist regime. Until now, Iraq and al Qaeda have been enemies. A war on Iraq could drive them into each other's arms, and into an alliance against the U.S.

The danger is clear: using chemical, biological or, one day, nuclear weapons, obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country, or any other.

The operative word here is "could." Bush is proposing a preventive war, not a pre-emptive one. Preventive wars are fought to prevent a future threat that is not imminent. Preventive wars are illegal under international law. Pre-emptive wars are legal, but the threat they counter must be imminent.

The *Washington Times'* editorial staff came to the aid of the administration, by proposing several theories to justify a U.S. attack upon Iraq. The *Times* trotted out the notion that a pre-emptive war is sanctioned by international law, and cited the authorities of Hugo Grotius and Emmerich de Vattel. The *Times* cited Grotius for the proposition that in international law it is lawful to kill one who is preparing to kill. However, Grotius limited this right of pre-emptive warfare to cases of immediate threats:

> *War in defence of life is permissible only when the danger is immediate and certain, not when it is merely assumed*. 1. The danger, again, must be immediate and imminent in point of time . . . those who accept fear of any sort as justifying anticipatory slaying are themselves greatly deceived, and deceive others. (Grotius, The Law of War and Peace, Book II, Chap I, Section V.)

If Iraq were guilty of "reckless aggression" in invading Iran, then so was our government, since it encouraged and financed that war.

The *Times* cited Vattel for the proposition that a "nation has the right to resist the injury another seeks to inflict upon it, and to use force . . . against the aggressor." However, Vattel also wrote that "A nation has a right to resist an injurious attempt, and to make use of force and every honorable expedient against whosoever is *actually engaged in opposition* to her, and even to anticipate his machinations, observing, however, not to attach him upon vague and uncertain suspicions, lest she should incur the imputation of becoming herself an unjust aggressor." (Vattel, *Law of Nations*, Book II, § 50) Vattel also wrote that "We must either have actually suf-

fered an injury or be visibly threatened with one, before we are authorized to take up arms, or have just grounds for making war." (Vattel, *Law of Nations*, Book III, § 42) Vattel went on to declare that "it is a sacred principle of the law of nations, that an increase of power cannot, alone and of itself, give any one a right to take up arms in order to oppose it." (Vattel, *Law of Nations*, Book III, § 43.)

Centuries of international law decisions and all texts on international law agree that a pre-emptive war may be justified as an act of self defense *only where there exists a genuine and imminent threat of attack*. Pre-emptive war is justified only when it has been forced upon that state by another, threatening, state, and only if that war represents a lesser evil, in that the dangers averted by war outweigh those caused by the war itself. The threat to be pre-empted must be *so clear and imminent, that prompt action is required* to meet it. The threat must be directed at the initiator. The threat must be critical; it must present danger to the vital interests of the initiator. The threat must be unmanageable by any peaceful means short of war.

The "pre-emptive" war on Iraq fails all of these tests, miserably. Iraq presents no threat to the U.S. Our military has more than 10,000 nuclear warheads; Iraq has *none*. Iraq was not connected to al Qaeda or to the 9/11 attacks. Iraq is not currently issuing any threats of attack against the United States. There is no evidence that Iraq has planned, or is planning, to attack the U.S. There is no evidence that Iraq has the capability of attacking the U.S. Iraq possesses no nuclear weapons or nuclear delivery systems. Seven hundred miles is the limit of Iraqi missiles. Its military and civilian forces, resources, and infrastructure were devastated by U.S. forces in the Gulf War and by a decade of illegal U.S. bombing in the no-fly zones.

Iraqis may indeed hate America, but this hatred was not unprovoked. Our government gave Iraq the "green light" to invade Kuwait, and then our government invaded Iraq to punish it for the invasion we encouraged.

The administration briefly floated the theory that an attack upon Iraq was justified by Iraqi ground-based antiaircraft missile strikes against U.S. planes in the no-fly zones. This trial balloon was quickly abandoned, when other members of the Security Council made it known that they considered the no-fly zones, patrolled by U.S. and British war planes for a decade, to be illegal and unauthorized by any Security Council resolutions. The U.S. and Britain have contended that the northern and southern no-fly zones are to protect the Kurds in the North and the Muslims in the South, and that Security Council Resolution 688 authorized the U.S. and Britain to protect the minorities. However, while Resolution 688 did condemn Iraq's oppression of its minorities, it called upon member states to contribute to "humanitarian relief efforts." Bombing hardly qualifies as humanitarian relief. Indeed, the decade-long bombing campaigns in northern and southern Iraq compel us to recognize that all the talk about whether or when to commence a war against Iraq missed the point: the war was already under way, and it was already illegal.

Proponents of this war urge its necessity by arguing that Saddam possesses weapons of mass destruction that he *could* use on our citizens. Dozens of non-Western nations, ruled by dangerous dictators, also possess weapons of mass destruction. Is it necessary for us to attack all of them, also? Iraq has had WMD since the 1980s, but has never once used them against the U.S., not even in the first Gulf War. Iraq was deterred from doing so by our nuclear arsenal. That deterrence factor has disappeared now that the U.S. has invaded Iraq with the express purpose of destroying or removing Hussein himself. Such a war leaves Saddam with nothing to lose, and actually increases the likelihood that he would unleash his WMD against our armed forces, and/or provide WMD to his new allies, in al Qaeda.

If an Arab nation had placed military bases and 100,000 troops in New York and Los Angeles, would anyone be surprised if American citizens retaliated with terrorist acts?

The United States and other nations did nothing to deserve or invite this threat. But we will do everything to defeat it.

Bush here expresses a naive worldview: that the rest of the world shares our satisfaction with our military adventures in the Middle East and elsewhere. Our long alliance with Israel and our installation of two dozen military bases in the Middle East has provoked a fear of the U.S. in the heart of many Arabs, and that fear is quite rational.

If Arab bases surrounded our 48 contiguous states, it would not be irrational for our people to fear and hate the responsible Arab nation. If, twelve years ago, an Arab nation had placed military bases and 100,000 troops in New York and Los Angeles, would anyone be surprised if American citizens retaliated with terrorist acts against Arab citizens in their own country? Would anyone call those attacks unprovoked?

Instead of drifting along toward tragedy, we will set a course toward safety.

Clearly, Bush has reversed the alternatives. The course that he characterizes as one of "safety" is actually one of "tragedy." He seems determined to lock us into a vicious cycle of war and reprisal, whereby American meddling in the Middle East begets terrorist acts upon our civilians at home, after which that terrorism is used as the justification for more military intervention, which provokes more terrorism, *ad infinitum*. Arab terrorists became interested in terrorizing private American citizens only after the American military began meddling in their affairs, decades ago. It

"Victory" in Iraq

would have been better if the U.S. had, since 1948, heeded George Washington's sage advise to avoid foreign entanglements.

Our military adventures in the Middle East have already placed our people at risk. The World Trade Center bombings of 1994 and airplane hits of 9/11 are cases in point. Both were provoked by U.S. military actions. Both were inspired by Osama bin Laden, who grew to hate the U.S. because, during the Gulf War, our military put bases and 100,000 troops in the cities of Mecca and Medina, both sacred to Islam. Bin Laden several times has demanded of both the U.S. and the Saudi Arabian government that the bases be removed. His al Qaeda network was developed in part to terrorize both governments into acceding to his demands. Had the U.S. not invaded Iraq in 1990, and had the U.S. not placed bases in Mecca and Medina, 9/11 would never have happened. The blood of the American civilian victims of 9/11 is on the hands of our military adventurers.

Before the day of horror can come, before it is too late to act, this danger will be removed.

Here, Bush is clearly evoking the memory of 9/11, and is implying that Iraq will someday cause similar terrorist acts to occur here in the U.S.A. It is interesting to note that, since the U.S. invaded Iraq twelve years ago, Iraq has never backed a terrorist attack against us, and our intelligence gatherers have been unable to discover any evidence that any such incidents were planned.

That duty falls to me, as commander in chief, by the oath I have sworn, by the oath I will keep.

The commander in chief has a duty to defend this country, but not to commit our troops in preventive wars.

Bush here not only incorrectly alleges a *duty* to "go abroad in search of monsters to destroy" as John Quincy Adams warned us not to do, but he confuses the roles of the president and Congress. The oath Bush took requires him to uphold the Constitution. He suggests that he possesses the constitutional power to decide, alone, to attack Iraq. He does not. Only Congress has the power to declare war.

Recognizing the threat to our country, the United States Congress voted overwhelmingly last year to support the use of force against Iraq.

Last year, Congress passed a resolution authorizing President Bush to "use the Armed Forces of the United States *as he determines to be necessary and appropriate* in order to (1) defend the national security interests of the United States against the continuing threat posed by Iraq and (2) *to enforce all relevant United Nations Security Council resolutions regarding Iraq.*" Congress did not declare war, or recognize that a state of war exists between Iraq and the U.S. Instead, Congress delegated its constitutional responsibility to the president, allowing him to decide when and if a state of war exists. Congress, however, has no constitutional authority to delegate any of its powers to the other branches of the federal government, and only Congress has the constitutional power to declare war. That resolution was and is unconstitutional, as would be any military actions taken pursuant to it.

America tried to work with the United Nations to address this threat because we wanted to resolve the issue peacefully.

Actually, Bush went to the U.N., and obtained S.C. Resolution 1441, only after he was advised that unilateral action against Iraq would be unpopular. He began beating the war drum against Iraq in the year 2001, but only approached the U.N. in late 2002.

We believe in the mission of the United Nations.

This would be true only if Bush believed that the mission of the U.N. is to serve as a cover for U.S. military adventures! Bush has defied the U.N., by attacking Iraq without authorization from the Security Council.

One reason the U.N. was founded after the Second World War was to confront aggressive dictators, actively and early, before they can attack the innocent and destroy the peace.

The key words in this sentence are "confront," "actively," and "early." Bush is here arguing that the U.N. was established to organize preventive wars. Nothing could be further from the truth. The U.N. Charter mandates the pacific settlement of disputes. No provision of that charter authorizes *preventive* war.

Bush is here arguing that the U.N. was established to organize preventive wars. Nothing could be further from the truth. The U.N. Charter mandates the pacific settlement of disputes. No provision of that Charter authorizes preventive war.

In the case of Iraq, the Security Council did act, in the early

The good old days — If America were the colonialist empire that the Left accuses us of, things would be a lot easier. The trouble we have around the world comes not so much from our arrogance or interventionist policies, but from our repeated insistence that the nations we have defeated move toward self-government. This worked pretty well in Japan, but in the Middle East, it has been a disaster. The truth is, if we followed Britain's old, tried-and-true model, we would never have the problems we are experiencing. In the good old days, you conquered a nation, seized all its valuable resources in the name of the empire, and installed a tyrannical government made entirely of white men loyal to the Crown. The reason why Iraq became so powerful is because Hussein was able to divert oil profits into the military and fund terrorists. Under colonialism, Iraqi nationals would never have had access to that kind of money, the locals would have all been kept poor and primitive, and all the oil profits would have gone directly into the treasury. — Tim Slagle

1990s. Under Resolutions 678 and 687 — both still in effect — the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction. This is not a question of authority, it is a question of will.

It was astonishing to hear Bush claim that S.C. Resolution 678 is "still in effect." That resolution was prompted by, and designed to remedy, the Iraqi invasion of Kuwait. That resolution authorized member nations to take all measures "necessary" to effect the expulsion of Iraq from Kuwait. No further military action was authorized by 678. Nor did Resolution 687 authorize any member nation to use force against Iraq or anyone else. At the conclusion of 687, the Security Council retained jurisdiction of the dispute between Iraq and Kuwait, by announcing that it remained "seized" of the matter.

Ari Fleischer has also trumpeted the notion that unilateral American action is somehow legal under United Nations Security Council Resolutions 660, 678, and 687. However, taken as a whole, these resolutions can only be understood as authorizing action by the United Nations, not a rogue state like the U.S.

Resolution 660, of August 2, 1990, condemned the Iraqi invasion of Kuwait, and demanded immediate Iraqi withdrawal, but authorized no military action. Resolution 678, of November 29, 1990, authorized U.N. member states, in cooperation with Kuwait, to use all necessary means to uphold Resolution 660. However, since Iraq withdrew from Kuwait more than a decade ago, Resolution 678 does not authorize any military action now. Resolution 687, of April 3, 1991, set forth the conditions of the cease-fire. Among those conditions was the Iraqi disarmament of all chemical, bacteriological and nuclear weapons. However, the Security Council concluded Resolution 687 by reciting that it decided "to remain seized of the matter," meaning that it retained control of the conflicts between Kuwait, Iraq, and the member states that were cooperating with the U.N. in enforcing Resolutions 600 and 678. Resolution 687 cannot be read to authorize unilateral action by the U.S., or military adventures by the U.S., without authorization from another Security Council Resolution. Nor can the recent S.C. Resolution 1441, which warns of serious consequences, but nowhere mentions war or unilateral action by member states.

Perhaps someday the U.N. will pass resolutions against the U.S., justified by our history of slavery, or the suffering of the American Indians, or the extermination of the Davidians at Waco!

Last September, I went to the U.N. General Assembly and urged the nations of the world to unite and bring an end to this danger. On November 8th, the Security Council unanimously passed Resolution 1441, finding Iraq in material breach of its obligations, and vowing serious consequences if Iraq did not fully and immediately disarm.

"Serious consequences" were indeed threatened for noncompliance with 1441. However, military action without Security Council authorization was *not*. At the conclusion of 1441, the Security Council retained jurisdiction, by deciding to remain "seized" of the matter.

Today, no nation can possibly claim that Iraq has disarmed.

What evidence did Bush possess that Iraq has *not* disarmed? It is certainly an open question as to whether Iraq is in compliance with, or in violation of, Resolution 1441. Critics of the war have argued that there is no proof that Iraq currently possesses "weapons of mass destruction." The administration, however, has convincingly retorted that this argument assumes a misstatement of the question and a misallocation of the burden of proof. Resolution 1441 expressed a consensus that Iraq had, indeed, already acquired WMD, and now must provide satisfactory evidence of their destruction. As the argument goes, it is not up to the inspectors to find the WMD; it is Iraq's duty to prove that all WMD have been destroyed. This would be a powerful argument, but for the fact that §5 of S.C.R. 1441 requires Iraq to allow inspectors access to any sites *chosen by the inspectors*. The difficulties inherent in resolving these conflicting positions serves to distract the observer from more fundamental questions. By engaging in these pettifogging debates, the critics of war have conceded too much logical high ground, and have overlooked profound legal defects in the administration's position.

Furthermore, Resolution 1441 is contrary to the letter and spirit of the U.N. charter. It represents the exercise of unauthorized and extra-legal power. Moreover, even if 1441 were authorized by the U.N. Charter, it is nevertheless true that no provision of the U.S. Constitution would permit U.S. troops and money to be sacrificed in pursuit of the war that is planned to enforce 1441.

And it will not disarm so long as Saddam Hussein holds power.

After twelve years of U.S. bombing of military installations in the north and south, and twelve years of inspections, the destruction of the Iraqi military is nearly complete. The Iraqi air force is so pitiful that, as our troops advance, they dare not fly. No WMD have been used against our troops, and none are in evidence.

For the last four-and-a-half months, the United States and our allies have worked within the Security Council to enforce that Council's long-standing demands.

"Working within the Security Council" apparently describes the massive troop build-up that Bush began in late 2002. Obviously, he had hoped that placing 100,000 troops, plus ships, missiles, planes, and tanks in the Persian Gulf would make plain the U.S. desire for war, and would persuade the other members of the Security Council not to defy the will of the world's only superpower. Whatever diplomacy Bush carried on was secondary to this great show of force. Clearly Bush did not seek the honest, deliberate opinion of the Security Council; he merely wanted U.N. approval of a war he'd already decided to commence.

There are other dangerous long-term consequences to this war, arising from the way the U.S. has sought the sanction of the U.N. to cover its naked aggression. Many hawks argue that the 1991 invasion of Iraq was justified by Iraq's

"Victory" in Iraq

invasion of Kuwait. They either forget or ignore Iraq's claim to the territory of Kuwait. For the U.S. to invade Iraq in order to protect the sovereignty of Kuwait is just as absurd as it would have been for France or Britain, in the 19th century, to invade the U.S. in order to protect the sovereignty of that Mexican territory that became Texas in the 1830s and 1840s. Come to think of it, such an invasion might not have been so absurd, since the circumstances under which Texas was split off from Mexico and became part of the U.S. were highly suspect. Perhaps some day the U.N. Security Council will take up the cause of Mexico, to right this ancient wrong. Perhaps also the circumstances under which the U.S. acquired Hawaii, or the Philippines, or some of our other territories will come under U.N. scrutiny. The hawks point eagerly to the Iraqi treatment of their Kurds as a justification for our military intervention. But it is easy to find examples of mistreatment of civilian populations by many governments around the world. Consider our own government. Perhaps someday the U.N. will pass resolutions against the U.S., justified by the recollections of our history of slavery, or the suffering of the American Indians, especially in the Trail of Tears, or the rounding up of Japanese Americans during World War II, or the persecution and extermination of the Davidians at Waco! By using the U.N. as a cover to mask U.S. military adventures as police actions, Bush sets a dangerous precedent that could someday be turned upon us.

Yet, some permanent members of the Security Council have publicly announced they will veto any resolution that compels the disarmament of Iraq. These governments share our assessment of the danger, but not our resolve to meet it. Many nations, however, do have the resolve and fortitude to act against this threat to peace, and a broad coalition is now gathering to enforce the just demands of the world.

This "broad coalition," of the "willing," amounts to a coalition of nations willing to be bribed and cajoled into backing up the U.S.

The United Nations Security Council has not lived up to its responsibilities, so we will rise to ours.

By using the U.N. as a cover to mask U.S. military adventures as police actions, Bush sets a dangerous precedent that could someday be turned upon us.

Whether or not the U.N. Security Council has fulfilled its responsibilities is for the Security Council to judge. "Our" responsibilities certainly do not include initiating illegal preventive wars, or being policeman to the world.

In recent days, some governments in the Middle East have been doing their part. They have delivered public and private messages urging the dictator to leave Iraq, so that disarmament can proceed peacefully. He has thus far refused. All the decades of deceit and cruelty have now reached an end. Saddam Hussein and his sons must leave Iraq within 48 hours.

This last line is the one for which this speech will be remembered. Never before in the history of the U.S. has a president given a head of a sovereign state 48 hours to clear out of town. This is an outrageous violation of Iraqi national sovereignty.

Their refusal to do so will result in military conflict, commenced at a time of our choosing. For their own safety, all foreign nationals — including journalists and inspectors — should leave Iraq immediately. Many Iraqis can hear me tonight in a translated radio broadcast, and I have a message for them. If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you.

Victory in Iraq will be more costly than failure would have been, because victory will entail a long, expensive nation-building mission.

Surely Bush, and any reasonable person who reads or hears this last sentence, must know that it is not true. An invasion is a chaotic affair, where it is not possible to avoid civilian casualties. The dead Iraqi citizens will not be consoled by the president's pretense that he is not attacking them.

As our coalition takes away their power, we will deliver the food and medicine you need. We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free.

This is a bold promise that is belied by our pitiful record of nation-building in Haiti, Kosovo, Somalia, and Afghanistan, all of which remain in turmoil after U.S. military interventions. Not only is the U.S. not the world's policeman, it is not the globe's nanny.

Victory in Iraq will be more costly than failure would have been, because victory will entail a long, expensive nation-building mission that would drain our resources, in a futile attempt to impose a democratic republic upon a people that is familiar only with dictatorship. A new Saddam is likely to emerge, whether or not we stay to install a puppet government. We have no way of knowing how dangerous the new dictator could become. Constructing the new Iraqi republic will be a nearly impossible task, requiring the resolution of conflicts between three groups: the Sunni Muslims, who currently rule, and two groups that wish to secede, namely the Kurds in the north and the Shiite Muslims in the south. If the U.S. attempts to unify Iraq, a civil war is likely; if the U.S. dismembers Iraq, the rest of the Arab world would be unified in resentment. Iran might take advantage and attack a weaker Iraq, leading to yet another war.

In a free Iraq, there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms.

Bush's promise to sanitize the lives of Iraqis could only

be fulfilled by a constant, perpetual military presence in Iraq. That may be precisely what will occur. Just as we have kept hundreds of thousands of troops in Germany and Japan for a half century, a hundred thousand troops in Saudi Arabia for a decade, and hundreds of thousands of troops in dozens of countries around the world, using old British Empire bases that we took over during World War II and have never let go, the U.S. may never withdraw from Iraq, another possession in the new U.S. Empire.

Bush here appears to offer an alternative justification for the war: ending the oppression of the Iraqi populace by Saddam Hussein.

The proponents of war have argued that Hussein is a dangerous man who has persecuted the Kurdish minority. As harsh as this may sound, the death of Kurds in Iraq does not endanger our national security, and is no business with which our taxpayer-supported government need be concerned.

Bush knows that he is free to threaten war crimes trials for the Iraqis because history demonstrates that only the war crimes of losers are punished, while the winners hold the trials.

The tyrant will soon be gone.

A new tyrant will take his place. Iraq will be ruled by Washington. In the unlikely event that Washington actually cedes control of Iraq to its people, Iraq will explode in a three-way civil war between the Kurds in the north, the Sunni Muslims in the center, and the Shiite Muslims in the south. The body count in these civil wars might someday exceed the number killed under the rule of Saddam Hussein.

The day of your liberation is near.

"Liberation" is a loaded word that conjures up images of grateful Iraqi peasants emerging from the darkness of Hussein's thralldom into the light of freedom, where they will construct a representative democracy that respects individual life and liberty. But such events and institutions require more than mere opportunity. They will not occur in the absence of a culture that understands and values them. One searches in vain for such a culture in the Arab world. Force of arms, imposed from without, will not create such a culture.

It is too late for Saddam Hussein to remain in power. It is not too late for the Iraqi military to act with honor and protect your country by permitting the peaceful entry of coalition forces to eliminate weapons of mass destruction. Our forces will give Iraqi military units clear instructions on actions they can take to avoid being attacked and destroyed. I urge every member of the Iraqi military and intelligence services, if war comes, do not fight for a dying regime that is not worth your own life. And all Iraqi military and civilian personnel should listen carefully to this warning. In any conflict, your fate will depend on your action. Do not destroy oil wells, a source of wealth that belongs to the Iraqi people.

It is interesting that among the warnings Bush gave to the Iraqi military, the very first protected the oil.

War crimes will be prosecuted. War criminals will be punished. And it will be no defense to say, "I was just following orders."

These are words that could return to haunt Bush. He and his staff have commenced (or enlarged) a war of aggression against a sovereign nation, without U.N. sanction, and without the excuse of pre-emption. No doctrine in international law would protect him from a war crimes trial. Bush knows, however, that he is free to threaten war crimes trials for the Iraqis because history demonstrates that only the war crimes of losers are punished, while the winners hold the trials.

Should Saddam Hussein choose confrontation, the American people can know that every measure has been taken to avoid war, and every measure will be taken to win.

In truth, every measure has been taken to ensure war. Bush sought the participation of the U.N. only so long as he hoped that he could gain approval for war, as a public relations cover for aggression.

Americans understand the costs of conflict because we have paid them in the past. War has no certainty, except the certainty of sacrifice. Yet, the only way to reduce the harm and duration of war is to apply the full force and might of our military, and we are prepared to do so. If Saddam Hussein attempts to cling to power, he will remain a deadly foe until the end. In desperation, he and terrorists groups might try to conduct terrorist operations against the American people and our friends.

The U.S. invasion means that any stockpiles of weapons that Hussein may have are more likely to fall into the hands of al Qaeda. Not only is our policy driving Hussein and al Qaeda into each other's arms, but if our invasion is successful, Hussein will lose control of the armaments. We cannot be sure who will gain their control.

These attacks are not inevitable. They are, however, possible. And this very fact underscores the reason we cannot live under the threat of blackmail.

In these three sentences, Bush played a fascinating shell game. In discussing the "inevitability" of terrorists attacks, he clearly argued that our war cannot be blamed for retaliatory terrorist attacks. He was *not* referring to attacks *in general*. In the middle sentence, he mentioned the possibility of a terrorist attack, without reiterating that he began by discussing *retaliatory* terrorist attacks. The listener is encouraged to consider the possibility of terrorist attacks *in general*. Bush then finished by comparing the threat of such attacks to the threat of blackmail, and then urging the threat of blackmail as a justification for war. This amounts to arguing that war is justified because the enemy might retaliate after we attack them!

This war is the answer to the prayers of Osama bin Laden, whose al Qaeda is now assured the prospect of thousands of new recruits.

The terrorist threat to America and the world will be diminished the moment that Saddam Hussein is disarmed.

Bush wishes us to ignore the probability that the current

"Victory" in Iraq

war will inspire new generations of terrorists. This war is the answer to the prayers of Osama bin Laden, whose al Qaeda is now assured the prospect of thousands of new recruits.

Our government is on heightened watch against these dangers. Just as we are preparing to ensure victory in Iraq, we are taking further actions to protect our homeland. In recent days, American authorities have expelled from the country certain individuals with ties to Iraqi intelligence services. Among other measures, I have directed additional security of our airports, and increased Coast Guard patrols of major seaports. The Department of Homeland Security is working closely with the nation's governors to increase armed security at critical facilities across America.

So our 50 years of intervention in the Middle East have come to this: we must now transform our free society into a police state and a garrison state. Our lives must be ordered around a central organizing principle: the military defeat of a ragtag assemblage of tinpot dictators that our military has assisted into power, and then has dominated, attacked and provoked, until terrorists have retaliated against our own people, which is then to be made the justification for more war.

Why was it necessary to create a Homeland Security department? Isn't defending our homeland the job of the Department of Defense? If the Department of Defense is not defending our homeland, then whose homeland is it defending? If the Department of Defense is not busy defending our homeland, then in what sense is it engaged in "defense"? Should we rename it as the Department of Aggression? That would never do, because the Constitution does not authorize Congress to spend money on any military purposes other than defense. No, it is much safer to call it the Department of Defense, even as it spreads hundreds of thousands of troops, ships, planes, and bombs all around the globe, in dozens of bases in a hundred other countries, and starts wars of aggression every few years.

If our enemies dare to strike us, they and all who have aided them, will face fearful consequences.

This is a remarkable piece of rhetoric. Essentially, Bush is telling the world that whenever our military happens to attack another country, that nation will suffer the more if any of its terrorist groups retaliate upon U.S. citizens. By this doctrine, not only is our military free to attack other nations for preventive purposes, it is free to punish nations and their peoples for the acts of third parties!

We are now acting because the risks of inaction would be far greater.

This is the heart of the Bush doctrine: war now is justified because of possible attacks in the future. Underlying this idea is the assumption that these countries will desire to attack us, without examining *why* they might so desire, and what role the U.S. has played in provoking that desire.

One of the most interesting statements made by George Bush recently is that "we didn't provoke" 9/11. If he honestly holds this opinion, it is a naive expression of a mindset that assumes that 9/11 was an irrational act, grounded in religious hatred of Americans for our Western values and virtues. That mindset never pauses to consider the possibility that 9/11 was a *rational* response to the American *vice* of intervention in the Middle East. The purity of our supposed motives for building two dozen bases in the region and for our decades-long support for Israel matters not to the Arab zealot. When he sees bases in the Islamic holy sites of Mecca and Medina the Arab sees red; when he sees Israeli tanks mow down Palestinians, he sees red, white, and blue dollars that support that garrison state. When the U.S. intervenes abroad, the U.S. creates enemies. Rather than going abroad in search of monsters to destroy, we should mind the fig tree at home.

Some argue that we shouldn't wait until Hussein becomes powerful enough and acquires enough technology to threaten us, because that would be to repeat the mistakes Europe made in failing to curb Hitler in the 1930s. That argument forgets the source of Hitler's power: the German people's resentment of the disarmament and other restrictions imposed upon them after World War I.

Our taxpayers will pay for a bloated military, one that must be capable of fighting half a dozen wars around the globe at any one time, to keep the Pax Americana.

We are indeed repeating history, but the hawks have failed to discern which chapter is being repeated. The treaty of Versailles not only imposed war reparations, it carved up German territory. Some was given to the French, some to the Czechs, and some to Poland. Predictably enough, two decades later, Germany took back that territory and world war was kindled. We have placed Iraq in the same trick box.

The difference is that Iraq is by every measure a much poorer and weaker state than was Germany of the 1930s. Iraq is no threat to anyone but its own citizens.

The cause of peace requires all free nations to recognize new and undeniable realities. In the 20th century, some chose to appease murderous dictators, whose threats were allowed to grow into genocide and global war. In this century, when evil men plot chemical, biological and nuclear terror, a policy of appeasement could bring destruction of a kind never before seen on this earth.

Bush here argued that Hussein might cause a global war, while he ignored how close our military might come to causing the same. One of the most frightening moments in the latest war came when Rumsfeld threatened war against Syria, because arms supplies were flowing to Iraq across its Syrian border. This conjured up memories of the bombing of Cambodia; it also gave rise to fears that an American attack on Syria would serve as the pretext for Syrian attacks upon Israel, who has so far refused to promise the U.S. that it would not retaliate for rogue attacks. Once Israel joins the fray, other Arab states could join what would become a vast, multi-front war that could involve nuclear weapons, Russia, and more nuclear weapons. We risk all of that to remove a hobbled, defanged, third world dictator who has never

threatened us and has no ability to do so.

Terrorists and terror states do not reveal these threats with fair notice, in formal declarations — and responding to such enemies only after they have struck first is not self-defense, it is suicide.

Bush here alluded to the supposed surprise nature of the 9/11 attacks. The American people were indeed surprised, but only because we had been lulled into complacency by our government, anxious to distract us from the dangers to which it was exposing us with its aggressive foreign policy. For years, Osama bin Laden had been telling anyone who would listen that he would keep up his campaign of terror until the U.S. removed its military bases, planes, and troops from Mecca, Medina, and the rest of Saudi Arabia. The World Trade Center Bombing of '93 and the embassy bombings of the late '90s were meant to persuade our government to withdraw from Saudi Arabia and the Middle East. Yet over the years, the American people heard very little about the objectives of the terrorists, because our government preferred not to draw attention to the connection between American intervention abroad and the grievances of al Qaeda, while our gullible media relied upon the expertise of government experts, who solemnly informed us that the Arab street hated America because we were successful, rich, Western, and uninhibited. Had the American people been informed, from the beginning, that terrorism upon our citizens would be the price paid for military adventures in the Middle East, perhaps our politicians would have received a different message from the voters.

The security of the world requires disarming Saddam Hussein now.

The rest of the world does not see it that way. The rest of the world, by and large, is against the war, and perceives no threat from Saddam Hussein, as he has already been disarmed, to all appearances. The rest of the world, in fact, views our cowboy-in-chief as a greater threat to peace than Saddam.

As we enforce the just demands of the world, we will also honor the deepest commitments of our country.

By "the world," Bush must mean the U.S. and Tony Blair. No one else is "demanding" that Hussein disarm or get out of town. The "coalition of the willing" is a collection of powerless nations that have been bribed into lending their name, but nothing else, to the Bush cause.

Unlike Saddam Hussein, we believe the Iraqi people are deserving and capable of human liberty.

The Iraqi people, like any people, are more likely to secure the blessings of liberty to themselves and to their posterity when they themselves are ready to take up arms in their own liberation. A foreign invader is unlikely to be able to impose liberty upon them.

And when the dictator has departed, they can set an example to all the Middle East of a vital and peaceful and self-governing nation. The United States, with other countries, will work to advance liberty and peace in that region. Our goal will not be achieved overnight, but it can come over time. The power and appeal of human liberty is felt in every life and every land.

What of the other regimes in the Middle East? Since most of them are run either by dictators or oligarchies, what do they think of this little experiment in U.S. nation-destroying and nation-building? Do they wonder who is next? In George Bush's 2002 State of the Union Address, he identified Iran as one of the three nations in the Axis of Evil. Is Iran worried that the war on Iraq is just a dry run for the coming war against Iran?

And the greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace.

Nothing but hubris could permit Bush to preach peace and freedom to the very people upon which he was about to visit grievous violence.

That is the future we choose.

The "we" doing the choosing happen not to be the people doing the dying. The "we" doing the choosing happen to be the current regime in Washington, willing to flout the Constitution and international law.

Free nations have a duty to defend our people by uniting against the violent.

This is one of the most alarming bits of rhetoric in Bush's speech. It is doubtful even that he understands what his speech writer just had him say. He has implied that the peoples of different nations are the subjects of those states in the collective. Since the U.N. is now irrelevant, who controls that collective? Why, of course, it is the "we" who are doing the choosing. Washington protects all the peoples of the world. All people now are our people. We are in charge.

And tonight, as we have done before, America and our allies accept that responsibility.

This "responsibility" is the responsibility to police and protect the world. We are the world's beat cop. Our taxpayers will pay for a bloated military, one that must be capable of fighting half a dozen wars around the globe at any one time, to keep the Pax Americana.

Good night, and may God continue to bless America.

Good night, indeed. ❑

The Rorschach Test of Limited Government

by Robert A. Levy

As the War on Terror threatens civil liberties, many recognize the importance of the First Amendment. But if we want to preserve the Constitution, we should focus on the 9th and 10th Amendments, which have suffered at the hands of both the Left and Right.

In the post-9/11 environment, the exercise by governments of their national security powers will at times clash with the exercise by individuals of their broad civil liberties. No one disputes that national security is a legitimate function of government. The state is responsible, first and foremost, for the protection of life — then liberty. The Constitution, as Supreme Court Justice Robert Jackson warned, is not a suicide pact. Even hardcore champions of the Bill of Rights concede that it would be foolish to treat civil liberties as inviolable when thousands of innocent lives are at stake. Where to draw the line?

Ironically, in the current climate, limited-government conservatives tend to endorse an ever-increasing role for government, while big-government liberals express their frustration over an executive branch that commands too much power. Libertarians usually join with conservatives on domestic economic issues, but line up with liberals on many disputes over social policy and personal freedom. What, then, are the contrasting constitutional perspectives that explain these divergent views? Is there an underlying theory that lends support to one interpretation or another?

Here's the framework: the structure of our federal system can be explained in major part by the final two provisions of the Bill of Rights — the 9th and 10th Amendments. The 10th Amendment tells us that the national government may exercise only those powers that are enumerated in the Constitution: the powers to coin money and establish post offices, for example. The powers not delegated and enumerated are reserved to the states or, depending upon provisions of state law, to the people. Conservatives and libertarians generally agree on the tight constrains on the federal government that these amendments entail. But there are two conspicuous exceptions.

First, many conservatives, but not libertarians, are willing to federalize a significant portion of criminal law, presumably to assure ordered liberty. Libertarians invoke a different principle: no matter how worthwhile a goal may be, if there is no constitutional authority to pursue it, then the federal government must step aside and leave the matter to the states or to private parties. The president and Congress can proceed only from constitutional authority; good intentions alone are not sufficient. If Congress thinks it necessary to add to its enumerated powers, the Framers crafted an amendment process for that purpose. But too often, Congress has simply disregarded the limits set by the Constitution and gutted our frontline defense against oppressive government.

Second, conservatives are often far less anxious than libertarians about aggrandizing national security power in the executive branch. Libertarians remind their conservative friends that too much unchecked authority in the hands of

the executive branch threatens the separation of powers, which has been a cornerstone of our Constitution for over two centuries. The administration may not, by itself, set the rules, prosecute infractions, determine guilt or innocence, and then review the results of its own actions. Congress, not the executive branch, is charged with making law. And courts are charged with constitutional oversight. On that score, judges should give substantial deference to the executive on matters of national security, but the rights of citizens under the Constitution, including the right to judicial review, must be respected. When the executive, legislative, and judicial branches agree on the framework, the potential for abuse is not eliminated, but it is diminished. When only the executive acts, the foundation of a free society can too easily erode. That's the libertarian perspective, grounded on the 10th Amendment and the separation-of-powers doctrine.

The 9th Amendment, in contrast, is about rights, not powers. It provides that the enumeration in the Constitution and the Bill of Rights of certain rights should not be read as denying the existence of other rights that we possessed before government was formed. That safeguard imposes another powerful discipline on federal behavior. In exercising its legitimate powers, the federal government may not do so in a manner that violates our rights. And in determining what rights may not be violated, the 9th Amendment instructs that we look both to those that are expressly enumerated, like free speech, and to those that are unenumerated as well, like the right to privacy, to gamble, or to smoke marijuana.

If one wanted to identify a single constitutional provision that distinguishes libertarians from conservatives, it would be the 9th Amendment. Conservatives treat the 9th Amendment as an inkblot, to use former judge Robert Bork's memorable phrase. He asserts that the Amendment should be ignored because no one can determine what it means. It's as if someone had spilled ink on the portion of the Amendment that would have identified our unenumerated rights. Bork is silent as to why the same treatment should not be accorded to other imprecise phrases in the Bill of Rights, like unreasonable searches, probable cause, and due process.

If the Congress were to delegate to the Justice Department the power to enact regulations over national security and civil liberties, with no more guidance than "keep us safe from terrorists," people on the left would be justifiably apoplectic.

Libertarians treat the 9th Amendment as if it meant something. They argue that it refers to our natural rights — those rights that we had "by nature," pre-government, and still retain — which the common law had generally recognized and protected over the years. All of the so-called negative rights require only that others leave us alone — that they avoid the use of force or fraud. The 9th Amendment has nothing to do with "positive rights," which require others to act for our benefit. Thus, the right to pursue happiness is a negative right because it imposes no affirmative obligation on anyone. By contrast, a right to happiness itself might well require others to act on our behalf, thereby restricting their own pursuit of happiness.

Positive rights, like rights to welfare or to a minimum wage, are integral to the liberal position on the proper role of government. Naturally, the enforcement of such entitlements presupposes the availability of remedies when those who are obligated to bestow the benefits do not perform. Thus, the taxing power compels a wide variety of redistributive schemes, and the administrative state often inflicts a regulatory regimen designed to supersede consensual transactions. The result: overarching and coercive government that worms its way into every aspect of our daily lives.

But when that same Congress delegates to the Environmental Protection Agency the power to enact environmental regulations, with no more guidance than "keep us safe from pollutants," the Left applauds enthusiastically.

Paradoxically, we're now hearing from left liberals that big government cannot be trusted — at least not on matters like surveillance, detentions, and civil liberties in general. That's welcome news to libertarians who have long questioned potential abuses of government power. But where does the Left stand on government control over our retirement system, welfare, public schools, and the private economy? Why hasn't the Left's healthy distrust of government extended to support for privatized Social Security, school choice, and elimination of regulations that control everything from the size of a navel orange to the shape of office furniture? Why can't liberals see past the Defense Department and the Justice Department when they bemoan excessive government?

Ironically, those two agencies are the very ones charged with protecting us against predators — an indisputably legitimate function of government. If the Congress were to delegate to the Justice Department the power to enact regulations over national security and civil liberties, with no more guidance than "keep us safe from terrorists," people on the left would be justifiably apoplectic. But when that same Congress delegates to the Environmental Protection Agency the power to enact environmental regulations, with no more guidance than "keep us safe from pollutants," the Left applauds enthusiastically. Could it be that pollutants are a greater risk than terrorists? Or is it more likely that the Left's selective indignation reflects the inconsistency of the liberal mindset on the proper role of government?

In resolving that foundational question — the proper role of government — the Constitution can be viewed through both a powers-of-government prism, grounded on the 10th

continued on page 53

Reminder

America's Debt to France

by Veronica Menezes Holmes

Many Americans seem to have forgotten that the U.S. would not exist were it not for our longtime allies and friends, the French.

Just prior to invading Iraq, President Bush delivered an ultimatum to the United Nations: join the "coalition of the willing" against Iraq or the U.S. would invade without U.N. support. He unveiled his anger at France for threatening to exercise its veto power against any resolution that would have automatically triggered military action against Iraq, thus underscoring the enmity toward France that has been building steadily across America. A few weeks earlier, Secretary of Defense Rumsfeld dismissed France as irrelevant in the modern world order.

America's political leaders have forgotten that Americans owe France the greatest debt a nation can incur, and that regardless of any differences that the two countries may have on any present-day political issue, America's debt to France can never be repaid. Without France, there would be no United States of America.

When the American colonies needed money to pay for the cost of the Revolutionary War, the Congress dispatched Benjamin Franklin to Paris in 1776 to seek aid. France was the only power to which Americans could turn, since other European nations were lending or hiring out their troops to Britain to help the British suppress the American rebellion. George Washington's army was facing winter and the enemy without sufficient clothes and ammunition. Congress desperately needed funds to supply and pay its troops. France could not help the colonies openly, because it had just suffered a devastating defeat at the hands of the British and was rebuilding its military forces. Furthermore, in her weakened state, France could not risk the possibility that Britain would declare war against her for helping the American colonies.

Any help for America required a leap of faith. And France took that leap, by covertly supplying money and facilitating arms purchases to help the Americans. Further, France opened her ports to American trade, so that the colonies could earn the hard currency with which to buy arms and other war supplies, whose transport to North America France was obliged to protect with her warships. The British responded by blocking American ports and patrolling the sea routes to Europe with their warships and warning the French that peace with Britain would not last long if France continued to help the American revolutionaries. The Comte de Vergennes, the French foreign minister, replied, "We neither desire war, nor fear it." Thus France imperiled herself for the American cause.

French largesse proved inadequate and by the end of 1777 the situation for the colonies had become dire. Congress had authorized purchase of war supplies and the construction of warships, but lacked the funds needed to take delivery, and the American cause was on the verge of collapse. France was not willing to see America fail. Vergennes promised money to keep the war going and paid the construction

costs of the warships.

In 1779, after almost three years of covert aid, the American defeat of British troops at Saratoga convinced the French to aid the Americans openly. Without this assistance, Americans would have been forced to surrender and return to the British yoke.

France was the first nation to recognize American independence, which established America's future among the nations of the world. But she had miscalculated the risk of backing the American cause, for she not only had to finance the war, but also had to provide the funds to pay a discharging army, and the cost of the extended peace negotiations. In effect, France assigned the credit for the very creation of the United States, to her own detriment, for the American demands for money emptied the French treasury. Yet the French were unwilling to abandon the Americans and borrowed money to continue financing the struggle for American independence. It was the French army that finally forced the British to surrender at Yorktown.

Had France not emptied her treasury and lost her sons in the cause of revolution, it is unlikely she would have suffered the revolution that occurred only a few years later.

But that was not the end of French assistance to the nascent nation. Only one year after the peace treaty between America and Britain was signed 1782, France was obliged to rescue the new nation from bankruptcy.

France paid dearly for aiding America. Had she not emptied her treasury and lost her sons in the cause of revolution, it is unlikely she would have suffered the revolution that occurred only a few years later.

It could be argued that France was self-interested and only helped the Americans in order to gain advantage in commerce, or that France believed that a British defeat would restore its position as a major European power, since Britain would have remained dominant in Europe if it subdued its rebellious colonies. But then, as now, international politics provided other alternatives. France considered a tripartite agreement with Britain and Spain, wherein France and Spain would help Britain suppress the rebellion, in return for carving up North America among themselves, with the restoration of Canada for France, and the Floridas going to Spain. Unbeknownst to Franklin, Vergennes gave this alternative serious consideration and probed the possibilities with the other two nations.

But then, as now, France recognized that the success of a government rests upon public opinion, and all of France and Europe paid public adulation to Benjamin Franklin, who was the most famous American of his time, and whose "Face was almost as well known as that of the Moon." Franklin's reputation and stature extrapolated to the American cause, and Vergennes knew that there would be a nationwide protest if France were to abandon the American cause.

Franklin maintained that Britain conducted the war with such barbarity and viciousness that it seemed as if it was never a friend of the colonies, nor ever intended to be friends with them again. British troops burned defenseless towns in the middle of winter, incited Indians to murder farmers and their families, and slaves their masters. The British loaded their cannons with broken glass to inflict horrible wounds on the Americans. French troops, by contrast, marched 700 miles from Rhode Island to Virginia, without the smallest complaint for the "Loss of a Pig, a Chicken, or even an Apple."

Over the course of time, the United States has been generous enough to forgive Britain's atrocities, and once again embraces Britain as a close friend. America should be as generous in recognizing that France merits its continuing friendship, despite a difference of opinion on how the Iraqi crisis should be resolved. Rather than considering France's intention to veto a war resolution to be an unfriendly gesture, Americans should recognize that it is both the responsibility and the burden of France to honestly criticize America, for it is our friends who tell us the most profound truths about ourselves. And while the leaders of France and the United States may hold differing opinions on a particular issue, it is not necessary for Americans to behave as if France has become the enemy.

Benjamin Franklin knew that France ran grave risks in helping the Americans, and believed that gratitude was owed to France and in America's best interest. While he recognized that all nations are motivated by self-interest, he believed that it was in the interest of every nation to cultivate goodwill. He maintained that France's friendship was not only of the utmost importance to the United States, but that it was one that should be carefully cultivated, and he told the Congress: "an Expression of Gratitude is not only our Duty but our interest . . . Let us preserve our . . . friends by gratitude and kindness, for we know not how soon we may again have occasion for all of them." Franklin's words were prescient, for just as France has benefited from America's help in the last century, it may well be that America will need France's support once again, not only in the Iraqi theater, but in the coming decades as well, since the international paradigm shifted on 9/11. The perilous times we live in demand international cooperation if a serious attempt is to be made to restore peace, security, and freedom to a world of uncertainty and terror. ❑

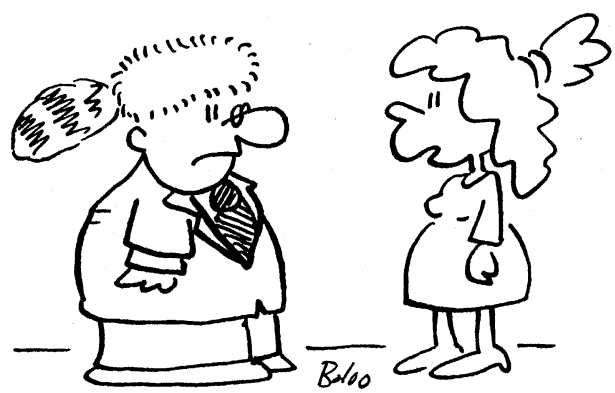

"You were right about the wide ties and the cuffs, Edgar, but the coonskin cap will *never* come back!"

Michiganistan?

by Leon Drolet

Only a handful of places impose harsh sentences on homosexuals: Saudi Arabia, Nigeria, Iran, Afghanistan, Singapore, Malaysia, Yemen, Mauritania, Sudan . . . and *Michigan*?

What do Michigan and Idaho have in common with Islamic theocracies like Pakistan, Afghanistan, Saudi Arabia, and Iran? They share the most Draconian penalties in the world for engaging in adult, private, consensual, non-commercial sexual acts.

The U.S. Supreme Court will soon decide on the constitutionality of state sodomy laws and, as a Michigan state legislator, I support repeal of this state's laws. Violators of Michigan's felony law can be penalized with 15 years of imprisonment and can even be sentenced to five years for engaging in oral sex. Michigan's sodomy laws apply to heterosexuals and homosexuals (and everyone in between), married or unmarried, and cover a wide and vaguely defined range of private, adult, consensual, non-commercial sexual activities.

While doing research on Michigan's sodomy law, I examined sodomy laws worldwide. I took a world map and colored black the U.S. states and foreign countries with penalties as strict or stricter than Michigan's. Countries and states with no such laws, I left uncolored. The results should be disconcerting to anyone who cherishes the United States as the standard bearer of freedom throughout the world: two U.S. states stand with a handful of Islamic theocracies centered around the Middle East whose names mostly ended with "stan." These "stans" and some other Muslim nations are joined by several North African nations, one South American nation (Guyana), and a few places in Asia (Malaysia, Nepal, Mauritania, the Maldives, and Singapore). Only one modern democracy outside the U.S. makes the list: India, whose maximum penalty of life imprisonment is matched by Idaho. In all, there are 18 black-colored countries and one U.S. state with sodomy penalties stricter than Michigan's.

The uncolored states and countries, those with no sodomy laws, dominate the map. No European country has sodomy laws. Neither do Canada, Mexico, Central America, and 37 of the American states, nor do Russia, China, Japan, and the vast majority of Asian states, nor any place in South America (save Guyana) have any laws that punish consenting adults, in the privacy of their homes, for making love as they choose. I colored gray 13 states and several dozen countries (again centered disproportionately in Islamic regions) because they have lesser sodomy penalties, ranging from minor fines to less than 15 years imprisonment.

To be fair, U.S. states rarely enforce their sodomy laws while the same is not true in some Middle Eastern countries. Amnesty International estimates that as many as 4,000 homosexual men have been decapitated by the Iranian government since that nation's 1979 Islamic revolution. In 2000, Saudi Arabia beheaded three men convicted of sodomy, and nine others were sentenced to more than 2,500 lashes and five years imprisonment.[1] The penalty in Afghanistan after

the fall of the Taliban government is uncertain, but before the regime change the penalty for homosexual sex was to place the offender next to a stone wall and push it on top of him with a tank or bulldozer. Whether the offender lived or died was considered to be the judgment of Allah.

As the two Texans who now find their case before the Supreme Court discovered, U.S. states sometimes do prosecute for sodomy. Currently in Michigan, more heterosexuals are charged with this victimless crime than are homosexuals. Why? Because those convicted of sodomy do not have their names placed on the state's public sex offender registry. Those charged with crimes like sexual assault can plead down to attempted sodomy to avoid the humiliation of having neighbors see their names posted on the Internet.

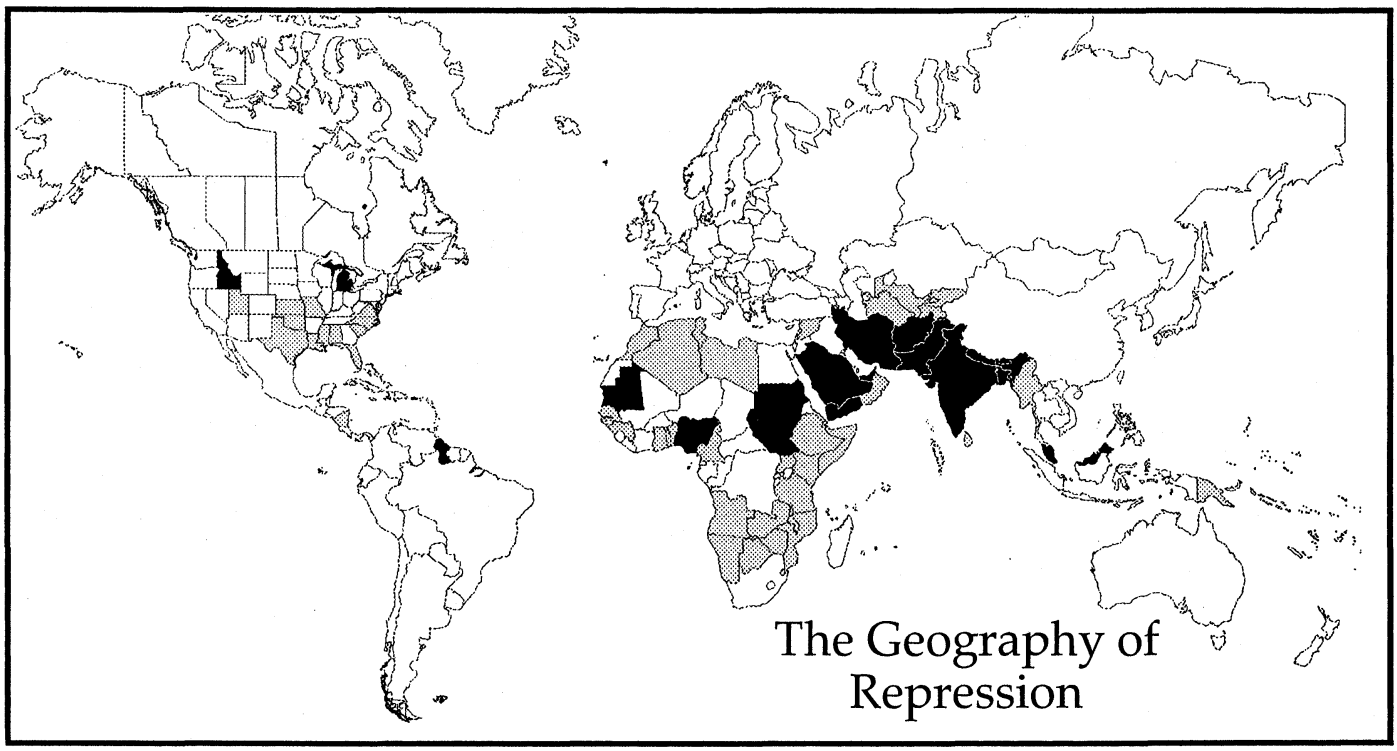

Why do some U.S. states join Islamic theocracies in having draconian laws against private, adult, consensual sex acts? Why do so few countries with Christian populations have such laws? The answer lies with the origins of each faith — the very teachings of Jesus and Mohammed.

Jesus the Secularist

Jesus wasn't interested in tax policy. When he uttered those oft-quoted words, "Render unto Caesar that which is Caesar's and render unto God that which is God's,"[2] he said something unprecedented in antiquity. Until the modern era in Western civilization, the distinction between secular and religious powers was unknown. Rulers were considered either to be gods themselves, like the pharaohs of ancient Egypt, or ordained by gods to rule in their stead. The laws of the state were the will of the gods. When Jesus told the Pharisees to separate that belonging to God from that belonging to the state, he introduced for the first time the concept of a separation of the interests of religion and government.

Jesus reaffirmed this separation when the Pharisees brought before him the woman caught in the act of adultery. Before the crowd to which he was preaching, the Pharisees asked Jesus whether the penalty for adultery (death by stoning) should be enforced. His famous reply, "Let he who is without sin cast the first stone," resulted in the quiet dispersal of the Pharisees and the crowd. Left alone with the accused woman, Jesus asked her, "Woman, does no man condemn thee?" The woman replied, "None, Lord." Jesus then ignored the punishment prescribed for adulterers by Jewish law saying, "Neither do I condemn thee. Go, and sin no more."[3]

Jesus separated the ancient covenant of Moses and the Old Testament from the teachings of the New Testament. He commanded the woman to sin no more. He didn't say she should be stoned if she sinned again, nor did he tell the Pharisees to turn the woman over to Roman authorities for punishment by the state. Her individual relationship with God was different and far more important to Jesus than her status according to the laws of the state. What would Jesus have done if the Pharisees had brought before him a man caught "lying with a man as with a woman,"[4] another Old Testament offense punishable by stoning? If he were alive today, would Jesus file a brief with the courts in favor of keeping state sodomy laws?

Many Christians today are hostile to the suggestion that Jesus distinguished between the interests of government and those of God because "separation of church and state" is so frequently abused by non-Christians to oppose any acknowledgement of God. But the New Testament is consistent in teaching Christian values without prescribing Leviticus-style government enforcement of those values. Stephen Legate explains Jesus' consistent support for free will over coercion

in his excellent essay, "The Call of Christ to Freedom" (April). I highly recommend his essay to Christians of the Left who support using government to enforce virtue, as well as to Christians of the Right who believe government force should be used to punish victimless crimes.

After Jesus' death at the hands of government authorities and after hundreds of years of cruel persecution by Rome, Christians won the reins of state power. They quickly ignored Jesus' teachings about the role of religion and the role of the state. Christian Roman emperors forced non-believers to convert or die. Later, Christian monarchs deemed themselves anointed by God, and many (though select) biblical teachings became government laws. It took 1,700 years of wars, inquisitions, and reformations for the Christian world to discover that Christianity is not dependent upon the state, nor is it diminished by its separation from the coercive power of the state. In modern Western democracies, most Christians have come to agree with Jesus that some things belong under God's jurisdiction and others under Caesar's.

The Office of the Night

Early Christian societies were sometimes tolerant of private sexual activities, but that tolerance decreased through the Middle Ages. Harsh persecution of those who committed "vile sins against nature" became the norm throughout Europe by around 1300.[5] Not until the Renaissance did attitudes begin to swing back toward tolerance of some private sexual activities outside marriage.

By the 1400s, Florence, Italy was the epicenter of the Renaissance, and had developed a reputation within Europe for being permissive toward homosexual conduct. In 1432 under pressure from the Church, the city government created a special panel to investigate and jail sodomy law violators. The special panel was called the Office of the Night (OTN).

According to research by Michael Rocke of the Harvard University Center for Italian Renaissance Studies in Florence, the OTN was *very* busy. Over its 70 years of existence, the OTN brought sodomy charges against thousands of men in a city of only 40,000. According to Rocke, fewer than 3,000 of those charged were actually convicted.[6]

Violators of Michigan's felony law can be penalized with 15 years of imprisonment and can even be sentenced to five years for engaging in oral sex.

In 1476 Leonardo da Vinci was twice anonymously denounced to the OTN for alleged acts of sodomy, once with 17-year-old model, or prostitute, Jacapo Saltarelli. Leonardo, then 24 years old, was held in confinement for two months but was acquitted due to lack of witnesses.[7]

Florentines periodically resisted the OTN. In the nearby town of Prato, the box where citizens were supposed to place sodomy accusations was frequently torn down. It appears that the OTN resisted when pressured too hard by Church authorities, once refusing to convict anyone for 14 months. During the rule of Lorenzo de' Medici (1469–1492), the OTN became considerably more lenient toward sodomy.

Frustration with OTN lenience peaked in 1494 with the overthrow of the Medici family by followers of the moralistic Dominican friar, Girolamo Savonarola, who called on Florentines to "burn the sodomites!" But Savonarola's reign was short-lived. In 1497, Florentines rebelled against his harsh rule and the severe penalties it inspired, and staged a riot. Over the next year, Savonarola, a vocal critic of the pope, was excommunicated, charged with heresy, tortured, hanged, and his corpse burned. The OTN continued to exist for a few more years, though the prosecution of sodomy was largely taken over by others. Florentines began perceiving the very existence of an "office of the sodomites" as a stain on their honor, and on December 29, 1502, the Office of the Night was finally closed.

In Michigan, more heterosexuals are charged with this victimless crime than are homosexuals.

On August 31, 1512, a band of 30 young aristocrats charged city hall and demanded that the council rescind the sentences of all who had been exiled or deprived of office for sodomy. Rebuffed, these young revolutionaries helped Lorenzo the Magnificent's son, Giuliano de' Medici, overthrow the republic two weeks later. The Medici family agreed to release those convicted of sodomy, and toleration was restored.[8]

The Age of Reason

By the time of the Age of Reason in the 18th century, most European governments had dramatically scaled back their medieval laws that punished those who engaged in certain kinds of private, consensual sexual activity. Dramatic changes in the way Europeans viewed religion, the state, and human sexuality progressed in intellectual circles.

The French Revolution and the subsequent Napoleonic conquests had a dramatic effect on European legal systems. Wherever Napoleon conquered, he established the Napoleonic legal code, a code that eliminated laws punishing people for non-commercial, adult, private, consensual sex acts. By the late 19th century, almost every major country in Europe had eliminated such laws.

Most prosecution for sodomy on the European continent was over, save for its sudden resurgence in Nazi Germany. Hitler's regime convicted between 50,000 and 63,000 men of sodomy charges; up to 15,000 were killed in death camps.[9] Shockingly, jurists of the American and English liberators ruled that death camps were not, legally, prisons. Some homosexuals who had been sentenced to prison and later liberated from death camps were actually sent to prisons by these jurists to serve their terms.[10]

A less savage exception to European tolerance was Britain. England was never conquered by Napoleon, and its

laws continued to punish sodomy. Its death-by-being-buried-alive penalty, dating back to the 1500s, wasn't fully eliminated until 1861. The British aristocracy feared that a weakening of strict moral standards had paved the way for the French Revolution. They established the Society for the Suppression of Vice in 1802 and began a wide-scale, puritanical campaign to block liberalization of laws against certain sexual acts.[11]

The best-known English prosecution occurred in 1895 when the government of England charged Oscar Wilde with

Bedfellows Make Strange Politics

The mess that Rick Santorum's has gotten himself into began in 1998 when the cops in Texas, responding to a disgruntled neighbor's deliberately false report of an armed intruder in the apartment of John Geddes Lawrence, entered his unlocked Houston apartment. Seeing that Lawrence and Tyron Garner were doing something completely consensual but locally illegal, the police hauled them off to jail on charges of violating the Lone Star State's Homosexual Conduct Law, a statute that prohibits "deviant sexual intercourse" — anal or oral sex — between people of the same sex (but not between people of the opposite sex).

As a footnote, nine states — Alabama, Florida, Idaho, Louisiana, Mississippi, North Carolina, South Carolina, Utah, and Virginia — still have anti-sodomy statutes on the books that ostensibly apply to gays and straights alike; four others — Texas, Oklahoma, Kansas, and Missouri — prohibit only gay sodomy. Texas altered its law in 1974 to decriminalize heterosexual sodomy but keep the criminal penalties for same-sex sodomy.

And so, unlucky to be in Texas, Lawrence and Garner were held overnight in jail and fined $200 each. The neighbor was later convicted of filing a false report. After an overturn of the sodomy convictions by one Texas court and reinstatement of the convictions by another, things have now moved to the U.S. Supreme Court, where arguments were heard on March 26 on a whole range of matters relating to sex, equal protection, privacy, and the constitutionality of anti-gay sodomy laws.

Charles A. Rosenthal Jr., the district attorney from Harris County, Texas, opened his argument by saying it's okay for the government to go beyond the doors of the unmarried, if something immoral is going on. Justice Stephen Breyer said that many felt during World War I that it was immoral to teach German, and that some states outlawed it. Justice David Souter asked why Texas doesn't ban sodomy for heterosexuals if it's harmful. Rosenthal, sounding like Monica's mother, answered that sodomy in the case of heterosexuals could lead to marriage and procreation.

Justice Ruth Bader Ginsburg asked whether Texas allows same-sex couples to adopt, and how Texas defines a family. Rosenthal said he didn't know. Ginsburg asked whether a criminal in Texas could run for office. Rosenthal, saying that gays have been elected to office in Texas, explained that being gay doesn't make a person a criminal in Texas, only acting on it does. In other words, to be legal, a gay politician in Texas must be a perpetual virgin, like those monks in the Cistercian Order of the Strict Observance who make those 27 flavors of jelly.

I hesitate to bring all this down to the grubby level of an economist's cost-benefit analysis, but at least the monks, with zero sex and a few million jars of elderberry jelly under their belts, have the benefit of thinking that eternity is going to be a huge step up.

In any case, the real nuts and bolts of the issue came when Paul Smith, an attorney representing Lawrence and Garner, argued that Texas law means "you can't have sexual activity at all if you're gay." Justice Antonin Scalia objected: "They just say you can't have sexual intimacy with a person of the same sex." They just say, in short, that gays in Texas are perfectly at liberty to have heterosexual sex.

Scalia, saying that laws against bigamy are bigoted against bigamists, asked why a state couldn't favor heterosexual sex or marital sex. Breyer asked whether Texas could outlaw telling egregious lies at the family dinner table. Justice John Paul Stevens asked if Texas criminalizes adultery or sex between unmarried straight couples. Justice William Rehnquist reminded everyone about censure and the law's regulatory instinct: "Almost all laws are based on disapproval of some people or some conduct. That's why people regulate."

Rosenthal summed up by arguing that the Texas law must stand in order to protect marriage, something that's especially important, he explained, because Texas is a community property state. Addressing concerns about equal protection, Rosenthal closed by asserting that the two homosexuals caught doing homosexual things in this case might not actually be homosexuals. Said Scalia: "I don't understand what that means."

Less unsure, Sen. Santorum told the Associated Press exactly what all this means: "If the Supreme Court says that you have the right to consensual sex within your home, then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery. You have the right to anything."

In other words, ya got trouble, folks! Right here in River City! Trouble with a capital T and that rhymes with P and that stands for pool! And what? We knock down the bedroom doors of Andrew Sullivan and Camille Paglia, of Melissa Etheridge and Elton John, of Gore Vidal and Martina Navratilova, and hide from children the books of Henry David Thoreau, Oscar Wilde, Gertrude Stein, James Baldwin, Truman Capote, and Tennessee Williams, and go out next looking for adulterers?

The issues here aren't about privacy or sex or equal protection. They are about individual liberty and the proper scope of government power. — Ralph L. Reiland

gross indecency between males. Wilde was a celebrity and one of England's best-known authors and playwrights. After two trials, he was convicted and sentenced to two years of hard labor in prison. Not until 1967 were consensual, adult, same-sex acts largely legalized in Britain.

Living in America

The Enlightenment and the history of religious wars in Europe shaped the ideas of America's founders. The new American Constitution established that there would be no official government religion in the United States. It had taken 1,776 years and millions of lives lost to wars before we finally accepted the wisdom of Jesus Christ.

While the notion of separate church and government authorities was accepted in America, many laws serving no civil function, and that were strictly moral or religious in their purpose and origins, remained on the books. As our nation has evolved, most Christians have grown confident that their faith will endure and flourish without being subsidized by government force. In 1962 Illinois became the first U.S. state to repeal its sodomy law. Today, 27 states have done so and courts have invalidated laws in another ten. Most observers of the Supreme Court believe it is likely that the Court will find remaining sodomy laws, like Michigan's, unconstitutional.

Thank God Jesus Never Ran for Office

So what about those "stan" countries and other Islamic nations? Why has the rest of the world decriminalized private, consensual, non-commercial sexual acts while a few Islamic-majority nations retain and brutally enforce such laws?

The answer lies in the fact that Mohammed actually acquired political power and operated a government, while Jesus showed no interest in politics whatsoever. Mohammed led armies, levied taxes, and created a well-disciplined state with a system of law. Many of those laws were quite specific on subjects that Jesus only addressed in a broad, philosophical sense. Jesus, for example, preached charity for the poor, but Mohammed actually wrote budgets that appropriated state revenue for the poor.[12]

When Jesus told the Pharisees to separate that belonging to God from that belonging to the state, he introduced for the first time the concept of a separation of the interests of religion and government.

Mohammed's legal code is fairly detailed, right down to how to greet strangers and how many provisions one must provide traveling guests at the end of a visit. Some of Mohammed's citations seem to prohibit speculating in the stock market: "If anyone keeps goods till the price rises, he is a sinner." There are prohibitions against drinking while standing up and against eating with your left hand.

Mohammed laid down the law about sexual activity as severely as Moses did in Leviticus: 100 lashes for general fornication, and death to sodomites. While Jesus could trump Leviticus with his New Testament, Mohammed is the final prophet in Islam.

So are Islamic countries' laws stuck forever in time, while Christian and other nations innovate, liberate, and advance? Can a modern understanding of liberty become reality in the Middle East? People of the Islamic faith must answer those questions and make those choices.

Meanwhile, in the U.S., the Supreme Court and the handful of states with laws based less on logic than on Leviticus must also make a choice. Keep the laws on the books for "symbolic reasons," really enforce them, or repeal them and render unto Caesar only that which is Caesar's.

It took 1,700 years of wars, inquisitions, and reformations before the Christian world would discover that Christianity is not dependent upon the state, nor is it diminished by its separation from the coercive power of the state.

Notes

1. Reuters News Agency, July 11, 2000.
2. Matthew 22:21.
3. John 8:7.
4. Leviticus 18:22.
5. John Boswell, *Christianity, Social Tolerance, and Homosexuality*, p. 295, University of Chicago Press, 1980.
6. Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence*, p. 199, Oxford University Press, 1998.
7. Serge Bramly, *Leonardo: The Artist and the Man*, pp. 117–119, Penguin Books Ltd., 1988.
8. Rocke, pp. 228–229.
9. Richard Plant, *The Pink Triangle*, pp. 149, 154, Henry Holt and Company, Inc., 1986.
10. Plant, p. 181.
11. Roy Porter, *The Creation of the Modern World: The Untold Story of the British Enlightenment*, pp. 294, xxi, W.W. Norton and Company, Inc., 2000. Also, David F. Greenburg, *People Weekly*, July 21, 1986.
12. Muhammed Hamidullah, *Introduction to Islam*, section 42, Centre Cultural Islamique, Paris, 1969.

Countries or U.S. states with sodomy laws punishable by 15 years or more of imprisonment, or by death:

Afghanistan: Death
Bangladesh: Life in prison
Bhutan: Life in prison
Guyana: Life in prison
Idaho: Life in prison
India: Life in prison
Iran: Death
Maldives: Life in prison
Malaysia: 20 years/caning
Mauritania: Death
Michigan: 15 years in prison
Nepal: Life in prison
Nigeria: Death
Pakistan: Death
Puerto Rico: 20 years
Saudi Arabia: Death
Singapore: Life in prison
Sudan: Death
United Arab Emirates: Death
Yemen: Death

Letters, from page 4

Americans. Whether perpetrating an act of aggression or just chasing fleeing drug criminals, this behavior from our southern neighbors hardly warrants a ho-hum response. Defending borders from such invasions is what armies are for.

But that's beside the point. The War on Drugs is no different that the War on Booze. All we need is another amendment, like the 18th, and the problem is solved. Better yet, one that reads: "thou shalt be good."

James Harrold Sr.
Springdale, Ariz.

Check Your Premises

In deploring (justifiably, if somewhat wearisomely) the loosening of English usage, Stephen Cox incurs a special obligation for lexicographical punctiliousness himself, lest he speak as pot to kettle. His definition of "begging the question" as "supporting a claim with a claim that is itself unproved, or supporting a claim with an irrelevant argument," is itself loose, however, at least with respect to its original and historically recent meaning: "assuming what is to be proved, in order to prove it . . . often called arguing in a circle" (H. W. B. Joseph, *An Introduction to Logic*, 2nd ed., Clarendon Press, 1916, pp. 591–592).

Michael Acree
San Francisco, Calif.

A Strange Libertarianism

Brink Lindsey wonders if he can call himself a libertarian (March). Well, maybe. He says "the general principle of liberty as the highest political value is something that unites us all and defines us as libertarians." He then goes on to list the ways in which he does *not* believe in liberty: he supports "government health, safety, and environmental regulation, as well as tax-funded spending programs to aid the needy, educate the young, and ease the burden of economic dislocation." In these beliefs Lindsey is virtually indistinguishable from the vast majority of present-day conservatives and left-liberals, Republicans and Democrats.

I think most libertarians define liberty as the freedom to do what you want as long as you don't harm another person's life or property. Certainly reasonable people can and do argue over what constitutes harm to another person or his property. What people who believe in freedom don't argue about is that government deprives people of freedom.

Lindsey wants to use government for his own ends. But the ends don't justify the means. If Lindsey wants better health, safety, and a cleaner environment for people, he should *voluntarily* work with others to those ends, rather than forcing people through government to do so. Concomitantly, if he supports military action against Iraq, he should *voluntarily* shag his ass over there with other gung-ho militarists and take Saddam on his own. But no, he wants to force others to go over and risk their lives for him.

Lindsey can call himself a libertarian if he wants, though I personally find the contention laughable. But he most assuredly cannot call himself a believer in freedom.

David Pearse
Santa Monica, Calif.

NATO Can Fight Offensive Wars

In the April issue of *Liberty*, Alan Bock decries the criticism of France, Germany, and Belgium for their objections to NATO's supplying military equipment to Turkey in order to protect Turkey from Iraqi military action. Article 5 of the NATO charter states that an attack on any NATO member shall be considered an attack on all and that NATO shall take measures in response. Bock seems to believe that this article does not apply, since an Iraqi attack on Turkey would presumably be in response to a U.S. attack on Iraq from bases in Turkey.

Bock is certainly entitled to object to

continued on page 53

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Story

Fireworks!

by Ross Levatter

There will always be a lot of good reasons for Americans to be proud of their government.

The big day had finally arrived. Dan had waited for it all year. It was his favorite day. He would be allowed to leave the commune and venture into the city; his entire family, except the designated leave-behind, could accompany him. They would see new people — people living beyond the commune; then, to top it all off, in the evening — fireworks!

Dan loved the big fireworks display. It was always awesome. And inspiring. Along with the martial music that accompanied them, the fireworks were truly the epitome and capstone of the celebration.

Dan gathered his family together, signed the release forms, and began the journey. Their car was old, but serviceable. Well, technically not serviceable, since parts were not made for that model anymore, but it ran well enough. It got 57 miles to the gallon by government mandate, which Dan saw as fortunate because he really couldn't afford much gas, what with the war effort underway.

The first two decades of the war had gone by quickly, so the history books said, but over the last few decades it seemed as if the fighting might drag on forever. Fortunately, America was always finding new allies in this protracted effort, most recently an Afghani group called the Tali — something. Dan had hardly heard of them, and foreign names confused him, but the president said they were fierce fighters and noble allies for freedom in this war in which everyone was either with us or against us.

The Afghan fighters seemed to be holding up their end — Dan had heard about fierce clashes with terrorist France — but it took American financial support and material supplies, including gasoline, which was one reason gas was so expensive here in the homeland. Good thing the city was less than 30 miles away. Dan wouldn't have been able to visit the city if it required more than one gallon of gasoline. The price was too high, and he wouldn't have been able to justify it to the gasoline board in any case. Not just to see fireworks . . .

The drive to the city was uneventful and the weather warm. Then came parking on the city's outskirts. No cars were allowed in the city proper anymore. During the last century, Dan had once been told, the city was filled with cars. It was hard to imagine, though Dan believed it

because the roads crisscrossing the city were clearly too large to have been designed for foot traffic alone. But after the car bombs, things had to change. Dan accepted change. Life was change. Change was good. The president said so. The schools taught it. Dan had always been a good student. It was one of the reasons he had advanced so far. One of the reasons he was granted a release each year to leave the commune with his family and visit the city.

Dan directed his car as he was instructed. The inspector was waiting when the family got out. "May I check your car, sir?" the inspector asked politely. Dan was impressed, as he always was, by the politeness. But Dan had a little bit of the rebel in him. So he said, "What if I refuse?"

"Oh," said the inspector, stopping, taken somewhat aback. "That is your right, sir, of course. If you say 'no' we'll have to impound the vehicle; otherwise we'd need your permission to inspect it."

Dan knew that, of course; he had been a good student. He quickly said, "Of course, officer; I was just having a little fun. Inspect to your heart's desire."

The inspector smiled at this, as he pushed Dan and his youngest son back away from the car to where the rest of the family was already waiting. The inspection was efficient, and (Dan couldn't help but notice) exceptionally thorough, more so than usual. Dan was quite appreciative of the inspector's work. He knew the city would be safe, with procedures and people like this. Safety was everything. Dan knew that. They taught that in school.

Dan remembered in the old days people like this inspector were employees of private firms. Back then you had to pay to have your car searched, or you wouldn't be let into the city. There were many objections to such a policy, which exploited the poor. Now this job had been federalized, and the inspector was a government employee. Dan smiled, realizing he wouldn't be charged anything at all for the search.

Dan and his family observed the parking garage guards lower their guns, the universal sign to move on, and walked into the city. The city astounded them, and Dan's children kept pointing to amazing things never seen in their commune — the dozens, even scores of people on the streets, the occasional open shops where people could buy clothes or canned goods, the large sidewalk scanners able to search many pedestrians simultaneously. Certainly, some things were the same as in their commune — the absence of metal in clothing and jewelry, the speed with which official police demands for identification were obeyed — but the differences overwhelmed. The children would never forget their first visit to the big city.

Dan was quite appreciative of the inspector's work. He knew the city would be safe, with procedures and people like this. Safety was everything. Dan knew that. They taught that in school.

They found a "hot dog" vendor on one of the city sidewalks and stopped for a bite. Dan knew, of course, the vendor didn't actually sell hot dogs like in the old days. The country's meat supply was dangerously low, what with the war effort and safety concerns. The government protected citizens from dangerous meat with a detailed and ever-vigilant inspection process. Only clearly safe meat was passed on for taxpayer consumption. Dan wasn't sure what the government did with the other 98%. Sure, he missed the hamburgers he had loved as a child, now a luxury item he could not really afford. But "safety first" was his motto. Had been ever since he learned it in the seventh grade.

Dan noticed with pride that the man next to him, on objecting to the person searching him, was immediately given another government employee to continue the search.

No, what the "hot dog" vendor sold was a "virtual hot dog," a vegetable product with something of the consistency of a hot dog and a taste that was reminiscent of a hot dog as well. "I can't tell the difference, and neither will you" said the president when the product first hit supermarket shelves after years of government-subsidized research. "If the president can't, neither can I," thought Dan.

He did hope, though, the ban on imported mustard would some day be ended. But it was unlikely. President George Bush VI had written and approved the ban himself. The vice-president, Albert French, ruthlessly enforced the ban and consistently ruled against criminal defendants. Foreign mustards did not meet the safety standards of our country, said Mr. French, and he certainly should know, since his family was actually in the mustard business. So Dan lathered his "dog" with domestic mustard, careful to avoid the seeds people sometimes found, an unavoidable byproduct of production.

The family enjoyed the virtual hot dogs. They ate them without buns, of course, since the big day this year fell on Bunless Tuesday. It was a small sacrifice. "Anything for the war effort," thought Dan, echoing a sentiment he had learned in tenth grade.

The family walked on to the stadium where the fireworks display was held, a short seven miles away. It was a spectacular venue, able to hold over 75,000 people, though of course, crowds of that size were no longer allowed. The prohibition on groups of more than 100 made the fight against terrorism much easier and the potential gains to the terrorists much less.

Dan remembered ruefully that some had spouted off about that decision when it was first handed down, a Supreme Court ruling affirming the constitutionality of the "Safety Is Everything" Act of 2005, during the reign of President Bush II. It was a unanimous 7 to 0 vote, coming soon after the terrorist killing of two Supreme Court justices (ironically, the very two that had raised some initial concerns

continued on page 52

Reviews

***Gods and Generals*, directed by Ronald F. Maxwell. Warner Bros., 2003, 216 minutes.**

A War Too Civil

Jo Ann Skousen

After reading *The Killer Angels*, Michael Shaara's wonderful, fictionalized history of the battle of Gettysburg, I hungrily anticipated the release of *Gods and Generals*, a film based on the book written by his son, Jeff Shaara. But I was disappointed by the reviews of the film, and even more disappointed by the movie. So what went wrong?

For one thing, it is stilted. The writers carefully compiled a script based on the actual writings of these military leaders. But people don't speak the way they write — especially the way they wrote in the 19th century, with soaring, flowery, poetic grandeur. Ordinary conversation, spoken at an ordinary pace, or better yet, at the quickened pace of battle, would have helped tremendously. Even the music was ponderous — somber choirboys oohing not just after the battle scenes, when a reverent contemplative mood would be appropriate, but during the battle scenes, when a sense of quickening pace and urgency are needed.

And, at 216 minutes, it is ponderously long. The first hour and twenty minutes were devoted to merely introducing the major players: Robert E. Lee, Stonewall Jackson, Joshua Chamberlain, A. P. Hill and others. I glanced at my watch 80 minutes into the movie, thinking that I could have arrived right then without missing a thing. And in reality, the introductions were almost useless because the names were mentioned so fleetingly that if I hadn't just read a book on the Civil War, I wouldn't have remembered who was who. Moreover, their faces were covered with such bushy brown (and ridiculously fake) beards that it was hard to see any distinguishing features. I had to focus on the eyes to recognize the character (except Lee, of course, whose beard was gray). It was difficult to keep the battles straight too, because both armies wore such similar uniforms and expressed the same concerns. It was often difficult to know who was attacking and who was defending, particularly when two Irish regiments faced off against each other, shooting and crying and shooting some more until both sides were mostly dead. I kept wanting to ask someone, what are the Irish doing there, and how did they decide on which side to fight? What is their cause?

Near the beginning of the second act, after a much-needed intermission, the scriptwriters blatantly stole a moving, and true, story from World War I. It's Christmas, and soldiers from opposing armies rest across the river from each other. A Southern boy (or was he a Northerner?) plays "Silent Night" on his harmonica. You can guess the rest. A Northerner listens, calls out for a truce, and they share coffee and a smoke in the middle of the river. Might have been moving if it hadn't been borrowed from another war and another time, making a completely different point — World War I was fought by young men who had no personal stake in the conflict; they were just following orders. But the Civil War was an intensely personal war, pitting brother against brother. They knew why they were there. And they cared about the outcome.

And that leads us to the most egregious error of this movie, and the real reason that it is so hard to endure: it lacks any dramatic conflict. How can a film about the Civil War lack conflict, you might well ask. Well, there are no good guys or bad guys, only ponderously, pitifully noble guys. There is never any satisfactory dialogue regarding what was at stake. To hear these generals talk, you would think both sides were fighting for the same goal.

I laughed out loud when Stonewall Jackson and his trusty black cook/groom/aid/confidante prayed together, asking "Why, God? Why? Why do men put chains on other men?

There are no good guys or bad guys, only ponderously, pitifully noble guys.

When will this terrible curse of slavery end? Please bless our legislators that they will change this law, blah blah blah." This was Jackson. The Southern general. If the South wanted to end

slavery, and the North wanted to end slavery, then what in the world were they fighting about? Such blatant rewriting of history was insulting.

Instead of getting into the sticky issue of slavery (and pretending that the South was against it) the filmmakers could have made a strong case for states' rights by creating some dialogue focusing on the North's invasion of Virginia, with equally compelling dialogue by the Northerners about the importance of preserving the Union. Such a conflict would have allowed the audience to become engaged in the drama. But there was never any discussion of goal, or purpose, beyond Lee's original decision to resign his commission and fight for Virginia.

The generals and their families are constantly praying and quoting scripture, and at first, I was moved by their piety. But the constant prayers become overbearing after a while. I couldn't help wondering, as I watched scene after scene of bodies being blown to nearly-bloodless smithereens (this is, after all, a family show): what point did the filmmakers want to make by all this praying? That war is God's way of solving conflicts? That it doesn't matter what you do, as long as you pray about it first? That God was on the side of the pious? Then why didn't the praying Southerners win? If they were truly pious, shouldn't they have been able to hear God telling them, "You aren't going to win this one unless you first open your eyes and realize that Africans are humans with the same inalienable rights as you have. So give them their freedom, and then we'll talk about states' rights!"

Was there anything good about this movie? Yes. The second act was much more interesting, faster paced, and tightly written than the first. Its music was appropriate to battle, creating suspense and elevating my heartbeat. A sweet relationship is developed between General Jackson and a little Southern girl, and between Jackson and his wife, although it constantly borders on the melodramatic (and often crosses over that border). I think that if the first hour had been eliminated, the second hour cut in half, and the anachronistic Christmas scene removed from the third hour, with a clear focus on what they were fighting for, the movie would have been a manageable representation of the battle of Jackson's last stand.

And then perhaps the announcement in the final screen would not have been met with a groan: This film is a Trilogy, to be followed by *Gettysburg* and *The Last Full Measure*. Heaven help us! ❑

What point did the filmmakers want to make by all this praying? That war is God's way of solving conflicts?

***Freedom Evolves*, by Daniel Dennett. Viking, 2003, 347 pages.**

Choose Your Own Adventure

Timothy Sandefur

Daniel Dennett is the greatest philosopher alive. His uniqueness lies in the fact that he understands — more importantly, cares about — science, and his works do not consist of word-warping and hocus-pocus, falsely profound generalizations, or radical chic denunciations of the "tyranny of reality." He is interested in how the mind really works, and he produces theories that can be disproven. This alone would suffice to distinguish him from the general population of philosophers, but Dennett also possesses the rare virtue that he can write: clearly, cleverly, and concisely. Scattered through his books are brilliant sparks of insight, tied together by convincing conclusions.

Dennett's work is so rich, and so well written, that it is extremely difficult to pare it down for quick summary. But a brief overview reveals three major themes. First, in his 1991 *Consciousness Explained*, Dennett describes his fascinating theory of the mind. Although it often seems like a tiny person (me) sitting in what Dennett calls the "Cartesian Theater" (some place in the brain where the little me listens to audio piped in from the ears and watches video from the eyes, and then makes decisions), the self is actually more like what computer scientists call a "user illusion," reflected back upon a pandemonium of simultaneous, automatic mental processes, more like a bureaucracy than a monarchy. Asking "when did John experience the stimulus" is like asking "when did England learn of the Battle of New Orleans": there is no single answer, because there is no single "meaner" in the brain. Instead, the self is a creation of the mind's resourcefulness, spun, says Dennett in a lovely analogy, like a spider spinning its web — not because it consciously chooses to do so, but because that is just how the spider, or the brain, lives its graceful, unique, naturally selected life.

What materials does the brain use in spinning this self-web? Memes — ideas which act much like biological viruses, leaping from brain to brain in a cultural infection. Memes can spread through a culture even when they are

not true, because of their compelling nature — for example, the meme for "conspiracy theory" is especially virulent because it has a notorious built-in defense mechanism: anyone who denies it must be part of the conspiracy! This allows the meme to spread very rapidly, and last a long time. Some memes (like phrases on bumper stickers) are harmless; others (like the miracle bra) very rewarding; others (like the English language) useful; others (like communism) horrifying. Dennett's view of the self replaces the little man in the Cartesian Theater with something more like a campfire ghost-story session: as each speaker tells his story, he picks up a flashlight and shines it up at his face. So, too, in our minds, as each thought or impulse comes to the surface, it claims to be "me" or "my" idea.

Much of Western political philosophy is based on the premise that man's uniqueness — namely, his knowledge of good and evil — is the source of his rights.

This seems threatening to those of us who are rather fond of selves. Raised on the idea that "there is no such thing as a collective brain," this interpretation of the mind seems like a direct challenge to the notion of personal independence. Indeed, in her book *The Meme Machine,* Susan Blackmore concludes that Dennett's theory requires us to abandon the idea of the self. Since there is no single "I" sitting in a little room in the brain making choices, argues Blackmore, we ought to give up the idea of self, and seek a new Nirvana by relishing the flow of memes: "the quality of consciousness then changes," she writes, "to become open, and spacious, and free of self."

Fortunately for individualists, this conclusion is nonsense. That the self is the product of evolution, and that it works in unexpected ways, does not make it unreal, any more than the evolutionary explanation of language makes it unreal. Just because the self is a product of evolution does not require us to reject it, any more than we ought to chop off our hands because they evolved. Eradicating the self is nothing more liberating than suicide, whether proposed by a Zen master or a university professor. Dennett quotes Robert van Gulick: "The personal-level experience of understanding is . . . not an illusion. I, the personal subject of experience, do understand. I can make all the necessary connections within experience, calling up representations to immediately connect one with another. The fact that my ability is the result of my being composed of an organized system of subpersonal components which produce my orderly flow of thoughts does not impugn my ability. What is illusory or mistaken is only the view that I am some distinct substantial self who produces these connections in virtue of a totally non-behavioral form of understanding." Just because the self is a product of evolution does not mean it is fake.

The second theme, from his 1995 *Darwin's Dangerous Idea,* is the most important philosophical legacy of evolution: the death of essentialism. (Of course, many philosophers are as yet unaware of its demise.) With evolution, the idea of a non-material "ghost in the machine," which distinguishes man from the rest of creation, must be abandoned. We differ from the animals not in kind, but in degree. But if essentialism blows up, must it take other things with it? — things we cherish, like dignity, honor, love, or the rights of man? Much of Western political philosophy is based on the premise that man's uniqueness — namely, his knowledge of good and evil — is the source of his rights. But, as Larry Arnhart (one of the few philosophers to confront this issue squarely), puts it, "If moral norms are largely products of culture, and if culture is largely a social invention that is not determined by nature . . . any attempt to derive ethics from human nature must fail if ethics is shaped more by culture than by nature." Hence the dilemma that *Darwin's Dangerous Idea* poses to political theory. How can we derive the laws of our behavior, if we are not fundamentally different from the animals? It would be exceedingly frustrating if there is no way to connect morality or politics to anything more permanent and real than fads.

The weight of this issue does not intimidate Dennett. "We need to draw lines," he writes, but we "should abandon the fantasy that either science or religion can uncover some well-hidden fact that tells us exactly where to draw these lines. There is no 'natural' way to mark the birth of a human 'soul,' any more than there is a 'natural' way to mark the birth of a species." There is a way for moral or political philosophy to distinguish between animals and man, but we must be prepared to reevaluate old assumptions. "'Sentience' comes in every imaginable grade or intensity," Dennett writes in *Kinds of Minds,* "from the simplest and most 'robotic,' to the most exquisitely sensitive, hyper-reactive 'human'. . . . [W]e do indeed have to draw lines across the multistranded continuum of cases, because having moral policies requires it, but the prospect that we will discover a threshold — a morally significant 'step' in what is otherwise a ramp — is not only extremely unlikely, but morally unappealing as well." We must reconsider the criteria by which

Eradicating the self is nothing more liberating than suicide, whether proposed by a Zen master or a university professor.

"I'll speak to the Minister of Defense about it — $83,000 per arrow *does* sound a little high."

we have conducted our searches, so that we do not chase after fantasies, while overlooking something just as good, if not better, right before our faces. Instead, we should ask ourselves, what are we looking for?

This is the third theme in Dennett's work. "[H]olding out for perfection — a job-related disability in philosophers — [often] conceals the best path." In *Freedom Evolves*, he concludes that it is not so much that man is tragically in the grip of the infinite power of infinitesimal causes — but rather, that we have set ourselves up a straw man labeled Free Will, and another labeled Materialism, while overlooking the real goals of our philosophical search:

> Suppose that once upon a time there were people who believed that an invisible arrow from a flying god was a sort of inoculation that caused people to fall in love. And suppose some killjoy scientist then came along and showed them that this was simply not true: No such flying gods exist. "He's shown that nobody ever falls in love, not really. The idea of falling in love is just a nice — maybe even necessary fiction. It never happens." That is what some might say. Others, one hopes, would want to deny it: "No. Love is quite real, and so is falling in love. It just isn't what people used to think it is. It's just as good — maybe even better. True love doesn't involve any flying gods." The issue of free will is like this.

Like Ayn Rand, Dennett sees that the primary fallacy in discussions of free will is the notion that it must somehow involve uncaused acts. "Free will is real, but it . . . is not what tradition declares it to be: a God-like power to exempt oneself from the causal fabric of the physical world." There can be free choice in a creature made of unthinking bits of matter, because the very notions of choice, avoidance, or involvement, make sense only at a level far enough removed from the thoughtless action of atoms as to give us the elbow room we seek. Not the radical freedom of uncaused choice (which would be just as useless as rigid determinism) — but "elbow room": room to act within determined boundaries.

Like Ayn Rand, Dennett sees that the primary fallacy in discussions of free will is the notion that it must somehow involve uncaused acts.

Dennett distinguishes between determinism and inevitability. Increasing the number of options available to an agent increases its range of freedom, even if the agent is forced to follow the rules. Not far from my office is a freeway off-ramp with two lanes. Those in the left lane must turn left, but those in the right may turn either left or right. In a sense, all the drivers are "determined" by the traffic laws — they must turn one way or the other. But those in the right lane have more freedom, even though within determined boundaries. Thus it is possible for a materialistic conception of the universe to give us the traction we need to drive in our own directions, if we first confront the assumptions behind our false conceptions of free will and materialism. "We don't have to have immaterial souls of the old-fashioned sort in order to live up to our hopes," he writes; "our aspirations as moral beings whose acts and lives matter do not depend at all on our having minds that obey a different physics from the rest of nature."

"It's finally happened — the government is costing me more than *you* are."

Opponents of free will routinely trot out "Laplace's demon": a hypothetical creature that, according to the French scientist Laplace, somehow knows the position and velocity of every particle in the universe at one instant. The demon, Laplace argued, would be able to predict the future entirely, and without some non-materialistic, essentialist explanation of the mind, the demon must also be able to predict our every decision. If that is so, how can there be free will? Dennett does not argue with this hypothesis — on such a wide and pointless level, the determinist wins. But Dennett points out that the demon would have to know such an incalculably vast sea of information as to paralyze its ability to comprehend anything — an argument familiar to readers of Hayek. More importantly, choice, and life, and meaning do not take place at this level. The human mind, that complicated engine of choice and avoidance, is affected by other minds and by happenstance encounters on a level of description so far removed from microscopic particles that it is senseless to extrapolate from one level to the other. Add to this the fact that greater levels of complexity allow greater degrees of combination: we now have options that our grandparents could never have imagined, and even if we are "determined" in the sense that stimulus X results in response Y, the increased number of stimuli we have still means an immensely greater variety of potential responses than our grandparents had.

This may not seem satisfying at first, but consider what can be accomplished by freedom within fixed boundaries. A jazz soloist cannot pick any notes he wants, but has a wide array of colorful notes from which to choose. John Milton wrote that the blank verse of *Paradise Lost* was "an example set, the first in English, of ancient liberty recover'd to heroic Poem from the troublesome and modern bondage of Rimeing," because it provided the writer with creative elbow room without abandoning all constraints. Moreover, humans have a unique faculty for creating new options. Our ability to imagine the future outcomes of our choices today opens up a vast realm of freedom without challenging the "determinism" of being required to obey the rules:

> [E]ven a simple switch, turned on and off by some environmental change, marks a degree of freedom. . . . Switches (either on/off or multiple-choice) can be linked together in

series, in parallel, and in arrays that combine both sorts of links. As arrays proliferate, forming larger switching networks, the degrees of freedom multiply dizzyingly. . . . A brain, with its banks of sensory inputs and motor outputs, is a localized device for mining the past environment for information that can then be refined into the gold of good expectations about the future. These hard-won expectations can then be used to modulate your choices.

By looking ahead to the outcomes of our policies, we can choose routes which not only open up new opportunities, but close off options we don't want to face. We can choose between determinisms, so to speak, for our own reasons — creating what Dennett calls "evitability." Consider a man who sets his watch ahead by five minutes (and who somehow doesn't subtract that whenever he looks at his watch!) in order to fool himself into getting to meetings on time. He has manipulated his own determinism to achieve his purposes. This is no different than the schizophrenic who chooses to take medication to prevent his symptoms, or the astigmatic who wears glasses. "Scientific knowledge is the royal road," writes Dennett, "the only road — to evitability."

What does all of this mean for political freedom? Dennett points out that our ability to choose between possible futures does require us to accept responsibility for the futures that we choose, just as we admire those who have chosen good futures (who have been very "determined," as we say) by putting themselves on diets or going through college. We willingly make such exchanges: for receiving credit for our good choices, we accept blame for our bad ones. "People want to be held accountable." The enemy of free will, then, is not science, but the state. By depriving us of options, it deprives us of the diverse potential implicit in those options. By shutting off experiments — be it the ban on "cloning," or the prohibitions on experimenting with narcotics — we close off avenues to destinations we cannot now imagine: destinations that may be dark, or bright — we'll never know. Unfortunately, many people "respond . . . by turning off their minds and turning up the volume on their 'hearts,'" writes Dennett. They then create reactionary policies against science in order to protect the ghost in the machine. These people, I suspect, will be dissatisfied with Dennett's conclusions. He acknowledges that a Darwinian account of the mind will require us to revise our assumptions about free will, rather than soothing our fears. ❑

Our ability to imagine the future outcomes of our choices today opens up a vast realm of freedom without challenging the "determinism" of being required to obey the rules.

***Getting it Right*, by William F. Buckley Jr. Regnery Publishing, 2003, 311 pages.**

Getting It Wrong

R. W. Bradford

William F. Buckley Jr., who somehow managed to remain the *enfant terrible* of conservatism until well into his 40s, now in his late 70s has come up with a new wrinkle on fond memories of youthful triumphs — not to mention score-settling. Rather than writing a memoir or autobiography, which would be checked for accuracy by historians, he does his work in a novel, *Getting It Right*, using the license of fiction to cover his inaccuracies. And a good thing, too.

Getting It Right is the story of two young Americans, each representing one of the two heresies that, in Buckley's view, would have prevented the triumph of the American Right had not someone (Buckley himself) purged them from the movement.

The first of these heresies was the Radical Right. Its fountainhead was Robert Welch, a Boston candy company executive who had founded the John Birch Society to turn the tide against what he and many conservatives saw as the continuing triumph of the Left and retreat of the mainstream Right.

The other heresy was libertarianism, embodied in Ayn Rand and her movement. This is odd, in that Buckley considered himself to be a libertarian, though he always added that advancing the libertarian agenda had to wait until the evil of communism was defeated.* From Buckley's perspective, there are two great flaws in Rand: her advocacy of a totally free market (which Buckley thought would be hard to sell to American voters) and her atheism (which he thought was evil).

Buckley's battle against the Radical Right was helped along by the fact that its leadership was, well, nuts. Welch saw a communist conspiracy behind every leftist policy, even to the point of identifying the mushy anti-communism and political realism of Dwight Eisenhower as evidence that Ike himself was "a conscious agent of

*He apparently forgot this element of his long term strategy by 1989, when communism went kaput, and hasn't seemed to remember it since.

the Communist Conspiracy." Each year, Welch's magazine *One Man's Opinion* (later rechristened *American Opinion*, though without any change of editorial outlook) published a map of the world with each country printed in the appropriate color for its politics.

Rather than writing a memoir or autobiography, which would be checked for accuracy by historians, Buckley does his work in a novel.

The communist countries, of course, were in bold red. So were many of the democratic and third world countries, while others were varying shades of pink. Only a handful of anti-communist dictatorships were printed in white. And every year, the map got redder and redder. By the early 1960s, for example, the U.S., according to the key accompanying the map, was 60% to 80% communist controlled.

As time went on, Welch got loonier and loonier, tracing the Communist Conspiracy back to the Bavarian Illuminati (founded in 1776 and not heard from since 1798) and eventually back to ancient Sparta; purging the Birchers from the conservative movement proved a less and less challenging task.

The libertarians were another matter. Libertarianism was then simply an element of American conservatism. Some conservatives tended more toward libertarianism, and some more toward traditionalism. But even such leading traditionalists as Richard Weaver held plainly libertarian views. In addition to Rand, libertarian leaders included economists Ludwig von Mises, Frederich Hayek, and Milton Friedman, upon whom conservatives relied for an economic rationale for rolling back the welfare state, which, in those antediluvian days, conservatives abhorred.

But it was Rand whose books sold millions of copies and who was attracting tens of thousands of followers, most of them young and enthusiastic. And it was Rand who strongly opposed what she saw as conservatism's reliance on religion, which she believed was simply and obviously irrational. So it was Rand who had to be purged.

In 1957, Buckley published "Big Sister Is Watching You," a review of Rand's *Atlas Shrugged*. The review appeared in Buckley's *National Review*, at the time the flagship of American conservatism. Whittaker Chambers preposterously denounced Rand as a totalitarian. "From almost any page of *Atlas Shrugged*," he wrote, "a voice can be heard, from painful necessity, commanding: 'To the gas chambers — go!'" Not surprisingly, this episode helped turn Rand away from conservatism, and conservatives away from Rand. From the day she read Chambers' review, Rand walked out of any room that Buckley walked into.

At the same time, Rand's need for conservative followers was declining.

From almost any page of Atlas Shrugged, a voice can be heard, from painful necessity, commanding: "To the gas chambers — go!"

In the 1940s and early 1950s, Rand had necessarily seen herself as part of the Right, where she could find a sympathetic audience. But the publication of *Atlas Shrugged* brought her a huge following among ordinary readers and her succumbing to the flattering attention of one young admirer, Nathaniel Branden, who provided her the hero-worship she craved.

It was later learned that during these years, Branden and Rand had a secret sexual relationship. This December-

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May affair was, not surprisingly, an unstable one, but even when it came asunder in 1968, it remained secret.

As time went on, Welch got loonier and loonier, tracing the Communist Conspiracy back to the Bavarian Illuminati (founded in 1776 and not heard from since 1798) and eventually back to ancient Sparta.

Granted, a perceptive reader of Nathaniel Branden's letter to subscribers of *The Objectivist Newsletter* in which he said that Rand had broken with him after he had made "a tortured, awkward, excruciatingly embarrassed attempt to make clear to her why I felt that an age distance between us of twenty-five years constituted an insuperable barrier, for me, to a romantic relationship" might have noticed that Branden had avoided any mention of whether such a relationship had existed prior to their break, and surmised that perhaps one had.* But very few people did notice, and this was years after the period Buckley writes about. Buckley gleefully chronicles the bizarre affair, despite the fact that neither he nor anyone else aside from Rand, Branden and their spouses knew of its existence at the time.

The history of the American Right during this period is full of colorful and amusing events, many of which Buckley chronicles in his novel. Unfortunately, his fictional characters are flatly and amateurly drawn, serving only as a vehicle for chronicling the events. And the accuracy of Buckley's portrayal of the historic characters is difficult to evaluate. While Buckley knew some of the *dramatis personae* very well — his friends who aided in purging the libertarians and the Birchers — the same cannot be said for Welch, Edwin Walker (the ex-military leader who flipped out into the netherworld of the nutball right in 1962), Ayn Rand or the Brandens, all of whose innermost thoughts he portrays.

Early in the book, he provides this specimen of Rand's interior thinking:

> She thought of Barbara Branden, her assistant. *Dear Barbara.* Barbara was the wife of Nathaniel Branden, her closest associate, the true apostle of objectivism [Rand's philosophy], *very nearly on a par with me in his mastery of the subject. I saw Barbara wince*

*I myself surmised this. In 1980, I happened to have lunch with Roy Childs and a number of other libertarians, so I took the opportunity to ask Childs, "What do you think of the rumor than Ayn Rand and Nathaniel Branden had a long sexual relationship?" Childs responded angrily: "That's a dirty lie. There's not an iota of truth to it. And I know where you heard it. You heard it from John Hospers. He of all people shouldn't be spreading rumors like that." I later came to know Hospers, a philosopher who was a friend of Rand's during the late 1950s and the first presidential candidate of the Libertarian Party, well enough to ask him whether he had known of the Rand-Branden affair back when it was going on, and he told me that he'd never suspected it. I never had any idea what Childs had meant by "He of all people."

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May, the king of cartoonists.

Brien Bartels is executive director of the Libertarian Party of Washington State.

R.W. Bradford is editor of *Liberty*.

George W. Bush is a former chief executive of the Texas Rangers baseball club.

Scott Chambers is a cartoonist living in California.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Titanic Story*.

Alan Ebenstein is author of *Friedrich Hayek: A Biography* and author or co-author of several other works in the history of political and economic thought. He is an adjunct scholar of the Cato Institute.

Bettina Bien Greaves is co-compiler of *Mises: An Annotated Bibliography*.

George Harper is an attorney in Upper Marlboro, Md.

Veronica Menezes Holmes is an independent scholar working on a book on Benjamin Franklin.

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Timothy Sandefur is a College of Public Interest Law Fellow at the Pacific Legal Foundation.

Jo Ann Skousen is a writer and critic who lives in New York.

Mark Skousen is author of *The Making of Modern Economics*.

Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

Clark Stooksbury has written for *The American Conservative, Chronicles* and *Metro Pulse* (Knoxville, Tenn.).

when I rebuked that stupid student. Will she reproach me tomorrow? I can tell when she is offended. She doesn't have to say so. My eyes are all-seeing, my ears all-hearing.

This absurd bit of inner dialogue reveals a remarkable unfamiliarity with its subject. While Rand's religious opponents gloried in using religious terminology to describe Rand and her followers, Rand herself never used terms like "apostle." Most absurdly of all, the notion that Rand thought that her eyes were "all-seeing" and her ears "all-hearing" is simply ridiculous: although Rand didn't like her followers doing anything she didn't approve of ideologically, she could not have cherished many illusions about her ability to detect it. She was always being surprised by unpleasant discoveries.

Of course, I suppose Buckley might ascribe this flight of fancy to novelistic license. That's a problem inherent in presenting memoir as historic fiction: the reader never knows whether the author is reporting what had happened or simply making something up to move his account along. But Buckley himself denies it. In a brief preface, he writes that "there is no misrepresentation in this novel, certainly none intended, and to the best of my knowledge, none crept in." On the other hand, he admits that "as to be expected in novels, thoughts and sentences are given to invididuals which, however true they are to character, were not actually recorded."

Buckley wrote these words in September 2002, when he was 77 years old. He deserves to be cut some slack. On the other hand, I am not so sure that the conservatives who are celebrating *Getting It Right* as a history of the actual persons and events of that nearly-forgotten period deserve the same consideration. ❑

***Rethinking the Great Depression*, by Gene Smiley. Ivan R. Dee, 2002, 179 pages.**

Raw Deal

Alan Ebenstein

In *Rethinking the Great Depression*, economic historian Gene Smiley has performed a valuable service for all readers, academic and general. He has provided a concise description of the economic influences and course of the Great Depression, as distinct from what these are considered to be in the popular mind.

Smiley convincingly demonstrates that the policies of Franklin Roosevelt's New Deal — far from abating the Great Depression — in fact abetted it. There can be little question that the economic policies of the New Deal made the Great Depression worse.

In the common, popular, and even academic mind, the Great Depression was the result of the capitalist excesses of the 1920s. Unscrupulous speculators buying on margin forced stock share prices up in an orgy of greed that ended inevitably in the great stock market crash of October 1929. Herbert Hoover's feeble attempts to right the growing imbalances in the economy were too timid and too weak, Hoover being a capitalist man of the old school. Only through the ascension of Franklin Delano Roosevelt to the presidency in 1933, and his bold programs of recovery in the New Deal, did America return to prosperity and strength during and after World War II. This, perhaps, would be the commonest shared opinion of the Great Depression.

Smiley, following other authors, refutes this fallacious perspective. It is hard to overstate the importance of the myth of the Great Depression (that is, not of its existence but of its course and cure) in American public policy-making since the 1930s. During the 1930s itself, the American federal government was transformed, as the national government moved from an essentially laissez-faire state to one of massive intervention in and regulation of the economy and much else of private and public life. Many government welfare programs that were expanded during the 1960s and 1970s found their genesis in the programs of the New Deal. Both the particular policies and general philosophy of government changed in and through the New Deal.

Smiley, professor of economics at Marquette, traces development of the Great Depression and policy responses to it. As Milton Friedman demonstrated more than 40 years ago, the Great Depression was largely, or even mostly, the result of poor monetary management by the Federal Reserve Board. In the face of a growing economic recession and decline in stock market share prices (following a similar, smaller bust of property values), the Federal Reserve tightened the money supply. After the Bank of England went off the gold standard in 1931, two years into sharp economic contraction, the Federal Reserve Board raised interest rates.

Thousands of banks failed in the United States during the early 1930s, the money supply contracted by about one-third, prices declined by a similar amount, unemployment approached

During the 1930s, the American federal government was transformed, as the national government moved from an essentially laissez-faire state to one of massive intervention.

three in ten looking for work (with many more underemployed), and gross national product dropped in nominal terms one-half. There was double-digit deflation.

When Franklin Roosevelt assumed the presidency in March 1933, after a four month interregnum since the November 1932 election, the American economy was in the worst shape it had ever been. Roosevelt responded with an array of government spending programs, but, as Smiley outlines, these programs were largely counterproductive.

Had it not been for World War II, Franklin Delano Roosevelt would likely be remembered as a second-rate, below average president — an inspirational leader, but a disastrous economic tactician.

Smiley emphasizes the importance of monetary policy in his work. He notes that it was mostly the inflow of gold to the United States during the middle 1930s, after the American dollar was devalued through Roosevelt's action to set the value of gold at $35 per ounce, that caused an increase in the money supply. It was not through action of the Federal Reserve Board.

By way of contrast to monetary policy, the fiscal policies and particular programs of the New Deal likely retarded economic growth. Neither the Agricultural Adjustment Acts (AAA) nor the National Industrial Recovery Act added to national economic production and productivity. Farm prices were raised under the AAA through ground going unplowed and the destruction of crops and animals. The National Industrial Recovery Act had two parts, the first of which established the National Recovery Administration. Like the AAA, the NRA's goal was to reduce production. Essentially, the NRA advocated national government planning of the economy, and was a failure before it was struck down by the Supreme Court.

In 1937, after Roosevelt's second inaugural, the American economy began to decline again. Between August 1937 and April 1938, the stricken stock market declined one-half again. Durable manufacturing production declined about two-thirds. The unemployment rate rose from 12 percent to 20 percent.

Had it not been for World War II, Franklin Delano Roosevelt would likely be remembered as a second-rate, below average president — an inspirational leader, but a disastrous economic tactician. Smiley also briefly discusses economic activity and policy during World War II, but this is subordinate to his major task of presenting the course of the Great Depression and the influence of New Deal policies on it.

Subtitled "A New View of Its Causes and Consequences," *Rethinking the Great Depression* expresses important ideas. The myths of the Great Depression continue to influence public policy. Smiley's argument is that if these myths are understood and a better approximation of what really happened is maintained, then it may be possible to conduct better economic policy in the future. ❑

***Personal Character & National Destiny,* by Harold B. Jones Jr. Paragon House, 2002, 259 pages.**

Character Counts

Bruce Ramsey

Harold B. Jones is interested in values, particularly the values of achievement. The values a people celebrates in its stories and teaches its young, he says, determine its future.

Many have made this argument. Harvard professor David Landes ends his magisterial history, *The Wealth and Poverty of Nations* (1998), with the observation that the wellsprings of wealth are "work, thrift, honesty, patience, tenacity." Compare these with the values Jones finds in the 19th century McGuffey Readers: "industry, creativity, persistence, frugality, honesty, independence."

Today we explain events with policies. Libertarians say America rose to first rank because it recognized property rights and gave free rein to supply and demand. So it did, but why did it do that? As Jones observes, "Supply and demand, for all their importance, do not explain themselves."

Why do some countries set up rules for economic individualism? Because their people demand it. Because they are individualists. And Protestantism, Jones says, was the fountainhead of individualism. "The sense of a personal responsibility for one's own religious life, it might be suggested, creates the necessity of individual thought, and individual thought is the prerequisite of economic creativity."

America rose to first rank because it recognized property rights and gave free rein to supply and demand. So it did, but why?

Jones is a religious man, and argues that "it is extremely difficult . . . to sep-

arate character from religion." He writes about Andrew Carnegie and John D. Rockefeller, focusing on their Puritan values. Jones notes that Carnegie was an atheist, but that "as a child, he breathed the air of Scotch Calvinism."

In Jones' view it was the ethic of work, frugality, and self-reliance that enabled America to succeed with a small government, because with those values the people believed they needed no larger one.

All this amounts to a fascinating thesis. Jones ought to have developed it further to show how the values of schoolbooks, children's literature, popular literature, and classics have changed in the past 200 years. Today the keystone value promoted in children's literature is acceptance of others. The greatest heroes given to youth are now Martin Luther King, Rosa Parks, and the like — not builders or creators but social reformers. These are the heroes for the administrative state because their moral fervor legitimizes state intervention in human affairs on a broad scale.

The old heroes also legitimized what the state did — and didn't — do. They were heroes for the world before the welfare state. Their stories implied that if a man is poor, he ought to do something about it himself — and also that the reason for his poverty might well be his own bad decisions. Many Americans still believe these things, and the elites sometimes pay lip service to them. But they do not push them far because they subvert today's political culture.

Instead of exploring the relationship between changing values and the accepted role of the state, Jones spends dozens of pages expounding the history of the past 150 years from an implicitly Randian point of view. It is as if he had discovered that perspective, read a bunch of books about it, and jumped onto a soapbox at Hyde Park Corner. His background overwhelms his subject.

But his point about values — a point on which Rand and Christians agree — remains a good one. Whether we tell our children stories of individual achievement, or of getting along with others, or of social reform, matters. It matters what values we put in and it matters what ones we leave out.

The change from those values of achievement has been going on for several generations, and the nation itself has changed. It has become rich. It is less focused on the values of survival and more on the values of inherited wealth.

To close with a quotation from Landes:

> We are living in a dessert age. We want things to be sweet; too many of us work to live and live to be happy. Nothing wrong with that; it just does not promote high productivity. You want high productivity? Then you should live to work and get happiness as a by-product. ❑

Fireworks!, *from page 42*

about the law's constitutionality).

Even after the ruling, some continued to protest, chanting about the "right to petition the government with grievances" and other Marxist nonsense. That had culminated in the 101 Man March on Washington. But after the marchers had been duly arrested, tried, convicted, lined up on the Mall, and shot, the opposition quieted down. Dan, for one, was glad the threat to the Constitution those dissenters represented had been handled so swiftly and firmly by the government.

The stadium was full. 100 people, waiting for the fireworks. As they looked for their seats, Dan heard another patron, gazing about the huge expanse, exclaim, "Wow! They don't build 'em like this any more." "Quite true," Dan thought. Like Coca-Cola in green glass bottles and buildings higher than six stories, no one built stadiums like this any more. But was the man's comment just innocent nostalgia or did it betray a desire for civilian targets that would be more difficult for the government to protect? Dan made note of the man's number; he would report the comment to the proper authorities during intermission. During periods of heightened security — the government color-coded this "Yellow" — such as the country had been in for the last 75 years, the government counted on its citizens to be alert for suspicious activities like that comment. Dan believed good citizenship was the foundation of a free society, as he had been taught in ninth grade.

Before the show began, Dan found himself one of the ten people selected for a random search. The group of searchees was rapidly and efficiently separated by gender and taken to white, sanitized holding rooms where everyone stripped down, bent over, and underwent a brief but thorough body cavity search. Dan noticed with pride that the man next to him, on objecting to the person searching him, was immediately given another government employee to continue the search. "The man didn't even have to give a reason for his objection," Dan thought. "There is no question we the people retain our right to be searched by the government employee of our choice."

Dan made it back to his seat just in time, feeling proud, and sat down gingerly. The anthem began. Everyone stood, something Dan noticed the wall sentries observed and reported into their hand mikes. And then the fireworks — better than he remembered, Dan thought. Beautiful and awe-inspiring. Filling the sky with light. He was so lucky to be able to attend, and to bring his family. It was a moment to cherish. Dan only wished his mother could have been here to see it, but someone had to be the designated leave-behind.

"Daddy," said Dan's youngest, "Why do we shoot fireworks today?"

"It's a birthday celebration, honey," Dan replied. "Today, almost 300 years ago, our nation began a war for independence and human liberty. That is why we are a free and independent people today, with rights to life, security, safety, liberty, and the pursuit of happiness."

"Is that important, Daddy?"

"More important than anything, sugar. If it weren't for that, we wouldn't be free to travel wherever the government allows us to go, wouldn't be free to choose among the government's list of acceptable books, wouldn't be able to worship in any religion recognized by the government. That's why liberty is so important. And remember, honey, the price of liberty is eternal vigilance."

Dan had learned to memorize that phrase in twelfth grade; he was an excellent student. ❑

Letters, from page 40

NATO aiding Turkey in this way, but the text of Article 5 does not support him. It says that "the Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all" and that the parties shall take "such action as it deems necessary, including the use of armed force . . ." Bock says the request for help from Turkey "was not a request for help in the face of an unprovoked attack . . ." But the reference to an "unprovoked attack" does not appear in Article 5. Only "armed attack." An attack may or may not be provoked, but in either case Article 5 requires collective response from NATO members.

Perhaps this requirement is unwise. Perhaps it should be amended. If Bock believes that this is the case, he should argue for such a change. But he should not argue that the language supporting his view is already in Article 5, for it is not.

Eugene H. Scott
Earlysville, Va.

Law and Order, Except on Tuesdays and Saturdays

I am generally in agreement with the articles by Messieurs Bradford, Cox, and Herpel in the May issue of *Liberty*. The War on Iraq is ill-advised and logically indefensible.

During the propaganda buildup against Saddam, I was reminded of that famous scene in Robert Bolt's *A Man for All Seasons*, in which someone suggests that Thomas More — who as Lord Chancellor of England and Wales was essentially his country's minister of justice — should arrest someone simply because he is a bad man. More replies that no laws at all would remain if he used his power against those who had committed no crime, simply because he believed them to be evil. Likewise, it was never right for the United States or the United Nations to check Iraq's development of nuclear or any other weapons. Every nation is entitled to do so as long as it does not attack others with the weapons. The argument that they might develop nuclear arms in the future is no justification for the use of preventive force whether in the form of an invasion or a program of sanctions and inspections.

Having said this, I realize how realpolitik these sentiments sound. Creating a puppet state in oil-rich Iraq must seem to the Bush administration like cutting the Gordian knot of needing to strengthen Iraq's economy without simultaneously giving an enemy more power among the members of OPEC. But just because doing the wrong thing might have arguable benefits does not mean that, sooner or later, the harmful consequences will not come back to bite us — not to mention that they are likely to outweigh the benefits many times over.

The war has once again revealed the hypocrisy of those conservatives who pretend to be in favor of law and order except when laws are inconvenient to their political aims, in which case they adopt the same pragmatism and situational ethics for which they have so rightly criticized the socialists.

Unfortunately, so long as Americans are blinded by the pride of military can-do-ism on one hand and fear of 9/11-like attacks on the other, it is easier to suggest that we try to open people's eyes than it is to actually open them.

Miles Fowler
Charlottesville, Va.

Worse Than Useless

Alan Ebenstein, in "The Poverty of Samuelson's Economics" (April), hits the target but misses the bull's-eye.

He says that "the presentation of economic activity in . . . mathematical form . . . allows economists to hide behind . . . equations that . . . say little." According to Ludwig von Mises, they say nothing: "what they are doing is vain playing with mathematical symbols, a pastime not suited to convey any knowledge." Ebenstein says, "economics is not (or at least is not yet) a physical science." It never will be, because, as Mises pointed out, there are no constant relations between magnitudes.

D. G. Lesvic
Pacoima, Calif.

It Takes One to Know One

"Plumbing the depths of stupidity" (Reflections, April) is, in my view, the stupidest thing I've read in *Liberty* to date.

Douglas Casey is "convinced" that George W. Bush is of "marginal intelligence," offering as evidence the dictionary definition of "stupid." His assertion that Bush meets that definition is wholly subjective and could as easily be applied to Casey by those who disagree with him. (See my first sentence, above.) Perhaps Casey has been unfavorably impressed by Bush's not very articulate public statements. But that is purely superficial; we've all encountered intelligent people who cannot express themselves articulately. Casey needs something more than personal dislike to prove his claim.

Casey's rant is nothing but one long sneer, "lacking in intelligence and reason," thus meeting the definition of "stupid." I believe it does not meet the intellectual standard of your journal.

Walter Staggs
Story, Wyo.

The Plumber Needs a Helper

To settle the question of George W. Bush's intellectual level, should we go with the judgment of an actual genius (Victor Niederhoffer), or take the short cut and just go with the intellectual elitist (Casey himself)?

What do you call some one who declares his apostasy on the pages of *Liberty*, as Casey did recently, thereby giving his Creator a written document with which to judge him?

I would call him someone we should pray for.

Jim Printz
Decatur, Ala.

Contrasting Views of the Constitution, *from page 32*

Amendment and the separation-of-powers doctrine, and a rights-of-individuals prism, the 9th Amendment. Liberty is maximized when neither the 9th nor 10th Amendment is treated as an inkblot, but both as cornerstones of ordered liberty. Liberty is maximized when the role of political society — government — is reduced and the role of civil society (private voluntary relationships) is expanded. Accordingly, libertarians view the powers of government narrowly and the rights of individuals broadly.

That, of course, was precisely the vision of the Framers. ❑

Terra Incognita

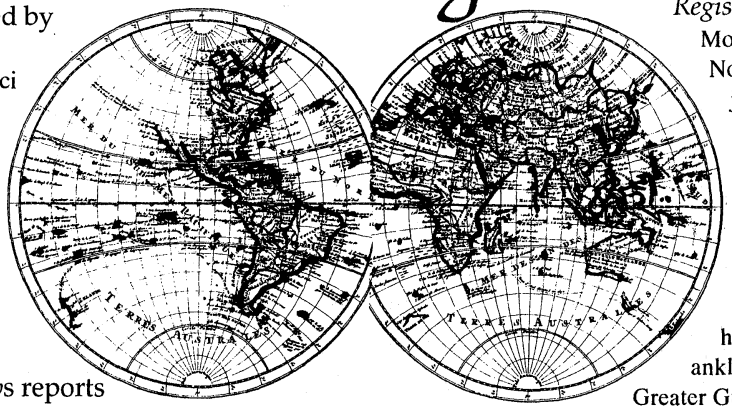

Atlanta

Georgians fight to preserve their Southern way of life, from a report in the *Gwinnett Daily Post*:

Rep. John Noel and four co-sponsors introduced a bill that would make it a misdemeanor "of a high and aggravated nature" not to offer sweet tea in any Georgia restaurant that serves iced tea. Misdemeanors can carry a sentence of up to twelve months in jail.

Italy

Cultural development in romantic Tuscany, reported by Reuters:

The Tuscan town of Vinci is renovating a "Love Car Park" where young Italians can come to have legal car sex. The park is complete with soft lighting and special trash bins for condoms.

Birmingham, Ala.

The *Birmingham News* reports a great leap forward for local citizens' rights:

City leaders last week granted a resident's request to install "salamander crossing" signs on each end of a road where the spotted salamander crosses on its annual migration. "Thirty years from now, someone will look back and see I voted for a salamander crossing," said Councilman Walter Jones. "They won't remember anything else, but they'll remember that."

New York

Curious new cuisine in America's metropolis, from a dispatch by Reuters:

The latest singles fad in New York is gourmet dinner served and eaten entirely in darkness. Only the waiters, wearing night-vision goggles, can see what's going on.

Cameroon

Africa's health standards make dramatic progress, as reported by the *New York Times:*

Cameroon's health minister warned people against drinking their own urine.

New York

Curious disparity in criminal law, reported by the *New York Post*:

According to NYC's new tobacco law, restaurant and pub proprietors will be subject to fines as high as $2,000 if customers are found smoking tobacco in their establishment. However, if customers are caught smoking marijuana, the restauranteur pays no fine, and the customer is fined up to $100 the first time, $200 the second, and $250 the third.

Beijing

Progress in the War Against Gum, reported by *China Daily*.

China's Ministry of Science and Technology is spending $1 million to develop a special "gum-removal lotion" that can dissolve discarded chewing gum from streets and sidewalks.

Mobile, Ala.

Fund-raising hits dangerous limits. Reported by the *Mobile Register:*

Mobile Councilman Stephen Nodine ran over WABB disk jockey Kane with a souped-up riding lawn mower in a celebrity lawn mower race. "I ran right over his legs," Nodine said. "He laid there motionless for about five minutes." In the same race, WKSJ disk jockey Shelby Mitchell flipped her lawn mower and broke her ankle. The race was held at the Greater Gulf States Barbecue Championship and Hog Wild Festival to raise funds for United Cerebral Palsy of Mobile.

Grayling, Mich.

Advance in public safety, reported by *The Traverse City Record-Eagle*:

The Crawford AuSable School Board voted 4–2 to allow sheriff's deputies to give students a breathalyzer test before they enter their prom this year.

Ohio

A setback to animal rights in the Buckeye State, as reported by Court TV:

An Ohio appeals court ruled that it is perfectly legal to bark back at a police dog. It overturned the conviction of Jeremy Gilchrist for violating a state law that prohibits taunting or tormenting a police dog.

U.S.A.

The first Frequently Asked Question on the Bureau of Alcohol, Tobacco, and Firearms' "Kid's Page":

Q. Have you heard about the science fair project or school project where a student:

- Builds a homemade still,
- Lets leftover food scraps ferment and turn into alcohol,
- Burns the alcohol in a lantern, and
- Compares the alcohol to other sources of energy?

A. Well, under current law and regulations, we cannot allow you to conduct experiments involving distillation of alcohol at your home.

Special thanks to Russell Garrard, Owen Hatteras, Thor Albro, John Barry, and William Walker for contributions to Terra Incognita.
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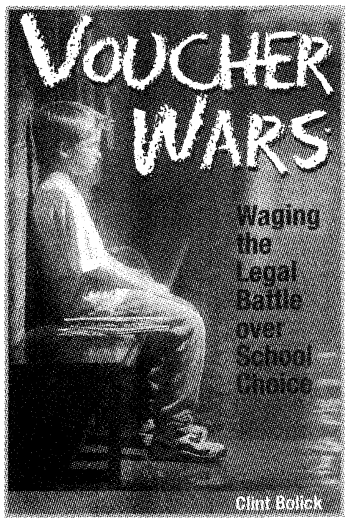

Voucher Wars: Waging the Legal Battle over School Choice

Clint Bolick

The recent Supreme Court school voucher decision has brought the issue of educational freedom and quality to national attention. This book recounts the drama and the tactics of the 12-year battle for choice and, in the process, distills crucial lessons for future educational freedom battles. March 2003
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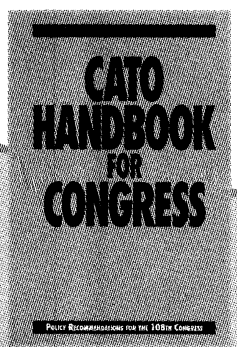

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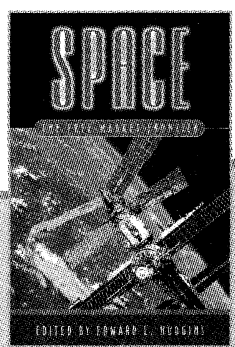

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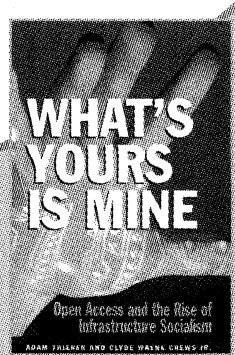

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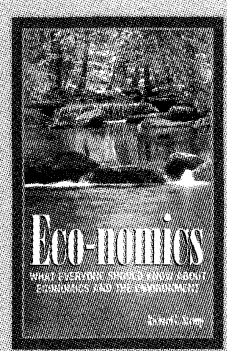

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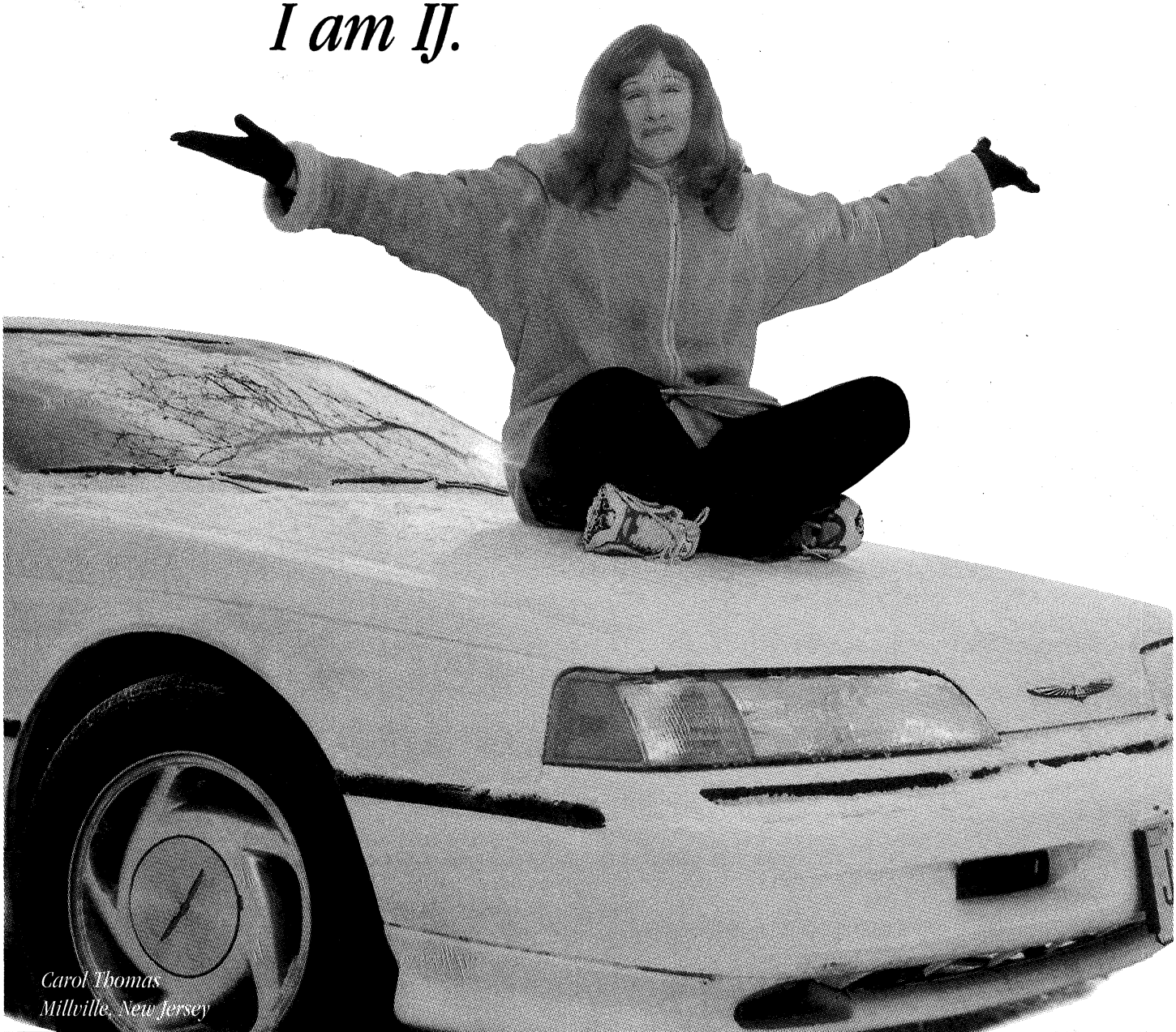

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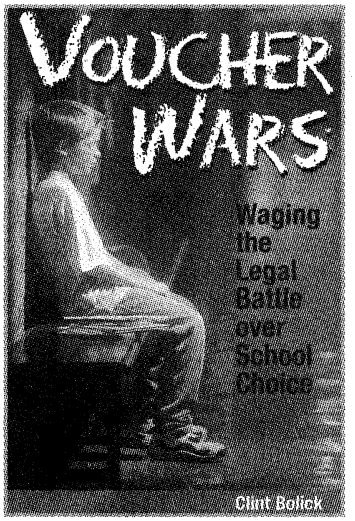

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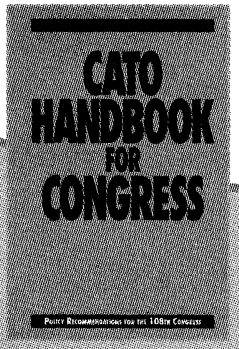

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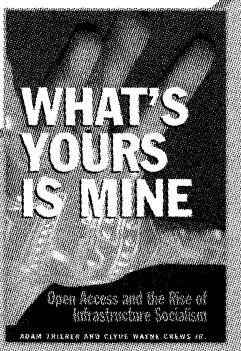

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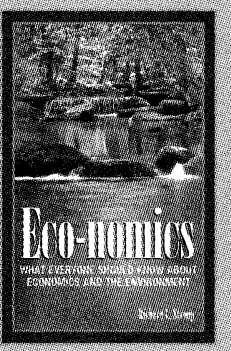

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Inside Liberty

July 2003
Volume 17, Number 7

4 **Letters** Go ahead, we can take it.

7 **Reflections** We fight through Jesus' traffic jam, train our birds, spend eternity in our physician's waiting room, take a close look at our pocket money, tighten Lady Liberty's belt, and wish upon a star.

Features

20 **The First Ground Zero** The desolate site of the first man-made atomic explosion was enclosed, padlocked, and forgotten when *Ralph Pray* went on a mission to give it closure. He shares his story.

23 **Healthy Marriages** A Federal Bureau of Healthy Marriage? President Bush wants it and Congress is ready to create it. *Stephen Baskerville* has a few doubts about it.

29 **Dialogue With an In-Your-Face Libertarian** *Bruce Ramsey* wonders what's wrong with a little moderation and practicality.

31 **Lafayette Is Dead** In the June *Liberty*, Veronica Menezes Holmes took too rosy a view of Franco-American relations, says *James K. Lambert*. France is not, and has not been, any special friend to America.

33 **The Dubious Virtue of SUVs** You can support the consumer's right to buy SUVs, says *Jeff Riggenbach*, without wanting to drive one yourself.

35 **Deceit, Death, and the Pursuit of Power** At the height of World War II, when grave decisions rested on his shoulders, President Franklin Roosevelt was too ill to function, but not too ill to be re-elected, thanks to a conspiracy to keep secret his terminal illness, writes *Bettina Bien Greaves*.

Reviews

43 **The Polyurethane Revolution** *Michael Christian* remembers when you could flunk out of school, fail at all team sports, and earn the ire of mom and dad, yet still achieve greatness on a skateboard.

45 **War, Crisis, and Character** *Jo Ann Skousen* visits the Warsaw ghetto under Nazi occupation — and learns that sometimes hell on earth can bring out the best in people.

46 **Lawyers vs. the Law** The price of liberty is eternal vigilance against the government — and trial lawyers, too, *Martin Morse Wooster* discovers.

47 **Colder, Not Wiser?** *James Barnett* looks at the very cool history of air conditioning.

50 **Saving the Bronx Ecosystem** Passion and good intentions are no substitute for careful planning and good business sense, says *Jane S. Shaw*.

51 **Notes on Contributors** It takes all kinds, and boy, have we got 'em.

54 **Terra Incognita** Don't shoot the messenger.

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Letters

D.A.R.E. to Distinguish

In regard to the article by Judge James Gray (May), I think it is great that a judge is supporting the idea presented by R.W. Bradford to make drug laws the issue for the next Libertarian Party campaign.

One point that I think should be emphasized is that drug *laws* should be the issue, not drugs or drug use. If a candidate is asked if he or she favors legalizing drugs, the reply should be: "No, I do not favor legalizing drugs, and I do not favor drug use. I favor repealing the bad drug laws, which have proven to be unenforceable. These laws are destroying families and incarcerating thousands of peaceful people who have not initiated violence in human relationships or done anything wrong."

If the Party can keep the issue focused on the bad laws, instead of on drugs or drug use, then it will hold the high moral ground in the debate.

Personally, I doubt if the Party can take a principled stand against the bad drug laws without getting bogged down by the distinction between legalizing drugs and eliminating bad drug laws. It may seem a trivial difference, but I am convinced it could make the difference between 2 percent of the vote and a more significant 10 percent or so. It would take a determined person with great character to stick to opposing bad drug laws without getting distracted by the media and the antidrug people. Is there such a person in the Libertarian Party?

Dale G. Green
Middleton, Ida.

America's Holy War

A friend was complaining about his wife getting called ugly names and having beer bottles thrown at her while protesting the war in Iraq. I told him that, if his group was marching to end the holy war on *us*, I'd be out there with them. He acted like that could get them killed or something. "You have to choose your battles," he said.

That got me thinking: in my years of activism against America's holy war — the War on Drugs — I never got any real negative reaction from the general public. Nor has my subsequent conviction been a problem in my gardening business. It seems to me that most people are sick of the drug war, but are afraid to stick their necks out, because they think most people support it.

For twenty years, I've waited for the Libertarian Party or somebody to start organizing antidrug-war marches. I've found that the Libertarian Party doesn't organize much more than fundraising to limply support mealy-mouthed campaigns that dance around the central issue of our age. If I want to be in a protest march, I'm going to have to start it myself. The Libertarians can join in if they're paying attention.

Why protest marches? Because we have been frozen out of the legislative and judicial process, blocked at every turn. In most states, felons can't vote, so holy war prisoners are disenfranchised. Appeals courts keep supreme courts from having to rule on any substantive challenge to vice laws by issuing "not for publication" memorandum decisions. Protest marches — big ones — are needed to make the will of the people real to politicians.

Sure, tell the Libertarian Party to push the issue. But don't depend on them to make it real. Get out there and organize your own protests.

Rycke Brown
Grants Pass, Ore.

That Dog Will Hunt

While I usually like what Stephen Cox writes, I was not impressed by "That dog won't hunt" (Reflections, June), in which he argued against libertarian opposition to the Iraqi war on the basis of its being a war of aggression against a "state." I opposed the Iraqi war because it was a war of aggression against the people who live in Iraq, not because it was a war on the government of Iraq. As a Christian, I believe I have a moral and theological obligation to be a

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libertarian. I believe that means that I should evaluate the justice of a war on either the pre-Constantinian Christian position of nonviolence or the post-Constantinian theory of just war. In neither case was the Iraqi war justified.

Sam Treynor
Houston, Tex.

Saudi Arabia Next

Stefan Herpel's "The Logic of War" (May) contains some good insights into the Bush administration's rationale for war against Iraq, but I believe it also misses some important points.

While Herpel correctly notes that the Saudis have purportedly been acting in America's interest by counteracting periodic oil cutbacks by Iraq, his only conclusion with respect to Saudi Arabia is relatively tepid: "War would simultaneously eliminate our principal oil adversary [Iraq] and create a new oil ally to supplement or perhaps replace the questionable Saudis." The Saudis play a far more important role than merely serving as a "questionable" source of oil. Saudi Arabia's state ideology, Wahhabi fundamentalism, is the source and center of militant anti-modern Islam, and the Saudi government actively finances mosques in the West, as well as the Islamic world, which serve as recruiting centers for terrorists.

In reality, Saudi Arabia has been a much greater threat to America than Saddam Hussein's unattractive, decrepit dictatorship, with its probably inconsequential weapons of mass destruction and questionable ties to al Qaeda. The Saudi royal family has been playing both sides, serving as America's faithful "oil buddy" while simultaneously buying off its domestic Islamic militants by funding the spread of militant Islam, confident that American dependence on Saudi oil would prevent any explicit U.S. identification of Saudi Arabia as a sponsor of terrorism and any action against it.

By attacking Iraq, the Bush administration really was fighting terrorism, but — I would hypothesize — not by virtue of Iraq's alleged WMD or ties to al Qaeda. Rather, the Bush administration's real target is Saudi Arabia; once Iraqi oil is secure, I expect the Bush administration to turn its attention to the Saudi sponsorship of terrorism.

Frank Bubb
Boca Raton, Fla.

The Need for "Special Sympathy"

It makes perfect sense for a traditionalist to agree with Joseph Sobran that the state of South Carolina had the right to secede from the Union. The government that seceded traced its authority directly back to the government that ratified the Constitution.

But it makes no sense to this libertarian for Sobran to claim that the people of South Carolina seceded. Fully half the people of South Carolina were deprived of their rights to life, liberty, and the pursuit of happiness by an armed and relentlessly violent faction.

That armed and violent faction rebelled against the president of the United States because he asserted that every person among the people of United States had the right "to eat the bread, without leave of anybody else, which his own hand earns." What lover of liberty could disagree?

The slave-owning and secessionist faction of South Carolina had no more claim to speak for the people of South Carolina than Fidel Castro had to speak for Elián Gonzales.

Lincoln wanted to prevent the people of South Carolina from being kidnapped from American law. Sobran thought the war wasn't worth it: "I would have opposed the war to prevent secession, not out of any special sympathy for the South, but because the rights of my own state, and therefore my own rights, were also at stake."

Sorry, Mr. Sobran. Life is unfair, and to live is to choose. And yes, some rights were lost in the triumph of the Union. But more would have been lost if Lincoln, and most of those who voted for him, had no more "special sympathy" for the slaves than you, Mr. Sobran, seem to have for the South.

Those Americans of the 1850s were willing enough to live with the contradiction between the principle that all

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men are endowed with unalienable rights and the reality that some men had none. But, when the contradiction became untenable, enough chose the principle of liberty over the practice of indifference. Had they not, it is not at all certain that liberty would have survived.

Robert R. Weed
Falls Church, Va.

Abolitionists in the Confederate Ranks

I enjoyed Jo Ann Skousen's review of *Gods and Generals* and certainly won't waste any money on it. But I think that Skousen was off base when writing about Stonewall Jackson and his slave praying. Actually, my reading indicates that Jackson was an abolitionist by personal conviction, yet served the Confederate States for other reasons.

It mildly annoys me that in this day and age the entire Civil War is reduced to a conflict over the issue of slavery. Unless I am mistaken, average Southerners did not own slaves, and did not fight for such reasons.

Rick L. Davis
Seattle, Wash.

Good News

A Christian libertarian "thank you" to Stephen Legate for his article, "The Call of Christ to Freedom."

He reassured me that I am not the only Christian in the libertarian camp. It certainly feels that way at times. I hope other libertarians will take his challenge to heart and show Christians that they can and should be libertarians.

I would add another argument to Legate's case. The children of Israel were bound by the Old Testament law because they *chose* to be. God gave them the choice to serve him or not. He laid out the requirements and argued the benefits, but left the decision up to them. Once they accepted his covenant, his laws became binding on them and only on them. The Philistines, Hittites, Jebusites, etc. were *not* required to adhere to that law. The only time God "judged" these other peoples was when they messed with "his" people, and he did that in fulfillment of his end of the covenant with his people.

So despite the fact that most Christians think God is a Republican, the truth is that God is a *Libertarian!*

Scott Howard
Perry, Ga.

Bad News

Mr. Bradford wrote a nice article in the June issue about American gullibility. I would extend that charge to libertarians who think Jesus had libertarian inclinations. I'm referring to Stephen Legate's "The Call of Christ to Freedom" and "Michiganistan" by Leon Drolet. George Bush and Pat Robertson think Jesus is on their side, too. There is something wrong with this picture.

First of all, there is nothing libertarian about a supreme ruler of the universe who judges whether you will go to heaven or hell, and whose laws are more conflicting and arbitrary than the federal tax code.

Second, I submit that religion is an ideology like socialism and that churches are political institutions. That the phrase "the will of God" is just as much of a meaningless abstraction as terms like "the will of the people," "history is force," and "social contract." Religion has nothing to do with salvation; it's about social control.

Third, besides Jesus being an abstract fiction, the reason why statists and libertarians think he is on their side is because he had the character of a double talking politician. I close with a sampling:

Name-callers go to a fiery hell (Matt. 5:22). Fundamentalist Jews can't escape hell (Matt. 23:33). Who is not with him is against him (Matt. 12:30). Blasphemers not forgiven (Matt. 12:32). Anger liables you to judgment (Matt. 5:22). Endorsed decapitation (Matt. 18:9). Sent disciples to steal (Matt. 21:1-3). Did not come to bring peace, but a sword (Matt. 10:34). Came to break up families (Matt. 10:35-36). Disobedient children should die (Matt. 15:3-5). Endorsed self-castration (Matt. 19:12). Kill nonbelievers (Luke 19:27). Buy a sword (Luke 22:36). Nonbelievers will burn in hell (Matt. 10:28, 12:36-37, 13:4950, 16:27; Luke 12:5, 13:2-3).

Raymond Hewitt
Parsippany, N.J.

A Gold Star for Ayn Rand

So Buckley has joined the Ayn Rand crotch-sniffing trend and wants to tell us just how it was and what it means. Sorry, but we've heard it before. As to the relationship of Buckley to the history of Rand, that was settled when she died. His column on her death reeked of choked, putrid malice.

Like his hero, that snitch W. Chambers, there is only one thing on Buckley's mind when it comes to Rand, and that is hate. So despite the history Buckley wants to paint in his dull and sloppy colors, the real history is already clear. In the silver-stream sky of the American dream, there will always be a singular gold star called Ayn Rand.

Don Johnson
Seattle, Wash.

Scoring Bush

In his June reflection ("Let's not be moronic,"), David Kopel reports George Bush's SAT scores to be 566 verbal and 640 math. He says that these scores put Bush in the 95th and 98th percentiles respectively. These are not quite accurate.

Having just gone through the SAT testing and college application trauma with my son, I happen to have some College Board statistics at my fingertips. For 2002 college-bound seniors, Bush's scores translate into the 70th and 84th percentiles, respectively. But this is not a fair comparison. In 1996, to offset the withering criticism U.S. schools were getting for declining SAT scores, the College Board "recentered" these tests by adding 75 points to the verbal scores and 25 points to math scores. Thus, in order to more accurately compare Bush's scores of the early 1960s to the 2002 college-bound seniors, these points should be added to his test scores. That brings his scores to 641 verbal and 665 math, which translates into the 88th and 89th percentiles. Clearly, these are well-above the average of all college-bound students who took the SAT, and not moronic, but they are not quite the lofty level reported by Kopel.

It is interesting to compare Bush's scores with present Yale students. In the most recent year available, Yale reported that the middle 50 percent of its entering freshmen had SAT scores between 680 and 770 for both verbal and math. These ranges translate into 94–99 percentiles for verbal scores and 91–99 percentiles for math. Thus, Bush's scores would have been in the 20–25th percentile range of recent Yale freshmen. Everything is relative.

Jack Wenders
Moscow, Ida.

continued on page 42

Reflections

Where no Clinton has gone before — It was fun to see President Bush's tailhook landing on the aircraft carrier *Abraham Lincoln*, but Democratic outrage over the political stunt was even more fun. I particularly enjoyed hearing Sen. Robert Byrd, who has prospered politically for more than a half century by grabbing federal tax money for his constituents in the Mountain State, denounce the use of federal tax money as a re-election tool.

The real reason the Democrats were furious, of course, is that the presidential landing was such a sharp contrast to anything Bush's predecessor could do. Bill Clinton could not even fit into a flight suit, and wouldn't have dared to stand in front of so many troops without wearing Kevlar™.

— Tim Slagle

Defending our lesbian brothers — "We need to add the category of sexual orientation because it is so critical that we say to our lesbian brothers and gay brothers and sisters that we care about you, we include you, we want to defend you," said Sen. Gordon Smith, R-Ore, commenting on the bill he's co-sponsoring with Ted Kennedy to expand hate crimes legislation.

I'm thinking their real goal is to make it illegal to hate politicians. Then there'll be three types of Americans: those in Congress, those that love them and re-elect them, and those in jail. The real question will be how the small number in the second group will be able to afford to continue paying for the first group, to say nothing of the massive hoard in the third group.

By the way, isn't it amusing when smarmy politicians like Gordon Smith are so devoted to kowtowing to special interests that they do so even before they understand the nature of the special interest? What else could explain him pledging to defend his "lesbian brothers"? — Ross Levatter

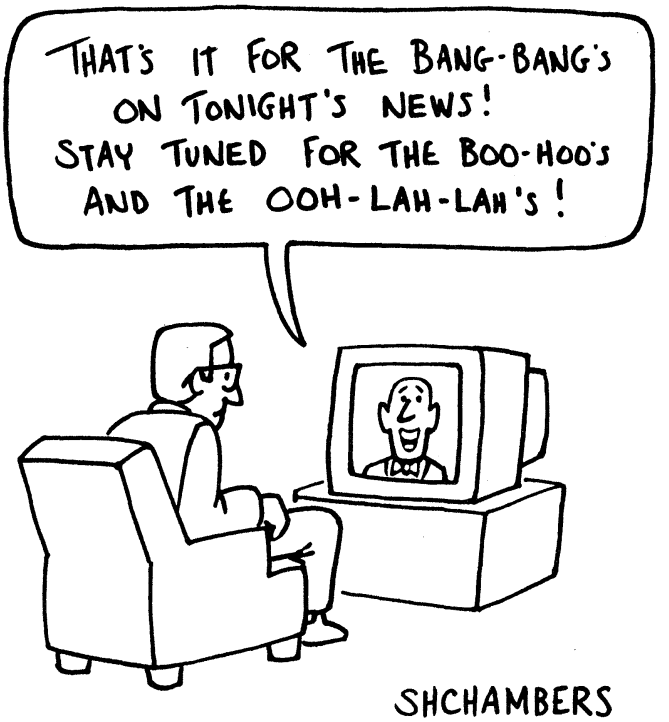

Terrorist switcheroo — When I was in high school, I recall being told how one of the Crusades — whose purpose ostensibly was to rid the Holy Land of "Mohammedan" infidels — had somehow ended up invading and conquering Byzantium, the capital of a large and prosperous Christian empire. I've always wanted to read Gibbon and get the straight skivvy on this, but I've never found the time.

Yet I think of it when I look at what's happened in the War on Terror. It astonishes me to see how little we've done to prevent another terrorist attack and how much we've done that, well, actually seems to undermine our ostensible purpose. Last time I flew, a uniformed policeman demanded to search my wallet. I hadn't set off a metal detector, but he thought I might have been carrying a "card knife" (whatever that is) in my wallet, or so he said. I don't know about you, but when policemen can search people on a whim, Americans are facing a new kind of terror.

Of course, the biggest switcheroo is the conquest of Iraq — oops, I mean "Operation Iraqi Freedom." Saddam Hussein's Iraq was an awful dictatorship and Hussein helped maintain his popular support by saying nasty things about the U.S. But he didn't try to do anything to us, and didn't even have the means to try, despite our government's repeated claim that he had "weapons of mass destruction" (i.e. military weapons that might actually be effective against America's nuclear arsenal). Nevertheless, we invaded Iraq, conquered it in a few weeks, deposed Hussein, and celebrated our great victory.

Meanwhile, Osama bin Laden, the perpetrator of the terrorist attack on the U.S., is a free man, more capable than ever of committing further terrorist attacks, thanks to America's invasion of Iraq increasing his popular support among Arabs. — R. W. Bradford

Santorum's epiphany — In an April 21st interview with the Associated Press, Pennsylvania Sen. Rick Santorum criticized homosexuality while discussing a pending Supreme Court case over a Texas sodomy law. "If the Supreme Court says that you have the right to consensual sex within your home, then you have the right to bigamy, you have the right to polygamy, you have the right to incest, you have the right to adultery. You have the right to any-

thing," Santorum said. For the first time, I'm surprised to hear a Republican senator get it right. I only wish he wasn't using the example as a negative. — Tim Slagle

The fabulous Communists — On May 5, Sen. Joe McCarthy was once again in the news. The U.S. Senate unsealed transcripts of closed sessions with suspected Communists. The press coverage was predictable.

The Reuter account, by Joanne Kenen, began thus:

> Fifty years after Sen. Joseph McCarthy's scorched earth investigation into supposed Communist infiltration of America's most sensitive institutions, secret transcripts released on Monday add another layer of tarnish to his place in history. The 5,000 pages from his closed-door hearings show no smoking guns, no uncovered spies, no verification of conspiracy theories on which he built his political career.

The article went on at some length about McCarthy, with one paragraph near the bottom about the wider context:

> But McCarthyism was longer and deeper than Joe McCarthy himself. Anti-Communist probes, sometimes camouflage for attacks on labor or early civil rights activism, dated back to the 1930s and intensified in the late 1940s with the Cold War.

I quote this not because it is exceptional, but because it is typical. Outside of the conservative press, there is rarely any mention that Communists existed in the government in the 1940s, or that with what was going on in the world then, there might have been good reasons to worry about them. There is no reference to the Communists in the Roosevelt government or of Stalin being our ally; of Elizabeth Bentley, Whittaker Chambers, and Alger Hiss; of Klaus Fuchs and the Rosenbergs and the atom bomb; or of the "girl" spy Judith Coplon. Above all, the pursuers of Hiss, Coplon, and the Rosenbergs are never credited with being right.

The Left — indeed, the mainstream, which on this issue is the same as the Left — doesn't focus on Communists in government, but upon the investigations of screenwriters, musicians, and academics. They tell the story they want to tell — and they make it the only one. — Bruce Ramsey

An amendment is a wish your heart makes! — In a recent speech, Democratic presidential candidate Al Sharpton promised to fight for the constitutional right to health care. I was taken aback by the ignorance of the statement, and aghast that nobody criticized him on the remark. Even FDR knew that his freedoms from fear and want were extra-constitutional. Perhaps the statement was ignored because it came out of Al Sharpton, but quite possibly, it was ignored because a lot of modern journalists didn't realize that the word "health" is never once mentioned in the Constitution.

I have been rethinking the constitutional ban on immigrants running for president. One advantage that immigrants have over the majority of natural-born citizens is that reading the Constitution is a requirement for all those who wish to be naturalized, while most of those born here never bother.

— Tim Slagle

Dispatch from Millinocket — A staff study of internal editorial department documents has revealed that top editors at *The New York Times* were already alarmed by possible errors and plagiarism in Jayson Blair's work for the newspaper almost six weeks before another newspaper's complaints forced his dismissal. For instance, a feature story by Mr. Blair that appeared in late March of this year, just after the beginning of the war in Iraq, occasioned an urgent exchange of editorial memos, suggesting that there was never any inclination at the *Times* to bend over backwards to excuse lapses in the affable, engaging, gifted, diverse young reporter's work.

The first paragraph of the story, datelined Millinocket, Maine, on March 26, ran as follows: "'It was the best of times, it was the worst of times,' said Forrest H. Gump as he recalled his childhood spent amid the thick woods that surround his modest hilltop home on Deep Hollow Road in the treeless tundra of northern Maine. Now, as Sergeant Gump, 22, prepares to leave for a faraway war, following in the footsteps of his father, who served in the first Iran-Contra conflict in 1991, he is in a reflective mood. A red pickup truck sits in front of the house, and on the porch are a rocking chair, what looks like a piano or maybe an old bureau, and something a little blurry in the lower lefthand corner that can't be made out. Pvt. Gump walks slowly to a nearby Starbucks and orders a Grand Mocha Latte, staring out the window at the lively street scene that is rural Maine but could just as easily be Brooklyn. 'Sometimes I think that war is merely a continuation of politics by other means,' he says quietly a little later over a plate of delicious penne marinara at Tutta Pasta, a favorite local restaurant whose down-home fare draws rugged Maine farmers, fishermen, and aspiring screenwriters from miles around. 'And war is hell, as my father, a lifelong pacifist, often said. Yet it is a far, far better thing that I do, than I have ever done.'"

There was never any inclination at the Times to bend over backwards to excuse lapses in the affable, engaging, gifted, diverse young reporter's work.

The first memo reads: "Some of this doesn't quite track. How much time did Jayson really spend in Maine? He kept calling in on his cell phone, but I could swear it was a subway I heard in the background, though he claims it was a moose. Do moose announce that they make express stops only to 14th Street? We have his expense-account receipts, of course, but so far we haven't verified that there's a Waldorf Astoria Hotel in Millinocket. Would it be okay to ask him for sources or at least souvenirs from Maine, or would that seem insensitive? — Gerald." In reply, there was this memo: "Thanks, but if it turns out that there's anything wrong, we'll find out in a month or two and promptly issue a correction. After that assignment last month where he was supposed to visit a battleship off the North Carolina coast and it sounded exactly like the Staten Island Ferry we put him in a counseling program and then promoted him so everything should be okay now — Howell." And finally, underscoring the deep concern, a note arrived from the publisher of the *Times*: "Howell — Great piece on Maine, we used to summer there. But we've clearly got a problem here, and let's get

right to the bottom of it. Scores doesn't open till 4, but we'll be back from lunch at Hooters by 3, so we're going to have to find something to do for an hour or so. What time does Judge Judy come on? — Pinch." — Eric Kenning

Brave new day care — To make a bird a good pet, you take it from the nest before it can see, and start feeding it in human hands. That will imprint onto the bird that human hands are its mother, and the bird will mature into an adult that likes to be petted.

In the same fashion, kids taken from their parents' home and put into state facilities will grow up to recognize the state as their parents. In books like *1984* and *Brave New World*, totalitarian governments assume all the responsibility for raising children. It is imperative to instill a love of the state into kids' minds at a very young age. The younger they can start loving the state, the better.

About 50 years ago, leftists decided that first grade was not early enough to begin imprinting children, so they instituted kindergarten. About 20 years ago, Operation Head Start was instituted as a pre-kindergarten measure. Even though studies indicate there is no benefit to a child's education from being in Head Start, the funding for the program has increased every year since its inception. Now all the talk is of state-financed day care for kids not old enough to get into Head Start.

Look in the coffeehouses of America if you want to see the end result of day care. A bunch of bitter, unemployed, vegetarian art school graduates who didn't believe their parents when they were told they would never get a job with a degree like that, waiting for a government handout. Where do you think they learned that hanging out with your friends and making pretty pictures is more important than work? — Tim Slagle

Government schools: exit strategy — School vouchers were the subject of a debate held at a Conservative Policy Conference in my state — a state in which voters have rejected both charters and vouchers. The conference was, in fact, an all-shades-of-the-Right conference, with attendance by the state Libertarian Party chairman and sundry libertarians as well as more numerous Republicans.

"Of all the people right of center, there is no agreement on this topic," one of the organizers told me. In the past, her group might have only had a speaker supporting vouchers. Now she was including a speaker opposing vouchers from the Right.

That was Marshall Fritz, president of the Alliance for the Separation of School and State. Fritz argued that vouchers would not change state control of education — that the money would come with strings. Nor would they change state financing of education, and they could even make it worse. Already 88% of school-age children are state-supported, he said; with vouchers it will be 98%. He asked, "What is the mechanism by which we're going to get to zero?"

Fritz held out for zero. His mechanism for getting there was to convince parents to pull their kids out of government schools.

His opponent, Krista Kafer of the Heritage Foundation, did not argue with his goal, nor for it. "The biggest obstacle I have is the lack of a road map," she said. Asking ideological opponents to pull their kids out was not going to change the system.

Her argument was that tax credits and vouchers were an immediately workable mechanism to teach parents to think and choose, and to break the state's monopoly. "We're competing against a free entity," she said. "We need the means for opening the market."

As for strings on the voucher money, Kafer said the answer was "eternal vigilance." Political pressure.

My purpose in reporting this debate is not to point out who "won." The significance is in what was debated. And what was not debated. It is in where the center of gravity was, and was not, in a *conservative* policy conference in the year 2003. — Bruce Ramsey

The politics of secondhand science — Only a few days after the *British Journal of Medicine* published an epidemiological study which concluded that secondhand smoke has little or no effect on people's health, the Bush administration announced that the U.S. will support a treaty that "endorses" the conclusion of some other scientists that secondhand smoke is a major cause of death.

Apparently, questions of science are now to be decided by politicians. I am tempted to pine for the good old days when treaties limited their scope to matters of state. But of course, these days everything is a matter of state. So the fact that guys like former Wisconsin governor Tommy Thompson, now Secretary of Health and Human Services, and dimwits like the Hon. Charles Grassley and the Hon. Patty Murray will be deciding matters of science should not be surprising.

And what about James Enstrom, the UCLA epidemiologist who headed the team of scientists who conducted the secondhand smoke study? I think he has a pretty good idea of how Galileo felt when he was called into a Papal court to defend the conclusions he had drawn from mere scientific evidence. — R. W. Bradford

Pollster outgunned — In a 1994 speech in Key West, Florida, political pollster Lou Harris guaranteed that handguns would be outlawed in two to three years. "Mark my word," he said, "and hold me to it." Well, it's nearly a decade later, and the country isn't even close to banning

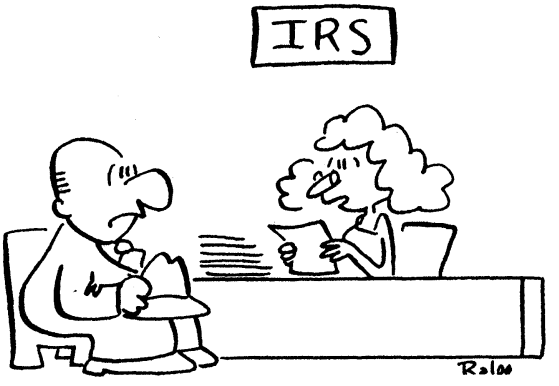

"This is the first time I've ever seen the square root of minus one on a tax return."

handguns.

Harris had spent a lot of time before his Key West speech conducting polls that were used to produce ridiculous, untrue factoids about kids and guns, on behalf of the prohibitionist Joyce Foundation. Harris claimed that public uproar over the facts which he had created would lead to a complete handgun ban.

In the 1994 speech, Harris also claimed that the passage of the Brady Bill had broken the back of the National Rifle Association. Not quite. In November 1994, the National Rifle Association broke the back of anti-gun politicians all over the country, including the mighty Speaker of the House, Tom Foley. President Clinton said that the NRA was the reason that the Republicans took control of Congress in the November 1994 elections. After the 2000 elections, Clinton said that the NRA was decisive in the Republicans retaining control of the U.S. House of Representatives, and in Gore losing several key states which cost him the presidency.

The lesson: take polling results about gun control with a big grain of salt, if the polls come from anti-gun activists.

— David Kopel

Directing traffic for Him — Yes, we all know that women are different than men. But the guy who wrote the book *Men Are From Mars, Women Are From Venus* was way off base. Women are from heaven and men are from the Planet of the Apes.

For example, my heavenly wife and I are heading to our favorite Sunday restaurant, the Ding How II. Since it is Sunday, churches with full parking lots line the boulevard to the restaurant. I'm speeding by, driving like a madman, because my stomach is sending a cordless message to the brain that the body needs refueling, fast.

The street is full of police cars. Several black-and-whites are gathered together in front of every house of worship on Churchlane Blvd. It's either a convention or hoodlums have snatched the collection plate at every church we pass! What an audacious, sacrilegious, but meticulous bunch of thugs. They've sequentially knocked over every church on the street — haven't missed one to judge by the conglomeration of cop cars at the base of each steeple. "No, no," says my wife, who momentarily descends to earth, "they're preparing for church to let out, so they can direct traffic." She smiles angelically.

I'm wondering how many muggings, burglaries, rapes, and devious thieveries are taking place while these caring policemen impede my progress toward Peking duck lightly spiced with ginger.

Don't get me wrong. I like churches and I like their inhabitants. Statistically speaking, I'd rather meet three armed churchgoers in that proverbial dark alley than three unarmed non-churchgoers. But from a municipal point of view — especially on Sunday morning when I'm hungry and intolerant of slowpokes between me and the Ding How II — my good feelings toward churchgoers fade. I speed up to flee from the traffic tangle that a talented traffic cop can create out of a lazy intersection and two automobiles.

Alas, too late. An open palm at the end of a blue-shirted arm almost comes through my windshield. Three cars drift out of the church parking lot. Twenty of us Churchlane Boulevard voyagers sit motionless, waiting, waiting, sniffing exhaust fumes, and making a significant contribution to melting the polar ice cap.

My wife, the angel, smiles. "Isn't that nice — that the city cares." That's a woman talking. She casts her divine smile on the slice of humanity that calls Huntsville, Alabama home. Not me. Hungry and cranky, I'm wondering how many muggings, burglaries, rapes, and devious thieveries are taking place on the other side of town while these caring policemen impede my progress toward Peking duck lightly spiced with ginger. And that's only my first objection. What about religious equality? I wonder if First Baptist (with two congregants on the city council) gets more blue-shirted waving arms than United Methodist? Not to mention the folks over at Greek Orthodox, who don't get a single traffic director for their 50-car parking lot. Who's going to make sure they get home promptly for a nice Sunday lunch?

I know what you faithful are thinking, but don't. In an imperfect world it's way down on His list of injustices. He won't get to it 'til Tuesday morning. By then His worshipers could perish of malnutrition in the parking lot, unless He

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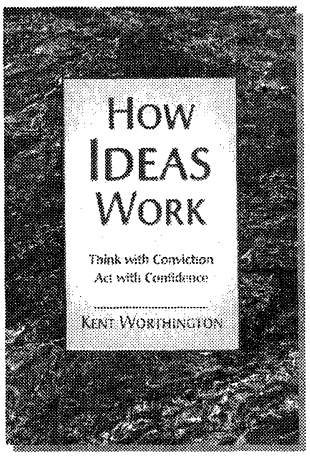

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sends manna.

And how about separation of church and state? Consider those free thinkers in our fair city who don't believe their deity resides in a building made of bricks, boards, or even Jerusalem stone. Call them the unaffiliated. Their tax money is in the pot. There are even a few residents who believe in Nothing. Their creed may be vulnerable to argument, but their distaste for tax dollars to speed up churchgoers is, shall we say, understandable. Where are all those sign-waving activists who don't want a Christmas creche on the city hall lawn — where are the zealots who think the Ten Commandments contaminate the court room? Why don't they worry about me sitting in this fume-filled line and watching my Peking duck swoop to another customer's table?

And why aren't these traffic management specialists arresting criminals? Burglars, I think, must love Sundays. Policemen are all on the churchy side of town, far removed from the high-crime neighborhoods. All the small, criminal mind has to remember is not to knock over a church or any business close to a church, because that's where the cops are.

But my 1998 Mazda is now a courtroom. My sputtering, underfed brain pictures me suing the city on behalf of a small Eastern Orthodox Assyrian congregation that gets only one cop from 10:30 a.m. to 10:32 a.m. With RICO on my side, how could I lose? (I *would* represent this small Eastern Orthodox Assyrian congregation in their 10 million dollar lawsuit *if* I had a law degree!) As I listen to the hum of my eight-cylinder engine devouring gas, I dream sweetly about my 10 percent of the settlement. But my dream goes from color to black and white, then crumbles as my wife shouts, *"You really ought to check your facts!"* She explains that it's pointless for me to spend eight years at Harvard Law School preparing for this lawsuit — if the city doesn't provide churches with municipal law enforcement services. Reality. What a bother. But since I value domestic serenity, I check myself.

Well, it turns out that in some cities, the churches, not the city budget, pay for traffic management. They employ off-duty cops, of course.

But remember that the temporary church employee in the blue uniform, with the outstretched arm, wears a silver badge and carries a .38 Special paid for by me. And it's *my* uniform the officer is wearing and *my* police car that blocks the third lane that I could use to loop around this roadblock, if I weren't afraid of *my* .38 Special. Who is this keeper of the streets? Could I hire him, uniform and all, to block off my street so we could have a neighborhood stickball game?

Church or city, one way or another I'm the ultimate payer either with my time or my taxes. Or both. — Ted Roberts

The medical marijuana scam — Most drug prohibitionists oppose making marijuana a legal medicine, as well they should. Similarly, most people who believe drug prohibition should be repealed support making marijuana a legal medicine, as well they should not. Disease and medicine have nothing to do with whether we ought to have free access to marijuana.

Prohibitionists think drugs are safe only when physicians are empowered by the state prescribe them. Medical marijuana pushers think so, too.

Both prohibitionists — who say marijuana is inherently unsafe — and medical marijuana pushers — who say marijuana is safe — are lying to the public about drugs. Drugs are neither safe nor dangerous. Their safety depends on how people use them. Marijuana is no different from heroin in this regard.

Why aren't medical marijuana legalizers pushing for heroin legalization? Because they think marijuana is a good drug and heroin is a bad drug. Why aren't medical marijuana pushers objecting to restrictions on tobacco? Because they think marijuana is a good drug and nicotine is a bad drug.

Is marijuana medicine? Almost anything can be labeled and used as medicine. When psychiatrists deprive people of liberty, they call it medicine for mental illness. Slaveholders called whipping medicine for slaves who ran away. "For medicinal purposes," a senior citizen told me as she winked and turned from the bar at a wedding I attended years ago. She was holding a double scotch. Addiction treatment providers call illegal-drug use "self-medication." Magnets, vitamins, herbs, homeopathically prepared lactose, acupuncture needles, chiropractic, and mineral baths are all considered medicine by any number of people throughout the world. As Thomas Szasz once observed, masturbation was once considered to cause many diseases. Now, "sex therapists" regard it as medicine. And, speaking of therapists, psychotherapists seem to accept just about anything as medicine. Aromatherapy, poetry therapy, prayer therapy, writing therapy, cognitive therapy, exercise therapy, pet therapy, music therapy . . . anything is therapy if you want it to be, and therapy is medicine even if you don't want it to be. My point is this: what we call medicine depends on who says something is medicine, who is using it as medicine, and for what purposes it is being used.

Who stands to benefit if marijuana becomes legal medicine? Medical marijuana advocates assert that sick people need marijuana as medicine. That is the kind of base rhetoric politicians are especially fond of. Usually we hear, "it's for the children." Now, we hear, "it's for the sick and diseased." A 14-year-old I know sees through this nonsense: "They say marijuana is medicine so that people can smoke it for fun,"

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he recently told me. "People will invent all kinds of diseases they say they need marijuana for." Anyone with a little clear thinking won't be bamboozled by the medical marijuana pushers.

The medical marijuana movement is spearheading the "harm reduction" movement. Harm reduction is a euphemism for state control of private behavior. The people who direct this movement believe that any number of bad behaviors should be regarded as public health problems requiring medical treatment. These are the high priests of what Szasz called the "therapeutic state," the union of medicine and state that has replaced the theocratic state. The therapeutic state is a religious crusade masquerading as medicine.

Who really stands to benefit from medical marijuana? Drug legalizers will get a foot in the door. Doctors and pharmaceutical companies will make money. Illegal drug dealers will continue to profit from the black market. People who want to get stoned with impunity will invent and lobby for new diseases that require marijuana. The Food and Drug Administration will get bigger. And the people who invest in marijuana on the stock market will be laughing all the way to the bank.

The medical marijuana movement is spearheading the "harm reduction" movement. Harm reduction is a euphemism for state control of private behavior.

And the poor person with glaucoma? Well, he could smoke marijuana if he wanted to. However, he could also just continue to put Xalatan drops in his eyes, as I do. And the person nauseated from chemotherapy? Well, she could smoke marijuana if she wanted to. It might help. But she could also just continue to use any number of currently available anti-nausea agents.

And the people who just want to have fun? Well, they could continue to buy their dope from the usual suspects and hope they don't get busted. — Jeffrey A. Schaler

Poverty is the health of the planet — That now makes it three times that I've heard it.

The first was last year, amid all the protests against globalization and the World Bank. Some talking head was going on about what a disaster it would be for the environment if the entire world had the same living standards as the U.S. Amazing: here was a leftist openly worrying that free trade would not impoverish, but enrich the lives of everyone in the Third World. More recently, some of my fellow Libertarians and I attended a third-party gathering. I compared notes (so to speak) with a gentleman from the Green Party. He did not favor unlimited immigration to this nation. What a disaster it would be for the environment, he explained, if we had even more people living at U.S. standards. When I asked if this meant that he wanted people to remain in their poor countries so that they could remain poor, he insisted quite sincerely — hey, you should have seen his face — that he didn't want people to be poor. The third time was at a coffeehouse-type folk music venue sponsored by PeaceSmiths, a left-of-center anti-war group. The singer of "It Could Happen" warbled about all kinds of doomsday possibilities, including the Third World becoming like us, "wasting resources" — i.e., utilizing resources in an industrial economy.

To me, this is almost like the Wizard himself pulling back the curtain. The only thing I can add is a riff on Tim Slagle's suggestion (February) that Canada-loving progressives head north — namely, that these poverty-loving environmentalists should head south. — Barry Loberfeld

Track of the tortoise — On the day before Easter, a friend and I were driving in an outback section of San Diego County when our attention was caught by billboards insistently advertising the presence of an "Ostrich Ranch and Petting Zoo." We weren't allured by the petting zoo, but the ostriches caught our fancy. We're Americans, after all.

Of course, we were disappointed. Ostriches are ostriches. It's all fuss and feathers with them. Nothing but theater and costumes. I'll just mention the fact that their eggs cost $18, and that the eggs look and feel exactly like plastic. As for the petting zoo . . . sheep really are just thick, dirty rugs, aren't they?

But here's the thing. Next to the gate of the "zoo" we found a little pen where they were selling tortoises. The ones for sale were about three inches across, and let me tell you, they were awful cute: little brown guys with square brown shells and little scrambling claws and wise little heads looking up at you as if they had just committed to memory the entire contents of the library of Alexandria. Above the tortoises was a sign: "$75. Need little care. Will outlive you."

And that's what made me think.

The first thing I thought was, "That's a hell of a way to advertise." After all, what customer wants to be reminded of his own death?

The second thing I thought was, "What would happen if other commodities were advertised in this way?"

A lot of my possessions will probably survive me. Not just my copy of John Galsworthy's *Caravan* from the library of Arnold Bennett, or my beloved copy of Padraic Colum's *Creatures*, with illustrations by Boris Artzybasheff. Not just my 1939 12-inch Replogle Library Globe of the World, with Tannu Tuva shown as an independent state and a brilliantly colored analemma sunning itself on the great south sea. My stove and refrigerator will also survive me. I hope.

So why not advertise such things appropriately? "Maytag Washer. $850. Needs little care. Will outlive you." "Deluxe Condominium. $250,000. Needs some care. Will outlive you." Have you ever wondered, when you checked into a hotel room, how many people have died in that place?

The next thing I thought was, "I'm depressed."

Then I thought of two more things.

The first was the comment of some author — which one, I've forgotten; probably Samuel Johnson — about what would be the outcome if everyone on earth knew for a certainty that human life would end 50 years from now. Human life, he said, would immediately come to a stop. No one, not even the most insignificant, forgettable man on earth, would want to go on if there would be no one coming after him.

The second was a story by Willa Cather, in which a mid-

western farm woman is upset and depressed until she takes a trip and sees a bridge over some great river of the heartland; then she returns to her home and is reconciled to life, because she has seen something more of its context.

My poor friend. I'm sure he thought I was acting strangely when I took a picture of the "Will outlive you" sign. But the truth is, I had a sudden rush of happiness, looking at that sign. I was happy that something would continue beyond me. Even if the something was a three-inch turtle.

— Stephen Cox

Trying patients' patience — Waiting to see the doctor is the most frequently mentioned complaint about medical care. In daily life, we all know it's bad manners to keep people waiting. It's disrespectful. It's a theft of one's time. It causes blood pressure to go up.

Do physicians have some kind of entitlement to keep people waiting? Is there any other group of people (other than politicians) who engage in this kind of behavior?

We are all too familiar with the ready explanations and excuses offered by physicians — emergencies, unexpectedly sicker patients requiring more than the allotted time, interruptions by calls from hospitals and doctors, late arrivals of scheduled patients, and unexpected arrivals of unscheduled patients.

In a paean to physicians, Ann Patchett in the *New York Times Magazine* (Jan. 5, 2003) writes that people will wait eight hours in an emergency room and still manage to be respectful to the doctor, knowing that he or she has been working, probably saving a life. As the dictionary would have it, "patient" as an adjective means bearing difficulty or annoyance with calmness.

"Let's see . . . I guess I'll have the 'Christian Noodle Soup'."

Psychiatrists would say that Ann Patchett is either naive or masochistic. In actuality, too many physicians simply do not care how long they keep patients waiting. Even emergencies can be expected and taken into account in scheduling.

Health care organizations that adopt a total quality philosophy of management recognize that waiting time is a critical factor for organizational success. The Oakwood Hospital & Medical Center in southeast Michigan advertises, "Don't wait to see a doctor. When you set foot in an Oakwood emergency room, we'll make sure you see a doctor in 30 minutes or less." Since the guarantee started in July 2000, it is reported that the average wait to see a physician in the ER shrank from several hours to 22 minutes. Anyone who waits longer than 30 minutes receives a personal apology and a pair of movie tickets.

Northern Nevada Medical Center gives a 15-minute guarantee or the ER visit is free.

All too often, as a matter of regular office practice, physicians schedule four patients every 15 minutes, keeping patients waiting two to three hours only to be seen for a few minutes. I do not exaggerate. Following a wait in the waiting room, patients are put in an exam room, a euphemism for another waiting room. Patients wait and wait without being told how long they have to wait — if they knew they could go out for a meal or take in a movie. As routine practice, the wait time is unconscionable.

Ventilation in waiting rooms leaves much to be desired, and in a room crowded with sick patients, viruses spread. Hospitals and waiting rooms in doctors' offices are risky places.

The *Farmers' Almanac* — the Lewiston, Maine, consumer publication that has been published since 1818 and has 5 million readers — has given a name to chronic tardiness in health care: CLS or Continuous Late Syndrome. Its "Patient's Bill of Rights" recommends a discount or free consultation from any physician who makes the same patient wait for three scheduled appointments. The document states that the physician's staff should call the patient if the doctor is running behind schedule, explain the reason for the delay, and limit the average wait for a scheduled appointment to no more than 20 minutes.

Physicians or their staff should take a practice management course, or they should read Susan Keane Baker's book *Managing Patient Expectations: The Art of Finding and Keeping Loyal Patients* (Jossey-Bass, 1998) which sets out strategies to remove dissatisfaction caused by waiting. Both quality and quantity can be achieved by an efficient (computerized) office system.

According to the *AMNews* (Oct. 21, 2002), a number of physicians charge patients who fail to show up for their appointment without calling to cancel ahead of time. Likewise, patients should charge physicians for wait time. After all, for working people, time is money, and taking time off from work angers employers. To obtain payment for time lost, they should file a complaint in small claims court (which can be done without an attorney).

There are other tactics that can be used to get the doctor's attention. Before beginning treatment, patients should ask about wait time, or in any event, the informed consent form should set out the wait time. In another tactic, patients in the waiting room can be urged to stage a walkout.

Peter Geiger, the editor of the *Farmers' Almanac*, reports that a businessman cured his doctor of CLS by using the telephone in the physician's office to make a number of long-distance calls. The doctor paid the phone bill and was never late again. — Ralph Slovenko

In tradition we trust — What would the American government put on notes and coins if they were to be designed by today's standards? Surely not what is on them now.

Paper money is all white males, as are all the coins in actual use. This was not the case until the mid-20th century. Before that, most coins had Lady Liberty, in various guises — the Indian head cent, the Mercury dime, et cetera. The paper money occasionally had other images of women, such as the $5 U.S. Note of 1907 which had a pioneer wife with her husband and a dog. Before the mid-20th century, Americans changed the faces on their money every few decades. But since it began changing the value of money, government has been much more reluctant to change the look of it.

New, politically correct designs have come on the coins that nobody uses. The Susan B. Anthony dollar of 1979 and the Sacajawea dollar of 2000 portrayed actual women. Certainly if we were to design the money today, we would have at least one piece with a Native American on it, one with a Hispanic on it and at least one portraying Martin Luther King, who has become the principal American hero celebrated in our schools.

The mottoes "E Pluribus Unum," "In God We Trust" and "Liberty," exist today only by tradition. "E Pluribus Unum" is in Latin, a language now foreign even to Catholics. Al Gore didn't know that "E Pluribus Unum" means "from many, one," and there are hundreds of millions like him. Then there is "In God We Trust," which, of course, has "God" in it. "Liberty" survives as a name of car dealers and bowling alleys, but it is no longer an iconic American word except when limited by the adjective "civil."

The mottoes for a 21st century American coin or note would be something like "Diversity," "Democracy," and "Equality." Of course, if some smiley-faced administration suggested changing the mottoes to these, there would be an outcry. Millions of Americans would not like it, especially the word "Diversity," which was unknown to them until 1990.

But what could they say against it? — Bruce Ramsey

Suicide for dummies — Don't dummies understand that there's a price to be paid for misrepresentation? Suicide bombers may be evil, but "cowards" they are certainly not, and to characterize them as such inevitably undermines the speaker's authority on other matters. Suicide bombers are, if nothing else, suicidal, and that's motive that's hard to beat, alas. — Richard Kostelanetz

Careful where you stick that five — What a world we live in. Here's me and and my good friend Herb sitting in a pub on University Avenue in Huntsville, Alabama, evaluating the breweries of the world. And in between evaluations and staring at the all-female Samoan bikini volleyball team on the tube, we're working on the world's problems. Herb loves to solve the world's problems under the sponsorship of my wallet.

"It's May, so taxes are still on my mind," says Herb. "*Taxes, taxes,* and *taxes.* Can they lock you up in a crummy, non-federal pen without Czech beer if you make a bad arithmetic mistake on your taxes?"

I know exactly what he means. He's thinking of carelessly slinging a 5 by his 2 in block 36 (number of dependents) and getting 25 which he'll then multiply by $2,550. Result? A big, fat refund for honest Herb who's only fault is a certain looseness with 5s. "That's no crime," says my ethical pal.

Or sometimes Herb's weapon is his abysmal ignorance of the parts of the times table that deal with 5s. "Missed a lot of the third grade with whooping cough — never got the hang of the 5s. They wouldn't separate a man from his family just 'cause he was a sickly kid, would

they?"

Herb believes an advantageous error on the Form 1044 is "sport." That's what he calls it. It kind of levels the playing field. He goes on to explain that the wise hunter of the man-eating Bengal tiger doesn't stroll into the woods with empty hands. That's stupid. The guy in khaki shorts weighs

Herb believes an advantageous error on the Form 1044 is "sport." That's what he calls it. It kind of levels the playing field.

180 pounds at best and none of his teeth are really good at ripping flesh. And his fingernails are trimmed. The behemoth in stripes weighs in at 800 lbs., has a mouth full of daggers, and could do a gall-bladderectomy on you with a single claw.

"Now, guess which one is the IRS and which one is me," inquires Herb — the man who failed third grade math.

This kind of talk makes me nervous, since our waitress wears an IRS T-shirt, which is bulging with either her or electronic recording devices. Who knows which, after we've toured several of the world's finest breweries. "We adore our IRS," says her shirt in letters the color of newly shed blood.

She could be an undercover agent checking out subversives like us, so I explain to my rambunctious friend that the government needs money to defend us and build roads and run our schools and inform us that a daily bottle of flavored 80-proof alcohol will pickle our brains. They've also got to tell us that bran fiber not only makes you regular, but as the official label says, "Soluble fiber from foods such as oat bran, as part of a diet low in saturated fat and cholesterol, may reduce the risk of heart disease." This is good to know. Besides that, "alcohol *may cause health problems.*" Who would know this if Uncle didn't spread the word? And these kinds of educational programs cost money. So don't complain, I explain to Herbie.

While Herb is vicariously south of the border sipping a Corona and thinking about all this, I add: "*And* they take care of 20 million Americans who go to bed stopped up every night because they don't read the warning label on yellow brick cheese."

"Yeah, I guess so," gurgles Herb.

I grope for a metaphor that even Herb — who disregarded every word of the warning label on his toxic beer — can understand. Then, in a great light inspired by a pale Canadian Ale, it comes to me: "Herb, remember Robin Hood, the guardian of Sherwood Forest. He robbed the rich, but since he had a caring heart, gave to the poor. He was a redistributor of wealth several centuries ahead of his time who believed in a flat tax — 100 percent! And no forms. Herb, he built a bridge between the 13th and 20th centuries with this advanced concept. Okay, now think of the IRS as Robin Hood with a preposterously large definition of 'rich' — like anybody with a job — and a family of cousins, aunts, uncles, nephews, and nieces with robust appetites who have got to eat."

"Yeah, I guess we've all got to eat," says Herb. "And care for each other, too," he adds. And with that he puts on his glasses and reads me the warning labels off his beer.

— Ted Roberts

The fruits of victory — The U.S. invasion of Iraq went about as well as could be expected. It would have been terminally embarrassing if the American military hadn't been able to crush some half-starved fellahin dragooned into the ragtag army of a bankrupt Third World dictatorship on the verge of civil war. So those who supported the invasion are, at once, smug and jubilant. And, since most people (understandably) prefer to be on the winning side, those who were fence-sitters, or were only opposed for pragmatic reasons, have joined the ranks of Bush supporters.

Personally, I'm happy it turned out to be a non-event, relatively speaking. But this is only a sideshow in a much larger circus. Bush and his neocon handlers are like the man who jumps off a 100-story building and says, as he passes the 90th floor, "So far, so good." Although most Iraqis appear happy that Saddam is gone, they are unhappy that he's been replaced by foreign occupiers. Will the American experience in Iraq start to resemble Israel's in Gaza and the West Bank? So far, not so good.

The most unsavory part of being against the war, for me, is the company one has to keep on the barricades. It's uncomfortable being surrounded by Greens, socialists, effete literati, Hollywood bleeding hearts, European politicians, animal rights protesters, and a vast assortment of other wacko leftists, who I'd forgotten were even alive. Oh well. *C'est la guerre.* But I can only imagine how embarrassed Osama must be to have been lumped together with Saddam.

The conquest of Iraq raises several questions.

Can the United States be trusted to obey international law? I'm not a fan of the United Nations, which is mainly a cushy club for bureaucrats, and "international law" is about

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as binding and valid between nation-states as the results of a "sit-down" are between gangsters. Still, it's stupid to disrespect your peers, even if you're bigger, stronger, and have a motive to do so. It is wise to play by the rules if you want to retain the moral high ground. That's why, for instance, Roosevelt goaded the Japanese into attacking at Pearl Harbor, rather than launching the first strike himself.

Has the United States become an unpredictable bully? It's one thing when America conducts a lynching in its own

backyard, as it did in Panama, Grenada, Cuba, Haiti, and Nicaragua. It was certainly pushing the envelope a bit when a mad bomber like Clinton struck out in Sudan, Afghanistan, and Yugoslavia. But Bush's two full-scale foreign wars in as many years is, I think, a bit much. These adventures, and many others, were against vastly less powerful opponents who presented no credible threat. In light of that, a member of the "axis of evil" might want to get serious about getting nuclear weapons as quickly as possible, for the same reason a 98-pound weakling might want to take a Charles Atlas course.

Can the U.S. government be trusted to tell the truth? I know this seems like a stupid question, since no government can be trusted to do so. And it's become a cliche that, in war, truth is the first casualty. Still, there are limits. The Soviet government was a laughingstock because it not only lied, but perverted the truth, disseminating its exact opposite. It doesn't help the cause of the United States that the main reasons given for the invasion were that Iraq had Weapons of Mass Destruction (which clearly didn't exist); that it was aiding Osama (which never made sense); and the Creation of Democracy (which seems like a real long shot).

Is democracy only acceptable when it produces a pro-American government? For reasons I've explained in the past, I'm no fan of democracy; it usually amounts to no more than a polite version of mob rule. It's certainly not a positive value, in my view. Since the end of World War II, the U.S. government has consistently supported the idea of democracy, while attacking its reality by overthrowing popular regimes that didn't suit U.S. interests, even supporting dictatorships when it did suit U.S. interests. I'd say the the chances of an Islamic radical becoming the next president of Iraq, even if he's elected with 100% of the vote, are about zero while the U.S. Army is there. — Doug Casey

The United Nations is mainly a cushy club for bureaucrats, and "international law" is about as binding and valid between nation-states as the results of a "sit-down" are between gangsters.

Lady Liberty tightens her belt — With the recent news that George W. Bush's campaign committee intends to spend $200 million to re-elect the president comes an opportunity to assess the status of the Libertarian Party's presidential hopefuls, not in relation to the president, but to former LP campaigns.

At the end of the first quarter of 2003, Gary Nolan appears to be the front-runner, at least on the basis of his fundraising. His campaign raised about $11,000 in the January through March period, a bit less than a grand a week. It spent almost the same amount.

We could go back to the first quarter of 1999 for a comparison, five quarters before the July 4th weekend during which the LP awards its presidential and vice-presidential nominations. But at the end of March 1999, Harry Browne was more than two full years into his second campaign, not just starting his first.

The more appropriate comparison is with Browne's first campaign, which started in the summer of 1994. In that July–September quarter, Browne's campaign raised $15,000. In the first quarter of 1995, the one most directly comparable to Nolan's, Browne raised $37,000. Adjust for what has been roughly three percent annual inflation since 1994, and none of the current crop of LP presidential nominees has done nearly as well financially as Browne did in the early stages of his first run.

Perhaps the second quarter will end with a rosier outlook. It's worth noting, however, that in 1999, the year before he won the 2000 nomination, Browne raised more than $500,000.

The LP and the economy are also quite a bit different than they were nine years ago. By mid-1994, the economy was noticeably growing, though it had not yet started the raging-bull phase of the rising stock market which characterized the late 1990s. On the LP side, national membership was growing, and the party's finances were in very good condition compared to current numbers.

Yes, membership today is considerably larger than it was in the spring of 1995, but at that time, it had not been falling steadily for nearly three and a half years, as is the case now. In fact, as of the last weekend in April, LP headquarters was withholding from publication the membership numbers from the end of March 2003, not an encouraging sign. At the recent rate of shrinkage, LP national membership may well be down to early 1996 levels by the end of 2003.

The worst aspect of the outlook for any LP presidential hopeful for 2004 may well be the national LP's finances: the January to March 2003 report to the FEC shows admitted debts of $174,000, with cash on hand of $2,000, and no reserves. Based on revenue during the first quarter, revenue for all of 2003 may not exceed $1.25 million, substantially below the $1.4 million "austerity" budget the LNC adopted this past December.

The LP's 2004 presidential nominating convention in Altanta is now little more than a year away. With $170,000 more in bills than in cash on hand, LP members should be asking the LNC's increasingly secretive executive committee to answer three questions: How do you intend to make deposits and pay vendors for all the work that must be done prior to a convention? How realistic are your estimates of the number of paying attendees? And finally, how will you assure that this time your HQ staff resists the temptation to misuse separate convention reservation revenues to pay its other current, non-convention bills? — Ken Sturzenacker

Still debating Prohibition — While visiting Utah recently, I heard Mormon President Gordon B. Hinckley raise the subject of Prohibition at the semiannual conference of the Church. He noted that Utah made the deciding vote to repeal Prohibition in 1933. Virtually all the church leaders at the time opposed repeal of the "noble experiment," believing the conventional wisdom that Prohibition would improve health and hygiene, reduce crime and absenteeism, solve social problems, and encour-

age people to be more religious. After hearing President Hinckley's remarks, I did an Internet search on "prohibition," and found that Mark Thornton of Auburn University had written a book called *The Economics of Prohibition*. Prohibition turns out to have a lot of those cases of "unintended consequences" that economists talk about all the time in public policy. Every study by professional economists has shown that Prohibition had the opposite effects of what the religious community desired. It was on balance a major failure in social and economic policy. Thornton summarized his findings in a recent Cato Institute release: "National prohibition of alcohol (1929–33) . . . was a miserable failure on all counts. Although consumption of alcohol fell at the beginning of Prohibition, it subsequently increased. Alcohol became more dangerous to consume; crime increased and became 'organized'; the court and prison systems were stretched to the breaking point; and corruption of public officials was rampant. No measurable gains were made in productivity or reduced absenteeism. Prohibition removed a significant source of tax revenue and greatly increased government spending. It led many drinkers to switch to opium, marijuana, patent medicines, cocaine, and other dangerous substances that they would have been unlikely to encounter in the absence of Prohibition."

Interestingly, Alcoholics Anonymous, the most effective private organization fighting alcoholism, was founded in 1934, a year after Prohibition ended.

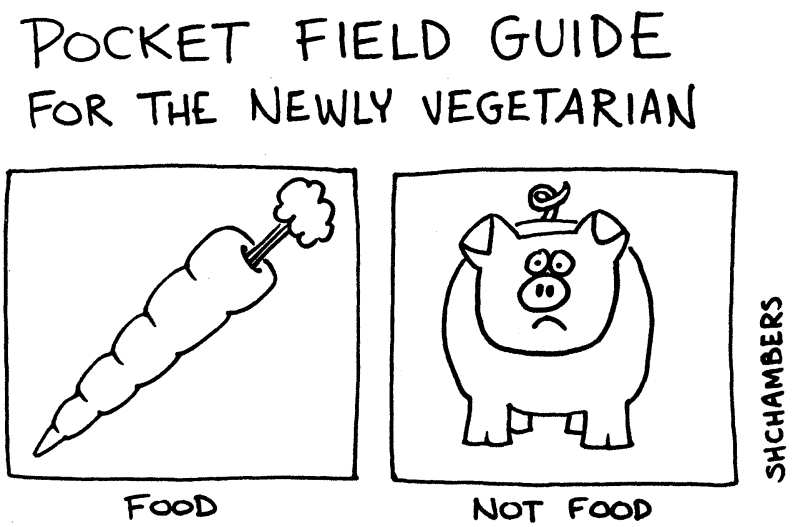

— Mark Skousen

Ur-spam — My friend Garrett Brown went out of town for a few days and asked me to pick up his mail for him. You know what happened when I did. Although he'd been gone no more than 72 hours, I had to wrestle an enormous ball of crumpled paper out of his box and pick through it to find out if there was any actual mail amid the colored circulars for carwashes, lawn turf, amazing new kitchen toys, and special sales on underwear (can't they get some new models, for God's sake?). There were also some of those stiff white notices about missing children who are now 34 years old.

When Garrett got home and I presented him with this nasty mess, not very well sorted and smoothed, I admit, we both remarked on the fact that the U.S. Postal Service is now devoted principally to the dissemination of trash. I thought it might be a good idea for all those people who are so concerned with passing laws against spam to take a hard look at this other scandal. After all, we're paying taxes to have a ton of spam — real physical spam — get dumped on us every day.

Garrett had a better idea. "Why don't the environmentalists who are always protesting against waste and the destruction of trees and so forth start demanding that the Post Office be put out of its misery? After all, the Post Office is doing everything that the environmentalists claim to hate."

All right, you environmentalists. The challenge has been issued. The gauntlet has been thrown. Which do you love more — the environment, or the government?

— Stephen Cox

Secondhand nannying — As the founder and principal owner of a financial-info biz with high profit margins, my multimillionaire mayor Mike Bloomberg (NYC) doesn't empathize with small entrepreneurs who survive with narrow margins that can be easily demolished not only by the changing tastes of customers, but also the negative intrusions of the state. If the state ruled that, say, corporate financial information could not be publicly disseminated by an institution other than the issuing corporation, Bloomberg Communications would need to find another product which would probably be less profitable. Or go home. However, since the dissemination of corporate information is unpopular with no one, this isn't likely to happen.

While cigarette smoking is disagreeable to many (including me), I predicted in these pages that a ban on smoking in *all* public establishments would have unfortunate effects. The principal one so far, only weeks into the new law, is undermining the business of marginal taverns and restaurants, which claim their customers are simply staying home to smoke. And since most restaurateurs lack experience at other kinds of business, the most feasible solution for them is going home, as well.

A New York City with everyone preferring to stay home would resemble a legendary provincial backwater that would be undesirable not only to myself but probably Mayor Mike as well. For shame. — Richard Kostelanetz

You can lead a statist to water . . . — At the annual meeting of the Association of Private Enterprise Education in Las Vegas, where there were about 200 participants, one question kept coming up everywhere: Why is it so difficult to get people to realize that individual liberty is all around far better than government regimentation? Why do people, even after all the historical, analytical, moral, and related arguments have shown that communities benefit

from liberty a great deal more than from government intervention, keep putting their faith in force, not in voluntary cooperation and competition?

No one seriously doubts, at least in America, that religion is better off decoupled from government than when the state tries to force it down people's throats. There is also little question that a free press is superior to a managed one. So why is there this persistence of belief in the idea that as far as commerce, education, science, medicine, and other areas are concerned, we need government to take the initiative instead of just keeping watch that criminals don't get away with impunity, that aggression is kept out of human relations?

Speaker after speaker trotted out mounds of evidence showing that environmental, educational, artistic, and all kinds of other issues are better handled when government stays out of the picture, yet speaker after speaker concluded a presentation with the question: how is it that this plain fact

Word Watch

by Stephen Cox

Two generations ago, Louise Pound, the great folklorist, wrote an essay about the orthographic diseases that periodically sweep the North American continent. Her article was called "The Kraze for K." You know: Kleenex. Katie's Kitchen Korner. The Ku Klux Klan.

The nation's current illness is the Slash Syndrome.

A slash is that little typographical barrier that you occasionally used to observe between lines of quoted poetry: "I think that I shall never see/A poem lovely as a tree." Now it's everywhere. Every bureaucratic missive bristles with commands for the unlucky recipient to "send his/her questionnaire/information circular to the bureau/office nearest his/her workplace/place of residence." Every junior college catalog advertises courses in "Economics/Management Science." Every invitation to a family reunion invites contributions of "food/drinks/folding-chairs/whatever." Every dissertation in English (!) seems to be entitled "Satan's Party/God's Party: Subversion/Hegemony in Milton's Latin Poems."

Like a mighty stream, this nonsense has several great convergent sources.

One is the political paranoia, the horror of "offending" anyone, and the gleeful willingness to be offended, that now surround almost everything relating to sex and gender. Among the effects of this paranoia is the transformation of the innocent, generic "he" into the shrinkingly apologetic "he or she." This is an expression for which no one, male or female, ever felt a need before contemporary Americans started using it, because no one ever dreamed that "he" following, say, "everyone," was meant to refer only to males. At least, however, there was nothing ungrammatical about "he or she." It was therefore infinitely superior to the other option, "they" ("every person will be told how much they should contribute"), which violates the most basic rule of language, parallelism. Anyone who understands what I just said can save himself/herself the trouble of reading the next paragraph and go directly to the one following.

Suppose I write, "Anyone who votes Libertarian is entitled to a government job." "Anyone" is singular: witness the "is" (singular) that follows it; witness the "one" (singular) that's part of it. It's a singular pronoun, all right. So you can't follow it with a plural pronoun: "But they'll have a hard time claiming it." "They" differs in number from "anyone." They're out of parallel. "They" is also out of parallel with "no one," "someone," "each," "person," and every other singular word.

After a few billion attempts to solve the gender problem by the continuous application of "he or she," "him or her," and "himself or herself," people began to hunt for more possibilities. At length, some of them came up with a great linguistic inspiration: make everything plural! If you turn all the singular nouns and pronouns into plural nouns and pronouns, all your gender-related grammatical difficulties will just go away. You may get tired of saying "Have all people got their hats?" instead of "Has everybody got his hat?" but your grammar will be impeccable.

For some of our fellow-citizens, however, this whole issue was just too tough to think about. They were happy enough with "he or she," except that the expression took too damned long to write. There is, however, a long American tradition of abbreviating everything that can possibly be abbreviated. I'm thinking fondly of

You can just sling a slash in there, and you'll look like the creator of some erudite technical analysis. Only you're not. You're just another bozo who can't write.

Elmer Gantry, busily composing the outline of a sermon about Love, the Morning and the Evening Star. "*Love*," he writes, "AM & PM star." So nothing seemed more natural to normal, red-blooded Americans than to dispense with all other considerations and transform "he or she" and their relatives into "he/she," "him/her," "himself/herself," or, to be still more egalitarian, "she/he," "her/him," "herself/himself."

So that's one big cluster of reasons why we've now got slashes running all over the place. Another powerful influence appears in Americans' love of everything that seems the least bit technical; hence, "computing/word processing," "employee/wage earner,"

isn't accepted by the public, by politicians and by academics?

We have the examples of the Soviet Union, of Nazi Germany, of Fascist Italy, of Cuba, North Korea, Iraq, Iran, and even the faltering welfare states around the globe to teach the lesson that men and women who aren't treated as children by a government that is supposed to stick to protecting their basic rights do far better at solving problems — at doing the right thing, at being creative and productive — than do the subjects of dictatorial regimes.

Sure, there are some who have a vested interest in holding on to the myth that government is necessary to make all sorts of things work, but such rationalizations are transparent enough for most people to grasp. It is not these people whose lack of appreciation for the value of human liberty is mystifying. No, it is those who themselves would benefit most from liberty who seem not to grasp its immense advantage over the use of force. And that is bizarre.

One collage of reasons stands out for me as a likely explanation for this phenomenon. The gist of it is that liberty is, after all, a risky state to be in.

First, liberty involves taking responsibility for your own conduct, good or bad.

Second, it means not treating your fellows as if they were available to use to your heart's content whenever your luck has run out.

Then, also, there is the risk that free men and women will just do their own thing, good or bad, and not pay much heed to what the wiser folk would have them do, or that it will take quite a bit of effort to get them to do what the wiser folk want if government's force of arms isn't available to set them right.

Finally, and I put a lot of credence in this one, free men and women do not have to serve some mysterious lord and master no one understands very well, but for whom lots of folks like to speak. Nearly all religions fear that without a good deal of force, or the threat thereof, we will just live it up right here and now, never mind everlasting salvation. And that is to some a frightening prospect.

So, few people are comfortable giving up the hope that they can eventually turn the powers of government to their own superior use and make people virtuous, getting them to behave properly. Maybe next time, just maybe, the government can get it right — after all, it has that famous use of last resort handy, physical force (just as when, in personal relationships, one person resorts to slapping another around, claiming that, well, nothing else did the trick so quickly and efficiently)!

All this despite the fact that there is nothing at all decent about people doing the right thing because they are compelled to do it. Still, this just doesn't seem to faze many Muslim or Christian leaders, nor most of the intelligentsia — so we have wars on drugs, vice squads, economic regulations, and, in large regions of the world, even forced prayers to make us all behave well.

Perhaps only after it is grasped, finally, that all we can do in life is learn to live well, and that whatever follows, if anything, is completely out of our hands, will we also admit that freedom is better for people than any measure of tyranny, be it Draconian or petty.

Given how this idea is quite radical and relatively new, it may be, as Ayn Rand once wrote, earlier than you think.

— Tibor R. Machan

"political/economic." The easiest way to seem technical, of course, is to come up with something that has no counterpart in normal speech. I mean, how many times in your life have you heard anybody ask, "Does everybody have his slash her tickets?" Do you think that anyone in crisis will ever shout, "Every human for himself slash herself"? Have you ever elbowed up to the counter at Denny's and heard somebody down the line talking about "the worsening of our political slash economic situation," or the need for "common sense slash prudence"? To some writers, this absurd distance from normal speech is all to the good. They want to place themselves above the crowd, and if they can't do it in an intelligent way, they'll do it in an ignorant/arrogant way.

Which brings me to a final influence on the trend: sheer laziness. If you don't want to decide whether it's ignorance or arrogance, or both, you can always just sling a slash in there, and you'll look like the creator of some erudite technical analysis. Only you're not. You're just another bozo who can't write.

Harsh? Not really. If you have something to say to people, even if it's just an invitation to a barbecue, you should at least take the time to think about what, precisely, you mean to say — not to mention thinking about how it sounds when it's actually *said*, not transferred directly from letters on the page to concepts in the head. Do you want people to bring both food and drink? Then ask them to "bring food and drink." Do you want them to bring one or the other? Then ask them to "bring food or drink." You don't care what they bring? Fine. Say it: "Please bring food or drink, or both." That goes for "political/economic," too, and all those other phony things that pompous people write. A slash is a lazy person's way of obscuring the difference between "and" and "or" — which, when you come to think about it, is something of considerable importance.

Does this mean that I'm calling for the elimination of even the humble and purportedly useful "and/or," despite the fact that this "slash form" is the only one that actually has a reflex in speech? Some people actually do say, "We can visit Aunt Milly and or Uncle Billy," because they can't take the trouble to use one more syllable and say, "We can visit Aunt Milly or Uncle Billy, or both."

So yes, that's exactly what I'm calling for: the elimination of all slash forms whatever, including "and/or." That modest piece of laziness must go the way of its overbearing cousins, the mighty and obnoxious Obscurantist Slashes, Technical Slashes, and Gender Slashes. There's a principle at stake. If you use one slash form, you give your moral sanction to the use of all. Besides, wouldn't Aunt Milly and Uncle Billy be proud to know that you'd given them that one extra syllable of thoughtfulness/consideration?

The new face of FEE — Kudos are in order for Richard Ebeling, who is to become the new president of the Foundation for Economic Education. Richard is one of the most stalwart veterans of the libertarian and free market

continued on page 53

Memoir

The First Ground Zero

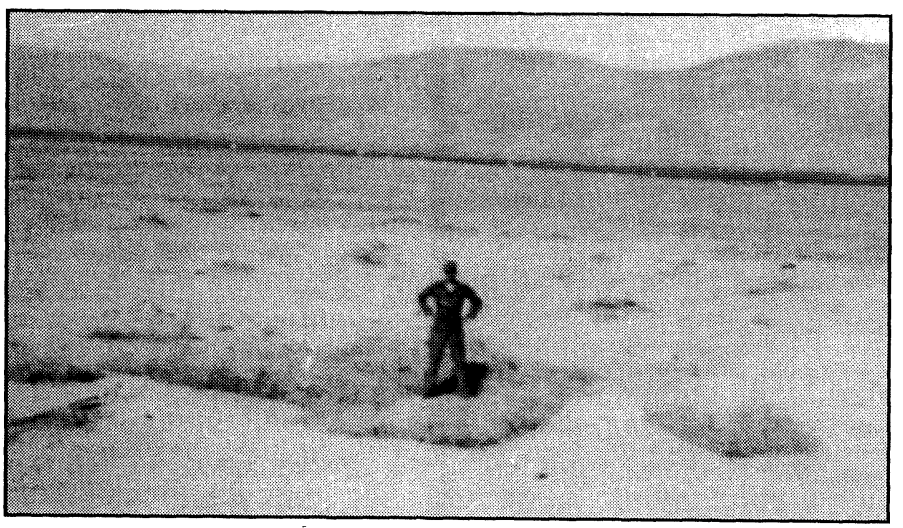

by Ralph Pray

Flat, barren, desolate, a waterless hell of windblown sand . . . and at its center, a slight depression in the ground, marking the place of man's first great insult to the earth: Trinity Site, Ground Zero of the first explosion of an atom bomb. Here, on the sands of New Mexico, at 5:29 a.m., July 16, 1945, the bomb went off, vaporizing the massive steel tower that held it and melting the sand at its feet into a carpet of green glass.

Then the powers that had built the site abandoned it. But the glass endured — a splotchy green circle 200 feet in diameter, dull by night, bright by day, a monument to man's inhumanity to man. This monument was surrounded by a high fence, tight strands of barbed wire, and multilingual warning signs. The gate in the fence was chained with three padlocks — two put there by government agencies — serving as links in the chain.

If you got through any of the three, you could gain admission to Trinity Site. And that's what I did. In July, 1951, I entered the site, and I took the glass.

Let me explain.

Federal agencies had been sponsoring an annual trek to worship at Trinity, and the green disc of radioactive glass was there for innocents to pray over. While living in the remote desert of northern New Mexico I had seen an aerial photograph of the site in a popular magazine. It looked like a giant scab. It was an impurity waiting to be taken away. Writers wrote about it. I was determined to remove it without a trace of publicity. My self-appointed task was to gain entry to the government glass and haul it off for burial, to repair the desert, clean away the radioactive afterbirth.

I was in the Army at the time — a draftee stationed at the Guided Missile School at Ft. Bliss, Texas. My buddy, Jesse Petty, a fellow draftee from Carrizozo, New Mexico, went to the unguarded site, melted one of the links with his gas torch, and put his own padlock in its place. Jesse had volunteered, "I'll go out there and cut the chain for you and put on a new padlock, but I won't go in there, not for anything."

My plan was to drive a truck to the site, use my key to open the lock, remove the radioactive glass called Trinitite, and transport it to the Los Alamos area for proper burial. Los Alamos, New Mexico, was the place where the bomb was produced. It would leave from the beautiful desert and go back where it came from.

I bought a used red pickup truck at El Paso Dodge. For money, I used my army pay and profits from weekend sales in Santa Fe of silver filigree jewelry and other items bought in Juarez, across the bridge from El Paso.

Photo above: The author stands in a slight depression generated by the explosion of the first atomic bomb.

One Saturday, after electronics lab at the army missile school, the truck took me north through Alamogordo and Carrizozo, then west. I followed Jesse's map and turned south off the lonely highway onto a thin blacktop road speckled with deep chuckholes. The sand blown over the road showed no sign of tire marks. There was nothing, no one, for many miles. I was used to the army, the noisy barracks, months of technical lectures, hundreds of men. Where was everyone? Was I crazy?

I slowed down and gripped the wheel tightly to steer around the pits in the road. The floorboards were rattling as I shifted to second gear. I scrolled through memories. Did I have a chip on my shoulder about anything that would land me in this authentically Godforsaken place? I loved the desert and its quiet cleanliness, but so did almost everyone who had seen much of it. Here I was in the middle of nowhere, driving this little truck. What was driving *me?*

My apprenticeship in weaponry had been in war-time defense plants during high school. Beginning at fifteen, in Clearfield, Pennsylvania, I wired, soldered, assembled and tested sonar systems designed to detect Japanese submarines entering U.S. waters. My most exciting times were weekends and summer months finishing the ten-buoy array to protect San Francisco Harbor. Then came a job at seventeen as apprentice electrician in a 105-millimeter shell factory in Euclid, Ohio, where too few of us produced thousands of shells around the clock. Finally, still a teenager in the last months of the war, I worked at Brush Development in Cleveland, where we manufactured the wire recorders used during the Nuremberg war crimes trials.

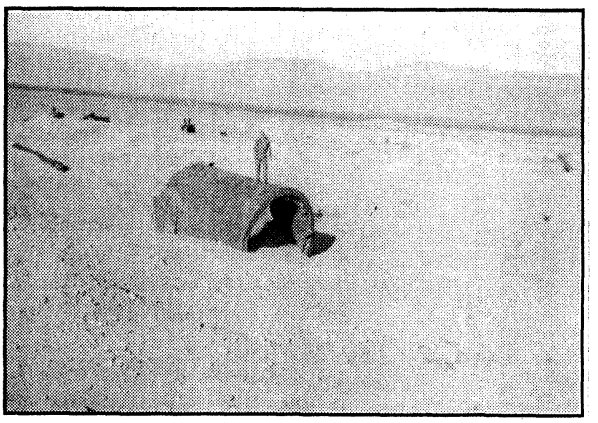

The author atop Jumbo, the cylinder designed and built to catch the plutonium if the fission fizzled.

Those had been years of excitement and progress. There were no regrets. After 1945 I had traveled and worked throughout the west in one great adventure after another. I couldn't imagine any man in his early twenties having lived a better or more exciting life.

But one realization haunted me:

"We waited until the blast had passed, walked out of the shelter and then it was extremely calm. We knew the world would not be the same. A few people laughed; a few people cried. Most people were silent. I remembered the line from the Hindu scripture,

'Now I become Death,
the destroyer of worlds.'

I suppose we all thought that, one way or another."

Those were the words that Robert Oppenheimer, Director of the Los Alamos Laboratory, wrote about the first minutes after the blast. Perhaps these words drove me; perhaps they were the guiding force behind my mission. I could remove the obvious signs of the first destruction, clean up the mess, do more than just leave tire tracks in the sand.

A long line of stubby telephone poles appeared ahead of me. The cross ties were only four or five feet off the ground. Wires sagged between them; many lines were lying broken on the ground, abandoned to the wind and the fiercely-blown sand. I spoke out loud to my windshield.

"They've thrown this place away, left it to rot, to fall apart."

I thought of pulling the poles out of the ground and burning them, but that would take days and would have to wait until the glass was cleaned up.

About fifteen parallel wires made up what I had read were over one thousand miles of arming, power, firing and information lines stretching between the distant control bunkers and whatever lay ahead.

The road and the poles led to the fence, to the locked gate. I parked and fished the keys out of my army fatigue jacket. I examined the chain and visualized General Groves, Manhattan Project Manager, confidently snapping the army padlock shut.

"Sorry, General, to go around you, but we're not quite finished here."

My key worked. Good old Jesse. I swung the double gate open and drove in.

There was the glass!

It was certainly not attractive. It was a scattering of dull, hardened goop. As I drove to its center, the sound of my tires on the virgin glass was like breaking soda crackers. The small depression at ground zero was maybe a foot lower than the surroundings. I saw a concrete pier sticking out of the sand. It was the stump of one of the four tower legs. No other trace of the 100-foot tall, heavy steel tower remained. The concrete would easily have been shattered with a stick or two, maybe three pounds, of sixty percent blasting dynamite. But the 15 kiloton (thirty-million pound) fireball didn't get all of it that morning in '45.

I wondered how long could I stay there and not be affected by the radiation. The best answer right then was "not long." I grabbed the shovel out of the truck and scooped up enough glass to fill a cardboard carton. Then I drove to the gate, closed and locked it, and peeled out of my boots. They could have been radioactive. I tossed them in the truck bed and drove away.

A rock shop in El Paso was the next phase of my Trinitite Project. The owner tested my box of green glass with a Geiger counter. The radioactivity was mild, too low to be harmful during my projected hours of nearness, lower even than his samples of high-grade uranium ore. I would not need to dress in shielded clothing when I went back.

One thing I would need was a screen to separate the sand from the glass. If I shoveled the glass onto a screen hanging steeply off the side of the truck, it would slide into the truck bed, and the sand would fall through the screen and onto the ground.

I drew up the plans for a folding screen that would be attached to the truck and visited an El Paso hardware store

for the parts. A rake would come in handy too, if I wanted to make little piles of glass for the shovel.

Ralph L. James from Dallas, another fellow draftee student at the Guided Missile School, rode shotgun on my second trip to Trinity Site. I needed a camera operator, and James, an astute insurance agent before the Korean War draft, agreed to go as long as I'd put him up overnight in Santa Fe. His comment when he first saw the poles and wires was, "Hey, this looks serious."

When we got to the gate and I pulled the chain apart, he balked. "I'm not going in there. You're out of your mind."

"Could be, R L, but there's something to do here."

"Listen, they won't ask any questions. They'll just shoot us."

"There's nobody around, not for thirty miles."

"There could be long-range guns aimed at us right now. These people were smart enough to do this. They can do anything. We're nothing."

"I'm going in, R L, driving in. I'm going for a truckload of the glass. You can wait here."

"Can we just sit here outside the gate for ten minutes to see if anyone shows up?"

"Sure, buddy. I'll re-lock the gate while we wait if it'll make you feel better."

"No. That's okay. I just think this is the wildest thing I've ever been involved in or even heard about. I'm shocked. I've known you for over six months night and day and never suspected you were this wacky."

"Once we get inside, the photos you take will prove it."

"You're funny. Okay. I'm ready. Let's get it over with."

I drove in and got to work. I raked little piles of Trinitite to the center of thirty-foot circles and shoveled the stuff onto the screen. The glass slid into the truck, and the sand fell through. Fine. I did ten circles with about fifty pounds in each. While I shoveled, two fighter planes from White Sands flew high overhead.

The author shovels radioactive trinitite into his pickup truck. The melted sand had the color of Coke bottle glass and the brittleness of ice.

At 500 pounds the little truck had a load. There was plenty of Trinitite left for future trips. James took a picture of me standing on Jumbo, the shell that was built to contain the plutonium in case fission failed. Jumbo was cast aside before Zero Hour. Then there was a shot of me at Ground Zero, and another one at the gate on our way out.

"Boy," he said, "I was never so glad to leave any place in my life. I'd almost rather stay in the army than go back in that creepy enclosure."

"Well, we're outta there. The only thing worrying me is those fighter planes. If they saw us they may call some security outfit."

"They were pretty high up there," James said. "Now what?"

"North to Albuquerque, then Santa Fe — maybe four or five hours with this heavy load."

"Who gets the glass?"

We turned west on the blacktop highway to Socorro. "It'll end up with Verne Byrnes, a mining engineer in Santa Fe. He's in charge of the burial detail."

"How do you know him?"

I could picture Verne with his little pot belly. "He owns the Pennsylvania Mine in the Cerrillos Mountains. Two years ago, I was working a mine nearby and helped bail the water out of the Penn shaft. Santa Fe's not crowded. You get to know everybody. You'll see."

We went through Albuquerque and continued north. Santa Fe was my favorite city in the U.S. There was nothing remotely like it. We dropped off the Trinitite, spent a wonderful night in Santa Fe, and drove back to the base Sunday night.

The Oscuro Mountains, far to the east of the site, might have had some kind of spotters for aircraft or for the German V-2's being tested at White Sands. Thinking about that, I decided to go in for the rest of the glass after dark. Raking and shoveling in darkness would be a problem, but I thought that a flashlight taped to each handle might do the trick. I fashioned a hood and slitted mask out of cardboard for each headlight of the truck; then, late on a Friday night, I began my first nocturnal trip, alone now, and anxious.

I turned off the highway at 2 a.m. and taped on the headlight masks. The truck didn't like the potholes at night, so I changed the headlight slits to direct more light on the road. We crept along carefully. About two miles south of the highway, a herd of small antelope dashed across my path. Then a large mound in the road ahead turned out to be a tortoise that I had to drive around. A minute later a coyote came along, skittering almost sideways when he neared the truck. Along the pole and wire line, a shiny log revealed itself as a porcupine. Jackrabbits sat on the black tar, sucking up yesterday's heat. This site of death was intensely alive.

Human life, however, continued to be in short supply. My tire tracks from the previous week were the only ones in the sand at the gate. I entered and got to work. The flashlights guided the rake and shovel. I loaded about 600

continued on page 32

The Federal Bureau of Marriage?

by Stephen Baskerville

Following its resounding successes in stopping drug use and eliminating poverty, the government now sets out to save marriage.

All sorts of social pathologies, from violence, to substance abuse, to teen pregnancy, to suicide, can be traced to fatherless families. To deal with this, Congress is now preparing to enact Bush administration proposals to promote healthy marriages. This gives the impression that politicians are addressing a problem that has become too conspicuous to ignore. In fact, they are avoiding it. The very agencies asked to promote healthy marriages have for decades been entrenched in the divorce and child-support system, which depends on the breakup of marriages.

Thirty years ago, with no public discussion of consequences, no-fault divorce laws effectively ended marriage as a legal contract and precluded couples from entering binding agreements to raise children. Deception was involved from the start. Laws advertised as allowing divorce by mutual consent actually created unilateral divorce, permitting one spouse to dissolve a marriage without accepting any liability for the consequences.

It would have been different if the new laws had removed government from marriage altogether and rendered it a wholly private contract, as libertarian Wendy McElroy has proposed. Instead, government developed new instruments to intervene in families.

Three decades of unrestricted divorce have created a public-private complex of judges, lawyers, psychotherapists, mediators, counselors, social workers, child support agents, and others with a vested interest in perpetuating divorce. Whatever pieties these practitioners voice about the plight of fatherless, poor, abused, and violent children, the fact remains that their livelihood depends on a steady supply of such children. The children of divorce fill government coffers, fuel political patronage, expand police powers, justify surveillance of citizens, and create a host of problems for officials to solve — to which is now added the problem of creating more healthy marriages.

It All Began With Welfare

The marriage initiative ostensibly targets the poor, a group which has a higher concentration of fatherlessness. It is easier to justify government intervention into the lives of the poor because poor single mothers make a claim on government welfare. But remedies that begin with the poor have a way of spreading.

Once we turn attention to the middle class and mention divorce, we enter a political realm that has been obscured. Bringing up middle-class divorce reveals the difficulty, and perhaps dishonesty, in the question of whether government can restore marriage, because government itself has already abolished it.

In many ways, divorce has become the middle-class extension of welfare, creating single-parent homes among the affluent. In fact, all the major institutions of the divorce

regime — juvenile and family courts, child support enforcement, domestic violence units, child protective services, and recent programs to promote fatherhood — were created as ancillary to welfare. No-fault divorce extended these services to the middle class because that was where the money and political power were.

As with welfare, the main clients of the divorce regime are mothers. Academic studies consistently document that two-thirds to three-fourths of divorces are filed by women, usually without legal grounds. The proportion may be higher when children are involved. Attorney David Chambers writes in *Making Fathers Pay* that "the wife is the moving party in divorce actions seven times out of eight." Shere Hite, the popular researcher on female sexuality, found that "ninety-one percent of women who have divorced say they made the decision to divorce, not their husbands."

Laws advertised as allowing divorce by mutual consent actually created unilateral divorce, permitting one spouse to dissolve a marriage without accepting any liability for the consequences.

This is not surprising given the emotional and financial incentives the industry offers mothers to divorce, including automatic custody plus windfall child support. A Canadian-American study found that "who gets the children is by far the most important component in deciding who files for divorce."

The official view that fatherless children are products of paternal abandonment does not bear scrutiny. No scientific evidence indicates that large numbers of fathers are deserting their children, and, when pressed, no responsible authority asserts it. Governments are removing the children. It is difficult to overestimate the importance of this. Identifying fathers as the culprits has not only justified draconian enforcement measures against them, it has also allowed for policies that contribute further to fathers' absences. Virtually every problem handled by the divorce apparatus, including child custody, child-support enforcement, child abuse, and even juvenile crime, is premised on the absence of the father. The first principle of the divorce regime is, therefore, to remove the father.

The Ministry of Love

All the cliches about custody battles obfuscate serious questions about the use of divorce to extend state power into private life.

The moment a divorce petition is filed, every family member surrenders his or her personal life to the scrutiny and control of public officials. Without children, the consequences are usually minimal. Divorce becomes socially destructive only when it involves children, and the same is true of its politics: once government takes control of children it can subject parents to an inquisition into their personal lives.

When divorce required a showing of fault, such intrusions came only after convincing a court of law that one party broke the rules. No-fault divorce dispenses with this. One parent, almost always the father, immediately loses custody. From that point, unauthorized contact with his children renders that parent subject to arrest. Few stop to think about what is happening here. A court has summoned a citizen who was minding his own business and taken away his children.

Not only is unauthorized contact with his children now a crime, but other aspects of his private life, such as his movements and finances, also become subject to criminal penalties. What amounts to a customized criminal code is wrapped around the father by the court, subjecting him to arrest for behavior that is legal for any other citizen, such as attending a soccer game where his children are present. This is all without being accused, let alone convicted, of a crime.

A father summoned to divorce court typically has a few hours notice of a hearing that may last a few minutes, and at which he may be permitted to speak a few seconds. Yet during this hearing he will lose all rights over his children, receive a schedule of a few days a month when he may see them, and be ordered to pay child support. By law, his name is immediately entered on a federal register, his wages are garnished, and the government has access to his financial information, private papers, and home.

That parent no longer has any say in where his children reside, worship, or attend school or day care. He has no necessary access to their school or medical records, nor any control over what medications or drugs are administered to them. He can be enjoined from taking them to a doctor or dentist and told what religious services he may (or must) attend with them, and what subjects he may discuss with them in private.

He is also subject to questioning about his personal life that attorney Jed Abraham, in *From Courtship to Courtroom*, has termed an "interrogation." Fathers are asked how they feel about their children, what they do with them, where they take them, how they kiss them, how they feed and bathe them, what they buy for them, and what they say to them. A father's habits, conversations, writings, and purchases are all subject to examination and control. His visits with his children can be monitored and restricted to a "supervised visitation center." Anything he says to his spouse or children can be used against him in court. Family counselors and personal therapists can be subpoenaed to testify. His children can be compelled to inform on him.

Whatever pieties these practitioners voice, the fact remains that their livelihood depends on a steady supply of such fatherless children.

Child support is under the purview of the Administration for Children and Families, the same division

of Health and Human Services that is promoting healthy marriages. As heavy-handed methods become conspicuous, the ACF has devised public relations campaigns that emphasize its gentler, therapeutic side. This allows the state machinery to penetrate deeper into private lives. David Ross, head of the Office of Child Support Enforcement in the Clinton administration, proudly changed the mission statement of his office to include enforcing emotional support. "Child support is more than money," says the National Child Support Enforcement Association. "Child support is also love, emotional support, and responsibility." Love and emotional support thus become enforceable mandates.

Ronald Mincy and Hillard Pouncy of the Brookings Institution describe a program in which fathers are required to deal with their feelings about their children. At one point, says director Gerry Hamilton, "clients must write their own obituaries as they would be written by their children. This exercise is very moving. This helps non-custodial fathers understand why contact with their children is so important."

Even as the government drives fathers away from their children, it portrays itself as bringing them back. With the slogan "They're Your Kids. Be Their Dad!" ACF sponsors media advertisements with actors depicting fathers abandoning their children for no apparent reason: "When Vanessa's daddy walks out the door today, he's never coming back." The truth is that most fathers are absent because the government makes sure they stay absent. "It's hard to stay close to your kids when you don't live with them," the ad continues, "but you can do it."

An Administration for Children and Families campaign makes clear that the relationship it most wishes to foster is between fathers and federal agents. Activities funded by ACF include helping low-income fathers learn to interact more effectively with the child support enforcement system. Programs to promote responsible fatherhood likewise disperse grants to local governments and groups to reunite fathers with their children. Yet to reunite them, one must first separate them, whereupon they can be reunited on the government's terms.

The Feds and Families

Looking at the marriage initiative, left-liberals ask why a conservative administration is involving the federal government in something as private as the family. There is irony in these liberals defending the family against the government. Yet many Democrats are certain to go along, because all politicians tend to go along with programs that bring money. Domestic violence programs, for example, enjoy strong bipartisan support, because they distribute federal money to states and localities. Attorney General John Ashcroft and Health and Human Services Secretary Tommy Thompson are strong advocates of federal measures on domestic violence. It is not only public officials. We can look forward to nonprofit groups, churches, counseling programs, and marriage-saving schemes coalescing into a marriage-program lobby.

Joe Laconte describes in *First Things* how governments have established offices to broker agreements between social service agencies and congregations. One project creates one of the nation's most ambitious mentoring programs for at-risk children. Churches receiving federal payments to serve as father substitutes will not eagerly surrender that job to real fathers who are likely to do a better job of it. Health and Human Services and the United Methodist Church are seeking to link the 2,200 YMCAs in the United States with the child support offices in their communities. At the very time churches are relinquishing their role as guardians of what is supposedly a sacred covenant, they are being recruited as government informers.

Secretary Thompson recently announced $2.2 million in grants to faith-based groups to improve the financial and emotional well being of children. Deputy Health Secretary Wade Horn, head of the Administration for Children and Families, says the grants reach out to those who need help in acquiring the skills necessary to build relationships.

Yet only 25 percent of the funds will promote marriage; the remaining three-fourths is for enforcing child support.

Most fathers are absent because the government makes sure they stay absent.

Child-support programs would seem to be at cross-purposes to the promotion of marriage, because child support subsidizes divorce. Yet the Marriage Coalition in Cleveland, an ostensibly faith-based organization which claims to be saving marriages, will receive $200,000 to help collect child support.

A major extension of government power over private life is taking place here. One federal ruling holds that parenting is a right "far more precious than property rights" which "undeniably warrants deference and . . . protection." Yet such apparently unequivocal principles are ignored by courts administering no-fault divorce. The common law has also long recognized, in the words of former Supreme Court Justice Byron White, a "realm of family life which the state cannot enter." Yet current divorce law gives officials the power to intervene in homes at the mere request of one parent, not because the other parent is suspected of a legally recognized offense, but because of ordinary family differences.

Prior to the divorce revolution, legal authority over children had been recognized to reside with their parents until the parents had done something to forfeit it. "For centuries it has been a canon of law that parents speak for their minor children," observed former Supreme Court Justice Potter Stewart. "So deeply embedded in our traditions is this principle of the law the Constitution itself may compel a state to respect it." Yet the state has now institutionalized precisely the opposite principle: that "the child's best interest is perceived as being independent of the parents," in the words of a major child support enforcement contractor, "and a court review is held to be necessary to protect the child's interests."

This phrase, the child's best interest, sounds deceptively benign. Yet it gives the government the power to define this interest over the objections of parents who have done noth-

ing to forfeit their rights. "Such a criterion is dangerous because it renders the claims of all parents to their natural children tenuous," writes Robyn Blumner of the American Civil Liberties Union.

Many accept this practice on the assumption that a judge must decide what is best for children when the parents cannot agree. But empowering one parent to turn control of children over to state officials because of routine family disagreements eliminates private life and invites collusion between officials and that parent.

Follow the Money

The "best interest" standard also transforms judges into dispensers of patronage who can appoint evaluators of both parents and children. Here we begin to glimpse the political dynamic that will be fueled by the funding proposed by the Bush administration.

Family courts are controlled by bar associations. To satisfy their members, judges can hire them at public expense or at litigants' expense. "Lucrative patronage positions," writes legal scholar Herbert Jacob, "are generally passed out to the judge's political cronies or to persons who can help his private practice."

A judge can even order litigants to hire his friends, on pain of incarceration. Legally unimpeachable citizens who give neither grounds nor consent for a divorce are ordered to pay attorneys and psychotherapists they have not hired for services they do not want, and may be jailed for not complying. A father can be ordered to sell his house and turn the proceeds over to attorneys he has not hired for a divorce he did nothing, legally speaking, to bring on.

Judges also appoint "attorneys *ad litem*" to ostensibly represent the children's interests. These officials are notorious for cronyism and for advocating the removal of fathers. In 2001, a two-year investigation into court appointments in New York state by a special inspector general found "cronyism, politics, and nepotism" in appointments of attorneys *ad litem* and other officials. In March 2000, four Arkansas senators were convicted on federal racketeering charges connected with contracts for attorneys *ad litem* and child support enforcement.

At the very time churches are relinquishing their role as guardians of what is supposedly a sacred covenant, they are being recruited as government informers.

The patronage clients most likely to benefit from the Bush proposals are psychotherapists, who likewise serve mostly to provide a rationale for removing fathers. "The marriage of law and psychology has reached the heights of disproportionate power for the psychologists . . . in the family courts," writes Margaret Hagan in *Whores of the Court: The Fraud of Psychiatric Testimony and the Rape of American Justice*. Psychologist Sanford Braver calls such expert advice little more than guesswork. He writes, "There is absolutely no credible evidence that these [methods] are valid predictors of which spouse will make the best primary parent. In fact, there is no evidence that there is a scientifically valid way for a custody evaluator to choose the best primary parent."

Braver attributes their obvious father-hostility to gender bias, but pecuniary interest may be a sounder explanation. He quotes one evaluator to the effect that almost all his business would be lost were not fathers routinely removed.

Already ubiquitous in custody proceedings, psychotherapy has been developing a new market as an alternative to litigation. This has also made it appealing to the federal marriage promoters. Many states now require divorcing couples to undergo counseling, mediation, and marriage education of the kind being mandated by the Bush administration. Not only is there is no proof that such programs reduce divorce, it is fairly obvious that they thrive on it. According to the Administration for Children and Families, "Marriage education is a research-based approach that teaches couples how to build and maintain healthy, stable marriages and handle marital distress and breakdown." The last word slips in the government wedge, since all the counseling in the world is superfluous so long as one parent can simply take the children and leave.

"Mediation was pitched to the public as a service that would reduce the costs of litigation," writes Judy Parejko, herself a mediator, in *Stolen Vows*. "It sounded really good. But such well-intentioned messages served to cover up that no-fault was inherently forced divorce."

Parejko describes how her colleagues actually encouraged divorce. She claims her court-affiliated work was terminated by a judge and she was locked out of her office for trying to repair marriages. "They were in the business of mediation, charging a hefty fee for their settlement work," she writes, "and without a steady flow of customers, their business would dry up."

Half the jurisdictions in America now mandate marriage education during divorce. "The programs offer instruction in how to behave during a divorce and afterward, for the benefit of the children," explains the *New York Daily News*. Such provisions convey the appearance that officials are trying to minimize divorce; in fact, they shift blame onto the parent who fails to cooperate with it. "The fact that one parent didn't want the divorce — or that one of them had broken the promises they'd made when they were married — these were issues I was supposed to ignore," writes Parejko.

The administration claims its marriage measures are "voluntary" — that is, unless you want to keep your children. Conducted by professionals with a financial stake in divorce, these programs add clients to the gravy train and further transfer control of children to the state. Revealingly, the Canadian Bar Association pushes for coerced parent education, so parents who are involuntarily divorced must also be involuntarily educated into acquiescing in the loss of their children: "The CBA urges the federal government to require parents to take mandatory parental education before they are permitted to pursue court proceedings involving their children."

At first glance, it appears the government is requiring

parents to attend the classes before it will permit the divorce; a closer look at the careful wording reveals precisely the opposite. The court can still summarily remove the children, and parents who want them back must first accept government instruction in how to behave toward those who have taken them away. "We want to pull away from the idea that parents have rights in relation to their children," says Jennifer Cooper of the CBA's family law section, which represents 2,200 divorce lawyers.

Noting that mobs of unhappy dads who haven't seen their children for months or years now picket the homes of judges, the *Guardian* newspaper recommends that the protesters be silenced with instruction: "The system first needs to educate parents and provide a range of services, such as mediation and parenting classes."

The healthy marriages project appears to be largely a vehicle for expanding the already formidable child-support enforcement apparatus.

The *Washington Post* describes a measure in Virginia that makes parent education "mandatory for anyone, married or not, who goes to court over custody, visitation, or child support." Again, the fine print reveals how the measure, far from checking divorce, will insert additional layers of officialdom between parents and their children, and intimidate parents who object to having their children removed.

Innocence Is No Excuse

The potential for family therapy to become coerced psychotherapy is realized in the divorce regime's domestic-violence arm. There is evidence that custody, rather than violence, is the main thrust behind the exponential growth of this authoritarian power.

A judge quoted in the *New Jersey Law Journal* calls that state's domestic violence law "probably the most abused piece of legislation that comes to my mind." Massachusetts attorney Gregory Hession agrees: "The restraining order law is one of the most unconstitutional acts ever passed. A court can issue an order that boots you out of your house, never lets you see your children again, and takes your money, all without you even knowing that a hearing took place." So routine are knowingly false accusations that mothers now report being pressured into making them. Heidi Howard and Nev Moore were ordered by the Massachusetts Department of Social Services to take out restraining orders against their husbands, whom they insisted had not been violent, and attend battered women's classes, though they were not battered women. When they refused, DSS seized their children.

Government therapy that claims to be strengthening marriages can thus be used to destroy them and to institutionalize family members who resist. Fathers accused of no violence are ordered into anger management and batterers' education programs, replete with forced confessions reminiscent of Stalinism. Under a Massachusetts program called Common Purpose, a judge ordered a minister to attend batterers' therapy, which required a confession. When the minister refused, he was jailed for six months.

A Pennsylvania father against whom no evidence of violence was introduced had his daughter seized by sheriff's deputies and was ordered to attend a class called "Men Who Abuse." He said, "I was told that I had to admit to being an abuser. When I refused, I was told that I would be kicked out of the class and charged with contempt and probably put in jail. So this means I have to lie and admit to something that I did not do. I have been told by other men who have been through this in this county that it will be useless to try to defend myself because it will just make it worse."

Child protection is a federally funded apparatus in which therapy and law enforcement eclipse due process. "Although spoken of in terms of social services," writes sociologist Susan Orr, "the child-protection function of child welfare is essentially a police action." Orr calls child protection "the most intrusive arm of social services," because it can confiscate children. Yet because the parents are seldom charged criminally, they cannot defend themselves in proceedings that are often secret and without record.

"The child protection system is built upon the notion that child maltreatment is remediable with the right therapeutic treatment," Orr writes. "By forsaking the courts of criminal law, in which determinations of justice and injustice are made and punishments meted out, child welfare agencies took on the much larger task of attempting to heal family members."

Deadbeat Dads

To judge from initial measures, the healthy marriages project appears to be largely a vehicle for expanding the already formidable child-support enforcement apparatus.

The dishonesty of the government's claimed child-support crisis has now been exposed in so many works there is no need to belabor it here. (See "The Myth of Deadbeat Dads," June 2002.) Significantly, our awareness of the alleged problem has come entirely from government officials. No public outcry ever preceded the creation of government machinery; the public never demanded that government take action; nor has any discussion of this alleged problem ever been held in the media. In fact, no public perception of such a problem even existed until public officials began saying it did. No government or academic study ever documented the existence of a child-support problem. The

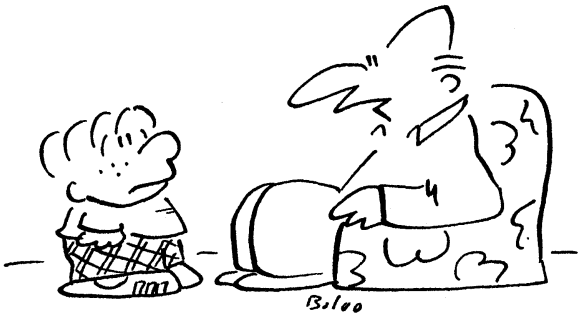

"It's time you learned, son — in-laws and outlaws aren't necessarily opposites."

initiative has been taken throughout by government officials and quasi-governmental interest groups, whose power has greatly expanded as a result.

Prior to the creation of the federal Office of Child Support Enforcement and throughout its 28-year history, no study has ever been conducted on the reason for its existence. Several unchallenged studies have established that no problem in fact does exist.

In the realm of child support, too, machinery created for the poor expanded to the middle class. The criminal enforcement machinery was initially promoted as a means to recoup welfare costs and help single mothers off welfare. Though it never had this effect, the program expanded exponentially following its creation in 1975. HHS figures show that welfare cases now account for less than one-fifth of all child-support cases, and the proportion is shrinking. The remaining four-fifths are non-welfare cases consisting largely of previously married fathers who are usually divorced involuntarily and who generally can be counted on to pay.

Designed to reduce government spending, the federal program has incurred a continuously increasing deficit. Promoted to help poor children whose unemployed fathers had allegedly abandoned them, the new machinery became a means to loot working fathers who had done no such thing and whose children were taken from them through no fault or agreement of their own. Child support enforcement is now a multi-billion dollar industry, with interlocking agencies on the federal, state, and local level, plus private contractors. Support levels are set by the same officials and contractors who collect child support. By forcibly separating fathers from their children and imposing impossible child support burdens, these officials can create the very delinquents on which their business depends.

The realization that the engine generating fatherless children is not the fathers, but the state, takes on implications few have dared to confront.

The Office of Child Support Enforcement oversees a force of plainclothes agents who can issue arrest warrants and carry guns. They also have powers to gather financial and other information on private citizens, including surveillance of citizens who have no involvement in child support. Child-support defendants can be jailed without a formal charge or jury trial or attorney, and may be presumed guilty until proven innocent.

Horror stories are legion. Darrin White of Prince George, British Columbia, was denied all contact with his three children, evicted from his home, and ordered to pay more than twice his income as child and spousal support, plus court costs for a divorce to which he never agreed. White hanged himself. There is nothing unusual about this judgment, says former British Columbia Supreme Court Judge Lloyd McKenzie, who pointed out that the judge applied standard guidelines.

There is also nothing unusual about the result. Scholars and journalists treat court-related suicide as a problem not of justice but, again, of therapy. Pierre Baume of Monash University found that in Australia more than 1,000 men aged 25 to 44 take their own lives yearly. He found that most involve child access problems. Yet in language typical of his trade, Baume attributes this finding to relationship break-ups. Fathers therefore need, not due process of law, but, once again, counseling and education on how to express their feelings.

When Augustine Kposowa of the University of California attributed a similar suicide rate in the United States directly to family-court action, three news outlets ignored this conclusion, reporting instead that fathers lack support networks.

The Fraud of Healthy Marriages

If we truly wish to restore marriage, we must change not males but laws. Yet we are refusing to face this politically unpleasant truth and filling the public payroll with therapists and police.

In encouraging marriage, the administration is promoting a fraud. It is luring young people into a contract which the government can tear up at any time. Men in particular who accept the government's invitation to marry can lose their children, their homes, their savings and future earnings, their freedom, and even their lives. Not only will the government extend them no protection for their commitment, it will criminalize them without even the due-process safeguards afforded to criminals.

Some evidence suggests men are becoming wise. The National Marriage Project at Rutgers University reports that men are increasingly unwilling to marry. Project director David Popenoe spins a therapeutically correct explanation, blaming a puerile fear of commitment. Glenn Sacks and Dianna Thompson in the *Philadelphia Inquirer* read the data instead as indicating an impromptu marriage strike: a refusal to start families by men who are aware it can mean a one-way ticket to jail.

What we are glimpsing here is part of a larger process by which the state has used family destruction to expand its reach. When fathers are eliminated, state officials assume their role as protector and provider. By removing fathers, the government creates a host of problems for itself to solve. If fatherlessness is behind most of today's social ills, the realization that the engine generating fatherless children is not the fathers, but the state, takes on implications few have dared to confront.

Much of the expansion in the size and scope of government over many decades has been justified by the problems now recognized as proceeding from fatherless homes. Both the welfare state of the Left and the expansion of incarceration pushed by the Right are furthered by the government's displacement of fathers. With hardly a word of opposition from left or right, the welfare-divorce machinery has become a self-perpetuating mechanism by which government engineers the expansion of its own power. The increase in this machinery is the silent revolution of the last century. □

Rant

Dialog With an Absolutist

by Bruce Ramsey

Maybe there aren't enough libertarians to screw in the light bulb.

Some months ago I attended a luncheon of libertarians, and found myself in a conversation with an absolutist. He was opposed to the initiation of force in any circumstance, and believed that anyone who disagreed with him was no libertarian. Further, he believed that this view put him in a unique corner of the political boxing ring, equidistant from Left and Right.

I thought it put him somewhere in the Crab Nebula. Because in the real world, most people identifiable as libertarians, including myself, believe nothing as radical as that.

We are libertarians because liberty is our central political value. It is our defining principle, our badge. That does not mean we follow it without thinking.

Two quotes will help clarify this. The first is from H.L. Mencken, who was asked in a radio interview how much freedom of speech he was in favor of. He was in favor of a lot. Memory tells me his answer was "as much as people can stand."

The second is from Louis Rukeyser, the host of *Wall Street Week*. I interviewed him years ago, and asked him how he would describe his political philosophy. He said: "First, I am for liberty; second, I am for what works."

That's me. Liberty, and what works.

Libertarianism is the theory of a society organized around *one* principle. I cannot think of a social principle that does better work. But it cannot do it all — not satisfactorily. Here are ten cases in which it falls short.

1. Pursued to its ultimate end — which is where the absolutist pursues all ideas — the non-coercion principle does not allow the imposition of taxes or even of citizenship. It leads to anarchism, a philosophy that has no more real-world application than an M.C. Escher drawing.

2. Libertarianism is designed for adults. Children are subject to the will of their parents, but also to the rules and protection of the state. How should that work? Libertarianism doesn't say. Most libertarians, it seems, don't think about that, but then it seems that most libertarians don't have kids.

3. Rights theory cannot deal with emergencies — that is, "lifeboat situations." Consider if your country is being invaded. As journalist Garet Garrett argued, if you are in a war for the existence of your country, and to fight that war your government needs steel, you cannot allow the civilian sector to bid against the government for steel. The government may need that steel to win the next battle, and it may be the last battle there is. In order to win it, you may have to suspend the free market.

More than that: you may have to suspend personal freedom. Grant that a draft is temporary enslavement of a sort, is that not preferable to permanent enslavement of a worse sort?

Libertarians have said that a society that cannot raise enough volunteers is a society not worth defending. Ayn Rand made that argument, as did Robert Heinlein, who was

usually more sensible on matters of survival. It is a preposterous argument. Was France in 1940 not worth defending? Had the America of 1955 been invaded by communist Russia, would it have not been worth defending? Imagine yourself standing up and saying, "Forget it, folks; our country is not worth defending."

I think a draft is unnecessary in my country right now, because of the geography of America and the nature of modern war. I have never supported a draft and I don't expect I ever will. But I think I would have supported a draft in Switzerland in 1940. Switzerland did have a draft, and it was one of the things that kept it free. (See Angelo Codevilla's *Between the Alps and a Hard Place.*)

4. Libertarianism has not dealt adequately with questions of public health. How would a libertarian society have handled AIDS? In Randy Shilts' book, *And the Band Played On*, he describes the fight over the gay bathhouses in San Francisco in 1983. The public health officer knew these private enterprises were spreading deadly disease — quicker than any other institution in the city. Yet disease was being spread by consenting adults, most of whom refused to believe they were frolicking with lethality.

Public health extends beyond emergencies. Should a municipality have the right to set sanitary conditions of restaurants? Libertarians may say, "The market will handle it." But historically it hasn't, because restaurant patrons don't feel free to inspect the kitchen.

On to drugs. All libertarians were for Peter McWilliams' right to smoke marijuana to keep from vomiting up his anti-AIDS drugs, and were outraged when he died following the government's stupid rules. But when they oppose all drug laws with the term "prohibition," thereby making an analogy to liquor prohibition, they imply the existence of a safe use. And for some prohibited drugs there is no safe use. But libertarians argue as if chemistry and biology were irrelevant, which would imply that it would be okay to sell any drug that did anything. Is that a defensible position?

We are libertarians because liberty is our central political value. It is our defining principle, our badge. That does not mean we follow it without thinking.

5. How would a libertarian society build highways without eminent domain? When I asked him that years ago, Nathaniel Branden replied that if a person did not want to sell his land, the road builders would have to go around it. He wrote, "There is no great problem with this, nor has there ever been."

But all societies have used eminent domain to build roads and other connectors like private railroads. A libertarian society will not want eminent domain for the building of ordinary things in one spot, like a shopping center. A highway is different. I note that Richard Epstein thinks so.

6. What of city streets? Are whole neighborhoods to be private? Then you have a condo association or neighborhood council telling you what color you can't paint your house and what political sign you can't put in your window.

Absolutist libertarians envision a world 100 percent privately owned. That means there will be no public place to hold, say, an antiwar demonstration. The absolutist will say, "You'd have to find a private owner." You might find one out in the sticks — I think of Yasgur's farm — but can you imagine a commercial property manager allowing a "No Iraq War" rally?

I think I'm freest with millions of islands of private property — little sanctuaries for owners like me — connected by public arteries and supplied with occasional public spaces.

7. Many libertarians want gold currency and no central bank, but the case for this is not a slam dunk.

During the gold-and-no-central-bank years, 1879 to 1913, the currency held its value. That is the good side. But up to 1896 there was deflation, which was statistically gentle but bitterly complained of. In 1896 inflationists took over the Democratic Party and nominated William Jennings Bryan for president. Bryan lost, but it was a near thing. Milton Friedman suggests that had a new process of extracting gold from ore not been invented, and gold mines developed in South Africa and the Yukon, the inflationists would have prevailed. As it was, the new gold supplies created inflation from 1896 to 1913.

A draft is temporary enslavement of a sort, but is that not preferable to permanent enslavement of a worse sort?

Statistically this inflation was small. But in the psychology of the time, the difference was considerable. The "free silver" movement went away. A slight inflation made all the difference between a currency rule that was tolerable and one that was not. And that slight inflation did not depend upon policy, but upon physical discoveries of gold and a new technology for extracting it.

We live in a world today with fiat money and 2 percent inflation. That is not a bad deal. I remember the world of 1979, when it was 12 to 15 percent inflation. If the government is going to run its paper money like that, then we're better off with a gold standard, even with an occasional run on specie. But as long as we have Alan Greenspan or his clones running the fiat-money system, the case against the status quo will be entirely theoretical, which means that system will not change.

8. Libertarians want individuals to have complicated choices. But choices require information, and information is costly. Government drastically lowers the cost of certain information by demanding that it be produced for free. I am thinking of the rule that requires commercial lenders to calculate their rate of interest in a specific way — a rule to which free-market advocates objected 30 years ago. I am thinking of the list of ingredients on packaged foods, the list of side effects on patent medicines, and the disclosure docu-

continued on page 53

Lafayette Is Dead

by James K. Lambert

Saying that America is indebted to France is like arguing that France should forever hate America for the French and Indian War.

Veronica Menezes Holmes may be an expert on Benjamin Franklin and French involvement in the American Revolution, but she has done nothing to use these facts to her advantage in discussing current events. Her article, "America's Debt to France" (June), was a collection of highly selective and largely irrelevant points.

Holmes' portrayal of France and America in anthropomorphic terms is a serious conceptual mistake. "France" did not "imperil herself for the American cause." France has no "self" to imperil! Human beings, and human beings alone, are capable of holding opinions and taking actions. Nations are nothing more than a convention. This fallacy has also clouded many people's perceptions of the Iraqi War. Iraq has no moral rights as a sovereign nation because sovereignty is an attribute only of people. Iraq under Saddam was nothing more than an enormous slave plantation with the worst type of slave master in charge (commonly known as a tyrant).

The claims that "America's debt to France can never be repaid" and "without France, there would be no United States of America" are simply false. Neither Holmes, nor myself, nor anyone can say for certain what would have happened if the Americans had continued to rebel without French aid. And here again, she commits the fallacy of treating collectives as individuals. The very idea that "America" and "France" are some kind of beings who could be in one another's debt is preposterous.

The United States of America is a concept that was founded with the Declaration of Independence and later refined through the Constitution and its amendments. However short-lived the American concept may have been without French aid, or however many times the American people would have needed to rebel until the British gave up, is academic speculation. What is clear is that France, as a concept, in 1776, was ruled by a king. It was not the French people but the French court who chose to do what seemed to be most advantageous for the royal family. Saying that America is indebted to France (and therefore all French people) is like arguing that France should forever hate America for the French and Indian War. It is nonsense.

I was particularly taken aback when Holmes claimed that "France paid dearly for aiding America. Had she not emptied her treasury and lost her sons in the cause of revolution, it is unlikely she would have suffered the revolution that occurred only a few years later." Again, Holmes commits the fallacy of treating a collective as an individual. Furthermore, it was the French aristocracy who took a gamble on the American Revolution and "suffered" for it, because they were unwilling to allow their own people the freedom that they had helped the Americans achieve.

Holmes makes all-too-brief mention of modern times, saying that "just as France has benefited from America's help

in the last century, it may well be that America will need France's support once again." This does little to remind people of the magnitude of American "help" in the last century, and makes no mention of the general indignation of the French toward Americans. When we talk about "the last century," we are not merely talking about concepts, we are talking about actual people still walking this Earth, or at the very least, people well within the living memory of millions. The French were a driving force behind the punitive nature of the Versailles treaty, which exacerbated the problems of post-World War I Europe and virtually guaranteed a Second World War. The French, even more than the British, rolled over and played lapdog for Hitler. While the British finally did a 180 and vowed never to give in, the majority of French citizens got on with their lives under Nazi rule, and proved themselves to be even more cooperative than the Italian Fascists in rounding up Jews for deportation.

It is not happenstance that the legacy of the American Revolution is the oldest constitution on the planet, while the French Revolution produced the Reign of Terror and the rule of the despotic Napoleon.

The French were not only liberated from Nazism by the Americans, they had a tremendous economic advantage over much of Europe since they had escaped most of the devastation of war under the wing of the German Eagle. In the Cold War that followed, despite the Soviets' refusal to leave Eastern Europe and American efforts to rebuild Western Europe, the French had innumerable voices raised against the evil capitalists in the U.S. When not actually opposing the U.S., the French have frequently attempted to distance themselves from America while living under American protection.

More recently, despite French participation in Gulf War I, French leaders had no problems rebuilding their extensive ties to Saddam (sometimes, if we are to believe press reports, in illegal ways). Furthermore, anti-Semitism had begun a reascension in the French populace, along with anti-Americanism, long before President Bush decided to invade Iraq and remove Saddam.

The signs of hope and genuine friendship coming out of France are few and far between. It was not only the threatened veto that France held over the Security Council which angered Americans so (as Holmes suggests). The fact is, the French actively campaigned, through any and all means available to them, to stop other nations from voting with the U.S. in the Security Council. Current French leadership made the choice, not merely to oppose current American policy, but to actively help a tyrant remain in power! I, for one, find that sickening, and I find it even more sickening that Holmes is willing to ignore all this in an effort to grossly simplify the issue.

I do not hate the French! I have not boycotted and will not be boycotting French products or calling my French toast "Freedom toast." I admire a great deal of French culture. But the French people have a long and deep tradition of collectivism and misguided thinking when it comes to politics and economics. It is not happenstance that the legacy of America's revolutionary generation is the oldest constitution on the planet, while France's revolutionary generation produced the Reign of Terror and the rule of the despotic Emperor Napoleon. The French have constantly made poor choices while pretending that France is the bastion of enlightenment. Why I should feel indebted to them for being on our side when they felt it served their interests is beyond me. Certainly there was nothing in Holmes' argument that was at all convincing on this point.

The American Revolution was a "World Revolution," as Rose Wilder Lane says in *The Discovery of Freedom*. Americans blazed a new trail, which they are continuing to blaze, away from tyranny. Does that mean that we are always right? Obviously not. But it does mean that most people are in a poor position to show us a better way. Those who walk with us, like the British, rather than standing with tyrants, should have their inevitable objections taken very seriously, but the French, who would rather be a "counterweight" to America than an ally, should always be taken with a very heavy dose of salt, when considered at all. ❑

The First Ground Zero, *from page 21*

pounds and was back on the highway at 4 a.m. I reached Albuquerque by seven and unloaded in Santa Fe a few hours later.

Two more trips were needed to remove the bulk of the glass. I did these alone and in darkness. I preferred it. The stress was minimal. I liked the cool night air. Seeing the wild animals in this place recently dedicated to total destruction gave me some hope for the future. It was almost as if they knew something.

A few days after my fourth trip, a telephone call from Santa Fe warned me that my destination in the city was under observation, possibly by federal authorities. The word was out. That ended the Trinitite Project.

About that time, I graduated from Guided Missile School and got my orders to go overseas; radioactive glass became the least of my concerns. There wasn't much left to rake up anyway. As for the stuff I removed, it was buried in 55-gallon drums near Los Alamos, where it belongs.

I still enjoy going to the desert, and exposure to the radioactivity has had no noticeable effect on me, my children, or my grandchildren. When I look at the photos, however, I see someone other than myself. I was never that crazy, I think, even fifty-some years ago. But I'm glad it happened. I wish everyone knew that man's greatest shortcoming is the pride he holds in his weapons, and that instruments of death wouldn't be needed if we all did what we should to get along better.

If we fail to practice international brotherhood, what remains of Trinity Site, this speck of a surface scar, may someday become the most hated place on earth. ❑

Rejoinder

Free Markets, Costly Praise

by Jeff Riggenbach

Supporting people's right to buy and sell certain goods and services does not mean that one must *recommend* those goods and services.

About four months ago, I had the temerity to take up a little space in these pages explaining why I thought many libertarians were on shaky ground in their approach to the SUV question. Commentators from the Cato Institute and *Reason* magazine, for example, had seen fit in then-recent months to publish elaborate defenses of the SUV *as a vehicle.* It seemed (and still seems) to me a wiser course, given the undeniable defects of the SUV as an achievement of modern automotive engineering and design, for libertarians to content themselves by pointing out that the SUV, with all its many faults, is itself a creation of government tampering with the market, and that further government tampering with the market (perhaps in the form of restrictions, or even a total ban on the proliferation of this vehicle, as often recommended by Greens) would not be a wise course of action.

Somewhat to my surprise, two months later Karen De Coster upbraided me for my heresy. Sadly, her criticism was feeble.

I began my February screed by quoting Jacob Sullum of *Reason,* who asserts that SUVs are "roomier, more comfortable, and safer than lighter, smaller cars." I pointed out in response that larger cars are "roomier" than smaller cars by definition and that not everyone agrees that SUVs are "more comfortable."

Right away, Ms. De Coster gets her back up. "To begin," she sniffs, "Riggenbach scoffs at Jacob Sullum's claim that consumers think SUVs are "roomier, more comfortable, and safer than lighter, smaller cars." And, in so sniffing, she commits the first of the many errors that disfigure her piece. Sullum does *not* claim that "consumers think" these things. He claims that SUVs *are* "roomier, more comfortable, and safer." With the claim that "consumers think" this is true of SUVs, I never had any quarrel. In fact, at the end of the fifth paragraph of my original piece, I wrote: "The fact is that people buy SUVs, not because they are safer than smaller, lighter cars, but because they believe they are."

I went on, in my original piece, to challenge Sullum's assertion that SUVs are "safer" than passenger cars. I pointed out that the occupant death rate in SUVs is 6 to 8 percent higher than it is for ordinary passenger cars. I mentioned that nearly two-thirds of these SUV deaths occur in rollover accidents, and that the rollover rate for SUVs is much higher than for cars.

This simple, unexceptionable, and quite uncontroversial claim brings on an absolute torrent of abuse from Ms. De Coster. Her tirade endures for nearly a full page of *Liberty.* Yet nowhere in it does she dispute these facts. Instead she announces that "most people feel it *is* safer to drive an SUV," a point which, as we have seen, I have never denied. She declares that "[t]he anti-SUV movement as a whole . . .

stresses 'potential harm,'" which "should be a red flag for any libertarian." But I did not stress "potential harm." I pointed out that the occupant death rate in SUVs is 6 to 8 percent higher than it is for cars. This is *not* "potential harm." It is *actual* harm — the kind called "death."

Now we come to the fundamental issue. Ms. De Coster is outraged that I would dare to express an opinion about other people's choices. "Why does Riggenbach care what other people 'believe' about safety issues, and therefore proceed to tell us that we're all 'uninformed?'" she splutters. "[W]hatever anyone's argument is for owning four-wheel-

The occupant death rate in SUVs is 6 to 8 percent higher than it is for cars. This is not "potential harm." It is actual harm — the kind called "death."

drive SUVs, it is none of anybody else's business." Quite so, Ms. De Coster, quite so. But the point is not what I personally believe about the intelligence, taste, or competence of the general public. The point is not whether people ought to be free to make their own judgments about safety. Unequivocally, they should be. I made this clear (or so I thought) in my original article, when I wrote that "[g]overnment should not interfere in the market for SUVs." On the other hand (and this is the point), it is certainly both possible and perfectly legitimate to criticize other people's personal decisions if you have the facts to back up your criticism. If someone is trying to get a Phillips screw out of a piece of hard wood and goes shopping for a screwdriver and comes home with an ordinary slotted one, it is perfectly legitimate to say that he made a poor choice, that he bought a tool ill suited to his stated goal. He might eventually get the Phillips screw out of the wood, but only at great cost in time, patience, and damage to the furniture. This is not an opinion. It is a *fact*.

I've already noted that SUVs have a higher occupant death rate than cars. This fact alone is sufficient to *prove* that people who choose to buy or lease SUVs out of a concern for safety are either uninformed or flat out wrong. And contrary to Ms. De Coster's blithe assertion, the points of comparison I raised in my original article between the Ford Explorer and the Audi A6 Allroad Quattro wagon are not "personal judgments" or "mere subjective opinion." She herself concedes that "[t]he Audi can be objectively proven to be a better quality vehicle than, say, an Explorer." So what is it, exactly, that Ms. De Coster is rebutting? I suspect that the source of her comments, and the comments of too many libertarians on too many subjects, is misplaced quasi-religious fervor. Too many libertarians are quick to rush to the defense of the SUV just because their hated enemies — the Greens, the "progressives," and many mainstream liberals — criticize those vehicles. Look at the telltale phrases strewn throughout Ms. De Coster's diatribe: "The anti-SUV movement as a whole," "the underlying theme of the majority of the anti-SUVers," "many SUV haters," "the collectivist, despotic, foot-stomping anti-SUVers" — what does any of this have to do with the analysis I published?

The answer, of course, is nothing, nothing at all. De Coster shrilly declaims that "[d]efending the collectivist, despotic, foot-stomping anti-SUVers cannot reasonably be done on a libertarian basis." But of course I never set out to mount any such defense in the first place. Toward the end of her piece, Ms. De Coster intones: "People 'defend' the SUV because they defend free markets and free choice." Here, at last, she is on point. But I pointed out that supporting people's right to buy and sell certain goods and services does not mean that one must *recommend* those goods and services. We can believe that casino gambling is for fools, yet fervently defend the right of those fools to be fleeced in the manner they find most congenial. We can believe that spending one's money on cigarettes or alcoholic beverages (or other drugs) is a waste of valuable resources but fervently defend any given individual's right to judge for himself or herself whether the value obtained from such purchases justifies their expense. It is a *mistake* to believe that a commitment to free markets and free choice also commits one to the view that every product or service that is successful in the marketplace is of the highest quality and is to be recommended to all discriminating people.

Ms. De Coster faults me for not showing "how a free market can rid us of SUVs," but this again is beside the point. I don't expect the free market to rid us of SUVs, anymore than I expect it to rid us of McDonald's, Windows, pre-recorded music cassettes, rap "music," gambling casinos, cigarettes, distilled spirits, or any of the many other goods and services which have won wide acceptance in the market, but which I regard as worthless or worth considerably less than their asking price. But I reserve the right to combine outright disapproval of certain goods and services with frank recognition that those who see fit to purchase

Too many libertarians are quick to rush to the defense of the SUV just because their hated enemies — the Greens, the "progressives," and many mainstream liberals — criticize those vehicles.

them are within their rights in doing so and should not be interfered with — especially when, as in the case of SUVs, my prejudice happens to accord with the actual facts of the matter.

As her parting shot, Ms. De Coster offers a rhetorical question: "Anyway, how can the libertarian who defended 'decadence' sensibly make a case against SUVs?" If she had read any further into my book, *In Praise of Decadence*, than its title, if she had read even as far into it as pages 108 and 109, she would have found the answer to this question. When people feel free to make their own decisions, they make a lot of bad decisions as well as a lot of good ones. On the whole, the good ones prevail, which is why cultural decadence is, on the whole, a good thing. But it is no guarantee against numerology, spiritualism, rap, or SUVs. ❑

Expose

Our Sickest President

by Bettina Bien Greaves

In order to retain the White House, FDR was willing to deceive himself, his advisors, and the public. If deception failed, he'd send out the FBI.

Franklin Delano Roosevelt's political career began as assistant secretary of the Navy during the first World War. He ran for vice president in 1919 with James M. Cox, the Democratic presidential candidate; they were defeated by the Republicans, Warren G. Harding and Calvin Coolidge. In August 1921, Roosevelt was stricken with infantile paralysis and lost the use of his legs. Although he had to wear heavy braces and was thereafter confined to a wheelchair, thanks to his determination, a rigid regime of physical therapy, exercise, and swimming, he recovered his health and stamina and, in time, returned to the practice of law and to Democratic politics.

Roosevelt was elected governor of New York in 1928 and re-elected in 1930. In 1932 he was elected president, and was re-elected in 1936, both times by huge majorities. FDR was credited with rescuing the nation from the Great Depression through public works, Social Security, and other government spending programs. He was charismatic, politically astute, skilled at public relations, and maintained good rapport with the public through his radio "Fireside Chats." Congress fell under his sway and enacted most of the interventionist, welfare-state programs he proposed. FDR was the opposite of a "do-nothing" president; on his watch the Great White Father in Washington reached out until he touched almost everybody in the country.

In early 1940, after two terms in office, FDR began to hint he would break with George Washington's long-standing precedent and run for a third term. Some Democrats were reluctant to endorse a third term but, with no other likely candidate on the horizon, most went along. Once again, FDR was nominated. In spite of his disability, FDR was in fairly good health.

The war had started in Europe in 1939. The United States was officially "neutral," but FDR was already helping the British and French with U.S. money, weapons, and ships. Nevertheless, FDR campaigned in 1940 promising, like his old boss President Wilson had in 1916, to keep the country out of war. On Sept. 11 in Chicago he announced: "I hate war, now more than ever. I have one supreme determination — to do all that I can to keep war away from these shores for all time. . . . We will not participate in foreign wars, and we will not send our army, naval, or air forces to fight in foreign lands outside of the Americas, except in case of attack."

In November, FDR won election to a third term; he took the oath of office in January 1941. Then, on Dec. 7, the Japanese attacked Pearl Harbor.

With the United States at war, a meeting of the Allied leaders was planned for January 1943 in Casablanca. Before leaving for North Africa, FDR asked his personal physician, Surgeon General of the Navy, Vice Admiral Ross T. McIntire, to assess his physical condition. McIntire determined the president to be in good health, save for some signs of strain.[1] The trip to Casablanca was filled with hours of conferences

and miles of travel by jeep reviewing troops in the heat and dust of Africa and in a chilly rain. McIntire was constantly amazed by the President's "seemingly inexhaustible energy."

The President's Health

McIntire kept tabs on the president's health in a rather casual fashion. He visited the president every morning and every evening "for a look-see." He did not measure the president's blood pressure, heart rate, or temperature. Instead, he relied on other cues: the way the president held himself, the tone of his voice, or how vigorously he ate his breakfast. He acknowledged that FDR had a chronic sinus condition, was susceptible to frequent colds, minor ailments, the flu, or bronchitis, but, McIntire later explained, none of this was cause for worry.

By the end of 1943, however, when another conference of Allied leaders was held in Teheran, friends and associates were beginning to notice that FDR's strength and stamina were fading. Mme. Chiang Kai-shek, wife of China's Generalissimo, was "shocked" by the president's looks. He had "fallen off considerably," she said, and seemed "quite ill." British Prime Minister Winston Churchill also noted FDR's deterioration. Then one evening in Teheran when Roosevelt was about to speak, he suddenly turned green and began to tremble and to sweat profusely. The attack caught everyone by surprise. FDR's aide, Harry Hopkins, wheeled him to his room. McIntire made a quick examination and passed the incident off as "a mild attack of indigestion."

According to McIntire, the return trip by sea restored the president to reasonably good shape, though he noted that the president wasn't feeling well and was always tired. That Christmas, at his home in Hyde Park, Roosevelt suffered fits of coughing that disturbed his sleep and shook him throughout the day. The lingering illness concerned McIntire, who saw the president failing for the first time to make a quick recovery.

To keep tabs on the president's health, Dr. McIntire visited the president every morning and every evening "for a look-see," observing the way the president held himself, the tone of his voice, or how vigorously he ate his breakfast. He did not measure the president's blood pressure, heart rate, or temperature.

When FDR did return to Washington, it was understood that he was not well. Not even Cabinet members were told the nature of the illness, however, and it was not a subject open for inquiry.[2] According to FDR's corresponding secretary, William D. Hassett, "The President looked worn and ill. . . . [H]e is thin, and although his color is good I fear that he has not entirely shaken the effects of the flu, followed by bronchitis, which have bedeviled him for many weeks now."[3]

After the president had cancelled several press conferences, rumors began to spread. FDR's press secretary, Steve Early, asked Dr. McIntire what was going on. McIntire minimized FDR's problems: "The bronchitis has made him a little hoarse . . . [F]or a man of sixty-two we had very little to argue about." However, the racking cough persisted. Mornings when Hassett greeted him politely and asked how he felt, FDR answered "rotten" or "like hell." Rumors even circulated that he had stomach cancer.

Except for his official duties, Roosevelt had no interests. His home life was practically non-existent. His sons and daughter were grown and intent on their own pursuits. His wife, Eleanor, was away much of the time, constantly traveling. Their marriage had long since collapsed and she gave little aid or comfort to the president as he struggled with his health.

FDR's daughter, Anna, was more sympathetic. With her husband in the armed forces on duty in the Mediterranean, she came to Washington from Seattle and began to take charge. She persuaded her father to gain some weight, insisted on afternoon siestas, and insisted that he not work evenings. Worried about her father's condition, she spoke to McIntire. She insisted that he bring in consultants, and promptly lined up an appointment for a physical examination of the president.[4]

FDR'S Medical Examination

On March 28, 1944, at the Naval Hospital in Bethesda, Maryland, FDR was given a thorough going-over by a young heart specialist and Navy Medical Corps commander, Dr. Howard C. Bruenn. Upon meeting the doctor, the president was in good spirits and seemed fine. But as FDR was lifted up onto the examination table, Bruenn was "shocked" to find the president extremely short of breath.

The examination revealed acute bronchitis, dangerously high blood pressure, and heart failure. The president's condition was, in that day, considered invariably fatal.[5]

Other specialists were called in. Their consensus was that the president needed to be put on a heart patient's regimen, beginning with one or two weeks of nursing care. This was rejected as an impossible demand upon a wartime president. Bruenn then urged that Roosevelt be put on digitalis, and threatened to walk off the case if his advice were not followed. His prescription was followed. Besides digitalis, the president's agreed-upon program was to require "less daily activity, fewer cigarettes, a one-hour rest after meals, a quiet dinner in the White House quarters, [and] at least ten hours' sleep."[6] In 1944, antihypertensive drugs were not yet known and the only way to control high blood pressure was for the patient to avoid stress and excitement. Henceforth, Dr. Bruenn's electrocardiograph machine was, according to one witness, "in practically constant attendance on the President. His electrocardiograph machine was a White House fixture."[7] As it happened, when FDR started taking digitalis, his symptoms abated.

It was the judgment of all that the president should take a vacation in the South and, particularly, that he quit smoking to get rid of the sinus and throat trouble. FDR appeared at his office on April 7 and left the next day for a month of rest and relaxation at Bernard Baruch's huge estate in South

Carolina. He kept a light schedule, fishing and receiving few visitors, but nonetheless suffered two attacks similar to the one he had experienced in Teheran.

The Man Who Would Be President — Forever

The Democratic Party needed FDR in 1944. His political stature had reached the point that no other Democrat could fill his shoes. If he were to choose not to run again, the Republicans might very well capture the presidency by default. Democratic Party leaders were uniformly eager to hear FDR affirm his candidacy. Roosevelt, for his part, enjoyed the power of the presidency and was reluctant to give it up. He believed that no one else could match him as commander in chief, that he was indispensable to the war effort. Though FDR may have tried to give the impression that he was reluctant to run for a fourth term, some thought he was even planning to run for a fifth term.[8]

One evening in Teheran when Roosevelt was about to speak, he suddenly turned green and began to tremble and to sweat profusely.

Could FDR stand up under the strain of four more years? In spite of March 28's extremely negative report on FDR's physical condition, his personal physician was upbeat. In private conversation McIntire expressed concern over FDR's age and the twelve years of strain he had been under, but publicly he gave it as his "best judgment" that "with proper care and strict adherence to rules, . . . his chances of winning through to 1948 were *good*. . . . [A]n affirmative answer was returned by consultants," he said, "for every possible checkup proved him organically sound." McIntire agreed with his mentor, Dr. Grayson, who had been personal physician to President Wilson in his dotage, that "[t]he health of the chief executive . . . is his own private business."[9]

FDR knew Bruenn, who had been in attendance ever since March 28, was a heart specialist, but he never discussed his situation with Bruenn. FDR wasn't really interested in knowing his medical condition or prognosis, and he didn't want anyone else to know it, either. "He not merely disguised it, he suppressed it."[10] When asked how he felt, FDR would answer, "Fine."

But McIntire told him he didn't look fine. "Your neck is scrawny, and your face is gullied by a lot of lines that have added ten years to your age. And while we're on the subject, 'for heaven's sake, get some new clothes. That old shirt is sizes too large, and the coat hangs on your shoulders like a bag.'" The president then "threw back his head and laughed but gave no promise, nor did he ever call in a tailor or haberdasher." In McIntire's view, FDR's "faithfulness to his old hats. . . . baggy coat and ill-fitting shirts, much too large for his shrunken neck, did as much as anything else to give an effect of illness and physical deterioration." And what was the president's personal physician's advice to his prestigious patient who was losing weight, whose health was obviously declining, and who was contemplating a run for a new four-year term in office? Buy a new suit of clothes!

Dr. Bruenn and his electrocardiograph machine remained steady fixtures in the White House. But toward the end of May, McIntire again called in the experts: Dr. James Paullin from Atlanta and Dr. Frank Lahey, head of the Lahey Clinic in Boston. Dr. Lahey later recalled his examination of the president at that time and said it had revealed "an appalling situation." After the examination was over, the president, with "his most engaging smile," had inquired, "You have good news for me, Dr. Lahey?"

Lahey: "Mr. President, you may not care for what I have to say."

Roosevelt: "That will be all, Dr. Lahey."

On another occasion Dr. Lahey told an acquaintance that his 1944 examination of FDR had revealed advanced stomach cancer and that he had told FDR, "You are a very sick man. I cannot advise you to run for office again."

Mr. Roosevelt: "Well, I *am* running."

Dr. Lahey: "In that case, Mr. President, I would suggest that you take on a strong vice president."[11] At that time, FDR's ever-optimistic physician, Dr. McIntire, was reporting simply that FDR had recovered from the infection in his sinuses and chest and was once more "well and active."

The 1944 Campaign

Whenever reporters had asked FDR about the possibility of his running for a fourth term, he had been cagey. Finally, on July 11, with the Democratic convention a little more than a week away, he answered their questions by reading from a letter he had written the National Chairman of the Democratic Committee: "I do not want to run. . . . All that is within me cries out to go back to my home on the Hudson River, to avoid public responsibilities. . . . [B]ut as a good soldier, . . . I will accept and serve in this office, if I am so ordered by the Commander-in-Chief of us all — the sovereign people of the United States."[12]

Roosevelt planned to remain above the political tumult. Rather than attending the Democratic convention in Chicago, he would travel to Hawaii "as commander in chief" and confer with the Pacific commanders, Admiral Nimitz and General MacArthur. However, he stopped off in Chicago en route to discuss the vice-presidential choice. The Democratic politicos didn't know anything definite about FDR's health, but they had heard the rumors. And they had eyes. His physical appearance concerned them. They felt there was a good chance the next vice president would become president. The current vice president, Henry Wallace, would have to go — too flaky, mystic, and too much under the influence of communists. James F. Byrnes, a strong possibility, was rejected by FDR. "[T]he president nearly lost control because of inability to focus on the prob-

Except for his official duties, Roosevelt had no interests. His home life was practically non-existent. His marriage with Eleanor had long since collapsed.

lem and at crucial moments make up his mind."[13] The choice of Truman was a very close call.

After being nominated in the Chicago convention, FDR proceeded west on his way to Hawaii. His acceptance speech was broadcast from his train at the Marine base in San Diego. In the photo taken during his speech and published nationwide, he appeared gaunt and his mouth hung open. The photographer was called on the carpet and chastised as if he had committed some mortal sin by failing to have the photo touched up. Publication of an unflattering photograph of a candidate during a campaign was a political no-no.

Standing in the background of the San Diego photo was Dr. Bruenn, the heart specialist who had been in constant attendance on the president since his March 28 examination. He was recognized by some of his doctor friends who recalled that several months earlier he had "suddenly and inexplicably" left his post in Bethesda. Rumors began to circulate; if heart specialist Bruenn was in attendance, the president's problem must be his heart. With the campaign coming up, FDR's close associates were determined that these rumors be squelched. FDR's press secretary called the FBI. FBI agents called in a half dozen or so physicians and they were grilled for having passed along the rumors. The talking stopped!

The morning after FDR's acceptance speech in San Diego, he and his party boarded a Navy cruiser for a few restful days at sea. FDR's conference with MacArthur and Nimitz in Pearl Harbor lasted only a few hours. The commanders were shocked by "his appalling physical condition." His conversation lapsed at intervals into irrelevance. When reading a short speech at a dinner, "[s]uddenly he faltered and paused, his eyes became glassy, consciousness drifted from him. The man at his side nudged him, shook him a little, pointed to the place in the manuscript at which he broke off and said: 'Here, Mr. President, is your place.' With an effort he resumed. As he was wheeled from his quarters, officers noticed his head drooping forward, his jaw hanging loosely."[14] Upon his return to Washington it was reported simply that he was "physically tired."

What was the president's personal physician's advice to his patient whose health was obviously declining, and who was contemplating a run for a new four-year term? Buy a new suit of clothes!

For some time, Mr. Churchill had been seeking another meeting of the Big Three and arrangements were made for a conference in Quebec in September 1944. When it was over, the P.M. inquired confidentially of McIntire as to the president's condition — Churchill had heard the rumors. McIntire told Churchill that FDR's June checkup revealed "nothing organically wrong." But he reminded Churchill of the president's age and that for twelve years he had been under constant strain. However, McIntire said, he had "every reason to believe that he can win through, if he does not overdo."

Upon accepting his party's nomination in July for a fourth term as president, FDR had explicitly announced: "I shall not campaign in the usual sense for the office. In these days of tragic sorrow I do not consider it fitting." He would confine himself to a few radio addresses. But then, the rumors revived — he was reported to be suffering from any number of diseases — "a coronary thrombosis, a brain hemorrhage, a nervous breakdown, an aneurysm in the aorta, and a cancerous prostate." FDR was mad! He changed his mind about not campaigning and agreed to speak in Washington, New York, Boston, and Chicago. Some doctors were convinced, after hearing him speak in Washington and New York, that he did not have long to live.[15] But his personal physician belittled these predictions.

Roosevelt said, "I am running," to which Dr. Lahey replied, "In that case . . . I would suggest that you take on a strong vice president."

New York greeted the president with a downpour, the edge of a hurricane. Bundled up in a heavy sweater under his Navy boat cloak, and with blankets wrapped around his legs, FDR rode through the streets in an open car. According to Secretary Hassett, in spite of the rain, the presidential party was greeted enthusiastically by cheering crowds. FDR paid no heed to McIntire's protests. Ever the shrewd campaigner, he "threw off his Navy cape and, standing bareheaded in the storm, captured the enthusiasm of the crowd in the rain-drenched grounds."[16] Afterwards, FDR was taken to a nearby Coast Guard station for a complete change of clothes and a vigorous rubdown. Even FDR's close associate, Hassett, was convinced by the president's performance that misgivings about his health were unfounded. Public concern had been, for the moment, deflected.[17]

Meanwhile, the 42-year-old Republican candidate, Thomas E. Dewey, was proving to be a serious campaigner for president. But he was in an uphill battle against a well-oiled political machine determined, with no holds barred, to return FDR to office. In the course of the campaign, the Republicans learned that U.S. cryptographers had deciphered the Japanese diplomatic code prior to the Pearl Harbor attack and U.S. military intelligence officials in Washington had been privy to Japan's plans. If the U.S. forces in Hawaii had had advance notice of the attack, they would have been able to respond more effectively and many lives could have been saved. Dewey intended to ask why the Pearl Harbor commanders hadn't been warned. Was it due to Washington's negligence or some other motive? News of Dewey's plans reached the administration in September. Army Chief of Staff General George C. Marshall then dispatched a special messenger who traveled *in greatest secrecy* to meet Dewey on the campaign trail, first in Oklahoma and then again in Albany, to warn him that if Japan learned of our code-breaking it would endanger the lives of American fighting men and prolong the war. Dewey was silenced! The administration was saved from having to answer what might have been an embarrassing question.

During the summer of 1944, the Army and Navy both conducted investigations into the Japanese attack on Pearl Harbor. Both committees gained access during their hearings to many of the secret Japanese messages that had been decoded prior to Dec. 7. Their reports were completed and submitted to the administration on Oct. 19–20. Both reports concluded that the blame for the extent of the disastrous attack rested, not on the Pearl Harbor commanders, but on Washington's top officials. The election was just over two weeks away. What to do? The administration stalled; it said nothing. Thus FDR did not have to explain a possible pre-attack dereliction on the part of his administration; another threat to FDR's re-election was avoided.[18]

On election night, FDR was at his home in Hyde Park and it was there that he received the results. After the returns revealed he had won re-election, he came out on the porch. According to UP correspondent Merriam Smith, he looked older than she had ever seen him look before. And he made "an irrelevant speech." The reporters sat around talking politics that night at their hotel and "arguing entirely about the chances, of his living out his fourth term. Those who believed he would were in the decided minority."[19]

During 1944, FDR had been absent from the White House 175 days, 30 of which he was on a trip to the Pacific, and two weeks were consumed by the campaign. He spent a week at the Quebec conference, and the balance, over 100 days, recuperating in South Carolina, at Hyde Park, or at his Maryland camp hideaway, "Shangri-La," later Camp David. After the election, he dropped out of the news almost completely for the rest of the year.

FDR had won his election to a fourth term. For him the campaign had been an ego trip. He liked being president. He had no interest in anything else. He had been determined to run for a fourth term and allowed nothing to stand in his way. He had refused to listen to the message that his body must have been telling him that his health was rapidly deteriorating. No one could order him not to run. He didn't listen to his doctors, who would have told him that if he wanted to live, he should retire and not run for office again. Moreover, FDR was completely self-centered; he had little concern for other people. He did not hesitate to deceive the voting public about his health, even though there was little chance that he could survive another term.

What had it taken to ensure FDR's 1944 re-election? Deception on the part of Roosevelt, to be sure, but also deception on the part of many others. Because FDR wanted to remain president, he had not merely "disguised" his physical condition, but he had "suppressed" reports about it.[20] Roosevelt's personal physician deceived the public by repeatedly issuing optimistic reports on FDR's health. As no other Democrat who might have been able to defeat a Republican candidate was on the horizon, and because Democratic politicians did not want to lose the election by default, they pressured FDR to run in spite of any doubts they might have had as to his physical condition. The FBI had cooperated, at the request of the administration, by interrogating persons suspected of spreading rumors about FDR's serious medical condition. Photographers were chastised when their photos showed FDR in unflattering poses. Reporters kept to themselves any doubts they might have had about FDR's health, lest they lose access to the White House and presidential press conferences. Republican presidential candidate Dewey had been prevented from asking why, if the administration had been reading Japan's secret codes and knew of the Pearl Harbor attack in advance, the Pearl Harbor commanders hadn't been warned. If they had had advance notice of the attack, they could have responded more effectively to the Japanese attackers and many lives would have been saved. And the Washington officials had succeeded in keeping under wraps the reports of Army and Navy investigation committees which had assigned blame to top administration officials, not the Pearl Harbor commanders, for contributing to the disastrous consequences of the Japanese attack on Pearl Harbor.

So FDR had run. And he had won. But what would the fourth term bring?

FDR's Fourth Term

A cabinet meeting had been held the day before the inauguration. Those present all saw that Roosevelt did not look well. After the meeting, retiring Labor Secretary Perkins went to see the president to say farewell. "As she entered his room 'he looked awful.' He had the 'pallor, the deep gray color of a man who had been long ill.' He sat in an office chair with his hands to his head as if to hold it up. The two-hour cabinet meeting had wrecked him. His hands shook. He begged her piteously not to leave the cabinet yet. As she left she whispered to an attendant to bring his chair and to make him lie down. She tells how she went to her office frightened. She called her secretary to her office and closed the door. She said: 'Don't tell a soul . . . I can't stand it. The President looks horrible. I am afraid he is ill.'. . . The spectacle of this dying man was naturally enough to crush a woman who was among his oldest friends, ... But this man was about to be sworn in, within 24 hours, as President of the United States for another four years. It was this gray and fading ghost of a man who was about to be re-endowed with the authority and duty of going, within 48 hours, to meet the grim and resolute dictator of the Russians to rearrange the affairs of the world."[21]

FDR's conference with MacArthur and Nimitz in Pearl Harbor lasted only a few hours. The commanders were shocked by "his appalling physical condition." His conversation lapsed at intervals into irrelevance.

January 20 was inauguration day. FDR's fourth inaugural was held, not at the Capitol as was customary, but on the south portico of the White House. It was "a relatively simple affair." The president stood in his braces, not at all easy for him. The weather was raw. He insisted on giving his address without an overcoat or even his cape. But his speech was the shortest inaugural address on record, a few dozen words.

After the inauguration, a White House luncheon was held for a few selected friends. Mrs. Woodrow Wilson was a

guest: "He looks exactly as my husband did when he went into his decline." Francis Perkins cautioned, "Don't say that to another soul. He has a great and terrible job to do, and he's got to do it, even if it kills him."[22]

Another conference of the Allied leaders was scheduled for early February 1945. One or two Cabinet meetings were omitted. It was assumed that the president was using the time to make ready for the conference.

FDR left for Yalta right after the inauguration. The president's party went by sea to Malta and then by plane — it took several planes to move the approximately 700 participants to Yalta. The president, of course, traveled in his personal plane, predecessor to Air Force One, especially fitted out with an elevator to accommodate him in his wheelchair. It was clear to the pilot on this lap of the journey that the president was ill.[23] It was a six-hour drive over very rough terrain to Yalta from the field where the planes landed. The conference began almost immediately and continued for a week practically without interruption.

After FDR's death, his medical chart disappeared from a safe at the U.S. Naval Hospital in Bethesda, Md.

According to the president's physician, Dr. McIntire, FDR had been worn out when he left for Yalta, but had recovered his strength on the voyage. McIntire maintained that the "malicious and persistent propaganda" portraying the president as not being himself at Yalta, either physically or mentally, and functioning merely "as a rubber stamp for Marshal Stalin, weakly yielding to his demands at every point," was "every whit as false and baseless as the whisper about his breakdown in Teheran." True, the photos taken at Yalta "shocked the nation," but that, McIntire insisted, "was all the fault of the photographers."[24]

As Prime Minister Churchill and FDR parted after the conference, they talked gaily of meeting again soon, either in Washington or London, neither realizing that they would never see each other again.

McIntire continued to maintain the pretense that FDR was hale and hearty: "Vital was the word for Roosevelt." FDR held a press conference while crossing the Atlantic and "talked for nearly two hours. His conversation was engaging and covered a vast range of subjects. He spoke movingly when he dwelt upon the plans for making and securing a peace that would save the world from being plunged into another bloody war for generations to come. He was a man whose visions took him centuries into the future."[25]

Upon his return to Washington, FDR reported on Yalta to Congress. He had heard the "sick man" stories and started speaking extemporaneously. "I hope you will pardon me for the unusual posture of sitting down during the presentation of what I want to say, but I know you will realize that it makes it a lot easier for me in not having to carry about ten pounds of steel around on the bottom of my legs, and also because I have just completed a 14,000-mile trip. I am returning from this trip . . . refreshed and inspired. I was well the entire time. I was not ill for a second until I arrived back in Washington. Here I heard all of the rumors which occurred in my absence. Yes, I returned from the trip refreshed and inspired — the Roosevelts are not, as you may suspect, averse to travel. We seem to thrive on it."

The *New York Times* reported that when speaking to Congress, the president "looked the part as he sat tanned and glowing under a battery of floodlights." However, McIntire said that "a doctor's more discerning eye could see signs of weariness before the end of the hour required by the length of the address. His voice sagged, and every now and then he passed his hand over his eyes as if to clear his sight." FDR had blamed his appearance on the lights.[26]

After the president was back again at the White House, McIntire lectured him for having broken away from his regimen. McIntire was "deeply disturbed" by FDR's condition. He did "not mince words or pull a single punch. . . . As in our discussion at the outset of the 1944 campaign, I repeated my warning that he was no longer a young man able to take liberties with his health. Admitting that tests proved him organically sound, I stressed the dangers of lowered resistance, pointing out that a run-down condition opened the door to every variety of ill. . . . Speaking as a doctor to a patient, I told him that it was mandatory that he return to the rules of daily living that had kept him fit for twelve years. Not only must he return to them, but it was imperative that he stay with them. The President, considerably impressed, finally quit his contradictions and dissents. Confessing that he had been driving himself too hard, he gave his solemn promise that he would be a good patient, neither playing hooky nor running out on a single rule. A month in Warm Springs was decided on, and after seeing him safely installed, I left his care in the capable hands of Commander Bruenn and Commander George Fox, the physiotherapist who had tended him since 1933."[27]

Roosevelt got to Warm Springs on March 30. Although McIntire said that by April 5 he "was feeling fine," correspondents who saw him that very day described FDR in altogether different terms: "His hands shook 'more than ever,' which implies that they habitually trembled but this day worse than before. He could hardly get a cigarette out of the package because of this trembling." UP correspondent Merriam Smith wrote "that in the last six months his hearing had become gravely affected and that his voice, once so strong that it could shake the windows, was now so thin that he could not always be understood."[28]

On Thursday, April 12, Dr. Bruenn telephoned McIntire with an optimistic report. The president had gained back some weight, and felt good enough to attend a barbecue and minstrel show that afternoon and evening. Bruenn thought another week at Warm Springs would have the president ready to return to Washington. McIntire asked Dr. Bruenn to tell the president that he would be down for the weekend with Dr. Paullin. McIntire had just hung up when Dr. Bruenn called back. The president had fainted, and was still unconscious.

At 20 minutes after one, the president had been having his portrait painted by Mrs. Elizabeth Shoumatoff, and was chatting gaily. "All commented afterward on his 'high spirits' and 'how well he looks,'" McIntire later wrote.

"Suddenly, and while a laugh was on his lips, he complained of a terrible headache, and collapsed in his chair."[29]

Dr. Bruenn went on to tell McIntire "that he had rushed in to find the President pale, cold, sweating profusely, and totally unconscious. Making no effort to conceal his alarm, he reported that the pupils of the eyes were equal at first, but that the left had become widely dilated in a few seconds. Paralysis was also present. Stating that he had instituted emergency measures to relieve the intense vasostriction, Bruenn ended by saying he would make another report in five minutes." Dr. Bruenn, on his second call, gave it as his opinion that "the President had suffered a cerebral hemorrhage. Nevertheless, he held out hope, for the heart rate was excellent, the breathing good, the color improved, and the blood pressure showed signs of falling. He was continuing to use aminophyllin, nitroglycerin, and other remedies."

Telephoning a third time, some minutes later, Dr. Bruenn said that Dr. Paullin had arrived and was at the bedside. Before he had had time to relate the details, McIntire heard him utter a startled exclamation. Then a sudden silence. McIntire realized that Bruenn had been summoned back into the sickroom. After a long moment, McIntire learned that the president was no more. "It seemed ages . . . but it could only have been a matter of seconds when someone else picked up the telephone, and a broken, tear-choked voice informed [McIntire] that the President was no more."[30] The time was 3:35 p.m.

Post Mortem

After FDR's death on April 12, 1945, his medical chart disappeared from a safe at the U.S. Naval Hospital in Bethesda, Md. It was almost certainly destroyed by McIntire, who would later write a book attempting to vindicate his treatment of his famous patient.

In his book, written years later, McIntire argued that the president's sudden death could not have been predicted. McIntire said he had "talked to many excellent pathologists and have yet to find one willing to say that he can tell when a man will have a cerebral hemorrhage or when he will not. The signs that we count on for the conditions of the cerebral arteries all denied that the President would have any trouble in that regard. His kidneys and liver functions were normal."[31] McIntire made these remarks in spite of medical knowledge of that day (as revealed by *Cecil's Textbook of Medicine*, 1944 edition), which recognized that when both the systolic blood pressure and the diastolic pressure were excessively high, retinal hemorrhage, congestive heart failure, and cerebral vascular accidents were not infrequent and the condition was "invariably fatal."

Because FDR wanted to remain president, he had not merely "disguised" his physical condition, but he had "suppressed" reports about it.

Michael J. Ybarra, in his review of Ferrell's book about Franklin Roosevelt, wrote that McIntire "was, to put it charitably, not a brilliant doctor. A career naval officer whose mentor had been Woodrow Wilson's doctor during that president's dotage, McIntire rose to become surgeon general. Most of the time, though, he didn't even bother to take the First Pulse. He merely watched as Roosevelt read the papers and ate breakfast. If McIntire was somewhat incurious for a doctor, he believed the American public had even less of a right to know about the president's well-being. 'The health of the chief executive,' he wrote, '. . . is his own private business.'"[32]

Roosevelt, for his part, enjoyed the power of the presidency and was reluctant to give it up. He believed that no one else could match him as commander in chief, that he was indispensable to the war effort.

Roosevelt himself must have known that his health was precarious, at least after March 1944, when he was put under the care of Dr. Bruenn. Bruenn agreed with McIntire that the president suffered from acute bronchitis — but he also diagnosed congestive heart disease. The president's condition improved under Bruenn's treatment, but the only thing that FDR could have done to save his health was to retire. Instead he ran for a fourth term. His work schedule was reduced to as little as two hours a day, making "even Ronald Reagan look like a Stakhanovite executive by comparison. . . . Roosevelt began staying in bed until lunch, flubbing speeches, asking friends what keepsakes they wanted from him. . . . This was the leader of the free world who went to Yalta in February 1945 to negotiate with Stalin about the postwar order."[33]

Roosevelt lived a life dedicated to power, and was willing to sacrifice his health and deceive the public to keep it. He was willing to silence political opponents, use the FBI as a tool of intimidation, and endanger his own life — whatever it took. Today, FDR is considered the founder of the modern presidency. He left the office a legacy of deceit and unrestrained ambition that, it might well be argued, endures to this day. ❑

Notes

1. Ross T. McIntire, in collaboration with George Creel. *White House Physician*. G. P. Putnam's Sons, 1946, p. 147. This article relies to a considerable extent on McIntire's book, written shortly after FDR's death in the attempt to explain McIntire's treatment of his prestigious patient.
2. John T. Flynn, *The Roosevelt Myth*, Devin-Adair, 1948, p. 401.
3. William D. Hassett, *Off the Record with F.D.R., 1940–1945*. New Brunswick, N.J.: Rutgers University Press, 1958, p. 241.
4. Robert H. Ferrell, *The Dying President: Franklin D. Roosevelt, 1944–1945*. University of Missouri Press, 1998, p. 34. Many of the events described and the passages cited in this article are based on Ferrell, who located much information about Roosevelt which did not become available until many years after his death.
5. Ferrell, *op. cit.*, p. 45. Thirty-five years later (*Cecil's Text book of Medicine*, 1980 edition), the prognosis for individuals with FDR's high blood pressure readings would have been much

more alarming. By then it was recognized that they would have a three-fold increased risk for coronary disease and four-fold increased risk for congestive heart failure, and seven-fold increased risk for stroke. Incidentally, in 1955, when President Eisenhower suffered a major heart attack, he was treated with antihypertensive drugs, unknown in 1944.

6. James MacGregor Burns, *Roosevelt: The Soldier of Freedom: 1940–1945*. New York: Harcourt Brace Jovanovich, Inc., 1970, pp. 448–449.
7. Jonathan Daniels, *White House Witness, 1942–1945*. Doubleday, 1975, p. 272.
8. Bob Nixon, White House reporter. See Ferrell, *op. cit.*, p. 146.
9. Ferrell, *op. cit.*, p. 10.
10. Ferrell, *op. cit.*, p. 138.
11. Dr. Lahey's account as told by Dr. Samuel Day of Jacksonville, Florida, former president of the Florida Medical Association, and reported in the *Washington Post*, July 2, 1987, "Evidence Indicates FDR Knew of Cancer" by Jack Anderson and Joseph Spear. Ferrell, *op. cit.*, p. 158, n. 22.
12. White House release, July 10, 1944. From *Quotations from Franklin Delano Roosevelt*, July 1940–August 1, 1944: supplement to 1940 edition. Research Division, Republican National Committee, September 1944, p. 16.
13. Ferrell, *op. cit.*, p. 78.
14. This incident was related to Flynn by a "high-ranking officer who was present." Flynn, *op. cit.*, p. 402–403.
15. Flynn, *op. cit.*, p. 403.
16. Hassett, *op. cit.*, pp. 278–282.
17. Hassett, *op. cit.*, pp. 278–282.
18. On November 7 FDR won re-election to a fourth term. However, he and Secretary of War Henry L. Stimson continued to agonize over the Army and Navy reports. Finally, with the election safely behind them, brief announcements were released on Dec. 1: the two investigation committees had found no grounds to court-martial either of the Pearl Harbor commanders, although for reasons of "national security" the reports could not be released until the war was over.
19. Flynn, *op. cit.*, p. 404.
20. Ferrell, *op. cit.*, p. 138.
21. Flynn, *op. cit.*, p. 405.
22. Ferrell, *op. cit.*, pp. 102–103.
23. TV History Channel, Thursday, Jan. 16, 2003, 8 p.m.
24. McIntire, *op. cit.*, p. 217: "Much of the talk, in my opinion, was occasioned by newspaper pictures. In earlier years photographers had been uniformly kind and thoughtful, never snapping him in an awkward position, such as adjusting his braces or transferring to a wheel chair. Toward the last, however, they shot him from every angle and seemed to prefer the pictures that caught him with his mouth open or stooped forward. Many photographs taken at Yalta were excellent, showing him alive and alert; but for the most part the papers printed flashlights that gave the President a ghastly pallor and accentuated the thinness of his face."
25. McIntire, *op. cit.*, pp. 232–233, quoting Robert G. Nixon of the International News Service.
26. McIntire, *op. cit.*, p. 236.
27. McIntire, *op. cit.*, pp. 238–239.
28. Flynn, *op. cit.*, p. 406.
29. McIntire, *op. cit.*, pp. 240–241.
30. McIntire, *op. cit.*, pp. 241–242.
31. McIntire, *op. cit.*, p. 239.
32. Ybarra's review of Ferrell, in *The Wall Street Journal*, April 27, 1998.
33. *Ibid.*

Letters, *from page 6*

The Right Question

I always look forward to Ralph Reiland's insights, but on the Santorum matter ("Bedfellows Make Strange Politics," June), he disappointed me.

Let's assume that the state has no business interfering in sexual relations between consenting adults in the privacy of their bedrooms.

Then, asks Santorum, if homosexual sodomy is properly beyond the reach of the law, why should adult incest be illegal? Unlike bigamy, polygamy, and adultery, which involve conflicting legal relationships among additional parties, the crime of incest occurs whenever the prohibited partners just have sex.

Santorum raised an important question that the friends of sodomy need to answer. If society can properly prohibit incest as contributing statistically to genetic problems among the offspring, why can't society properly prohibit anal sex, which leads statistically to public health problems among the participants?

I'm not coming down either way on this question, but I think Santorum was right to raise it.

John McClaughry
Concord, Vt.

Let Them Eat Geopolitics

In "America's Debt to France" (June), Veronica Menezes Holmes wrote that "France paid dearly for aiding America. Had she not emptied her treasury and lost her sons in the cause of revolution, it is unlikely she would have suffered the revolution that occurred only a few years later."

I question this interpretation. My understanding of French history and the cause of her revolution are much different. The reign of France's King Louis XVI began in 1774, two years prior to the American Revolution. Louis XVI and his wife, Marie Antoinette, were not nice people. They pilfered France's resources while leaving most of their people suffering in abject poverty. Remember the little ditty, "let them eat cake"? Does Veronica actually think that the French people had plenty to eat and only lacked for cake? That the French Revolution was apparently conducted by people who wanted for cake and were upset that Louis spent all of their money helping the American cause? If you believe that, then I have a bridge to sell you, Veronica.

On July 4, 1776, 13 of Great Britain's colonies declared their independence from King George III. France entered the war and helped the rebels in hopes of regaining colonies she had previously lost to the English. Louis XVI did not help America out of any sense of liberty, equality, or brotherhood, for the French were not yet a free and independent people. The help from France was not due to the enlightened thoughts of Rousseau, but was King Louis' means to "get even" with the English.

I don't think it is very rational to feel indebted to a country for events that happened over two centuries ago, orchestrated by a monarchy that no longer exists.

Larry Stone
North Bend, Ore.

Reviews

Dogtown and Z-Boys: The Birth of Extreme, **directed by Stacy Peralta. Sony Pictures Classics, 2001, 97 minutes.**

The Polyurethane Revolution

Michael Christian

On Christmas day in 1973, a new technology changed my life — if not for good, then at least for a good number of years. My mother gave me a skateboard with polyurethane wheels. I can picture the board right now: a Fibreflex with red Road Riders. The wheels made the difference and started a skating revolution.

The experience of most skaters of my generation spans the entire, brief, important history of skateboarding technology.

First, we took apart our sisters' old metal-wheeled roller skates and nailed their trucks to two-by-fours. Later we bought commercially fabricated versions of the same rickety machines. Boards with clay-composite wheels slightly improved on what we had jerry-rigged in our garages. These devices barely rolled on smooth pavement or cement. They transmitted harsh vibrations from the pavement though your bones to your teeth. If a wheel hit the slightest obstacle, such as a pebble, the board stopped and your body hit the pavement. If the rider attempted any but the mildest turns, the board slid and the rider hit the pavement.

Polyurethane wheels changed everything. They liquefied the urban and suburban landscapes; it was heaven on wheels. Everyone who experienced the change from the old technology knew it. Instead of grinding, the wheels swished. Traction went from nearly none to nearly perfect. Hard turns became possible. In fact, the skater could profitably assume a low stance and turn so hard that his body could lean close to the skating surface, and a slide could be controlled. With the combination of momentum and traction, you could defy gravity and skate on curved surfaces that reached vertical and beyond.

But no one knew of these possibilities when the new wheels came out. They had to be discovered and invented. Whatever people had done in the past with skateboards became mostly irrelevant. What might be done in the future was unknown.

And so for a period that began around 1972 and lasted for at least ten years, rapid innovation in skating styles and maneuvers earned great rewards. The currencies of those rewards were personal satisfaction and the adulation of one's skating peers. Skateboarders, in their skating lives, didn't care about Little League or their parents or teachers or their friends who didn't skate. Nothing could hold a candle to the excitement of carving out new territory with a skateboard.

So what happened? An energetic, lowbrow subculture was born, complete with its own language, scarification rites, clothing, and hierarchy. And, for a few glorious years, at the top of the hierarchy were the Z-boys, members of the Zephyr skate team.

The Z-boys were a skate team that sprung spontaneously from the ooze around Santa Monica pier. They were a cross between a street gang and a club of scruffy kids come down from the tree house. This bunch of misfit teens and pre-teens might very well have invented what we now call extreme sports.

Skateboarders, in their skating lives, didn't care about Little League or their parents or teachers or their friends who didn't skate.

The Z-boys were at the top because they dramatically innovated while maintaining aesthetically pleasing styles. They explored the possibilities of polyurethane wheels with skating styles inspired by the surfing that they admired and participated in at the Santa Monica pier. They skated streets, school yards, paved banks, drainage

ditches, and empty swimming pools. They competed with each other and encouraged one another. They formed a tribe. Stacy Peralta was one of them. His documentary, *Dogtown*, tells their story.

The Z-boys were a cross between a street gang and a club of scruffy kids come down from the tree house.

Dogtown is a documentary built around two simple organizational devices: chronology and portraiture of people, places, and things. Peralta uses old photographs, video, and magazine articles to show what the Z-boys did; he gives us chronologies of surfing, skateboarding, Santa Monica, and the Zephyr skate team. He paints a portrait of Dogtown (Venice Beach and south Santa Monica). He profiles several Z-boys, and interviews the people who were close to them to show how they saw themselves and how they now assess what they did back in the '70s.

Peralta's techniques succeed. Even if you weren't there, you can get a very good idea of what it was like by watching this film. You feel the excitement of discovery and the thrill of outlaw skating in the empty pools of the suburbs during a drought. You watch the most unlikely young subjects rise in fame and enjoy rock star treatment.

Especially moving are the struggles of the Z-boys to express their conviction that they were part of a significant movement. Everyone interviewed tries but fails to say why the revolution in skateboarding that the Z-boys spearheaded was important. All of the surviving Z-boys (and the one Z-girl) feel strongly that they were involved in something momentous. But none of them can put a finger on it.

One of the former Z-boys said, "It was like a Mafia," meaning that you had to earn membership, and they enforced their own rules. Another former Z-boy, Bob Biniak, came close when he said, "There were no goals. There were no aspirations." In fact, they had clear goals. Much of the film shows how the Z-boys pursued the goal of innovative skating. However, none of their goals were conventional or received, and none of their aspirations could be measured in terms outside the subculture. The Z-boys freed themselves from other people's goals. That sort of freedom only comes from profound wisdom, extreme youth, or bitter disenfranchisement. The Z-boys had two out of three.

One common measure of a liberal society that gets a lot of attention is equality of opportunity. Is opportunity determined by arbitrary factors such as birth, or by talent and hard work? A liberal society is a meritocratic society. A less common measure of a liberal society is diversity of opportunity. (When I say "diversity," I am speaking English, not using a code word of the politically correct.) By how many different yardsticks can you measure success? In a rich, populous, liberal society, there are too many yardsticks to count.

Diversity of opportunity is a notion that first occurred to me in 1987 when I began working in downtown Los Angeles. The west side of the city was exclusively focused on the entertainment industry. Downtown was about everything else. Downtown we didn't give a damn about the entertainment industry. On the west side, they never thought about anything else. Looking around a little, I found that Los Angeles was full of all kinds of enclaves ignorant of one another or at least indifferent to one another. In my mind, I contrasted this with Boston where various groups hated each other and vied for supremacy, and where everyone knew who was on top of business and politics. In this sense, Angelinos have more freedom.

"Of course I have faith in humanity — but this is my *husband* I'm talking about!"

If diversity of opportunity is a kind of freedom, then at one extreme are traditional, tribal societies exemplified by villages I once visited in Africa. In those villages there is very little diversity of opportunity. Almost everyone must strive for the same things. No subcultures. No clubs. No hobbies. No room for private life.

In a place like Los Angeles, you can choose from among thousands of tribes or make your own. That's what the Z-boys did at a propitious moment — at a moment when new technology rewarded the rule-breakers. They created the clan of the polyurethane wheel. The existence of this clan and the technology that inspired it enhanced liberty all over the paved world by adding to diversity of opportunity. You could flunk out of school, fail at all team sports, earn the ire of mom and dad, yet still achieve greatness on a skateboard.

The existence of the clan of polyurethane enhanced liberty all over the paved world by adding to diversity of opportunity. You could flunk out of school, fail at all team sports, earn the ire of mom and dad, yet still achieve greatness on a skateboard.

There's a lot to be said for the value of doing your own thing; the greatest success stories are often about people doing just that. People get rich that way, sometimes without trying. They can even become happy.

The Z-boys did their own thing in a big way. *Dogtown* nicely documents how it happened. The former Z-boys interviewed by Peralta, and the director himself, vainly strive to put their achievement into social and historical context. The strain and the failure are part of the film's charm: the men can't fathom what they did as young boys. The young boys wouldn't care. ❑

The Pianist, by Wladyslaw Szpilman. Picador, 1999, 240 pages.

War, Crisis, and Character

Jo Ann Skousen

Seldom do I finish a book feeling so moved that I want everyone I know to read it. Yet such was my experience upon finishing *The Pianist*, Wladyslaw Szpilman's personal account of his survival in and around the ghetto of Warsaw during the German occupation 1939–1945. Szpilman, one of Poland's foremost musicians, performed on radio and in concert halls both before and after the war. His musicality is reflected in the writing style of this small book, which he writes "with an almost melancholy detachment"; the stories presented as spare vignettes of powerful truths. We see the ghetto as he did, peeking through windows and around walls; we glimpse the horror, and the kindness, without knowing the beginning or the end of the stories. He underplays his own role in the Warsaw rebellion, when he and other workers risked certain death to smuggle food, guns, and ammunition into the ghetto. At times he seems almost apologetic about his survival.

Several months ago I stumbled onto the film, which has since earned three well-deserved Oscars, and was blown away by its power. It is perhaps the best film I have seen all year. I was put off at first by what appeared to be director Roman Polanski's gratuitous violence in presenting seemingly random, senseless acts of German brutality. Indeed, two groups of ladies left the theater during the viewing I attended, and I considered following them. Thankfully, however, Polanski focuses mostly on Szpilman's indomitable will to survive. I became engrossed and uplifted by the coincidences that saved his life and the music that saved his sanity. It is a brilliant piece of work, and Adrien Brody, who has danced around the edge of stardom for a couple of years, deserved his Oscar for this deeply moving portrait of Szpilman's withdrawal into starvation. Now that I have read the book, I realize that there was nothing gratuitous about Polanski's portrayal of what Szpilman experienced and observed. He portrayed these acts with brutality because they were brutal; he portrayed them as random and senseless because they were random and senseless. War is hell, and it brings out the worst in people.

But it can also bring out the best in people, as this book demonstrates. Szpilman was helped by numerous Poles in Warsaw, both Jewish and Christian. He was also helped, almost inexplicably, by a German officer whose name he did not learn until many years later. Appended to this new edition of *The Pianist* are excerpts from the wartime diary of Captain Wilm Hosenfeld, an officer in the German army who became increasingly disgusted by the actions of his fellow Germans and kept a journal of his observations. Imagine if his writings had been discovered by another officer! In 1942 he wrote, "If you are going to arrest an enemy of the State, you should have the courage to accuse them publicly and hand them over to public justice." Of Nazi hypocrisy he wrote, "They declare themselves in favor of the right to personal and religious freedom, but they destroy the Christian churches and conduct a secret, underground battle against them. They speak of the rights of capable people to develop their talents freely, but they make everything dependent on Party membership. They ask ordinary people to observe [principles] but have no intention of doing so themselves." He records many vicious atrocities that he observed in Warsaw, and then notes that the result of these atrocities was "to arouse not fear and terror but bitter determination, anger and rising fanaticism." Some of that bitter determination was aroused within himself, leading Hosenfeld to protect individual citizens of Warsaw whenever he could. "When the terrible mass murders of Jews were committed last summer," he wrote in 1943, "I knew that we would lose the war." Like Oskar Schindler, Wilm Hosenfeld kept a list of those he helped, and this was how Wladyslaw Szpilman eventually learned the name of his benefactor.

Incidentally, Hosenfeld did not fight in the front lines but was assigned to oversee the College of Physical Education, a sports facility in Warsaw commandeered for German soldiers. Thus he writes, "I hardly notice the war, but I can't feel happy." His journal entries are often profound in their simplicity, as when he answers the question, "Why does God permit this terrible war with its dreadful human sacrifices?" His thoughts may surprise you.

We see the ghetto as he did, peeking through windows and around walls; we glimpse the horror, and the kindness, without knowing the beginning or the end of the stories.

Why are we fascinated by books and movies about war? Santayana observed that if we do not study history, we are doomed to repeat it. But I think there is more to our interest than this pragmatism. War is a time of crisis, and in times of crisis we discover who we really are.

Many people are pragmatic about crisis, taking advantage of changing economic demands during personal or political upheaval. Doug Casey's *Crisis Investing* is a good example of this concept. People can make good profits while providing needed services during such times. In the free market, both the buyer and the seller gain — even, or perhaps especially, during crisis. Szpilman reports purchasing a single caramel cream for "a ridiculous price" as they awaited the train for Treblinka, and then adds, "heaven knows what [the seller] thought he was going to do with the money." Meanwhile, the family divided the caramel into six pieces and ate it reverently. Each participant in the exchange valued his acquisition more than what he had traded. Similarly, despite crisis conditions, Szpilman imposes no hint of obligation on anyone to help or even to share. Those who had more goods or money to trade were entitled to have more food or services. This attitude kept the black market open and brought needed food and supplies into the ghetto.

War is hell, and it brings out the worst in people. But it can also bring out the best in people.

Sometimes the character revealed by crisis is shameful. Henrik Ibsen makes this point in *A Doll House*. In the play, Nora Helmer has forged her father's signature on a note in order to borrow money to purchase treatment crucial to her husband's health. When the holder of the note threatens to go public with Nora's forgery, her husband lashes out: "You've wrecked all my happiness — ruined my whole future! . . . I'll be swept down miserably on account of a featherbrained woman." Only after the crisis has passed, when the lender has decided to tear up the note, does Helmer try to smooth things over with his wife with these self-congratulatory words: "My frightened little songbird. You can rest easy now; I've got wide wings to shelter you." But the time for sheltering has passed. Crisis has revealed the true character of Torvald Helmer, and Nora isn't buying it.

Lorraine Hansberry explores the same question in *A Raisin in the Sun*. The Younger family anxiously awaits the arrival of a $10,000 insurance check, more money than any of them has ever imagined. Mama dreams of buying a house, Beneatha dreams of tuition for medical school, and Walter Lee dreams of starting a business with some friends. When Walter Lee's friends abscond with two-thirds of the money, the family is devastated. Sister Beneatha is particularly distraught over the loss, saying of her brother, "That is not a man. That is nothing but a toothless rat." But Mama Younger asks Beneatha, "Have you cried for that boy today? I don't mean for yourself and for the family 'cause we lost the money. I mean for him: what he been through and what it done to him. Child, when do you think is the time to love somebody the most? Measure him right, child, measure him right."

How we respond to crisis reveals a lot about who we are. Reading about crisis invites us to examine our own character and ask ourselves how we would measure up. Would I have the strength to endure? Would I have the courage to resist? Would I have the wisdom to know when and how to fight? Or would I simply run away? The extraordinary story of *The Pianist* seems to ask the right questions, and provides many of the right answers. Perhaps the permanent uniting of the Polish Jew with his German Catholic benefactor between the covers of a single book is the most important answer of all. ❑

***The Rule of Lawyers*, by Walter K. Olson. Truman Talley/St. Martin's, 2003, 352 pages.**

Lawyers vs. the Law

Martin Morse Wooster

In our turbulent times, much has changed about our politics. But in peace or war, or when Republicans or Democrats are in charge, one fact never changes: trial lawyers are up to no good.

Ever since his first book, *The Litigation Explosion* (1991), Walter K. Olson, a fellow of the Manhattan Institute (for which I have done some consulting), has been the nation's leading scourge of trial lawyers. Through his books and his informative blog, overlawyered.com, Olson has become the primary source for people who want to be informed about the trial lawyers' latest insidious schemes.

Olson has formidable skills as a writer, but chief among them is that he's fun to read. Far too many public policy books, however well-intentioned, are a chore to finish. That's not true of Olson. *The Rule of Lawyers* is well-documented, but it's also funny and entertaining. Reading it is not a homework assignment.

There are eight chapters in Olson's book, and each one is a case study. Several of them deal with trial lawyers' big victories in the tobacco, asbestos, and breast implant lawsuits. But my favorite chapter concerns juries.

Jury duty is supposed to be a duty of every American. But whenever

there's a high profile case — the O. J Simpson debacle, say, or one of those tobacco cases that awards a smoker over a billion dollars — you've probably asked yourself, "Can juries be that stupid?" Yes, they can. In fact, Olson makes the case that trial lawyers have ensured that marching morons are the sort of people who end up serving on high-profile cases.

The civics textbooks tell us that people who are supposed to be jurors are well-informed people passionately committed to ensuring that justice is done. But as Olson shows, if you have any opinions — or even read your daily newspaper — you're likely to be booted off. In big cases, jury selection takes a very long time. A notorious Florida case that awarded smokers over $145 billion took three months for the jury to be selected. In the trial of the Menendez brothers in Los Angeles, 1,017 potential jurors were rejected before 18 were chosen. Jurors have to fill out questionnaires that can take up to 80 pages, which leads some juries to "take on the air of a giant college-entrance exam on awareness of current events, albeit with reverse scoring."

So who does get picked? In the trial of Oliver North, the jurors were the few people who had ignored the countless news articles about North. (One juror said that she had seen North on television, but "it was just like I was focusing on the Three Stooges or something.") In the Robert Mapplethorpe obscenity trial, the one potential juror who admitted regular attendance at museums was ousted. In the O.J. Simpson case, eight of the jurors were black women, who only make up 5 percent of the population of Los Angeles.

Another fine chapter is about what Olson calls "trial lawyer TV." You've seen these segments time and time again on TV newsmagazines. But Olson teaches us to be suspicious of these exposés. "These stories require the network to conduct much less original research than viewers may assume they've had to do," he writes. "By the time the helpful folks from the litigation community drop the horror narrative on the producer's desk, the package may be practically tied up with a ribbon and bow, though the network will still probably want to add the 'balance,' consisting of an interview with forlorn-looking executives of the company or institution being sued."

Olson focuses on "exposés" on auto safety, concentrating on the infamous 1992 *Dateline NBC* segment charging that gas tanks in General Motors trucks exploded. After General Motors investigators (following a tip from the editor of *Popular Hot Rodding*) found that NBC had placed incendiary devices next to the gas tanks, enabling them to blow up on cue, NBC had to read a lengthy apology on the air, and NBC News president Michael Gartner resigned.

Olson reminds us that trial lawyers are champions of big government who make their vast fortunes from hard-working taxpayers.

But Olson finds that several of the consultants involved in the *Dateline NBC* fiasco were involved in earlier exposés that have never been retracted. These cases, including charges that Audis suddenly accelerated, Jeeps would routinely flip over, and the Ford Pinto's gas tank would explode, turn out to have had the same errors as the General Motors case. The *20/20* segment that caused the Ford Pinto's demise even included hidden incendiary devices. But these shows are still regarded as triumphs of television reporting.

There's a great deal more informative material in *The Rule of Lawyers*. You'll learn how trial lawyers elated at grabbing billions from the tobacco industry trained their sights on gun manufacturers — and how gun makers and gun owners fought back, and eventually won. There's also a good chapter on why certain small southern towns are Golcondas for greedy lawyers.

In *The Rule of Lawyers*, Walter Olson reminds us that trial lawyers are champions of big government who make their vast fortunes from hard-working taxpayers. If eternal vigilance is the price of liberty, Olson tells us that we shouldn't just watch out for politicians — we also have to keep our eyes on unelected trial lawyers. ❑

***Cool Comfort*, by Marsha E. Ackermann. The Smithsonian Institution Press, 2002, 214 pages.**

Colder, Not Wiser?

James Barnett

We take air conditioning for granted; without it we can hardly imagine life in much of the country. But it is in fact a recent invention, with a surprisingly amusing history. In *Cool Comfort*, Marsha E. Ackermann reviews the climate theories, marketing techniques, architectural criticisms, and social gripes that surrounded air conditioning as it evolved over the last century. Encapsulating the Nature vs. Society debate, she asks the question: is it natural to seek control over personal comfort?

In the 19th century, the greatest danger with overheating, so far as most people were concerned, occurred not in the summer, but in the winter.

No sooner had America tamed winter's freezing temperatures with the advent of the cast-iron stove, than many American health officials and foreign observers began to curse the artificially tropical conditions of winter indoors. Among these critics was Charles Dickens. While touring stateside in 1842, he fulminated, "that great American institution, the cast-iron stove, is in disgrace."

But soon a whole new dimension would open up in the debate over climate control. By 1880, electrical fanning and ice made by mechanical refrigeration were separately invented. Two decades later they were combined to form air conditioning. Willis Haviland Carrier was considered the first to engineer and install a system to control both air temperature and humidity. Engineer Stuart Cramer coined the term "air-conditioning" in a 1906 speech, rejecting other terms — "air chilling" and "colderizing" — that had been proposed.

In the early 20th century, while air-conditioning technology was developing, strange debates erupted over the relationship between climate and man. Ellsworth Huntington's "physiological climatology" theory set out to explain human achievement in terms of climatic factors. Climatic warming, he argued in *Civilization and Climate*, had caused nations to decline in physical stamina and mental powers.

Many air conditioning manufacturers sought his endorsement, hoping to connect AC with health, progress, intelligence, and power. The height of these absurdities was the English tourist resort Claxton-on-Sea's advertisement proclaiming that "Dr. Ellsworth Huntington" called it "the Best Climate in the world for human health." Huntington may have been hailed as "the high priest of climatic determinism," but he was in fact rather ambivalent about homogenized climatic conditions. He preferred, for example, that factories conform to "natural standards of productivity by adjusting output seasonally." He even suggested workers change locations in time with the seasons. Huntington's ideas were later debunked as the "geographical school" of sociology. His use of statistics came under fire, and his notion that a uniform working temperature was desirable was roundly criticized, yet his climatological hypotheses were popular and persist to this day.

The goofiest of the theorists on Huntington's model was sociologist S. Colum Gilfillan, who claimed that the greatest men were born between the months of December and April. In his article "The Coldward Course of Progress," Gilfillan explicitly links climate and human progress, and in "Path to Supremacy" he tracks the northward expansion of civilization. Sydney F. Markham hypothesized that climates impede national progress. A nation with a mean annual temperature of 70 degrees or more (most of America) will have less "energy" and inefficient work habits. With this theory he attributed the Southern loss in the Civil War to the heat. Markham's book, *Climate and the Energy of Nations*, was popular enough to be reprinted and enlarged in 1944, despite wartime publishing constraints, to the enthusiasm of the air-conditioning industry.

By then, America was experiencing a "golden age of public health." One public health expert, Charles-Edward Amory Winslow, began his own inquiry into human physiology, and, in particular, the effect of specific environments, such as factories and classrooms, on public health. His aim was "to connect the physical and chemical properties of air to respiratory health and disease prevention." He launched an "open window" campaign emphasizing ventilation and circulation as vital to good health. In 1949, while working at the Pierce Laboratory, he slowly began advocating methods of indoor climate control while research-

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Literature

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ing the optimal room temperature for worker efficiency — a measurement that proved elusive. Winslow at first settled on 74 degrees but changed it to 70, the same temperature hypothesized by Markham.

Market researchers concluded in 1948 that the only important market for air conditioning was among Southern households "with incomes in excess of ten thousand dollars," a huge income at the time.

Air conditioning, Ackermann argues, was promoted with an aura of "technological utopianism" through AC ads and displays. As far back as 1887, Edward Bellamy envisioned Boston underneath a giant communal umbrella. Later, in H.G. Wells' 1933 novel *The Shape of Things to Come*, weatherlessness is society's crowning achievement.

The utopian impulse and the history of air conditioning came together at the 1904 St. Louis World's Fair. In the public debut of air conditioning, 750 tons of refrigeration were used to provide cooling to all or parts of its 140 structures. A "ton" of air conditioning is the equivalent of 2,000 pounds of melted ice over a 24-hour period. The later 1939–40 New York World's Fair would claim seven times more cooling tonnage than the 1929 Century of Progress Exposition in Chicago. The New York Fair even featured the Carrier Corporation's air-conditioned igloo — lost on the presenters was the fact that Eskimos build igloos to retain heat, not cool down.

The first places outside the fairs to install air conditioning were public commercial spaces such as movie theaters and department stores. This was not without its drawbacks: people in theaters often had to wrap their legs in newspapers to block the cold blast of air from floor ventilators. Carrier corporate executive L. Logan Lewis conceded that early air conditioning "merely substituted one discomfort for another." This problem was later addressed by using ceiling outlets.

Owing to high costs, air conditioning was only slowly introduced into the homes of America. But it should come as no surprise that the White House was among the first equipped with the modern luxury, though only to provide cooling to work spaces and not to the family quarters. Nowhere was the impact of air conditioning more dramatic than in humid Washington — a post the British Foreign Office once classified as "tropical." As Gore Vidal noted, summer weather once meant that "[t]he president . . . and all of Congress went home. . . . But since air-conditioning and the Second World War arrived, more or less at the [same] time, Congress sits and sits while presidents and their staff never stop making mischief." Air conditioning had actually been introduced in Washington three years before Vidal's birth in 1925. But, as Ackermann observed, it was expanded during the New Deal: "By launching a massive expansion of air-conditioning throughout official Washington's vast marble halls, the Roosevelt administration — at least on the official level — shifted the rationale for air conditioning from comfort, or even health, to efficiency and productivity." The city of Washington began recording summer peak electric usages in 1942, 21 years before other utilities across the country.

Ironically, FDR himself didn't much care for air conditioning. "In a 1952 memoir, brain truster and FDR speechwriter Samuel I. Roseman said he sometimes had to flee the president's stifling study for an air-cooled White House room to get any work done during hot spells." Richard Nixon, on the other hand, would crank up the AC so he could have a fire in a fireplace in all seasons and locations — the White House, Camp David, or San Clemente.

The last "frontier" for air-conditioning was the home. The biggest barriers to selling home cooling were cost, desirability, and cheaper alternatives. The first private residence to be air-conditioned was a 40-bedroom mansion in Minneapolis in 1914 that was air conditioned at a cost of more than $10,000. The house was briefly occupied by its traveling owners and later sold to a lumberman who used it only for charitable events. It is doubtful that its AC was ever used. Market researchers concluded in 1948 that the only important market for air conditioning was among Southern households "with incomes in excess of ten thousand dollars," a huge income at the time.

But as is so often the case, the researchers were wrong. "Even when the engineers assumed home air-conditioning might become cheap enough to appeal to households in the $7,000 income bracket, they predicted that only 312,000 home air-conditioning systems would be sold in the United States between 1947 and 1961," writes Ackermann. "As it happened, by 1960 more than six and a half million American households would own some kind of air-conditioning apparatus."

The marketers tried to figure out who in the household would want the product in the home, the man or the woman. Was an air conditioner a brown good, an item the male breadwinner fiddled with like the television, or a white good, an appliance a woman needed to perform her household chores efficiently? In the beginning, most advertisements featured husband and wife enjoying their newfound comfort. But by the late '50s, most ads would feature the father turning knobs on the air conditioner.

Air conditioning manufacturers sought to connect AC with health, progress, intelligence, and power.

AC did have some competition. Besides electrical fans, comfort-enhancing housing designs competed for the attention of the new homeowner. Leading the charge was the House Beautiful Climate Control Project. It was committed to "simplicity, economy, and appropriateness in the home." Enjoying a wide circulation throughout the mid-century, *House Beautiful* recommended an eclectic mix of architectural modernism,

traditional construction practices, and social customs like the incorporation of sun angles and wind directions into housing construction. A lot of its advocates railed away at how unnatural American homes were, such as Cape Cod homes built in the South, and many of their recommendations were really meditations on why we should revel in thermal discomfort. House Beautifulists eventually abandoned their opposition to air conditioning.

As with most new technological innovations, there were detractors. Chief among these were the new moralists, those who feared "the emerging middle class was losing sight of life's 'higher' purpose amid the welter of material goods." Henry Miller and John Kenneth Galbraith joined the fray, as did Vance Packard, a social critic who wrote scathing attacks on consumerism and advertising. During his career, he criticized the American automakers for making air-conditioned cars, adding that this further blurs the line between luxuries and necessities. Lewis Mumford imagined what Leo Tolstoy would think if he witnessed air conditioning:

> He pictured modern man ingeniously sealing up the windows of his house and mechanically exhausting the air so that he might, by utilizing a still more extravagant mechanical apparatus, pump air back again — instead of merely opening the windows. Tolstoi did not suspect that within a generation this folly would actually be committed . . . even . . . in the midst of open country, where fresh air is available, and where the natural noises are at a lower level than that of the exhaust fans used by a ventilating system.

Irrespective of the cynics' rants, air conditioning did create new problems. New York City's 1948 brownout was attributed to the rising demand for air conditioning. Tensions continued to develop over the costs of this luxury. Jimmy Carter famously pushed for strict energy conservation regulations on all homes and offices. For instance, thermostats could not be set lower than 80 degrees. Only after defiant citizens challenged the new regs did the Energy Department lower the federal standard to the "psychologically cooler" 78 degrees.

Somewhat strangely, Ackermann focuses mostly on the promotion and marketing of air conditioning, highlighting such trivia as the racism and sexism she found in advertising for it in the early part of the last century. Her hostility to air conditioning is dished out in delightful prose like this:

> Climate control has had the effect of 'disciplining' individuals, in the Foucauldian sense, keeping them indoors with promises of comfort and physically unchallenging uniformity rather than with threats of painful punishment.

Even so, *Cool Comfort* is an interesting and informative book. And despite attacks by the likes of Galbraith, Ackermann, and Mumford, by the late 20th century air conditioning had become ubiquitous in America. But curiously, the Carrier Dome at Syracuse University to this day is not air conditioned. ❑

***Bronx Ecology: Blueprint for a New Environmentalism*, by Allen Hershkowitz. Island Press, 2002, 281 pages.**

Saving the Bronx Ecosystem

Jane S. Shaw

The Bronx Community Paper Company was going to be a $500 million world-class recycled-paper plant, built on an old railyard site in the South Bronx of New York City. It would not only recycle wastepaper but also rehabilitate the location to the highest environmental standards and use reclaimed sewage water instead of fresh water. It was going to be community-based and provide living wage jobs in an area that prosperity had passed by. The plan was praised by Bill Clinton and Al Gore and won the interest of the architect-luminary Maya Lin, whose designs for the plant were included on the *New York Times* list of the top ten architectural highlights of 1998.

The entrepreneur behind this paper mill was not a businessman, but a senior scientist for the litigation-oriented environmental group, the Natural Resources Defense Council (NRDC). As it turned out, the Bronx Community Paper Company was never built. No spade of earth was turned. As the familiar adage says, "Success has many fathers, but failure is an orphan." That may be why *Bronx Ecology* has received little attention. Published in November 2002, the book does not appear to have been reviewed in a major publication. Yet it is a fascinating story and the story is mostly about hubris.

You can't help but admire Allen Hershkowitz. He had spent years trying to push recycling through regulations, laws, and lawsuits. After Congress failed to enact a national recycling act in 1992, he shifted directions. Still convinced that recycling makes sense both environmentally and economically, Hershkowitz set out to prove this claim by building a massive, environmentally pristine recycled-paper mill. "I was excited about the idea of building bridges with traditional adversaries," he writes, "of getting to know more people in industry

and working with them, of bringing their formidable resources and profit motive to our cause." He worked on the project for nearly eight years.

Hershkowitz's project, although exceedingly ambitious, did have strengths. He was able to find a paper company in Sweden (where, he says, recycling is much further along than in the United States) that had a subsidiary in the United States willing to operate the plant. He enlisted Maya Lin (designer of the Vietnam Memorial) to integrate the collection of buildings in an environmentally pleasing way. And he linked up with a Bronx community development group to help ease the permitting process and achieve his goal of serving a community that needed jobs.

But the project died, and this book is its obituary. It's written a little oddly, combining excruciating detail about parts of the project with light touches over others. The reader is never specifically told the sequence of events that led to failure, just that shortly before all the papers were to be signed, the project could not muster sufficient funding. Instead of being humbled by his experiences, Hershkowitz ends the book with upbeat advice on how environmentalists should work with the private sector, just as though the project had been a complete success. (Some sections of the book may have been written before the project failed and were not changed.)

Hershkowitz does identify some of his mistakes and the people who let him down. One of his biggest errors, he tells us, was to give ownership of the company to the Banana Kelly Community Improvement Association. One can hardly disagree with his hindsight. How he could have turned over a pioneering, highly sophisticated, $500 million project to a small community group with little apparent accountability, I do not know. Although numerous problems arose from this arrangement, the crippling one was a scandal publicized in the *New York Post*. Banana Kelly's executive director was charged with using the organization's funds for personal expenses and channeling a $1 million grant to a friend, who apparently didn't do anything constructive for the project. (Hershkowitz never details the subsidies the project received, but implies that they were substantial.)

Second, New York City changed mayors. The project depended on contracts with the city government for New York's wastepaper. Rudolf Giuliani was less enthusiastic about the project than his predecessor had been and more open to campaign contributions from major waste haulers who wanted to keep getting the wastepaper that would otherwise go to BCPC.

Third, in what Hershkowitz views as typical modus operandi in New York City, a construction firm sued NRDC and others for $80 million, on grounds that they had given the firm some right to a role in the project and then reneged. Although the suit was ultimately dismissed, its potential

Notes on Contributors

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impact forced NRDC to remove itself from the project. According to Hershkowitz, the absence of NRDC's advocacy was fatal.

As the book progresses, Hershkowitz shares some other reasons. The Swedish paper company and its U.S. subsidiary changed ownership and the new leadership backed out. Hershkowitz was forced to revise his game plan. Instead of relying on a paper company as the designer and operator, he went to a construction firm/developer, Morse Diesel International. Hershkowitz says that Morse Diesel designed a plant that was so big that it couldn't be financed.

An outside observer such as myself quickly sees other errors. One is

The entrepreneur behind this paper mill was not a businessman, but a senior scientist for an environmental group, the Natural Resources Defense Council.

Hershkowitz's naive and exaggerated view of recycling's blessings. Hershkowitz should have read the broader literature on recycling, not just his own rosy descriptions. Scholars such as William Rathje (University of Arizona) and Clark Wiseman (Gonzaga University) and reporters such as John Tierney (*New York Times*) have poked holes in optimistic claims about recycling. They would have warned him that the demand for recycled products, including paper, is limited. Equally important, a big plant requires a steady supply of wastepaper in a market that is notoriously volatile. Both supply and demand may depend on political factors.

Failing to take these (and other) criticisms seriously, Hershkowitz was blind to the peculiarities of the market affecting recycled paper in New York. Once completed, his plant would have disturbed market forces that were already handling the problem of wastepaper, and these competitors weren't going to sit around and lose their markets without a fight. Add to that the fact that New York City is known for corruption, especially in construction, and that the supply of wastepaper was dependent on a politically-mandated recycling program that could easily change as the political winds shifted. Also contributing problems were unions, which destroyed Hershkowitz's hope that there would be living wage jobs for South Bronx residents. (Local people were kept out.)

More fundamentally, Hershkowitz should have learned more about markets before stepping in with both feet. Hershkowitz refers to the "ruthless" market at least four times in this book. Yet he doesn't seem to understand either how ruthless market competition can be or the social benefits that come from that ruthlessness. Competition forces owners to search for lower-cost ways to provide customers with products they want at prices that no other company can consistently undercut.

The social benefits of this market competition are innovation and less waste of resources. The resulting efficiency (when it occurs throughout the economy) leads to prosperity, even though the production processes and output may not have all the characteristics that would be desirable in an ideal world. Rather than heed the messages of the market, Hershkowitz clung to his prior assumptions about how beneficial recycling paper would be and assumed that people would be willing to pay for virtually unlimited

"Just two bucks more, sir, and I can get a secured credit card!"

When your goals are grandiose — no matter how wasteful of resources — people pay attention. Until you fail.

environmental remediation, even under adverse conditions such as those found at an abandoned industrial site in New York City.

Entrepreneurs can overcome many problems, and all over the world entrepreneurs are looking for lower-cost ways to dispose of waste, as they have done for hundreds of years. Sometimes these efforts lead to new products, new markets, and profits. Yet even on a small scale, the goal is challenging. The main reason is that virgin raw materials such as paper and plastic are plentiful not primarily because of government subsidies, as Hershkowitz claims (repeating discredited myths). Rather, the economic system for producing them is efficient. Competition keeps costs low and entrepreneurs continue to find new ways to stretch limited raw materials and to find new ones. Recycling has a place, but a $500 million paper mill in the midst of politically corrupt New York City put together by neophytes in business and owned by the Banana Kelly Community Improvement Association was pretty much beyond the pale from the start.

How much more would Allen Hershkowitz have done for society if he had started small, exploring a more limited recycling project, to see what worked! A tiny plant producing newsprint somewhere in, say, Missouri could have tested his hypotheses, identified strengths and weaknesses, and might have provided real benefits. But such a project would not have received presidential praise, would not have won government subsidies, and would not have earned a profile for Hershkowitz in the *New Yorker*. When your goals are grandiose — no matter how wasteful of resources — people pay attention. Until you fail. ❑

Reflections, *from page 19*

movements, having been involved in them for more than three decades. His tenure as Ludwig von Mises Professor of Economics at Hillsdale College has been marked by strong personal scholarship, particularly in the area of Mises. It was Ebeling's and his wife's research that uncovered Mises' pre-war papers that were kept in the former Soviet Union.

One can only hope that the board of directors of FEE will give Richard the support he deserves and will require. One of the things that has not been said enough about FEE's dismissal of Mark Skousen as president last year is in what a clumsy and amateurish manner it was done. It is frequently the case that administrative leaders and boards of directors do not get along for reasons of personality or policy; there's nothing new here in the case of Skousen and FEE. What reflected so poorly on the FEE board of directors was the manner in which Skousen's dismissal was effectuated.

As an organization, FEE holds little of the position it once did. Its monthly magazine, formerly *The Freeman* and now *Ideas on Liberty*, is a shadow of its former self. The likes of Hayek, Mises, and Friedman once graced the pages of *The Freeman*.

FEE was once one of the leading lights in the free market movement. Under Richard Ebeling's leadership, it could reacquire some of its former luster. — Lanny Ebenstein

Dialog With an Absolutist, *from page 30*

ments for new issues of stocks and bonds.

A libertarian might argue, "If the market demanded this information, the producers would supply it." But they didn't supply it. A century ago, companies put opium in medicine to calm crying babies, and didn't mention it on the label. When federal law demanded it on the label, the opium came out. Today, no U.S. law requires the listing of ingredients in beer, and the beer makers don't list their ingredients.

In a commercial society, people have to deal with strangers. People are presented with choices, some of them affecting their health and survival. If you want a society like that, you'd better make sure it's not too difficult for people to make good choices. Otherwise you will have too many sore losers, and that will be a political problem.

9. Libertarians typically say, "Let every man be armed." Armed with what? Rifles and pistols only? Machine guns? Stinger missiles? Land mines? Tanks? Nuclear bombs? All societies set limits, and a libertarian society would have to do so, too — particularly in public spaces. This question would have to be answered with an eye to practical consequences, not theory alone.

10. How would a libertarian society handle the commercialization of sex? Is everything allowed? How about a bordello designed as a ten-story erect penis? How about a billboard for that bordello, advertising its Monday night chains-and-leather special? A TV ad for said special? I am willing to stipulate that a libertarian society would be pretty damned open, that there might be a Mustang Ranch at the edge of my town. But how in-your-face could it be?

Those are my ten points.

The reader might say, "Hey, if you disagree with us on all that, why are you here?" It is because none of the ten points are of any practical importance. None are issues currently on the table: our society is not debating commercial sex, or the right to own rockets, or the selling of city streets. It is talking about issues such as:

1. War and foreign policy;
2. Taxes and government spending;
3. Schools;
4. Welfare;
5. Social Security;
6. Medicine;
7. Race preferences and the freedom of association.

On these, libertarian theory has something to say. One still has to evaluate it, and sometimes to come up with a softer version, like Social Security private accounts, that might make a sale.

I know the absolutist libertarian. He will be listening impatiently, with a pained "he-doesn't-get-it" expression, waiting to say: "I trust in a free people and you don't."

I trust a free people in cases of economic demand and a working market. Not always otherwise. Maybe there *aren't* enough libertarians to screw in the light bulb. And maybe I don't want to be in the dark.

I return to Rukeyser's principle: I am for liberty, and I am for what works. The absolutist libertarian is for liberty, and he assumes, *a priori*, that it will work. Which means, in practice, that he doesn't care whether it will work or not.

I am for liberty, and I am for what works. The absolutist libertarian is for liberty, and he assumes, a priori, that it will work.

But the fact is, other people do care, and if some rule doesn't work, they will throw it out. That is what Mencken meant when he said, "all they can stand."

The absolutist will admit that, but it is a mere practical question, and he is not interested in those. He says, "How do you *decide* whether it 'works?' If you set up a principle of liberty, and you allow that principle to be compromised when you conclude that it doesn't 'work,' then you are nothing but a pragmatist."

Not entirely. I start with liberty, not with equality or some other thing. That is not pragmatism.

"But you are on a slippery slope," the absolutist will say. "If you compromise your principle at point A, you will be led to compromise it at B, C, D, and E."

Not necessarily. I am used to slippery slopes.

"But you are not consistent."

I suppose not. To be consistent, in this sense, is to accept that one political idea can give an optimum answer to all questions. It is to receive a philosophy as a black box, and to accept whatever comes out of the box.

Well, it is a nice box, but I'm not going to trust it that far. ❑

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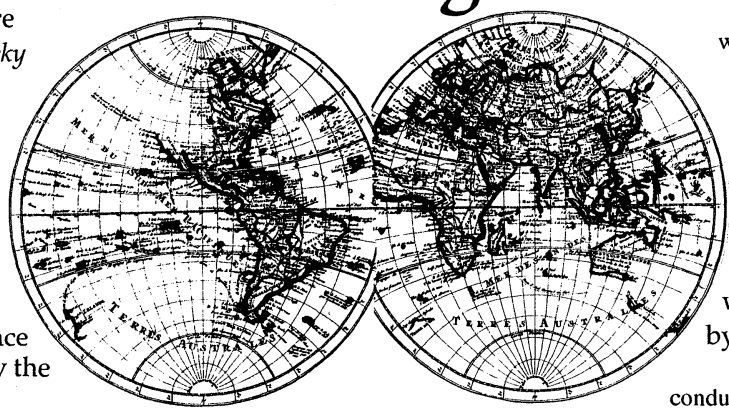

Thailand

Curious notion of feminine beauty from the Land of the Free, as reported by *The Learning Channel*:

> Thailand's Jumbo Queen contest is held to select the contestant who best exhibits the characteristics of an elephant by virtue of her grace, elegance, and size. This year's winner, Supaporn Dongkhair, weighs 368 pounds. As Jumbo Queen, she will promote elephant conservation.

Glassport, Pa.

City legislators unaware that Alaska and Hawaii are states, reported by the *Rocky Mount Telegram*:

> It has been called to the attention of Glassport officials that the city's American flag is missing two stars.

Chicago

Advance in the science of weight loss, reported by the *Sydney Morning Herald:*

> A ten-year study has found that pleasant perfume can make women appear thinner to men. "Wearing a floral spice scent can reduce a woman's perceived weight by as much as 7 per cent," neurologist and psychiatrist Alan Hirsch said.

Arizona

Advance in the War on Cultural Insensitivity, from a report in the *Arizona Daily News*:

> Tortilla throwing, a graduation ritual at the University of Arizona, will not be allowed this year in order to avoid insensitivity to Hispanic and American Indian community members.

Spain

Progressive social proposal from Europe's environmentalist movement, from a dispatch from Reuters:

> A new proposal from the Green Party in Granada would introduce a controversial new youth sex voucher, the so-called "bonosex," to give amorous young couples aged 25 or under a 50% discount in the city's hotels.

Portland, Ore.

Evidence that only government can take the long view when it comes to preserving our heritage, from a report in *The Oregonian:*

> Theodore Roosevelt IV is coming to Portland to open a time capsule sealed 100 years ago by his great-grandfather, the president, to commemorate the Centennial of the Lewis & Clark Expedition. But city officials have lost track of where the capsule is buried, and are exploring plans to excavate until they find it.

Johannesburg

Progressive measure to discourage littering, reported by *The Star*:

> Retailers caught using or selling thin, plastic bags can be fined up to 100,000 rand ($13,800) or sentenced to ten years in jail.

Washington

Another measure to discourage littering, reported by *The Peninsula Daily News*:

> Owners of automobiles or watercraft who do not have a state-approved litterbag on board can be convicted of a misdemeanor and fined.

Canada

Evidence that life in the Great White North is not without its stresses, reported by *The Wall St. Journal*:

> According to a national poll conducted by Ispos-Reid/Hewlett Packard, 12 percent of Canadians have "assaulted their photocopier." Another 30 percent have "come close to blows" with their copiers.

Denmark

Curious fashion note from the European Community's largest cheese-producing nation, from the *Wilmington Morning Star*:

> A supermarket chain in Denmark is selling "flip-flop" sandals featuring images of Jesus and the Virgin Mary.

Florida

The criminal element perseveres against high-tech imprisonment, as reported by the *Sarasota Herald-Tribune*:

> A Polk County Jail inmate escaped by wearing a wristband that had his cellmate's personal information and photograph.

Oregon

The estimable *Seattle Post-Intelligencer* reports a curious paradox of its southern neighbor:

> In Oregon, self-service gasoline is illegal, but self-service suicide is legal, provided it is supervised by a licensed physician.

North Royalton, Ohio

Curious choice of murder weapon, from a dispatch from the Associated Press:

> Police in the Cleveland suburb of North Royalton have charged a caretaker with killing a disabled woman with a bagel.

Special thanks to Russell Garrard, Owen Hatteras, and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertysoft.com.)

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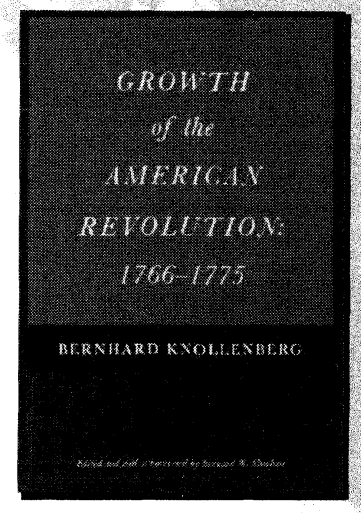

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–*The Midwest Book Review,* February 2003

Now Liberty Fund proudly announces the publication of the second volume of Knollenberg's masterwork on the American Revolution. Knollenberg describes ***Growth of the American Revolution*** as ". . . an Account of the Change in the Minds and Hearts of a Majority of the People of the Thirteen Colonies Who Rebelled against Great Britain in 1775, together with a description of the Provocative Conduct of the British Parliament and Government Accounting for this Change and the Colonists' Responses to the said Conduct."

Continuing the work Knollenberg began in the first book, ***Growth of the American Revolution*** covers the period from the repeal of the Stamp Act in 1766 to the outbreak of hostilities at Lexington and Concord in 1775. Taken together, these volumes present an authoritative and scholarly account of the making of the Revolution.

Bernhard Knollenberg practiced law for twenty-two years before becoming Librarian at Yale University in 1938. He was the senior deputy administrator of the United States Lend-Lease Administration in Washington, D.C., and later a Division Deputy in the O.S.S., during World War II. Thereafter, he dedicated his time to historical research and writing about the American Revolution. He is also the author of *Washington and the Revolution; Pioneering Sketches of the Upper Whitewater Valley: Quaker Stronghold of the West; and Franklin, Jonathan Williams, William Pitt,* and *Origin of the American Revolution: 1766–1775,* also published by Liberty Fund. Bernhard Knollenberg died in 1973.

Bernard W. Sheehan is Professor Emeritus of History at Indiana University and past editor of the *Indiana Magazine of History.*

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Letters

Three Cheers for FDR

In his review of *Rethinking the Great Depression* (June), by Gene Smiley, Alan Ebenstein wrote, "Smiley convincingly demonstrates that the policies of Franklin Roosevelt's New Deal — far from abating the Great Depression — in fact abetted it."

If this is true, why was FDR reelected three times by comfortable majorities? He was reelected because for most Americans life began to get better almost as soon as he became president. They were more likely to have a job. They also benefited from a growing public sector of the economy paid for by steeply progressive taxation. The first minimum wage law was passed. The government protected labor unions. Union membership grew rapidly.

These reforms, while distressing to most readers of *Liberty*, were pleasing to the voters.

Unemployment remained high during the '30s. Nevertheless, it never again reached the 27 percent it rose to while Herbert Hoover was idly sitting in the White House waiting for Adam Smith's invisible hand to fix the economy. Smiley argues that the invisible hand was just about to get a grip on things when Roosevelt loosened its fingers.

To test this hypothesis we would need to travel back in time to 1932. Then we would need to engineer the reelection of Hoover. Perhaps we could entrap Roosevelt in flagrante delicto with a beautiful, young intern. Then we could measure the economic numbers of the second Hoover administration against those of the first Roosevelt administration.

Economists cannot prove their theories with controlled experiments the way chemists and physicists can. With varying degrees of integrity they accumulate facts in order to try to demonstrate whatever they want to believe in. Nevertheless, no one can blame the Democrats for the onset of the Great Depression.

John Engelman
Walnut Creek, Calif.

Rendering Unto Ceaser

I have to disagree with Leon Drolet ("Michiganistan," June) regarding Jesus' answer to the question, "Is it lawful to pay taxes to Caesar?" He was indeed talking about taxes, but in a way that would mean one thing to the Romans, and another to the Jews.

That the question would be asked at all shows that this was a point of controversy, and for good reason: the first commandment says, "Thou shalt have no other gods before me," and Caesar considered himself a god. Moreover, Deuteronomy 17:15 states, "Thou shalt in any wise set a king over thee that the Lord thy God shall choose: one from among thy brethren shalt thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother." Caesar was a foreign king, and Herod was chosen by the Romans, not God.

That the Pharisees and Herodians sought to trap Jesus with the question shows that they figured he would stick to Jewish law, and say no.

Jesus asked to see the tribute money, and asked, whose image is this? Caesar, they replied. Well! The coin had a *graven image* of a *foreign god*! A good Jew shouldn't even have it in his purse. So he said to give to Caesar what is Caesar's and to God that which belongs to God.

Which raises the question, what belongs to Caesar, and what to God? Caesar owns his coins and his troops, and they should be sent back to him. Israel, its people, and their labor and goods rightfully belong to God and should be dedicated to his service. But only the religious Jews would see it

continued on page 4

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Inside Liberty

August 2003
Volume 17, Number 8

2 **Letters** Pieces of our readers' minds.

7 **Reflections** We find hope for a new generation, wish we could pack heat, explore the dopamine-addled mind of Bill Bennett, explain how liberty will feed the hungry, and go shopping for infrastructure with the ineffable Sen. Byrd.

Features

21 **A License to Discriminate** In two recent affirmative action cases, writes *Robert A. Levy*, a schizophrenic Supreme Court decided that institutions of higher education may discriminate — but only if they disguise it.

23 **TIA Lives!** "Total Information Awareness" has been rechristened "Terrorist Information Awareness," warns *Chip Pitts*, but it's still the same high-tech invasion of every American's privacy.

27 **A Day in Court** Ed Rosenthal could have got 60 years in prison for medical marijuana, yet the judge sentenced him to only one day. But if you think the system did him a favor, think again, writes *Alan W. Bock*.

29 **The Market for Ecology** Free-market environmentalism is finally being taken seriously, reports *Terry Anderson*, but much work must yet be done to secure the blessings of liberty for the planet.

31 **The Leisure of the Theory Class** Thinking is the curse of the thinking class. From decrying Lookism to critically analyzing beauty, theoreticians always find something — or Nothing — to deconstruct, observes *Eric Kenning*.

33 **The Trouble With Friedman** For more than a decade, Jeffrey Friedman has used his "scholarly journal," *Critical Review*, to attack liberty. *J. C. Lester* thinks it's time someone else gets the last word.

37 **Admitting Stupidity** *Alex Mouhibian* wants go to college. He practices for the SAT, polishes up his writing skills, and . . . gets shot in the ass.

42 **Dying, the State's Way** The right to kill oneself and the right to assisted suicide are not the same thing, cautions *Jeffrey A. Schaler*.

Reviews

45 **Saying "No!" to the Good War** As World War II loomed, Garet Garrett protested with all his intellectual might. *Stephen Cox* looks at a new collection of Garrett's trenchant attacks.

47 **Libs In Space** *Timothy Sandefur* explores the thin line between lunacy and genius in the farthest reaches of science fiction.

49 **Instead of a Blockbuster** *Jo Ann Skousen* finds some good movies that probably aren't coming to a theater near you.

52 **Homegrown Himmler** During World War II, a head of state ordered people of a particular race to be herded into camps — and earned a reputation as a great statesman, writes *Bruce Ramsey*.

51 **Notes on Contributors** Get the goods on us.

55 **Terra Incognita** Douglas Adams, eat your heart out.

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Letters, from page 2

that way. The Romans and Herodians figured everything material belongs to Caesar, and would be happy with the answer. Nor could the Pharisees explain the difference without admitting to their own heresy in supporting the Roman occupation.

The idea that Jesus was separating church and state, or separating the physical from the spiritual, only serves to mask the political nature of his ministry and to excuse Christians from resisting tyranny.

Rycke Brown
Grants Pass, Ore.

The President's Motives

In June's *Liberty*, R. W. Bradford mentions three motives for president Bush's decision to conquer Iraq: to avenge the disgrace of his father, to further his popularity, and as a religious crusade. Let's take them in order.

To avenge the "disgrace" of his father. Problem: we won the Gulf War! I was there and I distinctly remember winning. The stated objective was accomplished. Anyway, by invading Iraq this time, Bush the younger is basically saying that his father was wrong not to finish off Iraq, which was the kind of criticism that Bush the elder received at the time. In what way is this being the good son?

The war was fought to further Bush's popularity. Problem: fighting a war did not gain Bush the elder reelection in his reelection effort.

Bush is on a religious crusade. There are three problems with this theory.

1) Iraq is a secular state. This argument would work much better if we were talking about theocratic Iran (or atheistic North Korea for that matter).

2) To believe he could convert a country that is 96 percent Muslim to Christianity, he would have to be deranged. Whatever you feel about Bush, he has given no sign of being schizophrenic.

3) One of the rules of good, rational thinking is to be able to extrapolate and form a hypothesis that is subject to being disproved. If Bush were crazy enough to be on a crusade, he would have flooded Iraq with evangelists and fundamentalist missionaries by now. Instead the administration is (wisely) being careful to give no impression that it is attempting to Christianize anyone.

In the time that I have been reading *Liberty*, I fear that Bradford's ego has expanded in a geometric fashion. He seems to be showing more and more contempt for the public and almost no ability to self-criticize. Perhaps if this letter is printed he can prove me wrong, but somehow, I don't expect to see it. This contempt for the "stupidity" of the people (compared to Bradford?) and the delusional ravings of the AHAs (Aging Hippie Anarchists) like George Harper seems like a clever conspiracy to scare away any respectable, middle-class voter who might have thought about voting libertarian.

Walter Morey
Palm Bay, Fla.

Not Nuts, Eccentric

As a sometime reader of the *New American* (produced by the John Birch Society and formerly known as *American Opinion*), I was surprised at R.W. Bradford's characterization, in his otherwise cogent review of William F. Buckley's *Getting it Right*, of the Bircher leadership in the 1950s and '60s as, well, nuts. I admit to being relatively ignorant of the history of conservatism in the U.S. (including its associations with the radical Right and libertarianism). However, my current reading of the *New American* makes it clear that the John Birch Society's differences from Buckley come down to two main points: 1) The Birchers are thoroughly libertarian in their rejection of using U.S. governmental power for, for example, (a) the War on Drugs (which I believe Buckley supports), and (b) supporting other nations' struggles for democracy (which I also believe Buckley supports); and 2) The Birchers believe that there is a global communist conspiracy to undermine the United States' sovereignty and bring the U.S. under the hegemony of a global government.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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As for the first point, the Birchers seem to have been far more effective in encouraging and channeling a desire for strictly constitutional government among ordinary Americans than (for example) the Libertarian Party has. They do this by appealing to the (conservative?) idea that liberty can only exist in a society when the individuals in that society maintain high levels of moral character — a position clearly held by Jefferson and other Founding Fathers for whom libertarians seem to have great respect. As far as I can tell, the Birchers' theistic approach to liberty leads them to essentially the same political positions as libertarians, and it seems to me a shame that libertarians view the Birchers with such disdain, given the coincidence of their goals.

As for the second point, apart from eccentricities of the founder of the Society, about which I am ignorant, writers in the *New American* for the most part thoroughly document their claims, providing what seems to me to be a powerful case for their overall claim of a global communist conspiracy. Their documentation and reasoning, although dramatic, is usually thorough. I would challenge any serious libertarian who believes that Soviet communism is dead to read two books by the KGB defector Anatoliy Golitsyn, *The Perestroika Deception* and *New Lies For Old*.

Dave Zook
Atlanta, Ga.

What a Friend We Have in John Birch

I was quite angered by R.W. Bradford's review of William F. Buckley, Jr.'s book *Getting It Right* in the June issue of *Liberty*.

I am no fan of Buckley and never have been, but what annoyed me was Bradford's sarcastic references to the late Robert Welch and the organization he founded in 1958 — The John Birch Society. I would not be a Libertarian today were it not for my involvement with the Birch Society over 30 years ago. It was through the Society's publications that I first heard of Rand, Mises, Hayek, Friedman, Rothbard, Greaves, and many others. Libertarians and Birchers should be allies, not adversaries, in our joint struggle for individual liberty.

Bradford took a cheap shot at a fine man, Robert Welch, and a good organization, the JBS, and it was uncalled for. By the way, the Birch Society is still around, 45 years later, and growing daily.

Mark Richards
West Milford, N.J.

Miracle Drug

Medical marijuana is no "scam," despite Jeffrey Schaler's accusations to the contrary (Reflections, July).

Marijuana is demonstrably and directly effective in the efficacious treatment of any number of physical and emotional traumas and has been cited as beneficial in treatment of asthma, glaucoma, pain, nausea, loss of appetite, and insomnia. It is useful as an antibiotic, aids in withstanding the side-effects of chemotherapy, and alleviates seizures, tumors, brain cancer, etc. Many research scientists are on record as believing that as much as 80 percent of all commercial medical preparations could benefit from inclusion of one or more of the elements found in marijuana. A survey in Boston discovered that more than 50 percent of all doctors would prescribe marijuana to their patients knowing *only what we know about marijuana now*. Since medical research has been heavily constrained since the '70s, the feeling is very prevalent that there are many more beneficial uses of marijuana yet to be discovered — lost to us by an illogical and vengeful government and nonthinkers such as your Dr. Schaler.

Marijuana is demonstrably one of the least damaging therapeutically active substances known to man with not one single death attributed to it in over 5,000 years of recorded usage. On the other hand, smoking tobacco is the largest direct cause of death in the country with over 400,000 deaths annually. Over 150,000 deaths are directly attributed to alcohol (not counting the 50 percent of highway deaths and over 65 percent of murders in which alcohol plays a part). More than 1,000 deaths are attributed to aspirin. Caffeine is responsible for as many as 10,000 deaths by some estimates from stress, ulcers, and triggering irregular heartbeats, etc. "Legal" drugs like Valium either from deliberate or accidental overdose or mixing with alcohol account for approximately 25,000 annual deaths, and illicit drug overdoses cause another 5,000.

When you examine what the "good" doctor says — and more importantly, what he doesn't — it is clear that he is simply against the use of a substance through which some might find pleasure, even if at the same time it helps in overcoming their medical problems. Schaler is much too ready to swallow the propaganda dished out by the puritanical heirs to Prohibition rather than doing any research of his own or even examining the research done by others.

Big Jim Eaves
Los Angeles, Calif.

Only Human

As a physician I feel I must respond to Ralph Slovenko's Reflection (July) about long patient waiting times in physicians' offices.

First, please note that *no* physician schedules four patients every 15 minutes, as seeing 16 patients an hour is a physical impossibility. Sometimes four patients may be scheduled at the beginning of the hour with the entire hour allotted to those four patients, but each patient is still allotted 10 to 15 minutes for their visit, or 24 to 32 patients for the average day. Slovenko seems to have a great deal of empathy for those waiting in the physician's office but little empathy for the patient being examined at that moment by the physician.

What puts me off schedule each day is the patient who schedules an appointment (usually 15 minutes) for a minor problem, but when speaking to me brings up four or five other problems and will *not* be put off to another visit. I am also put off schedule by the patient who, having been seen for his minor problem and having established that the physician is competent and caring, then brings up (usually as the physician is just about to exit the examination room to get to the next patient on time) his real concern. My personal favorite: "By the way, doc, does it mean anything that the toilet bowl is full of blood after I poop?" At this point the patient, the physician, and long-waiting Mr. Slovenko have just had their schedules rearranged, as this is not a concern that can be rescheduled. This happens many times each day.

Could I schedule half as many patients each day, or refuse to work in

urgent problems on top of an already full schedule? Sure, but at current levels of compensation, I would quickly go bankrupt and be out of practice, and those patients I was not able to see would have to seek care in an uncrowded office elsewhere. Could my staff start calling patients and warning them to come later or reschedule? They try, but other pressing duties and inability to reach patients (even in this day of cell phones) prevent much success.

I do appreciate Slovenko's willingness to lead a walkout from my waiting room. This would solve the problem, as waiting times for those who did not walk out would be greatly reduced. In fact, I would encourage anyone who felt that the services I offer are not worth the wait to leave and seek care elsewhere now and in the future. Alas, despite my failings as to remaining on schedule, my waiting room is full. There is no shortage of physicians in my area, but there is always a shortage of competent, caring docs in every area. Vote with your feet, Ralph, but you may find yourself coming back to that crowded waiting room, which may be crowded because of the excellence of medical care being offered at that location.

Everest A. Whited, M.D.
Pflugerville, Tex.

Child Support vs. Children

Having been a divorced father now for four years with three (now) teenage boys that survived the divorce proceedings fairly well, I would like to comment on Stephen Baskerville's article "The Federal Bureau of Marriage?" (July). My personal ordeal was not nearly as horrendous as some of the examples related in the article, but I found out just what Baskerville was talking about firsthand — that the father is guilty until proven innocent and the family court/friend of the court monopoly exists unapologetically as a moneymaking operation first and foremost.

After paying child support for two years and never missing a payment because it was taken directly from my check (even though my ex-wife and I shared equal custody and she made as much as or more than I made), I received a form letter from the friend of the court. The first line thanked me (or whomever) for making the payments on time. What followed was two pages of threats outlining exactly what they could and would do if I dared to cross them.

I found this particularly interesting because I am now involved with a woman who has been divorced for 16 years, who was actually physically abused during her marriage (I've seen the pictures from the hospital), whose ex-husband left her for another woman and is now over $18,000 behind in child-support payments. This same friend of the court office that threatened me, even though I never missed a single payment, will not even return a phone call when she leaves a message, and will do virtually nothing, let alone what they threatened me with, to collect any of the money she is owed. Her caseworker often leaves a voice mail message that states, "Don't leave a message today, I'm not returning calls so I can catch up on my case files."

The most relevant tie here to Mr. Baskerville's article is where he admonishes the reader to "follow the money." The friend of the court assesses an 8 percent penalty on the unpaid balance for child support. This late charge is not passed on to the children to whom it is due — it is kept by the court! To add to the audacity of this behavior, the "interest" dollars are collected first whenever they receive money from him — any remaining money is then sent to the intended spouse and children. To date she has received many checks for less than $3.00.

As for her ex, he'll never get out from under this yoke. Because they take their cut off the top, only the pittance they send to her comes off what he owes, and the following month he is charged another 8 percent on the unpaid balance and he now owes more than he did the previous month, even if he paid the full court-ordered amount. Still, it's hard to feel sorry for him — he was recently sued for paternity by a woman he had an affair with 13 years ago who he just found out had his child, confirmed by DNA analysis. She sued after so many years because her welfare suddenly ran out!

Bruce Niederer
Essexville, Mich.

The War Between the States

If abolitionist William Lloyd Garrison properly disparaged the Constitution because it protected Southern slavery, and if, in his First Inaugural address, President Lincoln stated clearly that he had no intention to interfere, and no legal right to interfere, with the institution of slavery in those states where it existed, then it is pure invention to put it down that Lincoln invaded the South "to prevent the people of South Carolina from being kidnapped from American law," as Robert R. Reed (Letters, July) suggests.

Joseph Sobran's assessment ("Liberty & Disunion," April) cannot be set aside by simply adding yet another

continued on page 20

Errata

The June *Liberty* contained three egregious factual errors:

On p 16, the "Mother of All Bombs" that the U.S. tested in an attempt to terrorize the Iraqis was described as a "21,000 ton monster." It was actually a "21,000 pound monster."

On page 19, George Bush was described as "only the second incumbent president of the 20th century to fail to be re-elected," when in fact, he was the fourth (Taft, Hoover, and Carter all preceded him).

And on page 25, the 9/11 bombings were reported to have been "inspired by Osama Bin Laden who grew to hate the U.S. because, during the Gulf War, our military put bases and 100,000 troops in the cities of Mecca and Medina," when in fact, our military put troops only elsewhere in Saudi Arabia.

We should have spotted all of these obvious errors. We apologize to our readers for our negligence, and thank those readers who wrote us to bring them to our attention.

R. W. Bradford
Thomas Fuller
Kathleen Bradford
Patrick Quealy
Katelyn B. Fuller

Reflections

Equal opportunity imperialism — Remember that $78.5 billion war spending bill? Congress slipped in $5.5 million for the Library of Congress for the purchase and installation of a public address system for the library buildings. That will definitely show the terrorists we mean business. Then, of course, the Senate added an extra $15 million for the Equal Employment Opportunity Commission. Presumably the EEOC was charged with making sure that the military killed Iraqis without regard to race, color, creed, or country of origin. — Alan W. Bock

Don't blame the victim — Benton Harbor, Michigan, erupts into violence, and leftists across America start making excuses for the disorderly behavior: poverty, no jobs, substandard housing, lack of health insurance. . . . Perhaps they should think about Bush's invasion of Iraq the same way: yes, we were out of line invading Iraq, but we were just acting out because we were still angry about 9/11. After years of institutionalized terror, and disillusionment with peace processes, we just lashed out at the terrorist system that sought to subjugate us. — Tim Slagle

Ur-spam — My friend Garrett Brown went out of town for a few days and asked me to pick up his mail for him. You know what happened when I did. Although he'd been gone no more than 72 hours, I had to wrestle an enormous ball of crumpled paper out of his box and pick through it to find out if there was any actual mail amid the colored circulars for carwashes, lawn turf, amazing new kitchen toys, and special sales on underwear (can't they get some new models, for God's sake?). There were also some of those stiff white notices about missing children who are now 34 years old.

When Garrett got home and I presented him with this nasty mess, not very well sorted and smoothed, I admit, we both remarked on the fact that the U.S. Postal Service is now devoted principally to the dissemination of trash. I thought it might be a good idea for all those people who are so concerned with passing laws against spam to take a hard look at this other scandal. After all, we're paying taxes to have a ton of spam — real physical spam — get dumped on us every day.

Garrett had a better idea. "Why don't the environmentalists who are always protesting against waste and the destruction of trees and so forth start demanding that the Post Office be put out of its misery? After all, the Post Office is doing everything that the environmentalists claim to hate."

All right, you environmentalists. The challenge has been issued. The gauntlet has been thrown. Which do you love more — the environment, or the government? — Stephen Cox

Them mysterious WMDs — America's conquest of Iraq was justified, George W. Bush and his staffers told us over and over, by Iraq's possession of Weapons of Mass Destruction (WMD), weapons so terrible their mere possession justifies conquest. There are three kinds of WMD, Bush explained: chemical, biological, and nuclear, and Iraq had the first two and would soon have the third.

So Bush went to war and quickly conquered the smaller, poorer, weaker country. But our military forces searched and searched for WMD, without finding any trace of them, aside from a few low-tech bits of equipment that could conceivably be used as part of the process of manufacturing them. Each of these was trumpeted by the Bush administration as fresh evidence that Iraq was manufacturing WMD. (After all, what other use could Iraq have had for equipment for manufacturing fertilizer?)

Bush and his administration continue to maintain that they were right all along, that Iraq and its dictator did indeed possess WMD, but somehow forgot or failed to use them in the war, while remembering to destroy or hide every trace of them.

Some of the warmongers have taken a different tack: America had to conquer Iraq for reasons that were so recondite that Bush believed that ordinary Americans could not understand them, so he and his staff used Iraq's alleged possession of WMD as a convenient excuse. Thomas Friedman argues this in a recent *New York Times* column. The U.S. had to go to war because "America needed to hit someone in the Arab-Muslim world" in order to "level the balance of power between the Arab world and the West." But "the Bush team felt it could never win public or world support" for this rationale. So Bush used the WMD argument "for PR reasons."

Meanwhile, Bush's political aides point out that while a

few opponents of the war might be upset about the fact that he lied to convince Americans to go to war, most people are happy about the war and its outcome. "We may have gone to war because of weapons of mass destruction, but we have made our conclusions based on the reaction of the Iraqi people," said Frank Luntz, a Republican pollster. "Are we relieved? Yes. Do we feel good about ourselves? Absolutely." Another Republican pollster, Glen Bolger, warned the president's critics not even to look into the matter: "Every time the Democrats talk about this stuff, they run the risk of having it backfire." And the Republican chairman of the Senate Intelligence Committee dismissed the whole matter as "a big fuss about parsing words" and "dismissed" the suggestion that his committee should investigate the question as "a bit of theater," according to a report in *The New York Times*.

Bush has tried to give voters the false impression that his claim that Iraq had WMD was actually true, just as he tried to convince voters that Saddam was involved with al Qaeda.

The administration's strategy seems to be working. Support for the conquest of Iraq remains strong, and a great many Americans are not even aware that no WMD were found. 22% of Americans told pollsters that Iraq had used WMD against the American invaders. 34% said they believed that the U.S. had found WMD during the invasion. And 57% believe that Iraq had WMD at the beginning of the war.

Some observers suspect that Bush is trying to give voters the false impression that his claim that Iraq had WMDs was actually true, just as he tried to convince voters that Saddam was involved with al Qaeda — a move that worked to the extent that an invasion-eve poll revealed that nearly one American in four believed that Saddam was the boss of al Qaeda.

This suspicion is supported by the curious fact that an amazing 55% of respondents who identified themselves as Republicans and say that they "follow foreign affairs very closely" believe that WMD had been found by U.S. invaders, presumably because their "very close" attention to foreign affairs included listening to Bush's and his spokesmen's repeated claims that one or another piece of industrial junk somehow constituted evidence of Iraqi WMD.

The same poll that revealed the massive ignorance of the whole matter by the public in general and supporters of the war in particular also revealed that 68% of Americans continue to believe the invasion of Iraq was a good idea.

The task before those who are critical of ever-expanding state power remains a daunting one. — R. W. Bradford

If you can't say something nice . . . — People used to say that Americans were rude and aggressive. Europeans still say that we are. The fact is, however, that you can always tell who's an American when you're standing at the ticket window in a European train station. We're the ones who are waiting quietly in line, and when we accidentally step on someone's feet, we always apologize — and mean it.

Americans are nice. Indeed, this niceness that has been creeping over us during the past hundred years or so has gotten so very nice that it's becoming ridiculous.

Fresh proof appears in a new book by Henry Mark Holzer and Erika Holzer, *Fake Warriors*. The Holzers have had adventurous careers as writers, as lawyers (they were once the attorneys for Ayn Rand), and as activists for a variety of good causes. They are transparently sincere people, but a few years ago they developed a deep interest in phonies. First they wrote a book about Jane Fonda's supposedly well-intentioned propaganda for the Communist side in the Vietnam War (*Aid and Comfort*). I don't need to tell you what a phony Jane Fonda has always been. One thing led to another, and now the Holzers are concerning themselves with the strange group of phonies who pretend to have been Fonda's enemies — the people who claim to have been American combat soldiers (heroic soldiers, of course), and weren't.

There is, it seems, an enormous number of people running around the country talking about how they were shot up or shot down or captured or tortured or raped or all of the above in Vietnam, for which they were rewarded with multiple Purple Hearts, military promotions, and Congressional Medals of Honor, the story of which would be readily available if their operations had not been so sensitive or secret or embarrassing in some way to the military authorities that said authorities proceeded to destroy, sequester, or black out all indication of said operations from normal official records. The phonies have, as you may well imagine, used their false and often ridiculous "experiences" to procure for themselves such real and substantial things as jobs, loans, wives, veterans' benefits, promotions, election to political office, appointment to judgeships, favorable treatment for criminal offenses, and publicity, publicity, publicity.

Now, here's the place where niceness comes in. Virtually no one who listens to one of these phonies' accounts — and this goes for hard-boiled journalists as well as lovelorn ladies — is ever so mean as even to think of questioning or investigating their stories. No, we're Americans, and we'll take it all on faith. Come to think of it, how many times have you ever heard a reporter ask any public figure for the evidence that supports his statements? Certainly not. That would be rude!

There remain, nevertheless, some rude people on this continent. There are the Holzers, who are properly outraged by all of the above; and there is a considerable community of like-minded folks who operate Internet services devoted to the exposure of military phoniness. But to me, the most surprising thing about the Holzers' book is the many accounts it offers of what happens when people actually try to check on somebody's military record.

Usually these people are checking because it is a point of honor with them not to acquiesce in anybody else's phoniness, especially that of a friend or relation. It requires a special integrity to seek the truth about something like that, a special ability to bear emotional risks. But what are they told when they inquire? Very often, what they hear from the official record-keepers and investigators is: "Why embarrass him?" "Drop it." "Just let it go." Relatives of a fake warrior whose corpse was scheduled to receive military honors were

told that, whether he deserved them or not, "no one was hurt having a military funeral." In other words, be nice. Forget about it. Honoring a phony won't "hurt" anyone.

It's apparent that in this matter, as in the matter of Bill Clinton's scandals, there are two very different groups of Americans. One group consists of people for whom niceness is not the first consideration, for whom honor and honesty are of somewhat more serious concern. The other group consists of people who are horrified only by attempts to insist on the importance of those two qualities. Of course, the people in the second bunch are always having their trust abused; they are always being bamboozled, tricked, fooled, and cheated. But apparently that doesn't hurt them. They are the people whom that mean, sarcastic St. Paul encountered 2,000 years ago, when he complimented the people who went to church in Corinth on the fact that they were always so nice, even "if a man bring you into bondage, if a man devour you . . . if a man *smite you on the face*." — Stephen Cox

A strange coincidence — Defense Secretary Donald Rumsfeld confirmed recently that an independent advisory group is looking into what U.S. intelligence services were reporting before the war compared with what they found in Iraq once the war was won. It's not to identify scapegoats, says Rummy, but to improve capabilities. Fine. But how many noticed that this committee was set up last October? This means that back then the administration already believed (knew?) that a war was inevitable — enough to set up an after-action assessment system — but kept up the pretense that it all depended on what the U.N. inspectors found. — Alan W. Bock

Concealed logic — While doing some research on gun control laws recently, I learned that Washington is a "shall issue" concealed carry state.

It was a little startling to me that I was in a state that would allow almost any competent person, or even me, to walk into a sheriff's office, pay a fee, wait a few weeks, and be given a permit to carry.

I was born and raised in Ohio, where the laws are considerably more restrictive. Every year, Republicans in the state legislature try to push a concealed-carry bill through, and every year the bill fails to pass. Ohio law effectively forbids concealed carry except in a broadly defined set of circumstances that make those who carry guilty until proven innocent.

I was researching the matter because I had recently been involved in an extended discussion with some pro-gun-control acquaintances back in Ohio. A few of them had propounded the standard arguments against concealed carry: it is vigilantism, it will lead to anarchy, and so on. And of course they asked me, with smiles of smug superiority indicating their confidence in my answer, "Can you honestly say you'd feel safer if you knew that anybody walking by you on the street might have a gun?" The smiles were replaced with confusion and indignation when I answered in the affirmative.

For the past four years, I lived in Columbus and attended The Ohio State University, the third-largest university in America. Big university, big city, not a little crime. I lived in off-campus housing mostly rented by students, and I frequently had occasion to be out at night, walking down High St., the main drag through campus. As a rule, any time I was on High St. after nine in the evening, I would be harassed or threatened. Right outside one of our favorite restaurants on that street, my roommate watched someone get mugged, and this was a few weeks before someone randomly fired a bullet through the establishment's front window. The campus newspaper carried stories about a "campus rapist," who as far as I know still hasn't been apprehended. Several fatal shootings occurred in the campus area while I lived there. Someone I knew was jumped twice in the exact same spot on campus (unhappily for his assailants, he carried a knife and knew how to use it). A former classmate was robbed at gunpoint while walking between two dorms. We also had several large, violent post-football-game riots every year.

I don't mean to suggest that the campus is in a "bad part of town" where crime is rampant; this all happened over the course of four years. Still, I think it reasonable to consider this a place where one should not walk alone at night — maybe not even in a group — without some means of self-defense. By my last year in Columbus, I had begun to weigh seriously the risks and benefits of buying a gun and learning to use it. On the debit side, a gun costs money, and by carrying one I would risk facing concealed weapons charges. On the credit side, possessing a gun and knowing how to use it meant I wouldn't die if attacked by a murderous wacko rapist nutcase.

If I hadn't been a poor college student who couldn't afford to buy a weapon, much less pay for training to use it responsibly, I probably would have decided to arm myself.

When the aforementioned campus rapist was at his worst, signs were put up all over campus advising women to lock their doors and windows, to be wary of strangers, not to open their doors for anyone, not to walk alone, not even to open their windows to cool their apartments in the intense summer heat — in short, to live in fear.

Members of an area libertarian group called FreeOhio thought this was a little silly, so they made signs with a different suggestion: "Warning: campus rapist. Women, lock your doors and windows and get a gun."

One guess how well that went over with the PC police. The signs got torn down as quickly as they got put up.

The forces of good finally decided that they would fight the rapist with a "march against rape." I suppose that the marchers thought the outpouring of solidarity would make the campus rapist turn to a life of temperance and chastity. Well-intentioned though it was, it looked to me more like a

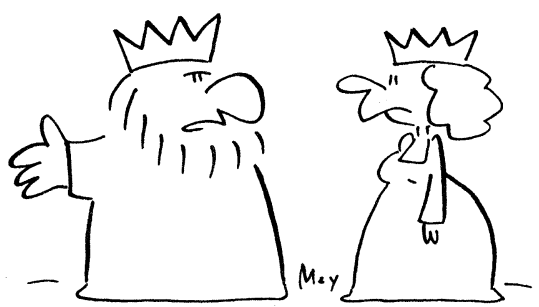

"Of course we have a pluralistic society! There must be *millions* of people out there."

willing embrace of victimhood than a meaningful statement.

The people from FreeOhio showed up at the march. They handed out fliers advising those in attendance that there were more effective ways to combat rape than to protest against it, and that chief among these was possessing and knowing how to use a gun.

This mightily pissed off the campus feminists, greens, student government politicians-to-be, and other assorted socialists, who whined to the police on hand that these people were disruptive and should be arrested. To the consternation of the protesters, the police shrugged and told the protesters that pro-gun people had as much right to be there as anyone else. "In fact," one of them piped up, "just last week I taught my girlfriend how to use a 9mm pistol. I think it's a good idea." Another agreed: "These guys actually have a good point. It's good to be able to defend yourself."

Now, as an editorial intern with *Liberty*, I have relocated to Port Townsend, Wash. The people here are really nice. Bad things happen so infrequently compared to a bigger city in Ohio that I fail to notice any crime at all. I wouldn't think twice about leaving my window open on a hot day while at work, or leaving my car unlocked — and I certainly don't feel a need to carry a gun.

Still, it's just as well that the legislators of Washington haven't made concealed carry illegal. It gives me a warm, fuzzy feeling to know that any guy I pass on the streets of this quaint Victorian village might be packing a Glock with enough rounds to lay waste to over a dozen violent criminals.

As might be expected of young people attending a big state university nowadays, many students in Columbus, including friends of mine, are adamantly anti-gun. They don't understand my way of thinking. They would be nervous to know that retirees and tourists in a small town *may* be *legally* carrying guns. Apparently, that makes them more nervous than the *certain* knowledge that drugged-out muggers, crazed rapists, and psychotic murderers, who know that law-abiding people definitely *don't* have guns, are *illegally* packing serious heat and stalking the streets looking for victims.

I guess you can't argue with logic like that.

— Patrick Quealy

Free to obey — The United States' occupation forces are certainly choosing a peculiar way to teach Iraq about the glories of democracy. The Coalition Provisional Authority is working on a code of conduct for the Iraqi media that are now exulting in their post-Saddam freedom and sometimes publishing stuff that borders on the intemperate.

Well, we can't have that, now, can we? How can a democratic society emerge if the press is free enough to be sometimes irresponsible? Or, as Mike Furlong, a senior adviser to the Coalition Provisional Authority, told *The Associated Press*: "There's no room for hateful and destabilizing messages that will destroy the emerging Iraqi democracy. All media outlets must be responsible."

I didn't make that up.

It isn't just ambitious bureaucrats in occupation offices in Baghdad who are dreaming up ways to exert control over Iraqi media. A group of purported legal and media experts have met in Greece under the auspices of the U.S. State Department to develop a code of conduct for the Iraqi media. Among the ideas: pass laws with penalties for hate speech and defamation, and set up a council to draw up a code of conduct, hear complaints, and regulate the media.

Naheed Mehta, a coalition spokesman, said the code-makers in Baghdad didn't want to censor the media. They just want to, as *AP* put it, "stifle intemperate speech that could incite violence and hinder efforts to build a civil society."

Western occupation of Bosnia and Kosovo has featured similar efforts to control the media by establishing penalties for journalists or media outlets that run afoul of the government authorities.

Unfortunately, this impulse to censor the media — and let us be clear, when a government or de facto government entity exerts control and imposes penalties on a media outlet, that is censorship — is hardly new. Western occupation of Bosnia and Kosovo, which is still ongoing, has featured similar efforts to control the media by writing codes of conduct and establishing penalties for journalists or media outlets that run afoul of the governing authorities (as well as blatant efforts to manipulate elections). The floating assemblage of international bureaucrats on the make that constitute what most media choose to call the "international community" has never been shy about believing it has superior wisdom and the right to impose it upon benighted provincials everywhere. This conviction that the way to establish "democracy" is to begin with detailed rules, regulations, codes, and commissions of enforcers should also give us an insight into the way many American officials who work in other countries would operate in this country if there were no pesky First Amendment and long tradition of press freedom to get in their way. If their first impulse in another country is to regulate the media, don't you suppose they secretly wish they could do it at home?

These wannabe press overlords should fold up their tents and slink home.

— Alan W. Bock

Getting it wronger — I really enjoyed Bill Bradford's review of Buckley's novel *Getting It Right*. In fact, I was thinking of using Bradford's title, "Getting It Wrong," if I had reviewed it. Buckley called his book a "novel" because he was too lazy to research a history, and it gives him a convenient escape when his critics point out its errors. I'm not as familiar with Rand and her circle as Bradford is, but to me the entire book is suspect because the fictional story line about the Mormon was egregious!

There are sound reasons for putting a Mormon into the anti-Communist story, and in fact Buckley could have introduced a real live Mormon, W. Cleon Skousen, who was a leader in the anti-Communist movement in the '60s and '70s. Mormons have a particular belief that America is the Promised Land, and that the Constitution is a divinely inspired document. They even have a prophecy foretelling

that someday the U.S. Constitution "will hang by a thread," and the "elders of Israel" (Mormon priesthood holders) will be needed to "lift it up."

Consequently most Mormons are political conservatives, and devoutly anti-Communist. With a little effort Buckley could have created a fascinating side story, with a devout Mormon who feels divinely called to save America, and the world.

When I had lunch with Buckley a year ago, he talked about his Mormon missionary character and asked whether certain aspects of his plot would be believable. I offered to read those chapters for accuracy, but he didn't take me up on my offer. Not surprisingly, he ended up "getting it wrong" from the very first page. His missionary works alone, with no companion. The missionary is in Austria to teach English eight hours a day, and reads Steinbeck instead of scriptures. He offers beer to the first Hungarians he meets — with the young wife of his mission "supervisor" along for the ride; and he goes to bed with one of the Hungarians immediately, without any sense of remorse. Later, his Mormon professor at Princeton not only invites his young Mormon protégé for "sherry and conversation" every afternoon, he has a mistress ensconced in an apartment somewhere.

Buckley uses all the wrong terminology, and doesn't even get his geography right (there is no Mt. Olympus in Utah, nor is there a University of Salt Lake City). Sure, there are many jack Mormons who secretly drink and commit adultery, but why bother to create a character with certain specific, identifying traits if you aren't going to use those characteristics to further the plot? It's as if he wrote a novel about the Roman Empire, in which all the Roman characters were Greek. Of course, the beauty of writing a "novel" is that you have a ready answer for every criticism: that part was intended to be fiction.

I agree with Bradford that Buckley needed to fully identify who was real and who was fiction, so that readers who wanted to learn something about the simultaneous rise of the Birch Society and the Objectivists could actually do so. I came away from the book knowing better than to quote any of it as fact. It is apparent from all the sections of the book in which Buckley himself either appears or is mentioned that his feelings were hurt when he was rejected by the Randians and he simply wanted to vindicate himself. Without the Buckley name, this book would never have been published.

— Jo Ann Skousen

The victims of victimless crime — The release of twelve people who spent as long as four years behind bars thanks to the uncorroborated testimony of a single undercover drug agent working in the little town of Tulia, Texas, suggests that with enough hard work and solid evidence injustice can eventually be reversed. Without changes in laws and the way they are enforced, however, similar injustices will occur again.

What seems to have happened in Tulia is roughly this: Tom Coleman, an undercover agent for one of those highly touted regional drug task forces, worked for 18 months putting people in jail for cocaine possession or sales. Coleman claimed he bought drugs from the defendants, but he worked alone, with no audio or video, and found no drugs or money during the arrests he made. But he was supported by his superiors and juries were willing to convict based on his word alone.

Coleman arrested 46 people (39 of them black) and 38 were convicted or accepted plea bargains. Eventually activists and journalists began to listen to the families of those convicted, most of whom had no record of drug use. The U.S. Justice Department and Texas Attorney General's office finally investigated, the state's highest court ordered new trials, and the legislature passed special legislation allowing these twelve people to be freed on their own recognizance (the rest had already been paroled or released) while the rest of the legal mess is sorted out. Coleman is under indictment.

Most of the media who eventually noticed this injustice have focused on the racial angle — most of the defendants were black, Coleman was white, and most of the jurors were white. That's probably a valid concern, but the extent to which laws against possessing chemicals invite this kind of abuse deserves attention as well.

"Victimless crimes" don't necessarily lack for a victim. Relatives, friends, the user him- or herself, sometimes even strangers can in some sense be viewed as victims of out-of-control use of certain drugs, including alcohol. But a crucial difference is that there is no complaining victim, like a person whose house has been burglarized, who is willing and even eager to call the police, point out the crime, help search for clues, and keep calling to see if the police have any leads on the dastardly perpetrator.

Neither the buyer nor the seller of an illicit substance is likely to complain to the police, even (or especially) if they think they have been cheated. So the police have to rely on undercover informants (often career criminals themselves) or undercover agents who can penetrate private places and use deception to catch perpetrators. This leads to law enforcement practices in which deception, rather than honesty, is rewarded, and many instances of officers who become corrupt or go on the take. And it can lead to officers who are willing to boost their "body count" of arrestees through dishonest means. Tulia is by no means the only place where such things have happened.

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and deception exact a price both from law enforcement people who would prefer to operate openly and honorably, and from society at large, in decreasing respect for law and its institutions. Those who defend the failed and discredited policy of drug prohibition should be required to explain just how high a price they are willing to exact from others in order to control their lives. — Alan W. Bock

White lies — My first thought upon hearing of the rioting in Benton Harbor, Mich., on the nights of June 16 and 17, was that the rioters were African Americans. Probably that was because there are problems between blacks and the police where I live, and if any riot were touched off in my city by a high-speed chase, it would be a riot by black people.

I read the story on CNN.com. There was no reference to race. None at all. This was a full-length news story, written as if it had occurred in Iceland.

The next day I read an *Associated Press* story. It did mention race — in the 18th paragraph. The story didn't say anything about the race of the rioters, but it did say the town was overwhelmingly black. You could guess the rest.

I found another story. There it was, where it belonged, in the lead paragraph: black population, white cops.

Why was this fact left out of the first story I read, and only hinted at in the second? Because news organizations are self-censoring.

Is this something demanded by the people in Benton Harbor, Mich.? No. I expect the people throwing rocks and bottles would like it to be known that they are African Americans. Is it demanded by black racial organizations? Maybe, but I don't think so. I think it's a function mainly of the internal workings of white reporters and editors. They are uncomfortable with the whole issue of race. They are not able to talk about it freely, so they just leave it out.

— Bruce Ramsey

The party of limited government — The Bushies are crowing about barely getting a Republican-majority Senate to go along with a modest tax cut. But think of the scale: President Bush initially asked for $726 billion in tax cuts over several years, and the House passed the measure. Then, after the Senate said it would only go for $350 billion, the administration cut its bargaining position to $550 billion. Was the final figure halfway between the 550 and 350? No, it was $350 billion.

It won't be long before the phrase, "negotiating like a Republican" is a universal term of scorn for people who always get snookered. — Alan W. Bock

Hope for a generation? — As a liberty-loving American in her twenties, I have often worried about the political ideas or non-ideas of my fellow youth, and about the fact that libertarianism is growing past middle age; the *Liberty* reader profile shows that 65 percent of Liberty readers are 40 years old or older, whereas only 15 percent of readers are under 30.

I have found hope for my generation in a seemingly unlikely source: the recent release of a single by rap/hip hop group Black Eyed Peas, featuring Justin Timberlake (Britney Spears' former boy toy of N'Sync fame). The title of the single is "Where's the Love," and a sampling of the lyrics is as follows:

> What's wrong with the world, mamma?
> People livin' like they ain't got no mammas
> I think the whole world's addicted to the drama
> Only attracted to the things that'll bring the drama
> Overseas, yeah, we tryin' to stop terrorism
> But we still got terrorists here livin'
> In the U.S.A., the big CIA . . .
>
> Wrong information always shown by the media
> Negative images is the main criteria
> Infecting the young minds faster than bacteria
> Kids wanna act like what they see in the cinema . . .

Justin Timberlake and the Black Eyed Peas may or may not be politically motivated, but it is clear that they have intuited something "wrong with the world"; they have linked this wrongness with the War on Terror, and the fact that our very government is involved in terrorist activities on the homefront. "Where's the Love" also criticizes the content and honesty of the media, and points a finger at the American hunger for sensationalism over substantive news content. Is this just another song of youthful rebellion? Maybe. But Plato thought that music had the power to influence, and to corrupt. Let us hope for the right type of corruption. — Katelyn B. Fuller

Prevaricus maximus — This fall will be tenth anniversary of the passage of the Brady Act. Let's take a trip back down memory lane, to the November 1993 date when President Clinton signed the bill.

The president emotionally told the story of a friend of his who was an Arkansas gun dealer. The gun dealer sold a firearm to an escaped mental patient, who then murdered six people.

"My friend is not over it to this day," said the president, as the crowd applauded. "Don't tell me this bill will not make a difference. That is not true. That is not true."

Well, "not true" turns out to be a pretty good summation of the president's story, which he told not only at the Brady signing, but throughout the 1992 campaign.

The *Arkansas Democrat-Gazette* tracked down the origin of the tall tale. Back in 1984, an Arkansas man named Wayne Lee Crossley used a .45 pistol and a shotgun to murder four people in a bar. Contrary to the Clinton story, Crossley didn't buy the guns himself; he convinced a woman friend to buy the guns for him. The Brady Act does nothing to prevent people with clean records from buying guns for anyone they want.

A White House staffer admitted that the man may just have been treated at a mental institution, rather than having "escaped from a mental hospital." Simply having undergone mental therapy does not legally disqualify a person from owning a gun, under the Brady Act, or any other federal law.

Moreover, there is no central registry of persons who have been involuntarily committed to mental hospitals, and the Brady Act does nothing to create such a registry.

And while the president spoke movingly about how his "friend is not over it to this day," the "friend" who sold the guns died several years before.

Even if the Brady Act's proponents had been scrupulous with the truth, the Act has no legitimate basis in federal law.

Imposing controls on how a gun store sells a gun to an in-state buyer is not the regulation of interstate commerce, the purported constitutional basis of congressional authority to pass the Brady Act. Whether the Brady Act violates the Second Amendment shouldn't even be an issue, because the Act is beyond the scope of the powers which the people of the United States granted Congress under our Constitution. If such laws are legitimate under our constitutional system, they might be arguable as state laws, but never as congressional statutes. — Dave Kopel

Rock on, Annika — People seemed to want to see Annika Sorenstam playing in a men's golf tournament for almost every reason but the one that seems to me most pertinent. Annika Sorenstam is an individual athlete of remarkable skill and accomplishment who wanted to test herself against the best who play the game. She did so and showed that if she were on the men's tour all the time she would probably improve further and be quite respectable — hardly a threat to win every week, but a solid professional golfer.

Why the rush to make her representative or emblematic of a larger group of people or some sort of symbol for large-scale issues in society? Most of the progress in the world has been made by individual people who, whatever group others identified them with, strove to fulfill their potential as creative individuals. Sorenstam is yet one more individual transcending the urge to tribalism that still lingers in modern society in order to seek the best she can be as an individual person. Good for her. — Alan W. Bock

No safe use for tyranny — In "Dialog with an Absolutist" (July) Bruce Ramsey lists "ten cases in which [libertarianism] falls short." One of them — to the surprise of no one who has ever listened to the tiresomely predictable "analyses" of conservatives who unaccountably imagine themselves to be libertarians — has to do with drugs. When libertarians "oppose all drug laws with the term prohibition, thereby making an analogy to liquor prohibition, they imply the existence of a safe use," Ramsey intones. "And for some prohibited drugs there is no safe use."

Oh really? Which drugs are those? Since Ramsey offers no specifics, it's difficult to embark on a point-by-point refutation. But anyone who has ever done much reading about the drugs our government invests the majority of its time and our money prohibiting — heroin, cocaine, marijuana, and LSD — knows that none of them is any more unsafe than alcohol. Just like alcohol, all of them have been used and are used by millions of people who also hold jobs, take care of families, and shoulder all the same sorts of responsibilities handled routinely by their drug-free coevals. There is plenty of evidence to support this claim in Jacob Sullum's new book *Saying Yes: In Defense of Drug Use*. I think Ramsey might find that book more enlightening than the government propaganda he's apparently been spending his time reading.

The simple fact of the matter is that, in order to bolster popular support for its preposterous drug policies, the U.S. government has invested many, many years and a good deal of our money in telling outright lies about the effects drugs have on their users. One of the first steps toward opening one's mind to the truth on the drug issue is being willing to acknowledge this simple fact. The next step is taking a look through the available literature to find out what the government has been covering up. One would think these two steps would pose few problems for any true libertarian. After all, what sort of "libertarian" is reluctant to believe that the government lies? Or does it lie only when it wants to make war on Iraq, while maintaining a strictly truthful policy when discussing "dangerous drugs"? — Jeff Riggenbach

Getting it right — Donald Devine of the American Conservative Union has issued a memo (www.conservative.org/pressroom/revitalizingconservatism.asp) on the sad state of mainstream conservatism, lamenting that the traditional conservative principles of limited constitutional government and personal liberty have been lost amid the increasing talk of war and empire. It's nice to see some mainstream conservatives once again grappling with such issues. It will be even more interesting to see whether Don Devine's comments get traction among old-line conservatives. — Alan W. Bock

Bill Bennett's brain on dopamine — It is easy to laugh at moral guru William Bennett losing millions of dollars to casino slot machines and video poker. The hypocrisy is just too naked: he made those millions largely by preaching conservative restrictions on personal liberty while his own political action group Empower America called for restrictions on legalized gambling.

But the former Drug Czar has more to teach us: he reminds us just how deeply irrational we are and how that irrationality can affect ourselves and society.

Bennett is an intelligent man of letters. He holds a Ph.D. in political philosophy and a Harvard law degree. He has written or edited several books. Yet he would sit for hours at a time playing $500-a-bet slots and video poker even though he knew that the house had a 2–5% advantage on each pull of the lever. Bennett knew that his expected payoff was always negative, and in fact he reportedly lost about 8 million dollars. That is textbook irrational behavior. He would have been better off buying shares in the casinos.

How can someone so smart keep doing something so dumb?

One answer is that our emotions often cloud our reason when it comes to probability. Studies show that we are good at kidding ourselves about how badly we estimate odds.

"Hello. My name is Francine and I'll be your nutrition coach this evening."

Many people think that some numbers are luckier than others — seven is the most popular Lotto digit. Or they think that a fair coin is likely to come up heads if it has come up tails on the last three independent tosses. They simply think they have some control over purely chance events.

Losers also tend to be in denial about the extent of their losses. Social psychologists call this mindset "Heads I win, tails it's chance." A good example is Bennett's statement to the media that "Over ten years, I'd say I've come out pretty close to even" in light of the documented extent of his gambling losses and the joint effects of the house odds and the law of large numbers.

A more disturbing answer is that evolution may have wired our brains to reward gambling behavior. A March study in *Science* showed that a monkey's midbrain neurons spur the production of dopamine when the monkey faces uncertainty. Dopamine is the feel-good neurotransmitter involved in drug stimulation and addiction as well as in Parkinson's disease and schizophrenia. Brain-wired monkeys watched geometric patterns on a computer screen and got a drop of sugar syrup when certain patterns appeared. Different patterns had different probabilities of syrup reward. The monkeys' dopamine neurons fired most when the syrup reward was most uncertain and fired least when it was certain.

This dopamine sculpting of our brains may help us find better predictors of our hunter-gatherer environments. But it favors surrender to the one-armed bandits in a casino where the only useful information to learn is that the house has the advantage. It also helps explain why Las Vegas remains the most popular tourist destination in the country and why Americans lose more money on legalized gambling each year than they spend on movies and music and sporting events combined. Gambling uncertainty gives us a dopamine high.

This raises a Bennett-like question: is it moral for state governments to sponsor lotteries and to tax gaming proceeds?

Bennett can now more consistently answer No because he has publicly sworn off gambling — though only time will tell if his dopamine neurons agree. The religious right has always opposed gambling as part of its general opposition to victimless or "consensual" crimes. Now they can point to evidence of a genetically hard-wired weakness in a gambler's brain even if godless evolution did the hard wiring.

The late great Harvard philosopher Willard Quine gave a better answer. He saw state lotteries as a worthwhile "subsidy of intelligence" because they "lighten the tax burden of us prudent abstainers at the expense of the benighted masses of wishful thinkers." Casino shareholders also get a cut, but these are investors and not gamblers. They range from ordinary folk to pension plans.

So there is a new maxim for Bennett to add to one of his books on virtue: fools will always part with their money. Legalized gambling just makes sure that some of it pays for public goods. — Bart Kosko

"A paranoid, ch? — I have ways of *dealing* with paranoids."

Don't spook the sheeple — In last year's hit movie *My Big Fat Greek Wedding*, there's a running gag on how the father of the bride is intent on showing everybody he meets that many words in the English language have Greek origin: "Give me a word, any word, and I show you how the root of that word is Greek." His daughter is continually embarrassed by his word game, and hides her face whenever he starts it. I sometimes feel the same way when libertarians offer their solution to all the world's problems: "Give me a social ill and I'll tell you how it can be fixed with liberty."

I'll admit I've bought into it also. How would libertarians help feed the homeless? "Well, with less government restrictions on agriculture, food would become much cheaper, and Americans would save fewer leftovers. Hence the quality of food in the dumpsters would improve, and homeless people could eat more nutritious meals. You see, liberty can feed the homeless." It's really satisfying to convince yourself that government is the root of all problems. For the most part, I still believe it. Unfortunately, we are so far away from the Libertarian Utopia we dream of that our grand ideas seem somewhat delusional to the average American.

In America the government is representative of the people. The 14th Amendment destroyed a lot of States' rights, and the 17th moved us closer to pure democracy. While both run contrary to our Framers' intent, they are now the law of the land. The reason there are entitlements is that there are huge groups of Americans who want entitlements. Whether a libertarian society can ever bring forth peace and prosperity is irrelevant as long as there are great segments of America opposed to liberty.

It occurs to me that George W. Bush might be as libertarian a candidate as we can ever hope to have in the White House, in the present political climate. We can talk about election reform, ballot access, and all the other hindrances that prevent us from ever achieving power, but until the American public turns, we're never going to get very far. We all hope for the nuclear option, the as-yet undiscovered strategy that will make our party the majority; but until we discover it, we might have to resign ourselves to small policy victories. Meanwhile, going around arguing about what might happen in a Libertarian Utopia, where self-government is the law of the land, is always going to make us look like that kooky Greek dad. — Tim Slagle

The Jessica Lynch Story — Jessica Lynch was not your typical soldier. She was a waif-like 20-year-old blonde from a small town in West Virginia. She was sent to Iraq, and her unit was ambushed by Iraqi forces. They shot and stabbed her, but she emptied her machine gun into them. After she ran out of ammo, she was captured and

taken to an Iraqi hospital, where she was abused by her captors — until she was rescued by daring American soldiers.

Coming at a time when the invasion seemed to be bogging down, this was the first piece of upbeat news from Gulf War II. The heroic actions of Jessica and her rescuers inspired Americans, at the same time illustrating the perfidy of our opponents.

There was one problem with the story. Virtually every detail in it was false.

Lynch was injured, all right, but not by enemy fire. Her extensive injuries resulted from her vehicle's collision with another U.S. Army vehicle. She had not shot a single enemy soldier, or even fired her gun at one. Nor did the Iraqis abuse her; in fact, they saved her life, giving her better medical care than they gave to their own people. And while her rescue did involve Americans bursting into the hospital and firing their weapons, the Iraqis offered no resistance — they welcomed the American soldiers and were anxious to turn Lynch over to them.

That truth is the first casualty of war is by now a cliché. But this episode illustrates something far more important than the propensity of politicians and military bureaucrats to lie.

Nobody ever said it was easy being a journalist. Consider the dilemma faced by *Washington Post* reporters Susan Schmidt and Vernon Loeb, who broke the story of Lynch's capture and rescue, and are now taking an awful lot of heat for it.

Neither Schmidt nor Loeb was present at Lynch's capture and rescue. They had to rely entirely on "sources," i.e., on public relations men for the military.

The lies in the story were invented not by the reporters, but by the unnamed PR men. It was a dramatic story, and obviously an important one. They had no means of verifying its accuracy, but it came from a source that they believed reliable.

But they had forgotten that bureaucrats have powerful incentives to lie and very few incentives to tell the truth. They are liars in the classic sense: they say what is convenient, what will help their careers, what will advance their agenda. Consequently, every word that comes from their mouths requires independent verification.

Can anyone believe that the professional liars who concocted the story have been punished for lying? Of course not, they were rewarded.

What should Schmidt and Loeb have reported? Only what they knew: that they had been told the story of Lynch's heroic capture and rescue by a military spokesperson who refused to be identified, and who might or might not be telling the truth. That's not such a dramatic a story. But it was true, and a reporter's job is to tell the truth. Schmidt and Loeb forgot this, or had never learned it.

There has been a lot of hand-wringing and finger-pointing about the episode. But it seems pretty clear that the story has a happy ending for the military and the Bush administration. The false story concocted by army PR people got tremendous play, raised morale and helped build support for the invasion. In a world where a quarter of Americans believe that Iraq used weapons of mass destruction against Americans, where a third believe the U.S. forces found WMD in Iraq, and where more than a fifth of Americans believe that Saddam Hussein is head of al Qaeda, how many Americans noticed the follow-up story of the military's deliberate lying to them? And, in the atmosphere of feel-good celebration of the easy victory, how many really care?

Can anyone believe that the professional liars who concocted the story have been punished for lying? It is far more likely that they have been rewarded, for the same reason that the military and administration did nothing to dispel the false information until their hands were forced weeks later.

— R. W. Bradford

Shopping spree — Being against the war apparently hasn't caused W. Va. Sen. Robert Byrd's pork-barrel instincts to deteriorate. Among the spending items slipped into the war spending bill was $437,000 for the Huntington Sanitary Board of Huntington, W.Va., for the construction of wastewater treatment facilities. Nancy Pelosi, the very embodiment of the San Francisco Democrat, scored $200,000 for the House of Aids Research Institute. What you didn't know was that this is not just a War on Terror, but an all-out assault on the most dreaded scourge of all, government underfunding.

— Alan W. Bock

Praise the Lord and cut the interest rates — Today's absurdly low interest rates are an obvious attempt by the administration and the Federal Reserve to goose the stock market and the economy. When you lower the cost of borrowing money, both businesses and consumers will borrow more of it, and spend it. Businesses buy capital goods and advertising, and consumers buy stuff — everything from homes and cars to computers and washing machines.

The problem is that making money cheap is inherently inflationary: the only way you can cut the price of anything that people really want is to increase its supply, and since money is no longer anything more than paper with ink on it, the government can make as much of it as it wants to. But inflating the money supply doesn't just increase buying: when demand increases, so do prices.

The government has tried to hide this fact in two ways. First, it has monkeyed around with the Consumer Price Index, which is the means by which most people gauge inflation. Second, it has fretted about the possibility of deflation, or a general decline in prices — despite the fact that the CPI, even after being eviscerated by the government, is still rising by 2.2% per year. This level of inflation, which used to be considered scandalously high, has somehow come to be treated as if it were non-inflationary.

In the time it takes a child to grow up and enter college, the value of every dollar his parents put aside for him will have been reduced by 32%.

But none of this has stopped politicians and the financial press from wringing their hands over the imminent danger

of *de*flation, which now means exactly the opposite of what it ought to mean.

Keeping interest rates at ridiculously low levels is inflationary in another way as well: it makes the dollar less attractive to investors, stimulating them to sell American money and buy other currencies, with which they can get higher interest rates. This reduces the value of the dollar in terms of those other currencies, which means, in turn, that the stuff we import costs more and the general level of prices goes up.

Inflation is one limiting factor on the effectiveness of interest-rate reductions. There are two others.

Reducing interest rates reduces the yield on savings and investments, making people reluctant to save, and thereby depleting the capital stock which fuels the economy. Right now, the True Yield on Saving — that is, the yield on money market funds after taking into account the impact of the federal income tax and inflation — is -1.71%. This means that if you invest $10,000 in a money market fund, in one year you'll have $9,829.

Even the Fed cannot cut interest rates to less than zero. Right now, the target Fed Funds rate (the rate at which banks make overnight loans to each other, which the Fed controls by supplying new money) is 1%. There's not much more room to cut.

Americans appear to be convinced that the best way to manage the economy is to have a good manager in charge of it. The man in charge of setting interest rates and of managing the economy is Alan Greenspan. Greenspan is almost certainly the savviest manager in the Fed's 80-year history.

He understands an awful lot about the market process and respects the value of laissez-faire.

No man, not even one as wise as Alan Greenspan, is capable of replacing the market process with a command-and-control system — not without doing substantial harm in the process.

But no man, not even one as wise as Alan Greenspan, is capable of replacing the market process with a command-and-control economy — not without doing substantial harm in the process. It is not a question of finding the right man for the job, but of allowing the process to work. If Greenspan's writing during the years when he was closely associated with Ayn Rand is any indication, he realizes this. But you cannot tell it by his actions at the Fed.

In the end, he will screw things up, just as all his predecessors have.

How much better it would have been if he had responded to his appointment to chair the Fed in the way in which Ludwig von Mises, the great economist, responded when he was asked what he would do if he were made the economic czar: by abdicating. But power is intoxicating and, apparently, not easy to resist.

Meanwhile, America's admiration for the *Führerprinzip* remains untouched. In Oregon, unemployment is rising and income is falling, and the state has reacted by appointing its own new economic czar.

The *Oregonian*'s business section ran this headline:

"Shouldering the Economy: With hopes high, Marty Brantley takes on the herculean task of reviving Oregon."

According to the paper, Brantley is well-suited for the job. He has a degree in political science and has had a successful career as an ad salesman and general manager of a television station. Besides, he is "a consummate Portland insider" who knows a lot of rich, powerful people and "possesses an extraordinary facility handling people." If anyone in Oregon thinks these qualities are not enough to "revive" the state, the *Oregonian* couldn't find him, or didn't consider his ideas newsworthy. As far as the paper is concerned, the only obstacle that Brantley faces is his agency's lack of clout in political circles.

I remember the bureaucrats in Rand's *Atlas Shrugged*, who thought that the only thing they needed to save the economy was "wider powers" for themselves. The economy ended in rubble. Marty Brantley will not get power as wide as they got, and the economy of Oregon will not suffer as much as theirs did. The different outcome is only one of degree. — R. W. Bradford

Pot and kettle — West Virginia Sen. Robert Byrd had a point in his criticism of President Bush exploiting an aircraft carrier for a photo opportunity. But criticizing somebody for "flamboyant showmanship" and self-aggrandizement at taxpayers' expense sounds a bit odd coming from somebody who has made sure West Virginia has a Robert C. Byrd Highway, a Robert C. Byrd Drive, the Robert C. Byrd Locks and Dam, the Robert C. Byrd Honors Scholarship Program, the Robert C. Byrd Institute, the Robert C. Byrd Institute for Advanced Flexible Manufacturing, the Robert C. Byrd Life Long Learning Center, the Robert C. Byrd Green Bank Telescope, the Robert C. Byrd Health Sciences Center, the Robert C. Byrd Academic and Technology Center, the Robert C. Byrd United Technical Center, the Robert C. Byrd Library, the Robert C. Byrd Learning Resource Center, the Robert C. Byrd Rural Health Center, the Robert C. Byrd Hilltop Office Complex and — of course — the Robert C. Byrd Federal Courthouse and Robert C. Byrd Federal Building. — Alan W. Bock

Swiss on the rocks — I recently spoke at a conference in Geneva and was saddened to see Switzerland imitating some of the mistakes of other nations, rather than keeping to its traditions. For example, Switzerland has for many centuries been much less centralized than other nations, even nations with strong federalist traditions such as Australia and the U.S. But now, the central government is growing so important in Switzerland that many of its cantons are hiring their own lobbyists to work the central government. In the traditional Swiss system, lobbying was much less necessary, since decisions were directly made by local governments or popular assemblies.

Switzerland, like other nations, is also finding that massive immigration from unfree countries, coupled with the failure to implement a strong assimilation policy, makes it difficult to maintain traditional liberties. Even by European standards, Switzerland has opened itself to a massive amount of Muslim immigration. One-sixth of the Swiss pop-

ulation is not Swiss, and in Geneva, the city of the great Protestant reformer John Calvin, the number of Muslims entering the public schools exceeds the number of Protestants. In response to Muslim interest group lobbying, many mayors have announced segregated, female-only hours at public swimming pools. So non-Muslim families lose the freedom to exercise at the hours of their choice, in order to accommodate the gynophobia of immigrants.

— Dave Kopel

The tyranny of law — People who regard the current administration as a danger to liberty should reflect on the Democratic candidates for president. It's a caution to think that Richard Gephardt stands on their extreme right. And this is what Gephardt said on June 23 about the Supreme Court decision in the Michigan affirmative action cases: "When I'm president, we'll do executive orders to overcome any wrong thing the Supreme Court does tomorrow or any other day." He was speaking at a forum sponsored by Jesse Jackson, and he spoke with the patented indignation of Jackson himself, or perhaps of Joe McCarthy.

— Stephen Cox

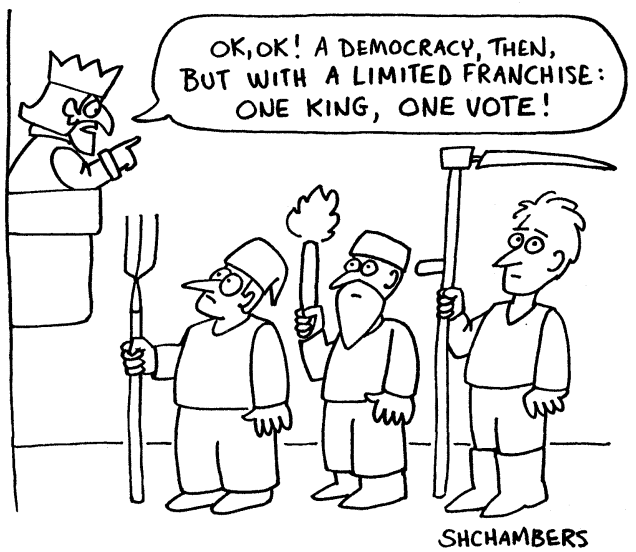

A sad note — Jim Grey, the California judge who had been pursuing the Libertarian Party presidential nomination in hopes of focusing his campaign on marijuana legalization, on the theory that legalization might prove to be the "wedge issue" that could get enough voters to abandon the Republican-Democratic duopoly, has decided to seek the LP nomination for U.S. Senator instead. He hadn't found the level of support and encouragement that he needed, and the chance to take on Sen. Barbara Boxer instead proved too tempting.

It's a shame, I think, for LPers who don't want to continue to pursue strategies that have been proven a failure through long experience. And marijuana legalization can't be a wedge issue in a Senate race. As the LP's membership continues to drop, and its candidates for president offer no hope of getting even one half of one percent of the vote, the situation for the LP is getting bleak.

— R. W. Bradford

Panhandlers, cell phones, and restaurant autism — There are certain things I think I've figured out, though they remain obscure to other people.

Some people wonder, for example, why there are practically no left-wing talkshow hosts, and none successful on the national level, except Alan Colmes, who does all he can to make friends with right-wingers. The explanation is twofold. To be successful on the grand scale, you have to express the sentiments of the majority of likely listeners, which in this country means that you have to be on the right. To be fresh and interesting, however, you have to provide something different from the sentiments purveyed by the official media. Since those are left-wing sentiments, the moral is the same: you must position yourself on the right. Very simple: I solved the problem.

If you needed any further proof of my intelligence, I'd let you in on my solution to the free-will problem, the riddle of French political conduct, and the mystery of the *Mary Celeste*.

But I have to confess that there are some problems I cannot solve. I can't come anywhere near solving them. I'll give you three examples:

1) The Passion for Panhandlers. About 20 years ago, somebody stumbled on a mysterious truth: if you station bums at busy intersections with signs saying "Hungry: Will Work for Food," motorists will give the bums cash. They will take some trouble to do so, and they will do it without making any demand or embarrassing suggestion that any work be performed in exchange. By now, everyone knows that "work-for-food" is just another means of begging, and that the beggars are by no means trying to rehabilitate themselves by finding legitimate work. Anyway, what prospective employee would expect anyone to run out on the median strip during the evening rush hour and offer him a job? The whole thing is patently ridiculous. Yet people still roll down their windows, stick out their hands, and give the bums money. Why?

Please don't provide any generic rationales. I don't want to hear about "2,000 years of indoctrination in the [alleged] Christian ideal of selflessness." I don't want to hear about "the ethical corruptions of the modern liberal culture." I want to know what these strange people think they're doing at the moment when they hit that power-window button and stick those bills into those grimy hands. What could it possibly be?

2) The Overspeakers; Or, Those Who Talk Over Their Hosts. Instead of passing out money to bums on my way home, I usually listen to Los Angeles' favorite drive-time talkboys, John and Ken. Almost every day, John and Ken interview some guest who has a political point to make, and almost every day they ask the guest a question that anyone could answer with a yes or no, only to find that the guest regards the query as an invitation to repeat, over and over again, the inane talking points with which he or she began. Worse: when J and K try to interrupt and restate their question, in the faint hope of bringing the conversation to some higher intellectual level, the guest simply continues to talk. Talk, blab, blat, bleat, emit continuous syllables — the noise goes on with no pause at all. Additional attempts at intervention produce precisely the same effect. The guest just continues yapping, in the same tone and cadence, even after John

turns to Ken and says, "It's happening again! Hello! Hello out there! I don't understand it — he just keeps talking! They all do this. Hello! Hello! STOP! He's paying no attention. For God's sake, STOP! He won't stop. They're all like this. Why is this happening?"

Why indeed? And it doesn't happen only on the John and Ken Show. It happens 50 percent of the time when anyone who's being interviewed about anything even remotely resembling an ideological topic is asked a genuine question. The guest talks right over it. Why?

Now, suppose you had some controversial point to make. You were invited to make it (for free!) before a huge audience of your fellow citizens. You would have to know that somebody might possibly, conceivably ask you a question that really meant something. You would have to know that an acceptable answer would have to consist of something more than a dogged reassertion of what you've already said. And you would have to know that American audiences value, indeed vastly over-value, courteous and calm responses. You have this knowledge. But what do you do? You decide to do

Word Watch

by Stephen Cox

I've heard that in English-speaking countries the question most commonly asked about the Bible is, "Why does it emphasize those words? I mean, uh, like, all those words in italics?" The question comes from readers of the King James translation. That's the one that says, "And God saw the light, that *it was* good." People naturally wonder why you're supposed to raise your voice when you get to a passage like "it was."

The answer is, you're not. The translators of the King James Version, which is simultaneously a great work of art and a faithful rendition of its original sources, valued faithfulness so highly that they used warning italics when they inserted words that do not appear in the original but are necessary to fill out the sense in English.

So the question that seems insignificant actually points to a very significant issue, the relationship of art and responsibility.

Since I started writing these monthly reflections about words, I've taken hundreds of questions from readers — some hostile, some incomprehensible, but most of them lucid, friendly, and interesting. Perhaps it's time to give you a sampling of what I see when I turn on my email.

The most commonly asked question isn't really very significant but is a serious annoyance to people who don't know the answer: "Does the period go inside or outside the quotation marks?" I'm asked that two or three times a day.

The answer depends on where you are. In America, it's "inside"; in Britain, it's "outside." Why? Different typographical conventions, that's all. The same goes for commas. Note, however, that in both Britain and America question marks and exclamation points always go along with the voice that is questioning or exclaiming. Thus:

> Joe says that Hillary Clinton is "Lucrezia Borgia without the smarts!" (Joe's exclamation)
>
> Joe says that Hillary Clinton is "Lucrezia Borgia without the smarts"! (author's exclamation)

Obviously, that's not just a difference in typography; it's a crucial effort to establish responsibility for the emotions involved.

Here is the second most common question: "It's never okay to start a sentence with 'But,' is it?" Sure it is. Why not? The same applies to "And." Like any other words, these two can appear too frequently, but what's the grammatical principle that forbids them to stand at the start of a sentence? There isn't one. And what's the bad effect on the audience? There isn't one. Case closed.

We can dispose in a similar way of two other questions that continually leak from the bad grammatical consciences of our countrymen: "Aren't passives considered wrong?" and, "You shouldn't use contractions, should you?" Well, what's wrong with a contraction, if you want an informal tone? And what's wrong with a passive, if it helps you achieve the right emphasis?

> "America was founded by statesmen, not by politicians!"
>
> "That book wasn't 'written'; it was typed!"

A question that's asked with surprising frequency is, "What's a split infinitive?" At a certain age (around 42, I believe), a lot of people suddenly get very nervous about this issue. They start rummaging through their prose, and others', trying to find any fissionable infinitives that may be concealed on the premises. Their zeal often exceeds their knowledge. I had a professor in graduate school, a prominent man in his field, who believed that "had recently arrived" was a split infinitive, because "recently" comes between the two parts of the verb. There was only one problem — "having arrived" is not an infinitive. If the phrase were "to recently arrive," then there would be an infinitive ("to arrive") and it would be split. But if you don't have an infinitive to start with, sorry, you can't split one. Years after I obtained my degree, my former professor asked me to read a draft of one of his articles. It was excellent, except that it was loaded with split infinitives. I explained that to him, but I don't think he understood. His work is still loaded with them.

Well, what's the matter with splitting infinitives, anyhow? Nothing, basically. You can't split an infinitive in Latin and Greek, because those languages don't have two-part infinitives. Only English does. When grammarians trained in classical languages got loose on English, they forbade doing things that can't be done in Latin and Greek, and one of those is splitting an infinitive. "Huh?" you say. And you're right. It's wacky. But many people who care about language have been taught that splitting infinitives is a nasty, low-class thing to do. In addition, a split infinitive is one of the easiest grammatical errors to spot (once you know what it is), so people can easily look over your job application or your scientific paper, find a split, and declare you illiterate. My advice, therefore, is: don't split infinitives.

the most obnoxious, annoying, counter-productive thing possible. Again, what are these strange people thinking?

3) The Spatially Challenged. You're walking down the street and suddenly the man coming toward you looks you in the face and screams, "The hell I will! What do you take me for, an idiot?" Of course you do, but that's only a minor part of your reaction. Your body immediately prepares for fight or flight. Then you realize what's happening: he's just screaming into his cell phone.

Or how about this: you're sitting in a restaurant, talking in low but distinguishable tones with the friends at your table, but your words are drowned out by a booming voice that's reciting every detail of some stranger's sex life. You look around angrily, trying to discover where they put the loudspeaker. But no — what you're hearing is that gentleman over by the window, 50 feet away, who is making sure that every person in the place is privy to things you wouldn't see on an X-rated website. Now, why would any human creature want to talk like that?

I've thought of several reasons, none of them at all suffi-

"Hey! Who's the final authority on this stuff — you?" Well, yes, in a way. It's you or me or whoever takes the trouble to think about the logic of language and the psychological associations and effects of the various ways of using it. In the Declaration of Independence, Jefferson advances certain claims; then he says, "To prove this, let facts be submitted to a candid world." He didn't have to put it in exactly that way. He could have said, "If anybody wants to know why, here's the facts and hopefully if everybody's honest and paying attention, they'll admit that they're true." There's no law against writing things like that. But think it over. When you use two "they's" in the same phrase, you're making your audience stop and worry about whether they refer to the same thing or not. Why make people do that? And when you take 22 words to say what might be said in 11, you're tiring your audience's patience. Why do that, either?

Let's get even more basic. The fundamental principle of the Indo-European languages is parallelism. You can violate the principle if you want to. You can make "facts" plural and give that subject a singular verb (the "s" in "here's"). You can do it again by giving "everybody" (singular) a plural complement ("they"). This will alert your audience to the fact that you don't care about the logic of language. But it won't help your argument.

Ultimately, it's the logic and effect that count, rather than the rules. When McDonald's opened its first restaurant in Russia, a tremendous line formed in front of the doors. One of the people who waited for hours to get in was a young man who was struggling with English. A TV reporter asked him, "What are you waiting to buy?" He replied, with a big, slightly puzzled grin, "I egzbect Beeg Mac!" He thought that "expect" meant "am waiting for," and he was wholly innocent of the English indefinite article. But he was much more charming than a speaker of perfect English who, at such a peak of dramatic exuberance, would dawdle around with "a" or substitute an emotionless "wait" for the richly optimistic "expect." If the young man were writing an opinion for the Supreme Court, I'd want him to use a different kind of language, but his actual use of words was like the cow's use of its brains — good enough for the purpose.

"Hey! Who's the authority on this stuff — you?" Well, yes, in a way.

Anyway, you can work all of these issues out for yourself, or you can get a jump on them by consulting other people who have given them thought. These people are authorities, but they are not oracles. Because they're using logic, not receiving divine illumination, they can make mistakes. You don't have to agree with them. But check them out. The almost universally acknowledged leader in the field is "Fowler" — that is, *A Dictionary of Modern English Usage*, by H.W. Fowler, published in 1926 and revised by various hands in the years succeeding. (Buy from a used bookstore; the current revision is a dumbing down.) Fowler is usually right, but again, it's the logic that counts. Even when he's wrong, he displays his logic, so you can think about it and decide for yourself.

And he's fun to read. "Fowler" is basically a bedtime book; you leaf idly through it, finding entertaining things about language that you never noticed before. "Elegant variation" is most people's favorite Fowlerism. That's his name for the unsettling practice of changing words when you're not changing the thing they refer to. Examples: "They spend a few weeks longer in their winter *home* than in their summer *habitat*." "The Bohemian Diet will be the second Parliament to elect *women* deputies, for Sweden already has several *lady* deputies." After reading that sentence, you'll be very likely to agree with Fowler that "it is the second-rate writers, those intent rather on expressing themselves prettily than on conveying their meaning clearly, & still more those whose notions of style are based on a few misleading rules of thumb, that are chiefly open to the allurements of elegant variation."

Fowler was distrustful of the rule against split infinitives, but rather than just laying down the law, he explored the logic and psychology at luxurious length:

> The English-speaking world may be divided into (1) those who neither know nor care what a split infinitive is; (2) those who do not know, but care very much; (3) those who know & condemn; (4) those who know & approve; & (5) those who know & distinguish.

Guess which group Fowler was in? Yet his description of Group 1 begins in this way:

> Those who neither know nor care are the vast majority, & are a happy folk, to be envied by most of the minority classes . . .

The Victorian mentality gave English speakers a set of tools that the rest of the world still envies: the *Oxford English Dictionary*, the *Dictionary of National Biography*, the *Encyclopedia Britannica*, and a *Leading Authority on Usage* that is also a hoot.

cient. One that I tried was our era's famous "breakdown in civility," but that explanation had a number of fatal defects. First, it's sheer determinism: nobody has to be uncivil. Second, it's only a negative explanation: civility may be absent, but that doesn't explain where civility went. And third, it's the kind of explanation you'd see in *The New York Times*.

Another possibility, I thought, was: "They don't really know how loudly they're talking." Well, maybe; but if they can't tell what their volume is, why aren't they talking *ultra-softly*, at least half the time? Then I thought about the explanatory capabilities of arrogance, aggression, the lust for self-advertisement, and all the other psychic impulses that make people want to get in other people's faces. But this turned out to be the worst explanation of all, because, as I found, it was directly contradicted by experimental evidence.

Have you ever stared directly and menacingly at one of these space invaders, with the obvious implication that if he doesn't lower his voice, you're gonna come after him with a chocolate cream pie? Have you ever raised your own voice in an obvious attempt to shout over him? Have you ever inclined your ear unto him and, with studied facial gestures, demonstrated that you were following with fascination every degrading episode of his last divorce? I've tried all three of these experiments, many times, and never once have I seen the faintest sign of the subject's responsiveness to his audience. I have sat in public places where all conversation ceased, all heads turned, and all eyes focused on the Mussolini-like orator — and the glazed look never left his face. (Or, to be fair, *her* face; it happens just as frequently with *her*.) He wasn't trying to ingratiate, impress, intimidate, or insult. He really didn't care who looked at him, or what those people might be thinking. He wasn't trying to get into anybody's face; he was just . . . what? What (yet again) was he thinking?

Explain that to me, you psychologists, sociologists, demonologists, and psychoepistemologists! And when you offer your explanation, I hope it's accompanied with a cure.

— Stephen Cox

Letters, *from page 6*

layer to the whitewash heaped on Lincoln's war.

Jack Dennon
Warrenton, Ore.

Hack and Slash

Stephen Cox is obviously a/an pretentious/arrogant S.O.B.!

James S. Ferry
Morris, Ill.

The Coercion of SUVs

Since the roads are controlled by government monopoly, libertarians shouldn't apply standards of behavior to road users that they justifiably support in the context of a free market. Competition drives business owners to consider the impact of one customer's behavior on another customer, and regulate it to maximize satisfaction overall. In these cases, it is unnecessary for customers to consider the welfare of their fellows directly; that is, they can be selfish. Also, competitors may occupy different niches in the same market, collectively satisfying a wide range of customer tastes and expectations.

On the road, however, as with, for example, law enforcement, a different moral standard applies. The average libertarian would call the police if they saw a burglar entering someone else's home, even though they have nothing directly to gain, and would eventually pay a share of the taxes that support the police response. Selfishness in this case becomes unacceptable.

When a person buys an SUV, he pays more for a larger vehicle. He also pays more to cover increased fuel consumption. If the markets in vehicles and in fuel are reasonably free, each person gets what he pays for and no one else has reason to complain. Similarly, if air pollution laws are even-handed, and inhibit behavior in proportion to the environmental costs incurred against the breathing public, SUV owners would be paying their way again via higher registration fees or more anti-pollution equipment.

A handful of SUV owners actually use them for the things we see in SUV ads, like climbing giant sand dunes or traversing swamps, and these special requirements should be considered. However, when a typical SUV owner gains by having better visibility in traffic, and by being safer in a larger, stronger vehicle in the event of a collision, he does so directly at the expense on the non-SUV drivers in the vicinity. They suffer from decreased visibility, especially from behind the SUV, and increased physical risk in an accident involving an SUV. If those other drivers bought SUVs in order to level the playing field, we'd all be back where we started. Higher costs and increased pollution would no longer be balanced by better visibility or safety, and yet it would behoove each driver to continue such wasteful behavior.

In short, the libertarian ideal of "Every man for himself," which I generally support, should, in the context of government monopolies, be moderated with a version of "Down in front."

John Susko
East Brunswick, N.J.

Lies, Damn Lies, and SUV Statistics

In his rebuttal to Karen De Coster, regarding SUVs, Jeff Riggenbach relies on his often-repeated mantra, "the occupant death rate in SUVs is 6 to 8 percent higher than it is for ordinary passenger cars." Statistics can be "tortured" to give up anything. If his statistics are from an anti-SUV entity, they are suspect. Government (National Highway Traffic Safety Administration) currently "imputes" drunk drivers into statistics without any evidence (National Motorists Association, *News* May/June). Politically correct, anti-liberty issues *du jour* often determine statistical outcomes.

Other possible influences on alleged increased deaths in SUVs:

1) SUVs are driven in hostile environments far more than other vehicles. They're used in many emergency situations, such as in the excessive number of storms this past winter.

2) Testosterone levels of SUV drivers tend to be far higher than, for instance, the soccer-mom minivan crowd.

These scenarios reflect on the situation, and *drivers*, not just the vehicle. Riggenbach has not taken these variables into account when forming his SUV death-rate hypothesis.

Jim Kinard
Lancaster, Ohio

A License to Discriminate

by Robert A. Levy

If its June 23 rulings about the University of Michigan's affirmative action programs are any indication, the Supreme Court thinks "equal protection" means "protection from *obvious* violations of the Constitution," and that discrimination is just fine, provided you disguise it.

When the Constitution says that no state may "deny to any person within its jurisdiction the equal protection of the laws," it apparently means that Michigan can discriminate in favor of African-Americans, Hispanics and Native-Americans who would like to enroll in the state's taxpayer-funded university. That's how the U.S. Supreme Court reads the equal protection clause of the 14th Amendment — with the evident approval of President Bush, who declared on June 23, immediately after the court's long-awaited rulings on two Michigan affirmative action cases, that "Today's decisions seek a careful balance between the goal of campus diversity and the fundamental principle of equal treatment under the law."

Translation: under the guise of seeking a more "diverse" educational climate, the Constitution may be treated as so much tissue paper. Essentially, that's the pronouncement from the nation's highest court and the nation's chief executive. As for the legislative branch — or, more precisely, two legislators who are also Democratic candidates for president — it mattered little which way the court ruled. The day before the Michigan decisions, in a debate sponsored by Jesse Jackson's Rainbow/PUSH Coalition, Reps. Dick Gephardt of Missouri and Dennis Kucinich of Ohio said they'd simply issue executive orders supporting affirmative action if the high court stuck down the Michigan policy. There you have it: return of the king.

If a public university wants to implement racial preferences in its admissions policy, the court gave its blessing, then added a useful tip: obfuscate; don't let on that slots are reserved for minorities. A separate admissions track for Hispanics won't pass muster. Neither will a quota for African-Americans, nor a numerical scheme for Native-Americans that looks like a quota. That's why the court, in a 6–3 opinion written by Chief Justice William H. Rehnquist, invalidated the program adopted by the University of Michigan College of Literature, Science, and the Arts in *Gratz* v. *Bollinger*. The college used a 150-point system with 100 points required for admission and 20 points automatically granted for minority status. "The factor of race," said the court, is "decisive" for virtually every minimally qualified applicant among the favored three minorities.

On the other hand, if a public university seeks those same ends but camouflages its intent with rhetoric suggesting a "holistic" or "highly individualized" approach centering on a "flexible assessment of applicants' talents, experiences, and potential," that ploy will survive the court's scrutiny. Thus did Justice Sandra Day O'Connor, writing for a five-member majority in *Grutter* v. *Bollinger*, uphold the University of Michigan Law School program that treats race as a mere "plus factor" and is designed to enroll a "critical mass" — ranging between 10 and 17 percent — of underrepresented minority students. Never mind testimony that applicants in certain racial and ethnic groups were "many, many (tens to hundreds) times" more likely to be admitted than non-minorities.

The good news from Justice O'Connor is that "race-conscious admissions policies must be limited in time." While non-binding, the "Court expects that 25 years from now, the use of racial preferences will no longer be necessary." That is little consolation to Americans who responded to a recent Pew survey and indicated, by an overwhelming 3-to-1 margin, their current disapproval of "giving [minorities] preferential treatment." Nor is the court's quarter-of-a-century window much solace to those who remember the past 25 years of discriminatory admissions in the aftermath of Justice Lewis F. Powell's 1978 opinion in *University of California* v. *Bakke.*

In that seminal case, the state medical school reserved 16 of 100 seats for selected minorities. Bakke, a white male, was rejected in favor of a less-qualified minority applicant. Four justices said that the university's race preferences were permissible as a remedy for past societal discrimination. Four others voted to invalidate the program on statutory grounds. Justice Powell provided the key fifth vote for invalidation; but he added, in a separate opinion not joined by any other justice — and not integral to the majority holding — that attaining a diverse student body might be important enough to justify race preferences.

Powell's position, although not technically a holding of the court, has been the foundation for many affirmative-action programs. In *Gratz* and *Grutter*, for the first time, the Supreme Court officially adopted the Powell view that diversity is a "compelling state interest." Here are the implications: The equal protection clause bans state discrimination, but the ban is not absolute; states cannot always treat everyone in exactly the same way. Still, when states discriminate on the basis of a "suspect class" like race, they are subject to "strict scrutiny" by the courts. First, the state must show that it has a compelling reason to discriminate. Second, the state's program must be "narrowly tailored" to accomplish the specified goal. That is, the program may not sweep too broadly and unduly harm non-minority applicants.

After *Gratz* and *Grutter*, an admissions program intended to promote racial diversity will satisfy the first part of the two-part test. State universities, in establishing such a program, need only ensure that it is narrowly tailored. In *Grutter*, the law school passed that second test. In *Gratz*, the undergraduate college failed. Nonetheless, while overturning the *Gratz* point scheme, the court offered a road map sufficiently elastic to guarantee that Michigan and other states will be able to craft racially preferential admissions policies that will survive judicial review.

A recent poll found that 84 percent of Ivy League professors voted for Al Gore in 2000. If colleges were really worried about diversity, they would be promoting preferential hiring of Republican professors. Don't hold your breath.

That's big news, and a major disappointment to opponents of racial preferences. The plaintiffs in the two Michigan cases did not challenge the use of race-conscious remedies to counteract proven anti-minority discrimination by the state. Nor did the plaintiffs challenge outreach efforts to communicate the university's equal opportunity and non-discrimination policies as a means of enlarging the pool of minority applicants. If a state is to be in the business of providing college education at public expense — a topic for another day — then discrimination against minorities must be redressed, and outreach programs are unobjectionable.

But the race-based preferences in *Grutter* are very different. There the court implicitly condoned four injustices: punishment of individuals to advance group interests; discrimination that often benefits non-victims and harms those who have done no wrong; preferences for minorities who are relatively wealthy and have endured few of life's hardships; and prejudicial treatment of other minorities and whites who may be relatively poor.

By what principled means do we decide which groups are to be advantaged? Shall we include Pacific Islanders? Laotians? Arab-Americans? What percentage minority lineage is sufficient to qualify? Jewish blood won't get you very far because Jews are already over-represented. But Franklin Rubinstein's mother is Mexican-American, so he garnered an admissions boost at a top law school. After all, said Rubinstein, "I brought the unique perspective of growing up half-Jewish and half-Mexican."

Even worse, preferential admissions will inevitably lead to one of two lamentable outcomes: either lower standards for graduation or higher dropout and flunk rates. Multiple studies have shown that less qualified applicants cannot compete unless standards are relaxed. And qualified minorities are stigmatized, tarred with the presumption that their matriculation is attributable not to their ability but to the color of their skin.

Meanwhile, college administrators will trumpet the attainment of diversity — by pigmentation, of course — though not diversity of viewpoint, the quintessential ingredient of an educational institution. Indeed, a recent poll by Luntz Research found that 84 percent of Ivy League professors voted for Al Gore in 2000, 6 percent for Ralph Nader, and 9 percent for George Bush. If colleges were really worried about diversity, they would be promoting preferential hiring of Republican professors. Don't hold your breath.

Justice O'Connor, not persuaded by those arguments, relies instead on legal briefs filed by corporate leaders who insist that "the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people," and military leaders who proclaim that a "racially diverse officer corps is essential to national security." Those assertions, dubious on their own terms, are irrelevant. If corporations want more minority executives, let them hire from private universities that can implement affirmative action programs without raising constitutional concerns. Or let the corporations fund scholarships for deserving minority applicants, or recruit inner-city talent.

Moreover, businesses and the military can draw from the vast majority of public universities that admit virtually all applicants. There is no reason to believe that minority graduates of those universities would not be qualified for military leadership positions. Only the elite schools have restrictive

continued on page 41

TIA Lives!

The Rise of the New Secret Police

by Joe W. (Chip) Pitts III

"Total Information Awareness" has been rechristened "Terrorist Information Awareness," but it's still the same high-tech invasion of every American's privacy.

The Patriot Act, the Homeland Security Act, the executive orders enhancing government power and diminishing freedom, and proposed legislation like "Patriot II" raise serious legal and practical concerns. However, the most serious long-term threat to liberty from this administration isn't from a new law. It is from the extralegal practice of using technology against law-abiding inhabitants of the U.S.

TIA Lives!

The most threatening of these programs is the "Total Information Awareness" (TIA) initiative. It raised a hullabaloo in this country as journalists, citizens, and politicians found out who and what were involved. Former Iran-Contra mastermind John Poindexter runs the Total Information Awareness program, developed by the Defense Advanced Research Projects Agency (DARPA), with and for the Department of Justice, FBI, CIA, DIA, and NSA. It is a plan to put every electronic trace you leave into a huge "virtual information repository." (It's too grandiose to be called a mere "database".) The repository would be compared with patterns of terrorist conduct to predict and prevent terrorism. Yes — the groceries or magazines you buy, videotapes you rent, alcohol you consume, trips you take, hotels you stay in, checks you write, speeding tickets you receive . . . all are to be included in this database.

As I discussed in my article "Totalitarian Information Awareness" (March), serious technical issues exist which call into question whether this new Defense Department system could ever work as intended. Even if it could, it would be at an enormous social cost: a level of constant and pervasive electronic surveillance that would radically change America for the worse. I have not been alone in decrying this program. Conservative *New York Times* columnist William Safire and others have strongly condemned the program, with Safire calling it a "super-snoop's dream." So has left-liberal *Times* columnist Maureen Dowd.

Sen. Ron Wyden (D-Ore.) attached a rider to an omnibus spending bill (Public Law 108-7) in February that subjected the program to at least a little scrutiny, expressing a nonbinding "sense of Congress" that TIA shouldn't be deployed against U.S. persons (i.e., U.S. citizens or permanent residents) except after consultation with Congress and in a way that doesn't violate Americans' traditional civil liberties. Contrary to most reports, however, Congress didn't "ban" or "prohibit funding for" the initiative. Congress merely conditioned future funding on receiving by May 20 a joint report responding to its concerns from the secretary of defense, the attorney general, and the director of the CIA. The rider also requires notice to Congress before TIA is used — with, however, a significant caveat allowing deployment *without* notice "in support of" military or foreign intelligence operations abroad (or against non-U.S. persons).

Undersecretary Pete Aldridge of the Defense Department and TIA documents have repeatedly put the budget for TIA at a mere $10 million in fiscal year 2003; the reality is that "PR Pete" and the report to Congress refer only to the integrative subset of the effort technically known as "TIA," excluding the 16 individual core research and development programs that are being integrated. These happen to cost an additional

$137.5 million for fiscal year 2003, and several hundred million dollars more over the planned multi-year funding period.

The ever-accelerating spin from the TIA office has overtaken that of the spinning globe being X-rayed by the "all-seeing eye" of the previous TIA logo. As the public apprehension over TIA grew, the creepy logo, the biographies of the main players, the detailed charts and system descriptions, and other revealing information disappeared from the TIA website. A comforting report was delivered by the late May deadline to Congress, offering assurances of the highest respect for "existing" privacy and other laws and a new commitment to include privacy technologies in deployment. The report misleadingly suggests several times that only foreigners will be spied on. In the same spirit, the program's name was changed from "Total" Information Awareness to the more politically palatable "Terrorism" Information Awareness. They've added an internal oversight board and an external advisory board, but Poindexter's still in charge. *And the program continues essentially unchanged.* A rose by any other name may still be a rose, but a rotting thornbush by any other name still stinks.

Previously in human history, natural limits, including physical barriers of time and space, meant that the impact of technology upon power wasn't much of a concern.

The report to Congress is arguably deficient in many respects, especially in not assessing in detail, as required, the "likely efficacy of systems such as [TIA]. . . in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups." The report also misleads in various ways. In assessing TIA's impact on civil liberties, the report stresses (p. 27) that "the TIA Program is not attempting to create or access a centralized database that will store information gathered from various public or privately held databases." That's because, although the databases are going to be decentralized, they still will be widely accessible (or, as Appendix A-11 says, "virtually centralized"), and also perhaps because, according to the prior version of TIA's website, the very term "database" is considered inadequate to encompass TIA's ambitions. Misleading statements from administration officials that TIA was "only a research program" are belied by statements such as that on page 5 of the report that Poindexter's team will be continuously applying TIA system technology "using real-world data and real users to solve real-world problems" throughout the initial multi-year funding period.

Legal Threats

The emphasis in the new TIA report on the protections of existing law fails to take into account the diminutions of those protections accomplished by the USA Patriot Act and other measures. The report says that "DARPA affirms" that TIA is "only using data and information that is . . . foreign intelligence and counter intelligence information legally obtained and usable by the Federal Government under existing law." But the breakdown in the Patriot Act of the previous "wall" between domestic law enforcement work (traditionally the province of the FBI) and foreign intelligence work (traditionally that of the CIA) goes beyond the sensible sharing of information. It also means that the Foreign Intelligence Surveillance Act regime, involving secret courts rubber-stamping the requests of law enforcement personnel, and lowered standards for gathering and using information against foreign spies and terrorists, has now been imported into the sphere of domestic policing and applied to U.S. citizens and permanent residents as well as "agents of a foreign power."

This means that traditional constitutional safeguards like meaningful judicial review, warrants before searches, and probable cause guaranteed by the Fourth Amendment can now be essentially ignored if law enforcement labels its work "in connection with a terrorism or espionage investigation." You may have heard about the FBI's enhanced ability to seize library and bookstore records without telling you, and you may know that the informant in these seizures will be subject to criminal penalties for telling anyone about the disclosure. But section 215 of the Patriot Act requires secret disclosure on FBI demand not just of book and library records, but "any tangible thing." Section 213 similarly allows your house, place of business, or other location to be secretly searched without prior notice. Section 216, among others, expands the government's electronic surveillance power over the content of your communications, even absent probable cause for belief that a crime has been committed. The vague definition of terrorism in section 804 (any illegal actions seen as dangerous to human life that are undertaken to "coerce or intimidate" civilians or the government) is broad enough to encompass sit-ins such as those popular in the civil-rights and Vietnam eras, or creative but peaceful protests by groups ranging from Greenpeace to anti-abortion activists to NRA activists.

So one must realize that TIA works in conjunction with the threats from new laws like the Patriot Act. But at least the authority given under such laws was democratically enacted, subject to debate, and bounded by legal constraints. Our Defense Department, Justice Department, and Homeland Security Agency, by contrast, seem increasingly to resort to TIA and other means not bounded by such constraints because they are wholly outside the framework of existing law.

Extralegal Threats

Defense Secretary Rumsfeld and President Bush, by merely labeling U.S. citizens "enemy combatants," have denied them the most fundamental right we have — habeas corpus, the right to demand that the authorities present before a magistrate "the body" detained in order to justify the detention. This violates, in addition, Fifth and Sixth Amendment rights to due process of law, to the assistance of counsel, to confront hostile witnesses, and to a speedy and public trial. They say this is nothing new, pointing to the widely disparaged *Quirin* case involving German saboteurs in World War II, including one U.S. citizen, who abandoned their uniforms upon arrival and were captured trying to commit terrorist acts, then executed. But even *Quirin* occurred in the context of a declared war with a visible end, unlike the

"War on Terror," and involved not just detentions but trials (after all, the Supreme Court heard the case). The current actions, by contrast, not only lack constitutional justification; they are truly unprecedented in U.S. history.

Due process under the Fifth Amendment and rights under the Sixth Amendment are rendered meaningless if someone like Yassir Hamdi (a U.S. citizen born in Louisiana) cannot even challenge the government's allegation that he was captured on the battlefield in Afghanistan. But the 4th Circuit Court of Appeals accepted the government's argument earlier this year that he can't do so. Another U.S. citizen, José Padilla, was captured at O'Hare International Airport and held in solitary confinement in a military brig without allowing him to meet with counsel. Attorney General Ashcroft has similarly held a number of U.S. citizens without trial or charge in an abuse of the "material witness" statute, including Intel software engineer Mike Hawash, a U.S. citizen who, after over a month in jail and pressure from Silicon Valley and colleagues, was eventually charged with weak accusations of supporting "terrorist groups." Ashcroft's own Department of Justice inspector general recently reported on the hundreds of indefinite detentions, denials of the right to counsel, and other abuses that took place after 9/11. The use of Homeland Security Agency resources to track down the "Killer Ds" — the Texas Democrats trying to avoid Tom DeLay's forced redistricting vote by fleeing to Ardmore, Okla. — was only the most ridiculous abuse of power lately.

And yet government representatives including Ashcroft and his former deputy, Viet Dinh (who just retired to return to teaching law), have repeatedly said recently that citizens should "trust" them. Well, TIA programs will tell them, among other things, who trusts them and who doesn't, just as they will institutionalize a requirement that we trust government with our information whether we like it or not. And we may not like it: the automation of data collection reduces us to a number, or similarly truncated aspect of ourselves. As shown by incidents including mistaken names on the "no-fly" list (people banned from flying because their names are similar to those of terrorists or "persons of interest"), such automation limits your ability to rebut what the government says about you.

While belatedly recognizing in the report to Congress that Americans are "rightly" concerned that massive data collections on their activities "implicate[s] privacy interests," Poindexter and administration officials continue to plead in the report for Americans to trust government not to misuse the data after it's collected. Some parts of the report coyly pretend that collecting data on U.S. citizens is not even currently "contemplated," while other parts (e.g., on the same page) make clear that such data is already being collected and used (in accordance with "existing" law, of course). Some parts of the report pretend that nothing has been deployed yet, while other parts make clear that this is untrue.

The privacy policies on which we've come to depend will be fairly meaningless as the government increasingly gains access to private databases.

The beauty of TIA, to Ashcroft and Poindexter, is that it operates completely in the dark (Potemkin reports to Congress aside), without even the need to violate laws, because this arena is almost completely unregulated.

Privacy Protections?

Defenders of TIA in public statements and in the report to Congress claim that the parade of horribles envisioned by critics can never occur, because the project will be conducted in strict conformity with all the nation's "existing" privacy laws. Well, they neglect to tell you that the U.S. doesn't have extensive privacy laws. In fact, there is no omnibus, comprehensive privacy law at all. The First Amendment freedom of belief, opinion, religion, and expression; the Second Amendment provision allowing keeping and bearing arms; the Third Amendment protection against quartering troops; the Fourth Amendment protection from unreasonable searches and seizures, and so on, protect you only from specific government actions — not from the government broadly snaring information from private sources. Those private sources respect privacy only inconsistently, with the aim of gaining and keeping the trust of their customers, and their privacy policies are generally subject to change at any time. Private companies almost always reserve rights to amend privacy policies unilaterally, without substantial notice, and without respecting rights pertaining to data collected prior to the change. When the government comes calling, some will ask for a subpoena if the laws allow them to do so; most will just roll over. So all those privacy policies on which you've come to depend will be fairly meaningless as the government increasingly gains access to private databases.

The groceries or magazines you buy, videotapes you rent, alcohol you consume, trips you take, hotels you stay in, checks you write, speeding tickets you receive . . . all are to be included in this database.

The Privacy Act of 1974 similarly protects only against action by specific government agencies, as do the handful of other agency-specific privacy laws (e.g., in the telecommunications context, protecting "customer proprietary data" from use by telecommunications companies). Most importantly, these few, limited laws typically contain *exceptions* for law enforcement and national security efforts. Moreover, recent counterterrorism legislation (e.g., the Patriot Act and the Homeland Security Act) *amends* these already piddling privacy protections in myriad ways to ensure that the government is given an even bigger free hand with which to slap you. For the administration and TIA officials to avoid pointing this out, while unctuously reassuring Americans that their rights are protected, amounts to gross deception.

Technology and Power

Technology used to enhance and concentrate power in both private and public hands poses a new challenge not only to libertarians, but to progressives and conservatives as well.

Previously in human history, natural limits, including physical barriers of time and space, meant that the impact of technology upon power wasn't much of a concern. Developments in computing power, and in monitoring, microelectronics, database, and communications technology, offer tremendous benefits to society, ranging from video phones that keep friends and families connected to customized Internet products and services. But the shared vision of being "all connected, all the time" also has its downside, as we all know from being besieged by email spam, the renewed popularity of involuntary "candid camera" type programs, and cell phones, pagers, and similar devices going off in theatres or interrupting the most intimate moments with a call from the boss. Each is an inconvenience, but not a threat — so long as we control the intrusions through personal choice and the filtering technologies develop along with the computer and communications technologies. It's when we lose individual control that the real difficulties start.

It used to be the case, for example, that what went on in the privacy of one's home or backyard was protected in practice, so long as no one was hurt and there were no adverse spillover effects on society outside the home. This principle was reaffirmed just a couple of months before 9/11 in the June 2001 *Kyllo* case. There, Justice Scalia wrote for the Supreme Court that technology, like the remote thermal imaging technology used in that case to scan a private home for evidence that marijuana was being grown using heat-sensitive lamps, remains subject to traditional Fourth Amendment probable cause requirements and is presumptively unreasonable without a search warrant. Such decisions are now necessary because the power of technology has grown to the point that virtual omniscience, previously reserved for gods, suddenly has become a real possibility. TIA's name for its primary database initiative — Genisys — echoes the biblical creation story, in what can only be an unintentional irony.

As its report to Congress claims, TIA may not be intended to create dossiers on all Americans. But that will be possible at the click of a button once data is collected on all of us and on our legitimate relationships (which TIA aims to distinguish from "terrorist" relationships). It may not be TIA's intent to create a society in which Big Brother is always watching you. But that will be the system's capability upon completion: all that will be needed to expand the power of the various face, voice, gait, and other recognition systems will be to add more minute cameras, microphones, monitoring stations, or other sensor hardware. As such unprecedented new power to collect information is deployed, it will unavoidably change our culture, perhaps irreversibly. We may resist it now, but most will ultimately accept as normal the new level of government monitoring and control in our daily lives. Forgive me if I'm reluctant to trust this administration with more power, given its track record on privacy and civil-liberties issues. Even if you do trust our current military and civilian leaders, what's to stop a future tyrant from abusing such a powerful system?

Forgive me if I'm reluctant to trust this administration with more power, given its track record on privacy and civil-liberties issues.

Respect Constitutional Norms

We won't be able to stop the private advance of technology, including that sought by TIA, and it isn't a good idea to try. And not all the TIA subprograms are bad. Sure, we know that terrorists use technology to communicate using encryption and transfer funds clandestinely, and that they use disposable cell phones and Internet cafes, ultimately, to fly planes into gleaming skyscrapers. And we know that tyrants can now abuse ever-more-powerful technologies against their own citizens. But that doesn't mean we should prevent all private encrypted communication, or ban secure Internet sales, air travel, or capital markets . . . or, for example, the universal translation, legal database sharing, and scenario planning work being done under TIA auspices. Pessimists like Bill Joy, the chief scientist of Sun Microsystems, who ironically wants to identify and stop dangerous technologies in their tracks via flat bans in certain cases, are fighting the wrong battle. It's both impossible and unwise to try to stop innovation. Some risks are inevitable in life, and it's a chimera to think that we can return to some imaginary, pastoral Golden Age. We also need the full force of our technical talents to be unleashed to defend us against the terrorists' own use of technology. Whatever you may think of the NRA's mantra that "if guns are outlawed, only outlaws will have guns," it has relevance in this context.

But Poindexter takes technological optimism to a new extreme, with what seems to be a merely rhetorical homage to privacy and acknowledgement of the alarming implications of many TIA programs. What's needed is a nuanced review of the specific threats we face from terrorists, and tailored responses that accord with traditional constitutional norms — gathering and sharing information on individuals whom the facts indicate are terrorists, as opposed to a dragnet that sucks up information on hundreds of millions (or, as they envision, billions) of innocent people. We need to use technological tools sensibly, to identify real terrorists and contain the downsides of technological and other risks, while allowing the upsides to pass through.

What's *not* needed is a blunt instrument that mainly affects ordinary, peaceful activity as opposed to terrorist activity. And that's what remains wrong with TIA, whatever it may be called, and whatever may be the merits of some of its components. Overall, it's still a massive government initiative focused on developing technologies that completely bypass the Fourth Amendment requirements of probable cause and warrants before searches and seizures. In that sense, it's of a piece with the sidestepping of probable cause requirements in such laws as the Patriot Act, and in policies like Attorney General Ashcroft's unilateral relaxation of a prior attorney general's "Levi Guidelines" against FBI monitoring of peaceful religious and political groups (which could also violate both the First Amendment and the Fifth Amendment's protections against self-incrimination). With expanded information sharing under the Patriot Act and Homeland Security Act between the FBI, the CIA, and other intelligence agencies, the U.S. government is back in the

continued on page 41

A Day in Court

by Alan W. Bock

Ed Rosenthal cultivated marijuana to help the sick. He was arrested, tried, convicted in federal court — then sentenced to just one day in prison.

When the city of Oakland's government actually tried to implement Proposition 215, initially by making the Oakland Cannabis Cooperative a deputized branch of city government, it decided, despite the Supreme Court decision that medical necessity and patients' cooperatives provide no protection from federal prohibition laws, to grow cannabis for certified patients. For help, it turned to Oakland resident Ed Rosenthal.

For many years, Rosenthal had written a column on cultivating the demon weed for *High Times* magazine. He had made a career of writing about marijuana, especially how to grow it. When I visited him in Oakland last year, I discovered that his interest grew from a larger interest in plants and gardening. His entire yard was full of greenhouses and plants of varying degrees of exoticism — none of them cannabis — and he talked knowledgeably and enthusiastically about all of them.

If anyone should know how to grow the stuff, he should. The city deputized him and he had several hundred plants growing in a warehouse when federal agents arrested him last year. He was found guilty in January.

On June 4, he was sentenced to one day in prison, already served on the day he was arrested. Everyone, including Rosenthal himself, was surprised. It seemed strikingly, dramatically lenient considering he had been convicted of federal felonies that could have brought up to 60 years in prison. When I talked to him the next morning, he said he had expected 21 to 27 months.

But he didn't think Judge Charles Breyer's rulings in the case showed him any favor. Although Judge Breyer acknowledged later that the prosecutor had misled the grand jury to obtain an indictment, he ruled against defense objections to the validity of the search warrant that ensued. He questioned prospective jurors and dismissed all who said they favored the medical use of marijuana. Then he foreclosed defense arguments that so much as mentioned the word "medical."

Breyer dismissed defense arguments based on the Ninth and Tenth Amendments and the interstate commerce clause with a laconic "you've got your record." He dismissed allegations of jury tampering or a tainted jury — despite the fact that a juror acknowledged that she had consulted with a lawyer during deliberations — though it's strictly *verboten* to discuss a case with anyone, especially a somebody involved in the justice system — and passed the advice (to listen to the judge and abide by his interpretation of the law despite misgivings) to other jurors.

"Judge Breyer handled the entire case," Rosenthal told me after the trial, "right up until the final day, as a partner to the prosecution rather than as an impartial arbiter. And he made it clear that he expected federal courts in the future to act as if California law authorizing sick people to use marijuana did not exist."

In sum, Breyer did everything possible to ensure a conviction, and then at the end gave an unexpectedly light sentence. Ed Rosenthal is not in prison, but he is on probation for three years, which means the court can intrude into his life at any time with no warning. That could mean no use of

cannabis, even though he is a certified patient under California law.

Of course, he will appeal the conviction, to try to get the 9th Circuit Court of Appeals to declare that the way Judge Breyer handled this case was inappropriate and will not guide future cases.

Until that appeal is decided, however, the situation for patients is unchanged. Legally, the federal enforcers have as much authority as they need to continue charging patients and caregivers and having federal courts treat them no differently than participants in the black market.

Contrary to common impression, the U.S. Supreme Court decision in the 2001 case did not invalidate California law or the laws of the other states that have authorized medical marijuana. When Justice Ginsburg asked the Justice Department lawyer arguing the case why the government had not invoked the doctrine of federal supremacy (federal law trumps state law) in this case, she answered that it wasn't an issue and if the court decided for the government it would simply be the case, as in some other areas, that state law differed from federal law, and state and federal enforcers would have to enforce their own laws.

Rosenthal was sentenced to one day in prison. It seemed strikingly, dramatically lenient considering he had been convicted of federal felonies that could have brought up to 60 years in prison.

That means in theory that all state and local law enforcement officials in California are duty-bound to enforce California law. A provision in the state constitution even requires that state officials enforce state laws even when they think it conflicts with federal law, unless and until a competent federal court has ruled that there's a contradiction and state law has been trumped. Nobody, despite a lot of brave talk, has filed a challenge to California's law in federal court on constitutional or any other grounds.

Federal officials are duty-bound, however, to enforce federal law, which places marijuana or cannabis on Schedule I under the Controlled Substances Act, strictly prohibiting its use for any purpose, medical or otherwise. You can make a strong case — I did it in some detail in my book *Waiting to Inhale: The Politics of Medical Marijuana* — that it is actually illegal to keep marijuana on Schedule I since it doesn't fit any of the criteria, but the relevant bureaucracies have spurned this argument along with other legal challenges. And I don't expect Congress to develop common sense and courage on the issue any time before Iraq becomes a functioning and independent democracy.

Until recently the feds disdained to get involved in cases involving fewer than a thousand plants. Recently, however, they have gone after medical marijuana patients and cultivators, mostly people like Rosenthal who have something of a public profile on the issue, in what looks like a deliberate attempt to make California's law null and void in practice, through a combination of incarceration and intimidation.

In practice also, state law enforcement people have approached the issue of medical marijuana very differently. The California Narcotics Officers' website still has a position paper with the running legend "MARIJUANA IS NOT MEDICINE" in all caps.

Local police and district attorneys differ radically. In San Francisco the city government issues ID cards to patients, city police have been officially instructed since the early 1990s to make marijuana enforcement their lowest priority, and the district attorney, Terence Hallinan, is not only a medical marijuana advocate but a patient. In Placer County, near Lake Tahoe, where Steve Kubby was tried, police told him several times that "that law doesn't apply here." In general, northern California cities (with the exception of some rural counties) have tried to cooperate with patients and doctors and implement the medical marijuana law, while southern California localities have been indifferent or hostile — although the southernmost major city of San Diego recently passed a relatively patient-friendly municipal implementation ordinance. State Sen. John Vasconcellos has tried several times to get a uniform state law passed and signed that places medical marijuana issues in the health department, which would issue ID cards to patients, so far to no avail.

Politically, however, things may be changing. The Rosenthal case got considerable publicity and led to angry public protests from jury members and public officials, including California's attorney general. Although they might not change their ways on cases already in the pipeline, the federales might think twice about the next patient or provider they're planning to arrest. The possibility that any jury in California on any marijuana case involving a lot of plants but short of an outright plantation will automatically vote to acquit on the assumption that it is probably a medical marijuana case has to weigh on all concerned.

Congress might act this year on H.R. 1717, which would allow juries in federal cases in states with a medical marijuana law to be informed if there is a medical aspect to a case. But I would be amazed if President Bush, that endlessly compassionate conservative, didn't veto it if it passed.

Proposition 215 was never challenged in court because no competent legal authority believes it would be declared unconstitutional.

Unfortunately, the attitude of most federal officials is probably close to that of John Coleman, former assistant DEA honcho, who has pontificated: "The states like California have done a real injustice to a lot of their citizens by passing laws that are just so clearly unconstitutional." A more complete misunderstanding of the Constitution, the idea of federalism, and the current status of the law is hard to imagine. Proposition 215 was never challenged in court because no competent legal authority believes it would be declared unconstitutional. Yet these ignorant yahoos can make such statements and hardly anybody in the media knows enough even to ask pointed questions.

But people with that mentality are in power. And they are still on a mission to nullify California law. ❑

Report

The Market for Ecology

by Terry L. Anderson

Free market environmentalism has established itself as a viable policy alternative. But it's easy to overestimate its impact. The real work lies ahead.

Consider two recent statements about the ideas emanating from free market environmentalism (FME). In their book, *The Betrayal of Science and Reason*, Paul and Anne Erlich write that "the only extensive treatment we've found on water in a brownlash book, a chapter by Terry L. Anderson in one of Ronald Bailey's books, is basically sound and sensible. . . . Instituting many of the market-based solutions proposed by Anderson could help avoid widespread, devastating shortages." In contrast, Richard Behan, former dean of forestry at Northern Arizona University, calls the FME movement the equivalent of "the economic Taliban; a fanatic sect of unbending believers in the superiority of free markets."

These two statements suggest that free-market environmentalists have successfully put their ideas on the radar screens of environmental advocates. When FME shows up, however, it is still often seen as a target, not a friendly force. Simply being on the radar screen is a position in sharp contrast to the early 1980s when the ideas from FME were first planted. Then, those of us who were thinking about the connection between markets and the environment were voices in the wilderness, both figuratively and literally.

Just how much progress have we made? The simple answer is that we have made significant progress, but that we have lots left to do. On the bright side, consider what some unlikely people are saying about FME. After a speech I made to 1,800 people at the Land Trust Rally in Austin, Larry Seltzer, president of The Conservation Fund, wrote, "Your market-based approach is a timely and positive message for the land trust community. We applaud your leadership." In another letter, Don Kennedy, former president of Stanford and now editor of *Science*, acknowledges our contribution: "I've certainly borrowed from the ideas in FME."

Free-market environmentalists can also point to dozens of books and articles that are changing the terms of the environmental debate. Richard Stroup's book, *Eco-nomics*, and mine with Laura Huggins, *Property Rights: A Practical Guide to Freedom and Prosperity*, are two of the most recent examples. The "Political Economy Forum" series, published by Political Economic Research Center (PERC), a free-market environmental think tank, now has 22 volumes on a variety of environmental topics, and the Cato Institute has a long list of important books. Though Bjorn Lomborg is not a card-carrying free-market environmentalist, his book, *The Skeptical Environmentalist*, certainly adds to the arsenal and continues the tradition of Julian Simon, who was. On an annual basis the Pacific Research Institute's Index of Leading Environmental Indicators provides evidence that environmental quality is increasing mostly as a result of market, as opposed to political, forces.

FME has also developed useful pedagogy and curricular materials. With "Facts not Fear" and a new series by Greenhaven Press, Jane Shaw has provided parents and teachers with many examples that counter the standard gloom and doom, command-and-control environmentalism.

Eco-Detectives, a curriculum for high school classes, is the all-time best-selling curriculum of the National Council on Economic Education, an organization that is not necessarily associated with FME. PERC's FME Syllabus is used extensively to bring FME ideas to college classes. The information in all of these materials is disseminated effectively through teacher workshops sponsored by PERC, FEE, and the Foundation for Teaching Economics.

Free-market environmentalists can also claim a few policy successes, though the list is not as long as we would like. Arguably FME's best success is in the area of water marketing as suggested by the earlier quotation from Paul and Anne Erlich. Water markets were referred to as "kiddie car economics" when they were first proposed in a book I published with the Cato Institute in 1983, but now they are being implemented in many states and in England, Australia, and Chile.

Though not as pure as fully defined, defended, and transferable private property rights solutions (the true test of FME), other policy changes reflect the FME message of getting the incentives right. For some federal lands, the U.S. government now charges user fees and allows those fees to be reinvested in the lands where they are collected. While bureaucratic problems with this program remain, it is a recognition of the importance of incentives. "Cap-and-trade" approaches are applied to sulfur dioxide, fisheries in the form of individual transferable quota, and most recently to water quality. Though not pure examples of FME because the output is set by political rather than market processes, these approaches recognize the value of establishing tradeable property rights, a major step forward in the environmental debate.

Lest I paint a picture that is more rosy than reality, there are at least three areas where FME has not had much success. As already suggested, real FME policy changes are too few and far between. Even with "friends" in the current administration, there have been few changes to celebrate as suggested by the the C- grade the Bush administration received in PERC's midterm report card. When people such as Paul Erlich embrace markets, they usually mean political manipulation of prices such as a carbon tax. FME has found a place in few classrooms at any level, from elementary to graduate school. A few courses pay lip service to the ideas, but FME is hardly standard fare.

Free-market environmentalists have successfully put their ideas on the radar screens of environmental advocates. When it shows up, however, it is still often seen as a target, not a friendly force.

So what can be done to improve the reputation of FME? We should start by abandoning old tactics that were useful in getting attention but have proven less useful — or even counterproductive — in extending our reach. In my case, I have enjoyed raising the possibility of privatizing Yellowstone National Park at programs with journalists. Though this got their attention, it also generated headlines such as "Economist Argues Yellowstone Should Worship Almighty Dollar." I'm still willing to engage in reasoned discussions about privatization as in a Cato paper with Vernon Smith and Emily Simmons, but to lead with that punch undermines credibility and any chance of getting non-believers to listen to FME's practical ways of improving environmental quality. I think calling environmentalists "watermelons" (green on the outside and red on the inside) also ought to be avoided because it alienates the people we are hoping to communicate with.

This is not meant to say that we should not be willing to put forth radical policy reforms, but we should only do so when they are backed with good reason and evidence of potential success. A good example is the Cato privatization paper, in which we provided evidence that current public ownership is flawed, and then followed with arguments for privatization that countered the standard objections, especially "fairness." Another example is attacking the Endangered Species Act by simply saying it leads to "shoot, shovel, and shut up." Although these arguments are accurate, we will convince more people with data and statistical analyses such as those showing that forests in North Carolina are harvested at a younger age if red-cockaded woodpeckers are near, since the woodpeckers are more likely to occupy a forest if it is allowed to mature. Don Leal's work is another example of the power of empirical evidence in winning arguments. It shows how land managers of state trust land do a much better job, fiscally and environmentally, with land they manage that abuts federally managed land, because the state trust managers face incentives closer to the bottom-line orientation of the private sector.

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With the right agenda, I am convinced that FME can continue to gain influence. This agenda has less to do with changing policy and more to do with changing actions within business decisions. Consider the example of International Paper capitalizing on private land recreation. In the early 1980s, the company was strictly in the business of growing trees for lumber and paper. The 30-year lag between planting and harvest meant up-front costs with no revenues. When environmental entrepreneur Tom Bourland joined the company, he recognized the potential for better land stewardship if the company were earning profits from fee recreation. Tom had to change the way timber managers viewed the resource base and the way recreationists, especially hunters, viewed paying for access to the company's land. He demonstrated that profits could be increased if wildlife migration corridors were left between harvest areas, if controlled burns were used to manage undergrowth, and if riparian areas were left unharvested. Each of these contributed to more wildlife habi-

continued on page 36

The Leisure of the Theory Class

by Eric Kenning

Postmodern theorists have transgressively embraced the self-marginalizing functions of their discourse. Yet now, the very possibility of theory has been destabilized by a subversive and viral Other: an unutterable entity that refuses to be subsumed by the familiar technologies of magniloquence.

Remember Lookism? Throughout the 1990s it was a leading campus thought crime, or more precisely, eye crime and misdemeanor. It meant, usually, glancing at a woman with intent to commit aesthetic evaluation. You don't hear so much about it now, and it could be that we Lookists are no longer being watched. Someone, probably a Whisperist, must have whispered into an administrative ear, pointing out that most women actually like to be discreetly admired by passing strangers and go to some trouble to make sure it happens. In Milan Kundera's recent novel *Identity*, a Frenchwoman returns from a walk tearful and disconsolate because "Men don't turn to look at me anymore."

While it lasted, Lookism was one of the more eye-catching artifacts of the long struggle of the academic mind against aesthetic pleasure. It seems to have recently ended in the formal surrender of the academics, but in prose style the fight goes on, much like those Japanese soldiers in the jungles of Borneo or Sumatra who continued fighting World War II long after it was over.

Recently I picked up a book called *The Discourse of the Sublime* and found this sublime passage: "[T]he discourse of the sublime might now be seen as requiring the autonomous subject, not as producing it; requiring it to delay as long as possible the recognition that the fractured social subject, the subject as event not continuum, is the 'real' subject posited by its theory. In other words, the discourse of the sublime produces *in theory* an autonomous subject position in order to negate the subject agent it in fact confronts 'in practice,' in the real. This practice it confronts includes, of course, itself, the theory of the sublime." I like that "In other words."

The book, published in 1989, was an early warning signal of a new academic embrace of the sublime and the beautiful, which have become hot topics in the kind of theory-infested conferences, seminars, panels, colloquia, courses, dissertations, and books that not long ago were assuring us that beauty was merely a socially constructed figment of our Eurocentric, phallocentric, bourgeois, patriarchal imaginations. It sacralized the hegemonic surveillance of the Male Gaze. It devalorized the transgressive narrativity of postcolonial alterity. In the academic world, as in the contemporary art world, beauty has for decades been an illegal alien, leading a furtive, marginal, undocumented existence.

But if aesthetic pleasure has become an academic Cinderella story, or at least a Cinderella narrative, the new theoretical embrace of it is ambivalent as well as smothering. In the 18th century the sublime (majestic, awe-inspiring, melancholy, dark) and the beautiful (regular, smooth, delicate, elegant, bright) were seen by Edmund Burke and Immanuel Kant, who wrote treatises on the distinction, as contrasting but complementary aesthetic qualities. Now partisans of the sublime brush off beauty as hopelessly fussy and frowsy and just so utterly two years ago and unchic: "Whereas the concept of beauty seems outmoded — passé, even — in relation to the current practices of criticism in the arts, sublimity has suddenly become fashionable" (Paul Crowther, *The Kantian*

Sublime). But there are also fierce partisans of beauty, like Elaine Scarry of Harvard who, in *On Beauty and Being Just*, recoils from the sublime as "an aesthetic of power," or Wendy Steiner of the University of Pennsylvania who, in *Venus in Exile*, finds in the sublime, as set forth by the meticulous, mild-mannered, and celibate Kant, a bullying, chest-pounding machismo responsible for all the ugly shock tactics of modern and postmodern art. If this kind of thing catches on, the American Empire will soon be divided between the Sublime Party and the Beautiful Party, just as the Byzantine Empire was divided between two political-theological factions, the Blues and the Greens, originally rival teams at the chariot races.

The impulse behind Lookism, the fundamental academic impulse to translate every pleasure into political sour grapes, hasn't entirely disappeared.

It's clear that the impulse behind Lookism, the fundamental academic impulse to translate every pleasure into political sour grapes, hasn't entirely disappeared. Neither has the itch for obscurity, even though some of the new aesthetic books, like those by Scarry and Steiner, are clearly written. While Basque and the languages of remote aboriginal tribes have yielded up their secrets to linguists and anthropologists, the dense, twisted tongue still widely spoken in the hermit kingdom of academic theory has never been satisfactorily studied or explained. There isn't even a dictionary.

In 1998 the theorist Judith Butler, a professor at the University of California at Berkeley who has a cultish following among academic feminists, was awarded first prize in the annual Bad Writing Contest sponsored by the journal *Philosophy and Literature*, and this was the winning sentence: "The move from a structuralist account in which capital is understood to structure social relations in relatively homologous ways to a view of hegemony in which power relations are subject to repetition, convergence, and rearticulation brought the question of temporality into the thinking of structure, and marked a shift from a form of Althusserian theory that takes structural totalities as theoretical objects to one in which the insights into the contingent possibility of structure inaugurate a renewed conception of hegemony as bound up with the contingent sites and strategies of the re-articulation of power."

Butler and other postmodernist theorists have defended these labyrinthine sentences as if they were laboratories, arguing that, like theoretical physicists, they are dealing with difficult and elusive concepts, and so, like theoretical physicists, they are hard to understand. But in 1996 a theoretical physicist, Alan Sokal, famously upended them with a banana peel called "Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity," a pastiche of pseudoscientific postmodernist nonsense that he submitted to the then-fashionable journal *Social Text*. The editors, encumbered by their thick theoretical burkas, fell for the hoax and solemnly published it.

The University of Chicago classics scholar Martha Nussbaum, alluding to "the thick soup of Butler's prose" in a 1999 *New Republic* review of several of her books, noted that her "obscurity creates an aura of importance. . . . It bullies the reader into granting that, since one cannot figure out what is going on, there must be something significant going on, some complexity of thought, where in reality there are often familiar or even shopworn notions, addressed too simply and too casually to add any new dimension of understanding." This is on the right track. It's a trick, as Nussbaum pointed out, of the more oracular sort of philosophical trade, offering incense and initiation rather than argument. But she didn't see that all that exquisite obscurity is also a self-affirming, class-consolidating social ritual, like an annual charity ball or sailing regatta.

Theory gives people with nothing to say a way of saying it at interminable length. It's a comfortable, privileged, tenured, and ceremonial existence, with long vacations, sabbaticals, and travel allowances to get the theorists from one conference to another, where they preen, drink, and mate. The fretwork elaborations of syntax and vocabulary that go with the vogue for theory are ultimately ornamental status indicators, like the elaborate lace worn centuries ago by members of the European aristocracy and limited to their class alone by sumptuary laws.

It's tempting to think that theory will eventually just fade away. Boredom is lethal for social and political regimes. It subverted the old regimes of Europe and their jaded aristocracies, and, more recently, Marxist regimes were done in not just by their economic inertia and everyday oppression but also by the devotion of their ruling classes to a monotonous, torpid, stolid Stalinoid style. So boredom should logically cause the collapse of the academic theory regime, whose prose productions are as deadly as the full text of a Soviet Politburo member's six-hour speech on the Five-Year Plan for Cement Quota Fulfillment in the Kazakh S.S.R. But it probably won't. Theory seems to have become an incurable academic rash.

While Basque and the languages of remote aboriginal tribes have yielded up their secrets to linguists and anthropologists, the dense, twisted tongue still widely spoken in the hermit kingdom of academic theory has never been satisfactorily studied or explained.

The theorists themselves have for years been announcing the end of theory, or admitting its lack of real-world consequences, but they just keep doing it, they can't help it, there's nothing else to do. The literary theorist Jonathan Culler has defined "post-theory" as "the theoretical discussions animated by the question of the death of theory." Theory-class celebrities like Culler, Butler, Andrew Ross, Gayatri Chakravorty Spivak, Antonio Negri, and Homi K. Bhabha continue to draw large academic crowds, publish unreadable books, and occupy well-upholstered academic chairs.

continued on page 36

Attack

The Trouble With Friedman

by J. C. Lester

For more than a decade, Jeffrey Friedman has used his "scholarly journal" *Critical Review* to attack liberty. This time, he doesn't get the last word.

When *Critical Review* was launched in 1987, it was a welcome addition to the universe of libertarian scholarly journals. Over the years since, under the editorship of Jeffrey Friedman, it has evolved into something very different. Unlike conventional scholarly journals, Friedman insists on getting the last word in every controversy. And Friedman has become a vociferous opponent of contemporary libertarianism.

Many people that take a scholarly interest in libertarianism undoubtedly read Friedman, and presumably he persuades some of them to his anti-libertarian views. His criticism of libertarians certainly merits response.

Friedman's "What's Wrong With Libertarianism" is a good specimen of his criticism of libertarian thinking.[1] In this lengthy essay, he criticizes libertarianism — as he understands it — by focusing on two key points: that libertarianism is empirically unjustified and really held for inadequate, "philosophical" (a priori) reasons; and that libertarians cite empirical evidence in favor of libertarianism but ultimately fall back on the a priori reasons. Friedman calls the attempt to be both a priori and empirical the "libertarian straddle."

I should say immediately that I believe some of Friedman's criticisms correctly identify errors in certain versions of libertarianism: these versions are inadequately a priori or they are question-begging as regards the conception of liberty. However, his other criticisms are mistaken: they are justificationist (demanding an impossible epistemological support) or misunderstand the libertarian conception of liberty.

Ironically, these show Friedman to be guilty of a priori anti-libertarianism. And he is also guilty of an anti-libertarian straddle whereby he wants to cite evidence against libertarianism but can always fall back on its lack of justification and its supposed conceptual inclarity. Thus, Friedman's criticisms leave the most extreme version of non-justificationist libertarianism — minimizing proactive impositions — an unscathed conjecture.

I shall tackle various points in Jeffrey Friedman's "What's Wrong With Libertarianism" in the order in which they arise. Though Friedman's article is quite lengthy, at almost 25,000 words, I can usefully reply in far less. This is partly because I agree with his oft-restated criticisms of aprioristic libertarianism and the inadequacy of some accounts of libertarian liberty, so I do not need to defend them. And it is partly because his oft-restated justificationist criticisms and his errors about the correct interpretation of libertarian liberty (as opposed to various non-libertarian conceptions of liberty) can best be responded to relatively briefly, as I have written at length about similar issues in *Escape from Leviathan*.[2]

The Epistemology of the Anti-Libertarian Straddle

Friedman begins his abstract with the assertion that "Libertarian arguments about the empirical benefits of capitalism are, as yet, inadequate to convince anyone who lacks libertarian philosophical convictions" (p. 407). This assertion is itself empirically false. Many British libertarians, including

me, were convinced to become libertarian — sometimes from socialist ideologies — by "arguments about the empirical benefits." Even if there are no similar American libertarians, which I doubt, I am led to believe that Friedman knows some of the British ones. However, there are always larger-than-normal conjectural leaps in a change of ideology that a justificationist, such as Friedman, might misconstrue as being due to "libertarian philosophical convictions." When Friedman writes of "philosophical libertarianism" he means only an aprioristic version that does not require empirical input. In reality, much or even most libertarian philosophy is intended to complement empirical work.

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After examining the arguments in several libertarian books, Friedman concludes that "libertarians do not yet possess an adequate critique of government interference in the market economy — a critique, that is to say, that establishes not only why the state should be kept on a very short leash, but why it should be emasculated" (408). The use of "establishes" betrays Friedman's justificationist epistemology.

As Karl Popper's critical rationalist epistemology explains, it is illogical to suppose that universal theories can be established with finite evidence (even if such evidence were not itself conjectural, which it is). But that does not mean that we cannot validly advance bold universal conjectures that we test as best we can. However, Friedman combines his epistemological error with other philosophical ones that reinforce it, as we shall see.

Friedman thinks that a "purely consequentialist, 'empirical' libertarianism could, on its own, largely accept as valid the meliorist aims [of the welfare state], challenging mainly whether the state is capable of achieving them without causing even worse problems" (409). But when libertarians have read of research and economic theory that appear to refute all the assertions that the state is the solution, rather than the problem, it is hard to see how they could see any list of "meliorist aims" as being other than due largely to empirical misunderstandings. It would be equally presumptuous for libertarians to assert that purely consequentialist, "empirical" anti-libertarianism could, on its own, largely accept as valid the meliorist aims of libertarianism, challenging mainly whether the market is capable of achieving them without causing even worse problems.

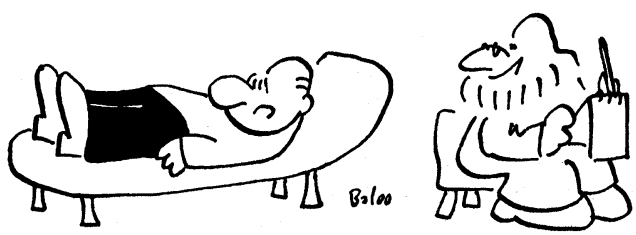

"People are skeptical about everything I say." "Oh, come now!"

Justificationism arises again in the statement that "[l]ibertarian conclusions require not only extensive evidence of government failure, but an empirically substantiated reason to think that such failure is always more likely than the failure of civil society" (410). An "empirically substantiated reason" — especially that something is "always more likely" — is not an epistemological possibility. But a critical preference for a conjecture is possible. In order to maintain a critical preference for the libertarian conjecture one need only refute putative examples of government success. Friedman's main criticism of the market — for he focuses only on this aspect of libertarianism — is that there is no guarantee that it is and will "always" be better than state intervention. As this is an impossible demand (and one to which John Gray also succumbs, as I explain in *Escape from Leviathan*), this criticism amounts, ironically, to a kind of philosophical anti-libertarianism (more precisely, aprioristic anti-libertarianism). This is every bit as erroneous as the so-called philosophical libertarianism that Friedman is attacking.

Liberty and the State

But now consider the other main issue, from my perspective, that Friedman raises. Does the state deprive people of freedom (or liberty)? Friedman thinks that it does not because he misunderstands the libertarian conception of interpersonal liberty, as do many libertarians themselves, as involving the absence of "coercion" in some sense. And as all property systems use coercion to enforce themselves, he is able to conclude that "strictly in terms of negative liberty — freedom from physical coercion — libertarianism has no edge over any other system" (428).

However, an analysis of the libertarian conception of interpersonal liberty shows it to be about what I formulate as "the absence of proactive impositions" (though I am not claiming that this formula is perspicuously clear and without philosophical problems). And all property assignments, including that of self-ownership, are derivable from applying this conception. It is true that interfering with the (libertarian) property of others will count as a proactive imposition as a very good rule of thumb. But the abstract theory need not assume any kind of property, nor moral rights.

Thus Friedman errs in concluding that "Boaz is mistaken in describing taxation as 'aggression against the person or property of the taxpayer'." Because the "social-democratic baseline" is inherently proactive in its impositions and so does flout libertarian liberty, I cannot usefully summarize all the relevant arguments here. Any attempt to do so would merely give rise to the myriad further questions and criticisms that I discuss in *Escape from Leviathan*. However, once one grasps that libertarian liberty is about the absence of proactive impositions (or some similar formulation) one can easily understand the general dangers of infringing such liberty and why the onus of argument must be on those who advocate doing so.

I claim that my interpretation of the libertarian conception of liberty is what libertarians intuitively grasp, though they do not express it clearly. But having mistakenly discussed a Hobbesian, zero-sum freedom instead, Friedman decides that it is better to choose "positive freedom," which is the ability to "attain a goal" we choose (431). As this is clearly about

want-satisfaction, I see it as about a kind of welfare rather than any kind of liberty (though it does not much matter what terms we use).

Friedman then suggests that "the social democrat wants to equalize positive freedom, but more rigorously than does the libertarian." The libertarian does not want any such thing. He wants to maximize interpersonal liberty (minimize proactive impositions). He might well think, as I do, that this will also maximize want-satisfaction. But to "equalize" the ability to "attain a goal" we choose has nothing to do with libertarianism. Friedman's view that libertarians "would arbitrarily extend positive liberty only to those who happen to have acquired title to pieces of the world" is confused just because libertarians typically suppose that (libertarian) private property clashes less with getting more of what you want than any known alternative. And Friedman, as usual, offers little argument or evidence to the contrary beyond mere logical possibility.

None of what I have written entails that the libertarian conception of liberty is intended to be the "correct" conception of liberty or its "essence," as Friedman accuses libertarians of intending (431). But there is something that for libertarians liberty is, and it is not what Friedman supposes, nor is it advocated for the reasons he supposes. So Friedman is mistaken in his assertion that "[t]he assumption that liberty is embodied in libertarianism *relatively* more than in other systems is necessarily false, however — unless we are speaking of positive liberty" (432). For Friedman never suspects that liberty may be understood as the absence of proactive impositions (or some similar formulation), and *this* liberty is necessarily more embodied in libertarianism than elsewhere.

So with my preferred version of libertarianism I can accurately invert Friedman's charge, thus: "The way [anti-]libertarianism incorporates consequentialist and philosophical arguments feeds on and breeds complacency at the same time" (433). Instead of complaining that "consequentialist libertarians do not yet appear to have established a valid reason why government intervention in a free-market economy might not sometimes be better at meeting human needs than laissez faire," (438) when such a reason is logically impossible, why doesn't Friedman support his case? There is no reason he should not be able to give what is logically possible — one real example of government success.

Friedman thinks that the state does not deprive people of liberty because he misunderstands the libertarian conception of interpersonal liberty.

He surely does attempt to do this on other occasions, and he mentions public goods and the need for economic redistribution in his article. But when he does so he always has his philosophical anti-libertarianism to fall back on: libertarians cannot justify the thesis that they must always be right. So we can again invert his accusation, thus: "Divine intervention might seem to be the only thing that could make sense of this [anti-]libertarian straddle: the notion that one need not choose between a priori and a posteriori rationales for a[n anti-]libertarian world (although, if one had to choose, one would choose the a priori rationale)" (435).

Consistent with his justificationist approach, Friedman writes that occasionally "Boaz does make consequentialist arguments of sufficient generality to justify libertarianism, if they are sound" (439). Obviously Friedman must think they are unsound. Justificationists typically have higher standards of "justification" for things they do not currently accept. Friedman doubtless thinks that diZerega is "justified" in his view that "democracy is a spontaneous order" (439). But as he does not give any argument to this effect, I merely note that democracy is proactively imposed, and hence cannot be spontaneous. And presumably Friedman also feels fully justified in asserting that "there remain, at the very least, some public goods and, in principle, the need for economic redistribution" (445). Which public goods? Why is there a need, in principle, for economic redistribution? We are not told, so cannot reply. It is enough for Friedman that he knows these things to be justified.

Because of inadequacies in his own "philosophical" anti-libertarianism, nothing Friedman has written is a threat to libertarianism properly understood.

It might be generally true, I do not know, that "[a]mong libertarian economists there is a parallel conviction that a sound philosophical case for libertarianism has already been made — by libertarian philosophers" (448). However, this is certainly not true of all libertarian economists or of David Friedman in particular. David Friedman tends to scorn libertarian philosophy — I answer criticisms from his *The Machinery of Freedom* in *Escape from Leviathan* — and presents only consequentialist arguments. Why does Jeffrey Friedman ignore this prominent example?

We then return to the justificationist error with Friedman's assertion that "[a]ll of the painstaking research of Chicago- and Austrian-school economists could not explain why every government regulation, let alone every government redistribution of wealth, would necessarily do more harm than good" (450). So what? How can Friedman seriously complain about the absence of logically necessary proofs of the superiority of every possible libertarian policy?

Near the end of his article Friedman suggests that libertarians are "precluded by their own ideology — which effectively celebrates whatever consumers freely choose as, ipso facto, good — from criticizing consumerism" (453). Nobody is trapped in an ideology, though it might prompt him to a certain position at the start of an argument. It would be as idle to say that Friedman is precluded by his own anti-libertarian ideology from understanding certain things. Of course, Friedman is, in a sense, "precluded" by his philosophical and empirical views from accepting libertarianism. But he is not precluded from coming to understand that these are errors, if they are so.

Friedman has done a good service in emphasizing the

inadequacy of a certain libertarian philosophical position. However, because of inadequacies in his own "philosophical" anti-libertarianism and his anti-libertarian straddle, nothing he has written in "What's Wrong With Libertarianism" is a threat to libertarianism properly understood. Friedman has presented no argument and cited no evidence that criticizes critical-rationalist (or non-justificationist) libertarianism (as minimizing proactive impositions). Justificationist anti-libertarianism is a futile endeavor. But I do not doubt that Friedman can, and I certainly hope that he will, move on to non-justificationist anti-libertarianism. ❑

Notes

1. *Critical Review*, Summer 1997, pp. 407–67.
2. *Escape from Leviathan: Liberty, Welfare and Anarchy Reconciled*, Macmillan/St. Martin's, 2000.

The Leisure of the Theory Class, *from page 32*

Individual theories, like all fashions, have a short shelf life. Hardly anyone in the theory mall is hawking deconstruction now, and nothing could be more old-hat than the New Criticism that once reigned supreme over every English department in the land. The New Historicism, a heavily advertised novelty maybe a decade ago, is already gathering dust. But theory itself staggers on, nourishing itself on its own obituaries. Still, maybe beauty and the sublime, which seem to exist somewhere out there beyond the Text, where there's supposed to be Nothing, will gradually have a subversive, genuinely transgressive effect on the theory class.

Scientists tell us that chimpanzees can be observed looking intently at beautiful sunsets. But far more amazing is the thought that even the clannish primates known as postmodernists are now probably gazing wistfully at the evening horizon, trying to make up their theoretical mind. Does a sunset merely valorize the hegemonic essentialist discourse of "day" and "night"? Or is it, on the contrary, a liberating self-deconstructing sublime narrative of postdiurnal Otherness? WWDD? (What Would Derrida Do?) Beauty may yet make monkeys, or even Lookists, out of all of them. ❑

The Market for Ecology, *from page 30*

tat and more wildlife. Then he had to contract with the hunters to get them to pay for restricted access in return for better hunting. The proof of his success is in the numbers; IP's net profits from non-timber sources went from zero in 1980 to $25 million in 1998. This happened because Tom Bourland could account for the impact of changes in land management on revenues and costs and contract with consumers to pay for environmental outputs.

Similarly, British Petroleum recently implemented an internal "cap-and-trade" program to reduce carbon emissions. Though we can question the value of the reduction, in hindsight we cannot question its impact on the company's profits. Sir John Browne, BP's CEO, required that all divisions of the company meet his targeted reductions, but allowed them to meet the targets by trading with other divisions that might be able to supply reductions at a lower cost. I doubt that he had a good measure of the potential impact of this program on company profits. But he took a chance, and it paid off as employees discovered ways of reducing carbon emissions at a profit.

Of course, not all companies can afford to take such a chance because they may not have the financial cushion that BP has, but if they can better account for the potential savings and better contract with employees who can implement such savings or with buyers who might purchase what would otherwise be wasted, we will have examples of doing environmental good while doing well. As one entrepreneur friend put it, "The decision to set up internal metrics associated with carbon emissions at BP was quite a bet on John Browne's part. The net result is that not only did BP reduce its emissions, it saved money. This is exactly the type of correlation that I believe exists throughout industry regarding the management of environmental concerns, be it an asset properly managed or a pollutant properly controlled. The problem is that the savings are buried in a very intricate set of operating expenses." Environmental problems arise from the lack of markets both within firms and between firms and consumers. It is such entrepreneurs whom free market environmentalists need to reach if we are to make environmental quality an asset instead of a liability and turn attention away from command-and-control, at worst, and non-profit production, at best. Reaching these entrepreneurs will be a two-way street. FME has much to learn from carefully studying the details of successes and failures in contracting for environmental quality. What was the nature of the internal contracts at IP and BP that switched on entrepreneurship within the companies? What was the nature of the external contracts with recreationists who are now paying for access to IP lands? What are the costs of enforcing those contracts? How are those costs minimized?

FME also has much to teach entrepreneurs, if we do the research that will answer these questions. There is a rich body of literature, starting with the work of Nobel laureate Ronald Coase, explaining the importance of contracting costs and applying the theories of contracting costs to aspects of business outside the environment. If we can capitalize on this literature and expand it to include business applications to environmental quality, FME will have a new product to sell — one that will produce the purest form of free-market environmentalism.

It is fair to to say that FME has come a long way. In fact, we've come so far that we can't say "free-market environmentalism" and expect to get attention. FME is no longer considered an oxymoron, and because of the hard work of many think tanks, it is no longer considered moronic. But we haven't worked ourselves out of jobs. We need to be vigilant so that the concept is not usurped by those who want to say they are for markets because they offer a gentler, more pragmatic solution, but who really want to call taxes and regulations "market-based." We need to bring the pragmatic environmentalists into the FME fold. And we need to bring business leaders into the fold, not so much through public policy, but through better ideas for marketing the environment. If we build on our successes and help integrate environmental quality into the bottom lines of business around the world, we increase the supply of environmental quality, and, more importantly, the supply of liberty. ❑

Admitting Stupidity

by Alex Mouhibian

Crazy? Nuts? Have I cracked my crock? Hell, no. I'm just trying to get into college.

Shoot me.

Yes, you heard correctly: shoot me. Some people need money, companionship, spiritual enlightenment, purpose with which to fulfill their lives — but right now all I need is a bullet. Not a fatal one, to be sure; you can lodge it in my leg or my foot or — wait! I've got it: bust it right in the Salisbury sweet-spot, smack dab in the middle of it, so that way it'll clog my waste-elimination organs, causing me to become obese and to suffer all the wonderful complexes, dilemmas, and psychological traumas that come with it!

Crazy? Nuts? Have I cracked my crock?

Hell, no. I'm just trying to get into college.

Spoilage in an institution is like J.Lo in her Grammy attire — it's visible at all levels. It should thus be no surprise that the ardent backlash against reason and values in academia can be traced right down to the front of its pearly gates, and the guidelines for admission into the ivory that lies beyond them.

An article in the July 12, 2002 *Wall Street Journal* (the source, unless otherwise noted, of all quotations here) reported the adoption of a new admissions system by the University of California, which has been applied most essentially in its two elite schools, UCLA and UC Berkeley. The main feature of this new system: a beefy portion of credit allotted for a category entitled "life challenges." The definition of "life challenges": "a wide range of personal, family or psychological obstacles," among them "immigration hardships, living in a high-crime neighborhood [and] having been a victim of a shooting."

Told you not to go scavenging for my marbles.

The reason, as served up by Carla Ferri, director of UC undergraduate admissions, is: "You bring in students that can tackle the academic programs with enthusiasm, with strength, and with purpose. That's what we're looking for." (The question of how this enthusiasm, strength, and purpose is going to magically appear in a tough university atmosphere, when it hasn't been enough to sustain a requisite performance in a low-level high school, goes unanswered.)

The result, as anyone could guess, has been an encouragement and subsequent dysentery-like profusion of the Halle Berry syndrome. "The new standard has led to a flood of sob stories on college-application essays, in some cases after university staffers have coached minority students on how to identify and present their hardships." The UC system spends $85 million a year on its outreach program. The outreach workers, "Besides helping college-bound students pick courses . . . coach them on how to write the essays that are a part of their college applications." One such outreach worker from UCLA, reports the article, recently gave students at a high school "examples of life challenges that could help the students gain admission, such as *having to do homework in the bathroom for lack of any other quiet place to study.*" (Presumably as an explanation for why it always turns out like . . .)

If you've suffered any hardship, you'd better emphasize it. If you haven't, you'd better make one up. And if you're wondering how any of this can possibly be spot-checked, you're not alone.

(It currently isn't by the UCs. Nor can it be. Only gunshots are even feasibly provable, by way of a photo of the wounded body part. But even then, who's to tell from a picture that somebody's scarred ass-cheek isn't actually a boot-spurred

consequence of a Western-themed prom night gone awry?)

The universal admissions slogan about the purpose of the college application, "getting to know more about you," now means: getting to know more about what you think may have screwed you over.

One need not ponder much about the implications of encouraging and basing admission criteria on mope over merit, tears over temerity, sobs over substance and, most bluntly of all, excuse over excellence. It's more pernicious than merely acting as a clinic for irresponsibility; it's a dagger in the heart of those students who hold any degree of dignity or integrity. The article mentions such a person, Ms. Hyejin Jae, who was spurned by both Berkeley and UCLA despite a swell GPA and a 1410 SAT score, because she didn't want to shed light on the fact that she's the daughter of a struggling Korean-immigrant pastor. "I didn't want too much of a pity party," she said.

Too bad for her. Because the entire university system is one big pity party, and its effects stretch beyond giving its victims bad hangovers. How do you think rewarding admission on the basis of whose essays most accurately reflect the plots of bad made-for-TV *Lifetime* movies affects the attitudes of students like Ms. Jae — both to the universities they should be looking forward to and the state of academe in general?

A study by the Center for Equal Opportunity found that "the odds of being admitted if you were a black student with the same qualifications as a white applicant were 174-to-1."

This isn't to say that real hardships should not be mentioned, or that having survived through an unfavorably dealt hand says nothing about one's character. However, the proper context for such information is only as *an addition* to merit, not a replacement for it. Assuming the fullest legitimacy of the "hardship" claims, all that penalizing the more skilled and merited for the misfortune of the significantly less merited does is restrict the former from achieving the accomplishments which benefit the latter most of all. Just imagine your brother dying under the knife of a negligent brain surgeon. How sympathetic would you be if the surgeon's excuse was that he had to write his med school papers with Lysol?

Nevertheless, Ms. Ferri's rationale explains why, as the article reports, Bianca Martinez (daughter of a breast-cancer patient) got admitted to UCLA with an 1110 SAT score, Dania Medina (whose sister has Down's syndrome) with an 1100, and Rosaura Novelo and Susana Pena (both daughters of lower-income fathers) with sewer-pit scores of 980 and 940, respectively, while the average accepted SAT score at UCLA is around 1350.

But wait. Even in this already muddled oil painting — considered so beautiful and so touching by so many — there are a few confusingly changing colors. For you see, this rationale does not quite explain why Stanley Park, who had to tutor in order to pay the rent for his breast-cancer-infected single mother, while scoring a whopping 1500 on the SAT, got rejected by both Berkeley and UCLA. Nor does it explain why Ms. Jae was still turned down after an appeal.

Ah, but then we find that there is another, alternate purpose to the hardships criterion behind sensitive sentiment: "to make the student body as reflective as possible of the state's population."

So as it turns out, the new "hardships" jargon is, for the most part, just a bunch of California hot air. The program is really affirmative action under a different gift-wrapping — one made modestly, to be sure, from recycled brown paper bags and a worn shoestring for a ribbon. It's yet another loophole to the racial-preferences-barring Proposition 209, passed in the Golden State in 1996. And to that effect, both Mr. Park and Ms. Jae suffer hopelessly from being Korean.

Since the expressed purpose of the "elite" universities is now to be demographic replicas of the populace rather than institutions of intellectual exchange and education, UC was disturbed by the finding that "simply using poverty as an index of disadvantage would reduce diversity, because it wouldn't help middle-class blacks and Hispanics and it would 'pull in' lots of low-income Asians." What does this revelation entail — besides heavily challenging the role of income in a student's academic potential and revealing that the *true* victims of the anti-merit criteria are those who *have* suffered the hardships yet persisted to excel anyway?

It entails a retreat — back into the hollow anachronistic confines of preferential treatment, to the truly despicable and unjustifiable spectacle that is judgment by pigmentation.

Apparently, the so-called "outreach" programs are nothing but nouveau underground railroads built to usher in "increases in under-represented racial and ethnic minority participation in postsecondary education," according to a university blueprint. As a former Berkeley admissions director informed *The Wall Street Journal*, the University of California "is under 'tremendous pressure' from Hispanic legislators to show that the big investment in outreach is paying off in higher Latino enrollment." Ergo, the programs are offered only at low-rated high schools, and admission points are automatically rewarded to all who join.

In point of fact, this isn't a retreat at all. For UC never really quit the rotten practice of racial preferences in the first place. As of last year, UC doubled the weight of the SAT II subject tests, one of which is Spanish (as a foreign language). In fall of 2001, the average SAT score of Hispanics who got into UCLA was 1168 — 24 points below the average white or Asian who got *rejected* and 181 points below those accepted. Even greater disparities exist with black students. Prop. 209 has been observed at a rate ranking somewhere below the anti-sodomy laws in Texas.

All of this is hardly unique to Berkeley and UCLA. Affirmative action (and the hardships hullabaloo as well, to a lesser extent), officially or not, stands tall at just about every elite university in the nation, as one can easily find by merely viewing the average differences in the SAT scores and GPAs of non-minorities (whites or Asians) and minorities (blacks or Hispanics) enrolled.

The celebrity AA case whose fishnet-clad gams currently occupy the national spotlight involves the University of Michigan, Ann Arbor. The admission-values formula for Michigan is as follows: 80 points for a perfect GPA, 20 for being a minority, 20 for being a scholarship athlete, 12 for a

perfect SAT score, 4 for being the child of an alumnus, 3 for an outstanding essay, and bonus points for "socioeconomic status and other characteristics."

No artist in the world could draw such a clear illustration of absurdity for caring eyes to see. According to Michigan's code of values, your skin shade is twice as important as being superbly intelligent (as all those who score even near perfect on the SAT must be) — and nearly *seven* times more important than having remarkable writing skills and a demonstrable grasp of the English language. Therefore, found a study by the Center for Equal Opportunity, "the odds of being admitted if you were a black student with the same qualifications as a white applicant were 174-to-1." The median SAT score of admitted blacks was 230 points below that of whites, with the average GPA lagging by a half-point in a four-point system.

The great retreat that is AA is in full gear, and despite the many roadblocks of public outrage it has encountered, it continues ever backward — dozing on through the gates of graduate schools, plunging recklessly into the damp, desultory abyss that awaits it.

What is this abyss, exactly?

Like most "progressive" causes, affirmative action could not be more ancient if it were a sensible Parisian thought. Its fundamental premise is the same that ruled societies of status in the past: that it is legitimate to evaluate an individual based entirely on factors over which he has no control. Whether that factor is color, caste, or creed, the principle is the same: preordination above personal quality. In other words: collective judgment versus individual evaluation.

When the Founding Fathers drafted the Declaration of Independence and the Constitution, they established a society based on *value,* for the first time in history, as a national principle. As those finely penned signatures were drawn on the sacred documents, the fate of the age-old institution of racism was sealed under "D" for doomed, devastated, and disqualified — even if many people were yet to realize it. The sentiments the Founders espoused were the matches that lit the fire of the passionate and philosophical abolitionist movement which, while certainly brewing before, flourished almost immediately after Independence Day. It was this abolitionist movement, and *not* what it sought to abolish, that was unique to America.

Once upon a time, followers of this doctrine were called white supremacists, and later, Nazis. Today, they're called civil rights advocates.

Booker T. Washington realized this. He realized that the only way to crack the stale notion of racism was to expose its contradiction with Americana in the purest, most powerful way. Washington called for a mass demonstration: a cry to actually *demonstrate* — skills, talents, work ethic, *value.* What Booker T. advocated, in essence, was a direct appeal to the principles fought for by that other Washington before him.*

Booker T.'s famous slogan was that the necessity for blacks was not to whine or seek government coercion, but "prepare to compete in the market." The free market knows only objective value, not color, and as such Washington explicitly saw *it* as the arena for the demise of racism. (It is appropriate to mention here that some of the most vehement intellectual voices in favor of abolition came from the free-market economists, such as John Stuart Mill, which prompted the pro-slavery Thomas Carlyle to call economics the "dismal science.")

The results of this former slave's efforts were magnificently visible. One was the Tuskegee Institute, which he founded with the donations of whites and blacks, workers and industrialists alike, the amount of those donations ranging from a single calf from a black farmer to $25,000 given by Andrew Carnegie for the construction of the school's building. The Institute became one of the premier schools in the country, setting the precedent for a number of other black schools (e.g., Dunbar High School in Washington, D.C., and the Frederick Douglass Academy in Harlem) which came to be regarded just as highly.

At the University of Michigan, your skin shade is twice as important as being superbly intelligent — and nearly seven times more important than having a demonstrable grasp of the English language.

Washington summarized his view of the racial question this way:

> I think the whole future of my race hinges on the question as to whether or not it can make itself of such indispensable value that the people in the town and the state where we reside will feel that our presence is necessary to the happiness and well-being of the community. No man who continues to add something to the material, intellectual, and moral well-being of the place in which he lives is long left without proper reward.†

This was the spirit which fostered and characterized a number of prosperous black towns in the early 20th century. It provided a sense of value to the black "community" which led to a marriage rate higher than that of whites from 1880–1940 — a period in which all but 19% of black children were born to married parents, while today all but 30% *aren't* (a considerable difference, since illegitimacy has been proven to be the main root of modern the black plight). It ignited a black rise into the middle-class from 1940–1960, during which the black poverty rate fell from 87% to 47% (despite notable racial barriers), not to mention a pervading wholesomeness that made poor black neighborhoods relatively safe and crime-

*To see Booker T. Washington's appeal in action, I suggest his autobiography, *Up From Slavery.*

†That is, of course, only in a community which values materials, intellience, and morality. Such is not and has not been the case in many countries which have ruthlessly persecuted their most productive minorities for religious, ethnic, and envious reasons — e.g., Malaysia, old Eastern Europe, and Ottoman Turkey, where it was more valuable to be a little boy than a talented man. Incidentally, those persecuted minorities — Chinese, Jews, and Greeks and Armenians, respectively — all found productive and peaceful homes from which they've prospered in America.

free throughout both those time spans.

Even mentioning such a savagely retrograde concept as racial preferences in the same breath as the sublime founding principles and Booker T. Washington is cause enough to cringe. That it is promoted by those who are labeled champions of progress and equality is cause to heave. For racial preferences are racism by any definition.

Modern America recognizes racism in any discrimination based on color or ethnicity, and racial preferences clearly meet this standard. But more importantly and insultingly, racial preferences are premised on the purest kind of racism: the belief that certain races are innately inferior, needing lowered standards and expectations if they are ever to have a chance.

The beneficiaries of affirmative action find themselves in an environment which all but assures their failure. It's a waste.

This is the attitude of most guilt-gagged white liberals, though they try to admit it only amongst themselves. Inevitably, however, it breaks out in the open, such as in 1995 when former Rutgers University president France Lawrence told a faculty meeting: "The average SAT [score] for African-Americans is 750. Do we set standards in the future so we don't admit anybody? Or do we deal with a disadvantaged population that doesn't have that genetic, hereditary background to have a higher average?"

Once upon a time, followers of this doctrine were called white supremacists, and later, Nazis. Today, they're called civil rights advocates, while labeling *opponents* of their doctrine racists, and getting away with it! In any case, they're nothing but condescending self-supremacists — the elitist-intellectuals.

Keeping in mind that it expresses the core assumptions of affirmative action, examine Mr. Lawrence's statement once more. Especially the last sentence. What does it imply? Not only that blacks are genetically inferior, but that the success of anyone is determined, not by his actions and merits, but his genetic code. It implies not only that blacks need lowered standards, but that the success of any black person is thanks only to a handout by his all-knowing, all-loving white guardian angels. (This last is again revealed explicitly when anti-AA black successes are explained away with assertions that any such success is achieved on the foundations of affirmative action, acknowledged or not.)

Just look at the latest hysterical crusade to ban the SAT. Apparently, the SAT is an Anglophile. Why? Because certain minorities don't do as well on it. Ergo, it's "culturally-biased." Such a claim is easily disproved by the fact that Asians and Caribbean blacks both routinely outperform whites on the aptitude test. But forget the proof — the only way that a math-and-grammar exam is inherently biased against certain races is if an innate characteristic of those races is stupidity!

Frederick Douglass, the famous black abolitionist-activist, once passionately proclaimed: "If the Negro cannot stand on his legs, then let him fall!" How does the predestination- and preordination-oriented AA fare when measured against Douglass, his old abolitionist movement, and the principle of freedom for responsibility it fought for?*

Affirmative action, however, is not merely making Frederick Douglass spin in his grave like a dreidel on speed. As with most "progressive" causes, racial preferences most harm the very people they are purported to protect. This is due to the simple fact that it's much easier to get in than pull out intact.

Nationally, only 30% of black freshman graduate in four years, compared to 60% of whites. Stretch it to six years, and the proportion remains one-sided: roughly two-thirds of blacks to 90% of whites. At UCLA, the majority of blacks and Hispanics are taking remedial math and science courses. The numbers are also high at Berkeley, and were much higher before Prop. 209.

The reason for this is that the practice of preferences ushers many black and Hispanic students into schools where they are unfit and unprepared to compete. The victim-beneficiaries of affirmative action find themselves in an environment which all but assures their failure. It's a waste.

To the temporary extent that Prop. 209 was observed in California, the number of black students enrolled in the U.C. system rose, even though their enrollment at Berkeley and UCLA dropped. The students were attending the universities in the system for which they were more aptly suited. As a result, U.C. San Diego, which had only one black freshman honor student out of a 3,268-strong class a year before the proposition (a GPA of 3.5 and up being the honors-qualifier), by 1998 had fully 20% of black freshmen riding the honor roll — the same proportion as that of whites. No longer were potential UCSD honor-rollees sweltering in the bogs of Berkeley.

Thinking of the highly purposed legislators pushing to enforce these quota systems, one can't help but wonder if they ever devote a penny's worth of consideration to the consequences of their escapades, or whether they even care.

To hell with reality. I need some schooling, and there's a 9mm round I've got to get shot with in time for appeals.

Any notion that they actually do care must be abandoned in light of the experience of the last 40 years. It has been the anti-American actions of the statist intellectuals and politicians during this period — the defeatist, disparaging, racial-warfare attitude *they* have promoted, the irresponsibility and decadence *their* welfare programs sponsored and created incentive for, the lowered standards *they* have enforced, and the ostentatious failure of the monopolized public schools *they* run which have ensured that so many blacks enter post-secondary institutions underprepared.

If the well-being of black people truly concerned these

*Here you can also ask yourself which is the most dangerous kind of racism. The racial-hatred kind, which is minuscule and inconsequential today, confined mainly to a bunch of dimwits who aren't satisfied with celebrating Halloween just once a year? Or the "intellectual" inferiority kind, which has the self-proclaimed superiors attempting to enslave the inferiors on the basis that they know what's best for them?

welfare-statists, they would have long-since noticed the failures of their grand orchestrations, and taken action to address them. They would have noticed, for example, that the vast majority of the impoverished and criminal come from fatherless homes, and that the incomes of two-parent households are nearly equal for both black and white,* and they would have seen how decades of their impositions have led to only one-third of black children being raised in two-parent homes. A real concern for the well-being of black people might prompt them to see how their monopolized inner-city public schools, which poor minorities can least afford to avoid, have resulted in 63% of black fourth graders being unable to read — and adopt a different approach. It just might dawn on them that their welfare state has created a cycle of poverty and dependency which sucks up every welfare recipient like a tornado — that a decent reduction in its force like the Welfare Reform Act liberated half its victims from the endless impoverished swirl — and that enacting further reductions might just be the wise thing to do.

If this were to happen, whining about disparities would be replaced with actually uncovering their roots. The truth about the bureaucratic "reach-out-and-touch" mentality would surface: that we'd all be much better off if the legislators would reach out and touch themselves.

This, of course, will never happen. The statists' and their intellectual apologists' justification for their own existence is their alleged expertise in making decisions for everyone else. The reality that their care for their charges has been careless and destructive is not one they will entertain.

*In 1995, the median black two-parent family income was $41,307, while the white two-parent median was $47,000. But this slight disparity can be easily attributed to the fact that most black people live in the South, where wages are lower — and that, during the previous year, black two-parent families out-earned white two-parent families in roughly 130 cities and counties.

It's much easier to blame it all on "social circumstance."

It is impossible for the admissions process to be completely objective. A general manager can't look only at scoring averages when constructing a basketball team, lest he end up with 13 shooting guards. Universities have holes to fill. This is understandable. They need students with different types of talent and different fields of academic interest, and fulfilling such a need inevitably results in discrepancies in the test scores and GPAs between the admitted and the forbidden. But such discrepancies are like Michael Moore's wit in their slightness, and are definitely not the problem.

The problem is enforced diversity, not of intellect and interest, but in *levels* of intellect and interest. The problem is a formula under which ability becomes liability, character is sacrificed to victimology, and independence succumbs to preordained grouping. These traits are most bluntly manifest in racial preferences and the "hardships" system. But just as the admissions process is an example of the pervading decay of academe, so are there pervading consequences of the decay of the admissions process. Now, most universities award admission points for "community service," while disregarding paid employment. That is, singing jingles to homeless whales is valued more highly than being a productive contributor to society.

Perhaps it was stupid of me to expect otherwise. Knowing what is known about the depravity of academe, maybe it was outright dumb. At least I'm willing to admit it. If only the elitist intelligentsia would do the same.

But because they won't, institutions once devoted to preparing students for and teaching them the mastery of reality continue to erode all respect for reality, with all its laws and ramifications, its hard and uncompromising demands for reason and logic. So to hell with reality. I need some schooling, and there's a 9mm round I've got to get shot with in time for appeals. ❑

A License to Discriminate, *from page 22*

enrollment policies that might be affected by the court's affirmative-action decisions. Racial preferences, therefore, do not principally enlarge the supply of qualified minority applicants but, rather, distribute that supply in favor of the more selective schools. Even without racial preferences, minority applicants have ready access to public universities, although less access to the top few percent.

The heart of the matter, aptly stated in the legal brief filed by the Cato Institute, is this: "Preferences reflect outright racial stereotyping about how people will (or should) think or behave on account of their skin color or ethnicity. [T]hey cut against a bedrock constitutional principle that forbids government to judge individuals as members of racial or ethnic groups." Yes, favored minorities may derive some advantage from preferential treatment, but "the state's awarding of valuable opportunities on the basis of skin color or ancestry necessarily diminishes those who are not benefited and, more importantly, erodes the national fabric and commitment to equality of opportunity."

That said, the Supreme Court has spoken. Now the battleground shifts chiefly to the states. California, Florida and Washington have abolished race-conscious admissions. Three down, 47 to go. ❑

TIA Lives!, *from page 24*

COINTELPRO era of spying on its own citizens.

Given Poindexter's leadership of the program, we shouldn't be surprised at the dissembling and disinformation on TIA and these other measures now being spoon-fed to Americans. But TIA has become a gravy train for many private companies seeing an opportunity and taking it — whether or not the technologies will ever work, and regardless of the implications for liberty if, God forbid, they do. Unless citizens start speaking up and demanding that Congress take action, the self-interest of business will reinforce congressional inertia to eventually bring TIA into existence in whole or part.

At a minimum, Congress should hold public hearings with the goal of much more vigorous oversight, so that only those whom the facts indicate to be terrorists are entered into the TIA system. If, however effective oversight proves to be difficult or impossible (as is likely), Congress should step up and scuttle this ridiculous boondoggle. Otherwise, the few remaining vestiges of privacy in this country could be obliterated, to the lasting detriment of our culture and liberty. ❑

Living and Dying the State's Way

by Jeffrey A. Schaler

If you think doctor-assisted suicide puts people in charge of their own lives, think again.

It is now fashionable to clamor for "assisted suicide," sometimes described as "the right to die" or "death with dignity." But curiously the right to suicide — to kill oneself without harassment or hindrance from the state — is not at all popular. Many of those campaigning for "assisted suicide" are among the most effective opponents of an individual's right to suicide, that is, death by one's own hand.

Suicide today is usually construed by society as a symptom of mental illness. As such, the possibility of suicide, or of being "a danger to oneself or others," which usually refers to being a danger to oneself alone, is grounds for locking someone up and taking active steps to prevent that person from taking his own life. Even though suicide and attempted suicide are no longer criminal offenses, there is no effective right to suicide.

In practice, very few psychiatrists will ever come across a suicide or attempted suicide that they do not believe to be a symptom of mental illness — especially if extreme physical pain or physical disability are absent. If you try to commit suicide and the authorities catch you and keep you alive, or if you merely talk about suicide, thereby communicating a preoccupation with the idea of suicide, you are likely to be jailed in a mental hospital and supervised to make sure you do not get a chance to kill yourself. You will be coerced into staying alive against your will.

Those who lean towards protecting a "right to die" in cases of physical suffering tend to be silent when it comes to protecting a right to suicide in cases of existential suffering or among those people who want to end their life simply because they have had enough of living, because life seems absurd to them, or for any number of other non-suffering reasons. If one has a right to suicide, one does not have to satisfy anyone else that one's suicide is wise or proper.

In view of this actual persecution of suicide with very little opposition from intellectuals or physicians, how do we account for the popularity in these same quarters of "assisted suicide"? These two positions are totally compatible. "Assisted suicide" does not grant individuals the right to commit suicide at all. It merely sanctions homicide with the state's permission, by giving physicians a legal monopoly on providing the means to die by one's own hand.

And while physician-assisted suicide often refers to giving a patient a lethal dose of medication, at the patient's request, which the patient then administers to himself, many of those favoring "assisted suicide" really seem to want something different: the legalization of euthanasia or "mercy killing." This may involve killing someone who is unwilling to kill himself or apparently incapable of doing so.

Derek Humphry, founder of the Hemlock movement, president of Euthanasia Research & Guidance Organization (ERGO), and author of two international bestselling books, *Jean's Way* and *Final Exit*, defines euthanasia this way: "Euthanasia is a doctor giving a lethal injection by request." And what is ERGO's position regarding euthanasia? "ERGO

. . . holds that voluntary euthanasia, physician-assisted suicide, and self-deliverance, are all appropriate life endings depending on the individual medical and ethical circumstances."*

The same people who want the state, through the agency of authorized physicians, to be able to kill people also want the state, through the agency of authorized physicians, to be able to stop people from killing themselves. Their position is thus consistent: individuals do not have any right to kill themselves, whereas the government has every right to kill individuals, if, for example, the government considers that the individual's life is now too painful or too harrowing. Your body does not belong to you: it belongs to the government.

Many of those favoring "assisted suicide" really seem to want something different: the legalization of euthanasia or "mercy killing."

This contrasts sharply with the traditional liberal or libertarian view that a person rightfully owns his or her own body, the principle that helps explain why slavery is and should be illegal, while abortion is and should be legal. No grown human is the property of another, whereas a fetus has not yet ceased to be the property of its mother. Just as people who advocate legalizing marijuana for medicinal purposes often oppose the right to drugs as property, people who advocate legalizing "assisted suicide" in the name of compassion often oppose the right to the body as property.

Suicide is a form of homicide. Thomas Szasz, who argues for the right to suicide in his important book, *Fatal Freedom: The Ethics and Politics of Suicide* (Syracuse University Press, 2002), makes the distinction between killing oneself ("autohomicide") and killing someone else ("heterohomicide"). Much talk about "assisted suicide" blurs this distinction by describing as "suicide" cases where a physician kills a patient who has (perhaps) previously signed a consent form.

Often such patients are comatose or otherwise unable to make a decision at the time. Consequently, "assisted suicide" can easily be stretched to include cases where a doctor, faced with a patient who cannot currently decide, or who perhaps at the time even wants to live, will be able to kill that patient.

Consider, for example, a recent landmark ruling by the Supreme Court of Victoria, Australia, as reported in the June 7, 2003 issue of the *British Medical Journal*: The court ruled that an elderly woman with severe dementia, kept alive for years by tube feeding, be allowed to die because the food and hydration given constituted a medical procedure rather than palliative care and could thereby be legally refused: "Judge Stuart Morris said that the public advocate Julian Gardner, who was appointed the woman's guardian, would now be able to decide whether it is time for her to 'die with dignity.' . . . 'The court had made it clear everyone has a right to refuse medical treatment,' said Mr. Gardner. 'This case is about someone who, while they were competent, made their views and wishes about medical treatment clearly known.'" ("Court rules food and hydration are treatment," *British Medical Journal*, 2003; 326:1233 [June 7]). Whose interests are served by keeping this woman alive? Whose interests are served by killing this woman? I cannot see how dignity is within the realm of experience or interest for such a person at this stage of her life. People project their wishes and feelings onto others, and are even more inclined to do so when a person is in a coma, severely demented, or dead, that is, when the person cannot communicate with them.

Some argue that since self-assassination is a right, delegated assassination is equally a right. If someone can decide to kill herself, she can therefore equally decide to make a contract with someone else to kill her, perhaps including in such a contract a stipulation that her being unconscious is to be no barrier to killing, or even that her frantic protests at the time of imminent death are to be disregarded because of the prior contract. People have likely asked others to kill them and their requests have likely been heeded in private. These private and illegal agreements will always continue, and just because they are illegal does not mean they are morally right or wrong. However, these are private agreements and arrangements that the law cannot and should not tolerate in the public domain — especially by empowering certain people, but not others, with the power to kill.

The risks are too great for the principle of freedom of contract to be extended to the engineering of one's own decease. Suicide cannot be delegated via a legally binding contract. The opportunities for abuse, and the costs of abuse, it seems to me, are too great. For example, relatives who do not wish to pay the bills to continue caring for a family member, and who also do not wish to take the responsibility of withdrawing support, can take recourse in an "assisted suicide," which is on paper at the request of the victim, but in fact at the request of the relatives, who communicate their wishes to a compliant physician.

The law does not tolerate and ought not to tolerate consensual, contractual heterohomicide. For one thing, it might be difficult to ascertain whether the killing contract was genuine or fraudulent. The consequence of error can obviously be quite serious. For another, if one of the parties wanted to rescind the contract, there could be problems, especially if the contract included a directive to ignore any attempt on the victim's part to stop the killing.

Assisted suicide, as normally conceived, is also unnecessary. Anyone who wants to die can stop eating or drinking, and can be made comfortable with morphine or similar drugs. The morphine is not administered to kill the person; it merely stops him from feeling any discomfort as he dies from starvation or disease.

A 91-year-old woman addressed her remarks to me at a recent round-table discussion on euthanasia and assisted suicide, saying she wanted to end her life while she felt good about it, rather than suffer with possible sickness unto death. I asked her if she was willing to commit suicide when the time was right for her. It is a difficult decision, to be sure:

*http://www.finalexit.org/about.html. For more on the confluence of euthanasia and assisted suicide see "Administration and Compounding of Euthanasic Agents," Royal Dutch Society for the Advancement of Pharmacy, The Hague (1994), at http://www.wweek.com/html/euthanasics.html; and Derek Humphry's views on "Euthanasia in Practice" at http://www.finalexit.org/practice.html.

most people want to live until they are incapable of committing suicide. The taking of one's life when life is still good is unappealing. This person said no: she wanted someone else to do it for her, because, in her words, she was a "coward."

Unfortunately, many people assume that medical expertise may be relevant to the decision whether to live or die, to kill or let live. However, the decision to commit suicide is an ethical decision, not a medical decision. While doctors may be trained to make ethical decisions, so may non-doctors, and in any case non-doctors may be more knowledgeable about what to consider when making the decision to live or die in any particular case, such as their own.

The principle that doctors should have any say in determining whether individuals be killed or kept alive is itself an ominous one. There is nothing scientific or medical about the decision to end one's life. Ethics pertains to right and wrong conduct. Who is to decide what is right and wrong when it comes to suicide? One can only decide this for oneself.

A priest may or may not be a good person to talk to when considering suicide. The same is true for a psychotherapist, or for one's barber or stockbroker. But really it is an individual's responsibility to decide whom to ask for advice, if one should ask anyone at all. The difference between talking to a priest and talking to a physician about suicide is that the priest is not empowered by the state to assist with killing people.

In some ways a physician may be the last person one should talk to about ending one's life. While a physician may be skilled in prescribing pain medication and treating disease, he is unnecessary when it comes to suicide. Most people who do commit suicide do so without consulting a doctor.

Belief in "mental illness" adds to confusion about suicide. Psychiatrists, psychotherapists, and the courts hold that persons who are likely to harm themselves may be committed to a mental hospital for "treatment." This is because people believe that wanting to commit suicide is a symptom of mental illness. While attempting suicide may not be an actual crime, it is treated as if it were: people who talk about or attempt suicide are likely to end up in a jail called a mental hospital. Whether one is behind bars in a mental hospital or behind bars in a prison, one is deprived of liberty by the state. Your physician may not kill you but he can collaborate in depriving you of liberty by putting you in a mental hospital against your will. He may also order that you be given certain drugs that you do not want. He may order that electric shocks be passed through your brain. All this he can do in the name of compassion and medicine.

Suicide cannot be delegated via a legally binding contract. The opportunities for abuse, and the costs of abuse, it seems to me, are too great.

Thus, doctors and psychotherapists are key players when it comes to interfering with the right to suicide. On the one hand, people want doctors to assist them with killing people, and on the other hand, they want doctors and psychotherapists to forcibly prevent people from committing suicide, by consigning them to mental hospitals.

At least three barriers to clarity regarding the right to suicide can be removed easily enough: we must differentiate between "assisted suicide" and suicide, that is, death by one's own hand; we must recognize that the decision to live or die is an ethical decision, not a medical decision; and we must recognize the role physicians and psychotherapists play as agents of the therapeutic state in depriving people of the liberty to live and die.

If we call things by their right names we can eliminate the problems associated with the first two barriers. If we remove the power given by the state to physicians to kill people we can remove the third barrier. Add to this removing the power of physicians and psychotherapists to have people committed to mental institutions and we'll have come a long way to protecting the sacred right to suicide.

There is one other important issue that is a key part of interfering with the right to suicide: the drugs used to commit suicide are often difficult to obtain because of prescription laws. This, too, is a function of our mental health laws, pharmacracy, and the therapeutic state. A person may want to use any number of drugs to cause a painless death, but because these drugs are only available by prescription, a person who does not have a prescription must engage in criminal activity in order to purchase them. So, if a person wants to commit suicide he should beware of sharing the intention because he could easily be locked up in a mental hospital. If someone tries to purchase the drugs she wants to kill herself, she can be jailed on illegal drugs charges. If prescription laws were repealed, the right to suicide could be protected.

Imagine the following scenario: you are walking along a bridge with a friend, who suddenly announces his intention to commit suicide by jumping over the bridge. What options do you have?

Since this person is your friend, you would likely try to talk him out of suicide. If you fail to persuade him, you could say goodbye and walk away. He does not necessarily have a right to commit suicide — any more than he does to have sex in public or in the presence of another, unwilling person, so you might report him to the police. The police could arrest him for breaking a no-suicide-in-public law. You could physically try to prevent him from jumping off the bridge. Or you might push him off the bridge — and call it assisted suicide.

Just as people ought to be free to put whatever ideas they want into their minds, they ought to be free to put whatever substances they want into their bodies. People are free to read or not to read any written material. They are free to listen to what they want to listen to. They are free to eat what they want to eat. It follows that a person is free not to eat, that is, a person's right to starve himself is as basic as is the right to satisfy his hunger.

Most of the confusion regarding euthanasia, assisted suicide, physician-assisted suicide, and suicide, can be easily resolved by making sure that heterohomicide is not excused by law, the power to treat people against their will is taken away from doctors, and the prescription laws are repealed.

Freedom rests on the rights to life, liberty, and property. When the state interferes with the right to suicide, it interferes with all three of these fundamental rights. ❑

Reviews

Defend America First: The Antiwar Editorials of the "Saturday Evening Post," 1939–1942, **by Garet Garrett. Ed. Bruce Ramsey. Caxton Press, 2003, 285 pages.**

Saying "No!" to the Good War

Stephen Cox

A deservedly popular genre of literature is the imaginary history, the history of a world that did not happen. I think especially of Robert Harris' novel *Fatherland* (1992), which is about what Europe would have been like if Hitler had succeeded, and MacKinlay Kantor's *If the South Had Won the Civil War* (1960), perhaps the finest work in the genre.

But imaginary history is not limited to novels. Reading real history, one discovers plausible arguments for courses of action that were never taken. When the arguments are intelligent, detailed, and colorful, one glimpses both the world as it was, at the moment before the crucial decision was made, and the world as it might have been, if the logic of the arguments had been followed and the world had gone in that other direction. A good example is the arguments against the ratification of the Constitution, or the arguments for a pacific adjustment of sectional differences in 1860 and 1861.

Arguments may also be retrospective. Consider the speculations published by historian Geoffrey Perret in the May issue of *North & South,* indicating that the Civil War might have been shorter and less appallingly bloody had President Lincoln accepted mature strategic advice during its opening stages. When one reviews such arguments, one realizes, once again, that human action is by no means fated; that individual decisions count, and that alternative decisions may open the way not just to different but to better worlds. Read, and imagine yourself there.

Almost everyone who thinks about it realizes that World War I need not have been fought, that practically no one but the Bolsheviks either profited or was likely to profit from it, and that America's dramatic entry into the war was one of the most embarrassing missteps that Columbia ever made on the stage of history. A score of alternative histories might be written about a world that had not fought that war, or had not fought it to a conclusion, and every alternative history that omits World War I — every history that I can think of, anyway — takes place on a wiser, wealthier, and happier planet. That planet would certainly not have seen a Chancellor Adolf Hitler, and it probably would not have seen a Great Depression or a New Deal, either. Perhaps it would not have seen an atom bomb.

About World War II, and America's entry into it, there has seemed much less room for imaginative alternatives. Yet in the 1930s, antiwar sentiment was strong virtually throughout the world, and isolationist sentiment was dominant in the United States. Unless one assumes that the isolationists were simply insane, one must assume that some of their arguments, at least, were compelling. One must assume that they could plausibly imagine a world in which the United States did not participate in another war, and a world that might have been better because she didn't. It is also possible — though not very popular — for Americans of the 21st century to imagine such a world.

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That is the opportunity that Garet Garrett and his editor, Bruce Ramsey, extend to the current generation of readers, the vast majority of whom have been taught that American participation in the Second World War was not only inevitable but unquestionably right and meritorious. Garrett, a libertarian political and financial writer and chief editorialist for the *Saturday*

Evening Post, America's leading mainstream magazine, put the contrary case with exactness, force, and flamboyant color. He believed that America's idea of liberty was the hope of the world, and he maintained that American liberty could best be preserved by a heavily armed neutrality. He argued eloquently (and also charmingly) against all the assumptions that justified America's entry into war, meanwhile providing a pungent commentary on the underhanded means by which the American political establishment worked to make that entry seem inevitable.

The degree to which Garrett's arguments succeed will be assessed by individual readers in individual ways. Indeed, the isolationists (or "noninterventionists") disagreed strongly among themselves. Some (much scorned by Garrett) were sympathizers of Hitler or his sometime ally Stalin, hiding their political motives behind a phony concern for "peace." Some, such as Isabel Paterson and Rose Wilder Lane, were more libertarian than Garrett, refusing to endorse a neutrality that armed itself with the tyrant's weapon of conscription. At the opposite end of the spectrum, there were others, such as Anne Morrow Lindbergh, who believed that America could never be strong enough to avoid accommodations with tyrannies that she regarded as part, at least, of "the wave of the future." Some thought that Hitler and Stalin would ultimately destroy each other; some thought that the British Empire would ultimately emerge victorious; some pictured a Nazi empire destroyed by its internal contradictions.

Garrett said this:

> The principle of free government is in mortal competition with the ruthless totalitarian principle. This competition will continue, even beyond the war into peace . . . so long as the totalitarian principle endures. We cannot believe it will endure for long. If it be not destroyed, it will defeat itself. Meanwhile, however, no one can be sure of what will or will not happen to free government. (pp. 93–94)

He wanted to arm a free America, but not to risk its arms and its tradition of limited government on another overseas round of total war.

Issues of war and peace are always complicated, even when totality is not at stake. Prudence and idealism, risks and resources: all must be weighed and the results of each possible course of action imagined as vividly as possible. The results of the weighing will not be final. There is only one real test — the one set of events that actually takes place — and it has no scientific control. History is a stranger to experiment.

Yet Garrett is plainly right about one thing: most Americans shuffled toward World War II in a fog of impressions and sentiments, a fog from which American thinking would be very slow to emerge. Indeed, it has not emerged. Garrett put it this way:

> If [America] should come awake one morning to read in the newspaper headlines, or hear by the radio, that it had walked backward into war, it would take it no doubt as having been somehow inevitable from the first, and yet nobody would be able to say quite how or why it happened. (61)

Ask an American what started the war, and he will say, "The attack on Pearl Harbor." Ask him what led Japan to attack Pearl Harbor, and he won't have a clue.

This book may help. Few people knew more about the workings of America, and the American government, than Garet Garrett. Few people have written about America in a more individual and interesting way. But forget the politics. As literature, this book is always colorful, intense, vital. Garrett's leading literary characteristic is the ability to turn the factual into the memorable. Here, for instance, is Garrett on the American war psychology:

> The crusader theme — America going forth to destroy the aggressor, liberate the world and establish a millennium of the four freedoms — produces its effects principally in the higher brackets of emotion. The crusader finds that he must reach also the lower brackets. He consults the book of propaganda and it tells him that it is not enough for people to hate what they are going to destroy; they must be made to fear it, too. To the crusaders, who of course are fearless, believing that people for their own good must be made afraid, become themselves the fear bringers. (218–29)

That's the way they work, all right — and now you can picture it.

Defend America First is a worthy sequel to Ramsey's collection of Garrett's essays on the Roosevelt revolution, *Salvos Against the New Deal* (Caxton, 2002). It benefits from the same intelligent and generous selection of material and the same tasteful and informative editing. Did you know that America gave over 11 billion dollars — equivalent to about 170 billion dollars in today's money — in Lend-Lease aid to Stalin (206)? It might be over-optimistic to assume that the aid was more helpful in destroying Hitler's tyranny than it was in maintaining Stalin's.

Ask an American what started the war, and he will say, "The attack on Pearl Harbor." Ask him what led Japan to attack Pearl Harbor, and he won't have a clue.

And did you know that it has long been rumored, and never disproven, that a Democratic senator from Nevada died before the 1940 election and was "kept on ice in a hotel bathtub" until after he was safely returned to office (40)? That's what Ramsey tells us. It's not the reviewer's job to make jokes about something that is already funny enough. It may be noted, however, that the perfection of air conditioning has removed all former limits on possibilities for re-election. ❑

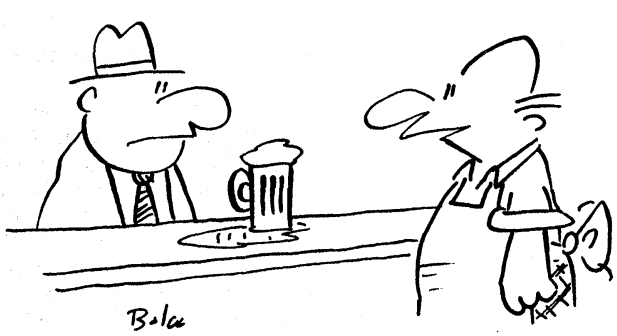

"So there's a fly in your beer — why begrudge a fellow creature a little happiness."

Red Thunder, **by John Varley. Ace, 2003, 411 pages.**

Libs in Space

Timothy Sandefur

John Varley is my very favorite writer, a man of spectacular imagination and impeccable dramatic timing, who can make the most bizarre premise not only believable, but spellbinding. He stormed the science fiction magazines in the late 1970s with a series of short stories that brought him two Nebula Awards and three Hugo Awards. He published three anthologies (*The Persistence of Vision, Blue Champagne* and *The Barbie Murders*), and five novels. His "Gaia Trilogy" novels, *Titan, Wizard,* and *Demon,* are spectacular and compelling. *The Ophiuchi Hotline* continued his weirdly inventive "Eight Worlds" alternate universe, and *Millennium* — originally conceived in the 1970s as an outline for a film, and finally made into a two-and-a-half-star movie in the '80s — is a stroke of genius in the time-travel genre. Then he disappeared.

He had gone to Hollywood to write screenplays, but other than *Millennium* (and an excruciating massacre of one of his finest stories, "Overdrawn at the Memory Bank," starring Raul Julia), none were filmed. Finally, in 1992, he returned with *Steel Beach,* his best novel to date, full of the wild ingenuity, adventure, and drama that makes his work so special. It was followed by *The Golden Globe,* which won the Libertarian Futurist Society's Prometheus Award for best libertarian s.f. novel.

At his best, Varley's writing is as smooth as glass (with jagged edges in all the right spots), so that you find you've read another 80 pages before you realize it. As Algis Budrys once wrote, "Varley feels that . . . the transaction is ultimately between the reader and the story, not with the author, who, if all is well, has done his job and has no need to intrude as a personality." His characters are strong and clever, independent but vulnerable, with a hint of the cynicism which is borne of deep idealism. The futures he imagines are far from spotless, nor are they bleak dystopias. Instead, Varley portrays a time which, like ours, suffers from the ills, and profits from the joys, of cultural evolution. In his "Eight Worlds" series, for instance, the characters can change sexes as easily as we change clothes — something which, no doubt, would mortify the conservatives who today dread the "dehumanizing" effects of genetic research. He doesn't condemn innovation, but he does not pretend that we can deal with innovation with painless ease, either. Thus the drama of his short story "Options" arises from the family stresses that result from a mother's decision to become male. The theme of Varley's finest work isn't to forewarn and prevent, but to show that we can only survive innovation by changing, not by framing a sappy nostalgia for the good old days, or longing for an unrealistically pristine tomorrow. Varley is a dynamist, and his work is what Nietzsche called yes-saying. "We waver," said Nietzsche, in *Human, All Too Human,* "but we must not become anxious about it, or surrender what has been newly won. Besides, we *cannot* go back to the old system; we *have* burned our bridges behind us. All that remains is to be brave, whatever may result. *Let us* step forward, let's get going!"

Set in the near future (unusual for Varley), *Red Thunder* focuses on a group of teenagers who stumble across a drunken former astronaut named Travis Broussard, whose family turns out to hold the secret of space exploration. When they discover that NASA's Mars mission is doomed, and that the Chinese mission will reach the planet first, the friends decide to construct their own ship from spare parts, to rescue the American astronauts, and beat the Chinese. The story is lively and the climax every bit as exciting as we have come to expect. It doesn't quite meet Varley's highest standard; it contains some awkward asides, moments that seem like sermonizing. At one point, when two characters get into a friendly "yo mamma so ugly" contest, Varley seems to fear the reader will be offended, and pauses to explain: "A little Racism 101 footnote. . . . " He adds similar asides elsewhere, serving no apparent purpose but to slip in editorial comments. But although these moments are unusually intrusive for Varley, they only last a sentence or two, and hardly spoil the novel.

The preaching is more obvious in some scenes where characters discuss their plans. Broussard spends four pages lecturing the band on the shortcomings of government space travel: "This country has never really had a 'space program.' What we've had is a series of races." The result, he concludes, has been huge, wasteful programs which wasted time, technology, and lives by going the fast, expensive, and dirty route:

> Say Columbus took the Apollo route to the New World. He starts off with three ships. Along about the Canary Islands he sinks the first ship, just throws it away deliberately. And it's his biggest ship. Come to the Bahamas, he throws away the second ship. He reaches the New World . . . but his ship can't land there. He lowers a lifeboat, sinks his third ship, and rows ashore. He picks up a few rocks

Americans should be the first on Mars. What's more, they should arrive, as Varley's ragtag astronauts do, in a Bigfoot pickup truck with an American flag wagging on the tip of its antenna.

on the beach and rows right back out to sea, across the Atlantic . . . and at the Strait of Gibraltar he sinks the lifeboat and swims back to Spain with an inner tube around his shoulders.

It's awful to think that this was being printed when *Columbia* dissolved in flames in the western sky, killing seven astronauts and America's first reusable spacecraft. Varley's passion for space infuses *Red Thunder*, and he is right: Americans *should* be the first on Mars. What's more, they should arrive, as Varley's ragtag astronauts do, in a Bigfoot pickup truck with an American flag wagging on the tip of its antenna. Exploration is not the product of bureaucracies, political agendas, and PowerPoint presentations. That sort of thing may plant a flag on the moon, just as it sent Lewis and Clark to the Pacific, but it cannot bring life to lifeless places. That can only be done by rugged individualists, people who are fanatics and starry-eyed idealists, whose word for "hubris" is "gumption." The Wright Brothers were weird obsessives who invented the airplane in their spare time, in their bicycle shop. Why shouldn't such people land on Mars as well?

Politicize space travel, and only politicians will travel in space. Rick Tumlinson of the Space Frontier Foundation imagines what it would have been like if America's western expansion had been run the way space is:

> A new Waggonautics and Wildernautics Agency is created to mange the frontier. . . . [G]overnment engineers [are] called in to develop a new Conestoga Wagon and Log Cabin capable of dealing with the extreme conditions encountered by the explorers. Some thirty years after the original expedition a small but relatively high tech cabin is reaching completion some hundred miles west of the Mississippi. Serviced by a completely self sufficient giant Conestoga Shuttle, the cabin faces delay after delay as government priorities shift, and there is doubt as to if it will ever be ready for its first four Wildernauts. As endless debates between engineers and scientists continue as to its usefulness, with some proposing the development of unmanned wagon trains to lower the risks to humans . . . an entire generation of potential pioneers are denied the chance to move out into the new world. . . .

Americans should get to Mars first, and they should get there in a garage-built private spacecraft. Moreover, that's *why* they should be first. Ingenuity cannot be regimented; it is the possession of thousands of otherwise anonymous people with no political clout, and often with little ability to articulate their ideas. They crossed North America in the 19th century because they were tough and determined. Many never made it, and many who did were wild and unsavory characters. But they had something that made them stand out from the rest of the world. They're still around, tinkering in their garages on ideas that might some day take us into space, even though the Exploration Establishment would scoff at them. They're people like Richard Speck and his team at Micro-Space Inc., competitors for the X-Prize, a $10 million reward for the first privately built spacecraft to carry three people into space, return, and launch again within two weeks. They're people like Leik Myrabo, who has devised a way of boosting payloads to orbit on a column of laser light, which quickly heats the air underneath a mushroom-shaped booster, causing the air to explode and push the booster upward. They're people like Justin Kare, who proposes the ingenious idea of shooting laser-launched objects toward a spacecraft, which then blasts the objects with its own laser, and collects the transferred momentum in a magnetic sail.

Libertarians have traditionally had an affection for crackpots, precisely because we know that the line between lunacy and genius is usually drawn only in retrospect.

Throughout his career, Varley has been compared to Robert Heinlein, a comparison he wears with pride, having written a screenplay for *Have Spacesuit, Will Travel*, and putting countless references to Heinlein in *Steel Beach*. *Red Thunder* is more clearly an homage, full of the youthful wonder at space travel which energizes Heinlein's best work and is the loveliest sentiment in s.f. In books like *Have Spacesuit* and *Rocket Ship Galileo*, Heinlein told stories of average kids — a little nerdy, perhaps, easy to tease, but just like the kids who read his stories — who, through quirkiness, luck, and absolute devotion, manage to reach the stars they adore. Varley's novel recaptures that feeling, and thus seems a bit homey, or at least unrealistic. But is it? Consider the story of David Hahn, a Michigan Boy Scout who, in 1995, came close to building a nuclear reactor in the family's garden shed. "Sure," *Harper's* reported three years later, "they thought it was odd that David often wore a gas mask in the shed, and would sometimes discard his clothing after working there until two in the morning, but they chalked it up to their own limited education. [His stepfather] says that David tried to explain his experiments but that 'what he told me went right over my head.'" Hahn tried to construct a kind of reactor which government projects had given up as a lost cause decades before. But the 17-year-old "was determined to get as far as he could by trying to get his various radioisotopes to interact with one another. . . . [He] took the highly radioactive radium and americium out of their respective lead casings and, after another round of filing and pulverizing, mixed those isotopes with beryllium and aluminum shavings, all of which he wrapped in aluminum foil . . . and tenuously held together with duct tape."

With people like these, and ideas like these, there is no excuse for being Earth-bound in 2003. The future has been made by people like David: driven, curious misfits, creative in spite of themselves, and often in spite of authorities. Their rebellions can be amusing, self-destructive, or dangerously subversive. Sometimes their manner can reach the abusive extremes of the stereotypical suffering artist. Sometimes it can be the fevered obsession of the mad scientist. And sometimes it can be the epic vision of a Newton or an Einstein. There is no way for us to tell in advance. But in times and places where conformity and sacrifice have been the rule, the charismatic impulse of creativity has

been made a political crime, and science has been driven under the machinery of the state. Professor Fang Lizhi, for example, who now teaches quantum theory at the University of Arizona, lived the life of a devoted Marxist in China, but he aroused suspicion when he rejected the Official Physics. "[T]he Chinese textbook I was studying," Fang told *Popular Science*, "quoted Lenin to say that the Copenhagen school [of atomic structure] was bourgeois and wrong. Bourgeois — that's nonsense . . . ! The result was that in 1957 I was expelled from the Party. So I couldn't hold on to my job." During the Cultural Revolution of the 1960s, he was forced to drag farm carts like a donkey, because he was a "stinking intellectual." Yet he continued to study, secretly carrying a copy of Russian physicist Lev Landau's *Classical Theory of Fields*. "I read it in the coal mine," he recalled.

Free nations, by contrast, suffer a thousand cranks and mediocrities for every good new idea. Visionaries and crackpots stand side-by-side, and many occupy both categories. Libertarians have traditionally had an affection for crackpots, precisely because we know that their wondrous flow of inventions, contentions, and hallucinations are the only real signs of life in any nation, and that the line between lunacy and genius is usually drawn only in retrospect. From the seeming randomness of Whitman's free verse poetry, to the butterfly-fast notes of Parker's modern jazz, to today's discomforting ideas about genetic manipulation or family relationships, a free society allows creativity, even though most new ideas end up being wrong, and many dangerous. Despite the preponderance of wrong and dangerous ideas, a free society allows creativity and eccentricity because every now and then, some new visionary with a little gumption and a lot of know-how comes up with an idea that changes everything — and then the rest of us say, "Now why didn't *I* think of that?" These are the sorts of people Varley is writing about — and writing for. They are the people who will take us to Mars . . . if we ever do go.

"Pioneers," writes the Micro-Space team, "whether mountain men or religious outcasts, computer hackers or web nerds, are peculiar people. They invest their lives and assets in the pursuit of their dreams, yet they can seldom tap government treasuries. All mankind eventually benefits, but those who lead the way into a frontier often walk alone." Private space exploration won't be any easier than the exploration of the West was. Frontiers are deadly places. But the question is whether Americans will have the guts to say yes to that challenge. ❑

***Spellbound,* directed by Jeff Blitz. ThinkFilm, 2003, 95 minutes.**

***A Mighty Wind,* directed by Christopher Guest. Warner Bros., 2003, 91 minutes.**

***Rabbit Proof Fence,* directed by Phillip Noyce. HanWay, 2002, 94 minutes.**

***Russian Ark,* directed by Alexander Sokurov. Wellspring, 2002, 96 minutes.**

Instead of a Blockbuster

JoAnn Skousen

Spellbound is a surprisingly entertaining documentary about the 1999 Scripps-Howard National Spelling Bee. I know, you're probably thinking that a movie about a spelling bee is about as exciting as watching the grass grow, but this brilliantly conceived and edited film is intense and funny, heartwarming and heartbreaking. Audiences care deeply about the eight young competitors and their families who are highlighted in the film.

Many viewers of *Spellbound* have reported feeling flashbacks to the gut-wrenching, heart-stopping, breath-holding days of gymnastics meets and Little League games. Me, I have figure skating flashbacks.

For nearly eight years, I was a "skating mom," as my youngest daughter, Hayley, rose through the ranks of competitive figure skating. Skating was the hub around which we built the rest of our lives. "We skate," we would explain, as she left school early for practices and choreography sessions, missed school entirely for competitions, planned family vacations around training schedules, and checked on the availability of ice rinks whenever we traveled. "We skate," was enough motivation when we rose at 4:30 for 6 a.m. lessons, bundled up when the rink temperatures hovered in the 20s, and devoted holidays and summer vacations to intensive practicing while non-skating friends and siblings slept in. Despite the often bitter-

You're probably thinking that a movie about a spelling bee is about as exciting as watching the grass grow, but this brilliantly conceived film is intense and funny, heartwarming and heartbreaking.

sweet realities of competitive sports, the joy of what we shared as mother and daughter during those years lingers on. When a back injury abruptly ended her competitive skating career, just weeks after she successfully defended her title as Florida state champion, I was as devastated as she was. Even today we miss it.

In *Spellbound*, director Jeff Blitz tells a true story that mocks the mockumentary format honed to delicious perfection by Christopher Guest and Eugene Levy in such cult favorites as *This Is Spinal Tap* and *Best in Show*, without ever mocking the real-life subjects of his documentary. We meet the "real" Catherine O'Hara in a farmhouse in Ambler, Pennsylvania, a woman so sincere, so earnest, and so unintentionally funny that you have to love her, whose husband reports (just as earnestly) that he walks around the hotel (on the outside) to settle his nerves while waiting for his daughter's turn to spell. The self-important Scripps-Howard official word-pronouncer reminds us of Fred Willard's outrageously earnest "color commentaries" in *Best in Show*, as he describes the experience of being hounded "throughout the country" by autograph seekers. During the interviews, we laugh at the earnestness of people who care so deeply about something that ultimately matters so little, and realize that it isn't the spelling bee itself that we find so compelling, but the glimpse into the personal stories and family relationships that matter indeed.

Even taking into account the ensemble's intended self-mockery, this film is more pleasant breeze than mighty wind.

Did I mention that they are earnest?

Blitz skillfully selected which of the 249 finalists to highlight, offering a cross-section of ethnic and socio-economic backgrounds. The parents appear quirky and driven, but not abusively so, allowing us to see the stage parent in ourselves without wincing too painfully. We cheer for Angela, whose Mexican immigrant parents don't even speak English; for Harry, the quirky young boy who suffers from logorrhea (and yes, I spelled it correctly); for Neil, a first-generation Indian whose home village of 5,000 will be fed by his grandfather if the spelling gods allow him to win; for Ashley, the earnest black girl from D.C. whose only study aid is a dictionary; and equally for the charmingly sweet competitor whose parents hired five tutors to help prepare.

Part of the fun for intellectuals like us (you, Dear Reader, and me) is playing along, seeing whether we could have made it to the top (or indeed, past Round 1). I won't spoil it for you by listing the words here, but I will admit that I missed a few. Okay, a lot. But I knew a lot too, and so will you. In many respects, *Spellbound* is more gripping than the car chase in *The Matrix: Reloaded* and funnier than the deadpan interviews in *A Mighty Wind*. These unrehearsed kids and their parents are magical. *Spellbound* is, in a word, spellbinding.

Spellbound might not have been as funny or edited in quite the same way if it weren't for the popularity of the Guest-Levy mockumentaries that have attained cult status in recent years, surpassing *The Rocky Horror Picture Show*

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Literature

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The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send $4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

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on a recent list of Top Ten Most Influential Films. Guest's influence is seen in the non-narrated set-up of Blitz's interviews with the spellers and their families, the deadpan shots of hometowns, the juxtapositions of action and interviews. Truth be told, however, Guest's and Levy's latest mockumentary, *A Mighty Wind*, suffers by comparison. It is funny, but predictable. As a fan of their entertaining earlier works, I felt a little like the parents at a talent show, willing them to excel, laughing hopefully at their jokes, yet knowing that they were falling a little flat this time. Even taking into account the ensemble's intended self-mockery, this film is more pleasant breeze than mighty wind. See it, if you are a fan, but see *Spellbound* as well.

On the other hand, *Rabbit Proof Fence*, set in western Australia in the 1930s, is an independent film whose subtle, hands-off telling of a true tale mimics the traditional documentary format without mocking it. One hundred years ago the colonial Australian government decided it would breed aborigines out of existence by declaring every half-breed aboriginal child to be white. These children were declared wards of the state, taken forcibly from their mothers, and raised in orphanages or foster homes where they were trained to become servants. If they were allowed to marry at all, it would be to white men or women of comparable social status. Thus, "within four generations they will lose all traces of their aboriginal ancestry," Kenneth Branagh's character, the territorial minister of aboriginal affairs, explains.

Rabbit Proof Fence recreates the amazing true story of 12-year-old Molly, her 6-year-old sister Daisy, and their 8-year-old cousin Gracie, who were kidnapped and transported to a training camp more than 1,200 miles from their home.

Rabbit Proof Fence recreates the amazing true story of 12-year-old Molly, her 6-year-old sister Daisy, and their 8-year-old cousin Gracie, who were kidnapped and transported to a training camp more than 1,200 miles from their home. Determined to return to their mothers, the three manage to escape and hide from bounty hunters for weeks as they make their way home by following the coast-to-coast fence erected to keep rabbits from invading and destroying the crops and pasture land on the other side.

Ironically, these proliferating rabbits were not indigenous to Australia, but were brought there as a food source by British settlers who did not realize that on a continent without natural predators, rabbits would multiply and quickly become a threat to every living plant. More ironic still is the fact that most of these children were fathered by men sent to build the rabbit-proof fence. The film's metaphoric title reminds viewers that the white settlers were also invaders, "multiplying like rabbits" until they covered the continent. No fence was rabbit proof enough to keep them out.

This is a heroic tale of indefatigable determination in the face of seemingly insurmountable odds. The three remarkably natural, unaffected young actresses seem completely focused on the task at hand and utterly oblivious to the camera. The best directors seem to disappear from a film, and Australian director Phillip Noyce directs these girls with such a light touch that he does just that. Known for such thrillers as *The Saint*, *The Bone Collector*, and more recently *The Quiet American*, Noyce has produced another quiet winner.

A ghost story without spooks, *Russian Ark* is, in fact, a ghost story without even a story. But it's a film with a gimmick, and that gimmick works gloriously well: nearly 1,000 actors dressed in period costumes representing half a dozen historical eras are shot in one 99-minute take. The camera weaves in and out of crowds and rooms within the Hermitage, floating up stairs and around corners, while various eras of Russian history fade in and out of the camera's vision. Writer, director, and visual designer Alexander Sokurov spent 15 years planning the film, which only became technically possible with the recent development of high-quality digital cameras.

We never see the narrator, who has awakened to find himself dead.

Nearly 1,000 actors dressed in period costumes representing half a dozen historical eras are shot in one 99-minute take.

Indeed, we seem to be his eyes. He follows a guide, who wonders where he has awakened "this time," and seems satisfied to discover that he is "again" inside the Hermitage in St. Petersburg, observing and participating in various significant scenes of Russian history. Even Isadora Duncan's Isadorables appear briefly.

About his selection of the Hermitage as his setting, Sokurov has said he was "curious to know what it was to live inside a work of art, the Hermitage museum, an architectural monument, as well as in the Hermitage, the historical residency of the Russian State. Have a try to live inside a piece of jewelry — in a Fabergé Easter egg!" Sokurov succeeds in creating the splendor of opening a Fabergé egg to find a living, miniature world whirling inside.

Spoken in Russian with English subtitles, it is sometimes difficult to

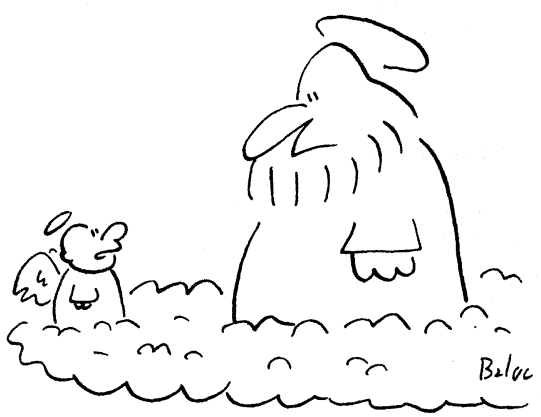

"You know, predestination *would* speed things up on Judgement Day."

decide who is speaking each line; the one-take format precludes editing closeups of the speakers into the scenes. During the final ballroom scene one actress winks at the camera, a digital version of rabbit-ears behind someone's head or Lord Byron etching his name into a pillar of the Parthenon, and impossible to edit out without marring the concept of the film. There isn't any suspense, or even much of a story — this is a philosophical, intellectual piece. Nevertheless, the film is a visual and historic wonder, a stunning trip through the Hermitage that you will never forget. ❑

By Order of the President: FDR and the Internment of Japanese Americans, **by Greg Robinson. Harvard University Press, 2001, 336 pages.**

Homegrown Himmler

Bruce Ramsey

In the eyes of most historians, Franklin Roosevelt bore little responsibility for the wartime internment of the Japanese Americans. Greg Robinson, assistant professor of history at the University of Quebec, argues in this book that most historians are wrong.

Roosevelt wasn't much interested in the Japanese Americans, he writes. But that does not absolve him of responsibility. He signed the detention order. He knew what the policy was. And, writes Robinson, Roosevelt showed "an astounding casualness about the policy and an indifference to its effect."

The federal government was of two minds about citizens of Japanese descent. In 1940 the FBI had reported that the Hawaiian Japanese, citizens and non-citizens, were overwhelmingly loyal. So had a White House intelligence unit. On the other side, Frank Knox, the War Republican FDR chose as secretary of the Navy, argued that the Japanese in Hawaii could not be trusted and should be put in camps. Henry Stimson, the former Taft and Hoover official FDR appointed as secretary of war, wanted all Japanese, in Hawaii and on the Pacific coast, put in camps — a step that Attorney General Francis Biddle said was illegal.

On February 19, 1942, Roosevelt issued Executive Order 9066, ordering the removal of the West Coast Japanese. The Democratic-controlled Congress quickly backed up the order with legislation. Ethnic Japanese were ordered removed from Washington, Oregon, and California. Of the 112,000 people affected, 70 percent were citizens.

In his review of documents, Robinson finds that this order was "not based strictly on military considerations." The military was also of two minds. Gen. Mark Clark and Adm. Harold Stark, speaking for the top brass, reported that internment was not necessary. The military commander of the West Coast, Gen. John DeWitt, thought it was. Roosevelt took the latter view, agreeing with Stimson.

More than 100,000 ethnic Japanese lived in Hawaii. The Japanese there were about 35 percent of the population. It was a much greater proportion than on the West Coast, and it meant that a far greater proportion of whites in Hawaii knew Japanese and trusted them.

Robinson says that while Roosevelt "had played a largely passive role in the decision to evacuate the West Coast Japanese," he "actively campaigned for mass removal in Hawaii." FDR argued in a memo to Knox, "I do not worry about the constitutional question — first, because of my recent order, and second, because Hawaii is under martial law." But the military commander of Hawaii, Delos Emmons, opposed internment. He didn't think it was necessary. There were logistical problems of moving 100,000 Hawaiian Japanese to places like Idaho and Nevada, and political problems, too. Eventually, Roosevelt gave it up.

Back on the mainland, camps were made of wooden barracks surrounded by fences and guards, and placed in thinly populated areas, mostly in the desert. Roosevelt's first administrator was Dwight Eisenhower's brother Milton, who took the job with the idea that the Japanese would be resettled. When he discovered that the intention was to keep them confined, he resigned, writing that most of them were loyal.

The camps were run by civilians. The agency in charge, the War Relocation Authority, was patterned after a New Deal agency, the Resettlement Administration. Roosevelt's left-wing vice president, Henry Wallace, who had been secretary of agriculture during the 1930s, asked to use Japanese-American labor to reclaim the desert and create "model agricultural communities," and nominated one of his own deputies to have the job. That was one farm program that never materialized.

Internment reflected the fears of most Americans, and amplified them. The fact of internment seemed to confirm that Japanese were not to be trusted. If they were so innocent, why had they been locked up? Pressure arose from several quarters, including the War Relocation Authority itself, for Roosevelt to say publicly that most Japanese were loyal. John McCloy, assistant secretary of war and an "architect of the internment," Robinson says, strongly supported such a statement. Roosevelt ignored these appeals for months. Finally, on February 1, 1943, he issued such a statement.

This statement, Robinson says, is held up by Roosevelt's supporters as proof that the president's thoughts were good and pure. "In fact," writes Robinson, "Roosevelt approved verbatim a text written by others and had little to do with it."

As the tide of war turned, so did the thinking of some who had championed internment. McCloy was an early supporter of an army regiment of Japanese Americans, which became the 442nd Combat Team. Stimson agreed; he argued that "the Japanese problem in this country after the war would admit of a far easier solution if voluntary enlistment were permitted." Roosevelt agreed to the unit, but for a different reason: he thought it would be good propaganda.

The extraordinary bravery of the 442nd, which fought in Italy, undermined the rationale for the internment. So did the rollback of Japan's forces in the Pacific. In 1944, several of the New Deal liberals, including Interior Secretary Harold Ickes and Undersecretary Abe Fortas, began pushing for the end of internment. Knox died, and Stimson, also a Republican, called for an end to the policy. Later that year, the Supreme Court was to rule on the internment in the case of *Korematsu* v. *United States,* and Attorney General Biddle believed the government would lose.

"Once the consensus on ending exclusion was cemented," Robinson writes, "the chief problem was stage-managing the request to win Roosevelt's approval."

Stimson went to Roosevelt. His response was to suggest that Stimson call the governor of California, Earl Warren, and get Warren's approval. Warren would later become Chief Justice of the Supreme Court, and be known as a liberal, but in 1942 he had been elected in California largely on his enthusiasm for interning the Japanese. Why would Warren offer to let them out? Besides, he was a candidate that year for the Republican nomination for president — that is, to run against FDR — so it was not likely that he would accept responsibility for bringing back the "Japs."

Of the 112,000 people "relocated" to the camps, 70 percent were citizens.

Nor would Roosevelt. He put off the matter until after the 1944 election. It was in December, on the eve of the *Korematsu* decision (which the government, ironically, won) that the decision was made to end the internment. Even then, the decision was ascribed not to Roosevelt but to Stimson.

Having read Stimson's diary, Robinson concludes that the secretary of war did, in fact, have "a racist streak" about the Japanese. But he cared about the Constitution, and was worried, in his words, about "blowing a tremendous hole" in it. Roosevelt didn't. "The internment," Robinson concludes, "was not fundamentally inconsistent" with Roosevelt's "overall political philosophy and world view."

Robinson has written a concise, focused, and well-researched volume. Those who celebrate the demolition of the FDR myth will have wished for more vitriol, and perhaps a few fireworks. But the facts are here, and even Arthur Schlesinger, Jr., admits in the cover blurb that "it was not FDR's finest hour." ❑

Roosevelt played a largely passive role in the decision to evacuate the West Coast Japanese, and he actively campaigned for mass removal in Hawaii.

Notes on Contributors

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Terra Incognita

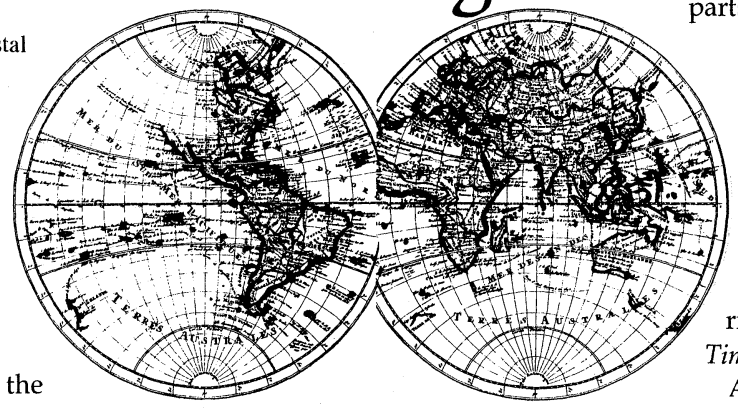

New York City

Curious solution to Gotham's troubles, from the *Gotham Gazette*:

New York police have increased enforcement of laws against petty crimes, catching the following criminals:

Jesse Tavaras, who sat on a milk crate in front of the Bronx hair salon where he works, and was convicted of "unauthorized use of a milk crate."

Pedro Nazario, who fed pigeons in Morningside Park on his 86th birthday, and was fined $50.

Pregnant teenager Crystal Rivera, who sat down to rest on a subway stairwell, and was fined $50.

Yoav Kashdia, an Israeli tourist, who sat on two seats in a nearly empty subway car, and was fined $50.

New York City

Curious solution to the curious solution to Gotham's troubles. From the *New York Post*:

The Patrolmen's Benevolent Association has launched a $100,000 campaign called "Don't Blame the Cop," in response to public disapproval of increased ticketing for obscure traffic laws.

Carlsbad, N.M.

Nomenclatural note, from a report in the *Carlsbad Current Argus*:

Explaining the name-change of U.S. Route 666 to 491, Highway and Transportation Secretary Rhonda Faught says that the original number's "negative connotation" was one officials didn't want associated with N. Mex. because it discouraged tourism and area economic development.

Saudi Arabia

Evidence that a happy employee is a more productive employee, from a dispatch in *The Guardian*:

Saudi Arabia's leading executioner, Muhammad Sadd Al-Beshi, says he lives a normal life, except for when he severs heads: "It doesn't matter to me: two, four, ten — as long as I'm doing God's will, it doesn't matter how many people I execute."

Maryland

Unlikely source of classified information, as found by the *Edmonton Journal*:

FBI agents have enlisted the help of three 8th graders, who teach the agents how to convince Internet pedophiles that they are teenage girls.

Australia

Advice to Down Under professionals, reported in the *San Diego Union Tribune*:

An Australian sex workers' support group has published a pamphlet with tips for establishing repeat business such as "always act like you enjoy it," and "don't wear shoes in bed."

Berlin

German police are as necessary as their American counterparts, from a dispatch by *Reuters*:

Alarmed teachers at a preschool called police to report a giant spider crawling in a sandbox. Investigators discovered that the arachnid was a rubber toy.

Canada

Triumph for animal rights, reported by the *Seattle Times*:

A British Columbia woman who petted a killer whale was fined $74 under the Canadian Fisheries Act's marine mammal regulations. In a stern warning to future miscreants, the judge said that "the sentence next time will be quite different."

England

Curious athletic event, from a *Reuters* dispatch:

Continuing a decades-old tradition, 200 runners will compete this year in a marathon race against a horse.

Illinois

Surprising technology in gamer toys, reported by the *Straits Times*:

The National Center for Supercomputing Applications has created a supercomputer using 70 individual Sony PlayStation II devices.

Iraq

Curious advertising strategy, from a dispatch to the *San Jose Mercury News:*

In Iraq, Toyota Land Cruisers are called "Monicas," after Monica Lewinsky. "They are a very tempting car . . . just as Monica tempted Clinton, they will tempt you," says auto dealer Marwan Shaban.

Melbourne, Australia

Triumph for liberty Down Under. From the *Melbourne Herald Sun*:

The Federal Court has ruled that a convicted heroin dealer will be allowed to claim a $220,000 tax deduction for money he lost during a drug deal.

Special thanks to Martin Solomon, Owen Hatteras, Russell Garrard, and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertysoft.com.)

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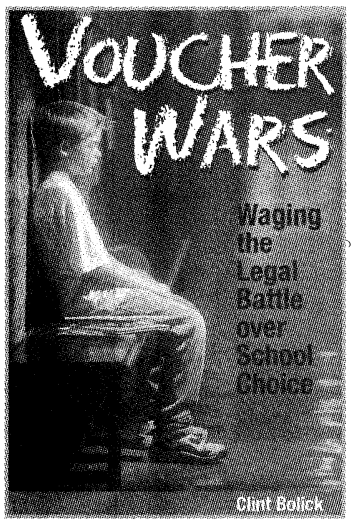

Voucher Wars: Waging the Legal Battle over School Choice
Clint Bolick

The recent Supreme Court school voucher decision has brought the issue of educational freedom and quality to national attention. This book recounts the drama and the tactics of the 12-year battle for choice and, in the process, distills crucial lessons for future educational freedom battles. March 2003
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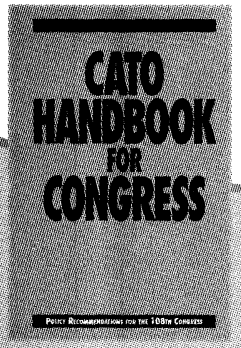

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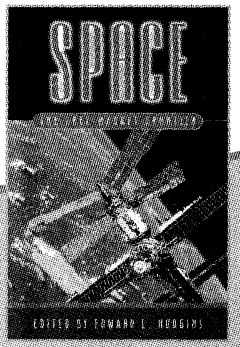

Dennis Tito wasn't the only entrepreneur interested in exploring the final frontier. The issue is how to open space to private travel and other commercial ventures. Edited by Ed Hudgins, the book includes Buzz Aldrin on space tourism, Liam Sarsfield on NASA in the 21st century, and Wayne White on property rights in space. 250 pp./$25.00 cloth
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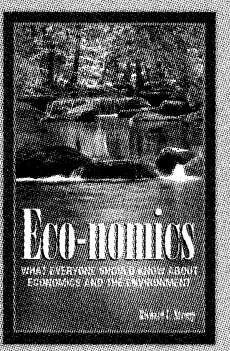

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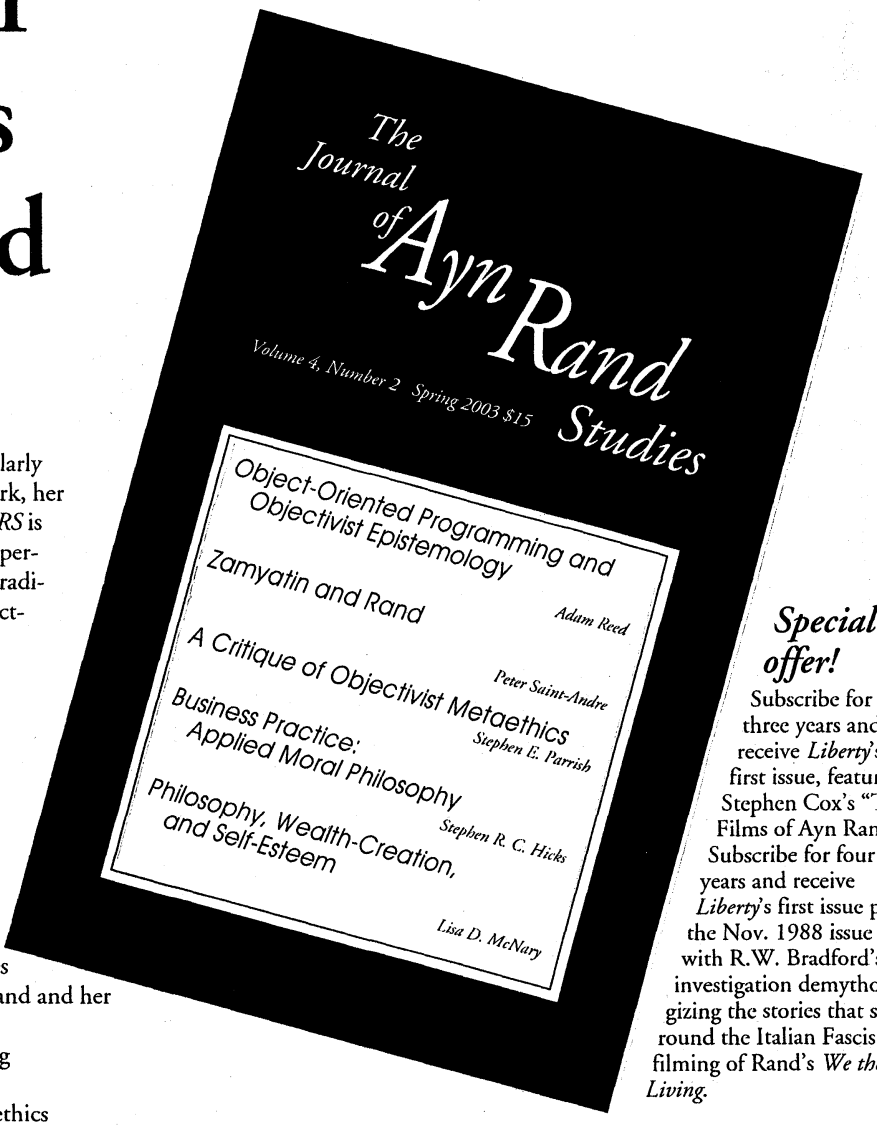

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Letters

Three Cheers for Absolutism

I, too, have disagreements with strict libertarians, but Bruce Ramsey's flimsy diatribe ("Dialog With an Absolutist," July) leaves me cold. Ramsey does not even recognize the difference between state coercion and the authority wielded by governance structures in private communities. The latter is not an infringement of liberty if the ground rules have been contractually agreed upon.

Ramsey says he is for what "works." Works for whom? He demands a central public commons in which to impose political demonstrations on other people's awareness, while he expects government to squelch advertising that he considers offensive. Others might choose differently. Private communities would facilitate individual choice.

Contrary to Ramsey, opposition to drug prohibition does not "imply the existence of a safe use." Neither skiing nor smoking nor driving to the store is completely safe. One need not be an "absolutist" to defend the principle that individual risk is properly a matter for individual choice.

Ramsey's case for military conscription is not supported by the examples he cites. Conscription did not save France in 1940 and was surely unnecessary to defend the U.S. from invasion in 1955 — indeed, the all-volunteer American army is the world's most powerful today.

Slippery slope arguments may not carry the day, but they cannot simply be waved off, either. The federal government took less than two centuries to completely overrun its constitutional bounds.

Unlike Ramsey, I respect the strict libertarians — the anarchists and minimal statists — because they have bitten the bullet on all the hard questions and frequently demonstrated the feasibility of far greater individual liberty than I would have thought possible.

Allan Walstad
Johnstown, Pa.

Editor's note: A more elaborate criticism of Ramsey along somewhat similar lines appears, along with Ramsey's response, on page 41 of this issue.

Liberty and What Works

Though I often (if not usually) disagree with him, Bruce Ramsey provides a much-needed alternate viewpoint in *Liberty*. And he has some valid concerns. I've often said that the Libertarian Party should adopt a "broad" platform that allows us to attract more candidates and have a better chance of electoral success. The litmus test would be that no Libertarian candidate should advocate increasing government in any fashion (with the possible exception of the contentious issue of abortion). I've felt this way since I saw the Arizona LP tear itself apart over the issue of government funding of campaigns — something I never pursued myself, but I felt should be up to the conscience of the individual candidate.

That said, I'm definitely one of the "absolutists" that Ramsey is debating. To me, a stateless society is an ideal we might never accomplish (given the difficulty of enforcing non-government), but is nevertheless worth pursuing. Still, I'd never advocate disowning the moderates in our midst; they are worthy allies in our struggle. I have one quibble with Ramsey's arguments, though. Did Hitler neglect to invade Switzerland because he was frightened of its tiny, conscript army? Or was it because the Swiss provided a convenient way to cash in on stolen Jewish gold?

Vaughn Treude
Glendale, Ariz.

Innocent as Charged

Okay, you finally got me: I have to write to a magazine. I confess I am an attorney, and I specialize in divorce for men. Stephen Baskerville's "The Federal Bureau of Marriage?" (July) is the best thing I have ever read on the topic. Every man should read it and give it to

continued on page 4

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Inside Liberty

September/October 2003
Volume 17, Numbers 9, 10

2 **Letters** But what do you *really* think?

5 **Reflections** We commit treason, get a lap dance, plan a murder, find freedom in Armenia, and get old and fat.

Features

15 **Liberty vs. Left and Right** The time has come, *R. W. Bradford* argues, for libertarians to divorce themselves from the Right, and prepare to make strategic alliances with the Left.

17 **Showdown in the Desert** What does a constitutional amendment amend? In Nevada, *Timothy Sandefur* discovers that the Supreme Court has ruled amendments surely don't amend the constitution.

20 **Breaking the Cycle of Tax and Spend** A quarter century ago, California voters enacted the nation's first tax limitation. But California politicians figured out how to get around the measure. Happily, as *Michael New* explains, voters in Colorado found better ways to limit taxes and spending.

23 **All Guns to the People** Americans have always been allowed to own weapons more powerful than the Army's, notes *William Tonso.*

27 **The Conquest of the United States by Spain** Iraq was not America's first experiment with imperialism. The consequences of our first imperial venture were not pretty. *William Graham Sumner* explains.

41 **Extremism in Defense of Liberty** *Aeon Skoble* attacks Bruce Ramsey's spirited defense of moderate liberty. *Ramsey* still wants to drink his beer one at a time.

39 **Mussels and Eagles and Gobies, Oh My!** It's hard being an environmentalist, *William Merritt* learns, when the environment won't play fair.

45 **A Woman's Prerogative** Jane Roe (of *Roe* v. *Wade*) changed her mind: abortion is wrong. What's wrong with that? Plenty, says *James Lambert.*

47 **A Smuggler's Life for Me** *Stephen Browne* runs away and joins the smugglers.

49 **The Truth vs. the truth** Can the "truths" that institutions have historically engineered to suit their needs survive the Internet? *Stephen Cox* explores the question.

57 **A Jew Talks With Himmler** In the final days of World War II, *Frank Fox* learns, a brave Jew met the most infamous Jew-killer face-to-face.

61 **Ideohabits** We all have them. *Colleen Coleman* faces hers down.

Reviews

63 **The Virtue of Provincialism** What made America work? The Founders had the best of both idealism and practicality, says *Timothy Sandefur.*

65 **A Warrior's Tale** *Clark Stooksbury* discovers an honest account of the life of a Marine sniper in Gulf War I.

67 **White Bread Text** Who are school textbooks written for — children, or special interests? *Stuart Williams* lays bare the sorry state of these texts.

69 **Two Centuries of Adam Smith** In 1776, Adam Smith's *Wealth of Nations* introduced the world to liberty, but you'd never know it from recent editions of Smith's seminal work. *Mark Skousen* surveys the damage.

70 **A New Light** An important new musical opens in Seattle. *Katelyn B. Fuller* is there.

71 **Father Flicks** *Jo Ann Skousen* surveys the cinematic landscape for works dealing with the complex relationship between fathers and their children.

73 **Booknotes** 75 **Notes on Contributors** 78 **Terra Incognita**

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Letters, from page 2

his sons. It is completely accurate except for a certain amount of cynicism regarding the motives of judges and lawyers. Like any profession, about 25 percent are good and 25 percent are bad, with all the rest falling somewhere in between.

Also, one thing not covered in the article is the role of radical feminists (including the majority of anti-male lesbians) in the re-creation of fatherhood as a tragic legal liability, and in the rejection of marriage as a form of patriarchal slavery for women. It is clear from Baskerville's exposé and my daily experience on the job that exactly the opposite is true.

Here in California, we recently had a battle over the fact that men who were positively eliminated by DNA testing as possible fathers are being forced to pay child support for other men's children until the child reaches eighteen years old, because they failed to respond to an accusation of paternity within ten days.

Not only is this an unusually short deadline for a serious matter in the law, but in many of these cases, the notice was sent to a person of the same name, or was not received because the district attorney sent it to the wrong address. No matter. If your name is John Doe, and the District Attorney sent you the notice, even if you are not the correct John Doe, or you never actually received the notice, you have to pay. A lot. Enough to drive you literally into poverty. For 18 years. And if you don't pay, you will be charged interest on the arrearages, even if you are unemployed as well as totally innocent. Or you could be sent to jail as this has now been made a criminal offense. All this, even though you are not the father. This is not hypothetical: it's happening. Just who is the slave here?

We actually got the law changed, as everyone in both houses of the legislature could see that it was unjust on its face, but Governor Gray Davis vetoed it because, he said, the state could not afford it! Think about that for a moment. Now, what did I do with that recall petition?

William Gorak
Santa Rosa, Calif.

Entrenching the Divorce Industry

In my almost 20 years of advocacy for divorced fathers, I have never come across an article about marriage, divorce, custody, and child support as insightful as Stephen Baskerville's. I have long held that divorce has become an industry driven by the profits of lawyers and child support collections. Baskerville explains the dynamics in a way that is easy to understand. The admonition to "follow the money" is never so true as it is in the divorce/custody/support industry. States are paid by the federal government for collecting child support, and permitted to tack on fees, interest, and penalties which add to their loot. Courts are paid by the child support collection agencies, although such bribery is patently illegal. Mothers receive welfare payments, in the form of child support, which they don't have to account for. There is so much money to be had that private collection agencies are springing up to feed at the trough.

Although the Bush administration pays lip service to the need for fathers as part of a healthy, intact family, there is no serious movement toward achieving that goal. Indeed, most government action to date, as Baskerville suggests, is toward *increasing* the flow of child support from the absent fathers. If Bush's government really wanted to support healthy families, he'd insist on doing away with the incentives for separating fathers from their children. Creating new programs, without eliminating those that cause the problem, simply adds new sources of funds which will further entrench the separation process.

Paul M. Clements
Concord, N.H.

A Blow for Fathers

Thank you for publishing "The Federal Bureau of Marriage?" by Stephen Baskerville. It is a rare circumstance that the current destruction of men gets notice by the media. With one male in the United States being pushed into suicide every 22 minutes, we need all the exposure we can get.

Ed Ward
New Orleans, La.

The Power of Evasion

Stephen Cox asks (Reflections, August) why an activist spokesman would continue to respond to press questions by repeating his own small set

. continued on page 14

Reflections

Motes and beams — On Wednesday, July 6, a story broke to the effect that some minor incursions into Iraqi territory were occurring by small groups of Iranian nationals along the extensive Iran-Iraq border. Secretary of (U.S.) Defense Donald Rumsfeld was quoted as saying this was very concerning, as such incursions were "violations of Iraqi sovereignty." This was potentially very dangerous, as I was driving at the time I heard this, and couldn't stop laughing.

— Ross Levatter

Miracle drug — There is no better proof of the therapeutic qualities of medicinal marijuana than recognizing its unique and miraculous property: to make even hospital food taste good.

— Tim Slagle

Great truth — The great truth of the past decade is that I'd rather have my president make love, even lousy love, at the cost of fibbing under oath, than make war, even lousy war, at the cost of public fibbing. Wouldn't you?

— Richard Kostelanetz

Social workers get remedial civics lesson — On June 25, 2003, President Bush signed the "Keeping Children and Families Safe Act of 2003."

This law will inform the Health and Human Services Department's social workers of the Constitution of the United States. Supposedly, social workers will actually have to inform families of the charges of which they are accused, before they remove children from their parents' protection and force the children to undergo a physical inspection of their bodies. Social services will receive "additional training" to inform them that United States citizens have rights against unreasonable search and seizure. There will even be a citizens' advisory board to hear complaints about constitutional rights violations.

It only took a little over a year and half to get the bill signed. There was apparently no rush to restore the constitutional rights of United States residents and citizens.

During the year and a half it took our sloth-like politicians to enact the measure restoring basic constitutional rights that the legislators themselves had earlier taken away, almost 5 million family homes were invaded. That suggests that Congress allowed the violation of the constitutional rights of at least 10 million people while they were considering the measure.

The Bill of Rights is there for a reason. — Ed Ward

Mr. Roberts, I've got Mr. Ponzi on line 1— There's nothing that shatters a man's faith in his immortality quicker than a glint of gray in his son's hair or turning the corner of the biggest intersection in his life — that 65th year.

Both events hit me last week. My son's aging numbed me for about 15 minutes. But the day of the big 65 was a major trauma. Not so much due to the toll of the years, as my dealings with the Social Security Administration. It began easily enough. I called and made an appointment for a phone tête-à-tête to get my benefits rolling. I had dreaded the phone interview for weeks.

At approximately the same time, a pension from my company came due. As with Social Security, I had to call to initiate those proceedings. It should be edifying to the Over 65 Gang out there to contrast the two experiences. A tale of two kitties, you might say in poker parlance.

First consider the financial corporation that administered my company's retirement plan. Let's call it Himalayan Financial. Transaction No. 1: I talked to a nice lady who sounded just like my mother as she explained my options. She elaborated on my choices with the same slow delivery my mother used to tell me why good little boys got ice cream and cake on their birthday, but not every night at bedtime. I had choices: Lump sum, 10-20-30 year guaranteed payout, survivor benefit plan, so forth. She'd send me a form, she said, so I could record my decision. The lady understood her position. She was an employee of a financial entity that valued my employer as a client. I was one of the faces of that client. None of my questions were dumb — her time was my

time. Her middle name might have been Patience.

Sure enough, in a couple of days, the mailman, with no sign of back strain, brought me a small, light, half-page form. Name, address, date of birth. Plus a square for me to check off my payment option. Great. My kind of proceeding.

Transaction No. 2: Social Security. In contrast to Himalayan Financial, the Social Security worker did not work for me except by the slimmest of threads. You might say I was one of her 250 million employers, which gave me very little leverage over her attention and priorities on a busy day. Also consider that occasionally a mild-mannered government employee is irritated by the mental density of 250 million employers. She turns into a vampiress and repeatedly tells me — her weak proxy of an employer — that she's gonna fang me to death and suck my blood and spend my pension on a pure cherrywood, lead-lined coffin. Well, when this metamorphosis occurs, the government doesn't hand her a pink slip and order her back to her crypt. They don't work that way. There are boards and reviews and lawsuits. That's their culture. The establishment is better off letting her hang around, collect a paycheck, and drink coffee. "Just don't answer the phone, please, Elvira."

Initially, I thought setting up my Social Security payments was going to be simple because unlike my corporate retirement, there are no options. There's only a monthly check. I'll just call 'em up, I thought, talk to some nice lady like my mama, and make sure they know I'm 65 and have the right address. I didn't want the check going to Apple Orchard Street instead of Apple Orchard Drive. Or Fred Roberts, instead of Ted Roberts, who might use my check for his monthly toothpaste and mouthwash bill. (How the Social Security Administration avoids the blessings of 40 years of compound interest is one of life's great mysteries, comparable only to why the phone company charges more *not* to list your number.)

My Social Security interviewer was more like one of my aunts than my mama. Kind, but authoritative — an intelligent, well-mannered lady I judged to have no vampire relatives. This is a snap, I thought, just like Himalayan Financial. Easy questions: soft lobs like name, Social Security number, address. I was having a heckuva good time, even sipping an iced tea and winking at the family, who had nervously gathered around me as I made a big thumbs up gesture. Then, to show off, I laid the phone down on the table as Ms. Manners went on with some explanation or other. Suddenly, out of the cackle of the unattended receiver I heard, several times, the word "penalty." I thought maybe I ought to listen. I did, and caught the word "penalty" three times in quick succession. Elvira was explaining that the Social Security Administration, which had not added a penny to my small, monthly hoard, would take one dollar out of every three that I made over $13,500 a year. (This was a few years back.) A disincentive for remaining productive in my sunset years. What would they do with the money — give it to a retiree who slept all day and sent his wife to the steel mill to stoke furnaces?

My mouth, disjointed by that injustice, slipped out of the control of my brain and went into a long explanation of my part-time consulting activities that would result in extra income. The vampire's voice darkened to hear this news. A volley of questions bombarded me from the phone, which I dared not put down. How much had I made from '92 to '94 with this clandestine activity? How much would I make this year? Next year? The tactically correct answer was, "God knows." But my autonomous mouth came up with a figure and Dracula's bride said, "Well, we just won't send you the checks for July, August, and September." It got worse. My interviewer announced that my formal application would be accompanied by a request for additional information.

She wasn't kidding. Her thick bundle asks for a birth certificate, an Army discharge form — a DD214 from 1951 — verification of various dates of employment, and a form that would choke a CFO dealing with my informal, sporadic, lightly remunerated consulting activities. And only originals would do.

In addition, they were fascinated by and highly suspicious of that other pension from Himalayan Financial, their rival, whose retirement bucks fell into my arms with a five-minute conversation and half page of simple questions. I just know they were jealous. They requested verification of employment dates that yielded this bonus. And how much did I get — for how long? How'd it get to be so much in such a short time? Drug money, no doubt.

What right did they have to penalize me just because I choose to be somewhat productive in my dotage? Didn't they know about the Magna Carta, the Declaration of Independence? Taxes are one thing; a levy in return for schools, roads, defense, even welfare for less fortunate fellow citizens. But this mean-hearted penalty on my lifelong earnings that they hadn't even invested at competitive rates! Well, I should be consoled by the thought that now — seven years later — that rule is on its way out. — Ted Roberts

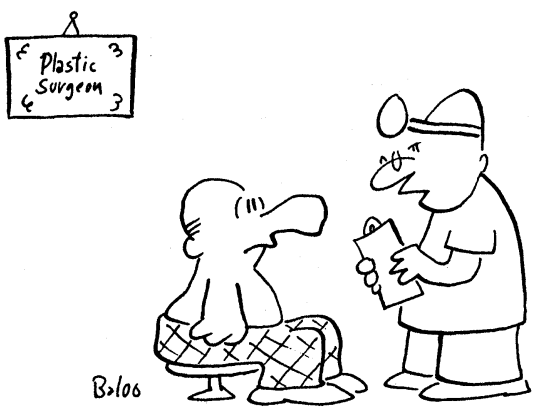

"Have you been trying to fix this nose yourself?"

Sodomy today, lap dancing tomorrow

— George Will reminds me of a radical feminist I once knew who, to justify abortion, insisted that a "fetus was just like a tumor." Statements that shocking jump to mind even 30 years later and I hope that, by now, the woman who uttered them has realized the absurdity of her opinion. Early on, though a fetus and a tumor share some biological similarities (both are clumps of cells dependent on the body of their host), and though they may share characteristics like being feared or unwanted, anyone short of a total reductionist would know that is where the similarities end.

When it comes to abortion and gay rights, there are zany

arguments on both sides of the issues. The latest comes from the usually rational George Will, who is trying to convince us, through logic stretched thin as spandex, that a right to privacy does not exist in the Constitution, and that the recent Supreme Court ruling in the Texas sodomy case has bestowed upon Americans, not a constitutional right to privacy, but a constitutional right to lap dancing.

"The privacy right," writes George Will, "is most famously associated with *Roe* v. *Wade*, the 1973 abortion decision. . . . And given that in a 1992 abortion ruling the privacy right was explained as 'the right to physical autonomy,' the question is not just whether there is a fundamental right to engage in sodomy. Why not the right to physical autonomy in using heroin? Lap dancing as a fundamental right? That is, after Thursday [the day the Supreme Court issued its ruling in the Texas sodomy case], not a close constitutional call." Mr. Will stretches the meaning of the right to privacy into a right to lap dancing just like my old friend stretched the meaning of a tumor to include a fetus. If we take the no-privacy zealots and states' rights aficionados at their word, they are saying that Americans have no right to sexual privacy, nor a right to physical autonomy, and ownership of one's own body does not exist. These small government conservatives are saying it's up to the state to define, and the police to monitor, sexual behavior between consenting adults in their homes.

Will fears that lap dancers will sprout up like crabgrass in the suburbs, destroying marriages and fraying the social fabric in their wake.

We have recently heard an avalanche of slippery slope and what-if arguments from social conservatives like Rick Santorum, who is apoplectic that everyone will start group marriages and have sex with basset hounds and gerbils if we have a right to privacy.

Santorum does not believe that adults, any adults, even heterosexual married adults, have the right to privacy regarding consensual sex within their home. Adult Americans simply cannot be trusted with a right to privacy, he says, and so we must deny that privacy is in the Constitution at all.

Social conservatives argue that Americans have no inherent right to use birth control if a state legislature outlaws it. But slippery slope arguments cut in both directions, and if some future leftist, feminist, environmentalist alliance elected to a state legislature outlaws more than one child per couple as has been done in China, then Americans will have no right to appeal such a law on grounds of privacy or personal physical autonomy. Since there is nothing in the Constitution giving Americans the right to own their own body and its reproductive capabilities, the state must decide how bodies are to be used.

Furthermore, if social conservatives prevail, and it's decided that there is no right to physical autonomy or for individuals to be "secure in their persons," then if a dying person needs a kidney transplant, and yours is the only compatible kidney, you can be obligated by state law to donate yours.

A 12 year old who is impregnated by a rapist, and whose parents refuse consent to an abortion as may be mandated by state law, has no right to her own body, and may be forced to continue an unwanted pregnancy. If she remains uncooperative, she may be arrested and tied to a hospital gurney at delivery.

Or, if you have no rights to privacy in the most intimate parts of your personal life, nor a right to physical autonomy, the state may decide to collect a certain type of sperm needed for compelling social reasons, and may forcibly take sperm if it's not volunteered. What constitutional protection do you have from a search and seizure such as this?

As for the much-feared onslaught of lap dancers who will sprout up like crabgrass in the suburbs, destroying marriages and fraying the social fabric in their wake — well, say the worst happens, and a lap dancer visits the home of a handicapped male friend, bestows sexual favors and is given a gift in return? Shall we arrest them both and jail them,

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courtesy of the taxpayers?

On second thought, it's better social conservatives take another look at the Fourth Amendment. When someone from the government crashes through the bedroom door to check for illegal sex, it doesn't matter whether the invaders are federal agents or state troopers.

All things considered, lap dancers' rights are better than a police state. — Sarah J. McCarthy

"Word Watch" Watch — In the August *Liberty*, Steve Cox used his "Word Watch" column to briefly discuss a few rhetorical issues, among them the use of the passive

Word Watch

by Stephen Cox

When I was a young man, I knew a libertarian whom I will call Frank E. Freiheit (E for Ernest). No one would ever accuse Frank of hypocrisy or time-serving. He lived in poverty and anonymity, refusing to acquiesce in any control by government. And he lived joyously, spending his days doing what he loved most — debating with other far-out libertarians.

Some of them were not, however, quite so far out as he was. I was visiting Frank one afternoon when he reported on a conversation with a friend to whom I will give the *nom de guerre* of E.Z. Davenport. E.Z. complained about a rumor that Frank had called him a "fascist" merely because he believed in the legitimacy of public roads.

"Well, *do* you believe in public roads?" Frank asked.

"Yes," E.Z. replied.

"Then you're a fascist."

It struck me that there was something slightly arbitrary about that choice of words. A fascist was almost anyone Frank wanted to call a fascist.

We see the same thing, though admittedly to a lesser degree, in the current nomenclature of "conservative" and "liberal." "Liberals," it seems, no longer have to believe in liberty, while "conservatives" don't have to believe in conserving America's traditional form of government.

Of course, one can't retreat to one's own private language, no matter how far-out everybody else's language has become. One must have some words in common with other people. And it's still possible to do something for accuracy by reminding people that "modern liberals" are different from "classical liberals." I don't know what can be done, word-wise, about "conservatives."

In some cases, it's easy to insist on verbal clarity, because clear distinctions still exist in everyday language. No matter how many people refer to the United States as a "democracy," it plainly is not a place where a majority of "the people" just "rules," thank God — not as long as the democratic principle continues to be checked and balanced by divided authority, unequal representation in the Senate and the Electoral College, and the remains of state governments, delegated powers, and the Bill of Rights. "Republic" is the proper term; everybody knows it; we can insist on it.

Speaking of the Bill of Rights, one can also insist on the plain truth, unknown to most Americans, about *where* that document *is*. When somebody mentions "the Constitution and the Bill of Rights," you can kindly indicate that the Bill of Rights, contrary to popular opinion, is actually part of the Constitution. And you can amaze your friends, attract the attention of the opposite sex, and boost your earning power by adding that the Declaration of Independence is *not* part of the Constitution.

Verbal confusions don't stop at the high, constitutional level. The working political vocabulary is full of them too. During the next election year, we'll see all the old confusions coming back to us. I'll mention two of them, just to whet your appetite.

One of them inevitably asserts itself at convention time, when we hear about — though, if we're smart, never listen to — "stemwinding" public addresses. "Stemwinding" is often taken to mean "boring," as if the listeners were driven to find something, anything, to do while the speech went on, even winding their watches. This is a reversal of the original meaning: a watch with a stem, rather than a key, was a high-class watch; so a stemwinding speech was a high-class speech, specifically an exciting speech. There's still room for the original meaning, if you'd like to revive it.

A term that's heard more and more often, even outside election years, is "good old boys," as in, "The policy will be decided by the good old boys in the back room." Here we have a confusion between two useful but very different expressions. "Good old boys" or, more properly, "good ol' boys," is a southern American expression for "agreeable men," men who enjoy a good time, drinking buddies and boon companions. It has nothing to do with politics. "Old boys" is a British expression for "alumni of a public school," alumni who can be expected to help out other mature gentlemen who once were "boys." It has mildly ludicrous connotations, and it may, indeed, have a political use in its metaphorical extension; as, "Dick Cheney and other old-boy Republicans." But that's it. That's as far as it goes. If you mean "political fixers," say "political fixers."

A trivial issue? Perhaps. But the next election-year expression ought to chill your blood. Here's a columnist writing in the *Dallas Morning News* about Howard Dean, ex-governor of Vermont and current Democratic presidential hopeful: "Dean is a former governor, like four of the last five presidents. But [his] experience in running the nation's 49th most populous state pales alongside Graham's in No. 4 Florida and Bush's in No. 2 Texas." Forget the mangled syntax; notice that word "running." We've heard it a lot lately: a governor "runs" a state, a mayor "runs" a city, a president "runs" the country. The distinction that's being dropped, the distinction between "running" and merely "governing," is the distinction on which our system of limited government is founded. It's a distinction basic to the very concept of the American republic — basic, at least, unless you have some other definition of "American."

voice. Cox "disposes" of the common prejudice against the passive voice by asking, "What's wrong with a passive, it if helps you achieve the right emphasis?" His conclusion is correct, but he fails to note the pernicious purposes for which the passive voice is often employed, especially in political writing. I say this, not as a person particularly fastidious about language, but as a lover of truth and honesty.

I suppose there's no way around running the risk of losing your attention by defining the passive voice: the use of a form of the verb "to be" along with a past participle. Some examples: John was injured. People were hurt. It is broken.

While the passive voice is not inherently pernicious (Cox's point), it is often employed mischievously, to avoid identifying responsibility or even to conceal the truth. Consider the first example offered above: John was injured. When I read a sentence like this, my first thought is always: who injured him, and why isn't the author telling us? If so, does the author have a good reason for not telling us? He very well may have a good reason: perhaps he's writing about what happened to John and the identity of who injured him is irrelevant. If this is the case, fine and dandy.

But sometimes a writer uses this form because he doesn't want to reveal the subject of the verb. Remember Janet Reno claiming that the FBI's murderous attack on the Branch Davidians at Waco was justified because the children were denied proper sanitary facilities? Just who denied them proper toilets, clean water, and removal of sewage? Why, it was Reno's own Department of Justice that cut off the water and sewers of the Davidian building.

And sometimes the passive voice is used simply to lie. On Jan. 23, the day that Jessica Lynch returned home, I heard a CBS newsreader say that Lynch "was wounded" in the war. This statement is simply false, a fact that becomes apparent if one asks who "wounded" her, and looks at a description of what actually happened. My dictionary defines the verb "to wound" as "to cause a wound in the body of somebody or something, especially using a knife, gun, or other weapon." Just who "caused the wound"? Who wielder the "weapon"? Well, contrary ontrary to the implication of the CBS newsreader's statement, no enemy solider or weapon injured Lynch. She was injured when the Hummer in which she and her fellow soldiers were riding in crashed into another U.S. military vehicle. She was no more "wounded" in the war than I was "wounded" in the War on Terrorism when I twisted my ankle stepping in a hole in the sidewalk while walking to work to write a reflection on terrorism.

The passive voice is often employed mischievously, to avoid identifying responsibility or even to lie.

Now, I don't know whether whoever wrote the words the CBS newsreader read did so in a conscious attempt to support the military's earlier false reports that Lynch had been engaged heroically in a firefight with enemy soldiers. It may very well be that the writer was hoodwinked by the military public relations people. Or perhaps the writer is simply a bad writer.

It is the ease and frequency with which people use the passive voice to create false impressions, or for outright deceit, that makes me much more wary of it than is Cox. It is why George Orwell gave it a prominent place in his list of "swindles and perversions" in his 1946 essay "Politics and the English Language."

Orwell concludes that essay with a list of six rules for political writing:

1. Never use a metaphor, simile, or other figure of speech which you are used to seeing in print.
2. Never use a long word where a short one will do.
3. If it is possible to cut a word out, always cut it out.
4. Never use the passive where you can use the active.
5. Never use a foreign phrase, a scientific word, or a jargon word if you can think of an everyday, English equivalent.
6. Break any of these rules sooner than say anything outright barbarous.

This is as good advice today as it was when it was written. And passive constructions remain as mischievous today as they were when Orwell warned against them.

— R. W. Bradford

Giving slapdash, conservative polemic a bad name — Ann Coulter is the conservative babe whose *modus vivendi,* says Andrew Sullivan, is to "look amazing and ratchet up the rhetoric against the Left until it has the subtlety and nuance of a car alarm." Her latest book, *Treason* (2003), is one long accusation of disloyalty, and includes one paragraph about me.

As part of a chapter on media types being apologists for Reds, she attacks a newspaper book review I wrote on *The Spy Who Seduced America.* The spy was Judith Coplon, convicted in 1950 after a public trial in which she was defended in the press by the liberals of the day. The two words Coulter quoted from my review said that the government's case against Coplon was "entirely circumstantial." Coulter replied:

> The circumstance was this: in March 1949, she was arrested while handing secret government documents to a Russian agent. I suppose you could call that a "circumstance." Needless to say, Soviet cables confirmed that Coplon was a Soviet agent. Liberal refusal to accept any evidence that any person ever spied for the Soviet Union would be exasperating if it weren't so comical.

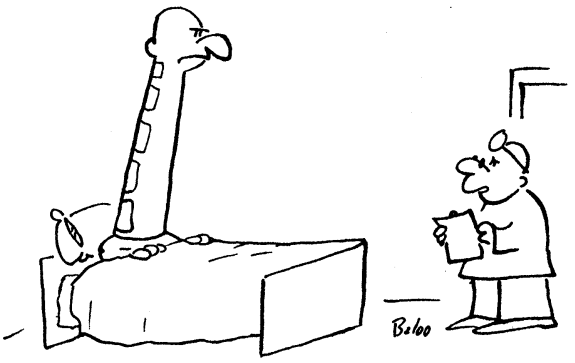

"Stop complaining! — We were lucky to find a donor at all."

I read this paragraph over a few times, hardly believing it. The book in question, written by FBI agent Thomas Mitchell and wife Marcia, had concluded that Coplon was guilty. I had agreed: Coplon was a communist spy. Indeed, the *title* of my review, which is accurately listed in Coulter's footnote, includes the words, "a True Tale of Espionage."

Further, I had said in the review that the labeling of the postwar spy cases as "witch hunts" and "McCarthyism" is a falsification, because there *were* communist employees in the government spying for the Soviet Union.

As for the "entirely circumstantial" evidence, Coplon, a federal employee, was arrested while meeting with a Russian agent. Coplon had not taken the classified documents from her purse, and was not handing them to him. In another five minutes she probably would have, and of course the meeting itself was damning (but circumstantial) evidence. Yes, Soviet cables confirmed that Coplon was a Soviet agent — but for security reasons, the government had not used those cables as evidence.

So here I was, a non-liberal favorably reviewing a book that exposes a communist spy, and I am accused of "refusal to accept any evidence that any person ever spied for the Soviet Union."

Well, I stopped reading her book. I couldn't believe a thing in it. — Bruce Ramsey

Giving it doggie-style — A recent radio public service announcement led me to think about how libertarians are losing the battle for language. There was a blood drive held at a hotel here in town, for dogs. It's something that we don't think about much, but dogs going through surgery need blood transfusions, and the only source for that blood is other dogs. The ad gave a phone number and urged you to call if your dog would like to "donate" blood.

Donate used to mean "give voluntarily." The key word is "voluntarily," which isn't even attached to the definition in dictionaries anymore. In order to donate you have to be willing to make a sacrifice. Usually that happens after you become aware of a need, and you are motivated by empathy for those less fortunate than yourself.

Personally, I have a problem with the idea of blood donation. I'm probably using Objectivist morality to cover for a fear of needles, but I think it's far less objectionable to sell your blood. (I don't do that either, because I don't like to hang out with the winos in the waiting rooms of those plasma centers.)

The animal that crouches within the reptilian portion of all our brains normally rejects the process of giving blood.

" 'Drop dead, creep,' eh? — What's *that* supposed to mean?"

There is absolutely nothing pleasant about having a vein opened and being slowly bled into a plastic bag. If the pain doesn't scare you away, the sight of your own blood will.

Those who donate regularly understand the need for blood. The frontal lobes of their brains, where humanity resides, are capable of overriding emotions, like fear, that reside in the other parts of the inner brain, allowing a donation to occur.

It is impossible for a dog to override the fear. Dogs are pretty simple machines, and their craniums are limited. Most thought processes occur in the present tense: when you're hungry, you eat; when you itch, find someone to scratch you; if a stranger invades your territory, kill him. There is not a lot of space left on the hard drive for a higher concept like altruism.

I imagine that the room where the dog blood "donations" are taking place is quite a lively area. There's probably a lot of noise, and people having to hold down their "donating" dogs. Since dogs are more in tune to odors, to them the place smells of blood and fear, so that even walking your pooch into the waiting room will test the strength of its leash and collar.

Canine blood drives involve the same kind of misnamed "donation" that occurs in IRS audit offices, only the yelping is louder. — Tim Slagle

A victim of our own — Things must be going pretty well in the world right now. Democracy is flourishing in Iraq. The economy is booming. Math and science scores are through the roof. Sound impossible? But it must all be true. Otherwise, the media would surely tell us otherwise.

Instead, when you turn on the TV, what do you see? Nothing but Laci. FoxNews has gotten on the Scott and Laci Peterson Saga bandwagon, even giving their updates snazzy theme music. I guess they think that achieving fairness and balance requires them to be insipid as other networks.

Don't get me wrong. I think that the death of Laci and her baby is very sad. Laci seems like she was a sweet, normal young woman who just made a tragic mistake in her choice of husband. While I feel sorry for her family, I don't see how interrupting my television news-viewing pleasure with constant Laci updates is going to heal their pain.

I just wish they'd hurry up and euthanize Scott Peterson already. Yes, yes, I know. Innocent until proven guilty. But anyone who tries to make himself look like Ben Affleck deserves the needle just for that. I suppose I shouldn't make fun of the Scott. After all, he is a widower and childless.

And maybe there is a satanic cult operating in Modesto, and Gary Condit is its high priest. That might explain the lacquered hair and Joe Isuzu smile.

I just can't help but think that if Scott didn't have the same celebrity attorney who defended Winona Ryder and Susan McDougal, if Amanda Frey didn't look as if she were auditioning for a part on *Sex and the City*, and if Laci hadn't had hundreds of pictures taken of her showing off her belly, this story would have died weeks ago and I would be watching Greta Van Susteren warn us about a terrorist plot to blow up the Bronx Zoo.

But in all seriousness, there's an important lesson in the Laci Peterson story for libertarians. If we want a lot of media exposure, we can get it. All we have to do is kill someone,

preferably a pregnant woman. If she were pregnant with twins that would be double super. I'm dead serious. Work with me here. I know, I know, there's this slight problem with a person's right to life, liberty, and all that. To get around this, we'd simply have to get a pretty, young, visibly pregnant, and, most important of all, photogenic libertarian woman to "disappear." We could set her up in Costa Rica or wherever she wants. This time, there will be no bodies found.

One theory is that Laci got the axe from Scott when she confronted him about his affair. Our woman, let's call her Traci, could confront her husband, who may or may not be a "ringer" as well, about the amount of the family budget he donates to Handgun Control and other Democratic causes and the number of Lamaze classes he's missed due to trips he's taken to the state capital to protest cuts in the education budget.

When the media interviews Traci's friends, America will find out that the happy couple wasn't so happy after all. The marriage was in trouble right from the start because husband and wife had such disparate personalities and political commitments.

Whereas Traci was generally jovial and even-tempered, her husband was arrogant and brooding. Whereas Traci believed in cutting taxes and government spending, expanding school choice, and decriminalizing marijuana, her husband wanted to raise taxes on people making over $60,000 a year, expand Head Start, roll back welfare reform, and outlaw fast food. Whereas Traci read *The Wall Street Journal* and enjoyed investing money from her real estate commissions toward an eventual return to law school, her husband complained about how little he made as a municipal prosecutor.

Having won trophies for debating in college, Traci easily out-argued her husband. Her letters to the editor got published, while his went nowhere. One day, the theory will go, out of jealousy, frustration, and embarrassment, the husband choked Traci in the laundry room with his Che Guevara T-shirt. But the police will never be able to prove it.

I know, my little plan sounds ridiculous, even sick, doesn't it? But is it as ridiculous as a disguise designed to make one look like Ben Affleck, talk of satanic cults running around chopping up pregnant women (where are all the other bodies?), and specially designed theme music for twice-hourly updates? And it's certainly not as sick as using the tragedy of a real murder to fill in time between commercials.

— Colleen Coleman

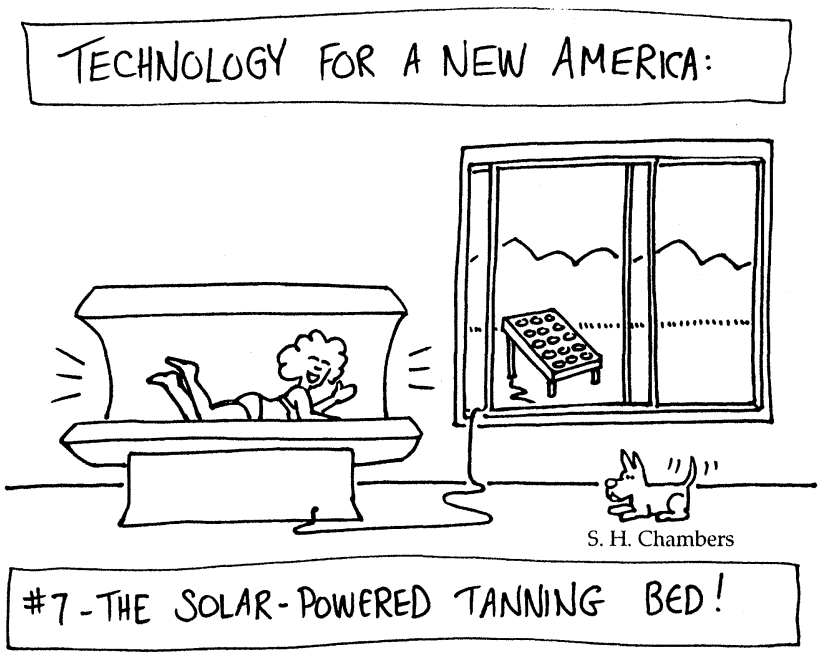

He got game — I spent a semester teaching music in a federally funded, desegregated magnet middle school for the fine arts in St. Louis back in the mid '80s. We had children from all over the city. Some came in small buses and some came in private taxicabs, their fares paid by taxpayers. The federal government gave our department $25,000 per year to spend on our music program, which was split between the vocal and instrumental departments. This enabled us in the vocal department to afford a lab of teaching pianos, hand bell sets in duplicate or triplicate, numerous music scores which we *might* use and which could cost up to $100 each, every rhythm instrument available, and more. The catch was that we *had* to spend the money.

We were so privileged because we were a "desegregated" school. We had 152 "black" children and 152 "white" children. There were *no* Native Americans, *no* Hispanics, *no* Asians, *no* Indians — for the government's purposes, desegregated meant "black and white only." *And*, just to make sure that we were *complying* with the "deseg" parameters, the feds came to inspect the premises once a year.

Prior to their arrival, we were reminded that the insides of our classrooms were to look like an "Oreo cookie box." Most of my altos happened to be black and most of my sopranos happened to be white, so I had a problem. I was advised to come up with a creative solution.

The children quite understood the game. One morning while I was taking roll one of my students said, "Hey guys, we're not sittin' right. We're 'posed to be black-white-black-white!" Everyone got up and moved as if playing musical chairs.

At one point I was required to take "inventory" of the ethnic make-up of each of my classes. I inquired as to how one was to conduct this task because the distinction wasn't always easily apparent. I was instructed to simply have them raise their hands. So I did just that.

In my first class I called for all the "white" students to raise their hands, and they did, some being very dark-skinned with curly black hair, dark eyes, and quite frankly looking to me to be African-American. I called for the "black" students to raise their hands and they did also, some being fair skinned with blue or green eyes and sandy colored

hair. I told them that this survey was for a report for the federal government, and asked if they were playing with me. I asked how it was that some of the students were raising their hands for profiles they didn't seem to fit. I was informed that when they came to enroll in the desegregated magnet middle school for the fine arts that they just looked to see which list was shortest, the white list or the black list, and signed up on the shortest list on the basis of having a mother or father or grandparent of that particular race. They understood the game.

In the 19th century it was illegal for Native Americans to live in Missouri though many Scotch and Irish had taken Cherokee wives as they came through on the Trail of Tears. When the time came for the census, they simply registered as "black Irish." They also understood the game.

Into the 21st century. In light of current race preferences, it might behoove parents to enroll their children early on the proper lists just like some parents hold their boys back so that they'll have a growth advantage when playing sports in high school. My own children are (in alphabetical order) 12.5% Cherokee, 12.5% French, 18.75% German, 6.25% Pottawatomie, 12.5% Scotch, and 12.5% Sicilian (which is another melting pot country. Pictures of great grandparents reveal a bit of African heritage there). One grandparent is of unknown decent but is most probably part Cherokee as well. Either way, my children are at least 18.75% Native American. If I had to do it all again, they'd be registered in school as Native Americans just so they'd be on equal footing when it comes time for college and loans. It's just a matter of understanding the rules of the game. — Catherine J. Colletti

Once more into the breach — Pentagon sources have revealed that back in April, General Tommy Franks was ordered to bring the war in Iraq to a rapid conclusion so that Modesto police could move forward with the arrest of Scott Peterson, accused of killing his wife and unborn son on Christmas Eve. (It was felt at the time that the nation could not withstand the stress of two cable news dramas occurring simultaneously.) Now that the Peterson trial has been moved to the fall, we're suddenly being told the war is back on again. Coincidence? Or maybe, as with the economy, we've passed from the earlier threat of inflation to the even greater threat of deflation in news stories, as powerful, unseen forces move to restore our informational equilibrium.

Meanwhile, the man who once derided the Clinton administration's fondness for "nation building" may now be sending American troops to . . . Liberia? Well you see, there's this gang of thugs over there (the government) fighting this other gang of thugs (the rebels) — or is it the other way around? Hard to keep track with all these other battles going on. But that's the exciting thing about sending in troops; as we found out in Somalia, you just never know what's going to happen! And when the proposed action has absolutely nothing to do with our own national interest, there's an added element of mystery to spice things up.

At first it seemed incredible, just given the practical circumstances of our badly overstretched forces, that such Somalia-esque folly could even be considered at this time. Then it hit me. The news from Iraq is so bad right now, they may just feel it's better to change the channel to some other station. What the hell, if we keep rolling the dice and trying our luck elsewhere, maybe the crowds will really, *really* cheer for us in the next place. And if not, at least it'll distract the masses from the steadily ticking American body count in Baghdad. — Michael Drew

Bountiful wisdom — In the wake of 9/11, which I felt particularly personally as it happened less than two miles south of where I live and work, I suggested in these pages that the best retaliation against Osama bin Laden was not an expensive invasion of Afghanistan but a generous bounty upon the delivery of his scalp. Only after we had failed to find him in the successful invasion did the U.S. government offer a bounty, which has so far not been paid.

You can imagine my pleasure at discovering, nearly two years later, that the idea of a generous bounty has been revived — $25 million for Saddam Hussein and $15 million for each of his sons. How wise.

One problem is that now that we have conquered Iraq, more or less, the perpetrators are harder to find. Had the bounties been offered a year ago, prospective recipients would have known where the Husseins were. Needless to say, a lot of money might have been saved, along with human lives. Had the folks in the White House closely read *Liberty* nearly two years ago, they would have been a lot smarter and America a lot less poor. Too bad.

— Richard Kostelanetz

Now you say it, now you don't — The infamous "garage murder" — in which a woman ran into a homeless man, drove home with him stuck in the windshield, then left him to die in her garage — appears at first glance to be nothing more than another bizarre chapter in the annals of American crime. Yet the way in which the story was reported says volumes about the lens of popular culture, conveniently focused for us by the media each day. What was so strange about the reporting in this case, you ask? Nothing; that's the point. Yet just imagine if the races of the killer and victim had been reversed. In this case, a black woman hit and killed a homeless white man, but (unless you saw them on TV) you wouldn't have known it from the coverage. And why should you? The killing was obviously an accident (to

S.H. Chambers

begin with), occurring at night and having nothing to do with race. However, if the races had been switched I have no doubt the story would soon enough have read "White woman hits homeless black man, leaves him to die," followed by the obligatory racial outrage whipped up with the knee-jerk connivance of the news media.

One can't help compare the coverage of the "garage murder" to that of another recent death on the road, the fatal crash of a speeding black motorcyclist pursued by white cops in Benton Harbor, Mich. Would a white motorcyclist have been treated any differently? Can you even *see* the color of someone going over 100 mph, the speed at which he was clocked when the angry white males-on-wheels picked up the chase? Neither case had anything to do with race in my opinion, but they and countless others are filtered through this skewed reporting standard. A seemingly identical crime is reported as either "White teens beat black youth," or "Youth beaten by street gang," depending solely on who is doing the beating. Only the former is proclaimed a "hate crime."

I recently heard a TV pundit defending "political correctness" as merely an "overzealous civility." Really? It never seems to dawn on the left-liberal elites that their simple-minded, one-sided brand of sensitivity has (finally) begun to reveal "PC" for the bad joke it has always been. Yet the habit is so pervasive, as seen in the subtle editing of crime reporting, that we're still a long way from a "fair and balanced" media landscape. — Michael Drew

Al Gore for student body president! — Democrats still can't believe they lost the 2000 presidential election. I was listening to a couple the other day complain about how it's wrong that George W. Bush is president, because he lost the popular vote. I suggested that perhaps Harry Browne should have been made president because he was certainly the most handsome of the three. They looked at me like I was nuts. "It wasn't a beauty contest," one of them remarked.

"No, and it wasn't a popularity contest either." If we're going to abandon the procedure laid out in the Constitution, either method is equally valid. — Tim Slagle

Letter from Armenia — My brothers and I have just returned to Armenia, a small country between the Black and Caspian Seas, where we spent a good part of our childhoods.

After a fretful midnight ride from the airport through the country's capital, Yerevan, we finally pulled onto 15th street, where dozens of familiar faces posed as the cul-de-sac's X-ray machine. The driver, interpreting the crowd's kind gestures and expressions as a green light, continued to the end of the street where, for the first time in almost a year, I cast my eyes upon my second home. As I got out of the car, it occurred to me that the final security gauge of my homecoming had been breached. The guard of our neighborhood, that awe-inspiring, fearsome dog named Bobby, was nowhere to be found. I would soon discover that he had died.

When my tired eyes caught the first glimpse of light the next morning, I dutifully walked to our balcony, from which the entire city of Yerevan could be seen. To the left, the twin snow-crowned peaks of Mt. Ararat were in clear view. I panned the city, noting the familiar sight of the soccer stadium, Republic Square, and the soaring monument built in commemoration of those who lost their lives during the Turkish genocide against the Armenian people. Everything was intact, it seemed.

But the recent presidential elections had taken their toll upon the people. International observers had called the elections "unsatisfactory" and "below the democratic benchmark"; a popular U.S.-born Armenian was denied his procedural due-process rights as accorded by the Armenian Constitution and was shorn of candidacy; the head honcho of a mob group who owns Armenia's biggest beer company and many of its businesses and restaurants dispatched armed men to stuff ballot boxes. In the end, the widely detested incumbent claimed the presidency. Mass demonstrations followed, only to be ruled illegal by the same justice system that denied the opposition's petition for new and fair elections.

What I really needed, however, was not a newspaper account of national politics — I wanted to find out what really happened. So I invited my long-time friend Ruben to lunch. At 6-foot-1, Ruben towers above Armenia. His passion for politics, philosophy, and chess is rivaled only by his dry, intellectual sense of humor. As I had feared, Armenian politics was the last thing that we would talk about. Instead, we talked political philosophy. Do rights exist objectively? Ruben had grown increasingly libertarian, owing more to practical reasons than to moral arguments. I asked him about the reaction of the Armenian people to the Iraq war. He

The street is full of people — some playing cards, girls holding hands and gossiping, boys playing soccer, women selling sunflower seeds and hosing the ground, men playing backgammon and chess. In a profound and nuanced sense, freedom flourishes.

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replied, "There were a few scattered protests here and there . . . nothing too big. The response was very relaxed."

Armenia is still out of the international loop. September 11, Enron, the Iraq war — these things are almost never on the minds of people. It seems that they are more concerned about day-to-day living than the interchanges of the world. With wages for a teacher averaging $40 a month, how could they not be?

Just when the subject had reverted to philosophy and Ruben had accused me of "only thinking with logic, as if other manners of argument don't exist," I had to say goodbye and rush to my next destination.

The streets of Yerevan make the streets of New York seem tranquil. Pedestrians anarchically walk across the streets while chaotic drivers avoid major collisions by millimeters. The rule of law is overrated: $2 bribes to policemen have yet to create a national crisis. After almost being run over by the top mafia guy in his only-one-in-Armenia brand-new Hummer, I reached the opera house, which is close to the center of town. It is at this location that my friend serves his country as a protector of domestic peace — as required by national decree that all men serve in Armenia's armed forces for two years. The opera house is surrounded by several thriving cafés and restaurants. So I sat down with him at the one closest to his post and talked about the old times — about playing backgammon, enjoying barbeques, and organizing swimming tournaments — while drinking bottled Coca-Cola and devouring the best darn unregulated steak that I've tasted. But steak is only the beginning. Armenia has some of the best fruit in the world, especially its apricots. And if you happen to find a worm in your fruit, the common wisdom dictates, so much the better — the fruit will be sweet and soft.

Though sanitation standards are enforced by bureaucrats who take bribes rather than actually check for the maintenance of cleanliness, most restaurants in Armenia are hygienic and orderly. If capitalism didn't do such a good job at regulating the free market, perhaps my yearly declaration of a summer diet would not seem so laughable.

After sweeping the entire Ray Charles collection on MP3 from the local "Discland" for $3.00, I took a cab to my house for about the same amount. The cab driver began to talk about politics and life and soon started singing a romantic Armenian song, saying that he had once wanted to become a singer.

Even with this live entertainment, the ride home is never easy. Armenia's streets are being torn down and renovated — at a rapid rate, mind you! Why now, one might ask, after 20 years of ever-widening potholes? Because, this time around, Armenian-American media mogul Kirk Kerkorian is funding it . . . *with strings attached*: that the government actually get the work done.

Otherwise, it seems like Armenia's government is just like any other. It is efficient in collecting taxes and raising tariffs, but inefficient in providing social services and material benefits.

I am reminded how different life is here. At any given time, my 15th street is full of people — some people playing cards, others chess, girls holding hands and gossiping, boys playing soccer, women selling sunflower seeds and hosing the ground, men playing backgammon. In a very profound and nuanced sense, freedom flourishes in Armenia.

On the 4th of July, I went to a reception put on by the American ambassador to Armenia to celebrate Independence Day. The ambassador spoke some Armenian and people sang the American national anthem. The place was vibrant.

I am 10,000 miles away from the Cato Institute and Milton Friedman. Yet I can feel it here, now, that universal idea — liberty.

— Garin K. Hovannisian

Letters, *from page 4*

of non-responsive talking points. The answer is, because it works, as politicians have proven to us for decades.

Here in Arizona, libertarian activist Ernest Hancock routinely cautions spokespeople at protests or other events to "prepare three short statements containing what *you* want the public to hear about your issue. When the reporter holds the mike out to you, you say, 'Point one. Point two. Point three.' Then you smile and step back from the mike. If she asks you a follow-up question, you say 'Point two,' or 'Point three,' or maybe even 'Point one,' and then smile and step back from the mike, but don't say anything else. Pretty soon they get the idea. Otherwise, you will see *only* some weak part of your unprepared remarks aired, and none of the strong points *you* wanted the public to hear. Force the reporters to air what you want them to air by never giving them anything else."

What is the downside of ignoring this advice? Once hostile media have your voice or image in storage, there is no statute of limitations to their opportunism — not just to take your statements and visuals out of context, but to place them into entirely false contexts.

A premier example of this is video footage of an "educational" range session during which gun-rights activists invited friendly reporters to view and fire automatic firearms. This footage now regularly appears in news segments supporting new anti-gun laws, cut by decidedly unfriendly editors to appear as if the guns were annihilating targets that they were never used against and never could have damaged.

One of the organizers reminisced, "Our naive, Pollyanna belief that 'education' would contribute to persuading people of our position was based on a false premise: that our enemies were enemies out of ignorance, and not out of malice. What we did was provide them with weapons that, properly edited, they could cynically use against us for years to come. The reporters, who may have been impressed and in fact 'educated' that day, served only as ammo carriers for their bosses, taking the weapons we handed them back to base to be aimed at us for the next ten years or more."

C. D. Tavares
Morristown, Ariz.

Get Your Kicks on 666

The "Terra Incognita" section of your August issue had an item from the *Carlsbad Current Argus* explaining the name change of U.S. Route 666 to 491.

As a citizen who lives just a few miles from the highway formerly named 666, I'd like to add something.

Highway 491, formerly known as 666, runs through the eastern section of

continued on page 44

Liberty and the Right

by R. W. Bradford

The time has come for libertarians to renounce their alliance with the Right.

During the entire history of the contemporary libertarian movement that began with the publication of Ayn Rand's *Atlas Shrugged* in 1957, libertarians have tended to see themselves as a part of the Right. Yes, there was a brief *apertura a sinistra* in the late 1960s born in libertarian opposition to the draft and the Vietnam War. But once the war was ended — by a Republican president — libertarians again saw themselves as part of the Right. This tendency continued even after the founding of the Libertarian Party and the rise of libertarian institutions like the Cato Institute and *Reason* magazine, that ostensibly sought a unique libertarian identity.

I attended three different libertarian election parties on Nov. 2, 1976. There was no jubilation at any of them. The grim mood was not the product of the poor showing of the Libertarian candidate. No, it was because Republican Gerald Ford had been defeated. Hardly anyone even cared about MacBride's showing. The same was true, more or less, in each subsequent election: libertarians have celebrated GOP and conservative victories, and been unhappy with their defeats.

Why have libertarians identified themselves with the Right? Part of the reason, I think, is that the Right was more open to certain kinds of libertarian thinking: political conservatives shared our hostility to the growth of government and shared our commitment to liberty, at least in their rhetoric. There were other reasons for this identification. For one thing, the intellectual establishment in the U.S. was so overwhelmingly leftist in the later 20th century that the Right was, well, desperate for respectable intellectual support wherever they could find it, and while libertarians have tended to be politically marginal, they have also tended to be intellectually powerful, respectable, and influential. Associating with intellectuals like Milton Friedman, Thomas Sowell, Ludwig von Mises, and Friedrich Hayek certainly was of value to political leaders like Ronald Reagan and Margaret Thatcher.

I think there was another reason that was largely overlooked at the time. As enthusiastic and committed opponents to the growth of government power, libertarians naturally opposed those who were engineering and managing the growth of the state. Despite the fact that Republicans controlled the presidency during most of the last half of the 20th century, and were ideologically conservative for most of the century's final two decades, the fact remained that the nation's power structure — including the media, the intellectual community, and both houses of Congress — remained firmly in the control of the Left. That part of the reason why even a president as committed to smaller government as was Ronald Reagan failed to halt the growth of governmental power. State power grew and grew and grew, and those advancing state power were almost all leftists.

But that has changed. It is plain — and it has been plain

for nearly a decade — that the political Left has lost its legislative power and that the Right is now pretty much in charge. Republicans have controlled Congress for nearly a decade, and they are a very conservative bunch. destroyed most of Clinton's mildly leftist agenda in the 1990s and won control of both houses of Congress and the presidency in 2002.

Now that conservative Republicans control government, they find it far less fearsome. When they were out of power, they advocated the Tenth Amendment and states' rights as a bastion against expanding federal power. In power, they are crushing states' rights and expanding federal power at every chance they get. Can you imagine how much of a ruckus conservatives would have raised if leftists tried to use federal law to invalidate state laws in areas where state law had always prevailed? Well, you don't have to imagine it. Just look at what conservatives were doing in the 1960s: they were fighting tooth and nail against everything from federal civil rights legislation to federal aid to education.

Now that conservative Republicans control government, they find it far less fearsome They are the greatest advocates of an imperial foreign policy, of massive defense spending, and of invading people's homes in the names of the Wars on Crime, Drugs, and Terrorism.

Fast forward to 2002, and look at what's happened to states whose voters have legalized medical marijuana. A conservative administration has simply invalidated those laws by arresting people acting under their authority and charging them with federal crimes. And more: they have spent substantial amounts of federal tax money campaigning — mostly unsuccessfully — against those laws. Can you imagine the outrage that Barry Goldwater would have expressed against that?

Federalization of drug law is the most extreme case of conservative rejection of the federalism that the Founders built the Constitution around. But it is far from the only case. Any sentient person who supports the Constitution must condemn the conservative usurpation of the power to declare war accomplished by presidents Reagan, Bush I and Bush II.

Today's conservatives have abandoned other elements of their claimed love of liberty and opposition to ever more powerful government. They are the greatest advocates of an imperial foreign policy, of massive defense spending, of limiting the rights of people accused of crime, and of people who are not American citizens. Out of power, Republicans in general and conservatives in particular were unalterably opposed to budget deficits. In power, they have given us the biggest deficits in history. Out of power, they have railed against regulation; in power they have used regulation the same way the Democrats used it: to punish political enemies, to reward friends (i.e., donors), and to appeal to the ignorant majority of American voters.

We who love liberty need to change our outlook. As I argued 14 years ago in the wake of the collapse of the Soviet Union, the main enemy of liberty is no longer the radical Left. It is the welfare state and the imperial state.

It is time for us to recognize that the Right is not our ally in this fight. Yes, some conservatives still oppose the extension of government power in some cases. But the same can be said of what's left of the Left. While the Right in power oversees a state taking more and more of our money, imposing more and more regulation, and invading our homes and personal lives in the name of the War on Drugs and the War on Terrorism, the Left is willing, sometimes enthusiastically, to support people's rights to privacy (though not to private property), freedom of speech, of travel, of religion, and of thought. Right now, there are powerful practical arguments for separating our identity from the Right.

Further, the Right is more closely identified with the resurgence of American Imperialism than any other single issue, and as the casualties mount in Iraq and the fraudulent character of Bush's rush to war becomes increasingly evident, the Right is losing support. Libertarians risk an ironic tragedy: if the public continues to identify us with the Right, we are liable to go down with the good ship *Conservatism* because of a right-wing policy that is opposed by the overwhelming majority of libertarians.

I do not argue that we should turn our back on the Right entirely. When conservatives oppose the extension of state power, or propose to reduce it, we should support them and even ally ourselves with them. But we should be equally open to supporting and allying ourselves with left liberals when they oppose the depredations of the Patriot Act, the arbitrary arrest of innocent immigrants, the War on Drugs, the militarization of American life, and Bush's aggressive foreign policy and imperialism.

It is time for us to recognize that the Right is not our ally in the fight against the welfare state and the imperial state.

We should never forget that our love of liberty provides us a unique vision and a unique identity. We must never see ourselves as part of either the Right or the Left. As lovers of liberty, we should be free to form strategic alliances with either Left or Right in any situation where doing so advances liberty or retards the growth of state power.

I realize that ending our de facto alliance with the Right will, in the short term, reduce such influence as we have, while insulating us from the disaster that faces contemporary conservatism. But I would rather stand with truth and justice as my allies than with those who now hold power. ❑

Showdown in the Desert

by Timothy Sandefur

What does a constitutional amendment amend? In Nevada, the Supreme Court has ruled, it surely doesn't amend the constitution.

On July 1, 2003, Governor Kenny Guinn of Nevada filed a remarkable lawsuit, asking the state Supreme Court to order the state legislature to pass a budget which had failed to receive enough votes in the assembly. More shockingly, he won. The decision, *Guinn* v. *Nevada Legislature,* threatens some of the most important principles of American government, including one of the forgotten clauses of the federal Constitution: the Republican Guarantee Clause.

In 1996, Nevada voters amended their constitution to require a two-thirds vote of both houses of the legislature to pass any bill increasing taxes. Amending the state constitution is not an easy matter; any such initiative must be passed at two separate elections. But the two-thirds amendment passed with over 70 percent of the vote, making Nevada one of only four states that have such a two-thirds requirement. Another provision of the Nevada Constitution requires the state to "provide for a uniform system of common schools." This clause was part of Nevada's original constitution, written in 1864. Other clauses of the state's constitution require the legislature to pass a balanced budget by July 1 of every other year, and prohibit the imposition of state income taxes.

These clauses became the center of controversy this summer, when the Nevada Legislature met to confer on the state budget. By the end of the session, legislators had failed to fund two items: the operations of the legislature itself, and the education spending bill. But even with these two major projects still unfunded, the legislature had already spent almost all of its expected income. The alternatives were clear: either the legislature must go back and cut its previous spending decisions, or it must raise taxes. But it failed to make a decision before adjourning, so, pursuant to his constitutional authority, Gov. Guinn called a special session to finish the passage of a balanced budget. The state constitution also permits the governor to limit the subjects that can be discussed at special sessions, though, and Guinn, who endorsed increased spending and tax increases, ordered the legislature to discuss only the tax increase and the education bill, thus cutting off their ability to change earlier spending decisions. Guinn was twisting the legislature's arm to raise taxes. But the legislature continued to resist; enough legislators opposed the bill to hold back the tax increase. So Guinn called a second special session, limiting their discretion in the same way.

The second session also failed to pass the budget, this time by a single vote. When July 1 arrived, and no budget had been passed, the governor swung into action. He filed for a writ of mandamus — an order compelling a person to perform a legal duty — against the legislature, and against each particular legislator. The Court, he said, should "direct the legislature to . . . authoriz[e] and appropriat[e] an amount sufficient for the support and maintenance of the common schools" and to "provid[e] by law for an annual tax sufficient to defray the estimated expenses of the state. . . . " The governor's petition specified that "the amount of general fund dollars necessary to fund the [schools] . . . is

$1,643,253,297" and the amount of taxes necessary was $869,910,715.

Within hours, the Court accepted the governor's petition and ordered the legislature to reply by July 7. Over the Independence Day weekend, lawyers for several groups began drafting and filing friend of the court briefs. School boards and labor unions filed short briefs, devoid of legal argument, but emphasizing the importance of government funding. The Nevada State Education Association's brief argued that the two-thirds provision was merely a procedural requirement which was interfering with the legislature's duty to fund schools. "The Assembly has failed by *one* vote to achieve the required two-thirds majority necessary," they complained. The answer to that was clear: simply change the rules. The Association's briefs labeled those who defended the state's constitution as "radicals" and "anarchists." Evidently, the education association was unfamiliar with the difference between "radicals" and "reactionaries," however, since they went on to denounce "those in public life — there will always be those — who resist change, who yearn for the past, and who react passionately when their power and influence are seen to wane. But they are in the minority, and in our system of government they cannot be allowed to ignore or override the will of the majority."

Other groups, including the Pacific Legal Foundation, argued that the governor's petition was unconstitutional for several reasons. For one thing, legislatures can't be ordered to pass bills; the whole point of having a legislature is to allow them to debate public business, even if their debates are frustrating and the consequences unpleasant. The common law has recognized the immunity of legislatures for centuries; William Blackstone wrote in the 1760s that "Privilege of parliament was principally established, in order to protect it's [sic] members not only from being molested by their fellow subjects, but also more especially from being oppressed by the power of the crown." Courts have routinely held that legislatures cannot be forced to pass bills.

Guinn's lawsuit also violated the principle of separation of powers, a doctrine devised centuries ago to prevent the accumulation of power into the hands of any one person or group. Separating the powers to create the law, to enforce the law, and to interpret the law prevents abuses by checking the government against itself and giving the citizen the opportunity to protect himself by persuading a branch of the government to come to his aid. The Nevada Constitution includes a clause explicitly prohibiting "persons charged with the exercise of powers properly belonging to one of these departments [from] exercis[ing] any functions, appertaining to either of the others. . . . " The Nevada Supreme Court has even declared the separation of powers to be "the most important single principle of government declaring and guaranteeing the liberties of the people. . . . '[T]here can be no liberty . . . if the power of judging be not separated from the legislative and executive powers. . . . Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would be the legislator: Were it joined to the executive power the judge might behave with all the violence of an oppressor'" (*Galloway* v. *Truesdell* (1967)). Gov. Guinn was asking the Court not only to take sides in a dispute between him and the legislature, but to order the legislature to pass a bill — essentially using the judiciary to co-opt the legislative functions for his own use.

In 1996, Nevada voters amended their constitution to require a two-thirds vote of both houses of the legislature to pass any bill increasing taxes.

"If the procedural two-thirds revenue vote requirement in effect denies the public its expectation of access to public education, then the two-thirds requirement must yield to the specific substantive educational right," Nevada's highest court ruled.

There were a variety of other problems with the governor's argument. The Nevada Constitution created a clearly defined procedure for passing the state's budget. In the 1995 U.S. Supreme Court case, *Clinton* v. *New York,* the Court explained that when the Constitution sets forth "a single, finely wrought mechanism" for passing bills, the legislature cannot seek clever ways to get around that procedure. Also, a classic rule of legal interpretation holds that later-enacted provisions are generally considered primary to earlier provisions, since they usually amend the earlier provisions. Here, the two-thirds requirement was the later amendment. Canons of interpretation also require the more specific provision to trump the more general. But the two-thirds provision was more specific.

Ignoring these objections, the Nevada Supreme Court granted the governor's petition on July 10. The constitutional two-thirds requirement, the Court held, was merely procedural, obstructing the substantive right to government-run schools, and could therefore be ignored. "The two-thirds majority requirement is a procedural requirement . . . by which legislative action is accomplished. . . . Public education is a right that the people, and the youth, of Nevada are entitled, through the Constitution, to access. If the procedural two-thirds revenue vote requirement in effect denies the public its expectation of access to public education, then the two-thirds requirement must yield to the specific substantive educational right."

The decision quickly made headlines. Law professor Eugene Volokh called it "one of the most appalling judicial decisions I've ever seen." *The Wall Street Journal* noted that the court had "ordered state legislators to violate the state constitution they have sworn to uphold." Within days, a spokesman for California governor Gray Davis announced that Davis was considering filing a similar lawsuit to end the budget impasse in Sacramento. (How far Davis will get with this plan remains to be seen; voters have petitioned to have

him recalled by public election, and most polls show that he will be removed from his position in September.)

The holdout legislators, meanwhile, were not ready to give up. They immediately filed suit in federal court, seeking a temporary restraining order on the grounds that the erasure of the two-thirds requirement violated their right to have their votes count, and their right to a republican form of government, guaranteed by the federal Constitution. Although that case was dismissed on procedural grounds, the legislators have also asked the Nevada Supreme Court to reconsider its July 10 ruling. If that request is denied, it's possible, though unlikely, that the U.S. Supreme Court will take the case, and revive the Republican Guarantee Clause from obscurity.

The Guarantee Clause was added at the suggestion of James Madison, who, months before the Constitutional Convention assembled, noted that among the weaknesses of the Articles of Confederation was the "want of Guaranty to the States of their Constitutions & laws against internal violence." Madison was primarily concerned with uprisings like Shays' Rebellion; differences in wealth, he argued, would create factions within the community, who would rally for "paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project." Sometimes, factions would overflow the political process, and try terrorism or subversion of the laws to get their way. Republics might be destroyed by the passions of the majority, or by an unusually powerful minority, undermining the state's fundamental laws. A guarantee from the federal government would help to protect the legitimate governments of the states.

At the Constitutional Convention, the clause became the center of a complicated debate. Some endorsed the provision, arguing that "[t]he object is merely to secure the States agst. dangerous commotions, insurrections and rebellions." But others pointed out that the federal government should not guarantee all the existing laws of some states, which might be objectionable. Madison suggested a compromise, "to substitute 'that the Constitutional authority of the States shall be guarantied to them respectively agst. domestic as well as foreign violence.'" Other delegates complained that guaranteeing existing state governments would interfere with the people's right to change their state constitutions. James Wilson proposed "that a Republican form of Governmt. shall be guarantied to each State & that each State shall be protected agst. foreign & domestic violence." This would allow states to change their constitutions lawfully (so long as they did not create non-republican forms of government) but would ensure states against internal lawlessness.

The Guarantee Clause therefore represents a careful balance, preserving state autonomy within bounds, but protecting states against *coups d'etat*. *The Federalist* explained that the clause would enable the federal government to prevent the overthrow of the states' republican forms of government even by the states' own legislatures. Alexander Hamilton wrote that it presented "no impediment to reforms of the State constitution by a majority of the people in a legal and peaceable mode." Rather, it would avert sudden and undemocratic alterations of a state's constitution:

> The guaranty could only operate against changes to be effected by violence. Towards the preventions of calamities of this kind, too many checks cannot be provided. The peace of society and the stability of government depend absolutely on the efficacy of the precautions adopted on this head. Where the whole power of the government is in the hands of the people, there is the less pretense for the use of violent remedies in partial or occasional distempers of the State. The natural cure for an ill-administration, in a popular or representative constitution, is a change of men. A guaranty by the national authority would be as much levelled against the usurpations of rulers as against the ferments and outrages of faction and sedition in the community.

More than half a century later, the U.S. Supreme Court considered its first case involving the Guarantee Clause. In *Luther* v. *Borden*, the Court held that it could not decide which of two rival governments of Rhode Island was the legitimate one. When "the people of the State . . . alter and change their form of government," said the Court, it is for Congress alone to determine whether their doing so violates the Guarantee Clause. Early in the last century, the Court came to view *Luther* as meaning that the courts could never enforce the clause. But that's not really what the Court said. And, in fact, in the decades following *Luther*, the Court took cases involving the Guarantee Clause, never suggesting that it was beyond the Court's power to hear such cases. In *Minor* v. *Happersett* (1874), for instance, the Court considered a Guarantee Clause challenge to laws which prohibited women from voting. (It held that such prohibitions did not violate the clause.) And in *Forsyth* v. *City of Hammond* (1897), it held the clause was not violated by a state law allowing cities to annex adjacent landowners without their consent.

But it was in two turn-of-the-century cases, *Duncan* v. *McCall* (1891) and *Taylor* v. *Beckham* (1900), that the Supreme Court devised some basic standards under the Guarantee Clause. In *Duncan*, a criminal defendant argued that the clause prohibited his conviction under a procedure that had not been promulgated by the Texas Legislature. The Court held that the clause had not been violated because the state's "legislative, executive, and judicial departments are peacefully operating by the orderly and settled methods prescribed by its fundamental law." The clause would be violated, said the Court, if a state suddenly and undemocratically altered its form of government, especially with regard to voting procedures:

> [T]he right of suffrage must be protected and its exercise prescribed by previous law, and the results ascertained by some certain rule. . . . [T]hrough its regulated exercise each man's power tells in the constitution of the government and in the enactment of laws. . . . [T]he people limit themselves in regard . . . to certain forms of the conduct of elections . . . [and] our liberty is the liberty secured by the regular action

Within days, a spokesman for California governor Gray Davis announced that Davis was considering filing a similar lawsuit to end the budget impasse in Sacramento.

continued on page 48

Tax Limits: What Works and What Doesn't

by Michael J. New

When California limited property taxes, it seemed like we'd found a way to limit the growth of government. But we hadn't counted on the guile of California's politicians. In Colorado, a different approach was tried.

This June 6 marked the 25th anniversary of California's Proposition 13, the crown jewel of the 1970s tax revolt. This is certainly an anniversary that conservatives and libertarians should celebrate, as Prop. 13 can boast of numerous accomplishments. It reduced property taxes in California by a staggering $8 billion. It launched a tidal wave of tax cuts that swept the nation and extended all the way to the nation's capital. Overall, Prop. 13 did a lot of good both in California and in the rest of the country.

Twenty-five years later, however, the fiscal situation in California has changed dramatically. State expenditures have soared and the state legislature is considering large tax increases to compensate for California's immense $35 billion shortfall. Evidence from California and elsewhere indicates that low taxes can only be maintained if spending is limited. Indeed, given the success of spending caps in Washington and Colorado during the 1990s, effective spending limits might well be the best strategy for advocates of limited government in the future.

A Good Beginning

Throughout the 1960s and 1970s, high property taxes were a persistent problem in California. During this time, Howard Jarvis' United Organization of Taxpayers (UOT) repeatedly attempted to place initiatives on the ballot in an effort to lower the property tax burden. In 1968, 1971, and 1976 their efforts stalled when they failed to obtain a sufficient number of signatures. However, in 1977 Jarvis teamed up with Paul Gann of People's Advocate. Together, they easily surpassed the 500,000 signatures necessary to get Proposition 13 on the ballot. Prop. 13 would limit property tax rates to 1 percent and property assessment increases to 2 percent a year.

Though it qualified for the ballot, the passage of Prop. 13 was hardly a sure thing. Indeed, many voters considered it too drastic, and for much of the spring polls showed the electorate was evenly split. However, in May, Jarvis and Gann received some unexpected good news. The county assessor's office in Los Angeles released its property assessments for the next fiscal year. The dramatic increases made headlines and shocked many homeowners. Indeed, the opposition never recovered from this setback and Proposition 13 passed by nearly a two-to-one margin.

The passage of Prop. 13 produced many favorable consequences both in California and across the country. First, it triggered an immediate $8 billion reduction in state and local property taxes. The importance of this should not be understated. Property taxes were soaring and newspapers were filled with stories of elderly residents who were forced to sell

their homes because their fixed incomes could not keep up with the property tax burden. In fact, according to data from the U.S. Census Bureau, California's tax burden was among the highest in the country before Prop. 13. However, after its passage, California's tax burden fell to 35th.

The tax cuts had a beneficial effect on California's economy. Like the rest of the country, California was mired in stagflation during the late 1970s. However, after the passage of Prop. 13, the economy began to expand. In fact, California's economic growth exceeded the national average and its unemployment rate fell from 8 percent to 6 percent in the first year following the enactment of Prop. 13. Furthermore, between 1978 and 1980, California was responsible for creating three out of every ten new jobs in the entire nation.

That economic boom had an effect that went far beyond creating jobs and employment for residents of California. It gave credence to the idea that tax cuts could help bolster economic growth. In fact, during the spring of 1978, *The Wall Street Journal* published editorials from a number of prominent economists who opposed Prop. 13 because they felt a large tax cut would hurt California's economy. However, the notion that tax cuts are economically beneficial is now solidly part of mainstream economic thinking.

Additionally, Prop. 13 demonstrated that even large tax cuts would not result in truly draconian cutbacks in vital state services. During the spring of 1978, Prop. 13 was opposed by special interests from across the political spectrum, ranging from unions, to corporations, to good government groups. Their primary argument was that the proposition would cripple vital state services. However, after its passage, the legislature allocated part of the state surplus to various local governments. While some real cutbacks in state and local services took place, it was nowhere near the disaster predicted by opponents of Prop. 13.

Finally, Proposition 13 also generated nationwide momentum for tax cuts. Now, most states did not have a surplus large enough to afford a tax cut of comparable magnitude. However, many states enacted a variety of tax cuts and tax limits in 1978 and 1979. Even President Carter and the Democrat-controlled Congress were motivated to reduce income taxes in the wake of Prop. 13. In fact, it's popularity may have made it easier for President Reagan to make the case for his tax-reduction package in 1981. Overall, Prop. 13 can boast of a number of great accomplishments in the short term.

Proposition 13 has been very successful at reducing taxes. But it's been less successful as a tax limit because the state government raised other taxes.

However, its long-term legacy is somewhat mixed, both in California and elsewhere.

One of the unfortunate long-term consequences of Proposition 13 is that for years after its passage, conservatives and libertarians invested considerable resources trying to sharply reduce property taxes in other states. Now, it is easy to see why many anti-tax activists focused on property taxes. They are typically paid in a lump sum and therefore tend to be more visible, and more unpopular, than other taxes. In fact, a few of these subsequent property tax reduction efforts were successful, with Massachusetts' Proposition 2 among the more prominent.

However, most of these other initiatives to cut property taxes failed. These failures occurred mostly in states that lacked the potent combination of skyrocketing taxes, a large surplus, and a recalcitrant legislature, which made Proposition 13 a reality in California. Indeed, Prop. 13 clones went down to defeat in a number of other states, including Michigan, Oregon, and Arizona. Considering the conservative mood of the times, somewhat more modest tax reduction proposals might have succeeded.

Even in California, the tax revolt has enjoyed something of a mixed long-term legacy. Proposition 13 should be thought of in two ways, first as a tax cut, second as a tax limit. It has been very successful at reducing taxes. But it's been less successful as a tax limit because the state government raised other taxes. In the years following the passage of Proposition 13, the state government has raised the income tax, the sales tax, and taxes on beer, wine, and cigarettes (Table 1). And in the early 1990s, Gov. Pete Wilson considered raising taxes on snack foods. This cycle of taxing and spending is the root cause of California's current fiscal mess. Indeed it seems that a strong limit on state spending might have preserved the tax reduction that occurred after the passage of Prop. 13.

Overall, between 1997 and 2002, Colorado has reduced taxes more than any other state, issuing annual tax rebates that have totaled more than $3.2 billion.

Table 1: Increasing Taxes in California

Item	1979	2000
Top Marginal Income Tax	10%	11%
Sales Tax	6%	8–9%
Cigarette Tax	$0.10	$0.87
Gas Tax	$0.07	$0.18
Beer Tax	$0.04	$0.20
Wine Tax	$0.01	$0.20

What Went Wrong?

It should be noted that in California there was a serious effort to place a cap on state spending. In 1979, Paul Gann, one of the co-authors of Proposition 13, gathered enough signatures to place Proposition 4 on the ballot. Prop. 4, which became known as the Gann Amendment, was a Tax and Expenditure Limitation (TEL), which restricted appropriations of tax revenues to the inflation rate plus population growth. TELs establish a cap on the amount that state expenditures or revenues can increase during any given fiscal year.

Given California's experience, it seems that spending restraint is necessary to preserve the fiscal gains that are made after tax reductions. One mechanism for insuring fiscal restraint is well-designed TELs.

TELs are nothing new. Indeed, in 1976, New Jersey was the first state to pass a TEL and currently 26 states have TELs on the books. Many academic studies have found TELs to be ineffective. However, that's because most TELs have limits that are too high. But in the 1990s, two states, Washington and Colorado, enacted TELs that establish especially low limits for expenditure growth.

Interestingly, Howard Jarvis, the author of Prop. 13, was ambivalent about Prop. 4. Jarvis was focused on reducing taxes — not spending — and he did not endorse Proposition 4 until the end of the campaign. Still, it passed by nearly a 2-to-1 margin. Indeed, in the years following its passage, Prop. 4 enjoyed some success at lowering the rate of growth in state spending in California. In 1987, when revenue exceeded the Gann limit, California taxpayers received tax rebates from the state government.

However, the long-term effectiveness of Proposition 4 was limited by two factors. First, it established a limit on appropriations from tax revenue, not overall appropriations. As a result, California began to rely on revenue from fees and other non-tax sources. More importantly, the Gann Amendment was effectively undermined when California voters passed Proposition 111 in 1990, which mandated increases in education funding from both state and local governments.

Proposition 111 also increased the Gann limit to pay for those increases in education spending. As a result, the Gann limit ceased to be a meaningful constraint on the size of state government in California. In fact, Lewis K. Uhler of the National Tax Limitation Committee, who helped draft Prop. 4, argues that if the state had kept within the Gann Limit, California's books would be balanced and the state would not currently be facing a $35 billion shortfall.

A Look at Washington State

In 1993, voters in Washington enacted Initiative-601, which limited the annual increase in state expenditures to the inflation rate plus population growth. This brought some success in limiting state spending. In the four years before I-601 took effect, spending increased an average of 17.3 percent a year. However, in the four years after I-601 was enacted, spending increased by only 8.6 percent a year. Because spending was held in check, surpluses accumulated. In 1998 and 1999, voters used those surpluses to first lower and then eliminate the car tax, saving taxpayers $1.4 billion.

Unfortunately, I-601 was statutory and not constitutional. As a result, in 2000 the state legislature was able to pass a budget in excess of the limit. The long-term effect of this on budgetary growth in the state of Washington remains to be seen.

Colorado's TABOR Success Story

The best example of a successful TEL is Colorado's Taxpayer Bill of Rights. During the late 1980s and early 1990s anti-tax activist Douglas Bruce tried to enact ballot initiatives to reduce taxes. After unsuccessful attempts in both 1988 and 1990, Bruce was finally successful in 1992 with the Taxpayer Bill of Rights (TABOR).

The Taxpayer Bill of Rights contains several features that have limited the growth of government and generated tax relief for Colorado taxpayers. TABOR limits expenditure growth to the inflation rate plus population growth, and mandates immediate refunds of surplus revenues to taxpayers. Furthermore, it is constitutional, not statutory, and thus, cannot be overturned by the legislature.

During the 1992 campaign, Gov. Roy Romer denounced TABOR, saying that defeating TABOR was the "moral equivalent of defeating the Nazis at the Battle of the Bulge."

Shortly after TABOR was enacted, state revenue began to exceed the expenditure limit that was mandated by TABOR. As a result, Colorado taxpayers were entitled to tax rebates. Overall, between 1997 and 2002, Colorado has reduced taxes more than any other state, issuing annual tax rebates that have totaled more than $3.2 billion.

Table 2: Total Tax Rebates Under TABOR

Year	Rebate
1997	$139 million
1998	$563 million
1999	$679 million
2000	$941 million
2001	$927 million
Total	$3.2 billion

While $3.2 billion sounds like a sizable reduction in taxes, how much relief does it provide to a typical taxpayer? Table 3 provides some insights. Overall, a Colorado resident who earned $30,000 a year between 1997 and 2002 would have received close to $900 in tax rebates from the state government. In contrast, during that same time span, this taxpayer would have received only a one-time rebate worth $300 from the federal government. Consequently, over the past five years, this Colorado resident would have received almost three times as much tax relief from the state government as from the federal government.

Table 3:
Annual Tax Rebates for a Colorado Resident Earning $30,000

Year	Federal Government	State Government
1997	—	$ 60
1998	—	195
1999	—	212
2000	—	245
2001	$300	187
Total	$300	$899

Even before TABOR was enacted, its political opposition sensed and feared its potency. *The New York Times* demonized it as the "most radical ballot initiative in the nation." During the 1992 campaign, Gov. Roy Romer denounced TABOR, saying that defeating TABOR was the "moral equivalent of defeating the Nazis at the Battle of the Bulge." He personally attacked TABOR's author, Douglas Bruce, calling him "a terrorist who would lob a hand grenade into a schoolyard full of children." Finally, Romer predicted that TABOR would result in an economic Armageddon and warned that the

continued on page 62

All Guns to the People

by William R. Tonso

Next year, the "assault gun" ban will sunset, and new high-capacity magazines and scary-looking rifles will be available once again. The Founding Fathers would applaud.

Imagine, if you will, what would have happened if last fall's sniper rampage in the D.C. area had occurred with Bill Clinton or Al Gore occupying the White House. Add a House and Senate controlled by the Democrats. To put it mildly, the mainstream-media-assisted drumbeat for more draconian gun controls would have been loud and continuous, and the controls likely would have been enacted. As it was, even the push for keeping a fired slug and cartridge on record as a "fingerprint" for each new gun as a means (that wouldn't work) of tracing guns used in crimes didn't get very far. Why?

The Bush administration has thus far been much more supportive of the Second Amendment than any recent administration and has given the media nothing to run with. After the gun issue played a significant role in the Republican takeover of both houses of Congress in 1994, and because of Al Gore's loss of states, such as his own Tennessee, that could have put him in the White House in 2000, many Democratic strategists see gun control as a losing proposition. The Sept. 11 terrorist attack drove home the point to many people that the government can't necessarily be relied upon to protect them, and inclined them not to support more restrictions on the acquisition of guns with which they could protect themselves.

But the gun issue is now back in the news because in September 2004 the bans passed in 1994 on "assault weapons" and large-capacity magazines will sunset. That means that the bans will expire unless Congress takes action to extend them or make them permanent. And the usual suspects are already back pushing for this to happen — Calif. Democratic senator Dianne Feinstein, the Senate sponsor of the original ban, and N. Y. Democratic senator Charles Schumer, who sponsored the ban when he was a member of the House. But they have apparently been joined by, of all people, President George W. Bush. Whether Bush, whose attorney general, John Ashcroft, has taken a strong pro-Second Amendment stand, actually supports the ban or is simply trying to keep the gun prohibitionists off of his back while he depends on the Republican Congress to keep the ban extension from getting to his desk, is not clear.

So here we go again! The same tired old arguments will be trotted out and uncritically passed on to the public by the mainstream media, entertainment as well as news, and they will all be grounded in the enlightened conventional wisdom on guns in establishment media, academic, and political circles. This conventional wisdom assumes (1) that sporting guns are less powerful than military firearms, and (2) that while civilians may have legitimate reasons for owning the former, they have none for owning the latter.

Conventional wisdom is wrong on both counts.

For most of our history, American civilians owned not only military small arms, but also sporting and defensive guns that were more powerful than the guns the military used at the time. And they did so with the unquestioned full blessing of the Second Amendment.

When Attorney General Ashcroft acknowledged that the Second Amendment guarantees an individual right to bear

arms, the mainstream press treated his position as a conservative one, when in fact, as David Kopel has noted, he was "simply returning to a position held by United States attorneys general before the administration of Lyndon Johnson." And the paper trail left by the Founders clearly indicates that the militia of the Second Amendment was grounded in a citizenry made up of individuals exercising what they considered to be their pre-constitutional, natural right to keep and bear arms. Richard Henry Lee wrote, "A militia, when properly formed, are in fact the people themselves, and include all men capable of bearing arms." And this from George Mason: "Who are the militia? They consist now of the whole people, except a few public Officers." Patrick Henry believed that "the great object is that every man be armed. Everyone who is able might have a gun." The Militia Act of 1792 considered all free white males of military age to be militiamen, and required them to own militarily useful firearms — a requirement not always met. It should be noted that according to U.S. Code Title 10, section 311(a), all able-bodied males between the ages of 17 and 45 who are citizens or have declared that they intend to become citizens are still members of the militia. The United States Supreme Court acknowledged all of this about the Founders' conception of the militia in *United States* v. *Miller* (1939), and stated "that ordinarily when called for service these men were *expected to appear bearing arms supplied by themselves and of the kind in common use at the time*" (emphasis added).

For most of our history, American civilians owned not only military small arms, but also sporting and defensive guns that were more powerful than the guns the military used at the time.

And statements by prominent Americans from the founding generation to the recent past make it clear why such a militia has long been considered necessary. Tench Coxe, a friend of Bill of Rights author James Madison, wrote: "As civil rulers, not having their duty to the people before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens, the people are confirmed by the next article in their right to keep and bear their *private* arms" (emphasis added). Richard Henry Lee agreed: "To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them." So did Noah Webster: "Before a standing army can rule, the people must be disarmed; as they are in almost every Kingdom of Europe. The supreme power in America cannot enforce unjust laws by the sword because the whole body of the people are armed." Also Elbridge Gerry: "What, sir, is the use of militia? It is to prevent the establishment of a standing army, the bane of liberty." And Joseph Story, Associate Justice of the United States from 1811 to 1845: "The right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of the republic; since it offers a strong moral check against usurpation and arbitrary power of the rulers; and will generally, even if these are successful in the first instance; enable the people to resist and triumph over them." Even the late Hubert H. Humphrey, the liberal Democrat senator and vice president, issued the following statement in 1959: "The right of citizens to bear arms is just one more guarantee against arbitrary government, one more safe-guard against tyranny which now appears remote in America, but which historically has proved to be always possible." And this from Judge Ronald M. Gould of the ultra-liberal 8th U.S. Circuit Court of Appeals in his recent rebuff of a fellow judge's "December dicta remarks about the meaning of the Second Amendment": "[T]he Second Amendment was designed by the Framers of our Constitution to safeguard our Nation not only in times of good government, such as we have enjoyed for generations, but also in the event, however unlikely, that our government or leaders would go bad. And it was designed to provide national security not only when our country is strong but also if it were to become weakened or otherwise subject to attack."

Judge Gould's comments are very timely, because the liberal Left, particularly since the Oklahoma City terrorist bombing and all the attention it brought to the militia movement, has demagogued against this "insurrectionist" interpretation of the amendment. How dare anyone suggest that American citizens would ever have to take up arms against their own government! And the American talk-radio Right, particularly since the terrorism of Sept. 11, is so enamored of our military and police forces that it apparently can't conceive of them ever being used to establish a tyranny. But as Gould implies, the amendment's purpose is to provide a means for the citizenry to protect itself *when things have gone very wrong.* While our government is not now tyrannical, is it really less likely to become so at some future date than it was in the early days of the republic? And can today's large professional military be trusted with advanced firearms, while civilians can't be trusted with them? What reason would we have to answer "yes" to either of these questions? The liberal establishment has long viewed the Constitution as an obstacle to its social engineering efforts. We now have exactly the kind of large professional military the Founders feared, and no one knows what impact the War on Terrorism will have on our civil liberties. In fact, even to voice such concerns since 9/11 is to risk earning the suspicion of the FBI's Joint Terrorism Task Force which reportedly has been cautioning law enforcement to look out for "defenders of the U.S. Constitution against the federal government and the UN." That's scary!

Those opponents of widespread gun ownership who acknowledge that the Founders did indeed intend that the citizenry be armed respond that what was acceptable and needed in the late 18th century is no longer acceptable or needed. The rapid-fire guns of today, they claim, are capable of doing far more damage than the single-shot muzzleloading muskets, rifles, and pistols used by both soldiers and civilians two centuries ago. They claim that civilians can't be trusted with these advanced guns, but that the armed agents of the government can be trusted with them. There are two glaring problems with this argument. The first problem is that it disregards the Founders' desire that the citizenry be armed as a check against the tyrannical tendencies of government and standing military forces.

The second problem with the argument is that it is grounded in phenomenal ignorance of the types of guns to which American citizens had easy access until recently. It's true that when the Second Amendment was written, the guns available to both soldiers and civilians were (with the exceptions of a few multi-barreled guns and a few guns that loaded from the breach) muzzleloading single shots. But even then, the Pennsylvania/Kentucky rifles favored by civilian frontiersmen were far more accurate over far greater ranges than were the smoothbore muskets used by the military. Muskets, which could also be owned by civilians, were cheaper to make and faster to load than rifles, however, and better fitted the battle tactics of the day. Those tactics had opposing armies march up to each other, fire several volleys at each other at close range, and then charge each other with bayonets. Rifles, however, were quite useful to the guerrilla fighters, snipers, and skirmishers who avoided head-on confrontations with troops set up in battle formations.

But while the guns known to the Founders were slow-loading devices, between the late 1830s and 1900, all of the technologies making rapid fire possible had been invented and made reasonably practical and convenient — revolvers, self-contained metallic cartridges, lever actions, pump actions, semiautomatics (one shot per trigger pull), and automatics (machine guns, which fire as long as the trigger is held back). Civilians who desired them and could afford them had access to guns using these technologies from the time their production began.

According to Wayne van Zwoll, of the 22,000 powerful .44-caliber Dragoon model revolvers produced by Colt between 1847 and 1861, only 9,380 were purchased by the government. From the late 1860s to the early 1890s, when most American soldiers were issued cartridge-firing but single-shot rifles, civilians had access not only to similar rifles but to rapid-fire, lever-action rifles with magazine capacities up to, in the case of the rare Evans, a staggering 34 rounds, though most capacities were in the middle teens. Army officers on the frontier often purchased these civilian "sporting" repeating rifles to carry on military campaigns. By the turn of the century, civilians could purchase several models of semiautomatic pistols manufactured by foreign and domestic companies, but our military didn't adopt a semiautomatic pistol until 1911. And our military didn't adopt a semiautomatic rifle until some 30 years after semiautomatic "sporting" rifles were introduced. Pump and semiautomatic shotguns used by the police for riot control and by the military for trench and jungle warfare are adaptations of civilian sporting guns. The cartridges for which practically all of our military rifles, shotguns, and pistols have been chambered have also been favorites for hunting, target shooting, and self defense, and none of them even approach the power of the most powerful cartridges available for hunting the largest and most dangerous game — elephants, cape buffalo, lions, tigers, and grizzly bears, among others.

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After our major wars, from the Civil War through Korea, and after our military's adoption of new service firearms, surplus military small arms have been sold off to the public at bargain prices. In the late 1940s, 5-shot, bolt-action, .30-06 1917 Enfields, our main battle rifle during World War I, could be purchased through the Army's Office of the Director of Civilian Marksmanship (DCM) for about $7.00 each. As late as the middle 1960s, World War II semiautomatic .30-caliber carbines, equipped with 15-round magazines but capable of using the fully automatic M-2 carbine's 30-round magazines, and semiautomatic .45-caliber pistols could be purchased from the DCM for about $20.00 each. Until passage of the Gun Control Act of 1968, surplus military rifles and pistols from around the world, even 20mm semiautomatic anti-tank rifles, as well as sporting guns of all types, could be purchased throughout most of America with no background checks or age restrictions.

We now have exactly the kind of large professional military the Founders feared, and no one knows what impact the War on Terrorism will have on our civil liberties.

Americans have long had easy and even government-encouraged access not only to modern military small arms, but to civilian guns with as much power as, or more power than, military firearms. In fact, until passage of the National Firearms Act (NFA) of 1934, the only things that restricted civilian access to machine guns were desire and cost. But it was the 1934 Act, the constitutionality of which is questionable since it restricts civilian access to guns with obvious militia utility, that would eventually lead to American infantrymen being issued guns with greater firepower than American civilians are allowed to possess. The NFA didn't ban the civilian possession of machine guns and other weapons (such as sawed-off rifles and shotguns) covered by the act. It did require owners of such guns to be cleared by local police chiefs or sheriffs after a background check, registration of the guns, payment of a $200 transfer tax to the federal government (a significant sum to everyone but the rich in 1934), and so forth.

When the NFA was passed, ordinary infantrymen carried 5-shot, bolt-action, .30-06 rifles (1903 Springfields), while officers and others carried 1911 .45-caliber semiautomatic pistols. The 1911 .45 was sold to civilians, who could also buy bolt-action rifles comparable to the military rifle as well as faster firing lever-action, pump, and semiautomatic sporting rifles. Portable automatic weapons, like the Thompson submachine gun and the Browning Automatic Rifle (BAR), had been developed, but weren't used by the military in large numbers until World War II. Even in that war, most American infantrymen were still issued rifles, by then the semiautomatic 8-shot M-I Garand. So even with the federal restrictions placed

on the civilian possession of fully automatic firearms, weaponry allowed the citizenry and its militia was still comparable to that issued to most individual infantrymen until 1957.

In 1957, our military adopted the 7.62x51mm M-14 rifle which has a 20-round magazine and can be fired selectively — automatically (as a machine gun) as well as semiautomatically — though the automatic feature was blocked on most M-14s because recoil made them difficult to control when so fired. Another selective-fire rifle, the milder recoiling 5.56x45mm M-16, which also uses a 20-round magazine, was adopted by our services in 1963 and finally replaced the M-14 in 1970. Many of the semiautomatic M-1 rifles replaced in service by these selective-fire rifles have been sold to civilians by the DCM or otherwise, as has been common practice throughout our national history when our military has adopted new guns. But surplus M-14s and M-16s, once the latter rifle is replaced, won't be sold to the public, because some M-14s and all M-16s can be fired not only semiautomatically but automatically, or in the case of later M-16s, burst fire (three shots per trigger pull). Civilian acquisition of such guns, therefore, is restricted not only by the 1934 NFA, but by 1986 federal legislation that put a halt to machine guns legally entering civilian circulation, and also by bans on the ownership of machine guns that several states have enacted. The soon-to-sunset 1994 legislation even banned the further civilian acquisition of civilian semiautomatic-only variations of automatic military firearms and detachable box magazines capable of holding more than ten rounds.

Our military didn't adopt a semiautomatic rifle until some 30 years after semiautomatic "sporting" rifles were introduced.

All of these restrictions, plus those on handgun ammunition that can penetrate body armor worn by the police (but in three decades has yet to kill a cop), fly in the face of the Second Amendment and American tradition. All these restrictions trust government over the citizenry. The paper trail they left makes clear that the Founders considered government to be a necessary evil, distrusted its armed agents, and saw an armed citizenry as a check against its tyrannical tendencies. During the 20th century alone, governments around the world have massacred at least 170 million of their own people, not counting war casualties, and the actions of our federal police at Ruby Ridge, Ida.. and Waco, Tex., though small scale, indicate that such things can happen here. Yet in not only ignoring the intentions of the Founders and our firearms tradition, but denying their existence, the gun prohibitionists in politics, academia, and the mainstream media would have us believe that we can trust only government, not ourselves, to protect us (whether from common criminals or terrorists), that only its agents have a right to arms, and that the citizenry has no need to possess the means of opposing government's armed agents or protecting itself from criminals or terrorists. *And note that not even talk-radio conservatives, let alone conservatives in government, have suggested that armed civilians, the real constitutional militia, be properly trained, organized, and enlisted in the war against terrorism as guards at bridges, water supplies, the borders, etc.* Ordinary Americans are encouraged to fight terrorism by continuing to travel and consume — and to stock up on duct tape and plastic sheeting.

So as the expirations of the bans on "assault weapons" and detachable magazines holding more than ten rounds approach, the gun prohibitionists will be out in full force using the sniper rampage, the terrorist threat, and any other tragic, gun-related event between now and then to push for making the bans permanent, or even expanding their scope. Those who support the expiration of the ban will be labeled extremists and, if not terrorists themselves, enablers of terrorists. The mainstream media, of course, will assist this demonization of those who dare to point out that the Second Amendment was intended to be the teeth of the Bill of Rights — a defense against tyranny.

It remains to be seen whether the Bush administration and the Republican-controlled Congress will continue to support the Second Amendment or cave in as they did on the "campaign-finance reform" that flew in the face of the First Amendment. The administration has its share of anti-Second Amendment types like Homeland Security head Tom Ridge (who opposed the arming of airline pilots), and they surely will oppose letting the bans expire. Even many who claim to support the Second Amendment tend to qualify that support by claiming that the amendment doesn't preclude "reasonable restrictions" on private gun ownership. Solicitor General Theodore Olson has acknowledged the administration's recognition of the individual's right to keep and bear arms, even apart from militia membership, but claims that right is "subject to 'reasonable restrictions' to prevent 'unfit persons' from obtaining firearms and *to limit the possessions of some types of weapons that are 'particularly suited to criminal misuse'*" (emphasis added).

Americans, until recent decades, commonly owned guns with as much firepower as, or more firepower than, those issued to soldiers. Because most people are unaware of this, it may be easy to convince members of this administration and the Republican-controlled Congress that the "assault weapon" and magazine bans are reasonable. Even conservative talk radio's Second Amendment supporters are often ignorant concerning guns. Rush Limbaugh once told a caller that there's no such thing as a semiautomatic — guns are either automatic or they aren't. So in order to, say, buy liberal support for a Bush-nominated federal judge, it might seem desirable to give in to an extension on these bans or make them permanent. On the other hand, the bans expire just before the 2004 election, and Democrats as well as Republicans know that anti-gun positions have been hurting politicians while pro-gun positions have been helping them. ❑

The mainstream media will assist in the demonization of those who dare to point out that the Second Amendment was intended to be the teeth of the Bill of Rights — a defense against tyranny.

The Conquest of the United States by Spain

by William Graham Sumner

The popular appeal of imperalism is not new. Neither is the way imperialism subverts America's tradition of limited govenment.

During the last year the public has been familiarized with descriptions of Spain and of Spanish methods of doing things until the name of Spain has become a symbol for a certain well-defined set of notions and policies. On the other hand, the name of the United States has always been, for all of us, a symbol for a state of things, a set of ideas and traditions, a group of views about social and political affairs. Spain was the first, for a long time the greatest, of the modern imperialistic states. The United States, by its historical origin, its traditions, and its principles, is the chief representative of the revolt and reaction against that kind of a state. I intend to show that, by the line of action now proposed to us, which we call expansion and imperialism, we are throwing away some of the most important elements of the American symbol and are adopting some of the most important elements of the Spanish symbol. We have beaten Spain in a military conflict, but we are submitting to be conquered by her on the field of ideas and policies. Expansionism and imperialism are nothing but the old philosophies of national prosperity which have brought Spain to where she now is. Those philosophies appeal to national vanity and national cupidity. They are seductive, especially upon the first view and the most superficial judgment, and therefore it cannot be denied that they are very strong for popular effect. They are delusions, and they will lead us to ruin unless we are hard-headed enough to resist them. In any case the year 1898 is a great landmark in the history of the United States. The consequences will not be all good or all bad, for such is not the nature of societal influences. They are always mixed of good and ill, and so it will be in this case. Fifty years from now the historian, looking back to 1898, will no doubt see, in the course which things will have taken, consequences of the proceedings of that year and of this present one which will not all be bad, but you will observe that that is not a justification for a happy-go-lucky policy; that does not affect our duty today in all that we do to seek wisdom and prudence and to determine our actions by the best judgment which we can form.

War, expansion, and imperialism are questions of statesmanship and of nothing else. I disregard all other aspects of them and all extraneous elements which have been intermingled with them. I received the other day a circular of a new educational enterprise in which it was urged that, on account of our new possessions, we ought now to devote especial study to history, political economy, and what is called political science. I asked myself, Why? What more reason is there for pursuing these studies now on behalf of our dependencies than there was before to pursue them on behalf of ourselves? In our proceedings of 1898 we made no use of whatever knowledge we had of any of these lines of study. The original and prime cause of the war was that it was a move of partisan tactics in the strife of parties at Washington. As soon as it seemed resolved upon, a number of interests

began to see their advantage in it and hastened to further it. It was necessary to make appeals to the public which would bring quite other motives to the support of the enterprise and win the consent of classes who would never consent to either financial or political jobbery. Such appeals were found in sensational assertions which we had no means to verify, in phrases of alleged patriotism, in statements about Cuba and the Cubans which we now know to have been entirely untrue.

Where was the statesmanship of all this? If it is not an established rule of statecraft that a statesman should never impose any sacrifices on his people for anything but their own interests, then it is useless to study political philosophy any more, for this is the alphabet of it. It is contrary to honest statesmanship to imperil the political welfare of the state for party interests. It was unstatesmanlike to publish a solemn declaration that we would not seize any territory, and especially to characterize such action in advance as "criminal aggression," for it was morally certain that we should come out of any war with Spain with conquered territory on our hands, and the people who wanted the war, or who consented to it, hoped that we should do so.

We talk about "liberty" all the time in a big and easy way, as if liberty was a thing that men could have if they want it, and to any extent to which they want it. It is certain that a very large part of human liberty consists simply in the choice either to do a thing or to let it alone. If we decide to do it, a whole series of consequences is entailed upon us in regard to which it is exceedingly difficult, or impossible, for us to exercise any liberty at all. The proof of this from the case before us is so clear and easy that I need spend no words upon it. Here, then, you have the reason why it is a rule of sound statesmanship not to embark on an adventurous policy. A statesman could not be expected to know in advance that we should come out of the war with the Philippines on our hands, but it belongs to his education to warn him that a policy of adventure and of gratuitous enterprise would be sure to entail embarrassments of some kind. What comes to us in the evolution of our own life and interests, that we must meet; what we go to seek which lies beyond that domain is a waste of our energy and a compromise of our liberty and welfare. If this is not sound doctrine, then the historical and social sciences have nothing to teach us which is worth any trouble.

The original and prime cause of the war was that it was a move of partisan tactics in the strife of parties at Washington. As soon as it seemed resolved upon, a number of interests began to see their advantage in it and hastened to further it.

There is another observation, however, about the war which is of far greater importance: that is, that it was a gross violation of self-government. We boast that we are a self-governing people, and in this respect, particularly, we compare ourselves with pride with older nations. What is the difference after all? The Russians, whom we always think of as standing at the opposite pole of political institutions, have self-government, if you mean by it acquiescence in what a little group of people at the head of the government agree to do. The war with Spain was precipitated upon us headlong, without reflection or deliberation, and without any due formulation of public opinion. Whenever a voice was raised in behalf of deliberation and the recognized maxims of statesmanship, it was howled down in a storm of vituperation and cant. Everything was done to make us throw away sobriety of thought and calmness of judgment and to inflate all expressions with sensational epithets and turgid phrases. It cannot be denied that everything in regard to the war has been treated in an exalted strain of sentiment and rhetoric very unfavorable to the truth. At present the whole periodical press of the country seems to be occupied in tickling the national vanity to the utmost by representations about the war which are extravagant and fantastic. There will be a penalty to be paid for all this. Nervous and sensational newspapers are just as corrupting, especially to young people, as nervous and sensational novels. The habit of expecting that all mental pabulum shall be highly spiced, and the corresponding loathing for whatever is soberly truthful, undermines character as much as any other vice. Patriotism is being prostituted into a nervous intoxication which is fatal to an apprehension of truth. It builds around us a fool's paradise, and it will lead us into errors about our position and relations just like those which we have been ridiculing in the case of Spain.

There are some now who think that it is the perfection of statesmanship to say that expansion is a fact and that it is useless to discuss it. We are told that we must not cross any bridges until we come to them; that is, that we must discuss nothing in advance, and that we must not discuss anything which is past because it is irretrievable. No doubt this would be a very acceptable doctrine to the powers that be, for it would mean that they were relieved from responsibility, but it would be a marvelous doctrine to be accepted by a self-governing people. Senator Foraker has told us that we are not to keep the Philippines longer than is necessary to teach the people self-government. How one man can tell what we are to do before the constitutional authorities have decided it, I do not know. Perhaps it is a detail in our new method of self-government. If his assurances are to be trusted, we are paying $20,000,000 for the privilege of tutoring the Tagals up to liberty and self-government. I do not believe that, if the United States undertakes to govern the islands, it will ever give them up except to superior force, but the weakening of imperialism shown by this gentleman's assurances, after a few days of mild debate in the Senate, shows that agitation of the subject is not yet in vain. Then again, if we have done anything, especially if we have acted precipitately, it is a well-recognized course of prudent behavior to find out where we are, what we have done, and what the new situation is into which we have come. Then, too, we must remember that when the statesman lays a thing down the historian takes it up, and he will group it with historical parallels and contrasts. There is a set of men who have always been referred to, in our Northern states, for the last thirty years, with especial disapproval. They are those Southerners who,

in 1861, did not believe in secession, but, as they said, "went with their states." They have been condemned for moral cowardice. Yet within a year it has become almost a doctrine with us that patriotism requires that we should hold our tongues while our interests, our institutions, our most sacred traditions, and our best established maxims have been trampled underfoot. There is no doubt that moral courage is the virtue which is more needed than any other in the modern democratic state, and that truckling to popularity is the worst political vice. The press, the platform, and the pulpit have all fallen under this vice, and there is evidence that the university also, which ought to be the last citadel of truth, is succumbing to it likewise. I have no doubt that the conservative classes of this country will yet look back with great regret to their acquiescence in the events of 1898 and the doctrines and precedents which have been silently established. Let us be well assured that self-government is not a matter of flags and Fourth of July orations, nor yet of strife to get offices. Eternal vigilance is the price of that as of every other political good. The perpetuity of self-government depends on the sound political sense of the people, and sound political sense is a matter of habit and practice. We can give it up and we can take instead pomp and glory. That is what Spain did. She had as much self-government as any country in Europe at the beginning of the sixteenth century. The union of the smaller states into one big one gave an impulse to her national feeling and national development. The discovery of America put into her hands the control of immense territories. National pride and ambition were stimulated. Then came the struggle with France for world-dominion, which resulted in absolute monarchy and bankruptcy for Spain. She lost self-government and saw her resources spent on interests which were foreign to her, but she could talk about an empire on which the sun never set and boast of her colonies, her gold-mines, her fleets and armies and debts. She had glory and pride, mixed, of course, with defeat and disaster, such as must be experienced by any nation on that course of policy; and she grew weaker in her industry and commerce and poorer in the status of the population all the time. She has never been able to recover real self-government yet. If we Americans believe in self-government, why do we let it slip away from us? Why do we barter it away for military glory as Spain did?

We talk about "liberty" all the time in a big and easy way, as if liberty was a thing that men could have if they want it, and to any extent to which they want it.

There is not a civilized nation which does not talk about its civilizing mission just as grandly as we do. The English, who really have more to boast of in this respect than anybody else, talk least about it, but the Phariseeism with which they correct and instruct other people has made them hated all over the globe. The French believe themselves the guardians of the highest and purest culture, and that the eyes of all mankind are fixed on Paris, whence they expect oracles of thought and taste. The Germans regard themselves as charged with a mission, especially to us Americans, to save us from egoism and materialism. The Russians, in their books and newspapers, talk about the civilizing mission of Russia in language that might be translated from some of the finest paragraphs in our imperialistic newspapers. The first principle of Mohammedanism is that we Christians are dogs and infidels, fit only to be enslaved or butchered by Moslems. It is a corollary that wherever Mohammedanism extends it carries, in the belief of its votaries, the highest blessings, and that the whole human race would be enormously elevated if Mohammedanism should supplant Christianity everywhere. To come, last, to Spain, the Spaniards have, for centuries, considered themselves the most zealous and self-sacrificing Christians, especially charged by the Almighty, on this account, to spread true religion and civilization over the globe. They think themselves free and noble, leaders in refinement and the sentiments of personal honor, and they despise us as sordid money-grabbers and heretics. I could bring you passages from peninsular authors of the first rank about the grand role of Spain and Portugal in spreading freedom and truth. Now each nation laughs at all the others when it observes these manifestations of national vanity. You may rely upon it that they are all ridiculous by virtue of these pretensions, including ourselves. The point is that each of them repudiates the standards of the others, and the outlying nations, which are to be civilized, hate all the standards of civilized men. We assume that what we like and practice, and what we think better, must come as a welcome blessing to Spanish-Americans and Filipinos. This is grossly and obviously untrue. They hate our ways. They are hostile to our ideas. Our religion, language, institutions, and manners offend them. They like their own ways, and if we appear amongst them as rulers, there will be social discord in all the great departments of social interest. The most important thing which we shall inherit from the Spaniards will be the task of suppressing rebellions. If the United States takes out of the hands of Spain her mission, on the ground that Spain is not executing it well, and if this nation in its turn attempts to be school-mistress to others, it will shrivel up into the same vanity and self-conceit of which Spain now presents an example. To read our current literature one would think that we were already well on the way to it. Now, the great reason why all these enterprises which begin by saying to somebody else, We know what is good for you better than you know yourself and we are going to make you do it, are false and wrong is that they violate liberty; or, to turn the same statement into other words, the reason why liberty, of which we Americans talk so much, is a good thing is that it means

At present the whole periodical press of the country seems to be occupied in tickling the national vanity to the utmost by representations about the war which are extravagant and fantastic.

leaving people to live out their own lives in their own way, while we do the same. If we believe in liberty, as an American principle, why do we not stand by it? Why are we going to throw it away to enter upon a Spanish policy of dominion and regulation?

The United States cannot be a colonizing nation for a long time yet. We have only twenty-three persons to the square mile in the United States without Alaska. The country can multiply its population by thirteen; that is, the population could rise above a billion before the whole country would be as densely populated as Rhode Island is now. There is, therefore, no pressure of population, which is the first condition of rational expansion, unless we could buy another territory like the Mississippi Valley with no civilized population in it. If we could do that it would postpone the day of overpopulation still further, and make easier conditions for our people in the next generations. In the second place, the islands which we have taken from Spain never can be the residence of American families, removing and settling to make their homes there. The climatic conditions forbid it. Although Spaniards have established themselves in Spanish America, even in the tropics, the evils of Spanish rule have largely arisen from the fact that Spaniards have gone to the colonies as adventurers, eager to make fortunes as quickly as possible, that they might return to Spain to enjoy them. That the relation of our people to these possessions will have that character is already apparent. It is, therefore, inaccurate to speak of a colonial system in describing our relation to these dependencies, but as we have no other term, let us use this one and inquire *what kind of a colonial system we are to establish.*

I. Spain stands, in modern history, as the first state to develop and apply a colonial system to her outlying possessions. Her policy was to exclude absolutely all non-Spaniards from her subject territories and to exploit them for the benefit of Spain, without much regard for the aborigines or the colonists. The cold and unnecessary cruelty of the Spaniards to the aborigines is appalling, even when compared with the treatment of the aborigines by other Europeans. A modern economist stands aghast at the economic measures adopted by Spain, as well in regard to her domestic policy as to her colonies. It seems as if those measures could only have been inspired by some demon of folly, they were so destructive to her prosperity. She possesses a large literature from the last three centuries, in which her publicists discuss with amazement the question whether it was a blessing or a curse to get the Indies, and why, with all the supposed conditions of prosperity in her hands, she was declining all the time. We now hear it argued that she is well rid of her colonies, and that, if she will devote her energies to her internal development and rid her politics of the corruption of colonial officials and interests, she may be regenerated. That is a rational opinion. It is the best diagnosis of her condition and the best prescription of a remedy which the occasion has called forth. But what, then, will happen to the state which has taken over her colonies? I can see no answer except that that nation, with them has taken over the disease and that it now is to be corrupted by exploiting dependent communities just as she has been. That it stands exposed to this danger is undeniable.

It has become almost a doctrine with us that patriotism requires that we should hold our tongues while our interests, our institutions, our most sacred traditions, and our best established maxims have been trampled underfoot.

If we Americans believe in self-government, why do we let it slip away from us? Why do we barter it away for military glory?

It would not be becoming to try, in a paragraph, to set forth the causes of the decadence of Spain, and although the economic history of that country has commanded such attention from me as I could give to it consistently with other obligations, yet I could not feel prepared to do any justice to that subject; but one or two features of the history can be defined with confidence, and they are such as are especially instructive for us.

In the first place Spain never intended, of set purpose, to ruin the material prosperity of herself or her colonies. Her economic history is one long lesson to prove that any prosperity policy is a delusion and a path to ruin. There is no economic lesson which the people of the United States need to take to heart more than that. In the second place the Spanish mistakes arose, in part, from confusing the public treasury with the national wealth. They thought that, when gold flowed into the public treasury, that was the same as an increase of wealth of the people. It really meant that the people were bearing the burdens of the imperial system and that the profits of it went into the public treasury; that is, into the hands of the king. It was no wonder, then, that as the burdens grew greater the people grew poorer. The king spent the revenues in extending the imperial system in Germany, Italy, and the Netherlands, so that the revenues really became a new cause of corruption and decay. The only people who were well off, in the midst of the increasing distress, were the ecclesiastics and nobles, who were protected by entails and charters, which, in their turn, were a new cause of restriction and destruction to the industries of the country. As to the treatment of the aborigines in the outlying possessions of Spain, the orders from the home government were as good as could possibly be desired. No other European government issued any which were nearly so enlightened or testified to such care about that matter. Spanish America is still covered with institutions founded by Spain for the benefit of the aborigines, so far as they have not been confiscated or diverted to other uses. Nevertheless the Spanish rule nearly exterminated the aborigines in one hundred and fifty years. The Pope gave them into servitude to the Spaniards. The Spaniards regarded them as savages, heretics, beasts, not entitled to human consideration. Here you have the great explanation of man's inhumanity to man. When Spaniards

tortured and burned Protestants and Jews it was because, in their minds, Protestants and Jews were heretics; that is to say, were beyond the pale, were abominable, were not entitled to human consideration. Humane men and pious women felt no more compunctions at the sufferings of Protestants and Jews than we would at the execution of mad dogs or rattlesnakes. There are plenty of people in the United States today who regard negroes as human beings, perhaps, but of a different order from white men, so that the ideas and social arrangements of white men cannot be applied to them with propriety. Others feel the same way about Indians. This attitude of mind, wherever you meet with it, is what causes tyranny and cruelty. It is this disposition to decide off-hand that some people are not fit for liberty and self-government which gives relative truth to the doctrine that all men are equal, and inasmuch as the history of mankind has been one long story of the abuse of some by others, who, of course, smoothed over their tyranny by some beautiful doctrines of religion, or ethics, or political philosophy, which proved that it was all for the best good of the oppressed, therefore the doctrine that all men are equal has come to stand as one of the corner-stones of the temple of justice and truth. It was set up as a bar to just this notion that we are so much better than others that it is liberty for them to be governed by us.

The Americans have been committed from the outset to the doctrine that all men are equal. We have elevated it into an absolute doctrine as a part of the theory of our social and political fabric. It has always been a domestic dogma in spite of its absolute form, and as a domestic dogma it has always stood in glaring contradiction to the facts about Indians and negroes and to our legislation about Chinamen. In its absolute form it must, of course, apply to Kanakas, Malays, Tagals, and Chinese just as much as to Yankees, Germans, and Irish. It is an astonishing event that we have lived to see American arms carry this domestic dogma out where it must be tested in its application to uncivilized and half-civilized peoples. At the first touch of the test we throw the doctrine away and adopt the Spanish doctrine. We are told by all the imperialists that these people are not fit for liberty and self-government; that it is rebellion for them to resist our beneficence; that we must send fleets and armies to kill them if they do it; that we must devise a government for them and administer it ourselves; that we may buy them or sell them as we please, and dispose of their "trade" for our own advantage. What is that but the policy of Spain to her dependencies? What can we expect as a consequence of it? Nothing but that it will bring us where Spain is now.

But then, if it is not right for us to hold these islands as dependencies, you may ask me whether I think that we ought to take them into our Union, at least some of them, and let them help to govern us. Certainly not. If *that* question is raised, then the question whether they are, in our judgment, fit for self-government or not is in order. The American people, since the Civil War, have to a great extent lost sight of the fact that this state of ours, the United States of America, is a confederated state of a very peculiar and artificial form. It is not a state like the states of Europe, with the exception of Switzerland. The field for dogmatism in our day is not theology, it is political philosophy. "Sovereignty" is the most abstract and metaphysical term in political philosophy. Nobody can define it. For this reason it exactly suits the purposes of the curbstone statesman. He puts into it whatever he wants to get out of it again, and he has set to work lately to spin out a proof that the United States is a great imperialistic state, although the Constitution, which tells us just what it is and what it is not, is there to prove the contrary.

The thirteen colonies, as we all know, were independent commonwealths with respect to each other. They had little sympathy and a great deal of jealousy. They came into a union with each other upon terms which were stipulated and defined in the Constitution, but they united only unwillingly and under the pressure of necessity. What was at first only a loose combination or alliance has been welded together into a great state by the history of a century. Nothing, however, has altered that which was the first condition of the Union; *viz.*, that all the states members of it should be on the same plane of civilization and political development; that they should all hold the same ideas, traditions, and political creed; that their social standards and ideals should be such as to maintain cordial sympathy between them. The Civil War arose out of the fact that this condition was imperfectly fulfilled. At other times actual differences in standpoint and principle, or in ideals and opinion, have produced discord within the confederation. Such crises are inevitable in any confederated state. It is the highest statesmanship in such a system to avoid them, or smooth them over, and above all, never to take in voluntarily any heterogeneous elements. The prosperity of such a state depends on closer and closer sympathy between the parts in order that differences which arise may be easily harmonized. What we need is more intension, not more extension.

It follows, then, that it is unwise to take into a State like this any foreign element which is not congenial to it. Any such element will act as a solvent upon it. Consequently we are brought by our new conquests face to face with this dilemma: we must either hold them as inferior possessions, to be ruled and exploited by us after the fashion of the old colonial system, or we must take them in on an equality with ourselves, where they will help to govern us and to corrupt a political system which they do not understand and in which they cannot participate. From that dilemma there is no escape except to give them independence and to let them work out their own salvation or go without it. Haiti has been independent for a century and has been a theater of revolution, tyranny, and bloodshed all the time. There is not a Spanish-American state which has proved its capacity for

"Watch this — I've taught him how to shake hands."

self-government as yet. It is a fair question whether any one of them would have been worse off than it is to-day if Spanish rule had been maintained in it. The chief exception is Mexico. Mr. Lummis, an American, has recently published a book in which he tells us that we would do well to go to school to Mexico for a number of important public interests, but Mexico has been, for ten or fifteen years under a dictator, and the republican forms have been in abeyance. What will happen there when the dictator dies nobody knows. The doctrine that we are to take away from other nations any possessions of theirs which we think that we could manage better than they are managing them, or that we are to take in hand any countries which we do not think capable of self-government, is one which will lead us very far. With that doctrine in the background, our politicians will have no trouble to find a war ready for us the next time that they come around to the point where they think that it is time for us to have another. We are told that we must have a big army hereafter. What for; unless we propose to do again by and by what we have just done? In that case our neighbors have reason to ask themselves whom we will attack next. They must begin to arm, too, and by our act the whole Western world is plunged into the distress under which the Eastern world is groaning. Here is another point in regard to which the conservative elements in the country are making a great mistake to allow all this militarism and imperialism to go on without protest. It will be established as a rule that, whenever political ascendancy is threatened, it can be established again by a little war, filling the minds of the people with glory and diverting their attention from their own interests. Hard-headed old Benjamin Franklin hit the point when, referring back to the days of Marlborough, he talked about the "pest of glory." The thirst for glory is an epidemic which robs a people of their judgment, seduces their vanity, cheats them of their interests, and corrupts their consciences.

We are told by all the imperialists that it is rebellion for these people to resist our beneficence; that we must devise a government for them and administer it ourselves.

This country owes its existence to a revolt against the colonial and navigation system which, as I have said, Spain first put in practice. The English colonial system never was even approximately so harsh and tyrannical as that of Spain. The first great question which arose about colonies in England was whether they were parts of the possessions of the king of England or part of the dominion of the crown. The constitutional difference was great. In the one case they were subject to the king and were not under the constitutional guarantees; in the other case they were subject to the Parliament and were under the constitutional guarantees. This is exactly the same question which arose in the middle of this century in this country about territories, and which helped to bring on the Civil War. It is already arising again. It is the question whether the Constitution of the United States extends over all men and territory owned by the United States, or whether there are to be grades and planes of rights for different parts of the dominions over which our flag waves. This question already promises to introduce dissensions amongst us which will touch the most vital elements in our national existence.

The constitutional question, however, goes even deeper than this. Of the interpretation of clauses in the Constitution I am not competent to speak, but the Constitution is the organic law of this confederated state in which we live, and therefore it is the description of it as it was planned and as it is. The question at stake is nothing less than the integrity of this state in its most essential elements. The expansionists have recognized this fact by already casting the Constitution aside. The military men, of course, have been the first to do this. It is of the essence of militarism that under it military men learn to despise constitutions, to sneer at parliaments, and to look with contempt on civilians. Some of the imperialists are not ready to go quite so fast as yet. They have remonstrated against the military doctrine, but that only proves that the military men see the point at issue better than the others do. Others say that if the legs of the Constitution are too short to straddle the gulf between the old policy and the new, they can be stretched a little, a view of the matter which is as flippant as it is in bad taste. It would require too much time to notice the various contemptuous and jaunty references to the Constitution which every day brings to our notice, and from the same class, at least, who, two years ago, were so shocked at a criticism of the *interpretation* of the Constitution which was inserted in the Chicago platform.

The question of imperialism, then, is the question whether we are going to give the lie to the origin of our own national existence by establishing a colonial system of the old Spanish type, even if we have to sacrifice our existing civil and political system to do it. I submit that it is a strange incongruity to utter grand platitudes about the blessings of liberty, etc., which we are going to impart to these people, and to begin by refusing to extend the Constitution over them, and still more, by throwing the Constitution into the gutter here at home. If you take away the Constitution, what is American liberty and all the rest? Nothing but a lot of phrases.

The reason why liberty, of which we Americans talk so much, is a good thing is that it means leaving people to live out their own lives in their own way, while we do the same.

Some will answer me that they do not intend to adopt any Spanish colonial system; that they intend to imitate the modern English policy with respect to colonies. The proudest fact in the history of England is that, since the Napoleonic wars, she has steadily corrected abuses, amended her institutions, redressed grievances, and so has made her recent history a story of amelioration of all her institutions, social, political, and civil. To do this she has had to overcome old traditions, established customs, vested rights, and all the

other obstacles which retard or prevent social improvement. The consequence is that the traditions of her public service, in all its branches, have been purified, and that a body of men has grown up who have a noble spirit, high motives, honorable methods, and excellent standards. At the same time the policy of the country has been steadily growing more and more enlightened in regard to all the great interests of society. These triumphs of peace are far greater than any triumphs of war. It takes more national grit to correct abuses than to win battles. England has shown herself very willing indeed to learn from us whatever we could teach, and we might learn a great deal from her on matters far more important than colonial policy. Her reform of her colonial policy is only a part, and perhaps a consequence, of the improvements made elsewhere in her political system.

We have had some experience this last summer in the attempt to improvise an army. We may be very sure that it is equally impossible to improvise a colonial system. The present English colonial system is aristocratic.

It depends upon a large body of specially trained men, acting under traditions which have become well established, and with a firm *esprit de corps*. Nobody can get into it without training. The system is foreign to our ideas, tastes, and methods. It would require a long time and radical changes in our political methods, which we are not as yet at all disposed to make, to establish any such thing here, and then it would be an imitation. Moreover, England has three different colonial systems, according to the development of the resident population in each colony or dependency, and the selection of the one of these three systems which we will adopt and apply involves all the difficulties which I have been discussing.

There is, however, another objection to the English system. A great many people talk about the revenue which we are to get from these possessions. If we attempt to get any revenues from them we shall repeat the conduct of England towards her colonies against which they revolted. England claimed that it was reasonable that the colonies should pay their share of imperial expenses which were incurred for the benefit of all. I have never been able to see why that was not a fair demand. As you know, the colonies spurned it with indignation, on the ground that the taxation, being at the discretion of a foreign power, *might* be made unjust. Our historians and publicists have taught us that the position of the colonists was right and heroic, and the only one worthy of freemen. The revolt was made on the *principle* of no taxation, not on the size of the tax. The colonists would not pay a penny. Since that is so, we cannot get a penny of revenue from the dependencies, even for their fair share of imperial expenditures, without burning up all our histories, revising all the great principles of our heroic period, repudiating our great men of that period, and going over to the Spanish doctrine of taxing dependencies at the discretion of the governing State. Already one of these dependencies is in arms struggling for liberty against us. Read the threats of the imperialists against these people, who dare to rebel against us, and see whether I am misstating or exaggerating the corruption of imperialism on ourselves. The question is once more, whether we are prepared to repudiate the principles which we have been insisting on for one hundred and fifty years, and to embrace those of which Spain is the oldest and most conspicuous representative, or not.

In regard to this matter of taxation and revenue, the present English colonial system is as unjust to the mother-country as the old system was to the colonies, or more so. The colonies now tax the mother-country. She pays large expenses for their advantage, for which they return nothing. They set up tax barriers against her trade with them. I do not

The thirst for glory is an epidemic which robs a people of their judgment, seduces their vanity, cheats them of their interests, and corrupts their consciences.

believe that the United States will ever consent to any such system, and I am clear in the opinion that they never ought to. If the colonies ought not to be made tributary to the mother-country, neither ought the mother-country to be made tributary to them. The proposition to imitate England's colonial policy is evidently made without the necessary knowledge of what it means, and it proves that those who thrust aside prudent objections by declaring off-hand that we will imitate England have not any serious comprehension of what it is that they propose to us to do.

The conclusion of this branch of the subject is that it is fundamentally antagonistic to our domestic system to hold dependencies which are unfit to enter into the Union. Our system cannot be extended to take them in or adjusted to them to keep them out without sacrificing its integrity. If we take in dependencies which, as we now agree, are not fit to come in as states, there will be constant political agitation to admit them as states, for such agitation will be fomented by any party which thinks that it can win votes in that way. It was an enormous blunder in statecraft to engage in a war which was sure to bring us into this predicament.

II. It seems as if this new policy was destined to thrust a sword into every joint in our historical and philosophical system. Our ancestors revolted against the colonial and navigation system, but as soon as they got their independence, they fastened a navigation system on themselves. The consequence is that our industry and commerce are today organized under a restrictive system which is the direct offspring of the old Spanish restrictive system, and is based on the same ideas of economic policy; *viz.*, that statesmen can devise a prosperity policy for a country which will do more for it than a spontaneous development of the energy of the people and the resources of the territory would do. On the other hand, inside of the Union we have established the grandest experiment in absolute free trade that has ever existed. The combination of the two is not new, because it is just what Colbert tried in France, but it is original here and is an interesting result of the presence in men's minds of two opposite philosophies, the adjustment of which has never yet been fought out. The extension of our authority over these new territories forces the inconsistency between our internal and our external policy out of the field of philosophy into that of practical politics. Wherever the boundary line of the national system falls we have one rule inside of it and

another outside of it. Are the new territories to be taken inside or to be treated as outside? If we develop this dilemma, we shall see that it is of the first importance.

If we treat the dependencies as inside the national system, we must have absolute free trade with them. Then if, on the policy of the "open door," we allow all others to go to them on the same terms as ourselves, the dependencies will have free trade with all the world, while we are under the restrictive system ourselves. Then, too, the dependencies can obtain no revenues by import duties.

If we take the other branch of the dilemma and treat the dependencies as outside of our national policy, then we must shut out their products from our market by taxes. If we do this on the policy of the "open door," then any taxes which the islands lay upon imports from elsewhere they must also lay upon imports from us. Then they and we will be taxing each other. If we go upon the protectionist policy, we shall determine our taxes against them and theirs against other nations, and we shall let them lay none against us. That is exactly the Spanish system. Under it the colonies will be crushed between the upper and the nether millstone. They will revolt against us for just the same reason for which they revolted against Spain.

I have watched the newspapers with great interest for six months, to see what indications were presented of the probable currents of opinion on the dilemma which I have described. There have been but few. A few extreme protectionist newspapers have truculently declared that our protective system was to be extended around our possessions, and that everybody else was to be excluded from them. From a number of interviews and letters, by private individuals, I select the following as expressing well what is sure to be the view of the unregenerate man, especially if he has an interest to be protected as this writer had.

"I am opposed to the 'open door' policy, as I understand it. To open the ports of our new territories free to the world would have the effect of cheapening or destroying many of the benefits of territorial acquisition, which has cost us blood and money. As a nation we are well qualified to develop and handle the trade of our new possessions, and by permitting others to come in and divide the advantages and profits of this trade we not only wrong our own citizens, who should be given preference, but exhibit a weakness that ill becomes a nation of our prominence."

This is exactly the view which was held in Spain, France, Holland, and England in the eighteenth century, and upon which the navigation system, against which our fathers revolted, was founded. If we adopt this view we may count upon it that we shall be embroiled in constant wars with other nations, which will not consent that we should shut them out of parts of the earth's surface until we prove that we can do it by force. Then we shall be parties to a renewal of all the eighteenth century wars for colonies, for supremacy on the sea, for "trade," as the term is used, for world supremacy, and for all the rest of the heavy follies from which our fathers fought to free themselves. That is the policy of Russia and France at the present time, and we have before our eyes proofs of its effect on the peace and welfare of mankind.

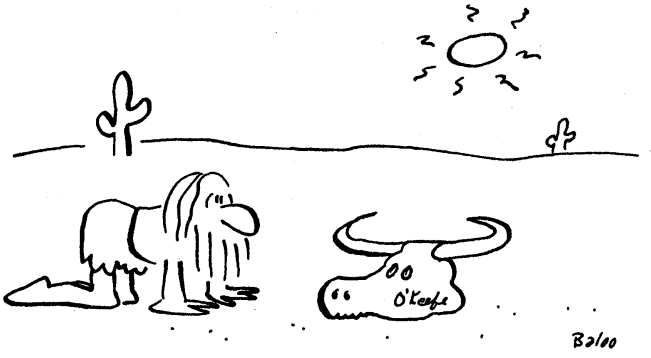

Our modern protectionists have always told us that the object of their policy is to secure the home market. They have pushed their system to an extravagant excess. The free traders used to tell them that they were constructing a Chinese wall. They answered that they wished we were separated from other nations by a gulf of fire. Now it is they who are crying out that they are shut in by a Chinese wall. When we have shut all the world out, we find that we have shut ourselves in. The protective system is applied especially to certain selected lines of production. Of course these are stimulated out of proportion to the requirements of the community, and so are exposed to sharp fluctuations of high profits and over-production. At great expense and loss we have carried out the policy of the home market, and now we are called upon at great expense and loss to go out and conquer territory in order to widen the market. In order to have trade with another community the first condition is that we must produce what they want and they must produce what we want. That is the economic condition. The second condition is that there must be peace and security and freedom from arbitrary obstacles interposed by government. This is the political condition. If these conditions are fulfilled, there will be trade, no matter whether the two communities are in one body politic or not. If these conditions are not fulfilled, there will be no trade, no matter what flag floats. If we want more trade we can get it any day by a reciprocity treaty with Canada, and it will be larger and more profitable than that of all the Spanish possessions. It will cost us nothing to get it. Yet while we were fighting for Puerto Rico and Manila, and spending three or four hundred millions to get them, negotiations with Canada failed through the narrow-mindedness and bigotry which we brought to the negotiation. Conquest can do nothing for trade except to remove the political obstacles which the conquered could not, or would not, remove. From this it follows that the only justification for territorial extension is the extension of free and enlightened policies in regard to commerce. Even then extension is an irksome necessity. The question always is, whether you are taking an asset or a liability. Land grabbing means properly taking territory and shutting all the rest of the world out of it, so as to exploit it ourselves. It is not land grabbing to take it and police it and throw it open to all. This is the policy of the "open door." Our external commercial policy is, in all its principles, the same as that of Spain. We had no justification, on that ground, in taking anything away from her. If we now seek to justify ourselves, it must be by going over to the free policy; but, as I have shown, that forces to a crisis the contradiction between our domestic and our external policy as to trade. It is very probable, indeed, that the destruction of our

restrictive system will be the first good result of expansion, but my object here has been to show what a network of difficulties environ us in the attempt to establish a commercial policy for these dependencies. We have certainly to go through years of turmoil and political bitterness, with all the consequent chances of internal dissension, before these difficulties can be overcome.

III. Another phenomenon which deserves earnest attention from the student of contemporaneous history and of the trend of political institutions is the failure of the masses of our people to perceive *the inevitable effect of imperialism on democracy*. On the twenty-ninth of last November [1898] the Prime Minister of France was quoted in a cable dispatch as follows: "For twenty-eight years we have lived under a contradiction. The army and democracy subsist side by side. The maintenance of the traditions of the army is a menace to liberty, yet they assure the safety of the country and its most sacred duties."

Some people say that if the legs of the Constitution are too short to straddle the gulf between the old policy and the new, they can be stretched a little, a view of the matter which is as flippant as it is in bad taste.

That antagonism of democracy and militarism is now coming to a crisis in France, and militarism is sure to win, because the French people would make any other sacrifice rather than diminish their military strength. In Germany the attempt has been going on for thirty years to establish constitutional government with parliamentary institutions. The parts of the German system are at war with each other. The Emperor constantly interferes with the operation of the system and utters declarations which are entirely personal. He is not responsible and cannot be answered or criticized. The situation is not so delicate as in France, but it is exceedingly unstable. All the desire of Germans for self-government and civil liberty runs out into socialism, and socialism is repressed by force or by trickery. The conservative classes of the country acquiesce in the situation while they deplore it. The reason is because the Emperor is the war lord. His power and authority are essential to the military strength of the State in face of its neighbors. That is the preponderating consideration to which everything else has to yield, and the consequence of it is that there is today scarcely an institution in Germany except the army.

Everywhere you go on the continent of Europe at this hour you see the conflict between militarism and industrialism. You see the expansion of industrial power pushed forward by the energy, hope, and thrift of men, and you see the development arrested, diverted, crippled, and defeated by measures which are dictated by military considerations. At the same time the press is loaded down with discussions about political economy, political philosophy, and social policy. They are discussing poverty, labor, socialism, charity, reform, and social ideals, and are boasting of enlightenment and progress, at the same time that the things which are done are dictated by none of these considerations, but only by military interests. It is militarism which is eating up all the products of science. and art, defeating the energy of the population and wasting its savings. It is militarism which forbids the people to give their attention to the problems of their own welfare and to give their strength to the education and comfort of their children. It is militarism which is combating the grand efforts of science and art to ameliorate the struggle for existence.

The American people believe that they have a free country, and we are treated to grandiloquent speeches about our flag and our reputation for freedom and enlightenment. The common opinion is that we have these things because we have chosen and adopted them, because they are in the Declaration of Independence and the Constitution. We suppose, therefore, that we are sure to keep them and that the follies of other people are things which we can hear about with complacency. People say that this country is like no other; that its prosperity proves its exceptionality, and so on. These are popular errors which in time will meet with harsh correction. The United States is in a protected situation. It is easy to have equality where land is abundant and where the population is small. It is easy to have prosperity where a few men have a great continent to exploit. It is easy to have liberty when you have no dangerous neighbors and when the struggle for existence is easy. There are no severe penalties, under such circumstances, for political mistakes. Democracy is not then a thing to be nursed and defended, as it is in an old country like France. It is rooted and founded in the economic circumstances of the country. The orators and constitution-makers do not make democracy. They are made by it. This protected position, however, is sure to pass away. As the country fills up with population, and the task of getting a living out of the ground becomes more difficult, the struggle for existence will become harder and the competition of life more severe. Then liberty and democracy will cost something, if they are to be maintained.

Now what will hasten the day when our present advantages will wear out and when we shall come down to the conditions of the older and densely populated nations? The answer is: war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery — in a word, imperialism. In the old days the democratic masses of this country, who knew little about our modern doctrines of social philosophy, had a sound instinct on these matters, and it is no small ground of political disquietude to see it decline. They resisted every appeal to their vanity in the way of pomp and glory which they knew must be paid for. They dreaded a public debt and a standing army. They were narrow-minded and went too far with these notions, but they were, at least,

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right, if they wanted to strengthen democracy.

The great foe of democracy now and in the near future is plutocracy. Every year that passes brings out this antagonism more distinctly. It is to be the social war of the twentieth century. In that war militarism, expansion and imperialism will all favor plutocracy. In the first place, war and expansion will favor jobbery, both in the dependencies and at home. In the second place, they will take away the attention of the people from what the plutocrats are doing. In the third place, they will cause large expenditures of the people's money, the return for which will not go into the treasury, but into the hands of a few schemers. In the fourth place, they will call for a large public debt and taxes, and these things especially tend to make men unequal, because any social burdens bear more heavily on the weak than on the strong, and so make the weak weaker and the strong stronger. Therefore expansion and imperialism are a grand onslaught on democracy.

War and expansion cause large expenditures of the people's money, the return for which will not go into the treasury, but into the hands of a few schemers.

The point which I have tried to make in this lecture is that expansion and imperialism are at war with the best traditions, principles, and interests of the American people, and that they will plunge us into a network of difficult problems and political perils, which we might have avoided, while they offer us no corresponding advantage in return.

Of course "principles," phrases, and catch-words are always invented to bolster up any policy which anybody wants to recommend. So in this case. The people who have led us on to shut ourselves in, and who now want us to break out, warn us against the terrors of "isolation." Our ancestors all came here to isolate themselves from the social burdens and inherited errors of the old world. When the others are all over ears in trouble, who would not be isolated in freedom from care? When the others are crushed under the burden of militarism, who would not be isolated in peace and industry? When the others are all struggling under debt and taxes, who would not be isolated in the enjoyment of his own earnings for the benefit of his own family? When the rest are all in a quiver of anxiety, lest at a day's notice they may be involved in a social cataclysm, who would not be isolated out of reach of the disaster? What we are doing is that we are abandoning this blessed isolation to run after a share in the trouble.

The expansionists answer our remonstrances on behalf of the great American principles by saying that times have changed and that we have outlived the fathers of the republic and their doctrines. As far as the authority of the great men is concerned, that may well be sacrificed without regret. Authority of persons and names is a dangerous thing. Let us get at the truth and the right. I, for my part, am also afraid of the great principles, and I would make no fight on their behalf. In the ten years before the Revolution our ancestors invented a fine lot of "principles" which they thought would help their case. They repudiated many of them as soon as they got their independence, and the rest of them have since made us a great deal of trouble. I have examined them all critically, and there is not one of them which I consider sound, as it is popularly understood. I have been denounced as a heretic on this account by people who now repudiate them all in a sentence. But this only clears the ground for the real point. There is a consistency of character for a nation as well as for a man. A man who changes his principles from week to week is destitute of character and deserves no confidence. The great men of this nation were such because they embodied and expressed the opinion and sentiments of the nation in their time. Their names are something more than clubs with which to knock an opponent down when it suits one's purpose, but to be thrown away with contempt when they happen to be on the other side. So of the great principles; whether some of us are skeptical about their entire validity and want to define and limit them somewhat is of little importance. If the nation has accepted them, sworn by them, founded its legislation on them, imbedded them in the decisions of its courts, and then if it throws them away at six months' warning, you may depend upon it that that nation will suffer in its moral and political rectitude a shock of the severest kind. Three years ago we were ready to fight Great Britain to make her arbitrate a quarrel which she had with Venezuela. The question about the *Maine* was one of the fittest subjects for arbitration that ever arose between two nations, and we refused to listen to such a proposition. Three years ago, if you had said that any proposition put forth by anybody was "English," he might have been mobbed in the streets. Now the English are our beloved friends, and we are going to try to imitate them and adopt their way of doing things. They are encouraging us to go into difficulties, first because our hands will be full and we shall be unable to interfere elsewhere, and secondly, because if we are in difficulties we shall need allies, and they think that they will be our first choice as such. Some of our public journals have been pouring out sentimental drivel for years about arbitration, but last summer they turned around and began to pour out sentimental drivel about the benefits of war. We congratulate ourselves all the time on the increased means of producing wealth, and then we take the opposite fit and commit some great folly in order to prove that there is something grander than the pursuit of wealth. Three years ago we were on the verge of a law to keep immigrants out who were not good enough to be in with us. Now we are going to take in eight million barbarians and semi-barbarians, and we are paying twenty million dollars to get them. For thirty years the negro has

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been in fashion. He has had political value and has been petted. Now we have made friends with the Southerners. They and we are hugging each other. We are all united. The negro's day is over. He is out of fashion. We cannot treat him one way and the Malays, Tagals, and Kanakas another way. A Southern senator two or three days ago thanked an expansionist senator from Connecticut for enunciating doctrines which proved that, for the last thirty years, the Southerners have been right all the time, and his inference was incontrovertible. So the "great principles" change all the time; or, what is far more important, the phrases change. Some go out of fashion, others come in; but the phrase-makers are with us all the time. So when our friends the expansionists tell us that times have changed, what it means is that they have a whole set of new phrases which they want to force into the place of the old ones. The new ones are certainly no more valid than the old ones. All the validity that the great principles ever had they have now. Anybody who ever candidly studied them and accepted them for no more than they were really worth can stand by them now as well as ever. The time when a maxim or principle is worth something is when you are tempted to violate it.

Another answer which the imperialists make is that Americans can do anything. They say that they do not shrink from responsibilities. They are willing to run into a hole, trusting to luck and cleverness to get out. There are some things that Americans cannot do. Americans cannot make 2 + 2 = 5. You may answer that that is an arithmetical impossibility and is not in the range of our subject. Very well; Americans cannot collect two dollars a gallon tax on whiskey. They tried it for many years and failed. That is an economic or political impossibility, the roots of which are in human nature. It is as absolute an impossibility on this domain as the former on the domain of mathematics. So far as yet appears, Americans cannot govern a city of one hundred thousand inhabitants so as to get comfort and convenience in it at a low cost and without jobbery. The fire department of this city is now demoralized by political jobbery — and Spain and all her possessions are not worth as much to you and me as the efficiency of the fire department of New Haven. The Americans in Connecticut cannot abolish the rotten borough system. The English abolished their rotten borough system seventy years ago, in spite of nobles and landlords. We cannot abolish ours in spite of the small towns. Americans cannot reform the pension list. Its abuses are rooted in the methods of democratic self-government, and no one dares to touch them. It is very doubtful indeed if Americans can keep up an army of one hundred thousand men in time of peace. Where can one hundred thousand men be found in this country who are willing to spend their lives as soldiers; or if they are found, what pay will it require to induce them to take this career? Americans cannot disentangle their currency from the confusion into which it was thrown by the Civil War, and they cannot put it on a simple, sure, and sound basis which would give stability to the business of the country. This is a political impossibility. Americans cannot assure the suffrage to negroes throughout the United States; they have tried it for thirty years and now, contemporaneously with this war with Spain, it has been finally demonstrated that it is a failure. Inasmuch as the negro is now out of fashion, no further attempt to accomplish this purpose will be made. It is an impossibility on account of the complexity of our system of State and Federal government. If I had time to do so, I could go back over the history of negro suffrage and show you how curbstone arguments, exactly analogous to the arguments about expansion, were used to favor it, and how objections were thrust aside in this same blustering and senseless manner in which objections to imperialism are met. The ballot, we were told, was an educator and would solve all difficulties in its own path as by magic. Worse still, Americans cannot assure life, liberty, and the pursuit of happiness to negroes inside of the United States. When the negro postmaster's house was set on fire in the night in South Carolina, and not only he, but his wife and children, were murdered as they came out, and when, moreover, this incident passed without legal investigation or punishment, it was a bad omen for the extension of liberty, etc., to Malays and Tagals by simply setting over them the American flag. Upon a little serious examination the offhand disposal of an important question of policy by the declaration that Americans can do anything proves to be only a silly piece of bombast, and upon a little reflection we find that our hands are quite full at home of problems by the solution of which the peace and happiness of the American people could be greatly increased. The laws of nature and of human nature are just as valid for Americans as for anybody else, and if we commit acts we shall have to take consequences, just like other people. Therefore prudence demands

that we look ahead to see what we are about to do, and that we gauge the means at our disposal, if we do not want to bring calamity on ourselves and our children. We see that the peculiarities of our system of government set limitations on us. We cannot do things which a great centralized monarchy could do. The very blessings and special advantages which we enjoy, as compared with others, bring disabilities with them. That is the great fundamental cause of what I have tried to show throughout this lecture, that we cannot govern dependencies consistently with our political system, and that, if we try it, the State which our fathers founded will suffer a reaction which will transform it into another empire just after the fashion of all the old ones. That is what imperialism means. That is what it will be; and the democratic republic, which has been, will stand in history, like the colonial organization of earlier days, as a mere transition form.

And yet this scheme of a republic which our fathers formed was a glorious dream which demands more than a word of respect and affection before it passes away. Indeed, it is not fair to call it a dream or even an ideal; it was a possibility which was within our reach if we had been wise enough to grasp and hold it. It was favored by our comparative isolation, or, at least, by our distance from other strong states. The men who came here were able to throw off all the trammels of tradition and established doctrine. They went out into a wilderness, it is true, but they took with them all the art, science, and literature which, up to that time, civilization had produced. They could not, it is true, strip their minds of the ideas which they had inherited, but in time, as they lived on in the new world, they sifted and selected these ideas, retaining what they chose. Of the old-world institutions also they selected and adopted what they chose and threw aside the rest. It was a grand opportunity to be thus able to strip off all the follies and errors which they had inherited, so far as they chose to do so. They had unlimited land with no feudal restrictions to hinder them in the use of it. Their idea was that they would never allow any of the social and political abuses of the old world to grow up here. There should be no manors, no barons, no ranks, no prelates, no idle classes, no paupers, no disinherited ones except the vicious. There were to be no armies except a militia, which would have no functions but those of police. They would have no court and no pomp; no orders, or ribbons, or decorations, or titles. They would have no public debt. They repudiated with scorn the notion that a public debt is a public blessing if debt was incurred in war it was to be paid in peace and not entailed on posterity. There was to be no grand diplomacy, because they intended to mind their own business and not be involved in any of the intrigues to which European statesmen were accustomed. There was to be no balance of power and no "reason of state" to cost the life and happiness of citizens. The only part of the Monroe doctrine which is valid was their determination that the social and political systems of Europe should not be extended over any part of the American continent, lest people who were weaker than we should lose the opportunity which the new continent gave them to escape from those systems if they wanted to. Our fathers would have an economical government, even if grand people called it a parsimonious one, and taxes should be no greater than were absolutely necessary to pay for such a government. The citizen was to keep all the rest of his earnings and use them as he thought best for the happiness of himself and his family; he was, above all, to be insured peace and quiet while he pursued his honest industry and obeyed the laws. No adventurous policies of conquest or ambition, such as, in the belief of our fathers, kings and nobles had forced, for their own advantage, on European states, would ever be undertaken by a free democratic republic. Therefore the citizen here would never be forced to leave his family or to give his sons to shed blood for glory and to leave widows and orphans in misery for nothing. Justice and law were to reign in the midst of simplicity, and a government which had little to do was to offer little field for ambition. In a society where industry, frugality, and prudence were honored, it was believed that the vices of wealth would never flourish.

The laws of nature and of human nature are just as valid for Americans as for anybody else, and if we commit acts we shall have to take consequences, just like other people.

We know that these beliefs, hopes, and intentions have been only partially fulfilled. We know that, as time has gone on and we have grown numerous and rich, some of these things have proved impossible ideals, incompatible with a large and flourishing society, but it is by virtue of this conception of a commonwealth that the United States has stood for something unique and grand in the history of mankind and that its people have been happy. It is by virtue of these ideals that we have been "isolated," isolated in a position which the other nations of the earth have observed in silent envy; and yet there are people who are boasting of their patriotism, because they say that we have taken our place now amongst the nations of the earth by virtue of this war. My patriotism is of the kind which is outraged by the notion that the United States never was a great nation until in a petty three months' campaign it knocked to pieces a poor, decrepit, bankrupt old state like Spain. To hold such an opinion as that is to abandon all American standards, to put shame and scorn on all that our ancestors tried to build up here, and to go over to the standards of which Spain is a representative. ❑

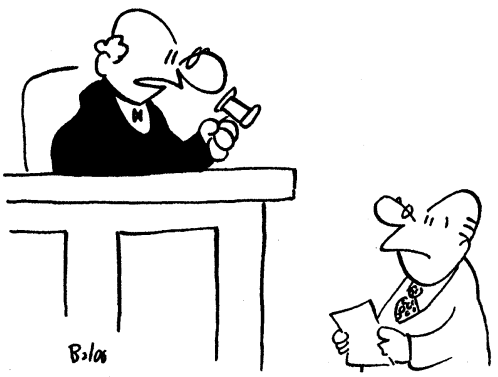

"I'll have to recuse myself from this case — I've been known to do the same thing myself."

Conundrum

Mussels and Eagles and Gobies, Oh My!

by William E. Merritt

It's getting damned near impossible to be an environmentalist these days.

I was celebrating our nation's birthday over a barbecue lunch at the home of an Orthodox Jewish friend, when I realized I hadn't worried about zebra mussels in a long time.

We were having a barbecue lunch because the Fourth landed on Friday, and my friend was keeping kosher and state separate by getting the festivities out of the way before evening. Still, when he mentioned zebra mussels, it was not in relation to a dietary prohibition. It was because of his job. He is a county fish person and zebra mussels are the kind of thing he keeps up with.

Although zebra mussels haven't been in the news recently, it wasn't that long ago that they were the LDL cholesterol of the bivalve-mollusk world, busily choking pipes and backing up intake systems, fouling locks, clogging canals and, in general, turning the Great Lakes and attached national waterways into a solidified thrombosis of lost environmental innocence and fading dreams of commerce.

And, worse, zebra mussels were coming here — wherever here happened to be. They were coming the same way they had come to the Great Lakes: hitchhiking in unregulated foreign ships that flushed their bilges into our pristine American waters. For us Pacific Northwesterners, it was only a matter of time before they turned the Columbia and the Snake and the Rogue into calcified parking lots, and we all had to pipe in our drinking water from the Great Salt Lake. It hasn't been all that long since we were supposed to worry a lot about zebra mussels.

The thing was, when you thought about the Great Lakes — at least when you thought about them with the prejudices of a Westerner — you had trouble imagining how an invasive species — how any species, for that matter — could make much headway in a place like Lake Erie.

Lake Erie was something else we were once supposed to worry about. Lake Erie was the New Jersey of lakes — the downstream destination for all the crud that didn't catch fire and burn up in the Cuyahoga (Burn-on, Big) River. Thirty-some years ago, Lake Erie officially achieved the status of "dead lake" and the Cuyahoga, well, the Cuyahoga was so dead that the sludgeworms died. And sludgeworm is not a nonce word. There really are things called sludgeworms. And they thrive in waste. But, even sludgeworms couldn't make a go of it in the Cuyahoga. Something else that hadn't occurred to me until lunch with my friend was that Lake Erie had dropped out of the news, as well.

I'm not entirely certain when Lake Erie and zebra mussels slipped off the front page, but I am pretty sure that, had they been even moderately there, I would have read something. There's nothing like intimations of collective guilt to hunt you down and corner you over your breakfast cereal. I think what happened was that when the zebra mussels and Lake Erie transmogrified from horrible cautionary tales into more . . . well, it's hard to say more what, exactly, the cautionary tales transmogrified into, but the press releases

shifted and, instead of zebra mussels and dying lakes, we were all encouraged to worry about the dwindling stocks of Pacific ground fish, and whether the Ross Ice Shelf is about to become unmoored and drift up into the sea lanes of the South Atlantic.

Now, my friend is one of those kindly county employees who lives in a liberal enclave on the east side of town, is never more than five minutes from ahi tuna grilled in any number of froufrou ways, and spends his professional life wrestling with such questions as whether the Corps of Engineers should be allowed to dredge the Columbia to a depth of 47 feet, or be held at 44. Whatever else you can say about this guy, he is not a black-helicopter, anti-environmentalist sort of fellow.

It was only a matter of time before they turned the Columbia and the Snake and the Rogue into calcified parking lots, and Pacific Northwesterners had to pipe in drinking water from the Great Salt Lake.

So I tended to believe him when he pointed out that zebra mussels are filter feeders. And, the more zebra mussels you can get feeding somewhere, the more filtering they can do. And, get enough zebra mussels feeding in one place, they can filter Lake Erie.

There is no gentle way to convey to my environmentalist friends what he told me but, now that Lake Erie has been overrun by zebra mussels, its waters are approaching something resembling clean, the lake has sprung back to life and, get this, it is now the primo spot on the entire planet to catch walleyes.

Maybe, I figured, I have blundered into some Jewish tradition of blarney — some sort of April Fools' Day thing falling during the last few hours before the Sabbath. So, I did a little looking around of my own and, not only did the whole zebra-mussel-Lake-Erie scenario check out, but my friend, if anything, had understated. Conditions have changed so much that, in place of zebra mussels and crud, Lake Erie is now facing an environmental catastrophe of an entirely different sort. I found out about this in an article from Bowling Green State University entitled, "Dramatic decrease in Lake Erie zebra mussels suggested by new study."

Just because zebra mussels don't happen to have natural enemies in the United States, doesn't mean they didn't leave scads of them back in Old Europe, or wherever that unregulated freighter scooped them up. When they first arrived, zebra mussels were like a lot of newcomers who move to America and leave the old hatreds behind. If things go well, in a couple of generations the thugs who have been trying to do in your family for centuries are just somebody to celebrate Saint Patrick's Day with. Or Ramadan.

But, sometimes, it's hard to ditch the past and get a fresh start. Sometimes the Shah, or some ayatollah, or a gang of generals back in Argentina, doesn't forget as easily as you would like, and agents show up looking for you.

In the case of Lake Erie, when a fish biologist named Jeffrey G. Miner lowered cages filled with round gobies into the water to see whether they would put the bite on zebra mussels, he turned out to be onto something. Round gobies, as Dr. Miner discovered, eat a lot of zebra mussels.

The Bowling Green article is a little hazy on how round gobies happened to get loose into Lake Erie. I suspect Dr. Miner may have been somewhat less than rigorous in his protocol when he lowered his cages into the water. But, that's just my conjecture. Maybe some environmentally benighted coyote smuggled them across our open borders during the dead of night. Or, for that matter, maybe the round gobies smuggled themselves in the bilge of one more unregulated, foreign ship. But, however round gobies got into Lake Erie, they are there now, busily chowing down on zebra mussels. And breeding. And the zebra-mussel population of the entire Great Lake system is about to plummet.

Which brings back into question the whole issue of water quality. What is about to happen to the water in Lake Erie was the major concern raised by the Bowling Green article — a concern I am sure we will all be encouraged to share very soon.

And, while you are gearing up to worry about the threat to the battered Great Lakes ecosystem posed by yet another undocumented alien species, spare a few moments of concern for the willow flycatcher, which is showing up where it isn't supposed to be, either — along the Colorado River in the Grand Canyon. And it's all because of the Glen Canyon Dam.

Prior to the Glen Canyon Dam, during snow-melt season muddy torrents would come rushing through the Grand Canyon, scouring away last year's beaches and leaving new beaches in their place — beaches that, a few days earlier, had been nothing more than low-rent desert property in Utah and Wyoming.

But with the river regulated to a gentle year-round flow, the shores of the Colorado don't get replaced anymore until, now, decades past anything nature intended, they have become geological features in their own right, lingering on forever, like Daniel Schorr. And, like their NPR counterpart — this image is way too apt to let go of easily — the garbage and excrement that accumulate on them don't get washed away, either. Which means visitors to the Grand Canyon have to pack out whatever they pack in — and rafters spend something like $200 a day to drift down the Colorado in the company of what, in more civilized times, would have been left to fertilize the abyssal depths of the Sea of Cortez.

Gentle water that doesn't scour away beaches and garbage, doesn't scour away vegetation, either.

And, with Lake Powell operating as one of the world's largest sediment traps, the water that comes through the Grand Canyon is no longer the rushing mud-color the Spaniards named the Colorado for, but a beautiful, glacier-lake green. It's also 46 degrees, so the original population of

continued on page 44

Attack

In Defense of Extreme Libertarianism

by Aeon J. Skoble

In defending "liberty that works," Bruce Ramsey has overlooked a whole body of libertarian work, threatened to eviscerate libertarianism, and insulted every real libertarian.

In the July issue of *Liberty*, Bruce Ramsey argued that libertarianism "falls short" in ten areas, and that to argue otherwise is to be a utopian fanatic. Not only is that an over-generalization, but for each of the ten "shortcomings" he lists, there is a non-utopian, non-fanatical answer which one wonders why he ignores. His piece was dubbed a "rant"; here follows, if you will, a counter-rant.

1. Ramsey's first objection is that "pursued to its ultimate end . . . the non-coercion principle does not allow the imposition of taxes. . . . It leads to anarchism, a philosophy that has no more real-world application than an M.C. Escher drawing." This is supposed to be some sort of *reductio ad absurdum*: consistently applying the liberty principle leads to anarchism, anarchism is silly, therefore consistent application of the liberty principle is silly. But it's a misuse of the *reductio* approach — does Ramsey actually want to discredit the principle of liberty? If this *reductio* worked, it would imply that we shouldn't be taking the liberty principle seriously at all. Moreover, Ramsey offers no support for the second premise — he simply dismisses anarchism as a theory, with a rhetorical flourish, not making any argument at all. Besides ignoring the large body of literature on the feasibility of libertarian anarchism, his argument is that there is no *application* of philosophical anarchism. But, of course, there is: demonstrating the lack of *philosophical* justification for the state is one good way to support the principle of liberty even in real-world contexts. Granted we live in a statist world and are unlikely to abolish the state in real terms, it is still of value to demonstrate that the state has no *right* to exist, no *right* to oppress.

2. Ramsey's second objection is that libertarianism "doesn't say" anything about children (this is bolstered only by the overgeneralization that "most" libertarians don't have kids). But many libertarian writers, including John Stuart Mill, Sarah Lawrence, Jennifer Roback Morse, and Tibor Machan, have advanced theories about children. In any case, if different libertarian writers have different views about the role of children in a free society, why is that a critique of consistent libertarianism? Isn't the diversity of opinions on this a sign that consistent libertarianism *isn't* a utopian fanaticism? Ramsey wants to have it both ways: if we all agree, we're fanatics; if we disagree, then we "have nothing to say."

3. Next, Ramsey claims that "rights theory cannot deal with emergencies." Ramsey ought to stop attending luncheons with fanatics and spend more time researching libertarian theory: The Hoover Institution Press last year released a volume entitled *Liberty and Hard Cases*, devoted to exactly this issue. Eric Mack has also addressed this issue. In any case, what sort of criticism is this? If "rights theory cannot deal with emergencies", is that meant to imply that we should abandon rights theory? That we would "deal with" emergencies better if we didn't have a theory of rights?

4. Ramsey's fourth objection is that libertarianism has "not dealt adequately with public health." He asks, "How would a libertarian society have handled AIDS?" Think about all the implications of that question: it implies that our real society *did* "handle" the AIDS crisis, and that somehow a

society in which individual liberty were taken more seriously would have done worse. Is there even the slightest reason to think this? If anything, a society in which people's sexual autonomy were taken seriously would have an *easier* time dealing with it, in the sense of people's willingness to get tested rather than keep a secret.

5. Ramsey claims that libertarian societies would be unable to build highways without a state power of eminent domain. Forget about "absolutist" libertarianism — this objection seems to indicate that Ramsey isn't comfortable with the very idea of rights to private property, which are incompatible with a right of the state to seize land. But as to Ramsey's rhetorical question about how roads would be built without eminent domain, he could consult work by Ellen Paul, Walter Block, or Machan.

6. Ramsey's sixth objection seems to be a corollary to the fifth, that society is impossible without "public space." But he is mistaken to think that a world with a robust conception of private property rights would lack public spaces. Consider a shopping mall or a park: these are public spaces, yet there is no reason they must be owned by the state. Ramsey rhetorically asks whether any private property owner would allow an anti-war rally, as if to imply that state control guarantees free expression. That's backwards. State-owned property is subject to whatever regulation the government wants to impose. The only real guarantee of free expression is private property. In a private-property world, parks would be someone's property, which might mean there'd be a user-fee to play in the park (or there might not be, if it were "sponsored" for PR purposes), but surely that's preferable to a "free" park which is paid for with taxes — meaning that you pay for the park whether you use it or not.

7. "Many libertarians want gold currency and no central bank, but the case for this is not a slam dunk." How is this a criticism of consistent commitment to the principle of liberty? The gold issue is obviously one on which libertarians seem to disagree. But surely it's not a safer world when the state controls the money supply and can adjust its value whenever it wants to.

8. Ramsey's eighth point is hard to follow. He says, "libertarians want individuals to have complicated choices," as usual not naming any libertarians. This point, like the fifth, is less a critique of radical libertarianism than of the principle of liberty generally. To deny people choices just because there are costs to gathering information is the height of paternalism. In addition, Ramsey assumes that state-provided information will be more accurate than privately provided information. This is also a dangerous assumption — people will uncritically accept advice from the state just because it is the state, and hence be potentially as ill-informed as they would be with no state information. State-provided information is subject to political manipulation: we have all been told to eat eleven servings of bread a day because the grain lobby wants us to, not because there's any actual science backing that up. There is simply no reason to have such great trust in the good intentions of the state while having such a poor opinion of people's capacity to take responsibility for themselves.

Ramsey simply dismisses anarchism as a theory, with a rhetorical flourish, not making any argument at all.

9. The gun issue. Libertarian arguments for gun rights are of two varieties: one, that an armed citizenry is the best bulwark against tyranny, and two, that people have an unalienable right to defend themselves against criminal predation which must include the right to own a weapon. Ramsey dismisses both concerns with the clichéd rhetorical question about whether there should be private ownership of nuclear missiles, then moves on the tenth point. But this is quite inadequate. Regardless of what libertarian theory has to say about nuclear missiles, does Ramsey have some actual rebuttal to the two arguments concerning arms? He offers no argument as to why a disarmed citizenry would be freer, or why people do not have a right to defend themselves.

There is simply no reason to have such great trust in the good intentions of the state while having such a poor opinion of people's capacity to take responsibility for themselves.

10. Ramsey's tenth objection has to do with the "commercialization of sex," and his argument consists of asking, "Is everything allowed?" Well, no: we wouldn't expect to see obscene billboards on the highway in a private-road world any more than we would in the current world, since those owners would be as sensitive as (indeed, probably more so than) state bureaucrats to general aesthetic sensibilities. We wouldn't expect to see sexually explicit ads for a bordello on network TV any more than we do now. On some pay-cable stations we might, but so what? Does Ramsey have some argument as to why that should be forbidden?

Ramsey is right that in the short term, advancing arguments about privatizing Social Security is a higher priority than advancing arguments about privatizing the roads. But that doesn't mean that the latter is of no theoretical importance, or that one has to be an "absolutist" to see that consistency in the application of the liberty principle is a good thing. What's perhaps more annoying than the suggestion that consistency is the province of utopian fanatics is Ramsey's relentless caricaturing of libertarians. He cites exactly one libertarian theorist (Branden) during his ten-point recitation, and the rest is "libertarians think that" and "the absolutist libertarian says that." A telling example: "The absolutist libertarian is for liberty, and he assumes, *a priori*, that it will work. Which means, in practice, that he doesn't care whether it will work or not." Exactly whom is Ramsey referring to? No libertarian philosopher, economist, or political theorist I know of is accurately so described — none. Ramsey's rant insults the work of dozens of serious thinkers who have been working on these problems for decades, and it insults the intelligence of *Liberty* readers who, should they be unpersuaded, are categorized as following a principle "without thinking." ❑

Liberty at the Fringe

by Bruce Ramsey

In extreme cases, liberty leads to difficult problems. This doesn't mean that liberty is not a good thing.

The point of my "rant" was not to throw out the idea of liberty, but to suggest that at the far reaches of its application, it becomes questionable. Aeon Skoble, an assistant professor of philosophy, argues that if you question the principle at the far reaches, you question it everywhere. In case No. 1, he says, "If this *reductio* worked, it would imply that we shouldn't be taking the liberty principle seriously at all."

I don't agree. I want to use the principle where it works, which is most of the time.

In case No. 2, the rights of children: I didn't know of Machan's ideas, or the others'. Let's hear them. For decades this has been a hole in a theory that has been developed by and for adults.

In case No. 3, about emergencies: my critic asks whether "we would deal with emergencies better if we didn't have a theory of rights?" Not at all. I suggest that the theory of rights leaves you in certain hypothetical emergencies with no practical course. That doesn't mean you have to abandon the theory when it works.

In case No. 4, public health: the problem in San Francisco, as described in Randy Shilts' *And the Band Played On,* was that gay men were using their sexual autonomy to spread deadly disease. They were informed, and disbelieved it. The question at hand was whether the public health officer should have shut down the private bathhouses. A more current question would be the right of a public health officer to force someone who had been exposed to SARS to stay home for ten days. The general question is: to what extent may the state restrain a peaceful citizen from exposing another person to an infectious microbe? I am not saying it is unanswerable, but it is not an easy question for a libertarian.

In case No. 5, on eminent domain, Skoble writes that I appear not to be "comfortable with the very idea of rights to private property." I am for the Fifth Amendment, which says private property may not "be taken for public use without just compensation," and I am for a stricter interpretation of what a "taking" is and what "public use" is than now prevails. I have not heard of a libertarian way to dispense with eminent domain for roads. If there is one, let's hear it.

In case No. 6, the public square: I agree that private property is essential to freedom. But virtually all political demonstrations are on *public* property. I have never seen one at a private shopping center — not that it's impossible, but it is unlikely. Ditto a protest march down a private street. When you privatize everything in a neighborhood, at least in the current environment, you get a neighborhood run by a condominium association, and you have *less* freedom than before.

In case No. 7, gold currency and free banking: I am saying that when we had them, there were problems. It doesn't mean that they can't ever work, only that in some ways they didn't the first time.

In case No. 8, compulsory disclosure: on something like a can of food, disclosure allows shoppers to make rational decisions. It makes the free market user-friendly and empiri-

cally defensible. My critic writes, "To deny people choices just because there are costs to gathering information is the height of paternalism." I'm not denying people choices other than the choice of a seller to hide what's in the can.

In case No. 9, about private weapons. My critic says I have not refuted the argument "that an armed citizenry is the best bulwark against tyranny, and . . . that people have an unalienable right to defend themselves against criminal predation which must include the right to own a weapon." That's right; I have not refuted it. Regarding an armed citizenry, I think it has more of an effect on the political mentality of citizens than on the boldness of the state. That is, I don't think having a gun is of any use against the cops (ask Randy Weaver), but that weapon ownership may affect one's political thinking. Anyway, my point was different. It's that in a civilized society, there can be no general "right to own a weapon." There can only be a right to own *a certain class of weapons*. That introduces a principle of public safety and reasonable force that a lot of libertarians don't want to talk about, which is why I brought it up.

When you privatize everything in a neighborhood, at least in the current environment, you get a neighborhood run by a condominium association, and you have less freedom than before.

In case No. 10, public obscenity: do I have an argument as to why it might be forbidden? It's more of a statement. There are certain things that ought not to be seen by children. And maybe not by adults, either, unless they seek them out by going to a red-light district. All societies have such limits. I have seen cities in Europe and Asia with sex-business districts that would be banned in the U.S., but even those were regulated. I have never seen a society that allowed expressions of sexuality without limit, everywhere. Shall libertarians propose to create such a society? Why? Merely to be consistent? Or because they want to raise their kids in it? How many libertarians who have kids believe in this?

There can only be a right to own a certain class of weapons. That introduces a principle of public safety and reasonable force that a lot of libertarians don't want to talk about, which is why I brought it up.

All through Skoble's reply I hear the message: *We've got to be consistent. Apply the principle to everything.* This is the professor of philosophy speaking. Well, I am a newspaperman. I like this brand of beer, but I drink it one glass at a time, and check after each one whether I can still stand up. ❑

Mussels and Eagles and Gobies, *from page 40*

warm-water fish has been replaced by trout.

This fact is just one of the reasons environmentalists have always had trouble approving of the Glen Canyon Dam. If they'd had their way, the dam would have been gone long ago, those invasive trout would have been washed away, and the humpback chub, the razorback sucker, and the Colorado squawfish would be back in all their muddy glory.

But, lately, what to do about the Grand Canyon has become a lot more confusing — because gentle water that doesn't scour away beaches and garbage, doesn't scour away vegetation, either. And perennials like tamarisk, which never had a chance before, have taken root along the riverbanks. They, in turn, have provided a welcoming home for the highly endangered willow flycatcher, which hadn't previously come anywhere near the Grand Canyon but, now, is setting up housekeeping in the protective shadow of the Glen Canyon Dam and becoming less endangered all the time. (There may be an intermediate step here involving willow flies, but I am no entomologist.)

And, of all things, the Colorado has gotten wilder and more scenic in the bargain. It turns out that the rapids the Grand Canyon is famous for are created by debris flows that wash huge boulders from side canyons into the river. In days of old, the annual floods would roll these boulders into more hydraulic arrangements and smooth out the water. Now, of course, there aren't any annual floods, the boulders just sit where they are dumped, and the rapids become ever more rapid. And, as if things couldn't have gotten any more perverse from an environmentalist point of view, bald eagles have started dropping by.

From time immemorial, bald eagles turned up their beaks at the squawfish and razorback suckers and kept on moving in search of more tasty fare. But now, with trout to dine on, they have begun to winter over in the Grand Canyon. Pretty soon, bald eagles may become as established down there as willow flycatchers. And one of America's last, unspoiled wildernesses will be lost forever. ❑

Letters, *from page 14*

the Navajo Reservation, predominantly in New Mexico. It is mostly two lanes, full of blind curves and dips, and is traveled at very high speeds by a variety of vehicles. Over the years there have, not surprisingly, been many, many accidents. It has been dubbed "The Devil's Highway," so-called by those people who take the biblical book of Revelations literally and without reference to the historical context, citing 666 as "the Mark of the Beast" — i.e., the devil.

So in early June of this year, with the consent of the three states involved, they changed the name to U.S. Route 491.

From June 3 through July 7, there have been seven people killed and four injured in vehicular accidents and an armed robbery of a convenience store on the highway.

Changing the name didn't accomplish much, did it?

Margaret E. Mathers
Farmington, N.M.

We Must Not Forget

I was intrigued with Ralph Pray's account of "The First Ground Zero" (July) and his attempt to erase a very significant historical event. I was an officer in the armed forces for many

continued on page 46

A Woman's Prerogative

by James K. Lambert

Carnival barker, pro-abortion litigant, lesbian, born-again Catholic: Norma-Jane has taken charge of her life.

On Tuesday, June 17, 2003, Norma McCorvey (a.k.a. "Jane Roe" of *Roe* v. *Wade*) stepped before a microphone in Dallas, Texas and publicly asked the Supreme Court to overturn the 1973 ruling that made abortion legal throughout the nation. McCorvey's flip-flop on a woman's right to make her own choices with her own body came by way of conversion to Roman Catholicism in 1995, but she claims that it is "science," not religion, that will prove her new worldview to be correct. So far, the only thing that McCorvey has proven to me is that she is not much of a thinker.

The legal question as to whether a plaintiff has the right to change her mind 33 years after her case was originally filed, and 30 years after the highest court in the land made a final ruling on it, is an interesting one. More interesting still are the psychological motivations driving this reversal of opinion. McCorvey, who never actually had an abortion, has now become convinced that her case "brought the holocaust of abortion" to America, apparently viewing herself as some sort of Hitler. No wonder she now says, "I feel good about myself [for filing this new petition], I really do. I feel like the weight of the world has really been lifted off my shoulders."

Once I Was Lost

Life was not easy on young Jane Roe. She was born to a father who was often absent and an abusive mother who never wanted her. She was raped by a male relative and sent to a Texas reform school. At 16, she attempted to start over by marrying an abusive husband and soon after gave birth to her first child. She gave that baby up, as well as the next one, used drugs, and worked as a carnival barker. At 21 she was pregnant for a third time, and she got hooked up with a lawyer who was looking for a good case to challenge the Texas ban on abortion. She ended up giving away that kid also, since the case took so long to be resolved, but she had the temporary satisfaction of being a martyr of sorts for other women. Unfortunately for her, her self-destructive ways continued.

Eventually Roe, now openly known as McCorvey, thought she found her true self in Dallas' gay and lesbian community. In 1989 she publicly came out of the closet and seemed to be a poster child for everything that conservative Americans fear is wrong with America. However, as more time passed, she also came to fear what was happening to America. Witnessing many people who came to regret their decisions to abort and many more who seemed to be making hasty decisions that they might later come to regret, McCorvey underwent what some see as a miracle of faith.

Now I Am Found

True to the finest ideals of Christendom, McCorvey's sins were condemned but she herself was accepted as a redeemed sinner. Renouncing her lesbian lifestyle, as well as her drink-

ing, smoking, and support for the pro-choice position, McCorvey found a new community and a spiritual family. Like any freedom-loving individual, I am inclined to say, "Good for her! Whatever floats her boat." The problem is, McCorvey now seems as if she can only be happy by sinking other people's boats.

McCorvey is obviously upset and disappointed with many of the choices she made with her life. That is understandable, but her solution to this personal problem is to save not only the "unborn," but the unclean women who have yet to reach the pinnacle of understanding where she now sits. Unsatisfied with the grace of God's forgiveness, she feels driven to atone for her perceived part in corrupting society. As she put it, "I long for the day that justice will be done and the guilt of all these deaths will be removed from my shoulders." Only when other women are forced by the state to give birth to unwanted babies will the goodly McCorvey cease to be haunted by the evil specter of Roe. Or so she thinks.

McCorvey, who never actually had an abortion, has now become convinced that her case "brought the holocaust of abortion" to America.

In a moment of pure emotional honesty, McCorvey told the assembled crowd of supporters, "We're getting our babies back!" This appeared to go over well with those holding "I regret my abortion" signs, but even they must know that their babies are never coming back. Unfortunately they appear to believe that limiting the number of choices available to women in the future will also limit the aggregate number of regrets.

Using Science in Mysterious Ways

McCorvey & Co. have convinced themselves that science has settled the philosophical question of when life begins. And the answer is: "at the moment of conception." But this really does nothing to answer the larger philosophical question of what life is, and specifically, what is a human life? An important element to this debate is the matter of viability. Can you be an individual being, deserving of individual rights, without individuation? If you cannot think, breathe, or regulate your own heartbeat, are "you" a you? While many people are understandably alarmed at the total number of abortions in America, these numbers should be seen with some sense of perspective. According to Planned Parenthood, of the 1.2 million abortions performed in the U.S. each year, 88% take place in the first trimester. And CDC statistics list about 1,000, or 0.08%, as taking place in the third trimester. In other words, the overwhelming majority of fetuses are terminated before they achieve any reasonable potential for individuation.

Those who choose to accept that a fetus or a fertilized egg is equivalent to a person, and entitled to the full rights that you and I enjoy, must ask: does a human being have the inalienable right to "live" in a state of utter dependence, completely bound to another human being? Furthermore, is it the government's duty to force the already born to endure nine months of perpetual labor for the "life" of the unborn? Regardless of your answer to these questions, I believe we can all agree that they are not scientific questions; they are philosophical ones. At issue is the meaning of words, such as "rights," "liberty," and "justice," not the summation of data.

Can you be an individual being, deserving of individual rights, without individuation? If you cannot think, breathe, or regulate your own heartbeat, are "you" a you?

McCorvey and her team have found a thousand women to sign affidavits saying they wish they had never had an abortion, that it devastated their lives. This for them proves that abortion must be stopped. But hindsight, like foresight, is only a guess. How difficult would it be to find a thousand people who live with regret? Give me a little time and I'll bet I can find more than that who feel that joining the Roman Catholic Church destroyed their lives. In the end, changes in philosophy and outlook have no bearing on the individual's right to make choices in the first place. Free people live with their regrets; they do not deny others the possibility of having regrets. ❑

Letters, *from page 44*

years and participated in Vietnam and the Cold War. Because of my assigned duties during the Cold War, I saw some of the plans that could have created a nuclear disaster. This was a lot more sobering than the bullets that I heard going by in Vietnam.

The world is starting to forget that era. People need to understand how close we came to something that nobody wants to think about. The Trinity site offers a rare opportunity to contemplate the destructive power of nuclear technology, and now one of the more impressive visual testaments to the destructive power of that technology has been erased. How impressive it would have been to show the world how a lot of steel and concrete could instantaneously be reduced to a thin layer of glass and to let everyone imagine that occurring in their home town. We need to be continually reminded.

The world has been dealt a great disservice by the removal of that visual reminder.

Gary Fox
Albuquerque, N.M.

Gods and Generals

When I read Jo Ann Skousen's review of *Gods and Generals* ("A War Too Civil," June), I was disappointed to learn that the famous Christmas truce of World War I — which involved thousands of British, German and French troops laying down their weapons for a day-long celebration across no man's land — is ripped off in this Civil War movie.

I just saw the movie, and there was no restaging of the World War I Christmas truce. The movie portrays

continued on page 77

A Smuggler's Life for Me

by Stephen W. Browne

Five and twenty ponies
Trotting through the dark —
Brandy for the Parson,
'Baccy for the Clerk.
Them that asks no questions isn't
told a lie —
Watch the wall, my darling, while
the Gentlemen go by!

— A Smuggler's Song
Rudyard Kipling

To be drowned or be shot
Is our natural lot,
Why should we, moreover, be
hanged in the end —
After all our great pains
For to dangle in chains
As though we were smugglers,
not poor honest men?

— Poor Honest Men
Rudyard Kipling

Did you ever get to do something that you really wanted to as a kid? I mean something that adults are supposed to have grown out of? If you're a cowboy or a fireman, you know exactly what I mean.

Well, it happened for me, the dream I'd had since I was 12 years old and my favorite book *Jim Davis* by John Masefield. It is a marvelous tale of a young boy in England during the time of the Napoleonic wars, who goes off with smugglers and has all kinds of adventures.

Though I won't say I've never taken anything illegal across an international border, I strongly advise you against doing so.* The drug war made smuggling just too hard-core for my taste. With profits and penalties so high, the racket is now run by a murderously ruthless bunch of thugs not at all like the jolly smugglers of tobacco and French wines and lace that once made England "a small body of land entirely surrounded by smugglers." Good idea to grow out of that particular dream.

But it happened for me! I did it. I ran away from home and joined the smugglers.

Well, okay, I didn't run away from home *exactly*. My wife let me go off for a few days to attend the 13th American Studies Conference in Minsk, Belarus. Professor Ivan Burylka of the University of Grodno and I were to do a joint presentation on American vs. Belarusian humor and I was going to talk about American utopian communities of the 19th century. My wife would have liked to have come, but work and the baby limit travel these days. My wife's an awfully good sport about these things, particularly given the expense involved and the fact that it doesn't pay a thing.

The journey to Belarus was uneventful and the conference was fun. I got to sound out the reaction towards America on the heels of Gulf War II. Among the Baltics and Belarusians, feelings were enthusiastically pro-American and pro-Bush. (George Dubya evidently made a speech in Vilnius promising, "There will be no more Yaltas." To say the least, it played well.) I also had my ear bent by a crusty but charming professor from Lithuania who wondered how could we Americans have let the lunatic Left dominate the humanities in American universities? It had made her sick when she was there. I tried to tell her I was on her side

but she just had to rant to *somebody* about how damn stupid we were to have let this happen. I also attended a concert of traditional folk music, saw the ballet *Spartacus* and went to an embassy party held for an American professor of literature from the Midwest on her first trip to Eastern Europe. (Somebody had to gently tell her that rhapsodizing about liberation theology and the "bearded Christ-like figures" of Castro and Che doesn't play well in Eastern Europe.)

But the real treat of my little holiday came on the trip back. I fortunately had a sleeping compartment all to myself. The conductor came by and asked me if I had any tobacco or alcohol. "No." I replied. "Well then, may I put some in your compartment?" he asked. "It won't cost you anything." Ah-ha. "Okay, no problem." He brought a carton of Pall Malls and a bottle of Belarusian vodka and put them in the cabinet above the sink. So, the conductor is running a little business of his own across the border. Enterprising fellow, I thought.

You meet a better class of people smuggling tobacco and alcohol, and the nice thing is that they don't arrest you when they catch you.

Usually customs inspections at the borders are rather perfunctory affairs. I think I've been asked to open my baggage twice in over ten years — and when they see you aren't nervous about doing so, they usually stop you before you've unloaded much. Generally they ask you to step outside the compartment while they look under the mattresses and that's about it.

Well, this time was different. After the hour and a half at the Belarusian side of the border to change the undercarriage of the cars (the territory of the old Soviet Union has a different track gauge), we were held for more than two hours on the Polish side while customs went through the train with a thoroughness I'd never seen before. They looked in everybody's baggage, in the spaces above the ceiling, in the radiator cover, and took screwdrivers to several panels. Afterwards I saw them walk off the train, one of them carrying a big sack full of cartons of cigarettes. I'd never seen that happen before. My wife says they must have had a tip-off.

Fortunately, my little stash was well within the duty-free limit and caused no comment, not even a request for an explanation. As we pulled out of the station I asked the conductor if he'd like his stuff back and he thanked me nicely.

As I stood in the corridor, I saw one of my neighbors with a screwdriver, taking off a panel next to the car door. He removed the panel and took out several cartons of cigarettes. "They didn't find them!" I said. "Yeah but they got the rest of my stuff." He shrugged philosophically, as if to say, "Hey, you win some, you lose some." You meet a better class of people smuggling tobacco and alcohol, and the nice thing is that they don't arrest you when they catch you, they just take your stuff or give you the option of paying the duty.

So that's how I ran away from home, joined the smugglers and lived my boyhood dream. Now I think I'll try and find a copy of *Jim Davis* to read again and give to my son when he's 12. ❑

*Though if you should choose to become a smuggler, and you are on a train, put it under the towel waste in the wastebasket of the toilet. Even customs agents find it distasteful to go through that stuff and if they do find it, it's not in your possession.

Showdown in the Desert, *from page 19*

> of popular power, taking place and ascertained in accordance with legal and authentic modes. . . . [T]he constitution and laws . . . [guarantee] the idea of results achieved by orderly action under the authority of existing governments. . . .

Only a few years later, the Court again rejected a Guarantee Clause argument in *Beckham,* repeating its language from *Duncan.* The Court held that it had no business deciding a disputed gubernatorial election because the election had been conducted "in accordance with the Constitution and laws of the state." Since "the legislative, executive, and judicial departments of the state are peacefully operating by the orderly and settled methods prescribed by [the State's] fundamental law," and were "the result of the Constitution and laws under which they lived and by which they were bound," the Court found no violation.

Beginning in 1912, however, the Supreme Court came to view the Guarantee Clause as completely beyond the reach of the judiciary. The clause was considered practically a dead letter — a "political question" which could only be interpreted and enforced by Congress. But in 1992, the Court signaled that it might be rethinking the matter. The Court held that the clause might be violated if a sudden and undemocratic change in state law were to pose a "realistic risk of altering the form or the method of functioning of [a state]'s government."

The Nevada Supreme Court's decision not only presents such a risk, it has realized it. A procedure placed in the state constitution by two separate elections, which received over 70 percent of the popular vote, has simply been erased. Regardless of the wisdom of the two-thirds procedure adopted by the people of Nevada, that procedure is part of the state constitution, and citizens have a right to have that procedure followed. Normally, that right is protected by other branches of government through the checks and balances system, or appeal to the state's judicial branch — which is supposed to remain nonpolitical. But here, that nonpolitical branch has blessed the violation by political branch of the state's constitutional mandate. This is a clear case of changing the rules in the middle of the game — specifically prohibited by the federal guarantee.

Unfortunately, late in the night of July 21, the legislature passed the tax increase bill by the required two-thirds vote. The state Supreme Court is now considering whether this renders the case "moot." If it does, the court may withdraw its earlier opinion. If not, the case might proceed through the federal system. But either way, *Guinn* v. *Nevada Legislature* is an excellent illustration of Thomas Jefferson's warning: "A judiciary independent of a king or executive alone, is a good thing; but independence of the will of the nation is a solecism, at least in a republican government." ❑

The Truth vs. the truth

by Stephen Cox

Can the Truth survive the Internet?

This is a story about American values, Bulgaria's policy on human rights, the Watchtower Bible and Tract Society, and the strange and unforeseen persistence of truth in our allegedly postmodern age.

In this age (so it is said), there is room for data and opinion and diverse points of view, but none at all for simple "truth" — a term that must never be invoked unless it is surrounded by a guard of scare-quotes and qualifying phrases. Among the advanced thinkers of the late 20th century, fear of truth rose to the level of hysteria. The dean of postmodern theorists, Jean-François Lyotard, habitually associated "truth" with the threat of "terror." Similar language was adopted by practitioners of deconstruction, critical theory, and the militantly relativist species of religious studies, cultural studies, and identity politics. Today, the term of choice may not be "terror"; it may be "oppression," "domination," or the more stylish "hegemony." But whatever words are used, Truth is clearly on the defensive within the American intelligentsia.

And there are good reasons for the suspicion of truth.

The 20th century was an era of lies — enormous, ridiculous lies, the lies of fascism, communism, and "scientific" racism — lies that were retailed as objective truths by intellectual and political authorities who used them to maintain their power and make it appear legitimate. It is possible to argue that if we are ever to escape from Authority, we must first escape from Truth; and that is precisely what postmodern thinkers argue.

According to the most optimistic of these thinkers, however, a means of escape has now been discovered, a way of making the lies and pretenses of established authority yield to the reality of diverse points of view and heterogeneous "language games." This means of escape is the Internet, the most efficient device ever invented for confronting "truth" with kaleidoscopic opinions and perspectives. The net can connect anyone to anyone, anyone's game to anyone else's. It is incredibly cheap, incredibly easy to use, incredibly powerful.

In postmodern circles there are, indeed, suspicions of the Internet, as there are of truth, suspicions centering on its service to "globalization" and "consumer capitalism." But to theorists who have moved beyond leftist clichés, the Internet seems, in the words of one of the host of webpages devoted to the topic, a "direct embodiment" of postmodernism.

A generation ago, in the Neoplastic Era of electronic technology, Ralph Ellison compared modern American culture to a phonograph record. Both of them operated on the principle of "random accessibility": everyone has access to anything — just drop the needle. It was an apt metaphor, but the Internet is much greater than a metaphor. It provides the maximum degree of accessibility, and it provides something more. You don't sit passively in front of the Internet; you use it to make things: business deals, political movements, mar-

riages, communities of shared eccentricities.

You can also use it to make trouble. The day has come when every large institution in the world depends on the Internet to do its business. That is another way of saying that every large institution is continually exposed to electronic penetration and attack by competitors, dissidents, rebels, and spies. There could not be a better environment for the subversion of institutions and ideas. The Internet is hospitable to opinion and information; it is not hospitable to authority and authority's best friend, the "truth."

Or so it might appear. It's at least a plausible hypothesis. But we need a test case, an example of some crucial conflict between the Internet and a formidable, institutionally embodied "truth." I have found such a case.

There is a large American institution whose very name for itself is "the Truth." With about 2 million adherents in the United States and about 15 million in the world (6.3 million of them active adherents), it is the second-largest of America's native-born religions. The Mormons are ahead in numbers, but even they are less impressively authoritarian than the organization to which I refer: the Watchtower Bible and Tract Society, whose followers are known as Jehovah's Witnesses. Now, however, the Witnesses are locked in mortal combat with the forces of dissent, and the field of battle is the Internet. The outcome of the struggle is undecided, but its shape is definite, and it has a lot to teach us about postmodern ideas of truth and authority.

Who Are They?

Who are Jehovah's Witnesses? That is a difficult question for most people to answer. The Witnesses are the least known of America's large minority groups. They do not vote, they do not congregate in Utah, they do not operate colleges, hospitals, or newspapers. They have no dealings with any other religious sect, tradition, or tendency, refraining even from celebrating the "pagan" holidays of Christmas and Easter. Their only visible folkway is a habit of materializing on people's doorsteps to "place" a copy of the *Watchtower* magazine.

But there is a heavy irony about their isolation and invisibility. At every stage of their history, they have assimilated leading features of the surrounding society, features that self-isolation has preserved and replicated in exaggerated, ultimately self-subverting forms, like the quaint, helpless fauna that inhabit remote islands. Another irony is that the Witnesses' system of authority began with the attempt of a solitary dissident to escape from the confines of "Christendom."

The 20th century was an era of lies — enormous, ridiculous lies, the lies of fascism, communism, and "scientific" racism.

The inventor of the Watchtower Society, Charles Taze Russell (1852–1916), owned a small chain of men's clothing stores in Pittsburgh. In his spare time, he studied the Bible. A lover of progress and enlightenment, he found himself unable to accept the intellectual discipline of historic Christianity. He rejected the doctrines of the trinity and the immortal soul; in his book *The New Creation* (1904), he even compromised with the theory of evolution. So far, he was a typical 19th-century rationalist. Yet he could not agree with the newly fashionable "higher criticism" and its rationalist attack on the Bible's coherence, inspiration, and authority. He proposed to fight rationalism with rationalism. He would defend the Bible on scientific grounds.

Unfortunately, science, for him, was largely a matter of calculations and measurements. The crucial thing was the Bible's use of numbers. He became convinced that he had discovered the number system of Bible prophecy, and that the numbers tallied perfectly not only with the known events of history but also (oddly but happily) with the dimensions of the Great Pyramid, God's "stone witness" in the land of Egypt. He outlined God's plans in an elaborate and beautiful diagram, studded with symbolic pyramids, called the "Chart of the Ages." His mathematics demonstrated that history would soon culminate in God's restoration of the earthly paradise. And he started calling his movement the Truth. It was "Science . . . springing from the Word of God."

Russell wasn't the only prophet of the millennium. Most of his ideas about history originated in America's vast, amorphous Second Advent movement. His followers and the Seventh-Day Adventists are the major living descendants of the remarkable people who in the mid-19th century roused America by proclaiming that the second coming or "advent" of Christ would soon occur. But Russell's own group, once started, developed in complete independence from any other. Russell was a good writer and public speaker and an energetic self-advertiser. Hundreds of newspapers reprinted his sermons; millions of people bought his books. His journal, *Zion's Watch Tower and Herald of Christ's Presence*, began in 1879 with a circulation of 6,000; its current circulation is well over 20,000,000.

His great mistake, a mistake that would be repeated several times in Watchtower history, was the prediction of a specific date for the end of the world. He thought it would all be over by the end of 1914. Something did happen in 1914, but it wasn't quite the end of the world. After Russell died, his disciples reassessed his arithmetic. They affirmed its truth, while altering its specifics. The Watchtower Society eventually decided that 1914 was right, but it was right because it marked Christ's (invisible) second coming, which Russell thought had happened in 1874. The end of the world would happen later. Other predictions located it in 1918, 1925, 1942, and 1975. The failure of these forecasts led to defections, sometimes to massive ones; but the people who stayed (and they are the only people who really matter to any organization) were those who still believed that, in principle, such events were subject to rational calculation. And who better to do the calculations than the experts at the Watchtower Society?

Russell's era was the Witnesses' Age of Reason. The next Watchtower president, Joseph Franklin Rutherford (1869–1942), presided over the Age of Politics. Rutherford, universally known as Judge Rutherford, was a lawyer who had served as a temporary judge in Boonville, Missouri. He had, in addition, campaigned for William Jennings Bryan, apostle

of Free Silver and other Progressive causes. Like Bryan, he cast himself in the prophetic mode and crusaded against the power of big capital. Like Bryan, he also opposed America's entry into World War I. His opposition to the war and military service led to his imprisonment for nine months on (palpably false) charges of sedition. He became, with some reason, a vigorous enemy of secular authority.

Russell had regarded history as a process of reconciliation between God and man. Rutherford saw it as a battle between God's government, the Theocracy, and Satan's government, the tyrannical nation-states, greedy capitalists, and power-mad churches, a battle that would end in the slaughter of everyone who was not on the side of Theocracy. This essentially political conception guided his reorganization of Russellism. In the "holy nation," as Rutherford called the Watchtower movement, congregational church government was replaced by "theocratic" mandates. He decreed that all local officials would henceforth be appointed by Watchtower headquarters, and congregations would be called "companies," as in "military companies." He changed the name of the movement itself from Bible Students (too generic) to Jehovah's Witnesses (a legalistic term of his own coinage).

Rutherford's slogan was "Advertise, Advertise, Advertise the King and His Kingdom!" His advertising style was crude but marvelously theatrical. He wrote a book called *Millions Now Living Will Never Die*. He sent his followers into the streets wearing sandwich boards that said, "Religion Is a Snare and a Racket" (the Watchtower movement was not a mere "religion"). He published cartoons depicting porcine priests and Satanic politicians. He took to the radio, rivaling Father Coughlin in blistering attacks on the government. His sound-trucks (some of them armored) toured North America, blaring his speeches to unwilling ears. He staged huge conventions that, like the legislatures of totalitarian states, unanimously approved the bombastic "resolutions" the leader wrote on their behalf. To distinguish the practices of the Theocracy from those of Satan's Organization, he outlawed the celebration of birthdays, Christmas, and Easter, and the use of the cross in worship. He decided that flag-salutes, voting, and enlisting in the army were treason to Theocracy, and he outlawed them, too. Everyone in the Watchtower movement was required to participate in "service," selling Rutherford's books and ideas to the general public. Dissenters were purged and publicly denounced. There was one Truth, and Judge Rutherford was its prophet.

Rutherford's career was a parody (if it is possible to parody such things) of the extremist political tendencies of the era. When he died in 1942 at his San Diego residence — an estate intended as the capital of the resurrected patriarchs' millennial regime, but equipped, for the present, with secret shelters against enemy attack — it was obvious that he had outlived his time. In ensuing years, the Watchtower Society learned to behave less like a political cult and more like a modern corporation — while retaining most of Rutherford's doctrines and all of his authority.

Every stereotype has its archetype. Sloan Wilson supplied the stereotype of America's corporate culture in the title of his novel *The Man in the Gray Flannel Suit* (1955). The archetype had appeared some years before. N. H. Knorr (1905–1977), Rutherford's successor as president of the Watchtower Society, literally *was* the man in the gray flannel suit. Like Rutherford, he exerted complete corporate control; but whereas Rutherford put his personal stamp on everything, Knorr wouldn't even sign his own name. All Watchtower literature was now produced anonymously, by the Watchtower Bible and Tract Society, Inc. All directives were communicated, in a vague but decisive way, by "the Society." Maximum standardization was achieved: all effort was concentrated on house-to-house distribution of literature, the kind of thing that almost anyone can do. The rebarbative doctrines of Rutherford's time were massaged into truth-bites bland enough to be marketed everyplace in the world where people were attracted to American goods.

The Internet is hospitable to opinion and information; it is not hospitable to authority and authority's best friend, the "truth."

The Watchtower assumed the shape of a multinational firm, with scores of branches and tens of thousands of local outlets, all as much alike, wherever they were, as so many McDonald's restaurants. The Watchtower's factories and offices towered over Brooklyn Heights; Wall Street traders practiced divination on the daily messages of the Watchtower's neon signs. And the Watchtower moved with the times. In the 1970s, it followed the precedent of other large American corporations: it cultivated a blander style of management and a spiffier public image. It replaced its imperial presidency with a web of committees, and it replaced the stodgy look of its books and magazines, a style formed in reaction to the excesses of the Rutherford period, with pastel graphics and a friendly, though insistent, use of multicultural images and rhetoric, capitalizing especially on the Society's success in wooing African Americans.

As always, the Society was a mirror of American culture. In true American spirit, the Witnesses regarded quantifiable success — so many Bible studies held, so many people baptized, so many congregations established — as sufficient evidence that the Society possessed a spiritual truth.

Its statistical self-confidence blinded it to its limitations. The movement was severely burdened by its past. While it struggled to make itself inviting to everyone, it was cursed with ordinances against participation in virtually all civic customs and virtually all religious practices except selling Watchtower literature and hearing it expounded. The Witnesses' niggling, estranging regulations made them appear absurd, especially to their own young people.

Still more embarrassing — deadly, in fact — was the Society's notorious "blood ban," its belief that blood transfusions constitute a violation of God's law against eating blood (Genesis 9:4). The belief was inspired by the Society's Rutherford-era war on "so-called medical science" (a branch of Satan's empire) and became one of the most prominent fixations of the Watchtower movement. Receiving a transfusion, or permitting one's child to do so, was a D.O. (disfellowshipping offence); and to be disfellowshipped was to be thrown out of the Truth and shunned by one's friends and

relatives. For five decades, the "blood ban" took a steady toll of believers' lives. It is still doing so.

Another embarrassing feature of the Truth, and its mathematics, resurfaced dangerously in the 1960s, when the Society added up some more numbers and predicted that the current order of things would end in 1975. This time, the calculations were simpler, clearer, and even more compelling than Russell's. They led to a tremendous revival of devotion within the Witness community. Many people who had drifted away raced back; many Witnesses sacrificed promising careers to work full time spreading the good news of the world's forthcoming end.

The world obstinately endured, and the Witnesses' effort to recover from the resulting public relations disaster brought yet another old characteristic to the fore — the Society's custom, dating back to Russell's use of the term "*present* truth," of treating every falsification of its prophecies as a sign that the Truth itself is advancing. Not everyone accepted this paradoxical (or, to borrow Lyotard's word, "paralogical") idea of truth as something that simultaneously moves and maintains its fixed location at Watchtower headquarters. Several hundred thousand Witnesses dropped out; others were expelled after a failed attempt at doctrinal reform by Raymond Franz, a member of the Society's august Governing Body.

Russell proposed to fight rationalism with rationalism. He would defend the Bible on scientific grounds.

The organization survived, in large part because of its ability to restrict communications. Anyone who made "apostate" remarks or carried "apostate" news was immediately disfellowshipped and shunned. Of course, if you wanted to attack the Truth, you could go write a book about it (Franz wrote two of them), but the market was small. It was pretty much restricted to Jehovah's Witnesses, and Witnesses were under orders never to read apostate books. In any event, that kind of reading material had to be *sought*, usually with difficulty; it did not just turn up on your doorstep, like the *Watchtower*. Dissidents came to the Witnesses' conventions and tried to pass out their own literature, most of which was thrown away. They conducted direct-mail campaigns, with little more effect than the appearance of cartoons in Watchtower publications showing pieces of apostate mail whizzing into the trash can.

Then the Internet was born.

Appearance of the Antichrist

Suppose you were a devout Jehovah's Witness and you had just hooked up to the Internet. What would be the first thing you'd do? You'd sit down in front of the computer and type in "Watchtower" or "Jehovah's Witnesses." And what you'd see on your screen would be: "Questions for Jehovah's Witnesses," "Answering the Jehovah's Witnesses," "False Prophecies of Jehovah's Witnesses," "Beyond Jehovah's Witnesses," "Watchtower Observer," "Free Minds, Inc." — row upon row of opposition pages and sites. If you clicked onto one of those sites, you would be amazed and disgusted, but also, perhaps, enticed, especially if you had ever harbored any nagging doubts about the Truth or any secret resentments against authority in general.

A state-of-the-art opposition website is a supermarket of information and opinion, offering Watchtower news, personal experiences of former Witnesses, humor, facts about the Watchtower's colorful history (the subject of systematic suppression and distortion by the Society), analysis of the Society's unique methods of biblical interpretation, psychological and procedural advice for people who want to leave the Watchtower, and, of course, links to other opposition sites.

Opposition sites have achieved a virtual monopoly on the sale of back-dated Watchtower publications, literature that the Society considers too full of embarrassing Old Truths to be marketed to anyone, even for reasons of nostalgia. And if print technology is too low-tech for you, CD-ROMs are also for sale. One thin disk will give you a treasury of the Society's outdated speculations about the fast-approaching showdown between labor and capital (Russell, *The Battle of Armageddon*, 1912) , the prophetic significance of the Lackawanna Railroad (Clayton J. Woodworth, et al., *The Finished Mystery*, 1917), the inadvisability of marriage, now that Armageddon is so close (Rutherford, *Children*, 1941), and hundreds of other topics.

A number of apostate sites target the blood ban, the most vulnerable spot in the Watchtower's defenses. The most influential of these sites has been "New Light on Blood," the propaganda machine of a secret society of Witnesses whose aim is a radical reform of the Watchtower organization. The Associated Jehovah's Witnesses for Reform on Blood is composed of people from many countries, and it appears to have high-level contacts within the official organization. Its power stems from the fact that its existence is largely electronic and "virtual." It can gather facts, it can infiltrate the official organization, it can alert the mass media, it can warn wavering Witnesses that they are in danger of "bloodguilt" (the most terrible thing you can say to a Witness) if they fail to oppose the ban on blood; it can do all this and still evade the identification and punishment of its members. Never has insurrection been so easy: "If you want to remain anonymous, use an anonymous remailer like this one."

Rutherford saw history as a battle between God's government, the Theocracy, and Satan's government, the tyrannical nation-states, greedy capitalists, and power-mad churches.

But are there no loyal forces in cyberspace? When the Internet first became widely accessible, loyal websites proliferated. Individual Witnesses saw the new technology as an opportunity to communicate with fellow believers in an unofficial way. The Watchtower had always quashed independent Witness publications. Truth had to flow in one direction only — *out* from the Society's editorial offices and *down* to the local congregations. Even loyalists welcomed a break from that

routine. But while print technology could be easily policed, the Internet could not; so the Society issued warnings about the "spiritual pornography" to be found in cyberspace and rumbled sadly about the ease with which people become addicted to the Internet and start neglecting kingdom service. Some loyal websites took the cue and vanished.

Yet even the Society was no match for the Internet. It found that the public press considered the net a principal source of information, and it didn't want anybody turning to apostate websites for information about the Watchtower itself. So it made the momentous decision to create its own website. While acknowledging the existence of "other sites" that "express favorable or unfavorable opinions about us," watchtower.org proclaimed itself the only "authoritative source about the beliefs, teachings, and activities of Jehovah's Witnesses."

The official site offers a variety of best-foot-forward articles ("Five Ways to Improve the Quality of Your Life," "When No One Will Be Poor," "The Marvelous New World of God's Making"). But it's not all sunshine. The apostate sites have always been a very present absence at the official one, much of which is continuously devoted to a defense of the blood ban. Publicly attacked for maintaining a harmful and illiberal policy, the Society responds with articles about health and freedom: "Blood — Vital for Life," "Quality Alternatives to Transfusion," "Blood: Whose Choice and Whose Conscience?" and "You Have the Right to Choose."

The Society was learning the law of the Internet: the net is an agent of mainstream American values — freedom, competition, adequate public debate. To state that law in another way: there isn't much point in creating a website to announce that you know everything and that if other people don't agree, they can just get lost. When you enter the Web, you get stuck to the rules of dialogue. And that is what happened to the Watchtower Society. Not only did it have to speak of rights instead of "theocratic" orders, but its involvement with the Web authorized its followers to exercise their own right to electronic dialogue.

During the late 1990s, hundreds of loyal websites blossomed, mostly innocuous and controversy-free: personal sites that discussed the happiness of selling Witness literature, offered snapshots of family trips, and made sure to include a link to watchtower.org. Other loyal sites featured chatrooms and bulletin boards, carefully monitored to exclude comments that were not "upbuilding." Some offered anti-apostate material. One delightful chat-oriented site presented a page called the "Paradise Earth Ban List," a lake of digital fire reserved for people "who have broken the rules and are banned from #paradise_earth." Few of the loyal sites seemed to be much encumbered by visitors.

A site that became very active indeed was H2O (Hourglass2 Outpost). Created in late 1996, its International Open Forum served, during the next five years or so — a long time on the Internet — as the primary meeting place for Internet-friendly Witnesses, and a model of the Internet's negotiations with Truth and Authority. Clicking onto the Forum's message board, Witnesses were greeted by a babel of electronic voices loud enough to make any postmodern thinker believe that the millennium had indeed arrived. Occasionally, monitors announced that they had removed somebody's post because it was abusive or non-"upbuilding," but their anxiety seemed to result principally from a desire to keep both dissenters and loyalists coming to the site. There was no institutional truth in sight, even the truth about who owned the forum. Just as the Watchtower Society replicated the anonymity of the corporation, so H2O replicated the anonymity of the Society.

That symmetry, or irony, was not much appreciated by loyalists who clicked onto this "Witness" site, only to find their most cherished beliefs under attack by correspondents called "Dred Scott," "Sceptic's Soapbox," "Liberal Elder," and "Crunchy Frog." The board was regularly swept by urgent demands to know "who runs this site?" And there was always someone who volunteered to rescue unsuspecting loyalists by letting them know that:

> HOURGLASS 2 IS AN APOSTATE WEBSITE. IF YOU READ BETWEEN THE LINES, VERY CAREFULLY, YOU WILL SEE THAT THE INDIVIDUALS WHO RUN THIS WEBSITE ARE APOSTATE.

Those warnings were posted just as anonymously as anything else. Few loyalists wanted the Society to know that they frequented a site that was also frequented by apostates.

H2O's packaging betrayed no apostasy. Its sponsors sometimes posted "Dear brothers & sisters" messages to warn, perhaps with ironic intention, that "H2O is no more inspired or able to protect you from apostates, than is the Watchtower Society." That did not allay loyalist suspicions that H2O was a front for the Blood Reform group. On the board itself, loyalists accused apostates of setting up websites in order to trace the electronic addresses of loyal correspondents and get them in trouble with the Society. Apostates, in turn, accused the Society of setting up pseudo-apostate sites in order to get the addresses of pseudo-loyalists and disfellowship them. Meanwhile, loyalists accused other loyalists of disloyalty, and a loyalist intellectual attempted to convince everyone that God himself is "the Master of Deception," cunningly testing his servants with truths that look like lies. Adding to the mix were people who kept coming up with "news" from "inside the org," news intended either to inspirit Watchtower subversives with prophecies of reform, to dispirit them with false prophecies, or simply to spread the terror of being uncovered: the Society knows who you are! You will soon be disfellowshipped!

Whereas Rutherford put his personal stamp on everything, Knorr wouldn't even sign his own name. All Watchtower literature was now produced anonymously.

Birth of the Social Contract

The Witnesses' Internet wars might, at first glance, seem like nothing but battles of spy vs. spy, of polarized and mutually parodic ideologues — the "atheists" vs. the "Society men." Closer inspection showed "a continuous spectrum of opinion" (as one H2O participant put it), the kind of spec-

trum that appears in any large community of talkers and listeners. H2O and its sibling sites presented Jehovah's Witnesses with their first opportunity to become that kind of community, and the experiment was well worth watching — not just as a test of the Witnesses' reactions but also as a test of postmodern ideas.

Contrary to the assumptions and hopes of postmodernists who looked to cyberspace for the long-promised transvaluation of all values, the revolution of the Internet turned out to be the revolution of a type of normalcy. It continually reinstituted the "spontaneous order" that Friedrich Hayek considered the significant achievement of a free society. Even H2O was not just so many anonymous people presenting diverse points of view. It was a social order characterized by a division of labor.

On any board as popular as H2O, the "lurkers" or observers outnumber the active posters. On H2O, the posters were further divided by ideology. But that's not the only important thing. Regular posters developed specialized roles. Some were demagogues, provocateurs, advocates for the intellectually handicapped, or professional cynics and victims. Others took on the practical job of telling other people how to handle their software and maintain their websites. Still others became historians canvassing the records of the Witness movement for absurd or instructive facts, sociologists analyzing the behavior of Witness subgroups, lawyers providing advice about the complicated procedures of the Watchtower "judicial" system, psychologists picking up the pieces that the lawyers left behind, salesmen promoting some great new notion or some great new link, dramatists, story-tellers, satirists, and comedians turning the Witness experience into works of literary art. Every social role represented someone's attempt to earn the currency of the Internet — the attention and respect of other people. Together, these roles approximated the patterning of a real community.

The virtual community was almost entirely anonymous, but it's clear that some of its members were a lot better known to one another than they were to their Witness families and friends. The obsessive privacy of modern communities is often regarded as the enemy of public life. At H2O, however, one could see that privacy creates the margin of safety that individuals need if they are to discover any life at all. The plastic computer case signified both privacy and power.

The failure of the world to end in 1975 brought back the Society's custom of treating every falsification of its prophecies as a sign that the Truth itself is advancing.

> [I]n 1995 when I bought my first computer (Mac 8100) I realized what I had been associated with [in the Watchtower]. . . . It was then that a big part of myself was freed. The Internet did indeed save my "soul."

It was more than a question of discovering the facts about the Watchtower movement. People on the net discovered talents that they never knew they had, and they got a chance to cultivate them. Many began their involvement as naive lurkers and loyalists, only to be drawn into dialogue and develop a role as thinkers and writers — often, I would add, acute and forceful thinkers, and writers of charm and wit.

These charming, intelligent, irritating, not infrequently hostile strangers also discovered a conception of the social contract that is older than Hayekian or even Lockean ideas of the free society. Its *locus classicus* is the passage in Sophocles' *Antigone* where Haemon suddenly realizes what is wrong with his authoritarian father: "You want to talk but never to hear and listen."

People on both sides were trying to live up to the demands of a simple but practical theory, one of the oldest theories in the world: the correspondence theory of truth.

Tell that to the Watchtower Society. But you can also tell it to patrons of the Internet who threaten other patrons, call them morons and fools, distract them with irrelevant issues, or simply lie about the facts. On H2O, as on any other website, people who kept doing these things suffered the worst civil penalty that an individualist society can inflict: they stopped being taken seriously.

The Internet's version of the social contract was based on the perceived interests of the participants, not on institutional hegemony or agreement about substantive issues. Was this a vindication of postmodernist ideas about the abandonment of truth and authority?

Resurgence of Truth

Not at all. The sudden, spontaneous evolution of Witness websites was entirely the product of private individuals' concern with the authority of old-fashioned truth. The dissidents spent their time and energy trying, as they frequently said, "to tell the truth about the Truth." The loyalists who appeared on disloyal sites had the same idea. They were sufficiently motivated by the pursuit of truth to risk a bad conscience and discipline by their own religious organization for engaging in dialogue with its opponents. People on both sides were trying to live up to the demands of a simple but practical theory, one of the oldest theories in the world: the correspondence theory of truth.

Nearly everyone involved in the Watchtower wars agreed on the simple idea that truth corresponds to ascertainable fact, and falsehood doesn't. Set aside, for the moment, all the symmetries and ironies, debates and paranoias among the pro-Watchtower and anti-Watchtower forces. The question that drew thousands of people into the arena of electronic debate was not a matter of unrelated perspectives and relativistic principles. It was much more straightforward: Did the Watchtower Society's ideas about the world, and about itself, correspond to facts?

"Rick," one of the anonymous people responsible for the H2O board, conceded that issues are usually not "black and white"; still, he suggested, "truth will reveal itself to those

who never stop seeking it." Everyone else seemed to agree. If someone could have convinced the Internet debaters that the search for truth was just an amusing language game or a search for diverse opinions, none of them would have stayed on the board. What drew the virtual community together was the conviction that ideas can be found that make a recognizable match with fact.

This conviction easily transcended all boundaries of class, gender, ethnicity, national culture, and current religious convictions. Prominent among the participants in the great Internet debate were African Americans, Norwegians, Venezuelans, Finns, Australians, militant atheists, born-again Christians, wealthy businessmen, impoverished single moms, physicians, janitors, and the blandest of general Americans. They all took the universal Internet community so much for granted that no one even mentioned multiculturalism or reflected, in the style of the Disney Corporation, that "it's a small world, after all." Again, if you're looking for a vindication of the free society as Americans have traditionally understood it, this is a good place to start.

But it's important to repeat that the net is not just a way of saying things; it's also a way of doing things. All sides in the Watchtower controversy now seem to accept the fact that the virtual community has a serious impact on the real community. Dramatic evidence began appearing in 1998, with the Bulgarian Blood Battle.

The Watchtower Society had been scuffling with the government of Bulgaria since 1994. The issues were blood transfusions and military service. The government believed that the Witnesses' blood ban was a threat to public health. The Witnesses believed that the government's reluctance to exempt them from military service was an infringement of liberty. One thing led to another, and the Watchtower Society haled Bulgaria before the European Commission of Human Rights. Negotiations followed, and in early March, 1998, the legal dispute was amicably settled. Bulgaria agreed to give the Witnesses conscientious objector status, and the Watchtower Society agreed not to impose "any control or sanction" on Witnesses who received blood transfusions. Anyone who read the agreement would conclude that the blood ban was lifted, at least for Bulgarians.

In times past, such a portentous change would never have caused a ripple in the Society's international organization, because it would never have received any publicity. In the 1960s and 1970s, Witnesses in Mexico were allowed to exempt themselves from military service by purchasing a little card indicating that they had "served," while Witnesses in Malawi, who knew nothing about events in Mexico, suffered horrible persecution for refusing to buy a little card indicating that they were "members" of the ruling political party.

The Internet broke the Witnesses' isolation from truth. On April 20, 1998, the obscure Bulgarian agreement was discovered lurking on the website of the European Commission and was reported by a poster on H2O. This seems to have been the first news that the Watchtower world (including almost everyone at Watchtower headquarters) had received of it. The news aroused both hope and suspicion. Was this apostate trickery, or a symptom of Watchtower reform? Electronic research confirmed that the news was authentic: the Society had compromised its stance on blood. In the Witness community, this was one of the biggest events imaginable. "As a witness of 40 years standing," one H2O poster observed, "I never thought I would see it."

But what did it mean? Was the Society hesitantly adapting itself to a new, more open world? Had it conveniently discovered some new truth about blood? Would it admit that its old idea of truth was false? Would it *have* to admit this, now that everybody who had a computer could see what was happening? Intelligence from Europe and America suggested that the Society was dithering, unprepared to react to the challenge of quick and uncontrolled publicity. But with the Internet watching, even the slowest, heaviest authority can't take long to dither.

The Witnesses are stuck in the door-to-door-salesman routines of a pre-electronic world, with no electronic outreach except watchtower.org, which no one will ever find unless he goes to look for it.

When the Society acted, its objective was not to speak the truth but to quell disorder on the net. On April 27, 1998, it dispatched a press release to a friendly site, NoBlood.com. Its announcement was a masterpiece of obscurantism. It said nothing about the Society's moral compromise; it merely applauded a victory for "religious freedom."

This was a desperate gamble. The Society had decided to engage with the Internet's demand for public dialogue, but only by playing its own private game with words. The strategy was boldly postmodern. It was meant to free the Society from any binding relationship between language and reality, any expectation that it would satisfy the correspondence theory of truth. Of course, that kind of freedom could be achieved only by identifying truth with institutional authority. But this is an ironic reflection on postmodern theories about authority and truth, not on the Society, which has always simply identified the two.

Understanding that principle, operators of loyal websites quickly purged people who came up with annoying questions about the Society's announcement. Loyalists posting on enemy sites went so far as to argue that the blood ban had never existed in the first place, that individual consciences had always been invited to decide things for themselves — even though, admittedly, a wrong decision might have certain unpleasant institutional consequences. This, indeed, was the Society's new line: having a blood transfusion is completely up to you — just don't do it, if you know what's good for you.

The immediate effect was to inspirit the Watchtower's opponents. Dissenters, especially the people at H2O, spoke of final judgments and miraculous conversions:

> "This has to be the beginning of the end for the WBTS [Watchtower Bible and Tract Society] as we know it. No way in hell will this slip quietly into obscurity."
>
> "They compromised their faith in Jehovah and failed the

test."

"I'm so [expletive deleted] at myself for being a SUCKER! for so many years. Thanks to the Internet I was able to wake up from my STUPIDITY!!!"

By fall, 1999, the Society realized that it was in serious trouble. It began taking action to soften its image, while hardening its authority. It yielded to one of the most vociferous demands of its Internet opponents: it made four appointments of relatively young men to the Governing Body, one of them the GB's first African American member. At the same time, it aimed a harsh blow at its Internet intelligentsia. An extraordinarily long and emphatic article in *Our Kingdom Ministry*, the Watchtower house organ, denounced the Internet, coming down hard on even such seemingly "innocent" phenomena as the electronic sharing of edifying news and chat. *Kingdom Ministry* made a special target of loyalist sites that had been dispensing increasingly sophisticated defenses of the Society's doctrines. It insisted on the Society's exclusive right to market its own teachings, using its own books and its own website.

Websites all over the world went blank — but only temporarily. Even the Watchtower Society could not tell private individuals to unplug their machines. The lasting effect was simply to make the loyalists who remained in action, or who returned to the Web, endure the ridicule of Internet opponents who wondered how they could keep defending the Society's authority after the Society had authoritatively decreed that they must not take it upon themselves to do so.

While the blood battle continued on the Internet, another problem cropped up — less important, but with its own nasty squint toward the problem of truth: Y2K. The Society had never associated any of its millennial prophecies with the advent of the actual millennium. Nevertheless, a long time had passed since 1914, which was supposed to mark the beginning of this world's end. Apocalyptic hopes were endemic in local congregations; they attached themselves to the year 2000; they were encouraged and spread by the Internet; and they were frustrated, as all preceding hopes had been.

The millennium dawned very dismally over the Watchtower Society. Since 1999 it had been spending much of its time (in some issues of its publications, all of its time) exhorting Witnesses to patience and endurance over the long haul. The exhortations were a concession to reality, the new reality that the Internet helped to create. In most countries of the industrialized world, as well as many countries of the third world, membership was slumping badly. Despite gargantuan efforts at proselytization, the number of Jehovah's Witnesses in 17 heavily Internetted countries, including the United States, actually shrank in 1999. Growth in the world as a whole was a very suboptimal 2%. The pattern continued in 2000, with zero growth or losses in 74 out of 235 countries or territories reporting statistics, declining placements of literature, and an 11% decrease in baptisms. Growth in the United States reached only about one half of one percent.

"Hold it, Goopta — the Grand Lama just raised the retirement age again."

2002 saw a modest turnaround: the worldwide number of active Witnesses increased by 2.84%. Witness watchers attributed the change, which was especially evident in certain Western nations (e.g., the United States, where the increase was 3%), to anxieties prompted by the terrorist attacks of September 11, 2001. The number of baptisms, however, still floated near a 14-year low, while the number of hours that Witnesses spent preaching remained steady. In 1988, almost 3,300 hours of witnessing were required to produce one convert. That was a lot of hours. But by 2002, over 4,500 hours were required (up from about 3,500 in 1999 and about 4,000 in 2000). That means that the average Witness, who logs about 200 hours of preaching a year, will work more than two decades before achieving any quantifiable result.

The problem looks even worse when you consider that many baptisms are those of family members, who are a great deal easier to convert than randomly contacted "householders." For generations, Watchtower publications have excoriated "Christendom" for its laziness and smugness, but now it appears that the Witnesses' own zeal is much less effective than that of many evangelical and mainline Christians. No wonder: the Witnesses are stuck in the door-to-door-salesman routines of a pre-electronic world, with no electronic outreach except watchtower.org, which no one will ever find unless he goes to look for it.

Where Are They Going?

In the last year or so, the Watchtower Society has encountered additional threats, and it has tried some new responses, most of them feckless. One of the biggest threats was an infection from the Witnesses' ancient enemy, the Roman Catholic Church. Russell, like most Protestants of his time, was fervently anti-Catholic, and Rutherford insisted that the Catholic Church was the real leader of the Axis powers. As late as 1960, the Society was inspired by the Kennedy presidential campaign to publish a special issue of its magazine *Awake* attacking "The Catholic Church in the Twentieth Century". The Society had always rejoiced in the Church's embarrassments. Yet the Church's current sex scandals showed how easy it is to pursue a scandal in any religious group, given the ability of the Internet to organize the forces of disaffection. Watchtower dissidents learned the lesson, organized, and began attracting significant media coverage to their stories of sex abuse and cover-ups among Jehovah's Witnesses.

Fearful of legal interference in any form, the Society tried various means of appearing to decentralize itself, protectively isolating religious functions in certain corporate bodies and business functions in others. When former Watchtower President Milton Henschel died in March 2003, the Society's

continued on page 76

A Jew Talks With Himmler

by Frank Fox

In the spring of 1945, a lone ambassador representing Europen Jewry flew from Copenhagen to Berlin in a plane eblazoned with swastikas. His mission: to convince Heinrich Himmler to let his people go.

Of all the extraordinary "summits" in history, an incontestable place must be given to a two-hour wartime meeting on April 20, 1945 between Heinrich Himmler, the arch-killer of Jews, and Norbert Masur, Swedish representative of the World Jewish Congress. As Allied armies closed in on Nazi redoubts in the spring of 1945, Himmler, aware of Germany's desperate situation (and his own), became more and more receptive to the idea of negotiating the release of the ill and starving in concentration camps such as Ravensbrück. The godfather for that extraordinary meeting was Felix Kersten, Himmler's masseur whose "magical hands" had been indispensable to Himmler since 1939.

This was not the first time that Himmler tried to strike a deal behind Hitler's back. Almost a year earlier, Kersten and Walter Schellenberg, the latter since 1944 head of both the SS and Wehrmacht security apparatus, made a proposal to the Allies that Himmler assumed they would not refuse. The aim was audacious and bizarre. As Professor John H. Waller reveals in his 2002 book *The Devil's Doctor: Felix Kersten and the Secret Plot to Turn Himmler*, Himmler proposed deposing Hitler. On March 20, 1944 General William J. Donovan, director of the Office of Strategic Services (OSS), passed on to President Roosevelt a message from Sweden that Himmler considered ousting Hitler and negotiating peace with the Allies in order to form a united front against the Soviet Union. Roosevelt and Churchill wasted no time rejecting the offer. Time was running out for Nazi leaders. On July 20, 1944 there was an unsuccessful attempt on Hitler's life and the circle of opposition to Hitler was destroyed or under surveillance. Himmler had to watch his every step. There was enough treachery for several Shakespearean dramas.

The Summit at Gut Hartzwalde

The meeting between Himmler and Masur took place at Gut Hartzwalde, Kersten's estate, not far from the Ravensbrück camp where starving and mutilated women were unaware that Himmler and Masur were meeting to decide their fate. Originally Hillel Storch of the Swedish branch of the Jewish World Congress was to meet with Himmler, but Masur was chosen instead. According to Joseph Kessel in *Les Mains de Miracle* (*The Miraculous Hands*, 1960), Storch feared for his life. He had already lost 17 members of his family in concentration camps. On Thursday, April 19, 1945, after Jewish officials obtained a promise of safe passage, Masur received the long-awaited invitation. Himmler was expecting him that evening. Masur and Kersten left for Berlin on a regularly scheduled flight from Stockholm to Copenhagen, then boarded another plane emblazoned with swastikas, hardly an auspicious symbol, as they flew to Berlin through skies crossed regularly by Allied planes on their bombing missions. Kersten referred to his companion, the visaless Masur, as a "dangerous piece of contraband."

This was the historical adventure that Masur has described in a booklet titled *Ein Jude Talar Med Himmler* (A Jew Speaks with Himmler, 1945), a rare document still not available in English.*

"It was a horrifying idea," he wrote a year after the meeting, "that I would be confronted and negotiate with the man responsible for the extermination of millions of Jews." After they circled over roofless Berlin, Masur witnessed the destruction that became more visible as they drove from Tempelhof airport through the city. Kersten's estate was some 30 miles north of Berlin, almost halfway to the hell of Ravensbrück. The Gestapo vehicle drove with its lights dimmed through the ghost-like ruins, past endless piles of rubble, the moonlit scene pierced from time to time by searchlights seeking out Allied bombers. They arrived at the estate before midnight to await Himmler.

At the stroke of 2:30 Himmler arrived, followed by his aide, Rudolf Brandt. Masur was relieved that he was greeted with a Guten Tag, instead of a Heil Hitler.

A birthday party in a Berlin bunker delayed the meeting. When Schellenberg arrived the following morning to welcome Masur he explained that it was Hitler's birthday, and Himmler could only come after the party. The meeting, he emphasized, was dangerous for all concerned. Hitler was against the release of any camp inmates and had been enraged the previous fall when Himmler agreed to send 2,700 concentration camp survivors to Switzerland as a gesture of conciliation to the Allies as Germany's war fortunes waned. Before long there was another message from Himmler that he could not come until 2:30 in the morning. They awaited him in candlelight since electricity was cut off as soon as the air-raid sirens sounded. At the stroke of 2:30 Himmler arrived, followed by his aide, Rudolf Brandt. Masur was relieved that he was greeted with a *Guten Tag*, instead of a *Heil Hitler*. They all sat down to tea, coffee, sugar, and cakes brought from Sweden, items in short supply in wartime Germany. As Kersten reminisced: "Here round the table at my Hartzwalde house were peacefully seated the representatives of two races who had been at daggers drawn, each regarding the other as its mortal enemy. And this attitude had demanded the sacrifice of millions; the shades of those dead hovered in the background. It was a shattering reflection." No less shattering, to be sure, than the blindness in Kersten's words of equivalence.

As Masur described him, Himmler was dressed in a well-fitted uniform, decorations prominently displayed, his manner calm and self-controlled. Masur could not believe that the man in front of him was history's worst mass murderer. Himmler soon launched into a monologue. Like other Nazi leaders whose point of reference was the defeat in World War I, he recalled that he was 14 when that war began and he blamed the Spartacist uprising and Jews for the social upheavals that followed. The Jews were a foreign element, he said, that had been driven out of Germany but always returned. He was always in favor of emigration as a solution but not even countries that claimed to be friends of Jews wanted to accept them. When Masur interjected that it was not customary to expel people from their homes and from a country where they had lived for generations, Himmler argued that it was mainly the eastern Jews who created new problems and that "Jewish masses were infested with severe epidemics." He conflated the conditions in Germany in the 1920s with those that prevailed in the ghettoes and camps that he himself established.

Himmler bemoaned his poor image in foreign media, and complained that when Bergen-Belsen and Buchenwald were liberated it provided "mud slinging propaganda," and that when he released 2,700 Jews to go to Switzerland he was accused of doing it to get an alibi. "I do not need an alibi. I have always only done what I have considered necessary for my people, this is my belief." As for the crematoria, these were built because of epidemics in camps, an argument that anticipated that used by Holocaust deniers.† He wished that the camps had been called "training camps," rather than concentration camps, since the purpose was to incarcerate and punish criminals. He wanted them to be like Theresienstadt, a community inhabited by Jews who governed themselves. "My friend Heydrich and I wanted all the camps to be patterned this way." He did not say that Theresienstadt was designed for propaganda and that many of its "privileged Jews" ended up in the crematoria of Auschwitz.

Masur finally found it difficult to contain himself. He sensed that Himmler's self-pitying pleadings were a sign of weakness and he reminded Himmler of the "gross misdeeds" that were perpetrated in camps. "I could not nor did I want to control my indignation . . . it was a great satisfaction to me to tell him to his face of some of the crimes. . . ." Masur sensed that he was now "the stronger one" and that this enabled him to make the request that all Jews in camps which were close to Scandinavia and Switzerland be evacuated. Supported by Kersten, he asked for the release of all the inmates of Ravensbrück.

Himmler was dressed in a well-fitted uniform, decorations prominently displayed, his manner calm and self-controlled. Masur could not believe that the man in front of him was history's worst mass murderer.

Himmler conferred with his aides and returned to say that he was willing to release 1,000 women from Ravensbrück, as long as the Jewish women were referred to as Polish. He also agreed to release a certain number of prisoners and hostages in other camps. The meeting lasted two

*The author is grateful to Andrzej Kobos of Lund, Sweden, for obtaining for him a copy of the Masur booklet and to Christina Gravdahl for translating it.

†The bodies of the sick were ostensibly burnt in the crematoria in order to prevent the spread of typhus or other infectious diseases. No responsible historian has accepted the Nazi account on this matter.

and a half hours. Masur, who had bargained for the lives of Jews with the devil incarnate, wrote proudly that "a free Jewish man was alone with the feared and merciless Chief of Gestapo who had the lives of five million Jews on his conscience." He characterized Himmler as an intelligent and educated man and contrasted Hitler's "idiosyncratic" view of Jews with Himmler's "rationalist" attitude, one that allowed him to bargain for the release of some Jews, a policy Hitler opposed to the end. Still, Masur found no "logic in construction, no grandeur of thought," only "lies and evasions" in Himmler's arguments.

In the morning Masur left for Berlin, the road filled with a "stream of human misery. . . . [T]he Germans," he wrote, "finally had a taste of what they had inflicted on other people." He could hear the sound of bombing nearby. Now he saw Berlin in daylight, a "field of ruins of a gigantic proportion." They went to the Swedish legation to meet Count Folke Bernadotte, a Swedish nobleman who had been involved with Kersten and Himmler in earlier releases, such as the freeing of 423 Danish Jews from Theresienstadt on April 14, but he was away. In the meantime, many thousands of prisoners were being marched away from Ravensbrück as the Western and Russian armies were approaching. These cruel evacuations took a terrible toll and hundreds of women died from exhaustion or were shot to death by the accompanying SS. Some were killed by Allied bombs and German civilians. Schellenberg assured Masur that Red Cross transports, the white buses that would eventually take the Ravensbrück inmates to Denmark and Sweden, were being prepared. Masur flew back to Copenhagen, his mission completed. By the time he got to Stockholm, he was informed that Folke Bernadotte succeeded in having the women from Ravensbrück evacuated to Sweden. The Swedish Red Cross was subsequently able to rescue 7,000 women, of whom about half were Jewish. Many were physical wrecks. In Masur's opinion, "only Palestine offered these long-suffering Jews a normal life."

The Memoirs of Felix Kersten (1947) fills in some gaps in Masur's overly formal account. Kersten, a physiotherapist, who had also treated Rudolf Hess, Robert Ley, Joachim von Ribbentrop, Count Ciano, as well as the Dutch Queen Wilhelmina's husband, realized as he began treating Himmler for painful stomach spasms that his "magic touch" made him indispensable. Kersten, the "Magical Buddha," as Himmler referred to him, found the "recumbent" patient at his weakest. "I used my power over him to save the lives of hundreds, perhaps thousands," he recalled proudly in notes he had hidden in a brick wall. The decorations he received after the war testified to the truthfulness of this, even though his closeness to Nazi party leaders made him suspect in the eyes of many. Kersten's description of Himmler as a "narrow-chested, weak-chinned man . . . with a high-pitched shrill voice, an ingratiating smile and eyes owlishly innocent," a copy of the Koran always at hand, a man who believed himself to be the reincarnation of Henry the Fowler and Genghis Khan, provides us with a unique portrait of the maniacal personality that impressed Masur with his intelligence. Himmler, according to Kersten, accused Goebbels as the one who planned the destruction of European Jewry, a plan that included Hitler's intention of exterminating the Jews of Latin and North America and handing over to the Arabs the task of exterminating Jews in their territories.

According to Kersten, Himmler told him: "I want to bury the hatchet between us and the Jews. If I had my own way many things would have been done differently. But I have already explained to you how things developed with us and also what the attitude was of the Jews and of the people abroad." And he added that "the Fuehrer gave me his personal orders to follow the harshest course." Himmler's shared confidences with Kersten included the "blue folder" with Hitler's medical history and plans for a tomb with a hall that was to be over 1,600 feet high and a mile in diameter, that would hold 300,000 people.* "Hitler," he said, "was in extremely poor state of health." Kersten recorded that one of the last conversations he had with Himmler was about a "secret weapon," more powerful than the V-1 and V-2 rockets, that was to end the war. "One or two shots and cities like New York or London will simply vanish from the earth." He was told of a village built near Auschwitz where the new weapon was tried out. Twenty thousand Jewish men, women, and children were brought to live there. A single shell according to Himmler caused 6,000 degrees of heat and everything and everybody there was burned to ashes. Kersten assumed that the Germans had nearly completed constructing an atomic bomb.†

Himmler told him: "I want to bury the hatchet between us and the Jews. If I had my own way many things would have been done differently."

The publication of Kersten's personal papers, *The Kersten Memoirs* (1956), with an introduction by H.R. Trevor-Roper, sheds additional light on those momentous meetings. Trevor-Roper, while praising Kersten, downplayed the role of Folke Bernadotte. In an essay, "The Strange Case of Himmler's Doctor Felix Kersten and Count Bernadotte" (*Commentary*, April 1957), Trevor-Roper elaborated on Folke Bernadotte's shortcomings both as a person and a diplomat. He referred to the Himmler-Masur meeting at Gut Hartzwalde as "one of the most ironical incidents in the whole war." From Kersten's personal papers one learns that when Masur arrived at the Tempelhof airport he was saluted by "half a dozen smartly turned-out men with *Heil Hitler*." It was surely the only time in the history of Nazi Germany that an SS detachment saluted a Jew! According to Kersten, Masur took off his hat and politely said: "Good evening."

Schellenberg's Account

It remained for one more participant, Walter Schellenberg in his book *The Labyrinth* (1956), to comment on the astounding Himmler-Masur meeting. As one of Kersten's patients (Himmler insisted that all his SS leaders undergo an examination), he said that the gifted masseur could feel nerve com-

*Kersten has been proven to be a very reliable recorder of information, and likely reports correctly here as well.

†Himmler's startling revelations are unconfirmed.

plexes with his finger tips and through manipulation increase blood circulation, thus reconditioning the entire nervous system. Schellenberg said that he had indirect contacts with the Russians through Switzerland and Sweden after 1942, was involved in the proposals made by Himmler to the Allies as late as March 1944, and was negotiating with Folke Bernadotte a surrender to General Eisenhower. All these attempts failed to break the fanatical phalanx around Hitler. Schellenberg remembered telling Himmler that there were only two courses open to him. He should confront Hitler and force him to resign or remove him by force. Himmler responded that if he did that Hitler would shoot him out of hand. Small wonder that Schellenberg's desk was built like a fortress with mounted automatic guns that could spray his office with bullets. He also equipped himself with an artificial tooth and a signet ring that held cyanide, poisons he never used.

Ravensbrück

There were many hells on earth in Hitler's imperium, and Ravensbrück was one of the worst. Hitler's only major camp for women, it was one of four prewar camps in Germany. Of the 132,000 imprisoned there, 92,000 were cruelly murdered. Built in May 1939 on reclaimed swampland, its barracks were constructed by the women first sent there, a majority of them Polish. In April 1941, a men's camp was added. Ravensbrück also included a separate camp for children. Michael Hershon, an experienced Holocaust researcher in Australia who has studied the Masur story, noted that the Ravensbrück complex included other *Aussenlager* or subcamps, some located as far away as Mecklenburg, Bavaria, and Bohemia-Moravia. At one point Ravensbrück had 34 such subcamps. The Nazi system was a veritable *Arbeitsamt* (labor office), selling or leasing concentration camp inmates to German industry and agriculture. In addition, German courts consigned women there for short sentences. The inmates produced SS uniforms and sorted such items as furs, an "enterprise" detailed in Raul Hilberg's *The Destruction of the European Jews* (1961). Eventually, Ravensbrück included women from over 20 countries as the Germans sent victims from areas threatened by Red Army advances. The camp also served as training ground for the female SS guards of whom it had the largest contingent. Some 3,500 of these became guards there or were sent to other camps. The sadistic Irma Grese who mutilated women at Auschwitz had been a trainee at Ravensbrück.

"It was a horrifying idea," he wrote a year after the meeting, "that I would be confronted and negotiate with the man responsible for the extermination of millions of Jews."

Konnilyn Feig, in her work *Hitler's Death Camps: The Sanity of Madness* (1981), wrote about the "the healthy young women who were infected with various diseases" and on whom the camp "doctors" performed the most disfiguring and bizarre surgical procedures. Feig's account of this barbarism is shattering. Those that did not die became cripples, kept in a separate block as *Versuchskaninchen* (guinea pigs). At Ravensbrück, Dr. Karl Gebhart removed leg muscles from young Polish women and transplanted amputated limbs from the victims to patients at the SS hospital. The experiments included regeneration of bones, use of sulfanilamide for infections, operations, and sterilization. Much of the surgery was conducted without anesthesia. The procedures made no scientific sense. One inmate referred to them as "useless knowledge." Almost half of the women who endured these particular experiments died. The ghastly operations were presented before Germany's medical conventions and were written up in Germany's medical journals.*

The torturers were ordinary people: dentists, a former printer, doctors, nurses, middle-level workers, without criminal records.

The final six months of the camp's existence were the worst. The commandant of the camp stated that Himmler had ordered him in February 1944 to gas all but the young and healthy. Germaine Tillion, a survivor of Ravensbrück, in her book *Ravensbrück* (1975), suggests that Himmler only wanted to save enough women to trade for his peace proposals two months later. As Russian troops approached, more and more victims were brought in from other camps and room was made in the already overcrowded barracks by gassing and cremation. The roads between Auschwitz and Ravensbrück were littered with bodies of those who died on "death marches." Among the many who transited through the camp were prominent inmates such as Gemma La Guardia Gluck, sister of New York Mayor Fiorello La Guardia; Genevieve de Gaulle, niece of French General Charles De Gaulle; Rosa Thaelmann, wife of Ernest Thaelmann, chief of the Communist Party in Germany (whom the Nazis executed in Buchenwald); Franz Kafka's love, the writer Milena Jesenska; and the poetess Charlotte Delbo. These were "protected" prisoners, held as hostages. As for the other inmates, Tillion related that even as Himmler held discussions with Folke Bernadotte and Kersten, the crematoria at the camp did not cease consuming their victims. The torturers, she noted, were ordinary people: dentists, a former printer, doctors, nurses, middle-level workers — without criminal records. Yet these men and women "drowned infants in pails, poisoned the soup given to the sick, and planted gangrene in the wounds they had opened in the legs of school children."

Fifty-eight years ago this past April, dozens of buses painted white and bearing the emblems of Sweden and the Red Cross left the hell of Ravensbrück for Denmark and eventually Sweden, carrying with them thousands of women of different nationalities. The buses included many Jewish survivors. Eventually, some 13,500 women were released

continued on page 62

*See Benno Mueller-Hill, "The Blood from Auschwitz and the Silence of the Scholars" in *History and Philosophy of Life Sciences* 21, pp. 331–365 (1999).

Lesson

Ideohabits

by Colleen Coleman

Habits, like death, taxes, mildew, and Barbra Streisand, are a part of life that we must struggle against and sometimes just accept.

Everyone has habits. Some habits, such as brushing one's teeth at 11:00 every night after taking Geritol with milk, are good for one's health. Other habits, such as biting one's nails, are detrimental to one's appearance. Some habits, such as kissing each of one's nine cats good night before putting them out, are peculiar to a single individual, whereas other habits, such as biting the end of a pen, are shared by millions. Habits, like death, taxes, mildew, and Barbra Streisand, are a part of life that we must struggle against and sometimes just accept.

However, there are some habits that are beyond mildly damaging to the habit-holder and slightly annoying to his neighbors. There are habits that enter the realm of the truly dangerous. I'm talking here about habits that people have adopted out of ignorance and superstition; habits that have been inculcated in an individual because he or she has uncritically or unconsciously accepted the cultural Zeitgeist. To coin a new sniglet, I call this particular category of habits "ideohabits" because they involve behaviors born of the pernicious ideologies that infect our civilization. (I'm sure some French post-structuralist theorist out there has come up with a more eloquent name for the concept, but I like "ideohabit" because it is so close to "idiot-habit.")

Unlike many other kinds of habits, ideohabits are almost never apparent to the sufferer. Moreover, his chances of breaking his ideohabit through friends and family calling attention to it are almost nil since they all likely have the same ideohabit.

Recently, I had a fortunate epiphany borne out of frustration whereby I discovered one of my own ideohabits.

I teach remedial writing part-time at a community college. Among the many common mistakes that students, a handful of whom have the excuse that they only started learning English a couple of years ago, make is that they use the simple past tense of a verb with don't or didn't. One classic example is, "I didn't wanted to." A couple other of my favorites include: "My parents don't spent that much money on me" and "I didn't had to do it."

Often, the same students will, despite having the mistake pointed out to them multiple times by multiple tutors, repeatedly use the past tense form of a verb. It's like a habit with them.

Anyway, my instructional technique is to circle the sentence in which the offending verb phrase appears and to ask the student to tell me what is wrong with what they have written. About half of the time the student can pick out the problem fairly quickly.

When the student doesn't see the problem, my typical response has been to say something like the following: "Had is not the correct form of the verb here. What you really want to use here is have. Okay? This had that you wrote here is

continued on page 77

A Jew Talks With Himmler, *from page 60*

from Ravensbrück, of whom 3,000 were Jewish. In fact, the Swedish white buses left thousands behind. When the Russian troops entered Ravensbrück on April 30, the day that Hitler committed suicide, there were still 23,000 Jewish and non-Jewish women and children in Ravensbrück. Now, almost six decades after the women of Ravensbrück were transported to freedom, we can finally "hear" the victims speak. Lund University in Sweden has been the repository of hundreds of oral testimonies recorded as soon as the Ravensbrück victims arrived. In what can only be characterized as a heartless exercise of bureaucratic caprice, the entire manuscript collection deposited at Lund was closed to the public until 1995. These testimonies are slowly being translated into English and are only now being made available to the public on the University of Lund website. For reasons that make little sense, the brave women are not identified by a name but by a number — a terrible reminder of their earlier anonymity.

Recovered Testimony

Testimony #111 is from a Jewish woman from the town of Tarnow, 25 years old at the time of liberation, a dressmaker by profession, who was first imprisoned in the town's ghetto. In eleven pages she recounted the conditions under which she lived through deportations and punishments. She came to Auschwitz as a political prisoner. An orchestra was playing as she stood naked at "selections" and saw children going directly to gas chambers. She suffered a beating for having a fever and worked in a laundry washing out the bloodied clothes of those who died. As the Russians approached, she and several hundred women walked 30 kilometers daily and then traveled in open coal cars until they arrived at Ravensbrück where she heard the overseers shout at them "*Schmutzstucke*!" (dirty things), the insult hurled at those at a fatal stage of starvation, women about to be sent to the gas chamber. "One beautiful day," as she put it, the order came for all Jewish women to leave camp, and from there they went by bus and boat, "led like children," until they arrived in Sweden on May 1, 1945. She had lost her entire family.

Another testimony is that of a Jewish woman, #242. At 19, she was held as a political prisoner in Majdanek and Auschwitz. In the pages of her testimony she told of wandering around the countryside before deportation with her brother's 9-year-old son, using her diminishing funds to find a place to sleep, and later hiding in Warsaw, always in danger of the *szmalcownicy* (blackmailers). After hair-raising escapes she was denounced to the Gestapo by the wife of her former teacher. The child was shot and she was sent to Majdanek death camp, where 20,000 Jews had been killed with grenades as a camp orchestra played.* She was transferred to Ravensbrück in November 1944, as the Allied armies advanced.

Throughout recorded history prisoners were able to communicate with their loved ones, and even those condemned to death made statements and penned letters. The Holocaust destroyed lives and memories. The hermetically sealed ghettos and death camps denied the innocent what the most guilty had been granted. For more than half a century we have not been able to hear the "voices" of the women freed from the hell of Ravensbrück. As more and more testimonies finally become available on the Lund website we may learn the names of #111 and #242 and of the many others so we can honor them and in that way pay homage — even so late — to the many nameless ones whose lives and deaths should never be forgotten. ❑

*To quote #242: "The Jews were taken out in groups to the sixth field, the 'death field' at Majdanek. As an orchestra played, twenty thousand Jews were killed, with grenades. First they were told to undress. The action was carried out over the course of one day." From Voices from Ravensbrück, Interview No. 242, March 20, 1946.

Tax Limits, *from page 22*

Colorado border would have to be posted with signs reading, "Colorado is closed for business."

However, since 1992, nothing of the sort has happened. In fact, Colorado's economy has been exceptionally strong. Between 1995 and 2000, Colorado ranks first among all states in gross state product growth. Additionally, during the same time span it ranks second in the nation in personal income growth.

In addition to providing tax relief and fostering economic growth, TABOR has also forced Colorado residents to see the costs inherent in government programs. In other states, residents often support higher government spending because they can see the benefits of a particular program but remain blissfully unaware of the costs that they and other taxpayers will be forced to bear.

In Colorado the annual tax rebates bring these tradeoffs into focus. In every year from 1993 to 1999 there was a proposal on the ballot to either raise taxes or increase spending in excess of the TABOR limit. Knowing these initiatives would markedly reduce the size of their annual tax rebate, voters soundly defeated each of these measures. In 2001, an initiative to increase spending for Colorado schools passed. However, Colorado taxpayers still received tax rebates totaling more than $900 million from fiscal 2001 revenues.

Conclusion

Proposition 13 remains one of the most important victories for conservatives and libertarians. It resulted in some much-needed tax relief, stimulated California's economy, and generated nationwide momentum for tax reform. In fact, property taxes in California remain low to this day because of both Prop. 13 and the willingness of watchdog groups like the Howard Jarvis Taxpayers Association to defend the proposition in court.

However, Proposition 13 failed to impose any real discipline on state spending. Indeed, when the courts weakened California's spending limit in the late 1980s, expenditures soared. This dramatic increase in state spending is largely responsible for California's current fiscal predicament. Still, one important lesson from the 1990s is that well-designed TELs can both effectively restrain spending and provide tax relief. Stringent spending limits modeled after Colorado's Taxpayer Bill of Rights may well be the best strategy for those seeking to reduce the size of government during the next 25 years. ❑

Reviews

To Begin the World Anew, by Bernard Bailyn. Knopf, 2003, 185 pages.

The Virtue of Provincialism

Timothy Sandefur

The American frontier of the 18th century was more isolated than modern Americans can readily imagine. News traveled slowly, books were rare, colleges rarer. Even the aristocrats, pampered and educated as they were, lived on the margins of the West, physically and intellectually, and were far below the level of European nobility. In *To Begin The World Anew,* Bernard Bailyn argues that this very provincialism accounted for the originality of America's Founders' thinking.

This combination of rustic and refined accounts, Bailyn argues, for America's unique political heritage: it led to a special combination of idealism and realism that reveals itself in several aspects of the era. *The Federalist Papers,* for instance, the most important book on politics America has produced, is not a lengthy rumination on abstract philosophy, but the product of a political campaign, written in a frenzy to get the Constitution ratified. That Constitution was itself the product of a convention whose debates are surprisingly devoid of abstract arguments. This has led some conservatives to exaggerate the Framers' pragmatism, and to ignore their deep philosophical backgrounds. Bailyn happily avoids this extreme. The Framers may have been rustics, but they were extremely well-educated ones, who knew what went on in Europe's capitals. Bailyn thus analogizes the Founders to art historian Kenneth Clark's description of provincialism in art: the artistic trends of cities set the artistic standards, "but in time metropolitan art, for all its successes — and in part because of them — becomes repetitive, overrefined, academic, self-absorbed. . . . Artists on the periphery introduce simplicity. . . . [They] are concrete in their visualization, committed to the ordinary facts of life as they know them . . . they celebrate the world around them and strive to realize their fresh ambitions." In Bailyn's view, the Founders reacted toward European intellectual traditions in the same way — both skeptically and creatively.

Americans have long been proud of their pioneer roots, and have celebrated common sense over the pomp of aristocracy. This is just one of the more visible results of our founding provincialism. In fact, from the beginning, observers noted the salubrious consequences of America's distance from Europe. Thomas Paine wrote in *Rights of Man* that:

> As America was the only spot in the political world where the principle of universal reformation could begin, so also was it the best in the natural world. . . . Its first settlers were emigrants from different European nations, and of diversified professions of religion, retiring from the governmental persecutions of the old world, and meeting in the new, not as enemies, but as brothers. The wants which necessarily accompany the cultivation of a wilderness produced among them a state of society, which countries long harassed by the quarrels and intrigues of governments, had neglected to cherish. In such a situation man becomes what he ought. He sees his species, not with the inhuman idea of a natural enemy, but as kindred; and the example shows to the artificial world, that man must go back to Nature for information.

The ethic of rugged individualism is not the only manifestation of American provincialism. Another is the contrast between the American Revolution and the European revolutions which followed it. The French Revolution, for instance, differed disastrously from its American predecessor in at least two ways: first, France, unlike America, had a social system built up around centuries of European aristocracy. Although America had a degree of social hierarchy, it reached nothing like the extremes of Europe, where mores and family histories had become completely entangled with feudalism and its aftermath. Simply eradicating government interventionism was enough for most (white) Americans, but in France, generation after generation of ill-gotten gains had been piled up by monarchs and their rivals, and this led to the second difference: France, unlike America, embraced a notion increasingly popular among 18th-century intellectuals: that government should redistribute wealth and opportunity as a means of freeing men not only from unjust laws, but also from unfair poverty.

The Jeffersonian emphasis on the self-reliant farmer was built in conscious contrast to such collectivist thinking. City dwellers, Jefferson thought, were dependent and meek; farmers were independent and proud. Of course he exaggerated, as always — claiming once that "our farmers are the only ones who can read Homer" — but

there was a kernel of truth to it. Jefferson well knew the lessons of Roman history; how a dependent urban proletariat had grown around increasing demands for wealth redistribution, while politicians came to depend on their votes, and thus to pander to them by giving them other people's money. The result was the death of freedom. Provincialism, therefore, had an important political purpose in Jefferson's eyes: it kept the people honest, and skeptical of their rulers' honesty.

The Framers may have been rustics, but they were extremely well-educated ones, who knew what went on in Europe's capitals.

Provincialism, balanced by a deep understanding of European civilization, made the Founders into practical idealists rather than utopians; they were both speculative philosophers and practical men. Thus "Dr." Franklin — world-famous scientist and man of letters — had no formal schooling and was not a "Dr." at all. He was a printer and an eminently practical man, originator of clever technological improvements that mattered to real people. The Founders' more abstract pursuits reveal their constant desire to make ideas matter in the real world. "The blending of realism and idealism permeates the entire history of the Revolutionary era," writes Bailyn. The Constitution, for instance, a practical document, setting out the rules for political order, was thus appended with a Bill of Rights which has become an icon of founding idealism. It "is two documents, one creating the powers necessary for survival, the other expressing enlightened aspirations . . . it reflects precisely the creative tension between idealism and realism in American life. . . . "

Thus Bailyn rejects the fashionable myth that the Constitution was a retreat from the radical ideology of the American Revolution, a politically motivated misreading which has unfortunately gained adherents even within the libertarian world. There are three causes of that myth's survival: first, a misunderstanding of the American Revolution; second, a misunderstanding of the Constitution; third, an anachronistic tendency to see the 20th century's abuses of government as the inevitable result of the Federalists' creation. This is understandable; it's hard, when reading "Brutus"' essay on the federal taxing power, to resist the feeling that he was right; that we should have heeded his warning and refused to ratify the Constitution; that the seeds of the New Deal and Great Society were sown in 1788. But surely this is throwing the baby out with the bath water. The American Revolution was not some proletarian uprising for the redistribution of property and the exile of capitalist exploiters, and the Constitution was not a humbug put over on the working class to lure them back under the yoke. The revolution's principles were extremely well-formulated, and the drafters of the Constitution candidly relied on them when writing the Constitution. At the Massachusetts Ratification Convention, one delegate complained that "[t]hese lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, [will] . . . get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan. . . . " But another delegate rose to calm him:

> I am a plain man, and get my living by the plough. . . . I beg your leave to say a few words to my brother ploughjogger. . . . I have lived in a part of the country where I have known the worth of good government by the want of it. There was a black cloud that rose in the east last winter, and spread over the west . . . and produced a dreadful effect. [Shays' rebellion] brought on a state of anarchy. . . . People that used to live peaceably, and were before good neighbors, got distracted, and took up arms against government . . . and then, if you went to speak to them, you had the musket of death presented to your breast. They would rob you of your property; threaten to burn your houses; oblige you to be on your guard night and day; alarms spread from town to town; families were broken up; the tender mother would cry, "O, my son is among them! What shall I do for my child. . . !" Our distress was so great that we should have been glad to snatch at any thing that looked like a government. Had any person, that was able to protect us, come and set up his standard, we should all have flocked to it, even if it had been a monarch; and that monarch might have proved a tyrant; — so that you see that anarchy leads to tyranny, and better have one tyrant than so many at once.

This is the sort of common sense that laid the foundation for the American experiment. Political philosophy served the practical needs of real life, rather than changing people to fit utopian fantasies. The Constitution, as written, created a limited government of enumerated powers, with checks and balances to protect the prerogatives of the states and thus prevent centralization. It recognized and built upon the known weaknesses and strengths of real human beings. It prevented states from taking property from some people and giving it to others. It forbade the income tax and paper currency. It protected the free flow of commerce between states, and the right of private property. That we have fallen from these principles reveals the degree to which plain common sense has been subverted as provincial America (the red spots on the famous 2000 election map) grows into the urban (blue). But the Framers warned us about this. For instance, writes Bailyn, "the phrase 'general welfare' . . . is no open-ended license to prey on the community. It is specifically explained and qualified, Madison wrote, by the enumerated particulars in the clauses that immediately follow. Shall these 'clear and precise expressions,' Madison asked, 'be denied any signification' and only 'the more doubtful and indefinite terms be retained in their full extent'? That, he said, would be absurd."

Provincialism, balanced by a deep understanding of European civilization, made the Founders into practical idealists rather than utopians; they were both speculative philosophers and practical men.

Today, absurdity is a matter of course in American law, as the plain words of the Constitution are strained and twisted to suit the needs of the modern regulatory welfare state. Take the Supreme Court's recent decision in

Tahoe-Sierra v. *Tahoe Regional Planning Agency*. The Fifth Amendment does not require just compensation when laws prohibit all construction for 20 years, wrote Justice Stephens, because government couldn't afford that. Bailyn writes of Jefferson's letters from France, which described how government employed "'the flower of the country as servants,' leaving the masses unemployed . . . while vast lands [were] set aside as game preserves." What does this sound like if not present day America? Government is the nation's largest employer, leaving private schools and other businesses unable to compete for employees; vast areas of land are put off-limits, to preserve endangered insects, rats, and ferns. It is not the Constitution that has reduced us to our present state, but our own failure to keep it. The Framers told us, as Bailyn writes, that "if it ever happened that [the Constitution's] restrictions [on power] were ignored by federal office-holders, then the whole Constitution of government would be at an end and private problems would scarcely matter in the general catastrophe that would result." That our era has abandoned the Constitution's limits on government in order to purchase the liberties of the people with their own tax dollars is our own fault.

Our intellectual class no longer shares the Founders' provincial common sense — if anything, it scoffs at their alleged primitivism, because (it is said) they didn't imagine how complex and interconnected our world would become. Like the Old World elites our Founders reacted against, today's leaders — including Supreme Court Justices — can no longer really understand the Framers as anything but quaint historical curiosities. This accounts for an observation Bailyn makes in a brief note on the influence of *The Federalist* on the Supreme Court's jurisprudence. He notes that in the first few years of American history, *The Federalist* was rarely cited as an authority, and then the court disagreed with Publius' analysis as frequently as it agreed. Over the past decades, references to *The Federalist* have grown very common; "twentieth century justices have shown little restraint in using the papers to support their opinions, and increasingly as an irrefutable authority." But this should not be surprising. The collapse of political philosophy in modern America has rendered the court unable to understand, let alone carry on a sensible conversation with, the concepts in *The Federalist Papers*. They are no longer seen as arguments, but as oracles, expressing some deep and mystical truths inaccessible to the judicial mind. They are no longer food for thought, but merely time capsules. This parallels the court's descent from the realm of logical moral philosophy to the recitation of tradition.

The corruption of constitutional understanding has led to this point: the court no longer has access to the reason of the Constitution, so instead it appeals to authority.

The corruption of constitutional understanding has led to this point: the court no longer has access to the reason of the Constitution, so instead it appeals to authority. Bailyn is puzzled that while "respect for the papers' authority has grown" in recent years, there has also been a growing "absence of references to papers and arguments that the *Federalist* authors themselves believed to be fundamental." But the answer is clear: many members of the bar are no longer able to comprehend the argument of *The Federalist*. It is not that today's judges rely on *The Federalist* "to guide the[ir] reasoning," but that they have come to see it as a substitute for reasoning.

The justices have abandoned the notion that there are any moral truths, let alone self-evident ones, and, as the court itself put it in a 1984 case, "[t]he 'natural rights' theory . . . was discarded long ago" (*New Hampshire* v. *Piper*). Instead, to determine what the Constitution protects, the court analyzes "our nation's history and tradition," which, while often enlightening, is in the end, deeply cynical: it turns away from what is true, and asks only what people say is true. So the words, rather than the thoughts, of the Founders remain. As José Ortega y Gasset wrote, "the advantage of the words which offer material support to thought has the disadvantage that they tend to supplant that thought; and if, some fine day we should set ourselves to plumb the repertory of our most customary and habitual thoughts, we would find ourselves painfully surprised to discover that we do not have actual thoughts, but merely the words for them." ❑

***Jarhead: A Marine's Chronicle of the Gulf War and Other Battles*, by Anthony Swofford. Scribner, 2003, 260 pages.**

A Warrior's Tale

Clark Stooksbury

War has been one of the more widely chronicled human endeavors. It is a fascinating and critically important aspect of history. As a young boy, I often dreamed of glorying in war, my fantasies fueled by John Wayne movies and books in the school library featuring heroic World War II pilots who would marry their P-51 Mustang if only it could cook. Years later as a young neoconservative under the influence of *National Review* and the *American Spectator* and hawks such as George Will and Richard Perle, I joined the Marine Corps Reserve.

The Marine Corps can with some

justification lay claim to being the literary branch of the armed services. From Smedley Butler to James Webb, former Marines have drawn upon their experiences to create memoirs, political tracts, and novels. The late Eugene B. Sledge wrote two excellent memoirs about his experiences in World War II and afterwards: *With the Old Breed* and *China Marine*. Historian and biographer William Manchester published a Pacific war memoir in the 1970s. Now we have Anthony Swofford, who served in the first U.S.-Iraq War.

In places Jarhead resembles the confessional — or perhaps exhibitionist is the better term — memoir one often sees these days.

Swofford wasn't just any grunt, he was part of a scout/sniper platoon. In an organization that prides itself on its marksmanship training, that is impressive. *Jarhead* is a memoir of the war, but it is also a remembrance of events that shaped Swofford, leading him to join the Marine Corps in the first place, along with details about training, the fate of various friends after the war and his own pre- and postwar activities. While the aforementioned Sledge wrote in a straight chronological narrative format, Swofford goes backward and forward in time.

Why would anybody ever do something as crazy as enlist in the Marine Corps? Surely everybody who has ever found himself being screamed at by a drill instructor while getting off of a bus late at night at Parris Island or San Diego has asked himself that question. One of the events that molded young Anthony Swofford into Corps material was his witnessing, as a young teen, the 1983 (Swofford incorrectly reports the date as 1984) barracks bombing of Marines at the Beirut International Airport. "I was fourteen when the marine barracks in Lebanon was bombed, killing 241 U.S. servicemen, mostly marines. The number of dead was burned in my consciousness. As I folded my newspapers each morning, staring at the front-page images of the marines, the carnage crept into my brain, and also the sense that my country had been harmed and that I was responsible for some of the healing, the revenge." A few years later, his Vietnam-veteran father refused to allow him to join up before reaching adulthood. So off to boot camp went an 18-year-old Anthony Swofford in 1988.

Jarhead is short on action, but that is not Swofford's fault. He didn't have much material to work with. As a scout/sniper, he "saw more of the Gulf War than the average grunt." Still, he could not see the whole picture. "My vision was blurred — by wind and sand and distance, by false signals, poor communication, and bad coordinates, by stupidity and fear and ignorance, by valor and false pride."

Instead of the riveting action of the sort depicted in *With the Old Breed*, Swofford offers up tedium in the Saudi Arabian desert. After the air attacks begin, his fellow marines experience increased anxiety and sleepless nights. The Iraqi enemy offers only inept opposition, and poorly aimed artillery fire. They experience, however, at least one horrific attack:

> Rounds pass directly over our heads while I retrieve my spotter's scope from my ruck. As they pass over, it's as though all sound and time and space in their path are sucked into the rounds. A five-ton truck blows one hundred yards behind us . . . I gain visual. The tanks shooting at us are M-60A1s, friendlies . . . Unlike the minor enemy assaults with artillery and rockets we've experienced over the days prior, we know that our own guys will not stop until the entire convoy and all nearby personnel are annihilated, because that is the way of the Marine Corps. We are fighting ourselves but we can't shoot back.

Some of Swofford's experiences in the desert are typical to the military experience. The troops, never having been issued desert camouflage chemical protection suits, instead wear the normal jungle camouflage, making them look like a "movable forest," when they fear a gas attack from Iraqi artillery. Rumors and lies abound as well. At one point, while Swofford's unit is stationed in the Saudi Arabian desert, the company First Sergeant calls for volunteers to try out for the marine band (and escape the desert, and prospective war). When he had five volunteers, he handed them kazoos and ordered the humiliated marines to play "Mary Had A Little Lamb" and other tunes for their fellow Marines.

One is tempted to rewrite an old adage: people who live in glass houses should paint the walls.

In other places *Jarhead* resembles the confessional — or perhaps exhibitionist is the better term — memoir one often sees these days. Swofford comes from a dysfunctional family; his sister spends time in a mental hospital; his girlfriend cheats on him, etc. On top of that, he is inordinately concerned with bodily functions, to the point of discussing his public pants wetting as a young boy in Japan. One is tempted to rewrite an old adage: people who live in glass houses should paint the walls.

In spite of its faults, *Jarhead* is a worthy addition to the literature of war. "The real war will never get into the books," states a chapter heading of Paul Fussell's *Wartime*, and that is presumably true of the first Gulf War. But with *Jarhead*, Anthony Swofford has given us a portrayal of the war that he witnessed. ❑

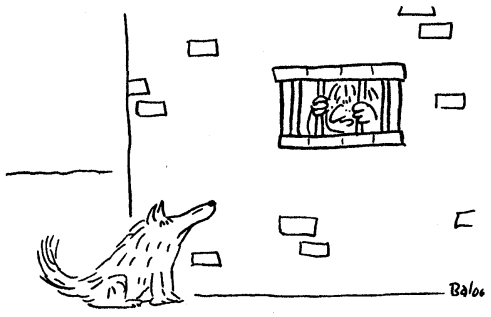

"Go get bail money, Lassie. Understand, girl? — Go get bail money."

The Language Police, by Diane Ravitch. Knopf, 2003, 255 pages.

White Bread Text

Stuart Williams

The textbooks used in America's elementary and secondary schools have always undergone a highly political approval process, with predictable results: back in the mid '60s, my seventh-grade Virginia history textbook intoned that the antebellum South was "perhaps the finest civilization the world has ever known." Diane Ravitch, a professor of education at NYU and Department of Education official in the first Bush administration, has written an informative and often entertaining account of how today's textbook and test publishers practice self-censorship to avoid stirring up political controversy. *The Language Police* recounts how all the major educational publishers have adopted similar "bias and sensitivity" guidelines to satisfy state departments of education, particularly those in California and Texas (dominated by the Left and the Right, respectively). As a result:

- Controversial subjects are prohibited. These include sex, drugs, abortion, religion, evolution, divorce, owls (offensive to Navajos), challenges to authority, and racially mixed families, to name a few. To comply, Ray Bradbury's publisher removed 75 passages from Bradbury's classic book about censorship, Fahrenheit 451, without his knowledge.
- Junk food is also taboo. Two publishers liked a story called "A Perfect Day for Ice Cream," but both(!) removed references to chili burgers, pizza, and ice cream and changed the title to "A Perfect Day." (Additionally, the publishers removed references to "kamikaze ball" and Gloria Steinem to avoid complaints from California about ethnic stereotyping and from Texas about feminism.)
- The terms "America" and "Americans" are not acceptable; preferred are "the United States" and "citizens of the United States."
- Literary anthologies must be demographically balanced, in terms of both authors and subject material. Females, ethnic and racial minorities, the aged, and the handicapped must be represented according to their proportion of the population as a whole. (A court case unearthed this memo from a top editor: "I like the ethnic aspect. I like the use of a girl as a lead. I don't like the story. The urban setting is a plus.")
- Stereotypes must be avoided. For example, text and illustrations must portray seniors engaged in active pursuits such as shopping or jogging, not in domestic or sedentary activities. Stories and illustrations should not portray African Americans as athletes, musicians, or entertainers, or Asians as "model minorities."
- Bias is redefined and prohibited. A test publisher rejected as biased a story about a heroic young blind man who hiked to the top of Mount McKinley. Ravitch explains, "In the new meaning of bias, it is considered biased to acknowledge that lack of sight is a disability."

The net result of these policies is to make literature bland, irrelevant, and wholly subservient to political agendas. As Ray Bradbury said about a high school anthology in 1979: "Every story, slenderized, starved, blue-penciled, leeched and bled white, resembled every other story. Twain read like Poe read like Shakespeare read like Dostoevsky read like — in the finale — Edgar Guest. Every word of more than three syllables had been razored. Every image that demanded so much as one instant's attention — shot dead." The situation in 2003 is worse, as most of the Twain, Poe, Shakespeare, and Dostoevsky has been replaced with works by Sandra Cisneros and other contemporary writers that fit the guidelines.

In contrast to literary anthologies, history textbooks have always been transparently political. For years, books like *The Triumph of the American Nation* conveyed the message expressed by its title. In the last decade, however, the political agenda underlying the books has changed. The most important goal today is to advance multiculturalism. Therefore, textbooks on American history have adopted the "three worlds meet" paradigm, downplaying the relative importance of European influence and devoting more attention to pre-Columbian civilizations and African kingdoms. To flesh out this framework, texts stretch the facts or simply fabricate them. World history textbooks have as their dominant theme the vapid concept that "civilizations are flowering everywhere"; thus the books portray every religion and every political and economic system in positive terms. Mao is described as a friendly, inclusive leader whose reforms modernized China. The Ayatollah's Iran freed women to express their beliefs by permitting them to wear black from head to toe.

The Language Police is an informative and often entertaining account of how today's textbook and test publishers practice self-censorship to avoid stirring up political controversy.

The Language Police does a nice job of describing some of the problems

with today's textbooks and tests. It falls short in placing the problems in context and in devising solutions. One key question is how much textbooks even matter. When I was in school I derived little value from literary anthologies or history textbooks. No doubt there are students who find school a turbocharged learning experience, but for the tens of millions of students who experience the intellectual boredom that I did — some academically mediocre, others very good students indeed — it matters little what textbooks are used. Ravitch disagrees, arguing that few history teachers have much background in history and that therefore they are quite dependent on textbooks. But just because students read a chapter in a textbook and then pass a test a week later does not mean that they will retain much months or years later. The fundamental problem is that elementary and secondary school textbooks are part of a coercive educational system, and coercive systems are not very effective except at creating resistance and pathology.

Ravitch does not share that assessment, so the solutions she offers are inadequate. Her first proposal is to improve teacher training. In particular, she would like English teachers to have greater familiarity with the Western literary tradition. Teachers would then not be as dependent on their textbooks. As Ravitch surely knows, however, the reasons teachers do not assign many books like *Ivanhoe*, *Moby Dick*, or *The Deerslayer* are complex. For example, such difficult assignments would violate the unspoken social norms that exist between teachers and students (students expect teachers to be easy and friendly; in return, students are cooperative). Additionally, studying a significant number of difficult books may not be the best way to prepare students for standardized tests, which after all is the main purpose of government schools. Furthermore, most students — and some teachers — would likely get no closer to the books than CliffsNotes. (Note how many of the problems with schools logically derive from coercion: testing is a means of enforcing control, and CliffsNotes are a way for students to pretend to do work that they don't want to do.) In sum, improving teacher training is probably not the magic bullet of educational reform, though it might be an interesting experiment to try. Of course, there is reason to suspect that additional teacher training would focus on multicultural education and bias and sensitivity issues rather than on the Western literary tradition.

The fundamental problem is that elementary and secondary school textbooks are part of a coercive educational system.

Ravitch's other key policy recommendation is to remove textbook selection from the hands of states and give it to school districts or individual teachers. This reform is unlikely to occur. What is the incentive for state education bureaucrats and their special interest allies to abdicate their power? As a leader in the educational establishment, Ravitch needed to conclude her book by offering solutions to the problems she raises, but her recommendations are merely a rhetorical device, not feasible solutions. Lacking any realistic hope of solution, the problems discussed in *The Language Police* are likely only to get worse until the day when the whole American educational edifice is dismantled and rebuilt from the ground up. ❑

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***The Wealth of Nations*, by Adam Smith. Various editions, 1776–2003.**

Two Centuries of Adam Smith

Mark Skousen

I collect various editions of Adam Smith's *The Wealth of Nations*. My first edition copy is a valuable book, a two-volume leather-bound tome whose provenance includes the National Library of Scotland, the Rothschild Library, and the late Paul Mellon, son of Andrew Mellon and past president of the National Gallery of Art.

Subsequent editions are hardly worth investing in; I collect them because I am interested in who wrote their prefaces. I am surprised that few are prefaced by libertarians or free-market economists. George J. Stigler of the University of Chicago wrote the 1976 bicentennial introduction, but his comments are short and non-political. Stigler wrote eloquently about his favorite economist elsewhere, but not here to the general public. A pity.

Ludwig von Mises did a better job in his introduction published by Regnery in 1952, which was reissued in 1998 in a hardback version of *The Wealth of Nations* and made available to Conservative Book Club members as the third volume in CBC's Conservative Leadership Series. According to Mises, Smith's magnum opus "paved the way for the unprecedented achievements of laissez faire capitalism." Mises added, "There can hardly be found another book that could initiate a man better into the study of the history of modern ideas and the prosperity created by industrialization. Its publication date — 1776, the year of the American Declaration of Independence — marks the dawn of freedom both political and economic. There is no Western nation that was not benefited by policies inspired by the ideas that received their classical formulation in this unique treatise." Well said.

Unfortunately, Stigler, Mises and other pro-Smithians have been given little chance to express their views about the premier advocate of laissez-faire capitalism.

Almost every popular edition of *The Wealth of Nations* has been introduced by statists such as Max Lerner, Robert Reich, and, in the latest paperback, Alan B. Krueger. Instead of focusing on Smith's grand vision of economic freedom, they highlight Smith's endorsement of various forms of government intervention.

From 1937 to 1976 (nearly 40 years!), the most popular printing by Modern Library offered an introduction by Max Lerner, a social critic more inclined toward Marx and Veblen than Smith's free-market thinking. As Mises observed, Lerner attacked Smith as "an unconscious mercenary in the service of a rising capitalist class [who] gave a new dignity to greed and a new sanctification to the predatory impulses." Lerner also noted that Marx's views on alienation, exploitation, and labor theory of value came from reading *The Wealth of Nations* (though in truth these came more from David Ricardo).

Fortunately, the Modern Library replaced Lerner's introduction in 1976 with George J. Stigler's. But Stigler's preface was surprisingly dull for a man known for his wit. It was replaced for the 2000 edition with one by Robert Reich, Clinton's secretary of labor. Reich welcomed Smith's revolutionary "invisible hand" of self-interest, but then spent the rest of the time lauding Smith's advocacy of universal education and a progressive income tax, and his criticisms of the wealthy merchant class.

But the worst is the latest — a Bantam Classic paperback of *The Wealth of Nations*. Bantam has created a handsome one-volume thick pocketbook (1,231 pages!) of the Edwin Cannan unabridged edition. It looks inviting: something you could take to the beach. That's the good news. The bad news is that the introduction is written by Alan B. Krueger, who is famous for making an economic case for a higher minimum wage. In his preface, Krueger cites favorably the strange claim made by Cambridge economist Emma Rothschild that Smith disliked the invisible hand metaphor. Krueger spends an inordinate amount of time citing Smith's criticisms of merchants and the market, and support for interventionist policies such as universal government-financed education, irrational market behavior, and progressive taxation. He says Smith was "a Rawlsian before the philosopher John Rawls" by expressing compassion for the poor. His recommendations for additional reading include two works by socialist Robert Heilbroner, *The Worldly Philosophers* and *The Essential Adam Smith*. Among free-market economists, only Stigler is mentioned. Not Ludwig von Mises, Benjamin Rogge, or Edwin West. It's a sad circumstance.

Ludwig von Mises observed that Adam Smith "paved the way for the unprecedented achievements of laissez faire capitalism."

But then again, there may be a silver lining. Students who recognize the names of Krueger, Reich, or Lerner might be tempted to read *The Wealth of Nations* and may be convinced by Smith's "invisible hand" thinking and the powerful case he makes for laissez faire and economic liberalism, as were

many economists and government leaders in the 19th century.

Admittedly, Smith did say a few things that indeed led to Marxist and interventionist thought, but they are parenthetical comments, not his main message. By reading Smith cover to cover, one is more likely to come away recognizing the genius of Smith's "system of natural liberty." Who could not be swayed by these lines of Adam Smith (none of which were cited by Lerner, Reich, or Krueger):

Almost every popular edition of The Wealth of Nations has been introduced by statists.

"To prohibit a great people . . . from making all that they can of every part of their own produce, or from employing their stock and industry in the way that they judge most advantageous to themselves, is a manifest violation of the most sacred rights of mankind."

"Whenever the law has attempted to regulate the wages of workmen, it has always been rather to lower them than to raise them."

"Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men."

"There is no art which one government sooner learns of another, than that of draining money from the pockets of the people."

"It is the highest impertinence and presumption in kings and ministers to pretend to watch over the economy of private people, and to restrain their expense. Government officials are themselves always and without exception the greatest spendthrifts in the society. Let them look well after their own expense, and they may safely trust people with theirs."

"Great nations are never impoverished by private though they sometimes are by public prodigality and misconduct. The whole, or almost the whole public revenues, is in most countries employed in maintaining unproductive hands. Such are the people who compose a numerous and splendid court, a great ecclesiastical establishment, and in times of war acquire nothing which can compensate the expense of maintaining them, even while the war lasts. Such people, as they themselves produce nothing, are all maintained by the produce of other men's labour."

"Little else is required to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice."

And finally: "The uniform, constant, and uninterrupted effort of every man to better his condition . . . is frequently powerful enough to maintain the natural progress of things toward improvement, in spite both of the extravagance of government, and of the greatest errors of administration."

I can't wait to write my introduction to *The Wealth of Nations*! ❑

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The Light in the Piazza, **music & lyrics by Adam Guettel. Book by Craig Lucas. Directed by Craig Lucas.**

A New Light

Katelyn B. Fuller

"But the music is very discordant," I overhear a middle-aged theatergoer protest to his woman friend as I sip my Cabernet from a cheesy, plastic cup in Seattle's Intiman Theatre lobby during intermission. I can't think of a more disagreeable thought. The music is perfect.

It is a lovely, cool, gentle summer evening, so typical of early summer in the Northwest — a perfect night to be in love with the world. Yet, as the intermission bells toll I am relieved to find my way back to my seat in the black box.

"The Light in the Piazza" is a getaway. A romance, a comedy, a pulls-at-your-heartstrings piece of magic. And it is the first musical-drama to grace the Intiman stage. When Adam Guettel began work on "Piazza," he said that his goal was "to make the audience feel like they're in love or desperately want to be in love"; he "want[ed] people to feel that feeling for those two hours." Drawing inspiration from Elizabeth Spencer's novel of the same name, Guettel and Craig Lucas, the director and author of the play's book, have succeeded tremendously and also spectacularly, for this love story faces challenges far more trying than the typical boy-meets-girl, boy-loses-girl, boy-gets-girl-back storyline: "The Light in the Piazza" is a story that bends social rules, questions conventional ideas of human limitations, and decides firmly that it is not need or ability or disability that defines us, but our capacity for enjoying the experience of life.

"What happened here?" the unassuming Broadway veteran Victoria Clark intones as Margaret Johnson, facing the audience and inviting us into her world. "What happened here?" Margaret is our gentle guide into the summer of 1953 in Italy, where she vacationed with her daughter Clara, played by the appropriately strident Celia Keenan-Bolger. "Nobody with a dream should come to Italy," Elizabeth Spencer wrote in the novel that the play is based on. "No matter how dead

and buried the dream is thought to be, in Italy it will rise and walk again." And this, to much joy, heartache, comedy, and strife, is precisely what happens. Through this rising dream we meet the young Fabrizio Naccarelli, played by the runway-gorgeous (if not yet a master of his high notes) Steven Pasquale; Signor Naccarelli, Fabrizio's father, comes to life through the gifted and charming Mark Harelik; we come to know Signora Naccarelli, Guiseppe Naccarelli (Fabrizio's brother), and Guiseppe's wife, Franca Naccarelli, played by the show-stopping Kelli O'Hara. And the "shadow couple," a pair of dancers who, more than dance, move beautifully, lend through their non-speaking supporting roles a sophistication to the physical rhythm of "Piazza."

There is no sap in Guettel's score; there is struggle, there is uncertainty, there is doubt: the kind of discordance born of true experience that is uncomfortable to recognize.

The production of "The Light in the Piazza" takes a simple, inartificial hand, and offers gasp-inducing moments of delight and hilarity: Clara's hat, blown away by the wind, wooshes across the stage and in another instant is caught just at the right moment by Fabrizio. This is the magic in which they meet. In another scene, set in a museum, a well-placed anatomically correct statue, a pool of light, and certain blocking is all that is needed to induce hearty laughs.

"Piazza" is an attractive show. And not only because Catherine Zuber has the cast dressed to the nines in fabulous fifties fit and flare dresses, double-breasted Italian suits, and shoes to die for. It is not insignificant that a theatre known for its heady, critical approach to "New Masters/Classic Work" should decide, for the very first time, to find interest in a musical — a brand, spanking new musical — that is no "Carmen" or "Sound of Music," with guaranteed sales. Guettel and Lucas can take justifiable pride in this staging by the Intiman's logo alone. Developed in Utah and Wyoming in association with the Sundance Institute, workshopped in NYC in February 2002, and world-premiered in Seattle in June, "Piazza" will run in Chicago next January and February at the Goodman Theatre. I doubt it will stop there.

The music? Well, the middle-aged theatergoer was right, in a sense: sometimes, the music *is* discordant. But it is a discordance come of the struggle of existence, of existing with a dream. There is no sap in Guettel's score; there is struggle, there is uncertainty, there is doubt: the kind of discordance born of true experience that is uncomfortable to recognize. Reminiscent of the modern art of the period, the angular melodic lines of Clara's and Margaret's struggles punctuate Guettels' otherwise highly lyric score, written for violin, cello, harp, and piano. But the beauty of Guettel's work is that he has turned this discordance on its head, notably with the duet "Let's Walk," Franca's "The Joy You Feel," and Clara's "The Light in the Piazza." The discordance of the score, of the book, of this musical theatre piece in its entirety is not what is important, but rather the beauty and the lyricism which is found by the voices and the hearts of its characters. What is important in life and in love, I think, as I dreamily exit the theatre, is to notice the sweetness of the cool night air, to watch the chiaroscuro of the people and buildings, and to see with a wonder-filled heart, the light in the piazza. ❑

Father Flicks

Jo Ann Skousen

Whale Rider is about tradition, about religion, and most of all, about family relationships. The title refers to "Paikea," the legendary founder of the Maori race, who is said to have traveled from Hawaii to New Zealand on the back of a whale. The chief in each generation must be a first-born son of a first-born son, tracing his lineage back to the original Paikea. As the movie begins, Koro (Rawiri Paratene), the current chief, awaits the birth of his first-born son's first child. Twins \are born, a boy and a girl, but both the mother and the son die during the birth, leaving behind the "useless" girl. Ugly words are exchanged between the insensitive chief and his grieving son, who gives his baby daughter the sacred name of "Paikea" to outrage the grandfather and then leaves the country and his daughter behind to be raised by Koro and his wife.

In spite of himself, Koro grows to love the granddaughter he is raising, and a warm affection develops between the two. But Koro loves tradition even more. He has already driven away his son because of his obsession with tradition, and he now drives away the granddaughter who adores him. Since his own first-born son has failed to produce a son, he turns to the other first-born sons of the village, training them in the sacred Maori arts with the hope of discovering which one has the special gift to become the next chief. Although Paikea (Keisha Castle-Hughes) has a greater interest, aptitude, and respect for their ancient culture than any of the boys, she is not allowed to join the training sessions. Anguished, Paikea asks her grandmother, "Why doesn't he want me?" Nanny replies, "He's looking for something that doesn't exist anymore." Koro turns to the boys and welcomes them to "the sacred school of learning." But how can it be sacred if it harms a child?

Tradition, and religion too, must be strong enough to provide support, but

flexible enough to bend without breaking the spirit. At its best, tradition binds a culture together. It provides a sense of history and belonging, a set of values that helps a person make wise decisions, and a place to come home to when life seems hard. But when tradition is so rigid that it drives a wedge between family members, it is the tradition that must adapt. Religion should mend rifts, not widen them. The Old Testament ends with the prophet Malachi proclaiming, "And he shall turn the heart of the fathers to the children, and the heart of the children to the fathers, lest I [God] come and smite the earth with a curse." Such a curse seems to have struck this village, but turning the hearts of fathers and their children back to each other is the theme of *Whale Rider*, and it is a film that succeeds on every level.

Mel Gibson's Patriot, a film about a father's vendetta not a soldier's patriotism, should have been called "Patriarch."

Like many foreign films, this story develops calmly and rises to an emotional crescendo that is powerful and believable. The actors are natural and unassuming, their costumes a mismatched hodgepodge of hand-me-downs and castoffs that are appropriate to their lifestyle. The cinematography shows off the New Zealand landscape without letting it overpower the story. If dinner and a movie is your usual routine, make this one a movie and then dinner. You'll want to talk about it for a while.

Another great film dealing with the hearts and hurts of fathers and sons is *October Sky*, set in the coal mines of West Virginia at the time of Sputnik's launching. It's based on the true story of Homer Hickam Jr.'s (Jake Gyllenhaal) escape from the coal mines to become a NASA engineer, largely through the support and encouragement of a teacher (Laura Dern) who recognizes his potential and urges him to enter his rocket project in the county science fair. But what Homer really yearns for is the support and encouragement of his father (Chris Cooper, in an Oscar-worthy performance) who can't see beyond the coal mines that have been his life. Homer sees his father as a cold, harsh, stubborn man, unbending and uncaring. Like Koro in *The Whale Rider*, the elder Hickam is blind to the abilities and possibilities of his precocious progeny. Homer tries to explain his dreams to his father, but the father refuses to listen and, also like Koro, forbids his son even to try. In many respects, their story mirrors that of countless fathers and their children who cannot agree on the proper path the child should take. Homer's yearning for his father's approval is not just about rockets, it's about that bond Malachi described. Which of us has not searched for our parents' watching eyes as we have accomplished something we considered worthwhile?

Whale Rider, directed by Niki Caro. Newmarket Films, 2002, 105 minutes.

October Sky, directed by Joe Johnston. Universal Studios, 1999, 108 minutes.

Frequency, directed by Gregory Hoblit. New Line Studios, 2000, 118 minutes.

Obsession, directed by Brian De Palma. Columbia/Tristar, 1976, 98 minutes.

Heidi, directed by Allan Dwan. Twentieth Century Fox, 1937, 88 minutes.

A Tree Grows in Brooklyn, directed by Elia Kazan. Twentieth Century Fox, 1945, 128 minutes.

As the movie progresses, Homer begins to see his father through the eyes of the community. A harsh life has led to a harsh exterior, but he is a man known to others for his fairness, courage, compassion, and honor. In some ways, this makes their own rift even harder to bear.

Some genuinely funny moments occur as Homer and his friends experiment with their rockets; watch for the scene where they salvage old railroad ties. Two moments of cinematic perfection also occur. The first is Homer's wrenching view of the sky from deep within the pit of the coal mines. The second occurs when Chris Cooper finally reaches a tentative arm to Gyllenhaal's shoulder. It matches Yul Brynner's hand dropping to his side at the end of *The King and I* for masterfully controlled emotion.

Who wouldn't like the opportunity to go back and change the past? *Frequency* adds the mind-tickling concept of time travel to its exploration of father-son relationships. The premise is this: John (James Caviezel) is a New York City cop whose father (Dennis Quaid), a New York City firefighter, was killed while fighting a fire when John was a little boy. Without his father's guidance and companionship John's life has seemed empty and dead-ended. Now, 30 years later, John discovers that he can communicate with his father in the past through their ham radio. Of course, his first goal is to convince his father who he is and to prevent his father's death the next day. But, as anyone who has watched the *Back to the Future* trilogy knows, changes in the past affect the future, and through a series of chain reactions, father and son must work together to solve a 30-year-old murder now turned into a serial killing by their tampering with the past.

More significantly, we watch how the son's life gradually changes (for the better) as his relationship with his father is restored. The point of the film shines through: the importance of a father's influence in a son's life. In an age where fathers are becoming less significant (many women are picking up their sperm at a bank and raising their children alone), it is refreshing to see the traditional family unit reinforced. It will make you want to call your dad.

Some viewers will find the murder mystery and its resolution a little far-fetched, but this is time travel — it isn't supposed to be realistic!

Getting a second chance as a father is also the theme of Brian De Palma's

1976 thriller, *Obsession*, starring Cliff Robertson and Genevieve Bujold. What would you do if your wife and daughter were kidnapped? Would you pay the ransom money, knowing that the odds of getting them back are less than 50/50 whether you pay the money or not? Okay, so you make the wrong choice. What if you got a second chance? Jack Benny's classic response to "Your money or your life!" was "I'm thinking." De Palma gives this old joke a new twist. Worth watching!

Getting a second chance is also one of the themes emphasized in the 1937 version of *Heidi*. Shirley Temple got top billing, but Sidney Blackmer is the real star in my book as the grizzled, embittered old man whose heart is softened by the unrelenting love of his granddaughter. Years earlier the grandfather had banished his daughter, Heidi's mother, from his home because she married a young man of whom he did not approve. Like many fathers, he thought that the only way to raise a child properly was to stand firm and not back down. He never saw her again. But he also never stopped thinking about her. When Heidi asks him to help her read from the Bible, the book falls open to the story of the prodigal son. The grandfather recites the story from memory, his pained eyes looking off into the valley. His daughter was banished from his home, but not from his heart. Yet his stubbornness kept him from making amends. Now, with Heidi, he is given a second chance. When she is kidnapped and taken back to the city, the grandfather stops at nothing to bring her back to him and prove himself as a father. One does not need to be a child to want that kind of love from a parent.

When tradition is so rigid that it drives a wedge between family members, it is the tradition that must adapt. Religion should mend rifts, not widen them.

In *A Tree Grows in Brooklyn*, Francie Nolan (Peggy Ann Garner), a precocious young girl who has read every book in the public library, does her best to rise above the tenements of Brooklyn in the era between the world wars. Her mother (Dorothy McGuire), hard-working and practical, struggles to support the family while her father (James Dunn), a charming Irish drunkard, breezes in when he feels like it. By today's standards, the children would have been taken away and put into foster care "for their own good." But while her father is clearly a bum, Francie loves him dearly. Mama provides her with food and a home and the physical necessities, but Papa fills her life with laughter, song, and affection. A child needs both. Francie loves her mother, but she adores her father. The family manages to get by, like the seedling that manages to push its way through the concrete of Brooklyn to become a tree. A great film about the redemptive power of forgiveness and acceptance. Stellar performances by Dorothy McGuire as the strong-willed mother, James Dunn as the cheerful alcoholic, Joan Blondell as the flamboyant Aunt Sissy, and Peggy Ann Garner, who won a special Oscar for her performance as Francie. (The film ends about halfway through the book, by the way, so if you like the movie, read the book!)

You probably have your own favorite father films; I deliberately chose some that are lesser known. Steve Martin's *Father of the Bride* is an obvious example in the genre. James Stewart's *Shenandoah* is a great film about a father who simply wants the government to leave him and his family alone. Mel Gibson's *Patriot* is a film about a father's vendetta, not a soldier's patriotism; it should have been called "Patriarch." The *Back to the Future* trilogy deals with a father's redemption from his own ineptness through a son's unflagging efforts. And the *Star Wars* trilogy, for all its high-tech, science-fiction saving of the universe, is ultimately about a father and son who have chosen opposing political philosophies but finally manage to mend the rift between them. ❑

Booknotes

Priests in Space — In Mary Doria Russell's novel *The Sparrow* (Fawcett Books, 1997, 432 pages), radio signals from an intelligent civilization on the planet Rakhat are picked up by an observatory on Earth. The public sector can't make up its mind about how to respond, but the Jesuits, with private money, ingenuity, and their trademark frontiersmanship, send an exploration party on a mission to Rakhat.

Having spent twelve years in Catholic schools, four of those under the tutelage of Jesuits, I was immediately drawn to this novel about Jesuits in space. Though it sounds at first absurd or comical, the story is moving, complex — and even a bit libertarian, in that it speculates that our first contact with an extraterrestrial race might be brought about by something other than a government space agency. To imagine the governing authority of such a venture being neither public nor secular is a fun, compelling *gedanken* experiment.

I liked the book and went back for seconds; I'm halfway through the sequel, *Children of God*.

— Patrick Quealy

Batman Gets Political — One of the great things about Batman, as many fans will tell you, is that he doesn't have any super powers — doesn't have them, and doesn't need them.

Another great thing about Batman is that he's never overly concerned with working within the system. He's made many a Gotham City bureaucrat nervous over the years.

Superman, on the other hand, has

always been a bit too eager to please the authorities. Since Action Comics #1, he's been throwing around as much muscle as it took to keep the system working. Oh yeah, and he has super powers. Lots of them.

Frank Miller's *The Dark Knight Returns* (DC Comics, 1997 [1986], 224 pages) tells the story of Batman's coming out of retirement. It's been ten years since he last donned the cape and cowl, and Gotham has changed. Nihilistic, amoral, postmodern punks roam the streets in search of the thrill of the knife. The agents of the therapeutic state have decided that Batman's greatest enemies, Two-Face and the Joker, are ready to rejoin society. Batman is all but forgotten, even to Bruce Wayne, his playboy alter-ego.

Ordinary people have become prey for criminals, but this isn't a Charles Bronson movie. When Bruce Wayne decides that Batman's retirement won't work out as planned, it is not simply to return to the business-as-usual stomping of would-be muggers, rapists, and maniacal arch-villains. *The Dark Knight Returns* is also the tale of Batman's political awakening. He sees Gotham's citizens conditioned into helplessness. They're more terrified of the necessity for self-defense than they are of crime. He sees the authorities and their courtiers scurrying to maintain the mass somnambulism upon which *their* security depends. For the first time, Batman begins to recognize that the politicians, their laws, their "order," the system itself — that these are the enemies of justice, peace, and freedom. In other words, Batman begins to see the state as the ultimate criminal force.

As Batman goes about trying to stem the tide of chaos and crime in Gotham, he starts to spook the sheeple and their shepherds. The mayor's vigilante problem is passed up the line, punted by the governor, and lands in the president's lap. (The president in *DKR* is a creepy but apt caricature of Ronald Reagan.) These events are the catalyst for the confrontation that has been building in the background of *DKR* almost since page one.

Superman flies into Gotham to talk Bruce down, or, failing that, to force him into permanent retirement. But Superman, who has long been witlessly devolving into the world's most dangerous neoconservative, isn't prepared for the Batman that he finds.

The Dark Knight Returns is a brilliantly executed graphic novel, stuffed with delicious satire. The climactic Batman vs. Superman confrontation, emblematic of the whole story, is compellingly realized and satisfying. Libertarians, especially those with an anarchistic bent, will not be disappointed. — Thomas Fuller

Still a Man's World — The measure of an alternative publisher is the production of books that no one else would do (or has done); for if commercial publishers routinely measure a prospective title by how well they or others have done with "that kind of book," the radical bookie takes a greater risk, usually with something he loves. By this simple criterion, I rank Los Angeles' Feral Press among the most valuable in America — a kind of smaller Loompanics in its taste for the outrageous, but with thicker, more expensive books. Of the Feral Press titles I've read, the most invaluable has been David Hoffman's *The Oklahoma City Bombing and the Politics of Terror* (1998), a neglected masterpiece really.

It's a Man's World (2003, 288 pages) is a tea-table-sized anthology with commentary about "Men's Adventure Magazines" in the post-World War II decade. The author is Adam Parfrey, who is Feral's publisher and, I assume, its principal backer. By "Adventure Magazines," he means not *Playboy* and its imitators but periodicals with titles such as *True Adventure, Battle Cry, Untamed, Man's Life, Male, American Manhood, Fury,* et al., representing that intersection of violence (rare in *Playboy*, though not in *Hustler*) with scantily clad women, with fantasies probably aimed at teenagers. (I was reminded of Gershon Legman's classic 1949 polemic, *Love and Death,* which argued that the censoring of sex directly caused the obsession with violence.)

Parfrey's scholarly conceit is that, differences in titles and corporate sponsors notwithstanding, these magazines represented a single entity, much as, say, slick sports magazines of a certain period, or slick women's magazines, could be remembered as a single entity. He's right.

Parfrey the anthologist chooses to represent these magazines not with reprints of texts but with images, usually covers, mostly reproduced in color in sizes varying from two inches high to a full 8 1/2" x 11" page. Respectful of his sources, Parfrey often identifies the illustrator by name and concludes this book with an impressively elaborately annotated bibliography.

The book also includes a memoir by Bruce Jay Friedman, who edited such periodicals before publishing fiction; another by his son, Josh Alan Friedman, also a writer, who respects his father's career; and yet others by veteran illustrators. My old friend Mel Shestack is interviewed about his specialty:

> The Adventure jobs. I made them all up. That was a real problem because people used to call and ask, "Where do I get a job milking snakes?" There was big money, you got $50 every snake you milked the venom out of in Ocala, Florida. I came up with another neat job, keeping the whores in good shape in Las Vegas by being their masseur. The best one of all was a job where you made $50,000 marrying hookers to save them, through a foundation out West that I made up.

Even though I was a teenager during the heyday of these magazines, their world I never made or much liked; but, as a connoisseur of cultural magazine retrospectives, I find that, between hardback covers, this *Man's World* has both charm and strength.

— Richard Kostelanetz

"I blame myself — I didn't listen when he said he couldn't live on what I paid him."

Irreverent Populism — The subtitle of Greg Palast's *The Best Democracy Money Can Buy* (Plume, 2003, 368 pages), "The Truth about Globalization, Corporate Cons, and High Finance Fraudsters", at least establishes without pretense the level of objectivity to be expected in this book's pages. An accomplished activist for several leftist causes before writing for the UK's *Guardian* and *Observer* newspapers, Palast leaves little doubt about where his sympathies lie. His writing about the Bush family goes beyond well-deserved excoriation and into childish name calling. Clear explications of complicated situations are sometimes laid aside in favor of tabloid-style self-promotion and slick prose.

And that's why this book is a refreshing read, despite its author's leftist slant. Palast has the chutzpah to say things the mewling American pet press won't, to deal with taboo topics on which no American anchor would risk his neck, and to do journalism the old fashioned way. Too much "reporting" is complacent parroting of politicians' platitudes and reprinting of tripe from press releases. Palast asks questions, demands answers, and does research.

Nothing he writes should be believed without fact checking of one's own, but he has guts and style which make this book a welcome addition to the library of an American reader thirsty for journalism with more reporting and less preening.

— Patrick Quealy

Conservatism for Grown-ups — In the age of Bush, the label "conservatism" means little more than bloated deficits, perpetual war and boot-licking obeisance to the president. For a good hard look at the modern conservative movement, check out its flagship, *National Review*, in either its online version, or the print magazine, cloyingly called "on dead tree." Its celebrity symbol is Jonah Goldberg, who rode his mother's coattails, and Monica's blue dress, into the world of professional punditry. His literary signatures include an excess of *The Simpsons'* references along with revelatory details about his expanding girth and heroic diaper duty. His adolescent pose, however, is comparatively mature next to the tantrums of Ann Coulter and Rush Limbaugh. For anyone interested in conservatism for grownups, a good starting place is *The Present Age* (Liberty Fund, 2003, 149 pages), from the late Robert Nisbet, which was originally released in 1988.

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

R.W. Bradford is editor of *Liberty*.

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The premise of his book is that the Founders, if they were to return on the occasion of the bicentennial of the Constitution, would notice dramatic changes in the rural, decentralized republic that they midwifed. He designates 1914 as the beginning of the age that the title refers to. That period began what he calls a "75 years war," which transformed America.

Nisbet has none of the intellectual tics one tends to associate with modern conservatives. While the Goldberg crowd equates all criticism of Bush II with treason, Nisbet denounces the Reagan administration's deceit and incompetence in the Iran-Contra affair. He also deflates American military prowess, explaining how tales of heroism in battle cloak the truth about bureaucratic incompetence and intelligence failures in episodes such as the battle for Tarawa in 1943. Although lacking proper preparation for that invasion, "Marines, it was trumpeted, Can Do and already have innate Know How." Advancing 40 years, Nisbet reflects, "Presumably the hapless marines in Lebanon, over two hundred in number, were ascribed the same innate attributes when they were sent by Reagan in 1983 without arms, without vital intelligence, and without instructions — ending up, as we know, without lives." Don't look for such a candid assessment of the Iraq war coming from the camp followers of modern conservatism.

— Clark Stooksbury

The Truth vs. the truth, *from page 56*

news release said only that he had "filled various administrative capacities." It was a far cry from the leader-worship of Rutherford's day, or the corporation-worship of Knorr's. It was as if the presidency had never existed, or as if Henschel had been an interchangeable part of some electronic device. Once again, the Society was acquiring the characteristics of its surroundings. It was succumbing, at least in style, to the age of the Internet — not, to be sure, to the Internet's wild, demotic individualism, but to its other characteristic, its capacity for remoteness and anonymity. The digitized world was now inhabited by a digitized Society, with the Governing Body its shadowy webmaster. Dodging attempts at refutation, Witness literature grew grayer and blander, as if its content were computer-generated from some remote source.

Meanwhile, the Society's foes continued building their own institutions. H2O remains, and it has been joined by other well-mounted message boards, such as the Jehovah's Witnesses Discussion Forum (jehovahs-witness.com). The conflict between the Internet and the Society is decidedly unequal. The Society's task is, first, to convince people that it has a comprehensive and fully consistent explanation of reality; then, to organize these people into a force that can support a vast profusion of *things*: printing plants, assembly halls, local churches, mortgages, investments, legal offices. The task of the Internet dissidents is simply to show that the Society's ideas aren't true, and to organize such inexpensive virtual institutions as may be useful in spreading that message. The dissidents have a considerable economic advantage.

Can the Society, or anything like it, have a future in an Internetted world?

Perhaps. There are several options available to it. The most obvious is to do what Raymond Franz tried to get it to do, a quarter-century ago: admit it was wrong. But this, of course, is the least likely option to be taken. Only one modern American institution has ever admitted that it was fundamentally in error — the Worldwide Church of God, an Adventist church that, influenced by the Witnesses, once referred to its members as "in the Truth," and to everyone else as out of it. During the 1990s, the WCG leadership surveyed its distinctive teachings and announced that they could not be squared with the Bible. The reward for its courage was the loss of 50–60% of its membership. This is an example that the Watchtower Society will be very reluctant to follow.

It is much more likely to choose one of two other options, roughly the same two that confront all other truth-challenged institutions in the modern world.

The first option is for the Society to keep trying to isolate its own version of truth from the checkable truth of the Internet. If it does that, the Watchtower movement will become a living fossil, a fellowship confined to people who, like the Amish, are content to remain in a world that predates the net.

The Internet broke the Witnesses' isolation from truth.

The second option is for the Society to adapt its version of truth, bit by bit, to the fact-gathering capability of the Internet and the free society that the Internet exemplifies.

This second option is almost certainly the one that will be taken. Like other earthly authorities, the Society has a will to live at almost any cost. It will try to live even if the cost is a quiet coming to terms with its own mistakes. The real question is whether the speed of the Internet will give it time for an orderly evolution. We have seen, in Eastern Europe, how quickly glasnost can be followed by oblivion. The crucial factor may be the morale of the leadership, its ability to live with the same truth that normal people live with, while simultaneously acting as if it were still in possession of its higher truth.

Raymond Franz told me the following episode from the life of his uncle, Frederick Franz, the fourth president of the Watchtower Society. In old age, Frederick Franz was taken to an eye doctor, who found that he couldn't read even the first line on the eye chart. The doctor pronounced him almost totally blind, with no possibility of improvement. "Well," Franz said, slapping his knees, "as long as I'm here, I might as well get my eyeglass prescription brought up to date!"

That's morale for you. Does the Society still have enough of it, at a time when morale has so few ways of evading the embarrassments of truth? We'll find out — because the Internet will tell us. ❑

Ideohabits, *from page 61*

not correct." I usually follow this response with something about how using the past tense of the verb with the modal didn't is grammatically incorrect, but it's too late to bring grammar into it; the damage is already done.

There are two major problems with my approach. The first problem, while a serious one, is fairly obvious and straightforward and as such is not particularly interesting. Notice, of course, that I'm telling the student that her use of had is "not correct." This is very different than telling her that what she wrote is "wrong." After all, as the claptrap goes, if you tell a student that her answer is wrong, it is the same as saying she is wrong or stupid. My ideohabit of saying "not correct" stems from my desire not to hurt the student's feelings by sounding judgmental. This desire in turn emanates from the sense among many in contemporary society that only "mean" people are judgmental.

The second, less obvious, problem with my approach does great harm to the student. This problem concerns my emphasis on "here" while pointing to the offending verb within the circled sentence. In telling the student that using had or wanted "here" is not correct and that she "wants" (We would never want to say "should," of course, would we?) to use have or want "here" instead, I am, without meaning to, subtly suggesting that the past tense is wrong in this particular construction in this particular sentence in this particular context. No wonder she keeps making the same mistake; she no doubt thinks that the past tense may be correct other times and places.

Now, I happen not to have a degree in English and I don't profess to be much of a grammarian, but I can't for the life of me think of a time when the simple past tense would ever be used with didn't. Therefore, I would be well within my rights to say to the student something akin to the following: "This is wrong. You should never use the simple past tense with didn't. Always use the present tense. Got it? Do not use the past tense with didn't. It is wrong." (Ideally I would also say to her, "Only uneducated, illiterate people write, 'I didn't wanted to.' If you write something like this on a literacy test for a job, they will consider you to be a graduate of a diploma mill and you will not get the job." However, I would probably get fired for this and I rather like my little job.)

But until very recently I haven't been able to tell a student that "didn't wanted to" is just plain flat-out wrong. It was not in my nature. I was habituated to do otherwise. It wasn't that I consciously chose to dismiss the alternative approach. I simply hadn't even thought of it. Why would I? In our society it is politically incorrect to be certain about many things, including rules of grammar. Certainty bespeaks of rigidity, which bespeaks of acceptable standards, which bespeaks of superiority. Only mean people believe they are more correct, and hence better, than everyone else.

I'm certainly no liberal, nor, it may surprise you, are many of my fellow tutors. We bemoan the monopoly of the teachers' unions. We feel that school choice is the only remedy for low standards. We believe that too many children are coddled by their parents and teachers and grow up flattering themselves that they can read, write, and think well. However, despite how successful my colleagues and I have been in repelling the socialist witch doctor's spells of enchantment, we are not completely immune to his charms. Some potions have been effective. Some of the voodoo of liberal political correctness has managed to unconsciously seep into our brains, causing us to unreflectively say or do stupid things for stupid reasons.

Even after my epiphany, I am still somewhat uncomfortable telling students that "didn't wanted to" is always just plain wrong. Part of me feels that this is just too harsh, even as another part of me knows that students need some harshness if they are ever to have any hope of being literate. I do not want to seem to suggest to them that they are stupid for not knowing that this construction is wrong, even though upsetting them may be the best thing for them. My internal conflict is testament to the strength of liberal orthodoxy's power over society.

Overcoming this ideohabit has proven to be even more difficult than breaking my habit of biting my nails. With the very visible habit of nail-biting, it was others' nagging about how childish it is that helped me put a stop to it. But ideohabits, because they are so pervasive, deeply ingrained, and virtually unnoticeable, are difficult to recognize. Once recognized, they are impossible to break unless they become uncomfortable and embarrassing. And we all know how comforting habits can be. Ask any two-year old who sucks her thumb. It is only when the habit itself is more discomforting than breaking it that we can loosen the chains and truly be liberated. ❑

Letters, *from page 46*

nothing more than a single, isolated incident of a Union and Confederate soldier trading a cup of coffee for a pipeful of tobacco at a river. And while that particular incident might not have occurred at that particular battle, such isolated incidents did occur during the Civil War. So Skousen's comment was misleading and her criticism misplaced. And while I do agree that the movie should have been shorter, I also think Skousen is off in saying that the legend at the end of the film means there will follow two more movies. *Gettysburg* has already been made and was released some years ago. There is only one movie in this trilogy yet to be filmed.

Miles Fowler
Charlottesville, Va.

Goodbye, Good Manners, Hello SUVs

Jeff Riggenbach's comments about SUVs are right-on. I recall Bob Lefevre's comments that "my freedom ends with your nose." Such might be modified by saying that your SUV's freedom ends with my ability to implement safe driving. Having those big sheets of metal blocking vision makes driving less safe. Also, if my sensible urban vehicle, my little hybrid Insight, were to meet up with an SUV, I doubt that my experience would turn out to have been safer, in spite of the perception that SUVs are safer.

Good manners have gone by the wayside. This is particularly evident if one does much urban driving. Too bad that some states are so hung-up on carrying weapons in cars. After all, an armed society is a polite society! Maybe I need to put my NRA stickers on the fenders.

Bud Wood
Las Vegas, Nev.

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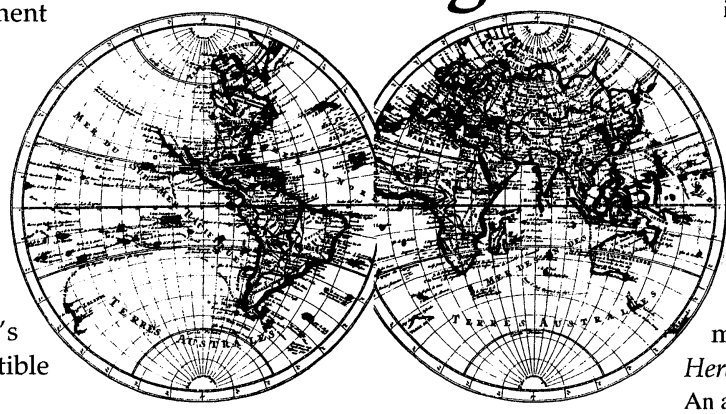

California

Dietary advance for man's best friend, reported by the *Chicago Sun Times*:

K9 Water Co. has bottled water for dogs: Toilet Water, Puddle Water, Hose Water and Gutter Water. The water is flavored with chicken, beef, liver or lamb, and fortified with vitamins.

Iraq

The *Sydney Morning Herald* reports that the invading allies' military equipment is in good supply:

Danish troops in Iraq were recently sent a snowplow and lawnmowers along with other essential desert supplies.

Berlin

A dispatch from *Reuters* outlines Germany's new list of non-tax deductible gifts:

A group of naked men in a van threw underwear into a Volkswagen Passat as they passed it on the Autobahn, causing a crash.

Japan

Curious wedding ritual in the socialist paradise of North Korea, from a dispatch in *The Japan Times*:

Kenji Fujimoto, a former sushi chef of Kim Jong Il, reports that on the morning of his wedding: "Kim Jong Il came to me and asked me whether I had pubic hair. I answered, 'Yes,' but he said to me, 'Let's go to the bathroom and check.' We went to the bathroom and checked, but it was all gone. Kim Jong Il said, 'That's how we celebrate weddings,' and smiled."

Thailand

Dispatch from the War on AIDS, from the *Chicago Sun Times*:

Thai community groups want to use a logo featuring two elephants having sex for next year's World AIDS conference, but the plan has been criticized by health authorities because the bull is not using a condom.

Peru

Specimen of the kind of care available when the profit motive is removed from the administration of health care, reported by Reuters:

Dr. Cesar Venero, a physician at a state hospital in Peru, used a drill and pliers to perform brain surgery on a man who had been injured in a fight. The patient is doing fine, reports Dr. Venero.

Israel

Odd insecticide, reported by *The Associated Press*:

A 32-year-old housewife swallowed a fork in an attempt to catch the beetle that flew into her mouth while cleaning. Surgery was required to remove the utensil.

Berkeley, Calif.

Berkeley seeks to distinguish itself outside the realms of politics and the academy, according to *Oakland Tribune*:

This August, over 1,130 lactating mothers and their babies will attempt to defend Berkeley's world record for the most mothers breastfeeding simultaneously in the same location on the planet.

Sarasota, Fla.

Peculiar criminal episode in this Gulf Coast community, from that city's Sarasota *Herald-Tribune*:

An assistant manager at a grocery store was arrested after a female employee accused him of strip-searching her on orders from an man on the telephone who claimed to be a police officer.

Greenacres, Fla.

Strange arboreal episode in this Gold Coast community, from a dispatch in *The Greenacres City Link*:

"During [Greenacres' annual Arbor Day] Celebration, eight Slash Pines were planted along with the children of 'Tiny Kingdom Private Pre School.'"

Arkansas

A small victory for human rights, reported by *USA Today*:

An inmate who lost his job when he transferred from one prison unit to another must receive unemployment benefits, the Arkansas Court of Appeals ruled.

Houghton, Mich.

Enviro-nomenclatural note from Houghton, the home of Michigan Technical University and the gateway to the Keweenaw Peninsula, from a report by the news department of WLUC-TV:

The city of Houghton has changed its mind about relocating Huron Creek to enable Wal-Mart to expand, while satisfying state wetland protection legislation. "Based upon the input we received at the public hearing," city manager Scott MacInnes said, "the city has revised its wetland mitigation area for the Wal-Mart project." Instead of "relocating" the stream, the city will "adjust" its route.

Special thanks to Martin Solomon, Russell Garrard, Owen Hatteras, and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to libertymagstaff@yahoo.com.)

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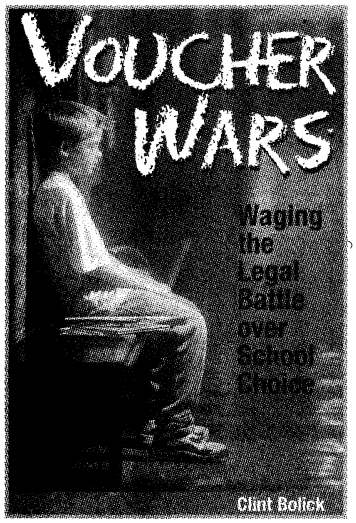

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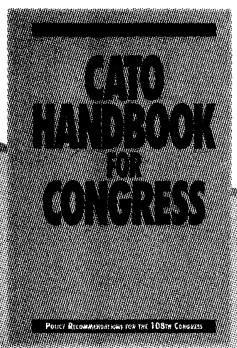

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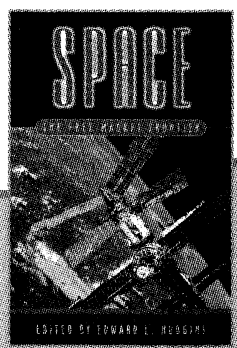

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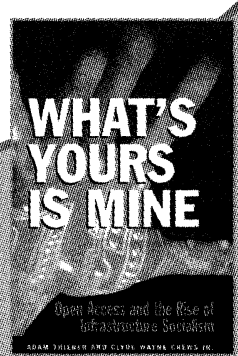

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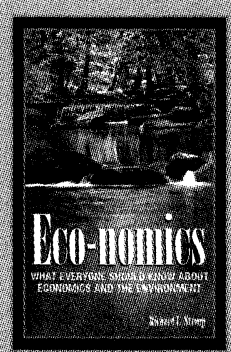

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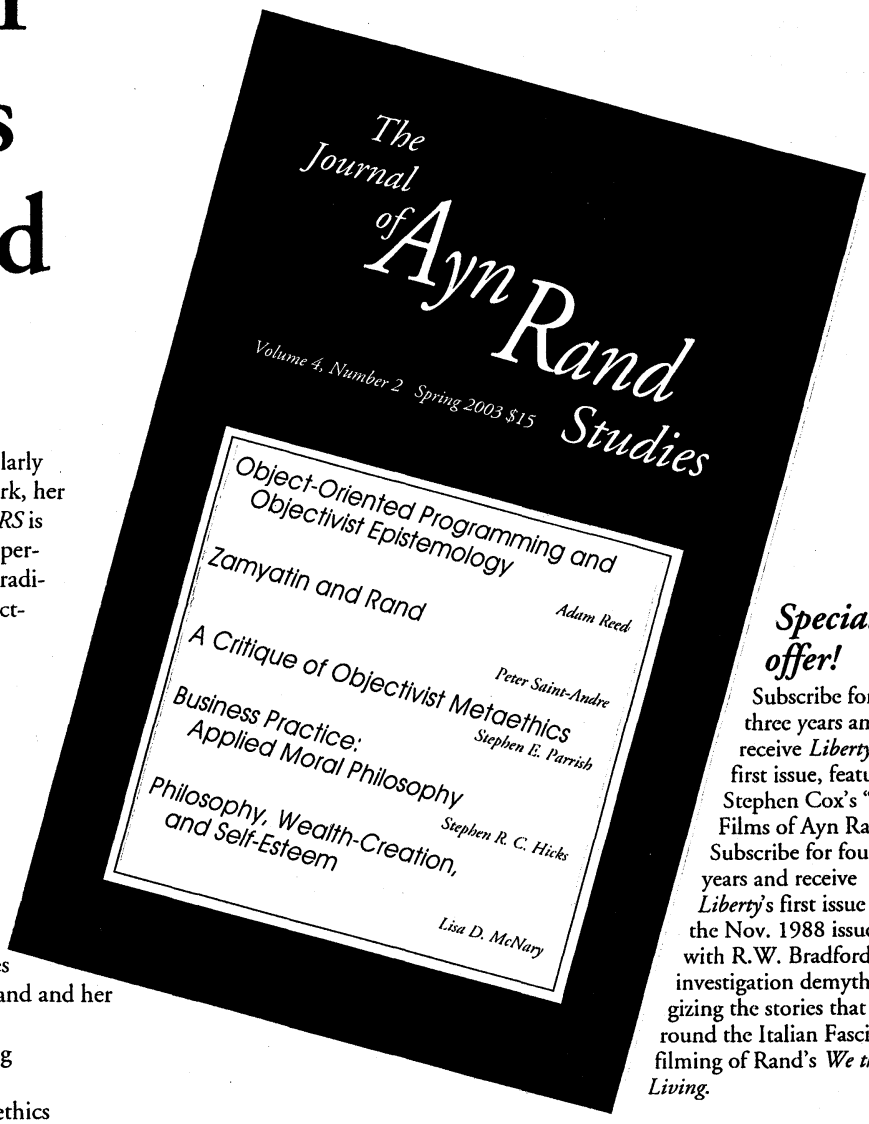

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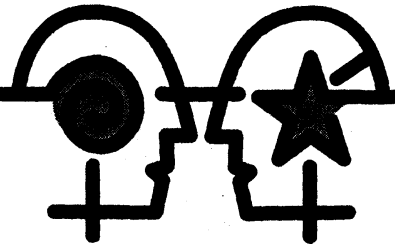

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Inside Liberty

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4 Letters It's all you.

7 Reflections We gawk at Bulgarian Speedos, get frisked for our Fourth Amendments, shoot some goddamned sensitivity into idiotic people, sniff for Satan, get a rejection slip from the CIA, protect California from Mexican imperialists, and watch gays sashay through a needle's eye.

Features

19 Libertarian Interventionism: Will It Liberate? Deposing foreign despots is one government program that many libertarians support. *Gene Healy* challenges the case for armed evangelism.

23 Perversion of Justice Malicious inmates and complicit guards, *Ralph Reiland* discovers, can turn any prison sentence into a death sentence.

25 Surf, Turf, and Hard Time Strolling along a public beach, *Bo Keely* heard more than the gentle rhythm of the waves. "Your papers, please," the officer said . . . and Keely found out about life in the Broward County jail.

27 Splish, Splash, I Was Taken to Jail When a mischievous teen tosses a water balloon, *Jo Ann Skousen* discovers, she can end up charged with a felony if she asserts her constitutional rights.

29 Wasn't It a Little Crowded on that Grassy Knoll? Forty years after the JFK assassination, *David Ramsay Steele* learns, conspiracy theorists still don't even believe their own incredible theories.

37 The Color of Your Point of View Only a perverse, race-based view of the world can justify affirmative action, *Garin K. Hovannisian* writes.

39 Diversifying for Freedom *Sarah J. McCarthy* argues that, for people to be happy and prosperous, a nation should seek racial diversity, not "color blindness."

41 Palestinian Vouchers Want to see conservatives and liberals unite behind school vouchers, while bringing about peace in the Mideast? *Bart Kosko* has an idea.

Reviews

43 Al Franken Is a Big, Boring Hypocrite Al Franken has found a new career as the comic nemesis of the Right. *Tim Slagle* is still waiting for the punch line.

46 The Lost Civilization There was a time when Islamic civilization outshone Christendom. Why did things change so much? *Stephen Cox* looks at what went wrong.

47 Henry Ford: Nazi Dupe? Was Nazism Job 1 for the great American entrepreneur? *Bruce Ramsey* dismisses a new indictment.

49 The Professor's Deadly Dream *Clark Stooksbury* considers the legacy of the "supreme autocrat" whose war paved the way for decades of inter-national turmoil, the rise of Hitler, and the Second World War.

52 The Decline & Fall of Motown In the past 50 years, Detroit lost nearly half its population, while the U.S. population rose 85%. Greg Kaza looks at what went wrong in liberalism's model city.

51 Notes on Contributors Autograph line forms to the right.

54 Terra Incognita We're not laughing *at* them . . . well, okay, we are.

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Letters

Nowhere Else to Go

In your Sept./Oct. issue ("Liberty and the Right"), R.W. Bradford asks why libertarians have identified themselves with the Right. What else could they identify themselves with: the Left and socialism, or the center and creeping socialism?

D. G. Lesvic
Pacoima, Calif.

Go Right, Young Man

R. W. Bradford is correct when he points out the move toward "big government" by congressional Republicans. In my opinion, they certainly don't represent the thinking of most Republicans, but politicians will be politicians. They will do and say anything they think will get them elected or re-elected!

The GOP consists of liberals, moderates, and conservatives and even some libertarians. I am a registered Republican but strongly express my libertarian views. The Democratic party has communists, collectivists, moderates, and very, very few conservatives. (And no libertarians that I know of.) *Both* parties have large numbers who support heavy taxation and spending.

It seems to me that since the GOP is slightly more freedom-oriented than the Democratic party, it is natural that libertarians would ally more often with Republicans. I think that the reason libertarians appear to ally with the Right is because the Left rarely supports private property and freedom. Except for the clothes on your back, intellectual property rights, and the freedom to "talk dirty and smoke pot," the Left only occasionally embraces the essential elements of freedom.

I think Bradford's call to "renounce" our alliance with the Right is slightly misplaced. Instead, we should make sure the public and our "allies" understand that we support *only* the libertarian, freedom-oriented portions of their platforms. We should specifically renounce and reject the collectivist portions. We should ally with either the Left or the Right whenever either supports liberty. And we should condemn the excursions into collectivism.

The Libertarian Party, in my opinion, is not worth the bother and effort. This country has fully embraced only one new party, the Republicans in the 1850s. The GOP attained majority status and drove out the existing Whigs. No other "third" parties that I know of have had any significant success.

Let's forget about the Libertarian Party. Let's concentrate our efforts and money on the Republican Party. And let's return it to strict adherence to the liberty-based, freedom-oriented Constitution. The Christian Right is trying to do this with "pro-life." Let's do it with *pro-freedom and liberty!* (And keep the extremists in line.)

David Michael Myers
Martinsburg, W. Va.

A Strategic Alliance With the Greens

R.W. Bradford in "Liberty and the Right" proposes strategic coalitions between Libertarians and the Left. Greens, defined as Leftists by some, run local governments in Arcata, Calif. and New Paltz, N.Y., and are active in 28 states. We are going through a particularly heart-rending, soul-searching period. A minority feels the revolution for environmental and social justice should come first; reform will only

Erratum

In the August *Liberty*, we incorrectly listed Alec Mouhibian's first name as "Alex." We apologize for this error.

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buttress a flawed system. Naderites, who are in the majority among Greens, feel environmental survival, corporate reform, and fighting militarism are so pressing that reform initiatives must have priority. With a coalition of leftists, libertarians, and clergy, I organized New York state against the death penalty.

Today, Libertarians and Greens share more issues. Immigrant and privacy rights, the PATRIOT Act, and freedom of speech, thought, and religion are some. Decentralization, a fundamental Green value, becomes critical in a post-power failure America. Decentralized, alternative energy is more meaningful than ever. Libertarians and Greens support candidates on shared issues. Greens would welcome Libertarians to discuss common goals and agendas. Unique identities can be preserved. Such relationships would result in an energizing shot-in-the-arm, and benefit both Libertarians and Greens.

Joe Dubovy
Putnam County, N.Y.

Bradford responds: Lesvic somehow missed the point of my article, namely that while politically active libertarians may have good reasons to form strategic alliances with Left or Right from time to time, there is no good reason why we ought to identify ourselves with either.

I agree with the thrust of both Myers' and Dubovy's letters: libertarians should form alliances with anyone with whom they think will advance liberty. It is patently obvious that neither Left nor Right are particularly committed to liberty, but that people of the Left and the Right sometimes favor liberty in the context of certain issues. So long as libertarians are a tiny minority, it makes sense to form alliances with others.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Our Living-Dead Letter

Timothy Sandefur's advisory that it is not the Constitution that has reduced us to our present state, "but our own failure to keep it" ("The Virtue of Provincialism," Sept./Oct.), neglects to acknowledge that our failure was implicit in the contract. The Constitution enabled the creation of government courts, along with government judges empowered to interpret the Constitution itself — with a "supreme" court given the last word — such that peaceful appeal yields a government-controlled conclusion.

This reality, slyly dismissed nowadays as "fashionable myth," was recognized 150 years ago in "Disquisition on Government," where John C. Calhoun wrote: "The end of the contest would be the subversion of the constitution . . . the restrictions would be ultimately annulled and the government be converted into one of unlimited powers. . . . " In other words, the ink was barely dry when Calhoun recognized that the Constitution had initiated the American people into a game of "heads I win, tails you lose."

Jack Dennon
Warrenton, Ore.

Boing! Twang!

In "A License to Discriminate" (August), Robert Levy refers to the June 23 Supreme Court ruling that allows universities to extend preferential treatment to dumber non-white applicants, as long as they don't link "dumber" to non-white races.

Such "affirmative action" was originally based upon the premise that blacks, Mexicans, and Native Americans were only less intelligent because of past white abuses — the politically correct foundation belief being that all humans would demonstrate equal intelligence if exposed to the same environment.

But why must all humans be the same? If the environment and elements in Africa went *boing!* and formed a black couple with small brains, why couldn't conditions and elements in Europe go *twang!* and spew out a white couple with larger brains? Why must we believe all humans had a common, simultaneous

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origin when all the evidence points to separate origins — especially in the time-span order of their appearance?

James Harrold, Sr.
Springdale, Ariz.

With Friends Like Ramsey . . .

Several readings of Bruce Ramsey's attack on libertarian absolutism ("Dialog With an Absolutist") in your July issue left this 24-year member of the Libertarian Party not knowing whether to laugh or cry.

I mean really. Here is a self-styled practicality advocate who can't seem to distinguish between peaceably individualist lib discipline and that numbers-driven brand of coercive collectivism commonly called utilitarianism.

A prime example: a little slavery early (that's Ramsey on military conscription) to prevent a lot of slavery later on? Poppycock! If nothing else, this leaves it to government to define what "national emergencies" are, and awards them the talent of reading the future.

More, it violates the number one rule for recognizing legitimate government for us libs — one that's more practical than any other in history. As the late Robert Nozick put it so well, the only acceptable government is one practicing *strict neutrality* among all those peaceable persons swearing it their allegiance. And of course there is absolutely nothing neutral about drafting young men — it has always been young men — while the rest of us stay home in relative safety and comfort.

Now having said all that I must admit there is a certain attraction, from a taxpaying point of view, to government-on-the-cheap via conscription. So my number one question to Ramsey is this: if conscription is so damn practical, why aren't you out there endorsing more of it? Cops, firemen, medical personnel, whatever (my personal favorite would be public schoolteachers), why not draft them all for, say, three-year hitches at a private's wages?

But enough. All I can add in closing is that, with "friends" such as Ramsey, genuine libertarianism never will lack for a sufficient number of enemies.

John M. Simons
Sheffield, Vt.

At the Fringe or Beyond the Pale?

I feel compelled to comment upon Bruce Ramsey's "Dialog With an Absolutist" (July). He explains that he is for two things: 1) liberty, and 2) what works. But these two concepts can be mutually exclusive. For example, Adolf Hitler dealt liberty a severe setback during his reign of terror, but what he did worked — he successfully almost wiped out European Jewry.

That having been said, I don't believe that, at least in the cases that Ramsey cites, liberty doesn't work. Ramsey says, first, that liberty, as evinced by the non-coercion principle, doesn't work and leads to anarchism. Ramsey says anarchism doesn't work, but what about Iceland, where civilization existed with no central government for generations? What about the miners' camps in California during the gold rush, which were very peaceful because the miners packed heat, which was why the six-shooter became known as "the great equalizer"?

The general principle is this: where the government doesn't interfere, we have order. Where the government interferes — education, police, environment, drugs, etc., we have disorder.

Ramsey wonders about the children and who should control them — the parents or the state. If one believes in liberty, the parents own the children; if one believes in slavery, the state owns the children. Since there shouldn't be any government rules or regulations, the parents tell the children what to do. I'm glad I've been able to help Ramsey with this problem, even though he said that "libertarianism doesn't say" who should control the children. Well, yes, it does.

Ramsey argues that government is needed in times of national defense, and that during those times, it must "suspend personal freedom" and resort to "temporary enslavement." Not true. Voluntary defense of the country would suffice to keep any armed intruder at bay. Americans are the most heavily armed people in the world, and it is literally inconceivable that any army, anywhere, could overcome a determined guerrilla resistance here. Of course, in such a society Americans wouldn't be patrolling the world and getting killed inconsequentially, but that's a different issue. Though Ramsey argues that a draft kept the Swiss free in World War II, what really kept them free was their guns — they were all armed, and the Nazis simply didn't want to take the tremendous casualties entailed in going door to door trying to enslave them all.

Ramsey questions whether a free society can "deal adequately with questions of public health." Well, yes, it can. People who engage in risky behavior and contract HIV do so voluntarily, either through drugs or sex. This is what freedom is all about: make your decisions and then take responsibility for them. Ramsey admits himself that this disease was "being spread by consenting adults," so what's the problem? With SARS, people have a right to defend themselves against physical harm, and thus against SARS. Libertarianism handles these problems quite nicely, thank you.

There is a libertarian solution to every one of the problems Ramsey mentions. True, some of the solutions haven't been tried, but that's only because people such as Ramsey are afraid to try them. But that doesn't mean that liberty is not the right way to go or that it wouldn't work. Ramsey doesn't believe in liberty enough to give it a chance under all circumstances. And that's true of most people, which is why we have never had a libertarian society and never will. Despite R.W. Bradford's endless search for libertarian failures every election year, we all know that most people can't handle much freedom at all, which is why we are about 40–50% free, at best. This is the "as much [freedom] as people can stand" that Ramsey mentioned that Mencken spoke of.

As a newspaperman, Ramsey needs to write for *Ramparts*, rather than *Liberty*. Calling himself a libertarian, when he doesn't want to apply libertarian principles and is too lazy to learn how they operate, is really beyond the pale.

David Pearse
Santa Monica, Calif.

Ramsey responds: John Simons and David Pearse are prime examples of

continued on page 18

Reflections

Lights, camera, recall — Recalling H.L. Mencken's appreciation of the comedy of American politics, the thought occurs to me: has he returned to be casting director for the California gubernatorial election?

— Richard Kostelanetz

Deficits, good and bad — I grew up during a time when Democrats ran the government and Republicans were constantly railing against the Democrats' huge budget deficits. As the deficits skyrocket under George W. Bush and the first GOP-controlled Congress in more than a half century, it is interesting to see the left-wing Democrats wailing about Bush's awful budget deficits.

There's no mystery to this: the party in power wants big deficits because increased spending gets them more votes and raising taxes gets them fewer votes. So the party in power has an agenda of more spending and lower taxes.

The only time the budget is balanced is when there is an economic boom that increases income — and therefore income taxes — so fast that the politicians can't figure out how to spend the money fast enough.

— R. W. Bradford

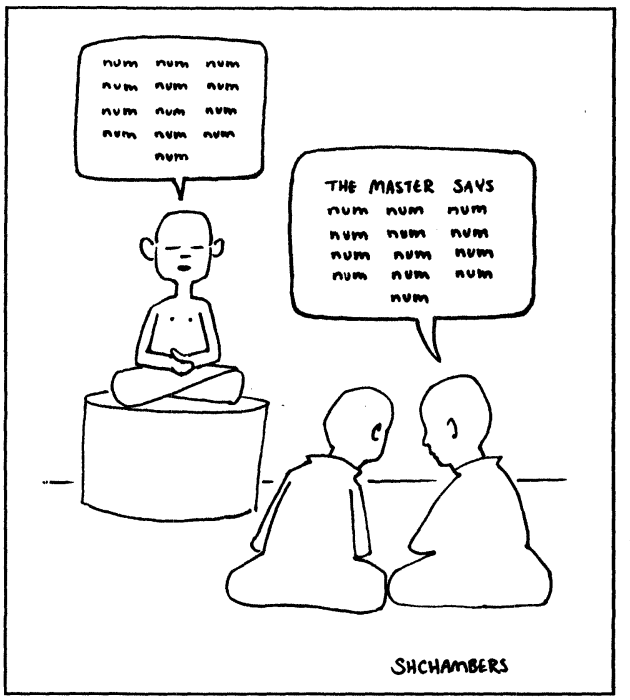

Sensitize this! — News reports of the recent tragedy in Mississippi where an irate white shot to death five of his coworkers consistently mentioned the shooter's alleged strong biases against blacks (four of his victims were African-Americans). Only a few reports mentioned that the individual was in the midst of company-mandated sensitivity training when he grabbed a shotgun and blasted away at his classmates. Maybe there is something wrong with the idea of coercing everyone into a PC utopia. — Fred Smith

Is that the Fourth Amendment in your pocket, or . . . ? — Down here in Bamaland we libertarians guard the ramparts of freedom with all the vigilance of an Alabama coach scouting the Auburn–Southern Cal game. Our ramparts, as we speak, are under siege by a governor — a "conservative" Republican who is proposing an amendment to the state constitution. It is all about taxes, as usual. He wants to lift a billion and a half bucks from our wallets. And he's billed as a penny-pinching Republican! Good lord, what would a Democrat do to our wallets, purses, and bank accounts? Of course, in California terms this is small potatoes, but we Alabamians hate taxes worse than sin. In fact, we say taxation *is* sin.

So we're under stress here in Bamaland. Auburn lost to Southern Cal last week and Alabama has a new coach who looks and talks like an honest man. That's bad news, gridiron-wise. How's he gonna win if he don't cheat? Maybe the guv should coach the football team and let our new coach run the state.

Like I say, we're under stress. So, one of my local libertarian friends, trying to stay afloat in this fiscal and football maelstrom, has come up with an idea worthy of imitation. He has printed the Bill of Rights on a small thin metal plate that fits in your shirt or coat pocket. (Are you getting it yet?)

You book a flight. (Has the light bulb flashed yet?)

You go to the airport with that tell-tale metallic freedom bell in your pocket. (Get it now?)

You jump in the line and, uh-oh, *the alarm goes off!*

"Oh, it must be my Bill of Rights accorded me by the U.S. Constitution," you remark with an ingratiating smile. You pull it out and hold it under the nose of your inquisitor. You point to Amendment Four, which is highlighted in red. Naturally, it decries "unreasonable searches and seizures."

The rest of the script, after your brief pedagogic lecture, is up to your passion and belligerency and your dread of small confined spaces. — Ted Roberts

The art of politics — My goofy friend Kenny, who gets his news from talk radio, is all upset about a report that Cruz Bustamante was once a member of some sort of radical Chicano outfit that favors returning California to Mexico, and that California's Lieutenant Governor (and likely successor to Gray Davis) refuses to renounce his youthful affiliation.

I'm not particularly upset. Kenny has fallen prey to the oldest fallacy in politics, one so widespread that relatively few people realize that it's a fallacy. He believes that what a politician says in some way reflects his beliefs. In fact, almost all successful politicians say what they think will enhance their power, in the form of gaining them higher office, getting them more money or influence, or perhaps only keeping

them in their awesome position.

What Bustamante is after right now is the California governorship, either on Oct. 7 if the voters of California recall his boss Gray Davis, or when Davis' term eventually expires. Among his staunchest supporters are his old radical Chicano buddies, and he is loath to diminish their support or lose it altogether by renouncing his old beliefs, at least so long as no one except a few right-wing Republicans like Kenny cares one whit about the indiscretions of his radical Chicano youth.

Americans have always harbored a host of beliefs that are absurdly false. For centuries most believed that snakes grew from horsehairs left in water, and that walking under a ladder brought bad luck. Most Americans today believe that America is somehow divinely blessed with a political system that always provides them with a Great Leader whenever a crisis occurs: how else can one explain the popular belief that Franklin Roosevelt and Abraham Lincoln were great men?

Americans realize, of course, that salesmen aren't likely to be fountains of truth when they describe what they're selling, and, if pressed, they'll admit that politicians are always selling themselves. This dissonance is pervasive: it's tough, to cite a trivial example, to pick up an issue of *Consumer Reports* without noticing the dissonances between the universal doubt that the dowdy publication extends to all commercial products and its belief that almost any problem can be solved by a government managed by politicians.

But the normal American seldom makes this connection. For one thing, he gets comfort from believing that his government (i.e. the complex concatenation of con men who have control of the state) is actually a good thing. Admitting that it is a gallery of rogues is, well, very uncomfortable. For another, he is more or less continuously taught that politicians more or less tell the truth — taught by a politician-controlled educational system and politician-regulated news media — and he accepts that proposition in the same way in which his ancestors accepted the notion that labor unions bring prosperity and that World War II was a good war.

Please don't get me wrong. I am not saying that every politician lies all the time. I merely observe that politicians' behavior is obviously a product of their pursuit of their own interests more than the pursuit of any actual political agenda, and that what they say and write is very much a part of their political behavior.

"How can you tell whether a politician is lying?" the old joke asks. "See whether his lips are moving." But the old joke has it wrong, at least in the case of successful politicians. To lie is to assert the truth of something one believes to be false, and the most successful politicians are so finely tuned to chasing votes, money, and power that they reach a point where truth or falsity is simply meaningless.

It's not that successful politicians are liars. It's that only liars succeed in politics.

Anyway, I am tempted to offer

The Market for Terror

"The Pentagon's new terrorism futures market is suddenly a thing of the past," wrote the *New York Times* on July 30. "Only a day after it was disclosed, outraged senators of both parties asked today for an immediate end to the online trading bazaar that would have rewarded investors able to predict terror attacks and other global unrest." But you may have missed the follow-up story, buried deep in the business section a few days later.

— *Eric Kenning*

GU Cuts 200,000 Jobs Stock Drops 47¢

Global Unrest, the multinational mayhem giant (formerly Sporadic Looting Inc.), announced yesterday that it had dropped plans for a merger with Consolidated Apocalypse in view of the Pentagon's unexpected termination of its terrorism futures market after a federal judge ruled that it was kind of weird. GU stock immediately dropped 47 cents a share, losing 30 percent of its value by closing, which was still better than some analysts had been predicting. "It's not the end of the world," said one broker, "unfortunately for several of my clients."

GU also announced that it would cut 200,000 jobs worldwide, most of them in its troubled angry mob and rabid soccer fan divisions, but claimed that this downsizing would protect its core terrorist, protracted ethnic strife, and no-exit quagmire operations. The bad news left investors reeling even though many had never reeled before and fell down several times before getting it right. Some contemplated suicide until they realized that a state-sponsored personal-misfortune futures market did not yet exist, making it a high-risk strategy. One disconsolate investor learned that a camel had fallen through a roof in Ashkhabad, Turkmenistan, setting off riots and ruining a government-run vendetta market there, just as he had guessed it would, only to find out that the roof had also fallen in on the Pentagon project before his camel-calamity order could be placed. The Bush administration is said to be considering other federally operated investment opportunities, including a Smart Pie Exchange in which financial speculation would focus on which federal officeholder, bureaucrat, or retired admiral would be hit most frequently by high-tech custard pies with electronic idiocy-sensing homing devices in regularly scheduled daily melees, and the Lead Balloon Index, in which smart money would follow provocative out-of-the-box ideas that immediately had to be put back into the box.

In a related development, the SEC said it was investigating reports that Martha Stewart had used inside information to sell her stock in Implode, a company that supplies advanced weaponry to the Pentagon that allows federal officials to shoot themselves in the foot with 99 percent accuracy, the day before the futures project debacle, which prompted congressional demands to place government foot-shooting on a more competitive footing and caused Implode stock prices to implode, injuring several bystanders and fogging windows and mussing curtains as far away as Westport, Conn. In a statement Ms. Stewart said that "insider trading would be tacky in summer, when with a little planning it could be done outdoors under canopies decorated with bright, colorful arrangements of subpoenas."

Kenny a wager that if Bustamante ascends to the throne of the Golden State he will take not the remotest action to remove his fief from the U.S.A. and return it to los Estados Unidos de México. I haven't done it because it would only cause Kenny to fume that I do not care for the fate of the Republic and reinforce his opinion that I am not a good American. Just maybe, I fear, he'll implore Attorney General Ashcroft to find a way to toss me in the hoosegow. And under the PATRIOT Act or some Bush administration edict, General Ashcroft just might be able to do it. — R. W. Bradford

Everybody wants to get into the act! — The Constitution of the United States was established to carefully separate powers so that the various branches would act as checks and balances on one another. The legislative branch was to enact laws, the executive branch was to administer those laws, and the judicial branch was to ensure the constitutional soundness of such laws.

Today, however, all three bodies wish to enact legislation to solve all the problems of mankind. The executive branch, since the Progressive Era, has been granted an amazing array of regulatory powers that allow it to pass laws with no review by Congress and little by the Supreme Court. Wayne Crews' annual publication, *Ten Thousand Commandments*, details the growth of the regulatory state, noting that its edicts now cost the citizenry (you and me) almost $900 billion per year. Executive "legislation" is a form of taxation without representation!

And now the justices of the Supreme Court have decided on a legislation-through-jurisdiction approach. They seem to have accepted the premise that if legislation can't be enacted by Congress, someone ("Why not us?") should step up and do the job. Policies seen as essential by the PC crowd (legitimizing racial quotas is the most recent example) must be legitimized by the court, and so, voilà!, become law!

But, with all three branches competing for legislative powers, what prospects exist for economic liberty? Efforts to restore the legitimacy and force of the Constitution are critical. Recall the comment by Durk Pearson and Sandy Shaw: "The Constitution may not be perfect, but it is a hell of a lot better than what we have now!" We should try to get it back.

— Fred Smith

Lights out — When, on Aug. 14, the great blackout hit the Northeast and upper Midwest, I was visiting a friend who does not have cable TV. For the first time in years, I was forced to watch extended coverage from the three state-licensed networks, and it was even worse than I remembered. It would be cruel to discuss this coverage in detail. I'll just mention three salient points, three heaps of slag that towered above the ocean of goop.

The first was Dan Rather, whose idea of reporting on the problems of New York was to query a correspondent in California about whether President Bush, who, he emphasized, was visiting the Golden State to attend a fund-raising event, had any intention of breaking off his trip to deal with the crisis in the East. By the time Rather got to the end of his question, he seemed to be implying that the president was personally keeping the light switch off. The correspondent seemed confused by this line of attack, but he mumbled something that, I gathered, meant No, the president did not plan to land in Ohio and try to get the juice flowing again — for which I breathed a hearty prayer of thanks. The last thing we need is George Bush the Energy Expert.

The second protrusion of piffle was provided by yet another correspondent from California, a dopey-looking guy who reported that there were no blackouts in *those* parts, then discoursed at length, in response to nobody's question, about the supposed success of Governor Davis' energy program. He didn't mention the fact that Davis, a modern liberal Democrat, is facing a recall election prompted in large part by his ham-handed attempts to deal with the energy issue.

One more piece of slag — and this time it wasn't just a single heap; it was a mountain range. Throughout the blackout, and for days thereafter, the major theme of network TV news was how wonderful the whole thing was. Sure, there were some inconveniences, but the sight of New Yorkers pulling together, helping and loving one another, as they always do when the going gets tough and the tough get going, it was all so . . . so . . . so *New Yorkish* that everything else seemed somehow worthwhile. Listening to this crap, I felt that I had returned to the theater for another bout with *Seabiscuit*, a nice little movie that shows you how thankful you should be for the Great Depression, because without it there would have been no New Deal.

Maybe, I thought, if a mere two-day blackout makes New Yorkers such exemplary people, they'd be even more brilliantly and wonderfully themselves if America went back to the stone age. — Stephen Cox

Blackout of rationality — The power was barely back on before America's left-liberal media blamed the blackout that darkened a quarter of the country on deregulation. Typical was the article in the *Village Voice* "It's Deregulation, Stupid." Some journalists, author Cynthia Cotts writes, have already decided that deregulation is the root cause of the blackout. Counting herself among those journalists, she writes: "It's convenient for Bush to say now that the interstate power grid needs to be modernized, but

where is the evidence that that will happen in a free market dominated by private energy companies?"

What free market? The one tiny bit of information that Ms. Cotts and the journalists she mentions failed to uncover in building their incisive analysis, is that the now-controversial deregulation measures of the 1990s only affected the production and sales ends of the power industry. The transmission sector, clearly the origin of the recent catastrophe, has been regulated just as strictly if not more so over the past decade. This fact goes unacknowledged. Recognizing it would mean recognizing that capitalism never ran amok; it was hamstrung from the get-go.

Anti-market politicians quickly joined in. Sen. Maria Cantwell (Idiot-Wash.) claimed the power failure occurred because "deregulation has left us without adequate consumer protection and safeguards like reliable service and protection from market manipulation." New Mexico governor Bill Richardson fondly recalled, in a *New York Times* editorial, the time "[b]efore the 1990s when the lines of regulatory responsibility were clearly drawn." But it was Sen. Charles Schumer (Demagogue-New York) who took the charges to laughable extremes, claiming "[t]he Bush administration, with its doctrinal commitment to unfettered deregulation, has insisted that this situation can be resolved by allowing the states and utility industry to deal with it by themselves."

In a *Times* article centered on the evils of deregulation, David Firestone and Andrew C. Revkin point out that in deregulated states, plant owners tend to focus on supplying the most profitable electricity produced during periods of peak demand, while owners of distribution systems, experts say, have to pare costs and keep cables and other equipment running. It didn't occur to them that this disparity may have arisen from the fact that energy producers have been given the freedom of deregulation while the distributors are bound by government rules which give them no leeway to adjust to the market demand.

Not only is the heavily regulated transmission grid simply unable to meet public demand, it is prone to blackouts of unprecedented proportion. When it failed, the regulators demanded that they be given control over power production as well. In their fantasy, we Americans should literally hand over our *power* to them, ignoring that they themselves are the cause of the problem. — Nicholas Louras

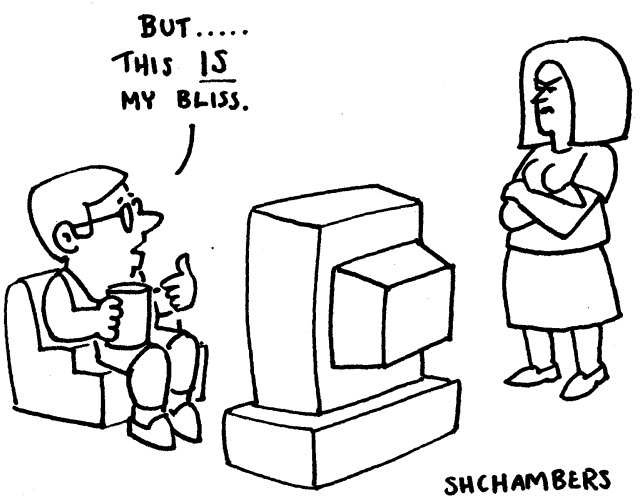

Liars, damned liars, and Democrats — The problem with California's Democratic Party, the problem that has produced the unprecedented recall election of the Democratic governor, is that the Democratic hacks, long impregnable in this state, simply cannot resist an opportunity to lie.

Joseph "Gray" Davis, the so-called governor, has taken lying to virtually incredible extremes. Davis insists on referring to the "8 million" people who went to the polls last November and "made [him] governor." In fact, the total vote for governor was closer to 7 million, about one-third of the state's registered voters. But the cream of the jest is that only a minority of those voters, about 3.5 million, cast their votes for Davis. He ran only five points ahead of the weakest Republican candidate in ages, and the presence of other candidates denied him the majority.

Then, on Sept. 5, Arnold Schwarzenegger unleashed an ad in which he recited the accepted financial figures: "California is spending 29 million dollars a day more than it takes in." That sounds about right. After all, the state has a 38 billion dollar deficit. But here's Davis' rejoinder. Arnold's statement, he proclaimed, was "a bald-faced lie. . . . We have a balanced budget!"

Sure it's "balanced" — because the state borrows 29 million dollars a day to keep enough scratch in the credit column to fund its never-ending torrent of checks.

Actually, I must confess, Davis may have fumbled his cliche and branded Arnold a "bold-faced," not a "bald-faced," liar. Davis talks like Howdy Doody, and it's sometimes hard to tell what he's saying. But it's clear that Davis has a diseased attachment to lies and now to the word "lie."

As for the budget. . . . You can be sure that if Davis' former toady Cruz Bustamante wins in the recall election, the state will immediately have a surplus. — Stephen Cox

O-besity, for purple skies, for fat-free waves of grain — There is no greater illustration of the destructive effects of out-of-control government than the obesity epidemic in America. We are now the fattest nation on earth, and for the first time in history, even children are suffering from adult onset diabetes due to being overweight. While experts ponder the whys of this bizarre situation, there is really no great mystery.

Some 20 years ago, the health establishment in the form of government bureaucrats, mega non-profits like the American Heart Association, and various assorted sycophants concluded from a few controversial studies that fat was the nutritional equivalent of the devil. With little evidence these "experts" ringingly proclaimed the dietary hell that awaited anyone not obeying the commandment "thou shalt not eat fat."

In perfect lockstep, the media obediently began publishing stories showing how fat and its evil twin cholesterol were at the root of all of our health problems. If any in the medical field dared to question the anti-fat party line, they were immediately branded by the establishment and the media as misguided at best, and quacks at worst.

Americans heard, and quickly abandoning their own

common sense, obediently began observing the new dietary rules. So bad was fat alleged to be that anything without fat was automatically considered to be good, and accordingly people began stuffing themselves with the low-fat junk food that the food industry obligingly provided.

After a couple of decades of fat-free cookies, cakes, ice cream, and muffins, the truth is slowly seeping through the exploding American waistline. The health establishment is now scrambling to revise its edicts without, of course, admitting its guilt.

The worst part of this mess, however, is not the wrongheaded theories, but the fact that we have learned so well how not to trust ourselves, and to accept without question government intrusion into something so personal and so basic as eating. Indeed, despite the criticism and ridicule often heaped upon government, most still believe unerringly in governmental wisdom. How many continued to cling to the fat-free faith even as it became obvious that it wasn't working? Now these same folks are waiting with childlike trust for officials to tell them what next to put on their plates!

In the coming years, we will almost certainly see a huge increase in all the attendant ills of obesity, including heart disease and some forms of cancer. These will most probably inspire new proclamations from on high, along with new laws, rules, and regulations to help us cope with the health crisis that the government helped create.

Those who have chosen not to listen to the din are no doubt the healthier for it. They understand that good eating habits aren't obtained through the advice of the surgeon general or some federal commissioner. Let's hope that more folks start seeing the truth. Once upon a time, we Americans were able to eat breakfast without first consulting the government food pyramid. Surely we can learn to do so again. — Lori Miles

What you talkin' about, guv? — Grown-up child star Gary Coleman has gotten a little attention in his quest for Gray Davis' job. I note that he is pro-gun, pro-marijuana, and anti-income tax. Maybe we should start a movement to draft Gary Coleman as the Libertarian presidential candidate. I know we had all been hoping for someone like Clint Eastwood, a little more, you know, capable of getting on a roller coaster, but what the heck. — Tim Slagle

Eau de Satan — It was a large public gathering, and stationed at the gate was Billy the dog. The "head of event security" told the press why Billy was there: "He's trained to sniff out eight kinds of narcotics and gun powder. . . . There could be a terrorist threat."

Well, yes, there could be a threat — at any place and at any time. But the event thus jeopardized by America's foes was a Christian rock concert in South Bend, Ind.

According to the *South Bend Tribune* (Aug. 17, 2003), the only security problem was posed by a man who showed up with "satanic inscriptions on his hands." Apparently, Billy can sniff out gun powder, but he can't sniff out Satan: the guy with the inscriptions got through the gate and had to be tossed out later. As for the terrorists . . . maybe Billy scared them away. Or maybe my Midwestern relative was right when he said that he wasn't afraid of terrorists turning up in his hometown — "not until they get interested in corn, or soybeans, or idiots." — Stephen Cox

Left coast follies — The challenge to the legality of the California recall election is based on the theory that a handful of counties still use punchcard ballots, which is unfair to voters who happen to be senile or moronic. The challengers, supporters of incompetentísimo incumbent Gray Davis, didn't challenge the election that put California in the thrall of Davis in the first place, presumably on the theory that the polls in that election showed Davis would win even without the votes of every last moron and victim of dementia. This time it's different. Twenty-two days before the election, a federal court ruled that ascertaining the sentiments of every last moron in the state is more important than holding the election when it is specified by law, thereby giving Gray Davis a reprieve of at least five months. One wonders whether the decision would have been the same if, say, the lawsuit would have kept George W. on his throne for an extra five months. Or five years. — R. W. Bradford

9/11, goats, and atonement — It is September 11 and, predictably, all the networks are replaying the shocking events of two years ago. Somber newscasters interview family members of those who died in the attacks, asking how they have coped. More than one newscaster has intoned, "We must make certain that not one of their children lacks tuition money for college, that none of their widows has to worry about how to pay the rent." My response is an outraged "Why?" Why are the survivors of this attack entitled to millions in financial support? Is it because death has caused them financial hardship? Is it because their loved ones endured a horrific death?

A dear friend of mine just endured the death of her husband from brain cancer. She took an unpaid leave of absence to nurse him during his illness. Who is going to pay her mortgage this month? Her granddaughters are heartsick at the loss of their beloved Papa. Where is their tuition guarantee? They feel shock and inertia as life goes on around them. Where is their national outpouring of sympathy and shared

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grief?

As I write this, children are somberly reading the names of all those who died on September 11, 2001. Correction: all those who died in the terrorist attacks on September 11, 2001. Many hundreds of others died of various causes that same day, unsung deaths whose losses are felt just as deeply by their survivors. Where is their tribute? It is where it should be: at home, or at gravesides, or in quiet walks — in private.

Somber-faced newscasters call those who died in the Twin Towers and at the Pentagon "heroes." They are no such thing. A hero is one who courageously chooses to risk his or her own safety to rescue or protect another. Certainly some of those who died in the attacks were true heroes. The firefighters, the police officers, and many individuals who delayed their own rush to safety in order to help another are indeed heroes. But most of those who died were victims, not heroes, people who unwittingly went to glory by being in their usual places at the wrong time.

The real reason that we as a nation are lionizing those who died in the terrorist attacks is because subconsciously we have made them our scapegoats.

Call them heroes if you must, but the real reason that we as a nation are lionizing those who died in the terrorist attacks is because subconsciously we have made them our scapegoats. In Biblical times, on the Day of Atonement the Israelites would put "all their transgressions in all their sins . . . upon the head of the goat, and send him away . . . into the wilderness." The goat was not guilty of the sins he carried, but he wasn't a hero, either. He just happened to be standing in the wrong part of the pen when the priest was choosing the scapegoat. And in that sense, I suppose, he was a hero to all the other goats, the ones who weren't "chosen."

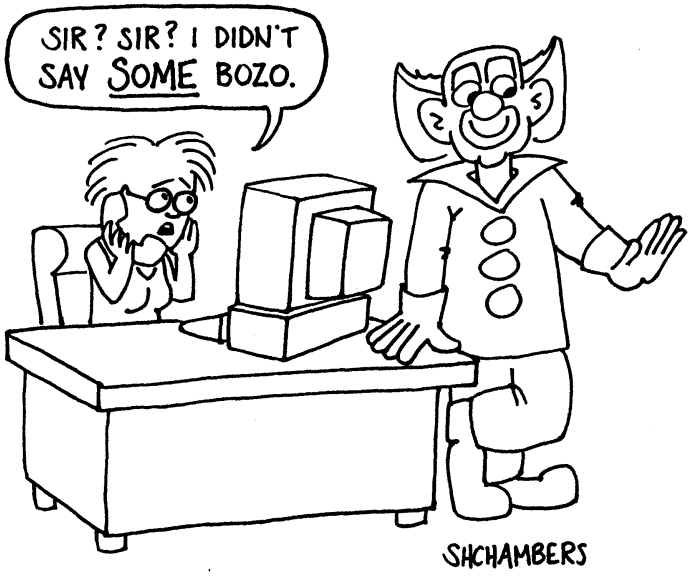

Later, the priest would burn "the fat of the sin offering . . . upon the altar," celebrating the community's escape from the consequences of their actions during the year. Could our rush to award millions of dollars to the family members of those who died be a similar burning of "the fat of the sin offering"? Are we assuaging our guilt that it was them, and not us? In so doing, are we not mimicking the attackers themselves, who promised the suicide bombers that their families will be cared for financially for the rest of their lives?

— Jo Ann Skousen

A tale of two tombs — A colleague recently visited the graves of Adam Smith and Karl Marx. "I was amazed," he said. "Smith in death is scarcely appreciated compared to Marx." No notice directs you to Smith's grave, and the cemetery (Canongate Kirk in old Edinburgh) is sprinkled with broken beer bottles, plastic caps from syringes, and the remains of drunks and junkies. "Nobody gives a damn that Adam Smith is buried there."

Things are different at Marx's huge tomb at London's Highgate Cemetery. Finding it is easy because there are entrepreneurs inside the gate directing you to his grave and selling postcards and pamphlets. My friend added, "You don't really need to follow the instructions to the grave because you just follow the stream of people who arrive with fresh flowers, linger beyond the time for photographs, and then trudge away." He offers this paradox: Smith and capitalism have triumphed in the world of ideas, and Marxism has been declared dead following the collapse of Soviet communism. Yet Marx's grave is honored, while Smith's is neglected. Shouldn't it be the other way around?

— Mark Skousen

Closet full of contradictions — If Jesus had said it'd be easier for a gay guy to sashay through the eye of a needle than to get into heaven, we'd understand why social conservatives become unhinged at the thought of gays having constitutional rights. If he had said that, it'd be inscribed over courthouse doors and chiseled in concrete. Ann Coulter would cash in on a best-seller called *Deportation*.

When it comes to gays, conservatives offer a closet full of contradictions. What Jesus said was that it would be easier for a camel to go through the eye of a needle than for a rich man to get into heaven, but as we know, conservatives have no problems with the rich lifestyle.

Jesus never mentioned gays at all, but they make Pat Buchanan crazy. It seems like only yesterday he declared a culture war on cross-dressers at the Republican National Convention. Now Buchanan is calling the Rev. Gene Robinson, the gay bishop-elect in the Episcopal Church, a "flaming fraud" who "dumped his wife" and was "faithless to every vow he ever made," and advised the bishop's "boyfriend" to "have his eminence fitted with an ankle bracelet that lets you know where the suspect is at all times."

If I didn't know better, I'd think Buchanan was a moral relativist. I don't recall him telling Mrs. Gingrich to fit Newt with an ankle bracelet — though he dumped two wives. Did he advise Nancy Reagan to fit Ronnie with an ankle bracelet since he had dumped his first wife along with a child or two? Somehow or other, Pat recognized that the shades of gray in

these men and their marriages didn't prevent them from being valuable members of society.

A few years ago, a lesbian couple, Brenda and Wanda Henson, purchased some farmland in Ovett, Miss., and named it Camp Sister Spirit. They were met with threats of violence and a mud slinging onslaught from the "Christian" Right. Pat Buchanan wrote that the women, both Mississippi natives, were "in-your-face lesbians with no claim to be treated as good neighbors." Hey boys, property rights are one thing but this is about lesbians!

Adding to the mud pile, syndicated columnist Sam Francis declared that the "real people" of Ovett have a "right to defend themselves against the lesbian invaders. Appropriately, the place used to be a pig farm," he wrote, and suggested that locals might "burn the whole weird bunch of them back to Castro Street."

For social conservatives, when it comes to gays, most other principles go out the window. Rick Santorum, as a follow-up to his Magoo-like contention that he couldn't find any right to privacy in the Constitution, recently indulged in more contortionist thinking in his effort to bring the esoterica of Catholic theology into American government, declaring that the key reason for marriage is the production of children, not the union of a loving couple. With adultery, divorce, and child abandonment the clear and obvious threats to traditional heterosexual marriage, Santorum focuses on homosexuals as "a threat to the family." In his bend-over-backwards attempt to justify his disdain for gays, the senator advocates a political philosophy that denies that a right to privacy exists, and devalues marital love.

Though all of our constitutional rights, including speech, are limited, Santorum argues that a right to privacy opens the floodgates to include rights to anything — adultery, polygamy, sex with beagles. But, just as speech rights don't include the right to stampede a crowd by yelling fire in a crowded theater, privacy rights do not imply the removal of consent laws, or of laws protecting a spouse victimized by adultery.

If social conservatives are to convince us that their disdain for gays is in some sense rational, they need to consider the contradictions in their arguments. Sinners of every stripe walk the earth — the greedy, the vain, the prideful, the selfish, the sanctimonious, the promiscuous, as well as liars, gluttons, and the uncharitable — but all have redeeming social value. Few are singled out as categorically unworthy of participation in mainstream life — banished from becoming a minister, having a sex life, or even buying a pig farm.

— Sarah J. McCarthy

Get real — When I was 16, I searched in vain for some political movement with which to identify. Joining the Democrats was out of the question; even then, it was apparent to me that an ever-growing body of laws, and the apparatus to enforce them, were not the path to a better world. The Republican Party, too, was out: too moralistic, too willing to regulate private behavior, and dreadfully dull in general, lacking vision and passion.

Then I ran across the website of the Libertarian Party, and I was home. These guys are *perfect*, I thought. So consistently in favor of liberty! They'll stay out of my bedroom, out of my wallet, out of my life!

Within a few years, my passion had faded. Staying out of my bedroom and my wallet was all well and good, but I realized Libertarians stayed out of the real world, too.

Don't get me wrong. I love the LP. It needs to exist, just on principle. There ought always to be a party that stands for what is right, not what is popular and easy. But politically, the LP is irrelevant — which is fine, as long as all of its members understand that and don't expect to change the political landscape appreciably.

After all, we can't really intend to win over Americans by proclaiming, in the first line of our statement of principles, that we "challenge the cult of the omnipotent state." We may as well say, "Screw the Man! Down with government!" for all the political points that will win us.

Sometimes, central planning and statism and force make life better for people. That doesn't mean legislation is the *best* solution to the problem, but anyone who doesn't admit that sometimes government does an okay job of running things will rightly be regarded as out of touch. It's not that much of an admission. You don't have to paint the government as a complete failure at everything in order to justifiably oppose government.

For those who joined the LP just to show their support for its principles, more power to you! But for those who joined with the intention of playing a meaningful role in the political process, here's some advice.

You are not going to get heroin and cocaine legalized anytime soon, and you're not going to win elections by telling people that's your intent. Fight the marijuana decriminal-

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ization battle first. Talk about "regulating marijuana the same as cigarettes." Get pot on par with alcohol and tobacco: taxed, regulated, available for controlled consumption in select locations. Decriminalizing pot is at least better than the all-out War on Drugs, and it could even be, as some have suggested, the issue that lets the LP make a name for itself.

You're not going to cut the income tax to zero. Promising to cut it significantly, and never to increase it, is a sensible

Word Watch

by Stephen Cox

I'm sure that sometime, probably when you were about 8 years old, you had a fight with some kids at school, and when you got home you were trying not to cry, but your mother wanted to know why you looked so sad, so finally you blurted out, "They all hate me!"

Then she grabbed you by one arm and held you and demanded to know exactly whom you meant by "they." So you muttered, "I dunno."

"That's right," she said. "And neither do I. And if we don't know who 'they' are, we won't have to worry about them, will we?"

"No . . . I . . . I guess not," you sniffed.

You were still a little confused, but you could understand her reasoning. And that was the last time you mentioned "they" — at least until you tried to get your folks to buy you that expensive bike that all of "them" were riding to school. Again your parents wondered, "Who are 'they'?" Everybody? Anybody? The rich kids down the block?

By the time you reached your majority, "they" had become a very trite topic. But maybe there's still room for some brief strictures on a related issue — "we."

"We" and "they" are twins. They do a lot of the same mischief, but "they" is the one that tends to be caught and punished. "We" is the respectable one, the one that gets away with it.

"We," as you recall, was the teacher's pet. There is a certain kind of teacher who, rather than just telling the kids to stop horsing around in the hallway, or, God forbid, hauling off and swatting one of them, likes to pop the challenging ethical question: "That's not the way we behave in the corridor, is it?"

This is what one calls the insinuational use of the pronoun. A little later in life, one encounters the inspirational use — as, for example, when one finds oneself in a high school pep rally, listening to delirious airheads chanting:

Trojans, Trojans, we're the best!
Way ahead of all the rest!

Suddenly, one discovers, one is something called a "Trojan," and one is expected to live up to one's name.

Both the inspirational and the insinuational uses of "we" are essentially transformative. They transform their referents from rowdy little kids and alienated youths into Good Hallway Citizens and Members of the Winning Team. In each case, the purpose is the conversion of random individuals into rule-bound collectivists. It's a neat trick, when it works, and it often does work. The difference between "we" and "they" is that "we" generally makes its objects look better, according to some socially accepted standard, while "they" often makes them look worse: "seems like all they want to do is smoke another joint."

Unlike "they," "we" is a trick that goes over as well with adults as it does with kids — better, perhaps, because most adults actually *want* to be regarded as rule-bound communitarians. (There are people in this world who even *want* to be called "senior citizens.") The adultifying functions of "we" are virtually without limit. "We" and "our" are at home in almost every place where people hunker down and Get Serious.

We Americans have always been a caring people.
We Americans have always been a warlike people.

Clever sleight of hand, eh? You can put both those sentences in the same paragraph, and many Americans will come away from it feeling honored. They will take almost anything seriously, so long as it involves an adroitly deployed "we" or "our":

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Some of "we's" most audacious tricks appear in political discourse, where we as Americans are constantly being described as yearning, working, struggling, and promising to fulfill "commitments" that no sane individual would ever dream of undertaking. In times of war and civil distress, "we" becomes increasingly prominent, and increasingly hard to define. When people say that "we" were attacked on 9/11, I can readily understand and (almost readily) agree. The 9/11 terrorists didn't care about the individual people who worked in the World Trade Center; they were attacking America and, by a slight extension, Americans in general. So they were attacking "us." But when someone says, as many people are saying right now, "We created Liberia, and we have a duty to take care of it," I know I have reached the far end of the meaning spectrum.

The truth is that Liberia was created, not by "us," but by Henry Clay and the other members of the American Colonization Society who, in the 1820s, targeted that God-forsaken place as a homeland for freed American slaves. You might argue, as some idle phrasemakers claim, that Liberia was "America's first colony"; but if you did so you would be wrong. The colonization of Liberia was never the nation's official purpose; in fact, it was resolutely opposed by many individuals, both black and white.

But whoever it was who came up with the idea of Liberia, I know that it wasn't Stephen Cox. That *we* somehow omitted *me*. And I know that it wasn't my 23-year-old cousin, the one who recently told me that he hates everything that "Bush" has ever done, including "sending those troops to Lithuania." My cousin is a little confused about geography. But at least he got the sender right.

thing to sell to voters. But calling for the end of income taxes, and even "the eventual repeal of all taxation"? I promise you, for every person that proposal attracts, it drives 50 others away.

Supporting strong gun rights is great, but there are better ways to reach out to the soccer moms of America than, for example, the Manhattan Libertarian Party's "Guns for Tots" campaign. We can speak out against absurd laws without seeming obtuse and mean-spirited by handing out toy guns to kids in a low-income, high-crime area.

Utilities and airlines can be entirely privately owned and operated and virtually unregulated. Environmental issues can be addressed with little regulation under a strong system of private property. Imperfect and asymmetric information in consumer and financial markets can be addressed without government intervention. The government can be entirely removed from the health-care equation. In theory, all of this is true, but it's not as simple as pulling a lot of laws off the books. There's a complex system of regulations and laws and custom that keeps these things functioning now, such as they do, and change is going to come slowly, if at all. Accept that. Compromise on some of these issues in order to make progress . . . or else remain irrelevant. I don't like having to choose between these alternatives, but they are the only realistic alternatives.

Supporting strong gun rights is great, but there are better ways to reach out to the soccer moms of America than, for example, the Libertarian Party's "Guns for Tots" campaign.

Libertarian-minded people who want to change things need something real to offer voters, something tangible — something that is exciting, but familiar enough for voters to get their heads around. Libertarianism can be exciting, and a realistic political program can come from it, but only if libertarians offer Americans a program that is not alien to their values and experience. Precisely because the LP is the party of principle, it may not be the place for people who want to get things done. — Patrick Quealy

I survived Marxism and all I got was the back of Congress' hand — The totalitarian Left celebrated the withdrawal of Miguel Estrada from consideration for the federal bench. It's easy to see why they feared him. His family fled from a region threatened by the Sandinistas, so he knows the danger of Marxist philosophy. As a naturalized citizen, he has actually studied the Constitution. And as a former resident of a Central American country, he knows what kind of chaos can be caused by ignoring a constitution. — Tim Slagle

The hermeneutics of the Hulk — As a kid in the '80s, I liked to watch professional wrestling: The Iron Sheik, Big John Studd, George "The Animal" Steele, Rowdy Roddy Piper, Andre the Giant, and, of course, Hulk Hogan. At first, I believed the action in the ring was real. Then, when that became unbelievable, I started telling myself that only the "bad guys'" matches were faked. But it was incredible to me — impossible — that Hulk Hogan would ever wrestle in a fixed bout. No way.

I was so loyal to the Hulkster because he was a hero. He didn't cheat, didn't quit, and didn't lose. You could count on him. Every Wrestlemania, no matter the odds, one way or another, he'd come out on top. And he didn't do it with drugs, or with brass knuckles hidden in his boot. No. By God, Old Glory, and Apple Pie, he did it with grit. And with his 24" pythons.

In those days, the world of pro wrestling was Manichean. Hogan was unambiguously good, strong, and brave. His enemies, though possessed of low cunning they sometimes used to don a guise of virtue, were unambiguously evil. Each week, when Hogan came from behind to beat those thugs, it was a moral victory.

I'm convinced now that '80s wrestling, like so much of '80s pop culture aimed at boys and young men, was a microcosm of the Cold War. The bad guys represented the Soviets and their satellites. The good guys were NATO. Hogan himself was emblematic of the indomitable spirit of the U.S.A. Part refashioned Vietnam vet, fighting down the ghost of that war again and again, part everyman, part prefigured phoenix, clad in yellow and red like flame, symbolizing both the fear of nuclear annihilation and the fantasy that America would rise from the ashes of any ballistic holocaust, Hulk Hogan was unstoppable by necessity.

In fact, by the end of his reign in the World Wrestling Federation, fans were beginning to turn against Hogan, largely because of his very invincibility. That he never lost (except as the prequel to some more spectacular victory) began to wear away at the illusion in the ring. No *real* warrior is that powerful, fans viscerated. Therefore Hogan cannot be a real warrior. Therefore his battles cannot be real. Therefore . . . none of it is real. Hogan had to go, and he did — to a rival wrestling company, where he became a bad guy.

Luckily for my sense of order in the universe, I stopped watching wrestling before Hogan's fall. It wasn't a conscious decision, just the natural result of waning interest and waxing incredulity.

Then, a couple of years ago, I started watching pro wrestling again. The world had changed. Only one of the wrestlers I recognized from childhood was still working, and he was a villain. Sort of. It didn't take me long watching 21st-

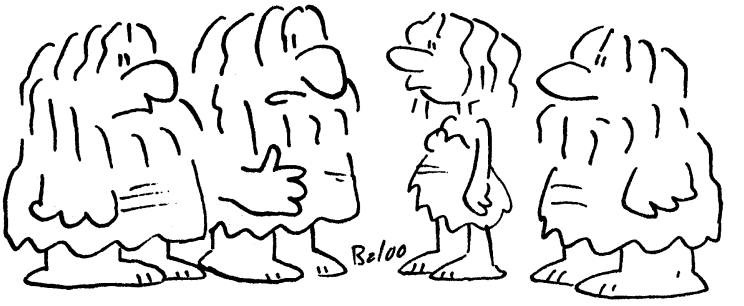

"Now that we've learned to talk, we'd better establish some local community standards."

century wrestling to realize that the battle lines were no longer clearly drawn. Villains were more sympathetic characters than I was used to. Heroes weren't heroes because of their character, their fighting spirit, or anything like that. They were heroes, as far as I could tell, just because they beat up on women less often, looked prettier while slamming people through tables, and had the crowd behind them. In other words, the good guys were just the wrestlers the mob cheered for that week.

As a wrestling fan returning from the golden era of the '80s, I found it hard to root for anyone, which made watching wrestling a lot less fun. But the crowds of people in the arenas didn't seem to share my ambivalence. Their unmitigated enthusiasm for the amoral avatars of postmodern wrestling at first struck me as odd, then intriguing, and now has become a little unsettling.

Why has the world of professional wrestling changed so much? I can think of two possible explanations:

1) Postmodern wrestling fans are participating in the show more actively than their '80s counterparts. They know it's all a fantasy, and they're perfectly willing for their fantasy to be morally ambiguous. They neither desire nor need virtuous heroes because, rather than suspending their disbelief, they're lucidly playing with it. If this is the case, there's no ill omen to be augured here.

2) That pro wrestling is as popular as it is, even though it now functions without reference to traditional moral categories, indicates American virtue is dead. Jefferson and Frederick Jackson Turner were right. Modern and postmodern life have taken us beyond some point of no return. Nothing that mattered to the Founders matters to these Last Men. There will be no rebuilding the institutions of liberty, because the foundation has rotted out. Orwell, socialist that he was, was far too generous when he suggested, "If there is hope . . . it lies in the proles."

They were heroes, as far as I could tell, just because they beat up on women less often, looked prettier while slamming people through tables, and had the crowd behind them.

Well . . . there is a third possibility. Perhaps I'm taking World Wrestling Entertainment a bit too seriously.

— Thomas Fuller

To the sidewalk, go! — Since Mayor Mike Bloomberg's New Yorkers can no longer smoke in bars or restaurants, addicted puffers now take their cigarettes out to the street, often in groups numbering a dozen or more, especially in warm weather. Street crowding in Manhattan isn't a problem if a public premises is isolated among trees, but can be an awesome intimidation if several restaurants and/or bars are congregated together on narrow sidewalks, as in Greenwich Village near my home, where sometimes the gaggle of smokers is so thick that a walking path from one corner to another resembles an obstacle course. Though I suppose smoke outdoors is probably less dangerous to others than smoke behind closed doors, I'd rather encourage puffers to take their carcinogens back inside where they threaten only those entering the premises' doors. End the ban. The only other solution is to ban cars with their carcinogens from neighborhoods with an abundance of public places, making the streets and only the streets safe, so to speak, for nonsmokers trying to get from one corner to another.

— Richard Kostelanetz

A Lib of their own — Maybe the reason Lyndon LaRouche wasn't allowed to participate in the Democratic debates is that the Democrats still want everybody to think LaRouche is a Libertarian.

— Tim Slagle

By any other name — The Left is finally learning that the term "liberal" is not a compliment. So it has been seeking an alternative and may have settled on "progressive." I heard an NPR commentator call Howard Dean the most "progressive" of the Democratic candidates. In August, *Time* magazine, explaining Howard Dean's fiscal frugality as governor, said that he "alienated progressives" by cutting taxes. One of these days, of course, liberals may learn that the original American progressives were socialists. Whether they will like that or not, I don't know; but perhaps they can hand the venerable word liberal back to those of us who believe in liberty.

— Jane S. Shaw

The ultimate rejection — The most insulting "rejection" letter I've ever received in a lifetime of radical writing was the CIA's claim that it had no file on me. Nothing, nada, in spite of all my attempts to be provocative, as in challenging the Fulbright fakery. How could these guys have missed me, I had to ask? I lived in the East Village in the 1960s; I've written strong stuff. Don't the CIA paper-clippers read magazines? Just to recheck the integrity of their FOIA processes, I asked the CIA again several years later, only to be told that the single piece of paper by me in their files was my previous request! How deflating.

— Richard Kostelanetz

Destination: Bulgaria — When I received an invitation to an Institute for Economic Studies seminar in Bulgaria this summer, I immediately accepted it. For one, the symposium boasted a group of world-class professors of economics, law, history, and philosophy. Then there was the Bulgaria factor: going to a new place on my own, away from the oligarchy of family life — an opportunity that most teenagers can appreciate.

After a 15-minute layover in Moscow — all of which was spent dashing through an unfamiliar airport in a desperate search for my gate — and the short flight that followed, I arrived at the contemporary Sofia Airport. A small, orange-haired man approached me and, in a quiet, secretive tone, asked, "Taxi?" I consented.

When we got into the car, he broke the ice professionally, "You come for girls, eh?" It would be a lie to claim that the thought had never crossed my mind, but surely it wasn't my main purpose. Yet I didn't feel like explaining to this taxi driver that I was in fact here to attend an interdisciplinary conference on classical liberal thought. So I chuckled,

confessing. That was my first mistake in Bulgaria. The driver shook his head and continued, "Hee hee. For $45 you get nice, nice, girl. For $35 . . . "

Good thing the hotel was only a few minutes away. I unpacked, took a shower, and started my day. The St. Alexander Nevsky Cathedral, a gigantic Byzantine-styled church located in the center of Sofia, was my first destination. It represents the Bulgarian people's gratitude for the 200,000 Russian soldiers who, in the Russo-Turkish Liberation War of 1877, unshackled the Bulgarian people from Ottoman Turkish bondage. To the west of the cathedral, one can find a chain of shopping stands, selling everything from pocket watches to embroidery to cigarette cases with swastika etchings on them.

I continued on that street, observing the colonial-style homes to my right and the National Assembly and the series of parks to my left. At 5:00 in the afternoon, the park benches are all occupied by couples who have forgotten both the use of cars and beds in an intimate relationship . . . and along with that, the existence of the world around them.

One Pizza Hut, four McDonald's, and a few hotels later, I reached the main shopping street. At the northernmost end of the boulevard is the stunning Bulgarian Cultural Center, surrounded by thriving cafés and restaurants. At the southernmost end of it is the huge railway station with trains leaving every ten minutes. But being a person who has been warned to stay away from the fringes, I naturally found myself in the center of the strip, where a swarm of gypsy beggars jump mercilessly upon every tourist they spot.

The next morning, I woke up to loud ringing from the room phone and the irksome voice of the hotel receptionist: "The train to Plovdiv leaves in one hour, sir." I rushed to the train station where I purchased a ticket for 5 Lev ($2.50). One problem: I didn't know where to go. There are 20 platforms in the train station, so I picked one at random. At Platform 4, there stood a train. And in front of the entrance to the train, there stood a ticket-collector. So I pointed to the train and asked him, "Plovdiv?" He nodded and replied, "Ne, ne." As I started to walk through the door, the man gave a violent shove to my chest. Confused, I asked again, "Plovdiv?" Again, he nodded.

I had learned the hard way that the Bulgarians nod their heads when they mean "no" and shake their heads when they mean "yes." But this is no universal rule. If someone suspects that you are in fact a foreigner, he will switch the head movements. To put it simply, if you neither understand nor look Bulgarian, you're in for a tough ride.

Plovdiv is a beautiful city, cut in half by Independence Street — a promenade of sorts, filled with boutiques, restaurants, cafés, and Internet clubs. But tourists visit Plovdiv mainly because it is home to a 19th-century Renaissance town, dubbed "Old Plovdiv" by the locals. This area is like an expansive, outdoor, architectural museum. It embraces a Roman coliseum, Baroque-style buildings and museums, and lovely gardens — all of this with scenic cobbled streets. Bulgarians regard Old Plovdiv as a sacred testament to their culture.

Back in Sofia the next morning, I stood at the Alexander Nevsky Cathedral waiting for the IES bus that would take us students to Jundola. I soon found out that Jundola is a small, sparsely populated town, a couple of hours from Sofia. One of the seminar participants joked, "We probably doubled the population of Jundola by coming here." I don't know that he was wrong.

The one-week seminar went wonderfully — the lectures ranged from informative to inspiring, the participants were intelligent and friendly, and green, scenic Jundola provided the perfect setting for long walks and philosophical discussions. It was during this seminar — an English-speaking environment — that I found out, much to my delight, that most people here — whether Bulgarians, Moldovans, or Romanians — are fierce anti-communists.

After one short week we returned to Sofia, said our goodbyes, and went our separate ways. It was my last day in Bulgaria, so I had a close friend's relative drive me to Vidushi Hill. I enjoyed the fresh air, the vast forests, the great view of Sofia, and, most notably, the men and women 50 years my senior who walked around in Speedos and bikinis.

I could have done something better my last night in Sofia, I admit, but I hadn't seen a movie in English in months. So I went to Arena, a top-of-the line movie theater in the center of the city and watched *Terminator 3: The Rise of the Machines*.

It was a terrible movie, I thought, a stupid product of Hollywood . . . but I stopped myself. It would be rather disrespectful, if not totally bizarre, to criticize my impending governor's newest movie from a comfortable seat, conveniently far away from California.

In the airport the following day, I bumped into the taxi driver that had entertained me ten days prior. He asked, "So, how were the girls, eh?"

I chuckled. This time, I rushed away.

— Garin K. Hovannisian

Letters, from page 6

the sort of libertarian I was trying to annoy, and I guess I succeeded.

How does it work? That's what they ought to ask themselves. Pearse writes about the AIDS epidemic. All those guys infecting each other in the San Francisco bathhouses were engaging in consensual sex, so Pearse says, "What's the problem?" The problem, David, is that they were spreading a deadly disease that now infests the entire planet. That's a big problem, and *you* ignore it.

David, you say parents "own" their children. Oh?

You dispute my argument (from Angelo Codevilla) that conscription helped save Switzerland. You say that it was ownership of guns. Well, they were government guns, in the hands of conscripted and trained reserves. Secondly, the doctrine was that the army would retreat to fortified positions in the Alps and fight with tanks, artillery and aircraft. The Swiss were not hoping to hold off Panzer divisions with shotguns and deer rifles, and I wouldn't count on defending my country that way.

Simons seems to think that the biggest problem with conscription is not being able to tell a genuine life-or-death crisis from a false one. Well, people will have to figure that out. They could be wrong. That is a lesser problem than annihilation.

I am *not* arguing for conscription now or later. I have never favored it. I am against the damn war. In my list of 10 problems with libertarianism, I was mainly arguing for an understanding that there are emergency situations and hard cases, and that you can't blow past them by citing medieval Iceland.

Premises? Checked.

I enjoyed the debate between Aeon Skoble and Bruce Ramsey (Sept./Oct.) about libertarianism, but it seems clear that they were debating two different political criteria. Skoble was trying to apply a definition of "liberty" (which I think Ramsey had previously termed a theory of "non-coercion") consistently to the theory of social organization which we usually think of as politics. Skoble assumed that his idea of "liberty" was the most fundamental premise in a theory of politics. Ramsey applied a different fundamental criterion, arguing (if I understand him correctly) that non-coercion applies in most areas of politics, but that the application of such a principle breaks down in certain contexts. He says, "I want to use the principle where it works, which is most of the time."

So clearly Ramsey has an "if it works" political premise which he holds is more fundamental (in politics) than Skoble's idea of "non-coercion." His principle tells him when "non-coercion theory" applies and when it does not. This is fine, except he never explains of what his "if it works" principle consists. At the very least some definition of "what works" is needed if we are even to really understand Ramsey. Either it's a principle which can be stated in so many words and then rationally debated, or it's an esthetic — perhaps subjective — criterion. It sounds very close to pragmatism, but I would not like to tar anyone with that label without a great deal of further data (since that philosophical position is highly debatable).

Wendl Thomis
Acton, Mass.

Bricks in the Wall

It was bad enough to read Ramsey arguing that libertarianism "doesn't say" anything about children, and his truly ignorant assertion that "most" libertarians don't have children; but Skoble's (Sept./Oct.) reply utterly ignores the rich history of anarchist and libertarian schoolmen and their schools.

A purist would likely exclude Makarenko's *The Road to Life* and his schools given the Soviet adoption of him; but there is always A.S. Neill and his *Summerhill*. Simply because a schoolman was not a follower of Ayn Rand does not exclude him from anarcho-libertarianism. This is explicitly true for Paul Goodman, whose *The Community of Scholars* and *Growing Up Absurd* are explicitly libertarian, and his ideas were fleshed out in the alternate school movement of the 1960s. Hasn't Skoble read *anything* of the alternate school movement?

George von Hilsheimer
Maitland, Fla.

Admitting Obsolescence

Concerning "Admitting Stupidity," August 2003:

Colleges are becoming obsolete. Their purpose used to be to provide higher learning, the skill and information one needs to solve difficult problems. A college degree was needed if one was to become part of the management team in industry.

But colleges no longer serve that purpose. Alec Mouhibian describes the wrong roads colleges are following. To get into a college you must have survived an assortment of privations, none of which qualifies you as ready to absorb higher knowledge.

A kid in high school today who wants to get ahead has a problem. The higher learning he will need is available cheaply, and he can get it that way, or he can go to college, spend thousands, and sort out the useful from the junk.

When colleges complete the job of making themselves obsolete, people who want to become leaders in industry will find better ways of learning what they need. They will find all they need at very low prices in libraries and on the Internet.

I suggest that in about 20 years the colleges will vanish. The free market always finds the best and eliminates the rest.

Everett DeJager
Cincinnati, Ohio

Negative Interest Rates Reconsidered

I disagree with R.W. Bradford's statement, in "Praise the Lord and cut the interest rates" (Reflections, August), that "[e]ven the Fed cannot cut interest rates to less than zero." I don't see why it cannot: there is no law against it. The Japanese Central Bank has toyed with the idea and at least one semi-private transaction provided for negative interest, i.e., the lending party paid the borrower to take out the loan.

Robert J. O'Donnell
San Rafael, Calif.

Bradford responds: And I suppose if a semi-private government agency pays people to accept food, we can conclude that the price of food is negative.

Paging Dagny Taggart

Please stop trains from making so much noise!

People rules.

James Watt Heater
Dalhart, Tex.

Inquiry

Libertarian Interventionism: Will It Liberate?

by Gene Healy

Iraq is free from the dictatorship of Hussein, and Iraqis may be much better off in the long run. Does that justify U.S. intervention?

September 11th didn't "change everything," as the cliche has it. But it did change George W. Bush's approach to foreign policy.

On the campaign trail, candidate Bush disparaged nation-building and called for a foreign policy based on American national interest.s But in the aftershock of Sept. 11, the Bush administration has embraced an ambitious set of foreign policy goals that goes far beyond eradicating the al Qaeda threat. The National Security Strategy adopted by the administration last year proclaims that "the United States will use this moment of opportunity to extend the benefits of freedom across the globe." The war with Iraq, as it has played out, is of a piece with that strategy. Sold to the American people as a vital matter of national security, the Iraq invasion quickly morphed into "Operation Iraqi Freedom" — a project to remake Iraq as a City on a Hill for the Middle East. And we now have Marine peacekeepers at work in Liberia, where there is nothing that even remotely resembles a national security interest for the U.S.

Advocates and opponents of the new policy are calling it "imperialism," but the irreplaceable Michael Kelly, killed in Iraq last April while working as an embedded reporter, coined a more accurate term. Kelly called the new approach "armed evangelism for the freedom of men."

President Bush isn't alone in his post-September 11th penchant for armed evangelism. Many libertarians are publicly and privately warming up to an aggressive foreign policy aimed at "building a free world sooner rather than later," as *Reason's* Ron Bailey puts it.

It's not hard to understand why armed evangelism might appeal to libertarians. If we hold it to be a self-evident truth that all men are created equal, then why should some men have their faces ground into the dirt based on accident of birth? Even if, like me, you're convinced that Saddam Hussein was never a threat to the United States, you'd have to have a cold, dead heart not to thrill when the bastard's statues came down.

But even though armed evangelism aims at the freedom of men, it's not libertarian, and libertarians should be loathe to embrace it. It departs from the libertarian tradition in many important respects. I'll trace several of those departures, any one of which should be sufficient to establish that libertarian interventionism is an oxymoron.

The Lockean Bargain

For libertarians, the first question of political philosophy is, why have a state at all? Can a territorial monopoly of force be justified, and if so, how? Non-anarchist libertarians usually follow Locke and the Declaration of Independence — answering that governments are instituted among men deriving their just powers from the consent of the governed.

Legitimate government, the argument goes, is a protective association founded on a social contract.*

In the American context, you can identify that contract as the Constitution of 1789. Because of it, we Americans are pledged to assist each other in the defense of our liberties from enemies foreign and domestic. As Article I, Section 8 reflects, we've set up a government to provide for "the common defense" of the United States, not the defense or liberation of oppressed people throughout the world. Thus, when the North Koreans land in San Francisco, those of us on the East Coast can't say to California "tough break, but you're on your own." We're part of a mutual protection pact requiring us to be there for the Californians so they'll be there for us when legions of crack Eurotroopers descend on Washington, bent on forcing us to take a month's vacation every year and drive around in poky little fuel-efficient cars. We Americans pay into a common system for our mutual protection. We're all in it together, in that sense.

Sold to the American people as a vital matter of national security, the Iraq invasion quickly morphed into "Operation Iraqi Freedom" — a project to remake Iraq as a City on a Hill for the Middle East.

But we're in a different position with regard to oppressed citizens of other countries. We are not pledged to defend their lives, liberty, and property — they're not part of the pact. Consider Iraq: assume for the sake of argument what appears to be the case, that the Baathist regime was no threat to American national security. If so, then going to war to liberate Iraq was an act of *foreign policy altruism*, coercively funded, like all acts of state altruism. Like other forms of foreign aid, armed evangelism depends on unauthorized, involuntary transfers from those within the protective association to those outside. And, say what you will about other, more conventional kinds of foreign aid: at least they don't involve American soldiers getting killed.

We can speak out against the crimes of an oppressive regime, we can urge our fellow citizens to give to the cause of the oppressed — we can even join libertarian Lincoln Brigades and march to war (right behind Bill Kristol, Max Boot, and other neoconservative hawks, no doubt). But taxing Americans or otherwise restricting their liberty in order to protect those outside of the social contract violates our fellow citizens' rights.

The Non-Aggression Axiom

Bush's armed evangelism also runs afoul of the non-aggression axiom: the libertarian prescription against the non-defensive use of force. Attacking regimes that don't threaten us violates this principle. I don't mean to anthropomorphize states — to suggest that in the absence of a threat, attacking Iraq violates Iraq's "rights." "Iraq" is not a person, and neither is "the United States," so the aggression I'm concerned with isn't aggression against a country; it's aggression against individuals. When the U.S. launches an unprovoked military assault on Iraq, that action violates individual rights on a massive scale. War — even modern war with laser-guided bombs and air-dropped care packages — means rampant destruction and coercion. For that reason and others, libertarians have generally held that self-defense is the only legitimate reason for letting slip the dogs of war.

Even in a justified war of self-defense, innocents inevitably die and rights are inevitably trampled. In such a war — a necessary war — those deaths are unavoidable. If Saddam Hussein actually had the ability and the inclination to level an American city, then we'd have to regret the loss of innocent life that comes with overthrowing him, while recognizing that we had no choice but to defend ourselves. We'd be in the position of the fellow in that "lifeboat ethics" scenario getting shot at by a madman with a machine gun in a crowd. We don't want to hit the bystanders when firing back, but in such cases, the battle has been imposed on us and we're following the first law of nature, self-preservation.

In the case of non-defensive wars of liberation, however, we're making a very different moral choice. We're saying, let's kill *this* group of people, so that *this other*, larger group of people may be free. Now, if group A is made up solely of Baath party higher-ups implicated in abuses, then that sounds like a fair trade: killing the guilty to free the guiltless. But our munitions aren't nearly that accurate. The *Associated Press* reported in June that over 3,000 Iraqi civilians died in the month-long war against the Baathist regime. Civilian body counts are, of course, subject to manipulation by activists and advocacy groups. But one thing is clear — even a just war is a terrible engine of destruction and a threat to innocent life.

Even though armed evangelism aims at the freedom of men, it's not libertarian, and libertarians should be loathe to embrace it.

If individuals have rights, and if there are things no person or group may do to them without violating their rights, then how can it be legitimate for the United States government to "collaterally damage" hundreds or thousands of Iraqi civilians into oblivion because of the benefits our

*Some libertarians, of course, reject the social contract entirely, like Lysander Spooner. "What social contract? I never signed any contract." Which is fair enough. But it doesn't get you to a libertarian justification for altruistic regime change. If anything, it proves too much by implying that even taxing Americans for the defense of America is illegitimate — let alone taxing us for the liberation and transformation of the Middle East. Having debunked the moral foundation of even a limited state that wages war only for defense, the libertarian interventionist can't go from there to arguing for a more ambitious form of government bent on spreading liberty abroad. He'll need another justification for the state, and other reasons to say that non-defensive war to spread liberty is libertarian. And there are powerful reasons to think it's not.

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—*LIBERTY*, AUGUST 2003

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action may confer on the survivors? Who anointed us the world's godlike utility-maximizer — empowered to stride across the globe extinguishing some innocent lives so that other innocents might flourish?

Skepticism About Power

Even if one believes that it's moral to spill American blood and (forcibly extracted) American treasure to destroy evil regimes that do not threaten us, killing many of their innocent subjects in the process, one cannot embrace war-for-liberation without abandoning the libertarian's skepticism about power. Libertarian interventionism — unlike libertarianism proper — requires one to place an extraordinary degree of trust in government's competence and benevolence.

In the case of Iraq, libertarian interventionists trust the government to perform social engineering alchemy — to transform a tribal despotism into a commercial republic. But how can one sneer at the U.S. government's inability to get kids to say "no" to drugs or fight a successful "war on poverty" yet expect the same institution to establish constitutional democracy and the rule of law in a society where the necessary preconditions don't exist? And where no more than a handful of the nation-builders currently on staff speak the nation's language or even know the alphabet?

Libertarian interventionists also trust the government to remain faithful to the rights-maximization project across successive presidential administrations, and not to warp the project to unlibertarian ends. But we ought to remember how quickly armed evangelism can turn into contempt when the objects of our charity resist. In 1899, President William McKinley explained his decision to annex the Philippines, saying he wanted "to educate the Filipinos, and uplift and civilize and Christianize them, and by God's grace do the very best we could by them, as our fellow-men for whom Christ also died." Soon enough, the United States was embroiled in guerrilla warfare that killed some 200,000 objects-of-uplift. Mark Twain suggested that the new Filipino flag should copy the stars and stripes, but replace the white stripes with black and the stars with skulls and crossbones. Is it so far-fetched to envision a similar shift occurring in our current struggle to liberalize Islamic theology through force of arms?

Moreover, libertarian interventionists trust the government to manage successfully the rights-maximization project in the face of more uncertainty even than that which confronts a domestic central planner. But the one certain thing about any war is that the unintended consequences dwarf the intended ones. Of course, that's as true of defensive wars as non-defensive ones. But a government that fights only defensive wars will fight fewer wars, of narrower scope, than a crusading government that fights successive wars of liberation.

The unplanned aftereffects of past crusades have been horrific enough to counsel against fighting unnecessary wars. Woodrow Wilson took us into World War I, as he put it in his 1917 war message to Congress, "to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included: for the rights of nations great and small and the privilege of men everywhere to choose their way of life." He ended up creating the conditions for a punitive peace that would help give rise to Adolf Hitler and the next "war to end all wars." What rough beast will our latter-day Wilsonians incubate? I dearly hope we don't get the chance to find out.

Finally, libertarian interventionists trust the government to restrain itself at home while it's unleashed abroad. But an outlook that says it's our mission to overthrow tyrants, regardless of whether they threaten us, is a prescription for permanent war and a recipe for state empowerment. Perhaps we can have a night-watchman state with a half-a-trillion-dollar defense budget — a government big enough to liberate the world, yet small enough to mind its business at home. But taking that bet would reflect the triumph of hope over experience.

Libertarian interventionism — unlike libertarianism proper — requires one to place an extraordinary degree of trust in government's competence and benevolence.

"Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other," wrote James Madison in 1795. Sadly, the course of American history has borne out Madison's warning. As Robert Higgs documents in *Crisis and Leviathan*, today's enormous administrative state is largely a product of power seized under claims of wartime necessity. What new powers will be seized under such claims if more terrorist blowback ensues from armed evangelism abroad?

A philosophy that places so much faith in government may aim at liberty, but it's not libertarian. Libertarianism views the state, in the phrase attributed to George Washington, as "like fire . . . a dangerous servant and a fearsome master." As David Boaz has suggested, the libertarian's rules for government echo Smokey the Bear's rules for fire safety: keep it small, keep an eye on it and keep it contained. Libertarian interventionism sets government free, hoping liberty will emerge from the blaze. But once you've stopped viewing war as — like the state — a necessary evil, and started to view it as a force for good, you're well on your way to getting burned yourself. ❑

"I don't recommend anything, M'sieur — it's *your* life."

Perversion of Justice

by Ralph R. Reiland

Too often, in America's prisons, the guards are criminals and the criminals are victims.

When it furthers the U.S. government's interest, it will "protect" its citizens aggressively, like a cloying wet nurse. But when protecting its subjects would entail restraining its own power, the state is far more lax. For example, the government has two very different policies on hostile environments and sex.

Consider the recent murder of John Geoghan, the defrocked priest who was murdered in his prison cell on August 23. Reporter Meghan Dorney of *The Pilot*, the newspaper of the Archdiocese of Boston, reported that "ongoing investigation into his death revealed that his killer might have plotted his murder for over a month. According to authorities, Geoghan, 68, was attacked by John Druce, 37, a fellow inmate, in his cell at Souza-Baranowski Correctional Center in Shirley, just before noontime. Druce reportedly followed Geoghan into his cell after lunch and jammed the electronic cell door to prevent guards from opening it. He then tied Geoghan's hands behind his back and gagged him before repeatedly jumping onto his body from a bed. He also beat him with his fists before strangling him with a stretched out sock."

An autopsy showed that Geoghan's ribs were broken, his lung punctured, and that he'd died of strangulation and blunt trauma.

"Geoghan's attacker, a reputed racist and member of the neo-Nazi Aryan Nation, was serving a life sentence for the 1988 murder of George Rollo, a bus driver from Gloucester," reports Dorney. "When Rollo made what Druce felt was a sexual advance, he reportedly attacked and beat Rollo, who had picked him up hitchhiking, before stuffing him in the trunk of the car. Druce then drove to a wooded area in Beverly, where he strangled Rollo."

Mr. Druce, in short, may simply have executed his passions in prison in much the same way he did on the outside, only this time around with a more well-known and tarnished target. Dorney quotes Worcester District Attorney John Conte as saying that Druce had "a long-standing phobia, it appears, towards homosexuals of any kind." In addition, Druce seemed proud of the murder, said Conte, and "looked upon Geoghan as a prize."

Dorney concludes by suggesting that mismanagement had turned Geoghan's 9- to 10-year jail term into a death sentence: "Robert Assad, an inmate who was in the same unit as Geoghan, claims that he warned prison guards twice that the former priest was in danger, but his warnings were ignored. Reports have also surfaced that another inmate may have offered to pay Druce to kill Geoghan. Geoghan had been moved from the state prison in Concord to protective custody at the Shirley facility in April because he feared for his safety. He had reportedly told prison officials that inmates had been urinating and defecating on his pillow and tampering with his food."

Double Standard

When I heard about Geoghan's murder, I was reminded of the Goya controversy at Penn State. A female professor charged that the mere presence on a classroom wall of a copy of Francisco de Goya's painting "Naked Maja" constituted a "hostile environment," i.e., an actionable level of discrimination and sexual harassment. "What I am saying," she explained, "is that it's a nude picture of a woman, which encourages males to make remarks about body parts." The school, knowing how McDonald's gets sued by fat kids who've downed too many Quarter Pounders, and knowing how easily pockets have been emptied at the courthouse for the alleged creation or toleration of a "hostile environment," took down the painting.

At night in bed, with his rapist in the bunk above, he thought, "I could cut his throat. Then it would be over. But it wouldn't have been. I'd have been in there for life, for murder."

The same government that's turning a blind eye to much of the violence and depravity that goes on in its own institutions is telling the rest of us not to tell too many jokes at the water cooler. Rodney Hulin, for instance, a 17-year-old, was incarcerated after setting a Dumpster on fire. After being raped repeatedly while housed in an adult prison, he committed suicide. At around the same time, a Minneapolis woman who took a job at a sex-toy shop filed a lawsuit. Seeking a sizable transfer from her employer's wallet, she claimed a "hostile environment" because of all the off-color talk that somehow happened to crop up during the workday.

Death Sentence

A few days after I heard that Geoghan had been killed, I spoke with Keith DeBlasio, who had served time in federal prison for a nonviolent securities offense. Part of his punishment was being raped 30 times or so over a four-month period in the Federal Correctional Institution in Milan, Mich. "I'm HIV positive," he explained. "I'm okay, so far. There are times when my hands give out and I can't hold a pen or a glass. I was helping my mother paint when I got out, and I couldn't hold the paintbrush. I just sat down and cried. At times, my legs give out, not being able to hold my weight. There are side effects from the medicine, and I worry about my immune system."

DeBlasio began his jail time at the Federal Correctional Institution in Morgantown, W.Va., a minimum security facility. He says his trouble started when he reported that corrections officials were breaking the rules of the institution. "They were in charge, and they were doing worse things, financially, than what I was in for. One guy was billing the institution for materials and having them delivered to his landscaping business on the outside. They ended up charging me with misconduct, a charge I was later cleared of, and transferring me to Michigan.

"I told the prison officials even before the rapes began that I felt threatened by this certain person, a leader in a gang called the Vice Lords, when he started to harass and threaten me. Instead of doing anything, they ignored the warning. They put him in the bunk above me! I couldn't stop the attacks. His gang members would stand watch. If I said anything, there'd be repercussions. I'd seen officers tip off my attacker about pending searches, etc. He was dealing drugs, and he had AIDS. In the end, I got sick, HIV positive. I'm left with something I can't get rid of."

DeBlasio, in short, got a life sentence. He explains that his assailant got off with a plea agreement and that nothing was done to the prison staff. "Basically, they have immunity, the whole system. They're not accountable, unless they're directly involved. I've seen officials stand by and watch the assaults. I've seen them wait and watch in their booths until it's over. Some of them think the person being attacked deserves it.

"With mandatory minimums, there are 16- and 17-year-old kids going into the prison system, a lot of them for nonviolent drug offenses. We're bringing in kids, and they're being subjected to this. You have 17- and 19-year-old kids being traded for cigarettes. It's ridiculous to say they deserve this for what they've done. In hearings I attended at the General Assembly in Virginia, it was reported that 85 percent of Virginia's prisoners are in for nonviolent offenses. The system's doing more violence than they did."

Now an advocate for prison reform, DeBlasio told me what he remembers thinking, at night in bed, with his rapist in the bunk above. "I'm thinking, I could cut his throat; then it would be over. But it wouldn't have been. I'd have been in there for life, for murder. The biggest thing for me is that this happens so often."

The numbers aren't easy to come by. Vincent Schiraldi, president of the Justice Policy Institute and past president of the Center on Juvenile and Criminal Justice, estimates that some 175,000 inmates in the U.S. prison system are sexually assaulted each year.

Here's one example, one story, provided by the mother of an ex-prisoner after I'd written about prison rapes: "My son, in 1976, when he was 19, committed an armed robbery. I'll never understand why. I don't think he did either and he was sent to prison. He was a kid from the suburbs, and he was thrown to the wolves. The first night he was put in with

"His grandma and I actually paid a member of a gang when he was in one prison for his protection. When he was moved and threatened with pain (rape, death, who knows), he got us a name and we sent money to that prisoner's family in Indianapolis. In another prison, he was able to hook up with the white Nazi group that protected him."

continued on page 28

Surf, Turf, and Hard Time

by Bo Keely

The day my morning exercise went terribly wrong.

I was in Florida to teach racquetball and coordinate the paddleball division of the Legends (over 35 years old) pro tour. I'd walked from the local outdoor paddleball courts along the beach for six miles, entered a picnic area busy with weekend tourists and fishermen, and continued for another hour before turning around. A uniformed man on a quad pulled up next to me.

"Where'd you pay?" he opened gruffly.

"Pay what?" I replied bewildered.

"Smart aleck!"

I refused to produce an ID and gave him my nickname, Bo Keely, thinking to escape with a citation that wouldn't be followed up. But he called my nickname into the station, which returned unrecognized.

His rage grew and I fell silent. "I'm a schoolteacher. If a student conducted himself as you have, I'd send him to the principal. And now I'm going to conduct you directly to jail," growled the big Ft. Lauderdale cop.

He cuffed me roughly behind the back and laid me in the sand on my back under the noon summer sun for 45 minutes. A cruiser arrived, and I was shoveled into the back and driven to the Broward County jail. Two hours later the cuffs were released and, dizzy with dry heaves and shoulder cramps, I asked for medical attention. A jail nurse declared that I'd eat and drink later with everyone else in booking.

The booking area was the size of a basketball court, with a dozen deputy-manned computers surrounded by 10' x 10' ice-cold cells. The prisoners looked comical, with arms and heads ducked inside shirts for warmth and only their eyes showing above their collars. Half were black; the rest were equally divided among Caucasians, Cubans, and Puerto Ricans. They shivered and cussed for hours before being called individually to the computers for fingerprints, mug shots, and booking.

One by one, as if by ritual, the half-dozen men in our cell rose from the cold metal bench and described their arrest. "The police dog got me by the leg and I kept runnin' and he kept chewin'!" Another, "I was with my three girls when they raided the place. I was doin' my job, an' they were doin' theirs, so I got no complaint." The next, "They caught my partner and me after the heist, an' cuffed us together. I sprinted and would have gotten away if he coulda stayed on his feet!"

A graying black man about my age approached my side and raised his hand. "Pop, I ain't gonna fuck with you." He placed his hand on my head, let it remain a second, then jumped back and began punching the cell wall. A jailhouse laying-on-of-hands.

I was miserable with nausea, headache, hypothermia, and leg cramps, my feet squishing in high-top black converse tennis shoes still wet from the surf. After nine more hours in the 50-degree booking cell, a nurse pronounced me sunburned but cold, and provided a cup of warm water and a bologna sandwich. Finally, I was photographed, finger-

printed, and marched before the computer for booking.

"The charges are trespassing, obstruction of justice with disguise, and petty theft for not paying the entrance fee to a state park." I had entered a park unaware. "The bond is $100. You may use the phone now." It was after midnight,

"The charges are trespassing, obstruction of justice with disguise, and petty theft for not paying the entrance fee to a state park." I had entered a park unaware.

and it was too late to call anyone. After booking, I was searched, cuffed to another prisoner, and taken to the second floor with other similarly restrained prisoners.

There were no cells available, thanks to overcrowding, so we were bedded down on pads and given a blanket each on the concrete floor. We sprawled about the floor like farm animals, but sleep came easily. We had breakfast at 5 a.m. of hard-boiled eggs and cereal, then more sleep. At 9 a.m. the house deputy announced that we were to ready ourselves to walk to the magistrate in an annex building. One hundred prisoners filed into a large room with church-like pews.

"All rise." But I saw no judge. A screen the size of a bedsheet took his place. Shortly, a broadcast of the bearded judge began and he nodded briefly at our lot over live camera. "Good morning, gentlemen. As your name is called, approach the podium to hear the charges against you and the bond. Don't say anything; it can only hurt you." Each case lasted 30 seconds, and the judge was strict in disallowing response. Only a quick-tongued Cuban next to me, up for urinating off a dock, uttered so quickly to surprise the judge, "I took care of it [an earlier warrant] already."

"Then you'll take care of it again!" stormed the judge.

Reseated next to me, the Cuban whispered, "The other thing was pissing in the street."

The charges within the group ran from DUIs to domestic violence to robbery. A handful of females were up for solicitation, and blew kisses to the hundred men and raised their shirts on passing. We coursed out the courtroom and back to the holding cells. I felt better after the night's sleep and breakfast, and decided to bond out with half the $200 checked into personal property yesterday. They'd also taken into property my clothes (except wet tennis shoes and socks) in exchange for the beige jailhouse pants and shirt.

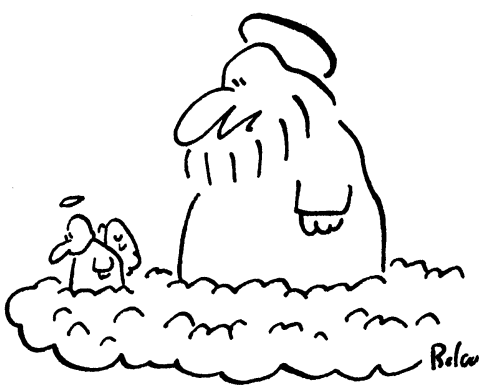

"No, make the dominant race out of placental mammals — marsupials would cause all kinds of abortion controversies."

The day was spent listening to inmates' anecdotes, watching cartoons, and waiting in line to phone my outside contact. I never got to the phone. I requested, per procedure, that the house deputy pull bond money from my property. This exact plea was repeated three times to different deputies during the next eight hours with no visible result. I lay on a bunk gazing through a six-inch window pane at a palm tree, waiting for birds.

The first hot meal of chicken and rice came 30 hours after entering the jail, and after we paraded to a long-term cell bank on another floor. I philosophically accepted that no outsider knew of my whereabouts, and that I'd be in the clink for ten working days until arraignment. Suddenly, the last deputy I'd asked about bond said to me, "What are you still doing here? You were bonded out eight hours ago." I didn't let myself believe him until everyone else was assigned a bed in the dorm. I settled on the hard floor of the common area as the other prisoners showered, made their beds and returned to watch TV. As one black man watched *The Simpsons*, a Cuban changed the channel to the movie *Perfect Storm*. "I control the TV," yelled the black. "I been here five days, so I own the TV," retaliated the other, and they swatted each other as my heart sank in anticipation of a lockdown that would cancel my release.

Things quieted down until "Keely, grab your blanket and report to the door," boomed over the loud speaker. I'd chatted the past five minutes with a criminal attorney who told me that he was there to build a case against the city police.

"All rise." But I saw no judge. A screen the size of a bedsheet took his place, and the bearded judge nodded briefly at our lot over live camera.

He'd just won a separate $300,000 suit for mistreatment during arrest. He explained that regardless of bond posted, new arrivals are held for three meals in order for the jail to collect its $168 per head. "Good luck!" he yelled as my name was called. I waved back and replied, "It's been a fine weekend seminar for 100 bucks." I was giddy at exiting.

The Computer Ate My Shorts

Down a long hallway we snaked to the property station. "You didn't wear no pants to the jail, or it'd be in the computer." I couldn't convince the property deputy that the jail had lost my gym shorts. "We can't let you out in jail trousers, an' the computer says you didn't wear nothin' in," he repeated. I tried to buy pants from other nearby releasees to no avail. Finally, a supervisor produced a pair of children's jeans that ran to the shins. I hotfooted from that jail fast.

The next day, my racquetball host secured a top criminal defense attorney, who pronounced the case ridiculous and said that with my résumé and his contacts the charges would disappear. Racquetball champ Marty Hogan told me that he'd send me a "get out of jail free" card from his Monopoly set. I practiced paddleball for three hours in a different kind of court, and felt free. ❑

Splish, Splash, I Was Taken to Jail

by Jo Ann Skousen

In Florida, a kid tossing a water balloon is liable to be charged with a felony, especially if the kid mentions her constitutional rights.

From the *Orlando Sentinel,* August 8, 2003 — "Attorney General John Ashcroft wants prosecutors to monitor closely which judges impose more lenient sentences than federal guidelines recommend, . . . direct[ing] U.S. Attorneys nationwide to report promptly to Justice Department headquarters when a sentence is a 'downward departure' from guidelines." I find this particularly chilling. Here's why:

I just spent a night at the county jail.

My teenage daughter and two friends wanted to do something besides sit at home watching television. They don't party, drink, or take drugs, and it was too dark for wakeboarding on our lake, so they turned to silly pranks. Lobbing water balloons at parked cars, to be precise. Unfortunately, five burly men wearing white polo shirts and bicycle helmets were standing on the corner nearby, and one of them got splashed. Not struck with the water balloon, which hit the side of a parked pickup truck, but splashed with some of the water from across the bed of the truck.

Even more unfortunately, the men turned out to be bicycle cops. Minutes later, a dozen police officers were swarming the car. They dragged the kids from their car, pointed guns directly in their faces, handcuffed them, cursed at them continuously, held them overnight without letting them speak to a parent or an attorney, and charged them with *felony battery* on a police officer. With a water balloon.

I realize that the men might have initially worried that the liquid was something besides water, but they knew within moments that this was a teenage prank. They didn't even bother to test the substance inside the balloons. Moreover, after tearing our car apart, they found no drugs, alcohol, or any other contraband, and they knew from the registration that the car was not stolen. The kids didn't even speed away. This may have made the cops madder.

This all occurred before midnight. Eight hours later, I still had not been allowed to speak with my daughter, even though her two friends had already been processed and released. When I read the police report of one of the other teens, I understood why my daughter was still being detained and harassed: unlike the other two, she had exercised her Miranda rights and refused to answer questions until she talked with her parents or an attorney. They were "teaching her a lesson." As upset as I was, I had to admire her gutsiness in standing up (or sitting down) for her rights.

Evidently, police don't like it when you exercise your rights. They don't like "perps" to establish any control over their situation. So they put her last on the list to be processed. They continued to question her, harass her, lie to her, and threaten her. She was the only one who had to take a drug test. They made her talk to a suicide prevention counselor, promising her (falsely) that she would be allowed to see her mother afterward. (She has now been recom-

mended to seek counseling for "unmet emotional needs" and "anger management," despite circling "no" to every question.) They even made her cross out part of her statement (the part that described how the cops treated her). When she asked, "Is this [making me give you a statement] legal?" The haranguing officer sneered, "All of what we do is legal." So much for her "right to speak to an attorney."

Of course, I know this is all part of the game they play. They think it is the way to scare us into never breaking the law or doing anything wrong again. In reality, at midnight I was ready to ground the girls for at least a month. By the time they were finished with this ordeal, I wanted to hug them close and take them out for ice cream.

The police dragged the kids from their car, pointed guns directly in their faces, handcuffed them, cursed at them continuously, and charged them with felony battery on a police officer. With a water balloon.

All three teens have been fingerprinted and charged with felony battery of a police officer, even the one who was simply a passenger in the car. We were offered a diversionary program that would have the charges "dismissed," and their records "expunged and sealed." But I was wary, and rightly so. They would first have to plead guilty to the felony! Evidently, there's a difference between "dismissed" and "dropped." And in this environment of Homeland Security, "sealed" records are about as difficult to open as a licked envelope, especially when they proclaim felony battery of a police officer. This man was offering a life sentence for a thrown water balloon that damaged nothing. Try getting a job as a teacher or a skating coach, as my daughter wants to do, with a felony battery on your record. We opted to face the judge in the courtroom.

The judge was a reasonable man, who read the report and exercised his right to override the detainment guidelines recommended for a "9-point" felony charge. He seems to know the difference between a water balloon and a battery. The girls were given a straight release and have no restrictions beyond those placed on them by their own parents, which is as it should be. They have another court date in 30 days, and our attorney is working with the state's attorney to have the charge dropped or reduced to a misdemeanor.

But if John Ashcroft has his way, judges will be afraid to exercise this right. Rather than risk his own career, this judge might have sent our girls in shackles to a detention center for the next 30 days. We cannot let Homeland Security take control of our judicial system, with judges who are afraid of being put on lists and watched. What we need is fair, competent, wise, intelligent judges who are allowed to do just that: judge. ❑

The Perversion of Justice, *from page 24*

a man who was serving a prison term for murder. He was raped at Joliet prison in Illinois. I had always hoped he had been lucky and escaped this kind of torture, but I found out just a few months before his death that he had not escaped this horror. He told me how when we would deposit money for him to buy cigarettes and junk food, the gangs would come around to his cell for whatever he had bought. The prisons are controlled by the inmates.

"He was released after two and a half years and struggled for a few more years with alcoholism, and finally turned it around and received his bachelor's degree from the University of Wisconsin, and went on to receive a master's. He was an artist and taught part time at the Milwaukee School of Art and Design.

"It took my son 20 years to die from his experiences in our prisons. He killed himself at the age of 40. He was accountable for his crime, but no one is accountable for the heinous crime against him and so many others."

Some people feel that prisoners are getting what they deserve. Here, for example, is an email I received, a classic blame-the-victim take on things: "I was incarcerated for eleven years, began my sentence as a juvenile offender certified as an adult, and placed in a brand-new super-max with some of the most violent offenders in the world. I was never raped. These men who are raped, and I've seen it firsthand, are raped because they're cowards. That may sound mean, but it is true. I have limited compassion for these men. They could've stopped what happened."

Another reader, describing her ex-prisoner son as "a Grateful Dead-type who thought everyone was wonderful and we should all just get high together," took a more libertarian approach: "Good Americans who want to use drugs that are not 'government-sanctioned' are spending precious years of their lives in prison for no reason other than using their supposed freedom to control their own state of mind. My son spent five of his 27 God-given years in prison. He went to prison for only consensual drug use (never committed a 'crime') and did not come out a nicer guy.

"His grandma and I actually paid a member of a gang when he was in one prison for his protection. When he was moved and threatened with pain (rape, death, who knows), he got us a name and we sent money to that prisoner's family in Indianapolis. In another prison, he was able to hook up with the white Nazi group that protected him

"How can they ever think they can stop personal drug use in a free society? Even if they manage to turn our wonderful country into a police state in the misguided attempt to make us a 'drug-free America' (and further their own careers), drug use will continue just as today. But America won't."

Meanwhile, back at a place a bit safer, the University of Nebraska, seeking to steer clear of the justice system, ordered a graduate student to remove a photo of his bikini-clad wife from his desk because several of his more easily offended co-workers said they felt the picture was creating a "hostile environment." ❑

The Mob, the CIA, LBJ, and Castro: Wasn't It a Little Crowded on that Grassy Knoll?

by David Ramsay Steele

The Lone Nut theory is unpopular, but it has the advantage of being right.

Thousands of books have been published on the Kennedy assassination, and about 99% of them argue for a Conspiracy. The House Select Committee on Assassinations (1978) concluded there had been a Conspiracy. The successful movie *JFK* (1991) laid out an imaginative Conspiracy scenario as history. Not surprisingly, most people now believe there was a Conspiracy.

A vast amount of evidence has been marshalled in support of the Conspiracy theory, and I admit I cannot refute it. Yet I maintain that Kennedy was killed by the Lone Nut Lee Oswald,* roughly as determined by the Warren Commission report in 1964, by Jim Moore in his book *Conspiracy of One* (1990), and by Gerald Posner in *Case Closed* (1993).[1] I have become steadily more convinced of this over recent years, and here I want to explain why, despite all the arguments of the Conspiracy theorists, many of them unanswerable, the Lone Nut theory is the better theory.†

John Kennedy was fatally shot in Dallas at 12:30 p.m. on November 22, 1963. Many concluded, especially following the shooting of Oswald by Ruby two days later, that there had been a Conspiracy, but after publication of *The Warren Commission Report* (1964) the Lone Nut theory became widely accepted. This acceptance began to be seriously eroded by 1966, which saw the publication of the best-selling *Rush to Judgment*.[2] As the Vietnam war got worse and the Watergate scandal came to the boil, majority opinion swung heavily back to the Conspiracy theory.

The Conspiracy Theory Transformed

At times popular support for the Conspiracy theory has exceeded 85%. Today the Conspiracy theory is not as popular as it was 20 years ago, but still far more popular than it was 39 years ago, immediately following publication of *The Warren Commission Report*. Meanwhile the factual arguments for a Conspiracy have been utterly transformed.

In the early years, Conspiracy theorists appealed to the publicly recognized evidence. They contended that if all this evidence were made available and properly interpreted, it would prove a Conspiracy. Some details of this evidence may have been tampered with, but most of it was assumed to be rock solid. Now, Conspiracy theorists generally maintain that the evidence itself was almost entirely fabricated by the Conspirators.

*The Mel Gibson character in *Conspiracy Theory* wonders why assassins always have three names. The answer seems to be that police and other bureaucratic reports tend to rehabilitate disused middle names. Lee Harvey Oswald was commonly known as Lee Oswald.

†Predisposed to distrust the government, I tended to assume until 1992 that there had been a Conspiracy. I was wakened from my dogmatic slumber by Sheldon Richman's review of *JFK* (*Liberty*, March 1992) and then started to look into the subject.

The two biggest examples of this radical change of approach are the autopsy pictures and the Zapruder film. Early Conspiracy theorists demanded the release of the autopsy photographs and x-rays, withheld from the public by request of the Kennedy family, but when these pictures were released in the 1970s they corroborated the Lone Nut theory. Conspiracy theorists then concluded that either the pictures or the wounds themselves, or both, must have been falsified.

The Zapruder film, a 26-second movie of the assassination made by a spectator, Abraham Zapruder, used to be regarded on all sides as a record of fact. Aspects of this film were frequently employed to advance a Conspiracy theory. Now it is accepted by almost everyone that the Zapruder film, taken at face value, corroborates the Lone Nut theory. Most Conspiracy theorists therefore claim the film to be either altered in detail or a complete fabrication.

Most Conspiracy theory books since the 1970s have simultaneously relied upon the Zapruder film and alleged it has been tampered with.[3] In successive books, the trend has been to gradually rely less on the film as evidence and give more weight to tampering, culminating in recent allegations that Zapruder never made the Zapruder film but was paid by the Conspiracy to pretend that he had made it.[4]

The Body Snatchers

David Lifton's enormously successful 1988 book, *Best Evidence*, showed the way to rescue the Conspiracy theory from the evidence. Lifton maintains that Kennedy's body was stolen on the plane between Parkland Hospital, Dallas, and Andrews Air Force Base, Maryland, and elaborate alterations made in the corpse's wounds (in less than a couple of hours) so that the autopsy would be looking at reconstructed and therefore faked wounds.[5] Since the official coffin was now empty, there had to be a further elaborately-planned conjuring trick, to get the body into Bethesda Naval Hospital for the autopsy. The body was then altered again for the autopsy photographs. This second alteration involved, not additional cutting or tissue damage, but extensive rebuilding and remodelling, to replace large areas of skull which had been missing before.[6]

Lifton realized that if this were true, the Zapruder film must have been seriously falsified.[7] The Conspirators must have doctored the film to repair and conceal the enormous damage to the back of the head and add the eruption at the top right side of the head. Since the ballistics evidence is compatible only with a scenario of two hits from behind and none from anywhere else, the Conspirators must also have replaced the actual bullet fragments with planted fragments prior to analysis.[8] This might be a more challenging task than Lifton appears to recognize: the bullet which was designated by the Conspirators as the one which would appear to have hit both Kennedy and Connally would have to have been fired, and minuscule flakes extruded from it on impact would have had to be recovered and each separately planted somehow in Kennedy's body. Lifton's theory also requires that Kennedy's jacket, shirt, and necktie be faked to produce a false entry wound at the back and exit wound at the front.

High Treason by Groden and Livingstone appeared the following year and also became a best-seller. The authors scornfully dismiss Lifton's account for various reasons, including the impossibility of performing the surgery in the limited time and testimony that Kennedy's casket was always under observation.[9] Instead they propose that the body of someone else was substituted for Kennedy's just before the autopsy. The Conspirators faked the head and neck x-rays "by shooting a body in the manner in which they wished to have it appear that the President was killed." The Conspirators faked the autopsy photographs at a different time, and "No one among the conspirators realized the photographs were incompatible with the forged x-rays."[10]

Witnesses Against Oswald

I have said that I cannot answer many of the arguments for a Conspiracy. I am referring here to highly technical arguments involving medicine, ballistics, and photography.[11] Of course these physical arguments deserve to be addressed and answered by technical experts, and I am confident that in due course they will be.

Why am I so confident? Because of other arguments which trump the anomalies in the physical evidence. But before I get to those, it's worth pointing out that not all of the publicly recognized evidence can easily be dismissed as fraudulent, and much of this evidence favors the Lone Nut theory.

The Lone Nut theory requires that three and only three shots were fired from the sixth floor window of the Book Depository. If there were more than three shots, or if any shots came from some other location, then the Lone Nut theory is refuted: there must have been a multi-shooter Conspiracy or at least a coincidence of two separate assassination attempts, with a Conspiracy to cover up one of these.[12]

The evidence for precisely three shots from that location, and the evidence for Oswald's involvement, is quite powerful.* Though the many witnesses differed in the number of shots they thought they had heard and where they thought these shots had come from, the biggest number of witnesses who had decided views on the matter favored three shots,

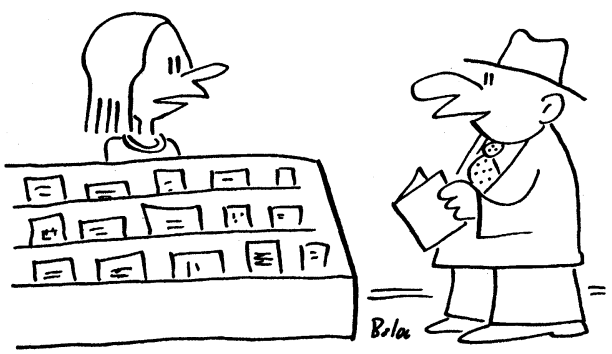

"You've bought your wife a get-well card every day this month — isn't that awfully *expensive?*" "Yeah, but it's still cheaper than sending her to a doctor."

*There is a difference between the views of most of the public and those of the active Conspiracy theorists. The former believe Oswald was part of the Conspiracy, that he "must've had help," while the latter maintain that Oswald was innocent.

and a plurality also favored the direction of the Depository.*

The ceiling of the fifth story and floorboards on the sixth story were in disrepair, with actual gaps between the two floors. Three men working on the fifth floor, immediately underneath the sniper's nest, heard three very loud explosions directly above them, followed by the sound of the bolt action, and one of the three heard the cartridge cases landing on the floor. Several witnesses in the street saw the rifle sticking out of the sixth floor window, one actually saw it fire, and another saw the shooter's face and gave a description to the police, which may have led to the police picking Oswald up. Others saw a face like Oswald's in the window before the shooting, without seeing anything at the time of the shooting. Testimony as to shots from other locations tends to be a lot less definite, or to have become more sharply defined only years after the event.†

I want to explain why, despite all the arguments of the Conspiracy theorists, many of them unanswerable, the Lone Nut theory is the better theory.

Conspiracy theorists have a difficult time with the eyewitnesses, notably Howard Brennan, who immediately following the shooting gave the shooter's description to the police. A few hours later Brennan failed to positively identify Oswald in a line-up, though he did say that Oswald most closely resembled the shooter. Brennan subsequently stated that he had really been in no doubt that the Oswald he saw in the line-up was the shooter but that he had been in fear for his life and the lives of his family from the presumed organized assassins, and annoyed with the authorities for allowing his own identity, as apparently the only witness to have seen the assassin, to become public knowledge. Therefore he had pretended to be unable to make a definite identification.

Stewart Galanor, in his beautifully succinct and predominantly fair statement of the case for Conspiracy, implies that the notion Brennan had refrained from making a positive identification when he could have done so originated from a Secret Service agent, who fed this suggestion to Brennan.[13] But let's get this in perspective. By Brennan's own account, a police officer suggested to Brennan at the line-up who the suspect was. In any case, Brennan had just seen the arrested Oswald on TV.[14] For both these reasons, any identification at the line-up would have been of small value. We do have Brennan's recollection that when he saw Oswald on TV he knew they had the right man. All this is precisely the kind of messy, unsatisfactory outcome you don't expect from a superbly orchestrated Conspiracy.

The fact remains that Brennan did report what he claimed to have seen to the police immediately after the shooting, giving a description of the sixth-floor shooter that led directly to a police radio bulletin incorporating that description, and thus perhaps to Oswald's apprehension.[15] If Brennan had just been making it up, what are the odds that someone conforming to the description, and arrested in Oak Cliff, over two miles from Dealey Plaza, would turn out to have been a Depository employee who frequently worked alone on the sixth floor? Alternatively, if Brennan were in the pay of the Conspiracy, then surely his eyewitness evidence could have been made airtight.

There is considerable additional evidence implicating Oswald, beginning with the simple fact that he, alone of all Depository employees, left the building within a few minutes of the assassination. He took a taxi to his rented room in Oak Cliff, changed his clothes, and picked up his revolver. Conspiracy theorists usually feel compelled to deny that Oswald then shot a police officer who approached him on the street, though a dozen eyewitnesses positively identified Oswald for this shooting.[16] And, to mention a circumstance no one disputes, what was Oswald doing, with a recently-fired revolver, sitting in a movie theater he had just run into without buying a ticket?

What we have learned of Oswald's life, outlook, and behavior fits the Lone Nut theory. Norman Mailer, an early proponent of the Conspiracy theory, more recently wrote a "novelized" life of Oswald which purports to avoid taking any position on whether he was the assassin, sticking to those facts about Oswald which can be verified by biographical research. Whether intentionally or inadvertently, Mailer's account leaves an overwhelming impression of Oswald's guilt.[17]

Most Conspiracy theory books since the 1970s have simultaneously relied upon the Zapruder film and alleged it has been tampered with.

Oswald's failed assassination attempt on General Edwin Walker, the photographs of him with a rifle, a pistol, and a leftist paper taken by his wife Marina, and his unprecedented behavior the morning of the assassination, leaving his savings and wedding ring behind, were all corroborated by Marina. As soon as she heard that the assassination shots had come from the Depository where Oswald worked, she thought her husband had probably done it, and she accepted this for years, later becoming an adherent of David Lifton's conspiracy theory. After her conversion to the Conspiracy theory, Marina stated she had been afraid of deportation to Russia, and eager to tell her interrogators what she thought they wanted to hear. She did not however claim that they had given her an elaborate structure of lies

*Ninety-eight percent of the hundreds of ear-witnesses thought that the shots they had heard had come from just one location. While witnesses unused to gunfire might easily get the direction of shots wrong, it seems unlikely that they would think that shots from different directions all came from the same place.

†After the shots rang out, some people started running. To a hardened cynic like me, one of the amusing aspects of Conspiracy speculations is the notion that these people would be running *toward* the sniper's perceived location, with the intention of "catching" him.

to memorize and repeat back to them.* Marina's story fluctuated in details; she was a quirky and unpredictable witness. But there is all the difference in the world, for instance, between telling varying stories about Oswald's rifle and making up the very existence of a rifle if she had not known he possessed one.[18]

A Colossal Conspiracy

In the early years, Conspiracy theorists used to argue that the Conspiracy need not have been on a vast scale. They maintained that it could possibly have involved as few as a dozen people. This claim has gradually been abandoned. Years of close attention to all the details of the assassination have made it clear that if Oswald alone did not kill Kennedy then the majority of the physical and other evidence must have been systematically doctored or replaced, by advanced techniques not available to ordinary people, over a period of decades. This requires an immense and permanent Conspiracy.

Lifton maintains that Kennedy's body was stolen on the plane, and elaborate alterations were made in the corpse's wounds (in less than a couple of hours), so that the autopsy would be looking at reconstructed and therefore faked wounds.

Some Conspiracy theorists now hold that ever since the assassination there has been continual surveillance of conversations in Dealey Plaza, and continuous movement of such objects as lampposts in order to confuse researchers.[19] Conspiracy theorists usually assume that the Conspiracy is still at work, and many believe that November 22, 1963 was a *coup d'état* which installed what is now the real government of the United States, though why this inscrutable despotism should don the masks of Nixon, Carter, Reagan, and Clinton is one of its many unfathomable secrets.

Conspiracy theorists reasonably point out that not all participants in the Conspiracy would have to be aware of its real purpose. For example, some lower-level people working for the Conspiracy might have been told that Kennedy had been killed by a Communist plot, and that this had to be covered up to avoid a thermonuclear war. But then you would expect that as inquiries into the assassination progressed and became public, and as the Soviet Union staggered to its ignominious collapse, some individuals would realize they had been deceived, and would go public with any relevant information they might possess.† The rewards available for Conspiracy advocates greatly dwarf those of Lone Nut theorists. Fame and riches would accrue to anyone who produced a halfway plausible story about his personal involvement in the Conspiracy.

Because of the transformation of the Conspiracy theory, the idea that the Mafia was a leading player in the Conspiracy has now gone out of fashion.[20] If almost all the physical and photographic evidence is a fabrication, this is obviously something way beyond the Mafia's capacities, though Conspiracy theorists usually still accord the Mafia a subordinate role.

My reproach to the Conspiracy theorists is that they don't take the Conspiracy seriously. They rarely make any sustained attempt to look at things from the Conspirators' point of view, and imagine how the Conspirators would rationally have executed their plan. Once we do this, we find that the hypothetical Conspiracy makes little sense.[21]

Typically, Conspiracy theorists chalk up any anomalies in the Lone Nut theory as plusses for the Conspiracy theory, but they are not interested in anomalies in the Conspiracy theory. The strategy of Conspiracy theorists is similar to that of defense attorneys in high-profile murder trials. Any discrepancies in the prosecution's case are given maximum emphasis, while the defense theory of what happened is not subject to the same scrutiny. The defense theory flows like wax into the cracks in the prosecution theory, and no one demands that it possess any inherent coherence comparable to that expected of a prosecution theory. In the Anglo-Saxon legal tradition, such a bias is to some extent justified, to protect the rights of the accused by the doctrine of "beyond reasonable doubt." But in historical enquiry, any such bias has no place. The only issue is which theory is best, and any theory can be evaluated only by comparing it with its strongest competitor. Both theories ought then to be given the same critical scrutiny.

Two related arguments convince me of the truth of the Lone Nut theory: (1) There was no sufficient motive for a Conspiracy to kill Kennedy, and (2) Assuming that there were such a Conspiracy, it makes no sense to conduct the assassination in the way that the Conspirators must have done. Why kill Kennedy at all, and why do it by such a risky and gratuitously complicated method?

Where's the Motive?

Kennedy was not a wild radical and was not a serious threat to any major interest. His policies did not mark a sharp break from those of Eisenhower. He tried to invade Cuba, bungled it, and then denied it. He went to Berlin and proclaimed: "I'm a jam donut," an eccentric remark, but not dangerous.* In the Cuban Missile Crisis he took the middle course favored by the majority of his cabinet, which paid off

*Over the years Marina — remarried, older, wiser, in no fear of deportation, and aware that our culture favors the Conspiracy theorists — has many times been questioned about whether she was pressured into saying anything that wasn't true to the Warren Commission. She has always firmly denied this, despite her latterly acquired belief that Oswald was innocent of the killings.

†Many have confessed to being part of the Conspiracy, of course, just as many have confessed to being abducted by aliens, but none has produced names, dates, places, and other plausible touches.

*In German, if you want to describe your profession or your citizenship, you do not use the article. "I am a Berliner" would be "Ich bin Berliner." Upon hearing someone assert "Ich bin ein Berliner," the assumption would be that the speaker was claiming to be an object called a "Berliner," which happens to be a jam donut. Kennedy's posthumous admirers frequently dispute this serious charge of Quaylism, but they are wrong. It's clear from the context that Kennedy's speechwriter meant the sentence to be taken as "I am a citizen of Berlin," and to render this as "Ich bin ein Berliner" is most assuredly a comical error.

in a kind of public victory. He talked of desegregation but shrank from doing much about it.

The usual claim is that Kennedy wanted to stop the U.S. intervention in Vietnam but the evidence points the other way.* Aside from that factual question, people who make such a claim look at history as though the historical actors had the benefit of later hindsight. Proponents of the Vietnam war did not aim for long-drawn-out slaughter, with eventual humiliating withdrawal. If what ultimately happened in Vietnam could have been foreseen, some proponents of the war would have opposed it, while others would have argued for a radically different manner of waging it. Vietnam became highly divisive in American politics later; it was not highly divisive in 1963, and nobody knew that it would become so, any more than people today suppose that Liberia will be the dominant American political issue in 2008.

Though the many witnesses differed in where they thought the shots had come from, a plurality favored the direction of the Depository.

When Kennedy was killed, the presidential election was less than a year away, and it was entirely possible he would not be re-elected. What was so urgent about immediately getting rid of Kennedy, who might lose the election in 1964? Why not wait and see? And if some policy of Kennedy's really were felt to be so appalling, why wouldn't an immensely powerful Conspiracy instead blackmail this eminently blackmailable politician — or, rather than blackmail him, simply terminate his political career by making some of his private life public? Twyman argues (*Bloody Treason*, p. 34) that exposure could not be used because this "would have brought down both Lyndon Johnson and J. Edgar Hoover along with the Kennedys." So, if the public had been made aware of Kennedy's sexual activities in the White House, the Kennedys would have retaliated by publicizing, for example, Hoover's homosexuality and ties to organized crime, but the Kennedys would *not* retaliate in this way if Jack were murdered? And Hoover's control of files and agents sufficient to falsify almost all the evidence in the assassination case would not have enabled him to eliminate evidence of his active homosexuality (evidence which has still not turned up, this being a matter of surmise) and suitably doctor the records of his contacts with organized crime?

Twyman's implicit counter to this line of reasoning is to lay all the emphasis on the supposition that with Kennedy's re-election, Hoover and Johnson would be out of office and therefore impotent. But does this really work? A re-elected Kennedy asks for Hoover's resignation and Hoover (with all his loyal people in the upper echelons of the FBI, beginning with his presumed lover Assistant Director Clyde Tolson) responds that if he does not keep his job, items x, y, and z will be fed to the press. At that point Kennedy holds no cards, and withdraws the request for resignation. The Kennedy White House could never take on the FBI in a blackmailing contest. Furthermore, as Twyman fully acknowledges, Hoover and Johnson are not enough: other powerful interests have to be in the Conspiracy.

Judging by what actually occurred following the assassination, the likely political motive for a Conspiracy would have been to ensure that civil rights and racial integration were rammed through by the more resolute Johnson. But this motive is not popular with Conspiracy theorists, and it is, of course, preposterous. Why would high-level intelligence operatives favor acceleration of these policies so strongly that they would be willing to kill the president?

There did not exist a sufficiently powerful motive for the killing of Kennedy. There are always people who want the president out of the way, and Lyndon Johnson is the natural suspect, especially as the Kennedys might have succeeded in replacing him as vice president. But mere personal ambition or animus cannot account for a Conspiracy on so huge a scale. If Johnson were behind the hypothetical Conspiracy, he would need the collaboration of highly-placed intelligence chiefs, and no one has suggested a credible motive for such people to want Kennedy replaced with Johnson, and to want this so desperately they would kill the president.

The Conspiracy theorists don't take the Conspiracy seriously. They rarely make any sustained attempt to look at things from the Conspirators' point of view, and imagine how the Conspirators would rationally have executed their plan.

Mark Lane has proposed that Kennedy planned to dismantle the Central Intelligence Agency, and that therefore the CIA had him killed.[22] The direct evidence that this was Kennedy's intention is flimsy,* and Kennedy took no steps

*There are still a few historians who oppose this conclusion, and the issue has some nuances we cannot explore here. Kennedy rapidly built up the number of "military advisers" in Vietnam from a few hundred to 16,000, then shortly before his assassination, he hesitantly agreed to the withdrawal of 1,000 of these, based on the mistaken premise that the South Vietnamese government (which had of course just been replaced in a Kennedy-instigated coup) was successfully subduing the insurgents. The general view, shared by Kennedy, Johnson, and nearly everyone else in ruling circles, was that it would be desirable to pull U.S. troops out of Vietnam provided that the South Vietnamese regime could crush the Vietcong rebels. Some maintain that, faced with the new situation encountered by Johnson, which posed the no-longer-avoidable choice of either hugely increasing American military commitment or acquiescing in the loss of South Vietnam to the Communists, Kennedy would have made the latter choice whereas we know that Johnson did make the former. But the Conspirators could not have known either of these decisions (the actual or the counterfactual) in advance. We do know that Johnson's advisors who favored escalation of the war when that situation arose (including McNamara, Rusk, and McGeorge Bundy) were without exception Kennedy men.

*It largely consists of the uncorroborated reminiscences of the fanciful L. Fletcher Prouty, former Pentagon liaison officer to the CIA and the real-life model for the Donald Sutherland character in *JFK*.

to accomplish it, which presumably explains why those who advance this theory believe that he was planning to do it only after the 1964 election.[23] Again, the CIA would merely have had to make public one percent of what was known by insiders about Kennedy's private life to render him instantly un-re-electable.

An Over-complex Plot

Let's now assume that a sufficient motive existed and that a Conspiracy to kill Kennedy was indeed planned.

There is considerable additional evidence implicating Oswald, beginning with the simple fact that he, alone of all Depository employees, left the building within a few minutes of the assassination.

Why, on those assumptions, would the Conspirators choose to conduct the assassination in the manner in which it was supposedly conducted?

If we assume that all the evidence which seems to point to Oswald is faked, that Oswald was entirely innocent,* we can develop a scenario which explains the apparent evidence against Oswald as the work of the Conspirators. We can always do this with any crime, provided we postulate a Conspiracy sufficiently powerful. All difficulties can be dissolved by asserting that the available evidence has been falsified, even if the means to do so would border on the supernatural.

But if we begin differently, assume that there was a powerful and far-sighted Conspiracy to kill Kennedy, and then ask how the Conspirators would set about their task, we encounter serious problems in explaining why they would decide to handle things the way they are supposed to have done.

Take Lifton's theory that Kennedy's body was stolen and the wounds altered, so that front-entry wounds were made to look like rear-entry wounds. (Some such theory is essential for a Conspiracy, because the autopsy pictures are incompatible with anything other than two shots hitting Kennedy from the rear.) Lifton volunteers that the alteration of the dead man's wounds could only have been planned well ahead of time. Surgical teams had to be standing by ready to alter the wounds. The body had to be stolen and then switched back, and despite the fact that, according to Lifton, it arrived at Bethesda with different wrappings and in a different coffin, all the people most directly involved had to be made to swear that the body, its wrappings, and its casket were exactly the same when they arrived at Bethesda as when they had left Parkland. This prodigy of prestidigitation, worthy of an army of Houdinis, must have been planned with extraordinary precision, and with innumerable alternative plans to take account of the various uncontrollable twists and turns that events might take.

Yet it could not avoid being risky. And it was all required for one reason and one reason only: to make front-entry wounds look like rear-entry wounds. But why would intelligent conspirators take this tack at all? They must have planned the operation so that they would be compelled to accomplish the extraordinary feat of snitching the cadaver and altering the wounds, not to mention falsifying all the film, photographic, and ballistics evidence, when they could far more easily have planned it so that this problem just didn't arise.

If you're writing a murder mystery, it's good to construct a deceptive *mise en scène* which baffles the reader, but you have to guard against the narrative weakness of having the murderer do things just to make the story more engrossing. What the murderer does has to be credible given the murderer's aims and beliefs, and it's a badly constructed mystery story in which the murderer betrays the altruistic aim of helping the author by executing an ingenious plot purely for its entertainment value.

Making Things Difficult

Why did the Conspirators decide to shoot the president from a different direction than the one posited in the official public account? The Conspirators would not want to mislead us about the direction of the shots, except as this furthered their Conspiracy, but to read the Conspiracy theorists you might think that misleading us about the direction of the shots was an evil end in itself. If the Conspirators did mislead us about the direction of the shots, this must have been because they freely chose to plan the assassination in such a way that they would *have* to mislead us about the direction of the shots, and there is no credible reason for them to make this choice, as they could have much more easily arranged to allow the shots to appear to come from the direction they did in fact come from.*

*When arrested, Oswald claimed to be "a patsy." Whatever his motive for saying this, it should be considered along with uncontroversially false statements he made at the same time: for example that he had not used an assumed name when renting a room in Oak Cliff.

"These, you realize, are just the *high* points . . ."

*Twyman claims that in order to persuade the real assassins that they would be able to escape alive, it was necessary for the shots of the decoy or patsy to come from somewhere else. But a little thought will show that this is not the case. After all, Oswald left the Depository and got well away, despite Twyman's belief that the Conspirators planned to have him bumped off at that point. If Oswald had kept away from his known haunts, and acquired a suit, a hat, and $50, this rank amateur would probably have made it as far as Mexico. How much easier it would have been to secure the escape of the assassins if there had been a faked gunfight, leading to the patsy's immediate death and therefore the speedy public acceptance that the sniper was no longer at large. The obvious disguise for the real assassins would have been as police or Secret Service, and getting them away would have been fairly straightforward.

Similarly, Conspiracy theorists assume that there were numerous shooters in Dealey Plaza. To intelligent Conspirators possessed of vast resources, this would have appeared as a stupidly redundant complication. One well-aimed shot is all it takes, or two or three indifferently aimed ones. Fictional assassinations inspired by the Conspiracy theory, such as *The Parallax View*, generally involve just one shot, revealing the filmmaker's intuitive grasp of what makes for a believable assassination Conspiracy.

The method of reconstructing what would be likely to happen given the Conspiracy theorists' assumptions can be applied to minor details as well as to the broad framework of the assassination. We then see that flaws in the evidence which supposedly point to a Conspiracy would never have been permitted to appear if there really had been a Conspiracy. For example, Conspiracy theorists have always made much of the fact that pathologist Dr. James Humes copied out his original autopsy notes and then burned them. Humes says that the notes were covered with Kennedy's blood. Anxious to avoid sensational exploitation, he made a copy and destroyed the original. If Humes were lying about the copy being true to the original, because the original contained material pointing to a Conspiracy, why would Humes admit the copy was not the original? Why let on that the original had been burned?

The biologist J.B.S. Haldane was asked what he had learned from a lifetime's study of the natural world about the mind and character of its Creator. He gave the unexpected reply: "An inordinate fondness for beetles." If we ask ourselves what we can discern about the motives and aptitudes of the Conspirators from studying their handiwork, the answer must be: an all-consuming passion for doing everything in the most difficult and costly way imaginable.

Picture the first planning meeting of the Conspirators. "So that's carried then, nem. con. We'll kill the president. Please come to order; we have a lot of business to get through. Thank you. Next item, gentlemen, how do we do it? Anyone got any ideas? Chair recognizes the gentleman from Langley."

"Well, we could kill him, as the motorcade comes through Dealey Plaza. This would be real neat* because we would do it in full view of hundreds of people. Just for the hell of it, we could place several shooters in positions where they might be easily spotted, and put our non-shooting patsy in a terrific concealed position where he could hardly miss. Then we could have our patsy run around all over the place, trusting to luck that he would not do anything which would give him an alibi, have him shoot a policeman and then have him picked up, and shot later by a loony strip-club owner. Meanwhile, we would be stealing the body of the president, having a crack team of surgeons alter the wounds so that the shots would seem to have come from the patsy's location. We would also make sure we got our hands on the hundreds of still photographs and the several movies of this event, and substitute fakes which we would have prudently concocted in advance, and we would remove all the real bullets and substitute fake ones. . . . How am I doing?"

*This is around 1962, remember.

Surely this guy's career as a Conspirator would be over at that point. I have heard some dumb suggestions in meetings, but this one fairly bristles with absurdities. If you're going to shoot the president in public and frame an innocent patsy, you obviously have the patsy killed right away, in fact probably before the assassination, though the story would be that he was killed in an exchange of fire immediately afterwards. The public would readily have accepted that it was necessary to shoot the sniper. The mere fact that Oswald was free to move around at will at the time of the assassination goes against the hypothesis that he was a preselected fall guy. The actual shooting of the president would of course be done from the patsy's real location (or at least what could be represented as such), and if for some unknown reason you wanted the real assassins to be somewhere else, you wouldn't put them in an exposed public place like the Grassy Knoll, where anyone might stumble upon them.

A well-conducted Conspiracy would not merely plan for what actually happened, since this would be uncertain before the event. The Conspiracy would plan for what conceivably might happen. For example, if there had been a sniper on the Grassy Knoll, he might so easily have been caught unambiguously on film, and the filmer might have published the film before it could be intercepted by the FBI or Secret Service.[24] This is just one of many possible accidents which could not be ruled out. Their possibility would occur to any prudent Conspirator and this would guarantee that he would never be so careless as to put a shooter on the Knoll.

The Conspiracy must have included highly placed people in intelligence and law enforcement. These would naturally tend to come up with a scenario where intelligence and law enforcement personnel would look at least competent. Confusion, sloppiness, and lack of direction on the parts of the FBI, the Secret Service, and even the police would tend to be eliminated at the planning stage. But all these are rife in the actual playing out of the events in Dallas 40 years ago.*

Why a Public Shooting?

If we accept the premise that a public shooting might be the Conspirators' chosen method, many of the details are

*One of the more general conclusions arising from my rejection of the Assassination Conspiracy is that any high-level Conspiracy to create an enormous web of falsehood about specific, concrete occurrences is by no means child's play. When the U.S. invaded Iraq this year, Bush asserted that Iraq possessed newly developed weapons of mass destruction ready for immediate delivery against other countries. This was a calculated lie, but the administration probably supposed that these imaginary WMD would be forgotten after a brief and successful war, as the nonexistent Kosovo "mass graves" were forgotten after NATO's occupation of Kosovo, and as Bush's other big lie, that Saddam Hussein had something to do with 9/11, was in fact forgotten. When the issue wouldn't go away after the American occupation of Iraq, the question arises why the administration didn't simply plant some of its own WMD in Iraq. The answer is that this would be difficult and risky: it could not be done without quite a number of people knowing that the object was public deception, and this operation might later be exposed. This doesn't, of course, imply that such a massive operation of deception could never happen or never has happened, merely that it would be difficult and risky, and less likely under a liberal-democratic than under a totalitarian political system.

incomprehensible. But why would the Conspirators opt for a public shooting?

In the movie *Godfather III*, Pope John Paul I is assassinated. I don't know whether he really was or not, but the depicted method of the assassination is highly plausible. Something was slipped into his morning coffee and the public never learned that the death was other than natural. Surely this is the kind of thing we expect from a formidable, intelligently conducted Conspiracy.

Kennedy was not a wild radical and was not a serious threat to any major interest. His policies did not mark a sharp break from those of Eisenhower.

One assassin acting alone is a Lone Nut. Two or three assassins acting together is a weak Conspiracy. Even a much larger number can still be judged weak if the Conspiracy has little or no access to people in political administration, police, or intelligence. A public shooting is the preferred method of a Lone Nut or a weak Conspiracy. This method might therefore be selected by a powerful Conspiracy which wished to represent the killing as done by a Lone Nut or a weak Conspiracy.

Twyman conjectures that the Conspirators wanted to lay the blame for the assassination on Cuban Communists,[25] but there are two difficulties with that hypothesis. Granted that the Conspirators would like to incriminate Castro in some way, it doesn't follow that they would make the assassination thousands of times more costly by tying it to this incrimination exercise. And if they were setting up Oswald as a Cuban agent, why is there no *prima facie* evidence of this Oswald role? The paper trail indicates that Oswald was pro-Castro and at one point wanted to move to Cuba, but was rebuffed by the Cuban authorities. The Oswald-Cuba relationship was entirely one-sided. The Conspirators oddly failed to plant any evidence showing Oswald's links with the Cuban government, or for that matter his involvement in any type of Conspiracy. In an elementary oversight, the Conspirators did not even ensure that Oswald came into any money; he was always close to broke.

Kennedy had fleeting sexual encounters with hundreds of partners and longer-term sexual relationships with a dozen more. It would have been a simple matter to supply him with an attractive and willing woman in the pay of the Conspiracy.* He took drugs for his complicated and dangerous medical conditions, as well as for recreational purposes. There are poisons which mimic the effects of natural diseases, and which would not be detected unless foul play were suspected and a deliberate search for traces of those specific poisons were made. If Kennedy had really been murdered by an immensely powerful Conspiracy, he would have passed away serenely in his sleep from seemingly natural causes, and we would never have heard of Lee Oswald or Jack Ruby, let alone Clay Shaw and David Ferrie.

*Kennedy's henchmen would not permit the Secret Service even to quickly check the purses of the new prostitutes who were supplied to Kennedy daily. Seymour M. Hersh, *The Dark Side of Camelot* (Little, Brown, 1997), p. 229. But even without such lax security, getting a female assassin into close personal contact with Kennedy would have been many times less costly than arranging for a shooter on the Grassy Knoll. An incidental benefit of the former method is that if assassination were ever suspected, the White House staff would have had a powerful self-interested motive to cover up the circumstances of the killing, to protect themselves from public disgrace.

Editor's Note: The above article purports to be the work of the Lone Nut David Ramsay Steele (notice the three names). Some allege there is evidence of a Second Writer, who wrote parts of the article from a diametrically opposite direction. The article was then intercepted while on its way to *Liberty* by email, and surgically modified by skillful insertion of the opposing arguments. Skeptics retort that Steele's troubled history of confused and contradictory reasoning is notorious. We take no position on the matter, but we do feel obliged to point out that on the day this article was submitted, one of our editors had a bad cold. The odds against this being pure coincidence have been estimated at 800 trillion to one. If you look closely at a photograph of Steele, you will eventually begin to notice a striking resemblance to the foliage at the top of the Grassy Knoll. Evidently there is much more here than meets the eye, and the case is still wide open. ❑

Endnotes:

1. *The Warren Commission Report: Report of the President's Commission on the Assassination of President John F. Kennedy* (St. Martin's Press, undated [1964]); Jim Moore, *Conspiracy of One: The Definitive Book on the Kennedy Assassination* (Summit, 1990); Gerald Posner, *Case Closed: Lee Harvey Oswald and the Assassination of JFK* (Random House, 1993; revised edition Anchor Books, 1994).

2. Mark Lane, *Rush to Judgment* (Holt, Rinehart, and Winston). Other Conspiracy-theory works published in 1966 include Edward Jay Epstein, *Inquest: The Warren Commission and the Establishment of Truth* (Bantam) and Richard H. Popkin, *The Second Oswald* (Avon). Popkin is the outstanding historian of philosophical thought, author of *The History of Skepticism from Erasmus to Spinoza* and *The High Road to Pyrrhonism*. My theory is that *The Second Oswald* was really written by a second Popkin, who however was devious enough to make sure the royalties were mailed to the first Popkin.

3. Among numerous examples see Groden and Livingstone, *High Treason: The Assassination of President John F. Kennedy and the New Evidence of Conspiracy* (Berkley, 1990 [1989]), pp. 117–18; Jim Marrs, *Crossfire: The Plot that Killed Kennedy* (Carroll and Graf, 1989), pp. 64–69, 86; Noel Twyman, *Bloody Treason: On Solving History's Greatest Murder Mystery, the Assassination of John F. Kennedy* (Laurel, 1997), pp. 117–166.

4. James H. Fetzer, ed., *Murder in Dealey Plaza: What We Know Now that We Didn't Know Then about the Death of JFK* (Catfeet Press, 2000); Fetzer, ed., *The Great Zapruder Film Hoax: Deceit and Deception in the Death of JFK* (Catfeet Press, 2003). A few

continued on page 53

The Color of Your Point of View

by Garin K. Hovannisian

The debate about affirmative action isn't just about injustice, past or present.

The debate about affirmative action is not so much fueled by political wars, ideological rivalries, and conflicting cost-benefit analyses, as it is by the clash of two radically different perceptions of identity, culture, and humanity. The battle is being fought between two camps of incompatible social visions.

On the one side we have Americans, those who uphold the basic guiding principles of their country. I don't mean "life, liberty, and property." I don't even mean "a government of laws and not of men" or "capitalism, individualism, and justice." I am talking about a perception of society — one that subordinates the role of culture to the grand scheme of things, to industry, human contact, government. It is a perception that recognizes the almost total irrelevance of ethnic heritage to the function of public life.

On the other side we have confused mutts, crossed between old and new generations, lost in history. They try to reconcile two irreconcilable fields of life: that of identity, custom, and home and that of human action, communication, and society. Their perception of the world betrays an unhealthy "double consciousness" — the injection of race into every aspect of every sphere of existence. They seek unrelentingly to elevate race consciousness in the public arena. Their coalition is made up of minorities of the "double consciousness" persuasion and guilt-stricken whites who will tag along blindly.

Yet the members of both groups are beyond conventional categorization. Both span the scale of creed, color, and ethnicity. So it isn't enough to draw the lines at conservative against liberal, or black against white, or moralist against pragmatist. The discord here is rooted in two diametrically opposite readings of society.

One, for example, never hears the utterance of terms like "white leadership" or "white intellectuals" and seldom comes across "white pride groups" or "white studies courses." That line of thinking is quite plainly nonexistent in the American consciousness. But it pervades among those who subscribe to the double consciousness. Pundits often call for a resurgence of "black leadership" and "black intellectuals," universities flaunt "black clubs" and "Chicano studies courses."

Similarly, no claims regarding disproportionate racial representation are made against the NFL and NBA. But modern "civil rights" leaders jump upon every fact or figure that might indicate the defrauding or disenfranchisement of a minority person. One social group sees people as people. The other sees them as colors.

But it gets far worse, this collage of black and white, for you see color isn't enough. Blacks must be referred to as "African Americans." Why? Because, I guess, that's where

most blacks came from. But we rarely hear whites introducing themselves as "Irish-Americans" or "Caucasian-Americans." For one camp, the common denominator is humanity. For the other, it is race.

Ward Connerly has observed:

> I find it interesting that a nation which claims to have the heart to solve an ethnic war in Bosnia shouldn't have the stomach to prevent one here at home. If there is any lesson that we can learn from the rest of the world, it is that America's experiment with democracy will fail if we divide our people into racial enclaves and allocate jobs, contracts, and college educations on the basis of group identity. . . .

This topic is entirely appropriate and timely because the Supreme Court of the United States has just endorsed the use of affirmative action in colleges and universities, citing a compelling national interest in diversity.

I asked one of my black friends, "Can you give me one example of an incident in which you have been discriminated against?" He answered, "I can't think of one particular incident but it happens all the time."

What does "affirmative action" mean anyway? Only an affiliate of the "double consciousness" mentality would concoct such a term. It's like a capitalist calling school vouchers a "great plan." But what we are debating here is neither a great plan nor an affirmative action. We are talking about preferential treatment.

Arguments have been made that preferential treatment actually hurts minorities, that preferential treatment is an insult to the intelligence of minorities, and that preferential treatment strikes at the very root of Americanism.

But it wasn't until a frenzied debate in government class in which I exposed the moral bankruptcy and impracticality of affirmative action (and witnessed the almost zero change of opinion that followed) that I realized that the proponents of affirmative action have found their source and support not in morality or practicality, but in a vast, befuddled racial view of the world.

"Will you *please* stop yelling 'whiplash'?"

Note the dissenting opinion of Justice Ruth Bader Ginsburg in *Gratz* v. *Bollinger*:

> Bias both conscious and unconscious, reflecting traditional and unexamined habits of thought, keeps up barriers that must come down if equal opportunity and nondiscrimination are ever genuinely to become this country's law and practice . . .
>
> Racial and ethnic groups to which the college accords special consideration historically have been relegated to inferior status by law and social practice; their members continue to experience class-based discrimination to this day.

It must have been awkward conceiving that opinion while being in the company of Justice Clarence Thomas, who voted against affirmative action in Michigan's undergraduate program. Forget being blinded by ideology. How about blinded — in the strictest sense of the word — by unreality?

I asked one of my black friends, "Can you give me one example of an incident in which you have been discriminated against?" He answered, "I can't think of one particular incident but it happens all the time." Really? Today, racism is punished by the free market, by loss in profits for those who practice it. America's capitalist core cannot possibly coexist with racism.

Slavery, then legal discrimination, then *de facto* racism have, in the past, taken hold in America solely because of a form of today's "double consciousness" — a vision held by many whites that blacks were inferior to them. It was the manifestation of an American vision — one that discounts race as a factor of judgment and that is most consistent with Dr. King's dream of a "color-blind society" — that the racial struggles of the past were resolved. The current advocates of preferential treatment stand in menacing parallel with those who preached and practiced slavery 200 years ago.

But the rising tide presses on. It is daunting because it is so different from any other struggle. What sort of arguments could stem the advance of the new racists' vision?

If their arguments were practical, we could argue that minorities do better in a merit-based system.

If they were moral, we could argue that adopting preferential treatment to destroy preferential treatment is ludicrous and contradictory.

If they were misinformed about real status of the races in the United States, we could point to a black community (*Do you ever hear of a "white community"?*) that is successful and that has produced some of the world's best scholars, historians, athletes, businessmen, and politicians.

One never hears the utterance of terms like "white leadership" or "white intellectuals" and seldom comes across "white pride groups" or "white studies courses."

But they are none of the above. Today's advocates of affirmative action skulk in the crevices of the past. In these subterranean strongholds they plot to benight the world. They live, talk, and breathe race. Led by egotistic minorities and hotshot victimologists, encouraged by white condescension, and sustained by a self-perpetuating, degenerate outlook on society, they are beneath the reach of reason.

In its recent ruling, the Supreme Court has sanctioned not only a wholly unjustifiable system of admissions, but a categorically reprehensible vision of life. ❑

Diversifying for Freedom

by Sarah J. McCarthy

Color blindness should not be an ideal for an enlightened society; with diversity as the goal, there is no reason whatever to strive for color blindness.

If I had participated at the debates over the Constitution and the Bill of Rights, I'd have argued for the inclusion of this amendment: diversity of thought being vital to the people's enlightenment, the right of the people to attain diversity of thought shall not be infringed.

Though the concept of diversity is implicit in the First Amendment, it is not overtly stated there: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Despite the dangers to a fledgling republic from the discord of free speech, a free press, and diverse religions, the Founders adopted the First Amendment to provide constitutional guarantees that beliefs other than their own would thrive unfettered.

Undeniably, these men were lovers of liberty and individual rights, but they were so blinded by their own unconscious ideology — the product of their gender, race, and culture — that they considered human beings standing right next to them as property. They excluded women and blacks from their midst, denied women the right to vote, and acquiesced to the enslavement of Africans. Such is the power of an unconscious ideology. These men of unquestionable intent and intelligence were apparently oblivious to the fact that blacks and women would bring invaluable ideas to the crafting of the Constitution, views strongly influenced by their divergent biologies and by cultural realities and beliefs deeply rooted in those biologies.

Who would argue that skin color would not affect one's views on slavery? On legal matters such as employment law, rape, domestic violence, sexual harassment, childbirth, abortion, reproductive rights, and divorce, recent American law recognizes that a "reasonable man" and a "reasonable woman" might have differing standards based on their differing biologies. Sigmund Freud wrote that biology is destiny. To one degree or another, that will always be true.

Freedom and its resulting diversity are the primary reasons that Western democracies are culturally and economically superior to the Islamic theocracies that are stagnating under codified ancient rulings that subvert law and science and suffocate human behavior within the narrow requirements of medieval Koranic codes.

Despite the cornucopia of blessings America has gained from its diverse populace, overreaching affirmative action policies have turned the word "diversity" into a pejorative. People scoff at the mention of diversity as just the buzzword of race hustlers and victim-mongers, a tool in their unfair ploy to grab power and money from white guys. In this context, the negative reaction to the 2003 decision by the U.S.

Supreme Court in *Grutter* v. *Bollinger* permitting the University of Michigan Law School to consider race as one factor in the admission of students into its law school, was predictable.

Rather than using past discrimination as the basis for its approval of the law school's affirmative action program, the Court based its decision on the value of diversity to the student body and to society at large. The Court upheld the constitutionality of the law school's affirmative action program, building on the position staked out by Justice Lewis Powell in the 1978 *Bakke* decision, which stated that student body diversity is in itself a compelling state interest that can justify the consideration of race in university admissions.

"Today we hold," wrote Justice Sandra O'Connor in the majority opinion, "that the law school has a compelling interest in attaining a diverse student body" and continued to advance the ideas offered by Justice Powell that a university's freedom to "make its own judgments as to education includes the selection of its student body," and that universities have "the right to select those students who will contribute the most to the robust exchange of ideas."

In *On Liberty*, published in England in 1859, John Stuart Mill wrote that:

> It will not be denied by anybody, that originality is a valuable element in human affairs. There is always need of persons not only to discover new truths, and point out when what were once truths are true no longer, but also to commence new practices. But these few are the salt of the earth; without them, human life would be a stagnant pool.

Mill credited Europe's diversity for its success as a thriving culture:

> What has made the European family of nations an improving, instead of a stationary portion of mankind? Not any superior excellence in them, which, when it exists, exists as the effect, not as the cause; but their remarkable diversity of character and culture. Individuals, classes, nations, have been extremely unlike one another; they have struck out a great variety of paths, each leading to something valuable; and although at every period those who traveled in different paths have been intolerant of one another, and each would have thought it an excellent thing if all the rest could have been compelled to travel his road, their attempts to thwart each other's development have rarely had any permanent success, and each has in time endured to receive the good which the others have offered. Europe is, in my judgment, wholly indebted to this plurality of paths for its progressive and many-sided development.

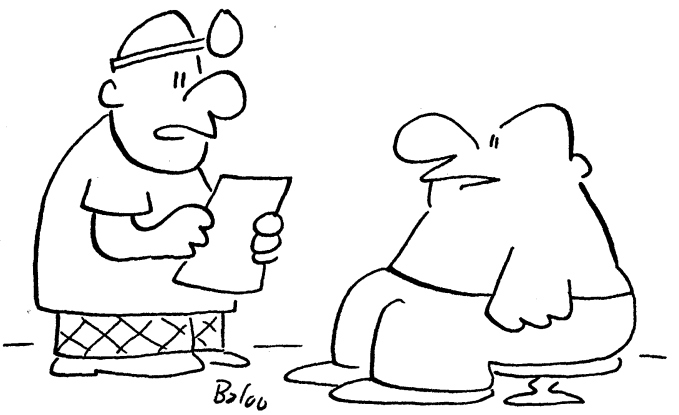

"Have you been eating properly?" "Well, I'm real careful not to *spill* anything."

Echoing Mill's thinking, Justice O'Connor reasoned that classroom discussions are "livelier, more spirited, and more enlightening and interesting" when students have the "greatest possible variety of backgrounds." Furthermore, she wrote, "individuals with law degrees occupy nearly half the state governorships, more than half the seats in the United States Senate and more than a third of the seats in the United States House of Representatives," and "all members of our heterogeneous society must have confidence in the openness and integrity of the educational institutions that provide this training."

General Motors, Microsoft, and 65 other corporations as well as 30 retired officers — mostly generals and admirals — from the U.S. military signed friend-of-the-court briefs supporting the University of Michigan's affirmative action program, stating that businesses and the military want to consider race as a factor in minority hiring and recruitment in order to be more competitive in the global marketplace, and to have more racial cohesion through the promotion of minorities in the armed forces.

The brilliance of O'Connor's position is that it provides a bridge for society to move beyond affirmative action programs based on past discrimination, to the more progressive goal of diversity.

The brilliance of O'Connor's position is that it provides a bridge for society to move beyond affirmative action programs based on past discrimination, to the more progressive goal of diversity. Conservatives and libertarians who view the Court decision as a setback fail to recognize that a diversity standard does not exclude them. A reemphasis on diversity will likely motivate future university administrators to recognize that standards require not only a variety of races and genders, but the seeking out of differing political, religious, and economic viewpoints.

Following the Supreme Court ruling, the Bush administration, which had opposed the University's affirmative action program, issued a statement praising the court for "recognizing the value of diversity on our nation's campuses." Bush said that "like the court, I look forward to the day when America will truly be a color-blind society."

Color blindness should not be an ideal for an enlightened society; with diversity as the goal, there is no reason whatever to strive for color blindness. Blindness to the value of diverse colors and genders were blind spots in the thinking of the Founding Fathers, and self-imposed blindness to racial and gender disparities is a mere pretense that will only lead to more blind alleys today. With diversity as a worthy goal, the Court has simply ruled that color and gender may be factors justifiably considered along with many others in selecting a student body or a work force. ❑

Proposal

Palestinian Vouchers

by Bart Kosko

Let's take study abroad programs to a new level.

Mideast peace talks have again given way to violence: the militant Palestinian group Hamas has resumed sending young suicide bombers into Israel. Israel has retaliated by bombing Hamas sites in Gaza and killing Hamas leaders wherever they can find them. Palestinian Authority Prime Minister Mahmoud Abbas has resigned after only four months in office. The Israeli government has said that it will not deal with any Palestinian government that gives de facto control to Palestinian Authority President Yasser Arafat. And so it goes.

This latest cycle of mortal conflict has also once again pushed aside a key question of long-term stability in the region: who will *teach* the best and brightest among the Palestinian youth?

Palestinian schools are too poorly staffed and funded for the task. The local economy has collapsed and violence permeates the culture. Cash gifts from Arab states and radical Islamic groups still tend to come with religious fanaticism attached despite repeated efforts to stem the flow. Iraq no longer sends such money but Muslim anger over the Iraq War may well lead to more net cash for terror.

And the plain evidence of the past suggests that the conflict with the Israelis may take years or even decades to resolve. Islamic militants still want to destroy Israel and "drive the Jews into the sea." But the Israelis have over 200 Jericho ballistic nuclear missiles that can incinerate all the Arab palaces and Iranian command bunkers. Former Prime Minister Shimon Peres summed up this strategic stalemate: "Give me peace and I will relinquish the atom."

The result is bleak for young Palestinians. Half the population is no older than 17. These young people are far more likely to waste their precious human capital than receive a quality education by Western standards.

So why not give the very brightest Palestinian teens a quality Western education?

Educational vouchers can serve this end. They are tuition-and-costs coupons made of tax dollars. A pure principle of non-aggression (all initiation of force is wrong) will not support this or any voucher proposal because of the coercive nature of taxes — even taxes that pay for public goods such as national defense. But rule utilitarianism can support targeted vouchers if the expected long-term benefits clearly outweigh the long-term costs.

Palestinian vouchers would pay for a complete Western education. Only teens who scored highest on an entrance exam could receive a voucher package. It would allow them to live in the United States and study at an accredited college or university. The package might also include support for learning English and advanced high-school training.

Successful graduates would have the training to be leaders in their homeland or in this country. They would carry with them the law-and-markets stamp of modern Western

liberalism just as do many Arab elites who used oil wealth to attend our top universities. These Westernized leaders would stand at the troubled intersection of two cultures and could help each side adapt to the other.

The graduates would also have valuable human capital to invest in their homeland and abroad. Their training would let them start companies and improve Palestinian hospitals and schools and strengthen the infrastructure on which civil society rests.

Palestinians now export less than a half billion dollars in goods each year. The Israelis export more than 50 times that. Israel's economic miracle in the desert does not stem from oil reserves or from religious nonsense about God's "chosen people." It stems from the vigorous practice of Western law and markets and secular education despite the labor socialism of Israel's founders and the ongoing religious dogmatism of the ultra-orthodox. The same social principles can produce a like economic miracle for a Palestinian state.

Security is the clear problem with any such voucher system. The scheme has the potential to place Islamic terrorists in our midst and make us pay for the privilege.

But voucher students would be aliens and not citizens. This is a subtle point with potent constitutional consequences. Article I of the Constitution gives Congress express plenary power to regulate alien immigration: "Congress shall have power . . . to establish a uniform rule of naturalization." The Necessary and Proper Clause of the same Article gives Congress broad implied powers that are reasonably necessary to carry out its express immigration and naturalization power: "Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

This federal power over aliens is extensive. The United States Supreme Court has repeatedly held that the Article I express and implied federal powers over aliens exceed any implied powers over aliens that the 50 states may have retained under the 10th Amendment's Reserved Powers Clause. That is why an immigration law can be unconstitutional if California passes the law or adopts it by ballot measure but the same law can be constitutional if Congress passes it and the president signs it. This holds in turn because 20th-century jurisprudence produced different and controversial tests of constitutionality that all laws must pass if someone or some agency challenges them in court. The tests depend both on the content of the law and on the state or federal status of the lawmaker. The California state law must pass the usually fatal test of so-called "strict scrutiny" (the law must be *necessary* to achieve a *compelling* government interest and there can be no less severe remedies available) while the same federal law need pass only the usually successful means-end test of so-called "rational basis" (there must be a mere *legitimate* government purpose that the law could at least *conceivably* advance).

A pure principle of non-aggression will not support this or any voucher proposal because of the coercive nature of taxes.

The upshot is that the federal government has more than adequate constitutional powers to put stringent safety conditions on an alien voucher program — even if Congress had not passed the USA PATRIOT Act. The federal government could screen and monitor these Palestinian-voucher aliens as intrusively as it pleases and could deport them for cause.

The full cost of a large-scale voucher and security system could exceed $100 million a year. But that is a small fraction of the billions that each year we give Israel and Egypt.

There is also the problem of funding. The full cost of a large-scale voucher and security system could exceed a hundred million dollars a year. But that is a small fraction of the billions that each year we give Israel and Egypt and the many billions more we pay for defense related to the Mideast. Such a voucher investment might well reduce the long-term cost of Mideast foreign aid and defense. And targeted voucher funds would go directly to the poorest members of society and not go in bulk to the strongman of the day. So the total expected costs appear small compared to the total expected benefits.

The least problem is the old political controversy over vouchers themselves. Many on the political Right have arguably pushed vouchers to attack public schools and to promote religious education. And many on the political Left have arguably opposed vouchers to protect teachers' unions and to promote an outmoded anti-market ideology. Both sides can view Palestinian vouchers as a form of national defense or foreign aid and as a new social investment in domestic education. Palestinian vouchers would be focused and secular. They would pose no threat to teachers' unions or to the separation of mosque and state. So either major political party could in principle support such targeted vouchers even though they would likely do so for different reasons.

A more vexing problem is what psychologists call *omission neglect*: we tend to discount or ignore relevant data that we do not see. This is an unintended consequence of TV and print media that focus on Mideast violence and on the clashing views of political leaders. A bloody suicide bombing will always produce more gripping images than will the abstract supply and demand structure of the Palestinian education market.

But even media-induced omission neglect cannot change the facts: someone will train the intellectual elite among the young Palestinians. Someone is training them right now. Vouchers would let the West compete with Islamic radicals for that defining task. ❑

Reviews

Lies and the Lying Liars Who Tell Them: A Fair and Balanced Look at the Right, by Al Franken. Dutton, 2003, 379 pages.

Al Franken Is a Big, Boring Hypocrite

Tim Slagle

Since Rush Limbaugh ushered in the age of talk radio, there has been a remarkable change in the political landscape. Leftist politics have been suffering a slow, agonizing death. The two-way nature of the medium has destroyed the separation of speaker and audience that leftist policy requires. Leftist ideas have retreated to places where one-way communication is still the order of the day, such as college campuses, where the threat of a bad grade suppresses contrary ideas as well as the KGB ever did. Whether in television shows like *The West Wing* or in movie excreta "starring" Warren Beatty, opposition to socialist thought is strictly controlled. The script ensures that only straw men can ever attack the dominant ideals.

Among the few comforts left — such as they are — for people who still believe that socialism can work is the comedian Al Franken. Franken sifts through right-wing books, newspapers, and broadcasts looking for apparent errors, then compiles these errors in easy-to-read books. Leftist readers are happy to learn that they are still on the proper side, without having to go through the arduous process of evaluating any arguments on their own. Actually, it's pretty easy for Franken, too: he researched this book with a staff of 14 student volunteers and an office provided, gratis, by the Shorenstein Center on the Press, Politics, and Public Policy at (you will never guess) the Kennedy School of Government at Harvard University! Somehow I doubt that such a fellowship has ever been granted to anyone, let alone a television comic, who wanted to write a book debunking Noam Chomsky.

Franken's intellectual level is curiously worthy of Harvard. According to him, the Confederacy fought the Civil War just "so they could whip and torture black people." So much for history. As for economics: "Capital gains come from money making money without anyone actually working. Thus our nation's most generous tax laws will now apply to the children of the very rich inheriting money even their parents didn't earn." Or try this: "Very generally speaking [tax cuts] happen to hurt black people and help rich people. Who tend to be white."

Franken epitomizes everything I hate about leftists. He is smug and arrogant and, of course, a left-liberal, because he's smarter than you. He believes that such people as himself love America "like grown-ups," unlike conservatives who love America as a child loves his mommy. He is unaware that this is, well, a tad ironic, coming from a man who devotes a whole chapter to a fictional dialogue involving a waitress who learns that her $365 dollar tax cut will cost her close to $5,000 in entitlements.

He attributes the perceived leftist bias in the press to the fact that most journalists have "an advanced power of discernment," so naturally they lean that way. He then proceeds to prove that the media is not liberal after all. Quite an accomplishment, eh? Media liberals behave like members of communist cells, each of which operated independently, so if one cell was detected it would not bring down the others. Part of the creed is, you never identify a fellow traveler as such. For instance, at one point Franken cites a study done by the The Project for Excellence in Journalism, funded by the Pew Charitable Trusts. He then goes on to describe Pew as "totally mainstream" and "without a political axe to grind." Please. As any NPR listener will tell you, the contributions of Pew to public discourse are not distributed without prejudice.

Franken gets great joy out of transcribing phone and television inter-

views where he's come off as superior and reminding people that he was a writer for *Saturday Night Live* back when it was funny. He spends a good portion of his time name-dropping, and he brags about how he smarted off to people like Barbara Bush and Karl Rove. He cites his USO tours with John Glenn as definitive proof that he is patriotic.

Those who are looking for actual lies told by the Right are going to be greatly disappointed. A lie is a purposeful misrepresentation: "Leftists tend to be smarter than the general population," or "I never had sex with that woman, Miss Lewinsky," or "Al Franken is amusing." Most of the lies Franken identifies appear to be honest mistakes. For example, he identifies Bill O'Reilly's statement that "58% of all single mom homes are on welfare" as a lie. But it's pretty plain that O'Reilly was just confused, as men his age have a tendency to get. With close to 60% of all out-of-wedlock births ending up on AFDC, and 53% of those on welfare being single mothers who never married, it's easy to see how O'Reilly might be confused. It's also easy to see that O'Reilly had no need to fabricate.

Hypocrisy abounds. After mocking Ann Coulter (p. 9) for pointing out that the Washington bureau chief of *Newsweek*, Evan Thomas, was related to Norman Thomas, the six-time Socialist Party candidate for president, Franken stoops to the same depths (166) by mentioning that the father of *Washington Times* editor Wesley Pruden was a chaplain for the KKK.

Franken catches the Wascawy Wepubwicans in a terrible *lie:* Dick Cheney reflected on his regular helicopter commute over Arlington Cemetery, where he would look at the "crosses row on row" (218). Franken takes an unnatural delight in pointing out that the headstones in Arlington are rectangular, rather than crosses, and that Cheney was just lifting a line from "Flanders Field [sic]." Well, I think we all know where the line came from, and I suspect that Cheney was quoting rather than plagiarizing. And most of the headstones have crosses carved into the stone. So what?

With 379 pages to work with, Franken was unable to draw even a chuckle out of me.

Al Franken discounts the Linda Ives case, one of the centerpieces of the "Mena Conspiracy" in Clintonian Arkansas (135). Linda Ives had to get a grand jury order to have the bodies of her son Kevin and his friend Don Henry exhumed and shipped out of the state before discovering they were murdered. Witnesses suggested the crimes were perpetrated by state troopers, one of whom was later indicted for drug trafficking. No formal investigation was ever completed, and the case remains open 16 years later. Bill Clinton was governor at the time, and he refused to fire the coroner, Fahmy Malek, instead shifting him to another state job (incidentally, the same coroner had, previously and erroneously, found Clinton's mother innocent of negligent homicide). In 1992 Linda Ives' name curiously surfaced on a White House attack list of right-wing conspiracy nuts. That discovery inspired *The Wall Street Journal* article that Franken references.

Ignoring the facts of this case would probably be called a lie by Al's standards, but I'll chalk it up to simple apathy and blind, ignorant love of Clinton. You think I'm exaggerating? On page 140 he quotes Hillary's description of Bill Clinton as his own: "he was tall and handsome [and] had a vitality that seemed to shoot out of his pores." How could anyone dislike such a man? Well . . . "The Clintons' energy, their intellectual intensity, their compassion for those on the margins of society, their fundamental belief that the world could be made a better place — the right found all of these extremely irritating."

Let me say what I had against Bill Clinton: I thought he was clever enough to convince people that he really cared, when his only motivations were to nail anything that moved and to satisfy his megalomaniacal wife's insatiable lust for power. I hated the way he would run over anything that got in his path, like the lowly travel office employees who had their lives destroyed by an unwarranted FBI investigation. Most of all, I hated the fact that the Clintons loathed the Constitution, regarding it as a contemptible barrier on the way to their better dream for America.

But the "lie" that Franken is proudest of having found is that a National Security Council spokesperson gave *Time* magazine an account of a meeting with Sandy Berger that differed from the account that Condoleezza Rice gave the *New York Times*. (Are you still following this?) Discovery of this typical bureaucratic snafu, Franken says, caused him to "shout for joy and dance around the room naked, celebrating the finding of a lie . . . embarrassing my wife and her bridge group."

Among the few comforts left — such as they are — for people who still believe that socialism can work is the comedian Al Franken.

That is, indeed, embarrassing. But what's most embarrassing about it, and the book as a whole, is its lack of humor. With 379 pages to work with, Franken was unable to draw even a chuckle out of me. Most of his ostensible humor is in the "they're so stupid, or they're so racist, or they're so homophobic" vein. That's humor? Another gimmick is to fictionalize a conversation. For instance, when some of Sean Hannity's numbers don't seem to add up: "I faxed the table over to some good friends, and Ken Lay, former CEO of Enron, got back to me in a jiff." Ha ha. There follows a sophomoric "dialogue" with Lay.

Then there's the ironic thrust that doesn't hit the mark: "At each [USO] stop, I entertained the troops with anti-American jokes." In a comic-book-style chapter called "Supply Side Jesus," a biblical character travels the Holy Land dressed in finery and riding on a camel. He tells the multitudes how being rich helps the poor, and how giving to lepers encourages leprosy. It is a great illustration of how the Left views itself, as genuinely Christlike. It invites someone to write a story called "Socialist Jesus," in which Jesus uses tax collectors and centurions to loot

and pillage in the name of the halt and blind.

I've never been a big fan of what I call comedy of ignorance, the comic's pretense that he doesn't know something and is therefore puzzled by it. This technique was practically trademarked by Jerry Seinfeld. (Why do they call it *Safe*way? What would be the *dangerous* way to shop for groceries?) Franken follows by writing about "Porn Bombing" — about how the departing staff of the Clinton White House inserted pornographic images into copy machines, so that someone might print a document over a naked girl and end up sending it out accidentally. By now, we are all familiar with that prank; some of us even found it a little funny. But Franken feigns ignorance: "Unlike Matt Drudge I've never experienced a porn bombing. I can only imagine that a porn bomb is a form of a 'dirty bomb,' consisting of a conventional explosive surrounded by a thick coating of dirty books and pictures. When the bomb goes off, the filth, either images or bits of text could contaminate schoolyards, churches, even John Ashcroft's morning prayer meeting." Clearly, this is supposed to be funny. It's just not. More amusing, though unconsciously so, is Franken's claim that the Right fabricated "vandalism" rumors to discredit the departing Democrats. He quotes "a 217 page report that found no damage to the White House nor to the Executive Office building." According to the *Washington Post*, the report found $19,000 in damages. To me, that's a substantial amount of vandalism. But Al Franken makes a lot more money than I do.

The subtitle, "A Fair and Balanced Look at the Right," was selected to get under the skin of Fox News. It did. Fox filed a trademark infringement lawsuit (and lost). But alas, Franken's balance is as far off as he believes Fox News' is. His 14 interns somehow weren't as interested in checking the claims of the Left as they were in checking the claims of the Right. Consider the book's reporting of a 2001 confrontation between Bill O'Reilly and the editor of the *Los Angeles Times*, Melissa Payton. O'Reilly claimed that the *Times* never once mentioned the name of Juanita Broaddrick, and he was corrected: "her paper's archives contained twenty-one articles mentioning Broaddrick." Easy enough to check. Ms. Payton must have been aware of the topic and had obviously done an Internet search right before the interview. There were *exactly* 21 mentions. I'm not sure that you can call them "articles," however. Two mentions were jokes in Laugh Lines, two were reviews, two were letters to the editor, four were TV listings, three were editorials, and one was an editorial about TV listings. Of the seven remaining, three were about negative accounts of Republican strategy for the upcoming election or the budget battle, one was a legal analysis of the statute of limitations, one was Clinton's denial, one was about his legacy; and the one remaining was originally published back on page B7: "Accuser's Claim Has Ring of Credibility," by Michael Kelley. Unbiased? You be the judge.

But let's look, in more detail, at Franken's treatment of a more important episode. A long chapter discusses how the Right used a raucous moment during solemn memorial services for Sen. Paul Wellstone to win control of the Senate in 2002. According to Franken, a brief moment of exuberance towards the close of the event was broadcast repeatedly to give the impression that it was more like a rally. Now, my friend Louis, who is a club owner in Minneapolis, sat through most of the memorial. Louis is by no means a Republican, and had even hosted fund-raisers for Wellstone. He assures me that it was a grossly premature Democratic victory rally. So certain were the Democrats that the people of Minnesota would never vote for a Republican during the Wellstone mourning period that they started celebrating a week early. So exuberant, and so polemical, did they become that the governor of the state, an independent, walked out of the ceremony in disgust. When I got to Minneapolis five days later, you could tell that something had happened. People were walking the streets carrying Mondale signs, and on their faces were looks of remorse. I recognized that expression well; it was the same look I always have after I've been really drunk, have done something exceedingly stupid, and want somebody to believe I'm sorry. Louis said that the mood of Minneapolis was visibly changed the day after the memorial. People in the hippie coffee shop where he gets his morning beverage were saying that there was no excuse for that kind of behavior, and they could not vote for Mondale.

In Louis' words: "Here is another thing about the Wellstone memorial: I wasn't offended that much by the guy [Rick Kahn] who took all the blame. He was just doing his job as a worker for the Democrats. It was Wellstone's son that pissed me off the most. He was screaming, 'Vote for Mondale, that's what my father wants!'" The biggest indicator of what really happened at the service was that Minnesota voted overwhelmingly Republican. Besides Wellstone's Senate seat, the governor's office, the majority of U.S. House seats, and a lot of the state House and Senate seats went to the GOP. Franken claims that the right-wing *Minneapolis Star Tribune* misrepresented the event. I think he's been living in New York too long. The *Star Tribune* is one of the most liberal newspapers in America, and the fact that it thought the service got out of hand was indicative of what really happened. Most Minnesotans relied on their own opinion anyway, as they had seen all four hours of the service; it was covered by all the local stations in Minnesota.

At the end of the book, Franken outlines his strategy for the Democrats in the upcoming election. In an uncharacteristically odd recognition of the free market of ideas, he admits that Rush and Fox are popular because they are entertaining. "But a part of their entertainment value comes from their willingness to lie and distort. . . . We can't do that. We have to fight them with the truth. Our added entertainment will have to come from being funny and attractive."

Most of his ostensible humor is in the "they're so stupid, or they're so racist, or they're so homophobic" vein.

Truthful, funny, attractive. That's three strikes against Franken. ❑

What Went Wrong?: Western Impact and Middle Eastern Response, **by Bernard Lewis. Oxford University Press, 2002, 192 pages.**

The Lost Civilization

Stephen Cox

Bernard Lewis is the most distinguished Western historian of Islam and Islamic nations. Since objective, self-critical scholarship seems to be at a low ebb in Islam itself, he may be the most distinguished historian of that subject in the world. Now in his late eighties, he stands serenely above his colleagues, looking down with a gracious smile. Asked in a recent C-Span interview to say whom he expected to inherit his legacy, he replied that he was too young to worry about legacies. Certainly he wastes no time on the little gods of the academic left, such as Edward Said, who once attacked Lewis for writing an article called "The Roots of Muslim Rage."

Once, when measured by most standards of high civilization, Islam was far ahead of Christendom. Then came centuries of changes in the West.

Said claimed that Lewis's "ideological colors are manifest in [that] title." All one can say is, "Where?"

Lewis is far too skeptical and ironical, and also far too elegant, to manifest any belligerent "ideology." The title of his new book, *What Went Wrong?*, has a polemical quality that finds few echoes in the book itself. The work is a carefully balanced and moderated discussion of a complex (and fascinating) topic — the process by which a culture that once was "far ahead" has somehow become "far behind."

I've placed those two phrases in quotation marks, to satisfy all those people who refuse to believe that cultures can ever be judged or ranked. Lewis believes that they can. His criteria, however, cannot be accused of stringency. He merely assumes that cultures that encourage education and the arts, that practice a modicum of tolerance and generosity, and that are alive to the benefits of new technology are in those respects demonstrably "ahead" of other cultures. It's a modest assumption, and it works a good deal better, as a tool of cultural analysis, than the radical relativist assumptions that are currently more popular in the academic world.

Everyone knows, or thinks he knows, that while the medieval West was boring and tyrannizing itself to death, Islamic civilization was practicing religious toleration, exploring science, maintaining graceful urban environments, and perpetuating the learning of the ancient world. There is some truth to that picture, although the tints are usually too rosy. Lewis points out, for instance, that Islam revealed no interest in perpetuating the literary or humanistic achievements of the Greeks; when it came to copying or translating Greek manuscripts, only directly useful (e.g., scientific) material was chosen. And when it came to tolerance for other people, nothing like equality was accorded to professors of non-Islamic religions; they suffered grosser discrimination under Islam than any group now suffers in the Western world. But when measured by most standards of high civilization, Islam was still far ahead of Christendom.

Then came the changes in the West, centuries of change: the reform of religion, the invention of alternative ways of practicing it, and finally the separation of religion from the state; the development of political systems in which parties could contest for power while respecting basic rules of decency, order, and fairness; the scientific revolution and all that it continues to portend; the abolition of slavery; the achievement of civil equality between men and women; enormous revolutions in literary and artistic methods, expanding the power of individuals to express themselves; a multitude of new ways of enjoying life and promoting its dignity.

So much for the West. In Islam, no such innovations occurred. The Islamic regions of the world steadily lost wealth, power, and influence. In some regions, even the wheel lost out to the camel. While the West's knowledge of Islam was often ludicrously small, Islam's knowledge of the West remained, for centuries, still more limited. Islam's learned men knew nothing about the Reformation, the Renaissance, or the scientific revolution. Printing established itself in most areas two or three centuries after it had spread throughout the West. It took until the 1960s for Saudi Arabia to follow the West and outlaw slavery. Modern Islamic contributions to science, technology, and constructive political action have been minimal. Even symphonic music has been naturalized only in Turkey.

Surveying this bleak cultural landscape, Islamic intellectuals have often reacted (as Lewis indicates) by asking, "Who has done this to us?" Sometimes that question has been appropriate. It was from the West that Islam imported nationalism, socialism, and the technical means of political repression, none of which did anything good for their Eastern customers. What is at least equally notable, however, is the list of beneficial items that have not

been widely imported: separation of state from religion, equal rights for women and minorities, patterns of personal identification that are not purely religious or local or ethnic.

Many Islamic thinkers, not all of them currently residing west of the Bosporus, understand these problems. They no longer ask "Who has done this to us?" but "What has happened?" and "What can be done about it?" Their influence, however, has not been sufficient to alter a seemingly intractable cultural gestalt. Neither in Lewis's book nor in the daily news does "What can be done?" receive its answer.

But though he offers no solution, he does provide a superbly clear and intelligent analysis of the shape and origins of the problem. His book is perhaps the most accessible introduction to the history, especially the cultural history, of the Islamic world; and it says much of interest about the cultural history of the West as well. Lewis has the gift of stepping back and seeing each culture, as if for the first time, noticing features that people immersed in either Christendom or Islam ordinarily cannot see for themselves. And perhaps that's where solutions start. . . . ❑

The American Axis: Henry Ford, Charles Lindbergh and the Rise of the Third Reich, **by Max Wallace. St. Martin's Press, 2003, 416 pages.**

Nazi Dupes?

Bruce Ramsey

The lives and beliefs of Henry Ford and Charles Lindbergh intersected in certain ways with the German National Socialists. Ford believed in a Jewish banking conspiracy; Lindbergh admired the technical and organizational achievements of the late-1930s German state. But *The American Axis* claims far more. It argues that Charles Lindbergh and Henry Ford are partly responsible for the rise of Hitler. The book's cover art shows Ford, Lindbergh, and a backdrop of a Nazi concentration camp.

This is the first political history by Max Wallace, whose previous books were *Muhammad Ali's Greatest Fight* and *Who Killed Kurt Cobain?* Wallace has been industrious in digging for dirt on Ford and Lindbergh, and fills his book with a heap of it, much of which he immediately exaggerates.

The exaggeration starts in the first sentence: "The process that brought Henry Ford's portrait to a prominent position behind Hitler's desk began during the summer of 1919, when Ford made the first public sortie in a hate-filled but distinctly American campaign that was to dominate his attention for the next eight years."

This was a campaign in Ford's *Dearborn Independent* newspaper to vilify international Jewish bankers. Hate-filled it was, but it is an exaggeration to say that it "was to dominate his attention for the next eight years." It was a sideline. Ford's attention was dominated by the Ford Motor Company, and when, in 1927, his railing at Jewish bankers began to hurt the sales of his cars, he shut down the paper and promised never to attack Jews again.

Ford was a self-made man, an industrial genius who never graduated from high school and famously said, "History is bunk." He had two political crusades in his life, one against Jewish bankers and the other against war, neither of which Wallace takes much effort to understand.

Ford hated bankers because they lent money to companies like his and took the companies away in hard times. He had lost a company to bankruptcy around the turn of the century, and vowed that that would never happen to Ford Motor. He was determined not to borrow bankers' money, but to create his own capital. He did it, and counted it as a win against the moneychangers.

Ford did more than just oppose World War I. He chartered a "peace ship" to carry antiwar protesters to Europe. Wallace recounts this, but has no appreciation of why anyone would object to fighting German "aggression." Wallace also recounts that Ford, as well as Lindbergh's father, believed that Wall Street financiers had entangled America with Britain and helped drag the country into the war. He presents this as a crank belief, but it was not. President Wilson asked for war because German U-boats were sinking American merchant ships. The ships were carrying goods that the British had bought with money raised on Wall Street.

None of which is explained in this book.

Some of those Wall Street financiers were Jewish, though the most prominent of them, J.P. Morgan, Jr., was not. Anyway, Ford did become fixated on Jews, and after World War I had published a scurrilous book, *The International Jew*. It was translated into several languages, including German, which apparently was why the young Hitler had a picture of Ford on his wall. (But Ford did not have a picture of Hitler on *his* wall.)

Wallace has been industrious in digging for dirt on Ford and Lindbergh, and fills his book with a heap of it, much of which he immediately exaggerates.

Wallace leaves certain things out of his narrative that ought to be there, and adds others that ought to have been edited out.

There is an accusation that Ford gave money to the Nazis in 1922, eleven years before the Nazis took power. It is not Wallace's accusation. The accuser was a German politician. Wallace repeats it, quotes a historian who says there is no evidence of its truth, and then undermines the historian by saying, "A significant amount of archival materials from the company's early days . . . has been 'discarded.'"

Not discarded, but "discarded," with sneer quotes.

In 1924, a Nazi arranged a meal with Ford by tagging along with Seigfried Wagner, composer Richard Wagner's son, and his wife Winifred. The purpose was to ask Ford for money. The Nazi sprung his question and later (in a book) complained that Ford was a tightwad, and wouldn't contribute a nickel. But Wallace reports that Winifred Wagner, still alive in 1977, told a researcher that Ford said he had helped Hitler. When? How? How much? We don't know. Wallace says, "Whether or not Ford actually financed Hitler, there can be no doubt about his ideological sway over the fuehrer-in-waiting."

Wallace has been trying to say that Hitler got some of his *money* from Ford, and, failing that, says it doesn't matter because Hitler was "swayed" by Ford.

Swayed to what?

But back to the original charge: giving money. Suppose, for the sake of argument, that Ford had given some money. This was 1922. Even if Ford had been talked into making a donation to the Nazis — because they were critics of Jewish bankers, or just to get a pest away from his dinner table — it is unlikely in 1922 that any American who had never been to Germany (or to high school) understood the National Socialist German Workers Party. Ford abhorred both socialism and war, and was never in favor of killing an entire race of people.

In another innuendo, Wallace quotes a historian who asserts that Hitler got the idea of industrial killing from Ford's production line. Wallace offers no proof of this, but even if it were so, would that tarnish Ford? Wallace doesn't say it does; he just reports it and moves on. He follows the conventions of an objective historian while producing a biased account — and he does this over and over again.

Another of Wallace's hits is his recounting of a statement by Ernest Liebold, a pro-German who was Ford's longtime assistant, that Ford received a shipment of swastika pins in the 1920s and encouraged some people to wear them. Wallace notes that Liebold is not a trustworthy witness, and that his memoirs are "filled with exaggerated, self-serving and sometimes blatantly false accounts" — but he likes this story about the swastika pins enough to use it.

Again, what if it were true? A swastika pin has ominous meaning today, but what meaning would it have had in Detroit, U.S.A., in 1925?

Fast forward a few years. Hitler is in power. He has persecuted Jews but is not killing them, and he is making territorial demands on his neighbors but has not yet begun the war. Germany is at peace with the United States, though none too popular here. Ford has a factory in Germany called Ford-Werke. The factory has a few military contracts with Berlin.

"You're free to get a second opinion, but it looks like something's wrong with that green thingie right over your liver."

In July 1938, a couple of months before the Munich crisis, the German consuls of Detroit and Cleveland offer to award the Grand Cross of the German Eagle to Ford. There is a famous picture of him in white suit and sash accepting the medal, looking somewhat bemused.

What to make of this? Well, *they* are sucking up to *him*. He might have refused the award if he understood the Nazi doctrine and disapproved of it. Then again, he had a factory in Germany, and his inclination as an investor in Germany would be to avoid an insult to the German government. Immediately, he was denounced in the United States. Challenged to give the medal back, Ford said that he did not agree with the persecution of the Jews and was willing to hire Jewish refugees. But he kept the medal and did not criticize Hitler directly.

I can't claim that everything that Henry Ford did was good. But wandering through all Max Wallace's smoke is no way to get a clear or fair picture of his subject.

To Wallace, this shows that Ford was an Axis sympathizer. To me, it looks as if he was trying to stay out of public positions that could hurt his business.

Germany and Russia began World War II in September 1939, and in May 1940 Germany invaded France. The U.S. policy was to be officially neutral but to sell war materials to the Allies for cash. The interventionists supported sales because they said it would help defeat Hitler while keeping America out of the war, and the isolationists, like Ford, opposed sales because they believed they would get America into the war.

In June 1940, Ford was offered a contract to build 3,000 Rolls Royce aircraft engines for the United States and 6,000 of them for Britain, with the latter engines to be paid for by Britain. Ford refused the second contract. "We are not doing business with the British or any other foreign government," he said. "If we make 6,000 Rolls Royce Merlin engines, it will be on an order from the United States Government."

Ford did not want to entangle America in the war. Wallace quotes Ford production chief Charles Sorensen, speaking in September 1940 about Ford's political hot buttons: "His pet peeve was Franklin Roosevelt, but any mention of the war in Europe or this country's involvement upset him almost to incoherence."

Wallace makes it sound as if Ford were an Axis sympathizer because he refused to make engines for the British while Ford-Werke was making trucks for the Germans. He *never mentions* that Ford also had a subsidiary in Britain that was available to the British government. The Ford factory at Dagenham would produce 360,000 military vehicles and 250,000 V-8 aircraft engines for the British in World War II. Ford would also set up a plant at Manchester that would produce 34,000 of the Rolls-Royce aircraft engines.

Wallace does mention, in passing, that General Motors had a subsidiary in Germany — Opel — and it also made trucks for the German army. He mentions that Ford had a subsidiary in France that made trucks for the French army, and when the Germans came it made trucks for the German army. There is a pattern here: a factory supports the government of the country it is in. If it refused, it would be seized, and it would still support the government of the country it was in.

Wallace sees a great moral problem in Ford-Werke. He says it "amassed huge profits without interruption." In his book, he throws around the phrases "unfettered corporate profits" (p. 227), "huge profits" (329) and "massive profits" (351) for their rhetorical odor, showing no sign that he understands what a profit actually is, of the distinction between an accounting profit and cash, or between a currency that is convertible and one that is blocked. He does report that Ford-Werke accounted for less than 2 percent of U.S. investment in Germany at the outbreak of war, and that when the war ended the cumulative cash dividend from Ford-Werke, translated into dollars and made available to the American owners, amounted to just $60,000.

He also presents evidence that Ford-Werke used slave labor in the latter part of the war. But Ford-Werke was not under control of its American parent during the war.

And so it goes. I can't claim that everything that Henry Ford did was good. But wandering through all Max Wallace's smoke is no way to get a clear or fair picture of his subject.

Wallace's treatment of Lindbergh is similar, but he makes a somewhat stronger case. Wallace does show that Lindbergh was fascinated by the Nazis in the late 1930s, that to some extent he admired them, that he toured their aircraft plants and accepted the same medal Ford did, and that one of his reasons for opposing American entry into World War II was that he thought Germany would win the war. As with Ford, the Nazis tried to use Lindbergh, and apparently had some success at it. But it does not make him a Nazi, or responsible for Nazism.

I thought, while reading this book, how a right-winger might write the same book about various liberal heroes of the 1930s and 1940s cooperating with Stalin and with communism. It would be a much longer book than this, with more smoke *and* more fire; and if anybody would offer it for review, how the righteous progressives would denounce it in one voice as intolerable and outrageous McCarthyism. ❑

The Illusion of Victory, **by Thomas Fleming. Basic Books, 2003, 543 pages.**

The Professor's Deadly Dream

Clark Stooksbury

Thomas Fleming, who shattered the FDR icon in *The New Dealer's War,* has returned with a similar treatment of Woodrow Wilson's handling of World War I in *The Illusion of Victory.* The Great War has not been mythologized the way that the Second World War has been by Tom Brokaw and the late Stephen Ambrose. It is unsentimentally recalled as a monstrous bloodletting for all parties involved. The United States entered the fighting late and consequently paid a comparatively small price in blood. Still, more than 100,000 doughboys died from war and disease. Many others came home physically and psychologically shattered.

Fleming notes an influence on Wilson's thinking in a novel written by one of his top aides. Colonel Edward House was a close Wilson adviser during most of his presidency. Prior to serving the president, he had written *Philip Dru, Administrator,* a fictional account of a "military and political genius who took over a wealthy, disordered, quarrelsome nation and led it into an era of almost superhuman contentment by persuading the people to make him their supreme autocrat." This is a pretty fair representation of Woodrow Wilson's second term, except, of course, for the superhuman contentment.

At first the Great War was strictly a war among European powers. But the British sought America as an ally, and got a tremendous leg up in the information war against Germany by cutting Germany's undersea cables which were used to communicate with the Western Hemisphere, reducing their information flow to a trickle.

Britain scored early propaganda coups by spreading lurid tales of supposed German atrocities in Belgium, including the amputation of women's breasts and of babies being speared on German bayonets. The British even sponsored a tour of Belgians to spread the stories. Fleming points to the irony of these defenses of "poor little Belgium," which had actually committed shameful crimes against humanity in the Congo a few years earlier. "The Congo's blacks had been routinely starved, beaten, and shot for trivial offenses while being forced to labor. . . . Behind a screen of unctuous lies about bringing Christianity to the dark continent, an estimated 10 million natives had died."

The pro-war crowd in the United States received a boost when a German U-boat sank the British liner, the *Lusitania,* off the coast of Ireland on May 7, 1915, killing more than 1,198 people, including 128 Americans. Although the German government publicly warned in newspaper ads that the British ship was carrying munitions and other war materiel, and thus was a legitimate and legal target, the Wilson administration insisted that Americans had the right to travel on belligerents' ships into a war zone.

Teddy Roosevelt was among those calling for an immediate declaration of war. Woodrow Wilson demanded that the Germans cease their unrestricted submarine warfare, which they did for almost two years. Secretary of State William Jennings Bryan refused to sign off on the demand, and resigned, insisting that it would lead to war with Germany.

Another characteristic of the road to war was the repression of critics of the government and Americans of German and Irish descent, who were generally opposed to going to war as an ally of Britain. The repressive atmosphere of the Wilson years makes anything that happened in the McCarthy era seem trivial. Wilson's repression permeated the country and was reflected even in the pages of elite media such as the *New York Times* and *The Atlantic Monthly.* Fleming reports that even before U.S. troops were committed to battle, "Lutheran schools were described as hotbeds of disloyalty, where 'The Star Spangled Banner' was never played and German heroes such as Bismark displaced Washington and Lincoln." In October of 1917 Wilson signed legislation requiring German language newspapers to provide English translation of any commentary on the government or the war effort.

The British scored early propaganda coups by spreading lurid tales of supposed German atrocities in Belgium, including the amputation of women's breasts and of babies being speared on German bayonets.

Non-German Americans were free of this repression so long as they marched in unison with the Wilson administration. One American who failed to do so was Eugene Debs. The Socialist leader was arrested and sentenced to ten years in prison after an incendiary speech in Ohio. Debs was pardoned by President Harding in 1921.

Fleming recounts perhaps the most egregious violation of freedom of speech in American history. Even a movie about the Revolutionary War was targeted. Producer Robert Goldstein, who had worked with D.W. Griffith on *The Birth of a Nation,* produced a film called *The Spirit of '76* that was attacked because his film cast the British in a negative light. He was allowed to exhibit the film in Los Angeles after cutting some scenes objected to by local censors. But he restored the scenes for exhibition elsewhere. "The film was seized and Goldstein was soon in court. The docket read *United States vs the Motion Picture Film The Spirit of '76.* In the prevailing atmosphere of war rage, no one regarded this listing as even slightly ironic. The judge found Goldstein guilty of exhibiting 'exaggerated scenes of British Cruelty,' which might make people 'question the good faith of our ally, Great Britain.'" Like Debs, he was sentenced to ten years in prison.

Goldstein's saga, which was highlighted three years ago by Bill Kauffman in *The Wall Street Journal* and Timothy Noah in *Slate,* puts into perspective the recent frenzy over the dissent by celebrities against George W. Bush and the war in Iraq. The most notorious example was that of the country music group, the Dixie Chicks, one of whom mildly insulted President Bush during a London concert in March. While Natalie Maines' lack of servility cost the Dixie Chicks airplay and CD sales, the wound is superficial, roughly equivalent to the attacks on the Beatles in 1966 when John Lennon said that he and his band mates were bigger than Jesus Christ. Had Natalie Maines tepidly insulted Woodrow Wilson in 1917, she might have gone to prison.

The Wilson administration was better at repressing dissent than it was at preparing the country for war. The Senate majority leader, Thomas Martin, exclaimed to an Army major testifying shortly after war was declared, "Good Lord! You're not going to send soldiers over there, are

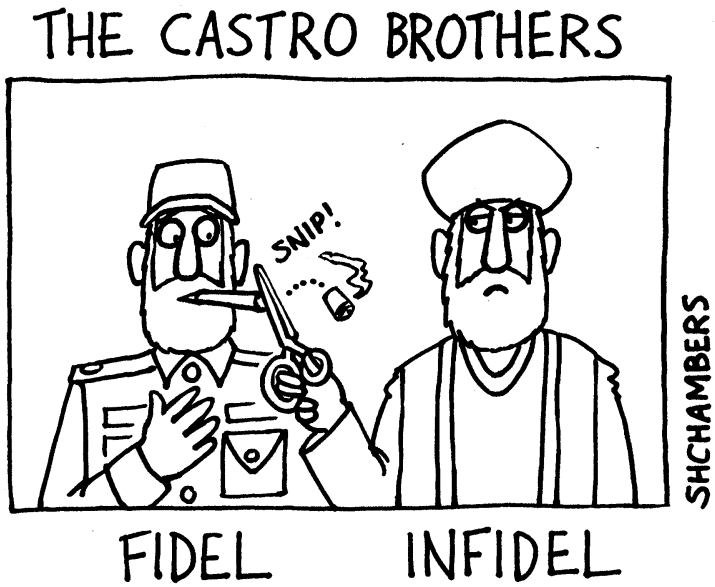

you?" At the time he spoke, the U.S., with an army the size of Chile's, barely had a force to send.

The Wilson administration dithered in preparing to send Americans to war for months after the declaration. Among the results were poorly fed and equipped troops, often freezing and succumbing to disease because they had no winter uniforms. Theodore Roosevelt's son Quentin died while flying a second-rate French aircraft, because, as Fleming explains, "Woodrow Wilson's administration had refused to prepare for war and after war was declared the president's appointees had failed to produce a single aircraft, in spite of spending almost a billion dollars."

In the end, more than 100,000 Americans paid with their lives for a victory that was, as Fleming's title suggests, illusory. Germany had agreed to an armistice on the basis of Woodrow Wilson's Fourteen Points, a document with several concrete elements such as the return of Alsace-Lorraine to France and independence for Poland as well as high-minded calls for democracy and openness in international dealings.

But Wilson' Fourteen Points were not palatable with America's French and British allies, who insisted on divvying up the German and Ottoman empires, often on the basis of previous secret agreements, inserting a clause in the treaty placing sole blame for the war on Germany, and insisting that Germany pay them crippling reparations.

In the end, more than 100,000 Americans paid with their lives for a victory that was, as Fleming's title suggests, illusory.

After compromising on a peace settlement that made a mockery of his principles, Wilson arrogantly insisted that the U.S. Senate ratify the Versailles and the League of Nations treaties with no changes. He called for making the 1920 election a referendum on the treaties, and was soundly defeated. U.S. ratification of the two treaties was dead.

Fleming briefly speculates about what might have occurred had Wilson chosen another course. The best plausible course, he suggests, would have been to pursue the genuine neutrality favored by Wilson's first secretary of state, William Jennings Bryan. "Without the backing of American weaponry, munitions, and loans, the Allies would have been forced to abandon their goal of a knockout blow. The war might have ended in 1916 with a negotiated peace based on the mutual admission that the conflict had become a stalemate. As a genuine neutral, Wilson might even have persuaded both sides to let him be a mediator." The British would have been offended at such a cold shoulder proffered by their American "cousins," but they would have been better off.

Instead the world Wilson helped bring about included the two greatest criminal regimes in history, jury-rigged countries such as Yugoslavia and Iraq, and another war on a scale so great that it would have been difficult to imagine in 1918.

If there are any worthwhile lessons from Thomas Fleming's study of Wilson's failures, they are lessons as old as King Pyrrhus. When you open Pandora's box of war, you never know what is waiting inside, and "victory" requires much more than success on the battlefield. ❑

Notes on Contributors

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Bo Keely is a globe-trotting adventurer. His last article in *Liberty* was an account of a very different encounter with thugs (January 1996).

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Patrick Quealy is an editorial intern at *Liberty*.

Bruce Ramsey is a journalist in Seattle.

Ralph R. Reiland is the B. Kenneth Simon professor of free enterprise at Robert Morris University and a Pittsburgh restaurateur.

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Jo Ann Skousen is a writer and critic who lives in New York.

Mark Skousen is author of *The Making of Modern Economics*.

Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

Fred Smith is president of the Competitive Enterprise Institute.

David Ramsay Steele is the author of *From Marx to Mises*.

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***The Slaughter of Cities: Urban Renewal as Ethnic Cleansing*, by E. Michael Jones. St. Augustine's Press, 2003, 700 pages.**

The Decline & Fall of Motown

Greg Kaza

At World War II's end the area along Theodore Street on Detroit's East Side was a bustling neighborhood of Eastern European Slavs, anchored by St. Hyacinth Catholic Church. The small-frame bungalows housed families, many led by Polish workers employed at nearby Dodge Main and other automotive production plants. Their children attended the parish school. Numerous small shops and groceries, operated by family entrepreneurs, dotted neighborhood street corners. Detroit was a boomtown, the 4th most populous U.S. city.

At the turn of the 21st century vast sections of Detroit resembled a post-industrial wasteland. Ze'ev Chafets termed it "post colonial" in his 1990 book, *Devil's Night & Other True Tales of Detroit*. (Devil's Night, for the uninitiated, refers to the once-common practice of spontaneous arson in hundreds of abandoned buildings on Halloween Eve.) Entire Detroit neighborhoods — private homes, stores, churches, and schools built by immigrants to America — were destroyed through federal housing, transportation and urban renewal programs. Today, Detroit ranks 7th in population. In the last half century, Detroit lost nearly half its population, while U.S. population as a whole rose nearly 85%. It was not supposed to end this way: in the 1960s Detroit was *the* model city of liberalism.

In the last half century, Detroit lost nearly half its population, while U.S. population as a whole rose nearly 85%. It was not supposed to end this way: in the 1960s Detroit was the model city of liberalism.

Author E. Michael Jones describes the federal government's expanding role in the 20th century, a process that led to the destruction of neighborhoods in large northern cities like Detroit, Philadelphia, Boston, and Chicago. Federal programs contributed to the postwar exodus to suburbia. Washington's main instrument for suburban development was the Federal Housing Authority (1934), part of FDR's New Deal. The FHA and Serviceman's Readjustment Act, known as the GI Bill (1944), "not only provided the wherewithal to help the 16 million soldiers who returned from World War II buy a house, it also determined," Jones notes, "what kind of home he would buy and where it would be located. That meant, to a large extent, a house in the suburbs," not on Theodore Street. They were carried to suburbia by the Interstate Highway Act (1954), which destroyed a black Detroit neighborhood (Black Bottom) when a freeway was built through it. The U.S. Department of Housing and Urban Development's creation (1964) accelerated the process. Urban planners destroyed the predominantly Irish neighborhood of Corktown. Jones contends urban renewal shifted blue-collar ethnic immigrants from northern cities into new suburbs where ethnicity and political power were dispersed. His thesis is that foundations played an important quiet role in this process. Impatient readers will find his search tedious. But freedom advocates will be rewarded elsewhere in this work: attacks on private property under corporate statism are only possible through the visible hand of Big Government. "In addition to being the antithesis of *laissez-faire* economics," Jones writes, "'planning' was a code word for the antithesis of limited government as well."

In the case of Poletown, a neighborhood a half-mile north of Theodore Street, government urban renewal constituted "ethnic cleansing." Government eminent domain laws and HUD grants engineered the largest urban land clearance project in U.S. history to build a new General Motors assembly plant during the 1981–82 recession. Private property destroyed tallied 1,400 homes, 144 businesses and 16 churches. Jones identifies *government* as the culprit, whose paramount role in the destruction has been obscured by liberals and socialists writing about Poletown. Poletown's demolition "took place not because it was rational," Jones writes, "but because it could benefit the individuals and groups who were powerful enough to manipulate the political process in their own self-interest."

Jones' target audience will likely be more interested by his clash of religious cultures. It is beyond his work to analyze today's sterile policy landscape: Republican "compassionate conservatism" of the Jack Kemp Ladies Garden Club competing with suburban Democratic paternalism that winces at the thought of unlicensed vendors selling Polish sausages with beer and sauerkraut. Who can show greater *empathy* for abandoned urban neighborhoods destroyed by the state? The side that makes the most voters "feel good" wins the game show. The libertarian alternative is highly relevant in this policy vacuum. The tax-free zone concept, debated by libertarians, was enacted in Detroit in the mid-

1990s. But it is, at best, a tentative response to a problem that demands solutions like licensing deregulation, private schools, and HUD's abolition. The issue is not which major political party staffs the government bureaucracy. In the case of Poletown, the issue was the evil nature of the bureaucracy itself.

Government is not a positive institution in American society. Historians will judge those who destroyed Poletown through a harsh lens. A society is judged by how it treats its weakest members. Poletown's weak were subjected to the state's iron fist. The Democratic-controlled Michigan legislature passed "quick-take" legislation supported by liberal Republican Gov. William Milliken that allowed rapid confiscation of Poletown private property. The state did not protect Poletown's weak. It augmented the power of GM — the largest U.S. industrial corporation.

Thankfully the story is being told to a new generation as the 25th anniversary approaches. Poletown's poor and elderly black and white residents who resisted were driven from their homes by organized arson and looting. There were 607 fires in Poletown in the first six months of 1981 yet only a handful of arrests. The final battle pitted a Detroit SWAT team against elderly Polish women who chained themselves to the altar of Immaculate Conception Church. Police physically dragged the crying seniors from the church. Some elderly who did move died from the trauma of being forced from their homes. Immaculate Conception's Fr. Joseph Karasiewicz, 59, took up residence at St. Hyacinth's after being forced from his parish. He died at the church near Theodore Street 11 days before Christmas 1981. Those who knew him say he perished from a broken heart. ❑

The Crowd on the Grassy Knoll, *from page 36*

Conspiracy theorists, notably Josiah Thompson, still insist on the reliability of the Zapruder film.

5. David S. Lifton, *Best Evidence: Disguise and Deception in the Assassination of President Kennedy* (Carroll and Graf, 1988), pp. 582–83 and passim.

6. Lifton, pp. 560, 655–664, and compare the "Autopsy Photo 4," following page 682, with the right-hand drawing on page 310.

7. Lifton, pp. 555n–57n.

8. Lifton, p. 559.

9. Robert J. Groden and Harrison Edward Livingstone, *High Treason*, pp. 39–41.

10. Groden and Livingstone, p. 83.

11. Examples of the arguments I have in mind are David Mantik's use of optical densitometry to analyze the autopsy x-rays, in James H. Fetzer, ed., *Assassination Science: Experts Speak Out on the Death of JFK* (Catfeet Press, 1998), pp. 121–139, and John P. Costella's discussion of the anomalies in the Zapruder film (Fetzer, *Great Zapruder Film Hoax*, pp. 164–221). I don't know enough about medical x-rays or film editing to answer these arguments, but for the reasons given in the text, I do not have to do this in order to decide that the Lone Nut theory is rationally preferable to the Conspiracy theory.

12. The single exception is the theory of Howard Donahue as presented by Bonar Menninger. In his well-argued book, *Mortal Error: The Shot that Killed JFK* (St. Martins, 1992), Menninger contends that Oswald was the only one who intended to kill Kennedy, and that an accidental discharge of a Secret Service agent's gun also hit Kennedy. The only Conspiracy, then, was to cover up this embarrassing accident. Menninger's book contains a knowledgeable and lucid discussion of the firearms aspect of the assassination. (I believe the totality of the evidence now excludes the Donahue-Menninger theory.)

13. Stewart Galanor, *Cover-Up* (Kestrel, 1998), p. 91. Galanor says that Brennan "was unable" to identify Oswald, which is misleading.

14. Howard L. Brennan and J. Edward Cherryholmes, *Eyewitness to History: The Kennedy Assassination As Seen by Howard Brennan* (Texian Press, 1969), p. 22.

15. Dale K. Myers, *With Malice: Lee Harvey Oswald and the Murder of Officer J.D. Tippit* (Oak Cliff Press, 1998), pp. 63–65, doubts that the description was what made Tippit approach Oswald. Twyman, *Bloody Treason*, p. 19, says "No one knows how the description was obtained," an untruth.

16. On Tippit's murder, see Myers, *With Malice*. Highly selective accounts of Tippit's killing by Conspiracy theorists such as Twyman should be compared with Myers's detailed and sober study.

17. Norman Mailer, *Oswald's Tale: An American Mystery* (Random House, 1995).

18. For a fresh look at this often-told story, see Thomas Mallon, *Mrs. Paine's Garage and the Murder of John F. Kennedy* (Pantheon, 2002).

19. Fetzer, *Great Zapruder Film Hoax*, pp. 223–234.

20. Among many works promoting this theory, see G. Robert Blakey and Richard Billings, *The Plot to Kill the President* (Times Books, 1981); John H. Davis, *Mafia Kingfish: Carlos Marcello and the Assassination of John F. Kennedy* (McGraw-Hill, 1988); Seth Kantor, *Who Was Jack Ruby?* (Everest House, 1978); David Scheim, *Contract on America: The Mafia Murders of John and Robert Kennedy* (Shapolsky, 1988).

21. The closest approach to such an attempt is Twyman, *Bloody Treason* (currently the most impressive statement of the Conspiracy theory), pp. 25–64.

22. Lane, *Plausible Denial: Was the CIA Involved in the Assassination of JFK?* (Thunder's Mouth Press, 1991), especially pp. 91–114.

23. For an excellent refutation of Kennedy as a Vietnam dove, Kennedy as anti-CIA, and similar legends, see Noam Chomsky, *Rethinking Camelot: JFK, the Vietnam War, and U.S. Political Culture* (South End Press, 1993). Chomsky points out, pp. 144–45, that Johnson was more down on the CIA than Kennedy, and Nixon more so than Johnson. Note, however, that the argument from motive does not have to show what Kennedy would have done, but something much weaker: that the Conspirators *could not have been confident in advance* that Kennedy would concede defeat in Vietnam while Johnson would not, that Kennedy would abolish the CIA while Johnson would not, and so forth.

24. Conspiracy theorists claim that shooters can be discerned in photographs of the foliage at the top of the Knoll. See for instance the photographs in Fetzer, *Great Zapruder Film Hoax*, pp. 50–53.

25. *Bloody Treason*, pp. 57, 832.

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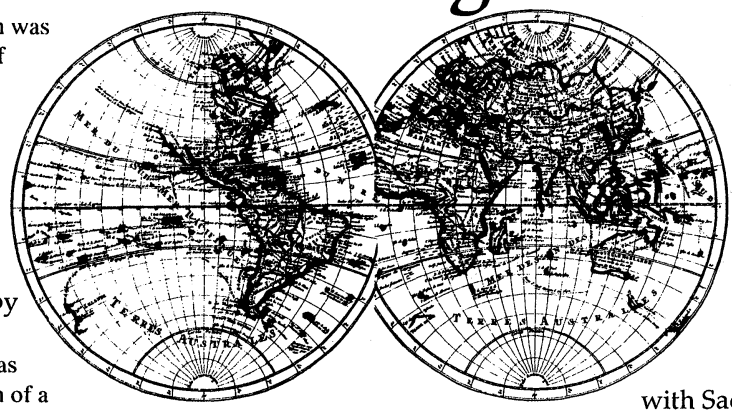

Canada

Advance in jurisprudence from America's progressive northern neighbor, from the *Seattle Times*:

A taxi driver was awarded damages after being fired with a pink slip that contained a "cold and perfunctory" tone.

Virginia

The *Associated Press* reports on a curious new currency:

A grocery store clerk accepted a $200 bill which was decorated with a picture of President Bush and bore the slogans "We like broccoli" and "USA deserves a tax cut."

Asia Minor

Curious dispatch from Turkey, published by *Agence France-Presse:*

A 4.4 pound hairball was removed from the stomach of a 17-year-old girl in eastern Turkey. The hairball is believed to be the product of hair eaten in the girl's childhood.

U.S.A.

Note on American journalism, from *U.S. Weekly*:

Beyoncé Knowles, solo artist and leader of multi-million record-selling trio Destiny's Child, has been quoted as saying, "If I had a dollar for every time [someone] says, 'You'll only get the cover if you take off your pants,' I'd be rich."

Washington, D.C.

Progress in the right to veterinarian-patient confidentiality, even as the right of human-physician confidentiality is undermined by the PATRIOT Act, from a dispatch in the *Washington Post*:

The National Zoo has refused to give a *Washington Post* reporter a dead giraffe's autopsy report because it would "violate the dead animal's right to privacy."

U.S.A.

Dramatic way to "show your support for America's military heroes," from an advertisement in *Parade Magazine*, offering a ceramic Teddy Bear outfitted in a camouflage uniform and helmet, clutching a machine gun:

To honor the brave dedication of the U.S. Armed Forces, The Hamilton Collection proudly presents "Front Line of Freedom," a tribute to all those who serve our nation. Filled with authentic details, this handcrafted figurine represents our fearless troops who have vowed to defend the United States, no matter where their mission takes them. Just one look at this bear's boundless courage and fierce commitment to his country, and your heart will fill with pride.

Show your support for America's military heroes. Reply today.

U.S.A.

Socio-political suggestion from pop idol Britney Spears, from an interview with Tucker Carlson of CNN:

"Honestly I think we should just trust our president in every decision he makes and should just support that, you know, and be faithful in what happens."

Germany

Fahrvergnügen in the land of Bach, from a dispatch by *Reuters*:

A motorist has been arrested for playing the flute while driving 80 mph down a busy highway.

Amman, Jordan

Curious report of interview with Saddam Hussein's daughters, upon their being granted asylum in Jordan, from a report by Ray Suarez of the Public Broadcasting System:

"The two daughters said that their father was loving and very tender, but they would not discuss his decisions to execute their husbands in 1996."

Florida

Dramatic educational reform in the sunny South, from a report in the *Kansas City Star*:

Politicians in the Sunshine State are considering allowing high school students to opt out of their senior year — and still graduate — in an attempt to remedy increasingly crowded classrooms.

Walnut Creek, Calif.

Ambitious attempt to establish a "nut-free zone" in this community, from the *San Francisco Chronicle*:

Valle Verde Elementary School in Walnut Creek has banned "peanut butter sandwiches and other nut products." School officials search lunchboxes and backpacks for such contraband and supervise their kindergarten students' washing their hands with soap and water.

New Jersey

Advance in Higher Education at Rutgers University, the State University of New Jersey, reported by the *Trentonian*:

Responding to student complaints that looking for parking in the crowded lots causes classroom tardiness, Rutgers will offer valet parking services to students at its Newark campus.

Special thanks to Russell Garrard, Owen Hatteras, and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertysoft.com.)

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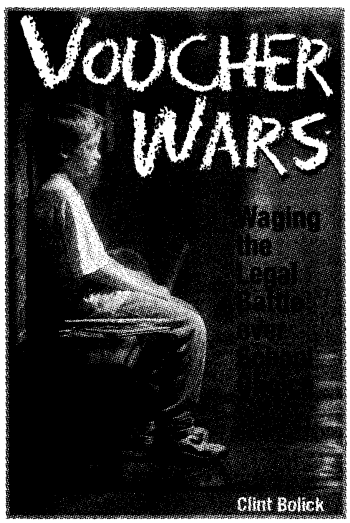

Voucher Wars: Waging the Legal Battle over School Choice
Clint Bolick

The recent Supreme Court school voucher decision has brought the issue of educational freedom and quality to national attention. This book recounts the drama and the tactics of the 12-year battle for choice and, in the process, distills crucial lessons for future educational freedom battles. March 2003
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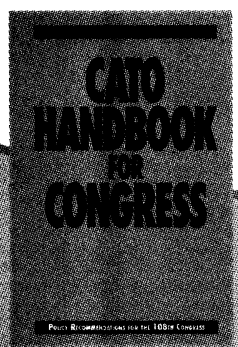

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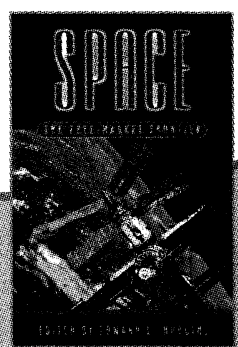

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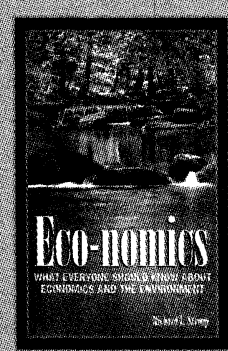

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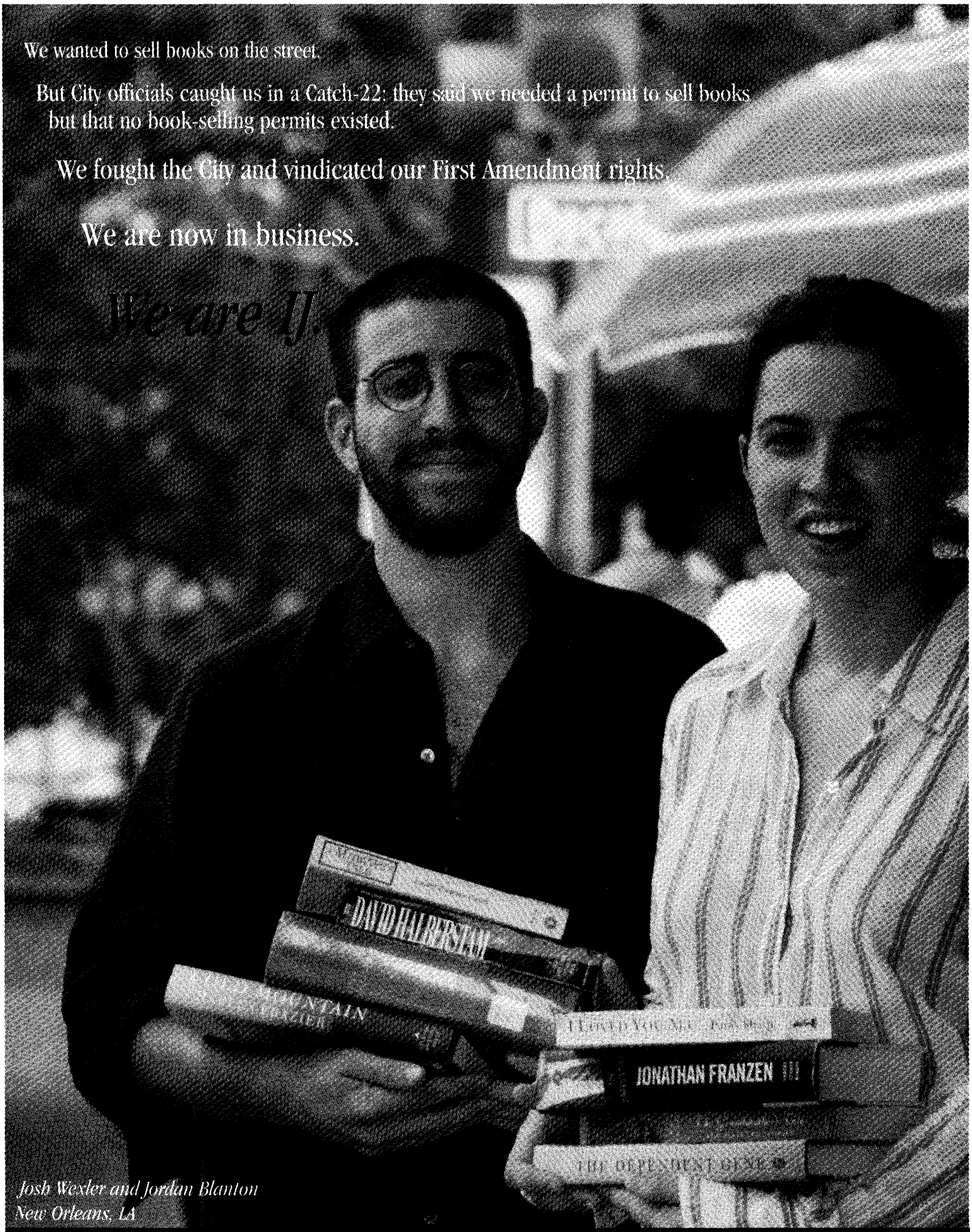

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Letters

Got What's Coming to Her

I just finished reading Jo Ann Skousen's account of her daughter throwing water balloons at parked cars. Thank goodness there were cops on hand to take her daughter to jail. Why was her teenage daughter vandalizing private property? Hasn't Skousen taught her daughter respect for other people's property? The police were justly defending private property. Punk kids vandalizing private property should never get off with just a slap on the wrist. Not even Skousen's daughter.

Skousen is completely wrong to argue that the police were overacting when they drew their guns, handcuffed, repeatedly cursed at, charged the teenagers with felony battery of a police officer, and refused for eight hours to allow Skousen's daughter to speak with her parents or an attorney. Skousen should accept that her daughter was caught in an act of vandalism and is now paying the price for hooliganism

Robert K. Stock
Medford, Ore.

Down the Drain

The Grassy Knoll wasn't all that crowded!

Geeez, and here I thought that TV's *Hardball* commentator, socialist Chris Matthews, was the only remaining person on the planet who still believed that Oswald shot Kennedy. Now *Liberty* (November) comes out with a story supporting that absolutely asinine and obviously incorrect notion. My flabber is gasted, my mind is boggled!

As an advanced degree design engineer who made straight A's in physics, and who has read perhaps a dozen books on the Kennedy assassination, when I saw the Zapruder film, I knew the "shot which killed Kennedy" had come from close to the ground in order to form the exit wound on the top of Kennedy's head. (There is absolutely no doubt that the hole at the top rear of Kennedy's head was an exit wound.) I later saw a British documentary which said that the fatal shot came from a storm drain at street level at the right front of the Kennedy car. The assassin could have simply exited the drain through the storm drain tunnel into a creek a few yards away without being detected. Probably three shooters (none of whom were Oswald) took a whack at Kennedy, but the one in the storm drain killed him! The probable shooter was a French Corsican mafia type who was later killed in South America while trying to perform similar deeds!

Moreover, the Mafia kingpin for New Orleans and southeastern U.S., on his deathbed, told his lawyer that the Mafia had made a big mistake in killing Jack Kennedy, that they should have killed Bobby instead!

The credibility of *Liberty* took a big hit with me on this one! For me, the British documentary explained all, leaving absolutely no doubt about how it happened!

Jim R. Siler
Santa Barbara, Calif.

Murdered by the Corsican Mafia

David Ramsay Steele contends that none of those who claim to have been part of a conspiracy to assassinate Kennedy "has produced names, dates, places, and other plausible touches" (p. 32n), but his review omits the one source which provides exactly that: Gregory Douglas's *Regicide: The Official Assassination of John F. Kennedy* (2002). Douglas was friends with the late Robert Crowley, former Assistant Deputy Director for Clandestine Operations in the CIA. Before his death in 2000, Crowley gave Douglas some of his papers. One of these documents, reproduced in this book with Crowley's handwritten notations, is a memorandum summarizing the ratio-

continued on page 4

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December 2003
Volume 17, Number 12

2 Letters Poison pens and love letters: a mixed mailbag.

5 Reflections We go biometric on the Canadians, demand affirmative action for couch potatoes, go drinking with Bill Clinton, get waylaid en route to a tryst, goto hell, crawl inside Saddam's mind, and pierce the veil of ignorance.

Features

11 The Republican Bill Clinton Count *R.W. Bradford* out of the love-fest for Arnold Schwarzenegger. Plus: *Stephen Cox* and *Ralph Reiland* on the elevation of the action hero to political superstar.

15 Limbaugh's Disease Thank goodness Rush is getting treatment! *Thomas Szasz* rejoices. Now maybe Limbaugh will be able to make something of himself.

17 Rescuing Free Trade From the Bureaucrats & Special Interests *Fred Smith* sifts through the ashes of the free trade talks in Cancun.

23 Gun Rights at the Supreme Court Is the "right to keep and bear arms" meaningless? That's not the Supreme Court's opinion, *Dave Kopel* reports.

28 The State Department, Senator Fulbright and Me Sometimes paranoids have real (silly) enemies, *Richard Kostelanetz* discovers.

35 Friedman Counterattacks In *Liberty*'s August issue, J.C. Lester attacked Jeffrey Friedman's "post-libertarianism." In this issue, *Friedman* and *Ari Armstrong* strike back — but do they convince *Lester*?

Reviews

42 Mass Murder in Deseret *William Grigg* looks into the history of the Mormon Church at a time when the Latter-day Saints were tensed for Armageddon and Utah was hostile territory for Gentile wagon trains.

47 The Critic and the Tyrants Marcel Reich-Ranicki was an astute literary critic, famously vicious to other authors yet strangely nice to Stalin. *Frank Fox* reads between his lines.

49 Blues in the Key of zzz How do you ruin the blues? Easy, says *Richard Kostelanetz* smother them in the blather of PBS.

50 The Tax Revolt That Worked *Michael New* explores why California's sky-high taxes are not even worse.

53 Notes on Contributors Scoundrels, raconteurs, and muckrakers.

54 Terra Incognita Why, God? Why?

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Letters, from page 2

nale and planning of Operation Zipper (no prize for guessing where the name came from).

The CIA found out that Kennedy was passing secret documents to the Soviets. Kennedy may have been convinced that the Joint Chiefs of Staff were going to lead the country into nuclear war over Cuba. The Joint Chiefs had expressed interest in covertly inciting war with Cuba in a plan called Operation Northwoods, but Kennedy rejected the proposals. It is also possible that photos of JFK in three-way sex may have fallen into Soviet hands.

Either way, the JCS and CIA were convinced that Kennedy was a threat to the country, and that impeachment or other legal removal was too uncertain and long-term. They hired Sam Giancana from Chicago, who brought in four Mafiosi from Marseilles. Crowley was evidently proud of his role in the plot. A memo to his boss, James Angleton, dated Aug. 10, 1964, says: "The forthcoming [Warren] Commission report is a wonderful piece of creative writing and will be extensively promoted by our good friends at the *NY Times*" (p. 194).

One person has mounted an ad hominem attack on Douglas on the Internet, but he seems, especially in light of Douglas's response, less credible than Douglas. I have found no evidence that Douglas's book is a hoax. If Steele has such evidence, he should share it with us.

Michael Acree
San Francisco, Calif.

The Public Fools Itself

As a longtime JFK assassination buff (since 1964, when in England I read Mark Lane's articles in the left-wing *National Guardian*), I read with great interest David Ramsay Steele's Historiography in the November 2003 issue of *Liberty* ("Wasn't It a Little Crowded on that Grassy Knoll?").The otherwise superb article, one of the most lucid and logical I have ever read on the JFK assassination, is marred by some egregious errors in a footnote about the Bush administration. It *might* have been a "calculated lie" if "Bush asserted that Iraq possessed newly developed weapons of mass destruction ready for immediate delivery against other countries." I am something of a news junkie, and never heard Bush assert any such thing. As a matter of fact, he said we needed to act against Saddam Hussein *before* the threat became imminent. (See, e.g., Bush's "State of the Union Address," 2003, where he said, "Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late.") Of course, Saddam Hussein had used WMD in the past, and the latest evidence from David Kaye's report indicates Hussein did have a program for development and deployment of WMD.

The other big lie that the leftwing and others continue to promulgate, which Steele calls "Bush's other big lie," is "that Saddam Hussein had something to do with 9/11." Bush and his surrogates *never* asserted or claimed that Hussein had anything to do with 9/11 (even though much of the public believed it, just as they believe in a conspiracy to assassinate JFK — since there are circumstantial reasons to believe both). In fact, they went out of their way to deny that, and pinned blame for the attack firmly on al Qaeda. So, they did assert a Saddam-terrorism connection, which has proven correct.

Ron West
Gulf Breeze, Fla.

David Ramsay Steele replies: The autopsy pictures show that Kennedy was hit twice from behind. The Zapruder film shows an eruption of material from the upper front of Kennedy's head, consistent with an exit wound. As I stated, if there were any hits from in front there must have been an immense conspiracy which

continued on page 52

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Reflections

Terrorists from the Great White North

— Bush administration officials reportedly angered lawmakers by refusing to take a stand on illegal aliens obtaining U.S. driver's licenses and by avoiding questions about the recognition of Mexican identification cards. The sidestepping comes on the heels of the Treasury Department announcing it will "leave in place rules that allow financial institutions to accept Mexican identification cards, called *matricula consular*, which often are used by undocumented immigrants to open bank accounts."

The move was applauded as a victory for immigration and Latino groups, who traditionally vote Republican. Bush is unlikely to alienate the Hispanic population before next year's presidential election. According to the Census Bureau, that population continues to explode in size within the U.S., especially in the South and West. Those who wonder why the Bush administration is "casual" about the ID of Hispanics while pushing vigorously for imposition of biometric passports for Canadians need ask themselves one question: how many Canadians will be voting in the next presidential election?

—Wendy McElroy

Unsportswomanlike conduct

— On NPR the day of the Supreme Court decision on affirmative action, the topic was achieving balance in collegiate sports. The host said, "The U. S. population is 53 percent female, so I guess we should aim for 53 percent female participation in college sports."

This is an amazing statement, even leaving aside its confusion between the percentage of women in the United States and the percentage of women in college. If this woman had ten children and the percentage of blacks in the United States were ten percent, would she feel it necessary that one of her children choose a spouse of that race? Or is it sufficient that her children have all marriage options open to them so they can choose freely? Currently, there are no barriers to entry for women in collegiate sports, other than the inability of most women to engage in, say, collegiate-level football, or the interest level of many women in playing certain sports. Should women be drafted to achieve gender equality in sports? Should taxpayers be dunned to allow the government to bribe more women to engage in sports they would normally forgo? If this led to the vaunted gender equality sought by this NPR host, and it resulted in dramatic loss of fans' interest in watching collegiate sports, would she mandate attendance?

Currently couch potatoes in their late 40s make up about three percent of the population, yet not *one* is represented in collegiate football! Who will address this travesty?

— Ross Levatter

High times at White House High —

Maybe I was a little too hard on Bill Clinton. In retrospect, he seems quite likable. I bet he's the kind of guy who would never let your beer get empty. Of course, he also seems like the sort who would skip out, leaving you with the tab, pretend he forgot to leave you with some money when he took that chick home, and promise to make it up to you next time. He's like that buddy you loved to party with in college, until he met this girl you couldn't stand and started bringing her to everything.

— Tim Slagle

Affirmative reaction

— Despite the ban on racial preferences in California school admissions since implementation of Proposition 209, UC Berkeley was recently found to be accepting a disproportionate number of minority applicants with below-average qualifications. The color-blind standard mandated under 209 still allows schools to consider a student's "disadvantaged" background, a loophole pro-preference admissions officers have evidently exploited.

What's more surprising is some of the public reaction here in the Mecca of political correctness. An on-line poll by SFGate.com, a left-leaning news site affiliated with the *San Francisco Chronicle*, showed an amazing 83 percent "no" response to the question: "Should minority students be admitted to UC Berkeley with sub-par scores?"

One might shrug this off as some unscientific fluke, except that the same thing happened back in June when the

Supreme Court caved on the subject of racial preferences in the University of Michigan case. At that time the liberal SFGate crowd went 57 percent against the court, responding that "admissions should be colorblind." I remember re-reading the question and responses and at first thinking I must have it backwards; I'd never seen an SFGate poll that wasn't clearly tilted the other way on any socio-political question.

I have no idea why this one issue seems to be resonating to the Right at this time. Maybe the Jayson Blair disaster triggered an enlightenment experience for some of the *New York Times* devotees I see around me every day. Maybe others reflected on the irony of Sandra Day O'Connor's statement justifying her support for affirmative action in the Michigan case, saying we probably wouldn't need it 25 years from now. Isn't that what they were saying 25 years ago? But I admit I'm fishing around — I'm intrigued by this, but I really don't get it. — Michael Drew

Check pointless — Somewhere in my town, this very night, an evildoer is creeping into a bedroom not his own. He's bent on robbery, murder, rape, and other obsessions of the criminal mind. Meanwhile, about 900 yards away, two police cars have set up a checkpoint on the highway. They're checking seat belts.

No matter how talented our cops, they can't nab burglars and enforce the state's governance of our private habits at the same time. Even an unbelted blockhead knows that one price for seat belt laws is undetected burglary. Even students failing Economics 101 know that every human transaction bears a fee in time, money, or opportunity. Shrewd thieves with degrees in economics vote in droves for seat-belt legislation.

But cops aren't economists, and if I were a cop choosing between pleasant conversations with careless motorists and encounters with drug-, alcohol-, and poverty-crazed midnight marauders — well, guess my choice. Unlike politicians who write seat-belt laws, cops are rational.

The National Highway Traffic Safety Administration says 4,200 lives could be saved annually if 90 percent of us buckled up. Those harsh, metallic clicks are Beethoven's *Fifth Symphony* to the ears of the NHTSA. So they'll bluster and bribe municipalities to roadblock streets and highways. How many cops, you have to wonder, are sucked away from fighting crime? And how many undetected felons are creeping through bedroom windows?

Washington offers incentives to cops: write 40 seat belt tickets in a three-month period and you get a cute little model police car.

And while we're compiling costs, how many heart-attack victims bound for the ER perish at that deadly checkpoint? "Officer, I really gotta get to the hospital . . . " and then the click of closed eyes. Talk about costs. And what about other costs of delay? Delay to work and consequent dismissal, delay to amorous assignations. ("I tell you, Heathcliff, I was gonna be by the big rock on the moors by 9:15, but the seat-belt checkpoint stopped me cold." Farewell romance.)

If each member of the state legislature who voted for primary seat-belt laws volunteered to donate an hour a night to man a checkpoint out on the highway — gratis, no charge to us tax-paying motorists — well, that's different. Still a humiliating invasion of privacy, but no cost in murder, rape, and robbery due to misallocation of crime-fighting resources. Sad to say, the volunteering spirit, even in Tennessee, has not yet overwhelmed the hearts of many state legislators.

The politicians feel free to crowd in beside me in my Mazda and inspect my use of that strap with a buckle on the end. But they won't invite me, their employer, to the closed hearing on the new tax plan, which will yield proceeds to be used in highway blockades that make me tardy to work. Why are they so disrespectful of my privacy, but so zealous in guarding their own, even when they're legislating my motoring future? They also won't allow me to check out their bathrooms to see if they've got safety strips in the shower and tub bottom. If they're involved in my personal adventures in risk-

taking, why not a quid pro quo? Guess how many of us fall, conk our head, and are subsequently buried due to the lack of shower and tub safety strips. More than 4,200 of us, I bet. Or how about death by barbecue — which could be avoided by mandating all-brick, no-wood construction in public buildings. That has costs, too. Just ask the Lumberman's Association of America. They'll find plenty.

In my state, freedom reigns. There's no mandatory brick construction law — yet. But they did run a "click it or ticket" campaign for half of May and all of June. It was an immense success with 14,061 citations. (And probably at a cost, says the skeptic, of roughly 80 rapes, 150 homicides, and 200 burglaries.) 1,463 checkpoints were set up. (Costs: 6 heart-attack victims late to the ER, 150 workers docked for tardiness, 200 romances unconsummated.) A bonus of our state's obsession with our safety was the issuance of 533 "child restraint" violations. Alabama's loving kindness toward motorists is not matched by its verbal skills. Child-restraint violations are not what they sound like — they mean unbuckled or improperly buckled kids. Great! My state is now in the child-rearing business like the 1921 Petrograd workers' councils in Bolshevik Russia. That's progress?

Thanks to heat from the Feds, Alabama now has a primary — not a secondary — seat-belt law. This means the bluesuits can stop and ticket a seat-belt offender solely for that sin — not because they stopped him for speeding and noticed his unbelted condition. And they can set up those deadly blockades to catch the unbelted. This is a powerful new weapon in law enforcement, like RICO.

And evidently it works, because a recent government survey breathlessly announces that seat-belt use is higher in states with primary seat-belt laws. *Wow*, would you believe it? Who would be surprised that if the state got the power to monitor my car radio and fine me 50 bucks for listening to rock and roll, I switch to Strauss waltzes? We motorists may elect state legislators who regulate our personal habits, and we may even be self-destructive, but we are not irrational.

The state of Washington uses what the strapped-down bureaucrats call "emphasis patrol," another cloudy phrase like "child restraint" violations. (Euphemisms flourish in this land of statist make-believe.) And Washington, a state that teaches computer skills in grammar school, but evidently not English ("emphasis patrol"?), offers incentives to cops: write 40 seat-belt tickets in a three-month period and you get a cute little model police car. If you ask me, writing 50 tickets ought to get them a transfer to New Hampshire, the only state that has no seat-belt laws.

None of the above is intended to silence that giant clicking sound. Yes, seat belts save lives. It's just that among the slings and arrows of outrageous fortune, seat-belt carelessness is only a nuisance, overwhelmed by tides of potential calamities. But even more importantly, as that old country song says, it's "nobody's business but my own."

— Ted Roberts

Alabama ran a "click it or ticket" campaign for half of May and all of June. It was an immense success with 14,061 citations — at a cost, estimates the skeptic, of roughly 80 rapes, 150 homicides, and 200 burglaries.

Teetotal nonsense — On a trip to Texas, I stopped at a steakhouse for dinner. After I ordered my meal and drink, the waitress asked me for my "Unicard," which stands for "universal identification card." It's an ID used

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Word Watch

by Stephen Cox

A reader who is not a libertarian but who follows this column and is therefore a great American anyway, has notified me that "fusion words," as he calls them, have increased, are increasing, and ought to be diminished. He's right.

By "fusion words" he means such diseased expressions as:

incase (incase you're wondering what happened to my space bar);
alot (I know there are alot of these misspellings);
breakup (where I didn't breakup my words);
goto (but you know where you can goto);
alright (if it's not alright with you);
turnoff (and when you leave, turnoff the light).

I'm not sure why people write things like that. They've been writing some of them for a long time: witness "alright," which has been kicking around long enough to shed its second, vestigial "l." Occasionally one of these impostor words even succeeds in legitimizing itself. The best example is "online," the Internet word. You can tell from the pronunciation — the little pause between the two syllables, the unnatural accent on the second — that "online" did not start out in life as a normal English word. It's two words, jammed together.

Fortunately, "on" and "line" are never fused in any but digital environments. No one writes, "She waited online for tickets." (Of course, nobody except metropolitan New Yorkers and people subject to the radiations of the New York dialect says "waited on line" in the first place. Everybody else says "in line.") "Online" is a linguistic adaptation to a new technological context. It may not deserve its success, but you can see how it got it.

Fine. But what new situation mandates "I don't know; it's upto you?" None. It's just the result of a primitive misunderstanding on the part of people who are used to hearing "up" before "to" and who therefore believe that they're in the same word. One possible synonym for "a primitive misunderstanding" is "illiteracy." That may sound harsh. But if you're literate — if you're actually able to *read* — you are aware that "upto" is not a word. You don't read it in Jane Austen. You don't read it in Ernest Hemingway. You don't read it in *Mad* magazine. You may read it in the *New York Times*, but that's because nobody proofreads the *New York Times*. Anyone who reads can pick up on this stuff. If you can't, you're illiterate.

Harsh? Not harsh enough. To be literate means to have mastered a certain system of signs and significations. It means being able to notice verbal patterns and distinctions, in the same way that being "computer literate" means being able to notice patterns and distinctions among electronic and mechanical phenomena. I am not computer literate. I can use a computer to do a few things, but when a list of "options" pops up, I usually cannot distinguish among the various items on the list. I would make the same kind of comment about a driver who could turn the steering wheel but couldn't distinguish a caution sign from a stop sign. He might slow down for both of them; he might even get where he wanted to go, but he wouldn't be highway literate.

So don't blame your computer for the eerie growth of fusion words; blame the education system. Signs from the fellow inhabitants of my building, who are not exactly addicted to the computer screen, yet who are not exactly sharecroppers, either, often beg people to "cleanup" after themselves and predict that water will be "shutoff" for repairs. But I can't conclude without quoting my loyal reader, who mentions a set of computer instructions that whispers modestly, as to the soul's own ear, "We assume for our example that in this application you use option-click and escape alot." Ah, escape alot with me, / The best is yet to be . . .

Political note — It's back. In his first debate with the other Democratic presidential candidates, Wesley Clark declared, "I've come up with a better economic plan in the past ten days than George Bush has come up with in two years in this country." Question: what doesn't belong in that sentence? Answer: the last three words.

Some time ago I remarked in these pages that you can always tell a leftist, because he can't avoid saying "in this country." It's the Left's most prominent shibboleth. It first came to national prominence in the 1972 film *The Candidate* (a good film, despite what follows). Robert Redford plays a modern liberal politician who is running for governor. During a debate with his conservative rival, he manages to work up a fit of self-righteousness about the debate itself: "We haven't discussed race *in this country*!" Well, fine. But what were they doing instead? Discussing race *in Moldova*?

"In this country" is an especially ridiculous verbal tic: it never adds anything to the thought, but it always occupies the last, and therefore climactic, spot in its clause, as if it really meant something to realize that there *is* a country and that *this is it*. Also, there's the sly little implication that "this country" is a very weird and backward place, not at all like those other countries, because it is inhabited by "Bush" or allows "handgun ownership" or lacks "single-payer" (i.e., government) healthcare, or won't learn the metric system, or any of these other becauses that professional uplifters and nags are embittered about. The implication is sly, and it's small. It stands just out of the limelight, embarrassed to be seen too clearly. But during the next sorry year, we can expect the Democrats to use it constantly. Let's just hope that it doesn't spread to anybody else.

throughout Texas to prove that you are eligible to drink in a dry or semi-wet county. Drinkers once had to be members of a supper club in order to enjoy some spirits.

For a small fee of two to five dollars you can apply for a Unicard. If you don't have a Unicard, you're charged a small fee for that day, depending on the county. An establishment serving liquor is a "club," and its "membership committee" has three days to consider your application. Presenting it at another participating liquor establishment is considered applying for membership at that private club as well, starting the temporary membership process all over again. However, in some wet counties and bars, the fee is waived.

What is the point of a Unicard? If a group sits down at a table to drink, only one person has to show his Unicard for the whole table. Why? Isn't the purpose of the card to check whether each drinker is cleared by the state to drink at the bar? Well, no: the Unicard is only a sloppy way of keeping tabs on the number of drinkers — or on the amount one drinks. A person can flash a Unicard that's torn, tattered, and ten years old, and they'll still serve him alcohol. The Unicard is an artifact of outdated liquor laws that manages to rake in a few tax dollars for the state.

If I seem frustrated by this, it's because I am. I can't find any credible information about the Unicard on the Web. There is nothing at texasonline.com or the website of the Texas Alcoholic Beverage Commission. My father and mother, both Texans, are unfamiliar with the Unicard law. A Texas friend told me that laws about the Unicard vary from county to county, town to town, and district to district, but knew nothing more. None of my relatives in Texas are familiar with the law.

On three separate occasions, I asked bartenders the reason for the continued use of the Unicard in Texas. None had the foggiest clue. How can the citizens of an entire state put up with this arbitrary enforcement of vague liquor laws? Texans aren't known for teetotaling. — James Barnett

Back on track — One of the changes in education over the past 50 years is the demise of "tracking" — grouping students according to ability. In a 1950s New York City grammar school, for example, the top sixth-grade class was officially labeled 6-1, the next was 6-2, and so on down. Not very subtle. Gradually, tracking succumbed to new ideas about diversity, equality, and self-esteem. It was replaced by classes that mingled all levels of skill.

But today — in high school at least — tracking is back, thanks to Advanced Placement classes. A *Newsweek* cover story has called the surge of AP classes "a transformation of American secondary education." The magazine even created a new "100 best" list of public high schools in America, based on the number of students taking AP tests (or the IB test, a European-based equivalent), adjusted by the number of graduating seniors.

AP classes are supposed to be college-level courses for unusually capable high school students. Each has a national standardized test, given once at the end of the school year. At some universities, scoring well does allow students to get college credit, but that is not why AP classes are sweeping the nation. Rather, they allow the best students to be grouped into the same classes, and (in an era of grade inflation) their scores signal to colleges who those students are. According to *Newsweek*, Harvard treats the AP test as "a better predictor of college grades than the SAT." (Students typically retake the SAT tests, but generally take an AP exam just once.)

Students are studying two or three AP courses at once, starting as early as the sophomore year. I harbor some doubt as to whether these kids are ready for college-level courses, and although the classes are tough, I don't know how they compare to what college freshmen experience. The course design is driven by the national tests, so there is little room for teacher creativity or lengthy investigation into non-test topics.

So there's good and bad in the AP phenomenon, but it illustrates how people get around restraints imposed on them. In this case, education gurus pursuing philosophical goals frustrated parents who were eager to get their children into top colleges and teachers who were tired of indifferent pupils. Entrepreneurial, dissatisfied people do not stand in line waiting like sheep to be shorn. They figure out solutions. AP tracking evolved as a way around

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the ban on ability grouping. It may be an inefficient solution, but it seems to be satisfying much of affluent America.
— Jane S. Shaw

The veil of ignorance wears thin — State-guaranteed medicine for all is an idea now embraced by the left half of the political spectrum. I find it even in the new book by Gregg Easterbrook, a writer I had not thought of as a leftist. The book, *The Progress Paradox*, is mostly about how Americans feel worse about living better. Then, at the end of the book comes the author's own ideas to fix the world, starting with medicine.

Says Easterbrook, "The failure of the United States to see that every one of its citizens and legal immigrants has adequate medical insurance remains one of the scandals of our age."

Why? Because, he says, "To become ill or be injured is not a moral failing. In most cases, illness or injury are, fundamentally, accidents — and a prosperous, compassionate society must insure all its members against accidents."

I'll admit that if people's successes in life were mainly the result of accidents, the welfare state would make a lot of sense. Certainly the push to socialize medicine is based partly on the idea that the need for care is a result of accident. Yet I think of the two times I have been in the hospital for serious injury. One resulted from reckless driving by someone else and one from the reckless use of a rope swing by myself. The only person I ever watched die was a smoker who was stricken with lung cancer.

I wonder whether Easterbrook would disallow a claim if the insured party helped to cause his own condition? Probably not.

And what counts as an accident? Heart disease, stroke, cancer? These are the big killers of old age. Most of the expenses of the medical system are for old patients — patients who *knew* they would probably be facing one of these diseases.

Libertarians oppose the claim of socialized medicine with an argument about individual rights. But this argument, which is about what individuals ought to be allowed to do, would make no sense if their lives were corks in a creek, meaning that they could not actually take charge. Fundamentally, libertarians are willing to make accidents an individual responsibility because they believe that accidents are an exception to the rule that people make their own luck.

Easterbrook never considers this. Like so many egalitarians, he never argues for his premise. He merely states it. In a book of more than 300 pages, he asserts the case for universal medical coverage in two pages and moves on.

The scary part is that most people I know would agree with him.
— Bruce Ramsey

Laissez download — Ignored in the debate over whether the music industry has a right to sue those who download music without paying for it is an important economics lesson. We say that a corporation cannot continue to make so-called "obscene" profits for very long before a competitor will appear within the market to challenge the monopoly. The reason the music industry is in trouble is that technology has reduced the cost of recording music down to pocket change. Had the music industry's prices reflected that reduction, or if it had embraced MP3s rather than attacking them, the industry would not be in trouble. Until they start building websites where music can be downloaded quickly and at a reasonable price, the only people who are going to make any money will be their lawyers. — Tim Slagle

Another Dangerous Drug

It seems that Rush Limbaugh isn't the only bellicose conservative with a drug problem. An upcoming issue of *The National Enquirer*, which broke the Limbaugh story, will reveal that many top officials in the Bush administration are addicted to a drug called Hubris, a powerful cocaine-like stimulant that is said to give users a sense of power and invulnerability and is patented and distributed by Nemesis, the Greek pharmaceuticals giant. The literature on the drug, dating back to the 5th century B.C., lists serious side effects, including patricide, incest, blindness, madness, chronic attacks by furies, and (more recently) an irresistible urge to station beleaguered troops among sullen, resentful populaces. Nevertheless Hubris is frequently prescribed by syndicated pundits, talk-radio hosts, drunks in bars, and other professional anger-mismanagement consultants, and its street name, "Chickenhawk Viagra," suggests its potent appeal. For centuries ill-fated conquerors have been told, "Don't leave home without it," and it's currently being marketed in a major-media campaign by Careen, Skidmore & Lurch, a Madison Avenue advertising firm, under the slogans "Put Zoom in Your Doom" and "Seize the Day, or Seize Something."

A research team at Johns Hopkins has found that rats fed Hubris and placed inside a labyrinthine trap were much more likely to describe the trap as a successful ongoing operation than a control group of rats fed a placebo. They were also much more likely to receive employment offers from the Fox News Channel. Although Hubris is being legally sold in pharmacies after the FDA, following a careful 27-year approval process, concluded that it was, like, totally cool, there is also an active black market for the large quantities of the drug needed to really get in over your head. According to the imminent *Enquirer* report, addicted Bush administration officials have been sending the White House housekeeper out to D.C.-area parking lots to procure it from furtive dealers known as neo-con artists who secrete the contraband capsules in hollowed-out copies of the collected works of Leo Strauss. Meanwhile, at the Ozymandias Institute, a treatment facility designed specifically to care for Hubris addicts who find themselves sinking in desert sands, doctors said that there were openings in their detox program for senior administration officials who had reached the point where they'd much rather occupy a nice quiet padded cell than a country.
— Eric Kenning

The Republican Bill Clinton

by R. W. Bradford

It sounds too good to be true — Californa voters have just elected as governor a social liberal and political conservative. What could be wrong with that?

Pardon me, but I shall not join my libertarian friends who are celebrating the election of Arnold Schwarzenegger.

Sure, he can't do much worse as governor than Gray Davis, the reductio ad absurdum of conventional left-liberal Democratic politics. Davis' entire career was spent in politics, first as a professional staffer to elected officials, then as an elected official himself. His modus operandi has always been the same: give special interests whatever they want in return for dollars or votes. Get elected using the votes and dollars the special interests provide.

In times when business is good and tax receipts are high, this works fairly well. And when tax receipts skyrocket thanks to huge profits from an irrationally spectacularly bull market, it works spectacularly well: there is more than enough money to deliver favors to every interest group.

But when reality hits the stock market and the zillionaire owners of stock options become mere millionaires and the flow of cash into the coffers of the state falls sharply, the process doesn't work so well. Since Americans have long believed that prosperity is the product of government, declining prosperity brings declining popularity.

Faced with this situation, the only way Davis could figure to increase his popularity was to increase the rewards he gave to the interests that supported him. This meant even more spending and a bigger deficit — and a financial crisis, if your constitution prohibits budget deficits, as do 49 of the 50 states. (Happily for President Bush, who is in more or less the same situation, the federal Constitution contains no such prohibition).

Making Davis even more unpopular and adding to the state's financial woes was the absolutely moronic approach that Davis took toward government control of the distribution and production of electric power. He oversaw partial deregulation of the system, enough to put residents of the state in the perilous situation of having no long-term supplies in a very volatile market. When the crisis inevitably happened, he reacted exactly the way a person with absolutely no familiarity with how markets work — that is, a person like himself — always reacts: with panic and sheer stupidity. He made long-term contracts to buy power at the spiking prices. The brownouts ended, but the state's treasury hemorrhaged and business activity, as well as ordinary life, was hurt by higher power prices.

There were 135 candidates on the ballot to replace Gray Davis. Any one of them would be better than he was, if only because by chance, they'd be bound to do something that made more sense.

Schwarzenegger was elected to replace Davis because he was a star and because he failed to annoy very many voters. Part of the way he did this was by refusing to take on the socially conservative views that are a requisite for surviving a Republican primary. But it is easy to overestimate the impact of his moderate (i.e., more-or-less libertarian) views on abortion, drugs, and homosexuals: all he did was refuse to embrace these social conservative views or repudiate various comments he'd made in the past that seemed coherent with a more libertarian approach.

Probably the four campaign promises he made were much more important factors:

1. He would not raise taxes.
2. He would not reduce spending on education, the most popular government subsidy program.
3. He would eliminate a particularly unpopular increase in car taxes that Davis had enacted in an attempt to reduce the budget shortfall.
4. He would eliminate the state's budget deficit.

He refused to say how he would solve the problem, and for very good reason. There are only two ways to reduce the deficits: cut spending or raise taxes. Schwarzenegger not only promised not to raise a single tax: he also promised to eliminate an existing tax that annually produces $12 billion in revenue. So he obviously has to cut spending. The size of the deficit, and his promise to leave education spending intact, means that the spending cuts from non-educational programs will have to be huge. Cuts in any program inevitably alienate the people who benefit from the program, and huge cuts in many programs inevitably alienate huge numbers of people.

Arnold made the same decision that Gray Davis would have made: just promise to solve the problem and worry about details later, after the election.

So Arnold made the same decision that Gray Davis would have made: just promise to solve the problem and worry about details later, after the election. Add to this his massive celebrity, ample financial resources, skill at public relations, and the support and advice of his Kennedy relatives — and his victory was almost inevitable. But voters have no idea how he will deal with the crisis he faces.

In an ideal world, I suppose, he would argue that his huge plurality is a mandate from the electorate for radical action and convince California's overwhelmingly left-liberal Democratic legislature to cut back all sorts of spending. Of course, in that ideal world, Bush would apologize for undermining our civil liberties and instigating a jihad against Iraq, end the War of Drugs, and veto just about all spending authorized by Congress.

We don't live on Big Rock Candy Mountain. It's hard to predict with any kind of accuracy what will happen in the Golden State, but the chances that Arnold will have the will to pursue the needed spending cuts are infinitesimal. In the two weeks following his election, all he did to address the problem was to meet with President Bush to ask for federal aid.

Of course, Schwarzenegger's evasion of his responsibility to give voters even a glimmer of how he'll deal with the crisis caused little concern among California voters. Americans have long believed that whenever they face a political crisis, a leader will emerge who is able to deal with it effectively. That's why we remember Abe Lincoln, Teddy Roosevelt, and Franklin Roosevelt as great men. Arnold is simply another politician promising miracles. Who better than a man who has portrayed dozens of heroes?

Why did Arnold run for the nation's second highest office? As nearly as I can figure, his motivation was pure lust for power. Like Bill Clinton, he is a specimen of politician in its purest form, a man with no convictions except the belief that the world would be a better place if he were running things.

Such men are actually the least influential politicians of all: they are merely pawns of the incentives they face, the interests they represent, and circumstances completely beyond their control.

I don't know what Arnold will do as governor. But I know enough to rejoice that I am not a resident of California.

Terminating the Democratic Machine

by Ralph Reiland

A Nazi groper, running the fifth-largest economy on the planet? I mean, this time you gotta see why left-liberals are mad!

Nixon was one thing, with the hiring of burglars and all to lift McGovern's secrets, and the bombing of Cambodia on the sly — and goofy, like when he'd shoot his arms straight up in the air like a giant V, I guess for Victory (or maybe it was a big human Y, for Yes), but at least Nixon didn't pronounce it "Collifornia," and he didn't grab up a Kennedy woman for his own. No, this time it's worse. I saw the nude Arnold photos on Drudge. Nixon wouldn't even walk along the surf without wearing his suit and tie, and dress shoes.

And I can empathize with left-liberals on why it was bad during Reagan. Sure, they snickered at the beginning. Here's a guy with no economics courses from Harvard. But then inflation dropped from 13.5 percent to 1.9 percent and it was harder to keep up the laughs. Harder still when unemployment fell from 9.7 percent to 5.3 percent.

And the Communist thing wasn't so easy for liberals under Reagan. No one at Yale in 1982 was saying that the Soviet Union was ready to collapse, or that it was "evil," or that democracy was going to toss Communism on the ash heap of history. And yet here's a guy from *Bedtime for Bonzo* who gets it right, on all three counts.

Still, that was all easier for left-liberals than what's going on now in California. Reagan's dad was no storm trooper, on the wrong side, and Reagan never told a story about how he and the boys got bucked up behind the curtain before going out on stage, and no one at the gym came forward to say that Reagan said blacks weren't sharp enough to run South Africa.

And I can understand why left-liberals hate George W., straight from those days of the hanging chads right up to when our troops just shot past the Baghdad museum and didn't even bother to stop and make sure no one was looting any old pots. But still, bad as that all is, Bush has never been caught tossing subordinates up in the air and carrying them above his head into the men's room, and, far as I know, Bush has never said that you've got to give it to Hitler for the way he whipped up those crowds at the Nuremberg stadium.

The lesson in all this? For all those accusations and last minute pop-ups against Schwarzenegger, it wasn't clear on election day how much of it was true and how much was just trash politics. What is clear is that the mud balls didn't stick. Voters seemed more interested in cleaning up Sacramento than in electing Mr. Clean. And, hopefully, what that might mean, if the media guys are paying attention, is that we're going to see a lot less mud in the next election.

Another lesson, and one that's not such good news for the Democrats, is that Republicans can now see what's in a winning ticket, even in Democratic strongholds, like with Giuliani in New York and now with Schwarzenegger in California. What won in both cases is a policy mix of fiscal conservatism and social liberalism, a position that's consistent, i.e., consistently libertarian, in that it seeks to put a lid both on how much the government can grab out of our wallets and on the regulations and laws that mandate how we live.

In Schwarzenegger's case, that comes down to a stance that's pro-business and anti-tax, a perspective that's pro-choice on abortion and supportive of gay civil unions. It's a position that sees free-spending legislators as the problem, not individual freedom.

Bottom line: it looks like this isn't, as they say, your father's Oldsmobile. Under the headline "The New Republican Party?", here's how *Sacramento Bee* columnist Daniel Weintraub described the scene on the steps of the capitol the day before the election: "Arnold Schwarzenegger plays guitar while Twisted Sister singer Dee Snider sings the campaign anthem, 'We're Not Gonna Take It.'" The rally at the state capitol drew about 10,000 supporters and was a rainbow of ages, races, and social statuses.

No wonder the Democrats fear Schwarzenegger.

30 Ways to Lose Your Governor

by Stephen Cox

Here are 30 things I will always remember about the California recall election:

1. Gov. Joseph Graham "Gray" Davis Jr., now deposed, referring to the recall as a "joke."

2. Former Gov. Joseph Graham "Gray" Davis Jr., dismissing "this recall" as "just a buncha sour grapes by a buncha losers."

3. The organized bodies of businessmen who passed resolutions deploring the recall campaign, and who sent their spokesmen to visit the media to laugh at the idea that a governor who had racked up a $38 billion deficit might not be good for business.

4. The 20 high officials of the University of California who, four months ago, looked back at me like restless dachshunds when I asked how they thought the recall would affect the university. One of them mentioned that he'd heard on National Public Radio that there wouldn't be a recall. Another said that we'd wait and see if there was one. There was one, all right.

5. The Democratic operatives who assured the media that their secret polling data inspired great confidence in the governor's survivability, and whose assurances were routinely headlined by the press and the three established networks, right up to the end.

6. Chris Matthews, famed for his lifelong experience as a political insider, who predicted on the eve of the election that Gov. Davis would survive and that Democratic Lt. Gov. Cruz Bustamante, the only man whom Californians detested more than Gov. Davis, would beat Arnold Schwarzenegger in the gubernatorial replacement vote. Final vote tally, recall question: Yes, 55.3%. Final vote tally, gubernatorial replacement question: Arnold Schwarzenegger, 48.7%; Cruz Bustamante, 31.7%.

7. The *Los Angeles Times'* contention that the timing of its publication of "groping" charges immediately before the election was for reasons other than the difficulty of locating, among the casts of thousands who have hung out on Schwarzenegger's movie sets during the last three decades, enough females willing to make anonymous charges against him.

8. CNN's expert on the media, who, when asked if there might be anything to the public's idea that the *Times* had simply lain in wait to smear Schwarzenegger, replied (I swear to God, this is what he said), "I haven't read the stories involved, but I've talked to the editors. . . . It went through the natural journalistic process."

9. The woman who showed up at a feminist rally against Schwarzenegger to voice her outrage against him for

grabbing her behind and telling her that she had "a nice ahs," a quarter of a century ago.

10. Sen. Joseph Lieberman, oft called the Conscience of the Senate, responding to the last-minute attacks on Schwarzenegger's reputation: "You know, after reading in the paper this morning about the pill popping and skirt chasing and Hitler praising, it would be very tempting to point out Republicans' hypocrisy on values. But would it be right to do? Absolutely."

11. Peter Camejo, gubernatorial candidate of the Green Party, the party of principle, defender of civil liberties and equality for all, discussing the last-minute allegations, largely anonymous, against his opponent: "If he were a black man, he'd be in jail. If he was brown, he'd be in jail. If he were a poor white he'd be in jail. What does it tell us about our society that a rich white person can do the type of things that he's alleged to have done?"

The governor contended, throughout the campaign, that although the state is $38 billion in the red, "we do not have a budget deficit. The budget is balanced."

12. The news personality on MSNBC who on election day referred, in her best reportorial manner, to "Arnold Schwarzenegger's victims."

13. Gov. Joseph Graham "Gray" Davis Jr., solemnly weighing the accuracy of the largely anonymous charges against his opponent: "Are all 15 women and their families lying?"

14. The voters who refused, for once, to take any such nonsense seriously.

15. The servants of the established media, who assumed, as always, that the voters did, would, *must* take it seriously.

16. Gov. Davis' complaint that the recall election would cost $60 million, $70 million, or $80 million (various figures were cited) — at a time when the state was paying $29 million a day to finance the monstrous debts needlessly incurred by his administration.

17. The name of Gov. Davis' leading front group: Californians Against the Costly Recall.

18. CNN *Headline News*, identifying the recall as "the election, which is costing $55 million."

19. Leading Democrats' insistence that recall elections, formerly a central plank in the progressive platform, were plainly "undemocratic," since they might result in the deposition of a sitting governor.

20. Gov. Davis' insistence that the recall election was an "insult" to the "eight million voters" who had made him governor. Final vote tally, 2002 gubernatorial election: Davis, 3,533,490; 47.3% of total votes cast.

21. Gov. Davis' insistence that, because of him, California's "environment is the best in the nation," a statement that sent Californians scurrying to their encyclopedias, to discover when Montana had seceded.

22. Gov. Davis' attempt to rally voters by signing a bill allowing illegal aliens to obtain driver's licenses, one of the most unpopular pieces of legislation in California history — thus putting the lie to the old saw that the Republicans are the Stupid Party.

23. Gov. Davis' attempt to enhance his credibility with an ad campaign based on the endorsements of Bill Clinton and Al Gore, nationally discredited politicians.

24. Gov. Davis' attempt to start a bandwagon by running Clinton-endorsement ads on the same right-wing radio shows that specialized in attacking both him and Clinton.

25. Gov. Davis, believing that his goose was cooked unless he savaged the Democratic lieutenant governor who ran against Schwarzenegger in the replacement race, suggesting in a matter-of-fact way: "He [Schwarzenegger] happens to be the alternative. He's going to win Question Two. If people don't want him to be governor, then the alternative is to allow me to complete the term."

26. CNN, commenting on the concession speech of a governor famous for his merciless trashing of opponents: "No matter what your politics are, you have to have a pang of sympathy."

27. Chris Matthews, commenting on the concession speech of a governor famous for his merciless trashing of opponents: "Most people don't realize, there's a lot of graciousness in politics. He thanked everyone, everyone who'd worked for him."

28. Democratic Congresswoman Loretta Sanchez, turning eagerly on Davis after his defeat, and blaming the disaster on his willingness to work with Republicans.

29. The governor's contention, throughout the campaign, that although the state is $38 billion in the red, "we do not have a budget deficit. The budget is balanced." He did not explain that the books were "balanced" by massive borrowing.

30. My discussion, after the election, with a prominent member of San Diego's institutional elite, who told me that he had intended to vote for Schwarzenegger, then decided to vote for Bustamante instead.

"But," I stammered, "Bustamante is a bigot and a spendthrift. His campaign was bought and paid for by the Indian gambling industry. He's also stupid. And he's spent years criticizing the outfit you work for."

"Well, yes," he smiled. "I'm a liberal, though. I voted no on the recall, too."

"You voted no! You voted to keep a guy in office who claimed that California doesn't have a deficit!"

"The governor claimed that? When?"

"In his last speech! In a lot of his speeches!"

"Well, we don't have a deficit. The budget's balanced."

"That's because we're borrowing billions of dollars to make it 'balanced'!"

"So the governor wasn't lying, then." He said it with a smile of satisfaction.

This man, an economist by profession, is one of the most intelligent and competent executives I know. He is also, very obviously, a citizen of that other world, the world where logic need not come, the world of the ruling class — the officials and bureaucrats, the educationists, the standard media, the complacent rich.

On October 7, however, *this* world had its way.

Essay

Limbaugh's Disease

by Thomas Szasz

Rush Limbaugh has been outed as a secret drug user and gone off to rehab. Will he learn anything from his plight?

Exposed as an illegal user of "legal" (prescription) drugs, Rush Limbaugh has declared that he is an "addict" and said that he would check himself into a "treatment" center.

I oppose the War on Drugs. I regret when anyone gets injured by it. It will be interesting to see whether Limbaugh learns anything from his plight. When he returns to the airwaves — assuming he'll be able to do his job when he is "healthy" and not "suffering from drug addiction" — will he reassume his role as a bigoted drug warrior or will he realize that he has been waging a war against liberty, responsibility, and the rule of law and act accordingly?

I have long been on record opposing drug prohibition in any form. I believe that we have a constitutional right to use any drug we please, that (bad) habits are not diseases, and that efforts to change habits are not treatments. Twenty-nine years have elapsed since the first publication of my book, *Ceremonial Chemistry*. Since then, the Cold War has ended and the political geography of our world has been transformed. But the War on Drugs rages on. The combatants — drug providers and drug prohibitionists alike — have too much to gain from their participation in the hostilities to end it.

Millions of people the world over continue to grow, manufacture, smuggle, sell, buy, ingest, inhale, and inject illegal drugs, and other millions persecute and prosecute them as participants in a medical-heretical depravity. The pervasive criminalization and medicalization of drug use transformed self-medication into "drug abuse" and created a political-economic drama with a vast cast of characters whose roles require that they engage in violence, endangering participants and non-participants in the drug war alike.

Despite this vast, worldwide turmoil, few people seem to question the premises used to justify waging a War on Drugs or the morality of the means with which it is pursued. This is because the War on Drugs is but one manifestation, albeit a very dramatic one, of the great moral contest of our age — the struggle between two diametrically opposed images of man: between man as responsible moral agent, "condemned" to freedom, benefiting and suffering from the consequences of his actions; and man as irresponsible child, unfit for freedom, "protected" from its risks by agents of the omnicompetent state.

In the Cold War, this struggle was cast as the conflict between the "hazards" of capitalism and the "security" of communism — the production and distribution of goods and services regulated by the market or the state. In the drug war, the struggle is cast as the conflict between persons opposing laws aimed at protecting adults from themselves and persons supporting such protections as requirements for the security of society.

So long as a drug remains outside of the human body — in the field, the laboratory, or the store — it is an inert substance. No drug poses a danger to the person who does not use it. As soon as the possession of a drug is made illegal, however, it becomes dangerous — not pharmacologically,

but juristically and socially.

It is an abuse of language to call such a drug "dangerous," as if it were a criminal; and it is folly to declare a "war" on it. War can be fought only by some people against some other people. The War on Drugs is thus a battle fought by governments, firstly against their own citizens, and secondly against foreigners who grow or sell substances which the drug warriors have chosen to prohibit. For nearly a century, the governments of the civilized world — led by the United States — have waged a crusade against certain drugs.

His achievements while "on drugs" ought to convince anyone — especially him — that drug prohibition rests, just as did alcohol prohibition, on equal parts of deception, self-deception, and hypocrisy.

Psychoactive drugs are as old as civilization. Prior to the 20th century, deploying the criminal law to prevent a person from ingesting whatever substance he wanted would have been considered an absurd usurpation of his most elementary right, a right far more basic than his right to vote. Yet today, the psychoactive drugs people want the most are illegal, while the psychoactive drugs they do not want at all are often forcibly administered to them, especially if they are diagnosed as mentally ill.

Although the War on Drugs is typically viewed as a medical or public health effort to prevent illness or maintain health, it is actually a quasi-religious, ceremonial struggle to rid society of evil — the forbidden drug standing as a scapegoat for a variety of the problems that beset modern societies. To understand the popular support for this war, it is necessary to keep in mind that the scapegoat's social function is symbolic. Persecuting scapegoats "works" not because it protects society from harm, but because it reaffirms the group's core values and reassures people that its guardians are doing their job. The scapegoaters of the pharmacopoeia have been at their job since the beginning of the last century. The result is not drug peace but an unending drug war, accompanied by the popular belief that the medical-criminal control of drug use is a "scientific problem," and the popular acceptance of punishments for violating such controls far more severe than those meted out for violent crimes against others. The minimum penalties imposed by U.S. federal law for the following offenses tell the story: kidnapping — 4.2 years; rape — 5.8 years; attempted murder with harm — 6.5 years; possession of LSD — 10.1 years.

A hundred years ago, a person in Limbaugh's position could have bought laudanum (tincture of opium) and obtained pain relief legally and without endangering his hearing. Limbaugh, if rumors are right, bought Vicodin (a combination of hydrocodone and acetaminophen) illegally. As a result, he may have lost his hearing and is now stigmatized as a drug law violator.

History is not likely to remember Limbaugh for his support of conservative causes, regardless of how mistaken they might be. However, given his immense influence, history might well remember him if, freed from "rehab," he would oppose the War on Drugs with the same vigor with which he has supported it. His achievements while "on drugs" ought to convince anyone — especially him — that drug prohibition rests, just as did alcohol prohibition, on equal parts of deception, self-deception, and hypocrisy.

History is not likely to remember Limbaugh for his support of conservative causes. But history might well remember him if, freed from "rehab," he would oppose the War on Drugs with the same vigor with which he has supported it.

The Twenty-first Amendment solved America's "alcohol problem." Repeal of drug prohibition — which, significantly, requires no constitutional amendment — would solve our "drug problem." ❑

Jail Rush Limbaugh! — That's what Keith Olbermann of MSNBC thinks Florida authorities should do about Limbaugh's admission that he is addicted to prescription painkillers. Olbermann's logic is simple: on hundreds of occasions, he said, Limbaugh proclaimed that illegal drug users should take responsibility for their actions and accept their just rewards. Surely such an individual deserves to be prosecuted.

Olbermann, I am pretty sure, is no drug warrior. He doesn't suggest that the government jail all drug users. But he thinks Rush deserves special treatment because of his hypocrisy.

However tempting the notion of tossing the garrulous fan of the drug war into the hoosegow may be, I think Olbermann is as wrong as wrong can be. The last time I checked, hypocrisy wasn't a crime.

What he proposes amounts to singling Limbaugh out for special treatment because of his political beliefs. This is repugnant. It is also all too common in American public life: don't forget Clinton's unleashing the IRS on critics of the administration, Kennedy's unleashing the FBI on U.S. Steel executives, or Nixon's persecution of the people on his "enemies list." — R. W. Bradford

Rush to leniency — I'm glad that Rush Limbaugh is addicted to painkillers. Maybe now that he has been forced to admit publicly that he has a drug problem, he might lighten up on all the pot smokers. Actually, his support for the drug war was one of the few places I disagreed with him. I think, unfortunately, it's going to swing the other way. Just as you don't find very many ex-smokers who don't mind sitting in the smoking section, Rush will probably complain that he got addicted because the laws were too lenient. I hope I'm wrong. — Tim Slagle

Analysis

Rescuing Free Trade From the Bureaucrats & Special Interests

by Fred Smith

Holy Cobden! It's the 21st century and we're still debating free trade!?!

In the aftermath of the collapse of the free trade talks in Cancun, European Union trade negotiator Pascal Lamy noted: "We would have all gained from an agreement. Now we all lose." He went on to state that he would not "play the blame game." But, of course, others soon did and, in truth, there was plenty of blame to go around. The anti-globalization forces, who rioted in Seattle a few years earlier, deserve a portion of the blame — they were elated that once again they had played their part in derailing any move toward global trade liberalization. American and EU economic protectionists were also pleased — as the talks collapsed, one whispered to me, "There is indeed a God in heaven!" U.S. Trade Representative Robert Zoellick was irate, blaming the G-21 (a recently formed group of developing-world nations led in part by India and Brazil) for posturing rather than negotiating. And certainly the developing world showed no eagerness to dismantle its own trade barriers. The U.S. position was that the Cancun collapse reflected a "failure of will."

The collapse could more accurately be described as a failure of political entrepreneurship. Free trade creates massive benefits — that the political process seems incapable of crafting a means of realizing these benefits suggests lack of creativity, not lack of will.

But Cancun remains a tragedy. The failure to make progress suggests continued sluggishness in economic liberalization throughout the world. Now, the creative winds of change will blow more slowly through the corrupt and inefficient economies of the world. Expanded trade would have triggered that scouring storm and done much to give hope to the peoples of the developing world. Still, no one should have been surprised by this collapse. For the last decade or so, the World Trade Organization (WTO) has added members, expanded its agenda, and pursued complex trade-expanding programs via endless negotiations.

Cancun participants, in keeping with most trade negotiation strategies of the last decade, gave lip service to the value of free trade in advancing consumer welfare. However, the actual negotiations focused on producer concerns. Each nation sought to balance the fears of those businesses that might lose out to foreign imports and the hopes of those producers eager to export abroad. Yet, the governments made no real effort to clarify the impact of liberalized trade on consumers, no real effort to explain that agricultural subsidies benefit the few at the expense of the many. That failure made it all too easy for anti-globalists to argue that trade destroyed the livelihoods of the poor of the world, that it merely enriched multinational corporations. Non-governmental organizations (NGOs) joined traditional economic protectionists in arguing for "fair" rather than "free" trade. With no one making the moral case for trade, many came to view trade policy as another zero-sum game — gains to some nations would be offset with losses to others. That framing

made collapse all but inevitable.

The collapse was a serious setback to all those who had hoped for a more liberalized global economy. Still, the outcome may not be altogether a bad thing. The current approach to opening the world economy has many problems. If this failure leads to a more politically effective free trade strategy, the results may yet be positive. However, this will require that free trade advocates find ways to build political coalitions favoring trade liberalization in both the developed and the developing world. The indirect mercantilist approach that has long dominated thinking in this area must be abandoned.

The Cancun failure was not unexpected. At Seattle in 1999, the developing world had blocked efforts by the EU and the United States to link trade and the environment. Developing nations saw linkage (making trade conditional on environmental, labor, human rights, and religious rules) as nothing more than an attempt to subject their nations to the same crippling regulations that the wealthy nations had adopted. Many hoped the United States under the Bush administration, supposedly more sympathetic to free trade and less beholden to labor and environmental interests, would champion liberalized trade. At Doha in 2001, the U.S. had seemingly moved in this direction, agreeing to changes in Trade-Related Aspects of Intellectual Property Rights (TRIPS).

More importantly, at the September 2002 Earth Summit in Johannesburg, South Africa, the United States had allied itself with the developing world against the vested interests of the EU-NGO alliance. Earlier Earth Summit conferences had been totally dominated by Malthusian environmentalists seeing economic development as a threat to our planet. Environmentalists sought to restrict trade via such policies as "sustainable development" (Don't use resources!) and the precautionary principle (And don't seek to develop technological alternatives, either!). Those in the developing world recognized that these policies would slow or even stop economic development, relegating their nations to perpetual poverty. In contrast, at the Johannesburg Earth Summit, the U.S. joined with the developing world in championing economic and technological development. The message of this conference was that poverty was the greatest source of pollution, that only economic and technological growth could advance both human welfare and environmental protection at the same time.

The collapse of the Cancun meeting left many participants shocked and depressed.

Yet, as Cancun approached, the United States seemed to move away from this most-hopeful alliance. In an effort to eliminate U.S. and EU agricultural subsidies (an issue that has been blocking trade liberalization for decades), the U.S. formed an alliance with the EU. That alliance stemmed from pledges that the wealthier nations would dismantle their agricultural subsidy programs (total agriculture subsidies by the U.S. and the EU are estimated at over $300 billion annually — the subsidy to a cow per year in Europe exceeds the annual per capita income of many poorer nations!). Such an alliance could be justified as necessary to persuade the EU to be more flexible; instead, it seemed to make the U.S. less so. Certainly, the commitments by the U.S. and the EU noted in the agreement were vague; the timing of when we would actually discontinue agricultural subsidies was even more so. Moreover, that pledge (weak as it was) was still conditioned on the poorer nations of the world moving simultaneously to eliminate their own trade barriers. This "reciprocity" demand seemed to many developing-world leaders a betrayal of the earlier U.S. position. "Trade — Not Aid" was replaced by "Trade — once you've taken brave actions that we've not yet taken!"

Of course, trade barriers in the developing world are high. Indeed, because most trade takes place between neighbors, the intra-developing world trade barriers impose greater costs on the poor of the world than do the protectionist practices of the developed world.

Disappointed at these developments and frustrated by the slow progress in fleshing out the details of the pending Doha agreements (numerous deadlines to finalize details on agricultural and other aspects of the trade deal were routinely missed in the months leading up to Cancun), developing-world negotiators created the G-20+ (an ad hoc alliance of 20 or so developing-world nations). That group largely supplanted the Cairns Group (a group led by Australia and other second-tier nations) and pushed vigorously for the U.S. and the EU to do what they'd long promised: abandon their agricultural subsidy programs. The wealthy nations, they suggested, should move first in the elimination of trade barriers. Of course, G-20+ leaders were fearful of exposing their fragile economies to the fierce competitive winds that trade liberalization would entail; moreover, they were skeptical that Europe and the United States would actually repeal agricultural subsidies. Then, the EU negotiators insisted that the WTO commit itself to serious consideration of the "Singapore issues," a complex set of trade-related agreements that had received little serious attention at earlier sessions. Many developing-world nations felt they lacked the capacity to deal with some of these topics (expertise on investment and competition rules, two of the Singapore items, is not widespread). The G-20+ said no; the EU suggested a compromise. And then Korea and Japan, nations most protective of their agricultural interests, moved to block any "compromise," a few African nations walked out (WTO agreements require "consensus"), and the talks collapsed. When Conference Chairman Luis Ernesto Derbez of Mexico gaveled the Cancun session to a close on September 14, many in attendance were shocked and depressed. To have come so close to a serious discussion of how to dismantle the primary barrier to trade liberalization — the agricultural subsidy issue — and then to fail was depressing.

The Paradox of Trade Policy

After the disasters of the Depression era and the horrors of World War II, world leaders almost universally sought expanded economic linkages via trade. Cordell Hull's view that "Free trade was God's diplomacy" motivated the original negotiators of what was to become the International Trade Organization (a group much like the current WTO),

but almost everyone accepted the classical liberal view that trade was a positive sum game — benefiting both consumers and producers. The challenge was to find some institutional framework within which the various political obstacles (specifically the major tariffs which limited trade) might be eliminated. The first effort was proposed the ITO. However, that

With no one making the moral case for trade, people came to view trade policy as another zero-sum game — gains to some nations would be offset with losses to others.

institution (unlike the World Bank and the IMF, the other two global economic organizations created at the same time) was opposed by the United States (several senators felt that it compromised U.S. sovereignty). As a result, the negotiating arrangements which had been set up as an interim measure, the General Agreement on Tariffs and Trade (GATT), became the institution within which broad-based trade agreements would be arranged. GATT, on paper a much weaker organization, was a great success. Yet, that success was somewhat paradoxical.

The strategy employed by GATT negotiators (and since 1995 by WTO negotiators) proceeded along mercantilist rather than free trade lines. Trade negotiators focused on expanding exports (gaining "market access" for their exporters). They were reluctant to reduce their own trade barriers, doing so only as necessary to persuade other nations to make "concessions" (allowing their consumers to purchase imports). Note the confused language of trade negotiations. Trade is voluntary exchange. By its nature, it is beneficial to both parties so there is no reason for seeking "concessions" or for demanding that our trading partners open their markets to our goods before we open our markets to their goods. A "concession" after all merely reduces a penalty placed on one's own consumers. "Market access" merely expands the choices available to one's own consumers. But the trade establishment uses these terms and thus acts as if trade is a zero- or even negative-sum game.

One implication of the GATT-WTO focus on producer interests is the complexity of trade agreements. The business community demands highly specialized rules to ensure its competitiveness in export markets, while seeking equally complex rules to limit foreign competition. Trade agreements are thus highly complex rule books taking up hundreds or even thousands of pages. Free trade is simple: all that is needed is to abolish tariffs and other import restrictions. Fair trade is complicated: it requires convoluted regulations detailing the complex deals that carefully balance an interest group in one nation against that of another. There is little room for principled argumentation in mercantilist agreements. Moreover, in this interest group political framework, it became increasingly difficult to block other interest groups from joining the game. As NGOs became more powerful, they argued (with some justification) that if business representatives were afforded special privileges in these trade negotiations, then NGO representatives also should be allowed a voice and a vote. Lori Wallach, an anti-globalization activist and Naderite, argued this in her book *Whose Trade Organization*. Of course, adding more special interests to the trade negotiation process makes progress even less likely.

Despite these inherent contradictions, this indirect approach to free trade worked during GATT's first several decades. Global trade grew rapidly. The broad gains from generalized reductions in trade barriers (mostly tariffs) overcame domestic oppositions in most areas. But GATT's success owed less to the acumen of the early trade negotiators than to the mood of the times. GATT was created along with an array of other international organizations in the aftermath of World War II. At that time, both the general public and most of the intellectual elite saw protectionism, as exemplified in the trade wars of the interregnum between the world wars, as having exacerbated, and perhaps even caused, both the Great Depression and World War II. The result was a widespread agreement with the sentiment that "if goods don't cross national boundaries, armies soon will!"

The free trade mantra had considerable power. But the GATT framework was weak. GATT was little more than an organizational setting in which various governments could systematically explore trade liberalization agreements — and obtain opinions as to whether some action might violate agreements already reached. In its early years, special interests tended to neglect it. The gains available from defending or extending tariffs weren't very substantial, so most inefficient domestic firms simply ignored trade policy and focused their energy on getting direct subsidies. In the early post-WWII era, the relatively small scale of global trade created only minor dislocations in domestic markets. Capital, labor, and ideas moved more slowly in those early years. Moreover, in the immediate post-war era, the demands for consumer goods were so large compared to the productive capacity of a war-devastated world that few nations faced any real problems in selling whatever they could make. As a result, the world experienced a massive expansion of global trade along with a general reduction of tariffs.

Trade is voluntary exchange. By its nature, it is beneficial to both parties so there is no reason for seeking "concessions" or for demanding that our trading partners open their markets to our goods before we open our markets to their goods.

Unfortunately, as global competition became a reality and trade became an ever more significant element in domestic economies, vulnerable sectors of the economy began to pay more attention to trade policy. Growing protectionist pressures at home encouraged our trade negotiators to seek ever greater concessions from our trading partners abroad to build domestic support for trade liberalization and, thus, offset domestic protectionists.

Protectionist rhetoric still played badly in the policy

arena, so protectionists sought new rhetoric and new tools. The older protectionist device, the tariff, gave way to non-tariff barriers (NTBs) based on safety, environmental, or health arguments. Free trade remained the ideal, but increasingly arguments were heard that trade liberalization should not be allowed to harm other key societal values.

Environmental thinking is largely Malthusian — too many people consume too many resources.

Exacerbating this trend was the shift, fully effected by 1995, from the relatively weak GATT to the relatively stronger WTO. Both the GATT and the WTO are mercantilist in structure, but the WTO created more powerful means of enforcing agreements and thus became a more attractive target for protectionist interests. Gradually the logical clarity of free trade rhetoric faded, replaced by the murky, egalitarian language of fair trade. Protectionists, seeking to disguise their special-interest agenda, advanced arguments for restricting trade based on a wide array of populist concerns — safety, national security, preservation of cultural character, religious freedom, child labor, women's rights, the family farm, and environmental protection. Efforts by protectionists to strengthen their case led them to seek out ideological groups associated with these values. These groups, now known as NGOs, were more effective in promoting non-tariff trade barriers. They have become a dominant force in the trade debate. Their ability to cloak protectionist policies in moral terms subverts popular support for free trade.

As the scope and scale of international organizations and interest areas expanded, other global conferences and treaties grew in importance. In the economic sphere, trade treaties remained dominant but other agreements began to force their way into the policy debate. In the last few decades, governments have negotiated treaties supporting human rights, religious liberty, and a host of other values. The most significant of these are the multilateral environmental agreements (MEAs). These treaties see trade as a threat to the environment and seek to force "better" environmental regulations on backward nations. For example, the Convention on International Trade in Endangered Species (CITES) seeks to reduce trade in endangered animals (such as elephants). The environment, it was argued, required that we suppress trade. That the economic values associated with these species (as collector species, for hunting purposes, and as non-traditional medicines) might encourage the protection of these species (presuming always that they were managed as private property) received little consideration.

The trade agenda was expanded in other areas by incorporating the TRIPS provisions into the WTO. There is, of course, a clear need to ensure continued economic rewards for innovation. Intellectual property rules (trademarks, patents, and copyrights) have a long-established role in ensuring that innovators are compensated. Yet the inclusion of TRIPS into the WTO framework transformed a mutually advantageous agreement into an agreement that benefited only the wealthier nations. Few IP rights are held by citizens or firms in the developing world. For people in less developed nations, TRIPS meant (at least for the near future) a loss with no offsetting gains. The TRIPS agreement might better have been arranged outside the WTO framework. Moreover, the introduction of TRIPS encouraged other interest groups with even more one-sided agendas to push for the incorporation of their agendas into the WTO framework. Environmentalists and labor advocates could now reasonably argue that if owners of intellectual property were entitled to use the trade process to advance their concerns, then environmentalists ought to be allowed to do the same.

This was tragic because today environmental thinking remains largely Malthusian — too many people consume too many resources. So environmentalists have favored policies restricting trade and innovation (and population growth, of course). Trade protectionism is an ideal way of suppressing growth. And CITES ushered in a host of MEAs — the Basel Treaty limiting trade in hazardous materials, the Persistent Organic Pollutants (POPS) treaty regulating trade in certain chemicals, the Prior Informed Consent (PIC) treaty demanding prior approval of trade in any good that might entail risks, the Montreal Treaty limiting CFCs in order to reduce alleged threats to the stratospheric ozone layer, the Biodiversity Treaty threatening mining and other economic developments, and, of course, the Kyoto Treaty, which would curtail energy use around the world. These treaties were negotiated, signed, and ratified by different coalitions of interest groups but proceeded on a parallel track to trade negotiations.

The goal was to export "good" environmental policies from America and the EU to the world by defining acceptable production methods. Often these environmental treaties included trade sanctions as a means of enforcement. Such provisions were in conflict with the GATT-WTO rules, which limited trade restriction to the finished product being traded. Nation-states, under trade laws, were sovereign — each nation would decide its own environmental, health, safety, and labor rules. Trade rules could be foolish, but they must be based on the product's characteristics — not the production or process method (PPM) used to bring it to market. This PPM rule meant that a product arrived as it was — its upstream history was irrelevant to trade policy.

The subsidy to a cow per year in Europe exceeds the annual per capita income of many poorer nations!

The growth of NGO-endorsed treaties meant that the two streams of international policy were on conflicting paths. Trade policy respected national sovereignty; environmental and social policies sought to weaken sovereignty by harmonizing global societal rules, to force "good rules" on the backward governments of the world. Many of these non-trade related treaties were viewed by many nations as mere verbiage. Human rights treaties were routinely signed by dictators; treaties guaranteeing the rights of women were signed

by theocratic patriarchies. Of course, treaties are not actually "signed" by a nation — some individual or group of individuals negotiates for that nation. Those responsible for trade policy tend to be fairly influential; trade policy is important and, thus, some importance is given to the question of who would best represent the nation. Non-trade treaties seem far less significant to most countries and, thus, the individuals assigned the negotiating task may well have little knowledge or interest in how that treaty might affect their nation's overall welfare. The Basel Treaty, for example, threatens trade in scrap materials. Copper scrap plays an important role in the Chilean metals sector and the treaty is harmful to Chile's economy; yet, Chile, or rather the Chilean health minister, signed the Basel accord. Only after the fact did the Chilean trade and industry ministries realize the problem.

The failure of trade advocates to advance policy on pro-consumer, egalitarian grounds became more serious over time. Trade policy became increasingly identified as "mere" economic policy. The non-trade agreements were the "moral" areas where idealistic groups and crusading national bureaucracies could demand a more just and egalitarian world. This problem intensified with the end of the Cold War. During the Cold War, these aspirations were disciplined by the realpolitik fact that any effort to curtail trade with a nation might well result in that nation's joining the Soviet camp. That discipline disappeared when the Cold War ended. With national security supposedly assured, these other agendas became more powerful and the will to resist them weakened. Utopian treaties such as the International Criminal Court (to rid the world of the brutality of war) and the Commission to Eliminate all forms of Discrimination Against Women (CEDAW) proliferated. During the Cold War, trade had often been curtailed because of national security policy. That precedent made it easier to advocate trade sanctions to advance other moral agendas. The fact that limiting trade to those nations able to meet the criteria established by the various utopian groups dominating the NGO world would mean no trade at all seems to have received too little consideration.

Of course, the moral and practical reasons for free trade still exist. Most Americans still believe in the freedom of individuals to enter into those voluntary exchanges they believe would benefit them. Liberalized trade still increases wealth, and only global trade offers any hope of alleviating world poverty. But trade negotiations were handled by pragmatic bureaucrats who gave little weight or thought to such arguments. Ceding the moral voice to non-trade areas has caused many to view trade as inherently amoral. Fair trade became free trade with a human face!

After the Fall: Alternative Paths for Trade Policy after Cancun

In the aftermath of Cancun, the various parties have seen different problems and different solutions. U.S. Trade Representative Robert Zoellick sees Cancun as a failure of political will; he specifically blames the leaders of the developing world for political posturing rather than engaging in serious negotiations. It was their failure, he believes, to challenge their protected domestic interests, to seek realistic solutions to the transitional difficulties of trade liberalization, that led to the Cancun collapse. There is some truth in this. But it can better be argued that the failure of free trade policies at Cancun reflected more a failure of political entrepreneurship by all world leaders. The simple fact is that there has been little effort by any trade leader to mobilize the pro-trade constituencies at home and abroad that are essential if trade liberalization is ever to become a reality.

Still, there are some signs that nations are reappraising the "you first" strategy that derailed Cancun. Soon after Cancun, the G-20+ alliance dissolved and some called for a quick resumption of talks, hoping that emphasis might again be placed on dismantling EU and U.S. agricultural subsidies. There was also a greater willingness to discuss steps toward reducing developing-world trade barriers. Unfortunately, with the proximity of presidential elections in the U.S. (and the growing support for protectionism among leading Democratic candidates), there is little enthusiasm in America for any early resumption of negotiations.

Trade policy is determined by those interest groups involved. The outcome varies depending upon the participants.

For the moment the U.S., the EU, and various Asian nations seem content to neglect multilateral trade arrangements such as the WTO. These nations are now focusing on bilateral and regional trade arrangements. However, this approach is risky. As noted, trade policy is determined by those interest groups involved. The outcome varies depending upon the participants. WTO-style multilateral agreements attract a broad array of interest groups, increasing the likelihood that the results will consider the public interest. In contrast, bilateral agreements attract a narrower spectrum of interest groups. In the economic sphere, only those economic interests involved in the specialized trade in that arena are likely to participate. Thus the economic perspective is more likely to be tactical, not strategic. In contrast, the NGOs seek precedents; their perspective remains strategic.

In Seattle, efforts by powerful NGOs to mandate labor and environmental linkage — that is, to subordinate trade policy to environmental or labor rules — failed. After Seattle, however, the Bush administration sought Trade Promotion Authority (TPA), an arrangement whereby the ability of Congress to block trade agreements is weakened. To garner support for TPA, the Bush administration increased the power of labor and environmental groups. That result, coupled with the narrow interest representation at bilateral trade talks meant that the Jordanian, Singaporean, and Chilean "free trade" agreements included provisions that would have been rejected in Seattle. The environmental section of the Chilean Free Trade Agreement, for example, holds Chile responsible for enforcing its environmental rules. But does this mean that Chile will be held accountable if it fails to adopt U.S.-style enforcement practices? Will Chile face U.S.-style environmental litigation? Bilateral agreements of this sort pose great dangers for all developing economies. Note that at Doha, efforts again to link trade with labor and environmental policy were blocked. Bilaterals and regionals

are far more likely to attract and permit special interest arrangements than multilateral trade agreements. Moreover, only multilateral agreements are ever likely to address the major agricultural subsidy problem which is now blocking all progress.

Can Free Trade Prevail?

The producer-focused approach to free trade has failed. To address non-tariff barriers, overcome the powerful protectionist interests that still exist in every nation in the world, and eliminate agricultural and other subsidies that distort global trade, a more effective approach is required.

Human rights treaties were routinely signed by dictators; treaties guaranteeing the rights of women were signed by theocratic patriarchies.

We must find ways of raising the saliency of consumer gains that trade liberalization would achieve. First and foremost, we must clarify the egalitarian case for free trade. Macroeconomic arguments for trade are too easily defeated by countervailing arguments that focus on the "orphans and widows" left destitute as jobs flee abroad. Yet, jobs lost abroad are likely to be replaced by jobs created by expanded imports, by reduced tax burdens and by expanded exports. Trade is everywhere correlated with improved standards of living. Legitimizing the creative destruction of the market is nowhere more difficult, or more important, than in the area of trade.

Trade advocates might take a lesson from Clayton Yeutter who, as Secretary of Agriculture on a trade-related visit to Europe, spoke directly to European consumers. He noted the burden that the EU agricultural subsidies imposed on the European family. Reaching over the heads of the EU politicians in this way was heavily criticized, but it offers a model for a renewed trade debate. Developing pro-consumer arguments for trade — and then devising a communication strategy to ensure that these arguments are heard in the policy debate — is the major task the pro-trade community should undertake. Developing this pro-consumer voice in the developing world and ensuring that this voice is heard in the wealthier nations of the world is even more important.

Free traders have accepted too quickly the conventional political argument that consumer interests will always be trumped by producer interests. The Left has never accepted that moral arguments cannot prevail over economic arguments. And the growing power of NGOs indicates that non-economic interests may well be more powerful in many global arenas. Moreover, the cost of mobilizing diffuse interests has dropped (and is dropping) as the costs of communication decline.

Rather than simply mobilizing export-oriented producers to offset import-fearing producers, we should encourage producers to mobilize consumers (at home and abroad) who will benefit from trade liberalization! U.S. agricultural interests, for example, should finance ad campaigns aimed at European consumers. Campaigns pointing out the reduced tax burden that would follow the elimination of agricultural subsidies might change the European political landscape. Polling data already suggests that younger voters oppose protectionist agricultural policies; a vigorous campaign might well make those attitudes more politically effective.

But American and European voters are also moved by the plight of the poor of the world. The response to the AIDS epidemic makes this point clear. If the pro-trade business community would reach out to groups able to link free trade to the plight of the poorer peoples of the world — African, Asian, and Latin American — the case for free trade would become far easier. To date, only the anti-globalization NGOs have employed this strategy. But their message — while emotionally effective — is ridiculous. Does anyone really believe that creating greater opportunities in the developing world — increasing access to potable water, modern medicines, electricity, and transportation — constitutes a threat to the poor? Third World faces on billboards throughout Europe and the United States asking for the opportunity to escape poverty through trade would go far toward weakening the power of domestic protectionist forces. Producers should work with foreign consumer groups to explain the benefits of trade — and then ensure that this message becomes part of the policy debate.

The anti-trade NGO moral voice has been very effective at undermining support for economic liberalization. At Seattle and Doha, anti-trade NGOs failed to subordinate trade to their utopian agenda, but they did succeed in portraying themselves as the moral voice of the developing world. That situation changed in Johannesburg as newly formed pro-market and pro-technology groups joined with free trade groups in the United States to champion economic and technological growth and free trade. But much more needs to be done in this area. Poorer nations seem aware that their future depends upon expanding global trade, but they have not found their "voice," a way to articulate those hopes in ways that would effectively challenge the anti-trade NGO position. Yet, at Johannesburg last year, the message that poverty was the most significant cause of environmental degradation came across loud and clear. The cry was "Trade — Not Aid!"

In Cancun, the re-emergence of the U.S.-EU alliance and the creation in turn of the G-20+ set back this process. But an alliance for economic liberalism remains viable and must yet emerge. A breakthrough uniting U.S. free traders with those in the developing world to undermine the political strength of protectionists is overdue.

Trade Policy Must Return to Its Principled Roots

The mercantilists' approach to expanding trade worked fairly well in the early post-war era, but it is failing today. We need to revamp the trade debate, revalidating the once well-understood principle that trade is mutually advantageous, that trade makes it possible (and, indeed, requires) that people of different faiths, colors, nationalities, and beliefs work together to advance their mutual interests. The highest priority of the WTO should be to clarify the moral case for expanding trade. The linkage arguments should be challenged, not accommodated. Trade is a complex process

continued on page 27

The Second Amendment Before the Supreme Court

by Dave Kopel

There are three main ways of interpreting of the Second Amendment's "right of the people to keep and bear Arms," but a look at Supreme Court case law shows that two of them are based in wishful thinking.

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The Second Amendment is only 31 words. But the meaning of those 31 words has been the subject of considerable debate.

There are four main interpretations of the Second Amendment. The Standard Model is that the right to bear arms belongs to individual American citizens. The states' rights view is that the right belongs to state governments, to control their National Guards. The collective view is that the right to bear arms belongs collectively to all the people, but in practice may be exercised only by the government — like collective property in a communist country. Another interpretation — propounded by Gary Wills — is that the Second Amendment means nothing at all.

The overwhelming weight of Supreme Court precedent supports the Standard Model. A few ambiguous cases could be read as consistent with the Standard Model or with the states' rights theory. The collective rights and nihilist views can find no support in Supreme Court jurisprudence. Let's look at some of those Supreme Court cases, starting with the Court's most important decision, the 1939 *Miller* case, and working our way back to the very beginning.

United States v. *Miller* (1939)

Miller grew out of a 1938 prosecution of two bootleggers (Jack Miller and Frank Layton) for violating the National Firearms Act by possessing a sawed-off shotgun without having paid the required federal tax. The federal district court dismissed the indictment on the grounds that the National Firearms Act violated the Second Amendment. Freed, Miller and Layton were never heard from again, and thus only the government's side was heard when the case was argued before the Supreme Court.

The key paragraph of the Supreme Court's *Miller* opinion is this:

> In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than eighteen inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.

This paragraph has been read to support either the Standard Model or the states' rights theory. By the states' rights theory, the possession of a gun by any individual has no constitutional protection; the Second Amendment only applies to persons actively on duty in official state militias.

In contrast, the Standard Model reads the case as adopting the "civilized warfare" test of 19th-century state supreme court cases: individuals have a right to own arms, but only the type of arms that are useful for militia service; for example, ownership of rifles is protected, but not ownership of Bowie knives (since Bowie knives were allegedly useful only for fights and brawls). The main case cited as authority by the *Miller* Court, *Aymette* v. *State*, is plainly in the Standard Model, since it interprets the Tennessee constitution's right

to arms to protect an individual right to own firearms, but only firearms suitable for militia use; *Aymette* states that the Second Amendment has the same meaning.

Hamilton v. *Regents* (1934)

Two University of California students, the sons of pacifist ministers, sued to obtain an exemption from participation in the University of California's mandatory military training program. The two students did not contest the state of California's authority to force them to participate in state militia exercises, but they argued, in part, that the university's training program was so closely connected with the U.S. War Department as not really to be a militia program. A unanimous Court disagreed, and stated that California's acceptance of federal assistance in militia training did not transform the training program into an arm of the standing army. States had the authority to make their own judgments about training.

By the states' rights theory, the possession of a gun by any individual has no constitutional protection; the Second Amendment only applies to persons actively on duty in official state militias.

The Court used the Second Amendment to support a point about a state government's power over its militia.

Hamilton used the Second Amendment as a reminder of the expectation by all the Founders that states would supervise the militia. This reminder would be consistent with the states' rights theory and with the Standard Model.

United States v. *Schwimmer* (1929)

A divided Supreme Court held that a female pacifist who wished to become a United States citizen could be denied citizenship because of her energetic advocacy of pacifism. The Court majority found the promotion of pacifism inconsistent with good citizenship because it dissuaded people from performing their civic duties, including the duty to bear arms in a well-regulated militia. Since it is agreed by Standard Modelers and their critics alike that the federal and state governments have the authority to compel citizens to perform militia service, the *Schwimmer* opinion is consistent with the Standard Model and the states' rights model.

Stearns v. *Wood* (1915)

After World War I broke out in Europe, the U.S. War Department sent "Circular 8" to the various National Guards, putting restrictions on promotion. Plaintiff Stearns, a major in the Ohio National Guard, was thereby deprived of any opportunity to win promotion above the rank of Lieutenant Colonel. Stearns argued that Circular 8 violated many parts of the Constitution, including the Second Amendment.

Writing for a unanimous Court, Justice McReynolds contemptuously dismissed Stearns' claim without reaching the merits. Since Stearns' present rank of major was undisturbed, there was no genuine controversy for the Court to consider, and the Court would not render advisory opinions.

Twining v. *New Jersey* (1908)

In *Twining*, the Supreme Court refused to make the Fifth Amendment self-incrimination guarantee in the Bill of Rights applicable to state trials, via the Fourteenth Amendment. In support of this result, the majority listed other individual rights which had not been made enforceable against the states, under the Privileges and Immunities clause.

The Second Amendment here appears — along with Seventh Amendment civil juries, Sixth Amendment confrontation, and Fifth Amendment grand juries — as a right of individuals, but a right only enforceable against the federal government.

Trono v. *United States* (1905) and *Kepner* v. *United States* (1904)

After the United States won the Spanish-American War, the Philippines were ceded to the United States. Congress in 1902 enacted legislation imposing most, but not all of the Bill of Rights on the territorial government of the Philippines. The *Trono* case and the *Kepner* cases both grew out of criminal prosecutions in the Philippines in which the defendant claimed his rights had been violated.

In *Trono*, at the beginning of Justice Peckham's majority opinion, the congressional act imposing the Bill of Rights was summarized: "The whole language [of the Act] is substantially taken from the Bill of Rights set forth in the amendments to the Constitution of the United States, omitting the provisions in regard to the right of trial by jury and the right of the people to bear arms . . . " *Kepner* had similar language.

As one of the "essential and inseparable features of English liberty," the right to arms was obviously a right of free individuals, not a power of state governments.

As with other cases, the "right of the people" to arms is listed in a litany of other rights which are universally acknowledged to be individual rights, not states' rights.

Maxwell v. *Dow* (1900)

Maxwell was the majority's decision not to make the right to a jury in a criminal case into one of the Privileges or Immunities protected by the Fourteenth Amendment. Regarding the Second Amendment and *Presser* (discussed below), the Court wrote:

> In Presser v. Illinois, 116 U.S. 252, it was held that the Second Amendment to the Constitution, in regard to the right of the people to bear arms, is a limitation only on the power of the Congress and the National Government, and not of the States.

Maxwell used *Presser* only to show that the Second Amendment does not in itself apply to the states.

Robertson v. *Baldwin* (1897)

The Court refused to apply the Thirteenth Amendment to

merchant seamen who had jumped ship, been caught, and been impressed back into maritime service without due process. The Court explained that Thirteenth Amendment's ban on involuntary servitude, even though absolute on its face, contained various implicit exceptions. In support of the finding of an exception to the Thirteenth Amendment, the Court argued that the Bill of Rights also contained unstated exceptions:

> The law is perfectly well settled that the first ten Amendments to the constitution . . . [are] subject to certain well-recognized exceptions arising from the necessities of the case. . . . Thus, the freedom of speech and of the press (article 1) does not permit the publication of libels, blasphemous or indecent articles, or other publications injurious to public morals or private reputation; the right of the people to keep and bear arms (article 2) is not infringed by law prohibiting the carrying of concealed weapons; the provision that no person shall be twice put in jeopardy (art. 5) does not prevent a second trial, if upon the first trial the jury failed to agree, or the verdict was set aside upon the defendant's motion. . . .

In 1897, state laws which barred individuals from carrying concealed weapons were common, and usually upheld by state supreme courts; the laws did not forbid state militias from carrying concealed weapons. The prohibitions on concealed carry are the exceptions that prove the rule. Only if the Second Amendment is an individual right does the Court's invocation of a concealed carry exception make any sense.

Brown v. *Walker* (1896)

When a witness before an Interstate Commerce Commission investigation invoked the Fifth Amendment to refuse to answer questions under oath, the majority of the Supreme Court ruled against his invocation of the privilege against self-incrimination.

Dissenting, Justice Stephen Field (perhaps the strongest civil liberties advocate on the Court during the 19th century) carefully analyzed English and early American precedent, reflecting his vivid appreciation of the long Anglo-American struggle for liberty against arbitrary government. All constitutional rights ought to be liberally construed, for:

> As said by counsel for the appellant: "The freedom of thought, of speech, and of the press; the right to bear arms; exemption from military dictation; security of the person and of the home; the right to speedy and public trial by jury; protection against oppressive bail and cruel punishment, — are, together with exemption from self-incrimination, the essential and inseparable features of English liberty."

As one of the "essential and inseparable features of English liberty," the right to arms was obviously a right of free individuals, not a power of state governments.

Miller v. *Texas* (1894)

Franklin P. Miller was a white man in Dallas who fell in love with a woman whom local newspapers would later call "a greasy negress." In response to a rumor that Miller was carrying a handgun without a license, some Dallas police officers invaded Miller's store with guns drawn. A shoot-out ensued, and the evidence was conflicting as to who fired first, and whether Miller realized that the invaders were police officers. Miller killed one of the intruders during the shoot-out.

During Miller's murder trial, the prosecutor asserted to the jury that Miller had been carrying a gun illegally.

Appealing to the Supreme Court in 1894, Miller alleged violations of his Second Amendment, Fourth Amendment, Fifth Amendment, and Fourteenth Amendment rights. Regarding the Second Amendment, Miller claimed that it negated the Texas statute against concealed carrying of a weapon.

A unanimous Court rejected Miller's contentions: a "state law forbidding the carrying of dangerous weapons on the person . . . does not abridge the privileges or immunities of citizens of the United States." This statement about concealed weapons laws was consistent with what the Court would say about such laws three years later, in the *Robertson* case.

In the late 19th century, many state governments violently suppressed peaceful attempts by workingmen to exercise their economic and collective bargaining rights.

Moreover, the Second Amendment, like the rest of the Bill of Rights, only operated directly on the federal government, and not on the states.

But did the Fourteenth Amendment make the Second, Fourth, and Fifth Amendments applicable to the states? Here, the *Miller* Court was agnostic: "If the Fourteenth Amendment limited the power of the States as to such rights, as pertaining to the citizens of the United States, we think it was fatal to this claim that it was not set up in the trial court."

Just eight years before, in *Presser*, the Court had said that the Second Amendment does not apply directly to the states; *Miller* reaffirmed this part of the *Presser* ruling. Another part of *Presser* had implied that the right to arms was not one of the "privileges or immunities" of American citizenship, although the *Presser* Court did not explicitly mention the Fourteenth Amendment.

In *Miller* v. *Texas*, the Court suggested that Miller might have had a Fourteenth Amendment argument, if he had raised the issue properly at trial.

Miller was a private citizen, and never claimed any right as a member of the Texas Militia. But according to the Court, Miller's problem was that the Second Amendment was raised against the wrong government (Texas, rather than the federal government), and at the wrong time (on appeal, rather than at trial). If the states' rights theory were correct, then the Court should have rejected Miller's Second Amendment claim because Miller was an individual rather than the government of Texas. Instead, the Court treated the Second Amendment exactly like the Fourth and the Fifth, which were also at issue: all three amendments protected individual rights, but only against the federal government; while the Fourteenth Amendment might, arguably, make these rights enforceable against the states, Miller's failure to raise the issue at trial precluded further inquiry.

Logan v. *United States* (1892)

The issue before the Court was whether the prisoners in federal custody, who were injured by a mob, had been deprived of any of their federal civil rights.

Logan affirmed the position of *Cruikshank* (below) that the First and Second Amendments recognize preexisting fundamental human rights, rather than creating new rights.

Presser v. *Illinois* (1886)

In the late 19th century, many state governments violently suppressed peaceful attempts by workingmen to exercise their economic and collective bargaining rights. In response to the violent state action, some workers created self-defense organizations. In response to the self-defense organizations, some state governments, such as Illinois', enacted laws against armed public parades.

According to Cruikshank, the individual's right to arms is protected by the Second Amendment, but not created by it, because the right derives from natural law.

Defying the Illinois statute, a self-defense organization composed of German working-class immigrants held a parade in which one of the leaders carried an unloaded rifle. At trial, the leader — Herman Presser — argued that the Illinois law violated the Second Amendment.

The Supreme Court ruled against him unanimously. First, the Court held that the Illinois ban on armed parades "does not infringe the right of the people to keep and bear arms." This holding was consistent with traditional common law boundaries on the right to arms, which prohibited terrifyingly large assemblies of armed men.

The Court further held that the Second Amendment by its own force "is a limitation only upon the power of Congress and the National Government, and not upon that of the States."

United States v. *Cruikshank* (1875)

An important part of Congress' work during Reconstruction was the Enforcement Acts, which criminalized private conspiracies to violate civil rights. Among the civil rights violations which especially concerned Congress was the disarmament of freedmen by the Ku Klux Klan and similar gangs.

After a rioting band of whites burned down a Louisiana courthouse which was occupied by a group of armed blacks (following the disputed 1872 elections), the whites and their leader, Klansman William Cruikshank, were prosecuted under the Enforcement Acts. Cruikshank was convicted of conspiring to deprive the blacks of the rights they had been granted by the Constitution, including the right peaceably to assemble and the right to bear arms.

In *United States* v. *Cruikshank*, the Supreme Court held the Enforcement Acts unconstitutional. The Fourteenth Amendment did give Congress the power to prevent interference with rights granted by the Constitution, said the Court. But the right to assemble and the right to arms were not rights granted or created by the Constitution, because they were fundamental human rights that pre-existed the Constitution:

> The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is, and always has been, one of the attributes of citizenship under a free government. . . . It is found wherever civilization exists.

A few pages later, the Court made the same point about the right to arms as a fundamental human right:

> The right . . . of bearing arms for a lawful purpose . . . is not a right granted by the Constitution. Neither is it in any manner dependent on that instrument for its existence. The second amendment declares that it shall not be infringed; but this . . . means no more than it shall not be infringed by Congress . . . leaving the people to look for their protection against any violation by their fellow citizens of the rights it recognizes, [to state and local governments.]

According to *Cruikshank*, the individual's right to arms is protected by the Second Amendment, but not created by it, because the right derives from natural law. The Court's statement that the freedmen must "look for their protection against any violation by their fellow citizens of the rights" that the Second Amendment recognizes is comprehensible only under the individual rights view. If individuals have a right to own a gun, then individuals can ask local governments to protect them against "fellow citizens" who attempt to disarm them. In contrast, if the Second Amendment right belongs to the state governments as protection against federal interference, then mere "fellow citizens" could not infringe that right by disarming mere individuals.

Scott v. *Sandford* (1856)

Holding that a free black could not be an American citizen, the Dred Scott majority opinion listed the unacceptable consequences of black citizenship: black citizens would have the right to enter any state, to stay there as long as they pleased, and within that state they could go where they wanted at any hour of the day or night, unless they committed some act for which a white person could be punished. Further, black citizens would have "the right to . . . full liberty of speech in public and private upon all subjects which [a state's] own citizens might meet; to hold public meetings upon political affairs, and to keep and carry arms wherever they went."

Thus, the "right to . . . keep and carry arms" (like "the right to . . . full liberty of speech," and like the right to interstate travel without molestation, and like the "right to . . . hold public meetings on political affairs") was an individual right of American citizenship. The plain source of the rights listed by the Court is the United States Constitution.

Another part of the Court's opinion began with the universal assumption that the Bill of Rights constrained congressional legislation in the territories:

> No one, we presume, will contend that Congress can make any law in a territory respecting the establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people of the territory peaceably to assemble and to petition the government for redress of grievances.
>
> Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury, nor compel any-

one to be a witness against itself in a criminal proceeding.

The Taney Court obviously considered the Second Amendment as one of the constitutional rights belonging to individual Americans. The "states' rights" Second Amendment could have no application in a territory, since a territorial government is by definition not a state government. And since Chief Justice Taney was discussing individual rights which Congress could not infringe, the only reasonable way to read the Chief Justice's reference to the Second Amendment is as a reference to an individual right.

Houston v. *Moore* (1820)

The Houston case grew out of a Pennsylvania man's refusal to appear for federal militia duty during the War of 1812. The failure to appear violated a federal statute, as well as a Pennsylvania statute that was a direct copy of the federal statute. When Mr. Houston was prosecuted and convicted in a Pennsylvania court martial for violating the Pennsylvania statute, his attorney argued that only the federal government, not Pennsylvania, had the authority to bring a prosecution; the Pennsylvania statute was alleged to be a state infringement of the federal powers over the militia.

When the case reached the Supreme Court, both sides offered extensive arguments over Article I, section 8, clauses 15 and 16, of the Constitution, which grant Congress certain powers over the militia.

Responding to Houston's argument that congressional power over the national militia is plenary (and therefore Pennsylvania had no authority to punish someone for failing to perform federal militia service), the State of Pennsylvania lawyers retorted that congressional power over the militia was concurrent with state power, not exclusive. In support of this theory, they pointed to the Tenth Amendment, which reserves to states all powers not granted to the federal government.

If, as some writers claim, the only purpose of the Second Amendment were to guard state government control over the militia, then the Second Amendment ought to have been the heart of the state of Pennsylvania's argument. But instead, Pennsylvania resorted to the Tenth Amendment to make the "state's right" argument.

Justice Bushrod Washington delivered the opinion of the Court, holding that the Pennsylvania law was constitutional, because Congress had not forbidden the states to enact such laws enforcing the federal militia statute.

Justice Joseph Story, a consistent supporter of federal government authority, dissented. He argued that the congressional legislation punishing militia resisters was exclusive, and left the states no room to act.

Deep in the lengthy dissent, Justice Story raised a hypothetical: what if Congress had not used its militia powers? If Congress were inert, and ignored the militia, could the states act? "Yes," he answered: the Second Amendment "may not, perhaps, be thought to have any important bearing on this point. If it have, it confirms and illustrates, rather than impugns, the reasoning already suggested."

Justice Story's dissent is inconsistent with the states' rights theory that the Second Amendment somehow reduces Congress' militia powers. Immediately after the Second Amendment hypothetical, Justice Story wrote that if Congress actually did use its Article I powers over the militia, then congressional power was exclusive. There could be no state control, "however small." If federal militia powers, when exercised, are absolute, then the theory that the Second Amendment limits federal militia powers is incorrect.

Second Amendment case law from 1820 to 1939 is consistent with only one interpretative model, the Standard Model of an individual right to deep and bear arms. hat is one reason why, until the 1960s, the United States Department of Justice acknowledged the Second Amendment as an individual right, and why Attorney General Ashcroft was correct in returning the Department of Justice to its long-standing, original position regarding the Second Amendment. ❑

Rescuing Free Trade, *from page 22*

in its own right — the first step toward a better world. To hold trade hostage to other values is to run the risk that these first steps will never be taken, that there will never be a window opening onto a freer, richer, fairer world.

Pascal Lamy and Robert Zoellick are undoubtedly highly accomplished trade negotiators. They probably do believe that trade liberalization is a good thing and fight to the best of their abilities to advance it. But like so many intellectuals, they despair of ever making rational policies politically viable. Adam Smith, after all, in *The Wealth of Nations* doubted that free trade could ever prevail in the political world. Lamy and Zoellick are in good company.

But, history suggests that they, and Adam Smith, for that matter, are wrong. In the mid-19th century, two British businessmen, Richard Cobden and John Bright, recognized the tremendous gains possible through trade liberalization and, being entrepreneurs themselves, went about organizing a campaign to persuade the British citizenry of that fact. They pamphleteered, organized speeches and rallies, petitioned Parliament, and worked generally to strengthen the pro-trade constituency. They used the skills they had honed as successful businessmen to market free trade — and they succeeded. The Corn Laws were repealed and Britain enjoyed an era of great economic prosperity.

Zoellick and Lamy are excellent representatives of the types of intellectuals who staff the national and global bureaucracies that have evolved over the last several centuries. Though neither is a businessman, they are well connected to the business leaders in their respective spheres. Could they not challenge the pro-trade business community to take on the task outlined in this article — to seek out and amplify the pro-trade consumer voice, both at home and abroad?

Free trade advocates in the developed world must join with the pro-trade forces in the developing world. The hour is late — but the Cancun failures have clarified the need for a new approach. Trade remains the best hope of the unfortunate of the world. They — and we — should fight for its expansion. ❑

The State Department, Fulbright and Me

by Richard Kostelanetz

Ever thought you were watched and plotted against by people in high places? Four decades after penning a few unflattering words about a government scholarship program, one art critic discovers that sometimes paranoia is justified.

Nearly four decades ago, *The Nation* published a critique of the famed Fulbright Program. The writer, then in his mid-twenties, who had been a Fulbright scholar in London the year before, found some problems worth noting. Sometime later *The Nation* published attacks on him without extending the customary editorial courtesy of inviting its writer's reply, which appeared, instead, in a later issue.

I was that writer, and when I included the Fulbright article and my reply to my critics (see p. 30) in *Crimes of Culture* (1995), little did I then know how many people were secretly upset. Thanks to a Freedom of Information Act (FOIA) request that took several years to drop fruit, I now know more.

What I discovered is at once chilling and comical. Top brass in the State Department — all grown men — fretted at length about my critique. The paper trail left by their correspondence tells a story of prestigious men acting like schoolchildren, passing notes under their desks with fantastic gossip about the new kid in class. Even Sen. Fulbright, still a saint to some, was drawn into their secret conspiracy about how to handle the Kostelanetz Problem. I remain at once flattered and surprised that they took such inordinate interest in someone they initially regarded as a nonentity.

What my FOIA file shows is a nexus of influence and intrigue that would go a long way toward vindicating many garden-variety conspiracy theories. It is said that you're only paranoid if they're not following you. My case proves that the powers that be indeed take a great interest in the lives of ordinary people who cross them. What they say — and what they decide to do — may be considered a state secret, not to be discovered for many decades unless a particularly fruitful and persistent FOIA request intervenes.

I've heard reports that the Ashcroft Justice Department has shut down the FOIA, so I'm pleased to report the receipt in 2003 of new papers after persistent requests. A few years ago, I discovered over the Internet that a file featuring me existed at the Board of Foreign Scholarships. I photocopied the reference and sent it to the "FOIA Officer, Board of Foreign Scholarships, Dept. of State, Washington, D.C." This envelope came back to me, apparently unopened, with a label pasted across the recipient's address: "Return to Sender, Foreign Service Post Name, Zip Code, Room Number and/or Destination Required."

Undaunted, I telephoned the Institute of International Education, 809 U.N. Plaza, New York, NY 10017-3580. I think someone there must have suggested that I write again to the Department of State in April 2001. Back came a letter, dated July 30, 2001, asking me for my birth date, citizenship status, and evidence of the records. This information I promptly provided, assuming I'd dropped my pennies in a well, until January 2003, nearly two years later, when I received from the Department of State a letter informing me: "After a thor-

ough search of this [records storage] system conducted by professional employees familiar with its contents and organization, no records responsive to your requested were located." What a depressing rejection slip this was for a writer.

However, since my request sought material pre-dating 1973, I was advised to write the National Archives and Records Administration near D.C. As my request mentioned the Fulbright Program, I could also inquire at their archives at the University of Arkansas. No less obedient than a dog, this I did, reminding the recipient at Arkansas that I'd been a guest lecturer there only a few years ago. The surprise was receiving last March, nearly three years after beginning my quest, a letter from a woman in the Special Collections division of the National Archives and Records Administration. She had a folder "generated as a result of your article in *The Nation* magazine in 1966." For only eight bucks, I could get 30 pages of photocopies from archives of the Fulbright Program at the University of Arkansas. No names were blacked out of my file, unlike the other FOIA responses I've seen, even though some of the people mentioned in my copies might still be alive. Never before was the price of my American citizenship so cheap and so unmediated.

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Here's what the previously hidden papers told me. On June 16, 1966, a copy of my article was sent from Anthony F. Merrill, identified only as an "Information Officer," to the London Fulbright office. As the files have only carbon copies of letters sent, I cannot tell what letterhead might have appeared on the original, which is to say I don't know for what entity Merrill was then working. Searching Google, as one customarily does with unique names nowadays, I tried to find any record of his government employment. I had no luck, though I wonder if this AFM was the same guy who published *The Rammed Earth House* with *Harper's* in 1947, as it was not uncommon for sometime authors to take public relations jobs, especially with the government, that offered "security" to those once insecure.

In this letter, Merrill dutifully characterizes *The Nation* as "a small circulation but highly respected liberal magazine which commands considerable respect among certain elements of the American intellectual community." To someone else the following day, "Tony Merrill," as he signed himself, sent a clipping from *The Nation* with this advice: "CU/IR thinks in view of low calibre of the author a high calibre rebuttal would be out of order. We are considering a not-for-publication letter to the editor noting flagrant misstatements, touching on unfortunate character of the former grantee, and suggesting that *The Nation* has been victimized and asking the editor for his views on how to deal with the matter." I can't for the life of me discover what the hell "CU/IR" might be, though that moniker is repeated later in the correspondence. Perhaps IR refers to "International Relations" and CU to "Cultural Undertakings." Or perhaps "Undertakers."

On one photocopy is this handwritten addendum signed "C. F...": "Query: Oscar Handlin should see this note." The rest of the handwriting in the copy is indecipherable, but this explains how Handlin was enlisted. A subsequent letter reveals that its author must be Charles Frankel, a Columbia University professor of philosophy (no joke), then on leave to the Department of State. I remember seeing him on the Morningside Heights campus only a few years before, a smug, slick, over-dressed martinet, less a truth-seeker than a publicist from whom only the foolish would purchase a used textbook; all in contrast to Handlin, whom I remember, probably lecturing at Brown several years before, as visibly insecure — a plump Brooklyn Jew called "fat Oscar" behind his back at a time when anti-Semitism had not yet vanished from the Ivy League.

The Arkansas archive also sent me a four-page, single-spaced letter addressed to Merrill by D.P. Edgell, the executive director of the London Fulbright Program, defending his support of my scholarship, and yet another letter from the "Cultural Affairs Officer" at the embassy there. The most interesting detail in Edgell's letter is his identification by name of two "negro students" who had, he says, no trouble with housing. Whether inadvertently or intentionally Edgell omitted a third Fulbrighter, much darker than the others, named Clyde Taylor, who did encounter the deleterious prejudice cited in my *Nation* reply. It was Edgell, no one else, who provided the misinformation repeated by Handlin, making the Harvard professor look like a puppet. Another significance of Edgell's letter is that nothing is said about the issue of war debts. His refusal to refute me on this charge suggests implicitly that my later recollection of his own dinner-table testimony, as reported in my contemporaneous reply, must have been correct. (Perhaps he didn't know what the "correct line" from the State Department was meant to be.) That other letter from London in my FOIA file — less than two pages from the embassyman — is prefaced, "Official-Informal//Unclassified." One wonders how much strategic thought lay behind that initial editorial decision.

"I must say Kostelanetz appears to be a very strange character," opined the illustrious Sen. Fulbright. "Someone made a serious mistake in giving him a scholarship." Imagine how much mileage my book publishers could have gained from such a senatorial encomium. Dammit.

On June 24, 1966, someone named Dayton W. Hull, apparently Tony Merrill's superior, mailed both these letters to Handlin at Harvard. The Harvard professor responds a few days later, "I think that this deserves a response. I leave it to

continued on page 33

In Darkest Fulbright: The State Secrets of Scholarship

by Richard Kostelanetz

An aura of sanctity so envelopes some American institutions that they seem above criticism. Who is to say that the Statue of Liberty is hardly graceful as architecture and somewhat obscene as a symbol, or that the small isolated college can become to many young people a prison of boredom, or that the Fulbright Program, which sends American scholars and lecturers abroad and selects foreign students to study here, is not quite the gift horse it seems to be. It is indicative that in Walter Johnson and Francis J. Colligan's recent pseudo-hagiography, *The Fulbright Program* (1965), the only negative judgments are attributed to Communist newspapers!

But surely, one's tragic sense begins to nag, there must be some black spots on the Fulbright Program; and if one reads the book carefully he notices that a certain episode which the authors consign to the McCarthyite past — a kind of "dark night of the soul" which will supposedly never happen again — raises a major, continuing problem. Since the Fulbright Program is an appendage of the government, there is nothing to prevent a bureaucrat from sabotaging an otherwise acceptable applicant by presenting unfavorable "evidence" against which he cannot defend himself, if he knows about it at all. Even the most reputable scholar may not receive the reward he deserves if his F.B.I. file contains too many hate-letters from busybodies, because he burned his draft card as a young man, or if he forgot to pay his income tax last year.

Those foreign students invited to study in the U.S. say that especially if they study in cities, the meager stipend is hardly sufficient, and they resent the law forbidding them to seek employment here. American teachers who accept Fulbrights to lecture abroad I have met here and there; I have observed roughly that many a scholar needs them less to teach abroad than to get a vacation away from the university paperwork, the noisy family, the declining marriage, the failure to receive a promotion, or the departmental squabble. Academic society needs such subsidized outlets, no doubt; but it is somewhat disingenuous for professional historians, such as Johnson and Colligan, to portray every lecturer as eager to spread the gospel to the heathen.

However, I can speak of the American Fulbright scholars sent abroad, for I had a grant myself last year to do research at the University of London. I learned about England, investigated my subject, and generally enjoyed my new friends. Nonetheless, I can attest that the Program itself is far from congenial, if at all admirable. First, it is difficult to discern the purpose of the scholarship. Is it supposed to offer a year of graduate education to recent cum laudes? Is the intention to subsidize the research of maturing scholars? Should it flood the country with subdiplomats — "cultural ambassadors," if you will — who will spread good cheer, become model citizens, and spout the American point of view on all occasions? The program's officials mention all these purposes here and there; but because such aims are hardly complimentary, the result is confusion in their own minds as well as the scholars'.

The first purpose strikes me as fantasies; for recent graduates in America are generally not mature enough as scholars to do much work on their own. Their applications usually outline hastily imagined projects which they may or may not fulfill. They generally embarrass the program because they are so ill-equipped to handle the work the universities accept them to undertake. More than one sponsor has telephoned the program's Executive Secretary to ask why so-and-so was selected since he hardly appears interested in the project he proposed for himself. Many of these young Fulbrights, one discovers, need another year to decide if law school might suit them better than academic work; and the grant affords some the first year away from their parents. The shame is that often they have taken places that might otherwise go to students with real research to do. The second purpose hardly seems operative; for so few of the Fulbright scholars are mature. In the British program, which is reportedly the most competitive, I would estimate that, at the most, about one-third seemed incipient professionals — people capable of doing scholarly or creative work of some substance; and I would doubt if the percentage is higher in other countries.

If the program considers itself an adjunct of diplomacy, it should select red-cheeked fraternity presidents rather than aspiring scholars and thus undermine its ostensible aim. Still, the program's bureaucrats often mention this subsidiary "purpose" to discipline behavior they find recalcitrant, to justify asking a Fulbright to give gratis lectures (often, "humorous after-dinner talks") up and down the land, and to support their own presence in the country. However, the high-handed bureaucrats, armed with secretaries to type letters and place telephone calls, gener-

Since the Fulbright Program is an appendage of the government, there is nothing to prevent a bureaucrat from sabotaging an otherwise acceptable applicant by presenting unfavorable "evidence" against which he cannot defend himself, if he knows about it at all.

ally create more bad feeling among local scholars than the most obnoxious student ever could. Also, many of the Fulbright programs are subsidized by war debts accrued from the sale of World War II military and agricultural surpluses — a fact that is nothing but an embarrassment to both those who do research and their hosts.

The biggest threat facing the Fulbright scholar is lack of money. He simply does not receive enough to subsist, even alone; and those with families or those assigned to cities with higher standards of living are further disadvantaged, because they receive no supplements to their stipends. For scholars with families, indeed, the situation is nearly intolerable, because most countries legally prohibit him and his spouse from taking a job that requires a working permit — a rule that is fair enough where considerable unemployment exists. However, with the same innocence of realities that keeps them from supplying increments, the Commission fails to consider what happens to a family of two, or three, or four forced to live on 558 pounds (the English stipend for ten months), sometimes in places where rents equal those of American cities. First, they often live in hopelessly crowded and unheated conditions, at times in a noisy slum — a situation hardly conducive to serious study. Second, both the husband and wife attempt to get work outside the province of the working permit, for example as translators, Gallop pollsters, researchers, part-time teachers, commercial artists, typists, barmaids, or baby-sitters. Some even develop a small business in books or paintings: one sent his wife back to the States to earn money that would also provide for him. If the Fulbright offers financial hardship to the grantee, it demands nothing but sacrifice from the spouse.

The money situation would not be so terrible if the scholar were native to the place and knew the local by-ways of cutting costs. However, strange places are as a rule more expensive than home; and if one is to fulfill the role of an honored guest, rather than a bohemian outcast, the expenses escalate. In London, for example, the housing officer advises the incoming Fulbrights not to look for apartments south of the Thames because, she told us, it is "too slummy" for Americans. Actually, many of the buildings in South London are comfortable; the neighborhoods, safe and convenient; the rents, cheap; the people, Cockney. She really meant that the area is too totally working class and notoriously unfashionable for an American Fulbright. An additional problem is that the Commission expects the supposedly classy Fulbright scholar to socialize with the local folk, even if he can not afford a round of drinks at the pub. In London, I knew of a couple who were slum-dwellers by tradition, sedentary by nature, and Spartan by habit — the sort who live in New York on less than 3,000 dollars per year. Still, they spent the equivalent of three Fulbright awards in ten months; like many others in the program, they borrowed money from home.

To make matters worse, the American scholar is subject to the accumulative tradition of fleecing; but where the well-heeled tourist pays freely to escape threats and complications, the Fulbrighter cannot afford such blackmail. What does the local Commission do about white-collar thievery? Rather than representing the interests of the student, it often supports the thieves, of course, on the grounds of good "public relations" with the hosts. For example, when a Negro student had considerable difficulty finding lodging for himself and his family, the Commission refused to supplement his stipend or to acknowledge that James Crow resided in England. Rather than representing the students in their relations with the country, it acts on behalf of locals, thereby gaining for itself a certain reputation as the crook's best friend. In short, it is absolutely impossible to fulfill the role the Commission idealizes on such a minuscule stipend.

Indeed, the major thorn of the Fulbrights is precisely these bureaucrats: for, in the deepest sense, the Program is a kind of colonialist HARYOU [a program for Harlem youth] in which several executives live in regal style ("fat-catting") while the peons in whose name the disbursement is run starve on a pittance. These officials consider themselves pseudo-diplomats; thus, they have plush offices in sumptuous buildings, as well as clerks, secretaries, and receptionists. Their personal salaries are as much as ten times that of the scholars they support. Moreover, having little to do, except making themselves more important than they really are, they become nuisances to the scholars, cajoling them into participation in all sorts of official functions and invading their lives with the unashamed abandon and impatience of the police.

It is difficult to discern the purpose of the scholarship. Should it flood the country with "cultural ambassadors" who will spread good cheer, become model citizens, and spout the American point of view on all occasions?

Yet worse, these officials tend to be failed academics — men with good degrees, a record of diligence, grandiose ambitions, but little success; thus, they exhibit considerable *ressentiment* toward those young scholars, who obviously more talented and productive, have free time to develop their budding interests. These officials are the sort who, upon failing to attain the dean-ship or the professorship at the university back home, would become deans of admissions or of freshmen or of financial aid; abroad, they become royalty with their own castles. They enjoy being disciplinarians; and their favorite threat is the standard recourse of the weak official — to put a black mark in one's record. (Who puts, one wonders, the black marks on their records?) Or some have been known to write professors who supplied references for a brilliant but difficult girl, threatening never to honor their opinions again. As cultural ambassadors, they are hardly effective. They are rightly blamed for the selection of immature students, and local teachers object to their high-pressure tactics in placing students in universities. In my observation, the only natives of the host country who like these carpetbaggers are the most transient guests at their plush parties. The selection committees abroad are generally elderly V.I.P.'s with little sense of matters academic or intellectual; and like all self-conscious squares they prefer the safe and traditional to the adventurous and contemporary, often to the anger of the local professors who support the application of a bright American student whom the committee stupidly rejected.

As a rule, when a charitable program exists more for the sake of its officials than its recipients, the beneficiaries become dupes in the perpetuation of the bureaucratic machine; and despite its initially honorable intentions, the Fulbright Program is now no different. As the student sits in his unheated hovel, slaving away on his research, gulping his soup to keep warm, fraternizing with his fellow poor, the bureaucrats live with the other diplomats in the plushest neighborhood in town, eat the best food, attend well-heeled parties, and travel profusely. The student is being exploited so that the bureaucrat can live in expense-account comfort. As the bureaucrats prefer the most exploitable and obedient students, the European teachers complain, quite rightly, that Fulbrights are not as challenging and exciting as the young people they meet in America. One can hardly imagine, say, Norman Mailer, Marshall McLuhan, Allen Ginsberg, or William Faulkner as Fulbrights; and perhaps this explains why so few major books have been written on Fulbright patronage.

The officials become nuisances to the scholars, cajoling them into participation in all sorts of official functions and invading their lives with the unashamed abandon and impatience of the police.

Anything less than immediate overhaul of the program will only bring the program into disrespect, not only with American students but also with foreign scholars. First of all, we must remove its subsidy from war debts. Forgive the debt; pay for the program out of American money. Second, give the scholars sufficient funds to meet the area's standard of living, adding increments for those who have families or who reside in areas commonly known to be more expensive. Third, stop insisting that the scholars be cultural ambassadors; young Americans are gregarious enough to be fine emissaries without being self-conscious missionaries.

Fourth, encourage mature scholars, rather than recent graduates. In this respect, I recommend the following process of selection: A student on his own initiative writes a professor of his choice at a foreign university, asking to do research under him and presenting evidence of his own competence and of the relation of his interests to the professor's; if the professor decides to accept the applicant, then he sends a note to the local consulate. Providing that both the sponsor and his prospective student are of a demonstrably high caliber, a professional selection committee in Washington should award the grant. The student will therefore join the community of scholars at the invitation of the community, rather than become a cipher foisted upon a local university. Not unlike a student abroad on his own funds, the Fulbright would be responsible to the local consulate.

Fifth, abolish the Educational Commissions and their local selection committees. They are fundamentally unnecessary; and the money saved should go toward increasing the stipend. If the salary of England's chairman alone were divided evenly among the 100-plus Fulbrights, the result would be nearly fifty pounds more per person — or a ten percent increase; and were all the Commission's office expenses similarly redistributed, the per-student increase would be even larger! These reforms will, I believe, produce a program more suitable to Senator J.W. Fulbright's ideal, expressed in his foreword to *The Fulbright Program:* "The optimum utilization of physical, cultural, spiritual, and human resources, and the perfect adjustment of the individual within the social framework."

Addendum

When the previous essay appeared in *The Nation* I expected a defensive reply, but little did I expect that several institutions and individuals, supposedly with reputations to worry about, would discredit themselves so blatantly. A protesting letter signed by the historian Oscar Handlin, as honorary chairman of the board administering the Program, was sent to *The Nation*, which dutifully forwarded it to me requesting a rejoinder. Since Handlin's note was riddled with patent errors, as well as spelling mistakes (the most memorable being "San Hose College"), I assumed that the misinformation had been provided by others, who had perhaps authored the letter for Handlin as well. It seems likely, at any rate, that this chaired professor at Harvard had not rechecked their "research," done his own homework, or even proofread the reply attributed to him. Only because the signature agrees with another "Oscar Handlin" I have before me can I assume that the note actually passed under his hand. Such patent exploitation of professional eminence, coupled with lack of personal integrity, is alas not untypical of certain intellectual powerhouses, who should have more respect for themselves, especially in dealing with younger people. Needless to say perhaps, when a student cites so much erroneous data, he is customarily flunked; and when he lets another write something submitted under his name, he is generally expelled. Thus do academic powers practice an egregious double standard. In a recent *American Scholar*, Handlin then has the *chutzpah* to complain that his generation is not sufficiently respected by its juniors. Surprise?

Resisting my initial polemical temptations, I mailed the letter directly to Handlin with an accompanying note expressing my disappointment that "a scholar of your eminence should allow his good name to be used for such lowly work. Were you not an historian I once respected, and the mentor as well of one of my own best teachers, I would gleefully demolish it. Sadly, you have been victimized by those who would make you their spokesman; and unless I hear from you otherwise, I trust you shall want to rescind your letter." Nothing more came from Handlin — not even an appreciation of thanks for offering to rescue his reputation from disgrace (or any other sign of basic

When a charitable program exists more for the sake of its officials than its recipients, the beneficiaries become dupes in the perpetuation of the bureaucratic machine.

humanity). However, a revision of his letter did appear, with spelling mistakes corrected, in *The Nation* (Oct. 31, 1966), more than four months after my piece. Perhaps in awe of my warning to Handlin, *The Nation* rather suspiciously failed to extend to me the customary courtesy of showing me his text in advance, let alone inviting, as before, my rejoinder to accompany his protest. Since Handlin distorted fundamental facts and generally debunked my reputation as a reporter, this editorial failure was especially shameful; several telephone calls, in addition to much overcoming of equally suspicious resistance, were required to make sure that the following reply I immediately drafted did appear in the weekly Nation, some four issues later. Most of Handlin's assertions are acknowledged in my reply. Not one of his criticisms of my essay was acceptable; most of the time, he patently did not know what he was talking about.

I'm continually appalled that an historian as eminent as Oscar Handlin should allow his reputation to be exploited by organizations that win his allegiance; however, here his associates betray his trust, for his letter is full of mistakes and falsifications. In fact, there were three (not two, as he says) Negro Fulbright scholars my year, and the third, who lived in Manchester, was considerably darker, which is to say less invisible, than the other two. Second, our contingent included several nonacademics, both by profession and personality; and my list of eccentrics, in context, exemplifies the kinds of people totally excluded from the Fulbright commissions' beneficence. (Also, William Faulkner was in fact a Fulbright lecturer, not a scholar.) I would have used examples from my own generation, were not their names so generally unfamiliar. Third, when Handlin says that British stipends give 6 pounds per week and American 15 pounds, he can arrive at this discrepancy only by unscrupulously juggling statistics, dividing the total British sum (£325) into a fifty-two-week calendar year, and the American (£558) into a thirty-five-or-so week academic year; and as I said in the earlier article, the English could take formal jobs where we (*sans* a working permit) could not. Since Handlin did not attempt to live on the stipend, he is simply not qualified to judge its adequacy — unlike immigrants long deceased, we Fulbrights are able to speak for ourselves. I understand that the stipend awarded Rhodes scholars is now nearly twice that of a Fulbright, though residing in Oxford is considerably less expensive than the British cities. That the program is no longer supported by war debts, even as part of "joint contributions" is news to me (as the executive secretary himself told me otherwise, at dinner on Feb. 16, 1965); and may I trust that my other reformative proposals, which Handlin indicatively does not dispute, will become realities with equal haste.

What irritates me more about Handlin's letter are, first, its moral premise and, second, his own damned presumptuousness. His irate tone ("particular [sic] poor grace") presumes that the poor should never complain about relief, solely and simply because they are recipients of a government dole. (Need I say more?) Second, he claims to know more about my life than I do. Of the two "people with whom [I] chiefly came into contact at the commission," I happened to meet one, the more eminent (Cleanth Brooks), only once; and how I spent my own money or where it came from would interest only an incipient totalitarian — the sort who would also feel inclined to revise the facts of history to his own convenience. Finally, contrary to what Handlin tells me about myself, I did not at all suffer "unhappiness in London," but many of the discomforts that all the scholars felt I would attribute to needless deficiencies in the Fulbright program. My essay dealt not with my own experience but a highly touted program that must reform itself or earn an increasingly bad name. — Richard Kostelanetz

The Nation dissociates itself from all passages in the above letter which characterize Oscar Handlin, deprecate his behavior, or ascribe motives to him. — Editors

Nor did the magazine ever explain the reasons for such an unusual, patently self-compromising concluding editorial rejoinder to me, obviously taking flag-waving pride in what would customarily be regarded as the absence of integrity!

Reprinted from *Crimes of Culture* by Richard Kostelanetz (Autonomedia, New York, 1995). Originally published in *The Nation* (1966).

The State Department, Fulbright and Me, *from page 29*

Charles Frankel to decide whether the response ought to come from the [State] Department or from the B.F.S. [Board of Foreign Scholarships]. If the latter, I will be glad to write." His eagerness to help is repeated in a letter of July 5, 1966.

Apparently no more a summertime beachman than Handlin, Hull replies on July 8: "Charles is inclined to feel that we should not have a Government official making this kind of response. He feels that high-level or not, it would be better for the response to come from a private individual, namely you." Hull adds, "Perhaps you can get a useful idea or two from my draft letter," which turns out to be two single-spaced pages, dated the previous day, directed to Carey McWilliams, *The Nation's* editor at the time, who was thus prepared for receipt of the official rejoinder from Handlin. I suspect that more "advice" was directed to *The Nation*, probably with telephone calls, but there was no evidence in the papers sent to me.

On July 13, Handlin sent his first letter to *The Nation* with its reference to "San Hose College," making me wonder again if it were ever physically read by the man who purportedly signed it. How did this copy get to files residing in Washington? Was it sent from Cambridge by Handlin? Or was it prepared in D.C., perhaps by one of the conspirators whose correspondence I obtained with my FOIA request, who signed it with Handlin's name? Since this is a copy of the letter, the original of which I had returned to Handlin with the considerate advice not to publish it, I'm pleased to have an authentic copy; I was relying only on memory when I critiqued it.

I also found in the Arkansas Fulbright file the machinations behind the revival of Handlin's lame letter. On Sept. 22, someone identified as "William C. Ackerman, special assistant" sent Charles Frankel a draft of a letter that he directs the latter to send to Sen. Fulbright. Ackerman also sends to "Mr. Canter," apparently stationed between him and Fulbright himself, a "letter I originated, and which Dr. Frankel promptly signed."

A copy of Frankel's ghosted letter I now have as well,

dated Sept. 23, 1966. Opening "Dear Bill," it explains, "I am advised [by whom, pray tell? — RK] that Carey McWilliams, editor of *The Nation*, sent a copy of the Handlin letter to Mr. Kostelanetz. After receiving that letter, Mr. Kostelanetz advised Dr. Handlin that he would produce further, as he said, negative comment on the program if Dr. Handlin wished to argue the claim further."

What next? Fulbright replied on Sept. 26, 1966: "For my own satisfaction I am very pleased indeed to have these statements, particularly the letters from Handlin and Edgell. I must say Kostelanetz appears to be a very strange character. Someone made a serious mistake in giving him a scholarship." The bigger mistake was my not having access to Fulbright's testimonial before. Imagine how much mileage my book publishers could have gained from such a senatorial encomium at that time. Dammit. You'd think my citizenship entitled me to immediate copies of whatever any senator said about me. "I gather from your letter that you feel it wise not to say anything further about this," Sen. Fulbright continues to tell Frankel. "Personally, I would be willing to insert in the Congressional Record with appropriate comments, the material you sent to me, but I do not wish to make your job any more difficult than it is." Whether those documents were actually published in that "historical" record, I do not know. I don't know how to check, naturally wondering whether anyone ever reads it, because I can't recall anyone ever telling me about documents relating to me appearing in what is, after all, the epitome of "vanity publishing." A Google search about this question turned up nothing. Rechecking Google again, I wonder if this William C. Ackerman edited an esoteric 1948 book about radio, which I probably should know, maintaining an interest in that medium. (Hey, Ackerman, if you're still alive and read this, could you please send me a copy, thanks.)

On Oct. 3, Ackerman, apparently anxious, reported to Frankel: "I have looked through a file of *The Nation* without finding that the Handlin letter has been used, or that the subject of the Kostelanetz letter [sic] has otherwise been discussed in *The Nation*." He advises: "My suggestion is to discuss with Dr. Handlin and verify from him that the letter has not appeared and that Handlin was pressed on this by Kostelanetz." He concludes, "Want me to call Dr. Handlin?" The sloppy typing, epitomized by capital letters whose bottoms are well above the adjacent horizontal line, suggests that these words came directly through Ackerman's hands. Unlike his puppet Handlin, he wouldn't let anyone compromise his communication.

Little did these bureaucratic functionaries imagine that decades later I would have the perverse pleasure of relieving my three-decade-old paranoia with the real names, most of them previously unknown to me, of my Real Enemies.

Next chronologically I find in the Fulbright file a carbon dated Oct. 6, 1966, apparently of a memo addressed to "Margo" enclosing the draft of a letter that Ackerman wants Frankel to send to Fulbright. Dated the following day, the draft says, "I do not feel inclined to raise these questions by making a public record — through the Congressional Record — or other means — of the controversy. May I say, too, that I appreciate your thoughtfulness in not pursuing this by publication, which could, I believe, had [sic] too little result for the effort that would in all probability be required." Dammit. I wonder if I'll ever have another chance to be published in the *Record*. A "low calibre" writer, you know, needs every appearance he can get.

Can I be alone in wondering why all these guys, purportedly all adult men, bothered with such elaborate machinations in dealing with me?

On Jan. 4, 1967, Ackerman, my most assiduous reader, sent a copy of my *Nation* rebuttal not only to Mr. Hull (remember him?) but also to "Mr. Roland," a new name in this history, as "the latest development in this story. It may be the last, though Ralph Vogel [yet another new name] is covering [sic] Mr. Handlin on the Kostelanetz letter and Mr. Handlin may say something more. Though I doubt it." (What, pray tell, does "covering" mean in this context?)

At the bottom of this single "reference slip," Ackerman asks Mr. Hull, "Should not these papers come to rest in CU/IR, where some were borrowed?" Came to rest "these papers" did, though perhaps not where their authors wished. Can I be alone in wondering why all these guys, purportedly all adult men, bothered with such elaborate machinations in dealing with me? Were they bullies with excessive spare time? Or did they want to please Sen. Fulbright, their boss of bosses? Or did they conspire to set up Handlin to look dumb? I remain mystified about their motives.

Little did these bureaucratic functionaries imagine that decades later copies of their papers would "come to rest" in my hands and that I would have the perverse pleasure of relieving my three-decade-old paranoia with the names, real names — not pseudonyms — most of them previously unknown to me, of my Real Enemies. Hooray for the FOIA! Repeat after me: Hooray for the FOIA! Hooray for the FOIA! Hooray for the FOIA!

One truth I learned from this experience then (and repeat to everyone now) is that you should never, but *never*, sign your name to "research" done by somebody else, at least not before checking it yourself. This has a corollary: never let your intellectual integrity be exploited by any institution, particularly by a government organization. Paranoia about such possibilities is thoroughly healthy; Handlin wasn't paranoid enough. No amount of money, no promises of fame and "prestige" are worth being treated with such condescension. A second truth is that you should never discredit yourself with young people who might have visible careers, no matter if your advisers or handlers dismiss them as "low calibre." Your lack of character will be remembered, sometimes cancel-

continued on page 53

Letter

Lester Agonistes

by Jeffrey Friedman

J.C. Lester miscontrues my theory of empirically unfalsified post-libertarianism as somehow anti-libertarian.

J.C. Lester's "Attack" article (a whole new genre of literature — who knew?) in the August *Liberty* squeezes quite a bit of misinformation into three pages. Lester has poorly served those readers of *Liberty* who don't have direct knowledge of the views I've expressed in the journal I edit, *Critical Review*.

Without going into Lester's literally incomprehensible claim that my article "errs" in failing to take account of his allegedly sound version of libertarianism (a version he does not deign to set forth — to find out what it is, one must read a book he published three years after my article appeared), let me set the record straight about three issues.

1. Lester repeatedly characterizes my position as "anti-libertarian." This is misleading, at best. In my 1997 *Critical Review* article (see pp. 449–60), I proposed an argument *for* libertarianism, an argument based on the nature of politics. In the years since then, *Critical Review* has published a great deal of research advancing this argument. The basic idea, as I wrote in 1997, is that politics — even more than the other departments in human life — is pervaded by ignorance, misinformation, demagoguery, and ideology. This accounts for the perverse effects of government action better than any extant form of libertarianism does.

My argument may not be a traditional form of libertarianism, but it produces libertarian conclusions. For if there is an alternative to politics — such as capitalism — that is less likely to produce perverse results because it is less pervaded by ignorance, we should prefer that alternative. Is it really fair, then, to call my position "anti-libertarian"?

The failure of free-market economics to produce 100-percent libertarian conclusions leads libertarians to endorse inadequate, "philosophical" (a priori) reasons for such conclusions.

The whole point of the four-part 1997 article Lester attacks is to clear away unconvincing and unsustainable versions of libertarianism (parts I–III) so as to introduce the argument from political ignorance (part IV). As I wrote, my aim in the essay was "to diagnose the failings of libertarianism *and propose a remedy for them*."

2. Lester manages to get my point about "the libertarian straddle" exactly backwards. I never claimed that, as he puts it, "libertarianism is empirically unjustified and really held for inadequate, 'philosophical' (a priori) reasons." On the contrary: I argued that almost none among us would ever have become a libertarian if not for encountering the empirically based arguments of free-market economists (sometimes transmitted through novels). I quoted with approval David Boaz's acknowledgement that "few of us would be libertarians if we thought a strict adherence to individual rights would lead to a society of conflict and poverty," and I went on to contend that "libertarian philosophy is self-sustaining if one accepts its premises, but one would only accept them if one had already been pushed in a libertarian direction by consequentialist considerations."

My position, therefore, is the precise opposite of the one Lester presents. Libertarianism *seems* initially to be justified by the empirical claims of free-market economists — but, as

the abstract of my article tried to point out, in an admittedly ambiguous passage quoted by Lester, this appearance turns out to be illusory. The failure of free-market economics to produce 100-percent libertarian conclusions (for instance: what is economically inefficient about a law that would redistribute $10 from a billionaire to a bag lady?) leads libertarians to endorse inadequate, "philosophical" (a priori) reasons for such conclusions.

3. Lester interprets my rejection of extant empirically based cases for libertarianism as requiring an impossibly high, "justificationist" standard of proof. This is simply a misunderstanding. I did not say that libertarians have to demonstrate in advance that every government intervention will fail. I did say, however, that libertarians must provide reasons to think such failure *likely*. Such reasons are the "bold conjectures" called for by the Popperian, falsificationist model of science Lester endorses. They are embodied in theories about why government programs have tended to fail in the past. My essay showed, however, that the extant theories of government failure, such as public-choice theory, *have already been falsified* by empirical research.

Without an unfalsified theory to explain why government failure is likely, Lester's position amounts to the claim that no government program has ever succeeded in the past. One wonders what Lester would count as "success." Clearly government programs do succeed at some level: mail gets delivered, fires get extinguished, income gets redistributed, etc. If these government activities are to be considered failures, it can only be in comparison to the hypothetically more efficient free-market provision of mail, fire fighting, employment, and so on. For this comparison to succeed, one needs a hypothesis about why markets are likely to work comparatively *better* than governments — a hypothesis based, presumably, on a conjecture about why markets have worked comparatively better in the past. Such a hypothesis is just what the argument from political ignorance provides. And it has the advantage of being unfalsified by empirical research. ❑

Friedman Falls Short

by J. C. Lester

Jeffrey Friedman sets out to "set the record straight about three issues." But his most important point is not listed among his numbered corrections of my errors. This is where he writes that he will not respond to my "literally incomprehensible claim" that he does not deal with what I assert is the libertarian conception of liberty and with its critical-rationalist defense. But I say more than enough about these and why his own account is confused for him to begin to come to grips with the problem. I don't know why he doesn't respond to the arguments I put forth. It is no excuse that I did not attempt to summarize all of *Escape from Leviathan,* where I have written at length about this. I did not suggest or imply that familiarity with that work is a prerequisite of any fruitful argument, or I should hardly have bothered to put forth the arguments that I did.

1. Friedman then objects that the "anti-libertarian" label that I give him is "misleading, at best" (though he later moderates this, asking whether it is "really fair"). Having read various articles by Jeffrey Friedman it certainly never occurred to me that he was, or considered himself to be, a libertarian. He has advocated "postlibertarianism" before and does so again in the article to which I responded. Presumably what comes after libertarianism is not itself libertarianism, which is somehow rejected. He asserts in his letter that his argument "produces libertarian conclusions. For if there is an alternative to politics — such as capitalism — that is less likely to produce perverse results because it is less pervaded by ignorance, we should prefer that alternative." But, presumably, if there isn't such an alternative, we can't prefer it. So that hypothetical statement is not a libertarian conclusion, is it? It would only be a libertarian conclusion if it were not hypothetical: "As there is an alternative . . . " Perhaps Friedman has some more libertarian-like arguments in other places. And perhaps Friedman looks like a libertarian when his views are compared with mainstream political views. But I take a libertarian to be someone who thinks that we should have either no politics or as little as possible. Friedman certainly does not appear to think this. Or perhaps he would attempt to take refuge in some non-libertarian conception of liberty as he did in the article. I explained what was wrong with this. He completely fails to reply.

Friedman's article may well, as he states, "clear away unconvincing and unsustainable versions of libertarianism." But he fails to realize how these can be made convincing and sustainable (using the methods and arguments I outlined and to which he does not properly reply). The final "argument from political ignorance " is not obviously a libertarian argument: it does not advocate libertarianism or have libertarian conclusions. Perhaps it is intended to be compatible with some important aspects of libertarianism,

but it is actually called "Transcending Libertarianism," which would appear to entail rejecting libertarianism, albeit by somehow going beyond it (or is

Having read various articles by Jeffrey Friedman it certainly never occurred to me that he was, or considered himself to be, a libertarian.

Friedman sacrificing accuracy for the more arresting appearance of iconoclasm?).

Hence for Friedman to call himself a libertarian appears "misleading at best." But nothing important hangs merely on how we label any of Jeffrey Friedman's views. There is no serious philosophical or theoretical issue in that. If he really is advocating libertarianism in some serious but subtle way then that is significant. But I cannot see it. And it is not evident to me that he wants to make himself clear.

2. The fact that empirical issues are often what attract people to libertarian thinking, as Friedman realizes, does not gainsay the fact that libertarianism is completely empirically unjustified (for no finite amount of positive instances, even if themselves true and unproblematic, can begin to prove or support any universal theory). In his article, Friedman repeats ad nauseam the criticism that libertarian thinking cannot be justified empirically. So I can't see why he denies that his position is that, in my words, "libertarianism is empirically unjustified and really held for inadequate, 'philosophical' (a priori) reasons" and asserts that I have his theory backwards. Even the example he chooses to give in his letter appears to corroborate this view: "The failure of free-market economics to produce 100-percent libertarian conclusions . . . leads libertarians to endorse inadequate, 'philosophical' (a priori) reasons for such conclusions." I can only guess that Friedman's confusion about the nature and possibility of epistemological justification — as is clearer in his next point — is somehow to blame here.

3. If critical rationalism is true, libertarians cannot "provide reasons to think" that government failure is "likely." Those would be reasons attempting to support the libertarian conjecture instead of admitting that it is a conjecture and dealing with criticism. Such reasons would not themselves be, as Friedman thinks, "bold conjectures" but an attempt at a justification of a thesis. So they are not, as he suggests, the "falsificationist model of science" (whereby we seek empirical, but still theory-laden, falsifications instead of so-called empirical support). Nor are they the broader critical-rationalist model of epistemology, which includes falsificationism, that I actually mentioned (whereby we seek criticism in all its forms instead of any kind of supposed support). It is irrelevant, even if true, that theories of government failure have been falsified.

This does not entail that my position is reducible to "no government program has ever succeeded in the past" (it is very odd to imply that a critical rationalist, or a falsificationist, is guilty of this form of induction just because he does not support his thesis). My thesis is that state intervention makes things worse in such a systematic way that we are better off completely without it. And this is offered as an entirely epistemologically unjustified and unsupported conjecture. We cannot show that a universal thesis, or any part of it, is "likely" or supported. All we can usefully do with this universal thesis is attempt to see whether it withstands criticism (including, but not limited to, empirical tests). Friedman has corroborated what I suspected throughout his article: he does not understand critical rationalism (even in its narrower falsificationist version). Combined with his failure to grasp what I assert, admittedly controversially, is the correct libertarian conception of liberty, he is all at sea on the topic he writes about at such great length on so many occasions.

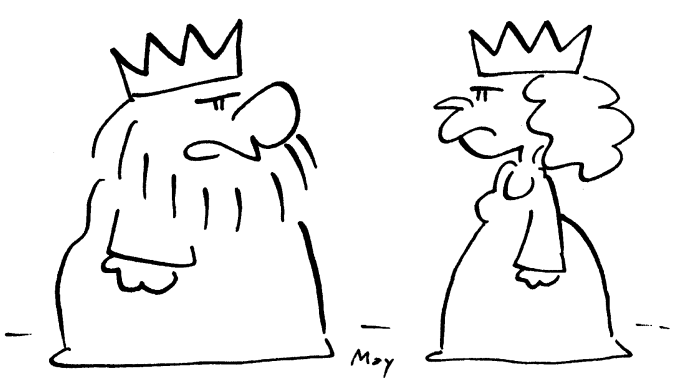

"I can't *help* politicizing everything!"

What counts as a "government" (or state) "success"? As Friedman realizes (I think), it is where the government does better than the opportunity cost: the best that a non-government institution would do. It is not a sufficient criterion of success merely that "mail gets delivered, fires get extinguished"

We cannot show that a universal thesis, or any part of it, is "likely" or supported. All we can usefully do with this universal thesis is attempt to see whether it withstands criticism.

(Friedman teases when he adds the anti-libertarian example that "income gets redistributed.") This comparison does not need "a hypothesis about why markets are likely to work comparatively better than governments." They can be compared without such a hypothesis. And any such hypothesis could not be "based" on anything to do with "why markets have worked comparatively better in the past." All this is simply demanding justification and induction.

Perhaps critical rationalism is a false epistemology. Maybe a more nuanced libertarian conception of liberty still does not entail libertarian conclusions. But before they can be refuted they have at least to be understood, which Friedman has yet to do. ❑

Friedman Rules

by Ari Armstrong

J. C. Lester somehow has failed to see the tremendous intellectual achievements that Jeffrey Friedman has made in his effort to make libertarianism defensible.

While reading J.C. Lester's recent article, "The Trouble With Friedman," I glanced at the cover of the magazine to verify the publication date. For a moment I thought I had been sent a back issue. But the cover verified what I thought was the case: I was reading the August 2003 edition of *Liberty*. This struck me as strange because Lester addresses a 1997 article by Jeffrey Friedman in *Critical Review* titled, "What's Wrong with Libertarianism?" Why is a years-old article suddenly grist for a pop (well, as "pop" as anything libertarian can be) monthly publication?

This is especially odd considering that two prominent libertarian scholars — Chris Matthew Sciabarra and Tom Palmer — responded to Friedman's essay in the pages of *Critical Review* dated (a mere) five years ago, in the Summer 1998 issue (Vol. 12, No. 3). In response, Friedman recapitulated his earlier criticisms and expanded them. Nor does Lester note other important articles by Friedman that add significant context to his critique. For example, in Fall 1998 (Vol. 12, No. 4), Friedman writes an introductory essay, titled "Public Ignorance and Democratic Theory," that begins to outline his own approach to libertarian theory. He notes that "the public is overwhelmingly ignorant when it comes to politics" (397), so he sensibly points to the case for keeping the political sphere as limited as possible.

Enter the New Millennium! Now that Friedman has finished up his studies at Yale and become a professor in his own right at Columbia, he has helped start a pop venture of his own (again, as "pop" as anything associated with the lovable elitist can be) — a new magazine distributed on college campuses called *The Dissident*. Now, can anybody who writes for a magazine called "The Dissident" really be all that bad? Here are a few of the articles that appeared in that publication's inaugural issue: "A New Kind of Empire," "Globalization vs. Capitalism," "Vanishing Voters — A Blessing in Disguise?", and "The Rise of the 'Neoconservatives'." This is a strange publication indeed to be associated with a person who, according to Lester, is "anti-libertarian." (In fact, Friedman has described himself as a "postlibertarian," which strikes me as a pretentious way of saying he's a libertarian who disagrees with some other libertarians.)

Indeed, Friedman has written the most exciting defense of libertarianism I've read in years in *The Dissident*. One would think his article, "Theory Gets a Reality Check: Philosophy, Economics, and Politics as if Verisimilitude Mattered," would merit at least a mention in Lester's article (though the timing of the respective writings may have been the sticking point). Lester's right about one thing: Friedman can write on and on. His essay approaches 18,000 words in length, though it's well worth the effort.

Perhaps what's most frustrating is that Lester fails to answer the issues raised in the '97 article, even as he neglects to point out the actual shortcomings of Friedman's work.

On the other hand, merely the fact that Lester chose to address the '97 essay — and *Liberty* chose to publish the critique — says something about the significance of Friedman's work. I regard it as perhaps the most important work of intellectual history specifically about the modern libertarian movement. True, most self-described libertarians lack the stamina or interest to work through the material, and some who do read it may react defensively. For the rest, though, Friedman offers a "red pill" experience. Even if one concludes he's wrong, or at least not completely right, it's difficult to avoid fundamentally reevaluating one's beliefs. And the publication of Lester's article reaffirms what I love about *Liberty*: the newsstand magazine is not afraid to throw contemporary

political debates in the blender with esoteric intellectualism (I mean, "non-justificationist anti-libertarianism"?) and, with a perfectly straight face, offer up the concoction as refreshment.

To his credit, Lester grants that "some of Friedman's criticisms correctly identify errors in certain versions of libertarianism." Unfortunately for Lester, his own views must be included in this category. And Lester fundamentally misunderstands the point of Friedman's essay. Lester seems to believe that Friedman's purpose is to defeat libertarianism and defend statism. For instance, Lester cites "Friedman's main criticism of the market," even though Friedman's point was not to criticize the market, but only to criticize certain libertarian defenses of the market. There is a huge difference between those purposes, and Lester's misunderstanding leads him to undue hostility toward Friedman and an uncharitable (and inaccurate) reading of his work.

Lester does attempt a clever refutation of Friedman's critique by describing what he believes is an "anti-libertarian straddle." According to Lester, Friedman is a "justificationist" because he demands the "epistemological impossibility" of proving the market "is always more likely" to produce good results. This error, ironically, leads Friedman to adopt an "aprioristic anti-libertarianism," according to Lester, even though Friedman claims to be attacking apriorism. And of course Lester is on to something here. After all, we do not wonder whether an apple we toss into the air finally will fall to the ground, even though we have not shown that gravity must always apply.

However, even though a superficial reading of Friedman's work might seem to support Lester's interpretation, Lester nevertheless is attacking a straw man. At the outset, Friedman describes the problem he is addressing. Citing Richard Cornuelle's 1991 article, "The Power and Poverty of Libertarian Thought," Friedman notes the debate libertarians face today is not one between outright socialism and capitalism (such as Mises and Hayek faced), but rather one over modest economic interventions in the context of a largely free market. Libertarians, Friedman argues, have not (yet) succeeded at arguing against (what their opponents believe to be) modest interventions.

In his article in *The Dissident, Review*, he fails to see the larger picture Friedman is attempting to piece together. In Winter-Spring 1995 (Vol. 9, Nos. 1–2), Friedman writes an introduction to this "Special Issue: Rational Choice Theory and Politics." Later (as noted), Friedman discusses public ignorance. It is only when Friedman's work is viewed as a totality that it becomes obvious he's trying to clear away the clutter to make room for his own brand of libertarian theory.

The goal of Lester's libertarianism is to "minimize proactive impositions." Yeah, that'll get 'em marching in the streets.

Lester unwittingly serves as Friedman's accomplice in demonstrating the pervasiveness of the "libertarian straddle" — and the difficulty many libertarians have even in understanding what the problem is.

Friedman demolishes the view that libertarianism can ultimately be grounded on a "non-initiation of force axiom." Sure, in popular discussions, it can be helpful to say we're against "force" and in favor of voluntarism. But at a deeper level (where Friedman swims) the definition of "force" depends on our definition of property rights, which in turn depends on inherently normative theories. "Coercion" is a conclusion, not a premise. Besides, few people are willing to sacrifice human well-being for some axiomatic political theory — on the popular level other ethical concerns again trump.

But Lester completely misses Friedman's point and instead offers a superficial restatement of the libertarian "axiom." Lester believes "an analysis of the libertarian conception of interpersonal liberty shows it to be about what I formulate as 'the absence of proactive impositions.'" Lester claims his "theory need not assume any kind of property, nor moral rights," but it must if it is to become a libertarian theory, for otherwise what counts as "proactive" and an "imposition" remains unclear.

One selection from Lester's article perfectly encapsulates the problem of the libertarian straddle:

> Friedman then suggests that "the social democrat wants to equalize positive freedom, but more rigorously than does the libertarian." The libertarian does not want any such thing. He wants to maximize interpersonal liberty (minimize proactive impositions). He might well think, as I do, that this will also maximize want-satisfaction.

The great killer is "also." Lester clearly believes "want-satisfaction," associated with "positive liberty," is merely coincidental to the libertarian project, not its goal. Instead, the goal of Lester's libertarianism is to "minimize proactive impositions." Yeah, that'll get 'em marching in the streets: "Hey, hey, ho, ho, minimize proactive impositions, or go!" In the real world, people don't care about whether proactive impositions are minimized — nor should they. They care about "want-satisfaction." But based on Lester's stated commitments, if it could be shown that "minimized proactive impositions" (let's call them MPI) do not in fact maximize want-satisfaction, he would nevertheless advocate MPI.

Now, if we can establish that MPI is a necessary means to achieving human well-being, we're finally talking Friedman's language. But it's important to keep the argument straight. We support MPI because we support human well-being, not vice versa. It simply doesn't work to "straddle" the arguments, to pretend that MPI is a goal unto itself, to which human well-being just happens to be related. The libertarian straddle does precisely what Friedman describes: it tends to foster a theoretical codependence between "moralistic" arguments and consequentialist ones, and it makes libertarianism seem implausible to most people.

So Lester basically misses the point, and he doesn't describe any actual problems with Friedman's work. That's a shame, because Friedman needs significant criticism. While a complete discussion of Friedman's errors would require a Friedman-length essay, I will

outline a few of the major problems here.

Ethics: by consequentialism, Friedman seems to mean utilitarianism (see p. 450 of his 1997 article). But of course what this actually means is highly problematic, and Friedman makes little effort to sort this out. What consequences matter, and to whom? Until Friedman delves into this, his consequentialism is but another version of empty apriorism. And what happens if a sort of consequentialism can be justified that isn't utilitarian? It looks like the libertarian moral philosophers can keep their jobs, after all.

Elitism: much of Friedman's own case rests on voter ignorance. People are fairly good at running their own lives, but terrible at making system-wide decisions. But we're stuck in a democratic regime, and it would seem that ignorant voters therefore cannot be educated about their ignorance. Similarly, Friedman describes problems with "elite" opinions about politics, but he seems to assume something like a "super-elitism" capable of comprehending the problems of the elites. Finally, how might a society that organizes itself to avoid the pitfalls of mass political ignorance remain stable, without new elites attempting to form self-serving power structures? Thus, Friedman seems to slip into a unique elitism that tends to ignore some of the danger of elites. On the other hand, simply the fact that Friedman spends so much time advancing his ideas seems to suggest he believes he can influence elites and, in Hayekian form, eventually the society.

Disdain: libertarians are often "crusty" sorts of persons. Often they are quick to berate and slow to listen. (I speak from experience here, to my embarrassment.) One reason for this is that they're relatively less ignorant about politics than are most voters, and with increased understanding comes a need for increased patience. Unfortunately, once a disdainful attitude is assumed, initial understanding becomes a barrier to intellectual growth. And Friedman is one hell of a smart guy. I can see why he loses patience with his libertarian critics, many of whom fail to "get it." But his impatience leads to overly curt rhetoric, which in turn leads to hostile defenses. And sometimes Friedman is too quick to dismiss theorists he disagrees with — like Ayn Rand, Sciabarra, and the public-choice economists — without giving them a fair hearing or trying to pick up their useful insights.

But Friedman's work is also full of wonderful insights (even for those who may think he's on the wrong track). For instance, his skewering of Charles Murray (1997) is a joy to read. His essay in *The Dissident* is potentially paradigm-shifting. Whether his achievements are ever recognized by the libertarian movement, Friedman has offered one of the most important reformulations of libertarian theory of all time. His contribution is an insight of intellectual history, combined with a new synthesis of a wide range of existing ideas. Friedman has been enormously effective at bringing his ideas to young intellectuals — there's even a "Critical Review Alumni Association." He will drag libertarians — kicking and screaming if necessary — to a defensible theory. And then libertarians will cease to be their own worst intellectual enemies. ❑

Friedman Fails

by J. C. Lester

Political theory and philosophy do not date very fast. It is not odd to seriously (re)consider arguments that are indefinitely old. I chose the Friedman article I did because it seemed to usefully encapsulate Jeffrey Friedman's central criticisms of libertarianism (or at least "orthodox libertarianism," as he calls it in the abstract to his article). Since Friedman still stands by this article and does not regard his libertarian critics as having refuted it, and as I have a different perspective, there is nothing especially odd about adding my own two cents. The result appeared to be sufficiently of interest for a popular libertarian journal to publish it. I cannot see anything very odd about that either. And I can't see that it is a fault that I did not additionally address Friedman's other articles in which he expands on his preferred reasons for limiting the political sphere. These are quite another matter. I was not writing a criticism of all Friedman's writings, as Ari Armstrong prefers; I sought only to identify some important errors that are in his 1997 article, and which often crop up in his other articles as well.

It is natural to assume that Friedman is not a libertarian when he insists that he is a "postlibertarian." If he really is some kind of a libertarian after all then he is himself chiefly responsible for any confusion. But it does not matter much whether we call Friedman a libertarian or not, does it? Labels are not important. In the other

Friedman article that Armstrong cites, Friedman certainly puts forth a general case for allowing the free market, though a free-market conservative might not see anything that clashes with his own views. Friedman also appears to defend redistribution by taxation in certain cases and certainly "if that is the only way to prevent starvation" (that the free market really might result in starvation seems an unlibertarian assumption). Much of the substance of Friedman's pro-market argument seems to be reinventing Austrian economics with respect to criticizing perfect competition theory and universal self-interest (which he mistakenly thinks Adam Smith assumed: "contrary to Adam Smith — we should drop the self-interest assumption"). Much of his anti-democracy argument is redolent of W.H. Mallock (*The Limits of Pure Democracy*, London, 1918). So I can't see anything new or "exciting" in it.

Armstrong does not tell us what issues Friedman supposedly raises that "Lester fails to answer." So I cannot answer that charge further. And I am not concerned with pointing out all the "shortcomings of Friedman's [general] work." I wonder who all the libertarians are who find that reading Friedman makes it "difficult to avoid fundamentally reevaluating one's beliefs." I did not personally find anything especially challenging in them. Having read several of Friedman's articles I was always left with the same view. He was repeatedly making the same basic mistake about justification and the libertarian conception of liberty. This seemed worth putting in one article. I don't suppose that my "esoteric intellectualism" was intended as light-hearted "refreshment" in *Liberty*, which I believe has room for many kinds of writing.

Armstrong's next point is clear but unimportant. It hardly matters whether Friedman was *intending* to criticize the market or "only to criticize certain libertarian defenses of the market." The substantive point is that his criticism fails because of its justificationist assumptions and misunderstandings about the libertarian conception of liberty. His *purposes* are not important to the argument. I cannot, so far, see any "hostility" or any "uncharitable" or importantly "inaccurate" reading of his work in anything I wrote.

Armstrong suggests I am "attacking a straw man" because Friedman is really arguing that libertarians "have not (yet) succeeded at arguing against (what their opponents believe to be) modest interventions." But, as we have just seen, what I was criticizing was Friedman's mistaken reasons for dismissing what Armstrong calls "certain libertarian defenses of the market." (I do also think that libertarians have succeeded — intellectually, not politically — in refuting even "modest" interventions, though I do not see how this is relevant.) And the misconceived idea that they have not "justified" their case with a universal theory based on the evidence can also obscure this point. Friedman's so-called "own brand of libertarian theory" simply does not relate to the points I am criticizing — except insofar as it still exemplifies them. As I explicitly reject both the pure a priori defense of libertarianism and the attempt to justify it empirically, how are my points supposed to be "demonstrating the pervasiveness of the 'libertarian straddle'"? This is another incoherent charge that Armstrong fails to explain.

Contrary to Armstrong, I did not "completely miss" Friedman's points about the problems with thinking that "coercion" and the "non-initiation of force" can explicate libertarianism; in fact, I largely agreed with them and I said so. I have argued along similar lines for about 20 years and restate my criticisms in *Escape from Leviathan*. Such analytical points are entirely separable from issues at the "popular level."

However mistaken my theory of liberty may be (and I am aware of some unsolved problems and apparent paradoxes with it), I don't think it can usefully be dismissed as a "superficial restatement of the libertarian 'axiom.'" I quite understand Armstrong's common-sense error that property and moral rights must be assumed "for otherwise what counts as 'proactive' and an 'imposition' remains unclear." But he might like to consider two things here: 1) We can assume that nothing is owned and then attempt to derive the form of ownership that will minimize the extent to which persons proactively (rather than reactively or defensively) impose on each other (for even if nothing is owned, you appear objectively to impose proactively on someone — what he is — if you enslave him rather than leave him alone). 2) Such a derivation can be "objective" in the sense that it need make no reference to morals. The major criticisms and counter-criticisms involved in such a thought experiment are too long to go into here, but I have discussed those I could think of in "Liberty as the Absence of Imposed Cost: The Libertarian Conception of Interpersonal Liberty," *Journal of Applied Philosophy* 14, No. 3 (1997): 277–88 (and in more detail in the chapter on liberty in *Escape From Leviathan*, Macmillan/Saint Martin's, 2000).

Armstrong then again asserts that I am guilty of the "libertarian straddle." Friedman's libertarian straddle is defending libertarianism empirically but then falling back on an a priori defense when that fails.

I simply do not do this. I defend libertarianism as, among other things, maximizing liberty *and* optimizing want-satisfaction. I don't shift from my welfare claim. I do not say that want-satisfaction is either "merely coincidental" to libertarianism *or* "its goal." So there is no "killer" error here, whatever that is. Critical rationalist libertarianism is about the conjecture that there is no sound reason not to maximize people's liberty, not that there is some goal liberty will promote. Minimizing proactive impositions is not the goal; that is a theory about what liberty involves. That theory in political philosophy has nothing to do with attempting to "get 'em marching in the streets." Armstrong asserts that people "care about 'want-satisfaction.'" I agree. He then thinks that "based on Lester's stated commitments" I would

Friedman's criticism fails because of its justificationist assumptions and misunderstandings about the libertarian conception of liberty.

continued on page 53

Reviews

Mass Murder in Deseret

William Grigg

When the Utah Sentencing Commission recently proposed the elimination of the firing squad as a method of executing convicted murderers, the Mormon leadership issued a terse statement declaring that it "has no objection to the elimination of the firing squad in Utah." This was necessary, reported The Associated Press, because of a:

> purported church doctrine that held that justice was not done unless a murderer's blood was shed. . . . [S]ome in Mormon-dominated Utah still believe the firing squad is necessary for religious reasons. Commission members feared that belief could hurt the chances of the proposed change [getting through] the Legislature.

"If we hadn't [asked for the Church's position]," said commission member Paul Boyden, "this probably would have been a question among some legislators and it may have not made it out of committee."

The Mormon doctrine at issue here is called "blood atonement," and it dictates that there are certain sins — including, but hardly limited to, murder — that place the offender beyond the redemptive capacity of Christ's atonement. "If these offenses are committed," wrote Joseph Fielding Smith, the tenth Mormon Church president, "the blood of Christ will not cleanse [the offenders] from their sins even though they repent. Therefore their only hope is to have their own blood shed to atone, as far as possible, in their behalf."

In his quasi-official book *Mormon Doctrine*, late Mormon Apostle Bruce R. McConkie insisted — dishonestly — that "there is not one historical instance of so-called blood atonement in this dispensation" (the period since the Mormon Church was founded in 1830). However, McConkie obliquely acknowledged that Utah's preferred method of execution was inspired by the doctrine:

> This doctrine [of blood atonement] can only be practiced in its fulness [sic] in a day when the civil and ecclesiastical laws are administered in the same hands. . . . [I]t was not and could not be practiced in this dispensation, except that persons who understood its provisions could and did use their influence to get a form of capital punishment written into the laws of the various states of the union so that the blood of murderers could be shed.

During the reign of Brigham Young, the second Mormon prophet who was also Utah's first territorial governor, the Church-dominated Utah legislature embedded the doctrine into law. By permitting the Utah state government to dispense with the firing squad, the Mormon Church signaled, at the very least, that it no longer expected a doctrine that had been central to its theology to be reflected in civil law.

In "Deseret," the Mormon name for the sprawling territory they occupied and claimed during the mid-19th century, encompassing not only modern Utah but parts of several other states, condemned murderers were offered the choice of death by firing squad — which would shed their blood, albeit stingily — or decapitation by guillotine. And, pace McConkie, there is abundant evidence that blood atonement was practiced by Mormon leaders during the period of the Deseret theocracy.

Visions and Violence

Mormon history is replete with violence, with the Saints (as they refer to themselves) just as often victimizers as victims.

"Like many new faiths, nineteenth-century Mormonism had a dark side of violence and fanaticism," writes Will Bagley in *Blood of the Prophets*.

> The devotion of early Latter-day Saints and their mix of politics and religion repeatedly provoked conflict with their neighbors. The Saints regarded such opposition as persecution of their righteousness, and battles with their neighbors drove them from Ohio, Illinois, and finally into Mexico in 1847. [The territory was ceded to the U.S. the following year, following the Mexican-American War.] Each new struggle generated further bitterness and zealotry, which in turn provoked new resistance and opposition. This vicious cycle inexorably fueled the fanaticism and emotions that led to Mountain Meadows.

It was at Mountain Meadows, a southern Utah oasis, that Mormon militiamen slaughtered the entire complement (save 17 small children younger than eight, who were regarded as "innocent blood" under Mormon doctrine) of a California-bound wagon train on Sept. 11, 1857. The wagon train's considerable wealth in livestock, assets, and gold was plundered, much of it being taken by Mormon leaders as "tithes." Among the atrocity's victims were several Mormon "back-outs," or apostates, who were "blood atoned" for the sup-

posed sin of trying to flee to California.

The surviving children were adopted by Mormon families, some of them taken into the homes of the men who murdered their parents (pleas from the child survivors' relatives in Arkansas resulted in federal action to return them to their families). Despite the involvement of high-ranking Mormon leaders and a trail of evidence leading up to Brigham Young himself, only one man — John D. Lee — was tried and executed, 20 years later, for the massacre.

For nearly the entire first century of the religion's existence, faithful Mormons were marinated in hatred toward "Gentiles."

The massacre occurred at a time when the Deseret theocracy was girding for war with the federal government. It also immediately followed the murder, in Arkansas, of Mormon Apostle Parley P. Pratt, at the hands of the bitter, violent husband of a woman Pratt had baptized and taken as a wife in polygamous marriage. Bagley and Denton both describe, in careful detail, how Mormon leaders maneuvered the California-bound wagon train from Arkansas to the remote meadows by denying it provisions. Mormons who defied these orders were punished, some of them beaten. At the same time, Mormon pulpits resounded with apocalyptic warnings of a coming conflict with the "Gentiles," and reminders of oaths Mormons had taken in their temple to avenge the "blood of the prophets" — slain founder Joseph Smith, his brother Hyrum, and now Pratt.

Notes Bagley: "It was not a happy time for outsiders to visit the settlements of Utah Territory." In fact, as he points out, the wagon train was probably doomed from the moment it entered Utah. Word quickly spread through the ranks of the Mormon lay priesthood that the train included men responsible for the lynchings of Smith, Hyrum, and Pratt. Foul rumors were put into circulation traducing the emigrants as a pack of violent degenerates. In fact, the party was composed of respectable, church-going people, led by a man descended from French Protestants, who had fled their homeland in search of religious freedom.

As the train slowly proceeded through southern Utah, Mormon Apostle George A. Smith went ahead of it, riling the residents of each Mormon settlement with speeches invoking the Saints' duty to avenge their martyrs and smite the enemies of the Church. Both Bagley and Denton contend that Young and his underlings intended to stage a phony "Indian" attack on the train in a classic example of what is called "asymmetrical warfare": the objective was to demonstrate that the Mormons controlled access to the overland trails.

Bagley records that shortly before the initial attack on Sept. 7, Young met with a group of local Indians to whom he "gave" the wagon train's cattle. The intent was to use the Indians (aided by local Mormons in disguise) as a deniable asset. This scheme comported with Mormon doctrine. As outlined in the faith's fundamental scripture, the *Book of Mormon,* the Indians (or "Lamanites") were descended from ancient Hebrews who colonized the Americas in 600 B.C. It was the Lamanites' prophetic destiny to ally themselves with the Mormons to overthrow the rule of the "Gentiles" and inaugurate the millennial kingdom. At the time the Arkansas wagon train appeared in Utah, the Mormons — particularly in southern Utah — were in the grip of a feverish millennial frenzy, believing that the apocalyptic final battle with the "Gentiles" was at hand.

Money Digging and Murder

Joseph Smith, founder of the Mormon Church and "author and proprietor" of the *Book of Mormon,* entered local public life as a young "money-digger." A low-caliber con artist who dabbled in folk magic, Smith charged people a fee to use his supposed gift of Seership to find buried treasure, although his gift yielded no tangible payoffs.

In 1830, after a series of claimed celestial visitations, Smith published the *Book of Mormon,* which he described as a volume of scripture and history compiled on plates of gold by ancient Hebrew prophets living in the Americas. Smith insisted that the record had been inscribed in "Reformed Egyptian," and that he had translated it by "the gift and power of God."

The final product, however, seemed oddly familiar for a book with such exotic origins. Its text featured huge sections from the Bible (including New Testament phrases anachronistically placed in the mouths of characters said to live before the birth of Christ), and its narrative was composed in a burlesque of King James English. But it found a ready readership among spiritual seekers, and within a few years of its publication Smith presided, as "Prophet, Seer, and Revelator," over a small but growing movement with branches in Ohio and Missouri.

The *Book of Mormon* reflects common early 19th-century speculations about the Hebrew origins of the American Indians. From the beginning, the Mormon Church conducted missionary outreach to the Indians, seeking to "redeem" them as fellow members of "scattered Israel."

As the Mormons moved into Independence in western Missouri, further revelations pronounced by Smith designated the area as the site of a future Mormon Zion, and suggested that the local Indians would play a role in driving away the "Gentiles" — a prospect that was, understandably, less than welcome to the area's original settlers. An 1832 revelation to Smith promised that God would "consecrate the riches of the Gentiles" to the Mormons. Another divine dispatch pointedly predicted that Jackson County, Mo. — "Zion" — would "not be obtained but by purchase or by blood. . . . " Mormon settlers in Missouri soon found themselves the targets of mob violence.

The wagon train was probably doomed from the moment it entered Utah.

In 1833, the state legislature created a Mormon refuge in Clay County, and an uneasy peace settled over the state. But within a few years, Mormon settle-

ments began to expand beyond the county, and a militant spirit gripped the Church's leadership. On July 4, 1838, amid the pomp and bluster of a military parade, Sidney Rigdon, Smith's unbalanced second-in-command, gave a provocative speech threatening death and destruction to both Gentiles and Mormon apostates. If the Mormons were attacked by their enemies again, Rigdon bellowed with Smith's approval, "it shall be . . . a war of extermination, for we shall follow them till the last drop of blood is spilled, or else they will have to exterminate us."

Shortly before Rigdon's speech, a secretive Mormon paramilitary organization called the Danites had been created, its members bound by blood oaths and taught to recognize each other by the use of secret signs. Organized as an elite praetorian guard within a larger Mormon militia, the Danite band "developed an infamous reputation for its intimidation of Mormon dissenters and its warfare against anti-Mormon militia units," in the words of Mormon historian D. Michael Quinn.

Members of the Danite order played a central role in an August 1838 riot in Gallatin County, Mo. After a gang of anti-Mormons forbade a Mormon to cast a ballot, the rejected voter made the "Danite sign of distress." A melee soon erupted, with the antagonists beating each other with four-foot-long oaken clubs. The Mormons got the better of that brawl. Shortly thereafter Smith asserted publicly his readiness to propagate his religion by the sword.

An October 1838 ambush of Missouri militiamen by Mormon guerrillas at Crooked River prompted Governor Lilburn Boggs to issue an order calling for the Mormons to be "exterminated or driven from the state." Those words had a horrifying resonance when, a few days later, an anti-Mormon mob murdered 17 Mormon men and boys — including a 9-year-old child — at Haun's Mill, a small outlying settlement. The "Haun's Mill Massacre," writes Sally Denton, became "a rationale and justification for future vengeance and bloodshed — the undeniable evidence of the persecution so central to the growing faith."

Driven from Missouri, the Mormons were welcomed in Illinois as refugees, and they settled in a swampy riverside community called Commerce, which Smith renamed Nauvoo. The Mormon metropolis soon became a self-contained city-state, with all of its civic powers residing in the hands of Smith — Prophet of the Church, mayor of the city, commander-in-chief of the Nauvoo Legion, and the land baron who controlled all real estate in the city.

***Blood of the Prophets: Brigham Young and the Mountain Meadows Massacre,* by Will Bagley. University of Oklahoma Press, 2002, 493 pages.**

***American Massacre: The Tragedy at Mountain Meadows, September 1857,* by Sally Denton. Alfred A. Knopf, 2003, 306 pages.**

***Under the Banner of Heaven: A Story of Violent Faith,* by Jon Krakauer. Doubleday, 2003, 372 pages.**

Since his days as a money-digger, Smith had frequently been in court, and his prophetic exploits since then had created a lengthy list of aggrieved creditors. Missouri officials also sought to extradite him for various charges arising from the 1838 "Mormon War." Nauvoo's eccentric municipal laws made it all but impossible to extradite Smith, and the Mormon prophet controlled the courts within his realm.

Smith unveiled the doctrine of blood atonement in the same revelation officially inaugurating the practice of polygamy, also known as "plural" or "celestial" marriage. Canonized as section 132 of the *Doctrine and Covenants* (one of four volumes regarded by Mormons as scripture, the other three being the *Bible, Book of Mormon,* and *Pearl of Great Price*), the document quotes the Lord as conferring on Smith the power to "seal" a man to as many "virgins" as he desired. This conferral occurred somewhat tardily; Smith (as even Mormon historians now admit) began to practice "plural marriage" more than a decade prior to receiving the "revelation" authorizing it. Many of his "plural wives" were teenagers — some as young as 14 — who had been told that by marrying Smith they were guaranteeing their family's salvation.

Those who enter into the covenant of "celestial and plural marriage" are assured of exaltation to godhood even if they "commit any sin or transgression . . . whatever, and all manner of blasphemies" — as long as they "commit no murder wherein they shed innocent blood. . . . " But there is a catch for those under the covenant who sin in such manner: to be redeemed, they must be "destroyed in the flesh, and . . . be delivered unto the buffetings of Satan unto the day of redemption, saith the Lord God."

Some highly placed members of the Mormon elite became disaffected by Smith's philandering, alarmed over his growing political ambitions (illustrated by his bid for the presidency), and appalled by the violence that invariably accompanied his designs.

In the summer of 1844, a group of dissidents published its concerns in a newspaper entitled the *Nauvoo Expositor*. Smith responded by having the city council decree that the paper was a "public nuisance" and order its suppression. The paper's office was sacked, the printing press was destroyed, and most of the paper's first and only run was collected and burned.

This riot staged under the color of municipal authority led to the arrest of Smith, his brother Hyrum, and two other Mormon leaders. They were incarcerated in Carthage, Ill. awaiting trial when an anti-Mormon mob attacked the jail, shooting Smith and Hyrum to death and seriously wounding future Mormon Prophet John Taylor.

The murder of Smith is central to what Will Bagley calls the "myth of persecuted innocence." It was also memorialized in the "Oath of Vengeance" taken by Mormons under-

going the temple "endowment" ritual, the quasi-Masonic initiation rite administered in the Nauvoo Temple, and later, after the Mormon hijra to the Rocky Mountains, in temples built in St. George and Salt Lake City.

In *Under the Banner of Heaven*, Jon Krakauer summarizes:

> The oath required Mormons to pledge, "I will pray, and never cease to pray, and never cease to importune high heaven to avenge the blood of the Prophets on this nation, and I will teach this to my children, and my children's children unto the third and fourth generations."

This oath, Krakauer explains, was recited by every Mormon participating in the standard temple ritual until 1927, when it was removed from the endowment ceremony due to outside pressure. News of the oath had leaked to the press, causing an uproar over its treasonous implications.

The "Reformation"

Thus for nearly the entire first century of the religion's existence — beginning with the Missouri-era threats to redeem "Zion" by bloodshed — faithful Mormons were marinated in hatred toward "Gentiles" and taught the redemptive power of sanctified violence. In the early 1850s, the sense of besetting persecution by unbelievers so central to the Mormons' communal identity became outright paranoia after Mormon leaders unveiled the previously disavowed practice of polygamy. The nascent Republican Party identified polygamy and slavery as "twin relics of barbarism" and declared war on both.

At Mountain Meadows, a southern Utah oasis, Mormon militiamen slaughtered everyone on the wagon train, except for 17 small children who were adopted by Mormon familes.

Like despots both ancient and modern, Brigham Young eagerly seized on this external threat to consolidate his power. He also ramped up Mormon recruitment efforts in Great Britain and Scandinavia (where Mormon missionaries carefully concealed the doctrine of polygamy) as a way of building up his kingdom. To cut down on the time and expense involved in bringing new Mormons to "Zion," Young ordered the construction of handcarts — rickshaw-like vehicles used to carry the pilgrims and their possessions across the plains.

The handcart initiative led to disaster in late 1856 as two companies of Mormon immigrants (known as the Martin and Willie companies), promised by Mormon leaders that God would hold back the winter snows, were caught in an abnormally early and severe blizzard. More than 200 men, women, and children died, making the Martin/Willie debacle "the worst disaster in the history of America's overland trails," recalls Bagley.

Despite the fact that the handcart disaster was a direct outgrowth of Young's "inspired" immigration scheme, "Mormon leaders refused to shoulder any blame for the catastrophe," Bagley continues. Jedediah Grant, high-ranking first counselor in the Mormon Church presidency, "laid the blame on the victims. . . . [He] blamed the death and suffering of the handcart Saints on 'the same disobedience and sinfulness that had induced spiritual sleepiness among the people already in Zion.'"

For several months prior to the handcart tragedy, Grant had presided over an orgy of fanaticism called the "Reformation," which foreshadowed — on a much smaller scale — the purgative violence of the Chinese Cultural Revolution. In Mormon settlements throughout Utah, Young, Grant, and their underlings excoriated the Saints for their hidden sins and unblushingly advocated blood atonement as the means of cleansing the Mormon realm of apostasy and corruption.

"We have those among us," announced Grant in early 1856, "that are full of all manner of abominations, those who need to have their blood shed, for water will not do, their sins are of too deep a dye." Mormon priesthood leaders, he insisted, had a "right to kill a sinner to save him, when he commits those crimes that can only be atoned for by shedding his blood. . . . We would not kill a man, of course, except to save him."

In an 1857 sermon, Young insisted that "holy murder" (as it was mockingly characterized by Mormonism's critics) was actually the distillate of Christian charity. Claiming to know hundreds of people who could have been saved "if their lives had been taken and their blood spilled on the ground as a smoking incense to the Almighty," Young asked his followers if they would "love [such a] man or woman well enough to shed their blood?" Grant advised the sinners among the Saints to petition Young "to appoint a committee to attend to their case; and then let a place be selected, and let that committee shed their blood."

Despite the involvement of high-ranking Mormon leaders — a trail of evidence leads to Brigham Young himself — only one man was ever tried for the mass murder.

Among the Utahans who drank deeply of the blood-drenched doctrines of the Reformation was Danite John D. Lee. Bagley notes that Lee "linked blood atonement to obedience and wrote that during the Reformation everyone in Utah believed in it." Lee would later write, "It was taught by leaders and believed by the people that the Priesthood were inspired and could not give a wrong order." A resident of southern Utah, which was on fire with the Reformation spirit, Lee would be the central figure in the single most horrifying act of religious violence in American history.

In his *Confessions*, written as he awaited execution in 1877, Lee described his sentiments as he helped carry out the Massacre:

> My faith in the godliness of my leaders was such that it forced me to think that I was not sufficiently spiritual to act the important part I was commanded to perform. My hesitation was only momentary. Then feeling that duty compelled obedience to orders, I laid aside my weakness and my humanity, and became an instrument in the hands of my superiors and my leaders.

Lee's anguished reflections, committed to paper after his leaders had made him the scapegoat for the Massacre, bridge the gulf between ancient acts of tribal and religious fanaticism and the systematized butchery of modern totalitarian states. Every large-scale enterprise in modern political murder ultimately depends on the active participation of individual men willing to become "an instrument in the hands of . . . superiors and leaders."

The Retreating Tide

"Historians of the LDS faith often explain Mountain Meadows as an example of frontier violence," writes Bagley.

> Yet the endorsement of such actions by a ruling elite made frontier violence in the Mormon West fundamentally different from [common] vigilantism and hooliganism. . . . Today the religion has abandoned its support of 'holy murder' and virtually every practice — polygamy, theocracy, blood atonement, consecration, communalism, millennialism — that made it so provocative in the nineteenth century. Doctrines such as belief in unquestioned obedience to the Lord's anointed persist, but the 'old-time religion' described [in *Blood of the Prophets*] . . . has little relation to today's LDS church, which for a century has been firmly committed to becoming no more controversial than Methodism.

But as the tide of Mormon theocracy retreated, it left isolated puddles of the "old-time religion" throughout the intermountain West. Mormon fundamentalism, whose adherents remain committed to the pure, uncut "restored gospel" as taught by Smith and Young, are examined by Krakauer in *Under the Banner of Heaven*.

Krakauer initially wanted to write a book examining the career of Mark Hoffman, who is serving a life sentence for murdering two people in 1985. A sociopath who was also a gifted forger, Hoffman — who was raised in a devout Mormon home, and served a mission for the Church — lost his faith as a result of studying the Church's unexpurgated history, which the ruling hierarchy seeks diligently to suppress.

Hoffman recognized that this desire to control access to history made the Mormon hierarchy vulnerable, and he devised a cunning scheme: he forged a series of "ancient" manuscripts documenting Mormonism's origins in folk magic and occultism, and used the spurious documents to extort large payments from the Church. The eagerness with which Mormon leaders, particularly Gordon B. Hinckley (since elevated to the post of "Prophet, Seer, and Revelator"), snapped up and salted away Hoffman's forgeries offered eloquent testimony of the Church's unease with its origins, and the fragility of its official historical narrative.

As his credit became overextended and his schemes began to unravel, Hoffman murdered two people with homemade parcel bombs, and nearly killed himself when he accidentally set off a third. Hoffman murdered two people, and was prepared to murder at least one more, simply as a diversion to buy time from his creditors.

Mormon history is replete with violence, with the Saints (as they refer to themselves) just as often victimizers as victims.

Hoffman ended up in prison, where Krakauer asked to interview him. Hoffman refused, but suggested Krakauer interview his cellmate Dan Lafferty who, along with his brother Ron, murdered a young woman and her young child as an act of blood atonement. Krakauer's interviews with Lafferty were his entrée into the world of Mormon fundamentalism.

Like Hoffman, the Lafferty brothers lost their faith in mainstream Mormonism as a result of researching the Church's history. But where Hoffman became a murderous nihilist, the Laffertys chose the path of fundamentalism, as taught in a small clique calling itself the "School of the Prophets." As the brothers worked to restore primitive, polygamous Mormonism, their sister-in-law Brenda Lafferty became an impediment. In the summer of 1984, Ron reported a "revelation" instructing him to "remove" Brenda through blood atonement; her 15-month-old daughter Erica was designated a "child of perdition" and thus slated for "removal" as well. The deed was done on July 24 — "Pioneer Day," the official commemoration of the Mormon arrival in the Salt Lake Valley.

After entering Brenda's duplex in American Fork, Utah, Lafferty came upon Erica in her crib. The toddler, recognizing her uncle, smiled up into the face of her murderer. "I spoke to her for about a minute," Lafferty told Krakauer. "I told her, 'I'm not sure what this is all about, but apparently it's God's will that you leave this world; perhaps we can talk about it later.'" He then eviscerated the child with the same ten-inch boning knife he would later use to murder her mother.

Like John D. Lee, Dan Lafferty wrestled with his conscience and won, supposedly with divine assistance. "It was like someone had taken me by the hand that day and led me comfortably through everything that happened," he related to Krakauer.

> Ron had received a revelation from God that these lives were to be taken. I was the one who was supposed to do it. And if God wants something to be done, it will be done. You don't want to offend him by refusing to do His work.

The Mormon Church's deemphasis of blood atonement, and its continuing efforts to "mainstream" its doctrines and practices, illustrate that its official definition of "God's work" has changed dramatically over the past century. But the Church continues to claim that its leaders have an exclusive franchise on divine revelation and authority, and Mormon doctrine still defines righteousness as unflinching, unqualified obedience to "The Brethren." The vestiges of blood atonement, theocracy, and similar doctrines are still present in Mormon scripture.

Mormon leaders have never honestly and candidly addressed and repudiated the Church's history of violence, nor acknowledged the Church's official complicity in the Mountain Meadows Massacre. Until Mormon leaders own up to this aspect of their heritage, it would be wise to assume that sanctified violence is encoded in the religion's doctrinal DNA. ❑

The Author of Himself: The Life of Marcel Reich-Ranicki, **by Marcel Reich-Ranicki. Trans. Ewald Osers. Princeton University Press, 2001, 404 pages.**

The Critic & the Tyrants

Frank Fox

I once overheard a prominent scholar speak angrily of a colleague with whom he disagreed: "I will kill him with a footnote," he said in a tone of menacing finality. It occurred to me at the time that writing can be a homicidal impulse. This idea was recently reinforced when reading Marcel Reich-Ranicki's autobiography. In this awkwardly titled book, he has proudly quoted literary adversaries such as the novelist Rolf Dieter Brinkmann who screamed at him, "I should have a machine gun here and shoot you down," the poet Christa Reinig who imagined his death from a variety of terminal illnesses, and the playwright Peter Handke, who described him as "a barking and slobbering leader of the pack . . . whose 'killer lust' had been further enhanced by the Ghetto." Strange that the Warsaw Ghetto should have been mentioned by a German as a criticism of a Jewish critic who survived it. It is even more odd that Reich-Ranicki has paraded these and other such insults as badges of honor. Equally odd are other curious self-indulgences — the aphorisms from German classics sprinkled liberally throughout the volume, which like the sexual encounters he enumerates receive more space than they deserve.

Marcel Reich (Ranicki was added later), born in Poland in 1920, was sent by his parents to Berlin at the age of nine to a well-to-do uncle. His parents subsequently joined him. He had a thorough grounding in literature at a prestigious Gymnasium, and gained at a very young age a deep and abiding passion for German literature, especially theater.

On Oct. 28, 1938, the young Reich joined some 17,000 other German Jews of Polish origin ordered out of Germany and left stranded in no man's land at the border town of Zbaszyn. His family had earlier departed Berlin for Warsaw. Less than a year later, the German armies invaded Poland. Accompanied by an older brother, he left their parents' apartment and boarded a truck to escape to the East, but as the Russians advanced they returned to Warsaw.

His account of life in occupied Warsaw is a gripping Holocaust testimonial. In a chapter that is unsparing in its depiction of German cruelties and humiliations, he describes trying to make sense of the barbarities perpetrated by men shouting insults in his beloved language. He wanted to imagine what the average German soldier thought of the "oriental-seeming individuals, with unusually long side-locks and bushy unkempt beards," clad in exotic ankle-length caftans and round hats. He wondered how the German soldiers felt as they heard an idiom that grated on their ears and speculated that had there been a scholar among them he would have recognized the "ugly-sounding" Yiddish as derived from the German of Walther von der Vogelweide and other medieval troubadours. Such academic ruminations aside, he might have noted that such negative images of East European Jews were commonplace among German Jews as well. As for the German invaders, they did not distinguish between Jews wearing caftans and those in modern garb.

It was during this time, and shortly before being confined to the Ghetto with his family, that he fell in love with Tosia, a girl from Lodz whom he tried to console after her father hanged himself. He applied and was accepted as translator in the Ghetto's administration. His comments on the Ghetto police, on the importance of smuggling, and particularly on his association with Emanuel Ringelblum, the archivist of the Ghetto, and Adam Czerniakow, the chairman of the Jewish Council, are gripping. Recounting the shocking humiliations inflicted by German soldiers on Jews, he concluded that the German soldiers behaved as they did because they could do in Poland what they could not have done at home. This is what happens, he wrote, when "human beings are granted unlimited power over other human beings."

In spring 1942 he heard the first rumors of Jews being gassed, and he commented on the increase of random executions in the Ghetto. In one of the book's most dramatic moments, he was asked, in August 1942, to take notes at a meeting where SS Sturmbannführer Hermann Hofle pointed to playground swings across the street and warned the council leaders that they would be "strung up" there if he was disobeyed. Chairman Czerniakow was given an ultimatum to hand over many more thousands of Jews for deportation, and shortly after that he swallowed cyanide.

It occurred to me that writing can be a homicidal impulse.

Reich and Tosia decided to marry, mindful that their days might also be numbered. In September, his parents were deported to the gas chambers of Treblinka. As the final demise of the Ghetto neared, Tosia herself was rescued from the cattle cars by a member of the Jewish police they knew. In

January 1943, they made their escape out of a line of people marched to deportation and found a hiding place. The following month, another Jewish policeman arranged for the two to leave the Ghetto for the Aryan side.

What followed was one of the more compelling stories from the literature of the "righteous gentiles." A *szmalcovnik,* an extortionist who traded in Jewish lives, suggested that Reich and his wife stay with his brother Bolek, a typesetter, and his wife Genia in a Warsaw suburb. They hid in the cellar, ate enough just to stay alive, and rolled thousands of cigarettes, which Bolek sold. It was Bolek who said to them solemnly: "Adolf Hitler, the most powerful man in Europe has decreed: these two people here shall die. And I, a small typesetter from Warsaw, have decided they shall live. Now we shall see who wins." Sitting in the dark for months, Reich told stories to entertain his hosts, stories from the formidable reading of his youth in Berlin. One day, as the fighting front neared, a Jewish-Russian soldier named Fishman pounded on their door. They were liberated, and promised Bolek and Genia that they would not tell their Polish neighbors what happened. Reich however, did not forget that it was two Poles who saved their lives.

He soon became known as an expert on German literature and would generalize that "most writers understand no more about literature than birds do about ornithology."

Reich joined the Polish armed forces that were being assembled in Lublin by the Russians. He was posted to the propaganda office handling military censorship. Eventually he was assigned to the Ministry of Public Security in Warsaw and was sent to London for intelligence work as a member of the consulate, his cover. He was to gather information on Polish émigrés in Western countries. In this account of service to the Communist authorities, Reich did his best to minimize what he did.

It was at this time that he changed his name to Reich-Ranicki and joined the Polish Communist Party. His rationale was that he and Tosia owed their lives to the Red Army. More truthfully, he wrote of his lifelong attachment to a "world-wide universal movement" that would solve "the great problems of mankind." He wrote, with evident pride, that ever since his youth he had been impressed by a piece of classic German prose notable for its "grandeur, rhetoric and wealth of metaphors — the Communist Manifesto by Karl Marx and Friedrich Engels."

Worried by the trials of Jewish Communist leaders, he returned to Poland in 1949. Even though he sensed that as a Jew he might be accused of "cosmopolitanism," he rejected the possibility of escaping to the West, but in spite of being a "good Prussian," he was imprisoned for two weeks and relieved of duties. Still retaining his Party membership, he was assigned to the publishing house of the defense ministry where he set up a German section. He worked as a critic and wrote of the works of Arnold Zweig, Hans Fallada, and Anna Seghers. He soon became known as an expert on German literature. Before too long he established his persona, a critic who felt that he was the essential agent to interpret the writer to the world. Interviewing Anna Seghers he concluded that she did not understand her own work and generalized that "most writers understand no more about literature than birds do about ornithology." In the more permissive time following Stalin's death he was able to meet such writers as Bertolt Brecht and Heinrich Boll. He became known for his radio broadcasts and published the first of his numerous works on German literature. As his reputation grew so did hurt feelings, as his cultivation of a writer would be followed by harsh criticism. He rationalized that he had never known a writer who was not vain or egocentric and added lamely that he was "all too aware of the pain and suffering which can be caused by critical reviews."

But now literary success was knocking more insistently at his door and West Germany was beckoning. Reich-Ranicki and his wife, confronted by a rising tide of official anti-Semitism and an eye-opening visit to the German Federal Republic in 1957, decided to leave Poland, an escape they planned very carefully.

The last third of the autobiography is a story of what can only be described as a meteoric rise as Reich-Ranicki and his wife make their home in West Germany. From the pages of the *Frankfurter Allgemeine* to *Die Zeit* and finally back to the *Allgemeine,* he eventually became known as the "Pope" of literary criticism, one who could make or break an author. Television firsts such as *The Literary Quartet* and the publication of his important work, *German Literature in West and East,* established him as an arbiter in German letters. But controversies with Germany's literary elite followed. He did not feel accepted. Hans Werner Richter, who headed Group 47, a literary group that included the most prominent names in German literature, said of Reich-Ranicki: "He somehow remained an outsider." There was much resentment when Reich-Ranicki published his most negative criticisms under the title *Nothing but Drubbings.*

"Adolf Hitler, the most powerful man in Europe has decreed: these two people here shall die. And I, a small typesetter from Warsaw, have decided they shall live. Now we shall see who wins."

Even as a well-known critic he was not invited to become a staff member of *Die Zeit* whose editors noted that he was a "power-conscious, quibbling individual." Reich-Ranicki was shocked to hear this. The word used had been *Rabulistich,* a quibbler, pettifogger, a term favored by Joseph Göbbels as in "Jewish-Marxist quibbling." The disputes continued even when he finally received the coveted post at the literary section of the *Allgemeine.* Reich-Ranicki quoted an 18th-century German writer who said, "People find me interesting and avoid me . . . they like viewing me from afar." Was it that or anti-Semitism?

There were further reminders of his sufferings in the Warsaw Ghetto. In 1973, Joachim Fest of the *Allgemeine* invited Reich-Ranicki and his wife to

celebrate the publication of Fest's book on Hitler. They were shocked when they were introduced to the guest of honor who was none other than the war criminal Albert Speer. "I kept silent, horrified," recalled Reich-Ranicki. He felt that Fest should have warned him about such an invitation.

Especially offensive was the historian Ernest Nolte's lecture published by Fest in the *Allgemeine* in which the former argued that the German murder of Jews was not unique and was simply a consequence of Bolshevism. Fest defended Nolte even as, according to Reich-Ranicki, Nolte compared the killing of Jews to killing vermin and praised the Waffen SS. Reich-Ranicki's friendship with Fest came to an end. There seemed to be no end to injuries and enmities. His autobiography was published too early to note that in 2002, the prominent writer Martin Walser published *Tod eines Kritikers* ("Death of a Critic"), clearly aimed at Reich-Ranicki and replete with anti-Semitic innuendoes.

Reich-Ranicki would be more deserving of our sympathies if it were not for his harsh attacks on those who befriended him, fine writers and decent men such as Heinrich Boll and Günther Grass, assaults that reflected the title of his book *Nothing but Drubbings*. After all, "drubbings" are beatings. Hardly a word to describe literary criticisms. Whom is Reich-Ranicki thrashing? A survivor I know, a man who underwent incredible suffering at the hands of the SS, worked in America alongside someone who had helped him but who drank and once referred to him as a "damn Jew." When the ugly words were uttered the survivor struck him so hard that he might have killed him. When he told me about it I said: "I know you were provoked but you should not have confused that man with the SS who wanted to kill you and whom you wish you could have killed."

Neal Acherson, a fellow critic, acclaimed Reich-Ranicki as one who devoted himself to fighting "stupidity" and "bad workmanship," and thus fulfilled "his life's duties." But what were Reich-Ranicki's "life's duties" in one of mankind's most terrible centuries? He lived under two of history's worst dictatorships and he failed to understand adequately the racism of one even as he served the other. His duty was to proclaim his hatred for both the red and brown dictatorships, a task more important than playing stern schoolmaster to unruly authors. Reich-Ranicki seems to have missed a crucial point about himself. In the eyes of the Germans who continued to insult him he was still an East European Jew, an *Ostjude*. This was a badge he should have worn proudly. ❑

***The Blues — A Musical Journey*, presented by Martin Scorsese. Vulcan Productions, 2003.**

Blues in the Key of zzz

Richard Kostelanetz

Ever since I first discovered blues music, which will always have an appeal for certain bored teenagers (who might also be turned on by Ayn Rand, though I wasn't), I've preferred the tightly constrained elegant art to jazz, say, which always struck me as deleteriously formless. That accounts for why my collection of extended music writing, *On Innovative Music(ian)s* (1989), includes a chapter on B.B. King beside appreciations of John Cage, Milton Babbitt, and Elliott Carter.

With this background, you can imagine how disappointed I've been with Martin Scorsese's exhaustively promoted PBS series *The Blues*. Given the apparent ambition to produce a Public Television Epic (on the Ken Burns scale), Scorsese and his associates have thinned out the subject to an appalling degree. The directorial formula appears to have been mixing marvelous historical footage of the great blues singers, much of it too brief, with extended sections on contemporaries both playing and, alas, remembering. Since few current blues singers (other than King) are as exalted as the past masters, the latter sections depend too much on talking heads, which I've always considered the esthetic armpit of American public television documentaries. (Another mark of publicly funded films has been endless credits, here helped with choice background music, but nonetheless interminable as names upon names flow up the screen.)

Talking heads are the esthetic armpit of American public television documentaries.

Even though the opening episode paid the currently customary obligatory acknowledgment to Africa, I remain unpersuaded. Much like baseball and basketball, blues music is an indigenous art born here and developed here, arising, like those sports, from opportunities and experiences in a new world. (Just because African-Americans predominate in professional basketball, should we regard the hoop game too as reflecting Africa?) African music, especially African pop music featured here, seems closer to contemporary pop music everywhere else. To my ears, American blues had more influence abroad on white Brits than on black Africans.

Indeed, I would argue that the best African-American music exceeds anything coming out of Africa per se, black as well as white (likewise with African-American literature and visual art), just

as life in America is better for dark-skinned people, inequalities notwithstanding, than it is in Africa. It's no wonder that far more Africans emigrate here than Americans emigrate there. I recall Muhammad Ali declaring after a fight in Zaire that he was "glad my granddaddy got on the boat." Glad I am that my Russian-Jewish grandfather "got on the boat" as well.

The point of this digression is that while kowtowing to current academic fashions might persuade money-people and their highfalutin "advisors," a disregard of truth undermines esthetic aspirations. Indeed, this fashion-mongering has always been one reason why even the most pretentious PBS documentaries don't survive as well as classic film documentaries, such as, say, Leni Riefenstahl's *Olympia* or even D. A. Pennebaker's *Monterey Pop*, both of which, incidentally, eschew the PBS passion for Talking Authorities.

Since I found myself frequently turning away (or off), I might have missed any appreciation of blues poetry, beginning with such erotic inventions as, say, Blind Lemon Jefferson's "crocheting" for fellatio. It was four decades ago that the white literary critic Stanley Edgar Hyman wrote a classic essay on the blues poets' remarkable inventions within a limited constraint of English (not African) couplets. When I think the blues are misunderstood, as they often are, I am reminded of an earlier Hyman review demolishing a British lefty named Paul Oliver for miscopying and misreading the blues. I didn't see anyone demonstrate how the great blues singers use their guitars not just to accompany their voices but to substitute; so that, after the first verse is sung, the second verse can include only the opening words before completion by the guitar alone.

Like baseball and basketball, blues music is an indigenous art born here and developed here, arising, like those sports, from opportunities and experiences in a new world.

Again against current fashionable thinking, I'm not entirely sure that the blues (as distinct from work songs) had much to do with slavery or other racist American sins. Few of the blues even mention it, preferring instead the eternal "universal" subjects of loneliness and loss. In one episode, the great singer Son House says the blues are about relations between men and women who love each other and fail their love in one way or another. Nonetheless, the same filmmakers who included this declaration did not take it seriously. One more problem with this PBS series is failing to distinguish the rigorously secular blues from gospels and spirituals, which are religious songs. What would you think of a classical music critique that confused Lieder with arias?

One of the virtues of owning video-editing equipment is that I can tape garrulous PBS documentaries, cut out the dross, and in this case, from the choice historical footage make for myself a tape or compact disc that can be treasured for decades. I'm sure I won't be alone in making this move with the PBS *Blues*. ❑

***The Legend of Proposition 13*, by Joel Fox. Xlibris, 2003, 244 pages.**

The Tax Revolt That Worked

Michael New

There are relatively few books about the late 1970s tax revolt that are sympathetic to the goals of the tax reformers. With the exception of Alvin Rabushka and Pauline Ryan's *The Tax Revolt*, most books that deal with Proposition 13, such as Robert Kuttner's *Revolt of the Haves* and Peter Schrag's *Paradise Lost*, range from skeptical to downright hostile.

That is part of the reason Joel Fox's *The Legend of Proposition 13* is a welcome addition to the scant literature on the subject. But the appeal of Fox's book goes far beyond its ideological sympathy to the tax revolt. Fox, who served as a longtime aide to Howard Jarvis, was heavily involved with the campaign to enact Proposition 13. Furthermore, as president of the Howard Jarvis Taxpayers Association, Fox was intimately involved with efforts to defend Prop. 13 from judicial and political attacks. This gives Fox a number of unique insights about the proposition's passage, its impact, and most importantly, its legacy.

Fox begins his book by talking about the origins of Prop. 13. It all began in the mid-1960s when Howard Jarvis accompanied a middle-aged woman to the Los Angeles County Hall of Administration. The woman appealed to county officials to lower her soaring property taxes. However, county officials were not persuaded and insisted that she would have to pay the full amount on her bill. The shock this woman felt was so great that she had a heart attack in the county building and died that same day.

Jarvis told this story on a number of occasions, and it even led to one of Jarvis' favorite sayings on the campaign trail: "Death and taxes may be inevitable, but being taxed to death is not inevitable." More importantly, the story of the woman's death eventually led to a tax revolt that would change the fiscal history of California and the rest of the country.

The Legend of Proposition 13 neatly recounts that history. The book describes the campaign to enact Proposition 13, detailing the vicious and desperate scare tactics used by Jarvis' opponents. Fox also describes

the ways in which state and local governments attempted to circumvent Prop. 13 in the years following its passage. Finally, he talks about the frequent legal attacks on the proposition, culminating in the Supreme Court's 1992 *Nordlinger* decision which upheld its constitutionality.

Fox also responds to the many criticisms of Proposition 13. He provides thoughtful responses to those who argue that it has reduced education funding and caused inequitable tax burdens. He also counters some of the more outlandish arguments. For instance, in 1995 Robert Wright of *The New Republic* suggested that Prop. 13 was responsible for the acquittal of O.J. Simpson. Wright argued that because of it, local governments lacked sufficient resources to hire competent policemen. However, Fox discovers that police in Los Angeles actually earned higher salaries than police in comparable cities such as New York and Chicago.

Unfortunately, Fox fails to describe in sufficient detail the spark that Proposition 13 provided to the tax limitation movement. During the late 1970s, most other states lacked the combination of soaring property taxes, a recalcitrant legislature, and a large surplus that made Prop. 13 a reality in California. As a result, most attempts to enact similar measures failed. However, in the years following Proposition 13's enactment, 17 states passed expenditure limits. And California's spending limit, known as the Gann Amendment, enjoyed some success at limiting government growth during the 1980s. The raising of the Gann limit in the early 1990s has contributed greatly to California's current fiscal woes.

"Death and taxes may be inevitable, but being taxed to death is not inevitable."

However, this is a minor shortcoming. In an entertaining and highly readable book, Fox does a fine job detailing both the history and legacy of Proposition 13. At the end of the book he talks about the accomplishments of the proposition, and he is correct when he says that one of its most important achievements is its durability. Despite facing an enormous amount of criticism from the media and elected officials, Proposition 13 still stands strong. In fact, during the past 25 years, no one has even made a serious effort to significantly change it. This is because most people in California support it and appreciate all that it has accomplished.

Indeed, Proposition 13's durability continues to pay dividends. This past summer, with California facing a $38 billion deficit and with Democrats controlling the executive and both houses of the state legislature, the only obstacle to a painful tax hike was Prop. 13's two-thirds supermajority requirement for a tax increase. A quarter century after its enactment, Proposition 13 continues to deliver victories to California taxpayers.

The legend continues. ❑

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Letters, *from page 4*

successfully fabricated almost all the medical, photographic, and ballistics evidence.

My two main arguments against the Conspiracy theory were the absence of a sufficient motive and the senselessness of any Conspiracy to conduct the assassination in the way in which it must have been done. Jim R. Siler ignores both these arguments. Michael Acree ignores the second, and for the first refers us to Douglas's book. He also ignores my point that the CIA could have ousted Kennedy by exposure, or threatened exposure, of compromising information.

Douglas's *Regicide* relies crucially on numerous alleged primary sources which cannot be independently checked — for example, "translated" Soviet documents whose Russian originals have never been produced and which are not listed in any archive. Douglas's earlier book on Gestapo chief Heinrich Müller was a similar concoction and is also widely regarded by researchers as fraudulent. Among its revelations was that Hitler did not shoot himself in Berlin but escaped by plane to Barcelona. To pick just one of Douglas's uncorroborated "facts," does Michael Acree really believe that Kennedy was in the habit of handing out, as mementos, photographs of himself engaged in sex with multiple partners?

Neither Siler nor Acree lets us know whether he thinks Kennedy's body was snatched and operated on to produce false wounds, or whether another corpse was substituted for Kennedy's — both miracles of stage magicianship and, as I pointed out, both completely unnecessary to any competent Conspiracy.

Ron West agrees with my analysis of the Kennedy assassination but takes issue with what I said about Bush's misstatements on Iraq. Defenders of Bush now point to one remark in which he implied that the Iraqi threat was not yet "imminent." But for months officials of the Bush administration vigorously disseminated the false claims that Iraq had WMD ready to launch, and that Saddam Hussein had "links" or "ties" with al Qaeda (actually his sworn enemies). These mendacious assertions will be given quite an airing over the next twelve months. Here's one typical quotation:

"The Iraqi regime possesses biological and chemical weapons, is rebuilding the facilities to make more and, according to the British government, could launch a biological or chemical attack in as little as 45 minutes after the order is given. The regime has long-standing and continuing ties to terrorist groups, and there are al Qaeda terrorists inside Iraq" (President George W. Bush, radio address, Sept. 28, 2002).

God, Guns, and Bruce Ramsey

Bruce Ramsey's suggestion ("Liberty at the Fringe," Sept./Oct.) that there can be no general right to own a weapon is devoid of support in law, history, logic, and in common sense — it is flawed observation — for every person has a God-given right to self-defense and possesses therefore an inalienable right to be armed; rendering equally irrelevant the artifact used and the opinions of legislators.

Jack Dennon
Warrenton, Ore.

Putting the Lie to O'Reilly

By coincidence I picked up Franken's book the same day I read Tim Slagle's review ("Al Franken is a Big, Boring Hypocrite," November). Slagle does not report the main lies by O'Reilly and thereby trivializes the accusations. He does not report Franken's research on O'Reilly's boast that he won two prestigious Peabody awards and his eventual admission, under questioning, that he had actually won a much less prestigious award.

I myself saw O'Reilly refuse to allow Jude Wanniski to speak the moment Wanniski started to offer opinions about Iraq that O'Reilly didn't like. And we all saw that O'Reilly was one of the biggest promoters of the repeated lies used to attack Iraq.

O'Reilly is a liar and a bully. And Americans are dying now in Iraq because of a war launched on lies.

Jon Basil Utley
Washington, D.C.

Punch, But Not Punchline

I can't remember the last time I read a book review that so thoroughly misrepresented the content of a book as Tim Slagle's review of Al Franken's *Lies and the Lying Liars Who Tell Them* does. Slagle attempts to portray Franken's book as though it doesn't expose blatant lies and misrepresentations by Anne Coulter, Bill O'Reilly, Sean Hannity, and George W. Bush. But it does, and Slagle focuses only on the more ambiguous and questionable ones, and even misrepresents what Franken says the lies are.

The "lie" regarding Sandy Berger and Condoleezza Rice was not just that there were two different accounts of a meeting between the two — the lie is that Rice claimed in one interview that Berger had not warned her that Osama bin Laden was a threat, when in fact he did — as Rice later admitted. Rice's statement to the *New York Times* was the lie; the account given in *Time* was correct.

The "lie" regarding Evan Thomas, Jr. and Norman Thomas is that Coulter wrongly said Norman was the father (rather than grandfather) of Evan Jr. — again Slagle failed to reveal what Franken pointed out. It would have been fair to criticize Franken for hypocrisy in his attempted satire of using end notes to illustrate one of Coulter's techniques of dishonesty, but Slagle's description is just as dishonest.

Slagle is correct that Franken is an unabashed left-winger, and that he comes across as worshipful of Bill Clinton. Some of his jokes fall flat, and he does occasionally commit the same kind of failings that he points out in others. But Slagle's failure to find humor in the book, as well as its exposure of abundant dishonesty by right-wing pundits and politicians, reveals more about Slagle's character than Franken's.

Jim Lippard
Phoenix, Ariz.

Justice, Not School Vouchers

Bart Kosko advocates that America provide education vouchers for bright young Palestinians who are presently not receiving quality educations because "Palestinian schools are too poorly staffed and funded for the task." I applaud Kosko's concern, but I question the depth of his knowledge of Palestinian affairs. The root cause of the failure of Palestinian schools is the same as the cause of the general failure of Palestinian self-governance, i.e., Palestine is under occupation by a hostile country — Israel.

Rather than applying Band-Aids to

the wounds of a suffering people, we libertarians should voice our dissent to the present American policy of funding Israel's cruel occupation of Palestine and mistreatment of Palestinians in their own homeland. Israel's occupation, and especially the settlements, amount to theft of Palestinian land, and there is no basis for condoning that theft.

Richard Vajs
Franklin, W.Va.

A Confounding Question

I remain confounded by the question "Should libertarians renounce their alliance with the Right?" that R.W. Bradford poses in your October issue.

I think this observation from Lord Acton seems apropos: "At all times sincere friends of freedom have been rare, and its triumphs have been due to minorities, that have prevailed by associating themselves with auxiliaries whose objects differed from their own; and this association, which is always dangerous, has been sometimes disastrous, by giving to opponents just grounds of opposition . . . " — From Acton, *The History of Freedom.*

Dan Klein
Santa Clara, Calif.

Fulbright and Me, *from page 34*

ing your genuine professional achievements among those who care. Thanks to wisdom gained from this experience, Handlin's foolish mistakes have not been mine in the decades since.

One final note: biographical notes for Charles R. Frankel (1917–79) still mention his tenure as assistant secretary of state, and later time spent working at the National Center for the Humanities during the William Bennett administration at the NEH, which established a "prize" in his name during the Lynn Cheney administration. However, Oscar Handlin, a more substantial scholar two years older and still alive when last I checked, does not acknowledge the Board of Foreign Scholarships among his many credits, perhaps reflecting his final judgment on those patently duping him. And can I be alone in wishing that *The Nation* had more respect for its contributors and, by extension, for itself? ❑

Friedman Fails, *from page 41*

advocate applying my theory of liberty even if it "does not in fact maximize want-satisfaction." Why does he not quote my "stated commitments" that entail this? In fact, I have no commitments of this sort. If I thought that what libertarianism entailed would seriously damage general want-satisfaction then I would reject libertarianism. But that does not show that I am really a utilitarian of some kind, just that I would accept this kind of refutation (among others) of the libertarian conjecture.

We cannot, and should not, attempt to "establish that MPI [minimizing proactive impositions] is a necessary means to achieving human well-being." That would be justificationist folly. Is Armstrong seriously advocating it as a possible goal? Then he has completely misunderstood my points about justificationism as well as about the libertarian conception of liberty. I never said that MPI is "a goal unto itself." I said it is what libertarian liberty entails; whether that is desirable or not is an entirely separate issue. I did not say that "human well-being just happens to be related" to it. There are arguments and evidence that indicate that the connection is much more than a coincidence. As MPI is not a moral argument and as I do not rely on it when consequentialist arguments fail there is no "straddle" on my part. I conjecture that the reason that libertarianism might "seem implausible to most people" (ideological apathy aside) has more to do with their justificationist outlook than any "straddle" that libertarians use.

So it would seem that Armstrong misses both my points entirely and is instead concerned with broadly defending Friedman's neither bold nor original defense of markets (rather than liberty). ❑

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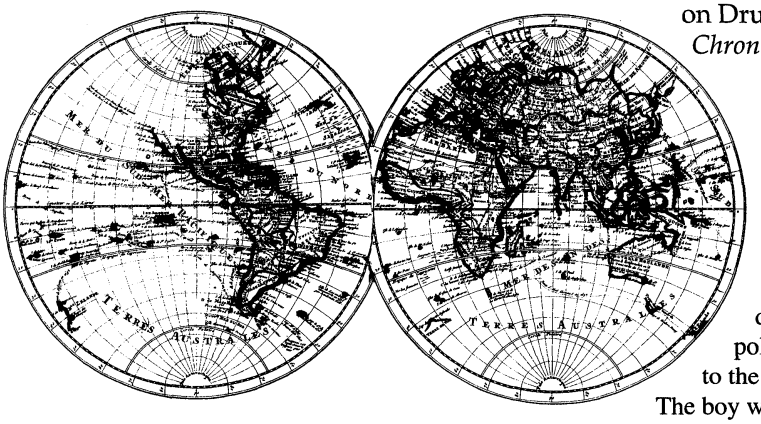

U.S.A.

Disturbing result of America's brand-driven culture, from the records of the Social Security administration:

In 2000, 49 children were named Canon, eleven Bentley, five Jaguar, and one Xerox.

Norway

Advance in psychology, from a dispatch from *Reuters*:

The government of Norway has awarded a 53,000 kroner grant to hel Lena Skarning, 33, to establish herself as a professional witch. Skarning hopes to develop "products like magical bath oil, water potions, or facecreams to help users have clearer dreams at night."

Tampa, Fla.

Ambitious attempt lish a "suicide-free zone" thwarted, from the *Fort Lauderdale Sun-Sentinel:*

The leader of the shock rock group Heil on Earth said an onstage suicide will happen during a private St. Petersburg concert in defiance of a new city law designed to stop it.

Albany, Ore.

Curious lawsuit in the Beaver State, from a report in the *Seattle Post-Intelligencer*:

Parents are suing a substitute teacher because she told their daughter, who suffers from a disease that left her bald, that Jesus would perform a miracle overnight which would cause the girl to grow "the most beautiful blonde hair anyone has ever seen." The teacher promised that if no hair grew, she would shave her head. She did.

California

Helpful advice from an African-American activist protesting a new energy drink, from a report in the *Atlanta Daily World:*

"As black men we should be building a nation of strong black leaders, not a nation of superenergized, drunk pimps."

Korea/Corea

The advance of scholarship along the Pacific Rim, from a report in the *Boston Globe*:

North and South Korean scholars held a joint conference recently to resolve to work together to change the spelling of Korea to "Corea." They believe that Japanese imperialists changed the spelling before the 1908 Olympics in London, so that Korea would be behind Japan in the ordering of athletes.

Houston, Tex.

A small victory in the War on Drugs. Reported by the *Houston Chronicle:*

A teenage boy has been arrested and accused of delivering a dangerous drug, after sharing his inhaler with a peer who was having an asthma attack. The school nurse said it was a violation of the district's no-tolerance drug policy, and reported the student to the campus police.

The boy was suspended from school for three days, and faces expulsion and juvenile detention on drug charges.

Florida

Miami Herald reports amazing similarity between humans and pigs:

Big Daddy Ice Cream has agreed to give plaintiffs free ice cream as part of a settlement of fat-content watching consumers who ate the ice cream, thinking it was low in fat because of mislabeling.

U.S.A.

Advance in epidemiology, from an article in the *Seattle Times:*

A recent study claims that urban sprawl contributes significantly to obesity in America.

Tennessee

Latest weapon in the war for a clean environment, from the *Vanderbilt Hustler:*

The Murfreesboro City Council recently adopted a good hygiene policy. It states "No employee shall have an odor generally offensive to others when reporting to work."

Special thanks to Russell Garrard, P. Geddes, Owen Hatteras, Martin Buchanan, and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertysoft.com.)

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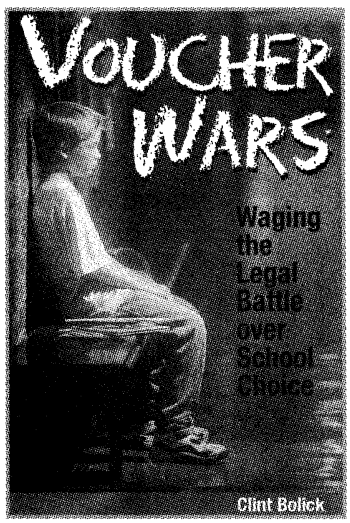

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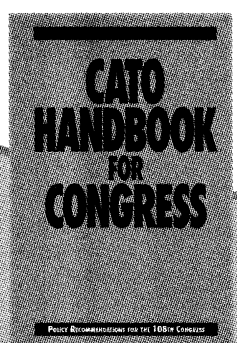

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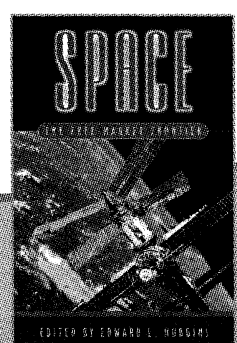

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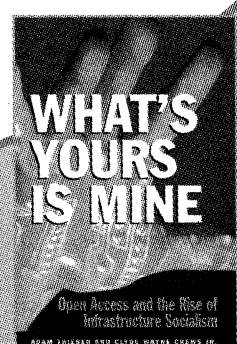

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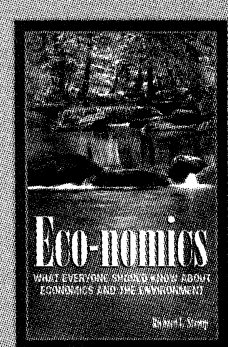

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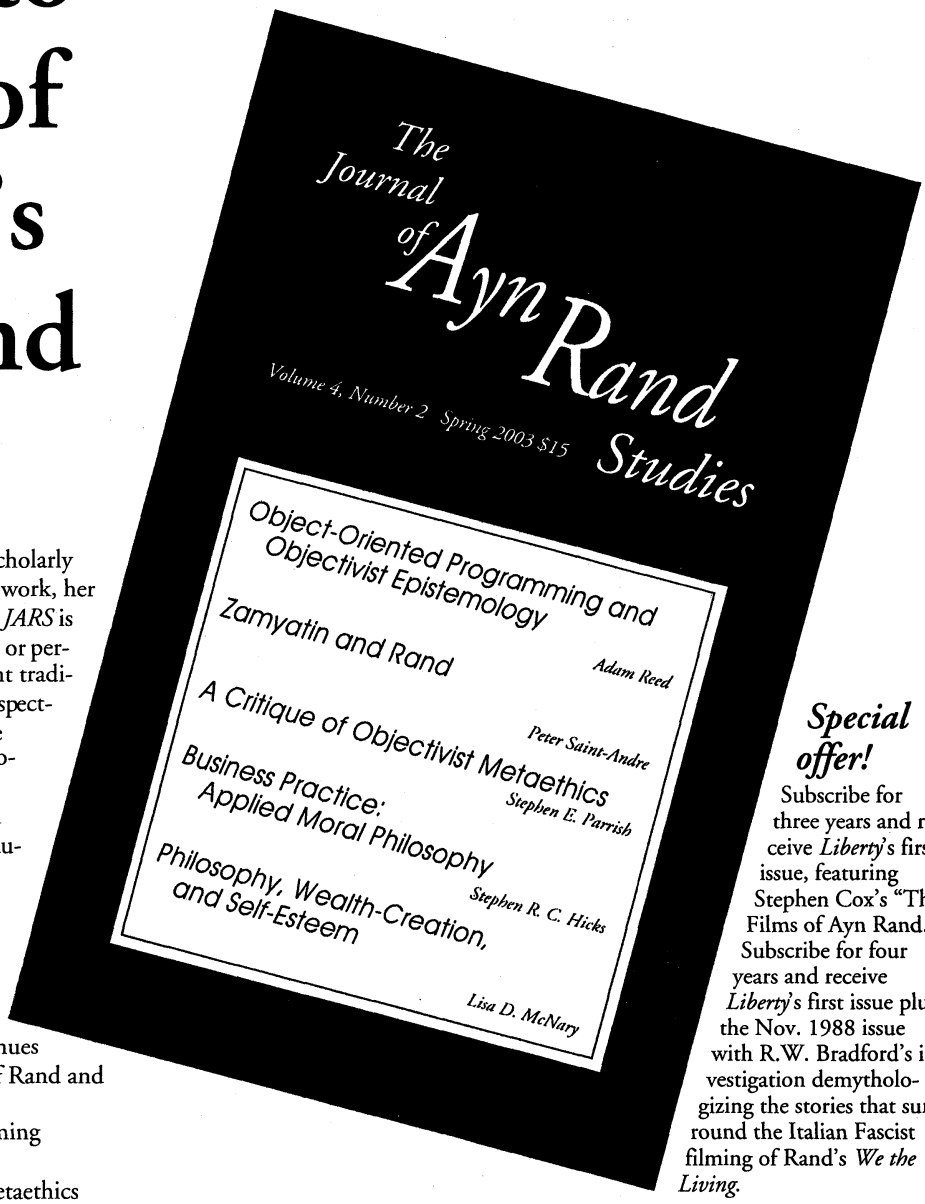

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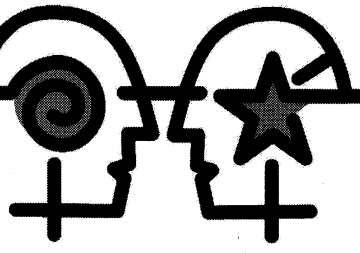

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Inside Liberty

January 2004
Volume 18, Number 1

4 **Letters** Dispatches from reader country.

7 **Reflections** We put out fires, get our clocks cleaned, rock the Casbah, domesticate tigers, ogle Lingerie Barbie®, wonder what the neocons are doing with all those "transfer tubes," scratch ourselves off another government list, and put the ice cream man on ice. Plus: Thomas S. Szasz on the "The Greatest Poem" and Stephen Cox's "Word Watch."

Features

19 **Our Pagan Holy Day** *Jo Ann Skousen* reminds us that Irving is the reason for the season . . . er, how's that?

21 **Learning From the California Election** Libertarians finally got a chance to test their theory about what prevents them from winning elections. Will they learn from the experience? wonders *R.W. Bradford*.

23 **Time to Get Real** *Greg Newburn* has a roadmap to libertarian political victories.

27 **I Drop My Pants to Airport Security** Do the morons in the Transportation Security Administration make you want to scream? *Tim Slagle* responds, "Don't get mad — get naked!"

29 **A Strange Little Town in Texas** The Blessed live in West Texas, as do the monumentally dumb, as well as *Larry J. Sechrest*.

35 **Truth and Fiction About the Mormons** *Mark Skousen* offers a different perspective on the religion criticized by William Grigg in December's *Liberty*.

37 **Monarchy: Friend of Liberty** *Leland Yeager* makes the case that a tempered monarchy can preserve peace and freedom better than direct democracy.

Reviews

43 **Poke 'Em in the Eye?** *Christopher Chantrill* compares a couple of analyses of the corporation and decides that corporations make nice pets, as long as society has a two-by-four handy to keep 'em in check.

45 **"Walk**g Distance to Sy**gogue"** Selling your home? *Bruce Ramsey* advises against using profanity, such as "walk-in" or "bachelor pad."

46 **Love, Sex, and Sanctimony** Philip Roth gets it exactly right in his novel about the hypocrisy and sanctimony of '98, says *Sarah McCarthy*, as does a film based on the novel.

48 **The Market for Compassion** *Jo Ann Skousen* applauds a frank portrayal of socialized health care.

49 **Booknotes** A few words on Joseph Kennedy's fibs, today's wars, and the art of Frank Lloyd Wright, Marilyn Monroe, and Britney Spears.

51 **Notes on Contributors** Fools don't break for Christmas.

54 **Terra Incognita** Beware of *Homo sapiens*.

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Letters

The Limits of Heroism

Although I agree with the primary thrust of Jo Ann Skousen's reflection, "9/11, goats, and atonement" (November), I part company with her inclusion of police and firefighters as "heroes" of 9/11.

Cops and firefighters are paid to rescue people. They freely choose to accept Caesar's gold in exchange for performing duties like saving people. Even so, I exhort Skousen to carefully examine the 9/11 footage. Look at the number of cops and firefighters fleeing for their own safety.

We should not forget that the average cop and fireman are paid significantly more than the average person. And the ordinary person does not have the benefit of public employee unions constantly pushing to steal more and more from those that the cop and fireman are sworn to serve and protect.

I, for one, am sick and tired of public-sector hero worship. Enough already. If cops are such heroes, why do they seek immunity defenses in the thousands of civil rights actions filed against them each year?

My hunch is that the vast majority of *Liberty* readers understand that the spirit of 1776 is not compatible with public-sector hero worship.

Michael M. Burke
Plymouth, Mass.

Not to Be Forgiven

In the November *Liberty*, Sarah J. McCarthy wrote: "If Jesus had said it'd be easier for a gay guy to sashay through the eye of a needle than to get into heaven, we'd understand why social conservatives become unhinged . . . . If he had said that, it'd be inscribed over courthouse doors and chiseled in concrete."

Jesus didn't use those words, but He did say: "Think not that I am come to destroy the law. . . . For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled" (Matthew 5:17–18). The relevant law is Leviticus 20:13 where the homosexual act was classed as an "abomination" and the guilty parties were to "surely be put to death." In the New Testament, a capital offense ("a sin unto death," 1 John 5:16–17) was not to be forgiven in this life.

In *Lawrence* v. *Texas*, 539 U.S. (2003), the U.S. Supreme Court held the sodomy law of Texas (which criminalized sex between two people of the same sex) unconstitutional. They overruled their *Bowers* v. *Hardwick* decision (which had held Georgia's law criminalizing acts of sodomy constitutional) then used Justice Stevens' dissenting opinion in *Bowers* as authority. *Inter alia*, Stevens wrote: [T]he fact that the governing majority in a State has traditionally viewed a particular practice as immoral is not a sufficient reason for upholding a law prohibiting the practice" (478 U.S., at 216).

With Stevens around, who needs God or democracy?

James Harrold, Sr.
Springdale, Ark.

Life Inside

I was riveted by Ralph R. Reiland's article, "Perversion of Justice" (November). I am a former attorney, who, because of personal weaknesses exacerbated by an overindulgence in alcohol, spent 21 months in an Ohio minimum/medium security prison for theft of clients' money. I offer no excuses for my actions as there are none. But my experience in the criminal "justice" system has led me to agree totally with Reiland's conclusions.

Unlike DeBlasio, I was not raped in prison. I was older and had some protections (although I did not learn about them until I was released), and I learned early on not to borrow, lend, or snitch. But my time as a ward of the Ohio Department of Rehabilitation and Correction convinced me that the department's mission was neither rehabilitation nor correction.

I would be remiss to avoid mentioning the few positive influences I experi-

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enced. The psychiatrist I saw twice monthly for depression was a breath of fresh air and afforded me an opportunity to converse using words of more than two syllables. The prison chaplain was a truly fine man who worked much unpaid overtime to bring a spiritual life to those who sought a better life. The teachers and staff of the school really sought to lift a lot of young offenders up to a higher level of existence.

But when you get down and dirty about life inside, you immediately focus on the terrible food, abysmal medical care, and corrections officers who are frustrated police-officer wannabes, or welfare recipients given jobs to get them off welfare, or retired military looking for a second pension, or else one of the few, older, almost-retired professional corrections officers who resent all the others. I don't have access to actual figures, but I know I am close if I state that 98 percent of prison inmates will eventually be released back into the community. A three- or four-week course on how to be a valued member of society does nothing to change the attitude of a prison inmate who has been humiliated, molested, starved, and convinced that he or she is of no human value by the prison administration. The prison administration and staff have a vested interest in recidivism rather than in successful readjustment to society. Their jobs depend on it.

The public wants to know why drugs, booze, weapons, and prostitutes can get into prison. The official pronouncement is that mail, packages, and visitors bring them in. Some of that may be true. But all inmates know that the corrections officers are the greatest source of contraband and offer the smallest possiblity of being caught.

Prisons are the universities of crime. Those who successfully make the transition from prison back into the community do it because they were not really bad people in the first place, or because in spite of the prison life they kept their sanity and humanity and vowed never to do anything to cause them to return.

Since my release from prison in 2001, I have worked as a wood patternmaker's assistant, a house painter, and a production line worker. None of these jobs are as

From the Editor . . .

It takes a certain amount of effort to be jolly as Christmas approaches, with government growing more powerful, taxes rising further out of control, war raging in the Middle East, and the world in general getting progressively crazier. Of course, that can be said almost every year, but somehow we manage. The explanation can be found in the fact that there is far more to life than politics and war.

But even the pleasures of our daily lives can be dulled by political mischief. Where I live, some 73,000 people who commute to work by ferry can look forward to having themselves and their cars routinely searched twice each workday, unless by some miracle, the Bush administration finds a way to temper the War on Terror with common sense. This War has made the concept of "pleasure travel" almost self-contradictory. If you don't believe me, read the story of Tim Slagle's airport adventure, elsewhere in this issue.

You may have noticed that the December *Liberty* had nary a word about the American government's invasion and occupation of Iraq. I wonder whether this was a collective attempt by us as *Liberty* to evade reality, or perhaps maintain our cheerful dispositions. Whatever the reason, we face reality this issue, with several of us turning our attention to the war, its escalating death toll, and its mounting costs. If you want to avoid news about body bags (oops! I mean "transfer tubes"), massive waste, and America's decline into empire, be careful which "Reflections" you read.

I've already used a word that is often missing from public communication this time of year: it seems odd to me how frequently the word "holidays" is used rather than the word "Christmas." I know, a lot of Americans are not professing Christians, but as an atheist, I don't understand why so many other non-Christians are upset by the celebration of Christmas. I don't hear many complaints about the word "Thursday," despite the fact that the last time I checked, a lot of us didn't believe in Thor. It seems to me that Christmas is a part of American culture, and that a great many things about it are good things indeed. Despite all the "Keep Christ in Christmas" campaigns, it has never appeared to me to be a particularly Christian holiday. It's more a time of family, friendship, generosity, rest, and fun.

For this issue, Jo Ann Skousen, who unlike me celebrates the birth of the Son of God, looked into the history of the holiday and discovered that most of the ways we celebrate it are younger than our very young country. I was delighted to learn that a lot of our celebration was the work of a friend of Washington Irving. You'll find Jo Ann's brief history on page 19.

Elsewhere in this issue, Larry Sechrest invites us to visit his hometown, Mark Skousen defends his faith, and Leland Yeager takes another look at monarchy — hey, didn't we fight a revolution to get rid of that? — and speculates that it might be friendlier to freedom than what we have now. *Liberty* is a political magazine, of course, and we'd be remiss if we didn't invest a little ink in matters political: I look at the California gubernatorial election just past and find very bad news for Libertarians, but not for libertarians; and Greg Newburn offers some *realpolitik* insight into the politics of liberty.

Our reviews are as diverse as our culture, looking at books on subjects ranging from corporations (good and evil), the decline of free speech, and the wars on Iraqis and drug users to the art of Frank Lloyd Wright, Marilyn Monroe, and Britney Spears — and two good new films that won't be promoted on Leno.

Lastly, I'd like to draw your attention to page 9, where we present a special offer of holiday gift subscriptions to this very magazine. You pay a compliment when you give a friend the gift of challenging reading, and now you can save some money in the process. Wait a minute! Did I say "holiday gift"?!? I mean "Christmas gift"!!

Enjoy the blessings of *Liberty*, and have a great Christmas!

R. W. Bradford

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lucrative as practicing law, but they are all honest, necessary jobs, and I am happy. I have applied to graduate school, and I know that I will be successful in my new endeavor and will never return to prison (unless the government finally reaches its goal of passing enough laws to make everyone guilty of a felony).

John G. Ludeman
Toledo, Ohio

Cox in the Doghouse

On behalf of all dachshunds, I protest Stephen Cox's degrading comments in the last issue of *Liberty* magazine. He compared "20 high officials of the University of California" to "restless dachshunds."

As a dachshund I am deeply offended. The person I share a home with (he'd like to use the term "owner" or "master") is a graduate of the University of California, Davis. He assures me that this comparison is a slur of the most outrageous magnitude.

Dachshunds have endured campaigns of vilification in the past in this country. In particular the World War I and World War II periods were extremely difficult. In addition the term "wiener dog" is outrageously offensive. Cox's comments go beyond even those dark times and vicious slurs.

This is not mitigated by the fact that my owner assures me that Cox has done excellent work on Isabel Paterson and has written for *Liberty* for many years. He also tells me that he is a grammar maven and very careful about what he writes. In fact this makes the unwarranted attack more offensive to me.

Finally, while it is true that I tirelessly bark, dig, eat, and sleep, I prefer to think of myself as energetic and motivated, not "restless."

Mixtli (an energetic and proud dachshund)
Gold Canyon, Ariz.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to: letterstoeditor@libertysoft. com.

The Twilight of the Marvels

I totally agree with Thomas Fuller's reflection on "The hermeneutics of the Hulk" (November).

Ideas and values are conveyed through radio, cinema, books, papers, and television programs. Scanning them is a good way to assess the level of sanity in a society.

I would like to underscore two examples I find particularly relevant.

When I saw the movie *Spiderman* last year, it left a bad taste in my mouth. At the end, the hero renounces his lifelong love and then goes I don't know where to save people he doesn't know, but cares about anyway. What painful nonsense. Christopher Reeves' Superman, at least, respected his own happiness. In 20 years, altruism has come to the point that a hero, to deserve respect, must save the world *and* sacrifice himself. Ayn Rand must be turning in her grave.

My second example is even more painful. Michael Moore's *Bowling for Columbine*, which looks more like messy propaganda than serious independent journalism, has been awarded three major prizes in France. And it is to be broadcast this week in prime time on French television. Gosh, what happened to the country of Voltaire?

Fuller is definitely right when he writes, "There will be no rebuilding the institutions of liberty, because the foundation has rotted out." Unfortunately, it seems like it is a worldwide trend.

Nicolas Roussel
St. Josse, France

Memes vs. Genes

The incoherence of Sarah McCarthy's plea for enlightened racism in "Diversifying for Freedom" (November) is evident from the first sentence, which calls for a constitutional amendment upholding the right "to attain diversity of thought." What it means for a person to achieve diverse thinking, and exactly how a government violates this right, are beyond any guess.

McCarthy upholds biological determinism, favorably quoting Freud's "Biology is destiny" and seeing people's ideas as "the product of their gender, race, and culture." If these, rather than the way people choose to think, are the deciding factors in people's thoughts, then we might as well give

continued on page 22

Reflections

Odious nostalgia — Among the many things for which I cannot forgive Bush, high on the list is that he makes me long for Clinton. — Wendy McElroy

Get yer filthy, stinking, femi-commie hands off my lingerie Barbie® doll! — The market has won another victory over political correctness. For years, radical feminists have been protesting the appearance of the Barbie® doll. In an effort to change America's perceptions of beauty, women's advocacy groups demanded that children play with dolls that look more like feminists. Turns out, nobody was interested in the wider-hipped, smaller-breasted Barbie® for which the feminists clamored.

Mattel recently released two new dolls, the My Scene Barbie®, who is dressed like Britney Spears complete with trashy make-up, and a line of Lingerie Barbies® clad in provocative underwear. Since their introduction last Christmas, they have been flying off the shelves, leaving PC Barbie® as alone on the shelf as Andrea Dworkin was on prom night. The market rules. Toys are fantasy objects, and despite the wishes of asexual, unattractive, leftist feminists, little girls still fantasize about being beautiful.

This marketing failure is reminiscent of an earlier attempt by Mattel: Becky®. She was a handicapped doll, sold complete with a wheelchair, that in a marvelous unintentional irony was manufactured too wide to fit through the Dreamhouse® door. Her recommended position in Barbie's® circle of friends was "The School Photographer" and she came complete with photographic equipment, so she could take pictures of all the other dolls having the fun she couldn't have. Turns out, even handicapped children refused to play with her, as even for them, it is impossible to imagine wheelchairs in the wondrous world of children's make-believe. — Tim Slagle

Barbeque-chomping surrender monkey — The U.K. *Mirror* reported on Nov 17, that "George Bush was last night branded chicken for scrapping his speech to Parliament because he feared being heckled by anti-war MPs. The U.S. president planned to give a joint address to the Commons and Lords during his state visit to Britain" but backed out, perhaps remembering the heckling he received earlier this year in the Australian Parliament. — Wendy McElroy

Clock-cleaning, GOP style — The good news for people who live in my neighborhood is that, after years of left-wing Democrat control of the Jefferson County Commission, conservative Republicans have completely taken it over. An end to profligate spending and rising taxes?

Well, consider what the Commission did on Nov. 10. It authorized the first phase of repairing the clock on the courthouse. The total cost, the local paper reported, will be about $3.7 million.

Repairing an old clock on an old building is a nice idea. But $3.7 million? That's $139 for each resident of my small rural county, enough to buy each of them a very fine watch. If residents of Los Angeles County were to spend this much to repair their courthouse clock, the cost would be $1.34 billion. And if residents of Jefferson County built a brand new courthouse, complete with clock, it could be done for a good deal less. (As a matter of fact, the County Commission plans to refurbish the existing courthouse at a cost of "more than $12 million," or about $320 for every resident.)

What's interesting about this is that as far as I can tell, no one objects to the extravagant expenditure. Not the Democrats. Not the Republicans. Not the local newspaper. No one. It's just business as usual.

A few obvious points. When it comes to being profligate with other people's money, conservative Republicans are no better than left-wing Democrats. The notion that small-town America has good fiscal sense is, well, nonsense. And the theory that government is a luxury good is looking better and better. Local residents — the politically influential ones, anyway — are so well-off that the idea of pouring $3.7 million into a clock repair garners nary a word of protest.

Perhaps this helps explain why so few Americans have

objected to the $87 billion that Bush has just gotten from Congress to spend occupying Iraq and Afghanistan. That's only about $300 for every American — less than what refurbishing the courthouse will cost every resident of Jefferson County. — R. W. Bradford

Government gastronomy — Guess which cafeteria the District of Columbia recently shut down for such sins against the health code as water dripping from the ceilings, cooks without hair nets, poorly cleaned surfaces, and mouse droppings everywhere? Why, the cafeteria at the U.S. Department of Agriculture, the agency charged with keeping the country's food supply safe. — Alan W. Bock

Shiny objects, pretty colors — The news story out of the Nov. 3 debate among Democratic candidates for president was the remark by Howard Dean that Democrats should also try to appeal to the Southern man with a Confederate battle flag on his truck. John Edwards, Al Sharpton, and a black member of the Massachusetts audience piled on the Vermonter, each waving a credential: Edwards, because he's from the South and Sharpton and the audience guy, because they're black.

The fumbling Dean admitted of the flag, "It's a racist symbol but I also think the Democratic Party has to be a big tent." But if it is indisputably a racist symbol, why have it in your tent? In fact, it is sometimes a racist symbol and sometimes an historical and regional symbol. Like a lot of symbols, it means different things to different people. But Dean, the older white guy, did not have the guts to say to the black northerner, age 25, that the young man's feelings about the flag should not require condemnation of everyone who had such a flag.

I am not from the South and it is not my flag. What bothers me is that one group thinks it has the right to define a symbol for everyone, and demand that the people who display the symbol for innocent reasons give it up. Procter & Gamble went through something like that some years ago with their logo, which showed a crescent and stars. Some people declared it to be a symbol of witchcraft, which it was not. There was a whole to-do about it, and Procter & Gamble quit putting it on their products.

The flag story also shows the idiocy of our political discourse. An intelligent debate ought to be about such things as Medicare, Social Security, taxes, war, and civil liberties. If they wanted to talk about race it could be preferences, the achievement gap in schools, or any number of things. Instead the putative leaders of the Democratic Party yammer on about the flag of a government that disappeared 138 years ago.

Not that the Republicans are any better. In 1988, the elder Bush campaigned on a promise to forbid anyone who owned a United States flag from setting it on fire. If the Republicans were running a primary contest this time, they would be sure to scream about preserving in the Pledge of Allegiance the words "under God."

This is how we select the most powerful man in the world. — Bruce Ramsey

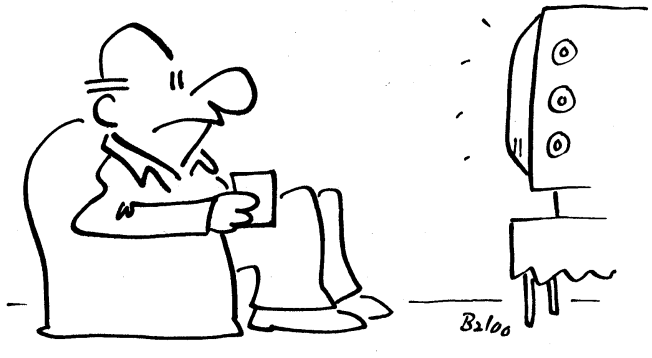

"'It's a Wonderful Life' will not be seen tonight, because our Station Manager is feeling sort of cynical."

God bless the Democrats — The economy is up, unemployment is down, and the stock market is strong. Bush II gives all credit to his tax cuts. By arguing that tax cuts hurt the economy, the Democrats have helped make the case for stimulating the economy with tax cuts even stronger. They've indelibly underlined a great truth for the next generation: lower taxes = more prosperity. We cannot thank them enough. — Tim Slagle

Information lockdown — It is becoming clear that the Bush administration is obsessed with secrecy and the purported privileges of the executive branch to an unhealthy degree.

The most recent bit of evidence is Bush II's response to a request for information from the National Commission on Terrorist Attacks Upon the United States, created last year by Congress and headed by former Republican New Jersey governor Thomas Kean. The commission is trying to determine what various branches of government might have known before the terrorist attacks, with an eye to making recommendations to improve the flow of information in ways that might prevent, deter, or reduce the possibility of future attacks.

The commission wants documents including the Presidential Daily Briefing, a summary prepared by the CIA each morning. The commission doesn't want to put them on the Internet, just look at them with fresh pairs of informed eyes (and perhaps the benefit of hindsight) to gain insight into what happened and what policymakers can learn from the experience. The White House refused to give the documents to House and Senate investigators doing similar inquiries last year.

Early in his administration, even before 9/11, Bush countermanded a law opening old presidential archives to scholars and researchers. Almost all of the report on David Kay's search for "weapons of mass destruction" in Iraq is still classified, although Iraqi adversaries and would-be adversaries surely know already anything that might be there. The very names of people held at Guantanamo and elsewhere in connection with the War on Terrorism are still secret, although the Supreme Court might eventually have something to say about that.

Some might argue, I suppose, that there are legitimate reasons for keeping some information developed at taxpayer expense secret: to prevent an enemy from knowing military plans in advance or to prevent the identities of spies or methods from becoming known prematurely. By those standards, however, perhaps a tenth — or less — of the information cur-

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—Patrick Henry, 1776

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rently classified would be kept secret.

Government obsession with secrecy didn't start with Bush, of course. But it has taken the assumption that only an elect few should know what's really going on to ridiculous lengths. — Alan W. Bock

The silence of the conservatives — When George W. Bush decided to invade Iraq, I pointed out that the real problem the U.S. faced was not the cost or casualties of the war. "It is the cost and casualties of the peace," I wrote. "The invasion and conquest of Iraq may very well lead to a protracted occupation that will make the U.S. occupation of South Vietnam seem like a Sunday school picnic."

Well, Iraq still isn't Vietnam, but the costs and casualties are mounting. Nearly every day, we hear news of Americans dying and costs escalating relentlessly. The days are gone when Bush and his partisans were saying we would go in, liberate the people of Iraq, expedite their establishing a democratic government, and get out in a year or so.

Meanwhile, government spending is rising faster under Bush than at any time in history, even as he cuts taxes. Of course, the money he's spending has to come from somewhere. If it doesn't come directly from the taxpaying American people, it comes from the Federal Reserve System's magical electronic printing press — and each new dollar the Fed creates reduces the value of every dollar already owned by every American. Deficit spending is just as much of a tax as the income taxes Bush is cutting. It's a tax so indirect that most people don't feel it yet. And when they do, you can be sure that Bush will blame it not on his spending but on the people themselves or on some subset of the people, most likely working people who unpatriotically ask for raises to make up for the declining value of their wages.

Republicans were aware of this when the Democrats were in power, and were noisily critical of deficit spending. But when the spending is buying support for Republicans, they are strangely silent.

One other consequence of Bush's conquest of Iraq is that he may very well perform the impossible: enable the Democrats to take back control of the government and return to their agenda of socialized medicine, greater regulation, and more and more powerful government. Conservatives should take note of this, for the great majority of conservatives who elected Bush favor smaller government.

One conservative who has noticed is columnist Fred Barnes, who is sick of conservative claims that Bush is not really a conservative. The fact is, Barnes says, Bush is a "big-government conservative."

I am afraid Barnes is right. Which raises the question: is America better off controlled by big-government conservatives than by big-government liberals like Howard Dean and Teddy Kennedy? — R. W. Bradford

Dismembered, not remembered — The U.S. death toll in Iraq now exceeds that of the first three years in Vietnam. But, as the U.K. *Independent* notes, "Concern about fatalities among Western forces in Iraq tends to overlook another ghastly statistic: the spectacularly mounting toll of the severely wounded. . . . America's invisible army of maimed and crippled servicemen." Meanwhile, the Bush administration shows its concern, as MSNBC reports, "Soldiers with the National Guard are already under the gun in Iraq and Afghanistan. But now a new government report claims that while the troops are fighting far from home, red tape is preventing many of them from being paid."

Go north, young men. Come to Canada.

— Wendy McElroy

Rock the Casbah! — According to a recent article in the *Chicago Tribune* (Nov. 12, 2003), very little is read in Arabic outside of the Koran. In fact, five times as many Greek translations of books are published as Arabic translations.

Meanwhile, Andras Simonyi, Hungary's ambassador to the United States, credited rock music with bringing down that nation's Communist regime. If we really want peace with terrorists, fundamentalist Islam must be banished into the same trash can of history in which revolutionary communism resides. I suggest we gather up all the old rock cassettes and Walkmans we all have gathering dust in our basements, and scatterbomb them across any nation where fundamentalist Islam has taken a hold. Once those kids learn to love a Pete Townsend power chord, a David Lee Roth glass-shattering high note, or a thumping bass line behind a solid rap, they will no longer hate us. It would be impossible to convince those teenagers that a magical nation that creates such beautiful music is inherently evil. This is the only bloodless way I can see to free the world of Wahhabism.

— Tim Slagle

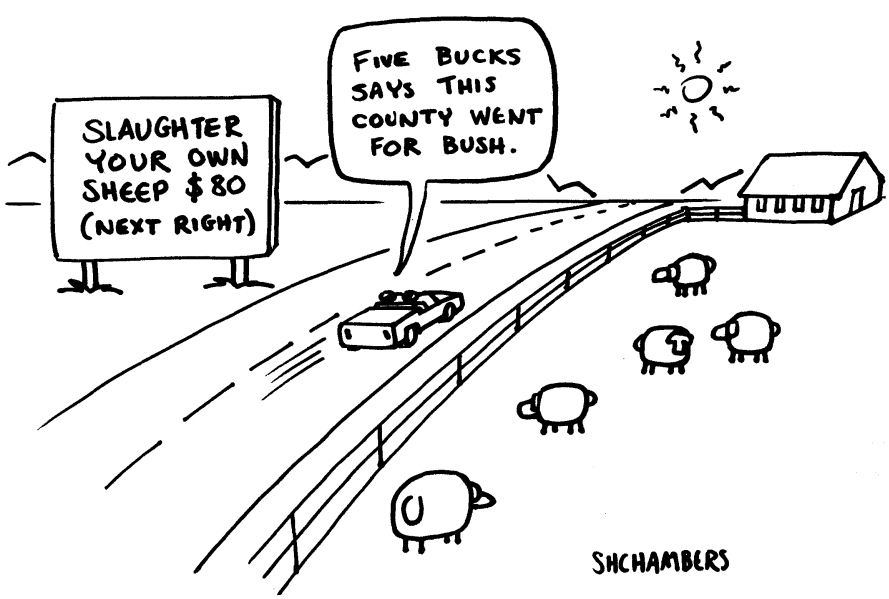

Terrorism's feedback loop — There has been no terrorist attack on the United States in the two years since 9/11. This supports the Bush administration's claim that the government is winning the War on Terror even as 9/11 culprit Osama

bin Laden still laughs and threatens from afar. There may well have been some attacks by now if not for the government's stepped-up security at home and its vigorous anti-terrorism efforts abroad. We don't know.

But the same evidence also supports a very different conclusion: that the government overestimated the terrorist threat.

We may be winning the war against terrorism simply because there are fewer terrorists now who are credible threats to the U.S. than there were two years ago. This may be the result of a successful crackdown on global terrorism or of overestimating the threat itself or both. So we may have traded some civil liberties and international goodwill for more security than we need — and the next attack may lead us to overreact even further.

This conclusion involves a subtle type of formal reasoning called negative evidence: sometimes a search that finds nothing is evidence that there is nothing.

Suppose you shop in a store and then can't find your car keys. If you find the keys in your pocket then that positive evidence solves your search problem. But how much of the store must you search before you conclude the keys are not there? The negative evidence for this conclusion grows as the search widens and finds nothing.

The strength of the negative evidence also depends on the size and complexity of the search area. We have good negative evidence that there is no Loch Ness monster because no sonar sweep of the Scottish lake has found such a creature. We have less good negative evidence that there is no Bigfoot because we have not fully searched the larger and more complex area of pine forests in northern California. And we have no good negative evidence at all that we are alone in the cosmos because we have just started to search the heavens for signs of structured energy.

The gross overestimate of Saddam's strength itself suggests that we may have likewise overestimated the strength of global terrorism. This suggestion has even more force when it combines with the negative evidence of no attacks so far here or in Europe. And it is little comfort that analysts and politicians draw so many statistical conclusions from a minimal sample size of just one terrorist attack.

The government will no doubt claim that it was better to be safe than sorry in Iraq and at home — even if it overestimates the terrorist threat. The trouble is that all bureaucracies have a well-known incentive to over rely on being safe rather than sorry. No one wants to risk approving a new drug or airplane design that has even a slight chance of killing someone — even if the new drug can save many lives or the new design can greatly increase flight efficiency.

A related problem is that terrorists have an incentive to exaggerate their strength in order to terrorize their opponents and to attract recruits and donations. The result is an inadvertent global Nash equilibrium in which governments play it safe by overestimating the terrorist threat while terrorists oblige by overestimating their power.

Restricting civil liberties only makes it worse. It may help fight terrorists but it also encourages them to attack because it results in more terrorist bang for the buck.

Osama bin Laden's greatest achievement may prove to be that he got us to effectively amend the Constitution. Overestimating the threat from his ilk will only encourage others to seek their own amendments. — Bart Kosko

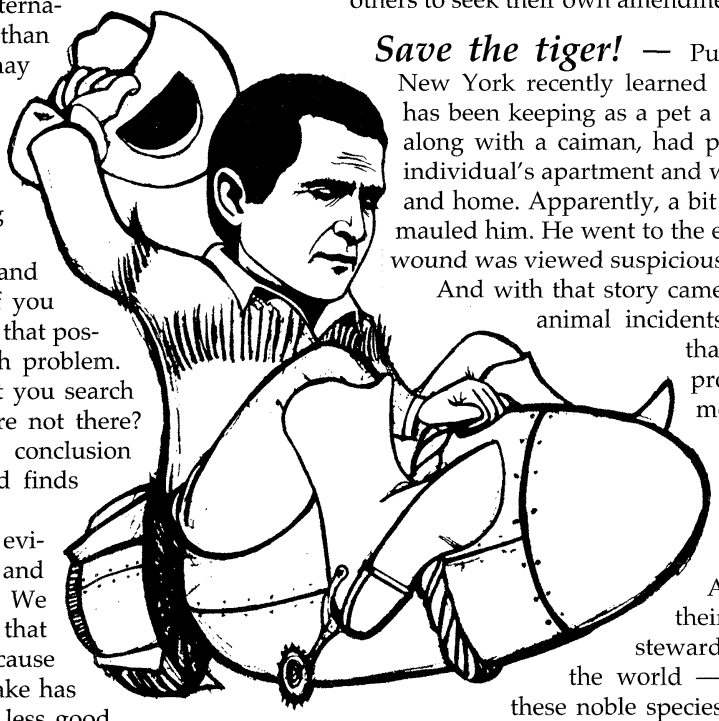

Art: "The Consummate Cowboy," by Jason del Greenberg

Save the tiger! — Public housing authorities in New York recently learned that one of their residents has been keeping as a pet a 400-pound tiger. The tiger, along with a caiman, had pretty much taken over the individual's apartment and was eating him out of house and home. Apparently, a bit irate and hungry, the tiger mauled him. He went to the emergency ward, where the wound was viewed suspiciously, and the story came out.

And with that story came a number of other "kept" animal incidents. Indeed, it now appears that the private pet sector is protecting and nurturing more tigers in America than exist in all the wilds of the world. At long last, average people are gaining the ecological consciousness they've long lacked. Americans are expending their own time and energy to steward the endangered species of the world — providing insurance that these noble species will survive regardless of what disasters might befall them in their homelands. Keeping a tiger is not an inexpensive or easy activity. One might think that environmentalists and animal rights activists would be elated by this statistic.

But one would be wrong. Owning tigers, we're told, is akin to slavery. Animal rights activists view ownership of animals with dismay — the presumption of mankind as somehow superior to nature is blasphemy. And, of course, animals that have been sullied by the hand of man cannot be counted against the endangered status of these animals. Only "wild" animals and a handful of "certified" animals in zoos and other politically legitimized institutions count. Had this philosophy prevailed during Noah's time, then all life on the planet would have gone extinct — indeed, one can only suppose that there are no "natural" species left at all on this planet. Noah has contaminated them all.

This, of course, is nonsense. As the late ecological economist Kenneth Boulding noted at a U.N. conference in 1950, man is the dominant species on this planet. No species, he suggested, is likely to survive unless in some sense it becomes "domesticated." This does not, of course, mean that we should all start raising tigers in our back bedrooms. But it does suggest that this ecological adoption strategy be encouraged, not disparaged. The Greens must rethink their antipa-

thy to mankind, their view of nature as the world without man. Man is the most creative, the most thoughtful, and the most caring creature on this planet. Linking that creative, caring force to the preservation of species provides the best hope of ensuring biodiversity into the future.

Noah's ark was an ecological success story, not an ecological disaster. As war and climate change threaten the bugs and bunnies of the world (along with the human population), we should be ready to move species out of harm's way. Today's world is vastly wealthier than that of Noah's time. We can today afford to build vastly larger and more mobile arks, and those who care about biodiversity should be encouraged to do so. Migration has allowed many persecuted human populations to survive — why should that course be disparaged for other species? — Fred Smith

What we don't see can't upset us — The media continues its blackout on wounded American soldiers and on the ones who are not so "lucky" — the ones returning to their broken-hearted families in body bags. Oops . . . returning in "transfer tubes." That's how desperate the Bush administration is to hide the bodies of Americans who die making Iraq safe for Halliburton's profits; there are no more "body bags," only "transfer tubes." And, if you want to read how Americans like Charles H. Buehring finally came home you have to read independent or foreign new sources, like the *Toronto Star*. It reports on Buehring:

> He arrived at the Air Force Base in Dover, Del., in the middle of the night, in an aluminum shipping case draped in an American flag. . . . America never saw Lt.-Col. Buehring's arrival, days after a rocket from a homemade launcher ended his life at age 40 in Baghdad's heavily fortified Rasheed Hotel last Monday. Americans have never seen any of the other 359 bodies returning from Iraq. Nor do they see the wounded cramming the Walter Reed Army Medical Centre in Washington or soldiers who say they are being treated inhumanely awaiting medical treatment at Fort Stewart, Ga. In order to continue to sell an increasingly unpopular Iraqi invasion to the American people, President George W. Bush's administration sweeps the messy parts of war — the grieving families, the flag-draped coffins, the soldiers who have lost limbs — into a far corner of the nation's attic. No television cameras are allowed at Dover. Bush does not attend the funerals of soldiers who gave their lives in his war on terrorism. Buehring of Winter Springs, Fla., described as "a great American" by his commanding officer, had two sons, 12 and 9, was active in the Boy Scouts and his church and had served his country for 18 years. No government official has said a word publicly about him.

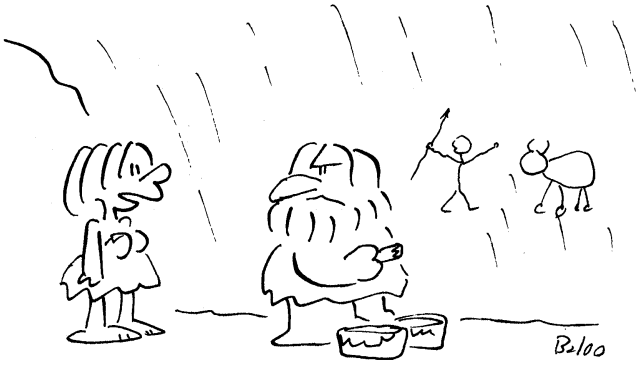

"The picture is nice and clear, but the flesh tones are off."

Traditionally, American war dead have been honored with ceremony; their families have been "comforted" by officials, both military and political. Now the dead are hidden, like embarrassments, in order for the Bush administration to continue passing the "Dover test" — shorthand for the American public's tolerance for wartime fatalities. What the public doesn't see, doesn't exist . . . or, at least, it doesn't have emotional impact. The cold-hearted armchair-warriors who send young men and women to die in a godforsaken desert certainly don't suffer from emotional backlash because of their unique access to information about the wounded. As Bridget Gibson explains, "It is taking an act of Congress to stop the Pentagon from charging our wounded military $8.10 a day for their meals while they are hospitalized. Will it take another to supply the toilet paper that must be bought during their incapacitation also?"

The only way to learn about the dead and wounded from mainstream sources is to read between the lines. For example, the Associated Press reports:

> A new, $30 million military mortuary was dedicated at Dover Air Force Base on Monday, a gleaming, brightly lit, state-of-the-art facility. . . . The new mortuary was built with efficiency in mind. Air flowing through its ventilation system is turned over 15 times an hour to ensure that odors and chemical fumes don't cause problems for workers. It has almost 200 linked computer stations, about 10 times the number of computers at the old facility. . . . The new mortuary has rack storage for 380 caskets and is equipped with 24 autopsy/embalming stations, compared to four permanent stations at the old facility.

It is worth noting the casualty figures released so far do not include American civilians — the "contractors" who now abound in Iraq. As *Mother Jones* reports, "No one is sure how many private workers have been killed, or, indeed, even how many are toiling in Iraq for the U.S. government. Estimates range from under 10,000 to more than 20,000 — which could make private contractors the largest U.S. coalition partner ahead of Britain's 11,000 troops."

And, in case people believe I am overblowing the angle of "profits for Halliburton" (and other war profiteers), consider that when the Senate added a provision to the $87,000,000,000 spending bill for occupation of Iraq and Afghanistan to penalize war profiteers who defraud taxpayers, the Bush administration refused to accept the $87 billion unless anti-fraud provisions were removed.

Like I said . . . making the world safe for Halliburton, et al. — Wendy McElroy

Only you (not the Forest Service) can prevent forest fires — A Colorado acquaintance visited his parents near San Diego last summer and found that the yard around their home was overgrown with manzanita and other natural — and highly flammable — vegetation. He called a landscaping company and told them to clear everything within 30 yards of the house.

When the fires reached their neighborhood this fall, firefighters quickly recognized their home was the only firesafe home in the area and they used it as a command post. Despite the best efforts of firefighters, many of the neighboring homes went up in smoke.

Congress is reacting predictably to the hundreds of

homes burned in California forest fires: it is throwing more money on them. Or, to be precise, throwing money at the Forest Service. Will the Forest Service spend the money helping homeowners remove flammable vegetation from their property and otherwise make structures firesafe? Of course not. It is going to spend the money doing things on federal lands that are neither necessary nor sufficient to protect people's homes.

Forest Service documents show that only a few million acres need to be thinned to protect homes, and most of those acres are on private land. With the money it is getting from Congress, the Forest Service could do all of these acres in less than two years. But almost none of the money Congress is dedicating to fire will go to private lands.

In my more cynical moments, I suspect that the Forest Service wants homes to burn because every burnt house means another few million dollars in its annual budget. More likely, the Forest Service is just using the fire issue to get money from Congress to do things its employees think are necessary in the 192 million acres that it manages, whether they have to do with fire or not. — Randal O'Toole

Neo-conned? — The Rumsfeld memo, which he or somebody else leaked to *USA Today*, was perhaps unintentionally revealing. Billed as a private memo for top Defense honchos, it was almost pathetic in its quest for reassurance and something resembling constructive ideas. "It is pretty clear that the coalition can win in Afghanistan in one way or another, but it will be a long, hard slog." "Pretty clear"? "One way or another"? What kind of confidence is that?

"My impression is that we have not yet made truly bold moves [in the war on terrorism]." What was the attack on Iraq? Is Rumsfeld conceding that it had little or nothing to do with the struggle against terrorism and might even have made matters worse?

The most important thing this memo suggests is that the bad news out of Iraq — which the administration and Fox News keep insisting isn't the real story and that all our positive moves are being unfairly downplayed — is in fact the real story. Top officials have few illusions about the success of this war. But they continue to try to sell illusions to the rest of us.

I've entertained the possibility that this memo from Rumsfeld — who after all is an Old Republican who hasn't shared the ideological journey from modest leftist to enthusiastic imperialist that the neocons have experienced — was a shot across the bow to the neoconservative policy theorists who beat the drums and cooked the intelligence to get the war on Iraq going. Could it really mean something like, "You got us into this mess; now you better come up with some ideas to get us out, or at least to smooth over the rough spots"? But I won't believe Rummy is really becoming disillusioned with the neocons and their grandiose schemes until the day he fires Paul Wolfowitz. — Alan W. Bock

Freeze, Ice Cream Man! — For decades, Harold "Chuck" Greenberger, 81, has played "Turkey in the Straw" out of a little speaker on his ice cream truck in Mt. Lebanon, an upscale suburb near Pittsburgh. "The kids wait to hear the music," says Mr. Greenberger. "It's real important to them." Ice cream tunes announce the arrival of Nutty Buddies and Creamsicles just like calliopes used to herald the coming of the circus.

He's not playing music any more. One fine day he was greeted not by children, but by the police, who arrested him. They explained that playing "Turkey in the Straw" was against a Mt. Lebanon ordinance, a township law that prohibits using music or any other amplified sound for a commercial purpose.

The Greatest Poem

by Thomas S. Szasz

I spent the first eighteen and a half years of my life in Hungary, and the next sixty-five years in the United States. I am Hungarian. I am American. I am both. I am neither. Who we are depends on how we and others define our identity.

As a youth in Hungary, I wrote poetry and wanted to be a writer. Later, a fellow expatriate, the psychoanalyst Sandor Feldman, told me that one of the definitions of a Hungarian goes like this: A Hungarian is a citizen of a country of 8 million people and 9 million poets.

As an adult, I came to realize that only as bodies do we live in physical space. As persons, we live in linguistic space. This is why a country, a political entity, is a matter of geography, but a nation, a social entity, is a matter of language.

The immigrant who wants to live in a new language, not just speak it, must let a part of himself die. The self generated by and through the new language is a radically new self. Refusal to learn the majority language is existential self-preservation or self-mutilation, depending on the immigrant's point of view. I did not know this when I was eighteen, but I felt it. I was deeply attached to the Hungarian language, which I loved with the intensity and naivete typical of children educated in the best *Gimnaziums* in Budapest in the 1930s.

Luckily, necessity is the mother not only of invention but also of adjustment. So, like most immigrants, I learned English and came to love it more than I think I ever loved Hungarian. In short, my coming to America, when and how I came, was a piece of incredible good luck, a fact of which I was well aware intellectually. At the same time, it was also, linguistically, an exceptionally traumatic experience, which I felt deeply.

I feel particularly fortunate, then, not only for having been able to leave Hungary when I did, escaping the dark decades my homeland was facing, but also for having had the opportunity to be reborn, as it were, into the American-English language. "The United States themselves," wrote Walt Whitman, "are essentially the greatest poem." What other country's national poet would characterize his homeland in such terms?

(from Dr. Szasz's remarks upon being presented with the George Washington Award of the American Hungarian Foundation, Nov. 11, 2003.)

Word Watch

by Stephen Cox

Fred Astaire was charming and handsome (yes, handsome, despite the fact that he was, by nature, an ugly little squirrelly-looking guy) in that movie where he sang about putting on his "top hat, white tie, and tails." When you think about it, that's a mighty peculiar outfit. But it was appropriate to the circumstances. He was — to continue in the immortal words of his composer, Irving Berlin — "stepping out, my dear, to breathe an atmosphere / That simply reeks with class." Even Fred Astaire wouldn't get away with wearing a top hat on the subway. There's nothing classy about the hat itself; the effect is all in the atmosphere.

Similarly, there are a lot of "top hat" words in the English language, words that people regard as much classier than any other words they could use, but the important issue is *where* (if anywhere) to use them. To some people, "I" is a classier way of saying "me"; "as" is a classier way of saying "like"; and even "use" ought always to dress up as "utilize." Then there's "facility" for "school," "hospital," "prison," or anything else that has four walls; "deplane" or "move toward the exits" for "get the hell out" . . . With some people, it's not just the top hat, or the white tie and tails; they want the monocle and the spats as well.

Some of these expressions are all right in their place, but when somebody says, "just between you and I . . . ," that person is putting on a verbal top hat, without even a whiff of class. The idea, if you can call it that, is that "me," as in "just between you and me," is a low, mean, ugly little word, a word that should never be used in polite company. Eschew "me"; utilize "I." Yet "me" (ahem!) is the object of the preposition "between." So it's incorrect to substitute the word "I."

To paraphrase another hit song: "Me" is "me" and "I" is "I," and the wrong one you have chose.

The same goes for "like" as opposed to "as." In the 1950s, high-school teachers were scandalized by a cigarette commercial in which somebody burbled, "Winston tastes good, like a cigaret should!" They taught their students not to say "like." Just don't say it, no matter what the context. The alternative was "as," and that's what Americans have used ever since, when they've wanted to reek with class.

Well, sorry, you have to use "like" when you need a preposition. You can't just put on your top hat and say, "As Marmeduke, Penelope matriculated at Harvard." You have to say, "Like Marmeduke . . . ," like it or not. "As" is a conjunction; it introduces a clause, not a noun, and "Marmeduke" is a noun. If you want to say, "As did Marmeduke, Penelope matriculated at Harvard," please go ahead. In that context, you *must* use "as," now that you have a clause ("Marmeduke did"). And I hope it will satisfy your social aspirations.

Now I come to the gunfight between "that" and "which," a controversy that, right now, is generating more inquiries to this department than any other verbal problem. (The question of why I write the column comes up more frequently, but that's a psychological problem.) The which-that dispute arises because there is a top-hat superstition about "that." The superstition is that "that" is a substandard word like "like." Well, it isn't. There are some occasions on which you must use "which," but they aren't many. In other cases, you should use "that."

The Thames, which is not a large river, flows through London.

The Thames is the river that flows through London.

Do you see the distinction? The first sentence could exist quite happily without the "which" phrase. The "which" phrase is an add-on. You must use "which" in add-ons. The second sentence couldn't stand without the "that" phrase: the "that" phrase defines what the sentence is talking about. You should use "that" in defining phrases.

The first rule, the rule of "which," is absolute. The second rule, the rule of "that," is something only purists insist on. Other people don't care whether you say "the snake that I saw in the grass" or "the snake which I saw in the grass." It's not a big deal. But it's cleaner to give "which" and "that" separate functions.

A hundred years ago, somebody like Alice Meynell, perhaps Alice Meynell herself, complained about the pomposity of 18th-century writers, claiming that with them every other word was "which." Alice, thou shouldst be living at this day. This is the great age of "which." "Which" is becoming the universal connective. "The Pope was talking about birth control, which he has no qualifications as a physician." "I went to the baseball game, which I wonder shouldn't those poor players make more money?" Diagram that, would you. Why do people say such things? I'm not sure, but part of it may be that "which" has learned to breathe an atmosphere which simply reeks with class. Or so they think.

While I'm at it, I need to mention the top-hat words that are, even now, putting in their shirt studs and polishing their nails, preparing for the political orgy of 2004. From this point on, politicians no longer "speak"; they "speak out." They are incapable of saying, "I went to Dubuque last week, and I was happy to see that a lot of people turned out to hear my speech"; they feel it their duty to announce, as if they were transmitting the decisions of the College of Cardinals, "We [always the imperial "we"] believe that our campaign is proceeding very productively, and we were gratified to discover that many enthusiastic supporters were able to take time from employment and child-rearing responsibilities to spend an evening with us in Dubuque, Iowa, and we benefited very greatly from the discussions on that occasion." No, sorry, I got that wrong. Politicians don't "discuss" things; they "engage in dialogue." It is by "engaging in dialogue" that "concerned citizens" show their "due diligence" in "thinking through" the "great national issues."

But I, or rather we, must tell you, just between you and we, that engaging in dialogue with dedicated public servants about issues of great national import is an enterprise which, according to our best projections, stands to occupy a severely reduced proportion of our time commitment during the approaching political season.

In other words, I've already had it with Campaign 2004. It's way too classy for me.

"What's so awful about an ice cream man anyway?" Greenberger asked at his hearing. "We work harder than the average guy. It's a lot of hours and a lot of work."

He could have added that he's a planet saver too, in terms of pollution, and that he's keeping oil money out of the hands of the evildoers. Instead of 1,000 suburban moms driving their SUVs to the market, he delivers whole neighborhoods in just one efficient sweep.

It's Mr. Greenberger's 57th year in the business. He started peddling ice cream the same year that RCA started selling TV sets and Darryl Zanuck, head of 20th Century Fox, said, "Television won't be able to hold on to any market it captures after the first six months. People will soon get tired of staring at a plywood box every night."

While the cops are busy making sure that all stays quiet on Dreamsicle duty and the township commissioners nitpick their way to a final solution, who knows what more serious crimes might be being committed around the borough? Maybe it would be okay if the music played only when the truck is stopped. Says Greenberger: "Who ever heard of an ice cream truck that didn't play music?"

This whole thing is beginning to remind me of Neil Young's new rock novel *Greendale*, where grandpa, rockin' on his porch, complains about having to listen to the sounds of Young's ongoing guitar. "That guy's been playin' for a long time now," he gripes. "Is there anything he knows that he ain't said?"

— Ralph R. Reiland

Meanwhile, in Pittsburgh — In Pittsburgh there's another kind of skirmish going on against the good guys, with organized labor making a stand against volunteers who try to pick up litter in the parks. "If there is a group of volunteers wanting to pick up litter, that's not going to happen," says Guy Costa, the Director of Public Works for the city. "But if they're going to plant flowers, seedlings, they may be allowed to do it."

In the past, if a church group wanted to take a Saturday to pick up litter in the park, they'd propose the project to the city. The city then turned the request to do volunteer work over to the unions to decide if it was okay.

"Volunteers picked litter, cut wild vines, did trail maintenance, hauled out old tires and discarded appliances, plant and weed flower beds, and worked to control invasive plants," explains the morning newspaper. "Over the years, thousands of volunteers have contributed labor to the parks."

Well, no more. Now the city is looking at $80 million in red ink and cutting its unionized workforce, the guys who cut the grass and paint the seesaws. And, as the thinking goes around here, if the union guys can't work in the parks then neither can anyone else, even if they'll do it for free. So the old tires will stay in the creek and the grass will be ass-high by April.

Explains Mike Gable, Assistant Director of Public Works, the man in charge of the park crews: "We may have to take the approach of just cutting the ball field and letting the grass on the perimeter go." So that's it. It's an automatic home run if the ball's lost in the high grass and no one's allowed in the park with a non-government lawn mower.

— Ralph R. Reiland

Monkeywrenching the technocrats — During the Clinton administration, the Occupational Safety and Health Administration had proposed a rule that required businesses to reduce the risk to employees of back injuries from lifting boxes, wrist injuries from keyboarding, etc. Business resisted the rule, and when Bush was elected, Congress voted to repeal it.

Several of the bureaucrats who had designed the rule at OSHA were hired by the state of Washington. They proposed a state ergonomics rule as an administrative measure, without the consent of the Legislature. As the issue proceeded, there was probably a majority in the Legislature to repeal the rule, but Democratic leaders blocked it.

According to this rule, all but the smallest employers would have to judge the musculoskeletal risk of every job, and reduce that risk to a tolerable level as much as economically feasible. But how to determine the risk? What level of risk was tolerable? What amount of risk reduction was economically feasible? There were some colorful pamphlets, and a few examples, but nothing was really clear. Basically, business owners were required to do their best. The state would send an inspector to second-guess them. Either they would get an OK or get fined.

This was presented as friendly, pragmatic and *flexible*. Politicians promised lots and lots of flexibility.

Business hated it. Business puts up with all sorts of regulations in Washington, one of the most regulation-friendly states there is. But on this, nobody was ever sure how much effort was *enough*. Organized labor was for it. The Democratic governor, who had hired the director of OSHA, was for it.

Washington's homebuilders' association — a group of small businesses, which are always more radical than big businesses — organized a petition drive for a ballot initiative to repeal it. This time, big business joined in. Even Boeing made a quiet donation. Boeing had shaken the political climate a few months before by putting Washington on notice that it might assemble its next jetliner somewhere else. That had convinced a reluctant Legislature to trim four weeks from the state's generous unemployment benefits. The governor had signed that bill because he wanted to keep Boeing.

In other words, if there was a year to attack a government regulation on business, this was it.

Washington is a Democratic-leaning, non-right-to-work state with the highest minimum wage ($7.01 in 2003) in the United States. It's difficult to sell people on repealing something that protects workers.

The homebuilders portrayed the ergonomics rules as a job killer, an effective argument with the unemployment rate at 7.5 percent.

Chambers of Commerce lined up. So did newspapers, including some of the liberal ones, probably because of the word from the printing and distribution side of the business.

The homebuilders had put up several hundred thousand dollars, collected the signatures, and gotten a repeal measure on the state ballot. They bought TV ads. They outspent labor

They said again and again that Washington was the only state with a preventive ergonomics rule. One other state, California, mandated it as a remedy for repeated injuries in the same job at the same company. That was not as harsh — and who wants to be harsher on business than California?

A month after Arnold Schwarzenegger tossed out Gray Davis, the voters of Washington threw out the ergonomics rule. The vote was 53.5 percent for repeal. There's a lesson here for those who want to get rid of regulations.

— Bruce Ramsey

The semi-circle of hell — When I think about modern American politics, I remember a verse of an old gospel song:

> Tempted and tried, we're often made to wonder
> Why it should be thus all the day long,
> While there are others living among us,
> Never molested, though in the wrong.

It's the problem of evil: how can stuff like this go on, and the perps go unpunished?

But the Democratic presidential candidates have shed new light on the issue. They have shown that evildoers sometimes *are* "molested," that evil, in fact, is sometimes self-molesting.

The candidates — this multitude of silly-looking little men, and a woman who's not important enough to mention, this phalanx of toy soldiers, this class of wayward children — have decided that each of them can gain the maximum amount of favorable publicity if all of them travel the country together, month after month, staging public debates with one another. The predictable result has been a mountain of unfavorable publicity.

When you debate somebody, the purpose of each of you is to defeat the other one. The Democratic candidates have now devoted millions of words to running one another down, exposing every possible weakness of every individual among them to the greatest possible public scorn. This can't be good for them, either severally or generally. The only things that unite them are 1) their slavering hatred of President Bush, which makes no impression on anybody except the extreme left wing, since everybody else realizes that it's the candidates' professional duty to oppose President Bush in any way they can, and 2) their unnatural desire to raise taxes, which is a very unpopular desire to announce if you're running for public office.

Such are the bad political effects of the Democrats' great self-publicity scheme. Now consider the personal effects. How would you like to spend an evening listening to the scintillating wit of John Kerry? Or the cunning rhetorical thrusts of Richard Gephardt? Or the inspiring oratory of Al Sharpton? How would you like to enjoy all that and, as a bonus, get to hear Kerry, Gephardt, Sharpton, and more, many more, great speakers expending their talents on denouncing *you* — twisting your voting record, exposing your hypocrisies and outright lies, questioning your sanity, branding you as a racist, sexist, homophobic swine? Well, how would you like it?

Not even so pathetic a creature as a Democratic presidential candidate could enjoy a thing like that. And as painful as such an experience would be for anyone, it must be a thousand times more painful for a professional politician. Politicians always imagine that they, and they alone, are qualified to talk. Now, however, they also have to hear. Wendell Phillips said that "the puritan's idea of hell is a place where everybody has to mind his own business." A politician's idea of hell must be a place where he has to listen to other politicians. If that's true, then the Democratic debaters are in hell; and like hell itself, the Democrats' debates will apparently go on forever.

Good.

— Stephen Cox

The thin green line — A prominent feature of those who hate the market is their ability to see criminality everywhere. Recall Mises' comment: "The trial has been held. The businessman has been convicted. The crime will be announced at a suitable occasion."

The great protector of the people, *The New York Times*, noted in a Sept. 25 editorial: "Low-income homeowners can be easy targets for unscrupulous lenders" with, of course, the greatest burden falling on the "elderly, African-Americans, and immigrants."

That editorial went on to discuss excessive fees, higher interest rates, balloon payments, and the practice of bundling these loans and selling them to investors. Of course, the *Times* noted that there is a value in willingness to lend to lower-income people in distress, but the fine hand of govern-

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ment is needed to "extract the bad apples" — don't you love the *Times'* sophistication? State and federal consumer protection agencies must step in to protect consumers from such practices.

Ironically, only a few years ago, the *Times* and other statist champions were railing against those same financial institutions for "redlining," the practice of ruling out loans to people because they live in a low-income neighborhood.

So, the rules are clear. You shouldn't lend to people who might default but you must lend to anyone who might not default. And, if default occurs, then it was your fault!

— Fred Smith

It's the big tent, stupid — Howard Dean took flak for saying on Nov. 3 that he wanted to be "the candidate for guys with Confederate flags in their pickup trucks." When the inevitable whining and hand-wringing issued from other Democratic candidates, Dean stood his ground, at least for a while, explaining he meant only that his party "can't beat George Bush unless we appeal to a broad cross-section of Democrats."

He's right. What is the point of running for office? To win elections and influence public policy. How do you win elections? By getting as many votes as possible. How do you get votes? By being the candidate of everyone you possibly can — including guys with Confederate flags in their pickup trucks. And neo-Nazis and teachers and accountants and mass murderers and nuns.

That doesn't mean you should appeal specifically to all those groups, of course, but neither Dean nor any other Democratic candidate has suggested as much. Saying you *don't* want to be the candidate of a certain group is tantamount to saying you don't really want to win the election and, in the finale, that you want to let the guys with Confederate flags in their trucks put *their* candidate in power.

If people want to imply, for political gain, that Dean is some kind of closet cultural conservative — even though he advocates socialized health care and repealing recent tax cuts, signed gay civil unions into Vermont law, and has unflinchingly and strongly opposed the war in Iraq from the outset — so be it. He is leading an assault on the complacent, hypocritical mass of Democratic political personalities who love to talk about "tolerance" and "inclusion" but balk at the first suggestion of a party with broad appeal. For all that I have fundamental philosophical differences with him, and many political ones as well — I'm a libertarian, after all — he is a different kind of politician. I respect him.

There's another year to go under the regime of Bush II. The "War on Terror" will continue, more American soldiers will die, and more of the world will grow to resent America's brazen imperialism. I have never in my life cast a ballot for anyone but a Libertarian. But now I imagine this: Dean wins the nomination, and subsequently debates Bush on national television. Bush is on one side, uttering subliterate sentences about swarthy evildoers in his defense of life, liberty, and the pursuit of Halliburton contracts. Dean, the only strongly anti-war candidate who has a chance, is on the other side, intelligently and persistently crucifying the flustered incumbent rhetorically. That image warms my heart enough for me to consider punching the chad next to a non-Libertarian name.

— Patrick Quealy

Bush to Dems: ttthhptht! — Further enhancing its reputation for obsessively holding information close to its vest, the White House recently issued a new decree stating it will not accept requests for information from Democratic lawmakers anymore.

Apparently vexed by a series of requests from Democrats on the House and Senate Appropriations committees about just how much the White House spent on that famous "Mission Accomplished" banner that flew when the president flew onto the aircraft carrier *USS Abraham Lincoln*, the director of the White House Office of Administration sent over an email announcing that from now on it will only answer requests for information from the committee chairman or from the entire committee.

In a related story, Laura Bush told reporters that Bush does not respond to questions at the dinner table unless they are presented by his entire family or its chairman.

— Alan W. Bock

Caucasian commotion — A recent article in the *Washington Times* reports the effort of a 15-year-old girl to create a Caucasian club at her high school. Darnell Turner, an opponent of the club, warned that "the club could morph into a white-supremacy group," and suggested that the club's name should be changed to the European-American Club so that the focus would be on heritage, not race. Mr. Turner, it was noted, was the vice president of the East County National Association for the Advancement of Colored People!

Oh well, never mind! — Fred Smith

A hard habit to kick? — The government's total foreign aid budget is about $13 billion — at least it was until the government decided U.S. taxpayers need to invest another $87 billion in Iraq and Afghanistan. Twenty billion dollars of that $87 billion is foreign aid, so it more than doubles total foreign aid expenditures. Despite popular opposition, the $13 billion in regular foreign aid has never gone away or seriously declined. Do you suppose the $20 billion for Iraq will become an annual habit also? — Alan W. Bock

The naked truth about the PATRIOT Act — The indictment of three current and former Clark County and Las Vegas officials in connection with a probe of alleged kickbacks from a strip-club owner would be a fairly routine story — corruption naturally follows when government seeks to heavily regulate any lucrative activity — but for one detail.

The *Las Vegas Review-Journal* reported that the FBI used the USA PATRIOT Act to seize the financial records of nightclub owner Michael Galardi and others.

Wait a minute. Didn't the administration say, shortly after Sept. 11, 2001, that this act was needed to give the government more tools to go after terrorists or plots that threatened the lives of innocent Americans? Why invoke it in a case of municipal corruption?

Well, it seems that Sec. 314 of the act allows federal investigators to obtain information from any financial institution regarding the accounts of people "engaged in or reasonably suspected, based on credible evidence, of engaging in terror-

ist acts or money laundering activities." Not money laundering in connection with terrorism but any money laundering.

Nevada's Democratic U.S. Senator Harry Reid is outraged. "The law was intended for activities related to terrorism and not to naked women," he told the *Review-Journal*. Democratic Rep. Shelley Berkley said, "It was never my intention that the Patriot Act be used for garden-variety crimes and investigations."

Maybe the legislators didn't intend it that way. But the Bush administration drafted the law, and that's what the legislators voted for. Those who insist that the lawmakers who passed it were well aware of what they were voting for, however, are not quite correct. The bill was passed in haste. The final draft in its complete form — it had been cobbled together from Clinton-era proposals Republicans had rejected as dangerously enhancing federal power — was not available to most lawmakers at the time they voted on it. That may reflect poorly on our elected representatives, but that's what happened.

All this strengthens the case for letting the PATRIOT Act expire in 2005, as scheduled. For starters, it is dubious whether federal authorities needed to be involved in a local corruption case at all. And law enforcement already has plenty of tools to go after corruption. — Alan W. Bock

Wonkocracy ascendant — I am in a position to interview political candidates — lots of them — at the local level. I have noticed a certain type: a regulator in one government running for a legislative position in another government. It might be a land-use planner who works for City A running for council in hometown City B, or County C.

As you would expect, such candidates are believers in an activist, shaping, managing government. That is only to say that they believe in themselves. Furthermore, they know government to a level of detail that the real-estate agent or the owner of a hardware store cannot imagine. They expound confidently on comprehensive plans, critical-areas ordinances, and environmental impact statements. They may not know how to meet a payroll, but they know how to make an ordinance.

Their weakness is that they tend to be "wonks," lacking in broad appeal. In the absence of that problem, there would be even more of them.

Once elected, they are at home. It may be only a part-time post, but it is close enough to their full-time job that they fit right in. They are "effective." And collectively, they begin to constitute an interlocking directorate. — Bruce Ramsey

Selling the stuff that sells itself — Count on the federal government to come up with a $32 million advertising campaign to sell us on using the colorful (sort of) new $20 bills. Paper money in general is of dubious inherent value, and perhaps in a sane society it would take a PR campaign to get Americans to use it. But we tumbled to paper money a long time ago.

Only the government could imagine it would take an ad campaign to sell money. — Alan W. Bock

Free the telemarketers! — Millions of Americans are irritated by telemarketing calls during dinner. Our ever-vigilant regulators and Congress have rushed to address these irritations with "Don't Call" regulations and legislation. Especially disappointing was the decision by the FTC, headed by the purported free-marketeer Tim Muris, to have his agency create a federal do-not-call registry. But populists are good at gauging popular opinion and, at last check, well over 50 million Americans had rushed to sign up.

Fortunately, vox populi vox Dei has not yet fully undermined our constitutional protections. When a Colorado court questioned the legal authority of the FTC action, Congress moved quickly (and almost unanimously — a sure sign that the action is questionable) to empower the FTC to create this registry. But then another court challenged the constitutionality of the measure and, although this action was stayed and the FTC is proceeding with signing up Americans (a government list of people who don't want to be on lists!), it is plain that the constitutional issues will now have to be addressed.

To the proponents of direct democracy, any check on the right of government to do "good" is outrageous. We remain in many ways mired in the Progressive Era. "Can 50 million Americans be wrong?" questions Democratic Senator Schumer, while GOP Senate Majority Leader Bill Frist rails against the "arrogance" of the judges. One of Billy Tauzin's (R-La.) chief staffers suggested that if the problem is merely constitutional, we'll be able to fix it quickly!

"Merely" constitutional? I am reminded of Jay Leno's remark: "We want to give Iraq a constitution? Well, let's give them ours, we haven't been using it lately!" The Constitution is designed to reign in the excesses of direct democracy, to discipline the passions of the masses. Changes in the restrictions we've placed upon ourselves require that these rules be amended — a process that ensures more deliberation and thought.

Of course, telemarketing calls are irritating

continued on page 53

Our Pagan Holy Day

by Jo Ann Skousen

Christmas as we know it was invented less than two centuries ago.

December is a month of contrasts as we celebrate "peace on earth, good will toward men" by fighting over parking spots at the mall, spending ourselves into debt, getting soused at office parties, and lying to children about an eccentric old man who peeks into bedrooms and then breaks into houses. In a spirit of tolerance and harmony, many now observe "Hanumas," a bland sort of blending of Hanukkah with Christmas that strips both holidays of their miracles and focuses on the inoffensively innocuous: gift-giving, food, and of course, Santa Claus. What does any of this have to do with the "true meaning" of either Hanukkah or Christmas? Or the recently invented Kwanzaa (conveniently scheduled to take advantage of post-Christmas sales)? As I set out to lament the overshadowing of Christmas by the "right jolly old elf," I discovered that the real history of Christmas has little to do with a miraculous birth in a stable.

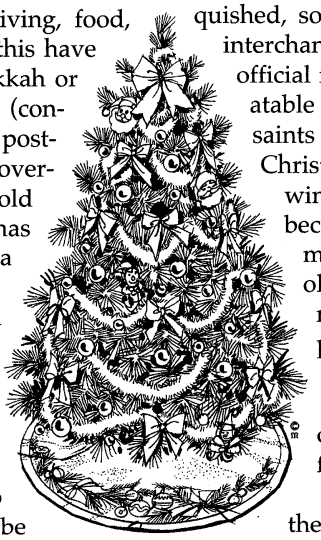

During the Golden Age of classical Greece, a polytheistic philosophy reigned, with a complex family of gods and goddesses controlling the lives and actions of mortal men. Most of these gods were adaptations of earlier city-deities that had existed before their annexation to Greece; Europa, for example, gives birth to Minos, king of Crete, while Hera's cults can be traced to Argos and Mycenae. One of the reasons for Zeus' prolific liaisons with mortal women was that these separate cities could thereby trace their diety's lineage back to Zeus, uniting Greece through a common religion.

Later, when the Romans conquered Greece, they superimposed their own religion onto the religion of the vanquished, so that Greek and Roman gods became virtually interchangeable. Later still, when Christianity became the official religion of Rome, Constantine made it more palatable to the peasants by superimposing Christian saints onto the existing pagan deities and adapting Christian beliefs to pagan customs. Most notably, the winter solstice celebration of the rebirth of the Sun became Christ's Mass, or the birth of the Son. This method of gradual assumption of new names for old beliefs is much less traumatic and indeed might hardly have been noticed by the average peasant. Constantine could rename the winter celebration and create new symbols to associate it with the virgin birth of Christ, but in most cases the citizenry simply continued their former frolics "under new management."

Within a hundred years of this edict, most of the pagan cults had died out and Christianity was ensconced as the official religion of the ever-expanding Roman Empire. Prince Vladimir would use this same technique in 987 when he facilitated Russia's transition to

Christianity by superimposing the Christian saints onto the feast days of the former pagan deities and folk heroes; the feast day of John the Baptist, for example, would be celebrated in the same season and manner as the former river deity. From the Middle Ages to the Reformation, Christmas week became an elaborate religious celebration, characterized by long church services and sermons offset by music, plays, and masques. This was a stark and solemn contrast to the vulgar, pagan festivities of the original winter solstice, which included drinking, gambling, and sex. Yet the side-by-side celebration of the most profound with the most profane continued through the centuries, culminating in our own culture's mixing of the most sacred of holidays, Christmas, with the most hedonistic of holidays, New Year's Eve. The British were not praying as Washington crossed the Delaware, they were drinking. Even St. Nicholas, the Greek Orthodox priest on whom Santa Claus is patterned, shares a schizophrenic name with "Old Nick," one of the common slang names for Satan!

"Wassailing" was like an early version of trick or treat, with drunken singers banging on doors, demanding food, drink, or money in exchange for going away.

By the early 17th century, the pagan celebrations of drunkenness and debauchery had re-emerged to the point that the holiday was losing its connection with the Biblical story it was supposed to evoke. As a result, in 1657, not long after Puritan Oliver Cromwell took control of England, he outlawed Christmas. Puritans in Massachusetts followed suit by banning Christmas observances in 1659. As with prohibition of alcohol, however, so with prohibition of celebration: the behaviors that government banned simply went underground and became more extreme, with even more emphasis on the pagan rather than the spiritual. "Wassailing" became popular among the lower classes, but it had none of the charm of Victorian Christmas cards depicting happy groups of carolers singing under streetlamps. It was more like an early version of trick or treat, with drunken singers banging on doors, demanding food, drink, or money in exchange for going away. On slave plantations in the South, Christmas week was a time of bittersweet revelry. Harvest was in, and slaves were given time off to rest and play. They were issued a new set of clothes, as well as food and often alcohol. Singing, dancing, and storytelling lasted all week, and the tradition continues in the Bahamas and other Caribbean islands today, with "Junkanoo," an island-wide street party that lasts from Christmas night to New Year's Eve. But the 19th-century celebration was tinged with worry, since the first of the year was the time for selling and leasing slaves to other plantations, and the week often ended with painful, lifelong separations — hardly a symbol of "peace on earth."

Despite the public debauchery, many attempted to "keep Christmas" as a religious observance. Churches in central Europe continued to celebrate St. Nicholas Day and Christmas Mass with sermons and music. Charles Dickens is credited with codifying the modern English version of the ideal Christmas, with its lighted trees, Yule logs, carols, family parties, roasted goose, and general goodwill. He espoused the ideals of Christianity without endorsing an actual religion. His series of annual Christmas books began with *Sketches by Boz* in 1837 and culminated in his masterpiece, *A Christmas Carol*, in 1843. The story has become such a part of our lexicon that we often forget that Ebenezer Scrooge was more the rule than the exception by 19th-century standards, when most employers refused to contribute to the revelry by giving workers the day off. The softening of Ebenezer Scrooge's heart softened the hearts of readers everywhere, setting the standard for a joyful and charitable, though virtually Christ-less, Christmas that has lasted to this day.

Charles Dickens is credited with codifying the modern English version of the ideal Christmas, with its lighted trees, Yule logs, carols, family parties, roasted goose, and general goodwill.

But it was actually Washington Irving who created the modern Christmas in America, more than 20 years earlier, in a conceit made to appear to have been imported from Britain. In his *Sketchbook of Geoffrey Crayon, Gent.* (1819–20), Irving purported to have visited England, where he "observed firsthand" happy family-oriented holiday customs that included parlor games, music, traditional foods, gifts, and festive decorations. With chapters titled "Christmas," "Christmas Eve," "Christmas Morning," and "The Christmas Dinner," Irving created a blueprint for the "perfect Christmas" that harried mothers have tried to copy ever since. However, these were purely the creations of his own imagination. As early as 1809, Irving had begun to res-

continued on page 52

Learning from the California Election

by R. W. Bradford

Libertarians finally got the opportunity they'd awaited for decades: they faced the voters on an equal footing with all other candidates.

Partisans of the Libertarian Party frequently explain their poor showing as the result of restrictions that politicians of major parties have placed on Libertarians getting their names on the ballot. It's a plausible explanation: in virtually all states, the candidates of major parties are put on the ballot with hardly any effort or expense, but candidates of other parties face barriers and undergo expenses that keep many of them off, not to mention deplete the resources of those who somehow do get on.

One of the curious things about the recent California recall election is that all candidates, whether from a major party, minor party, or no party at all, faced exactly the same cost to put their names before the voters, and it was a very small cost indeed: a fee of $3,500.

It was a Libertarian dream. Finally, Libertarian Party candidates would not suffer from discriminatory ballot access restrictions. Finally, Libertarians would have the opportunity they'd awaited for decades: they would face the voters on an equal footing with all other candidates.

And how did they do? Able to choose among 135 candidates, including 49 Democrats, 42 Republicans, and 38 Independents, Californians cast a total of 5,883 votes for the three candidates of the Libertarian Party. That's just 0.07% of the vote.

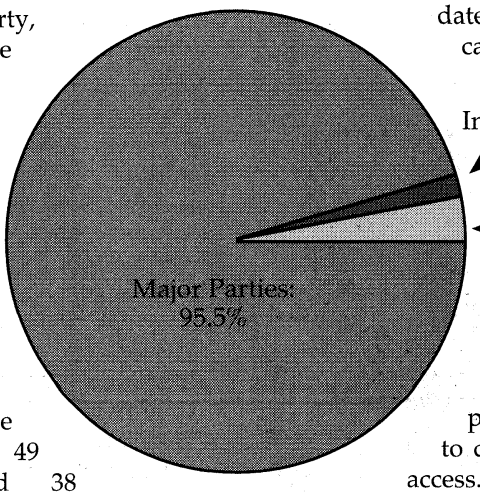

Californians cast 95.5% of their votes for candidates of major parties. Independents got 1.5%, and candidates of five minor parties took a total of 3.0%, with over 95% of the minor party votes going to candidates of the Green Party. LP candidates captured just 2.3% of the total minor party vote.

To sum up: when the LP finally got an opportunity to compete on a level playing field, it captured an insignificant number of votes cast. The implications of this are obvious to all but the most confirmed true believers: the reason that Libertarian Party candidates do so poorly at the polls has little or nothing to do with restrictions they face on ballot access. The vote total suggests, to the contrary, that the LP has actually benefited from those restrictions: by spending millions of dollars and doing thousands of hours of hard volunteer labor, the LP has

managed to put its candidates on the ballot where other minor parties and independent candidacies have failed, making it a vessel for voters who simply do not want to vote for a major party candidate.

The reason that Libertarian Party candidates do so poorly at the polls has little or nothing to do with restrictions they face on ballot access.

It is impossible to see the California vote as anything other than a powerful statement of support for the two-party system. Like it or not, Californians (and presumably other Americans) are quite satisfied with the choices that the two parties offer. How else can you explain the fact that 95.5% of them voted for Republicans or Democrats?

The Minor Party Vote

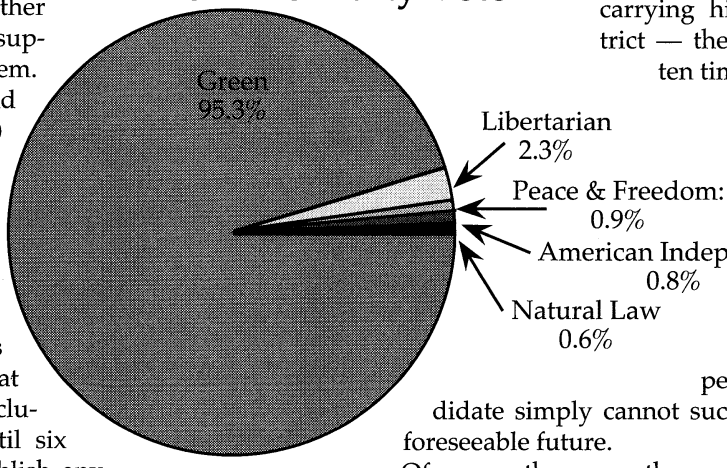

Curiously, few libertarians or LP partisans have arrived at these ridiculously obvious conclusions. I purposely waited until six weeks after the election to publish anything on the issue, in the vain hope that I would see the same observation elsewhere, but I have not. This suggests, sadly, that many partisans of the LP are simply unwilling to draw the inescapable conclusions from indisputable facts.

The reason must be that they fear a slippage of their own morale. They are afraid of discouraging themselves. But I for one am not discouraged. While the California experience suggests that libertarians will never do well running for partisan office as candidates of the Libertarian Party, it offers no evidence whatever that libertarians cannot win elections. After all, Ron Paul has been elected to several terms in Congress from Texas, and Leon Drolet has been elected to several terms in the Michigan state legislature, as was Greg Kaza a few years back. These people ran as Republicans.

Even LP partisans have hard and direct evidence that being libertarian does not prevent one from winning elections: in growing numbers, LP activists are running for local non-partisan offices, and many have won their elections. That's the fact, although there is some trouble with their theory that winning local non-partisan races will make them well-known and well-respected political leaders who can parlay that reputation into election as Libertarians to higher-level partisan offices. In this, they are mistaken, as the California election returns demonstrated. Even John Anderson, who had won ten elections to Congress as a Republican and was considered a very credible independent candidate for the presidency in 1980, failed that year even to come close to carrying his own congressional district — the same one he had carried ten times as a Republican.

Whether Libertarians like it or not, the evidence is absolutely conclusive: Americans are very happy with the two-party system, and contesting partisan elections as an independent or minor party candidate simply cannot succeed, either now or in the foreseeable future.

Of course, there are other reasons to organize and operate a minor party — for example, as a protest group (like the Prohibitionists), a front for an agency of a foreign power (like the Communists), or a scam to collect federal matching funds (like the National Alliance Party). But if winning elections or gaining electoral influence is one's goal, contesting partisan elections from a minor party platform is a waste of money, effort, and idealism. ❑

Contesting partisan elections as an independent or minor party candidate simply cannot succeed, either now or in the foreseeable future.

Letters, *from page 6*

up the debate in advance; her thesis is the product of her genes, mine is the product of mine, and never the twain shall meet. She favorably quotes Mill's praise of originality; but how can there be any originality if all thought is merely the result of "biology"? Does McCarthy understand the difference between new ideas and genetic mutations?

Diversity of knowledge, of point of view, of experience, is a good thing when reasonable people cooperate toward any goal. But McCarthy conflates these with genetic diversity. This conflation, in practice, produces not diversity but conformity: the idea that one must practice solidarity with one's sexual or racial group. True diversity comes from the recognition that people are individuals who can follow their own paths, not specimens of breeding groups who are destined to obey their genes.

Gary McGath
Hooksett, N.H.

Socialists Can Too Be Funny

For a stand-up comedian, Tim Slagle doesn't seem to have much of an understanding of humor, if his November polemic on Al Franken's latest book is any indication ("Al

continued on page 26

Time to Get Real

by Greg Newburn

Government spending is through the roof. Federal police powers are expanding to nightmarish levels. Libertarians can't get elected to anything and are openly mocked by mainstream politicians and the press.

The 2004 presidential election is a year away, and dissension swells among the libertarian ranks as to which candidate, if any, should receive libertarian support. The upstart organization "Libertarians for Dean" has received some major press coverage, and some libertarians still actively support President Bush. No matter which candidate comes out ahead, nearly all libertarians are wondering how the political bearers of our philosophy will fare in the upcoming election cycle.

How will the Libertarian Party fare? If history is any guide, the answer is an unequivocal "not well." Anyone familiar with the party is familiar with its failure to elect any Libertarians to major office. The party's failures are so extensive that some libertarians, frustrated with the inability to affect real change through the political process, have proposed moving tens of thousands of activists to a single state in an attempt to be taken seriously. If this is what our approach to politics is getting us, perhaps it's time to rethink our approach.

The libertarian movement today is a joke. I know what you're thinking. I know about the "3000-year intellectual history of classical liberalism." I know about the English Levellers, and how Pope Innocent IV furthered the notion of universal rights. I've heard the Cato Institute's Tom Palmer speak a few times, too. I think it's great that Lao-Tzu was the intellectual godfather of spontaneous order. But none of that helps us change the fact that government spending is through the roof, that federal police powers are expanding to nightmarish levels, and that we libertarians can't get elected to anything and are openly mocked by mainstream politicians and the press.

When you get right down to it, libertarianism is a political punch line. If Hans Herman Hoppe isn't being mocked by political scientists for arguing that democracy is "the God that failed," (or calling Gary Becker an "intellectual criminal," or saying that Chicago School economists are "worse than Communists," or . . .), then "Bureaucrash" is being mocked by college kids across the country for coming up with yet another lame "counter-protest" in the futile effort to take liberty "to the streets."

I'm sure you've all been there. You're sitting around with a group of well-informed, politically-minded people at school or the office. Politics comes up in conversation, and people start arguing. Then you unmask yourself as a libertarian. Almost invariably, the conservatives and liberals coalesce into a united (and vicious) front.

Perhaps you attempt to clarify, distancing yourself from the Libertarian Party and its internal scandals and tin-eared "Guns for Tots" actions. "I'm a 'small l' libertarian," you explain. This move does nothing to temper their venom. If anything, it reminds them precisely how loony some of your fellow travelers are.

One of the conservatives in the room will charge that

libertarians are idiots because drug legalization leads to crack babies. Then a communitarian-type will tell us that privatizing Social Security will force old people (sorry, senior citizens) to 1) sleep in the streets, 2) consume dog food for sustenance, and finally 3) die. Some Democrat or Green will call you a shill for corporate tyranny while a Republican denounces you as a hippie. In response, you might meekly offer, "But libertarians are for political *and* economic freedom," as your conservative buddy goes to picket an abortion clinic and your leftist friend to smash a Starbucks window.

An editorial in Gainesville, Fla.'s *Satellite* magazine recently noted that most people think libertarians are lunatics. Maybe we are. Many have asked why, given our "rich intellectual tradition," we are so politically marginalized. A more important question is how we can become more mainstream. I think the answer can be found by applying the common-law tradition of "the reasonable person" to our philosophy as applied in contemporary politics.

Under common law, the question of whether a defendant should be held liable for, say, a tort, was decided by asking whether a reasonable person, acting under the same circumstances, would have acted the same or differently. If the reasonable person would have done the same, the defendant was generally not held liable. If the reasonable person would have acted differently, then the defendant was held liable.

As Leon Louw argued in his "Libertarianism and the Lessons of Common Law" (*Legal Notes* 10, 1990), the reasonable person test can be used to solve many problems that the "non-aggression axiom," or other dogmatic ideological premises, leave wide open. For instance, in the case of rape, Louw notes that the context of how a woman says "No," to sex (i.e., screaming and kicking, or seductively whispered) could determine whether an actionable rape has occurred. The reasonable person test helps answer the question. The "non-aggression axiom" does not.

Louw illustrates how the theoretical libertarian can adapt to the reasonable standards offered by common law. More importantly, he demonstrates *why* he should do so: because otherwise he is left toothless. Taking that principle a step further, libertarians interested in political success must learn to be reasonable in their policy prescriptions, lest we be cast to Politopia, and into perpetual political obscurity.

I can almost see some of the more dogmatic types out there firing up their word processors to reply to what I've just written. I can see them now, gearing up to defend the non-aggression axiom from the infidel attacks. Hey, go for it. But I'm not terribly interested in the philosophical defense of anyone's particular conception of liberty.

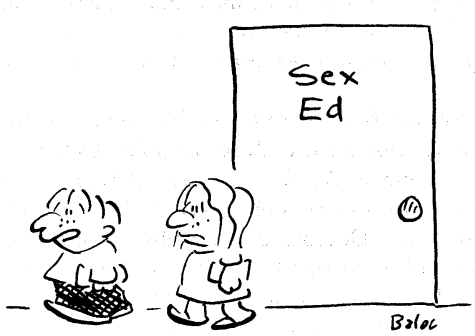

"The whole thing sounds pretty science-fictiony to *me!*"

And it's doubtful that anyone besides those who just picked up Tom DiLorenzo's *The Real Lincoln* is interested either. Notice, I am not attacking any specific premises of liberty as philosophical concepts. Instead, I aim to show that, even if philosophically sound, they have no place in contemporary politics. In short, I'd like to see libertarians win some elections. If that means the folks at LewRockwell.com or the Libertarian Party call me a sellout, so be it.

It will not do merely to say that "Taxation is theft."

It is well-accepted that politics is "the art of compromise." In my younger years of advocating liberty I found that statement repugnant, and even now it does not sit well with me. But reality is a harsh master, and unless we libertarians want to preach to the choir for the rest of our lives, it is a lesson we must quickly learn. What exactly does this mean for libertarianism? Does it mean that we must accept the principles of the "welfare/warfare" state? Does it mean that we must advocate the "forced redistribution of wealth"? Must we abandon laissez faire? Not at all.

Aaron Director of the University of Chicago Law School once wrote that "Laissez faire has never been more than a slogan in defense of the proposition that every extension of state activity should be examined under a presumption of error." This line of reasoning allows libertarians an opportunity to abandon dogmatism in favor of a reasonable philosophy. Further, following it would allow that reasonable philosophy a chance to move up from the children's table at the American political feast.

What does this mean in practice? How can libertarians have real impact?

First, libertarians should abandon completely the fruitless efforts of the Libertarian Party. In October 2000, I attended a speech given by the Libertarian Party vice-presidential candidate Art Olivier. His was a standard stump speech, not at all tailored to the overwhelmingly college-aged (and very interested) audience. During the question and answer period, our "number two guy" could barely field the most elementary questions concerning the application of our philosophy to contemporary public policy issues. Olivier got thrashed by undergraduates, and I left embarrassed. Before that speech, though I was already disenchanted with the party, I had some hope left. Not anymore. And though I do not consider myself to be part of that mysteriously influential libertarian "in-crowd," I know very few libertarians who take the Party seriously.

And why would we? In the 32-year history of the Libertarian Party, it has captured a handful of local offices, and a few state legislative seats, but not a single Congressional seat. And though it has run a candidate in every presidential election since 1972, the Party has failed to garner more than 1% of the popular vote. In California's recent gubernatorial election, more voters supported Gary Coleman than any Libertarian Party candidate.

Sure, there are multiple reasons that might explain this phenomenon. Perhaps libertarian voters were too busy studying Arrow's Theorem to get out and vote. Or maybe some potential voters just finished reading *The Structure of Liberty*, or something else by Randy Barnett, and thought that any cooperation with the state would be tantamount to "tacit consent" to be governed. And then, perhaps they wondered, Lysander Spooner notwithstanding, on what grounds could they call for the dissolution of the state. Fearing that fate, perhaps they stayed home from the polls. That's one theory. Another is that the Party's platform is so radical and out of touch with the mainstream electorate that even those who are willing to "waste votes" seek to waste them somewhere else.

Whatever the reason for its failure, the Libertarian Party is an example of bureaucracy run amok. When they met "in David Nolan's living room" in 1971, the party's founders were no doubt well-intentioned. But now the party has become more interested in ensuring its own survival than implementing libertarian policies.

But in the final analysis, it doesn't really matter *why* the Libertarian Party doesn't work. It only matters that it doesn't. In any event, it is clear that the party is a failure destined to continue failing. So the real question is: without a separate political organization to push our agenda, how can we libertarians advance liberty in contemporary America?

Much has been written recently about whether libertarians should support Democrats, Republicans, or neither in 2004. I believe the answer is that we should support both. This is not (necessarily) to say that libertarians should support "divided government," with a "Republican president and Democratic Congress," or any other such combination — though such division might be a valuable tool for freedom. Instead, it means that libertarians should disassociate with the Libertarian Party, and assimilate into whichever party one feels most comfortable joining.

In practice, this would mean that liberty-minded candidates from heavily Republican congressional districts would run as Republicans, and in Democratic districts as Democrats. This is not to say that the *same* candidate should switch parties in some Machiavellian scheme to hoodwink the electorate. Instead, it means that libertarians should focus on pushing the issues which are most relevant to their districts and the philosophy of their district's voters, while still remaining relatively consistent with libertarian values.

Whatever the reason for its failure, the Libertarian Party has become an example of bureaucratic pathology run amok.

In any election — and especially in local and congressional elections — candidates tend to focus on two or three issues that make up the bulk of their messages. Political success lies in focusing on those two or three issues that will yield the most votes within the structure of the two-party system, and pretty much ignoring other issues. For instance, a candidate in the "Bible Belt"could focus on taxes, gun rights, and repealing the welfare state. He or she need not focus on abortion rights and drug legalization. The opposite holds true for candidates in, say, Vermont. However the key principle — the principle on which this approach rests — is that these candidates become reasonable libertarians.

Libertarian candidates must become more sophisticated. As a major party contender, a libertarian candidate would likely be invited to debate other candidates, and be taken seriously by voters. As such, he or she must be prepared to outline reforms and advocate policies that can be taken seriously.

Libertarians interested in political success must learn to be reasonable in their policy prescriptions, lest we be cast into perpetual political obscurity.

For instance, a libertarian candidate might argue that today's leaders should focus on repairing the tax structure, or on making the tax system simpler and fairer. Perhaps the candidate could outline a specific plan to reduce the burden of complying with a tremendously complicated tax code. It will not do merely to say that "Taxation is theft." Doing so might leave the candidate feeling morally superior — but it is politically unreasonable, and will immediately get a candidate laughed right out of contention.

However, once a candidate has earned the trust and respect of some of the major party loyalists, he or she can introduce plans that are consistent with reasonable libertarianism and the majority values of a given district. Under that scenario, the libertarian candidate is much more likely to be elected in today's political environment.

At the national level, reasonable libertarianism through the two major parties would offer the biggest boost to libertarian politics since 1789. The upcoming presidential election offers the best evidence. Nine Democrats are currently seeking their party's nomination for the 2004 presidential election. They have engaged in multiple debates, all of which have been nationally televised. That means that each candidate, including the marginally relevant Al Sharpton and Dennis Kucinich, receives a national platform from which he or she can introduce the viewers to their political ideas. If there were any Republican opposition to the president (and if we used my approach there most assuredly would be), voters would get to see a clear, intra-party distinction between the candidates, and for the first time be offered a real choice that they can actually exercise without "throwing away" their vote.

Much of the rhetoric espoused by politicians in both parties is largely consistent with reasonable libertarianism. As a candidate, George W. Bush consistently referenced such libertarian themes as school choice and Social Security privatization. Many Democrats echo libertarianism when they call for an end to corporate welfare and extended rights for homosexuals. A reasonable libertarian — who avoids arguing, for instance, that national defense should be privatized — but instead focuses on the major issues of local and

national importance, would fit into the political mainstream, and would have an excellent chance of winning major political office.

As evidence of the efficacy of this approach, I offer the career of Congressman Ron Paul of Texas. Paul is thoroughly and consistently libertarian in his political philosophy. He has referenced Austrian economics on the floor of the U.S. House of Representatives, and often writes for libertarian periodicals. Yet despite thinking well outside of mainstream political philosophy, he has repeatedly been elected to the U.S. Congress as a Republican. Given his success, and the utter failure of similarly situated Libertarian Party candidates to replicate it, it stands to reason that candidates should eschew the LP in favor of one of the two major parties.

Reasonable libertarianism through the major parties is the only effective way to introduce the core of libertarianism, that extensions of state activity should be viewed skeptically, to the masses. If we libertarians are interested in real political success, rather than, as William F. Buckley famously argued, "busy little seminars on whether to demunicipalize the garbage collectors," we will recognize the reality of contemporary politics. Then, we can embrace the major parties and shift politics — for the first time — from the inside out. ❑

Letters, *from page 22*

Franken Is a Big, Boring Hypocrite"). The review, if it could be called that, could be summarized thus: "Al Franken is a socialist and, therefore, not funny." I see no need to debate the merits of this argument. What I do take issue with is the sentiment conveyed by the piece, namely the tacit encouragement to side with the Republican Party and its talking heads on all matters of public policy. (One could hardly draw a different conclusion from Slagle's praise of Rush Limbaugh and defense of Dick Cheney.) We Libertarians are privileged to have truly independent commentators like Neal Boortz to ridicule Democratic policies and politicians; as the Republican Party continues its metamorphosis into the party of fiscal irresponsibility, reckless imperialism, and mandatory "Christian" morality, should we not turn to authors like Al Franken — however partisan they may be — to remind us why we oppose the two ruling parties in the first place?

And, incidentally, the book was hilarious.

Timothy Walker
Orlando, Fla.

Jazz in the Key of Dumb

When I read the headline on the cover of the December *Liberty*, "Blues in the Key of zzz," I was all set to agree with Richard Kostelanetz. The PBS blues series was, indeed, pretentious and boring.

But in the very first paragraph, Kostalanetz had to say that he liked blues better than "jazz, say, which always struck me as deleteriously formless." Deleteriously formless? Is he actually unable to find any form in jazz? Does he really mean its lack of form is somehow deleterious?

Then, he mentions that he wrote a book, *On Innovative Musicians* (1989), which includes a chapter on B.B. King, besides chapters of appreciation for John Cage, Milton Babbitt, and Elliott Carter.

Richard! Anyone who can find some kind of form in Cage, Babbitt, and Carter can find form in jazz, if he cares to look.

Blues is a simple form — three chords in 12 bars — but the basic forms in jazz are not that much more complex. One third of the forms in jazz are based on a major or minor form of blues, and about one-third of jazz forms are based on the 32-bar AABA song form of the greatest musical creators of the 20th century, songsmiths like Cole Porter, George Gershwin, Harold Arlen, Richard Rodgers, Duke Ellington, Irving Berlin, et. al. One third is original, but not formless.

I've spoken and written about this endlessly, even at *Liberty* Editors' conferences, and an Eris Society meeting. Ask anyone who attended those talks whether or not I made some kind of sense in my description of inherent forms in jazz music.

Jazz musicians from around the world can walk into any room together and play these forms, even if they don't speak the same verbal language. There are hundreds of schools of jazz in universities and high schools these days. They teach the "form" you are so willingly ignorant to understand. It's hard work, I know, but not as hard as the anarchic 12 -tone system of Babbitt which you seem to understand and worship. If you hate jazz on a visceral level, why not just say "I don't like jazz"?

Gary Alexander
Reston, Va.

Fast and Loose With the Evidence

David Ramsay Steele's inability to address medical and ballistics evidence relevant to any rational consideration of the Kennedy assassination vitiates the bulk of his essay, ("Wasn't It a Little Crowded On That Grassy Knoll?" November). Steele's sanguine confidence that the "physical arguments" that point to a conspiracy in the case can and will be answered by "technical experts" is misplaced; he is unfamiliar with the work of several specialists who have re-examined the evidence over the past ten years.

One example of the important analysis that Steele passes over is a discovery made by Dr. David Mantik. Mantik performed a reconstruction of the path that the famous "magic bullet" would have taken had it traversed the body of President Kennedy en route to its final resting place at the National Archives. When he placed precise measurements of President Kennedy's spine, the thickness of his body, and the location of the back wound onto a cross-section of the body, and connected the bullet entry and exit sites by a straight line, he immediately saw that the bullet would have had to go straight through Kennedy's spine, causing major damage which would have been evident on the Kennedy chest X-ray. No such trauma is seen. Mantik's conclusion: "the object which entered the back could not have exited at the front of the throat." With this simple, elegant exercise, the death

continued on page 28

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Report

I Drop My Pants to Airport Security

by Tim Slagle

Real terrorists are probably a lot more difficult to perturb than I am, which is probably why you never see them kicking their trousers at airport security officers.

I've been swearing I was going to do it for a while. Until this morning, I thought I was just kidding. You know, an idle threat, just to get a reaction from all the people around me. Well, today I hit the breaking point.

I blame Louis. Louis is my Chinese brother, and he loves his scotch. Somebody dropped off a really nice bottle, and when there is a nice bottle at Louis' place, everybody drops in to take a sip. Needless to say, a party erupted. With a couple dozen people lining up it doesn't take long to empty the reserve, and at that point nobody cares about quality anymore, so we broke into the well brands. That is the point when connoisseurs become outright lushes.

Any thought of sleeping before my flight was outright fancy, so after the party broke up Louis and I took to some serious all-night drinking. My 5:45 a.m. cab was waiting for me when we pulled up to the hotel, and I only had a minute or two to throw everything in a suitcase before I left. I staggered back out to my waiting cab. I always try to keep anything metal in the checked baggage when I fly. I've long forsaken any attempt at fashion on travel days; an elastic waistband is easier than a belt with a metal buckle, boat shoes are better than those with laces and eyelets. I even try to wear pants with a nylon zipper. I always get rid of all my change en route as well. If you're the cab driver who takes me to the airport, beyond my generous gratuity, you will usually get all the change in my pocket. I begrudge the inconvenience, but tell myself that it is all the fault of the terrorists. You don't blame the lion who eats your mother, because it is a lion's nature to eat mothers; I can't blame a government for becoming oppressive, because that is the nature of government. I always blame the people who opened the lion's cage.

I've long suspected that certain people are flagged in airports, and when they walk through the metal detector, an unseen security agent behind a video screen somewhere else in the airport hits a button to make the alarm sound, so that the targeted passenger can be searched a little more thoroughly. Perhaps this is paranoia. But I know in those days between Waco and Oklahoma City, back when militias were the libertarian fad of the day, I got pretty mouthy in public. I don't know if I really am on a profile list, but if I'm not, those lists are pretty short. Anyway, I always go out of my way to be sure that anything metal goes into one of those gray bins in front of the x-ray machine. I want to see myself get beeped and pulled aside with absolutely no metal on me. I've often figured that someday I was going to strip down to my boxer shorts before I walked through.

I got to the airport, checked my bags, and spent an inordinate amount of time filling those plastic containers. Because I had no time to change clothes at the hotel, I was still wearing my stage clothes, in an extended walk of shame. I've had trouble with buckles, so off came the belt, and it went into the bin with my watch, shoes, and sunglasses, which I would

need if I were going to get any sleep on the flight. My jacket went into another bin. The third bin took my computer bag, and the fourth bin my computer. I waved on a couple of people less concerned about making the detector beep and patted myself down to ensure there was no metal. I've accidentally set off the detector with just a gum wrapper in the past. However, I watched other people go right through unimpeded, without de-metallicizing themselves, and assumed the metal detector was turned way down that day.

But it was not. I walked through, and I couldn't believe it when the alarm went off. I thought I finally had definitive proof I had been flagged. Outside of the zipper on my trousers there wasn't a speck of metal on me. I stormed over to the closer inspection area, and was told to put my hands up. Sure, they actually tell you to put your arms out to your sides, but the effect is the same. I put them behind my head, like I was about to be arrested. For some reason, the wand kept beeping every time he passed it over my pants pocket. I reached in and pulled out the wad of travel money that was stashed in there. "Is this doing it?" I asked. I had often heard that the metallic strip encased in the ends of newer bills was intended to set off the metal detectors, so smugglers could no longer take money aboard planes into offshore accounts. I handed the TSA agent my travel roll, which was a really stupid idea, because I'm pretty sure that when he handed it back it was about $40 lighter. Should have counted it first.

Again the wand went off over my leg. "There's something in your pocket still," he said angrily. I felt the outside of my pants. Nothing. I reached deep down into the pocket, empty. "Please remove everything from your pocket!" he yelled. I couldn't take it a moment longer. In a quick motion, I unbuttoned my trousers, dropped them to the floor, and kicked them over to him. "Is this how far it's going to get before you're all satisfied?!" The entire airport went silent for just a second, then applause burst out from the people waiting in line. "Please don't do that, sir," the agent begged, suddenly uncomfortable to see another man taking off his clothes for him. I barely heard him, as I was now leaned over, pulling off my socks, and headed for my shirt.

You don't blame the lion who eats your mother, because it is a lion's nature to eat mothers; I can't blame a government for becoming oppressive, because that is the nature of government. I always blame the people who opened the lion's cage.

"Please put your clothes back on."

"You want to search me, bring that wand over now!"

"I'm not coming near you until you put your pants back on." I could tell I was violating his machismo.

"Go ahead, search those pants. You're so sure there's something metal in them, prove it!"

"I'm not touching them." He kicked them back to me the way you'd kick a big jellyfish back into the ocean. "And if you don't put them back on right this minute, we're going to hold you for the rest of the day."

I couldn't take it a moment longer. In a quick motion, I unbuttoned my trousers and dropped them to the floor.

Okay, he got me. Not once during my moment of rage did I even consider that option. It was his trump card. I've had to sober up in an interrogation room before, and it's a means of torture I don't ever want to repeat. I defeatedly began pulling up on the waistline, and about halfway up slipped my hand back into the pocket for one last check. Imagine my surprise to find a dime. Apparently, the pocket had somehow twisted around, creating a false bottom, hiding this slip of metal in an unintentional secret compartment, and by taking off the pants, I was finally able to reach into the full depth of the pocket. I was a little ashamed to learn that I had not done the thorough sweep for metal I thought I had done, but also irked that such a harmless item was being scrutinized. I couldn't imagine how it might be sharpened, or stamped, or in any other way fashioned into a weapon that a middle-aged, overweight, out-of-shape man could use to overpower a hundred angry passengers anxious to return home to their loved ones.

Perhaps the recent stories of boxcutters still getting aboard planes have caused the TSA to turn the detectors on high to prevent future embarrassment. I held the dime up. "Is this what you're looking for?"

"That's metal, genius."

"Yeah, but which of us has to work for the TSA?" I couldn't resist. □

Letters, *from page 26*

knell sounded for the long-moribund "single bullet theory," and with it, the lone assassin theory. Separate shots hit Kennedy and Gov. Connally; two gunmen fired from behind on November 22, 1963.

As to the guilt or innocence of Oswald, it is germane to note the nature of the bullet fragmentation that is seen in the Kennedy skull X-rays. Thirty to forty tiny, dust-like particle fragments are observed. This kind of break-up is not characteristic of the fragmenting of military, jacketed ammunition of the type that would have been fired from Oswald's Mannlicher-Carcano. Military rounds fragment (if at all) into much larger chunks.

The ballistics evidence which implicates Oswald consists of the "magic bullet," (Warren Commission Exhibit 399) and two fragments that were found in the presidential limousine late in the evening of the shooting. There is no doubt that this ammunition was fired (at some time) from Oswald's rifle. There is also no doubt that CE399 played no active role in the shooting. Critics of the lone-assassin theory have often stressed the relative lack of deformation of that bullet, but the more important point is the fact that the bul-

continued on page 53

A Strange Little Town in Texas

by Larry J. Sechrest

Welcome to Alpine, where cowboys are poets, burglars don't have a chance, and football is rivaled only by beer, sex and church. And, by the way, if you move there, drop your auto club membership.

Texas has millions of gun owners, thousands of fundamentalist churches, hundreds of wacko socialists, and one goofy president who is far more dangerous than he looks. It has forests, lakes, beaches, mountains, and regions in which the flat, arid land seems to go on forever. It has 257 counties, including Calhoun, Crockett, Deaf Smith, Jeff Davis, Liberty, and Loving County, home to 91 souls. It has big cities like Houston and Dallas, and small cities like Best, Big Lake, Dime Box, Old Dime Box, Paris, Palestine, and Iraan. Best is one of the worst little "a traffic light and a post office" blips on the highway you'll ever see. Old Dime Box is newer than Dime Box; Big Lake has a stock pond with pretensions of grandeur; no one who lives in Paris, Texas speaks French; and there are no Muslims in either Palestine or Iraan. Iraan is not far from where I live, and you'll be tempted to pronounce its name just like that of a well-known and volatile nation in the Middle East. Resist the temptation. Ever since the days of the Ayatollah Khomeini, the good people of Iraan have insisted that the proper pronunciation is "Ira-Ann." It's the West Texas version of political correctness.

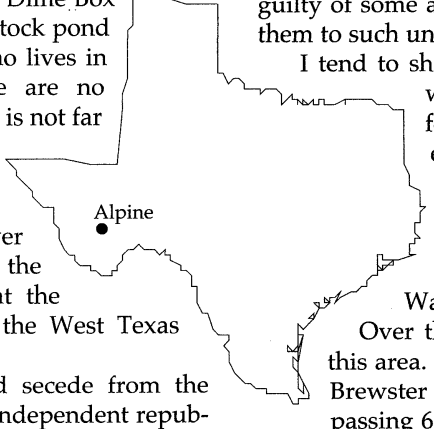

Many Texans think the state should secede from the Union and return to its glory days as an independent republic. A few years ago there was an armed standoff between independentístas and the state. They were put on trial in the Brewster County Courthouse about a mile from where I live. Some of my West Texas neighbors have doubts about their fellow citizens who live in other parts of the same state. Their thinking seems to be that, since the Blessed live in West Texas, then those other Texans must be foolish at best. As for people who live in states like New York or California, they cannot be merely effete and dissipated; they must be guilty of some abomination. Why else would God condemn them to such unholy regions? When it comes to South Texas, I tend to share the skepticism of native West Texans (I was born in Michigan, but I've lived in Texas for more than 40 years). The extreme southern area of the state is more nearly part of Mexico than part of Texas. I say let Mexico have it back.

Most of the sovereign nation known as West Texas looks like a scene from a John Wayne movie, which should not be surprising. Over the years many movies have been filmed in this area. Tucked away in the far southern portion lies Brewster County, the largest county in Texas, encompassing 6,200 square miles, an area larger than that of the entire state of Connecticut. And yet there are only 8,900 people in the county, with two-thirds of them in one town: Alpine. It is there that I have lived since 1990.

Obviously, overcrowding is not a problem. Economic

stagnation, ignorance, and drug abuse may be problems, but no one here complains about a lack of space. Moreover, the town is not misnamed. It sits some 4,500 feet above sea level in a bowl with mountains rising above. Alpine does not look like the stereotypical Texas town. Big Bend National Park borders the Rio Grande 100 miles south of Alpine and attracts tourists from all over. The proximity and popularity of the park have led to the whole area being referred to by local residents as "the Big Bend."

I was attracted to Alpine for "survivalist" reasons. In the 1970s and into the '80s, my wife and I had a pantry full of foods with a shelf life of 10–20 years. She learned about wild plants that were edible, and I reloaded my own ammunition and customized my own guns.

Originally, I was attracted to Alpine for "survivalist" reasons. In the 1970s and into the '80s my wife Donna and I were interested in a lot of the topics one could find in, say, *The Whole Earth Catalog*, *Mother Earth News*, books by Bradford Angier, or the writings of pistol expert Jeff Cooper. In our pantry we had foods with a shelf life of 10–20 years. Donna learned about wild plants that were edible. I reloaded my own ammunition and customized my own guns. We discussed designs for a rammed-earth house. We lived in the Dallas-Fort Worth area. It wasn't intolerable, but we hoped to find a better place and Alpine looked very promising. Donna's father was a petroleum geologist who was familiar with the town and had spoken of retiring there.

In 1981 I read *Survival Havens in America: Small Cities, Towns & Rural Communities*, a book that seemed to support her father's positive evaluation. It described Alpine in glowing terms: devoid of nuclear target sites, a mild climate both summer and winter, abundant water supplies, rarely experiencing tornadoes and never hurricanes, air so clean that it offered relief for people with respiratory problems, a very low crime rate, a radio station that played classical music as well as the obligatory country-western, two libraries, a university whose students eschewed radical or disruptive behavior, postcard-like vistas to please the eye, a strong economy based on ranching, the university, and tourism, and people who "are among the friendliest in Texas, which is saying something." The only drawback mentioned was that housing was rather scarce and thus more expensive than is usual in rural areas. I was on the verge of completing my Ph.D. at the University of Texas at Arlington. I sent a letter to Sul Ross expressing my interest in a faculty position. They made me an offer, I accepted, and we moved.

In the 13 years since, I have learned a lot more about this town and its people. The good news is that much of what Alpine was praised for is in fact true. The bad news is that there are problems here that no one was willing to warn me about. Or perhaps they were *unable* to warn me because they could not identify them as problems. Which is one of the problems. You'll see what I mean.

First of all, let me verify what is true and good about Alpine. The climate is quite pleasant. The nights are almost always cool in Alpine, and the afternoons tend to be warm. In summer the daily low temperature is about 60° and the high 90°–95°. In winter the range is usually from about 25° to a high of perhaps 60°. During either season, if the sky is heavily overcast the high will be at least 10° lower. It is not unusual to see people wearing jackets in the morning and shorts in the afternoon. But abundant sunshine is the norm year round. There are very few days in which an avid golfer would not find appropriate weather for at least nine holes. And this is far from impossible: there are two decent, though not spectacular, golf courses, one in Alpine and one 26 miles away in the even smaller town of Marfa.

Natural disasters are rare. Hurricanes can't reach this far inland, and although tornadoes do periodically form over the outlying ranchlands, none has been seen in town in the 13 years I've been here. There are hailstorms a couple of times each year, but they do little damage. In recent years, the only damage of note was from an earthquake of magnitude 5.7 that hit the town in April 1995, and even that was relatively minor. For instance, in my house the only impact the earthquake had was to dislodge one of the ceiling fans from its mounting. That seems to have been the only recorded earthquake in more than 100 years of town history.

Alpine also prides itself on having one of the lowest crime rates in the southwestern United States. For example, there have been only three murders in the last 13 years. And in each of those cases, the crime was a manifestation of a personal vendetta of some kind. Strangers don't kill strangers in Alpine, if that's comforting. By the way, Alpine's murder rate in recent years is almost identical to that of Iceland during its medieval anarchistic period, a fact I enjoy citing for the benefit of my painfully convention-bound students.

Most of the time, the police here have little real work to do other than breaking up bar fights and intervening in domestic quarrels. There is the occasional act of vandalism, but burglaries and robberies occur so seldom that many townspeople literally don't bother to lock their vehicles or their homes. The local law enforcement personnel — city police and county sheriff — are so laid back that they seldom stop adult drivers for minor traffic violations. For example, I never use my seat belt, but I've never been ticketed. I just wave at them, and they wave back. I was stopped for speeding once, but let off with a warning. Maybe it helps that both the chief of police and his deputy are former students of mine and that the last two sheriffs used to work here at the university. Of course, they do ride hard on the teenagers, as I guess police do everywhere.

I must not overlook the primary source of entertainment for the area's law enforcement personnel: drug busts. There are DEA and Border Patrol offices right in town, and their assigned people seem "blessed" with an endless stream of Mexican drug smugglers along the highways. This credits the arresting officers with lots of "interdictions," exposes them to relatively little risk of bodily harm, and never fails to get their photos in the local newspaper. Of course, it also raises the prices of the drugs, thus inducing ever more individuals to try their hand at making a quick profit. On the other hand, the far more dangerous and invasive procedure

of ferreting out illicit drugs by breaking into homes in the middle of the night is rarely undertaken in these parts.

Most of the residents are gun owners. To burglarize a home here is mighty close to committing suicide. On the two or three occasions when an inmate has escaped from the local jail, one almost — almost — has felt sorry for the poor devil. An escapee faces a trek of at least 26 miles to get to the next town, there is nothing but open grazing land otherwise, the police put roadblocks on the highways and helicopters in the air, and hiding in this town must be akin to being a rabbit that is tossed into a pen full of bad-tempered dogs.

The first time I drove down Highway 67 into the town, I was taken aback by the number of oncoming drivers who waved at me. I was sure that none of them knew me, and I certainly did not recognize any of them, so I was baffled. Soon afterward I asked the dean who interviewed me about the waving. She told me it was a common practice which had surprised her at first too. Truck drivers and bus drivers who traverse the area seem particularly fond of the custom. I am sure there is some good sociological explanation for it, but whatever the cause, you will find that those driving pickup trucks are more likely to wave than those driving passenger cars. A further, and very valuable, manifestation of the benevolence to be found here appears whenever someone has car trouble on the highways leading to and from town. If you pull onto the shoulder, stop the car, and raise the hood, I *guarantee* you that within ten minutes at least one other driver will stop and ask if you need help. I have seen as many as three vehicles stop to assist one motorist. And, no, it's not just young, pretty women who garner such attention. Furthermore, if those who offer assistance are unable to solve whatever mechanical problem your car has, they will willingly drive you almost any distance to find someone who can. And they will refuse monetary compensation for their efforts.

There still is a bit of the Old West out here, both the spirit and the trappings thereof. Self-reliance is highly prized and more or less expected, but everyone gets in a jam on occasion, so the people are usually quick to help. That may seem paradoxical, but it is typical of frontiers of all kinds. In March of 1993 a large brushfire started some miles to the east of town, the result, I recall, of sparks from a passing train.

The first time I drove down Highway 67 into the town, I was taken aback by the number of oncoming drivers who waved at me.

Hundreds of people immediately volunteered to help fight the blaze, which burned for a number of days and blackened thousands of acres. Women at the site provided food and drink, while men worked in shifts combating the fire. (Get some antacid for the radical feminists!)

Furthermore, if you want to see what *real* cowboys look like, come here for a visit. I'm not talking about John Travolta prancing around in Western-style boots and hat. I'm talking about working cowboys, men who ride horses and move cattle on a daily basis. Of course, these days they all also drive pickup trucks — big pickup trucks with engines that sound like fishing boats. And behind nearly every pickup is a horse trailer. Even on the university's parking lot, at least half of all the vehicles are pickup trucks. It is not too uncommon to see people on horseback within the city limits. The town is surrounded by large ranches, and a good saddle is a highly prized possession. As befits a university town in ranching country, each year Alpine hosts the Cowboy Poetry Gathering. Cowboys come from all over the nation, in authentic garb, with chuck wagons, mules and all, to read their poetry, tell stories, play western music, and cook trail food for several days. The outfits are fun to see, the food is good, the stories can be entertaining, but the poetry is mostly stuff about being close to God while making a meager but honest living. Around here that passes for high culture.

After dinner, folks sit on their porches and water their lawns. An occasional jogger goes by, huffing and puffing. It's like you're living in a Frank Capra movie.

Alpine seems to be in little danger of nuclear attack. The closest military targets of any consequence are in El Paso and San Antonio, cities 240 miles to the west and 400 miles to the east, respectively. Furthermore, the prevailing southwesterly winds would be likely to drive nuclear fallout away from Alpine. Such considerations may be less critical than they were 20 years ago, but people like me still think this a definite plus for the town. Come what may — war, revolution, bio-terrorism — Alpine is so far off the beaten path that it is likely to be a pretty safe place to be.

And there's clean air, great scenery, proximity to Big Bend National Park, the presence of some educated and accomplished senior citizens, and the general peacefulness of both the university and the town. There is a slowly growing problem of minor air pollution stemming from manufacturing facilities across the border in northern Mexico, but the air is still so clear and clean that astronomy buffs relish the crystalline night skies and the University of Texas' McDonald Observatory operates 40 miles north of Alpine. Hunters and photographers find antelope, whitetail deer, mule deer, javelinas, and and an occasional mountain lion or black bear. Big Bend National Park lies a couple hours away, with great camping, backpacking, and river rafting. The scenery in the park is renowned nationally, but the sights around Alpine, Fort Davis, Marfa, and other area towns are also memorable.

Not surprisingly, Alpine has attracted a significant number of retired persons from all over the nation. These residents tend to be well-educated with above-average incomes. I personally know of a chemist, a mathematician, an astronomer, a theologian, an engineer, and career military and naval personnel who have settled here. For a while popular writer Robert James Waller (*Bridges of Madison County*) lived here.

About twilight every evening the streets are nearly deserted — almost everyone is home for dinner — and a gentle breeze will be building after the warmth of the after-

noon. After dinner, folks sit on their porches and water their lawns. An occasional jogger goes by, huffing and puffing. It's like you're living in a Frank Capra movie. For those who are more familiar with TV than movies or art, Alpine is a distillation of two old shows, *The Andy Griffith Show* and *Northern Exposure*, but without the Southern drawls and meddlesome neighbors of the former or the omnipresent snow of the latter.

And that tranquility will not be disturbed by activist students from Sul Ross engaging in noisy demonstrations. You will see no student protests in opposition to the "War on Terrorism," the WTO, "corporate greed," the laboratory use of animals — or any other issue for that matter. About the only boisterous public events are those commemorating the Fourth of July and Cinco de Mayo. Two decades ago, *Survival Havens* noted that the students were more interested in rodeo events than political activism. That is still the case. This brings me to the biggest single problem on the Sul Ross campus and in the area generally. It is the dark, ugly secret virtually no one will talk about except me. And doing so has made me something of a pariah. A handful of people in town will, privately, acknowledge that it exists, but rarely will anyone speak out in any public forum.

The secret problem is that the students at Sul Ross, and more generally the long-term residents of the entire area, are appallingly ignorant, irrational, anti-intellectual, and, well . . . just plain *stupid*. The reason these kids are not politically active is that the concepts involved in such controversies are too complex for them to grasp. They understand the artificial insemination of a goat, but they do not understand why the Ninth Amendment is part of the Constitution. Those who move here after reaching retirement age, as well as some of my fellow Sul Ross faculty members, are usually exceptions to this generalization. On the other hand, 80% or so of the college's students come from high schools within 100 miles of Alpine, and 95% from high schools within 200 miles.

Such distances may sound substantial to readers from other states, but the square mileage represented by a circle with a radius of 100 miles constitutes a very small percentage of the state of Texas. Within this relatively small area the people are inbred to a disturbingly high degree. Most who grow up in the Big Bend region never leave it, not even to attend college. They are born here, marry someone who was also born here, work here, and die here. I have encountered few "natives" who are sufficiently driven by ambition to seek education or employment elsewhere. Even some of those who do go away return later. For example, 19 of the current faculty members at Sul Ross grew up here, went away to gain an advanced degree (Sul Ross offers no Ph.D. programs), and then returned. Many universities are very reluctant to employ "home-grown" faculty, but this one seems actively to encourage it. I suspect that I know why.

The Blessed live in West Texas, and those other Texans must be foolish at best. As for people who live in states like New York or California, they cannot be merely effete and dissipated; they must be guilty of some abomination.

My reference to inbreeding should not be taken to mean that there is only one ethnic group here. There are in fact two large groups, in about equal proportions: Caucasian (or Anglo, as they say here) and Mexican. Together they represent 95% or more of the total population, there being minute percentages of blacks and Asians. Caucasians and Mexicans have coexisted here for a century or more, most of the time peacefully. Indeed, interracial marriages between the two are now both common and seemingly uncontroversial. Normally, one would expect the confluence of different genetic strains and different cultures to invigorate, to stimulate progress. But not here. Here, to put it crudely but accurately, one has poor white trash and poor Mexican trash socializing with, even marrying, each other. Here the lowest common denominators get together to procreate.

Most of the residents are gun owners. To burglarize a home here is mighty close to committing suicide.

To what result? The sad fact is that most of those who graduate with bachelor's degrees from Sul Ross should still be in high school, because they are still operating at about a tenth-grade level. Those with master's degrees have what, properly understood, are the skills of no more than college freshmen. Moreover, our own university president admits that only about one-sixth of each year's incoming freshmen ever actually manage to graduate. This should not be surprising, since their math and verbal skills are exceeded by any fully conscious eighth-grader.

In the fall of 2002, 42 percent of our freshmen had to take remedial classes in reading, writing, or math just to meet the state's ridiculously low standard of "competence." Think about that. The taxpayers of Texas have already paid for these kids to learn English and math in middle school, then again in high school, much of which is a review of what they were supposed to have absorbed in previous years. Many of Sul Ross's students then have to be taught essentially the same subjects a third time before they are allowed to take "college" classes. And many still fail those classes one or more times. The chairman of the math department once told me that at least half of all students here get an "F" in College Algebra the first time they take it. The commissars of political correctness have decreed that America no longer has any retarded students, just students who are in "special education" classes. Baloney! Many of the kids in the Big Bend area are only a notch above retardation. Some are below that.

One of the two key college entrance exams used in this country is the ACT. The national average on the ACT is about 21. Here at Sul Ross, the average ACT score fluctuates around 17. Most of them are in the bottom third of the distribution. High school graduates here function several years below their grade level, and Sul Ross conspires to perpetuate

the fraud. A master's degree from Sul Ross today is about the intellectual equivalent of a diploma from a reputable high school 30 years ago.

This is a familiar story in academia today. Many of my friends and colleagues around the nation have told me of their own frustrations. Affirmative action, education-as-entertainment, grade inflation, and a broad cultural decay have joined forces in bringing about an undeniable decline in the typical college student's abilities. Even so, I insist that the students here are among the worst to be found anywhere. I am prepared to defend to the death the proposition that Sul Ross, and this area of Texas more generally, is the proud home of some of the dumbest clods on the planet.

You may thirst for non-statistical details — and I could inundate you with examples — but let me give just a few. How about college juniors who are sincerely baffled by a certain biology professor's assertion that 0.75, 75%, and three-fourths are all equivalent expressions? Or a senior, in his last semester before graduation, who is unable, even with calculator in hand, to solve the problem, 0.55X = 2,233, what is X? Then there was the student who, having graduated, wanted to express her appreciation to a favorite professor. She typed "thank you for all your patients." "Spell check" can't save the truly illiterate ones. One of the worst examples of these students' brain-dead status occurred in one of my own classes. Once I handed out an exam and then suddenly realized that the multiple-choice section contained a crucial typographical error. Since the fault was mine, I brought the typo to the students' attention, and then just told them what the correct answer was, saying it twice to be sure they heard me. Two of the students *still* got the question wrong!

How can such airheads ever manage to graduate? Mostly they do it via the malfeasance of professors and administrators. One Marxist psychology professor here allows his students to grade themselves on one part of the course. Several of the radical feminists in the English department have the students grade one another's essays. A common practice in a lot of classes is to give the students a list of, say, 50 multiple choice or true-false questions, let them go home and look up the answers, and then give a "test" that consists entirely of 20 questions chosen verbatim from the list. This latter practice produces three things: 1) a very high percentage of passing grades, 2) students utterly incapable of writing a coherent sentence about anything, and 3) people with college degrees who actually know only a tiny fraction of what the published curriculum claims that they have been taught.

In this Big Bend region, none of what I've just said is considered to be a problem. It's just business as usual, and business is "fine." The university's website proudly quotes Dan Rather, CBS TV's principal newshack, saying that Sul Ross is "possibly the most underrated little university west of the Mississippi." It would be more accurate to describe it as one of the best *high schools* in West Texas. Also on the website one will discover that *Hispanic Outlook Magazine* has repeatedly recommended Sul Ross as a good choice for Hispanic students. Well, I suppose it is if one wants Hispanics permanently to remain part of what Charles Murray calls the "cognitive underclass."

At every graduation ceremony, University President Vic Morgan refers happily to the recipients of bachelor's and master's degrees as "educated persons" and "scholars." The proud parents of the graduates weep silently and applaud loudly. But anyone who knows the facts should be outraged by such a spectacle. Don't get me wrong; to an extent I sympathize with the families of those graduating. Many no doubt really believe their kids have accomplished something notable. After all, some of the students here are the first in their family to attend college at all. Neither the kids nor their parents have any inkling of the fact that these new graduates cannot, by any stretch of the imagination, be called educated. With a very few exceptions, they have received a modicum of *vocational training*, that is all. Actually, regardless of their field of study, the primary thing that most learn is how to use a personal computer. Logic? Analysis? Hypothesis testing? The nuances of great literature? The dilemmas of ethics? Forget it. At best, these kids are just entry-level computer operators.

But in the name of "education," the taxpayers of Texas are forking over some $20 million or more every year, and to what end? So that these kids can take their college degrees and work as assistant manager at the local True Value Hardware store?

There's an even worse aspect to this whole ugly process. The largest number of graduates is always the education majors. Sul Ross began as a teachers' college, and it often boasts of what a large percentage of the region's public school teachers and administrators it produces. In other words, one generation of illiterates comes out of the public schools, attends Sul Ross but learns nothing except the current educationalist jargon, and then proceeds to teach the next generation of illiterates, all the while praising themselves for successes they never achieve.

And just in case you assumed that these mental deficiencies I speak of only appear in some rarefied academic environment, guess again. I have had retailers in town tell me they have a hard time finding employees who can make change when customers pay in cash. One recent Friday at my physician's office, I asked the receptionist for an appointment "one week from today." Her bubbly response was, "That's not available, but we could see you next Friday." I hired a local firm to install new gutters on my house. When the job was finished, I discovered that there was a gap of an inch or two between the inner edge of the gutters and the edge of the roof. When asked why it had been done that way, the supervisor of the crew looked puzzled and asked me in return, "Did you want them to catch the rain from the roof?" I guess he thought I wanted them purely for decorative purposes. There's a reason why the labor here is cheap, and now you know what that reason is.

Come what may — war, revolution, bio-terrorism — Alpine is so far off the beaten path that it is likely to be a pretty safe place to be.

I referred earlier to the spirit of the Old West being alive and (pretty) well here. Frontiers tend to encourage tolerance of those who are different, and that too is something you'll see in the Big Bend area. There are five easily identifiable

groups that one can observe in the town. There are the Anglos whom I think of as "deeply-rooted." Their families have lived here since before there was dirt, they positively love being here, and they usually find employment in ranching, law enforcement, and the public schools. In parallel fashion, there are the long-time Mexican residents who gravitate toward the same types of jobs. The only difference is that many of the Mexicans live on the south side of the railroad tracks, while most Anglos live on the north side.

Then there is the university community, by which I mean the faculty and their families. The members of the faculty, at least those who stay any length of time, often get involved in local politics, frequently live in the same neighborhood, and almost invariably send their own children to some college other than Sul Ross. The most amazing thing about most of them is their complete *lack* of intellectual activity. For instance, I am one of the very few professors on campus who regularly publishes work in scholarly journals. Most do no research or writing at all. And, on a personal level, most are deadly boring to talk to.

People who retire here stay pretty much to themselves. For some perverse reason, the university treats them with mild hostility, and they really don't have much in common with anyone else here. As a group, they are certainly the most intelligent and knowledgeable people in town.

The fifth and final category is composed of a scattering of over-the-hill hippies whose only remaining talent appears to be repeating the slogans of the Green Party. They are easily recognized by their tattoos, their body piercings, and an aura of vacant friendliness.

Okay, if matters intellectual are beyond the capacities of the natives and don't even interest very many of the university's professors, what on earth does stir the hearts of Alpine's citizens? The answer for the great majority is *sports*. The only things that rival sports in overall importance are beer, sex, and church, in that order. Football is king, both in person and insofar as TV viewing is concerned. However, when it comes to attending events, anything will suffice: baseball, basketball, volleyball, golf, rodeo. Yes, rodeo is a major sport here. And since there are middle school, high school, and college teams and, in most categories, both girls' and boys' competitions, the permutations are almost endless. For nine months out of the year, there are multiple games being played every week. And even in summer there is Little League baseball.

The secret problem is that the students at Sul Ross, and more generally the long-term residents of the entire area, are appallingly ignorant, irrational, anti-intellectual, and, well . . . just plain stupid.

The university faculty members seem as obsessed by sports as the other residents. It is about all they talk about, or seem capable of talking about. In all my years here I cannot recall a single in-depth conversation, other than ones I have initiated, that was concerned with historical, philosophical, scientific, or political issues. Superficial, brief comments about "headline" news, sure. The Simpson trial, the Oklahoma City bombing, the World Trade Center attack. But the professors here are far more intent upon the prospects for the Alpine High School football team than the prospects for U.S. withdrawal from Iraq.

Even so, Alpine is more cosmopolitan than most outsiders would ever suspect. There are, for example, a number of artists and craftspeople in the area: painters, potters, sculptors, jewelry makers, and so forth. Twice each year a segment of the local merchants stays open late into the night, offering refreshments to their customers, all for the purpose of exhibiting and selling the products of this local talent. There is an active community theater group in addition to the plays offered several times annually by the university's theater department. For years, the latter presented Shakespearean works "under the stars" every summer in an outdoor amphitheater. Having attended a number of these, I can attest to the fact that the quality was surprisingly high. On occasion, Alpine has even been visited by national Shakespearean touring groups.

The professors here are far more intent upon the prospects for the Alpine High School football team than the prospects for U.S. withdrawal from Iraq.

Alpine is not a mecca for libertarians, but it does have potential. Most of the local residents are strongly religious and patriotic, like many rural Americans. The War on Iraq was very popular here, and the War on Drugs runs a close second. Moreover, despite the First Amendment, the local schools do not hesitate to use religious partisans and religious sentiments to try to squelch any unwanted student behavior. Republicans are in the minority, but the Democrats here sound and vote more like Bush's "compassionate conservatives" than Ted Kennedy liberals. But the pervasive tolerance I've already referred to also extends to the altar and the ballot box. Other than personal vendettas, I have seen very few clashes that involved persons' religious or political views in any way. There are even some gay and lesbian couples. They no doubt find few who share their sexual orientation, but I have never heard of any attacks upon them. Not even verbal abuse.

So am I happy that I chose Alpine as my home? Considering the grave scarcity of intellect in the area that I recounted earlier, among other problems, why haven't I moved on? First of all, the university has rewarded me rather well. I advanced to full professor, with tenure, very quickly. And I am paid rather well, despite my open criticism of some of the university's policies and my inciting other faculty members to do likewise.

Ironically, the general absence of intellectual activity on

continued on page 42

Response

Truth and Fiction About the Mormons

by Mark Skousen

Mountain Meadows was a tragedy, but this violent episode was far from characteristic of The Church of Jesus Christ of Latter-day Saints.

In the December *Liberty*, William Grigg reviewed several recent books on the Mountain Meadows Massacre, the slaughter by a group of Indians and Mormons of a wagon train of immigrants bound for California in 1857. The massacre was investigated for many years and 18 years later a Mormon elder, John D. Lee, was tried, convicted, and executed for his role in the massacre.

Too often critics show their ignorance with misspellings and factual errors. For example, *U.S. News & World Report* recently published a special report on "Mysteries of Faith." The article on the Mormons was entitled, "In John Smith's Steps: The Church of Latter-day Saints grows by leaps and bounds." The copy editor managed to misname the founder of the Mormon faith, Joseph Smith, and the church's official title, The Church of Jesus Christ of Latter-day Saints. It is refreshing to see Grigg not making that kind of mistake. But he nevertheless presents a distorted view of Mormons and their church, as reflected in his concluding words, "it would be wise to assume that sanctified violence is encoded in the religion's doctrinal DNA."

I am an active Mormon and have been all my life. I served a two-year mission for the church in Latin America, where I lived and worked among the poor. I graduated from Brigham Young University and married my wife in the temple. I have served many positions in the church, including gospel doctrine teacher and high counselor, and have studied carefully the works of hundreds of Mormon leaders and scholars as well as anti-Mormon literature.

My parents were Mormon and the first Skousen to come to America (from Denmark) had two wives. James Niels Skousen was married to Cecil when they converted to the Mormon faith and crossed the plains to Utah in the 1860s. Cecil's friend Annie was crippled and unmarried; Cecil insisted that James take Annie as a second wife. Reluctantly, he agreed. In 1884, while helping to colonize Arizona, James Niels Skousen was convicted of bigamy and sentenced to six months in the Yuma Territorial Prison. Throughout his life, he was known as the "Gentle Patriarch" who never hurt anyone.

Having traveled the world and encountered people of many races, religions, and cultures, I try to be an open-minded and tolerant Mormon. I seek truth wherever I may find it (for example, I am a fan of John Wesley, the founder of Methodism, and the eminent British historian Paul Johnson, who is a Catholic), and avoid criticizing other's religions. Contrary to Grigg's description of the average Mormon, I do not give "unflinching, unqualified obedience" to church leaders. I have always been taught to determine for myself, through personal prayer and conviction, the right way to live and believe. Every man must "work out his own salvation," as St. Paul says. So far their counsel has been prudent, although I'm far from perfect in following their direction.

I have not shied away from reading the "unexpurgated" history of the church, and unlike the individuals Grigg cites who left the church because of it, I have remained faithful to my roots. I am the first to express sorrow and dismay for the mistakes of the past. But I remain proud of my Mormon heritage, warts and all.

Joseph Smith was a great religious leader, but like all mortals, he made his share of mistakes. He was a "money digger" in his youth and got caught up in a banking scandal in Kirtland, Ohio, in 1837. Yet his "restored gospel," new revelations, and the publication of a "gold bible" (The Book of Mormon) created a sensation and a "marvelous work and a wonder" that has filled the earth. For a man who had little formal education, he succeeded like no other. Brother Joseph, as he was fondly called, is also the author of a famous libertarian motto. When asked by a reporter to explain the remarkable success of Nauvoo, the City Beautiful, he replied, "We teach them correct principles and they govern themselves."

Brigham Young has been called the American Moses. Like Moses, he made his share of errors. He instituted quasi-socialist systems in Utah, called "United Orders." The Mountain Meadows Massacre was a tragedy that could have been avoided if local leaders had been less vengeful. (Grigg failed to mention that, in a spirit of reconciliation, descendants of both the victims and participants in the massacre dedicated a memorial to the victims in September 1990.) Polygamy created numerous problems for the church. But all these difficulties and mistakes pale by comparison to the great contributions and outstanding leadership Brigham Young and other church presidents have provided over the years, making it one of the fastest growing religions in the world. As Jesus said, "By their fruits ye shall know them," and I believe most of the Mormon fruit has been good.

Grigg apparently feels differently. On every count, he seems hellbent on putting the church in a bad light. He can say nothing good about Joseph Smith, Brigham Young, or today's leader Gordon B. Hinckley. His approach is reminiscent of the Marxist approach to capitalism. You are not likely to find many statements about the positive contributions of the free market in a Marxist tract. Marxists write endlessly about exploitation, alienation, inequality, and crisis under capitalism, and little about a rising standard of living, how the poor benefit, and the harmony of interests under the invisible hand of liberty.

Contrary to Grigg's description of the average Mormon, I do not give "unflinching, unqualified obedience" to church leaders. I have always been taught to determine for myself, through personal prayer and conviction, the right way to live and believe.

Similarly, Grigg seems only to tear down rather than build up, and to feel no obligation to reveal all the good things the Mormon church does: the privately funded welfare and counseling programs, the weekly home evening program to strengthen families, the emphasis on higher education and the arts, the campaigns against smoking and alcoholism, the new Perpetual Education Fund that provides low-interest loans to help poor members around the world to attend college, the worldwide humanitarian aid to victims of floods, fires, and hurricanes, and the women's Relief Society programs to assist needy members and families of all faiths.

In fact, after reading his article, I didn't recognize the church he was writing about. His main thesis, "Mormon history is replete with violence, with the Saints (as they refer to themselves) just as often victimizers as victims," is simply false. In all my years attending church meetings, Brigham Young University, and church activities, I have never witnessed any evidence of violence, either culturally or doctrinally, except perhaps on the basketball court. The doctrine of "blood atonement" is foreign to me and, as far as I know, has never been taught in my lifetime. For Grigg to draw upon only a few highly publicized murders in Utah — the Mountain Meadows Massacre, Mark Hoffman, and the Laffertys — over a period of 150 years is a twisted distortion of reality. If it were true, Utah should be leading the nation in violent crime. It isn't.

For Grigg to draw upon only a few highly publicized murders in Utah over a period of 150 years is a twisted distortion of reality.

The reality is much different. Long ago, Mormons entered the mainstream of society, abandoning polygamy over 100 years ago and discrimination against blacks holding the priesthood a quarter century ago. Mormons are known as law-abiding, hard-working, straight-laced citizens, and are often recruited in business and government as dependable employees who live by a strict health and moral code. They are a charitable, prayerful people. Mormon youth memorize the Articles of Faith, the last of which states, "We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul — We believe all things, we hope all things, we have endured many things, and we hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things."

Grigg makes one egregious error of omission. He minimizes the high crimes — murders, rapes, and destruction of property — committed against the Mormons in the Midwest in the 1830s, culminating in the martyrdom of Joseph Smith and his brother Hyrum in 1844 in Carthage, Ill. The persecution of the Mormons in the constitutionally established "land of the free" is a stain on U.S. history and is tragically neglected in American history books. Grigg's citing the Mormon persecutions as a "myth" is incredibly naive and insulting, not unlike the neo-Nazis denying the Holocaust.

In the New Testament, after Philip was called by the Lord Jesus Christ to be his disciple, Philip searched out his friend Nathaniel and invited him to learn more about this new faith. Nathaniel, knowing the controversial reputation of Nazareth, asked, "Can there any good thing come out of Nazareth?" Philip replied, "Come and see."

For those of you who are wondering, "Can anything good come from Mormonism?" all I can say is, Come and see. ❑

Argument

Monarchy: Friend of Liberty

by Leland Yeager

Democracy and liberty coexist in tension. Maybe it's time to cut the ties that bind.

Clear thought and discussion suffer when all sorts of good things, like liberty, equality, fraternity, rights, majority rule, and general welfare — some in tension with others — are marketed together under the portmanteau label "democracy." Democracy's core meaning is a particular method of choosing, replacing, and influencing government officials (Schumpeter 1950/1962). It is not a doctrine of what government should and should not do. Nor is it the same thing as personal freedom or a free society or an egalitarian social ethos. True enough, some classical liberals, like Thomas Paine (1791–1792/1989) and Ludwig von Mises (1919/1983), did scorn hereditary monarchy and did express touching faith that representative democracy would choose excellent leaders and adopt policies truly serving the common interest. Experience has taught us better, as the American Founders already knew when constructing a government of separated and limited powers and of only filtered democracy.

As an exercise, and without claiming that my arguments are decisive, I'll contend that constitutional monarchy can better preserve people's freedom and opportunities than democracy as it has turned out in practice.* My case holds only for countries where maintaining or restoring (or conceivably installing) monarchy is a live option.† We Americans have sounder hope of reviving respect for the philosophy of our Founders. Our traditions could serve some of the functions of monarchy in other countries.

An unelected absolute ruler could conceivably be a thoroughgoing classical liberal. Although a wise, benevolent, and liberal-minded dictatorship would not be a contradiction in terms, no way is actually available to assure such a regime and its continuity, including frictionless succession.

Some element of democracy is therefore necessary; totally replacing it would be dangerous. Democracy allows people some influence on who their rulers are and what policies they pursue. Elections, if not subverted, can oust bad rulers peacefully. Citizens who care about such things can enjoy a sense of participation in public affairs.

*I do not know how to test my case econometrically. The control variables to be included in equations regressing a measure of liberty or stability or prosperity or whatever on presence or absence of monarchy of some type or other are too ineffable and too many. We would have to devise variables for such conditions as history and traditions, geography, climate, natural resources, type of economic system, past forms of government, ethnicity and ethnic homogeneity or diversity, education, religion, and so on. Plausible historical data points are too few. Someone cleverer than I might devise some sort of econometric test after all. Meanwhile, we must weigh the pros and cons of monarchy and democracy against one another qualitatively as best we can.

†Monarchist organizations exist in surprisingly many countries; a few of their websites appear in the References. Even Argentina has a small monarchist movement, described in the September 1994 issue of *Monarchy* at the site of the International Monarchist League.

Anyone who believes in limiting government power for the sake of personal freedom should value also having some nondemocratic element of government besides courts respectful of their own narrow authority. While some monarchists are reactionaries or mystics, others (like Erik von Kuehnelt-Leddihn and Sean Gabb, cited below) do come across as a genuine classical liberals.

Shortcomings of Democracy

Democracy has glaring defects.* As various paradoxes of voting illustrate, there is no such thing as any coherent "will of the people." Government itself is more likely to supply the content of any supposed general will (Constant 1814–15/1988, p. 179). Winston Churchill reputedly said: "The best argument against democracy is a five-minute conversation with the average voter." The ordinary voter knows that his vote will not be decisive and has little reason to waste time and effort becoming well informed anyway.

This "rational ignorance," so called in the public-choice literature, leaves corresponding influence to other-than-ordinary voters (Campbell 1999). Politics becomes a squabble among rival special interests. Coalitions form to gain special privileges. Legislators engage in logrolling and enact omnibus spending bills. Politics itself becomes the chief weapon in a Hobbesian war of all against all (Gray 1993, 211–212). The diffusion of costs while benefits are concentrated reinforces apathy among ordinary voters.

Politicians themselves count among the special-interest groups. People who drift into politics tend to have relatively slighter qualifications for other work. They are entrepreneurs pursuing the advantages of office. These are not material advantages alone, for some politicians seek power to do good as they understand it. Gratifying their need to act and to feel important, legislators multiply laws to deal with discovered or contrived problems — and fears. Being able to raise vast sums by taxes and borrowing enhances their sense of power, and moral responsibility wanes (as Benjamin Constant, 194–196, 271–272, already recognized almost two centuries ago).

Democratic politicians have notoriously short time horizons. (Hoppe [2001] blames not just politicians in particular but democracy in general for high time preference — indifference to the long run — which contributes to crime, wasted lives, and a general decline of morality and culture.) Why worry if popular policies will cause crises only when one is no longer running for reelection? Evidence of fiscal irresponsibility in the United States includes chronic budget deficits, the explicit national debt, and the still huger excesses of future liabilities over future revenues on account of Medicare and Social Security. Yet politicians continue offering new plums. Conflict of interest like this far overshadows the petty kinds that nevertheless arouse more outrage.

My case for monarchy is a utilitarian one, not appealing to divine right or any such fiction.

Responsibility is diffused in democracy not only over time but also among participants.

Voters can think that they are only exercising their right to mark their ballots, politicians that they are only responding to the wishes of their constituents. The individual legislator bears only a small share of responsibility fragmented among his colleagues and other government officials.

Democracy and liberty coexist in tension. Nowadays the United States government restricts political speech. The professed purpose of campaign-finance reform is to limit the power of interest groups and of money in politics, but increased influence of the mass media and increased security of incumbent politicians are likelier results. A broader kind of tension is that popular majorities can lend an air of legitimacy to highly illiberal measures. "By the sheer weight of numbers and by its ubiquity the rule of 99 per cent is more 'hermetic' and more oppressive than the rule of 1 per cent" (Kuehnelt-Leddihn 1952, 88). When majority rule is thought good in its own right and the fiction prevails that "we" ordinary citizens are the government, an elected legislature and executive can get away with impositions that monarchs of the past would scarcely have ventured. Louis XIV of France, autocrat though he was, would hardly have dared prohibit alcoholic beverages, conscript soldiers, or levy an income tax (Kuehnelt-Leddihn, 280–281) — or, we might add, wage war on drugs. Not only constitutional limitations on a king's powers but also his† *not* having an electoral mandate is a restraint.

Democracy is not a doctrine of what government should and should not do. Nor is it the same thing as personal freedom or a free society or an egalitarian social ethos.

At its worst, the democratic dogma can abet totalitarianism. History records totalitarian democracies or democratically supported dictatorships. Countries oppressed by communist regimes included words like "democratic" or "popular" in their official names. Totalitarian parties have portrayed their leaders as personifying the common man and the whole nation. German National Socialism, as Kuehnelt-Leddihn reminds us, was neither a conservative nor a reactionary movement but a synthesis of revolutionary ideas tracing to before 1789 (131, 246–247, 268). He suggests that antimonarchical sentiments in the background of the French Revolution, the Spanish republic of 1931, and Germany's Weimar Republic paved the way for Robespierre and Napoleon, for Negrin and Franco, and for Hitler (90). Winston Churchill reportedly judged that had the Kaiser

*Barry (2003) partially summarizes them. Hayek (1979) describes the defects at length and proposes an elaborate reform of the system of representation, not discussing monarchy. James Buchanan and the Public Choice school analyze democracy in many writings.

†I hope that readers will allow me the stylistic convenience of using "king" to designate a reigning queen also, as the word "koning" does in the Dutch constitution, and also of using "he" or "him" or "his" to cover "she" or "her" as context requires.

remained German head of state, Hitler could not have gained power, or at least not have kept it (International Monarchist League). "[M]onarchists, conservatives, clerics and other 'reactionaries' were always in bad grace with the Nazis" (Kuehnelt-Leddihn, 248).

Separation of Powers

A nonelected part of government contributes to the separation of powers. By retaining certain constitutional powers or denying them to others, it can be a safeguard against abuses.* This is perhaps the main modern justification of hereditary monarchy: to put some restraint on politicians rather than let them pursue their own special interests complacent in the thought that their winning elections demonstrates popular approval. When former president Theodore Roosevelt visited Emperor Franz Joseph in 1910 and asked him what he thought the role of monarchy was in the 20th century, the emperor reportedly replied: "To protect my peoples from their governments" (quoted in both Thesen and Purcell 2003). Similarly, Lord Bernard Weatherill, former speaker of the House of Commons, said that the British monarchy exists not to exercise power but to keep other people from having the power; it is a great protection for our democracy (interview with Brian Lamb on C-Span, Nov. 26, 1999).

The history of England shows progressive limitation of royal power in favor of Parliament; but, in my view, a welcome trend went too far. Almost all power, limited only by traditions fortunately continuing as an unwritten constitution, came to be concentrated not only in Parliament but even in the leader of the parliamentary majority. Democratization went rather too far, in my opinion, in the Continental monarchies also.

Continuity

A monarch, not dependent on being elected and reelected, embodies continuity, as does the dynasty and the biological process.

> Constitutional monarchy offers us . . . that neutral power so indispensable for all regular liberty. In a free country the king is a being apart, superior to differences of opinion, having no other interest than the maintenance of order and liberty. He can never return to the common condition, and is consequently inaccessible to all the passions that such a condition generates, and to all those that the perspective of finding oneself once again within it, necessarily creates in those agents who are invested with temporary power.

It is a master stroke to create a neutral power that can terminate some political danger by constitutional means (Constant, 186–187). In a settled monarchy — but no regime whatever can be guaranteed perpetual existence — the king need not worry about clinging to power. In a republic, "The very head of the state, having no title to his office save that which lies in the popular will, is forced to haggle and bargain like the lowliest office-seeker" (Mencken 1926, 181).

Dynastic continuity parallels the rule of law. The king symbolizes a state of affairs in which profound political change, though eventually possible, cannot occur without ample time for considering it. The king stands in contrast with legislators and bureaucrats, who are inclined to think, by the very nature of their jobs, that diligent performance means multiplying laws and regulations. Continuity in the constitutional and legal regime provides a stable framework favorable to personal and business planning and investment and to innovation in science, technology, enterprise, and culture. Continuity is neither rigidity nor conservatism.

The heir to the throne typically has many years of preparation and is not dazzled by personal advancement when he finally inherits the office. Before and while holding office he accumulates a fund of experience both different from and greater than what politicians, who come and go, can ordinarily acquire. Even when the king comes to the throne as a youth or, at the other extreme, as an old man with only a few active years remaining, he has the counsel of experienced family members and advisors. If the king is very young (Louis XV, Alfonso XIII) or insane (the elderly George III, Otto of Bavaria), a close relative serves as regent.† The regent will have had some of the opportunities to perform ceremonial functions and to accumulate experience that an heir or reigning monarch has.

Objections and Rebuttals

Some arguments occasionally employed for monarchy are questionable. If the monarch or his heir may marry only a member of a princely family (as Kuehnelt-Leddihn seems to recommend), chances are that he or she will marry a foreigner, providing international connections and a cosmopolitan way of thinking. Another dubious argument (also used by Kuehnelt-Leddihn) is that the monarch will have the blessing of and perhaps be the head of the state religion. Some arguments are downright absurd, for example: "Monarchy fosters art and culture. Austria was culturally much richer around 1780 than today! Just think of Mozart!" (Thesen).

But neither all arguments for nor all objections to monarchy are fallacious. The same is true of democracy. In the choice of political institutions, as in many decisions of life, all one can do is weigh the pros and cons of the options and choose what seems best or least bad on balance.

For a democratic politician, understanding economics is a handicap. He either must take unpopular (because misunderstood) stands on issues or else speak and act dishonestly.

Some objections to monarchy apply to democracy also or otherwise invite comments that, while not actual refutations, do strengthen the case in its favor. Monarchy is charged with being government-from-above (Kuehnelt-Leddihn, 276). But

*"[T]he first and indispensable condition for the exercise of responsibility is to separate executive power from supreme power. Constitutional monarchy attains this great aim. But this advantage would be lost if the two powers were confused" (Constant, 191).

†Otto von Habsburg blames the risk that an incompetent might occupy the throne on an inflexible legitimism — preoccupation with a particular dynasty — that displaced safeguards found in most classical monarchies. He recommends that the king be assisted by a body representing the highest judicial authority, a body that could if necessary replace the heir presumptive by the next in line of succession (1958/1970, 262, 264, 266–267).

all governments, even popularly elected ones, except perhaps small direct democracies like ancient Athens, are ruled by a minority. (Robert Michels and others recognized an "iron law of oligarchy"; Jenkin 1968, 282.) Although democracy allows the people some influence over the government, they do not and cannot actually run it. Constitutional monarchy combines some strengths of democracy and authoritarian monarchy while partially neutralizing the defects of those polar options.

The king stands in contrast with legislators and bureaucrats, who are inclined to think that diligent performance means multiplying laws and regulations.

Another objection condemns monarchy as a divisive symbol of inequality; it bars "an ideal society in which everyone will be equal in status, and in which everyone will have the right, if not the ability, to rise to the highest position" (Gabb 2002, who replies that attempts to create such a society have usually ended in attacks on the wealthy and even the well-off). Michael Prowse (2001), calling for periodic referendums on whether to keep the British monarchy, invokes what he considers the core idea of democracy: all persons equally deserve respect and consideration, and no one deserves to dominate others. The royal family and the aristocracy, with their titles, demeanor, and self-perpetuation, violate this democratic spirit. In a republican Britain, every child might aspire to every public position, even head of state.

So arguing, Prowse stretches the meaning of democracy from a particular method of choosing and influencing rulers to include an egalitarian social ethos. But monarchy need not obstruct easy relations among persons of different occupations and backgrounds; a suspicious egalitarianism is likelier to do that. In no society can all persons have the same status. A more realistic goal is that everyone have a chance to achieve distinction in some narrow niche important to him. Even in a republic, most people cannot realistically aspire to the highest position. No one need feel humbled or ashamed at not ascending to an office that simply was not available. A hereditary monarch can be like "the Alps" (Thesen), something just "there." Perhaps it is the king's good luck, perhaps his bad luck, to have inherited the privileges but also the limitations of his office; but any question of unfairness pales in comparison with advantages for the country.

Prowse complains of divisiveness. But what about an election? It produces losers as well as winners, disappointed voters as well as happy ones. A king, however, cannot symbolize defeat to supporters of other candidates, for there were none. "A monarch mounting the throne of his ancestors follows a path on which he has not embarked of his own will." Unlike a usurper, he need not justify his elevation (Constant, 88). He has no further political opportunities or ambitions except to do his job well and maintain the good name of his dynasty. Standing neutral above party politics, he has a better chance than an elected leader of becoming the personified symbol of his country, a focus of patriotism and even of affection.

The monarch and his family can assume ceremonial functions that elected rulers would otherwise perform as time permitted. Separating ceremonial functions from campaigning and policymaking siphons off glamor or adulation that would otherwise accrue to politicians and especially to demagogues. The occasional Hitler does arouse popular enthusiasm, and his opponents must prudently keep a low profile. A monarch, whose power is preservative rather than active (Constant, 191–192), is safer for people's freedom.

Prowse is irritated rather than impressed by the pomp and opulence surrounding the Queen. Clinging to outmoded forms and ascribing importance to unimportant things reeks of "collective bad faith" and "corrosive hypocrisy." Yet a monarchy need not rest on pretense. On the contrary, my case for monarchy is a utilitarian one, not appealing to divine right or any such fiction. Not all ritual is to be scorned. Even republics have Fourth of July parades and their counterparts. Ceremonial trappings that may have become functionless or comical can evolve or be reformed. Not all monarchies, as Prowse recognizes, share with the British the particular trappings that irritate him.

A case, admittedly inconclusive, can be made for titles of nobility (especially for close royal relatives) and for an upper house of parliament of limited powers whose members, or some of them, hold their seats by inheritance or royal appointment (e.g., Constant, 198–200). "The glory of a legitimate monarch is enhanced by the glory of those around him. . . . He has no competition to fear. . . . But where the monarch sees supporters, the usurper sees enemies" (Constant, 91; on the precarious position of a nonhereditary autocrat, compare Tullock 1987). As long as the nobles are not exempt from the laws, they can serve as a kind of framework of the monarchy. They can be a further element of diversity in the social structure. They can provide an alternative to sheer wealth or notoriety as a source of distinction and so dilute the fawning over celebrities characteristic of modern democracies. Ordinary persons need no more feel humiliated by not being born into the nobility than by not being born heir to the throne. On balance, though, I am ambivalent about a nobility.

A King's Powers

Michael Prowse's complaint about the pretended importance of unimportant things suggests a further reason why the monarch's role should go beyond the purely symbolic and ceremonial. The king should not be required (as the Queen of England is required at the opening of Parliament) merely to read words written by the cabinet. At least he should have the three rights that Walter Bagehot identified in the British monarchy: "the right to be consulted, the right to encourage, the right to warn. And a king of great sense and sagacity would want no others. He would find that his having no others would enable him to use these with singular effect" (Bagehot 1867/1872/1966, 111).

Not only constitutional limitations on a king's powers but also his not having an electoral mandate is a restraint.

When Bagehot wrote, the Prime Minister was bound to keep the Queen well informed about the passing politics of the nation. "She has by rigid usage a right to complain if she does not know of every great act of her Ministry, not only before it is done, but while there is yet time to consider it — while it is still possible that it may not be done."

A sagacious king could warn his prime minister possibly with great effect. "He might not always turn his course, but he would always trouble his mind." During a long reign he would acquire experience that few of his ministers could match. He could remind the prime minister of bad results some years earlier of a policy like one currently proposed.

> The king would indeed have the advantage which a permanent under-secretary has over his superior the Parliamentary secretary — that of having shared in the proceedings of the previous Parliamentary secretaries. . . . A pompous man easily sweeps away the suggestions of those beneath him. But though a minister may so deal with his subordinate, he cannot so deal with his king. (Bagehot, 111–112)

A prime minister would be disciplined, in short, by having to explain the objective (not merely the political) merits of his policies to a neutral authority.

The three rights that Bagehot listed should be interpreted broadly, in my view, or extended. Constant (301) recommends the right to grant pardons as a final protection of the innocent. The king should also have power: to make some appointments, especially of his own staff, not subject to veto by politicians; to consult with politicians of all parties to resolve an impasse over who might obtain the support or acquiescence of a parliamentary majority; and to dismiss and temporarily replace the cabinet or prime minister in extreme cases. (I assume a parliamentary system, which usually does accompany modern monarchy; but the executive could be elected separately from the legislators and even be subject to recall by special election.) Even dissolving parliament and calling new elections in an exceptional case is no insult to the rights of the people. "On the contrary, when elections are free, it is an appeal made to their rights in favor of their interests" (Constant, 197). The king should try to rally national support in a constitutional crisis (as when King Juan Carlos intervened to foil an attempted military coup in 1981).

Kings and Politicians

What if the hereditary monarch is a child or is incompetent? Then, as already mentioned, a regency is available. What if the royal family, like some of the Windsors, flaunts unedifying personal behavior? Both dangers are just as real in a modern republic. Politicians have a systematic tendency to be incompetent or worse.* For a democratic politician, understanding economics is a handicap.† He either must take unpopular (because misunderstood) stands on issues or else speak and act dishonestly. The economically ignorant politician has the advantage of being able to take vote-catching stands with a more nearly clear conscience. Particularly in these days of television and of fascination with celebrities, the personal characteristics necessary to win elections are quite different from those of a public-spirited statesman. History does record great statesmen in less democratized parliamentary regimes of the past. Nowadays a Gresham's Law operates: "the inferior human currency drives the better one out of circulation" (Kuehnelt-Leddihn, 115, 120). Ideal democratic government simply is not an available option. Our best hope is to limit the activities of government, a purpose to which monarchy can contribute.

Constitutional monarchy cannot solve all problems of government; nothing can. But it can help.

Although some contemporary politicians are honorable and economically literate, even simple honesty can worsen one's electoral chances. H. L. Mencken wrote acidly and with characteristic exaggeration:

> No educated man, stating plainly the elementary notions that every educated man holds about the matters that principally concern government, could be elected to office in a democratic state, save perhaps by a miracle. . . . [I]t has become a psychic impossibility for a gentleman to hold office under the Federal Union, save by a combination of miracles that must tax the resourcefulness even of God. . . . [T]he man of native integrity is either barred from the public service altogether, or subjected to almost irresistible temptations after he gets in. (Mencken 1926, 103, 106, 110)

Under monarchy, the courtier need not "abase himself before swine," "pretend that he is a worse man than he really is." His sovereign has a certain respect for honor. "The courtier's sovereign . . . is apt to be a man of honour himself" (Mencken, 118, mentioning that the King of Prussia refused the German imperial crown offered him in 1849 by a mere popular parliament rather than by his fellow sovereign princes).

Mencken conceded that democracy has its charms: "The fraud of democracy . . . is more amusing than any other — more amusing even, and by miles, than the fraud of religion. . . . [The farce] greatly delights me. I enjoy democracy immensely. It is incomparably idiotic, and hence incomparably amusing" (209, 211).

Conclusion

One argument against institutions with a venerable history is a mindless slogan betraying temporal provincialism,

*Consider the one Republican and nine Democrats currently (October 2003) competing for the U.S. presidency. The day after the televised debate among the Democrats in Detroit, Roger Hitchcock, substitute host on a radio talk show, asked: "Would you like to have dinner with any of those people? Would you hire any of them to manage your convenience store?"

†"The first lesson of economics is scarcity: There is never enough of anything to satisfy all those who want it. The first lesson of politics is to disregard the first lesson of economics" (Sowell 1994).

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as if newer necessarily meant better: "Don't turn back the clock." Sounder advice is not to overthrow what exists because of abstract notions of what might seem logically or ideologically neater. In the vernacular, "If it ain't broke, don't fix it." It is progress to learn from experience, including experience with inadequately filtered democracy. Where a monarchical element in government works well enough, the burden of proof lies against the republicans (cf. Gabb). Kuehnelt-Leddihn, writing in 1952 (104), noted that "the royal, non-democratic alloy" has supported the relative success of several representative governments in Europe. Only a few nontotalitarian republics there and overseas have exhibited a record of stability, notably Switzerland, Finland, and the United States.*

Constitutional monarchy cannot solve all problems of government; nothing can. But it can help. Besides lesser arguments, two main ones recommend it. First, its very existence is a reminder that democracy is not the sort of thing of which more is necessarily better; it can help promote balanced thinking. Second, by contributing continuity, diluting democracy while supporting a healthy element of it, and furthering the separation of government powers, monarchy can help protect personal liberty. ❑

*Compare Lewis and Woolsey (2003): "[O]f the nations that have been democracies for a very long time and show every sign that they will remain so, a substantial majority are constitutional monarchies (the U.S. and Switzerland being the principal exceptions)."

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A Strange Little Town in Texas, *from page 34*

campus has actually worked in my favor in one very significant way. My students may drive me to distraction and my fellow professors are mostly a waste of space, but my research and writing are entirely of my own choosing. Many of my friends on the faculties of other, more prestigious schools have told me that they are pressured to publish only in certain journals and sometimes even to investigate only certain topics. Most find such constraints irritating if not stifling. I face no such constraints. I have had essays published on such heterodox subjects as the Objectivism of Ayn Rand, praxeology as applied to legal theory, anarcho-capitalism, the Austrian theory of business cycles, and the role of privateering in naval warfare. The only reaction I get here on campus is praise, most likely because no one has any idea what I'm writing about.

And there's something else: the seductiveness of these wide, open spaces. Some people would find nothing appealing about the mountains and the vast stretches of rolling ranch land that lie between. The land is dotted with grasses, cactuses, and bonsai-like trees and in itself is none too impressive. But to travel through the area is to experience something rather special. I have seen mountain lions, a golden eagle, and a herd of pronghorn antelope. At certain points along highway, the road literally shrinks to nothing as it dives into the horizon, impossibly far in the distance. The mountains will always await you, still farther away.

I may yet leave this place. If I do, I may not miss the people much, but I certainly will miss this place. ❑

Reviews

***The Company: A Short History of a Revolutionary Idea*, by John Micklethwait and Adrian Wooldridge. Modern Library, 2003, 227 pages.**

***No Logo: No Space, No Choice, No Jobs*, by Naomi Klein. Picador USA, 2002, 502 pages.**

Poke 'Em in the Eye?

Christopher Chantrill

If you surf to the website of *Adbusters*, a magazine devoted to the "unbranding" of America, you can download the "Brands and Bands," a U.S. flag in which the stars have been replaced by the logos of 30 multinational corporations. The corporations have taken over America. Get it?

Of course, the Adbusters are right. Corporations — limited-liability companies — are immensely powerful, and they certainly outshine the 50 states that adorn the Stars and Stripes. But the question is: what are we going to do about it? Two recent studies of the modern corporation approach, in different ways, this question.

In their entertaining *The Company: A Short History of a Revolutionary Idea* John Micklethwait and Adrian Wooldridge, two journalists from the London *Economist*, remind us that the corporation has not always bestridden the world like a colossus. In the early 19th century, the limited-liability company was considered obsolete. "'They are behind the times,' thundered one governor of Pennsylvania." Yet by 1862, when the British Parliament passed the landmark Joint Stock Companies Act that allowed limited-liability companies to be formed without special license from Parliament, limited liability was all the rage from Berlin to Washington, D.C. In 1893, Gilbert and Sullivan produced their *Utopia Limited* in which a promoter travels to the South Seas and turns the inhabitants and the government into limited-liability companies. The Companies Act is celebrated in song:

> All hail, astonishing Fact
> All hail, Invention new
> The Joint Stock Companies Act
> The Act of Sixty-Two.

The Company begins with a quick prehistory of the corporation, introducing the crude trading arrangements of the ancient Sumerians, the *societates* of Rome, the trading partnerships of Venice, and the immediate ancestors of the modern corporation, the "chartered companies" of the 16th and 17th centuries.

The meat of the book is contained in "A Long and Painful Birth," a chapter that describes the century of political and corporate maneuverings that culminated in the Act of Sixty-Two and the global emancipation of the limited-liability company. The chartered company of 1750 "represented a combined effort by governments and merchants to grab the riches of the new worlds opened up by" the age of exploration. As government-licensed monopolies, they were political creations and were owned by the great and the good. But their owners held shares that could be bought and sold on the open market, and they were protected by limited liability. "Colonization was so risky that the only way to raise large sums of money from investors was to protect them." Then in the early 18th century the governments of France and England thought that they would restructure their war debts using the chartered concept. The result was the first great modern bubble: the John Law fiasco in Paris and the South Sea Bubble in London. In England, the South Sea Bubble sired the South Sea Bubble Act, a punitive law that required each limited-liability company to secure a charter from Parliament. It took a century before legislators would again look at the bright side of limited-liability companies. When Parliament found itself approving dozens of corporate charters a year during the railway mania, it was time for a change.

After its painful birth, the corporation quickly became Peck's Bad Boy. Neighbors never tire of gossiping about the latest corporate escapade, and *The Company* does not shrink from passing on all the shocking details. But it also tells of the achievements, "producing society-changing products, like the Model T or Microsoft Word" and also changing the pace of daily life and "the way that people behave."

To some people, the gentle seduction of society-changing products felt more like a forcible rape that put an end to the romance of ancient idyllic relations and made cold cash the sole nexus for social interaction. Instead of

a world of corporations, they wanted a world community. Thus was born the great secular religion of socialism, a movement to purge the world of the evil corporation. Part political movement and part religious crusade, its message proved irresistible to millions, and for a century it grew like wildfire. Then it collapsed in a ruin of mass graves and unspeakable oppression.

Comes now revivalist Naomi Klein to awaken a new generation to the enthusiasm of left-wing activism. Dutiful daughter of the welfare state and of hippie parents who went to Canada in the 1960s to dodge the draft and provide for their children the "benefits of Canada's humane social services, public health-care system and solid subsidies to the arts," she attempts to create in *No Logo*® (yes, a registered trademark) a manifesto for a new generation of "activists." She is shocked by the megabrands, the brand bombers, and the category killers of the modern consumer society. For in the blaring public space of the brands there is No Space for artists and creativity, in the ravenous appetite of the Wal-Marts and Starbucks there is No Choice for consumers, in the new world of temporary jobs and contract workers there are No Jobs for workers. Fortunately a new movement of left-wing activism has arisen to oppose and harass the new predators, and to raise high the chalice of No Logo.

Historian John Lukacs has suggested that you can tell a lot about a writer by the moment he has chosen as year zero, the moment at which history begins. For Micklethwait and Wooldridge, year zero is not 1850, 1800, or 1750, the years chosen by most historians of modern commerce, but 3000 B.C. They develop a narrative to paint in the empty centuries of industrial prehistory and set the scene for what might be called the Axial Age of the corporation, from about 1750 to 1850.

The corporation has not always bestridden the world like a colossus. In the early 19th century, the limited-liability company was considered obsolete.

But for Naomi Klein, year zero seems to be 1980. Before then, North America was a paradise of good jobs for good wages, responsible corporations, strong unions, and comprehensive public services. But since 1980, things have gone straight downhill. Huge budget deficits, ruthless privatization, and school budget cuts have shredded the public services that once protected us, and the megabrands and big box stores have gutted once-flourishing Main Street stores and businesses, particularly independent bookstores and coffeehouses. Never mind that a generation ago, the Left was railing at the man in the gray flannel suit and the stultifying conformity of his big company loyalty, and that two generations ago the Left was railing at the hypocrisy and vacuity of Main Street boosterism. All is forgiven: just keep out the megabrands and the category killers.

Klein's lament reminds us that the last two decades of the 20th century have not been happy times for the Left. The great compromise that the Left had imposed upon the middle class and had thought would last forever unexpectedly fell apart. Suddenly progressive tax rates were slashed, public services were privatized, and once-great industries downsized and moved offshore. In the aftermath, if you want to shop you go to Wal-Mart; if you want a cup of coffee you go to Starbucks. It is all too bad and a profound disappointment to the messianic hopes of the 1960s.

As Micklethwait and Wooldridge make clear in *The Company*, the process started well before the evil 1980s. Branding started in the late 19th century when the new railroads made it possible to attempt nationwide distribution of goods. And Sears, the prototype of Wal-Mart, went into business in the 1880s to undercut the mom-and-pop general stores of 19th century rural America. But to push Klein's year zero back a century would dilute the scandal of 1990s globalization, and make it into just another episode of routine, capitalistic, creative destruction.

Still, Naomi Klein has a point. The seismic shift in the workplace has broken up the old working culture of good jobs for good wages that the Left supported for a century. In the aftermath of that earthquake, liberal arts graduates find themselves working as coffee counter-jerks, and Filipino teenage girls leave the stoop labor of the farm only to end up in urban sweatshops assembling garments like New York City immigrants a century ago. Something must be done. But what?

Klein's lament reminds us that the last two decades of the 20th century have not been happy times for the Left.

To fight the evil corporations, Klein recommends a "raiding" strategy of guerrilla war: adbusting, culture jamming, brand bombing, and blooding the odd corporation to provoke a media feeding frenzy. Significantly, this strategy for opposing the corporations is not the Marxian persisting strategy of invasion and conquest but a raiding strategy of hit and run. It is a sign of the strength of capitalism that it seems now, like China, too big to invade.

Klein's favorite target for anti-corporate activism is the evil Nike, worldwide purveyor of athletic equipment. Nike epitomizes everything that lefties hate about the new economy. First of all, Nike's swoosh is the quintessential "überbrand," and lefties hate all brands (except their own hammer and sickle, raised fist, and the socialist rose). Nike also markets its products in the inner cities, and that is bad because the single mothers of inner city kids can't afford Nikes. And Nike has pioneered the idea of outsourcing manufacturing. It designs, brands, and markets athletic equipment, but often doesn't manufacture it. This annoys lefties because they want to be able to force corporations to create "good jobs for good wages" for their workers, and it isn't fair if the workers that assemble Nike's athletic shoes in Third World sweatshops aren't actually Nike employees.

No Logo avoids the epic sweep of *The Company*. It carefully avoids plac-

ing the modern economy within a broad social and historical context. Its purpose is not history but to instruct the reader in the catechism of left-wing protest. Klein leads her readers on a tightly controlled tour of Corporate Exploitation Theme Park. She stops the bus at the Cavite Export Processing Zone in the Philippines, and we all recoil at the squalid sweatshops and applaud the plucky union leaders and the frightened teenaged girls they are trying to organize. She stops the bus in the inner city and we shake our heads over a young black kid whining at his mother to buy some Nikes and cheer the adbuster high above our heads who is altering the message on a billboard. She stops the bus at a corner Starbucks, and we frown when she tells us that Starbucks snatched the lease away from a long-established mom-and-pop coffee house. She stops the bus at a Reclaim the Streets event and we chuckle at the colorful rebels partying the night away. But readers are never allowed to admire the view from an overlook or to wander around unsupervised. So we never learn from tour guide Klein, as we do from Johan Norberg in London's *Spectator*, that what the workers really want in a Nike factory in Vietnam is for Nike to expand the plant so that they can get jobs for their relatives. What they really appreciate is not the wages, but the escape from working outdoors on the farm. Is that why New York City's streets seemed to be paved with gold a century ago? Because it offered indoor work?

We never learn from Klein that what the workers really want in a Nike factory in Vietnam is for Nike to expand the plant so that they can get jobs for their relatives.

The birth and rise of the corporation remains an epic and frightening experience. It is as if a great bear suddenly appeared in town. What should we do? Should we kill it? Should we cage it? Or should we keep a wary eye upon it and see what happens? A century ago, the Left said: kill it! Half a century ago, it said: cage it! Now Naomi Klein says: poke it in the eye!

How about we step back and marvel at it, warts and all, as Micklethwait and Wooldridge do, while keeping a two-by-four handy, just in case we need to get its attention? ❑

***You Can't Say That!: The Growing Threat to Civil Liberties From Antidiscrimination Laws*, by David E. Bernstein. Cato Institute, 2003, 166 pages + notes and index.**

"Walk**g Distance to Sy**gogue"

Bruce Ramsey

Freedom of speech is the freedom to discriminate in the use of words. Antidiscrimination laws restrict the freedom to discriminate in the handling of contracts. Narrowly construed, the two kinds of law can coexist. But it is not a comfortable fit. In principle they are opposites, and each itches to expand into the territory around it. The result is warfare, which is the subject of *You Can't Say That!* The book's subtitle, "The Growing Threat to Civil Liberties from Antidiscrimination Laws," suggests a call to arms.

The author, David Bernstein, is a professor of law at George Mason University. He has already made his mark with *Only One Place of Redress*, an unusual book on how blacks made use of the property-rights jurisprudence of the early 20th century. Here he takes on a current issue, arguing forcefully that constitutional liberties are in danger.

His chapters cover antidiscrimination law and freedom of expression at work, artistic freedom, political speech, compelled speech, and speech on college campuses. He also covers the effects of antidiscrimination law on private organizations, religious schools, religious landlords, the right to privacy, and the right to be left alone.

All of these rights are under attack by egalitarians who have, he says, an "agenda of elevating antidiscrimination concerns above all others."

Federal housing law says, for example, that you may not discriminate in the sale of a house. The first example in Bernstein's book had to do with his friend Sheldon Richman, whose brother got into trouble for placing an ad in a Jewish newspaper in Philadelphia for a house within "walking distance to the synagogue." Local housing officials said the ad was discriminatory because it was an appeal to Jews, and most Jews are white. Officials also could have nailed Richman for appealing to people who walk, which might suggest to the officious mind a discriminatory intent against the disabled.

By this rule, I can write almost anything short of libel, slander, or a threat

on the president of the United States in this review, but if *Liberty* printed my ad for a house, I had better not say, "walk-in closet."

A few years ago, the newspaper industry in Oregon put out a booklet with lists of forbidden phrases (in red) and risky phrases (in yellow). Among the legally risky phrases were "walk-in closet," "quiet tenants," and "bachelor pad." I wrote a newspaper column making fun of the booklet, and a few others attacked it, and I am told the bureaucrats backed off. Faced with opposition, they sometimes do. It was alarming, though, how complaisant most newspapers were.

Bernstein sketches the history of antidiscrimination law. It started out as a specific measure to help blacks. Over the years, other groups pulled this blanket over them, claiming the same status. Slowly the specific measure developed into a high moral principle that it was wrong to "discriminate" against anyone anywhere (except maybe smokers). The enforcers of this doctrine, writes Bernstein, "increasingly viewed civil liberties as, at best, competing rights to be balanced against efforts to wipe out bigotry."

Citizens brought lawsuits to defend themselves, but through the Reagan and first Bush years, they consistently lost them. At about the time of Clinton's election, that began to change; some of the Reagan and Bush appointees began limiting the doctrine. It is now a battle joined, but far from won, either in the courts of justice or of public opinion.

Richman got into trouble for placing an ad in a Jewish newspaper in Philadelphia for a house within "walking distance to the synagogue."

Bernstein uses consequentialist arguments rather than appeals to first principles. Speech and press should be free, he says, because "allowing politicians to decide the scope of freedom of speech is simply more dangerous than any damage the speech itself may cause." Political power will be held by the dominant force, and it is culturally dangerous to allow the dominant force to squelch critics.

Most interesting is his chapter, which appeared in the December 2000 issue of *Liberty*, on the American Civil Liberties Union. The ACLU professes a belief in antidiscrimination law *and* civil liberties — a contradiction that calls out for resolution. Bernstein says the outcome could be very influential, because without the ACLU the Left, one whole end of the political spectrum, would be taken over by the PC police.

Bernstein does not call for repeal of all antidiscrimination laws as interferences in the freedom of association. Richard Epstein has argued that, and Bernstein notes Epstein's argument without agreeing or disagreeing with it. But he very deftly takes the reader within one step of it. ❑

***The Human Stain*, directed by Robert Benton. Miramax Films, 2003, 106 minutes.**

Love, Sex, and Sanctimony

Sarah J. McCarthy

Some critics of *The Human Stain*, a new film based on the novel by Philip Roth, claim that Nicole Kidman is miscast in the role of a trash-talking cleaning woman tattooed with a coiled snake. *Rolling Stone's* film critic says Kidman is too much the babe to pass as the janitor with the inexpressive bone face, and the *New York Times* reviewer says Kidman "struggles to stifle her natural radiance." I suspect that many of those critics are the same young, male ones who were dismayed about Kidman's drab and plain appearance, complete with the uglifying addition of a manufactured nose, as Virginia Woolf in last year's *The Hours*.

To blunt the beauty of a shimmering love goddess like Kidman, with her cascade of strawberry curls and luminous gowns, is an unsettling transformation. But, say what you want, male critics, Kidman's acting in *The Human Stain* is so superb I could actually imagine her cleaning my bathroom.

The Human Stain is about big issues like political correctness and its power to kill, human mortality, the stunning shock and regenerating powers of a late-life love, and the pain of racism. Most significantly, it is especially about freedom and the power of the individual to claim it for himself — even when confronted by the nearly overwhelming oppressive forces of those engaged in what Nathaniel Hawthorne identified long ago as "the persecuting spirit."

Few novels have imprinted me as much as Roth's, and fewer yet have I underlined from start to finish as one might underline a textbook or a Bible. I wondered how a movie version of the novel could recreate the book without the precise words of Roth sweeping us up and along with the magnificence of his language. The producer apparently thought likewise, for it was not long into the film when the narrator began to read Roth's words, which in this case are worth a thousand pictures:

> Ninety-eight in New England was a summer of exquisite warmth and sunshine, and in America the summer of an enormous piety binge, a purity binge, when terrorism — which had replaced communism as the prevailing threat to the country's security — was succeeded by cock-sucking, and a virile, youthful mid-

dle-aged president and a brash, smitten twenty-one-year-old employee carrying on in the Oval Office like two teenage kids in a parking lot revived America's oldest communal passion, historically perhaps its most treacherous and subversive pleasure: the ecstasy of sanctimony. In the Congress, in the press, and on the networks, the righteous grandstanding creeps, crazy to blame, deplore, and punish, were everywhere out moralizing to beat the band: all of them in a calculated frenzy with what Hawthorne . . . identified in the incipient country of long ago as "the persecuting spirit"; all of them eager to enact the astringent rituals of purification that would excise the erection from the executive branch, thereby making things cozy and safe enough for Senator Lieberman's ten-year-old daughter to watch TV with her embarrassed daddy again. No, if you haven't lived through 1998, you don't know what sanctimony is.

Anthony Hopkins is cast as Coleman Silk, a popular, aging 71-year-old classics professor, who, one autumn day, runs himself into the persecuting spirit. Without the slightest malice, Silk expresses dismay at the continuing absence of two enrolled students from his class, asking his class, "Does anyone know these people? Do they exist, or are they spooks?"

Later that day, Silk is called by the dean of faculty to address a charge of racism. "Were you aware," he is asked, "that these two people were African-Americans?"

"I've never seen them, so how would I know?" responds Silk, his voice rising, begging and demanding that his faculty inquisitioners consider the context. He abruptly resigns in impulsive fury. When he rampages around the house and tells his wife, Iris, she is stunned and dies in his arms from the outrage of what happened. "They murdered her, the wrong person, for one word, the word 'spook,'" rails Silk. "The stupidity of these people was too much even for a juggernaut like Iris!"

Say what you want, male critics, Kidman's acting in The Human Stain is so superb I could actually imagine her cleaning my bathroom.

Those who think that such tyranny exists only in fiction should recall the inquisition of Supreme Court nominee Clarence Thomas, tortured for the crime of uttering the words "Long Dong Silver," or read the story movie reviewer Andrew Sarris shares in a recent *New York Observer*. Sarris said once in class that he felt "very nervous having a 'spook' in the White House," making a colloquial reference to the senior President Bush having been Director of the CIA. "Seemingly, out of nowhere," writes Sarris, "an African-American student appeared at my elbow and quietly handed me a note which read, as best as I can remember, 'The student council does not appreciate the racially derogatory term, spook.'"

It is not long after Coleman Silk resigns from the college when he is once again confronted with the persecuting spirit in the form of a red-inked anonymous note:

> Everyone knows you're
> sexually exploiting an abused,
> illiterate woman half your age.

Silk is having an affair with Faunia Farley, a 34-year-old, scraggly-haired, chain-smoking cleaning woman whom he first sees mopping the post office floor. Faunia uses the "F" word and a coiled snake tattoo for protection, because they are about all she has. Don't tread on me, and don't fall in love, Coleman, she says. Faunia Farley comes to Silk with a lot of baggage, including a shell-shocked, Vietnam-damaged abusive stalker of a husband. When warned that the guy is crazy, Silk replies, "So what, so am I."

Silk considers Farley a woman wise beyond her years, her wisdom resulting from what Roth terms "savage surprises, enraged without the rage." She is sexually available and she is tough, but as Silk explains to his friend Zuckerman, "something in Faunia is permanently 14 and as far as you can get from shrewd."

His friend Zuckerman and his lawyer warn him to stay away from her because she's not in his league. Has he had her checked? Does he wear a condom? With her he'll never have a scandal-free life; there are already ugly rumors. Silk tries to explain that he's dealing with bigger issues — like his own mortality, the wish never to die that sometimes becomes almost too great to bear. Like an "Achilles on Viagra" or an old salmon swimming upstream to mate, Silk explains that he can't begin to explain what this affair has done for him.

"When this stuff comes back so late in life, out of nowhere, completely unexpected, even unwanted, comes back at you and there's nothing to dilute it, and when she's thirty-four, and ignitable. An ignitable woman. She's turned sex into a vice again," he explains. "She's not my first love, she's not my great love, but she sure in hell is my last love. Doesn't that count for something?"

Like an "Achilles on Viagra" or an old salmon swimming upstream to mate, Silk explains that he can't begin to explain what this affair has done for him.

A television plays in the background with the droning voices of Bill Clinton and Ken Starr. Insane times make for good literature, and some of the best has been written in response to the onslaughts of racial and sexual destruction indulged in by people from various sections of the political spectrum. Attacks by right-wingers and left-wingers, feminists and civil-rights activists, and conservative Christians inspired Nathaniel Hawthorne's *The Scarlet Letter*, Arthur Miller's *The Crucible*, Michael Crichton's *Disclosure*, and Joan Didion's *Political Fictions*.

In *Political Fictions*, a nonfiction narrative of the Clinton scandals, Didion, referring to the Clinton-Lewinsky episode as "political pornography" and the "religionization of politics," describes the unfolding of the scandal:

Mona Charen complained on *Late Edition with Wolf Blitzer* that "this casts shame on the entire country because he behaved that way and all of the nation seems to be complicit now because they aren't rising up in righteous indignation."

George Will on *This Week* patiently explained, "Because Ken Starr must —

the president has forced his hand — detail graphically the sexual activity that demonstrates his perjury. Once the dress comes in, and some of the details come in from the Ken Starr report, people — there's going to be a critical mass, the yuck factor — where people say, 'I don't want him in my living room anymore.'"

And William Bennett, moral paragon and virtue czar before his outing as a high-stakes gambler, identified the regular American's tolerance of the continuation of the Clinton presidency as "The Death of Outrage," resulting from "an attempt by the president's men to portray their opposition as bigoted and intolerant fanatics who have no respect for privacy."

"At the same time," continued Bennett, "they offer a temptation to their supporters; the temptation to see themselves as realists, worldly-wise, sophisticated; in a word, European. Now, Europeans may have something to teach us about, say, wine or haute couture. But on the matter of morality in politics, America has much to teach Europe."

Didion concludes that "[t]he person most people seemed not to want in their living rooms any more was 'Ken,' but this itself was construed as evidence of satanic spin on the part of the White House."

Fox News promised more details about activities "that most Americans would consider quite unusual." These details, *Newsweek* predicted, would make Americans want to "throw up." Writes Didion: "The nature of the testimony, the unusual activity and the throw-up details that everyone seemed to know about because they had been mostly leaked by someone in Ken Starr's office turned out to be about masturbation."

The principals in this case weighed in, Bill Clinton calling the intrusions into his personal privacy "the politics of personal destruction," and Monica Lewinsky saying that Ken Starr's round moon face is the embodiment of "Big Brother."

"I myself dreamed of a mammoth banner," Roth wrote, "draped dadaistically like a Christo wrapping from one end of the White House to the other and bearing the legend A HUMAN BEING LIVES HERE." □

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***The Barbarian Invasions*, directed by Denys Arcand. Miramax Films, 2003, 112 minutes.**

The Market for Compassion

Jo Ann Skousen

Robert Hayden's poem "Those Winter Sundays" describes a father who would rise on Sundays "in the blueblack cold" to bank the fires "with cracked hands that ached" from weekday labor while the family remains burrowed beneath blankets. Remembering with remorse this selfless and unthanked act, the narrator reports,

> . . . slowly I would rise and dress,
> fearing the chronic angers of that house,
>
> Speaking indifferently to him,
> who had driven out the cold
> and polished my good shoes as well.
> What did I know, what did I know
> of love's austere and lonely offices?

What does anyone know of "love's austere and lonely offices"? This is one of the themes of the Canadian film *The Barbarian Invasions*, where loving actions speak more loudly than bitter words. The story opens as Sebastien (Stephane Rousseau) flies reluctantly from London to his father's (Remy Girard) deathbed in Canada, still "fearing the chronic angers of the house" that caused a 15-year estrangement between them. "Speaking indifferently to him" at first, Sebastien gradually grows to accept his father's life, as he helps ease the way for his father's death.

But it is the backdrop of the Canadian economic system that makes this film both funny and appalling at once. *The Barbarian Invasions* indicts socialized medicine, unions, drug laws, police departments, and public education, while subtly demonstrating the protection that can come from the private sector: Sebastien is a successful commodities hedger who protects oil producers from fluctuations in the market by taking on the risk himself — and making a tidy profit in the process. With that profit, and a determined persistence, he calmly bribes the hospital manager, union workers, security guards, nurses, a heroin junkie, and even friends, to make Remy's final days as comfortable as possible.

Anyone who favors universal health care should watch the first half hour of this film. The camera follows a nun through the crowded corridors of the hospital, panning past gruesome patients bedded in dim, paint-peeled hallways, as she delivers the Eucharist to Catholic patients. More than once she arrives at the wrong bed, the patients misidentified on their charts. (This is, in fact, a recurrent problem for the doctors and nurses in this film.) "At least I'm not in the hallway," Remy comments wryly as Sebastien surveys with disgust the tiny, cluttered, crowded room in which his father will die.

Sebastien bribes a hospital manager to let him use an empty floor (yes, while patients populate hallways, an entire floor lies empty due to "cost containment") and bribes a union boss to paint and prepare a lovely, inviting room. He pays to have Remy transported to the United States for tests (under socialized medicine, Remy

would be dead before doctors could even know what's wrong). He hires a junkie to provide heroin for pain control, and even pays for friends and former students to visit his father.

Unfortunately, most viewers of this film will probably identify the problem of allocating scarce resources without recognizing the obvious solution. Indeed, the first comment made in the discussion group held after the viewing I attended was from a woman who complained, "Why should one person be able to help his father, just because he's rich?" The consensus of this intellectual, and mostly well-off, audience of New Yorkers seemed to be that money itself is ugly and vulgar, instead of a proper medium of exchange, reward, and motivation. "Take the rich guy's money away from him!" they demand. Then we can all be equal. Then we can all wait in paint-peeled corridors to die, writhing in pain, the doctors writing the wrong name as they cross us off their lists.

In French with English subtitles, *The Barbarian Invasions* is director Denys Arcand's sequel to his Oscar-nominated 1986 film, *The Decline of the American Empire*. The four men and women of the original story are reunited at a point when the barbarians of old age and illness begin to invade the body, but it is not necessary to have seen the original in order to enjoy the sequel. Somewhat sentimental and predictable in its conclusion, *The Barbarian Invasions* is nevertheless, like life, a sad journey full of laughter, well worth the taking. ❑

Anyone who favors universal health care should watch the first half hour of this film.

Booknotes

A vintage joke book — I recently uncovered a book written in support of Franklin Roosevelt's first campaign for reelection. It's called, unsurprisingly, *I'm for Roosevelt* (Reynal & Hitchcock, 1936). The author opens by demurely stating his reasons for becoming interested enough in politics to write such a book. He says that he has a large family and is concerned with politics because he is concerned with the future well-being of his children. He wishes to be clear on one point: "I have no political ambitions for myself or for my children."

People to whom I have read that sentence express surprise when they learn the author's name. In fact, they start rolling on the floor, the moment they hear it.

The book was written by Joseph P. Kennedy. — Stephen Cox

Admitting to empire — Americans generally dislike having the term "empire" applied to their country or to their government's foreign policy, and conservative and neoconservative magazines and Internet sites are often filled with hairsplitting denials that the United States acts in any way similarly to Rome, Britain, or France in their "glory" days.

But let's be honest.

Any country that believes it has the legitimate prerogative to effect "regime change" by force in a country halfway around the world — even if that country had oodles of those elusive "weapons of mass destruction" — is an imperial power. How did a republic conceived in freedom and so steeped in anti-militarism that it resisted a standing army for almost a century come to this?

Andrew Bacevich, who came to the academy (he teaches political science at Boston University) after a career in the military, offers the best explanation I have found. His *American Empire: The Realities and Consequences of U.S. Diplomacy* (Harvard University Press, 2002, 320 pages) argues that the United States is not a traditional empire bent on acquiring and ruling overseas colonies and exploiting their natural resources. But many of its leaders and theorists have pursued an essentially imperial policy since well before the Cold War.

As Bacevich explains, the idealism, as opposed to pure self-interest, that helps fuel American imperialism is both alluring and dubious. At least since Woodrow Wilson, American leaders have sought to export what they believe is best in America — its openness, its democratic ways, its commitment to a responsibly regulated market system — to the rest of the world. That this enterprise, seen by its designers as strictly benign and peace-promoting, also spreads American power and steers profits to certain American companies, is a side benefit most observers are too polite to mention.

Bacevich argues, with well-chosen examples from more than 50 years of American statecraft, that the U.S. has advanced its imperium through a "strategy of openness," insisting that other countries be as open as we pretend the United States is to trade and new ideas. In areas we consider important — Europe, Japan, Korea, the Middle East — we station permanent garrisons of troops. In areas we consider marginal, like Africa, we are usually content to lecture and make occasional symbolic trips and gestures. Ultimately American imperialists want to remake the entire world in our image.

American Empire is more descriptive than polemical. Bacevich is so even-handed in his treatment that you're not always sure whether he stands on one side or the other of some of the issues he describes. But he wants Americans and their policymakers to be at least modestly honest. "The question that Americans can no longer afford to dodge is not whether the United States has become an imperial power. The question is what sort of empire they intend theirs to be." — Alan W. Bock

Any country that believes it has the legitimate prerogative to effect "regime change" by force in a country halfway around the world is an imperial power.

American idol — I have just read Joyce Carol Oates' *Blonde* (Ecco, 2001, 752 pages), which, as Oates describes, is a "work of imagination" about the character, career, and inner life of Marilyn Monroe. Oates' powerful writing, rhythmic narrative, and intense visual description recreate the life of the famous bottle blonde so that her struggles and artistry become immediate and moving. I was taken by the fervid study and dedication Norma Jean Baker put into her work; her perfectionism in performance; the books she read, the men she married, and the religion she chose. (I also listened to the abridged, audio version of the book, as read by Jayne Atkinson, whose fluid vocal transition from character to character is genuinely remarkable.)

In 1962, *Life* magazine ran an article on Marilyn Monroe in which she was quoted:

> When you're famous, you kind of run into human nature in a raw kind of way. It stirs up envy, fame does. People you run into feel that, well, who is she — who does she think she is, Marilyn Monroe? They feel fame gives them some kind of privilege to walk up to you and say anything to you, you know, of any kind of nature — and it won't hurt your feelings — like it's happening to your clothing. . . . I don't understand why people aren't a little more generous with each other. I don't like to say this, but I'm afraid there is a lot of envy in this business.

Today, another bottle blonde is making her way to American idol status. Britney Spears, like Marilyn, has also run into raw and envious human nature. A recent example is her interview with Tucker Carlson of CNN. In this interview, Carlson asked Spears whether she trusted President Bush as the leader of our country. This question was a trap.

Dell sells computers, McDonald's sells hamburgers, and Britney sells Britney.

Britney and Marilyn share more than hair color and evocative appeal: they are (or were, in the case of Norma Jean) entrepreneurs. They are running businesses. The difference that so many miss is that entertainment entrepreneurs are in the business of selling themselves. Dell sells computers, McDonald's sells hamburgers, and Britney sells Britney.

For an enterprise to be successful, its product must be affordable, in demand, and attractive. In order to remain attractive, the product must not offend or alienate consumers. A neutral political position is best, for *any* political opinion will alienate part of the consumer population. This seems patently obvious. Any attempt, therefore, to weasel a political statement out of an apolitical public figure can only be interpreted as an attack. When Britney was asked if she trusted President Bush, she did exactly the right thing in making a vapid, simplistic response to Carlson: she defended her product.

We don't need to know whether Britney trusts George W. to appreciate her mastery of pop performance. In 1962, Ayn Rand wrote that Marilyn Monroe was "unable to conceive of ugliness or evil, facing life with the confidence, the benevolence, and the joyous self-flaunting of a child or a kitten who is happy to display its own attractiveness as the best gift it can offer the world, and who expects to be admired for it, not hurt." That's enough for me. I don't need to know Marilyn's political ideals to enjoy her beauty and her performances. The Britneys and Marilyns of the world should be enjoyed for what they are, not jeered at or attacked for what they're not. — Katelyn B. Fuller

Outgrowing war — We have just begun a new century with the world's sole superpower engaging in a war of choice, not necessity. It followed a century characterized by two world wars, a protracted Cold War and innumerable local military conflicts. This raises a very good question: is war, with all the attendant destruction, displacement, and economic damage that accompanies it, inevitable in a world populated by human beings?

There's bad news and a hint of hope in Steven A. LeBlanc's *Constant Battles: The Myth of the Peaceful, Noble Savage* (St. Martin's Press, 2003, 256 pages). LeBlanc, an archaeologist at Harvard who has been on digs all over the world, contends that "The common notion of humankind's blissful past, populated with noble savages living in a pristine and peaceful world, is held by those who do not understand our past and who have failed to see the course of human history for what it is."

Rather, LeBlanc says, "wherever I have dug, regardless of time period or place, I have discovered evidence of warfare." China's wall, the Acropolis in Athens, and American southwestern pueblos are all defensive fortifications made desirable by the pervasive threat of organized conflict. Most of the earliest discoveries of proto-human skeletons show evidence of death by weapons. Societies anthropologists have wanted to view as peaceful and in harmony with nature, as in Samoa, have histories, as teased out through archaeological evidence, of warfare that saw 25 percent of adult males killed in battle.

Societies anthropologists have wanted to view as peaceful have histories of warfare that saw 25 percent of adult males killed in battle.

Do human beings have a "war gene"? Not necessarily. LeBlanc, taking us through the earliest humanoids, the early foragers, primitive agricultural societies, more complex civilizations, and the development of the nation-state, argues that the pattern of war has been tied to ecology and resources. As human beings were successful at exploiting their immediate environments, populations grew beyond the carrying capacity of their community, whether village, town, city, region, or nation. So they went in search of more territory, which was often populated by another community, often also looking for more land.

Warfare ensued, often enough involving the slaughter of all the men, women, and children of the losing side. As societies became more complex and sophisticated, so did warfare, with warmaking becoming a specialized profession, culminating in the global-scale battles of the 20th century.

Does this mean, then, that we are

doomed to constant warfare? Not necessarily. The Vikings were once the scourge of Europe, but modern Scandinavians are almost ridiculously war-averse. The Hopi are peaceful now though archaeologists have found evidence of brutal warfare in the 1300s. LeBlanc believes that while humans have been selected for aggressiveness, there is no "war gene."

If wars are the result of overexploitation of environments and depletion of resources, some trends offer hope. "The Industrial Revolution dramatically slowed [population] growth rates and increased the world's carrying capacity. . . . Six thousand years ago a Neolithic farmer was lucky to achieve yields of eight bushels of wheat per acre. In Kansas today, farmers get almost eighty bushels per acre."

Unfortunately, "[j]ust as it is often claimed that the generals fight the last war, the politicians in the twentieth century fought wars for old, no longer relevant, reasons." It will take a while longer for mankind to learn that increasing usable resources, through technology and trade, is more efficient than conquest. Maybe this won't happen, of course, but LeBlanc offers plausible reasons to hope. — Alan W. Bock

From Fallingwater to Fountainhead — Frank Lloyd Wright's is a captivating American story. Possibly the best American architect ever, maybe even the greatest ever to practice the craft, he was revered, feted, scorned, and ignored during his long career. Born in 1867, he was dismissed as washed up by 1930. And then in 1934 he got the commission that would forever make his reputation: build a home in the woods for Pittsburgh department store magnate E. J. Kaufmann.

That's the story that art historian Franklin Toker tells in *Fallingwater Rising: Frank Lloyd Wright, E. J. Kaufmann, and America's Most Extraordinary House* (Knopf, 2003, 462 pages). It's not just an architecture book; it's full of fascinating detail on Wright's career, Kaufmann's family and business background, the hype and buzz that made Fallingwater famous, and the house's later years in the hands of Edgar Kaufmann Jr. Toker explores "the hype that sold [Fallingwater]," especially the enthusiasm of *Time-Life-Fortune* publisher Henry Luce.

Liberty readers may be most interested in Toker's extensive discussion of Ayn Rand's role in making Fallingwater famous. Toker is no fan of Rand. He refers to her "purple prose" and "fanatical" anti-communism. (Presumably he thinks opposition to communism should be moderate and judicious.) But he does write, "Magnified by a movie that reached many times more people than the book, *The Fountainhead* constituted the single most powerful force for the acceptance of modern architecture in this coun-

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Leland Yeager, Professor Emeritus of Economics at Auburn University, has on his office wall the portrait of only one person, King Juan Carlos.

try." Drawing on Rand's published letters and journals, Toker argues that Rand was facing writer's block on *The Fountainhead* until Fallingwater burst on the scene, giving her an architect and a building to fictionalize. One of his specialties is psychological speculation, and he argues that even the name Fountainhead echoes Fallingwater "in the identical twelve-letter length, the identical initial F, and a parallel aqueous image."

Fallingwater Rising is a fascinating study of architecture, business, publicity, the desire for fame, and the creation of a modern icon. It's a handsome book, with full-color pictures of Fallingwater, its creators, and its competitors. — David Boaz

Voodoo dispelled — If books criticizing the drug war for being ineffective, expensive, conducive to corruption, destructive of constitutional liberties, and generally socially corrosive were enough to move public policy, we would have ended the drug war long ago. Arnold Trebach, former law professor at American University, made the case persuasively in the 1980s. Journalist Dan Baum (*Smoke and Mirrors*), screenwriter Mike Gray (*Drug Crazy*), and Orange County Superior Court Judge James Gray (*Why Our Drug Laws Are Failing*) are just a few who have documented the harmful effects of the sacred War on Drugs.

In *Saying Yes: In Defense of Drug Use* (Tarcher/Putnam, 2003, 340 pages), Jacob Sullum moves a step beyond criticism. He argues that society should be promoting responsible drug use rather than zero tolerance. Then he makes the case that, contrary to the barrage of tax-funded propaganda with which the drug warriors assault us every day, this is possible.

The virtually unshakeable belief of the drug warrior, as Sullum puts it, is that "a drug user is not an independent moral agent because his will has been hijacked by a chemical." He acknowledges that "[i]f some drugs really do turn people into zombies, it makes no sense to expect self-control. But if voodoo pharmacology is a myth, it's reasonable to talk about illegal drugs the way we talk about alcohol."

A certain percentage of alcohol users become problem drinkers, but most people drink responsibly most of the time. Using the best scientific evidence (sometimes not easy to get in a prohibitionist environment that actively discourages independent research), Sullum argues for the proposition that the same is true for such illicit drugs as marijuana, LSD, cocaine, heroin, and MDMA (Ecstasy). All of them carry dangers and can be misused. But none is a magical potion that compels otherwise sane and decent people to lose all control, do evil, and become self-destructive.

Sullum has written a compelling refutation of the "all or nothing" approach that has dominated the political discussion of drug policy for so long. He hopes that "in the absence of a persuasive explanation for why intoxication per se is wrong, self-righteous condemnations of drug use should give way to dispassionate evaluations of prohibition's costs and benefits." One may hope. At least Jacob Sullum has made a solid contribution to the discussion. — Alan W. Bock

Our Pagan Holy Day, *from page 20*

urrect the Dutch St. Nicholas in his satirical *Diedrich Knickerbocker's History of New York*, adding significant embellishments to the 1821 version: "and laying his finger beside his nose, gave a very significant look; then mounting his wagon, he returned over the tree tops and disappeared." Docents at Irving's home, Sunnyside, in Irvington, N. Y., love to point out that this was published one year before Clement C. Moore's culture-changing "'Twas the Night Before Christmas," but since the two were friends, it is difficult to say who borrowed from whom, or even whether the true author of the poem was Henry Livingston Jr., another New York acquaintance, whose descendants have been making this claim for over a century. It was another of Irving's friends, John Pintard, founder of the New York Historical Society, who hoped that rekindling an observance of St. Nicholas Day (Dec. 6) might encourage greater harmony between the poor and the wealthy; Pintard had already been instrumental in establishing Columbus Day, Washington's Birthday, and the Fourth of July as public holidays. But it was Moore's poem that established St. Nick's visit as "the night before Christmas," and we were back to our winter solstice, Dec. 25 observance.

The split personality of our winter holiday has endured for more than 2,000 years, and that pattern is likely to continue as governments seek to influence the masses by controlling their Masses. Some complained that solstice rituals were too pagan, and Christmas was born; others complained that Christmas was too Christian, and Santa Claus emerged; some complain today that the holidays have become too commercial, but even louder, Keynesian voices complain that we aren't commercial enough — without "healthy" Christmas sales, our economy will falter. I suspect the conflict will rage a long time, as humans seek a balance between the profound and the profane, the commercial and the personal, the spiritual and the pagan, self-interest and self-sacrifice. The two-faced Roman god Janus, who sits on the cusp between the old year and the new, will continue to preside over this schizophrenic holiday of merriment and wonder. ☐

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Reflections, *from page 18*

and privacy is important. Is the FTC's "Do Not Call" list so egregious a violation of the constitutional principles upon which our free society is based? Well, yes, I think it is.

There are many irritating aspects of a free society. If I'm located on a busy street and have a large picture window in my living room, then — if I desire my privacy — I have to put up curtains. The communication network is a similar opening on the world — if I wish not to have people call into my domain — then it is my responsibility to put up an appropriate privacy barrier.

At the base of all this is a confused view of privacy. To those promoting these laws, privacy is the requirement that interactions proceed only at the behest of the individual affected. Women going to bars should not be approached by predatory males. Nudists walking down the street should not be noticed. No one should knock at your door or telephone you without prior permission. But, this is a highly confused perspective. Privacy is rather a relationship between yourself and others — a decision on whether one will place information in play or not. Individuals are free to withdraw from areas where they might be contacted by others, but there is a cost for such hermit-like existence. We can stay indoors, we can post "No Trespassing" signs or lock our gates, we can avoid bars, we can buy a telemarketing-zapper, get a cell phone, or leave the phone off the hook during dinner.

When we join the public network — whether by going out into the streets, answering the telephone, accepting mail, or going on the Internet — we find ourselves bombarded with messages and inquiries from others. It is for us to decide what privacy efforts we make (wearing conservative clothing, not answering calls from unknown callers, opening the envelope, entering a website) — but to do so is to wall ourselves off from a world of strangers seeking to be our friends. For government to make those decisions is wrong — and dangerous.

The FTC rules are especially troubling from a free speech perspective. Many conservatives have long viewed free speech as limited to political speech — politicians can say what they want but not the citizenry. Left-liberals have generally championed free speech while being indifferent or even hostile to commercial speech — one can rant about the evils of America but not advertise candy or tobacco or SUVs. The FTC enters this fray with rules that allow "charities" to telemarket but block commercial endeavors of the same sort. This idea that the constitutional protection of free speech can be sliced and diced according to the situation is worrisome. After all, not all charities are equal. Should we ban religious charity calls (possibly offensive to atheists)? What about Police Benevolent Association calls (worrisome to the paranoid), or right-wing or left-wing charities (offensive to the ideologues)? Once speech can be regulated by political will there is no obvious stopping point.

The courts offer the only hope of limiting the populist perspective: vox populi vox Dei! America flirted with that ruling principle during the Progressive Era and bruised the Constitution in the process. We're now more aware of the risks of direct democracy, and the protections afforded us all by the Constitution have become more apparent. The FTC and Congress should read up on this topic — and let individuals decide which calls they wish to take, not place their names on another government list! — Fred Smith

Letters, *from page 28*

let's lands and grooves are completely intact. This bullet struck nothing harder than water or cotton. It, and (by reasonable extension) the two fragments, were planted in order to incriminate Oswald.

Recently developed forensic evidence points toward other culpable parties. On the day of the assassination, several fingerprints were lifted from the boxes that comprised the "sniper's nest" on the sixth floor of the Texas School Book Depository. Most of the prints were matched to Dallas police officers. (None were Oswald's.) One print remained unidentified until 1998. That latent print was definitively matched to the inked print of a convicted murderer (Malcolm Wallace) who had been linked to the Kennedy murder, and to Lyndon Johnson, in testimony delivered to a grand jury in 1984.

While much more could be said in response to Steele's slapdash historical pronouncements and his mangling of the work of several careful researchers (he appears to have "surface-skimmed" many of the sources he cites), his bass-ackward method of evidence evaluation renders his article a windy polemic. Clever stuff; no sale.

Alan L. Kent
Bellingham, Wash.

Proof of Conspiracy

Mr. Steele's conclusion that there was no conspiracy in John F. Kennedy's murder is logically compelling except for two facts:

1) Lee Oswald was murdered before he had a chance to say anything (such as "I didn't do it" or "I'm glad I did").

2) Robert F. Kennedy was murdered very soon after. Coincidence?

William Wood
Las Vegas, Nev.

David Ramsay Steele replies: In my article I reiterated several times that I could not answer some of the highly technical arguments of the Conspiracy theorists, and referred readers to some of this work, including David Mantik's. I went on to show in detail that, despite such claims about minutiae of the physical evidence, the Lone Nut theory is rationally preferable, because the hypothesized Conspiracy makes no sense, either in terms of motive or in terms of method chosen.

And how does Alan Kent respond to this? By ignoring my arguments completely and restating a couple of the familiar technical arguments made from the physical evidence by Conspiracy theorists!

There is precedent for claims made at one time later to be rejected by expert analysis. For example, Conspiracy theorists have often claimed that the photographs of Oswald holding his rifle were fakes, but experts for the House Select Committee on Assassinations looked at this issue and found the photos to be genuine. I confidently expect that other highly technical arguments made by Conspiracy theorists will eventually be disposed of by independent experts.

As for William Wood's points: 1) Oswald did talk a lot in the two days following his arrest. He said he hadn't done the shooting. He also made several demonstrably false claims. 2) Robert Kennedy was murdered more than four and a half years after Jack. Yes, a coincidence.

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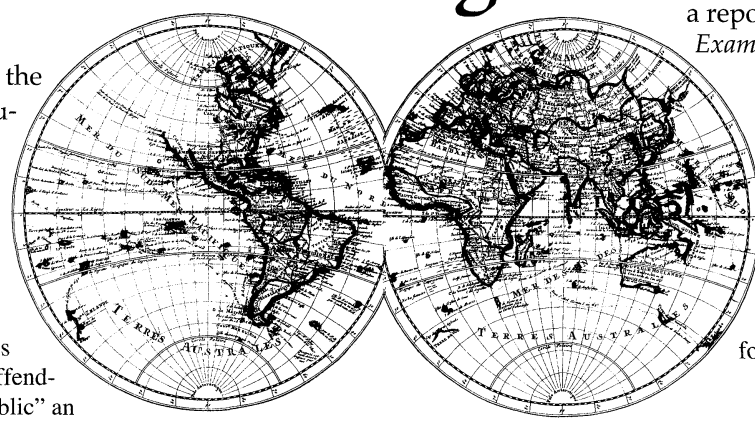

Spain

Evidence of the advanced state of jurisprudence in the European Community, from a dispatch in the *Akron Beacon Journal*:

> Tomás Valdividso of Spain was fined $70 for scratching his ear while driving. The police officers who issued the fine claim the lawyer, was talking on his cell phone. After the man gave proof that no calls had been made on his phone since the night before, the officers deliberated and decided to fine him anyway.

France

Further evidence of the advanced state of jurisprudence in the European Community, from a report in the United Kingdom's estimable *The Guardian*:

> France Interior Minister Nicolas Sarkozy's recent bill which made "offending the dignity of the republic" an imprisonable offense has found one of its first victims in the French rap group, Sniper. Sarkozy claims their music is "anti-women, anti-French, anti-European, and anti-police" and "perfectly scandalous."

Boston

Addendum to the growing body of evidence that diversity benefits higher education, from the *Harvard Crimson:*

> Harvard researchers have recently published an article in the *American Journal of Public Health* that shows that drinking rates among white, male, underage students are significantly lower on college campuses with larger percentages of minority students. "This study has shown that having a diverse student body . . . is an important factor in lowering binge-drinking rates," a researcher stated.

California

Advance in police-community relations in the Golden State, from a report in *USA Today*:

> Santa Barbara County deputies may be asked to wave to residents as they patrol the city. The deputies have been recently criticized as unfriendly and heavy-handed.

Alabama

Evidence of the advance of jurisprudence in the Deep South, from a dispatch by the Associated Press:

> Chief Justice Roy Moore, who was removed from office for refusing to obey a federal court order to remove his Ten Commandments monument from the courthouse, said his refusal was a moral and lawful acknowledgement of God.

Britain

Curious discovery by the most eminent practitioners of broadcast journalism in the world, reported by *The Telegraph:*

> A recent research project by the BBC has concluded that garden gnomes can increase the value of a home in the United Kingdom by as much as £500 ($850).

Independence, Mo.

Innovative use of copyright law in the "Show Me" State, from a report in the *Blue Springs Examiner*:

> When police officers asked Daniel Smith, 45, for his driver's license, they were surprised when he told them his name was copyrighted. Smith then handed the officers a slip of paper which stated that anyone who duplicated his name would be sued for $500,000.

China

New career opportunity for America's former First Gentleman, from a report by the Associated Press:

> A Chinese clothing manufacturer wants former President Bill Clinton to be its spokesmodel, stating that its suits match Clinton's character and personality. The firm wants a figure with "worldwide charisma" to represent it.

U.S.A.

Further evidence that more regulation is needed to prevent urban sprawl, from an article in the *Seattle Times:*

> A recent study claims that urban sprawl contributes significantly to obesity in America.

Minnesota

Victory for automobile rights activists reported by the *St. Paul Pioneer Press*:

> A man who shot eleven bullets into the hood of his brother's car in an attempt to "kill" it will lose his permit to carry.

Beijing

Progress in the science of sanitation in the world's most populous nation, reported by *China Daily*:

> China's Ministry of Science and Technology is wrapped up in an effort to clean up little blobs of discarded chewing gum from Tiananmen Square. The project will cost 1 million yuan and proposes to develop a special "gum-removal lotion" that can effectively dissolve the discarded gum.

Special thanks to Russell Garrard,, Owen Hatteras, and William Walker for contributions to Terra Incognita.

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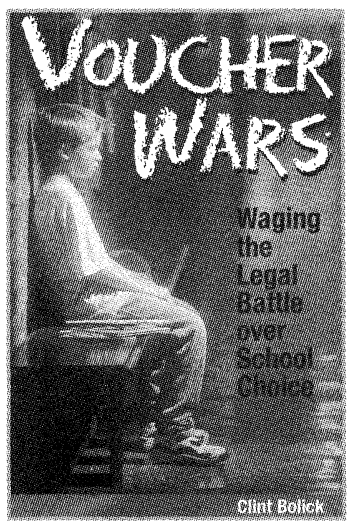

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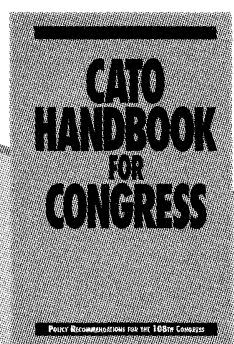

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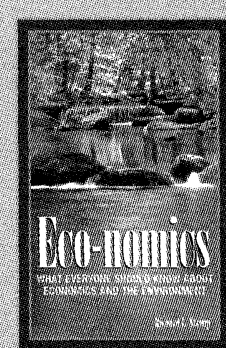

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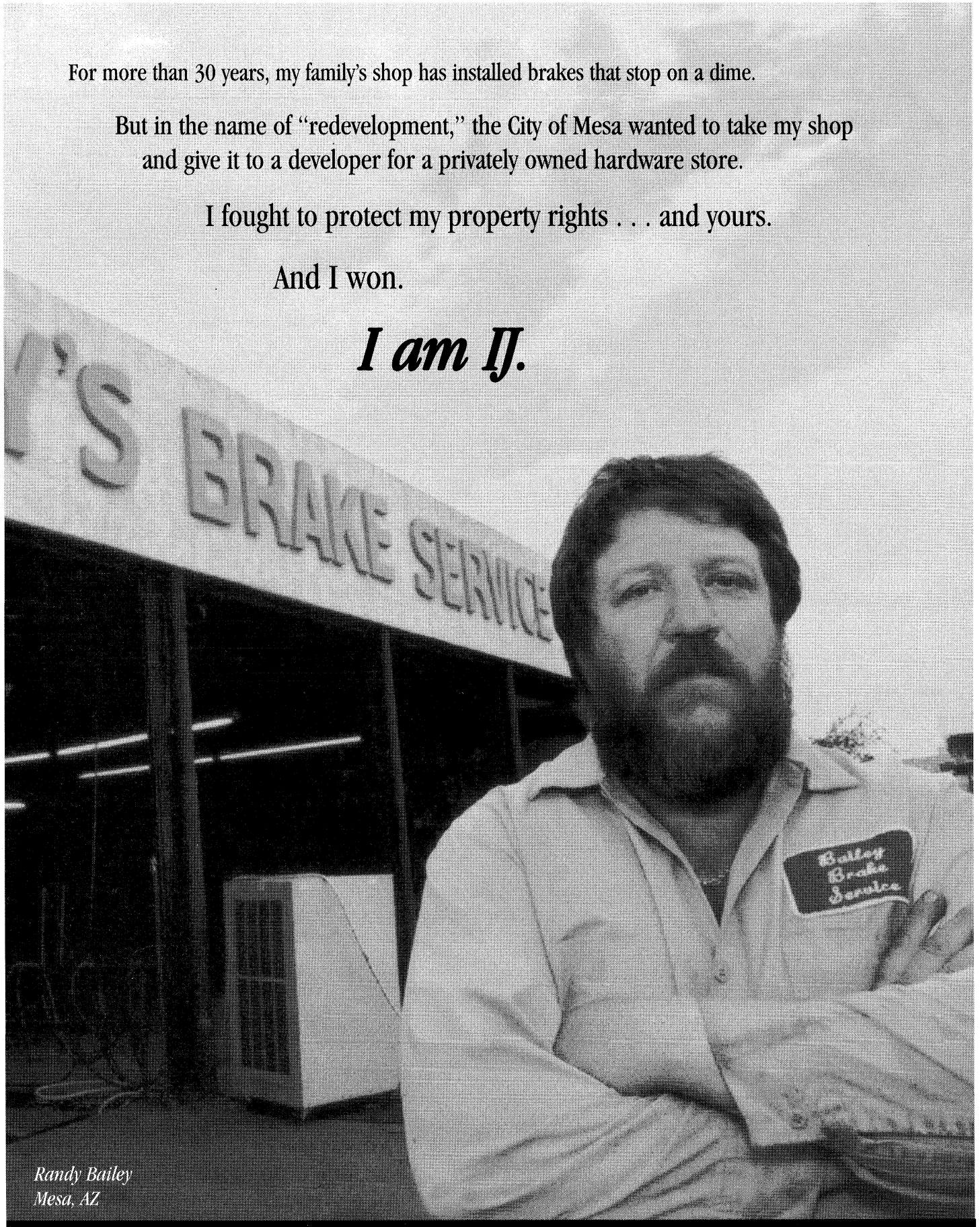

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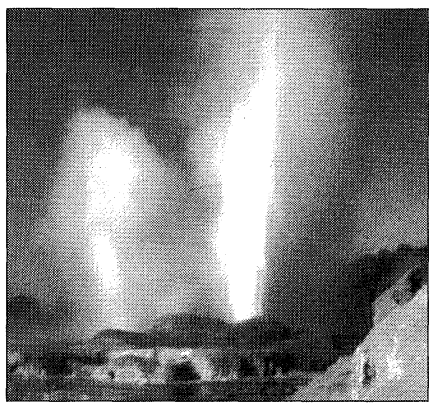

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February 2004
Volume 18, Number 2

4 Letters Read 'em and weep for joy.

7 Reflections We decide to vote for Bush, give Saddam his due, line up for free condoms, honor freedom with John Ashcroft, check the CNN's math, ponder the egg, kill the "living constitution," and make peace with Paris Hilton.

Features

19 Court Guts Free Speech The Supreme Court has sometimes made exceptions to free expression in pornography and advertising, on the theory that the First Amendment is really about political speech. Now, reports *Mark Tapscott*, it has allowed politicians to outlaw criticism from their opponents.

23 Let 'Em Walk to the Clinic! Charging too little to drive the elderly and disabled to the doctor is against the law in Tampa, *Timothy Sandefur* discovers.

25 If Free Markets Give People What They Want, How Do You Explain Dan Rather? *Robert Formaini* explores the paradox of media bias.

29 Searching for Lonerville *Durk Pearson* and *Sandy Shaw* find a corner of freedom in an unfree world — and new evidence that challenges the theory that free riders undermine the provision of public goods.

33 Viva Las Vegas! You may know about the slots, but what about the architecture, folk art, the art of acrobatics, and the culinary art of the bargain buffet? *Richard Kostelanetz* explores America's cultural oasis.

35 Encounter at Puko'o *Kirby Wright* remembers a hot day on a beach, seared with anger and shame.

Reviews

39 NGO Way to Help Africa *Bruce Ramsey* tours Africa with travel writer Paul Theroux, and learns that NGO aid workers cruise around in Land Rovers and party with prostitutes while Africans suffer miserable poverty.

41 Good Economics, Bad Politics *New York Times*man Paul Krugman may actually have a grasp on the economy, says *Leland Yeager*, but he seriously doubts that Krugman understands Bush.

43 Incredible Journey Across Siberia, through the Gobi, over the Himalayas, to freedom in India — Slavomir Rawicz's tale of escape from the Gulag is incredible. Maybe too incredible, suggests *William Merritt*.

45 Wishful Digging *Michael Drew* explores the intersection of feminism and archeology, where Amazons spring magically from the graves of prehistoric women.

48 Booknotes The beauty of the Great Lakes, how Voltaire viewed the free market, who did the real work in the early days of *National Review*, the grand arc of history, and murder at Dartmouth College.

Also: Ayn Rand's homophobia.

50 Notes on Contributors Send complaints here.

54 Terra Incognita How crazy can it get? (We really want to know.)

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Letters

Alpine's Elitist Pariah

The state of academia has been much maligned lately, so it's nice to know that there is still a place where an elitist snob can become a tenured professor "very quickly" and be free to write about the really important stuff like "the role of privateering in naval warfare" ("A Strange Little Town in Texas," January). It's a wonder his neighbors don't make him walk the plank.

Dennis Dwinnell
Xenia, Ill.

Henry Ford: Useful Idiot

One hesitates to be critical of a fellow contributor to *Liberty*, but Bruce Ramsey's "Henry Ford: Nazi Dupe? (November) calls for some comments. In his review of Max Wallace's *The American Axis: Henry Ford, Charles Lindbergh and the Rise of the Third Reich*, Ramsey misses an opportunity to comment on the significance of individuals Lenin referred to as "useful idiots," high-profile propagandists for dictatorships. Surely those who served the purposes of an Adolf Hitler, deserve no less attention than those whose worshipful praise helped the Communists to rally worldwide support.

Henry Ford was one of Hitler's most "useful of idiots." The fact that Ford introduced millions of Americans to the lies of the *Protocols of the Elders of Zion* in his newspaper is completely ignored by Ramsey. Concentrating on Ford's hatred of Jewish bankers (Ramsey never mentions how the myth of "Jewish bankers" fits into the stereotypical *Protocols of the Elders of Zion* view of the world), Ramsey ignores the panoply of anti-Jewish prejudices that figured in the thinking of Henry Ford, Charles Lindbergh, Thomas Alva Edison, and sad to say, even the fair-minded Harry Truman. This is surely worthy of notice since we know now how the film ended.

At the end of his review Ramsey adds that a book about the "useful idiots" that helped Communism would be a longer one and would elicit protests from the liberals today. He is quite right on this point. But he unfortunately fails to make the connections between the ideologues of anti-Semitic hatred and the wholesale killers of our times. The Islamists of today continue on that well-trod path and sad to say one can become an experienced anti-Semite after a short stay in any library.

Frank Fox
Merion Station, Pa.

Fulbright's Creative Federalism

Thanks for the very interesting essay about Richard Kostelanetz's Freedom of Information Act discoveries and the reprint of his well-written essay from 1966 about the deficiencies of the Fulbright scholarship program ("The State Department, Fulbright, and Me," December). Missing for me, and somehow the more glaring a lacuna given his apparent interest in history, was any examination of whether the Constitution makes any provision for scholarships or fellowships.

I've searched the Constitution and its amendments for language authorizing payments to scholars to pursue their education abroad, payments to bureau-rats for organizing gala supper parties in foreign lands, or payments to professors to lecture in other countries. Were it not for the declarations of emergency of 1861 and 1933 in effect suspending the Constitution, I doubt if any authority could be found for the entire National Endowment for the Humanities or its sister program for the Arts.

Jim Davidson
Houston, Tex.

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Ode to Apathy

Here's a little poem in response to R. W. Bradford's remark that the recent California vote showed that "Californians (and presumably other Americans) are quite satisfied with the choices that the two parties offer" (January).

Political Parties

One party, two party,
Three party, four.
Why should I care,
I'm mopping the floor.

Five party, six party,
They all say the same;
"Vote our way !
The rest are insane !"

Seven party, eight party,
Who could swallow their lies?
To care about voting,
I must fantasize.

So give me a candidate,
Handsome and strong,
Who doesn't make speeches
The whole day long.

Then maybe I'll vote,
If I've time to spare.
Two parties, ten parties,
Why should I care ?

Jeri Carey
Walla Walla, Wash.

Focus on the Rothschilds

You may know of the Hindu publisher (I am sure he was not the first one) who said that all truth drops to the floor — everything else is propaganda. Never before has this been more true. You could service your readers better if you gave us the real dirt on things like:

a) Who did the Dulles brothers tennis and tea with in Zurich during World War II?

b) What is the true current view on the Holocaust?

c) How much does Rothschild own of Arnold?

d) Etc., etc.

There may be a place for many of your articles but I don't have the time.

John E. Eckland
Morgan Hill, Calif.

Focus on the War Machine

I would appreciate if you would print more articles concerning the jihad on Iraq. The war didn't make any sense. It was a dumb, poor country ringed around by the U.S. military machine. Anyway, even the weapons inspectors hemmed and hawed about whether or not there were any WMD, and in liberal newspapers at that. At any rate, I think it should be stated in writing that the U.S. war machine is the biggest source of violence in the world today.

Mark Schaffer
Middle River, Md.

Radical Militia Membership Revealed

Dave Kopel's article in the December issue reviewing past rulings by the supremes surprised me ("The Second Amendment Before the Supreme Court"). I hadn't realized how often the court had considered "a well regulated militia." I had always blown this off, concentrating instead on the "shall not be infringed" portion of the Second Amendment.

I reviewed *Perpich* v. *Department of Defense*, 496 U.S. 334 (1990) and extracted this gem: "In 1792, [Congress] did pass a statute that purported to establish 'an Uniform Militia throughout the United States,' but its detailed command that every able-bodied male citizen between the

From the Editor . . .

As the year draws to a close, Americans are being killed almost daily in our government's attempt to install puppet governments in the countries we've conquered, the administration has gone crazy with spending, giving us the biggest budget deficits in history, and even freedom of political speech is under attack. But take heart, good reader. Saddam Hussein has been found in a hole in the ground and sentenced to death by the president, the Supreme Court has ruled that the First Amendment doesn't have much to say about free speech, after all, and America's do-gooders, snoops, meddlers, and busybodies continue their wild depredations.

In this issue, our intrepid writers examine these developments, but also consider matters far less weighty and far more relevant to our real lives.

The authors of *Liberty's* Reflections look at the declining economy and the capture of Saddam, but also offer (for example) a celebration of the egg and a good word for beer-guzzling drivers.

In our lead feature, Mark Tapscott provides a disquieting analysis of the Supreme Court decision outlawing broadcast criticism of politicians who are facing the voters. Tim Sandefur follows with the story of a Florida city that wants to put an immigrant limo operator out of business because he doesn't charge enough to drive elderly and disabled people to their physicians.

Then we go to the Western deserts, where Richard Kostelanetz visits Las Vegas and discovers a continent of unforeseen delights, and Sandy Shaw and Durk Pearson find a new home — not to mention an application of advanced game theory. Bob Formaini tours another kind of desert, the Sahara of the media, while Kirby Wright, heading still further west, remembers a bad day on Moloka'i.

In our review section, Bruce Ramsey looks at Paul Theroux's discovery of the perfidy of aid workers in Africa, Leland Yeager examines the biases and the virtues of modern liberal guru Paul Krugman, Bill Merritt ponders an incredible escape from Stalin's gulag, and Michael Drew digs into feminist archeology.

"Life is a banquet," said Auntie Mame, "and most poor suckers are starving." Our authors aren't.

R. W. Bradford

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ages of 18 and 45 be enrolled therein and equip himself with appropriate weaponry" stated

> That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack.

These weren't government arms, stored in an armory when militiamen went home, they were privately held military arms — available at a moment's notice to their owner. This was enacted shortly after the Constitution was ratified, and certainly gives a clue to the Second Amendment's intent.

Grant Janssen
Hollywood, Calif.

No Elitism Here

While it is nice to be called "lovable," it is less so when that adjective modifies "elitist." Despite being gratified by Ari Armstrong's description of my writings as a "red-pill experience," I feel compelled to correct Armstrong's depiction of me as an elitist (no matter how worthy of affection), which runs through his otherwise-unobjectionable "Friedman Rules" (December).

My argument, in brief, is that the public at large doesn't understand much about politics — and particularly about economics. Ignorance of politics may be a little less prevalent among political elites (who are "elite" simply by virtue of knowing relatively more than non-elites). But that hardly entitles them to rule — as their glaring ignorance of economics makes clear.

Noticing the public's ignorance, in short, does not mean blinding oneself to the slightly lesser ignorance of political elites. Moreover, the political-science literature on the subject confirms everyday experience: the slight informational advantage enjoyed by political elites is more than offset by their ideological rigidity. In fact, it is their doctrinaire adherence to ideology that makes it possible for elites to filter in relatively more information about politics than "the masses" do — but only by filtering out whatever information would undermine their ideology.

Given the Hobson's choice between rule by the ignorant populace at large and rule by slightly less ignorant, but more dogmatic, elites, I'd choose the former in a second. At least the general population is relatively open-minded.

Fortunately, there are many cases in which such a choice isn't necessary. Markets operate in a way that doesn't require their participants to be very well informed. To fix the problems with public education, for example, the public — or the elites — would have to become pedagogical experts, which is highly unrealistic (and which is why political discourse is full of silly nostrums about "what's wrong with education"). But with private schools, dissatisfied parents don't even need to know exactly what the problem is — let alone how to fix it. All they need do is try another school.

That is the beauty of markets. And it is why, starting with a recognition of public ignorance, I believe a powerful case for libertarianism can be made — a case that has nothing elitist about it.

Jeffrey Friedman
Princeton, N.J.

continued on page 32

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to: letterstoeditor@libertysoft. com.

Reflections

Bush the magnificent — American forces occupying Iraq captured Saddam and Americans reacted by increasing their support for President Bush. This proves that if you give a president the most powerful military force in the history of the world and a few hundred billion dollars, he can conquer a small country and capture its dictator in only eight months. He gets my vote!

— R. W. Bradford

Dispatch from the Death Star — According to an article in the *Washington Post*, the city of Washington, D.C., will soon be installing machines dispensing free condoms in public buildings in the nation's capital. "They're going to be as common as water fountains," said Ivan O. Torres, interim director of the city's HIV/AIDS Administration. Two thoughts come to mind:

1) Given how slowly the wheels of bureaucracy turn — is this a measure called for by Clinton?

2) Does Torres know how difficult it is to find a water fountain in D.C.?

— Wendy McElroy

The meaning of PATRIOTism — Did anyone else catch Attorney General John Ashcroft's comments on Saturday, Nov. 15? Our nation's top law enforcement officer informed the Federalist Society National Convention that the PATRIOT Act "honors" freedom.

Ashcroft's prepared remarks said: "The Patriot Act honors Madison's 'first principles' . . . giving each branch of government a role in ensuring both the lives and liberties of our citizens are protected. The Patriot Act grants the executive branch critical tools in the war on terrorism. It provides the legislative branch extensive oversight. It honors the judicial branch with court supervision over the Act's most important powers."

Sure, that would make a lot of sense and might even be right — that is, if we had something other than a supine Congress and a judiciary grown tolerant of encroachments on individual liberties.

— Declan McCullagh

Health Nazis storm the beaches — Solana Beach in California became the first in the nation to ban smoking. Beaches are the new target for the tobacco Nazis; there has been talk about banning smoking here, on Chicago beaches, as well. The rationale for the bans is litter control. Forty percent of all litter is cigarettes, which implies that 60% of trash is non tobacco related, and most probably food and food wrapping. If the real motivation is eliminating litter, why don't the authorities ban eating at the beach?

I suspect that, at least for the time being, eating is politically correct. Right now, smokers will just avoid Solana Beach. As the trend becomes more popular, it will become difficult to find smoking beaches. I wonder whether there will be crowds of people standing in the parking lots — those who had to leave the beach for a cigarette break.

— Tim Slagle

Howard Dean's way with Saddam — The Hon. Joseph Lieberman reacted to the news of Saddam's capture with an interesting observation about one of his competitors for the Democratic presidential nomination. "If Howard Dean had his way," Lieberman intoned, "Saddam Hussein would still be in power today and not in prison."

Lieberman's right, of course: one way the world would be different if George Bush hadn't decided to conquer Iraq is that Saddam Hussein would still be in power. Lieberman failed to observe some other ways the world would be different. What Lieberman didn't bother to mention is that 458 young Americans killed in Iraq would still be alive if Bush hadn't chosen war. Or that 10,000 Americans wouldn't have been wounded. Or that Americans would have $150 billion dollars more wealth. Or that American soldiers wouldn't be facing hostile fire every day in a far-off land. Or that Americans who travel

in Islamic countries wouldn't be hated so much. Or that thousands of Iraqi people now dead would still be alive. Or that the United States wouldn't be suffering from its most gigantic budget deficit in history. Our government would be less powerful and our people more free. Yup, Joseph Lieberman was right: if Howard Dean had had his way, there'd be one more petty dictator who doesn't threaten the U.S. in power, and one fewer former dictator held by the American military.

I'm glad Saddam was caught. He is a very bad man, and his capture may mean fewer dead Americans and fewer dead Iraqis. But I have to admit that Howard Dean is looking better and better to me. — R. W. Bradford

Modern Malthusians — On Dec. 9, the United Nations released a projection of world population growth. The U.N. experts are not modest — they predicted numbers for the year 2300, a mere 300 years out. If this sounds absurd, it is. Imagine experts a century before Malthus, predicting what the world's population would be in 2003.

And it's not that they haven't been warned by their own past failures — in offering predictions for just 50 years from now. As *USA Today* noted, "The United Nations' latest forecast of the world's population in 2050 is half a billion people lower than the U.N. estimated just two years ago." Half a billion. Would you trust someone who was that wrong, that recently? But "expertise" is apparently immune to skeptical doubts. The *USA Today* story continued: "Though it's hard to be accurate in long-term forecasts [I'll say!], the U.N. reports are widely considered the 'gold standard' by demographers." "Paper standard" would be more accurate, whatever their demographic colleagues think.

Well, bad money drives out good. That's one cliche that comes to mind. The other is Jesus' remark about prophets not being without honor, save in their home country. But all the world is home to the U.N. experts, and it's obvious that they are honored throughout it. Does that mean that they're not really prophets? — Stephen Cox

¡Ay caramba, that's authentic! — The hepatitis outbreak in Beaver County, Pa., has been traced to a Chi Chi's restaurant, where scallions imported from Mexico were found to be the source of the virus. Strange. The most authentically Mexican item Chi Chi's has ever served turns out to be hepatitis. — Tim Slagle

Give him a fair trial and hang him — The "just trial" for Saddam promised by the Bush administration is a fiasco before it begins. In an interview with Diane Sawyer, Bush declared that Saddam should face the "ultimate penalty" — meaning the death penalty. How do Bush's words sound to the Arab world? Prior to trial, the head of the world's most powerful Western nation is calling for the execution of a prominent Arab leader. This same Western leader simultaneously assures the Arab world that Saddam will receive a fair trial . . . presumably, prior to executing him. Only a fool would believe that Bush's statements would not influence the Bush-dependent Iraqi Governing Council which will be ultimately (though indirectly) responsible for any trial conducted in Iraq. Is Bush trying to make a martyr out of the man? Even some Westerners are feeling sympathy for the Beast of Baghdad because of the humiliating footage of his "medical" exam for lice, etc. Cardinal Renato Martino, a leading critic of the war in Iraq and president of the Vatican Council for Justice and Peace, said he was moved to compassion as he saw "this man destroyed, being treated like a cow as they [the U.S. military] checked his teeth." The media and military treatment of Saddam looks like vengeance, not justice, and this could turn Saddam into an object of pity for some, a rallying point for others. Bush may yet snatch defeat from the jaws of victory.

And why did Bush mention the death penalty? It was akin to throwing gas on a raging fire for the joy of making sparks. As the U.K. *Independent* noted, "the death penalty issue could cause friction between the United States and Europe. All 15 member nations of the European Union have abolished capital punishment, and they often encourage other countries — most notably the United States — to abolish it. U.N. Secretary-General Kofi Annan also has said the world body would not support bringing Saddam before a tribunal that might sentence him to death." Ever the faithful lapdog, Tony Blair courageously stated that, although Britain opposed the death penalty, it would have to accept an Iraqi deci-

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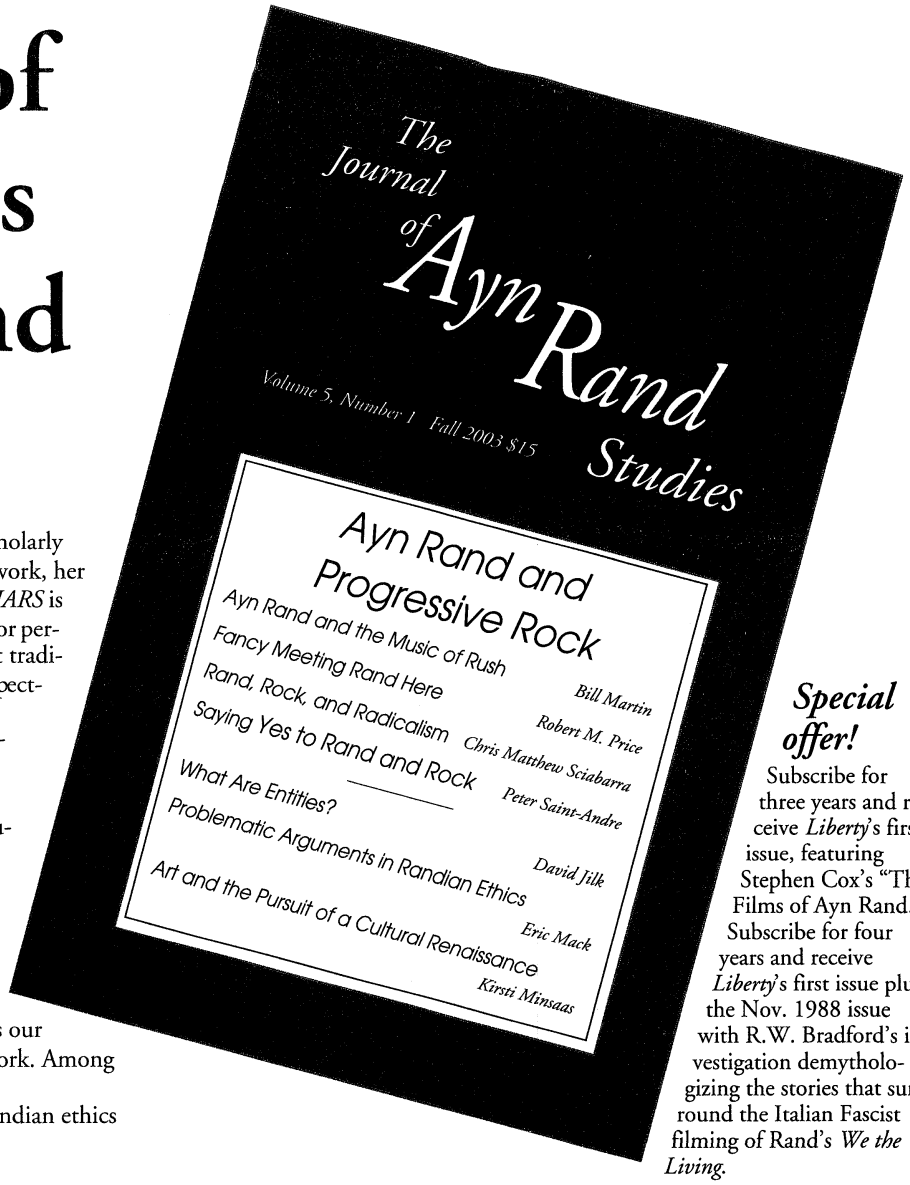

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sion to execute. My point: why even raise the issue of executing Saddam — and so prominently? It is as though Bush sat down and pondered, "How can I possibly make the situation worse?" The answer is obvious, of course. He doesn't care how his statements impact the world as long as they please the American electorate. — Wendy McElroy

The Egg and I — The Atkins diet is presently quite popular in America. Atkins is a high-protein, low-carbohydrate diet that encourages eating meat, cheese, and eggs, and severely limits grain intake. It is becoming so popular that it is starting to affect food prices. Grain prices are down, and egg prices are up. Market forces will now compel farmers to use the back forty to build a henhouse rather than plant corn in the spring. Were the Department of Agriculture in total control, it would take several years for them to adjust. By that time the fad will have passed, and low cholesterol will probably be back in fashion. Or perhaps the food bureaucrats, who have always opposed the Atkins diet on a nutritional basis, will work to keep the shortage of eggs in place, to encourage people to follow the food pyramid — those Department-of-Agriculture-funded guidelines we all have been ignoring for the past ten years.

Even with the cost increase, the price of eggs is extremely reasonable. Once considered a luxury, an egg contains 10 percent of a day's worth of protein for about 15 cents. Even the poorest laborer ($6.00/hr) can now fulfill his entire daily dietary requirement of protein (ten eggs) with only fifteen minutes of work. Compare this to the first pioneers who tilled the soil from sunup to sundown just to sustain themselves, sometimes unsuccessfully, and you will realize how wealthy modern Americans really are.

— Tim Slagle

Outposturing Hillary — On Thanksgiving, few people realized that Hillary Rodham Clinton, along with fellow Democratic Senator Jack Reed (R.I.), ate dinner with American troops at the military base in Bagram, Afghanistan. Why? Because their visit was trumped by Bush's surprise arrival in Baghdad, which was played by every major news station in what seemed to be an endless loop. So where was the footage of Hillary on what might well be the biggest TV-watching day of the year? Nowhere.

It wasn't until the day after Thanksgiving that I saw some real coverage of Hillary's trip and an announcement that she (and Reed) were proceeding to Iraq. Now, however, she was following in Bush's footsteps rather than breaking new ground. No PR she secured can have possibly competed with the image of Bush stepping out from behind the curtain to deliver a Thanksgiving address in person, with tears in his eyes. The BBC's coverage of Hillary's trip echoed a familiar theme. It opened with the words, "Hot on the heels of George W. Bush, former first lady Hillary Clinton flew into Iraq to meet U.S. troops." The headline in the Minneapolis *Star Tribune* read, "Day after Bush visit, Hillary Clinton asks new U.N. role." *China Daily's* headline: "Hillary Clinton arrives in Baghdad hot on heels of Bush." She must have been fuming. Meanwhile, the Bush administration carefully and repeatedly claimed that the trip was planned in early October . . . which may be true. Arriving on the Thursday before Hillary's weekend visit might not have been a deliberate, coldly calculated upstaging. At this point, however, I simply assume everything I hear from the Bush administration is a lie. It saves time. — Wendy McElroy

News You May Have Missed

Trial Lawyers Face Lawsuit

EAGLE PASS, Tex. — In a shocking turn of events, a multibillion-dollar class-action lawsuit has been filed against the Trial Lawyers Association by a group of lawyers representing a group of lawyers. Some of the lawyers involved claim that the devastating legal action, which could put the lobbying behemoth out of business, was just an accident. "Look, accidents happen," one attorney confided. "We were just going about our business, and the TLA stepped right in front of us. Tough luck if they get run over. It's a dangerous world out there. Just because something goes wrong, that doesn't mean someone has to be responsible for it."

But other lawyers, speaking off the record, said that the incident, far from being an accident, was definitely an intentional, if desperate, measure. "Frankly, the TLA was the only deep-pockets defendant left that we hadn't sued yet," one plaintiff said. "They're loaded. So we had to go after them, even though they're us."

The suit alleges gross negligence and knowing deception as well as product liability, arguing that the TLA's signature brand, Frivolous Litigation, has long been known to have serious side effects, including closed playgrounds and parks, curtailed medical research and services, inflated consumer-goods prices, and annoying, ludicrous warnings on everything, like "CAUTION: Contents May Be Extremely Hot" on takeout coffee containers, "WARNING: Do Not Place Hand or Head or Posterior in Blade Area While Starting Engine" on power lawn mowers, and "Remove Capsules from Bottle Before Swallowing" on over-the-counter medications.

"The good news," said one of the lawyers, "is that if we win we'll collect not only our standard 30 percent contingency fee but the whole shebang. The bad news is that if we win we'll lose our shirts." — Eric Kenning

Hernando and the anarchists — I was listening to Hernando de Soto, the Peruvian economist, and it struck me that his life's work is a standing refutation of libertarian anarchism.

I have never been attracted to anarchism, because I could never make sense of it; but I gather it to be a doctrine that property rights arise naturally from the facts of human existence, and do not need the protection of a state. The anarchists contrast their view with the idea that property is an artifice of the state, which they ascribe to believers in government.

De Soto has studied what happens to property rights where the state absents

itself. In the countries he speaks of — Peru, Egypt, Indonesia — the state does not define or protect the property of the poor. The poor have to do it themselves — and they do. Government officials may not know where the property lines are, but the people do. Even the dogs do: in Bali, de Soto says, one dog stops barking and another starts when an intruder crosses an invisible line.

To that degree, the anarchists are right. In any human society above the level of hunter-gatherers, property arises naturally.

But this informal property operates at a low level of energy. José in the shantytowns of Lima knows what he owns. His neighbors know. But the bank cannot know, so José cannot pledge his property for a loan. He may not even have an address. As a man, he may be as trustworthy as anyone, but if he dies, his debts die with him. Outside of an explicit system of property rights, he cannot back up his commitments with his property.

"Without law," says de Soto, "you can't trust people you have never met."

In the 18th and 19th centuries America had some of the same problems with undefined property rights that poor countries have today. De Soto, who researched this, says Thomas Jefferson and others responded with a series of reforms that formalized and regularized the informal property that already was.

"That's what you did to become prosperous," de Soto says. "You just forgot about it."

A market may exist without formal law. But it will be a poor market. A farmer's market, where the farmer squats in front of his own vegetables, may exist, but not a futures market in Maine potatoes. A high-energy economy requires that people deal with strangers, and trust them over time and distance. That means standard proof of the identity of people (passports, drivers' licenses, and bank cards) and of their property (title deeds and conveyance records). And for that, you need law and the institutions to implement law.

Which is to say, you need the state.

For capitalism to work in places like Peru, Egypt, and Indonesia, the state needs to define and protect formally the property that exists informally. Formalizing it creates billions of dollars of wealth, all owned by poor people. That is de Soto's great insight — and a practical refutation to the theories of private-property anarchism.

— Bruce Ramsey

Gun ban creates idiots — Once gun control is adopted, ammo-phobia sets in, and the eventual result is firearms ignorance. The longer a region has the laws in place, the more ignorant the residents become. Places that pioneered gun control, like New York City, become great enclaves of firearms ignorance. The best example here is the recent attempted suicide by former Staten Island Ferry Captain, Richard Smith. Capt. Smith ran the ferry into a dock, causing mass casualties. He was so distraught that he went home and tried to kill himself with a *pellet* gun. Anyone familiar with guns will tell you a pellet gun simply doesn't have the muzzle velocity needed to kill a person. I wonder how many times he pulled that trigger before he realized it was going to take a lot more time and patience to complete the deed than he had to offer.

He's lucky he didn't put an eye out. — Tim Slagle

My obsession with MADD — I'm scared to death of the lady in front of me. She's driving a 4,300 pound vehicle and she's weaving and bobbing. She's trying to travel in all three lanes at once. You gotta be a helluva driver to manage that. And she's on her cell phone, too. Listen, I don't mean to be judgmental, but I am an honest, plain-spoken guy and I'm afraid I have to say that women judge distances a lot worse than men — a key talent when it comes to avoiding collision with other cars. I know guys who can drive better with three beers sloshing in their tummy and a case on the seat beside them than my sister-in-law can drunk with her own words on the cell phone.

Don't misunderstand; women do a lotta things better than we hairless apes called males. They are much better at nurturing, inside their own bodies, the future inhabitants

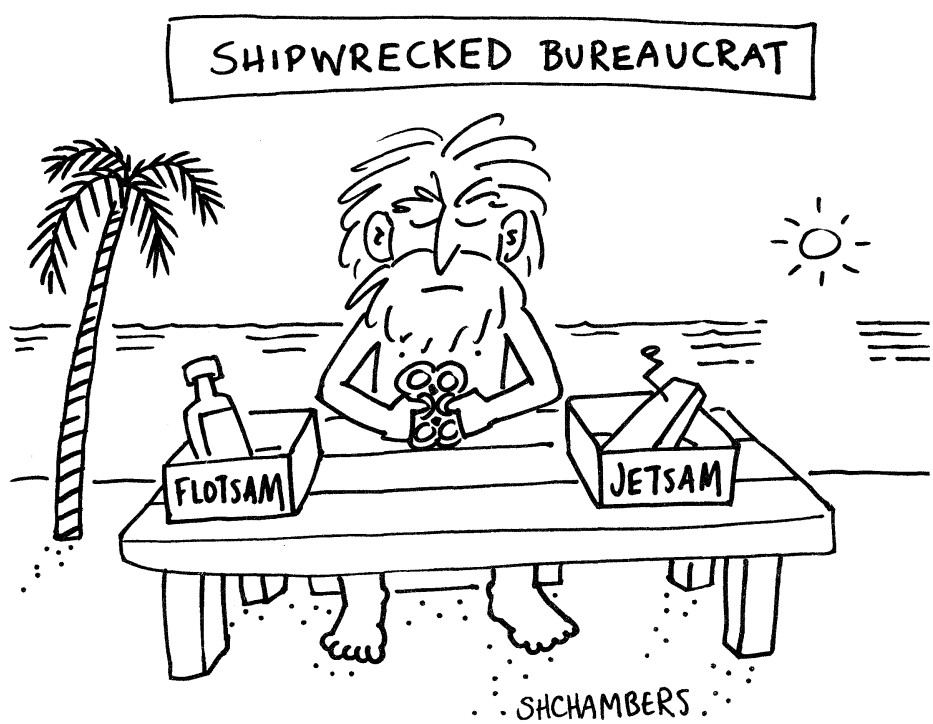

of our planet, which somehow makes them far more appreciative of life's basic values. But this lady on the phone is scaring the you-know-what outa me. I'm only sipping a light beer, which is around 3 percent alcohol, but still obviously illegal as white lightning. But she's probably talking to her boyfriend about his choice of entertainment that night. A riveting topic that has driven her attention from the world beyond her windshield to realms far, far away. I can tell because she's veering onto the median that separates us from the oncoming cement mixers, dynamite trucks, and various armored vehicles that are rushing toward us. But it's me who has broken the law with my watery beer?

Where are Mothers Against Cell Phones when I need them?

Full disclosure: I must admit a slight prejudice against MADD. It's not that I'm tolerant of beer-sipping drivers, it's just that I'm less tolerant of child murderers, kidnappers, and burglars.

If MADD devoted half its energy to the eradication of murder instead of stoppering the imbibement of 3.2 percent beer in a moving vehicle — well, we'd live in a much safer world. It's all a question of priorities.

Yes, I know it's blasphemous to pick at MADD. Yes, I know that drunk drivers are no joke, especially to those they kill and maim. But a lobby dedicated to the eradication of this single peccadillo is bizarre. Why not Mothers Against Taxation — now there's a cause for you. Then there's Mothers Against Lying or Mothers Against Murder. (Of course then they wouldn't be MADD. They'd be MAM.) You'd think that if mothers as a class were energized into a lobby they'd target some overwhelming ill that physically or emotionally threatens their kids. We'd see Mothers Against Lousy Schools. Or Mothers Against TV, the worst enemy that kids ever had. Or Mothers Against Drugs. (Ah, there's that great acronym MAD again.) The point is that from a mother's viewpoint, targets are everywhere. Why aim at a beer bottle on a fence post? The number of kids injured by drunk drivers is a fuzzy one — say several thousand — but it's dwarfed by the number of kids plagued by the mental pollution that spills out of that glittering boob box.

Don't get me wrong, gentle feminine reader. Women do a lot of things, besides nurturing embryonic humans, better than men. Women are the poetic, imaginative, creative side of humanity. Before Eve came along, Adam spent his days on Eden's meadows running with the leopards, eating raw meat, and scratching his fleas. Only when Eve showed up with an orchid in her hair did he explore the gardens of Eden and notice the sunset and the rainbow-crowned waterfalls. Men are from Pittsburgh — women are from Fantasy Island.

But there's still something about Mothers Against Drunk Driving that bothers me. — Ted Roberts

Fajita-flingin' warmonger Yankees — Although it has received little play in the American media, the British and independent presses have given wide coverage to just how regrettable Bush's recent three-day sleep over at Buckingham Palace was. Although Buck House has hosted over 30,000 visitors, it took the Bushes only three days to destroy the gardens. Parts of the garden that date back to Victoria's time — as well as exotic plants and rose bushes planted by the queen and the late Queen Mom — were destroyed by Marine One and other helicopters as they landed on the large Hs the Bush people put in the lawn. The British taxpayer will have to pay for much of the damage, a prospect that prompted the *Sacramento Bee* to suggest Bush send a check. The queen's prized flock of flamingoes may be beyond the power of money to "solve," however. Because they could have flown into the rotors, the birds were removed and apparently so traumatized in the process that there is some question as to whether they will return.

Bush's personal boorishness as a house guest also made a deep impression on the queen, who was reportedly silent during much of his visit. Silence is Liz's renowned manner of expressing disapproval; the more silent she is, the more trouble you're in. One can imagine the quiet that surrounded her guest's request to replace the window panes at the palace . . . the

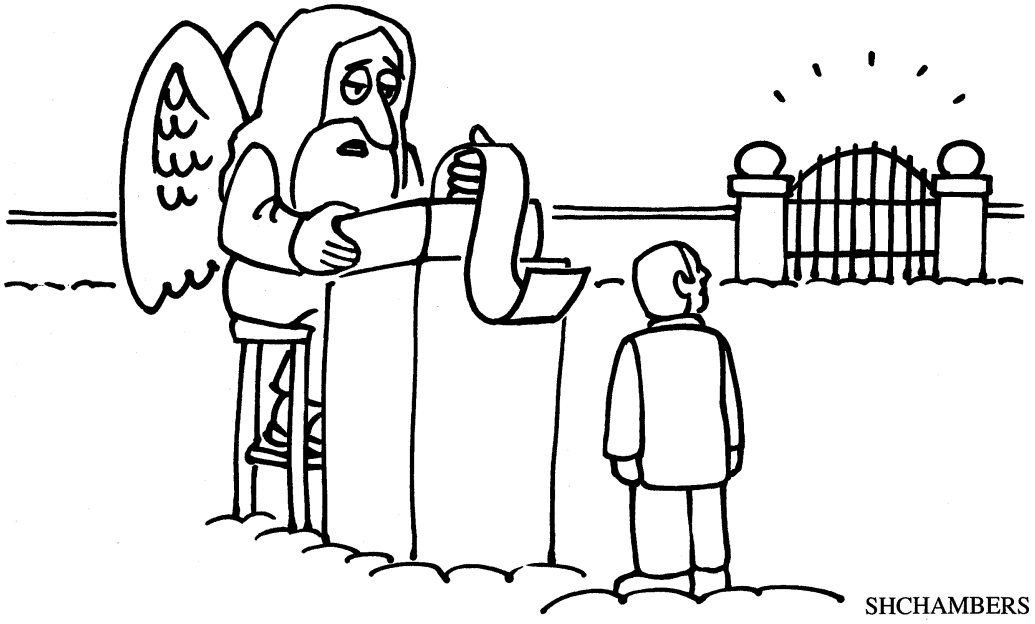

SHCHAMBERS

"I'M SORRY, BUT WITH NO POINTS FOR RACE OR GENDER, YOU'LL JUST HAVE TO GO TO HELL."

ones that made it through the Battle of Britain but not through what the British press called "the battle of the Bushes."

Utter stillness probably greeted the fact that Bush brought five chefs of his own into Buck House — The *Telegraph* dubbed them the "five Yankee fajita-fillers." I guess Bush had been warned about British cuisine. (Of course, the personal chefs sort of undercut Bush's cultivated man-of-the-people image, complete with a much-publicized lunch of fish and chips with fellow man-of-the-people Blair at Dun Cow Inn in the town of Sedgefield.)

As a final insult, the royals couldn't get a decent TV picture and missed their regular shows because of the Secret Service's installation of the mass gadgetry needed for certain security equipment.

What are the odds that Liz and Phil will want to hang with the Bushes again? — Wendy McElroy

Turn on, tune in, tax out — The United Nations' first attempt at an Internet power grab came in 1999, when a U.N. agency concocted the brilliant idea of taxing email. A report from the United Nations Development Program predicted a tax of one cent on every 100 email messages would be a fabulous way to forcibly transfer about $70 billion a year from taxpayers in richer countries to less affluent ones.

That idea fizzled, but the taxocrats bode their time. In December, the U.N. convened a "World Summit on the Information Society" in Geneva to discuss a Digital Solidarity Agenda. The U.N.'s International Telecommunications Union says 12,922 people registered, including 900 journalists. (*Forbes* reported that about 60 second-tier heads of state, including Fidel Castro, showed up too.)

Much of the Solidarity Agenda is vague, predictable, and apparently crafted to justify taxpayer-subsidized expense account junkets to Geneva. It calls for more taxes and spending on politically favored information technology programs, the protection of indigenous peoples' cultural heritage, outlawing so-called hate speech, and so on. There's the obligatory crypto-censorial suggestion that governments must take

News You May Have Missed

Celebrity Walkout Continues

HOLLYWOOD — The crippling nationwide strike by celebrities has now reached its sixth week, and it is still not clear when they are going to return to leading empty lives and doing stupid things. President Bush has ordered the National Guard to major celebrity population centers like Beverly Hills, Malibu, and Manhattan, where the troops have been getting down on their knees and begging striking gossip producers to go back to shoplifting, overdosing on drugs, insider trading, making pornographic home videos, murdering spouses, forcing sex on young persons, having fits, and other activities deemed vital to the nation's communications network.

But Paris Hilton, now working as a scholar of late medieval Latin devotional literature, and Michael Jackson, now an assistant bank manager in Sandusky, Ohio, said in a press release sent out by Local 203 of the Celebrities Union that they and their colleagues would not resume their regular reckless and short-sighted activities until the rest of humanity met all their contract demands, including reduced overtime, more sick days, and the establishment of celebrity-worship as the official state religion.

The celebrities did drop several of their demands, such as instant acquittal at murder trials, fawning interviews by fatuous journalists, and late-career elevation to high political office, when it was pointed out that those demands had been met a long time ago. But they continued to insist that until Ashton Kutcher's birthday is made into a sacred national holiday comparable to Super Bowl Sunday, temples and roadside shrines dedicated to Pamela Anderson are erected across America, and "In Barbara Walters We Trust" appears on coins and currency, there could be no settlement.

The losses to the nation's economy have been estimated at $840 billion so far, with the media, plastic surgery, fundraising concert, defense attorney, blackmail, and hush money sectors particularly hard hit. Many major magazines have already been forced to suspend publication because of the sudden celebrity void, including *People, Us, InStyle, Vanity Fair,* and *The Journal of Psychosexual Disorders. Entertainment Weekly,* no longer able to provide awestruck coverage of conceited twits appearing in numbing movies and TV shows, has restyled itself *Inner Torment Weekly* and now offers readers an inside spin on existential angst and introspective brooding, while *The National Enquirer,* the *Star,* the *Globe,* and *The New York Times* are facing the stark choice of either transforming themselves into comprehensive and objective news sources or risking their credibility by just making stories up. In another measure of the strike's devastating impact, the 24-hour cable news stations CNN, MSNBC, and Fox are now on just four hours a day, displaying a blank screen the rest of the time, after a brief attempt to cover breaking stories in foreign areas where there are no celebrities, like Paraguay, Sri Lanka, Russia, and New Jersey, had to be cut short when ratings actually dropped below zero (this can happen when people set fire to their TV sets).

Although most observers believe that the celebrity strike spells the end of civilization as we know it, others aren't so optimistic. "Let's face it, it's business as usual," said Michael Eisner, an unemployed man searching for a job among the smoldering, deserted ruins once known as Hollywood, California. "Celebrities have just found a new way of messing up. Eventually it'll dawn on them that not doing things bad for their careers is bad for their careers, and they'll go right back to being the fascinating self-centered, self-destructive pretentious airheads we've all come to know and love."

— Eric Kenning

Word Watch

by Stephen Cox

This column — I'm not sure why — is usually about what's wrong with the words people use. But that's only 99% of the story of language. It's the remaining 1% that makes the rest worthwhile. Today I want to talk about things that go right.

Part of writing well is knowing what your audience expects of you, then frustrating that expectation. Here's John Adams, beginning a letter to Thomas Jefferson: "I cannot be serious! I am about to write you the most frivolous letter you ever read." It's a great opening, but its effect depends on the reader's knowledge that the letter was written by a former president of the United States, age 80, to another former president of the United States, age almost that much, and that it's a letter about God. You wouldn't predict anything fresh and surprising, but then you don't know John Adams, because that's what he gives you. He defines God as a being "familiar with all possible or imaginable Sections of the Cone." Admit it: you never considered that view of the subject.

Another part of writing well, or speaking well, is fully exploiting your occasion. Henry Morton Stanley, American journalist, searching for David Livingstone, AWOL British missionary, endured incredible hardships before he arrived in an African village and saw a lone white man standing in an ocean of blacks. He doffed his hat and inquired, "Dr. Livingstone, I presume?" (He had wanted to give Livingstone a great big hug but was embarrassed to do so, not knowing how an Englishman might take it.)

One of my favorite examples of words well suited to their occasion is Oliver Cromwell's little speech to Parliament on the occasion of a visit in 1653. He listened to the speeches for a while; then he got up and said, "Come, come! I will put an end to your prating. You are no Parliament. I say you are no Parliament." Then his troops kicked everybody out of the building. Once you've started down the right track, you should go as far as you can.

To cite another application of that premise: why do people still get a kick out of the title of Charles Mackay's famous book, *Memoirs of Extraordinary Popular Delusions and the Madness of Crowds* (1841)? It's because Mackay went all the way. Mention "extraordinary popular delusions," and your audience will probably be able to figure out what you mean. But repeat the concept with an appropriate image, "*the madness of crowds*," and they'll laugh out loud. Ah yes; we know these silly crowds.

Speaking of appropriate images, there's something to be said for a seemingly inappropriate image, too. Most imagery that is memorable has something inappropriate about it; otherwise it wouldn't grab your nerve ends. Discussing the "tulipomania," the craze for tulips, that swept Holland in the 17th century, Mackay quotes the poet Abraham Cowley: "The tulip next appeared, all over gay, / But wanton, full of pride, and full of play." To Cowley, the tulip was a sexy young lord. Now that you know that, you'll never take tulips for granted again, although your interest in sexy young lords may have come down a notch.

Images may be inappropriate . . . but never merely senseless. (If it weren't for that small but significant limitation, every politician would be a better literary artist than Homer and Shakespeare.) John Betjeman, in his great poem "The Conversion of St. Paul," solemnly lists the evils of the universe, then adds the climactic example: "Creatures like centipedes, and worse." And worse! First one pictures the awful many-footed bug, looming up like a diesel locomotive. Then one tries to picture something even more hideous. But "creatures like hyacinths, and worse," just wouldn't work, even if you detest hyacinths. There's no sense to that image. Someone (please tell me if you know who it was, because I can't find the source) called the Midwest "a vast parking lot for human Fords." I'm from the Midwest, and I don't think that image is entirely fair and appropriate, but there's enough truth in it to make it stick.

Other things being equal, writing is good if it's brief. Isabel Paterson, who worked as a critic for a New York paper and gave notices to hundreds of books a year, encountered a publishing firm that was particularly obnoxious in pushing one of its new releases. "I *have* a book," she told them. One longs for the days when politicians could speak with becoming brevity: "I do not choose to run" (Coolidge). "If nominated, I will not run; if elected, I will not serve" (Sherman). Actually, one simply longs for the days when politicians declined to run.

But I used the phrase "other things being equal." Something can still be said for the value of a good long list, a list that suggests the fullness and richness of the world. Remember *Double Indemnity*? Edward G. Robinson plays an insurance man with poetry in his soul. In one scene, he argues with his boss about whether a policy holder committed suicide by jumping off a train. He refers to the actuarial tables:

> Why, we've got ten volumes on suicide alone. Suicide by race, by color, by occupation, by sex, by season of the year, by time of day. Suicide, how committed: by poison, by firearms, by drowning, by leaps. Suicide by poison, subdivided by types of poison, such as corrosive, irritant, systemic, gaseous, narcotic, alkaloid, protein, and so forth. Suicide by leaps, subdivided by leaps from high places, under the wheels of trains, under the wheels of trucks, under the feet of horses, from *steamboats!* But Mr. Norton, of all the cases on record, there's not one *single* case of suicide by leap from the rear end of a moving train!

Now that's a soul-satisfying list. Satisfying, at least, to the speaker; I don't think Mr. Norton got much out of it. But despite everything I've suggested about the importance of affecting the audience, there are times when you just have to do what's right, no matter what the audience thinks. A cheerful contempt has its own attractions. In his song "Friendship," Irving Berlin expresses the kindly but limited devotion that the author should feel toward the reader:

> If they ever
> Shoot you in the brain —
> I'll complain.

You may be insulted, but you can't deny that the right words were chosen.

"appropriate measures" to combat "illegal and harmful content in media content," whatever that means.

Some of the more incendiary stuff is buried in section D2, which says the U.S. government should take "concrete efforts" toward expropriating $97 billion a year from American taxpayers and funneling the cash to Third-World nations to be spent on some ill-defined technology programs. I'm not sure how much non-military foreign aid the U.S. hands out today, but in 1997 U.S. taxpayers coughed up around $7 billion. Because we have around 130 million U.S. taxpayers, without adjusting for income disparities, the extra $90 billion amounts to an average tax increase of $692 per taxpayer. What a bargain!

About the only other concrete proposal is an attempt to wrest control of Internet governance (think domain names and addresses) from a U.S. non-profit corporation created in 1998 as part of a privatization process. Since then, we've learned that the Internet Corporation for Assigned Names and Numbers (ICANN) is quite flawed, but it's probably still a heck of a lot better than giving the U.N. the key to the shop.

For once, we can't blame the Democrats or Republicans for devising this bit of lunacy. In fact, the Bush administration seems entirely cool to the whole Solidarity Agenda. The responsible parties are entitlement-happy countries like Brazil, Senegal (which demands a "global digital solidarity fund"), and most of the rest of Africa. Perhaps Senegal and its African cohorts could better spend their diplomats' time by drafting an Email Recipient Solidarity Agenda to punish Nigerian spammers instead?

— Declan McCullagh

Putting the "Living Constitution" to death — Constitutional amendments are readily proposed these days to settle disputes over prayer in schools, religious symbols on government property, and the federalization of primary and secondary education and marriage. But such an approach tends to treat the U.S. Constitution as a document to be altered lightly and frequently. It treats symptoms one by one. It implies that the aberrations addressed had indeed been legitimate and could be reversed only by constitutional amendment.

Yet the symptoms are mere examples of an overarching disregard of the Constitution. The remedy should be a single amendment, along the following lines, to reaffirm what the Constitution already says.

> Not only judges but also all other persons applying or enacting laws are bound by the actual text of this Constitution, which institutionalizes the separation and limitation of government powers and delegates only specified powers to the central government. No court decision discordant with this Constitution shall have any status as precedent in other cases. This Constitution may be amended only as specified in Article V and not by stretched or cleverly innovative interpretation or by the accumulation of supposed precedents. Article IV, Section 1, shall not be interpreted to give a law or administrative or court decision in any state the effect of imposing a change in the basic domestic institutions of any other state.

Some might object that the proposed amendment is naive and radical and would create chaos. Objections, spelled out, would usefully reveal attitudes on whether the Constitution is indeed, as its Article VI states, "the supreme Law of the Land." Discussion of the amendment's rationale would be healthy, and more precise wording might be found. Its purpose is to confront pervasive disregard of the Constitution rather than tinker with violations case by case.

— Leland B. Yeager

Rolling back the Nanny State — California has recently repealed a law that requires people to wear custom-fit ear plugs while riding motorcycles. Effective January 1, 2004, motorcyclists in the Golden State can operate their vehicles while wearing over-the-counter, non custom earplugs.

— R. W. Bradford

Kill them all, let Gaia sort them out — According to Bill Ruddiman, professor emeritus at the University of Virginia, in a paper published in the December issue of the journal *Climatic Change*, man-made global warming is a prehistoric event, and first began occurring around 8,000 years ago, not coincidentally, about the same time man began clearing forests for agriculture. This explains why ancient pockets of air trapped beneath Antarctic ice have higher levels of carbon dioxide than climatologists have been predicting. From this we can deduce three things: A) Global warming is a natural phenomenon, because even human beings in their purest, primitive, and most politically correct state will still cause

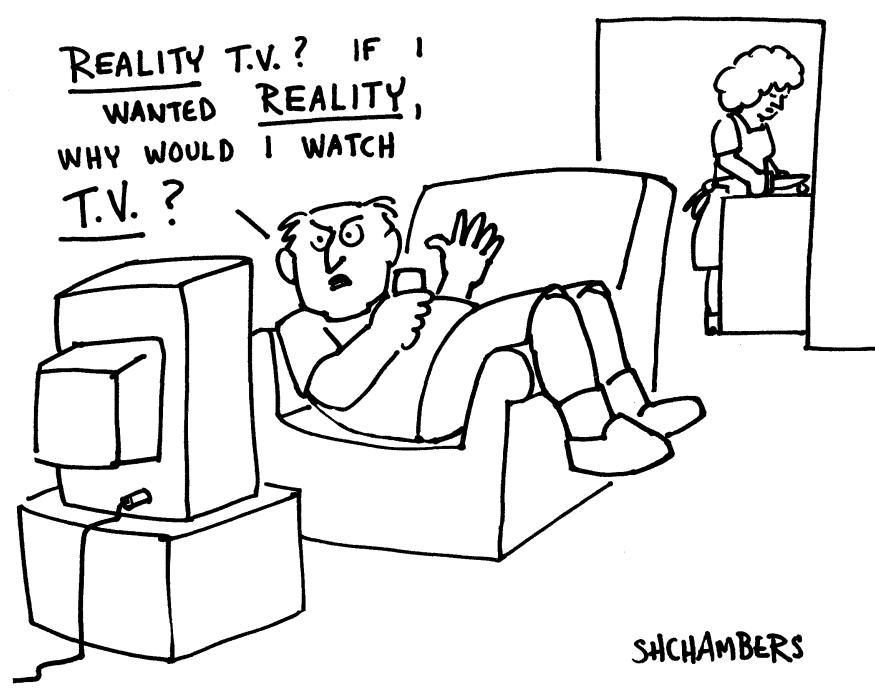

it to occur. Just as coral will build a reef, and alter the ocean's ecosystem, humans will always create a bubble of warmth around themselves. B) Global treaties and alternative fuels are futile. The only way to stop global warming is to call for mandatory extinction of the entire human species. C) Climatologists are all self-loathing whack-jobs, who blame human activity for everything bad.

— Tim Slagle

Inflation nation — I don't believe we are on the road to economic recovery as every TV broadcaster announces at every upward bump in the Dow: I believe the so-called "jobless recovery" we are witnessing (shades of Daddy Bush) is an inflation-driven bubble that will burst. People on the street already know there is no recovery. How? Because, as the *Salt Lake Tribune* comments, "most people get their income from the labor market, not the stock market. The Dow is up 15 percent for the year, but unemployment is unchanged and wages are stagnant."

The real danger is that the U.S. dollar is still greatly overvalued. When the Bush administration and every level of government — state, county, city — responded to 9/11 by spending like drunken sailors, the money came mostly from hyperactive printing presses. (Actually, "drunken sailors" is a poor comparison: there are too few sailors and not enough booze in the world to capture a sense of the government's reckless spending.) The first beneficiaries of inflation are governments and their contractors, employees, and creditors who receive the increased volume of money without the market reaction of increased prices. Inflation takes a long time to trickle down through the economy to the poor 9-to-5 schlubs who make an honest buck.

I'm seeing the evidence of the trickle down every few months when I visit the States; the change in the buying power of the U.S. dollar has been remarkable. Last year, about this time, the Canadian dollar was worth .63 cents American. Today, the exchange rate is hovering about .76 cents despite the Canadian government's attempts to keep the value of its dollar down; the last thing Canada wants is for U.S. business investment to flee and exports to dry up. (The euro has also risen about 13 percent in the last year and continues to do so.)

About twelve months ago, I began to witness a strange phenomenon: the prices of food in restaurants — from the fancy to the fast food — became almost identical in both the States and Canada: that is, a burger would be priced at, say, $5.99 in unadjusted dollars on both menus. The same was true of items in grocery stores and pharmacies. On my last trip (two months ago), the prices in unadjusted dollars were higher in the States than Canada. Inflation has started to trickle down to burger stands and food on the grocery shelf.

— Wendy McElroy

The enemy of my enemy is not necessarily my friend — Reading Tim Slagle's account, in the Jan. *Liberty*, of the abusive arrogance of the Transportation Security Administration (TSA) bureaucrats who goaded him into dropping his pants was disturbing but understandable in the present environment of hysteria over airborne terrorism. As disturbing as the incident itself was Slagle's parcelling out blame only to the terrorists for opening the "lion's cage" of government. There is plenty of blame to go around but most of it lies with the administration of George W. Bush. Although the word "freedom" comes out Bush's mouth about a thousand times a day, the president hasn't shown much respect for it as a concept. James Bovard's excellent new book, *Terrorism and Tyranny*, shows in great detail how the Bush administration has repeatedly trampled over freedom, the Constitution, and common sense to erect the draconian security regime that left Slagle standing in his boxers in the airport because of an errant dime.

Looking at previous issues of *Liberty*, I understand why Slagle made such an omission. He almost always directs his formidable ire at the Left — feminists, environmentalists, hippies, Billary, Al Franken, etc. He even mocked Robert Byrd (about the only senator worthy of a shred of respect) for criticizing Bush's stupid and embarrassing carrier stunt (oh, and by the way, Bush just rode on

News You May Have Missed

Earth Liberation Front Fires Cars

PORTLAND, Ore. — In a shocking new development, members of a Portland cell of the radical environmentalist organization Earth Liberation Front (ELF) set fire to their own cars, making it impossible for them to drive out to a suburban automobile dealership where they had been planning to torch all the vehicles in the franchise's parking lot as a protest against human reliance on unnecessary technology. In an email communique sent to local newspapers and TV stations, the group stated, "Oops! Are we ever embarrassed! We just saw all these monstrous technological fetishes sitting there in someone's driveway and we decided to destroy them before they further destroyed the planet. Turned out they were our own damn cars. Now we're, like, grounded. Anybody out there who can give us a lift?"

Meanwhile, in San Diego, there was an even more shocking development: 14 militant activists belonging to ELF's sister organization ALF (the Animal Liberation Front) were reported missing after apparently breaking into the zoo late one night to "liberate" (as a note they left behind put it) three tigers, two lions, five crocodiles, and four giant pythons from their cages. The animals were found by zookeepers the next morning back in their still-open cages, where they appeared sleepy but exceptionally contented, refusing all food for several days after the incident. There were no signs of the missing animal-rights activists. — Eric Kenning

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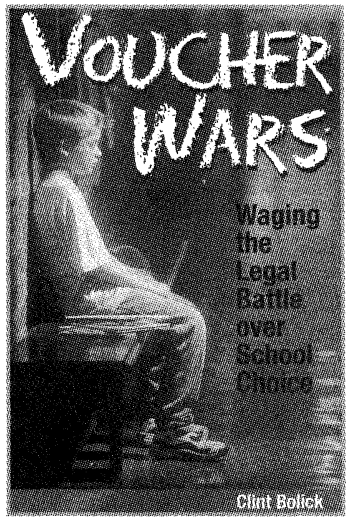

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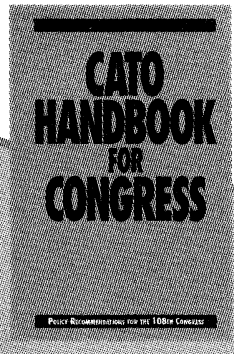

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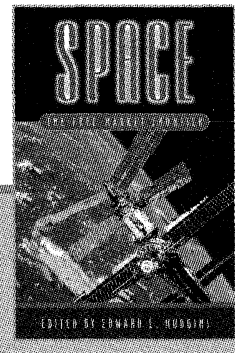

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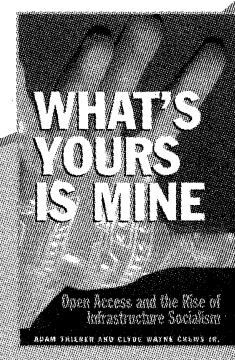

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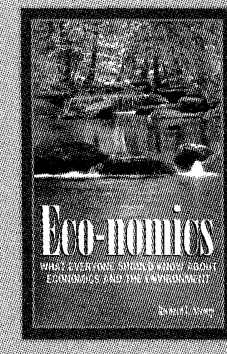

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the Goddamned plane — he didn't land it). Which is all fair enough. The Left has a lot of fat targets. But they are out of power, politically at least (the cultural is another matter). They did not spawn the TSA or the Department of Homeland Security. They did not lie the United States into war (the current one at least). They do not entertain fantasies about the ability of a corrupt, decaying republic to plant liberal democracy in the arid soil of an ersatz country such as Iraq. Anyone who sees enemies only on the Left needs to remove his blinders. — Clark Stooksbury

To the victors goes the pork — The Bush administration decided that only coalition partners in the war on Iraq would be allowed to bid on major reconstruction projects. "Our people risked their lives," Bush explained, according to the *Seattle Times*. "Friendly coalition folks risked their lives, and therefore the contracting is going to reflect that and that's what the U.S. taxpayers expect."

I don't know about other U.S. taxpayers, but this taxpayer expects his taxes to be used for essential government services. I didn't want my taxes being used to kill innocent people, to piss off fundamentalist terrorists, to strip my fellow citizens of their civil liberties, or even to stage a dramatic landing on an aircraft carrier.

Those bother me much more than letting peaceful "folks" in on the "contracting." — Patrick Quealy

Me and Paris — All the buzz around Paris Hilton (the celebrity, not the hotel) has made me reconsider some of my most cherished personal beliefs. I believe in property rights, and think the right of inheritance is one of the extensions of those rights. In regard to dispensation of his property, the will of the deceased should always be honored, and it is the duty of a civilized society to insure that it is. Inheritance taxes are really legalized grave robbing. Recently though, I found out that Paris Hilton is in line to inherit a fortune presently worth $360 million. Only in a monarchy could such a value be attached to a human being so apparently worthless. I trust God and all the saints of liberty will forgive me, but right now, every fiber of my being wants to see that vacuous, bulimic, bratty little snip of peroxide arrogance left penniless. — Tim Slagle

CNN's new math — CNN's estimate on the number of participants in the main anti-war, anti-Bush protest in London on Nov. 20 was strange. Estimates of almost every march varied widely. Protest organizers have a vested interest in portraying their event as a success and, so, often provide a high figure. Police have a vested interest in downplaying the extent of public unrest and rebellion against laws and policies and, so, usually give a low figure. These two estimates set the extremes; the truth lies somewhere between.

On the London march, the organizers claimed 200,000 participants; Scotland Yard placed the number at 70,000. Following the logic of "truth in the middle" — and, perhaps, their own eyeballing — many U.K. papers, like the *Telegraph*, estimated the crowd at about 150,000.

CNN, on the other hand, reported the turnout as 50,000. And CNN was not alone; much of the U.S. media seems to be stuck on that figure, which makes me wonder whether there was a White House press release that provided the estimate. U.S. reporters don't usually take the time to check "facts" disseminated by administration releases. But it would be difficult for a large news organization, like CNN, which has reporters in London, to be unaware of a blatantly self-serving discrepancy from a blatantly self-interested source — if, indeed, such a press release was issued.

And, while I'm on the topic of low-balling figures, why did CNN report that "hundreds" of protesters assembled in Miami to oppose globalization? It seems clear that there were thousands and thousands of protesters. The *Palm Beach Post*, a local Florida newspaper, reported: "Following a morning of tense police standoffs with protesters at the Free Trade Area of Americas summit in downtown Miami, a large union-sponsored march of about 10,000 people Thursday went off peacefully in the afternoon." That's the same figure used by *The Atlanta Journal-Constitution*, a prestigious and credible newspaper published in CNN World Headquarters' backyard (so to speak). The *Northwest Indiana Times* ran a piece on union participation in the protest and stated of one union alone, "The USWA, 2,000 strong, led Thursday's peaceful protest march. . . . " Where did CNN come up with the vague but incredibly misleading figure of "hundreds"?

— Wendy McElroy

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Court Guts First Amendment

by Mark Tapscott

The Supreme Court has let politicans outlaw criticism from their opponents.

President Reagan probably thought the most significant aspect of his appointment of Sandra Day O'Connor to the U.S. Supreme Court in 1981 was her status as the first woman to sit in judgment as a member of the nation's highest court. Little did Reagan know she would two decades hence strike a grievous blow against the First Amendment.

But that is what O'Connor did Dec. 10 by joining two other justices appointed by Republican presidents — George Bush's David Souter and Gerald Ford's John Paul Stevens — and a pair of Bill Clinton appointees — Ruth Bader Ginsburg and Stephen Breyer — in upholding the constitutionality of the Bipartisan Campaign Reform Act of 2002, AKA McCain-Feingold.

The decision came as a shock to many, though perhaps none more so than President George W. Bush, who reportedly signed McCain-Feingold last year despite having serious reservations, confident that the Court would at least strike down the new law's provisions banning "soft money" contributions to political parties and "issue ads" bought by public interest advocacy groups on radio and TV during congressional campaigns.

Dissenting Supreme Court Justice Antonin Scalia called Dec. 10 "a sad day for freedom of speech." And so it was, because the Court's decision upholding the McCain-Feingold campaign finance reform presages more assaults on our First Amendment rights. There is always a price to be paid by the body politic when expedience overrules principle, as happened when Bush decided to sign the bill, but never before in American history has that cost been extracted so directly from the fundamentals of constitutional liberty.

That is why it is vital that we be clear about what the O'Connor majority of the nation's highest tribunal approved: the Constitution says *"Congress shall make no law . . . abridging the freedom of speech,"* but Justices Stevens, O'Connor, Souter, Ginsburg, and Breyer say Congress can legally ban citizen contributions to political bodies like the Republican and Democratic national committees for activities like "get-out-the-vote" campaigns and silence political speech expressed in radio and TV "issue ads" beginning 60 days before a general election and 30 days before a primary.

Avoiding the "appearance of a corrupting influence" of money in politics is more important to the justices than preserving our unabridged right to speak our minds about a democracy's most important political issue: who should represent us. These five justices have effectively insulated congressional incumbents from criticism in radio and TV ads for two months before an election.

It ought to be noted, as it was by *Washington Post* columnist Robert Samuelson, that the Court's concern that allegedly excessive influence of money allows the rich and powerful to buy excessive access to policymakers and thereby inordinately shape policy outcomes in Congress and the executive branch is confounded by the facts of government spending. The top 10 percent of American taxpayers

account for slightly more than half of taxes paid. One might think political operatives with such power would contrive to bear somewhat less of the tax burden.

"Meanwhile, most spending goes to the poor and middle class," Samuelson noted. "In fiscal 2003, federal spending, excluding defense and interest payments, totaled $1.6 trillion. Of that, 81 percent went to social programs, including $475 billion to 47 million Social Security beneficiaries, $249 billion for 41 million Medicare recipients, $161 billion for 40 million Medicaid beneficiaries and $25 billion for 21 million food stamp recipients."

McConnell, United States Senator, et. al. v. Federal Election Commission, et al. ranks with such previous infamous decisions as Dred Scott, upholding slavery in 1858, and Plessy v. Ferguson's 1896 approval of separate-but-equal access to public facilities like trains and schools.

Regardless, because it abridges a fundamental constitutional right, *McConnell, United States Senator, et al.* v. *Federal Election Commission, et al.* ranks with such previous infamous decisions as *Dred Scott*, upholding slavery in 1858, and *Plessy* v. *Ferguson*'s 1896 approval of separate-but-equal access to public facilities like trains and schools.

There are four particularly disturbing implications of *McConnell* v. *FEC*. First, it encourages elected officials, bureaucrats, and judges at all levels of government to seek more curbs on political speech. The decision's logic is compelling: political speech that is "bad" two months prior to an election must also be corrupting two months and a day before the vote.

Does anyone seriously doubt that after the 2004 elections there will be efforts to lengthen the ban from 60 days to 90 days or even 120 days? Why stop there? The nature of government is to seek to expand its power, and as government regulation of political speech increases, our freedom is decreased.

Second, the same logic will be applied sooner or later to political ads appearing in other media before an election. The message contained in a corrupting TV spot must also be corrupting when it appears in your daily newspaper, on talk radio, or on the Internet. As Justice Thomas noted: "The chilling endpoint of the Court's reasoning is not difficult to see: outright regulation of the press."

So, not only is the stage thus set for a vast expansion of the FEC — more regulation always means more bureaucrats — but the range of media in which government silences political speech will grow. Today TV, tomorrow the Internet? The present decision's potential harm to the First Amendment dwarfs the abuses sanctioned by the infamous Alien and Sedition Acts that forever marred John Adams' White House years.

Third, not only is the right of all citizens to express political views fundamentally compromised, but their right to receive information that is critical to their ability to form political opinion is severely injured. Under McCain-Feingold, public interest groups — which are nothing more than individual citizens joining together in a collective expression of political opinion and activity — are barred from informing voters about the stands being taken by candidates on the most important issues of the day.

As a result, Congressman X may be suspected of favoring repeal of the Clean Air Act, but groups like the Sierra Club and the Environmental Defense Fund cannot voice their concerns via radio or TV spots for two full months before election day. For the same reason, pro-lifers are forced into silence on the radio and TV advertising front, as are pro-choicers, pro-gun righters and handgun ban advocates, and proponents and opponents of nationalized health care. There is no comfort in knowing the Supreme Court is an equal-opportunity silencer of objectionable political speech.

Fourth, entirely apart from the urgency of political speech associated with a campaign, incumbent congressmen often find it most difficult to campaign for re-election during the September-October months of an election year because those are the months when Congress is typically wrapping up its work on the most controversial issues.

Under the Court-blessed McCain-Feingold, senators and representatives who might prefer to cast potentially unpopular votes on critical legislative proposals no longer need worry about facing a barrage of radio and TV ads from citizen groups advising them how constituents want them to vote and threatening to remember whether their advice was heeded come election day.

Put another way, incumbents will thus be freed of a significant portion of the burden of listening to constituents before deciding how to vote on legislation those same constituents may care about deeply. Reformers may claim such a situation empowers conscience in Congress but the truth is that the Court has thus pushed America a large step away from its founding ideal of representative government and toward rule by a tenured, unaccountable aristocracy.

"The chilling endpoint of the Court's reasoning is not difficult to see: outright regulation of the press."

No wonder James Bopp Jr., general counsel of the James Madison Center for Free Speech, said the Court has "gutted" the First Amendment. "The Court's affirmation of [McCain-Feingold] severely damages citizen participation in the American system of government and fundamentally alters American political discourse without any constitutional warrant and in direct contravention of constitutional mandate."

There is hope if the politicians and activists who opposed McCain-Feingold — mostly, but not all, conservatives and libertarians — and the news media that now face the real

continued on page 22

"Heady but good stuff."

— **JAMES M. BUCHANAN**, Nobel laureate in economics

Public Opinion/Political Myth

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SIGNATURE

prospect of effective prior restraint on publication of political views can get together to lead a new coalition to defy the Court and challenge the law at every turn in the 2004 campaign.

TV news directors, for example, could invite advocacy groups and supporters of congressional challengers against incumbents of both parties who voted for McCain-Feingold to read their issue ads' texts during newscasts throughout the final two months before the election.

The present decision's potential harm to the First Amendment dwarfs the abuses sanctioned by the infamous Alien and Sedition Acts that forever marred John Adams' White House years.

Similarly, newspaper editors should publish such texts, talk radio hosts discuss them, and online journalists saturate cyberspace with them. Soon, the futility of banning political speech will be clear even to Congress, and the offending provision of McCain-Feingold will be repealed.

But don't hold your breath waiting for such a coalition! Among the most dispiriting aspects of the McCain-Feingold debacle is the fact that journalists are largely applauding a decision that sooner or later will restrict their right to report and opine as they think proper.

Other than the *Washington Times* (full disclosure: my career as a newspaper journalist includes four years at the *Times*), which has often lambasted McCain-Feingold for its injurious impact on the First Amendment, it has been difficult since Dec. 10 to find a major newspaper editorial criticizing the Supreme Court decision.

One newspaper that did was the *Omaha World-Herald*, which observed:

> Say this for Wednesday's U.S. Supreme Court ruling on campaign finance regulation: It was broad. It swallowed the McCain-Feingold law nearly whole. This should be seen as a troubling outcome, chiefly because it is at odds with the First Amendment. The law's most disturbing provision is that it all but prohibits advocacy groups from mentioning or even depicting a candidate in a federal election . . . If the First Amendment doesn't (or should we say didn't?) exist to protect that, then what other forms of expression may next be in danger?

The *World-Herald* was a lone ranger on the issue, however. Both the *New York Times* and the *Washington Post* were ecstatic that the Court upheld a law both had vigorously supported. The *Times* called the decision a "triumph," while the *Post* noted: "The decision, the critical portion of which was written by Justices Sandra Day O'Connor and John Paul Stevens, is a watershed among the court's campaign finance cases for its frank realism about political practice."

Quite simply, the *Post* editorialist declared, the decision represented the laudable culmination of "years of Supreme Court precedent" and guarantees that "American democracy is not defenseless and that purchased access to the powerful is not protected by the right of free speech."

Similar comments dominated the editorial pages of America's great dailies, with many encouraging Congress and the federal courts to look for new ways of expanding regulation of political speech in the interest of preventing the appearance of an alleged evil. The decision, claimed the *Los Angeles Times*, "signals an overdue recognition of the power and the danger big money poses in federal elections and public policy . . . the high court's clear affirmation of the measure, shifting the balance a bit away from free-speech absolutism, should provide the momentum for further reform."

Meanwhile, the *Philadelphia Inquirer* called the decision "surprising, momentous and welcome," and cheered that "the court's ringing opinion, with its strong, pragmatic language about money's real-world corrupting impact, and its impatience with the theory that any restriction on the flow of money to politics is a restriction of political speech erects a strong platform for further reform."

The *Atlanta Journal-Constitution* said the decision "cracked open the door for potentially more important and far-reaching reforms in the future" and contended that "while money may be speech, too much money is a bribe."

The *Baltimore Sun* hailed the decision as "a victory for Arizona Sen. John McCain and his bipartisan band of renegades" but cautioned that "it just opened a door." It is a door the *Sun* wants Congress and the federal courts to walk through as quickly as possible because "schemes aplenty are already in place to evade the ban on unlimited 'soft money' donations to political parties and unregulated spending on last minute 'issue' ads that are the central features" of McCain-Feingold.

Such commentary no doubt would sadden journalists of another era like the *Chicago Tribune's* bigger-than-life publisher, Col. Robert McCormick, who recognized that an independent press would be forever lost without preservation of the constitutional safeguards established by the First Amendment. McCormick put his considerable money and influence on the line in taking a case critical to the preservation of a free press all the way to the Supreme Court.

As a result, in 1931, the Court struck down Minnesota's Public Nuisance Law, which allowed prosecution of journalists publishing any information arrogant public officials judged defamatory. That decision, which effectively ended legalized prior restraint of the press in America, was the culmination of an expensive legal and media campaign financed by McCormick, the rock-ribbed conservative isolationist who absolutely delighted in publishing a truly independent newspaper, even one that mistakenly proclaimed Tom Dewey the winner of the 1948 presidential election.

"The control of the press is not given to the legislature but is reserved to the people. If there is an abuse of the liberty, it is for the people to decide so in the persons of the jurymen, not for the legislature to restrain it in advance," argued McCormick's attorney, Weymouth Kirkland. McCormick was heavily involved in writing Kirkland's briefs, according to the publisher's biographer, Richard Norton Smith.

Will the modern Col. McCormick please stand up? ❑

Report

Let 'em Walk to the Clinic!

by Timothy Sandefur

Charging too little to drive the elderly and disabled to the doctor is against the law in Tampa.

Five years ago, Daniel Steiner went into the limousine business. Today, his company, DSL Transport, operates five Lincoln Town Cars, and employs six people in the Tampa area. Until recently, DSL was a respectable company, transporting its elderly and disabled patients to their doctor appointments. But then, authorities say, he began breaking the law. In October, after a lengthy investigation by Hillsborough County's Public Transportation Commission, authorities declared that the unassuming, hard-working Brazilian immigrant was *charging too little.*

Hillsborough County's regulations of taxis and limousines may seem like a strange place to look for an education in political philosophy. But they are an object lesson in the way government intervention in the market handicaps entrepreneurs — usually lower-class workers and immigrants — to benefit politically powerful interest groups.

Long before James Buchanan and Gordon Tullock published their classic *Calculus of Consent,* American political thinkers were familiar with the problem of "faction": groups seeking economic and political power would invest time and energy into gaining control over the government. The more power they could get by gaining such control, the more intense their efforts. This was one reason that early libertarians fought against government's power to grant monopolies: such monopolies benefited politically powerful groups by preventing others, hard-working, but politically unpopular, from earning an honest living. Fortunately, for much of early American history — with some major exceptions — courts held that the United States Constitution prohibited government from giving such "naked preferences."

In the 1932 case of *New State Ice Co.* v. *Leibmann,* for example, the Supreme Court struck down an Oklahoma law which prohibited anyone from entering the ice business without first proving to the state's Corporation Commission that a new ice business was "necessary." Of course, this presented three obvious problems. First, it meant that existing ice businesses were protected from competition from upstart entrepreneurs. This meant that the existing businesses could confidently raise prices and provide poor service — the classic abuses of monopoly. Since the commission was made up of already-existing ice businesses, the conflict of interest was obvious. Second, even if the commission had been perfectly unbiased, the Oklahoma law required new ice companies to do the impossible: prove a negative. Rather than the state having to give a good reason for prohibiting the business, the newcomer to the ice market was forced to prove that he ought to be free from regulation. As Anthony de Jasay writes, proving that one ought to be free from regulation "is a needle-in-the-haystack type of task, very difficult and costly if the set of potential objections is large, and logically impossible if the set is not finite." Finally, proving that a new ice business was *necessary* — as opposed to convenient, or ben-

eficial to society in some way — is an extremely difficult, if not impossible, burden. This is even more true since businessmen like Earnest Leibmann weren't allowed to try the experiment first.

The Supreme Court struck down the Oklahoma law in *Leibmann*. The Constitution, it held, protects the right to earn a living, and prohibits monopolies that merely protect some economic interest group against competition. "The practical tendency of the restriction," wrote Justice Sutherland, "is to shut out new enterprises, and thus create and foster monopoly in the hands of existing establishments, against, rather than in aid of, the interest of the consuming public. . . . There is no difference in principle between this case and the attempt of the dairyman under state authority to prevent another from keeping cows and selling milk on the ground that there are enough dairymen in the business. . . . "

In retrospect it's ironic that Sutherland used dairies as an example. A mere two years later, *Leibmann* was overruled in *Nebbia* v. *New York*, a case which heralded the rise of a new Constitutional law.

Since at least the 1920s, judges like Oliver Wendell Holmes and Louis Brandeis had argued that the Constitution should be reinterpreted to suit newly evolving political theories. One contemporary admirer of Justice Holmes explained that "Justice Holmes came to the bench in 1882, when the transition from individualism to collectivism in England was in progress. [He realized] . . . that the socialistic trend in American political thought would finally demand extensive paternal legislation. . . . [T]he necessity for the establishment of a benevolent attitude towards social reform was apparent. . . . [But] no further [constitutional amendment] might be looked for. . . . Next to amendment of the Constitution, the most feasible means of giving validity to new principles was to change the interpretation of the provisions [of] . . . the 5th and 14th Amendments."

In *Nebbia*, the Court signaled this change by upholding a New York law which set a minimum price for milk. The state argued that the law was necessary to prevent dairies from going out of business: competition, the law's defenders argued, would drive profits down so low that companies would simply get out of the milk business entirely. Competition from new milk companies, wrote the Court, "produce[d] waste harmful to the public, threaten[ed] ultimately to cut off the supply of a commodity needed by the public, or portend[ed] the destruction of the industry itself. . . . " Therefore, minimum price laws had to be set to protect existing milk companies against competition.

One reason that early libertarians fought against government's power to grant monopolies was that such monopolies prevented politically unpopular groups from earning an honest living.

Today, most American cities regulate public transportation in the way that Oklahoma tried to regulate ice companies. In Denver, for instance, city laws require any new taxi company to obtain a "certificate of necessity" by proving that current taxi services don't serve existing demand. Just as with the Oklahoma law, this places an impossible burden on entrepreneurs, who must prove the need for their services even before offering their services to the public.

Authorities declared that the unassuming, hardworking Brazilian immigrant was charging too little to drive senior citizens to their physicians.

But every business owner knows the truth of the old adage "supply creates its own demand": it's not possible to prove that the public wants a new service until it's offered.

Many cities micromanage their public transportation services in order to achieve a "balance" between suppliers, in the same way that New York tried to "balance" existing milk producers through price regulation. Hillsborough County's limousine regulations, for instance, require all limousine services to charge at least $40 per hour. Asked why consumers need protection from low prices, Gregory Cox, director of the County Public Transportation Commission, explained that the rule is intended to "keep a balance between the taxi industry and the limousine industry so that both remain solvent." In other words — to ensure that taxi companies don't have to be competitive with limousine services.

Daniel Steiner ran up against the rule this summer when he began offering transportation to medical clinics. The clinics pay Steiner's company directly, every month — the passengers pay nothing — and the rate always exceeds $40 per hour. But this wasn't enough for the commission, which declared that its rules *really* mean $40 per person, per ride. At a hearing in October, the commission brushed aside the pleas of several of Steiner's passengers, and placed his business license on probation. Represented by the Pacific Legal Foundation, Steiner is appealing.

Whenever government has the power to give people economic benefits, that power becomes a prize in a political competition. That is the central insight of public choice economists like Buchanan and Tullock. The taxi market is a prime example: taxi companies use government licensing rules to prevent fair competition and, in essence, to get rich by making it illegal for customers to shop elsewhere. But preventing these sorts of unfair preferences is one reason that the Constitution was written: as a federal appeals court recently held, "protecting discrete interest groups from economic competition is not a legitimate governmental purpose." But so long as decisions like *Nebbia* remain on the books, the courts will have a hard time protecting hardworking entrepreneurs like Daniel Steiner against the protectionist laws that benefit the economic and bureaucratic establishment. ☐

If Free Markets Give People What They Want, How Do You Explain Dan Rather?

by Robert Formaini

"A group of liberal venture capitalists are getting together to start their own liberal radio network to counter conservative radio hosts like Rush Limbaugh. They feel the liberal viewpoint is not being heard — except on TV, in the movies, by comedians, on the radio. Other than that, the message just isn't getting out."

— Jay Leno

Economic theory teaches that consumers are sovereign. Individuals, through the market process, allocate resources in such a way that they maximize the satisfaction of consumer wants. Yet the national media produce a great deal of product that a great number of consumers don't seem to want. Either, it would seem, the product the media puts out is just what we want, or there's something amiss with economic theory.

Belying the fantasy of broad satisfaction with media output, resenting media bias has become a favorite bipartisan pastime. While conservatives have always seen a liberal media allied against them, liberals perceive a "right-wing" conspiracy stopping them from getting their message out — that is, if such people as Hillary Clinton, Al Gore, and Tom Daschle are to be believed. The media themselves have often used the existence of this alleged bipartisan loathing of their so-called "objective" output as an inoculation against the charge that they are, in fact, biased. That's when they aren't themselves admitting they are biased, while explaining to the rest of us just why this is trivially true but, of course, quite harmless. Confused yet?

In a trivial sense, all media are biased. By trivial, I mean that our personal biases seep into our work regardless of who we are or what we are doing. Bias influences the choices we make at every stage of any investigation or storytelling. But it is not *trivial* bias that people are pointing to when they claim a *general* media bias exists. It is *systematic* bias that leads to the distorted reporting of news and current events, as well as the insertion into popular entertainment — television shows and movies — of ideological propaganda. It is the kind of bias of which Lichter, Stein, Efron, Coulter, and Goldberg have written even as their counterparts — Postman, FAIR, Alterman, and even Al Gore — echo these sentiments from the Left. Does this bias — from the Right or Left — really exist? I am convinced that it does.

There simply is an overwhelming, Left-oriented bias in the output of mainstream Hollywood and the older major news networks, including but not limited to ABC, CBS, NBC, PBS, NPR, and CNN. People who claim otherwise are wrong, arguing either mendaciously, or — in some cases — from the misapplication of economic theory to large media (arguing that no general media bias can exist while consumer demand shapes the supply of media content). But such an application of the microeconomic theory of the firm — even in its oligopoly incantation — is not relevant here. Public affairs and news shows are not revenue generators and their "owners" are utility — not profit — maximizers.

Evidence of this leftward bias is abundant. I could cite

the example of the *New York Times* and *Washington Post* calling the January 2003 anti-war demonstration in D.C. an event organized and attended by "mainstream America" — when in fact it was a Communist-led and funded operation from beginning to end. (Of course, they inflated the number of people who attended the event as well.) I could provide, should I wish to spend a lifetime doing it, thousands more such examples. But why bother with all that after Peter Arnett's amazingly candid interview, given while still employed by NBC, from Iraq's Information Ministry? To his candid utterances ("[I]t is clear that within the United States there is growing challenge to President Bush about the conduct of the war and also opposition to the war") and the pathetic attempt, at least at first, by his employer to defend him, let me add the following — admittedly rhetorical — questions:

1) Which news anchors, producers, news shows, or writers for the aforementioned networks are demonstrably non-liberal? Yes, there's John Stossel at ABC. And after noting him, who else? Anyone?

2) How many films or TV shows can you name where a character was a conservative politician and was portrayed favorably? Or where lines of dialogue praised conservatives or their policy positions? There are none of which I am aware.

3) What major American newspapers are non-liberal? Yes, there's the *Wall Street Journal*, a fine paper whose editorial page is conservative. But after this exception has been noted?

4) What issues do the news media, through reporting, stories, political action, and personal belief, support that are non-liberal? None. Not a single one.

5) What writers, artists, etc. do the news media trumpet who are non-liberals, excluding outright Communists who are, of course, routinely not just trumpeted, but actually worshipped in film and in alleged documentaries? There must be at least one . . . right?

6) What other result would one expect from an industry principally housed in America's two most liberal states, and three liberal cities — New York, Los Angeles, and Washington, D.C.? The geography allows members of the media to believe they are in touch because so many of their fellows mirror their own biases. A look at the national election map shows quite conclusively that they are completely out of touch with just about everyone else, but they never seem to get that message. They prefer to concoct bizarre theories about how such elections are possible. Voters fell for propaganda, they claim, or didn't really understand the liberal message, and so on. Embarrassing nonsense, of course, but widely believed by media types nonetheless, some of whom are, no doubt, at some conference spouting them right now.

Which news anchors, producers, news shows, or writers for the aforementioned networks are demonstrably non-liberal? Yes, there's John Stossel at ABC. But is there anyone else?

7) Or, if you prefer mind experiments, ask yourself whether the media treatment of Clara Harris would have been different if her husband had run *her* down with the family car, or whether the media would treat Tiger Woods trying to enter LPGA events with the same slant they have treated Anika Sorenstam's effort to play in the Colonial. To think about this is to see instantly that the media are indeed biased, and further, to see exactly *how* they are biased.

Cronkite, Murrow, Collinswood, Daly, Severeid: we remember many names from television news' alleged Golden Years, but have forgotten that only one ideology was allowed in those network newsrooms: liberalism.

8) And finally, is there an American anywhere who hasn't wanted to smash many reporters in their faces as they babble their insipid, biased, contempt-dripping questions during wartime press conferences? (Not to say that the military ought not to be questioned.)

What can account for this bias? Two things: tradition and media culture. The first — tradition — has its origins in World War II and its aftermath, when emerging televised news was dominated by voices that people had relied on during and immediately after the war. Cronkite, Murrow, Collinswood, Daly, Severeid: we remember many names from television news' alleged Golden Years, but have forgotten that only one ideology was allowed in those network newsrooms: liberalism. It is precisely this inherited homogeneity of opinion that allows Dan Rather to call the *New York Times* "politically moderate." To Rather, one supposes it is, even after drifting further toward the hard Left with each passing day under its new editor, Howell Raines, since deposed.

Famous media news people have been united by their love for FDR, Truman, and JFK, and united as well by their mutual detestation for Nixon, Goldwater, or anyone else they perceived to be on the Right side of the political spectrum, including the current president. The traditions in network news and public affairs programming are steeped in post-World War II liberalism as percolated through the 1960s. And tradition matters, even though the media are now more post-Vietnam than post-WWII. Left-liberals understand tradition very well, which is why they seek to undermine it almost everywhere else in society where they encounter it. But at least we can, today, look back with nostalgia for a time when reporters and Hollywood were, during a major war, actually on our side.

No longer. Many are fairly open in their contempt for current war policies and the people carrying them out. Some are, no doubt, secretly hoping for American defeat in Iraq or anywhere else the great, "imperialist empire" they call

America chooses to exert itself.

The left-liberal tradition in the media is reinforced by a broad and deep culture of leftism. Long ago, the major journalism schools became left-liberal, by which I mean departments such as Columbia, Northwestern, USC, Berkeley, and Missouri. The canons of the field have been, and continue to be, written by left-liberal practitioners and, of course, by liberal federal judges whose importance — as in the *New York Times Co.* v. *Sullivan* decision (the foundation of modern libel law) — ought never be underestimated. The cultural milieu in which modern journalism is done is dominated by liberal concerns and ideology, and has been during my lifetime.

Moreover, the borders between news, entertainment, and opinion have been blurred beyond recognition. Twenty-five years ago, the media used the "some say this, others say that" method of injecting editorial content into alleged news stories; today, they use the device of quoting carefully chosen "critics." Many headlines simply echo what these so-called critics believe, as if that constituted some sort of news, while these same so-called news stories routinely offer the quotations and opinions of those who disagree with whatever the story is purporting to report. There is no difference any longer between news stories and editorials in most papers, and it's past time that they admitted it and cancelled their op-ed pages — or their news pages — and started calling everything they do "editorialized entertainment." After all, "serious" journalism is no different really from talk radio, which leftists claim to hate for its alleged "superficiality."

What, to use a recent example, is the difference between the *New York Times'* editorials on the Augusta National Country Club and The Masters golf tournament, and its so-called news stories on the same topic? All 55 of them, including one with the screaming headline "Ku Klux Klan Supports All Male Augusta National Club," were based on the request by one disgruntled, *former* Klan member for a protest permit. Naturally, the *Times* treated the story as if it were an international problem of immense significance on the order of, say, a new Gulf War. The difference between these news stories and the *Times'* editorials on the same topic? There just plain *isn't* any difference. When two *Times* reporters offered a different view, it was not printed.

I can attest to the old liberal bias personally as I recall how thrilled I used to be when the finale from Aaron Copeland's *Appalachian Spring* led to another dramatic *CBS Reports* exposé of what the evil conservatives around us were up to, whether they were busy "Selling the Pentagon" and, hence, creating the evil military-industrial complex, or causing and then perpetuating "Hunger in America," first by mistreating all those migrant workers ("Harvest of Shame") and then by denying adequate welfare payments to those starving among us. Remember that amazing opening scene from CBS's "Hunger in America" with its solemn narration that "This baby has just died of hunger — right here in America." Riveting stuff. So what if some of us found out later that that particular baby had not died of hunger. We all just knew that thousands and thousands did die every year because the tightwad conservatives and outright racists in our Congress and state governments denied them adequate welfare and food payments. Or at least, we knew it after the program had "explained" it to us.

And right-thinking — which at that time meant all *liberal* — people watched and nodded with approval as CBS showed us our country as it really was: provincial, small-minded, selfish, stupid, and just plain racist, a rogue, international outlaw kind of place, so culturally and intellectually inferior to our older, wiser European friends who, after all, had long ago enacted socialized medicine and month-long vacations for their workers.

Come to think of it — not much has changed, has it? Anyway: we liberals — for I really was one of them way back then — lapped up every second of these types of broadcasts, every night, every weekend — getting almost all of our information from television, condescendingly shredding our poor, outflanked verbal opponents who did not spend their time watching these completely truthful, enlightened offerings. To us, the liberal viewpoint was clearly right, and events daily seemed to prove them so: evil, right-wing Dallas shooting the great liberal president, JFK; the Chicago "police riot" that masqueraded as the 1968 Democratic convention; MLK's assassination at the hands of just another, random, typical Southern racist nut case (those last four words forming a tautology for liberal media types); and the largest crystallizing event of all — Vietnam, prosecuted by the "war criminals" Nixon and Kissinger, aided and abetted by a fanatical, even coup-intent, military-industrial complex determined to funnel as much money as possible to companies like Raytheon, General Dynamics, and Bell helicopter even as the draft was covertly used to eliminate America's minorities via "draft genocide." America — what a complete hell hole! And nothing, for left-liberals, has changed. (In fact, one could have been entertained throughout last year's television season by the intricate, sophisticated reprise of this very paranoid conspiracy theory on Fox's hit show *24*, where an Islamic terrorist attack was hatched and executed not by all of those innocent Arab Islamic fanatics but, of course, from within the American government itself. Fox — you know — that conservative place on the television dial!)

But though left-liberals like to believe and behave as though nothing has changed and the media still cater to their fantasies, the world has moved on. The comfort of those halcyon days — when everything was so simple, so black and white, so perfectly clear to all right thinkers — is gone now, replaced by complexities and competitive pressures that neither the networks, nor their complacent yet also disgruntled viewers, saw coming.

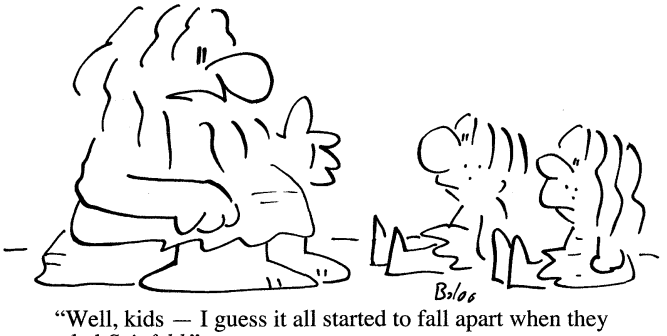

"Well, kids — I guess it all started to fall apart when they canceled *Seinfeld*."

So how is it possible, then, that these dinosaurs from the recent, liberal-dominated past can still wreak such ideological havoc if that's not precisely what current media consumers want? It's really not a mystery, any apparent contradiction to economic theory notwithstanding.

The development of our media was controlled, indirectly, by powerful political and wealthy corporate interests. Federal regulations ensured that television, and then radio, would develop exactly as they have, despite the resurgence of AM radio as an outpost of contrary thinking. Now that the old television oligopoly is crumbling, which began with Ted Turner — God bless his limousine liberal heart! — people are dumping the established networks in droves for newer sources of information that are not as ideologically monolithic in their coverage. But even so, Fox draws about 850 thousand households per night, versus the old establishment's 33 million. There is a long, long way to go, and yet the dominant oligopoly is already panicked and spewing negative hyperbole at all of their new rivals.

The market is working in telecommunications, slowly and inevitably, although there is a long way to go before we undo the horrible regulations that have crippled its growth and ability to foster real competition.

The same is true for television shows, although since most of these are produced in the same Hollywood factories, change there is less pronounced. Nothing, it seems, is as ideologically set in stone as Hollywood's incurable, insipid, infantile leftism, dating as it does from Tinseltown's very founding. It reached its apogee in Hollywood's version of the crucifixion — the HUAC "Hollywood Ten" hearings — flowered massively in the late 1960s as American youth started to live Hollywood's daily routine of random sex and drug use, and manifests itself today in the sophomoric, loony political activities of so-called "stars." Many of these stars become more shrill as their careers decline, until their constant liberal bleatings appear as little but publicity stunts. Yet all of this is, in a fashion, actually progress. These people used to wreck every Academy Awards program during Vietnam with their silly pronouncements and faux-dangerous rhetorical broadsides.

Is this view of Hollywood itself a contradiction of economic theory? No, because people simply want to be entertained, not to be politically educated. They allow Hollywood a great deal of slack for its political biases because they frankly don't care about the politics in Hollywood. And most Americans cannot grasp the left-wing subtleties of a film such as *High Noon* and never realized that the scriptwriter thought he was making some kind of liberal political statement. In fact, if told, most people would deny he succeeded! Certainly, they would be confused completely by film professors who teach that the scientist in Howard Hawkes' classic *The Thing From Outer Space* was supposed to be Lenin, or that the original *Invasion of the Body Snatchers* was yet another anti-McCarthyism effort despite the non-liberal politics of its director, or that *King Kong* represents the plight of the black male in racist America, or that *Spartacus* is really about the struggle against fascist control of society by democratic, peasant-loving elements in a Rome beset by Marxist class warfare! (A friend once remarked to me that the only cliche line missing from *Spartacus* was Kirk Douglas looking down from his cross and saying "Father, forgive them, for they know not what they do!") Given Hollywood's political naivete and ideological predilections, perhaps we can all give thanks for the average person's attitudes and their reasons for going to see movies.

The market *is* working in telecommunications, slowly and inevitably, although there is a long way to go before we undo the horrible regulations that have crippled its growth and ability to foster real competition. For example, despite the outright hostility of the major news establishment — and its unceasing ridicule of competitors as its own information monopoly slowly crumbles — Matt Drudge's website hit one *billion* hits last November. People want information, and while *misinformation* is sometimes the result of their search,-at least they can access more information now that technological changes are busting up the old media neighborhood.

This is all to the good. I see absolutely no downside to allowing the strongest possible competition — whether through talk radio, or the Internet, or competing cable and satellite networks — to emerge and engage the old, New York-centered media oligopoly and, of course, Washington's media Frankenstein — PBS, which should be abolished, or at the least, shorn of its tax subsidies, both explicit and implicit. In many rural areas where competition is scarce, public radio still commands an audience well out of proportion to the value of what it provides owing to its incredibly bloated national infrastructure. No private network has as many broadcasting affiliates as PBS, with the sole exception of Cox radio.

Most Americans cannot grasp the left-wing subtleties of a film such as High Noon and never realized that the scriptwriter thought he was making some kind of liberal political statement.

Does a theory of media bias contradict economic theory, specifically the idea of consumer sovereignty? No, it clearly doesn't. Media bias is a *fact*, and economic theory — tautologically — remains not fact, but theory; and theory — despite the protestations of economist practitioners — gen-

continued on page 52

Searching for Lonerville

by Sandy Shaw and Durk Pearson

New evidence challenges the notion that free riders undermine the provision of public goods — as people in the desert town of Lonerville, Nevada, have long known.

Public goods are goods that are shared by everybody regardless of whether any specific individual made any contribution to produce them. For example, the benefits of national defense are available to everyone in a country, whether they pay to support it or not. Similarly, court litigation that protects constitutional rights gives the same benefits to all, whether they helped pay for the litigation or not. Scientists investigate how public goods can be optimized by constructing public goods games, experimental models in which actual human participants contribute (or not) to a pool that is then divided (the payoff) to both those who contributed (Cooperators) and those who did not (the Defectors). In public goods theory and experiment, it requires a very highly valued outcome to overcome the incentive to defect and collect all the public goods generated by others.

Remarkably, recent theoretical and experimental studies[1,2] by two entirely different groups of scientists studying cooperation by humans in collective enterprises provide substantial evidence to support the idea that being able to opt out of public goods games maintains a higher percentage of cooperation (people willing to support the collective enterprise), while not being able to opt out leads to much lower levels of cooperation along with a rise in the number of defectors (who contribute nothing but take the benefits of the collective enterprise).

The latest work on this development appeared in the Sept. 25, 2003 *Nature*.[2] The authors introduced their paper by explaining that in public goods experiments, initial cooperation usually drops quickly almost to zero. Mechanisms used to maintain "cooperation" include punishing defectors (Communist/Nazi punishment society model or the regulatory state or, at a local level, boycotting or shunning) or the need to maintain good reputation. As the authors note, these mechanisms require that defectors be identified. (Defectors are also likely to attempt to deceive others in an attempt to establish a phony "good" reputation, making it more difficult to distinguish the real good reputations.[3]) Theorists have proposed a different mechanism for maintaining cooperation that works under conditions of anonymity.

The proposed mechanism is to allow optional participation in the public goods game; that is, to allow people to choose not to participate in the game. Those people are called "loners." The authors staged experiments in which participants could be either cooperators, defectors, or loners, and show that on average, cooperation is maintained at a substantial level. The "return" to each individual in the cooperators and defectors groups is calculated based upon the amount of money the cooperators pay into the public goods pool (where multiples of the money contributed by cooperators is added to the pool by the experimenters) divided by the number of individuals in the game, includ-

ing defectors.

The authors displayed the group decisions (cooperator, defector, or loner) of the group (without identifying who made what decisions). The "decisions" were faked for seven rounds so as to test the predictions of the theory, e.g., how the players would respond to the different levels of cooperators, defectors, and loners. In the eighth round, the prediction was that if you started the round with mostly loners, you would then see more cooperators; if you started the round with mostly defectors, you would see more loners; if you started the round with mostly cooperators, you would see more defectors. This is what the authors call rock-paper-scissors dynamics. They then ran 50 rounds without manipulation to see what sort of oscillations would appear among the three groups.

A proposed mechanism to maintain cooperation is to allow optional participation in the public goods game.

They found that the predicted strategy was followed significantly more often than the alternative strategy ($p<0.001$, $n=20$, paired t-test, $t=6.588$, two-tailed). The authors state: "As the model predicts, after loners have the highest frequency, cooperators become most frequent, thereafter defectors, and then loners again. After a prevalence of cooperators, defectors become most frequent, followed by loners, and then cooperators again." An excellent example of this dynamic is how de Tocqueville marvelled at what he saw as an America dominated by cooperators. Most of the people arriving in America were opting out of collective impositions in European countries and, hence, were loners. The prediction is that when loners are most frequent, a prevalence of cooperators follows. Moreover, most Americans lived at that time in rural areas and in small towns, which is conducive to cooperation.

The authors stated:

> We found that volunteering (the option to choose between joining the public goods group and taking the loner strategy) indeed protected cooperation in the public goods game by inducing small group sizes [that remain in the game]. On average, there was a rather stable frequency of cooperators that was higher than what is usually found in public goods games after several rounds. . . . It is not just the fact that volunteering is possible that induces cooperation, but rather that volunteering reduces public goods groups to small sizes for which the individual cost-to-benefit ratio becomes more favorable. . . . Even though defectors are still better off than are cooperators in each group, cooperators do better when averaged over small groups according to Simpson's paradox.

The earlier paper on the same subject[1] used a mathematical model of interacting cooperators, defectors, and loners. The researchers made certain assumptions based upon r, the payoff to society (of the public goods); the individual payoff is the societal payoff divided by the number of individuals in the society. The individual investment is normalized to 1 and multiplied by a factor r (an arbitrary number set by the researchers to represent, in theory, the collective benefit of the public good in question if everybody cooperates). In fact, most public goods have an r of less than 1, meaning that it is in the interest of all the players to defect. However, the researchers found that adding an opt-out option (loners) changes the results dramatically. In a game of cooperators and defectors (no loners permitted), the r must be quite large to support cooperation (cooperation increases rapidly from nearly zero at r = about 4). In the cooperators/defectors/loners game, cooperators emerge from nearly zero at about $r = 2$, persist at 35–40% of the group to about $r = 3.90$, and then rapidly increase at higher r. In fact, the authors report, at $r = 4.17$ and above, it is not profitable to choose to be a loner and loners essentially go extinct.

A finding from the earlier paper[1] is that cooperation is higher in small, local groups than in non-local (what they call "well mixed") groups. Not only are the benefits of cooperation higher in a small group, but reputation is more easily discerned.

A good concrete example of how reducing the size of the group results in more benefits to cooperators is how the two of us, living in a small rural town in Nevada, have become involved in much public goods activity by volunteering our time to advisory groups and committees overseeing various public projects. This is something that we never did when living in the Los Angeles beach community from which we escaped twelve years ago; it would have been a total waste of our time. Here, our participation allows us to help steer public activities toward more freedom, the "right" direction from our point of view.

When we decided that we had to get out of, not only the community where we lived, but California itself, we engaged in a systematic search for a place in the United States where property rights and personal freedom were valued highly, and regulation and taxation were low. We considered a number of states, such as Wyoming, Washington, and Texas, but Nevada, with no state income tax and, in the rural areas, low population density,[4] was also very convenient for moving our many tons of possessions because of its relative nearness to Los Angeles.

Durk made telephone calls to several Nevada counties. His opening question was, "Can I speak to someone in the land use planning department please?" When a courthouse employee in one county answered, "We don't do that here," Durk asked, "Well, then can I speak with someone in the zoning department?" The woman replied, "We don't do that here, either." Durk continued, "Then can I speak to someone in the building permit department?" She answered, "Young man, before you waste any more of my time, we don't do that here. You're supposed to build according to the Uniform Commercial Building Code, but if you don't and it falls on your head and kills you, that's your funeral because we don't do building inspections either!" "Wow," Durk said, "that sounds like our kind of place." "Well," she replied, "if that is your kind of place, we'd love to have you up here."

Lonerville is a place where there aren't many public

goods foisted upon residents, so people don't have to (often) play the game. We drove through the different towns in the winning county, looking for clues telling us that we had reached Lonerville. As we entered the town that is now home, we saw several large piles of rusting junk in people's yards (right on the main thoroughfare through town and directly across the street from the county courthouse). It could have been trash or it could have been potentially useful pieces of scrap, but it was definitely messy. Sandy said, "Wow, this looks like our kind of place!" A town that doesn't try to stop people from keeping whatever they like on their own property is a property respecting town that is unlikely to have many rules and regulations. Yes, we found Lonerville and are doing our very best to keep it that way, even though the best way to do that is sometimes to be cooperators.

For example, we are working with county commissioners and local residents to stop the Bureau of Land Management from closing a public right of way created under the Mining Act of 1866 and since preserved under the terms of the 1976 Federal Land Planning and Management Act. We have special expertise in this area which includes legal and constitutional knowledge that has enabled us to fight the illegal closing of similar rights of way which we use. Attending meetings and writing up closely reasoned arguments is, of course, a certain amount of work, but our efforts are multiplied by getting others involved, and making sure that their actions are legally sound and effective.

The published studies and experiments suggest strongly that if we are to avoid being taken over by defectors (as is surely happening now), opting out is a practical solution. "All" that needs to be done now is to remove the criminal defector class from control of the political process by introducing "opting out." The establishment of convincing evidence that permitting opting-out leads to more voluntary cooperation (and, though not mentioned in the paper, less of the highly dangerous war of all against all) is a very important first step.

When we decided that we had to get out of California, we engaged in a systematic search for a place in the United States where property rights and personal freedom were valued highly.

Vernon Smith won the Nobel Prize for his development of just such game theory experiments as were done in this study. Hence, it is not too much to expect that recognition for these results favoring voluntarism to maintain social cooperation will eventually take place. Just the fact that the two papers on the rock-paper-scissors dynamics cited below appeared in *Science* and *Nature* is evidence enough of the acceptance of these findings as solid scientific contributions. (Considering how left-wing these journals are, especially *Science*, we wonder how well they understand the implications of these studies.)

Of course, these experiments are simplified from reality by the fact that, for one thing, they involve a single public good over which people are choosing to cooperate, defect, or (if allowed) opt out. In the real political world, each individual who can make a choice has to consider huge numbers of different public goods, where some will provide gain and others loss. Reflecting the studies, people are not pure cooperators, defectors, or loners, but change from one to another in various situations in response to what other people do (or what they believe other people do).

As we entered the town that is now home, we saw several large piles of rusting junk in people's yards. Sandy said, "Wow, this looks like our kind of place!"

We note that deriving libertarianism from game theory experiments is a totally different approach than that of deriving libertarianism from a non-coercion moral principle. Though the fraction of the population for whom a morality of non-coercion or even personal freedom is at the top or near the top of their values is probably fairly small, the number of people who are fearful of societal breakdown because of increasing defectors and decreasing cooperators (and more "command and control" by governments) is probably a good deal larger. Open borders are incompatible with a continuing (and growing) welfare state or progressive taxation, but both have very powerful political support. Allowing loners to opt out of both the costs and benefits may be the most practical way of preventing the rapidly progressing collapse of social cooperation into a Hobbesian war of all against all. The open borders, welfare state conundrum may ultimately make the future brighter for liberty. (That is one reason why it is advisable to extend your life span, because this may take quite some time; still, when the tide turns against the public goods games dominated by defectors, it is likely to happen fast.)

Notes

1. Hauert et al., "Volunteering as red queen mechanism for cooperation in public goods games," *Science* 296:1129–1132 (2002)

2. Semmann et al., "Volunteering leads to rock-paper-scissors dynamics in a public goods game," *Nature* 425:390–393 (2003)

3. See, for example, Fehr & Fischbacher, "The nature of human altruism," *Nature* 425:785–791 (2003)

4. In fact, where we live in Nevada, the population density still meets the U.S. Census Bureau's definition of frontier (less than 1 person per square mile). Opting out, until the "close" of the Western frontier in America, was relatively simple but not without costs. Moving to Nevada cost us a lot, but we saved most of the costs in the first year by escaping California's state income tax.

Letters, from page 6

Rand Reborn

When I read Ari Armstrong's effusive paean to Jeffrey Friedman ("Friedman Rules," December), there was something familiar about Friedman's profound discoveries that Armstrong praises.

Citing Richard Cornuelle's 1991 article, "The Power and Poverty of Libertarian Thought," Friedman notes the debate libertarians face today is not one between outright socialism and capitalism (such as Mises and Hayek faced), but rather one over modest economic interventions in the context of a largely free market.

This seemed like a pretty familiar argument to me, one I've read many places, including at least one published well before Friedman or Cornuelle, namely in the January 1990 *Liberty* ("Now the Real Struggle Begins").

Another of Friedman's achievements Armstrong cites is his discovery of the "libertarian straddle," which is Friedman's name for the way many libertarians, when pressured, shift from a priori arguments for liberty to a posteriori arguments. This too seems rather old hat: I recall Ethan O. Waters making virtually the same point in *Liberty* years earlier.

I was intrigued by Armstrong reporting that "there is even a *Critical Review* Alumni Association." This struck me as a bit odd, as I don't think of magazines or scholarly journals as having graduates, which seems to me to be a prerequisite of being "alumni."

I hunted it up on the net, and found lots of wonderful testimonials about how Jeff Friedman "inspired" the graduates of his seminars, including one student who wrote, "I find myself to be the most profound thinker in the classroom (including the law professor) — all thanks to Jeff Friedman!" Wow, after reading Armstrong's effusive praise and the testimonials on the "Alumni Association" website, I think I have a pretty good idea about who would like to take Rand's and Rothbard's place as cult-leading libertarians!

E. M. Taylor
Los Angeles, Calif.

Sometimes You Feel Like a Nut

I read with bafflement David Ramsay Steele's article "The Mob, the CIA, LBJ, and Castro: Wasn't It a Little Crowded on that Grassy Knoll?" (November).

Mr. Steele's grasp of the era seems tenuous. I don't know how old Mr. Steele may be, but it seems clear he was not alive or at least not aware in 1960–63 nor has he delved deeply into the period, let alone properly researched and organized his article. He asks a load of rhetorical questions in preference to developing a sound argument.

I certainly don't know who organized the assassination of John Kennedy but I am certain that more people were involved than Lee Oswald.

In fact, there was no surprise at the time that Kennedy was shot in Dallas. For months prior to his trip to Dallas there were rumors that "somebody was going to shoot him." There was a tone to these rumors that implied that they were not idle grousing. There were a great many people at the time who had the feeling that Kennedy was a disaster. Not that he wasn't so beloved that he could have lost the election; there was no chance he could not have been re-elected in '64. The majority of the people loved the JFK Camelot legend, while his opposition in '64 would have been Barry Goldwater. The latter lost big to Johnson and he would have lost bigger to Kennedy.

While inspiring an irrational love in the people Kennedy aroused a very rational fear in people not blinded by the glamor.

An assassination was publicly carried out on TV and, if I'm not mistaken, in *Time* magazine. It was known that if Kennedy went to Dallas he would return to D.C. in a pine box. Jackie begged him not to go, publicly. "Cancel," she said. Kennedy knew he had to show for his possible execution or lose his authority. He went. More credit to him.

On Nov. 22, 1963 I walked around all day waiting for the news, expecting it to happen. It did. The reaction in the news reporting was not one of total grief. It seemed that there were elements of exaltation.

In a box on page 36 your magazine states quite positively: "Kennedy was not a wild radical and was not a threat to any major interest. His policies did not mark a sharp break from those of Eisenhower."

One would have to ignore an awful lot for that to be a true statement.

Whether Kennedy was a "wild radical" or not, he was a most inept bungler from the start, and gaining momentum as he went on. From the relative tranquillity achieved by Eisenhower, Kennedy plunged us into a three-year period of constant terror that was only relieved by Johnson.

The Eisenhower Administration had Indo-China under precarious control. Had the torch been passed to Nixon, Eisenhower's astute policies would have been continued. For all his faults Nixon understood the situation. Under Kennedy, who didn't even listen to Eisenhower's briefing, Indo-China unraveled within months into Vietnam.

Kennedy bungled Cuba and Castro. He bungled the missile crisis. Khrushchev ate that "3 a.m. donut" alive while Jack just called for wilder prostitutes and faster women.

Jack, Frank, and Sam shared the same women. The president of the United States and two heads of the Chicago Outfit. Think of that! Do you imagine that responsible citizens weren't grinding their teeth?

There was no motive? There were dozens. One assumes that the Outfit wanted him, the CIA wanted him and Castro wanted him, for starters. Remember Castro, who said (or something to this effect): "Kennedy may learn that he is not the only one capable of assassination."

Now to Oswald. Remember when he was in the police station surrounded by that gabbling horde? Do you imagine there weren't those of us thinking: "Man, that's pretty loose. Everything the cops did was loose. Okay, there wasn't any dress rehearsal, but cops are supposed to be trained for these emergencies."

The cops must have cleared a spot for the cameraman who must have been eight feet away or so with a clear lane to Oswald. Facing the cameraman, manacled as he was, Oswald raised his right arm, dragging his left up with it in the crooked-arm Communist salute with a smug smile of satisfaction on his

continued on page 51

Viva Las Vegas!

by Richard Kostelanetz

Like those millions of other so-called human beings who find relief for their woes, each and every year, at Coney Island, [this writer] occupies these miraculous premises with purely personal intentions — or, more explicitly, in order to have a good time. And a good time he has. Only when his last spendable dime has irretrievably disappeared and his face sadly turned toward his dilatory domicile, does it so much as occur to your humble servant to plumb the significances of his recent experiences.

— E. E. Cummings
"Coney Island" (1926)

It is common to speak of Las Vegas as a one-industry town, but that industry is not just legalized gambling, which is part of the whole. Nor is the principal industry tourism, though the airport that is remarkably close to the city reportedly ranks tenth in the world in gross passenger traffic. No, the principal business of Las Vegas is simply, shamelessly, and amicably separating outsiders from their money. Enter the airport terminal, as we did, and the first thing you notice right in front of you is a bank of slot machines; the next thing you notice is that many people are actually playing them, even though everyone knows — not thinks, but *knows* — that the one-armed bandits, as they are correctly called, are calibrated to favor not the bettors but the machine's owners. The truth, acknowledged with your first steps, is that people come to Vegas expecting to lose money, lots of it.

Some of the costs of visiting Vegas are low, as "loss leaders," to use the American merchandising term. America West charged me only $307.50 per person for a "package" that included a round-trip, five-hour flight from New York, two nights in the architecturally spectacular Luxor Hotel, and transportation from the airport and back. Since I could have purchased the same package at a lesser hotel for much less money (and other airlines offered competitive bargains), my suspicion is that the airline was being subsidized for delivering live customers. The airport-hotel transport was probably a pure promotion, given free to the airline in exchange for getting us tourists to use those services, because, in fact, the transport company had a flier offering tours of the Grand Canyon.

You cannot possibly believe Las Vegas architecture until you experience it close up. Photographs are simply inadequate for conveying essentially sculptural qualities and thus visceral experience, not to mention their proximity to one another. (The same limitation applies to photographs of the Grand Canyon.) The Luxor resembles an Egyptian pyramid, down to mammoth cats at the entranceway and an awesomely huge interior space. Next to it is the Excalibur, which resembles a medieval English castle; on the other side of a street is New York, New York, whose entire ground floor is a witty collage of bits and pieces of my hometown. The entrance to Bally's at night is a sequence of colored neon loops over a pathway so long it has a moving floor for those in a hurry to get inside. At one hotel, I'm

told, the ceiling changes color from time to time. The staff's costumes at some hotels reflect their architectural theme, so that those working at Caesar's Palace, for instance, look like they've walked out of ancient Rome, or at least out of an MGM movie about ancient Rome. My favorite is the Venetian, which has a replica of Venice's Grand Canal, down to gondolas and uniformed gondoliers, on the second floor (because the ground floor is wholly a casino). At the end of the ersatz Grand Canal is a palazzo whose ceiling looks so much like the sky that for a moment I felt like I was outdoors.

This is corporate folk art at its best, each participant trying as hard as possible to top everyone else.

Nowhere in the world known to me are so many people simply walking up and down the main drag during the evenings — the sidewalk isn't wide enough to accommodate the crowds — because the initial exhilaration of Las Vegas comes from being there. There's no need for the walkers to worry about relieving themselves, because all the casino-hotel doors are open to strangers.

Some hotels offer street displays that are free for all. Directly on the main drag, the fountains in front of the Mirage hotel explode every 15 minutes to resemble a volcano, with red smoke billowing in the air and fire burning on the water; at Treasure Island next door, a battle between a pirate ship and a British frigate is reenacted every 90 minutes throughout the evening. After the pirates' boat takes a hit that sets it afire (with flames that can be smelled), the British ship is sunk, its sailors jumping into the water, its captain going down with his ship, to the cheers of the spectators. Like so much else in Las Vegas, this is a fake that knows itself fake. So thick is the self-conscious deception, as well as your experience of deception, that if you drive four hours to visit the Grand Canyon, as we did, your first thought is that the scene before you might be elaborate papier-mâché.

Walk or ride along the four-mile "Strip," as Las Vegas Boulevard is commonly called, and you see the most intricate flashing signs ever, dwarfing those at Times Square, each kinetic message machine offering entertainment or gambling attractions unavailable elsewhere. This is corporate folk art at its best, each participant trying as hard as possible to top everyone else. Within the hotels are restaurants, whose food is either remarkably cheap (as in all-you-can-eat buffets for less than $15 — another loss leader), or very expensive, and shops offering things that can be stuffed easily into suitcases, such as clothes and trinkets but not, say, hardbound books or home appliances. You can't move anywhere in Las Vegas without confronting some enticement to spend your money.

Between the Mirage and Treasure Island, both owned by the same company, is a monorail, free of course, whose loudspeakers broadcast for the duration of the ride the chief executive's pitch for, if I understood it correctly, photographs of yourself against a variety of computer-generated background scenes. In the mammoth gambling halls that dwarf those I'd seen before in Puerto Rico are not only banks of slot machines but formally dressed croupiers offering to take bets. Many are Asian, there to cater to Japanese and Chinese bettors in their own language — eliminating linguistic alienation. At least one hotel offers free gaming lessons in Japanese.

Few Las Vegas laws get in the way of its primary business. The casinos need not close. Indeed, most lack visible clocks, so that you needn't feel the pressure of time. No one prohibits smoking, not even of cigars, not even in elevators. Even though municipalities in the U.S.A. (and indeed the world), not to mention Native American reservations, have casinos nowadays, they finally can't compete, lacking many of the elements contributing to Las Vegas' success. For instance, most of the Las Vegas hotels have gigantic self-park buildings, which are free, in addition to "valet parking," for which the attendant should be tipped. This means that in going from one venue to another no one needs to waste much time between gambling and spending sprees.

Precisely by making gambling legal (or refusing to make it illegal), the state of Nevada created economic opportunity, incidentally epitomizing the American genius for mass-merchandising something that Europeans thought strictly for the very rich — the pleasure of casino gambling. Through this egalitarian openness, Las Vegas has become a thousand times larger than Monte Carlo. Some of the original Las Vegas entrepreneurs were criminals who had previously fulfilled the American appetite for alcohol during Prohibition and later became experienced at running illegal games of chance. As Las Vegas expanded, they were replaced by businessmen with clean records — initially Howard Hughes, then the executives of public corporations — an interesting case of honest people taking over a mob business, rather than vice versa. The best line in Robert Lacey's biography of Meyer Lansky has Lucky Luciano just before his 1962 death telling a reporter, "These days, you apply for a license to steal from the public. If I had my time again, I'd make sure I got that license first." In Las Vegas, such a license is easy to get.

One result of such libertarian freedom is a continually expanding economy and low crime (which is surprising or unnecessary, given all the amicable fleecing). Migrants continue to come to work in Las Vegas. One statistic tallies 10,000 newcomers every month versus 4,000 emigrants, which means a net growth of 72,000 per year — or an increase of Las Vegas' 1.25 million population by 7 percent every year.

The companies that own casino corporations have become modern Medicis in keeping alive certain arts that might otherwise disappear.

In the garden of the Hilton Flamingo is a small statue remembering Benjamin "Bugsy" Segal, who, opening an early hotel in the 1940s, realized the possibilities of a resort in a place so dry it was bare of trees. Since some of the recent hotels have thousands of rooms (the MGM Grand has 5,005), it is amusing to read that Segal's original Flamingo had only 77 rooms! Segal knew what could be done here, but did not

continued on page 53

Encounter at Puko'o

by Kirby Wright

Everything felt wrong about the day and there was no going back to make it right.

My big brother Ben said the summers our family spent at Hale Kia, our grandmother's Moloka'i ranch, had ruined his social life by preventing him from going to "righteous parties" in Honolulu. The summer before our senior year at Punahou School, Ben only stayed two weeks before returning home. He took a job with Mahuka Roofing because he wanted to earn money for a sports car. Roofing was a great reason for Ben to return to Honolulu because my father wanted Ben to experience the agony of manual labor. But, besides the excuse of making money, I couldn't help but wonder if Ben needed a vacation from me. He'd always considered me competition for our parents' love and it was getting harder and harder for him to fake brotherly affection. His true feelings surfaced the day he slammed my fingers in the lanai door — as my mother rushed me to Queen's Hospital, Ben was more concerned about his punishment than whether or not my fingers would be saved.

Gramma missed Ben. Whenever she cooked venison or another one of his favorite meals, she'd tell me it felt funny not having Ben with us. She framed a picture of him posing with his .270 rifle and she imagined him in commercials. "Isn't that Mista Ben?" she'd ask as she squinted at the tube. If she was watching on her black-and-white set, she'd rush to turn it on in color. One night she convinced herself that Ben had a guest role on *Mannix*.

With Ben gone and my mother visiting her relatives in Boston, it was up to me to keep my father company on Moloka'i. It was early August when I accompanied him to the Puko'o Fishpond. He'd purchased the ten acre site for $5,000 at an auction on foreclosed properties; his purchase came at the peak of the building craze sweeping the islands. He wanted to turn the fishpond into a resort so he hired Sam Fong Construction to knock down the fishpond walls and fill in everything with sand and coral dredged from the ocean. He believed tourists would come in droves.

I sat in the suicide seat of Gramma's World War II jeep while my father sped west toward the fishpond. He wore a striped shirt, khaki shorts, leather sandals,

and a lauhala cowboy hat. A knotted shoelace secured the hat to his chin. Rust had eaten holes in the jeep's hood and fenders, and it seemed like the only thing holding it together was the red paint. A hole in the muffler delivered a sporadic ratta-tat-tat. My father was a demon on the highway. He drove in the middle of the road, cut turns too sharp, and grazed the roadside brush. There was no pause in him, just push, push, push. He zipped by a station

My father was a demon on the highway. He drove in the middle of the road, cut turns too sharp, and grazed the roadside brush. There was no pause in him, just push, push, push.

wagon with its headlights on. "Fool doesn't know day from night," my father said. He believed 95 percent of people were "just plain stupid" and he considered me part of that percentage. He was great at plucking numbers out of thin air, as if his casual observations and theories were documented at MIT. I think surviving battles in the South Pacific combined with making it through Harvard gave him superhuman confidence, swelling his brain to godlike proportions. He believed he knew almost everything about every subject. He knew more about psychology than psychiatrists, more about medicine than doctors, more about stocks than brokers, and more about running the country than presidents. When I asked him if he believed in God, he said no, but that religion was beneficial to mankind because it saved husbands the cost of sending their wives to shrinks.

"What's the most important thing in life?" I once asked him.

"Security," he replied.

At first, I thought that was a pretty good answer. But then I realized he'd avoided "love." Love was something he couldn't trust because he couldn't see it, something he couldn't put on paper like a bank account, something he couldn't track like a stock or a bond. This distrust bred pessimism in his soul, a negativity that marked him a cynic. The cup was half empty. If anything could go wrong it would, so he was constantly preparing himself for the worst-case scenario. Because he was always preparing for the worst, his spontaneity and sense of humor vanished.

"Now, Jeffrey," my father said as we drove west, "I want you to take more of an interest in Puko'o."

"I'm interested," I said.

"Not like your brother."

He swerved to the right to avoid a rock in the road. Ilima branches swept across the paint and whipped my jeans.

"Ben really cares," my father said.

"Ben hates Puko'o."

"Why does he ask so many questions?"

"To butter you up."

"It shows he's concerned. It's like pulling teeth getting you to come along."

"I'm here, aren't I?"

"I can tell you don't wanna be." He braked hard for the curve at Buchanan Fishpond and the jeep squealed like a pig. The fishpond was originally a bay that had been sealed off from the ocean by a wall of stones. The Hawaiians thought of fishponds the way we think of banks, only instead of holding money their banks held fish. The ponds were places of refuge for fish small enough to squeeze through the sluice gates built in the walls. Those fish grew in the safe confines of the ponds and got too big to return to the ocean through the narrow bars in the gates.

I saw horseshoe crabs scuttling on the bottom of Buchanan Fishpond and ducks waddling over the mud banks. It was here that Gramma had seen the Squid Lady, a beautiful woman with the body of a squid, running across the road. Before the Squid Lady dove into the pond, she gave Gramma the evil eye. Then Gramma had a dream of riding a swimming horse out into Puko'o Harbor and having the Squid Lady surface; the Squid Lady entwined Gramma in her tentacles. Just before the Squid Lady pulled her off the horse, Gramma reached for her cane knife and chopped off her tentacles.

My father looked over at the pond and the jeep drifted across the yellow line. A truck barreled straight at us.

"Cheesus!" my father said as he cranked the wheel.

The truck swerved and I heard shouts but my father kept going. "Damn these trucks," he said, pushing his glasses back with his thumb. "This road's too damn narrow for all these big trucks."

We entered a dark stretch where the kiawe trees grew so close their trunks touched. This was the grove where the kahuna Lanikaula had been buried. A branch dragged along the jeep and a thorn stabbed my thigh. I watched a dot of blood soak up through the denim and expand.

"You and Ben," my father said, "you both have your mother's brains."

"She's smarter than you think."

"Punahou sent me your IQ scores. You and Ben are way below average."

"Dean McQueen said we couldn't study for it."

"I'll bet neither of you has the brains for law school."

"Who says we wanna go?"

"Go ahead, be a ditch digger."

"Digging ditches isn't all there is."

"That's right," he said, "you'd make a great clerk."

"What's your IQ?"

He adjusted his sideview mirror. "In the 150s."

"Is that genius?"

"Practically."

He told me that my low IQ, combined with my lazy streak, was a surefire formula for disaster. By the time we reached the outskirts of Puko'o, the future seemed dark and bleak. It had become commonplace for my father to search out weaknesses in Ben and me, and make us aware of our shortcomings. He said he couldn't be proud of us because we did nothing to earn his pride. He said we lacked drive and ambition because he'd spoiled us by giving us everything he never had as a boy.

We veered off the public road and, after a dip, the tires grumbled over a coral driveway. He braked hard in front of a gate and plucked a wire loop of keys off the shifter.

"Open it," he said, handing me the loop. "Use the big

brass key."

I got out and unlocked the aluminum gate. The chain fell in the coral. Behind the gate, bulldozers, end loaders, and dump trucks surrounded a Quonset hut. The hut was used by the construction boss, but nobody worked on Sundays. It was a ghost camp. There were barrels of oil stacked beside the hut. One of the barrels had its top cut off and was stuffed with bottles and cans. I swung open the gate and scolded myself for not sneaking out of Gramma's house early to go fishing past the point. I missed not having Ben on Moloka'i because at least I had someone to talk to whenever my father was in a bad mood.

"Lock it behind you," my father said as he drove by. The tires kicked coral dust into my eyes.

I pulled up the chain and fumbled with the padlock. The aluminum gate felt flimsy compared to the gates on Hale Kia's mountain. My father glared in the sideview mirror. When I finished, I strolled back to the jeep. The heat made me angry.

"Something wrong?" he asked.

I slid into the jeep and dropped the loop over the shifter. "No."

"You're like a slow motion person."

"So how come I keep beating you at swimming?"

"Next time we're racing," he said, "let me in on it."

We drove through the mounds of coral and sand dredged out of the ocean for use as landfill. Weeds and lantana covered the mounds and there was the scent of blooming lantana. The mounds gave way to a coral desert bleached bone-white from the sun. Nothing lived in the desert, not even weeds. The trade wind lifted up the coral dust and blew it toward the papaya plantation across the road.

We drove beside a canal used for runoff. My father didn't want water spilling over the banks and flooding the public road because, if there was an accident, he might get sued. The canal was low and choked with algae. A bald tire stuck out and polliwogs swam in schools. Dragonflies hovered over the brackish water, stinging its surface. When my father

The Hawaiians thought of fishponds the way we think of banks, only instead of holding money their banks held fish.

and his brother Tommy were boys, they'd helped Gramma drag a hukilau net from one end of the pond to the other. They'd caught hundreds of mullet and weke and they had a luau on the beach at Puko'o. Everyone on the east end had been invited.

"This canal stinks," I told my father.

"It'll be buried," my father replied.

We turned back and headed for the ocean, where blue lagoons glowed beyond the coral. A wall flanked the middle lagoon. My father had used the bigger stones from the original fishpond to build the wall. He planned to pump in sea water and send it cascading down the wall to flush out the lagoons. "It'll work just like a toilet," he'd said, "keep things fresh."

My father parked the jeep next to the wall and we climbed out. He pointed to an oblong boulder propped on top of the wall. "That big boulder up there," he said, "know what it looks like?"

"King Kamehameha?"

"Don't be a wise guy," he said. "It's a you-know-what."

"What's that?"

"A penis," he laughed, "a big fat penis." He marched over and started arranging loose stones at the base of the wall.

The boulder that was supposed to be a penis stood guard over three lagoons. The lagoons formed a cloverleaf marina. It had taken three sets of steel teeth from a dredge to carve

Something inside me said to run but I couldn't stand seeing what he'd done to my father. "Right now," I said and held up my fists.

them out of the fringing reef because the teeth kept breaking. Gramma'd said a kahuna must have cursed the project.

The shores of the lagoons were powdered with golden sand and I walked the beach while my father worked. It was best to leave him alone because there was no pleasing him if you tried to help. The only time anything got done right was when he did it. Nothing had come easy for him and he continued pushing himself because he wasn't about to jeopardize how far he'd come in life by slowing down.

I walked along the man-made beach and dug a heel in to feel the sharp coral foundation. I remembered Silva, the Portuguese trucker with the bum leg who'd hauled in sand from the west end. Ben and I had helped Silva by climbing his rig and rolling back the tarp before he dumped his load. Silva had rewarded Ben and me with "hamburga sandwiches" he'd bought at Dairy Queen. When my father'd found out the sand had been stolen from a public beach on the west end, he washed his hands of the matter. "None of my business," he'd said, "I'm the innocent buyer."

The stealing of sand had occurred the previous summer, when my father had us building ripraps for the lagoons and raking coral off the man-made beaches. Ben had complained about not getting paid. The stones for the ripraps had come from the walls the Ancients had built. My father had instructed the workers to stack the round stones from the walls in a special pile in the middle of the coral desert.

I continued walking along the beach until I heard a motor. I looked south toward Maui and saw a boat gliding toward the lagoons. It floated low in the water. "Daddy!" I called.

My father was still placing stones. "What?"

"Someone's coming."

Two men were in the boat. Fiberglass poles were mounted on either side. The man up front looked Hawaiian and the driver was Japanese. They were drinking Primo beer in cans and they both had long hair. Their poles flexed as they trolled the banks of the lagoon.

"Who in hell?" my father said when he reached the shore.

He waded out until the water reached the bottom of his khaki shorts. The brim of his hat bent back in the breeze. "Kapu," he said as his shadow spilled back on the beach, "private property!"

The man up front brushed the hair away from one side of his head and cupped a hand to his ear.

"Can't hear you," I said.

My father took off his hat and waved it like he was shooing away flies. "No trespassing!"

The man turned and said something to the driver. The driver shifted gears on the outboard and the boat idled. The man reeled in the lines and the engine belched exhaust.

My father put his hat back on. "Kapu," he continued, "get out!"

The driver said something to the man up front. The man nodded. The waves edged the boat closer and I saw the red fuel tank and the black line that fed the outboard. The boat was less than 20 yards offshore.

"What?" the man asked my father from the bow.

"You're trespassing!"

The man stood with his beer. He wore a Ski Hawaii shirt and his trunks went below his knees. I could tell he had some haole (white) blood. "Like one good whippin'?" he asked my father.

"This is private property."

The man crushed his Primo can and threw it in the lagoon. It bobbed like a float. The tide worked the hull against the coral and there was a scraping sound. The impact caused the man to lose his balance and he sat back down.

"I'll call the cops," my father threatened.

The man swung one leg over and he was in the water and wading for shore.

My father stepped back as the man approached. "Now, look here," he said, "I don't want any trouble."

"Ya got one big mouth," the man said.

"And you're breaking the law."

"Billy," the driver called.

The man looked back. "What?"

"Leave dat punk alone."

"Why?"

"He one lawya. He make sue job."

It was only when the man stopped a few feet away from my father that I realized he was Billy Duva. Years had passed since he'd slaughtered a spike in the ocean in front of Gramma's beach house and, besides growing his hair long, he'd gained some weight. But his arms were even more muscular. I remembered Ben's fantasy about gunning Billy down on Main Street. Billy's hand came up and he struck my father in the face. My father's hat came off and his glasses went flying.

"Fuckin' lawya," Billy said, "dis Hawaiian land."

My father held one hand over his cheek. He dropped to his knees and picked up his hat. He put the hat back on his head and started digging through the sand searching for his glasses.

My father sat in the driver's seat. I knew he didn't feel good about himself because he avoided eye contact. "Let's get the hell outta here," he said.

I approached Billy from behind.

The Japanese man on the boat whistled.

Billy spun around and faced me. "What?" he asked. "Like beef?"

Something inside me said to run but I couldn't stand seeing what he'd done to my father. "Right now," I said and held up my fists.

Billy chuckled and kept his hands low. He was only a few inches taller than me but he was heavy with muscle and fat. I knew he was waiting for me to lead so he could counterpunch. I threw a right at his jaw but he dodged it easily. I came in closer and threw a combination — my right missed again but the left struck him just below the throat. Billy gagged for a second before rushing me. He rammed his body into me like a linebacker and I fell to the sand. Billy grabbed me by the neck, lifted me up, and tossed me out into the water. He stood on the beach with a snarl on his face and his hands clenched.

"Next time," Billy told me, "ya go hospital, punk." He waded back out, placed both hands on the hull, and pushed the boat free. He lifted himself over the side and the boat returned to the harbor. They kept their lines in and floated out into the ocean.

"Jeffrey," my father called, "help Daddy find his glasses."

I got out of the water and helped my father search the sand. My jeans were soaked. I kept an eye on the lagoon but the boat was long gone. I found the glasses between two stones in the wall. A lens had cracked. I handed them to my father.

"Christ," he said. He put on the cracked glasses and walked back to the jeep.

"I'm sorry," I said.

He sat in the driver's seat. I knew he didn't feel good about himself because he avoided eye contact. "Let's get the hell outta here," he said as he adjusted the rearview mirror. A welt had surfaced on his face.

We followed the tire tracks through the coral desert. Heat waves shimmered over the project. When we reached the landfill, I opened the gate and we headed home. Everything felt wrong about the day and there was no going

continued on page 53

"Very good, sir — will that be dead mice or live mice?"

Reviews

Dark Star Safari: Overland from Cairo to Cape Town, **by Paul Theroux. Houghton Mifflin, 2003, 472 pages.**

NGO Way to Help Africa

Bruce Ramsey

Lacking a plot, a travel book yearns for a unifying idea. In several of Paul Theroux's books it was trains. Trains are good places to meet people, and it is the people who enliven the account. And trains are often colorful relics. I saw the Guatemalan train Theroux took for *The Old Patagonian Express,* and it was a rolling ruin. But "trains" is not a theme; it is a kind of gimmick.

In his latest book, *Dark Star Safari,* Theroux descends into Africa by trains, buses, taxis, a lake steamer, and a dugout canoe, always trying to cross borders by land and stay away from tourists. It is an episodic account much like his other books, with Theroux's Huck-Finn longing for the outland, his distaste for ugliness, and his knack for finding smart conversation. But this book also has a theme, an attack on the do-gooders who infest Africa.

Theroux knows Africa. He began his career in the 1960s as a Peace Corps volunteer in Malawi. Later he was an academic in Uganda, where he got to know some of the Ugandans who now run the country. He wrote *Fong and the Indians,* a none-too-serious novel of a Chinese man in East Africa. Theroux loves the continent, but at 60 — Africans consider him an old man — he is unwilling to accept any more soft-headed thinking about it.

One example is the common assumptions of why Africa is poor. Many say it is colonialism. Theroux lived there right after the colonial powers left, and though Africa was poor, it was on the way up. Things were orderly: the school where he taught in Malawi was well maintained. Its library had books.

That was then. Now the school is a shambles; the books have been looted. In his view Kenya, Uganda, Tanzania, and Malawi have suffered much the same general decline. Mozambique has fallen to the absolute bottom.

So what has happened to billions of dollars of gifts these countries have been presented with for 40 years?

"A road, a dorm, a school, a bank, a bridge, a cultural center, a dispensary — all were accepted," he writes. "But acceptance did not mean the things were needed, nor that they would be used or kept in repair." Instead, he writes, "They were like inspired Christmas presents, the things that stop running when the batteries die. . . . The projects would become wrecks, every one of them. . . . And when they stopped running no one would be sorry."

"That was to be fairly typical of my experience with aid workers in rural Africa: they were, in general, oafish, self-dramatizing prigs, and often complete bastards."

Running it all were the NGOs, the non-governmental organizations whose people tool around in new white Land Rovers playing CD music. The reader first meets these virtuecrats at the Kenya-Ethiopia frontier, where Theroux asks for a lift across no man's land.

"This isn't a taxi," the driver says.

Theroux says he just wants to get across the border and find a guesthouse.

"We don't run a guesthouse."

Theroux writes, "They drove away, leaving me by the side of the road. That was to be fairly typical of my experience with aid workers in rural Africa: they were, in general, oafish, self-dramatizing prigs, and often complete bastards."

And where there are aid workers, he observes, there are prostitutes.

Later he has a dialog with an aid worker on a "feeding program," a term that reminds him of farm animals. He says to her, "We used to say, 'Give people seeds and let them grow their own food.'"

"The rains have been unreliable,"

she says. Indeed: in some places it hasn't rained in three years.

"Maybe they should relocate," he replies. "If they relocate, they might find work, and they might plant gardens if you weren't feeding them."

"We save lives, not livelihoods," she says.

Theroux's observation is confirmed by another travel book published in 2003, *Adventure Capitalist,* by global investor Jim Rogers. In Ethiopia, Rogers says, "An entire generation of Ethiopians has grown up without learning how to farm. Instead . . . they go to town every month, park the donkey, and collect grain. Some recipients, the day we were in Lalibela, carried their ration of wheat directly over to the town market and started selling it. And so . . . there is a generation of farmers who have simply stopped farming because . . . there is no way to compete with free grain."

I expected that message from Rogers, the capitalist. But it is coming also from Theroux, the literary figure. Theroux refers to the aid workers as "a maintenance crew on a power trip, who had turned Malawians into beggars and whiners."

An old friend remarks how well Theroux's sons are doing in the West, and suggests that one of them come to work in Africa as Theroux did.

But you've had plenty of Westerners, Theroux says. "Years and years."

"I want your son," the man says.

And Theroux thinks, in effect: why waste my son?

The most fascinating dialog is over the subject of Indian merchants, who were kicked out of Uganda, Malawi, and other places for dominating retail business. After a quarter-century, a few of their shops have been made into bars, but most are empty. Some have African women squatting outside selling vegetables on the ground.

Theroux speaks to a group of educated Africans about this. One mocks the Indian shopkeepers. He says they were everlastingly writing down lists of merchandise and adding up the figures, one, two, three, one, two, three.

"But that's how a shop is run," Theroux says. "That's normal business. You make a list of what you've sold, so you know what stuff to reorder."

"Indians know no other life!" the African replies. "Just this rather secluded life — all numbers and money and goods on shelves. One, two, three."

They have to count the inventory, Theroux says. "The profit margins are so small."

"But we Africans are not raised in this way," the African says. "What do we care about shops and counting? . . . Selling is not our heritage. We are not business people."

Another African, a former ambassador who had been listening in, says: "When Africans run businesses, their families come in and stay with them and eat all their food — just live off them. As soon as an African succeeds in something, he has his family cadging off him. Not so?"

"That is true, brother," one says.

"And we are not cut out for this shopkeeping and bookkeeping and" — the former ambassador winks at Theroux — "this number crunching."

"I had never heard such bullshit," Theroux writes. "Well, perhaps I had and not recognized it. The man was saying: This is all too much for us. We cannot learn how to do business. We must be given money, we must be given sinecures, because we don't know how to make a profit."

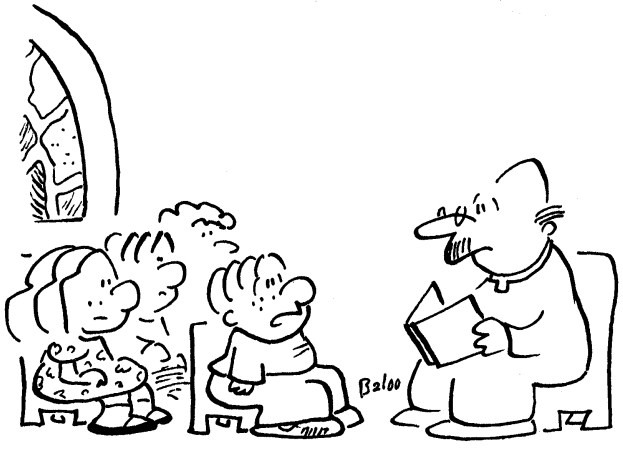

"You mean Adam and Eve were *streakers*?"

I have heard similar things myself. Once I had a Tibetan tour guide who complained about all the Chinese who had moved to the Tibetan capital city, Lhasa. The Chinese had started little businesses — karaoke bars, beauty shops, and the like. They were business-oriented. If you gave a Chinese 100 yuan, my guide said, the Chinese would put it in the bank and invest it in his business. "If I had 100 yuan," he said, "I would go drinking with my friends, and by morning the 100 yuan would be gone. But we would have good fellowship."

"Only Africans were capable of making a difference in Africa. Everyone else, donors and volunteers and bankers however idealistic, were simply agents of subversion."

The African's observation about sponging relatives reminded me of my Filipino maid when I lived in Hong Kong. She had arrived in Hong Kong with a small bag, but to go home a year later she packed a one cubic meter box full of gifts. When Filipinos came back from a foreign job they had to bring nice things, and if someone admired one of those things, they had to give it to him.

"I *have* to," my maid said.

This 22-year-old woman was essentially doing the same thing in Hong Kong that I was, earning a nest egg abroad. She had saved several thousands of dollars that she might use to start a business or to pay for education. This box of gifts amounted to a substantial tax on that, in addition to the other taxes she would have to pay. But think if she had brought her extended family with her, and had

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had to feed them the entire year. That is what the African described.

We wonder why some peoples succeed and some do not. Part of it is whether they have a free market — but not all of it. It is also whether they have the values that the market requires. The dominant values in a culture can change if it pays to change them. Giving people aid allows them to keep certain values that ought to be changed — and to change certain others that ought to be kept.

Theroux's epiphany came after he visited his ruined school in Malawi. He decided, "Only Africans were capable of making a difference in Africa. Everyone else, donors and volunteers and bankers however idealistic, were simply agents of subversion."

Here is a travel book worth reading. ❑

The Great Unraveling: Losing Our Way in the New Century, **by Paul Krugman. Norton, 2003, xxix + 426 pages.**

Good Economics, Bad Politics

Leland Yeager

Unraveling under "incredibly bad leadership" is "the fabric of our economy — and perhaps of our political system and our society." The bad leadership comes from the current administration. Paul Krugman quotes White House correspondent Helen Thomas as calling George W. Bush "the worst president in all of American history." Krugman is not quite sure; competition for that title has been stiff. "But the really terrible presidents of the past led a nation in which presidential incompetence and malfeasance mattered far less . . . than it does today" (p. xvi). (Note, by the way, Krugman's sloppy voguish use of "incredibly." If our leadership is so bad that an account of it just cannot be believed, then why should anyone believe his account in particular?)

Focus on the Bush administration is understandable in a reprinting mostly of *New York Times* columns written in and since 2000 (but with a few earlier pieces from *Fortune* and *Slate*). Despite new introductions to the collection and to columns grouped by topic, short popular pieces are not the best format for presenting evidence and analysis in depth.

Although a self-acknowledged "soggy liberal" (400), Krugman has proved himself a fine economist both in academic writings and in popular books. His *Peddling Prosperity* (reviewed in *Liberty*, Sept. 1994) trashed quack economist policy-promoters of both Left and Right with refreshing even-handedness. The present book contains some, though not much, criticism of Democrats, or leftists. Senate Democrats were the "lead villains" in pushing a "grotesque farm bill" (177–178). Ralph Nader draws sharp criticism (373–375).

Krugman diagnoses groupthink among the Washington-based commentariat. Before Sept. 11, "Bush was dumb but honest"; then he became "a tough-minded hero, all determination and moral clarity." Among liberal journalists, "there are some things that you're not supposed to say, precisely because they're so clearly true." A professor, Krugman is isolated from such pressures. Working almost entirely from numbers and analyses found in the public domain, he need not show the deference that many journalists show to avoid being frozen out of access to inside information (xxvii, 281).

Mendacious Revolutionaries

What does Krugman have against Bush? He is "an affable fellow from a famous family who has led a charmed business and political life thanks to his insider advantage." He "sees nothing wrong in seeking partisan advantage from a national crisis, even going so far as to declare that members of the other party don't care about the nation's security" (265; cf. 291–292). His administration displays "outrageous dishonesty," "outrageous mendacity," and "world-class mendacity." On the budget and Social Security, Bush and his people "were simply lying about all the important numbers" (xxviii). In the 2000 campaign, Bush offered tax and Social Security plans "that were obviously, blatantly based on bogus arithmetic" (xxiv). Bush offers tax relief for a wide variety of problems; for him it is "The Universal Elixir" (to use the title of one of the reprinted columns). Bush sold his tax cuts first to deal with surpluses, then, when the surpluses turned to deficits, to stimulate the economy out of recession, even though the kinds of cuts offered were scarcely suitable for that purpose. (Krugman, 166, prefers *temporary* tax cuts for fiscal stimulus, as opposed to Bush's permanent cuts, apparently forgetting the import of Milton Friedman's permanent-income hypothesis.)

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Deficits and debt, fraudulent proposals for Social Security and Medicare reform, the pileup of incon-

sistent promises to beneficiaries — all of such is setting the United States up for a Latin-American-style fiscal crisis in which interest rates will soar on fears that the government will try to inflate away its debt (134–136). Bush's "willingness to trust in the public's innumeracy continues to boggle the mind" (142).

Although inclined to agree about mendacity, I wonder whether Bush is outstandingly worse than most politicians. Krugman does mention "incredibly blatant lies" (134); but more examples, and more specific ones, would have been instructive. A distinction holds, furthermore, between deliberate lying and coming sincerely to believe what it is convenient for oneself to believe, thanks partly to having surrounded oneself with "obsequious courtiers" (405) who mistake convenience for truth.

Krugman finds the Bush crowd bent on a right-wing revolution aiming at redistribution in favor of the rich. "The right's fanatical distrust of government is the central fact of American politics" (234). Henry Kissinger's doctoral dissertation on early-19th-century diplomatic history was chillingly correct in its diagnosis of a "revolutionary power," one that rejects the legitimacy of the existing system (5). The Heritage Foundation is supposedly driving the Bush administration's economic ideology and promoting a very radical agenda (6). (The libertarian Cato Institute gets better treatment: Krugman mentions it twice, once favorably, once neutrally.)

Economics and Economists

"[T]here's a lot less disagreement among economists than legend would have it" (295), even among economists with divergent political views. As already implied, Krugman supports a welfare state and worries about great inequality in income distribution. A champion of capitalism can indeed reasonably worry about abuses. Even such a free-market stalwart as the London *Economist*, in its "survey of capitalism and democracy" (June 28, 2003), worries about circumstances that have raised executive pay to huge multiples of the pay of ordinary workers. "Greed is bad" when it means fabricating the appearance of success to boost stock prices and thus fatten executive pay packages. "Unless you go to jail — and does anyone think any of our modern malefactors of great wealth will actually do time? — dishonesty is, hands down, the best policy" (Krugman, 110–115). The "aggressive accounting" practiced by Enron and other companies is "the art form formerly known as fraud" (104). The California energy crisis traces mainly to opportunities left by flawed deregulation for suppliers to create artificial shortages and boost prices (299–325).

Krugman does appreciate the market and private enterprise. A good education is a key to upward mobility, and "ambitious parents feel that a public school education is a dead end" — correctly so, he implies (223). He rejects the most common complaints about globalization and the World Trade Organization. He recognizes that every successful example of economic development in this past century has featured producing for the world market rather than aiming at self-sufficiency. He says of the antiglobalist Turning Point Project that although its spokesmen "talk of freedom and democracy, their key demand is that individuals be prevented from getting what they want — that governments be free, nay encouraged, to deny individuals the right to drive cars, work in offices, eat cheeseburgers, and watch satellite TV." Presumably those antiglobalists think that people will be happier retaining traditional language, dress, and values. But foreigners, like Americans, have the right to choose modernity (368–372).

Occasionally, however, Krugman seems to criticize free markets. He blames Argentina's crisis of 2001–2002 largely on the country's having followed free-market advice pressed on it by the International Monetary Fund and the United States. Only incidentally, probably in not enough detail for readers to get the point, does he recognize that Argentina's macroeconomic troubles traced largely to policy defects that are not inherently part of the free-market position, and in particular to bad monetary policy.

Monetary policy enters into an example of Krugman's rather weak grasp of some details in the history of economic thought. In a eulogy, he says that James Tobin rejected the monetarist doctrine of Milton Friedman and was his "best-known intellectual opponent." "Mr. Friedman's insistence that changes in the money supply explain all of the economy's ups and downs has not stood the test of time; Mr. Tobin's focus on asset prices as the driving force behind economic fluctuations has never looked better." Friedman is "a great economist; but his reputation now rests on other work" (407). Yet Friedman did *not* maintain that money explains all fluctuations; rather, money matters *most* in macroeconomic phenomena. Furthermore, Krugman, to his credit, seems to be something of a monetarist himself. He blames Japan's deflationary troubles on an insufficiently bold monetary policy (65). He says that the Federal Reserve "can easily cure" a recession (62). Unlike the recession of 2001, the "standard postwar recession [was] engineered by the Federal Reserve to fight inflation . . . and [is] easily reversed when the Fed loosens the reins" (97). Krugman, like Friedman, recognizes lags in the economy's response to monetary policy (61).

Another example of questionable intellectual history is crediting Robert Mundell (who won the Nobel prize in economics in 1999 mostly for his writings of the early 1960s) with the insight that a country cannot have all three of "free capital movements, a fixed exchange rate, and an effective monetary policy" (397). But this impossibility was already widely if not generally understood by 1952, when I was writing a dissertation on exchange rates.

Krugman mentions a few other economists. His column on "The Two Larrys" contrasts Lawrence Summers, Clinton's last Treasury Secretary and now president of Harvard, with Lawrence Lindsey. Bush's choosing the latter as his lead economic adviser dur-

Krugman comes across to conservatives and partisans of the Bush administration as partisan and unfair. Maybe so, but he is right about much of what obsesses him in this book.

ing the 2000 campaign illustrates his valuing loyalty above expertise. A third Larry, Kudlow, the quasi-economist TV pundit, is mentioned for advocating invasion of Iraq to boost the stock market (88). Looking up the article cited, I found Krugman's indeed a plausible reading of what Kudlow wrote.

The Political System

Krugman makes a few contributions to understanding our political system. A short time horizon is built into it. Even politicians trying to be responsible, like Al Gore, resort to half-truths (141–142). Krugman wonders whether the term "responsible politicians" is an oxymoron (160). Without his share of cynical political operators, "even the best man has no chance of achieving high office" (217).

Nevertheless, personalities and motives get too much emphasis, the system itself not enough. Rather than treat Bush and crowd as an understandable though regrettable product of the system, Krugman treats them as a grievous aberration. "[T]his administration seems to have nothing but cynical political operators, who use national tragedy for political gain, don't even try to come to grips with real problems, and figure that someone else will clean up the mess they leave behind" (217). These words could be said of almost any administration.

As for various conflicts of interest involving members of the Bush administration, "none of this is clearly illegal — it just stinks to high heaven" (103). I scarcely doubt that Bush has been exploiting Iraq and other situations for his own personal political advantage. The kind of conflict of interest that politicians routinely face is massive compared to the conflict faced by some judge who may hold a couple of hundred shares in some corporation that might be mildly affected by his decision; yet conflict of interest is considered normal for politicians and generally escapes comment.

On blaming individuals or blaming the system, we should remember Thomas Jefferson's advice in the Kentucky Resolutions of 1798: "In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." Bush himself has been notoriously complicit in further smashing those chains.

As I read history, the system has cast more and more sweeping and incomprehensible responsibilities onto the Federal government despite and partly in consequence of the rational ignorance — not a sneering term — of the ordinary voter or non-voter. The government has its fingers into so many pies that not even our legislators and officials, let alone the average voter, can achieve a broad understanding of what it is doing. Members of Congress can scarcely even read the bills they vote on, bills often drafted by staffers and lobbyists. Correspondingly great influence accrues to special-interest minorities. The characteristics of a successful candidate and of a wise and patriotic statesman have diverged widely (in part probably because of what television and air travel have done to the viability of various sorts of candidates). The combination of wisdom and moral character of U.S. presidents has been on a downtrend since George Washington, of course with fluctuations around the trend.

Why, then, be surprised at George W. Bush, who happens to be "a master of photo-op populism" (258)? The point of putting him in context is not to excuse him but to try to salvage lessons from sad experience.

Krugman will come across to many readers, especially conservatives and partisans of the Bush administration, as partisan and unfair. Maybe so, but he is right about much of what obsesses him in this book. Freemarketeers must be cautious about whom they accept as allies. The distinction between classical liberalism and various kinds of conservatism is becoming ever clearer. ❑

***The Long Walk: The True Story of a Trek to Freedom,* by Slavomir Rawicz. The Lyons Press, 1997, 256 pages.**

Incredible Journey

William Merritt

I first heard of Slavomir Rawicz in an anthropology class at Duke University. At the time, he was the only Westerner to have written about parts of Asia that, by 1965, had been closed to outsiders, and anthropologists studied his book for clues to life in Mongolia, Western China, and Tibet. The thing that made Rawicz stick in my mind, though, was that he was not an anthropologist, and *The Long Walk* was not an account of an ethnographic expedition. He was a 26-year-old Polish cavalry officer. And the book was the story of his escape from a Soviet labor camp near the Arctic Circle in far-eastern Siberia.

The Long Walk had quite a bit of play in the early '50s but, by the time I learned of it, it had been out of print for years. When I finally located and read a copy in, of all places, the army hospital at Fort Ord, Calif., the book took an almost mythological position in my memory — not just for the extraordinary story of the 4000-mile hike to freedom across some of the worst terrain on the planet, but for the fact that, no matter how many times I mentioned the book, I never found anybody else who had heard of it. To my amazement, I came across a copy at Borders a few weeks ago and discovered that not only has the book been

reissued, but that Rawicz is still alive and has written a new introduction. It was as if I had blundered on a copy of the *Odyssey* with a new introduction by the author, and a note that he could be contacted in England.

The Long Walk has got to be one of the most astonishing stories of human grit and will and defiance ever written. It is certainly the most astonishing I have ever read. In 1939, Rawicz was a 25-year-old reserve officer in the Polish cavalry who was called up, during his wedding, to defend his country against the simultaneous attacks of Stalin and Hitler. He witnessed what was probably the last cavalry charge in history, was wounded fighting the Nazis, captured by the Russians, sent to Lubyanka Prison, and tortured by the KGB. And when I say tortured, I mean tortured. Everything you imagined about Lubyanka Prison, and a lot of things that would never have crossed your mind, were done to Rawicz.

After a year of this, he was convicted in a bullshit Soviet trial for the crime of speaking Russian, sentenced to 25 years in the Gulag, and crammed with 5,000 other prisoners into a string of unheated cattle cars for a month of rolling eastward on the Trans-Siberian Railroad, to be dumped in the snow near Lake Baikal

The Long Walk has got to be one of the most astonishing stories of human grit and will and defiance ever written.

in December. The prisoners were chained together in groups of a hundred, marched 800 miles north through the Siberian winter until they were near the Arctic Circle, then left in a clearing to chop down trees and build their own prison camp.

Because Rawicz was the only prisoner in the entire place who was willing to admit he knew how to repair a radio, he became friends with the camp commandant's wife, and she helped organize his escape. One midnight during an April blizzard Rawicz, three Poles, two other Central Europeans, and a mysterious American who claimed to have been an engineer working on the Moscow subway, and would only identify himself as "Mr. Smith," slipped under the wire — and the real story begins.

The seven spent the rest of the long winter heading south through the snow at the rate of 20 to 30 miles a day. Spring found them back at Lake Baikal where they met a 17-year-old Polish girl named Kristina who had escaped from a women's work farm. Together, they worked their way around the lake, then crossed into Mongolia as summer hit. At every point that a bit of good sense or survival craft was needed, Mr. Smith turned out to be the one with the skills or knowledge to get them through.

They crossed the Gobi during the summer without water, supplies, or even decent directions. Kristina, along with one of the Poles, died in the desert. The rest made it to Tibet, where another Pole died. Fall turned to winter. They crossed the Himalayas in March, had almost made it to India when the way was blocked by a pair of eight-foot tall, shaggy, bipedal creatures, and they had to look for another route. The third Pole died, and the four survivors straggled into the Ganges Valley. Rawicz and the two other Central Europeans were taken to a hospital in Calcutta while Mr. Smith disappeared about his own business. Rawicz recovered, joined a free Polish unit, and was sent to the Middle East.

The Long Walk pushes all my buttons. From the murderous way the Communists treated their prisoners, the trial, the 25-year sentence to the Gulag, the solitary decency of the camp commandant's wife, the escape, the fortitude, the raw determination, and the ultimate survival of individual people, all of it is the way I see the world. And the way I want to see the world. And that makes it very easy for me to gloss over parts of the story that might not be quite as easy to gloss over if I had different buttons. A few weeks after rereading *The Long Walk*, I can't help but suspect I might be like all those Democrats who ignore the howlers in *West Wing* because they want to tell themselves

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the show *could* be true, if only things were different.

Taken cold, some of the details Rawicz serves up are pretty hard to swallow. It's difficult to see why a camp commandant's wife would want prisoners to escape and, if this one did, why anybody who had survived a year of torture at the hands of the KGB would ever have opened up enough to let her help. It's hard to see how any band of men who were as used up as these guys must have been before they even set out could deadhead 30 miles a day through a late Siberian winter with no food, minimal clothing, and no snowshoes. It's hard to see how anybody without climbing experience, food, or the most minimal equipment could cross the Himalayas in the winter. And, it's damn near impossible to see how anybody could survive twelve days in the Gobi Desert in July without water.

More than that, there's a 1950s Hollywood feel to the story that doesn't ring true. Being called up to fight during a wedding sounds as much like hack writing as truth. Encountering a charming Polish girl freshly escaped from a work farm sounds even more Hollywoodish. As does the pretty way she died. As does the encounter with the Yeti.

And it seems very convenient that all the other Poles died so that, by the time Rawicz came to write his story, the survivors had scattered and nobody was left to confirm what they had gone through.

Still, one of the things that often

happens to people who survive unbelievable ordeals is that other people refuse to believe them. One commentator claims to have tracked down a British officer who met a group of men who escaped over the Himalayas into India from a Soviet labor camp. And Rawicz's story is so Homeric, and some of the details are so convincing, that you can't help think there is something to them. When you put your mind to it, the individual quibbles are easy enough to rationalize.

The camp commandant's wife was from an old Czarist military family. Her brother and her father had both died fighting the Bolsheviks and she might well have been sympathetic to the prisoners. And, she might have had another agenda. She timed the escape to take place while her husband was away and his rival, the political colonel, was in charge — and available to be embarrassed — by what happened.

Kristina could well have been real, too. Plenty of other people just like her certainly were. Stalin deported hundreds of thousands, if not millions, of Poles to Siberia.

The escapees weren't trying to climb the Himalayas. They were trying to avoid climbing the Himalayas. So, if there is any reasonable way through, they would have taken it. Even the encounter with the Yeti could have been true, if there were such things as Yetis.

As for day-to-day survival — the details of how they coped with food and clothing and shelter — there's plenty Rawicz left out of the book. He says so himself in the introduction. As for the material he left out — well these were tough guys, and they may have done some things that didn't make the final cut into the story. It happened often enough with other World War II survival tales.

Even the not dying of thirst is plausible if you tell yourself that, 1) maybe they just skirted along next to the Gobi instead of punching through the middle like they thought. It wasn't exactly as if there were road signs out there, or 2) they were so out of their heads with thirst, they really didn't count the days very accurately, or 3) Rawicz spoke very poor English and Ronald Downing, the writer who ghosted the book, just got the number of days wrong, or 4) Downing is a hack and embellished everything he thought he could get away with embellishing because he wanted to sell more copies. When you think about it, suppositions about Downing can paper over a lot of suspicions about this book.

They crossed the Gobi during the summer without water, supplies, or even decent directions.

Downing is a major wild card because, if there is one thing we know about Ronald Downing, it's that he doesn't seem to have left any tracks at all. Except for ghosting *The Long Walk*, he doesn't even show up in Google. My grandfather died almost 60 years ago, yet you can still turn up his name from a single court case he argued in 1933. But you can't find anything about Downing. And writers leave just the kind of footprints Google was made to find.

Whatever you conclude about Downing, it's easy to invent plausibilities that make the story believable. But con artists always leave it to the victim to con himself by rationalizing the parts that don't make sense. The bottom line is: I don't know. *The Long Walk* is one hell of a book, if you believe it. It's Shackleton and Krakauer and *Ghost Soldiers*, and every other survival story you ever heard, and then some. And if you don't believe it? Well, it's not the *Odyssey*. It's plainly told, and it's not going to resonate down through the ages on literary worth alone. But it's still one hell of a story.

As for me, I can't shake the thought that the answers lie in a United States government file somewhere, covered with secrecy stamps, and containing a detailed intelligence report from a "Mr. Smith" who had been assigned to do a little undercover work on the Moscow subway. ❑

***Warrior Women: An Archeologist's Search for History's Hidden Heroines*, by Jeannine Davis-Kimball with Mona Behan. Warner Books, 2002, 268 pages.**

Wishful Digging

Michael Drew

Having dabbled in archeology in college, I remember being curious about news stories of ancient "Amazon" warriors discovered out on the Russian steppes back in the 1990s. The *San Francisco Chronicle*, *New Scientist Magazine*, and others reported intriguing finds of women buried with weapons, leading experts to speculate about a possible race of female combatants, perhaps even *the* fierce Amazons of Greek myth. The History Channel and Learning Channel also got into the act with TV specials entitled "Russian Amazons" and the like.

Archeologist Jeannine Davis-Kimball is the person perhaps most responsible for this latter-day "legend of the Amazons," and *Warrior Women* is her belated book-length treatment of the subject. Davis-Kimball is a Berkeley Ph.D. and founder of the "American-Eurasian Research Institute" and "Center for the Study of Eurasian Nomads" located in Oakland, Calif.

I must confess to some bias up front, as the idea of real-life Amazons seemed far-fetched when I first read the media accounts on the subject. Either the men must have stayed home to cook and rear children while the women went out and fought (presumably against men), or an all-women gang must have gone out kidnapping little girls to raise as warriors, or something. Yet sure enough, the outer jacket of *Warrior Women* touted "The origins of the Amazons, and a legacy of formidable, fighting women that is not myth but truth." Given the suggestive flavor of reports from other mainstream sources, I decided to plunk down my money and find out.

Drawing on her fieldwork in former Soviet central Asia, Davis-Kimball's book uses a personal travelogue style to make the case that the "Sauromatians and Sarmatians, nomadic tribes of fierce warriors who ruled vast portions of the steppes more than two millennia ago" (p. xi), were not the stereotypical male-dominated warrior society we normally imagine. Not only were these steppe peoples more egalitarian than patriarchal in her view, they also produced powerful female warriors who achieved very high status and influence within the nomadic society.

In an evident attempt to weave together past and present, Davis-Kimball records impressions of contemporary Mongolian culture in her travels, then takes seemingly disconnected jaunts to Ireland and Norway in a sort of worldwide women's archeology tour that wanders far from her primary work.

Nevertheless, after some personal anecdotes and accounts of her dealings with the Russian authorities in the field, Davis-Kimball finally brings us out to her main dig at Pokravka in Kazakstan, (a few hundred miles due east of Volgograd, formerly Stalingrad for any World War II buffs out there). I expected her to quickly begin knocking down the model of the stereotypical male-dominated warrior society, as promised in the introductory hype. Instead, she acknowledges early on that the largest, grandest tombs, or "kurgans," housed great male chieftains (22), as the stereotypes might suggest.

Next she shares a quantitative analysis of the burial remains of adult skeletons at Pokravka to determine their roles and social status. Maybe this would prove to be the mother lode of some elusive Amazon nation. But incredibly, "a full 94 percent of the men were entombed with the bronze and iron arrowheads, swords and daggers that indicated warrior status" (46). By contrast, for women "by far the largest group — some 75 percent — belonged to the hearth-woman category, categorized by clay spindles, bronze spiral earrings . . . a panoply of colored beads and stone and glass" (47).

But where are the "warrior women"? A smaller group of women at Pokravka was indeed found buried with an assortment of arrowheads and daggers as reported in the press.

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Several were found with their legs bent, as if to symbolize a life on horseback. The book never says exactly how big this group was, but some of the earlier articles on the same dig put the total at seven.

How does Davis-Kimball wind up interpreting this genuinely interesting find, the one that caused all the hubbub? One clue might come from history. Though the Sarmatians had no writing, some of their neighbors had quite a lot. The Greeks and Romans wrote detailed descriptions of their encounters with barbarians (the usual characterization of any non-Greeks or Romans), especially military encounters. For example, we know that in A.D. 175, the Roman army hired 5,000 Sarmatian mercenaries and transported them to Britain to guard Hadrian's Wall, where they eventually retired (32). No mention is made of any warrior women, despite the Romans' known fascination with unusual barbarian customs.

Could serious reporters and editors be gullible enough to accept the idea of a 13-year-old girl squaring off against grown men in ancient hand-to-hand combat, of which the history of the time has no record?

Davis-Kimball concedes the absence of corroborative sources on her pet theme and quietly drops the bombshell that the lack of "contemporaneous authors reporting female warriors participating in raids or full-scale invasions [not to mention the relatively small numbers she fails to emphasize] leads me to believe that women were mainly used in defensive situations . . . and also defended their herds from predators, including foreign tribesmen" when the men were away (65), which was probably much of the time for nomadic raiders. This seems analogous to American pioneer women competently hefting a rifle when they were alone on the homestead.

So that's it? What happened to the "legions of women warriors" who "helped conquer new worlds" as celebrated throughout the book? And why did an organization like Reuters use this same body of evidence to trumpet "Evidence of Amazons found in Russian steppes," in an article that quoted Davis-Kimball saying that the burial mounds "fit the Greek legend neatly?" The essential facts, even as Davis-Kimball presents them, seem to deflate her case, but you wouldn't know it from either the way others reported the story, or from her own triumphant tone carried on in spite of the weakness of her case.

At one point, Davis-Kimball unearths the skeleton of a girl of about 13, with amulets and weapons revealing her "potent warrior prowess" (58). "A clutch of seashells marked her dual role as a priestess" (60). She speaks of other girls in their teens "wielding swords well over three feet long that increased the reach and power of the combatant," (65) even asserting that "the style of warfare practiced by ancient steppe nomads was particularly well-suited to women" (62).

Could serious reporters and editors be gullible enough to accept the idea of a 13-year-old girl squaring off against grown men in ancient hand-to-hand combat, of which the history of the time has no record? Or were they just cynically trying to sell papers while Time-Warner Books sold copies of *Warrior Women*? The answer would appear to be a mixture of capitalist sensationalism, socialist activism, and perhaps a dose of modern-day critical thinking (or lack thereof).

In support of the theory of sensationalism for profit, the "fierce Amazon tribe" hook undoubtedly grabs more headlines than the tale of "women who probably guarded the camp" while the men were away. But the same can be said for any subject, leaving this explanation wanting by itself. Why aren't there wild new accounts of the Battle of Gettysburg or other historical events out there to draw in additional readers? That's where the second, or "socialist," factor probably kicks in.

It's common to see scathing media attacks on creationism, Holocaust denial or any perceived right-wing kookiness. But when something equally wacky appears on the Left, such as the world according to Afrocentrism, one rarely hears a discouraging word, and may hear downright praise at times. (I must say I was impressed when *Newsweek*, in the midst of a controversy over whether Cleopatra was black, got up the courage to say she was "probably" Greek — I guess the way Julius Caesar was probably Roman.)

Even more so, stories with a feminist twist tend to pass unscathed, or even amplified, through the usual censors of critical thought. For example, the Discovery Channel recently aired a show on powerful "Women Pharaohs," despite the fact that some of the Egyptian women called pharaohs in the promotional buildup — including Nefertiti and Nefertari — weren't actually pharaohs. Whether the producers of this show would even be aware of this inaccuracy is unknown given the ongoing erosion in the historical knowledge of the typical college graduate.

Either way, when a gender-bending story such as "real life Amazons" happens to coincide with the latest pop culture fantasy — the powerful legion of women warriors on TV — the temptation to stretch the truth must be irresistible. The particular way they do the stretching is also instructive.

A tactic I've noticed in feminist writings is the blatant omission of key

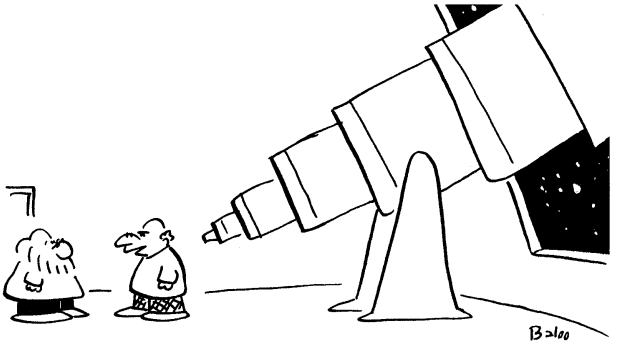

"Work begins here every night at sundown, Blumenkraft — never mind Daylight Savings Time!"

facts or context — usually surrounding the existence of men — to create an exaggerated impression of womanpower. Goddess civilization advocates will often report factually on goddesses such as Isis and Astarte, while conveniently failing to mention their male counterparts in the coed ancient pantheons.

Likewise, despite the preponderance of male warriors, male chiefs, and domestic women unearthed in Davis-Kimball's Sarmatian population, the news articles and reviews I read, including Davis-Kimball's short abstract published in *Archeology* magazine, mention only the women warriors, and nobody else. Naturally the reader takes from this an impression of a race of Amazons, without the article having actually lied about it.

It's common to see scathing media attacks on creationism, Holocaust denial or any perceived right-wing kookiness. But when something equally wacky appears on the Left, such as the world according to Afrocentrism, one rarely hears a discouraging word.

Despite the barrage of supportive stories, later in her own book Davis-Kimball admits there is no evidence anywhere to support the original Amazon myth, or anything equivalent to it. But in the cleverly titled chapter "Advent of the Amazons," she complains of how "the accounts are maddeningly vague and contradictory when it comes to pinpointing their homeland" (120). Elsewhere she is "haunted by the knowledge that these representations [on Greek pottery] did not do justice to the Amazons' capabilities" (114). In short, she speaks in some places as if they existed, while conceding elsewhere they really didn't, apparently keeping the dream in play for her audience of Xena or Buffy fans while at the same time taking care not to get herself into trouble.

But beyond the question of an Amazon tribe, Davis-Kimball is still stuck having to explain the existence of those male Sarmatian chieftains buried in the large "czar kurgans" mentioned earlier in the book. How does this jibe with her larger hypothesis of the egalitarian, non-patriarchal ancient society? Here she reaches for a standard tool of feminist researchers, the "proactive" interpretation of archeological evidence.

"As I interpreted our finds from Pokrovka, it became evident that the Sauro-Sarmatian women enjoyed a measure of power and prominence far beyond what previous researchers had ever imagined" (13). The storyline goes something like this:

A number of female skeletons were found with bronze mirrors, seashells and precious jewels. Based on Davis-Kimball's interpretation of the "magical significance" of these artifacts, these women were obviously "priestesses." In the case mentioned earlier, a seashell necklace indicated priestess status; in another it was mirrors that indicated priestess status (74); in yet another, tattoos (144).

Because there were so many "priestesses," women must have "dominated" ancient nomadic religion. (In one random group of mummies excavated by another archeologist in Tillya Tepe in Afghanistan, Davis-Kimball identifies "two priestesses, three warrior-priestesses and a male" (183).

It follows that if women dominated the religion, "Given their incredible wealth of gold and icons emblazoned with supernatural power, it takes little imagination to realize that these warrior priestesses had attained authority on par with that of [the male] chieftains" (237).

Actually it takes an incredible imagination. But she's not finished yet; there is still that 75 percent of all females categorized earlier as "hearth women." Why similar keepers of the hearth in other cultures never achieved such power and prominence is left unanswered. Instead, Davis-Kimball emphasizes the fact that "[n]ot only were women generally buried with a wider variety of rich artifacts, they also occupied more statuses than the men" (47). But as she is surely aware, this was a common practice in other patriarchal cultures. Old Anglo-Saxon graves consistently reveal more and better goodies among the women. Davis-Kimball herself stresses the same point about Viking women's graves (216) without seeing how it undermines her argument — the Vikings were a typical male-dominated warrior society.

The funny thing is, if you tally up all "these women of power — the priestesses, warriors and high ranking hearth women" (138), the result is a preposterous social structure in which virtually all women seem to have some kind of elite status. Maybe that's the wisdom we're ultimately supposed to take out of this book.

That such shoddy scholarship should grace feminist bookshelves is not so surprising. That it may also be reported elsewhere as "news," seemingly without any rigorous appraisal in the process, is a more sobering testament to our modern age of "infotainment." □

Booknotes

Above the madness of crowds — I've always had a soft spot in my heart for Jeannette Rankin, the first woman elected to the U.S. Congress. Part of the reason is that her very first vote in Congress was against declaring war on Germany and entering the Great War. She joined 54 others in the Congress, including many who like her were removed from office for failing to go along with the national hysteria.

In 1941, she was again elected to Congress where she again distinguished herself by voting against entry into a world war. Again, thanks to this vote, she failed to win reelection.

Until I read *Jeannette Rankin: America's Conscience*, by Norma Smith

(2002, 240 pages), most of what I knew about Rankin came from a brief mention in a high school history book, short entries in encyclopedias, and a television interview in the 1960s. But she had always struck me as an honorable person who feared no one, an ultra-rarity in American politics.

Smith met Rankin in 1963, when Rankin was in her 80s but still feisty as hell, convinced that wars could not be justified, and distrustful of most politicians. Smith interviewed her 16 times during the remaining ten years of her life and wrote a biography in the 1970s. She never found a publisher, but growing interest in feminist writing and the interest of the Montana Historical Society helped bring the book to press in 2002, the year following Smith's death.

It is a grand story. Rankin started as a suffragette and a social activist, and her entire career was generally on the political Left. She showed no evidence of being a deep thinker, but she was an astute judge of character and and always seemed to know when others were lying to her or trying to manipulate her. She voted for Barry Goldwater in 1964, because he was plainly a better man than "Roosevelt's flunky" Lyndon Johnson. And she was a canny enough politician to get elected to Congress twice.

This biography was not merely published by the Montana Historical Society; it was also "edited" by the MHS, or at least so its introduction states. I suspect that it was edited by an individual or two, not by a "society." The current enthusiasm for "herstory" may explain why the book offers no evidence of how Rankin paid her bills during her long life, given that she neither inherited great wealth nor worked for a living. My guess is that her brother, a wealthy entrepreneur, supported her, and that this important detail was omitted because it might undermine the story for feminists. I wish the biography had not left this matter for readers to speculate about. But it's still an enjoyable and very readable book about a colorful and decent American political figure, and provides a vivid portrait of life and politics in the mountain West.

— R. W. Bradford

A journey for everyone — Very few children's books are any good. Even fewer are good for adults as well as children. Holling Clancy Holling's *Paddle-to-the-Sea* (Houghton Mifflin, 64 pages) is a classic, and it's for everyone. First published in 1941, with both text and (beautiful) illustrations by the author, it's available in a good reprint edition. It's the story of an Indian boy who carves a model canoe, with a model Indian inside it, and puts it in a snowbank on a hill, knowing that when the snow melts it will fall into a stream that flows to Lake Superior, and then to the sea. He carves on the bottom: "Please Put Me Back in Water. I Am Paddle to the Sea." The little canoe traverses the Great Lakes and . . . You don't need to know how it turns out. As you go along with Paddle-to-the-Sea, you learn what the woods and streams and shores of northern America are like, and something about the adventure of human life. And did you ever realize that Lake Superior is shaped like a wolf's head? Well, it is. This is the book of lore. — Stephen Cox

Thinking about capitalism — Proponents of the market, those to whom the simplicity, efficiency, and morality of capitalism seem self-evident, have in recent times been baffled by the persistent and vehement attacks leveled against it. The anti-globalization, anti-trade, anti-industrialization juggernaut has appeared impervious to logical argument and the facts of recent history. It seems beyond question that capitalism has been a successful economic system, bringing with it peace, prosperity, and political freedom. With the utter failure of the Communist experiment, the alternative to which the window-smashing, tear-gas-breathing discontents aspire is unclear.

Jerry Z. Muller's book, *The Mind and the Market: Capitalism in Modern European Thought* (Alfred A. Knopf, 2002, 406 pages + notes), imposes a degree of clarity on this confusing reality. Muller explores the different ways in which European intellectuals have perceived the market. He begins with Voltaire, ends with Hayek, and makes ten stops in between. He thoroughly explains each thinker's understanding of the market's place in society, and gives brief but effective historical context, demonstrating that opposition to, and praise for, the market is nothing new — indeed, the arguments have changed little.

The question is not now and has never been one of freedom, but of whose conception of freedom will prevail; not of material prosperity, but of its ramifications; not of peace, but of peace at what cost? Ultimately, the conflict can be reduced to differing moral premises, to different conceptions of human nature, to right and wrong. In this way, Hayek and Marcuse can agree that capitalism makes people work harder. One of them sees in this a great virtue, the other a great evil. Muller leaves the reader to explore the moral premises behind his own beliefs, and to look at his adversary, not as a fool, but as one whose moral premises are flawed. Muller's book reminds us that great intellectual conflicts are seldom about the mechanics of life, but about its meaning.

What was that the Bible said about bread alone . . . ? — Andrew W. Jones

The woman behind the man — Every good magazine has an editor who makes it work. Back in the 1960s, when I was a faithful reader

"The party starts soon — you guys about done with the piñata?"

of *National Review*, I suspected that person might be Priscilla Buckley. Sure, the guiding spirit behind *NR* was her brother, William F. Buckley Jr. But he was pretty busy piloting his yacht, engaging in quixotic political campaigns, and being a celebrity. And there was the name of his sister on the masthead, right under his, as managing editor.

I just read *String of Pearls* (Thomas Dunne Books, 2001, 192 pages), Priscilla Buckley's delightful memoir of her life in journalism prior to her career at *NR*. *Pearls* begins with young Miss Buckley in 1944, fresh out of Smith College, taking a job with the United Press in New York. She may have been the daughter of the wealthy and distinguished Buckley clan, but to her boss at UP, she was just another "collichgirl" he was forced to hire because of the wartime manpower shortage. She worked hard, learned her craft, and after only a few months was promoted to the sports beat, over "the all-but-dead body of the sports editor."

Her career in mainline journalism lasted twelve years, and took her to post-war Paris, before she returned to help her little brother with his magazine. *NR*'s gain was conventional journalism's loss, for she was a competent reporter and a first-rate writer. She was also a young woman living in the two most fascinating cities in the world. *String of Pearls* tells the story with wit and charm; it is a delightful book.

And my suspicions about her role at *NR* are all but proven.

— R. W. Bradford

A Langer on the desk is worth two on the shelf — Where do you go to find out who was the first emperor of Mexico? Where can you discover how the First Servile War began? An encyclopedia, I suppose. But what happens if you don't even know that there was an emperor of Mexico, or that there was more than one of them, or that there ever was such a thing as a Servile War? The answer is "Langer," a one-volume, chronologically arranged summary of everything in history. Well, almost everything. You can look up specific events, if you know they happened, or you can just read along and see how much you still have to learn. There have been several editions of the work since Langer and other distinguished historians began it in the 1920s. The latest edition (*The Encyclopedia of World History*. Peter N. Stearns and William L. Langer, eds. Houghton Mifflin, 2001, 1272 pages) includes a searchable compact disk of the whole text. But the older editions are still useful: ask at your local used bookstore. And to satisfy your curiosity, the first emperor of Mexico was not Maximilian; it was Augustin I (1822–1823); and the First Servile War began in 135 B.C., "when the ill-treated slaves of the large Sicilian estates revolted under the Syrian Eunus, who called himself King Antiochus. Eunus held Henna and Tauromenium against Roman armies, but was finally captured and his supporters brutally executed. Rome now possessed eight provinces . . . " and the eight are listed. No need to guess, when you have Langer on your desk.

— Stephen Cox

continued on page 52

Notes on Contributors

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Letters, *from page 32*

face. The question: to whom was he giving the Communist salute?

Then after saying "they hit me," he said he was "just a patsy." Okay. He was the fall guy. But when did he realize that he was a fall guy? Did he accept the role knowing he would be sacrificed? I don't think so. Certainly a Lone Nut can't be a patsy. That alone would indicate the involvement of others. Was it when he saw the activity on the grassy knoll from his vantage place on the sixth floor that he realized, at last, that he was just a pawn in the game?

Surely, going in, he thought that he would be the lone assassin; that all the glory would be his, that he was the key actor in the plot. What did he see when he drew a bead on Kennedy's little bean 600 feet away through the trees in a moving car?

Unlike Mr. Steele, if I were a good conspirator I would have one or two backups to make sure the job got done. Failure was not an option; they wanted Kennedy out of there. One cannot say for sure, but possibly Oswald saw an additional shooter or two rise up on the grassy knoll.

Maybe he even saw Johnny Roselli rise up from the sewer to deliver the coup de grace to the front of the head as Roselli told Bill Bonanno he did. Personally, I really like the story — as improbable as it may sound. A Mafia guy coming up from the sewer to shoot the president? That's poetry, man. It is true that the manholes were not welded as tightly as they should have been.

Whatever Oswald did see, he must have realized at that point that he was just a pawn in the game. His actions indicated that he knew his life wasn't worth three expended shell casings or his second rate Mannlicher. He put the rifle down and got the heck out of there. He then went home to get a handgun for the inevitable shootout he knew was coming. He knew he was expendable at that moment; he became a patsy later.

He shot Officer Tippit in self-defense, then called as much attention to himself as he could by crashing a movie theatre so he would be fingered in a crowd where hopefully he wouldn't be blown away by the cops. You see, he had to die.

Are these the actions of a Lone Nut with no chips to play? — I ask rhetorically. "I'm just a patsy," he said. Do you think he was lying? I don't.

The CIA's motives seem clear to me as do those of Giancana and the Outfit. The apparent MO was certainly the Outfit's, at least as far as the Oswald segment went, which is probably as much of the plot as the Outfit needed to know. If you will remember back to the Outfit's method of disposing of Chicago's Mayor Cermak in Miami in the '30s you will find the MO identical. Same results.

Think about it. The CIA was employing the Outfit to kill Castro. You see, it is not only possible that they would partner with the Outfit to kill Kennedy, it was likely.

Giancana had a motive or two. The Outfit, among other things, had got out the vote from Chicago's graveyards several times to accommodate Papa Joe, the old mobster, to get Sonny elected. And then this Bobby double-crosser gets in the way.

At the same time, the Outfit wanted their Havana casinos back. If the CIA was using the Outfit, then perhaps the Outfit was using the CIA. Maybe they were double agents working for Castro at the same time. Possibly he hinted they could get their casinos back. Oswald a Lone Nut? It's almost insane to think a large number of people weren't involved, isn't it?

And this Oswald had lived as a Communist in Russia; then after returning, he had become involved in Cuban politics in New Orleans. Whose side was he on? Maybe Oswald was a double agent of the CIA and Castro who was ostensibly recruited by the Outfit which didn't know what his ulterior motives were.

To whom was Oswald giving the crooked arm salute? Remember that that salute was broadcast around the world.

Wasn't it a surprise when Oswald was shot down the next day? Just about as big a surprise as when Bobby caught a couple four or five years later. Gosh, who would have thought either killing would have happened? There were a few of us.

I could see that out of the chaos surrounding Oswald as he walked down that long, lonesome hallway backing the cameraman along with that convenient 20-foot gap between them that something was going to happen.

Jack Ruby had been associated with the Outfit in one way or another for decades. What do you think he was doing in Dallas?

Steele asks the rhetorical question: why a public execution for Kennedy? Why not a poison pellet for the president? Because: a poison pellet would be murder and require a full-scale investigation whereas getting a Lone Nut to shoot down the president in public wouldn't. Everybody in the world could see it as it happened. If the revolution wouldn't be televised, the assassination could. Hidden in plain sight. Get it?

Now, I don't want the editor to think I'm one of those conspiracy nuts he derides in his little note at the end of Steele's article. No, thank you! Shucks, I know there has never been a conspiracy in the history of the world. Look at the word: con-spire. Know what it means? Breathe together! On the very face of it, who can do that? I've got all I can do to breathe alone. I say it out loud: Oswald was a Lone Nut. But he was in association with a bunch of other Lone Nuts. They were not breathing together, they were breathing individually. Breathing together is impossible, hence, no conspiracy.

Yes, it was a little crowded on that grassy knoll, but it was well organized.

Ronald E. Prindle
Portland, Ore.

Justice is Blind (And All Wet)

I can see why *Liberty* reader Robert Stock (Letters, December) was shocked to find the daughter of libertarians involved in tossing water balloons at parked cars ("Splish, Splash, I Was Taken to Jail," November). The damage would be horrible enough if the balloons landed on their intended targets. But think of the carnage that could have resulted if they had hit unsuspecting humans. The scene at this crime could have been a huge water bath!

The police were fully justified in drawing their handguns to subdue this insurrection. I assume they were appropriately armed with water pistols.

Charles Schisler
North Palm Beach, Fla.

Reviews, *from page 50*

Reclaiming Objectivism for humanity — In his new monograph, *Ayn Rand, Homosexuality, and Human Liberation* (Leap Publishing, 2003, 62 pages), Chris Matthew Sciabarra surveys "Ayn Rand's impact on the sexual attitudes of self-identified Objectivists in the movement to which she gave birth and the gay subcultures that she would have disowned" (p. vii).

The work is appropriately brief. There isn't much to say, and nothing is belabored. Rand found homosexuality "disgusting" and "immoral." Yet Objectivism, the philosophy she created, continues to attract strong individualists who differ from the heterosexual norm. Among the people Sciabarra interviews, the broad consensus seems to be that Objectivists as a whole are not as intolerant as Rand was. Members of the movement are more able than Rand to separate personal judgments of taste and value from rational judgments of moral and ethical behavior.

Sciabarra gathered the material for the monograph from interviews with people active in the Objectivist movement. Remarkably, many were willing to contribute to the project only on condition of anonymity. In his foreword, Lindsay Perigo correctly suggests that this alone indicates the need that existed for a specific treatment of the place of gays in the Objectivist movement. While many Objectivists have separated personal prejudice from philosophy, many have not.

The most fascinating part to me is the section "Male Bonding in the Randian Novel," in which Sciabarra and others describe Rand's view of "love" between the men in her novels as confused, even self-contradictory. I remember thinking when I read *The Fountainhead* and *Atlas Shrugged*, "If this weren't Rand, I'd swear there were homoerotic overtones here." Apparently others have had the same thought. You might be surprised to read what Rand had to say about the relationship between Wynand and Roark. I certainly was!

Sciabarra's parting shot at Rand's homophobia is a zinger: "[A]nti-gay bias," he writes, "is a manifestation of collectivism — whether that bias is uttered by 'religious' conservatives or 'atheistic' Marxists" (56). This rings true, and it's one of the more horrifying accusations a person could level at Rand. To make moral pronouncements based on personal taste is contrary to the individualism that was Rand's signature personality trait and the cornerstone of her philosophy of life.

Only one part of this work sticks out like a sore thumb, and that is Sciabarra's mention of a rumor that Rand was bisexual. He brings it up only briefly, discounts its veracity, and uses it primarily to set up a brief discussion of Rand and gender roles. Still, even the brief mention seems out of place in a work that otherwise focuses on legitimate historical fact and personal testimony of people he interviewed directly.

This monograph is easy to knock off in an hour or two and is worth the read, even for libertarians like me who have little more than a passing interest in Objectivism. Sciabarra calls for a new understanding of Objectivism that identifies sexuality as simply one more dimension of diversity that strong-minded individualists can celebrate.

— Patrick Quealy

True crime, truly senseless — In January, 2001, James Parker and Robert Tulloch, teenagers from a small town in Vermont, gained admission to the home of a husband and wife who taught at Dartmouth College, on the politically correct pretense that they were conducting a survey of people's attitudes toward the environment. They then murdered their hosts, collecting, for their efforts, the sum of $340. The Dartmouth case gives accuracy to the cliche about "senseless murder." Mitchell Zuckoff and Dick Lehr, the authors of *Judgment Ridge* (HarperCollins, 2003, 418 pages), a very superior true crime book, try to explain what went wrong with Parker and Tulloch, whose story reads like an eerie parody of *Bill and Ted's Excellent Adventure*, and almost succeed. The good news is that although "psychopaths" are said to account for approximately 1 percent of the population, they usually have trouble planning and concealing their careers of crime, so you don't need to run (at least very fast) from every hundredth teenager you see.

— Stephen Cox

If Free Markets Give People What They Want..., *from page 28*

erally remains immune from effective empirical challenge. If I may paraphrase an old saying: "Don't confuse me with your theory, I already know the facts." And the fact is that our media *are* biased, have happily admitted as much and admitted it often, have absolutely no shame about their bias — quite the opposite, really — and will continue to disappoint most all literate people in the future. We could call it just another case of "market failure" if a media free market had existed for some period of time. But it hasn't, even though some day it just might. We can certainly continue to hope.

As a non-utopian, I am unwilling to suggest that in the future any such change will produce dramatic results in terms of the creation of more enlightened public policies. But, nonetheless, I will be happy because I like to see ideological competition rather than monopoly in the provision of goods and services, and this is one monopoly whose demise will not generate calls for a return to "the good old days," except by those whose jobs will be lost due to the changes.

When I can turn on the television and see a discussion that has real differences of opinion rather than left-liberals and neoconservatives niggling over details, I will know that competition has finally worked its magic. When I see a commercial movie released celebrating the life of, say, Thomas Szasz or Whittaker Chambers, I will know that Hollywood has at long last embraced real — as opposed to rhetorical — *diversity*.

Until then, I'll confine my personal television viewing to ultra-serious, politically correct, elitist educational fare — only great shows — like my current personal favorite: *Buffy the Vampire Slayer*. ❑

Viva Las Vegas, *from page 34*

see big enough. It is scarcely surprising that the largest trade shows, such as Comdex, which attracts 250,000 visitors, are held in Las Vegas.

Vegas amply supports the art of live performers who you've seen on television: musicians, boxers, comedians, magicians, even dancers as sophisticated as the Cirque du Soleil. Vegas offers everyone familiar names that are better live than on television, just as Vegas is better than real life. Las Vegas offers kinds of experience not available back home, whether because the comedians are raunchier or the acrobats perform with a depth that can be felt. Some of these acts, like the continuous show at Circus Circus, are free, while others, such as the Cirque du Soleil creation, "O", cost more than $100. The companies that own casino corporations have become modern Medicis in keeping alive certain arts that might otherwise disappear.

My favorite is Cirque du Soleil — a remarkably sophisticated Canadian dance troupe that bills itself as a circus and adds some clowning. Very much in the high modern choreographic tradition of using props as resistance, the performers put their bodies through a skeletal cube, large metal triangles, upright poles, trapeze bars, bungee chords, trampolines, on see-saws, and much more. They perform twice each night in a theater built especially for them, with remarkably good sight lines for each of the 1,400 spectators. I'd love to see the same show again; that desire is always the simplest measure of excellence. Though the tickets cost each of us $80, I did not feel ripped off, accepting my fate in Las Vegas, though I might have felt differently if a theater anywhere else charged me so much.

Given all the 99¢ shrimp cocktails, free drinks, and bargain hotel rooms, it is hard to believe that all of them turn a profit and that all the hotels fill enough beds during the year. But new hotels are rising and old ones are being refurbished or spectacularly demolished to make space for yet more new ones, so someone must believe it is possible to sell yet more of the same here. (The haze on the otherwise clear horizon is blamed upon "construction dust.")

Some speak of Las Vegas as a sexy town, but I had just the opposite impression. I didn't see single people picking one another up. Instead of the attractive young women normally dominant in deluxe hotel lobbies, I saw plenty of middle-aged, ill-looking, poorly dressed, frumpy, and overweight people, most of them Americans. What the city offers is not sex but its substitute in the form of orgasmic euphoria that can come from the surprise of winning more money than expected. A secondary business is the generation of quick cash, beginning with more pawn shops than I've ever seen in one place anywhere else. One sign offered cash against a credit card, without the need for a secret "pin" number, again illustrating an ease in separating people from their money.

The principal business of Las Vegas is simply, shamelessly, and amicably separating outsiders from their money.

I assume that most who live in Vegas are inured to the constant sales pitching — they must if they are to remain solvent. Our Grand Canyon guide confided that everyone walking on the Strip must be a tourist. Locals never go there. The truth is that no one is forcing anyone to spend his money; it's all done voluntarily. My assumption is that people surviving here must assume that they're superior to the hoi polloi, much as, say, bosses assume they are different from employees (or vice versa) and college-educated people assume they differ from those who aren't. After all, if you can survive on only one buffet a day and $4.95 prime rib dinners, staying at a casino might be cheaper than staying at a Motel 6 and eating at McDonald's.

What Las Vegas represents is the redistribution of American wealth — away from an aging middle-class to corporations on one hand and hospitality employees on the other — all without coercion from either a six-gun or any state. The benefits are as two-sided as capitalism itself. For the visitor who knows not to gamble (in my case, I lost $1.75 at the slots), Las Vegas is an extraordinary adult playground, the Coney Island that my predecessor Cummings never imagined, and that I look forward to visiting again. ❑

Encounter at Puko'o, *from page 38*

back to make it right.

"I wish I had Ben's .22," I told my father.

"What for?"

"To shoot Billy Duva."

"They coulda had a gun on that boat."

I cursed myself for not standing by my father's side when Billy came on shore. We could have fought together. But it had all happened so fast. We reached the curve at Buchanan Fishpond and my father took the turn slow.

"Did Gramma ever tell you about Billy?" I asked my father.

"What about him?"

"He was in her bedroom."

"Oh," he said. "That."

"I want to kill him."

"Now, Jeffrey," my father said, "you don't wanna ruin your life killing a bum like that."

I gazed across the channel at Maui and saw a black plume rising toward Haleakala out of the fields. They were burning the cane so the stalks would be easier to cut after the fire destroyed the razor-sharp blades. My father shifted gears and I suddenly felt close to him. I wasn't sure how much of the Billy story he knew but I sensed he didn't want to discuss it. I suspected he felt powerless like me. There were things in my grandmother's life that I wanted to go back and fix but I knew I couldn't. My father sped up and drove in the middle of the road. The jeep rumbled over the wooden slats of a bridge and two boys leaned against the railing. One hitchhiked and the other peeled a mango.

"Hui!" the hitchhiker said.

My father waved.

The boy with the mango gave us the finger. I wanted my father to stop so I could push them off the bridge. I was bigger than them but Billy was bigger than me.

Being fair was the farthest thing from my mind. ❑

Terra Incognita

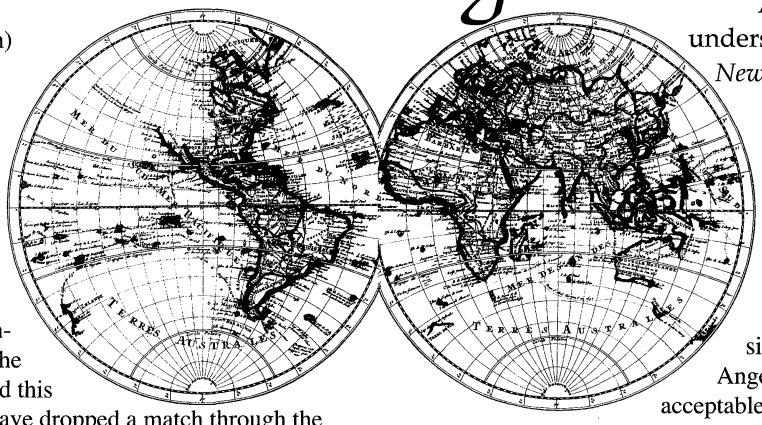

Bolinas, Calif.

Another electoral victory for environmentalism, from the *Sacramento Times-Herald:*

Voters of the Bolinas Community Public Utility District passed this advisory resolution on November 20, by a margin of more than 2 to 1: "Vote for Bolinas to be a socially acknowledged nature-loving town because to drink the water out of the lakes to like to eat the blueberries to like the bears is not hatred to hotels and motor boats. Dakar. Temporary and way to save life, skunks and foxes (airplanes to go over the ocean) and to make it beautiful."

London

Dispatch from the War on Fire, reported by *The Times of London*:

Roger Bugg's car was towed away and crushed because he had left the windows down half an inch. The traffic warden who reported this error said that kids could have dropped a match through the windows, threatening an electric substation.

Whittier, Calif.

Innovative application of zero tolerance in the Golden State, from the *Whittier Daily News*:

Whittier High School students who arrive at class after the 8 a.m. tardy bell more than twice are written $165 tickets by the Whittier Police Department.

Sweden

Public safety note from Europe's most advanced welfare state, from a dispatch in the *New York Post*:

Swedish authorities have issued a warning against intoxicated elks after a woman was attacked by a drunken elk.

Rockdale, Ga.

Dispatch from the front in the War on Drugs, from the *Gwinnett Daily Post*:

Three Conyers Middle School students have been charged with violating the state Controlled Substances Act after a plastic bag filled with parsley was found at the school. "We believe, because of the way the parsley was packaged, at least two of the students believed it was marijuana," said Rockdale County Sheriff's Deputy Myra Pearrell.

U.S.A.

Curious new fashion trend, from an offering on Yahoo.com:

Undee Bandz, head bands which are made from underwear waistbands, "are great for all ages from youth to teen and adult. These are the HOTTEST headwear ever."

Shreveport, La.

How zero tolerance enriches the educational experience, from a report in the *Shreveport Times*:

Student Amanda Stiles was expelled from Parkway High for a year for having Advil in her possession on school property. Stiles and her mother appealed to the school board, but were denied; the school is following a state law that requires a one-year expulsion, consistent with the system's "zero-tolerance" policy.

Los Angeles

Advance in multicultural understanding, from a report in the *New York Times:*

A Los Angeles County official has asked computer and video equipment vendors to consider eliminating the terms "master" and "slave" from equipment because they may be considered offensive.

"Based on the cultural diversity and sensitivity of Los Angeles County, this is not an acceptable identification label," according to an email sent to vendors. The memo asks manufacturers, suppliers, and contractors to change or remove any labels on components that could be interpreted as discriminatory or offensive in nature.

Internet

Abuse of power in cyberspace, from the net's leading search engine.

Typing "miserable failure" into Google and clicking the "I'm Feeling Lucky" button (which produces the most relevant search result) brings the websurfer to a biography of George W. Bush — hosted on whitehouse.gov, the official website of the White House.

Biron, Wisc.

Curious epicurean delight discovered by the *Wisconsin Rapids Daily Tribune:*

Mr. Ed's Tavern began what it hopes will be an annual tradition the Saturday after Thanksgiving by serving fried turkey testicles. People lined up for two hours for the delicacy. "It was the largest single grossing sale I've had since I opened the place," proprietor Ed Fitzgerald said. Many diners said the testicles tasted like beer-battered hot-dog beef.

New York

Reported attempt to make it easier to sleep in the City That Never Sleeps, from the *New York Daily News*:

George Pulido has been taken to court because his 9-year-old son's balloon burst while they were taking a walk. A policeman standing nearby when the balloon burst informed Pulido that he had just made an "unreasonable noise."

Special thanks to Russell Garrard, Owen Hatteras, and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertysoft.com.)

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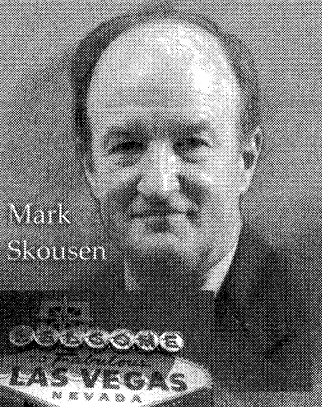

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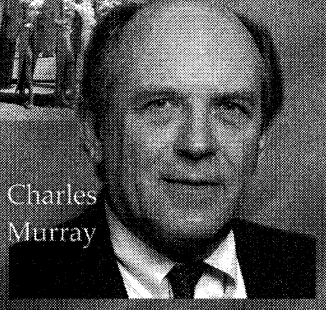

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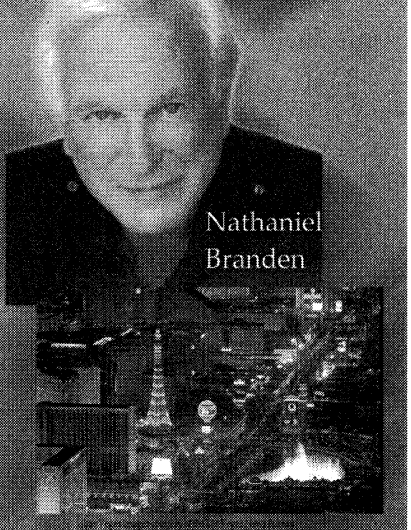

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Lance Banning is Professor of History at the University of Kentucky, where he has taught since 1973, and was the 2000/2001 Distinguished Professor in the College of Arts and Sciences.

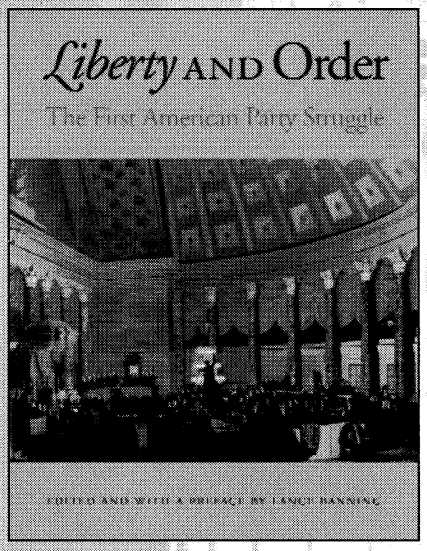

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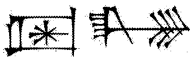

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Letters

Another Side of Alpine

Larry J. Sechrest's article ("A Strange Little Town in Texas," January) on life in Alpine, Tex. contained an error. The town of Iraan, is called "Ira-Ann" not for reasons of political correctness, but because it was named for my great-grandfather, Ira, and my great-grandmother, Ann, who platted the townsite out of one of their cow pastures back in the 1920s. In fact, the prospective resident who submitted that name in a contest to designate the new metropolis won a town lot for his ingenuity. As for political correctness, the town and its name originated back when the country of Iran was better known as Persia, I believe.

And, likewise, cause and effect are confused when Sechrest speaks of Alpine's environs becoming known as "the Big Bend" because of the proximity of the Big Bend National Park. The area was referred to under that name by Anglos, in English, in journals, diaries, and reports, and on maps, more than 150 years ago. The Rio Grande River runs generally southeast through New Mexico and along the Texas border until it makes a "big bend" to the northeast for a hundred miles or so before it resumes its southeasterly course to the Gulf of Mexico. Indeed, the area might well have been known as the "big bend" in the Comanche, Apache, Jumano, and prehistoric languages of the aboriginal inhabitants who lived in and traversed that region long, long before the Big Bend National Park was established in the mid-20th century.

I have deep roots in that country, with cousins of varying degrees ranching on properties established by my great-uncles; indeed, one of those cousins, after many years away from the area, returned to teach as a colleague of Sechrest's at Sul Ross, where he involves himself in the sponsorship of the annual Cowboy Poetry Gathering.

It may interest Sechrest and other libertarians that one of those great-uncles conserved a herd of original Texas longhorn cattle, inherited from his father, through the Great Depression and the introduction of imported English and European beef breeds. The federal government bought from him the seedstock for the Longhorn herd they established in Oklahoma's Washita Wildlife Area, and now the government credits itself, in materials on that site, with "saving the Longhorn!"

As for Sechrest's low opinion of the intellectual capabilities of the area's students, teachers, and faculty, I suggest that the phenomena Sechrest dwells on are hardly unique to West Texas. Indeed, I recall friends on the faculties of several Houston-area institutions of higher learning making the same complaints some 20 years ago and more. And in the mid-1960s, I lived in a central Pennsylvania town of about the same size as Alpine, thriving on two industries and a state teacher's college. The college reflected, even then, the drawbacks and handicaps in its faculty, student body, and intellectual resources which Sechrest notes in today's Sul Ross — except that it's likely that the bulk of its students were drawn from an even more localized area than Sul Ross's. One of the young ladies who worked for me there announced that she was marrying a local boy, and on their honeymoon they intended to travel to an unprepossessing town of 60,000, 36 miles away, because "neither of them had ever been there before!"

As for Sechrest's assertion that the region's "lowest common denominators" (poor white trash and poor Mexican trash) "get together to procreate" — that's the result of a dec-

continued on page 4

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Inside Liberty

March 2004
Volume 18, Number 3

2 **Letters** We get tutored on Texas, monarchy, the "liberal" media, George Bush, and more.

7 **Reflections** We take a hit from a Chong Bong, marvel at Hollywood's homophobes, propose Satellite Penile Control, diagnose the deluded Dr. Dean, get hitched on Dubya's dime, and explore multicultural blue laws.

Features

17 **The Intelligence-Surveillance Complex** If Immigration & Naturalization police can arrest a Canadian trying to enter the U.S. and send him to Syria to be tortured, how safe are any of us? *Christopher Pyle* explores the weird and frightening world of the intelligence-surveillance complex.

19 **Baseball's Bill Clinton** Pete Rose was a good ballplayer. But he violated baseball's rules and lied like a Clinton. *R. W. Bradford* wonders, does this mean he should be barred from baseball's Hall of Fame?

23 **Is There a Libertarian Case for War Against Iraq?** *Alan Ebenstein* and *R. W. Bradford* begin a dialogue.

27 **Our Liberal President** George Bush has been called a fundamentalist, right-wing, Christian conservative. "Modern liberal" is a better label, writes *Stephen Cox*.

31 **In Praise of Large Families** *Jo Ann Skousen* considers the advantages.

33 **The Libertarian Party Gets Real** Fundamental changes taking place within the LP may yet enable it to become a real player in American politics, argues national committeeman *George Squyres*.

35 **Lysander Spooner, the Ninth Amendment, and Me** With a nineteenth century anarchist as his guide, *Randy Barnett* dismisses, then reconsiders the Constitution.

37 **God's Carpenter** Every age has things to hide. *Dave Kopel* recalls a time when priests were contraband and the man who hid them faced torture and death.

41 **The Trouble With Steinbeck** More Americans learn about the depression of the 1930s from *The Grapes of Wrath* than from any other source. It's too bad, *Nicholas Varriano* argues, because Steinbeck got it all wrong.

Reviews

45 **Hayek's Struggle** *Leland Yeager* contemplates the intellectual life of a great, and controversial, economist.

47 **Bowling for Bush** *Doug Casey* reads Michael Moore's newest book, and *likes* it!

48 **Scorecard for Achievement** Where does excellence come from? *Andrew Jones* examines an attempt to quantify it.

50 **Keeping the Torch Lit** The lessons of the Cold War are not lost on *Timothy Sandefur*.

51 **Notes on Contributors** In case you were wondering.

54 **Terra Incognita** It's a strange world we live in.

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ades-long evolutionary process of voluntary desegregation, which is rather to be applauded than condemned. Fifty years ago, an upper-middle-class young Anglo man of good family might, occasionally, marry an upper-class Hispanic girl whose father was a successful professional man, politician, or rancher who could trace his family roots back to Hernando Cortez — and who, one likes to think coincidentally, could confer on her a sizable dowry. Two decades ago I began noticing in local papers' wedding announcements that middle-class Anglo boys were marrying middle-class Hispanic girls; ten years later, it was common to see Hispanic boys marrying Anglo girls; and, today, as Sechrest notes, even the oh-so-conservative lower classes of both Anglos and Hispanics are intermarrying — without, as Sechrest reports, any comment or notice, except from those of us interested in the sociological phenomenon. Indeed, the process has followed the very similar assimilation I noted among my classmates in an Ohio college 50 years ago, as Polack and Bohunk boys began dating and marrying Dago and Guinea girls, limned so vividly in *West Side Story* and, earlier, the original *Romeo and Juliet*. (After 40 years in Texas, Sechrest should know that both "Anglos" and "Mexicans" are regarded as members of the Caucasian race, which is why we use the term "Anglo" to distinguish Caucasians of English, Scotch, Irish, German, Czech, or Swedish descent from Caucasians of Mexican, Italian, Spanish, Portuguese, or "Hispanic" ancestry.)

Perhaps Sechrest should look back into the distant past, before his arrival in Alpine, to research the reactions of, and reactions to, the great comic writer H. Allen Smith, who retired to Alpine after World War II, and proceeded to reshape the inhabitants in his image. He was tolerated until he began to criticize the chili, suggesting that it should incorporate strange and wonderful ingredients common in chili made in, it is thought, Cincinnati or some such effete eastern megalopolis. Smith, though tolerated in his eccentricities by his immediate neighbors in the Big Bend, managed to arouse the ire of a Dallas writer, Frank X. Tolbert, who marshalled the resources of the great *Dallas Morning News* to stage a definitive "chili cook-off" in the abandoned mining camp of Terlingua, in the mountains near the Rio Grande. Real, *echte*, beanless and tomatoless Texas chili won the day, and if memory serves, Smith died of shame a short time later, still tolerated by his neighbors, but exposed to the contumely and ridicule of a wider world!

Ralph D. Copeland
San Antonio, Tex.

The Fool's Formula

Mark Skousen's response (January) to William Grigg's review of books exposing Mormonism (December) was a typical apologetic defense of religious fanaticism. I am no longer shocked by "academics" who cannot bring themselves to recognize the most fundamental error, one that I self-discovered while still a teenager. Distilled to its essence, the revelation most liberating could be called the Atheist Axiom.

Since whatever it is that exists must necessarily be a part of the Totality, no part of the Totality can be a creator of the entire Whole of existence!

To fully understand and base one's argument on the knowledge that the whole cannot cause itself, but then flagrantly argue (as the religious do) that a part of the whole created the greater Whole, is not innocent. It is the Fool's Formula, intended to victimize the immature and destroy man's reason. The Totality could not be created by something external to it, by itself, or by a mere part of itself. The infinite Universe (the Totality) is eternal.

No one can appreciate political emancipation while enslaved to a Space Spook!

Charles Schisler
North Palm Beach, Fla.

Let 'Em Ride Piggyback?

Timothy Sandefur's "Let 'Em Walk to the Clinic" (February), was great except on one point: he left us readers in the dark as to who actually pays the $40 per person fees involved in transporting patients by limousine to clinics in Florida's Hillsborough County.

Yes, it's true he did mention that the clinics, instead of the patients, pay

the limo company's charges, but that really does nothing but beg the key question — where do those clinics get the money they use?

My suspicion is that — and I'm willing to bet on it — it's the taxpayers who ultimately pay all the fees involved in this luxurious method of trucking people to see their doctors. All of which is simply more proof that third-party payments in the medical world are what make the whole damn thing so obscenely expensive!

John M. Simons
Sheffield, Vt.

From the Monkey Cage

In the January *Liberty*, the article entitled, "Monarchy: Friend of Liberty" was very well thought out and needed. Raging against democracy in this day and age seems counterintuitive. These days, the word "democracy" is almost always used for statist purposes. The democracy of today is very different from the "democracy" championed by Acton, Dicey, Hayek, or even de Tocqueville.

I have argued in my school's newspaper that democracy amounts to nothing more than an organized lynch mob. Indeed, it is often helpful to substitute the words "lynch mob" and "democracy" to get a different perspective on forms of government. The ruling majority has to trample over minorities or their rights. Securing individual rights while making a government fluid enough to function within a framework has been a problem political philosophers from Spinoza to Nozick have had to deal with. The study of monarchy, and what its motives are compared to the motives of a legislative body, is a good start to an article on this subject.

The best argument Yeager provides for a "temperate monarchy" is one of continuity. (I have to admit I read the article three times just because I liked it so much.) The motives of monarchy and legislative bodies are entirely different. Monarchy will do what it needs to survive. Take the example of King John and his reluctance to sign the Magna Carta. All it took was a few burning torches flying through his window at night to change his mind about signing the document.

Checks and balances were what the principles of federalism were based on. A monarch, albeit a weak monarch, with constitutional powers to block a legislature but not to legislate, would seem (in theory) to prevent the evils of prohibition and Wilsonism. I suppose all monarchs respect the principle, "What good is my position if I'm dead?" The legislature, on the other hand, as well as the statist consequences of party politics, creates an environment where any person who utters "there ought to be a law" can get their wish.

The most ironic thing about democracy is the ends being held in high contempt by the majority. Adam Smith's "invisible hand" explanation could be just as easily applied to the state as it was to the economy. No one intends the end result of legislation, but every democratic citizen helps create it. The "invisible hand" explanation also explains the rise of totalitarianism from an 18th and 19th century liberal model of limited government.

I suppose above all else, the reason for the popularity of democracy is citizens' Hobbesian distrust of other citizens. ("Individuals in a 'state-of-nature' are at a constant war with themselves," we are told by Thomas Hobbes.) These citizens feel that they can control their "dangerous" or "immoral" fellow citizens through legislation. The funny thing is when the legislation comes back around to control them. I think H.L. Mencken had it correct and is still right: "Democracy is the art of running the circus from the monkey cage."

Mike Treadwell
Olympia, Wash.

If I Were a Rich Man

Leland Yeager articulates well the advantages of monarchy in opposition to democracy. His discourse reads

From the Editor . . .

The War in Iraq drones on. Five hundred young Americans have died in it, American taxpayers have dished out more than $100 billion, and now the administration tells us that, well, maybe Iraq won't be ready to become a self-governing democracy as scheduled.

Most libertarians oppose the war, but there are those who think its rationale is sensible and its costs quite reasonable. Last week, Lanny Ebenstein, author of *The Mind of Friedrich Hayek*, sent me a letter pointing this out, and asking whether we would be interested in publishing a libertarian defense of the war. I immediately agreed, and suggested that he and I might exchange letters discussing the issue. His first letter to me, and my first to him, can be found in this issue.

One thing I am pretty sure we agree on is that the War on Terror has limited our civil liberties in ways that are both wrong and frightening. In our lead feature, Chris Pyle tells the tale of a Canadian who, upon trying to enter the United States, was turned over by American law enforcement officers to the FBI, who sent him off to Syria to be tortured. Even more frightening, Pyle writes, is the intelligence-surveillance complex that made this travesty of justice possible.

But there's more to life than the Wars on Terror and Iraq, and there's also more to *Liberty*. There's intelligence and curiosity, there's family, there's human achievement, there are great thinkers like Friedrich Hayek and successful idiots like Michael Moore, there are intellectual journeys and strange political philosophies and odd political parties. There are interesting things to hide from the authorities, and people skillful at hiding them. There is baseball, and there is always George Bush. All these are targets and delights for this month's writers of *Liberty*.

"In times of crisis," Aristotle observed, "there is always fun to be found." The merry band of men and women at *Liberty* have done their best to find it and to share it with you.

R. W. Bradford

much like a Bernard Shaw preface. He deserves that much praise for his endeavor to expose the pretexts of democracy.

Yet, his contention for monarchy is trivial.

Throughout his brief examination of monarchy and democracy, Yeager forgets, or avoids, the institution that governs both: plutocracy.

Let's suppose, for a moment, that I am a rich man, a very rich man. My country admires me because I am the quintessential capitalist. And, perhaps because I love my country, I have a political agenda. With my agenda in one hand and an overflowing purse in the other, I make an appointment with the governing official. I am willing to wager my entire bank account, which is much larger than the politician's, that the autocrat is no less susceptible to my influence, or force, than the democratic politician.

Let's now suppose that Yeager's ideal autocrat — one with a cunning mind, charismatic influence, and an irreproachable conscience — reigns. There are only a few men and women across the globe that adequately meet the prescription, and I suspect those wise few would as soon shoot their own mothers as accept a ruler's throne. But let's suppose divinity smiles upon a country and Yeager's king inherits the chair — citizens must still be protected from the legislature. According to Yeager, that responsibility is the king's: "[He] could warn his prime minister possibly with great effect," and it "would always trouble his mind." As sagacious as the king may be, he is inconsequential in comparison to the plutocrat. Money has a much louder voice than any sage in the head of a prime minister.

If a government does not manipulate its country's economic climate to care for the entirety of its population, but rather to only a sliver, the country's economic bosses will manipulate the government to the disadvantage of a somber many. Yeager knows this; politicians know this. Hence, today in America "the economically ignorant politician has the advantage of being able to take [popular] stands with a more nearly clear conscience."

So long as Big Business thrives — in large part by the advocacy of our media, schools, and politics — plutocrats will govern; the slight influx or restriction in personal liberties is trivial; monarchies and democracies are but mere names.

Joshua Longobardy
Las Vegas, Nev.

What Liberty Is

In his January 2004 article, Leland Yeager wrote, "constitutional monarchy can better preserve people's freedom and opportunities than democracy."

Every European country with a constitutional monarchy also has an economy that is more socialist than the American economy. Yeager admires the more robust monarchies of the 19th century. That was also the century of laissez faire capitalism.

I think it is important to identify what we mean by "liberty." What I mean by that concept is freedom from poverty and from the need to grovel before a malevolent supervisor. Most Americans are dependent on public sector employment for the basic necessities of life. By reducing that dependence democratic socialism would increase our liberty.

In that issue's Reflections, Tim Slagle wrote, "The economy is up, unemployment is down . . . lower taxes = more prosperity."

Excuse me. Fewer people have jobs than when Bill Clinton was president. Clinton raised taxes on the rich and we enjoyed the greatest prosperity in our history. President Bush cut taxes for the rich. The immediate result was an eight month recession. This was followed by a jobless "recovery" when the unemployment rate continued to grow. Meanwhile, the deficit grew.

Slagle's arithmetic is incorrect. The correct equation should go:

lower taxes = less prosperity + more national debt.

John Engelman
Wilmington, Del.

What Liberal Media?

I'm sick of hearing conservatives whine about the "liberal media" ("How do you explain Dan Rather?", February). What liberal media? During the Iraq war, coverage of the fighting was so blatantly biased toward the government that it was impossible to tell the difference between an "embedded reporter" and a government spokesman. In true Soviet style, reporters wore the American flag on their lapels as they trumpeted "Operation Iraqi Freedom." Nowhere was heard a dissenting voice. Pictures of the carnage, the blasted buildings, the dead civilians, the maimed, the suffering were seen everywhere in the world but here. Our so-called "liberal media" was indistinguishable from the state media of any totalitarian country.

The Democracy Now project did an analysis of the interviews granted by the various television networks during the war. Of the 393 interviews noted, 390 were with generals and military consultants. Only three were with peace activists. There were no interviews of Iraqi civilians, especially those who were victims of the bombing campaign. There were no pictures of children with limbs blown off. There were no interviews with foreign reporters who were not embedded with U.S. troops. There was no coverage of the deaths of the dozen or so foreign reporters who were killed by U.S. troops. The television networks were willing handmaidens and partners with the U.S. military. These are not the actions of a "liberal media."

I'm tired of listening to conservatives continue to beat the dead straw man "liberal media." Where does one turn on television to get a liberal view today? At one point, over half the population opposed the war against Iraq. That amounted to millions of people. Why weren't these people on television? Where were the so-called liberal pundits? I'll tell you where they were: They either no longer exist, or they were shut out. If you want to find liberal commentary today, you have to look on the Internet, or in the foreign press. It has virtually ceased to exist in American television, radio, films, and most newspapers.

As an example of how out of touch author Robert Formaini is with what is really happening, take the case of the Move On ad criticizing the half-trillion dollar deficits of the Bush administration. This exceedingly meek and mild ad showing children working to pay off the debts of their parents will probably never be shown on TV, despite

continued on page 26

Reflections

Thank goodness for the GOP — According to the conservative Heritage Foundation, the omnibus appropriations bill just passed will increase discretionary spending — that's non-military, non-mandated domestic spending — by 9 percent in 2004. That comes on top of increases of 13 percent and 12 percent during the previous two years. Good thing we have a Republican president and a Republican Congress, isn't it? — Alan W. Bock

The War on Glass escalates — Even as the bogus War on Terror escalates, the ridiculous War on Drugs drags on. I was shocked and disgusted to see that actor and comedian Tommy Chong began a nine-month federal prison sentence on Oct. 7 for operating a glass-blowing shop that sold bongs. He wasn't selling dope (not that that should be a crime), but just "paraphernalia," a totally artificial class of things. As unbelievable as I found this, what was really shocking and disgusting was that the U.S. attorney argued that Chong deserved an especially severe punishment because his films "trivialize law enforcement efforts to combat drug trafficking and use." It's not just that they put him in jail for a phony non-crime, twice-removed, but they really did it because he was a comic, making fun of them. The First Amendment still gets lip service, but apparently it doesn't protect some forms of speech. — Doug Casey

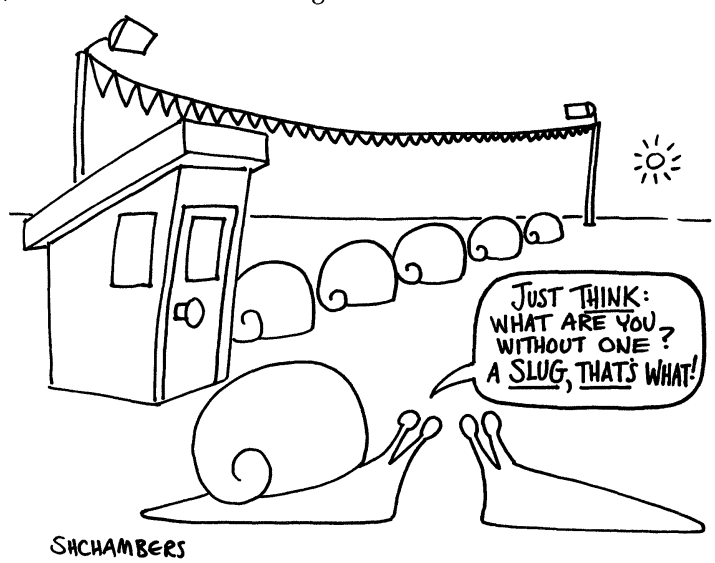

The '70s, through a PC filter — I finally realized what bothers me about the *That '70s Show*. Nobody smokes. Anything. Ever. Yes, there are occasional references to marijuana, and occasionally, the central characters will be seen through a distorted lens giggling in a smoke-filled basement, and we all get the idea; but I don't think I've ever seen one of them actually light a pipe or a joint. There is the now famous "Brownie" episode, where we see everybody eating "special" brownies, and getting really goofy, but nothing is said about why they were "special," and never is anything lit.

And what about cigarettes? As a person who went to high school in the '70s, I can tell you that most schools had dedicated areas for students to have a cigarette in between classes. I knew kids similar to the stereotypes these actors portray, and they all smoked Newports.

And what about their parents? In those days, most hard-drinking adults (as it is suggested some of these characters are) were heavy smokers. Yet not once have I even seen an episode where an adult lights up a Lucky. It makes the show feel weird. Who would ever have thought that political correctness would interfere with nostalgia? — Tim Slagle

No smoking gun — So Secretary of State Colin Powell says, "I have not seen smoking-gun, concrete evidence about the connection" between Saddam Hussein and al Qaeda, though he still maintains President Bush was right to launch the invasion of Iraq. Even though Powell maintains some evidence of links might yet be found, the comment puts his performance at the U.N. just before the war in a bit of a dubious light. In fact, the entire rationale for the war, aside from the "humanitarian" argument that it is the duty of the United States to change any regime that is acting in a beastly fashion (and, perhaps, is sitting on huge quantities of proven oil reserves), has pretty much vanished, and administration spokespeople have been remarkably frank about acknowledging that the ostensible reasons for going to war were empty. — Alan W. Bock

Giving credit where debit is due — On January 14, President Bush announced an initiative to send astronauts to the moon and then Mars. His proposal, which will cost taxpayers hundreds of billions of dollars, was acclaimed as a renewal of the vision that launched the first moon landing. A few critics raised eyebrows at the cost, but the predominant tone was euphoric and echoed the Republican lobbyist who said that space travel on this scale "will not be merely revolutionary: it will be Promethean."

So where was the press? Experiencing mass amnesia. Just a year ago the shuttle Columbia disintegrated into thousands of pieces across eastern Texas because a piece of foam struck the spacecraft. NASA staff knew that some foam had broken off, but they chose to ignore the possibility that it would pose a problem. In August, the Columbia Accident Investigation Board reported that the accident was caused not just by a mechanical problem but, according to an official press release, by both "physical and organizational

causes." The report also said that "the NASA organizational culture had as much to do with the accident as the foam that struck the orbiter on ascent," that NASA's management system is "unsafe to manage the shuttle system beyond the short term," and that the agency "does not have a strong safety culture." In spite of that report, the same administrator who oversaw the Columbia disaster, Sean O'Keefe, is in charge of NASA today. And President Bush is handing over this enormous responsibility to him.

Everyone knows how hard it is to get rid of a government agency, no matter how decrepit. This turn of events suggests that the worse the agency's track record, the more promising its future. — Jane S. Shaw

The national Saddam index — Back in early December, Americans were growing less and less satisfied with the way things were going. The CBS/NYT poll of Dec. 13 revealed that most adults, by 56–39, thought that "the country is on the wrong track." Then Saddam was captured. On Dec. 15, they thought we were on the right track by 49–43. The pollsters were pretty clear: they were talking about America, not Iraq. They weren't talking about safety. Still, Americans thought that capturing the former despot of Iraq made America better.

This is bad news if you want to forget the Bush presidency as soon as possible. Foreign events didn't use to play such a role in the right/wrong track questions. Before and after the 1983 Grenada invasion, the meter bumped up from 50 to 53. That's a far cry from the 10-point Saddam bump. Saddam had been built up as a villain for twelve years, but the Communists had been on the hot seat for nearly 40 years. There's something new in this. The Bush administration has told America that our destiny is tied up with Iraq's. In great numbers, we're believing them. — David Weigel

Don't have a cow, USDA! — The mad cow disease panic provides an important lesson about how government doesn't work. Weeks after a cow is slaughtered, tests show that the cow had the disease. Although it is soon acknowledged that many people have probably eaten meat from this cow, the Department of Agriculture (USDA), led by a secretary with ties to the agriculture industry, piously argues that the food supply was safe.

Democrats called for a law requiring that "downer cows" — cows that cannot stand or walk — be banned from the human food supply. After a few days of hysteria, the Secretary of Agriculture caved in and banned human consumption of downer cows.

"You're not giving advice to the President, are you?"

A ban on downer cows is silly because many are unable to stand for obvious reasons — for example, a broken leg — that have nothing to do with mad cow disease. More importantly, such a ban would not have prevented this problem, and might even have left it undetected. The infested cow was not a downer; it was tested by the slaughterhouse only because another cow in the same herd was a downer. If downer cows had been banned from the food supply, its owner wouldn't have sold it to the slaughterhouse, the herd would probably not have been tested, and the diseased cow never detected.

Meanwhile, the calf of the diseased cow was found in a group of 450 calves — but no one kept track of which was which. So USDA ordered the destruction of all 450 without testing any to see if they had mad cow disease. The USDA seems to believe that the less the public knows about infected cows, the better.

If we didn't have USDA "protection" of the food supply, food producers would have to go to much greater lengths to assure people their food is safe. USDA is more a protector of the industry than of food safety.

The best solution was proposed by the Food Marketing Institute, a trade group of the grocery industry: test all suspect cows and their herdmates and don't allow their meat to enter the food supply until the test results are in. Implementing this would protect the public. But it apparently doesn't meet the requirements of the cattle industry for a low-cost solution or the requirements of the politicians for simplistic answers. — Randal O'Toole

Tear down this other wall — Palestinian Premier Ahmed Qureia has said that if Israel keeps building the wall that redefines the border, he'll start pushing for a single Arab-Jewish state that includes Israel, the West Bank, and Gaza and would soon have an Arab-majority. Sure, Israelis will look at that proposal and figure it's just as likely as all get-out to happen. Israelis already worry about an Arab majority if the regime doesn't find a way to off-load the West Bank, but so far the concerns haven't been translated into policy, and nobody knows when sufficient war-weariness will set in. — Alan W. Bock

Satellite Penile Control — If someone came out with a simple high-tech system that could curb overpopulation, AIDS, rape, pedophilia, abortion, STDs, unwanted pregnancy, and bestiality, as well as resolve all ugly political fights over abortion, we would award that person a Nobel Prize. Well, I'm here to cash in. I've devised such an instrument.

It's composed of simple GPS technology like Cadillac's Onstar system, which can find you anywhere on the planet if you have the right equipment under your hood — combined with those little things they reportedly use in research labs to measure homophobes' tumescent responses to gay porn.

What I'm thinking of is penile measurement rings, controlled by satellites. That's right, satellite control of penises! The morning-after pill has just been approved by the FDA for over-the-counter sales, but why wait until the morning

after when you can act the minute before? We all know about Medic Alert, that thing that calls the authorities when grandma falls and can't get up. When you think about it, what's more important — getting granny up, or getting penises down?

I have a friend who wears a government-installed ankle bracelet, and the people in charge always know when he stays too long at the bar. Satellite Penile Control (SPC) could be installed just as easily, and be rendered practically foolproof. Then, no more need for abortions — partial birth or any other kind. No more need for the consternation, the guilt, the shame, the expense, the economic deprivation, the surgical invasion of the body that accompany abortion. Also, no more gruesome pictures, no more horror stories and clinic bombs. No more election wedge issues, litmus tests, or filibustered judges. Individual men — not the long-suffering female population, or the body politic — can bear the burden now.

I think we all agree that placement of reproductive issues on the backs of women is a concept as medieval as the chastity belt. Just because women give birth does not mean that it's fair to put all of the responsibility for pregnancy-related issues on them. Birth control and partial birth abortion come way too late in the process. What about the root cause of the pregnancy, the thing that started it all? Social and religious conservatives believe that human life begins at conception, and that's where the focus should be — on conception control. Who would argue that instead of padlocking the barn door we should catch the horse when he's already galloping down the street?

Sen. Rick Santorum and columnist George Will have pretty much dismissed the idea that a person owns his or her own body. They argue that the right to control one's body would lead to a slippery slope where people would start doing such things as committing adultery or even masturbating. Santorum believes that some might slide so far as to have sex with goats. Well, if my proposal were enacted, then as soon as any of these species crossers got a gleam in his eye, it would immediately be picked up by satellite sensors, and a powerful shock would be delivered to the offending member. A downward slope of another kind would result.

Better still, instead of granting the power to control sexuality to a single, centralized (and largely male) group of federal bureaucrats (i.e., the U.S. Senate), we could manage sexuality at the local level, with a penile control committee in each state. Since women would be the most obvious beneficiaries of penile control, the committee would be principally composed of women. Social conservatives will have little or no objection to the supposed invasiveness of Satellite Penis Control, so long as it is mandated by the states. They have long insisted that a right to privacy does not exist in the Constitution. Certainly Sen. Santorum, the world's leading expert on such matters, confesses that he can't find it there. And what conservative could possibly be against the institution of family safeguards and preventative justice — so long as it is all done, as I say, on a purely local level?

— Sarah J. McCarthy

The doctor is out — These days I can hardly recognize Howard Dean. When I first met him in Jonathan Cohn's respectful article in a June issue of *The New Republic*, he was a sensible doctor-politician who had a few actual ideas. Balance the budget. Repeal the highest-bracket tax cuts. Roll back some anti-gay hysteria. No good libertarian could be keen on his zealotry for universal health care, but there was good stuff here. He was better than Al Gore, at least.

And then he went nuts.

I'm not saying "nuts" for some dynamic, Coulteresque effect. In the last five months or so, the Governor has been signing off on some of the emails I get from the campaign (campaign staff assure me that he approves, if not actually pens, every message). They started off with smart rhetoric about John Ashcroft. Then came the fundraising bat — a cartoon of a baseball player pointing, Bambino-like, off into the distance. The Governor was telling me that "we are building an American community strong enough to take on the power of money in politics and deliver the White House back to its rightful owners — the American people." What does this mean?

In November, Howard sent me an answer. "Our political system is drowning in a flood of large corporate interest money. The pens that sign the checks of the lobbyists in Washington are the same pens that write our legislation. Oil corporations write energy laws in the Vice-President's office. The pharmaceutical industry drafts our Medicare laws. Billions of dollars worth of contracts in Iraq and Afghanistan are awarded to Bush contributors."

Something had changed. These new emails reminded me of the correspondence I got from the Ralph Nader campaign in 2000. All wrongs could be traced back to "corporations" — Dean was nice enough to specify that "corporate interests" were the problem. Money was ruining our poli-

tics — so the candidate needed as much of my money as possible. My next email came from campaign manager Joe Trippi, thanking all of us on the email list for voting to skip public financing and the resulting cap on donations. "In 1773, a band of patriots dumped a shipload of tea into Boston Harbor to protest a government that benefited only a select few. Today, a bigger band of patriots made history."

This was when I realized that Howard had gone nuts. The most a presidential campaign can do is squeeze its party into Congress. The least it can do is lose. Ralph Nader had told everyone who would listen that his campaign would bring in millions of new voters, but it didn't. So when you're convinced that your campaign is actually a glorious revolution, you're walking off the map.

The Howard Dean of early 2002 could never have written these letters. The Dean that appeals to libertarians who just want Bush out of there is a thing of the past. But it's interesting to watch how far this new Dean is going to go. As he told a group of Iowa voters in January, he's starting to think that "people are dropping out of the system because they think they can't change it. If this campaign can bring 4 million new voters . . . " — David Weigel

The meter-maids of regulation — That clever 19th century liberal, Frederic Bastiat, who studied the economics of the visible and invisible, understood better than most the invisible penalties that haunt governmental regulation. Strangely, William Schwenk Gilbert, a lyricist whose economic interests were only centered on box-office receipts, stated the same truth in a tuneful way. He said, to the melody of his musical partner, Arthur Sullivan: "Things are not what they seem. Skim milk masquerades as cream." How true. Laws are never "what they seem." And before we kill all the lawyers, as the Bard suggested, let us examine some of the penalties of the legal code.

The most certain of the unseen costs that accompanies legislation — as ubiquitous as the bar check that follows your vodka martini — is the simple need for enforcement. Without enforcement, those encyclopedic, uninterpretable statutes buried in governmental regulations are "writ in water."

Every new law, regulation, and edict in the federal code calls for battalions of enforcers, and a country overrun with policemen is a country where freedom is fitful and taxpayers pay for their own harassment. So many policemen. So few of us left to do the world's work. We drag along the burden like the ghost of Marley (Scrooge's partner, remember?), whose deeds forged the chains of his own bondage.

Who can afford the army of accountants needed to check, say, the banking regulations that govern reserves? There are hundreds of thousands of banks in the U.S.; their reserves fluctuate hourly. How many sharp-penciled cops would it take to periodically inspect 100,000 banks? And if it's accurate numbers

News You May Have Missed

Bush Moon Plan Takes Off

WASHINGTON, D.C. — President Bush's plan to colonize the moon and Mars received solid bipartisan support as Congress quickly passed a resolution authorizing the use of farce in outer space. Following established precedent, the resolution was passed before most representatives and senators had any idea what they were resolving, let alone authorizing, and afterward there were questions about the wording. But following consultations with experts at several administration-friendly think tanks, including the Pratfall Institute, the Banana Peel Foundation, and the Project for the New American Quagmire, legislators decided that "farce" was the right word after all.

Nevertheless several prominent members of Congress expressed chagrin after the vote when they were handed a bill for $435 billion, not including tip. "This can't be right," said one senator, signaling to Karl Rove in a vain effort to get his attention. "A hundred billion just for appetizers? There has got to be some mistake. We can't pay this. All our cards are already totally maxed out." But they calmed down when Vice President Dick Cheney came over and explained that there was no problem, the bill could just be charged to the deficit, "and there's plenty more where that came from."

President Bush's plan, given the official code name Operation Lunar Freedom, calls for a devastating "shock and awe" public relations campaign, precision-targeting major media outlets, followed by a rapid advance on the lunar capital, if one can be found (if not, one will be built by Bechtel and Halliburton for $292 billion, or $305 billion if you count light bulbs). The capital will then be surrounded and quickly overrun by allied forces, which will include not only American National Guard troops who had been told they were only reporting for weekend duty, but "coalition of the willing" troops from several remote, strange, but cooperative planets, such as Planet of the Apes, Planet of the Baboons, and Planet of the Fox News Correspondents. The subsequent occupation will last until a stable democracy is established on the moon or until Donald Rumsfeld gets bored and the Republican National Committee gets nervous, whichever comes first. Nevertheless, after occupation forces depart, a number of pioneering individuals specially chosen by the Bush Administration will be left behind as permanent moon settlers, including former Treasury Secretary Paul O'Neill, *New York Times* columnist Paul Krugman, and Jacques Chirac.

Administration officials are reported to be worried that they will eventually run out of parched, desolate places where a swift, smooth transition is possible between taking over and regretting taking over. Mars seems to be next in line, since, according to Paul Wolfowitz, who is in daily contact with prominent Martian exiles like Xandor, Org, and Perle, American invaders will be greeted by the liberated indigenous population "with open little green arms." President Bush has named the moon and Mars as prominent components of the "Axis of Real, Real Cold and Boring Places." The president has said he will not rest until both heavenly bodies, with American help and guidance, achieve the same climate and the same number of professional sports franchises as Houston. — Eric Kenning

you're seeking, you'd better not use the bank's books. Better to count the cash, count the CDs, count the short-term paper, count the rolls of coins.

The essence of a capitalistic society, though it hardly peeps through our business-school textbooks, is trust. Corps of cops are only a small part of the solution to malfunctions in the body economic. Fewer laws and more morality are what's needed. And that's a solution not amenable to the talents of the SEC or courthouses full of Attorneys General and prosecutors. The answer lies in the realm of ethics, not regulation. — Ted Roberts

Terrorist alert elevated to Level Pink — Over the past two years the Department of Defense has discharged 37 linguists, most of them studying Arabic, from the Defense Language Institute. Was it because they were flunking? No, it was because they admitted they were gay, thus violating the military's "don't ask, don't tell" policy. Evidently the government figures it can conduct the vaunted "War on Terror" without some of the weapons it could have at its disposal. Is that kind of unilateral disarmament intelligent? — Alan W. Bock

Tis the season to be bankrupt — I love our new high-level terror alert system that seems to occur every holiday season. Normally, traveling between Dec. 20–Jan. 2 is a nightmare of long lines, crowded seats, and overpriced tickets. Try to book something at the last minute, and you would pay hundreds of dollars, if you could get anything at all. But thanks to Tom Ridge's impeccable timing, I was able to purchase a last-minute ticket from New York to Orlando at the end of the New Year's weekend for a mere $122. Moreover, I was able to drive across the George Washington Bridge at 6 p.m. on New Year's Eve, with virtually no wait at the toll booth. How convenient for me!

Oh — the airlines are struggling to make a profit? That's okay. I can sell them short and make big bucks in the stock market. And the merchants in Manhattan are also struggling, with tourists staying away? That's okay too. Most of them are just Third World immigrants. Who needs 'em?

I love this new terrorism alert stuff!

Wait a minute. You say I won't be able to fly anywhere next year because the airlines will be out of business?

Oops. — Jo Ann Skousen

Drugs and terror: when wars collide — A U.S. official has told the *Washington Times* that Osama bin Laden and al Qaeda are raising millions of dollars through the illicit drug trade, mainly by charging a "tax" on and facilitating opium shipments out of Afghanistan. The official neglected to mention that the most effective way to cut off this particular source of funding for terrorism would be to end the drug war and make drug dealers compete with multinational pharmaceutical companies. Without the price premium imposed by prohibition, of course, they would find themselves without a business. — Alan W. Bock

Bad profits! Bad! — Quite possibly the downfall of capitalist society started about the same time that the words "Not For Profit" became equated with goodness and morality. In an effort to describe, in legal terms, a moral activity that should receive preferred treatment under tax policy, the IRS created the non-profit status. I suppose, by implication, we are to think that profit is evil, and should be subjected to punitive taxation. Non-profit should not be confused with a vow of poverty, for many executives at the Red Cross and PBS drive fancy cars and live in extravagance. Non-profit status doesn't mean that nobody is making money, it only means that no money is returned to the investors. — Tim Slagle

Lieberman suspects the DEA of drug enforcement — Asked by an activist in Maine whether he would stop Justice Department raids on patients in states where state law authorizes the use of medical marijuana, Democratic presidential hopeful Sen. Joe Lieberman said he had asked his staff to check into "accusations" that the feds had conducted such raids. Suzanne Pfeil, who in Sept. 2002 was awakened from sleep in Santa Cruz by five DEA agents pointing automatic rifles at her, would be surprised to know Sen. Lieberman still thinks stories about such raids are "accusations." The stories were in all the papers, at least in California. Anybody who had even Googled the subject would find news of lawsuits, jail time in San Diego and Santa Ana, a club closed down in Los Angeles. Could it be Sen. Lieberman and his staff haven't made much of an effort? — Alan W. Bock

The return of the military draft — Given that this is an election year, it is unlikely that a serious effort to reinstitute conscription — a military draft — will happen anytime soon. But a number of circumstances make it a possibility once the election is finished. Those who value freedom and an effective national defense should be aware of the dangers.

Recent events in Iraq, including the attack on convoys in the town of Samarra that led to deadly firefights, suggest that U.S. occupation forces face something like a classic guerrilla war.

If that turns out to be true, it matters little whether the guerrillas are Baathist remnants of Saddam loyalists, foreign jihadists, or locals who have become foolishly disillusioned with the American occupation. It also matters little whether

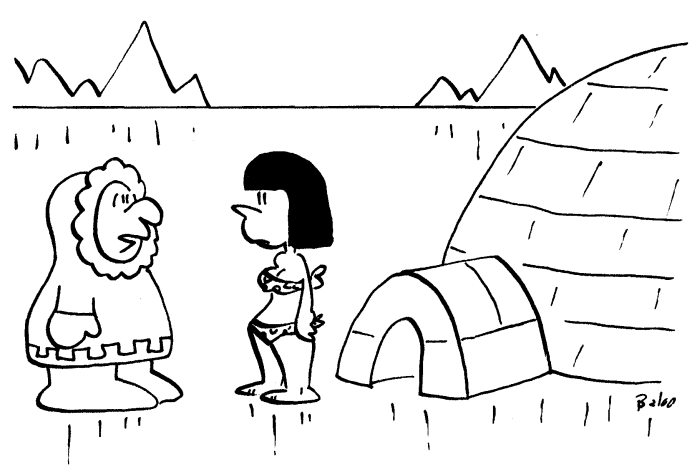

"Global warming isn't *here* yet."

the guerrilla command is centralized or radically decentralized. What is important is that military doctrine suggests that defeating a guerrilla force requires overwhelming numerical superiority — some say 10–1, some say 20–1.

If U.S. forces have to fight a guerrilla war, huge numbers of troops — who will not be available for policing, supporting democracy, or reconstructing infrastructure — will be required. Considering normal rotation schedules, three times that number (some training in the States, some preparing to deploy, some preparing to return home) will have to be assigned to Iraqi operations. Nobody knows what effect this will have on enlistment and re-enlistment rates, or on morale, but the effects over the next year or so could be substantial.

Add the fact that the U.S. still maintains troops in more than 120 countries and that people up to Defense Secretary Rumsfeld have worried (albeit guardedly) that U.S. forces may be stretched too thin to accomplish all their missions, and you can see why conscription may become attractive.

A bill, HR 163, to establish universal national service for both men and women in military or alternative service, was introduced last year, sponsored by Harlem Democratic Congressman Charles Rangel, but it didn't go anywhere. Columnist Doug Bandow told me that those who talk openly about restoring a draft (or a compulsory national "service" system) are mostly Democrats, but that an increasing number of Republicans are quietly urging them on.

The Selective Service System (SSS) early in November put a notice on its Web page that "[i]f a military draft becomes necessary, approximately 2,000 Local and Appeals Boards throughout America" would have to be formed, and invited applications. A couple of days later the notice was eliminated without explanation.

Circumstances make conscription a possibility after the election. Those who value freedom and an effective national defense should be aware of the dangers.

The SSS Annual Performance Plan for 2004 includes more ambitious plans than the system has had in decades, including conducting an Area Office Prototype Exercise to test the activation process. Although the House wanted to increase its budget to $28 million from $26 million (oh, those frugal Republicans!), the Senate didn't go along with the budget boost.

The military (after initial apprehension) now prefers a volunteer system in which it has a chance to properly train people who want to be there. And policymakers of a certain age remember that opposition to the Vietnam war almost disappeared after the draft was stopped. However, there have always been people in government who hanker after conscription, and events in the next year or so could begin to make the idea of compulsion rather than recruitment look attractive.

Just a heads-up — for now. — Alan W. Bock

Never on Sunday — For as long as anybody can remember, New York City has outlawed the sale of liquor on Sundays. A few months ago, the City Fathers were seized by a fit of multiculturalism and set out to make their blue laws more religiously inclusive. The result is an ordinance that requires all liquor stores to be closed one day a week, but the owners of individual stores get to pick which day.

The ostensible reason for the ordinance in the first place is that if the city allowed people to sell liquor seven days a week, it would be encouraging drinking. Faced with a choice between the religious insensitivity of traditional blue laws, and the incitement of the masses to binge drinking implied by laws that will allow liquor to be purchased any day of the week, what's a city to do? — William Merritt

You know I'm bad — There is quite a concern that Michael Jackson might have had sexual relations with a boy who is a minor. Strangely, there is a lot more disgust about Michael Jackson in show biz circles than there was about musician R. Kelly, or director Roman Polanski, who is treated like a political dissident by Hollywood. I would like to think the reason is that R. Kelly was accused of being with a 16-year-old girl, or even that Roman Polanski's victim, at 13, was a full year older than Michael's friend, who was twelve. I more think the reason for the outrage is that Michael Jackson is accused of having had a homosexual relationship. For all the talk among the Hollywood elite of being tolerant of alternative lifestyles, the homosexual bias still exists, at least when it involves a minor. — Tim Slagle

Making Clinton look good — It was hard to imagine how things could get much worse than the cabal Bill Clinton surrounded himself with: Hillary, Algore, Madeline Halfbright, Donna Shalala, and the murderous Janet Reno (whom I always suspected of being Chelsea's actual father).

But somehow Baby Bush managed to outdo Clinton by consorting with Cheney, Rumsfeld, Ashcroft, and their neocon minions. And with himself. Although Clinton, abetted by his high IQ, was a skilled and enthusiastic liar, his most famous lie was the relatively benign "I did not have sex with that woman." Baby Bush, actually aided by his low IQ, is what might be called a sincere liar. Perhaps because he actually thinks Jesus wants him to be president, and talks to him, he's an even more dangerous liar than Bill. What could be more dangerous than the whole series of lies that got the country into the Afghanistan and Iraq wars?

It's strange how you never know what you're going to get with a president. Few people remember that Franklin Roosevelt ran on what was almost a radical free market platform in 1932, decrying the taxation, spending, and regulation policies of Hoover. One might have thought you'd have gotten a fiscal conservative with Reagan ("If not us, who? If not now, when?"), but his policies sent the deficit through the roof. It was reasonable to anticipate a socialist disaster with Clinton, but government spending grew slower than the overall economy. Baby Bush, few now recall, made promises of no more "nation building" in foreign hellholes.

I'm not sure what conclusion one can draw from all this, apart from the fact that the kind of people who survive in

the game of politics long enough to become president are, almost necessarily, pathological liars. It would appear that *Boobus americanus* doesn't much care. Certainly not if the domestic economy is good. In which case who cares who's lying? Or if there's a war or an emergency going on, in which case they believe that almost anything is justified by "national security."

Actually, the only hope of things getting much better may lie in bad economic times. It was the high interest rates, high unemployment, and bad stock market of the late '70s and early '80s that fostered the tax revolt and underground economy movements of the era. That could be a bright side of the Greater Depression. But perhaps that's just my natural optimism coming out.

Of course, anything can happen. But my guess is that the era of really big government is here. Since Bush has been in office, even though reported inflation was extremely low, government spending increased over 28% — the highest rate of increase since LBJ tried to build the Great Society out of "Guns and Butter." Without any comment from supposedly "small government" conservatives, Baby Bush is the only President since Millard Fillmore in 1851 (with the exception of James Garfield who was assassinated shortly after taking office) who's never vetoed a single bill.

The Romans didn't think it could get much worse after Tiberius, but then they got Caligula and Nero. They didn't know how good they had it. My fear is that, after Bush, we'll get somebody worse yet. Dean this year. And then, maybe Hillary. But, in keeping with a well-established tradition of lies, perhaps she'll turn out to be a libertarian.

— Doug Casey

Elections excepted from First Amendment — The Supreme Court decision upholding most aspects of the campaign finance limitation law passed by Congress last year affirms that when it comes to a trendy fixation of the political class, the Constitution — even the First Amendment, on which this court has generally been not bad — means little or nothing. Simple language like "Congress shall make no law" gives way to emotional rhetoric about the malign influence of money in politics (as if politics were otherwise a pure and pristine calling), and we now have a 90-page statute, 1,000 pages of regulations, and a 300-page Supreme Court decision regulating political speech.

Or, as John Eastman of Chapman University Law School observed, there is now "more protection for pornography on the Internet than we give to core political speech 60 days before an election." He is referring to a provision in the law, which most observers expected to be overturned, that restricts election-time political ads, including a ban on ads that mention federal candidates in those candidates' districts, a month before a primary and 60 days before a general election. Incredible. The time just before an election, an innocent might think, is when political speech should be freest, even though you know some of it will be scurrilous. Yet Congress asserts the right to regulate not only candidates (for which there is at least some tenuous justification, given that nobody is forced to run for office), but anyone else that might want to influence an election. And the Supreme Court — or more specifically, Justices O'Connor, Stevens, Souter, Ginsburg, and Breyer — lets it happen.

Roger Pilon, vice president for legal affairs at the Cato Institute, told me, "Nobody thought the 60-day ban on speech would be upheld, yet the court affirmed even that. What's the point of having a court if it won't protect the Constitution? This is a majority that thinks like a legislature." He didn't mean it as a compliment.

Several aspects of the enthusiasm for campaign finance restriction are especially dismaying — or perhaps revealing.

The first is that these are restrictions, as Pilon put it, "in the very area (besides religion) the First Amendment was meant to protect — political speech."

The second is that it runs counter to the democratic idea that the political process is the way the people give the government its marching orders. When the government regulates the political process, it controls the process that is supposed to regulate it.

The third is that restrictions on political fundraising and spending are blatantly calculated to protect incumbents, who already have built-in electoral advantages, from well-financed challengers.

This was truly appalling legislation and a truly appalling decision.

— Alan W. Bock

Eating your way to fame and fortune — God is in his heaven and Timothy Dumouchel has dropped his lawsuit. The 48-year-old Minnesota man had brightened up a slow January news week when he stormed into the offices of Charter Communications and announced that their cable was making his wife fat. After threatening employees with a shark attack, he left a statement affirming

Word Watch

by Stephen Cox

Formerly, language patterns in the United States moved, like the sun, from east to west. The great sources of national slang and metaphor were the Broadway theater, Tin Pan Alley, and the major East Coast newspapers. Now traffic moves mainly in the opposite direction.

Fifteen years ago, I sat in a restaurant in San Diego and heard the waiter (I mean "server") who was spying on my dinner plate enunciate the basic question of human life, in this form: "You still workin' on that?" By a process of interpretive algebra, I deduced that "workin' on" meant "eating." Dining, which had once been a pleasure, was now just one more job you have to "work on."

I imagined, of course, that this was merely some individual tic or spasm, the kind of thing that, if subjected to immediate treatment, would disappear without a possibility of its infecting others.

"No," I said, with considerable emphasis, "I'm still *eating*."

"Okay," he replied, cheerfully oblivious to any suggestion that his bad choice of metaphor might be either (A) a metaphor, (B) bad, or (C) a choice that could, conceivably, be replaced by other choices. "If you're still workin'," he reassured me, "I'll come back later."

It turned out to be a disease, not a defect, and the contagion spread. Indeed, by the time I first encountered it, it was already evolving new strains. "Workin' on" had already spawned the more easily transmissible "workin'." In another month or so, it spawned another series of metaphors, each more disgusting than the last. "You still pickin' on that?" a nice young server said, smiling down at my half-eaten steak.

"Yes, I'm still *EATING*."

"That's fine. I'll check on you later."

Check on me? Is this a hospital?

Meanwhile, "workin'" was preparing to hop the first plane east. I warned my Right Coast friends of the approaching epidemic, but they refused to heed. "No! Really? They say *what*? Well, that certainly doesn't happen in New England." I assured them that it would — and of course it did. Now "You still workin'?" is as standard-American as "social security" ("sosh scurty") for "old-age pension," "bring it to a head" for "make it an open issue," and "nitpick" for "fault-find."

"Huh?" you say. "What's wrong with those expressions? They didn't start in California, did they?"

No. No, they didn't. They started in hell. Despite the heat, it's dark down there. It's hard to visualize what's going on. But if you can't visualize what you're saying, you shouldn't say it.

What, for example, are these "nits" that people "pick"? What image does that expression literally evoke? Well, nits are louse eggs, and when you pick a nit, you reach down into your . . . Now you get the picture, and it's not a pretty one. And how about that "it" in "bring it to a head"? "It" is a pimple, a pimple that is being squeezed. When you subject that metaphor to a process of visualization, you get a whole new impression of what happened when "Roosevelt brought the isolation issue to a head."

"Come now! Nobody actually *sees* those images. They're nothing but figures of speech."

Sure they are. But why are you using a figure of speech, if you don't want anyone to visualize what it says? And do you really think you can say, "This column sucks!" without anyone remembering what "sucks" literally means? The same goes for such common expressions as "sucks up" and "brown nose," expressions that are embarrassing to mention and should be embarrassing to use.

It's only the habit of visualization that can keep you from making gross verbal errors. I recently found in my mail a free copy of a beautifully produced book, together with a beautifully produced advertising circular that congratulated me on receiving the book and took the occasion to inform me that those responsible for it were "always looking for writers or people with great stories to tell." Writers *or* people, eh? So writers and people are two different things? I'd suspected that.

The writer of that message could have avoided revealing his lack of humanity by simply visualizing "writers," "people," and the relationship denoted by "or," then putting those pictures together and seeing, perhaps for the first time in his life, what he was literally saying. A similar process might be followed by a certain corporation that prides itself on its "many new innovations." Picture innovations; i.e., new things. Now picture new innovations. Can't do it, can you? And consider the remarks of one of Michael Jackson's spokesmen, who claims that people are spreading "erroneous facts" about Michael. All right, visualize facts. Now visualize false facts. Hey! What happened? My "facts" just vanished!

If you can't visualize what you're saying, you're going to have a terrible time avoiding lapses in grammar. "Every New Deal program that was aimed at creating jobs were a failure" sounds perfectly all right to people who aren't picturing, word by word, what is really being said. So does "Walking into the house, the radio was blaring." Disgusting images, redundant verbiage, grammatical indiscretions — all can be detected and removed with the aid of a little exercise in *seeing*.

And there's still another reason for visualization: it's a great obfuscation detector. There used to be a business in Southern California that proudly called itself the Home of Pacific Mobile World. Try visualizing that. You'll get roughly the same results when you try to visualize your way through the language of politics and social organization, except that here the cost of obfuscation can be immeasurably higher. Take a crack at visualizing "social security," "public single-family housing," "affirmative action," and the omnipresent "department of human resources." One should be very careful around anything that doesn't want its meaning visualized.

"that the reason I smoke and drink every day and my wife is overweight is because we watched TV every day for the last four years." For two days, from when he filed the threat to when he dropped it, he was taken seriously.

If you've ever been to a small city council meeting, you're familiar with the harmless crazy. He has a problem, he can't solve it, the city council has to do it for him. I remember one man who asked the Wilmette city manager to destroy the shrubbery around his house, and one man who told an Evanston alderman that a new library branch was part of a scheme to defraud white people. They were crazy. We nodded our heads and looked for other questions.

I'm not sure if we'll be able to make sensible distinctions in the future. The tobacco settlements of 1997 made it clear that stupid decisions can be actionable. Since 2002, fast food companies have been targeted by people with the same mentality. Dumouchel may be a kook, but he realized that blaming weight gain on his nemesis was the surest way to getting what he wanted. Let's hope other kooks weren't paying close attention. — David Weigel

Polling for freedom — The question of liberty versus security was put to people of six different countries by the Pew Research Center for the People and the Press. Pew asked them what was more important: "that everyone be free to pursue their life's goals without interference from the government, or that the government play an active role in society so as to guarantee that nobody is in need?"

Here are the proportions of those who chose freedom over security:

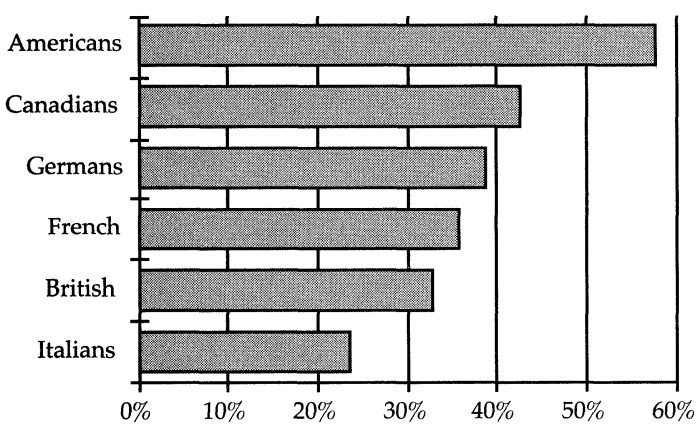

That is not to go so far as to claim that the majority of Americans are really libertarians but don't know it. Clearly, from the way Americans choose between concrete alternatives, they often prefer security. It is significant, though, that when asked to choose among principles, a majority of Americans chooses liberty — and that a majority in each of the other countries does not. — Bruce Ramsey

The first casualty — The international media watchdog Reporters Without Borders — Reporters Sans Frontières (RSF) — has completed its investigation of the U.S. Army's attack on the Palestine Hotel in Baghdad on April 8, 2003, in which two reporters living there were killed. RSF concluded that the deaths "were not a deliberate attack [by the U.S.] on the media. However, it [RSF] said U.S. soldiers should have been told by their commanders that many journalists were based in the hotel. . . . It was an act of criminal negligence for which responsibility should clearly be established." In short, the accusation is not murder but manslaughter.

But blame is laid at the feet of the Pentagon and military commanders, not of the soldiers in the field who fired upon the hotel. According to a story in the U.K. *Independent*, "Despite information being available to the Pentagon, the report said 'the soldiers in the field were never told that a large number of journalists were in the Palestine Hotel. If they had known they would not have fired. When they did know, they gave and received instructions and took precautions to ensure the hotel was not fired on again.'" RSF accuses U.S. authorities of concocting lies to hide what happened and says their subsequent official investigation was "nothing more than a whitewash." RSF is calling for the U.S. to launch a formal investigation into the deaths of Ukrainian cameraman Taras Protsyuk (Reuters) and from Spain, José Couso (Telecinco).

The Bush administration's love affair with the media is starting to crack and be revealed as a heartless flirtation. Domestically, prominent sources like the *Washington Times* are reporting daily on touchy matters, like the unusually high suicide rate for U.S. soldiers in Iraq. Or the fact that about 2,500 soldiers who have returned from the war have to wait for medical care at bases in the U.S. And, in Iraq, now that embedded journalists ("embedded" was the term used to refer to journalists allowed to accompany American troops on the march toward Baghdad, otherwise known as "in bed" journalists) from major American news sources have been largely replaced by foreign ones who have neither been intimidated nor bought off in some manner, there are increasing cries that the U.S. military is mistreating the press. Last week, for example, according to *The Guardian*, Reuters filed "a formal complaint" to the Pentagon following the "wrongful" arrest and apparent "brutalisation" of three of its staff this month by U.S. troops in Iraq.

— Wendy McElroy

Upholding marriage — Am I the only one who finds the issue of "gay marriage" embarrassing? Long thinking that the licensing of sex is not among the legitimate functions of the state (because authorizing sacramental unions is strictly for religious institutions), I fear that those few (very few) favoring it have given the Bushies a bogeyman to exploit among the many for the next election. None

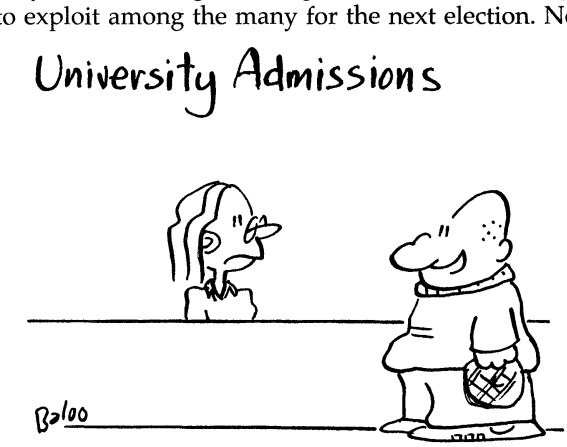

"If I major in criminology, can I get life experience credit?"

of the current Democratic candidates support gay marriage; indeed, some, such as Al Sharpton, are explicitly "politically incorrect" on this issue. A decade ago, I thought the issue of gays in the military was likewise misguided, recalling that homosexuality could grant an indisputable draft exemption. Back in the 1960s, some of us straights, including me, claimed it (in my case, without success).

Looking around us, wouldn't most of us agree that divorce is a bigger, more expensive social problem than unmarriage? And that the principal cause of divorce is inadvisable marriage? The best way for social institutions, including the state, to encourage lower divorce rates in America would be to discourage marriage among people who shouldn't be married (say, randy males in their 20s, such as Kobe Bryant). — Richard Kostelanetz

Ouch! — A recent article in *Newsweek* reports that many men are now asking for a full body hair removal procedure, previously reserved for women, called the Brazilian Wax. Today fashionable young women let their body hair grow, while young men are getting it removed. It is a strange shift in culture, perhaps the product of the gender confusion feminists have introduced to college campuses. — Tim Slagle

The wages of living in sin — My girlfriend and I have been living together for 24 years. Now Bush wants to spend $1.5 billion to encourage people to get married. I am waiting to hear from him to find out how much he will pay us to get married. It would have to be at least enough to cover the marriage penalty in the income tax. If he doesn't make us a good enough offer, it will be on his conscience that we are still living in sin. — Randal O'Toole

Reverse sucking sound — It looks now as if Homeland Security Secretary Tom Ridge's comment that it's time to think about "some kind of legal status some way" for the 8 to 12 million illegal immigrants he thinks are in the country now was not just an offhand, unguarded, unintentional remark. The comment came in response to a question, rather than as part of his prepared remarks, so some people figured that maybe he just blurted it out.

Cabinet secretaries seldom just blurt things out that contradict administration policy (or at least those who do it often don't stay around long, as Paul O'Neill could tell you), and Secretary Ridge is said to be particularly close to President Bush. And as it has turned out, his comment looks like it was a trial balloon or part of a campaign to get some kind of reform rolling.

There are logical reasons Ridge might want reform that regularizes the status of those who are already here. As Dan Griswold of the Cato Institute told me, "Maybe he's tired of seeing Homeland Security resources used to raid Wal-Marts and arrest janitors when they should be focusing on terrorists."

The fact is that most illegal immigrants contribute to the U.S. economy more than they cost it. If there weren't jobs available they would stop coming within weeks. But their status as illegal creates numerous complications, from pushing them into the underground economy to making them reluctant to have contact with police and other authorities, to making some of them more prone to criminal activity than they might otherwise be.

Liberalizing immigration policy would permit the government to focus on would-be terrorists rather than would-be gardeners.

On Jan. 12, President Bush proposed an immigration reform. Administration people say it isn't really "amnesty" for illegals since the guest-worker status would be for only three years (though renewable at least once for another three years) and doesn't put them on an automatic track toward citizenship. The argument is that a lot of Mexican workers really aren't all that interested in permanent residency leading to citizenship, but in working for a while at much higher wages than they could expect in Mexico, then returning. That's plausible, especially in light of what's happened since the last immigration "reform" measure in 1986.

That measure called for more border patrol people to nab more illegals, making it somewhat more difficult to move back and forth across the border. You can almost always expect perverse results from a crackdown on anything, however, and this was no exception. It led to more business for amoral (and sometimes quite cruel) people-smuggling coyotes. And it led to those who made it into the United States staying longer, forgoing trips to Mexico for holidays and the like. So we have illegals, who used to leave after a year or so, staying longer. It's difficult to see how this was any improvement — and more aggressive enforcement, along the lines of Bill O'Reilly's fantasy that we could send the National Guard down to the border and really seal it off, is likely to magnify the phenomenon.

It could be significant that the Homeland Security Czar broached the idea of reform. Since 9/11 opponents of immigration have used fear of terrorism to stymie reform or to push for more restrictions. Ridge seemed to be saying — and it's certainly plausible — that liberalizing reform could enhance national security rather than threaten it.

It might seem counterintuitive, but liberalizing immigration policy would permit the government to focus on would-be terrorists rather than would-be gardeners. — Alan W. Bock

"It's a very interesting résumé, but have you ever done anything *other* than bar napkins?"

The Intelligence-Surveillance Complex

by Christopher Pyle

The Immigration & Naturalization Service arrested a Canadian and turned him over to the FBI, which sent him to Syria to be tortured for ten months. John Ashcroft is a student of the Bible. Obviously, he remembered the story of Pontius Pilate.

"Nonsense! Nonsense!" snorted Tasbrough. "That couldn't happen here in America, not possibly! We're a country of freedom."

So declared a character in Sinclair Lewis' novel about a president who makes himself dictator by offering quick and easy solutions, including war, to a society wracked by insecurity.

But it can happen here. It is happening right now.

Consider the case of Maher Arar, a Syrian-born Canadian. He was trying to change planes at Kennedy International Airport in New York on Sept. 26, 2002, when immigration officials pulled him aside for questioning. They thought he might be a terrorist.

Arar answered all their questions, but the immigration officials were not persuaded. They detained him at the airport for a day without food, then locked him up at a federal facility for 20 days, while FBI and police department interrogators asked the same questions repeatedly. Still not satisfied, the FBI took Arar to New Jersey, put him on a private airplane, and flew him to Washington, D.C. From there another team (probably from the CIA) flew him to Jordan where he was turned over to the Jordanian police. The Jordanians beat him several times before taking him to the border and turning him over to Syrian military intelligence. The Syrians locked him in an underground cell three feet wide, six feet long, seven feet high — the size of a grave.

There he remained for ten months, except when he was questioned under torture. While he was being beaten and threatened with electrical shocks, he could hear prisoners in other interrogation rooms screaming in pain. Eventually he admitted, quite falsely, to having visited Afghanistan and the Syrians released him, 40 pounds lighter, with a pronounced limp and recurrent nightmares of being abducted again.

When the Canadian government protested this kidnapping, Attorney General John Ashcroft refused to apologize. He also disclaimed responsibility for the torture, claiming that the Syrians had expressly promised not to mistreat Arar.

Arar's abduction was not an isolated act by rogue agents. It was part of a secret program, approved by President Bush, called "extraordinary rendition." As one intelligence official explained to the *Washington Post*, "We don't kick the shit out of them. We send them to other countries, so *they* can kick the shit out of them."

Where our president gets the authority to authorize torture-by-proxy has never been explained. But he clearly thinks that he has the authority, probably as commander in chief, to abrogate the laws governing extradition and deportation, as long as he does so secretly.

What the Bush administration did to Maher Arar is worse than anything our forefathers condemned in the Declaration of Independence. It is worse than anything J. Edgar Hoover did to alleged Communists, civil rights workers, and anti-war protesters during his long campaign of dirty tricks. But Arar's experience is only the tip of a very chilling iceberg.

Back in the 1960s the United States developed the functional equivalent of a police state. It was a sloppy, undeveloped police state: mainly it spied on people by illegally

wiretapping telephones, bugging rooms, opening first-class mail, and infiltrating politically active groups. The FBI also tried to defame reputations, blackmail members of Congress, frame activists to look like "snitches," and trick street gangs and Black Panthers into shooting each other. Bureau agents allowed Southern sheriffs and Klansmen to club civil rights marchers and a Justice Department lawyer. Chicago policemen beat hundreds of lawful demonstrators and murdered a member of the Black Panthers in his own bed. The FBI also tried, anonymously, to blackmail Martin Luther King into committing suicide rather than accept the Nobel Prize for Peace.

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By and large, however, the old police-state apparatus was inefficient and half-hearted. Each agency did its own thing and was reluctant to cooperate with others. Hoover demanded that other agencies send their intelligence to "the seat of government," as he called the FBI's headquarters, but he sent little information back. In a fit of pique during the late 1960s, he even cut off all exchanges with the CIA.

Today there is much more file sharing among the Justice Department, the FBI, the National Security Agency, the Defense Intelligence Agency, the Central Intelligence Agency, the Bureau of Immigration and Customs Enforcement (FIX), the Department of Homeland Security, the Coast Guard, the Army's Intelligence and Security Command, the Army's new Northern Command, and nearly 2,000 state and local law enforcement agencies. The administrative wall between intelligence and law enforcement investigations, erected during the 1970s to restore the constitutional rights of protesters, has been bulldozed by the attorney general. The Fourth Amendment's ban on unreasonable searches and seizures, and its preference for warrants based on probable cause to believe that a *crime* has been committed, no longer exists, except on paper.

Now we have the fiber-optic equivalent of a giant sewage system, through which an enormous amount of raw and often erroneous data about "persons of interest" sloshes back and forth. Much of it settles into secret agency computer systems, where it can never be corrected or disinfected, but can be used, without verification, to construct watch lists like the one that marked Maher Arar a terrorist-by-association.

Back in the 1960s, our quasi-police state was national in scope. None of its constituent agencies, except the Army and the CIA in Vietnam, engaged in torture, or was grossly unprofessional in its handling of dubious information.

Today's police-state bureaucracy is international in scope. It integrates, in a very loose fashion, nearly 100 foreign law enforcement and intelligence agencies, including some, like Syria's, Egypt's, Turkey's, and Pakistan's, that specialize in collecting dubious information through torture. It is this sort of information, in part, that puts hundreds of alleged terrorists behind bars and exposes them to torture or abuse. Right now there are probably hundreds of suspects like Arar — people who might know someone who knows a terrorist — under interrogation in foreign jails because of information supplied, directly or indirectly, by our own government.

As part of its global war on terrorism, the U.S. military maintains a secret gulag of interrogation centers in Afghanistan, Pakistan, Iraq, Diego Garcia, Qatar, Thailand, and Cuba where thousands of suspected terrorists have been subjected to frightening inquisitions. So far as we can tell, our interrogators stop short of outright physical torture. Otherwise they would not bother to send suspects to Syria, Egypt, or Pakistan, for questioning under the president's program of "extraordinary rendition." But they could torture detainees, because — like the Phoenix Program of assassinations in Vietnam — they are without independent supervision. Anyone unfortunate enough to be held in one of these centers has no legal rights whatever, even though the accusations against him may come from unscrupulous, bounty-hunting warlords in Afghanistan, Yemen, or Somalia.

But we don't have to look abroad for examples of brutality. For nearly two years after the Sept. 11 attacks, our Department of Justice rounded up, detained, and questioned approximately 5,000 immigrants of Middle Eastern origin.

So far as we know, none of these detainees was beaten during an interrogation, but thousands were held for months without being charged with any crime. They were arrested ostensibly for being "out of status" with the immigration authorities, but really to keep them out of circulation until the FBI could confirm that they weren't terrorists.

What happened to most of these detainees is not yet known, but we do know, from the Justice Department's own inspector general, what was done to 762 Muslims held at the federal detention center in Brooklyn, N.Y. Guards chained them hand-and-foot, slammed them into walls, strip-searched them repeatedly (in front of female guards), mocked them as they prayed, and subjected them to sustained periods of sleep deprivation. In the early weeks of their detentions, these detainees were often denied phone calls to their families, who didn't know where they were or why they had disappeared. Access to telephones and attorneys was deliberately made difficult, and some attorney-client conversations were surreptitiously filmed and recorded. Many of the detainees were never released, but deported on the basis of secret hearings that not even their families could attend. Others lost their jobs and their families were forced to go on welfare.

Right now the focus of this surveillance system is on Arabs, but the Bush administration is eager to extend the same tools to other alleged criminals and the people who might know them.

These dragnet detentions failed to uncover a single terrorist, but the Attorney General responded to the inspector general's first report in June 2003 with another curt "no apologies." The Justice Department's Civil Rights Division and its Bureau of Prisons undertook cursory investigations, but found no reason to prosecute or punish any guards.

continued on page 22

Baseball's Bill Clinton

by R.W. Bradford

Pete Rose thought he could get away with gambling on baseball. When he got caught, he lied, and lied, and lied. Fourteen years later, he confessed, sort of. Should all be forgiven?

On January 8, Pete Rose admitted that he had bet on baseball while a major league manager, something he had publicly denied for more than a decade. He confessed in hopes of being made eligible for election to the National Baseball Hall of Fame, where, had he not been banned from baseball for betting on games while a player and manager, he would surely be honored today.

There is no question about whether Pete Rose was a very good baseball player. In a career lasting 24 years, he accumulated 4,256 hits, more than anyone else who ever played the game. For most of his career, his batting average was good. He also played with enthusiasm and was a colorful character. There is no doubt that he was a better player than many who have already been honored by election to the Hall of Fame.

But he is not in the Hall of Fame. He was ruled ineligible in 1989, after an investigation by the baseball commissioner concluded that there was overwhelming evidence that he had bet on major league baseball games while a player and a manager. The investigation was able to provide a list of more than 400 wagers that Rose placed on big league games during a single three-month period, including many bets placed on games in which he managed one of the competing teams.

For nearly a century before Rose began playing in the major leagues, professional baseball had prohibited players and managers from betting on games. The rule is plain and unequivocal: "Any player, umpire, or club or league official or employee, who shall bet any sum whatsoever upon any baseball game in connection with which the bettor has a duty to perform shall be declared permanently ineligible."

Gambling plagued professional baseball in its early days, when teams played informal schedules. One of the principal reasons why professional leagues were organized was to eliminate the influence of gambling to protect the integrity of the game. If a player is betting on a ball game, he might play differently than if he were not, and a manager who bets might make different decisions than if he were not. Gambling by players and managers violates the fundamental contract between the athlete and the fan: that the athlete is playing to win.

The rule prohibiting wagering is prominently posted in the clubhouse of every major league baseball park, in the plain sight of Pete Rose before and after every one of the 3,562 games that he played and the 1,198 games that he managed. Rose knew that every time he placed a bet, he was violating that rule. He nevertheless placed thousands of wagers on baseball games. When a huge amount of incontrovertible evidence proved that he had done so, he simply lied, and he continued to lie for more than a decade. It was Rose's repeated flouting of this rule that resulted in his being banned from organized baseball and ruled ineligible for election to the HOF.

There are two ways to be elected to the Hall: for a 15-year period following retirement from playing, a player can be elected by the Baseball Writers Association of America; after

that, he can be elected by the Hall of Fame Committee on Veterans, which each year can select as many as two players whose careers ended more than 20 years earlier. Rose has far more support among current sportswriters than he does from the Veterans Committee, so his chances of election will decline substantially two years from now.

Sportswriters and fans have often opined that if Rose would simply confess his sins and apologize for them, he might be reinstated to the good graces of baseball and elected to the Hall of Fame. So Rose decided to confess and apologize.

Gambling by players and managers violates the fundamental contract between the athlete and the fan: that the athlete is playing to win.

"It's time to clean the slate, its time to take responsibility," he wrote. Yes, he had bet on games. And he'd admitted doing so in a private meeting with the commissioner last year. "I've consistently heard the statement, 'If Pete Rose came clean, all would be forgiven,'" he explained. "It's time to clean the slate, it's time to take responsibility. The rest is up to the commissioner and the big umpire in the sky."

But he was not particularly contrite. "I am sure that I'm supposed to act all sorry or sad or guilty now that I've accepted that I've done something wrong," he said. "But you see, I'm just not made that way. Sure, there's probably some real emotion buried somewhere deep inside. And maybe I'd be a better person if I let that side of my personality come out. But it just doesn't surface too often. So let's leave it like this: I'm sorry it happened, and I'm sorry for all the people, fans, and family that it hurt. Let's move on."

And he had good reason to lie all these years about his betting: "If I had admitted my guilt, it would have been the same as putting my head on the chopping block. Lifetime ban. Death penalty." And, anyway, his wagering on baseball games wasn't really his fault. "If I had been an alcoholic or a drug addict, baseball would have suspended me for six weeks and paid for my rehabilitation," he said. "I should have had the opportunity to get help, but baseball had no fancy rehab for gamblers like they do for drug addicts," he explained. Of course, he didn't mention that alcoholism and drug use are problems that undermine a player's ability to play the game, while gambling undermines the game's very integrity.

The comparison to Bill Clinton is an obvious one. Both lied and lied and continued to lie until incontrovertible evidence proved their guilt, and only then did they grudgingly and half-heartedly admit what they had done. And both were inclined to blame others (remember Clinton's blaming a vast right-wing conspiracy?)

Just as Clinton survived impeachment, Rose may survive his banishment and find his way into the Hall. The question is back in the hands of the commissioner, the sportswriters, and the fans. The commissioner has been more or less silent, saying only that he intends to make no decision in the immediate future. While most news commentators were singularly unimpressed by Rose's confession, a recent poll of sportswriters eligible to vote for HOF candidates revealed that about 50% would vote for him if he were made eligible. Election requires a 75% vote, so Rose doesn't yet have enough votes. But fan sentiment supports Rose, just as public sentiment supported Clinton, and it may very well come to pass that the commissioner and the baseball writers will succumb to public opinion just as did the senators who acquitted Bill Clinton.

Well, would Rose deserve to be elected, if it weren't for the moral issue? Let me put it this way. Had he not been caught gambling, he would almost certainly have been elected, but not so much for his playing on the field as for his personality and his adeptness at public relations.

The Hall certainly contains players inferior to Rose. But most players in the Hall were demonstrably better. As a player, Rose was greatly overrated. Several important factors, often overlooked, enabled him to accumulate his record-setting career hit total, despite his only moderately impressive lifetime batting average of .303:

1. For most of his career, he batted leadoff for the Cincinnati Reds, a team that scored a tremendous number of runs, thus giving him far more appearances at the plate than any other player of his time.

2. Unlike most leadoff hitters, he was a free-swinger who got relatively few walks. This further increased his opportunity to accumulate hits.

3. He played at a time when the season included more games than it had during most of baseball history, and when season interruptions for such things as strikes and wars were few.

4. He continued to play as a regular at least five years after his skills had deteriorated to the point where he hurt his team's performance. (He continued to play because of popular support for his pursuit of the lifetime hits record and his popularity with the fans.)

Furthermore, the one normalized statistic in which Rose performed substantially above the average major league hitter was batting average, the least significant of the normalized statistics used to evaluate hitting. Of his 4,256 hits, 3,215 were singles, making him one of the least powerful hitters in the past 75 years. And his free-swinging ways meant that his ability to get on base was below average for a leadoff hitter.

Fan sentiment supports Rose, just as public sentiment supported Clinton, and it may very well come to pass that the commissioner and the baseball writers will succumb to public opinion just as did the senators that acquitted Bill Clinton.

To put it in perspective, compare Rose to the man whose record he broke, Ty Cobb, who played in the major leagues from 1905 to 1928. His batting average was 21% better than Rose's; his slugging average was 25% better, and his on-base average was 15% better. Rose led his league in batting aver-

age three times and in on-base average once; he never led his league in slugging. Cobb led his league in batting average twelve times, in on-base average six times, and in slugging eight times.

What does this mean? It means that in his career, Cobb produced 29% more runs than Rose, while going out 26% less. Statistical models show that a team composed of nine Cobb clones would score 74% more runs than a team composed of nine clones of Rose.

Rose was a fine player. But he is not in the same class as the game's greats. He was as one-dimensional as any baseball player in history, but in that one dimension, he excelled. He hit singles, a lot of singles, more singles than any other ballplayer ever. But he is at best a marginal candidate for the Hall of Fame. His career hitting was inferior to that of Rico Carty, who played in the same league at more or less the same time, but who was never even considered for the Hall. (He received a single vote in 1985; 297 votes were needed to win.)

Carty may have been a superior performer on the field, but Rose has several major advantages when it comes to election. Carty was from the Dominican Republic, and his inexpert English prevented his becoming much of a favorite with sportswriters; Rose was a local boy who always had something colorful to say to them. Carty was black; Rose was white. Carty played for several big league teams during his career, his teams finishing no higher than fifth in their league in all but one year; Rose spent most of his time with the team in the city where he grew up, a team that dominated baseball during much of his career.

Rose was a good player on a very good team. And he was popular. Should he be in the Hall? He certainly is not the best player who is absent because of violating baseball's rule about gambling. That dubious honor goes to Shoeless Joe Jackson.

Comparing Rose and Jackson as ballplayers is akin to comparing a high school art teacher to Rembrandt. Jackson had the third highest lifetime batting average in history, and he hit with power. Depending on which statistical method is used, he ranks as the third or fourth best hitter ever to play the game.

Why was Jackson permanently banned from baseball and made ineligible for election to the Hall of Fame? He was involved in the infamous "Black Sox" scandal of 1919, in which several players for the American League champion Chicago White Sox accepted bribes to throw the World Series. During the investigation of the fix the following year, Jackson testified before a grand jury that he had agreed to throw the series and accepted $5,000 for doing so. He also signed a confession to that effect. This confession, along with the confessions of other players, was stolen from the state's attorney's office. When Jackson was tried in court, he repudiated his earlier testimony and was acquitted. Partisans of Jackson have since argued that he was framed, and that he was too stupid to realize what he was saying in his sworn testimony and, as an illiterate, unable to understand the confession he had signed. There is ample evidence that Jackson was indeed quite stupid, though whether he was stupid enough to confess to something he hadn't done and that would surely end his lucrative livelihood is dubious. He certainly was an illiterate and unsophisticated, what in those days was called a "rube." His defenders argue that while Jackson was aware of the attempted fix and tried to get in on the deal, he was not an active participant. They also note that he had a .375 batting average and hit the only home run in the series, and hope to this day that he will be declared eligible for the Hall. Defenders of his banishment argue that even failing to report a fix and trying unsuccessfully to get in on it is ample reason to make him ineligible.*

Rose was as one-dimensional as any baseball player in history, but in that one dimension, he excelled.

Fifteen years ago, Bill James, the best baseball thinker of the past century, wrote this about whether Jackson should be elected to the Hall of Fame:

> My own opinion as to whether or not Joe Jackson should be put in the Hall of Fame is that of course he should; it is only a question of priorities. I think there are some other equally great players who should go in first, like Billy Williams, Herman Long, Minnie Minoso and Elroy Face. Then, too, the players of the nineteenth century have never really gotten their due — Ed McKean, Pete Browning, Harry Stovey and several others have been waiting a long time.
>
> The players of the Negro leagues committed no crime except their color; I think we would need to look closely at the credentials of several of those before we decide where Jackson fits in. You wouldn't want the great stars of the thirties and forties, who are still living and can enjoy the honor, to pass away while waiting for the Hall of Fame to get done with the Black Sox, would you?
>
> And then I think there are some other players who should be considered strongly — Ron Santo, Ken Boyer, Larry Doby, Al Rosen, Roy Sievers, Vic Wertz, Lefty O'Doul, Sadaharu Oh; there should probably be better provisions made for people whose contributions to the game were not made on the field, like Grantland Rice, Barney Dreyfuss, Harry Pulliam, maybe Mrs. Babe Ruth and Mrs. Lou Gehrig, the guy who wrote *Take Me Out to the Ballgame*, Harry Caray.
>
> And, too, we do not want to forget the many wonderful stars of the minor leagues, who brought baseball to most of the country before television and expansion — men like Ray Perry, Larry Gilbert, Jack Dunn and Nick Cullop. When they are in we can turn our attention to such worthwhile players of our own memories as Roger Maris, Buddy Bell, Fred Hutchinson, Larry Bowa, Bill North, Omar Moreno and Duane Kuiper.
>
> And then, at last, when every honest ballplayer who has ever played the game, at any level from Babe Ruth ball through the majors, when every coach, writer, umpire and organist who has helped to make baseball the wonderful game that it is rather than trying to destroy it with the poison of deceit, when each has been given his due, then I think we should hold our noses and make room for Joe Jackson to join the Hall of Fame.

And then — and only then — a place in the Hall of Fame should be found for Pete Rose. ❑

* A website devoted to Jackson's cause is optimistic that the possible election of Rose to the Hall will open the door for Jackson.

The Intelligence-Surveillance Complex, *from page 18*

The inspector general continued his investigation and eventually found "missing" videotapes at the prison. According to a report released in December 2003, but virtually unnoticed in the press, the tapes confirmed all previous findings, and further revealed that when detainees were first brought to the prison, guards shoved their faces into an American flag T-shirt taped to the concrete wall of the receiving area. Before long, that flag was stained with blood.

According to President Bush, al Qaeda's terrorists "hate freedom." If they kill, torture, or abuse our people, we will punish them for "war crimes." Fair enough, but when his administration does the same to innocent persons in the United States, is that not a "war crime" too?

In his farewell address in 1960, President Dwight D. Eisenhower issued a prescient warning:

> "[The] conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence — economic, political, even spiritual — is felt in every city, every statehouse, every office of the Federal Government. [W]e must not fail to comprehend [the] grave implications [and we] must guard against the acquisition of unwarranted influence . . . by the military-industrial complex."

Were Eisenhower with us today, he would be warning us of a new intelligence and surveillance complex, international in scope and unrestrained by law.

Right now the focus of this surveillance system is on terrorists from the Middle East, but the Bush administration is eager to extend the same tools, via the PATRIOT Act and other means, to "narco-terrorists," "domestic terrorists," and other alleged criminals and the people who might know them. The system is metastasizing, and as it grows, more and more innocent people, here and abroad, will be "watch listed," detained, and interrogated.

How quickly the watch lists can spread was demonstrated immediately after the Sept. 11 attacks, when a desperate FBI shared a list of "persons of interest" it wanted to interview with a few dozen corporations, airlines, and casinos. These companies promptly augmented the list and shared it with subsidiaries abroad. Within a month one FBI list had become 50, and versions appeared on websites as far away as Brazil and Italy. No longer were the people listed just "persons of interest," which might imply some possibility of innocence. They were now "terrorists."

Ashcroft and Bush are so invested in their anti-terrorist crusade that they cannot imagine that Lord Acton's admonition about the corrupting effects of power might apply to them.

The new surveillance complex consists of law enforcement, military, and domestic and foreign intelligence services. But that is only part of it. As Eisenhower realized, security agencies require an industrial base, and right now corporations are springing up to supply governments and private industry with personal information of all kinds. Their offers to produce criminal reports on former classmates, ex-spouses, and job applicants first appeared as spam on personal computers, but now some of these firms have multi-million dollar contracts with the Justice Department, the military, and law enforcement agencies. Legally or otherwise, they are funneling credit reports, bank accounts, medical files, and college records to the international law enforcement and intelligence network. Within a few years, these companies are likely to be rich enough to hire their own lobbyists and prevent Congress from restricting their access to our most confidential files.

Some of the information on alleged terrorists is inaccurate or out of date. In many instances, it cannot be verified because its sources are confidential. Once it lands in the computers of intelligence and law enforcement agencies, however, it cannot be reviewed and corrected, as can a bad credit report. It just sits there until it is tapped and used to mark travelers for interrogation, or to deny people access to an airliner, visas with which to enter the United States, or security clearances to serve in the armed forces or work for a defense contractor. In the hands of corporations, it can cost people jobs, loans, mortgages, or insurance. Eventually, the mere existence of so much potentially derogatory information in the hands of secret agencies will deter citizens and politicians from questioning how it is collected or used.

Justice Brandeis once warned that the greatest dangers to our liberties stem not from tyrants, but "from men of zeal, well-meaning, but without understanding." It is unlikely that John Ashcroft anticipated how badly the detainees would be abused in American prisons. But it is also probable — given his "no apologies" attitude — that he didn't care. Both before and after those abuses, his overriding objective has been to eliminate terrorists. Just as Timothy McVeigh failed to consider the "collateral damage" of his attack on the government in the Oklahoma City bombing, Ashcroft and President Bush have not paused to consider the "collateral damage" this unregulated intelligence apparatus might cause. Ashcroft and Bush are so invested in their anti-terrorist crusade that they cannot imagine that Lord Acton's admonition about the corrupting effects of power might apply to them.

Like the anti-Communist zealots of the 1940s and 1950s, they have exaggerated the risks posed by our new clandestine enemy. They have allowed fears of terrorism to disorient the nation's moral compass. The enemy is ruthless, they believe, so we must be ruthless too. Because this is "war," the end of security justifies almost any means, including the abandonment of America's tradition of limited government, guaranteed liberties, checks and balances, and the presumption of innocent until proven guilty. The Bush administration has fostered anti-terrorist zeal and exploited that zeal to give us mass detentions without charges, searches without judicial supervision, and secret interrogation centers. Meanwhile, the unlimited surveillance bureaucracy they are creating, with all its technological powers of information control, threatens permanently to destroy our liberties, as it has already destroyed the Fourth Amendment.

Yes, it is happening here, and at a dizzying pace. The only question is what we will do about it. ❑

Note: More extensive accounts of Maher Arar's ordeal can be found under his name on Google. The inspector general's reports on the detainees may be accessed, again through Google, by typing "U.S. Department of Justice inspector general."

Is There a Libertarian Case for the War Against Iraq?

The war against Iraq is not a self-aggrandizing war of territorial expansion. It is a response to the events of September 11 and the changed world in which we live.

Santa Barbara
January 17, 2004

Dear Bill,

Many libertarians, including you and most who have written on the subject in *Liberty*, have opposed war with Iraq. It is, accordingly, important that the libertarian case for the war is made.

From the libertarian perspective, there is no higher right, or duty, than self-defense. From the libertarian view, adults may do what they wish, as long as they do not harm anyone else.

If someone is threatening to blow one or others up with weapons of mass destruction, or otherwise to annihilate humanity through the release of deadly chemicals or diseases, it is completely justified on libertarian grounds to stop this individual from doing so. It might appear to be able to be argued that since no (or virtually no) active weapons of mass destruction have been found in Iraq, Iraq's possession of weapons of mass destruction was a red herring, and thus that the case for war with Iraq was not justified. This would be, though, to mistake the situation.

Humanity has entered a new age with respect to the potential possession of weapons of mass destruction. It is now literally possible for a few crazy individuals, literally anywhere in the world, to kill millions or billions of people. This profound technological change in the capacity of particularly isolated individuals (not just big nations) to kill has substantial consequences for the ways that societies are structured, operate, and are organized.

The social consequences of the proliferation of weapons of mass destruction are worthy of consideration. Since the end of World War II, humanity has had the technological ability to destroy itself. But until recently, this technological ability was restricted to a few nations.

Even under the system of weapons of mass destruction that prevailed from their first use in 1945 until the collapse of the Soviet Union in 1991, it was entirely possible that weapons of mass destruction could have been used. Now, the chances of their use are greater than ever and almost inevitable in time.

Seen in this light, war with Iraq was regrettably justified. The first rule that should be established in the new order of "mass" weapons of mass destruction is that the leader of any nation that uses weapons of mass destruction will be deposed. Saddam Hussein was certainly one such leader.

It would be good, to be sure, if other nations would support the United States in the effort to rid the world from the potential use of weapons of mass destruction. But if they do not, then, on libertarian principles, the United States should be willing to shoulder this burden on its own.

The fundamental libertarian political right is, again, the right to self-defense. If the United States correctly believes that it is under attack from terrorism — particularly terrorism that may include the use of weapons of mass destruction — then on libertarian grounds it may take the actions which it thinks necessary to defend itself.

Now, to be sure, a nation can err in its judgment as to what is the most effective way to protect against an attack. But this would be a prudential mistake, not a philosophical one.

It is worthwhile to note along these lines that the essential libertarian ethical claim put forward by many — that it is always wrong to initiate force — is incomplete. While this may be an appropriate rule for individuals, in the world of nation-states, the libertarian objective is to minimize the use of force. Sometimes, this may require initiation of force.

The war against Iraq is not a self-aggrandizing war of territorial expansion. It is a response to the events of September 11 and the changed world in which we live.

From a prudential perspective, war with Iraq was justified. It was duly authorized with bipartisan support by large majorities in both the United States Senate and House of Representatives. It was supported by dozens of nations from around the world.

The war with Iraq is undoubtedly having a major positive effect on prospects for improved world peace. Libya, Iran, and North Korea are now moving in more peaceful directions. Iraq has been removed as a potential site of terrorist activity and encouragement and further use of weapons of mass destruction.

American intervention in Iraq sent a strong message to every dictator in the world: they will not be permitted to develop or to encourage the development of weapons of mass destruction, either by individuals associated with their governments or by unsupervised terrorists.

The removal of hostile, terroristic, and ineffective governments in Afghanistan and Iraq, combined with greater security measures, intelligence gathering, and suppression of terrorism at the source by governments throughout the world, have reduced the chances for another major terrorist attack in the United States. But more attacks are almost inevitable in time.

It is, therefore, worth the most profound consideration of how society may be ordered or organized to confront the new technological circumstance facing humanity, whereby small groups of individuals almost anywhere in the world could create weapons of mass destruction. This situation will, moreover, only worsen as the decades move along.

George Orwell put forward an incredibly gloomy view of the future, with two-way televisions wherever human beings are located. In the event of another major terrorist attack in the United States, civil and other libertarians should not support undue invasions of personal liberty. Paradoxically, though, the best way to forestall greater invasions of personal liberty and freedom than have already occurred is to support the measures that have already been taken. These make another attack less likely.

Let us hope that there is not another major terrorist attack in the United States for as long as possible, in significant part to forestall foreign and domestic responses to such an attack. The war with Iraq was and is a step in the right direction.

Well, I've made the case as best I can briefly. May I now count you among the libertarians who support the war in Iraq?

Regards,

Alan Ebenstein

Port Townsend
January 19, 2004

Dear Lanny,

I am glad that you began by trying to determine the conditions in which war is justified, and I think the conditions that you posit are pretty sensible ones, though I think they may need a little refinement.

You say that, "If someone is threatening to blow one or others up with weapons of mass destruction, or to otherwise annihilate humanity through the release of deadly chemicals or diseases, it is completely justified on libertarian grounds to stop this individual from doing so." This seems quite sensible, though I'd want to add that the threat must be a credible one. If, for example, a man came to your door, told you that he was the "King of Jupiter," and threatened to destroy humanity using his "kryptonite" bomb, you'd likely dismiss him as a nut and take no action. His threat is simply not a credible one.

You say that, "The first rule that must be established in the new order of 'mass' weapons of mass destruction is that the leader of any nation that uses weapons of mass destruction will be deposed." Here, I am not so sure you are right. For one

Under what circumstances is it just and prudent to start a war?

thing, the term "weapons of mass destruction" seems a bit fuzzy to me. George Bush has used it to mean nuclear weapons, chemical weapons, or biological weapons. It seems to me that there are many other weapons that can wreak destruction on as wide a scale as these. The United States possesses a variety of conventional bombs that are easily as destructive as smaller nuclear weapons. Why is the term "weapons of mass destruction" to encompass only these three categories of weapons?

Furthermore, it seems to me that history is full of political leaders who used biological weapons. I recall reading, for example, about medieval military leaders who, when holding a city in siege, sometimes used catapults to send the corpses of men who had died of smallpox or other dread diseases over the walls. Surely this would qualify as a "biological" weapon. But is a corpse catapulted over a castle wall really a "weapon of mass destruction"?

There is also the fact that one of these three types of WMD is in fact not very well suited to "mass destruction." The total number of people in history killed by chemical weapons is less than 175,000. More than 625,000 Americans were killed in the Civil War, by projectiles powered with ordinary, old-fashioned, non-mass-destructive gunpowder, as were nearly all the millions of casualties of the World Wars.

In addition, the "weapons of mass destruction" have been used by the democratically-elected leaders of Western countries. The only man in history actually to order the use of atomic weapons was President Harry S. Truman. Should we consider him to be a monster of the same character as Saddam Hussein, deserving to have his country invaded, his entire government disposed of, and his life ended by execution as a war criminal? The leaders of Germany, France, and Britain all ordered the use of poison gas in World War I. Should we consider them to be in a class with Saddam?

Or do you mean something else when you say "weapons of mass destruction"? If you have another definition, I'd surely like to hear it.

Of course, there is another problem with your argument about WMD, one that you acknowledge: there is no evidence that Saddam Hussein possessed WMD at any time in the ten years prior to the U.S. invasion. United Nations inspectors had broad access to Iraq and could find no evidence of them prior to the invasion, and the United States armed forces and intelligence specialists have been unable to find so much as a trace of them despite nine months of extensive searching. (And didn't Saddam's "use of WMD" occur only in the context of his war with Iran, which the U.S. supported? And didn't the U.S. provide him with the WMD in the first place? Doesn't providing him with WMD and then waiting until 15 years after he uses them to justify an invasion seem, well, a little hypocritical?)

Surely Saddam Hussein was a ruthless dictator, who enjoyed saying nasty things about the U.S. But the world has many ruthless dictators and many who say nasty things about the U.S. Must we conquer all their countries?

Your letter raises other questions. You say that the U.S. invasion of Iraq was "strictly a response to the events of September 11." Exactly what was the connection between Iraq and the 9/11 terrorist attacks on the U.S.? So far as I can tell, Saddam's only connection with the attacks is that he was glad they happened. If this nebulous sort of contention is sufficient to attack him, then the U.S. will have to attack millions and millions of Arabs and other Muslims, many of whom were happy with the successful terrorist attack.

You say that the war is justified from a "prudential perspective" because it was "duly authorized with bipartisan support by large majorities" in Congress and supported by dozens of "nations" (by which I assume you mean "governments"). I do not know what you mean by "prudential" here. To me, to say that an action is "prudential" means that it was taken after carefully assessing risks and potential benefits. I cannot see what the support of a bunch of politicians has to do with that.

Whether the war proves to be prudential as I understand the term remains to be seen, though right now the prospects are not good: the U.S. has spent well over $100 billion and the lives of 500 young Americans to capture a lickspittle dictator and occupy a country where we don't seem very welcome.

You propose that the libertarian ethical imperative against initiating force is incomplete, and suggest that it ought not apply "in the world of nation-states." My view is that the non-initiation principle ought to be considered a general ethical rule, rather than an ethical imperative, so we have no real argument here. I should add, however, that I do not share your proposal that nation-states be exempted from it. It seems to me that states should be bound *more* tightly by it than should individuals.

Anyway, I hope you can see why, for now at least, I cannot join the pro-war libertarian camp. I am not among those who universally oppose war; I can conceive of conditions that justify war. But I do not see how the conditions of the past few years justified the invasion of Iraq.

As I said, I admire the way you began your case by discussing the conditions under which a war may be instigated. Perhaps we should try to focus mostly on this issue for a while.

I await your response.

Regards,

Bob

R. W. Bradford

Letters, *from page 6*

the willingness of donors to pay millions to show it. CBS announced that the ad does not meet their "broadcast standards"; the other networks will most likely follow suit.

Has Formaini ever tried to buy a political advocacy ad on a television or radio station? If he did, he would find all doors closed. Controversial (i.e., liberal) views are no longer welcome on television or radio, not even on pathetic community access TV stations. With most of the television, radio, and cable stations owned by a few large corporations, there is little intellectual diversity of any kind anymore. The same goes for newspapers, at least my local newspapers. Readers and viewers are treated to a daily drumbeat of conservative columnists, reporters, editors, and preferred letter writers all saying the same things. I'm old enough to remember the days of the real "liberal media," and I can tell you that there was a lot more intellectual diversity then than there is now.

Freedom of speech is increasingly becoming a dead issue in this country. Given the arbitrary arrest powers granted the police, anyone who publicly criticizes the government risks arrest (or designation as a security threat). I found this out the other day, when I stood on a local street with a sign saying "No war in 2004." I stood for only 15 minutes before two police cruisers showed up, informing me that if I did not stand down, I would be arrested. The police informed me that if any drivers became incensed at my sign and an accident ensued, I would be held liable for any damages, as well as subject to criminal charges. I was told that if I wanted to demonstrate, I would have to limit myself to the Town Green. We no longer have free speech in this country, we have "free speech zones." Ask anyone who has demonstrated against the war, and they'll tell you that these "zones" are getting fewer and smaller every day.

I didn't argue with the police that day. What's the point? They have the clubs, the guns, the jails, and indifferent judges to support them. I have nothing but arguments, and arguments mean nothing today in the face of unrestrained authority.

What this country desperately needs now is a "liberal media." The liberals of my era cared about free speech and due process of law. After decades of working with conservatives and Republicans, I have concluded that what these people care about most is authority and order. Few Republicans are willing to stand up and defend my right to free speech. Liberals will defend our right to dissent. Libertarians will also defend free speech rights, however, we are as ineffective in promoting free speech and the rule of law as we are in promoting our candidates. When it comes to promoting their ideas, liberals are a lot more courageous, bold, and effective than we libertarians are.

I have no desire to live in a Singapore-style society where people have economic liberty, but no cultural or political freedom. Half a loaf is not always better than none at all. Articles bashing liberals no longer belong in *Liberty*. There are enough right-wing rags to publish that kind of stuff. Our only allies in protecting free speech are on the political Left. Right-wingers just don't care about personal freedom. Libertarians must realize we are in a new era. The old alliances won't get us anywhere, and only provide window dressing for what is becoming a totalitarian regime in Washington. That's why I quit the Republicans, registered Democrat, and started contributing to Howard Dean. As I wrote to his campaign last week, I simply don't give a damn about much of what I used to believe. I just don't care anymore about taxes, regulations, monetary policy, etc. These issues have become trivial. I will not sit by as our former constitutional republic is converted into an empire. I want peace and freedom of speech. These are my core values now, and I don't find support for them from conservatives or Republicans.

Mike Stamper
Windsor, Conn.

Anti-Bush Fever

As a long time subscriber to *Liberty*, I have always found the magazine provides insightful and relevant commentary from a libertarian perspective. Lately, however, it seems that you and your contributors have been infected by the insanity that afflicts the "hate Bush" Left.

For example, on page 10 of the February 2004 issue, Wendy McElroy says, "[A]t this point, however, I simply assume everything I hear from the Bush administration is a lie." If I wanted that kind of deep "analysis," I would read the MoveOn.org or indymedia websites. While we may all have different, yet legitimate, views about the policies and practices of President Bush, it adds little to our understanding when *Liberty* joins the "Bush LIED!!!!!!" crowd. Ms. McElroy's writing, in her book *Freedom, Feminism and the State* and many of her articles, has always exhibited strong intellectual content. What has happened here?

There seems to be something about the president that causes many otherwise intelligent people to go nuts. I hope *Liberty* can avoid this malady.

Howard D. Lebowitz
Orlando, Fla.

Stateless Complexity

Based on the work of Hernando de Soto, Bruce Ramsey argues (Reflections, February) that without the state more complex property rights will not be created. Before he reaches that conclusion, he needs to show that the state did not prevent the creation of those more complex property rights (which it did). Also, perhaps he can explain how the law merchant, with its fairly complex rules, arose without the state.

Richard D. Fuerle
Grand Island, N.Y.

Reappraising Hernando

It astounds me that Bruce Ramsey, a libertarian, can defend the institution of the state by using the U.S. government as an example. Look at the disaster it has become. As with any monopoly, the quality of service — in this case, property rights protection — continuously deteriorates, while the cost of the service — taxes — continuously increases.

As for current poor countries, Ramsey has too much faith that the state will impose the correct system of property rights. Why does he think it would even be possible to construct a state that defines and protects property rights in places like Peru and Egypt, given their anti-property rights culture? Property rights can only be established when a critical mass of people understands and respects these rights.

Ramsey says the state is needed in order to run a high-energy economy.

continued on page 39

A Liberal in Conservative Clothing

by Stephen Cox

George W. Bush is a modern liberal. So why do so many liberals hate him?

A few days ago I had a conversation with a friend, the kind of political conversation that I have often enjoyed during the past three years. My friend, an intelligent modern liberal, listed a number of things that he dislikes about George Bush and his policies and actions, some of which I also dislike. Then he said, "But the worst thing about him and those other Republicans is the way they try to silence their critics."

"Silence them?" I asked. "How do they do that?"

"Come on, now. *You* know."

"No, I don't. And if that's what they try to do, it doesn't seem to be working. Give me the name of one critic who's been silenced by the Bush regime."

(Silence.)

"Well," I continued, with a gloating smile. "I guess that ends the argument."

But as a famous person once said, just because you've silenced your opponent doesn't mean you've converted him, whether the silencing was accomplished by means of persecution, as my friend suggested, or by means of Socratic dialogue. And his silence was brief. His critique of the president had been conducted in loud and embittered turns, but his next remark was delivered with calm assurance: "Whatever you say, you'll never convince me to become a Republican."

"That's fine with me," I said. "I'm just trying to keep you from remaining a Democrat."

After that point, the conversation was hard to sustain. He was puzzled, I think, by the idea that the Democratic Party may not be the only port of refuge from the hurricane of "right-wing extremism" now ravaging the globe. And he refused to consider the possibility that the weather reports may be wrong, or that Hurricane George may not be a "right-wing" or "fundamentalist" storm. My friend's views seemed so strange to me that I had to remind myself of how common they are, that one of the most remarkable things about our conversation was how *un*remarkable it was, from a purely statistical point of view.

Dialogues like ours happen wherever the 30 percent of the American population that hates and despises President Bush articulates its views. And because this particular 30 percent includes the vast majority of the nation's molders of opinion, the teachers, ministers, bureaucrats, and other members of the Brainworkers Union, the dialogue renews itself constantly. That's a lot of air time for an argument that is literally preposterous, as preposterous as an argument about whether Babe Ruth was a good basketball player.

The plain truth is that President Bush is in no meaningful sense a right-winger or even a conservative, and he is as far from fundamentalism as the man in the moon. To put this in another way, the man in the moon may be a fundamentalist, but he never seems to act like one, and neither does George Bush. There's an old saying that Christian revivalists use on their audiences: "If Christianity were made illegal, would there be enough evidence to convict you?" If either fundamentalism or conservatism were made

illegal, no one could possibly convict George Bush.

American conservatives ordinarily ally themselves with libertarians in attempting to reduce the size and cost of government. Under the Bush regime, however, federal spending has ballooned and federal influence on the daily lives of Americans has in no way abated. I can think of no federal program that Bush has eliminated or significantly reduced. Quite the contrary.

He has rewarded the egregious failures of American education with an increase in subsidies to the education industry (also an increase in federal meddling). He has rewarded the egregious failures of the space program by offering NASA a new and even more ridiculous manned space program. His new prescription drug program for old people — the vast majority of whom can well afford to pay for their drugs themselves, or pay for them by relying on private insurance — represents an enormous expansion of the welfare philosophy, and yet another enormous unfunded welfare entitlement. After three years as a Republican president, Bush has made no serious effort to liberate the federal budget, or the budgets of individual Americans, from the stranglehold of Social Security. And as for his interest in inspiring habits of budgetary restraint in the Republican Congress . . . When budget bills start omitting funds to build rain forests in Iowa, I will believe that a serious moral commitment has been made to conservative values.

Bush had shown a token commitment to conservative principles in his nominations of candidates for judicial office, some of whom have been supporters of strict construction and limited government. Yet he has ignominiously failed to insist that the Senate — a Senate controlled by the party he heads — actually vote on his controversial appointments. His forces were dispersed by the mere threat of a protracted filibuster, despite the fact that their opponents would have been forced to filibuster against black, Hispanic, and female candidates, and would in all probability have made themselves look like racists and jackasses to boot.

Bush has, of course, pursued an activist foreign and military policy, to the disgust and dismay of traditional conservatives who believe that America should mind its own business and refrain from Wilsonian projects to reform the world. His foreign policy has been a more focused and effective version of the policy pursued by the Clinton administration. Clinton fecklessly meddled with Haiti; Bush effectively meddled with Liberia. Clinton conquered the rebel Slavs; Bush conquered the fractious Afghans and Iraqis. The objective of Bush, as of Clinton, has been humanitarian uplift as well as world stability, and he has gone Clinton one better by launching a messianic attempt to end AIDS in Africa.

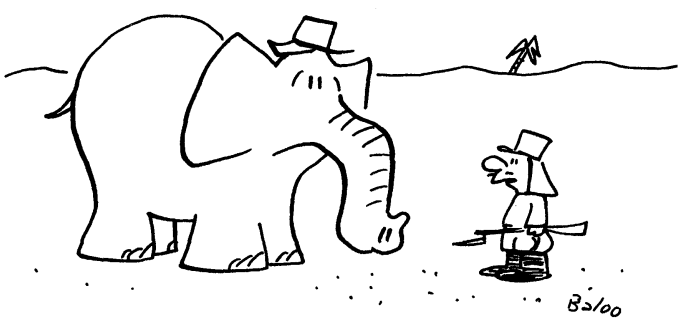

"If you don't mind my asking, what did *you* join up to forget?"

What Bush has not gone out of his way to do is to champion such popular conservative causes as opposition to abortion and gay marriage. He has actually done nothing in that regard, nothing beside refusing to sanction foreign aid for population-control programs that involve abortion. Yes, he has *announced* his opposition to abortion, and he has *remarked* that marriage should be between a man and a woman, but this is no more than modern liberal politicians ordinarily do, except when they are trying to distinguish themselves from Bush.

The offenses to civil liberties against which liberals ceaselessly inveigh have not exactly amounted to a conservative reign of terror. They have been very few and, with a couple of exceptions, such as the Attorney General's futile obsession with Internet pornography and the nation's futile obsession with drugs, they have involved only the rights, real or imagined, of foreigners, especially foreigners (such as the hapless but wicked Gitmo prisoners) who never succeeded in reaching U.S. soil. Would Clinton have acted any differently? Why would you think he would have? Meanwhile, the administration's respect for liberty, equality, and fraternity has produced the monumental snafu of America's security campaign, which treats little old African American ladies as if they were just as likely as Koran-carrying young Saudi Arabians to hijack a plane and steer for the nearest Wal-Mart.

Bush's attitude toward conservative and nationalist concerns is well illustrated by his new proposals on illegal immigration, which amount to nothing more than a sneaky way of treating it as if it were legal, giving the illegal immigrant a wink and a nod and the implied promise of a Social Security check if they manage to keep a job. Bush apparently contemplates no reform of the Agency Formerly Known as the I.N.S. — a bureaucracy that lets millions of illegal immigrants cross the border and does virtually nothing to deport even those who are caught in subsequent law violations, while turning the lives of millions of legal immigrants into a nightmare of rules, forms, appointments, investigations, and legal fees. As for federal aid to states that are obligated by federal law to provide for the education and health care of illegal immigrants and their families — states such as California, where the annual cost amounts to billions — Bush clearly regards this as the one form of welfare in which the federal government should not engage.

There may be a label for such policies, but I doubt that it's "conservative." I'm sure that it's not "libertarian," either. The closest label would be "modern liberal." Suppose you saw a list of the significant actions of the Bush regime. Is there anything on the list about which you would say, with deep assurance, "Clinton would never have done that"? Please don't say that Clinton would never have promoted a tax cut. Had he been faced with an economic recession, he would probably have done exactly what Bush did — manipulate the economy with tax cuts and Keynesian deficit spending.

I have probably said enough to indicate that Bush is not, in the political sense, either a conservative or a fundamentalist. After all, it's not just fundamentalists who harbor a theoretical antipathy against abortion and gay marriage, and there is nothing whatever, except that antipathy, that might connect Bush with political fundamentalism. But something more can be said about what fundamentalism really is. It's not "right-wing Christianity," as if you could just take a right-wing politician, cross him with a Christian of some sort, and produce the hybrid you have in mind. Fundamentalism is a particular kind of Christianity, not to be confused even with the overlapping category of evangelicalism.

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Fundamentalists don't simply preach the gospel as God's word; they emphasize such "fundamentals" as the total "inerrancy" of the Bible. In moral teaching and political action, however, they vary almost as greatly as devout persons' interpretations of the Bible. Some are opposed to all use of alcohol; other believe that such opposition is a "legalistic" affront to Christianity. Some eschew all political action; many (such as fundamentalists in African American churches, of whom there are very, very many) work within the Democratic Party; others are Republicans or even libertarians. But one thing is clear: you'd have to know a lot more theology than President Bush has ever shown signs of knowing in order to be convicted of fundamentalism. Being a reformed alcoholic, going to the Methodist church (one of America's mainstream-to-liberal denominations), and quoting from the Bible on public occasions is very far from enough to make one even a conservative or evangelical Christian, let alone a fundamentalist. Given Clinton's public pronouncements, which are full of references to the Bible and church and his religious experience, one would sooner think of him as a fundamentalist than one would think of Bush as such — if "fundamentalist" were a category that really had analytical relevance to him, to begin with.

Bush's religious and social profile is, in fact, precisely the kind that ordinarily appeals to Democratic voters. He's an honest and somewhat endearingly reformed drunk. He's religious, but he's not a religious bigot or "triumphalist"; he speaks constantly about the value of faiths other than his own. He uses a colloquially fallible English, and he speaks fairly well when he's using it. He places minority and women colleagues in the most important positions in his administration; he provides the kind of governmental "solutions" for which he thinks public opinion clamors; and he refuses to push political quarrels to uncomfortable extremes. Instead, he compromises, compromises, compromises. This is not conservatism, but it could easily pass for modern liberalism.

Why, then, do modern liberals hate him and want to believe that he stands at the farthest political extreme from themselves? There are several reasons, and I suspect that the main one is simply this: they feel entitled to govern, and he is preventing them from doing so.

All the other reasons — he comes from Texas, he is a poor formal speaker, he has rich people in his administration, he stole the presidency in a giant voting fraud — are so flimsy that no one could be impelled by them, in the absence of some other motive. No one, at least, who comes from a Democratic background. Clinton came from Arkansas, he was an embarrassing public speaker (not halting, but something worse — slick and notoriously mendacious), and his government was filled with wealthy (and often corrupt) friends. To believe that Bush stole the presidency, you must, logically, assume that federal courts should refuse to intervene when state law is violated in order to advantage one group of voters at the expense of others — for that is what Florida officials were doing in 2000, before the Supreme Court halted them. No modern liberal can adopt that assumption, without abandoning support for an activist judiciary, which is a hallmark of modern liberalism. Of course, you can refuse to understand that, but to be willingly blind to such an obvious fact means that you are already overwhelmed with emotion. No, modern liberals hate Bush for the same reason they hated Reagan: he turned them out of office.

It is probable that modern liberals hate Bush even more than they hated Reagan. I recall many sneering references to Reagan from my liberal friends, and many ominous forebodings about his upcoming destruction of the world. (The great foreign-policy issue of Reagan's time was his rearming of America and Europe, so as to threaten the Soviet Union; his program produced an immense outpouring of liberal bile.) But the reaction to Bush is different. Mention Bush to one of the modern liberal 30 percent, and you are guaranteed to witness an explosion of hatred. It is this kind of hatred that appears everywhere in the remarks of the current Democratic presidential candidates, because it is the one thing that seems to bring out their sparse but committed audience.

Here hatred and frustration combine. Whatever the candidates may say about the extremism of Bush, their attempts to find issues on which they can attack him necessarily acquaint them with the fact that they have essentially the same political orientation that he has. It must be frustrating, fighting your own mirror image, no matter how distorted you think it is. It must be doubly frustrating for such people as Joseph Lieberman, who find themselves driven further and further to the left, in an attempt to sidle away from that

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damning reflection.

The Democrats' attempt to place themselves at an enormous distance from Bush is perhaps the worst result of his failure to live up to his label as a conservative. The farther the Democratic Party lurches to the left, the less choice thinking people have about whether to turn out and vote for Bush. If you value your life, do you prefer Bush's moronic but limited "reforms" of health care, or the Democratic candidates' wacky and unlimited schemes? I repeat: if you value your life.

Do I intend to vote for Bush in 2004? Sure I do.

Much the same might be said about the Democrats' plans: to pursue an aggressive foreign policy, but only under the direction of the U.N. and France; to reduce military expenditures, but to spend still more on (the destruction of) education and social welfare; or to manipulate the economy, but to do it on a more massive scale than Bush ever dreamed of. Do I intend to vote for Bush in 2004? Sure I do. But if you gave me a decent alternative, I'd look into it. And should Bush ever ask for my opinion, I will tell him: You can make yourself even more certainly electable if you stop taking thoughtful conservative (or in my case, libertarian) voters for granted.

If Bush and his advisors imagine that the modern liberal program is the only one on which people can be elected, if they think that they must always proceed by "stealing the Democrats' fire," then they are looking a little too closely at the political chessboard. In 2003, the approved wisdom among the Republican and Democratic chess players in the state of California was that the way to stay in power was to run big deficits and give big favors to voters in "swing" groups. Since this program encourages expansive government, and modern liberals are into expansive government, it was a very popular program with people like Governor Gray Davis and Lieutenant Governor Cruz Bustamante, who hated each other because the latter wanted to increase the size of government much faster than the former wanted to. Most Republican politicians respected this wisdom and spent their time being embarrassed about "having" to vote against modern liberal legislation.

Then a recall drive blew up out of nowhere — actually out of a few disaffected individuals who found, by means of talk radio, that most people in the state had become as disaffected as they themselves were, no matter what their race, gender, or party registration happened to be. Davis was ousted, and Bustamante was defeated. This doesn't mean that the winner, Arnold Schwarzenegger, is a libertarian or even a conservative. It does mean that those who played too close to the game were missing — surprise! — a real perspective on the people's political concerns. There is a vast reservoir of public feeling that is highly unfavorable to much of modern liberalism. This is the feeling to which Bush might have appealed, and could still appeal, if he really wished to move the government in a new direction. And this public feeling is discovering new and more powerful means of manifesting itself in this electronic age.

In 1947, Pierre Lecomte du Nouy, a distinguished French scientist with libertarian sympathies, published a work called *Human Destiny*. It's a challenging book. One of its ideas frequently recurs to me. It's the idea of scale. If you look at an engraving with a magnifying glass, all you may see is little dots and smudges of black and white. But if you view it on a different "scale of observation," you'll see that it's a picture of George Washington. History looks different when you concern yourself with day to day events, and when you back off for a moment and try to see its long-range patterns.

I think of this when I find myself becoming upset by the petty insanities of the season's political affairs. On the one hand, we have the Democratic candidates for president, outbidding one another in promises of unearned income for the American people and hysterical accusations against the President. On the other hand, we have the President, outdoing the Democrats with weird "policy initiatives" and spending schemes. Seldom have the prospects of big government seemed better. But if that's all you see, you may be operating with the wrong scale of observation. Back off a little, and what do you see?

You see an era in which big promises are made, big schemes are proposed, and big lies are siphoned into eager ears. But why is this happening? It's happening because government is not big but small, in one very important respect: it enjoys small confidence from the people. It has no strong ideological program; it has no strong claim to respect; it is visibly failing in virtually everything it does, and virtually everyone is aware of its failures. Virtually everyone is also aware of the persons responsible for those failures — the chess players, the professional political class.

That class has one course of action available: to cling to power by promises, bribes, and transparent lies, such as the lies that Bush's opponents tell about him. Their attempts to keep power paint a picture of weakness. And — back off a little farther, and see a still larger picture — the current political scene is only an island in the great sweep of technological progress that is steadily freeing mankind from dependence on government for its sources of information and ideas and motives for action and morale.

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On this scale of observation, the political coloration of President Bush makes no particular difference to one's picture of the world. Yes, I will vote for him. But I am prepared for the time when people will say, as they now say of the violent contests between Tilden and Hayes, Greeley and Grant, "What was that all about, anyway?" ❑

In Praise of Large Families

by Jo Ann Skousen

"Go forth and multiply."

Having enjoyed Steve Martin's delightful update of the Spencer Tracy classic, *Father of the Bride*, I wanted to see Martin's remake of the charming 1950 film, *Cheaper by the Dozen*, in which Myrna Loy and Clifton Webb portrayed stern but affectionate parents raising their twelve children as an experiment in scientific efficiency. I looked forward to seeing how the new version would apply efficiency theory to modern life.

But far from charming or innovative, the recent remake of *Cheaper by the Dozen* could have been titled, *Cheap Shots by the Dozen*. The father (Steve Martin) is predictably inept, the mother (Bonnie Hunt) predictably serene, and the children (too numerous to list, but headed by Disney's Hillary Duff) predictably out of control. They literally swing from the chandelier and dangle from the balcony, chase each other through the house with an ax, and wreak havoc at a neighbor's birthday party. Funny? I suppose. But engaging? Not to anyone who actually belongs to a large family. As a bullfrog landed in the scrambled eggs ten minutes into the film, my husband leaned over and said, "I was raised in a family of ten kids, and it was nothing like this."

The truth is, large families (the non-blended, all-from-the-same-two-parents kind) are seldom chaotic. Unlike the *Daddy Day Care* scenario, in which a dozen young children are thrust suddenly into close proximity in an unfamiliar environment, large families occur gradually, allowing members to adapt to new additions one at a time. Large families learn cooperation, patience, flexibility, and independence. True, children of large families sometimes feel neglected, but this neglect often leads to the freedom to explore one's own interests, unfettered and unjudged by a parent's own goals or expectations. Instead of being jealous of the "favorite," the wise neglected child is grateful for the sibling who distracts the parents' attention.

Here are some of the advantages of raising, and being raised in, a large family:

Long-term perspective. As the mother of five children, I find that I'm almost always worried about one child (and they each take a turn at being the one who is giving me fits). But while I may feel like a failure with that one child, having four others allows me to feel that I'm "80 percent a good mother." My 30 years of motherhood has brought me more joy and satisfaction (as well as more worry and frustration) than I ever could have imagined.

Self-sufficiency. From tying their own shoes, to doing their own homework, to getting themselves ready for bed, children of large families tend to take care of themselves at an early age, as Mom has to devote attention to new babies. This self-sufficiency carries into adulthood, where they tend to be more innovative, persistent, and self-motivated. They know they have to make things happen for themselves.

Constant friendships. In a large family there is always someone with whom to play a game, read a story, have a conversation. I feel a great sadness for my friends who have allowed themselves to become estranged from their siblings. Friends come and go, but families share a lifelong history. Of

all my accomplishments in life, the one of which I am most proud is that all of my children genuinely like each other. They rejoice in each other's triumphs, and rally to each other's defenses. Although they are divided by geography and do not always share the same personal philosophy, they are united by telephone and email.

Self-government. Our son Todd, self-appointed "cool uncle" to our just-beginning second generation, agreed with his father's assessment of the inept portrayal of large families in *Cheaper by the Dozen*. He observed, "In large families, the older kids raise the younger kids. That's just the way it is." He's right. When you get beyond a "handful," (five fingers or more) there simply isn't enough time to micro-manage every child. So, to borrow an adage from Joseph Smith, wise parents of large families "teach them correct principles, and they govern themselves." I know one family of ten children who did this deliberately, assigning each of the older children as "guardian" of each new baby as numbers six-through-ten came along.

But usually this guardianship happens spontaneously. When my youngest daughter began developing into a whiny brat at the age of 8, her two older brothers let her know what was acceptable and what wasn't. They corrected me if I gave in to her tantrums, and they encouraged her by including her whenever she behaved appropriately. They did this instinctively, as a matter of personal survival. She learned very quickly that if she wanted to hang out with her brothers, she would have to measure up. And she did.

Less pressure to fulfill parents' dreams. Children in large families may seem to get lost in the crowd, but sometimes that's a good thing. When my son-in-law James, one of eight children, quit college and gave up a full-ride scholarship to pursue a self-taught career, his parents didn't fall apart and agonize over what others might think. They had given him the proper tools while growing up, and they trusted him to make his own decisions, just as his older sisters had done. He has been very successful in his own business, in part because his parents supported him without controlling him.

From tying their own shoes, to doing their own homework, to getting themselves ready for bed, children of large families tend to take care of themselves at an earlier age.

I've noticed that parents of only one or two children, particularly parents who wait until their thirties or longer to have children, tend to expect their children's only purpose in life to be "Make us proud." There is enormous pressure to excel in sports, music, and even preschool; to attend the right university; to pursue the right career. Parents of large families also want their children to excel, but when there are many to oversee, it's easier to keep a perspective that allows children to develop their own dreams and aspirations. Each of our children has changed colleges and majors midstream, developing unexpected talents that have led to satisfying careers.

Negotiation skills. Think of what China's one-child policy means in terms of personal development: no brothers, no sisters, no cousins or aunts or uncles. In short, no need to share, barter, or exchange. Instead, each child has two parents, four grandparents, and as many as eight great-grandparents doting on him, pampering him, giving in to his every whim. By contrast, children of large families learn to negotiate. Whether it's exchanging chores, sharing clothes, or keeping secrets from the parents, children from large families learn to acknowledge the needs and interests of others in order to further their own interests. They often become successful entrepreneurs.

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Individuality. Parents of two children try to be fair and give each child exactly the same things. But what is the point of giving each child matching blue bicycles, if only one child wants a bicycle? This method has the same results as the socialist system it emulates: inefficiency and dissatisfaction. As a parent of a large family I try to give each child 100% of what they need, but not equal amounts of anything. This means that at any given time, one may get a larger portion of my time, another a larger portion of my money, and a third a larger portion of being left alone. But I try to make sure that they all have what they truly need, and especially that each feels loved, respected, and appreciated.

Religious foundation. Most large families belong to religious cultures that encourage them to have a large posterity. They tend to teach the Golden Rule of doing unto others as they would have others do unto them. This may seem like a fruity self-sacrificing axiom, but it is the foundation of good business. The free market is made up of millions of individuals providing goods and services that other people want, in order to further their self-interest. True religion teaches individuals to be compassionate and empathetic, traits which, if applied wisely, can lead to valuable innovations in the marketplace.

Shared responsibility when parents reach old age. As old age approaches, the only-child who was doted upon by two parents and four grandparents now bears the pressure of caring for those forebears alone. Even while growing up, only-children feel an intense responsibility to measure up and be available for their parents. I remember taking my son's friend with us on a white-water rafting trip when the boys were about six years old. As we were leaving, the mother said to me, "Tell the guide that if the raft tips over, Ben is an only child!" She was only half joking. No child is expendable, of course, and I love each of my children pas-

continued on page 34

Rejoinder

The Libertarian Party Gets Real

by George Squyres

Libertarians are changing their party in ways that promise to move it from the margins of American politics.

In the January *Liberty*, Greg Newburn made serious charges about the Libertarian Party and the problems that have plagued it for the last two decades. His charges are valid, but it is not yet necessary to abandon the party, dissolve it. Fundamental changes are taking place within the party which may make it a formidable and respectable player in American politics.

The Libertarian National Committee, of which I am a member, has worked hard to implement beneficial changes in the way the party does business since what one member has referred to as "a Machiavellian change" occurred in Indianapolis in July 2002.

The root cause of the failure of the LP is its culture. The LP is a volunteer, activist organization focused inwardly on noble discussions of purity and the sacredness of principle, unable to recognize the limits of activism and unable to deal with the reality of American electoral politics. We will not deserve the name "libertarian" if we compromise the principles that must guide our policies and actions. Still, as Newburn notes, we will remain politically impotent if we do not act in accordance with political realities. Our principles won't do us much good if we can only enjoy them in splendid, purist isolation.

One of the most important aspects of the LP's cultural problem is the friction between the radical, purist fringe and the mainstream, big-tent pragmatists. All political parties have radical elements, and the LP is no different, except that it has allowed its radical factions to define it, and in so doing, to marginalize it. This is unfortunate: the vast majority of party members are mainstream Americans who understand that the Constitution was created to limit the scope and influence of government. They want to return the country to that model and be left alone.

Libertarianism is not a comprehensive and fixed philosophy, closed to challenges. There are disagreements among the best libertarian philosophers. The LP must recognize that libertarians can disagree with one another and still be Libertarians.

Over two decades ago, some libertarians who understood the reality of American electoral politics devoted their energies to the establishment of the Cato Institute. Last year Cato's budget was $17.5 million, while the LP's was $1.4 million. Contrast the amount and quality of media exposure garnered by the LP and by Cato, and the respect that each organization has earned. Which group is contributing positively to the protection and propagation of liberty: the hyper-principled, activist core of the LP, or the more pragmatic mainstream of the libertarian movement?

The LP's national platform is equal parts jargon and hyperbole. It is not a document well suited to attract voters, educate them, and bring them into the libertarian fold. On the contrary, it almost seems designed to alienate them. The central committee of the Indiana LP voted to distance itself from the national platform because of the public relations problem the document created for Indiana's Libertarian candidates.

Those who are determined to reclaim the Libertarian Party for productive political action are engaged in a radical reappraisal of the national party platform. They do not intend simply to improve upon the platform's imperfect language, but to fundamentally change the process by which it is written. The delegates at the national convention in Indianapolis in 2002 believed in this new process enough to authorize its creation.

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The proposed changes recognize that the platform must give non-libertarians a reason to vote for our candidates. The new approach demands of every plank a clear statement of the issue, a precise rendering of how our guiding principle responds to that issue, a presentation of how we see the world with the problem solved, and the concrete steps we advocate to get there.

Changing the platform is only one component of the cultural shift that must occur if the LP is to get its candidates elected to meaningful offices. The party has had many sterling activists who were incredibly effective at the local level, but who simply were out of their league when we pushed them up the ladder to the level of national politics. The result was a loss of membership, donors, activists, and credibility. To be sure, the party cannot go anywhere without activism. But gathering signatures for ballot access in a booth at a county fair is one thing; running a national party office, filing FEC returns, and working the national media are quite another. The false dichotomy that it must be all top-down or all bottom-up is another expression of the party's culture problem. Knowing which things require professionals and which require activists takes judgment.

The hiring of the LP's current executive director, Joe Seehusen, is representative of the important changes taking place within the party. Until recently, when hiring national party staff, the National Committee looked within the party for "a good, deserving activist." When we hired Seehusen, an executive search committee was formed and operated on the basis of finding a competent professional with the right credentials and qualifications. The search turned down many applicants and took many months. We were not hiring someone to be a Libertarian; we were hiring someone to be an executive director. Hopefully, this cultural change is something that the LNC now understands, as only one member questioned what Joe's political leanings were. They were, and are, irrelevant.

In a few short months, Seehusen has brought the party out of debt and regained the confidence of many major donors. Similar changes in the national staff reflect the same cultural change: the long term health and viability of the party demand that we recognize the limits of activism, and hire the professionals necessary to get the job done. James Carville and Karl Rove are not emotional about freedom, but they know what to do to win an election and to be an effective force in politics. Where we have had good candidates, good campaign managers, and competitive amounts of money, we have won.

Success also demands that Libertarians plan realistically to gain and hold incrementally higher elected offices. We are not going to win a presidential or congressional race in the near future. If we ever want to win these races, we must elect people to lesser offices. When those successful candidates finally run in presidential or congressional races, they will have the kind of track record that the electorate looks for. We must also teach our candidates how to govern as Libertarians once they are elected, a topic we have never even considered. In the meantime, LP candidates for those higher offices can have the most impact by seeking to influence and control the debate, something they haven't done very well.

The fringe will scream that the LP leadership is selling out. But the LP leaders have done no such thing. Their actions are already showing this. They are Libertarians who are not interested in running a social club or a debating society, but who are determined to give America a libertarian form of government. The platform-reformatting project has shown that being principled and winning elections are not mutually exclusive propositions. The cultural shift away from a parochial mentality of volunteer activism and purity tests is long overdue.

The Libertarian National Committee now understands that a potential staffer's political leanings are irrelevant.

The minority that has marginalized the mainstream of the Libertarian Party must accept the necessity of change or accept irrelevance. ❑

In Praise of Large Families, *from page 32*

sionately. But only-children tend to feel the responsibility of being available for their parents, and are less free to pursue their own interests.

Loyalty. Children of large families may squabble among themselves, but they are fiercely loyal when someone else tries to criticize or harm a sibling. In *Cheaper by the Dozen,* when the family reaches a crisis over the disappearance of the neglected child, the entire family rallies to find him. That's the kind of experience I observe in large families. They may be angry with one another from time to time, and they may waste a lot of time with hurt feelings, but when crisis hits, they rally.

I know that not all families turn out this way; large families sometimes drift apart. I've painted a rosy picture of large families, true of the families I've observed, because I think family relationships are worth the effort it takes to patch, repair, and nurture them. To me it's sad that the large family has become almost extinct, a dinosaur from a bygone era, so unusual that it can only be perceived and portrayed today in caricature. ❑

Lysander Spooner, the Ninth Amendment, and Me

by Randy Barnett

With a nineteenth century anarchist as his guide, a legal philosopher dismisses, then reconsiders the Constitution.

Growing up, I was like most Americans in my reverence for the Constitution. Not until college was the first seed of doubt planted, in the form of an essay by a nineteenth-century abolitionist and radical named Lysander Spooner. In his best-known work, *No Treason: The Constitution of No Authority* (1870), Spooner argued that the Constitution of the United States was illegitimate because it was not and could never have been consented to by the people on whom it is imposed. Although as an undergraduate I found Spooner's argument unanswerable (and I must admit so it remained until I was in my forties), the problem was largely theoretical. My mind may have doubted, but my faith remained.

Until I took Constitutional Law at Harvard Law School. The experience was completely disillusioning, but not because of the professor, Laurence Tribe, who was an engaging and open-minded teacher. No, what disillusioned me was reading the opinions of the U.S. Supreme Court. Throughout the semester, as we covered one constitutional clause after another, passages that sounded great to me were drained by the Court of their obviously power-constraining meanings. First was the Necessary and Proper Clause in *McCulloch* v. *Maryland* (1819), then the Commerce Clause (a bit) in *Gibbons* v. *Ogden* (1824), then the Privileges or Immunities Clause of the Fourteenth Amendment in *The Slaughter-House Cases* (1873), then the Commerce Clause (this time in earnest) in *Wickard* v. *Filburn* (1942), and the Ninth Amendment in *United Public Workers* v. *Mitchell* (1947).

Nor were these landmark decisions isolated cases. In countless other opinions, the Supreme Court justices affirmed they meant it when they said the Constitution did not mean what it apparently said. According to the Supreme Court, a majority in Congress could restrict the liberties of the people pretty much any way it wished unless a law violated an express prohibition of the Constitution — or some privileged but unenumerated right such as the right of privacy. Even an express right, such as the "right to keep and bear arms," could effectively be read out of the Constitution when the Supreme Court disapproved. Were this not enough, the most famous decision in which the Supreme Court had once tried holding the line, *Lochner* v. *New York* (1905), was taught along with other cases from the Progressive Era precisely as examples of how courts were *not* supposed to act. That *Lochner* is among the worst decisions the Supreme Court ever made was the received and unquestioned wisdom then, and largely remains so to this day on both the left and right of the political spectrum.

By the time I was finished with Constitutional Law, I was finished with the Constitution as well. The idea of protecting liberty by imposing written constraints on the government was an experiment that obviously had failed. When Spooner's argument on legitimacy was combined with the practice of the Supreme Court, there was nothing left to take seriously. When I became a law professor and needed to decide what to write about or teach, I chose contracts, where

courts seemed to take both written law and writings in general more seriously. Constitutional law was last on my list and I avoided it successfully for many years.

Then Brian Brille, at the time a law student at Stanford Law School, invited me to speak at the Fifth Annual National Student Symposium of the Federalist Society to be held there in the winter of 1986. The Federalist Society had been founded, after I had graduated, by students at several law schools who had been disillusioned in their own way by their law school experience. Their means of fighting back was to form a student organization where they could meet and support each other. They would also invite dissenting speakers to their campuses to challenge the conventional wisdom of their professors and they would gather once a year to hear their champions debate the best of the opposition, the sort of intellectual discourse so sorely missing at their home schools.

The topic of the symposium was the First Amendment and I was asked to participate on a panel on "freedom of association." It was a distinguished group of speakers and, as a relatively unknown contracts professor, I sorely wanted to accept. Nevertheless, I declined. "Brian," I said, "I would really like to participate but you know what I think about the Constitution. I just do not do constitutional law" (or words to this effect). "Oh, come on," he replied. "You only need to talk for ten minutes. You can come up with ten minutes of something to say" (or words to that effect). Against my better judgment, I agreed.

As I painfully wrote my comments on freedom of association, I got to the part of the speech where I anticipated what I was sure would be the overwhelming sentiment of what I wrongly thought was a monolithically conservative group: the First Amendment specifies the right of freedom of speech, freedom of assembly and petition, and the free exercise of religion. It says nothing explicit about a freedom of association. "I know what you're thinking," I wrote, mimicking Dirty Harry, "what gives unelected, lifetime appointed federal judges the power to protect a right not mentioned in the Constitution?" In my speech, my answer was to read the text of the Ninth Amendment: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the People."

Lysander Spooner argued that the Constitution of the United States was illegitimate because it was not and could never have been consented to by the people on whom it is imposed. I found this argument unanswerable.

At the conference, I so expected a hostile reaction that I began my talk by nervously joking about having bought only a one-way ticket. As I read my speech the audience was respectfully quiet, which I came to learn is a Federalist Society tradition. Also listening intently was my fellow panelist, Judge Frank Easterbrook, sitting at my side on the dais. After hearing my Clint Eastwood-inspired challenge, Judge Easterbrook gestured toward me with both his palms up as if to say, "Well, punk, what's the answer?" intimating that no reasonable answer was possible. When I finished reading the words of the Ninth Amendment in reply, a roaring cheer came up from the students. I was startled to discover that, contrary to their detractors, the Federalist Society was indeed a robust coalition of both conservative and libertarian students with a diversity of views among them. Even many years later I would still be approached by lawyers who told me they had been at Stanford when I "debated" Frank Easterbrook on the Ninth Amendment.

By the time I was finished with Constitutional Law, I was finished with the Constitution as well.

I was energized by the experience; contracts professors simply do not get invited to speak to five hundred bright and, yes, cheering law students about contract law. But my views on the Constitution had not changed, so now what? Well, for one thing, like every other law professor and judge, I knew nothing about the Ninth Amendment besides what it said. I also knew that it had been dismissed by the Supreme Court and received its only furtive and brief serious attention in a concurring opinion by Justice Goldberg in *Griswold* v. *Connecticut* (1965). I knew as well that the Ninth Amendment was considered a constitutional joke, as in, "what are you going to argue, the Ninth Amendment?" Do I divert my valuable time away from serious concerns to learn about this disparaged, if not denied, constitutional injunction?

After some time passed, I shifted my research agenda in this unexpected direction. I distinctly recall my mental calculation: I was about to be granted tenure. The Ninth Amendment had not been repealed. Once safely tenured, I should be able to write about any part of the Constitution that was still there. Given its marginal status in respectable quarters, however, was it worth the effort? At the time, judicial conservatives like Professor Robert Bork and Ronald Reagan's attorney general, Edwin Meese, were getting a lot of attention for their claims that the Constitution should be interpreted according to the original intent of the framers, and also that constitutional rights should be limited to those that were listed and certainly should not include an unenumerated right of privacy. It seemed only a matter of time before respectable academics would pit one of these tenets against the other by pointing to the Ninth Amendment, which seemed to suggest that the original intent of the framers supported rather than undermined the protection of unenumerated rights. When they did, what if I were there already with a body of scholarship on the meaning of the Ninth Amendment?

Upon initial investigation, I discovered that so little had

continued on page 40

Panegyric

God's Carpenter

by Dave Kopel

Minorities targeted for ethnic cleansing. Leaders of persecuted religious sects. Escaped slaves. Outlawed guns. Every age has something to hide, and also brave individuals who risk everything to hide it. Nicholas Owen was one of those brave men.

In some parts of the United States, as in most of the rest of the world, persons who wish to exercise the fundamental human right to keep and bear arms must sometimes resort to hiding their guns or knives. In China, as in many other countries, people must hide illegal Bibles. But suppose that instead of hiding a handgun or a Bible, you had to hide your religious leaders?

Several hundred years ago, a small man named Nicholas Owen made himself an expert in constructing hiding places for clergymen. Owen's story is the story of the great things that even the most wretched person can accomplish.

In the late 1500s and early 1600s in England, during the reigns of Queen Elizabeth I and then King James I, everyone was legally required to attend and participate in the church services of the Church of England. The head of the Church of England was the monarch. Even the possession of Catholic religious objects, such as rosaries, was illegal, and smuggling a Catholic priest into the country was punishable by death.

The vast majority of the English people sheepishly followed the government's religious laws, and practiced the Anglican religion, just as their parents had sheepishly followed the government's requirement to practice the Catholic religion, when Catholicism had been the state's monopoly religion a few decades earlier.

But history is made by determined minorities, rather than by docile majorities, and England was blessed with a good number of people for whom following God was more important than keeping out of trouble with the government.

During the reign of Queen Mary I (1553–58) England was officially Catholic, and Protestants were viciously suppressed. The great deeds of the Protestant English martyrs resisting "Bloody Mary" are recounted in *Foxe's Book of Martyrs* which was, next to the Bible, the most influential book in the development of the Protestantism in the English-speaking world.

Mary was succeeded by her Protestant half-sister, Queen Elizabeth I. Elizabeth convinced Parliament to pass the Act of Supremacy and the Act of Uniformity in 1559, which turned England into an exclusively Anglican religious nation, by law.

Most English people went along with the change. Elizabeth, for her part, asked only for external shows of conformity, and rejected advice to persecute persons who remained secret Catholics. She had no desire to make "a window into men's souls," she explained.

Unfortunately, the Catholic powers of continental Europe, led by Spain and encouraged by the Pope, plotted to assassinate Elizabeth, and attempted to overthrow her by force. The defeat of the Spanish Armada in 1588 removed the military threat, but the Protestant majority turned intensely suspicious of the small Catholic minority. Persecution of the Catholics grew severe.

In 1603, King James I succeeded Elizabeth. In the years before taking power, he had dropped hints that he might tolerate Catholics. Indeed, his Danish wife, Queen Anne, was a

quiet Catholic. But upon becoming King of England, James made it clear that there would be no relaxation of the stringent anti-Catholic laws or their enforcement.

And this is where the hero Nicholas Owen enters the story.

Owen was born in approximately 1550 to a fervently Catholic family. When Anglicanism was established as the state religion, the Owen family became "recusants" — meaning that they paid hefty fines rather than attend Anglican church services.

The English jailers who took the bribe to let Owen go thought him just an insignificant friend of a priest — rather than the master builder of England's underground railroad for priests.

Two of Owen's brothers became Jesuit priests. The third, Henry Owen, ran a covert Catholic printing press. When he was sent to prison for his continued recusancy, he managed a secret press from prison.

Nicholas Owen was only a little taller than a dwarf. But this was only one of his medical problems; because of a hernia, his stomach had to be held together by a metal plate. After a packhorse fell on him in 1599, he was further disfigured, and walked with a limp for the rest of his life.

Most Englishmen of Owen's time thought that a twisted body was an outer sign of a twisted character. But as Antonia Fraser observes in her book *Faith and Treason: The Story of the Gunpowder Plot,* Owen's "great soul and measureless courage" offered "the strongest possible refutation of the contemporary prejudice."

Trained as a carpenter and a mason, Owen became perhaps the greatest builder of hiding places in man's history.

The English Catholic community needed , both for spiritual leadership, and for administration of the sacraments. But harboring a priest was a capital offense.

So in the large country mansions owned by England's crypto-Catholics, Owen constructed ingenious hideouts for priests.

Mansions were built of stone in those days, making Owen's task especially difficult. The English government's priest-catchers (*poursuivants*) would carefully tap on walls, and a hollow sound would immediately betray a room that was hidden through mere use of an empty space.

Owen's hiding places were much more sophisticated. For example, at the Baddesley Clinton mansion, Owen contrived secret trapdoors in the turrets and stairways, connecting them with the mansion's sewer system. During a 1591 search, several priests stood up to their waists in water, hidden from searchers for four hours. In some cases, priests survived several searches of the same house.

Owen ran feeding tubes into the rooms, so that priests hidden therein could receive food for the days or weeks they might spend inside. Sometimes he built an easily-discovered outer hiding place which concealed an inner hiding place.

While Owen completed scores of hiding places, the exact number is unknown; some remained undiscovered until the 20th century, and others still remain hidden. (Perhaps some of the hideouts that are still secret are being used to conceal guns these days.)

So that the mansion's servants would not know about the hidden chambers, Owen would do ordinary house carpentry work during the daytime. But at night, Owen would build his secret spaces, always working alone — thus minimizing the number of persons who would know about a given hiding place, and be susceptible to revealing it under torture. Breaking through heavy stone walls to build complex rooms would have been difficult for any construction crew, but it was difficult in the extreme for a small man working alone. He always worked for free, and received communion before starting a new project.

Nicholas Owen used a variety of names to conceal his identity as he traveled around England: Little John, Little Michael, Andrewes, and Draper.

Owen was chosen as one of the first laypersons to be inducted in the Jesuit Order. When his fellow Jesuit Edward Campion was arrested, Owen spoke openly about Campion's innocence, so Owen himself was then arrested. He was arrested again in 1594, tortured on the infamous Topcliffe rack, and hung for three hours from iron rings, with heavy weights on his feet. But he revealed nothing, and was released after a wealthy Catholic paid a ransom. The English jailers who took the bribe to let Owen go thought him just an insignificant friend of a priest — rather than the master builder of England's underground railroad for priests.

Three years later, Owen masterminded Father John Gerard's escape from the Tower of London.

In November 1605, Guy Fawkes and a small band of Catholic conspirators made plans to blow up Parliament, kill King James, and place James' Catholic daughter on the throne. The discovery of the Gunpowder Plot led to a massive crackdown on all suspected Catholics, which led to Owens' arrest in early 1606.

Owen had been secreted in one of his hiding places for two weeks, while poursuivants searched a Catholic home. But when he came out of hiding and attempted to sneak off the premises, he was captured. Immediately he claimed to be a priest — a claim which amounted to condemning himself to death, but which he hoped would throw the *poursuivants* off the trail of the priests who remained hidden in the building.

Nicholas Owen was recaptured in 1606. He was racked day after day, six hours at a time, and an iron band was tightened around his hernia. Owen died from the torture on March 2. He had never revealed a single fact about any of his hiding places.

But this time, the English authorities knew that they had captured the one person who knew enough to bring down the entire network of covert Catholics in England.

At first, Owen was held under light confinement, with visitors allowed, in the hope that some secret priests would reveal themselves by coming to visit him. Owen, however, was too cautious to be tricked, and spent his time in solitary prayer.

Soon, Owen was transferred to the infamous Tower of London, so that he could be tortured. Yet he remained calm and fearless.

The English law of the time forbade torturing anyone to death. For this reason, any person who was already maimed (as Owen had been since the horse fell on him) was not supposed to be tortured at all, due to the risk of death. Nevertheless, Owen was tortured in a particularly gruesome manner, in light of his already-ruptured hernia.

Nicholas Owen was racked for day after day, six hours at a time, and an iron band was tightened around his hernia.

While the reliability of confessions obtained under torture was dubious, England's law-enforcement authorities never had a problem getting some kind of confession from a torture victim. Except for Nicholas Owen.

He refused to answer the interrogators' questions about anything important, and never revealed a single fact about any of his hiding places. Instead, he constantly invoked the aid of Jesus and Mary.

Perhaps all the physical suffering which Owen had endured since the birth of his deformed body helped him cope with tremendous levels of pain.

Owen died from the torture on March 2. Since Owen's treatment had been unconscionable even by the standards of the time, the government claimed that Owen had committed suicide by stabbing himself twice with a dinner knife. Actually, Owen's hands had been so disfigured by the torture that he could not even hold a pen or a knife, or feed himself.

In 1970, Nicholas Owen was canonized as a saint by the Catholic Church. His feast day is March 22, and he is counted as one of the Forty Martyrs of England and Wales, from the time of the anti-Catholic persecutions.

Father John Gerard, one of England's leading secret priests, wrote that no one had accomplished more than Owen: "I verily think that no man can be said to have done more good for all those who laboured in the English vineyard. For, first, he was the immediate occasion of saving the lives of many hundreds of persons, both ecclesiastical and secular, and of the estates also of these seculars, which had been lost and forfeited many times over if the priests had been taken in their houses." (A hidden priest then, like illegal drugs or guns today, was cause for forfeiture of an entire home.) The modern edition of Butler's *Lives of the Saints* states, "Perhaps no single person contributed more to the preservation of the Catholic religion in England during penal times."

Regardless of whether one is Catholic, Protestant, or anything else, the decision of England's Catholics to maintain their faith, no matter how grave the threats from the government, was highly admirable. The Catholic who illegally received communion, or otherwise resisted the government's effort to stamp out his religion, affirmed that God and the individual were more important than the government. The survival of Catholicism in England, and the failure of the Church of England to establish a complete monopoly of faith, helped sow the seeds for the long-run development of religious toleration in England, and in the rest of the Western world.

Nicholas Owen was one of the pivotal figures of English history, and, indirectly, one of the fathers of modern religious freedom. He was not born to wealth or nobility or normality, and few people who stared at his small and twisted body would have predicted that he would be remembered as one of the greatest Englishmen of his time. ❑

Letters, *from page 26*

How does he explain the fact that people from different developed countries, who don't know each other, cooperate peacefully in high-energy trade every day, without a common state above them to enforce their property rights?

Larry Ruane
Parker, Colo.

Diversity of Tactics

In "Learning from the California Election" (January), R.W. Bradford concludes that the prospects for the LP are not good from the fact that facing no ballot access problems, and all candidates getting equal position on the ballot, Libertarian Party candidates captured a mere 0.07% of the vote. Indeed major party candidates captured 95.5% of the vote suggesting that Americans are happy with the two-party system.

I think R.W. Bradford "learned" the wrong lessons.

Yes, there are still cultural, psychological, and social obstacles to third parties, and especially Libertarians, even if the ballot access problem is solved. That doesn't mean we should give up entirely. Nor does it mean that we should continue to waste resources foolishly in battles where winning is too unlikely or too costly.

The following article, "Time to Get Real," follows a similar theme: the Libertarian Party is useless and we idiots should wake up, smell the coffee, and join the Ds or Rs and try to work within these parties. I like to think of this as the defeat-the-enemy-by-joining-the-enemy strategy.

Don't get me wrong. We *should* work within these parties, when and where we can, to promote liberty. But, we should also use the third-party strategy to the extent that we can. We shouldn't give up entirely on the Libertarian Party. We should just be a little smarter about how we use our resources.

We need to admit that Ron Paul is the exception, not the rule. Ron Paul has had little success in making the Republican Party, as a whole, more libertarian, and anyone who joins the Democrats or Republicans will likely be more influenced by their party than have an influence on their party.

Let's use more than one approach. Let's work within the major parties, *and* have a third party that wins the winnable races. Let's learn the right lessons. Let's not commit an attribution error by automatically assuming that voters are happy with their choices, even when they have lots of choices. And let's stop disparaging those of us who remain committed to a viable Libertarian Party. We're not idiots. We're not deluded,

continued on page 53

Lysander Spooner, the Ninth Amendment, and Me, *from page 36*

been written about the Ninth Amendment that I could read it *all* and almost instantly become an expert in the field. The first thing I learned is that the Ninth Amendment had been devised by the father of the Constitution, James Madison himself. This might work out after all. So I put in motion several projects: a law review article, an anthology of previously published Ninth Amendment scholarship, and a law review symposium of politically diverse scholars offering their opinions on its meaning.

In 1987, while all these were in press but before any appeared, Judge Robert Bork was nominated by President Reagan to the Supreme Court. Perhaps his most famous comment at his televised confirmation hearings was this response to a question by Senator Dennis DeConcini, who asked him about the meaning of the Ninth Amendment:

> I do not think you can use the ninth amendment unless you know something of what it means. For example, if you had an amendment that says "Congress shall make no" and then there is an ink blot and you cannot read the rest of it and that is the only copy you have, I do not think the court can make up what might be under the ink blot if you cannot read it.

This ink blot reference was like a red flag to constitutional scholars, and did not sit all that well with some conservative proponents of original intent. After all, the framers must have meant *something* by this amendment! But what?

Soon thereafter all my Ninth Amendment scholarship hit the fans and I was suddenly a "player" in a field I had dismissed just a year or so before. In the years since then, one article led to another as I discovered that the Ninth Amendment was inextricably linked to the other clauses the Supreme Court had redacted from the text: the Necessary and Proper Clause, the Commerce Clause, the Privileges or Immunities Clause, and the Tenth Amendment. They all had to go if Congress and state legislatures were going to be given the discretion to pass laws in the "public interest" unconstrained by any limits on their powers besides a few judicially favored rights.

Over these years, I developed a newfound respect for the Constitution, if not for the judges who had disregarded what they had sworn to preserve, protect, and defend. I also came to admire the genius of the founders, especially that of James Madison, and the importance of the contribution made by the Republicans in the Thirty-ninth Congress who substantially changed the constitutional structure by devising the Fourteenth Amendment.

Spooner's earlier argument opened for me an entirely new position: a defense of original meaning, rather than original intent, that could withstand the well-known critique of originalism.

Spending so much time reading about the origins of the Constitution and the Fourteenth Amendment raised a central question I had not yet confronted adequately: how exactly should this document be interpreted? Early on, I had been persuaded that adhering to the original intent of the framers was not the way to go. I accepted the argument that we were not bound by the intentions of long-dead men, especially in light of Spooner's argument that the Constitution could not possibly be founded on original consent. Still, most of my constitutional scholarship consisted of parsing the statements of these same dead men and the historical meaning of the words they enshrined in the Constitution's text. I was definitely suffering from cognitive dissonance.

The resolution came from a completely unexpected and unlikely source: Lysander Spooner. Teaching my constitutional theory seminar, I ran across a reference in a footnote to Spooner's essay *The Unconstitutionality of Slavery* (1847). I was intrigued. How could Spooner possibly have argued that slavery was unconstitutional prior to the enactment of the Thirteenth Amendment, in light of the passages that everyone knows sanctioned it? Although I had admired Spooner since college, I had never read his other writings — indeed did not know what sort of writings even existed. Searching for this essay, I discovered it in a six-volume set of Spooner's works.

In his three-hundred-page monograph, Spooner responded to the Garrisonian argument that the Constitution was a "covenant with death and an agreement with hell" because it sanctioned slavery. As evidence for this contention, Garrison's legal colleague, Wendell Phillips, had seized upon the newly released, formerly secret records of the Constitutional Convention that clearly showed the framers' intentions to preserve slavery in those states where it was still practiced.

Spooner replied that we are not bound by the secret intentions of the framers but only by those intentions they put in writing. Each word must be interpreted the way a normal speaker of English would have read it when it was enacted. Moreover, where the words admitted of more than one meaning, we should not impute to the document an intention to do something manifestly unjust. Spooner argued that, in each of the places where the Constitution supposedly sanctioned slavery, the framers had spoken euphemistically, refusing to name the thing to which they were referring. If they could not bring themselves to enshrine slavery into the text explicitly, we were not bound to adhere to their unexpressed intentions but should instead give each of the terms they used their normal innocent meaning.

Whether or not Spooner was right in this assessment of the constitutionality of slavery, his argument opened for me an entirely new position: a defense of original meaning, rather than original intent, that could withstand the well-known critique of originalism. The final missing ingredient was an answer to Spooner's later charge that the Constitution was without authority because it lacked actual consent.

It is that challenge I seek to answer in *Restoring the Lost Constitution.* ❑

This article is excerpted from the preface to *Restoring the Lost Constitution: The Presumption of Liberty*, published by Princeton University Press, February 2004.

Analysis

The Trouble with Steinbeck

by Nicholas Varriano

More Americans learn about the depression of the 1930s from John Steinbeck's novels than from any other source. Too bad Steinbeck got it wrong.

John Steinbeck is a perennial favorite among American novelists. His most popular book is *The Grapes of Wrath,* a work that is usually studied, not just as a literary masterpiece, but as an accurate characterization of American life. In fact, the book is a textbook example of economic misunderstanding. Whatever its strictly literary value may be, its economic (and therefore, political) fallacies should lead educators who assign it to post a warning: "May be hazardous to your conceptual health."

The Grapes of Wrath tells the story of Oklahoma farmers losing their land to banks during the Great Depression of the 1930s. With no work, the dislocated farmers migrate to California in search of jobs. Once in California, large farm owners mercilessly take advantage of the migrant workers. Through the plight of the migrant workers, Steinbeck attempts to demonstrate the death of American capitalism, the system that promises individual opportunity and private property as the reward for taking risks and working hard. The new system to replace capitalism remains nameless, but it is certainly socialistic. Stephen Railton contends, "The goal of the novel is to suggest that a socialized democracy is as quintessentially American as the individualistic dream it will replace" (166). When the system fails, people rise up to demand change. Steinbeck writes, "Paine, Marx, Jefferson, Lenin were results, not causes" (159). At first glance, this list of historical names causes confusion, but it serves to reassure the reader by linking socialism with America's revolutionary tradition.

In *The Grapes of Wrath,* Steinbeck calls for a new national order based upon an economic philosophy that intentionally leads his reader down the path to socialism described by economist Friedrich Hayek in *The Road to Serfdom.* Socialism refers to a social organization based on government ownership, management, or control of the means of production and the distribution and exchange of goods. Hayek states, "Socialism means slavery" (13). People cannot abandon freedom in economic affairs without also losing personal and political freedom.

Jim Casy provides the voice for Steinbeck's socialistic idealism. Steinbeck states through Casy, a former preacher:

> I got thinkin' how we was holy when it was one thing. An' it on'y got unholy when one mis'able little fella got the bit in his teeth an' run off his own way, kickin' an draggin' an' fightin'. Fella like that bust the holiness. But when they're all workin' together, not one fella for another fella, but one fella kind of harnessed to the whole shebang — that's right, that's holy. (88)

The fella running off on his own symbolizes capitalism and everyone working together symbolizes socialism. Steinbeck inadvertently produces another symbol in this speech. When he describes one fella harnessed to the whole shebang, he describes the slavery of socialism. The tyranny of government serves as the driver providing direction for the harnessed people.

In order to help the downtrodden, Steinbeck proposes abandoning the individualist tradition. Dispensing with *laissez faire* policies producing unforeseen wealth and standard

of living, Steinbeck calls for the impersonal mechanisms of the free market to be replaced by a social democracy, but Hayek asserts, "Democracy as an essentially individualist institution stood in an irreconcilable conflict with socialism" (25). Democracy extends individual freedom while socialism restricts freedom. In 1848, Alexis De Tocqueville said, "Democracy attaches all possible value to each man; socialism makes each man a mere agent, a mere number. Democracy and socialism have nothing in common but one word: equality. But notice the difference: while democracy seeks equality in liberty, socialism seeks equality in restraint and servitude" (Hayek 25). Contrary to the myth projected by Steinbeck's novel, socialism leads to totalitarianism, a political regime based on subordination of the individual to the state and strict control of all aspects of life.

Such canonized literary works as *The Grapes of Wrath* perpetuate the myth that under free market capitalism the rich exploit the poor. As Milton Friedman has observed:

> Wherever the free market has been permitted to operate, wherever anything approaching equality of opportunity has existed, the ordinary man has been able to attain levels of living never dreamed of before. Nowhere is the gap between rich and poor wider, nowhere are the rich richer and the poor poorer, than in those societies that do not permit the free market to operate. (137)

Steinbeck espouses the exploitation myth in order to generate sympathy for the migrant workers and portray the large landowners and businessmen as villains. But focusing solely on one group of people produces an economic philosophy that is fuzzy or worse. Long ago, economic writer Henry Hazlitt exposed the fallacy of this kind of thinking: "The art of economics consists in looking not merely at the immediate but at the longer effects of any act or policy; it consists in tracing the consequences of that policy not merely for one group but for all groups" (17).

Steinbeck calls for special help for migrant workers, but fails to consider the implications for society at large, although he realized that technology was changing the economic landscape of 1930s Oklahoma. A truck driver tells the novel's protagonist, Tom Joad, "Croppers going fast now. One cat' takes and shoves ten families out. Cat's all over hell now" (Steinbeck 9). Cat refers to a Caterpillar tractor. One man driving a tractor produces the same results as ten families toiling over the land. The departure of small farmers made possible the consolidation of farmland. This, in turn, made possible the use of tractors, fertilization, and irrigation, with an accompanying boom in productivity and wealth. By 1945, Oklahoma ranked third in the nation in the production of wheat (Starr 124). The increase in productivity meant that marginal lands could be farmed at a profit.

Steinbeck's ideal is a government housing camp, humbly named "Weedpatch." Interestingly, individual charity is not permitted there.

Steinbeck mistakenly believes, however, that technology causes the loss of employment for ten families, not realizing that although farming jobs are lost, other jobs are gained. Jobs increase in the production of tractors. Tractor production increases the need for more steel workers. The shipping of finished tractors requires truck drivers. An increase in the use of tractors requires more oil and rubber production. When farmers confront a tractor operator about earning $3.00 a day at the expense of 15 or 20 families, the tractor operator replies, "Times are changing, minister, don't you know? Can't make a living on the land unless you've got two, five, ten thousand acres and a tractor. Cropland isn't for little guys like us anymore" (Steinbeck 39). Thus Steinbeck states the counterargument to his own socialist position. But the farmers fail to see the new opportunities available and instead try to cling to their old way of life.

The children exclude a girl from playing a game because she behaves as a rugged individual, permitting her to rejoin their game only when she conforms to the group.

To his credit, Steinbeck makes the farmers share the blame for the economic collapse in which they find themselves. Muley Graves admits, "I know this land ain't much good. Never was much good 'cept for grazin'. Never should have broke her up. An' now she's cottoned damn near to death" (Steinbeck 50). Farmers continue to work land not suitable for the plow. As they plow the land, the roots of wild grass that held the sod together eventually died and the wind eroded the soil, creating the Dust Bowl.

Rather than turn their anger inward, farmers lash out at the bank that they view as an insatiable monster determined to destroy their livelihood. When crops fail, farmers turn to the bank in order to obtain money to make ends meet and plant next year's crop. To obtain the loan, the farmer uses his land as collateral. After another poor year of crops, the farmer defaults on the loan. The bank owns the land and the farmer becomes a tenant, sharing a percentage of the crop. As the soil becomes more and more depleted, neither the bank nor the farmer can make ends meet. The bank has other options, but the farmer insists on doing things the old way.

From Steinbeck's point of view, however, the banking industry is "the monster [that] has to have profits all the time" (33). Yes, banks need to make decisions that lead to profits because they hold a responsibility to their depositors, who are often poor people like those that Steinbeck idealizes. People have entrusted their money to the bank for security and the opportunity to earn a fair interest rate. The Great Depression hit the banking industry hard. Banks do not possess an endless supply of money. During mid-1929 nearly 25,000 commercial banks were in operation in the United States. By 1933, 10,000 banks ceased to exist (Friedman 76). When the bank makes a loan on a farm that eventually blows away during the Dust Bowl, it fails to recoup its investment. There are no families back East waiting to purchase worn-out land as Steinbeck implies; there is only a loss that someone

must take.

Of course, one can view blame as a class phenomenon if one wishes to do so, and that is what Steinbeck does. Describing his business, a car dealer states, "We ain't selling cars — rolling junk. Goddamn it, I got to get jalopies. I don't want nothing for more'n twenty-five, thirty bucks. Sell 'em for fifty, seventy-five. That's a good profit" (Steinbeck 66). Behind the ugly words is an economic reality. The car dealer, like everyone else, including Steinbeck's heroic poor folk, is out to make a profit for the service that he provides. Being a good businessman, he tailors his inventory to the laws of supply and demand. His customers have little money, so he stocks affordable cars. He could choose to sell higher quality cars, but he would be forced to ask for a higher price and there is no demand for higher priced cars. The car dealer provides a service to low-income buyers. The buyer is not forced to make a purchase and is free to look elsewhere for a car of his choosing. A transaction Steinbeck describes as thievery, Adam Smith calls an example of the "invisible hand" at work. According to Smith, "People working for their own gain are led, as if 'by an invisible hand' to promote the public good" (260). Both parties have benefited one another. The auto dealer earns a profit and the buyer obtains a car in his price range. Such transactions, to Steinbeck, should be the cause of guilt.

When Tom Joad enters a private camping ground, he discovers that the proprietor charges fifty cents per day. The proprietor explains that he is just trying to make a living. And Tom replies, "Yeah. On'y I wisht they was some way to make her thout' takin her away from somebody else" (Steinbeck 206). But the proprietor is not taking from someone else. He provides a service that people are free to accept or reject.

Steinbeck proposes that people with limited financial means should be helped by the more affluent. Although the free market provides for the needy through charitable institutions toward which people willingly contribute, socialism takes money in the form of taxation in order to redistribute benefits to select groups; and this is what Steinbeck favors. His ideal is a government housing camp, humbly named "Weedpatch." Interestingly, individual charity is not permitted there.

Weedpatch appears at first glance to be a slice of heaven. It provides toilets with paper, hot water showers, clothes-washing facilities, good drinking water, and dances on Saturday night. But, as Hazlitt remarked, "Everything we get, outside of the free gifts of nature, must in some way be paid for" (31). All government expenditures must eventually be paid out of the proceeds of taxation. As tax rates increase, people have less money to invest in new businesses or purchase products that could in turn create jobs. None of this is visible in Steinbeck's account; only the benefits of government intervention appear.

According to Howard Levant, "The camp people are described as clean, friendly, joyful, and organized, while in the struck orchard they are dirty, suspicious, anxious, and disorganized by the police" (118). But someone must decide how these benefits are distributed.

A closer look at the government camp shows a benevolent tyranny that averages out the will of the people and excludes those unable or unwilling to accept the average, such as the small group of religious fanatics. The children exclude a girl from playing a game because she behaves as a rugged individual, permitting her to rejoin their game only when she conforms to the group.

Leadership of the government camp falls upon Jim Rawley, the manager, who fills the allegorical role of God (Levant 121). He dresses all in white and the frayed seams on his coat suggest the human availability of God-in-Christ. Like God, the camp manager enjoys spending time with his people. When he hears that the religious fanatic woman has described him as the devil, he answers, "I know she does. That's because I won't let her make people miserable. . . . Don't you worry. She doesn't know" (Steinbeck 343). Only God — and, apparently in Steinbeck's world, the civil service — is all knowing and all powerful. But even Steinbeck allows that government programs, unlike God, may not benefit people in the long run.

The camp can provide only limited provisions. It remains stationary while migrant workers move to the next job. The Joad family leaves in search of work because they face the prospects of starvation after being unemployed for a month.

Three hundred thousand migrants poured into California during the 1930s. All of these people were looking for work. By 1933, dollar income was cut in half, total production output fell by a third, and unemployment reached 25 percent of the total work force (Friedman 62). In this economical landscape, the Joads fight for survival. Steinbeck correctly observes, "The more fellas he can get, an' the hungrier, less he's gonna pay" (209). The laws of supply and demand dictate the price paid for labor. The good thing about this is that every person has the choice to accept or reject the rate of pay. Steinbeck advocates government controlled wages, not inquiring about whether laws requiring employers to pay a minimum wage may hurt the people they are designed to help. When a law is passed stating that no person can be hired for less than $10 per day, the first thing to happen is that anyone not worth $10 per day to an employer will be unemployed. Hazlitt points out, "You cannot make a man worth a given amount by making it illegal for anyone to offer him anything less" (135). The minimum wage law prevents the man from earning an amount that his abilities would permit him to earn. Unemployment is substituted for a low wage.

Only God — and, apparently in Steinbeck's world, the civil service — is all knowing and all powerful.

Migrant workers attempt to increase wages by forming a union and striking against the landowners. Steinbeck mistakenly believes that organizing the people will bring prosperity to all. As Hazlitt explains, "The belief that labor unions can substantially raise real wages over the long run and for the whole working population is one of the greatest delusions of the present age" (140). Labor productivity determines wages. The legitimate function of labor unions is to improve local working conditions and to assure that all of their members get the true market value for their services. When labor

unions seek to fix the wages of their members above their market value, the attempt brings unemployment. When employees call a strike, the picket lines are designed to prevent other workers from taking the job for the wage that the old employees have rejected. By preventing new workers from choosing the best job alternative open to them, the strikers are insisting on a position of privilege and are using force to maintain this privilege against other workers.

The changes Steinbeck had in mind, like many economic innovations of the literary imagination, untutored by serious economic thought, would never benefit the people as a whole, or even many of the individuals targeted directly.

Remember the law of demand. The higher a price of anything, the less of it people are willing to buy. As the cost of labor increases, the number of jobs will decrease. According to Friedman, successful unions reduce the number of jobs available of the kind that it controls (225). Unions have two ways of increasing wages for their members: keep down the number of jobs available or keep down the number of people available for a class of jobs. As a result, people who would like to get such jobs at the union wage cannot do so. These people have to look elsewhere for a job, thus increasing an already overcrowded labor supply that drives down wages. Hayek states, "Every restriction on the freedom of entry into a trade reduces the security of all those outside it" (128). The gains that strong unions make for their members are primarily at the expense of other workers.

Steinbeck decries the treatment of the migrant workers, but fails to provide a better solution than the free market. Jules Chametzky points out that Steinbeck possesses a deep distrust of both organizations and technology (54). Like Thomas Jefferson, Steinbeck envisions America as an agrarian society of small, independent landowners.

An advocate of natural rights, Steinbeck believes, "Those who live and work on the land, who pay for it with their blood, sweat and toil, own the land" (McCarthy 76).

As one of his migrant worker excitedly suggests, "Whyn't twenty of us take a piece of lan'? We got guns. Take it an' say, 'Put us off if you can.' Whyn't we do that?" (Steinbeck 260).

In an article for *The Nation*, Steinbeck made two suggestions to improve the plight of migrant workers. He proposed that migrant workers be allotted small subsistence farms on which to live and work when there is no call for migrant labor, and he called for the creation of a Migrant Labor Board to help allocate labor where it is needed and to determine fair wages (Lisca 152). These suggestions might conceivably benefit the lives of migrant workers, but they would clearly do so only at the expense of all other citizens. Who is going to pay for the subsistence farms? Who will decide which lucky workers receive calls from the Migrant Labor Board? Increases in wages result in an increase in the cost of a product for all consumers. If consumers are not willing to pay the increased price, production falls and jobs are lost. These are just a few of the problems resulting from a policy that looks only at the immediate needs of a single group rather than long-term effects for all groups.

The Grapes of Wrath can be read as a social document of the times, providing a record of drought conditions, economic problems, sharecropping, and migrant life. Steinbeck's main purpose for writing *The Grapes of Wrath* is to persuade his reader to reject conditions that bring suffering and misery to the poor. Railton maintains, "By illustrating the conversions that occur within the Joad family, Steinbeck clarifies the nature of change he wants enacted in his reader" (165). This change involves a concern and love for others and action on their behalf. But the changes that Steinbeck had in mind, like many other economic innovations resulting from the literary imagination, untutored by any serious economic thought, would never benefit the people as a whole, or even many of the individuals targeted directly.

Not all people decided to leave Oklahoma to journey to the Promised Land of California during the Dust Bowl years. One bankrupt store owner stayed in Oklahoma, taking a low-level job with a bank. Later, the man's son opened a store somewhat like his father's but emphasizing low prices. His business strategy proved successful, so he opened another store. His name was Sam Walton and his chain of stores became known as Wal-Mart. By giving people what they wanted, at a price they could afford, he became the wealthiest man in the world, in the process richly demonstrating the advantages of the free market.

As far as I know, there are no novels about the achievements of Sam Walton. ❑

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Reviews

Hayek's Challenge: An Intellectual Biography of F. A. Hayek, **by Bruce Caldwell. University of Chicago Press, 2004, xii + 489 pages.**

Hayek's Struggle

Leland Yeager

Friedrich A. Hayek first gained broad public attention with *The Road to Serfdom* (1944), which warned against a slide from the welfare state into actual socialism and the erosion of personal freedoms. His career then suffered in academic circles from his being pegged as a mere right-wing propagandist.

Even nowadays other circles condemn him. The website of a Czech Ayn Rand organization reviews a book whose title translates as *Hayek's Road to Serfdom* (http://www.aynrand.cz/pages/aktuality/RecenzeHayek.html). The reviewer applauds the book's main points: that by his attention to the spontaneous evolution of institutions through a kind of natural selection, Hayek depreciates reason; that by (allegedly) making benefit to society the standard for appraising institutions, he shows his altruism (which, of course, is a horror to Randians); and that by his willingness to condone some government interventions (such as a social safety net and protection of competition), he exposes himself as a statist. Several people associated with Alabama's Ludwig von Mises Institute scorn Hayek for his deviating from their purer (Rothbardian) doctrine. Hans-Hermann Hoppe even called Hayek's elaboration of the knowledge aspect of the socialist-calculation problem identified by Mises "fallacious from the outset," "false, confusing, and irrelevant," "absurd," and "nonsensical." What is going on? The disciples of particular gurus are bashing supposed rival gurus.

Bruce Caldwell, general editor of *The Collected Works of F. A. Hayek,* expects his own new book to be accessible even to noneconomists. He does not go into technical details of Hayek's theories. He takes pains to explain concepts, and an attentive reader might be able to pick up the necessary economics as he goes along. However, profitably reading the book presupposes a lively interest in the sorts of issues and researchers discussed. A reader would probably lack that interest unless he already recognized at least several of the following names: David Hume, Adam Ferguson, Adam Smith, David Ricardo, John Stuart Mill, Gustav Schmoller, Carl Menger, Eugen von Böhm-Bawerk, Friedrich von Wieser, Léon Walras, Ernst Mach, Joseph Schumpeter, Ludwig von Mises, Oskar Lange, William Beveridge, Lionel Robbins, John Maynard Keynes, Gottfried Haberler, T. W. Hutchison, Karl Popper, Frank Knight, and Milton Friedman.

An economist knows that demand curves slope downward, regardless of some contrary econometric result.

Many of those names occur in some 130 pages of excellent background material — as on the 19th-century *Methodenstreit* between German and Austrian economists — that Caldwell offers before finally turning to Hayek and his work. As its subtitle indicates, the book is an *intellectual* biography. It scarcely mentions Hayek's rather scandalous divorce, which involved his temporarily residing in Arkansas.

No conservative ideologue, Hayek was a profound scholar and creative thinker. To recognize, as he did, that the useful methods of economics differ in some respects from the methods of the natural sciences and to criticize "scientism," carefully explaining what he meant by the term, do not add up to an anti-scientific attitude. Furthermore, his emphasis on differences between the natural and social sciences waned over time. He came to replace that distinction with a distinction between the sciences of relatively simple phenomena and those of complex phenomena. The latter cannot make dependable and precise numerical predictions. Too many changing details of life affect people's behavior. Hayek drew examples from fields outside the social sciences, like biology and psychology, to show that economics is in good company in studying complex phenomena. Such sciences can usually make only qualitative conditional predictions

based on explanations of the principles characterizing their subject matters. "Pattern predictions," as Hayek called them, are what basic economic reasoning can accomplish. It is fatuous to insist, as a criterion of scientific respectability, on what a discipline just cannot deliver.

Understandably, Caldwell could not review all of Hayek's work in a single volume. He hastens over his work of the 1920s and early 1930s on monetary theory and business cycles, and he acknowledges setting aside Hayek's later work on monetary economics, including his proposals for the denationalization of money. What might explain these omissions? As for Hayek's early (and in my opinion mostly forgettable) writings, I conjecture that Caldwell was being charitable. As for the monetary ideas of Hayek's old age (which I find stimulating), Caldwell may have considered them too nearly unrelated to the concerns in social and political philosophy that had come to dominate Hayek's thought. More broadly, Caldwell may have modestly doubted his own special competence to assess some of Hayek's technical contributions.

He does pay deserved attention to Hayek's scientific work in psychology. A book that is less widely known than his economic and philosophical contributions deserves mention here: *The Sensory Order*, published in 1952 but reflecting interests that Hayek had cultivated since his youth. The ideas developed there mesh well with his approach to economics. A sharp distinction between theory and fact or between theory and practice is not tenable. All of our observations, even all of our supposedly irreducible sense perceptions, are shot through with at least rudimentary theory.

Perception always involves interpretation-ascribing impulses received by the sense organs to one or more classes. This classification is rudimentary theory. My nervous system selects certain aspects of reality impinging on my sense organs, classifies them, and organizes them into my perception — as of a sound or a red patch. My perceptions depend on the state of my sense organs, nervous system, and entire body. Unlike a dog, I cannot perceive certain smells or high-pitched sounds. Unlike me, the dog cannot recognize and so cannot perceive written words.

Natural selection has presumably shaped organisms so that their perceptions possess an order corresponding to whatever order may exist in their environments. Organisms that frequently misclassified impulses emanating from the external world would be at a disadvantage in surviving and reproducing. Among higher organisms, actions conforming to principles of logic have greater survival value than actions clashing with them. Through natural selection, experience obtained even by one's remote ancestors is embodied in the individual's genetic and physiological makeup. Humans thus possess knowledge with something like an *a priori* aspect — predispositions to recognize and articulate certain aspects of reality and behave accordingly. Not all that we believe about the external world at any moment is learned and subject to confirmation or contradiction by our current or future sense experience.

"I'm a *practical* nurse — I know better than to listen to *doctors*!"

The individual human inherits the experience of his ancestors not only through biological but also through cultural processes, notably language. His cognitive apparatus and current perceptions are also shaped not only by his own direct current experience but also by how his own past experience has affected physical and chemical conditions within his body, such as nerve connections governing the movement of impulses to and from and within the brain. One's mind-set, deriving from the past experience of one's species and oneself, affects not only one's interpretation but even one's perception of a cognitive situation. When a person tries to converse in a foreign language, what he hears — not just understands but even *hears* — depends on how well he knows the language, that is, on his experience. A book reread after a long interval, during which further experience has accrued, may make an impression quite different from the first reading.

For an economist with some interest in the history of thought and in methodology, Hayek's Challenge is magnificent.

Like most scientists, Hayek was a mechanist as opposed to vitalist: he believed that all activities, including consciousness and thought, ultimately correspond to physical states and changes in them. But he was not a reductionist: he did not believe that the life sciences and social sciences can be "reduced" to physics and chemistry in such a way as to banish the language of seeing, hearing, thinking, consciousness, purposes, intentions, decisions, and actions and instead to require all propositions about such matters to be phrased exclusively in physical and chemical terms.

Caldwell considers whether and how Hayek came to reject Mises' *a priori* method of theorizing, if he ever did accept it. Mises made an unfortunate choice of words, in my view, in calling his methodological position apriorism. On a charitable interpretation, Mises did not really think that he could derive factual propositions about how the world works exclusively from mere logical truisms. The axioms on which he relied are actually *empirical* truths of such pervasive validity that we can scarcely imagine a world to which they did not apply. They are propositions such as that resources are scarce relative to human desires, that choices must be made, and that people act pur-

posefully. Another issue is whether Mises was too dismissive of empirical evidence of kinds less accessible to armchair observation.

Caldwell regrets the current state of academic economics. "[T]he history of economics in the twentieth century lends support to Hayek's views about the *empirical* limits of the discipline. The positivist hope for continuous progress has not been achieved" (p. 371–372). "Positivism," as Caldwell uses the term, labels an array of empiricist doctrines that dominated the philosophy of science in the first half of the 20th century and filtered into the social sciences. They are related to "scientism," a naive yearning to ape the methods supposedly employed in the natural sciences. Their impact has been largely "malefic." One regrettable side effect is the apparently imminent elimination from graduate studies of the fields of methodology and the history of thought.

Despite immense effort, highly sophisticated techniques, and vast increases in computing power, econometrics has failed to produce the quantitative laws once expected of it (376, where Caldwell quotes Roger Backhouse). Estimated relationships repeatedly break down as new observations become available. Statistical or econometric studies do not always give "right" results and often contradict one another. Noise typically dominates the systematic component in most data of interest to economists. By the very nature of its complex subject matter, economics has only limited prospects for progress along positivist lines.

In Caldwell's judgment Hayek's most enduring legacy was his varied insights into the "knowledge problem" and its centrality not only to socialist economies but to general economic theory.

"Such self-understanding is liberatory" (400). It turns us toward alternative ways of doing economics. It helps us better appreciate the often very useful sorts of pattern prediction that basic economic reasoning can offer. Taking that reasoning seriously "is the first step in throwing off the shackles of the positivist vision of science. . . . " An economist *knows* that demand curves slope downward, regardless of some contrary econometric result (381–382).

Economics has made progress, says Caldwell, but largely because economists' practice has contradicted their positivist rhetoric (396). The dominant successful research strategy in economics in the twentieth century has been what Karl Popper called *situational analysis*: agents act appropriately to their situations. Examples of progress occur in the economics of information (adverse selection, moral hazard), the study of transaction costs, and game theory (389–390). In Caldwell's judgment Hayek's most enduring legacy was his varied insights into the "knowledge problem" and its centrality not only to socialist economies but to general economic theory (338). (Several key essays on this theme are collected in *Individualism and Economic Order*, 1948.)

At least twice (2, 420) Caldwell mentions what he calls the "falsificationist methodology" of Karl Popper. I'll permit myself a reviewer's quibble. Popper described the scientific method as one of "conjectures and refutations." Falsification, rather than being a method, pertains to a demarcation of scientific from nonscientific propositions. Nonfalsifiable propositions — ones formulated with built-in immunity to being discredited by any conceivable evidence — are by that very token not scientific.

For an economist with some interest in the history of thought and in methodology, Caldwell's book is magnificent. I enjoyed it very much and would have enjoyed it even more if I had not been obliged to worry about what to say in a review for general readers. ❑

***Dude, Where's My Country?*, by Michael Moore. Warner Books, 2003, 249 pages.**

Bowling for Bush

Doug Casey

Not knowing much about Michael Moore except that he is rabidly anti-gun (as evidenced in his movie *Bowling for Columbine*), I approached his new book *Dude, Where's My Country?* gingerly. The main problem with the Second Amendment is that it doesn't go nearly far enough. If you're going to have any laws at all regarding guns (which you shouldn't) they ought to require everyone to have one.

Notwithstanding Moore's nutty views on guns, I thought the book started out strongly, with Moore posing seven questions he wants to ask Bush. They're questions worthy of answers, because they address the Bush family's questionable relationships with the Saudi royals, the Taliban, the bin Laden family, and others. Few Americans question these things post 9/11 for fear of being deemed unpatriotic, not to mention a potential enemy combatant.

Chapter 2 is even better. Moore accuses Bush of being a chronic and

pathological liar, and cites ten of my favorite Bush Whoppers to make the case, including lies about Iraq having nuclear and bio-chemical weapons, Iraq having ties with Osama and al Qaeda, and the conveniently forgotten fact that Saddam was recently a U.S. ally. Moore cites literally hundreds of references proving that, at least when Bush is talking about the War on Terror, or the War on Iraq, or the vote count in Florida, and lots of other things, the best way to tell whether Bush is lying is to see whether he moves his lips.

Chapter 4, "The United States of Boo!", is my favorite. In the current environment of anti-terror hysteria, mostly generated by the Homeland Security Department, few are willing to say it's 99.9% a ridiculous charade. Despite the deaths of 9/11, and the hysteria encouraged by Terror Alerts vacillating pointlessly from mauve to chartreuse to magenta to whatever, the chances of any American being hurt in a terrorist incident are simply too small to calculate. Your chances are probably better of being hit by a meteorite. Although Bush didn't directly cause the 9/11 disaster the way Hitler caused the Reichstag fire, he's using it in exactly the same way: to get *Boobus americanus* worked up, and hot to support any law the government passes and any actions it takes. Moore understands that there actually wouldn't be any terrorist threat if the U.S. government didn't have troops in a hundred countries around the world, and reflexively align itself with a Jewish theocracy in what amounts to a religious war against Muslims. We're likely to be engaged in The Forever War until the U.S. government is too bankrupt to continue it. And, with technology being what it is, it's just a matter of time before a nuclear weapon is lit off in one or more American cities by some angry people with real or imagined grievances. Notwithstanding that point, Moore shows how the basically nonexistent terror threat is turning the U.S. into a paranoid police state.

I really liked the first half of the book, but Moore seems to have had a psychotic breakdown of sorts halfway through, starting with a chapter called "Horatio Alger Must Die," where he debunks, as myth, the notion that anybody in America can get rich. Of course he's right when he observes the average guy is buried in debt, and will never dig out. Once the economy descends into The Greater Depression, I fully expect the normally complacent booboisie to do pretty much what Mike advocates: demand a socialist revolution (by whatever name) in the U.S.

Moore continues to rant, advocating that we eat the rich and use their assets to provide bread and circuses for the decent folks on welfare being held in bondage by anybody with a positive net worth. Although he would prefer to see a Green elected president this year, he realizes that's just a pipe dream. So he suggests Oprah as a candidate that could beat Bush. He's probably right; name recognition and a winning smile is all you really need.

This is valuable book. It's surprising, and gratifying, to see something that makes a strong anti-war, pro personal freedom case, sit atop the best-seller list. Its first half will convince you that America is going to hell in a handbasket under the Republicans. The second half proves that America will go to hell in an even larger sized container, maybe a stolen shopping cart, should the Democrats get in. ❑

***Human Accomplishment: The Pursuit of Excellence in the Arts and Sciences, 800 B.C. to 1950,* by Charles Murray. HarperCollins, 2003, 668 pages.**

Scorecard for Achievement

Andrew W. Jones

Only a few decades ago, the academy stood as the institutional embodiment of the Western pursuit of truth. Scholars researched, reasoned, theorized, debated, and, eventually, reached consensus. If an object of consensus stood the test of time and weathered attempts at its falsification, it could come to be understood as true. In the hard sciences, the scientific method and strict standards of replication have, for the most part, preserved this quest for truth; the social sciences and humanities have not fared so well. It is hard, after all, to maintain that the launching of the space shuttle is simply a manifestation of the ingrained bias of the scientists, and a fulfillment only of the arbitrary standards of the Western scientific canon. The social sciences and the humanities, lacking such kick-the-rock-to-prove-its-existence demonstrations, demanded of scholars a self-conscious awareness of bias and fallibility.

Since the Second World War, this awareness of bias and fallibility has morphed into the denial of the existence of truth. To recent theorists, that individuals, and through them cultures, disagree on what is and is not true, is evidence that truth does not exist (ignoring, of course, that all involved agree that there exists something to disagree about). History is one of the more recent disciplines to tumble into this relativistic abyss; intellectual and art history, being culturally the heaviest, sunk the fastest. When truth is mentioned at all, it is in a mocking tone, with obligatory quotation marks.

In *Human Accomplishments,* Charles

Murray once again challenges this new consensus. He argues that accomplishments can be measured by evaluating the judgments, as opposed to the sentiments, of experts. As he and co-author Richard Herndon did in *The Bell Curve,* Murray compiles indexes of accomplishment. An artist's or scientist's position on the index is determined by the amount of attention given him in serious histories, from which Murray excludes postmodern analysis, which he considers "silly." He defends his selection of experts by asserting that he allies himself not with a particular school, but "with a view of the nature of inquiry that can without strain encompass everyone from Aristotle and Confucius to Hume, Kant and beyond."

Ever conscious of objections, Murray covers his rear, devoting sections to the possible effects of Eurocentrism, sexism, racism, chauvinism, and elitism. Ceding that a worldwide compilation for the arts poses problems, he creates separate inventories for Chinese, Japanese, Arab, and Western artists. For the sciences and mathematics, however, he argues that "a bamboo bridge over a Chinese canal and a stone bridge over a Dutch canal both carry their loads because of the same laws of physics," and groups all cultures together.

Murray's initial analysis of these inventories produces an interesting, if not all that surprising, result: European urban males occupy the majority of spots. Interestingly, the contribution of the Jews during the past century and a half is disproportionately significant. Prior to the mid-19th century it was almost nonexistent. After the revolutions of 1848 and the Jews' legal emancipation throughout much of Europe, accomplishments by Jews increased to a level well beyond what their percentage of the population would suggest. Murray suspects that this poses a problem for those who solely blame cultural discrimination for other minorities' low numbers.

Since the Second World War, an awareness of bias and fallibility has morphed into the denial of the existence of truth.

Murray argues that the nature of accomplishment in a given time and place can be accurately predicted given information about that culture's status with regard to four dimensions: purpose, autonomy, organizing structure, and transcendental goods. While he explains each dimension in great depth, his essential point is that people who believe their life has purpose, who acknowledge a difference between good and bad, whose culture allows them freedom and has organizing structures (e.g., symphonies and universities), tend to out-perform those who are stifled by cultures that put emphasis on familial obligations, duty, and consensus. Nothing too surprising.

What is surprising is Murray's contention that accomplishment is in sharp decline, and has been for at least a century. By using multiple regression analyses, he demonstrates that while the absolute number of significant individuals continues to rise, when adjusted for population increases, accomplishment is in decline. This decline is amplified when one takes into account how many more people are born into a family whose social status allows for the possibility of accomplishment (that is, non-peasant). In the sciences, he employs the metaphor of a jigsaw puzzle: most of the large pieces have already been laid, and all that remains is to fill in the spaces. In the arts, he blames the loss of purpose and transcendental goods, so exemplified in the creed of the postmodernists. Such "end of history" talk is rightfully viewed as dubious, and Murray makes a point to acknowledge how wrong he could be.

The problems that people are trying to solve vary with time, place, and culture. This makes it difficult to evaluate their success in solving those problems. But, to accept such difficulty does not entail denying the existence of truth. And the problems of physical suffering and the productivity of labor are universal questions of survival, shared with the animal kingdom, and it is manifest that objective gains have been made toward solutions: the smallpox vaccine works as well on an African as it does on an Englishman, and a tractor outperforms an ox anytime, anyplace. The problem of discerning truth in other areas of human endeavor must be viewed as a problem in understanding, not as evidence that truth does not exist.

Murray argues that accomplishments can be measured by evaluating the judgments, as opposed to the sentiments, of experts.

In the end, *Human Accomplishment* triumphs, not so much in its analysis, which often falls a little flat or seems tautological, but as a line in the sand. Murray challenges those who shout "white male bias!" to "specify the names and contributions of the large numbers of important Asian and Arabic scientists and mathematicians who have been left out, or to explain why some thousands of the European entries don't belong." He has compiled such a compelling amount of data and analysis that the only way to undermine his thesis is to renounce the concept of progress — not the 19th-century, "Great Exhibition" notion of progress, but the idea that mankind now knows more about the universe than it once did. Such an attack has to maintain that knowledge itself is an arbitrary human construct. Such an abandonment of the millennia-old search for truth can only escape its inherent paradoxes through capitulation to nihilism. And, as Murray puts it, "the same people who tell us there is no such thing as objective truth get on airplanes without a second thought." That is, of course, after theorizing themselves out of a job. ❑

LEGAL SERVICES
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***Passport*, by Bruce Herschensohn. ibooks, 2003, 876 pages.**

Keeping the Torch Lit

Timothy Sandefur

Students who entered high school this year were born the year the Berlin Wall fell. They have no personal recollection of the Cold War, and are doubtless taught very little about it in their history classes. To them, the decades-long conflict between the free world and Communism may fall into a historical blind spot: too old to be news, too recent to be history.

Bruce Herschensohn lived with the Cold War from 1960 to 1989, and he has written a novel that practically begs us not to forget it. It's hard to believe that Americans could forget it — yet every year, Hollywood produces more World War II films, and hardly a word commemorating the Cold War; Washington, D.C. still has no monument to it (although the Victims of Communism Memorial Foundation hopes to build a memorial); and university professors continue to paint the Cold War as a mass hallucination conjured up by a cabal of diabolical businessmen and yokel politicians.

If such ideological lingo sounds silly to us now, it is only because of the victory won on Dec. 24, 1991, when the Union of Soviet Socialist Republics ceased to exist — a victory fought for by countless men and women in every part of the globe, from infantrymen in Korea to spies in Russia to missile sub commanders in the Atlantic to aerospace engineers like my father. It was a victory every bit as colossal and honorable as the victory over Germany and Japan a generation before. Yet it remains only a partial victory, as Herschensohn — by centering the events of *Passport* around the tiny island of Hong Kong — forces us to remember. One-fifth of all humanity remains enslaved today in communist China, Korea, or Cuba, or in hellish theocracies like Iran and Saudi Arabia, or mere brute dictatorships like Libya and Zimbabwe. *Passport* is shot through with a golden vein of idealism that has always been Herschensohn's guide: the idea that America's destiny is to set the world free.

That has not always been a popular notion; it remains controversial now. Such controversy is, to an extent, understandable: Americans have no *duty* to die for other nations, and it is a dangerous proposition to send soldiers to fight tyranny in other parts of the world. Such things must be handled with prudence, if, as Justice Frankfurter once said, freedom is the idea that is not too sure it is right. But, as Herschensohn dramatizes, those Americans who decried our role in the Cold War did not stop at arguments from prudence. They went further, and insisted on drawing a moral equivalence between America and her opponents. Using phrases like "the self-determination of peoples," this group claimed that capitalism and communism were equally valid "systems," and that we ought to let the "peoples' revolutions" take their course. When Ronald Reagan urged Americans not to succumb to "the temptation of pride — blithely declaring yourselves above it all and label[ing] both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil" — he was loudly booed in the press, which called itself neutral.

The Berlin Wall did not fall to compromise. It fell to those who insisted on the moral superiority of liberty.

Herschensohn shows the gradual rise of such neutrality in the slow corruption of the Democratic Party, which started with John F. Kennedy's promise to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty," but grew through bombing pauses and capitulation in Vietnam, to the present day anti-Americanism of Noam Chomsky. Herschensohn puts much of this change in the words of his character Ted Murphy, a journalist who tells his audience that "communism is not an enemy, but an idea. . . . [W]e shouldn't perceive the Soviets or the East Germans as hostile forces. . . . [T]he United States, with our system, is here to stay, and the Soviet Union, with its system, is here to stay. Co-existence and mutual respect is the only path to keep the peace."

Murphy writes this after witnessing Kennedy's *"Ich bin ein Berliner"* speech, delivered from a wall which came to symbolize, as nothing else could, the horrors of Communism. "There had never been anything like it," recalls Herschensohn. "Never. Throughout the history of man, there had been many city walls constructed to keep invaders out, but never a city wall before this one, to keep people in." While Murphy's moral blindness metastasizes into outright contempt for America's part in the Cold War, others maintain a clarity that alone has the power to bring down that wall. The Berlin Wall did not fall to compromise. It fell to those who insisted on the moral superiority of liberty.

When I was in college, I was fortunate enough to study with the late Alexandras Shtromas, a Soviet refugee and professor of international politics. "Communism," he told us one day, in

his thick, unforgettable accent, "must always spread. It cannot create wealth, only redistribute it, so it must constantly expand. The way to kill it is to say 'stop.' But only three times in American history did one of your presidents say 'stop.' That was Truman during the Berlin Airlift, Kennedy during the Cuban Missile Crisis, and Reagan, when he said 'tear down this wall.' And we in the Soviet Union waited 20 years, from Kennedy to Reagan, for another president who would have the courage to say 'stop.'" Saying "stop" requires a morally clear vision that refuses to equate evil with good, slavery with freedom — a vision which does not delude itself that treaties with dictators are a sign of high-mindedness or progress.

It was particularly absurd for Western intellectuals to ridicule those who warned of the threat posed by Communism, since Communists did not disguise their wish to conquer the rest of the world. "Every leader in the world should have read *Mein Kampf*," says one of Herschensohn's characters, "but they didn't. The irony of totalitarians is that so often they publicly say what they plan — and no one who can do something to stop them reads their words until the plan is well on its way to enactment."

Yet those who came to dominate the Democratic Party in the wake of the 1968 convention, and who now hold tenured faculty positions and endowed chairs in our universities, continue to ridicule the notion that the USSR posed a genuine threat to the United States or the rest of the world, and describe America's part in the Cold War as "imperialism." Chomsky, for instance, calls the Cold War a "pretext" for policies designed by the wealthy "to keep the poor nations in control." Howard Zinn, whose *People's History of the United States* is among the books most commonly assigned by college history professors, says the Cold War was a method for "solv[ing] problems of control," by which American politicians

> established a climate of fear — a hysteria about Communism — which would steeply escalate the military budget and stimulate the economy with war-related orders. This combination of policies would permit more aggressive actions abroad, more repressive actions at home. Revolutionary movements in Europe and Asia were described to the American public as examples of Soviet expansionism — thus recalling the indignation against Hitler's aggressions. . . . The United States . . . [thereby] created the kind of coalition that was needed to sustain a policy of intervention abroad, militarization of the economy at home. . . . [C]ountless Americans . . . may have been led by the failure of the capitalist system in the thirties to look favorably on Communism and Socialism. Thus, if the Establishment, after World War II, was to make capitalism more secure in the country, and to build a consensus of support for the American Empire, it had to weaken and isolate the left.

It is revolting that these interpretations are received with respect even while more facts of Soviet tyranny are coming to light each day, while refugees continue to risk their lives to escape Cuba, and while starvation continues to plague North Korea. In 2003, the Australian newspaper *The Age* described a new innovation in China: mobile execution vans that can administer death for political crimes during

Notes on Contributors

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house calls. No doubt this story, too, was just capitalist propaganda.

Worse still is that the Left's "live-and-let-kill" stand toward political tyranny continues even after America has declared war against Islamofascism. The murder-suicides of Yasser Arafat's "martyr" brigades are spoken of in many circles in the same tones once reserved for Nathan Hale and the Boston Tea Party. The left's intentional moral blindness probably reached its nadir when Reuters decided not to use the word "terrorist" to describe terrorists. Apparently, those who were working peacefully at their wealth-creating jobs on the morning of Sept. 11, 2001, running the awesome engine of commerce by which America produces food and medicine and computers and pacemakers and airplanes, were morally indistinguishable from those who slashed the throats of pilots and rammed planes into the towers. Thomas Jefferson said on his deathbed that "all eyes are opened . . . to the palpable truth that the mass of mankind was not born with saddles upon their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God." But for too many, those eyes are full of ideological cataracts.

Why have 20th century academics and 21st century historians seen the Cold War as a "misunderstanding," and steadfastly refused to assign it moral significance? In large part, those academics were and remain sympathetic to the ideology of the Soviet leaders. But larger numbers of people who are not socialists nevertheless refuse to see a moral distinction between America and our present enemies, and insist that we ought not to "impose our values" on Middle Eastern nations. This habit of thinking reflects the prevalence of positivism, the prevailing trend in political philosophy for the past 80 years. College graduates are taught that political legitimacy is produced by fiat — that any regime claiming to be lawful is so, because morality, like politics or clothing fads, is a "social construct." The Soviet Union or the Iranian theocracy cannot therefore be called "evil," because the standards by which we might call something evil are just a matter of collective taste. But since social consensus can be about absolutely anything, modern international politics has taken the concept of "self-determination" as its cornerstone without telling us what gives self-determination its legitimacy, or what the limits of such determination might be.

The Left's "live-and-let-kill" stand toward political tyranny continues even after America has declared war against Islamofascism.

Stripped of moral foundations, "national self-determination" has become a slogan for denouncing America's efforts to influence any international political developments. As Michael J. Glennon writes in a recent issue of the *Fletcher Forum of World Affairs*, "In the independence movements, wars of liberation, rebellions and insurgencies that raged from one corner of the globe to the next, nary a 'freedom fighter' could be found who could not in some manner claim justification from this mystical concept." The concept is mystical because modern academics embraced it while simultaneously denying the principles from which it derives. The Declaration of Independence explains that government, based on the consent of the governed, is justified only insofar as it "secures these rights" of life, liberty, and the pursuit of happiness. Jefferson would have thought it absurd to say that democracy was being "imposed" on a nation: *freedom* is not imposed, he would have said; *tyranny* is. But the Declaration's principles also put boundaries on political legitimacy, so moderns have abandoned them. No longer believing that there are natural limits to the state, they can find no principled basis on which to deny the legitimacy of any group that calls itself a state, no matter what it does to its own people. As Glennon confesses, "Self-determination afforded to a community can actually serve to undermine the very values that the concept is thought to protect, since non-harmful individual choice is constricted rather than maximized, when an oppressive community is protected against outside interference that might be taken on behalf of aggrieved individuals within it." Positivism ignores the connection between individual rights and national independence. So whatever a nation "chooses" (even if the choice is made by dictators like Lenin or armed thugs like the Sandinistas) is considered legitimate.

Liberty is the birthright of all, and ought to be the primary consideration of American politics, both domestically and internationally.

Positivism thus let the air out of democracy even while simultaneously calling itself democratic. As Harry Jaffa has demonstrated, this political agnosticism also lay at the heart of Stephen Douglas' argument in 1858 that the federal government ought not to care if the people of Nebraska chose a pro-slavery constitution. Lincoln shattered this conceit when he replied that "no man is good enough to govern another man, *without that other's consent.* I say this is the leading principle — the sheet anchor of American republicanism. Our Declaration of Independence says: 'We hold these truths to be self evident: that all men are created equal . . .'" It is because 20th century professors, and the politicians who graduated from their classes, abandoned the principles of the Declaration, that they presumed to rise above principle, into detente. The Declaration is incompatible with detente for a simple reason: it holds that liberty is worth fighting for.

Herschensohn makes this particularly clear in a passage in which one character, Anne, debates a senator about the Strategic Defense Initiative:

> "Peace is not surrender." The senator was shaking his head with a smile.
>
> "That depends on whether you hold peace higher than liberty or liberty higher than peace." Anne was passionate. She was prepared to take him on. "President Lincoln could have had peace and spared the states the agony of war and the death of over one half million Americans on the battlefield. He could have done that by removing the Union's troops from Fort Sumter and allowing the

secession of South Carolina and allowing the other states that sought confederation to become independent of the Union. There would be two nations. One free, one slave. And there would have been peace. . . . President Roosevelt could have brought about peace for the United States by standing before that joint session of Congress on Monday, December the 8th of 1941 to request of the Congress, not a declaration of war to return fire for fire, but, instead, a declaration of accommodation. And there would have been peace. Surrender, Senator, brings about peace, and neutrality brings about peace — the peace of the palace for those in authority, the peace of subjugation for the many who are timid, and the peace of the prison cell for the rest. But there is peace. Peace without liberty is surrender."

Herschensohn does not lay the whole blame on intellectuals and politicians, however. Corporate America has much blood on its hands after the crimes of the 20th century. Near the end of *Passport,* one character reflects on the willingness of American businessmen to continue doing business in Hong Kong despite Communist rule. They "were eager to meet and impress their new masters," he writes. "Their eagerness was part of their religion, because their religion was a wallet. They all had fat ones, and they wanted to increase their fatness. Good wallets made by Bally and Gold Pfeil and Kenneth Cole." Throughout the book, Herschensohn's perspective is consistent: liberty — not peace, not security, not prosperity — least of all a prosperity built on the backs of enslaved Chinese labor — only liberty is the birthright of all, and ought to be the primary consideration of American politics, both domestically and internationally. Fortunately for America, and for the free people of the world, many kept this faith in the last century. They were not blinded by detente or the alleged moral equivalence between communism, or Islamism, and liberty. The men and women who fought back against their captors in the sky over Pennsylvania — or who threw stones at tanks in the Prague Spring of 1968 — and the anonymous man who stood before a tank in Tiananmen Square in 1989 — are the heroes of Bruce Herschensohn's novel, and of the Cold War.

In the midst of World War II, the libertarian writer Rose Wilder Lane wrote, "Win this war? Of course Americans will win this war. This is only a war; there is more than that. Five generations of Americans have led the Revolution, and the time is coming when Americans will set this whole world free." That is a dream shared by Bruce Herschensohn. It is not going to be easy, but it is possible. Who would have thought, on Dec. 24, 1979, that ten years later, there would be no Soviet Union? But such victories are possible only when a people insists on its right to be free. ❑

Letters, *from page 39*

irrational people who are unable to grasp the obvious. How about a little balance?

James E. Brentar
Euclid, Ohio

But What If He Hires Johnny Cochran?

In her Reflection "Give him a fair trial and hang him," Wendy McElroy wonders why Bush would mention the issue of execution in his interview with Diane Sawyer. Given the popularity of capital punishment in the Arab world, what else could he say? That he thought Saddam should live if convicted?

As to the issue of trying him before pronouncing sentence, is anyone seriously saying that Saddam is innocent of heinous crimes, or that it would even be difficult to prove them?

Rycke Brown
Grants Pass, Ore.

Cheerfulizing Actuality

I always enjoy reading Stephen Cox's "Word Watch," and I have a few comments on the January 2004 offering. One is that "word inflation" (usually accompanied by syllable inflation) is, first and foremost, a means of getting more money for doing less work, and secondly, a means of avoiding responsibility and accountability. My first hint of this came back in high school, where "janitors" all of a sudden became "maintenance engineers," even though their job still was mostly cleaning barf off the hall floor with green sawdust. That was at about the same time the head cafeteria lady became a "dietician,""gym" became "physical education" (what was "educational" about getting smacked with a dodgeball, I never learned), "movies" became "audio-visual aids," and "civics" became "social studies." The trend continues up to the present day. Wal-Mart has no "employees," only "associates," and I suppose that guy with the lazy eye and funny-shaped head, who babbles at me when I walk into the store, attends all their directors' meetings. What this adds up to is that occupations that cannot be made into bona fide professions are "professionalized" through word magic.

I can almost guarantee that the word "utilize" came into its own in government labs, where it provides an extra layer of protection against accountability. A product of research can be "utilized" without actually being "used"; the latter word being much too crude and bottom-line for modern sensitivities. But I suppose that the pinnacle of word inflation has to be "cop speak," and anyone who's seen even one newscast from a crime scene knows that police are now trained to use far more syllables and words than are necessary, in order to completely obscure the facts of an incident, and, above all, to keep everything in the passive tense, in order to avoid any implications of responsibility. They are saying less and less with more and more. This stodgy, constipated style of speech may be the ultimate use of abstraction to avoid the issue, and the reason cops sound so clumsy doing it is that they were not raised on a diet of dissimilation the way many of us were. I should mention that a classic work in this area is Paul Fussell's *Class,* in which, among many other delights, he points out that "syllable multiplication usually occurs also in the euphemisms by which the middle class softens hard facts or cheerfulizes actuality." And, "the passive voice is a great help to the middle class in multiplying syllables." The book is wonderful, and every page contains many sharp barbed hooks upon which to hang the pseudo-literate.

Dave Witter
Sterling, Va.

Terra Incognita

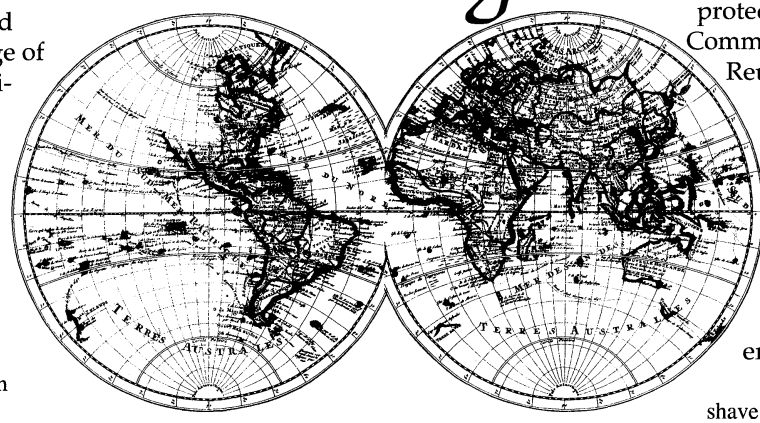

Washington, DC

Advance in linguistics that enabled the president to maintain, sort of, that the enemy in his most recent war, in fact, possessed the weapons whose existence justified the war, when the enemy did not, in fact, possess any such weapons, from "The State of the Union Address," by George W. Bush:

> "Already the Kay Report identified dozens of weapons of mass destruction-related program activities."

U.S.A.

A new and profound understanding of the range of specific issues facing presidential candidates, as described by Cynthia Guerrero, a Dick Gephardt supporter, on that presidential aspirant's website:

> I support Congressman Gephardt because he has a consistent position on every issue from domestic to international.

Seattle

Curious legal news from the King County *Journal*:

> The Washington State Ferry System has abolished its longtime rule prohibiting gas cans on ferries, on grounds that the cost of enforcing the rule was $150,000 per year, and all cars on the ferry carry gasoline or other incendiary fuels in their tanks anyway.

U.S.A.

Good news for altruistic gourmet ice cream lovers who support the Second Amendment, from an advertisement for Star-Spangled Ice Cream:

> Ted Nugent — celebrated rock legend, Second Amendment advocate and author of Kill It & Grill It, the new best-selling wild game cookbook — loves GUN NUT, Star Spangled's delicious new Coconut, Almond, and Chocolate Chip ice cream.
>
> "This ice cream is awesome!" proclaims The Nuge. "After I kill and grill it, I top my wild game off with a bowl of GUN NUT!"
>
> That's good news for gourmet ice cream fans, and for Gun Owners of America — because from now straight through to the start of the 2004 fall hunting season, Star Spangled Ice Cream will donate $1 to the educational work of the Gun Owners Foundation Gun Safety Project every time a quart of our politically incorrect flavor GUN NUT is purchased over the Internet.
>
> Gun Owners of America and Ted Nugent's United Sportsmen of America are staunch defenders of the Second Amendment and we are proud to support their patriotic work.

Iowa

Peculiar observation about Iowa Democrats, from the Hon. Richard Gephardt, M.C., and aspirant to the presidency of the United States, from his official website:

> Tonight, you will stand in the shoes of every Democrat in this country.

Caracas

From the "what if you were stranded on a life raft with . . ." file, Reuters gives us:

> Venezuela, the poor, oil-rich nation, is considering decriminalizing the theft of food and medicine in cases where a thief is motivated by extreme hunger or need. Supreme Court Judge Alejandro Angulo Fontiveros told Reuters on Wednesday that the so-called "famine theft" clause should be part of a broad penal code reform measure for humanitarian reasons.

Madrid

How freedom of the press is protected by the European Community's constitution, from Reuters:

> A court in Barcelona sentenced a Muslim cleric to 15 months in prison yesterday for writing a book on the role of women in Islam.

Zilwaukee, Mich.

Advance in funding government, from this southern Michigan city:

> Effective Jan. 6, men who shave must pay $10 for a permit. Permits are available from Bohnsack and Jolin, or at City Hall, 319 Tittabawassee.

London

Advance in the science of cuisine, from a BBC dispatch:

> University of Surrey, England has appointed the first professor of airline food.

Oakland, Calif.

Progressive proposal for funding government, from the Hon. Jerry Brown, mayor:

> Brown suggested a new tax, "a nickel or maybe a dime," on alcoholic drinks, and an "equally helpful tax based on the unhealthy quality of foods . . . we know excessive junk foods, salty or sugary foods, you could impose on the most egregiously unhealthy foods a tax."

Amsterdam

Hollander *haute couture*, from Reuters:

> White socks have been declared indecent by the Dutch Finance Ministry. A ministry official on Tuesday confirmed a recent internal publication that proclaimed white sports socks "transgress the limits of decent dress behavior" for ministry employees.

United States

Interesting observation from the Hon. Dennis Kucinich, M.C., and aspirant to the U.S. presidency, from an article in *Resurgence*:

> This is the time to conceive of peace as being not simply the absence of violence, but the active presence of the capacity for a higher evolution of human awareness. This is the time to take the infinite capabilities of humanity to transform consciousness which compels violence at a personal, group, national, or international level.

Special thanks to Russell Garrard, William Walker, and Bryce Buchanan for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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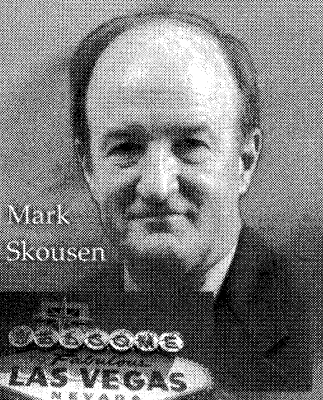

Mark Skousen

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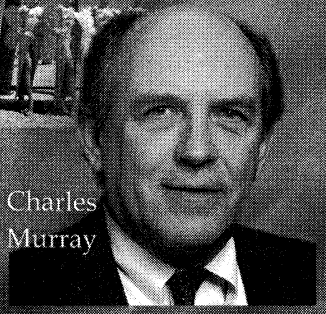

Charles Murray

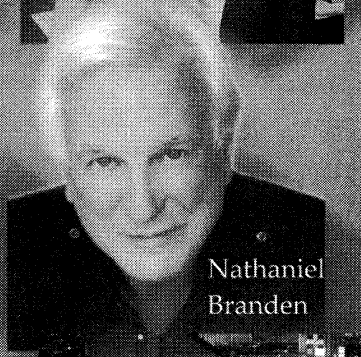

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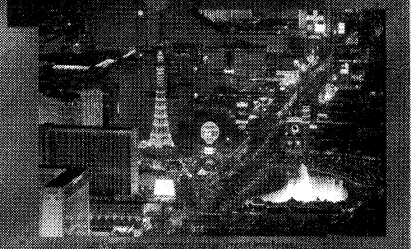

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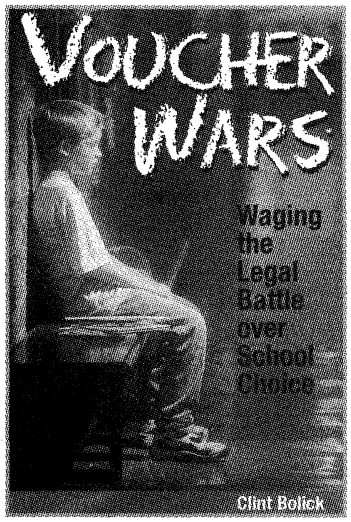

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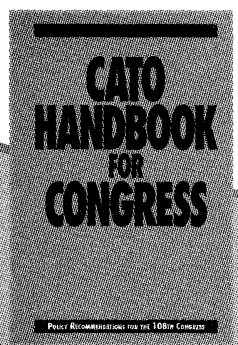

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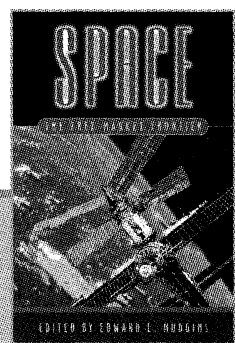

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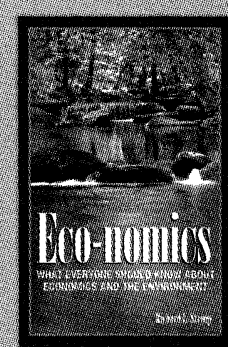

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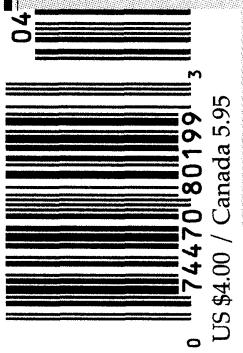

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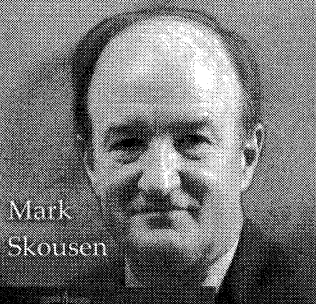
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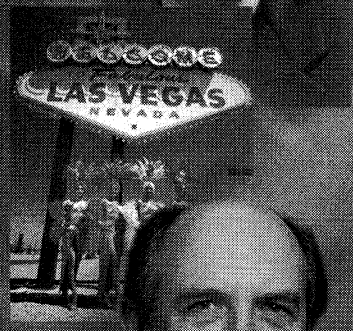

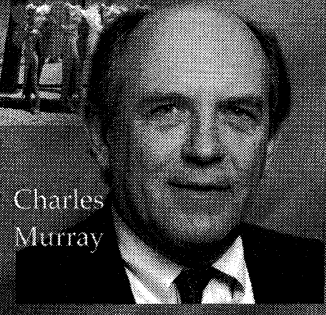
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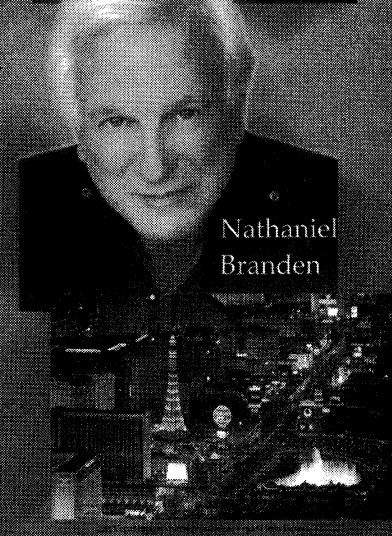
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Inside Liberty

April 2004
Volume 18, Number 4

4 **Letters** As always, our readers come first.

7 **Reflections** We vote for Kucinich, caucus for Dean, defend Bush II, hack Windows, welcome immigrants, and save the world, one bumper sticker at a time.

Features

21 **Burglar-Friendly Neighborhoods** *Randal O'Toole* exposes the dirty little secret of "smart growth."

23 **The Procrustean Marriage Bed** When the state gets into the marriage bed, explains *William E. Merritt*, nobody can be satisfied.

25 **The Case for Conquering Iraq** Is there one? *Alan Ebenstein* and *R. W. Bradford* thrash it out.

28 **Dumb Clods and Proud of It** When *Liberty* gives a tiny west Texas town international attention for its pandemic stupidity, how do locals react? With a parade, of course. *Jimmy T. LaBaume* reports — and analyzes.

31 **Rights During War** In 1864, the U.S. Army court-martialed an Indiana civilian and sentenced him to death. *Dave Kopel* explores what this case says about the Second Amendment and presidential powers.

33 **A Day at the Caucuses** *R. W. Bradford* stands up for Howard Dean, is complimented on his beard, and discovers just how much democracy there is in Democracy.

35 **Worth a Forty-Seven Mile Commute** *Timothy Sandefur* takes you on a guided tour of his hometown, a place where one can walk among rowdy bikers, yuppie tourists, elderly churchgoers, and ostrich-walkers — and celebrate American progress.

Reviews

41 **Meet Philo T. Farnsworth** Big business stole credit for the invention of television from an idiosyncratic inventor from the Snake River country of Idaho, who got his inspiration from plowing potato fields. But historians have the last laugh, writes *Miles Fowler*.

45 **A Sharp Mind at Work** *Leland B. Yeager* examines a libertarian legal scholar's fresh look at the Constitution.

48 **Walking Into Herstory** Sometimes, herstory is to history as astrology is to astronomy. Consider, with *R. W. Bradford*, the case of the 19th century woman who walked across the continent.

49 **The Wealth and Poverty of Nations** There are lots of theories about why some nations are rich while others are poor. *Bruce Ramsey* explores the data.

51 **A Century of Peace?** Is the world becoming gradually less violent? *Martin Morse Wooster* examines a historian's argument that the century of Hitler, Stalin, Mao, and Pol Pot was the most peaceful yet.

52 **Notes on Contributors** The kinds of people who write this stuff.

54 **Terra Incognita** He who laughs, lasts.

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Letters

It's a Start

Greg Newburn writes in the January Liberty, "Although the Libertarian Party has run a candidate in every presidential election since 1972, the Party has failed to garner more than 1% of the popular vote." This statement is not true. In 1980 Ed Clark got 1.07% of the popular vote.

It should also be mentioned that the Libertarian Party polled 1.7% of the U.S. House vote in 2000, and 1.6% of the U.S. House vote in 2002.

Richard Winger
San Francisco, Calif.

Japan's Bush Doctrine

Those who feel the preemptive surprise attack on Iraq, which killed thousands of civilians, was morally justified cite the following beliefs:

1. Saddam Hussein was a nasty man.
2. Iraq might be giving aid and support to our enemies.
3. Iraq might possess "weapons of mass destruction," i.e. chemical, biological, or nuclear weapons.
4. Iraq had oil, which we were getting along without, but they might disrupt our access to affordable oil.

I am old enough to remember Dec. 7, 1941, when the Japanese staged a preemptive surprise attack on the U.S. fleet at Pearl Harbor, killing 254 civilians. They sincerely believed the following:

1. FDR was a nasty man.
2. The U.S. was giving aid and comfort to Japan's enemies, sending planes and pilots to China, sending American naval units into Japanese waters, etc.
3. The U.S. had huge stocks of chemical weapons, and a U.S. Army Chemical Corps. The U.S. had biological weapons and was supplying anthrax to the British. The U.S. did not yet have nuclear weapons, but they were trying hard with the Manhattan Project.
4. The U.S. had oil, which Japan could not get along without. In conjunction with British and Dutch allies, the U.S. disrupted *all* of Japan's oil supply.

Japan was strictly conforming to American legal and moral standards. We owe them an apology for that "Day of Infamy" slander.

Erik Buck
Liberty, Mo.

Roots of Suicide Bombing

Regarding Frank Fox's "connection between the ideologues of anti-Semitic hatred and the . . . Islamists of today," let's remember that the Palestinian Arabs welcomed Jewish refugees (their fellow Semites) from European persecution with open arms for eleven centuries. Jews were treated better in Palestine than any other country.

Why did this warmhearted attitude change? Could it be because the arriving masses of Jewish emigres stripped them of their land and freedom?

We used to think that the willingness to give one's life for what one deeply believes was a mark of greatness, particularly in the fight for freedom. The Islamic development of suicide bombing (not a historical Muslim tactic) reflects the depth of their outrage at the violation of their most cherished rights and sensibilities.

We'll never find peace or security until we learn to understand how other peoples think and feel and why they feel driven to do what they do.

Martin P. Choate
Los Angeles, Calif.

Unconstitutional but Popular

In "Court Guts First Amendment" (February), Mark Tapscott properly chastised the U.S. Supreme Court for upholding the Bipartisan Campaign Reform Act of 2002. But ranking that "with such previous infamous decisions as Dred Scott, upholding slavery

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in 1858" is off-point and improper. *Dred Scott* v. *Sandford*, 60 U.S. 393 (1856) was about jurisdiction — not slavery. At 60 U.S., p. 454, the Court ruled:

> Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction.

The Court was referring to article 3, section 2 of the Constitution, where its jurisdiction was, and still is, limited to cases between "Citizens of different States." Scott, not being a citizen, had no standing. Prior to the 13th Amendment (1865), federal courts had no power over slavery. States were free or slave by their choice.

We seem to judge Supreme Court decisions by whether they are popular rather than whether they are constitutional. When a federal court ruled that the words "under God" in the Pledge of Allegiance — added by an Act of Congress — violated the First Amendment, we gagged. But that was just as unconstitutional as *McConnell, United States Senator, et. al.* v. *Federal Election Commission, et. al.* The separate-but-equal *Plessy* v. *Ferguson* (1896) decision violated the 14th Amendment but it was cheered as reasonable under the circumstances.

James Harrold, Sr.
Springdale, Ark.

The Market for Law

Bruce Ramsey is mistaken in regarding Hernando de Soto's work as "a standing refutation of libertarian anarchism."

As Ramsey correctly points out, what de Soto's work shows is that a healthy economy crucially depends on property titles, identity records, and other institutions of formal law. But this is no critique of anarchism, because libertarian anarchists do not advocate dispensing with formal law. Rather, they advocate dispensing with state-monopoly law — and the distinction between formal law and informal law does not line up with the distinction between state-monopoly law and competitive market law.

As the research of scholars like Bruce Benson, Tom Bell, and others has shown, history is filled with examples of legal systems that were perfectly formal — complete with official procedures, court records, and the rest — and yet private, competitive, and non-governmental. In late medieval Europe, for example, the private system of commercial law known as the Law Merchant outcompeted the government legal system because the private system was the more "formal" of the two: more consistent and predictable, and more widely accepted.

Hence the state is not necessary for formal law.

Nor is it sufficient. Ramsey describes de Soto's horror stories as cases "where the state absents itself." But Peru, India, and Egypt are not anarchist societies. They are societies in which a powerful and oppressive state not only fails to protect property rights but also *prevents* the rise of any formal legal institution that would do so.

Roderick T. Long
Auburn, Ala.

For and By the Rule Makers

Leland Yeager's article, "Monarchy: Friend of Liberty," (January), and letters to the editor that followed, overlooked the salient and inescapable point that all forms of government are essentially oligarchies. Whether the legislative and executive powers are vested in a monarch, a unicameral parliament, or a bicameral legislature operating in a republic, the one important question is: who decides? And the answer is: "Not you."

Every rule-making and rule-enforcing authority, whether a school board or zoning council, a state legislature or a garden club, eventually is operated by and for the benefit of those who make and enforce the rules.

From the Editor . . .

Since the March *Liberty* went to press, the Democrats have sent Howard Dean back home to Vermont and anointed Sen. John Kerry as the heir presumptive to Bush II. U.S. casualties in Iraq continue to mount, along with doubts that Iraqis will be ready for democracy by June 30. That's the date when the president wants them to take over so he can devote his full resources to winning another term.

H. L. Mencken once observed that democracy is the theory that the common man knows what he wants, and deserves to get it good and hard: what the common man apparently wants this year is a choice between two candidates who seem to agree that the war is a swell idea, will fight out the election on the burning issues of gay marriage and what Bush was doing during the Vietnam War.

But spring is on its way, and the changing season brings more than goofy political news. It brings us opportunities for exploration, for renewal, and for controversy. In the magazine you are holding, Bill Merritt explores the weird world of government-regulated marriage and Randal O'Toole discovers the dirty little secret of "smart growth." Lanny Ebenstein and yours truly continue to debate the wisdom of waging war against Saddam, and Dave Kopel reopens the issue of the court martial (and death sentence) of an Indiana civilian during the War Between the States.

An article in these pages recently inspired some boneheads to threaten the life of its author, drawing the attention of the *New York Times* and the *Washington Post.* Jimmy T. LaBaume reports on the situation and offers a charmingly rednecked analysis. Tim Sandefur invites you to his hometown, where history is palpably alive. Your humble editor takes part in democracy.

Our reviews start with the strange case of Philo T. Farnsworth, who invented television only to have credit taken by a mega-corporation, and end with an unjaundiced look at the century of Stalin, Hitler, and Mao (that is, the Century of Peace). In between, we examine the thinking of a sharp mind, the hallucinations of herstorians, and the reasons that some nations are rich and others are poor — a question that arises as faithfully as the flowers of spring, and will continue to arise, as long as the world remains as goofy as it is.

R. W. Bradford

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That's human nature, and no system can ever overcome it. No one who has what it takes to gain and exercise power or wealth cares a damn about those who don't. They may pander to the populace but they never really care about it when it's time for decision and action.

Jim Doran
Malabar, Fla.

In Praise of Gridlock

Ordinarily, I look forward to reading the contributions of Stephen Cox with more anticipation than I do most other contributors to *Liberty*. His learned Paleocon insights sometimes even rival those of my favorite writers of that stripe: Joe Sobran and Tom Bethell. However, his March analysis of Bush's (most unclassical) liberalism falls flat in the end. Like the liberals he forever chastises, he appraises intentions rather than what is actually likely to be accomplished. Thus, he prefers the halfway measures of Bushian socialism to the "wacky and unlimited schemes" that Democrats gravitate toward. Like the legions of unsophisticated voters everywhere, Cox simply fails to consider the entire relevant political context. When Democratic presidents propose bad policy, vast armies of right-wing regiments mobilize in opposition. When Republican presidents propose a slightly diluted potion of essentially the same swill, the conservative tempest is considerably muted, at best. In an era of rampant statism, are we not better served by a Democrat in the White House who arouses the fiercest defensive tactics from conservatives? Let's bring back gridlock.

Bruce Earnheart
Dayton, Ohio

Oops!

In his March 2004 article, "The Trouble with Steinbeck," Nicholas Varriano pointed out that the message of *The Grapes of Wrath* is inconsistent with assertions by the economists that he quotes. Those assertions, however, are inconsistent with the facts.

He quoted Milton Friedman in *Free to Choose*, "Whenever the free market has been permitted to operate, whenever anything approaching equality of opportunity has existed, the ordinary man has been able to attain levels of living never dreamed of before. Nowhere is the gap between rich and poor wider, nowhere are the rich richer and the poor poorer, than in those societies that do not permit the free market to operate."

Since the fall of the Soviet Union, the standard of living of 80 percent of the Russians has declined, often to subsistence levels. The same can pretty much be said for the other Warsaw Pact countries, and for Mongolia. Similarly, the spread of free market reforms in Latin America has been responsible for the spread of inequality and poverty there.

Varriano used Henry Hazlitt's *Economics in One Lesson* to repeat two hoary libertarian dogmas. First, raising the minimum wage increases unemployment among the poor. Second, labor unions reduce wages for workers not in the unions.

We can see that the first dogma is false by looking at the economic history of our country since 1992. President Clinton raised the minimum wage in 1993 and 1997. During his administration, unemployment declined, especially among the poor. Since his election in 2000 President Bush has not raised the minimum wage. Two and a half million fewer Americans have jobs than was the case when Clinton left the White House.

Concerning the second dogma, when some companies in an industry become unionized, employers in non-union companies must raise wages in order to compete with wage rates in unionized companies. They also tend to raise wages in order to discourage union activity among their employees. That is why in the 1960s, when a higher percentage of Americans belonged to unions, real after-tax income for most blue collar workers was higher than it is now.

Libertarian economic policies benefit the rich and the talented. The poor, and most employees, benefit from the economic reforms favored by John Steinbeck.

John Engelman
Wilmington, Del.

Reflections

Dean who? — The conventional wisdom, pre-Iowa caucus: this is 1972 all over again, and Dean is McGovern. The conventional wisdom, post-Iowa caucus: this is 1972 all over again, and Dean is Muskie. — Brien Bartels

Them dumb clods? — My friend Larry Sechrest has taken a lot of flack in his home town of Alpine for writing in the January *Liberty* ("A Strange Little Town in Texas") that people there are, well, pretty stupid. "The students here are among the worst to be found anywhere," he wrote. "I am prepared to defend to the death the proposition that Sul Ross, and this area of Texas more generally, is the proud home of some of the dumbest clods on the planet."

Apparently, some of those dumb clods took him literally: his car was vandalized and he got two death threats.

I suspect Sechrest has fallen prey to the common tendency of intellectuals to believe that all intelligence is reflected in literacy and numeracy, and to conclude that the subliterate and subnumerate are ignorant or stupid. Many kinds of knowledge are neither verbal nor numerical, but a good many intellectuals don't appreciate them or even know that they exist. It takes complex and specialized knowledge to chase down a steer and rope him, a talent that I suspect may be present in some of the "clods" that Sechrest wrote about in *Liberty*.

Any intelligent person who has watched a professional basketball game or two has noted that a good point guard employs a tremendous amount of complex intelligence in running his team's offense — despite the fact that he may be hard-pressed to put together a coherent sentence in a post-game interview. — R. W. Bradford

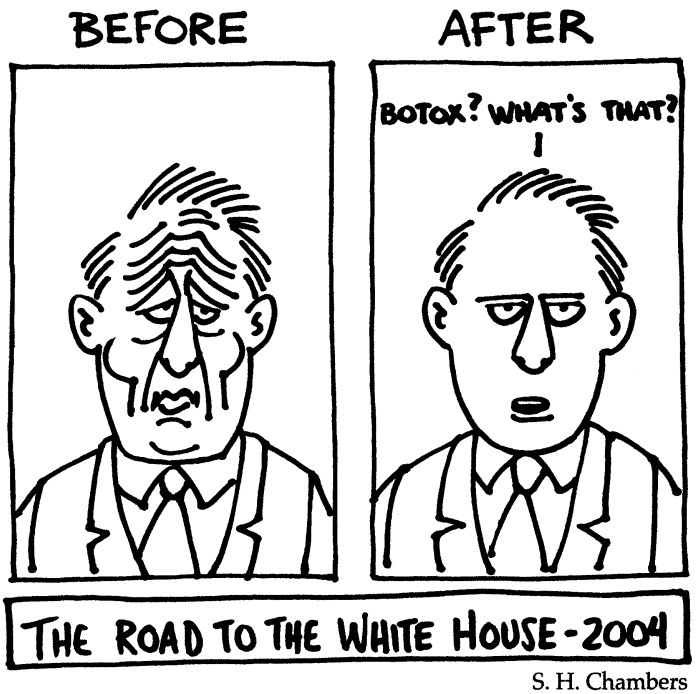

S. H. Chambers

Doublespeak.gov — Who would have thought that an Internet domain name could be a great joke unto itself? The Department of Justice has created lifeandliberty.gov — a website that promotes and defends the Patriot Act.

Adding insult to injury — or, as the case may be, hilarity to horror — a banner atop the page quotes the Declaration of Independence: "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these Rights, Governments are instituted . . ." John Ashcroft's webmaster picked a convenient place to stick that ellipsis. The next words in the Declaration declare that governments "deriv[e] their just Powers from the Consent of the Governed." Even Ashcroft, I suppose, couldn't stomach that much hypocrisy. — Patrick Quealy

The enemy of my enemy — Registered as a Democrat in New York City, where primaries are more important than November elections, I support Dennis Kucinich and donated my art for a Kucinich auction here on Feb. 22 for two solid libertarian reasons — he voted against war in Iraq and he voted against the Patriot Act. That's enough for me. I'll vote for him for the same reason I customarily vote Libertarian in November — not to win but to keep certain important ideas in public circulation.

— Richard Kostelanetz

Getting it wrong, getting it right — As the fog of uncertainty slowly evaporates around the weapons of mass destruction, some people should have to face what they said. Mostly they are not.

Given the difficulty of proving the weapons were not there, the fog is never going to be wholly lifted. There is always the possibility that an underground bunker stuffed with anthrax will be discovered, but the risk recedes and now is rather low. At some point a reasonable person has to reach a conclusion, provisionally of course, that the weapons were not there.

This is a bigger question for some than others. Some, myself included, opposed the war whether Iraq had these weapons or not, because we didn't think Saddam Hussein would dare use them against us. We may have doubted their existence, but it wasn't central to our view. It was central, though, to the case made by the Bush administration and its supporters.

How many of them now acknowledge they were wrong? Not Bush, though in his pathetic interview with Tim Russert he was no longer willing to assert that the weapons were

there. Bush's rambling was a tacit admission of error. Of course, nobody expected a frank admission. He is a politician, after all.

The commentariat is supposed to be different. Mainly it is not, though there is Bill O'Reilly, who did admit error. A hoot of "Told you so!" came from the Left and growls from the Right. O'Reilly replied in a column:

"All I did was admit that my analysis was wrong and guys like U.S. weapons inspector Scott Ritter were right. I placed the blame for the faulty intelligence right where it belongs: on CIA chief George Tenet. Not on Bill Clinton. Not on Tony Blair. And not on President Bush, although I do believe all of those men were not skeptical enough about the WMD intel in the runup to the war."

That ought not to be so remarkable a statement. O'Reilly is not giving up any political preferences. He is not turning Democrat. He is simply stating that he accepted as true some statements that were false. We are all subject to that — and yet so few of us ever say so.

For months now, the line from the supporters of war is WMD or none, the world is better off without Saddam Hussein. So it is, but that was not the reason they gave to sell a war. Nor would it have made a sale. We went to war to preempt the use of Weapons of Mass Destruction, and it now seems there was nothing to preempt. That is an amazing result, a really shocking result, and it cannot possibly be correct that it doesn't matter.

Facts matter. Honesty matters, too, and people show it best when they get the facts wrong. — Bruce Ramsey

EDDY IN AMERICA **By Andy von Sonn**

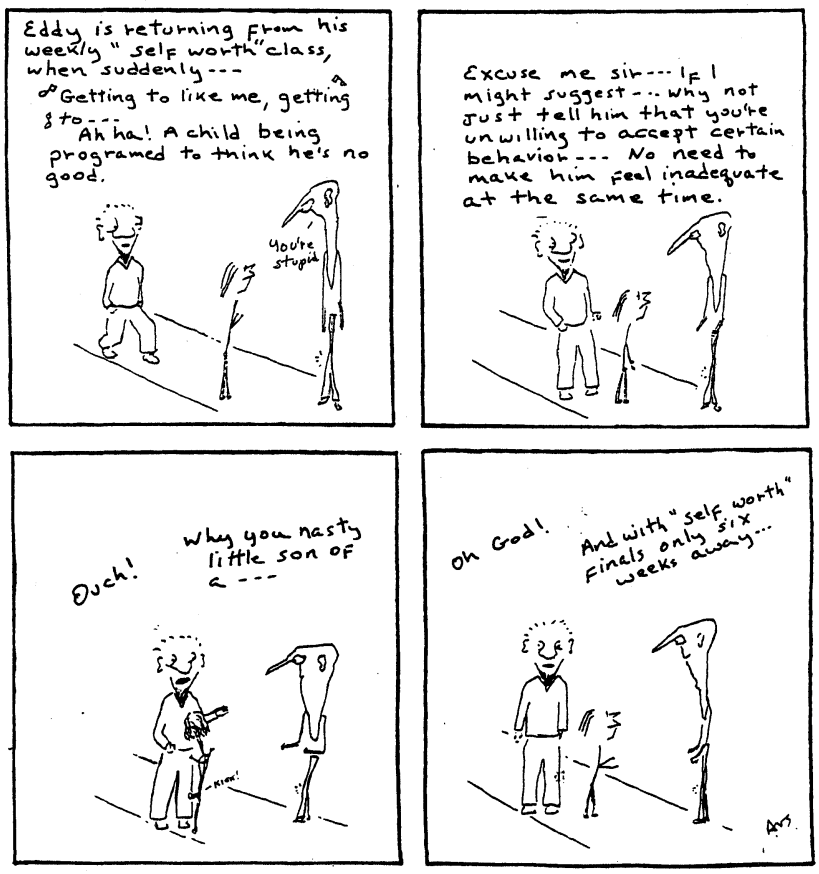

Bush, the horsefly — This election cycle, some libertarians seem eager to ally themselves with the left half of the mainstream body politic in ousting the current administration (and, of course, its insufferable chief executive) on account of its confirmed transgressions against freedom. Something about that line of reasoning bothers me, and I've just recently put my finger on it. I am reminded of Aesop's story of The Fox and the Hedgehog:

A fox once tried to ford a swift river but slipped and was carried away downstream. Not the best swimmer, he was tumbled about by the frigid current and nearly drowned. When he finally staggered up on the far bank, he was so exhausted that he collapsed in the mud and was promptly set upon by a swarm of horseflies, from whom could not defend himself. Presently, a kindly hedgehog passed by and offered to remove the fattest flies. The fox considered this a while and then said "Please don't! The flies you see attached to me have already satisfied themselves for the most part, and you can't make them give my blood back. If you were to pull them off, their brother horseflies are eagerly awaiting their turn; I would soon be drained entirely!"

My point is that as bad as the Republicans have been with the Patriot Act and the Homeland Security gestapo, and as hard as they've been on the First Amendment, they have *not* significantly weakened, for example, the Second Amendment any further than did the previous Democrats; nor have they raised taxes or pushed for nationalized health care. Both parties have their favorite uses for the state when they are in office, and the consequential legislation has a way of sticking around long after those who put it in place have faded from the scene. History doesn't give me much hope for reducing government through political means; perhaps the best libertarian use of elections is merely to slow its growth. It's quite possible that the majority of the total damage to freedom which Bush will ever do has already been done: the question is, will the damage he may yet do outweigh that which an eager new Democratic administration will inevitably incur? The grass always does look greener on the other side of the fence, but when politicians or other parasites are involved, perhaps change is not always good. — Max Orhai

All dressed up and nowhere to learn — The lower house of the French parliament has approved a measure forbidding students in public schools to wear religious apparel. The ban has popular support and is expected to pass the French senate and become law shortly. It is not some fringe movement propelled into the limelight by fanatical ideologues. If the coverage in the international press is

Bush Lied

by R. W. Bradford

By now it's so apparent that Saddam Hussein had no deployable WMDs, and almost certainly no WMDs at all, that even President Bush and his less goofy partisans have confessed as much. This is important, because the claim that Hussein possessed WMDs and might deploy them against us was the basis for the U.S. invasion, conquest, and occupation of Iraq.

Not surprisingly, the enemies of the president have been quick to charge that he simply lied about this. My local Democratic Party is already distributing "Bush Lied" yard signs. The charge makes good politics, but it is almost certainly untrue. Bush and his minions had been told by the Central Intelligence Agency that Saddam had WMDs as well as the means and inclination to deploy them. The CIA provided the same "intelligence" — maybe "stupidity" is a better word — to Clinton and his minions, who also believed Hussein possessed WMDs. The intelligence agencies of other western nations had arrived at the same conclusion.

Bush was telling the truth when he said that he believed that Hussein possessed WMDs. But that doesn't mean that he deserves a free ride. For one thing, as president, he is responsible for the performance of the executive branch of government, which includes all American intelligence agencies. More concretely, he had two good reasons to doubt the intelligence reports he was getting.

First, for more than a year prior to the invasion of Iraq, Bush and his entire administration were scouring the world for an excuse to invade Iraq. He provided a powerful incentive for his underlings — including his intelligence agencies — to provide him with such a rationale. Think about it. Would Bush have been more pleased if his intelligence agencies had said, "Sorry, Mr. President. While it appears that Iraq did at one time possess programs for producing WMDs, we don't have any concrete evidence that it now actually possesses any deployable WMDs," than if they had said what in fact they did say, namely, that Saddam was a madman with the power and inclination to unleash WMDs on innocent people?

Second, and more importantly, there is an underlying incentive for intelligence agencies to overestimate the ability of America's chosen enemies. If the agencies underestimate the ability of an enemy to fight back, as they did in 1962 when they told President Kennedy that Cuban dictator Fidel Castro could be forced from office by an invasion of Cuban exiles provided with American equipment and training, the agencies find themselves in very hot water. Heads roll.

But what happens when intelligence agencies overestimate the military might of an enemy? U.S. forces roll in for an unexpectedly easy victory. There may be a little grumbling about "bad intelligence," but in the euphoria of military victory, there are no calls for the heads of intelligence professionals.

Imagine yourself in such a situation. Your evidence is insufficient to arrive at any solid conclusion, but you are under pressure to provide a definitive answer. If you choose conclusion A and it turns out you are wrong, you will be humiliated and fired. If you choose conclusion B and it turns out to be wrong, perhaps you will be subjected to some mild reprimands. Of course, a failure to provide a definitive answer will certainly have unfortunate consequences: after all, why has the government given the CIA all those billions of dollars if they cannot give a definitive answer to a question like this?

A sensible president — whether bent on going to war or not — would have had good reason to doubt the intelligence reports he got. But Bush was not being sensible. He was hell-bent for war, and thrilled to be provided with a means of justifying the war to the American people.

So while Bush is not technically a liar in this matter, he is a fool. He foolishly led America into war because of information that he had every reason to doubt. He should have shown restraint and waited for more reliable information — remember, Hussein had just allowed U.N. weapons inspectors into his facilities. Instead, he clutched at the dubious rationale that was offered him. He took us rashly into a foolish war, for reasons that ranged from extremely dubious (that Hussein possessed deployable WMDs) to those that were ridiculously false (that Hussein was an important ally and co-conspirator of Osama bin Laden). George W. Bush is a fool, a fool who led us into a foolish war that has already cost billions of dollars and hundreds of American lives.

Bush didn't lie about WMDs. He was "fooled" by his own "intelligence." And usually, folly is more destructive than evil.

Folly is generally a more destructive force than evil. But Americans have a predilection to ascribe evil rather than folly to the motives of those with whom they disagree. Libertarians should know this well, thanks to their experience with Ayn Rand and Murray Rothbard, who almost invariably ascribed evil motives to those with whom they disagreed. This predilection explains the "Bush Lied" yard signs. And it explains why George W. Bush may turn out to be a one-term president.

More than a decade ago, I surveyed the American political landscape and predicted that the GOP would win Congress, at the time in total control of Democrats for decades, and that Bill Clinton would be the last Democrat elected president for a long, long time. It was a rash prediction at the time, but it proved to be right on the money.

It no longer looks so prescient. I failed to foresee that Bush could be swept up in the paranoid hysteria with which Americans reacted to the terrorist attack of 9/11, and that he would fall under the influence of advisors who wanted war against Iraq and were eager to capitalize on that hysteria. I failed to anticipate the folly of George W. Bush.

any indication, the law is not terribly controversial in France.

The reason for the clothing ban is that, as reported in *The Guardian*, "The government argues that a law is needed to protect France's secular traditions and to ward off rising Islamic fundamentalism."

Not even Bush and the Republican congressional leadership would support a measure like this one. It ought to give pause to leftists who think that America is an epitome of backwards, right-wing extremism that should look to the enlightened social policies of European democracies.

— Patrick Quealy

New tyranny for old — This is a reflection no one will like.

Am I hard-hearted? Am I lacking in the spirit of romance?

I don't think so. But the recent spectacle of thousands of people lining up in a nondescript government corridor so that a San Francisco city official with a political point to make would license them to be married didn't make me want to weep for joy, despite the testimony of city officials that it had that kind of effect on them.

I guess that counting future voters has a softening influence. I, however, am just a private citizen, and any mob makes me nervous. The fact that the mob consisted of gays and lesbians didn't make me feel any better than I would have felt if the same number of hets had taken leave of the same number of senses.

Marriage is a contract. Anyone should be able to make one. It's a different thing to say that marriage of one kind or another should be sanctioned by the state. That's a relatively new thing in human history.

Here's another issue. The tangible benefits of homosexual marriage, the benefits that gay partners could not get through normal civil procedures, such as writing a god-damned will, or simply by living together and enjoying each other's company, consist almost entirely of the ability to claim the health insurance benefits provided by one's spouse's employer and the ability to claim one's spouse's Social Security income after he or she has died. OK. The first benefit is a tax that you impose on your spouse's company by means of the government's decision to license your marriage. The second benefit is a tax that you impose on everybody else, in the same manner. Don't pretend that claiming these benefits is some kind of high moral enterprise.

I'd say pretty much the same thing about straight couples who get married in order to do this kind of thing. Either an employer wants to extend coverage to spouses or domestic partners — as many employers do — in order to buy the services of the working spouse, or the benefits are politically mandated and the nonworking spouse is ripping the employer off. As for Social Security, the benefits that it accords to spouses were originally intended to care for women who, in days of yore, were much less likely to have good jobs and pension benefits than their husbands. This logic falls far short of covering Steve, of Adam and Steve, Inc. — just as short as it falls in the case of nonworking modern heterosexuals. A nice set of entitlements you have there, Grandma.

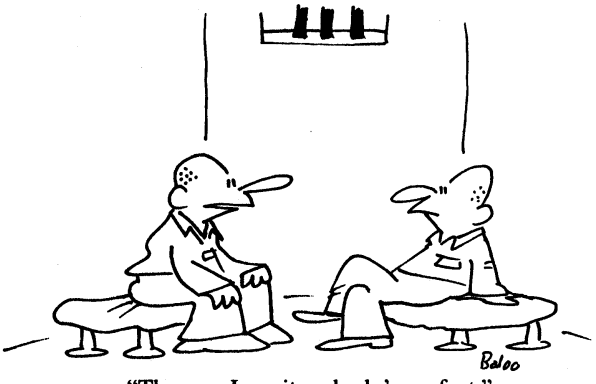

"The way I see it, nobody's perfect."

Some other obvious problems are associated with the way in which gay marriage was suddenly "legalized" by the mayor of San Francisco. Suppose that "marriage: only hets need apply" is unconstitutional, yet another one of those things that weren't unconstitutional when any part of the Constitution was written but now, magically, are. Or just suppose it's a bad law. I'm not superstitious about law. But I don't want to see a *mayor*, not even the mayor of San Francisco, declaring a law null and void, just because he feels like it. Tomorrow he may feel like nullifying some other laws, laws that protect my life and property. That's why we have a constitutional system — to keep officials from doing any damned thing they feel like.

Very few people are desperate to get married. They may be desperate for sex, love, or companionship, but those are separable commodities. Once people have secured them, their lust for weddings visibly declines.

And what are we to think of the lemminglike character of the rush to marriage in San Francisco? I'll tell you what I think. I think there is far too much made of weddings in this country to begin with. A friend of mine just paid *one hundred fifty thousand dollars* for his daughter's wedding. A middle-class friend. As if he could afford it. As if anybody could afford it. But the idea that thousands of gay and lesbian couples had spent every moment of their lives waiting, hoping, and praying to *prove their love* in the only way possible, then rushed in a mob to do so, a minute after the chance presented itself — this idea staggers the imagination.

Very few people are desperate to get married. They may be desperate for sex, love, or companionship, but those are separable commodities. Once people have secured them, their lust for weddings visibly declines. What we saw in the Retirement Home for Thirty-Five Year Olds wasn't marriage as romance but marriage as a political demonstration, a party thrown to affront "George Bush," a demon who was lurking everywhere in the prenuptial speeches that the happy couples lavished on the press. How touching. Don't forget the rice.

What a terrible reflection all this makes on the long struggle of homosexuals to throw off the chains of social disap-

proval and find their own way in society, no matter what other people think. That struggle, which was waged with great courage and horrible losses throughout the past two hundred years, has resulted in the elimination of every significant legal restriction on the dignity and happiness of gay people. It is an enormous victory for individualism. Evidently, however, the collectivist psychology remains. Homosexuals are not equal — at least in the minds of many homosexuals — unless they are licensed by the state. —

Stephen Cox

Developing new jobs —

The nature of modern media is to look on the dark side of every issue. A great example is the 15,000 layoffs Kodak just announced. Of course, this is a tragedy for 15,000 families, and the networks would like you to think there are 15,000 people one step closer to homelessness, and 35,000 children will be going to bed hungry tonight.

I wouldn't expect Dan Rather to look at a positive aspect of this story: people aren't using film anymore. Digital cameras are amazing and affordable. For the cost of the film and processing for ten 24-shot rolls, anyone can now buy a new camera that will hold 240 pictures. The best part is, it's entirely reusable. You can store hundreds of photo albums in a little corner of your hard drive, and people can send pictures around the world in a fraction of the time it took to process a roll of film. It's also good news for the environment. No more photo processing means a lot less toxic chemicals being introduced into wastewater.

For me, it's bittersweet to see the passing of a technology so fondly connected to holidays, vacations, and boyhood hobbies. It's hard to think that the familiar smell from inside a fresh foil pack of 35mm will soon be nothing more than a memory, or that I will never again enjoy the anticipation of opening an envelope of recently processed photographs.

The history of modern civilization is that of people changing occupations. As the Industrial Revolution rolled forward, fewer farmers were required to till the earth, so that people were free to create other things, like light bulbs and phonograph records; airplanes, automobiles, and cameras. Before the invention of the camera, only the rich could afford to have a portrait painted. Today, portraits are so common that a government issued portrait is a requirement for any-

News You May Have Missed

Fat Liberation Front Makes Gains

WASHINGTON, D.C. — Authorities here have concluded that the recent firebombings of Jenny Craig outlets across the country are not, as originally suspected, the work of the Fat Liberation Front, a militant, extremist offshoot of the "fat acceptance" movement. Instead, there is growing evidence that the attacks on 33 franchises of the wholesome, cheery weight-loss chain in 14 states were organized by an entirely different group, the Abrasive Fat Lesbian Acceptance Movement, headed by the formerly wholesome and cheery former talk-show host Rosie O'Donnell. Nevertheless, law enforcement officials still believe that the FLF is a far more serious threat, since its stated objective is to "eliminate" the remaining 35 percent of adult Americans who are not overweight and eventually the full 70 percent who are not technically obese, and it has no compunctions about using weapons of mass consumption, including Oreos, Cheetos, and Frappuccinos, to achieve its utopian vision of a nation of total porkpies.

While the "fat acceptance" movement makes only moderate demands, such as an end to job discrimination against humongous people, the acceptance of tents as proper attire in offices and workplaces, larger airplane seats, larger movie theater seats, larger supermarket carts, larger fast-food restaurant portions, and a large Coke and large fries on the side, the Fat Liberation Front has a ruthless, apocalyptic ideology. Secret documents obtained from the group portray the obese as a supreme "master race" that will someday dominate and devour the whole world even though it only meant to take just one tiny little bite. The FLF is believed to be divided into small, clandestine groups known as fat cells that produce, under assumed names, all miracle diet books like *Dr. Atkins' New Diet Revolution*, *The Fat Flush Plan*, *The South Beach Diet*, etc., and secretly concoct all quack weight-loss pills and supplements — Zantrex, "fat burners," "carb blockers," "fat transporters," etc. FLF agents and operatives have thus managed to instill in the American public the demented idea that weight can be quickly and permanently lost without the effort of eating less and exercising more over a long period of time, which has fed an overwhelming public obsession with food, a national inability to resist impulse, and the general emergence of human bodies so vast that they need their own ZIP code.

Recent obesity statistics suggest that the FLF is now working on an accelerated timetable to achieve its mad goal of forging the American populace into one bloated, amorphous mass of sedentary butterballs capable of occupying the entire planet as long as they don't have to walk to get there. In response, government health officials are urging Americans to read the ingredients labels on packaged foods while they eat them, to engage in regular, repetitious aerobic exercises like lifting and pointing the remote, and to please pass the Doritos.

— Eric Kenning

one who wants to travel. Thanks to digital technology, those 15,000 people from Kodak are now free to devote their energies to other pursuits to make all our lives fuller. I don't know what they'll do, as the future always guards her secrets; but despite the forecast of gloom from the usual sources, those 15,000 layoffs indicate that we're all a little richer today. — Tim Slagle

Claptrap saves lives — I live in the Pacific Northwest, a Mecca of that special brand of liberal who is so "enlightened" that he manages to answer the deepest problems of humanity in the space allotted by a 3"x12" bumper sticker. These bumper stickers attempt to mass-produce profundity, and are almost always pretentious, if not downright stupid. "War is not the answer" and "Visualize World Peace" are two of my favorite specimens. The quintessential example, however, is "Art Saves Lives." I could understand "Art is Beautiful," or even "Art Makes Life Worth Living," but "Art Saves Lives" blows me away. To a large extent, the history of humanity is the history of the struggle against hunger, war, and oppression. Today, millions of people labor just to get enough to eat, are at the mercy of natural phenomena, or live at the whims of tyrants. Maybe from the comfort of an affluent, Pacific Northwest community one can contrive to equate art with survival; maybe a romantic, self-congratulatory appraisal of what it means to be alive has some pull. That environment, however, is not the world. I have no doubt that these people are well intentioned. I don't think they mean to belittle the horror that for so many is the reality of survival. After all, art is beautiful and expressive; art, it could be argued, is what makes us human. But penicillin saves lives. Food saves lives. The rule of law saves lives.

Maybe I'm reading too much into a bumper sticker, but I don't believe it is a coincidence that the same people who put that bumper sticker on their car are often the people who believe that opening a "dialogue," an "exchange of ideas," is the solution to humanity's problems. It's a nice sentiment, one that certainly works in their neighborhoods, where everyone's needs are met, and everyone acknowledges the same basic codes of social behavior. Maybe someday the world will be a place where such approaches will work; maybe someday art will save lives. But that is not the case today, and I'm pretty sure there's a large segment of America that doesn't know it. — Andrew W. Jones

Conservative surprise — It is surprising to see a conservative call for a constitutional amendment limiting state-licensed "marriage" only to one man with one woman. Given all the recent intelligence about the ambiguities of gender, may I predict that one likely result of such an amendment, if imposed, will be a flood of lawsuits benefitting no class as much as litigious lawyers whom neo-cons and regular cons are forever trying to retire to the poorhouse? — Richard Kostelanetz

Brave new boob tube — Justin Timberlake exposes Janet Jackson's breast, and shocked viewers of the Super Bowl are outraged. The federal government has been mobilized to protect the American people from this latest grievous assault on their freedom and well-being. To hear FCC Commissioner Michael Powell rant about the impropriety of the incident, you'd think Jackson and Timberlake had done something really awful, like conquer a country on false pretenses, or run up a $500 billion budget deficit.

Is it too much to wish for that all the soccer moms and Super-Bowl couch potatoes who are worked up over Jackson's momentarily visible flesh would register the same outrage over . . . something that matters? What about our commander-in-chief's lying about why we've killed thousands, lost hundreds of soldiers, and spent billions of dollars in Iraq? What about the federal government's runaway spending that recently caused the public debt to top $7 trillion for the first time ever?

It's not the end of the world. It's a boob. The sun will still come up tomorrow, and the Earth will keep spinning on its axis. Get pissed off about something that *matters*. — Patrick Quealy

By invitation only — Austrian economist Hans-Hermann Hoppe's case for government immigration controls (presented, among other places, in *Journal of Libertarian Studies* vol. 13, no. 2) is often cited by anti-immigration libertarians. I first read Hoppe's case against immigration (a version of it, anyway) in mid-2000, after hearing about it at a Cato forum on Ludwig von Mises. In the Q&A, after Israel Kirzner and Don Boudreaux had both spoken, a Towson student directed a question toward Kirzner and received a brief but pointed reply:

> Student: The Mises Institute, and especially Lew Rockwell, have taken a very strong anti-immigration stance, and it's my personal opinion that that's not in the tradition of Mises, and it's not in the tradition of economic liberalism, and I was just wondering what Professor Kirzner thought about that — if that's, uh . . . in the tradition of Mises' work, and his thought.
>
> Kirzner: I would tend to agree with you that it is not in the, in the tradition of Mises' thought.

I would like to have heard a more detailed response from Kirzner; he doesn't appear to have written about immigration much, if at all. An analysis of Hoppe's argument from

Word Watch

by Stephen Cox

It was a few days after Howard Dean delivered his weird, ranting speech at the end of the Iowa caucus.

"Strictly from the literary point of view," I remarked, "the campaign is now progressing nicely."

"What!" my friend objected. "None of the candidates has anything going for him in the words department. Nothing. No verbal skills at all. No eloquence, no charm, no sense of humor . . . "

"You mean, you don't think it's funny when John Edwards says, 'I think that the president of the United States needs to be able to walk and chew gum at the same time'?"

"No, as Edwards would say, *not hardly.* You know, it's that folksiness of his that really sticks in my craw. It's so obviously, ridiculously phony. He's a rich lawyer, for God's sake! And that 'gum' joke has been around since Gerald Ford. And what about John Kerry? His big line is, 'Goodbye, George Bush, and don't let the door hit you on your way out.' Now that's fresh and charming, isn't it? You've gotta have no sense of humor at all, if you think that's funny."

"Agreed," I said. "But things are really on the upswing now, after Dean's speech."

"Are you kidding? The punchline of that speech was '*hyaarrrrhhh*!' Except that the syllable managed to last a lot longer than that. Clearly an effort worthy of Daniel Webster."

"Sure. But I'm not talking about what Dean said in that speech; I'm talking about the things that were said about it. The speech was a fountain of humor — other people's humor, but humor nonetheless. My favorite is the joke about its being the 'I Have a Scream Speech.' Now, *that* is a scream. It shows that we are finally awakening from our long rhetorical nightmare."

"Wait a minute. The 'Scream' thing is just a pun. And I thought you didn't like puns. Puns, you keep telling me, are the lowest form of humor."

"Somebody keeps telling you that, but I prefer not to repeat myself. And actually, I wouldn't say that, even once, because puns usually aren't even a form of humor. I mean, what's funny about those headlines on the sports page — you know, the ones that mention 'Amazing Grace' simply because some tennis player or bowler or something happens to be named Gracie Something? Or those listings for hair stylists — that's always the punniest part of the phone book. The Hairport. Shear Ecstasy. Hair and Now. What are they laughing at? The only thing that's funny about that kind of pun is laughing at the people who come up with them."

"Then what's so great about 'I Have a Scream'?"

"First, I want you to admit that you think it's funny. You laughed at it, didn't you?"

"Yes, I admit that I did."

"Well, you didn't laugh just because 'Scream' sounds like 'Dream,' did you? It's because . . . Well, I'll have to give you the whole explanation."

"I assume that I have no choice."

"None whatever. Here it is. There are a lot of theories about why human beings laugh, but the best theory is that laughter is what happens when we suddenly realize that something we feared, respected, or were generally intimidated by isn't actually worth our fear, respect, or feeling of intimidation. We realize that and behold! We are freed from those troublesome emotions. We feel free. Just for a moment, perhaps, but . . . for that moment, we laugh. Notice, this theory isn't about words per se, much less about the sound of words. Calling something a scream instead of a dream doesn't make it funny. What makes it funny is the transformation of Howard Dean, a man whom some people respected and some people feared, just as some people feared and some people respected Martin Luther King, who gave the "I Have a Dream" speech, into a person you don't need to worry about in any way, because suddenly you know that Dr. Dean has nothing like the stature of Dr. King, or anybody else: he's not a dreamer; he's just a screamer."

"Thanks a lot for the theory. But God damn it, there's still a pun in there!"

"Sure there is. But 'I Have a Scream' is essentially the same kind of joke as calling Howard Dean 'Ho-Ho' or 'Howard the Duck.' And it's just as welcome, too, as a sign that something good may be going on in American politics. What's happening in all these jokes is that people are refusing to take politicians seriously, and are associating this particular politician with ducks from outer space and ludicrous images of childhood (how many adults call themselves Ho-Ho, pray?). All that the pun in 'I Have a Scream' does for the joke is to concentrate the revealing comparison of Dean to King into a single explosive moment. It provides the suddenness that comedy requires."

"Again, thank you very much for explaining all this at such great length. I want you to know, however, that after listening to you, I no longer regard any of those jokes as funny."

"Of course you don't. Few jokes are funny after they're explained. One of the funniest things in the world is what kids write on their schoolbooks: 'In Case of Fire, Throw This In.' But what would happen if you explained that joke? You'd have to point out that it wouldn't be funny to someone who neither feared nor respected those books, someone who just didn't care about them, one way or the other. Then you'd need to show that the joke happens in three stages. Stage 1 ('In Case of Fire'): the audience believes that it is reading official advice about saving something valuable. Stage 2 ('Throw This In'): the audience suddenly realizes that the advice is to toss the supposedly valuable object into the nearest burning stairwell. Stage 3: for one glorious moment, the audience understands what it means to be emotionally free of *books.*"

"Well, you're right. That one's not funny anymore, either."

"Nothing is, if you let it go on too long. Not even Howard Dean."

"I guess not. Nobody cares anything about him now — as you say, one way or the other. He's finished."

"And that's what comedy is all about — liberation from our cares. In some cases, the liberation turns out to be permanent."

"But Bill Clinton was funny. And he's still around."

"Yes, yes. That may be true. But let me explain. This may take a while . . . "

another Austrian perspective would be valuable, particularly since Hoppe's position appears to be associated with the institution bearing Mises' name. Perhaps Kirzner kept his answer brief so as not to rock the Rockwell boat — the Mises Institute appears to like Kirzner, and there's no point making enemies arguing over a tangential issue.

Hoppe opens his argument against open immigration in our current welfare state for a predictable reason: if the destitute hordes from other lands had *carte blanche* access to the United States and our government mandated generosity, there would be no end to the drain on our economy. Which is plausible enough.

But he also argues against the common libertarian position that we should at least work toward opening our borders while simultaneously attempting to block newcomers from latching on to the public teat, even though we may not have the political power to ditch the welfare state before easing restrictions on immigration. He sees scaled back welfare as an insufficient condition for open borders, because although this would reduce the incentives to immigrate to the U.S., the incentives would not vanish. Therefore, he argues, the government needs to maintain some type of immigration policy.

America's immigration policy, he contends, should be rooted in the idea of "invitation" — that people should only come to the U.S. if they are invited to come here. He makes an analogy to free trade. The voluntary nature of trade means that goods and services cannot justly be inflicted on us without our permission; we agree to receive them by voluntarily engaging in commercial transactions.

The anarcho-capitalist system that he envisions would use this "invitation" system to regulate immigration naturally and completely. In a society consisting of networks of privately owned land and utilities, there is no such thing as "public" land or property. Therefore, there can be no "free" immigration — only an invitation to enter a specific piece of property. No invitation, no entry. Hoppe recognizes, of course, that we don't live in an anarcho-capitalist society. But we should support a government that preserves as many of the features of such a society as possible — which would include restricting immigration to an invitation-only system.

Our current federal government, he observes, could not deal with the raft of private requests for exceptions to a general immigration policy. So if we want to preserve an anarcho-capitalist society's sense of restricted entry to private property, we should impose strict limits on the number and quality of immigrants we allow into the U.S.

I don't see any problem with Hoppe's idea of an invitation-based system of immigration. But I don't think it would have the consequences that Hoppe sees. It seems to me that a great many of the poor of the world would be invited into an anarcho-capitalist America, if for no other reason than to be employed as cheap laborers. Inviting workers to provide labor at below prevailing wages would be a profitable activity, just as importing textiles or machine tools that are less expensive than local textiles or machine tools is profitable. And an extensive network of private utilities and property would develop to enable a steady influx of foreigners.

So if, as Hoppe would have it, we should strive for an immigration policy that would be most similar to what would happen under anarcho-capitalism, we should do exactly what most "open borders" libertarians advocate — ease immigration restrictions as much as possible, and reduce the size and scope of the welfare state to discourage free riders.

— Eric D. Dixon

News You May Have Missed

Super Bowl Broadcast Outrages Pop Fans

HOUSTON — National Football League and television officials have agreed to reassess Super Bowl broadcasts after conceding that the controversy over Panthers coach John Fox's decision to go for a two-point conversion with his team behind 20–16, which may have ultimately cost Carolina the game, overshadowed the carefully crafted commercials and the sensational halftime entertainment that drew a near-record 143 million viewers to the broadcast on Feb. 1.

"The controversy over the game sadly compromised the integrity of the sales pitches and performances of entertainers dressed in S/M gear," said NFL commissioner Paul Tagliabue. "The sight of Janet Jackson's bare right breast was not just one for the highlight reels, it was a crowning moment in NFL history, but the distraction caused by the unfortunate, unforeseen, and unscripted antics of 22 men who kept getting onto the field, interrupting the breathtaking suspense of the commercial and pop competition, spoiled what for millions of Americans is the most sacred holiday of the year, Super Bowl Sunday."

In 2005, the NFL, CBS, MTV, and AOL executives who organized this year's event agree, the anachronistic "football" competition will be relegated to irregular, infrequent two-minute intervals amid a thrilling four-hour display of commercial and pop exhibitionism, and no score will be kept, though during a special "halftime" event in the middle of the broadcast "referees" in striped tuxedos will award prizes to one of the two "gridiron" teams for presentation, costuming, originality of creative concept, and awesomeness of exposed body parts. At the end of the broadcast several coveted "Lombardi Trophies" will be presented to the winning ad agencies and entertainment lawyers.

— Eric Kenning

Pragmatist in moral clothing

— Perhaps the most important lesson to be drawn from the revelation that the "father" of Pakistan's atomic bomb program has been an active nuclear proliferator is that making foreign policy decisions based on self-righteous morality is dubious business.

Relations among nations are almost always conducted on the basis of cold-blooded calculation about the perceived interests of the countries involved. Dressing the process up in moral rhetoric might sell a policy to some people, but it can cloak what is really going on, promote misunderstanding, and often enough lead to outcomes that are less desirable than those resulting from policies based on realistic analysis.

What seems to have led to the public unraveling of the Pakistani proliferation presided over by Abdul Kadeer Khan was

Libya's decision to allow inspectors to preside over the dismantling of its own embryonic nuclear weapons program. It soon became obvious that Khan had provided Libya much of the technical wherewithal. So now he has confessed to providing nuclear technologies to Iran and North Korea.

Pakistani President Pervez Musharraf — who was shocked, deeply shocked, that such misbehavior occurred— has pardoned Mr. Khan and vows to get to the bottom of the scandal. Sure.

Trade in nuclear and missile know-how among Pakistan, China, North Korea, Iran, and Libya has been an open secret for years. Before becoming president in a military coup, Musharraf was army chief of staff. Nuclear proliferation would have been impossible without the cooperation of the military Inter-Services Intelligence (ISI) agency. Perhaps it is possible all this happened without Musharraf's knowledge. But it is hardly likely.

So Pakistan was a proliferator and Musharraf is something of a bad actor. But after the terrorist attacks of 9/11, the interests of the United States and Musharraf converged. To a great extent they are parallel still. At some point they will probably diverge again.

The United States government will probably not push to make everything about the scandal public because that would be likely to damage a temporary ally who is already vulnerable. It might even offer to exchange silence about the scandal for more cooperation in the hunt for al Qaeda fighters who are probably hiding and plotting along the Afghan-Pakistan border.

Does all this sound surprisingly amoral and unduly tolerant of Bush? Welcome to the reality of international relations.

— Alan W. Bock

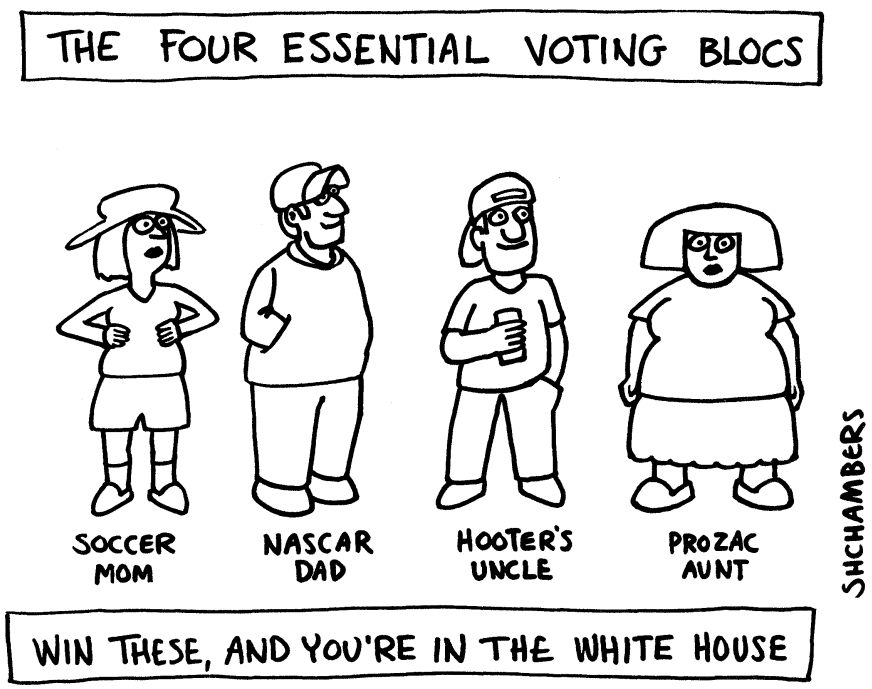

Property rights on the frontier — In an effort to give something back to my community — oops, I slipped into Newspeak there — I have been writing a few columns in our newspaper (*The Bozeman Daily Chronicle*) focusing on local issues. Bozeman, Mont., is considered a small city (with about 30,000 people plus a 10,000-student university), and, I have discovered, it is racked with division. Politically, we are a microcosm of the United States. You can have lunch with the Pachyderms (one, but not the largest, Republican club) and be reminded of the importance of property rights and the need to keep snowmobiles in Yellowstone Park, say the Pledge of Allegiance, and pray. Two days later, you can go across town to the Second Friday Forum at the Congregational Church (lunch, but no prayers or pledge) and hear ponderous pleas to make Bozeman "bike and pedestrian and transit friendly." (Transit? Yes, we have an embryonic system of mostly empty buses).

As part of my new mission, I attended a meeting about a local park (I am beginning to understand Oscar Wilde's observation that the trouble with socialism is that it takes up all your evenings). Bozeman has an ambitious "Main Street to the Mountains" trail system, and part of that system borders land owned by the Bozeman Deaconess Foundation, owner of the local hospital. Hikers, runners, and bikers are upset because the hospital recently rebuilt its retirement community in such a way that one of the buildings is visible from the ridge trail (170 feet away). Now the foundation is building a five-story addition. The addition has turned out to be a godsend for activists, however, because the hospital needs a variance from the usual three-story zoning. This has given the city government (and neighborhood constituents — we actually have a city employee whose job is to represent neighborhoods!) a chance to force a few concessions from the hospital. The meeting I attended was to gather "public input" to guide the hospital in creating its plans.

Participants at the meeting stood up and waxed eloquent in expressing their wishes for a buffer zone on hospital property and shared their visions for hiking trails and lighted ski trails, also on hospital property. It was almost an hour and a half before anyone brought up the idea that demanding such things might be "takings" and that perhaps the "Friends of Burke Park" might consider offering to pay for such concessions.

The next day (in my reportorial role), I asked a member of the Bozeman Recreation and Parks Advisory Board, which was collecting the input, about the idea of paying for "takings." First, this individual didn't think that there could possibly be enough private money to pay for what was wanted. And, second, if it came to using city funds, he could think of many higher priority uses for the limited money available for parks.

In other words, if they can get it for free, the advocates of Burke Park want the moon. If they have to pay for it, heck, there are much greater park needs after all.

And so it goes in Bozeman. I have my work cut out for me.

— Jane S. Shaw

The right democracy — With the U.S. presidential election coming up, Bush would like to end formal control of Iraq before the summer campaign season gets into full swing, so the administration set a date of June 30 to hand over what some would call sovereignty to something resembling an Iraqi government.

However, Shiite Muslims — the same group that has established a theocratic state in Iran — make up 60 to 65 percent of the Iraqi population, so the U.S. has been reluctant to sponsor a democratic election that could lead to another theocratic (and probably anti-American) state in Iraq. It proposed holding regional caucuses that would select a provisional government to take power on June 30, with national elections to follow, perhaps in 2005.

That plan was set back when Grand Ayatollah Ali al-Husseini al-Sistani, Iraq's most influential Shiite cleric, said elections should be held before the handover of power, or the Iraqi government would not be viewed as legitimate. Over the next few days more than 100,000 people demonstrated in Baghdad. That got the attention of the U.S.

Seeking a way out, the U.S. authorized the United Nations to send a special envoy to Iraq to try to mediate the problem. Lakhdar Brahimi, a former Algerian foreign minister, said after meeting with al-Sistani that holding elections before June 30 would be difficult, but that it was important to hold them as soon as possible. He also warned Iraqis that civil war was possible, even though few Iraqis desire it.

"Brahimi seems to have walked a fine line and pointed a way toward compromise," said Jon Wolfsthal, deputy director of the Non-Proliferation Project at the Carnegie Endowment for International peace. "Whether Sistani will go for it is another question."

Some observers believe that al-Sistani, who is notably reclusive and makes statements only through aides, does not have the kind of political aspirations that could lead to an Iran-style Islamist theocracy. We can only hope that is true, as he seems to be the key figure now in the development of Iraqi government. He will probably need to be convinced that the United States does not have imperial designs on Iraq. Let's hope the administration can do so. If it doesn't, civil war, bloodshed, and a tragic fiasco are all too likely.

— Alan W. Bock

Secrecy vs. security — Excitement rippled across the Internet on Feb. 13 as rumors were confirmed that good-sized chunks of proprietary Microsoft source code were available on file-swapping services. Someone had leaked portions of the jealously guarded code underlying the Windows NT and Windows 2000 operating systems.

The leaked code has several implications, none of which will make it any easier for Bill Gates to sleep at night. At first glance, it looks like bad news for consumers, too. Experts correctly point out that the availability of the code could make it easier for malicious people to see how these operating systems are put together and find new ways to compromise them with viruses or other malicious code.

Any programmer worth his salt will tell you that hiding implementation details is a terrible way to make software secure.

Well, that's true. Microsoft's security model amounts to: "Don't tell anyone anything about how Windows works, and hope nobody figures anything out." Security experts have a disparaging name for that kind of thinking: "security through obscurity." Sure enough, within a week of the code leak, SecurityTracker.com was reporting the first vulnerability the code had revealed.

Any programmer worth his salt will tell you that hiding implementation details is a terrible way to make software secure — in fact, it's harmful. The complete source code of the Linux operating system is available for anyone who wants to download it, yet the security problems of Windows are monumentally worse than those faced by Linux users. That's in large part because Linux has been subject to close scrutiny by sharp professionals all over the world. Any hacker who is so inclined can turn Linux inside out, find problems with the code, and fix them before anyone ever installs and relies upon the operating system.

Compare this with Microsoft's strategy for vetting software: Microsoft people write the code, Microsoft people test the code, Microsoft people sell the programs, and nobody outside of a few big buildings in Redmond knows what's going on under the hood.

I think more libertarians than not are sympathetic to Microsoft. They see it as a company providing a product (Windows) that is criticized for its very success, even as consumers all over the world rely upon it. But the lesson libertarians should learn from Microsoft is the limits of intellectual property law. Intelligent people can disagree about whether, and to what extent, legal intellectual property protection is a good idea or is consistent with libertarian principles. But the empirical data tell us unequivocally that the international Linux community, which maintains its open-source operating system without remuneration except for the fun of it, makes a more secure and reliable operating system than Microsoft's proprietary one. Fun and benevolence, in the world of software, are more potent than the profit motive.

— Patrick Quealy

What the right hand's doing — Many libertarians have accused me of acting a little Republican lately, so it doesn't surprise me that Clark Stooksbury would be piling on with the rest of them. Let me reassure you all that I am just as libertarian as the rest of you. The predominant

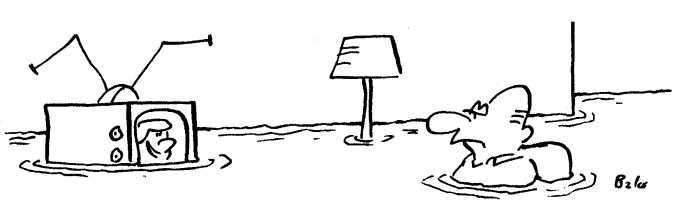

". . . . followed by fair and warmer tonight."

reason for my shift to the Right is self interest. In order to earn a living as a political satirist, I have to be marketable, and if I'm upsetting both sides of the aisle, I've successfully narrowed my demographic down to about 1 percent, if even that much.

Since I have two choices, a few people might wonder why I have decided to align myself with the Right. The major reason is that as a standup comedian I am in the business of free speech, and the Right is more tolerant of it. Yes, the Left will rush to my side if I want to use obscenities, defecate on stage, or burn a flag, but if I want to make jokes about homelessness, gender bias, or racism, they will shun me. This essentially happened in the '90s, when all my college work dried up because of a college fad called "political correctness." Needless to say, I'm a little bitter.

Despite the fact that libertarians are right on every single issue, we have yet to convince the rest of America that we are, and until that happens we will always poll under 1 percent. The biggest enemies I see aligned against us are not in political power. They are those who control the popular culture, the education of children, the churches, and the courts. These are the foxholes where leftist environmentalists, hippies, and feminists have dug in, and until we can root them out, we will remain in a stalemate. That is why I have selected these particular victims for my comedic assault; the more we all laugh at them, the more quickly they lose their credibility.

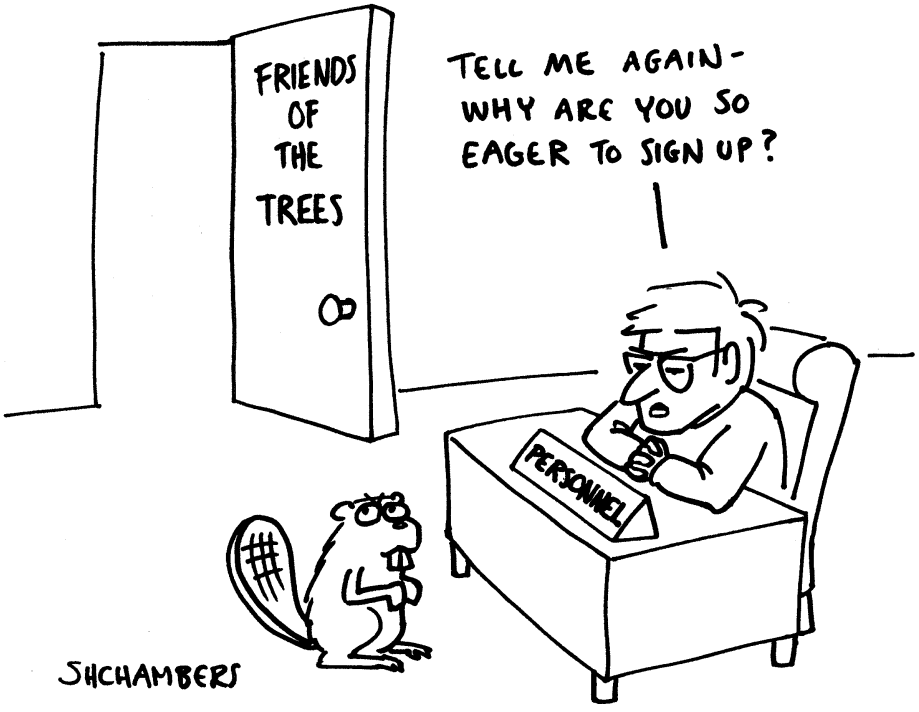

In a final thought, let me mention that I have a hard time criticizing George Bush. The alternative to Bush was Al Gore. I will not forget the presidential debates in 2000. When asked about a litmus test for judicial nominees, George Bush said his only requirement would be a literal understanding of the Constitution. Gore responded that most educated people recognize the Constitution as a flexible document. (I paraphrase.) When forced to choose between those two, George Bush is obviously closer to our goals, and with him in office we are moving forward, if only incrementally.

As long as there is that swing vote on the Supreme Bench, any hope of a high court that values the Constitution over pop culture is simply a pipe dream. Had Al Gore won in 2000, and been reelected this year, the dream of a constitutional High Court would be at least another 20 years away. I can't wait that long. By then, I'll be on Social Security and Medicare and a card carrying member of AARP, demanding my entitlements from Washington just like every other old buzzard.

If Al Gore had won, the Kyoto Treaty would have been ratified, and the United States would have signed onto the International Criminal Court by now. The Department of Energy would probably be rationing petroleum, and the United Nations would be threatening to sue us, if the Earth doesn't cool off pretty quickly. (Of course, this winter was exceptionally cold, but environmental Leftists still blame American prosperity for causing it.) If you think that lawsuits are a burden on society, just imagine the havoc that could be wreaked by the trial lawyers of the World Court, attacking a defendant as deeply pocketed as the United States. You might loathe what George Bush did in Iraq, but you have to admire him for thumbing his nose at the UN.

Yes, the Patriot Act is one of the most dangerous pieces of legislation ever rushed through Congress, and yes, the Department of Homeland Security makes me uncomfortable. But we are in a war. As much as terrorists resemble the straw men of totalitarianism described in *1984* or the movie *Brazil,* I believe they are real. It doesn't matter if the president is as right as Lincoln, or as left as FDR, the Leviathan always grows in wartime. (I might add that what this administration is doing to foreign nationals is less abhorrent than what FDR did to Japanese-Americans in California.) I can only imagine how a Gore administration would have reacted to 9/11. Is Waco too distant a memory for you to construct a likely scenario?

Yes, it was George W. Bush that signed the bill that put the uniform on the federal employee who incited me to throw my pants at him, but please remember that the TSA screeners were a construction of the Left, not the Right. The Right fought against the federalization pretty hard, and only allowed it through as a last minute concession.

There are offenses against liberty on both sides of mainstream politics, and we all want to attack the injustice in our own fashion. Fighting amongst ourselves, however, is not going to do anything positive. The Libertarian Party has national conventions for that purpose anyway; places where you might slip, and say that you think some regulation of alcohol and drugs is probably necessary, and people will

start screaming like the aliens in *Invasion of the Body Snatchers*.

I recently ran across two Libertarians arguing about the "I Oppose the Initiation of Force" pledge, which initially, every card carrying LP member is forced to sign. There is some debate as to whether removing the requirement would increase membership, or just water down the quality of members. My first National Convention was in Utah, back in 1994, and the pledge was a very hot topic back then too. I like when a story comes full circle, and I've thought that if the issue becomes big again, it would be nice to leave the party on the same argument I walked in on. I really wanted to get in between these two and scream, "Yes, the pledge causes a membership problem. In fact, the reason why we suffer for members is because we're the kind of people who would waste ten years arguing about a stupid pledge! If we can stop the arguing, *that* might increase our membership."

Republicans never argue amongst themselves about who is more Republican. They might disagree on specific issues, but what makes them a political party is the understanding that they all have roughly the same goals, and are willing to compromise a little for the sake of a greater good. Groups of people that argue over purity are not political parties, they are religious fanatics. (Hippies and vegetarians often argue about who uses the least petroleum and animal products, so I'm not including Democrats here).

We are a lonely 1 percent of America, and subdividing ourselves any further only increases the futility of our mission. In the meantime, Mr. Stooksbury, I'll let you sweep the right side of the room in peace, if you let me finish up on the left.

— Tim Slagle

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Safe until November — Is there going to be a draft? The question is in the air; *Time* magazine prominently discussed it in its turn-of-the-year issue. And there is evidence that plans are being slowly and quietly laid to impose one. By now, most people have heard that the government advertised late last year for volunteers to serve as members of Selective Service System Local Boards. Local Boards are groups of five citizen volunteers who, upon imposition of a draft, decide who in their community will receive deferments, postponements, or exemption from military service. The Bush administration denied that the timing of the advertisement had any significance, but when media began to comment, the ad abruptly disappeared from the website of the SSS. It has since reappeared on the front page of the site, but with a disclaimer: "There is NO connection between this ongoing, routine public outreach to compensate for natural board attrition and current international events."

Until November, everything Bush does will be about reelection. If he is reelected, expect the draft to be imposed in early '05.

Meanwhile, the SSS has requested $28 million in its 2004 budget, which is $5 million more than it got last year. Although this is not proof that the draft is coming, it does indicate that the SSS will be expanding. Also indicative is a report by GovExec.com: "The Army's plan to temporarily increase its force levels by 30,000 soldiers could become permanent if a handful of senators can garner support for new draft legislation likely to be included in the fiscal 2005 defense authorization bill." A back door draft measure?

So far, the military has avoided using a draft by satisfying its manpower demands through "stop-loss" orders. Since last November, the Army has extended its stop-loss orders to cover active-duty soldiers deployed in Iraq and Afghanistan, preventing some 7,000 soldiers from either retiring or being discharged. But stop-loss orders are a short-term fix, at best. Already the murmuring of discontent within military ranks (not to mention their families) is rising. Enlistment is falling due to such draconian measures.

On the state level, there have been unmistakable moves in that direction. For example, in Alaska, Selective Service registration is now a requirement to get a Permanent Fund check — the annual "oil dividend" check that amounted to over $1,000 last year. Almost every eligible Alaskan registers for the check. The state plans to turn information from dividend applications over to the feds, who will automatically register the eligible Alaska males who haven't yet signed up.

No one expects such a dramatic and controversial move as the imposition of a draft prior to the November elections. Until November, everything Bush does will be about reelection. The Bush administration wants to explode any political bombshells right here and right now while there are

"Heady but good stuff."

— **JAMES M. BUCHANAN**, Nobel laureate in economics

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several months of recovery time possible, which is why it is acting in February rather than in October to defuse claims that the president was AWOL during part of his stint with the Texas National Guard. The clumsiness with which the administration is proceeding may negate the strategy, of course, but I'm betting (and I think they are too) that people will soon be bored with hearing about Bush's military dental records. Nothing short of a sleazy sex scandal or the spousal murder of a pregnant wife can sustain public interest for a period extending into months.

If Bush is reelected, then I expect a draft to be imposed in early '05. If Kerry is elected, then probably not. I say "probably" because Kerry is not opposed in principle but merely pragmatically to imposing a draft. — Wendy McElroy

Ron Crickenberger, RIP — My friend Jacqueline called to me as she was checking her email. She had disturbing news about the Libertarian Party's former political director. "Ron Crickenberger has cancer . . . melanoma, in two lymph glands and in his bones. And it's inoperable."

"Oh Christ," I said. "He's dead."

I immediately regretted saying such a thing, even in private. But my little medical education told me that much. In terms of what it does to the human body and the relative rapidity with which it does it, advanced metastasizing melanoma is as close to a shotgun blast as any cancer can aspire to be. To paint you a picture, it starts when one of those little sun freckles turns purple and begins to grow tentacles like the fever dream of a hack science fiction writer. Its tentacles invade the lymph system, and from there every healthy organ of the body is as wide open as the harem after all the palace's defenders are dead.

I write that just so you understand what it does to the victim, the family, and their bank account; and so you understand and perhaps feel relief that within 24 hours of my friend getting that email, Ron was dead. He is survived by his partner, Noelle, and two children.

Ron was the LP's political director from 1997 until he was laid off last year. It was a strategic position for him. He was one of a very few activists who understood what makes a political party different from a think tank like Cato or an educational nonprofit like Advocates for Self-Government, or *Liberty* or the Elks Club or the Episcopal Church, for that matter. A party participates in elections. It targets elections that are within the reach of its limited resources. It nurtures a farm team of competent local officials who can seek higher office, and uses various means to keep the incompetent and "off-message" out of races and out of public view.

Ron was a political operator, as opposed to the rest of us mere activists and dilettantes. *Campaigns & Elections* magazine named him a rising star in 2000, despite the fact that he insisted on laboring for such a weird little political boutique. And he was more willing to stand up for his beliefs than most of the characters who show up for party meetings to hear themselves talk. Picture 50 or so libertarians staging a "street protest" of the drug war, in Orange County back in 2000, at the close of the LP convention, and a cop car rolls by slowly. The deputy in the right hand seat ostentatiously rolls up his window, so we can see he's not threatened by our rhetoric. I'm carrying a sign and it droops a little bit because I'm at bottom a bourgeois son of the suburbs who craves approval from such authority figures. Suddenly Ron is in my face, and he's shouting at the deputy. I wish I could remember exactly what he said, but now it sounds like "You can't handle the truth!" when I play it back in my head. Except not stolen from Jack Nicholson, and not on any script. Just the indignation of one guy trying to change the world and not getting a lot of help doing it.

I was one of those who wasn't a huge help to Ron. In fact, the night before I had selfishly hogged a joint he was trying to share with someone else. Without an offer. I just kind of grabbed it and inhaled it. It was rude. I don't even claim the mitigation of already being baked . . . and drunk. Fortunately that was not our only interaction. I would call him up from the headquarters of my local LP to his office in D.C. with some panicky and unreasonable request, and he'd be the voice of reason. We agreed that the drug war should play more of a role, not less, as a wedge issue for the LP, although it wasn't like I did any lobbying on our collective behalf. His advocacy of the drug war strategy, on the other hand, might have been one reason the LP decided not to continue its employment relationship with him after the 2002 election.

After his employment (and his health insurance) ended, Ron wanted to do some contract work, maybe for state parties. Since I was a staffer at one such state party, he asked to examine copies of any contracts I'd signed, and I emailed him one. Doing that made me wonder for a second about our mutual condition. He an LP former staffer, myself a soon-to-be-former state party staffer, wandering around the country and singing for our suppers in a party that, it was becoming clear, had already reached its high water mark. He thanked me later and when I had to discontinue my own employment relationship, I assumed I wouldn't hear from him again. Sadly, I was right.

So, it's 2004, another presidential year, and the party is not growing at all like it has in all previous presidential years. McCain-Feingold has slashed its revenues. Ron's gone, many activists have been defeated or have defected to the Republicans, and I was conned into a Libertarians for Dean mirage. Where does the movement go from here?

If the party were a survivor of a plane crash in the mountains, it would have been dispatched, mourned, and cannibalized to sustain the stronger survivors by now. Unfortunately, the party's future won't be that simple or pretty. A lot of people make a huge emotional investment in the party, at least until it's burned out of them. The idealistic and the competent will have to continue their forced alliance with its egotists, frauds, incompetents, and insane. A lot of time and talent is going to continue to go into the LP, with some transient successes here and there, but no particular impact on the continuing crisis. (I hate to say this, but a city councilman elected in some small town isn't going stop the wars in Iraq, on Drugs, or on individual liberty, and besides he probably could have gotten elected easier without the party.) And although it's blasphemous and cruel (to Ron, who probably wouldn't agree with a word in this obit) to parallel the man's fate with the party's, I'll say this in public.

The LP: it's dead. — Brien Bartels

Burglar-Friendly Neighborhoods

by Randal O'Toole

Bike paths do more than provide yuppies a chance to ride their bicycles.

Almost everyone has seen the famous film of the St. Louis housing project that was intentionally blown up in 1972, just 16 years after it was built. Though it had won several architecture awards, it and other housing projects proved to be unlivable due to high crime rates.

These housing projects led architect Oscar Newman to develop a crime-prevention theory known as Defensible Space. Newman's theory, which is old hat to libertarians, is that people will defend their private property, but common areas such as parks, public courtyards, and hallways are left unprotected.

One of Newman's most important publications can be downloaded from the Department of Housing and Urban Development's website.* Yet the theory has been totally ignored by urban planners today, particularly those planners who promote so-called smart-growth planning, also known as New Urbanism.

Planners are fond of quoting Winston Churchill, who said, "We shape our buildings and afterwards our buildings shape us." The basic idea behind both Defensible Space and New Urbanism is to shape human behavior through urban design. But the goals of Defensible Space and New Urbanism are quite different: the former aims to protect residents against crime, while the latter aims to impose a "sense of community" on residents and discourage them from using the evil automobile.

The two theories make opposite recommendations about almost every major aspect of urban design (see table). This is really not surprising given that Defensible Space is all about maximizing private property while New Urbanism aims to maximize the commons to promote a sense of community.

The theory of Defensible Space has been carried the furthest in Great Britain, where many police departments have architectural liaisons on staff to help developers design housing and other developments that will minimize crime. Developments that meet basic Defensible Space principles are certified by English police as Secured by Design, and such developments no doubt command a price premium.

Though begun in the U.S., New Urbanism has also spread to Britain, and was recently endorsed by the Deputy Prime Minister. This has stunned the police liaisons, who describe New Urbanism as "criminogenic."

"Cars are isolated from owners; the public realm abuts private space; the large amount of communal green space lacks ownership, purpose, and influence; the layout is ludicrously permeable, providing offenders with complete anonymity and opportunity to wonder around, familiarizing, searching for vulnerable targets, offending and escaping," says West Yorkshire Architectural Liaison Steven Town. "At what point is a stranger's presence inappropriate, suspicious, or challengeable?" In a New Urban development, "residents quickly lose confidence, whilst offenders become

http://www.huduser.org/publications/pubasst/defensib.html

ever bolder and contemptuous. The design has unintentionally taken control from residents and handed it into the hands of the anti-social."

Peter Knowles, the architectural liaison officer of the Bedfordshire Police Force, recently compared developments designed to New Urbanist standards with those designed to Secured by Design standards. The developments had about the same population densities and income levels, but variable levels of subsidized "affordable" housing.

The basic idea behind both Defensible Space and New Urbanism is to shape human behavior through urban design.

Knowles' analysis concluded that crime was more than five times greater in the New Urban developments than in the Secured by Design developments. This included nearly eight times as many home burglaries, more than five times as many stolen cars, more than five times as many auto break-ins, and nearly four times as much criminal damage. Dealing with crime in the New Urban neighborhoods cost the police three times as much.

Knowles also found that increasing the amount of subsidized, low-income housing in a neighborhood from 20 to 30 percent increased crime in both kinds of neighborhoods. But it increased crime by 40 percent in the New Urban neighborhoods and only by 12 percent in the Secured by Design neighborhoods.*

Stephen Town points to a development of 21 homes built on a cul de sac that was virtually crime free after it was built. Then planners constructed a bike path through the neighborhood to a nearby shopping center. Burglaries increased to nine times the national rate and residents described their neighborhood as "a hellhole."

*Knowles' complete report can be read at www.operationscorpion.org.uk/design_out_crime/policing_urbanism.htm.

American urban planners seem totally oblivious to Defensible Space principles. Numerous cities have been influenced by planners to forbid cul de sacs and large-lot developments and to promote mixed-use developments, narrow streets, and other New Urban designs. Most of these rules apply to new developments, but planners have also set their sights on reconfiguring existing developments to these standards. Cul de sacs are to be connected by pedestrian paths if not by streets, and zoning codes are being rewritten to allow mixed uses in neighborhoods that currently have just single-family dwellings.

When Peter Knowles' report was published on the Web, American New Urbanists were quick to deny that it applied here. Robert Steuteville, the editor of *New Urban News*, says, "[W]e are not aware of any reports of significant or elevated crime in any of the more than 200 sizable New Urban communities."

Of course, this may not mean that such crime does not exist; it may only be that New Urbanism is so politically correct that no one has yet dared report it. U.S. urban planners have shown a complete lack of interest in whether the people who live in New Urban developments really drive less, as the planners claim. It would be surprising whether any planners bothered to find out what their ideas did to local crime.

When planners constructed a bike path through the neighborhood to a nearby shopping center, burglaries increased to nine times the national rate and residents described their neighborhood as "a hellhole."

The American equivalent of Secured by Design is a program called Crime Prevention through Environmental Design (CPTED). But this program lacks the focus and

continued on page 24

	New Urbanism	Defensible Space
Basic vision	Create neighborhoods that bustle with pedestrians and activity	Create neighborhoods where strangers are easily identified as people who may not belong
Private vs. public	Minimize private lots, maximize public areas	Minimize common areas, maximize private yards
Street pattern	Maximize connectivity, forbid cul de sacs	Maximize cul de sacs to deny criminal escape routes
Street width	Narrow streets to discourage driving	Wide streets to ease police patrols
Parking	Hide parking in back to deemphasize the auto	Keep parking public to discourage thefts
Mixture of uses	Promote walking by mixing commercial and residential	Keep uses that attract outsiders out of residential areas

The Procrustean Marriage Bed

by William Merritt

No matter how strongly you believe that marriage can occur only between a man and a woman, you cannot ignore the fact that marriage is an acknowledgement of the specialness of a relationship that can never be replaced by civil unions and equal taxation.

Since the first American worker had the first Social Security deduction confiscated from his paycheck, the government has frittered away every opportunity to turn Social Security into something other than a miserable pyramid-swindle by actually investing Social Security deductions in ways that workers would have invested the money themselves. All of which suggests . . .

Well, it sure doesn't suggest that the government get into the stock market. The government would do better by stuffing our money under its mattress than by playing the market. This is not because the government is financially stupid, exactly. It's because the government has mixed motives that make it act stupidly. It is not possible for a government that is democratic (even in the good sense) to invest purely for financial gain.

The moment the government figured out that tobacco stocks looked like a good bet, somebody would start complaining about subsidizing lung cancer. Current and future Social Security recipients (i.e., all of us) would be cut out of a portion of our retirement benefits while the government hunted up some less lucrative but nicer place to park our money. The same thing would happen with defense contractors. And pharmaceuticals. And agribusinesses. And petrochemical companies. And industries that pollute. Or don't pay "living wages." Or exploit foreign labor. Or aren't American-owned. This would go on until all that was left were low-performing, Earth-friendly, fair-traded, union-partnered, "socially useful," do-gooder operations that encouraged racial, gender, and species equality, but didn't produce anything that anybody wanted to buy, and had no prospects other than continuing to be artificially propped up by gigantic infusions of federal cash. In other words, the whole, bleak pyramid scheme would start all over again. Government involvement in the world of finance would be no different from what it already is in the world of matrimony.

Because states set the rules for marriage, all sorts of social concerns have been layered onto an institution that, in private hands, was about the relationship between individuals. States want to protect public health, so people can't take their vows until they have their blood tested. States want to protect children, so unhappily married couples can't sit down at the kitchen table and decide how their divorces are to be handled. States don't want to have to take care of surviving spouses, so they set out what a person may, and may not, bequeath in a will. States worry about lovers going off half-cocked, so they build in a waiting period between the time when people buy their marriage licenses and the time when they can actually take the plunge. States decide which people are too young to marry. Or too closely related. For a long time, states decided whether people were too distantly related, inventing a whole new crime called miscegenation and making it the state's business to be sure that the bride and groom were properly color-coordinated.

Along with defining the rules of marriage, states have taken it upon themselves to define the very nature of the

institution, so that marriage can only be between one man and one woman. Which means that, if you happen to be one man and several women, or a bunch of guys and gals, or a pair of guys, or a couple of ladies, you are out of luck. At least, that's the traditional way the states parcel out who gets to be married.

Because states set the rules for marriage, all sorts of social concerns have been layered onto an institution that, in private hands, was about the relationship between individuals.

But as surely as social sensibilities would interfere with government investment decisions, sensibilities about who gets to walk down the aisle together are now pressing up against state definitions of marriage and, at least in some places, the heat is on to let any two people get married, just as long as they are old enough, don't flunk their blood tests, aren't first cousins, and have endured the requisite cooling-off period. The country is teetering on the edge of one of those culture squabbles that will go on forever because both sides really do believe what they believe and, with states controlling the definition of marriage, you only get to have it one way. No matter which way the states have it, they dump everybody into a fistfight nobody needs, and nobody can ever resolve.

No matter how strongly you support the equality of every American before the law, you simply can*not* overlook the fact that, to people who believe marriage is a sacrament, that's exactly what it is: a sacrament — a joining together by God of a man and a woman. To try to include unions between two men or two women is not only an affront to God — it doesn't make sense. To such people two people of the same sex *can't* be married, any more than a dog can be a minister. Ministry doesn't have anything to do with dogs.

On the other hand, no matter how strongly you believe that marriage can occur only between a man and a woman, you can*not* ignore the fact that marriage is an acknowledgement of the specialness of a relationship that can never be replaced by civil unions and equal taxation, by joint-property agreements, changes in inheritance laws, or a sensitive rethinking of who gets to pull the plug when one of you won't die.

And all of it, the whole unending argument that's about to go careening down through the generations, is as artificial as the class strife created by unequal tax laws. If states got out of the marriage business, people would just get married. And how they got married, and to whom, would be just one more doctrinal dispute, just one more reason to attend whichever church they went to, instead of some other church.

Men could say "I do" to each other in all-male churches. Women could take the plunge in guy-proof covens. Muslims could return to their roots. A hundred thousand Mormon men, and some much larger number of Mormon wives, could come out of their closets. Unitarians could start ordaining dogs. And the people who think that marriage is a sacrament could go to the altar in churches that practice the exact sacraments that they would have decreed if they had been God.

Religious sects whose members care enough not to recognize each others' communions and baptisms would be just as free to think of each others' alleged "marriages" as the blasphemous sacrileges they are, and hold them up as examples of the perverted ways of every other church in the world, all of which have fallen into error and sin. The whole issue of who can marry whom would drop out of the larger public debate, and the rest of us could go back to worrying about where our retirement money is really going to come from. ❑

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Burglar-Friendly Neighborhoods, *from page 22*

research that backs up Britain's Secured by Design. Documents prepared by CPTED advocates say very little about what kind of designs will reduce crime. One CPTED newsletter even endorses New Urbanist principles without ever saying how banning cul de sacs and requiring stores in every neighborhood of 500 homes will create defensible space.

Even if planners pretend not to understand Defensible Space, most Americans are fully aware of the benefits cul de sacs, separated uses, and visible parking have for their security. Neighborhoods strongly resist efforts by planners to connect cul de sacs or insert bike paths or commercial uses in their midst. In Portland, new homes in neighborhoods built following New Urban designs have sold slowly, even given the huge subsidies offered by local officials smitten by planners' utopian dreams.

As one proponent of Defensible Space says, New Urbanism is "filled with religious and so-far unsubstantiated beliefs." We know that is true with respect to auto driving. One study done by New Urbanists themselves compared several urban areas and found that the one with the highest population density, most intensive transit service, and most pedestrian-friendly design also had the highest per capita driving.

In April, a new anti-New Urban group called the American Dream Coalition* will hold a national conference on "Preserving the American Dream" in Portland, Ore. West Yorkshire Architectural Liaison Stephen Town will review New Urban developments in that city and describe the situation in England. Perhaps this will lead to some objective research on crime and New Urbanism in the U.S. ❑

* americandreamcoalition.org

The Case for Conquering Iraq

Santa Barbara
February 12, 2004

Dear Bill,

I regret that it is necessary to turn to first principles to continue our discussion of whether the U.S.-led invasion of Iraq was justified, but the new technological circumstances facing humanity seem to make this inevitable.

When, in our new era, is war just? Humanity no longer lives in a Lockean state of nature where individuals can live relatively isolated lives. Rather, our lives are more connected now than they have ever been.

To repeat the major point made in my previous letter, we now — and will increasingly in the future — live in a world in which a few madmen (or madwomen), literally anywhere in the world, will be able to kill millions and even billions of people. This will lead to new values and new institutions.

Seen in this light, war with and in Iraq was regrettably justified. The doctrine of preventive or preemptive war is vital.

The libertarian ideal, again, is not to eliminate the use of force, but to reduce it to the greatest extent possible. Sometimes it is permissible, and even morally required, to initiate the use of force.

It is helpful that through the war in Iraq the principle is being established that leaders of nations who have or may use weapons of mass destruction against their own or other peoples will not be allowed to remain in power. This principle being established, moreover, I am confident that the world will be a more peaceful place in the future than would otherwise have been the case. When is war justified? We no longer live in a world in which a "fortress America" can secure itself against hostile regimes or even individuals intent on our destruction. Accordingly, the best way forward for the United States is continued increasing involvement in and with the rest of the world. This does not require American unilateralism, but it will require increased American leadership.

It is helpful that through the war in Iraq the principle is being established that leaders of nations who have or may use weapons of mass destruction against their own or other peoples will not be allowed to remain in power.

The United States should not entrust our and the world's fate to the United Nations. France, Germany, and Russia are uncertain allies, much less

China. Were it up to the United Nations, Saddam Hussein would still be in power and the prospects for world peace would be less bright than they now are.

Finally, Bill, please allow me to close on this thought. It is almost inevitable that there will again be a major terrorist attack in the United States. Let us hope, for the sake of civil liberties and the libertarian society that we both value, that this will be as long in the future and as minimal as possible. Humanity lives in a new world and new age.

So, again, have I persuaded you? Do you believe the world now or in the future would be a more peaceful place had the United States, Great Britain, and other nations not removed Saddam Hussein from power? I await your response.

Best,

Alan

Port Townsend
February 17, 2004

While nuclear weapons undoubtedly cause mass destruction of life and property, it is not clear to me just how "mass" the destruction caused by chemical and biological weapons has ever been.

Dear Lanny,

I find two challenging points in your letter. The first is the principle that "leaders of nations who have or may use weapons of mass destruction against their own or other peoples will not be allowed to remain in power," thus justifying the invasion of their countries.

What does this mean? The fulcrum of this principle is on a phrase whose meaning is a little slippery. Just what are "weapons of mass destruction"?

The phrase is so new that I've never seen it in a dictionary. But Congress has trod where philologists fear to go, enacting a law defining the term to mean nuclear weapons, biological weapons, and chemical weapons. (The FBI uses a slightly different definition, so it can count Timothy McVeigh, whom it apprehended, as a perp of WMDs.)

Well, why has Congress defined WMDs as only these three types of weapons? While nuclear weapons undoubtedly cause mass destruction of life and property, it is not clear to me just how "mass" the destruction caused by chemical and biological weapons has ever been. Surely, as a matter of factual history, they have been responsible for far less death and destruction than has gunpowder. Or clubs. Or knives.

What singles out chemical and biological weapons? Why are they in this stigmatized category, which guns, knives, and bombs are not?

And while we're talking about WMDs, could you explain to me why the incendiary bombs dropped on Dresden and Tokyo during World War II fail to qualify as WMDs?

Dresden was Germany's seventh largest city, with a pre-war population of more than 600,000. For three days in February 1945, British planes dropped enough bombs on it to virtually destroy the city.

Britain inflicted this holocaust, according to Winston Churchill (March 25, 1945) "merely for the sake of increasing terror." The damage was so extensive that it is impossible to know how many civilians were killed: estimates range from 35,000 to 500,000.

The two-day fire bombing of Tokyo by the U.S. in March 1945 destroyed a twelve-square-mile area, killing 100,000 civilians. "No other air attack of the war," the Army Air Force noted, "either in Japan or Europe, was so destructive of life and property." Then the U.S. started bombing other major Japanese cities, dropping nearly 20 million pounds of bombs during a ten-day period. By the time Japan surrendered, over 56 square miles of Tokyo had been reduced to ashes, as were major portions of other Japanese cities. There were hundreds of thousands of additional civilian casualties:

> Everything combustible would be consumed, and the fierce temperatures generated would ensure that by radiant heat alone the conflagration would cross streets and canals. In some cases the heat would soften the asphalt in the streets, so that fire equipment mired down and was lost to the flames. Water

> sprayed on the fire would simply vaporize; glass panes would soften and drip from metal window frames. Here and there, incredibly, concrete melted. No living thing could survive in such an atmosphere. [Lee Kennett, *A History of Strategic Bombing*, New York, 1982]

These bombing attacks were far more destructive of life and property than the atomic bomb attacks on Hiroshima and Nagasaki. Why should they be excluded from the awful category of WMDs? And just why include chemical and biological weapons, which have been used only occasionally and ineffectively in war and have caused relatively few casualties?

Let us suppose for a moment that, contrary to all evidence, Saddam Hussein possessed nuclear, chemical, and biological weapons and was willing and able to use them, and that this justified declaring him a war criminal and conquering his country.

Would not the same logic lead one to conclude that Harry Truman, who authorized the atomic bombing of Hiroshima and Nagasaki, was also a war criminal whose country ought to be invaded and conquered?

And what of Franklin Roosevelt, who authorized the firebombing of Tokyo and other Japanese cities, where the destruction was much worse? Should he likewise "not be allowed to remain in power"? Or Winston Churchill, who admitted that the purpose of the holocaust of Dresden was done "merely for the sake of increasing terror"?

Perhaps it does. Perhaps Churchill, Roosevelt, or Truman who ordered up holocausts should also have been branded as war criminals and their countries invaded and conquered. But whether or not the logic of your position justifies invasion of the United States and Britain and the capture of Truman, Roosevelt, and Churchill, it doesn't justify the invasion of Iraq and the capture of Hussein.

Truman, Roosevelt, and Churchill actually possessed WMDs and used them for purposes of terror. Saddam Hussein did not possess WMDs and therefore posed no threat to use them for purposes of terror. Curiously, while Iraq had no deployable WMDs, the U.S. and Britain both do. And leaders of both have indicated a willingness to use them. Surely you don't want to justify invasion of the U.S. and Britain, not to mention Israel, France, India, the Ukraine, Pakistan, South Africa, and North Korea?

I proceed to your second interesting claim that: "we now — and will increasingly in the future — live in a world in which a few madmen (or madwomen), literally anywhere in the world, will be able to kill millions and even billions of people."

You cite no evidence for this assertion, and it seems dubious to me. Could you tell me what convinced you of its truth?

Sincerely,

R.W. Bradford

Santa Barbara
February 21, 2004

Dear Bill,

I notice with interest that you avoid answering my concluding question: "Do you believe the world now or in the future would be a more peaceful place had the United States, Great Britain, and other nations not removed Saddam Hussein from power?"

The answer is clearly, no. The world is more peaceful because Saddam Hussein was removed from power, and is likely to become more so. This being granted, the original decision to go to war with Iraq is even more justified retrospectively than it was prospectively.

I share your angst and concern with respect to the new world and new age we have entered. However, the potential proliferation of weapons of mass destruction beyond the nation-state level, to individuals anywhere in the world, creates new circumstances that will require new values and new institutions.

One of Locke's cardinal points with respect to state power is that where there is no one to enforce the law, there is no law. Law requires its enforcement to exist.

Have no doubt, Bill, that the United States military is the greatest force for peace in the world. While we may decry the circumstances that have led to the situation where world peace is dependent on what the United States does — and on America maintaining the strongest military in the world — this does not change the reality.

Were the United States to withdraw from the world militarily, chaos and violence would break out across the globe.

I can imagine you and others now objecting: "Well, perhaps this is true enough, but who gave the United States the right to intervene around the world, even if it is a force for good and peace?"

To answer that objection, I return to first principles. The overriding libertarian

continued on page 53

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Report

Dumb Clods and Proud of It

by Jimmy T. LaBaume

When a tiny west Texas town gets international attention for its pandemic stupidity, how do local people react? With a parade, naturally.

I was among the first in Alpine, Texas, to read Larry Sechrest's article, "A Strange Little Town in Texas," in the January issue of *Liberty*. It was an affectionate portrait, but it did include some rather acidic comments on the level of intelligence of Alpine's citizens: among them, Sechrest claimed, can be found "some of the dumbest clods on the planet."

Word of this got back to Alpine six or seven weeks later, and the locals did not take kindly to it. A local newspaper and radio station editorialized against Sechrest's sentiments and a campaign was started to get Sechrest fired from his tenured position at the local "university." Sechrest's car was vandalized and a couple of anonymous clods left threatening messages on his telephone answering device. The city organized a "We Love Alpine" week, which began with a parade and ended with a rally. Sechrest installed motion detectors at his house and learned that Sul Ross State University has cut his summer teaching schedule (and thus his income).

The story was picked up by a television station in Midland, some 175 miles away, and eventually by the *Houston Chronicle*, *The New York Times*, the *Washington Post*, and even the London *Telegraph*. The websites of both the *Times* and the *Post* reported it was the most widely emailed of all their articles the day it was published.

I thought that it made several good points and didn't take any of its criticism personally. But, after giving it some thought, the only surprise is that I was surprised. I've seen these folks in action before. In fact, my loved ones and I have been targets of their malicious gossip and victims of their wrath more than once.

One of the better things to come out of the stir is that it provoked a great deal of self-assessment amongst us. Never have I had so many people tell me how smart they are and how much they have accomplished in their lives in the face of so much adversity — all, of course, in an attempt to distance or distinguish themselves from any of the sociological groups that Sechrest identified.

My own self-assessment seems to place me either solidly within, or closely aligned with, several of those groups.

I was raised in the trans-Pecos-Big Bend region of Texas and have lived in Alpine, off and on, for almost 35 years. I suppose that would place me amongst the "natives." But, at least I did not marry someone who was born here (she was a Yankee, but has gotten over it) and therefore have not contributed to the "inbreeding" Dr. Sechrest mentions. At any rate, this is the group that I probably identify with more than any other — even though group identity is counter to my individualistic libertarian nature.

I am definitely among those Texans who believe that states have the right to secede. This is regardless of the fact that Lincoln, with his War of Yankee Aggression, used military force to deny us that right. In the process, he murdered 630,000 Americans (a proportion of the population at that

time equivalent to 5.5 million today), usurped the Constitution, and destroyed the federal Republic. He may have "saved the Union," but only in a geographic sense.

Further, there are many of us who believe that Texas is not legitimately a state. We never agreed to join the Union. We were *annexed by* the Union. We live in an occupied territory.

There were also a couple of minor errors in Sechrest's article that need to be corrected. He referred to Bush II as a Texan. In fact, neither he nor Bush I was born here. The term "carpetbagger" comes to mind.

Further, the statement that Dubya is "more dangerous than he looks" is probably the understatement of the century. As the person who commands the world's largest arsenal of the most awesome firepower known to man, he is probably *the* most dangerous man to have *ever* lived.

But back to my self-assessment: I have lived in Mexico and spent extended periods of time in South and Central America. I speak, read, write, and understand Spanish. Since the word "Hispanic" means "Spanish speaking," I suppose that makes me Hispanic. Most of my 35 years in Alpine have been spent living on the south side of the tracks, in the *barrio* with the "Mexican trash." Although I do not pretend to be one of them, I have, over the years, developed very good friends and confidants amongst them. I have the best neighbors that anybody could possibly ask for. I would never consider living on the "white trash" side of town. My neighbors are so much better at minding their own business.

I am also one of those tenured full professors who are not engaging in much original research anymore. The first reason is time. My colleagues at other universities are appalled when I tell them about our teaching loads. Twelve to 14 credit hours per semester just does not leave much time for research. Those that attempt to do both generally find that at least one or the other, and usually both, get shortchanged.

The second reason is that nearly all university research is funded by the government. I have two problems with this. One is that accepting money taken from the American productive class at the point of a gun is immoral. The second is that the game is being played solely for the sake of playing the game — just to see who can launder the most of the stolen money — which explains why 95 percent of what one sees in the so-called "professional journals" is either irrelevant or downright silly.

With all that said, I can see where Dr. Sechrest made at least two mistakes. First, he underestimated the territoriality of west Texans. (We inherited that from our brothers from Tennessee who gave their lives at the Alamo for our freedom from a tyrannical Mexican government.)

His second mistake was in portraying the problem as though it is new and unique to Alpine and Sul Ross. It is neither new nor unique. A comparison of public education in rural west Texas with public education in the larger cities would be similar to comparing Odessa College to MIT. The worst class I have ever had in my entire teaching career was in 1984 at New Mexico State, a large land-grant university. Again, my colleagues at other universities assure me they are facing the same problem. In the words of Joseph Farah of *WorldNetDaily*, our problem is that we are "immoral, fat, lazy and stupid."

The fact is, the product of these mandatory government propaganda camps (some still call them "public schools") is our raw material at the university and, with a few outstanding exceptions, it is inadequate. I say, "Okay, guys, you have a fat steer weighing 1,100 pounds. He cost you $800 to produce. What is your break-even in dollars per hundred weight?" They look at me like I have just introduced quantum physics. Just a few days back I used the word "gulag" in class. Not a single student in a class of 20 knew what I was talking about.

They can sing the praises of "multiculturalism." They can laud the virtues of "diversity." They can "get in touch with their cosmic feelings" (provided they've had enough Ritalin), but they couldn't solve a quadratic equation if their lives depended upon it.

Today, the common areas of our schools (and especially those in the larger cities) more closely resemble prisons than they do campuses. Our classrooms more closely resemble group psychotherapy sessions than places for learning.

Before we can hope to solve this problem, we must understand what caused it. We know it is not due to any kind of recent genetic change. It is mathematically impossible for the "dumb" gene to have manifested itself so prominently in the phenotype in only one or two generations.

The story was picked up by a television station in Midland, some 175 miles away, and eventually by the Houston Chronicle, the New York Times, the Washington Post, and even the London Telegraph.

Students and parents blame the teachers. Teachers blame the administrators. Administrators blame the parents, and the infinite loop is closed. The truth is that, although all of these may somehow be accomplices — guilty of aiding and abetting — none of them are totally to blame. It is the system that has failed us.

Nationwide, SAT scores peaked in 1962 and have been in a steady decline ever since. As a high school senior in 1962, I was president of the debate club. "Federal aid to education" was a constant on our topic list. All the old mossbacks warned us, "Don't do it. If you take their money, they will

tell you how to run your business." All the "progressives" wailed, "But just think of all the things we can buy and do with all that money." As it has turned out, the mossbacks were absolutely right. And one thing always leads to another.

Within only a few years the death stake was driven into the heart of "public" education with the Civil Rights Act of 1965, which set the stage for idiocy like forced bussing. "Gasp! He's a racist," I imagine you whispering across your upper front teeth. Not! To hate someone for no reason other than the color of his or her skin is illogical, irrational, and, yes, downright stupid. I am a realist and, like Thomas Jefferson, "There is no truth existing which I fear, or would wish unknown to the whole world."

The *truth* is that intelligence is up to 85% heritable, and that people of different races, on average, have different levels of intelligence. The *truth* is that Asians, on the average, have higher IQs than any other racial group, followed by Europeans, mestizos of Latin America, American Indians, and African Americans — in that order. The *truth* is that every normal distribution has two tails. There are some very bright and some very dull people in all races.

The *truth* is that 40 years of association forced at the point of a bayonet in a futile hope that learning will somehow take place magically through the process of osmosis has not changed these fundamental relationships. Instead, students have *all* gotten dumber. No classroom teacher, of whose students half have an IQ of 140 and half have an IQ of 85, can do much for either group. Add the pressures of codified racism (affirmative action laws) and the "lowest common denominator" soon becomes the norm. This is the type of nonsense that has led to insane concepts such as "outcome based education." No one fails because it might "hurt their sensibilities."

So what can we do about this? Schools should be re-segregated, not by race, but by *scholastic aptitude*. This must be accompanied by free and uninhibited inter-group mobility based on achievement *regardless* of race, creed, color, sex or national origin.

The sad part is that the radical reform needed is just not politically possible. No one is willing to speak out for fear of being labeled a "racist" or "hater" and suffering the social, economic, and even physical consequences. We are silenced by the unjustified guilt trip in which the culturally dominant white liberals immerse themselves, weeping and wailing.

Never have I had so many people tell me how smart they are and how much they have accomplished in their lives.

There can and will be no fix as long as the racism of affirmative action, in all its forms, remains the law of the land. The current climate of rabid political correctness brought on by our egalitarian statist-collectivist brainwashing simply won't allow it. Finally, the powerful, organized educator and administrator lobby groups would never stand for it.

Still, the only way to completely address this problem is to close the government schools, board the windows, put them on the auction block and give the productive class its money back. Public schools (including, yes, state-supported universities such as Sul Ross) can easily be replaced by private and home schools.

Some will cry, "Oh! But many a child would be 'left behind' without 'free' education!" Not so, as is borne out by the history of education in both America and Great Britain. England's system was not completely "free" until 1870. Horace Mann's infamous Common School Movement didn't catch steam in America until the 1850s. Literacy rates in both places are lower today than they were then. Not a single one of America's Founding Fathers spent a single hour in a publicly financed schoolhouse.

Most of my 35 years in Alpine have been spent living on the south side of the tracks, in the barrio with the "Mexican trash." I would never consider living on the "white trash" side of town. My neighbors are so much better at minding their own business.

Further, anyone with even a rudimentary understanding of economics knows that competition, coupled with private property and freedom of choice, always yields greater diversity of product offered in the marketplace. Education is no exception. Private schools would offer more varied curricula; specialty and night schools would emerge because private businesses are consumer oriented. The quality would also be better because that is what the consumer is looking for. Barry Simpson said it best: "Economic theory shows us that private businesses cater to the needs of diverse consumers far better than bureaucracies. History tells us that a private system is feasible, that those at the bottom of the ladder will gain the education they need, and that literacy will not suffer if the mass of the public school system disappears." And last but not least, such a system would be infinitely more respecting of the dignity and worth of the individual than our current charade.

To those teachers and administrators who wail, "You are threatening our jobs!" I say, "If you are any good at what you do, you could likely make more money doing it in the private sector." (Plus, you wouldn't be surrounded by buffoons and idiots, because such do not survive in competitive markets.) If you are not any good at what you do, then why is the American productive class paying you anyway?

Returning to the local issues, the fact that Dr. Sechrest has suffered property damage, received obscene phone calls, and even had his life threatened several times is irrefutable evidence that there is, indeed, a wild-eyed, gap-tooth, ignorant element amongst us. These people must be brought to justice. That would seem easy enough because we have enough city, county, state, and federal edict enforcers in the area to

continued on page 53

Rights During War

by Dave Kopel

In 1864, the U.S. Army court-martialed an Indiana civilian and sentenced him to death. What does this case teach us about the Second Amendment and the limits of presidential powers?

After Attorney General Ashcroft promulgated an official Department of Justice position recognizing that the Second Amendment is an individual right, gun prohibition advocates attacked him for changing long-established Department of Justice policy. Actually, it was only under Richard Nixon that the attorney general created an official policy claiming that the Second Amendment was not an individual right. President Lyndon Johnson's attorneys general, while not creating an official policy, also denied that the Second Amendment protected an individual right. But before the Johnson-Nixon era, things were very different. Let's take a look at the first Supreme Court case in which the U.S. Department of Justice cited the Second Amendment.

During the Civil War, in 1864, an Indiana man, Lambdin P. Milligan, was charged with aiding the southern rebellion against the national government. Although Indiana was under full Union control, and courts in Indiana were functioning, Milligan was tried before a military court martial and sentenced to death. In 1866, a unanimous Supreme Court overturned Milligan's conviction, holding that martial law can only be applied in theaters of war, and not in areas where the civil courts are functioning. Ex Parte Milligan, 71 U.S. 2 (1866).

During the argument before the Court, Milligan's lawyers had claimed that Congress could never impose martial law. They pointed out that the Fourth Amendment (no searches without warrants), Fifth Amendment (no criminal trials without due process), and Sixth Amendment (criminal defendants always have a right to a jury trial) do not contain any exceptions for wartime.

The attorney general, who was defending the legality of Milligan's having been sentenced to death by court martial, retorted that under conditions of war, the protections of the Bill of Rights do not apply. Thus, the federal government could disarm a rebel, without violating his Second Amendment right to keep and bear arms. The attorney general urged the Court to construe the Second, Third, Fourth, Fifth, and Sixth Amendments *in pari materia* (as being of the same cloth).

He first claimed that in times of war, the president was the sole judge of the necessity of what needed to be done:

> After war is originated, whether by declaration, invasion, or insurrection, the whole power of conducting it, as to manner, and as to all the means and appliances by which war is carried on by civilized nations, is given to the President. He is the sole judge of the exigencies, necessities, and duties of the occasion, their extent and duration.

The attorney general then noted that Milligan's argument was based on the Fourth, Fifth, and Sixth Amendments. The attorney general continued:

> In addition to these, there are two preceding amendments which we may also mention, to wit: the second and third. They are thus:
>
> 2. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

3. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

He then came to the heart of the argument: if the Fourth, Fifth, and Sixth Amendments apply in time of war, so does the Second. And that would lead to the absurd result of the government forbidden to disarm the enemy:

> It will be argued that the fourth, fifth, and sixth articles, as above given, are restraints upon the war-making power; but we deny this. All these amendments are *in pari materia*, and if either is a restraint upon the President in carrying on war, in favor of the citizen, it is difficult to see why all of them are not. Yet will it be argued that the fifth article would be violated in "depriving of life, liberty, or property, without due process of law," armed rebels marching to attack the capital? Or that the fourth would be violated by searching and seizing the papers and houses of persons in open insurrection and war against the government? It cannot properly be so argued, any more than it could be that it was intended by the second article (declaring that "the right of the people to keep and bear arms shall not be infringed") to hinder the President from disarming insurrectionists, rebels, and traitors in arms while he was carrying on war against them.
>
> These, in truth, are all peace provisions of the Constitution and, like all other conventional and legislative laws and enactments, are silent amidst arms, and when the safety of the people becomes the supreme law.

Accordingly, the attorney general concluded that all of the Bill of Rights had an implicit exception for wartime necessity.

Thus, the attorney general explained, the Second Amendment belongs to individuals, but if a Confederate rebel were disarmed, his Second Amendment right would not be violated, since the Second Amendment would not apply to him — even though the Second Amendment has no explicit exception for wartime. Likewise, if Congress declared martial law in a region, a civilian would be subjected to a court martial, rather than trial by jury, even though the Sixth Amendment (which guarantees jury trials) has no explicit exception for wartime. The attorney general plainly saw the Second Amendment as guaranteeing an individual right.

The United States government also made another argument showing that the Second Amendment belongs to individuals. On behalf of Milligan, attorney David Dudley Field presented a passionate and superb argument that the ultimate issue at bar was the supremacy of the civil power over the military, a principle at the very heart of Anglo-American liberty and republican government.

If the Fourth, Fifth, and Sixth Amendments apply in time of war, so does the Second. And that would lead to the absurd result of the government forbidden to disarm rebels.

Field made much of the fact that the Fifth Amendment's requirement that persons could only be tried if they had first been indicted by a grand jury had an explicit exception for military circumstances ("except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger"). Field pointed out that Milligan (an Indiana civilian with Confederate sympathies) was plainly not within the terms of the exception.

In response, the attorney general turned the argument over to Benjamin Franklin Butler. A very successful lawyer, Butler had been one of the most prominent Union generals during the Civil War. A few months after his Supreme Court argument, Butler would be elected to Congress from Massachusetts, and would become one of the leading Radical Republicans.

According to the gun prohibition lobbies, the Second Amendment can only be violated when the federal government interferes with state militias.

Butler told the Supreme Court that the whole Bill of Rights contained implicit exceptions which were not stated in the text. For example, despite the literal language of the Fifth Amendment and the Second Amendment, slaves in antebellum America had been deprived of liberty without due process and had been forbidden to possess arms:

> The constitution provides that "no person" shall be deprived of liberty without due process of law. And yet, as we know, whole generations of people in this land — as many as four millions of them at one time — people described in the Constitution by this same word, "persons," have been till lately deprived of liberty ever since the adoption of the Constitution, without any process of law whatever.
>
> The Constitution provides, also, that no "person's" right to bear arms shall be infringed; yet these same people, described elsewhere in the Constitutions as "persons," have been deprived of their arms whenever they had them.

Butler's point, presented on behalf of the attorney general, was that the right to arms and the right not to be deprived of liberty without due process were individual rights guaranteed to all "persons." Yet despite the literal guarantee to all "persons," slaves had been deprived of their liberty without a fair trial, and had not been allowed to own or carry guns. Thus, there must be an implicit "slavery exception" in the Second Amendment and the Fifth Amendment. And if there could be an unstated "slavery exception," there could also be an unstated "in time of war" exception.

Butler's argument is totally incompatible with the claim that the Second Amendment right does not belong to individuals. According to the gun prohibition lobbies, the Second Amendment can only be violated when the federal government interferes with state militias. But there were no federal laws forbidding states to enroll slaves in the state militias. (The federal militia was whites only, but this did not prevent the states from structuring their own militias as they saw fit.)

Although there was no federal law interfering with state

continued on page 53

Report

A Day at the Caucuses

by R. W. Bradford

Democracy without elections, tolerance through exclusion, and casual duplicity weave together to form the rich and beautiful tapestry of American democracy.

In the state of Washington, any registered voter can participate in major party caucuses, have his presidential preference recorded for posterity, and elect delegates to the county convention. The county convention elects delegates to the state convention, which in turn elects delegates to the national convention, where the party's nominee is crowned in a major television event.

As the February caucus approached, I toyed with the idea of going to the Democratic event. I'd attended two Republican presidential preference caucuses in the past, and thought it might be fun. Besides, I could stand up for Howard Dean, a sure loser if ever there was one, and thus run no risk of helping elect America's next tyrant. And if, by some miracle, Dean's campaign was resuscitated and he were elected president — well, worse things have happened. Dean has been the most articulate opponent of the Iraq war and promised a balanced budget. What the hell.

In 1988, when I went to my first Republican caucus, I stood up for Pat Robertson. I'd first encountered Robertson on a televangelism program a decade and a half earlier, and had seen the Rt. Rev. cure a home viewer of hemorrhoids. I was under the impression that hemorrhoids were not one of the major problems facing the nation that year, but I figured if Robertson could cure the piles, he might be able to get the economy moving.

Okay, so my purpose was entirely mischievous, but I had an evening free, so off I went. I met with about 20 other local citizens in a room in the community center, and dutifully stood up for Pat. We debated the resolutions the county party leaders had sent us to ratify, and voted them all down. They were palpably idiotic, and the local Republicans succumbed to the logic of my insightful criticism of them. Robertson carried the county and carried the state, thanks in some very small part to my support.

I attended the GOP caucus again in 1996, this time not as a prank. Steve Forbes was running for the presidency with a campaign centered on massive tax reductions. He actually seemed sensible, at least in the context of politicians. Remember, this was before he decided the only way he could capture the nomination was to remake himself as a member of the religious right.

Anyway, come 9:30 a.m. on Saturday, Feb. 7, 2004 I dragged my sorry carcass out of bed and hauled myself to the local state park, where the Democrats had rented part of a multi-purpose building for the occasion. I parked my motorcycle and got in line to enter the building. I was one of about 700 people there, about twice as many as could fit in the space, so half the precincts had to meet outside in the cold. I found my precinct and went toward its caucus station, an outdoor table covered with campaign literature, with a chair in the center that had a sheet of paper taped to it labeled with my precinct number. As I walked toward the table, a gray-haired woman with a Clark-for-President sweatshirt approached me and said rather accusingly, "Why are you here? Aren't you a Libertarian?" "Not today," I said. "I like your beard," she replied, and went over to the table to

take charge. I signed in and indicated my preference for Dr. Dean, then wandered around the outdoor caucuses and back into the building, trying to see how the votes were going. It was pretty chaotic, but everyone seemed to be having fun.

Most precincts were neck-and-neck between Dennis Kucinich and Howard Dean. The rule was that for a candidate to be awarded any delegates to the county convention, he had to get 15% of the vote. It looked to me like Kerry might get a few delegates, but all the others would go to the anti-war duo.

Back outside at my precinct, I watched the votes tallied up by the gray-haired lady who liked my beard and a woman wearing a Kerry button. They finished the tally, and the lady in the Clark sweatshirt announced the results to the assembled multitude:

Kucinich	51
Dean	48
Kerry	23
Clark	20
Edwards	7
Uncommitted	5
Hillary Clinton	1
Sharpton	0

She explained that to get any delegates to the county convention, a candidate had to have at least 24 votes, and encouraged those who signed in as uncommitted or Edwards supporters (Edwards was sure to lose, she explained) to change their votes to Clark and Kerry. And it would also be a good idea for some of the Dean and Kucinich delegates to change their votes too, just to make sure that Kerry and Clark got support from our precinct. This seemed odd to me, since I figured that Kucinich and Dean supporters would just as soon have it end with no vote changes, giving each camp four delegates to the state convention.

There followed a strange array of people who climbed up on the table and made short speeches on behalf of their candidates. My favorite was the Clark lady (the one who liked my beard). She explained, "There are three anti-war candidates — Dean, Clark, and Kucinich. Let's make sure we have delegates for all three, in case something happens to Kucinich and Dean." Odd again: not only was a double homicide of Kucinich and Dean far too much to hope for, but the pamphlets for Clark had detailed his "Iraq Success Strategy" in three simple steps:

Work with Allies to Help with Security & Reconstruction
Use Linguists & Intelligence Experts Against Insurgents
Ongoing Transfer of Authority to Iraqis

These three policies were all ones that the hated Bush advocates, and, indeed, are part of American policy in Iraq. Dean and Kucinich pamphlets, in contrast, were openly critical of the war. Kerry's slick pamphlets didn't mention the war at all.

I may not have found this politicking very convincing, but enough people changed their votes (including three Kucinich voters and one Dean voter) to bring the Clark and Kerry tallies up to the number that enabled each, by the caucus rules, to have one county convention delegate and Kucinich and Dean each to lose one delegate. We were then told to meet with other people of the same presidential preference and select our delegates. I joined the Dean supporters.

A sincere man wearing a cowboy hat explained that he also wanted to be a delegate to the national convention, and promised that if elected, he would take Amtrak to the convention in Boston.

We needed three alternates, and three volunteers raised their hands. The guy in the cowboy hat said he'd tell the bosses of our decision. The election was completed without the formality of voting.

A very sincere woman announced that she wanted to be a national delegate and it would help her case if she were elected. A similarly sincere man wearing a cowboy hat explained that he also wanted to be a delegate to the national convention, and promised that if elected, he would take Amtrak to the convention in Boston. He added that he had run unsuccessfully for the non-partisan office of port commissioner. Then he saw a young person — a 20-something guy — and announced that youth was important, so this guy should be the third delegate. Then he said we needed three alternates, and three volunteers raised their hands. The guy in the cowboy hat said he'd tell the bosses of our decision. The election was completed without the formality of voting.

I sallied over to the table that was serving as precinct central. The Clark lady who liked my beard and the Kerry lady were trying to figure out how to apportion the delegates. The rules were pretty clear: each candidate who gets at least 15 percent of the total vote got a proportional number of delegates. Doing the simple math, Dean and Kucinich each got 2.6 delegates and Kerry and Clark got 1.3 each. Rounding off, this meant that the two anti-war candidates each got three delegates and Kerry and Clark each got one. But the Clark lady and the Kerry lady, who seemed to be in charge, were saying, "That's not fair. Kerry and Clark should each get 1.5 delegates and Dean and Kucinich 2.5 each." This struck me as more than a little bit odd, since the rules had no provision for partial delegates, but I didn't want to get in an argument, so I wandered back into the building again.

There, a middle-aged man looked at me and hollered, "What are you doing here? Are right-wing nuts trying to take over the Democratic Party?" I didn't recognize him, but I recognized the name on his name tag. I had met him in 1981, when I had gone to his shoe repair business to get the heels on my boots replaced, only to be quoted a price that was higher than the price I had paid for the boots. He was an "activist" and had subsequently been elected county commissioner (a small-town big shot, in the immortal words of

continued on page 52

Worth a Forty-Seven Mile Commute

by Timothy Sandefur

Placerville is a place where one can walk among rowdy bikers, yuppie tourists, ostrich-walking locals, and elderly churchgoers — and one celebrate American progress.

In September of 2002, when I took a job in Sacramento, I decided right away that I wanted to live in the nearby town of Placerville. I wanted to stay away from the city crowds and traffic, and I had been through Placerville a few times before, on vacations. Still, it took some time before I realized just how right the town is for me.

"If any man has his health & will work, he can make more than ten times as much here as he can in the states in the same length of time. But many, very many, that come here meet with bad success & thousands will leave their bones here. Others will lose their health, contract diseases that they will carry to their graves with them. Some will have to beg their way home, & probably one half that come here will never make enough to carry them back."

— A Placerville Miner, 1850

"This fine, handsome, at the same time dilapidated town, is the county seat of Eldorado [sic] *county, is situated twelve miles north of the Sacramento Valley Railroad... . Having the finest climate in the world, like ancient Rome much of its original attractiveness still lingers about the quiet streets, dainty little homes and deserted business buildings. The location and altitude combine to make the atmosphere so sweet that I fancied it had a taste like Bartlett Spring Water. This climate is wonderfully exhilarating. I found myself enduring a walk of many miles with little fatigue, and was surprised that one night's sleep could dissipate the effects of so much exertion. The inhabitants have fair, clear complexions, and I fancy that they are morally superior to the inhabitants in the valleys. The hoodlum element certainly does not flourish to any great extent, for the window panes of those vacant houses remain unmolested, which fact speaks volumes for the youth of the town."* — Caroline M. Churchill,

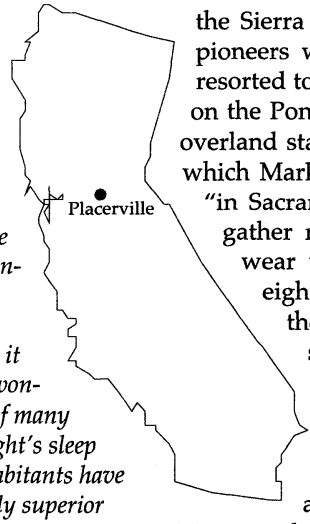

Placerville was once the third largest city in California. Eight miles from Sutter's Mill, where gold was discovered in 1848, the town lies at the foot of what is now Interstate 50's rise toward Lake Tahoe. The interstate climbs through Donner Pass, a treacherous road over the frozen granite of the Sierra Nevada, which gets its name from a group of pioneers who became trapped in the snow in 1846 and resorted to cannibalism to stay alive. Placerville was a stop on the Pony Express line, and the penultimate stop on the overland stage route connecting St. Louis with Sacramento, which Mark Twain traveled in 1861. He later recalled that "in Sacramento it is fiery summer always, and you can gather roses, and eat strawberries and ice-cream, and wear white linen clothes, and pant and perspire at eight or nine o'clock in the morning, and then take the cars and at noon put on . . . your skates, and go skimming over frozen Donner Lake, seven thousand feet above the valley, among snow banks fifteen feet deep, and in the shadow of grand mountain peaks that lift their frosty crags ten thousand feet above the level of the sea. There is a transition for you! Where will you find another like it in the Western hemisphere?" Placerville rests at the center of that transition.

It is at the center of other transitions as well: the transition from urban to rural; the historical transition from an era

of backbreaking manual labor, to mass production and standardization; the transition between a labor-based economy and an economy of tourism and artistry and self-expression.

In *The Substance of Style,* Virginia Postrel explains that the character of a neighborhood, and a person's choice to live there, are in many ways forms of self-expression. I chose my home not just because of price and convenience, but because something about the location reverberates with my personality. It's eclectic and unusual. Main Street, Placerville is home to at least four art galleries — and to a Harley Davidson store which attracts crowds of leather-clad bikers every weekend.

Like the weekend tourists, I was drawn to Placerville by the charm of its history. History is hard to come by in California, and it's precious to me.

One thing everyone notices about the city is its history. The 19th century is everywhere in Placerville. "Downtown" looks almost unchanged from 1850, the date of a photo displayed in the window of a Main St. studio where passersby can conveniently compare. The Placerville Hardware Store has been in continuous operation since 1852, the city's newspaper, the *Mountain Democrat,* has been published since 1851, and the Round Tent Store (now a restaurant) opened in 1849. City Hall was once the headquarters of the Confidence Fire Company, a volunteer firefighting service which opened after much of the city burned in 1856. But it isn't just the architecture. The Hanging Tree bar commemorates the execution of three desperados in 1849 — an act that earned Placerville the nickname "Hangtown"; a dummy swings from a makeshift gallows on the second floor. At Christmastime, a horse-drawn stagecoach gives free rides to tourists, and an authentic stage is on display at the Army recruiting office. From the town's half-dozen antique stores to the Thomas Kinkade gallery (the first; Kinkade got his start in Placerville), the city is full of nostalgia for the "olden days."

It shares that nostalgia with much of America. Our national image of "home" is usually a small Victorian house, and the notion of "boyhood," even today when we plan trips to Mars, is based largely on *Tom Sawyer*. It's not so clear why this should be. It isn't that the 19th century was a "simpler time" before nuclear bombs and planes running into buildings. The 19th century was *not* simpler, but infinitely more complicated and distressing: the Battle of Antietam, on Sept. 17, 1862, remains the bloodiest day in American history, with over 22,000 killed, wounded, or missing. Even Placerville lost men in the Civil War — their graves lie beneath a flag in the Union Cemetery on Bee St. Life was not simpler, but cruder, and shorter, with no vaccinations, rudimentary anesthetics, primitive understanding of communicable disease, and a mechanics-and-iron technology that was both dangerous and grueling. One hundred and thirty years ago, gangs of Chinese and Irish immigrants were blasting and hacking a path for the Central Pacific through Donner Pass, an engineering feat even by today's standards. Nobody knows how many died.

One sees none of that in the insipid glow of Kinkade's paintings, only comfort radiating from the windows. But we associate Victorian warmth with comfort precisely because life was so much harder then. All food tastes better when you're hungry, and all rest is more refreshing when you're as exhausted as Victorian laborers were. In 1852, 106,000 men were employed in California's mines. By 1860 that had dropped to 83,000, as the great majority who did not "strike it rich" found work in stores, on farms, or on railroads. And mining work was terribly hard. Because it had no major source of water, Placerville's "Old Dry Diggins" did not serve for gold panning. Either gold had to be dug out of the mountains in tunnels, or sought out by pocket miners who depended on luck to find "pockets" of gold, or water had to be diverted through troughs to permit sluice mining. "The diggings here have been exceedingly rich," wrote a British visitor in the 1850s. "Men used to pick the chunks of gold out of the crevices of the rocks of the ravines with no other tool than a bowie knife; but these days had passed and now the whole surface of the surrounding country showed the amount of real hard work which has been done. . . . Along the whole length of the creek, as far as one could see, on the banks of the creek, in the ravines, in the middle of the principal and only street of the town, and even inside some of the houses, were parties of miners, numbering from three or four to a dozen, all hard at work, some laying into it with picks, some shoveling the dirt into the 'long toms,' or with long handled shovels washing the dirt thrown in, and throwing out the stones, while others were working pumps or baling water out of the holes with buckets."

In the 1890s, daily wages for factory workers reached about $2 a day, up from about $1.25 in 1860. Labor in the goldfields was much less certain. Despite the massive immigration of the Gold Rush, there was still a shortage of labor, and one economist estimates the daily wage for an unskilled worker in California at $3.78 in 1850, compared to 83 cents per day in the Midwest. But they dropped quickly after that. And that $3.78 would buy very little compared to today. In 1900, it took an average of ten hours of labor to buy a pair of jeans; today it takes about three and a half. In 1900, a three-pound chicken cost two hours and forty minutes of labor; today it costs about 14 minutes. In the early days, goods in California were particularly expensive because a product's price had to make up not only the price of transportation around the tip of South America or across the Panamanian isthmus, but also the cost of sending the empty ship back to the east coast. And prices could rise very high in bad sea-

Our national image of "home" is usually a small Victorian house, and the notion of "boyhood," even today when we plan trips to Mars, is based largely on Tom Sawyer.

sons; in November 1849, flour and pork cost $125 per barrel in Placerville; butter $200 a barrel. Dried apples rose to $1.50; potatoes and onions $1.50 per pound.

Job security was non-existent: a mining accident could kill or wound with no notice. Although the Wild West was not so wild as is often suggested, sudden and lonely death was a daily possibility. Fond as I am of old graveyards, I took a walk through Placerville's Union Cemetery, and found many ornate marble stones, proclaiming not just the names, but the native lands of the deceased, and bearing the symbols of fraternal organizations: Blakely, 1897, Bremen, Germany, a Mason; Rolleri, 1883, Italy, an Oddfellow; Johns, 1877, Ohio, also an Oddfellow. One major reason for joining a fraternal order in those days was that foreigners arrived without friends or family, and wanted a decent funeral, which the order would provide. (Of course, there are no Chinese graves.)

And life could be immensely boring. Before the arrival of the Pony Express and the telegraph, mail was extremely slow, and miners were so desperate for letters that one recalled the lines at the Sacramento Post Office extending a half-mile in length. Towns here would be cut off for months when winter snows closed Donner Pass. In 1856, a Norwegian immigrant named John Thompson built a pair of snowshoes and began carrying 60 pound bags of mail between Carson Valley and Placerville. A contemporary writer named Dan DeQuille (a friend of Mark Twain) wrote that "Snowshoe" Thompson "glided over fields of snow that were in places from thirty to fifty feet in depth, his long Norwegian shoes bearing him safely and swiftly along upon the surface of the great drifts. . . . Through him was kept up the only land communication there was between the Atlantic States and California." The fact that Thompson did this for five winters without pay suggests the miners' desperation for news and word from home. Newspapers from the east cost a dollar each in 1850, and one miner wrote home on March 15 that "my great anxiety is for my wife & child. . . . The last time I heard from them was dated the 14 August. I think Margaret has written often but owing to the disarrangement of the Post Office & the distance that I am from one, (50 miles) makes it very difficult to get [l]etters." Another miner recalled that he and his Placerville companions

> . . . alternated in the work of shovelling and carrying the dirt in pails to the rocker, and in rocking out the gold and clearing away the tailings. We worked in the water and muddy clay with wet feet and mud covered clothes, as hard and as constant as we could. When the black sand and gold was panned out at the close of the day, we found nearly $300. Elated at our success, we felt weariness, blistered hands, and sleep vanish. Our wet and mud covered garments, and water-soaked boots were like the purple of kings, and the glass slipper of Cinderella. The next day a like success attended us. The evening came, and we were light of heart — in spirit, like giants refreshed with new wine. We talked of loved ones at home — wives and children; of what we would do for them and our aged parents. Starkweather's eyes often moistened as he spoke of his wife, and at times he grew impatient and nervous at the thought of the long, long months that had passed since he had heard from her. The mails came from the Atlantic to the Pacific in steamers, crossing the Isthmus of Panama on pack mules; and often it would be from four to six months before they would reach San Francisco, and from thence to the mines, as chance would find the means of forwarding. The third day's labor the result was not so favorable. The golden dream was broken; the placer exhausted. Days of prospecting followed, with only weariness for our wages.

In such a situation, it is no wonder that pleasures that appear simple to us were so much more intense in the Victorian memory. In his autobiography, Twain said that his memory made his boyhood "as real as it ever was, and as blessed. . . . I know how a prize watermelon looks when it is sunning its fat rotundity among pumpkin-vines . . . how inviting it looks when it is cooling itself in a tub of water under the bed, waiting . . . and I know how the [hickory] nuts, taken in conjunction with winter apples, cider, and doughnuts, make old people's tales and old jokes sound fresh and crisp and enchanting, and juggle an evening away before you know what went with the time." The pleasures of the 19th century seem sweeter in the memory precisely because they were so rare.

A metropolis has its uses, but to me it could never be home any more than I might live on an assembly line or at the bottom of a waterfall.

But in the face of its drudgery, the 19th century was devising solutions, and this is the second reason for the nostalgia. Mass production and the transportation boom brought the first age of commercialism, and a wave of household gadgetry whose significance today is hard to appreciate just because life is so much easier now. That "sliced bread," which was introduced in 1930, should become the standard for measuring "the greatest thing," is a small indication of the difficulty of even everyday tasks in an age before electricity or gasoline power. As Jacob Bronowski wrote,

> It is comic to think that cotton underwear and soap could work a transformation in the lives of the poor. Yet these simple things — coal in an iron range, glass in the windows, a choice of food — were a wonderful rise in the standard of life and health. By our standards, the industrial towns were slums, but to the people who had come from a cottage, a house in a terrace was a liberation from hunger, from dirt, and from disease; it offered a wealth of choice. The bedroom with the [newspapers] on the wall seems funny and pathetic to us, but for the working class wife it was the first experience of private decency. Probably the iron bedstead saved more women from childbed fever than the doctor's black bag. . . .

This was the first time in world history that a major sector of the economy grew up around simply providing people pleasure. Like the 19th, the 18th century was hard going, but people have less fondness for it because it produced fewer of the surviving pastimes, toys, and holiday traditions than the 19th. With factory labor, steam power, and the invention of the light bulb, productivity increased, and with it, leisure time. Victorians invented notions of happiness that we take for granted today: tourism, baseball, the Hershey bar (intro-

duced in 1900). Christmas gift-giving had been around for centuries, but it was the department store that popularized it as the holiday of childhood. Indeed, "childhood" itself took on a new meaning in the 19th century, as kids came to be seen as consumer goods, rather than capital investments. The first child labor law was passed in 1916; precisely as technology made child labor less necessary, childhood itself came to be seen as a season for enjoyment. Of course, 19th century conservatives decried the rise of "superficial materialism," but the Sears catalog and the department store didn't just make life easier — it made life more enjoyable. Deborah Davis explains:

> At the Bon Marché, and Le Louvre, and Au Printemps and the other department stores that soon followed, women felt protected from the unpleasantness of everyday life. These stores were splendid, self-contained universes created specifically for women, where their only obligation was to live out fantasies and spend money. Customers were attracted to the stores by eye-catching window displays and merchandise from all over the world, and by affordable items that served as bait. While some people remained outside, window-shopping — "licking the windows," as the French expression leche-vitirines would have it — those who ventured inside found a dream world of vast assortments of clothing, accessories, and home furnishings, all under one roof. . . . Shoppers enjoyed two other popular features as well: sales and a revolutionary returns policy. The Bon Marché dazzled Paris with its first white sale, a January event that provoked shoppers into a buying frenzy.

Placerville was far removed from Paris in the 1880s, but the residents shared the spirit of consumer satisfaction. This town's middle class Victorian houses (and the modern ones that imitate their architecture) express our notion of "home" precisely because the 19th century was the first to realize the thought that any man might own his own home — indeed, could order it through the Sears catalog! The 19th century invented "the American dream."

These elements that underlie modern nostalgia for Victorian days — the hard work and the rise of consumer culture — point to a third reason so many people think fondly of that age: freedom.

In the 1890s, the federal government spent about $300 million a year, of which almost half went to pay veteran's pension benefits. There was no income tax, no regulatory welfare state, and little government interference in business or education. The president had eight cabinet officers, and nobody had ever heard of "urban renewal," "take permits," or "FICA." America was no Galt's Gulch by any stretch — and certainly not for racial minorities — but for the most part, Americans expected to be free to go into any business of their choosing, and to enjoy undisturbed the fruits of their labor — or to learn from their mistakes. The great rags-to-riches stories of Andrew Carnegie and Henry Ford date from an age before government bureaucracy came to stifle much of the entrepreneurial spirit that Americans admire. Mark Hopkins, who ran hardware stores in Placerville and Sacramento, became one of America's wealthiest men as a manager of the Central Pacific. Philip Armour, of Armour hot dog fame, got his start in Placerville, as did car baron John Studebaker, who began his profession here making wheelbarrows. Even if a person failed, there remained the opportunity to try again. "Men are up one day, down tomorrow, and up again the day after," wrote a European, describing post-Civil War America. "No man loses face because he has failed, unless he has allowed himself to fail for a trifle." Today, the stereotypical American is still the cowboy, because he represents the free man; he embodies those characteristics necessary for survival on the frontier: hard work, honor, resiliency — in short, "rugged individualism."

The 19th century was not simpler, but infinitely more complicated and distressing.

The pleasures of the 19th century seem sweeter in the memory precisely because they were so rare.

Of course the 19th century saw the rise of collectivism, too. The International Workingman's Association, founded by Karl Marx in 1861, was soon prominent in San Francisco politics, and in 1878, the Workingmen were powerful enough to call a new Constitutional Convention, where delegates considered serious proposals to ban ownership of more than 640 acres of land, or to prohibit corporations entirely. Racial minorities were the primary victims of the Populist movement. In California, these were the Chinese, whose treatment at the hands of natives and European immigrants is the closest thing to slavery in California's history. The Chinese first arrived during the Gold Rush, and by 1876 a quarter of all non-natives in the state were from China. Whites imposed abusive taxes on them, prohibited them from attending public schools, and beat or killed them with impunity. The persecutors claimed the Chinese worked too hard for low wages, and thus "stole the jobs" of whites; indeed, they admitted that they hated the Chinese not because they were indolent or stupid, but because they were smart and worked hard: "California," wrote Twain in 1870, "imposes an unlawful mining tax upon John the [Chinese] foreigner, and allows Patrick the foreigner to dig gold for nothing — probably because the degraded Mongol is at no expense for whiskey, and the refined Celt cannot exist without it." The 1878 Constitutional Convention prohibited the Chinese from voting or owning property, and punished with forfeiture any corporation that dared hire them. By the end of the century, the rise of collectivism would ban all Chinese immigration, and establish antitrust law, the Interstate Commerce Commission, and the foundations of Progressivism. In 1906, even Theodore Roosevelt, who coined the phrase "rugged individualism," would say that "[n]o small part of the trouble that we have comes from carrying to an extreme the national virtue of self-reliance, of independence in initiative and action." But while American

politics moved on to establish the regulatory welfare state, American nostalgia for the Victorian age and the "Wild West" remained. It is rooted (often unconsciously) in memories of a time when a person might live out of the sight of authority, build a business or work with the spirit of "pioneer enterprise" to buy a house, enjoy the new consumer goods, and relish in the warm comforts of home after a hard day's labor.

Like the weekend tourists, I was drawn to Placerville by the charm of its history. History is hard to come by in California, and it's precious to me. But if we choose our communities as a form of self-expression, there is another reason I love this town: its tranquility. Though the common observer might not think it, I am at heart a solitary person; a lover of books and cats. A metropolis has its uses, but to me it could never be home any more than I might live on an assembly line or at the bottom of a waterfall. Weekends I spend in the calm of my house writing, or walking to the Old Town Grill for a gourmet burger, or browsing the volumes at The Bookery. Of course, as a libertarian, I believe in a degree of freedom that most people find shockingly extreme, and as an Objectivist, I admire the colossal buildings and magnificent machines and boisterous commerce of the city. But I have always felt more comfortable in a quiet communion with my thoughts and those of others; I have an autumnal personality, and I find that in my hometown. The splendid isolation of the Old West may be gone forever, but in this small aspect it remains: in my "cabin," beyond the ruckus of the city, there is an irreplaceable freedom to life. Ironically, that freedom is far greater than anything the 19th century ever knew: it is made possible by modern conveniences and the nearness of the city. Recalling his days as a miner in Placerville, one writer described "[t]wo weeks passed with but little success, and at hard labor. The ground, our bed; the tent, our covering by night; griddle cakes and pork, our food, with coffee from acorns, and tea from mountain mint — without sugar or milk." For such people, seclusion brought less pleasure. But today I can have the charm without the desolation: the '49ers were isolated too, but loneliness soon enveloped them, separated from their friends and family, with little entertainment and few comforts. Another miner recalled a night on his journey to Placerville in the 1850s:

> [T]he night was cold and cheerless. The stars shone with their usual brilliancy through the clear atmosphere of this high altitude, and the mountain peaks could be seen standing out bare and white like huge sentinels above the lower surrounding forests. There is something, an undefinable feeling that all men experience, I believe, when alone in the solitude of a mountain camp: an awe and loneliness, that hardly can he expressed. What if I be taken suddenly ill or attacked by wild beasts. Thoughts of home, friends and far-away scenes came trooping into the mind. The vastness and grandeur of the surroundings lead the thoughts to God and of one's insignificance as a factor in the universe.

With the invention of electric light, the ambulance, and the cellular telephone, we can today creep to the edge of solitary darkness, but keep our feet firmly on the safety of the modern day.

My praise of solitude would strike some as timorous and superficial; conservatives routinely deride libertarians for supposedly ignoring the value of community and preaching "atomistic individualism." But this is not fair. Freedom of association means that we can choose our own boundaries, and the growth of technology has increased one essential aspect of that freedom by giving us control over the level of intimacy we share with others. Civilization, Ayn Rand said, means setting people free from each other. And though communitarian critics have scoffed that this is just an excuse for self-indulgence, it is clear that people like me are willing to pay a great deal of money for solitude — or, more accurately, the ability to be solitary when we want to. While riding the Overland Stage, Twain described the "station buildings" where passengers would spend the night in common bedrooms, in common beds, and share common meals. Conditions like these fostered the development of frontier toleration. People from diverse lands and backgrounds found themselves together in 19th century California — one writer said that Placerville's population "like all mining towns at that time, was of a mixed class, good, bad and indifferent, representing nearly every nationality on the globe and some of the worst elements of them all" — and they had

The definition of freedom is to be left alone, to choose one's associations for oneself. My neighbors respect my silence and I respect theirs; we are friendly; we do not impose; it is the very image of peace.

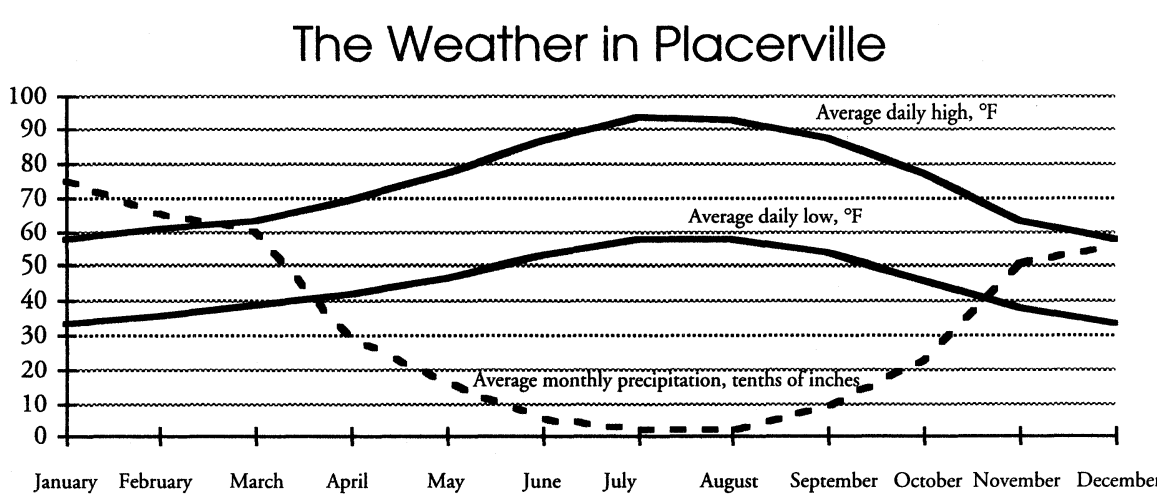

to learn to get along (even with the Chinese, once the courts struck down the anti-Chinese laws). With the arrival of the hippie culture in the 1960s, northern California became famous for its toleration of widely divergent lifestyles, even offensive and bizarre ones. And today, Placerville contains a remarkable diversity for a small town: punk rockers with metal bits hanging from their faces, cowboys driving horse trailers up the highway, elderly churchgoers in suits, art collectors strolling the Main St. galleries, yuppie skiers in spandex and stocking caps, even a woman who takes her pet ostrich, Winston, for a walk on a leash every now and then. Diversity proliferates only because of freedom; that alone reconciles community with privacy. Community can be a delight — and nothing is sweeter than July 4th at the Placerville Fairgrounds — but the definition of freedom is to be left alone, to choose one's associations for oneself. My neighbors respect my silence and I respect theirs; we are friendly; we do not impose; it is the very image of peace.

Someday, a century from now, people will look back fondly at the turn of the 21st century. They will smile at our naïvete. They will marvel at our resilience.

Nighttime brings a silence as enveloping as though the whole earth has suddenly evaporated, leaving only me and my bedroom. There are no nuisances; no crimes; no national hypocrisies; only the sounds of raindrops and a curious deer walking past the window. Then dawn; parents leading freshly scrubbed children to church beneath the meditative gaze of a hawk on a telephone pole; skiers returning from Tahoe with snow on their cars; bearded bikers bragging to each other at Hangtown Harley; pretty girls shopping for incense and belly chains at the "Goddess" store; and Winston out for a walk with his owner. I watch it all from a warm coffee shop and imagine: someday, a century from now, people will look back fondly at the turn of the 21st century. They will smile at our naivete. They will marvel at our resilience. They may long for our quaint pastimes and our primitive technology, or wonder how these could alleviate our brutish lives. I only hope they can find this sort of calm. ❑

Placerville: By the Numbers

Population (year 2000): 9,610
Males: 4,423 (46.0%), Females: 5,187 (54.0%)

Median age: 38.3 years
Median household income: $36,454 (year 2000)
Median house value: $156,500 (year 2000)
Unemployed: 8.2%
9.0% Foreign born
5.8% Latin America, 1.7% Europe, 0.9% North America

Education (highest level completed, population 25 years and over)

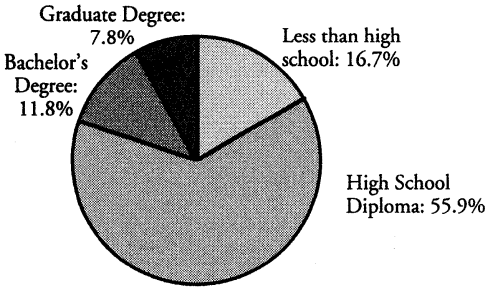

Ethnicity:

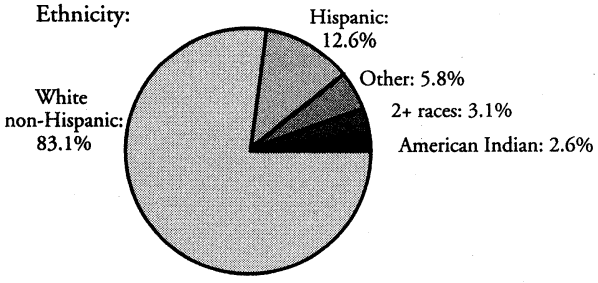

Marital status (population 15 years and over)

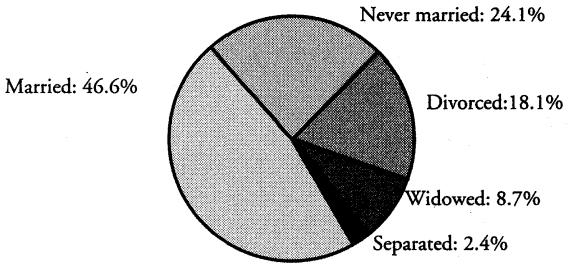

Crime in Placerville (2001):
2 murders (20.8 per 100,000)
3 rapes (31.2 per 100,000)
4 robberies (41.6 per 100,000)
69 assaults (718.0 per 100,000)
153 burglaries (1592.1 per 100,000)
140 larceny counts (1456.8 per 100,000)
44 auto thefts (457.9 per 100,000)
City-data.com crime index = 395.7 (higher means more crime, US average = 330.6)

Nearest commercial airport: Sacramento International (55 miles)

Nearest colleges or universities, 2,000 or more students:
Sierra College, Rocklin (31 miles) enrollment 9,313
American River College, Sacramento (about 38 miles) enrollment 13,984
California State University-Sacramento, Sacramento (about 46 miles) enrollment 20,830

Library: El Dorado County Library. Operating income: $1,901,669; 343,328 books; 452 serial subscriptions

Elevation: 1,866 feet

Reviews

The Last Lone Inventor: A Tale of Genius, Deceit, and the Birth of Television, **by Evan I. Schwartz. HarperCollins, 2002, 323 pages.**

Meet Philo T. Farnsworth

Miles Fowler

Once, when I was a child, I asked my parents, "Who invented television?" I knew that Edison had been credited with inventing the light bulb and that Bell had invented the telephone. (I didn't know then about Elisha Grey, who invented the telephone at the same time but did not get his patent application in as quickly as Bell.) It seemed reasonable to suppose that every invention had its lone creator. To my surprise, my parents didn't know who had invented television. After some persistence on my part, they suggested that television was an invention so complex that it had to have had many inventors. In some sense this seems true. Thousands of engineers refined television, but refinement of an idea is not invention. In *The Last Lone Inventor,* Evan I. Schwartz presents a convincing case for Philo Farnsworth as the lone creator of television as we know it today. The idea of television went back to the 19th century, but all systems before Farnsworth were essentially species of what is called mechanical television. Conceived by Paul Nipkow and brought as near as it could be to perfection by John Logie Baird in 1925, mechanical television was a dead-end that could not produce a clear picture and was as different from Farnsworth's electronic television as Newtonian physics is from Einsteinian physics. As well as telling the technical story of this invention in layman's language, Schwartz tells the story — by turns inspiring and saddening — of how Farnsworth won official credit for his invention from the United States Patent Office only to have that credit robbed from him by the public relations machine of RCA. (Although he had a genuinely visionary side, there was more than a little of Jim Taggart in RCA president David Sarnoff, as we will see.)

Philo Farnsworth was the lone inventor of television as we know it today.

In 1930, Farnsworth was granted three television patents (for which he had applied in 1927), one of which was for the crucial image dissector tube. This device makes it possible to turn light bouncing off of an image into electron beams so that they can then be reassembled and projected onto a specially coated screen. In 1934, RCA tried to interfere with these patents, claiming that RCA's then chief research engineer, Vladimir K. Zworykin, had invented television earlier than Farnsworth. The U.S. Patent Office ruled in favor of Farnsworth the following year, pointing out that, as originally written up, Zworykin's idea would not have worked, and that, indeed, Zworykin's claim to have demonstrated his invention in 1924–25 was abysmally lacking in documentation as well as credibility. RCA appealed this decision, but it was upheld in 1938. In that year, however, RCA had Zworykin's patent rewritten to include Zworykin's Iconoscope, a device he did not actually invent any earlier than 1929. Reluctantly, the Patent Office granted the revised application under the 1923 filing date. While it was not unusual to grant a revised patent keeping the earliest date (Farnsworth revised his own patent after 1927 because the Patent Office recommended that his original request for one patent be split into three), the 15 years that had elapsed on Zworykin's application and the addition of a device not included in the original patent made for mischief that has bedeviled scholarship of television history ever since. Taking advantage of the false impression that Zworykin's invention of the iconoscope preceded Farnsworth's patent for the image dissector by four years, Sarnoff announced at the 1939 New York

World's Fair that RCA had invented television. (Actually, this claim was further misleading because Zworykin worked for Westinghouse, not RCA, in 1923, and he did not officially join RCA until 1930.) Although in testimony before Congress in 1940 Sarnoff was gracious enough to allow Farnsworth a secondary place after RCA, in 1952, he broadcast a documentary on NBC television — then owned by RCA — crediting the invention to himself and Zworykin, never mentioning Farnsworth at all.

Some writers still suggest that Farnsworth lost some of his patent battles with RCA. In truth, Farnsworth never lost any key patent case regarding television. He never contested RCA's claim to have made certain improvements on his television system. RCA was entitled to patents on those improvements once it acknowledged that it had based its system on his. It was in the court of public opinion that the self-promoting Sarnoff triumphed over Farnsworth, who, modest to a fault, lacked the money, influence, and ruthlessness needed to beat Sarnoff at his own game.

Part of the problem of the public's perception is confusion about what constitutes the invention of television. The distinction between mechanical and electronic television was crucial to the patent conflict between Farnsworth and Zworykin. The terms used to describe this distinction are themselves actually misleading. All television systems contain an electrical component to transmit the signal. To be accurate, what we refer to as mechanical television is really a hybrid mechanical and electrical or electronic system. By the time Zworykin and Farnsworth came along there were already experimental mechanical television systems. Zworykin had actually learned of mechanical television from one of his professors when he was a university student in Russia. What Farnsworth invented was the first fully electronic television system. Unlike the earlier mechanical systems, which scanned an original image by means of moving disks containing pinholes that pick up the light bouncing off of the object being televised, Farnsworth's image dissector directly converted light into beams of electrons, eliminating the need for any moving parts in the image scanning process. Unlike the earlier mechanical systems, Farnsworth's all-electronic television produced images that a viewer could actually recognize rather than the murky shadows reported by those who witnessed demonstrations of mechanical television. What Zworykin seems to have done in his 1923 patent application was to propose an electronic improvement upon what was essentially still a mechanical scanning system, and the U.S. Patent Office later declared that it doubted that it worked. This is why Zworykin's patent application languished for 15 years while Farnsworth's patent cleared in three.

What was worse than Zworykin's fraudulent claim to priority was that he visited Farnsworth's San Francisco laboratory in 1930 and stole the design for the image dissector. (It is a credit to Zworykin's brilliance if not his sense of ethics that he did not need to steal drawings or written documents but instead carefully watched a dissector being built and later had his own laboratory staff build one based on his memory.) Sarnoff later made his own visit to Farnsworth's lab, with the hapless Farnsworth hoping that RCA was about to propose a licensing agreement. Instead, in what Schwartz characterizes as wishful thinking, Sarnoff told Farnsworth, "There is nothing here that I need." Sarnoff's foolish stubbornness was further demonstrated by his subsequent offer to buy Farnsworth's patents for a flat $100,000 with no hope for any licensing fees. When Farnsworth rejected it, his financial backers supported him because they had already sunk that much into his work; to accept such an offer would have meant their taking no profit whatsoever. Schwartz speculates that, had Sarnoff been willing to offer at least $500,000, Farnsworth's backers might have overruled him and sold away the patent rights. Sarnoff's stubbornness was expensive: RCA spent at least $50 million trying to "get around Farnsworth," yet the best the company came up with was the image orthicon (for which the Emmy Awards — originally intended to be called the Immy Awards — are named), which was little more than a first-rate refinement of Farnsworth's original invention.

RCA claimed their chief research engineer, Vladimir K. Zworykin, had invented television earlier than Farnsworth.

In 1939, while RCA was telling the world that it had invented electronic television, the company's chief patent attorney, Otto Schairer, and the president of the newly formed Farnsworth Television & Radio Corporation, Edwin "Nick" Nicholas, were in the midst of several months of difficult negotiations. "Only the clear underlying fact that neither company could get along without the other kept the discussions alive," recalled George Everson, one of Farnsworth's earliest financial backers. Finally, in September 1939, RCA agreed to pay the Farnsworth Corporation $1 million plus royalties. Farnsworth would also be able to license his inventions to Philco, Zenith, or any other television manufacturer. After 13 years (Farnsworth's original startup, Crocker Research Laboratories, was formed in 1926 in San Francisco primarily by officers and directors of Crocker Bank, some of whom were on the board of the new corporation), it looked as if Farnsworth and his investors might

"You have a syntax error in line 125010."

finally receive some remuneration for all of the hard work and money that went not only into inventing television but also into battling RCA. Presenting a clear example of how capitalism can make strange bedfellows, Schwartz writes:

> The licensing pact put Sarnoff and Farnsworth in an odd position. For the first time, they were on the same side, with the same interest in pushing television forward to their mutual benefit. If any other company wanted to enter the television business, they now needed two licenses, to make use of the patents of both. The meaning was clear: Philo T. Farnsworth had denied David Sarnoff the television monopoly he had coveted, but now that their battle was over, they needed to find a way to cooperate. (p. 272)

Unfortunately, there were obstacles yet in the way. Even before the settlement between the two companies had been reached, World War II broke out. Television broadcasting, which had begun to be commercialized in Britain and Germany in the late 1930s, using separate and not always legal licenses from Farnsworth and RCA, came to an abrupt halt. (The BBC Television Service unceremoniously went off the air on September 1, 1939, during the broadcast of a Mickey Mouse cartoon, not to return to the air until June 7, 1946. No explanation for the shut down was televised; viewers had to turn on their radios in order to learn what was happening.) British television makers immediately converted to the manufacture of radar screens. Soon, American television factories would also put their commercial operations on hold for the duration of the war. Both RCA and Farnsworth began manufacturing military electronics instead of television sets.

While RCA had the resources to wait out the storm, Farnsworth Corporation did not, and Farnsworth's key television patents expired in 1947 — just weeks before American television sales skyrocketed. RCA's most important patents, on the other hand, didn't expire until after 1955. Although Farnsworth Corporation operated for a decade, financial crisis forced it to sell off the remaining television patents that had been granted later than the original key ones, and the proceeds of this sale were insufficient to keep the company afloat.

In 1949, International Telephone and Telegraph Corporation (ITT) purchased the company. The new management kept Farnsworth on as vice president of research, but he never went back to television, designing other types of electronics instead. He eventually took up a personal quest to develop fusion energy — a quixotic project that nearly bankrupted him in his retirement.

Farnsworth only appeared on television once during the 1950s, on the CBS game show *I've Got a Secret,* the very premise of which was sobering: the panelists had to guess the occupation or claim to fame of a mystery guest, and Farnsworth won $80 and a carton of cigarettes because no one could guess who he was or what he had done. In a touching denouement, however, Farnsworth was able to watch the first Apollo moonwalk almost two years before his death. His widow told Schwartz that Farnsworth's heartfelt declaration was, "This has made it all worthwhile" (297).

Schwartz is clearly partisan throughout, but his favoring "Phil" Farnsworth's claim is difficult to fault since the evidence appears to be overwhelming. On the other hand, his account of Farnsworth, the man, largely based on interviews with the inventor's widow, Elma "Pem" Farnsworth, may be sanitized. Mrs. Farnsworth certainly remembers her husband as having faults, chiefly a serious drinking problem, but although she admits that she once considered divorce because of his drinking, the problem was not sufficient to dissuade her from remaining married to him for 45 years. Farnsworth may have been the mild and virtuous man he is portrayed as being. Why else would he have eschewed every opportunity to stick it to RCA? Schwartz notes that Farnsworth believed in self-reliance to the extent that even when Congress called him before anti-monopoly hearings, expecting him to testify against RCA, he made only innocuous points and even presented evidence that tended to absolve RCA of charges that it was trying to soak consumers by selling inferior radio tubes. (RCA, still in the midst of its dispute with Farnsworth, had, in fact, asked him to present this evidence!) Thanks in part to Farnsworth's refusal to feed it ammunition, a Congressional witch hunt into the communications and other industries was stopped cold.

What was worse than Zworykin's fraudulent claim to priority was that he visited Farnsworth's San Francisco laboratory in 1930 and stole the design for the image dissector.

Farnsworth's only certifiable weakness, his tendency to drink too much, appears in hindsight to have been related to bouts of depression — no doubt caused or exacerbated by his major disappointments in business.

On the other hand, Schwartz portrays Sarnoff with what can best be described as a mixture of equally guarded admiration and contempt. Sarnoff, an immigrant who worked his way up the hard way as a newspaper boy and telegraph operator, is given credit for appreciating what television could mean to posterity, but, for him, this was all the more reason to want undue credit for it. Like Jim Taggart in *Atlas Shrugged,* Sarnoff relied on pure public relations to create the perception that he, not Farnsworth, was the "Father of Television." According to RCA, in fact, this was Sarnoff's official title! (Although RCA made the distinction of referring to Zworykin as the "Inventor of Television," his 1966 National Medal of Science Award calls him the "Father of Television," too. Because the statue of Farnsworth that stands in the Capitol Building in Washington, D.C. — a gift from Farnsworth's native Utah — labels him the "Father of Television," we can see that television clearly needs the pater-

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nity test that Schwartz and other Farnsworth biographers have recently provided.)

Schwartz seems to admire Sarnoff's nerve even as he is appalled by his ruthlessness. While one danger for industry in making deals with leviathan is that government will ultimately take the upper hand, Sarnoff thrived on cleverly manipulating this system to his own advantage. RCA (as Schwartz never lets the reader forget) was originally created by a Congressional edict making it both a subsidiary of General Electric and a government-approved monopoly on radio-related patents. Sarnoff, however, always dreamed of being the top dog, not having to answer to GE or anyone else in business; so when Congress proposed to knock down the "radio combine" it had created, Sarnoff played a successful game of "don't throw me into that briar patch" when he leaked his "secret fear" that GE would be forced to spin off RCA as an independent entity. Incredibly, the government fell for it.

Among Sarnoff's many failings was an inability to understand that not only will posterity behave in accord with the lofty ideals we espouse, but it will also recapitulate our most shameful behavior. He wanted to leave the twin legacy of a world brought together in understanding by the miracle of instantaneous electronic communication and a corporation that would benignly but profitably bring about and maintain that communication. Instead he left a legacy of participation in industry-government pacts that sometimes stifle innovation while pretending to promote it, and a corporation that did little else than survive off of its patents and past glory until, finally, after Sarnoff's death, RCA and its subsidiary, NBC, were reabsorbed into the original parent company.

The fact that atrocities can be broadcast in the age of television for an indignant world to see, but still are allowed to occur, can be explained by the ability of those who control television to edit and editorialize the most appalling events so that no one sees them for what they are. Sarnoff, himself, was the first television spin doctor when he took credit away from Farnsworth by virtue of the fact that RCA always had the bigger podium, from the 1939 World's Fair to ownership of NBC. It must be a testament to Farnsworth's modesty or the lack of savvy public relations at his corporation that no one approached NBC's rival, CBS, about using their airwaves for an early announcement that Farnsworth was the true inventor of television.

Besides his interviews with Farnsworth's widow, Schwartz had access to the archived records of RCA and Farnsworth's notebooks as well as other primary sources. Although he did not need to refer to many secondary sources, an evaluation of works such as Albert Abramson's *The History of Television: 1884–1941* might have put the continuing controversy over Zworykin versus Farnsworth into context. Readers who wish to read such an approach to the controversy should see Paul Schatzkin's *The Boy Who Invented Television*.

Schwartz says that he became interested in the development of radio and television as well as Farnsworth's conflict with RCA while researching the history of the more recent computer revolution. Both developments illustrate what happens when a new technology is introduced and individuals, corporations, and governments compete to manipulate and benefit from it. Even before Schwartz pointed this out, I had noticed a rough parallel between RCA's position in the mid 1920s and that of IBM 60 years later. RCA, too, faced the problem of myriad startups violating its radio patents and not being able to fight them all in court. RCA's solution was to offer licensing agreements to these competitors and only sue the few who refused to submit. The result was that RCA only had 25 percent of the radio market, but it earned licensing fees from the other 75 percent. Of course, for IBM to benefit from this history lesson, they would have had to take steps before designing their personal computer. IBM put their computer on the market with only one patented component and never saw the PC clones coming. All that their competitors had to do was reverse engineer the one patented component. When the courts accepted reverse engineering as a legitimate process that did not violate IBM's sole patent, Big Blue's monopoly on personal computers that could run on Microsoft software came to an end, and the upshot of the much-ballyhooed war between IBM and Apple was that Microsoft (and the consumer to a large extent) won it. In contrast, RCA was in a stronger position than the one in which IBM later found itself because the radio corporation owned so many separate patents that no one could have gotten around all of them.

Farnsworth's key television patents expired in 1947 — just weeks before American television sales skyrocketed.

I particularly enjoyed Schwartz's background information, trivia, and unexpected side trips. For example:

- Farnsworth spent his childhood along Idaho's Snake River, and he went to the same high school in Rigby that individualist-novelist Vardis Fisher had attended a decade earlier.*
- It was while plowing a field in the Snake River country that Farnsworth realized that just as he went back and forth making rows in his father's field, so an electron beam could scan and reconstruct an image line by line. A most primitive technology thus inspired quite a modern one.
- I was also intrigued by the account of Philo and Elma Farnsworth's 1937 trip to Germany to collect royalties on his television tech-

*See my articles in *Liberty*, "Bad Boy of the WPA," March 2002, and "The Forgotten Individualist," May 2002.

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nology, which had been used in the 1936 broadcast of the Berlin Olympics seen by 160,000 people in specially equipped German theaters. It was "the largest television audience yet" (228). Meeting with Paul Görz, the president of Fernseh, which was one of two main television companies in Germany at the time (the other, Telefunken, had made its questionable licensing deal with RCA), Farnsworth was told that the Nazi government refused to allow Fernseh to pay him anything. In fact, the German government cancelled the Farnsworths' exit visas, and it was only with the help of Görz that the couple managed to get out of the country. Not surprisingly — in light of what Schwartz's book demonstrates people will do when given the opportunity to rewrite history in their own favor — the historical website for the now defunct Telefunken AG not only awards the firm full credit for televising the Olympics but also attributes the invention of the electronic television camera to one of Telefunken's scientists.

• Some of Farnsworth's assistants were to become luminaries in the world of technology. One of Farnsworth's early lab assistants was Russell Varian, the inventor of the klystron tube and owner of the first high-tech business to open in Silicon Valley. Another veteran of Farnsworth's lab was Harry Lubcke, who would one day become president of the Academy of Television Arts and Sciences.

• William Paley, head of CBS radio and television, disliked David Sarnoff with such a passion that he made sure to purchase CBS's first television equipment from Farnsworth in 1937. Oddly, Schwartz does not mention the role played by another Sarnoff-hater in the expansion of Farnsworth's company in 1937: Walter Gifford, president of AT&T, made a lucrative, mutually beneficial cross-licensing deal with Farnsworth in that year. The deal with AT&T is mentioned, but Gifford's personal involvement is not. Gifford's dislike for Sarnoff, mentioned in an earlier chapter, was nakedly bound up in anti-Semitism, so I must wonder whether Schwartz was so disgusted with Gifford that he omitted his name later in the book so as not to associate him with Schwartz's hero.

• Cinema legend Mary Pickford sat in front of Farnsworth's experimental television camera and complained that his lights were hotter than any she had encountered on a movie set. This was undoubtedly true. Indeed, one of Zworykin's creditable improvements on Farnsworth's camera was finding a way to increase its sensitivity in nearer to normal lighting.

Farnsworth won $80 and a carton of cigarettes because no one could guess who he was or what he had done.

• In 1931, Farnsworth formed a partnership with the Philco Company in Philadelphia and thus found himself conducting his research across the Delaware River from RCA's Camden, N.J. facility. The two companies began monitoring each other's television transmissions — undoubtedly the only people who could have done so at the time. This allowed Farnsworth to see for the first time that his competition was improving the picture quality of his invention by leaps that would make it necessary for him to license their patents just as they would need his.

Schwartz played a role in seeing that Farnsworth was at last officially recognized at the 2002 Emmy Awards. Another Farnsworth biographer, Paul Schatzkin, sat next to Farnsworth's widow as host Conan O'Brien introduced her as the first woman ever to appear on a television screen. (She and her brother were Farnsworth's first lab assistants.) David Sarnoff's son, Tom Sarnoff, was also present as his father was recognized — almost in the same breath — for seeing that Farnsworth's invention was refined and brought to the world.

As to why the question of priority in the invention of television matters, I cannot substantially improve on Schatzkin's answer: "It matters because the suppression of the true story deprives us of some important knowledge of the human character. It tempts us to believe that progress is the product of institutions, not individuals. It tempts us to place our faith in those institutions, rather than on ourselves." ❑

***Restoring the Lost Constitution: The Presumption of Liberty*, by Randy E. Barnett. Princeton University Press, 2004, xviii + 366 pages.**

A Sharp Mind at Work

Leland B. Yeager

Randy Barnett describes how his thinking evolved away from a quasi-anarchist rejection of the Constitution in the style of Lysander Spooner. Since his personal account has already appeared as an article in the March *Liberty*, I will not go over it again here.

Refreshingly, Barnett shoots down fictions, especially the fiction that governments "deriv[e] their just Powers from the Consent of the Governed." True enough, that rhetorical flourish does appear in the Declaration of Independence. The Declaration does not, however, assert any consent by the individual citizen. Instead, it empha-

sizes "certain unalienable Rights." In condemning the rule of George III, it identifies the illegitimacy of tyrannical government scornful of its subjects' interests. But "Governments long established should not be changed for light and transient Causes. . . ." By implication, the more a government earns acquiescence by securing people's rights, the more nearly legitimate it is. This I take to be pretty much Barnett's position.

None of us, except for naturalized citizens, was ever asked whether we individually consented to the authority of the U.S. government. Its overall character and activities, instead of ever being proposed and consented to, are the unintended result of piecemeal accretions over time. Still, most of us probably acquiesce in them. What real alternative do we have?

Randall G. Holcombe explains the rationale of having any government at all ("Government: Unnecessary but Inevitable," *Independent Review*, Winter 2004). If protection were left only to private agencies, large and powerful ones would have a greater appeal to customers than small ones. One protection agency or coalition of agencies would thus tend to emerge dominant. This *de facto* government would have a profit incentive to exploit the public as well as protect it. Since some government or other is inevitable, people are better off maintaining a reasonably decent constitutional regime (or installing one when the opportunity arises) than risking anarchy followed by a drift into mafia-type tyranny.

Throughout his book Barnett refers to laws that are "binding in conscience" — binding in the consciences even of persons opposed to particular laws. When laws and the Constitution that authorizes them have this property, they have it not because of actual or fictitious consent but rather because they serve by and large to protect the natural liberties of the people. "[T]o bind in conscience a law must be necessary to protect the rights of others without improperly violating the rights of those upon whom it is imposed" (p. 84). Recognizing natural rights solves pervasive social problems and is "essential to enabling diverse persons to pursue happiness while living in society with others" (81). "[I]f you want a society in which people can pursue happiness, and in which civil society can enjoy peace and prosperity, then you had best respect certain rights" (82). Natural rights are not mysterious, mystical entities; they are the moral entitlements needed in a social context to protect individuals and associations from aggression by others, including the state (84). Barnett reads the Bill of Rights and the 14th Amendment in particular as recognizing natural rights in this sense. "[T]he Constitution . . . is a means to the end of achieving justice — which is itself a means to facilitating the pursuit of happiness by each person living in society with others" (346).

All this adds up to defending rights, justice, laws, and government itself as means of protecting social cooperation, which in turn is prerequisite to the effective pursuit of happiness. This defense is an application of (indirect) utilitarianism (although Barnett does not employ the term "social cooperation" and does not label himself a utilitarian in this book). It stands in contrast with fiction-loaded contractarianism in ethical and political philosophy. Barnett's position is consistent with the one, similar to Bland Branshard's, that I espoused in *Ethics as Social Science*. A citizen's duty to obey a reasonably decent government and to disobey only in truly exceptional cases derives from the ordinary moral obligation to support rather than subvert a framework of peaceful, voluntary, and mutually beneficial interactions. Scorning that obligation by arrogating special privilege to oneself, exempting oneself from the ordinary rules of decent conduct, and picking and choosing which laws to obey would subvert a generally useful institution, which government is, even if perhaps only a "necessary evil." Respecting that obligation contributes to our own and our fellows' welfare, especially considering the Hobbesian alternative of war of all against all. I can readily imagine conditions in which I would feel bound in conscience to obey the laws of an absolute monarchy, even while regretting some of its specific policies and its lack of democratic elements.

The Constitution should be interpreted by what its actual text means, not by the conjectured intentions or purposes of those who drafted or accepted it.

The U.S. Constitution represents and institutionalizes a relatively decent political system. At one time, judicial conservatives like Robert Bork and Edwin Meese gained much attention by claiming that it should be interpreted according to the original intent of its framers and ratifiers. Much is wrong with this idea. For one thing, no single and coherent intention underlies the whole document or its individual provisions. Like a contract or other legal document, it represents a compromise between the diverse intentions or wishes of the parties to it. It is perverse to interpret the Constitution according to the philosophical predilections, for example, of some of its framers and ratifiers.

What matters in a legal document is what the parties actually agreed to and put in writing. The Constitution should be interpreted by what its actual text means, not by the conjectured intentions or purposes of those who drafted or accepted it. For the most part, its meaning is clear to an unbiased reader. Words and phrases that are fuzzy or whose meanings have undergone some drift over time are to be understood as they were generally understood at the time of the drafting. The "originalism" that Barnett advocates is an originalism of meaning or

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload and back to Auschwitz. For Jews especially, God Bless America should be God Bless laissez faire capitalism." For The Jewish Debt to the Right, see Intellectually Incorrect @ intinc.org

understanding, not of intent.

Determining *what* the Constitution says properly comes before deciding whether we *approve* of what it says. To read it in a way that justifies currently accepted outcomes puts the evaluative cart before the interpretive horse (96). Barnett repeatedly insists on the significance of a *written* text. "[T]he fact that the Constitution was put in writing is what mandates that its meaning must remain the same until it is properly changed — or candidly rejected — and the very actors whose behavior it is supposed to constrain cannot on their own change it to something they prefer without defeating the purpose of putting its guarantees and restrictions in writing in the first place" (96). "Amending" it by judicial interpretation undercuts the very purpose of a written constitution and weakens constitutional limits on government power of sorts that even those doing the "redaction" approve of (357).

Abundant historical material, including quotations from James Madison and others and citations to contemporary documents such as Samuel Johnson's dictionary, supports Barnett's insistence on looking to the text itself for the meaning of a constitution or other document. Although we are not bound by the original intentions of the framers, their expressions of intention may indeed be part of the evidence concerning the original meaning of a word or phrase (135).

On one question — whether navigation is included in the power of Congress to regulate interstate commerce, a question at issue in *Gibbons* v. *Ogden* (1824) — Barnett even says that although extraconstitutional evidence made the *intention* of the framers pretty clear, the issue remained of whether they managed to have the actual text *say* what they meant. Barnett concludes from his further research into word usage that "commerce" was indeed probably, though not indisputably, understood to include "navigation" (291–292).

For interpreting provisions of the Constitution that still remain vague, Barnett endorses "a general Presumption of Liberty, which places the burden on the government to establish the necessity and propriety of any infringement on individual freedom" (259–260). This presumption is no mere wishful thinking. It derives from the Constitution itself, and particularly from the Necessary and Proper restriction of Article 1, Section 8, the Privileges and Immunities clause of Article IV, Section 2 (cf. the Privileges *or* Immunities clause of the 14th Amendment), the Ninth Amendment's protection even of unenumerated rights, and the Tenth Amendment's reservation to the states or the people of powers not delegated to the United States.

"Amending" it by judicial interpretation undercuts the very purpose of a written constitution and weakens constitutional limits on government power.

A Presumption of Liberty would respect all the improperly discarded protective clauses of the Constitution and curtail all the improperly stretched delegations and supposed delegations of power to the central government. The Constitution does include some provisions (e.g., the 16th and 17th Amendments) that, even correctly understood, make champions of liberty unhappy. But "[t]he original meaning of the entire Constitution, as amended, is much more libertarian than the one selectively enforced by the Supreme Court" (355–356).

Barnett gives a long discussion of the Privileges and Immunities Clause of Article IV and the Privileges or Immunities Clause of the 14th Amendment, how it was improperly gutted by a five-to-four decision in *The Slaughter-House Cases* (1873), and how its effect was largely restored by appeal to the Fifth Amendment's Due Process Clause. Generations of scholars have generally applied the scornful label "substantive due process" to decisions holding certain state laws unconstitutional under that clause (e.g., *Lochner* v. *New York*, 1905); yet, as Barnett explains, the due process of law without which persons may not be deprived of life, liberty, or property *does include* judicial review.

I'll add one example of the nonconstitutional attitude. In a letter to *U.S. News & World Report* (July 2, 2001), Secretary of Education Rod Paige wrote: "President Bush has offered me and the U.S. Department of Education the opportunity to change the whole enterprise of elementary and secondary education. I am eager to implement his . . . plan. . . ." Those remarkable words prompted me to write the Secretary and ask where among the limited powers constitutionally delegated to the U.S. government, especially considering the Tenth Amendment, he found authority "to change the whole enterprise of elementary and secondary education." Eventually I received a reply from a lawyer in the Department, airily citing the general-welfare clause.

But that clause, Article I, Section 8, *limits the taxing power* of the federal government to the purpose of "pay-[ing] the Debts and provid[ing] for the common Defense and general Welfare of the United States." It was not understood to negate the entire structure of the government being established by the Constitution, one whose very limitation and separation of powers was meant to serve the general welfare. A limit on the federal taxing power does not authorize Congress to pass whatever laws somebody might consider

"Maybe we just shouldn't *go* to parties during election years."

beneficial. In *The Federalist* 45, James Madison specifically mentioned "finance" among the powers of Congress that are not enlarged but only accompanied by a more effectual mode of administration. And Madison was writing before the Tenth Amendment made this limitation on federal powers even more explicit. Soberingly, the willingness to twist the taxation clause and even the whole Constitution expressed by the Education Department's lawyer comes not just from left-liberals but from a Republican administration.

This reader found two big questions left dangling at the end of the book: *how* does Barnett foresee getting his message understood and the lost Constitution restored? It is not enough to say that the passages relegated to oblivion by judicial "amendment" continue to exist in writing. And what is to be done with cases in which a wrongful stretching of the Constitution has built itself into the very structure of the political system and into the expectations and planning of business firms and individuals? (Laws affecting or establishing the money and banking system, Social Security, and Medicare come to mind as examples.) After all, one of the main purposes of law is to provide a stable framework that improves people's capacity to predict the behavior of their fellows and to make mutually beneficial agreements with them.

As for the first question, I suppose Barnett hopes that the fruits of his and like-minded scholarship will make headway in law schools and law reviews, in the briefs of attorneys in constitutional cases, in court decisions, and eventually in the awareness and possibly even the consciences of politicians and voters. The findings of the Public Choice school may also make headway. Truth has force of its own.

As for the second question, a clue perhaps appears in Barnett's remarks concerning noxious emissions from agriculture and industry that cross state lines. The power granted Congress to regulate commerce, meaning trade and exchange but not economic activity in general, and only "Commerce with foreign Nations, and among the several States, and with the Indian tribes" (Article I, Section 8), does not cover such emissions. Barnett's proposal is a constitutional amendment giving Congress the power to regulate them (351). Barnett even considers it an advantage of specific amendments that they underline the illegitimacy of federal authority in their absence; they are signs of taking a written constitution seriously. I conjecture, then, that Barnett would favor amendments legitimizing temporary federal authority in the abovementioned monetary and entitlement areas during a period of orderly restoration of more constitutionally proper arrangements. (But I, anyway, am wary about a general welcome to amendments. It would open the way to giving legal status to various kinds of vague platitude, as in the proposed but now defunct Equal Rights Amendment and as in the draft treaty for a constitution for the European Union. Platitudes given legal status would provide opportunities for creative interpretation and for litigation.)

Whether or not Barnett's scholarship ever has much impact on practical jurisprudence and politics, this much is true: he pulls together a vast amount of documentary and other evidence bearing on constitutional history and court decisions, including revisionist scholarship. He reasons carefully in assembling this evidence. His book offers mental exercise and intellectual challenge. It affords the reader the genuine pleasure of observing a sharp mind at work. ❑

The Constitution includes some provisions that, correctly understood, make champions of liberty unhappy.

Bold Spirit: Helga Estby's Forgotten Walk Across Victorian America, **by Linda Lawrence Hunt. University of Idaho Press, 2003, 300 pages.**

Walking Into Herstory

R. W. Bradford

I love reading books about road trips, especially when there is more to a trip than getting from point A to point B, and I have a fascination with American social history. So I was thrilled to learn about *Bold Spirit,* advertised by its publisher as the story of a Norwegian immigrant woman who in 1896 "dares to cross 3,500 miles of the American continent to win a $10,000 prize. On foot . . . The money was needed to prevent foreclosure of [the] mortgage [on her family's home]. . . . Leaving with only five dollars each and dressed in full-length skirts, [Helga Estby and her daughter] follow the railroad east . . . "

So I got the book and eagerly began to read it. Linda Lawrence Hunt tells the exciting tale of the two women crossing the country, a story, she said, that had been suppressed so effectively that the only traces of it lay in the memories of Estby's family and newspaper accounts of her visits to towns along the way. Time and again, Hunt has to resort to speculation about what happened and why, to so great an extent that it is difficult to believe that her account even remotely resembles

history — at least if history has much to do with discovering and telling the truth about the past.

Since nearly all the documented evidence comes from newspaper stories whose origin was Estby herself and the stories that she provided the reporters in one city sometimes contradict the stories she told reporters in other cities, the story has hardly any credibility at all.

Estby claims, for example, to have gone on the long walk from Spokane to New York, in order to get an award of $10,000, the very premise of the book. Well, who offered the award? Estby told reporters in one town that it was offered by "a wealthy woman" from New York, but told another it was offered by "eastern interests." She told other reporters that she had a "written contract," and still others that she and her daughter were required to wear a particular kind of "bicycle skirt" because the unnamed party wanted to prove the "endurance of women."

She told numerous reporters that the deal required that they walk all the way, though she eventually said, after being observed hitching a ride on a wagon, that it only required that they travel without riding on a train. The closer she came to New York, the vaguer she got about the details of the promised reward, and when she finally got there, no reward was forthcoming, a fact that didn't seem to surprise or upset her very much.

Happily, the family homestead escaped foreclosure, undermining the credibility of Estby's rationale for the venture. But the family was not without tragedy while she was away: her youngest child, still a baby, died while she was on her trip, an event that she exploited, like many elements of her story, to appeal for funds from newspapers.

By the time Hunt is through adding surmises to fill in the gaps in the historical record, Estby has emerged as a heroic mother and pioneering feminist, courageously going on a dangerous mission to save her family's home. It never seems to occur to Hunt that Estby may have been a publicity hound who abandoned the hard way of living she had chosen for herself in rural eastern Washington for a more glamorous life as a celebrity.

Estby had abandoned her husband and family on at least two other occasions. Hunt mentions this fact, which she learned from letters written by Estby's abandoned children, but dismisses it by theorizing that "perhaps [her absences] were to help her mother in Wisconsin after her stepfather's death." Perhaps they were. But perhaps they were earlier attempts to escape the man she had married and the children she had borne.

It's not that Hunt has deserted the conventions of history. *Bold Spirit* is filled with footnotes and has an extensive bibliography. The problem is that nearly all of the references are about events largely external to the story. I was reminded of the idiot anti-Semitic conspiracy books I encountered as a teenager. They too teemed with footnotes and had excellent bibliographies. But when I read the notes, I'd discover that a claim like, "Of Germany's 41 million people in 1870, only 2 million were Jews, but they secretly controlled the government and kidnapped Gentile babies to suck their blood at secret rituals," was supported by an old *Encyclopedia Britannica* entry documenting Germany's total population and Jewish population but (what a surprise!) making no mention of secret Jewish control or Jews sucking baby blood. Hunt doesn't write on that scale of lunacy, but she documents details like the population of Spokane and the emigration of Estby and her parents, while leaving undocumented all sorts of details that are critical to her account of the trip, her heroic interpretation of Estby's life, and the pernicious suppression of Estby's story by her family.

Me? I'm not going to conclude that Estby was a publicity whore who went on her escapade to escape the life she'd made for herself and then suppressed her own story from the shame of realizing that her action had resulted in the death of one of her children. But after reading *Bold Spirit*, I think that hypothesis is as consistent with the actual facts that Hunt offers as Hunt's own theory. ❑

The Power of Productivity: Wealth, Poverty, and the Threat to Global Stability, **by William W. Lewis. University of Chicago Press, 2004, 217 pages.**

The Wealth and Poverty of Nations

Bruce Ramsey

Bill Lewis is an intellectual of business, more like a Peter Drucker than an economist. He was founder and head of the McKinsey Global Institute. He's not a libertarian, nor does he build his case for the market the way most libertarians would. He thinks empirically — data, data, data — reasoning inductively from data to operational principles.

And yet, by this unfamiliar route, he arrives at territory that supporters of the market will easily recognize.

The question Lewis set out to answer was why poor countries are poor and rich ones rich. It had been asked before, and answered by looking at the big differences between nations: history and culture, capital markets, labor markets, etc. Lewis' approach was to look at specific businesses. He made a point not to focus on export industries, like cars in Japan and software in India. Each is

only a sliver of that country's employment; software in India, for instance, employs some 350,000 versus 25 million in retailing and 50 million in dairy farming.

The McKinsey Institute staff went to work. What is the difference between the way a bank runs in the United States and in India? How many people do the work, how do they go about it, and how much are they paid? Then homebuilding, food processing, retailing, manufacturing.

The first-level answer to his question came back quickly: poverty results from low productivity, from using too many people to do a job. But why are so many used?

One answer is that if a country is poor, the wage rate will be low, and people will be cheaper than machines. But as an explanation of poverty this is circular. And, Lewis found, it is often not true. In Brazil most of the productivity gap with the United States might be made up if work were reorganized. Closing part of the gap would require new machines, but most of them would pay for themselves by saving labor *at today's wages.*

So why don't they do it?

Because they don't have to.

Most people, and most business managers, are not profit-maximizers. Improvement requires change, and change is painful. Most people change when they must, which is generally when they are faced with a profit-maximizing rival who is eating their lunch.

Cherish the carrot, but rely on the stick.

The sentimental favor the carrot. It is said, for instance, that companies in poor countries need more "access" to capital. Lewis replies: "There is plenty of capital in the world. It has proved that it will flow anywhere with the prospect of making a good profit."

It is said that if you educate people, they will be more productive. Ask the Russians about that; they are well educated and poor. Lower-class Mexicans are ill educated, but in the construction industry in Houston they learn on the job, and their productivity is world-class.

"Time and time again in the advanced economies," Lewis writes, "the education level of the workforce did not explain the differences in labor productivity." It might explain how many people could write a cogent letter to the editor, but it was only loosely connected to their work.

What matters most, says Lewis, is *competition.* What makes a country richer is that its market is open to someone who can shake it up, and *that someone do that.* His American example of this is Wal-Mart. In the 1990s, Wal-Mart and other stores like Costco and Home Depot were a major reason why productivity, and the standard of living, increased faster in America than in Japan or Europe.

Japan's car, steel, and consumer electronics manufacturers are global market-shakers that have the highest productivity for those industries anywhere. But inside Japan, land restrictions make it difficult to build a supermarket or big-box store. Its mom-and-pop-dominated retail sector has less than half the productivity of retail in the United States. And that retards other sectors. Japan has lots of little food shops, which means it must have lots of drivers with lots of little delivery trucks that make lots of stops. Along with land restrictions, this results in lots of little food processors.

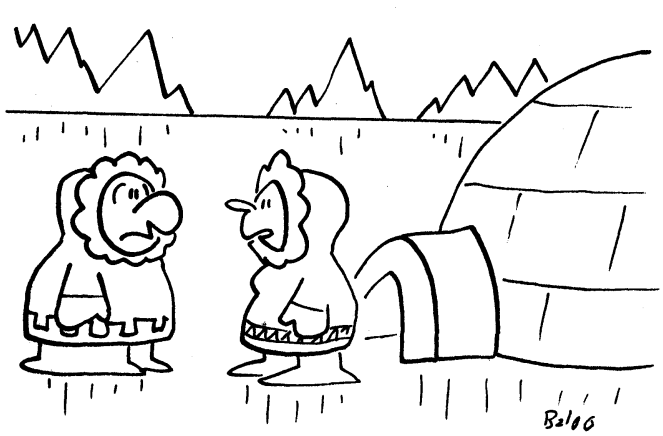

"But, how *could* you be suffering from burnout?"

Homebuilding is another industry in which Americans are more efficient. The principal reason, says Lewis, is the subdivision. Americans build houses in batches. In so many other countries it is difficult to get big pieces of land, because of lack of clear title (India), the need for political connections (Russia), protected farming (Japan), environmental controls (Britain), and often the lack of a standard system to finance streets and utilities. Also, in the poorest countries the buyer cannot get a mortgage, because there is no one who will lend money long-term on the security of a land title. In those places houses are typically built by their owners, one load of bricks at a time.

If a country is poor, the wage rate will be low, and people will be cheaper than machines. But as an explanation of poverty this is circular. And it is often not true.

Regarding land, Lewis' point is one we've heard from Hernando de Soto: clarify property rights in land. Like de Soto, Lewis focuses on the informal sector of street markets. Libertarians tend to celebrate the spontaneity of property and contract, but there is a downside. The average street hawker has a pitiful inventory. He wastes his labor, and he is poor.

Looking at businesses in Russia and Brazil, Lewis concludes that the street vendor survives only because he is unregulated and untaxed. That is unfair to the formal businesses, which have to bear the full burden of government. In Russia, foreign supermarket chains have refused to invest. In Poland, where street vendors were enrolled and taxed, the French came in with "hypermarkets." Poland progressed, Russia didn't.

In his look at companies, Lewis talks of one government company that has world-class productivity: Pohang Iron & Steel in South Korea. The CEO up to the mid-1990s was a general who insisted on three conditions: no political influence on what

the company bought, none on who it hired, and no requests for gifts. In addition, he was a brilliant manager. Elsewhere, state companies haven't measured up. In India, where 40 percent of business employment is in the state sector, the productivity of state companies ranged from 10 percent of their private rivals to half.

At the end of his book, Lewis grapples with big ideas. The poverty of poor countries, he says, is from their own policies. These policies partly reflect business interests who use the state to shield themselves from competition, and partly reflect the ideology of elites who subordinate the market to social ends. Some of their ideas, he says, are from "political philosophies developed in Europe in the twentieth century."

The result is predatory government, which is the central problem of the crushingly poor countries. He adds: "Predation cannot be remedied from the outside. Countries have to do this for themselves."

This is a valuable book. Its virtue is not its style; Lewis's writing is clear but pedestrian. He repeats himself, and when he relies on other people's books, he sometimes accepts explanations that he might better have left alone. He is better at economics than political theory. But he has supervised and organized such a good piece of work that when he sticks to first-order generalizations from his data, which is most of the time, he is as solid as a bungalow.

It is said that if you educate people, they will be more productive. But the Russians are well educated and poor. Lower-class Mexicans are ill educated, but their productivity is world-class.

Lewis confirms much of the free-market canon, and in a way the free-marketeers have generally not done and some of them refuse to do. They should read it. ❑

***A History of Force: Exploring the Worldwide Movement Against Habits of Coercion, Bloodshed, and Mayhem,* by James L. Payne. Lytton Publishing, 2004, 265 pages.**

A Century of Peace?

Martin Morse Wooster

As libertarians, one of the first rules we learn is "don't commit force or fraud." But what if force used by individuals or governments is on the decline? How does that affect liberty?

That's the thought-provoking question asked by James L. Payne in his provocative new book *A History of Force*. Payne is not always persuasive, but he's a good writer that readers can argue with. Libertarians who enjoy analyzing the past will find *A History of Force* worth their time and money.

James L. Payne is a political scientist who has written many important public policy books. Among them is an analysis of the American tax system (*Costly Returns*) and a book about why the federal government is always expanding (*The Culture of Spending*). His book *Overcoming Welfare* was one of the more important welfare reform books of the 1990s.

Many of Payne's earlier books were published either by academic presses or by commercial houses that specialize in public policy. But Payne chose to publish *A History of Force* himself. The first question most readers have with self-published books is why the author couldn't find a publisher. Usually a self-published book is flawed in some way, in part because writers who are their own publishers don't think they need to be edited.

A History of Force is an exception to the usual rule about self-published books. It is competent and professionally written. If commercial publishers rejected this book, they made a mistake.

Payne's thesis is a simple one. If you look at long-term trends, nearly all measures of violence in the world show a steady decline over the past few hundred years. Look at statistics, Payne argues, and you'll see that governments are increasingly less likely to use violence against their own citizens or start wars in other countries. And the likelihood that people will take arms against the state is also far less than it used to be.

For example, for most of human history it was the rule that governments were overthrown by force, and if a coup failed, the losers were usually executed. That doesn't happen very much these days. In the days of Stalin and Lenin, leaders of losing political factions in the Soviet Union were routinely rounded up and shot. But the plotters of the failed 1991 coup against Mikhail Gorbachev announced that they not only had no intention of killing the last leader of the USSR; they even planned to give Gorbachev office space in Moscow for his foundation.

Terrorism remains a problem, of course. But terrorists these days are nearly entirely from the Muslim world. Except for animal-rights acti-

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vists and the occasional lone nut such as Timothy McVeigh or Theodore Kaczynski, few in the West now think that using force against the state or blowing up buildings is a wise idea. The Weather Underground, Payne reminds us, committed 800 bombings between 1969-72, while Puerto Rican terrorists committed 100 bombings and the anti-Castro Omega-7 group conducted 50 bombings during this period. In Northern Ireland, terrorists killed 474 people in 1972; there only have been sporadic killings in that region since 1996. And Payne predicts that one consequence of the revulsion the world had towards the killers of September 11 is a further reduction in terror conducted by Europeans and Americans. "The evidence suggests, then, that *organized* terrorism originating from the developed countries is on the decline,"Payne concludes.

Governments are also less likely to use force than they once were.The execution rate in the U.S. has dropped by about ninety percent. And the U.S. is far less likely to punish incorrect ideas than it once was. In 1960, the *New York Times* published a paid advertisement by civil rights groups that made false accusations about the way Montgomery, Alabama police treated protesters. The city of Montgomery's commissioner of public affairs, L.B. Sullivan, sued for libel, and the case ultimately reached the Supreme Court, which in 1964 declared that public officials can't sue even for statements known to be false. This opened the floodgates for anyone to mock politicians without fear of retribution. Accuse the president of horrible misdeeds, and government officials won't kick down your door and seize your computer.

Governments are increasingly less likely to use violence against their own citizens or start wars in other countries.

One consequence of the healthy and necessary freedom to make fun of politicians and the political process, people's trust in government and in politics is steadily declining. And given the increasing distaste of the state to use force against its foes, Payne sees an opportunity for voluntarists to gradually create charitable, non-coercive organizations that would perform many government functions.

But a government does not need to use force to wield power, and our non-forceful state grows bigger and fatter every day. And while everyone is free to make jokes at the President's expense, questioning the authority of the police or other security officials is still not a wise idea. Non-forceful bureaucrats can still arbitrarily ruin people's lives.

Still, *A History of Force* is a well-written examination of history that will deepen reader's understanding of some important — and neglected — trends which have helped shaped our times. ❑

Day at the Caucuses, *from page 34*

Anytime Annie), and managed to be re-elected a time or two. Two decades ago, I had been involved in an attempt to reduce county taxes; perhaps he remembered me from this experience, and believed that the desire to reduce taxes was prima facie evidence of right-wing nutism.

I noticed that he, like me, was wearing a Dean button, and I was vaguely surprised that he was attacking a fellow Dean supporter. But I could see nothing to be gained by responding to him, and, having done my bit for democracy, I continued though the throng to the parking lot, mounted my motorcycle, and returned home. ❑

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

Brien Bartels is executive director of the Libertarian Party of Washington State.

Alan W. Bock is a senior columnist for the *Orange County Register* and the author of *Waiting to Inhale*.

R.W. Bradford is editor of *Liberty*.

Scott Chambers is a cartoonist living in Arizona.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Titanic Story*.

Eric D. Dixon is an editor and webmaster for U.S. Term Limits.

Alan Ebenstein is is author of *Friedrich Hayek: A Biography*. He is an adjunct scholar of the Cato Institute.

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Richard Kostelanetz has worked with audiotape, videotape, holography, and film.

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Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

Andy von Sonn, a former linebacker for the Los Angeles Rams, is an attorney who lives in Hawaii.

Martin Morse Wooster is a writer living in Silver Spring, Md.

Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

Libertarian Case for Conquering Iraq, *from page 27*

principle is not merely not to initiate force, but includes a moral imperative to help create a world in which force is used as little as possible.

The proliferation of weapons of mass destruction — particularly biological and chemical weapons — is a new, and frightening danger. The United States and other nations must work to combat it, occasionally using preemptive force, as necessary.

What concerns me most about the new generations of weapons of mass destruction is that anyone in the world may, soon enough, be capable of building or creating them and potentially killing millions or even billions of people. I am surprised you question the likelihood of this possibility.

As technology advances and becomes more accessible, do you not think such attacks become more likely, and potentially more destructive? For example, it has been speculated that a "super" virus could be created that could kill hundreds of millions. Do you not think that this and other possibilities will not become increasingly feasible in coming years?

Accordingly, the doctrine of preemptive war — and, more generally, the preemptive use of force — is more vital than ever before. The world will look back on the war with Iraq as a great step in the direction of world peace.

Best,

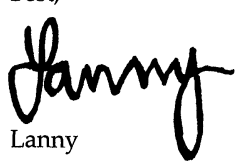

Lanny

Port Townsend
February 21, 2004

Dear Lanny,

Your letter was sufficiently provocative that I didn't have the time to respond to every issue you raised. My answer to your question about whether the world is more peaceful with the removal of Saddam is most assuredly "No." But the April *Liberty* goes to press in two days, and I have a million chores to attend to, so an explanation of why I think you are wrong will have to wait.

You also anticipate — and dispense with — an objection you think I might raise: that the U.S. has no "right" to intervene. Here you are barking up the wrong tree: my opposition to the war has nothing to do with America's (or any other nation's) "rights" to intervene. I object entirely on prudential grounds: I believe that the U.S. invasion, conquest, and occupation has made the world a more dangerous and less peaceful place.

This also will have to await my next letter.

Regards,

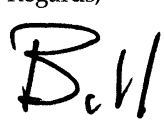

Bill

Dumb Clods and Proud of It, *from page 30*

field an army. However, the government's propensity to murder people because of their ideas (Ruby Ridge and Waco) along with its track record of failing to perform one of its only legitimate functions — protecting its citizens (see the hundreds of court rulings like *Zelig* v. *County of Los Angeles* which state that cops are not legally responsible for protecting individual citizens) — said justice may be in doubt.

Incidentally, those criminals who threatened Larry Sechrest and vandalized his property should be aware of one of the significant differences between him and me. He sleeps with two loaded, stainless steel, M1911 .45 caliber autos next to his bed. I sleep within arm's reach of an 18 inch barreled Benelli Super 90 semi-automatic twelve-gauge shotgun, fully loaded with eight rounds of #00 buckshot, with another eight rounds of assorted buckshot and slugs riding on a side saddle. Thanks to regular practice, I can send 72 .30-caliber-sized projectiles downrange accurately and consistently in under two seconds. I will not hesitate to exercise my God given, constitutionally guaranteed right to defend my life, my family, and my property. I am willing to exert whatever level of force necessary to stop any violence that may be initiated against me or anyone I love.

I understand that we also have a small group of emotion-driven ignoramuses amongst us who are calling for Prof. Sechrest to be fired. I have even heard on the street that there are some who would have the president of the university, Dr. R. Vic Morgan, fired — just because, although he has made it

I sleep within arm's reach of an 18 inch barreled Benelli Super 90 semi-automatic twelve-gauge shotgun, fully loaded with eight rounds of #00 buckshot.

clear that Dr. Sechrest does not speak for Sul Ross, he steadfastly defends Dr. Sechrest's God given, constitutionally guaranteed right to speak his mind.

These morons need to carefully consider what Martin Niemöller once said. "First they came for the Jews and I did not speak out because I was not a Jew. Then they came for the Communists and I did not speak out because I was not a Communist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for me and there was no one left to speak out." ❑

Rights During War, *from page 32*

militias, there were state laws forbidding individual blacks to possess arms. So Butler's argument assumed that the Second Amendment right to arms inhered in individuals — including slaves, if the Amendment were read literally, without the implied exception for slavery he claimed.

The Milligan case provides one more bit of evidence that the individual rights view of the Second Amendment was originally the only view. The notion that the Second Amendment does not belong to individuals was created in the 20th century by the Kansas Supreme Court in the 1905 case of *Salinas* v. *Blaksley*. ❑

Terra Incognita

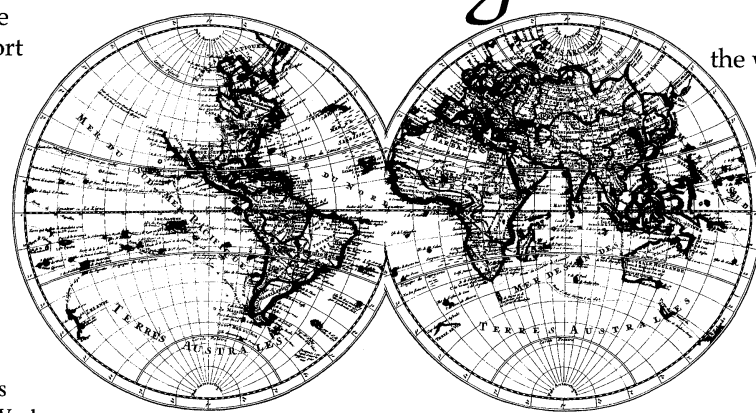

Portland, Ore.

Dispatch from the battlefront in the War on Terror, reported by the *Seattle Times:*

> The Department of Homeland Security has announced that it will award a $2.6 million grant to social-service agencies and charities in Oregon. The money will go to homeless shelters and soup kitchens, and to help poor Oregonians pay their rent, utility, or mortgage bills.

Blaine, Wash.

Another report from the front in the War on Terror, from a dispatch in the estimable *Peninsula Daily News* of Port Angeles, Wash.:

> Border guards found a hand grenade in an American woman's car at the U.S.-Canadian border at Blaine just south of Vancouver, shutting down the nation's busiest border crossing for an hour. The woman, who had made a wrong turn, thought she was about to enter Vancouver, Wash., some 300 miles south of the Canadian border. She did not know that the fake hand grenade was in her car. It had been put in the glove box by her husband, a member of the U.S. Army.

Washington, D.C.

Disturbing information, from a brochure published by the Department of Homeland Security:

> "Many potential terrorist attacks could send tiny microscopic 'junk' into the air."

Seattle

Innovation in the contentment of domestic animal companions, noted on CBC's fine morning program "Sounds Like Canada":

> A company named High Maintenance Bitch caters to pet owners who want only the finest for their dogs. It sells suede pet passports, pet body tattoos, and a "Mosaic Martini drinking dish."

Research Triangle Park, N.C.

Snappy repartee of technology gurus, reported on CNN.com:

> David Bradley, who wrote the computer code that is used to reboot unresponsive PCs by pressing the "Ctrl," "Alt," and "Delete" keys, sat on a panel with Bill Gates at a 20-year celebration for the IBM PC. Bradley said of the key combination, "I may have invented it, but Bill made it famous." Gates didn't laugh.

Indiana

Reassuring professional opinion that one in 25 priests sexually abusing children is a "small number," from the estimable *Fort Wayne Journal Gazette*:

> "The percentage of priests with credible claims against them in the Indianapolis Archdiocese since 1950 is about 3.9 percent," said Bishop John M. D'Arcy, head of the Diocese of Fort Wayne-South Bend. The small percentages are very little consolation.

New Hampshire

The limits of environmental ethics aboard the presidential campaign bus of the Hon. Dennis Kucinich, M.C., as reported in *The Wall Street Journal*:

> Originally, there were two main rules on board: no drugs and no shoes. But the latter rule was dropped when the heating system failed to keep up with New Hampshire weather.

Tampa, Fla.

Theological observation from the website of the Travel Channel:

> "There's historical basis for a Christian nudist lifestyle," said Bill Martin, noting that "in Isaiah 20:2, God tells Isaiah to go into the wilderness naked for three years." Martin is co-founder of Natura, a Christianity-themed nudist colony near Tampa.

U.S.A.

A legal tussle over intellectual property escalates to a legal battle over truth itself, from a dispatch in the *Washington Post*:

> Gillette filed a federal lawsuit alleging that Schick stole one of the 50 patents protecting the Mach3 concept. Schick filed a countersuit, charging that Gillette falsely advertised that its razors offer "the best a man can get."

U.S.A.

Admirable candor in marketing, observed in an advertisement for Pfizer Inc.'s famous tumesence-inducing product Viagra, in *The Wall Street Journal*:

> "In a recent study, the majority of men had an erection in 20 minutes. The men in the study . . . took 100 mg at least two hours after eating and then used a stopwatch to see how fast they got an erection that allowed them to have sex."

Olympia, Wash.

Finally, an answer to a timeless question of deep spiritual importance: what would Jesus want Caesar to drive? From the *Seattle Times*:

> State government should do more to help protect God's creation, and it should start by buying more fuel-efficient cars. That's the crux of a new report due to be released by state religious leaders.

Alpine, Texas

From a political advertisement in the *Desert-Mountain Times*, telling voters why they should reelect District Attorney Frank Brown:

> "The Texas Narcotics Officers Association named Frank Brown its Prosecutor of the Year. **Frank is the only candidate who has received this prestigious honor.**" (Bold in original.)

Special thanks to Russell Garrard, William Walker, and Fletcher Rice for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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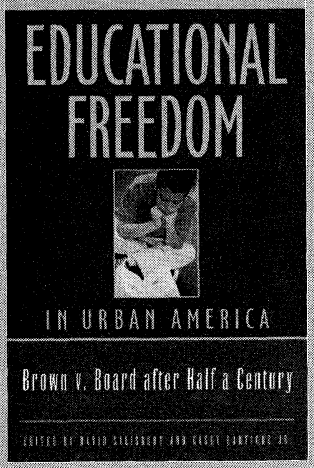

Educational Freedom in Urban America:
Brown v. Board *after Half a Century*
Edited by David Salisbury and Casey Lartigue Jr.

Fifty years after the Supreme Court struck down segregated public schooling, public education remains unequal, with black and Hispanic students dropping out at much higher rates than whites. In *Educational Freedom in Urban America*, community leaders, activists, and scholars assess the state of public education in inner cities and offer a prescription for reform.

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Economic freedom is strongly related to prosperity, economic growth, and other improvements in human welfare. This book, compiled by James D. Gwartney and Robert A. Lawson and published jointly with the Canadian Fraser Institute and more than 50 institutes worldwide, rates the economic freedom of 123 countries.

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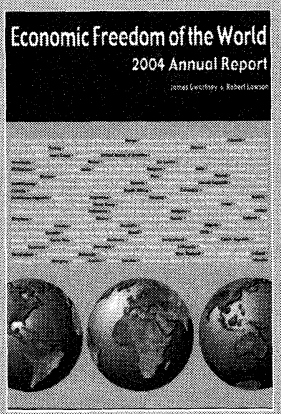

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With Social Security reform on President Bush's 2004 agenda, more than a dozen leading experts, including Milton Friedman, Martin Feldstein, and June O'Neill, discuss the problems of the current system, proposals for reform, and the impact of reforms on women, the poor, and minorities.

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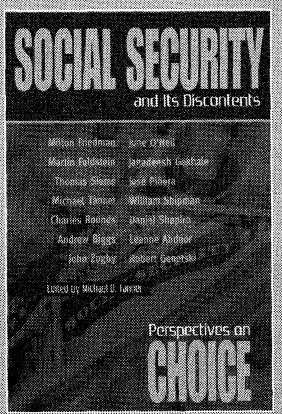

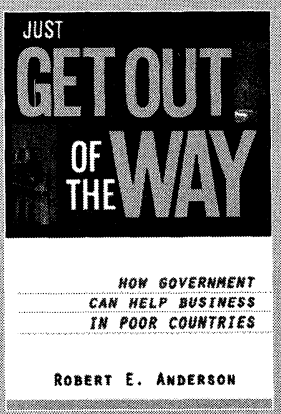

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I couldn't believe the City of Redmond said politicians and realtors could have portable signs, but my bagel shop couldn't.

If that ban stayed in place, my right to free speech would have a hole in it bigger than my bagels.

I am fighting for my First Amendment rights.

I am IJ.

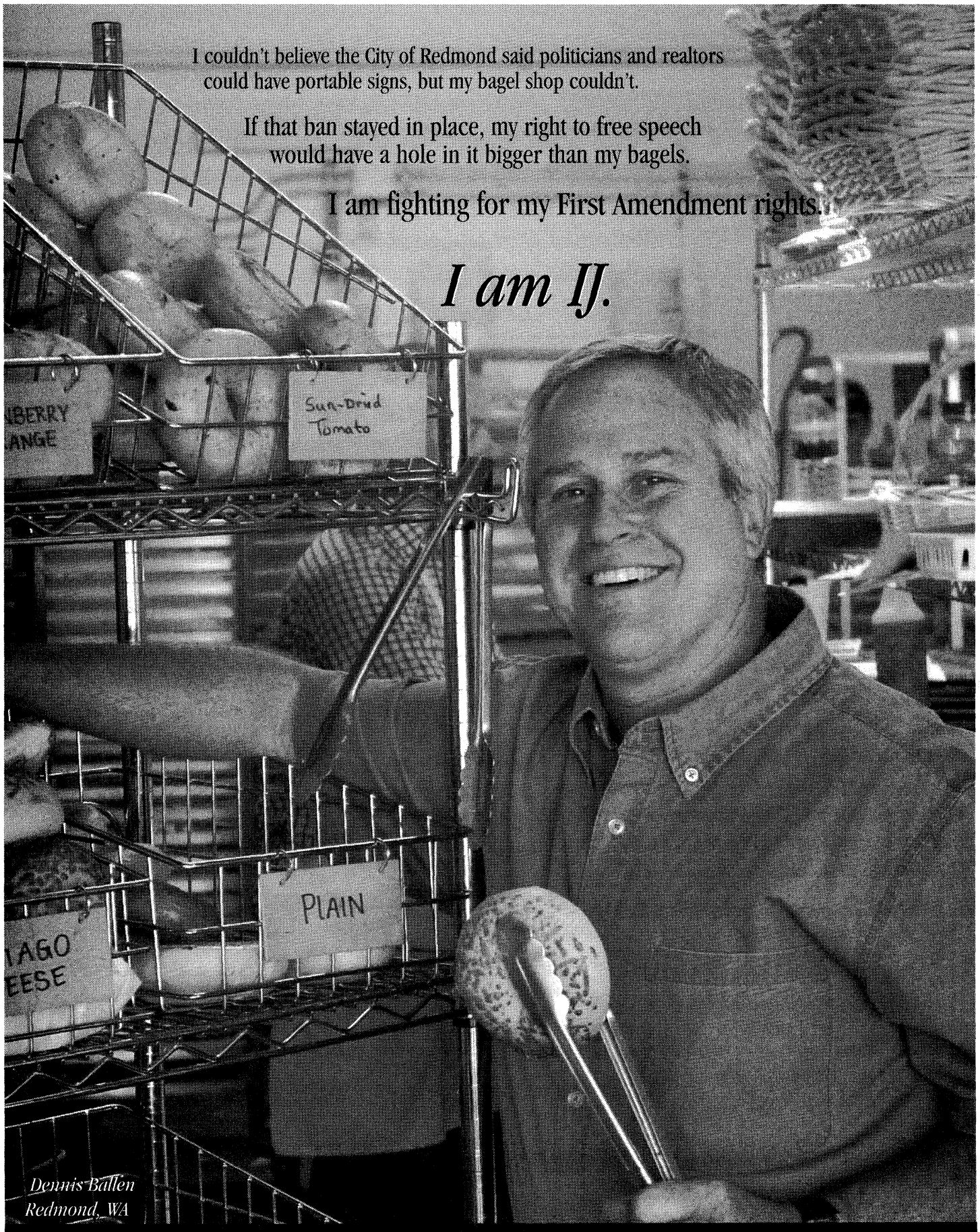

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Our sales and subscription fulfillment office can be reached at 800-854-6991 (foreign callers call 360-379-8421).

Letters

More Praise for Gridlock

I read Stephen Cox's article on Bush's liberalism with some amusement. It amazes me that a libertarian could believe that major political parties have a consistent ideology. Trying to find ideological purity in modern politicians is a waste of time. Political parties determine policy by randomly calling a thousand people or so, and doing whatever the majority of them want. I'm sure the RNC and their dopplegangers in the DNC laugh at anyone's attempt to find ideological reasons for their actions.

So why was Cox's Democrat friend so enraged by Bush? It's really no different than Republicans' rage against Clinton. Party feeling causes irrational hatred of other parties; any Sovietologist could tell you that. Republican ire only subsided when they found a rational reason for it; Clinton, apparently unlike all other men, lies about adultery. When the Democrats concoct a similar excuse to hate Bush they will calm down a bit.

You'll note that I haven't used the words "conservative" or "liberal." A recent issue of *Liberty* quoted George Orwell's warning against using political metaphors in common circulation, since such things are used to control the populace. Thus left, right, conservative and liberal have all been removed from my political vocabulary. I've found that it's cleared up a lot of misconceptions in my mind about politics.

For instance, legislatures always spend money. This is why we have presidents, to rein them in. However, presidents can't veto legislation passed by their own party, because such a veto would look like an attack on their own party. So Democratic presidents allow Democratic legislatures to spend as much as they can, and Republican presidents allow Republican legislatures to do the same. Thus, Bush cannot and will not veto Republican pork. Now of course Kerry is going to promise his party faithful the sky; he knows that he will face a Republican legislature that will enact none of his plans. I would prefer Dean, who at least has a history of balancing budgets, but I'll take divided government over one-party rule any day.

David Stanley
Arlington, Va.

Hi From the Abyss

I always enjoy Stephen Cox's comments on our native tongue(s). It is done with lightness and compassion and is entertaining as well as illuminating. Years ago my English teaching mother gave me a copy of Hayakawa's (of anti-digit-dialing fame) *Language in Thought and Action* and got me hooked on semantics — but only in an amateurish way. Now, in my declining years, I find myself less pleased with these smart-ass upstart journalists who must use the latest buzz words du jour to show, I suppose, that they are very well educated even though the usage is often marginally appropriate (e.g., paradigm). Am I not alone or am I just an old fuddy-duddy?

continued on page 51

Erratum

Because of a proofreading error, a sentence on page 47 of the April issue read that "the Privileges and Immunities Clause of Article IV and the Privileges or Immunities Clause of the 14th Amendment . . . was largely restored by appeal to the Fifth Amendment's Due Process Clause." Author Leland B. Yeager was referring to the Due Process Clause of the 14th Amendment, not the 5th.

Liberty sincerely regrets the error.

— The Editors

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Inside Liberty

May 2004
Volume 18, Number 5

2 Letters Our readers see through our deceptions.

7 Reflections We get nickeled and dimed, stand up for Martha Stewart, ride the train to Nowhere, trade our bicycle for baseball cards, and remember a libertarian original.

Features

19 Armenian Splendor *Alec Mouhibian* explores his roots in an ancient country where religion is serious, life is rough, and you can feel the texture of the past.

29 What Is War Good For? *Alan Ebenstein* and *R. W. Bradford* debate the conquest of Iraq and the War on Terror.

33 Life in the Death Star Washington, D.C. is a city of crime, *Gene Healy* observes, from street violence in Columbia Heights to the legal plunder of the Capitol building. And he wouldn't want to live anywhere else.

37 God, Man, and Tyrants Our divine duty to assassinate tyrants, *Dave Kopel* learns, was discovered by a 12th-century bishop.

39 America's War on Religion *Andrew W. Jones* explores what's at the bottom of the slippery slope of George Bush's "Faith-Based Initiative," and discovers an ugly war against people of religion.

41 Orwell Lives! Two decades after *1984*, George Orwell is still a breath of intellectual honesty in a time of stifling dogma. *Richard Kostelanetz* celebrates Orwell's continuing relevance.

Reviews

43 The Passion of Mel Gibson *Jo Ann Skousen* discovers a tragic flaw in Gibson's *Passion.*

45 Prospecting for Anthrax *Bruce Ramsey* explores the tell-all books of two men who were at the frontline in the search for Saddam's weapons.

46 The Market for Morals Are social concerns compatible with a free market? *George Squyres* examines a book that makes the case.

47 Love's Language Lost Some things, *Jo Ann Skousen* is convinced, can never be shared.

49 Portrait of Servitude First a painting, then a novel, now a film. *Max Orhai* looks at the transformation of an Old Master.

50 Booknotes Two new bestsellers by libertarians, a history of the Jews, and a book that makes computer operating systems interesting?!?

48 Notes on Contributors Whence we came.

54 Terra Incognita It's a weird world out there. Be careful.

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Legislating Liberty

by Michigan State Representative Leon Drolet

Can a libertarian state legislator stick to his principles yet still be effective? Can he significantly change the substance of laws, yet still vote every time to reduce the size, scope and cost of government? Must a libertarian lawmaker be merely a protester, or can he also be a participant? I had to answer these questions when an unexpected special election made me a member of the Michigan House of Representatives on March 27, 2001.

The very first vote was a matter of principle: a budget for the state's education bureaucracy that was slated to increase well beyond the rate of inflation – not a nickel of which would ever go to an actual classroom. One-hundred and six state representatives said "yes" – lighting up our vote tally board with a sea of green names surrounding a conspicuous, lonely, name in red: DROLET. I had stuck to principle, but I hadn't changed a single mind. Was principled protester to become the limit of my role as a lawmaker? It sure looked that way three years ago.

Fast forward to earlier this year.

Our Senate decided, by a 24-14 vote, to put under-age drinkers in jail if a breath test detected ***any*** level of alcohol in their system, regardless of how much and where it was consumed. Just across the Canadian border, where the drinking age is lower, twenty-year-old Michigan residents would be able to drink legally, moderately, and responsibly, and then face jail time upon their return home.

Most expected this bill to pass the House as easily as it had breezed through the Senate (where only a single Republican had opposed it), but a funny thing happened after I stood up and stated my objections: *other Republicans got up and agreed with me!* The bill was then overwhelmingly rejected by the House. The media who cover the state Capitol attributed the bill's demise to my opposition.

I had come a long way from being the only "no" vote to being the leader of the "no voters," and there were a lot of successes – big and little – along the way.

Just shortly after that first "no" vote in early 2001, former Republican Governor John Engler introduced a proposal to collect a sales tax on Internet purchases. Rather than just vote "no," I stuck my head up and took to the newspapers to publicly attack the governor's plans and lead the opposition. Eighteen months later, Engler left office with no Internet tax law and not a dime collected. And on a personal note, I had earned a little respect from less vocal anti-tax Republicans who followed my lead and helped me beat back this tax increase from their own governor.

Even though my relationship with Engler and many Republican state senators deteriorated substantially while I was blasting him and them for their Internet tax scheme, I did manage to create my first law during this fight. Public Act 399 of 2002 made it easier for the Libertarian Party and other smaller parties to gain and retain ballot access in Michigan – a state that had previously been one of the nation's toughest for gaining ballot status.

The terrorist attacks of September 11, 2001 also occurred during those early months, followed shortly thereafter by a number of hastily drafted anti-terrorism proposals from our Senate that threatened civil liberties. Most objectionable was a definition of 'terrorism' that could have ensnared anti-tax groups, labor unions, gun rights groups and other passionate participants in legitimate political disagreements.

Seeking to restrict 'terrorist' penalties to genuine terrorists, I organized

the ACLU, NRA, labor unions, Right to Life of Michigan and various lawmakers from left to right into a coalition that was so effective that the Majority Floor Leader in the House refused to move the bills until they were redrafted with a terrorism definition that was acceptable to *me*. A frustrated Senate was forced to work with our coalition to draw up a significantly tighter definition.

Statist ideas from the Office of the Governor continued when Democrat Jennifer Granholm replaced Engler in 2003. One of her first proposals was a multi-billion-dollar mass transit plan for metro-Detroit that few metro-area residents would use or be willing to pay for. Her advantage was that lawmakers of both parties from outside the Detroit-area could be persuaded to vote for a plan that didn't affect them. My advantage was that I could rile up the lawmakers from the Detroit suburbs who were affected.

I successfully attached an amendment that allowed local governments to opt-out of the proposal, causing the governor to promise a veto if the amendment stayed in. It did, and after more than a year she still doesn't have her mass-transit bill.

My opponents consider my votes against the drug war and other victimless crimes to be vulnerabilities that they can exploit when I run for re-election.

But once again, I managed to get one of my bills signed into law by a governor whose best laid plans I was frustrating. Public Act 306 of 2003 prohibited public education institutions from holding 'stealth elections.' Prior to this, public school bureaucracies won approval for higher taxes by scheduling special elections on days when turnout would be low. (I nearly missed one such election when my local school district arranged for a vote shortly before Christmas in 2000).

None of the successes described above mean that I am having my way in Lansing. Too often, I am still the lone 'no' vote on bills expanding the drug war or increasing penalties on adult prostitution. Remaining relevant is difficult because it often puts me in opposition to anti-freedom legislation proposed by fellow Republicans. As noted earlier, Republican Governor Engler and I had a strained relationship. My interference with his Internet sales tax was just the beginning – and a very rare defeat for him.

Our relationship got testier after his 2002 State of the State address, where he announced a big-government plan to take over the deployment of broadband infrastructure. The legislation was explicitly hostile to the free-market, stating the following in its preamble: "The Legislature finds that the conditions described above have not and cannot be remedied on a timely basis by the ordinary operation of private enterprise without supplementary public participation."

When the media asked me what I thought of the speech and his idea, I told them that it was my desire to give the *Republican* response to the State of the State address. Gov. Engler probably didn't appreciate seeing that in print the next morning, but his annoyance was nothing compared to a few weeks earlier when *The Wall Street Journal* published an editorial naming me as his principle opposition and trashing his broadband proposal before the entire world: "*Perhaps on Planet Engler higher taxes and increased regulatory burdens attract business and encourage investment. Here on Earth, however, they have just the opposite effect.*"

The *Journal* encouraged my legislative colleagues to support the fight against Engler's broadband plan. Alas, most did not and he got much of what he wanted (though the national pressure did force him to strike out the blatantly statist preamble about market failures).

Democratic Governor Granholm's election in 2003 has made it easier to find matters of principle where I can agree with my fellow Republicans. A Republican-controlled Legislature squaring off against a Democratic governor provides many opportunities for a critic of bigger government to be useful. I was given a committee chairmanship (Employment Relations), made vice-chair of the powerful Government Operations Committee, and put on the Commerce, Tax Policy, and Local Government committees.

As chair of Employment Relations, I successfully guided two very contentious issues through my committee, over the objections of big labor bosses and public sector unions. One bill prevents local governments from forcing businesses to pay a minimum wage (a.k.a.: "living wage") that is higher than the state level (that one got the private sector unions mad at me). The other bill would consolidate all of the state's 16 human resources departments into one agency (this one ticked off the Democratic governor and the state employee unions). Both bills passed the full House and await attention from the Senate.

But in many ways, other lawmakers are still adjusting to my libertarian views. After a Lansing newsletter rated me one of the most "conservative" legislators in 2002, I came back in 2003 and confounded conservatives by sponsoring a bill to repeal Michigan's felony prohibition against sodomy between consenting adults (*see: "Michiganistan?" in Liberty Magazine, June 2003).* Likewise, I am one of only a very few Republicans opposing Michigan's pending constitutional 'marriage protection' amendment mandating discriminatory treatment of gay contract rights.

Still, it's been quite an improvement from those early days. An old House tradition requires a new lawmaker to bring a food offering to the rest of the legislators as an inducement for them to pass his very first bill. The box of candy that I distributed for my first bill was angrily flung back at me by a member of the Appropriations Committee, with a note that said: "Thanks, but, no thanks." He was still angry because I had voted against one of his big-spending budgets.

Since that day, I have worked hard to explain to each of my colleagues that my opposition to most legislation is based on the core principle of limited government. I have also spent a greater amount of time socializing with fellow lawmakers between work hours; having a good sense of humor, talking in the evenings about ideas and values, attending events with them. This approach has worked and has resulted in support for my legislation and – more importantly – more support for my opposition to other bigger-government bills.

But this growing effectiveness has come with a price. Anti-freedom forces that once ignored me as irrelevant now are targeting me for defeat. They have seen that when I speak against a bill, fellow legislators are listening. One example: my annual amendment to end state subsidies to Amtrak which used to receive

six or seven votes is now supported by 31 Republicans – over half of the Republican caucus. Another example is when the governor proposed a new set of fees to 'make polluters pay' for environmental inspections. I researched and exposed the names of the 'big polluters' that would end up paying those fees: trout farms, Girl Scout camps, churches, mom-and-pop convenience stores and laundromats were on the list. Those fees went down in flames and have not resurfaced.

I am also focused on building our movement, both here in Michigan and throughout the country. Two years ago, I formed a political action committee called the Michigan Liberty Club to act as a Club for Growth for candidates for state office. Last year, I organized the House Taxpayer Protection Caucus consisting of those lawmakers willing to sign the Americans for Tax Reform pledge to never support any tax increase.

The left is especially up in arms now that I am spearheading a ballot initiative to amend the state constitution to prohibit government race and gender preferences in affirmative action programs. With the help of California businessman Ward Connerly, whose similar initiatives in California and the state of Washington were approved by voters, the Michigan ballot initiative is going very well (you can find out more about the initiative at www.mcri2004.org).

Those whose livelihood is dependent on government handouts are directly threatened by my proposal to lower and constitutionally cap the state income tax. Their concern has become panic, because the House Speaker and the Senate Majority Leader have publicly endorsed my legislation and made its passage one of their priorities.

But I haven't exactly become the darling of some elements of the political right, either. My bill to repeal the sodomy law and opposition to amending the constitution to define marriage has sent some religious fundamentalist leaders looking for someone to take me out in the Republican primary. They are even discussing launching a recall effort. My opponents consider my votes against the drug war and other victimless crimes to be vulnerabilities that they can exploit when I run for re-election.

A libertarian can win office as a Republican and be effective without compromising the principles of liberty. But he cannot do this and stay in office with support from the lobbyists who benefit from big government or those on the right who believe that restricting personal freedom is a more important goal than protecting the pocketbook. They will close ranks against a common enemy who conspicuously attacks their positions, and I have been working very hard to earn their wrath.

The money that I need to continue these battles is going to come from a lot of people like YOU! My campaign mantra from the beginning has been that I am working to reduce the size, scope and cost of government. You most likely share these values if you are reading *Liberty* magazine. I need you to ***support these values*** by sending a donation to my campaign.

Here are the government-mandated legal requirements for contributors: contributions cannot exceed $500 per person (any amount will be gratefully received), and contributions over $100 must include the name and address of the contributor's employer. Checks can be made out to: CTE Leon Drolet and mailed to 16820 Edloytom Way, Clinton Twp., MI 48038.

Thank you for your assistance, and for your commitment to Liberty!

Rep. Leon Drolet: Statists' Top Target in MI!

What statists are saying:

"Drolet is also a member of the right-wing, anti-tax Libertarian Party. It is no coincidence that Drolet also sucessfully sponsored amendments to the DARTA bill making it easier for suburbs to opt out of the transit system and he is the chief sponsor of a bill to overturn living wage laws...The success of Drolet's legislation does not bode well for future efforts at regional cooperation."

M.O.S.E.S., *a coalition of left-wing organizations supporting new taxes for mass transit.*

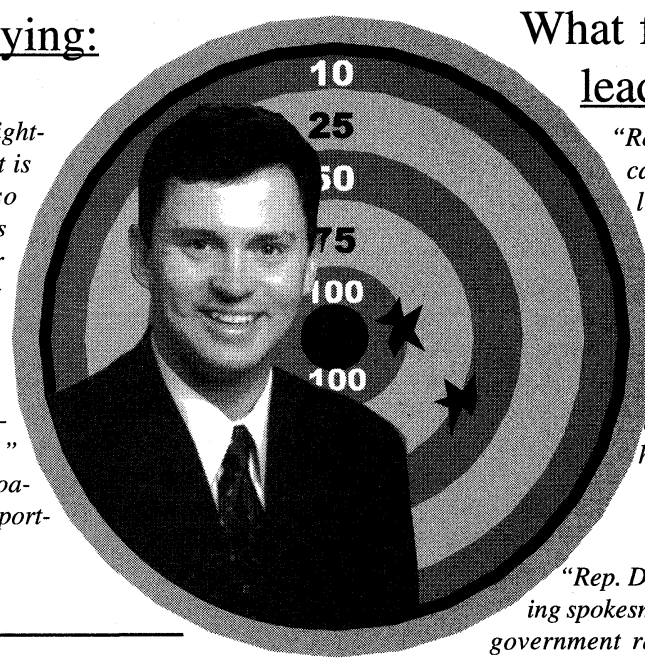

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Reflections

Plus ça change, plus c'est la même chose

— If Jesus Christ were alive today He would be committed to a mental hospital, diagnosed as schizophrenic, injected with major tranquilizing drugs and shocked with electricity to "cure" his "false beliefs" (delusions) and "self-reported imaginings" (hallucinations). — Jeffrey A. Schaler

Safety in obsolescence — A friend of mine was worried that terrorists might try and hit trains in the United States now, and wondered whether he could cancel a planned Amtrak excursion. No worries. The terrorists try and maximize their casualties, and if you could blow up an entire Amtrak train, you still wouldn't kill more than two dozen people. — Tim Slagle

A boon for trial lawyers — How surprising to see in a "neoconservative" magazine a call for a Constitutional amendment limiting state-licensed "marriage" only to one man with one woman. Given all the recent intelligence about the ambiguities of gender, may I predict that one likely result of such an amendment, if imposed, will be a flood of lawsuits benefitting no class as much as litigious lawyers whom neo-cons and regular cons are forever trying to retire to the poorhouse?

— Richard Kostelanetz

More straw for the camel — Trade deficits, Social Security's looming bankruptcy, federal budgets . . . it is natural for people to focus on the "big picture" and not on the multitudinous ways in which local, county, and state bureaucracies are going to nickel and dime you into destitution in the coming months. City Halls are facing the same sort of fiscal crunch as every other level of government and they have only *you* to fleece, on a most personal level, to make up any shortfall. And I'm not talking about the higher "sin" taxes that are being slapped on everything from cigarettes to hunting licenses. Look for the more subtle taxes. The methods local officials can and will devise to part you from every thin dime are almost limitlessly inventive. In Indiana, for example, one town is beginning to bill nonresidents for police time consumed in traffic accidents on highways within a dozen miles of the town. Philadelphia has also applied its Yankee know-how: Among other measures, the city is proposing to charge people "to apply for city jobs." Next year, it may well cost $35 to fill out an employment form.

What the heck . . . anything that discourages people from becoming podlike civil servants has an upside.

— Wendy McElroy

How many stores is your name worth?

— When Martha Stewart was found guilty, the value of KMart immediately dropped by 1.1 percent. That's a very interesting statement on the value of a brand. It is interesting to realize that the market value of Martha Stewart's name simply appearing on products sold there is roughly $342 million, as much as the entire inventory and real estate of twenty fully stocked KMart stores. — Tim Slagle

The right to lie — Martha Stewart was not convicted of insider trading. She was convicted of several procedural things, one of which was lying to the government. To put a finer point on it, she was convicted of lying to the government about an act for which charges were dropped. And that means we must assume she was lying to the government about an act that was lawful.

What's wrong with that? Why can't the citizen of a free country, not under oath, lie to a government employee about an act that's lawful? Some things are none of the government's damn business. I mean, assume you're not under oath. Some guy from the government comes around and asks you about your stock trading. You can refuse to talk. You can tell him to get lost. That's okay (at least for now). But if you tell him, "I don't know anything about that," when you do know, then you have just committed a federal crime.

A simple Internet search finds the law, and commentary on it. The law is 18 U.S.C. 1001, material misrepresentation to the federal government. The lie must be "material" — that is, substantial — but it does not have to be in pursuit of a crime. The law was apparently written in its modern form during the New Deal (thank you, Franklin!) to be able to prosecute people who falsely applied for government benefits. Like RICO and the Patriot Act, it has become a tool for other prosecutions.

The damnedest thing is, the law doesn't apply to the government. Its employees can lie to you. Like a cop dressed up as a streetwalker, they can trick and mislead you. You can't lie to them. Think of what that says about the relationship between citizen and state. — Bruce Ramsey

Put up and shut up — A recent ruling of the Washington Supreme Court illustrates the bias of the courts in favor of government.

This matter concerned Sound Transit in Seattle. Proposals to fund this agency's work, building of a light rail line, had been on the ballot twice. In 1995 it failed; focus groups said it had asked for too much. It cut the proposed tax increase and the length of light-rail line was sliced in half, to 21 miles. Its terminals would be the University of Washington north of downtown and Sea-Tac airport south of downtown. The measure passed.

Seattle is a hilly city, and is bisected by a ship canal. The light rail would have to go under a hill and under the canal to get to the university. The eventual plan called for a deep tunnel five and a half miles long.

The taxes approved by the voters couldn't cover the cost. In 2001, Sound Transit came out with a new plan. The taxes would be the same, but the line would be one-third shorter. Instead of 21 miles, it would be 14 miles. It would not go to the university or under the canal, and it would stop one mile short of the airport. Critics called it "the train to nowhere."

Opponents filed a lawsuit. They said the project had substantially changed, and that according to Washington case law, Sound Transit would have to go back to the voters. They were right about the case law. It was pretty clear on that, though the cases were old, one of them dealing with streetcar lines in the 1920s.

The court ruled in March 2004. Yes, the court said, the case law said generally that substantial changes had to be resubmitted to voters. But back in 1996, the Sound Transit board had voted out a Resolution 75. In this Resolution 75, Sound Transit had reserved for itself the right to change its plan in any way it liked. It could shorten the 21 miles of light rail to 14 miles, or one mile, or zero miles. Because voters had approved Resolution 75, the case law did not apply.

Had voters approved Resolution 75? The agency hadn't mentioned it, or anything about the power to change plans, in the eight-page disclosure statement it had mailed to voters. The official ballot title mentioned Resolution 75, but didn't say what it was or where to find a copy of it. In fact, copies were available at the auditor's office if anyone had asked. As far as I know, no one did.

So we voted for system A, and are told now we're getting system B, which is one-third shorter and goes nowhere useful. If we complain, the government pulls Resolution 75 out of its hat and says, "Read this. You agreed to it."

"No," I want to say, "I didn't."

"The court says you did."

Imagine if a business had sold something that way — a home remodeling job, for example. They sell you a kitchen and then say, "We decided we can't afford to replace the sink or the floor, like we promised. We reserved that right in a contract provision we never showed you, but there was a small asterisk on one of the papers, and you could have asked about it. And — by the way — you still owe us the same amount of money."

Try to imagine a business doing that. I can't.

— Bruce Ramsey

The pot calls the kettle lavender — Getting the problem right but the answer wrong, President Bush declared that marriage is in danger and the solution is an amendment to the U.S. Constitution to ban same-sex marriages.

It's true, of course, that marriages are being destroyed right and left, but they're not being destroyed by anything gay or lesbian couples are doing. Long before San Francisco issued its first marriage certificate to a same-sex couple, American heterosexuals were busting up marriages at the rate of over 1 million per year.

So here we are now with over 20 million divorced heter-

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osexuals in America and the only people hitting the streets to sing the praises of marriage are gays and lesbians — and President Bush says the answer is to put gays back in the closet. It reminds me of Germany in 1935. "Non-Aryans" were made ineligible for military service after the Aryans lost a war and put the country into a nosedive. Here, 70 years later, heterosexuals have put marriage on the rocks and we're told the answer is to make Ellen DeGeneres ineligible.

"The defense of marriage requires a constitutional amendment," explained President Bush. "Government, by recognizing and protecting marriage, serves the interests of all." What that meant was a call for the only constitutional amendment in American history that is aimed at restricting the liberties of a particular group (unless you count whiskey drinkers as a group). If the president's goal were really to defend and protect marriage, if he were really interested in reversing the decline of what he calls "the most enduring human institution," he would call for some constitutional amendments aimed at restricting the liberties of heterosexuals. A decade or two in jail for adultery, for instance, to serve "the interests of all," might well put a lid on some of the monkeying around that goes on every night. The same with cohabitation and out-of-wedlock childbearing, maybe with some public stoning added on, like in Iran. Or he could have called on Congress to pass an amendment that required a five-year cooling-off period with mandatory federal marriage classes and abstinence training before anyone could get a marriage license, or an amendment that called for zero divorces, or at least no divorces until all the kids are grown and gone.

Instead, we got a ploy, a wedge, something that'll do nothing to strengthen marriage and everything to divide Americans from each other and from their own families. Dick Cheney, the night before Bush's speech, boasted during a speech in Kansas that he and his wife, Lynne, "have a Republican marriage." Closer to home, Sen. Rick Santorum warned about "judges and vigilantes — people taking justice into their own hands." Laura Bush explained that many people find the idea of gay marriage "shocking."

It wasn't that long ago, of course, that people found marriages between blacks and whites "shocking" — and anti-God. In a *New York Times* column last December, Nicolas D. Kristof drew the connection between those times and today: "A 1958 poll found that 96 percent of whites disapproved of marriages between blacks and whites (Deuteronomy 7:3 condemns interracial marriages). In 1959, a judge justified Virginia's ban on interracial marriage by declaring that 'Almighty God did not intend for the races to mix.' Someday, we will regard opposition to gay marriage as equally obtuse and old-fashioned."

Meanwhile, Jerry Falwell is all over TV being shocked about San Francisco and warning about slippery slopes. Next it'll be polygamists, he cautioned, and moms marrying their sons, and goats. What he hasn't talked about is the slippery slope of combining religion and government, of letting guys like him call the political shots, and how that's enslaved and killed a million times more people than all the sex that's ever been had, whether authorized or unauthorized by all the world's priests, rabbis, mullahs, senators, presidents, and other assorted theocrats and busybodies. Here, for example, is the Koran's prescription for half the human race: "Shut them up within their houses till death releases them." And the directive if she ever gets out, described by Muslim philosopher al-Ghazali: "She should put on old clothes and take deserted streets and alleys, avoid markets, and make sure that a stranger does not hear her voice or recognize her." That sounds like a closet to me, and a situation that calls for some vigilantism.

— Ralph Reiland

The worst defense is a good offense — The other day, I saw George Carlin interviewed on one of the morning shows on Fox News. The interview was about some movie he's in. My attention was drifting in and out — mainly out — when it was suddenly arrested by a new topic: the government's attempt to get tough with "dirt" on the "public airwaves."

Carlin is famous for incorporating his opposition to censorship into his comedy routines. He is also an intelligent guy. I looked forward to hearing a strong, logical argument on behalf of liberty, delivered by a popular, articulate person.

I didn't hear that argument. Instead of delivering it, Carlin illustrated the characteristic that makes me despair of virtually all the spokesmen for liberty who get on TV. Instead of talking about liberty, and talking in a persuasive way, he insisted on talking about other topics, and precisely the topics that would prevent people from being per-

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suaded.

First he threw away his Republican audience by announcing that demands for censorship were just so much "red meat" that the right wing was throwing to its core constituency.

Then he threw away most of the rest of his audience by claiming that religion is responsible for censorship because religion (all of it, I guess) is opposed to "the body." So much for all those religious Democrats.

Then, for a grand finale, he threw away the good will of his host, and of everyone who cares about manners of any kind, by making himself look like an ungrateful lout who deserved to be censored, if only on grounds of decorum. His interviewer — a nice young woman who obviously had a commercial break rushing upon her — tried to shut off Carlin's anti-religious rant, but Carlin kept talking over her. Finally she said, cheerily, "My religion didn't teach me that," and indicated that she had to stop the interview.

What did Carlin say? Did he politely apologize for drifting away from his topic — which, I repeat, was supposed to be liberty, not religion or party politics? Did he smile and wish his host a kindly adieu?

Certainly not! He imputed a sinister motive to her desire to end his speech. "You're a right-wing network," he said, "and you don't want to hear this stuff."

Nice going, George. Why bother to talk to that slimy old network, anyway? All that's at stake is the liberty you are supposedly trying to advance.

The host made one more try. "Good luck with the movie!" she smiled. Carlin looked away, obviously too incensed at her *rudeness* to return a civil answer.

Score another round for the censors.

— Stephen Cox

All the news that's fit to fabricate — A few days ago, major American media were reporting that Pakistan's troops had cornered a "senior" al Qaeda figure, with everyone suggesting heavily that it was No. 2 man Ayman al-Zawahiri. The *Washington Times* stated flat out, "Pakistan says it has cornered al-Zawahiri." Meanwhile, non-U.S. media were saying "it ain't so" — at least, not the al-Zawahiri part. The *Times of India* stated, "Al Qaeda leaders Osama bin Laden and Ayman Al-Zawahiri were safe and 'on this side of the border,' an Afghanistan-based Taliban spokesman said on Friday." A headline in the Pakistani *Daily Times* reads: "CNN ends up with 'much egg on its face.'"

After providing blanket coverage of the imminent capture of al-Zawahiri, CNN abruptly dropped the story and barely mentioned it for hours. The background on what happened is an instructive glimpse into the media's mindset and the influence it exerts. Aaron Brown — CNN's lead anchor and host of NewsNight With Aaron Brown — was in Pakistan to cover U.S. Secretary of State Colin Powell's "anniversary" visit when the opportunity to interview President Pervez Musharraf arose. Musharraf told Brown about a military operation in south Waziristan, stating that the resistance being offered suggested militants might be defending a high-value target. He said it was "very likely" the possible target had been surrounded. Sensing they had a global exclusive — the biggest story since the capture of Saddam Hussein — CNN ran with it, sensationalizing both the form and substance. Suddenly, al-Zawahiri by name was surrounded and about to be captured any moment, thus raising worldwide expectations and tensions. As events unfolded and non-U.S. media began to comment, it became clear that nothing about the battle was "imminent" and that the conflict might rage for days or weeks. And, so, in live satellite broadcasts, Brown began to backpedal, lowering time expectations. It became unclear whether al-Zawahiri was still among the besieged or ever had been there. At this point, top news executives at CNN apparently made a decision. No retractions. Just bury the story as though it had not been reported. It was a blunder of biblical proportions that made the world a little more nervous and

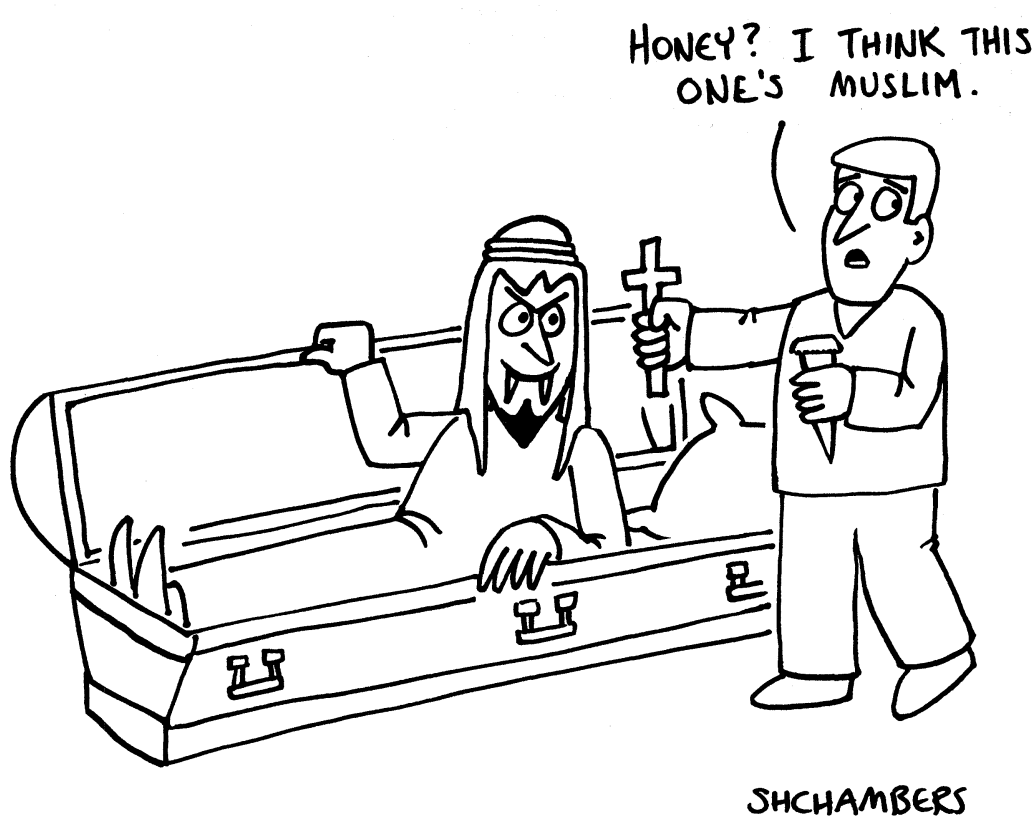

news a lot less trustworthy.

The manhunt comes on the heels of another interesting shift: the Bush administration is beginning to downplay the importance of capturing Osama or other high-level al Qaeda members. (Remember when that was the goal? Remember Tora Bora?) The *Seattle Post-Intelligencer* reports U.S. Deputy Defense Secretary Paul Wolfowitz as stating, "They [terrorist groups] are very decentralized operations . . . so you've got to go after them one by one." U.S. National Security Advisor Condoleezza Rice also stressed that even if al-Zawahiri were captured, it "wouldn't end the terror." A recent headline in the *Richmond Times-Dispatch* read, "Rumsfeld: Bin Laden Irrelevant." The story: "Capturing or killing al Qaeda leader Osama bin Laden would not 'change the problem' of international terrorism, Defense Secretary Donald H. Rumsfeld said yesterday in an interview at the Pentagon with WTN radio in Nashville." Given its embarrassing failure at the endeavor, it is undoubtedly prudent for the Bush spokespeople to make like a Wurlitzer and change their tune. If al-Zawahiri is actually captured, expect another dime to drop into the music machine.

— Wendy McElroy

Short time horizons, backward as well as forward — A common observation of the Public Choice School is that politicians have short time horizons, being more concerned about the next election than about the long-run consequences of their policies and promises. Well, something similar is true of many voters: they are swayed by the latest news and tend to forget the longer-run records and orientations of the competing parties. This shortcoming of democracy was illustrated by the outcome of the March 14 Spanish elections, so different from what the polls had forecast only a few days before. What made the difference was evidently the terrorist massacres of March 11 and the interpretations and suspicions swirling around them. (A Spanish friend comments that al Qaeda, if it was indeed responsible, has learned that it can influence electoral outcomes by suitably timed attacks.)

My point is not that the Spanish elections turned out wrong. Rather, they illustrate how transient considerations can determine the policies chosen, perhaps inadvertently, for years ahead. This arguable irrationality of the democratic process enters into the case for constitutionally limited government, as opposed to subjecting more and more aspects of life to the outcome of popular vote.

— Leland B. Yeager

Money for nothin' — I'm not convinced there really is a trade deficit. I think more American goods are being purchased than are reported. It's just that they're things that don't show up when these calculations are made, things like stocks, tourism, movies, or concerts. (One reason that outsourcing will never destroy the U.S. economy: Have you ever seen a Japanese rock band that didn't make you laugh?) But if there really is a trade deficit, it means the world is giving us things like cars, wine, and precious metals, in exchange for slips of paper with pictures of famous Americans on them, which we can print *ad infinitum* for next to nothing. In playground terms, they are essentially trading us their bicycle for a bunch of baseball cards. Sounds to me like we have the better side of that deal. — Tim Slagle

Green meanies — It wasn't very long ago that I thought Paul Hawken was an all right guy. Maybe you've heard of him: he wrote *The Ecology of Commerce* and co-authored *Natural Capitalism.* He endorsed Howard Dean. He's one of the "new paradigm" liberals tooting the "social justice and ecological sustainability" horn, but I thought the tune he was playing on it sounded markedly more market than Marxist. And, it is, I suppose. Hawken's somebody on the left to take at least a little seriously, and he's all about the healing power of "green business." Not exactly a libertarian, but at least someone who understands where wealth comes from. A health-food and garden-tools millionaire from the '70s, with some good ideas about taxing pollution rather than profit.

Then, I was idly turning the gaudy pages of a stale *Utne Reader*, and came across a polemic of his, a hackneyed anti-globo Martin Luther King Jr. ripoff number titled "Dreams of a Livable Future." It took about two minutes for me to read from "[Globalization is] fascist in the sense that it is an attempt to create a meta-order for people, with the assumption that a small group of people know better than the larger group" to "I dream of having a U.N. arms control and inspection team coming to the United States to remove assault weapons from the hands of all National Rifle Association members. I dream of another U.N. team shut-

ting down the 15,000 chemical plants in this country that are essentially biological weapons waiting to happen."

Oh. Neat. I guess I had thought that kind of thing a paranoid right-wing fantasy, but here's Mr. Democracy just plain saying it, right out in public: U.N. troops to take away your guns and lock your factory gates. Okay, I'm young and naive . . . but I was, frankly, shocked. I suppose the whole episode is just another lesson in the character of the Green totalitarianism that has apparently displaced the Red Menace as the premier threat to freedom on the home front. I have a soft spot for "sustainability" rhetoric, but small isn't all that beautiful when presented at gunpoint. Maybe libertarians have some allies on the Left: I'll now be a lot more careful of looking too hard for them. — Max Orhai

Courage in retreat — The Bush administration has responded to the Spanish "flu." Predictably, Bush proclaimed that "Spain would be sending out a 'terrible message' if it let terrorists influence its policies."

The terrorists have profoundly influenced policies in Spain, in America, and worldwide. The question is in what way that influence will be manifested. The Bush people prefer the reactive path they've taken to the path chosen by Spanish leader José Luís Rodríguez Zapatero. An overwhelming majority of the Spanish people want their soldiers out of Iraq. They never wanted to become part of the occupation in the first place. Why should Zapatero be so influenced by terrorists that he dismisses the clear and collective voice of the Spaniards who just elected him? The suggestion is that Zapatero should show machismo and say "Damn the will of the people! Let's kick some sandy butt!" This may well reflect Bush's own attitude, but for the rest of the world, machismo resides in standing up to the current foreign policy juggernaut of the United States. Zapatero is actually displaying maraca-sized balls. Zapatero is a raging socialist, who heads a nation that has some familiarity with colonialism. To him — and it is a fair analysis — the occupation of Iraq is nothing more than 21st century colonialism driven by oil and Halliburtonian cronyism. He thinks it is morally wrong. Why should he let terrorists influence him to do what he thinks is wrong instead of what is right?

I could run on . . . but the most interesting aspect of the White House's announcement was the hint that it might propose a fresh resolution on Iraq to the United Nations, thus answering one of Zapatero's major demands. (Hmmm . . . would the U.S. be sending out a 'terrible message' if it let a dissenting foreign leader influence its policies?) Officially, the Bush people are maintaining their SOP bluster with General Sanchez — the top U.S. general in Iraq — declaring that the lack of the 1,300 Spanish troops would not hurt the coalition. He's right: if you consider the coalition to be solely defined as the physical occupying forces in

News You May Have Missed

Hollywood Gets Religion

LOS ANGELES — In Hollywood, a box-office smash usually starts a trend, and Mel Gibson's *The Passion of the Christ* is no exception. *Dude, Where's My Cross?* (with Adam Sandler and Ashton Kutcher) will hit theaters on Memorial Day weekend, just in time for the start of the summer blockbuster season, but it's going to have to compete with *Good Friday the 13th*, opening in mid-June, *There's Something About Mary: The 0 B.C. Version*, due out July 4, and *Jesus' Disciples: Full Throttle*, slated for mid-July. While attempting to duplicate Gibson's box-office magic, all of these movies are sticking to less provocative, tried-and-true Hollywood formulas. As one studio executive was overheard saying into his cell phone, "Okay, what the fuck, let's make a Jesus flick, but for Christsake lose the fucking controversy."

The major lesson that Hollywood seems to have drawn from the success of Gibson's movie is that historical probability is something to be avoided at all costs, either by following the Gospels literally, like Gibson, or by ignoring them altogether. For instance, another project, *Fast Times at Nazareth High*, skirts theological controversy by concentrating on a period, Jesus' high-school years, that the Gospels unaccountably left out, despite their obvious adaptation box-office potential. The "divine gross-out comedy," in which the teenage Jesus, a loner persecuted by the kids in the popular cliques, ends up turning them all into a herd of swine right in the middle of the prom, is expected to draw record audiences by targeting the crucial 16-to-24-year-old illiterate dropout drug-addled psychiatric-outpatient demographic.

Meanwhile, controversy has continued to swirl around *The Passion of the Christ*, as a group of art critics, movie critics, and liberal editorialists denounced the film. The same people have on numerous occasions spoken out strongly in defense of works like Andres Serrano's "Piss Christ," Chris Ofili's porn-and-excrement-embellished Madonna, Robert Mapplethorpe's sadomasochistic photographs, and the violent movies of directors like Quentin Tarantino, arguing that the very essence of the artist's mission is to provoke strong reactions and challenge complacency. But in this instance, as they put it in an indignant public letter published in *The New York Times*, "the offensive art offends us, which means that it's an extremely bad movie — aesthetically bad, morally bad, politically bad, spiritually bad, plus the popcorn was stale." They concluded the letter by demanding that the film be "immediately suppressed and publicly burned."

— Eric Kenning

Word Watch

by Stephen Cox

Jesus said, "Hear, and understand: Not that which goeth into the mouth defileth a man; but that which cometh out of the mouth, this defileth a man" (Matthew 15:10–11).

He wasn't talking about the FCC's hunt for "indecency" in the dirty words that come out of "shock jocks," nor was he urging that network executives be hailed before congressional committees so they could engage in orgies of "confession" about having allowed Howard Stern and Bubba the Love Sponge to violate "community standards" on the "people's airwaves." In fact, he was speaking against the kind of community standards and regulations that make people ceremonially "unclean" for doing things that harm no one but the supersensitive. He called the enforcers of such regulations "hypocrites."

All "indecency" codes are tools of hypocrisy. They punish the snapshot while absolving the film. Viewed in its entirety, Janet Jackson's tawdry Super Bowl performance was much worse for the culture than her split second of breast-baring, but censorship is about finding something to pick on, not gaining a perspective on the whole. And Howard Stern's performances would probably benefit from a few momentary explosions of profanity. At least that would break the tedium of his oddly clinical deliberations on the female anatomy.

Of course, the pretense that someone, somewhere, can actually define "indecency," let alone "community standards," is itself almost indecently hypocritical. Everybody knows better. There is an even worse pretense: the idea that people should be protected from knowing about words and actions in which they themselves indulge.

Say what you will against prudery, inhibitions, hypocrisy, and all the rest of it, strong language, like every other useful thing, loses its value when it's used too much.

My email program is trained to that pretense. When I press the "send" button after typing such indecent words as "shit," a warning box pops up. It says, "Your message is the kind of thing that might get your keyboard washed out with soap, if you get my drift. You might consider toning it down."

"If you get my drift," indeed. I keep that function of my program turned on, just to remind myself of what hypocrisy looks like. It's a coy sniveling over "shit" and "asshole," as if those were the important things in life, and as if even I couldn't bear a direct recital of the horrid words I use.

Well, then, what are the legitimate uses of "indecency" in speech and writing? How can you tell when to use it and when to leave it alone?

The answer is, judge "indecent" words just as you would any others. Just as you would with any other words, "you might consider" the following issues.

1. Audience. Unless the purpose of your writing is to cause offense, there's no reason to write an article for the church bulletin as if you were writing an invitation to a hip-hop party. Everyone really knows that; the problem is that some writers are moralists in reverse, people who think it's their moral duty not to compromise with the hypocrites' phony sensitivities, no matter what the purpose of the immediate piece of writing is.

If you consider it your duty to offend, by all means do so. But why not follow your logic to its conclusion, and refuse to compromise with anybody, on any occasion? You know that some people in your audience won't know what you're talking about unless you define certain words. But why give in to their laziness? Don't define a thing for them! Just let them be confused. You also know, or else should know, that a lot of anyone's audience consists of simple fools. Again, why compromise? Why sacrifice your candor and openness? Begin everything you write by saying, "I hope you're not too stupid to understand what I'm saying, but I suspect you are." Then you'll feel that you've done your duty — if, as I say, you think it's your duty to offend. Otherwise, watch your audience.

2. Context. "The patient was shitting all day" would look bad in a medical journal. "I defecated all day" would look bad in a personal letter.

3. Emphasis. *What* do you want to emphasize? Your casual, open, free-spirited nature? Perhaps. But if you want to emphasize something else, don't make the signs keep pointing back to your own spontaneity, or your own bad temper. "Congressman Griswold is such a miserable, lying, stupid sack of shit, I can't imagine who could be dumb enough to vote for the Goddamned son of a bitch." There are at least seven terms of abuse in that sentence, two or three of them "indecent." But once the author got past the first two out of seven, it didn't matter very much whether they were indecent or not. The signals kept pointing more and more at the author's mentality, and less and less at Congressman Griswold's.

There are a number of reasons why people forget about

the issue of false emphasis. Some of them are trying to imitate H.L. Mencken or Tom Wolfe or P.J. O'Rourke (none of them masters of "indecency," to be sure, but all of them masters of recurrent emphasis), not realizing that most people lack those authors' ingenuity. The imitators fail to realize that they are piling up expressions in a feckless attempt to find one that really works.

Others forget that there is such a thing as understatement, and that it's almost always more effective than overstatement, if only because it focuses attention on the subject instead of the writer or speaker. When Rosie O'Donnell said that she had decided to marry her lesbian lover because President Bush had remarked that marriage should be reserved for "a man and a woman," she described his comments as "vile and vicious and hateful" and maintained that she was profoundly shocked that anyone could possibly say such a thing. In effect, she said nothing about Bush; what she said was, "I'm hysterical." If she had said, "The president's comments leave a little something to be desired — what is it? Fairness, perhaps," she would have won almost everybody's heart. Usually, saying that someone is "vile" makes you look vile, whether or not you add "vicious" and "hateful" to the list.

4. Surprise. If I write, "Objective assessment indicates that Congressman Griswold has done a pretty good job, for a lying sack of shit," my change of tone, from highly formal to rudely colloquial, will take almost everyone by surprise and probably attract a lot of attention to the point I'm trying to make, which is that I don't like Congressman Griswold. But if I write, "Congressman Griswold, that lying sack of shit, must be considered, on objective consideration, to have done a pretty good job," the surprise is only that I've let the sentence trail off into a banal anticlimax. What was my point, anyway?

5. Don't f*@#! up a good thing. I didn't spell out "the f word" in that sentence, because (A) I wanted to draw attention to how silly the absence of such words can look, once you have the appropriate context for them, and (B) I don't want to wear such nice words out. Say what you will against prudery, inhibitions, hypocrisy, and all the rest of it, strong language, like every other useful thing, loses its value when it's used too much. And strong language is definitely used too much. I am sorry that I had a standard, old-fashioned, sexually repressed youth, but I'm unhappy when I hear today's young people talking casually about "hooking up" for the night. Everything's too easy for them; they don't feel the drama of sexuality. They're missing something. By the same token, I cannot imagine why would-be censors regard the constant stream of profanity in hip-hop "music" as indecent. At this point, it's nothing but noise.

Anyway, those are my comments on "indecency," the burning linguistic and social issue of the hour. What comes out of your mouth, defiling or not, is entirely up to you. There's no necessity for you to heed my advice. As Isabel Paterson wrote, "When I say 'free speech,' I mean free speech, even if you don't know what I mean."

Iraq, then the absence of Spaniards will not be noticed. If you consider the coalition to consist even partially of international support and goodwill, then Spain's withdrawal could be devastating. Why else is Bush rushing to prop up support from others within the coalition? *The New York Times* reports, "With the prime minister of the Netherlands beside him, President Bush said today that it was essential that Dutch troops remain in Iraq, both to ensure peace there and to press the campaign against terrorism. . . . Prime Minister Jan Peter Balkenende was cautious in his remarks, about troop commitments and other issues."

How angry is the U.N. at the U.S.? The answer is important because the level of hostility will affect how cooperative and generous the U.N. is during negotiations on a new resolution. (And, whatever the White House says, negotiations are underway right now. Bush will not go to the U.N. without reason to believe he will not be coldly rejected and embarrassed domestically and internationally.) Around the globe, public regard for the U.S. seems to be at low tide. But I do not know if this is an indication of how the U.N. would respond to Bush. The U.N. is a political body of unelected elitists. Even Tony Blair — who has the corrective feedback mechanism of popular elections — has flouted the will of those he "represents." It is not clear that the U.N. will reflect global opinion as opposed to its own perceived interests. The U.N. has been pushing Bush hard on a number of non-Iraq issues, such as U.S. support for the U.N.'s campaigns on AIDS and "women's reproductive health." Some interesting backroom deals may be on the horizon.

— Wendy McElroy

The train in Spain smacks plainly of the Dane — After I saw the stunning capitulation of Spain to terrorist demands before the actual culpability of al Qaeda had been established, I was about to write something on the subject. But I remembered that Rudyard Kipling had already written the article for me almost a century ago, pointing out every lesson to be extracted from the experience.

In the 8th and 9th centuries Viking invaders, called "Danes," raided a patchwork of small squabbling Saxon kingdoms in the east of Great Britain, seized their land, and settled in. Growing more and more aggressive with each concession from the British, the Danes demanded tribute, called the Dane-geld, in exchange for a promise to leave the local inhabitants alone — with predictable results.

Kipling, in "The Dane-Geld," was attempting to warn the appeasers of his time of the certain results of their policy.

> It is always a temptation for a young and agile nation, to call upon a neighbor and to say,
>
> "We invaded you last night and we are quite prepared to fight, unless you pay us cash to go away."
>
> And this is called asking for Dane-geld, and those who have asked will explain,
>
> That you've only to pay them the Dane-geld, and then you'll be rid of the Dane.
>
> It is always a temptation for a rich and lazy nation, to puff and look important and to say,
>
> "Though we know we should defeat you, we have not

the time to meet you, we shall therefore pay you cash to go away."

And this is called paying the Dane-geld, and we've learned this again and again,

That once you have paid him the Dane-geld, you'll never be rid of the Dane!

It is wrong to put temptation in the path of any nation, for fear they should succumb and go astray,

So when you are requested to pay up or be molested, you will find it better policy to say,

"We never pay anyone Dane-geld, no matter how trifling the cost.

For the end of that game is oppression and shame and the nation that plays it is lost!"

Many of my friends have opposed the Iraq war for honest and thoughtful reasons, and I most certainly hope that free men will always demand good and sufficient reasons for making a decision as terrible as the decision to go to war.

But I must ask, does anyone believe that granting such a huge concession to men who have just killed several hundred of your citizens will cause them to renounce violence? Or to go away and bother somebody else? They have learned that they can sway the outcome of an election and cause a shift in government policy in their favor, by a strategic act of terrorism. Just war, unjust war — either way this is a terrible precedent to set.

In this case there is no need to argue about it. We shall know the effects of this for certain — and very soon, I think.

— Stephen Browne

I want my MTV — I really feel sorry for Dish Network, in their recent dispute with Viacom. Viacom wanted to raise their licensing fees. Dish Network refused, and pulled the plug on Viacom rather than pay the price. Within twenty-four hours, the phone calls and cancellations were so overwhelming that Dish Network relented, and paid the price.

I can't imagine subscribing to any service that doesn't have MTV. Neither, apparently, can millions of others. So they can pretty much ask what they want, and the service providers have to pay up. The funniest part is, rates will now have to increase to pay for the larger license fees. So all the idiots who called Dish Network, and demanded their MTV back, are going to have to pony up over the next year or so. The better tactic would have been to just ignore the drop in service and wait for the advertising rates to fall once the new ratings were released, so Viacom would give in. Unfortunately, though, the average consumer looks at MTV as his friend, and the provider as the enemy, because one makes him happy, the other makes him pay. A very interesting study in market perception. — Tim Slagle

The Kerry Report — It is tempting to view John Kerry as the "Anyone But Bush" or "Anyone But Cheney" candidate and, so, give his presidential bid a lesser-of-two-evils endorsement . . . but I've been burned before. I detested the political correctness and identity politics cultivated by Clinton's administration so deeply that, when the hanging-chad scandal arose last time, I hoped Bush would win. "He couldn't be worse than Gore," I said — infamous last words that rank right up there with Socrates' "I drank what!?"

I realize how little I know about Kerry. For example, I have no clear sense of specifics on his recommendations about the occupation of Iraq. Unlike Dennis Kucinich, Kerry voted for war when saying "no" really mattered and, so, failed to distinguish himself on the issue. Kerry has won the Democratic presidential nomination on the basis of being electable rather than on his policy stands. Into this vacuum the Bush administration sagely strides with negative ads that have a real chance of defining Kerry to the American public either through their message or by putting him always on the defensive. It is a risky strategy because negative ads can backlash but — hey! — we are talking about the Shock and Awe administration that yelled "Let's Roll!" Besides which, they can always pull back to positive ads just before the elections.

One of Kerry's few remarkable accomplishments is not likely to be used in his campaign: The Kerry Report, aka "Drugs, Law Enforcement and Foreign Policy." As the Memory Hole website states, "In 1987, two subcommittees of the U.S. Senate Committee on Foreign Relations held three days of

News You May Have Missed

PETA Moves to Ban Words

NEW YORK — Ingrid Newkirk, the president of People for the Ethical Treatment of Animals, has announced that her organization will go beyond demanding that people stop eating meat, poultry, fish, and dairy products, stop wearing fur, stop wearing leather, stop wearing wool, stop hunting, stop fishing, stop riding horses, stop going to zoos, and stop keeping pets. PETA has now launched a new campaign to silence anyone who "insults and degrades mammals, birds, reptiles, and insects by comparing people to them." Among the words and phrases that PETA wants banned are: "going ape," "making a monkey out of someone," "monkey around," "pig out," "road hog," "swan dive," "horse-faced," "sheepish expression," "quiet as a mouse," "stubborn as a mule," "dead as a dodo," "dirty rat," "snake-in-the-grass," "dog-in-the-manger," "cold fish," "something fishy," "can of worms," "bug-eyed," "stop bugging me," "stop hounding me," "eats like a horse," "eats like a bird," "weasel out of," "ferret out," "loan shark," "lone wolf," "outfoxed," "hog-wild," "elephantine," "crabby," "dogged," and "catty."

"People who use such expressions," Newkirk said at a PETA demonstration in front of a Manhattan bookstore accused of selling dictionaries containing the words, "are nothing but brutal bigots who are acting like a bunch of animals."

— Eric Kenning

hearings on drug trafficking. Headed by Sen. John F. Kerry (D-Mass.), who has since become a candidate for President, the panel heard evidence of official corruption in Central America, South America, the Caribbean, and the United States. The next year, the government published the transcripts in a 4-volume set that has remained a touchstone for anyone interested in narco-corruption, particularly as it involves US intelligence agencies." What are the odds that Kerry will run on a record of linking the drug war to American corruption? — Wendy McElroy

Making the world safe for terrorism — The al Queda terrorists who perpetrated the Madrid bombings are not stupid, and their timing was not random. Certainly, they anticipated Prime Minister Aznar's defeat; it was most likely their objective. Why?

If the Socialists in Spain and Kerry in America are right, and terrorism is most effectively fought with police tactics, why would the terrorists time their attack to occur just prior to the Spanish elections? And yet, in the immediate aftermath of the Madrid bombings, the media was full of speculation as to whether the terrorists would attempt to affect the November Presidential election, virtually all commentators taking for granted that Osama and his boys would prefer Kerry to Bush. The American public agrees. In a recent poll, 60% thought the terrorists would prefer Kerry, while only 25% Bush. If, as the Left claims, fully utilizing the U.N., diplomacy, and intelligence driven police work are far better strategies for insuring peace with the Islamic world, why would those committed to suicidal jihad desire them?

Radical Islam, like communism before it, thrives on disorder and chaos. The more the Islamic world suffers at the hands of Western armies, the more bomb fodder the Islamists can amass. If Bush's and his allies' policies have really been a fiasco, making Iraq into a breeding ground for terrorists and strengthening al Queda's hand, the political motives of the attacks in Spain seem irrational. Would it not make more sense for the terrorists to try and maintain an aggressive West, to try and instigate more wars, and thus bring the great battle to the death between the West and Islam that they seek?

But, then again, maybe Aznar's critics are wrong, and the war in Iraq has not been a disaster. Maybe the terrorists believe that a democratic, peaceful, and stable Iraq is a real possibility. Such "westernization" would be a tremendous cultural defeat and serve to drain the Middle Eastern swamp of suffering in which they currently recruit their sad jihadists. They are fighting desperately in Iraq to inflict as many casualties as possible and draw out the war for as long as possible, hoping that Americans will grow war-weary, and the Western armies will retreat. Such a withdrawal would most likely leave Iraq in chaos and civil war — a perfect situation for the utopian fantasy of al Queda to take hold. If this is their concern, the attack in Spain makes sense. — Andrew W. Jones

A time to walk away, and a time to run — I have a mixed reaction to the Socialist victory in Spain, which is widely viewed (and accurately so) as a response to the terrible train bombing at Madrid. I applaud the new leader's resolve to withdraw Spanish troops from Iraq by the end of June unless the United Nations assumes control of military operations there. In this, José Luís Rodríguez Zapatero is not only expressing the wishes of the vast majority of Spaniards, he is also removing Spain from al Qaeda's target list. This has implications for other nations, such as Italy, Britain, and Australia, where leaders have committed troops to Iraq despite public opinion, a move that is likely to backlash against them in upcoming elections. Interestingly, commentators almost unanimously predicted that a 9/11-style terrorist attack on European soil would cause a surge of conservatism, as it did in the States. That is, they expected Europeans to call for blood and rise up in support of the War on Terrorism, including the occupation of Iraq. The opposite happened. I think commentators underestimated (and still do underestimate) the depth of international resentment at the arrogant and unilateral manner in which the United States is redefining the world. Given that Spain has only 1,300 troops in Iraq, the withdrawal makes little difference in the strength of operations, but it is a tremendous symbolic and diplomatic slap in the face for the Bush Administration. I note that there is a glut of silence from that direction on the Spanish "upset."

Spain is another indication that Europe is shifting

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toward a pro-socialist, anti-U.S. consensus. I am anti-Bush, but I am not anti-American. And I cannot applaud the polarization that is occurring between the U.S. and the rest of the world. The U.S. has self-created a new Cold War of us-against-everyone, and the attitude is spilling over from the war to the economy. For example, the hue and cry against outsourcing jobs. If the world responds in kind, then we are headed toward borders that are fortresses and barriers to both freedom and prosperity. My main hope for this not happening resides with individuals acting privately (for example, with the Internet, which respects no boundary). Thank God for technology and the power it gives to the individual.

— Wendy McElroy

Sam Konkin, RIP

— Sam Konkin, of Los Angeles, Calif., was best known to the libertarian world as publisher of several indiosyncratic periodicals. For nearly two years during the mid-1970s, he published a weekly magazine of libertarian news and commentary, which still, I believe, holds the record for longest continuous weekly publication of that sort, *New Libertarian Weekly*. *New Libertarian Weekly* featured his unique graphic style (lots of different typefaces, and type sizes) and his curious practice of inserting his own comments inside the writing of others, correcting their errors.

As the 1970s wore on, Konkin's influence ebbed, and *New Libertarian Weekly* was rechristened *New Libertarian Monthly*. Contrary to its name, it was published aperiodically during the next two years, with perhaps a half dozen issues in all. (I myself was a lifetime subscriber, but only received two issues from my subscription; when I mentioned this to Sam, he suggested I purchase back issues.) In the 1980s and 1990s, Konkin became more and more irrelevant to libertarian debates and activities. The thinking of other libertarians had matured and evolved, while he remained true to the curious neo-leftist libertarianism of 1969.

Even by libertarian standards, Konkin was an extraordinarily strange person. He considered himself a left-libertarian and claimed that he wanted to spread libertarian ideas among leftists, but he costumed himself in black boots, black clothing, and an armband with some arcane symbol on it and promoted Holocaust denial. He was certainly no Nazi, but this regalia and these ideas didn't earn him much sympathy with the Left.

He saw the libertarian movement as a remodeled version of the radical Left of the Vietnam War days. He christened the movement that he fancied he had founded "New Libertarianism" and regarded its relationship to conventional libertarianism as similar to the relationship of the New Left of the 1960s to the old-line Left of the 1940s and 1950s. He had an overarching theory about almost every political subject, and wrote his opinions ex cathedra, as if he had a huge following that was awaiting his every word. In fact, the circulation of his grandiose publications never exceeded a few hundred.

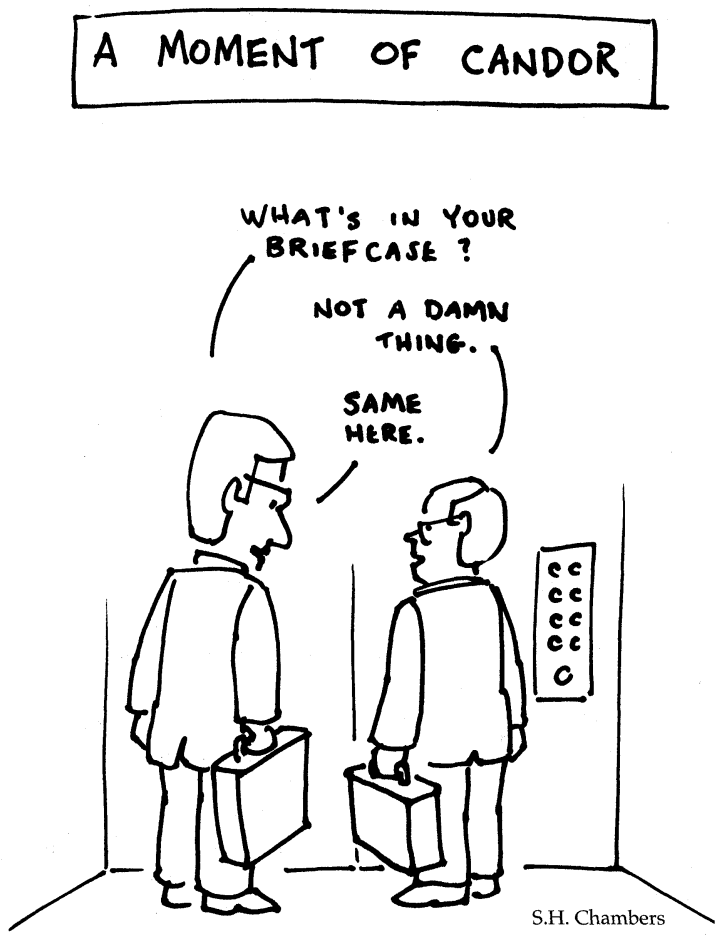

One suspects that he saw himself as the logical successor to Ayn Rand and Murray Rothbard — especially the latter — but never had the kind of cult following that those gurus acquired. This did not prevent his acting as if he did.

His politics were pretty much conventional Rothbardianism, model 1969: that is, he believed in natural rights, Austrian economics, anarchism, and the leftist foreign policy analysis that Rothbard fancied at that time, though in the 1980s, Konkin repudiated Austrian economics because its predictions had supposedly not come true. Actually, what hadn't come true were Konkin's own predictions, which he based on his own understanding of Austrian economics — an understanding that did not include Mises' argument that economics was absolutely useless as a tool for making economic predictions.

Despite his certainty that he possessed the only right line on every issue libertarians faced, his publications were open to a wide variety of opinion — although he did not balance his hospitality with those inserted corrections that I mentioned. It is not clear how many people he actually influenced, but there is no question that he was a unique and curiously ingenuous individual.

On Feb. 23, Sam Konkin was found dead in his shower, presumably from natural causes. He left behind many friends, who loved him dearly. He was 56 years old.

— R.W. Bradford

Armenian Splendor

by Alec Mouhibian

Traveling to Armenia is like going to another world, where religion is serious, life is rough, and history is real.

I recently returned from Armenia ("where the chicks dig unibrows"). Of all the post-senior summer destinations I could have visited — England, Italy, the Greek Isles — I chose Armenia because I wouldn't have to change my watch. Changing my watch is the only thing worse than Paula Zahn in the morning. Ass-backwards is Armenia, the bald spot opposite the chin that is Los Angeles on the three-dimensional head of earth, twelve hours ahead, smack dab on the other and darker side of the world.

The real reason why I went was to visit the garden of my roots. I wanted to see the Motherland, the Fatherland, the Holyland. To be sure, present day Armenia is a wholly circumcised version of that Land. Both in area and in prominence, it is an invisible fraction of what it once was: the first country to adopt Christianity as a national religion, the country that Jesus visited after the Resurrection, the ally of the Romans. (A painted map of the world, in which all but two empires, Armenia and Rome, is black, still sleeps on a wall in the Coliseum.) A mere hundred years ago, Yerevan was a town of 30,000; today it is the capital and home of a cool mil.

That's what makes it possible for me to be the first in my family to visit the approximate location of our roots. Modern Armenia is a mere daisy patch of the ancient garden. The stems on both parents' sides soak in the soil of two villages which, along with about 90 percent of the old Armenia, now reside in Turkey. Still more is now a part of Azerbaijan, Iran, or Georgia. The remaining spit-puddle constitutes the country I visited in August.

The full day's worth of travel awaiting me, both to and fro, was not a pleasant prospect. But I figured that if Jesus thought the place worthy of a comeback — overcoming death and worldly distances to make it — I could handle a six-hour layover in Vienna. Call it curiousness, if you wish. I prefer to call it curiosity.

Three and a half hours after learning, very pleasantly, that the Vienna airport has a sex shop — and three and one-quarter hours after learning, very unpleasantly, that they sell $75 videos — I arrived. It was brown.

If I had to describe the Republic of Armenia in one word, that's what it would have to be. Brown. I expected as much going in, just as anyone would who found Armenia on the map or looked it up in the almanac. Both suggested the POS (piece of shit) category and POS countries are ordinarily brown. The air is brown. The streets are brown. The buildings are brown. The people are brown.

The air is hardly surprising. Combine the patent dust of underdevelopment with the sky-covering sun of the region, and you get the overall tint of spaghetti westerns. Equally unsurprising are the urban buildings — dilapidated Soviet contraptions scattered about in a way that makes the city look as if it were designed in a game of pin the tail on the donkey. Many of these buildings are only half there, horizontally.

The fact that the people are brown — a tanned brown —

may be more of a wonder, considering that Armenians are Aryans (or half Aryans, depending on which school of thought you listen to). Either way, Armenian history is covered with many strands of blonde hair and pairs of blue eyes. It took a book written by a political figure living in Bulgaria to persuade Hitler that Armenians are Aryan rather than Semitic, thus saving them from his hit list. And sure enough, Armenians did used to be white — before the time when, as it is often phrased over there, they were "fucked by the Muslims."

My arrival at 5 a.m. was greeted by a crowd of wide eyes gathered at the terminal exit. I forced myself through. "Are you sports player?" they asked, the last two words actually in English. It so happened that the Third Pan-Armenian Games were about to begin — a big deal convocation of teams from all-Armenian amateur leagues, coming from all over the world to compete in sports tournaments. Yes, I was in a place where the stuff of park leagues and rec centers was a major national event.

It didn't take me long to realize that I was also in a place where one must abandon all American concepts of the street sign — and the street. As for the former, there simply aren't any. At least not that I could see. And Armenian streets are as rough and full of potholes as Armenian prostitutes, making every ride the equivalent of the Indiana Jones experience at Disneyland. Some of the potholes stretch across the entire street. It's too bad they don't also stretch down the street, so they could serve as traffic dividers, since none but the most town-centered boulevards have any of those either. Obviously, this sort of thing isn't a contribution to driver-pedestrian relations, of which, as I soon learned, self-assertiveness is the reigning characteristic, even when it's raining.

You see, what needs to be psychoanalytically comprehended about Armenian drivers is that *they won't stop*. They are in stark contrast to the pedestrians, who *won't stop either*. Both of them *never stop*, yet somehow, someway, they never collide. At least in Manhattan one of the parties eventually gives way. In Armenia, they combine to make road conditions a geometric enigma.

Ass-backwards is Armenia, the bald spot opposite the chin that is Los Angeles on the three-dimensional head of earth, twelve hours ahead, smack dab on the other and darker side of the world.

I was unlucky to arrive when I did. This hit me the night after my first historical site, Garni, a pagan temple wisely preserved for its beauty after the coming of Christianity. It lies on the edge of a cliff, right in front of a harrowing and gorgeous gorge, waterfalls and all, the whole combo a mythical relic from a very real past. This is not the only pagan construct remaining. Until it was tragically too late, I was ignorant of the valley of the Phalluses, 16 of the longest lasting erections in history, still standing tall and frolicking after all these years. But this was the only example of erotica available. Because of the Pan-Armenian games, the government had launched massive attacks on human rights by temporarily outlawing porn and prostitution. And because an enormous social backlash awaits any girl who loses her virginity before marriage, this amounted to total sexual deprivation.

So I learned that there is only one reason to go to Armenia in the present, and that's the past. Over there, the superiority of the past is a matter of mind more than just a matter of fact, but we'll delve into that later. For now, let's go to a church. There are plenty of them, and they are plenty old. Up to 1,800 years, in some cases.

Take Gheghart. It was built into a mountain eight Strom Thurmond lifetimes ago, and is half cave. To get to it, you travel up a steep dirt path, past the hornblowers and souvenir vendors, wondering why the latter are selling I ❤ NY T-shirts. You see a mini-stone palace of prayer holes, with narrow, curving, and inverted staircases along the outer sides, leading to the smaller prayer holes, straight out of a video game. You look at the stairs and they speak to you, in soft ancient whispers, their words faint but their message clear: *there are obviously nooooooooooooo lawyers in this country.*

Then there's the first and most aesthetically beautiful church, Khorvirap. Khorvirap lies on the edge of a hill at the edge of Armenia, with the Turkish border and voluminous Mount Ararat a few miles away. The hill is on its own, so it is an isolated landmark visible from afar. The story behind this church involves Gregory the Illuminator: the man who brought Christianity to Armenia. (Though it would be fallacious to say he "illuminated" it, as Armenia didn't get full-time electricity until 1995.) He took his case to King Trdat, suggesting that there was a lord higher than thou, lord of the land, and King Trdat, as anyone would in his position, got a little peeved. So he threw Gregory into a dark pit. Luckily for him, not only did water run in that pit but a widow living in a fortress nearby was commanded in a dream to drop a loaf of bread into it every day. Thirteen years passed. King Trdat was divinely punished for his sins by becoming a wild boar. Then his sister had yet another Martin Luther King moment of revelation. She released Gregory, who then cured Trdat of being a boar. The dungeon and surrounding fortresses became a church, and Armenia became the first nation of The Book.

I climbed down into the historic pit, a little cylinder-shaped hell now lit by a bulb. It was spooky, and it might even have sent a chill down my spine, were it not also hot, muggy, and airless. Looking up at the small, barred window, down which St. Gregory's daily eats were sneaked, one couldn't help but wonder what it must have been like to live an Atkins' nightmare for 13 years. One also couldn't help but wonder if that widow was a babe. The fact that the latter crossed my mind after I had been in the country for only 13 days just shows how valid a question it was.

Khorvirap lacked the usual holy entourage of horns, beggars, and bread barons. There was a little boy who temporarily tagged along and made little squeaky sounds while I climbed up the hill. And there was an old lady begging at the bottom, who yelled "Don't give him anything!" when we slipped the boy a note. He turned around and snickered at

her. It was funny.

My final heavenly stop was Edjmiadsin (pronounced Edjmiadsin). This was the site of Jesus' post-resurrection appearance and the apex of the Armenian church scene. Architecturally, it is the most elaborate as well as the best site, beating out some tough competition among the ancients. An area on the ground near the church is highlighted as the exact point of Christ's appearance. It is said that if you stare down at it really hard — and really, really concentrate — you can see a footprint.

The air is brown. The streets are brown. The buildings are brown. The people are brown.

The expansive surroundings of the cathedral, as well as the cathedral itself, have been kept in pristine shape, supposedly in hopes that it will be the choice spot if Jesus ever decides to pull a Michael Jordan. Greenery and plant life preserved in all their color and vividness; vast lawns kept fit and trim; refined buildings kept clean, appropriately tarnished, and in operation as monasteries; an astounding mansion inhabited by the present head of the Armenian church; . . . in short: an oasis in the first world, seen through a portal to the past.

It is not uncommon for young Americans to visit unseemly nations and return with glazed eyes and love-struck voices trembling in adulation, speaking of how wonderful the *peeeehhhhople* are, how soulful and charming the *aaaatmmmuuhhsphere* is, et myriad cetera. This after spending a few days in some plantation estate with a hot, young rice picker who knows no English, to whom they've gotten through but not through to. Or in the case of exchange students, after spending six months in the confines of an American university isolated on some tropical landscape, making indigenous contact only with papayas or the sons and daughters of connected elites. Going in, I had thought — and hoped — that my situation would be just as illusory. After all, I was moved from the airport by one of three drivers employed by the parents of a friend, and I was moved to a big, beautiful house with a balcony view of the entire city. But while the house was new and great, the surroundings were as desultory as the rest of the country. I was informed that in Armenia all neighborhoods are mixed: there are no good or bad ones. You can have a mansion right next to a mud shack with one toilet and as many walls. For better or worse, one gets a feel of things.

Most of the feels were gotten from discourse in the Midnight Van, a white 1971 Peugeot that sinks about two feet at the witching hour as the neighborhood locals gather for some nightcap jive. Communication was no easy matter. My translator would translate only what he felt like, and my Armenian is a highly unfluent version of a completely different dialect from what is spoken in the modern homeland: the western dialect of a nation with only the east remaining. Not only has my grasp of the language progressively degenerated since I was three, but the tongue I was pierced with in the first place tasted of hybrid stew: a dash of Bulgarian here, a tablespoon of Turkish there, all marinated in a pint of gibberish with a sprinkling of Saxon to boot.

What does all this amount to once it hits the toilet in Armenia? In terms of clarity, I would estimate a very generous 30 percent word comprehension. At times, this yields basic understanding. Example:

BLAH BLAH I BLAH BLAH WANT BLAH BLAH BLAH PROSTITUTE

Really means: I want a prostitute.

My reaction: amused chuckle.

Many times, however, it doesn't. Example:

BLAH BLAH I BLAH BLAH WANT BLAH BLAH BLAH PROSTITUTE

Really means: The woman I married left me for a wanted Belarusian prostitute.

My reaction: amused chuckle.

Regardless, the formula revealed some quirks and facts.

One of them was how truly atrocious their dirty jokes are, so bad it's not even funny. This was surprising, since communist oppression usually breeds great nasty joke-making and joke-telling; there's nothing else to do. Eastern Europeans (especially Bulgarians) mastered the art, although it died as soon as they became free to complain about the lousy situation that they were now free to rid themselves of. But it never caught on in Armenia. Some things are bad in a forgettable way, merely lacking in force and salience. But the badness of Armenian dirty humor is of a Yoko-Ono-shrieking kind, the kind you unsuccessfully try to shake off, hoping to retain some level of respect for its perpetrator. It is out of that respect that I won't repeat any of the jokes here.

This was only one of a number of oddities encountered. Others ranged from the personal to the atmospheric, from the benign to the cultural; from men smoking slims to the fact that marriage is a bloody mess. Literally. A delegation of women check the newlywed couple's bed for blood, lack of which results in expulsion, either of the wife by the groom, or — if he's not willing — of the groom by his family.

Atmospheric: the gas stations look like casinos. The casinos look like miniature Reno wannabes. Personal: the people are very hospitable. *Excruciatingly* hospitable. I'm talking every-two-minutes hospitable. As a guest, you're supposed to be constantly happy. And you're supposed to display this constant happiness with an ecstatic smile. Let the edges of your lips off guard for even a second, and you're hit with:

Gheghart was built into a mountain eight Strom Thurmond lifetimes ago, and is half cave. To get to it, you travel up a steep dirt path, past the hornblowers and souvenir vendors, wondering why the latter are selling I ❤ NY T-shirts.

"Are you sad?"

"No," you say.

"Why are you sad?"

"No, really. I just have a cheek cramp."

"If you're sad, then I'm sad."

Such irritations aside, the hospitability exemplified a charming quality in the people. Everyone I met was hospitable, even though most of them were poor to the pore, and all of them knew full well that I was an infinitely better off American, pampered to the puss. They still put my well-being over anything else. They had no envy.

And while we're still in Laudland, another thing: when the only two kinds of people in a country are the filthy rich and the dirt poor, it is usually a recipe for squalor. Not so in Armenia, which is dirt poor but not dirty, at least in a certain sense. It's dusty, but dust is the dirt of poverty, not of persons. The streets of Armenia aren't swimming in trash like those of other third-world countries, such as Mexico. And the streets in Yerevan don't reek of urine, like the streets in other third-world cities, such as Santa Monica. In fact, the chief difference between Armenia and Santa Monica is that Armenia is no longer a Soviet republic. It still has a Communist Party, but unlike the communist party of Santa Monica, it has practically no power.

There is a quiet charm to Armenia's freedom from envy and freedom from squalor. Collective pride is an abhorrent, racist trait. Yet to say that I didn't feel a small, pointless pride — if even in the involuntary way in which I feel a flash of humiliation upon hearing of an Armenian-perpetrated murder — would not be completely honest.

I spent some time feeling the charm. Filling the other 359 hours and 55 minutes of my trip was a problem. Historic sightseeing is the only thing to do in Armenia, although it's a great thing to do. Once it's done, a wealth of time remains to be spent on a poverty of product.

Not a single cultural sight in the whole country, not even the museums, requires more than 45 minutes to exploit. In Armenia, boredom descends long before the sun. Sure, the capital city has a vibrant nightlife — on paper. Countless discos and strip clubs decorate the moonlit plain. But what with the virginity taboo and the language difference, there wasn't much potential for connection, other than some damn serious eye contact. You can drink Nescafe and dance to a few techno-Russian acid trips, the main instrument in which sounds like a ham-radio signal, but nada thereafter.

The horridness of the music was no surprise, even though Armenia may boast of composer Aram Khachaturian, who made some substantial contributions to the highly unsubstantial collection of bearable 20th century classical music. One just can't expect a pop culture to run on that. And when there's barely anything for automobiles to run on, what chance does such an abstraction as pop culture have?

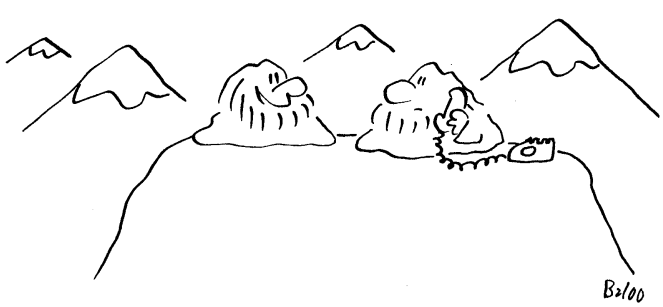

"Order one with anchovies — I've never *seen* a fish."

Two months before I visited Armenia, the president of the republic and his inner circle paid an evening visit to a popular cafe. Because of his visit, the place closed a major section to the public, upsetting a gentleman on the other side who started making loud, unfavorable remarks to his friends. This disturbed the conscientious president. After all, here was a man who ran for public office so he could serve his people; how could he possibly enjoy his dinner when it was directly affecting one of them in such a strong and visible way? So the President ordered a few members of his staff to address the man's concern. They approached him, asked him what he found so bothersome, led him to the restroom so he could explain without embarrassing anybody, and beat him to death.

Politically, Armenia is in a mess holier than its history. Its most recent presidential election was operated like a super chef competition, with ballot boxes playing the role of Butterballs. Every international watchdog overseeing the process gave it an F-minus. Hijacked by the incumbent and his cronies, the ordeal drew protests exceeding 100,000 people, over 10 percent of the population. All prominent opposition to the incumbent was either exiled or threatened with exile prior to the election. Political opposition, in effect, was outlawed. The most popular challenger was forbidden to run: he had been a citizen for four years, and a rule existed enforcing a ten year minimum. Existed, mind you, under an incumbent who *wasn't even a citizen* until assuming the presidency.

All of this happens for the simple reason that judges and members of Parliament vote the way of the gun — specifically, the gun pointed at them by the president's mafia. Thugocracy of this nature obviously results in chaos, since there's only one way to fight it, and that begins with two asses. So it was that in 1999, a man with a machine gun stormed into Parliament and opened fire, killing eight and injuring six.

The minimum threshold of "civil" government can fairly be determined as the point at which politicians are more afraid of the public than the public is of politicians. Like other post-Soviet nations, Armenia falls short of this threshold. Eighty years of communism left the psyche (and structure) of the post-Soviet world highly unconducive to freedom.

Armenia lies in the middle of an ocean of oil. Which is just the problem; there's oil all around it, but none actually in or crossing it. Pipelines endure great pains to evade Armenia, circling it when it would be much shorter to just go through. To ask why would be to touch on another unique aspect of the Armenian situation. Armenia is also surrounded by people who hate it. By "surrounded," I mean *on all sides*; and by "hate it," I mean *passionately*. Its culture, religion, and very existence are detested to death by the Islamic nations that dastardly historical circumstance has left Armenia starkly in the middle of. Its precarious positioning can be compared only with that of Israel, though the latter

has only been around for half a century, whereas Armenia has been dealt its unfortunate hand for one and a half millennia.

Adding to Armenia's oddity is the fact that it is the only non-U.S. country other than Israel to record a decisive military victory during the last 35 years.

Nagorno Karabagh was an autonomous, 95% Armenian-populated territory, a sort of island in the lake of Azerbaijan.

You look at the stairs and they speak to you, in soft ancient whispers, their words faint but their message clear: there are obviously noooooooooooo lawyers in this country.

Its inhabitants were massacred on numerous occasions in the early years of World War I, with the help of the Ottoman Turks. When the USSR emerged, Karabagh was recognized as part of Armenia. Less than a year later, Joseph Stalin, always a man of ideas, came up with a doozy: how better to "divide and conquer" than by pitting nationalities against each other? Birth was given to the "nationalities policy" — a sort of gerrymandering. To lay the foundation for this new policy, Karabagh was annexed to the SSR of Azerbaijan.

To make a 75-year-long story short, pogroms, massacres, and other strong measures were applied by the Azerbaijanis to dilute Karabagh of its hefty Armenian element. When the USSR finally died, Karabagh was owed a proper and lawful independence. The new government of Azerbaijan disagreed. Sovereignty had to be fought for. With the assistance of Armenian armament and warriors who checked in from America, Lebanon and the world over, that it was fought for successfully.

Technically, this was the triumph of a small, autonomous state; actually it was a victory for Armenia. It took some grit, some heart, and a lot of arms. Armenia is massively armed. Many of the arms are Soviet leftovers, shoveled under the table to the favorite dog. The rest are the very first things that any Armenian government money was spent on, and very wisely so. But no victory would have been possible were it not for an adversary who was, at the least, intensely dumb.

All that said . . . now what?

It's still a ghastly conflict, now ghastly on a larger scale. Karabagh is being blockaded by the Biajan from Armenia and the world and getting past the blockade is a constant struggle. And Armenia itself is still a political disaster, with no window into the future revealing anything different to even justify hope.

Hold that thought for a moment. Time. Timeline. History. That's always full of answers. Answers, perhaps, to its own question: as deep a history as Armenia has, how did it arrive at this pathetic point?

Yerevan, after all, has been an urban center for 2,785 years. That's a lot of years. And there is significance to that enormous length of time, to the fact that the Armenian people survived it. Before Armenia arose, the region was populated and surrounded by a plethora of peoples with cave-speak names: Hurrians, Guti, Kassites, Mitannia, Hittites, Phrygians, and Biannili, from the Kingdom of Urartu.

Uga-buga indeed. All these distinct cultures, with their respective peoples, vanished like mini-weenies from a wedding tray. Completely. Not that there is anything magical about this; the key is that there isn't any magic. For just as mini-weenies vanish via the hands that pick them, there are explanations for the disintegration of cultures, especially when those are as closely tied to kingdoms as they were in prehistoric times.

Geographic Armenia, before Armenians came into existence, was ruled by the empire of Assyria and the kingdom of Urartu. Assyria was an intolerant military state, which, according to one history text, "prided itself on its centralized bureaucracy." In 610 B.C., the capital of that centralized state was attacked, and the entire empire disappeared. Urartu, conversely, was largely decentralized and reliant on trade, borrowing from other cultures. It survived. And the characteristics it bore were adopted by the successor it begat, Armenia.

These characteristics of political disunity and trade, combined with a fierce identity-unity in culture, caused Armenia to metamorphose into an empire by the 4th century A.D. But even as an empire, Armenia was the juggled instead of the juggler. Between Rome and Parthia, then between Rome and Persia, then between Byzantium and Persia — its allegiances made it a constant tennis ball, bouncing back and forth, pending the issue of the moment. This is because Armenia was where east met west, which is why it eventually went south. Two things enabled its existence: its usefulness to one of the neighboring hegemonies, and the sympathy of those neighbors to its own culture. The kind neighbor was primarily Rome (later Byzantium), which saw Armenia as a shield against its eastern rivals.

So while Armenia's values led to its dominance of the east-west intersection, the reality of that well-inhabited location doomed it to puppetdom. Armenia was a self-sufficient puppet with a mind and mechanism of its own, to be sure,

An area on the ground near the church is highlighted as the exact point of Christ's appearance. It is said that if you stare down at it really hard — and really, really concentrate — you can see a footprint.

but still a puppet, helplessly vulnerable to an unfriendly hand. Rulers of church and state were appointed or maintained essentially at the discretion of the neighboring empires; Armenians had no choice in the matter, and little recourse if they opposed any such intervention. There were the occasional successful insurgencies, but they were few and far between.

The fatal folly of Armenia was not to realize this. Some civilizations, you see, are meant to be conquered: so read the laws of geohistorical precedent. Puppets are up for grabs. The lucky ones can choose who their conquerors will be.

Fifteen hundred years of relative independence made the Armenian psyche callous to the vulnerability of that independence. When the Ottoman Turks swallowed the Middle East in the 14th century and approached Armenia and Byzantium, the latter tried to abolish Armenia's autonomy, producing a rift that caused them to fight the invading Turks separately (some Armenians even siding with the enemy), at a severe cost to effectiveness. They lost. The Turks swept Armenia and the entire Byzantine Empire. While such things can never be known for sure, it is widely believed that had the Byzantines and Armenians cooperated, the Ottomans could have been held off.

Blame this on the Byzantines, and you miss the point entirely. Whether or not they were wise has nothing to do with the fact that the Armenians were painfully unwise in not following along. Bottom line: push came to shove, and Armenia knelt, and has bent over on its knees ever since.

But that was then, this is now. Or to phrase that shocking fact a little differently: past geological constraints are now much easier to overcome. The technology of modern trade has enabled any resource to go anywhere, without imperialism tagging along as a travel partner. All that's needed is a little structure. Set the circuits to maximize the energy flow, and even the tiniest mechanism can vibrate to a horny frenzy. See Japan and Hong Kong. They've shown how much more vital structure is than natural resources, and how quick a fix it can be for thousands of years of economic dementia. All Armenia has to do is drop a tablet of capitalism in its own glass of water, gulp, and the remedy will start. In her current state of armament, it's not as if any of the surrounding enemies would dare attack. And as for the blockades, foreign investment tends to have much more penetrating power than aid.

But ability and possibility are two different things. Just because something *can* happen doesn't mean there is a real chance that it will. I can get a smiley-face tattoo on my left testicle, but there is zero possibility I will do it. Likewise, even though a country can fix itself, try to point to a case in which a non-Western country has done so completely from within and all you will get is a fidgeting finger. Japan and Hong Kong, after all, were introduced to their structure by the West (and deserve immense credit for accepting it). And

In Armenia all neighborhoods are mixed: there are no good or bad ones. You can have a mansion right next to a mud shack.

Western imperialism — much to the benefit of the potential imperialist and detriment of the imperialized — has gone irreversibly out of fashion.

Sadly, however, one can see that what helped Armenia survive was the same thing that caused her to fall: that separate cultural identity, ever so fierce . . . ever so stubborn.

It is evident, in Armenia's failure to cooperate with Byzantium, that this fierce identity trumped reason and perspective. The cultural rigidity that was necessary to survive ancient times never evolved into the cultural adaptability necessary to prosper in modern ones. (Ring a bell, World of Islam?) The staple of success for any society has been tolerance of trade, and not only of goods, but also of values and methods. There's a reason I'm 18 and not XVIII years old. Furthermore, there's no reason for a dichotomy to exist between adapting a culture to superior values and losing it completely.

One dame is a grand testament to all of this. America, America. A casual cast of the eye upon her fruited plain reveals a myriad of cultures that adopted the moral and

The chief difference between Armenia and Santa Monica is that Armenia is no longer a Soviet republic. It still has a Communist Party, but unlike the communist party of Santa Monica, it has practically no power.

intellectual aspects of Americanism while retaining the better aspects of themselves.

Generally speaking, one can neither say that the Lebanese in America are culturally indistinguishable from other Americans, nor that they are comparable to Lebanese in Lebanon. Ditto for so many others (in various degrees). The Irish, who didn't accomplish much in Ireland, have made enormous achievements in the United States. Blacks in America have invented art forms, heavily influenced popular culture, and are themselves the 16th wealthiest nation in the world; whereas Africa is a hotbed of carcasses, tribalism, and slavery. Meanwhile, all kinds of Americans take part in all kinds of ethnic availabilities: eating a Peking duck, dancing the Naguila Halva, taking a Turkish bath. It is this general metaphor — "Leave the turbans, keep the tabulae" — that has made America thine alabaster babe she is.

Armenians in America followed the same pattern. The first major boatload (as I think of it) arrived from 1915 to 1920, with immigrants bound mainly for New York and Fresno, Calif. These people, with their solid conservative values and notable inroads to success, are the epitome of balanced Americanization. Ninety years later, and they still speak their ethnic language fluently and throw their massive weddings. The second boatload of immigrants arrived 30 to 40 years ago from a broad range of places (Iran, Beirut, Bulgaria, Romania, Russia, Egypt, et al.); they were generally destined for Los Angeles. They shared, by and large, the characteristics of the first immigration, if somewhat less consistently.

The stench of "cultural pride" seeps somewhat regularly from the pores of these Armenians. My eyes are forever sensitive to the -ian suffix, because I was raised to think there was something special in spotting an Armenian. Always an exciting surprise, seeing those three letters, which when reared in a last name would hit the pupil like a dollar bill on the pavement. I'll bet my Firing Line DVD collection that in *The Simpsons* episode that revealed Principal Skinner as an

impostor whose real name was Armen Temzerian, it was an inside joke on some Armenian gofer in the staff.

Despite the various "my people are a good people" pap that so activates the gorge, this empty pride is countered by a hard realism. In other words, being "Armenian" is considered important, but not necessarily good. I mean, what else can you conclude when the first reaction to a good-looking guy at an Armenian party or convention is, "You don't look Armenian." With a hint of pleasure, too. Obviously, the degree to which the realism trumps the pride and vice versa varies from person to person. Overall, though, these Armenians have melted well into the pot while holding on to the festivity, the food, and even the hairiness.

Then comes Boatload #3. In the 1990s, the third major migration arrived, this time from post-independence Armenia. It is best characterized by the slew of medical supply shops in Hollywood. Shops that give away padded underwear with pink ribbons to old people and charge Medicare for it. Oh yes, these Armenians are fully equipped with the Soviet squeeze-the-system mentality that was a means of survival in their old country. They are not only oblivious to the American ethical-political system, but actively so. Reaping welfare with no remorse. Sending wedding invitations with no postage, the invitee written as the return address. What's more, most of these immigrants came with money (how else could they afford to move?) — and there were only two ways to acquire that in Soviet and post-Soviet times — corruption and corruptness.

As people tend to do, they arrived with offspring. Spoiled little brats though these kids may be, they aren't ignorant of their ethnicity. So high is their cultural awareness that some of them created a street gang called Armenian Power (AP), which gets in constant squabbles with Latino Power (LP), squabbles that often involve bullets and are the main source of both the victim and the perpetrator categories in the LA Armenian murder column. Coming from AP (the cynical among us would say) the first category can never be large enough.

These groupings, to be sure, contain the flaws of any widespread generalizations. Nevertheless, the picture they project is accurate. What we have are three quantitative sets of the "same" people — ethnically and genetically speaking — who fall into two qualitative categories. These categories are not merely *different;* they exist on distinctly separate moral planes. While it certainly doesn't help that Boatload #3 had the added influence of having lived under the greatest evil in history, a case of mental inbreeding — with consequences metaphorically tantamount to its physical, er, brother — is present as a culprit.

Perhaps this boatload's members will change, given a few generations of growing up in America. Some people, such as a man I spoke to on my flight back from Yerevan, aren't so sure. "We," he said, referring to himself as part of Boatload #2, "had to live and work with Americans. We were forced to change. These people never have to leave their community."

It is true that the community in certain quarters is now large enough to operate within itself, but I find it hard to believe that it has the ability to overpower the mending qualities of time. Either way, the important thing to note about these Armenians is that they have no qualms about abusing government programs. Why not take what's there? "Why don't you do it?" they ask in sincerity.

They cannot *conceive* of what they're doing as wrong.

While Armenians in Armenia do not share the disgusting characteristics I have described about those who recently left it — the latter were beneficiaries of Soviet thuggery, whereas the former were victims — they do share that obliviousness to Western political structure. They can't even conceptualize the only solution to their eternal mess.

So the solution must be introduced from without, by the only people who give two shits: rich western Armenians with sentimental feelings toward their heritage. Such people exist, and a few of them even know what's required if any change is to occur. But even then, knowing what's required doesn't always mean knowing how to make it happen. This is where the unparalleled post-Soviet corruption comes back in, like an anchor glued to the bottom of the sea with an indestructible rope. Setting the sail, fueling the ship, following the compass — information about all this is readily available if not readily accepted. But nobody has figured out how to cut that rope.

Sure, it has only been about a decade. Sure, it's too early to get fatalistic. Sure, there's still hope. Sure, sure, sure, Diane Schuur. But for people to feel hope, the window to the future must reveal at least a thin ray of it. Perhaps I'm going at this with a fractured middle retina, but when I look into that window, all I can see reminds me of the most famous author of fairy tales. Given the present view, it would take an undue amount of optimism to see anything else.

And as far as I know, there aren't any Armenians named Panglossian.

Oblivion. Not just a country. An oblivion.

This is the feeling one gets when visiting Armenia. It is a different world. I don't mean just a foreign world or a poorer world, both of which might share our basic concerns, only in different shapes and sizes. I mean a different world, "different" being an adjective just as vague as the oblivion it describes.

The people don't seem hungry, nor desirous, nor happy, nor particularly angry, nor worrisome . . . just occupied. Like the rest of us, they are totally indifferent to world politics, and unlike the rest of us, they don't pretend otherwise. That is, with the exception of one issue . . .

Armenia is surrounded by people who hate it. By "surrounded," I mean on all sides; and by "hate it," I mean passionately.

By the 19th century, the consequences of Armenia's fatal folly half a millennium earlier were in full effect. Recognized in the Ottoman Empire as "Christian infidels," Armenians were more mongrels than citizens under the Islamic law. In a

conflict with a Muslim, they were completely defenseless, being forbidden both from testifying in court and from bearing arms. (All a Muslim had to do was swear on the Koran.) They were uniquely subjected to an extortion-based tax-farming system; a "hospitality tax," entitling government officials to free lodging and grub for three days a year in an Armenian home; and a winter-quartering obligation, which allowed Turks and Kurds to quarter their families and cattle in an Armenian home for the whole winter. Obviously, those first two prohibitions against any form of self-defense effectively entitled Turks and Kurds to even more. Hence the frequent rapes, abductions, and robberies — and the gradual debeautification, as many Armenians regard it, of the Armenian race.

Sadly one can see that what helped Armenia survive was the same thing that caused her to fall: that separate cultural identity, ever so fierce . . . ever so stubborn.

Banning free speech is one thing, but in some districts *no* speech was allowed — speak Armenian and your tongue would be confiscated. In such areas, generations of Armenians only learned Turkish. P.H. Massey, the British vice-consul stationed in the Ottoman region of Adana, summed things up with the type of political reasoning typical of British statesmen in those days:

> The Armenian population is everywhere oppressed by a system of government which takes from them the means of circulating freely, of earning a livelihood, and of enjoying a feeling of security to life and property, even on the most frequent highway. Taxes are levied without mercy, even from the poorest. The prisons are filled with innocent men, who lie there for months without trial.

Naturally, this generated a good deal of unrest among Armenians, as well as all the other infidels subjected to similar treatment: Greeks, Serbs, Albanians, and Bulgarians, all of whom eventually and bloodily won independence. Since the infidels, mainly Greeks and Armenians, were also the most productive and successful groups despite their persecuted status, oppressive regulations amounted to cutting off the most vital blood supply of the Ottoman empire, which became, as Mark Twain described it in 1867, "a blot upon the earth — a degraded, poverty-stricken, miserable, infamous agglomeration of ignorance, crime, and brutality" with a "government whose Three Graces are Tyranny, Rapacity, Blood."

Yes. So an Armenian movement demanding security for life and property arose. This was a desperate plea for reform, and when the formal efforts to achieve that failed, what persisted was the plea. Only a small sect of this movement sought independence; the majority were loyal to the Turkish government. (Goodness knows why. One has to wonder if an element of the Stockholm Syndrome — or in this case, the Constantinople Complex — wasn't in play.)

It was this plea that gave birth to the Armenian Question.

Ruling the Ottoman Empire in the late 19th century was one Sultan Abdul Hamid II, a man who "hated the word 'constitution' and everyone who approved of it." A paranoid loon, he was the laughingstock of the world. The British and French prime ministers and press referred to him as "the bloody sultan" and "the great assassin." He had a hateful, despising, loathsome abhorrence of Armenians; he strictly censored all A-words and other symbols of You Know Where. In one case, a visiting Dr. Clarence D. Ussher had his dictionary taken away because it contained the words "liberty" and "revolution"; meanwhile maps were cut out of his Bible because the word "Armenia" appeared in them. (One hilarious instance of Hamid's lunacy was an episode in which he outlawed all references to H_2O from science textbooks, because he feared the symbol could be read as "Hamid the second is nothing.")

Along with a burgeoning debt, a series of revolts among Christian minorities, and a growing Young Turk movement for constitutional reform, the Armenian Question became one of many thorns in the ever-expanding ass that was the Ottoman Empire by the 1890s. Compound this with the sultan's visceral hatred, and you get a particularly agitating situation in which the horns of an approaching scapegoat are firmly in view.

Ergo, a campaign of terror involving precisely measured false pretenses and careful provocations that were framed as insurrections. A lot of blood was spilled. Well, not quite spilled: it wasn't as if somebody knocked over a cup of Dracula's Delight or something. More like splattered, squirted, expunged. From 1894–1896, about 250,000 Armenians were massacred.

But the desolation of 2,500 towns and villages, the pillaging of 645 churches and monasteries, the forced conversion of 559 villages, the reduction of half a million people to destitution — that was only a prelude.

Armenian frustration grew and grew while Ottoman stability fell and fell, and the Young Turk movement emerged full of liberal promise. But political parties are like frat parties: promises in the former usually share the fate of kegs in the latter. In 1913, five years after the Young Turks came to power, the liberals within the party were killed in a coup and a strong Turkist-Islamist platform of nationalism was put in place. By this time the Ottoman Empire's territory in Europe had shrunk by 85 percent, in the wake of the Balkan Wars. This further intensified the spread of propaganda for pan-Turkism, a "mystical vision of blood and race" that saw racial and religious purification as the only solution to Turkey's decay. The phrase "Islam mandates domination" made many rounds, as did the labeling of non-Muslims as "microbes," "germs," and "bacteria" that needed to be eliminated. In a direct appeal to envy, a national boycott was declared against Greek and Armenian businesses: the "infidel bourgeoisie."

The scapegoat was now trapped in a land where bestiality became the official policy. In December, 1914, with the onset of world war, the Ottoman minister of war made the brilliant move of invading Russia during the winter. By January of the following year, he had lost 75,000 of 95,000 men. The underwear-around-the-ankles humiliation of this

defeat was blamed on Armenians, who were said to have sympathies with Russia. Armenian men 20 to 60 years of age had been conscripted to the army (where they were given menial jobs so as never to acquire warrior skills). A month after the defeat, they were thrown into labor battalions and methodically executed. With the testosterone of an already disarmed Armenian population now subdued, the stage was set for what historian Richard Rubenstein has called the "first full-fledged attempt by a modern state to practice disciplined, methodically organized genocide."

By strict government order, a "systematic race extermination" — as 145 *New York Times* articles on the subject in 1915 alone described it — was carried out against the Armenians, in the form of mass slaughters and deportations to death. In the ten-point secret government mandate, later recovered by the British and dubbed "The Ten Commandments," point number five read: "Apply measures to exterminate all males under 50, priests and teachers, leave girls and children to be Islamized."

Women were raped in front of their husbands, who were then butchered in front of their wives and families; members of whole towns were forced into churches, which were then burned down, a two-in-one cultural elimination; piles of skulls rested all around invaded villages. This is just a sampling. Describing the graphic details of the genocide would require the many volumes and eyewitness accounts that have been written about them. When most was said and done, the minister of interior who orchestrated the holocaust boasted to the enraged American ambassador: "We have already disposed of three quarters of the Armenians . . . we have got to finish with them"; and soon after, "I have accomplished more toward solving the Armenian problem in three months than Abdul Hamid accomplished in 30 years!"

From 1915–1916, 1.3 million Armenians were massacred. In sporadic attacks for six years thereafter, another 200,000 were killed as well. Only a few Armenian towns succeeded in fighting back and fending off the attacks.

The staple of success for any society has been tolerance of trade, and not only of goods, but also of values and methods. There's a reason I'm 18 and not XVIII years old.

This issue has been the central focus of the average Armenian scholar, special-interest group, politico, and person everywhere, ever since. Why is it even an issue? Because it took me 1,357 words to refer to it, when only three would have been necessary to call up the Jewish holocaust. The Turkish government has adamantly denied the genocide to this very day.

In light of the recovered state documents ordering genocide, the post-WWI Ottoman courts-martial confessions made by the officials who oversaw it, the recorded statements of the Turkish leaders who directed it, and the endless eyewitness reports of American, British, and European consuls and missionaries (the most instrumental of them being American Ambassador Henry Morgenthau) — this denial is ludicrous beyond belief. Still more remarkable is the fact that it comes from a government that claims to be modern, secular, and West-friendly. Unfortunately, Turkey's similarities to Germany do not extend past 1945.

Turkey has had marginal success in its denial, because of three things.

First, the government spends millions each year on foreign propaganda generated to keep truth hidden. The propaganda has succeeded in the American media. On April 24, 2002 — the annual memorial of the day in 1915 when 250 of the most prominent Armenian intellectuals and artists were arrested in the Turkish capital and later mostly killed — NPR Morning News had this to say: "In 1915, some Armenian intellectuals were executed who were accused of giving aid to Russia."

From 1915–1916, 1.3 million Armenians were massacred. In sporadic attacks for six years thereafter, another 200,000 were killed as well.

Second and third are Turkey's strategic location and the general ball-lessness of the U.S. State Department. Geographically, Turkey is vital to American military bases and interests. Every Congressional resolution to recognize the genocide officially is faced with hyperventilating Turkish threats to restrict all air and ground bases, and is then shot down by State Department heads for purposes of national security. What's more, Turkey's convenient location has earned her billions in aid and loans from the U.S. each year (the going price for "alliance" to America seemingly everywhere), including a multibillion dollar loan in 2001 that rescued her from economic crisis. (The Turkish lira is currently 1,413,000 to the U.S. dollar — which means it's officially worth less than toilet paper.)

But, as this and the recent betrayal in Iraq coincide to demonstrate, the Turks need us far more than we need them. As our relationship with Germany also demonstrates, there is no reason why a mutually beneficial alliance cannot coexist with an accurate historical record. Indeed, it would seem essential that such a human rights travesty be openly regretted. The moral cop-out is one of the many effects of the pussy-pulpit that has characterized American foreign policy since World War I. As H.L. Mencken noted way back then:

> The same Armenians who were exterminated in 1896 are now being exterminated again. The only difference is that in the present case the accommodating Secretary Lansing has given the atrocity-mongers a life by addressing a moral note to the Turkish Government. The circulation of such notes now constitutes one of the chief duties of the State Department.

In 2001, France passed a resolution recognizing the genocide. The Turkish government got very, very mad. Boy, did it get mad. It cut off all contracts and withdrew all business

and pulled its consulate out and then . . . within six months resumed everything. Replace *six* with *one*, and *months* with *hot, pleading second*, and you'll get the Turkish government's response if the same resolution is passed by the United States.

What results can be expected from trying to buy alliance with a potential enemy? (Yes, potential enemy. Ninety percent of the Turkish population opposed letting the U.S. use Turkish bases for the recent war.) After all the American tax dollars that have been poured into Turkey for years and years, the one time when we actually, concretely needed Turkey — what happened? Turkey found herself on home plate, thinking she had hit a homerun, when in fact she had never even swung the bat. After the United States put Turkey back on its collective feet, it proceeded to kick us in the proverbial butt.

Armenian American efforts to expose the genocide have had their faults as well. The scholarship is extensive, but it has a noticeable lack of analysis, being very exposé-style and narrowly geared toward gaining sympathy. It has sought to make Armenians pitiful. This is understandable and excusable, considering the silent nature of the genocide. What isn't nearly as excusable is the tendency for Armenian scholars and advocates to display an Armocentric political immaturity, often acting as if American interests were completely irrelevant. Such single-mindedness does nothing but make people sound like another whining ethnic faction.

And Armenian art about the genocide has been ass-awful. There hasn't been any *Schindler's List* to rock the modern social conscience, or anything even close to it. The one documentary available on home video is simply preposterous, consisting mainly of interviews with survivors who scream like maniacs when recalling their experiences. High school students who watch this can't help but crack up in laughter. No good novel has emerged; the one exception, *The Forty Days of Musa Dagh*, was written by a Jew. What Armenian art has come out in the mainstream — such as the Broadway play *Nine Armenians* — has been rather pathetic and food-centered. While it would be inaccurate to deny that food is a central focus of the Armenian existence — one of the more essential aspects of the seven-course meal that is life — the fact that no Armenian-themed artistic production can find anything deeper to talk about gets a little annoying after a while.

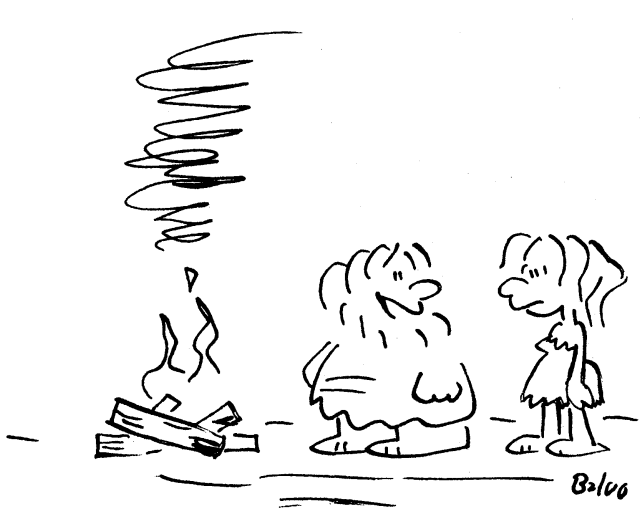

"Don't worry — if we run out of wood, we'll move."

All modern attempts to get the genocide heard are shadowed by one looming, immutable obstacle . . .

Who cares?

In an abstract sense, we all should. The reasons become painfully evident when you consider the words spoken by Hitler to his elite generals nine days before he invaded Poland: "Genghis Khan led millions of women and children to slaughter — with premeditation and a happy heart. History sees him solely as the founder of a state. It's a matter of indifference to me what a weak western European civilization will say about me. Who today, after all, speaks of the annihilation of the Armenians?"

All modern attempts to get the genocide heard are shadowed by one looming, immutable obstacle . . . Who cares?

But abstract notions need concrete reminders. Between the time of the first massacres and the all-out genocide, the Armenian issue was a big deal in America, one of the biggest of foreign deals. As Herbert Hoover said, reflecting on 1919, the "name Armenia was in the front of the American mind . . . known to the American schoolchild only a little less than England." Since then there have been so many atrocities that it's hardly possible for all of them to hold a firm place in the present consciousness. Shelf room only exists for those pertinent to current concerns: terrorism, Israel, the Middle East. The rest get stashed in that neglected mental sale bin, where all items are significantly marked down and indistinguishably blended together. What else (other than political correctness) explains the silence about the genocide of two million black Christians in Africa that's gone on from 1980 to now?

So you have the Armenian political *raison d'etre*. Of course, if you sense an aura of futility surrounding this whole issue, you're not alone. War is not the answer, if the question is what would benefit present-day Armenia. The answer, really, is nothing. Say the United States officially recognizes the genocide, or ultimately, the Turkish government admits it: then what? Reparations? Hah! Returning former lands? Puh! Both are fantasies, held by activists wishing to claim an empirical purpose for their careers. I'm not exactly sure what the "Armenian Question" is now, other than "You want seconds?" But whatever it is, it's no longer a problem for Armenians in Asia Minor, whose real problems aren't solvable by apologies.

Coming back to those persons among whom I was recently situated for 15 days: one can add a subtle bitterness to my picture of the esoteric oblivion in which they live. Perhaps even a deep-seated will for vengeance, somewhat justifiable under the circumstances of having had

continued on page 53

The Prudence of Conquest

Two editors of Liberty continue their debate over the U.S. government's invasion of Iraq.

History strongly suggests that the conquest of Iraq has not made the world a more peaceful place.

Santa Barbara
March 18

Dear Bill,

I await your prudential justification of the position that the world is not more peaceful with the removal of Saddam Hussein.

With respect to weapons of mass destruction, among my greatest fears is that sometime during the next few decades some eco-terrorists who believe the world would be a better place with no (or very few) humans will have the technological ability to develop a strain of bacteria that might be able to kill almost everyone. We are not at this point at this time, but do you think this will be a circumstance the world will face within the next 10 to 40 years or so?

This is in large part why I think emphasis on preemptive elimination of weapons of mass destruction generally is so important.

Regards,

Lanny

Port Townsend
March 19

Dear Lanny,

Thank you for goading me to get back to you. It's been three weeks since my last letter, in which I promised to explain why I answered "yes" to your very provocative question — "Do you believe the world now or in the future would be a more peaceful place had the United States, Great Britain, and other nations not removed Saddam Hussein from power?"

But before I tackle the main question, I cannot resist the temptation to respond to what you say about the risk of eco-terrorists committing mass murder by means of biological warfare.

I'm not sure how much this has to do with the conquest of Iraq. Iraq did not possess any chemical, biological, or nuclear weapons (though the U.S. possesses them), so it's unlikely that eco-terrorists could have gotten them from Iraq had the U.S. not conquered it. So I don't see that this threat has much to do with the Iraq war.

But it is still an interesting question. Just how much should we fear high-tech terrorism?

The history of the human race is very much the history of one "supreme weapon"

after another being developed, only to be made obsolete by stronger weapons or stronger defenses. There was a time when the whole world quivered before "Greek fire" used by the Byzantine navy, and there were times when it quivered before the longbows of northern European armies, the first gunpowder-powered weapons, and the first machine guns. But all these supreme weapons were made obsolete.

I note that two of the three classes of "Weapons of Mass Destruction" demonized by Bush and U.S. law have never been particularly effective in warfare, and may never be effective. You worry particularly about one of these: biological weapons. You wonder whether I fear the possibility of germ warfare by eco-terrorists.

Well, I guess I do, a little, but no more than I fear other fairly unlikely possibilities. So far, almost all the research that has resulted in effective biological weapons has been done by the U.S. government — let's not forget that the anthrax strain that terrorized America in the wake of 9/11 was produced at a U.S. Army facility — and I have to admit that there are days when I fear my government, or at least worry about the fact that its security measures are sufficiently lax to allow deadly anthrax spores to be stolen and used to attack the *National Enquirer* and the U.S. Senate.

Of course, it is possible that one day biological or chemical agents will be used to kill huge numbers of people. But this has been the case for a long time, and I don't see that the situation has changed in any material way since 9/11. When I was a kid in junior high school, my biology teacher talked about how deadly botulism can be, telling us that a teaspoon of the deadly poison (which can be cultivated from microorganisms present almost universally in ordinary topsoil) is enough to kill more than 100,000 people. We discussed its potential as a terrorist weapon and concluded that if it were used to contaminate a city's water supply without warning, it could kill thousands or even millions.

I don't recall this happening, and if I'd spent a lot more time worrying about it, I don't think that my time would have been profitably spent.

Anthrax has been around a long time as well, and except for a few governments which you seem to think are not terrorist organizations, no one has done much to use it for terror.

Like many leaders in the Arab world, Saddam talked very tough on the issue of Israel and her chief supporter, the United States government. But he was almost all talk with very little bite.

Back in the Stone Age, pretty much the only way known to kill a person was by cutting him with a knife chipped from rock, piercing him with a sharp stick, or beating him to death, perhaps by using stones as weapons. That was pretty much the limit of technology, so "mass destruction" wasn't really possible. But practically every technology developed since can be employed to kill people on a broader scale than the technologies that preceded it, yet world population continues to grow.

So I guess I'd have to say that while improving technology means that mass murder is increasingly technologically feasible, I'm not losing very much sleep over the problem. This is, after all, an inherent part of human progress. More potent technology means more possibilities of slaughter. Possibilities, however, are not probabilities.

To return to the main question of whether the world is likely in the long run to be a more peaceful place because the U.S. conquered and now occupies Iraq.

Obviously, Saddam is less likely to interrupt world peace as a prisoner of the U.S. Army than he was as dictator of Iraq. But that doesn't mean the world is a better place. All actions have a variety of consequences, some of them unintended and unanticipated.

There were fewer casualties in these two wars combined than there were in the recent civil war in Burundi, which hardly got a headline in the U.S. press.

To provide a definitive answer to your question about whether the world is more peaceful with Saddam in captivity would require us to track down all the consequences of the conquest of Iraq, both intended and unintended, identify a means of measuring the impact of each on the peacefulness of the world, and add up the totals. This is impossible. Not only are there substantial epistemological impediments; there is also the problem that some of the unintended consequences are not yet evident to us.

But we can do what sensible human beings always do when faced with an issue of such complexity: we can speculate about it, and speculate intelligently. Which is what I attempt to do here.

On the positive side of the ledger — that is, on the side of peace — is the aforementioned fact that Saddam is no longer able to commit acts of violence that disturb world peace. This is no small matter. In his long career, Saddam twice disturbed world peace: first by his war against Iran during the 1980s, then by his invasion of Kuwait in 1990. The U.S. supported the first of these violations — we were still very angry about the capture of the U.S. embassy in Iran by Islamic revolutionaries in 1980 — and opposed the second, to the extent of organizing and executing an invasion of Iraq in 1991.

All wars are terrible, and these were no exceptions. But to be fair, their cost in terms of human lives was relatively small, at least in comparison with other recent wars, wars that haven't seemed to us to be particularly disruptive of the world's peace. I note that there were fewer casualties in these two wars combined than there were in the recent civil war in Burundi, which hardly got a headline in the U.S. press.

Like many leaders in the Arab world, Saddam talked very tough on the issue of Israel and her chief supporter, the United States government. But he was almost all talk with very little bite. The only real action taken against Israel or the U.S. that I can recall was his firing a few ineffective so-called "Scud" missiles toward Israel in the first days of the Bush I invasion of Iraq. He did far less mischief than, say,

Moammar Gadhafi of Libya, who financed a wide variety of anti-American and anti-Western terrorist campaigns — let alone the Soviet Union, Cuba, and China, which financed countless acts of terrorism, murdered millions of innocent people, and instigated civil and international wars that resulted in millions of deaths.

These communist powers were obviously much more a threat to the U.S. than Saddam ever was. Unlike Saddam, they possessed huge arsenals of nuclear weapons and the means to deploy them. Their hostility to the U.S. went far beyond the obnoxious words that Saddam hurled our way: the Soviet Union financed and directed a conspiracy to destroy the U.S., pouring millions of dollars into subversive activities every year for more than a half century, as well as organizing and financing anti-U.S. revolutionary groups in more than a hundred countries.

Curiously, the U.S. managed to prevail against this pernicious social system and the evil men who managed it without going to war — or at least without going to war and *winning*: Twice the U.S. engaged in broad military action against the communists, in Korea in the early 1950s and in Vietnam in the 1960s. The Korean War resulted in a stalemate, and the communists won the Vietnam War.

It wasn't America's military that prevailed against the communists. It was our ability to produce. Our victors were McDonald's, Microsoft, and MGM. The vast communist empire began to collapse as it became increasingly obvious, even to its subjects, that the market system grossly outperformed socialism — and the subjects realized that the dictators who ran the empire were not omnipotent, as they had seemed to be from the time of the Russian Revolution in 1917 until communist armed forces failed in Afghanistan in 1980, in exactly the kind of war that we lost in Vietnam.

This raises a curious question: if we could afford to respond to the threat of communism in such a relatively measured way — that is, without all-out war — why was this policy not pursued against Iraq?

I mentioned Gadhafi, whose recent renunciation of terror and abandonment of his nuclear weapons program is counted by some as a positive consequence of the U.S. invasion. This claim is dubious: according to a lengthy report in a recent *Wall Street Journal*, Gadhafi was negotiating an agreement with the U.S. to abandon terror and nuclear weapons long before the invasion of Iraq.

But Gadhafi's renunciation of terror and nuclear proliferation illustrates, I think, the main positive consequence that advocates of the invasion espy: putting down Iraq will discourage other Arab leaders from disturbing the peace and make them, in general, more subservient to America's will.

To me, this is an open question. Surely, there may be some Arabs who fear that if they get uppity enough they will face Saddam's fate. This is always the case when a country engages in an act of terror, like the U.S. conquest of Iraq. Some potential opponents of that country will quiver in fear, just as some who supported Texas independence quivered in fear after Mexico's victory at the Alamo. But others will be inspired by such a loss and become even more devoted to their cause, as were the Texas patriots who shouted "Remember the Alamo!" and defeated the Mexican army at San Jacinto.

Here the evidence is sketchy, though to date it appears that the U.S. conquest of Iraq has neither made us friends in the Arab world nor terrified Arabs into submission to American might. I recently heard Ben Stein, in the course of defending the war on a television talk show, wonder at how people freed from tyranny could be so hostile to their liberators. The reason, of course, is that Iraqis do not necessarily see Americans as their liberators. In fact, many see them as foreign conquerors, bent on undermining their culture and religion, just as many Americans during the Revolutionary War did not see British and German troops as their liberators from the lawless kakistocracy of the Continental Congress.

My own guess is that in the long run, more Arabs will become more anti-American and more inclined toward anti-American violence as a result of the conquest of Iraq than will be terrified into submission or see it somehow as Arab liberation. I think that human experience supports my view, but of course, there is always a possibility that Arabs will react in a cowardly fashion, like those in the American Revolution who supported the British, and whom we now remember as traitors, or those Texan-Americans who supported the Mexican suppression of the Texan Revolution. (I have read the autobiography of one such American, Elias P. Bean, and it is a very enlightening document.)

It wasn't America's military that prevailed against the communists. It was our ability to produce. Our victors were McDonald's, Microsoft, and MGM.

To sum up, I think it is impossible to know for certain whether the world will be a more peaceful place as a result of the American conquest of Iraq, but I think the evidence, both from what is now happening in the world and from history, strongly suggests that it will not. Time will show us.

The way you posed the question seems to suggest that you are convinced that the world is a safer place. I've told you why I think it probably is not. Could you tell me why you think it is?

Regards,

Bill

Santa Barbara
March 18

Dear Bill,

I cannot agree with the initial thrust of your letter that the new generation of weapons of mass destruction is similar to weapons of the past — just bigger in scope — and something over which not to lose much sleep. It is a new moment in history when weapons are capable of killing as many people as the new generation of weapons of mass destruction is.

It is true that humanity has held this power since the end of World War II, when the atomic bomb was first used. What

is different now is the potential proliferation of weapons of mass destruction.

As I have earlier argued, we are reaching the point — whether in a few years or a few decades — when a few terrorists, literally anywhere in the world, may be able to kill tens of millions, hundreds of millions, or even billions. I think you underestimate the change that this will require in values and institutions.

With respect to whether the world is or is not a better place with the removal of Saddam Hussein, I appreciate that it is never possible definitively to answer a question of this sort. However, as you say, "we can do what sensible human beings always do when faced with an issue of such complexity: we can speculate about it, and speculate intelligently."

You ask, while comparing the current war against terrorism with the Cold War against the Soviet Union, "if we could afford to respond to the threat of communism in such a relatively measured way . . . why was this policy not pursued in Iraq?"

I do not think that the comparison of the war in Iraq with the absence of an all-out war against the Soviet Union is apposite. As you note, the United States fought battles with worldwide Communism in, among other places, Korea and Vietnam.

The military engagement in Iraq should be seen in this light — as a battle in the worldwide war against terrorism. It is a battle in a larger war, just as Korea and Vietnam were battles in the larger worldwide war against Communism.

I do not agree that it was not our military that prevailed against Communism. Had the United States pursued policies of unilateral disarmament — as advocated by many during the 1960s through '80s — it is entirely possible that the Soviet Union would still exist and be more dominant than ever, notwithstanding our vastly more effective economy. The price of liberty is eternal vigilance.

We are reaching the point when a few terrorists, literally anywhere in the world, may be able to kill hundreds of millions, or even billions.

In the new world of the potential mass proliferation of weapons of mass destruction, the United States will have to be more vigilant than ever. A dozen years ago, in a letter to *Commentary* magazine, I wrote that "Islamic fundamentalism combined with nuclear weapons is a prospect worthy of the most profound consideration" (May 1992, p. 4). This remains, in my mind, an essentially correct outlook, though I should now define the threat the United States and the rest of the civilized world faces from weapons of mass destruction more broadly.

I disagree with you that "the U.S. conquest of Iraq has neither made us friends in the Arab world nor terrified Arabs into submission to American might." In the first place, the United States has not conquered Iraq — it has liberated Iraq. All people in Iraq, including ethnic minorities and women, will be far freer under the new government that is emerging there than under Saddam Hussein. Moreover, the same can be said with respect to Afghanistan.

The new governments in Iraq and Afghanistan will not be perfect and they will not be like the United States, but they will be much better than what preceded them. As President Bush has said, America is once again leading armies of liberation. These are most assuredly not armies of conquest. I do not see how, on libertarian grounds, you could contend that the 50 million people in Iraq and Afghanistan are not better off following the military operations led by the United States.

As to the more general effects of the liberation of Iraq and Afghanistan, these will undoubtedly be favorable for the entire region. While you depreciate the effects of the Iraq war on Libya's recent decision to renounce weapons of mass destruction, I think this is simply inaccurate. Your argument here is similar to those who argued, for example, that the Strategic Defense Initiative and other military actions during the Reagan administration were not vital in the defeat of communism. They were wrong then, and you are wrong now.

While you say that Iraqis do not see Americans as liberators, I do not think this is exactly correct. Actually, the most recent opinion polls in Iraq show that the majority of Iraqis think that things are better now than they were under Saddam Hussein, though, understandably, there is not universal praise there for the United States. A stubborn minority of terrorists remains. These terrorists in Iraq should, and if the United States continues to show resolve will, be rooted out.

I see potentially a very favorable outcome of United States involvement in Iraq. Prediction, whether in the realm of science or in the realm of society, is of vital importance in argument and debate. Accordingly, I should like to make several predictions of the likely outcomes of the war in Iraq, or, at the least, of what the future is likely to hold in store in this area of the world, now that the war in Iraq has occurred: 1) United States military losses in Iraq and Afghanistan will be less than 2,000, likely less than 1,000. This is a grievous burden, but a burden that is worth the price of liberty. 2) Most American forces will be out of Iraq before July 2005, likely before December 2004. 3) An independent, semi-democratic Iraqi government will be established by July 2005. 4) Libya, Iran, and other nations will continue to move in the direction of dismantling weapons of mass destruction programs. 5) Notwithstanding the ever-present cycle of violence and military response between Palestinians and Israel, there will not be a war between Israel and any Arab nation, and Israel will withdraw from major portions of Gaza and the West Bank.

I have, in closing, two questions for you: a) Do you think the above are likely to occur, and b) if they do (granting you may not think this likely), will the effort in Iraq have been worth it?

The future is, I think, far brighter than you now believe, Bill. Continued United States leadership in and of the world is necessary for world peace. Military involvement in Iraq was and is a vital step in the worldwide battle against terrorism and the proliferation of weapons of mass destruction.

Best,

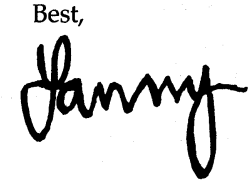

My Hometown

Life in the Death Star

by Gene Healy

Washington is a graveyard of petty ambitions, and deeply held ideals are sold for the glory of the occasional lunch meeting with Denny Hastert.

There's more than a little irony involved in being a libertarian who's put down roots in Washington, D.C. After all, how do you "put down roots" in a transient and artificial city whose main "industry" has always been redistribution? If you're committed, as I am, to a government small enough to be run out of a double-wide trailer, how can you stand living in a city that's a concretized insult to your ideals?

Every day I commute to work through vast corridors of ostentatious federal buildings that, if I had my way, would be converted to condos. I live surrounded by people who think it's the birthright of the clever and ambitious to run the lives of those Americans decent enough to mind their own business. People complain about second-hand smoke. But the second-hand political opinions of earnest idiots, wafting over from adjacent restaurant tables, have done more damage to my digestion and blood pressure than smoke ever could to my lungs.

And yet . . . I like it here. I won't defend the place. But I'll try to explain. What I like about D.C. is inextricably intertwined with what I don't like, so I'll start there.

The political reasons to hate D.C. and all that it stands for are obvious, particularly to readers of this magazine, so I won't belabor them. But there's plenty more to dislike, things that your amateur D.C. hater doesn't really appreciate. Anyone can belittle the place from afar; but you need to live here awhile before everything else that's wrong with the city becomes apparent.

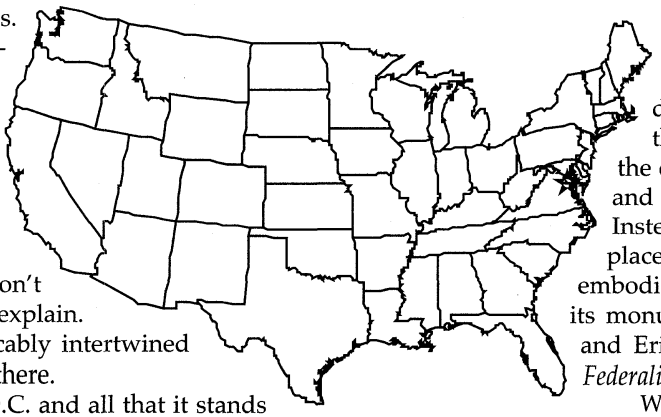

Unlike most cities, D.C. didn't grow up spontaneously around a center of trade or industry — it was a planned endeavor from the start. It's the American Brasilia, the Brazilian capital used by Jane Jacobs in *The Death and Life of Great American Cities* as her antipode to the organically evolved, healthy metropolis. French engineer Major Pierre Charles L'Enfant, who designed the original plan for the capital, had no conception of the city as a place for human beings and a center of commercial life. Instead, the new capital would be a place of "majesty — physically embodied in its court, its display, and its monuments." But, as Stanley Elkins and Eric McKitrick ask in *The Age of Federalism*:

> What of the daily life behind all this? What was to bring people, resources, prosperity, refinement, and vitality to this place? What sorts of people? Why should they come at all, and what were they to do? In the "Observations" and "References" attached to L'Enfant's plan there is much about "grand fountains," "grand edifices," and "grand avenues," but not a word about works for the facilitation of commerce. . . .

In consequence, there was "not a single great mercantile house" in the District of Columbia, observed a foreign dignitary in 1811–12; "no trade of any kind" (1828); a "total absence of all sights, sounds, or smells of commerce" (1832).

Not much has changed. Today, downtown D.C. is made up of broad avenues, stately buildings, and less genuine enterprise than you'd find in a healthy Third-World shantytown. The K Street corridor, in particular, is ineffably sad, populated by harried lawyers, slipping off the clock for half an hour to scarf a sandwich at Au Bon Pain or Cosi or any of the other indistinguishable high-end fast food joints that dominate downtown lunch fare. On weekend afternoons, when everybody's gone home to the Maryland and Virginia suburbs, it's utterly desolate. Walking from the Metro stop to the office on a Saturday, one sometimes feels like a character in a sci-fi dystopia, awakened from a slumber to find the world depopulated by a sudden disaster.

Washington is every awful thing most libertarians think it is: a metastasizing tick of a city grown fat and sleepy on what it drains from the body politic.

It would be an exaggeration to say that there's "no trade of any kind" in downtown D.C. today. But what passes for a commercial center in the heart of the capital is as antiseptic and lifeless as an airport mall. Our "Chinatown" consists of about a dozen Chinese restaurants, a Ruby Tuesday's, a Fuddruckers, a Starbucks, and a Hooters (complete with Chinese characters that translate to "Owl Restaurant."). Fado, the local "Irish" bar, is, like much of D.C., an Epcot-Center simulacrum of the real thing. You could parachute into Manhattan or Chicago anywhere north of the Loop and land two blocks away from at least one bar and one restaurant that's better than almost anything this city has to offer. Spend enough time in the District's downtown and you start to appreciate certain postmodern critiques of corporate America; you might even find yourself mouthing phrases like "a lack of authenticity." South of Dupont Circle and north of the Capitol, you'll search in vain for anything the least bit interesting or quirky.

And yet, D.C. has pockets of genuine charm, even if you have to leave Gucci Gulch to find them. Outside of the Washington of GS-umpteens and white-shoe law firms, you'll find vibrant neighborhoods that seem to have sprung up in defiance of the bland uniformity of the city center's grid, like flowers busting through cracks in the asphalt.

My Neighborhood

One such blossom is my neighborhood, Mount Pleasant, situated less than three miles north of the White House. Most of the housing stock — workaday rowhouses set high off the street — was built between 1900 and 1925 as the neighborhood grew up around the end of the D.C. streetcar line. Mixed in with the middle-class housing are gorgeous, ramshackle plantation-style houses from the late 19th century.

Bordered to the west by Rock Creek Park of Chandra Levy fame, and to the east by the high-crime area of Columbia Heights, Mount Pleasant combines a country-village feel with the kind of bracing urban menace that keeps you on your toes and reassures you that you haven't yet moved to the suburbs.

Today, the population's a mix of Salvadorian, Guatemalan, Asian, and African American, along with a white population made up of spiky-haired WTO protesters, urban hipsters, tattooed bike messengers, and ordinary gringo yuppies pushing baby carriages. Ravaged by a vicious race riot in 1991, Mount Pleasant's since recovered and seen an influx of what David Brooks has termed bourgeois Bohemians, or "bobos." The bobo temperament, according to Brooks, combines the bohemian, countercultural perspective of the '60s with the acquisitive, ambitious, bourgeois ethos of the '80s. Wherever the bobos gather, quaint coffeeshops and artsy little taverns spring up, transforming once-rough neighborhoods into what Brooks calls Latte Towns. You still can't get a latte in Mount Pleasant, but it is starting to change.

Luckily, it's not changing fast enough to obscure the local charm. Last summer's Mount Pleasant Festival was a riot of color with some genuinely talented (and some hilariously untalented) local painters, D.C. rock bands, homemade tamale stands, and an imposing-looking Central American gentleman sporting a large lizard on a leash. He may be the same guy that my friend saw at a D.C. United soccer game, who had tied a piece of string around his lizard's tail so that whenever the home team scored a goal he could twirl the poor beast rapidly above his head, screaming "Vámanos muchachos!"

If you've lived in D.C. for most of the last 15 years, as I have, you've watched a city slowly come back to life. Stand at 13th and Euclid Streets in Columbia Heights, looking down at the swamp basin D.C. sits in, and you'll see more construction cranes than you can count, fighting the Washington Monument for skyspace. Intellectually, I know that much of that is an indirect result of government growth — but my inner Rand can't help but cheer at the sight of so many buildings going up.

Despite the fact that D.C. is booming, and attracting young professionals in droves, D.C. residents still have a serious inferiority complex vis-à-vis New York. I can understand that. New York is glorious. But it's also menacingly bigger than life. D.C., by contrast, is a city on a human scale, with a population a little bit bigger than ancient Athens, and a little bit smaller than that of imperial Rome. Here you're not lost and anonymous — you often run into people you know, from college, grad school, former jobs.

If you're committed, as I am, to a government small enough to be run out of a double-wide trailer, how can you stand living in a city that's a concretized insult to your ideals?

Moreover, in New York, unless you make several million

dollars a year, you're consigned to living in a walk-in closet with a Murphy bed that folds out over a stainless-steel prison toilet. I'm anything but rich, but I have a lovely rowhouse built in 1919, with a garage, a basement rental unit, and a front porch. I can come home on a nice summer evening, relax on the porch, and then walk downhill to the Adams-Morgan or U Street neighborhoods, where you can still have a cigarette in a bar without calling the local Ministry for the Promotion of Virtue and Prevention of Vice down upon your head.

Sure, there are inconveniences involved in urban life, like rats the size of wiener dogs, and waking up to find that someone's used your front yard for a Cheetos-and-blackberry-brandy party. But there are also moments of beauty, like the candlelight vigil held the Friday after September 11th, when our little drug dealers' park was filled to bursting with first-generation Americans holding candles. It was left to the native-born white lefties to politicize the thing, holding signs like "War is not the Answer." (Doesn't it depend on the question?)

Many of the liberal urban pioneers in my neighborhood frequent a place on Mount Pleasant Street called the Marx Café, which offers "Revolutionary Cuisine." "Revolutionary Cuisine" seems to be a euphemism for eight-dollar quesadillas, but near as I can tell, the name's not post-cold-war kitsch — the cafe hosts readings from earnest anti-globo tomes and uses its window space to decry institutionalized racism and the like. However, the owners seem to have missed the irony in their attempt to drive off panhandlers by posting a "no loitering" sign, in both Spanish and English. (Whatever happened to "from each according to his ability, to each according to his needs"?)

Better yet, in terms of obliviousness to irony, last summer one of the Marx Café's owners was quoted in a *Washington Post* piece about local businesspeople's conflicts with local activists and regulatory bodies: "Do you know what a communist country is? Well, this community is like that," Pasikhani said. "They want it run like they want it. We have no choice because they come in here saying they'll arrest us all the time."

Politics Writ Small and Large

Hypocritical though they may be, the Café Marxians are right about local politics. The D.C. city council governs the city at least as poorly as Congress and the president govern the country. City officials have plenty of time to harass local businesspeople. But when it comes to the first duty of government — protecting the citizenry — our city government could hardly do worse.

The District, as everybody knows, is a dangerous place to live, with the highest number of murders per capita of any large city in the country. And "good enough for government work" doesn't even begin to describe the lackadaisical attitude D.C. officials take toward making the city safe. In 2002 D.C. Police Chief Charles Ramsey lowered his department's goals for solving homicides; where once D.C. aimed at a 65 percent clearance rate, Ramsey decided that solving around half of the city's murders was more realistic because, as he told the *Washington Post*, "It's more encouraging. . . . You get these stretch goals, and when you don't even come near it, you get hammered for it." Meanwhile, according to City Council member Phil Mendelson, in 2002 nearly one in five 911 calls was abandoned when the caller failed to get through promptly.

Mount Pleasant combines a country-village feel with the kind of bracing urban menace that keeps you on your toes and reassures you that you haven't yet moved to the suburbs.

Many District residents would like to have other options to protect themselves. Standing in their way is a gun control scheme of almost comic rigidity. You can't own a handgun without a registration certificate and you can't get a registration certificate, because the District stopped issuing them to ordinary citizens in 1976. If you do happen to own a pre-1976 handgun that you registered back when disco was king, you cannot lawfully carry it from room to room in your own house without a license. And you can't get a license.

Support for this insane policy knows no bounds of race or class. When Senator Orrin Hatch contemplated introducing a bill to get rid of the District's gun ban, the *Washington Post*, the voice of establishment D.C., squeaked its disapproval. In an editorial no doubt written by a guy who lives in the safety of suburban Bethesda, the *Post* noted that lifting the gun ban would "turn the capital into an armed camp." My! That *would* be frightening. I'll keep that in mind next time someone gets shot in the head two blocks from my house, as happened last

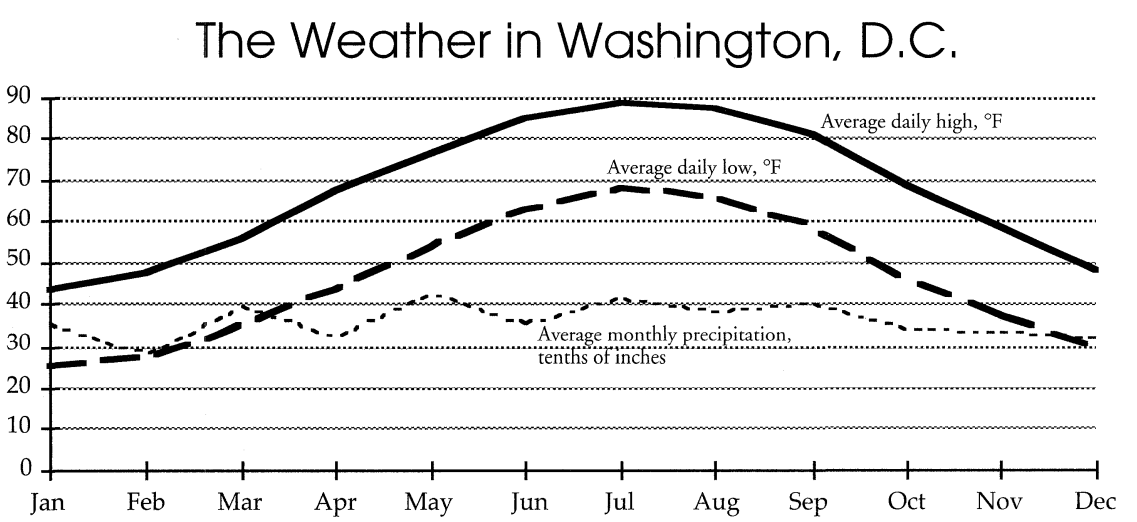

December.

I had a surreal experience earlier this year that seemed to confirm my intuition that most political debate only randomly coincides with real political solutions. One Tuesday night last fall, shortly after a daylight gun battle on Mount Pleasant Street ended with a bus driver and a gangmember shot, I attended a community meeting with D.C. police at the local library. Almost every proposal floated by my neighbors was either despotic (police curfews, holding parents liable for their kids' truancy) or daft (self-esteem programs and midnight basketball).

I got up the next morning to crash a meeting of high-powered conservative activists. But for the suspenders and bow ties, it might have been the same meeting. I learned from various attendees that the most important thing for limited government types to do was get behind the president's Medicare bill, which would cause "a plate-tectonic shift in the architecture of the welfare state" or something. I also learned about other vital issues for our times — that the new book *The DaVinci Code* contained dangerous anti-Christian heresies and the latest Abercrombie and Fitch catalog was full of "teenage porn." One wag at the center table exclaimed, "Hey, let me see that!"

It's not so much that all politics is local, as it is that local politics is politics writ large. It's hard, living in D.C., to shake the notion that people — in the aggregate — get the government they deserve. But if you have a sense of humor about it,

Sure, there are inconveniences involved in urban life, like rats the size of weiner dogs, and waking up to find that someone's used your front yard for a Cheetos-and-blackberry-brandy party.

and you manage to avoid getting shot or jailed, it can be perversely amusing.

A Contrarian's Paradise

That, I guess, is part of the appeal of being a libertarian in D.C. If you're a born contrarian, it's hard to get more con-

continued on page 53

Washington, D.C.: By the Numbers

Population (year 2000): 572,059
Males: 269,366 (47.1%), Females: 302,693 (52.9%)

Median age: 34.6 years
Median household income: $40,127 (year 2000)
Median house value: $157,200 (year 2000)
Unemployed: 10.8%
12.9% Foreign born
6.5% Latin America, 2.3% Europe, 2.2% Asia, 1.6% Africa

Education (highest level completed, population 25 years and over):

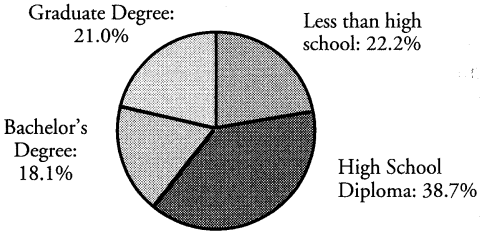

Ethnicity:

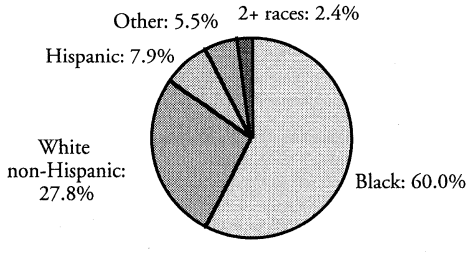

Marital status (population 15 years and over)

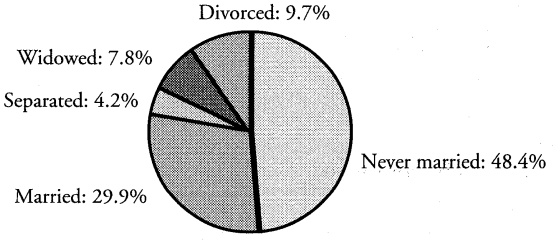

Crime in Washington, D.C. (2001):
232 murders (40.6 per 100,000)
188 rapes (32.9 per 100,000)
5,009 burglaries (875.6 per 100,000)
3,940 robberies (688.7 per 100,000)
5,568 assaults (973.3 per 100,000)
21,434 larceny counts (3,746.8 per 100,000)
7,670 auto thefts (1,340.8 per 100,000)

City-data.com crime index: 773.4 (higher means more crime, US average = 330.6)

Nearest airports: Ronald Reagan Washington National (5 miles), Baltimore-Washington International (30 miles)

Largest colleges and universities: George Washington University (16,045 full-time students); Georgetown University (11,674 full-time students)

Library: District of Columbia Public Library. Operating income: $28,575,128; 2,471,510 books; 4,463 serial subscriptions

Elevation: 30 feet

God, Man, and Tyrants

by Dave Kopel

In the political upheavals of the High Middle Ages, as kings and popes vied for power, an idea was reborn: all earthly authority is conditional, and tyrants are to be killed.

Who said "Rebellion to tyrants is obedience to God"? Pat yourself on the back if you answered "Thomas Jefferson and Benjamin Franklin." They proposed placing the motto on the Great Seal of the United States. Pat yourself even harder if you knew that the phrase was created by John Bradshaw (1602–1659), the lawyer who served as president of the parliamentary commission which sentenced British King Charles I to death. But who thought up the idea?

The idea is implicit in much of the Old Testament, which is full of righteous Hebrews overthrowing tyrants. Certainly the histories of Republican Rome and classical Greece contain many similar stories. But in the first millennium of Western Christianity, Christians fell under the sway of the law of the Roman Empire, which emphasized absolute obedience to government, and claimed that the government was above the law. Cicero, who lived in the last days of the Republic, was the last great writer to articulate the right of revolution.

The man who restored the right to Western political thought was an English bishop named John of Salisbury. In 1159, he wrote *Policraticus* ("Statesman's Book"), which became the best-seller of the century. Although *Policraticus* is mostly forgotten today, it is one of the few books which truly changed the world.

In 1075, Pope Gregory VII had started the Investiture Contest, by claiming that the pope, not monarchs, had the sole authority to appoint bishops. He had further announced that he had the authority to depose monarchs.

In the decades of war that followed the assertion of papal authority, a variety of pro-pope writers articulated theories supporting the pope's position. For example, Manegold of Lautenbach, a scholar at a monastery destroyed by the Holy Roman Emperor Henry IV, argued that the pope had the authority to release subjects from their obedience to a ruler, as Gregory VII had done. Manegold analogized a cruel tyrant to a disobedient swineherd who stole his master's pigs, and who could be removed from his job by the master. So:

> "[I]f the king ceases to govern the kingdom, and begins to act as a tyrant, to destroy justice, to overthrow peace, and to break his faith, the man who has taken the oath is free from it, and the people are entitled to depose the king and to set up another, inasmuch as he has broken the principle upon which their mutual obligation depended."

But the book that changed Western political thought forever was *Policraticus*.

John of Salisbury was a cosmopolitan and very well-educated English bishop, and "the most accomplished scholar and stylist of his age." (David Knowles, *The Evolution of Medieval Thought*).

Policraticus was perhaps the most influential book written since Byzantine Emperor Justinian's legal code had been compiled six centuries before. *Policraticus* "created an immediate sensation throughout Europe," explains Harold

Berman in *Law and Revolution: The Formation of the Western Legal Tradition*. Berman observes that "For over a century *Policraticus* was considered throughout the West to be the most authoritative work on the nature of government."

In the 13th century, Thomas Aquinas, whose work displaced Salisbury's, consciously built on Salisbury's foundation. Throughout the Middle Ages, John of Salisbury's writings were carefully studied by political reformers, lawyers, priests, and scholars.

As an English bishop, John of Salisbury saw firsthand the tremendous church vs. state struggle then underway in England. King Henry II (1154–89) was determined to rule the church. Although *Policraticus* did not mention Henry II by name, the book was dedicated to Thomas Becket, the great English bishop with whom Salisbury served for many years.

Policraticus was published around 1159, as the English struggle was intensifying.

In 1162 the king appointed Thomas Becket as archbishop of Canterbury, the highest position in the English Church. In 1164, King Henry forced Becket and other leaders to proclaim the Constitutions of Clarendon, which reasserted extensive royal authority over the church. The Constitutions of Clarendon were contrary to canon (church) law, Becket later asserted, and he repudiated the Constitutions. He publicly declared that King Henry was usurping power.

A bitter conflict ensued, and in 1170 an enraged Henry roared, "Will no one rid me of this pestilential priest?" Four knights heard the king's remarks, and promptly rode off to assassinate Becket, at Canterbury Cathedral. (The story is retold in T.S. Eliot's short play *Murder in the Cathedral*.) Eleven years after *Policraticus* was published, John of Salisbury was present in Canterbury Cathedral when Becket was murdered.

The murder of Becket horrified public opinion, and Henry accurately saw that his throne was in grave danger.

Policraticus turned the discussion to the rights and duties of government, and to people's remedies when the government exceeded its rights and failed to perform its duties.

He did penance, allowing himself to be scourged by some monks. He worked out a compromise with the church in which he revoked the Constitutions of Clarendon, was allowed to claim that he never wanted Becket killed, but did take responsibility for indirectly inciting Becket's death by proclaiming the Constitutions in the first place.

Before Becket's death, *Policraticus* was already the best-seller of the century. The author's personal witness to the most infamous tyrannical crime of the 12th century doubtless caused even more interest in what John of Salisbury had to say about resistance to tyranny.

Policraticus broke away from the old Two Swords debate, in which monarchs and the church argued with each other about who had supreme power — that is, whether the temporal sword was supreme over the church's sword, or vice versa.

The Two Swords metaphor came from Jesus' Last Supper instructions to the disciples, telling them to start carrying swords. They responded, "Lord, lo, here are two swords." (Luke 22). *Policraticus*, though, turned the discussion to the rights and duties of government, and to people's remedies when the government exceeded its rights and failed to perform its duties.

John of Salisbury was the first Western writer to provide a detailed theory of tyrannicide. He went even further, and made tyrannicide a positive duty.

The book was a direct shot at contemporary monarchs who oppressed the Catholic Church: Holy Roman Emperor Frederick Barbarossa (the *teutonicus tyrannus*), Roger II (the harsh Norman king of Sicily), Stephen of Blois (who ruled England, more or less, from 1136 to 1154 after starting a civil war to usurp the throne from his cousin Matilda, and who plundered the church and imprisoned bishops), Eustace (Stephen's son, who was killed while pillaging the abbey of Bury St. Edmunds), and Henry II (Matilda's son).

"All tyrants reach a miserable end," John announced. To prove this, he pointed to contemporary examples, such as Eustace, Geoffrey de Mandeville (the plundering Earl of Essex, who was killed in 1144), and Ranulf of Chester (another participant in the Stephen/Matilda war, killed in 1153).

And then there were plenty of stories from the past: the anti-Christian Roman Emperor Julian the Apostate was said to have been stabbed to death with a lance by the martyr Mercurius "on the command of the Blessed Virgin." The Danish tyrant Swain, who imposed the Danegeld (a land tax) on the British was slain by "the most glorious martyr and king Edmund." And "Where is Marmion [another contemporary Briton] who, pushed by the Blessed Virgin, fell into the pit which he had prepared for others? Where are the others whose mere names would consume a book? Their wickedness is notorious, their infamy is renowned, their ends are unhappy . . . "

John of Salisbury lauded the military arts, and described Christian knighthood as an especially holy vocation.

Citing Biblical examples, he explained that "one may frequently kill and still not be a man of blood nor incur the accusation of murder or crime." Citing King David and the prophet Samuel, he wrote, "This is indeed the sword of the dove, which quarrels without bitterness, which slaughters without wrathfulness and which, when fighting, entertains

continued on page 52

The War on Religion

by Andrew W. Jones

With "Freedom of Religion" as its slogan, the American state suppresses freedom and religion.

On Feb. 27, the California Supreme Court ruled 6–1 that Catholic Charities, the social action wing of the Catholic Church, must include contraception in the prescription drug benefits it extends to its employees, even though the Church maintains that the use of contraception is a sin.

One might think that the American Civil Liberties Union would be the first to defend the Church. After all, it is dedicated to freedom of religion, and when the state forces religious organizations to act in direct opposition to their own beliefs, religious freedom suffers.

But don't expect to see the ACLU rallying to the defense of Catholic Charities anytime soon. While civil libertarians are quick to fight against any intrusion of religion into government, as of yet they have not made a peep about this blatant intrusion of government into religion.

This actuality betrays a reality that most American Christians have accepted for quite some time: with regard to religion, the aim of ACLU-type organizations is not the protection of religious freedom, but the elimination of all its public manifestations. Their ideology much more closely resembles the rabidly anti-clerical, socio-economic egalitarianism of Robespierre, than the measured libertarianism of Jefferson. These modern Jacobins have worked tirelessly to eliminate every sign of religion in ever increasing circles of secularization. Take, for example, the blitz the ACLU has unleashed on the Boy Scouts. According to the ACLU's definition of "civil liberties," people whose beliefs and behaviors are considered to be immoral by religious groups still have a right to join them, or to be employed by them.

To ACLU-type organizations and their supporters, the primary purpose of the establishment clause seems to be the protection of government and society at large from any interaction with religion, especially Christianity. With such an interpretation and in an era where the government increasingly meddles in every aspect of social and private life, the separation of church and state becomes a weapon in the suppression of the very thing it was intended to protect.

The case brought by the New York Civil Liberties Union against the Salvation Army illustrates how this is done. The NYCLU argues that because the Salvation Army has received approximately $89 million in federal funding as a part of Bush's Faith-based Initiative, it has lost the right to promote its religion.

One might think the same logic would imply that the leftist organizations that previously got federal money to address social problems should have had to abandon their leftist beliefs. But during the decades when most of this federal money went to leftist organizations, no one even proposed this. The reason is that the Left's political beliefs are deemed to be non-religious, and therefore not relevant to the separation of church and state.

By drawing this distinction between religious and social beliefs, civil libertarians end up arguing that the govern-

ment should subsidize one while punishing the other. Clearly, this is not what Jefferson had in mind when he proposed the First Amendment, or what the Founders had in mind when they enacted it.

The prohibition of establishment of religion enshrined in the First Amendment was intended only to prevent the federal government from interfering with the individual's ability to worship following the dictates of his conscience. Government establishment and protection of specific religions, such as Catholicism in France or Anglicanism in Britain, was contrary to this goal. Current civil rights activists are right that government sanctioned or funded religion is an affront to this principle, even if often a symbolic or indirect one. Take, for example, the recent hubbub concerning Alabama's Ten Commandments monument. Such a monument violates individuals' freedom of religion only indirectly, in that they have to pay for it. Yet from the reaction of many civil rights organizations, one would think Chief Justice Roy Moore was conducting the forced baptisms of kidnapped Jewish babies. Judge Moore was wrong; the monument was inappropriate. However, it obviously did less, just sitting there in the corner, to restrict individual religious freedom than the California ruling, where, in the words of the lone dissenter Justice Janice Rogers Brown, "we are dealing with an intentional, purposeful intrusion into a religious organization's expression of its religious tenets and sense of mission."

Part of the problem here is the growth of government power. When the scope of government is limited, relegation of religion to the private sphere does not limit the ability of people to peacefully practice their beliefs, but rather guards them against potential abuse and restrains them from forcing their beliefs on others. As government becomes omnipotent and omnipresent, however, that private sphere is systematically attacked. With every extension of government there exists a corresponding reduction in the scope of private society — including the realm of religion. The intentions of ACLU activists are betrayed when they advocate strict enforcement of the establishment clause as imperative, while simultaneously ignoring the rest of the Constitution. In a political reality in which the government is actively involved in social engineering and the redistribution of wealth, demanding the religious neutrality of recipients of government funding amounts to legal religious discrimination. Is it a violation of the separation of church and state for a person on welfare to put a dollar in the offertory plate, or more to the point, to hang a cross on the wall of his government-funded apartment? The government's financing of overtly secular organizations such as Planned Parenthood and simultaneous denial of funding to religious organizations amounts to an antireligious social-engineering project.

The First Amendment's prohibition of establishment of religion was intended only to prevent the federal government from interfering with the individual's ability to worship following the dictates of his conscience.

But plans such as Bush's Faith-based Initiative hardly seem an antidote. The initiative further blurs the line between state and church, and gives ACLU types reasonable ammunition with which to attack religious organizations. Eventually, those institutions which wish to retain their religious mission will have to refuse government funding, while all their competitors are subsidized. Some might make it, but as the disposable income of those who would support such truly private institutions is eaten up in rising taxes, they will be increasingly unable to operate. The end result of such a process is the elimination of private charity — a result that would not upset the ACLU spokesperson who stated in a Fox News interview that these charities are providing services that the government should be doing anyway. That's a remarkably revealing statement, isn't it? Voluntarily doing good, he was claiming, is inferior to forcing people to do good, via taxation and bureaucracy.

Millions of Christians are currently forced to finance thousands of abortions a year — an act they believe to be murder.

The reality is simply that religious freedom is incompatible with a ubiquitous state. This belief lies at the heart of conservative Christian resistance to policies such as state licensed and sanctioned homosexual marriages. While some elements of the Christian Right subscribe to the social engineering program of the ACLU, and, if given a chance, would use the coercive power of the state to force their moral convictions on all, many more Christians are motivated in their politics by the fear that the state's coercive power will be turned against them. And given what we know about government, why shouldn't they be afraid? Is the next logical step after legal gay marriages the illegality of churches that refuse to recognize them? Could the tradition of the Roman Catholic male-only priesthood (or the similar prohibition of woman preachers of many fundamentalist Protestant sects) be attacked as a violation of the Civil Rights Act? These concerns are not far-fetched. Millions of Christians are currently forced to finance thousands of abortions a year — an act they believe to be murder.

The practice of using the state for the purposes of social engineering and the redistribution of wealth is well established and shows no sign of waning. In this environment, cultural struggles over morality become struggles for political power. As the California Supreme Court has demonstrated, the government is going to be used to construct *someone's* vision of a perfect society. Is it any surprise the American people are lining up and taking sides? ❑

Orwell Lives

by Richard Kostelanetz

1984 was two decades ago. So why read George Orwell today?

When I visited Warsaw two decades ago, just as Solidarity was undermining the Communist dictatorship, I met the sister of a young man in New York who had fixed my computer. When escorting us around Warsaw, she commented without prompting that the most accurate description of life in Poland then was a book written not in Polish but English decades before — George Orwell's *1984*. How extraordinary, I thought, that her spontaneous testimonial corresponded with sophisticated Western opinion at the time. (The Polish book she could have mentioned was, of course, Czeslaw Milosz's *The Captive Mind*, which I read in college, when I also first read Orwell.)

About a decade ago, I had a girlfriend who had grown up in Moscow, where her parents belonged to the artists' union and were thus privileged within the Soviet hierarchy. As a child of the Moscow intelligentsia, she was accustomed to expressing her opinions, though her grasp of English was limited. One day she told me in passing that George Orwell's "Politics and the English Language" was among the most profound essays ever written, especially for its exposé of language meant to obscure reality, rather than illuminate it. Since reading English was not easy for her, I knew she must have struggled merely to finish the Orwell essay. I recall that whenever we heard an artist speak in attitudinizing jargon, as we did often a decade ago, she simply said "Orwell" as an honorific shorthand for her complaint.

Orwell is my hero because he saw clearly; he wasn't easily deceived. In my recent thinking about a variety of things, I find myself returning to this sentence: "One has to belong to the intelligentsia to believe things like that; no ordinary man could be such a fool." What makes the sentence useful is that for "intelligentsia" I can substitute many other categories — and so can you, I suspect. From editors, academics, lawyers, psychologists, football coaches, we so often hear lines that might make sense to people within a closed world, to people who have or pretend to have a certain authority, but sound like nonsense to those outside it. Such fantasizers usually depend upon a barrier that isolates them from reality, whether it be membership in an exclusionary union, a tenured position in an otherwise insecure hierarchy, or power within a communications channel.

Orwell saw clearly because he didn't regard himself as an intellectual or a professor or anything else other than a human being trying to understand and communicate his intelligence. As for his most famous fiction, the most profound question is this: how did someone who had never lived in a totalitarian country understand them so profoundly? One of the best explanations for the imaginative intelligence of Orwell's *1984* is from Christopher Hitchens, a British journalist long resident in the U.S., in an essay published in the literary magazine *Grand Street* and reprinted in its 1986 anthology:

> Orwell knew what the actual texture of dictatorial collectivism would be. He knew because of a variety of things he had already seen — the toadying of the English boarding school (in his case, Eton), the smell of the police court, the betrayal of the Spanish Republic (reported in his *Homage to Catalonia*), the whining and cadging of the underclass, the impotent sullenness of the colonized natives (in Burma), the lure and horror of war fever, and the special scent given off by the apologist. Others may have had the same experiences, but in our time it was Orwell who knew how to codify his impressions into something resembling a system.

With such admiration for Hitchens on Orwell, I eagerly read Hitchens' *Why Orwell Matters* (Basic Books, 2002), only to be disappointed. Hitchens' passion here is less an admiration for Orwell than for exposing the opportunistic misuse of Orwell, usually by people who are less impressed by the clarity of Orwell's vision than its purported resemblance to their own. What an irony it is that someone who saw so clearly should be admired by those whose vision is so easily blurred.

The most important truth to remember about Orwell is that he was not deceived. He didn't need to be, because he wasn't a politician or an academic. He didn't even have a regular book publisher whose obligations he had to respect. Rather, he was an independent writer who told the truth because he wanted to tell the truth at a time — the '30s and '40s — when, not unlike now, too many writers were urged to publicize one or another lie, when so much political commentary was compromised by ulterior motives. What made him different from so-called "New York intellectuals" was his refusal to make stuff up. Pardon my lack of cynicism, but Orwell made you think he was telling the truth because he wanted to tell the truth, not because he assuaged your prejudices or had ulterior agendas. When he complained that the British working classes, the avatars of socialism, stank unnecessarily, he was talking about people who bathed only once a week. What impresses me, now in my 60s, is that Orwell displayed such tough independence in his 30s and 40s when his own financial situation was far from secure. Perhaps he was born mentally independent in the same way that others are born physically strong. Though Orwell called himself a socialist and worked as an editor of a British magazine, *The Tribune*, that called itself socialist, socialist critics have forever pointed out the limitations of his socialism, such as his disparaging the working classes. He certainly lacked a socialist vision, unless you consider his implicit utopia to be the bucolic animal farm before the pigs took over. To my mind, Orwell represents the politics of writing the truth, which is a politics understood by all, which has a genuine constituency, even though it lacks what is oddly called a "party." What makes Orwell a hero to me is the acuity of his critical vision. That's why my book of *Political Essays* (1999) is dedicated to him.

Who's the best successor to Orwell now? Not Hitchens, who is too much of a drinker, though I admire his courage, which perhaps is fueled by alcohol. Not Chomsky, who can be extraordinarily informative, but is intellectually compromised by his *idée fixe* that America is always wrong. (Orwell, a critical patriot, never would have fallen into that pit.) Nor can Orwell be found now in Alexander Cockburn, who still hasn't forgiven Gorbachev for betraying Communism. Nor the *New York Review of Books*, which has persistently favored authors and books from a single conglomerate of publishers. Nor *The Nation*, which seems to be fixated on extracting large amounts of money from wealthy patrons. (Whenever you see anything peculiar in its pages, guess if any patron is being milked.) Nor any number of academics who fall too easily into jargon that makes sense only to their kind. Too many of these guys become, as Karl Marx would have recognized, *lumpen* cultural workers opportunistically undercutting the professionals who, like me or like Marx himself, aren't institutionally subsidized.

How did someone who had never lived in totalitarian countries understand them so profoundly?

My own suspicion is that Orwell couldn't break through the then-current dominance of smelly orthodoxies, as he memorably called them. Orwell is out of favor in America now (and for different reasons, so is H.L. Mencken). The most Orwellian commentators I know began somewhere else, in the left fields of our cultural life. No magazine of opinion has such a strong reputation for telling the truth as *Consumer Reports*, even though it began as a communist front. It is trusted to a degree that Ralph Nader isn't, his pretensions notwithstanding. No independent book publisher nowadays has as strong a reputation for truth-telling as E. Haldeman-Julius, whose inexpensive little booklets influenced a generation of radicals and skeptics a half century ago. I admire the books of Thomas Sowell, because he sees race and economics clearly, combining as he does the ideas of Milton Friedman with the intelligence of Malcolm X. His exposé of the perils of racial preferences (aka affirmative action) is a masterpiece of persuasive polemic. I am less enthusiastic about most of Sowell's newspaper columns, however, because of his conservative blinders on social issues. His left field, so to speak, was being the token African-American in conservative magazines who dropped him because of his independent truculence.

The most important truth to remember about Orwell is that he was not deceived. He didn't need to be, because he wasn't a politician or an academic.

The greatest truth-teller I know in the electronic media is John Stossel, who began as a consumer reporter, so that he had to tell the truth or lose credibility. How he gets away with what he does on the ABC Network News never ceases to awe me. You might recall that he was portrayed in *The Nation* as a lackey of corporations, which are that magazine's favorite enemy (rather than rich people, whose support is courted); but the writer there apparently didn't know that the principal government mooch in Stossel's feature *The Freeloaders* was Archer Daniels Midland, which is a hell of a visible corporation. During the Clinton administration, Stossel broadcast an exposé of the government's building a large airport in the middle of Arkansas, purportedly for military purposes; but its principal user would be large cargo planes exporting frozen Tyson chicken. Stossel also exposed how Ikea had persuaded the city of New Rochelle to condemn a residential neighborhood that could then be an Ikea parking lot. This was broadcast on ABC at least twice before Ikea was eventually defeated.

My own Orwell for now is, you see, not one figure but a combination of several. ❑

Remarks on George Orwell to the Socialist Scholars Conference, Cooper Union, N.Y., March 2003.

Reviews

The Passion of the Christ, **directed by Mel Gibson. Icon Production, 2004, 127 minutes.**

The Passion of Mel Gibson

Jo Ann Skousen

Drama has its foundation not in art or entertainment but in religion. Long before the advent of passion plays recreating the final days of the life of Christ or nativity pageants portraying his birth, primitive cultures retold their legends through the chorus, a combination of dancing and chanting designed to address the gods and teach the people obeisance. During the Golden Age of Greek theater, the government sponsored a three-day festival each year dedicated to the worship of Dionysius, the Greek god of wine and fertility, who became the patron saint of Athens during winter, when Apollo oddly vacated to the lands northward. Seated in huge marble amphitheaters, audiences would watch three long tragedies, a short farce, and a comedy each day. At the end of the three-day festival the playwrights were awarded prizes. Audiences returned to their homes invigorated, with a renewed determination to honor their gods and accept their fates.

Hundreds of plays were written, although only a handful remain. These early plays tended to present different versions of the same legends over and over again. Consequently, audiences could be expected to know the stories inside and out. They knew, for example, that Oedipus was destined to kill his father and marry his mother, no matter how desperately he tried to avoid his fate. From year to year the plays might focus on different aspects of the stories, but ultimately it would be the same familiar legends each time.

So why did audiences continue to come? What is the point of seeing yet another play about the same old story? For that matter, why do we attend movies like *Titanic, Miracle, The Alamo,* or *The Passion of the Christ*? We already know that the ship is going to sink, the U.S. team is going to win, the Texans are going to run out of ammo, and Jesus is going to die on the cross. We return to these familiar tales of larger-than-life heroes not for the what but for the why and the how of the story. What motivates a hero to risk his life, his wealth, his sacred honor in pursuit of a cause? What tragic "if onlys" lead to a hero's downfall? We imagine ourselves in the situation and wonder: could I have measured up? Could I have avoided the tragic flaw? The best playwrights in ancient Greece, and the best screenwriters today, are those who bring a fresh twist to the story, who cause audiences to see the situations and the characters, and thus themselves, from a different angle.

Most brilliant, perhaps, was Gibson's decision to insert a spooky, androgynous Satan into the story.

For this reason it is often the fictionalized side stories added to a historical drama that attract our greatest attention. We can relate to the pretty young socialite or the pacifist farmer drawn reluctantly into the Civil War, for example, and experience history through their eyes. Factual history, then, becomes a backdrop for the greater story of how ordinary people are changed by extraordinary events. From the comfort and safety of a darkened theater, we can experience those events vicariously through the actors onscreen or onstage.

Consequently, the very best of passion plays or movies about Jesus don't just recreate the story step by agonizing step. Films like *The Robe, The Silver Chalice,* and *Ben Hur* focus on how an ordinary person is affected by an experience with Christ. In *Ben Hur,* for example, Jesus is seen only from the back, as he tenderly offers the parched, imprisoned Ben Hur a drink of water. We know it is the Christ by his symbol, a carpentry shop in the background,

but we see his face only through the stunned look on the face of the Roman soldier who pushes him away. It was a brilliant move on the part of director William Wyler, for the face created in our imagination is more personal and more real than any celluloid image could have been.

These two principles — creating a foil for the audience to identify with and withholding the most ineffable of images — are the underlying reasons why Mel Gibson's *The Passion of the Christ* is at once gloriously compelling and wretchedly unwatchable. When Gibson departs from the stations of the cross to insert his own imagined characters and events, the film soars. But when he remains focused on the brutal, relentless, bloody facts of the story, it staggers. In flashbacks we see tender moments between Mary and the toddler Jesus, Mary and the carpenter Jesus, Mary Magdalene and the forgiving Jesus. In a moment of agony Jesus looks up to see a dove, symbol of the Holy Ghost, hovering overhead, reminding him that he is not alone. A single teardrop falls from heaven at the moment of Christ's victorious death, simultaneous with Satan's outraged cry. Gibson beautifully recreates Rembrandt's "Descent from the Cross" as Jesus' followers reverently retrieve his body, and Michelangelo's "Pieta" as Mary cradles the bloodied body in her lap. These moments are wonderful.

Most brilliant, perhaps, was Gibson's decision to insert a spooky, androgynous Satan into the story, played unexpectedly by an actress, Rosalinda Celentano. Satan is not mentioned by the four gospels as having been present at the scourging and crucifixion, but of course it makes perfect sense: the crucifixion was, after all, the culminating battle for humanity. If Jesus prevails, he becomes the Christ and Messiah, savior of the world. If he gives up, Satan wins, and all of humankind becomes his. Surely Satan would have been there, observing, hoping, taunting. At the foot of the cross, two mothers stand watching: Mary, symbol of true motherhood, and Satan, cradling a hideous man/baby as if to taunt: "Give up. You can't do it. In a matter of moments, they will all become mine." This eerie image makes clear just what is at stake for us, more powerfully than the image of the bruised and bloody body.

These moments in the movie are inspired and inspiring. But they are far too few and too brief. Most of the film is devoted to recreating the brutal scourging. This was, indeed, Gibson's purpose for making the film. Gibson focuses on the carnal aspects of the crucifixion, rather than on the glorious aspects of the Atonement, or reconciliation with God. Glenn Whipp of the *LA Daily News* reported, "It's as if Gibson is measuring God's love by the amount of blood he shows on the screen." But Whipp got it backward, I think.

Gibson seems to be using the blood instead as a measure of his own devotion to God. Gibson's focus on the brutal final twelve hours of Jesus' life reminded me of the passion parades I have seen in Latin America during Easter week. Bloody, bare-backed men walk penitently through the streets, scourging themselves with leather whips tipped with metal hooks that tear at their flesh. Like Gibson, their intentions are good; they want to take upon themselves a small part of what their savior experienced for them. But in so doing, they miss the point. Because of the crucifixion of Christ, and more importantly because of his resurrection, we don't have to spill our own blood at all. Jesus already experienced it completely, infinitely, on behalf of all mankind. In a way, self-flagellation is an additional slap in Jesus' face, as if to say: I know your Atonement was infinite, but here, let me do it to myself, just in case yours wasn't enough.

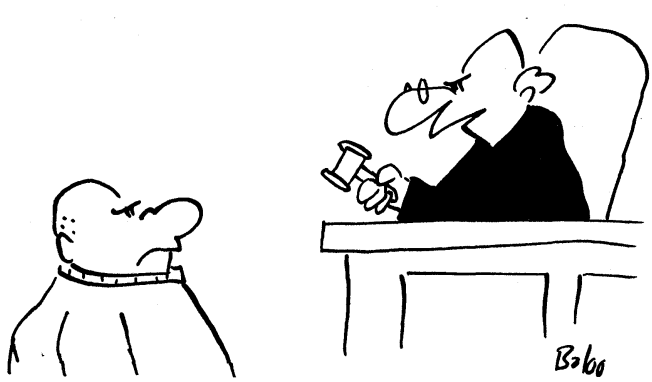

"There's nothing unconstitutional about discriminating against bank robbers!"

Mel Gibson's film, though well-intentioned, is a similar slap in the face: it virtually ignores the life-changing teachings of Jesus Christ, gives a 20-second nod to the Resurrection, and focuses instead on the most humiliating moments of his life. It barely tells us why he endures this torture. We don't see the love in Christ's eyes for those whom he saves (indeed, we can barely see his eyes at all, they are so swollen) nor do we see love for him from others, aside from a small handful of followers. Christians can bring this knowledge to the movie with them, experiencing the ineffability of the Atonement in their own way, and that's why the movie has been so popular.

One of the traits I admire most in Jesus is his majestic power as he stands up to his accusers in the face of their torment. But Gibson's Jesus can barely stand at all.

But I don't need to look at Jesus' bleeding body to appreciate his teachings and his sacrifice. Enthusiasts have lauded James Caviezel's portrayal as the first Jesus strong enough to withstand the brutality of the scourging, but the Christ I saw in this film was a man so badly beaten and exhausted that he could barely stand, much less support the weight of the world on his shoulders. One of the traits I admire most in Jesus as I read the New Testament is his majestic power as he stands up to his accusers in the face of their torment, and the tenderness with which he speaks to others as he suffers. But Gibson's Jesus can barely stand at all.

Ultimately, Gibson directed Jesus as he would play the role himself — not the movie role, but as though he could be the actual Messiah. If he spills enough blood on screen, perhaps he can atone for his own sins, and ours too. He becomes *Braveheart*, *The Patriot*, and *Lethal Weapon* all rolled into one. One needs only to review Sophocles to know that such hubris is just itching for a fall. ❑

***Disarming Iraq*, by Hans Blix. Pantheon, 2004, 285 pages + index.**

***Frontier Justice: Weapons of Mass Destruction and the Bushwhacking of America*, by Scott Ritter. Context Books, 2003, 206 pages.**

Prospecting for Anthrax

Bruce Ramsey

Here are two books, each by representatives of the United Nations who inspected Iraq for chemical, biological, and nuclear weapons. Each now says there weren't any such weapons. Each opposed the U.S.-British invasion.

There the similarity ends. These two accounts are as different as a meatball-and-tomato-sauce grinder is from a stack of crackers.

Let us start with the crackers.

That would be *Disarming Iraq* by Hans Blix. Blix, a Swede, is a diplomat through and through, and it ruins him as an author. Consider, for example, how he describes a meeting with Condoleezza Rice, Bush's national security adviser. A good writer would pick out a turn of phrase, a strategic pause, a mannerism — something to fix her in the mind. Blix tells us what *he* said. He is justifying his own work. In two pages, he tells us only two things about her: that she did "not react visibly to my description of the possible timetable" and that she "showed little understanding for our qualms" about another thing. Two negatives.

He has similar meetings with French President Chirac, with Prime Minister Blair, and others. None of them comes alive.

Blix is better on the issues of the weapons. The official reason for the war was that Iraq had failed to comply with UN resolutions that demanded that it give up its "weapons of mass destruction." The thing to focus on, says Blix, is whether Iraq *had* any such weapons, but as war approached, the U.S. government began to focus on whether Iraq had *accounted for* weapons that it had once had.

Iraq had not accounted for them. Iraq said it had destroyed the weapons in 1991, that there had been no international witnesses, no filming, and no surviving documents. That was because having to destroy these weapons was a shameful thing, and they didn't want to commemorate it.

The United States said Iraq had not accounted for its weapons, a phrasing that made the failure of accounting and the possession of weapons into the same thing.

Blix says he thought maybe the Iraqis did have weapons, but as war approached he became more irritated at the American professions of certainty. He recalls Undersecretary of State John Wolf saying that the only thing that could stop the invasion was for Iraq to "voluntarily take inspectors to the secret hide sites." In a bit of uncharacteristic color, Blix characterizes this as, "The witches exist; you are appointed to deal with these witches; testing whether there are witches is only a dilution of the witch hunt."

Blix also discusses Bush's statement that Iraq had attempted to buy yellowcake uranium from Niger, an accusation soon discredited. Blix said he hadn't believed it anyway, because yellowcake needs to be reprocessed in order to make bomb uranium, and Iraq had no reprocessing plant. "But I never publicly voiced my doubt," he says.

The diplomat again.

Blix does voice a doubt about the idea that Iraq sent its weapons of mass destruction to Syria, or that they are hidden in Iraq and not yet discovered. First, he says, it is unlikely that Syria or any other country would accept such "a poisoned chalice." And if the stuff were in Iraq, someone would have betrayed it by now, as they betrayed Saddam Hussein and his sons.

So why did the United States invade Iraq? Blix says the American government really believed there were such weapons, and the reason they believed it was that there was "a deficit of critical thinking" at the top.

On the last page comes Blix's political conclusion: "The action taken against Iraq in 2003 did not strengthen the case for a right to preemptive action." To the diplomat Blix, this is strong stuff.

Now, the meatball grinder.

The author of *Frontier Justice* is an American, Scott Ritter. I listened to him speak in Seattle in May 2001, and I interviewed him briefly afterward. He is a former Marine and looks as American as a football player. He said he was a Republican, though he was already being denounced by Republicans and would later be tarred by *The Weekly Standard* as Saddam's American apologist.

Four months before 9/11, Ritter had said flatly, "Iraq has been disarmed. There are no Weapons of Mass Destruction of any meaningful significance." And he said, "From a military standpoint, Iraq presents zero threat to the United States."

The United States said Iraq had not accounted for its weapons, a phrasing that made the failure of accounting and the possession of weapons into the same thing.

Ritter has been radicalized since then, at least in his manner of speaking.

He writes in the language of nationalism, appealing to fellow Americans to save their country from recklessness, error, rogues, and fools. The most urgent job, he says, is to rise up in November 2004 and eject "Sheriff Bush" and the "PNAC Posse." The PNAC is the Project for a New American Century, a neoconservative imagination of empire. The posse is the neocon officialdom: Vice President Dick Cheney, his chief of staff Scooter Libby, Secretary of Defense Don Rumsfeld, his deputy Paul Wolfowitz and others.

The men Bush had recruited had an ideological predisposition for war. They wanted a war because they wanted to project American power and change the world with it.

Colin Powell was not part of the posse. Ritter sees him as the one person with the stature to have stopped the rush to war. Instead, Powell's speech to the U.N. silenced the doubters. Ritter rips into him for this. Ritter takes a whole chapter to dissect Powell's speech, which he proclaims to be "a farce, full of satellite pictures that show nothing."

For example, Powell said Iraq had been buying "high specification aluminum tubes" and that "all the experts who have analyzed the tubes in our possession agree that they can be adapted for centrifuge use." But all the experts had not said that. Only some of them had.

The allegations about anthrax were baloney, too, Ritter said. In the 1980s, Iraq had had the ability to produce anthrax in liquid form only. The last batch had been produced in 1991 "and in any case," says Ritter, "we blew up the factory in 1996." Given that the shelf life of liquid anthrax is three years, none could have been left by early 2003.

Powell's speech to the U.N. was, Ritter says, "the greatest mistake of his professional career."

Ritter sums up: "The sad fact is that, on the issue of Iraq's disarmament, a brutal dictator named Saddam Hussein has proven to be more truthful than the elected government of the people of the United States."

So why does Ritter think America went to war? He offers two explanations. First is that "a rookie president from Texas got lassoed into a war with Iraq by the PNAC posse." In other words, the men Bush had recruited — his dad's men, several of them — had an ideological predisposition for war. They wanted a war because they wanted to project American power and change the world with it.

The second explanation is this: "War with Iraq was very much driven by domestic political considerations. By my calculations, as long as President Bush and his advisers believed that they would gain more politically by going to war with Iraq than they would lose by holding back, war was inevitable."

These could be both true, but they are two different reasons. Ritter doesn't parse that out.

Ritter is a man with a deep sense of caring and honesty, and a deep experience of this one subject. He has a piece of the truth. He tells you what he sees, and what seems obvious to him. If it looks like a lie, he says it's a lie. This is good as far as it goes, and refreshing after the arid world of Hans Blix. But when Sen. Joe Biden repeatedly reminds Ritter that decisions are made by persons "above your pay grade," I think: yes, and that refers not only to money.

Of the two books, Ritter's is the better. But neither is definitive about the "weapons of mass destruction," or the war. They are first cuts only. The stronger accounts will come later. ❑

The Soul of Capitalism: Opening Paths to a Moral Economy, **by William Greider. Simon and Schuster, 2003, 384 pages.**

The Market for Morals

George Squyres

On picking up *The Soul of Capitalism*, I expected another tired leftist rant against the evils of money and the soulless greed of capitalism. I was pleasantly surprised to be wrong. At last, Greider seems to be learning something about economics. He understands that free markets are engines of prosperity and that private property enables the most efficient use of resources. He realizes that markets allow for the best conservation of natural resources and writes that capitalist economies are demonstrably better than planned economies. All this coming from a influential popular writer with a history of doctrinaire leftism suggests that the dominant economic thinkers are not totally without hope. Perhaps it is even a harbinger of progress.

Greider is dissatisfied with what he calls "the philosophy of more" as not addressing deeper, intangible needs of society. He acknowledges, though, that there is only one solution to the larger needs of society, and that it will not come from government. In fact, he argues, government is distinctly unable to provide that solution. Indeed, he acknowledges that government in many ways is the source of those failures rather than the answer. The way to see that these deeper needs are fulfilled, Greider says, is for consumers to demand as much from the

market. Pressure from government is impotent to create a solution where the market has not demanded it.

Greider supports many of the same social goals as others on the Left, but rather than proposing that those goals be reached primarily through legislation, he suggests that the owners of capital, whether they are workers' pension plans or finance capital, can achieve these goals by either investing or not in a company, depending on that company's efforts to help achieve those goals. The owner of a company can vote with his dollar. Free markets even deal better with wealth inequality, he observes, citing a number of small companies owned by the workers.

Greider suggests a reappraisal of how to report companies' finances legitimately. He reiterates the commonly acknowledged fact that the omission of substantial long-term costs gives a false picture of many companies' balance sheets. Air pollution is the familiar example: a firm that pollutes the air as a byproduct of its operations makes every breathing individual pay a proportionate share of that firm's cost of doing business. This is a language that libertarians speak.

To be sure, though, he does not make the complete leap to embrace the free market. What Greider calls American capitalism is not true capitalism. Republicans collaborate illegitimately with business, and Democrats collaborate illegitimately with labor and with trial lawyers. Political favors that unfairly benefit their supporters are doled out by the party in power, reducing the power of the market to efficiently allocate resources and thereby giving lie to the label "capitalism."

Pressure from government is impotent to create a solution where the market has not demanded it.

He does recognize the inevitable and chronic problems of government: failures to achieve goals that are rooted in systemic flaws, pork-barrel corruption, and the alienation of citizens from the political process that is caused by corruption. He ultimately recognizes that the only permanent solution comes from social, not political, reform. Consumers must be re-educated to understand the power that the consuming public wields in the marketplace and the power that this in turn has to improve society. Politics, to the extent that it impedes the public from doing this, must also be reformed. Heady stuff for a leftist!

Some will see only Greider's failure to abandon completely political solutions as a sign of latent statism, and maybe it is. But it is far more important that he is treading new ground for a leftist. His evolution is a significant sign of progress. ❑

***Lost in Translation*, directed by Sofia Coppola. Focus Features, 2003, 102 minutes.**

Love's Language Lost

Jo Ann Skousen

In the 1964 comedy *What a Way to Go*, Paul Newman plays an American living in Paris who has fallen in love with a young widow (Shirley MacLaine). After Newman goes on for several rapturous sentences in French describing his new girlfriend to a fellow Parisian, the subtitle translates simply: "She's pretty." Newman's friend responds with an equally impassioned and lengthy rhapsody about MacLaine, also in French, followed by the subtitle, "Very pretty." Obviously, a lot was lost in the translation.

Sofia Coppola borrows this trick in her Oscar-winning film, *Lost in Translation*. Bill Murray plays a nearly washed-up actor who has flown to Japan to make a whiskey commercial. He must communicate with the commercial's director through a translator, who listens to the very detailed instructions and then tells Murray only, "Turn your head." The point of the interchange explains the title and theme of the film: much is lost in translation when we don't speak the same language.

But what constitutes "the same language?" Coppola implies that there is more to it than simply using the same vocabulary. When Murray's character calls his wife to say "I miss you," what he really means is "I miss the sensation of missing you." When his wife nags about home decor and problems with the children, she says "I want you here," when what she really means is "I want you to want to be here."

Murray's character notices a young woman (Scarlett Johannson) at his hotel who has accompanied her photographer husband to Tokyo on a photo shoot. She, too, is a victim of miscommunication. To her, "come with me to Tokyo" meant "let's have a second honeymoon;" to her husband it meant, "I'll do my thing and you do yours." Murray and Johannson, two lost souls, spend time together — trying to get in touch with themselves by connecting with someone else. But words are inadequate to express the yearning each feels. Certain thoughts are simply ineffable, no matter how

hard we try to translate them into words. Fittingly, the most important words of the film are muffled, whispered in Johannson's ear so that the audience must "translate" for themselves. Though we may long to know what Murray actually said, we know instinctively that whatever it was would be less satisfying if we knew. "I love you" would seem as flat as "she's pretty" or "turn your head."

Fittingly, the most important words of the film are muffled, whispered in Johannson's ears so that the audience must "translate" for themselves.

An unexpected subtext of the film is that in today's free-wheeling society, sex has become an inadequate substitute for the more complicated language of love. Once called "sexual intercourse" because it was the intimate, private communication of two lovers using a language created and shared by them alone, "having sex" seems to have become a recreational activity devoid of true intimacy, no more personal than "having dinner." Recently, I overheard two friends talking about men. Sue wants very much to find a true love, get married, and start a family. Kate said to her, "Let me set you up with Steve — he likes petite brunettes like you." Kate totally missed the point. Sue doesn't want someone who likes to have sex with "someone like her;" she wants to meet a man who will create a private language with her, who will engage in lifetime intercourse, not just have sex. Thus, it was completely appropriate and instructive that Coppola never cheapens her characters' relationship with a gratuitous roll in the hay. Their one physically romantic act — a kiss — occurs only after the whispered exchange of their privately understood communication. In that whispered moment, true intercourse occurs. Perfect. □

Advertisement

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload and back to Auschwitz. For Jews especially, God Bless America should be God Bless laissez faire capitalism." For The Jewish Debt to the Right, see Intellectually Incorrect @ intinc.org

Notes on Contributors

Alec Mouhibian is a freshman at UC Santa Barbara. He dedicates his article, in loving memory, to Sonia Mouhibian, a woman who played her hand.

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Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

***Girl With a Pearl Earring*, directed by Peter Webber. Lions Gate Films, 2003, 95 minutes.**

A Portrait of Servitude

Max Orhai

Girl With a Pearl Earring is a motion picture about a still picture of the same name, one of the most famous ever painted by the 17th century Dutch master Johannes Vermeer. The painting is a simple portrait of a young woman against a dark background, her hair wrapped modestly in a blue turban, her head turned, bathed in light. Her earring is a luminous accent in the center of the picture, although painted with only the most delicate strokes. She stares out at us steadily through the centuries, a timeless, nameless representative of feminine reserve — distant, although clearly present. Like anyone in any masterful portrait from long ago, the viewer can't help but wonder what she was thinking about, what her life was like. Understandably is the painting sometimes called "the Dutch Mona Lisa."

The transformation from painting to movie comes by way of a novel, also of the same name, by Tracy Chevalier. By Chevalier's conjecture, the girl's name is Griet. Scarlett Johansson portrays her in the film. She is the junior maid in Vermeer's middle-class household, of little social standing, tossed about bravely in the drama between the women of the house, the master himself (played by Colin Firth), and his lecherous patron, Van Ruijven played by Tom Wilkinson. Johansson has very few lines throughout the movie, but her nuanced portrayal of the teenage Greit conveys by cold stares and sidelong glances the wonder, hope, disappointment, and resignation common to anyone coming of age in any time or place. She is fascinated by the paintings in the studio and begins to learn the mysteries of pigment and form. But her beauty catches the eye of her master's patron, who, unable to possess her sexually, commissions her portrait, which disrupts the delicate power balance of Vermeer's household.

Greit's world is a rather more limited one than what we now enjoy. Her destiny is firmly set by her culture, and the story is largely that of her dawning awareness of, brief and restrained struggle with, and inevitable abandonment to that destiny. Her eye for color and composition will never guide her hand as a painter in her own right: she will marry the butcher boy, do a lot of laundry, cook a lot of meals, wash a lot of dishes, raise a lot of children. Her freedom, we find, is in the end not much less than that of her master: Vermeer himself must defer to his degenerate sponsor and paint what he is commissioned to paint. He is left to deal, as best he can, with his jealous and pregnant wife, mean and impudent child, whiny and manipulative cook and nursemaid, shrewd and overbearing mother-in-law. The bond that develops between Vermeer and Griet is less a romance than a kind of spiritual kinship, although nobody else can recognize or accept it as that.

What really struck me about this movie is the economic background. Delft was a regional metropolis, and in the 1660s the Netherlands was still recovering from the collapse of the boom (which included the infamous tulip bubble) of the early part of the century, — but not yet to experience the crash of the art market during the later wars with France. Things were going okay for most people, although the fear of poverty which drives many of the film's characters is well conveyed by the neighbor's bankruptcy. This isn't the Middle Ages — nor is it, by a long shot, our modern industrialized Europe.

I got the distinct sense that the extras playing the men poling the boats in the canals didn't really know what they were doing: they seemed clumsy. The sheer effort of the women's work required to maintain the simple dignity of a civilized house is alien to modern sensibilities. People toiled so that some wealthy few might enjoy a pitiful fraction of what everyone nowadays takes for granted. The prosperous, pompous, cultured merchant villain is a material pauper compared to any trailer-park-dwelling, lower-class American. Technology obviously makes a huge difference in terms of the real wealth and freedom we enjoy. Somehow, this difference is more striking in this film than in other historical dramas I've seen, set in poorer, more miserable places. The culture is similar enough that an accurate portrayal is possible, and it's this subtlety that makes the story so real and gripping.

This is a quiet, refined film which will be enjoyed by moviegoers who can appreciate understatement. Those, like myself, who tend to slip into false nostalgia and idly romanticize "simpler times" will do well to watch it carefully. Given the choice between our world and Greit's, I'll take the complexities of modern society and modern relationships any day. ❑

People toiled so that some wealthy few might enjoy a pitiful fraction of what everyone nowadays takes for granted.

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Booknotes

Giving readers a break — John Stossel has more direct influence on the political thinking of ordinary Americans than any other person alive today, thanks to his successful career as a broadcast journalist. Now he has collected his thoughts into a book.

In *Give Me a Break* (Harper Collins, 2004, 294 pages), Stossel stays very much in character. He remains the bright-eyed naif who is shocked — *shocked!* — every time he discovers that government has failed to solve a problem it addresses, usually making it worse in the process. He covers the same stuff he's done on television: junk science, junk law, political correctness, welfare for the rich . . . and he does it in pretty much the same way. So while *Give Me a Break* is probably a pretty good book for ordinary readers, it offers little for libertarians.

Yet Stossel does offer the libertarian something substantial. *GMAB* starts autobiographically, and we learn how young ambition-driven John Stossel overcame a serious handicap (stuttering) to become a successful television newsman and eventually a TV personality. What's interesting is that his nascent and growing libertarian political beliefs never became a handicap for him. This portion might be read very profitably by young libertarians who believe that their political beliefs seriously retard their likelihood of success in the "real world."

And at times Stossel is genuinely eloquent. I sometimes think I am jaded when it comes to professions of libertarian belief, but I think his very brief concluding essay "Freedom" is masterful. — R.W. Bradford

"My firm was like one big happy family, until I spanked my secretary."

The powerful outsiders — The Jews are a part of, and apart from, Western Civilization. Not only have the ethical and philosophical systems of Judaism directed the development of Western thought, but the Jewish Diaspora extended into the far reaches of Europe long before Christianity. In fact, it was probably among this Diaspora that Christianity spread through the Roman Empire, eventually becoming its state religion. And yet, it seems natural to separate the Jews from Western Civilization — to discuss what they gave it, what it learned from them. They have always maintained, or had forced on them, a separate identity that goes well beyond religion. Paul Johnson's *A History of the Jews* (Perennial, 1988, 656 pages) is a sweeping view of 4,000 years of this identity from Abraham to Shimon Peres.

The overtly religious, medieval notion of the Jew as nonhuman agents of Satan who conspire to destroy Christendom through well-poisoning, cultural and religious pollution, and magic, led to the first wholesale attempt to eliminate the Jews from Europe in 1348, on the occasion of the Black Death. As Europe experienced the Renaissance, and then the Enlightenment, the justification for hatred of the Jews transitioned with ease. As God gave way to reason, Satan gave way to capitalism, communism, cosmopolitanism. The Jew has always been behind the evil in society, always the powerful outsider. European culture has always seen in the Jew its ugly reflection. Any understanding of modern sentiments toward Israel, toward the Jewish "neocons," or the "Jewish lobby" that does not take this into account is missing a central issue of great importance in Western history.

Hitler did not make anti-Semitism up, and nor did it die with him in that Berlin bunker. Hitler's simplistic, racial anti-Semitism was an especially destructive deviation from the centuries-old refinement of hate based not on race or religion but on Jewishness. And what it means to be a Jew is flexible, able to transition and evolve in history, as much a creation of the Gentiles as the Jews themselves. That Jews have lived in Europe for over 2,000 years and have not entirely assimilated is a testament not only to their tenacity as a culture, but also to the tenacity of hate. The Jews were forced into the ghettos of Medieval and early modern Europe and then hated for their exclusiveness and antisocial clannishness. In the last century anti-Semitism, aided by the power of the modern state, and amplified by the radical ideologies of fascism and socialism, drove the Jews out of Europe entirely, and yet their "Zionism" is hated and decried as the greatest threat to world peace.

No understanding of Western Civilization is complete without an understanding of the Jewish element within it. *A History of the Jews* provides an introduction that is expansive and yet eminently readable. As in all Johnson's books, the overriding thesis is that the present is justifiably understood only as a continuation of the past. There are no fresh starts and very few entirely original departures. While such a historical interpretation of civilization seems obvious, it is amazing how many deny its reality, and attempt to understand the present as if in a vacuum. — Andrew W. Jones

Day trader, day tripper — Ten years ago, Jim Rogers combined his

two favorite activities — investing and motorcycle travel — into *Investment Biker*, a book telling the story of traveling around the globe on a motorcycle seeking investment opportunities. It was a fun book, teeming with adventure and insight into how the world works, insight that could come only from a real-world libertarian like Rogers. Not surprisingly, it became a modest best-seller.

Now comes *Adventure Capitalist* (Random House, 2003, 368 pages), a similar account, except that this time Rogers and his girlfriend and wife (they marry part way through the book) are traveling in a fancy-dan Mercedes SUV. He scopes out places (and investment opportunities) in a way in which people who travel by air simply cannot do.

The book reeks with insight, though at times I was tempted to dismiss some of its comments as, well, a bit superficial or even flippant. But I didn't. After all, Rogers spent nine months on the ground in Africa, in its biggest cities and its most backward places. His observations are the real thing. He is an honest traveler, commenting on the socio-political realities he actually observes. Aside from Paul Theroux, I cannot think of another.

— R. W. Bradford

And on the eighth day He created the Mac — If you're a Gen X-er, you know what it's like. If you're older than that, maybe you still wonder what everybody's so worked up about.

"It" is the internecine divide between Macintosh users and Windows users, with a few Linux acolytes squawking from the sidelines that both of those groups are deluded.

Nobody really knew what to do with microcomputers when they were invented. Bill Gates came up with the brilliant idea of selling an "operating system." It wasn't a new idea; relatively powerful OSes had long been used on the big mainframe computers that businesses and universities had. Gates just had the good sense to see that you could make them for the new microcomputer market, too — and that people would actually buy them.

Then Apple came along with the graphical MacOS. The first OS that Gates sold, DOS, required the user to type cryptic commands to make the computer do something. The Mac was based upon the revolutionary idea of using pictures to represent the workings of a computer, making it more intuitive for the average user. The PC-Mac divide set off a debate that still rages today about how to provide computer end-users with the best interface and user experience.

Today we take it for granted that the way a computer works is that you turn it on, a "desktop" comes up on the screen, and you can double-click on Internet Explorer to get online, or double-click on a folder to see the files in it. But that's a fairly new way of looking at things.

What were computers like a couple of decades ago — and why weren't people back then worried about spam and computer viruses and pop-up ads? What do today's computers do, with their tons of memory and hard drive space and super-fast processors and ultra-complex, expensive operating systems, that computers didn't do a couple of decades ago? Why was it that people could be perfectly productive using a command-line interface on a computer with only a floppy drive, no hard disk, and less memory than a calculator has today — yet now we need gigabytes of hard-disk space, tons of memory, and we still get "blue screens of death" and annoying computer crashes?

Neal Stephenson, in *In the Beginning . . . Was the Command Line* (Avon Books, 1999, 151 pages), asks questions like these and then summarizes them: "What the hell is going on here?" With humor, passion, common sense, and not a little ranting, he tries to figure it out.

Stephenson's rich, over-the-top metaphors and copious digression, which have made his novels a hit among hackers, are in top form in this nonfiction work. Penned as a long essay in the late '90s, *In the Beginning* traces the history of operating systems from, well, the beginning, up to the present. It does so in terms a non-technical person can readily understand and care about, shining light on a subject that's interesting not only in its own right, but to anyone concerned with free trade, antitrust litigation, intellectual property law, or the reasons for the sometimes baffling choices that consumers make.

Best of all, it's free. Like any decent hacker, Stephenson would rather put his work online, where more people will read it, than make another buck or two off of book sales, so you can download the full text. To get the full experience, though, buy the paperback. It's cheap, highly re-readable, and eminently collectible.

— Patrick Quealy

Letters, *from page 2*

About this same time (1947), just after getting out of the Navy, while I was waiting for the spring semester to start, I became a habitué of the local brothel. That was before the crusading attorney general, Pat Brown, shut them all down. The madam of that enterprise surprised me with a copy of *Human Destiny*. I guess that was the initial push which started my long decline into the abyss of libertarianism.

Skip Premo
Camp Nelson, Calif.

Ebenstein Unmasked

I believe your purported correspondent on foreign policy — Alan or Lanny — is in reality Bill Bradford!

I recognize Bradford's writing style, and know he likes to use *name de plumes* to spice up *Liberty*.

In this case, he presents weak arguments for policies with which he disagrees, allowing him devastating ripostes.

Kevin Bjornson
Seattle, Wash.

Bradford responds: I had hoped to keep this secret, but Bjornson's research has found me out, even after I went to all the trouble of covering my tracks by getting a doctorate in the name of Alan Ebenstein from the London School of Economics and writing two well-received scholarly books on the life and thought of F. A. Hayek.

God, Man, and Tyrants, *from page 38*

no resentment whatsoever." This is similar to what St. Augustine had written in the 5th century about the proper attitude for just war; in the 13th century, Thomas Aquinas would elaborate along similar lines.

Hunting, theatre, gambling, and music were all approved as forms of recreation, provided that they were pursued in moderation.

John explained that a good Christian should not be expected to obey the law or a superior's order in all circumstances, for "Some things are . . . so detestable that no command will possibly justify them or render them permissible." For example, a military commander might order soldiers to deny the existence of God or to commit adultery.

Similarly, if a prince "resists and opposes the divine commandments, and wishes to make me share in his war against God, then with unrestrained voice I must answer back that God must be preferred before any man on earth."

John argued that intermediate magistrates — such as local governors — had a duty to lead forcible resistance if necessary, against serious abuses by the highest magistrate — such as the king.

Interestingly, the theory of "inferior magistrates" not being bound, under all circumstances, to obey the supreme magistrate was also developing in canon law, as many bishops argued that they were not in all circumstances required to obey the pope.

Policraticus drew heavily on Bible stories, and on examples from ancient Rome. John announced, "That by the authority of the divine book it is lawful and glorious to kill public tyrants . . . "

John of Salisbury was the first Western writer to provide a detailed theory of tyrannicide. He went even further, and made tyrannicide a positive duty:

> [I]t is not only permitted, but it is also equitable and just to slay tyrants. For he who receives the sword deserves to perish by the sword.
>
> But "receives" is to be understood to pertain to he who has rashly usurped that which is not his, not he who receives what he uses from the power of God. He who receives power from God serves the laws and is the slave of justice and right. He who usurps power suppresses justice and places the laws beneath his will. Therefore, justice is deservedly armed against those who disarm the law, and the public power treats harshly those who endeavour to put aside the public hand. And, although there are many forms of high treason, none is of them is so serious as that which is executed against the body of justice itself. Tyranny is, therefore, not only a public crime, but if this can happen, it is more than public. For if all prosecutors may be allowed in the case of high treason, how much more are they allowed when there is oppression of laws which should themselves command emperors? Surely no one will avenge a public enemy, and whoever does not prosecute him transgresses against himself and against the whole body of the earthly republic.

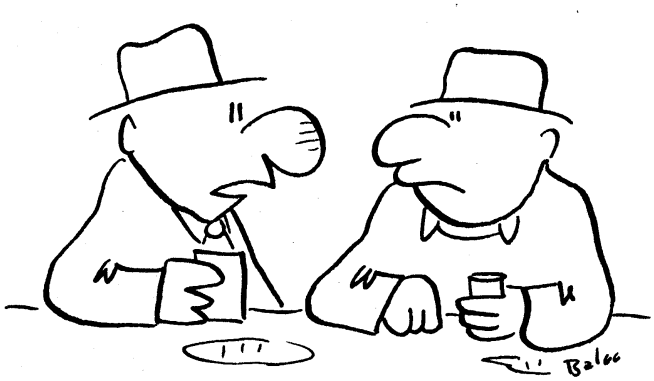

"Our eyes met across a crowded room, and she called the cops."

In short, "As the image of the deity, the prince is to be loved, venerated, and respected; the tyrant, as the image of depravity, is for the most part even to be killed." Thus, tyrannicide was "honourable" when tyrants "could not be otherwise restrained."

There were two important limits: First, poison could not be used. Second, a person could not rebel against a person to whom he legally owed fealty.

The political theory of the Dark Ages had insisted that obedience to God required obedience to any ruler, no matter how awful. John of Salisbury turned this theory on its head: "it is just for public tyrants to be killed and the people to be liberated for obedience to God."

At great length, *Policraticus* denounced tyranny and justified tyrannicide. A few passages did counsel patient reliance on deliverance by God, warned against taking drastic actions based on small or isolated offenses, and urged prayer as the method of ending tyrannical oppression. These cautionary lines, however, did not undermine the revolutionary impact of the book.

Going beyond political tyranny, John of Salisbury explained that tyranny could occur in many forms; "many private men are tyrants." "[E]veryone is tyrant who abuses any power over those subject to him which has been conceded from above." A father, a landowner, or a merchant could be a private tyrant, to those over whom they abused their power.

An ecclesiastical tyrant was a priest, bishop, or other church official who abused his power, harming rather than protecting the people in his spiritual care.

One of the problems of the tyranny of petty officials was that it was illegal to resist their depredations, even though, according to Justinian's code of Roman law, "it is otherwise lawful to repel force with force without blame if one has safeguarded moderation." However, tyrannicide was appropriate for only actual rulers of governments, not for private tyrants.

Over the next half-millennium, the right of revolution would be defended by Scholastics such as Thomas Aquinas and Francisco Suárez. Lutherans and Calvinists would initially adopt a limited form of the theory. Then the Calvinists, acknowledging that they were building on the Catholic intellectual heritage, would advance the full right of revolution. The "black regiment" of New England preachers would bring the right to its greatest fruition, exhorting their congregations to their sacred duty to overthrow King George and establish a free republic.

John of Salisbury never knew that there was a Western Hemisphere. But he did know that God wants man to be active and free, not passive and enslaved. All of us who enjoy civil liberty in the New World owe a debt of gratitude to the intellectual revolution set off by John of Salisbury. ❑

Armenian Splendor, *from page 28*

two-thirds of one's ancestors wiped from the earth. Eighty years is not long enough to mend such a wound, whatever the bad effects of rubbing it may be. And the effects are bad. That wound has acted like a magnet, pulling the attention of Armenians back to the finished past, when all of that attention is preciously required by the future, if the future is to be savory.

A sad story? Well, yes. Misery seemingly does underlie the whole Armenian psycho-abyss, so long as we don't ignore the *seemingly*. For some Armenians actually like Armenia; at least they would never leave.

In Armenia, as everywhere, happiness is found in the simplicities of life, which may be just enough to sustain apathy toward the complications. Two weeks before I arrived, a neighbor friend had lost his virginity to a prostitute. "It's better than eating," he said — no small compliment if you were to see him.

The day before I departed for home, a highly educated English-speaking young man asked me, in earnest, whether I liked America or Armenia more. Contemplating the answer, I forged some odd expressions, twisting my facial muscles every which way so as to prevent myself from bursting into hysterical laughter. *Are you fucking kidding me?* I felt like asking. *I mean, really, come on. By what measure conceivable to man in even his most wasted state could you possibly expect me to prefer this hell hole to the United States?*

But seeing that he was serious, I asked instead if he'd ever been to America.

"Yes."

"And you like it better *here*?"

"Yes. I would never move."

Shocked, and thinking this was entirely outside my intellectual jurisdiction to comprehend, something suddenly hit me.

"What part, exactly, of the United States did you visit?"

"Washington, D.C."

"Ah."

Some things aren't so confusing after all. ❑

Life in the Death Star, *from page 36*

trary than that. D.C. is every awful thing most libertarians think it is: a metastasizing tick of a city grown fat and sleepy on what it drains from the body politic. It's a city built around the narcissism of small differences — the embodiment of a long-running argument so screechy and grating that you're almost convinced there's some matter of principle at stake. It's a graveyard of petty ambitions, and deeply held ideals are sold for the glory of the occasional lunch meeting with Denny Hastert. It is also — both despite and because of all that — a relentlessly interesting place.

In most other parts of the country, if you follow politics, and make a living writing about it, you're considered weird and vaguely disreputable. That's probably a healthy attitude. A fascination with the political process — which has rarely, if ever, done much good for people — at best indicates a morbid absorption with human folly. But if you've got this sickness, as I do, this is a great place to live.

I have little doubt that you can find plenty of intelligent people to talk politics and books with, almost anywhere in the country. But in a lot of places, you have to seek interesting conversations out. Here, you're more than likely just to stumble into them. Say what you will of the political animals that crawl our streets — I'll echo most of it. But at least they read the newspaper. What's more, not all of them are irredeemably evil. Some of them will even listen to you, and grow deeply unsettled by the fact that much of what you say seems to make sense.

In Washington, it's possible for a libertarian to — dare I say it? — to do good. By doing good, I don't mean working within the system. I don't expect much from the political process, and it generally meets my expectations. And I don't mean gaining power. I can't think of anything I'd like less than becoming yet another data point supporting Acton's Axiom. (This is one of the reasons I maintain a weblog. It's a sort of personal precommitment device, precluding me from employment within this or any future administration. Anyone contemplating hiring me for a political appointment is but a quick Google search away from several hundred reasons why I'm temperamentally unfit for the job. I've set things up so that I couldn't be corrupted if I wanted to.)

Instead, I think it's possible to do good by being here in the center of politics and political journalism, asking the sorts of questions that would otherwise never get asked, like: Where in the Constitution are you granted the authority to do that? Who's going to pay for the grand promises you've made for these programs, and what will happen when the bill comes due? How satisfying will our lives be when we have given up yet more freedom in return for the promise of government benefits? Plant enough such seeds of doubt, and skepticism about power begins to bloom.

I am justifiably modest about my own contributions to the cause of liberty. But I'm convinced that it does the country and the cause tremendous good for principled libertarians to maintain a presence here. If you're neither Red Team nor Blue Team, loyal to no particular faction but to the principles that animated our revolutionary forefathers — you stick out like a sore thumb. And if you structure things right in your professional and personal life, you can greet each day with the glee of the kid who gets to point out — repeatedly — that the emperor is starkers. For that reason and others, I wouldn't live anywhere else. ❑

Today, downtown D.C. is made up of broad avenues, stately buildings, and less genuine enterprise than you'd find in a healthy Third-World shantytown.

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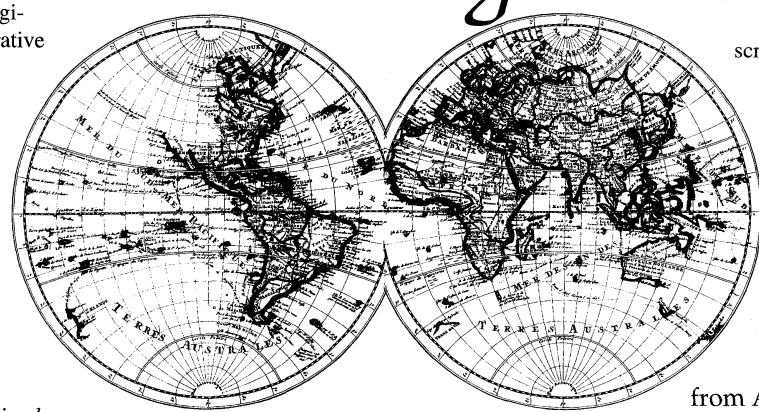

Ansbach, Germany

Solomonic court decision in the Fatherland, from a dispatch in the *Times of India*:

> A 35-year-old unemployed man took his local authority to court claiming that officials are keeping him apart from his Thai wife, with whom he has a son, by refusing to pay her airfare from Thailand, and ought to compensate him for their lack of sex. He wanted the social welfare office to fund his four visits a month to a brothel, including transport, as well as eight pornographic movies and two monthly contact magazines, claiming in his application, "I require the brothel visits for my physical and psychological wellbeing." The administrative court turned him down on the grounds that any such activities should be paid out of what he already receives in benefit.

Seattle

Why you may see a seeing-eye pony at the supermarket, from instructions given Safeway store security guards:

> Always assume that *all animals* accompanied by a customer are Service Animals. Common Service Animals include dogs, cats, birds, ponies, etc.

Washington, D.C.

Note on bent twigs and growing trees, from a report in *The Wall Street Journal*:

> When David Solomon, chief of enforcement for the FCC, was a child, his mother threatened to wash his mouth out with soap if he used words like "liar" or "shut up."

Hartland, Maine

Curious religious practice in the Pine Tree State, reported by the *Portsmouth* (N.H.) *Herald*:

> After nailing one of his hands to a cross, a man attempting to crucify himself realized he could not nail down the other hand and called 911. Emergency workers were unable to determine whether he was seeking assistance for his injury or advice on how to nail down his other hand.

Istanbul

Advance in political science from the Muslim world's most modern country, from a Reuters dispatch:

> Turkey's army has asked local authorities for information on individuals who could undermine the state, including ethnic minorities, necromancers, magicians who summon spirits from the dead, people who practice meditation, and freemasons.

Seoul

Evidence of democracy's vibrancy in East Asia, from a Fox News story:

> South Korea's parliament voted to impeach President Roh after hours of scuffles and protests that included one Roh supporter setting himself on fire and another trying to drive his car up the parliament steps and into the building.

Olympia, Wash.

Progress of the language arts in the Evergreen State, from a dispatch in the *Seattle Post-Intelligencer*:

> The Washington state legislature unanimously enacted a "Respectful Language" law that requires the state and its agencies to "put people first" by replacing phrases like "disabled people" in regulations with phrases like "people with disabilities."

New York

Curious business development, from a report in the *Washington Post*:

> Virgin Atlantic Airways scrapped plans to install bright red urinals shaped like women's open lips at N.Y. John F. Kennedy International Airport, saying it had received complaints they were offensive. A spokesperson said that no offense was intended.

Aliso Viejo, Calif.

Prudent local government from America's model state for reasoned and principled decisionmaking, from a report in the *Los Angeles Times*:

> City officials were so concerned about the potentially dangerous properties of dihydrogen monoxide (DHMO) that they considered banning foam cups after they learned the chemical was used in their production. When they learned that dihydrogen monoxide — H_2O for short — is a scientific term for water, they dropped the proposal. City Manager David J. Norma explained, "We had a paralegal who did bad research."

Hollywood

Insight into the problems Americans face, from russoforpresident.org, the official website of Libertarian presidential candidate Aaron Russo:

> "A big part of the problem in America is the Federal Reserve really controls everything, and very few people even know that. People don't know the Federal Reserve is a private bank, because it has the word federal in front of it, people think it's a government agency. Well so does Federal Express have the word federal in front of it. But it's a private company just like Federal Reserve is. Federal Reserve is a private bank, and it's a for profit bank.
>
> "And this private bank in 1913 got the right, the concession to make money for America. Think about that. . . . They own everything."

London

Vindication of John Locke's famous statement that "No man's knowledge here can go beyond his experience," from a dispatch from Reuters:

> A scientist dubbed the "Safeway poisoner" and jailed for trying to poison his wife has been employed by the University of Manchester to lecture students on ethics. A university spokesperson said criminal convictions and teaching ethics were not necessarily mutually exclusive.

Special thanks to Russell Garrard, William Walker, and Fletcher Rice for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertysoft.com.)

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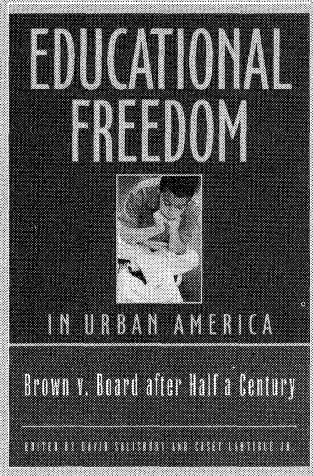

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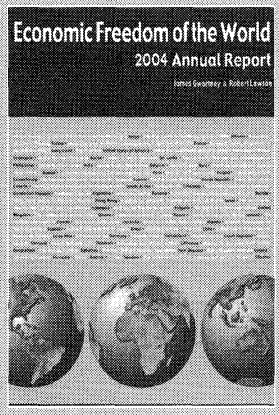

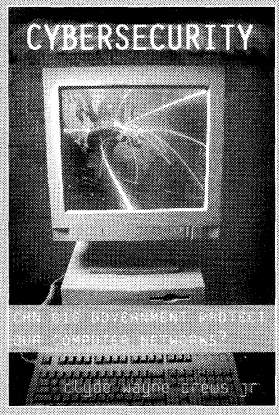

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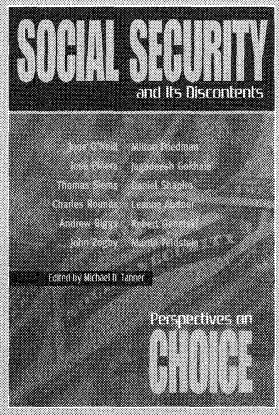

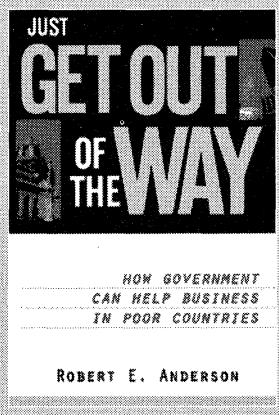

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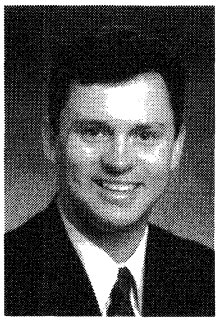

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Religious Right or Liberty?

Battle for the Soul of the MI GOP

by Michigan State Representative Leon Drolet

Michigan's Macomb County is the poster child for suburban America. This sprawling bedroom-county of nearly 825,000 people (and growing fast) is bordered by Detroit to the south and Lake St. Clair to the east, and filled with middle-class subdivision homes with attached wooden decks complete with Coleman barbeques. Macomb County's low crime rate, generally decent quality schools, low tax rate (lowest of Michigan's 83 counties), high rate of home ownership and near-perfect middle-classiness paints a tranquil and comfortable picture. It's a central planner's "sprawl" nightmare and a suburbanite's nirvana. One can almost hear the Beatles singing "*Penny Lane*" on some Saturday afternoons.

But there is a political war going on in Macomb County with national implications. This war is a political scientists' war, of primary interest to elites from both major parties. But the undercurrent of Macomb's ideological war has significant impact on the future of liberty in the political arena.

Macomb is well known in political campaign consultant circles nationwide as perhaps *the* bellwether county for the country. Its suburban, middle class, Catholic swing voters have been analyzed, dissected and focus-grouped by both major political parties for two decades, each party trying to unlock the secrets to the hearts of pivotal independent voters nationwide by studying the Reagan-Democrat, independent/maverick ideological microcosm that is Macomb County. These efforts by major-party political researchers are best documented by Stanley Greenberg in his 1996 book; *Middle Class Dreams: The Politics and Power of the New American Majority* (Yale University Press). Greenberg is a former Clinton pollster assigned to study Macomb County in the mid-1980s by the national Democratic Party. Greenberg was charged with finding out why the traditionally blue-collar Democrat county had suddenly shifted to voting for Ronald Reagan. His research was widely employed by the Clinton campaign in 1992.

From the perspective of freedom, who cares about this political petri dish called Macomb? *You* should if you care about the prospects for liberty in the arena of real politics. For there is a war within the partisan war; an ongoing battle within the county's Republican Party between the "religious right" vision of GOP priorities, and those who emphasize small-L libertarian, limited government. Macomb County's GOP infighting is a magnified microcosm of Republican internal politics nationally. And this election cycle, I am squarely in the epicenter of the battle.

Pat Robertson and the Rise of the House of Carl

Back in 1987, when televangelist Pat Robertson was preparing his presidential run, activists from the Jerry Fallwell-led Moral Majority, the Christian Coalition, and other faith-based political organizations were actively recruiting Republican precinct delegates from within evangelical churches. These delegates were to get elected, attend county and state GOP conventions, and deliver votes for Robertson at the national convention.

In Macomb County, a conservative, highly religious state senator named Doug Carl saw the emerging evangelical delegate block as an opportunity to build a political organization capable of defeating Democrat Congressman David Bonior in the 1992 general election. Carl had narrowly lost to Bonior in 1988. Senator Carl decided to take over the executive board of the Macomb GOP using the newly recruited army of Pat Robertson precinct delegates called "Robbies". Carl's efforts paid off at the 1990 Republican county convention when his delegates swept away the entire existing GOP executive board, and replaced it with Robbies. Senator Carl was elected by that new board to serve as Chairman of the Macomb County Republican Party. Although Doug Carl didn't know me back then, I was one of the executive board members dumped by Carl and replaced by a Robbie.

Some of us who were deposed were not the typical 'establishment' Republicans that were being defeated by Robbies in similiar fueds playing out across the country. We were fiercely

anti-tax, pro-gun, and suspicious of government power. Many of us called ourselves libertarians and we weren't willing to turn the show over to the Robbies. We formed the Macomb Coalition of Republicans (MCOR), a rival group that operated as if we were the official party.

What ensued was a pitched, angry battle between the official county party and MCOR that lasted many years, with a gleeful media reporting each blow (such as the time MCOR took out classified ads in the *Detroit Free Press* seeking a true friend of the taxpayers to run against recently elected GOP governor John Engler).

What distinguished Robbies from MCOR? For all the acrimony involved, not much of substance. Both groups were pro-gun, anti-tax, and (mostly) pro-Life. Both were fueled by the boom of conservative AM talk radio in the 1990s. The difference was in priorities and tone. MCOR took on libertarian causes – holding huge pro-gun rallies to protest Clinton's gun bans while the Robbies were holding Christian rock concerts. MCOR would demonstrate with Citizens Against Government Waste while the Robbies would march in a pro-Life event. MCOR would rail against property taxes while the Robbies would rail against pornography. Unfortunately, one thing both groups had in common was that they detested each other, and spread rumors and ill-will toward opposing faction members.

The ill-will cumulated in Doug Carl's primary race to unseat Bonior in 1992. Carl was given a decent chance of defeating Bonior by pundits (given his good showing in 1988), and the Republican National Committee was prepared to dump money into the race. Enter Doug's wife: Maria Carl.

The "Jew Crew" and the AIDS Jokes

Maria, always an activist supporting her husband, was helping direct Robbie efforts to select a Republican National Committeewoman at the 1992 state convention. Three women were vying for the position, and when the Robbie favorite lost in the first round of voting, Robbie delegates were confused. Should they vote for Betsy DeVos, a west-Michigan wife of the founder of Amway Corporation or should they support Andrea Fischer, a member of a prominent, wealthy family generous to Republican campaign coffers? According to eyewitness accounts reported widely in newspapers, Maria Carl called the play; "We're going with DeVos," Maria allegedly instructed her delegates. Several delegates then asked what was wrong with Andrea Fischer, to which Maria reportedly replied, "She's a Jew, she's a Jew!"

Several delegates were upset by her comments and filed complaints with the state Republican Party. Media obtained copies of those complaints and had a field day. National money for Doug Carl's congressional bid immediately began to dry up. At first, Maria refused to comment when asked about her statements. Later she denied them at a press conference. Doug Carl went on to be defeated by Bonior. The Libertarian Party candidate in the race received nearly twice the votes of any other LP candidate for local or federal office that year, possibly due to disaffected Republicans who perceived the Carls as anti-Semites.

The Carl anti-Semite tag wouldn't go away. Earlier that year, Jim Alexander (GOP chair from Oakland County) had charged that a Carl associate referred to he and Fischer as "the Jew crew."

The MCOR – Robbie war officially ended in 1996, when the state Republican Party could no longer stomach either faction in Macomb. MCOR continually criticized GOP Governor John Engler from the 'right' on fiscal issues, and the Robbies wouldn't take orders and supported Pat Buchanan over Bob Dole for the party presidential nomination. Secretary of State Candice Miller, a Macomb native, was assigned by the state party to get the county party under control. Miller, now a congresswoman, recruited 'sane' delegates to the '96 convention but came up a few delegates short. A deal was cut with MCOR and the Robbie executive board was swept away (a compromise chair was selected). Relative peace returned to the Macomb County Republican Party as the most intransigent leaders of both factions were purged, and the rank and file Robbies and libertarian MCOR members learned to get along.

Senator Doug Carl continued, however, to engender controversy. In March of 1996, two students doing a report on AIDS were interviewing Carl in his district office. Senator Carl allegedly joked to the students about AIDS, telling them it was an acronym for "Anally Inserted Death Sentence". The jokes made their way into the students' reports and into the media from there. Few laughed, and Sen. Carl accused the two students of setting him up.

Doug Carl died of a heart attack in August of 1997 at the age of 46. Before his unexpected death, Doug seemed to mellow substantially. He acknowledged the mistake of his hostile party takeover in 1990. Doug and I put aside our differences, and we became friendly acquaintances.

Doug's widow, Maria Carl, was another matter. Maria ran unsuccessfully for her husband's vacant state Senate seat. She ran again for the state House seat in a special election that I won. There just didn't seem to be much energy left in the Robbie political machine that she had helped her husband put together.

Gay Marriage & the Return of the Robbies

After I was elected, Maria Carl faded away in Macomb politics and the evangelical battlefield migrated to neighboring Oakland County, where some Robbie leaders purged by the Candice Miller takeover of the Macomb GOP had relocated.

I spent the first three years of my state representative career as a principled libertarian Republican advocating for reductions in the size, scope and cost of state government. Disagreements with other Republicans were largely confined to my being to the right of my colleagues on tax, fee, licensing, and regulation issues. Those social issues where I differed from Republican colleagues came up infrequently, and I was just considered "quirky" or, later, "principled".

Until the issue of gay civil unions and gay marriage blew into a national issue. It became apparent after President Bush's state of the union speech that the issue was coming to Michigan's capitol dome and a vote on state recognition of gay relationships was inevitable.

As a libertarian Republican, I believe that governments, much less constitutions, are NOT the place to regulate human relationships and personal or religious commitments. For thousands of years, across many societies, marriage did not need government sanction. Having governments mandate tax, insurance or any other benefits for marriage only invites government regulation of marriage. To those who would advocate that governments should regulate marriage, I would advise them to be careful what they ask for. Activist judges giving sanction to gay relationships under the 'equal

protection' clause do so precisely because states have mandated government benefit and sanction to straight marriages.

I voted "No" on the proposed amendment to the state constitution to prohibit recognition of the contracts, marriage or civil union, between gay couples. I believe that many of my Republican colleagues were uncomfortable with their "yes" votes, and some even privately ashamed, yet only two other Republicans (out of 63) voted with me, one of whom is term-limited.

For many political evangelical activists, gay marriage or civil unions is a must-win issue. Having lost a US Supreme Court decision on sodomy laws, and watching acceptance of gay Americans becoming increasingly mainstream, gay marriage or civil unions is their "Battle of the Bulge". A loss here, and many evangelicals sincerely believe that the collapse of all western civilization is surely imminent.

Maria Carl, with the support high-ups within the state and national American Family Association, filed against me for the August 3rd GOP primary nomination for state representative.

A Battle for Liberty? Or the Soul of the GOP?

I realize that there are a great number of *Liberty* readers who frankly don't care about the direction of the Republican Party. At the risk of being self-aggrandizing, I would suggest that my reelection campaign against Maria Carl is about more than whether the GOP in Michigan will be more influenced by those who advocate the state as a means of advancing religious beliefs, or whether the GOP can turn toward a platform for limiting government. Instead, I would suggest that my reelection tests whether true libertarian beliefs can be successful in the market of an election cycle.

I have been twice elected to the Macomb County Board of Commissioners and twice elected to the state House. But now I face a primary challenge unlike one I have ever faced. If you believe, as I do, that liberty can be successfully sold to voters in a campaign environment, then I need your help!

Maria Carl will have her donors, and they are more energized than they have been in years. My status as one of the two Republicans up for reelection who voted against the so-called marriage resolution has made me a target of some members of the religious right ***statewide***, not just in Macomb County.

Will you help? I can do the door-to-door, I can layout campaign literature and put up signs. I know how to win political campaigns. But never have I been the focus of a statewide effort to defeat me. **The money I need to win this campaign and advance our political philosophy must come from you!** *Any* donation to my reelection campaign against Maria Carl would be gratefully received. Here are the government-mandated legal requirements for contributors: contributions cannot exceed $500 per person, and contributions over $100 must include the name and address of the contributor's employer. Checks can be made out to: CTE Leon Drolet and mailed to 16820 Edloytom Way, Clinton Twp., MI 48038. My e-mail address is: leondrolet@comcast.net.

Thank you for your assistance, and for your commitment to Liberty!

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M.O.S.E.S., *a coalition of left-wing organizations supporting new taxes for mass transit.*

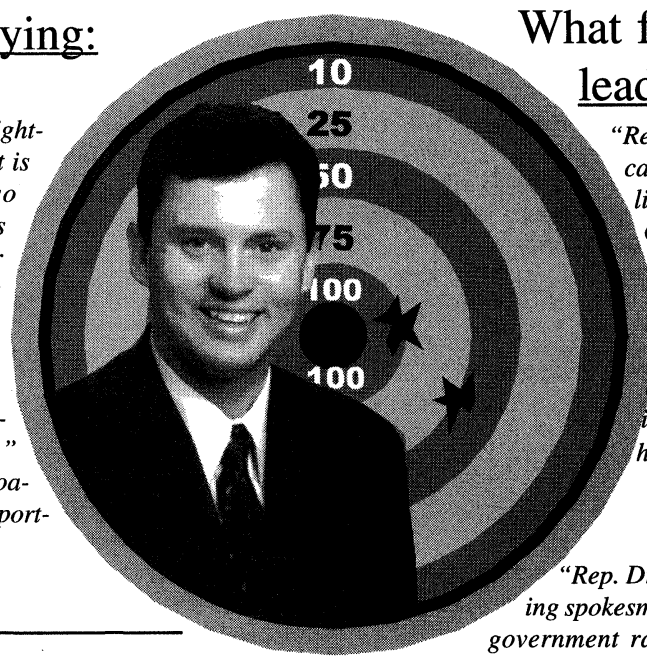

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Inside Liberty

June 2004
Volume 18, Number 6

6 Letters Our readers lecture us about original intent, the Victorian economy, liberty tried and triumphant, elephants in the doctor's office, and more.

9 Reflections We risk jail for our bad attitude, make baseball look like America, celebrate the art of political softball, balance the Constitution's checks, fight the war on terror one intelligence failure at a time, pine for Al Sharpton, and remember history through the bottom of a shotglass.

Features

17 The Bush Blunder George Bush believed the American public's anger about 9/11 would let him get away with just about anything in Iraq. It's becoming clear that he was wrong, writes *R. W. Bradford*.

The Free State Project

The plan: get 20,000 small-government activists to move to New Hampshire and downsize the state. Is the Free State Project an ambitious and noble movement by courageous patriots, or just another kooky attempt to build an impossible "free" state?

21 Freedom in Our Lifetime *Alan W. Bock* explores whether the plan can work.

23 A Revolution by Other Means *Max Orhai* takes a look at the intellectual foundations, the membership, and the goals of the project.

27 Reclaiming the American Frontier It's time for a new generation of pioneers to claim their heritage as free people, *Tim Condon* argues, even if that means moving to the Granite State.

29 A Special Time *Richard Kostelanetz* discovers that things were different in the 1960s.

40 Present at the Creation *Don Meinshausen* recalls the birth of the libertarian movement and all the hell-raising it entailed.

Reviews

47 The Road to Freedom By all accounts, the ragged army of colonials were no match for Britain's professional army. So how did they prevail? *Stephen Cox* looks for the explanation.

49 Perfectly Naive Closing tax "loopholes" for the rich, *Mark Skousen* says, is no way to help anyone.

51 Goldman Lite You might suppose that a PBS documentary about an anarchist would be badly done. You'd be right, opines *Richard Kostelanetz*.

52 Notes on Contributors Contributing to the delinquency of majors.

55 Terra Incognita There's no escape.

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Letters

The Original Intent of the Bill of Rights

Randy Barnett claims ("Lysander Spooner, the Ninth Amendment, and Me," March) that the 9th Amendment protects rights not explicitly mentioned in the Constitution. He does this by quoting the Amendment out of its Bill of Rights context: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Then, in April, Leland Yeager, in his review of Barnett's *Restoring the Lost Constitution*, rejects "original intent" because "[f]or one thing, no single and coherent intention underlies the whole document or its individual provisions." Both gentlemen are mistaken. As stated by James Madison in the first session of the First Congress, the Bill of Rights' coherent intention was:

> To quiet the apprehensions of many, that without some such declaration of rights the government would assume, and might be held to possess the power to trespass upon those rights of persons and property which by the Declaration of Independence were affirmed to be unalienable.

Alexander Hamilton argued the restrictive Bill of Rights was unnecessary because no power over rights was delegated to the new federal government. And he warned that enumerating some rights implied that others not listed would fall under federal jurisdiction — hence the purpose and wording of the 9th Amendment. Back in context, it states that the blanket Bill of Rights' hands-off restrictions applies to all rights, whether enumerated therein or not. And the 10th Amendment reminds Congress that powers not delegated are reserved. It's just that simple. The Bill of Rights is one document. It contains 462 words telling the federal government what it must not do. The Preamble to the Bill of Rights describes it as "further declaratory and restrictive clauses" designed "to prevent misconstruction or abuse of its powers. They begin with "Congress shall make no law" and end with "The powers not delegated . . . are reserved." The Bill of Rights was never intended to guarantee or define rights. Its purpose was to ensure that delegated powers in Article I Section 8 were not to be misconstrued to include rights. But through the simple expediency of teaching that the Bill of Rights "guarantees" rights, Americans have become conditioned to accept it as the source of rights, then acquiesce to federal court jurisdiction, definitions and control — the very thing the Bill of Rights was intended to prevent.

James Harrold, Sr.
Springdale, Ark.

Interesting Tidbit

To Timothy Sandefur's celebration of Victorian Placerville (April) add this note: The U.S. economy grew faster from 1840 to 1860 than it has grown in any 20-year period since.

Andrew Lohr
Chattanooga, Tenn.

Setting 'em Straight

I wonder what planet John Engelman lives on (Letters, April). His assertion that the destruction of communism in the Soviet Union and the introduction of capitalism is the cause of the falling standard of living in Russia is utter nonsense. Russia's economy has little if any resemblance to capitalism. If you want to see the effects of true free-market reforms, take a look at the Czech Republic.

When I first went to the Czech Republic in 1993 buildings were in disrepair and vacant. There were few cars on the roads and restaurants were void of customers. In 2002, when I went

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back after an aggressive decade of true market reforms (which the *New York Times* belittled as doomed for failure), there were cars filling the streets, the buildings had been repaired and vacancy has declined, restaurants were full of customers, and shops were busy with friendly service.

In Latin America, the only country that actually has a free market economy is Chile. They have private social security and a savings rate of over 10%. There are few impediments to entrepreneurial activity. Government policy favors free trade, and there are even some private roads. They also have the highest standard of living in Latin America.

If Russia is what Engelman believes to be capitalism, he is either sorely misinformed or deliberately deceiving himself.

His citing the minimum wage increases during the Clinton years as being good for growth is based on bad logic. There has been enough empirical evidence garnered to show that there was no causation to this coincidence of minimum wage increase and job growth, but that would require educating oneself. Something I am sure John has failed to do.

Edward Knapp
Colorado Springs, Colo.

Baseball's Constitutional Crisis

As an avid baseball fan, I enjoyed R. W. Bradford's analysis of the Pete Rose situation with the Baseball Hall of Fame ("Pete Rose: Baseball's Bill Clinton," March), but there was one significant aspect of the article which I believe needs clarification. In fact, the clarification could influence opinions with respect to whether or not Rose should be given consideration for admission to Cooperstown by the voters.

Bradford writes, "But [Rose] is not in the Hall of Fame. He was ruled ineligible in 1989. . . . " It is true that Rose was declared "ineligible" in 1989 as part of the deal he made with Major League Baseball. However, in 1989, when Rose accepted the banishment, Baseball Hall of Fame ineligibility was not an automatic, explicit, part of that deal. It was not until 1991 — just before Rose was about to be on the ballot for the first time — that the Hall of Fame's rules were changed to prevent "permanently ineligible" players from appearing on the ballot. In other words, nothing about "ineligibility" in 1989 implied that Rose could not be considered for admission to the Hall by the relevant voting bodies. Until 1991, you could be "permanently ineligible" in the eyes of MLB, but still eligible for consideration in the Hall of Fame.

This is a critical piece of information which Bradford omits; what it means is that Rose never accepted banishment from Cooperstown as part of his 1989 deal, and it's entirely possible that he may have rejected the deal if that banishment were "on the table." The Hall

From the Editor . . .

"Democracy," H. L. Mencken once observed, "is that system of government under which the people, having 60,000,000 native-born adult whites to chose from, including thousands who are handsome and many who are wise, pick out a Coolidge to be the head of state. It is as if a hungry man, set before a banquet prepared by master cooks and covering a table an acre in area, should turn his back upon the feast and stay his stomach by catching and eating flies."

America has changed a lot during the eight decades since Mencken wrote those words. For one thing, America now has around 130,000,000 native-born white males. Most Americans agree that being male and Caucasian is no longer a prerequisite of election to the presidency, for another.

But the democratic process is as perverse today as it was in Mencken's. Consider the pathetic candidates the major parties offer the American people. Both are handsome, I suppose, thanks to the cultural impact of television. Both are the scions of wealthy families, who went to the same university and were members of the same rich boys' university club. More importantly, both are focusing their strategies on issues that are, well, stupid. Kerry claims that Bush is exporting American jobs, thereby causing unemployment, while Bush claims Kerry would allow gay marriage. Both these claims are patently false, but both resonate with many American voters.

Meanwhile, the biggest issue that America faces is the ongoing war in Iraq, a subject about which neither has much to say, aside from both favoring America and being patriotic in a general way. Kerry says that if he is elected, he'll try to work to build a bigger coalition to occupy Iraq — something Bush is already doing. Bush says retreat or withdrawal are unthinkable, exposing the limits of his imagination.

Both men came of age during the Vietnam conflict. Bush evaded participating in it, as any rational person might choose to do, but like most any politician, he pretends that his decision to join the National Guard had nothing to do with the realistic fear that he might otherwise be sent to Vietnam and killed for no sensible reason. Kerry, on the other hand, bravely served his country. When he returned, he told a national television audience that he had committed "atrocities" there. He tried to joke and finesse his way out of that admission, leaving us to conclude that he is either a war criminal, or a fool who didn't realize he was confessing to war crimes when he said he committed atrocities.

Catching and eating flies is looking better and better. Even the Libertarian Party, which has sometimes offered attractive and sensible presidential candidates , is about to give its nomination to someone who believes that the Federal Reserve System is privately owned, a belief all three major contenders for the LP nod apparently harvested from the fever swamps of the extreme Right.

Happily, there is more to life than the partisan political comedy. This issue of Liberty focuses on two subjects a bit remote from it. The 1960s were a "Special Time" in which many people's political consciousnesses were changed radically. Richard Kostelanetz serves up a unique free-flowing documentary that captures the era perfectly, and Don Meinshausen recalls his role in the "founding" of the modern libertarian movement — and his life since. (Don is currently awaiting sentence for violation of a victimless crime law. Those who wish to lighten his unjust punishment can write the judge in his case: for information on how to do so, email Don at freedonnow@yahoo.com.)

Meanwhile, the Free State Project offers hope of a freer tomorrow, and we offer three very different looks into its prospects. Our reviewers look at George Washington, Emma Goldman, and the fallacy of closing tax "loopholes."

As Robert Burns observed, "Liberty is a great feast." So we begin this Liberty by whetting your appetite with "Reflections." Salud!

R. W. Bradford

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of Fame ban was an additional punishment imposed on Rose after the deal. One can make a strong argument for upholding the rest of Rose's ban — with terms he explicitly agreed to — but the institution-enforced banishment regarding the Hall of Fame may remind civil libertarians of government "ex post facto" laws which impose new punishments after the relevant offense has already been adjudicated and available punishments have been handed down.

Tim Irvin
Houston, Texas

Freedom Isn't Free

President Bush has reminded us that "we will prevail" in the war in Iraq. But over the next few months, the important names to remember aren't Fallujah, Baghdad and Najaf, but Gettysburg, Antietam, and Normandy.

During the battle at Gettysburg, the victors lost 20% of their men. In Antietam, over 23,000 men were killed or wounded on a single, endless September day. At Normandy, America lost 500 men a minute. We stand today only because they refused to stand idly while evil ran rampant. We need to be reminded of that. Not only reminded of the loss, but also of the justice, sacrifice, and liberty that each drop of blood spilled during those perilous times represents.

Pictures of dead Iraqi children and executed American soldiers and crying parents from both countries cannot stand alone. They must be tempered with the defense of justice that justifies each indelible crimson-stained spot of earth left at Valley Forge, Gettysburg, Antietam, Normandy, or any other battle where life traded places with liberty.

Facing potentially horrific results (even in battles won), we need to know that America (at least the idea of America) is right. We need to be reminded that we will prevail not because we're bigger. We will prevail because the blood that flows through us Americans is a strange brew. It is part courage — the courage of recent immigrants, who left their own lands for liberty, and the courage of former immigrants who formed this country — and part humble — the humility that we are in a grand experiment that can only succeed with the help of God's Divine Providence and man's eternal vigilance. We will prevail because injustice anywhere is a threat to justice everywhere. We will prevail because liberty tried is liberty triumphant.

Raafat S. Toss
Jersey City, N.J.

Rides to Clinics Are the Least of Our Concerns

Timothy Sandefur ("Let 'Em Walk to the Clinic," February) should have gone into the clinic as well. Government regulation (and I'm not talking about licensure, or about scientific standards of effectiveness and safety of products and procedures) has completely destroyed the pricing mechanism in medicine. The federal government sets prices for everything and has as much as said that it plans to decrease utilization by making medical care unprofitable. And in many states new hospitals or new hospital beds cannot be constructed without a "certificate of need." Medicine is being socialized, whether anyone wants to call it that or not. Most consumers think that's just great since most of them are healthy and have been taught that medical care is their right, and therefore not something they should have to pay to maintain or recover when they are struck ill. Businesses think socialized medicine is just great too because, thanks to the employer-purchased health insurance way of financing medical care that grew out of WWII wage and price controls, businesses would like to be rid of this increasingly expensive item of overhead that their overseas competitors get "for free."

So why are we straining at gnats — how much of the GNP can taxi-rides be, anyway? — when such elephants are rampaging?

Tim Gorski, M.D.
Arlington, Texas

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

Too many wars — One great scandal implicit in the recent Congressional hearings — a scandal scarcely acknowledged — is that FBI agents and other law enforcement officials were too distracted by the the utterly hopeless War on Drugs to pay attention to real enemies among us, whose mischief could have been interdicted before tragedy struck. The current distraction of the Justice Department is the war on pornography. Must federal law enforcement always be distracted?

— Richard Kostelanetz

In this country, we obey the laws of thermodynamics! — It's been interesting watching the 9/11 Commission try to find out who is responsible for the attack. The whole inquiry is based on a false premise — that such events can actually be prevented. It's like watching a group of mad scientists ponder why their perpetual motion machine stopped moving.

— Tim Slagle

Fantasy Debate 2004 — Assuming, as I do, that an appreciation of humor distinguishes libertarians from both conservatives and parlor pinks, can I be alone in thinking that the principal tragedy of this presidential campaign is that we never witnessed debates between Al Sharpton and George W. Bush, two clowns of different stripes? Their verbal repartee would have been the greatest since Lincoln vs. Douglas more than a century ago. They would have garnered higher ratings than the current twosome and regained for national television networks an audience now lost to cable and video games.

What can we fun-loving libertarians do to initiate a recount in every Democratic primary in the country?

— Richard Kostelanetz

Media silence on American war criminal — In case you wonder whether the media have a bias, check the "In the News" headlines at yahoo.com. Rare is the day on which the top two, three, or even four headlines are not de facto attacks on President Bush.

For reasons I'm not completely sure about, yahoo.com is my homepage. Lately, though, one of the reasons has been my fascination with "In the News." To give you a sample: on the morning after the president's news conference, the top headline of "In the News" was "Bush stumped by questions about mistakes."

Now, that was the news conference at which the president made a number of important announcements of Iraq policy. Then, during the Q&A period, he refused, in response to persistent questions from the "impartial" press, to admit that he had made mistakes in Iraq. This is precisely what anyone with the least intelligence would do, even if he knew that he had made mistakes, which Bush assuredly does. You just don't stand there and confess to errors, knowing that your political opponents will run the videotape of your admission a million times against you. But that's not being "stumped." It's not even news. The news was the policy announcements.

Meanwhile, on April 18's *Meet the Press*, Tim Russert entertained Sen. Kerry by playing a videotape of his appearance on *Meet the Press* during his days as a radical protester against the Vietnam War. In the recording, a slightly more hirsute John Kerry says: "There are all kinds of atrocities and I would have to say that, yes, yes, I committed the same kind of atrocities as thousands of other soldiers have committed in that I took part in shootings in free-fire zones. I conducted harassment and interdiction fire. I used 50-caliber machine guns which we were granted and ordered to use, which were our only weapon against people. I took part in search-and-destroy missions, in the burning of villages. All of this is contrary to the laws of warfare. All of this is contrary to the Geneva Conventions and all of this ordered as a matter of written established policy by the government of the United States from the top down. And I believe that the men who designed these, the men who designed the free-fire zone, the men who ordered us, the men who signed off the air raid strike areas, I think these men, by the letter of the law, the same letter of the law that tried Lieutenant Calley, are war

criminals."

An incredible statement, a statement tremendously damaging to anyone running for president, even 30 years later, especially when that anyone is the person who has done his best to spread scandal about his opponent's supposed nonperformance in the Vietnam-era National Guard.

Russert asked, "You committed atrocities?"

And Kerry replied, "Where did all that dark hair go, Tim?"

Astonishing.

Admittedly, Kerry managed to choke out an admission that he had "thought" about "atrocities" "for a long time," and he was now prepared to say that "the word is a bad word."

But where was the Yahoo headline: "Kerry stumped by own confession"? "Kerry jokes about 'atrocities'"? "Kerry reconsiders atrocity admission"? And where were the gangs of reporters, dogging Kerry's steps to follow up on his confession about his confession?

None of that showed up on my computer. — Stephen Cox

The company you keep — Leave aside the morality or immorality of the action for the moment. The state of Israel, in killing Hamas leader Abdel Aziz Rantissi, has embarked on a high-risk campaign of calculated violence, the outcome of which is difficult to know.

What is sure is that whether or not the United States gave Israel a "green light" or a wink-and-nod, most of the Arab world thinks that happened. By endorsing Israeli Prime Minister Sharon's plan to maintain Israeli settlements on the West Bank, President Bush has made relations with the rest of the region needlessly complex and hostile. He has probably also made the mission of U.S. military forces in Iraq more difficult and dangerous.

One can understand, whether one approves it or not, Israel's thinking and what it hopes to achieve. Hamas has endorsed, sponsored, and planned suicide bombings in Israel for years, with dozens of attacks in the last three and a half years. Israeli leaders hope that killing Hamas leaders will deter violence, or at least make organizing attacks more difficult. Rantissi had been leader of Hamas only three weeks, since an Israeli missile killed former leader Sheikh Ahmed Yassin.

Combined with building a wall along a (disputed) Israeli-Palestinian border on the West Bank, they believe this policy will enhance the safety of ordinary Israelis.

Perhaps it will. But at Rantissi's funeral, Hamas leaders vowed "100 unique reprisals" against Israelis and a "volcano of revenge." Some of those reprisals will no doubt happen, no matter how weakened the top leadership of Hamas has been by Israel's policy of targeted killings.

The latest killing will make peace or a negotiated settlement even less likely. Peace and negotiation may not even be part of Israel's calculations for the time being.

All these are Israel's risks to calculate and take. By endorsing Sharon so strongly, however, President Bush has impli-

News You May Have Missed

Ego Inflation Soars in Big Apple

NEW YORK — Donald Trump, fresh from his starring role in the hit TV reality series *The Apprentice*, has announced that he is starting a new religion, and having failed to find anyone as well qualified, he has been forced to name himself God. Worshippers will be invited to compete for paradise by attempting to ascend, with ropes and small pickaxes, a vast, towering nude statue of the divinity, standing 90 stories high, currently being erected on Manhattan's West Side. The winner, known as the Chosen One, will be the first to reach the statue's 280-foot-wide posterior and reverently kiss it. The damned and depraved who fail to attain the Holy Ass will be "fired," meaning that they will go to hell for eternity or by bus to Trump's Atlantic City casinos on the New Jersey Turnpike, whichever seems longer and more unpleasant. The new religion so far lacks a priesthood, but one is being recruited among qualified young eastern European blondes who, clad in sacred vestments of gold lamé and cellophane, will commune with the puffy deity and participate in the secret rites he has ordained, muttering prayers and complicated ritual imprecations in their native Czech and Slovenian. Though the name of the religion has not yet been determined, Trumpism, Glitzianity, and Abject Groveling are all under consideration, and it already has a number of attested miracles that defy the laws of nature, such as the color of Trump's hair. A film of the real-estate mogul's saintly life, from his miraculous birth in the humble setting of Queens to his recognition as a living god, has already been commissioned for the edification of the faithful. Directed by Mel Gibson, it is titled *The Passion of the Donald* and will graphically depict the prolonged torment and suffering inflicted on him by banks and other creditors during the soft real estate market of the early 1990s.

Meanwhile, another powerful New York executive, S.I. "Si" Newhouse, the billionaire publishing tycoon believed to be the richest man in New York City and quite possibly the shortest as well, has also commissioned a statue of himself. It is located just outside the entrance to Condé Nast headquarters at 4 Times Square, where the magazines he controls, including *The New Yorker*, *Vanity Fair*, and *House and Garden*, are produced. Unfortunately, it is life-size, so very few tourists and passers-by are aware that it is there. A recent survey indicated that most people, and all dogs, believe it to be a fire hydrant. — Eric Kenning

citly given U.S. sanction to whatever comes of Israel's actions. It would have been better for the U.S. to disengage from this conflict and let the two parties settle — or not settle — the matter on their own timetable, as the president apparently believed should be done when he first took office.

Now that the Cold War has ended, the Israeli-Palestinian conflict can reasonably be viewed as a local conflict with few larger geopolitical implications. That's less true, of course, now that Bush has involved us in nation-building in Iraq with the grandiose Wilsonian fantasy of democratizing the entire Middle East. The dispute, and America's failure to solve it, will be invoked every time any other country in the Middle East is reluctant to bow to a decree from the new emperor of the world. — Alan W. Bock

Baseball just isn't hip — When I read the paper, I try to save the sports for last, in an attempt to "get away from it all" after having ranted and raved to myself about the rest of the news. Many days there is no rest, however, thanks to the endless (and seemingly uniform) social commentary of sportswriters. The latest cause célèbre is the dearth of black players in Major League Baseball. *Sports Illustrated* hit on the subject last year, and from what I've been reading the past few weeks, it's heating up again: "The numbers are depressing," it's a "discouraging trend" that "is only spiraling downward" and "will take a generation's worth of diligence to reverse."

For all the hand wringing on the subject, I've yet to see anyone point out the obvious: the 2000 census showed the nation to be about 70% white, 13% Hispanic, and 12% black. Today, Major League Baseball is 63% white, 27% Hispanic, and 10% black. No doubt the large influx of players from Latin America has cut into the other groups' percentages somewhat. Nevertheless, based on the left-wing activists' favorite measuring stick of whether something "looks like America," baseball is easily the most "diverse" professional sport.

Nobody I know, including myself, complains about the NBA being 78% black, or the NFL 65% black, with even higher figures for the starting positions — all wildly out of proportion to the general population. There are frequent complaints about the lack of black quarterbacks in the NFL, but even here the charge is bogus: currently, 8 out of 32 starting quarterbacks are black — that's 25%, twice their representation in the population.

This blind obsession with achieving disproportionate levels of representation for certain groups, while not worrying too much about others, of course, mirrors the diversity movement in the wider employment realm. We often hear about the need to make a particular organization's racial and gender numbers comparable to those of the national workforce, but when the *San Francisco Chronicle* reports that the local U.S. Attorney's office hired women for 16 out of 17 total positions, as it did a while back, there's no talk of a civil rights investigation — only a tone of celebration. It becomes clear to anyone watching that most so-called diversity advocates are really just lobbyists for particular groups.

Admittedly, the number of blacks in baseball continues to decline. But this is easily explicable for perfectly natural reasons. There's no doubt it's easier to find a basketball court than a baseball field in most urban areas; more to the point, even the wailing liberal sportswriters admit that baseball just isn't as popular with black youth as other sports, for whatever reason.

Why this has to be viewed as some kind of crisis is the more puzzling question. Blacks already (and quite deservedly) dominate other major sports, and with no allegations of racism or discrimination. So they don't like baseball. Can't we respect their choice? — Michael Drew

The checks aren't so balanced — The cases argued before the Supreme Court regarding prisoners held at Guantanamo Bay and in military brigs were generally viewed as a test of the limits of executive power during a time of crisis. In a larger sense, however, they were about whether the United States is still in any sense a constitutional republic with three branches of government and a division of powers, or a functional monarchy in which executive power is unlimited and uncheckable.

The cases heard dealt with more than 600 men from 44 countries captured during the war in Afghanistan and held without charges for more than two years. They are not being treated as prisoners of war (which would mean they had certain rights and privileges under the Geneva Convention), but have been declared "enemy combatants" by unilateral presidential order.

The court also heard arguments regarding Jose Padilla and Yaser Esam Hamdi, two U.S. citizens who have been held in a military brig in South Carolina for two years, with no charges brought against them and no access to attorneys or family. (The government did finally allow them to talk to attorneys, but made clear its belief that this wasn't because they had anything resembling a right to such treatment.)

The government's briefs defending these detentions are breathtaking in their assertion of unaccountable presidential power. They argue in the Guantanamo cases that U.S. courts have no jurisdiction in Guantanamo, even though the U.S. government controls it completely, because it is physically in

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Cuba. The brief in Mr. Padilla's case argues that "the authority of the commander in chief to engage and defeat the enemy encompasses the capture of enemy combatants wherever found, including within the nation's borders," and the courts have no right to "micromanage" these decisions.

If the high court affirms these powers, it will do great damage to the American constitutional structure.

Sure, the Constitution names the president commander in chief. But it also gives Congress the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

Congress has not declared war, so to argue that extraordinary presidential powers are justified because "the United States is at war," as Solicitor General Theodore Olsen did, is a metaphorical rather than a legal statement. A metaphorical condition does not — or at least should not — make a president's decisions immune from judicial review.

If the court affirms these extraordinary claims of executive power, it will have done much to make the U.S. Constitution a fading memory rather than a framework of governance.

— Alan W. Bock

Still the last Democrat — The most recent opinion polls show President Bush leading John Kerry again. There is undoubtedly a good chance that the lead will change hands a number of times before November, but I still agree with Bill Bradford's call eleven years ago that we are in for a

Word Watch

by Stephen Cox

Clichés are always of interest to a column like this, for two reasons. First, clichés are bad, and everyone should stop using them. Second, the study of clichés is a window on the popular mentality. A cliché is a default position of the individual mind, a rest stop where it exits when it can't go farther on its own.

A book that compared the clichés of the 21st century with the clichés of earlier times would present an interesting picture of the difference in mental customs. Someone with a taste for clichés would open the 18th-century equivalent of a letter to the editor by saying something like this: "Sir, While the private character of the king's first minister may be above reproach, his public conduct, once he had embarked on his current course, can only be described as worthy of the most intense disapprobation." In other words, I don't like the prime minister. The 18th century enjoyed clichés of false completeness: although nothing is being said, all the territory seems to be covered: not just the "public" but the "private" part of the landscape; not just "disapprobation," but a measured approbation ("may be above reproach"); and so forth.

The clichés that our own century enjoys are clichés of *in*completeness. The modern letter to the editor begins in this way: "Editor: So, Bush has decided to cut taxes for the rich. Great. Just great." In the same way that "whatever" is the universally useful ending, "so" is the universal kick-off. Just begin in the middle, and end that way too. Great. Just great.

Of course, there's a still more obvious difference between the clichés of the past and the clichés of the present. Formerly, there was a vast gulf between clichés that were used in mass media and clichés that passed in informal conversation. Print, the mass medium of the past, was the preserve of over-educated triteness. Even near-illiterates dressed in Latin tags and periodic sentences when they disseminated their thoughts in newspapers and magazines. Now, newspapers, radio, and television dress down, just like their audiences.

This is the year of the Olympics, so we are going to hear the same people who would once have been described as "ambitious of athletic glory" depicted, in unconsciously slighting terms, as "going for the gold." And this is the year of a presidential election, so we can be certain to hear much about states that are "up for grabs," as if the sovereign republics of Ohio, Pennsylvania, and Florida were basketballs aloft in a vacant lot.

True, there will be some survivors from the past, clichés preserved in the amber of memory. "Eke" will make its quadrennial return to politics from the netherworld in which it spends the rest of its time, and as befitting a word that people no longer really understand, it will normally appear as a redundancy: "Well, the governor looks like he's barely eking out a narrow victory, Ted."

But most of the clichés will come from sports talk ("the president looks like a slam-dunk, Jerry"), home-making ("Senator Kerry's proposal was accused of being mere window-dressing"), or the grab-bag of electronic junk: "the president is seeking the input of his campaign staff," "the senator clearly needs to interface more with fellow Democratic leaders," "what's on the screen for the president during the next 30 days, Phil?" When people want to dress things up a little, they'll say things like "the president spoke out today on sugar quotas," but that "out" is just a cheap bit of 1960s self-dramatization. When William Jennings Bryan wanted to speak out, he spoke *out*:

> Having behind us the commercial interests and the laboring interests and all the toiling masses, we shall answer [the] demands for a gold standard by saying to them, you shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon a cross of gold.

You can count the clichés in that peroration, but at least they are educated clichés.

As for the *un*educated language, the language of conversation, it used to have even more clichés than it does now, and more colorful ones. Read any old novel that tries to reproduce the spontaneous speech of uneducated people, and you'll find a wealth of clichés that are no longer in use. "Each to his own taste, as the man said when he kissed the cow": that cliché was the target of so much satire that even the satires

long Republican era. The Democratic-liberal paradigm has been routed and is in utter retreat. From an economic perspective, we are experiencing the most stimulative monetary and fiscal policies in decades. Both Keynesians and Friedmanites must recognize this boom. With respect to social issues, the anticipated Massachusetts decision to grant same sex couples marriage licenses should help President Bush.

Though many libertarians think U.S. involvement in Iraq will end in disaster, this may not be the case. No one knows for sure what the future has in store. Iraq is an open question. My view remains that history will judge Anglo-American involvement in Iraq as a positive step in the war against worldwide terrorism.

We should anticipate four more years of Republican domination of the national political scene. As a libertarian conservative, I believe President Bush's re-election would be a great step forward. Libertarianism is not libertinism. And believing that libertarian government is the form most conducive to conservative society is a consistent position — and a consistently good one. — Lanny Ebenstein

became clichés. But what happened was that the mass media, while cheapening the clichés of the educated (or those who suppose they are), infected the clichés of the uneducated with a false sensitivity, a shrinking desire not to offend, even if, by not offending, one omits any intelligible meaning. (It is the ultimate mission of the *mass* media, of course, not to offend anyone.) So the difference between the educated and the colloquial cliché was lost.

On April 2, police in Madison, Wis., announced that one Audrey Seiler, late the object of one of the nation's increasingly frequent "hunts" for "missing or abducted persons," had turned out to be the kind of person that Gilbert and Sullivan's Lord High Executioner was thinking about when he sang,

> I've got a little list, I've got a little list,
> And they'd none of them be missed;
> They'd none of them be missed.

Audrey Seiler, for reasons best known to herself, had faked her own "abduction."

Fine. At any time before, say, 1990, both the educated and the uneducated would have immediately located the appropriate cliché for this occasion, and it would not have come from the educated language. They would have shrugged and said, "I guess she's nuts." But that's not what MSNBC's expert on "profiling" said about Audrey Seiler. He said, "We have someone who has some challenges going on in her life."

That's right — the challenge not to be nuts.

And there's another way of ruining the common speech, besides filling it with half-educated babble. It's taking a perfectly normal, non-weight-bearing phrase, and making it carry a load of elephants. The ultimate example in this category is the current slogan of every social cause and political campaign: "For the Children."

Now, "for," "the," and "children" are words of known and limited meaning. Strung together, they are exactly parallel to such phrases as "For the Adults," "For the Grandmothers," and "For the Salmon Fishermen." Exactly how the first phrase became a cliché packed with metaphysical, moral, and political implications, while the others remained, well, just phrases, is anybody's guess.

And I don't want to guess. I say this: You shall not press down upon the brow of the all-news watcher this crown of "challenges." You shall not crucify mankind upon a cross of "children." If we must have clichés, let us at least have straightforward ones — as the man said when he kissed the cow.

Dumbass (R-Tex.) vs. Wonk (D-Mass.) — Americans, when they are attracted to liberalism at all, are drawn to liberals who are charming rogues, like John Kennedy and Bill Clinton. Liberals who are preachy, didactic, or somber, like Jimmy Carter, Walter Mondale, Michael Dukakis, and Al Gore, have a tendency to flounder and sink. This may be because contemporary liberalism, with its built-in politically correct humorlessness, its hectoring nanny-state no-noism, and its ponderous bureaucratic prose, needs the buoyancy provided by charm, wit, and a hint of sexual peccadillo to stay afloat. That could be bad news for John Kerry. He has a cautious, pensive manner and a craggy, austere, doleful mien, looking more like a gaunt Byzantine icon than any politician in living memory. And in his speeches and interviews he tends to suffer seizures of wonkitis, the potentially fatal Democratic disease of sounding like an 896-page policy-review-commission report. He's serious and at best sonorous, but agile wit, mischievous charm, sharp phrasing, and seductive fluency seem to be out of his range.

On the other hand, English grammar and syntax are out of the range of George W. Bush, who starts sentences the way he starts wars, without any idea of how they will end. He's too slow and tongue-tied to come up with an unscripted witticism or turn of phrase at a press conference when it would allow him to slip away from a tough question, and he can't even deliver a scripted one with any finesse. The most clearly unlettered and incurious American president since Warren G. Harding, Bush has also managed to become the most hated president abroad in American history and one of the most polarizing within the country, mostly because of the conspiratorially engineered invasion of Iraq and the resulting morass. The opposition to him is passionate, and even his supporters in the administration and the media have begun to take on a furtive, defensive manner, as if paying tribute to the old journalistic admonition, C.Y.A. (Cover Your Ass).

The question is whether voters, by November, will be more bored and depressed by Kerry than embarrassed and angered by Bush. I predict a photo finish. — Eric Kenning

Stagflation redux — The tenth annual "Index of Economic Freedom,"published by the Heritage Foundation and *The Wall Street Journal*, reports that the U.S. has dropped from 6th place to 10th place. Under the heading "Monetary Policy" for the U.S., the Index states, "From 1993 to 2002, the United States' weighted average annual rate of inflation was 2.05%" — a figure generally regarded as low. Greg Burns, writing in the *Chicago Tribune*, observes, "At the same time the federal government is reporting inflation at rock-bottom levels, the cost of medical care, tuition, and housing have shot up. From gasoline to coffee to gold, commodity prices are soaring to heights not seen in years." He questions the method by which bureaucrats calculate inflation since the Bush administration has a vested interest in keeping those

figures low, especially during an election year. An example of how the government distorts inflation is how it calculates housing prices: "Instead of capturing the sizzling prices being paid in the latest home sales, the CPI [Consumer Price Index] uses an estimate of how much those homeowners could collect in rent. With home ownership soaring, rental rates are depressed, and the index is a full percentage point lower than it should be." Meanwhile, "unemployment remains elevated." In other words, the economy is in a state of stagflation, that is, a combination of high unemployment and inflation.

Increasing employment is a key to turning the economy around, but this requires less regulation — i.e., removing the laws and policies that make the American worker uncompetitive. The Index of Economic Freedom indicates that freedom brings prosperity . . . and with amazing speed sometimes. (Ireland, ranked fifth in economic freedom, is enjoying an incredible upward economic swing.) But movement in America seems to be in the other direction with constant criticism of outsourcing, free trade, inexpensive imported goods, etc. Michigan has taken the frightening step of mandating job protectionism. The *Detroit Free Press* reports, "To help keep jobs in Michigan, Gov. Jennifer Granholm will sign a pair of executive directives . . . to prohibit the state from contracting with businesses that would do the work in foreign countries."

This is the way affirmative action began in the U.S. — by imposing it as a policy on private businesses that contracted with government. In 1965, President Lyndon B. Johnson established the Office of Federal Contract Compliance, which ensured that private businesses that did work for the federal government followed non-discrimination requirements. With this, a large block of the American economy adopted affirmative action. The rest is history; affirmative action expanded from government contractors and eventually became the de facto law of the land, largely enforced by court decisions. I hope job protectionism is not on the same course.

— Wendy McElroy

Bureaucrats investigating bureaucrats

— It would have been interesting to have just one "wild card" on the federal commission looking into the 9/11 attacks. Maybe not anyone so provocative as Bill Bradford or Justin Raimondo, but perhaps a writer from *The Nation* or *Reason*, a staffer from the Cato Institute, or a retired gadfly like former University of California political science professor and author Chalmers Johnson. Populated only by respectable establishment figures with long careers in government, it looked more like an exercise in pretending to get to the bottom of things without blowing anybody's cover.

The Democrats on the panel asked mildly critical but nonetheless obsequious questions of the Republicans who testified, while the Republicans did the same to the Democrats or those who had been critical of the Bush administration. By and large, both witnesses and commission members had obvious agendas having more to do with protecting the interests of their branch of the permanent government than getting to the truth.

As Richard Clarke, the former head of the White House Counterterrorism Security Group who made himself anathema to the Bush administration after serving it for several years, was questioned, it was not hard to read between the lines a message about bureaucratic incompetence and waste. But don't expect the commission to deliver this message. And don't expect it even to consider the possibility that intelligence is so poor in part because there are too many duplicative agencies and task forces. Instead, it will demand that even more of our money be plowed into the system after some cosmetic changes.

The government at the national level is rife with duplication and waste. Although many of those in frontline positions are capable and conscientious, it is almost impossible for them to make decisions or do anything effective. Most people — and this is true at the highest levels — are more interested in protecting their little piece of bureaucratic turf or covering their behinds than in doing something so mundane as actually protecting the American people.

Whether Clarke is a sincere foe of terrorism, frustrated by bureaucratic ineptitude, or a canny, self-promoting opportunist — it would be unwise to rule out a bit of both — to listen to him describe the decision-making process involved in making slight policy changes regarding the al Qaeda threat is to understand why government so seldom works well. Whichever party controls the White House, timeservers and climbers predominate.

The commission's hearings were worth monitoring because once in a while a bit of truth managed to slip through the obfuscatory verbal fog, and as a study in the sociology of the ruling class. But to expect substantive improvement in the ability of the government to deal with the very real threat posed by modern terrorism is probably expecting too much.

— Alan W. Bock

"That's *it*, then! In May of 2007 the gates to Disneyworld Baghdad shall open!"

American Badass —

The Register reported on March 30 that muggers in the U.K. were targeting users of Apple's iPod MP3 player. "West Midlands police have issued a stark warning to iPod users: ditch the white headphones or pay the price," the article began.

We hear that warning from authorities all the time: avoid places where criminals are known to prey on people. Don't engage in behavior that will attract attention to yourself. Lock your

doors and windows. Travel in groups. In other words, take your orders from criminals; live as they make you live.

The choice presented is to live in fear or be a victim. Both choices are unacceptable to a person with self-respect. And, although this was a story of parochial interest and little consequence, it occurred to me that it has significance far beyond how we deal with common criminals.

Some terrorists would be disinclined to attack America if it had a foreign policy more to their liking. Others will attack America no matter what. But it can't possibly work in Americans' favor that, when violence is done to us, we're increasingly indoctrinated to be complete pushovers. A principled, reasonable, and effective strategy for combating terrorism must begin with individuals, and that part of the strategy has little to do with terrorists. It requires only that we change ourselves.

When people think of America, I don't want them to think of a friendly nation of contented, dull, amoral consumers eating their McDonald's and driving their SUVs and watching their CNN and Fox News and shopping at Wal-Mart and willing to give up essential liberty for laughable, fake security.

I want them to think of a nation of badasses.

An America in which school shootings don't happen, because, instead of cowering under their desks, when students are confronted with a gun in school, they pile on top of the shooters by the dozen and beat them senseless, then calmly walk to the principal's office to call the police.

An America in which, instead of advising people to fear muggers and alter their behavior, the police advise people to take a self-defense course.

An America in which rapists rarely stand trial, because women are confident and prepared, and anyone who assaults them is likely to get only a kick in the crotch or a bullet in the head for his efforts.

And an America where hijackings don't work because every passenger on the plane is utterly

News You May Have Missed

End is Near, Authors Contend

WASHINGTON, D.C. — David Frum and Richard Perle, in their recently published book *An End to Evil*, call for the United States to invade and occupy an additional 6, 14, 16, or 37 foreign countries, depending on which page you're on, but the two neoconservative hawks now admit that they went soft, fuzzy, and touchy-feely in that book. "No more Mr. Nice Guys," said Frum and Perle at the small, tightly secured space they share at Reptile House, the influential think tank where they both have fellowships, located in the Washington National Zoo. Frum, a former Bush administration speechwriter who has claimed credit for the phrase "Axis of Evil," and Perle, the glowering Pentagon consultant known around Washington as "the Prince of Darkness," have disclosed that they are collaborating on a new, uncompromising book that finally drops diplomatic niceties. In it they demand that America occupy an infinite progression of countries, if necessary renaming previously occupied countries in order to have an excuse to occupy them again, and engage in frantic nation-building projects around the world so as to create brand new sovereign states to preemptively strike once the existing supply is exhausted. "Antarctica, with its weapons of mass refrigeration, must not be allowed to fall into the clutches of penguin fundamentalists who see the world in strict black-and-white terms," the authors write. "And before we forget we also have to immediately invade and subdue Nova Zembla, Lutetia, Transylvania, Fredonia, Ataxia, East Arugula, Outer Ampersand, Flakistan, Stanistan, Umbrellastan, Upper Lumbago, and Vermont."

The ongoing worldwide military campaign that all this entails, they say, is going to mean considerable risk, challenge, and, tragically, sacrifice for an entire younger generation of Americans, as well as a financial burden that will gradually lower living standards for 99 percent of the country to Paleolithic levels of subsistence, but that is a small price to pay for security, they argue, and despite their own lack of combat experience they have volunteered to direct the entire immense and dangerous undertaking themselves from their table at their favorite Washington bistro, The Raving Loon.

Their new book, *An End to All Problems, Including Dandruff and Itchy Scalp*, offers a utopian vision of blissful perfection after a quick, surgical 947-year military operation. But they firmly deny that they want to "Americanize" the world, pointing out that they call for theme parks in all American-occupied countries which will preserve the traditional local culture in nostalgic, simulated, "fun-filled" form. "The last thing we want to do is to turn foreigners into Americans," the authors write, "since they might turn out to be the kind of civil-liberties-craving lily-livered un-American Americans who get in our way when we want to start another war with foreigners, in which case we would have no choice but to declare war on them." The prolific authors in fact plan to address their next three books to foreign critics of the policies they advocate. The tentative titles are *Who You Lookin' At, Punk?*, due out later this year, *You Got a Problem with That?*, scheduled for early next year, and, in late 2005, *Badges? We Don't Need No Stinkin' Badges.*

Meanwhile, in a related end-mongering publishing development, another prominent neoconservative writer, Francis Fukuyama, author of the famous 1990s essay and book proclaiming "the end of history," is finishing up work on a new book. In his earlier book he argued that, once the Berlin Wall had fallen, there could be no more challenges to liberal democracy and therefore no more meaningful historical developments. The new book, titled *The End of History — This Time I Really Mean It*, predicts that there will be no more meaningful historical developments now that Martha Stewart has fallen. — Eric Kenning

committed to incapacitating the hijackers or dying in the attempt.

If Americans thought and lived like this, the fight against terrorism would be truly met. The next group of 20 guys might think twice about boarding planes and trying to turn them into missiles. If they actually believed those on board would laugh at their box cutters and attack the hijackers, leaving them bloodied and near death in the aisles of the 747, depriving them of the glory and 77 virgins they sought, maybe they'd think twice about this messy terrorism business. The game's not fair when those tenacious infidels actually fight back. — Patrick Quealy

Better raped than armed — Patrick Quealy's reflection above reminds me of an adventure I heard Dolly Parton recount about her first days in New York. She was still in her teens, but she dressed in a provocative way ("like a hooker," I believe she said). Once while out alone at night, she said, a man mistook her for a prostitute, and propositioned her. She said "No!" but the man continued to the point of, well, attempting to rape her. "I was just a little girl fresh from the hills," she said. "So I had a little handgun with me. I broke free and pointed it at him, and told him that if he didn't back off, I would change him from a rooster to a capon faster than he could say 'Jack Robinson,'" or something similarly colorful, if memory serves.

She told this story on David Letterman's late-night show, and the audience audibly gasped when she got to the part about the gun. As a professional performer, Dolly quickly sensed that the audience was aghast and shocked at the thought of a "little girl from the hills" packing a gun and threatening somene with it, even if that someone was a rapist. She went into an apology for possessing the handgun to allay the audience's hostility. I've seen Dolly Parton on talk shows a dozen times or more in the ensuing twenty years, but I've never heard her tell that story again.

America may not yet be the sort of place where a person defending her life and physical integrity is asking to be charged with a felony, as happens in Britain and the Commonwealth. But it is a long way from returning to being the kind of place that Quealy yearns for. Returning to that much more civilized state will be a tough job, given the reflexive horror with which Americans regard self-defense and their predilection for giving professional police a monopoly not only on retaliatory force, but upon defensive force as well. — R. W. Bradford

Failure = success — Did I hear CIA director George Tenet correctly? Did he really say to the 9/11 commission that it will take "another five years of work to have the kind of clandestine service our country needs" to combat al Qaeda and other terrorist groups? And did he really go on to assert that "the same can be said for the National Security Agency, our imagery agency and our analytic community"?

Yes, he did. The first impulse is to wonder what these agencies have been doing since Sept. 11, 2001. Have they no sense of urgency about what is, after all, the one function of government almost everybody agrees is legitimate, protecting the people from attacks by enemies foreign and domestic?

Never mind such plebeian concerns. We should be grateful to Tenet. He has committed what the political community considers a gaffe — that is, he has blurted out an inconvenient truth. In so doing, he has let slip one of the most fascinating open secrets of government.

In government, failure and success are rewarded equally, and failure just might be better than success. If an agency can argue that it is succeeding splendidly at its assigned mission, it can argue that it should be rewarded with a larger budget next year. But since the problem it is set up to address is being solved, other agencies can argue that it needs less money, leaving more for them.

If an agency is demonstrably failing, however, its prospects can be even better. It never attributes its failure to lack of focus, lack of management skills, lack of competence, or lack of a clear definition of success — let alone trying to do something a government should not even be attempting in a free society. It always attributes it to lack of resources, which means the budget for next year needs to be dramatically larger.

Pretty neat deal, eh?

Beyond this bit of truth, what Mr. Tenet's testimony demonstrates is that the government's intelligence agencies have become too large and sclerotic to do the jobs assigned them, and that they might well be too cumbersome to reform.

If they were serious about reforming the agencies to address terrorism, the politicos and bureaucrats would dismantle the CIA and other agencies. Future intelligence needs could then be handled by new agencies designed to meet the changed needs of a different era, without the history and baggage of old agencies designed for different missions in a different era.

Don't hold your breath. — Alan W. Bock

Water under the bridge — I was struck by "shock and awe" to hear Ted Kennedy declare, "Iraq is George Bush's Vietnam." He also said that "this President has now created the largest credibility gap since Richard Nixon." Nixon!? Where is the reference to John F. Kennedy — Teddy's brother — the Democrat who plunged the nation into Vietnam's quagmire in the first place? Nixon — as loathe as I am to "defend" him — ended the draft and, in effect, ended the war.

JFK's involvement in the debacle of Vietnam began in the early 1950s when he met a young Vietnamese man named Ngo Dinh Diem who was in America lobbying for political support. JFK was deeply impressed by this pro-American, English-speaking fellow Catholic. At the time, the American government wanted to implement Western democracy in Vietnam, much as it currently wants to in Iraq.

In November 1960, JFK was elected president. After Eisenhower's relatively passive policy, the Kennedy administration developed a policy toward Vietnam which broke the American plan for containment of communism into three stages: first, military aid programs; second, counterinsurgency by which American troops and money would suppress revolutionary movements; and, third, limited war involving American troops. At first, JFK resisted sending American troops into Vietnam, comparing the introduction of troops to taking a drink. He told the historian and author Arthur Schlesinger, "The effect wears off, and you take another." Schlesinger used the "quagmire" model to describe Vietnam: that is, sending troops would be like stumbling into quick-

continued on page 46

The Bush Blunder

by R. W. Bradford

Bush believed that American anger about 9/11 would provide enough political capital for him to conquer and reform Iraq. It is becoming apparent that he was wrong.

It is increasingly evident that Bush administration strategists have blundered. They thought that American anger at the Muslim world regarding the 9/11 attacks would provide sufficient political capital to enable the administration to declare war on whatever Islamic state it pleased, and that the U.S. military could quickly conquer and transform the countries it conquered into free, democratic states.

They were right about American anger, up to a point. But their second belief was plainly wrong, though it took more than a year for the blunder to be evident.

For a variety of reasons, known and unknown, the president was amenable to his advisers' arguments, especially when the chosen target was Iraq. On the surface, it was a strange choice. Iraq was a secular Islamic state that had no truck with such radical Islamic outfits as al Qaeda. It had been stripped of its military might when it was forced to disarm a decade ago, after losing a war with the U.S. — though its dictator had survived and continued to boast of his might, despite his disarmed condition.

To sustain the anti-Muslim anger, the administration falsely claimed that Iraq was uniquely aggressive, a threat to the United States, and an ally of al Qaeda, the organization that coordinated the 9/11 attacks. This worked pretty well so long as it could be plausibly maintained that the U.S. armed forces were succeeding in their conquest and reform of Iraq. The conquest went very easily, but the reform has not gone well.

This is not very surprising. Conquest and occupation have seldom led to real reform. Looking back a century or so, I can find only two cases in which they achieved their goals: Germany and Japan after their devastating losses in World War II. The failures are almost too many to count. The European countries that Germany conquered in each world war quickly rejected the Germans and set up national governments, democratic or undemocratic, as conditions allowed. Japan's conquest of China brought nothing but grief, as did its conquest and occupation of Korea. The U.S. occupations of the Dominican Republic and Haiti have done no visible good. Even countries conquered in earlier centuries tossed out their occupiers, as witness the revolutions within the French, British, Italian, Dutch, Belgian, Spanish, and Portuguese empires.

So the successful experiences in Germany and Japan are the exception, not the rule. They are likely explained by the unusual national character and dire straits of the countries involved. Germany was utterly devastated by its experiment in authoritarianism and had a democratic tradition to fall back on. Japan was equally devastated, had seen its religious and political system destroyed, and was the non-Western country most receptive of liberal institutions to begin with.

Meanwhile, the news from Iraq these days is almost uniformly bad. By April 15, more Americans had been killed than in any month of the war. American conquest and occupation have managed to do something that past rulers of Iraq have never been able to accomplish: unite the country's

Sunni and Shiite Muslims. The Bush administration finds fewer and fewer policy options and faces harder and harder dilemmas. A broader coalition would likely help to reform Iraq. But crackdowns are needed to maintain order, and crackdowns increase civilian casualties, which erodes such little support as the U.S. gets from other nations. Installing a democratic government means letting Iraqis select their own leaders, but the leaders they support are religious figures whose views alarm American policy-makers.

Public support in the U.S. is eroding. It is plain that right now, most Americans continue to support the president, but increasingly they do so only because they see no alternative and because the perceptible costs of the war have been relatively low. But costs are escalating. Casualties are increasing, and the financial costs are beginning to have an impact: inflation is rising, the dollar is losing ground against other currencies, and Alan Greenspan is talking about raising interest rates, which could hurt the stock market, increase the cost of housing, and increase unemployment. Like eastern Montana's Powder River, the president's support is a mile wide but an inch deep.

The president has painted himself into a corner: by predicating his policy on moral dudgeon, he has no alternative but to stay the course, no matter what the consequences.

The president has painted himself into a corner: by predicating his policy on moral dudgeon, he has no alternative but to stay the course, no matter what the consequences. To retreat is to confess to giving in to evil.

Will he be re-elected? American politics are far too chaotic for anyone to make a rational prediction. A major setback in Iraq could send his support reeling, as could any number of domestic political developments. He's helped by the fact that the Democrats, fearing the broad if shallow support the president still enjoys, are refraining from making the war an issue. But that can change. And it will, as soon as the president looks vulnerable on this issue.

For the time being, the Democrats seem insistent on making the central issue of the campaign Bush's evil "export of American jobs," a bogus issue if ever there was one. Bush has responded by focussing on the evil of gay marriage and wrapping himself in the American flag, hoping that the Democrats will be perceived as disloyal. If I were a betting man offered even money right now, I'd bet on Bush. But not with any degree of certainty.

Of course, his reelection will not help him out of this mess. It will delay America's inevitable pullout from Iraq, which will mean more American casualties, more Iraqi casualties, more destruction of Iraqi infrastructure, and more waste of U.S. money. Leaving Iraq sooner rather than later will be embarrassing and costly. But it will be less embarrassing and less costly than postponing withdrawal until American public support has disappeared, the American treasury is bankrupt, and American military cemeteries have more graves.

Iraq will likely be a mess for a long, long time. But leaving now will not make the mess any worse. More likely, the sooner we leave the less mess we will leave behind. ❑

Correspondence

Answer the Questions, Please!

by R. W. Bradford

In the past three issues of *Liberty*, Bill Bradford and Lanny Ebenstein have debated the Iraq war by correspondence. Here Bradford challenges Ebenstein to answer the substantive questions that have been raised.

Dear Lanny,

In my last letter to you, I noted your claim that the world is a safer place with Saddam in U.S. custody and Iraq occupied by U.S. troops. I offered a number of reasons to believe that it is not. I concluded by asking for evidence that I am wrong. In your response, you offer no evidence, aside from claiming that the U.S. has not "conquered" Iraq but "liberated" it.

You have, I fear, fallen victim to PRhorseshititis, an affliction whose victims forget the plain meaning of ordinary words and insist on substituting euphemisms. When the government of one nation invades another nation, deposes its government, and establishes a new government of its own against the manifest wishes of the residents of the invaded country, this is conquest. No matter how much the PR flacks of the invading military call it liberation, or how much the citizens of the invading country are fooled by their government's word games, to claim that's "liberation," not "conquest," is PR horseshit.

This semantic point aside, I must confess that I am disturbed by the

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to wield power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

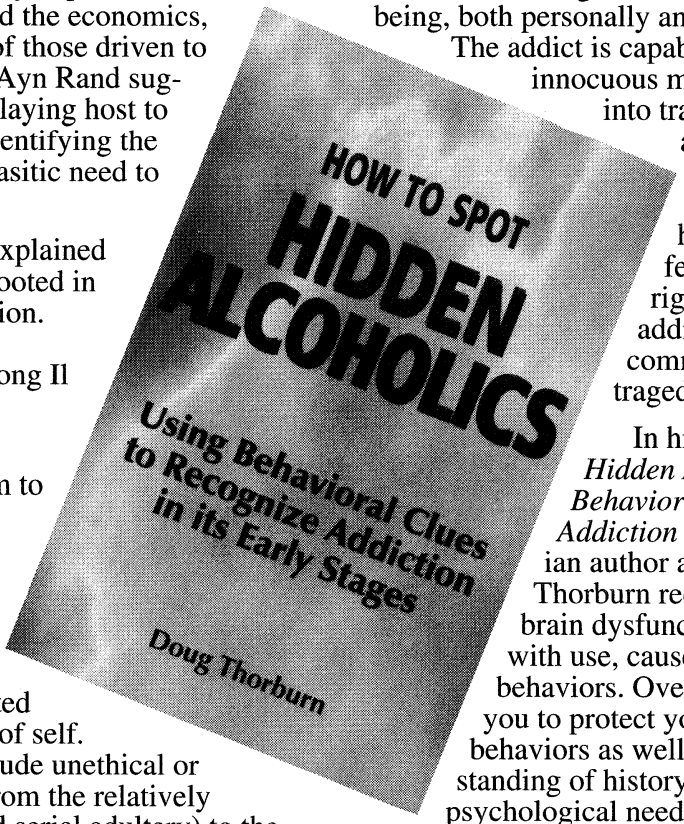

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy occurs.

In his latest book, *How to Spot Hidden Alcoholics: Using Behavioral Clues to Recognize Addiction in its Early Stages*, libertarian author and addiction expert Doug Thorburn redefines alcoholism as a brain dysfunction that, when combined with use, causes erratically destructive behaviors. Over 70 behavioral clues allow you to protect yourself from alcoholic misbehaviors as well as provide a better understanding of history, current events and the psychological needs driving those in positions of power. He also details the most effective ways of dealing with the addicts in your life.

How to Spot Hidden Alcoholics is available in bookstores, online, and from the publisher for only $14.95

"Doug Thorburn makes an incontrovertible case that no dysfunction, including poverty, illiteracy or racism, causes more damage to society than alcohol and other drug addiction . . . *How to Spot Hidden Alcoholics* is a must read for every social commentator and everyone else who cares about the human condition."

— Shawn Steel, former Chairman, California Republican Party

"*How to Spot Hidden Alcoholics* is an immensely useful guidebook for navigating the difficult areas of everyday life, as well as understanding the motives of, and dealing with, the worst politicians and despots. It gives a revolutionary panoramic view of misbehaviors — private and public — and how we can best deal with them."

— Ken Schoolland, Professor of Economics and Author of *The Adventures of Jonathan Gullible*

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course our correspondence seems to be taking. You ask me a question and I answer it. Then I ask you a question, and instead of answering it, you pose another question.

In my letter of Feb. 17, for example, I pointed out that the logic of your position regarding WMDs seems to imply that Winston Churchill, Franklin Roosevelt, and Harry Truman should be declared war criminals for launching massive attacks against civilian targets in World War II. I asked you whether you agreed. You have not yet responded.

I challenged you to provide evidence of your claim that "we now and will increasingly in the future live in a world in which a few madmen (or madwomen), literally anywhere in the world, will be able to kill millions and even billions of people." You have not yet responded, aside from repeating your unsupported assertion.

You have, I fear, fallen victim to PRhorseshititis, an affliction whose victims forget the plain meaning of ordinary words and insist on substituting euphemisms.

Instead, you challenged me to defend my view that the world after the conquest of Iraq is not, as you have repeatedly asserted, a "safer place." I responded by providing you substantial evidence for my conclusion and asked you to tell me why you think the world is safer. You responded by repeating your assertion still without providing any supporting evidence that "we are approaching the point when a few terrorists, literally anywhere in the world, may be able to kill millions or even billions."

Then you posed two new questions. First, you asked whether I agreed with you that 1) "U.S. military losses in Iraq and Afghanistan will be less than 2,000"; 2) "most American forces will be out of Iraq before July 2005"; 3) "an independent semi-democratic Iraqi government will be established by July 2005"; 4) "Libya, Iran, and other nations will move in the direction of dismantling WMD programs"; and 5) Israel will withdraw from "major portions of Gaza and the West Bank" without a war between "Israel and any Arab nation." Then you asked whether, if all these things occur, I will agree that "the effort in Iraq has been worth it."

I can hypothesize some answers to your first, multipart question, but my guesses, like yours, aren't worth much. (There is one exception: your prediction that total U.S. military losses will be less than 2,000 and likely less than 1,000. As of April 23rd the total stands at 887, and at the current fatality rate will pass the 1,000 mark on May 3 and the 2,000 mark on January 3.) The answer to your second question depends on those relatively worthless guesses. I'd be happy to provide you with my guesses, but first, I'd like you to respond to the questions that you've ignored to date:

1. Does the WMD justification for declaring Saddam a war criminal and justifying invasion of Iraq also justify declaring Churchill, Roosevelt, and Truman war criminals and invading the U.S. and Britain? If not, why not?

2. What evidence do you have for your claim that soon "a few madmen, literally anywhere in the world, will be able to kill millions or even billions of people"?

3. What evidence do you have for claiming that the world is a safer place, now that the U.S. has conquered Iraq?

I apologize for taking so long to get back to you. As you can probably tell from what I've written here, I have been frustrated by your not responding to my queries and arguments. My tardiness means that your response will have to await the next issue of *Liberty*, I am sorry to say. But I remain optimistic that you will respond to my queries and allay my frustration. In the meantime, I look forward to your responses — and to discussing these matters with you at the *Liberty* editors' conference in Las Vegas.

Does your argument for declaring Saddam a war criminal and justifying invasion of Iraq also justify declaring Churchill, Roosevelt, and Truman war criminals and invading the U.S. and Britain? If not, why not?

Regards,

Wanted:

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Liberty seeks to hire an assistant editor. We're looking for a computer-literate individual with good language skills.

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Report

Freedom in Our Lifetime

by Alan W. Bock

The Free State Project aims to establish a libertarian enclave within an authoritarian-minded society. Others have tried and failed. But the Free Staters just might make it work.

After meeting Jason Sorens and discussing his project with a number of well-informed and responsible people, I'm coming to believe that it just might work. And even if it doesn't work, the Free State Project seems unlikely to do any great harm.

In the process of coming to these preliminary conclusions, I have also come to believe that the prospects for building and maintaining a libertarian movement that has some hope of influencing society are less dim than I had earlier feared. We have friends, sympathizers, and fellow-travelers in interesting places.

The Free State Project is primarily the brainchild of Jason Sorens, 26, a political science lecturer at Yale. It seeks to get 20,000 people to commit to moving to a small, relatively freedom-friendly state and participate in its politics in order to make it more freedom-friendly. Although a number of mainstream newspaper stories (surprisingly few of which have been outright hostile) equate the Free Staters with the Libertarian Party, not all, or perhaps even most, are LP members. The organization's statement of intent simply asks those who sign it to commit themselves to "work toward a society in which the maximum role of civil government is the protection of life, liberty, and property." The group's logo is a porcupine — "Porcupines are cute and non-aggressive, but you don't want to step on them!" — and its newsletter is called *The Quill*.

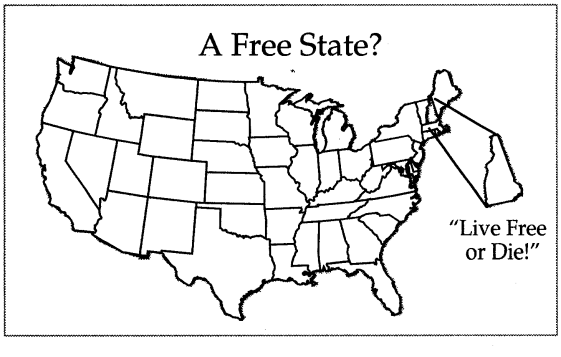

When the number of signers of the Statement of Intent reached 5,000 last fall, the group voted to choose a state to move to. The voters chose New Hampshire. The plan is for people to start moving once 20,000 people have committed to the project, and to have the migration completed within five years. If 20,000 people have not signed up by September 2006, the project will be abandoned. A few Free Staters have already begun to move. Perhaps surprisingly, Republican Gov. Craig Benson has endorsed the plan, but not all New Hampshirites are thrilled.

The Free State Project does have some general goals beyond moving a critical mass to one small state; indeed, its stated goal is "Liberty in Our Lifetime," to be accomplished "by first reforming state laws, then opting out of federal mandates, and finally negotiating directly with the federal government for the appropriate political autonomy." Among the means for doing this are:

"We could reveal and repeal unconstitutional state laws and municipal ordinances."

"We could repeal state taxes and wasteful state government programs."

"We could end collaboration between state and federal law enforcement in enforcing unconstitutional federal laws like gun and drug statutes."

"We could end asset forfeiture and abuses of eminent domain."

"We could privatize utilities and end inefficient regulations and monopolies."

Are these just dreams? The use of the term "could" suggests that those who decide to make the move will decide what projects to pursue based on what seems politically realistic once they have gotten the lay of the political landscape. As the organization's brochure explains, "Population was a critical factor in the selection process. Our research so far indicates that 20,000 activists could heavily influence only states with populations of 1.5 million or less, or which spend less than $10 million on political campaigns in any given two-year election cycle. New Hampshire met the population criteria, and the state's existing distaste for big government and a generally welcoming attitude for the Free State Project were pluses in its favor." The fact that the state motto is already "Live free or die," and that it still has the first primary in the presidential election cycle, probably didn't hurt either.

I got the opportunity to discuss the project when I was invited to be a panel member at the American Enterprise Institute's Federalism Project seminar regarding it in February. *The Orange County Register* had previously featured the project in its Sunday Commentary section, and I had written the piece that described previous efforts by libertarians to establish a "new country," or to choose a place to take over or have a disproportionate influence. The other panelists were Sorens; Michael Barone, senior writer for *US News and World Report* and principal co-author of *The Almanac of American Politics;* and Richard Vedder, distinguished professor of economics at Ohio University. Michael Greve, director of the Federalism Project at AEI, moderated.*

I know, many libertarians view AEI as a think tank in the center of the belly of the neocon beast. In some ways it deserves that reputation. Michael Ledeen, who would love for Iran to be the next U.S. military target, hangs out there, as do Richard Perle, Lynne Cheney, David Frum, Newt Gingrich, Reuel Marc Gerecht, Jeane Kirkpatrick, and the Godfather himself, Irving Kristol.

But AEI is not monolithic. Indeed, Greve explained to me that the idea, once someone is hired, is that he is to have freedom to pursue his own interests and come to his own conclusions. And AEI is home to Charles Murray, Jim Glassman, and John Lott. Federalism Project director Michael Greve declined to describe his own philosophy other than as a "free spirit," but his assistant, Kate Rick, and her husband, have signed up for the Free State Project.

Jason Sorens sounds like a political science instructor, not a bad thing in a movement where most sympathetic academics are economists.

At the seminar, Jason Sorens spoke first. He sounds like a political science instructor, not a bad thing in a movement where most sympathetic academics are economists. He described two widely accepted models of bringing about social and political change in a system of competitive federalism. First is the "Tiebout model: individuals with varying preferences vote on levels and types of public goods to be provided in their local jurisdictions, and people who observe those mixes of public goods move to the jurisdiction that best fits their preferences." In the real world, relying on strictly individual choices would leave smaller-government advocates scattered and outnumbered. He hopes a coordinated effort to move to a single state could overcome these problems.

The second model is "Barry Weingast's 'market-preserving federalism.' When jurisdictions have primary regulatory responsibility over their economies, and capital and labor can move across borders freely, taxpayers and businesses will punish governments that impose inefficient taxes and regulations by moving to other jurisdictions. To forestall this threat, governments in a market-preserving federalist state will tend to keep taxes and regulations low." So the hope is that bringing more freedom-oriented people to a single state will not only lead to smaller government in that state, but have an influence on other states. Sorens believes New Hampshire was a good choice because it is fairly wealthy, pays more in taxes to the federal government than it gets back, and has no large metropolitan areas. It is "highly integrated into the international economy, and its economy is high-tech and knowledge-based."

Michael Barone, perhaps the country's most knowledgeable person on changing demographics in various states and their impact on politics, compared the different courses New Hampshire and Vermont have taken since 1960, when they were quite similar, with Vermont somewhat more Republican.

continued on page 54

* A transcript is available at the AEI website, www.aei.org.

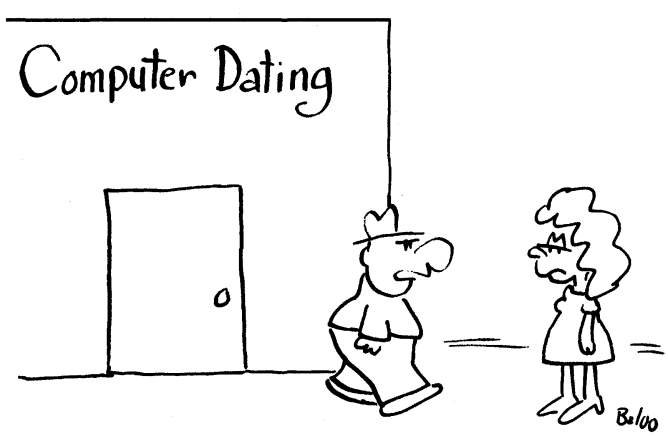

"What a bunch of incompetents! — They matched me with my *mother*!"

Analysis

A Revolution by Other Means

by Max Orhai

Some freedom fighters take up arms at the first opportunity. Others prefer to "work within the system." A determined few have chosen another course.

What's a libertarian to do? There's no place for people like us, it seems. It's difficult to accept, but most people in America — most people in the world — aren't just ignorant or stupid: they genuinely prefer government control of their own and their neighbors' lives. We can hand out flyers for the rest of our lives, publish as many books as we like, make speeches until we're blue in the face, and most of them aren't going to change their minds. While they disagree among themselves about the details, authoritarians of one sort or another constitute an overwhelming majority. What are we going to do, stage a coup and coerce them into "freedom"? We can pack up and move, of course . . . but to where? What is the libertarian movement moving toward? Is it moving at all?

Libertarian influence on American politics has so far been disappointing. Government at all levels continues to grow every year. The ideal of strictly limited governance (or none at all) doesn't have much of a voice in the American political scene; it's drowned out by the roar and crash of the seething masses of special interests, each with its own well-justified plans for state intervention in one sphere or another.

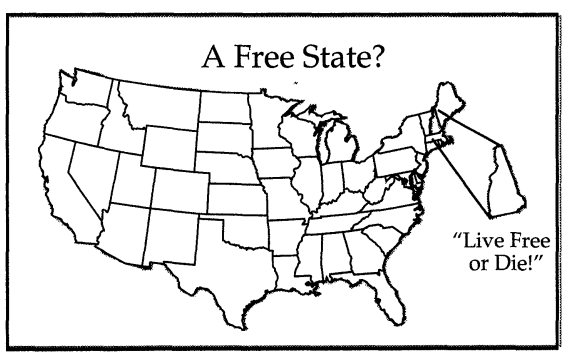

Carl von Clausewitz, a 19th-century military strategist, is best remembered for his observation that "war is the continuation of politics by other means." While I am hardly the first to observe that the reverse is more generally true, it's easy for law-abiding American civilians to forget, even during tax season, the constant threat of violence that underlies our peaceful society. We blithely throw around phrases like "culture war" when describing conflicts played out in the media and the legislature; "revolution" is a word so thoroughly abused that to see it employed in advertisements for stereo equipment or mattresses gives us no pause. Consciously or unconsciously, we mostly assume that our domestic political problems have political answers, even in the face of contrary evidence.

Some libertarians see the political game as unwinnable, and have shifted their focus from the public sphere to the personal, taking direct, personal actions to increase their own individual liberty. This sort of personal secession is sometimes called "dropping out." It's a pragmatic approach which offers immediate, though limited, gratification at the cost of participation in certain normative institutions (like banks). Anyone on this path treads close to being an outlaw, a dangerous position to occupy in an increasingly nosey and

regulated world.

Nobody is seriously agitating for an armed and violent revolution. For most, things just don't seem bad enough. And such a war is even more surely doomed to fail than the Libertarian Party's candidates. Still, there remains a small number whom nothing less will satisfy, and their roots run deep. The only American wars fought on American soil have been wars of secession, fought by armed and intractable minorities against the current of popular opinion. The most successful, and of course the most glorified, of these began in 1776. How many of us remember the Whiskey Rebellion of 1794, fought by western (which at that time meant Pennsylvanian) farmers in the name of "Liberty or Death" and "Equal Taxation and No Excise" and bloodily put down by an army Washington raised from the militias of the eastern states? How many even remember what the Civil War of the 1860s was actually about?

Armed revolution is more surely doomed to fail than even the Libertarian Party's candidates.

Some do, and are preparing to fight it all over again. When conditions get oppressive enough, some few Americans will take up arms against their government, and perhaps against their neighbors, to accomplish "by other means" what politics could not. These struggles, while perhaps righteous, are extremely unlikely to succeed. Sufficient foresight and strategy could possibly give such a revolution a fighting chance at success, though this remains doubtful.

But then, sufficient foresight might also make it unnecessary.

Four years ago, Walter Williams suggested that federal encroachment into basic liberties and natural human rights has gone so far that the situation may be only resolved by secession:

> If one group of people prefers government control and management of people's lives, and another prefers liberty and a desire to be left alone, should they be required to fight, antagonize one another, and risk bloodshed and loss of life in order to impose their preferences, or should they be able to peaceably part company and go their separate ways? . . . Just as in a marriage, where vows are broken, our human rights protections guaranteed by the U.S. Constitution have been grossly violated by a government instituted to protect them. . . . . Americans who wish to live free have two options: We can resist, fight and risk bloodshed to force America's tyrants to respect our liberties and human rights, or we can seek a peaceful resolution of our irreconcilable differences by separating. That can be done by peopling several states, say Texas and Louisiana, controlling their legislatures and then issuing a unilateral declaration of independence just as the Founders did in 1776.

Williams seemed to think such a revolution could be relatively bloodless, like Norway's 1905 secession from Sweden, Panama's 1903 separation from Colombia, or West Virginia's from Virginia in 1863. It was just a bit of speculation, but apparently an idea whose time had come. In July of 2001, Jason Sorens, a political science doctoral student at Yale, announced the Free State Project. He noted the conspicuous political failures of the libertarian movement and expressed concern for the future of liberty: "[W]orld affairs are currently at the cusp of a new direction. Freedom can still win out, at least in some areas, but if it does not the prospects are dire. . . . if we do not carve out a sphere for freedom now, freedom will be lost for a long time to come." Sorens' studies of secessionist and regional autonomy movements in Britain, Europe, and elsewhere around the world led him to believe that the threat of secession on the part of one American state would be sufficient leverage against the federal government to force concessions for liberty, at least in that state. He dismissed out of hand the possibility of actual armed conflict: "In 'modern, democratic' countries the use of violence against legal secessionist movements is out of the question."

The Free State Project leadership discourages the notion that the project is an attempt at "takeover." Nor is the Project secessionist, goes the party line. The purpose of the FSP is simply to move at least 20,000 freedom activists of any affiliation (except for politically untouchable white separatists) to one state, where they can each exert "the fullest practical effort toward the creation of a society in which the maximum role of civil government is the protection of life, liberty, and property." When the threshold is reached and the move is accomplished, the Project will dissolve, leaving those involved free to organize, or otherwise pursue their activism, however they please. The colonialist and secessionist undercurrents are unmistakable, though. Without the threat of some kind of force, even mere democratic "force of numbers," the effort can pose no threat to the status quo. One way of looking at the FSP is as a desperate effort of ideological refugees, demographically adrift, to find a home. Too bad for the natives, but it can't be helped. Great things are at stake. Manifest Destiny. Those unfortunate social democrats and public moralists currently inhabiting the chosen Free State have, absent a change of heart, 49 other American states and the rest of the civilized world to relocate to.

The notion of a libertarian niche, enclave, or colony is a persistent one. There have been plenty of naive "Let's start a new country!" or "Let's take over a county!" schemes that didn't go anywhere. On the surface, the idea is a little absurd: isn't the communitarian impulse basically at odds with the idea of individual freedom? How much of a community can be built around the core value of minding your own business? Yet the most ruggedly individualistic of us nonetheless lives in society and must ultimately answer to the belief systems of our neighbors. And the longing for cultural cohesion, for community, is felt no less by libertarians than anyone else. Being part of a close-knit society and being

Isn't the communitarian impulse basically at odds with the idea of individual freedom? How much of a community can be built around the core value of minding your own business?

unmolested by a mass of unnecessary laws are not mutually exclusive.

There is a more benign interpretation. It is more practical than it has ever been for a person of modest means to move great distances. People therefore tend to group together geographically according to their similarities. We seek out neighbors like ourselves, and in doing so become more like our neighbors. It's a sort of market-driven process: decentralized and largely haphazard, one of many concurrent influences on individuals' choices. The Internet, by lowering the costs of communication, has made possible entirely new forms of collective action. The Free State Project is an attempt to consciously and consensually give form and speed to some small corner of the vast natural churn of American migration. From this perspective, it is not a political movement, so much as a *cultural* movement, born out of the recognition that the majority of Americans aren't interested in living in the kind of culture that libertarians long for.

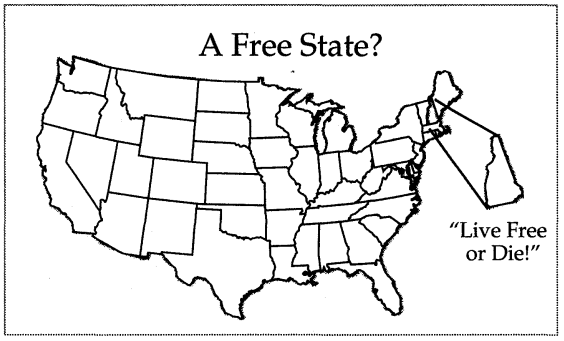

That longing is particularly acute in the young, and it is to young people that the Free State concept has the greatest appeal. "Liberty in our lifetime," the motto of the Free State Project, seems more realistic to those who expect several more decades worth of "our lifetime." According to the membership survey taken at the time of the state vote, FSP members are 75% male, and 75% are under the age of 50. Thirty-seven percent are under age 35. Three-quarters don't have children, or at least won't bring more than one person with them when they move. These are people of ambition in search of more favorable conditions: like any immigrants, they are a hopeful bunch. Risk-takers. But these pioneers are immigrants within their own country, searching for an America that is gradually disappearing.

Despite the homogenizing effects of a centralized national media and a federal government of unprecedented bulk and power, there are significant cultural differences between the American states. This is, in itself, unsurprising. The "melting pot" ideal cannot be achieved in a venue as large as the contemporary United States: the diversification process inherent in cultural evolution precludes it. Any American city, while home to an astounding array of overlapping subcultures, develops nevertheless a unique feeling, and rural areas too can't help but gain their own distinct characters over time. The state, to the extent that it works as advertised, simply reflects whatever common ideology the political process can distill from its constituent cultures. The Free State Project is an effort to reverse-engineer that political process: a backwards gerrymander.

Sorens' pragmatic arguments for a concentration of at least 20,000 libertarian activists in one state have been generally well received by the movement, even after the "rally 'round the flag" hysteria of 9/11. The Free State Project's membership has grown healthily, reaching the 5,000 mark with the signature of Boston T. Party in August 2003. Five thousand was the agreed-upon threshold for selecting a particular state; there were ten low-population states under consideration. The voting method used, Simple Condorcet's, allowed voters to assign any rank to any number of candidate states, and compared each state against all the others to determine the overall winner. On October 1st, the results of the vote were announced:

Rank	State
1	New Hampshire
2	Wyoming
3	Montana
4	Idaho
5	Alaska
6	Maine
7	Vermont
8	Delaware
9	South Dakota
10	North Dakota

Only 2,388, or 46%, of the 5,170 ballots mailed to members were returned. Clearly, not everyone involved takes the project very seriously.

The FSP has relied heavily on the Internet culture. This culture, while strongly libertarian, has largely been ambivalent, even disdainful, toward geography. The early rhetoric of "cyberspace" boldly proclaimed the net a place unto itself, apart from and independent of the physical world. Actions taken (that is, words written) in online forums always seem somehow disconnected from reality, which is why we can have, for example, flame wars. Everybody involved is merely sitting in front of their keyboards and monitors, and when they get up from their chairs, their virtual world, with all its zany inhabitants, goes away. Although the FSP's organizers have made every effort to emphasize the solemn contractual nature of the "Join!" button on the membership web form, it remains to be seen just how seriously the members will take their pledges to move, if and when the time comes. Such a contract can hardly be legally binding without any tangible consideration exchanged, and it's ridiculous to imagine the FSP trying to enforce it, even if it were.

On the other hand, Americans have notoriously shallow roots, and many of the FSP members seem anxious to get out of wherever they're currently living. Over a dozen people have already reported moving to New Hampshire, apparently figuring that it's an improvement for them regardless of the success of the project. About half of those who returned the membership survey with their ballots say they intend to move within the next three years, although the Project only asks members to move within five years of the 20,000-member milestone (which is expected to be reached in 2006).

New Hampshire has the geographic advantage of being adjacent to Canada as well as the Atlantic Ocean, although both borders are small. The indigenous political culture is about as libertarian as that of any American state, rooted in proud New England revolutionary history. The state constitution is the only one in the world which explicitly mentions "the right of revolution." It's the only state with neither sales nor income tax, and has very low overall taxation. Although New Hampshire has a high population density, it hasn't any major urban centers — but it's close enough to the Boston metro area for specialized urban workers to commute. In

fact, the southern part of the state is already experiencing an influx of liberal Massachusetts suburbanites, which will doubtless dilute the effect of the Free State Project.

The Free State membership agreement originally allowed members to opt out of any states they wouldn't move to, and 1,021 founding members, about 20% of the total membership at the time of the vote and mostly from western states, opted out of New Hampshire. Naturally, it wasn't long before the birth of the Free West Alliance. The Free West Alliance is a web-based community of rather less formal nature than the FSP, created in November 2003 to promote the three contiguous northern Rocky Mountain states, which were the runners-up in the FSP vote, as a unified "Region of Freedom," and to advocate Jeffersonian ideals of government within these states. Wyoming, Montana, and Idaho have a combined population 2.2 times that of New Hampshire, and 36 times New Hampshire's square miles. (It's also interesting to note that a quite similar organization in Canada was already in place in January 2003, under the freewest.net domain.) The founders of the Alliance cheerfully admit that three states are two too many in which to concentrate electoral influence, but are in no hurry to narrow their scope, figuring that a consensus, if necessary, will emerge naturally over time. Much of the core membership will meet in Three Forks, Mont. on April 23–25 for the "Grand Western Conference II" (the first such conference was held in Missoula, Mont. last year under the FSP banner). Headlining speakers will include J.J. Johnson of the *Sierra Times*, and Boston T. Party. Boston, a leader of the libertarian right (whose punning pseudonym seems to be his preferred public identity, even after publishing *Hologram of Liberty* under the presumably more genuine moniker Kenneth W. Royce) isn't very popular with the Free State Project these days: the publicity gimmick of his 5,000th signature went sour when he publicly criticized the New Hampshire decision and began to promote his own "Free State Wyoming" plan, a dramatized version of which is outlined in his newly published first novel, *Molôn Labé*.

The grounds for Party's preference are largely cultural, and his argument has an urgent tone. He quotes Thucydides: "The state that separates its scholars from its warriors will have its thinking done by cowards and its fighting done by fools." According to Boston, the East is already hopeless for liberty: it's too crowded and doesn't have enough 500-yard rifle ranges — or a thriving gun culture. "Libertarian philosophy is, in the end, moot if its adherents have no final resort of armed defense. . . . The Nerf and Egghead Libertarians don't like hearing this, obviously, but facts are stubborn things." Boston, and the rural right "Patriot" movement which he considers to be liberty's core constituency, is expecting a fight with the feds, or at least thinks we should, on principle, prepare for one. His analysis is based on conspiracy theories, but it is also grounded in basic historical truths about the nature of power and political change. Unsurprisingly, his approach to a Free State gerrymander is much more unapologetically regimented: less a migration than an invasion. He claims that just 4,000 new residents of Wyoming, if properly organized, could legally take over a significant part of the state government.

The Free State Project is an effort to reverse-engineer the political process: a backwards gerrymander.

The "Egghead and Nerf Libertarians" are indeed the ones most solidly behind the New Hampshire decision.

The "Egghead and Nerf Libertarians" — intellectuals and ideologues without the means or will to do battle for their freedom — are indeed the ones most solidly behind the New Hampshire decision. The FSP membership survey didn't collect any data on gun ownership, but it did indicate that those who assigned New Hampshire their first preference are overwhelmingly highly educated, middle-class, and urban or suburban: a demographic relatively unlikely to be part of the American gun culture. They had better be very confident that things really are different now, that Sorens is right about "modern, democratic" governments being above the use of violence against rebellions. And if the Free State Project, or any other such effort, is not in fact a rebellion, what good is it? It wasn't that long ago that Mao Tse-tung uttered the simple, though ugly, truism: "All political power comes through the barrel of a gun."

Meanwhile, there are international libertarian efforts like the Awdal Roads Company, which seeks to attract investment and immigration to the currently more-or-less ungoverned regions of Somalia; and Rigoberto Stewart's Limón REAL Project, which intends to make "a Free and Autonomous Region" of the Limón province on Costa Rica's East coast. There are island tax-haven nations with private banking industries. Sealand, the most extreme example there currently is of a free state, is still going strong after 35 years; you can't actually visit, but they'll be happy to host your website. Somebody's begun a European Free State Project, although it doesn't seem to be exactly thriving yet. And of course there's Switzerland, arguably the most libertarian country in the world.

Whatever the New World Order looks like, there will be, despite Sorens' worries, "a sphere for freedom." It's impossible to give any accurate estimate of the number of dropouts in America alone. There are people without Social Security numbers who do all their business in cash. And what about people who won't send their kids to public school, or register their concealed weapons, or who use any of a bewildering number of legal, quasi-legal, or illegal methods of avoiding taxes? How many people don't obey the drug laws? How many *do* obey the speed-limit laws? The fraction of people who value freedom over obedience to arbitrary authority, or the illusion of safety, or the opinions of their neighbors, may

continued on page 54

Manifesto

Reclaiming the American Frontier

by Tim Condon

It's time for a new generation of pioneers to claim their heritage as free people.

Americans, remember your history! If you love liberty, if you see our traditional freedoms being whittled away, join us in the Free State! Think of where we came from, both as a people and a country. There is a crisis coming. We Americans are on the verge of losing something historical, something precious, something real.

More than 100 years ago a University of Wisconsin history professor presented a paper at a meeting of the American Historical Society in Chicago. The monograph presented a new and controversial theory of American development which sparked a debate that continues to this day. The paper: "The Significance of the Frontier in American History" by Frederick Jackson Turner. The theory: Americans are fundamentally different from their European forebears; they are a new and special people, molded by the American frontier experience.

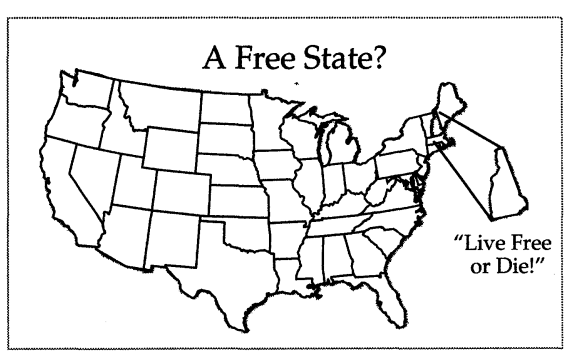

The fulcrum of Professor Turner's thesis was the availability of inexpensive or free land for all. Never in modern history, he noted, had a people had access to "land for the taking." The frontier experience of abundant land, he argued, had made Americans independent, restless, individualistic, inventive, exuberant; the first "authentically free" people. If the frontier experience, with land for the taking at its center, had somehow made Americans into a new and different people, reasoned Turner, then the end of the American frontier — announced by the office of the U.S. Census in 1890 — was occasion for pause and consideration, if not outright alarm.

In placing land at the center of his theory, however, Turner made a crucial mistake. His observation that the New World had produced an exceptional and unusual people — with their bravery, their hard-nosed practicality, their vivacity, and their disdain for class distinctions — was accurate, but his assertion that the American frontier itself "created" this new American was inaccurate. Rather, the American frontier had empowered such people, where before they had been powerless, marginalized, and ignored in the still-feudal precincts of the Old World.

Eric Hoffer, the "longshoreman philosopher" who penned *The True Believer*, wrote that:

> This vast continent with its towns, farms, factories, dams, aqueducts, docks, railroads, highways, powerhouses, schools, and parks is the product of the common folk from

> the Old World, where for centuries men of their kind had been beasts of burden, the property of their masters — kings, nobles, and priests — and with no will and no aspirations of their own. . . . Only here, in America, were the common folk of the Old World given a chance to show what they could do on their own, without a master to push and order them about. History contrived an earth-shaking joke when it lifted by the nape of the neck lowly peasants, shopkeepers, laborers, paupers, jailbirds, and drunks from the midst of Europe, dumped them on a vast, virgin continent and said: "Go to it; it is yours!" And the lowly were not awed by the magnitude of the task. A hunger for action, pent up for centuries, found an outlet. They went into it with ax, pick, shovel, plow, and rifle; on foot, on horse, in wagons, and on flatboats. They went into it praying, howling, singing, brawling, drinking, and fighting.

Thus, it wasn't the frontier that had created a radically new kind of people, as Professor Turner asserted. The new Americans — a rigorously selected subset of the European population — were already extraordinary. Karl Hess, a libertarian luminary who wrote prolifically and passionately about individual freedom, was once asked what he thought had made America so spectacularly successful as a nation. "That's easy," he replied. "We got the best people."

Does this mean that Americans are unique in the annals of human history? Not at all. In fact, wherever governments smother a people and destroy their right to live peaceably as they see fit, any alternative will be seized upon, even if it is dangerous, difficult, and fraught with chance. Who is willing to risk that? Only those who can't "get with the program." The misfits, nonconformists, and rule-breakers who refuse to accommodate themselves to injustice and tyranny. The 20th century alone is rife with examples. Cubans fled Castro's communist dictatorship for Miami, in the process turning all of south Florida into an international multicultural metropolis. The Chinese who fled communist China landed on a few square miles of rocky coastline of few natural resources; by the 1970s they had made Hong Kong's economy one of the largest in the world. And then there was Vietnam. As George Gilder explained, in the wake of the war in Vietnam "The United States won the only valuable remaining resource of Indochina: the boat people. All the land and slaves they left behind are next to worthless."

In light of Frederick Jackson Turner's thesis, the question then is not "What happens when the frontier closes?" but rather what can endanger and threaten the liberties that the new Americans created for themselves.

In light of Frederick Jackson Turner's thesis, the question then is not "What happens when the frontier closes?" but rather what can endanger and threaten the liberties that the new Americans created for themselves and us. The answer comes from Thomas Jefferson, who warned, "The natural order of things is for liberty to yield and government to gain ground." Governments, more than any other institution in history, have been the handmaidens of oppression, war, slavery, injustice, and inequality. Periods of relative freedom in history, with their associated peace and prosperity, are rare exceptions to rule by governments run amok. George Washington warned similarly, "Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master."

In light of these warnings, let us examine the condition of America today. We Americans are in the process of losing many of our long-held freedoms and God-given rights. The frontier that lives on in our hearts is increasingly being strangled by ever-expanding government.

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Paul Craig Roberts of the Hoover Institution — former associate editor of *The Wall Street Journal* and former assistant secretary of the U.S. Treasury — wrote this in early 2004: "The protective principles in law that ensure our civil liberties — no crime without intent, no bills of attainder, no retroactive law, the attorney-client privilege, no self-incrimination — have been eroded beyond recognition. Wars against the Mafia, drug dealers, child abusers, and terrorists — accused whose convictions are thought necessary at all costs — have eviscerated the Bill of Rights. Today not even multibillionaires can fight off prosecutorial frame-ups."

Thomas G. West, professor of politics at the University of Dallas, observed also in early 2004 that, "America has less freedom of speech today than it has ever had in its history." As just one of several examples, Prof. West noted that the Bipartisan Campaign Reform Act of 2002 (the McCain-Feingold bill) placed "substantial limits on the right of political parties and nonprofit organizations to publicize their views on candidates during election campaigns." Furthermore, in December 2003 the U.S. Supreme Court upheld the law and "saw no conflict with the First Amendment guarantee of freedom of speech and of the press. Yet it is impossible to imagine a more obvious violation of the First Amendment."

Our constitutional freedoms are today under very serious and widespread assault, possibly more so than at any other time in our history. The Free State Project is an effort to meet and reverse this degenerating situation. Despite the fact that the frontier spirit of individualism and freedom now resides only in our hearts, there is still value in having a geographic home for those who value the Constitution and freedom above all else. The Free State Project is creating that new home, a place for today's "misfits and non-conformers" who refuse to accept the attenuation of heretofore untouchable American individual rights.

A single low-population state was chosen by a vote of the

continued on page 54

A Special Time

The '60s, You Had to Be There

by Richard Kostelanetz

The measure of history arises in the uncovering of relationships. That is why the writing of history has less to do with facts as such than with their relations. Every true historical image is based on relationships appearing in the historian's choice from among the fullness of events, a choice that varies with the century and often with the decade.

— Siegfried Giedion
Mechanization Takes Command (1948)

A Special Time began, curiously, with my friend Donald Porter's challenge to me to write a conventional novel. Since that posed a question not of style but subject, I thought first of the 1960s, not as a chronological period but as a cultural concept, and of writing a panoramic novel, roughly in the manner of Dos Passos, about the experiences of a variety of people at that time. However, once I made notes about the experiences I wanted in my novel, I began to hear voices telling particular stories; and since I have recently been doing so much radio, I decided it would be best for me to work initially with authentic voices. When American Public Radio asked me to propose a pilot project to its Program Fund, I chose this, which was funded from a grant it had received from the Ford Foundation.

My initial themes were two: the 1960s was a special time as other decades were not, and it was special in more ways than we commonly understand. While I did not want to neglect the political protests commonly associated with the period, my principal interest was episodes of "anonymous history," to use Siegfried Giedion's phrase, which is to say dimensions of experience that remain invisible or forgotten, even though, in this case, they occurred only three decades ago. So in selecting subjects to interview, I looked first of all for individuals who had either personal experience or expert knowledge of some specialness in this period. Thus, I got a pharmacology professor to talk about the last age of drug optimism, during which, in his most prominent example, Valium sales peaked at 75 million prescriptions, only to become by now half of what they were; the manager of an investment fund to talk about the stock market boom of the middle sixties and then about how, because of values predominant in the period, he felt more comfortable in not displaying his wealth, again unlike now; a fashion writer to talk about the radical changes in female dress and the current persistence of these changes. And so on.

In selecting interviewees, I also looked for another quality — voices so authoritative that they need not be reintroduced. This was necessary because I wanted to make not a conventional radio feature, with an announcer (probably a celebrity)

identifying speakers and making connections, but an informal symposium in which the remarks of various individuals would be interwoven as though they were participating in a continuous conversation. My assumption was that the speakers would establish their authority not through identification of their current positions (or even their names) but solely through the authenticity of their articulated memories and perceptions, and then that this authority could be extended, in a reader's mind, to their subsequent appearances in the book.

For *A Special Time,* I conducted over three dozen interviews, initially with old friends, and then with new friends. I gave the interviewees my essential questions on a card and then, when I interrupted them, asked that they incorporate my further question into their answers. On the card were five questions, the first four of which overlap on their edges:

1. What was special about the 1960s?
2. What do the 1960s mean to you/your area of expertise now?
3. What was possible then that wasn't possible before and hasn't been possible since?
4. How did the experience of the 1960s change your life/your business?
5. What events/experiences marked the end of the period for you?

Some interviewees answered these questions so well that there was no need for me to interrupt them. My impression was that most had thought about these questions long before I asked them.

The following text, drawn from the opening program, becomes the beginning of the initial chapter of my book. Among the topics I hope to treat in individual chapters are 1) Manners (which includes sex, recreational drugs, language, social discrimination); 2) Learning-Education-Research (which would include the academic boom, educational experiments); 3) Values; 4) Literature & Culture; 5) Art and Its Scenes; 6) Politics; 7) Enterprise; 8) The War; 9) International Analogues, in which individuals who spent the 1960s outside the U.S. will answer these questions with reference to their own experience. The concluding chapter will include a grand survey of over two dozen answers to my fifth question about the participants' perceptions of the end of the period.

To make this symposium into a book, I gave each voice his or her own typeface that would reappear whenever he or she spoke. The innovation is that each typeface would become a character, while the fictitious suggestion is that the participants are in the same room responding to one another. I think I have reworked the material into the novel-length fiction/faction that my friend Donald Porter challenged me to write.

I was growing up in the fifties, when virginity was something that you lost if you were richer or poorer than I was.

The sixties — what was special about it? I think, I could say shortly, that there was this sudden feeling that enormous change was possible, because so many people were waking up, thinking new thoughts, because the smugness and complacency of the period before was lifted. People were skeptical about things they've never been skeptical about before. They began to see positive things in whole groups of people, like black people, poor people, Vietnamese peasants — whole groups of people who were seen to have qualities to admire; so a whole lot of learning went on in the sixties, and a spirit of learning.

The early sixties actually for me were a continuation of the fifties — that is, the fifties and late forties was a period of very intense repression and a kind of feeling of everything being confined, of the options being confined, not only the broader social options, that is for everyone in the culture, but specifically of certain kinds of options for political action, for change, for advocacy, etc.

I was raised on a farm and cut off in a lot of ways from standard American culture. There was something about the Eisenhower years. Everyone was kind of lock-stepped into some sort of very safe lawyer/doctor path. And it seemed terribly boring to me at the time. The world seemed to have a limited number of possibilities. So many of my classmates happily plunged forward into medical school and internships, surgery. By the time they were thirty they would have a wife and kids, settling down and working at their

careers. But I seemed to balk at entering this kind of safe harbor.

It's hard to talk about the sixties without going back to the fifties, because the fifties were the formative years for me. I was born in 1940, so my teen years were spent in the fifties, and that means I was formed by the McCarthy era. I was formed by the era of apathy, as it was called, and it probably was apathetic, as apathetic as they say, and spent the fifties being repressed, a virgin. I was growing up in the fifties, when virginity was something that you lost if you were richer or poorer than I was. The image of the wonderful fifties in **Grease** or **Happy Days** really is not anything like my memory of the time, and I don't really remember being happy until 1960, in fact the day I arrived in London.

I left college in 1960, went to work for a year in my dad's business, was tremendously bored by the business and, in a sense, by America. I felt that the U.S. had failed me. I had graduated from a good college with honors, and yet there was nothing I wanted to do. I just wanted out of America. I didn't know why. It was a very inarticulate kind of longing. To me, there was something wrong with the waters I was in. I wanted other waters. I wanted to go overseas, to see if things were as boring everywhere as they were here.

I felt that the U.S. had failed me. I had graduated from a good college with honors, and yet there was nothing I wanted to do. I just wanted out of America.

So that in the early sixties, I think particularly with both the things happening in the arts and with certain political events, most particularly I think the growth of the peace movement and the freedom rides, the integration movement, that a sense that it was in fact possible to put your body on the line in some way to effect change through action, through direct action, through speech, through writing, and that it was possible to do this without the fear of a kind of terrorizing reprisal. That is, there might be immediate penalties to pay, you might get beaten up on a picket line, you might get jailed for civil disobedience, but the idea that someone might be haunting your life forever and that you'd be socially disqualified on a permanent basis because someone had named you a Communist or affiliated you with Communist movements or whatever, that began to dissipate, and I think generally, a sense that almost anything was possible if there was the will for it in sufficient people to make it happen seemed for me to be endemic to that time.

What was special about the nineteen sixties, essentially, was that it was an opening up of the political and intellectual and artistic climate, coming after the fifties, which was a rather dull and restrictive climate.

So there was almost a sense of optimism and potential for, as I say, some kind of change, some kind of movement within the culture, and a sense really of a "ferment" and I use that word very advisedly. I don't just mean a sense of something shifting in a glacial sense, but I mean of a lot of elements semiconsciously interacting with each other toward change, so that there seemed to be that kind of conscious synergy between what was going on in the arts, what was going on in politics, what was going on in the social arena, etc.

The sixties for me had a sense of something being at stake. It seemed that things somehow were important, that whatever you did counted for something; or as the expression went at the time, "Not to decide is to decide." And so if you didn't do something, that counted too. So that the sixties for me meant that whatever you decided in your life was important, not just for yourself, but for society as a whole — people you knew and the people you didn't know.

There was some kind of feeling of being part of a community, feeling that the world was open and anything was possible, and that with **will** there could be enormous changes. It isn't that it was so but it was a feeling that you felt — that if you wanted something it was possible to get it. I honestly believed that sexism, for example, would change, that racism would change and perhaps the capitalist system would change — if enough people got together and engaged in the activities that I was engaged in, there would be enormous change. I no longer think this is possible. Some of it might be just getting a little older.

Very briefly, what wasn't possible before was a sense of openness that's absolutely true — a sense of possibility, a sense of people given a chance. It was very American, it was a kind of a frontier mentality of what could be done. What I fear about the aftermath is what hasn't been possible since, is the initial trust for a new initiative, the initial trust for a new idea, the initial trust for a new gesture, that initial trust for an exploratory mentality. And the fact is it was a period where people said what they thought, no matter how stupid. Now we have a time in which, people are deeply full of self-censorship.

Suddenly, in the late fifties, early sixties, the jet age came, which meant that one could go from New York to London, to Paris or Frankfurt very, very quickly, and quite easily in contrast to previous times.

What made this possible for me is a sense of expanded horizons and a sort of lifting of the cloud of political terror that had seemed to hang over my head, over my family's head during the forties and fifties — a sense that you could almost make your own future, you could make your own career, you could decide to be anything that you wanted to be and once again, if you simply put your energy into it, you could do it, you could go from being a graduate student in literature to being a rock 'n roll musician, which I did for a time, to then going to be a theater critic and journalist to then going into photography criticism without any credentials, without any real training, without any sense that somehow you had to pass through a certification process to do things.

There was more love in the sixties. The shorthand term **Love** denoted what we were, and they were against. Remember the Festival of Life vs. the Society of Death. Perhaps this is more archetypally presented in the Beatles' *Yellow Submarine*. The "Blue Meanies" are the ones that try to kill. Once the Blue Meanies are dealt with in *Yellow Submarine*, of course, "All You Need Is Love." What was meant by that, and what was one of the subcultural understandings, was that once the physical needs were taken care of, once you had a society that could produce the wealth to sustain itself, and once you got rid of those people who had a vital interest in inequitable distribution and oppression, you could move to a society based on love. And that was part of the vision of the sixties. And love was meant in every way, from physical, sexual love to a kind of agape, a love of humanity. That's not possible now.

A big change from the fifties to sixties is that I was suddenly defending clients whom I believed in, whom I liked. I liked the person who was arrested for smoking pot, the civil rights workers in the deep south. I thought these people were the "good guys." In the fifties, I represented corporate swindlers.

To me the sixties had to do with rebellion, with throwing everything over, ripping out everything I had grown up with and trying to change it.

Another important factor was the human potential movement as it came to be known in California — Esalen, Abraham Maslow, Carl Rogers. This experience formulated an attitude on my part of directness and honesty in expression and putting a great value on direct human, honest communication, throwing caution to the wind, saying what was on your mind, saying the truth. The sixties gave me a license to be a so-called radical in the courts, although I was being conservative in the tradition of preserving the legal system. I was interested in revolutionizing the court room — courtroom decorum, courtroom behavior, the relationship between the judge and the lawyer. The obsequious model was anathema to me — the conception of the lawyer was a thirties B-movie lawyer: bald-headed, pot-bellied, bookwormish, thick glasses. I wanted him to be John Wayne; I wanted to be Cowboy Clarence Darrow in the courtroom.

The heroes who emerged out of the sixties were people who took realistic and very difficult stands during their being popular culture figures, whether Muhammed Ali or Angela Davis, Huey Newton, Bobby Seale, or people like that. They were militant and literally put their lives on the line in being in opposition to the establishment.

In the courtroom I used vulgar and obscene language and ended up in the Supreme Court in a case called *Rosen* v. *California* for disturbing the peace.

This was annulled by the Supreme Court. I was convicted in that case for using vulgar and profane language in front of women and children. In the first trial I was my own lawyer and got an eleven-one hung jury. For my second trial I had a woman lawyer and was convicted. She appealed the case to the United States Supreme Court. Ultimately the California law, under which I was convicted, was held unconstitutional. I was able to knock out a speech-inhibition law. The sixties were a cultural complex that filtered through me and caused me to act the way I did. I couldn't have behaved that way in the fifties.

It was a unique event certainly in the history of the United States, if not the history of the world. When you think about it, there were a set of uprisings over a set of issues that were really world-wide. I think partly that had been made possible by the development of an international culture, so to speak. You look at the people that you met in the sixties, especially younger people, and you saw that in some way, no matter if they were French, or German or British, they all seemed to look alike in a certain way, had the same hair style, they wore the same clothes, so that was unique already, an international culture had been in the making.

Another aspect of the sixties worth noting is that it was a very international period, much more so than the fifties and much more so than nowadays. In the fifties, when I went to Europe, it was, in some respects, burdensome going by a propeller airplane that had to make two stops on the way. Suddenly, in the late fifties, early sixties, the jet age came, which meant that one could go from New York to London, to Paris or Frankfurt very, very quickly, and quite easily in contrast to previous times. And suddenly people arrived in New York from Europe and other parts of the world on a regular, frequent basis. New Yorkers were in Europe all the time; the exchanges were quite remarkable.

The pressure to know, to understand, became absolutely gripping when the academic community, the young of our nation, in school began to question the whole meaning of the United States' participation in the war in Vietnam.

I think the culmination of that really began to take place; '68 expressed it: the uprising not only at Columbia University, then to be repeated around the country, especially in the elite schools, but the uprisings that were taking place in Europe. And we forget, for example, even in Japan, they mounted demonstrations that would make ours, you know, look paltry. They would field twenty, thirty, fifty thousand, a hundred thousand students and go up against the police with clubs and with discipline. I don't know if you will remember, for example, '68 was also the time of the Olympics in Mexico. Well, not only did the Olympics have some manifestations of this protest, but, in fact, the student uprising just before the Olympics in which a lot of Mexican students were shot and tortured and killed. The magnitude of it — even in China — stuns the mind.

The sixties were the time which, in effect, really made it clear to America that it was not the only answer to the world's problems, because it had its own problems.

Patriotism was defined in the sixties in a way very noble: dissent was the essence of patriotism, and the truth is no longer is that the case.

I left the south in the early '60s, and there was no racial question then. Blacks were inferior, and that was the long and the short of it. As a southerner I didn't like what I saw happening with blacks, but on the other hand as a southerner I found myself accepting it. I was not about to make any great stand for blacks. I think that was probably typical of folks of my generation. There was an enormous change when I came back in 1966. I remember my most interesting assignment as a reporter was to interview the black head of the New Orleans school system. I was amazed I had come back a mere six years later and New Orleans would have a black Ph.D. heading the school system. I remember I expected him to be uneducated. I

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felt he probably got the job through Uncle Tom tokenism. I was staggered to find a person as fully intelligent as I was, who immediately understood exactly what I was going through. He pierced this immediately and without my really acknowledging he sort of had me in tears in a half hour.

But I came back periodically throughout the sixties, throughout the later sixties, to visit parents and friends. I remember going into a department store and there were no longer two sets of drinking fountains and two sets of stairs, as there used to be when I was growing up. And the change in the use of words, no more **colored**, but **black**; and that took many people a long time to change. Many people kept a bridle on their tongues, whereas formerly there was an attempt, at any rate, to be real in their tolerance and not just theoretical about it — partly law, partly conscience.

And I found myself as a southerner going through a huge change in how I viewed black people. It had been one thing to encounter Africans in Europe; they seemed to be a race apart. It was another to encounter someone who had pride without arrogance, who knew what he was up to. He was slowly changing the school system; and he knew about education — a Harvard degree — nothing so fancy as to appear stupid, but thorough and well-grounded. That was my first inkling that the South was in for a major shift.

There were a lot of doors opened to blacks in the sixties. There was a concern in terms of government policies of providing equal opportunities for minorities to come within society. This was a direct result of the agitation movements, the movements of black and white students in the south had an effect on American society. There was an optimism about blacks and whites working together. In the eighties, this might seem ridiculous, but in the sixties it was a functioning reality.

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So many things came together in the sixties — everybody's dreams — whether it was religion's dreams of a better world. The sixties was a time of Protestant hope that the world could be saved, not by making people believe in our dogma, but by loving the world. That was happening with Protestants. It was post-Vatican II for Catholics. So that there was the fire from John XXIII and the hope that if the Scriptures were heard in the native language, it would waken the hearts of Catholics. There was much optimism and confusion that was going on in religion. In the political life we really believed that we could win the war on poverty. We believed that with everything being thrown up in the air it was going to come down in a creative pattern that could lead to real change.

Well the optimism came simply because of the demographic shift. If you look at the demography of a nation and see that the bulge of its population is young and there is a stream of new energy and new young people and a dominant field of economic consumer growth in children's toys and children's books and especially in a society that prizes education — at least the acquisition of certificates of education, diplomas. Then you're dealing with the impression of expanding possibilities, increasing labor pool, more schools, more education. Well, it seems to me that it was before unemployment that the sixties began, before these young baby-boom children came of employable age; and there was the view that there would be an ever-expanding economy and that that ever-expanding economy would be fueled by a fair amount of optimism about technology. The sixties is the era of space travel — I mean John Glenn. It's the era of people going to moon. It is also the era of DNA. This is the first time that the revolution in biology took popular fascination.

My father was a beer salesman; my mother was a waitress. If it hadn't been for the nineteen sixties, I'd probably be a beer salesman or a waiter today. Instead, I'm a college professor and somewhat of an intellectual. How can that be? Very simple, back in the nineteen sixties, suddenly everybody and their brother was in graduate school. I was in graduate school, and my brother was in graduate school.

And I remember I was a graduate student at Columbia in 1960, and about 1962 or so they decided to reorganize the curriculum. There were no texts, and we wrote up some notes. We

gave freshmen material that nowadays is only taught in graduate courses — really advanced mathematics. That wasn't just happening at Columbia; Princeton was doing it. Most places, I think, were doing that. We were really going to teach properly. We were going to tell them the real dope — no more fooling around with sort of low-level calculus and fudging the proofs. They were going to get everything.

Certainly everybody was very enthusiastic about it. They thought it was going to change mathematics; there was going to be a whole new generation of people who were going to be mathematically literate. Of course, what it did was just blow the minds of the freshmen. People flunked right and left. Actually nobody seemed to care very much. Neither the faculty nor the students were terribly upset about that; that seemed to be the kind of thing that just happened. That, of course, has since been dropped. That lasted, what, 1962 to maybe the late sixties and began to fade out. Now it's just the way it was in the fifties.

Suddenly everybody and their brother was in graduate school. I was in graduate school, and my brother was in graduate school.

I wanted to talk about the interesting period of the financial market in the sixties, and why people like myself came into it, and why we succeeded at it. I think you got to start at the beginning. After the depression, very few people came into it, and there was a tremendous void. In the nineteen forties and nineteen fifties, it was not considered an area of opportunity, very low volume on the stock exchange, very few people wanted to come into it — certainly not the people who were motivated, and certainly not, shall we say, the creative types who were willing to take the plunge. There was a huge void, I guess you would say. And then came the people who were long on confidence, long on guts and balls, but short on experience — people like myself who saw it as an opportunity to make a lot of money. You became a millionaire. We became millionaires our first year out, net after taxes — beyond our wildest expectations. And money was coming in through the transepts. You couldn't stop the money coming in. People would call you, whom you'd never even heard of before, and say, "Will you take my million dollars, please? I'll fly in from Iowa to see you; I'll fly from Wisconsin to see you. Please take my money." It was a different era.

What was special about the sixties for fashion was that it was the first time that the fashion pyramid was turned upside-down. In other words, ever since there were fashion designers, they were at the top of this special pyramid, and they were copied by each successive, cheaper kind of manufacturer or seamstress or strata of society. For the first time in the sixties, the ideas began to come from the street, rather than from the top.

And the influence went exactly the other way than it had been. The arrows were going up instead of down. For example, Yves St. Laurent showed a pea-jacket on his runway in Paris. It was in the sixties that for the first time college students, or we should say students, went to thrift stores. That was the beginning of something that is new, the very fancy vintage clothing business, where the prices are almost the same as new clothes and those displayed in beautiful shops on the very best streets. But that was something that really started in the sixties.

Poor people, poor students, went to thrift stores and Salvation Armies to find warm, wearable clothes and to find things that looked interesting to them — to look different than what was for sale in the bourgeois department stores. The point is fashion is about style, about looking in some special way; so for them the special way to look was to not look the same they would look if they'd been dressed by their mothers.

I remember one time that I was real shocked. I had shipped a T-shirt, this was about 1967, to about four hundred stores; and it didn't particularly sell very well. It was a long sleeve, what at the time people called it a Wallace Beery neck, a round neck with a half placket and buttons, and it was in funky colors. And I had it shipped to four hundred stores, and it didn't mean much. It just sat in the stores for four or five weeks. Then, one day, John Lennon, when he was with the Beatles, wore it on the Ed Sullivan Show. Two days after, I never had seen so many reorders. Of the three hundred stores that bought it, probably 260 wanted more. I was completely shocked. I didn't know why people suddenly wanted this shirt. Then someone told me it was on the Ed Sullivan Show.

For me, the word "funky," which I took from the Black community and brought it to the fashion world, had to do with a sense of color. It was a dusty, muted color, and many of these colors were not typical colors. There was dusty plum, corset pink, which was the color of your grandmother's corset that had been washed about thirty times and kept on fading over the years to a color that was so washed out it was no longer pink. I used to use colors like this. We had something we called unisex. Unisex was just one set of sizes, very different from what we call "androgynous" today. Unisex meant there were five sizes. There was extra small, small, medium, large, extra large. The first three sizes were worn predominantly by women. The medium, the equivalent of a 36 man's size, was worn by very thin guys, and the large and extra large by normal guys.

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Women started wearing men's jeans in '67, I think because the men's jeans companies more reflected the tone of the time. They were more sensitive and quicker, and also because it was known that men's clothes were made better. I still think that's true. I used to sell them a lot of short midriff tops, where in those days women would expose parts of their stomach. This was considered sexy. Even the men were wearing real tight and form-fitting clothes. Some were later on even see-through. We had a lot of tops that were sheer. This was part of the feeling of outrageousness of the times. People were no longer afraid to expose parts of their bodies. They wanted to show it. Of course, later on you have women not wearing bras.

When I started off, I had this dream of making a million dollars before I was thirty, and then becoming reasonably rich from that point forward. I thought it would take me a while. But luckily it didn't. Or unfortunately, on one level, it didn't, because I soon came to realize that once you had enough money, the making more of it only involved a desire for more power, more glory, and that wasn't what motivated me. To me it was just chips; it was a wonderful game, a lot of fun. It required being on top of every event that was happening in the world. It wasn't just making money, not that I have a distaste for money, because I don't; but money for me meant independence — the ability to do anything I wanted to do. Once I had enough, I didn't know why I was making more, so I tried to pull back.

Many of my friends during the sixties looked askance at me because I was so successful. Some of the friendships I had before my success passed a little bit, didn't want to be friends with someone with as much money as I had. It was a value a lot of friends I went to college with shared. It certainly made me not want to do anything ostentatious.

Now when you're successful, people don't hesitate to have a chauffeur-driven car, to buy a fantastic house, or a townhouse in the city, and really spend money. In that era, people didn't spent money. They made it, saved it, and were proud of what they accomplished. You weren't respected for showing off your money. You were respected for achieving something, but money, in and of itself, was not a quality which engendered respect.

I haven't got the exact numbers, but I remember in the fifties that there would have been a dozen galleries one would have gone to as a matter of course. In the sixties, it becomes three dozen. Today, it's probably up to about six dozen. There's just been this jump in — that's the way I would measure it — the amount of time it would take me to stay up with the art world, and it took a lot longer in the sixties. You had to give it almost a whole day. Today, it's like racing in and out of galleries. Of course, there was an equally large growth in the number of artists. Clement Greenberg once said that in 1948 the whole modern art world consisted of fifty people — everybody, I mean, artists, critics, curators, collectors, you know, the whole thing. I think it was probably closer to a hundred. But no more. I once did a count of artists around 1958, '59, counted every artist that was part of, say, "the New York School," and the number was about 250. What you get in the sixties is an enormous growth of the number of artists, particularly artists who go to college, go to university, take BFA's, then MFA's, you know the idea that one could have a career in art was a fantasy in the fifties; the thought of

success was just out of reach. In the sixties, it becomes possible; the attitude becomes possible.

It was a period of social movement, and a certain hope. Granted, this was a post-war generation. We had a sense of optimism. We thought that things could be resolved by using a placard to demonstrate, that at that point penicillin could cure everything.

A lot of consumer technology came of age in the sixties — domestic technology, appliances of various kinds and their broad distribution. It is the first generation really to be brought up on television. It is the real development of high-fidelity. This is really the first time that sound-reproduction came of age — the illusion of plausibility. So it seems to me there are lots of reasons one can look to in the social structure and the economic structure of the sixties to say that it really was a period of growth.

The sixties were the last time of drug optimism in the U.S., and I thought that with both kinds of drug use, licit and illicit, or therapeutic and recreational, or whatever. The first tranquilizers were introduced in the nineteen fifties — Thorazine or Chlorpromazine, which is given credit for removing many people from mental institutions, but also the first of the minor tranquilizers, Miltown (Meprobamate), was introduced in the fifties. They both made their mark, but neither of them had achieved really widespread use. Meprobamate had achieved some use, but during the early nineteen sixties Leo Sternbach and Hoffman LaRoche Co. began giving us Benzodiazepines, the two important tranquilizers that characterized the sixties. Librium was introduced in 1961 or '62, and Valium was introduced in 1965. For a time Librium was the widest selling drug in the world, and then Valium took over and became the widest selling drug in the world. People really were optimistic. These were drugs that made folks feel better, calmed them down, made them in some ways more functional, made people optimistic; and people were optimistic about them. I think the period of optimism was relatively short, though, because the American ethic says you can't take drugs to get well; you're supposed to do that on your own, you're supposed to have strength and character and will power. So the tenor began to turn against them, at least in the popular media, and later for the docs, but from '63 until '73, Valium sales went up, up, up, up. 1973 peaked at about 75 million prescriptions, and then it turned down. So the '60s time of drug optimism in Valium lasted until 1973, when the sales of Valium began to turn down markedly; and it has been going down every year since, until they're half of what they were, because people are afraid of Valium and Valium is criticized.

I remember being in high school in 1964, in the eleventh grade, and wondering how I was going to lead my life. It was clear to me that, in order to survive in this society, to have any kind of career, or anything like that, you had to follow the rules. You had to get married, you had to have children, you had to not have sex. You had to appear as virginal as possible until you got married, and then you weren't supposed to like it very much, and all this sort of thing. I was a person who read aloud from the book **Love without Fear** every morning in the homeroom to the girls, much to great delight. You know that book, **Love without Fear**? It's a sort of how-to sex book from the nineteen fifties — fascinating book. Those who ever saw **Love without Fear** will know it well; it's very nasty. The parts that were the most fun to us, of course, were the parts about the young man who goes to the prostitute and the bad thing happens to him. He can never have sex again and, you know, stuff like that. Anyway, it was basically a "how to be a virgin" kind of a book — tips for teens. So I used to wonder how I was going to survive, and then I got to college.

I think that people were ready to reject the kind of lives that they saw their parents having. I certainly looked at my family, and I thought that that kind of monogamous structure might be interesting down the road, but certainly in the short term it was not anything that I had an interest in at all and I wasn't even sure about down the road, in fact. When I was in high school, I used to go around and say, "Oh, I'm not going to get married; I'm just going to go around and have affairs." I kind of said that lightly and blithely, almost as a joke; and here I am doing exactly that.

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And, in fact, it's extraordinary, when you think now, what changes in terms of permissiveness and understanding have happened. But in those days, no writer could sit down at a typewriter and write, literally write, a love scene which involved lovemaking. He couldn't permit himself to think about the actual moments of lovemaking, because he knew he couldn't write something that would be published. It wasn't even a question of language to begin with. Even if he had found some way around the problem of describing it, it wasn't possible. Henry Miller was the first man who actually did this, very deliberately; and, of course, he wasn't permitted in the end. When we finally published that, there was a great deal of literary censorship.

That era had all the qualities of a good smoke, a good lay, a good drink.

I remember people trying to talk about sex openly for the first time, and people discussing sex openly. You know how nice it was to actually talk about it, as opposed to never talking about it, because, of course, if you mentioned it, anything about it, you lost caste, and nice women didn't do that. And so there were a lot of articles about how to have sex, how to have orgasm, what an orgasm was, whether there were two, whether there were three, whatever it was; and then it was permissible to actually talk to men about sex. And I must say that I think that's something that will never come again. In the sixties, people talked about sex to each other with great ease, which is odd, since they had never talked about sex. But once the cat was out of the bag, it was perfectly natural and easy to turn to somebody that you were having sex with and say, "You know, this is not going well. And I'm not really enjoying it so much. So what can we do to fix it up and . . ." You know that was, all of a sudden, a kind of cultural thing, you were allowed to do that, and people did it. There was also no reluctance to tell a man right at the beginning what you preferred in sex. In fact, it was almost the way that you did it, because we were all so open, supposedly, that you could just come right out and say, "I'd like you to do this, you know," and then if he got upset, he was a jerk; he was not one of you; he was not a fulfilled man. People had conversations about their intimate sex lives with each other, and with others all the time. Then, it's funny, because those ranks closed about 1975. Suddenly you didn't do that anymore. I mean, if you turned to somebody and said, "You know, you're not giving me enough orgasms," it's suddenly grounds for vendetta forever from the other person.

What happened to me in the sixties was women got together and had consciousness-raising sessions. I was in several of those, and they were all wonderful. We talked about our lives, and we talked about sex and men and marriages and so on. At that point I had just separated from my second husband, and I was very eager not to be involved in a group with a majority of married women, because, at all costs, I wanted to avoid getting married again. I was terrified of being contaminated if I were around too many married people.

It turned out that one of the women in my group was a lesbian, which absolutely fascinated me, it turned out, because I was eager to find out what the whole experience was like, which I did, and then lived with her for about six years. What was significant was that there was an atmosphere of acceptance at the time. I was already rebelling by being part of all these political groups, and I was rebelling against male sexism by being part of the women's movement. Consequently, getting sexually involved with women at that time didn't seem like a rebellion. It didn't feel like a defiance, like a lot of other things I was doing did. Of course, it was. It's just that it didn't have that quality for me. It felt comfortable for me. Everybody knew about it. It was no secret; it wasn't anything I was trying too hide. I was never a flag-waving lesbian either. There was a whole sexual permissiveness at the time that made that permissible also.

When you were talking about "consciousness-raising groups," you were talking about people who were just trying to get themselves to say things for the first time, who needed the help of other women. I mean they had probably never talked to other women. My grandmother, for example, says that she never made any other girl friends. She was in retail, and you just didn't make friends, especially girl friends. Why would you want to? Every woman was with her man, and that was it. So the idea of getting a bunch of women together to talk was just an amazing idea. No one had ever considered this possibility before — to talk about problems. But I always think that in the beginning consciousness-raising was

really about being able to talk at all. It was really so exciting to go sit down with a bunch of women and go, "So, did you get laid last night?" Everybody would just be so **excited** that they were talking about it.

The sixties for me was a very portable time, a time filled with a spiritual force which sustains itself. Whenever you ask who you are, or try to place yourself in American culture, you always have to go back to the sixties for a reference, because, I think, at that point the society was more desperate for definitions. There was more of an edge for the possibilities not only of change, but of self-discovery. I think people were fortunate to be part of that era, because it was mad, reckless. It had all the qualities of a good smoke, a good lay, a good drink.

Today, I write novels. One of the ways the sixties mean a lot to me as a writer is I think of them as the same as the eighteen forties, fifties, in Russia and Europe. That was a time that opened up possibilities for Russians and Europeans; it was as if a new democracy, a new age, a new social order came into the world. It gave enormous hope to make a new society. The same thing happened to my generation.

The young people in the sixties thought they would change the world much more than they did and thus now feel disappointed. They now think they were wrong, and they laugh a little at themselves when they were younger. Now I feel they underestimate what they did.

When I look back at the sixties and meet anyone from my generation I feel a special bond. I think of it as the "hip head" — the ability to look at a situation from any one of a dozen angles and have them all be true. There are a dozen ways of looking at each thing. The great thing about the fifties was there was only one way to do things.

I think a great contribution to the language was a term mentioned earlier, which is consciousness-raising. It speaks directly to the idea that your level of awareness can be lifted. I think once your consciousness is raised, it can't be possibly lowered, except for something like brain damage, maybe. You can't forget things. That was something that I think happened to all of us in the sixties was our level of consciousness about a whole variety of issues was raised.

I think it's important not to render the sixties nostalgic. What I fear terribly is that the sixties have become a kind of exaggerated. . . . They were a terrible time in many ways. People got hurt terribly. People believed a lot of nonsense, which hurt themselves. It was a period of chaos and dismemberment with a lot of hope, with very little constructive residue. People who lived in it, somehow, as they grow older should really discipline themselves from talking about it as a significant historical entity. I refer back to people who were active in the thirties, who have romanticized the politics of the thirties, are insufferable to us; and I think there's a danger that that can be repeated.

What is truly special about the sixties was that, to those involved in it, it suddenly seemed that anything was possible, that history was not a millstone around your neck. It was extraordinary to discover, in fact, that many people didn't even care about history, that history could be discarded, or so it seemed that way. There was this heady moment when anything could seem possible of achievement, that all the rules and laws of the past as to how history is composed could really be thrown overboard. It was an insane moment, but fascinating. It lasted for perhaps three years, four years, and then it turned sour, gradually sour. There was a great deal of infighting among the people who were creating the changes. Is that what really happened, as I remember it? It was a long time ago, twenty years.

I don't think the sixties actually have stopped. I think the reason I would say that is that the only chance we have now, if we have a chance at all, in our national life and our international existence, is because what happened in the sixties happened in the sixties.

Roz Baxandall

Leon Botstein

A. D. Coleman

Maureen Connor

Elizabeth Diggs

Finvola Drury

Maria Irene Fornes

Ray Gallon

Sorrel Hays

Joe Johnson

Fred Jordan

Jeremiah Kaplan

Jerome Klinkowitz

Margaret Sipsey Kornfield

Richard Kostelanetz

Ralph Larkin

Leonard Lopate

John P. Morgan

Mary Peacock

Donald Porter

Emily Prager

Alan Rosanes

Gerald Rosen

Irving Sandler

Z

Myles Tierney

Mr.X.

Sol Yurick

Memoir

Present at the Creation

by Don Meinshausen

1969 was a strange time — a man had landed on the moon, and the Mets won a pennant. A great time for the birth of a new political movement.

I am a single, straight pagan, and a member of the Unitarian Universalist Church. I have been a part of the libertarian movement for more than 30 years. What follows is my account of my place in the birth and maturation of the libertarian movement.

I was a Goldwater activist when I was 13, and two years later I attended Ayn Rand lectures. When I was 19, as a member of Young Americans for Freedom (YAF), I submitted the idea of having a panel at a YAF regional convention showing the conservative-libertarian spectrum: Henry Paolucci, former Conservative Party candidate, as the traditionalist; Frank S. Meyer, ex-communist writer for *National Review* who proposed a fusion of traditionalism and libertarianism; Jerome Tuccille, then an Objectivist; and Karl Hess, who, in his then recent *Playboy* article "The Death of Politics," took the view of libertarianism as being closer to the New Left than to conservatism. The debate made an impression on me and many others who later became libertarians. It was here that I first met Karl, and Murray Rothbard, the Karl Marx of Libertarianism. It was here that the East and West Coast leaders of YAF first met to plan to organize a libertarian caucus.

Later I met with Karl and his son to form an anarchist caucus within YAF to anchor the new libertarians to a consistent position. I strongly suggested that we introduce a resolution for YAF to support draft resistance. Although YAF supported abolishing conscription, draft resistance was especially unpopular with its funders. YAF was not only a training ground for future conservative leaders, it also pushed to fight the New Left as well as support the war in Vietnam. These were extremely unpopular positions on campus.

I was a spy for the House Un-American Activities Committee (HUAC) within Students for a Democratic Society (SDS) during all the time I was organizing libertarians within YAF, and the other libertarians knew it. I had decided to become a spy within SDS to learn why SDS had become much more popular than the Right. After all, if I was going to be a radical for capitalism, I had to learn whatever I could about becoming a radical. Giving information to the government, which I later regretted, was a way of covering myself in case I later wished to work within the system.

I had the right costume for the part: granny glasses, long hair, moustache, work shirt, and jeans. Instead of the U.S. Army surplus field jacket, I wore a West Point tunic jacket that I got from my brother after he graduated from West Point. Some SDSers objected, calling me a political transvestite or a multi-party personality, but since I was considered cadre I felt I was entitled. Anarchist theorist and Spanish Civil War veteran Murray Bookchin, in his brilliant essay "Listen, Marxist!" has an interesting theory for this tired attire. A revolution tends to copy the one immediately preceding it. The uniform thinking as well as clothing was a faded copy of the union organizing of the 1930s when the American Left made its greatest mark on history. Murray Bookchin once spoke to an LP convention, and his presence

on the anarchist Left was a mirror image of Murray Rothbard's in the libertarian movement. He thundered against the attack on Western civilization while maintaining his radicalism just like Rothbard.

Just after I had first met Karl Hess and Murray Rothbard, I was invited to join them in Rothbard's famous living room where I met some of the leading lights of early libertarianism: Joe Peden, Leonard Liggio, Roy Childs, Jerome Tuccille, Walter Block, and others. These gentlemen knew that I was part of SDS, but did not know that I was spying on it for HUAC; they assumed that I was a typical New Leftist. "So we hear that you are a member of SDS, Don." chirped Murray approvingly. "Off the pigs," said Walter, encouragingly. I visibly winced. I had heard too much of this rhetoric before and was surprised to hear it here. Murray noticed my discomfort and said, "Don't say that, Don might think we're cops. We are going to have an experiment, and Don, you are going to be the guinea pig. We are going to try to convert you to free-market anarchism." Murray and the others then explained how a commune might trade handmade sandals for home-grown rice, how money would evolve, and how the evolution of markets would result. Needless to say they were successful, but I sure wished that they had proceeded from a different direction. I decided at that point to reveal that I had some knowledge of what they were saying without disclosing who I was. "You know, this sounds an awfully lot like Ayn Rand," I said, thinking that my comment would be received positively. "That right-wing bitch, forget her!" yelled Murray, greatly revising my image of Rand as the radical for capitalism.

Just after I had first met Karl Hess and Murray Rothbard, I was invited to join them in Rothbard's famous living room where I met some of the leading lights of early libertarianism.

To establish my credibility within SDS, I created my own chapter, was elected head of it, and helped lead the takeover of a building on my campus, Essex County College. It was a racially mixed, radical community college in Newark, N.J., a city where major riots had just occurred. The elected president of our student body was a black Muslim draft resister. One assistant to the dean actually tried to have me beaten up by Italian working-class youths, who later told me of his plan. To further illustrate his cravenness, the dean told me that I could not set up a literature table because no rules for this had been established. He even told me I could not start an SDS chapter because no national organizations were allowed on campus. I set up a Students for Peace group instead.

People have asked me what kind of information about SDS the government was looking for. My handler, an ex-communist, always asked me who was calling himself a communist. I told him since the government was calling them communists they were calling themselves communists as a badge of honor.

Be careful of political experimentation in difficult times. In the autumn of 1968 the SDS and the Black Panthers decided to have a rally, perform guerrilla theatre, and march to protest the war and the lack of choice in the upcoming elections. I got together with my friends in YAF and we planned a genteel theatre critique. Boy, did we underestimate the situation. A bunch of the Italian students joined us and they did not like student radicals. During the march a general melee broke out. At one point five of these students tried to attack me. A black student who I had just made friends with a few days before pulled out a knife. Fortunately at this time my friends in YAF intervened. There is a photo of two groups of students attacking and defending me while I lay on the ground in a fetal position with my mind screaming, "What am I doing?" The police arrested the black student. I went to his trial, where the judge was nice enough to drop the charges. There are things that one learns in real life that one does not learn in books.

Later the college's administration tried psychological warfare. At a student leadership development conference students were required to fill out forms that asked us who we would trust in a crisis, etc., so that they could undermine and divide us. At one point the school psychologist sat within our discussion circle just to show how intimidated we were by authority. We learned our lesson well, and his removal became one of our demands later that spring.

In my role as SDS activist on campus, I did what I thought a conscientious activist should do. Student power was the expression of the belief that people should have influence on the institutions that shape their lives. After all, we were supposedly trying to learn how to participate in a democratic society. I was also involved in a struggle to protect basic civil liberties like freedom of assembly, press, and speech. As Students for Peace we confined ourselves to national issues such as opposition to the war, the draft, and the marijuana laws. Some SDSers from Rutgers and Princeton looked down on us because our actions were not oriented to the working class; they thought it was mere student power and petit bourgeois. What really pissed me off was their "Well, we created a civil liberties issue but it was a good idea anyway" attitude. They were apologizing for the very liberties that protected their politics.

"So we hear that you are a member of SDS, Don?" chirped Rothbard approvingly. "Off the pigs," said Walter Block, encouragingly.

The situation in the late '60s was similar to today's: an unpopular war abroad, an unpopular drug war at home, widespread government spying on its citizens, a Republican president mired in scandal who repudiated the conservative ideal of limited government, and the ensuing damaged economy. The campuses were in turmoil. Rallies of 500,000 were

mounted to oppose the war in several cities. Add in the civil rights struggles, the rise of rock music, the sexual revolution, the adolescent baby boomers, and the cultural ferment fueled by marijuana and psychedelics, and you can understand how we were radicalized.

As an experiment to see how white, working-class youth would respond to radical arguments, I arranged for the National Lawyers Guild to address my group on campus. It was loud and passionate, definitely something that was not part of the accepted academic style that allowed students to snooze in peace.

One fear that these students had was that if the school were closed or they were kicked out, it would mean that they could be drafted and sent to Vietnam. This college was also a possible means of entry into the middle class. Since I came from a blue-collar background myself, and with my brother a lieutenant in Vietnam, I could sympathize with their plight, even if it was exaggerated. Neighboring classroom instructors complained, and I went to the dean and was told that I was to face a disciplinary hearing. I then told the NLG of this fact and they immediately produced a brief as well as legal representation and we had a meeting with the dean. My law student advocate asked what the rule was that I had supposedly broken. Was I entitled to legal representation? Was I entitled to a jury of my peers? You get the idea. The dean blanched, took me aside and told me that he would drop the charges.

There was another incident that nudged me in a libertarian direction. One student came up to me wearing a U.S. Army jacket and told me he was a Vietnam vet. "Oh no!" I exclaimed. How was I going to explain myself? He saw my discomfort: many people thought that the returning veterans were pro-war, but the truth was quite different. He was in a combat unit that encountered land mines and came under sniper fire which appeared to come from nearby villages. They would go into these villages and no one would or could tell them who was responsible. Without such cooperation a military unit becomes oppressive no matter what the original intent was.

Later we formed a coalition composed of Italian working-class youth, hippies, and blacks. We discovered that out of 33 administrators only one was black, in a college with over 40 percent black enrollment. We also discovered that many instructors had been removed from other colleges due to incompetency. That spring we joined our more established scholarly comrades at more reputable institutions in the spring rite of a building takeover; all our demands were met and we celebrated in a feast paid for by the college. The manipulative administrators were removed, a black studies program was implemented, needed safety procedures were installed, and most importantly the students got a lesson in grass-roots organizing they would never forget. Mark Rudd, who became a leader in the Weather Underground, told me that what I had done was going to be a model for working-class organizing. (I wonder whom he was working for?)

"You know, this sounds an awfully lot like Ayn Rand," I said. "That right-wing bitch, forget her!" yelled Rothbard.

I attended the SDS convention in June 1969, still a spy, unknown to those around me. Who were these people? Liberators, malcontents, or the next set of tyrants? I approached this woman dressed all in black, Leslie Fish, a Left-anarchist who was also at the time (I later found) a member of the "Benjamin Tucker up against the wall motherfucker" chapter of YAF, as well as an SDS leader who helped lead a takeover at the University of Michigan. I asked her, "What book was it that radicalized you?" She replied, "*Atlas Shrugged*." I immediately did a triple mental back flip and told her, "But I have heard from the highest authority that this is a right-wing book!" She then explained that *Atlas Shrugged* was a story of a technocratic revolution in which the pigs definitely get offed. "You know, I never thought of it that way before," I said, realizing at that moment that Rothbard, master of libertarian revisionism, had just met his match. 1969 was a strange time — a man had landed on the moon, and the Mets won a pennant. A great time for the birth of an unlikely new movement.

After attending an SDS convention and bringing back armfuls of radical verbiage, I asked my HUAC handler what he thought was most important. He said that the resolution calling for legalization of marijuana was noteworthy. I said nothing because I had, a few months before, introduced such a resolution at the YAF convention. He then told me that the most subversive document that I had retrieved was not anything that called for support for the Viet Cong, for civil disobedience, or even for a revolution; the most revealing of radical perfidy was a pamphlet called "The Myth of Vaginal Orgasm." He also wanted me to get more copies for the Chicago Red Squad (perhaps for nighttime reading?). He then told me it showed that the then budding women's movement was nothing more than a bunch of lesbians who wanted to take over "our" women.

Male chauvinism was rampant in the New Left. I remember that during the 1969 SDS convention a Black Panther speaker commented that the correct position for women in the movement was on their backs. "Fight male chauvinism!" yelled the Progressive Labor Party (Stalinist) faction. "Fight white racism!" stormed the incipient Weather (Stalinoid) fac-

"There were three amnesiacs waiting to see you, Doctor, but they all wandered away."

tion. Talk about radical one-upsmanship. Later, the SDS split, the Stalinoids chanting, "Power to the People!" and the Stalinists chanting, "Power to the Workers!" I had wisely retreated to the balcony, joining the anarchists, the Bavarian Illuminati, and the Justified Ancients of Mummu in chanting, "Let's go Mets!" I'm not a baseball fan, but if I am forced to make such decisions, I may as well back a winner.

Another government investigator complained how difficult it was to infiltrate the new radical youth groups since they were so spontaneous. This was in contrast to the Communist Party, which had a more conservative style and wardrobe and could be relied upon to follow the Kremlin's orders. This confounded him, and perhaps this is why he later became a major investigator of the Watergate affair. There may be a lesson here somewhere.

The next day I went to the rump caucus meeting that later became the Weatherman faction. They were putting together a manifesto that declared that everything that an American owned was the product of imperialism and that there was no hope for revolution in white America. The only thing that they thought could be accomplished was to disrupt the U.S. so that the Third World could achieve independence. The term Weatherman did not come from the term "whether man or beast" but rather from a Bob Dylan song: "You don't need a weatherman to know which way the wind blows." We met in a church that had posted on its front an appropriate verse for the day. "There are ways like unto a man and these are the ways of Death." Seeing how things were going, I later volunteered to help defend the national office from a possible takeover by the Stalinist faction. I arrived to find people cowering, peering from under a window, holding clubs to defend a ratty old office. Things were going from bad to verse as the following running doggerel written by Leslie Fish suggests:

Praise Mao from whom quotations flow
Break windows where ere you go
Let rhythmic chants all thoughts resist
Just shout Right On and raise your fist! (Amen)

Libertarians were opposed to both the welfare state and the warfare state. The next stage was the acceptance of civil disobedience as a tactic. This question was dramatically faced at the 1969 YAF convention, held in St. Louis over Labor Day weekend.

Male chauvinism was rampant in the New Left. I remember that during the 1969 SDS convention a Black Panther speaker commented that the correct position for women in the movement was on their backs.

The YAF anarchist caucus could not arrange to meet at the convention hotel, so we decided to meet at the 600-foot-tall Arch, St. Louis' most famous landmark. Karl Hess, the most charismatic figure in the libertarian movement, spoke passionately about freedom, the war, the draft, and how liberty contracts when government expands, whether it is the welfare state or the warfare state. He walked among the crowd of libertarians and conservatives, all of whom had been inspired by the words that he wrote for Barry Goldwater. He was characteristically warm, spoke simply and wisely, and never got angry or talked down to people.

We shouted out our slogan, "laissez-faire." The conservatives responded with "lazy-fairy." We had a gesture of one finger upraised — no, not that finger, but the forefinger — which stood for individualism and meant we were not afraid of standing up for our beliefs. The conservatives said that in order to show the true shade of our beliefs we should show the pinky.

I was a spy for the House Un-American Activities Committee within SDS during all the time I was organizing libertarians within YAF, and the other libertarians knew it.

Back in the convention hall, the traditionalists denied libertarian delegate credentials and purged libertarians from positions they held in the organization. It was apparent that YAF was not going to accept, let alone adopt, our positions. We felt a strong need to show the contrast between libertarians and traditionalists. We needed ceremonial magick that would incorporate the Statue of Liberty (America's goddess symbol) with the trademark of the radical sixties. Public draft-card burning was a way activists had protested the war and the draft, so we decided to use it as a dramatic symbol of our discontent.

I approached David Schumacher, then a Princeton student and now a rancher and executive, who agreed to burn a facsimile of a draft card. (Draft-card burning was a felony at the time, and none of us really wanted to spend five years in the big house.) Durk Pearson, now a researcher and author on life extension, provided the needed copy of a draft card, and Jarrett Wollstein, then as now a libertarian pamphleteer, provided a lighter. At the moment of the defeat of our draft-resistance resolution, David lit the draft card and held it up as the living embodiment of YAF's logo, the Torch of Liberty (from our Goddess of the NYC harbor).

Conservatives were outraged and a melee erupted. At that moment, the libertarians realized that we needed to declare our independence from the conservative movement and form our own. Many view this as the exact moment the contemporary libertarian movement was born.

I did not burn the draft card because I had pissed off the conservative movement earlier that month by my testimony at the House Internal Security Subcommittee (formerly HUAC). I told the committee that in the process of investigating SDS, I had discovered a much more dangerous organization that had destroyed much more property and lives than SDS ever could and that this organization was the United States government. Now the committee was used to handling hostile witnesses. In fact, radicals were proud of being subpoenaed; they called it subpoenas envy. What really pissed off HUAC was that I was supposed to be a

Famous People I Smoked Pot With

Unfortunately, in the eyes of the law, the fact that my distribution of drugs has brought pleasure to many and harm to none is of little consequence. So is the fact that many cultural icons, creative, capable, beloved people who have contributed greatly to American society, have used drugs. Some of the people that I have smoked pot or done other drugs with are quite well known. Since the following people are dead, I can reveal their names.

Karl Hess — Chief speechwriter for GOP presidential candidate Barry Goldwater and ghostwriter for Nixon and Ford — and not to be redundant, a Mafia crime figure. He wrote the 1960 Republican platform. Karl was the subject of a documentary that won an Academy Award. I have a video of him with Robert Anton Wilson, famed science-fiction writer and philosopher, that was made at the 1987 Libertarian Party convention.

Timothy Leary — Famed former Harvard professor and software designer. While known for his advocacy of LSD, he also wrote the first paper on group therapy and devised the Leary Personality Test, which has been used in prisons. I produced an event with Leary and Wilson called "From Psychedelics to Cyberspace" that introduced virtual reality to New York City in 1990. This event attracted over 1,300 people as well as coverage of over 50 media outlets, including the three major television networks, and got a front-page story in *The New York Times*.

Terrence McKenna — Author of *The Archaic Revival* which postulates that psychedelic mushrooms were the first domesticated plant. He also founded a botanical preserve of plants used in shamanic preparations used all over the world.

Spalding Gray — Actor in almost 40 films including *The Killing Fields*. His famous monologue "Swimming to Cambodia" is based on his experiences in that film, a history of the genocide done by Pol Pot and his receiving aid from the U.S. Spalding also freely admitted his use of psychedelics. Recently *The New York Times* had a full page article on him calling him the greatest monologist of our time. He was also the subject of a cover story in *New York Magazine*.

Allen Ginsberg — Poet laureate of the '60s and author of "Howl" and "Kaddish." He led Buddhist chants at peace rallies to help mediate (or meditate) an end to the Vietnam conflict. He was known for bringing the war "om." I met him at a fund-raising party and told him I admired his poetry. "Will you give me a blow job?" he responded. Poetry for Allen was a sound way of receiving oral gratification in one sense or another. Alienated entertainers of the time developed their talent in a selfish though honest search for a groupie to get into.

Andrew Kopkind — New Left writer and editor of *May Day* and *Hard Times*. He taped a talk of mine and printed it in his magazine. That was nice since I never did that for him.

Walter Breen — Husband of and researcher for best-selling author Marion Zimmer Bradley. He was an accomplished author in his own right, on humor, ancient Greece, classical music, and the occult. His encyclopedia of American numismatics made him the leading authority in that field. He agreed with my theory that each rise of statism in America was marked by the physical and image debasement of its coinage. Walter and I attended a psychedelics conference together.

Abbie Hoffman — I confronted him about his cocaine dealing at his coming out from hiding party, saying that he brought dishonor to all of us who counseled people to stay away from hard drugs so that we could show the public the distinction between the relative harmlessness of the marijuana culture vs. the deadly, paranoid cocaine culture.

Jerry Rubin — Author of *Growing Up At 37* and former partner of the political/comedic Abbie Hoffman, whom he debated at yippie vs. yuppie debates. I met Jerry at one of his famous networking parties (there were 3,000 people attending) when he was a stockbroker. I told him about the legal "smart" and life-extension drugs designed by Durk Pearson and Sandy Shaw. This former yippie ended up working for former YAFers Durk and Sandy as salesperson for their products.

Steve Donaldson — Former Goldwater activist, Navy vet, noted pre-Stonewall gay activist, and head of Stop Prison Rape. He was the subject of a documentary on *60 Minutes*. While in prison he was raped as many as 50 times in one night and yet never had any hatred for those responsible. A true saint with a punkish sense of humor. It was an honor to give him marijuana while he was in the last stages of AIDS which he got when raped in prison.

Ron Crickenberger — Former political director of the Libertarian Party. He was once arrested for possession of marijuana and was involved in protests against the drug war.

Remember, these are only the dead ones, whose anonymity no longer needs to be protected. I also smoked pot with three people who wrote speeches for Ronald Reagan; Congressman Dana Rohrabacher, who has admitted that he "drank the bong water" and has submitted medical marijuana bills; and Ron Kimberling, who actually authored a libertarian position paper calling for an end to the drug war and later was Assistant Secretary of Education, and is now executive director of the Ronald Reagan Foundation, which administers the Reagan Presidential Library. Another future GOP leader I smoked pot with was Shawn Steele, who later became the chair of the California Republican Party. All of these were members of our libertarian caucus of Young Americans for Freedom. It is a truism of that time that a conservative who smoked pot soon became a libertarian. It is also a fact that many of us who did LSD evolved into anarchists. Maybe this is the real reason for Reagan's War on Drugs and why I joined the opposition.

friendly witness.

So in one short season, I helped lead a building takeover, told my draft board to fuck off, was kicked out of SDS and YAF for being an anarchist, broke up the conservative movement, did LSD again, went to Woodstock, and lost my virginity. It is too bad I never could find a way to get academic credit for it. I never told HUAC about my libertarian activities, and as far as I know no one got in trouble because of my spying, except for my HUAC handler.

SDS split. The Stalinoids chanted, "Power to the People!" The Stalinists chanted, "Power to the Workers!" I chanted, "Let's go Mets!"

In 1970, I had a show on WBAI, the radical radio station in New York, called "The Left and Right of Anarchy." I participated in anti-war events and the McGovern campaign, though I cast a write-in vote for John Hospers. I was also involved in the Radical Libertarian Alliance. We took an extremely left-libertarian approach to stop our new movement from drifting rightward as well as to make inroads on the Left. We had a magazine called *Outlook*. One of the editors, Louis Rossetto, went on to become the founder and publisher of the cyberculture magazine *Wired*.

I organized the first libertarian tax protest with guerrilla theater at the Federal Building in New York City in 1972. I also helped in organizing and filming state income tax protests in New Jersey, including one with over 10,000 people in 1976. I believe that taxpayer organizing will be to the libertarian movement what union organizing was to the Left. The difference is that our efforts will result in an immediate profit for the population involved. With union organizing, this has not necessarily been the case.

From 1973 until about 1984 I worked almost continuously on ballot drives for the Libertarian Party, collecting over 1,000 signatures a week (500 in one day is my record). I also helped in campus organizing and ran for office. In New Jersey I was given a life membership because I had gotten over 300 signatures to put us over the top on the last day.

I live in Hoboken and was once involved as an opposition research and volunteer coordinator in a coalition that elected the eccentric, atheist, Adlai-Stevenson Democrat Tom Vezzetti as mayor. This man was described in the *New York Daily News* as the wackiest mayor in America (circa 1985). I was part of a group that put together a coalition of yuppies, Italian working-class people, Bohemians, Hispanics, blacks, Republicans, and Democrats to oust a machine politician who had been there for many years.

In 1987, I was arrested for sale of LSD and later that year, while on bail, organized "An Evening with Karl Hess and Robert Anton Wilson" for the 1987 Libertarian Party convention. While in prison, through the help of my attorney, I got the LP to accept my idea of a "roast" for Karl Hess. We even invited Barry Goldwater, who declined for health reasons. I got out of jail in time to watch the fall of the Berlin Wall on TV and to roast Karl at the 1989 LP convention.

I attended this year the largest annual leftist gathering, the Socialist Scholars Conference. Even though this is an election year with an unpopular war, attendance continues downward. The reason, I believe, is that people who in previous years would become Marxist are now finding more libertarian ways. I had an Operation Politically Homeless table at the conference. I did something new in asking participants to choose a color dot that stood for their chosen ideology; red for Marxist, yellow for social democrat, green for Green and blue for other. What resulted on the diamond chart was a left crescent with over half scoring in the top half but no color pattern. There was a friendlier reaction than I anticipated, and everyone liked the Fully Informed Jury Association brochures.

I organized a panel of people involved with unions buying out their companies using Employee Stock Ownership Plans. Professor Joseph Blasi, who chaired the panel, was appointed by the United Steel Workers to the board of directors of Northwestern Steel and Wire which the union had taken over. Another panel member was helping privatize companies in Yugoslavia. Another had been a union organizer and became an investment banker, using that position to help unions.

Any leftist who owns equity is part of the way to libertarianism. There are probably more industrial workers involved in ESOPs than in labor unions. Some of the largest corporations in the U.S. have ESOPs. If ESOPs and socially aware investment funds controlled the largest firms then opposition to deregulation, privatization, and lowering high taxes would greatly diminish.

I am not completely "left brained." I have been a delegate to the American Independent Party and Populist Party conventions to see what was going on. I found out that these groups, too, were in decline. Perhaps as a result of my past I like to blend in so that I can get a different perspective as well as drop a few libertarian asides. I even attended a Christian Coalition conference and was pleasantly surprised to find out that there were other libertarians there, even on the panels. No, I did not get into any discussion of my version of the "old-time religion."

In one short season, I helped lead a building takeover, told my draft board to fuck off, was kicked out of SDS and YAF for being an anarchist, broke up the conservative movement, did LSD, went to Woodstock, and lost my virginity.

On March 12, The War on Some Drugs caught up with me. I was arrested for dealing in illegal substances. I have since pleaded guilty to federal charges of conspiracy to distribute some 3,000 hits of ecstasy and state charges of conspiracy to distribute over 20 pounds of pot. My federal and state sentences are to be served concurrently and consist of 42 months in a state penitentiary. For now, I am under house arrest and must wear an electronic monitoring bracelet. It is

rumored that these may soon be available to the public with bands designed by Swatch.

I have never had a drug problem, except for sugar, the true gateway drug. Sugar can cause drowsiness at inappropriate times and can incite anger, not a good thing for activists. I have asthma and am diabetic. My blood sugar is under control and I do not need insulin. I am under care by a natural physician who was personally recommended by Gary Null. My nutritional supplement bill runs to several hundred dollars a month, and I am very concerned about the threat posed by S. 722 (the Dietary Supplement Safety Act of 2003) and the Codex Alimentarius (a commission created by the World Health Organization and the Food and Agriculture Organization of the UN) to our right to supplements. The alternative health community should be high on our list of marketing opportunities.

While I have witnessed a lot of drug use, I have confined my use and sales to pot and psychedelics. I explain this as a karmic connection that I feel, in that if a seller knowingly sells something bad, it is visited back upon him; and in the same way, the sale of something good comes back to the seller to benefit him.

In 1993, I conceived and helped organize a ritual to help recharge the goddess who stood at the center of power in Washington, D.C. On top of the Capitol Dome stands a goddess who was suffering terrible decay. Considering all the fetid hot air around her it was obvious she needed renewal. When she was taken down for refurbishing the group held a ritual to recharge her. Unbeknownst to them, at the same time in a different part of the Capitol building, the Masonic Order, also dressed in ritual garb, did a ceremonial relaying of the cornerstone. Scoffers may call it a coincidence; I call it a coinci-dance. As above, so below.

In Nashville, there stands a full-size replica of the Parthenon with a 42-foot statue of the goddess Athena inside. I made a pilgrimage there, and she told me that she wanted a celebration honoring her. Athena is the goddess of reason, justice, and victory as well as the deity who presided over the Golden Age of Greece. I arranged with the Church of All Worlds (the name comes from the church in Heinlein's *Stranger in a Strange Land*) to rent the Parthenon for an evening and to revive the Panathenia, a festival honoring Athena after a 1,600-year hiatus. As in the original, the group honored her with athletic contests, seminars, music, dance, dramatic readings, and a Greek feast, all in costume. It got a good review in *Gnosis* magazine.

On March 12, the War on Some Drugs caught up with me. I pleaded guilty to federal charges of conspiracy to distribute some 3,000 hits of ecstasy and state charges of conspiracy to distribute over 20 pounds of pot.

I have also participated in ceremonies honoring the ancient ones in old temples, some of them thousands of years old, in Luxor, Egypt as well as in Angkor Wat, Cambodia; Pattani, Thailand; Mexico City; and Bali. ❑

Reflections, *from page 16*

sand. Kennedy finally decided to link increased military aid with stronger pressure for domestic reforms within Vietnam, including a campaign against government corruption. The rest is history.

Even in the best of circumstances, regime change often goes astray due to unintended consequences, popular resistance, and the almost inevitable tension between the installed regime and the regime-makers. Forcing regime change within a culture foreign to our own is a formula for disaster, no matter what the underlying intentions.

Interestingly, Sean Hannity has been one of the few commentators to ask why Ted Kennedy is making comparisons to Vietnam when his own brother was the author of that infamy. Hannity has gone so far as to raise the specter Mary Jo Kopechne. I say to my fellow Fox News commentator, "Don't be immature! That's water under the bridge!" Ouch. On that note of bad taste . . . — Wendy McElroy

Between Iraq and a hard place — President Bush has appointed veteran diplomat John Negroponte, now the U.S. ambassador to the United Nations, to be the ambassador to Iraq. The U.S. embassy in Iraq is slated to be the largest U.S. embassy in the world, with 3,000 employees. That huge an embassy, of course, means that his job, which will in some ways be more like nation-building than traditional diplomacy, will be daunting to say the least.

Some elements of America's intransigent Left have never forgiven Mr. Negroponte for being closely involved, as ambassador to Honduras, in the Reagan administration's efforts to unseat the Sandinista government in Nicaragua in the 1980s. Otherwise, the career diplomat has a solid reputation. The fact that he does not have Middle East experience and doesn't speak Arabic, however, will not help.

I talked to Ed Peck, who was chief of mission (a fussy bureaucratic term that is more or less equivalent to ambassador) in Baghdad from 1977 to 1980. He told me that, like most ambassadors, Negroponte will have little freedom of action and will be closely watched by both the media and second-guessers back home. "I wouldn't take that job for anything," he said — not that he likely would have been offered it, since, having retired, he has been an outspoken critic of Dubya's excellent adventure in Iraq.

Some cynics say Negroponte will in fact be governor general or proconsul of Iraq. However, his position will be more delicate than that.

If the interim Iraqi council is to be useful to the United States, it must have enough real power to convince various Iraqi factions that it is not simply a tool of the American "imperial" occupying army. However, the more power the interim council has, the more incentive Iraqis will have to fight over it, and the more difficult it will be to avoid conflict among factions competing for power. Negroponte will quickly find himself in a very uncomfortable position.

— Alan W. Bock

continued on page 53

Reviews

***Washington's Crossing*, by David Hackett Fischer. Oxford University Press, 2004, 576 pages.**

The Road to Freedom

Stephen Cox

George Washington's army had been marching through the back country of New Jersey for five hours on a cold winter night.

> The wet ground was frozen solid, and the roads were covered with a glaze of quick-frozen ice and snow. An artillery sergeant remembered that many of his men were "entirely barefooted," and here again "the ground was literally marked with the blood of soldiers [sic] feet." The artillery horses also "were without shoes and when passing over the ice would slide in every direction and could advance only by the assistance of the soldiers."

Finally,

> as the first streaks of dawn appeared in the eastern sky, the army came to Quaker Bridge. There suddenly it stopped in its tracks. The bridge was strong enough for Quakers on their way to meeting, but it would not bear the army's artillery and ammunition carts. It was necessary to build another, and a party of axemen and carpenters went frantically to work.

They built the bridge, they passed the river, they found the British army in an orchard near Princeton. The battle was on. During a British bayonet charge, an American officer was shot from his horse, trapped by the onrushing enemy, then mortally wounded by a blow from a musket butt. Because he was "handsomely uniformed," the British thought he was General Washington. He refused to surrender, so "they bayoneted him many times, and one cried, 'Damn him he is dead. Let us leave him.'"

Never forget: that was what would have happened to Washington, if the enemy had caught him. But heedless of danger, as he always was, Washington rode among the troops, rallying them with shouts.

> "Parade with us, my brave fellows! There is but a handful of the enemy, and we will have them directly." Washington led his men straight into the center of the battle, within thirty paces of the British line. He was mounted on a white horse, an easy mark for any British soldier, and yet none shot him.

Even before Washington's victories in New Jersey, armed militia sprang up all around the British forces, harassing, killing, and impeding them.

As the battle progressed, blood appeared "everywhere in the orchard and fields, flowing bright across the icy surface of the snow." But one of Washington's men spoke for many others when he wrote to his wife, "O, my Susan! It was a glorious day, and I would not have been absent from it for all the money I ever expect to be worth." And Washington's men won the battle.

This, the battle of Princeton, Jan. 3, 1777, is but one episode in David Hackett Fischer's story of the turn in America's fortunes during the first six months after the Declaration of Independence. The events began with Washington's withdrawal from New York City in the face of the largest European army that had ever been projected overseas. They proceeded through his retreat across New Jersey to Pennsylvania, the British army's occupation of New Jersey and its hopeful attempt to subdue the state and bring it back into the empire, Washington's epic (re)crossing of the Delaware to attack the British in their frontier outpost at Trenton, his defeat of General Cornwallis' avenging legions at the second battle of Trenton, his successful surprise attack at Princeton, and the destabilization of the British plan to hold America by subduing one vital region after another. First New York, then Rhode Island and New Jersey . . . each section would be conquered and held as a rallying-place for loyalists and a base for future operations.

That was the plan decided upon by the two chief commanders of British forces, William Howe (army) and his

brother Richard Howe (navy), and it failed. Fischer's book is especially enlightening on the various alternatives that the Howes considered. One of the alternatives they decided against was the one that, in this reviewer's opinion, they should have adopted. It was the scheme naggingly urged by General Henry Clinton: go after Washington's army, trap it, and wipe it out. The Howes spurned opportunities to do that, preferring to proceed (Vietnam style?) with more pacific and graduated responses. They didn't work. Clinton's plan appears to have had a better chance of succeeding. It was military common sense, and its wisdom appears confirmed by the countless references in Fischer's book to statements by leading Americans prophesying doom if Washington's force should be caught and eliminated.

On the other hand, the ready response of American citizens to the needs of Washington's army argues that the spirit of independence was much too deeply seated to lose its capacity to raise new armies. Even before Washington's victories in New Jersey, armed militia sprang up all around the British forces, harassing, killing, and impeding them. And although Washington was plagued by the tendency of many of his soldiers to get up and leave when their short enlistment periods ended, it didn't take much to persuade many of them to stay.

The relationship of money and finance to the American war effort is an endlessly interesting subject, and Fischer provides a good deal of information about it. Faced with a mass of soldiers whose enlistments were expiring, Washington appealed to a leading businessman of Philadelphia, Robert Morris. Morris contacted a business friend "and persuaded him to unearth a chest of hard money that Morris knew to be buried in his garden. Morris literally dug up the cash and sent Washington 'two parcels of hard money,' which arrived on New Year's Eve, just in time." The money was spent on $10 bounties for the men who agreed to re-enlist. It was an idea originated by Thomas Mifflin (whose fascinating picture with his wife Sarah, by John Singleton Copley, graces a page of this volume), another wealthy Philadelphian who supported the war financially and served in it himself. Washington thought that $10, the modern equivalent of $1,000, was too high! But he was pleased to put the proposition to his men, and to put it twice, because it didn't work the first time:

> The men watched as Washington "wheeled his horse about, rode in front of the regiment," and spoke to them again. Long afterward, a sergeant still remembered his words:
>
> "My brave fellows," Washington began, "you have done all I asked you to do, and more than could be reasonably expected; but your country is at stake, your wives, your houses, and all that you hold dear. You have worn yourselves out with the fatigues and hardships, but we know not how to spare you. If you will consent to stay one month longer, you will render that service to the cause of liberty, and to your country, which you probably can never do under any other circumstances."

It was a rational appeal to rational interests, both material and spiritual, and it worked. Lest you think that the $10 was a mercenary influence on superficial minds, Fischer adds that the soldiers "were veterans who understood what they were being asked to do. They knew well what the cost might be. One of them remembered later that nearly half of the men who stepped forward would be killed in the fighting or dead of disease 'soon after.'"

Your heart stops when you read that. It's something that happens frequently during the reading of this book. It is a big book, distinguished for its plenitude of information on obscure subjects that turn out to be interesting and, very often, deeply moving: the organization of the American and British armies, and of the Hessian soldiers imported by the British (no, they weren't drunks, and they weren't automata, as they have commonly been pictured); the nature, supply, and use of the many kinds of military equipment that the two armies employed; their different styles of leadership; the fate of civilian populations in enemy hands; the giving of "quarter" to enemy soldiers; problems of weather and geography; the reason why Washington would not have simply sat down in the boat during his famous crossing of the Delaware (the boat that he used on that daring voyage would have been full of freezing water). But the best effects in Fischer's story are those that involve the emotions of the participants.

Greatness and courage may be capable only of ostensive definition: you point at such stories and you say: "There they are."

His maps are good — and his plot and characters can never be surpassed.

Soldier John Greenwood, remembering the hours he spent freezing on the banks of the Delaware, after the crossing but before the attack on Trenton:

> The noise of the soldiers coming over and clearing away the ice, the rattling of the cannon wheels on the frozen ground, and the cheerfulness of my fellow-comrades encouraged me beyond expression, and, big coward as I acknowledge myself to be, I felt great pleasure, more than I now do in writing about it.
>
> "Big coward"?

Soldier Stephen Olney, waiting with other besieged Americans before the second battle of Trenton, to see whether the British would break through and destroy them, asking another man

> what he thought now, of our independence. He answered cheerfully, "I don't know; the Lord must help us."
>
> "Cheerfully."

Dr. Benjamin Rush, American courier, getting some rest in Trenton after riding all night on behalf of the cause, waking up to the sound of an alarm gun:

> "I started up, and the first creature I saw was a black woman crying and wringing her hands in my room. She was followed by general St. Clair with a composed countenance. I asked him what was the matter. He said the enemy were advancing."
>
> "What do you intend to do?" Rush asked.
>
> "Why, fight them," St. Clair replied, with a smile.

General George Washington, watching the retreat of his soldiers across the bridge at Assunpink Creek, sitting "his horse quietly beside the bridge" with the horse's chest "pressed close" against the bridge rail, so close to the action that the soldiers brushed the horse and the general's leg as they rushed in a mass to safety. The British and the Hessians were pushing forward, just on the other side of the little bridge.

Greatness and courage may be capable only of ostensive definition: you point at such stories and you say: "There they are."

David Hackett Fischer, the author of this book, is one of America's most prominent historians. He deserves his reputation. In 1970 he published *Historians' Fallacies*, the best introduction to the problems of American historiography, and to problems of argumentative logic, that I know anything about — a work rich in wisdom and humor. In 1989 he published *Albion's Seed*, a searching analysis of the settlement of America by British immigrants; and in 1994 his best book, *Paul Revere's Ride*, a meticulous yet emotionally harrowing account of the first armed clashes between Americans and Britons in what became the War of the Revolution. I believe that Fischer has published only one bad book, his history of the "price revolution" of the 16th century, *The Great Wave* (1996); it's a good subject, but the book is foggily conceived and sloppily written.

In *Washington's Crossing*, as in *Paul Revere's Ride*, Fischer has rehabilitated narrative history, still frowned on in certain academic circles, restoring it as a medium of argument and bringing out the emotion that should emerge from good stories and good analysis. I could wish for only two improvements in this book.

First, in both *Washington's Crossing* and *Paul Revere's Ride*, Fischer discusses the various ideas of liberty that various groups of Americans entertained. In the current book he distinguishes "an idea of liberty as reciprocal rights that belonged to all the people," an idea characteristic of politically active Philadelphians, from three other ideas: "the exclusive rights of New England towns, or the hierarchical rights of Virginia, or the individual autonomy of the backsettlers" or frontiersmen. This is interesting, and I wish he would elaborate on his ideas; but he does so in neither book. I also wish he would respond to the obvious question: if those ideas of liberty were so different, why do we see so many shared assumptions about liberty in the debates of the Continental Congress?

It is a big book, distinguished for its plenitude of information on obscure subjects that turn out to be interesting and, very often, deeply moving.

Second, we need better illustrations. Fischer's book jacket could scarcely be improved, except by enlarging it: it's a glorious color reproduction of most of Emanuel Leutze's deservedly famous painting, "Washington Crossing the Delaware" (1851). The book provides an interesting discussion of the painting and its origin. But the illustrations inside the book, though many, are small, black and white, and so dim that one sometimes cannot make out the features to which Fischer's captions call attention. But his maps are good — and his plot and characters can never be surpassed. ❑

***Perfectly Legal*, by David Cay Johnston. Penguin, 2004, 338 pages.**

Perfectly Naive

Mark Skousen

"Fear is the foundation of most governments."

— John Adams (1776)

John Adams was referring to the tyrannical King George III, but his quotation could replace Oliver Wendell Holmes' as the official motto on the IRS building in Washington, D.C. Taxes are not the price we pay for civilization; rather taxes are the price we pay for *not* building a civilized society. The higher the tax rate, the greater the failure. The lower the tax, the more voluntary, and the more civilized, our society is.*

But such thoughts are foreign to social democrats who say tax minimizers cheat honest citizens in this country by taking advantage of legal loopholes. *New York Times* reporter David Cay Johnston is a perfect example of this naive, distorted thinking. In his new book, *Perfectly Legal: The Covert Campaign to Rig Our Tax System to Benefit the Super Rich — and Cheat Everyone Else*, Johnston makes a simple argument.

The rich are getting away with murder by avoiding taxes through legal loopholes, such as corporate jets, family limited partnerships, charitable trusts, tax credits, offshore trusts, etc. He goes into great detail exposing exactly how sophisticated tax schemes work, with the assistance of tax-protest groups and libertarian organizations such as the Cato Institute and the Club for Growth.

The tax burden on the poor and middle class is high because the rich aren't paying their fair share. Over and over again, he insists, "everyone else in America has to bear the burden of those untaxed dollars."

Therefore, Congress should move quickly to close all tax loopholes and empower the IRS to increase the num-

* See my article, "Persuasion *versus* Force," in the Sept. 1991 *Liberty*, p. 47.

ber of audits.

What Johnston fails to realize is that closing the rich man's loopholes will do nothing to reduce the tax burden on middle America. He fails to understand that closing loopholes and raising additional revenues will simply allow the federal government to come up with new ways to spend more money. As a result, the tax burden will remain high.

The only real way to ameliorate the heavy tax burden of the middle class is to cut taxes so that all citizens of all income levels can take advantage. The only way to reduce the burden of government is to starve it. Supply-siders have it wrong when, citing the Laffer Curve, they urge Congress to cut taxes because, miraculously, it will increase revenues. As Milton Friedman says, "If a tax cut increases revenues, you haven't cut taxes enough!"

Johnston also makes the ridiculous claim that the IRS has been handcuffed by the anti-IRS "bill of taxpayers' rights," budget restraints, and its failure to audit wealthy taxpayers. "Cheating is rampant," he claims. His solution: Congress needs to increase dramatically the IRS budget, hire more agents to audit people, and discover ways that Congress can close loopholes. Johnston's employer, *The New York Times*, has made a concerted effort to expose the latest loopholes and tax tricks, and help the IRS and Congress change the laws.

Closing the rich man's loopholes will do nothing to reduce the tax burden on middle America. It will simply allow the federal government to come up with new ways to spend money.

The IRS seems to be listening to Johnston and the *Times*: Audits increased 14 percent last year, and 24 percent for individuals earning more than $100,000 a year. State and city audits have also jumped. Governments everywhere are hungry for revenues, and what better source than the private productive sector?

On the bright side, Johnston supports the flat tax. The flat tax is a good idea, and the lower the better. Once the tax rates are cut to moderate levels, Congress won't need to close the loopholes. Why? Because with the lower rates, taxpayers and corporations won't have incentives to use exotic loopholes, which are often expensive and time-consuming. That many companies are going offshore, and wealthy individuals are investing in family limited partnerships, selling tax credits, or even renouncing their U.S. citizenship, are telling signs that tax rates are simply too high, and need to be slashed. Johnston and the social democrats just don't get it. Tax avoidance, whether legal or illegal, is an indication of our tax code's efficacy.

Congress has already done this in some areas of the tax code. Now that the long-term capital gains tax rate and the dividend rate have been reduced to 15 percent, fewer investors are engaging in questionable tax strategies to avoid reporting their gains, going offshore, or setting up tax shelters such as variable annuities or defined-contribution plans.

Johnston's sins of commission are considerable, but his sins of omission are appalling. He fails to note the following (provided to me by former Congressman Robert Bauman, now chairman of the Sovereign Society):

1. Each year, taxpayers spend more than $6 billion worth of man-hours trying to comply with the Internal Revenue Code. If you add up all costs of tax compliance (use of accountants, lawyers, and so on), taxpayers pay over $100 billion annually, not counting taxes actually paid. It costs over $10 billion a year just to run the IRS' bloated 110,000-employee bureau-cracy.

2. When the first national income tax became law in 1913, the entire Internal Revenue Code fit into a slim volume of 173 pages. Today, the tax code contains over 18,000 pages of laws, regulations, advisories, and rulings. Forms, instructions, orders, and notices take many thousands more.

3. The IRS can't count. The General Accounting Office reported* that in

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers, and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God bless laissez faire capitalism."

For *The Jewish Debt to the Right*, see Intellectually Incorrect at intinc.org

* GAO Pub. 94–120.

auditing 45 random transactions handled by the IRS, 16 were properly calculated and 29 were wrong, an error rate of 64 percent! Given this abysmal record, it is easy to see why Americans genuinely fear an IRS audit. Johnston does report on the recent congressional hearings concerning numerous cases of IRS abuse. One after another witness came before the Senate Finance Committee in 1997 and 1998 and offered proof of how ruthlessly the IRS can misuse its unbridled powers. According to testimony, the IRS viewed all taxpayers as adversaries, assuming them guilty until they could prove otherwise. It snatched property, seized bank accounts, and turned people out of their homes, often without regard to due process of law. Much of this activity was carried out in secret, with little accountability. Johnston's response? He dismisses these charges and finds little evidence of "systematic abuse by IRS agents." In *Unbridled Power*, former IRS official historian Shelley L. Davis reported that "IRS reform is long over due." □

Once the tax rates are cut to moderate levels, taxpayers and corporations won't have incentives to use exotic loopholes, which are often expensive and time-consuming.

American Experience: Emma Goldman. **Written, produced, and directed by Mel Bucklin. WGBH, 2004.**

Goldman Lite

Richard Kostelanetz

I have long regarded Emma Goldman as one of the great American anti-statists. I maintain a more-than-sentimental interest in anything new that comes to light about her, so I eagerly anticipated Mel Bucklin's 2004 documentary about her that aired on "public television" as part of PBS's *American Experience* series. I was disappointed.

Stylistically, it is a typical product of National Endowment for the Humanities support: a succession of talking heads solemnly filmed against brown-tinged settings which, out of focus, suggest the interviews took place in a library, reflecting the deleterious visual influence of the NEH's favorite documentarian, Ken Burns. Most of these heads belong to professors, members of the academic party, who were subsidized for advising the filmmaker. Their cooperation is required by an NEH whose funding bias is essentially Stalinist, much as Eastern European cultural czars required that Communist Party members be subsidized for their official cultural produce. As a result, the principal images in the film do not belong to Emma Goldman but to the talking heads. Turn off the sound, and you realize that these middle-aged folk could be talking about anything under the sun. Ignore the picture, and you'll hear comments that are often puerile.

The talking heads compensate for the absence of any footage or audio of Goldman herself, which is unfortunate, because she was reputed to be a great lecturer. The most vivid testimonial to her oratorical prowess comes from the American writer Henry Miller, likewise an anarchist, who heard her in San Diego at the beginning of the last century. However, Miller isn't mentioned, perhaps because he wasn't an academic. Nor does the documentary acknowledge my friend Alix Kates Schulman, who edited the best-known Goldman anthology three decades ago and wrote a biography of her. Perhaps not coincidentally, Schulman isn't a professor either. Oddly, this Stalinist operational principle at the NEH has survived administrations both Republican and Democratic, neither apparently aware of the profound subversion of culture they were sponsoring.

A disconcerting insecurity about Goldman's physical appearance permeates the film. Inconsistent still photographs of her face seem to portray different women. As no one comments on these discrepancies, you wonder if the filmmakers watched what they produced. Historian Martin Duberman describes Goldman as physically imposing, while the filmmakers show photographs of her that reveal a short woman, barely more than five feet tall.

What is finally lacking from the film is an afterimage, which is the measure of any visual art, either kinetic or static — the image that sticks in your head long after you've seen the work. Without an afterimage, the documentary is just journalism or, as in this case, mere interviews. Indeed, a stronger afterimage of Goldman appears in Warren Beatty's pseudo-fictional *Reds* (1981), in which she is portrayed by Maureen Stapleton. From Jessica Litwak's one-woman Emma Goldman theatrical performance, which I witnessed a decade ago, I recall an even stronger afterimage.

The soupy generic Muzak behind the speakers in this film is not just awful. Having wondered whether the producers watched the film they created, I found myself wondering also whether they listened to it.

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What mystifies me, especially given the federal government's sponsorship of the film, is the documentary's minimizing her most important achievement in political criticism — discovering early, really early, from a perspective customarily labeled leftist, that Lenin's Soviet Union offered not freedom but a new kind of despotism. Needlessly deported from the U.S., to which she immigrated as a child, she went to Russia soon after the revolution with high expectations. Quickly noting that the Party functionaries had become a new aristocracy, she published two pioneering classics of anti-Soviet criticism, *My Disillusionment with Russia* (1923) and *My Further Disillusionment with Russia* (1924), both of which are still readable. These books weren't mentioned at all. The film also neglected her critical analysis of the Spanish Civil War, perhaps because the producers ran out of money, or because they could find no talking heads to narrate her final decade.

What is finally lacking from the film is an afterimage, which is the measure of any visual art.

The real contribution of the film to the documentary tradition is its unusually frank discussion of Goldman's sex life. Believing early that women should have control of their own bodies, she slept around, as we would now say, and could even be sort of enslaved to a skilled lover. Her enthusiasm, and her tastes, are portrayed in a remarkable dramatized seduction involving the removal of underwear typical a century ago (no bra!) to show bodies that are apparently nude (though partially obscured, perhaps in keeping with the sensibilities of those who produce material for public television) even if their heads and private parts are kept privatized, so to speak.

Elsewhere, the playwright Tony Kushner uses a four-letter word for excrement that is not bleeped or blanked out, even though it is among the seven for which the New York radio station WBAI was prosecuted not too long ago. So "adult" is this film that a friend felt embarrassed when watching it with her pre-teen daughter before the latter's bedtime. If the anti-porn fanatics in John Ashcroft's Justice Department screen this film, will they prosecute the filmmaker? Or their own NEH, not for Stalinism but — always for the wrong thing — the support of obscenity? Or disinter Emma Goldman from her Chicago grave? Stay tuned.

I know of no great documentary that is a pointless succession of talking heads, except perhaps Leni Riefenstal's *Triumph of the Will* (1934), about Adolf Hitler and his cronies. Indeed, her *Olympia* (1936), which I regard among the greatest documentaries, didn't get "up close and personal" with anyone. West German sponsors, I know from experience, haven't sanctioned bureaucratic rigamarole conducive to mediocrity, which accounts for their sponsoring superior documentaries and other films.

The truest scandal of the NEH and its sister, the National Endowment for the Arts, is not that they supported porn or financed reds but that they extended taxpayer support to so many people and so much poor work that is, to be frank, negligible in the sad, continuing tradition of inept federal welfare. ❑

Notes on Contributors

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Eric Kenning is a freelance writer living in New York.

Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

Wendy McElroy is editor of ifeminists.com and is the author of *The Reasonable Woman: A Guide to Intellectual Survival.*

Don Meinshausen is a longtime libertarian activist, who is awaiting sentencing to federal prison.

Max Orhai is a freelance writer living in Ecotopia.

Patrick Quealy is managing editor of *Liberty,* whose average daily intake of caffeine is 1.5g.

Mark Skousen is teaches at Columbia Business School.

Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

Reflections, *from page 46*

Bad attitude? Take the train! — The *Washington Times* states that major U.S. airports are considering the "option of using private companies beginning Nov. 19 if they can demonstrate security would not diminish." The first question that occurs to me: would these private citizens have the same right to fine me for my attitude as the government security officers currently do?

Another article in the *Washington Times* says a fine of up to $1,500 can be levied (after the fact, of course) against an air traveler for something called nonphysical interference with screening. What is that? Looking at the screener the wrong way? Failing to jump high enough when told to jump? Or maybe, just maybe, "nonphysical interference with screening" consists of a bad "attitude"; perhaps failing to greet a screener with appropriate deference or subservience as she arbitrarily forces you to disrobe publicly or submit to an additional, "random" inspection? No kidding. The TSA is asserting the right and the power to fine you, a law-abiding American citizen or lawful visitor to this great land, simply because its employees don't like your "attitude." One of eight "aggravating factors" listed in the new guidelines is the "attitude of violator."

How does my neighbor properly acquire this power over me?

Airports are also poised to institute the much-discussed trusted-traveler card in order to speed up waiting in clogged security-check lines. According to *Wired*, "While civil liberties groups have questioned the plan's merits, travel industry groups have welcomed it." Again, business joins hands with government to violate privacy rights. One of the reasons the travel industry welcomes the card is because it accomplishes much the same goal as CAPPS without the controversy caused by the legislation. If the card is successful with business travelers, I suspect it will become a required piece of identification for anyone wishing to board a plane in the U.S. within five years.

The Transportation Security Administration (TSA) is trying to make end-runs around the "privacy problem." For example, *Wired* reports that the TSA has appointed "a vocal critic of its privacy practices to write its privacy policies, perhaps in a move to placate congressional critics and privacy advocates. Lisa Dean, who has worked as the Washington policy liaison for the Electronic Frontier Foundation since June 2003, is scheduled to start as the chief privacy officer of the TSA. . . . " I think we can expect a great level of sophistication in how plans to violate civil liberties are worded and in the TSA's PR outreach to privacy watchdog groups.

— Wendy McElroy

Air America, RIP — The leftist radio network Air America went off the air after only two weeks. MultiCultural Radio Broadcasting, Inc. took Air America off the air in two of the fledgling network's largest markets after it fell behind in payments of more than $1 million.

A judge ruled that the owner of MultiCultural had to put Air America back on the air, even though he wasn't getting paid. That's what you get when you do business with the party of trial lawyers. When leftists can't get their way through legitimate means, they resort to a sympathetic judge.

Air America was supposed to be a great boon for leftists, a counter to the right-wing perspective that supposedly dominates the airwaves through such notoriously conservative news outlets as CNN and NPR. Air America succeeded only in proving that leftists have absolutely no idea of how business works.

Rather than approach potential investors, Air America solicited donations for startup capital. The network is supposed to compete with Rush Limbaugh's syndicated radio program, the most profitable one in the nation. In order to do this, Air America should have focused on selling advertising. By soliciting donations instead, they competed with NPR for hard-earned rubles from leftist listeners. The major flaw with this business model is that investors always demand a return on their investment, whereas donors write the money off as soon as it leaves their hands. This has been proven time and again by the welfare programs that most leftists champion. Since there is no incentive for recipients of donations to return a quality product, they often don't.

If you heard Air America, you were treated to two weeks of the most god-awful broadcasting this side of college radio. It was really funny to hear Al Franken try to imitate what his foes Sean Hannity, Rush Limbaugh, and Bill O'Reilly do so naturally. He unintentionally proved that despite his claims to the contrary in his best-selling book, these men have real talent. Franken was incapable of running the show without a co-host. He even had to rely on guests to fill the uncomfortable pauses between commercial breaks.

Nor was there much talk on the "talk" radio network. Hosts took few phone calls. I suspect the switchboards were jammed with opposing viewpoints from people like me who have been dying to take a crack at Democratic icons like Lizz Winstead and Janeane Garofalo. But I didn't hear a single caller who disagreed with the hosts, supporting my belief that Marxism can only exist in a situation where opposing viewpoints never see the light of day.

There was an organized protest against the owner of the stations where Air America was taken off the air, and the leftist network issued a "humorous" call to take crowbars to the heads of those who prevent Air America from being heard. Franken even gave out the number of the stations' owner and asked listeners to call and lodge their complaints. The phones were tied up for the next 36 hours.

With protests, pledge-breaks, and lawsuits, Air America has used in business the same tactics the Left uses in politics. This should be a warning to anyone thinking of doing business with leftists.

— Tim Slagle

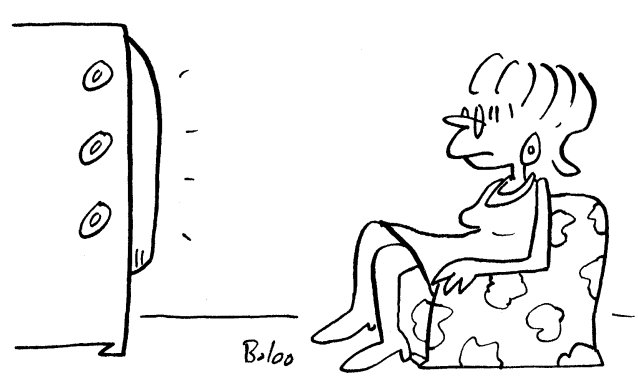

"That's $19.95 for tapes, $29.95 for CDs, or for $99.95, O.J. will visit you *personally* to explain how he didn't do it."

Freedom in Our Lifetime, *from page 22*

Since then, according to Barone, "Vermont has attracted culturally left-wing people; New Hampshire has attracted economically right-wing people." New Hampshire's population has consistently grown more than the national average and, in most cases, New Hampshire has been the only state in the Northeast in which that was the case. Politically, New Hampshire is the most libertarian state in the Northeast, and for a while at least, it exerted a real force on national politics. Although it was "inundated by statists" in the 1990s and went for Clinton-Gore, it has retained its taxophobia. In 2002, after the state Supreme Court found in the constitution the responsibility of the state to finance education, voters rejected Democratic Gov. Jeanne Shaheen's attempt to do so with a broad-based school tax. Republican Craig Benson was subsequently elected governor and he appointed a new Supreme Court Justice, so the court is unlikely to try to force the state to enact a school tax again soon.

The hope is that bringing more freedom-oriented people to a single state will not only lead to smaller government in that state, but have an influence on other states.

Economist Richard Vedder noted that migrations have in the past changed regional political cultures, noting the Mormons moving to Utah and Jews moving to Israel. He presented census data showing that "since at least 1850, at any moment in time at least one third of the American population is living in a different state or country than the one in which they were born, and taxes seem to matter a great deal." Between 2001 and 2003 some 819,110 Americans moved from high-tax states into lower-tax states. He claims that this migration has had at least a small impact, with the tax burden in the 10 highest-tax states falling slightly.

I spoke about previous libertarian efforts to establish free states in various parts of the world. These efforts — Minerva on a reef near Tonga in the South Pacific; Abaco, which considered secession when the Bahamas became independent from Great Britain; and Vanuatu in the New Hebrides — have met with little success. None of these efforts led to the establishment of even a small libertarian-oriented country. Nor have efforts to build a ship or floating platform managed to establish a free colony on the high seas.

I wonder whether libertarians, some of whom are not the most congenial of folks, would alienate New Hampshirites of longer residence. But, if at least some of them were savvy activists, they could have an influence beyond what their raw numbers would suggest (Richard Vedder had noted that even 20,000 libertarians would be a minority of those expected to move to New Hampshire, which added 37,082 new residents between April 2001 and July 2003, in the next five years).

If the Free State Project could attract 20,000 people to commit to move, it might have a chance of success. More than 200 years ago, a group of migrants established a country in North America that, from today's perspective, was remarkably libertarian. The founding documents, which most Americans still claim to revere, provide a solid foundation for a free society, although the country has strayed far from this.

And the idea of federalism, with the 50 states serving as 50 laboratories for social and political policies, still has some institutional reality and emotional resonance among Americans, despite 50 years or more of efforts to centralize and impose policy uniformity.

Of course, the only way to find out if New Hampshire could really be a laboratory of liberty is to try it. If 20,000 do decide to move, they will no doubt encounter problems nobody had anticipated, but they might also discover opportunities nobody had sufficiently appreciated. I hope they succeed, although this southern California native is still planning to let climate trump politics in his own life. ❑

A Revolution by Other Means, *from page 26*

— or may not — be small, but we are powerful regardless. We don't recognize each other in the street. We mostly don't think of ourselves as belonging to a "movement," or if we do we don't think we belong to the same movement. In fact, we don't: we are individuals. And we have communities, too. In a world where organizing becomes ever easier, our communities are becoming more numerous, stronger, and more visible. Some of us will join the Free State Project. Others of us may move to Wyoming or Costa Rica. Others won't join anything at all — but regardless of the success of any of these efforts, as long as some people are willing to fight and to die for freedom, some people will be free. ❑

Reclaiming the American Frontier, *from page 28*

Free State Project membership and announced to the world on Oct. 1, 2003. This state, New Hampshire, is blessed with great beauty, a strong economy, and a population already disposed toward low taxes, small government, and individual freedom. For those who uphold the system of constitutional federalism bequeathed to us by the Founding Fathers, for those who would resist the further encroachments of an ever-expanding federal government, the Free State is our natural home. We are creating an authentically and traditionally free geographic entity in the midst of an increasingly unfree polity. We will demonstrate to the world the benefits of small government, low taxes, privatization, decentralization, and individual rights that may not be transgressed.

The Free State Project is the reopening of the American frontier. The migration is already beginning.

Join us. ❑

Terra Incognita

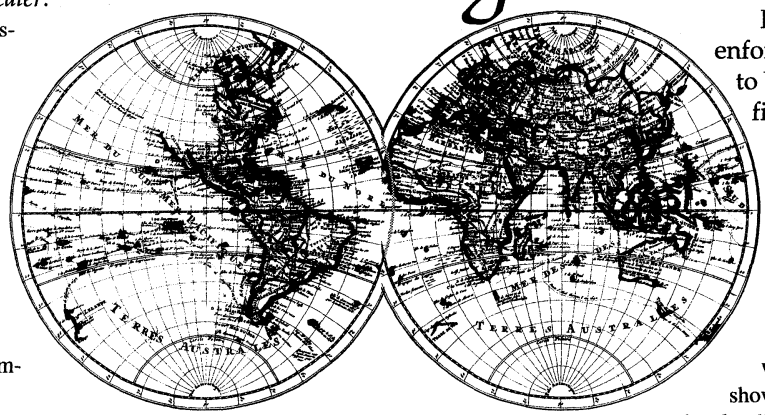

Pittsburgh

Progress is the war against anti-disabled bigotry, reported in *USA Today*:

Attorneys reached a settlement with supermarket chain Giant Eagle after the chain fired a man with Down syndrome for eating half a doughnut and putting the rest back in a box for sale. A jury ruled that the company violated his rights under the Americans with Disabilities Act.

Cleveland

Unusual theological debate, from a report in the *Plain Dealer*:

A couple who got into a dispute over a theological point after watching Mel Gibson's *The Passion of the Christ* were arrested after the argument turned violent. The woman suffered injuries on her arm and face, while her husband had a scissors stab wound on his hand. They were debating whether God the Father in the holy Trinity was human or symbolic.

Glassport, Pennsylvania

Curious right of spring, from the wilds of the Keystone State. From *The Guardian*:

As part of its celebration of the crucifiction and resurrection of Christ, the Glassport Assembly of God performed an Easter show with actors whipping the Easter bunny and breaking eggs.

Berlin

Curious capitalist venture, from a dispatch in London's estimable *Telegraph*:

A Western German businessman has acquired the rights to the official emblem of communist East German, and plans to license the logo for use on T-shirts, cigarette lighters, belts and a host of other products.

Tblisi, Republic of Georgia

Advance in the War on Drugs in the Caucasus, from a report on ABC NewsOnline:

Georgia's parliament has enacted a measure mandating drug tests for MPs and expulsion of those who fail their drug test.

Sydney, Australia

Further evidence of the superiority of socialized medicine, from a dispatch of the *Herald Sun*:

Sydney's St George Hospital has defended it's surgery record after Pat Skinner, a 69-year-old woman, had part of her colon removed, but continued to suffer intense pain for months afterwards. It was only after she insisted on an x-ray 18 months after the surgery that she discovered a pair of 7-inch surgical scissors had been left in her abdomen.

Woodlawn, Maryland

Curious theraputic episode, from the *Baltimore Sun*:

A brawl broke out during an anger management assembly at Woodland High School. Authorities said a confrontation between a student's mother and a group of girls who had been bothering her turned into a shouting and shoving match, before the crowd of 750 students erupted into "chaos."The melee began as students on stage acted out peaceful ways to resolve conflict. "People were climbing over seats and starting fighting about stupid stuff,"said ninth-grader Melissa Parks.

Brussels

Further evidence that law enforcement is far too important to be entrusted to private firms, from *The Independent*:

A fight broke out between four Belgian police officers on Wednesday after local cops disputed the identity papers of a pair of plain-clothes colleagues, a police spokesperson said. "They were in civilian outfits. They showed their police cards but the local police didn't believe them."A scuffle started, and one of the Flemish officers needed hospital treatment after being put in an arm lock.

London

Creative alternative to burial, from a dispatch in the estimable *London Telegraph*:

The widow of an expert on vintage shotguns had her husband's ashes loaded into cartridges and used by friends for the last shoot of the season. "He was loaded in our Caledonian Classic, a 28 gram load, No 6 shot with degradable plastic wadding," a representative of Caledonian Cartridge Company said.

Tokyo

Peculiar bit of news from the Land of the Rising Sun, as reported in the *Business Report*:

The Japenese government is staging a high-profile campaign to get reluctant citizens to pay their contributions to the state pension system. Trade Minister Shoichi Nakagawa admitted he hasn't paid his premiums for 21 years. "I paid until I left the company where I was employed in 1983 but after becoming a politician, I forgot to pay."

Seattle

The term "compulsory education"takes on new meaning, from a report in the distinguished *Seattle Times*:

A spokesman for the Kent School District in suburban Seattle, told reporters that it does not know how many students have been handcuffed by private security guards in its schools, because it only records student-handcuffing in incidents that are "violent." The most recent case is of a 4 feet 10 inches tall and 80 pound fifth-grader who refused to get into a security guard's car.

Special thanks to Russell Garrard, William Walker, and William Brickey for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to libertyterra@yahoo.com.)

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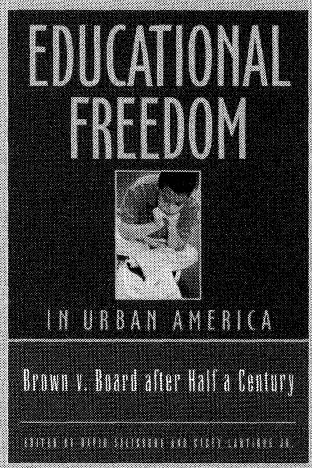

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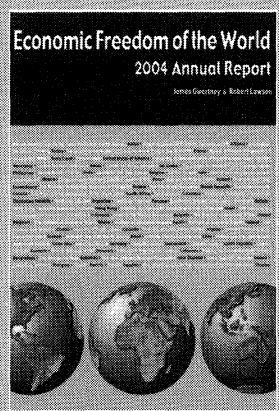

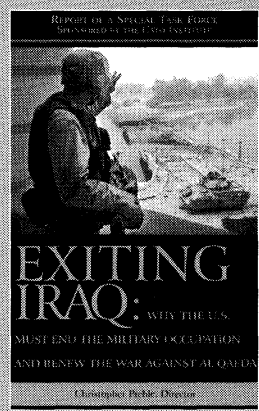

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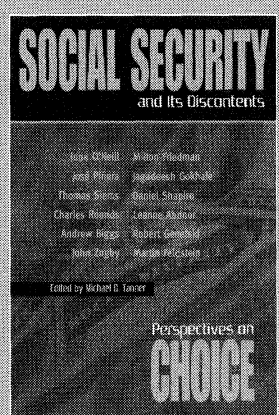

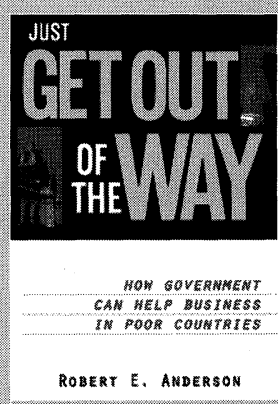

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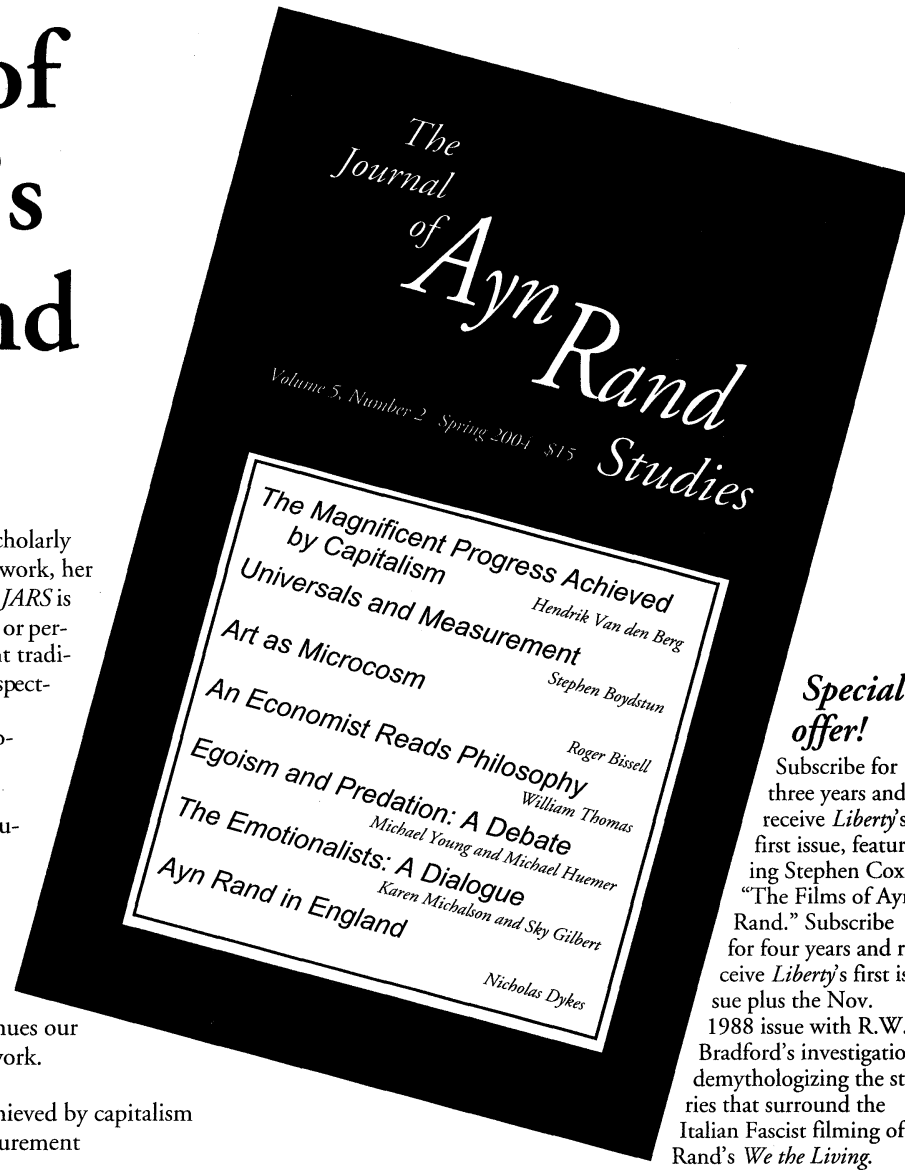

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Inside Liberty

July 2004
Volume 18, Number 7

4 Letters We get set straight by readers of conviction.

7 Reflections We are stopped by the Border Patrol, empty the jails, trash our newspapers, watch our words, spike a rubber chicken with sodium pentothal, and kill for Pepsi.

Features

19 Red Team, Blue Team American politics is a sport, *Clark Stooksbury* discovers, and being absolutely certain of the essential righteousness of your team simplifies life enormously.

21 The Conservative Case Against George Bush Under Bush's "compassionate" conservatism, the federal government keeps growing bigger and bigger and trampling more and more civil liberties. *K. R. Mudgeon* makes the case for going fishing on Election Day.

23 Can We "Liberate" Iraq? As the war in Iraq turns ugly, the debate between *R. W. Bradford* and *Alan Ebenstein* gets down to the nits and grits.

26 Orwell's Economics For George Orwell, capitalism offered only poverty and exploitation, *Robert Formaini* discovers, while socialism ran the risk of turning totalitarian. No wonder Orwell was a pessimist.

29 Two Days on the Hana Coast The DEA agent came looking for drugs. What he found upset him, *Michael Freitas* recounts.

36 Liberty at Its Nadir At liberty's darkest hour, a handful of men and women were laying the foundations of the libertarian renaissance. Leonard Liggio was there, and tells it like it was, in this interview with *John Blundell.*

Reviews

43 How to Be Poor *Robert Watts Lamon* examines what happens when a left-wing elitist tries to make it as a working stiff.

46 ¡Globalismo, Sí, Socialismo, No! *Alan Ebenstein* discovers that global capitalism benefits most the very people its critics claim it hurts.

47 My Enemy, My Ally *Anthony Gregory* investigates a startling claim that our Israeli allies knew that 9/11 was coming, but didn't tell us about it.

49 The Perversity of Jewish Anti-Capitalism Jews are known for their success in the free market, so why do so many embrace socialism? *Richard Kostelanetz* explores the conundrum.

51 Booknotes *JoAnn Skousen, Stephen Cox,* and *Alan Bock* look at the literary life of Ronald Reagan, the 1892 World's Fair, the trouble with Islam, the decline of English, and totalitarian art and architecture.

50 Notes on Contributors No, they're not figments of our imagination.

54 Terra Incognita Very interesting, but really not all that surprising.

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Letters

The Free State Is a Little Cold

I wish the Free State Project (May) and the people involved with it all the best, but I seriously doubt that I will be joining them. New Hampshire certainly has its virtues, but I was disappointed that other states weren't included in the poll.

I have despised snow even longer than I have despised big government, and every state in the selection process has an intolerable winter. If you think cutting taxes is tough, try changing the weather.

Later this year, I am embarking on my own personal Free State Project. I am moving to the lovely city of Austin, Texas. Texas has some of the lowest taxes in the country and good laws on homeschooling, and I get much better weather along with it. It's also only about 250 miles from Mexico. This makes it possible to drop out of the American health-care system to some extent.

Chris Baker
Columbus, Ohio

Libertarian Ecumenism

It is no doubt my friend Jo Ann Skousen's Mormon background that prevents her from seeing the critical importance of the pain and suffering of Christ (*The Passion of Mel Gibson*, May 2004). Of course, the resurrection is of supreme importance, and without that, the passion would have been meaningless.

In the Catholic tradition, undertaking pain and suffering is by no means a denial of the worth of Christ's atonement; it is an attempt to relieve some of the *human* suffering. Just as each sin adds just a little pain to Christ's suffering, so too each good work, and each incident of willingly suffered pain for His sake, relieves it.

For Gibson to bankroll with his own millions a foreign-language film that most observers initially thought would flop — perhaps partially as a means of atonement for his own past — can hardly be described as "hubris." It is a pious act of humility, albeit one that would prove to be hugely successful.

Adrian Day
Annapolis, Md.

Finding Truth in the White Pages

I don't know how the major Libertarian candidates for president found out the truth about the Federal Reserve System ("From the editor," June), but the Cleveland, Ohio telephone white pages (hardly a product of the "fever swamps of the extreme Right") lists the Federal Reserve Bank among private businesses, not the ever-growing list of government agencies. Why don't you check the phone books for the other eleven cities which have branches of the Federal Reserve Bank?

Otherwise, I enjoy *Liberty*, except for your LP bashing.

David Macko
Solon, Ohio

And God Slew Libertarianism

In recent years, I've come to the conclusion that libertarianism has turned into a lost cause. The libertarianism that I used to know was defined by Ayn Rand. She recognized that organized religion and government were allies with the same objective: to control the masses through thought control and force.

The common form of libertarianism that I see now is exemplified by Andrew W. Jones' "America's War on Religion" (May). Theists have taken over the movement and corrupted it into a religious cause to rescue their alliance. They were happy when the state was doing their missionary work for them. Now they are upset because they are losing their free ride.

Jones argues that the First Amendment was intended to prevent government interference with the freedom to worship. That's only half the story! The Founders knew how organized relig-

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ions incite the state to oppress heretics and unbelievers. This has been going on since Roman Empire days.

Jones withholds the circumstances under which the California Supreme Court ruled against Catholic Charities on contraceptive drugs, so I looked at the legal brief on the Web. It was Catholic Charities that challenged the Women's Contraception Equity Act on First Amendment grounds. The law allows religious employers to request exceptions to requirements that violate their tenets, but the court found that they do not fit the definition of a religious employer.

The plaintiff acknowledged that it doesn't fit the definition of a religious employer: it employs and serves persons of different faiths, and its corporate purpose is not directly related to inculcation; it is to serve the general public. The law does not compel any employer to offer prescription drug insurance, but Catholic Charities didn't like the option of not providing such insurance to any of its employees. This also explains why the Salvation Army was disallowed from using federal money to promote religion.

As the Catholic Charities case shows, the laws make a clear distinction between what is a religious organization and what is not. Jones obscures the difference when he raises the alarm that priests may someday be forced to marry gays and the Catholic Church accept women priests.

I'll defend their right to their nutty superstitions, but I'm fed up with having anal-retentive values forced on me. It's not just the lobbying and the court challenges. Theists grow up into adults who find their way into every level of government. Don't think for a minute that they can separate their religious values from policy. They proudly call this a Judeo-Christian nation because there are so damn many Judeo-Christian laws and regulations.

What theists have proved over and over again is that theirs are not voluntary spiritual movements; they are political causes. For all practical purposes, libertarianism is dead. It's dead because God killed it — Romans 13:1–7.

Raymond Hewitt
Parsippany, N.J.

Catholicism, Inc.

Catholic Charities of Sacramento, Inc. (CCSI) was not entitled to exemption from California's Women's Contraceptive Equity Act (WCEA) because the WCEA isn't "an establishment of religion" ("America's War on Religion," May). Thus Catholic Charities had no protection under California Constitution Article 1, Section 4: "Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace and safety of the State. The Legislature shall make no law respecting an establishment of religion. . . ." CCSI is a California corporation of which the stated purpose is "to offer social services to the general public," and WCEA religious exemptions do not extend to public service corporations.

CCSI's seeking protection under the First Amendment's Establishment Clause was misplaced. It reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." It protects religion from federal law. Religion is "guaranteed," within limits, by state constitutions — as above.

Most of the confusion stems from believing the Establishment Clause is the source of the right, then reading "establishment" as a verb. From that perspective the clause seems to prevent Congress from establishing religion. And that in turn leads to the innocuous "separation of church and state," so avidly embraced by ACLU-types. That is then used to remove every smidgen of religion from government and, by extension, from everything government does.

But if Congress opens every session with Christian prayer, hangs the Ten

From the Editor . . .

The news from Iraq gets worse and worse: Americans bombing the hell out of weddings, sexually humiliating prisoners, beating other prisoners to death . . . Iraqi opposition growing. And whom do our political parties offer to deal with this? George W. Bush, the man who got us into the mess, and John Kerry, the man who used to think he committed atrocities while serving in Vietnam, but now thinks . . . well, that "atrocity" was a poor choice of words. Bush is fully committed to the war, while Kerry is committed to support the war as long as it's popular. It's time to remember the Libertarian Party's 1972 campaign slogan: "Say No to Both!"

But nearly all Americans who bother to vote will choose between Kerry and Bush. Their position in politics has devolved to partisanship for the sake of partisanship. Despite the fact that there are virtually no practical differences between Kerry's and Bush's positions, most Bush supporters seem to think the election of Kerry would be a disaster and most Kerry supporters think re-electing Bush would be the end of America as we know it.

Both are right. And both are wrong. A country as strong and vital as the United States can survive a lot of disaster. But one still feels sadness watching its decline.

The strange devolution of political partisans into something more akin to sports fans than thoughtful electors is the subject of our lead piece, "Red Team, Blue Team," by Clark Stooksbury. We follow with K. R. Mudgeon's exposé of George Bush's betrayal of conservative values in his domestic agenda. Then Lanny Ebenstein and I continue our debate on the war.

After that, *Liberty* leaves the depressing political situation and turns to more cheerful matters, with an exploration of George Orwell's puzzling economics, the rebirth of liberty during the 1940s, and a story about life in the interesting backwaters of Hawaii. Our review section looks at nine books, ranging in content from comic left-wing nonesense to the 1892 World's Fair to the decline of the English language.

So despite the machinations of idiot politicians, the world continues to spin on its axis. We can all be thankful for that.

R. W. Bradford

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Commandments on every wall, honors every Christian holiday, thumbs their noses at non-Christians, hires arsonists to torch every synagogue in the District of Columbia, and then methodically starts shooting anti-Christians, that doesn't violate the Establishment Clause or the First Amendment right of anyone. The only way that this provision can be violated is for Congress to make a law establishing religion. If they pass a law adding "under God" to the Pledge of Allegiance, they have violated the Establishment Clause. Or stated otherwise, if the First Amendment were repealed, no religious law or right would be affected.

James Harrold, Sr.
Springdale, Ariz.

Pro-Liberty, Anti-Libertarian

When I first came across George Carlin's name in the "Reflections" section of your May issue, I perked up a little bit, as George is one of my favorites. Upon further reading, however, I became dismayed by the rantings of Stephen Cox as he critiqued a recent appearance by Carlin on Fox News. Cox was upset that Carlin did not take the opportunity to argue logically for the advancement of liberty, in light of the fact that the host asked Carlin to comment about the recent government assault on broadcasting of content perceived as indecent over "public airwaves."

First of all, George Carlin is not a self-proclaimed (or even a closet) libertarian. Rather the opposite is true; he has publicly written that he thinks libertarianism, as a political philosophy, is full of it. If anything, I would characterize him as something of an anarchist (he's a "big fan of entropy," waiting for the day that "your stupid, fucking economy collapses"), with some remaining "hippy-dippy" left leanings developed in his earlier years. And yet, he often is an eloquent defender of freedom, especially when taking on the empowered and self-important. But he does so in his own, inimitable style, with all the baggage and insight that comes with it. This is precisely what makes Carlin a great comedian and philosopher. He is not a "spokesman for liberty," whatever that means. He is an extremely clever and insightful individual who is true to himself, and that is what makes him, in my opinion, one of the great public figures of our time.

Secondly, anyone who has listened to a good bit of Carlin's material understands that he is obsessed when it comes to the two Rs: religion and Republicans. I can't say that these are the top two villains on my shit list, but the majority of his remarks on these subjects are funny, insightful, and on target. So, of course, when presented with the opportunity to comment about censorship on a right-leaning news channel, George chose to bad-mouth Republicans and the religious. Was this "drifting away from his topic (liberty)"? Not if you believe, as Carlin does, that these two groups are as anti-liberty as they come. Was it rude? Maybe, but I gotta admire a guy who is more concerned with the truth as he sees it, than with promoting his latest movie. (Without the movie to promote, would Fox have had him on at all?)

Finally, George Carlin has done more to promote individual freedom in his career than just about anyone in contemporary American society that comes to mind. Early in his career, he was able to maintain his artistic integrity while being pressured to become a more mainstream, less radical performer. He openly addressed drug usage in his comedy, at the risk of unwelcome scrutiny by certain government agencies. He risked jail time to utter the "seven words" over the airwaves. He fought censorship, not with logical arguments, but with a "try and stop me" attitude. By and large, this is exactly what is missing from the libertarian movement overall. Liberty needs a few more spokesmen with the "and if you don't like it, fuck you" attitude of George Carlin, much, much more than it needs a thousand Stephen Coxes logically arguing on its behalf. I believe that liberty isn't won by argument, but instead triumphs by force of will.

James S. Ferry
Morris, Ill.

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Reflections

Add a little saki, and we've got a party!

— I was shocked to see those photos of Abu Ghraib prison in Iraq. Like any libertarian, I found the violations of civil rights abhorrent. I could not understand why a woman would handcuff a prisoner to a bed and put a leash on him and pull a pair of her dirty underpants over his head. Moreover, I am mystified by the sudden rush of Japanese businessmen trying to enlist in the Iraqi resistance.

— Tim Slagle

Harder than it sounds — The lefty national talk radio network Air America disappoints mostly because it is so belabored.

Didn't these professionals listen to talk radio to learn what distinguishes success from failure? The successful television and vaudeville performers that host Air America's programs apparently thought they could bluff their way through a medium that has its unique limitations and opportunities. The only "star" exploiting the medium successfully is a raucous-voiced woman named Randi. The others are hopeless. Even Al Franken is witless beyond his program's title: *The O'Franken Factor*. One clue to the producers' cluelessness is that the ads sound superior to the programing, because they are produced by people with more esthetic intelligence about radio.

Since some of the commentators come from National Public Radio, I get the impression that they are more skilled at getting donations from loyal listeners than winning new ones or attracting advertisers. Commercial talk radio is a different kind of business. This is *The Nation* or *National Review*, rather than, say, *Consumer Reports* or *Vanity Fair*.

Incidentally, the lefty generalizations about talk radio being wholly conservative ignore a broadcaster named Lionel, based in New York, who calls himself libertarian and is contemptuous of the conservative commentators with their dumb agendas. And he's funnier than Al Franken.

As much as I find Rush Limbaugh insufferable, I do credit him with inviting Walter Williams as a substitute, not only because Williams articulates the libertarian understanding of economic issues, but because he sometimes telephones his old friend Thomas Sowell. Nowhere else on American radio can you hear the idiocies of African-American publicists and their white allies exposed in recognizable Black English.

— Richard Kostelanetz

What a difference a day makes — What happened to gun control? As the "assault" weapons ban is set to expire this fall with little or no protest, I am encouraged, perhaps prematurely, to let out a victory whoop. I think the attack on the World Trade Center is part of the reason the ban is being allowed to sunset. A lot of people who didn't understand the need for civilians to bear arms on Sept. 10 were pretty clear on the issue by Sept. 12. — Tim Slagle

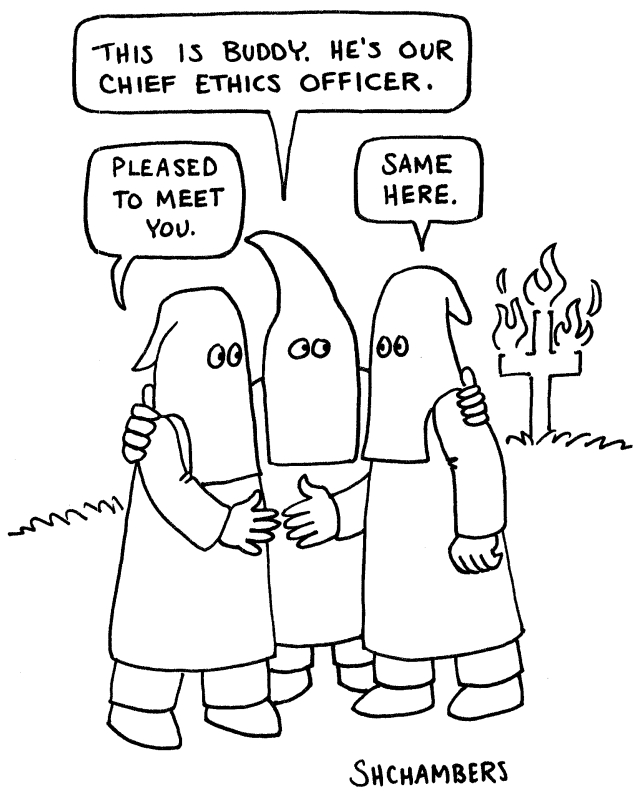

Homeland über alles

— The very name of the department President Bush created, Homeland Security, acknowledges there is a "homeland" and therefore, logically, that there is also an "outland," or at least overseas branches of the head office. In politics, that's the language of empire, embodied in the very name of a government agency, and most Americans haven't even noticed. — Alan W. Bock

Refuge and sanctuary — My nomination for the most memorable statement of the 2004 *Liberty* Editors' Conference was by panelist Charles Murray, who said he had come to realize that hundreds of millions of people around the world were perfectly happy living under authoritarian governments, and were not about to be convinced otherwise. Forget a libertarian world. Think a libertarian *place*. "We need to have a place where we can live and we can function," he said. "Our task is to find refuge and sanctuary."

— Bruce Ramsey

Second annual Victory Declaration — The presidential fortunes of Dubya seemed doomed by the continuing mess in Iraq. I predict that Karl Rove, his mastermind, will soon discover that the only way for his charge to win a renewal will be to declare victory (again!), purge the neocons from his cabinet, and bring all American troops

home before Labor Day. The United Nations, which never misses a chance to clean up the messes of the West (while ignoring those in Africa, among other less tractable places), will resolve the resulting chaos, probably by partitioning Iraq into three parts.

Dubya will have stolen the Democrats' thunder on the most important issue in the election. The Democrats made the tactical mistake of not supporting the only candidate who could have bested Bush on this issue, my man Dennis Kucinich.

May all future presidents learn the libertarian lesson against invading foreign countries, no matter how "evil" their leaders can be portrayed to be, and no matter how easily those who prosecute the war estimate in advance that victory will come. — Richard Kostelanetz

More than one kind of abuse — The pictures of U.S. soldiers enjoying themselves as they abused Iraqi detainees are disturbing. The overtly sexual nature of the abuse and the obvious enjoyment of the guards make the individuals involved particularly reprehensible. That said, I have found the media's and politicians' responses to the scandal almost as disturbing, if in a different way. As the scandal has gained momentum, the threshold of abuse has been steadily lowered. In the last report I read, it had been "discovered" that Iraqi detainees had been deprived of a good night's sleep, put into stressful positions, and scared with dogs. Ted Kennedy had the nerve to assert: "Shamefully we now learn that Saddam's torture chambers reopened under new management, U.S. management." Such debasing of the word "torture" serves only to relieve true monsters from responsibility. From the way the story is developing, it seems that soon the only acceptable means of interrogation will be to ask politely whether the prisoner has any information he may like to disclose.

Regardless of whether going to Iraq was prudent policy, we are currently engaged in a guerrilla war, and war is a hideous thing, which becomes even more disgusting when partisan critics and political squeamishness get in the way of rational prosecution. This is a lesson we should have learned from Vietnam. While, to our credit, we have determined that outright physical torture is below our dignity, to classify all serious attempts at interrogation as torture is to rob the military of an important means of getting information that can save American and Iraqi lives.

I do not like the idea of Americans harshly interrogating Iraqi prisoners any more than I like the idea of American planes dropping bombs on cities, or American soldiers gunning down insurgents in the streets. But this is war, and that's how wars are fought. Whoever sold Americans the notion that war can be pretty, sold them a bill of goods, and I fear it will be the American soldier in the streets of Baghdad that is going to pay the price. — Andrew W. Jones

Bordering on terror — I sympathize with libertarians who harbor doubts about free immigration, mostly because I share their concern that, given the appeal of this country to Mexicans, the U.S. might eventually become a Spanish-speaking country if immigration were totally unrestricted, and this is something I think is undesirable. I hear this argument mostly from friends who live near the Mexican border, a part of the country where I have spent little time, and I have been reluctant to criticize it, out of respect for the first-hand empirical data they possess that I do not.

I live near the Canadian border, and the threat of the U.S. being overrun by Canadians isn't nearly as frightening: the threat of being inundated in Latino culture and the Spanish language seems a lot more worrisome than the threat of being overrun by people saying "eh?" at the end of every second sentence. And presumably, the Canadians who came here would be leaving for a reason, most likely their disgust with their weenie welfare-state culture. I myself am descended from Canadians, I confess. One line of my ancestors was, scandalously, Tory during the American Revolution and fled to the security of Empire at the war's conclusion, only to emigrate back three generations later.

Anyway, it's a lot easier for someone like me to argue for open immigration than for someone who lives near the Mexican border.

On the way to the *Liberty* Editors' Conference in Vegas, I purposely chose a roundabout route — I was in a rental car, where "all the miles are free" — taking me along the California-Mexico border, where I had a little opportunity to see the situation more closely. Once I got out of the San Diego metropolitan area, I was in some of the most inhospitable terrain I've ever experienced: mountainous desert, covered with boulders. It was mid-May, but the temperatures were scorching.

Not surprisingly, very few people live there. But apparently, a good number of Mexicans try to walk through this area to find work and lives in the U.S. I say "apparently" because nearly half the cars we passed were white-and-green U.S. Border Patrol cars, and presumably they were there for a reason. The thought of walking though this area, climbing the

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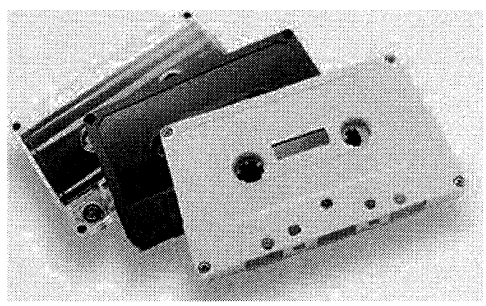

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mountains and clambering down the arroyos, in the heat of day or the darkness of night, with only the water you can carry, all the time hiding from the authorities . . . well, anyone who would do this obviously wants to get into this country very badly. The thought that despite the huge police presence, people would spend days trying to pass through this ultra-inhospitable desert left me thinking that anyone who wants to come to America that badly deserves my sympathy.

I was in America's Deconstitutionalized Zone, where the Border Patrol has police powers that transcend those of any other American police. These powers are seldom used against Americans whose skin is black or white, but they are heavily deployed against people with brown skin. In fact, it is impossible to leave the border area by car without being inspected for skin color by the Border Patrol. I've gone through this before, as has anyone who has driven from San Diego to Los Angeles. And every time it happens, I feel squeamish about it. I think of America as a place where skin color doesn't matter, at least insofar as the law is concerned. To me, the whole process, while brief and painless for white people like me, is an ugly reminder that America is not living up to its ideals.

"Here she comes: 'Our Lady of Perpetual Litigation.' "

When I got home, my mailbox held the latest issue of *Desert-Mountain Times*, my favorite small town newspaper, published in Alpine, Texas. It had a story about the village of Lajitas, just north of the Rio Grande, more or less in the middle of nowhere. Most of the residents on the U.S. side are Mexican-Americans and on the Mexican side Mexican-Mexicans. All that changed two years ago when the Border Patrol decided to close down its border crossing for budgetary reasons, making it illegal for anyone to cross here.

After the border shutdown, residents of Santa Elena on the Mexican side of the river have pretty much abandoned their town, and the Border Patrol has conducted what sounds a lot like a reign of terror on the American side. At the Cinco de Mayo celebration in Lajitas, Border Patrol personnel "separated children from their parents, children who had come to participate in a school program. Kids were crying," an eyewitness told the paper. The next day, "some children explained their absence [from school] by saying that agents had searched their house [the night before]. The children said that their parents were told that they would be arrested on the way to school the next day if they left. In other Friday night events, Border Patrol agents staked out an eighth grade dance at the Community Center and followed cars as they left."

I was repelled by this story, just as I was repelled while being waved through the racial checkpoint on I-5. This is America, goddamn it. We're one country where stuff like this doesn't happen, at least not since the death of Jim Crow a half century ago.

Yes, I know, I've only discussed a few very small aspects of the immigration issue. Yes, I know that the welfare state provides artificial incentives for immigrants to move here. And, as I've said, I don't want America to become a Spanish-speaking country. But until someone shows me how we can have immigration control without the exercise of these outrageous police powers, it's going to be tough to convince me that immigration ought to be restricted.

— R. W. Bradford

"Leave us alone" updated — Grover Norquist defines his political goal as increasing individual liberty by limiting the size of government. He has tried to stitch together a "leave us alone coalition" consisting of investors, entrepreneurs, gun owners, and religious people.

How do you square that with support of George W. Bush? By ignoring the war.

In the March issue of *The American Spectator,* Norquist, the president of Americans for Tax Reform, makes his case that Bush should be re-elected. Tellingly, it is entirely domestic.

Norquist begins his essay by asking, "Has the Republican Party turned liberal?" Absolutely not, he says. And, of course, he can point to things that by current doctrine are Republican and not liberal — cutting taxes, rejecting the Anti-Ballistic Missile and Kyoto treaties, outlawing partial birth abortion. He concludes, "There isn't a liberal bone in this Republican administration."

Well, there is No Child Left Behind. That is a liberal bone, and not a finger bone, either. There is the Medicare bill, and the shameful business of how Congress was not told how much it was going to cost. That is a femur, or maybe a pelvis. There is the farm bill, which is a liberal fossil that dates back to Herbert Hoover. There is the money for AIDS in Africa. Bones, bones, bones. Lots of liberal bones.

Then there is the spending. Bush has cut our taxes, but he has also forced the U.S. Treasury to borrow a half-trillion dollars a year. The Democrats have raised the cry of "deficit!" — and what can the Republicans say to them? Norquist frames the question as "spending" rather than "deficits," to fix people's attention on "how much the government spends and

how much it takes by force." Fine, but it would be a lot easier to switch people's attention away from deficits if they weren't so big.

All this is prelude to his main argument, which is: "Bush's reelection is also the key to real reductions in government spending." That is a leap of faith, considering that government spending shrank from 21% to 19% of GDP under Clinton and has gone back to 21% under Bush.

Norquist acknowledges this, and does not like it, but he lists six Republican policies that will shrink government in the second term. These are his reasons to vote for Bush:

1. Efforts to increase the contracting out of federal work.
2. Efforts to close domestic military bases.
3. Efforts to allow private accounts in Social Security
4. Efforts for a WTO agreement restricting farm subsidies, including U.S. ones.
5. Efforts to expand and institutionalize health savings accounts.
6. Efforts for parental choice in education.

What to make of this? I am skeptical that private contracting is going to happen, and anyway, it doesn't shrink what the government does. I am in favor of it but not excited about it. Closing domestic bases is good, but I am more concerned about opening ones overseas. Partial privatization of Social Security is one of the reasons I voted for Bush in 2000. A tolerable WTO agreement is more likely under Bush than Kerry, but it would have to roll back the bad things Bush has already done. Health savings accounts already exist. School vouchers are not a federal matter except in the District of Columbia.

There is some substance there, but hardly an overwhelming case.

What is not on the list is Bush's "war on terror." And don't forget, war is a government program. Historically, war has swelled government spending, increased the debt, debased the currency, increased the prerogatives of the police, shut down dissent within the media, and generally worked to centralize state power, regiment the nation, and jeopardize those private rights that Norquist is so much in favor of. The Iraq war has done a bit of all these things. As wars go, it is relatively mild on the home front — no draft, no tax increase, no direct censorship, no mass internment of racial groups — but even this short little war gave us the Patriot Act, preventive detention on military bases, and other bits of nastiness. If America were defending against attack, all this might be worth bearing, but Iraq did not threaten us.

In his five-page article in *The American Spectator,* Norquist has *one sentence* on all this. "In the war on terror," it says, "the Taliban government of Afghanistan has been removed for supporting al Qaeda and Saddam Hussein's regime in Iraq is ended."

I saw Norquist at the 2004 *Liberty* Editors' Conference, and asked him why only one sentence on the war.

"Bush and Kerry are the same on the war," he said.

— Bruce Ramsey

A pension you can't refuse — Do a little math: Find out how much you pay in Social Security per year. Multiply it by two (which is how much you're really paying, because of the so-called "employer contribution"). Multiply that answer by the number of siblings and cousins you have, and compare it to how much your grandmother gets in Social Security. Is it more? You bet it is. Imagine how well off your granny would be if all her grandchildren sent their payroll tax directly to her.

That illustrates a major problem with the system, and our culture in general: the youth no longer want to take care of their elders, so the elders have hired government thugs to shake us down for it, and allowed the IRS to take a generous cut for their services. I would rather they went to the Mafia. Not only would the Mafia skim a lot less off the top, they also have a code of ethics.

— Tim Slagle

Emptying the jails — May I suggest that the Libertarian Party promise to empty the jails as one of the principle planks in its platform? No statistic about America discredits our ideals more than the excessively high percentage of our population incarcerated, and nothing except our military activity abroad is a greater waste of taxpayers' money.

The first group to be sent home would be one-time young thugs now over the age of 45. No matter how menacing they might have been as youths, they aren't likely to intimidate, or care to intimidate, in middle age. The second group to be sent home would, of course, be those convicted of victimless crimes. Keeping them in jail doesn't do anyone any good. Finally, and most controversially, I would advocate the release of those prisoners who probably aren't going to commit their crime again, most radically those who murder their spouses, but more familiarly tax evaders and even Martha Stewart. Admittedly, some discretion about individual cases should function here, especially in acknowledging the rights and feelings of victims and their relatives.

— Richard Kostelanetz

Gays marry, sky doesn't fall — As I write this, it's been a week since gay couples started getting legally married in Massachusetts. As yet, the many predictions of

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catastrophe that would ensue if gays got married have not been vindicated.

Indeed, life has gone on pretty much as normal. Straight couples across the country are still going about their lives as before. They aren't getting depressed and breaking up because, shucks, now the gays can get hitched and it's no fun anymore! Priests aren't being made to marry gay couples at gunpoint. And there are no preliminary signs that the youth in Massachusetts are suddenly being sucked in by a vacuum of moral depravity created by the destruction of the sacred institution of marriage.

The only way life will be different now is that one fewer class of people will be treated unequally by the government, at least in Massachusetts. Much of America seems already to have forgotten about these gay marriages — or not even to have noticed.

Not quite the end-of-civilization-as-we-know-it scenario the radical Right warned us about.

Those who think letting gays in the military would demoralize and weaken our armed forces should take a cue from what happened here. The day will come when gay men and women in America are finally allowed to serve their country in the armed forces. Twenty bucks says that enemy armies don't overrun our borders and destroy America the day the first openly gay person enlists. Any takers? — Patrick Quealy

Waiting for Antonio — The Department of Labor reviews an alien's labor certification application as the first step in the process of deciding whether to grant an employment-based visa. If a qualified citizen applies for the opening, the alien's application is denied. In theory, this makes a certain amount sense. In practice, like most "sensible" legal procedures, it only harms employers, consumers, and qualified aliens by making it illegal (or prohibitively expensive and time-consuming) to hire the best person for the job.

Consider the case of Chilitos, a Mexican restaurant that wanted to hire Antonio Cortes-Carlos as a foreign food specialty cook to prepare five specials from scratch each day, as well as regular menu items. The restaurant filed a labor certification application on Cortes-Carlos' behalf. The application justified the request to hire an alien by stating that Chilitos needed a cook with two years' experience.

The Night Someone Spiked Candidate Brown's Rubber Chicken with Sodium Pentothal

Good evening, ladies and gentlemen . . .

First of all, let me say that you and the loved ones accompanying you here tonight look, on the whole, rather bedraggled and distracted, in marked contrast to the beaming family unit that stands behind me on this podium. Clearly my image means a lot to me. And it should. I have spent a lifetime simulating its rigorous demands.

I'd like to use this moment — and all who are here with me tonight — to register my vociferous opposition to family values in all their permutations. It's time we faced squarely the growing scourge of attaching value to those who are attached to us merely by marriage, blood, or adoption. The nuclear family is a cancer eating at the heart of the body politic. I say, eat out America! We must rise up and expose families for the Rockwellian charade they are. America can do better! Should you support me in this cause, my devoted and comely legislative aide, Cindy Tandem, will be eternally in your debt. Cindy, why don't you stand up and wave to the crowd? Isn't she a looker, ladies and gentlemen?

Let me add that the Stepford wife and improbably happy teenagers who join me on this dais tonight owe their sunny dispositions largely to the wondrous effects of Valium and Ritalin, respectively. Yes, the pharmaceutical industry has been indispensable to this campaign, infusing my message with an eerie serenity that would not have been possible through organic means alone. So I attribute my success in no small measure to good, sound FDA-approved drugs.

As for the citizenry of this land, well, your trust never ceases to amaze me. I would laugh but I've been trained by some of the best media advisors in the business to maintain a posture of unflappable dignity except on those occasions when I'm beating my wife. In fact, it's my periodic bouts of spousal abuse that have left me rather ambivalent on the whole law and order thing. I swear there are some days you could tip me either way with a feather on that issue.

I am the first to concede that my dear wife Miriam is trapped in a loveless marriage. If truth be told — and strangely it seems to be this evening — my punishing schedule has rendered us virtual strangers for decades. Some of you may have noticed that my second-oldest son, Josh, bears little resemblance either to myself or to his mother. However he is a dead ringer for my long-time friend and campaign manager, Richard Gotlieb. Richard, perhaps you could stand up and let everyone make their own informed decision. There he is, ladies and gentlemen! He's been giving me the off-message signal all evening. Hey Rich, get off my wife first, okay? Hah! Just kidding. He's doing a great job, ladies and gentlemen.

Vote for me this November and I promise I will do everything in my power to enlarge my power, addressing you at all times in an unctuous, patronizing manner. I will also strive to maintain the facade that your inconsequential dreams hold a snowball's chance in this roiling furnace of ambition we call politics!

God Help America and good night! — Norman Ball

The Department of Labor denied the application. The official who issued the denial determined that only three to twelve months of experience were needed, and the appeal board that reviewed those findings added that Chilitos served "Mexican dishes of a limited level of complexity that would not require two years of experience to master." Department of Labor officials reached these conclusions, no doubt, on the basis of their extensive expertise in restaurant management and Mexican cuisine.

According to attorney Joel Stewart, the Board confused the issues of restaurant location and cooking skill. "Apparently the Board has interpolated the issues, so that the need for a skilled cook is defined by the type of restaurant (food court instead of candle-light and wine) and not by the duties required to prepare the dishes."

Interestingly, Chilitos said it had succeeded in three prior labor certifications with identical requirements for the same position. The appeal board replied weakly that previous decisions in matters of the same type are not binding on later decisions.

The case dragged on and on. On Feb. 22, 2001, Chilitos filed the application for labor certification. On Dec. 2, 2002, the Certifying Officer issued a Final Determination denying certification. On Jan. 8, 2003, Chilitos filed its Request for Review. And on April 7, 2004, the appeal board affirmed the Certifying Officer's decision.

Not only did the government prohibit a beneficial employment relationship, but when asked to make an exception, it took over three years to say "no." When notified that it had previously said "yes" three times, it replied not that it had been wrong before, but rather, in effect, "We feel like saying 'no' this time."

Rather than blaming tax cuts or corporate scandals for the economic downturn we're just starting to pull out of, might we not ask why the Department of Labor is making labor illegal? — Martin Solomon

Green Tag, 2¢ . . . preventing environmental holocaust, priceless — I first learned about the Green Tag program while spending an uncomfortable month researching left-liberal talk radio. Sponsored by the Bonneville Environmental Foundation, this program lets global-warming alarmists put their money where their mouths are.

The BEF purchases electricity from non-traditional, environmentally friendly sources, such as wind farms and hydroelectric plants, then resells it to the grid. Because these alternative fuels are more expensive than conventional fuels, it loses money on every sale. That cost difference is sold to environmentalist electricity consumers anywhere in America in the form of a Green Tag. By simply mailing a check to the BEF, environmentalists can rest assured that all the electricity they get from the grid was replaced with clean, carbon-free energy. Right now the additional cost is approximately 2¢ per kilowatt hour, about 20% more than what they would otherwise pay.

This program benefits the public in many ways. It proves to everybody that alternative energy is not yet economically feasible. It encourages investment and research into renewable energy sources. And, it demonstrates the hypocrisy of global-warming alarmists, the overwhelming majority of whom are unwilling to pay 20% more for their electricity in order to prevent a global holocaust. — Tim Slagle

Moral philosophy at 7-Eleven — Like every other libertarian, I am intensely moralistic. I am moralistic even about being moralistic. This can lead to some confused thoughts.

The other day, I was walking into the parking lot of my neighborhood 7-Eleven when I was assaulted from behind by a car-borne audio system cranked to approximately 500 decibels. I knew it wasn't Beethoven he was blasting. What I wasn't able to decipher were the "lyrics" — mainly because I found it hard to believe that three-fifths of the words were either "shit" or "fuck." Whatever they were, the sensation of a 3,000-pound vehicle charging toward me preceded by a shockwave equal to two Hiroshima-size bombs elicited one clear thought: "That guy should be arrested."

And that's where my real problem began. As the driver skidded to a stop in two parking spaces and cranked his system 500 decibels higher, so he wouldn't miss anything while shopping inside, I stood in the lot and accused myself of intolerance, rigidity, a failure to appreciate the diversity of life, a nostalgia for Stalin's regime, and a general failure to embrace the individualist values on which a libertarian society must be based.

What harm, after all, had that young man done to me? None whatever. I was offended by the noise — so what? There shouldn't be laws against giving offense. And actually, I had learned something. His raucous music had acquainted me with the sound and feel of a different style of life from my own. I should be grateful to him for granting me a sudden insight into other forms of existence, for allowing me to taste the freedom that all Americans enjoy.

Well, I wasn't grateful. You can't feel any noble emotions when you're enveloped in a sonic hell. But I did at least feel guilty, guilty for wishing that the power of the state would appear in its old and by no means rights-respecting form, yank that young man in the baseball cap out of his vehicle (not to mention his self-assurance), fling him down on the asphalt, cuff his pizza-stained hands behind his back, and

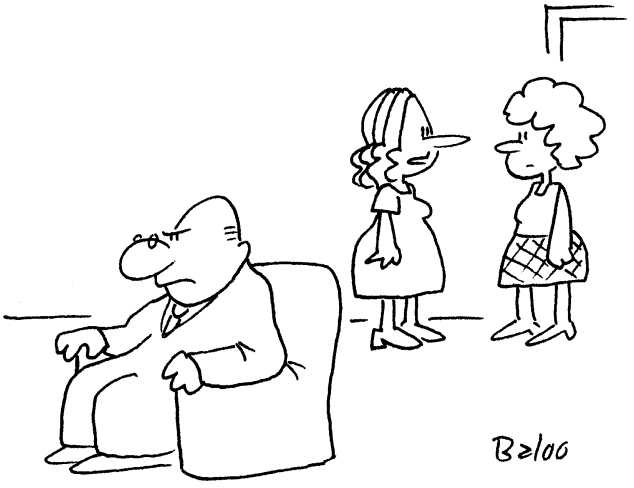

"We live in a house, and it's by the side of the road, but he's still not a friend to man."

Word Watch

by Stephen Cox

In the greatest short story of Jorge Luis Borges, "The Approach to Al-Mu'tasim," the protagonist "crosses two sets of railroad tracks, or the same tracks twice." This redundancy of tracks opens the possibility that the man is either (A) going forward, making good progress, or (B) walking around in circles.

And so it is whenever redundancy or repetition appears in writing.

Right or wrong: "President Clinton was advised of the danger, but President Clinton did nothing to avert it." Right, if a double emphasis on the president's personal responsibility is what the writer wants. Wrong, if the writer has merely forgotten that there is such a thing as the pronoun "he."

Right or wrong: "I was very, very sorry to see that dreadful, dreadful man." The same logic applies: right, if the writer intends a fourfold emphasis on the horror of meeting that horrible person; wrong, if the writer is just too lazy to omit a redundant "very" or to think of other words for "dreadful."

There is, of course, a superstitious idea that one should never repeat a word within the same paragraph or page or some similar, arbitrarily chosen space. Like many superstitions, this one has a basis in fact. Unless you intend emphasis, you shouldn't keep using the same words all the time, if those words are at all distinctive. You can hardly dispense with "and" or "but." Nevertheless, one use of "however" per paragraph is usually enough; and Marianne Moore wasn't far from the truth when she said that one use of "incredible" per lifetime may be enough.

The problem with the superstition against repeating words is that it leads to the sin of "elegant variation," the use of parallel expressions that draw more unwelcome attention to themselves than any simple repetition of words would do. In *Modern English Usage*, H. W. Fowler, who may have originated the sarcastic phrase "elegant variation" (damn! I've repeated the phrase), provides some authentic, and authentically awful, examples:

> The Bohemian Diet will be the second Parliament to elect women deputies, for Sweden already has several lady deputies.

> Mr. John Redmond has just now a path to tread even more thorny than that which Mr. Asquith has to walk.

Apparently, women are just women in Bohemia, but they're real ladies in Sweden. And, as Fowler asks, "Can Mr. Asquith really have taught himself to walk without treading?" My favorite is:

> Dr. Tulloch was for a time Dr. Boyd's assistant, and knew the popular preacher very intimately, and the picture he gives of the genial essayist is a very engaging one.

By a process of mental algebra, one is supposed to infer that "Dr. Boyd" was the same as "the popular preacher," and "the popular preacher" was the same as "the genial essayist," and Dr. Tulloch (remember him?) assisted all three of them.

If you want to put your readers through exercises like that, go ahead. You can always say things like, "The president was advised of the danger, but Bill Clinton did nothing to avert it." Admittedly, this one isn't much of an exercise to figure out, but why make anyone perform it?

You'll notice that in that last paragraph I went pretty quickly from "exercises" to "exercise," without suffering any ill effects from the repetition. Now, suppose I changed "exercise" to "task," just to avoid repeating anything. You would have stopped for a moment to go back and confirm that I was still talking about the same kind of mental effort. And why should I make you do that?

Of course, there are some repetitions that should never occur. I just noticed one in something else I've been writing. "In any event," I intone, "the events of human life . . . " We often write things like that because we don't notice that we're using the same word when we're giving it a different meaning. And unfortunately, the more we're focused on meanings, the less we're able to notice what words we're using to express them. Such demons as the one I just cited can be expelled only by putting the danged thing away for a day or two, so you can inspect it with fresh eyes.

Redundancies of meaning (as opposed to repetitions of words) may be harder to detect. You can find them only if you're trying to visualize what your words — *all* your words — literally mean. "We shared many things in common": if you're visualizing the meaning of every word you use, you'll see that "in common" simply repeats the meaning of "shared."

Now try "both of them got together." Can you visualize just one of them getting together? No. So the "both" is redundant. "They got together." Leave it at that.

Are you challenged by time? Does time seem more real to you when you say "it was at that period of time" or you ask "what's the time frame for that?" Visualize what the words literally mean, and you'll see that "it was at that time" and "when will that be?" will do very well. And you might try leaving it at "then" and "when?"

Are you challenged by sequence? Do you think that "and" and "both" won't keep it all together, unless you tack "as well" on, just for luck? Yes, I'm talking about you — you who keep saying things like, "The dog ate both the bone as well as the cat," and, "We're going to fight and we're going to win as well." I beg you — visualize the power and meaning of a simple "and."

My fellow Californians! Why do you insist on "hiking into the Sierras"? "Sierra" already means "a chain of mountains." Visualize your situation: you're not hiking into two or more such chains. Then go forth; hike into "the Sierra" — the singular noun will suffice.

But why do I bother to say these things? I'll just have to repeat them again for you.

cart him off to serve his 90 days for disturbing the peace. Ninety days on a chain gang, preferably. That's what I wished would happen, and I felt guilty for wishing it.

Then it came to me, as it has come to many another libertarian when faced with such crises of conscience: a perfect way of reconciling my visceral demand for vengeance with my lofty allegiance to individual rights. Suppose, I thought, some court wanted to punish me for violating a law. What would be the worst sentence they could make me serve? The worst might be to lock me in a metal vehicle, blast it with senseless, debasing, ear-shattering noise, and make me drive around in it, advertising my disgrace to everyone in town.

Well, that was the punishment to which the young culprit in the SUV, now exiting the store with a Big Gulp and a carton of Luckies, had already sentenced himself. He was already paying the price for his own bad taste. And far be it from me, I continued, leaping aside as he rumbled out of the lot, oblivious to anything but the giant noise of his vehicle, to interfere with the natural process of liberty, spontaneous order, and natural justice.

Only one question remained. Which is worse, the self-righteousness of wanting to call the cops, or the self-righteousness of congratulating yourself on having the right theory for every occasion? — Stephen Cox

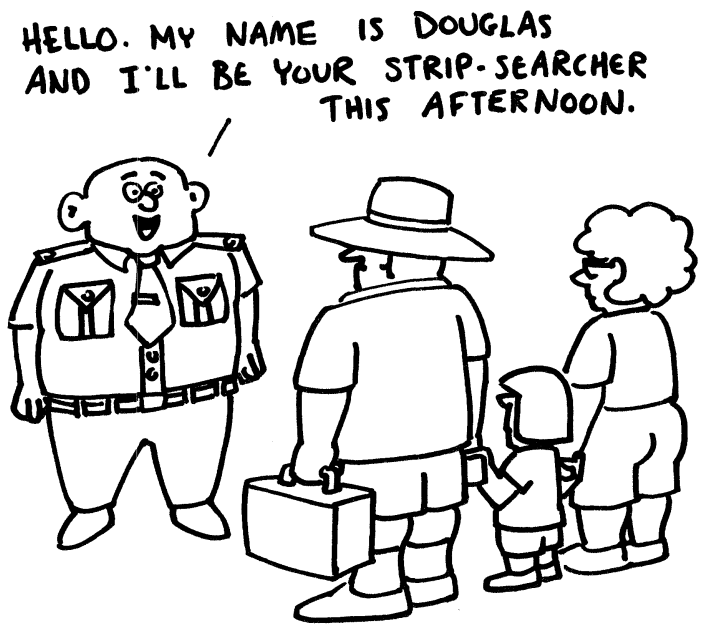

Allegiance vs. liberty — There's a case to be made that the tussle over the pledge of allegiance is misconceived, with the "under God" phrase something of a side issue. In a free society no citizen would face even tacit pressure to pledge allegiance to the nation-state. It is hardly surprising that the Pledge, so sacrosanct these days to "conservatives," was written by a socialist. In our country, founded as it was on the Constitution, informed by the Declaration of Independence, it should be the government pledging allegiance to the freedom and dignity of every human being and vowing to do nothing — including the demanding of allegiance to itself — to compromise that freedom. — Alan W. Bock

The beam in our own eye — Allegations of abuse by prison guards. Stories of terrible sexual abuse, like the man who was raped 30 times over a four-month period and contracted HIV as a result, or the 17-year-old who committed suicide after being raped repeatedly. By now you've heard about the prison-abuse scandal.

After all, the abuses have been well-known for years. *Liberty* even published an article by Ralph Reiland in November 2003 chronicling some of the abuses in the American prison system.

Oh — you were thinking of that whole Abu Ghraib affair? Well, yes, that's terrible, too. It's good that right-thinking people concerned with justice are crying foul.

But where are the Red Cross inspectors visiting American prisons? Where are the Senate hearings into why we're putting teenagers in jail and letting them get sodomized until they kill themselves or die of AIDS, whichever comes first? Why is no one decrying the horrid conditions of prisons run by private contractors in America, even as they complain about the part that contractors may have played in abuses in Iraq? Where is the public outrage over terrible abuses of non-violent offenders perpetrated by American prison guards?

I never stop being amazed at what people will care about, and what they won't care about, when they've got their marching orders from the media.

— Patrick Quealy

You'll burn for this! — To help solve its current fiscal crisis, the city of Berkeley is resorting to the favorite image of budgetary scaremongers everywhere: heroic firefighters who will no longer be there to save us unless we vote for the latest tax surcharge, license fee, etc.

"Our front line services, like police and fire, are now threatened," says Mayor Tom Bates in a recent *Berkeley Voice* story. The corresponding TV commercials are more dramatic, complete with smoke and flames soon to be spreading out of control. Try as I might to work up excitement over this looming Dark Age, as foreseen in *The Road Warrior*, a totally different set of images fills my mind when I ponder our city government.

I still recall the urgent-sounding letter we received last year, demanding the city be allowed to inspect a stair construction project that was approved for our building back in 1994, but never actually carried out. This was the first we had heard from the permit department since that time; naturally we wanted to avoid a misunderstanding that might result in some costly fine or penalty. Yet in half a dozen calls to their office, not only was our assigned contact person never there, his professional colleagues literally refused to take a message for him. Oh, and the voicemail system was down the whole time — here, where we pay the highest property taxes in the Bay Area thanks to numerous special surcharges already heaped on top of the base tax rate. As Mayor Bates explains in the aforementioned article, Berkeley has more employees per capita than any other city in the area, and it pays them better. We never did hear back from our friends who sent the

threatening letter.

Then there was the lady I called to find out when the city was coming around to collect leaves, for which they issue two (and no more) big paper bags at a time. I was sure I had the right number and office, but she didn't seem to know what I was talking about. Turns out I had used incorrect terminology to describe the materials in question, which I've since learned are known collectively as "plant debris."

No wonder they hire so many people and pay such good salaries, what with all the advanced terminology they have to use on a daily basis. But before Berkeley burns like Rome for lack of police and firefighters, I'm sure we can find more than enough dead wood in the impenetrable forest of city hall to clear up any phony budget crisis. — Michael Drew

Rise of the Beef Marshals — The USDA has announced that it will not permit businesses that sell beef to test their cattle for mad cow disease. That's right: they *want* to test the beef to make sure it's safe, and the government won't let them.

If cases of Creutzfeldt-Jakob (the human version of mad cow disease) begin to surface in the U.S. in a few years, the solution will be the federal Beef Security Administration. This small army of dull wage slaves will be given shiny white uniforms and empowered to test cows randomly for mad cow disease. There'll be a massive, multi-million dollar database called CAPPS (Cattle Awareness and Prion Prevention System), which will falsely tag healthy cows as diseased and let diseased ones through. BSA agents will be instructed in ways to avoid the appearance of prejudice in their "randomly selected" test targets, so cows foaming at the mouth, bleeding from every orifice, and having convulsions will not be tested any more frequently than healthy-looking cows.

Politicians, of course, will criticize "greedy big business" for "not having taken measures early on to keep the food supply safe." — Patrick Quealy

Republican states are red. Coincidence? — President Bush recently jumped onto the idea that the government has "got to make sure this country's on the leading edge of broadband technology," and set a goal of "universal, affordable access" to high-speed Internet technology like DSL and cable by 2007. Apparently, somebody in the Bush campaign thought it would be clever to steal this idea from the Clinton-Gore days and pretend to be proactive on it. But when it was a bad idea in the first place, stealing it is not so much clever as a strong suggestion that you have no core principles of your own.

"I don't read French — just bring me the most expensive thing you have."

Not that long ago, the Clinton administration was enamored of apocalyptic Chicken Little rhetoric about the "Digital Divide" and how the poor (defined as broadly as possible) were being deprived of their inalienable right to taxpayer-subsidized Internet access. They never seemed to get embarrassed when, by the time they had done a couple feasibility studies, the private marketplace had surpassed their initial goals of access with no government programs at all.

Computers and the Internet have achieved significant penetration of American households faster than almost any previous technology. It was 71 years from the telephone's introduction before 50% of American homes had one, 52 years for electricity, and 28 years for radio. Personal computers were in 50% of American homes 19 years after their introduction, and the Internet got to the 50% mark in ten years.

The best thing government can do to facilitate the introduction of new technology is to get out of the way. Personal computers themselves, remember, were developed in garages when the stalwarts of both industry and government thought they would never be practical.

It might not be surprising that a Democrat would push for a government-led approach to spreading technology. But for a Republican president to do so suggests that the Soviet model might not have died with the Soviet Union. It seems to have resurfaced in the United States with a Republican mask. — Alan W. Bock

The dangers of insomnia — I had trouble sleeping the other night, and as I lay there thinking, an unexpected thing happened: I became a Democrat. Believe me, this was a shocker. I have been a registered Republican for over 50 years. I usually vote Libertarian on principle, but as a practical matter, I root Republican.

I was thinking about the things which have endeared me to the Republican party for all these years: fiscal responsibility, smaller government, lower taxes, free trade policies, and reluctance to involve the nation in overseas wars, among other things. I admit, I have had concerns about the religious kooks who attached themselves to the GOP, and now seem to be a tail which wags the dog, but I good-naturedly put up with it. The important thing, it seemed to me, was good economic policy.

But, as I thought about the national debt, I asked: what fiscal responsibility? Bush is outspending even Clinton. What smaller government? Bush has expanded government to a level that even Clinton would decry. Free trade policies? Even the protectionist Europeans are complaining about Bush's tariffs.

There was a time in the recent past when the Republican party had some men of economic literacy, people like Phil Gramm, Dick Armey, and Jack Kemp. And it had some men of common sense: John Kasich and Fred Thompson come to mind. But these are gone.

It isn't as if this party has kept us out of wars. Lately we have virtually leaped into entanglements, and the present war may exceed any of them for its sheer stupidity.

I agree with Democrats on many issues. I favor civil liber-

ties. I am pro-choice. I support the separation of church and state. The Democratic obsessions with affirmative action and socialized medicine worry me, but so does the Patriot Act (only Libertarians oppose the Act, and they don't win elections). And isn't it heartwarming to hear the Democrats complaining about the growing national debt? There's no sense trying to distinguish between the two major parties on economic issues anymore. The Democrats rush towards socialism, while the Republicans caution, "Go there slowly."

This is what comes of insomnia. What's next? Will I finally fall asleep only to dream of Hillary?

— Frank Ricciardone

Pumping for safety — In Oregon, the price for a gallon of gas is the highest in the country, now averaging over $2.30 per gallon. Oregon law forbids self-serve gasoline for safety reasons. Stations have to hire people to do it for you, which increases both the time it takes to buy gas and its cost. It amuses me that this law remains on the books, as untrained civilians elsewhere in the nation have somehow managed to pump their own gas without the holocaust that Oregon expects.

As gasoline prices soar, Democrats have suggested that Bush release 60 million barrels of oil from the Strategic Petroleum Reserve. This is only a three-day supply, and over the course of the summer, such a minuscule bump in supply would have a negligible effect on prices. Of course, the most certain way to lower prices would be to lower the tax rates, which, in the average state, account for 23% of the cost of a gallon of gas.

Not only does lowering taxes run contrary to Democratic Party dogma, but lowering taxes on gas contradicts a popular leftist idea of the early 1990s: that a several-dollar tax on a gallon of gas would save the environment. Now that the price has crossed the $2 threshold, and Americans are outraged, not many serious politicians talk about that tax anymore.

— Tim Slagle

Hermes, meet Gaia — Having written about environmental topics for more than twenty years, I remain frustrated by the vast gulf that exists between free-market writers and "the others." To visualize this gulf all you have to do is to look at the endnotes and reference lists of books on the nature shelves of a Barnes & Noble, books such as *Nature's Services*, edited by Gretchen C. Daily, or *Requiem for Nature*, by John Terborgh. Certain names recur frequently, names such as Paul Ehrlich, John Holdren, Thomas J. Lovejoy, and Norman Myers, to cite a few. These are scientists who have enthusiastically adopted environmental causes, often abandoning their grounding in science while doing so.

What you rarely see are the environmental writers that free marketeers know well, such as Terry Anderson, Richard Stroup, or Robert Nelson. Other writers are ignored, too — theorists such as Ronald Coase, James Buchanan, Robert Ellickson, Randy Barnett, and Richard Epstein, who have helped to bring back consideration of property rights and governance. Nobel prizes apparently don't count for much with the other side.

But we are guilty, too. We don't cite Ehrlich or Holdren — or any of scores of other scientists who comment on issues that we tackle as well — except to attack them. There are a few crossovers — Garrett Hardin and perhaps E. O. Wilson. But by and large, writers on the "other side" aren't reading our books, and we aren't reading theirs.

The reason is simple: it's hard to stomach those books. Can we read statements like this one from *Requiem for Nature* without groaning? "An economic system that espouses unending growth, discounts the future, and undervalues natural resources is diametrically incompatible with sustainable development." You and I know that the growth that a free-market system makes possible allows us to value natural resources for other than commodity use and to preserve them for the future.

And thus it's a little ironic that over the past decade or so, some of these environmentalists have discovered markets. Books like Paul Hawken's *The Ecology of Commerce*, and *The New Economy of Nature* by Gretchen Daily and Katherine Ellison, argue that environmental protection can be good business. Of course, they want to use government channels to "perfect" markets, but at least they recognize that markets are the way that improvement comes about.

These authors desperately need the insights of property rights analysis, public choice theory, and Austrian economics. How to reach them is a hard question, but maybe we need to go halfway. I'm slogging through *Requiem for Nature* (which, it turns out, is often informative) and plan, at last, to put *The Ecology of Commerce* on my reading list.

— Jane S. Shaw

All the news that's fit to line the litter box — I don't often agree wholly with Dubya, but nearly everything he says about why he doesn't read newspapers is agreeable to me. When a newspaper falls into my hands, like the president, I turn first to the sports pages for important information new to me, and then to the obituaries, for "news" that wouldn't otherwise get to me.

Nowadays, when friends aware of my habits recommend one or another article in the morning *New York Times*, I customarily ask them to tell me *not* the page on which it appears, which is what pre-Internet minds want to do, but to provide me with enough keywords to permit me to find the article on the newspaper's website, which offers free access to articles for a week after they're published.

I buy the Sunday newspaper initially for the coming week's television schedule, customarily picking up the *Sunday News* for a dollar instead of the *Times* for three bucks. A smaller paper saves not only when I purchase it, but also on costly recycling. What I can't figure out is why newspapers still print stock prices, since most of us can get this information immediately and more efficiently through our computers. Don't newspaper publishers care about saving trees?

Our commander in chief complains that too much in newspapers is opinion, which he apparently finds disagreeable. I find insufficient opinion, and little novel content generally, in newspapers; many of the narrow columns repeat what is heard over the electronic media or, so newspaper addicts tell me, what was already printed in yesterday's paper. Trained in graduate school to read at speeds inversely proportionate to what I expect to get out of a text, I find that, when newspapers inadvertently fall under my eyes, I can

toss away a daily paper in a few minutes and the Sunday paper in 20 or so, while a publication such as *Liberty* takes no less than two hours.

Living as I do among thousands of books — a medium meant to last — may I suggest that the surest symptom of literary insanity, or is it insane literacy, is the keeping in one's house of any newspaper more than one week old. Indeed, anyone surrounded by newspapers more than a month old should be placed under psychiatric care; more than a year old, taken away for a loony bin. No questions need be asked.

To my mind, the sometime librarian's husband who serves as our president is a true model for contemporary literacy. Don't forget that as errant planes were hitting the World Trade Center, this bookman was reading to a class of children in Florida. Go to it, Dubya — show us how.

— Richard Kostelanetz

I'd kill for an ice-cold Pepsi — "All true believers of our time declaimed volubly on the decadence of the Western democracies," wrote Eric Hoffer in his first book, *The True Believer: Thoughts on the Nature of Mass Movements*, published in 1951. "The burden of their talk is that those in the democracies are too soft, too pleasure loving and too selfish to die for a nation, a God, or a holy cause. This lack of readiness to die, we are told, is indicative of an inner rot — a moral and biological decay."

Largely self-taught, Hoffer had picked up his insights on the human condition as a migrant farmhand, a lumberjack, a dishwasher, and a longshoreman, always lugging a load of books. By 1951, he had seen the attacks on Western democracies by Germany's Nazism, Italy's fascism, and Japanese nationalism. He had seen the immensity of the human losses produced by that assault, an estimated 56 million deaths, only to be followed by the announcement from Russian scientists in 1949, that the Soviet Union had detonated its first atomic bomb.

Now, Pakistani journalist Hamid Mir, the biographer of al Qaeda's No. 2 leader, Ayman al-Zawahri, has stated in an interview with Australian television that Osama bin Laden's terror network has acquired ready-made nuclear weapons. Mir reported that he said to al-Zawahri that it was hard to believe that al Qaeda had nuclear weapons. "Dr. Ayman al-Zawahri laughed," said Mir, "and he said, 'Mr. Mir, if you have $30 million, go to the black market in Asia, contact any disgruntled Soviet scientist, and a lot of smart briefcase bombs are available. They have contacted us, we sent our people to Moscow, to Tashkent, to other central Asian states, and they negotiated, and we purchased some suitcase bombs.'"

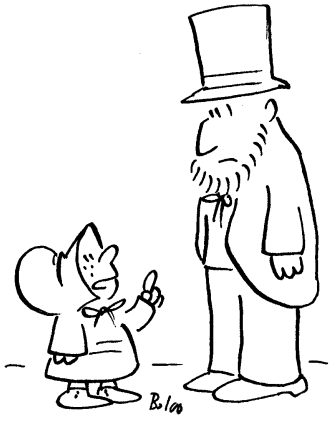

"The beard helped some — now try letting your hair grow and combing it down over your face."

That news from Mir, along with reports of the sale of nuclear technology to Iran, Libya, and Korea by Pakistani scientist Abdul Qadeer Khan, paints an unsettling picture.

Enemies to freedom keep coming, always primed to kill, always in a state of outrage over our "decadence." No sooner do we knock one down than another develops, like Jason in *Friday the 13th*. Hoffer offers some insight that is still helpful today. "All mass movements," he wrote, "generate in their adherents a readiness to die and a proclivity for united action; all of them, irrespective of the doctrine they preach and the program they project, breed fanaticism, enthusiasm, fervent hope, hatred, and intolerance; all of them demand blind faith and a single-hearted allegiance."

Here, for example, is an excerpt from the final instructions that the Sept. 11 terrorists received before their flights of death: "The love of this world is wrong. You should love the other world, and you should not be afraid to die."

Wrote Hoffer, some five decades earlier: "It is perhaps impossible to understand the nature of mass movements unless it is recognized that their chief preoccupation is to foster, perfect and perpetuate a facility for united action and self-sacrifice." The holy duty is to destroy one's individuality, to sacrifice oneself to the collective. "To ripen a person for self-sacrifice he must be stripped of his individual identity and distinctness," explained Hoffer. "The fully assimilated individual does not see himself and others as human beings. He has no purpose, worth or destiny apart from his collective body; and as long as that body lives he cannot really die."

In Jonestown, that meant the deaths of 638 adults and 276 children, when followers of Jim Jones drank grape Kool-Aid laced with cyanide. In San Diego, it took the form of 39 bodies in the Heaven's Gate cult, men and women, all with the same unisex buzz-cut hair and shapeless clothes. They took their own lives when Bo and Peep, the group's leaders, gave the word that there was a heavenly spaceship behind the Hale-Bopp comet coming to take them to the pie-in-the-sky place from which Bo and Peep had said they'd descended, in search of a harvest of Earthlings.

As with Mohammed Atta in Manhattan, "the love of this world" was deemed wrong by those whose minds were captive to Jim Jones or the Heaven's Gate cult. In the collectives of Jonestown and in San Diego, the true believers destroyed themselves in steps, first through obedience, then by rejecting personal possessions, then by compulsory celibacy. The Kool-Aid was just another phase.

The battle then, as now: individualism versus the sacrificial furnaces. The difference was well demonstrated when an Afghan in Peshawar told the *Guardian*, "The Americans love Pepsi but we love death."

— Ralph R. Reiland

Red Team, Blue Team

by Clark Stooksbury

American politics is a sport, and being absolutely certain of the essential righteousness of your team simplifies life enormously.

How can Rush Limbaugh, in the face of massive deficits and rapidly growing government under the Bush Administration, proclaim with a straight face that a victory by the Democrats this fall will lead to a return of big government? The answer is that he believes in the GOP narrative with a religious fervor. Believing this narrative is different from simply being a conservative or a Republican. The GOP narrative is a Manichean worldview in which Republicans and conservatives are beacons of light and holiness, while Democrats and liberals are the essence of evil. In other words, their view of Bush is the inverse of the popular leftist view of Bush.

While it greatly simplifies life, believing in a political narrative makes one's political affiliation the equivalent of one's favorite sports team. I am from Knoxville, the home of the Vols (short for Volunteers), the football team of the University of Tennessee (UT). "Vol Fever," as it is sometimes called, saturates the air starting in late summer, as palpable as an August heat wave. The blistering heat and humidity of east Tennessee usually subside sometime in September, but Vol Fever lasts until January. As a UT fan, I "know" that when a Volunteer linebacker is flagged for a late hit, he is a the victim of a bad call — no, an egregious call. I also know that when a UT receiver bobbles the ball in the end zone, he definitely held it long enough to score a touchdown. The fans on the other side — cheering for a hated rival such as Florida or Alabama — are just as convinced of the opposite reality. I have come to believe the narrative of the Vols, and fans of rival teams have learned to believe their own teams' narratives, by cultural osmosis.

I used to be the same way in politics. In the 1980s I believed in the narrative of the Republican party. I "knew," before I even knew what the issue was, that President Reagan was right and the Democrats were wrong. My belief in this narrative began to erode after the revelations that the president was selling arms to the Iranian regime in order to secure the release of American hostages in the Middle East and to fund the Nicaraguan Contras. Former *New Republic* editor Michael Kinsley compared the plight of Reaganites to that of American Communists at the time of the Hitler-Stalin pact, when "a sudden policy reversal put devoted ideologues to such a severe test of their devotion. A party line of stark moral simplicity — no dealing with terrorist states — has suddenly gone all gooey and geopolitical. . . . As in 1939, many are falling off the train as it rounds this sharp bend. But a tenacious few hold on." I eventually fell off.

The release of Richard Clarke's *Against All Enemies* provides a textbook example of pundits approaching a political issue as if they were spin artists, as opposed to opinion journalists. There are legitimate questions about the credibility of some of Clarke's accusations such as his claims about the handling of the threat of terrorism in the Clinton years and some statements he made previously that appear to contradict what he is saying now. But his central charge that the Bush administration has been obsessed with Iraq should be

blindingly obvious, even and especially to neocon pundits who have been beating the drums for an invasion of Iraq for years.

With near unanimity, the right side of the punditocracy went into damage-control mode on the day *Against All Enemies* came out. Rush Limbaugh brought Vice President Cheney on for an interview, which was a little like Charlie McCarthy interviewing Edgar Bergen. Limbaugh's questions were far more revealing than the vice president's answers. One peculiar question was, "What do [the president's opponents] hope to achieve by continually attacking Condoleezza Rice?" Limbaugh felt no need to offer evidence for the bizarre belief that the national security advisor is being attacked to a greater extent than say, Cheney, Rumsfeld, Wolfowitz, or Perle. He also brought up the recalcitrant Senators Hagel and McCain, whom he denigrated as "Republicans of a sort" who are "not totally on board that struggle [for the future of the country]." Cheney predictably praised Rice's ability to defend herself and absolved Hagel and McCain of the treasonous charges with which Limbaugh was saddling them. The vice president also stated that Clarke was "out of the loop" in the Bush Administration's discussions of terrorism. That claim is disputed not only by Clarke, but by Condoleezza Rice — but not by Limbaugh. At no point in the interview did either Limbaugh or Cheney feel compelled to act as if Clarke had any credibility.

While it greatly simplifies life, believing in a political narrative makes one's political affiliation the equivalent of one's favorite sports team.

That Rush Limbaugh follows the GOP narrative with a religious fervor should surprise nobody. The purpose of his program is to validate the prejudices of his audience in the same way so much of popular culture and the news media do for the Left. When his show began, there existed a much narrower media world. There was no Internet or Fox News. There wasn't even a *Weekly Standard*. The traditional big media had much less competition and much more power.

It is disturbing, however, that so much of the conservative movement, led by its intellectual flagships *National Review* and *The Weekly Standard*, appear to read from a script prepared by Karl Rove. They sometimes criticize the Bush administration's policies on the budget and immigration. But on fundamental matters, such as the president's character, they line up with absolute loyalty.

National Review editor Rich Lowry took up the burden of discrediting Clarke in a histrionic *New York Post* column inveighing against Clarke and his book. Lowry's primary tool was an anonymous press background briefing from 2002, which the White House gave Fox News permission to publicize, about the Bush administration's terrorism policy. Lowry said Clarke portrayed the president in the press briefing as an "antiterror stalwart."

I suppose "stalwartness" is in the eye of the beholder. In the briefing, Clarke said that the Bush administration had "decided to initiate a process to look at those issues which had been on the table for a couple of years." To accomplish that, the "deputies then tasked the development of the implementation details. . . ." The briefing temporarily broke down because of semantic confusion over Clarke's statements that the Clinton administration had no "plan" for dealing with al Qaeda, but that it had a "strategy." Score one for Lowry's side for observing that Clarke should have discussed the vast increase in the CIA's budget that the Bush administration approved. One should keep in mind, however, that a pledge to spend more money — one of the few things Bush does really well — does not necessarily translate into a more effective policy.

In Lowry's zeal to establish that Richard Clarke is fit only to be a "Dishonesty Czar" in future administrations, he brought out several other areas of supposed inconsistency, including a peculiar statement about Clarke's view of the Clinton administration's priorities: "In his testimony yesterday, Clarke said that the Clinton administration had 'no higher priority' than fighting terror. No. *In his own book*, he says trying to force a Middle East peace agreement was more important to Clinton than retaliating for the attack against USS *Cole*" (emphasis in original). I have not read *Against All Enemies*, but it took about one minute of trolling through the index to discover that in Clarke's view, a Middle East peace would greatly reduce the risk of terror against the United States. Referring to the period shortly after the *Cole* bombing, he states:

> Time was running out on the Clinton administration. There was going to be one last major national security initiative and it was going to be a final try to achieve an Israeli-Palestinian agreement. It really looked like that long-sought goal was possible. . . I would have liked to have tried both, Camp David and blowing up al Qaeda camps. Nonetheless, I understood. If we could achieve a Middle East peace *much of the popular support for al Qaeda and much of the hatred for America would evaporate overnight*. (emphasis added)

Below the loftier precincts of "Doctor of Democracy" Limbaugh and *National Review*'s editor, pundits attached themselves to any perceived chink in Clarke's armor and slashed away. Radio talker Hugh Hewitt and columnist Cal Thomas noted Clarke's friendship with Rand Beers, a Kerry foreign policy advisor. In her column, Ann Coulter eschewed stodgy analysis and went straight to schoolyard insults. Clarke is "some loser no one has ever heard of" and a "chair-warmer" who thinks that the "black chick is a dummy." Likewise, Wesley Pruden of the *Washington Times* denounced Clarke as exhibiting a "public tantrum" of "foaming resentment," and as a "geek" with "nothing to offer but goofiness and a familiar face."

In the 1980s I believed in the narrative of the Republican party. I "knew," before I even knew what the issue was, that President Reagan was right and the Democrats were wrong.

continued on page 22

Nowhere to Go

by K. R. Mudgeon

Under Bush's compassionate "conservatism," the federal government keeps trampling civil liberties and growing bigger and more expensive.

Throughout his tenure, the president has turned his back on his base, apparently assuming that spurning constitutional values and reversing his professed commitment to smaller and less intrusive government will have no significant political cost. This has resulted in an administration so radically authoritarian and profligate that those libertarians and conservatives more devoted to principles than to parties should deny him their votes for a second term.

The passage of the McCain-Feingold Bipartisan Campaign Reform Act is the most significant and startling development. It effectively prohibits citizens from criticizing candidates in the days leading up to an election. President Bush supported and signed this disastrous law. In our nation's history, there is only one precedent for such an abridgment of free speech: the 18th century's widely and justifiably reviled Alien and Sedition Acts.

That dismal forerunner to the current law prohibited the publication of false, scandalous, or malicious writings against the government, either house of Congress, or the president. Under the 1798 law, at least ten editors were fined or imprisoned, a member of Congress was jailed for publishing a pamphlet critical of the administration, and a New Jersey man was fined for remarking that he hoped the next presidential salute would result in the wadding of the cannon striking the Hon. John Adams.

While the Alien and Sedition Acts prohibited only false statements, the current law prohibits the broadcast of any and all critical political advertising, no matter how truthful, during a period of 60 days prior to an election — the time when robust political discourse is most important.

The Bush administration again demonstrated its disregard for the Constitution after the Supreme Court partially upheld the University of Michigan's affirmative action policies. By waffling on the equal protection clause when the affirmative action cases were before the Supreme Court, the administration condoned a class-based ideology that runs counter to centuries of progress in the elevation of individual ability over station of birth. Bush's Department of Justice did not file a brief to clarify its opposition to the discriminatory practices engaged in by the university. Instead, it filed an equivocal brief that supported the ultimate decision, whereby the Supreme Court approved fuzzy, feel-good affirmative action programs that enable our public institutions to favor some individuals over others on the basis of race and encourage the institutions to dissemble about what they are doing.

The administration's posture in the case made it complicit in seeking reversal of an important aspect of the centuries-long societal shift from status to contract — ranking and rewarding individuals increasingly on the basis of what their own abilities and accomplishments enable them to negotiate and decreasingly on the basis of the status of the family or other group into which they are born. Anyone in the administration who is thinking beyond the next election would be

well advised to consider the dramatic negative impact on human progress in virtually every field that has occurred in societies that have interfered with the status-to-contract transformation.

Every minute of every day, this purportedly conservative government spends $900,000 more than it takes in, indebting future generations for the costs of benefits we are receiving. This number doesn't even take into account all of the off-budget and off-book debt that the government is taking on. Taking advantage of the lack of transparency that enables it to play accounting shell games that would land a business executive in jail, the government's borrowing is actually vastly more than the $900,000 per minute figure suggests.

Every minute of every day, this purportedly conservative government spends $900,000 more than it takes in.

This deficit is the result of legislation by our "conservative" Congress and administration that includes:

- a farm bill bloated with agribusiness benefits beyond all precedent and reason;
- steel tariffs that are very costly to American consumers, resulting in a net loss of American jobs and betrayal of our professed free trade principles;
- an ethanol program and energy boondoggle that boggles the mind;
- a highway bill laden with more pork than any in history;
- a huge increase in spending on education;
- an enormous new prescription drug entitlement that will entail costs that will invariably escalate to unimaginable levels.

Federal budgets adopted since 1994 should have warned us that supposedly conservative Republicans are as inclined as Democrats to spend other people's money to try to pick society's winners and losers and to buy constituencies. The three budgets enacted after the Republicans took control of Congress in 1994 increased spending by 11.5% even though defense spending was being reduced. The preceding three budgets, adopted by Democratic Congresses, increased spending by only 9.7%.

It is noteworthy that in 2004 the organization International Living, while still ranking the U.S. as the best country to live in, dropped America's rating on its freedom scale below 100 for the first time. The U.S.'s level of freedom is now 76 — behind Denmark, Switzerland, Australia, New Zealand, Norway, Austria, and Canada, all of which still rate 100, and Monaco, which rates 92. An affiliated organization describes America, in only slightly overwrought terms, as "rapidly becoming a police state, a land of Black Hawk helicopters over Las Vegas, snipers in Times Square and swarms of gun-toting police in black SWAT team uniforms kicking down doors in the night."

David Theroux of the Independent Institute has observed, "Over the past three years, with inflation at record lows, U.S. government spending has increased by a massive 28.3% — with non-defense discretionary growth of 30.5%. . . . "

President Bush seems well on his way to becoming the first U.S. president in 150 years not to have vetoed a single bill.

U.S. government agencies have furthermore been given new powers to arrest and detain people indefinitely without charge, legal counsel, or trial, to search secretly anyone's property, and to intercept phone, Internet, and other communications, as well as access health, financial, and other private records.

The administration's political strategists apparently believe that the voters who brought it to power have no place else to go, and can be appeased by promises to limit next year's discretionary spending increases to 4% over the current profligate and bloated levels.

The Bush administration is so radically authoritarian and profligate that those libertarians and conservatives more devoted to principles than to parties should deny him their votes for a second term.

This updated version of the Dick Morris and Bill Clinton triangulation strategy will probably work because Bush's base sees no viable alternative in the Democratic candidate. The Democrats are not making an issue of the administration's excesses because they favor unlimited authoritarian government and ever more public spending.

Given this bleak state of affairs, my plan for November 2nd is to do just what I did when President Bush's father ran for reelection. I expect to have another great day fishing. ☐

Red Team, Blue Team, *from page 20*

Being absolutely certain of President Bush's essential righteousness sure simplifies life for someone who regularly expresess opinions in print or over the airwaves. But thinking for oneself is better. Consider the case of Charlie Reese, a columnist who has been around long enough that no one would think it unseemly if his views were set in concrete, yet who still manages to think. Two columns he wrote, one in late 2000 and the other just recently, illustrate this. In October of 2000, a Reese column stressed the importance of electing Bush and removing the Clinton crowd, for, among other reasons, Reese's disgust at the "lies, evasions, character assassination, extreme partisanship and outright corruption" of the Clinton years. In his recent column, the headline says it all: "Clinton Better." ☐

Can We "Liberate" Iraq?

Alan Ebenstein and R. W. Bradford have been debating the case for U.S. military action in Iraq by correspondence in the past few issues of *Liberty*. Last month, Bradford challenged Ebenstein to answer several substantive questions. Here, Ebenstein provides his answers, and Bradford responds.

These seem to be dark hours for United States military involvement in Iraq, but American military involvement is actually a positive step in the direction of continued world peace.

Santa Barbara
May 24, 2004

Dear Bill,

I apologize for not getting back to you sooner, and for not being able to discuss these issues with you at the *Liberty* Editors' Conference in Las Vegas.

I recognize that these seem dark hours for United States military involvement in Iraq, but my view remains that this military involvement is a positive step in the direction of continued world peace. Please allow me to respond to your three specific questions.

1) I do not consider Churchill, Roosevelt, and Truman war criminals for their actions during World War II, even though these included the development and use of weapons of mass destruction. In my previous correspondence, I attempted to differentiate the new circumstances in which humanity finds itself, where literally anyone in the world will be able to create WMDs in a few years or decades, from past circumstances. These new circumstances call for new rules. One of these rules is that leaders of nations who use WMDs should be removed.

I recognize that you may not find this answer convincing. It is also the case that Truman's use of the atomic bomb was different than Saddam Hussein's use of WMDs because, in Truman's case, it was to end a war in which the United States had been unprovokedly attacked. In Hussein's case, he used WMDs on his own people to prop up his regime. So I think the circumstances are different for this reason, too.

2) With respect to my claim that soon, "a few madmen, literally anywhere in the world, will be able to kill millions or even billions of people," I am surprised that you disagree with this assertion. It is merely the progress of technology. We have already seen that the ability to kill thousands through terrorist acts exists. With the continued development of biotechnology and chemical warfare, much less nuclear and conventional warfare, this capability will continue to increase.

This new technological development lies at the heart of my argument. It is a completely new situation in world history when an isolated person or a few people can kill not just a few others, but thousands, millions, or even, potentially,

billions.

This new circumstance justifies the doctrine of preemptive or preventive wars much more strongly than was the case in the past. The essential libertarian principle that individuals should not physically harm others except in self-defense does not mean that individuals cannot be preempted or prevented from harming others.

So, in this sense, I do not agree that the fundamental libertarian principle is not to initiate the use of force. Sometimes, if others are using or may use force, it is justified to use force first. When the stakes become higher because the damage people can do to others has increased because of technological development, then the principle of preemption or prevention comes more into play. Humanity has reached this point.

3) I think the world is a safer place for many reasons because the United States deposed Saddam Hussein and, together with the British and others, invaded Iraq. As I have previously argued, I think this was a major reason for Libya's decision to curtail its program of development of WMDs. I think this is having an influence on Iran in this respect, also.

Moreover, with respect to the Israeli-Palestinian dispute, Israel is far more likely to make territorial concessions that weaken its tactical military position if it believes it has an ally in the United States who would defend it if it were attacked. The Oslo accords were signed after the Gulf War. I do not think it is a coincidence that Israel is preparing to depart from Gaza and parts of the West Bank after the United States and British military involvement in Iraq. These are only some of the ways that military involvement in Iraq is furthering world peace.

My view is that United States involvement in Iraq will go better in the next twelve months than it has in the past twelve. My view is that after potentially some initial instability of a few weeks to a few months after power is handed over to Iraqi authority on June 30 that conditions will markedly improve and U.S. forces will begin to leave the country.

What was one of the most despotic and potentially threatening regimes in the world will be replaced by a better, semi-democratic one. This will be a great step in the direction of world peace in one of the most volatile regions in the world.

There is little question that the costs of the Iraqi involvement have been great, both in terms of dollars and lives. But these costs will prove to have been worth it. Our dead will not have died in vain. Rather, they will have died in the cause of advancing world peace.

Best,

The problem is: what sort of policy will best retard the spread of WMDs to terrorist groups? I don't think invading countries that possess no deployable WMDs is the best approach.

Port Townsend
May 24, 2004

Dear Lanny,

It's a pleasure to hear from you, and to receive from you responses to the arguments that I have made over the past few months. I am sorry that you weren't able to make it to our conference in Las Vegas as planned. It would have been a pleasure to see you there, and to wrangle over these issues in person.

Alas, your letter arrived only hours before we go to press, so my response will have to be hasty.

1. I argued that by your definition, Churchill, Roosevelt, and Truman were guilty of using WMDs against civilian populations, and, according to your logic, ought to have been removed from power even at the cost of war. I asked you whether you agreed. You disagreed, offering two distinct responses:

You argue that the "new circumstance" that "in a few years or decades" it will be possible for "anyone, anywhere in the world" to create WMDs, entails new rules, one of which is that "leaders of nations who use WMDs should be removed."

But wait. This logic fails on at least two grounds.

First, the spread of WMDs became inevitable as soon as the first WMD that depended upon published technology came into existence. This happened long ago. The only major weapon whose technology was kept secret for any length of time was Greek fire, which the Byzantines used very effectively in naval warfare for centuries before they were conquered by the invading Ottoman Turks in 1453. But Greek fire was used only in battles between warships, so it was hardly a WMD.

By the definition you provided of WMDs, their use goes back through the millennia. As I have pointed out, germ warfare in the form of poisoning wells with corpses and catapulting corpses into forts dates back to ancient times. The earliest reference to the use of a WMD is found in Sophocles' *Philoctetes*, which tells of soldiers dipping the tips of their arrows in decomposed flesh and the venom of poisonous snakes, thus making a weapon that is both biological and chemical. And of course, from the moment the U.S. built the first atomic bomb and demonstrated its power as a tool of mass murder at Hiroshima in 1945, it was potentially available to terrorists, "in a few years or decades."

Your logic fails on another ground as well: all evidence indicates that Saddam Hussein *did not possess any deployable WMDs* at the time the U.S. invaded, and that the only ones he ever did possess were provided by the U.S. and our European allies for deployment in his war against Iran in the late 1980s. He later used them in a civil war. Curiously, one country undeniably possesses huge amounts of WMDs and has actually used them to kill hundreds of thousands of innocent civilians, and has provided them to other countries. I refer to the United States, which has remained unpunished.

Of course, you've claimed that the our uses of WMDs against civilians occurred primarily at a time when it was acceptable to use them, back before the rules changed. Certainly the U.S. used them in 1945, and Saddam used them on a much smaller scale in the 1980s. But Saddam hasn't used them since — he apparently used up his entire supply, was unable to make more — and had no deployable or effective WMDs to use in his war with the U.S.

You've argued that the use of WMDs to kill innocent civilians was an acceptable practice when the U.S. used them in World War II, but that actions of this sort were not acceptable by the 1980s when Saddam used U.S.-provided gas against Iran and the rebel Kurds. You justify this distinction by saying "the rules had changed," thanks to the potential use of WMDs by independent terrorists. This seems to imply that the potential for terrorist use of WMDs arrived somewhere between 1945 and 1980. As I've indicated, the potential use of WMDs by non-governmental terrorists has been with us for a long time. I have trouble identifying a discrete point when it became such a threat that the rules of war had to be radically revised. I have to say that your line of thinking seems like casuistry to me.

You also argue that Truman's mass murder of civilians in Japan was justified because "the United States had been unprovokedly attacked." Whether the U.S. provoked the attack is at the very least controversial, but it does not seem to me that this is the place to renew this debate. I am concerned about the plain implication of this claim that any country that is attacked is justified in responding by murdering huge numbers of innocent civilians. Do you really mean that?

2. I did not "disagree" with your claim that soon "a few madmen, literally anywhere in the world, will be able to kill millions or even billions of people." I asked you for evidence to support this claim, which you still have not provided. You merely observe that science and technology are progressing, and that they can be employed for the purpose of mass murder. This is undeniably correct. As I have suggested, the use of new technology for evil ends is virtually inevitable. But this does not demonstrate that it will happen in "a few years or decades."

The important issue here is what sort of policy will most successfully retard the spread of WMDs to terrorist groups and terrorist governments?

I suspect that we disagree about this. You apparently think that attacking a dictator who once used WMDs provided by the U.S. is the best way to retard their spread. I think trying to make the world a less violent place is a better idea. This means attacking other countries only if they have attacked us first. I think the classical liberal foreign policy of peaceful trade with all nations is much more likely to reduce the incentives for terrorism than conquering and occupying other countries. I will go so far as to suggest that attacking a secular Arab state stimulates Arab hostility toward the U.S., solidifying anti-American sentiments, and helps Islamic terrorists to get the kind of resources they need to develop or purchase, and then to deploy, WMDs against the U.S.

3. Has the world become a safer place? The only evidence you cite is Libya's partial disarmament, which we've already discussed. You'll recall that I doubted its being a consequence of Bush's conquest of Iraq. *The Wall Street Journal* reported that American negotiations with Libya, which resulted in Libya's disarming and taking a more peaceful approach to the West in exchange for America's dropping its economic sanctions, was virtually a done deal before the war began. Gaddafi, the *Journal* reported, was strongly motivated by his declining popularity, which was an effect Libyans' dissatisfaction with their economic situation.

Do Arabs feel less hostile to the U.S. after watching us conquer and occupy an Arab nation? Does the fact that American soldiers routinely shoot Iraqi civilians on the roadsides assuage anti-Americanism in the Arab world? Does the sexual humiliation of Iraqi prisoners of war make the world a safer place? Have the homicides by American prison guards of nine POWs, mostly beaten to death, but one strangled, as reported in today's *Wall Street Journal*, made the world more peaceful?

Or the American bombing of a Iraqi wedding party and killing of several celebrants, reported today by the Associated Press complete with video tapes, decreasing Arab hostility toward Americans?

As to your speculation about how things will go much better during the next 12 months . . . well, I hope you are right. But I fear you are wrong.

Regards,

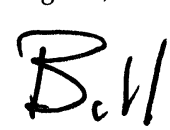

Orwell's Economics

by Robert Formaini

For Orwell, capitalism offered only poverty and exploitation, while socialism ran the risk of turning totalitarian.

To understand George Orwell's economics, it is necessary to understand that Orwell was — all of his life — a man of the political Left. He had many intellectual battles along the way with others on that side of the political spectrum, and, of course, to his own left, but his basic approach to observation was always colored by what we here in the United States call "liberal guilt." For Orwell, it was "class guilt," mixed with a direct experience of, as he put it, "doing the dirty work of empire," but that is a rhetorical distinction without meaningful difference.* Also important to understanding Orwell's economics is that he was a lifelong, extreme pessimist.

That Orwell was intellectually honest and had a keen eye for social observation cannot be doubted. His writing is always lucid and to the point, and the best way to understand his powers of observation is to watch *How Green Was My Valley,* winner of the 1941 Oscar for best film, and then to read Orwell's 1937 essay *The Road to Wigan Pier*. The movie romanticizes its subject, while Orwell does not. This exercise has the same effect as being punched very hard in the stomach after just having consumed a very nice meal, and will give even the staunchest advocate of free markets some pause.

But the really fascinating thing about his 1937 book is not that it would have warmed Engels' heart, but that even though it was commissioned and published by something called the Left Book Club, that Club placed a reply to Orwell in his own book that argued *against* much of what he had to say in Part 2 of the work. Part 1 is a straightforward assessment of the harrowing, poverty-filled life of miners, one that Orwell wrote by living and working with them for many months. Part 2 is an unrelenting, trenchant critique of typical advocates of socialism, even though socialism is explicitly supported in the text. That caught Orwell's publishers entirely by surprise. It is a critique that was so on target that they felt it had to be answered and, essentially, disowned within the very book they themselves had commissioned.† This is classic Orwell: the iconoclast, the brutally honest observer who winds up, eventually, offending everyone, including even the

*Meyers, in his biography, sums up Orwell's early influences as regards his guilt: "He felt guilty about his family's colonial background — slave owners in Jamaica, exploiters in Burma, opium dealers in India — as well as his own too comfortable bourgeois family, his snobbish upbringing, which had taught him to despise the working class, and his education at Eton. Tormented by a social conscience, he felt uneasy (even when relatively poor) about having more money than anyone else. His colleagues in Burma made him feel guilty about being too young to serve in WW1, and this guilt was revived when he proved medically unfit to serve in WW2. He felt guilty about enjoying the oppressive power of his job as a policeman. Finally, his family made him feel guilty about giving up a promising career, for disappointing them and cadging off them instead of getting a proper job" (78).

†One reader of this article denied that the Left Book Club commissioned *The Road to Wigan Pier* at all. Not being a historian, I take no position on that claim, and rely solely on the sources cited.

political sponsors who had funded his research.

One of the reasons that Orwell is always such a fascinating read is that he is so relentlessly politically incorrect that one senses he could never hope to find a publisher today, and that if he somehow did, widespread social opprobrium would surely follow. If Orwell were writing today, instead of his output being claimed by both the Left and Right, he would be denounced, and quite vociferously, by both.

This is classic Orwell: the iconoclast, the brutally honest observer who winds up, eventually, offending everyone.

Like H.L. Mencken, Orwell wrote clearly, powerfully, and with seeming effortlessness. One reason for this impression is, in my view, that he didn't have to second guess his rhetoric. At the time Orwell was writing, an author could freely discuss any topic, and on its own terminological turf, provided he was willing to defend himself. This Orwell was fully prepared to do. Orwell appalls many modern readers, especially the current crop of self-anointed intellectuals. How else to account for Christopher Hitchens' quite defensive title for his recent book: *Why Orwell Matters*. Twenty-five years ago, such a title would have seemed a rather silly, if not incomprehensible way, to introduce a book about the justly famous author of *Animal Farm* and *1984*.

Orwell is one of a handful of people who called themselves socialists but nonetheless found favor with the political Right. (Sydney Hook comes to mind as well). He achieved this by walking a rather narrow road, balancing his hostility to totalitarian regimes against his almost equal hostility to free-market capitalism, which he thought always degenerated into monopoly and worker exploitation. He was also fortunate, in a strange way, that his *Homage to Catalonia*, suppressed during the 1940s by the Left in England, was not finally published in America until 1952. By that time, Stalin's initiatives and the attendant Korean crisis had made the aggressive character of Soviet communism much clearer than when Orwell had just returned to England after fighting on the republican side in Spain. Orwell's champions on the American Right quite naturally loved this part of his work.

In retrospect, his pro-socialist view was, though very clearly stated, as naive as that of today's college sophomore:

> Indeed, from one point of view, Socialism is such elementary common sense that I am sometimes amazed that it has not established itself already. The world is a raft sailing through space with, potentially, plenty of provisions for everybody; the idea that we must all co-operate and see to it that everyone does his fair share of work and gets his fair share of provisions, seems so blatantly obvious that one would say that no one could possibly fail to accept it unless he had some corrupt motive for clinging to the present system (*The Road to Wigan Pier*, p. 171).

Though written in 1937, Orwell never really repudiated this worldview, although he certainly held no illusions about the policies that were often associated with states that described themselves as socialist. ("Ingsoc," that omnipresent slogan in *1984*'s Oceania, stands for "English socialism.") But his guilt was too ingrained, and his remembered experiences too vivid, for him ever to repudiate the ideal of egalitarianism through income redistribution. Always obsessed about money, yet seldom having much of it compared to the rich he often dealt with, he lived simply, growing a good deal of his own food and making some of his own furniture. He was a sort of mid-20th-century Bill McKibben, trying to minimize his physical, if never his intellectual, footprint. Temperamentally, he was simply a lifelong leftist. And like many leftists, there was an element in Orwell that seemed to relish poverty and being, as the title of his first book put it, "down and out." He was a man, noted Cyril Connolly (Meyers, 167), who "could not blow his nose without moralizing on conditions in the handkerchief industry."

As late as 1941's *The Lion and Unicorn*, Orwell is still prescribing remedies for England's problems, complicated by the blitz and WWII, as being the application of rather pedestrian socialist policies such as nationalization of industry, income capping and redistribution, and of course that ubiquitous Holy Grail of all ideological dreamers, "education reform" (Meyers, 207). Although Orwell was a socialist, from a policy standpoint he was quite a pedestrian one. He was less in favor of centralized government power, and far more libertarian than the typical Labour Party stalwart of that time, which demonstrates just how far left some in England had drifted by the close of World War II.

Until he read Hayek's *Road to Serfdom* in 1944, he seems not to have turned his mental powers to a searching examination of whether the policies that he favored could actually work. Orwell was not unsympathetic to Hayek's suggestion that socialist policies might slowly, or perhaps not so slowly, degenerate into totalitarianism (Hitchens, 81–2). Nonetheless, Orwell remained critical of Hayek's proffered free-market alternative, never accepting that free markets ultimately led to, or maintained, political freedom and a permanently rising standard of living for laborers.

The pessimism, pain, and suffering that so infuse Orwell's novels were learned firsthand. He led a remarkable life, but one filled with personal isolation, loneliness, tuberculosis, lack of appropriate diet or access to health facilities that might have mattered, self-denial that bordered on the pathological, and intense physical pain. He was shot through the throat and almost died in Spain, then lived the sort of existence in war-torn London, and thereafter in Scotland that parallels the wretched life of his hero Winston Smith in *1984*. Much of this suffering was the product of self-destructive behavior, as if Orwell were always punishing himself for some imagined sins that we can only inadequately guess. Yet through it all, he wrote as if he knew he had little time to live,

When Orwell was writing, an author could freely discuss any topic, and on its own terminological turf, provided he was willing to defend himself.

always feeling guilty that, no matter how much he worked, he was not producing enough literary output, even though the definitive edition of his collected works runs to 20 volumes that fill over 8,500 pages (Meyers, 316).

Orwell's View of Socialism

Orwell was always fascinated by the sociology of socialism or, perhaps more accurately, the sociology of socialists. In *The Road to Wigan Pier* — which is, metaphorically, the road to nowhere — he explained why, in his view, socialism was losing ground in Britain. The reason, he believed, was not any fault in the "obviously correct" socialist ideology, but in those espousing it. Orwell was inclined to dislike people in general and the very people who were temperamentally most inclined to agree with the socialist agenda in particular. Here's a sample of Orwell's depiction of England's typical socialists:

> One sometimes gets the impression that the mere words "Socialism" and "Communism" draw towards them with magnetic force every fruit-juice drinker, nudist, sandal-wearer, sex-maniac, Quaker, "Nature Cure" quack, pacifist and feminist in England. (*Wigan Pier*, p. 174)

An almost perfect listing, even today, if we just add "vegetarians, vegans, multiculturalists, environmental fanatics, and Hollywood's many intellectual wannabes" to Orwell's grouping. He believed people such as these were off-putting, ultimately driving away potential converts by their personal appearance and rhetoric in favor of what they called socialism. Orwell is simply marvelous on the issue of the sociology of socialists. One has to read Mises on the same subject to find a comparably cogent discussion of this topic. Orwell is, in fact, more critical than Hayek is in his *Road to Serfdom.* (Unlike Hayek, however, Orwell was not attempting to win people over and start a dialogue.)

He led a remarkable life, but one filled with personal isolation, loneliness, tuberculosis, self-denial that bordered on the pathological, and intense physical pain.

Orwell's pessimistic summary of Hayek (and Zilliacus' book *The Mirror of the Past*, in the same review) was stated as follows:

> Between them these two books sum up our present predicament. Capitalism leads to dole queues, the scramble for markets, and war. Collectivism leads to concentration camps, leader worship, and war. There is no way out of this unless a planned economy can be somehow combined with the freedom of the intellect, which can only happen if the concept of right and wrong is restored to politics. ("As I Please," in the *Observer*, April 9, 1944)

There are at least two things that Orwell failed to learn from reading Hayek. The first was, obviously, better economic theory, along with the actual history of the development of capitalism with its generally salutary effects on average people. An unlikely ally for this view was Keynes, who wrote the following quite wonderful appreciation of Edwardian England in his *The Economic Consequences of the Peace*:

> What an extraordinary episode in the economic progress of man that age was which came to an end in August, 1914! The greater part of the population . . . worked hard and lived at a low standard of comfort, yet were to all appearances, reasonably contented with their lot. But escape was possible for any man of capacity or character exceeding the average, into the middle and upper classes, for whom life offered, at a low cost and with the least trouble, conveniences, comforts, and amenities beyond the compass of the richest and most powerful monarchs of other ages. The inhabitant of London could order by telephone, sipping his morning tea in bed, the various products of the whole earth, in such quantity as he might see fit, and reasonably expect their delivery upon his doorstep; he could at the same moment and by the same means adventure his wealth in the natural resources and new enterprises of any quarter of the world. . . . But, most important of all, he regarded this state of affairs as normal, certain, and permanent, except in the direction of further improvement. (Quoted by Ebenstein, 83)

The second thing that Orwell might have taken from reading Hayek was to add a bit of optimism about the possibility of avoiding the always-dark future that Orwell saw whenever he looked ahead. Hayek was hardly an optimist of the Rothbard sort, and in fact went through a deep period of depression later in his life; but while reading Hayek, one does not get the omnipresent sense of gloom that one perceives in almost every page of Orwell's work. In his lifetime, Orwell no doubt believed that his prognostications were coming true, and given the empirical record they witnessed, many others shared his unflagging pessimism. From their own experience, pessimism must have seemed perfectly rational.

More than once after his death, a few of America's political conservative intellectuals recommended preemptive strikes against the Soviet Union, believing that Soviet power would grow even as ours waned, and our relative position was, therefore, weakening daily. These thinkers also believed, implicitly, in the same superiority of planned economies that so many intellectuals — and so many economists, sad to say — also accepted as a decided matter in economic theory. When Soviet Premier Nikita Khrushchev claimed that the Soviet economic machine would soon outproduce America's, (or that "We will bury you!"), people all across the American political spectrum, for admittedly different reasons, seemed to believe him. Had Orwell lived long enough to hear these claims, it is doubtful that he would have believed them, but he might have believed that Russia would militarily bury the West. For Orwell, such was the essentially successful, always militaristic nature of totalitarian regimes.

Those who find Orwell persuasive, whether liberals for his trenchant observations concerning capitalist development and his brilliant criticisms of the British empire, or conservatives for his dissection of the ideology, motivations, and machinations of the total state and its enforcers, must also accept his dark pessimism. There are wonderful exceptions, of course, such as *Politics and the English Language*, as there would have to be with any writer as prolific as Orwell, but even there Orwell doubted that the future would see improvement and events have, quite sadly in my view, proved him right. Political discourse has continued to deteri-

continued on page 53

Two Days on Hana Coast

by Michael Freitas

Fifteen minutes into a job is very early for a beer break, even on the Hana Coast.

I was taking my uncle to his annual visit to Charles Lindbergh's grave in Kipahulu, Hana, Maui, Hawaii. He had been a teenager when Lucky Lindy flew across the Atlantic and the flight had caught my uncle's imagination as it had people all over the world. Later, when Lindbergh had fallen in love with the Hana Coast, my uncle had helped build his house. When Lindbergh was dying, they snuck him on an airplane and flew him to Maui. He spent his last eight days in Kipahulu with his wife, Anne Morrow, planning his funeral and burial. My uncle helped dig the hole, lined it with rocks, made sure it drained properly and laid Lindbergh to rest. Anne Morrow had wanted Charles to tell her about the process of dying, but Lindbergh didn't talk at the end. She did find a note he had written on the nightstand, it said, "I know there is infinity beyond ourselves. I wonder if there is infinity within." My uncle has visited the grave each year to pay his respects.

I stop by more often. It's a beautiful place overlooking the ocean; its stark grounds and trees hide the church and the graveyard from the world. I have a soft spot in my heart for "The Lone Eagle," the old isolationist. He truly was a hero and lived a life of heroic dimensions.

As I drove my uncle from the graveyard in his truck — he's never gotten a driver's license, just using the truck to drive around his property — we were quiet. As we drove pass the pools of Kipahulu, he looked down at the cars and the people, and I knew he was thinking, "too many tourists," but he was silent and we drove back to Hana.

When we got to Hana, I took the lower road and drove by Hana Bay. We drove past Joe's Place, with rooms for about $50 a night. My cousin Eddie, who runs the place, must have been working; he wasn't sitting out front. We drove out of Hana to my uncle's place in Nahiku on the Hana Highway about six miles west of Hana.

My uncle lives in a two-bedroom house with a raised foundation, wood siding, and a tin roof that he built himself. There is a large carport and patio to the west of the house that had been added later and is so filled with stuff that his truck was always parked in the driveway. The house is painted your standard barn red, with white trim, and if you've driven the road, you might have seen him sitting in his kitchen. On the windward side of the house is another door, with steps that he never uses. Over the years the wind and the

rain had destroyed the wood. Today was the day that I was going to rebuild the stairs. We had talked about it for years, and the Hawaiian, "bime-bye," had finally arrived.

My uncle hadn't said a word on the drive from Lindbergh's grave and we had probably set a new world record for two Portagees not talking. I parked his truck and he got out and went into the house. I got out my tools and walked to the side door and the steps. I looked at them. I pushed on them and watched them sway. I crawled underneath and yanked at rotten wood and saw the exposed nails. I thought that if I used my sawsall and cut a nail here and a board there, I might be able to knock it down with one push. I began cutting and when it appeared ready, I whispered timber and pushed. It came down in a satisfying heap and there was a smell of rotten wood and mildew in the air.

My uncle opened his beer and drank about half of it and out of respect for my elders, I drank half of mine. He looked at me and said, "The DEA is going to come through here tomorrow and you know how much I hate them tramping all over my mountain."

I stepped back and looked at my handy work. It looked like a piece of modern sculpture. I was thinking of a title — "The Wind and the Rain in Nahiku," maybe, or "The Futility of It All"— when my uncle came around the corner of the house. He had a can of beer in each hand and he gave me one. My uncle, at 75, has lost most of his lifelong-honored work ethic, and I wasn't getting paid big bucks for this job. In fact, we hadn't even talked about money, but 15 minutes into a job was early for a beer break, even on the Hana Coast. My uncle opened his beer and drank about half of it and out of respect for my elders, I drank half of mine. He looked at me and said, "The DEA, is going to come through here tomorrow and you know how much I hate them tramping all over my mountain."

He was serious, so serious he was asking for help. I had to say yes. I got up from the table and went to a kitchen cabinet. I got his bottle of tequila and two shot glasses. I poured us each a shot. We lifted the shot glasses, clinked them together, and downed them.

"I haven't done anything really stupid in quite a while. I think I'm past due," I said.

In Hawaii there's a thing called "Hui Land," in which a family can own a large section of land and in order to own a couple acres one member of the family has to claim it and build a house on it. Land was divided in Hawaii from stream to stream, from the ocean to the mountaintop. No one knows how much land my uncle owns, but it is his mountain. A lot of family members "own a piece" but haven't done anything with it, so we all own it, but no one really does. My uncle controls it, because no one else really cares. My uncle said, "Every year those bastards come around here looking for pakalolo and I'm tried of it."

It was a game played every year in Hana. DEA agents burn some crops, bust a few folks, and then go away. It keeps the price high and the cops pretend it matters. Pakalolo is the #1 cash crop in Hawaii and everyone complains, but not too much. I am not saying everyone grows dope on the Hana Coast, but there are a lot of $30,000 cars on the Hana Highway owned by people who work very little and some retired folks who live a little better than Social Security provides for. "Uncle," I said, "have you been holding out all these years? Have you got a patch?"

"No. You know I don't. I don't smoke that shit and I wouldn't grow it. I'm just tired of those idiots running around like they own the place and I'm tired of the damn helicopters."

"What do you want to do? Shoot'em?"

"No, scare them."

"How?"

"With a wild boar."

"You got any more beer?" I asked. I looked at my piece of modern sculpture and thought, bime-bye.

We walked into his house. He got two beers out of the icebox, and we sat at the

kitchen table.

"They always go up the same way," my uncle said. "It's an easy hike. They always find some pakalolo around there. I think someone plants it for them. They chop it down and claim they've destroyed and burned acres of the stuff. Up there on the mountain there's this old drainage culvert that the CCC guys put in during the '30s. It was a stupid idea and it never worked. Now, most of it is filled with mud. There's about ten feet left that is clear and I've slept in it a time or two, when I've been walking and hunting on the mountain."

He looked at his beer, drank the rest, crushed the can on the table, and got two more.

"I've made a cover for the entrance and we can put a wild pig in there and release him when the cops come through. Maybe that'll scare the shit out of them and they'll think twice about coming around here again."

"We?" I said.

"Yeah," he said. "I can't carry the pig by myself."

"Carry? How the hell are we going to get a 200 pound wild boar to let us carry him?"

"I have tranquilizer bullets. We'll shoot him and lock him in the culvert. By morning he'll be plenty pissed off and maybe he'll run right at the cops and scare the hell out of them."

"Where'd you get tranquilizer bullets from?"

"Ah, some haole scientist came through here a few years ago and they were doing a study on the pigs and they tagged some of them to help keep track of them. They hired me to find and shoot them and I kept the extras."

"What happened to the study?" I asked

"They ran out of money or interest, I don't know what and they never came back."

"Do you think this will work?"

He smiled for the first time that day and said, "Probably not. Too many things can go wrong, but I have to try something."

"You could write your congressman or join a legalization group or . . ."

"Courish, why waste a stamp and I don't join things. Will you help me?"

He was serious, so serious he was asking for help. I had to say yes. I got up from the table and went to a kitchen cabinet. I got his bottle of tequila and two shot glasses. I poured us each a shot. We lifted the shot glasses, clinked them together, and downed them.

"I haven't done anything really stupid in quite a while. I think I'm past due," I said.

He smiled again. He got up from the table and said, "Let's go."

We usually don't drink this much, but we have a lot more fun when we do.

He went outside and I followed. I stood on his porch and looked down into the bed of his pick-up truck. While I'd been working, he'd been loading the truck. I saw rifles, bullets, rope, back packs, sleeping bags, rubber boots, a cooler, and a round metal grate. My uncle was sitting in the passenger seat. I got in and we drove off to go hunt pig.

While I'd been working, he'd been loading the truck. I saw rifles, bullets, rope, back packs, sleeping bags, rubber boots, a cooler, and a round metal grate. My uncle was sitting in the passenger seat. I got in and we drove off to hunt pig.

We drove a couple of miles past the place were the cops were supposed to enter and up a road that my uncle knew. It hadn't been raining as much as usual and we used the four-wheel drive, and it wasn't too bad. We parked the truck under a huge mango tree and got our gear.

My uncle was 75, but still in great shape. He'd been walking this mountain all his life and knew it like the back of his hand. He knew how to find pigs and he never used more than one bullet. He didn't walk fast, just steady, and his gait stayed the same walking on level ground or climbing. One had to work at keeping pace. It was getting near noon and the sun was high overhead, when we could see it through the

trees. It was humid and soon we'd be soaked.

Every once in awhile my uncle would yell out, "Where's the pig? Come here, pig." Otherwise we walked on in silence.

As we walked through some vines and low-hanging branches, hacking them with our machetes, I was thinking about back in the day, back when I'd been humping the bonnies carrying a 90-pound pack with a steel helmet on my head, searching for Charlie, hoping not to find him, and sometimes hoping to, when I *realized* I hadn't been to Nam and I must have been flashing on a movie, maybe *Apocalypse Now,* which reminded me to keep an eye out for mangos. They'd taste ono later.

I got back to reality, always a bitch, and watched my uncle's back. It took me a second to register that he had stopped moving and had raised his left arm out as a stop sign and lifted his rifle. I looked to where he was aiming, and I might have seen a flash of black or white through the brush, but perhaps not. I waited. My uncle shot. I heard a grunt and my uncle took off at a very fast pace. I jogged to keep up. When he got to the pig, I was a step behind.

"He's a big boy," my uncle said.

He looked to be about 200 pounds and was an ugly sucker, covered with coarse, long, spiky hair that was mainly black and white, with a powerful head and snoot, bookended by two large tusks that looked impressive. The pig almost had a smile on his face and he looked very relaxed. Good drugs. I gave my uncle the rope I was carrying and helped him tilt the pig onto its spine and my uncle began to tie his legs. I watched as he tied the rope and moved out of the way when he moved to the back legs. He looked like a cowboy at the rodeo tying up a calf. When he was done, I expected him to clap his hands and wave them for the judges to see. He pointed to a good size branch on a tree and told me to get it. I chopped it down and we slipped it through the pig's tied feet and got in position. We didn't know for sure how long he'd be out and we wanted him in the culvert as soon as we could get him there.

He looked to be about 200 hundred pounds and was an ugly sucker, covered with coarse, long, spiky hair that was mainly black and white, with a powerful head and snoot, bookended by two large tusks that looked impressive.

My uncle called one, two, three, and we lifted together, a hundred pounds each. It wasn't too bad, but we had a few miles to go before we reached the culvert. At least it was mainly down hill. I definitely was bringing up the rear. The thought of spending a couple of hours staring into a pig's private area wasn't that appealing and I sure hoped that the sedative also shut down his digestive tract. Pig flatulence I could do without.

With only two quick rest stops, we made it back to the culvert. The pig was still dead to the world. We lowered him, untied him from the pole, and dragged and stuffed him in the culvert. My uncle attached the pig hole cover, we made sure it worked, and then we secured it with a lock. The cover had two air holes and by keeping the pig in the dark we hoped to keep him calm. My uncle put a bucket of water in for the pig. The culvert had a bunch of ginger plants in front of it, thoughtfully planted by my uncle a month before. We slid down the other side of the embankment and rested.

"Well, Phase One is done," said my uncle.

"Phase my ass," I said. "That was a serious hike. That damn pig was heavy."

"I know. I couldn't have done it without you. Thanks for the help."

"Now what?" I asked.

"We'll eat, rest, sleep, and wait until morning and hope the cops show up."

"I'll go get the food from the truck. Did you pack any beer?"

"Always, always."

I knew that the pig had kicked my uncle's ass when he didn't come with me. The truck was about a quarter of a mile from the pig and when I got there I loaded up. I put his sleeping bag on my pack and took all the food he'd brought and the cooler with the beer. The load seemed very light after hauling the pig, and I made good time back to the camp. I found my uncle napping. I ate a couple of mangos, drank a couple of beers, and dozed off.

When I awoke, it was about an hour before sunset and my uncle had been awake for a while and was eating and sipping a beer.

"Has the pig woken up yet?" I asked.

"No. He's making some noise, but I think he's still in lala land."

"How do you like the room service?"

"It's okay," said my uncle. "But I hope I get a mint on my pillow."

"You'll get two cracks up side the head if you're lucky," I said.

He looked at me, smiled, and gave me a beer.

We ate mangos, chips, Vienna sausages, oranges, some cheese and crackers, and washed it down with beer.

"You never told me why you stopped working for the government in the '50s and moved back to Nahiku," I said when we were done eating and were watching the night close in around us.

"Oh, I got tired of the stupid work. The thing that killed it was building homes for the people who had been living for years on Bikini Atoll. They moved them from some lovely islands so they could test atomic bombs. The people who lived there were happy and they had lived there for thousands of years and they moved them to some islands that weren't worth a damn and we built these dumb cheap wooden houses that they didn't want. It was so sad to watch those folks leave their homes. They were very sad, crying and wailing, and the soldiers were shoving them on the boats with rifles and threats. It took the heart out of me. I felt dirty and I decided I wasn't gonna work for people who would do that to people. I guess I should be grateful that they didn't just blow them up."

We both awoke at first light and the pig was awake too. We were anxious and nervous. We didn't know what was going to happen. Would the cops show up? What would the pig do?

"Yeah, I remember reading something about those folks and that they want to go home. They've always wanted to go home. You lost your faith in government because of that?"

"There wasn't much to lose, but I began to look at things in a different way and I just learned to stay out of the government's way and I stopped seeing it as a force for good. Just force. Living here in Nahiku makes it pretty easy, but each year it gets closer and closer."

"You have no idea what it's like on the mainland," I said.

"I have an idea, and that's all I want to have. Let's go to sleep. We need to be up at daybreak."

"Yeah. Good night, Uncle."

"Good night, you pig hauler."

The thought of spending a couple of hours staring into a pig's private area wasn't that appealing and I sure hoped that the sedative also shut down his digestive tract.

We both awoke at first light and the pig was awake too. We were anxious and nervous. We didn't know what was going to happen. Would the cops show up? What would the pig do? Would he charge them, run away in the forest, or smell us, make a U-turn and come after us? If the pig charged the cops, would they try to shoot him or run? A few scared cops with 9mms could do a lot of damage and we had to keep our heads down. Would the pig go nuts and gore one of the cops? There was a lot that could go wrong. In the early morning light this seemed like a pretty dumb idea.

"You ready, Uncle?" I asked.

"How stupid does this seem to you?" he asked.

"Pretty stupid."

"Yeah. You can go back to the truck and wait for me. I can do what needs to be done. No sense in both of us getting in trouble."

"You're gonna do it?" I said.

"Yes. I have to."

"Well, I ain't going nowhere."

"Good," he said and we waited.

The pig sensed the cops before we did. He began grunting and ramming his head

against the grate. We heard them before we saw them. We couldn't make out the words, but they seemed pretty loud. We saw the branches and bushes move as they made their way up the hill. Soon they were in the clearing before us. We watched them over the embankment. There were three of them, wearing cop windbreakers, and they stopped to catch their breath and drink some water at the edge of the clearing.

The leader was about 40, rather short, but lean and tough looking. The other two were in their mid-20s and soft looking, like they had spent a lot of time behind a desk.

The older one said, "I don't think we have too much more to go. There's always some shit in this area. Let's go. The quicker we find some stuff, the quicker we can get out of this hothouse."

The leader took off as the other two put the caps back on their water bottles and my uncle pulled the rope. The pig jumped out of the culvert and stopped before the ginger plants. He put his nose in the air. He ran through the plants and headed for the DEA agents.

The three cops didn't notice the pig until it was too late. They'd been walking up hill with their heads down. The pig hit the lead cop on a dead run and the cop went huli up about ten feet in the air and landed chest first and you could hear the woof as the air was knocked out of him.

I felt for him. It had happened to me once when I was playing high school football. I was playing fullback and they had called a draw play for me. It was the perfect play. When I got the ball and started running all I saw were the goal posts in front of me. I had gotten about 15 yards and was at a full head of steam when a skinny damn cornerback sneaked up from the side and hit me at the ankles and I went flying through the air. I had the football in my right arm clutched to my chest and when I hit the ground, the football was nestled in my solar plexus and my breath was gone. I went from dreams of football glory to rolling on the ground like a fish gasping for air. When I kind of got my breath back and was being helped off the field, my coach yelled at me, "What the hell are you doing? You're a fullback, not a halfback. You ain't got no moves. You're spozed to run through people, not try and fake them out." I kept that in mind as I looked down to see if my lungs were still inside my chest.

The cop went huli up about ten feet in the air and landed chest first and you could hear the woof as the air was knocked out of him.

My coach would have been proud of the pig. He'd run right through the cop. The cop was rolling on the ground trying to breathe. The other two stood and watched. The pig was about ten feet away and he began to back up toward the fallen cop. I looked at my uncle and he had raised his rifle and had the pig locked in. The pig backed up to the cop lifted his right leg and pissed in his face. Which was about the time that the cop got his breath back and he got a mouthful of pig piss as he gasped for air.

The pig stopped peeing and took off full speed through the brush and was gone. You could hear him, but he was gone.

I looked at my uncle and he had his hand over his mouth like a Japanese school girl and he was laughing so hard tears were coming out of his eyes. I was holding my side and trying to control my laughter and we both rolled down the embankment and landed in a heap together.

The cop was on his hands and knees, now, as I crawled back up the embankment and watched him breathing in big gasps and trying to spit at the same time. The other two cops were hovering near him trying to help, but they looked like they didn't want to touch him. They kept looking to where the pig had run, with their guns drawn, worried that maybe he was going to come back.

The cop finally got on his feet, inhaled deeply and shouted, "Holy fuck'n' shit!" Well spoken, I thought. My uncle whispered, "He's lucky it wasn't shit." I pushed him and he slid back down the slope, laughing soundlessly.

"Why didn't you idiots shoot that damn pig?" The lead cop yelled.

"He was too close," said one.

"Yeah, we didn't want to shoot you," said the other.

"Shit. You idiots couldn't hit anything anyway." The lead cop said. He ripped his windbreaker off, pulled his T-shirt over his head, and wiped his face with it. He spit a few more times and then drank from his water bottle and spit that out. He shook his head and wiped his face again. He bent down, lifted his pant leg and looked at his ankle. There was a large red bump there that seemed to get bigger as I watched.

"That's gonna bruise," said one of the idiots.

"If you don't shut up, I'm gonna bruise you, you son of a bitch. What the hell am I doing? Running around this damn tropical jungle looking for dope. I'm the damn dope. I gotta get a different job. I just got run over by a goddamn wild boar. I didn't even see him coming. I got knocked over by a wild boar and then he pissed on me. Holy shit. I got to retire. I can't do this shit anymore. This is fuck'n' nuts. I got to change my life. This is so stupid. So dumb. Shit."

He began to walk around gingerly using his right leg. One of the other cops went to give him a hand and he brushed it away.

"Let's get the hell out of here," he said.

"What about the search?"

"Fuck the search. You idiots are going to take me to Joe's Place and I'm going take me a hot, hot shower. And you're gonna go to Hasegawa's and buy a bottle — no two bottles — of Jack Daniel's, and a bottle of mouthwash. I'm going to get pass-out drunk, and maybe when I wake up, I'll have forgotten this whole day."

"What are we gonna do?"

"Do whatever you want. I drink alone."

They started back down the hill and you could hear them cursing, yelling, and whining for a while. Then the noise faded and only the branches moved. My uncle had come up next to me again and we looked at each other and smiled. He hit me on the shoulder and I rubbed his head. Our smiles got bigger and we started to laugh. We got louder and we rolled down the slope again and laughed and hit the ground and staggered to get to our feet and laughed some more. When we were exhausted, we just looked at each other and smiled.

Our smiles got bigger and we started to laugh. We got louder and we rolled down the slope again and laughed and hit the ground and staggered to get to our feet and laughed some more. When we were exhausted, we just looked at each other and smiled.

"We need to get out of here," I said.

"The sooner, the better," he agreed.

We began to clean up our mess and to pack the backpack. My uncle went to get the pig cover and the rope. We tried to make the area look like we'd never been there and left.

"We have one thing on our side," said my uncle. "They're too arrogant to believe that we could plan something like this. They think we're too stupid. Plus, it's better to think you were just knocked over by a wild boar, than to think that someone had set a trap."

The pig was about ten feet away and he began to back up toward the fallen cop. I looked at my uncle and he had raised his rifle and had the pig locked in.

"Are we going back to your house?" I said.

"No, we'll go to Haiku and we'll tell people that we went there early in the morning to get some material to fix the steps."

"I could use a couple of things."

"Good, we'll buy them. We'll also buy some steaks, beer, and maybe some tequila; we need to celebrate tonight. We got to toast Billy, Billy the Boar. That son of a bitch really came through. I can't believe it worked. I can't believe it worked so good and like that."

He looked at me. Patted me on the shoulder and we hiked back to the truck.

Some days are better than others. ☐

Liberty at its Nadir

As totalitarian states battled quasi-socialist mega-democracies for world domination, the influence of libertarian thought was at a very low point. In this interview with John Blundell, Leonard Liggio recalls the publication and reception of the revolutionary libertarian books that formed the foundation of the renaissance of libertarian thought.

Liggio is a libertarian Professor of Law at George Mason University, Executive Vice President of the Atlas Economic Research Foundation, and President of the Mont Pelerin Society.

John Blundell (JB): Leonard, we're talking today about six great books that came out 60 years ago last year (2003) and this year (2004). The books are Ayn Rand's *The Fountainhead*, Rose Wilder Lane's *The Discovery of Freedom: Man's Struggle Against Authority*, Isabel Paterson's *The God of the Machine*, Ludwig von Mises' *Omnipotent Government*, Friedrich von Hayek's *The Road to Serfdom*, and John T. Flynn's *As We Go Marching*. These extraordinary books were very important at the time they were written, and have continued to exert tremendous influence in the decades since 1943–44. What is even more remarkable, though, is that they were all published within such a short period of time.

Although it would be impossible to discuss all six books in detail, I think it would be very interesting for us to talk about the period in which they were written, what was going on and what influence these books might have had on the great issues of that time.

You, of course, were still quite young at this time, but you became politically active not long after 1943–44. Do you remember these books coming out?

Leonard Liggio (LL): I would have been 11 or 12 and in elementary school, but I was already very alert and involved since about 1940, which would have been maybe the first grade.

I followed international affairs — my parents listened to the news and especially the news commentaries — and at that time the three or four national networks usually had 15 minutes of news at six followed by one and three quarter hours of different news commentators, H. V. Kaltenborn being one of the most famous, but there were a number of others, like Three Star Extra News with Felix Morley. They were of all shades and it was a very important development.

Then, by 1950 or so, the Left started organizing boycotts of sponsors of the people who were more on my side of the ledger and drove them off. At that point, the networks also tended to drop commentary because their newscasters suddenly were commentators; we still confront this issue in that the major networks are filled with left-wing people, who they claim are neutral. So this was a period of great conflict.

Adding to that tension was the fact that President Roosevelt had won an unprecedented third term in 1940 on the grounds that he had kept the United States out of war, in the same way Woodrow Wilson, in 1916, campaigned that he would keep the U.S. out of war. In both cases, we then went to war.

So this was a very contentious period, and in fact Alfred Regnery told me that he's about to publish a history of the America First Committee. His father had

authorized this book at the time the committee was being disbanded after November 1941, but it was never published. The book is by the woman who was the research director of the committee in Washington, and it is going to give us a lot of background.

The most frightening thing for the Democrats was that in the November 1942 elections, the Republicans came within five votes of regaining control of the House of Representatives. This created a huge worry for the Democrats, who then organized a hate campaign against Republicans for the '44 campaign. This involved allying with the communists and the Committee for Industrial Organization (CIO) Political Action Committee. Lyndon Johnson played a very key role in these elections in raising this PAC money, which he had initiated in the 1940 campaign.

So there was a lot going on, including the Administration throwing together a whole bunch of very unlikely characters into one sedition trial, people who wrote things in favor of Mussolini or whatever the case might be. These were people who had never met each other but who were said to conspire for sedition. They even made prominent people like Sen. Robert Taft "unindicted co-conspirators" in the trial. At first, the trial ended with a "no verdict." Then, as the war was ending, the trial was not continued, but these kinds of threats were still in the air. The communists continued to unleash, under cover of the Democratic Party, huge hate campaigns against conservative and free-market people.

JB: Tell us a bit more about the 1944 election.

LL: The 1944 election involved Gov. Thomas Dewey of New York against Franklin Roosevelt. Leading up to the Democratic nomination, Franklin Roosevelt agreed with the political leaders of the state parties not to renominate Vice President Henry Wallace. Wallace had been secretary of agriculture for eight years, his father had been a Republican secretary of agriculture, and they published the *Wallace Weekly* for farmers in Iowa. He was so left-wing the party leaders insisted he be dropped.

They would have put in Jimmy Byrnes, who was a former senator, a former Supreme Court justice, and former assistant to the president, and really ran the White House during the war. But there were issues that clouded that, so he was not nominated. Instead, Harry Truman was nominated, and when Truman became president he then appointed Jimmy Byrnes as his secretary of state.

The 1944 campaign was a very contentious one, and behind the scenes was another big issue: would Dewey reveal the fact that Roosevelt and the administration knew of the plans for a Japanese attack, and did nothing to warn people before Pearl Harbor? It was not clear whether they knew specifically that the attack would be on Pearl Harbor, but they certainly knew that something was about to occur on that weekend.

Ultimately, Dewey chose on the advice of military people not to reveal it. He made this decision because the only way the Administration knew of the attack was that we had already broken the Japanese codes by 1941. Revealing this would have cost the U.S. all of the military information that came from knowing the Japanese codes. So this was a very difficult issue. Percy Greaves was actually involved in that issue for the Republican National Committee in 1944 and then did his own research on the topic in his later career.

JB: Right in the middle of all of this were published the six books that I mentioned before. I thought we might start by taking the three that are written by women, which all came out in 1943: Ayn Rand's *The Fountainhead,* Rose Wilder Lane's *The Discovery of Freedom,* and Isabel Paterson's *The God of the Machine*. You knew Ayn Rand, but probably not as early as 1943. Do you remember *The Fountainhead* coming out?

Leonard Peikoff ascertained that I was not a perfect Objectivist, so happily I didn't have continuing contact.

LL: I don't remember it coming out. I became aware of it probably in 1950 or so, at the end of high school. I read it and was very favorably impressed and then was impressed by the movie. Then, when I was at Georgetown College, I became president and sole member of the film society in order to show films of our liking and I always showed *The Fountainhead* every year, along with others that we felt were favorable to our side in the culture wars.

JB: The movie came out in 1949 and starred Gary Cooper and Patricia Neal.

LL: Yes, and Raymond Massey, who was very important. His brother was Governor General of Canada, and he had played in a lot of English films and then moved to Hollywood in the '40s.

JB: You later met Rand. What was she like?

LL: Well, I met Ayn Rand because when *Atlas Shrugged* was published in 1957, *National Review* printed a review by Whittaker Chambers. Chambers was very idiosyncratic to say the least. He was viewed as sort of a brilliant person by *National Review,* and a kind of befuddled person by a lot of other people. He had fought hard against communists, and that was his heroism. As a key editor at *Time* magazine, he had convinced Henry Luce to get rid of the major communists who ran *Time* and the other Luce publications during that period.

But Ayn Rand's whole perspective was very different from Chambers, who was somewhat crotchety and did not view consistency as important. Rand's insistence on being rational and consistent led him to claim in his review that *Atlas Shrugged* represented a kind of authoritarian threat. He even claimed it was similar to the gulag or something like that, so it was really very confused.

Murray Rothbard wrote a letter to *National Review* criticizing Chambers' review, and this was followed by Ayn Rand writing to Rothbard. Murray and I had known each other since about seven years before, in 1950, when he,

George Koether, and Dick Cornuelle were members of the beginning of Ludwig Mises' seminar.

After this exchange of letters following the Chambers review, Rand invited Murray and his friends to come and visit her so Murray, Bob Hessen, Ralph Raico, George Reisman, and I went to see her. Those meetings continued, at her apartment and at Barbara Branden's apartment.

That was also when the Branden Institute was beginning. I was completing my doctoral studies, so I was in the library most days. The whole Branden Institute was a late evening kind of situation, so I never attended any of those meetings. Then at one point Leonard Peikoff and I had a meeting, where he ascertained that I did not fit the profile of a perfect Objectivist, so happily I didn't have continuing contact. When Murray wrote his famous essay "The Mantle of Science," Ayn Rand objected she was not made the central figure in Western intellectual history, and so they broke off as well.

JB: The Fountainhead had a huge impact. It was described in *The New York Times* as "the only novel of ideas written by an American woman that we can recall." With characters who are amazingly literate, romanticized, larger than life representatives of good and evil. In fact, it became a best seller from the '40s and into the '50s.

LL: Ayn Rand had worked for many years in the scripts department of, I think, Paramount Films. That was in New York, and the person who headed the department was Henry Hazlitt's wife, who always thought of Ayn Rand as her daughter or protégée. So Rand had a very rich background of visualizing characters who would stand out and make an impression. I believe her scriptwriting experience further enhanced her already existing narrative and fictional capacity. Her own films tended to fit the style of the 1930s and '40s, and were therefore very popular as films as well as being bestselling novels.

JB: Our second heroine, if you like, is Rose Wilder Lane, whose *The Discovery of Freedom: Man's Struggle Against Authority* also came out in this remarkable period in the 1940s. Do you remember *The Discovery of Freedom* coming out?

When Murray wrote "The Mantle of Science," Rand objected she was not made the central figure in Western intellectual history, so they broke off as well.

LL: Well, I was introduced to it through the Foundation for Economic Education. At the time, there were three publishing houses that published books of a free market or classical liberal dimension. One was Henry Regnery in Chicago — they had begun publishing in 1944. Their first works dealt with reconciliation between the U.S. and Germany, undercutting the idea of the Marshall Plan, and the Morgenthau plan to destroy the German economy, and things of that sort. They had some important University of Chicago historians and political scientists writing for them. These books had a big impact and were frequently reviewed, including Charles Tansill's book, *Back Door to War*, dealing with what was known by the Roosevelt administration of the Japanese preparations for 1941.

The second publisher of free-market-oriented works was Devin-Adair, which was headed by Devin Garrity, a New York publisher. Devin-Adair was sustained by publishing gardening books for coffee tables and then was able to publish things on our side. John T. Flynn was one of their authors. Finally, there was Caxton Printers in Caldwell, Idaho. Caxton was a printer who decided to use his facilities to reprint things by Herbert Spencer and Albert J. Nock.

At the time Mises wrote Omnipotent Government, there was pretty widespread control of the economy, and the question was what would happen subsequent to the war.

Those three were the only sources of free-market books, because all the other publishers and editors were actually communists, so they would not take any books that were not on that side of the line.

JB: It's interesting that while *The Fountainhead*, of course, sold hundreds of thousands, eventually millions of copies, *The Discovery of Freedom* sold just a mere thousand copies, until it was reprinted for a second time in 1971, and apparently circulated almost as an underground cult item passed from hand to hand. Of course, Rand and Rose Wilder Lane both shared an optimistic vision.

At the Cato Institute website there's a commentary about *The Discovery of Freedom*. It says, "perhaps most interesting to contemporary readers is Lane's chapter on the golden age of Islamic civilization. 'The Moslem world,' she writes, 'flourished under pluralistic laws. Trade was brisk and the best mathematical and scientific ideas of the ancient world were imported, preserved and improved upon by Moslem scholars.' She attributes the decline from that high point to a turn towards greater fatalism and rejection of the idea that individual striving was a key virtue." Do you remember that chapter?

LL: Yes, I do. On the one hand, it's a reflection of continuing 19th century romanticism by Americans, who discovered the beauty of Arabic cities in Spain like Cordova, Seville, and Granada, with their widespread use of fountains, developed water supplies, and so forth.

Of course, this compared very favorably to Europe at the time when these cities were built. Europe lacked many things that Islamic cultures enjoyed, such as the advanced medical knowledge that had been transferred to Baghdad by Greek Christians in the 7th and 8th centuries. So Islamic civilization was something that was very impressive.

But this view takes things in sort of a non-chronological way. The Arabic cultures were wonderful at the time they were founded, but then they spent 500 years under Ottoman rule. During this time, the legal system was suppressed — the competition of legal opinions and especially of interpretation. From 1500 on, Islamic law schools were forbidden to engage in interpretation and so were just locked in, which caused their societies and economies to decline. That's not included in *The Discovery of Freedom*. It's a correct picture of a particular time, and a very nice contribution, but it's not the last word on the subject because she doesn't put it in a chronological context. But it's important for people to read it.

JB: This same remarkable period that gave us *The Fountainhead* and *The Discovery of Freedom* gave us another important book by a woman, Isabel Paterson's *The God of the Machine*. Andrew Coulson has said that this book is really about why Athens gave us philosophy, mathematics, literature, and the natural sciences, whereas nearby Sparta gave us little more than the names of a few high school football teams. It is also about the preconditions for economic development. When did you first come across *The God of the Machine*?

LL: It would have been at the same time as Rose Wilder Lane's work. It was promoted by one of the publishers — I forget which one — but it was in a small catalogue or in the Foundation for Economic Education publications.

The issue that she's dealing with is very important. If we go back to the 18th century we find a heavy literature, including Rousseau, praising the Spartans as the exemplars of true humanity, unlike corrupted luxurious Athens. They saw, for instance, Western Hemisphere Native Americans as equivalent to the Spartans — which is true, the Spartans were exactly like the Iroquois or the Cherokees. They were a warrior society, 100 percent engaged in preparation for war. Their food, for instance, was a black bean or lentil soup, called "black soup." And in order not to be luxurious to their children, they were taken away in early infancy and raised collectively.

In terms of ideas, Atlas Shrugged in some ways paralleled the emergence of information technology. You had this new technology on the one hand and on the other hand a new sense of society separate from government regulations and control.

Plato saw this as the great model — what should be. His was the model against the luxury and productivity and investment of the Athenian world, while Aristotle is a great antidote to Plato's love of the Spartans. This idea continues to surface in Western civilization — that it's necessary to have a career of preparation for war and not to engage in productive activity which creates more things people want and therefore more productivity and investment. It was a very current issue when Isabel Paterson dealt with it, and it's even with us today. She was trying to confront the fact that this admiration of Sparta is often connected with trying to introduce national military service and universal conscription.

MIT was always a center for the Objectivist movement, and other places with a technical education drew people into the Objectivist movement.

JB: It is claimed that Paterson was something of a mentor to Ayn Rand. To what extent would these three authors have known each other?

LL: They would probably have met through Mrs. Hazlitt, because Henry Hazlitt and his wife lived near Washington Square across from New York University, and they were a kind of center in this group of people. He had been economics editor of *The New York Times* until about 1945, and then he became a columnist for *Newsweek*. He had reviewed Mises' *Socialism* in the '30s, when it was published in England by Jonathan Cape, and he had access to a lot of other people, as did Mrs. Hazlitt through her connections with the film script department.

When Mises arrived in New York from Lisbon in July 1940 and had gotten a place to stay, he called Henry Hazlitt. Hazlitt recalls that when he answered the phone and a voice said "Mises here," it felt the same as someone saying "John Stuart Mill here," because he thought of Mises as much older even than Mises was at that time. But they quickly became very close.

Mises would have met Ayn Rand at the Hazlitts' and they would have been at various functions together. So that was the main social setting, I would say, for all these people to be in touch with each other. Rose Wilder Lane was more isolated, so she may not have been in New York and she was different — not in that social circle.

JB: Rose Wilder Lane is also known for her work as an editor on *The Little House on the Prairie* books, which were written by her mother, Laura Ingalls Wilder.

LL: One of the people I knew was Roger MacBride. He had published, quite early, a book about the Electoral College that was often on reading lists and recommended lists, so I knew his name and eventually met him. His father was an editor for *Reader's Digest*. Roger had worked on Rose Wilder Lane's essays and other writings, and they were close. He often visited her when she lived in the country, and later he was made her literary executor. Roger MacBride was the one who brought *The Little House on the Prairie* series to television.

In 1972, MacBride was a Republican elector in Virginia, but he did not vote for the Republican candidate, Richard Nixon — he voted for John Hospers, the

Libertarian Party candidate. In the next election cycle in 1976 MacBride ran for president as the Libertarian Party candidate.

JB: Moving on from these three influential books, all written by women, let's discuss the next two books on our anniversary list, both written by Austrians. You have already referred to Mises landing in New York from Lisbon in the summer of 1940, and by the summer of 1944 he's bringing out *Omnipotent Government*.

Here is how the Libertarian Press describes this book: "It is not only a history of the fall of Germany, but also a powerful critique of the political, social, and economic ideologies that have shaped Western history in the last two hundred years. The ordeal of two World Wars, according to Mises, was the inevitable result of ideologies that call upon government for the management of human affairs. People today hail every step toward more government as 'progress.' They call for more laws and regulations and their enforcement by courts and police. They are yearning for Caesar. They forget the consequences of total government. *Omnipotent Government* is a potent reminder."

This is perhaps not one of his best-known books, when you think of *Socialism*, his work on money and credit, and, of course, *Human Action*. At the time — in the mid-'40s — was *Omnipotent Government* an important book?

LL: Well, it was one of the books that introduced Mises to the American public. *Socialism* was published in English in 1937, but when Mises arrived in the U.S., he was working at the National Bureau of Economic Research. He wrote a book called *Bureaucracy* and another book called *Omnipotent Government*, which were published by Yale University Press, as were *Human Action, Theory and History*, and some of his other books.

The editor at Yale Press at the time was Eugene Davidson, who ensured that they published Mises' books. But when Davidson left, and they did a new edition of *Human Action*, they did a very bad job — ink running, thick on one page and thin on another. They just didn't care. Davidson went on to become editor of *Modern Age*, which he continued to edit for a long period of time.

Now, *Omnipotent Government* raised issues that were very contentious at the time, having to do with government control of the economy. The situation at the time of its publication was different than, say, World War I, where government planning was mainly put aside after 1919. Of course, many of those same wartime planners came back again during the New Deal.

But at the time Mises wrote *Omnipotent Government*, there was pretty widespread control of the economy, and the question was what would happen subsequent to the war. In the summer of 1945, Congress passed the Unemployment Act of 1945, which wasn't just mandating some economic well-being, but carried a Keynesian plan to keep raising employment, "pump-prime" as it were, as a permanent policy. The Council of Economic Advisors was created to monitor these policies and give an annual report to Congress. So there were strong mechanisms of control.

Now it's in that context that you have attempts to challenge these controls. Leonard Read is very important in this respect, as is Virgil Jordan. Virgil Jordan was president of the National Industrial Conference Board. Leonard Read had been president of the Los Angeles Chamber of Commerce in the 1930s up until 1945. He had begun publishing pamphlets — called the "Pamphleteers" — which included things by Rose Wilder Lane, Henry Hazlitt, Mises, all those people. And right nearby was Mr. Hoiles Sr. at the *Orange County Register*, who republished the three volumes of Bastiat's writings. Then Leonard Read went to the National Industrial Conference Board for a year, in order to use that as a base to organize the Foundation for Economic Education, which was launched in 1946.

At the time, industrialists and businessmen in the country were very worried about the continuity of price controls, labor controls, and all these other measures that it looked like Congress was going to make permanent. So there was a great deal of discussion of these issues, and *Omnipotent Government* featured in that discussion.

Then in the November 1946 elections, Republicans swept back into control of the Senate and the House of Representatives. Taft became chairman of the Labor Committee and wrote the Taft-Hartley Bill, and soon all of the price controls and other measures were repealed and the free market was reestablished in the United States. So it was a crucial election, and these activities and writings, including *Omnipotent Government*, were a very important preparation for it.

JB: While it was obviously important, I think it's fair to say that *Omnipotent Government* never quite had the impact that our next book had. Hayek's *The Road to Serfdom* was published by Routledge in March of 1944 in the United Kingdom. With wartime paper shortages, publishers were only printing about a thousand copies at a time, and Hayek's book became famous as the book that no one could get, because as soon as a thousand were printed they vanished off the shelves.

Churchill thought *The Road to Serfdom* was so important that he devoted part of the Conservative Party's paper ration to a condensed version of it, which was prepared for him by Geoffrey Rippon, who later became Lord Rippon, and was a member of the Mount Pélerin Society.

The Road to Serfdom, of course, was condensed in the

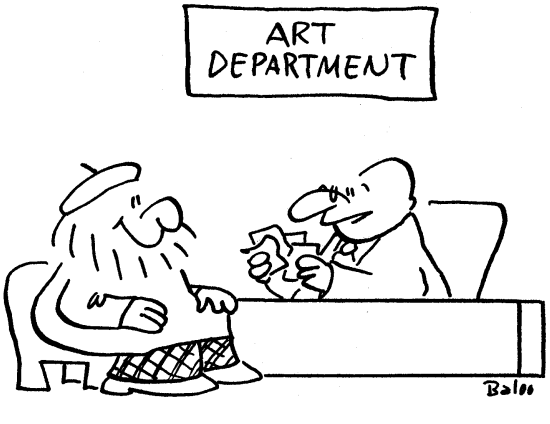

"It's a very interesting résumé, but have you ever done anything *other* than bar napkins?"

Reader's Digest in April 1945 and became a worldwide phenomenon. Even now it probably sells more copies in a day than *Omnipotent Government* ever sold.

LL: I think the difference between *Omnipotent Government* and *The Road to Serfdom* is that *Omnipotent Government* is more like a political treatise — very dry. Hayek's book is criticized by some — I admire him for it — because it's a narrative more than an analytical treatment, which is what Mises wrote. Because *The Road to Serfdom* is more of a narrative treatment about political philosophy, the reader's attention can be kept to it better than a purely analytic work. But I also think *The Road to Serfdom* is of the highest academic quality. The more I've read it the more I've learned. I consider it a very, very important work.

After this exchange of letters following the Chambers review, Rand invited Murray and his friends to come and visit her so Murray, Bob Hessen, Ralph Raico, George Reisman, and I went to see her.

There's so much in there that it's a whole guide to studying political philosophy. His analysis of political philosophers, of their influence, is extremely valuable. Some people say it's a popularization. I don't see it that way at all, I see it as a very accessible, high quality presentation of political philosophy.

JB: The last book on our list is John T. Flynn's *As We Go Marching*. Of the six books we've discussed, this is probably the least well known. Did you know Flynn?

LL: I think I met him briefly. He had been a famous economic journalist in the 1920s and '30s, and was one of the people who got purged; he was a columnist for *The New Republic*, and was purged in 1940 for not supporting the march to war by the Roosevelt administration and the communists. So then he became a well-known author in non-communist circles. He was a very competent journalist — he wrote very well, very clearly. For instance, he wrote a book called *The Country Squire in the White House*, which was a biography — not necessarily friendly — of Franklin Delano Roosevelt.

As We Go Marching aimed to alert people that all of these wartime measures for "temporary" emergency carried a threat of becoming permanent — a permanent military and socialist society. This again is the whole Spartan concept of trying to make society not productive, not tuned to its consumer wants, but to constrain consumers, to block consumer choices by a militarization of the economy. It was bold of Flynn to say this at the time, to forward these ideas, and *As We Go Marching* was very widely read in anti-New Deal circles.

JB: I believe *Country Squire in the White House* so outraged the president that he wrote the *Yale Review* requesting that Flynn be forever banned from the pages of respectable media. And, of course, in 1948, three years after FDR died, Flynn wrote *The Roosevelt Myth*.

It seems to me that the three men we are talking about, Hayek, Mises, and Flynn, were very much prompted by the war when they wrote these books. On the other hand, *The God of the Machine* and *The Discovery of Freedom* seem to be looking back at several thousand years of history. Do you think these books were prompted by the war?

LL: I think they were prompted by the wartime measures more than the war itself. The social effects of the war.

JB: So we have six books coming out in a very brief period, six books that are still available today, *The Fountainhead* and *The Road to Serfdom* still selling in huge numbers, and translated into many languages. The other four books we've talked about are extraordinary books in their own right, certainly very important at the time they were written, and well worth reading today. What is it in your mind that binds all these works, which came out within a space of two years?

LL: Well, I think all of the authors were aware that the collectivists saw the war as an emergency that could be prolonged, that Congress and the voters could be sold on permanent control of the economy. And, of course, they did sell this to the Democratic Congress, the ones elected in 1944 and before. That Congress was very left-wing, supported by the communists and the communist-run CIO Political Action Committee.

Luckily, the voters expelled that Democratic Congress in 1946. There was a big turnover, especially of the most extreme left-wing people. People were made aware of the dangers of collectivism by the shortages of sugar, gasoline, and other things that were caused by economic controls. They wanted to be liberated from this, and there was a fear that when the war ended the government would try to keep these collectivist measures in place. All of the books we have discussed increased popular recognition of the collectivist policies that were already in place, and provoked the question of whether or not they should be kept in place.

Ralph Raico and George Riesman asked Mises if as high school seniors they could attend his seminar. He asked them what languages they knew. They both knew German, so he told them they could come to his seminar if they each agreed to translate one of his books.

JB: It strikes me that we could also talk a bit more about Ayn Rand's most famous book, *Atlas Shrugged*, which came out in 1957, a decade after the period we have been discussing. This book was probably ten or twelve years in

the making and, it seems to me, is redolent of many of the ideas of the mid-'40s. This makes sense, since Rand would probably have turned her attention to writing *Atlas Shrugged* after the publication of *The Fountainhead*, so many of the ideas being discussed in the mid-'40s would, of course, permeate *Atlas Shrugged*.

LL: Well, one of the reasons *Atlas Shrugged* has had a wide audience, both when it was published and since, is that there existed across the spectrum a kind of blandness and absence of ideas. The Left had been challenged in the late '40s, and had shifted gear and become sort of non-ideological, keeping to center-left politics as though it were neutral, and not wanting either communist or free-market ideas to come forward. This included dropping all those commentators from the airwaves.

When Mises arrived from Lisbon in July 1940, he called Henry Hazlitt. Hazlitt recalls that when he answered the phone and a voice said "Mises here," it felt the same as someone saying "John Stuart Mill here."

The main publication from our side at that time was the *Freeman*, from 1950–54. Then the *Freeman* did not have enough circulation to keep it going, and it was bought by Leonard Read and became a monthly. Frank Chodorov was the editor for a while, and then Read decided to change it into less of a current affairs magazine.

Bill Buckley had a lot of respect for Frank Chodorov, but once Chodorov was not involved at the *Freeman* and FEE, and so was not someone to compete with, Buckley started *National Review*, which was first published in November 1955 to fill the gap left by the *Freeman*. It had more financial resources behind it and was able to grow, and it had more authors and lots of interesting contributions. Frank Meyer was the books and culture editor, and he added a great deal to it. So you had a good beginning, but there was also one side of *National Review* represented by Whittaker Chambers' pessimistic view and his clash with *Atlas Shrugged*, which I mentioned before.

So there was this period of hibernation imposed by the cultural establishment, and *Atlas Shrugged* sort of opened that door up, there were lots of young people reading it and becoming interested. In terms of ideas, I would say *Atlas Shrugged* in some ways paralleled the emerging IT technology. This was before miniaturization and so forth, but you had this new technology on the one hand and on the other hand a new sense of society separate from government regulations and control. Up until then, information on the radio and TV spectrum was controlled by the government, unlike other parts of the economy that had been deregulated. This was one of the most socialized parts of the economy, and even the major networks, which benefited from this socialization, were key players in the suppression of free-market ideas and the dominance of the left-center established point of view. So the people attracted to *Atlas Shrugged* were often people who had some awareness of the possibilities of new technology. MIT was always a center for the Objectivist movement, and other places with a technical education drew people into the Objectivist movement.

JB: Tell me the story of your own first edition of *Atlas Shrugged*. I believe it is not just a first edition but that it literally came out of the *first box* that was delivered to New York.

LL: When *Atlas Shrugged* first appeared and was reviewed, we wanted copies, and at the time our friend Bob Hessen, who was a student at Queens College in New York, had a job in a bookstore at Idlewild Airport, which became JFK. That store got the first box of books from the publisher. We had already paid him to purchase whatever number each of us wanted of the book, so he immediately got them for us out of that box, which was the first of the first.

JB: This was really a great outpouring; six astonishing books in a era when people like Bob Hessen, Ralph Raico, George Reisman, Murray Rothbard, and yourself were all in your teens, were all in New York, all knew each other, and were going to Mises' seminars and meeting at Rand's apartment. It must have been very exiting.

LL: Well, I met Ralph Raico and George Reisman when we were members of Students for Taft, which would have been 1951–52. Then we became acquainted with the Foundation for Economic Education and went to visit there. They mentioned Mises' seminar, which took place on Thursdays. I was at Georgetown College, so I came a couple of months later during a vacation period to Mises' seminar at New York University Graduate School of Business. But Ralph and George went and met Mises in his office and asked if as high school seniors they could attend his seminar. He asked them what languages they knew, and they said they both knew German. So he told them they could come to his seminar if they each agreed to translate one of his books. Ralph translated *Liberalism* and George Reisman translated *The Ultimate Foundations of Economic Science*. Then later George also translated, under Mises' direction, Heinrich Rickert's book *Science and History*. That was how they gained entry to the seminar.

Mises was very accommodating; the seminar was made up of registered MBA students who were taking it because it was a Thursday night, or because they needed some other course or whatever, and had no idea or interest. Meanwhile there were all these people who attended for 30 years, who were not students but were very involved, very interested. People like Percy Greaves and Bettina Bien Greaves; Stan Evans was there when I was there, and all these other people that you know about. And it was really beneficial for Mises; it would have been a very boring seminar otherwise, because none of the registered students knew any economics, they were all accountants, and all the other people attending were very anxious to participate. So it all turned out very well.

JB: Leonard, thank you. ❑

Reviews

Nickel and Dimed: On (Not) Getting By in America, **by Barbara Ehrenreich. Metropolitan Books, 2001, 221 pages.**

A Dilletante Visits the Underclass

Robert Watts Lamon

Barbara Ehrenreich's recent contribution to social thought, *Nickel and Dimed: On (Not) Getting By in America,* has reached book stardom. It is "impassioned, fascinating, profoundly significant, and wildly entertaining," according to Oprah's chronicle. "Captivating," adds *The New York Times*. The University of North Carolina at Chapel Hill urges all incoming freshmen to read it.

Nickel and Dimed is an account of Ehrenreich's adventures in the low-wage world in which she worked in hotel housekeeping and restaurants in Florida, at a maid service and a nursing home in Maine, and at a Wal-Mart in Minnesota, living more or less on what she earned. As a sort of right-wing beatnik, I spent many years in low-paying jobs and found her book remarkable for its defects. It's little more than a Marxist tract whose author had her mind made up before she entered the penny-pinching drama.

Ehrenreich often demonstrates, perhaps unwittingly, that people's woes can spring from their own choices. She just didn't know how to live as a poor person. She chose to stage her poverty experience in a resort area and two northern states with a lot of cold weather. Resort areas and the Cold Country are two places to avoid if you're actually going to live poor. Better to choose a place in the Sun Belt, away from the ocean, where a single wardrobe and minimal housing suffice to maintain body heat. And don't follow her example and get stuck in one of those residential motels or rooming houses. They are often inhabited by criminals, drug addicts, and a corpse or two. Temporary employment agencies are useful for finding work in a hurry, and an unfurnished apartment is the best choice for living quarters. She could have furnished such an apartment, bit by bit, by visiting used furniture stores and, yes, by shopping at Wal-Mart. An apartment need only be functional. It doesn't need an interior decorator.

As a sort of right-wing beatnik, I spent many years in low-paying jobs and found Nickel and Dimed remarkable for its defects.

Women appear to make friends faster than men, and I don't see why Ehrenreich didn't end up renting a house with a few of her acquaintances. A thousand a month gets enough house for three, and with rent thus divided, she would have been pretty well off, at least financially. Perhaps such an arrangement might have proved awkward, given her role as covert agent for the left-wing literati.

One choice Ehrenreich and many of her co-workers made is bewildering. Cigarette smoking is especially bad for people in low paying jobs. A pack-a-day habit can cost $1,000 or more every year. Think of what someone in a low-paying job could do with that kind of money — furnish an apartment, pay off a car, buy an air-conditioner or a computer, or even enroll in a modest health plan. Smoking lowers the energy levels, increases susceptibility to colds, and worsens allergy symptoms. It's a terrible habit for anyone who can't afford to lose a day's pay. Yet she justifies smoking with imbecilities about rebellion or easing of pain. "I don't know why," she writes, "the anti-smoking crusaders never grasped the element of self-nurturence that makes the habit so endearing to it victoms [sic] — as if, in the American workplace, the only

thing people have to call their own is the tumors they are nourishing and the spare moments they devote to feeding them." In other worlds, the system makes people smoke. Come on — sometimes a cigarette is just a cigarette.

And a personality test is just a personality test, not a tool used by the employer to rob the perspective employee of his innermost self, demonstrating to him that he is possessed in his entirety, as she asserts. I felt awkward taking such tests and once flunked one given by an insurance company, whose hires, I later noticed, were palpable nitwits. Nevertheless, the tests represent an attempt to deal with real problems — they are attempts to avoid hiring determined criminals and others who may be hiding a troubled past.

She fails to observe what a blessing Wal-Mart has been for low-income people. Joe Sixpack can take the wife and kids to one of its stores and, for a song, outfit them from head to toe.

So, too, with drug tests. Her experiences with them are amusing, but again, she ignores the valid reasons for requiring them. Thanks to the genius of our drug laws, people who work in low-paying jobs and are addicted to, say, cocaine or heroin may very likely steal to pay for their dope. Such people may take a job just for the chance it offers to do so.

She claims she never saw a drug addict, thief, or slacker on the job. I wonder whether that attests to the value of drug and personality tests. I worked in businesses where such tests weren't given and saw any number of slackers and drug users, and a few thieves as well. Drug users serve two masters, their employer and their criminal connection. Slackers encourage sloth in the people around them, and when people won't work, they tend to turn on one another. The weapon they use is gossip. Those who suffer the sting most often are the best, most industrious employees — the Confederacy of Dunces is real. Wal-Mart recognizes these human tendencies and, to its credit, formulates policies to deal with them.

Practices Ehrenreich bitches about are hardly unique to low level jobs. Interviewing for a job as, say, a research scientist at a mature company involves a lengthy process. People you speak with for any length of time will send a written evaluation up the chain of command — not exactly a personality test, but pretty close to one. And such companies require a complete physical examination for all professional hires. The physical includes a urinalysis and a blood test — not a supervised drug test, but close.

"My revolving charge account bored itself right into the ground."

One thing most humble wage-earners know is that people seldom hate their bosses. At the very least, they respect the boss' position and understand his problems. This confounds Ehrenreich who, like any devoted Marxist, thinks the working class aches for the chance to arise and sweep away the capitalists.

But for the time being, she'll settle for sweeping away consequences. Single parenthood, for example, she treats as if it were a congenital deformity, rather than the result of imprudent reproduction. Single mothers who get that way through ill-advised marriage or sex outside of marriage often suffer — especially if they have children before they acquire the marketable skills needed to support them. Prudence is a virtue, and virtue is the good reduced to practice. The absence of virtue leads to sorrow. Isn't this all elementary?

Ehrenreich wants a world without Wal-Mart. I find it remarkable that she fails to observe what a blessing Wal-Mart has been for low-income people. Joe Sixpack can take the wife and kids to one of its stores and, for a song, outfit them from head to toe. Lamps, tables, and microwaves can be had for little money — a big help in creating a comfortable place to live. There is a grand irony in her Wal-Mart critique — the customers she ridicules for throwing merchandise all over the store are, by and large, the same class of people she champions as exploited employees.

She worked mainly in big companies and national franchises, perhaps because she thought they were riper targets for her book. In smaller businesses, I found some very kind people to work for. One of my employers regularly loaned trucks to employees to help them move. Another worked in my place, while I went to run in a road race. I'm amazed that Ehrenreich found so little generosity among her employers. I wonder whether she looked for it as carefully as she might have. It's hard to imagine any employer who refuses to allow his employees to make a phone call when a pressing personal problem requires it. One of my employers provided phones specifically for the use of his employees. Yet Ehrenreich recognizes few virtues in her employers or their supervisors. Like her mentor, Karl Marx, she sees the workers as angelic victims and their employers as evil oppressors — and any generosity shown by the latter, as a device to hoodwink the former.

I had one experience she might find interesting because it involved voiding on the job — one of her favor-

ite concerns. I spent a number of years as a security guard. At one of my sites, a factory in Durham, the client locked the guard out of the building on weekends, leaving us with only the ground for a toilet. Fortunately, in my 13 months at the site, I never suffered a crisis of the bowels. If I had, I would have considered making my deposit on the steps of the executive offices.

One day, while walking along a dirt road northeast of Munsan, I passed a farmer working in his small rice field. He had no ox, so he had hitched his wife to the plow. Together they were wading knee-deep in the water and muck.

In any event, I persuaded the building engineer to leave a door open for us when the plant was closed — a risky thing in that neighborhood. All went well until one of the guards failed to show up for a weekend shift, leaving the plant unguarded. From then on, until I left the site, the factory doors remained locked, and we never did get a key. As Burke said, we forge our own chains.

Ehrenreich's solution to such problems — which many of the employees themselves view with amused forbearance — is to have a "work stoppage," start a union, make demands: "Arise ye prisoners of starvation! Arise ye wretched of the earth!" Never mind that unions hurt low-wage earners by stimulating unemployment and have helped drive one company after another overseas or into bankruptcy. The less affluent would benefit from a repeal of the wage-and-hour laws. Instead of working two jobs, as many of them do, they could work more hours at the same job and save travel time and gasoline.

Nickel and Dimed radiated a stream of carpings. Homeowners affluent while the maids have little? Those nice homes reflect the value of the owners' professional skills. Homeowners spending more on houses? They want to live in a neighborhood that won't, as they say, fall into decline. That's why they form homeowner's associations and bite their nails when a neighbor gets a string of visitors at two in the morning. Feel lost or bounced around on a new job? It's a common problem at any income level — stick with it. Get reamed out by the manager? Doesn't Lewis Lapham ever ream anybody out? Khaki trousers cost $30? Wal-Mart sells them for $10. Watch battery costs $11? Who needs a watch? The only timepiece a wage earner needs is a reliable alarm clock. As long as you get up and get to work on time, who cares what time it is? Security deposit too high? Security deposits for apartments were once trifling amounts. Today, the usual requirement is the equivalent of a month's rent. The reason is simple — to avoid paying extra rent, many people quit their apartments without notice. Again, Burke.

I suspect Ehrenreich entered Wal-Mart intent on addressing the "worldwide working class," the sweatshops in Kukuland, all the foreign labels on the merchandise. Thus she writes, "Those exotic places aren't exotic anymore. . . . They've all been eaten up by the great blind profit-making global machine." She then lists some of these places, among them, South Korea.

Let me tell you about South Korea when it was exotic. In the late 1950s, after graduating from college, I spent a year with an infantry unit there. One day, while walking along a dirt road northeast of Munsan, I passed a farmer working in his small rice field. He had no ox, so he had hitched his wife to the plow. Together they were wading knee-deep in the water and muck that included their own excrement. Their children sat nearby, crying in pain, their abdomens distended by the parasitic worms that infested them.

Into this exotic world with its exotic diseases — hemorrhagic fever, schistosomiasis, hepatitis, malaria, tuberculosis — came the cruel capitalists. They created those awful sweatshops where people could work, sheltered from the cold and filth and

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers, and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God bless laissez faire capitalism."

For *The Jewish Debt to the Right*,
see Intellectually Incorrect at intinc.org

contagion. The workers made more money than they had ever made in their respective crapholes. And strange things happened. The standard of living began to rise. People exchanged their tatters for warm clothing and sound shoes, becoming healthier, happier, and far more comfortable. Concrete highways replaced the dirt roads I traveled, and modern houses replaced the shacks along the dirt roads. Funny thing — wherever that great, blind profit-making global machine touches down, similar miracles occur.

Ehrenreich disdains everyone's materialism except her own.

But Ehrenreich disdains everyone's materialism except her own. She judges the quality of Americans' lives by the proximity of their incomes to some invention called the poverty line. Perhaps her Marxism led her to do so. In any event, she encouraged her fellow workers to judge themselves and others by the number and quality of their possessions. How bourgeois!

Her book is just another volley in the Culture Wars. It may fool a few students at UNC, but the kids coming to school from farm and factory towns will pay it no mind. Meanwhile, reviewers and blurbists compare Ehrenreich to Orwell and Mencken. But I think of her as a modern Beatrice Webb in her opulent sitting room with its shrine to Lenin, complete with burning candle.

One small moment in *Nickel and Dimed* was genuinely moving. The author asked one of the other maids how she felt about the homeowners who had so much more than the maids had, and the maid replied: "All I can think of is like, wow, I'd like to have this stuff someday. It motivates me, and I don't feel the slightest resentment because, you know, it's my goal to get where they are."

How fine — that she lives without rancor or envy, and that she has her own dreams. Ehrenreich likes to talk about dignity. Perhaps she should learn to recognize it when she sees it. □

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In Defense of Global Capitalism, **by Johan Norberg. Cato Institute, 2003, 331 pages.**

¡Globalismo, Sí, Socialismo, No!

Alan Ebenstein

Johan Norberg's *In Defense of Global Capitalism* is perhaps the best defense of globalism, free trade, libertarianism, and capitalism published in recent years. Norberg's thesis is simple: capitalism delivers economic goods better than any other system the world has seen. Period. Norberg is a humanitarian. He writes passionately that the "existence from which globalization delivers people in the Third World really is intolerable" (p. 13). No one who really cares for the poor, he says, should oppose expansion of global capitalism.

In Defense of Global Capitalism is divided into seven parts with about six or seven bite-sized chapters in each. Each chapter is on a different topic demonstrating that, whatever the measure, global capitalism has delivered on the promises of socialism and the welfare state better than state-controlled or state-directed systems have done. If one favors the goals of the Left, he has no option but to adopt libertarianism.

Following in the footsteps of capitalist and free-market giants such as Ludwig von Mises, Friedrich Hayek, Ayn Rand, and Milton Friedman, Norberg emphasizes that there can be no human betterment unless people are allowed to follow their wishes where they may, as long as they do not impede others' ability to do the same. Capitalism and libertarianism are the freedom doctrines, the heirs of enlightenment rationalism, which seeks to free mankind from the shackles of superstition, poverty, ignorance, and oppression.

Norberg's book is not, however, a work of philosophy. Rather, it is a compendium of statistics demonstrating conclusively to all but the most ideological that free-market capitalism is by far the most beneficial and productive system the world has witnessed. He emphasizes the improvements that have occurred in the developing world during recent years as more free market systems have been implemented there.

Consider, for example, the 2 billion people — one-third of mankind — who live in China and India. There can be no question that the lives of hundreds of millions have been greatly improved by the introduction of market reforms in these countries: "More and more people have extricated themselves from poverty; the problem of hunger is steadily diminishing; the streets are cleaner. Mud huts have given way to brick buildings, wired up for electricity and sporting television aerials on their roofs" (21).

In areas ranging from poverty reduction to hunger to education to democratization, the story is the same. Norberg provides a compelling response to those who argue that globalization and capitalism are somehow negative forces on the world scene.

He notes that since 1965, the real income of the average person in the world has approximately doubled, and that the increase has been greater in the developing than in the developed world. Moreover, absolute poverty, the level of poverty at which basic needs such as food and shelter cannot be met, has been reduced to about one in five people in the world.

Coincident with the decline in poverty has come an increase in the average life expectancy of people throughout the world, from about 30 years in 1900 to 65 years in 2000. Do discrepancies and inequalities still exist? Of course. But the answer is not to condemn the system that has made the improvements possible. It is to continue to expand the capitalist system that has led to a better life for almost all.

Meanwhile, illiteracy in developing countries has declined from about 75% of individuals born in 1925 to 20% of individuals born in 1970. With greater wealth and literacy has come more democracy. In 1950, about 30% of the world's population lived in democratic nations; twice that percentage do today. Moreover, the rights of women are more respected around the world than ever before.

Capitalism and libertarianism are the freedom doctrines, which seek to free mankind from the shackles of superstition, poverty, ignorance, and oppression.

Norberg notes that, contrary to the conventional wisdom, "inequality between countries has been continuously declining since the end of the 1970s. This decline was especially rapid between 1993 and 1998, when globalization really gathered speed" (56). Where life is improving most is in the poorest regions of the world, which are awakening from centuries of somnolence.

Economic freedom brings prosperity and growth; it raises living standards and life expectancy; it increases education and medical care; it reduces child and infant mortality. Further, Norberg notes: "Contrary to popular suppositions . . . a higher degree of economic liberalism appears to mean more economic equality" (88).

Those who argue against free trade and globalization literally do not know what they are talking about. Norberg's purpose is to educate them, so that they will not continue to oppose what brings about the ends they say they favor.

Buy two copies of *In Defense of Global Capitalism* — one for yourself, and one to give to a left-liberal friend. □

***The Terror Enigma: 9/11 and the Israeli Connection,* by Justin Raimondo. IUniverse, 2003, 79 pages.**

My Enemy, My Ally

Anthony Gregory

Declare that the interests of the Israeli government are not always the interests of America, and you may be called an anti-Semite. Advance the theory that in the months before Sept. 11, 2001 an extensive spy network from a non-Islamic country had infiltrated the highest government offices in the United States, and had knowledge of the terrorist attacks before they occurred, and you will probably be called a conspiracy-theory kook.

The use of the slur "anti-Semitic" to halt any meaningful discussion of foreign policy as it relates to Israel has been pervasive, even among libertarians and conservatives who for years accused the Left of invoking the politically-correct race card, typified by the lashing out at someone as a "racist" for his or her opposition to affirmative action, slave reparations, or welfare. It is particularly disturbing to hear this *ad hominem* coming from those who in one breath uphold the notion that Americans should not be equated with their own government, and in the next suddenly insist that critiques of the Israeli government reduce to hatred of all Israelis, and of Jews in general. Most arguments against U.S. aid to and support of Israel boil down to the belief that a defense of Israel is not always a defense of America — a notion confirmed by a statement from 9/11 Commission Director Philip Zelikow, who said to an audience at the University of Virginia on Sept. 10, 2002, that there was no significant threat to the United States from Iraq: the "real threat" was "the threat against Israel," from its Arab neighbors.

As frequently as the term "anti-Semite" comes into play, so does the dismissive insult, "conspiracy nut." And the "anti-Semitic, paranoid" notion that the Israeli government had knowledge of Sept. 11 before it occurred is not even fit for serious contemplation — is it? Even though informed Americans acknowledge the

history of the U.S. government's deception about the causes of so many of its wars, most do not want to face the possibility that anyone outside al Qaeda and its allies had foreknowledge of the 9/11 attacks. After a half century of work by historians and journalists to demonstrate Franklin Roosevelt's advance knowledge of Pearl Harbor, culminating in Robert Stinnett's recent book, *Day of Deceit,* most of the Americans who accept the possibility of FDR's foreknowledge do so apathetically, and many others still deny the possibility altogether. That Israel is considered a unique ally of the United States guarantees that any "conspiracy theories" blaming Tel Aviv for complacency in terrorism against America are considered as seditious and ludicrous as attributing such blame to Washington, D.C.

Given today's political climate, anyone who attempts the argument that the Israeli government had spies in America who knew about the 9/11 attacks before they happened — and wants to be taken the least bit seriously in such a claim — must proceed cautiously, and back up the thesis with extensive research and sound reasoning. Justin Raimondo, with whom I am acquainted, has done just this in his succinct, powerful, and quite readable book, *The Terror Enigma.*

Raimondo presents compelling evidence from news reports and government documents that there existed a significant Israeli espionage operation within the United States in the months leading up to Sept. 11. These spies infiltrated government offices from the CIA to the Drug Enforcement Administration, and were even suspected by some officials at the tail end of the Clinton Administration to have successfully bugged the Oval Office.

According to Raimondo's narrative, prior to Sept. 11, Israeli intelligence agents used the unconventional tactic of going into federal buildings, posing as art students, nosing around, and attempting to get as much information as they could. An investigative reporter from Houston, Anna Werner, made note of wanderers walking around suspiciously, sometimes with floor plans in hand, in 36 "sensitive Department of Defense sites"(p. 31). According to another reporter, a U.S. intelligence official theorized that the Israeli agents were monitoring al Qaeda, and engaged in the "art students" pretense to create a diversion for American intelligence, thereby allowing al Qaeda to succeed uninterrupted.

Shortly before Sept. 11, 140 Israeli nationals were rounded up, interrogated, and put into custody. After the attacks, 60 more were apprehended. Strangely enough, as Raimondo points out, these detentions neither received considerable media coverage nor met with much protest — an odd silence, when compared with reactions to the detentions of Arab Americans in the Sept. 11 aftermath.

The most chilling of these detentions was that of five Israelis who eyewitnesses said were watching the planes hit the World Trade Center and, far from appearing shocked, seemed to be celebrating. This suspicious behavior led a witness to call the authorities. They found the Israelis along with a van from Urban Moving Systems, a moving company owned by a man listed as a terrorist suspect by the U.S. government.

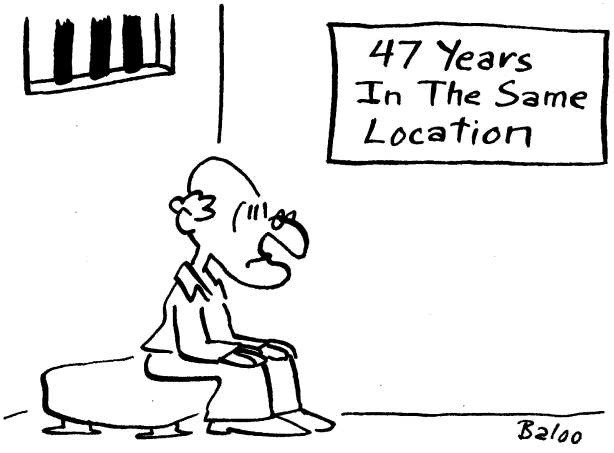

In the wake of the 9/11 attacks, the possible Israeli spy network received very little attention in the mainstream press, with the somewhat ironic exception of Fox News, whose four-part series by Carl Cameron is one of the many pieces of evidence Raimondo cites that cannot be justifiably dismissed as being based on a knee-jerk, anti-Israel bias. Other sources include a report from the Drug Enforcement Adminis-tration, detailing the pre-9/11 attempts of a spy network to gain access to government offices, and describing an alert sent out to DEA agents to detain these spies. The report describes the interrogation and detention of several suspects, who turned out to be Israeli intelligence agents. A U.S. National Counterintelligence Center document also warned, in March 2001, of attempts by Israelis posing as "art students" to penetrate U.S. government facilities.

The War on Terrorism has taken an interesting turn, wherein Iraq, Israel's main adversary, has become the main focus, even though it had no connection to 9/11.

Aside from providing multiple sources testifying to his credibility, Raimondo is also cautious never to overstate his case. For example, he has bothered to research the claim that Hanan Serfati, the head of the Israeli agents, lived "next door to Mohammad Atta," as an article in *Die Zeit* reported. The article cited a French intelligence claim that Serfati had an apartment on the corner of 701st St. and 21st Ave., but Raimondo says: "There is just one problem with this: there is no 701st Street and 21st Avenue in Hollywood, Florida. Serfati's rental was at 701 South 21st Street, about half a mile from Atta's 1818 Jackson address" (45). Half a mile may not be a problematic distance for espionage work, but Raimondo does not want to exaggerate his claims.

Raimondo never for a second doubts the guilt of bin Laden and al Qaeda for the horrific crimes of Sept. 11, but he says that "it is useful to remember that there are degrees of blame, and that it must be apportioned out accordingly" (9). For precedent's sake, he gives some brief historical examples of elements in the Israeli government carrying out covert operations to deceive the United States. In the con-

text of his criticisms of the Israeli government, he resents the "redefinition of anti-Semitism to mean anyone and everyone who criticizes Israel," saying that "the policies of the Sharon government are no more representative of Jewish opinion worldwide than the rantings of Robert Mugabe are globally emblematic to blacks" (58).

The motivation for such deception from the Israeli government, Raimondo argues, is the strengthening of the alliance between the United States and Israel, which the "art students" predicted would occur after a successful terrorist attack on Americans. Raimondo notes that the War on Terrorism has taken an interesting turn, wherein Iraq, Israel's main adversary, has become the main focus, even though it had no connection to Sept. 11. Hawks have attempted to make such a connection, but it has always depended on far-fetched assertions from discredited sources that, when approached objectively, appear much more the makings of paranoid, baseless conspiracy theory than anything Raimondo is advancing.

In fact, Raimondo dismisses outright any theories that Bush knew about Sept. 11 before it happened, saying that "the loonier factions of the left are seizing the moment to demonstrate, to their own satisfaction if no one else's, that 'Bush knew,' and that the Americans, in effect, bombed themselves" (29–30).

The Terror Enigma is an important book. It challenges its readers to rethink their views on foreign policy, and, as an incidental benefit, it forces them to contemplate the artificial discursive barriers that keep us from openly discussing important issues out of fear of being labeled unpatriotic or racist. Americans should never be afraid to criticize government — *any* government — or to consider the possibility that a government would let thousands of innocents die for its purposes. These are governments we're talking about, after all, and not a single one is innocent of serious crimes. We should feel free to examine the evidence behind unpopular theories, and honestly come to our own conclusions.

Not everyone who reads *The Terror Enigma* will agree with all of Raimondo's conclusions. But readers will have a hard time shrugging off the evidence he cites. The fact of an Israeli spy ring cannot be dismissed, based on the evidence. Readers will also have a hard time understanding why there has not been far more discussion of all this, especially now that everyone is pointing fingers over the passive culpability U.S. officials might share for 9/11. As Fox News correspondent Carl Cameron said (quoted by Raimondo), "The biggest story of our time, of Israel spying on all branches of the government, on all our intelligence agencies — in the CIA, the DEA and the White House itself, is not picked up by the leading newspapers like the *New York Times* and the *Washington Post*" (14).

Raimondo forces readers to contemplate the artificial discursive barriers that keep us from openly discussing important issues out of fear of being labeled unpatriotic or racist.

Some might automatically disagree with Cameron and Raimondo on the importance, let alone viability, of the story of the Israeli "art students." If so, they owe it to themselves to read *The Terror Enigma*, and see for themselves if the book fails in severely complicating their opinions on this matter. That Israeli operatives, in Cameron's words, "may have gathered intelligence about the [9/11] attacks in advance, and not shared it" (17) should fuel a major public controversy.

The entire truth, of course, is still an enigma. Sen. Bob Graham laments that a lot of evidence about which governments helped Sept. 11 to occur has been classified. The senator conjectures that "at some point when it's turned over to the archives," the public might know, "but that's 20 to 30 years from now" (64).

Twenty years from now the attacks against the World Trade Center may seem about as distant as Pearl Harbor, and by then, if the way Americans think about Franklin Roosevelt is any indication, I'm sad to say that most Americans probably won't care anymore about the enigma of Sept. 11. ❑

***Intellectually Incorrect: The Amateur Science of Economics and the Professional War Against It*, by D. G. Lesvic. intinc.org, 2004.**

The Perversity of Jewish Anti-Capitalism

Richard Kostelanetz

It took a trip to Israel two decades ago for me to realize something that should have been obvious to me before — that whoever sold Jews on the "ideal" of socialism should be disinterred and quartered. It didn't work, not even in its "democratic" forms, because taxes were too high and wages kept artificially modest. The Israelis I knew either borrowed over their heads (in part expecting to benefit from future inflation) or they lived off money from another country, usually the U.S., but sometimes South Africa or the Netherlands. Indeed, the ever-resented Israeli "privileged class" seemed to be defined by its dependence on international support.

The Israeli problem is that while

the Jews are a people who have historically benefited from open competition, not only against others but against one another, they are prevented from competing optimally under Zionist socialism. The principal virtue of D.G. Lesvic's self-published *Intellectually Incorrect: The Amateur Science of Economics and the Professional War Against It* is establishing that Jewish culture thrives under economic competition and that Jews should not be discouraged, let alone forbidden, from engaging in it.

Obviously reflecting passion, as most self-published books do, *Intellectually Incorrect* is best for its provocative aphorisms:

"Anti-capitalism is inexorably anti-Semitism, hatred of the competitive system hatred of the best competitors."

"Attacking employers is attacking employment; and the real message of employee lawsuits: don't be an employer in the United States. But, after they've been driven out, who will employ us, the lawyers?"

"Families create life, mobs destroy it. The authority of mobs over families is not 'family values' but mob values, and not of life but death. Life depends upon self-governing, not self-destructive families, and families on good parents, not do-gooders, on freedom for the family, not for moral mobsters and mushheads."

"I don't give a damn about getting into the Gentiles' clubs. I can't think of anything duller. I just want to stay out of their concentration camps. I don't want any right to force myself on them because I don't want them to have any right to force themselves on me. They can discriminate against me all they want so long as they leave me alone."

"There was perfect Gun Control in the concentration camps. No inmate ever shot another."

"'Soak the rich' and 'save the environment' really meant to get rid of the poor and the nasty industries that support them, and reserve an environmentally pure playground for the rich and famous."

"If the politicians could really be trusted to invest our tax dollars for us they wouldn't have to tax the money away from us, for the capital market would lavish it upon them. The only reason their 'investments' depend upon tax dollars is that no investor in his right mind would entrust his funds to them."

"It is not mean-spirited to consider the actual consequences of our actions; and not compassionate but simply irresponsible not to."

Otherwise, I regret to say that this book is a mess. Lesvic writes discrete paragraphs in the tradition of great aphorists, but his ordering of them often strikes me as arbitrary. An omnivorous reader, he frequently includes whole paragraphs written by others, sometimes insufficiently separated from his own. (Some of the strongest quotations come from Franz Neumann's *Behemoth*, which was among my favorite books of modern political analysis four decades ago.) Much of the later sections of Lesvic's book are devoted to picky economic criticism (pro-Mises, anti-Friedman) which I found tough-going. In the age of stylish desktop publishing programs, Lesvic favors a prosaic design that reminds me of IBM Compositors favored by small publishers three decades ago. Given the truth of his message, I wish this book were better, much better. Finally, I suggest that the epithet "free enterprise" is preferable to "capitalism" as a label for the free-

Notes on Contributors

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market process.

Reading *Intellectually Incorrect* made me realize once again the implicit Jewish intelligence of libertarian thinking, having noted before in these pages that, of the five most influential libertarians (according to a poll of *Liberty* editors), four were Jewish in origins (though all would probably be horrified to be identified as such in print): Ayn Rand (nee Alice Rosenbaum, don't forget), Milton Friedman, Ludwig von Mises (whose surname derives from Moses), and Murray Rothbard. My own libertarian pantheon includes such cradle Jews as Emma Goldman and Paul Goodman.

As Lesvic writes in one of his signature statements, "Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and 'progressive' New Deal America that turned them away by the boatload, and back to Auschwitz."

True, too true. □

Booknotes

One for the Gipper — *Reagan: A Life in Letters* (Free Press, 2003, 934 pages) is the latest volume in an ongoing effort by Martin Anderson, Annelise Anderson, and Kiron Skinner to demonstrate that the former president was simply not, as Clark Clifford once put it, an "amiable dunce," who had a few simple ideas and a certain likableness and happened to have a gift for communication.

As scholars at the Hoover Institution at Stanford University, where the former president's papers are stored, they have previously mined the original, handwritten drafts of the radio commentaries Reagan delivered in the 1970s. They showed, in the book *Reagan, In His Own Hand*, that he had a lively interest in a variety of political-related subjects and a strong grasp of current events. Now they have assembled a collection of the letters he wrote, from the age of 11 until the year 1994, covering an astonishing range of subjects.

Reagan grew up in an era when personal correspondence was far more important, and more carefully composed, than it is in America today. Remarkably candid and warm, these letters enhance our understanding of Ronald Reagan's life and his place in American history, perhaps better than a full-blown biography can. Agree or disagree with him, this man was far from being a dunce, amiable or otherwise. They also demonstrate that unlike our current president, he had a lifelong interest in politics, freedom, and governance. — Alan W. Bock

Darkness and Light at the World's Fair — In 1890, the United States was barely 100 years old, a mere teenager of a nation, ready to flex its muscle and establish its place among the nations of the world. In *The Devil in the White City* (Random House, 2003, 464 pages), historian Erik Larson tells the story of Frank Burnham's determination to create a World's Fair that would not only rival but surpass the Parisian Exposition of 1889.

Timing the Fair to coincide with the 400th anniversary of Columbus' voyage to the New World, the committee would have just two years to plan, design, build, populate, and advertise the Fair. Burnham assembled a committee of the foremost architects of the age, including landscape artist Frederick Olmsted, who designed Central Park. Burnham himself would later design the Flatiron Building in New York City. The Fair would have imposing exhibit halls, whimsical gardens and lagoons, exotic Midway booths, and a symbol to rival the Eiffel Tower.

Juxtaposed against this monumental task, Larson interweaves the equally fascinating tale of another creatively ambitious Chicagoan, Dr. H.H. Holmes, a charmingly evil man who built the World's Fair Hotel just a few blocks from the Fair. Holmes included secret soundproof rooms and ovens in the design of his hotel, and oversaw the construction himself so that no one worker knew what the building housed. To paraphrase an old commercial, young women visiting the Fair checked in, but they didn't check out. Larson's book is as much a detective story as it is a history of the World's Fair, as he recreates the trail of murders associated with this dark man and his hotel.

Larson's meticulous research is evident throughout the book, which includes 30 pages of footnotes and a bibliography that runs five full pages. Yet he writes like a novelist, teasing the reader with dramatic foreshadowing, artfully delayed details, and deadpan name dropping. (For example, he tells the story of a junior architect who was fired for designing houses in his free time and then notes wryly, "The junior man was Frank Lloyd Wright.") He identifies numerous products and cultural icons that we now take for granted that were introduced at the Fair, including shredded wheat, Cracker Jack, the Pledge of Allegiance, and even the tune every school child learns that begins, "There's a place in France . . . "

Interestingly, though not surprisingly to those who understand the free market, the exhibits that saved the Fair from financial ruin were the ones that were initially rejected by the committee. The Ferris wheel that became the Fair's symbol took so long to approve that it wasn't finished until the Fair was half over. Buffalo Bill's Wild West Show was rejected by the committee, so he just set it up in a separate theater outside the Fair and started raking in the dough before the Fair even opened. Young Sol Bloom, a teenaged entrepreneur who was hired to design the Midway, ignored the committee and brought an element of fun to the otherwise staid exhibits, providing a place for visitors to spend their money. One young boy whose father worked as a carpenter building the "magical realm beside the lake" would, more than 50 years later, recreate a more permanent amusement park based on the Fair's

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design. His name? Walt Disney.

The Devil in the White City is a story of vision, ambition, and persistence. Burnham's charismatic ambition drove him to create a visual masterpiece that was designed for obsolescence; within six months of its opening, it was closed and dismantled. Yet its monumental Greek revival style would influence architecture, landscaping, and entertainment for a century to come. Meanwhile, Holmes' charismatic ambition drove him to destroy dozens of families who would never know what happened to their daughters. It is indeed a book of darkness and light, utterly engrossing on many different levels. — JoAnn Skousen

Islam and Church and State — I have some disagreements with the way the conservative English philosopher Roger Scruton describes the unique qualities and political genius of the West in *The West and the Rest: Globalization and the Terrorist Threat* (ISI Books, 2003, 187 pages). He overplays the importance of territory, political and pre-political loyalties, and the willingness of citizen-soldiers to go to war, and he underplays the importance of freedom and a sense of the uniqueness and dignity of the self, and of cultural predispositions toward welcoming the sojourner and immigrant. But this book includes the best short discussion I have run across of Islam and how it developed into what it is today. This is not a hostile commentary; much of what Scruton has to say reflects admiration for the dedication and sincerity of Muslims. But he understands that Islam and Christianity have distinctly different value systems, and that any effort to live together in an increasingly shrinking world will have to accept this reality.

Here's the nub of Scruton's comments: "The students of Muslim thought will be struck by how narrowly the classical thinkers pondered the problems of political order and how sparse and theological are their theories of institutions."

As both a religious and political leader, Mohammed had little conception of a separation of religious institutions and the state, a notion that was key to Western development. Of the early Muslim thinkers, only Ibn Khaldun saw the strictly political as distinct from other aspects of social organization, but even he had a generally bleak view of the political and the urban being divorced from tribal and religious loyalties.

This has profound implications for Islam as it encounters other ways of organizing human society. Muslims tend to view Western society not just as different, fascinating, and undeservedly rich, but as unrighteous, because it is guided (or claims to be guided) by reason and the vagaries of public opinion rather than timeless revelation. Scruton's prescriptions for the West are cursory and more wrong than constructive. But his description of the challenge we face in our encounter with Islam is worth pondering.

— Alan W. Bock

Totalitarian Grandeur — Like many libertarians, I daydream about totalitarian regimes. They are, I suppose, my way of indulging the science fiction instinct. Preposterous, scary, romantic, they offer the perspective of an alternative universe, ripe for speculation. My imagination is especially engaged by their own daydreams.

Facing each other on opposite pages of Igor Golomstock's *Totalitarian Art* (HarperCollins, 1990, 416 pages), a review of twentieth-century totalitarian art, I find two of the greatest such daydreams, or nightmares: Hitler's and Albert Speer's architectural plan for postwar Berlin, centered on the repulsively oversized dome of the great hall of *Grossdeutschland*, the House of the People; and Stalin's and Boris Iofan's very similar plan for an urban-renewed Moscow, centered on the tallest building in the world, a Palace of Soviets capped by a 300-foot statue of Lenin.

Of this building, Golomstock says, "An entire large institute worked on the project for many years, until the beginning of the fifties. A vast foundation pit was dug . . . and the press never tired of describing the future grandeur of a construction which was to contain 17,500 square metres of oil painting, 12,000 of frescoes, 4,000 of mosaics, 20,000 of bas-reliefs, 12 group sculptures up to 12 metres high, 170 sculptures up to 6 metres high, and so on. . . . Nothing of either the Palace of Soviets or the House of the People was ever constructed." The site of the Palace of Soviets is now a swimming pool.

Golomstock's book is one of those standard works whose publisher stupidly allowed to go out of print. Everyone should know about it and seek it in the used-book market (it's not hard to find).

It has some flaws. Most of its many illustrations are black and white. Many are too small. (Aleksandr Gerasimov's "Stalin and Voroshilov in the Kremlin" is a ravishing work of art, but only when it's big, and only when you can see the colors.) I have a lot of questions about Golomstock's distinction between the totalitarian style and the period styles that prevailed under democratic as well as totalitarian regimes, styles that make the old post office in Jackson, Mich. look exactly like a building of similar function in Hitler's Germany or Stalin's Russia. But Golomstock knows more than I do, and he may be right.

The virtues of his book include his wide erudition, his sense of humor, his exemplification of many styles and genres of art and architecture within the general field, his alertness to the many exact and bizarre similarities of fascist and Bolshevik art, and his inclusion of many examples of totalitarian art that is actually good. Most of it isn't, of

"What you need is a refrigerator with speed bumps."

course; but all of it is interesting, much of it is clever, and some of it is actually beautiful. — Stephen Cox

The Decline and Fall of the English Language — There is seldom a shortage of books deploring the decline of the proper use of English. Some are excessively fussy, earnestly holding the line against inexorable change. They defend grammatical constructions that they deem sacrosanct, but which are really quite arbitrary, or the products of earlier language mavens' wars against what they viewed as dangerous and degrading neologisms. John McWhorter's new book, *Doing Our Own Thing: The Degradation of Language and Music and Why We Should, Like, Care* (Gotham Books, 2003, 276 pages), is not one of these books. It is more subtle and, while sometimes wistful, less alarmist.

McWhorter is a linguistics professor at Berkeley and one of the growing number of black academics who has doubts about the marriage of the civil rights movement to affirmative action and identity politics. Through looking at the changing ways in which we use the English language, McWhorter says a great deal about modern American culture, literature, and politics, some of it reassuring and some of it rather upsetting.

McWhorter's thesis is that "to be a modern American is to lack a love of one's native language that is atypical of most humans worldwide." While "one often hears foreigners praising the beauty, the majesty, the richness of expression of their native languages," he contends that "Americans are an exception. We do not love English. We do not celebrate it overtly, nor do we even have anything to say about it if pressed on the point."

It was not always thus. A century ago Americans expressed pride in their language, which is a remarkably flexible means for expressing thoughts, moods, emotions, and complex ideas.

Booker T. Washington, who was awarded an honorary degree by Harvard, wrote in his autobiography that "President Eliot, in beautiful and strong English, conferred on me the degree of Master of Arts." Can you imagine anyone today commenting on somebody's "beautiful and strong English," or taking note of a college president's facility with the language at all? These days, McWhorter observes, we tend to view colloquial speech as authentic and distrust more carefully wrought oral expression as "high-flown" and even phony.

McWhorter doesn't attribute this to a decline in educational standards or lousy schools. He contends that we are moving from a written to an oral culture. Rather than offering a prescription to "fix" it (which he believes would probably be impossible anyway, given the trends), McWhorter is content to describe it. He suggests that while the effects are not all deplorable — it reflects democratization and a decline in oppressive elitism, and often facilitates clearer communication — something is lost along the way. The book is full of surprising insights and graceful (although, as he admits, modern and colloquial) writing. *Doing Our Own Thing* is a bittersweet pleasure for a stubborn lover of the high-flown and eloquent. — Alan W. Bock

Orwell's Economics, *from page 28*

orate. And the class guilt that so permeates his worldview and writing that, to go along with him, we have to become reverse snobs always ready to see the worst in others, always suspecting the worst, never accepting progress as possible.

For Orwell, the world was a hellish place that was getting worse. What would the immediate future in the post-World War II world look like? He said: "Think of a jackboot endlessly stomping on a human face." His horror at events was an equal opportunity kind, a "plague on all your houses" view that turned many people away from his ideas even as they marveled at his writing ability. That ability was always appreciated best by his political enemies, especially Stalinist sympathizers in England. They almost succeeded in suppressing *Animal Farm*, the communists sensing instantly that it would be very bad publicity for Stalin and for the Soviet Union. As for America, when Orwell submitted *Animal Farm* to Dial Press, a telegram was returned to him from New York saying that "children's books" were not selling well in the United States. This rather incredible error cost Dial millions, as well it should have. Whether the editor who read the work and rejected it was incredibly naive, or a clever political opponent, I do not know.

Was Orwell wrong about the future? I'm not so sure. The verdict is still out, even though we have no shortage of Pollyannaish predictions about it from writers such as George Gilder, Virginia Postrel, and Peter Huber. I personally hope they are right and he wrong. But I confess to having what I call a streak of realism, or what Orwell would simply have called "common sense." That streak tells me clearly that the future is an unsettled issue, and that it might not resemble very much what I would want.

I probably won't see all that much of it anyway, and that's fine too because, at least in the present, Orwell's future has not happened, at least not in the place where I live. This is not to say that there are no disturbing signs, for there are, and there is no shortage of such signs either. It *is* to say that I am relatively free and that I can speak my mind without facing the prospect of being imprisoned or shot. And that's enough for me, at least for now.

As for Orwell's dark future, which he surely did not mean to say was going to occur by — or in — *1984* (despite that book's title), only more time will reveal the extent of his prescience. But if, as he claimed, the only path away from that future lies in returning the concepts "right" and "wrong" to our politics, then I confess that I am not particularly sanguine about our chances. □

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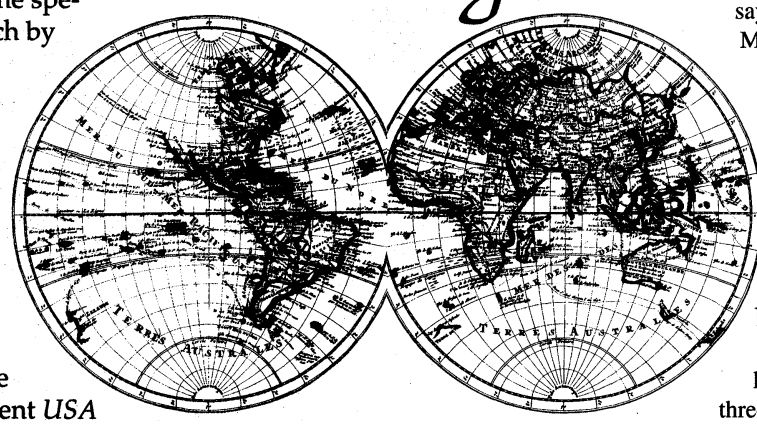

Miami

Attorney General John Ashcroft gets tough on crime, from a report in the *Washington Times*:

After environmental activists from Greenpeace boarded a container ship without permission in protest of illegal logging, the Department of Justice charged them with "sailor mongering," the criminal act of luring sailors with promises of prostitution and liquor off of ships and into port.

Berlin

Speech codes cross the species barrier, from a dispatch by the BBC:

A man who trained his dog to give a Nazi salute has been handed a suspended sentence for shouting "Sieg Heil" in public and wearing a Hitler T-shirt.

San Francisco

Another tax loophole closed, from the omnipresent *USA Today*:

A police officer whom the voters authorized to patrol with a 10-pound wooden partner can't deduct the campaign costs as a business expense, a court said. Robert Geary spent nearly $11,500 of his own money to get the measure on the 1993 ballot, a move designed to counter a superior's order that the ventriloquist's dummy remain in a locker because, the superior said, it made the department look silly. San Francisco voters, though, approved of the Howdy Doody look-alike.

Geary must pay the IRS $3,500 in back taxes.

Berlin

Further evidence that government agencies are competent self-regulators, from an Associated Press report:

A German postal worker admitted to putting packages up for auction over the Internet after a search of his apartment turned up a hoard of missing deliveries. In all, more than 100 went missing, estimated at $23,700. The German post office noticed that packages frequently went missing on his round, but was unable to prove anything.

Washington, D.C.

Further evidence of presidential hopeful John Kerry's commitment to working people, from Fox News:

Democrats failed by a single vote to attach an amendment to a tax that would have offered additional emergency federal unemployment benefits. Mass. Sen. John Kerry, the presumptive Democratic presidential nominee, was the only senator who missed the vote.

Louisville, Kentucky

Democracy in action, from a dispatch in the Pulitzer- Prize-winning *Courier-Journal*:

Local Republican Party activists John Lowler and Peter Hayes feuded recently over their status at the upcoming state convention. Lowler accused Hayes of smearing him by suggesting that he had recently had gay sex. Hayes said it was Lowler who started it by denigrating Hayes' religion, the Unification Church (headed by Rev. Sun Myung Moon), saying that Lowler had taunted him by saying, "Moonie, Moonie, Moonie, Moonie, Moonie." Lowler claimed that he had said only, "Moonie, Moonie, Moonie."

Phoenix

The wheels of justice grind on in the 48th state, from a report in the estimable *Arizona Republic*:

Haskell Wexler, 73, is in his twelfth year of contesting three $31 parking tickets, a dispute that has taken him through twelve so-far unsuccessful lawsuits. In addition, Wexler telephones the city almost every day seeking a refund of his $93.

Arlington, Virginia

Evidence of the tight security that prevails in the Pentagon in the wake of 9/11, from an article in *Time*:

An email to Pentagon staff marked "URGENT IT (Information Technology) BULLETIN: Taguba Report" orders employees not to read or download the Taguba report at Fox News, on the grounds that the document is classified.

Ketchikan, Alaska

FDR would be proud, from a dispatch of the *New York Times*:

The House of Representatives has authorized construction of a bridge in Ketchikan, Alaska, that would be among the biggest in the United States: a mile long, with a top clearance of 200 feet — 80 feet higher than the Brooklyn Bridge and just 20 feet lower than the Golden Gate Bridge. It will connect this economically depressed town of 7,845 people to an island that has about 50 residents, at a cost of about $200 million. It also authorized a bridge that would span an inlet for nearly two miles to tie Anchorage to a port that has a single regular tenant and almost no homes or businesses, for $2 billion.

Grant County, Washington

Using a novel legal defense in rural Ecotopia, from a dispatch in the *Seattle Times*:

In a rape case in Grant County, public defender Guillermo Romero filed a motion seeking "D and A testing."

Special thanks to Bryce Buchanan, William Walker, and William Brickey for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to libertyterra@yahoo.com.)

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to wield power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

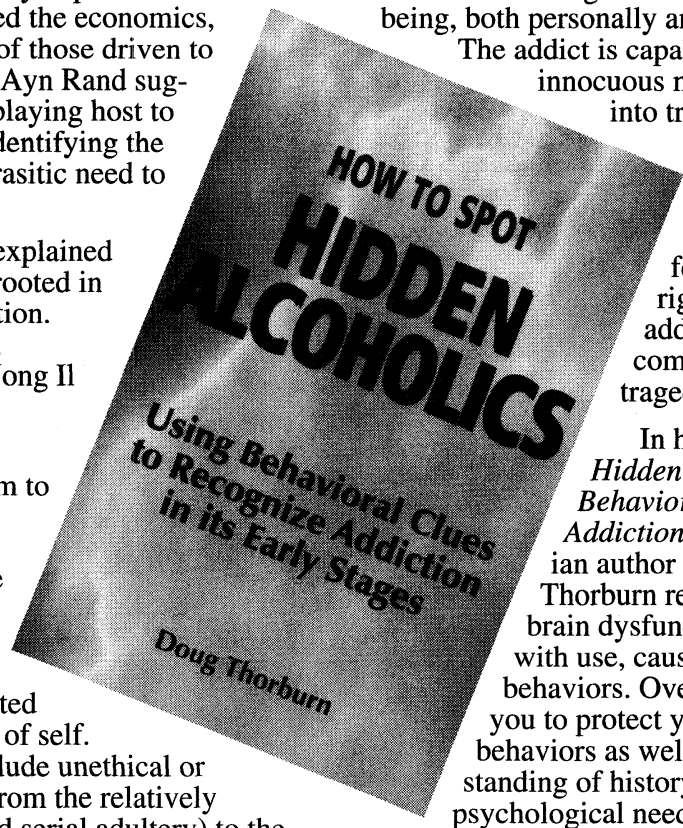

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy occurs.

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— Shawn Steel, former Chairman, California Republican Party

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— Ken Schoolland, Professor of Economics and Author of *The Adventures of Jonathan Gullible*

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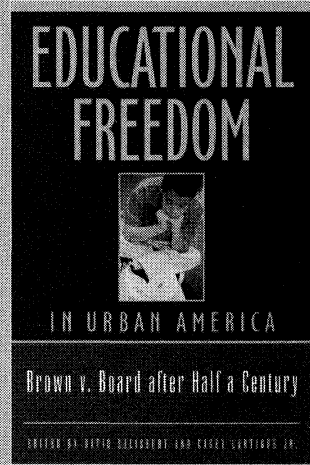

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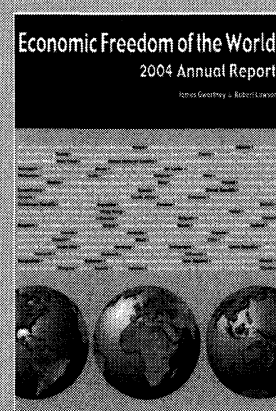

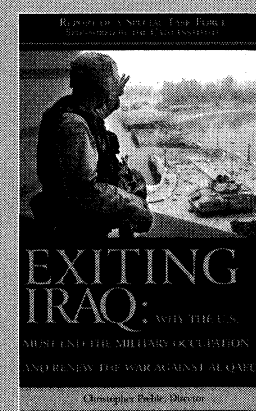

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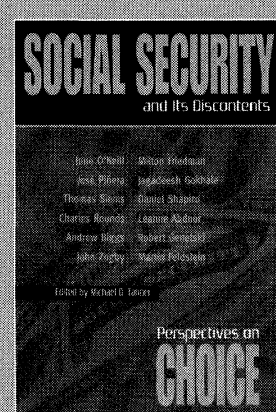

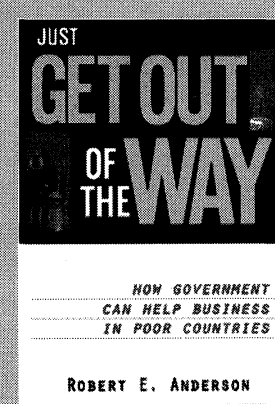

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Letters

My Orwell Can Beat Up Your Orwell

As a fellow participant in the Socialist Scholars Conference, I enjoyed Richard Kostelanetz's contribution there and in *Liberty* ("Orwell Lives!", May). Yet his is a "partial" Orwell that underplays Orwell's political predilections to reflect, perhaps subconsciously, the Orwell he would like rather than the Orwell the world actually knew.

Orwell himself stated that he became a socialist in 1930, and the *Adelphi*, for which he wrote in the years following, was widely recognized as the house magazine of the intellectual Left within the Independent Labour Party (ILP). He went to Spain in 1936 to fight with the ILP's sister party, the Partido Obrero de Unificación Marxista (POUM), against both General Franco initially and the Stalinists of the Spanish Communist Party as they successfully crushed the POUM's revolution within the revolution.

In 1938 he formally joined the ILP and worked with its Bukharinite faction to oppose the coming war with Germany on the grounds that it was an imperialist war. Then, with the Nazi-Soviet pact, he went with the pro-war Labour Party, and ended up as the literary editor of the Labour Left's journal *Tribune*.

You can try to take George Orwell out of politics, but you can't take politics out of George Orwell. But nice try, Richard!

Glyn Ford
Member of the European Parliament
Newnham, England

I Don't Like Ike

In "Water under the bridge" (Reflections, June), Wendy McElroy named President John Kennedy as "the Democrat who plunged the nation into Vietnam's quagmire."

Actually, the American who is most responsible for the war in Vietnam is former President Dwight Eisenhower. He made the decision not to sign and not to honor the Geneva Agreement of 1954, which ended the war between France and the Viet Minh. That agreement scheduled elections to be held in 1956 in order to unite Vietnam. In his memoir, *Mandate for Change, 1953–1956*, Eisenhower admitted that his advisors told him Ho Chi Minh would have won 80% of that vote.

By supporting South Vietnamese dictator Ngo Dinh Diem in his refusal to hold the elections in South Vietnam, Eisenhower guaranteed that there would be a war there in the 1960s.

John Engelman
Wilmington, Del.

Don't Trust Anyone Under 30

Yes, indeed. I was there. At the time I had the opportunity of a lifetime working on our challenge to beat the Soviet Union in the race to the moon. But my perceptions of that era were entirely different from those of the people Richard Kostelanetz interviewed ("A Special Time," June).

During the '60s I was dismayed by all the long-haired teenagers who seemed to be announcing to the world that "I wear my hair long because my parents support me, I am irresponsible and I don't have to work or even clean up my act." I suppose we WWII vets made the problem ourselves because we had created the boomers and the kids outvoted us.

I was further dismayed when I learned that these children "invented" sex, unisex, dope, uppers, downers, and went off to college to terrify academia. They pretty much took over those institutions because the learned academics didn't have the balls to make them behave in a civilized manner.

The libertine subculture of the '60s spread throughout the Sierra Nevadas,

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Inside Liberty

August 2004
Volume 18, Number 8

2 Letters Readers first.

5 Reflections We remember Ray Charles, repudiate Ralph Nader, admire malabushisms, link to lies, discover the Jewish housing conspiracy, take the red pill, cut the blue wire, and lose our right to remain silent.

Ronald Reagan: An Autopsy

15 Ronald Reagan: A Political Obituary As Ronald Reagan left office, *Murray Rothbard* was writing his political obituary: a portrait of a man with a smile on his face and the destruction of liberty in his heart.

24 Credit Where Credit Is Due Ronald Reagan made mistakes, but he staked a claim for liberty for which advocates of small-government should be thankful, writes *Lance Lamberton.*

26 Ronald Reagan, R.I.H. As far as *Jeff Riggenbach* is concerned, Ronald Reagan can rot in hell.

31 Prestige Has Consequences Ronald Reagan was a statesman of high ideals who showed both friends and enemies of liberty that Americans still hold their freedom dear, says *Stephen Cox.*

32 A Great Man *Alan Ebenstein* tells why he thinks Ronald Reagan was a genuinely great president.

34 "Just Saying No" to Freedom Ronald Reagan may have won the Cold War, *Dale Gieringer* observes, but in the War on Drugs, his actions proved disastrous for America.

Politics

35 Dark Horse on the Third Ballot Libertarian Party conventions are always peculiar affairs, but this was the strangest yet: the delegates somehow managed to nominate a candidate without knowing his views or knowing about his brushes with the law. *R.W. Bradford* tells how backroom deals, personal hatreds, and delegate indifference led to this strange outcome.

49 An Interview With the Candidate Presidential nominee *Michael Badnarik* talks frankly about his refusal to file tax returns, his arrests for driving without a license, and his quixotic quest for the presidency.

Reviews

53 America the Exceptional America is a right-wing nation, and libertarians are an important part of the coalition that makes it that way, *Bruce Ramsey* discovers.

55 Curse of the Progressives "Progressive" is an awfully strange word to describe an elitist, authoritarian philosophy that opposes a free and dynamic society, writes *Timothy Sandefur.*

58 Courtiers in the House of Bush *Alan W. Bock* discovers that Bush didn't take terrorism seriously until it showed up on our doorstep, and how his "advisers" steered him into war.

60 Notes on Contributors Shock troops in the culture war.

62 Terra Incognita Not suitable for children under 80.

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trashing its forests and polluting its abundant waters. It gave birth to communes that welcomed fellow runaway children. In this context I consider "children" to be any adults who are not self-supporting.

It was also an age in which all of them, talented or not, learned to play an abominable, atonal instrument called a guitar (my apologies here to Carlos Montoya).

There were some other major events of note as well.

Uppers:

- Kennedy stared down Khrushchev and Castro.
- We beat the Soviets to the moon.
- The Jet Age.
- Ronald Reagan began his political career.
- Black Pride.
- Teamsters boss Jimmy Hoffa convicted of racketeering and sent to prison.
- Israel creamed the Arab Coalition in six days.

Downers:

- Black Panthers and Angela Davis.
- John and Robert Kennedy were assassinated.
- Johnson embroiled us deeper into Kennedy's war in Vietnam.
- Goldwater lost the election because he was painted as a warmonger.
- We gave children the right to vote.
- Israel deliberately attacked the U.S.S. Liberty in international waters and killed 34.

Skip Premo
Camp Nelson, Calif.

Just the Facts, Please

Andrew W. Jones writes that in the 20th century Jews were driven "out of Europe entirely" ("Powerful Outsiders," May). This would be news to the approximately two and a half million Jews who presently live in Europe.

Henry E. Heatherly
Lafayette, La.

Jones responds: In 1880 nearly 90% of the world's Jews lived in Europe; now about 14% do, mostly in the old Soviet Union. In 1939 there were 3.3 million Polish Jews, now there are 8,000. If I exaggerated, it was not by much.

continued on page 61

From the Editor . . .

Alert readers may notice that this issue of *Liberty* is eight pages longer than customary. The reason is that two major stories developed in the past month, and we didn't want to shortchange either.

The passing of Ronald Reagan from this vale of tears occasioned a huge outpouring of sentimental political balderdash. Reagan was the most important president of the past half century, and we think his passing merits something better. That's why we offer a variety of intelligent analyses of his career — virtually all of them the sort of analysis you won't find anywhere else — ranging from Jeff Riggenbach's explanation of why he hopes the former president will rot in Hell to Alan Ebenstein's suggestion that Reagan should be honored on the ten-dollar bill.

This year's Libertarian Party convention was like no other. Before it began, major media talked about how the LP might have a major impact on this fall's presidential election. Delegates at the LP convention responded by managing somehow to nominate a candidate without knowing his controversial views (e.g., blow up the United Nations) or his brushes with the law. We detail the strange concatenation of events that led to this result.

Of course, it takes more to sate an intelligent reader's appetite than history and politics, so we didn't scrimp. The result, dear reader, you hold in your hands. Enjoy!

R. W. Bradford

Reflections

The demand curve brakes for no wonk — A recent headline suggested that high gas prices are forcing travelers to fly more. This is news? As the price of anything rises, people always find a way to use less of it. Some economic effects are as predictable as the tides. A more honest headline might read: "American people capable of comparing prices without any government assistance or advice from the media. Critics mystified." — Tim Slagle

Brother Ray's hard candy — Ray Charles Robinson had Georgia on his mind beginning Sept. 23, 1930 and he hit the road, Jack, in California on June 10, 2004. He led a long and interesting life. According to National Public Radio, in 1965 Charles "was arrested for heroin possession and left music for a year to kick his habit. . . . He came back strong, beginning a touring regimen that had him on the road for much of the year." Charles had been "addicted" to heroin for nearly 20 years. Sherrill Fulghum, writing for *Soulshine*, had this to say about how Charles quit using heroin: "Charles said that he did it himself — it was not society." And Elizabeth Chorney-Booth, writing for the *Canadian Chartattack*, maintains that Charles "managed to live the last four decades of his life drug-free. . . . After being convicted and handed a suspended sentence if he remained clean, he quit cold turkey."

Once again we see that using and quitting heroin is a choice. When it was important enough for the "soul man" to quit heroin, he did. Treatment, harm reduction, public health, medicine, and disease had nothing to do with it.

— Jeffrey A. Schaler

Speechless, for once — To show you what a nasty little man Jimmy Carter is, on June 8, he was gushing over the great event of his lifetime, having a Navy ship named after him, with a lot of old Democratic hacks, like Schlesinger, speaking in his honor. Then the news of Reagan's death came out, and everybody, including Kerry and Clinton, made nice remarks about Reagan; even Clinton was remarkably effective and seemingly sincere.

This is what I read about Carter later in the day: "No statement was immediately available from Jimmy Carter."

— Stephen Cox

How to spot a traitor — After finishing Ann Coulter's *Treason*, which recalls that some officials in the FDR and Truman administrations were advocating Soviet interests, I speculated in these pages that there might be comparable subversives in the current Bush administration. Their urging could explain the invasion of Iraq, which inspires young Arabs to participate in anti-American terrorism. The Iraq war was so obviously counter-productive in the struggle against terrorism that someone must have conned the Bush administration into starting it.

One of the main sources of the "intelligence" that led Bush to war was a curious Iraqi named Ahmad Chalabi, who has since been arrested for giving information to Iran. Subversives of the sort Coulter and I wrote about are easy to identify. They must be the officials who were so confident in the "intelligence" fed to the U.S. by the treacherous Chalabi, who promised that Iraq would fall amicably to a small number of American troops.

— Richard Kostelanetz

Globalizing the eschaton — I just finished a college course on globalization, a unit-filler I had enrolled in only after the last spot in Appreciation of Curves was given away by the Photography Department. It was typical. The *who's the latest to pull a groin in the race to the bottom* slant of the course would not have been so bad, were it not for the vaguely annoying, nondescript accent of my professor — which can only be characterized by his pronunciation of every O-sound as if it were a spiritual experience.

Anyway, on the last day of lectures he said something that struck me. He was talking about the egalitarian

American class structure that was produced by the manufacturing capitalism of the 1950s, and explaining that the unequalizing information economy of recent decades has allegedly "thrown a monkey wrench into that whole scenario."

I pictured myself throwing a monkey wrench into a scenario — a vast prairie with mountains in the background — and watching it land on the ground. — Alec Mouhibian

The taxman cometh and cometh and cometh — If American involvement in the war in Iraq makes you afraid for our future, consider this from the latest Social Security Trustees Report put out by the National Center for Policy Analysis:

This year for the first time in recent history, the federal government will have to use general revenue to pay Social Security and Medicare benefits — about $45 billion, or 3.6% of federal income taxes.

The general revenue requirement as a share of income taxes will double in less than five years; and five years beyond that, it will double again.

In ten years, one out of every seven income tax dollars will be needed; in 15 years, we will need one in every four.

By 2030, about the mid-point of the baby-boom retirement years, we will need more than half of federal income tax revenues to pay promised benefits.

By 2040, we will need two of every three income tax dollars; by 2050, three of every four.

By 2070, the unfunded deficits in Social Security and Medicare will require 100% of federal income taxes.

Get out your pocketbooks, friends. — Mark Skousen

Inarticulate this! — A very popular tactic of the Democrats for making President Bush look stupid is to recite his verbal mistakes. Although I often find myself laughing at such blunders, I would advise the Democrats against relying on this as a campaign tactic. At this point, making fun of Bush's command of English is as tired as a Lewinsky joke. I saw Al Franken read a list of Bush blunders on *Late Night with Conan O'Brien* way back in 2000. Rush Limbaugh makes fun of these "Bushisms" regularly, and sometimes even creates his own. My mom, a big supporter of the president, said she heard Bush himself read a few of them at a speaking engagement, and it was hilarious.

Democrats seem to think that the general public is unaware of how clumsily the president sometimes speaks, and if they can get the word out, people will flee from him in droves. The truth is that everybody knows he stumbles from time to time, and that only makes him more endearing. If Bush spoke in the same overly rehearsed, monotone cadence that Kerry uses, he might never slip, but he would lose the popular perception that he is talking from the heart and is just a regular guy. — Tim Slagle

Iraq and anticipatory aggression — I was in high school when Mussolini's forces attacked Ethiopia. Our history teacher expressed the hope that the League of Nations would intervene, but concluded that it probably would not. She was right, of course; the League expressed great indignation but did nothing. People didn't want another war so soon after the world had blundered into the first one, and the fate of Ethiopia didn't mean very much to them — not enough, at any rate, to cause them to combine their forces and attack Italy. But our teacher voiced great regret about this; if Mussolini were not stopped, she said, there would probably be another war, in which the United States, including some of the members of that history class, would be involved. When Chamberlain met with Hitler in Munich, I strongly suspected that Hitler would win the day.

Living as we did in a small town in Iowa, seemingly remote from the world and without any sense of being threatened by it, these students in my history class didn't take the teacher very seriously; many of them probably forgot all about her prediction. But within a decade several of them were killed at Omaha Beach and Tarawa.

A small number of troops would have taken care of Hitler in the 1930s, when he was operating largely on bluff; but half a million Americans would pay the ultimate price in the 1940s, as well as many millions of non-Americans. I absorbed one lesson from this: that giving in to aggressors merely postpones the day of reckoning, and that pandering to dictators provides only the illusion of victory.

As the years passed, I learned to read ominous signs. When Saddam Hussein gassed to death citizens of his own country, and used increasingly refined methods of torture to intimidate his own people, it seemed to me obvious that here was a genuine danger: this man had not only the desire to use any method to defeat those who opposed him, but also the ability to act on his desires. By appeasing him they would only encourage him to aggress again. The person who starts fires in a neighborhood cannot be appealed to; he has to be forcibly stopped. The problem with Saddam was, as with Hitler in 1938, who would forcibly stop him?

I was afraid that one nation after another would simply let things slide, until it was too late or until the price of freedom would increase astronomically. However, when Bush picked Cheney as his vice president, I began to see a ray of

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light: a former senator from Wyoming wouldn't land him many electoral votes, and I saw some glimmerings of principle, rather than expediency, at work. Then when Bush picked Rumsfeld, I started to feel that something exciting was in the wind, and that perhaps this time politicians would face reality. Meanwhile hordes of fanatics demonstrated against Bush, and most European nations passed the buck and provided no help at all in the project of resisting aggression, in spite of the tyranny on their doorsteps. What was standing in the way of victory for increasing hordes of terrorists who wanted the rest of us dead, and were trained or conditioned to bring this about? Primarily the U.S. military. And who would determine the course of the military? Just two political parties.

The Democratic Party was in shambles for some time, riven with internal confusion and dissension, but now it is united in a trend toward the far Left. There is no program, only the determination to defeat the Republicans, no matter what the consequences. Even if the war in Iraq were lost and that nation were reduced to chaos and civil war, perhaps in the hands of another Saddam, the Democrats would claim it as a victory. Even if bands of terrorists, newly armed with nuclear bombs, used them to destroy a dozen American cities a few years from now, the Democrats would probably say that we brought it all on ourselves by interfering in the affairs of other nations.

"But we should never act with force unless the other person or nation has done so first." When Egyptian forces were massed at Israel's borders in 1967, Israel responded to the threat with a preemptive strike. Should Israel have waited until it was destroyed by the combined Arab forces? Nations have not only the right to respond to force with force, but also the duty not to commit national suicide. Sticking inflexibly to the rule "Wait till they have hit you first" could mean national suicide in our era of instant attacks and instant responses.

— John Hospers

EDDY IN AMERICA **by Andy von Sonn**

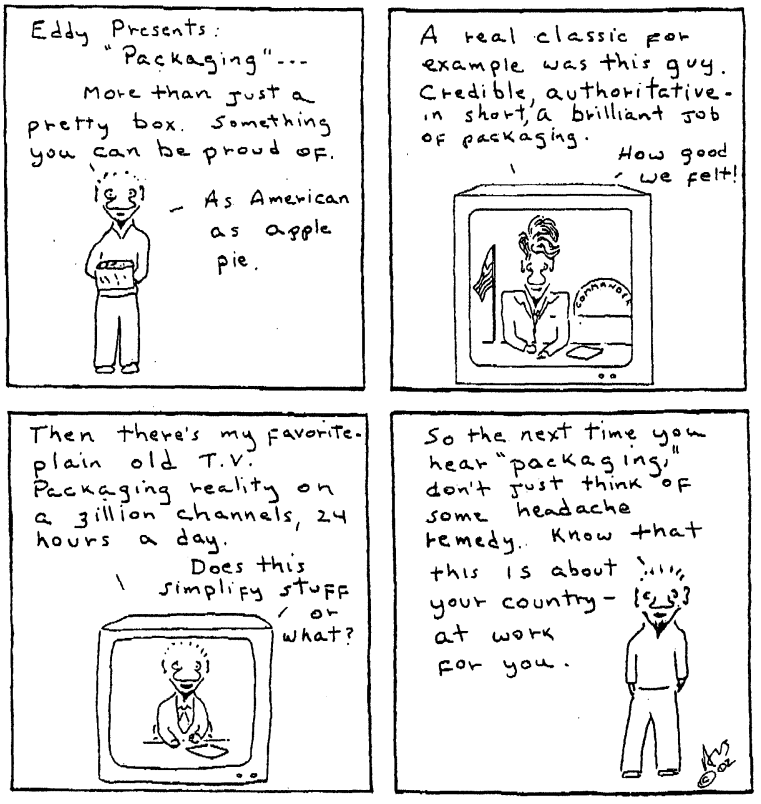

Lies and the lying liars who link to them — I don't often find cause to come to the defense of Al Gore, but there's a first time for everything. In late May, he made a speech before members of the liberal group, MoveOn.org, that drew substantial notice. Take away his overheated "how dare you" declamations, the speech was largely an unremarkable catalog of the Bush administration's failures in Iraq and a call for accountability. Gore made a special point of placing blame for the scandal at the Abu Ghraib prison at the top. Having no middle ground between automaton and raving maniac, he delivered the speech with a frightening level of rage.

Naturally, the Vast Right Wing Conspiracy did not take his remarks lying down. The *Boston Herald*, for example, weighed in with an editorial on May 28. It aped Gore's lingo, asking, "How dare a former vice president of the United States go beyond disagreeing with the current president's policies — a right of anyone in this free country — and denounce Bush as 'incompetent.'" As if pointing out the obvious is some sort of a crime. It continued, "How dare Gore say that Americans have an 'innate vulnerability to temptation . . . to use power to abuse others.' And that our own 'internal system of checks and balances cannot be relied upon' to curb such abuse."

That passage did not ring true to me, since I had read Gore's remarks the day before. So I looked it up and here is the relevant passage from the speech:

> *Our founders were insightful students of human nature. They feared the abuse of power because they understood that every human being has not only 'better angels' in his nature, but also an* innate vulnerability to temptation *— especially the temptation* to abuse power over others.
>
> *Our founders understood full well that a system of checks and balances is needed in our constitution because every human being lives with an* internal system of checks and balances that cannot be relied upon *to produce virtue if they are allowed to attain an unhealthy degree of power over their fellow citizens.* (emphasis added to the portions that the *Herald* omitted)

Note that Gore referred to the views of the Founders, which the *Herald* neglected to point out; and that he said "every human being," not just "Americans" have the temptation to abuse power over others. It is clear that either the editors who composed this editorial are so subliterate that they can barely read English, or they intentionally misrepresented Gore's words. But who cares about the *Boston Herald*? It isn't exactly an A-list newspaper.

I only saw the editorial because two of the brightest stars in the blogosphere amplified it. Jonah Goldberg (of *National*

Review Online's "The Corner") and Glenn Reynolds (of Instapundit.com) both linked to the *Herald's* editorial approvingly. Goldberg stated in his inimitable eighth-grade fashion that the *Herald* opened a can of "whup-ass" on Gore. While Reynolds did not include the mangled quotation in his excerpt, as Goldberg did, he gave the editorial his imprimatur.

Right-wing and warbot libertarian bloggers spend about 80% of their time patting themselves on the back for their superiority to big media outlets such as the *New York Times* and CNN. Bloggers, it seems, are always scooping them and pointing out the errors of the big media. So I decided to give Reynolds and Goldberg a chance to call the *Herald* on its dishonesty and make amends for helping to spread its lies. I wanted to experience the blogosphere's self-corrective function in action. I assembled the links, and pasted the relevant quotations in emails to Reynolds and Goldberg. This gave the two bloggers a chance to see how the *Herald* twisted Gore's words then demonstrate that they are willing to criticize a right-wing source when it smears a Democrat. Neither of them noted or corrected the *Herald's* lie.

I then brought the *Herald* editorial, and Goldberg's and Reynolds' blog entries in support of it, to *Reason* managing editor Jesse Walker, an old friend and former *Liberty* editor. He posted a comment on *Reason's* blog, "Hit & Run." I figured that Goldberg and Reynolds might take more note of the criticism if it was featured on another prominent blog. I emailed the link to that post to Goldberg and Reynolds. Still, nothing.

Actions, or in this case, omissions speak louder than words. Both Goldberg and Reynolds may complain about the accuracy or fairness of the media when their side is the victim. However, they both have made it clear that it is okay for a right-wing source to smear its political enemies.

— Clark Stooksbury

Brain washing — A recent study found a link between excessive hair washing and low intelligence. Apparently a lack of oil on the hair can cause neurological damage and ultimately a lower IQ. I wonder: are college professors using junk science to account for their appearance?

— Tim Slagle

The secret Jewish code — In his review of David Bernstein's book *You Can't Say That!* (January), Bruce Ramsey noted that Bernstein relates an anecdote about my brother, who ran afoul of a housing law by advertising a house that was "walking distance to a synagogue," thereby appealing to whites, since most Jews are white. That's not quite accurate, and the real story makes Bernstein's point even stronger. Let me elaborate.

In the early 1990s, my brother Brad managed an apartment building in Philadelphia that was home to many orthodox Russian Jews. When an apartment became vacant, Brad advertised its availability in the *Jewish Exponent*, Philadelphia's major Jewish newspaper. Among the amenities he listed was the apartment's proximity to a synagogue; it was virtually around the corner. His intention was to let prospective orthodox Jewish renters know that they could walk to a synagogue on Sabbath. Orthodox Jews do not ride on that day, so this was important information. Not including it in the ad could have cost him a good tenant.

The ad was brought to the attention of the authorities by a man who apparently picks up extra cash by searching for housing notices with "code words" that violate the Fair Housing Act. In other words, he was a shakedown artist. (Government regulations spawn their own form of entrepreneurship.) Although he had no interest in the apartment himself, the man called the Philadelphia Human Relations Commission to complain. (The HRC handles such complaints in Philadelphia for the U.S. Department of Housing and Urban Development.) After making his complaint, the man told the HRC representative that he would drop the matter if Brad compensated him for his time. The representative then contacted my brother to tell him the ad violated the law. The representative said that while the commission did not condone shakedown artistry, it had to pursue the matter now that it had come to its attention. (As I recall, the newspaper also called my brother to say that, after hearing from the HRC, it would no longer permit the offending phrase in the ad.)

Although most Jews are indeed white, the issue was not race. The authorities told Brad that by pointing out the apartment's proximity to a synagogue he had illegally used code words to express his preference for a tenant of a particular religion. (I'm surprised he wasn't chastised for advertising only in the *Jewish Exponent*.)

In the end my brother chose to sign a consent decree rather than fight. The alternative was to submit to a hearing. An adverse decision would have paved the way for a suit by the shakedown artist and invited close scrutiny by the government. That's how justice works these days.

— Sheldon Richman

The sanctity of human life, or not — The other day, buried in FOXNews.com's "Latest Headlines" were two that together gave me pause: a report on a California federal judge's ruling that the ban on partial-birth abortion is unconstitutional and a story about Melissa Ann Rowland, the woman who had been charged with the murder of her baby when she refused a life-saving caesarean section.

The connection between the two is obvious. One person is charged with the murder of an unborn child, while a federal judge rules that the killing of unborn but viable infants is legal. Rowland, who was accused of "depraved indifference to human life," could have been sentenced to life imprisonment. If she had simply asked a willing doctor to kill her child, she would apparently have been in the clear.

How are such glaring inconsistencies possible? In this context, I don't care about jurisdictions, federalism, or the legislative process. Any explanations that incorporate such abstractions only aggravate my queasiness. The question that gnaws at me is what can be said about a society whose moral certitude is so degraded that the meaning of life itself is subject to the inconstancy of the democratic process.

The sanctity of life, if it is to exist at all, does not change with state borders, and is not affected by theories of checks and balances or the separation of powers, nor does it fluctuate with vacillating voter sentiment. If one is charged with murder for killing people who in another situation or under another "administration" are legally killed, a grave injustice

is being done, one way or the other. I am not advocating a legal remedy, or calling for some kind of "constitutional amendment." That many readers may jump to that conclusion underscores my point — means are confused with ends: all things have become political. — Andrew W. Jones

Egalitarianism vs. ill-disguised contempt — There has always been a huge disconnect between leftist candidates and leftist intelligentsia. While the candidates always talk about elevating the common man, the "intellectuals" talk about the collective ignorance of the general populace. As a comedian who has spent a good portion of his career thinking he was too hip for the room, I can tell you that attitude might bring personal satisfaction, but it doesn't engender popularity. Gore lost partially because he was incapable of hiding his disdain for the average Joe ("NASCAR dads" is the new term), and I think Kerry's attitude will sink him as well. What the Democrats really need is a good old-fashioned Woody Guthrie liberal. — Tim Slagle

All we are saying is give fantasy a chance — Harry Browne was the final speaker at the recent FreedomFest conference. After making an impassioned case for anarchical utopia, repeating his mantra, "Government doesn't work," he anticipated criticism from conservative skeptics in the audience by saying, "I don't know how to do it, but that doesn't matter. I don't care how we get there. I just know that it's right." I hear this response a lot when libertarians are asked by well-intentioned neophytes, "How do we get there from here?" "I don't know," they say. "I just know that it's right." While I understand their point, I don't think that it's enough. To me, and to

News You May Have Missed

Bush Cans Veep, Aide; Names Deity, Dead Guy

WASHINGTON — At a hastily assembled White House press briefing yesterday, President Bush announced that he had "reluctantly" accepted the resignations of Vice President Dick Cheney, who is, the president said, "leaving to pursue other priorities," and political advisor Karl Rove, who is "leaving to pursue Jenna Jameson," the well-known porn star. The announcement of the two men's voluntary departure raised eyebrows, since they were seen being carried out of the White House kicking and screaming a few minutes before the briefing, but the president quieted speculation by immediately naming their replacements. The new vice president is to be God, described as a "close friend and confidant" of the president, and the new director of administration political strategy will be Leo the Isaurian, the 8th-century Byzantine emperor who embraced the Iconoclast movement, banning images throughout his realm.

The president, who was told about the implacable Greek-speaking monarch by CIA Director George Tenet, who is of Greek ancestry, was sufficiently impressed to order the CIA and FBI to "find this guy and get him on board real quick." The president has already had a policy of suppressing images of soldiers' coffins returning from Iraq and is said to favor a similar approach to the photographs of American guards torturing Iraqi prisoners at Abu Ghraib, but he has also been troubled by the ready availability of the images of himself in a flight suit standing in front of a "Mission Accomplished" banner, images of Iraqi civilian casualties, images of 9/11 families protesting administration secrecy, images of Janet Jackson's bared Super Bowl breast, and so many other images that he concluded that a simple, across-the-board, easy-to-understand policy of banning all images would be more acceptable to the public than an arbitrary, haphazard policy of banning a few images here and there.

The fact that Leo the Isaurian is no longer alive is considered a minor blemish in an otherwise dazzling résumé, administration sources said, including the defeat of a large Arab Islamic army at the gates of Constantinople. "We don't want to discriminate against members of the deceased community," Bush said, "especially when they come up with fresh ideas like my good friend Leo has done."

Leo III, as he is also known, was of humble Syrian peasant stock but grew up in Thrace, in what is now northern Greece. God is also of obscure Middle Eastern origins, but his résumé is equally impressive, sources say, even if it does tend to blur some significant details, such as where he went to college and whether he exists. He will be leaving his present position as creator of the universe and supreme judge of humanity, which has reportedly left him "considerably discouraged," to take the vice presidency, and he is expected to feel right at home in the Bush administration, many members of which already feel they have divine attributes, including omnipotence, omniscience, perfect goodness, and the ability to wax wroth on short notice.

As vice president, God will be expected to take over all of former Vice President Cheney's assignments, including answering the prayers of Halliburton executives and rearranging the world to conform more closely to the president's ignorance of it. As chief political strategist, one of Leo the Isaurian's first tasks will be to work with new Attorney General Vlad the Impaler to decide whether it is feasible to implement a ban on newspapers as well as images, since both the president and Defense Secretary Donald Rumsfeld have said that they don't read them, and there is growing evidence that nobody in the administration does, raising the question of why anyone else should be allowed to. — Eric Kenning

Word Watch

by Stephen Cox

As a longtime resident of the great state of Southern California, I have had thousands of occasions to hear the dire words emanating from my radio: "There's a Sigalert for the San Diego freeway, just before the Santa Monica off-ramp." "Sigalert" is the second most common word in Southern California (the most common being "dude"). Every so often I used to ask someone, "What exactly does 'Sigalert' mean?"

"Means there's trouble on the freeway."

"I know, I know. But what does it mean? Where does the word come from?"

The usual answer, once we'd reached that point, was "Dunno, dude. 'Signal alert?'" Nobody really knew what the expression meant, and nobody on the news would ever tell.

So it came as a great relief to everyone when, on June 2, as a consequence of the death of the broadcaster who invented Sigalerts in 1955, the explanation finally hit the press: Lloyd C. Sigmon had given his own name to the traffic alerts emanating from his radio station.

Now, I have nothing against Mr. Sigmon or the memory thereof, but that explanation made both the word and the thing it represents even less cherished to me than they had been before. Every time I hear a Sigalert, the idea of that obscure little man comes into my head. It's like finding out that hurricanes were named for Max Hurricano, who used to broadcast the fishing news from Miami. I can cope with an act of God, but calling it by some nobody's last name is just a little hard to take.

Not everyone, obviously, sees the meaning of words in terms of their associations, but many people do. That's why there are more towns named "Springfield" than "Mudd" or "Frick," even though there were a lot more pioneers named Mudd and Frick than there were named Springfield, and "Springfield" takes a lot longer to write on an envelope. And that's why no town named Hicksville could ever become important, even if it happened to be situated directly between the Hudson and the East River.

The "appendix" that you sometimes see at the end of books and those useless things that we carry in our guts have no association with each other but a common Latin root, yet even that association makes me squirm a little when I see "Appendix" listed in a table of contents. There appears to be no way to avoid the bibliographical use of the word, but one can certainly humor the squeamish by keeping it out of sentences like, "As an appendix to her political program, Sen. Fishkill offered a revision of the Safe Playgrounds Act of 1987." Actually, the imaginary Sen. Fishkill should consider changing her name. The "kill" in that word means "creek," not "slaughter," but few people understand that.

Some people do understand that "nit pick" literally means "look for louse eggs in your crotch," so please make sure to avoid that expression. Even "lousy" is not a completely dead metaphor. When you say, "Kerry's speech was lousy," the purists in your audience will inevitably picture 30 pieces of paper crawling with bugs, so if that's not precisely the image you want to create, just say that the speech was "bad." Granted, purists often let their imaginations go too far, but there's no point in writing to the standard of people who have no imagination to begin with.

In politics, of course, the associations of words are nearly everything. It was President Reagan's misfortune that his enemies immediately associated his missile defense program with a popular movie, so that nobody can ever think of it as anything else but "Star Wars." The 20th-century change from War Department to Defense Department worked equally well, in the other direction. And think of all the mileage that Democrats have gotten out of the association between free-market economics and the sound of water "trickling down" a wall. An expression like that has a wonderful way of preempting the field. A pacifist can sneer, "By 'defense' you really mean 'war,'" and make his political point; but the defender of capitalism cannot expect success from talking about "trickle up" economics.

But leave purism and politics aside. A strange poetry can be found by returning words to their original meanings, by picturing them in their ancient associations. "Transpire," as the purists insist, does not mean "happen"; it means "be revealed." Thus, "What happened in the teacher's lounge has never transpired." This is a shibboleth of the purists, and they're right to cherish it. But how lovely it is to associate the word with its original significance: "transpire = to emit or breathe through the surface." Plants transpire. Picture the teacher's lounge as a plant breathing its own kind of "news."

I like to think of those "icons" on my computer screen as the paintings that decorate the altar screen in Eastern Orthodox churches. After all, we worship our computers, and the icons or "pictures" guide our worship. Speaking of religion, a fairly common word in our language is the Judeo-Christian term "atone": "Will Hillary ever atone for her sins as first lady?" But do you know where that word comes from? Take "atonement" apart, and you will find the source: "at + one + ment." To atone is to make two or more things come together, to be "at one." So when Hillary "atones" for her sins, if she ever does, you can picture her putting back together something that she broke.

Or have you ever thought of how odd it is that we do not "direct" our cars; we "drive" them, as people once drove horses? "Shoo, car — faster!" A pleasant fantasy, especially when you're stuck in one of those alerts that answer to Lloyd Sigmon's name. A wise man once told me that "there's no such thing as a synonym." I would add that, thank God, there's no such thing as a dead metaphor, either.

many in the audience, this non-answer is a cop-out. It's like finding a bomb in Central Park and saying, "I don't care which wires we cut, I just know that a bomb has no right to be in Central Park." No one will argue with you about the merits of eliminating the bomb, but they aren't going to trust you to do the job.

If we don't convince others that true freedom is not only desirable but possible, we will never garner enough support to make it work. One of the reasons Great Britain was able to privatize its public utilities successfully is because Madsen Pirie of the Adam Smith Institute provided Margaret Thatcher with a plan that could work, without throwing hundreds of thousands of people out of their jobs. Beginning with British Telecom, the British government essentially sold its utilities companies to its employees. When government employees became private stockholders, every worker had an incentive to work hard, become efficient, and turn a profit. The transition worked smoothly because Margaret Thatcher had a convincing plan.

John Mackey, CEO of Whole Foods and the kick-off speaker for FreedomFest, presented the argument that libertarians need to "change their brand" and become known as more than the party that supports drugs, prostitutes, and pornography. To be successful in dismantling our bloated government, we need to demonstrate that our philosophy of freedom and accountability can make life richer and more satisfying for all. Mackey maintains that libertarians have the appropriate path for fixing the problems we face; we just need to focus on goals that are more universally appealing, and let the others fall naturally into place once people understand and accept the underlying philosophy.

It matters very much "how we get there." If a libertarian had a tumor growing inside his brain, would he simply say, "Tumors don't work" and "This tumor has no right to be there"? Would he allow a respected libertarian philosopher to cut out the tumor, simply because he agrees it doesn't belong there? Or would he investigate various paths, examine the potential outcomes, and then choose the treatment with the most convincing plan for success? When choosing an oncologist, most patients head in one of two directions: either they choose the person with the greatest reputation, or they choose the doctor who explains the treatment most clearly. Right now the federal government has the greatest PR department (public schools), so we need to be known as the group that explains the treatment (not just the problem) most clearly.

We need to respect the American public enough to provide them with a workable plan for dismantling the government. We have a winning philosophy: every person has the right to choose his own actions, as long as he accepts responsibility for the consequences of his actions, and as long as his actions do not limit the freedom of others to choose. Now we need to demonstrate how that philosophy can be applied successfully in every situation. "I don't know" simply isn't going to cut it.

— Jo Ann Skousen

The Y2K of the 2004 election — How will the much-ballyhooed Nader affect the November elections? Perhaps not at all. So many people are abandoning him that there is now a Repentant Nader Voter site. As an on-site photo indicates, the group's bumper sticker consists of an old "Unrepentant Nader Voter" one with a piece of duct tape over the "Un." I mean, how unpopular among anti-Republicans does a candidate who openly hates Bush have to be for the Congressional Black Caucus to publicly turn against him? Pretty darned unpopular. Even the former Nader Raiders are asking him to step down.

Nader can't catch a break. People are expressing disappointment in his chosen vice presidential candidate, Peter Camejo, a former Socialist Workers Party candidate for president. Camejo has a solid record of political activism of the right kind but he isn't a woman — he has been candid about that — unlike Nader's VP choice for the last election.

— Wendy McElroy

A well-regulated militia? — I just heard an Iraq war veteran say on Rush Limbaugh's radio show that Iraqi citizens are allowed one AK-47 per household. It is my understanding that this policy was in place all during the Hussein years. That a tyrant remained in power during all those bleak years, and that the U.S. Army was able to roll through the country with minimal resistance, should demonstrate to hard-core militia advocates that the Second Amendment right to bear arms is not a sufficient deterrent to tyranny.

— Tim Slagle

Napoleon breaks through — Last winter I discovered a great secret: the best time to go skiing at Park City, Utah is the week of the Sundance Film Festival, when all the hotels are filled with moviegoers and no one is on the slopes. The mountains are a private little slice of heaven then. But when your son has films competing in the festival, you join the lines of filmgoers. The slopes can wait for another visit.

This was my experience in January when *Napoleon Dynamite* premiered at Sundance. Made by a group of filmmakers who have been working together for about five years, *Napoleon* is the quirky story of a high school geek living in rural Idaho who manages (okay, *predictably*) to come

out on top. But how he gets there is so unpredictable that it is laugh-out-loud funny from start to finish. As one reviewer commented, "Humor is in the details, and the details make this film" — details like Napoleon's uncle, an Al Bundy-like former football jock, constantly stealing glances at his own biceps. Some who have seen the film (including an agent from the William Morris Agency, according to *Newsweek*) have already adopted catch phrases from the dialog of the two main characters. Judging by the growing lines of fans who have attended multiple sneak previews this month, it's a film that has lasting power.

But don't just take my word for it; here are some comments from legitimate reviewers who saw the movie at Sundance:

"Far and away the best film of the festival!"

"The most hilarious movie this week — and one of the funniest to play here in years."

"Gloriously quirky, hysterically funny ode to rural dullness . . . probably the fairest, most accurate representation that Preston, Idaho, will ever get."

More recently, *Newsweek* called *Napoleon Dynamite* "our pick to be the season's sleeper," and RottenTomatoes.com, an online film-rating service, gives it an 83% "freshness" rating. It was nominated for the Grand Jury Prize at Sundance, and won first place at the U.S. Comedy Arts Festival.

My son Tim was first assistant director on the film, which means that he was in charge of coordinating the background details: lighting, sound, cinematography, set arrangement, extras, and featured extras, so that everything could be performed as efficiently as possible. Think of the director as the architect and the first assistant director as the general contractor, and you get the idea. So I was understandably proud when "Tim's movie" received roars of laughter throughout the screening I attended at Sundance, and spontaneous applause before the film even ended. Halfway through the first screening, scouting agents began dialing their cell phones, summoning studio bigwigs, and by the movie's end (greeted by a standing ovation) agents filled the back row, anxious to hear the buzz for themselves and meet the director and producer. Within days, the film was sold to Fox Searchlight for $3 million, more than eight times its production cost, with a 1,200-screen guarantee. Yes, this was even better than schussing down an empty, powder-clad mountain.

That 1,200-screen guarantee represents an important vote of confidence in the film, because each print will cost about $2,000, or $2.5 million altogether. Add to that a few million in promotion, and Fox will have made a significant investment in this little film. By contrast, most independent films have "rolling distribution," which means that the distributors will only print a few copies and then send them from city to city, usually showing in the small art-house theaters that I like to attend. This means that these films often come and go before word-of-mouth has a chance to spread, and they often head straight to the video stores. *Napoleon*'s 1,200-screen guarantee gives it a better chance of opening to a big weekend with good reviews.

But director Jared Hess had a different plan in mind. Occasionally one of these independent films — for example, *My Big Fat Greek Wedding* — makes it big, and sticks around for several months as interest spreads. However, Hess knows his audience, and *Napoleon* is the kind of film that plays better to people who like to discover their own hits via friends and websites. Indeed, when I attended a sneak preview of the film in New York in early June, hundreds of people were lined up, circling the block, many of them sporting curly red 'dos, nerdy glasses, and "Vote for Pedro" T-shirts. Many of them were seeing it for the third, fourth, and even fifth time, even though the film did not officially open until June 11. Over 600 people were turned away that night — including me!

What does all of this mean to the moviemakers themselves? First, and most importantly, it means more money to make more movies. Success breeds success in this industry, and this success will attract investors. The independent film industry is a great example of the free market at work. The team will plow most of its profits right back into its business. The team members are already at work deciding which of their scripts will be made next. They'll probably stay with a

The end of "the right to remain silent" — "Any lawyer worth his salt will tell [a] suspect in no uncertain terms to make no statement to police under any circumstances." So said Supreme Court Justice Robert Jackson fifty years ago. Strong words from a man who had served as the Attorney General of the United States and as the Chief Prosecutor at Nuremburg. Commonsense words, too: every kid who has watched re-run TV cop shows knows that "you have the right to remain silent" when the police come knocking.

Except that, now, you don't. In *Hiibel* v. *Sixth Judicial District of Nevada*, the Supreme Court, in one stroke, turned Justice Jackson's advice on its head, and turned generations of TV cop shows into so much false advertising. Silence, said the Court, is not only not privileged: it can get you thrown in jail.

Hiibel arose out of a set of facts typical of thousands of run-of-the-mill police investigations. Responding to reports of domestic battery, police encountered a suspect, Dudley Hiibel. The investigating officer, after approaching, demanded that Hiibel identify himself. Hiibel declined. "I feel quite strongly I have a right to remain silent," Hiibel later explained.

Dudley Hiibel paid a steep price for his stand on principle: the police arrested Hiibel on the spot, and threw him in jail. The charge? Not domestic battery, a crime for which the police had no evidence to arrest. (Hiibel later proved to be innocent). Instead, Nevada justified the arrest based on a state statute that makes refusal to provide identification when stopped by the police a jail-able crime.

The unconstitutionality of the Nevada statute should have been a no-brainer for the Court. Over the last three decades, the Court has repeatedly held that the "right to remain silent" is an unconditional constitutional guarantee under the Fourth and Fifth Amendments. In *Davis* v. *Mississippi*, for example, the Court emphasized that it is

comedy, since that's the "supply" that their current customers will "demand." The core crew were happy to receive digital cameras and iPods as bonuses from the movie's appreciative producers, and they enjoyed the celebrity perks at Sundance. But most of them will continue to live in their small apartments and condos, wearing last year's clothes (okay, last decade's clothes) and eating at Taco Bell, at least for now. Most of all, they are happy with the sweet assurance of being together for another project in this business where every success is held in a tenuous grasp.

— Jo Ann Skousen

Bob Kephart and Liberty — Bob Kephart played a critical role, always in a quiet way, in the success of *Liberty* magazine. It was typical of Bob that he was a lot more interested in helping advance the cause of liberty than he was in getting credit or fame.

Back in 1987, when Steve Cox, Tim Virkkala, Kathy Bradford and I were trying to launch *Liberty*, we needed all the help we could get. We had a pretty good idea of what we wanted the magazine to be, and had prepared a pretty good first issue. We knew, however, that all the good writing and editorial vision in the world wouldn't ensure *Liberty*'s success. We knew we had to find people to buy the magazine, and that this meant creating an effective direct mail package.

So I drafted a sales letter, and Steve, Kathy, and Tim all worked on it to make it better. Then I got up my courage and called Bob, whom I'd never met, and asked him for advice. He sent me several books on magazine publishing and direct marketing, and suggested I learn what I could from them, revise the direct mail letter, and send it to him for advice.

I took his advice and sent him the letter. He returned it with notations in the margins that were the harshest criticism I've ever seen of a piece of writing. But he also sent an invitation to call him on the phone to discuss the letter. I called, and he explained in detail just how abysmal our attempt had been, making specific suggestions about how to come up with a letter that would pull. As a result, our first

a "settled principle" that "the police have . . . no right to compel [citizens] to answer" police questions. In *Terry* v. *Ohio*, the case that upheld the power of police to briefly stop and question "suspicious" persons on the street, Justice Byron White added that "[a person detained] is not obliged to answer, answers may not be compelled, and refusal to answer furnishes no basis for an arrest."

As New York University law professor Stephen Schulhofer has noted, the "right to remain silent" reflects a core constitutional principle: namely, that lawful police investigation should rely on "persuasion and the suspect's overconfidence," rather than "pressure and fear." The privilege of silence guarantees that wiles and smarts, not intimidation, should define lawful police practice.

Hiibel, however, holds just the opposite. Far from "scrupulously respecting" the right to remain silent (as the Court's past decisions require), *Hiibel* authorizes the police to "sanction" those with the temerity to exercise their right to silence — by hauling unresponsive citizens to jail. Indeed, the Court appears to affirmatively condone police use of "threat[s]" and "criminal sanction" as helpful tools of good police investigation. In *Hiibel*, "pressure and fear" gain a new purchase on the law of criminal procedure.

The Court justifies expanded use of police "threats" based on two grounds: (1) the supposed need to "protect" police officers, and (2) the notion that compelled disclosure of a name is not "coercive" within the scope of the Constitution, because a name is not "incriminating." Neither carry water.

The "safety" concern would be more credible if the Court, in *Terry* v. *Ohio*, had not already authorized police officers to physically search suspects for weapons — and if dangerous criminals could be trusted to passively tell police the truth about their identity on demand.

The second argument is handily disposed by Justice John Paul Stevens, writing in dissent. If "disclosure of a petitioner's name would [not] . . . incriminate him," queried Stevens, then "why else would an officer ask for it? And why would the Nevada Legislature require . . . disclosure [of a name] only when circumstances 'reasonably indicate that the person has committed, is committing or is about to commit a crime?' . . . . The very existence of the statute demonstrates the value of the information it demands."

Hiibel has one bright spot: the decision could have been worse. The Court mercifully avoided upholding compelled disclosure of information beyond a suspect's name. Accordingly, there is hope the Court may yet strike down the 20 state statutes that demand suspects give not only names to police, but also an "explanation" of themselves on demand. The Court also emphasized that the decision doesn't require a hand over of "driver's license[s] or any other document." *Hiibel* accordingly does not green-light the push for a national identification card.

But these caveats hardly save the opinion. To the contrary, they are symptoms of the Court's growing fecklessness. For this Court, recognition of firm protections for civil rights is always on the horizon, to be protected tomorrow, in the next case. That promise is wearing thin. Five years ago, Justice Kennedy — often described as a "bellwether" Justice — warned that the Court stood at risk of forgetting that "liberty comes . . . from the Constitution by right," and not from "officials by grace." Flash forward to today: Justice Kennedy is the author of the opinion in *Hiibel*. Perhaps he has changed his mind.

Hiibel underscores, once again, that when it comes to upholding constitutional restraints on the state's criminal apparatus, there is only one sure bet in the modern Court: all bets are off.

— Mark Moller

direct mail effort was a success. *Liberty* was viable.

I got to know Bob a little better over the years, mostly from socializing with him at the Eris Society meeting in Colorado. He eventually told me that when he first heard from me back in 1987 and looked over our business plan and attempt at direct mail, he thought we were, well, idiots who didn't have a chance of success. It is a measure of the man and his generosity that he didn't let his low opinion of our prospects stand in the way of helping us. When Bob told me he considered *Liberty* and Laissez Faire Books the most important institutions in the libertarian movement, I considered it great praise indeed.

Over the years, Bob continued to offer help from time to time and to provide assistance when I asked him. His advice didn't always work, but it usually did. As recently as three years ago, when he was already afflicted with the cancer that would take his life, he sent me a criticism of our direct mail package, one we'd been using with considerable success for many years, and suggested an entirely new one.

He provided details about what he thought would work. They were so extensive that I simply turned his suggestions over to a new employee with no experience or particular skill at copy writing and instructed him to follow them as closely as he could. We test-marketed the young staffer's draft and discovered that it outperformed our old package by a small margin, and small margins make a big difference in direct mail. The staffer had drafted the letter, and I had done extensive edits. But it was Bob's work.

Bob's powerful intellect, his entrepreneurial skills, his deeply held libertarian convictions, his generosity of spirit, his focus on getting things done, his modest refusal to dramatize his own accomplishments — these qualities made him a great man. More importantly, they made him a good man.

— R.W. Bradford

Robert Kephart, RIP — Publisher and philanthropist Robert D. Kephart died on June 8, 2004, at his home in Belleair Shore, Fla., surrounded by his wife and business-partner Janet, his son Patrick, his daughter Lara, and his best friend Jack Pugsley. He treated the cancer that invaded his body as he treated government encroachment on our liberty: with an intensely researched, heroic, all-out battle.

Born Sept. 9, 1934, in Albuquerque, N. Mex. and raised in Colorado, Bob was a self-educated man who started out as a bookkeeper for a railroad and ended up as a publisher and direct-market innovator who had a passion for liberty and moral rectitude.

Bob was a great American who spent his life and his money promoting individual liberty through publications, contributions to freedom-oriented organizations, and support for individual writers. He was a publisher of *Human Events* and an early supporter of Laissez Faire Books. He founded *Libertarian Review* magazine and *Books for Libertarians* in the 1970s, influencing thousands of young people who became advocates of a free society. He was dedicated to the cause of liberty.

In the early 1970s, Bob concluded that he no longer accepted the political process as a road to social progress and became a hard-core libertarian. At that point he parted ways with the conservative publication *Human Events* and founded Kephart Communications, a financial publishing firm focused on promoting free-market economics and hard-money investing. He published *Inflation Survival Letter* (later *Personal Finance*), which highlighted unorthodox investments that have become mainstream today.

Many of the big names in libertarian circles got their start writing for *Inflation Survival Letter*, including Doug Casey, Adrian Day, Richard Band, Gary Alexander, Jim McKeever, and Mark Skousen, who was managing editor of ISL from 1975–1980. After ISL published a review of Jack Pugsley's book, *Common Sense Economics*, Bob and Jack became acquainted and subsequently close friends. Bob supported numerous other writers and philosophers as well, but always quietly, from deep behind the scenes. A private, modest person, Bob shunned the limelight, and would probably be unhappy to read this obituary about himself! His focus was on helping others to shine. Even as he was battling cancer, he was enthusiastically involved in helping Jack Pugsley to establish his new project, the Bio-Rational Institute.

Intensely supportive of those who were "anxiously engaged in a good cause," Bob offered both support and guidance to countless diverse causes, including Families Against Mandatory Minimums, Forfeiture Endangers American Rights, Human Rights Watch, the Institute for Justice, National Coalition to Abolish the Death Penalty, Post-Conviction Relief, the American Civil Liberties Union, the Foundation for Economic Education, the Cato Institute, Future of Freedom Foundation, R.A. Childs Fund for Independent Scholars, and Separation of School and State Alliance. In 1998 he won the eighth annual Thomas S. Szasz Award for Outstanding Contributions to the Cause of Civil Liberties.

Bob's interests went far beyond public policy and promoting individual liberty. He was a writer, an artist, a one-time truck driver(!), a baseball player who tried out for the Chicago Cubs, a consummate host, a dedicated family man, a loyal friend. His paintings of children and beach scenes grace the walls of his home and the Christmas cards that he designed himself. His eclectic interests led him to support Doug Casey's creation, The Eris Society, an organization of mostly libertarians who meet in Aspen every summer to discuss topics related to philosophy, history, science, arts, health, and education. As usual, his efforts remained behind the scenes, often in the form of providing financial support for speakers.

Many of us who have known Bob for decades knew his feisty side as well as his philanthropic side. Fiercely loyal to his friends, he could be fiercely critical as well when one of his friends disappointed him. You knew you were "on his list" again when you found a page from a yellow legal pad folded up, stapled, and left on your desk. These letters usually began, "I thought you were my friend," and would continue in great detail as he outlined the offense. With the advent of the Internet the yellow legal pad gave way to email, but the intent was the same: Bob never pulled his punches when he thought someone was slipping philosophically or morally. But his anger never lasted long, and the friendship always returned, stronger than ever. How I would love to receive one of those letters again! "I thought you were my friend," it would begin, and before he could finish I would respond heartily, "I am, Bob, I am."

— Jo Ann Skousen

Ronald Reagan: A Political Obituary

by Murray N. Rothbard

Ronald Reagan was the most important American president of the past half century. He came into office promising to reduce government and to increase individual freedom. He was a conservative, but one who famously said that "the very heart and soul of conservatism is libertarianism."

Yet government spending grew rapidly during his presidency, and individual liberty suffered as police powers grew and the War on Drugs escalated.

So it should come as no surprise that he remains a controversial figure among those who love liberty. Here, six such people look at the mixed legacy of Ronald Reagan.

Shortly after Ronald Reagan left the White House, I concluded that his political life was over, and asked Senior Editor Murray Rothbard to write his political obituary. I encouraged Rothbard to muster all the bombast for which he was famous, and Rothbard wrote this article, which appeared in the March 1989 issue of Liberty. As it happened, Rothbard passed on in 1996, eight years before Reagan left this mortal realm, so Rothbard never had another opportunity to pen an obituary of the American politician whom, I think it is safe to say, he most loathed.

— R. W. Bradford

Eight years, eight dreary, miserable, mind-numbing years, the years of the Age of Reagan, are at long last coming to an end. These years have surely left an ominous legacy for the future: we shall undoubtedly suffer from the aftershocks of Reaganism for years to come. But at least Himself will not be there, and without the man Reagan, without what has been called his "charisma," Reaganism cannot nearly be the same. Reagan's heirs and assigns are a pale shadow of the Master, as we can see from the performance of George Bush. He might try to imitate the notes of Reagan, but the music just ain't there. Only this provides a glimmer of hope for America: that Reaganism might not survive much beyond Reagan.

Reagan the Man

Many recent memoirs have filled out the details of what some of us have long suspected: that Reagan is basically a cretin who, as a long-time actor, is skilled in reading his assigned lines and performing his assigned tasks. Donald Regan and others have commented on Ronald Reagan's strange passivity, his never asking questions or offering any ideas of his own, his willingness to wait until others place matters before him. Regan has also remarked that Reagan is happiest when following the set schedule that others have placed before him. The actor, having achieved at last the stardom that had eluded him in Hollywood, reads the lines and performs the actions that others — his scriptwriters, his directors — have told him to follow.

Sometimes, Reagan's retentive memory — important for an actor — gave his handlers trouble. Evidently lacking the capacity for reasoned thought, Reagan's mind is filled with anecdotes, most of them dead wrong, that he has soaked up over the years in the course of reading *Reader's Digest* or at idle conversation.

Once an anecdote enters Reagan's noodle, it is set in concrete and impossible to correct or dislodge. (Consider, for example, the famous story about the "Chicago welfare queen": all wrong, but Reagan carried on regardless.)

In the early years of Reagan rule, the press busily checked out Reagan's beloved anecdotes, and found that almost every one of them was full of holes. But Reagan never veered from his course. Why? God knows there are plenty of correct stories about welfare cheats that he could have clasped to his bosom; why stick to false ones? Evidently, the reason is that Reagan cares little about reality; he lives in his own Hollywood fantasy world, a world of myth, a world in which it is always Morning in America, a world where The Flag is always flying, but where Welfare Cheats mar the contentment of the Land of Oz. So who cares if the *actual* story is wrong? Let it stand, like a Hollywood story, as a surrogate for the welfare cheats whom everyone knows do exist.

It is surely frightening to think that the most powerful position in the world was held for eight years by a man who cannot tell fact from fancy.

It is surely frightening to think that the most powerful position in the world has been held for eight years by a man who cannot tell fact from fancy. Even more frightening is the defection of the media, who early lost heart and played the role of a submissive receptacle for photo opportunities and press-release handouts. One reason for this defection was the discovery of Reagan's Teflon nature. Another likely reason was that journalists who were too feisty and independent would be deprived of their precious access to the presidential plane or to inside scoops or leaks from the White House. And a third reason was probably the desire not to dwell on the vital and hair-raising fact that the president of the United States, the "leader of the free world" and all that jazz, is nothing more than a demented half-wit.

But why the Teflon? Because of the incredible love affair that Ronald Reagan has enjoyed with the American people. In all my years of fascination with American politics (my early childhood memories are couched in terms of who was president or who was mayor of New York City or who won what election), I have never seen anything remotely like it. Anyone else universally beloved? Franklin D. Roosevelt was worshipped, to be sure, by most of the American electorate, but there was always a large and magnificent minority who detested every inch of his guts. Truman? He was almost universally reviled in his time; he has only been made an icon in retrospect by the conservative movement. Jack Kennedy, too, is only a hero now that he has been safely interred; before his assassination he was cordially detested by all conservatives. *Nobody* ever loved Nixon. The closest to universal lovability was Ike, and even he did not inspire the intense devotion accorded to Ronnie Reagan; with Ike it was more of a tranquilized sense of peace and contentment.

But with Reagan, it has been pure love: every nod of the head; every wistful "We-e-ell," every dumb and flawed anecdote, every snappy salute, sends virtually every American into ecstasy. From all corners of the land came the cry, "I don't like his policies very much, but I lo-o-ve the man." Only a few malcontents, popping up here and there, in a few obscure corners of the land, emerged as dedicated and bitter opponents. As one of this tiny minority I can testify that it was a lonely eight years, *even* within the ranks of the libertarian movement. Sometimes I felt like a lone and unheeded prophet, bringing the plain truth to those who refused to understand. Very often I would be at free-market gatherings, from living rooms to conferences, and I would go on and on about the deficiencies of Reagan's policies and person, and would be met with responses like: "Well, of course, he's not a Ph.D."

Me: "No, no, that's not the point. The man is a blithering idiot. He makes Warren Harding tower like Aristotle."

Responder: "Ronald Reagan has made us feel good about America."

Perhaps that's part of the explanation for the torrent of unconditional love that the American public has poured onto Ronald Reagan. Lost in Hollywood loony-land, Ronnie's sincere optimism struck a responsive chord in the American masses. The ominous fact that he "made us" feel good about the American State and not just about the country is lost even on many libertarians.

But, in that case, why didn't Hubert Humphrey's egregious "politics of joy" evoke the same all-inclusive love? I don't know the answer, but I'm convinced it's not simply because Hubert was captive to the dreaded "L-word" whereas Ronnie is a conservative. It's a lot deeper than that. One of the remarkably Teflon qualities of Reagan is that, even after many years as president, he is still able to act as if he were totally separate from the actions of the government. He can still denounce the government in the same ringing terms he used when he was out of power. And he *gets away with it*, probably because inside his head, he is still Ronnie Reagan, the mouther of anti-government anecdotes as lecturer for General Electric.

In a deep sense, Reagan has *not* been a functioning part of the government for eight years. Off in Cloud-Cuckoo-Land, he is the obedient actor who recites his lines and plays his appointed part. Some commentators have been critical of Reagan for napping in the afternoons, for falling asleep at crucial meetings, for taking long vacations at his beloved ranch. Well, why not? What else does he have to do? Reagan doesn't actually have to *do* anything; like Peter Sellers in his last film, all he has to do is *be there*, the beloved icon, giving his vital sanction to the governmental process.

The man was a blithering idiot. He made Warren Harding tower like Aristotle.

Reagan's handlers perceived early on that one threat to Reagan's Teflon rule would be allowing him to mix it up with members of the press. Away from his teleprompter, Ronnie was a real problem. So very soon, any sort of real press conference, including uninhibited questions and answers, was

done away with. The only press "conferences" became shouted questions as Reagan walked quickly to and from the White House helicopter. One of his handlers has written that, despite all efforts, they couldn't stop Reagan from exercising one peculiar personality trait: his compulsion to answer every question that he hears. But fortunately, not much was risked, since the noise of the helicopter engines would drown out most of the repartee.

The worst moment for the Reagan handlers came, of course, during the first debate with Mondale in 1984. For one glorious moment, during the give and take of the debate, the *real* Reagan emerged: confused, befuddled, out of it. It was a shaky moment, but all the handlers needed to do was to reassure the shocked masses that their beloved president was still sentient, was still *there* to be a totem to his flock. The handlers blamed Reagan's showing on "over-coaching," they made sure that he slept a lot just before the second debate, and they fed him a snappy mock self-deprecating one-liner about his age. The old boy could still remember his jokes: he got off his lovable crack, and the American masses, with a sigh of relief, clasped him to their bosoms once again.

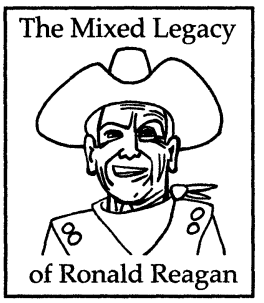

The Reagan Years: Libertarian Rhetoric, Statist Policies

How did Reagan manage to pursue egregiously statist policies in the name of liberty and of "getting government off our backs?" How was he able to follow this course of deception and mendacity?

Don't try to get Ronnie off the hook by blaming Congress. Like the general public — and all too many libertarians — Congress was merely a passive receptacle for Ronnie's wishes. Congress passed the Reagan budgets — with a few marginal adjustments here and there — and gave him virtually all the legislation, and ratified all the personnel, he wanted. For one Bork there are thousands who made it. The last eight years have been a Reagan administration, for the Gipper to make or break.

There was no "Reagan Revolution." Any "revolution" in the direction of liberty (in Ronnie's words, "to get government off our backs") would *reduce* the total level of government spending. And that means reduce in *absolute* terms, *not* as proportion of the gross national product, or corrected for inflation, or anything else. There is no divine commandment that the federal government must always be *at least* as great a proportion of the national product as it was in 1980. If the government was a monstrous, swollen leviathan in 1980, as libertarians were surely convinced, as the inchoate American masses were apparently convinced, and as Reagan and his cadre claimed to believe, then cutting government spending was in order. At the very least, federal government spending should have been frozen, in absolute terms, so that the rest of the economy would be allowed to grow in contrast. Instead, Ronald Reagan cut nothing, even in the heady first year, 1981.

At first, the only "cut" was in Carter's last-minute loony-tunes estimates for the future. But in a few short years, Reagan's spending surpassed even Carter's irresponsible estimates. Instead, Reagan not only increased government spending by an enormous amount — so enormous that it would take a 40% cut to bring us back to Carter's wild spending totals of 1980 — he even substantially increased government spending as a percentage of GNP. *That's* a "revolution"?

The much heralded 1981 tax cut was more than offset by two tax increases that year. One was "bracket creep," by which inflation wafted people into higher tax brackets, so that with the same real income (in terms of purchasing power) people found themselves paying a higher proportion of their income in taxes, even though the official tax rate schedule went down. The other was the usual whopping increase in Social Security taxes which, however, don't count, in the perverse semantics of our time, as "taxes"; they are only "insurance premiums." In the ensuing years the Reagan administration has constantly raised taxes — to punish us for the fake tax cut of 1981 — beginning in 1982 with the largest single tax increase in American history, costing taxpayers $100 billion.

Creative semantics is the way in which Ronnie was able to keep his pledge never to raise taxes while raising them all the time. Reagan's handlers, as we have seen, annoyed by the stubborn old coot's sticking to "no new taxes," finessed the old boy by simply calling the phenomenon by a different name. If the Gipper was addled enough to fall for this trick, so too did the American masses — and a large chunk of libertarians and self-proclaimed free-market economists as well! "Let's close another loophole, Mr. President." "We-e-ell, OK, then, so long as we're not raising taxes." (Definition of "loophole": Any and all money *the other guy* has earned, and that hasn't been taxed away yet. *Your* money, of course, has been fairly earned, and shouldn't be taxed further.)

Income tax rates in the upper brackets *have* come down. But the odious bipartisan "loophole closing" of the Tax Reform Act of 1986 — an act engineered by our Jacobin egalitarian "free-market" economists in the name of "fairness" — *raised* instead of lowered the income tax paid by most upper-income people. Again: what one hand of government giveth, the other taketh away, and then some. Thus, President-elect Bush has just abandoned his worthy plan to cut the capital gains tax in half, because it would violate the beloved tax fairness instituted by the bipartisan Reaganite 1986 "reform."

The bottom line is that tax revenues have gone up an enormous amount under the eight years of Reagan; the only positive thing we can say for them is that revenues as a percentage of the gross national product are up only slightly since 1980. The result: the monstrous deficit, now apparently permanently fixed somewhere around $200 billion, and the accompanying tripling of the total federal debt in the eight blessed years of the Reagan Era. Is that what the highly-

One of the remarkably Teflon qualities of Reagan is that, even after many years as president, he was still able to act as if he were totally separate from the actions of the government.

touted "Reagan Revolution" amounts to, then? A tripling of the national debt?

We should also say a word about another of Ronnie's great "libertarian" accomplishments. In the late 1970s, it became obvious *even to the man in the street* that the Social Security System was bankrupt, *kaput*. For the first time in 50 years there was an excellent chance to get rid of the biggest single racket in American politics, a racket that acts as a gigantic Ponzi scheme to fleece the American taxpayer. Instead, Reagan brought in the famed "Randian libertarian" Alan Greenspan, who served as head of a bipartisan commission, performing the miracle of "saving Social Security," and the masses have rested content with the system ever since. How did he "save" it? By raising taxes (oops "premiums"), of course; by that route, the government can "save" any program. (Bipartisan: both parties acting in concert to put both of their hands in your pocket.)

The way Reagan-Greenspan saved Social Security is a superb paradigm of Reagan's historical function in all areas of his realm: he acted to bail out statism and to co-opt and defuse any libertarian or quasi-libertarian opposition. The method worked brilliantly, for Social Security and other programs.

How about deregulation? Didn't Ronnie at least deregulate the regulation-ridden economy inherited from the evil Carter? Just the opposite. The outstanding measures of deregulation were all passed by the Carter administration, and, as is typical of that luckless president, the deregulation was phased in to take effect during the early Reagan years, so that the Gipper could claim the credit. Such was the story with oil and gas deregulation (which the Gipper *did* advance from September to January of 1981); airline deregulation and the actual *abolition* of the Civil Aeronautics Board, and deregulation of trucking. That was it.

The Gipper deregulated nothing, abolished nothing. Instead of keeping his pledge to abolish the Departments of Energy and Education, he strengthened them, and even wound up his years in office adding a new Cabinet post, the Secretary of Veterans Affairs. Overall, the quantity and degree of government regulation of the economy was greatly increased and intensified during the Reagan years. The hated OSHA, the scourge of small business and at the time the second most-hated agency of the federal government (surely you need not ask which is the first most-hated), was not only not

In a few short years, Reagan's spending surpassed even Carter's irresponsible estimates.

abolished; it too was strengthened and reinforced. Environmentalist restrictions were greatly accelerated, especially after the heady early years when selling off some public lands was briefly mentioned, and the proponents of actually using and developing locked-up government resources (James Watt, Anne Burford, Rita Lavelle) were disgraced and sent packing as a warning to any future "anti-environmentalists."

The Reagan administration, supposedly the champion of free trade, has been the most protectionist in American history, raising tariffs, imposing import quotas, and — as another neat bit of creative semantics — twisting the arms of the Japanese to impose "voluntary" export quotas on automobiles and microchips. It has made the farm program the most abysmal of this century: boosting price supports and production quotas, and paying many more billions of taxpayer money to farmers so that they can produce less and raise prices to consumers.

Reagan acted to bail out statism and to co-opt and defuse any libertarian or quasi-libertarian opposition.

And we should never forget a disastrous and despotic program that has received unanimous support from the media and from the envious American public: the massive witchhunt and reign of terror against the victimless non-crime of "insider trading." In a country where real criminals — muggers, rapists, and "inside" *thieves* — are allowed to run rampant, massive resources and publicity are directed toward outlawing the use of one's superior knowledge and insight in order to make profits on the market.

In the course of this reign of terror, it is not surprising that freedom of speech was the first thing to go by the boards. Government spies and informers busily report conversations over martinis. ("Hey Joe, I heard that XYZ Corp. is going to merge with ABC.") All this is being done by the cartelizing and fascistic Securities and Exchange Commission, the Department of Justice and its much-hailed Savanarola in New York, Rudolf Giuliani. All this is the work of the beloved Gipper, the "free-market," "libertarian" Reagan administration. And where are the "conservative-libertarians"? Where are the "free-market economists" to point this out and condemn it?

Foreign aid, a vast racket by which American taxpayers are mulcted in order to subsidize American export firms and foreign governments (mostly dictatorships), has been vastly expanded under Reagan. The administration also encouraged the nation's banks to inflate and pour money down Third World ratholes; then bailed out the banks and tinpot socialist dictatorships at the expense of U.S. taxpayers (via tax increases) and consumers (via inflation). Since the discrediting of Friedmanite monetarism by the end of the first Reagan term, the original monetarist policy of allowing the dollar to fluctuate freely has been superseded by Keynesian Secretary of the Treasury James Baker, who has concerted with foreign central banks to try to freeze the dollar within various zones. The interference has been, as usual, futile and counterproductive, but that will not stop the soon-to-be even more powerful Baker from trying to fulfill, or at least move strongly toward, the old Keynesian dream of one world fiat paper currency (or at least fixed exchange rates of the various national currencies) issued by one world Central Bank — in short, economic world government.

But didn't Ronnie "bring down inflation"? Sure, but he did it, not by some miracle, but the old-fashioned way: by the

steepest recession (read: depression) since the 1930s. And now, as a result of his inflationary monetary policies, inflation is back with a roar — which the Teflon president will leave as one of his great legacies to the Bush administration.

And then there is another charming legacy: the reckless inflationary course, encouraged by the Reagan administration, of the nation's savings-and-loan banks. Virtually the entire industry is now bankrupt, and FSLIC — the federal agency supposedly "insuring" S&L depositors — is bankrupt. Instead of allowing the banks and their deluded depositors to pay the price of their profligacy, everyone of both parties, including our "free-market" Reaganauts, is prepared to use taxpayer money or the printing press to bail out the entire industry — to the tune of an estimated 50 to 100 billion dollars. (These estimates, by the way, come from government sources, which notoriously underestimate future costs of their programs.)

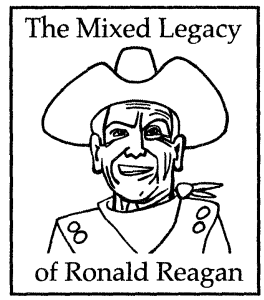

I have been cleaving to the strictly economic realm because even the staunchest pro-Reagan libertarian will not dare to claim that Ronnie has been a blessing for civil liberties. On the contrary. In addition to his reign of terror on Wall Street (who cares about the civil liberties of stock traders anyway?), Reagan worked to escalate toward infinity the insane "war against drugs." Far from the 1970s movement toward repealing marijuana laws, an ever greater flow of men and resources — countless billions of dollars — are being hysterically poured into combatting a drug "problem" that clearly gets worse in direct proportion to the intensity of the "war."

The outbreak of drug fascism, moreover, is a superb illustration of the interconnectedness of civil liberty and economic freedom. Under cover of combatting drugs, the government has cracked down on our economic and financial privacy, so that carrying cash has become prima facie evidence of "laundering" drug money. And so the government steps up its long-cherished campaign to get people to abstain from cash and into using government-controlled banks. The government is already insinuating foreign exchange controls — now the legal obligation to "report" large amounts of cash taken out of the country — into our personal and economic life.

And every day more evil drugs are being found that must be denounced and outlawed: the latest is the dread menace of anabolic steroids. As part of this futile war, we are being urged by the Reaganites to endure compulsory urine testing (supervised, of course, since otherwise the testee might be able to purchase and substitute black-market drug-free urine). In this grotesque proposal, government is not only *not* off our backs, it is now also insisting on joining us in the bathroom.

And in the bedroom, too, if Ronnie has his way. Although abortion is not yet illegal, it is not for lack of effort by the Reagan administration. The relentless Reaganite drive to conservatize the judiciary will likely recriminalize abortion soon, making criminals out of millions of American women each year. George Bush, for less than 24 glorious hours, was moved to take a consistent position: if abortion is murder, then all women who engage in abortion are murderers. But it took only a day for his handlers to pull George back from the abyss of logic, and to advocate only criminalizing the doctors, the hired hands of the women who get abortions.

Perhaps the Gipper cannot be directly blamed — but certainly he has set the moral climate — for the increasingly savage Puritanism of the 1980s: the virtual outlawry of smoking, the escalating prohibition of pornography, even the partial bringing back of Prohibition (outlawing drunken driving, raising the legal drinking age to 21, making bartenders — or friendly hosts — legally responsible for *someone else's* drunken driving, etc.)

Under Reagan, the civil liberties balance has been retipped in favor of the government and against the people: restricting our freedom to obtain government documents under the Freedom of Information Act and stepping up the penalties on privately printed and disseminated news about activities of the government, on the one hand; more "freedom" for our runaway secret police, the CIA, to restrict the printing of news, and to wiretap private individuals, on the other. And to cap its hypocrisy, as it escalated its war on drugs, the Reagan administration looked the other way on drug-running by its own CIA.

On foreign policy, the best we can say about Ronnie is that he did *not* launch World War III. Apart from that, his foreign policy was a series of murdering blunders:

- His idiotic know-nothing intervention into the cauldron of Lebanon, resulting in the murder of several hundred U.S. Marines.
- His failed attempt — lauded by Reaganites ever since — to murder Colonel Gaddafi by an air strike — and succeeding instead in slaying his baby daughter, after which our media sneered at Gaddafi for looking haggard, and commented that the baby was "only adopted."
- His stumblebum intervention into the Persian Gulf, safeguarding oil tankers of countries allied to Iraq in the Iraq-Iran war. (Ironically, the U.S. imports practically no oil from the Gulf, unlike Western Europe and Japan, where there was no hysteria and who certainly sent no warships to the Gulf.) In one of the most bizarre events in the history of warfare, the Iraqi sinking of the U.S.S. Stark was dismissed instantly — and without investigation, and in the teeth of considerable evidence to the contrary — as an "accident," followed immediately by blaming *Iran* (!) and using the sinking as an excuse to step up our pro-Iraq intervention in the war. This was followed by a U.S. warship's shooting down of a civilian Iranian airliner, murdering hundreds of civilians, and blaming — you guessed it! — the Iranian government for this catastrophe. More alarming than these actions of the Reagan administration was the supine and pusillanimous behavior of the media, in allowing the Gipper to get away with all this.

As we all know only too well, the height of Reagan's Teflon qualities came with Iran-Contra. At the time, I naively thought that the scandal would finish the bastard off. But no one saw anything wrong with the administration's jailing *private* arms salesmen to Iran, while at the very same time engaging in arms sales to Iran *itself*. In Reagan's America, apparently *anything*, any crookery, any aggression or mass murder, is okay if allegedly performed for noble, patriotic motives. Only personal greed is considered a no-no.

I have not yet mentioned the great foreign-policy triumph of the Reagan administration: the invasion and conquest of tiny Grenada, a pitiful little island-country with no army, air force, or navy. A "rescue" operation was launched to save U.S. medical students who never sought our deliverance. Even though the enemy consisted of a handful of Cuban construction workers, it still took us a week to finish the Grenadans off, during the course of which the three wings of our armed forces tripped over each other and our military distinguished itself by bombing a Grenadan hospital. The operation was as much a botch as the Carter attempt to rescue the American hostages. The only difference was that this time the enemy was helpless.

But we *won*, didn't we? Didn't we redeem the U.S. loss in Vietnam and allow America to "stand tall"? Yes, we did win. We beat up on a teeny country, and even botched *that*! If *that* is supposed to make Americans stand tall, then far better we sit short. Anyway, it's about time we learned that Short is Beautiful.

The U.S. war against the contras, on the other hand, which has been conducted at enormous expense and waged hand-in-hand with Guatemalan, Honduran, and Salvadoran dictators, is going down the drain, despite illegal CIA mining of harbors and injury to neutral shipping. Even the nearly comatose American public is giving up on the idea of supporting bandit guerrillas, so long as they are anti-Communist, despite the best efforts of Ollie and Secord and Singlaub and Abrams and all the rest of the war crowd.

The Reagan administration's continued aid and support to Pol Pot in Cambodia, the most genocidal butcher of our time, is more reprehensible but less visible to most Americans. As a result, Pol Pot's thugs are mobilizing at this very moment on the Thai border to return and take over Cambodia as soon as the Vietnamese pull out, presumably to renew their bizarre mass murders. But you see, *that's* okay with the Reaganites, because the Cambodian Commies are guerrilla fighters against the *Vietnamese* (pro-Soviet) Commies, who by definition are evil. Pol Pot's butchers as "freedom fighters" show us that, in the arsenal of the Reaganite Right, "freedom," like "taxes" and many other crucial words, means, as in the case of Humpty Dumpty, *whatever* they *choose* it to.

Grenada was the perfect war as far as many conservatives (and apparently much of the American public) were concerned: it was quick and easy to win, with virtually no risk of loss, and allowed ample opportunities to promote the military (and their commander in chief) as heroes while bragging up the victory on television — in short, allowing the U. S. to glory in its status as a bully. (It helped eradicate the awful memory of Vietnam, which was the perfect war for American centrist liberals: virtually impossible to win, horribly expensive in terms of men and property — and best of all, it could go on forever without resolution, like the War on Poverty, fueling their sense of guilt while providing safe but exciting jobs for members of their techno-bureaucratic class.)

To cap its hypocrisy, as it escalated its War on Drugs, the Reagan administration looked the other way on drug-running by its own CIA.

While the American masses do not want war with Russia or even aid to the bandit contras, they do want an ever-expanding military and other aggravated symbols of a "strong," "tough" America, an America that will, John Wayne-like, stomp on teeny pests like Commie Grenada, or, perhaps, any very small island that might possess the tone and the ideology of the Ayatollah.

In Reagan's America, apparently anything, any crookery, any aggression or mass murder, is okay if allegedly performed for noble, patriotic motives.

Setting the Stage: the Anti-Government Rebellion of the 1970s

I am convinced that the historic function of Ronald Reagan was to co-opt, eviscerate, and ultimately destroy the substantial wave of antigovernmental, and quasi-libertarian, sentiment that erupted in the U.S. during the 1970s. Did he perform this task consciously? Surely too difficult a feat for a man barely *compos*. No, Reagan was wheeled into performing this task by his establishment handlers.

The task of co-optation needed to be done because the 1970s, particularly 1973–75, were marked by an unusual and striking conjunction of crises — crises that fed on each other to lead to a sudden and cumulative disillusionment with the federal government. It was this symbiosis of antigovernment reaction that led me to develop my "case for libertarian optimism" during the mid-1970s, in the expectation of a rapid escalation of libertarian influence in America.

1973–74 saw the abject failure of the Nixon wage-price control program, and the development of something Keynesians assumed *could never* happen: the combination of double-digit inflation *and* a severe recession. High unemployment and high inflation happened again, even more intensely, during the greater recession of 1979–82. Since Keynesianism rests on the idea that government should pump in spending during recessions and take out spending during inflationary booms, *what happens* when both occur at the same time? As Rand would say: Blankout! There *is* no answer. And so, there was disillusionment in the government's handling of the macroeconomy, deepening during the accelerating inflation of the 1970s and the beginnings of recession in 1979.

At the same time, people began to be fed up, increasingly and vocally, with high taxes: income taxes, property taxes, sales taxes, you name it. Especially in the West, an organized tax rebel movement developed, with its own periodicals and organizations. However misguided strategically, the spread of the tax rebellion signalled a growing disillusionment with big government. I was privileged to be living in California during the election year of 1978, when Proposition 13 was passed. It was a genuinely inspiring sight. In the face of hysterical opposition and smears from the entire California

Establishment, Democratic and Republican, big business and labor, academics, economists, and all of the press, the groundswell for Prop. 13 burgeoned. Everyone was against it but the people. If the eventual triumph of Ronald Reagan is the best case against "libertarian populism," Prop. 13 was the best case in its favor.

Also exhilarating was the smashing defeat of U.S. imperialism in Vietnam in 1975 — exhilarating because this first loss of a war by the United States, many of us believed, was bound to get Americans to rethink the disastrous warmongering bipartisan foreign policy that had plagued us since the unlamented days of Woodrow Wilson.

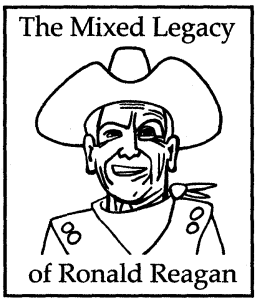

On the civil liberties front, the de facto legalization of marijuana was a sign that the nonsense of drug prohibition would soon be swept away. (Ye gods! Was *that* only a decade ago?) Inflationary recession; high taxes; prohibition laws; defeat in foreign war; across the board, the conditions seemed admirable for a growing and triumphant libertarianism.

And to top it off, the Watergate crisis (my particular favorite) destroyed the trust of the American masses in the presidency. For the first time in over a hundred years, the concept of *impeachment* of the president became, first thinkable, and then a living and glorious process. For a while, I feared that Jimmy Carter, with his lovable cardigan sweater, would restore Americans' faith in their president, but soon that fear proved groundless.

Surely, it is no accident that it was precisely in this glorious and sudden antigovernment surge that libertarian ideas and libertarian scholarship began to spread rapidly in the United States. And it was in 1971 that the tiny Libertarian Party emerged, in 1972 that its first, embryonic presidential candidacy was launched, and 1973 when its first important race was run, for mayor of New York City. The Libertarian Party continued to grow rapidly, almost exponentially, during the 1970s, reaching a climax with the Clark campaign for governor of California during the Prop. 13 year of 1978, and with the Clark campaign for the presidency in 1980. The morning my first article on libertarianism appeared in the *New York Times* in 1971, a very bright editor at Macmillan, Tom Mandel, called me and asked me to write a book on the subject (it was to become *For a New Liberty*). Not a libertarian himself, Mandel told me that he believed that libertarianism would become a very important ideology in a few years — and he turned out to be right.

So libertarianism was on a roll in the 1970s. And then Something Happened.

Enter the Neocons

What happened was Ronald Wilson Blithering Reagan. Obviously Reagan did not suddenly descend out of the clouds in 1980. He had been the cherished candidate of the conservative movement, its chosen route to power, ever since Goldwater's defeat. Goldwater was too blunt and candid, too much an unhandleable Real Person. What was needed was a lovable, manipulable icon. Moreover, Goldwater's principles were too hard-edged: he was way too much a domestic libertarian, and he was too much an eager warmonger. Both his libertarianism and his passion for nuclear confrontation with the Soviet Union scared the bejesus out of the American masses, as well as the more astute leadership of the conservative movement.

A reconstituted conservative movement would have to drop any libertarian ideology or concrete *policies*, except to provide a woolly and comfortable *mood* for suitably gaseous antigovernment rhetoric and an improved foreign policy that would make sure that many more billions would go into the military-industrial complex, to step up global pressure against Communism, *but* avoiding an actual nuclear war. This last point was important: as much as they enjoy the role of the bully, neither the establishment nor the American people wants to risk nuclear war, which might, after all, blow them up as well. Once again, Ronnie Reagan looked like the answer.

Two important new ingredients entered into, and helped reshape, the conservative movement during the mid 1970s. One was the emergence of a small but vocal and politically powerful group of neo-conservatives (neocons), who were able, in a remarkably short time, to seize control of the think tanks, the opinion-molding institutions, and finally the politics, of the conservative movement. As ex-liberals, the neocons were greeted as important new converts from the enemy. More importantly, as ex-Trotskyites, the neocons were veteran politicos and organizers, schooled in Marxist cadre organizing and in manipulating the levers of power. They were shrewdly eager to place their own people in crucial opinion-molding and money-raising positions, and were good at ousting those not willing to submit to the neocon program. Understanding the importance of financial support, the neocons knew how to sucker Old Right businessmen into giving them the monetary levers at their numerous foundations and think tanks. In contrast to free-market economists, for example, the neocons were eager to manipulate patriotic symbols and ethical doctrines, doing the microequivalent of Reagan and Bush's wrapping themselves in the American flag. Wrapping themselves, also, in such patriotic symbols as the Framers and the Constitution, as well as family values, the neocons were easily able to outflank free-market types and keep them narrowly confined to technical economic issues. In short the neocons were easily able to seize the moral and patriotic "high ground."

The historic function of Ronald Reagan was to co-opt, eviscerate, and ultimately destroy the substantial wave of antigovernmental, and quasi-libertarian, sentiment that erupted in the U.S. during the 1970s.

The only group willing and able to challenge the neocons on their own moralizing or philosophic turf was, of course, the tiny handful of libertarians; and outright moral libertarianism, with its opposition to statism, theocracy, and foreign war, could never hope to get to first base with conservative businessmen, who, even at the best of times during the Old Right era, had never been happy about individual personal

liberty (e.g., allowing prostitution, pornography, homosexuality, or drugs) or with the libertarians' individualism and conspicuous lack of piety toward the Pentagon, or toward the precious symbol of the nation-state, the U.S. flag.

The neocons were (and remain today) New Dealers, as they frankly describe themselves, remarkably without raising any conservative eyebrows. They are what used to be called, in more precise ideological days, "extreme right-wing Social Democrats." In other words, they are still Roosevelt-Truman-Kennedy-Humphrey Democrats. Their objective, as they moved (partially) into the Republican Party and the conservative movement, was to reshape it to *become*, with minor changes, a Roosevelt-Truman-etc. movement; that is, a liberal movement shorn of the dread "L" word and of post-McGovern liberalism. To verify this point all we have to do is note how many times Roosevelt, Truman, Kennedy et al., properly reviled by conservatives while they were alive, are now lauded, even canonized, by the current neocon-run movement, from Ronnie Reagan on down. And *no one* calls them on this Orwellian revision of conservative movement history.

As statists-to-the-core, Reagan's neocon advisers had no problem taking the lead in crusades to restrict individual liberties, whether it be in the name of rooting out "subversives," or of inculcating broadly religious ("Judeo-Christian") or moral values.

As statists-to-the-core the neocons had no problem taking the lead in crusades to restrict individual liberties, whether it be in the name of rooting out "subversives," or of inculcating broadly religious ("Judeo-Christian") or moral values. They were happy to form a cozy alliance with the Moral Majority, the mass of fundamentalists who entered the arena of conservative politics in the mid-1970s. The fundamentalists were finally goaded out of their quietist millenarian dreams (e.g., the imminent approach of Armageddon) and into conservative political action by the cumulation of moral permissivism in American life. The legalization of abortion in *Roe* v. *Wade* was undoubtedly the trigger, but this decision came on top of a cumulative effect of the sexual revolution, the militant homosexual movement "out of the closet" and into the streets, the spread of pornography, and the visible decay of the public school system. The entry of the Moral Majority transformed American politics, not the least by furnishing the elite cadre of neocons with a mass base to guide and manipulate.

In economic matters, the neocons showed no more love of liberty, though this is obscured by the fact that the neocons wish to trim the welfare state of its post-'60s excrescences, particularly since these were largely designed to aid black people. What the neocons want is a smaller, more "efficient" welfare state, within which bounds they would graciously allow the market to operate. The market is acceptable as a narrow instrumental device; their view of private property and the free market is essentially identical to Gorbachev's in the Soviet Union.

Why did the Right permit itself to be bamboozled by the neocons? Largely because the conservatives had been inexorably drifting stateward in the same manner. In response to the crushing defeat of Goldwater, the Right had become ever less libertarian and less principled, and ever more attuned to the "responsibilities" and moderations of power. It is a far cry from three decades ago when Bill Buckley used to say that he too is an "anarchist" but that we have to put off all thoughts of liberty until the "international Communist conspiracy" is crushed. Those old Chodorovian libertarian days are long gone, and so is *National Review* as any haven for libertarian ideas. Warmongering, militarism, theocracy, and limited "free" markets — this is really what Buckleyism amounted to by the late 1970s.

The burgeoning neocons were able to confuse and addle the Democratic Party by breaking with the Carter administration, at the same time militantly and successfully pressuring it from within. The neocons formed two noisy front groups, the Coalition for a Democratic Majority and the Committee on the Present Danger. By means of these two interlocking groups and their unusual access to influential media, the neocons were able to pressure the Carter administration into breaking the detente with Russia over the Afghanistan imbroglio and in influencing Carter to get rid of the dove Cyrus Vance as Secretary of State and to put foreign policy power into the hands of the Polish emigre hawk and Rockefeller Trilateralist, Zbigniew Brzezinski. In the meantime, the neocons pushed the hysterically hawkish CIA "B" Team report, wailing about alleged Soviet nuclear superiority, which in turn paved the way for the vast gift of spending handed to the military-industrial complex by the incoming Reagan administration. The Afghanistan and "B" Team hysterias, added to the humiliation by the Ayatollah, managed not only to kill off the bedevilled Carter administration, but also to put the boots to non-intervention and to prepare the nation for a scrapping of the "post-Vietnam syndrome" and a return to the warmongering of the pre-Vietnam Era.

The Reagan candidacy of 1980 was brilliantly designed to weld a coalition providing the public's instinctive anti-government mood with sweeping, but wholly nonspecific, libertarian *rhetoric*, as a convenient cover for the diametrically opposite *policies* designed to satisfy the savvy and politically effective members of that coalition: the neocons, the Buckleyite cons, the Moral Majority, the Rockefellers, the military-industrial complex, and the various establishment special interests always clustering at the political trough.

Intellectual Corruption

In the face of this stark record, how were the Reaganites able to get away with it? Where did Ronnie get his thick coat of Teflon? Why was he able to follow statist policies and yet convince everyone, including many alleged libertarians, that he was successfully pursuing a "revolution" to get government off our backs?

The essential answer was provided a century ago by Lysander Spooner. Why does the public obey the state, and

go further to endorse statist policies that benefit the power elite at the public's own expense? The answer, wrote Spooner, is that the state is supported by three powerful groups: knaves, who know what is going on and benefit from state rule; dupes, who are fooled into thinking that state rule is in their and everyone else's interest; and cowards, who know the truth but are afraid to proclaim that the emperor has no clothes. I think we can refine Spooner's analysis and merge the knave and coward categories; after all, the renegade sellout confronts the carrot *and* the stick: the carrot of wealth, cushy jobs, and prestige if he goes along with the emperor; and the stick of scorn, exclusion from wealth, prestige, and jobs — and perhaps worse — if he fails to go along. The reason that Reagan got away with it — in addition to his aw-shucks "lovability" — is that various powerful groups were either duped or knave-cowardly corrupted into hailing his alleged triumphs and deep-sixing his evident failures.

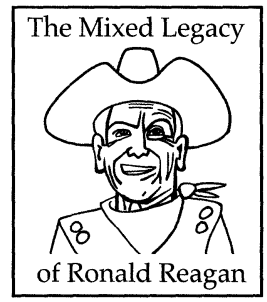

First, the powerful opinion-molding media. It is conventional wisdom that media people are biased in favor of liberalism. No doubt. But that is not important, because the media, especially elite media who have the most to lose, are also particularly subject to the knave/coward syndrome. If they pander to Reaganism, they get the approval of the deluded masses, their customers, and they get the much-sought-after *access* to the president and to other bigwigs in government. And access means scoops, carefully planted exclusive leaks, etc. Any sort of effective opposition to the president means, on the other hand, loss of access; the angering of Reagan-deluded masses; and *also* the angering of their bosses, the owners of the press and television, who are far more conservative than their journalist employees.

One of Reagan's most notable achievements was his emasculation of the liberal media because of his personal popularity with the masses. Note, for example, the wimpy media treatment of Iran-Contra as compared to their glorious attack on Watergate. If *this* is liberal media bias, then the liberals need to be saved from their friends.

If the media were willing to go along with Reaganite duplicity and hokum, then so were our quasi-libertarian intellectual leaders. It is true of the libertarian-inclined masses as it has been always true of the conservative masses: they tend to be not too swift in the upper story. During the late 1970s, libertarian intellectuals and free-market economists were growing in number, but they were still very few, and they had not yet established institutions with firm ties to journalistic and mass opinion. Hence, the libertarian *mood*, but not the informed *thought*, of the masses, was ready for co-optation, especially if led by a charismatic, beloved president.

But we must not underweigh the importance of the traitorous role performed by quasi-libertarian intellectuals and free-market economists during the Reagan years. While their institutions were small and relatively weak, the power and consistency of libertarian thought had managed to bring them considerable prestige and political influence by 1980 — *especially* since they offered an attractive and consistent alternative to a statist system that was breaking down on all fronts.

But talk about your knaves! In the history of ideological movements, there have always been people willing to sell their souls and their principles. But never in history have so many sold out for so pitifully little. Hordes of libertarian and free-market intellectuals and activists *rushed* to Washington to whore after lousy little jobs, crummy little grants, and sporadic little conferences. It is bad enough to sell out; it is far worse to be a two-bit whore. And worst of all in this sickening spectacle were those who went into the tank without so much as a clear offer: betraying the values and principles of a lifetime in order *to position themselves* in hopes of being propositioned. And so they wriggled around the seats of power in Washington. The intellectual corruption spread rapidly, in proportion to the height and length of jobs in the Reagan administration. Lifelong opponents of budget deficits remarkably began to weave sophisticated and absurd apologias, now that the great Reagan was piling them up, claiming, very much like the hated left-wing Keynesians of yore, that "deficits don't matter."

Shorn of intellectual support, the half-formed libertarian instincts of the American masses remained content with Reaganite rhetoric, and the actual diametrically opposite policies got lost in the shuffle.

Reagan's Legacy

Has the Reagan administration done nothing good in its eight ghastly years on earth, you might ask? Yes, it has done *one* good thing: it has repealed the despotic 55-mile-per-hour highway speed limit. And that is *it*.

As the Gipper, at bloody long last, goes riding off into the sunset, he leaves us with a hideous legacy. He has succeeded in destroying the libertarian public mood of the late 1970s, and replaced it with fatuous and menacing patriotic symbols of the nation-state, especially the flag, which he first whooped up in his vacuous reelection campaign of 1984, aided by the unfortunate coincidence of the Olympics being held at Los Angeles. (Who will soon forget the raucous baying of the chauvinist mobs: "USA! USA!" every time some American came in third in some petty event?) He has succeeded in corrupting libertarian and free-market intellectuals and institutions, although in Ronnie's defense it must be noted that the fault lies with the corrupted and not with the

In response to the crushing defeat of Goldwater, the Right had become ever less libertarian and less principled, and ever more attuned to the "responsibilities" and moderations of power.

corrupter.

It is generally agreed by political analysts that the ideological mood of the public, after eight years of Reaganism, is in support of *economic* liberalism (that is, an expanded welfare state), and *social* conservatism (that is, the suppression of civil liberties and the theocratic outlawing of immoral behavior). And, on foreign policy, of course, they stand for militaristic chauvinism. After eight years of Ronnie, the mood of the American masses is to expand the goodies of the welfare-warfare state (though not to increase taxes to pay for these goodies), to swagger abroad and be very tough with nations that can't fight back, and to crack down on the liberties of groups they don't like or whose values or culture they disagree with.

It is a decidedly unlovely and unlibertarian wasteland, this picture of America 1989, and who do we have to thank for it? Several groups: the neocons who organized it; the vested interests and the power elite who run it; the libertarians and free marketeers who sold out for it; and above all, the universally beloved Ronald Wilson Reagan, who made it possible.

As he rides off into retirement, glowing with the love of the American public, leaving his odious legacy behind, one wonders what this hallowed dimwit might possibly do in retirement that could be at all worthy of the rest of his political career. What very last triumph are we supposed to "win for the Gipper"?

He has tipped his hand: I have just read that as soon as he retires, the Gipper will go on a banquet tour on behalf of the repeal of the 22nd ("Anti-Third Term") Amendment — the one decent thing the Republicans have accomplished in the last four decades. The 22nd Amendment was a well-deserved retrospective slap at FDR. It is typical of the depths to which the GOP has fallen that in the last few years that Republicans have been actually muttering about joining the effort to repeal this amendment. If they are successful, then Ronald Reagan might be elected again, and re-elected well into the 21st century.

In our age of high tech, I'm sure that his mere physical death can easily be overcome by his handlers and media mavens. Ronald Reagan will be suitably mummified, trotted out in front of a giant American flag, and some puppetmaster will get him to give his winsome headshake, and some ventriloquist will imitate the golden tones: "We-e-ell . . ." (Why not? After all, the living reality of the last four years has not been a helluva lot different.)

Perhaps, after all, Ronald Reagan and almost all the rest of us will finally get our fondest wish: the election forever and ever of the mummified icon King Ronnie.

Now *there* is a legacy for our descendants! □

Credit Where Credit Is Due

by Lance Lamberton

In the wake of Ronald Reagan's final passing from the American scene, our nation, and indeed the world, is engaged in a process of reflection over what his legacy is. Libertarians, for the most part, have not been kind to Reagan, pointing out, quite correctly, that Reagan was not a libertarian. On that basis he has been assailed as someone whose rhetoric did not match his deeds. True enough. However, some libertarians have been unremittingly hostile to a degree that Reagan's record does not justify.

Even before Reagan assumed the office of president, Sheldon Richman predicted that "inflation under a Republican Administration is likely to be higher — I believe much higher — than under the Carter Administration." (Gold Newsletter Nov. 1980) In the July–August 1980 issue of *Libertarian Party News* Jule Herbert claimed that Reagan's "current tax package is an embodiment of traditional business-as-usual tax-cutting policies."

Fortunately, history did not bear out Richman's dire prediction. In fact, the exact opposite happened. As for Herbert's position, nothing could have been further from the truth. The traditional approach to tax cuts prior to Reagan was to skew them toward the poor and lower middle class in an effort to redistribute wealth and solidify support from traditional Democratic constituencies. President Reagan eschewed that approach and stayed firm with

across-the-board tax cuts. Animus toward Reagan undermined libertarians' credibility.

A good way to evaluate Reagan's record is to look at the state of the nation under his predecessor. Inflation and interest rates were both in double digits. The Soviet Empire was on the move in Afghanistan. Oil shortages were resulting in long lines at the gas pump, and we were suffering a cruel humiliation at the hands of Iranian militants. Carter was preaching a doctrine of diminished expectations, and it appeared as if our best days were now behind us.

The Mixed Legacy

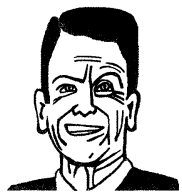

of Ronald Reagan

Enter Ronald Reagan, stage right. With his typical ebullient optimism, he preached a doctrine of hope, promise, and great expectations. By the time he left office eight years later, America's faith in itself and its future had been restored. Despite all his shortcomings, this is the greatest gift he gave future generations, and he should be honored and revered for it, as he is by most Americans.

Reagan changed the focus of debate in public policy. Before his presidency, politicians and voters alike acquiesced to the view of government that had given rise to the Great Society: that social and economic problems must be addressed by an ever more proactive and far-reaching federal bureaucracy. Reagan turned that notion on its head in one brilliant rhetorical flourish. In his first address before a joint session of Congress, he declared that "government is too big and costs too much." As the TV cameras panned the audience, a tight-lipped, unsmiling Ted Kennedy was seen standing and applauding. His delivery of that statement was so dramatic and compelling that it brought every member of Congress to a rousing, standing ovation. As I savored that moment, I said to myself, "Thank you, Mr. President. Thank you."

From that point onward, the spending interests and entrenched bureaucracies were on the defensive. In the months that followed, Congress enacted Reagan's significant supply-side-oriented cuts in tax rates and indexed tax rates so that taxpayers, at long last, were spared insidious, unlegislated tax increases known as "bracket creep." Under Reagan's leadership, Congress cut spending by billions of dollars through ferreting out waste, fraud, and abuse in federal entitlement programs.

By the time 1984 rolled around, inflation was down, interest rates were down, unemployment was down, and the economy was way up. No wonder Ronald Reagan won re-election by the greatest electoral landslide in history.

His foreign policy accomplishments were equally as impressive and certainly more far-reaching. Reagan presided over the fall of the Soviet Empire and the end of the Cold War by administering a deft one-two punch. First, he deregulated the price of oil, allowing market forces to do their magic, which eventually led to a dramatic fall in oil prices. As a major oil exporter, the Soviet Union was dependent on oil to prop up its oppressive empire and finance its foreign adventures. With the collapse in oil prices, the entire Soviet economic system became unhinged.

The second punch was Reagan's military build-up. The Soviets simply couldn't compete. As Americans, we no longer live under the fear of nuclear holocaust. The millions who once lived under the Soviet boot were given the gift of freedom. Reagan had the courage and fortitude to call the Soviet Union what is was — an Evil Empire — and the will to carry out a program leading to its destruction.

He was a forceful and articulate advocate of a Balanced Budget Amendment. Imagine Bush advocating anything close to that! Reagan was the driving force behind the Grace Commission, which proposed to save billions of dollars by implementing common sense business accounting practices in the operation of government. Reagan implemented many of those practices by executive order.

That's the positive side of Reagan's presidency. The negative side is that he gave up many opportunities to push forward the frontiers of liberty. In the aftermath of the attempted assassination of Reagan and his subsequent address to Congress, the political mood of the country would have allowed Reagan to go a lot further than he did. He had a political mandate that few in public life ever have, and he blew it. At that point, Congress was cowed by Reagan. It would have given him literally anything he asked for. The American people were not interested in the delicate art of political compromise. They were saying, in a massive outpouring of public support: "Give him what he wants."

But Reagan was surrounded by a bevy of seasoned political operatives who didn't much care about his political agenda or philosophy of limited government, and were so immersed in the "politics of the possible" that they couldn't conceive of pushing any agenda that did not include significant compromise. There was a time when we could have gotten bigger tax cuts, bigger spending cuts, and more regulatory relief. However, that window was short, and the opportunity passed. In the following year Reagan was reduced to championing tax *increases* to reduce the debt. He made a deal with the devil (i.e., Congress): to reduce spending dollar for dollar for each dollar in increased taxes. Needless to say, the devil did not hold up its end of the bargain, leading the way to record budget deficits.

Politicians and voters alike agreed that social and economic problems must be addressed by an ever more proactive and far-reaching federal bureaucracy. Reagan turned that notion on its head in one brilliant rhetorical flourish.

Another opportunity was lost when he didn't end affirmative action, which he could have done by signing an executive order. Another was his failure to end draft registration, which Carter had reinstituted in 1980. Two more were his failure to implement his campaign promises to

abolish the departments of Energy and Education. And his massive expansion of the War on Drugs will forever serve as a blight on his legacy.

Libertarians wonder how much better Reagan could have advanced liberty if he had been a hard-core libertarian. But if he had been a hard-core libertarian, and had been honest about it, he never would have been elected president. And even if by some miracle he had been, the political forces that favor spending and big government would have overwhelmed him.

Reagan made a deal with the devil (i.e., Congress): to reduce spending dollar for dollar for each dollar in increased taxes. Needless to say, the devil did not hold up its end of the bargain.

Look at the failed Gingrich revolution when the Republicans took control of the House in 1994. Their bold attempt to enact modest reductions in the size and scope of government led to a showdown with Clinton, who shut down so-called nonessential government services. By closing national parks and otherwise painting the Republicans as curmudgeons intent on bringing the government to a halt, he forced the Republican House leadership into a full-scale retreat.

The sad fact remains that the overwhelming majority of the American people is hopelessly addicted to big government. As for any addict, the first step in recovery is for America to admit that it has an addiction. Reagan did that for us when he told Congress that government is too big and costs too much. We agreed, at least in principle, to that plain and salient truth. Through that agreement, we managed to gain and hold a beachhead, however tiny, upon which we can advance the cause of liberty. Reagan gave us that, and for that I am grateful. ❑

Ronald Reagan, R.I.H.

by Jeff Riggenbach

Ronald Reagan launched his long career as a liar at WHO radio in Des Moines, Iowa in 1933, when he was 22 years old. His job was faking play-by-play coverage of Chicago Cubs and Chicago White Sox baseball games based on wire reports he received over ticker tapes. Nor was baseball the extent of his deception. *Time* magazine's Hugh Sidey notes that

> Years later, in the White House, Reagan told how he had laid elaborate plans for live radio coverage at trackside of the Drake Relays quarter-mile run only to be cut off by a commercial. When the studio patched him back online, the race was history. Reagan said he never blinked and, from notes and the sharp whack of his pencil for the starting gun, he recreated the whole race, cinders crunching, muscles etched by strain, colored jerseys blurring, winner hailed in an exultant shout. "Just then it occurred to me there would be no crowd cheers in the background," Reagan related. "So without a pause, I said, 'Ladies and gentlemen, the crowd has been stunned into silence.'"

In 1937, at age 26, Reagan was "discovered" by an agent from Warner Bros., who knew a man who could pass himself off as something he really wasn't when he saw one. Over the next dozen years, Reagan delivered mediocre performance after mediocre performance in mediocre film after mediocre film (along with a few worse-than-mediocre performances in worse-than-mediocre films). By the early 1950s, even Hollywood, usually a warm friend of mediocrity, had had enough. Reagan found himself washed up, over the hill. In 1952, the same year he married Nancy Davis, a mediocre young actress he had impregnated, he was forced to take a job as a Las Vegas emcee in order to make ends meet. Later that same year, appalled by his new son-in-law's apparent inability to earn a living, Nancy's father, Royal Davis, prevailed upon some of his political friends at General Electric to find some kind of job for Reagan. They complied, coming up with a position that required the former actor to travel the country giving speeches in defense of "free enterprise."

The problem was that Reagan knew little or nothing

about free enterprise. And he was no stranger to politics — it was widely rumored in the late '40s that his first wife, Jane Wyman, had dumped him because of her inability to bear the tedium of his constant attempts at political discussion. But his political views were not particularly friendly to free enterprise. He was a New Deal liberal who believed Franklin Roosevelt's heavy-handed interference in market processes had "solved" the Great Depression and a staunch trade unionist who served as president of one of Hollywood's most powerful unions, the Screen Actors Guild.

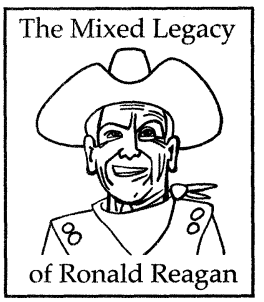

More important, Reagan seemed to lack any sense of the larger political picture, what George H. W. Bush was famously to call "the vision thing." Even as late as 1956, when he was 45 years old, Reagan "apparently had not arrived at a clearly defined political philosophy," according to biographer and former *Los Angeles Times* reporter Bill Boyarsky. As a result, "the company's president, Ralph Cordiner, became concerned over his difficulties in answering audiences' questions." Cordiner told Reagan, "You'd better get yourself a philosophy, something you can stand for and something you think this country stands for."

Reagan, who didn't know much about politics or anything else, but did know what side his bread was buttered on, promptly got himself such a philosophy — "and what could be more natural," asked Milton Mueller in one of the most astute articles ever written on Reagan's political career, "than his selection of the traditionally American doctrine of limited government, individual rights, and free enterprise, the philosophy of the American revolution?" On the other hand, Mueller emphasizes,

> [W]e should be attuned to the delicious symbolism here: Reagan found his ideology and began his political career at General Electric, and General Electric is synonymous with millions in government contracts. GE was one of the original parties to the post-World War II alliance between big business and big government which came to be called the "military-industrial complex." This military-industrial complex is both a prime cause and a consequence of the "big government" Reagan says he deplores; among other things it is responsible for the virtual nationalization of higher education, much of the federal government's role in energy research and development, and about one-third of the government's spending.

In effect, Reagan was lying for a living once again, traveling the country claiming that his employer favored free enterprise when what it actually favored was something closer to corporatism, mercantilism, or state capitalism.

That Reagan himself cared little or nothing about limited government, individual rights, and free enterprise became abundantly clear when, in 1966, his years of speechifying finally landed him in the California governor's mansion in Sacramento. For, as Murray Rothbard noted in 1980,

> Despite his bravado about having stopped the growth of state government, the actual story is that the California budget grew by 122 percent during his eight years as governor, not much of an improvement on the growth rate of 130 percent during the preceding two terms of free-spending liberal Pat Brown. The state bureaucracy increased during Reagan's administration from 158,000 to 192,000, a rise of nearly 22 percent — hardly squaring with Reagan's boast of having "stopped the bureaucracy cold."

Nor "is Reagan's record on taxes any comfort. He started off with a bang by increasing state taxes nearly $1 billion in his first year in office — the biggest tax increase in California history. Income, sales, corporate, bank, liquor, and cigarette taxes were all boosted dramatically." After his re-election as governor in 1970, "[t]wo more tax hikes — in 1971 and 1972 — raised revenues by another $500 million and $700 million respectively." Overall,

> [b]y the end of Reagan's eight years, state income taxes had nearly tripled, from a bite of $7.68 per $1000 of personal income to $19.48. During his administration, California rose in a ranking of the states from twentieth to thirteenth in personal income tax collection per capita, and it rose from fourth to first in per capita revenue from corporate income taxes.

During his 1970 campaign for re-election, Reagan engaged in his customary orgy of lying — assuring voters, for example, that his feet were set "in concrete" against adopting payroll withholding of state income tax in California. Less than a year later he was joking that "the sound you hear is the sound of concrete cracking around my feet," as he signed exactly that provision into law.

Rothbard noted that Reagan "created seventy-three new state government councils and commissions, with a total budget, in his last year alone, of $12 million. Included was the California Energy Commission, which put the state hip-deep into the energy business" and created a regulatory climate under which a three-year review process was required before any new power plant could be constructed in the state.

Among Reagan's most flagrant lies concerning his tenure as governor of California were his claims to have "reformed" welfare in the state. As Rothbard noted in 1980, he "removed more than 510,000 from the welfare rolls by — among other things — forcing adults to support their welfare parents." Unfortunately, "[h]e then turned around and boosted the amount of welfare paid to those remaining by 43 percent, so that total welfare costs to the taxpayer didn't decline at all."

In 1974, having done all the damage he could legally do in California, Reagan began running for president. And by the fall of 1980 he had succeeded at this latest outrage, winning both the Republican nomination and then the election against the incumbent, Jimmy Carter, in that banner year. In January 1981, when called upon to deliver his first inaugural address, Reagan built the speech on the by-now-familiar lies that had characterized his entire career in politics up to this time. "For decades," he told Americans,

> we have piled deficit upon deficit, mortgaging our future and our children's future for the temporary convenience of the present. To continue this long trend is to guarantee tremendous social, cultural, political, and economic upheavals.
>
> You and I, as individuals, can, by borrowing, live beyond our means, but for only a limited period of time. Why, then, should we think that collectively, as a nation, we are not bound by that same limitation? We must act today in order

to preserve tomorrow. And let there be no misunderstanding — we are going to begin to act, beginning today. . . .

"It is my intention to curb the size and influence of the Federal establishment," Reagan thundered. "It is time to . . . get government back within its means, and to lighten our punitive tax burden. And these will be our first priorities, and on these principles, there will be no compromise."

But of course it was all lies, as it always had been before. Both taxes and deficits increased under Reagan. As Murray Rothbard put it in a 1988 retrospective on Reagan's years in the White House:

> In the first place, the famous "tax cut" of 1981 did not cut taxes at all. It's true that tax rates for higher-income brackets were cut; but for the average person, taxes rose, rather than declined. The reason is that, on the whole, the cut in income tax rates was more than offset by two forms of tax increase. One was "bracket creep," a term for inflation quietly but effectively raising one into higher tax brackets, so that you pay more and proportionately higher taxes even though the tax rate schedule has officially remained the same. The second source of higher taxes was Social Security taxation, which kept increasing, and which helped taxes go up overall.

Moreover, in each of the seven years that followed that phony "tax cut," taxes increased:

> with the approval of the Reagan administration. But to save the president's rhetorical sensibilities, they weren't called tax increases. Instead, ingenious labels were attached to them; raising of "fees," "plugging loopholes" (and surely everyone wants loopholes plugged), "tightening IRS enforcement," and even "revenue enhancements." I am sure that all good Reaganomists slept soundly at night knowing that even though government revenue was being "enhanced," the president had held the line against tax increases.

As for deficits, *Slate*'s Timothy Noah puts the matter succinctly: "The deficit, which stood at $74 billion in Carter's final year, ballooned to $155 billion in Reagan's final year. In the words of Vice President Dick Cheney, 'Reagan taught us deficits don't matter.'"

Taxes and deficits weren't all Reagan lied to the American people about in 1980 (and again in 1984), however. There was also free trade. "Our trade policy," he intoned, "rests firmly on the foundation of free and open markets. I recognize . . . the inescapable conclusion that all of history has taught: the freer the flow of world trade, the stronger the tides of human progress and peace among nations." Then, as president, he "imposed a one hundred percent tariff on selected Japanese electronic products," explaining that he did so "to enforce the principles of free and fair trade." As president he "forced Japan to accept restraints on auto exports"; "tightened considerably the quotas on imported sugar"; "required 18 countries, including Brazil, Spain, South Korea, Japan, Mexico, South Africa, Finland, Australia, and the European Community, to accept 'voluntary restraint agreements' that reduced their steel imports to the United States"; "imposed a 45% duty on Japanese motorcycles for the benefit of Harley Davidson, which admitted that superior Japanese management was the cause of its problems"; "pressed Japan to force its automakers to buy more American-made parts"; "demanded that Taiwan, West Germany, Japan, and Switzerland restrain their exports of machine tools"; "extended quotas on imported clothes pins"; and "beefed-up the Export-Import Bank, an institution dedicated to distorting the American economy at the expense of the American people in order to artificially promote exports of eight large corporations." By the time Reagan left office, at least 25% of all imports were restricted, a 100% increase over 1980. As Reagan's Treasury Secretary, James A. Baker, put it, Reagan "granted more import relief to U.S. industry than any of his predecessors in more than half a century."

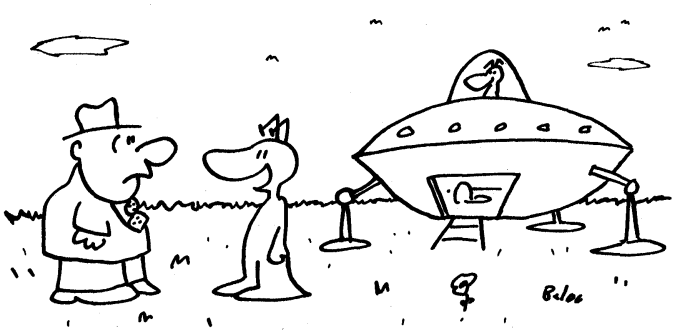

"Hi! — We hear this planet has the best unemployment benefits in the galaxy!"

Then there was draft registration. In 1979, Reagan told *Human Events* that conscription "rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state — not for parents, the community, the religious institutions, or teachers — to decide who shall have what values and who shall do what work, when, where, and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea." A year later, he promised voters to end compulsory draft registration, which had been resurrected by President Jimmy Carter. Again, he lied. As Murray Rothbard noted in a 1984 appraisal of Reagan's first term, "compulsory draft registration has been continued, and young resisters have been thrown into jail."

"Reagan," Rothbard wrote, "has been a master at engineering an enormous gap between his rhetoric and the reality of his actions. All politicians, of course, have such a gap, but in Reagan it is cosmic, massive, as wide as the Pacific Ocean. His soft-soapy voice appears perfectly sincere as he spouts the rhetoric which he violates day-by-day" ("Reagan Phenomenon"). "Wherever we look," Rothbard wrote four years later, as Reagan left office for the last time, "on the budget, in the domestic economy, or in foreign trade or international monetary relations, we see government even more on our backs than ever. The burden and the scope of government intervention under Reagan has increased, not decreased. Reagan's *rhetoric* has been calling for reductions of government; his actions have been precisely the reverse."

Before we leave Rothbard's 1984 assessment of Reagan behind, however, it is worth reflecting on one key passage from that article. "And what of the man himself?" Rothbard wrote,

> What explains him? There are only two logical explanations of the Reagan phenomenon. Either he is a total cretin, a dimwit who really believes in his own lies and contradictions. Or, he is a consummate and conniving politician, the shrewdest manipulator of public opinion since his hero FDR. Or is he some subtle combination of both? In any case, Reagan

continues to enjoy enormous personal popularity, the nice guy and the soothing-syrup voice topped by that truly odious jaunty smirk of self-satisfaction, that smile that says that he is objectively lovable and that the public adulation is only his due.

It seems evident that there are only two logical explanations of the public adulation that attended Reagan's terms in the White House and provided accompaniment for the inexpressibly vulgar observances of his death that disfigured the first half of June (highlighted by the grotesque act of flying his corpse back and forth between the East and West coasts — at taxpayer expense, of course). Either the people of the United States are total cretins, dimwits, who really believe in Reagan's lies and contradictions, or they are willing participants in a truly colossal fraud — they know exactly the real nature of Reagan's policies and support them.

Reagan started off his governorship with a bang by increasing state taxes nearly $1 billion in his first year in office — the biggest tax increase in California history.

The first of these hypotheses seems to me to be the more appealing. Rothbard, in his 1984 article on "The Reagan Phenomenon," considered the possibility that voters, particularly conservative voters, "are dumb, and don't see the contradictions. Certainly, this fact plays a role. What Lawrence Dennis used to call the 'dumbright' and Macaulay called the 'stupid party' still exists in America." At another point in the same piece he refers to Reagan's "quasi-libertarian rhetoric, by which he sucks in the dumbright conservative voting masses."

Another question remains, however: how are we to account for the widespread worship of Reagan among supposed libertarians? During the days that followed Reagan's death, the nation's TV screens and the pages of its public prints were filled with a veritable tidal wave of bilge about his legendary status as an advocate of limited government and individual rights. And, shockingly, libertarians were among those shouting the loudest hosannas. Tibor Machan gushed that "[t]hose who love liberty lost one of their premier leaders when Ronald Reagan died . . . he was the greatest political friend of liberty of our time." Aaron Starr, the chairman of the Libertarian Party of California, announced in a news release that Reagan was "a great champion of individual liberty." Doug Bandow of the Cato Institute declared that Reagan was "one of America's greatest, and most optimistic, advocates of freedom." David Boaz, Cato's executive vice president, delivered himself of the opinion that "the best aspect of American conservatism is its commitment to protecting the individual liberties proclaimed in the Declaration of Independence and guaranteed in the Constitution" and that "Ronald Reagan spoke for that brand of conservatism."

How are we to account for this outpouring of delusional admiration on the part of people who ought to know better? One possible answer is that all of them buy into one of the most persistent — and perplexing — myths about Reagan's time in the White House, the notion that he "won" or at least "ended" the Cold War, by "bringing down the Soviet Union." So great an achievement, these nominal libertarians argue, casts into relative insignificance Reagan's "failure" to lower taxes, reduce deficits, or cut back the overall size and intrusiveness of government.

John Fund, who started out as a libertarian back in the 1970s as a paid staffer for the Libertarian Party of California and a paid contributor to *The Libertarian Review* and other movement publications of the day, has labored for most of two decades now in the neoconservative vineyards of *The Wall Street Journal* and its various spinoffs. So it is perhaps unsurprising that he should wish to characterize Reagan as the far-seeing victor of the Cold War. But when, apparently with a straight face, he quotes former CIA director Robert Gates as saying that "Reagan, nearly alone, truly believed in 1981 that the Soviet system was vulnerable . . . right then," he tests the credulity of any intelligent person. For, as Fund knows perfectly well, there were plenty of other people in the early 1980s who believed the Soviet Union couldn't endure much longer. Ludwig von Mises understood as far back as the 1920s why the Soviet system must eventually collapse and explained his reasoning at that time. He and his most famous disciple, Friedrich A. Hayek, spent much of the '30s and '40s elaborating and popularizing his explanation.

Rothbard sneered that "Reagan obscenely calls himself the intellectual disciple of Bastiat and Mises," but perhaps in this case he really was. If he was, he must have known that, for reasons Mises had spelled out 60 years earlier, the Soviet economy had to be in parlous shape by the early 1980s, whatever extravagant claims the Soviet government might make to the contrary. And if he knew that, he had to know that any policies he might pursue vis à vis the Soviet Union would have little or nothing to do with the inevitable collapse of the rival "superpower." Jim Powell, author of *The Triumph of Liberty* and longtime editor of the Laissez Faire Books catalog, another "libertarian" you'd expect to be capable of seeing through the Reagan mythology, considers the possibility that the Soviet implosion had little to do with American policies, but rejects it. After all, if he accepted it, he'd have to give up his absurd pretense that Ronald Reagan belongs in a book on the "lives of freedom's greatest champions."

The deficit, which stood at $74 billion in Carter's final year, ballooned to $155 billion in Reagan's final year. In the words of Vice President Dick Cheney, "Reagan taught us deficits don't matter."

Glenn Garvin, editor of *Inquiry* magazine during the first Reagan administration and another, apparently, former libertarian, similarly ridicules the idea that Reagan didn't really "win" the Cold War, but was merely "the political equivalent of the millionth customer at Bloomingdale's. He was the guy lucky enough to walk through the door as the prize was handed out." For Garvin, bent on the mysterious Reagan worship that seems to afflict so many aging former advocates of individual liberty, it is self-evidently absurd to think that "everything was pre-ordained and would have happened the same way no matter whether the White House had been occupied by Michael Dukakis or George McGovern or Susan Sarandon." Maybe Garvin should brush up on his Mises and Hayek, though — because that's pretty much the inescapable conclusion for anyone who understands Austrian economics.

The attentive reader will have noticed by now the manner in which I have slid in the last few paragraphs, as though down a slippery slope, from wondering aloud how self-described libertarians can lend any credence whatever to Reagan's official mythology to describing those libertarians who do as "former libertarians," thereby implicitly questioning their libertarian bona fides. I have certainly noticed this tendency within myself, and have given rein to it only after some years of thought on the matters under discussion here. Murray Rothbard stated flatly in 1984, at the mid-point in Reagan's White House career, that "The presidency of Ronald Wilson Reagan has been a disaster for libertarianism in the United States." Bill Bradford and Doug Casey denounced Reagan in similar terms at a conference in 1983. Justin Raimondo makes a similar, albeit somewhat muted, point in an otherwise surprisingly pro-Reagan column published online in early June when he writes:

He promised voters to end compulsory draft registration, which had been resurrected by President Jimmy Carter. Again, he lied.

Ronald Reagan and his libertarian fifth columnists managed to persuade the American electorate that a libertarian is just another kind of conservative.

> There was real passion and conviction in his voice when he denounced the evils inherent in government authority, and that was one of the real problems being a Libertarian Party activist in the 1980s — the Gipper was borrowing our rhetoric, and even some aspects of our program (without, of course, following through). The genial, inspiring, funny GOP standard-bearer was stealing our thunder, dammit, and charming the country into believing that he would really roll back the power of government in America and set us all free.

It wasn't only Reagan's persuasiveness that took the wind out of the libertarian movement's sails back in the 1980s, though. It was also the behavior of so many members of the libertarian movement: the writers who fawned over Reagan in the style exemplified today by Machan, Bandow, and Boaz; the "libertarians" who actually took jobs under Reagan and went to work in Washington — as though there was a real chance that libertarian policy goals could be accomplished in an administration dominated by men like Alexander Haig and Edwin Meese. Together, Ronald Reagan and his libertarian fifth columnists managed to persuade the American electorate that a libertarian is just another kind of conservative and that there's no need to involve oneself in a libertarian movement in order to achieve libertarian goals, because the Republican Party stands for all the same things and actually has the power to make those things happen. They managed, too, to persuade almost everyone who didn't like the consequences of Reagan's policies that those consequences were the result of deregulation, privatization, tax cuts, spending cuts, reductions in the size and power of government — all the things libertarians recommend but which Reagan never even attempted to implement.

So it was that, with a little help from his "libertarian" friends, Ronald Reagan, a washed-up movie and TV actor of marginal talent who carved out a new career slurping at the public trough and mouthing platitudes he didn't even understand himself, did more damage to the movement for individual freedom than any other American politician of the 20th century. Ronald Reagan, R.I.P.? . . . Rest In Peace? Balder-dash! Ronald Reagan, R.I.H.! Let him Rot In Hell. ☐

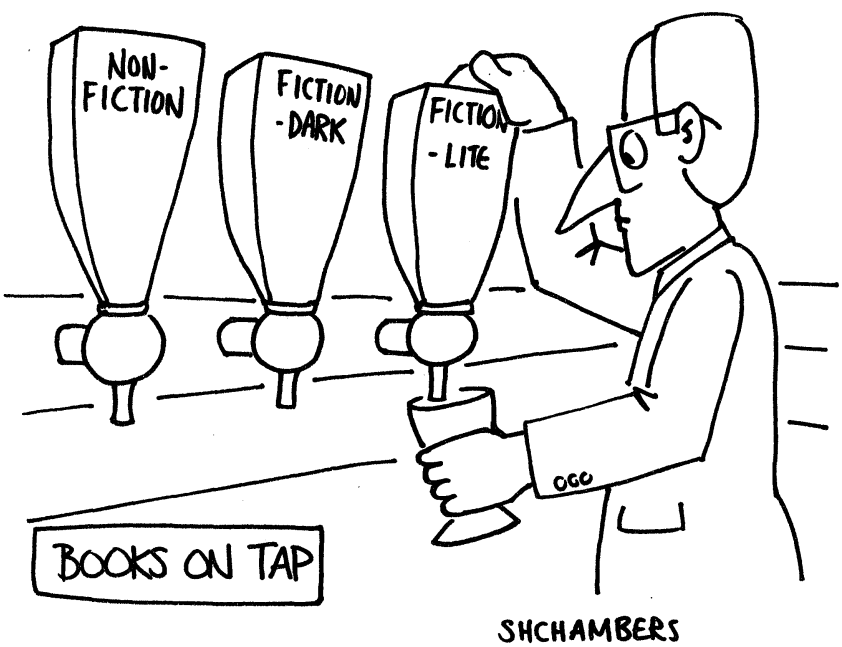

Prestige Has Consequences

by Stephen Cox

Some years ago, I used to attend the monthly meetings of the Libertarian Supper Club in Los Angeles. Like a number of other participants, I had the bad habit of carrying a book with me, in case the conversations got dull — although my habit was not so self-destructive as that of one regular attendee, a gentleman who invariably sat down, opened his book, and remained immune to all threats of conversation throughout the evening.

At the end of one session I was wandering aimlessly around the room, hoping that someone would talk to me, when I brushed the outer fringes of a group that had gathered around a well-known libertarian personality. He was an adept of Ayn Rand's ideas and was holding forth about her concept of "romantic art." "Wait!" he cried, pointing in my direction. "What's that book you're carrying?"

"Oh," I said, delighted to be noticed. "It's called *Roman Architecture* . . . "

"Uh," he replied, inspecting the object with disgust. "I thought it said *Romantic*." He swivelled abruptly back to his disciples. "As I was saying . . . "

Friedrich Hayek, the great libertarian theorist, had intellectual prestige. His disciples, Margaret Thatcher and Ronald Reagan, turned it into love, and used it to change the world.

Since that sad day, I've noticed that many libertarians have the habit of obliterating from their notice or affection any entity that fails to fulfill their immediate ideological purposes. Rome? Uninteresting. Patriotism, national or local pride? Irrational. Military, diplomatic, literary, or cultural history? Irrelevant. Religion? Lies. Politicians? All the same, except the ones who claim, as Ronald Reagan did, that they themselves are libertarians. Those are worse than all the others put together.

President Reagan's death on June 5 has provoked a torrent of libertarian critiques of him, some of them thoughtful and accurate, many of them one-sided and abusive. I have my own disagreements with his ideas and actions in office, but I won't list them here. You can easily guess what they are, and besides, I don't feel like offering incense to the Reagan-haters. It's enough to say that where Reagan failed, in my opinion, he did so by behaving like virtually all other American politicians of his time. If you've ever read a newspaper, let alone a book, that shouldn't be the cause of hysterical disappointment. Reagan's significance lies in the things he did that were different.

He announced, plainly and bravely, that there is evil in this world, and that collectivist states are the focus of evil. With equal clarity, he announced that there is good in this world, and that its focus is individualism and individual rights. He drew the proper deduction, that small government should be the goal of political action. He put that idea into practice by engineering an enormous tax cut and by harassing communist collectivism wherever he thought it was vulnerable, until it collapsed and the world was free of its Satanic power.

Reagan did not single-handedly "defeat the Soviet Union." Its defeat had many causes, just as the defeat of fascism had many causes. Yet everyone who remembers waking in the night from dreams of nuclear obliteration has good reason to thank the shade of Ronald Reagan.

Thatcher's heroic appearance at Reagan's funeral, where she was seated next to Mikhail Gorbachev, the Hayekian winner next to the Marxist loser, can tell you almost all you need to know about politics.

Libertarian intellectuals — many of whom are so loud in debunking his legacy — have the most reason to thank him, for the savage blow he dealt to the prestige of their competitors, the class of modern liberal and socialist thinkers who dominate the academic establishments of the West. These people believe that nothing is true except the imagined truths of collectivism, that individual rights aren't rights at all, that state power is intrinsically good and nothing is

intrinsically evil except the act of calling something evil. Reagan may not have convinced many of the soi-disant intellectuals themselves, but he showed them that the antitheses of their notions were still alive after all, and that the majority of the American people still responded to them. He bequeathed to the cause of liberty a popular affection it had not enjoyed for many decades.

If you think that ideas have consequences, imagine also that prestige has consequences. No libertarian movement can ever succeed without prestige, and the political manifestations of prestige — respect and love. The problem with the current libertarian movement is that there is practically no one in it who is capable of arousing anything like the kind of love and respect that President Reagan did. Friedrich Hayek, the great libertarian theorist, had intellectual prestige. His disciples, Margaret Thatcher and Ronald Reagan, turned it into love, and used it to change the world. Thatcher's heroic appearance at Reagan's funeral, where she was seated next to Mikhail Gorbachev, the Hayekian winner next to the Marxist loser, can tell you almost all you need to know about politics.

One thing you can learn is that you cannot lead people to change the world without making them feel *able* to do it and *proud* to do it. You cannot lead them to do much of anything by analyzing their weaknesses and defacing their flags. That is where, thank God, modern liberals and modern collectivists, the Jimmy Carters and Mikhail Gorbachevs of the current era, continue to go wrong. They have never taken Reagan seriously. Libertarians should learn from their mistake.

Ronald Reagan was a man of great personal courage. He was also a charming, kind, and generous man. His anger was never petty; his responses to life were never bigoted. He thought soberly and expressed his thoughts ingeniously, with less damage from his provincial background and philistine cultural milieu than anyone could ever have expected. Over the course of a long and difficult life, a life filled with failures and half-successes, he established peculiar, and peculiarly powerful, means of psychological self defense. In politics, too, he was capable of strange twists and turns, inconsistencies to which he often seemed, and perhaps was, wholly oblivious. He was a complex human being, psychologically one of the most complex and interesting men ever to serve as president. Yet his basic ideas, like the basic features of his personality, were as firm and lofty as a line of Roman arches. Should libertarians be impressed by Ronald Reagan? Yes, I think we should. ❑

A Great Man

by Alan Ebenstein

Ronald Wilson Reagan was born on February 6, 1911, and died on June 5, 2004. His life spanned an incredible era in United States history, from before World War I to the War on Terror. He was one of the greatest Americans, in a league with Washington and Lincoln. He nobly advanced the cause of liberty at home and around the world. The passing of a two-term president is an occasion for reflection, because such leaders are so much a part of the life of everyone old enough to have followed the news when he was in office.

My earliest memory of Reagan is from his 1966 campaign for governor. My parents were Roosevelt-Truman-Kennedy-Johnson Democrats, who had probably never considered voting for a Republican in their lives. I remember watching a TV special shortly before the election where incumbent governor Pat Brown showed and made fun of a clip from one of Reagan's movies. It was to Reagan's great political advantage that he was often underestimated.

Reagan was a shrewd politician. Though he had great integrity, he was flexible enough to change his positions. When he was elected governor in 1966, he ran on a platform of opposition to withholding taxes from workers' wages, and said his position was "in concrete." After a few months and a mounting state budget crisis, he announced one day that "the sound you hear is the sound of concrete cracking around my feet."

In 1967, Reagan signed a bill essentially legalizing abortion in California well before the United States Supreme Court's 1973 *Roe* v. *Wade* decision, but he later supported a constitutional amendment banning abortion.

Reagan was from a different time and place in American history. He grew up poor, in small-town, Midwestern America. Despite, or perhaps because of his humble origin, he retained incredible optimism throughout his life. He was

introduced to the national audience through his movies. Though often belittled, he was actually a grade B+ actor — not too shabby, considering how many are called and how few are chosen for this most sought after employment.

On October 27, 1964, a group of Goldwater supporters bought a half hour on national television for Reagan to argue on Goldwater's behalf. "You and I are told we must choose between a left or right," Reagan said, "but I suggest there is no such thing as a left or right. There is only an up or down. Up to man's age-old dream, the maximum of individual freedom consistent with order, or down to the ant heap of totalitarianism. Regardless of their sincerity, their humanitarian motives, those who would sacrifice freedom for security have embarked on this downward path."

The Mixed Legacy

of Ronald Reagan

His closing words made it clear that this was no ordinary political campaign:

> You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done.

There was no moral ambiguity in his mind, nor any doubt as to which of the two superpowers should win the Cold War.

It was an electrifying performance, and it launched the political career that led him to the governorship of California and the presidency of the U.S.

When Reagan called the Soviet Union an "evil empire" early in his presidency (much to the chagrin of even many of his advisers, much less most of the media), he meant it. He saw the United States and the Soviet Union locked in a life or death, good versus evil struggle. There was no moral ambiguity in his mind, nor any doubt as to which of the two superpowers should win the Cold War.

Reagan won the Cold War largely through the Strategic Defense Initiative. Though derided at the time, the Strategic Defense Initiative was what, more than anything else — at least according to former high Soviet officials — caused the Soviet Union to knuckle under. If it were not for Ronald Reagan, there could well have been a World War III.

Reagan was a man of peace. He thought that peace, on the nation-state level, is obtained through strength. Largely as a result of his determination, the United States embarked on a major arms build-up during the 1980s which has served the nation well to this day. In 1987, when he went to Berlin and spoke the words, "Mr. Gorbachev, tear down this wall!" he meant it. Two years later, the Berlin Wall fell.

The collapse of the Soviet Union in 1991 justified his presidency.

Reagan was more than a great leader in foreign affairs. It can be argued that his social policies were as influential as those of any recent president.

He was once described as a "closet tolerant," and I think this well describes him. Actors are always a liberal bunch when it comes to lifestyle. No one ever accused Reagan of personal bigotry. Indeed, in the 1970s he opposed a California state initiative that would have prohibited homosexuals from being public school teachers. Paradoxically, I believe that the extent to which America is now moving in a pro-life, pro-traditional values, pro-traditional marriage direction, is as much due to Ronald Reagan as to any other man.

Reagan was much more intelligent than many gave him credit for being. According to his adviser Martin Anderson, Reagan's reading of the great free-market economists, including Ludwig von Mises, Friedrich Hayek, and Milton Friedman, was instrumental in the formulation of his domestic policies.

Once in office, Reagan implemented a decidedly free-market program — slashing tax rates, indexing taxes for inflation, supporting efforts of the Federal Reserve to eliminate inflation, cutting regulatory excess, and curbing domestic spending. While he did not make as much progress as he would have liked, he at least started the process of turning the tide against ever-increasing government.

As Reagan was taking the oath of office on January 20, 1981, Americans who had been held hostage in Iran for over a year lifted off the tarmac in Tehran, symbolizing the renewal of national hope and inspiration. During the Reagan years, America cleaned up the world and made a start on putting our own house in order.

I saw Reagan twice, once at a Santa Barbara fiesta when he was governor of California, and in 1992 when, both out to pasture, he met Gorbachev in Santa Barbara. On the latter occasion, there were several hundred invited guests in the airport hanger. I did not shake Reagan's hand, but I passed within a few feet of him. He was a tall, good looking man, with clear eyes. I was impressed by his straight posture both of the times I saw him. Now that Reagan has died, the question of a suitable national memorial for him will undoubtedly arise. I agree with those who think Reagan should replace Alexander Hamilton on the $10 bill.

Reagan loved his ranch in Santa Barbara, now owned and

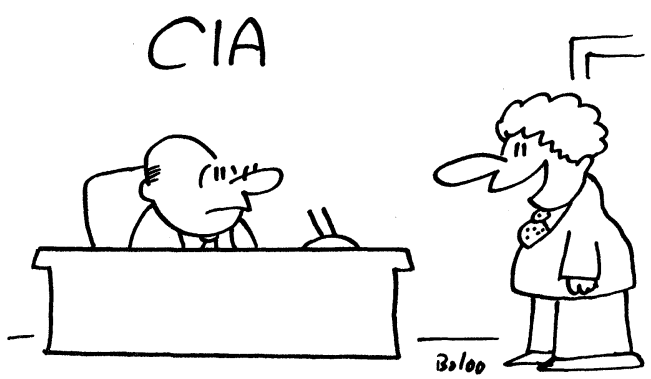

"I'm suspended for three months? Great! — It'll give me time to work on my book!"

operated by Young America's Foundation. He called it Rancho del Cielo, "Ranch of the Sky." He liked to joke that, while his ranch might not be heaven, it shares the same ZIP code.

Ronald Reagan famously echoed John Winthrop in declaring the land he loved so much to be "a shining city upon a hill." He was a man of optimism, a man of vision, and a man of peace. May he rest in it. ❑

"Just Saying No" to Freedom

by Dale Gieringer

Ronald Reagan was one of the more impressive presidents of my lifetime, though unfortunately that's not saying too much. He deserves credit for bargaining tough with the Communists, instituting a round of nuclear disarmament, trying to curb excessive government spending and regulation, and cutting through liberal cant on the need for government to address every conceivable problem.

On the other hand, his drug policy was entirely disastrous, marked by an aggressive expansion in government powers that in every way betrayed his supposed conservative belief in personal freedom and limited government.

The Reagan administration introduced unprecedented and aggressive new tactics in the war against non-government-approved drugs. The DEA was unleashed to employ increasingly unscrupulous tactics, using paid informants, sting operations, entrapment, and pressuring foreign countries to enforce U.S. laws.

Sweeping federal asset forfeiture laws were enacted allowing the government to seize homes, bank accounts, vehicles, and personal property loosely related to a drug offense. He introduced CAMP helicopters to disrupt the peace of our wilderness in an endless search for marijuana gardens. While his administration professed its devotion to free enterprise, its tactics were more reminiscent of Cuban-style socialism.

The Reagan administration introduced unprecedented and aggressive new tactics in the war against non-government-approved drugs.

These tactics were approved by the federal courts, where Reagan appointed "law and order" judges who habitually favored law enforcement, no matter how ill-advised, over civil liberties. Their epitome was the arch-"conservative" Justice William Rehnquist, a drafter of the Controlled Substances Act, whose opinions consistently favor unprincipled state power over personal freedom, and whose appointment as Chief Justice remains a festering, toxic legacy of the Reagan revolution to this day.

The Reagan administration came down especially hard on marijuana. Even though Nancy and he were rumored to have puffed a joint at a dinner party, in their hearts they saw it as an inimical, counterculture menace. As governor, Reagan vetoed the first California bill to reduce marijuana penalties. As president, he spurned the recommendation of the National Academy of Science report that marijuana be decriminalized, ignoring the success of the numerous state decriminalization laws that had been enacted in the '70s.

Under Reagan, research on the medical use of cannabis was terminated, leaving the field to two decades of neglect; information favorable to marijuana was suppressed from libraries, and millions of research dollars were wasted trying to prove the bogus theories of Gabriel Nahas about supposed adverse effects of marijuana on cell membranes, hormones, the immune system, etc.

Most memorably, Nancy Reagan cheered the drug war along with her famous "Just Say No" campaign. When addressed to school pep rallies, these efforts were at worst irritating but unobjectionable. As Tim Leary observed, "Just Say No" is good advice for kindergartners.

What was more seriously disturbing was how the Reagan administration was treating adults. The administration that was supposed to get government "off our backs" instead got into our bladders by promoting widespread drug urine testing, including mandatory random testing of the military, government workers, and thousands of non-governmental workers in the transportation industry.

The freedom to create and design new drugs was quashed by new laws outlawing analog drugs and precursor chemicals. Draconian new mandatory minimum sentence laws for

continued on page 52

Dark Horse on the Third Ballot

by R. W. Bradford

The Libertarian Party nominates a candidate without knowing his views or knowing about his brushes with the law.

By now, most libertarians know that the Libertarian Party chose as its presidential nominee Michael Badnarik, the darkest of dark horses, and a figure hardly known within the party and virtually unknown to non-LP libertarians. Badnarik is a self-taught constitutional scholar whose views were scarcely known to most LP members and delegates prior to the nomination.

Coming into the convention, the favorite for the nomination was Gary Nolan, a talk-radio personality who had raised the most money, won all five LP primaries, and put together a professional campaign staff. Nolan proposed the same electoral strategy that the LP candidate had employed in the previous two elections: he'd try to appeal primarily to conservatives, reaching out to them on talk radio.

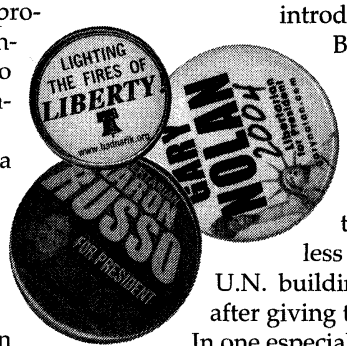

Badnarik was different. He had embarked on a quixotic quest, traveling from state to state in a 1999 Kia Sephia, visiting state party conventions, speaking wherever he could, staying in the guest rooms of supporters whenever he could arrange it, hitting cheap motels when he couldn't. In late 2003, he interrupted his campaign to take a job in telemarketing to earn some much needed cash.

Badnarik believes that the federal income tax has no legal authority and that people are justified in refusing to file a tax return until such time as the IRS provides them with an explanation of its authority to collect the tax. He hadn't filed income tax returns for several years. He moved from California to Texas because of Texas' more liberal gun laws, but he refused to obtain a Texas driver's license because the state requires drivers to provide their fingerprints and Social Security numbers. He has been ticketed several times for driving without a license; sometimes he has gotten off for various technical legal reasons, but on three occasions he has been convicted and paid a fine. He also refused to use postal ZIP codes, seeing them as "federal territories."

He has written a book on the Constitution for students in his one-day, $50 seminar on the Constitution, but it is available elsewhere, including on Amazon.com. It features an introduction by Congressman Ron Paul and Badnarik's theory about taxes. His campaign website included a potpourri of right-wing constitutional positions, as well as some very unorthodox views on various issues. He proposed that convicted felons serve the first month of their sentence in bed so that their muscles would atrophy and they'd be less trouble for prison guards and to blow up the U.N. building on the eighth day of his administration, after giving the building's occupants a chance to evacuate. In one especially picturesque proposal, he wrote:

> I would announce a special one-week session of Congress where all 535 members would be required to sit through a special version of my Constitution class. Once I was convinced that every member of Congress understood my interpretation of their very limited powers, I would insist that they restate their oath of office while being videotaped.

One assumes, although one cannot prove, that none of this is an exercise in irony. At any rate, these opinions were removed from the website shortly after he won the nomination, and they didn't come up when he visited state party conventions. Nor did his refusal to file tax returns, thereby risking federal indictment and felony arrest. While many of his closest supporters were aware of these issues, they were

unknown to most LP members.

During the first year of the campaign, Nolan and Badnarik met each other on the campaign trail. They made

The favorite for the nomination was Gary Nolan, a talk-radio personality who proposed the same strategy that the LP candidate had employed in the previous two elections: he'd try to appeal primarily to conservatives, reaching out to them on talk radio.

an agreement not to criticize each other, and became "close friends," in the words of Gary Nolan. Both expected that Nolan would win the nomination easily.

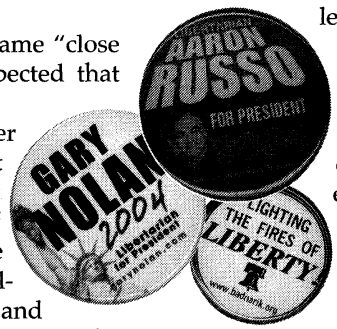

In mid-January, former Hollywood producer Aaron Russo, who staged a brief independent campaign for the presidency in 1996 and ran for the Republican nomination for governor of Nevada in 1998, announced his candidacy for the Libertarian nomination. He put together an all-volunteer staff, began to visit state conventions, and put up a very impressive website. He was worried about the prospect of another campaign like the past two, in which LP nominee Harry Browne had spent millions of dollars but had gotten .50% and .36% of the vote. Russo thinks Browne is a "disgrace to the Libertarian Party" because Browne promised to spend the money he raised during the campaign on advertising, but spent it instead on personal travel, generous salaries for his staff, and building a fundraising base for future use. (Browne had spent only $8,840 of $1.4 million on advertising in his first campaign, and about $117,000 of $2.7 million on advertising in his second.)

Russo quickly gained considerable support, more than enough to worry front-runner Nolan. Part of the reason Russo gained ground so fast was Nolan's association with Browne, in addition to proposing to repeat Browne's obviously failed strategy. This impression was reinforced when Browne publicly endorsed Nolan's candidacy.

In 1996, Browne hired Perry Willis, the party's national director, and Bill Winter, editor of the party's newspaper, to work for his nomination. This violated party rules and the terms of both employees' contracts. When exposed, Browne, Willis, and Winter all agreed to end their business relationship. Five years later, copies of invoices for services rendered were found among files archived on Willis' computer at LP headquarters, revealing that he and Browne had conspired to continue their illicit relationship and, with other members of Browne's staff, had conspired to pay Willis by a process of laundering the funds through another legal entity. Willis admitted that he had done this, arguing that his work for Browne's candidacy, though in violation of his employment contract and LP rules, was of such vital importance to the party that it justified his and Browne's lying and defrauding the party. Browne at first told supporters that he could explain everything in a way they'd find acceptable, but as the evidence mounted, he simply refused to say anything on the subject, not even responding to the National Committee's investigation.

The party's National Committee passed a resolution banning the party from doing further business with Willis or any entity with which he was involved, and condemning Browne and the other members of his management team who were implicated in the scheme.

But one of Browne's conspirators remained in charge of the party's publications and, not surprisingly, chose not to report very much about the episode, and other party officials presumably were reluctant to publicize Browne's misdeeds out of fear of hurting their ability to raise funds. Despite the lack of publicity within the party about Browne's malfeasance, a substantial number of party activists learned about it and were disgusted with Browne.

Nor did it help Nolan to have Steve Dasbach as his campaign manager. Dasbach was not directly implicated in Browne's scandal, but he was the party's chair and then its executive director during the period of Browne's hegemony, and had proved extraordinarily cooperative with Browne and extraordinarily unvigilant about Browne's fraud. Furthermore, Dasbach had mismanaged the party during his tenure at its national office, bringing it near bankruptcy, even as paid staffers gave each other "outstanding" performance reviews.

Although Nolan's association with Browne and Dasbach undoubtedly helped him with fundraising, it left a very bad taste in a great many delegates' mouths. From my informal canvasses of delegates, it seemed quite apparent that had Nolan not been associated with Browne and Dasbach, he would have easily won the party's nomination.

Michael Badnarik seemed to most in the party a right-wing sideshow. He campaigned tirelessly, and was a sincere and attractive spokesman for his interpretation of the Constitution, but that was all.

Russo, on the other hand, proved an extremely attractive candidate: he had enjoyed considerable success in business,

Badnarik seemed a right-wing sideshow. He campaigned tirelessly, and was a sincere and attractive spokesman for his interpretation of the Constitution, but that was all.

including the production of a handful of Hollywood movies, and had garnered 26% of the vote in the Republican primary for governor of Nevada in 1998. In 1996, he had declared his candidacy for president as the candidate of the Constitution Party. He had caused considerable worry among Browne and his supporters before he dropped out of the race well before the election.

Russo also offered a very different style of libertarianism from Browne and Co.: he was a fiery speaker who appealed

to people's emotions. His passions sometimes took him in strange directions, mostly of a far-right character, especially in his views of the IRS and the Federal Reserve System, but also toward some environmentalist positions that did not resonate well with LPers. He is believed to be wealthy and to have wealthy friends, and many LP members believed he might invest substantially in his campaign and raise significant funds from his friends. As Russo campaigned for the nomination on the Internet and at LP state conventions, what had looked like a cakewalk to the nomination for Nolan quickly became a real horse race.

Russo is convinced that the only way an LP presidential candidate can gain real visibility is to advertise on television, and promised to spend half the money he raised to air television advertisements. He wanted to assure delegates and potential supporters that he was serious about his campaign having real impact. He also hoped to goad Nolan into making the same promise, so that whichever candidate was nominated, the campaign would not repeat the Browne debacles in which virtually no money was spent to purchase advertising, despite the candidate's promises. To drive his point home, he produced a number of hard-hitting television spots, which were aired on Atlanta television during the convention.

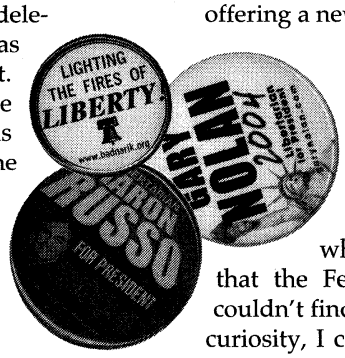

Russo also promised to engage in civil disobedience at any presidential debate from which he was excluded, if he was showing up at any reasonable level in the polls. And he hired a pollster to survey Americans on a number of issues that the LP might use to gain public support. He was plainly a new kind of candidate for the LP nomination, offering a new kind of strategy.

Aaron Russo proved to be an extremely attractive candidate. What had looked like a cakewalk to the nomination for Nolan quickly became a real horse race.

I've known Aaron Russo for ten years, and had been lobbied long and hard by a supporter of Gary Nolan, the front-runner. I had heard Nolan's performance on a Seattle talk radio program, and had been very favorably impressed. I knew little of Badnarik aside from what I'd picked up in a brief look at his website, where I had learned that, like Russo, he believed that the Federal Reserve System is privately owned. (I couldn't find anything about this on Nolan's website. Out of curiosity, I called Nolan and discovered that he shared this

Welcome to the LP Convention! —

I was reluctant to go to the convention because of past experience with covering the LP. Prior to the 2002 convention, getting press credentials was simply a matter of showing up, stopping by the media office, and picking them up. A few months before the 2002 convention, I contacted the party and asked about credentials. My request was forwarded to the LP's press relations staff — Bill Winter and George Getz — who didn't respond. So I emailed Winter another request. Again, he failed to respond.

I was vaguely concerned that Winter might hassle us because *Liberty* had broken the story that 1996 and 2000 LP nominee Harry Browne had raised millions of dollars which he promised to spend on advertising, but that he actually had thrown only a few thousand dollars in that direction. And *Liberty* had also been among the first media to report Browne's secretly hiring the party's professional staff (including both its executive director, Perry Willis, and media relations director Winter) to help him secure the 2000 nomination, in direct contravention to the LP's rules.

I was told by the party's chairman, Steve Dasbach, that Winter had probably not responded because he was so busy and, while I could imagine that Winter might hassle us, I could not imagine that he would deny credentials to the one news medium that reported on the LP in detail and provided independent analysis of its activities. So I told James Barnett, a young journalist whom I had assigned to cover the story, simply to go to the convention site and see Winter in the media room for press credentials.

The morning the convention began, I got a call from Barnett, informing me that he had been denied credentials because *Liberty*'s past coverage of the LP had been "biased" (unlike coverage in other media, which had been nonexistent), and that if he wanted to attend the convention, he would have to purchase a membership and pay a registration fee. Barnett purchased a membership, attended the convention, and filed his story.

As the 2004 convention approached, LP Press Secretary Getz reacted exactly as his predecessor had: he simply didn't respond to my requests. I figured he might very well be planning to bait *Liberty* into coming to Atlanta where he would again refuse to issue credentials to its reporters.

At the *Liberty* Editors' Conference in Las Vegas two weeks before the convention, I ran into George Squyres, a Libertarian National Committee member whom I knew. He asked me whether I would be attending the convention, and I told him about the non-response from Getz. He said he'd look into it. The day I got back to the office, I received two emails with the subject line "Press Credentials," one a form letter from Getz, thanking me for requesting press credentials and informing me that he would have "personalized credentials" for me in the media room when I arrived; the other from Squyres, advising that I "should have received" my press credentials, with a copy of Getz's form letter and a notation that a copy had also been sent to the party's executive director, Joe Seehusen, and the party chair, Geoffrey Neale. It appeared that it had taken intervention from all three to get Getz to provide press credentials — curious behavior from a party that has difficulty getting attention from the press.

It was nine days before the convention, and the cost of flying there had tripled, but with this resounding welcome, how could I refuse to attend? —*R. W. Bradford*

goofy belief, which I mentioned in the June *Liberty* in a brief comment about the upcoming convention.)

But there's only so much you can learn from candidate websites, blogs, and telephone conversations with activists. To get a real feel for the nomination, I had to talk with the candidates, their managers, and, most importantly, with the convention delegates.

* * *

Thanks to the LP's refusal to grant press credentials to *Liberty* (see sidebar, page 37), I wasn't able to arrange transportation until the last moment, and didn't arrive at the Marquis Marriott Hotel, where the convention took place, until 1:15 a.m. Friday. The convention's usual Thursday night party had disappeared without a trace by the time I arrived.

I was up early the next morning, hoping to find out how the convention was sizing up. I very quickly ran into the affable Steve Dasbach, front-runner Nolan's campaign manager. He confidently predicted that his man would win the nomination, probably on the second ballot. He told me that his campaign had polled delegates and found that Nolan was favored by 51%, Russo by 39%, Badnarik by "about 5%" with the remaining 5% undecided.* He also told me that according to many observers, Aaron Russo had acted in ways that were inappropriate at various LP state conventions, and was widely regarded as a "loose cannon," whose behavior was sometimes inappropriate. This was the first, but not the last, time a Nolan staffer would impugn Russo's character.

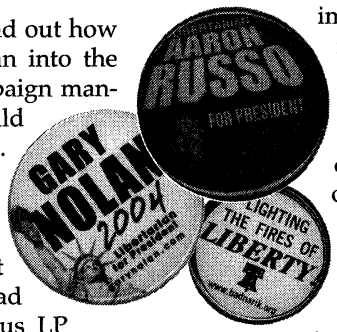

I then went looking for Steve Gordon, the campaign manager for Aaron Russo, who told me that the Russo campaign had also surveyed delegates. Not surprisingly, their survey showed a slightly different outcome: it showed Russo with the support of about 50%, Nolan with about 40%, and Badnarik with 10%.

I had doubts about both surveys: this was the fourth LP nominating convention I'd covered for *Liberty*, and I could not recall a convention where under 25% of delegates were undecided. It seemed unlikely to me that the Nolan camp's estimate of just 5% undecided could be remotely accurate, not to mention the Russo campaign's estimate of 0%.

So I did what I always do at conventions: I began to talk to delegates and the heads of delegations. My doubts were quickly confirmed: it was obvious that at least a quarter of delegates were undecided. I showed Nolan and Russo in a dead heat with support from around 30% of delegates, Badnarik getting about 15%, and the remainder undecided. It looked like a very open convention.

I also interviewed Russo and Nolan. I found Nolan to be as articulate and personable in the flesh as he had been on the radio. Russo was his usual outrageous self: alarmed at the decline of freedom in America and full of bombast and emotion.

I spent most of the day continuing to canvass delegates and talking with campaign staffers. Every time I ran into a Nolan staffer, I was lobbied about what a bad candidate Russo would be. The main theme was the anti-Russo stuff Dasbach had spun, though told in more lurid language: Russo was crazy, he acted in ways that would embarrass the party, he was a loose cannon. Some added another charge: that Russo's health was bad, that he had cancer and would not be able to finish the campaign. It was the most intense lobbying, and the most negative, that I'd ever encountered at an LP convention.

One Nolan staffer asked me for my impression of the convention, and I told him that my most salient impression was the anti-Russo spinning I got from every Nolan operative I'd run into. He asked me what sort of stuff I'd heard, and I told him about the crazy-loose-cannon stuff, to which he confessed, "Yes, I think I've been doing that." I added that I'd also heard a lot of allegations that Russo's health was too poor to enable him to campaign. "You haven't heard that from me or any Nolan staffer. You must have heard that from Carol Moore!" (Moore was a Nolan supporter who was not directly affiliated with the campaign.) Then he added, "But he has missed half the state conventions that he had said he was going to." At a press conference later that day, I asked Russo how many state conventions he had missed. "Two," he answered.

Russo staffers engaged in no such personal attacks, at least in my contact with them. In fact, they didn't say anything unfavorable about Nolan at all. I have no idea why. Perhaps they were inclined to keep such personal matters out of the campaign. Perhaps they were too amateur to engage in such spinning to the press.

Russo promised to spend half the money he raised to air television advertisements. He hoped to goad Nolan into promising the same, so that the nominee would not repeat the Browne debacles.

The Nolan campaign was bitter about an earlier attack that it believed had its origin within the Russo campaign. On May 21, Russo speechwriter Tom Knapp circulated an email that contained substantial negative information about Nolan: it quoted him as saying something that could be interpreted as hostile to gays and something that was definitely hostile to Native Americans, and denouncing a student who did not want to recite the Pledge of Allegiance in school. It also reported that Nolan had worked for a conservative Republican organization that financed GOP candidates in races against LP candidates.

Shortly thereafter, Knapp discovered that the comments

*When I spoke to Dasbach two weeks after the convention, he denied that he had told me these numbers. When I asked him what results the Nolan campaign's survey had at the time, he told me he didn't remember. At my request he later emailed me the numbers that the campaign had as the convention opened: Nolan 45%, Russo 16%, Badnarik 8%, others 2%, undecided 29%.

about Native Americans had actually been made by someone else (he'd picked up the information from a Native American website that had attributed them to Nolan) and emailed a correction to those who had gotten the original email. Whether this was an action of the Russo campaign is in dispute: Knapp was a volunteer speechwriter for Russo, but he had begun the email with a warning that it was "not written on behalf of, at the behest of, or with the knowledge or permission of, Aaron Russo's presidential campaign, on which I am a volunteer. As a matter of fact, I rather expect to be dismissed from that campaign for writing it." That the Russo campaign did not dismiss him was interpreted by Nolan's people as evidence that he had in fact sent the email on behalf of the campaign.

While many people, including me, find Russo's bluster and boisterousness charming, it also sometimes rubbed people the wrong way. Longtime LP activist and National Committee member Steve Trinward described his encounter with Russo at the opening night reception: "I walked up to him, shook his hand, and began talking about the time we had met once before, which he clearly did not recall. He then asked me point-blank, 'Do I have your vote?' When I pulled back my lapel to show the Badnarik button and said, 'Not on the first ballot,' he immediately changed his tone to a dismissive one. His only concern was that Gary Nolan not win on the first ballot, and when I told him that was even less likely if Badnarik got any support on the first ballot, he simply looked at me briefly and walked away, uttering the words, 'You're a fool!'"

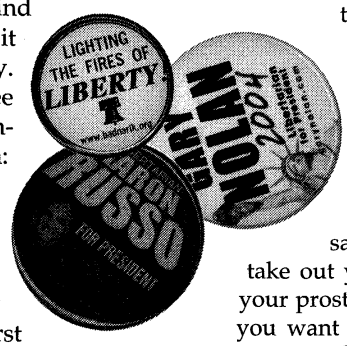

Obviously, Russo's people skills were less than perfect.

Russo had scheduled a couple of speeches in his headquarters suite to introduce himself to delegates who hadn't yet seen his act. I attended both. They were fiery speeches, partly scripted and partly extemporaneous. It was apparent that Russo was troubled by the charges about his health. About 15 minutes into his speeches, he directly responded to the accusation that he still had cancer:

> I have no more cancer. I am very, very healthy, although other people are trying to say that I am not. If I wasn't healthy, believe me I wouldn't be running, I promise you that. But other people want to — are trying to find any reason they can to stop me in this race, and there's stuff going out over the website that I am sick, that I am this, that I had blood in my urine, which is true. But it came because I was taking too many aspirin, not because there was anything wrong, you know, you take one aspirin a day, a little baby aspirin. Me, being an idiot, I took a big one every day and I got an irritation in the lining of my stomach and I bled in my urine all day. There's nothing wrong with me. I'm totally healthy.

Russo simply looked at the delegate briefly and walked away, uttering the words, "You're a fool!"

A few minutes later, he returned to the subject:

"Me, being an idiot," Russo confessed, "I took a big aspirin every day and I bled in my urine all day."

> What's radical is the FDA thinking they have the right to limit your options of what medicine you can take when you are sick. What arrogance that is. When I had cancer, the FDA under their rules said I could only have chemotherapy, radiation, or surgery to kill my cancer. That's what they say, that's the law. So I went to the surgeon, and he said, well, after I passed all the initial part of it, the ugly part, well Mr. Russo, I need to take out your bladder and your prostate. I said, really, what's wrong with my prostate. He said, nothin', but, but if I examine you later after I take out your bladder, I can see you better if I take out your prostate. I said wait a second are you telling me that you want to take out my prostate so you can see better later and that there is no cancer? He said that's right. I said what are the consequences if you take out my prostate. "Well the downside is you can't have orgasms anymore." I said, "Doc, I'd rather be dead. Kill me now, kill me now. [By now, he is playing to his audience.] Put a dagger in my heart. What are you, kidding me? What do I wanna be alive for? I have this beautiful wife over here, I love her to death. I mean it's crazy."

It was plain that the Nolan camp's drive to portray Russo as a sick man was having at least one effect: it was getting Russo to get defensive. It was the strangest political speech I've ever heard.

The afternoon's business was a consideration of changes in the platform. The changes seemed sensible and the platform committee's report was well prepared. The delegates accepted most of the changes.

When I returned to my room Friday night, it still looked like a close race between Nolan and Russo. I thought Nolan was the most likely nominee because I judged his staff to be superior to Russo's. But his advantage was small. Delegates to LP conventions tend to remain open-minded and their choice of candidate can change quickly.

Of course, I didn't yet know that the Nolan campaign had good reason to be confident. Unbeknownst to anyone but Nolan and Badnarik and their closest staffers, a deal had been made that Nolan and his staff felt assured him the nomination. Badnarik and Nolan had very early made an agreement not to "go negative" with each other during the campaign. Somewhere along the line, they arrived at an understanding: after Badnarik was eliminated, he would support Nolan; when it came time to nominate a vice presidential candidate, Nolan would endorse Badnarik and his staff would work on Badnarik's behalf. Russo had cut badly into support for Nolan, but the Nolan campaign was still

confident that with Badnarik's support, they would easily capture the nomination.

I learned of this deal only after the convention was over, when Barbara Goushaw-Collins, Badnarik's post-nomination campaign manager, mentioned it in passing in a conversation about the Badnarik campaign. I interviewed Badnarik three days later, and he told me, without prompting, that no deal had been made. The next day, a high level staffer with the Nolan campaign speaking with me on condition of anonymity told me about the deal in considerable detail. I called Dasbach and asked him about it, and he denied that any deal had been made. But his boss, Gary Nolan, acknowledged to me that there was a deal, and two people present at a meeting between Badnarik and Russo confirmed that the Nolan-Badnarik deal was discussed in Badnarik's presence without his protest. It's pretty obvious that both Badnarik and Dasbach had lied to me.

* * *

Saturday began with a breakfast with Neal Boortz, an Atlanta talk-show host who is syndicated in other markets. Boortz's support for Harry Browne in the 2000 race probably accounted for as much as a quarter of Browne's total national vote, preventing an even worse electoral disaster for the LP. But Boortz's appearance was nevertheless controversial, because he was a strong supporter of the Iraq war and had advocated FBI investigation of war critics, a group of people that included many LP activists. Republican Congressman Ron Paul addressed the convention in a morning session, and the luncheon speaker was journalist James Bovard.

But the main event of the day was the presidential candidates' debate, held at 5:00 p.m. and televised nationally on C-Span. With the large number of uncommitted delegates, and the willingness of many LPers to change their minds when impressed with a new alternative, the debate was the single most important event in any of the candidates' campaigns.

It's pretty obvious that both Michael Badnarik and Nolan's campaign manager, Steve Dasbach, lied to me about the deal that Badnarik and Nolan had made.

Before the debate, longtime LP activist Mary Ruwart got Nolan and Russo together in the LP's luxurious suite on the 47th floor. She asked them both to agree to support the LP ticket, whichever of them won the nomination. They agreed, presumably with some reluctance.

Russo tried to use his time for opening remarks to effect the reconciliation. "There's been a lot of scuttlebutt going on here between my campaign and Gary Nolan's campaign, and I think it's very, very important, that we . . ." he began. "Gary, would you come up here a second, please?" He turned to Nolan, standing slightly off stage to Russo's right, and gestured him to come on stage. Nolan shook his head "no," and Russo continued. "Anyway, the point was that Gary and I had a meeting the other day arranged by Miss Mary Ruwart, and we agreed that no matter who wins the nomination that we're going to support the other person, and that . . ." The crowd applauded, and Russo walked over to Nolan, who shook his hand. Russo returned to the stage, and continued, ". . . all bickering and silly stuff and character assassination is going to stop."

Party officials had chosen a debate format designed to make the debate a showcase for the LP, rather than an attempt to air differences among the candidates. At first,

Sixteen Minutes of Fame —

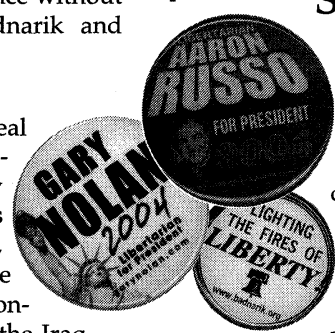

For a candidate to be nominated from the podium, he must get a petition signed by 30 delegates. Jeffrey Diket got his 30 signatures and used most of the 16 minutes allotted for his nomination speech to speak directly to the delegates.

What follows is a transcript of his speech, which raises an interesting question. Should the LP open its podium to candidates with negligible support among the delegates? Some observers, including me, appreciate a delightfully wacky performance of this sort; others took it seriously enough that they attempted (unsuccessfully) to change the rules so that candidates like Diket, who received 4 votes out of 778 on the first ballot, could not so easily get access to the podium.

Here is his speech:

Ladies and gentlemen of this convention! To those who believe that human sacrifice and baby murder are the price you must pay for liberty: I do not appeal to you. To those who believe that we should give our substance, our industry and trade with the assistance of the government of the United States to communist countries who will use these means for the purpose of building the weapons they wish to destroy us with, with slave labor, claiming to give us lower prices on the products we have sent over to them, while enriching the Communist Party members of those countries: I do not appeal to you. To those who believe that liberty requires that individuals be allowed to become deviants: I do not appeal to you.

But to those who understand that the Constitution of the United States must be interpreted literally, that we need to confine this government by means of destroying unconstitutional cabinet departments and replacing them with an independent sub-treasury system, where the government lives only on the cash it takes in, by replacing income taxes, excise taxes, sales taxes, tariffs and other taxes that dictate how you spend your money with a simple little two percent bill that you pay to each level of government so that *you* can have a higher standard of living, and at the same time cut out those government bureaucrats that are taking away our farms through the wild lands project, taking away our industries through environmental laws — thank you Ralph

they proposed Harry Browne be moderator and questioner, but Russo objected on grounds that Browne was a supporter of Nolan. As a compromise, an Atlanta newspaper reporter was chosen.

The moderator asked all three candidates a series of prewritten questions about their positions on several issues. There were no questions about how their campaigns would be conducted, and candidates were not allowed to ask each other questions.

Not surprisingly, the candidates agreed on almost every issue. The few divergences from LP orthodoxy that became evident came from Russo. For example, when asked what he would have done if he were president on 9/11, Russo responded:

> If I were president on 9/11, I would have gotten the evidence of who did it, shown it to the people. I would not have gone to Congress to declare war. I would have gone, no matter where they were, whoever did it, I would have gone to any border with a police action and not declare war and gotten the SOBs who did that no matter where they were in the world. [Here he sensed disagreement from the audience.] Okay? I don't think that war against some force that we don't know who it is is a war. It's a police action and the president doesn't have to ask

"Sunset" Nader and your irresponsible scumbags — [Applause] who deprive our children of American history and foreign languages, thank you "no school left behind" George Walker Tush; those who want to get us out of the U.N., get us out of the free trade area of the Americas, get us out of the WTO, the phony trade organization that allows China to have a 55-cent tariff on steel where we can't have a tariff at all — that's right folks, there's your world government for you — and especially to those who wish to protect human rights as described by Nathaniel and Barbara Branden when they said that rights are conditions of rational and genetic origins, from the moment of conception from when the baby acquires the human genome, and wish to protect mothers from being bled to death by knife-tipped vacuum cleaners, being given poisonous RU486 or morning-after pills and other devices that are humanicides, and to those who understand that the price of liberty is eternal vigilance, by giving you the armament you need, the 2nd Amendment implementation, which I intend to implement: I'm your candidate, ladies and gentlemen. I choose this way to do this kind of speech because I wanted you to see me in person. Not with other people speaking for me too much, but me in person because I am the one you've got to look at, I'm the one you have to support, and I'm the one who has to appeal to you. You're the bosses around here and don't you forget it. [Applause.]

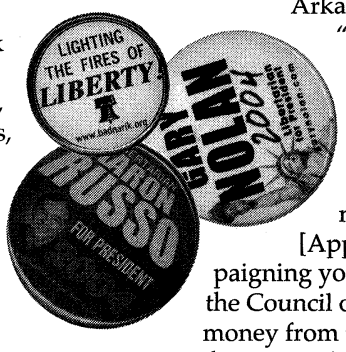

I talked to some of the people I know at EWTN, the International World Television Network, which is one of the pro-life shortwave outlets — and they are telling us that as long as this party continues to support baby murder, we are not gonna get anywhere and fast!

And as president of the United States I am prepared to say that every American citizen is my boss, and I'm not kidding about it, and that's why I am running, that's why I have run for the past year and a half with very little financial resources, that's why I spoke at the Georgia and Arkansas conventions, why I appeared on the "Power Hour," "Privacy Factor," and "Radio Liberty" programs on shortwave radio going to international listeners with my message. Why I got 5% of the vote in Massachusetts and 7% of the vote in Missouri, and I don't mind telling you folks, I didn't have much money, but I got an effect out of $900. [Applause.] And that's the kind of efficient campaigning you need. We're not going to get the money from the Council on Foreign Relations, we're not going to get the money from the tax-free foundations, we're not going to get the money from the rich mucky-mucks or the insiders of this country, because they want world government, world dictatorship, world order, baby murder, possible legalization of drugs only of their advantage, where they can dumb you down to being a little peon, or as one of their documents, "Silent Weapons and Quiet War," said, "Beasts of burden and stakes on the table by mutual choice and consent" — which we are not!

In conclusion, I say this to every one of you: this party could possibly pick up a substantial amount of votes in this country. The message is excellent, but there is a flaw. I've already pointed it out to you. If this party continues down the road of sanctioning baby murder — I'm not bluffing, pal, cause I talked to some of the people I know at EWTN, the International World Television Network, which is one of the pro-life shortwave outlets — and they are telling us that as long as this party continues to support that position, we are not gonna get anywhere and fast! And for those who are asking for alcoholic beverages in this audience — you know who you are! — [Laughing in the crowd] that's why I am laughing at you too, pal. Because you're part of the reason we're not winning elections, part of the major reason. We must be consistent in protecting life, liberty, and property with due process of law. [Applause.] I don't mind the jeers, and I don't mind the reaction, folks!

In conclusion I say this to you: you know where I am! You know where I stand! You know where I am going! To many of you who have committed to other candidates, I realize and understand and respect your commitments on the first ballot. I understand that. But there will be a second ballot hopefully, and to those who wish to talk to me I will be in this room hopefully throughout the first ballot and we will see what happens! Thank you.

Congress for [permission to conduct] a police action. And I certainly would not have removed the Taliban from Afghanistan or invaded Afghanistan with our troops. The Taliban had nothing to do with what happened. And as a matter of fact, the Taliban said to George Bush, "Give us the evidence of what happened and we'll give you Osama bin Laden." And what George Bush did was he said, "I don't have to give it to you, I've already given it to Tony Blair," as if that matters. So I would not have invaded Afghanistan, but I would have gotten the people who did it by a police action and I would not have declared war.

For many, Russo sounded another discordant note when he responded to a question about the Bush administration's use of private contractors to conduct the occupation of Iraq:

America has become a fascist country and by fascist I mean the government and the corporations working together to stifle the people . . . when you talk about the mercenaries and private enterprise, private enterprise in my view does not belong in war.

He diverged from the Libertarian consensus again when he responded to Gary Nolan's call for the U.S. to respond to high oil prices by allowing oil production in the Alaska National Wildlife Refuge.

I believe that we have to protect our environment. And I believe that the oil up in Alaska is — I know to be — a six-week supply. That's it. What we have to do in America is build alternative means of energy.

I personally don't want to see more drilling off the coasts. I don't. [Audience boos.] You can boo me, it's okay.

"If you were in prison," Badnarik argued, "and you had a 50% chance of lethal injection, a 45% chance of going to the electric chair, and only a 5% chance of escape, are you likely to vote for lethal injection because that is your most likely outcome?" The crowd went wild.

I don't want to see more drilling off the coasts. There are better ways of doing it. I'm not here . . . I don't like the oil companies, I think they're part of the fascist government that we have today. We're in Iraq for oil and I don't think giving them the right to build more ref — they should build refineries, but the right to explore more and take out from our oceans and take out from Alaska and destroy our environment, I don't think is a wise way to go. I think the Libertarian Party has never had a good policy on the environment. I've never heard a good one, and I've been looking for one for months, and I'm open to find new ideas on how we can handle the environment. On this issue, to tell the truth, there is a bit of confusion in my mind, but the stock answer that I've been hearing on the environment is not good in my view. Sue your neighbor, and sue this one and sue that one, those aren't good answers for me. And I say let's find alternative means of energy: build wind power, build sun power. There's other ways to go.

When asked "how to get the economy back to what it was in the '90s," Badnarik called for eliminating the income tax, thus "giving everybody in America a 35% pay increase immediately, instead of a $300 rebate of your own money," and abolishing the Federal Reserve and returning to sound money. Russo responded that he wasn't so sure that he wanted to go back to the '90s, "an era when the economy was pushed by massive injections of liquidity by the Fed . . . I'm not sure you want an economy like the 1990s with the stock market mania and a [stock market] bubble. What we need in this country is a stable currency, a stable environment, where people know from year to year what their money's going to be worth." He also denounced widespread consumer debt and called for sound, non-inflationary money.

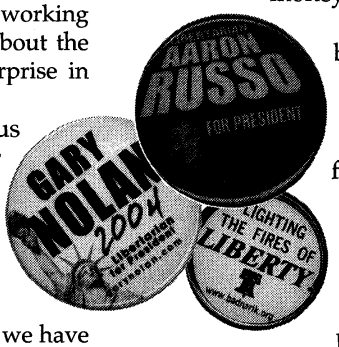

Then Nolan walked to the podium. "Just to be sure," he said, "could you give me the question one more time?" The moderator could not remember the question, hunted through his notes, muttered a little bit, then found it and read it again. Nolan responded:

Mr. Russo and Mr. Badnarik are both right. We do need to get rid of the Federal Reserve and get rid of the fiat currency. But we also, what we also have to do is to quit punishing Americans for working hard. [Applause.] Let's reduce the power of the federal government to its constitutionally mandated limits, get rid of the IRS, quit punishing people for working, quit punishing them more for saving and investing, and allow them to go out and buy the goods and services that they need to protect and raise their families. Because when they've got that money in their hands and they go out and buy a safer car for their children to drive to school in, when they use that money to put their children into a private school, they create a demand for labor. That puts people to work, that creates a hot economy. That's what we need to do. Thank you.

The star of the debate was the dark horse, Michael Badnarik. He saw the debate as the end of his campaign; after it was over, he would inevitably finish third in the balloting and drop from the race, perhaps to be nominated for vice president. He decided to forget that he was in a debate at all, and rather than address the delegates whose votes he ostensibly sought, speak directly to the television audience. He seemed relaxed and ready with intelligent answers, even showing sparks of wit. When asked what he thought about the problem of a manpower shortage for the occupation of Iraq, he responded, "Imagine. People are not willing to go to foreign countries and die the way they used to. Imagine that." He lacked Russo's energy and emotion, while still showing intelligence and passion. He lacked Nolan's grim demeanor, but still had a certain amount of gravitas.

The debate concluded with each candidate making a five-minute closing statement. Nolan's was obviously written in advance, and was well-rehearsed, right down to the gestures.

Badnarik briefly reiterated his constitutional theme, then told his television viewers why they should support the LP:

The preamble of the Constitution establishes some of the

reasons why that document was drafted. In part to establish justice, promote domestic tranquility, and to provide for the common defense. The Constitution establishes the principles for peace and tranquility. Every time we abide by the Constitution, we get peace and tranquility. Violating the supreme law of the land gets the opposite. It destroys our economy, gets us entangled into foreign wars. It is principles sent down to us by our Founding Fathers.

As a Libertarian candidate, I frequently face the "wasted vote" syndrome. People tell me that I'm a good candidate. They believe in what I stand for, but they can't bring themselves to vote for me because they don't want to waste their vote. If you were in prison, and you had a 50% chance of lethal injection, a 45% chance of going to the electric chair, and only a 5% chance of escape, are you likely to vote for lethal injection because that is your most likely outcome? Your survival depends on voting for escape even if that's only a 5% chance. If you continue to vote for the Democrats or the Republicans, you are committing political suicide. The only chance we have of saving our constitutional republic is to vote Libertarian, even if that's only a 5% probability of getting into office. We have to demonstrate that we are not satisfied with the status quo. Voting for the lesser of two evils and your candidate wins and you still get evil.

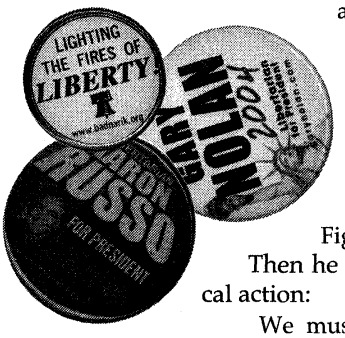

The Libertarian Party is the party of principle. We have candidates in every state, in every county, that are principled, passionate, and articulate. Please vote Libertarian and help us restore a free country.

Badnarik's argument made no sense at all, but it was very well-received by the delegates, who interrupted it with enthusiastic applause five times and gave him a standing ovation. Ironically, they were not the audience he was addressing.

Then came Russo, and five minutes of fire-and-brimstone libertarianism. He shouted out a litany of government crimes against people and their liberties. Then he turned to 19th-century oratory:

> The real question is, "What are you going to tell your children when they ask you, 'How did America get like this?' I know that I'm doing everything in my power, I'm using every fiber of my being, to fight these people, to do anything I can to win and stop this government from doing what it's doing to us. I want to get up and look in the mirror every day and say, you know Aaron, you did everything you could possibly do, and when I tell my children that, I want to be proud to be an American. And when I die, and I have my tombstone, I want it to say, "Freedom Fighter."

I asked Badnarik for the first interview after the nomination. He immediately agreed, adding the astonishing statement that no one had ever before asked him for an interview.

Then he returned to his emotional commitment to radical action:

> We must no longer be a debating society, worrying about the freedom of an ant or a flea. We have to fight and get active. I will do civil disobedience. If they don't let us in the debates, we'll get thousands of people to go there and stop the debates from happening! That's what I stand for! And remember, we are not the property of government. Government is the property of the people! All your freedoms all the time! All your freedoms all the time! Keep it going! All your freedoms all the time!

Immediately after the debate was over, I began asking delegates who they thought had won the debate. To my surprise, all responded that Badnarik had won. Part of it, I suspect, was his concluding speech. Part of it was that his

Russo Ruminates — On Monday, Russo stood around the hotel lobby, loitering outside the doors to the convention hall for a few hours, unlike Gary Nolan, who was nowhere to be seen after his loss. Russo had been holding court informally like this since he had lost the nomination, chatting with delegates, basking in their consolation, and, despite his bluster, seeming to revel in the sympathetic and subdued, yet still emphatic, entreaties to "stay in the LP" and "run for governor of Nevada, then the nomination's yours in '08."

Russo was wearing one of those over-sized, short-sleeved, loud print shirts that you'd imagine a portly "Big Time" Hollywood producer would wear, as he sat beside his pool, shouting into his cell phone. I've hectored friends, especially if they're on the heavy side, by addressing them as "Hollywood" or "Showbiz" when done up in such garb. It was fabulous, indeed.

Russo is great one-on-one: grasping, hugging, thanking well-wishers, easing into a softer, sympathetic, "we fought the good fight" tone of voice.

Russo was deflecting those "stay in the LP" entreaties by professing a belief that I hadn't heard him claim before — that if he doesn't run this year, it will be "too late." To paraphrase: "I really do think that there will be martial law in this country within a year . . . there won't be any more elections."

His well-wishers didn't seem to buy into that, but no one challenged him, perhaps because they were trying to be consolatory, or maybe just hoping he wouldn't yet leave the party. Then again, maybe they just realized that there's no point in trying to argue with Aaron Russo when his mind is already made up. Some were clearly still stunned into reticence by the Badnarik victory and in a state of disbelief over the grand, indulgent mistake the delegates had made.

Russo continued with talk about waltzing into the Constitution Party convention — "That's my party; I started it" (a point of some dispute) — or Green Party conventions and being crowned nominee. —*Bart T. Cooper*

answers reflected the views of the delegates very closely. But a major reason that so many thought he had won the debate was that so many delegates were unhappy with both Nolan and Russo: Nolan seemed like a martinet, and many delegates were unhappy with the prospects of another Harry Browne campaign. Russo's emotionalism didn't resonate with Libertarians who came from a rationalist background. And while the Nolan campaign's attacks on Russo's character and health were not necessarily considered credible, they did raise questions about Russo and left Nolan looking, well, a little like a dirty politician. And here was Michael Badnarik, to whom most delegates had paid little or no attention, articulating their beliefs and using the time for his concluding speech, not to boost his own candidacy, but to boost the LP.

* * *

My main priority Saturday night was to find Badnarik. I'd never spoken with him, but now it appeared that he had an excellent chance to win the nomination. Plainly his support was greater than anyone had anticipated. And the bad blood between Nolan and Russo meant that if either fell behind Badnarik in the balloting, that person would be eliminated from consideration and most of his support would go to Badnarik.

So I went to Badnarik's hospitality suite, an impromptu affair in an ordinary guest room. Badnarik was talking with some delegates, and as I waited to speak with him, his mother introduced herself to me and offered me a drink. I explained that as a journalist, I do not accept anything but access from subjects I'm writing about, and that I was here to talk to her son. She was immensely proud of him and quickly charmed me. After a few minutes I spoke with the candidate. I told him that he'd moved from dark horse to contender, and that I thought he was now the favorite. I asked him for the first interview after the nomination. He immediately agreed, adding the astonishing statement that no one had ever before asked him for an interview.

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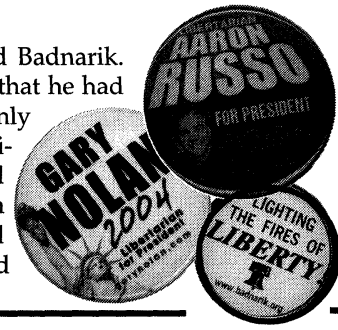

Sunday morning, it was time for delegates to choose the LP nominee, in front of a national C-Span audience. The nominating speeches were pretty predictable, and delegates for the most part paid little attention.

Fifteen minutes before the nominations began, Badnarik ran into Fred Collins, a city councilman from Berkley, Mich., and asked Collins to second his nomination from the vote since 1980.

Brief Encounter — Around noon on Monday, just moments after the convention wrapped up its official business, I climbed into one of the glass elevators with another delegate, following LP founding father David Nolan. Nolan may not have been done up in a western cut jacket and sporting a bolo tie, as I remember him from past conventions, but the bushy mustache and wire rim glasses on the man that founded the LP in his Denver living room 33 years ago still managed to evoke that mythical LP delegate you can read about if you dig up old press accounts of early LP conventions. This was a character on the then-cultural cutting edge: vaguely "hippie-ish," yet infused with a rugged, Western, individualist mystique. He might be wearing a cowboy hat, but it might be adorned with a peace symbol, too.

Nolan gave us few moments of his time, a gracious act for a certified local celebrity on the move. The other delegate in the elevator had been a fervent Russo backer who had been stumbling around in a state of disbelief over Badnarik's nomination since the last ballot. By Monday, he had been shaken from his stupor by an increasingly urgent desperation over what the LP had wrought for itself. In search of a consolatory note for himself, the delegate took the opportunity of this audience to appeal to that fabled Nolan institutional memory and asked him, with his long history of LP activism, how many votes did he reckon Michael Badnarik might attract this November. Nolan shrugged and threw a few stats around, offering, "The easy answer is between a quarter million and around 500,000 votes. But, you never know." Happy to have obliged us, he got off on the mezzanine level and went on his merry way, maybe to the LNC meeting. The discouraging figures he invoked certainly bolstered his reputation for institutional memory, but they marked roughly the LP's low and unimpressive high water marks in the popular vote since 1980.

Nolan has become known these days more for his histrionics on the convention floor than for his status as party founder. When Nolan addresses the assembled delegates from a floor microphone, he earnestly implores them (especially the newer delegates) to take into account his hard-earned veteran's perspective, gained from decades in the trenches of LP activism. Occasionally, when the chair recognizes Nolan, he notes that the LP was founded in Nolan's living room. More often, Nolan takes it upon himself to remind the convention of this fact. His fellow delegates routinely return only a confused, if respectful, smattering of applause. Nolan speaks with authority, seemingly under the impression that he is universally known, and maybe even universally loved, as the LP's elder statesman. But if David Nolan is so well known, and as well regarded, as he seems to think he is, why does he feel the need to so emphatically beseech the delegates to heed his advice?

The delegate in the elevator looked at me, his face obviously betraying a renewed disbelief and dismay in the fact that his party's founder was so unperturbed, so clearly undiscouraged by his low expectations. I had missed the speech, but others told me that David Nolan invoked his long history with the LP in seconding Gary Nolan for the nomination. I saw David Nolan conferring with Badnarik partisans after Gary Nolan was eliminated on the second ballot. While David Nolan may not have enjoyed the celebrity status among delegates he seemed to think he has garnered, he certainly reflected the average LP delegate's complacent outlook regarding the prospects of a Libertarian presidential ticket headed by a computer programmer-cum-self-taught "constitutional scholar" without a driver's license. *—Bart T. Cooper*

dais. Collins agreed and went up to his room to change into a suit, and returned to second Badnarik's nomination, telling delegates that Badnarik had demonstrated his dedication to the party by his willingness, unlike the other candidates, to accept a vice presidential nomination. He concluded with praise for Badnarik's goofy answer to the wasted-vote argument: "This moved me more than anything I've heard this weekend. Has anyone, in all these years that we have been doing this, heard a better answer to the wasted-vote argument than the one Michael Badnarik gave yesterday at the debate?"

The Russo camp used the first part of its 16 minutes to run its television commercials. One of Russo's seconders brought up, for the first time at the convention, one of Russo's main selling points, the fact that he promised a campaign different from the failed campaigns of the recent past: "What's the difference between a rerun and an original episode?" asked John Clifton. "The difference is we know the outcome of a rerun. Two of our three leading candidates today are reruns. I admit that they are extremely strong reruns that I'd like to go to again sometime. But not this year. This year I want a new episode, and a new outcome. If you want the same outcome go with the rerun. Only one of these fine contenders presents the best possibility of a different outcome."

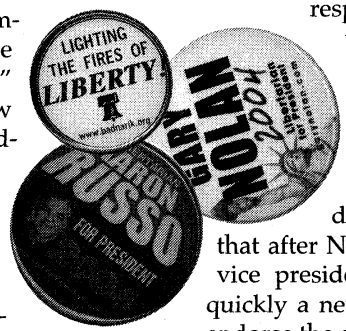

As the delegates began balloting, I again encountered Steve Dasbach, Nolan's campaign manager, who told me with supreme confidence that the only question coming into the convention was whether Nolan would win on the second or third ballot. He was now quite certain that Nolan would take it on the second. A few minutes later, I ran into Nolan himself, and he expressed the same opinion with the same confidence.

As the states read off their votes, it quickly became evident that, contrary to what everyone had thought only 24 hours before, it was a three-way race, and a very close one. Whether it was Badnarik's debate performance or merely the fact that he was an alternative to Nolan and Russo, both of whom had substantial negatives, he was running neck and neck with the two main candidates. The first round of balloting was a virtual tie:

Russo	258
Badnarik	256
Nolan	246
Diket	4
Hollist	1
None of the Above	13

Obviously, Nolan and Badnarik's secret deal was no longer operative. Very quickly a new deal was made: if either finished third, he'd endorse the the other.

LP rules specify that after the second ballot, the candidate with the least votes must be dropped from consideration. A motion was made to drop the hopeless Diket and Hollist and requiring the candidate who finished third in the next round to be eliminated as well.

Nolan was worried about his deal to endorse Badnarik. He feared Badnarik may already have been indicted.

The bad blood between Nolan and Russo and their respective campaign staffs meant that if one of them finished third, most of their supporters would go to Badnarik, who would easily win the nomination. Only if Badnarik finished third would there be any doubt about the outcome of the third ballot.

Obviously, Nolan and Badnarik's secret deal — that neither would criticize the other, and that after Nolan won, he'd gently support Badnarik for the vice presidential nod — was no longer operative. Very quickly a new deal was made: if either finished third, he'd endorse the other.

The situation on the floor was confusing: the chair had called for the second ballot, and the nominating session was recessed for delegates to get lunch. Many left without realizing that they were supposed to vote before going to lunch. Outside the convention hall, people were running about asking delegates whether they'd voted, and sending them back into the hall to do so.

Inside the convention hall, two Russo supporters, unaware of the Nolan-Badnarik deal, tried to talk Russo into approaching Badnarik and telling him that Russo would consider him a fine vice presidential candidate, in hopes of getting Badnarik's support if he finished third. Russo was reluctant, but finally approached Badnarik with his good wishes. Of course, Badnarik had already made a deal with Nolan, so Russo's sentiment went for naught.

The Marriott's restaurants were not prepared to handle the crowds, and many delegates were still at lunch when the convention reconvened and the results of the second ballot were announced:

Russo	285
Badnarik	249
Nolan	244
NOTA	10

As the votes were being read off by state party chairs, the Nolan staff began to read the writing on the wall, and Nolan was worried about his promise to endorse Badnarik. Unlike the great majority of the delegates who were voting for Badnarik, Nolan knew that Badnarik had not filed income tax returns for some years. He was afraid that Badnarik might actually have been indicted by the federal government, and thought it would look very bad for Nolan if he were to endorse an indicted man. A Nolan staffer met with Badnarik, asking him for his "word of honor" that he had

not been indicted. Badnarik swore that he hadn't, and Nolan began to prepare his endorsement of Badnarik.

Meanwhile, word of Nolan's defeat spread throughout the public areas of the hotel. In the sports bar, two middle-aged white guys did a high five. Harry Browne's candidate had been defeated, and the party would at last try a new strategy: the radical, emotional approach of Aaron Russo or the right-wing constitutionalist approach of Michael Badnarik.

Party chair Geoffrey Neale asked the convention to suspend the rules so that Nolan could address them for five minutes, and the convention agreed. Nolan took the podium and smiled for the first time I'd noticed during the convention. Nolan then kept his word:

> Thank you, thank you, thank you, thank you, thank you. Ladies and gentlemen, ladies and gentlemen, please. I would like to take an opportunity and a moment to thank my campaign staff. They were so dedicated and they worked so hard and they did such a terrific job: Steve Dasbach, Justin Kemp, Erika Brown, Mary Ann Volke, the list goes on and on. Terrific people. Thank you so much for your hard work and devotion.
>
> What I'd like to do now, ladies and gentlemen, is offer up my support and ask my delegates to support Michael Badnarik. [Cheers.] Michael Badnarik, Michael Badnarik has shown more heart, more dedication, more belief in the Libertarian Party and in the principles [A heckler says something inaudible] — I would expect a little courtesy from the Russo people for just a moment, thank you [Cheers] — Michael Badnarik has worked tirelessly, working on a shoestring budget, he's gone from state to state, I've met him at every convention and he's fought every day. He deserves your support. Michael Badnarik, carpe diem. Go Libertarians. Thank you.

I heard a commotion from across the lobby. It was outgoing National Chair Geoff Neale screaming at a man, "You have no right to talk to me. I have a right to privacy!"

The entire speech took about a minute and a half, including the pause for cheering from Badnarik's and his own supporters and the interruption to demand courtesy from "the Russo people," by which he meant the sole person heckling from the audience.

Then the states began to caucus to vote. Even without Nolan's endorsement, Badnarik's nomination was a virtual certainty, and with it Russo was simply dead meat. The final vote:

Badnarik	423
Russo	344
NOTA	11

Again, the rules were suspended so that a defeated candidate could address the convention, presumably to endorse the winner. Russo walked to the stage and did what was expected — except that he added, "I wasn't so sure [whether] I was in this race so I could lead this party, or just to make sure that Gary Nolan didn't," thereby equalling Nolan's ungraciousness when he refused to join Russo on the stage at the beginning of the debate or his strange response to a heckler during his concession speech.

The nomination process was over. LP delegates had chosen as their standard-bearer a man who had willfully refused to file his federal tax return for years, refused to get a driver's license but continued to drive his car despite having been ticketed so many times that he couldn't recall the exact number, proposed to blow up the United Nations building, wanted to force criminals in prisons to stay in bed until their muscles atrophied, and planned to force Congress to take a "special version" of his class on the Constitution. And the overwhelming majority of delegates didn't know any of this about their nominee.

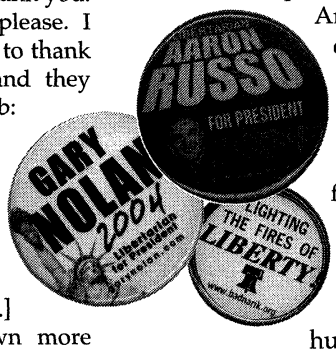

Shortly after Badnarik made his acceptance speech, Larry Fullmer, an Idaho delegate and Russo supporter, learned from an Oregon delegate that Badnarik hadn't been filing his income tax returns. Fullmer, he later recalled, "freaked" at the news. "From early afternoon until 5:00 a.m. Monday, I spent every second telling folks about Badnarik and the IRS." Fullmer spoke to more than a hundred delegates, and didn't find a single delegate who knew that Badnarik hadn't been filing returns. Most were "shocked" at the news.

Among others, Fullmer spoke with Mary Ruwart, who responded, "Larry, ya gotta get the election reconsidered," and proceeded to tell him that Robert's Rules required that a motion to reconsider the nomination was in order only if it was made by someone who had voted for the nominee. Fullmer also approached Judge Jim Gray, the LP senate candidate in California, and told him about Badnarik's not filing his tax returns. "You are running on a ticket headed up by a constitutional nutcase who has refused to pay his taxes for years. What do you think about that?" Gray responded, according to Fullmer, in these words: "Larry, if what you say is true . . . you already know what I think."

Fullmer argued that Badnarik had committed fraud when, in response to a question at a candidates' debate at the Florida LP convention, he said that there was nothing in his background that could embarrass the party. When I asked Badnarik about this, he responded that he wasn't ashamed of his refusal to file tax returns. I reminded him the question (from Janet Hawkins, secretary of the Florida LP) was "Is there anything in your background that would embarrass you or the LP?" He responded that he had misunderstood the question.

Fullmer is an abrasive and intemperate person, and some of those whom Fullmer talked with did not take him seriously. One person whom he spoke with described him as a "nutcase," and simply didn't believe him.

Immediately after Badnarik's acceptance speech, I located him in the lobby. He was now surrounded by a coterie of well-wishers and new campaign volunteers, and his handlers clamored for him to do other interviews and to second the nomination of Michael Dixon, a candidate for national

chair. His staffers urged him to finish the radio interviews and go to his motel and rest for the important appearance he would make at the banquet that evening. But he graciously remembered his commitment to me for an interview and excused himself from his staff. We found a quiet place and I interviewed him for about 20 minutes. Despite the fact that he was obviously tired and under considerable stress, he responded to my questions with considerable intelligence and a good deal of grace. But he needed to rest, so I cut the interview short after he promised to make himself available for a telephone interview later in the week. (See "An Interview with Michael Badnarik," page 50.)

That night I again made the rounds of the convention area. I visited the Russo suite, where the candidate was delivering his last talk, and then spoke informally with supporters about his future plans. Walking down the hall toward the lobby, I noticed a meeting going on in a board room, so I walked in. Seated around a large table were the new nominee and a number of supporters. Fred Collins, who only a few hours earlier had been asked to nominate Badnarik, was in charge of the meeting, giving everyone else explicit orders.

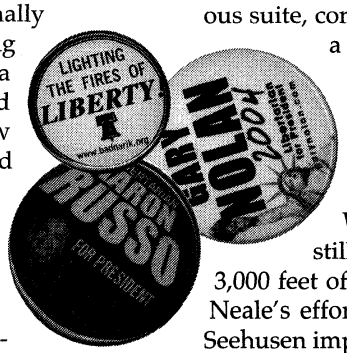

I ran into LNC member George Squyres, whose intervention had secured press credentials for *Liberty*. He told me that LP Executive Director Joe Seehusen wanted to meet me and had invited me to the LP staff's suite. So I went up to the 47th floor and knocked on the door. Seehusen greeted me in a friendly fashion and offered me a drink. I refused, explaining that reporters for *Liberty* do not accept food or drink from candidates or parties that they write about. I fear this may have gotten me off on the wrong foot, as he then apologized for the luxurious suite, complete with grand piano, liquor, and fine wines, a sharp contrast to the hospitality suites with their spreads of bottled beer, boxed wines and taco chips. (He explained that the hotel had given the party the suite for free, and had refused to exchange it for smaller sleeping rooms that could have saved the party money.) We discussed the party's financial plight — it's still saddled with a $100,000 per year lease for 3,000 feet of basement office space — and his and Geoffrey Neale's efforts to put the party on a sound financial basis. Seehusen impressed me as a bright and capable manager.

LP delegates had chosen as their standard-bearer a man who had willfully refused to file his federal tax return for years, refused to get a driver's license but continued to drive, and proposed to blow up the U.N. building.

I returned to the convention area. While talking with friends, I heard a commotion from across the lobby. It was outgoing National Chair Geoff Neale screaming at a man, "You have no right to talk to me. I have a right to privacy!" causing the sort of disturbance one seldom sees in the lobby

The Next Vice President of the United States! — The man whom delegates chose to be their nominee for vice president, Richard Campagna, was largely unknown to most delegates, in part because of his only recent involvement in the movement: Campagna embraced libertarianism only two years ago, shortly before becoming Clive Cleveland's running mate in Iowa's gubernatorial contest.

He describes himself as a multi-disciplinary professional. And his academic credentials are extensive: he received a B.A. from Brown in Political Science, an M.A. from NYU in Ibero-American Studies, an M.A. from Columbia in Counseling Psychology, a J.D. from St. John's University, and a Ph.D. from the American College of Metaphysical Theology. He claims fluency in multiple languages, and is a member of the California and New York Bar Associations.

While most people would consider the unaccredited institution that awarded him his doctorate a diploma mill — its website offers Ph.D.s for $249 — Campagna says that he "literally did a traditional Ph.D., with all the course work and internships and practica that the traditional non-diploma-mill school would encompass," and that "this was really the way that [his] Ph.D. could reflect [his] philosophy, spirituality, and approach to education." His doctorate is in Pastoral/Counseling Psychology. He earns his living as a community college instructor, translator, and as a "legal, psychological, and financial counselor for transgendered people."

Campagna describes himself as having an "optimistic, existential, personal-responsibility approach to life," and he believes there is a link between an existential personal philosophy and a libertarian political philosophy. He is confident that his low-key, friendly, mainstream approach can connect with people who have not traditionally voted Libertarian, especially academics, ethnic minorities, and professionals. Through appealing to these largely non-Libertarian constituencies, and focusing on the war in Iraq and the overall need for a drastic change in America's world view, Campagna is "cautiously optimistic that the LP can garner more votes than it has ever gotten on a national ticket."

Campagna's claim to be able to raise upwards of $200,000 from non-traditional sources surely played a part in his nomination. This may not prove to be $200,000 in hard cash. When asked about this by *Liberty*, he said that by "non-traditional sources," he meant "friends, families, and colleagues. . . . A lot of those monies are contributions in kind to assist me in my travels around the country. I happen to be someone who travels a lot. I'm in a lot of places, a lot of locations, with a lot professional and non-political associations."

— *Andrew W. Jones*

of a fine hotel. The man was Larry Fullmer, who was telling Neale about Badnarik's not having filed income tax returns. According to Fullmer, Neale later apologized and thanked him for telling him about the problem.

The convention was still in session. It hadn't yet elected a party secretary, treasurer, National Committee, or Judicial Committee. Word about Badnarik's refusal to file tax returns or get a driver's license was circulating, and Fullmer had, at Mary Ruwart's suggestion, found a delegate who had voted for Badnarik and was willing to make a motion for reconsideration. To Fullmer's extreme disappointment, the person failed to make the motion.

"Judge Gray, you are running on a ticket headed up by a constitutional nutcase who has refused to pay his taxes for years. What do you think about that?"

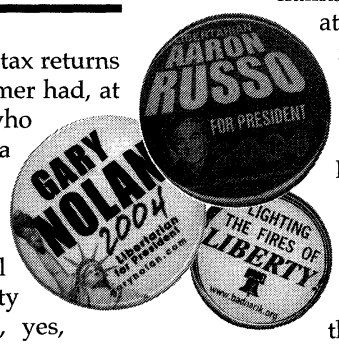

After the convention elected a new National Committee, Fred Collins was given an opportunity to address the convention. He explained that, yes, Badnarik had some "minor" issues regarding his tax returns, and that these would be corrected, and that Badnarik did not have a driver's license, but that he hadn't been driving lately. The announcement was so low-key that many delegates hardly noticed it. In the half dozen other detailed reports on the convention I've read, it was not even mentioned.

Later, at the first meeting of the newly elected National Committee, Collins said, regarding Badnarik's refusal to file tax returns, "I will fix this or I will walk away from the campaign. . . . If Michael Badnarik refuses to follow my directions about this problem, and you know what it is, I will walk away." Even this announcement was low key: I've read several accounts of the LNC meeting, and only one mentions it at all, and it notes that "LNC members were reticent to name the concerns." One LNC member told me that they were "trying to talk about the problem at the same time not saying what it was."

Collins, along with his wife, Barbara Goushaw-Collins, an experienced campaign manager, and Greg Dirasian, who were in control of Badnarik's campaign, were moving quickly to minimize what they perceived as Badnarik's problems. Dirasian removed from the campaign website Badnarik's promise to blow up the United Nations building, his proposal to confine prisoners in bed until their muscles atrophy, and other eccentric items.* When Fox News asked Badnarik for his views on same-sex marriage, immigration, the economy, abortion, freedom of speech, the war in Iraq, drug legalization, and gun control, he answered all by simply stating the LP's position. To the question, "Where do you stand on gun control?" Badnarik answered, "The Libertarian Party is strongly in favor of the 2nd Amendment and all other amendments in the Bill of Rights." Even to a question about the separation of church and state, a subject about which, as a constitutional scholar, he certainly had intelligent and pungent opinions, he answered simply, "I don't know that the Libertarian Party has an official position on the separation of church and state."

When I interviewed Badnarik four days later, he seemed like a different person than the man I'd spoken with at the convention. He couldn't remember why he had answered Fox News' questions so perfunctorily. He brought up the subject of his agreement with Nolan only to deny that any such agreement had existed, a claim that contradicted the claims of his own campaign managers, Nolan, and at least one high level Nolan staffer. He confirmed that he had agreed to settle with the IRS with all due speed to avoid the possible embarrassment of a federal indictment and arrest, and no longer to drive without a license.

* * *

When I left home for the LP convention, one of *Liberty*'s staffers reminded me that "conventions are all about sex," something that I had not observed at past conventions of the Libertarian Party. But this convention did have a certain similarity to a certain kind of sex. Thanks to the odd concatenation of events that I have described here, the LP had metaphorically gone to bed with someone it barely knew, and it had awakened in the morning with troubling second thoughts. Some members wanted to end the relationship right then, but most were probably too embarrassed to make such a public confession, and a few were pretty happy about the relationship.

It wouldn't have happened if Russo and Nolan hadn't hated each other so much. It wouldn't have happened if everyone — including Badnarik himself — hadn't dismissed Badnarik as a fringe candidate with no chance. It wouldn't have happened if Nolan hadn't hated Russo so much that he preferred to endorse a man he feared might be under indictment rather than allow Russo to win the nomination. Most importantly, it wouldn't have happened if party members had bothered to read Badnarik's website or his book on the Constitution.

The LP had metaphorically gone to bed with someone it barely knew, and it had awakened in the morning with troubling second thoughts.

But it did happen, and the party had to figure out what to do. Should it decide that it had a lemon and make lemonade? That is, should it figure that if its candidate were arrested by

continued on page 61

*If he hoped to keep these eccentric proposals from reaching the press, he was too late: *The Economist* included these exotic details in a report on the LP in its June 5 issue.

An Interview with Michael Badnarik

Only minutes after Michael Badnarik won the Libertarian Party's presidential nomination, he sat down for an interview with *Liberty's* R. W. Bradford.

Liberty: Tell me a little bit about yourself. Where'd you come from? What sort of education did you get?

Badnarik: I grew up in Hammond, Ind., just outside Chicago. I went to Indiana University, where I started out with marine biology, and then majored in chemistry. I got a job at a nuclear plant in Zion, Ill. I was transferred from there to a nuclear simulator which is basically a $6 million computer game that they use to train nuclear operators. I moved to California in 1985 when I decided that cold and snow were 4-letter words and I worked for two years on the stealth bomber, then moved to San Luis Obispo to work for four years on the Diablo Canyon nuclear plant. In 1997, I relocated from California to Austin, Texas, where I worked as a computer consultant and a technical trainer.

Liberty: What degree did you get?

Badnarik: I actually didn't get a degree. I majored in chemistry and did four and a half years and decided I was tired — I didn't really want to have a job in chemistry and so when I got a real job in the world, I decided not to continue.

Liberty: You've been running for president full-time for the last 18 months?

Badnarik: Yes. I made my formal announcement in Austin at the state capitol on Feb. 17, 2003, which was President's Day.

Liberty: And you've been on the road campaigning ever since?

Badnarik: I've been on the road campaigning. We spent March through June 2003 visiting as many state conventions as we could. We returned to Austin in July so that I could resume a telemarketing job for a while. And then I took some time off to finish my book. I wrote a book on the Constitution that I now use as the text for my eight-hour Constitution class and did fundraising and campaign preparations. We — my friend John Earhart and I — left Austin Jan. 8 and continued traveling just short of 25,000 miles before we came here to Atlanta.

Liberty: I've heard stories that you're into some kind of right-wing constitutional antitax activities.

Badnarik: It's not right wing. We the people ordained and established the Constitution. We invented government and government works for us. The government has not been responsive to the people. If the IRS is planning to collect taxes they have to determine how those taxes are valid, how you become liable for those taxes. Americans across the United States have been asking the IRS how do I determine whether or not I am valid and how much tax I am valid for. And the Department of Justice and the IRS have continuously refused to answer those questions.

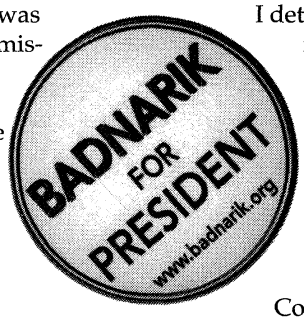

Liberty: Do you counsel people about whether or how to pay their taxes?

Badnarik: No I do not. I do not give any legal opinions. I am not a lawyer, I choose not to be a lawyer. I am simply requesting that our government live within the scope of the Constitution.

Liberty: Do the courts have the right to determine whether laws are constitutional?

Badnarik: No they do not. The decision was *Marbury* v. *Madison* in 1803 and it's a double-edged sword. *Marbury* v. *Madison* is usually quoted because it says that any law repugnant to the Constitution is null and void. I certainly agree with that. The second part of *Marbury* is that the Supreme Court should assume the responsibility for interpreting the Constitution. But the Supreme Court cannot tell us what the Constitution is because the Constitution tells us what the Supreme Court is.

Liberty: Do you think the usurpation of the right to judicial review makes it easier for Congress to enact unconstitu-

tional legislation?

Badnarik: Absolutely. And we the people should take a more supervisory role over what Congress does.

Liberty: How does your class on the Constitution work? Will you continue to give the course during the campaign?

Badnarik: It's an eight-hour class, typically done in one day from 9:00 a.m. to 6:00 p.m.

Liberty: How much does it cost?

Badnarik: Up until now it has been $50.

Liberty: What size classes have you taught?

Badnarik: I have taught classes as small as four or five. But Thursday I taught a class here at the hotel that had 32 students.

Liberty: Will you continue to do this during the campaign?

Badnarik: I would not be adverse to teaching the class during the campaign because my job is specifically to spread the word. If it is deemed that that is a lower priority than some of the other things that I am doing, then certainly it would take a back seat.

Liberty: Do you know who your campaign manager will be?

Badnarik: I do have an interim campaign manager, Fred Collins.

Liberty: Will he be the permanent campaign manager?

Badnarik: No. He has indicated that he wanted to be an interim campaign manager. His primary job will be to organize the structure so that we can take this campaign all the way to November in a very professional manner.

Liberty: Last night, I told you that I thought you'd gone from long shot to dark horse in the debate, and that you might very well be the favorite. You almost seemed stunned at your rise. When did you first realize that you had a shot at the nomination?

Badnarik: After the second ballot.

Liberty: What do you think will be the primary issues?

Badnarik: I don't know. I really haven't given it much thought.

We spent March through June 2003 visiting as many state conventions as we could. We returned to Austin in July so that I could resume a telemarketing job for a while.

Liberty: Have you given any thought to putting together some academic advisors?

Badnarik: I do have a few academic advisors. But there was never any formal arrangement for the process, but certainly by the end of the week, we will have a staff.

Liberty: Why do you think you won the nomination?

Badnarik: I would like to think that it is because I tenaciously hold to libertarian fundamentals and that when I express my ideas it is obvious to the listeners that I sincerely hold those views, that the words that I speak are not rhetoric and that I believe what I say from the bottom of my heart.

* * *

The interview continues, by telephone, on June 4.

Liberty: When Fox News asked you for your positions on various issues you responded with brief summaries of the LP position rather than your own views. This contrasted sharply with the intelligent and witty responses to those same questions during the debate.

I've never been put in jail for not having a driver's license, because it's a class three misdemeanor, and they can't put you in jail for that.

Badnarik: I really don't know . . . were the Fox News questions and answers written?

Liberty: Yes.

Badnarik: Yes? That was some time yesterday. What I do is just answer the questions with whatever comes to mind and if an interview is following a particular trend I just kind of stick with it.

Liberty: It was my impression that the answers you gave were extremely perfunctory. All but one of your answers for Fox News simply summarized the LP position, despite the fact that Fox had asked "where do you stand" on the issues.

And the one question to which you didn't merely give the LP's official position was "Where do you stand on the separation of church and state?" I would think that someone who is a constitutional scholar like yourself would give an answer more than "the Libertarian Party doesn't have a position on this issue."

Badnarik: Well, the problem that I saw at the time, at least I interpreted that they were asking what the Constitution says. And the Constitution doesn't mention the separation of church and state. The separation of church and state comment comes from a letter from Thomas Jefferson to, I forget which church it was . . . but I don't have any . . . there was no particular strategy to answering the questions that way.

Liberty: When asked about the war in Iraq and calls for resumption of the military draft during the debate, you responded, "Imagine, people are not willing to go to foreign countries and die the way they used to. Imagine that." To Fox News, you said, "The Libertarian Party is opposed to the War in Iraq and we are also opposed to the potential draft that Democrats and Republicans are planning to revise." It almost seemed as if you were downplaying some of your views.

Badnarik: No. There have been no decisions made to do that, and I have just been under the gun and traveling. I haven't slept past 6:00 in five days. I think I am holding up pretty well with the lack of sleep and the traveling. We have not made any strategy decisions to downplay anything

Liberty: Should we expect you to continue to answer questions in this perfunctory way?

Badnarik: There is no deliberate strategy to do that . . . I haven't been able to count the number of interviews I've been involved in and I think it has been going very, very well and I think I've been improving as I've gone along.

Liberty: I'm curious because I think the kind of answers you gave in the debate were a lot better.

Badnarik: I haven't even seen the debate yet.

Liberty: When did you last file a federal income tax return?

Badnarik: I've been unemployed for about three years. I'm not sure exactly when the last one was. I've sent letters asking the IRS to clarify my tax [situation].

Liberty: In your book, you suggest that people should ask the IRS whether they are liable for income tax, and how does one figure out which "items of income" are excluded for tax purposes. Are these the kind of questions that you have asked the IRS?

Badnarik: Yes

Liberty: Barb Goushaw-Collins, your campaign manager, told me that you are trying to settle with the IRS right now. Is this true?

Badnarik: Yes.

Liberty: Is this a campaign decision to make the campaign go more smoothly?

Badnarik: Yes.

Liberty: Some of your supporters who were aware of your status as a non-filer suggested to me that if the IRS actually arrested you during the campaign, it would be great publicity. You've rejected this line of thinking?

Badnarik: Yes, because I represent the Libertarian Party. I don't think that the Libertarian Party endorses that level of activism. I was doing that on my own for lack of any other venue for getting my message out. I had several people tell me that this was a compromise of values and I don't necessarily see it that way. In order to accomplish things, there are times when we have to postpone our goals for an intermediate step.

You know the Founding Fathers, most of whom were opposed to slavery, bit the bullet and consented to a clause in the Constitution which forbids Congress from [interfering with] slavery until 1808. It wasn't an acceptance of slavery. It was an acceptance of the fact that you can't eliminate slavery immediately. When I was doing that I was doing whatever I could to put government in its place. As a spokesman for the Libertarian Party, I think I have much better opportunities to get our message out and to damage the IRS than to create this big brouhaha which could very easily be spun to discredit us and marginalize us. Although I still intend to eliminate the IRS, this is only a temporary strategic [decision].

Liberty: One of your aides said you don't have a driver's license, that you let yours expire when you moved to Texas, because they wanted your Social Security number . . .

Badnarik: They wanted my Social Security number and a fingerprint and I was trying to obtain one without that. That apparently wasn't possible, and so again, I chose that battle because even if I lost, I figured the worst that would happen is that it would cost me money. I've actually been very successful. I've actually won several of my court battles. I've gone to court, picked a jury, and after I have picked the jury, the prosecutor raised his hand and asked the judge — filed a motion to dismiss.

Liberty: You've been stopped without a license, right?

Badnarik: Yes. I've been stopped several times without a license and I have been given citations. I've never been put in jail for not having a driver's license, because it's a class three misdemeanor, and they can't put you in jail for that.

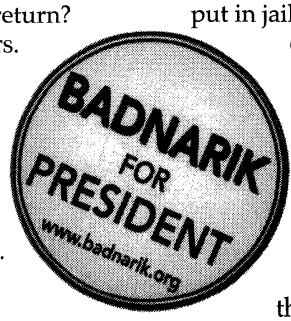

Liberty: Have you been fined?

Badnarik: Yes, I've paid fines. I've actually gone to court and won some of them. The dramatic behind-the-scenes issue is that when I get the ticket, I go to the police station and they ask me how I want to pay the fine. And I tell them point blank that I don't want to pay the fine, I want to go to court. They say, "Go home and we'll send you a letter indicating when you're supposed to appear in court." They tell me that they will, and they're legally obligated to send me notice but they don't. Not being omniscient, if they don't send me a letter telling me when the court appearance is, I don't know when I'm supposed to be there. When I fail to show up, they call my name and file a warrant for my arrest for failure to appear. The next time I'm pulled over for not having a driver's license, due to my lack of knowledge that there was a warrant out, I get handcuffed and taken down to the county jail and get processed.

Liberty: How many times has this happened?

Badnarik: Three. I've been told recently that Alabama does not require a fingerprint or Social Security number for driver's license and I've been advised that I can get a driver's license there.

Liberty: Why does your campaign card list your address as Buda (78610), Texas, rather than putting the ZIP code after the state?

Badnarik: ZIP codes are federal territories. It's just a style thing.

I've been unemployed for about three years. I'm not sure exactly when the last tax return I filed was. I've sent letters asking the IRS to clarify my tax situation.

Liberty: Had you talked to Gary Nolan before the convention?

Badnarik: Gary Nolan and I promised each other when we first met in March of last year at the Wisconsin convention that we would conduct our campaigns strictly above board, we would keep it on the issues, that we would not resort to mud-slinging at all.

Liberty: When Nolan finished third and was eliminated

from the ballot, he threw his support to you. Do you think that was critical in your winning the nomination?

Badnarik: Everything was really, really close . . .

Liberty: That final vote wasn't very close, was it?

Badnarik: I think on the third ballot I got something like 55%. I am still kind of dazed by the whole process. I wasn't surprised when Gary did that, but I wasn't expecting it. I mean we didn't have any agreement or arrangement, as had been suggested.

Liberty: Had you talked at all with Aaron Russo before the convention?

Badnarik: When I discovered that Aaron had entered the race, I sent him an email and offered him the same no-mudslinging offer. I had met Aaron Russo in, I think, September 1997. I happened to be in Las Vegas and I was driving along and I spotted an Aaron Russo for Governor sign so I stopped and ended up speaking with him because I had seen his "Mad as Hell" video and had learned of him that way. Aaron and I always remained friendly but I just didn't interact with him as often because typically he would arrive just before the debate and just didn't hang around. Politically I thought that all three of us were pretty much down the party line. It was difficult for us to debate each other because our positions were so similar.

Liberty: I had the impression that the debate at the convention was designed to showcase the candidates and the party rather than to bring out differences.

Badnarik: Yes. And all I did was to . . . I was actually speaking to the C-Span audience. Basically I was ignoring the delegates and trying to do my best to do a good show for the C-Span audience because frankly I thought that the debate was my last responsibility in the campaign. I was hoping to do well, I didn't anticipate that I would go home in disgrace, but I certainly wasn't anticipating that I would actually win the nomination.

Liberty: At the Florida convention, all three candidates were asked whether there was anything in their background that could come out during the campaign that could bring bad publicity to the LP or to their campaign or to themselves, and all three candidates including you said that there wasn't.

Badnarik: Right.

Liberty: Did you think that not having filed your federal income tax returns was something that could bring bad publicity?

Badnarik: That wasn't something I was ashamed of. If I thought the Libertarian Party would be comfortable with it, I would be happy to challenge the IRS. You know, we invented the government, they work for us, and the IRS has a responsibility to answer our questions. We are asking what law makes us liable? The question was, "is there anything in my background that I was embarrassed about."

Liberty: Oh. I was told that the question was is there anything in your background that could come out that could be a problem, and to a lot of people the fact that you could be arrested at any moment is that sort of problem. And now that you've won the nomination, you're trying to take care of that IRS problem.

Badnarik: Well, the IRS wants money. They don't necessarily want me in jail, they just want compliance. I intend to start paying them the money, then there's no reason for them to throw me in jail. As an interim measure, I will resolve my differences with the IRS so that it doesn't bring any embarrassment to the LP and then once I'm finished with the election after November, I will pick up my battle with the IRS again.

"Just Saying No" to Freedom, *from page 34*

drug offenses were enacted, producing an unprecedented number of victimless drug-crime prisoners who are with us to the present day, ironically endowing Reagan's "land of liberty" with the largest prison population on earth.

At Nancy's urging, the administration supported a new federal law forcing states to adopt the 21-year drinking age. This was not the first time that a conservative government abandoned states' rights, and it would not be the last. Yet it was another telling indication of Reagan's lack of seriousness when it came to philosophical principles. Of course, consistency of principles isn't a common virtue in politicians. It's to Reagan's credit that he signed one of the most liberal abortion laws in the nation when he was governor of California. His later change of mind was due to the growing influence of anti-choice zealots who took over within the Republican Party, not because of any profound moral conviction by the Hollywood actor who was our first divorced president.

As a lifelong Goldwater Republican, I welcomed Reagan's election. By the end of his regime, however, I was appalled by the mounting wreckage caused by his blithe, hypocritical abandonment of free-market and limited-government principles in waging the War on Drugs. I don't believe that Ronald Reagan is personally responsible for the totality of the disaster; Democrats cheered him along and rivaled him in proposing tough antidrug measures. Reagan was a product of his generation, ignorant of marijuana, and responded to the powerful tide of popular antidrug sentiment that swept the nation during the coke-addled '80s.

Reagan was a "B" movie actor and a "B" president. That's not too bad compared to recent tenants of the White House, but it's a shame he didn't have the seriousness of purpose or depth of intellect to apply his principles of free-market economics and limited government to drugs. He deserves credit for helping bring an end to the Cold War, for his genial and entertaining ways that made some Americans feel better, and for making me an ex-Republican. □

Reviews

The Right Nation: Conservative Power in America, **by John Micklethwait and Adrian Wooldridge. Penguin Press, 2004, 450 pages.**

America the Exceptional

Bruce Ramsey

Libertarians are forever thinking of themselves as a minority fighting against high odds. Here is a book that paints them as part of a new American establishment.

Imagine that.

"The Right Nation" is the name these British authors give for conservative America, which they say has become culturally and politically dominant. Collectivism, they say, is "all but vanquished"; left-liberalism a shadow of its former self. Not only do they say that libertarians are part of the force that did this, but that they are a distinctive, defining part of it.

The authors are Oxford-educated editors of *The Economist* who have traveled extensively in the United States, especially in the "red" states of the South and West that Europeans and New Yorkers seldom visit. John Micklethwait is the magazine's U.S. editor, based in London; Adrian Wooldridge is its bureau chief in Washington, D.C. This is their fourth book, following one on management consultants, one on globalization, and one on the history of the corporation.

They contrast America's conservatism with Edmund Burke's conception. Burke defined conservatives by their suspicion of state power, their preference for liberty over equality, their patriotism, their defense of established institutions and hierarchies, their skepticism of progress, and their veneration of aristocracy. The American Right, these authors say, exaggerates the first three of these attributes and contradicts the last three.

"The American Right exhibits a far deeper hostility toward the state than any other modern conservative party," they say. One example is homeschooling, which, they say, "represents a remarkable rejection of the power of the state." So does the insistence of a right to bear arms in self defense.

By European standards, The Right Nation is markedly religious and moralistic; issues the Europeans allow technocrats to deal with, such as abortion, the Americans address with fundamental principles. The Right Nation is populist, wielding the power of initiative and recall in those states, mostly in the West, that allow it. In Europe, only Switzerland uses initiatives in this way. The Right Nation is remarkably pro-capitalist. "Its heroes are not paternalist squires but rugged individualists," the authors say. It exhibits the "conservatism of a forward-looking commercial republic."

Libertarians tend to cite their differences with conservatives. Libertarians define themselves — and it is the radical ones that see the greatest need to do this. Micklethwait and Wooldridge use a more forgiving definition of the Right, which encompasses both libertarians and conservatives. They are writing partly to explain America to Europeans, and they are looking at America from the outside in. Said Micklethwait in an interview on National Public Radio, "If ever there was a subject for which being an outsider is an advantage, 'The Right Nation' is it."

Their book does two things. It describes The Right Nation, almost anthropologically, and it makes an argument. The argument is that The Right Nation is a resurgence of nationalist and classical liberal America, an echo of pre-New Deal America that

Left-liberalism is a shadow of its former self. Not only do the authors say libertarians are part of the force that did this, but that they are a distinctive, defining part of it.

has no referent outside of the United States. No other country has a Rush Limbaugh, an Ann Coulter, a *Wall Street Journal* editorial page, or a Fox News; no other country has a National Rifle Association, a Focus on the Family, and a university for home-schoolers; no other country has a Heritage Foundation, a Hoover Institution, American Enterprise, Cato, Hudson, and Manhattan Institutes, a state-level network of right-wing think tanks, or the kind of money that keeps all these things churning.

America has a Left, and it recognizes its cousins abroad. Our Greens salute their Greens. But the American Right is not blood brothers with the German Right or the French Right or the Japanese Right or even the British Tories (except for Margaret Thatcher, who the authors consider culturally American). The American Right is exceptional. One reason, Wooldridge said at a recent Cato Institute seminar,* is that the American Right "is much more anti-state, much more libertarian." (Of course he is using "libertarian" in that fuzzier sense.)

Micklethwait and Wooldridge argue that the exceptionalism of The Right Nation flavors the whole country, and is one reason why America is so often at loggerheads with Europe. America will not ratify the Kyoto Treaty or the International Criminal Court and it will not have its soldiers commanded by U.N. bureaucrats. Europeans will give up their national currency and sovereignty; Americans don't even like their currency redesigned. Europeans have all had socialist governments, and they have socialist institutions. America never had a socialist government. (The authors say the New Deal was too tame to qualify.) Americans see government's job as providing the background conditions for individuals to pursue their own interests; Europeans see government's job as making sure no one is left behind.

America thinks of itself as a young country, but really, these Britons say, it is not. It is the oldest republic in the world. It settles disputes by arguing over a document written in 1789 and makes bestsellers of biographies of the Founding Fathers. It goes to church, prays to God, sends robbers to prison and murderers to hell. It has a vice president who takes a gun and goes out in the woods to shoot animals. (No European politician, they write, would want to be seen to "point a gun at a fluffy-looking creature.") It expects healthy adults of working age to pay their own way without much state help. In these things, America had the cultural soil. But The Right Nation as an enterprise did not really get going until the 1960s. It had some earlier prophets — Russell Kirk, Ayn Rand, and some others — but Barry Goldwater was its first flag bearer and Ronald Reagan its first president. George W. Bush is its standard bearer now, though he imperfectly represents it.

Bush may be ejected in November. But a President Kerry would not be able to govern from the Left any more than Bill Clinton was.

"Bush's enthusiasm has generally been for business, particularly big business, rather than for the free market," the authors write. "His own career was a textbook example of crony capitalism." They note that he has aided "the Republican Party's incontinence" (such a delightful word!) on federal spending, and that his invasions of Afghanistan and Iraq have given "steroids" to the state. They worry that under Bush II "the Republicans have moved from being the party of small government to the party of big government (as long as it isn't run by Democrats)."

Bush may be ejected in November. But a President Kerry would not be able to govern from the Left any more than Bill Clinton was. Even if Americans eventually elect Clinton's "socialist wife," she will be forced to govern like an Eisenhower Republican. "America would still be different," they say.

*Available at www.cato.org.

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers, and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God bless laissez faire capitalism."

For *The Jewish Debt to the Right*, see Intellectually Incorrect at intinc.org

What do libertarians get from this? The book's message is that we are part of a much larger political army. The authors see us as a congeries of militias — Christians, tax cutters, gun defenders, property rights defenders, small-business conservatives, support-our-troops nationalists, neocons, paleocons, abortion opponents, all of them jostling for position. Among these factions libertarians are small and not very ferocious, but they do have one advantage. They are the fount of ideas some of the others are using: school vouchers, privatization of Social Security, and so on. More than that, they are the proponents of the theory that explains and justifies The Right Nation's hostility to the state. ❑

A Fierce Discontent: The Rise And Fall of the Progressive Movement in America, 1870–1920, **by Michael McGerr. Free Press, 2003, 395 pages.**

Curse of the Progressives

Timothy Sandefur

We live today in the world the progressives made. The administrative state they built has received vast transfusions of funds by crusading politicians from Franklin Roosevelt to Lyndon Johnson to George W. Bush, but the creature itself is a product of what Michael McGerr calls the "stunningly broad agenda" of the progressive age. *A Fierce Discontent* collects numerous examples of that agenda: from laws regulating wages and prices, to censorship, land-use planning, prohibition, and even segregation. The progressives, McGerr writes, "wanted not only to use the state to regulate the economy; strikingly, they wanted nothing less than to transform other Americans, to remake the nation's feuding, polyglot population in their own middle-class image."

Unfortunately, although McGerr brings together a wealth of sometimes shocking material showing how profoundly anti-individualist the progressives were, he somehow fails to arrive at a solid definition of the term. This undermines his larger theses. According to McGerr, progressivism, a radical and thorough attempt "to reconstruct the individual human being" and to "reshape values and behavior," was led primarily by the middle class, which sought to impose its values on the entire society. "More inclined to socialism than they liked to admit," writes McGerr, progressives "were radical in their conviction that other social classes must be transformed" so as to conform to a middle-class vision of the proper order.

There are two primary problems with this interpretation. It does not tell us what that "proper order" was, and it is inconsistent with the elitism of the progressives themselves. Unlike populism — the movement that foreshadowed the progressive age — progressivism was led primarily by intellectuals; by people like Oliver Wendell Holmes, Louis Brandeis, Herbert Croly, Woodrow Wilson, and many other names that would reemerge in Franklin Roosevelt's "Brain Trust." While it is easy to describe the "values" of progressives as middle class, a more precise definition would include its overriding hostility to individualism and the dynamic society that it created. Progressivism was a technocratic movement that sought to organize progress along tracks that the intelligentsia thought were the right ones.

This would require a genuine revolution of American society. Inequalities of wealth or condition were the result, said socialists, of a society based on corrupt notions of justice inherited by capitalists. Marx wrote that:

> in the social production of their life, men enter into definite relations that are indispensable and independent of their will. . . . The sum total of these relations of production constitutes the economic structure of society, the real foundation on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. . . . It is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness.

In other words, transactions between actors in society are so influenced by mores or other social influences that the law inevitably institutionalizes inequalities. When transactions are later made according to these laws, the transactions are tainted by this inequality, and these become precedents for further transactions, ad infinitum.

Thus even a consensual transaction today cannot be said to reflect an objective, nonpolitical meeting of the minds between buyers and sellers, because it is permeated by social influences which "determine" the parties' "consciousness." The mores of individualism, of working for what one gets and then being free to keep it, were among these influences, and to eradicate them meant transforming morality as well as politics.

For instance, McGerr notes that the progressivist Walter Rauschenbusch

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"emphasized the fundamental importance of transforming individual human beings." He quotes Rauschenbusch: "The greatest contribution which any man can make to the social movement is the contribution of a regenerated personality. . . . Such a man will in some measure incarnate the principles of a higher social order in his attitude to all questions and in all his relations to man, and will be a wellspring of regenerating influences."

While it is easy to describe the "values" of progressivism as middle class, a more precise definition would include its overriding hostility to individualism and the dynamic society that it created.

In 1900, such a far-reaching assault on individualism was much more radical than today. Its leaders, therefore, advertised their campaign in terms their target audience would accept: moral uplift; protecting the weak; helping the poor; serving your fellow man. This packaging attracted the middle-class audience, raised on Victorian moralism; Mencken said that Woodrow Wilson spoke to voters in "vague and comforting words — words cast into phrases made familiar by the whooping for their customary political and ecclesiastical rabble-rousers. . . . " The union of government and altruism — what came to be called the "Social Gospel" — was born. *This* explains the apparently middle-class origins of progressivism. But the product itself was — as with all socialist movements — built by elites and sold to the people, *not* the other way around. Despite their frequent invocation of democracy, the progressives were quite undemocratic; their state would be a democracy programmed and operated by experts. John Dewey, for instance, insisted that "the cure for the ailments of democracy is more democracy," but he defined democracy as "that form of social organization, extending to all the areas and ways of living, in which the powers of individuals shall . . . be fed, sustained and directed." Directed by whom? By Dewey, of course.

Progressivism transformed democracy from rule by the people into rule by a government elite in the name of the people. As McGerr writes, "In 1908, the Democratic platform demanded, 'Shall the People Rule . . . ?' It was a deceptively simple question. Who were 'the people' . . . ? It was not obvious at all." Indeed, "the people," as used by collectivists, has always meant the rulers, who claim that being controlled by the state is in "the people's" interest, whether they like it or not. Even the socialist historian Eric Foner criticizes the progressives for being overly confident "that the state could be counted upon to act as a disinterested arbiter of the nation's social and economic purposes." But when their bureaucracy failed to reach this unreachable star, the progressives' only solution was to further insulate the bureaucracy from public influence. The result of this was a state that was *less* democratic, not more. As their pursuit of "rational," disinterested economic planning increased, so too did the exclusion of the voices of the people, who seemed always, to the progressives, to be tainted with "partisan" interests.

Consider also the many exclusionary programs created by the progressives — programs which show that not everybody counted as "the people," notwithstanding the progressives' "pull-together" rhetoric. When Theodore Roosevelt said he had to "stop the influx of cheap labor, and the resulting competition which gives rise to so much bitterness in American industrial life," he was explicitly excluding a vast group of the world's population from achieving the prosperity and "more abundant life" that the progressives invoked as their aim. In this case, organized labor was "the people," not the Chinese immigrants.

Legal segregation was another progressive "solution." The late 19th century saw a rash of lynching throughout the nation — in some years, more than one every other day. "The solution," McGerr writes, "was a dramatic intensification and codification of segregation. . . . Through differing mixtures of law and custom, every Southern town, city, county, and state tried to achieve two goals: first, to send an unmistakable message of racial inequality that would intimidate blacks and reassure whites: second, to deprive blacks of so much economic and political opportunity that they could never threaten white power."

In short, the progressives failed to solve the problem they created, which Richard Hofstadter describes as "whether it is possible in modern society to find satisfactory ways of realizing the ideal of popular government without becoming dependent to an unhealthy degree upon those who have the means to influence the popular mind." They failed because this task is impossible — and because whose influence is "unhealthy" depends entirely on whom you ask. Like all government intervention, progressive "solutions" were subject to the public-choice effect. As government becomes more powerful, as it redistributes more resources to favored groups, the incentives for lobbying increase. Government power then falls into the hands, not of the most deserving, but of the most politically adept. Since the 1900s, political

The progressives' moral relativism gave the illusion of democratic values because of its majoritarian style. But in fact, it set the standard of justice as The Rule of the Stronger, whoever that rule-maker might be.

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innovations intended to put "the people" in charge have sooner or later been taken over by political elites. And every year's crop of candidates speechifies that *this* time, they really *will* eliminate the "special interests," and empower "the people" to rule through a new menu of agencies and bureaus.

But progressives had also destroyed their only hope of rescue from government-by-faction when they attacked the concept of natural justice. Progressive political theory laughed at the idea that human beings were naturally free, or that political principles preceded the state. Instead, since "social being determines consciousness," justice could be chosen a priori and imposed by government: a society was "unjust" if it differed from some preconceived idea of the "good society." And without any pre-political standard of justice, those shaping society (on behalf of "the people") were free to choose any standard they wished, and once written into law, it became, ipso facto, justice. The progressives' moral relativism gave the illusion of democratic values because of its majoritarian style. But in fact, it set the standard of justice as The Rule of The Stronger, whoever that rulemaker might be. This is how progressives justified violating individual rights in the name of "democracy," even though previous generations had understood that democracy could never legitimately violate individual rights. For Justice Holmes, it was a oxymoron to say that a law was unjust — it was "like shaking one's fist at the sky," because "the U.S. is not subject to some mystic overlaw that it is bound to obey." But without a pre-political standard of right and wrong, how could progressives complain when government was taken over by "special interests"? Moral relativism undermined their appeals to democracy, therefore, even as it enshrined the absolute rule of the majority.

Imposing preconceived standards of justice on society meant a lot of cutting and stretching, and thus progressives saw World War I as "a special opportunity for reform, a chance to promote their agenda at point after point."

> In particular, the need to raise an army, stimulate the production of food and war materials, and ensure loyalty would require an activist state. "Laissez-faire is dead," declared a reformer. "Long live social control. . . . " The activist state would surely cripple the progressives' old enemy, individualism. "War necessitates organization, system, routine, and discipline," observed the journalist Frederick Lewis Allen. "We shall have to give up much of our economic freedom. . . . We shall have to lay by our good-natured individualism and march in step. . . ." Full of "social possibilities," the war, John Dewey suggested, would constrain "the individualistic tradition" and teach "the supremacy of public need over private possessions."

Nothing quite that serious came from the progressive era. But it made serious inroads on the political and moral independence of Americans. The notions that government should push society into a more "just" form; that disinterested "experts" could run society the "right" way, without being swayed into evil by the wiles of lobbyists; that it is "cynical" or "nihilistic" to argue that government should confine itself to more mundane tasks; that natural justice or natural rights are superstitions; that the personality is the result of environment — all of these have remained. More subtle forms of progressive control have remained also: the state monopoly on education, for example. Henry Adams said that "all state education is a sort of dynamo machine for polarizing the popular mind; for turning and holding its lines of force in the direction supposed to be most effective for state purposes." Dewey and other progressives openly embraced this justification, and when educrats today criticize homeschoolers for failing to "socialize" their kids, they are simply reverting to the language of their progressive forebears. Even rituals like the Pledge of Allegiance — a progressive invention for inculcating national obedience — remain today, and are defended even by conservatives otherwise hostile to the progressive movement.

These all indicate the final failure of McGerr's otherwise very interesting book: he imagines that the progressive era is over. The election of Calvin Coolidge, on an explicitly individualistic platform, ended the progressive dream, writes McGerr. "Reformers," he says, "had to sit back and watch the Republican administrations of Warren G. Harding, Calvin Coolidge, and Herbert Hoover pursue a politics of individualism and laissez-faire." Yet he admits that "the nation would not abandon progressivism and its ideas completely," and that Franklin Roosevelt, Lyndon Johnson, and other presidents pursued progressive goals and employed progressive methods. What could possibly distinguish the New Deal or the Great Society from progressivism? For McGerr, the difference is that while the latter:

> knew, better than the old progressives, how much the people were eager for Washington to help ensure their prosperity . . . [they also] realized that most Americans wanted to be left free to pursue pleasure, to indulge in the individual gratification of consumerism. The task of govern-

Even rituals like the Pledge of Allegiance — a progressive invention for inculcating national obedience — remain today.

"I'm not complaining — the economy's finally slowed down to where I can keep up with it."

ment was to make sure Americans could afford pleasure, and then get out of the way.

This is true, but a better explanation is that welfare statists since the 1930s represent, not the repudiation of progressivism, but just new turns in the public-choice effect that the progressives set in motion. The vast bureaucracy they created is conquered by one pressure group after another — prohibitionists, the "war on poverty" crowd, corporate powers, social conservatives, and back again. The post-progressive age has not given up on the progressives' "ambitious" work; it has simply shifted from one collective fad to the next, employing the government in a host of sometimes absurd and contradictory reform agendas, each announced in the next State of the Union address.

McGerr's book brings together hundreds of useful examples which reveal the darkness of this political vision. Unfortunately, he fails to follow the stream to its philosophical headwaters of collectivism, moral relativism, and elitism. Doing so would be a mighty task, but it would help to make the case against the chaotic power lust of the modern progressive state. ❑

Against All Enemies: Inside America's War on Terror, **by Richard A. Clarke. Free Press, 2004, 304 pages.**

The Price of Loyalty: George W. Bush, the White House, and the Education of Paul O'Neill, **by Ron Suskind. Simon & Schuster, 2004, 348 pages.**

Courtiers in the House of Bush

Alan W. Bock

When political books come out in an election year, it is usually prudent to approach them with a modicum of caution, understanding that they just might come with a political agenda. Although they contain plenty of information that might cause you to think less highly of George W. Bush, neither of these books is an outright hatchet job. Nor do they make the case for the outright stupidity, incompetence, or malevolence of the president that the newspaper stories revolving around their publication have suggested. But future historians, seeking to assess the Bush presidency more dispassionately than most of us can manage to do just now, will find both books useful.

Richard Clarke's book, timed to be released the same week he was scheduled to testify before the 9/11 commission, has made the larger splash. Like his actual testimony — as opposed to the *60 Minutes* interview and the pre-publicity — it is critical of Dubya, but more sober and measured than the condensed, almost hysterical condemnation both supporters and critics of the administration had expected.

The book criticizes the Bush administration's approach to terrorism prior to 9/11 and outlines Clarke's own career, beginning in the State Department in 1979, in the context of the crises and problems the United States faced overseas during that period. I suspect that Clarke was not quite so much at the center of things as he makes it sound, but he was in place and paying attention, from the Soviet invasion of Afghanistan and the Iranian revolution which got the U.S. "Stumbling into the Islamic World" (a chapter title) until just a few months ago.

Clarke summarizes our involvement with Saddam Hussein in the 1980s, beginning with the premise that "[a]lthough not an ally of Iraq, the Reagan administration had decided that Saddam Hussein should not be allowed to be defeated by a radical Islamist, anti-American regime in Tehran." Thus the administration removed Iraq from the list of "terrorism-sponsoring" countries, sent Donald Rumsfeld to establish friendly relations, started sharing intelligence, and re-established full diplomatic relations. Clarke says: "Although the U.S. never sold arms to Iraq, the Saudis and Egyptians did, including U.S. arms. Some of the bombs that the Saudis had bought as part of overstocking now went to Saddam, in violation of U.S. law. I doubt that the Saudis ever asked Washington's permission, but I also doubt that anyone in the Reagan administration wanted to be asked."

Clarke became Assistant Secretary of State for Politico-Military Affairs in 1990, so he had a front-row seat for and some involvement in the first Gulf War. His comments are mostly useful, especially the observation that the kind of international cooperation the U.S. got in the first Gulf War would have been most unlikely during the Cold War. He goes on:

> The Cold War had also served to suppress some traditional ethnic and religious rivalries beneath the heavy glacier of the Communist totalitarian state, particularly in the Balkans and Central Asia where there were many Muslims. To the extent that religion was a political force during the Cold War, it was a weak one promoted by the United States as a counterpoint to the anti-religious ideology of the Soviet Union.
>
> When the Cold War ended, the United States could move massively into the Persian Gulf during a crisis there, ethnic and religious tensions could erupt in the Balkans and Central Asia, and religious fervor could no longer be directed at the

Communists. Those feeling disadvantaged by the global system and wishing to blame their lot on foreign forces had only one world-dominant nation to blame for their troubles, one major target to motivate their followers: America.

Now for the juicy stuff: Clarke, who took on the antiterrorism portfolio in the White House after Clinton was elected, makes the case that the Clinton administration was more aware of and serious about terrorism than the Bush administration was during its first few months. Clarke makes this case better than I thought it could be made. He says the stuff about Sudan offering bin Laden to the Clintonites on a silver platter, the story so stressed by many Republicans, is bunk. (I don't know enough to assess either claim.) He gives a reasonably good explanation of the rise of al Qaeda. He was more assertive about wanting to get rid of Saddam than anyone else in the Clinton administration, and almost got his way during the crisis of 1996.

Clarke makes the case that the Clinton administration was more aware of and serious about terrorism than the Bush administration was during its first few months.

Clarke says the aspirin factory really was an aspirin factory, and that the Clintonites had three relatively decent chances to take bin Laden out with a missile but didn't do so. He gives the Clintonites more credit for stopping the "Millennium bomber" who crossed the Canadian border, allegedly with evil designs on Los Angeles International Airport. Yes, they had an alert on, but it seems to have been one alert border guard who made the difference, not the institutional preparedness.

He writes of Condi Rice: "As I briefed Rice on al Qaeda, her facial expression gave me the impression that she had never heard the term before." That's not inconsistent with the fact that Rice did know a bit about al Qaeda and had even referred to al Qaeda as a threat earlier. But it could also be seen as a putdown.

Clarke's gripes against the Bush administration seem as likely to be bureaucratic grievance-mongering as they are to be genuine concern. Clarke had been operating as a separate shop under the auspices of the National Security Council during the Clinton administration, and Rice downgraded the office so Clarke met with subordinates rather than with the sacred "principals" (the actual people who held the title of Secretary of this or that), which made him less important. Although he makes a case that the government should have been more vigilant during the summer of 2001, he doesn't even try to argue that the 9/11 attack would have been prevented if all his recommendations had been followed.

The case Clarke makes more convincingly is that the Bush administration was obsessed with Iraq and Saddam Hussein from the very beginning and subordinated more effective possible steps against real terrorists to the goal of getting a war with Iraq underway. Paul Wolfowitz, if Clarke's account is even reasonably accurate, did downplay the threat from bin Laden and argued that "Well, there are others that do as well, at least as much. Iraqi terrorism for example."He didn't back down even when Clarke got the terrorism experts from both the FBI and CIA to agree that Iraq hadn't sponsored any terrorism directed at the United States since 1993.

His criticism of the Iraq war is pointed:

> Far from addressing the popular appeal of the enemy that attacked us, Bush handed that enemy precisely what it wanted and needed, proof that America was at war with Islam, that we were the new Crusaders come to occupy Muslim land.
>
> Nothing America could have done would have provided al Qaeda and its new generation of cloned groups a better recruitment device than our unprovoked invasion of an oil-rich Arab country. Nothing else could have so well negated all our other positive acts and so closed Muslim eyes and ears to our subsequent calls for reform in their region. It was as if Osama bin Laden, hidden in some high mountain redoubt, were engaging in long-range mind control of George Bush, chanting "invade Iraq, you must invade Iraq."

The book about former Treasury Secretary Paul O'Neill, while informative and useful, annoyed me a bit, largely because of a conceit employed by author and former *Wall Street Journal* reporter Ron Suskind.

Suskind supplies plenty of information to validate the suspicion that O'Neill and Federal Reserve Chairman Alan Greenspan were wary of the Bush tax cuts and worked from the outset to reduce them. He constantly portrays O'Neill and Greenspan as pragmatists who were guided only by the economic numbers, which they would recite to one another during breakfast meetings the two men (friends for 30 years) held periodically. By contrast, Bush advisers like Larry Lindsey, who advocated for the largest tax cuts politically feasible, are invariably called "ideologues." This may surprise some, coming as it does a former *Journal* reporter, but it should not. *Wall Street Journal* reporters don't necessarily agree with the supply-side orientation of the editorial-page staff; I know from my own paper that this can be the case, and from some acquaintances at the *Journal* that it is generally the case there. Suskind doesn't do anything so obvious as putting "ideologues" in italics, but you can almost hear the sneer whenever the word is used.

The Price of Loyalty is worth reading for its picture of how the Bush White House functioned, and especially of the curiously incurious nature of the president himself.

Pish and tosh. Unless you have some kind of theoretical framework, simply immersing yourself in the numbers can't tell you anything about how the economy is doing. O'Neill was chairman of Alcoa after time in the Nixon and Ford administrations, and apparently did a terrific job turning the company around. He is one of those old-fashioned big-business-oriented Republicans who worries most about

federal deficits and is routinely afraid that a tax cut will be too big, though he at least isn't invariably opposed to them like some "responsible" Republicans. He frets that those simplistic right-wingers will have too much influence. Bush had every reason to know this when he appointed him.

O'Neill met one-on-one with Bush about once every eleven days, and many meetings were like the first one, where O'Neill recapitulated his memo on the state of the economy and kept up a monologue for 45 minutes. Suskind writes:

> There were a dozen questions that O'Neill had expected Bush to ask. He was ready with the answers. How large did O'Neill consider the surplus, and how real? How might the tax cut be structured? What about reforming Social Security and Medicare, the budget busters. How will we know if the economy has turned?
>
> Bush didn't ask anything. He looked at O'Neill, not changing his expression, not letting on that he had any reactions — either positive or negative.

Maybe it's a management technique, and maybe it's not knowing what questions to ask. Hard to tell.

The good stuff is in here, however. At the first National Security Council meeting, ten days after the inauguration, the second item on the Mideast agenda was "[h]ow Iraq is destabilizing the region, Mr. President," as O'Neill quotes Condoleezza Rice, "in what several observers understood was a scripted exchange." The council pored over a grainy photograph of a factory and pondered whether it was producing chemicals for weapons, though CIA director George Tenet admitted there was "no confirming intelligence" to that effect. After that conversation, "a new direction, having been set from the top, this policy change now guided the proceeding. The opening premise, that Saddam's regime was destabilizing the region, and the vivid possibility that he owned weapons of mass destruction — a grainy picture, perhaps misleading but visceral — pushed analysis toward logistics: the need for better intelligence, for ways to tighten the net around the regime, for use of the U.S. military to support Iraqi insurgents in a coup." O'Neill concluded, walking back to his office: "Getting Hussein was now the administration's focus, that much was already clear."

The picture that emerges of our president is of a person who makes up his mind quickly (sometimes after a period, real or feigned, of listening to differing advice) and afterward finds it almost impossible to change his mind.

There's more, much of it interesting. But the picture that emerges of

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our president is of a person who makes up his mind fairly quickly (sometimes after a period, real or feigned, of listening to differing advice) and afterward finds it almost impossible to change his mind, adjust his views, or admit that he might have had incomplete information (as everyone does most of the time) when he decided. That stubbornness might get the U.S. out of Iraq on schedule with little future political commitment, but it got us into the war when there was no good reason, from the perspective of actually defending the United States against an imminent or even a likely threat.

Minor annoyances aside, this book is definitely worth reading, not only for the evidence that this administration was obsessed with Iraq from the outset, but for the light it sheds on just how haphazard policy-making is in the actual doing. This is something that has happened in other administrations, but it seems especially characteristic of George W. Bush. *The Price of Loyalty* gives a picture — incomplete, no doubt, but a useful picture nonetheless — of how the Bush White House functions, and especially of the curiously incurious nature of the president himself. ❑

Dark Horse on the Third Ballot, *from page 48*

federal authorities, the LP would have solved its problem about getting media attention? Should it play on Badnarik's strengths, his knowledge of the Constitution and articulateness, and try to appeal to the radical right-wing constitutional movement of which Badnarik was a spokesman?

It seems apparent that the party leadership has decided against that course. Instead, it seems to be striving to remake Badnarik into a conventional LP nominee, a gray man of the moderate right. The delegates may have voted for a radical constitutionalist, but what they got was a clone of Gary Nolan and Harry Browne.

The two middle-aged white guys who did high fives upon learning of Nolan's defeat will, I suspect, soon be having second thoughts. ❑

Letters, *from page 4*

The Political Calculus

I agree with K.R. Mudgeon's entire rant except for the conclusion ("Nowhere to Go," July).

Over the past few decades, the voters with few exceptions have increasingly elected state and federal representatives that tell them what to do and how to do it and take care of them at someone else's expense. They want a king. For the foreseeable future, then, our political direction is going to be controlled by Democrats and Republicans with minor political parties playing little role except as occasional spoilers.

Although I am not personally acquainted with any such Republicans, the Republican Party reportedly has a base of people who prefer smaller, less costly, and less intrusive government. If that is the case, the only hope for those of us with libertarian or conservative inclinations is the Republican Party. But that hope can only be realized if the influence of the profligate authoritarians such as George W. Bush and the present congressional leadership is reduced in significance. The most effective way to do this is to turn them out of office, and this is most likely to be accomplished by voting for their Democratic challengers.

There is some danger that the Republicans will interpret such ousters as a further leftward drift of their constituents, but the pollsters and a few letters to the appropriate Republican organizations should minimize that.

While Mudgeon is out fishing on Nov. 2, I will be voting for John Kerry. God, I can't believe I'm doing this!

Clint Cooper
Williston, N.D.

A Long Wait

"When the professors can neither avoid a new idea nor find fault with the substance of it, they'll find it in the form . . . " That was from my book, *The Amateur Science of Economics*, and Richard Kostelanetz, reviewing it in *Liberty* (July), has found plenty of fault with its form. As for its substance, he openly conceded "the truth of (my) message" — though barely scratching the surface of it.

He offered a very nice sampling of my "provocative aphorisms," but passed over what should have been the most provocative of all to a libertarian: "Freedom's worst enemies are its incompetent and false friends, standing in the way of real ones, the prima donnas of conservatism and libertarianism, jealous and fearful of new voices with new ideas, and being left in the wake of intellectual progress."

But you wouldn't know from his review of it that this book was anything more than another challenge to the "liberals," that it was as much a challenge to Kostelanetz himself and his fellow libertarians. Evasion being the sincerest form of flattery, and a grudging endorsement the best, I'll take it; and, having waited 30 years for libertarians to acknowledge my existence, I can only hope that it won't take another 30 for them to face the challenge.

D.G. Lesvic
Pacoima, Calif.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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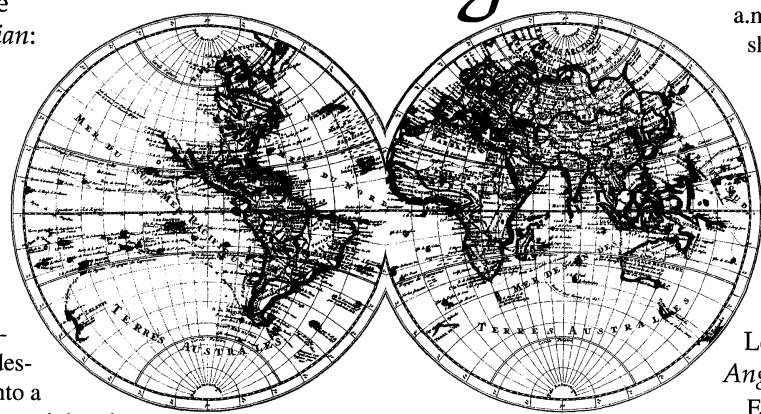

Los Angeles

Curious cultural note, reported by the estimable *Seattle Times*:

O.J. Simpson has announced a plan to star in a new TV reality show. "It's a takeoff on something called punk'd," an MTV hidden-camera show, said Simpson. "It's me doing gags as Juice . . . what they call 'juicing' people."

Montpelier, France

Dispatch from the War on Terror, from a report in the always provocative *Guardian*:

A French motorist has been given a three-month suspended prison sentence for trying to run over a pedestrian he believed to be Osama bin Laden. The anti-terrorist, identified only as Pierre, pursued his intended victim through several red lights and into a pedestrian zone before crashing into a wall. His military target was not injured.

Oslo, Norway

Progressive effort to increase economic productivity, from a dispatch in the *Seattle Times*:

Norwegian Prime Minister Kjell Magne Bondevik said yesterday he hopes a new campaign to reduce bullying at work will reduce one of Europe's highest rates of sick leave. Workers in Norway call in sick an average of 8.5% of the time.

Washington, D.C.

The willingness of the coalition shows signs of strain, as reported in the *Boston Globe*:

While visiting the White House, Afghan President Hamid Karzai told reporters, "It's been very nice visiting the United States again. One likes to stay here and not go, it's such a good country."

Brussels

Further progress toward a United Europe, from an article in the *International Herald-Tribune*:

Pet owners will be able to take their dogs, cats, and ferrets abroad this summer even if they do not have a pet passport.

Washington, D.C.

Cultural note from the vigilant *Houston Chronicle*:

A report revealed that the Pentagon wasted $100 million over six years on unused airline tickets, prompting lawmakers to urge the government to "fix its culture of indifference" to American taxpayers.

Miami

Further evidence that federal law enforcement is up to the challenge posed by international terrorism, from a *Miami Herald* dispatch:

A teacher's aide who forgot to put away her marshmallows and hot chocolate at Yellowstone National Park last year was taken from her cruise ship cabin in handcuffs and hauled before a federal judge, accused of failing to pay the year-old fine. Hope Clarke, 32, crying and in leg shackles, told the judge she was rousted at 6:30 a.m. by federal agents after the ship returned to Miami from Mexico, and insisted that she had paid the $50 fine before she left the national park. She spent nearly nine hours in custody.

Vancouver, B.C.

A conundrum for the Left, as reported by the *Port Angeles Daily News*:

Efforts to capture and relocate a lost killer whale on Canada's Pacific coast were suspended temporarily on Friday following objections from native Indians who say the animal may be the spirit of a dead chief and want it to stay where it is.

Portland, Ore.

Crackdown on non-FDA-approved treatments, from a *Washington Times* report:

An Oregon doctor who had sex with a patient and then charged the state about $5,000 for his "treatments" has been jailed for 60 days and stripped of his license.

Djakarta, Indonesia

An ally in the War on Terror does its part, from Radio Australia:

Indonesia's naval chief, Bernard Sondakh, has ordered his commanders to shoot armed terrorists or pirates in key waterways including the busy Strait of Malacca, which carries a quarter of world trade. "In the future, every thief or terrorist at sea has to be shot dead and this should be publicized by the mass media to teach a lesson," Sondakh said in a statement. "Don't take them alive. . . . From now on we will show to the world that the Indonesian Navy alone is capable of safeguarding the Malacca Strait. And don't try and accuse us of violating human rights again."

Port of Spain, Trinidad

Evidence of the efficiency of state bureaucracy, from a dispatch of the prominent *New Zealand Herald*:

A frail 89-year-old Trinidadian man left his apartment for the first time in eight years after broken elevators in the government-owned building were finally replaced.

Special thanks to Russell Garrard, Bryce Buchanan, William Walker, and William Brickey for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to libertyterra@yahoo.com.)

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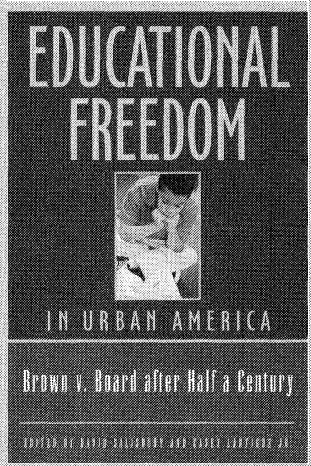

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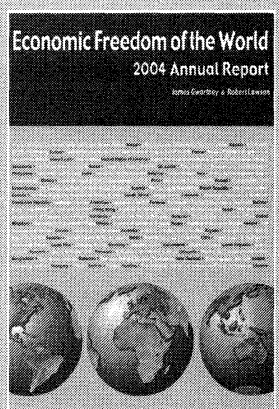

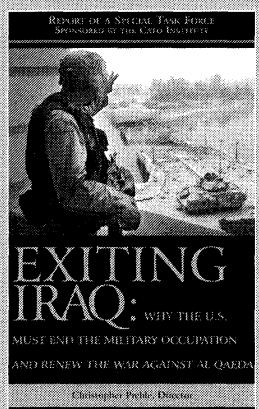

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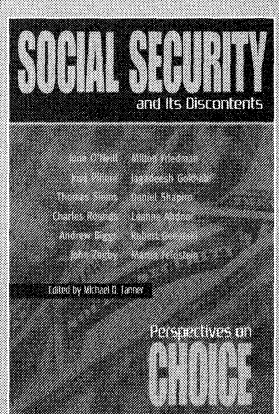

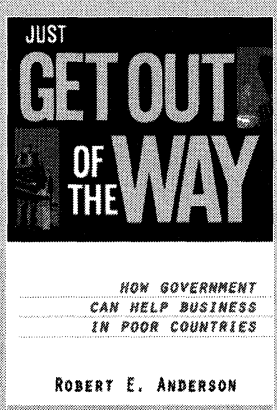

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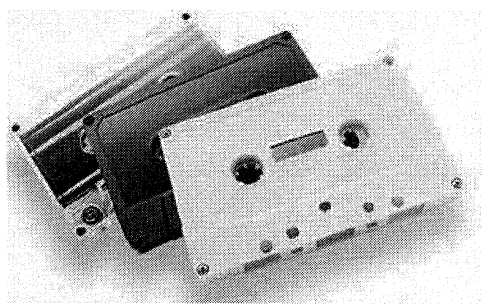

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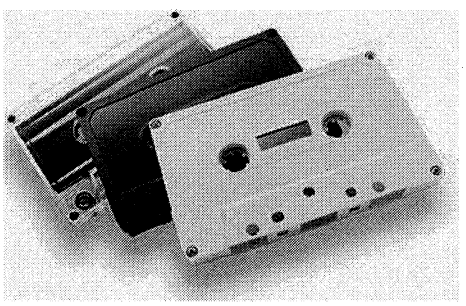

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Inside Liberty

September 2004
Volume 18, Number 9

4 Letters The readers always come first.

7 Reflections We get a suntan at 300 dpi, vote against Bonesmen, protest the cat tax, feel the LP's forehead, find hate speech in *Fahrenheit 9/11*, fall out of love with trains, and find a smidgen of sanity in the Supreme Court.

Features

9 An Echo, Not a Choice How did a party that opposes the Iraq war nominate a man who supports it even more strongly than George Bush? *R.W. Bradford* finds the answer.

17 The Triumph of the Brummagem *Alec Mouhibian* discovers that it isn't just John Kerry's face that is immobilized by Botox.

19 The Military Invades the Campus Affirmative action plus national security equals an end to free speech on campus. *Mark Moller* explains.

21 The Color of Envy The Green Party gathered in Milwaukee to fight Big Coffee, Big Beer, and Big Printing. *Tim Slagle* reports.

31 Urination Nation The War on Drugs takes its show on the road, where *Ari Armstrong* learns about the wisdom of making kids pee into paper cups.

33 Resist All Wars! The National War Tax Resistance Coordinating Committee won't pay taxes to support the War on Iraq. *Barry Loberfeld* invites them to resist taxation that supports the War on Drugs and other wars.

35 Why I Am for Freedom *Rodney Hide*, newly elected leader of New Zealand's ACT Party, tells why he wants to change things in the land of mist and sheep.

37 When Freedom Seekers Meet The avant-garde of the Free State Project gathered for an old-fashioned campout in New Hampshire. *Logan Brandt* was there, and reveals all.

41 Two Cheers for Violence Pacifists often claim that violence only begets violence. *Dave Kopel* tells why they are wrong.

Reviews

43 Why Is the West Rich? Historians and economists say that private property made the West the richest place on Earth. *Jane Shaw* looks at a new book that challenges that explanation.

44 The Temperature at Which Truth Burns The pop documentary *Fahrenheit 9/11* burns George Bush and his war. Does it also burn the truth? *Sarah McCarthy* goes to the movies, looking for an answer.

47 It's Not Easy Being Spidey Even under a superhero's outfit, *Jo Ann Skousen* says, there is a man who must choose between helping others and helping himself.

48 The Explosion That Changed the World It's not every day that an island blows up and disappears. When it happened in 1883, *Bettina Bien Greaves* discovers, people's understanding of the world changed forever.

50 Booknotes Geek heroes and a maverick economist.

49 Notes on Contributors Who *are* those folks?

54 Terra Incognita Warning: it's a strange world out there.

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Letters

The Return of Christ

I wish to make a factual correction to Stephen Cox's delightful note, "Totalitarian Grandeur" (Booknotes, July). In his comments on the construction of the Palace of Soviets in Moscow, he writes, "The site of the Palace of Soviets is now a swimming pool." This was true a decade or so ago, but it is not true today.

Prior to the Russian Revolution, the site was occupied by the Cathedral of Christ the Savior built to commemorate Russia's victory over Napoleon in 1812. Stalin decided to build the Palace of Soviets on the site, and the cathedral was dynamited on his orders. The Palace of Soviets was never built. In its place a swimming pool was constructed. Following the fall of the Soviet regime, the swimming pool was demolished and the Cathedral of Christ the Savior was rebuilt from the original plans. It was consecrated at the millennium and, today, it is occupied by the see of the Patriarch of Moscow.

Serge N. Timasheff
Wellesley Hills, Mass.

Reagan's Critics and the Constitution

Ronald Reagan's death brought grudging admiration by Democrats, but also condemnation for "his deficit spending." Let's review our Constitution: "All bills for raising revenue shall originate in the House of Representatives." Currently, there is a razor thin difference between the number of House Republicans and Democrats. The defection of a few members in either party can swing a vote to the other party. But while Reagan was president, the GOP averaged 62 *fewer* members in the House than did the Democrats. Reagan got the weapons to win the Cold War, but he had to pay for those weapons by allowing the Democrats to get their snouts deep into the trough, where they dominated domestic spending.

Bill Chambers
San Marcos, Calif.

The Virtue of Capitalism

In "Refuge and Sanctuary" (Reflections, July), Bruce Ramsey recounted that Charles Murray recently acknowledged that "hundreds of millions of people around the world were perfectly happy living under authoritarian governments."

Hardly anyone wants a government that pushes him around. Nearly everyone wants a government that cushions him against the caprices of the capitalist marketplace. Capitalism does not reward hard work and loyalty. It rewards luck and talent.

John Engelman
Wilmington, Del.

Terror in the Desert

My wife and I live in the "inhospitable terrain" of the Sonora Desert east of San Diego, about which R.W. Bradford wrote in "Bordering on terror" (Reflections, July). We see the havoc caused by government anti-immigration policies and enforcement daily. We have no problem advocating open borders, no fear of being overrun by Spanish-speaking immigrants, and no fear of being inundated by Latino culture.

The advantages of open borders would, in my studied opinion, outweigh the disadvantages and create a healthier, wealthier economy for the entire hemisphere, with the greatest gains being seen in the currently depressed U.S.-Mexico border area.

Economics aside, the humanity issue is reason enough to do away with the Border Patrol and anti-immigration policies.

I see men, women, and sometimes children with backpacks and water bottles hiking through the desert (where "it's 110° in the shade and there ain't no shade"), hiding in the bushes along the Colorado River, or stretched

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out on the ground prior to being loaded into Border Patrol vehicles for the trip back to Mexico. I imagine myself in their position and curse the irrational fears that cause people to be so inhumane to other people.

Before moving here I lived in Logan Heights (a rough neighborhood in San Diego). There were street gangs, crack addicts, speed freaks, hookers, rampaging cops, drive-by shootings, and all sorts of crime and violence.

One group of neighbors didn't participate in all that. They were the illegal aliens. I used to sit at an upstairs window writing and watching the people in the apartments next door. There was one family I remember in particular. The father worked from dawn to dusk while the mother and early-teen daughter took care of other people's children. They were very poor and worked very hard, but were always happy and smiling and very polite. One night there was a Border Patrol raid and most of the residents of that building were hauled away.

A few nights later, during a large storm, I was watching TV news and saw, in the glaring searchlights of a TV helicopter, a family of three being swept out to sea while attempting to cross the Tijuana River. I got a terribly sick feeling when I recognized the terror-stricken faces of our neighbor family who were paying the ultimate price for trying to get back to work.

Whatever you may choose to call U.S. anti-immigration policy — I call it terrorism and mass murder!

J.R. Nobody Graham
Winterhaven, Calif.

I Like Mike

I was just reading your report on the LP convention and the nomination of Michael Badnarik ("Dark Horse on the Third Ballot," August). Excellent reporting — by far the best I've seen on this convention. I picked up a lot of new information. I hadn't heard anything about his not paying income tax or his driving without a driver's license.

I am the Indiana Libertarian candidate for U.S. Senate, running against incumbent Democrat Evan Bayh. I don't think I'd qualify as a gray "Harry Browne" candidate, but I'm, well, a little more grounded in reality than to be driving without a license and such foolishness.

On the other hand, I like Badnarik. He seems to be showing the moderation to clean up a bit, settling with the IRS and such. Those two quotations about the U.N. building and chaining prisoners do kind of look bad, though. Still, he seems like a good, sincere guy, with no taint of association with Browne, and without the rabid and inconsistent emotionalism of Russo. He can't do worse than Browne. I hope.

Al Barger
Laurel, Ind.

Bradford Doesn't Like Mike

It's no wonder Libertarians do so poorly in elections. Democrats and Republicans don't use their press outlets to slam their candidates. It seemed R. W. Bradford tried to show Michael Badnarik in the worst light possible, and that's *after* he was chosen to represent the party. Bradford complained that Badnarik answered Fox News questions "perfunctorily." (For example, when Fox asked Badnarik for his stand on the separation of church and state, Badnarik responded, "I don't know that the Libertarian Party has an official position on the separation of church and state.") I didn't realize that Bradford was grading all the interviews! It doesn't matter if the answers are right, I guess, if they lack style in the reporter's view.

Jennifer Barry
Lewisville, Texas

Nader vs. Fishing

In his article in the July *Liberty*, K.R. Mudgeon wrote that he "expect[s] to

From the Editor . . .

As this *Liberty* is being printed and mailed, the Democrats are gathering in Boston to crown their nominee in a counterfeit convention, wholly lacking the significance and suspense of an occasion on which real decisions are to be made. At *Liberty* we are more interested in *real* conventions, where real politics takes place. So our main feature this month is a report from the nominating convention of the Green Party. If "fringe" American politics isn't enough, we listen to a new leader of a fringe party in a fringe country.

We don't ignore mainline politics altogether, though. We explore the question of how anti-war Democrats chose a warmonger to challenge warmonger Bush and take a close look at the Man from Botox himself.

Many holidays celebrate nations, kings and gods, but only one celebrates Liberty. An author of the Declaration of Independence predicted that the anniversary of its adoption would be "solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations from one end of this continent to the other." One of the pleasures of living in my small town has been that its celebration of this holiday is as the founders anticipated. The aroma of gunpowder is always in Port Townsend's air on Independence Day. Fireworks (what John Adams called "illuminations") are everywhere from dawn until late at night.

But now that is changing. The city fathers have outlawed "illuminations," except of course) for those licensed and exhibited by themselves. So this year Independence Day was like other days, except that most people didn't work. Gone were the bang of firecrackers, the whistling of spinners, and the illumination of rockets. Those who wanted to recognize the day the way Loyalists recognized the authority of the British Crown waited until sunset, then went to the waterfront to watch choreographed fireworks of the kind one sees when a steroid-soaked baseball player hits a home run.

Those (like me) who wanted a more authentic celebration had to leave town, and, ironically, leave the United States herself. We went to the Suquamish Nation, the home of a tribe of First Americans, who maintain a shard of independence thanks to an old treaty that the U.S. government has not yet completely broken.

Because of its proximity to Seattle, the Suquamish earn a modest income each year selling illuminations to individuals who want to celebrate Independence Day in an independent way. By tradition, they allow fireworks in their public park. So hundreds of reactionary lovers of Liberty gather there to celebrate as the Founders expected. I believe I saw the ghost of Thomas Jefferson, smiling along the periphery of this glorious celebration on a beautiful evening in a beautiful place. As I dodged errant rockets, I took a deep breath of the acrid, gunpowder-infused air of Independence, and remembered what America was before the weenies and whiners took over.

R. W. Bradford

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have another great day fishing" on Nov. 2 rather than vote for Democrats who favor unlimited authoritarian government and more public spending, or Republicans who are trampling civil liberties and outspending Democrats. Tens of millions of Americans share Mudgeon's sentiment. That's why voters grow more apathetic with each presidential election. People are relinquishing power to greedy elites with severe consequences for our democratic institutions. Organizations that fight political corruption are strangled by campaign cash flowing to both major parties from the same corporate interests. Liberty rests on a shaky foundation when private power gains control over the public sector, squeezing the lifeblood out of a democratic state.

Ralph Nader has led the way for decades in building networks to challenge corporate malfeasance and misconduct. He has saved over a million lives.

Corporate charters were never intended to give corporations supremacy over the lives of citizens. In the 1800s nobody imagined that international goliaths would make a mockery of our national sovereignty, and in secret meetings flout the patriotic values we hold dear. A *Business Week* poll in 2000 found 72% of those polled believed corporations had too much control over our lives. Today, a post-Enron poll would show that figure to be even higher. Yet, only candidate Nader will touch that issue. No wonder presidential candidates from neither major party will debate him. If we go fishing on Nov. 2 instead of making Nader's conservative message known, we will hand the duopoly a mandate to accelerate the downward spiral toward increased spending and global economic chaos with the rigid authoritarian social control that inevitably follows such a scenario.

Joseph Dubovy
Putnam Valley, N.Y.

Fish Instead of Pigs?

"Nowhere to Go" was interesting reading. President Bush along with the Republican-controlled Senate and House of Representatives has failed to control both our spending and deficits. He has failed to veto any of the pork-laden spending bills sent to him by Congress. Both liberal Democrats and so-called conservative Republicans have given up balancing the budget. Except for Sen. John McCain and a few others, everyone believes the best way to grease the wheels of reelection is to load up on billions of dollars worth of pork-barrel projects. Democrats and Republicans have morphed into one Washington inside-the-Beltway party. Their philosophy is to continue to increase spending above the rate of inflation. Liberals won't say no to social welfare programs. Conservatives love any defense spending. Both support corporate welfare subsidies and are reminiscent of pigs at a trough. They are leaving the next generation an inheritance of government debt in the trillions of dollars.

What adults listen to, consume, inhale, perform, read, or view in the privacy of their own home or workplace is their own choice. Our civil and economic liberties prosper best when Big Brother stays out of the bedroom and marketplace. Sadly, most GOP inside-the-beltway career politicians have abandoned this basic libertarian Republican philosophy.

The late Alabama governor George Wallace was correct when he said that there ain't a dime's worth of difference between Demopublicans and Republicrats. No wonder a majority of Americans vote for none of the above by staying home on election day. K.R. Mudgeon is playing into their hands by going fishing. We need to have the silent majority come out to vote this November for the Libertarian or any other third party presidential candidate. As for me, I'm going to write in Howard Stern for president and Robin Quivers for vice president. The only way to change the status quo is by voting the Beltway crowd out of office! Let them find honest work back home.

Larry Penner
Great Neck, N.Y.

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Reflections

Splendid hypocrisy — Displaying a seldom apparent sense of irony, our splendid system of justice has used perjured testimony and a jury containing at least one member who lied to gain a seat on the panel to convict Martha Stewart of a felony for lying to agents of the FBI, which has been made a crime by a Congress composed of people who are universally recognized as so unfailingly forthright that they are referred to as honorable.

— K.R. Mudgeon

Power to the prairies — John Kerry, who split his formative years between boarding schools in Massachusetts and in Europe, was trying hard to connect with Wisconsin farmers. "Look at the power of that land . . . I know what you love. I know why you're here," he rambled. Only a politician would claim to love land because of its "power." What politicians really love, of course, is their own power, which is why he went on to talk about increasing taxpayer subsidies to farmers and using corn squeezin's for fuel. — Alan W. Bock

Checkmate — I had forgotten about chess grand master Bobby Fischer until I saw the news story about a possible checkmate: Fischer had been arrested in Japan for failing to possess valid travel documents. The United States had revoked his passport. As I write, he is being held for possible deportation to the United States to stand trial for violation of the International Emergency Economic Powers Act, which carries a maximum penalty of $250,000 and ten years in prison. He is said to have violated this act by playing in a chess tournament.

I remember his big match in 1972 against Boris Spassky. I was a backpacker in Europe that summer. I remember seeing a crowd of Bulgarians in front of the U.S. embassy in Sofia, all staring in the window at pictures of the U.S. chess hero who had taken on the Russians.

In 1992, Fischer had a rematch with Spassky in Belgrade. Serbia was then under U.N. sanctions, and Fischer was warned by the U.S. Treasury Department that he was violating U.S. sanctions law. He hauled the order out in front of reporters and spat on it. "I don't support the sanctions because first of all I don't support the U.N.," he said.

So he knew what he was doing. Still, it seems crazy to threaten a man with ten years in prison for playing in a chess tournament, and even crazier that government employees would remember it twelve years later, and take the trouble to deport him for it. — Bruce Ramsey

Blood will out — If leftists weren't possessed by their hatred of George Bush, they would denounce *Fahrenheit 9/11* as a bigoted film filled with "hate speech" and racism.

Moore talks about the Bush family's connections to Saudi Arabians with unconcealed disgust, as if just being a Saudi were enough to convict one of financing terror.

He flashes images of Bush family members shaking hands with guys in turbans as though he had caught them dealing heroin to schoolkids.

He complains about the percentage of the U.S. economy owned by Saudis. How would that play if you replaced "Saudis" with "Jews"?

It's a subtle thing, easy to miss if one enters the theater intent only on liking the movie and stoking one's hatred for Bush. Think of the anguish this could stir up in the American modern-liberal psyche. What's worse, a racist film or the evil Dubya? The possibilities for spin are endless. Let the dividers be divided for once. — Patrick Quealy

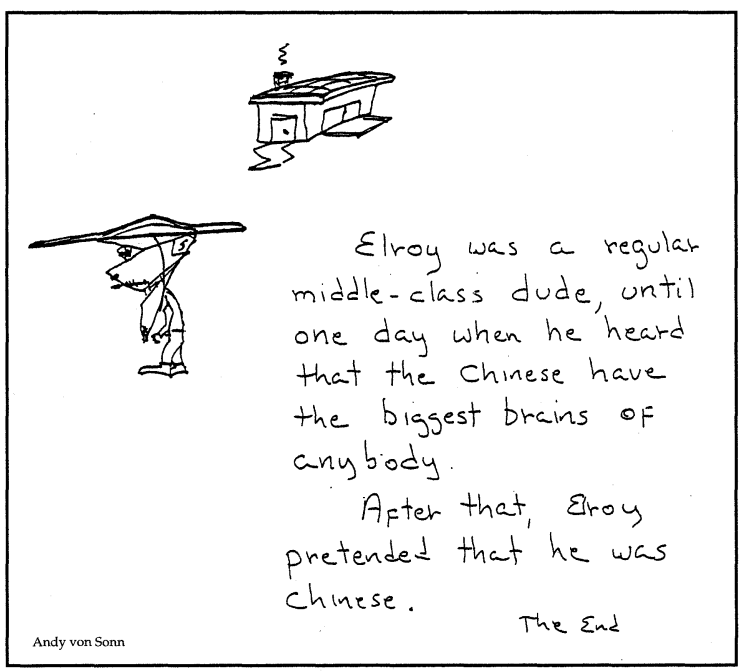

Andy von Sonn

Where Rome left off — Ever since I was a kid, I have loved to watch trains go by. Then I read *Atlas Shrugged,* and I loved them even more.

When I see a train go by, I think about the stuff being traded from all over the world, headed to its destination to meet people's needs. I see a bit of a miracle there, in trains.

My father hopped a train once, as a young man in the Great Depression. With no work in Idaho, he'd heard he could find a job "haying" for $1.00 a day. He nearly froze to death on the trip, taking days to recover from hypothermia, but he got the job. He stayed there for two years, saving all of his money. When he got back to Idaho, he had the cash to put a down payment on 40 acres of land and buy three dairy cows. He got married and built a one-room log house. I was born there. My father made a success of his life through hard work and frugal living: he grilled me every time I came out

of the bathroom about how many toilet paper squares I had used.

Folks who hop trains and sleep in homeless shelters aren't necessarily lowlifes. I slept in a homeless shelter not long ago, and I even begged on the streets in Atlanta. I was there to try to help Aaron Russo get the Libertarian Party presidential nomination. I had to hop a train to get back to Idaho, because I pledged my life, my pennies, and my sacred honor to Aaron as the best, maybe last, shot liberty has 'til the Earth turns for another 2,000 years, if humans are still here then.

I've digressed, though. For a few days, at least, I don't like trains anymore. See, I took my lunchbreak in my car, as I always do, so I can listen to the news. A train came by, and my car was very close. Pocatello is a rail hub, and we get a lot of very long trains here. This train was the longest train I've seen passing through for some time. It was all flat beds, loaded down with tanks, rocket-launchers, jeeps, semi-trailer trucks, bulldozers, and lots of other vehicles of America's war for empire. Yeah, there were ambulances on the train, too.

I've not figured out why yet, but the sight of that train had far more of an impact on me than the photos from Abu Ghraib prison or the beheadings. Even more than watching the World Trade Center go down.

I saw my beloved trains being used to export war to the far corners of our Earth. I wanted to go lie down under the wheels of that train. I don't know how to explain it, but the sight was surreal! And worse than that: the evil of America's attempt to pull off what Rome couldn't was right there before my eyes. — Larry Fullmer

Expedient conservatism — Vice President Dick Cheney managed to emerge from one of his undisclosed locations and get out on the campaign trail, criticizing John Kerry for being "out of touch with the conservative values of the heartland." Would those be the conservative values embodied in the Bush-Cheney administration's largest increase in domestic spending since the Great Society?

— Alan W. Bock

Abortions, left and right — The Republican Party and the Chinese are the new odd couple. Both believe that a woman's pregnancy is the government's business, not hers. After decades of enforcing with coerced abortions their totalitarian "one child" policy of population control, itself a reversal of decades of government-encouraged population growth, the Chinese have now embarked on a plan to ban certain abortions because the male to female ratio is out of whack, causing a bride shortage and an excess of male hooligans running the streets. China hopes to achieve a normal balance of newborn boys and girls within six years by banning sex-specific abortions and ultrasounds done to learn the sex of the fetus.

People in desperate situations do desperate things, and China's history of a teeming population that couldn't feed itself predictably resulted in the abortion of girls. Boys were needed to do the heavy lifting, taking care of the farm and of their parents in old age.

We can almost predict that this new version of forced pregnancy will result in an increase in the horrors of infanticide or abandonment, both already common in China, where boys have traditionally been preferred. Instead of embarking on another endeavor to forcibly micro-manage the reproductive habits of women, can't these Chinese guys just take a trip to somewhere, like chimpanzees and gorillas do, find a spot where females are plentiful and just bring one home? Or, maybe a grass roots-generated experiment in polyandry is in order where a woman can have two or three husbands, thereby increasing her wealth and theirs, as well as their offspring's, and the size of their farm.

— Sarah McCarthy

¿Poder corrompe, sí? — Mexican President Vicente Fox's chief of staff, Alfonso Durazo, has resigned and issued a 19-page criticism suggesting that Fox is pretty much just like the old PRI autocrats who used to rule Mexico. The more things change, and all that . . . This illustrates the much-less-widely-known truism that merely putting "good" people into power doesn't solve the basic problems that inevitably result from power being concentrated in the hands of the few.

— Alan W. Bock

My own little ministry of information — I have a friend — probably you have one like this too — who can't resist sending me modern liberal news dispatches. Often it's some revelation of incompetence in the Bush

An Echo, Not a Choice

by R. W. Bradford

In 1968, the U.S. was bogged down in the Vietnam quagmire. Thousands of U.S. troops were under fire, and many were dying, in an attempt to occupy and subdue people thousands of miles away who plainly did not want to be subdued. Voters, who had at first supported the military action, were growing more and more doubtful about the venture.

Substitute "Iraq" for "Vietnam" and "2004" for "1968," and the paragraph is equally true. But there is one massive difference.

In 1968, the president who had got the nation into the mess was forced to end his reelection campaign after faring poorly in several of his party's primaries. While forces loyal to Johnson and at least sort of loyal to the war managed to capture the presidential nomination for his vice president, a reluctant supporter of the war, it was plain that voters had done something unprecedented: they had repudiated the war by denying an incumbent president a chance to run for another term. Meanwhile, the opposition party nominated for president a man who promised somehow to get out of the war with dignity (a process that ultimately took several years and cost many lives) and to end the draft.

This year, as in 1968, there is ample public opposition to the Iraqi war. Most Democrats have voiced opposition, as have some conservative Republicans. For the first time ever, a documentary movie has become a major hit — and that documentary is a propaganda blast against the war. Opposition to the war is not quite as well developed this year as in 1968, mostly because the U.S. is in only the second year of its futile attempt to "rebuild" Iraq, as opposed to 1968, when it was in its third year of planting social democracy in southeast Asia. So it's not surprising that the incumbent president easily obtained his party's nomination.

What is curious is what has happened in the opposition party. Although its membership is overwhelmingly opposed to the war, it has nominated a man who supports the war even more enthusiastically than the man who got us into it. In an interview with *The Wall Street Journal* on July 15, well after he had secured the nomination, John Kerry said he hopes that "by the end of my first term" the U.S. will have "reduced the number [of troops in Iraq] significantly." In the meantime, he intends to get more help from other governments, and, the *Journal* reports, "consult with military commanders to determine how many more troops might be needed to make Iraq more secure." Kerry added, "I know how to do that. I think I'll do that more effectively than this president, and I'll . . . listen to them with greater respect than this president and this secretary of defense did."

For the U.S. to withdraw from Iraq, he said, three conditions must be met: (1) Iraq must be "stable"; (2) "the outlook for the stability to hold" must be good; and (3) we must be assured that Iraq's armed forces can provide "security sufficient for the government to stand on its own." Until these conditions are met, he said, "I will provide for the world's need not to have a failed state in Iraq." He then accused Bush of being less resolute about continuing the war in Iraq: "'I've heard [it] said by many people,'" the *Journal* reported, "that the White House might be gearing up to withdraw troops prematurely before the November election. 'I'm prepared for any political move' on Iraq, Mr. Kerry said. 'I'd put nothing past them.'"

To sum up: Kerry would not withdraw unless certain conditions were met. These conditions are far more stringent that any set by Bush. And until withdrawal, he is likely to increase the number of U.S. troops in Iraq. In short, Kerry is even more committed to the war than Bush.

Just how did the Democrats, who overwhelmingly oppose the war, choose this kind of man as their standard bearer?

The reason is simple. The Democrats oppose Bush much more than they oppose the war. Witness the "Anybody but Bush" chanted, mantralike, at Democratic conventions and caucuses from coast to coast. For ordinary voters and ordinary party members, this mantra also means "end the war," but for party regulars and bureaucrats it means something far different: winning the presidency is necessary for Democrats to get jobs and power in the federal government.

John Kerry supports the Iraq war even more strongly than Bush. How did the Democrats, who overwhelmingly oppose the war, choose him as their standard bearer?

For these people, uniting behind a single candidate early in the campaign was critical. A contentious battle for the nomination would use up much of their money. A consensus quickly developed that they would coalesce behind whichever candidate pulled out to a significant lead, no matter what his stands on the issues were. The media have proclaimed that Iowa's caucuses in January are the first major venue for candidates, and when Kerry won the caucuses, these party regulars all jumped to support him.

That is how, after decades of reform of the nominating process, the Democrats allowed their nominee to be determined by a handful of self-selected people from Iowa, a smallish, sometimes Republican, state whose voters are atypical in many ways.

And it is how the American voters have been denied an opportunity to express their doubts about the war, unless they are among the tiny minority that is willing to vote for fringe-party candidates. Thus have intellectual clarity and moral force been brought to our politics by the agents of progressive change.

administration, to which, he believes, I am slavishly devoted. Sometimes the information, real or alleged, is more general: Antarctica is melting, pipelines are exterminating all the elk, moose, and lichens in North America, fees are rising in the national parks, fewer babies have milk, more enjoy the products of Frito-Lay. I've asked him to stop sending me stuff, but that only makes him desist for a couple of weeks. Then the torrent begins anew. I think it's something genetic with him.

It's obvious, from my own example, that propaganda campaigns of this kind never win any converts. They are means of self-expression, nothing more. But why not express yourself? Why not retaliate in kind? And that's what I eventually decided to do. But why bother, I asked myself, with reporting the transitory and insignificant news of today? Why not let your modern liberal friends know all the news they've missed since modern liberalism began? News like this:

"Trust-Busters" Solidify Monopoly Interests
Wilson Fails to End All Wars
New Deal Prolongs Depression
FDR Gives Free Hand to Stalin
Rationing: a Colossal Failure
Social Security "Insurance" Swindle
Hiss, Rosenbergs Proven to Have Spied for Russia
"Urban Renewal" Devastates Inner Cities
"Missile Gap" Called Kennedy Fabrication
Bogus Count Gives JFK White House Win
Racism Traced to Affirmative Action
War on Poverty Ends in Stalemate
Medicare, Medicaid 10 Times More Costly than Predicted
The "Creative" Constitution: High Court Invents, Government Mandates
"I Lied for LBJ": Bill Moyers, the Early Years
Tonkin Gulf Attack Proved Fraudulent
It Was "Sex" All Right: Physiologists Dispute Clinton Claim
Thousands Succumb to Canada-Style "Health Care"

You see the possibilities. But again, be forewarned. This is strictly a means of self-expression. You will never bring a modern liberal to his senses by telling him simple facts. When I sent my friend a list of headlines like these, he replied, "Either you've got a terrific filing system, or you're making things up." Then he sent me another item from PBS.

— Stephen Cox

The body political — Kevin Neely, a spokesman for Oregon's attorney general, Hardy Myers, was quoted in *The New York Times* as saying the federal appeals court ruling authorizing doctors to help their terminally ill patients commit suicide was "a slam-dunk victory for the State of Oregon." That is true: the ruling was a victory for the state, not for the individual. When a person attempts to commit suicide without "physician assistance," he or she is involuntarily committed to a mental institution for "treatment" of "mental illness," and thereby deprived of liberty by the state

The *Times* article also quoted Neely as saying that "decisions regarding medical practice are decisions for the state and the state alone to make." Myers clearly views a citizen's body as the property of the state, not of the individual citizen.

— Jeffrey A. Schaler

A semblance of due process — With its decisions regarding people the government has detained in connection with its undeclared but apparently pervasive and unending "war on terrorism," the U.S. Supreme Court did a certain amount to restore a semblance of balance in the U.S. government by reining in untrammeled executive power. That's at least somewhat reassuring.

The decisions were not quite as clear-cut as they might have been — the justices side-stepped the issue of Congress' power to declare war — and the justices split in sometimes surprising ways, but the bottom line, as Justice Sandra Day O'Connor put it in the Hamdi case, is that the court "made clear that a state of war is not a blank check for the president when it comes to the rights of the nation's citizens."

The Court gave a firm rebuke to those who want to give the president virtually dictatorial power.

Three cases were considered: *Hamdi* v. *Rumsfeld*, *Padilla* v. *Rumsfeld*, and *Rasul* v. *Bush*. Yaser Esam Hamdi, an American citizen, was captured fighting on the side of the Taliban in Afghanistan, declared an "enemy combatant," and has been held for two years with no charges filed and no contact with his family or a lawyer. Jose Padilla is the alleged "dirty bomber" who was arrested in a Chicago airport before he had a chance to carry out any of the terrorist acts the government alleges he was plotting, and has been held incommunicado in a military prison. In *Rasul* v. *Bush*, the Court tackled the issue of whether foreign fighters held at the Guantanamo prison in Cuba can have access to U.S. courts to contest or clarify their status.

To be sure, the Court did uphold the power of the president to declare people enemy combatants (though Justice O'Connor noted that the term lacks a precise legal definition) and detain them. But it rejected decisively the breathtaking claim that the president has the absolute and unlimited power to keep somebody imprisoned indefinitely and without charges simply by invoking the term "enemy combatant."

The Court ruled that a citizen held as an enemy combatant is entitled to "notice of the factual basis for his classifica-

tion" and "a fair opportunity to rebut the government's factual assertions before a neutral decision-maker." It continued: "[W]e necessarily reject the government's assertion that separation of powers principles mandate a heavily circumscribed role for the courts in such circumstances."

Justices Scalia and Stevens went further in a dissent, arguing that the right of habeas corpus — the ancient protection against arbitrary detention — can be suspended only by Congress, and Hamdi's detention was therefore entirely illegitimate.

In Padilla's case, the court sidestepped the issue on a technicality. But its arguments in *Hamdi* suggested that if anything Padilla has a stronger case than Hamdi.

As for the prisoners at Guantanamo, the Court ruled 6–3 that federal judges have jurisdiction to consider habeas corpus petitions from detainees who argue they are being unlawfully held. It left some details unclear. Whether the issue can be handled by a military tribunal, whether the cases can be consolidated, whether there will be jurisdiction-shopping, whether charges will be filed before habeas petitions are heard, are all to be decided. But the Court was clear that the Constitution requires a semblance of due process, even for foreign fighters.

All in all, pardon my optimism over a decision that was less far-reaching than I would have liked, but it was not a bad day for the ongoing protection of American liberties: the Court gave a firm rebuke those who want to give the president virtually dictatorial power.

— Alan W. Bock

No Skull and Bones about it — Remember that when you vote Libertarian (or any other third party) for president this November, you're casting an *objection* against Skull and Bones, an extremely self-consciously "exclusive" club indigenous only to Yale University, to which both Kerry and Bush II belong. The organization is often imitated by other secret societies to which only an infinitesimal percentage of America's elite are invited to belong. Don't forget that Dubya picked five fellow Bonesmen, as they are called (not "Boners"), to collaborate in his regime. But don't expect to hear much about S&B from the candidates: both candidates took a pledge of silence about all things S&B.

All my adult life, I've wanted an opportunity to cast a vote against the idea of Skull and Bones. Not for promises of membership in all the snotty clubs in the world would I miss this chance. Nor should you.

— Richard Kostelanetz

The first step to recovery — It's true that the differences between the claims of Bush administration and the report of the 9/11 commission weren't as great as some implied. Both acknowledged that there were contacts between Saddam and al Qaeda in the 1990s. The commission just went on to say there was no evidence of collaboration, while the administration wanted to let the contacts stand as evidence of a "relationship," as President Bush put it. The evidence for active collaboration is certainly underwhelming. If the president would simply say something like, "We may have overstated the closeness of the relationship," instead of going defensive and acting as if his administration had never made a mistake or a misjudgment, perhaps people would have more confidence in his judgment.

— Alan W. Bock

"Government security" vs. security — The executive director of a major airport authority was talking about air-travel security. For all the billions spent, he said, two things had made the greatest difference since Sept.

News You May Have Missed

PETA Goes Ape

NEW YORK — Ingrid Newkirk, president of People for the Ethical Treatment of Animals, said yesterday that her organization has been guilty of "blatant and systematic discrimination" because it has not allowed animals to join, and even its name is openly bigoted. "People?!" Newkirk exclaimed. "How speciesist can you get?"

At a PETA meeting last month at its Manhattan headquarters, steps were taken to remedy the long-standing prejudice when three dogs, one cat, one mouse, and 47 cockroaches who were in attendance were cordially invited to join the group. But Newkirk admitted afterward that this "token gesture," as she called it, was hardly enough, especially since the cockroaches left before they could complete membership forms, and the mouse didn't survive the meeting, having been killed by the cat, and the cat also didn't survive the meeting, having been killed by the three dogs, one of which sank its teeth into Newkirk's behind as she tried to intervene in the mayhem, or "differences of opinion," as she put it.

Some members of PETA, especially those who were gnawed on by the horde of rats invited into its most recent meeting, are said to be quietly opposing the introduction of animals into the organization, arguing that animals should form their own damn organization, preferably called Animals for the Ethical Treatment of People (AETP), which might finally agree, after millions of years of resisting the move, to stop biting, stinging, clawing, mauling, chasing, and eating human beings.

Newkirk, on the other hand, seems determined to go through with her new policy, scheduling the group's next meeting at the Bronx Zoo, where she hopes to recruit hundreds of avid new members and introduce a resolution to throw the group's support behind an animal candidate in the upcoming U.S. presidential election. What kind of animal is already a matter of bitter contention within the group. Early polls indicate that horses will probably coalesce around a dark horse candidate, while dogs are expected to favor an underdog, ducks will flock around a lame duck, hawks will back a hawk, and doves a dove, leaving behind the fish who think that the whole issue of species favoritism is a red herring. Newkirk herself is believed to lean toward an ape, since according to reliable reports she has been spending most of her free time with a prominent Park Avenue baboon, and the two were recently seen crouching together on a banquette at the ultra-hip bistro Pastis in the meat-packing district of the West Village, examining each other's pelt for fleas.

— Eric Kenning

11, 2001. The first was the securing of cockpit doors on airplanes. The second was the change in people's awareness of risk. Those two things were worth more than all the unpacking of laptops and X-raying of shoes by officious federal inspectors.

The cockpit doors were a one-time expense paid by the private sector that I believe would have happened without any government regulation. The public awareness happened all by itself. Some of the other things are useful, but much of it serves mainly for appearances. — Bruce Ramsey

Known unknowns we didn't know we knew — The Senate Select Committee on Intelligence's report on prewar intelligence assessments was released on a Friday, which, given the lack of attention most people pay to the news over the weekend, is often a way to bury or minimize embarrassing stories. It has a few dubious conclusions, most notably that the intelligence community's failure was not the result of political pressure (a conclusion that was not unanimous, as some news reports suggested). Republican and conservative politicos jumped on that one, suggesting that it exonerated Bush.

As people digest the information, however, they will find that the report is simply devastating. Its key conclusion — that "[m]ost of the major key judgments in the Intelligence Community's October 2002 'National Intelligence Estimate (NIE), Iraq's Continuing Programs for Weapons of Mass Destruction,' either overstated, or were not supported by, the underlying intelligence reporting," — is backed by voluminous documentation and makes hash of the case as stated for going to war with Iraq.

A paragraph early in the 30-page "Conclusions" section sums up a great deal:

> The IC [Intelligence Community] had long assessed that Iraq maintained its ambitions to obtain WMD and would seek to resume full WMD efforts once UN sanctions and inspections ended. Accordingly, after UN inspectors left Iraq in 1998, IC analysts began to look for evidence that Iraq was expanding WMD programs. Analysts interpreted ambiguous data as indicative of the active and expanded WMD effort they expected to see. The presumption that Iraq would take advantage of the departure of inspectors to restart its WMD efforts essentially became a hypothesis in search of evidence.

Democratic Sen. Jay Rockefeller, ranking Democrat on the committee, was probably correct when he said that "we in Congress would not have authorized that war . . . with 75 votes, if we knew what we know now." And California Sen. Dianne Feinstein had a point when she said: "The committee's report does not acknowledge that the intelligence estimates were shaped by the administration."

Before the war, the case was that Saddam's weapons constituted a "grave and growing" threat. That case, as this report (and intensive postwar inspections) shows, was incorrect. We need to remember this the next time a politician starts beating the war drums. — Alan W. Bock

Batting .300 at the Decalogue — On June 26, 2004 the meteoric rise of the primary senate campaign of millionaire Republican businessman Jack Ryan imploded dramatically when a sex scandal arose. Divorce documents unsealed at the request of the *Chicago Tribune* claimed the candidate's ex-wife, actress Jeri Ryan, complained he had her accompany him to a variety of sex clubs both here and abroad.

In his defense, Ryan claimed he "violated no law, broke no commandment." In making this last claim, I assume Ryan was thinking primarily of the commandment not to commit adultery. It seems pretty clear, though, that he violated the one about coveting one's neighbor's wife, or else why was he visiting sex clubs? Unless Ryan's parents raised him with very questionable values, he probably violated the commandment to honor thy mother and father. Depending on the day of his visit, he may not exactly have been keeping the Sabbath day holy. Furthermore, the decor of a sex club and the speech of its clientele may violate the commandments not to use the Lord's name in vain and not to make graven images . . .

Too bad Ryan dropped out. I could have voted for a candidate with such a poor command of the Ten Commandments.

— Ross Levatter

The quicker the better — John Kerry, while complaining that Bush "rushed to war" in Iraq, promises not to abandon Baghdad now that we're there. This not only fails to give voters a real alternative, it incorporates a false premise. If you jumped into quicksand, how eager would you be to "abandon" it? If you took a wrong turn and were headed for Atlanta rather than Las Vegas, would it be cowardly to "abandon" the wrong route? Seems to me the more quickly the U.S. gets out of there, the better off the Iraqis will be. — Alan W. Bock

The cat tax — We just got another notice from the mayor's minions about my cat, Kato. She's a winsome black and white alley cat who could pass for an angora on a moonless night. But the mayor is worried about her — he's afraid she might be afflicted with rabies — so he tells us in municipal form 253M. Therefore, says the animal lover who presides over our city, she needs a rabies shot. And she needs to be licensed. Please send me 25 bucks, he concludes.

We cat advocates need to roar, not meow, over this. Cats are proud and private creatures. Kato would be humiliated to know that somewhere in a city hall drawer, she's listed like a dumb telephone pole. I won't tell her that, but I will tell her that when PETA's plans mature and felines get enfranchised, she should vote for whoever's opposing the mayor.

I think he's a hypocrite. I don't think he gives a damn about Kato. I think he's afraid she'll bite one of his infrequent voters or even a non-voter who, if he doesn't pass away foaming at the mouth in a rabid fit, might make a contribu-

Word Watch

by Stephen Cox

On June 24, Albert Gore, former presidential candidate, made a speech about the administration of the man who defeated him. He called it a haven for Nazis. To be (unlike Gore) very precise and accurate, he called the "rapid response team," which disseminates the administration's media spins, "digital brownshirts."

On June 19, a federal circuit judge named Guido Calabresi did something similar. He told a meeting of the American Constitution Society that President Bush "came to power as a result of the illegitimate acts of a legitimate institution [the Supreme Court] that had the right to put somebody in power. . . . That is exactly what happened when Mussolini was put in by the king of Italy . . . That is what happened when Hindenburg put Hitler in."

Calabresi, a Clinton appointee, apologized when his remarks got out. Gore didn't. Each, however, provided a sorry example of this year's political use of language. I hoped that the new millennium would mark the end of Hitler's career as a chief source of political imagery, but that was not to be — apparently because the former Chancellor of Germany is at present one of the few historical figures whom the products of state schools have ever heard of. In this context, even Mussolini is a welcome break, but you see that Judge Calabresi's mind wouldn't rest with him. It immediately wandered home to Hitler.

Getting stuck on certain verbal habits, or returning to habits once given up, is a bad sign in private individuals; it's even worse in the body politic. At the very least it's a symptom of ignorance or defective imagination, and it may indicate a morbid fixation. "Boots on the ground" wasn't so bad at the start of the Iraqi war, but this summer's return to the expression signaled the ominous resurgence of an irrational idea: when there's a military "problem," the "solution" must be more young soldiers; i.e., "boots on the ground," otherwise known as "cannon fodder."

Linguistic atavism may also take the form of a reversion to expressions picked up in childhood. Gore, always a good source for examples of bad language, led off the summer by criticizing the administration for its supposed role in the Iraqi prison abuses. "How dare they?" he asked, with the tone and grimaces that I associate with the wicked king in my third-grade reader, who used those words to comment on the behavior of revolting peasants.

Let's consider a slightly more adult expression — one that has, very unfortunately, infested this part of the world for the past 10 or 15 years. The expression is "outraged." In today's political culture, it's never enough to disapprove, object to, argue with, campaign against, or simply reject anything. One must be "outraged." If one is not "outraged," one must not really care. But who gets "outraged" about things? Angry, feckless, frustrated, childish people. Pharisees, mostly (consult the dictionary, or the New Testament). In any event, emotional children.

A current example, from the *Cortez* (Colorado) *Journal*:

> City council members said they were outraged over an alleged racial incident June 21 that set the state's ears abuzz and prompted the University of Colorado, Boulder, to consider charges. The alleged perpetrators, meanwhile, said they're not the monsters they've been painted as. "I think it's really unfortunate," Councilman David Grant Long said at the Tuesday council meeting. "That (the reported victims') first experience in Colorado is getting called foul names in Cortez is really embarrassing." Long referred to a group of CU students and their guests from Dillard University, a historically black college in Louisiana, who said they were harassed in Cortez the night of June 21 by two young men in pick-up trucks flying Confederate flags.

Obviously, people in Colorado are so "outraged" that they can't talk or write clearly — whether the "reported" incident happened or not.

Let's turn to another field in which emotion runs wild. Something that I'm sure actually did happen this summer was the death of Marlon Brando. Fox News immediately pronounced it "the death of a legend." Yahoo.com's headline was, "Legendary Actor Marlon Brando Dies at 80." Now, how legendary could Brando have been? King Arthur, Achilles, Grendel — those are legendary figures: they never existed. Thespis is a legendary figure: he existed, all right, but some of the stories told of the early theatrical personality (hence, "thespian") are probably just that, stories. He lived 2,500 years ago, so who can tell? But suppose somebody says, "Marlon Brando was a big, fat, crazy jerk." That's a legend? But "legendary" is the default adjective for all recently extinct people-whom-the-masses-have-heard-of.

What we're dealing with here is the child mentality. It's childish to compare your enemies to Hitler, to get fixated on some basic metaphor ("boots on the ground"), to throw a fit ("How dare they?"; "I'm outraged!"), and to gaze up at famous people with stupid amazement, as if they were mysterious objects from the dawn of time.

This sort of thing has been going on for quite a while, in "intellectual" discourse as well as the primarily silly stuff I've been quoting here. In 1942, Isabel Paterson noted that "some years ago the twentieth century was labeled 'the century of the child.' It was an ominous phrase. The intellectual standard of discussion today has been lowered to the level of sheer illiteracy." She was right in 1942, and — ominously — she remains right in 2004.

tion to the mayor's discretionary fund.

When he demands that Kato, now a pawn of the state, must be inoculated, I wonder why not protect us taxpaying humans from the 300 sneaky, non-taxpaying squirrels in my backyard? They bite about as often as cats. How could an astute politician overlook the fact that 300 times 25 bucks is about ten minutes of TV time describing his virtues, and there are more squirrels around town than cats. Besides, there's a lobby of cat owners like me, but no squirrel lobby. Even PETA has no plans for giving the vote to the rodents who pillage your pecan tree.

Instead of a cat tax, I'd prefer a good ol' confiscatory state income tax increase. It beats this hypocritical fantasy over rabid cats. A rabid cat is as common as a truthful politician, and they only bite (and lightly, lovingly at that) when they're making more cats — an activity that is, as yet, untaxed. It's the duplicity I hate. I mean, if the mayor needs $25 that badly, he should hide a police car in those big bushes where Speedway Avenue intersects with Hot Rod Blvd. It's a district the mayor never carries, anyhow. But politicians love taxes like Kato loves cream, so we have a cat tax.

Tax my cat? It's more reasonable to tax my three apple trees and subject them to an annual mandatory spray. Cats don't bite humans, but apple trees spread the contagious Alberta Blight with every malicious wind that flutters their leaves. There won't be an unblighted apple in town. And consider how many naive, innocent kids will sicken on diseased apples. Now, there's a cause for the mayor!

— Ted Roberts

Show me your ID and I'll show you mine — I spoke with a very attractive and intelligent woman last Friday. She is beginning college next semester. As I am unattached, the thought crossed my mind . . . perhaps she would like to "race without running," as Shakespeare nicely put it. But a little knowledge of local law did the job usually performed by a cold shower.

Florida law is draconian regarding sex by an adult with a minor. These are strict liability offenses; ignorance of the age, misrepresentation of the age by the minor, or a bona fide belief that the minor is an adult are not defenses. The sentences for a first offense are up to 15 years for sex with a person 16 or 17, if the offender is 24 or older; up to 15 years for sex with a person 12 to 15; and up to death for sex with a person less than 12 years old.

Imagine a situation were a boy or girl shows a driver's license, apparently authentic, to an adult. It indicates the boy or girl is 18 or older. They have consensual sex. Later the adult learns the license is a fake and the younger person is a minor.

Perhaps they part and nothing further happens. Perhaps they live happily together forever. (If the minor is emancipated by a court as for an early marriage, there is no crime.) Then again, perhaps the minor or a relative reports the incident to the police, and the adult is arrested, convicted, and jailed. Or perhaps the minor uses the law to press the adult for money, or to prolong the relationship.

Libertarians disagree on the appropriate legal consequences of sex with children. Some libertarians believe there should be no minimum on the age of a sexual partner. I think this is both unprincipled and imprudent. Contract law correctly holds that certain contracts made by a minor are void or voidable, and with good reason. Should the sale of a new Mercedes-Benz by a 5-year old for $50.00 be upheld? And it is not practicable to have a jury or judge determine in each case whether there was informed consent. So there are flat age requirements for consent in contract law, usually 18. The rule for sex should be similar.

There should be changes from existing law. The general age of consent should be lowered. I do not claim any special knowledge, but 18 seems too high. In light of the greater sophistication and earlier physical maturity of many adolescents, something like 15 or 16 seems more reasonable. And the accused should be given the opportunity to prove the maturity of the minor. In any event, the penalties should be drastically reduced. And the defenses of misrepresentation and

News You May Have Missed

Bush, Kerry Agree on Clarity Threat

WASHINGTON — President George W. Bush, declaring "Saying what I mean and meaning what I say doesn't always mean it means how I say them," told the nation that major combat operations in his War on Syntax have come to an end, and in a quiet ceremony on the White House lawn he accepted the unconditional surrender of high-ranking logicians, delegations from leading dictionaries, and orderly phalanxes of subjects, verbs, and objects. He said the occupation of the English language would continue approximately until it ended.

"No longer," Mr. Bush said in his victory speech, "will Americans have anything to fear every time they open his or her mouths. No longer will they be subjected to the attacks of narrow pendants who aim at nothing less than an oppressive, totalitarian regime of linguistic and grammatical correctitude. The forces of whatever I was talking about just now are on the run. Bring 'em on. I hereby put every member of the Axis of Coherence on notice that these folks will have to stop making sense and submit to regular inspections aimed at making sure they have ceased to desist making them or else face a shock and awe campaign of dropped antecedents, dangling participles, and explosive non sequiturs that will quickly bring you to their knees. From this day forward all Americans, not just the president, will be able to speak like I can, with the God-given freedom of total spontanuity."

Meanwhile, Mr. Bush's opponent, Sen. John Kerry, apparently caught off guard by the new developments, quickly issued a statement aimed at defending his strong stand in favor of woolly ambivalence, insisting that he was "every bit as capable of wishing I hadn't said that as the next guy." He said that his vote against the Congressional Resolution Authorizing Taking Back Whatever We Just Resolved could be explained by the fact that he was always against being against it, subject to numerous reservations and scrupulously hedged and qualified qualifications, right up to the point at which he provisionally neither was nor wasn't, as the case may be, and he would not hesitate to hesitate again, and back it up with plain, straight-shooting self-contradiction, if called upon to sort of do so. — Eric Kenning

bona fide belief that the minor is of age should be allowed. These changes would prevent much injustice and allow many loving relationships that would otherwise be deterred by law. But for me and my new friend, it's hasta la vista, baby.

— Martin M. Solomon

Not a simple choice — I was surprised to find that Jeffrey Schaler's "Brother Ray's hard candy" in the August Reflections was so narrow-minded. The one statement that made me laugh the most was "Once again we see that using and quitting heroin is a choice." Following shortly after it was this little gem: "Treatment, harm reduction, public health, medicine, and disease had nothing to do with it."

Ray Charles suffered through almost 20 years of heroin use, so it would be safe to say that he had an addiction. In 1964 he was arrested on drug charges, and "quit" using drugs to receive a suspended sentence. Isn't it interesting though that he died from liver disease, a common byproduct of alcoholism. It seems that he traded one drug for another, a far cry from going cold turkey. Addiction is a horrible disease that can affect a famous musician, a regular Joe, or a homeless bum. As an addict who has struggled to control my addiction along with many others, I haven't encountered a single person who could overcome it without help.

— Anonymous

For an eternity in hell, press 6 — Americans and other citizens of what used to be known as the Free World increasingly live like rats in a laboratory maze. You imagine some devil-god in a white coat studying them as they issue out of a serpentine suburban cul-de-sac and inch forward through tangled expressway interchanges and funnel-like tunnels, over backed-up bridges and onto abandon-hope-all-ye-who-enter exit ramps on their way to their offices, where they occupy one cubicle in a fluorescent-lit labyrinth of them and spend the day on a computer where diverging electronic corridors lead to diverging electronic corridors and boxes within boxes, before they return home to sit in front of the TV with remote in hand, frantically switching through a series of snares and dead ends before finding themselves back where they started, or going on the Internet to pursue something that is always just around the corner in an infinity of corners. In order to qualify for the necessities of modern life or to fix them when they routinely go wrong they call "Customer Service" and are presented with a multitude of baffling options luring them into baffling steel-trap commitments, and when they have second thoughts or make a mistake, they can't take a step back, they have to start — "to return to the main menu, press 8" — where they began — "Please listen carefully to the following options." On weekends, after threading their way through another Gordian Knot of traffic, they lurch in and out of row after indistinguishable row of a mall parking lot the size of a strife-torn Balkan country in order to find the space that will allow them to stagger into the mall and its bewildering, enticing array of shops, each of them offering convenient access to the ultimate inescapable maze, credit-card debt. As for the government, federal, state, local, it looms before them as a Kafkaesque apparition of numbing bureaucratic anterooms and couloirs, opaque sentences festooned with self-immolating clauses and syntactical tickets to nowhere, abstruse forms and schedules, exceptions and exemptions, subtractions of line 43e from 43b (see page 2347, column B, subsection 101-R, under Penalties, Annulments, and Annihilations), along with hall-of-mirrors election campaigns and courts of law that routinely defer their provisional suspended judgments, all of it presided over by implacable, remote, rulebound, yet ingeniously arbitrary authorities whose function is to frustrate, whose prestige, pomp, and circumstance consist in making one wait and wait.

No wonder popular culture stays in business by selling experiences that seem to retain what is vanishing from the rest of the culture, a sense of resolution, a beginning, a middle, an end, an occasional earth-moving climax, experiences like sports, action movies, happily-ever-after fables and melodramas, winner-take-all reality shows, and sex. But escapism doesn't offer escape, a way out of the real-life maze. Wittgenstein said that the only purpose of philosophy is to let the fly out of the bottle. It may be too much to ask, expecting a politician to perform a similar service, but as free citizens morph into goaded, prodded, and yanked statistical marketing artifacts, rich in options, poor in a sense of direction, full of information but clueless, it would be nice if some eloquently modest political anti-Daedalus suddenly showed up, dazzling us not by crafting new escape-proof foreign and domestic labyrinths but by offering to dismantle a few.

— Eric Kenning

The eyes have it — The threat posed by the police has just increased. An article in the *New Scientist* examines "[l]ong-range Taser-like high-voltage weapons that do not use wires, and can potentially 'stun' (electrocute) entire crowds." The article explains, "The laser pulse must be very intense, but can be brief. So the makers of the weapons plan to use a UV laser to fire a 5-joule pulse lasting just 0.4 picoseconds — equating to a momentary power of more than 10 million megawatts. This intense pulse — which is said not to harm the eyes — ionises the air, producing long, thread-like filaments of glowing plasma that can be sustained by repeating

the pulse every few milliseconds."

A correspondent who is a physicist responded, "'. . . said not to harm the eyes'?!!? I am no laser physicist, but I would venture to guess that anything that packs enough power density to IONIZE CLEAR AIR *will*, in fact, harm the eyes. Acutely. Further, five joules "every few milliseconds" translates to hundreds of watts of average power, more than enough to roast most biological materials even if *not* concentrated into a point at the end of a "thread-like filament." Now, if you wanted to adapt this into a dot-matrix-style "printer" to print custom suntans . . . — Wendy McElroy

Just all the facts, ma'am — Here's another advance in police tactics and technology. The Gadgets and Tech section of Netscape Network reports, "A police officer stops you on the street, then taps something into a device in the palm of his hand. The next minute, he knows who your relatives are, who lives in your house, who your neighbors are, the kind of car you drive or boat you own, whether you've been sued and various other tidbits about your life. Science fiction? Hardly. A growing number of police departments now have instant access via handheld wireless devices to vast commercial databases that contain details on just about anyone officers encounter on the beat." The article comments, "But placing a commercial database full of personal details at an officer's fingertips also raises troubling questions for electronic privacy activists."

As a feminist, just the first question that comes to mind concerns the series of recent allegations and convictions against police officers who sexually assaulted women they'd pulled over for traffic offenses. Now they're to have easy access to unprecedented information on those women? Yeah, that'll encourage victims to come forward. — Wendy McElroy

What were they thinking? — Bill Bradford's coverage of the Libertarian Party National Convention is hilarious and troubling. It leaves me wondering: have Libertarian Party members lost their minds?

Certainly some Bush supporters will welcome Badnarik's nomination: a fringe and extremist Libertarian candidate will only convince Libertarian-leaning voters that they have no reasonable alternative to voting for Bush. With the election shaping up to be close, these few thousand votes might make the difference in some battleground states.

Of course, from the point of view of the Libertarian Party, Badnarik's and Campagna's nominations are disasters. It is one thing to have divergent views. But these views, to be effective, should be put forward by able individuals who would make the strongest and most appealing candidates. It is hard to see that the Libertarian Party has picked such candidates this time around.

In 1980, the Libertarian Party with Ed Clark as its presidential candidate polled over a million votes. It's hard to imagine Badnarik getting more than a fraction of this amount. — Alan Ebenstein

The LP story — In the August *Liberty*, I wrote a lengthy report on the Libertarian Party national convention, telling just how the assembled delegates came to nominate a candidate without having any knowledge of his exotic opinions (keeping prisoners in bed for twelve hours a day, demolish the U.N. building) or his refusal to pay income taxes or get a driver's license or license plates for his car.

Reactions to my article so far received have virtually all been favorable, whether from libertarians or nonlibertarians, LP members or nonmembers, rank-and-file LP activists or party leaders. This is a bit surprising, at least in comparison with reactions to my past reports on the LP, which pretty much all have drawn criticism — usually both from those outside the LP, who chastise me for paying attention to the party at all, and from those within the party, who wish my reports were more, well . . . more like the reports they get in *LP News*, that is, that steer away from controversy and always put a positive spin on things.

Why does Liberty cover the LP? Because the LP is an important element in the broad libertarian movement, and because almost no one else does.

Why does *Liberty* cover the LP? Because the LP is an important element in the broad libertarian movement, and because almost no one else covers the LP in the sense of providing straight and in-depth. reporting. Party publications act as morale-raising adjuncts of party fundraising efforts, and nonparty publications generally treat the LP as an amusing sideshow. But *Liberty* takes the LP seriously and endeavors to give it the kind of coverage that major media give major parties.

Liberty's coverage got speedy and substantial publicity. On Monday, July 12, we posted the story on our spanking-new website (www.libertyunbound.com) and the next day I told a few friends about it. By the weekend, it was ranked the 22nd most written-about story on weblogs, and it has been very widely quoted in the media.

The most frequent question I am asked about the story is how I obrained all the information that I reported about what happened at meetings between the campaign staffs of various candidates and other movers and shakers, since I obviously was not present at these meetings. I got these facts by using pretty standard journalistic techniques: paying attention to what was happening and asking various people

continued on page 34

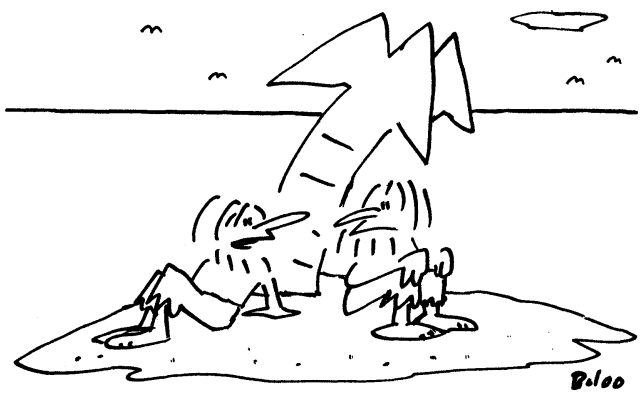

" The funny thing is, I miss 'Baywatch' most of all."

The Triumph of the Brummagem

by Alec Mouhibian

It isn't just John Kerry's face that is immobilized by Botox.

It started with the Botox. If you're a man like John Kerry, the last thing you should do is tailor your appearance to match your character. Appearance is supposed to be a decoy, at least distracting the public from what lies beneath and at best fooling them into thinking it's the opposite of what it really is.

Kerry's "Lincolnian facial lines" (as Peggy Noonan described them) worked well to that effect, projecting a pretty believable facade of sincerity and contemplation. It had me fooled. The first time I saw Kerry, on a cable news show shortly after 9/11, I remember being very impressed and thinking: "Well, this man certainly knows that he doesn't know what he's talking about." Those facial lines are now jellied, Tom Jonesed, and gone.

Kerry is already the type who smiles with his mouth instead of his face. Such a smile consists of the lips trespassing on unaccommodating muscles, whose refusal to adjust is only solidified by a Botox injection. It may not be a bad thing for a person with a bad smile to be stripped of the temptation altogether, but the problem for Kerry is that the American people like smiling presidents, who can also redden up when appropriate. (Al Gore's makeup artist knew this a little too well.) Those abilities suggest passion, optimism, and — this is a deep-down hunch of mine — red meat. Americans, by and large and especially large, love red meat.

Kerry can neither get red nor get giddy. He lacks both those abilities just as his campaign lacks what they symbolize — another example of the physical being too true to the personal.

Some may argue that Kerry, with his horse's face and drab voice, can win this election, citing Al Gore's candidacy in 2000 as evidence. Gore was even more monochromatic than Kerry, yet still got more votes than Bush. But comparing Kerry and Gore is like comparing vegetables and vegetable soup. Not only did Gore run off of eight prosperous years, he actually had a platform (if you can call it that), namely Clintonism (if there was such a thing). While Gore might be no more like Clinton than Bush Sr. was like Reagan, both represented their predecessors in the minds of American voters. Exit polling indicated that, had Slick Willy been allowed to run for a third term, he would have lost. But that was because of scandal, and Gore was Clinton without the scandal. When looking at Al Gore, the last thing anyone thinks of is sex.

It has been clear, ever since Kerry began wearing it on his face, that inauthenticity will be the operative issue in this election. The first reason is obvious: Kerry's immediately exposed penchant for being cyclically inconsistent on the same issues, often in the same sentence. As Kerry remodels the architecture of his campaign to suit conservative tastes, it is hard to see how he'll be able to sell it come

open house. There's just too much clear-cut, contradictory evidence available, what with his having the most liberal voting record in the Senate and notorious double stances on major issues. This might be one of the reasons that, in the last 80 years, only one president has been elected from either house of Congress. It is much easier, even if you're not a double-edged sword by nature, to be consistent as governor or veep, positions which leave no track record at the national level to contradict your platform. (As for the one man who did get elected, the only thing John Kerry has in common with him is his initials.)

The bulk of Kerry's own supporters can't stand him. Dated Dean, Married Kerry? A shotgun wedding if ever there was one.

Kerry knows this, as his now-public passes at John McCain make clear. If authenticity cannot be added to Kerry, it can be added to his campaign, and the saucy southwestern senator would have amounted to such an addition, especially as it concerns posing strong on the most important issue of the election: national security. (If it's the economy, then why isn't Bush a lock?) At a time when people want a commander-in-chief, as opposed to a principal, McCain's history of bold statements illustrates exactly the type of strength Americans are looking for. But despite early flirtations, McCain resoundingly refused. So Kerry is left with his *new-ahnce*, which he has proudly mastered, as his media adulators proclaim. But bragging about being a master of nuance is like saying "I put the MAN in mangina."

Then there is the singularly remarkable fact that the bulk of his own supporters can't stand him. Dated Dean, Married Kerry? A shotgun wedding if ever there was one.

George Bush is hardly immune from this problem. Considering the WMD debacle, the doubted link between Iraq and al Qaeda, the massive increase in deficits, and the ever more festive congressional luau, the question of authenticity has had more than a cameo role in his first term. True, the effect of being wrong about Iraq having WMDs, the gravest problem on that list, was stunningly a mere peek-a-boo, which to some has suggested his invincibility. Either way, Bush's problem is political, not personal. While this is Bush's election to fumble, inauthenticity will be one of the two arms that could strip it, the other being, of course, disaster.

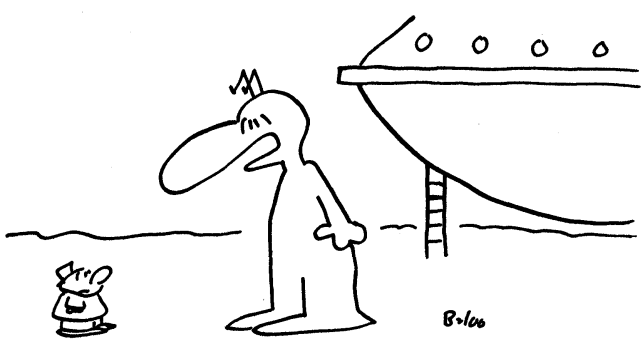

"You've got to hide me, Earthling! — The big guys are after me!"

I am referring to the new breed for which President Bush is the poster-mutt: the Big Government Conservative. Supposedly, BGCs are those who believe that the government should be used to further conservative values. Exactly how big government can be used to further the conservative value of small government is beyond me. And I'm not alone. Feeling similarly is a small but significant sect that, amidst election-time Republican appeals to voters, regularly gets gypped: the libertarian-conservatives. Appeals to "moderates" are made to cotton-candy conservatives and appeals to the "far right" are made to religious conservatives, while fiscal hardliners, socially tolerant libertarians are left the Eleanor Rigbys of politics. Like all the lonely people, they just might stay home in November. This would be no small deal for Bush. His slack in the polls, according to the most recent data, is due to a lack of support from Republicans and independents rather than any increased support for Kerry.

Despite the last-minute pandering, the Religious Right also accounts for some of that slack. They also feel alienated by the Bush-Rove political strategy of hijacking Democratic issues to win the election. Bush has been away, stealing food as part of a plan to later feed his family. But his family hasn't been appreciative; they want more quality time. They're getting picked on by anti-Christian bullies at school, who won't let them say God on the playground. So Bush has promised to make it all up to them with a big present (the Federal Marriage Amendment). Thieves, however, usually end up divorced and arrested. Neither their family nor society wants them.

Exactly how big government can be used to further the conservative value of small government is beyond me.

Bush Sr. failed by adopting his opponents' principles. Clinton succeeded by adopting his opponents' principles. There is a consistency in that, not a contradiction. Bush would have done better to notice it.

If Kerry wins, it will be by default. Never is that the favorable position to be in, and yet more and more, it seems like this election is going to be lost instead of won. Which means that, more and more, success of the default candidate becomes plausible. Plausible, but still unfathomable, at least to me. Whatever the polls say, the reality of President Kerry remains like Michael Moore in a Speedo: even if it can be pictured, it still can't quite be seen.

Especially if Kerry stays true to form and shows up to the first debate wearing flip-flops. □

The Military Invades the Campus

by Mark Moller

The first casualty is free speech.

A year ago most academics cheered when the Supreme Court ruled that the University of Michigan could use race-conscious admission criteria. Now that decision is proving to have surprising consequences for academic freedom, particularly in Middle East Studies programs and for on-campus military recruiting. The consequences are not simply hypothetical. They're playing out in the Third Circuit, in a case called *Forum for Academic and Institutional Rights (FAIR)* v. *Rumsfeld*.

The root of the problem is a legal brief filed by a host of ex-military and ex-Pentagon officials in *Grutter* v. *Bollinger*, a landmark case in which the Supreme Court ruled that a university may use race as a factor in deciding whom to admit. The brief argued that national security requires elite universities to operate race-conscious admission programs. Its argument was simple: the military needs diversity; many officers come from colleges; therefore, colleges must have racially diverse student bodies.

In accepting this argument, the Court broke down longstanding barriers against government invocation of national security to justify incursions on university freedom. Now the government is imposing new restrictions on university speech based on national security considerations. And *Grutter* is making the government's job easier.

A Wartime Decision

The immediate subject of the military brief in *Grutter* v. *Bollinger* seems far removed from national security. *Grutter* involved an equal protection challenge to the University of Michigan Law School's policy of using race as an admission criterion in order to achieve a "critical mass" of minority law students.

Yet the ruling is a wartime decision. Oral argument occurred only days after the invasion of Iraq, and the decision was released not long after President Bush's declaration of "victory" in Iraq. Against the backdrop of war, the *amicus* brief filed by such defense notables as Robert "Bud" McFarlane, the Reagan-era architect of the Iran-Contra scandal, and Norman Schwartzkopf, the hero of the first Iraq war, proved especially persuasive.

The brief asked the Court to uphold the University of Michigan's affirmative action program as an essential prop for a racially diverse military. For a diverse military effectively to protect national security, the military brief argued, the military must have a diverse officer corps. What is more, the military argued, it is a "small step" to conclude that national security requires civilian universities — from which the military recruits some officers — to expose students to racial and viewpoint diversity on campus.

The military brief proved to be a resounding success. In a case that attracted over 100 *amicus* briefs, the Court quoted the military brief more than any other single submission, and accepted the brief's central premise: that national security requires the University of Michigan Law School to use race as a selection criterion. As the Court explained, it is impera-

tive that the "most selective institutions" of higher education "*must*" expose students to "diversity" if the military is to "fulfill its principle [sic] mission."

Taking Aim at Academic Freedom

While the Court's decision gave universities what they wanted — the right to discriminate in admissions — the national security policy arguments accepted in *Grutter* raise troubling concerns for their academic freedom.

Grutter is the first Court opinion to recognize a national security interest in the way universities administer admissions. Indeed, *Grutter* is the first decision in decades to recognize that "national security" requires that universities "must" take *any* action favored by the government.

The national security interest recognized in *Grutter* implicates campus speech, a core concern of 1st Amendment protections for academic freedom. This is so because of the way the Court characterized Michigan's admissions system. The Court did not treat Michigan's use of race as an end in itself. Instead, the Court held that the school uses race as a *proxy* for expanding student "exposure to . . . diverse . . . cultures, ideas, and viewpoints."

In other words, *Grutter* viewed the Michigan admissions program as a system for (indirectly) regulating the *distribution* of speech on campus. In that context, the Court's emphasis on national security is particularly troublesome. If race is a proxy for *viewpoint*, then the Court's recognition of a national security interest in the Michigan admissions program comes uncomfortably close to recognizing a national security interest in the way universities manage the exchange of views on campus. Indeed, the military brief implied as much: the brief's "national security" argument invoked *Haig* v. *Agee* — a landmark 1981 precedent that upheld government power to *regulate speech* (not race) based on sufficiently "compelling security interests."

At the same time *Grutter* has weakened a key protection against government incursions on campus speech that are justified on national security grounds: the requirement for establishment of a causal link between the speech and endangerment of national security. In the 1971 *Pentagon Papers Case* Justice Brennan stressed that only "government allegation and proof that [speech] must *inevitably, directly,* and *immediately*" threaten national security could provide a basis for government regulation of expression (emphasis added).

The Grutter decision enables the government to impose new restrictions on university speech based on national security considerations.

That test is hardly met in *Grutter:* given that the vast majority of University of Michigan law students will never serve in the military, much less become officers, the national security interest in the make-up of the student body is far from "inevitable," "immediate," or "direct." In short, in an atmosphere where national security has a special cachet, *Grutter* has weakened significantly the presumption against government oversight of the marketplace of ideas on campus.

Grutter and Military Recruiting

Grutter's threat is not an idle one. Litigants have already used *Grutter* as a precedent supporting a government "security" interest in campus speech in *FAIR* v. *Rumsfeld,* a case scheduled for oral argument before the U.S. Court of Appeals for the Third Circuit later this year.

FAIR v. *Rumsfeld* arises from attempts by a number of law schools to bar the military from on-campus recruiting because of military discrimination against gay students. The government threatened to withhold federal funding from those law schools, and the *FAIR* plaintiffs sued to enjoin the government from carrying out its threats. The *FAIR* plaintiffs include academic rights organizations and law professor Erwin Chermerinsky. Together, these plaintiffs argue that the government's coercive use of the purse-string infringes on private universities' freedom to express principled opposition to discrimination against gay and lesbian students.

Grutter is the first Court opinion to recognize a national security interest in the way universities administer admissions.

However, after *Grutter*, the government has some new arguments at its disposal: if national security requires that universities must promote effective military recruitment by regulating the racial demographics of the student body, then doesn't that also suggest that the freedom of law schools to interfere with or burden military recruitment on campus has limits?

An *amicus* brief filed by ex-military law students thinks so. The ex-military students' brief zeroes in on *Grutter*'s implications for "viewpoint diversity"— and suggests that, under *Grutter*, universities must take care to ensure that viewpoints *favoring military service* are represented on campus. Students with a military background, argues the brief, "add value to law school classroom discussions, *particularly* on matters of national security, foreign affairs, and other issues connected to America's armed forces." The brief adds that "[i]f the plaintiffs succeed . . . law schools will lose part of the vibrancy and diversity of the academic environment" that *Grutter* recognized is "so critical to law school success."

The brief's *Grutter* argument underscores that, after *Grutter*, a university's freedom to manage debate on campus is no longer sacrosanct — and may well count for less when litigants are able to characterize ground rules set by universities as a threat to *both* "viewpoint diversity" and "national security."

Grutter and Federal Oversight of Middle East Studies Programs

Grutter, by suggesting a link between viewpoint diversity and national security, is also relevant to H.R. 3077, a bill now making its way through Congress. The bill would expand

continued on page 53

The Color of Envy

by Tim Slagle

The Greens gather in Milwaukee to nominate a presidential candidate and fight Big Coffee, Big Beer, and Big Printing.

Ralph Nader, the Green Party presidential nominee in 1996 and 2000, announced long ago that he would run for president as an independent, without the Green Party label. So it was a bit surprising that a week before the Green Party convention began in Milwaukee, Nader picked as his vice presidential candidate Peter Camejo, the leader contending for the Green nomination. Nader's idea was to get the Greens to endorse his independent ticket or, failing that, to get the Greens to nominate no candidate at all, presumably so Green voters would vote for Nader.

As the Green convention approached, rumors spread that Nader might attend the convention to try to get the assembled Greens to do what he wanted. I had already made arrangements to cover the Green convention for *Liberty*, and I was excited by the prospect of meeting Ralphie face to face.

I once called into a radio show where he was talking about health care and the need to implement a health care system similar to Canada's. I asked him if he supported universal legal care: "Since today we have a two-tiered system, where only the rich can afford quality legal assistance, wouldn't it be a good idea to socialize the entire legal profession and let the government decide how much a lawyer can earn annually, what branch of law he can specialize in, and put limits on the fees that can be collected. That way every American will have access to good quality legal assistance." It was obvious that my argument flustered him, but I never got to see his face. I imagined that his trademark look of composure broke at that point, and the co-host had to wrestle the "dump" button from him. I hoped he would be here at the convention and eagerly anticipated getting to see his face this time.

I got to Milwaukee early Friday morning, the first day of the convention. It was a beautiful, sunny day, the kind of day that makes you feel that you could be an environmentalist yourself. As I walked into the hotel, I noticed that the LED sign on the restaurant across the street was flashing out the drink and dinner specials, and also said, "It's not easy being Green. Welcome to Milwaukee! Yes, we have a large selection of vegetarian menu items!" I said a prayer of thanks to the invisible-handed gods of the marketplace who always supply what people demand, and I wondered why these Green people are so opposed to my religion — a religion that demonstrates such mercy, despite their rejections and insults.

I noticed as I walked into the hotel that it was built right over the site where Progressive candidate Teddy Roosevelt was shot in the chest (he finished his speech, before being taken to the hospital, where he credited a breast pocket Bible for his survival) back in 1912. I hoped that this would be the second time that a progressive candidate were ambushed here, albeit this time nonviolently.

I checked into the convention and picked up my press credentials. It was pretty laid back. I gave my name, but no

one seemed to care. No checking me against a list, nothing. They just handed me a media card and told me to write my name on it. I wondered why I had gone to the trouble of applying for press credentials at all.

Up first was a press conference for all the Green candidates for Congress. Two of the four Green Senate candidates were there. Maybe the other two couldn't afford the airfare. Or maybe they're too weird to be let in front of the media.

The Greens were a lot more conservative than I had imagined. There were a few aged hippies wandering around, and occasionally I bumped into a real whack job, but for the most part, if I didn't know where I was, I would have guessed it was a meeting for the National Education Association.

It was a beautiful sunny day, the kind of day that makes you feel that you could be an environmentalist yourself.

Scott Summers, a small businessman from Michigan who's running for the Senate, spoke first. He said that he opposes grants and tax breaks to corporations because they hurt the economy and take money away from social programs. He thinks it makes economic sense to give tax breaks and grants to small businessmen instead. Not that unusual of an opinion for a small businessman.

Terry Baum, candidate for Congress from California, said that her first priority would be to see to it that George Bush is hauled in front of a tribunal and tried for war crimes. This was the first time I noticed Green ignorance of constitutional procedure, but it would not be the last. The Greens seem to view the Constitution as a minor obstacle in their march to a better America.

I discovered that, aside from me, there was only one reporter at the press conference, a girl with a pierced nose, no makeup, and a very expensive camera on her shoulder. Her pass said something like New Media Cooperative. Everyone else in the room was a delegate or a candidate, and the candidates outnumbered the audience.

I wandered around the hotel for a while after the press conference wondering to myself if I should even be doing this. "Where's the story?" I thought. I needed a sandwich. Nothing like mayonnaise on bread and a bag of potato chips to reassure a man that his purpose in life is noble.

I selected a tuna croissant and a bottle of grapefruit juice. The beer looked really tempting, but I figured that if I started drinking at this hour I'd be cashed in long before the day even started. I took my food up to the counter and waited while the help fumbled around with the cash register, and then, inexplicably walked away, leaving me standing there with a perplexed look on my face. I couldn't believe how crummy the service was until I remembered that this was a union hotel. I've always noticed a distinct difference between union and non-union hotels. Unionized workers make the same money regardless of how well they perform and they pool their tips, so there is absolutely no incentive for anyone to exert himself.

Unionism is popular among the Greens. All the handouts I received had a union label at the bottom of every page insuring that Allied Printing Trades Union Local #10 had made certain that this print job cost a lot more and took a lot more time than it otherwise would.

I took a seat at a table and looked over the schedule to plan my day. I overheard a couple of delegates at the counter explaining to the uninterested cashier how "Starbucks® destroys neighborhoods. They go into an area and force out the small businessmen. They've ruined entire cities by putting shops in places where thriving businesses used to be."

I hadn't even noticed that I was in a Starbucks® before I overheard their conversation. Starbucks® has become so synonymous with coffee that I don't even notice its logo anymore. But the Greens notice. They looked at that green circle with the woodcut of the twin-tailed siren the same way some Christian fundamentalists used to look at the Procter and Gamble moon. Except for Wal-Mart and McDonalds, there is probably no greater evil in all the world.

A very pleasant woman asked if she could share my table for a minute. She was from Palo Alto, Calif., and it was her first time in Milwaukee. "Beautiful city, isn't it?" I said. My sarcasm went right over her head and out into the lobby. "Yes, it's a very beautiful city. I wouldn't have expected that." She tells me that the thing she likes the most about Palo Alto is that she can ride a bike to work. "That wouldn't be much fun here in Milwaukee," I chided. "Oh, but it would on a day like today." That's the trouble with a lot of these people. They're just so dang nice. They want to destroy the free market and the wonderful things that it has given them, but their intentions seem good.

She excused herself and congressional candidate Joe Fortunado asked if he could have her seat. I welcomed him. Right away he noticed that I had a media pass. "Where're you from?" "Chicago," I replied. I saw in his face that wasn't the answer that he was looking for. "I'm from *Liberty* magazine." I hoped that he hadn't heard of it, so I could remain quasi-anonymous.

"That's a libertarian publication, isn't it?" Busted. I had kind of hoped that I could play the hippie journalist for the weekend. I even grew my beard out for the role, but Joe was pretty slick. "I know we agree on a lot of things, but there's some things we're vastly different on," he continued. "So what's a libertarian doing at the Green Party convention? "

The Greens were a lot more conservative than I had imagined. Occasionally I bumped into a real whack job, but for the most part, if I didn't know where I was, I would have guessed it was a meeting for the National Education Association.

"I'm just here to check out the party." That didn't sound right so I clarified. "Meaning party with the small P." He laughed, and I excused myself.

As I left, I overheard someone at the counter saying, "Do you know what Starbucks® does to workers in Third World countries?" I skipped down the hall and wondered to myself why such an anti-corporate party would hold their conven-

tion at a Hyatt Regency.

I went into the main convention hall. It was my first opportunity to see the assembled faithful, about 100 of them sitting at round tables. I couldn't help but notice how much they smelled like hippies. For the most part they were well dressed, and there were very few pony tails or beards (my own notwithstanding), and I hadn't spotted a single microbus in the entire parking structure. (There was only one hybrid, and no electric vehicles whatsoever.) But they still *smelled* like hippies. Sometimes it was the unmistakable smell of patchouli, sometimes it was sandalwood, sometimes it was that unidentified spice that makes every health food store smell exactly the same; but in a group together like this it was almost overwhelming.

The Green Party Black Caucus announced its formation. These twelve African Americans who spoke about the party's tolerance and diversity were just about the only persons of color I saw at the convention. For a group of people who love to point out the percentage of white people in the Republican or Libertarian Party, there were very few persons of color. It is a classic case of the white bread calling the milk white.

The new logo for the Green Party Black Caucus was unfurled. It was an African design depicting two crocodiles superimposed at right angles. The significance, they explained, is to remind people that although the crocodile has two heads, it shares a common stomach. I guess they were implying that we all have to eat, so food should be shared equally. I thought to myself, that if they have a common stomach, only one has to eat for the creature to survive. Perhaps this is why my mom told me to finish my plate because there are children starving in Africa. I always wondered how my being full would help people an ocean and a hemisphere away. Now I know.

As the banner was unfurled, the floor broke into applause, although not everybody applauded. Some people did this weird thing that reminded me of a Grateful Dead show: they raised their arms up in the air and wriggled their fingers rapidly. I found out later that this motion is called "twinkling." It is a gentle form of applause for those who are committed to nonviolence, and the Greens love to do it.

You can always judge the condition of a city by taking a walk downtown. If there is nothing other than failing businesses, then certainly there will be a lot of despair in that area. If the stores are boarded up, that means one thing. If the buildings are all government offices, that means something else. Those with nothing but antique shops are not much more reassuring — it's like the residents are selling everything they own before getting out of town. My favorite cities are those with downtowns that have a variety of thriving businesses where you can while away an afternoon.

A political party is like a mini-city and their exhibit halls are the downtowns of their political villages. I figured I'd check out the exhibit hall and see what the vendors had to sell.

The first table I stopped at was from Growing Power, Inc., a group that promotes "environmentally sustainable agriculture and strategies for urban food security." They have an indoor farm right here in Milwaukee where they grow plants hydroponically. I was curious about how much food could actually be produced in this fashion.

"So what do you grow?"

"Mostly house plants."

I don't know how many people can be fed from a ficus, but at least they're doing it in an environmentally friendly fashion.

"Doesn't hydroponics take a lot of electricity to grow?"

"Well, all the plant beds are built on an incline so gravity does all of the work. It only has to be pumped once up to the top, and then it runs down all by itself." That may violate the Law of Conservation of Energy, but it's an interesting way to look at it.

Next I visited two political tables, right next to each other, one for Ralph Nader and one for Texan Dale Cobb, the frontrunner since Camejo accepted Nader's vice presidential nod.

The Green Party Black Caucus announced its formation. These twelve African Americans who spoke about the party's tolerance and diversity were just about the only persons of color I saw at the convention.

There was a huge rift developing within the party and most people were aligning themselves with one of these two candidates. Joe Fortunado had told me earlier that morning that I had missed the fireworks the night before. Apparently there was an informal rally for all the presidential candidates, but it got really ugly and turned into a shouting match.

Standing behind the Cobb table was a pretty young girl with optimistic eyes named Jennifer who caught my attention. "They stuck you right together like this?" I asked.

"It's not so bad, we're all in the same party."

There was a boy also working the table who I'm pretty certain had a thing for Jennifer. "It's not so bad," he said. "In college they put our table right next to the Young Republicans!"

"How did that go?"

"We just didn't talk about politics," said Jennifer perkily.

Another college-age delegate asked about the youth caucus, and she handed him a sheet of paper. "We're having a meeting tonight. Put your name, email address, and birth date down."

"What's going on tonight?" I asked.

"We're forming a youth caucus. It's for people under 30." I guess she thought I was trying to snake an invitation, and she wanted to make sure I knew I was too old. "We need to get 100 members before we can form a caucus. The Greens already have a Black Caucus, and a Women's Caucus, and a Disabled Caucus, and a Lavender Caucus . . . that's for gay people."

I clarified, "No, I was wondering why you needed to have his birth date. I guess that's to ensure he's under 30. How does the Lavender Caucus ensure that all their members are gay?"

She blushed. I suddenly felt like a dirty, old man and quickly moved to the next table. I wondered how the Black Caucus was able to get 100 signatures together. Not at this convention, that's for sure. But I guess they didn't make them prove they were black either; just having a Black

Caucus to make themselves appear diverse is probably far more important than the size of that caucus.

I noticed a pamphlet for the Green Energy Buying Club on the New York Green Party's table. The GEBC is part of a movement to take America away from its carbon dependency by reselling energy from alternative sources. They buy units of electricity from renewable sources like wind farms, and sell them to electrical companies. They make up the difference in price (renewables are still more expensive) by selling credits to concerned citizens. By calculating the amount of electricity they use every month, and sending a check to places like the GBEC, an electricity consumer can insure that every watt he takes from the grid is replaced with a watt of "clean" energy. I looked over the pamphlet.

There was speculation that Cobb was funded by the Democratic Party, as a way to keep Nader off the ballot.

"Do you participate in this?" I asked Jerry who was manning the table.

"Yeah, I sent them $74."

"Every month?"

"No, just when they started out, I'm a big proponent of wind power." I guess Jerry assumed that once a wind farm is constructed, it churns out free electricity forever. He didn't take into account that a wind farm requires maintenance, that the property is either taxed or leased, and the interest and principle on the startup capital has to be paid. No energy is "free" and if you want the assurance that you are not putting carbon into the atmosphere every time you turn on the pump of your hydroponics farm, that is going to cost you at least an additional two cents per kilowatt-hour.

"You're supposed to pay them every month depending on how much electricity you use."

"No, we can't do that in New York, it's illegal. The energy corporations won't let us use wind power."

"But this pamphlet right here on your table says you can. You just have to send them a check."

"I don't know anything about these pamphlets, I'm just filling in here."

Surprisingly few of the delegates were environmentalists — at least few seemed to be following the mores of environmentalism. Wisconsin is committed to recycling, so there were recycling bins all over the convention center. I kept peeking into them to see if they were ever used. They were always empty. Perhaps that's just good housekeeping, I thought, so I caught a housekeeper: "Do you empty the recycling bins?"

"We do if they're full. They haven't got full yet."

"What about the trash?"

"We empty a lot of trash."

The convention site comprised two main areas: the hotel's banquet and meeting facilities, and the Midwest Airlines convention center. To get from one to the other, Greens had to choose between the environmentally friendly staircase in the middle of the lobby or two bordering escalators, powered by electricity and therefore polluting the environment. The only time I ever saw any delegates take the stairs was when the escalators were backed up.

Sitting in the lobby, I saw one of the few true hippies carrying a sign over to the convention center. It read, "Profit from Marijuana Farms, Not Arms for Gasoline. Stop Global Warming." She rode up the escalator with it.

I needed a cup of coffee. I went into the coffee shop, and the two employees were talking over by the coffee machine: "I can't listen to them anymore. I'm just going to make a pot that's not Starbucks® and save it just for them."

"Can I have a cup of Starbucks®, please?" I asked.

The girl behind the counter laughed.

Over in the platform committee there was trouble. No one had a clue about how the platform was supposed to be amended or approved. Finally, they began discussing the question of whether the platform should support social justice or social and economic justice.

A woman stood up: "I think it should say we support social, economic, and sustainable justice."

A guy on the other side of the room: "How about social, economic, and sustainable justice for the victims of slavery, genocide, and corporate culture . . . "

Boring. I skipped down the hall for a peek at another workshop. There was one for "The Green Message and Political Marketing." Stacy Malkan, a comely blonde, was speaking.

"You have to get to know the reporters. Find out what interests them, learn where they like to hang out. They like it if you do their work for them. I can't tell you how many times they just took a press release we sent them, and just put their name on it, and published it as is." I looked at my watch; it was a quarter past a beer. Time to find the bar.

I cozied up to an open stool at a bar behind the escalators. I didn't have my back to the door, and I could see pretty much everything. Two delegates in the corner were tearing through the complimentary peanuts. The bartender asked them if they would like something to drink. They asked her to run through the entire beer list and who made each brand; they didn't want any money going to Anheuser Busch, or Philip Morris. I noticed their peanut shells overflowed the ashtray and were spilling on the floor: apparently they weren't so concerned about the big corporations or the state monopolies involved in getting peanuts to them.

I had never thought about this before, but Nader does look a lot like those pictures of the little girls with the big sad eyes that were so popular in the seventies.

I opted for a Leinenkugel. It was brewed in Chippewa Falls, Wis., by the Leinenkugel family for 137 years, but now is owned by Miller. I emptied the pint before I knew it. "Would you like another?" the bartender asked. She was at the corner where the two delegates had just left, sweeping up peanut shells.

"I hope they left you a good tip after leaving all that mess," I interjected. She just smiled.

"Did they stiff you?"

"No, they paid their tab."

"But did they tip?"

"No."

I understand that government employees are some of the worst tippers this side of Europe, and I imagine that the Green Party derives a lot of its membership from government workers. "How have these people been treating you? Are they generally tipping you well?"

"Not so good. But there's been a lot worse groups through here. There was a Baptist women's group, and I didn't make a dime."

Thus fortified, I decided to check out the press conference of the Green International Committee. Maybe it was because it was late in the day, or because the room was full of video lights, hot, and crowded, or perhaps it was just because I'm bigoted against Europeans, I don't know, but the international press conference was the worst-smelling event I attended all weekend. Gone were the pleasant aromas of patchouli and incense. It smelled like a taxicab in August.

I learned that although more than 10% of the EU parliament is Green, there has been little or no interest from Eastern Europe. They came up with all sorts of explanations, except for the obvious: that it's really hard to sell communism to people who have had to live under it for the past 70 years.

Well that was a waste of time. I returned to the bar to resume my little tête-à-tête with the Leinie tap. The bar was full, but I found a table within earshot of a couple guys who were going back and forth about Nader vs. Cobb. It was time to educate myself. I invited myself into the conversation, and sat down with John and Ed from Connecticut.

The state of Connecticut had its caucuses way back in April before anyone thought that Nader would snub the party, so Connecticut had several delegates bound to Nader, despite the fact that he had refused to ask for their nomination. Publicly, Nader had said he did not seek the Green nomination because he preferred to run as an independent. But most Greens think he didn't seek it because he thought he might not be able to get it. Inside polling indicated that Nader support had declined sharply, because a lot of Greens feared becoming the party of Nader, and some believed he has strayed too far away from Green Party principles.

Nader had also been less than honest with the party. Nader refused to share his donor list with the party. After a year of pleading and angry letter writing he finally relented and released his list of all donors under $100. Apparently the man who wants to keep big money out of politics wants to keep his big money donors to himself.

Nader conspired with Peter Camejo to get the Green Party's support without having to go through the tedious process of winning the nomination. Camejo had just run for California governor as a Green. Camejo agreed to run as a reluctant candidate, and if he won, he would refuse to take the nomination. He never was secretive about this; everyone understood that he would not accept it.

By releasing his delegates after he won the first round of the nomination process, he would force a second round of voting in which there would be entered a nomination for "No Candidate." If No Candidate won the majority in the subsequent round, individual state Green Parties could put Nader on the ballot in their own states, saving him the trouble of petitioning.

Another advantage that Nader has gained by remaining independent is that he is free to solicit endorsements from all third parties, without being tied to any of them. He did this successfully with the Reform Party, and I heard an unsubstantiated rumor that he had even approached the Libertarians with a similar offer. It was apparent that the Nader strategy was to build a majority by aligning all of the third parties under an anti-war wedge issue against the Democrats and Republicans. Of course, except for the Iraq war commonality, the Libertarians are opposed to everything Nader stands for, and there's as much chance of Hillary Clinton eating lunch at Hooters® as of a Libertarian voting for Nader.

Joe asked if he thought there's a possibility that the Democrats could "take Nader out." Walt replied that Bobby Kennedy was assassinated by the Federal Reserve.

Meanwhile, David Cobb was gaining support as the candidate who would bring the party back to its roots. He characterized Nader as an outsider who was taking the party too far away from its core values. He promised to use his campaign to build the party, and to stay away from battleground states. There was speculation that Cobb was funded by the Democratic Party as a way to keep Nader off the ballot.

Peter Camejo used these rumors to claim that Cobb was supporting Kerry. Both Cobb and his running mate, Pat LaMarche, said that defeating Bush was more important than putting a Green in the White House.

"Camejo really brings out the feminine side of the party," said Justine, a delegate from Connecticut who sat down with us. "Cobb is a really powerful speaker, but he is so masculine. When Camejo speaks, he just makes you feel the pain."

"She likes to suffer," John interjected.

"Well Nader, he's just the picture of suffering."

I had never thought about this before, but Nader does look a lot like those pictures of the little girls with the big sad eyes that were so popular in the seventies. Our conversation was interrupted by a volunteer passing out a photocopied letter from Nader himself. It was still warm, so it must have just been made. I noticed there was no union seal at the bottom.

Of course, it doesn't make a lot of sense to hire a union print shop professional when the copy machine does 99% of the work involved. I guess an important news flash like this just couldn't suffer the 24 hour turnaround that a union job would take.

Over at the bar I saw Joe Fortunado. I pulled up a stool next to him.

"Just heard, Nader's going to call in tonight."

Great. A phone call. My desire to meet the man face to face had been thwarted again.

Joe introduced me to Walt who, he claimed, was the unofficial historian of the party. Walt was a hard-core socialist, and he credited himself with inviting Nader to run back in '96. He has also asked Noam Chomsky, who he said declined because Chomsky feels he would do more harm than good for the party — all the Chomskyites already vote Green any-

way, and Noam has a lot of detractors. I bought a round of beer.

"Tim's a libertarian," Joe told him.

"Wow, I don't think I've ever had a libertarian buy me a beer before," Walt replied.

"We don't mind charity, as long as it's voluntary," I responded.

Walt started talking about conspiracies, which I always enjoy. He told me that George Soros is funding anti-Nader activities, and has already set up a website. It gets deeper. Joe asked if he thought there's a possibility that the Democrats could "take Nader out." Walt replied that Bobby Kennedy was assassinated by the Federal Reserve. Bobby was also a friend of Nader, so it's not out of the realm of possibilities that if Nader started threatening the Democratic ticket, he might suffer a similar fate.

Each line of the Green Party Preamble was read and then the audience repeated it. It sounded a lot like the Apostles' Creed that I became so familiar with as a Catholic schoolboy.

I mentioned that it's not going to happen this year because Hillary wants Kerry to lose, so there'll be no incumbent Democrat to run against in 2008. They looked at me like I was crazy.

Walt started talking about Edward Heisler, a member of the Socialist Workers Party and candidate for U.S. Senate from Illinois, who turned out to be an FBI informant. Well, Walt did a few background checks and learned that Edward was still living, now in Utah, and that his name has surfaced on quite a few Green Party mailing lists.

I excused myself, but before I went, Walt wanted to be sure to get my name. He looked at my media pass to make sure he had the correct spelling. "Are you going to do a background check on me too?" I asked. He laughed.

Michelle Shocked, who was really huge for about 15 minutes back in the early '90s, back when the "female singer-songwriter" was in fashion, was scheduled to perform at a street party. I caught her act in Chicago back in 1990 for the 20th anniversary celebration of Earth Day staged in the park across the street from my apartment, and I remember the day well. I couldn't find parking anywhere, because everybody from the entire surrounding tri-state area drove all the way into Chicago to celebrate the environment. I'll also never forget the trash on my front lawn, and the mountains of garbage in the park after it was all over.

When I arrived, the street atmosphere was quite festive, and "One Drum" was just wrapping up their opening set. A Green Party spokesperson took the stage and started revving up the crowd. He broke into the Green Party preamble which everyone there seemed to know by heart. Each line was read and the audience repeated it. The effect was very much like the sound of everyone mumbling their prayers in church. It sounded a lot like the Apostles' Creed that I became so familiar with as a Catholic schoolboy:

Priest: We believe in an alternative.

People: We believe in an alternative.

Priest: We believe in independent politics and active, responsible government.

People: We believe in independent politics and active, responsible government.

Priest: We believe in empowering citizens and communities.

People: We believe in empowering citizens and communities.

Priest: We offer hope and a call to action.

People: We offer hope and a call to action.

Together: Green and Growing! Green and Growing! Green and Growing!

By now, I was a little hungry, so I wandered to the back of the event to check out the food tents. There were only three. Jimbos Broasted offered a traditional Wisconsin fish fry, that is deep fried perch, french fries, and a little bit of mayonnaise soaked cole slaw. LaVerne's Soul Food had ribs and beer-boiled bratwurst to offer. Here are all these delegates from California, and there's nothing to eat but traditional Wisconsin fare — strange victuals for people more accustomed to sushi than fried fish. Then there there was the politically correct food tent: Lula's Vegetarian had boiled cabbage with lentils and rice and a spanakopita, but that was as nouvelle as it got. I opted for the rib dinner, sweet and greasy and delicious.

By now it was nearly 8:00, time for the big Camejo rally. I followed the swarm into the exhibit room where a couple hundred people were waiting for the phone call from Nader. Prominent delegates were taking turns at the microphone saying really nice things about him and mean things about Dave Cobb. The crowd was getting really worked up, with lots of delegates throwing their arms in the air and wriggling their fingers. A young girl from D.C. said, "Ralph Nader fought to get a supermarket in D.C.!"

At 8:25 the speaker on stage was told to wrap it up because Ralph was finally on the line. The crowd, now about 300, went wild. Nader-Camejo signs were thrust into the air, and fingers were wriggling all over the place. The camera girl with the pierced nose panned over the crowd to capture all the excitement.

Ralph said, "Hi." More cheering. He says he's sorry he couldn't be there, but he trusts that everybody will do the right thing. That's it.

After the call, I walked back out to the street fair. Michelle Shocked was doing a sound check. Only about a hundred people were still there. There was a guy walking around in a cow suit with pink floppy ears and a big plastic udder right in front. The cow suit had seen better days. It was no longer white where it should be white, nor black where it should be black, and it was torn where the owner has grown beyond the limits of the fabric. I imagine that when the suit was new and the man was closer to being a boy, the cow suit was a great attention getter at all the animal rights events. More than a couple young vegetarian coeds must have found the costume adorable, and melted into his hoofs. Those years, however, passed long before this convention, and I wondered why this guy was still clinging to the tattered cow suit. I guess that the things that bring us such joy in our youth are very hard to part with. It's probably the same reason that people still buy Van Morrison records.

When all the levels were adjusted, Michelle walked behind the stage where an Alero with Illinois plates was parked. She rummaged around in the trunk for some things, then slipped into the front seat to change her clothes. Apparently the last decade had not been too good to her.

I returned to the meeting room just in time to see Peter Camejo start speaking. Delegates for Peter were quite enthusiastic about him, and I was really a little curious. Peter Camejo was born into one of Venezuela's wealthiest families. Almost as if she were concerned for his presidential eligibility, his mother traveled to New York, in 1939, to deliver him in America. In 1960, he and his father competed in the Rome Olympics on Venezuela's yachting team. He earned a participation medal which he wore around campus to attract women.

He attended MIT and UC Berkeley where he was expelled just short of graduation in 1969 at the tender age of 30 for causing trouble. In 1976, he ran as the Socialist Workers candidate for president and got almost 90,000 votes. In 1980, after mounting a campaign to align all the leftist third parties against Ed Koch in the New York Mayoral Campaign, he was expelled from the Socialist Workers Party. He now works as a financial advisor with a progressive investing strategy.

Camejo started calmly with a call for peace in the party. But then he started to get worked up. He was angry about the "torture" in Abu Ghraib prison, and said it's no surprise to him — his brother was tortured by the CIA. Apparently they wanted to learn the whereabouts of a communist facility, so they put an unloaded pistol to his head and pulled the trigger. He told story after story about the plights of gentle communist guerrillas being brutalized by the CIA throughout Latin America to a rapt audience.

Then he spoke about economic mathematics. "Once the price of oil goes up, it never comes back. Corporate America has us addicted, so they can charge us whatever they want. The crisis is coming. When it starts rising, it's not going to be a spike, it will just keep going up. Ninety-five percent of the American people have not seen a pay raise in the past 30 years."

At this point I realized I was getting pretty tired. Not just of the platitudes, but genuinely tired. I looked at my watch, and realized I'd been there for almost twelve hours — time for sleep. On the way back to my car I passed through the festival one more time. About a hundred people were there listening to Michelle Shocked. Her voice hasn't lost a single note over the past 14 years; she's got the kind of voice that goes all the way down to your heart. There was a young girl not older than ten playing clarinet with her, I imagine that's her daughter. It was a beautiful summer night, and I lingered for a while, wanting to stay for more. I had a two hour drive in front of me, though, and I'd be lucky if I could stay awake for another hour. I forced myself out to the car, and reminded myself to go through the box of cassette tapes I have down in the basement and dig out the Michelle Shocked tapes, along with Van Morrison.

Saturday morning I was back in the press room. It was time to meet the candidates. I was barely awake, my head ached, and when I pulled out my pen it smelled like stale

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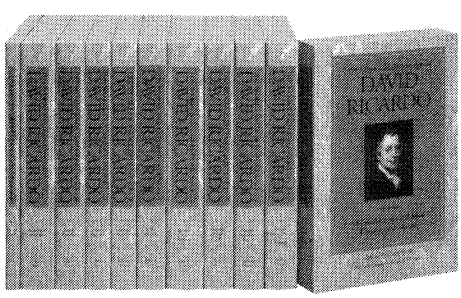

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beer. I overheard Camejo whispering something about Bush being reelected; he looked back, saw me listening, and lowered his voice below audibility. The press trickled in. There seemed to be considerably more people with media badges than there had been the day before.

All the candidates were asked to take the stage. David Cobb moved up the aisle confidently, and I saw for the first time what Justine had earlier described as the "masculine" side of the party. He looked like Steve Forbes, only not quite as tough. He had one of those waxy permanent grins, like the one you make when you don't want anybody to know what you're really thinking. It never cracked once.

Peter Camejo was casually reading the paper, looking almost bored. I couldn't help but think he was pretty certain that it was wrapped up.

Carol Miller started things with a speech for Nader. Next was Lorna Salzman who looked like she was probably at Woodstock. She now lives in New York with her composer husband Eric. She was running to bring the environmental message back into the party. She said, "If the Green Party doesn't make the ecological paradigm the root of the its message, then it is useless."

I asked her about this, because I had noticed the same thing. "You said that the party is moving away from the environmental message?"

"We never really had a very strong one. I still don't think it has. I've been in this since 1984 and we haven't had any environmentalists in it at all, and there's hardly any now because they don't see that the Green Party is making it their focal point."

JoAnne Bier-Beeman, a drain commissioner from Charlevoix, Mich., then told a story about seeing an eagle nest on a friend's property. Her number one issue: she wants to abolish the electoral college, so that in the future majority wins. She figures if Bush can try to pass a constitutional amendment prohibiting gay marriage, she can pass an amendment abolishing the electoral college.

There was a guy walking around in a cow suit with pink floppy ears, and with a big plastic udder right in front. More than a couple young vegetarian coeds must have found the costume adorable, and melted into his hoofs.

"The president of the United States has tried to push onto the people an amendment that restricts who can marry. That's none of his business."

I asked her, "I thought the president had nothing to do with constitutional amendments?"

Her friend butted in, "He can propose them."

She agreed, "And he's pushing these things. We have to start talking about what should be. It's right to abolish the electoral college, it's right to have majority wins."

"Would it be right to have majority outlaw gay marriage?" I asked. "I understand that the majority of the people are against gay marriage."

"The majority of the people want jobs. But the real question about this whole gay marriage thing, and the thing that nobody talks about either, the marriage through the state allows people special benefits. If we were a just and honorable state, people wouldn't have to worry about their security, wouldn't have to worry about old age, wouldn't have to worry about not having any insurance benefits, or worrying about putting a can out at the local 7-11 if you've got diabetes or you need a colonoscopy, you know, we need to have universal health care." Wow, nice cover. Vote Green so gay people don't have to put their can out at 7-11 for a colonoscopy.

One of her proudest accomplishments is keeping Wal-Mart from building a store in her town. "They put a high school out in the country against the wishes of the people of the town, and we predicted when that happened almost three years ago that Wal-Mart would follow. It endangered our children; it endangered our town. Just like a spider puts a web in a spot that's good to catch bugs, Wal-Mart put its store where it would catch young people on their way to and from school in order to sell them stuff from mostly other countries."

It's nice to know that even a lowly drain commissioner from Charlevoix, Mich., can prevent Wal-Mart from building. Ralph Nader would be proud.

Kent Mesplay, an air pollution inspector from San Diego with a doctorate in biomedical engineering, had a pony tail, an ill-fitting double-breasted gray suit, and some very interesting opinions that he was happy to share. He was born in New Guinea to American Lutheran missionaries and spent the first ten years of his life there. "We are experiencing wacky weather worldwide," he said, " I grew up with primitive people, and they know something is happening. They are Stone Age, not stupid. They have been observing the climate for millennia, and they know something drastic is happening."

I was unaware that the people of New Guinea have been recording temperatures and ocean levels. Perhaps their oral histories are more accurate than ours. I ran into him later, and asked some follow-up questions.

He said that his knowledge came not from the people of New Guinea, but from his contact with the Hopi tribes. "Native peoples are more in tune with the spirits," he said. My eyes must have gone wide at that point because he started to correct himself right away. "I don't normally like to talk about this sort of thing, because, well, I'm a scientist. I grew up with people who didn't have a lot, and not having a lot encourages long-sightedness."

"Doesn't scarcity encourage shortsightedness?" I asked.

"No, scarcity encourages long-sightedness."

"You mean scarcity might encourage people to hoard?"

"No, hoarding is shortsighted. Scarcity encourages people to share."

"How is sharing long-sighted?"

"Because someday, you might not have enough, and people you shared with before will share with you."

It seemed to me that hoarding is a more reliable survival technique than counting on the benevolence of others, but what do I know? I tried a different tack.

"Yes, but isn't it true that if you don't have enough to eat, you don't care if the animal you're eating is endangered?" I asked.

"Nomadic tribes were able to live in the desert for thou-

sands of years. Because they never stayed in one place, they had very little impact on the environment."

So that's it. He wants us all to live in the Stone Age.

Back at the press conference, the camera girl with the pierced nose from the media cooperative was pointing her camera towards the dais, but her attention was focused elsewhere. On the floor in front of us was a *New York Times* photographer, rolling around on the carpet like a fashion photographer, changing lenses and angles and snapping a series of pictures. He was dressed all in black, and had taken the trouble to write *New York Times* onto his media badge. The rest of us just put our names down, so we'd know who we were drinking with. The girl from the cooperative was looking at him with longing in her eyes. I don't know whether it was the man or his position at the *Times* that brought out the desire in her. Maybe it was the obscenely large Nikon he was swinging around.

The convention floor was a madhouse. As Cobb's vote total approached the number he needed for victory, people got up on their chairs and twinkled.

Scott McClarty announced that the conference was over, and told us to proceed to the convention hall for the nominating process.

Outside the convention hall, I happened across a gentleman projecting a PowerPoint presentation onto the wall behind him. There was the unmistakable suspended concrete rail stretching over the urban landscape, but instead of a train there were these cool red and white bubble cars that looked kind of like helicopters without the blades. The presenter was Dean Zimmerman, a Minneapolis city councilman, who wants to get Minneapolis and the DOT all to cough up $600 million to build his toy train of the future. He wore a fishing hat and rarely made eye contact. His eyes were locked on the computer screen, and I couldn't tell if it was the train or his Microsoft PowerPoint that more fascinated him.

"So you see, the thing runs with what you call a Maglev system. That's a real efficient way to move the thing, and it doesn't make any emissions."

"No emissions?" I asked dumbfoundedly. Electricity has to be generated, and electrical generation as I learned from talking with Lorna, is the most polluting sector of our energy supply.

"Well, no emissions at the point of use. When we get all the wind farms hooked up there will be no emissions at all."

"When is that going to happen?"

"I don't know."

The person seated in front for his presentation took the opportunity of our conversation to head for the door.

"Why don't you take a seat there?" he asked. What the heck, it might be interesting

Dean started flipping through the presentation again. There were beautiful sketches of a futuristic train and you could see why he was so infatuated.

"Right now, they're building one in Wales," he gushed, flipping up a picture of a building that looked like it could be Welsh, that has a very bad image of the monorail superimposed over it. "You build it right over the street, you see, so you don't have to worry about crossing gates, and it doesn't take up much more space than the road that is already there."

"How much electricity does it use?" I asked. "Theoretically it could be more polluting than cars."

"No, no, no, this will only use one fourth the energy it takes to run a car. Look here, you see, you never have to wait for a train, you got your own individual car, that you never have to share with anyone. You just put your dollar, maybe a dollar fifty, in the slot right there, and you punch in the number of the station you want, and it takes you right where you want to go.

"Now the cars, they are all heated and air conditioned," he put up a picture of a modern couple, looking very relaxed and sophisticated, inside the vehicle, only one of two on the track. Below the track, rush hour traffic is snarled. "Oh, and look at those two people, I'll bet they're real glad they're not down there in all that traffic."

I went inside for the nominating process. Dave Cobb came to the podium and the audience became a sea of campaign signs and wriggling fingers. He claimed to be the candidate of the working poor, and of the party of the working poor because we are all working poor people. More fingers, more cheers. "And before I leave to let you have your vote, I am pleased to announce that I just received the endorsement of the Green Black Caucus."

"Oh no you didn't!" shouted somebody from the caucus who obviously disagreed with the decision. Apparently, the 24 hours of Black Green solidarity were over. That can happen when you make your symbol a crocodile with two separate heads.

The voting started, and I watched all the goofy speeches that delegates make when cameras and microphones are thrust in front of them. I became reasonably certain that the nomination was going to take at least a second ballot and suddenly realized that I could have the bar all to myself. I took advantage of the situation.

I returned to the convention floor a couple hours later. David Cobb had finished first on the first ballot with 308 delegates. Behind him were Peter Camejo with 119, Ralph Nader with 117.5, and "No Nominee" received 74.5. Behind them were Lorna Salzman with 40 and "None of the Above" with 35.5. Because candidates who had not agreed to accept the party's nomination were considered abstentions, Nader and "None of the Above" were both scratched. Camejo and Salzman released their delegates. But Kent Mesplay (24) and JoAnne Bier-Beeman (14) both made it into the next round. The withdrawn candidates and "No Nominee" had received 355 combined votes in the first round (these delegates would theoretically vote for "No Nominee," i.e. Nader, in the next

The Greens seem to view the Constitution as a minor obstacle toward their vision of a better America.

round) while Cobb had only 308. It was going to be an interesting second round with four choices: Cobb, "No Nominee," Mesplay, and Bier-Beeman; 385 delegates were needed to secure the nomination. I'm not sure why "None of the Above" was disqualified while "No Nominee" was allowed to go into the next round. Maybe I shouldn't have gone to the bar.

Outside I ran into a man in a suit from the Green Party organizing committee. He was fumbling around with a couple of grocery bags (plastic, not paper) full of Doritos, potato chips, a six pack of beer, and a twelve pack of bottled water. "Can you help me carry this?" he asked. I figured why not.

"This is my first convention," he says. "I think it's so neat to see everything finally come together. Those state signs look pretty good, we just made them last night."

"You printed them up yourself?"

"No, we found a Union Shop, and had them sent here. I meant we got the wood and stapled them all onto the wood last night." I wondered whether the wood came from a union lumberyard.

"Oh my gosh, I didn't see you were with the media, I guess it's kind of wrong to ask someone from the media to help me carry water, but I just get so used to asking just anybody for help. You know, everybody here is a very helping person. I guess we're just a party of friendly people."

We walked into a service hallway towards the dressing room for the banquet entertainment. Diverse, a local hip hop group, was scheduled to play. This was the third urban band that played for the event. I remember back in my college days, when all the fraternity boys liked to hire blues acts.

"This isn't for us," he said lowering his voice, even though there is nobody around. "This is 'Rap Food'." He might as well have said "Purina Negro Chow" because the intent seemed the same. Wow. Party of friendly people.

Back in the press section things were getting pretty hairy. The voting in the second round was neck and neck between Cobb and No Candidate. The media was now out in full force, and the AP reporter kept phoning in updates via his cell phone. He told me that he had two stories written, one covering each eventuality.

A pretty blond came up to me. I read on her delegate badge that her name was Medea Benjamin. "Which one of you is the guy from *The New York Times*?" she asked. She had a look in her eyes that I remembered well from my rock and roll days. It was the same look you would get from the girls outside the stage door, the ones that were hoping you could introduce them to the band.

They want to destroy the free market and the wonderful things that it has given them, but their intentions seem good.

"Why?" I asked. I looked over to my left, and saw the *Times* photographer on the camera platform turning the camera at right angles taking horizontal and vertical shots alternately. I looked back and could see that my question had flustered her. "I, uh, . . . just wanted to thank him for the article in the paper today."

The convention floor was a madhouse. As Cobb's vote total approached the number he needed for victory, people got up on their chairs and twinkled. The Texas delegation was lining up in front of the cameras, and it looked as if the big announcement was about to be made.

At this point, someone named Amber, with a face full of schoolgirl charm, dropped a press release in front of me, smiled shyly, and made her way down the aisle to drop one off with the next reporter. I was pretty tired of being handed pamphlets, so I almost ignored it. Just in case I was missing something important, I looked down. No union label. Hmmmm. I skimmed the first line:

"06/26/04, MILWAUKEE, WI — Green Party National Convention Crashed! In an effort to see just how extreme members of the U.S. Green Party are, or even if they have any sense at all, a cell of Wisconsin Bureaucrash activists, calling itself 'Progressives against Progress' infiltrated the U.S. Green Party's 2004 presidential nominating convention."

I rushed out into the lobby and called Shane Steinfield, the contact whose number was at the top of the release.

"Hello, Shane?"

"Yeah, we're leaving already, okay?"

"No, you don't understand, I want to talk to you. I think this press release is funny." He seemed shocked to learn there was a compatriot here inside the center. Apparently, I was the only person in the whole convention who wasn't really offended. Some of the delegates even threatened him and threw stuff at him. As I hurried down the corridor, I could hear that the nomination was official. Ralph Nader had been shot down by the Green Party, and I was missing the whole thing.

By the exit I was greeted by a what looked like a skateboard gang. I knew I'd found the right people because Amber was there. I thought that perhaps I should buy them a round of beer in gratitude for brightening up my weekend, but I wondered if they were old enough to drink.

"So how would you define yourself politically?" I asked.

"We're libertarian," Shane answered.

Here at the Green Party convention they handed out flyers nominating Fidel Castro for president, circulated petitions calling for an end to modern farming, the Internet, and business in general. They were shocked to learn how many Green Party members actually supported these ideas, and some delegates even thought it would be a good idea to recognize the good things Castro has done for Cuba.

These brave kids travel around the world, busting into events like these, and holding up protest signs with slogans like "Socialism Kills" and "Enjoy Capitalism."

"How do you fund these adventures?" I asked.

"I don't know. It's not organized."

"What's next on the agenda?

"We're going to go to Bangkok for the World Health Organization meeting. We're going to make them look stupid. I don't know how, but we have a couple weeks to figure out something."

I'm sure they will.

I walked around the conference center one last time just to see if there was any better note to leave the convention on.

There wasn't. ❑

Urination Nation

by Ari Armstrong

The War on Drugs takes its show on the road.

Naughty or nice? There's no instant test for that yet, but the drug czar can tell what you've been smoking, so you'd better watch out. The White House's Office of National Drug Control Policy (ONDCP) spread a little early holiday cheer to government bureaucrats in a tour of several cities during March and April.

The ONDCP is promising $23 million in grants to schools that run programs to randomly test students for drug use. Mary Ann Solberg, deputy director of the agency, toured Chicago, Fresno, Atlanta, and Denver to promote the idea. Speaking along with Solberg were David Evans, Executive Director of the Drug Free Schools Coalition; Bill Judge, a lawyer who works in the area of drug testing; and Joseph McKinney, Chair of Educational Leadership at Ball State University. They presented evidence concerning the results of student drug testing.

I was at the April 8 meeting in Denver.

In her introductory remarks, Solberg said the goals of her office are to prevent drug use, "heal America's drug users," and "disrupt the market." She noted the "direct connection between terror and drug trafficking," though she neglected to point out that this connection is the result of prohibition.

Solberg wants to treat drug abuse like the "pediatric onset disease that it is." A handout from ONDCP seconds this approach: "[D]rug dependence is a disease of the brain that spreads through non-addictive users. . . . " Solberg explained that, while the parents of today's children might have smoked marijuana with 3% THC, the levels of THC in marijuana now are 30% or even 40%. She also pointed out that most minors who are in drug treatment are in it for marijuana use. She concluded, "Marijuana is not benign, it is addictive."

To Test or Not to Test?

Judge ran through the legal history of testing students for drugs. "The U.S. Constitution and the constitutions of most states protect us from acts by the government, not from private parties," he began. The 14th Amendment placed students in government schools under the protection of the U.S. Constitution, Judge said. In 1985, though, the Supreme Court ruled "reasonable suspicion" is sufficient to search students for drugs. In 1995, the Court ruled athletes may be tested randomly. And in 2002, in the 5–4 decision of *Pottawatomie* v. *Earls*, the Court ruled that random testing may be used for students in extracurricular activities. The conditions under which testing is justified depend upon what the meaning of the word "unreasonable" is in the 4th Amendment's prohibition of "unreasonable searches and seizures."

Positive results from random drug tests cannot be turned over to police for legal action against students, though they can result in loss of the privilege to participate in extracurricular activities, as well as other in-school sanctions. "Co-curricular" activities, such as taking band class for credit, "should never be subject to random testing," Judge said.

He added, "In my world, there's no such thing as zero tolerance . . . I've got cut-off levels." Evans said those "cut-off levels" assure that naturally occurring chemicals and second-hand smoke won't affect the results. He added, "You'd have to be in a phone booth with Jerry Garcia for the weekend" to test positive for a drug based only on exposure to second-hand smoke.

Still, a person can trigger results on the initial test because of certain medicines and foods. These results are always sent to a "medical review officer," and a result is not classified as positive unless the officer determines (often through interview) whether some factor other than illegal drugs is at work. "There is no such thing as a false positive," Evans said.

Both Evans and Judge have represented people on both sides of the issue. Both argue the tests are accurate, if they're administered correctly. Judge described a case in which a woman was fired because of test results that were not properly verified. Judge sued on her behalf, and the woman returned to work.

Though results referred to a "medical review officer" are kept confidential and can't be used as the basis for sanctions, the process has got to be nerve-wracking for students. Evans' claim that the initial result is not a "false positive," because it's subsequently verified by an expert, is little comfort to the kid who has to go through the ordeal.

A contrarian handed out a pamphlet from the ACLU and the Drug Policy Alliance. It points to a study published last year in the *Journal of School Health* that purports drug testing has not reduced drug use. McKinney criticized that study on the grounds that it doesn't differentiate between random testing and infrequent testing based on suspicion.

McKinney published his own study that relies on the perception of school officials — a subjective, and probably not quantitative, source of data. He also noted a correlation between random testing and higher test scores, but of course this says nothing of causation. However, McKinney did present some evidence from specific schools in which drug use (as reported by students) went down during periods of random drug testing.

Evans was involved in setting up drug tests at Hunterdon Central Regional High School in New Jersey, where he reports drug use among students declined dramatically. (That school tested for alcohol, too, though alcohol leaves the body at a faster rate than many other drugs.)

"I did a study today, and cooking dinner just isn't cost-effective."

Marijuana Myths

In their essay for *The New Prohibition*, Paul Armentano and Keith Stroup explode Solberg's myths about the increasing potency of marijuana. They note that general-use marijuana has increased in potency, but only from about 3% to 5% — not 30 or 40%, as Solberg claimed. They note that "quantities of exceptionally strong marijuana or sinsemilla (seedless marijuana) are inordinately expensive, comprise only a small percentage of the overall marijuana market, and are seldom used by the population at large — particularly younger adults." They also point out the more potent stuff generally is taken in lower quantities. Of course, the increase in potency of many drugs is attributable to prohibition, which encourages the trade of more compact product. As for "treatment" of marijuana abuse, Armentano and Stroup point out that forcing minors into treatment for addiction does not mean they are actually addicted.

And yet, Solberg's obviously bogus claims do not prove that she is intellectually dishonest. I suspect she is simply a party-line bureaucrat, and I can imagine her giving the same sort of peppy speeches for any government program — or any government — whatsoever.

During one of the breaks, Solberg was sitting at a table with another of the speakers. I happened to have an extra copy of Bill Masters' 2001 book, *Drug War Addiction*, so I gave it to her as a gift.

She seemed less than pleased. "We'll have to agree to disagree," she said.

"I think we can find some commonality," I replied, thinking of Masters' strong criticisms of drug abuse.

"The bottom line is there should be less drugs in our community," she said.

"Everybody believes that," I replied. In retrospect, my comment was an overstatement; one eccentric local activist thinks more (non-ill) people should smoke marijuana. Nevertheless, practically every reformer I know is very concerned about the problem of drug abuse. Of course, many reformers see the consumption of some drugs, including alcohol, tobacco, and marijuana, especially in moderation, as less of a problem than engaging in a wide range of other activities that aren't demonized.

"Some people want more drugs," Solberg said, identifying this group with people who want to "legalize" drugs. (She pronounced the word "legalize" several times throughout the day in a strained, self-conscious tone, the way a proper lady might name a sex organ in public.)

I explained to Solberg that support for legalization doesn't mean that one wants more drugs or more drug abuse. The reformers I know would like to see a decline in drug abuse, and generally a decline in the use of non-medicinal drugs.

Then, proving there is such a thing as karma, Solberg replied, "Alcohol is legal and it's one of the most abused drugs." I had to ask: "Then you would support returning to the full prohibition of alcohol?"

Amazingly, she seemed not to be prepared for this one. "No," she said.

"Why not?" I asked.

continued on page 52

Resist All Wars!

by Barry Loberfeld

This is an open letter to the National War Tax Resistance Coordinating Committee.

May 25, 2004

The war in Iraq is not the only war the U.S. government fights and demands its citizens support with their tax money.

To all people of goodwill in the National War Tax Resistance Coordinating Committee:

What struck me most about your "Appeal to Conscience: In Support of Those Refusing to Pay for War on Iraq" was that it sped straight to the point of what war means: "death and disease" — by bombing, shooting, and environmental poisoning — for both soldiers and civilians in Iraq, as well as "terrorist attacks against the United States, its citizens, and those of any allies who join us." It also means expenditure of "tens, if not hundreds, of billions of dollars, thus further diverting resources from addressing the hunger, homelessness, unemployment, and other economic problems facing millions of American families." The appeal contended that "[p]re-emptive war against Iraq violates international laws, including the Charter of the United Nations, which the U.S. Constitution requires us to uphold" and suggested that "there are other, more peaceful and effective approaches to dealing with real threats posed by weapons of mass destruction." It concluded:

> We believe that every citizen of this country has a moral duty to speak out against, and avoid cooperation with, this escalated war against Iraq — and to encourage others to do the same.
>
> Refusal to pay taxes used to finance unjust wars, along with refusal by soldiers to fight in them, is a direct and potentially effective form of citizen noncooperation, and one that governments cannot ignore. War tax refusal has a long and honorable tradition among religious and secular opponents of war. . . .
>
> Refusal to pay all or a portion of one's federal taxes as a form of conscientious objection to war may involve personal risks. For that reason, material and moral support for war tax refusers — including organizing support committees, raising support funds, and providing legal defense — is an important form of war resistance in itself.
>
> *Therefore, we, the undersigned individuals, believing that war tax refusal under the present circumstances is fully justified on moral and ethical grounds, publicly declare our encouragement of, and willingness to lend support to, those persons of conscience who choose to take this step.* [emphasis in original]

Among its signers are Joan Baez and Daniel Berrigan, William Sloane Coffin

Among its signers are Joan Baez and Daniel Berrigan, William Sloane Coffin and Daniel Ellsberg, Noam Chomsky and Howard Zinn.

The signers have heard prominent, accomplished individuals, both inside and outside the Bush administration, present empirical evidence and moral arguments. They have heard the War on Terrorism justified as a benefit to all people, including the Iraqis, and they have heard the accusations of "selfishness" and "indifference" hurled at those who've rejected this claim. They must surely acknowledge the possibility that this invasion of Iraq, like the earlier one, might garner the support of a majority of the population. And yet they defend the right of any dissenting individual, acting upon no more than *his own* judgment and conscience, to withhold his person and property from the war effort of the state.

Will you support me in refusing to pay taxes in support of the War on Drugs?

The war in Iraq is not the only war the U.S. government fights and demands its citizens support with their tax money. By the logic used in your appeal, those who dissent from the other wars our government fights have the same right to withhold their persons and property from the prosecution of those wars.

For example, I oppose the War on Drugs. I disagree with those, inside and outside the government, who defend it. My own judgment of the evidence and my own moral code lead me to conclude that narcotics prohibition is a benefit to no one. Even though poll after poll may show that a majority of Americans oppose legalization, don't I have a right to refuse "to pay all or a portion" of my "federal taxes as a form of conscientious objection" to *this* war? Will you support me in refusing to pay taxes in support of the War on Drugs?

I also oppose the War on Ignorance. I believe "public education" to be a virtual oxymoron; that government involvement (i.e., coercion) makes a mockery of anything that can decently be called learning; and that freedom of education is a basic human right for the same reasons that, say, freedom of religion is. While most Americans don't agree with me, many others — from Calvinist fundamentalists to Randian atheists — do. So I invite you to honor the right of "tax refusal" of both the "religious and secular opponents" of this war. Will you support us in our appeal to conscience?

What about the War on Illness? After considering every argument on the subject, I'm convinced that greater government control of medicine — especially "national health care" — will mean only greater "death and disease." My sense of "moral duty," my idea of what I owe others, tells me to advocate the total withdrawal of the state from this area — that is, "to speak out against, and avoid cooperation with, this escalated war." Will you join those who support us in this matter of conscience?

Finally, consider the War on Poverty. I believe this war, by "diverting resources from" American citizens (via taxation), has prevented us "from addressing the hunger, homelessness, unemployment, and other economic problems facing millions" of our fellow human beings, here and abroad. I believe this war has no more provided anyone with "security" than the War on Terrorism has; that both have already backfired; that both have increased, not lessened, misery; and that both are unconstitutional (as are all the others above). Those of us who condemn the War on Poverty as strongly as the War on Terrorism should be free to dissent from both, for the good reasons given in your appeal. I invite you to stand in solidarity with us, to "publicly declare" your "encouragement of, and willingness to lend support to, those persons of conscience who choose to take this step."

"The War Resisters League affirms that all war is a crime against humanity." So far as I have seen, you seem only to focus on foreign wars. I am sure you mean well, and that this oversight has been an honest one. I therefore hope you will consider condemning domestic wars as well, the deployment of armed forces by the state against its own citizens, in language as strong as that with which you rightly condemn the war in Iraq. It is good to reject retaliation by "the army" against invading soldiers, but must we not also reject coercion by "the police" against people who have done no violence to anyone?

In Peace and Freedom,

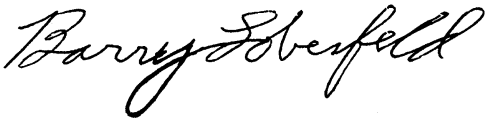

Barry Loberfeld

Reflections, *from page 16*

questions about their roles. All the candidates and their staffs were quite willing to talk, and, with one or two exceptions, they were also quite forthright. As usual, we insisted on getting at least two sources for everything reported that I hadn't actually witnessed myself. This meant a lot of phone calls. Only one source — a very valuable one — asked for anonymity; he or she provided a wealth of information, some of it rather startling, all of it later verified by other sources.

My second most-frequently asked question is: do you support Michael Badnarik, with his peculiar views and behavior? The answer is an unequivocal yes, for reasons yhat I will explain in the next issue of *Liberty*.

In the meantime, I wish that other media would give the LP closer and more serious attention. I remain optimistic that the party will one day become visible enough on the American political landscape to merit coverage in other media of the sort that *Liberty* provides. — R.W. Bradford

Testimonial

Why I Am for Freedom

by Rodney Hide

The new leader of New Zealand's ACT Party tells the world why he wants to change things.

I was asked on the radio this week for my role model. I didn't hesitate. A truck driver. My father. My father loved working. He worked hard all his life, he valued the money he earned, and he didn't waste it.

Today I am driven by my father's judgment. What would he make of what a government department is up to . . . what this minister is proposing? Not a lot, would be his typical reaction.

Why? Because my dad judges every action, every decision, every utterance on whether it has a useful purpose and a valuable outcome. That's what drives me. Just as it drove my father.

My dad started work at 15 driving a team of eight draft horses. By 18 he was behind the wheel of a truck. He drove trucks for the rest of his working life. He loved it. And so did I. My best memories of growing up are the days spent with my dad. Dad always had the biggest and most powerful truck. I would sit up there in the cab, oh so proud, as we crisscrossed North Canterbury. We carted shingle, grain, superphosphate, lime, and coal. We went to the farms, the factories, the quarries, the ports, and the railways. And we talked. It was a great life.

I wanted to drive trucks, too. But Dad wanted me to have a trade first. I stayed on at school to get a year knocked off my apprenticeship. Thank goodness. For in my sixth form year I fell in love. I had discovered the joys of science. I went off to the University of Canterbury to gain a bachelor's degree. I still drove trucks for Transport North Canterbury. And it didn't matter how many exams I passed, I still didn't know as much about truck driving as the other drivers. I didn't have their level of skill or experience. I have never forgotten that. The people out doing the work know more about it than the fellows with degrees in Wellington sitting around talking about it.

At the end of my third year at university I had a bachelor's degree in zoology which got me a holiday job for what was then the New Zealand Forest Service. I worked as part of a team measuring regrowth of native trees on the west coast of the South Island. I was very proud. I was on my way to being a scientist. It was a fun job too, walking around regenerating forests, counting and measuring trees and recording the native birds that we heard.

But there was something odd about it. No one appeared to be overly interested in the results. The decisions on how to manage the forests bore no relation to the science or the facts. The decisions were all political. Everyone appeared to know this except me. I was very naive! The money we were being paid was coming from the taxpayer and so no one cared whether the work we were doing had any purpose or value.

They couldn't see the forest for the red tape.

It was a defining moment in my life. I walked away from the forest. I still loved science, of course, but the only work going for scientists in those days was with the government,

and I knew I couldn't work where my efforts would be so poorly valued. But I wasn't going to quit university. I went back and completed my bachelor's degree in botany. The ironic result is that I am now the only qualified ecologist in our parliament.

The Greens talk about ecology, but I actually studied it. I worked three jobs that year while studying and saved my money. For I now had a plan. I even worked to satisfy more bureaucratic madness. To protect the poorly run, government-owned railway, trucks were only allowed to drive 40 miles beside the railway line. So we built a shed the next summer halfway to the west coast just so a load of lime could be transferred from one truck to another to make the journey. Now, at enormous expense, the lime made the journey in two trucks, not one. But, it was legal. So that was all right.

I experienced human ingenuity at its best while working on North Sea oil rigs, and experienced the true horrors of state control by going behind the Iron Curtain.

Once the shed was built, I headed off on my Overseas Experience. I saw real poverty, experienced human ingenuity at its best while working on North Sea oil rigs, and experienced the true horrors of state control by going behind the Iron Curtain when those terrible totalitarian regimes were at their worst.

On my return to New Zealand, I launched myself back into academia and gained a master's degree in natural resource management. I stayed on at the Centre for Resource Management at Lincoln University as a researcher and lecturer in environmental science. But something was troubling me. We had all the theory about managing resources wisely, but we didn't have any evidence whatsoever to back it up. I began to worry about what the resource management experts we were producing might do to the country, let alone the planet.

I then had a stroke of good fortune. I started to try and figure out how we know what we know. I read book after book on the philosophy of science and then I hit the jackpot with Sir Karl Popper's *Logic of Scientific Discovery*. He brought it all home to me. Knowledge is always provisional. We can't prove a theory to be true. But we can prove it to be false. So our knowledge can grow and get better. We can always improve our understanding. And our understanding can be objective because it can be tested against the facts. We should not try to determine the true and right answers once and for all. We should instead constantly challenge and improve our knowledge by rigorous testing against experience.

I then read Popper's *Open Society and Its Enemies*. This is the book that has had the most dramatic impact on my thinking. We should always be suspicious of grand blueprints. Knowledge is ever-evolving. We are better to engage in incremental improvement rather than utopian social engineering.

This was the birth of my liberalism. My thinking was free and I discovered a new love. I became more and more interested in economics. I taught economics at Lincoln and went on to complete a master of science degree in economics at Montana State University. I mention this because I have now spent years thinking and challenging how we manage our resources and look after our environment, and how we make truck drivers richer.

My father started out with horses. He retired driving a magnificent 40-ton truck with hydraulics and power steering. My father achieved success by working hard to ensure that the business he worked for prospered and could invest in better and better trucks. The business prospered, and he prospered with it. My father and North Canterbury owed their prosperity not to handouts but to hard work.

My father taught me this all that time ago, as I sat in the cab beside him as a young boy. But it took me years of studying economics to truly understand the wisdom of his experience. And that surely is the task ahead: to ensure that vision is not the wisdom of a lone truck driver, but the basis of freedom and prosperity for all New Zealanders. It's not mysterious. It's just a question of letting people make their own decisions and prosper according to their own efforts.

That's what I believe in.

We have entire political parties dedicated to denying New Zealanders like my father the opportunity and indeed the right to prosper by their own efforts. If I was a young boy now, my father would be made poor because he would be taxed hard. He would be stripped of his dignity by having to apply for a top-up benefit because with three kids he would be considered needy. I know what my father would make of that. He wouldn't want a handout. Especially when it was his own money being handed back to him. He would just want to keep what he had earned.

My father worked hours and hours overtime every week of his working life. He did that because there was work to be done and to provide for his family. That's how we and the country prospered. And today? Our high-tax and top-up system would see my father keep only 11 cents out of every extra dollar that he earned working overtime.

That's a disgrace. Our government is denying hard-working people like my father the opportunity to improve their family's and our country's future by working harder. That's wrong. I am in politics to put an end to that. We must ensure that each and every working New Zealander can share in the dream of benefiting himself and his family by working hard. It is a dream that will make us all richer. Richer in the control we have over our own lives and our own destiny. And in the process we will make this great country even greater.

I am in politics for a simple reason: to help New Zealanders reclaim the freedom that should be theirs as a right.

I am in politics for a simple reason: to help New Zealanders reclaim the freedom that should be theirs as a right so that every one of us can prosper just like my father and my family did. □

When Freedom Seekers Meet

by Logan Brandt

The avant-garde of the Free State Project gathered for an old-fashioned campout in New Hampshire.

The Free State Project (FSP) began in July 2001 when Jason Sorens, then a political science student at Yale, penned a proposal in L. Neil Smith's online magazine, *The Libertarian Enterprise*. He proposed that a large number of people who loved liberty should relocate to a state with a relatively high degree of freedom, and a small enough population for libertarian activists to make a difference in local government and in society. He received hundreds of emails in response, and worked out the basic concept in the course of the next several months. In the May *Liberty*, Free Stater Tim Condon described the progress the FSP has made since Sorens' proposal, especially in the past year.

At first, I didn't pay too much attention to the FSP. I have witnessed the "move and liberate" idea in action several times, and each effort I witnessed was aborted. But I met several Free Staters at the recent Libertarian convention, and they seemed to be my kind of people. The project reminds me of how I felt in the early '70s about Heinlein's *The Moon Is a Harsh Mistress*: "We'll get a bunch of young, brilliant, good-looking, born leaders together, declare independence from earthbound, imperial bureaucrats, and throw rocks at 'em!"

As I put tire tracks between me and the LP National Convention on Memorial Day weekend, I decided to check out the Free State Project's first annual Porcupine Freedom Festival coming up in Lancaster, N.H. I wanted to get to know these people better and see what they were all about.

Friday 6/25

I drove to the festival from my home in Detroit. I could have shaved 200 miles off my trip by driving through Canada, but decided to take the low road through the States. I've never had problems with customs, but these are strange times, and the image of my baby (2002 Audi A4 1.8 Liter Turbo) being dismembered by snarling, dead-eyed bordercrats was more than I could bear.

As the hours wore on, I began to wonder whether that decision had been too hasty. My trip would take two days, around Toledo and Lake Erie, down the Ohio Turnpike, up through the northwest nub of Pennsylvania, east along what they call the Southern Tier superslabs of lower New York state, then into Vermont, and finally across the Connecticut River into the Promised Land. I'm glad I did it, though. It let me see the contrast between freedom's dying light in surrounding states and freedom's dawning day across the river.

From the point of view of a rational motorist, New York is the worst state in the Union. Signs on the sparse, hilly terrain on the southwestern edge of the state declare to motorists as they cross the border:

- No handheld cellphones.
- No radar detectors.
- Seatbelts mandatory.
- Helmets mandatory.
- State speed limit 55 (or 65 on the Interstate).
- Aircraft used in speed enforcement.
- Move over for police vehicles or else.
- Fines doubled in work areas.
- Felony to transport a firearm.

- Don't drink (Perrier?) and drive.
- No facilities at most rest stops, but don't even think about pissing in the bushes.
- No dogs allowed, lock down small children in back seat at all times.
- Drunk driving, you can't afford it.
- No one-fingered waving at police officers.
- Do not speed up, slow down, move out of your lane, or fall asleep while reading these signs.
- Ignorance of the law is punishable by death.

Welcome to New York, you sleazy, would-be miscreants! We ♥ NY! Have a nice day.

During my stay at the midway point of my journey, near Oswego, N.Y., I learned of major transgressions by the great state of New York against the freedom of its people: farm-stealing and other eminent domain incursions, historical-building despotism, etc. I also discovered in the hotel bar that night that California's smoking ban has made it eastward. New York is now part of the Gang of Five (with California, Maine, Connecticut, and, most recently, Taxachusetts), all of which will soon be breaking down the doors of a private, allegedly smoke-filled property near you.

I shouldn't really pick on New York — after all, Michigan and the other people's paradises in the U.S. have their own nitpicking-to-bonecrushing families of statutes. The question I asked myself was whether New Hampshire would be very different.

Once New York Route 7 turned into Vermont Route 9, everything on either side of the road seemed to be a hill, a rock, a tree, an antique shop, or a sign directing me to a ski lodge. Vermont road signage, to use an exact technical term, *sucks*. It makes Houston seem like a beacon of civil-engineering perfection.

Maybe even farther down the statist road than New York, Vermont once was the "move-to" darling of workers of the world uniting, the Left's perverse version of FSP, where statists could flock to practice self-immolation.

The moment I crossed into New Hampshire, time stood still.

An occasional wild turkey waddled alongside the road. A highway placard declared, "Moose," and sure enough, I soon saw a real moose. I wasn't the only one intrigued: other drivers had turned on their emergency blinkers, parked on the shoulder, and settled down for some moose-watching. (Disney movieplexes no doubt have a hard time competing in these parts.)

My journey took me north several miles along New Hampshire Route 2, a drive that felt like riding through a Norman Rockwell painting in the Twilight Zone.

I tore myself away from the spectacle of the roadside moose and resumed my journey. It took me north several miles along New Hampshire Route 2, a drive that felt like riding through a Norman Rockwell painting in the *Twilight Zone*, and at long last arrived at the campground and motel where the festivities would take place. I negotiated my deal with the desk attendant and proceeded to my site to pitch my tent. Moisture hung in the air, but the mosquitoes were tolerable.

On the access road adjacent to my site, a darling little girl struggled to master her bike, which was still equipped with training wheels. She fell a few times, but was too small and too close to the ground to get hurt. I said "Hi," which elicited her life story: "My name's Sophie and I'm here with my mom and dad, and my brother is older and can already ride a bike, he has a big bike, this is a nice place, my dad can drive a car real fast, when I'm finished learning, like tomorrow, I'll ride fast like my brother, our dog is named Joe."

As a solitary man, I felt anxious about striking up conversations or making more than perfunctory remarks toward small, unescorted children. For one thing, I don't want her to be unwary of strangers, because in the Old World where aggression is legal and commonplace, and sickos lurk — that's another thing, in the Old World, a single man talks to a small girl alone, he's a sicko, it's like inviting the gendarmes to swarm down to steal your *Playboy* collection and throw you in shackles — she needs to be wary. But being unfriendly sends the wrong message, too.

So we chatted for a while, i.e., she talked and I listened while I figured out how to put up my new tent. Her folks were with the FSP and, in fact, they were right over in the opposite campsite. Whew!

At nightfall, I headed toward the Friday campfire, bringing a handful of brewskis. I introduced myself, found a nametag and a seat, and joined in the conversation. We kindred souls shared stimulating conversation about home schooling, the irrationality of drug and gun laws, transportation alternatives, private space travel, and the origin of the sawed-off shotgun, among other topics.

I had landed in a rational universe where people let one another be, but were at the same time eager to share their knowledge and interests, their "being." I felt proud to be human, hanging out with all these different and wonderful people. As we shared our stories and grew closer, I felt that these people were going to be successful. I hadn't felt this way since the Libertarian National Convention in 1979, when we nominated Ed Clark to realize our aspirations. That hope proved illusory, but we did have a real chance at a breakthrough for freedom-loving people then, and I feel that we have such a chance again in the FSP. I hope my feeling is right this time. FSP, being focused more on lives than on politics, may deliver our liberty more naturally.

The night in the tent was comfortable, but decompression tension kept me from sleeping well.

Saturday 6/26

I rose at the crack of dawn, got a cup of joe from the coffee shop, and sat at a table across from one of the few other people awake. He was a tall, young man, about 6'10", wearing a mountain-man hat and a T-shirt imprinted with the famous quotation from Ben Franklin: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." He told me he was here to check out the FSP, and clearly his affinity for the organization was motivated by interest in firearms rights.

"How are the rules in New Hampshire?" I asked.

"Pretty good here," he said. "A lot of citizens own and use firearms, and realize the 2nd Amendment isn't about duck hunting. It's the federales we worry about mostly."

After breakfast, I visited the main hall and made the rounds of the vendor tables. A wonderful cornucopia of pro-freedom organizations had representatives in attendance, and I spoke with almost all of them. At one table, someone hawked *The Bottom Line: The Socratic Technique*, a video by Jan Helfeld, who uses an unorthodox method to fluster notable Demopublican officeholders. At another table, the Save-A-Patriot Fellowship held forth on the necessity of lawful money and lawful taxation as fundamental economic principles that precede any valid political system. New Hampshire real estate agent Dave Walthour showcased some homes. The prices were very reasonable compared with what I am used to in Detroit. West Coasters could probably buy in New Hampshire five of whatever they live in now! Joe Carringer, aka Joe Hemp, made available the magazine *Hemphasis*. The New Hampshire LP had a table; I signed up, and have already received my first newsletter, which I daresay is a cut above the national *LP News*. At the table of a group called the Merrimack Valley Seekers, I spoke with a man named Jack. He shared my interest in developing a "church of reason."

A highway placard declared, "Moose," and sure enough, I soon saw a real moose.

At 10 a.m., Amanda Phillips, president of the FSP, called the group of about 300 people to order for the opening remarks. The wide, airy building and the upbeat attitude of the Free Staters lent the feel of a revival meeting to the convocation. Amanda is a tall, striking woman with a warm, easy smile.

She asked us to stand for a moment of silence. I thought, "Geez, is there some bad news I missed? Didn't everyone already pay enough homage to Ronnie? Who else died?"

After about 30 seconds, she broke the silence, saying, "That was a moment of silence to mourn the passing of authoritarianism, statism, fascism, socialism . . . !"

This explanation, of course, brought down the house and put everyone in happy-camper modes. She yelled excitedly, "Can you feel the energy?" Amanda proved masterful at running a meeting, getting audience participation, and keeping everything on track.

We acknowledged the "early movers" in the throng, those who had already moved to New Hampshire in accordance with the pledge. They stood to rousing applause. Amanda then opened the floor for people to tell their stories about why they joined the FSP. I spoke of my concern about the encroachment of police states like the ones I had just driven through: "I like the idea of creating a free country by actually creating a *free country*."

With a tone of immense admiration, Amanda introduced Jason Sorens. Naturally, he received a standing ovation. His topic was "We're Making History." He gave a nod to the remarkable progress the FSP made in the last year, but said he wants to focus more on "quality of life" issues now. He suggested that, in its early days, the FSP drew people with an abstract, almost sacred, vision of political society, people wanting to reify the nonaggression principle. The Free Staters' outreach now, he says, should take the form of selling people on a profoundly enriched experience of life: "In terms of slogans, instead of 'Hi, we're from the Free State Project and we're here to help you,' let's think more like 'You have a friend in New Hampshire.'"

Jason remarked that we humans live our lives as projects of sorts. Most of us are not content to move aimlessly through life, pursuing transitory, hedonistic ends, but yearn to shape our environment and see our intentionality reflected in that environment. Project building comes naturally to us, he said, so why not projectize the achievement of human liberty? A narrowly focused, doable project such as FSP fittingly seeds that larger goal, making it achievable.

Other idealistic separation movements that aim to develop intentional communities tend to bite off more than they can chew. To accomplish their goals in the lifetime of original participants would require extraordinary, and usually unrealistic, input of capital and labor. The Free State Project is different, Jason said, because it's realistic.

With that, the meeting was adjourned.

By rationally projectizing the pursuit of political freedom, Sorens and the many competent people of the FSP have given libertarians a workable solution. Libertarian Party candidates and activists around the country are making a difference at the local level, and their work is to be applauded. But inevitably, if you're a libertarian, you're in a supplicant position: "Please, politically powerful elite, leave my people alone." The Free Staters have a different message: "Let my people go!"

In the afternoon sessions, Ed Naille of the Coalition of New Hampshire Taxpayers gave us practical tips on getting into the political process in New Hampshire. When he first came to New Hampshire, he said, he went to ten town meetings before he first raised his hand. Pick an organization and go for it, he urged. Become part of the neighborhood.

Joe Carringer talked about industrial hemp. Joe is a tall, good-looking young businessman, artist, and activist in the hemp-legalization movement. When he asked for a show of hands for how many people are aware of the distinction between the agricultural and pharmaceutical uses of cannabis, he was surprised that about a third of us raised our hands. Hemp is Mother Nature's strain of cannabis. It contains little THC, so it won't get you high. It has several benign uses, including the manufacture of paper and diesel fuel. And it can be grown in New Hampshire.

Inevitably, if you're a libertarian, you're in a supplicant position: "Please, politically powerful elite, leave my people alone." The Free Staters have a different message: "Let my people go!"

In a normal growing season, hemp has two and a half to three full cycles, in which the crop grows densely to between six and 16 feet high. It's an environment-saving, multibillion-

dollar industry that can recreate the family farm overnight — which is the reason hemp is designated a Schedule I controlled substance. The federal government has prohibited hemp purely as a protectionist measure for the forestry and petrochemical industries and for producers of cotton.

With that, the main day's session was over. The "banquet" followed, and it was skimpy: a piece of chicken, half a cup of macaroni, and handful of chips. A server, perhaps to allay her feelings of remorse, told me, "We can't do much for $6.50."

I stopped at the campground store to buy a whisk broom. It cost $2.99; I handed the cashier a five-dollar bill, and she handed me back $2.01! I almost had a seizure. That was the first purchase of general merchandise in my entire life that didn't entail a cut for leeches in the state capitol. I staggered into the coffee shop, where I could sit down to let my head clear. New Hampshire does not have an income tax or a sales tax on general merchandise. Residents of most states can realize a significant increase in real income just by relocating to New Hampshire.

Sunday 6/27

Sunday morning, I ate breakfast at a restaurant in town and asked a waitress whether there were any good golf courses nearby. She was super friendly and tried to lay before me the entire smorgasbord of golfing courses in northern New Hampshire. What is it with these people being so friendly and happy to help? Stop it! The golf course three miles from here will be fine.

I returned to camp, where Pastor Garrett Lear prepared to hold Christian services through his Well of Living Water Christian Fellowship, "a free, unincorporated, unregistered, and unlicensed New Testament church." Amanda decided to give the atheists somewhere to hang out, too. I joined the gathering of Porcupine Atheists at Amanda's campsite, where we held our version of a service. It was a charming and invigorating interruption in the bustle of the weekend.

Amanda asked the group, "What inspires *us*, as people who do not believe in divine, supernatural, anthropomorphic beings?" She told us the movie *Braveheart* always brings her to tears, because William Wallace holds to what is right regardless of the cost. Others agree and affirm that many of their fellow Free Staters inspire them, because they see what they want and go out and get it. I bring up my feelings for Thomas Paine, who fought both state and church. A young man identified himself as a Daoist. A young woman said she was partial to the God of Nature, and that she was polyamorous.

We ended our "service" with a charitable act. An FSP member, Randall Wolfe, had set out to walk from Kentucky to the festival. He was robbed on the Appalachian Trail and had to return home to recover. He then set out to drive to the festival, and made it most of the way, but his car had an unfortunate encounter with a moose, and the car lost. We heard he was all right . . . but how could he be all right? We passed the hat and raised $100 or so.

continued on page 51

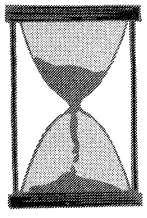

Is Time Running Out for Government?

*"Historically comprehensive and philosophically coherent"—**Choice***

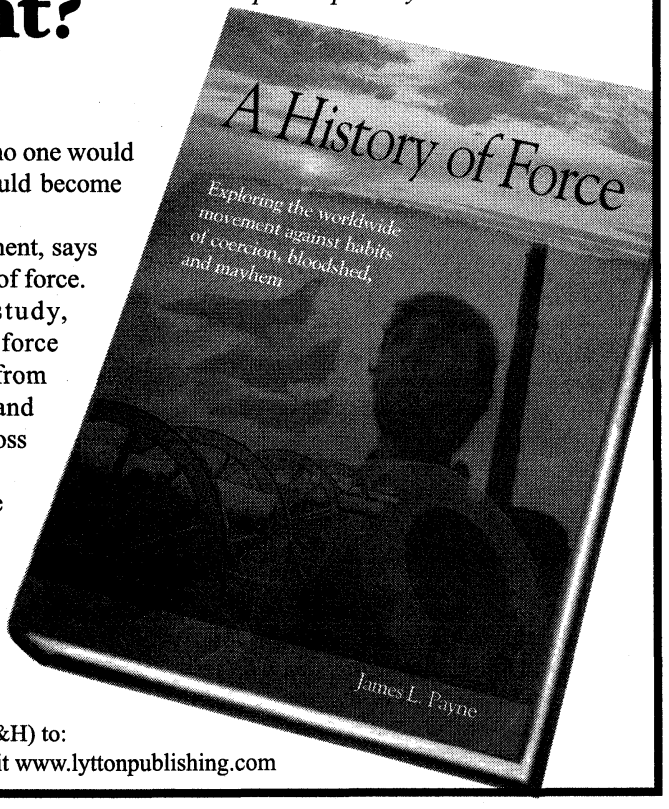

Force is the basis of government. Take away the guns, and no one would care what senators say, and their bustling marble chambers would become echoing mausoleums.

Therefore, if we want to know about the future of government, says political scientist James Payne, we need to track trends in the use of force. This is what Payne has done in his provocative new study, *A History of Force.* His readable account of dozens of uses of force reveals a long-term tendency for the human race to turn away from violence and coercion. This trend affects government. Large and intrusive as it is today, government is quietly being eroded by the loss of moral, cultural, and intellectual support.

For centuries, reformers have looked to the state and its use of force to improve the world. Payne shows that this perspective is historically misguided. Coercive approaches are in decline. The future belongs to voluntary arrangements that emphasize individual creativity, persuasion, and generosity.

To order ***A History of Force,*** send check for $27.45 ($23.95 plus $3.50 S&H) to:
Lytton Publishing Company Box 1212 • Sandpoint, ID 83864 • Or visit www.lyttonpublishing.com

Two Cheers for Violence

by Dave Kopel

Pacifists often claim that violence only begets violence. They are wrong.

"Violence never solves anything," pacifists and gun prohibitionists like to say. "Violence begets violence," they add. The statements are rattled off as if they were empirical claims whose truth is obvious to all intelligent people. In fact, they are baseless propositions that are contradicted by ample and obvious evidence.

Unless you want to abolish the police, then you can not really believe that "violence never solves anything" or that "violence begets violence." Police carry weapons and use them when necessary to apprehend criminals. Societies create police because people believe that doing so results in less violence overall. Even British bobbies of the 19th century carried nightsticks.

When you watch the evening television news, you sometimes see stories such as "Policeman thwarts kidnapping by wounding kidnapper" or "Rapist stopped when policeman subdues him with billy club." No reasonable person sees such stories and thinks, "How terrible. The policeman used violence, and since violence begets violence, we are sure to have even more violence in the future." Instead, rational people think, "Because the criminal was stopped and arrested, we will probably have a little less violence in the future. At least that criminal will not be attacking anyone else for a while."

Most people think the same thing when citizens who do not work for the government stop a crime. If the newspaper headlines read, "Students Wrestle School Shooter to the Ground, Breaking His Arm," or "Elderly Woman Shoots Burglar; DNA Tests Identify Him as Serial Murderer," reasonable and decent people are happy that the crime was thwarted. They believe that the people who stopped the crimes reduced violence.

Every year at least 100,000 Americans (according to the lowest estimate), and perhaps as many as several million Americans (the highest estimates), successfully use gun violence, or the threat of gun violence, to thwart violent criminal attacks. Less violent crime, less violence.

History tells many success stories for violence. Violence begat American independence, Greek independence, and Swiss independence. Violence kept the United States united, and then freed the slaves. Violence prevented Napoleon from becoming dictator of Europe, and prevented Hitler and Hirohito from becoming dictators of Eurasia. The threat of violence, including nuclear violence, deterred Stalin and the Soviets from conquering Western Europe. Violence ended the Holocaust, established the modern state of Israel, and stopped the Arabs from driving the Jews into the sea in 1948 and 1967. Violence removed the Ceausescu communist dictatorship in Romania. Violence removed Afghanistan as a secure training base for worldwide terrorists in 2001. Violence kept terrorists from crashing United Airlines flight 93 into Washington, D.C.

Pacifists point out, quite correctly, that nonviolence can

be successful, and is sometimes more effective than violence. Mohandas Gandhi's nonviolence ended British rule in India, and the People Power movement in the Philippines removed the Marcos dictatorship in 1986.

Only a person who is willfully blind to history can deny that violence and nonviolence can both be effective.

Some pacifists reply that violence should not be deemed an effective means of ensuring peace unless it is perfectly effective every time it's tried. They point out that World War II left Stalin in control of half of Europe, and that the War Between the States did not solve the problem of racism.*

Every year at least 100,000 Americans successfully use gun violence, or the threat of gun violence, to thwart violent criminal attacks. Less violent crime, less violence.

There is little we can do that is perfectly effective. If perfection is the standard, then nonviolence fails the test as surely as does violence. The peaceful People Power revolution in the Philippines has left the Philippines with many social problems, including a terrorist Islamic insurgency which was more effectively suppressed by the police state of Ferdinand Marcos. Gandhi's nonviolent movement for Indian independence led to British withdrawal and over one million deaths in the civil war that resulted.

When conscientious people refuse to use violence when necessary to defend against the initiation of force, they help to propagate violence by criminals and by criminal governments. Nonviolence allowed the worst violence in history to take place: democracies failed to act against fascism when victory would have been easy.

Pacifists often cite the American civil rights movement of the 1950s and 1960s as proof of the efficacy of nonviolent resistance. The reality is more complex.

Under the leadership of Martin Luther King, the civil rights movement did engage in a wide variety of nonviolent actions, such as bus boycotts, lunch counter sit-ins, and demonstrations. Some of these, such as the Montgomery bus boycott, succeeded quickly and directly. At other times, the benefits came more indirectly, but were still substantial. For example, when Birmingham, Ala., police used German Shepherd attack dogs and fire hoses against peaceful protesters, the images showed that it was the racist police, and not the civil rights protesters, who were guilty of destroying public order. The event changed public opinion in the rest of the country and thereby paved the way for Congressional passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

But the part of the civil rights story that has been ignored by pacifist mythmakers is the great extent to which civil rights activists armed themselves for protection against terrorists like the Ku Klux Klan. White supremacist tactics in the 1960s were just as violent as they had been in the first Ku Klux Klan era, after Reconstruction, when the Klan would methodically disarm the freedmen in a community and impose its reign of terror. In the 1960s, over 100 civil rights workers were murdered. The U.S. Department of Justice refused to intervene and prosecute the Klan or to protect civil rights workers. And help from the local police was often out of the question; Klan dues were sometimes collected at the local station.

In response, many blacks and civil rights workers armed for self-defense. John Salter, a professor at Tougaloo College and a 1960s NAACP leader, wrote: "No one knows what kind of massive racist retaliation would have been directed against grass-roots black people had the black community not had a healthy measure of firearms within it." Salter personally had to defend his home and family several times against attacks by night riders. When Salter fired back, the night riders, cowards that they were, fled. The unburned Ku Klux Klan cross in the Smithsonian Institution was donated by a civil rights worker whose shotgun blast drove Klansmen away from her driveway.

Many civil rights advocates viewed nonviolence as a useful tactic for certain situations, not as a moral imperative that required allowing oneself to be murdered on a deserted road in the middle of the night. For instance, the Deacons for Defense and Justice, based in local churches, set up armed patrol car systems in cities such as Bogalusa and Jonesboro, La., and were successful in deterring Klan and other attacks on civil rights workers and black residents. Sixty chapters of the Deacons were formed throughout the South.

Martin Luther King chose not to own a gun, but he explicitly defended the right of self-defense. In 1959, the annual convention of the NAACP resolved, "[W]e do not deny but reaffirm the right of individual and collective self-defense against unlawful assaults." King supported the resolution, explaining that violence "exercised in self-defense" was "moral and legal" everywhere. King pointed out that even Gandhi did not condemn self-defense.

Part of the civil rights story has been ignored by pacifist mythmakers: civil rights activists armed themselves for protection against terrorists like the Ku Klux Klan.

The claims of some pacifists that nonviolence is always more powerful than violence cannot stand up to historical scrutiny. Sometimes nonviolence by itself works just fine. Sometimes nonviolence on one front works wonderfully when supported by violence on another front. And sometimes only violence can succeed. From a prudential viewpoint, nonviolence always deserves careful consideration. However, a rational person will sometimes conclude that nonviolence is not an effective option. ❑

* The federal government did not prosecute that war to achieve racial equality, but to preserve the Union, so it is unfair to call the war a failure because the victors did not achieve an objective they didn't have. The war did eliminate slavery. Freedmen after the war were victims of pervasive discrimination, but discrimination is a far cry from slavery, under which one's children can be sold to an owner in another state.

Reviews

The Great Divergence: China, Europe, and the Making of the Modern World Economy, by Kenneth Pomeranz. Princeton University Press, 2000, 382 pages.

Why Is the West Rich?

Jane Shaw

During the past few decades, classical liberal scholars have developed an explanation of why Western Europe prospered on a scale that had never before been seen. The current classical liberal or "new institutional economics" story has been expounded in both scholarly and popular works. Douglass North, Nathan Rosenberg and R. E. Birdzell, Deepak Lal, David Landes, Richard Pipes, Tom Bethell, and others have developed the theory, which goes something like this:

In the Middle Ages, especially in the slowly emerging cities, western European countries began to develop the institutions of private property rights and limited government. Property rights evolved out of feudal relationships (and escaped from them), and limited government stemmed from the fragmentation of Europe, which was divided into landed estates and little duchies as well as more broadly into spiritual and temporal domains. Gradually, the liberating institutions expanded to include commercial law, insurance, and other innovations that encouraged individualism, entrepreneurship, trade, and invention. By the late 18th century, the accumulation of all these small changes became a major force, especially in England, where inventions such as the steam engine and the spinning jenny launched the Industrial Revolution and rapid economic growth.

Implicit in this story is an understanding that other parts of the world, notably China, failed to develop such institutions and for that reason did not experience expansion of trade and innovation as Europe did. The usual explanation is that China had, from early on, a monolithic government that stifled individualism.

Now Kenneth Pomeranz comes along, seeking to blow this theory to smithereens. He doesn't think institutions matter much, at least not the institution of limited government: "There is little to suggest that western Europe's economy had decisive advantages before [the 1800s], either in its capital stock or economic institutions, that made industrialization highly probable there and unlikely elsewhere" (p. 16). Pomeranz disputes "various arguments that either the general structure of society or the specific rules surrounding commercial property gave European merchants a crucial advantage in amassing capital, preserving it from the state, or deploying it rationally" (18). He argues that China and Europe were essentially equivalent — on the measures that matter in his view, such as demographics and economic conditions — until the late 18th century. Both regions, he contends, experienced "serious ecological bottlenecks and spiraling poverty among too-numerous proto-industrial workers and underemployed farm laborers" in the 18th century (22).

Pomeranz contends that Europe, facing a "squeeze" as a growing population met the constraints of limited agricultural land, averted the problem by creating colonies. These overseas outposts, with vast expanses of land cultivated partly by slave labor, provided agricultural products that Europe could not produce on its own. In other words, to explain the Industrial Revolution, institutions — limited government, private property rights, technological innovation, commercial trading institutions, and even trade in manufactured goods — all take a back seat to Europe's reliance on colonial land and labor.

Pomeranz also argues that a stroke of luck — the ready availability of coal in England — spurred the Industrial Revolution. In contrast, the major coal reserves in China were too far away: "[T]he area housing most of China's coal became a backwater, far from major markets and far from invigorating interaction with other sorts of craftsmen [than miners]" (63).

Pomeranz's hypothesis has evoked admiration from some surprising people. For example, Gary M. Anderson, a public-choice economist writing in *The Independent Review*, says that Pomeranz "does an excellent job of debunking the excessive emphasis on deregulation as the principal (or even the only) engine of economic growth" (Winter 2004, p. 446). Deirdre McCloskey

blurbs: "Pomeranz uses that European invention — economics — to overturn Eurocentrism, establishing beyond cavil a New Fact in our world. Never again will Europeans imagine they stood alone in the doorway of economic growth." Another reason to take the book seriously is the fact that *The Great Divergence* is published as part of an economic history series edited by a respected economist, Joel Mokyr.

At the same time, there is much to question, beginning with the importance of the "Malthusian constraints" and "ecological bottlenecks." These terms suggest a fashionable concern that may not reflect actual history, especially since Pomeranz reports that these problems were more anticipated than experienced. And even if one agrees that colonial advantages gave Europe an important economic edge, one might point out that the earlier institutional developments made Europe (but not China) capable of establishing colonial empires.

There are other issues, too. Although the book is full of impressive statistics — about the extent of the Atlantic trade, for example — its overall message is difficult to analyze. Pomeranz throws so much information (including six appendices) at the reader that one has to be impressed, but one must also ask whether this information supports his thesis. For example, if imported sugar comprised 4% of the British diet in 1800, as he states, did the imports "save" Britain from using up between 1.3 and 1.9 million acres of British land, as he claims? And if so, what exactly does this explain? If England had been cultivating that land (and other land "saved" from cotton and coffee production), would the Industrial Revolution never have occurred? That seems to be the thrust of the argument, and while I am not enough of an expert to evaluate its validity, it is not immediately apparent that freeing land from agricultural use was a critical factor giving rise to the Industrial Revolution.

Pomeranz seeks to blow to smithereens the idea that property rights and limited goverment were major causes of the rise of prosperity in the West.

And while Pomeranz provides heaps of information about Europe, he cites far scantier scholarship about China. Perhaps because it is too new and published in mostly specialized journals, Pomeranz cites very little popular or readily accessible writing that supports his views about conditions in China before the Industrial Revolution. He mentions a Japanese author, Kaoru Sugihara, as supporting his claim that economic conditions were similar in China and Europe just before the Industrial Revolution. Yet Sugihara departs from Pomeranz by contending that the Industrial Revolution had its origins in Europe as far back as 1500.

There are other difficulties, too. Exactly what are we comparing? Sometimes Pomeranz discusses China, sometimes the Yangtze Delta, sometimes other parts of Asia. He himself points out that the Industrial Revolution began in Britain, not in Europe generally or even in Western Europe, but offers statistics for other parts of Europe, too. I get the feeling that these comparisons allow some slipperiness when comparing statistical data.

All in all, I look forward to careful scrutiny of *The Great Divergence* by economic historians who specialize in Europe and, especially, China. I anticipate great deliberation and debate. Perhaps, as Deirdre McCloskey states, past explanations have been "Eurocentric." But it will take a lot to persuade me that institutions don't matter. ☐

Pomeranz contends that Europe, facing a "squeeze" as a growing population met the constraints of limited agricultural land, averted the problem by creating colonies.

***Fahrenheit 9/11*, directed by Michael Moore. Lions Gate Films, 2004, 122 minutes.**

The Temperature at Which Truth Burns

Sarah McCarthy

I saw Michael Moore's *Fahrenheit 9/11* on opening day at a suburban theater in New Jersey. Afterwards, I talked to a man who'd brought a younger man to the film. "He's young and tough and wants to enlist," said the older guy. "I wanted him to see what he's getting into."

"I'm still signing up," said the young man. Moore had fought the movie's R rating, arguing that soon the teenagers prevented from seeing the film would be 18, old enough to serve, and he wanted them to see the other side of the story.

What they are getting into, of course, is a guerrilla war that the United States entered into on the basis of bad information and with a flawed strategy. Seymour Hersh wrote in the October 2003 *New Yorker* that Kenneth Pollack, a former National Security Council expert, said that the Bush people had "dismantle[d] the existing filtering process that for 50 years had been preventing the policymakers

from getting bad information. They created stovepipes to get the information they wanted directly to the top leadership. They always had information to back up their public claims, but it was often very bad information."

Helen Thomas, a UPI correspondent at the White House for 57 years, said recently that we now have "a government that is absolutely ignoring the truth and a press that is ignoring the truth." The press today, she said, is doing a terrible job covering the presidency — worse than she ever has seen. "I really think that reporters for two, three months after 9/11 — everyone was afraid to ask their question. They would not ask any question that would appear to be unpatriotic. This reticent culture continued into the war in Iraq, where reporters feared questions would be perceived as jeopardizing American troops."

"I think she's absolutely right — dead on," says James W. Brown, executive associate dean of the Indiana University School of Journalism. "The evidence is there — the Bush administration lies, lies, lies. The strongest, most aggressive person taking the Bush administration to task is not someone from *The New York Times* or *The Washington Post*, but Michael Moore, albeit from his own viewpoint," Brown said. "He is asking the right questions."

Fahrenheit 9/11 isn't objective journalism, explains Moore, but an op-ed intended to remove George W. Bush from the presidency. From *Bowling for Columbine*, Moore's previous film, we know that Moore is a non-violent, anti-gun zealot who hates nothing so much as the sight of a white male American with a gun, even if he's under attack by al Qaeda. Look at these people, how afraid they are, says Moore's voiceover of *Columbine's* footage of New Yorkers running through the streets of Manhattan to escape the fast moving dust cloud from the collapsing World Trade Center. Do you want people like this to have guns lying around?

Well, yes, Michael, we do. We want these people to have guns and tanks and bazookas in the face of an attack by al Qaeda. Despite its warm reception at the Cannes Film Festival and its nominations for best documentary film, *Bowling for Columbine* is a fundamentally flawed film that exhibits a disturbing anti-American masochism in the face of terrorism, as well as misplaced blame for America's gun homicides. Anyone who is interested in serious research on gun violence in the U.S. would begin, I think, with a look at something like the FBI's Uniform Crime Reports, available online. To curb gun violence, finding out who's doing the shooting, and why, is the appropriate place to start.

Unlike Bowling for Columbine, Fahrenheit 9/11 goes to the heart of issues that should have been vigorously debated before the country went to war with Iraq.

But Moore had preconceptions, and he picked the people who fit his theory. He focused on his usual suspects, "stupid white men" like Charlton Heston and the corporate gun merchants at Kmart. In fact, U.S. gun homicides are intensely concentrated in a group that comprises only about 3% of the U.S. population. Black males between the ages of 15 and 35 commit nearly 60% of American gun murders, and most of their victims are members of the same demographic. Moore overlooks such important factors as gang activity and the effect of the drug war, focusing instead on an isolated example of two bizarre white guys who brought guns to school, and generalizes from that to blame corporations, the defense industry, and the NRA, all infected, he says, with a form of mental illness, a paranoia that is the root cause of American gun violence. *Columbine* was an easy film to shoot down. Not so with *Fahrenheit 9/11*.

Stung by criticism that his films are full of lies that only the French and the glitterati at the Cannes Film Festival could love, Moore hired a fact checker from *The New Yorker* to review information in *Fahrenheit 9/11* and says he's thinking of offering $10,000 to anyone who can find a factual error in the movie.

Unlike *Bowling for Columbine*, *Fahrenheit 9/11* goes to the heart of issues that should have been vigorously debated before the country went to war with Iraq. Smoke bombed as we were with false information about WMDs — nuclear rods, yellowcake, anthrax, smallpox, and the rest — rational debate and cautionary voices were trampled in the stampede to exaggerate and preempt. Most Americans trusted the president, and believed he knew things that he wasn't telling us that were the basis of his sense of urgency about Iraq. Michael Moore tries to blast this trust of George Bush out of the water.

Moore's bias, of course, is in the editing. He has videotapes of Bush reading to Florida schoolchildren from *My Pet Goat* on the morning of 9/11, looking indecisive and dumbstruck and strangely passive for seven full minutes after he'd been informed that the country was under attack. At first I thought this was sort of a cheap shot, but then I thought again. How could a proactive person who believes he really is in charge just sit there for that long?

Bush also spent a lot of time, some might say too much time, hanging out with Saudis, including members of the bin Laden family, who are said to have given him his start-up money in the oil-drilling business. What's up with this, we can't help wondering, as Bush smokes a cigar with a Saudi prince who he's nicknamed Bandar Bush, and as they stand on a White House balcony together two days after 9/11 and watch the Pentagon burn. Considering the fact that the Saudis have invested around a trillion dollars in the U.S., Moore wonders, when Bush gets up in the morning, does he thinks about doing what's good for us or good for the Saudis. It's a fair question.

Moore captures the absurdity of the war on Iraq with a witty juxtaposition of narration and film: "Fifteen of the 9/11 terrorists were Saudis, so let's attack this guy!" he says, showing Saddam Hussein. Richard Clarke is shown testifying that the administra-

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tion wanted information that pointed to "an Iraqi hand" in the Sept. 11 attacks, an allegation made elsewhere by Wesley Clark, and by former Treasury Secretary Paul O'Neill in his book *The Price of Loyalty.* O'Neill writes that Bush administration hawks discussed an invasion of Iraq from their earliest days in the White House.

We see footage from 2001 of Powell, Cheney, and Rice in a not-to-worry stance about Iraq, insisting that Saddam was contained and that he had no new weapons, statements that stand in stark contrast to the later doomsday chorus about WMDs.

After 9/11, Moore says, the American public was emotionally primed and ready to be stampeded like a herd of frightened cattle into a policy long advocated by those in the Project for a New American Century. The plan to invade Iraq had been shopped around the Pentagon and White House by Wolfowitz and Rumsfeld for more than a decade. In his book *Plan of Attack,* Bob Woodward writes that George Tenet told Bush it would be a "slam dunk" to convince the American people that there were WMDs in Iraq. In the overheated atmosphere after Sept. 11, military experts who criticized administration plans were denounced as blow-dried generals, or worse.

Whether they are going after General Zinni or Clark or the Dixie Chicks, the distinguishing characteristic of this administration and its media cohorts has been the politics of ridicule. Ridicule is what they do best and most often. Within Republican strongholds, intellectual argument and debates have mostly given way to ad hominem attacks. As these hard guys like to remind us, they don't do nuance. It's never morning in America, nor afternoon, nor evening or twilight. There are no lights or shades of gray. It is always dark and ominous — doom is coming, the last days are here, we are in a war of civilizations — and the vice president's face is locked into a permanent scowl. The administration and its allies are making the tough calls; everyone else is a girl.

Moore is at his biting best when he drives an ice cream truck through Washington, D.C., reading the Patriot Act through a bullhorn to members of the House and Senate because so few of them have read it. Then, with a clipboard in hand, he tries to get politicians to sign up their kids for the war in Iraq. Class warfare and elitism have always been the fuel driving Moore's outrage, but the point he is making still stands. Can anyone seriously doubt that, were Bush or Congress or their kids fighting in the war themselves, an invasion with ground troops would have never occurred?

"Fifteen of the 9/11 terrorists were Saudis, so let's attack this guy!" he says, showing Saddam Hussein.

In a booming, mock-high drama voice, Moore recites the membership of Bush's Coalition of the Willing. Belize, Costa Rica, Iceland! And Romania! Morocco! None of them have an army, says Moore, but Morocco has just volunteered 2,000 trained monkeys to help search for landmines. And don't forget Afghanistan. They have an army — ours.

Fahrenheit 9/11 saves its power punch for the second half of the film, when Moore shows what the administration has tried to hide — the human cost of the war. Rows of coffins draped in red, white, and blue; an Iraqi baby girl dead or unconscious from a crater in the middle of her arm that looks like a knot of bloody red cable wire; an Iraqi woman screaming at the camera hysterically while praying to Allah for revenge, yelling that we don't know what we're doing; an American GI playing the rock song they use to psych themselves up as they head in for the kill — "We don't need no water, let the motherfucker burn / Burn, motherfucker, burn," go the lyrics. In the morning, the American troops see what they've done, as dump trucks haul away the

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers, and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God bless laissez faire capitalism."

For *The Jewish Debt to the Right,*
see Intellectually Incorrect at intinc.org

bloodied bodies of Iraqi civilians killed in a night of shock and awe. An American soldier says that when you kill people, a part of your soul is killed.

A patriotic American mother, Lyla Lipscomb from Flint, Mich., who says she always hated protesters, cries out in agony in front of the White House because her son, Michael Penderson, has been killed in a Black Hawk down incident near Baghdad. She reads aloud from his last letter: "I hope they don't re-elect that fool. We're here for nothing 'cause he wants to be like his dad." When confronted by a woman in front of the White House who blames her son's death on al Qaeda, Lipscomb cries out, "Al Qaeda didn't make the decision to send my son to Iraq."

Moore films unemployed young men and women being pursued by military recruiters in poor neighborhoods with high unemployment. It's an amazing thing, he says, that these young people keep signing up to fight for their country, risking their lives to protect us, fighting so we won't have to, asking nothing in return except that we never send them into harm's way without it being absolutely necessary. □

Fahrenheit 9/11 saves its power punch for the second half of the film, when Moore shows what the administration has tried to hide — the human cost of the war.

***Spider-Man* 2, directed by Sam Raimi. Sony Pictures, 2004, 127 minutes.**

It's Not Easy Being Spidey

Jo Ann Skousen

Spider-Man 2, the summer blockbuster that many critics call the best superhero flick ever, focuses on the underside of being a superhero: no one appreciates you. No one knows your real name. It's an unpaid volunteer position that dominates your time, making it impossible to hold down a real job. Money is short. Personal relationships are limited. You have to drop what you're doing whenever you hear someone cry out for help. In short, being a superhero is a little bit like being a mother.

Is *Spider-Man 2* the best superhero flick ever? Well, it's good. But not for the reasons you might think. The graphics are stunning, but we've come to expect that now that computers make it so easy. Tobey Maguire looks terrific in his Spiderman suit — or is that his stunt double crouching on top of the speeding train? The battle scenes are scary, in a Jurassic Park kind of way, terrifying the single-digit kids sitting in the row ahead of me. But the dialogue between the fight scenes gets a little long, boring those same little kids. As the love interest for a superhero, Kirsten Dunst lacks the feistiness of a Lois Lane or the glamor of a Catwoman. But after a hard day of saving the world, maybe a superhero just needs an ordinary little woman waiting for him at home.

One of the characteristics that makes Spiderman and Batman more satisfying dramatically than Superman is that they are not invincible. They are ordinary humans who have developed incredible powers, but they have to work at it, and their lives are at risk. Superman loved jumping in front of speeding bullets, shaking his head with paternalistic disgust when the bad guys learned once again that his body was impervious to pain, strain, or intrusion. By contrast, in *Spider-Man 2* we see Tobey Maguire's face contort with genuine effort as he lifts, pulls, reaches, fights. At one point he grimaces, "This is really heavy!" We know that at any point he might lose. Well, okay, we know that he *won't* lose. But we know that he *could*, and that makes the conflict more satisfying. As Achilles remarks in *Troy*: "The gods envy us because we are mortal. Every moment may be our last."

What makes *Spider-Man 2* more than just a summer flick for me is that it addresses the debate between self-interest and social obligation. Can a true libertarian be a superhero? Or is "libertarian superhero" an oxymoron? Like Paul Newman's character in *Hombre* (1967), Peter Parker (aka Spiderman) must decide whether he is willing to give up his private personal pursuits to risk his life for a community that neither cares about him nor appreciates him. *Hombre* often makes the list of top libertarian movies because Paul Newman expresses many libertarian values as he rejects the pressure applied by his fellow stagecoach travelers to protect them from the outlaws, simply because he has the strength, daring, and skills they lack. Similarly, Peter Parker questions whether he is willing to continue being Spiderman simply because he has superhuman powers. Is he obligated to give up financial

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gain, romance, a satisfying career, and hobbies simply because other people need his help? John Adams said to Thomas Jefferson as he urged him to write the Declaration of Independence, "It's your duty, damn it!" Peter's wise Uncle Ben tells him during a moment of personal angst, "People who have such a gift have an obligation to use it for the good of others." Uncle Ben is speaking from the Great Beyond, of course; he was killed in the first film trying to protect the world from a robber. Apparently, based on the bright white light behind Uncle Ben's head, we can assume that he has gone on to a happy reward, but is this promise of future benefits enough to warrant sacrifice in this life?

After a hard day of saving the world, maybe a superhero just needs an ordinary little woman waiting for him at home.

I couldn't help but note the implications of Spiderman as an archetypal Christ figure as well. He faces a Gethsemane, groaning from the weight of having to protect all those souls residing in his community, many of them undeserving and unappreciative. He has the power to reject his calling and rails against it, begging for another way. He is not forced to fulfill his role as a savior; he must choose for himself which path he will take.

Eventually, Paul Newman gives in and accepts his duty, protecting the ungrateful, and in many ways undeserving, society to which he belongs simply by virtue of a stagecoach ticket. Like Christ, he determines that he is willing to die for someone else's mistakes. Similarly, I don't think it would be giving away a plot twist to tell you that Peter Parker chooses to resume his Spiderman role, interrupting his personal life and interests to risk his life at the drop of a hat or the sound of a siren. That's fine for him. But what about our question? Is it philosophically consistent for a good libertarian to be a self-sacrificing superhero? The key word here is "chooses." No one coerces Peter Parker — or Hombre or Jesus or Thomas Jefferson — into fulfilling the superhero role. He examines his life both as a superhero and as an ordinary human, and he discovers that he prefers the thrill and the personal satisfaction of doing good for others. He may not get paid money for his work, but he receives psychic benefits with each heroic act. Moreover, his time preference extends far into the future, where he will indeed be paid. Like Achilles, who rejected marriage and family life for the life of a war hero, he knows that "they will remember us a thousand years from now." For some heroes, and mothers for that matter, that's payment enough. ❑

We know that Spiderman won't lose. But we know that he could, and that makes the conflict more satisfying.

***Krakatoa: The Day the World Exploded,* by Simon Winchester. HarperCollins, 2003, 416 pages.**

The Explosion That Changed the World

Bettina Bien Greaves

The Dutch East Indies Company, established in the 1600s, had prospered with the spice trade and expanded into producing coffee, tea, quinine, and gutta percha, used to waterproof the sub-oceanic telegraph cables that had, in 1870, bound Java to the Western world. The Dutch colonials had abandoned to the natives and the Chinese the muggy, malarial, pox-ridden towns on Java's waterfront and erected in the uplands a flourishing new capital city, Batavia. There they enjoyed 19th century conveniences: gas for cooking, street lights, telephones, trams, steam engines, and even an iceworks to make ice for their afternoon beverages. The Australian Frozen Meat Company had started regular deliveries of frozen beef, lamb, pork, and poultry. By 1883, about a million Dutch colonials were living civilized and gracious lives in Batavia. Social life in Batavia continued unabated throughout the summer of 1883, with parties, a masked ball, and a traveling circus boasting 100 acts, and a huge new tent from New York seating 5,000, with "real gas-lamp illumination."

Then, on Aug. 27, 1883, much of Dutch East Indian civilization was destroyed when the volcano Krakatoa, on the East Indian island of Krakatoa, vanished completely — into the atmosphere and the depths of the sea.

The first hint of trouble had come in May when some vibrations and a tremor in the air were noticed. Volcanic grumblings and growlings continued, but no one paid much attention. Then, on Aug. 27, the skies darkened, and gigantic explosions, ceaseless vibrations, blasts, falling ash, and heavy seas wracked the islands of

Java and Sumatra for over 20 hours.

At 10:02 a.m. there came the final, terrifying explosion. The noise was deafening! Lightning flashed across a pitch-black sky; pumice stone and dust rained down everywhere; tsunamis swept whole villages and their inhabitants out to sea. One hundred sixty-five villages were devastated, 36,417 people died, and countless thousands were injured. Ships in the Sunda Strait trying to reach shore gave up and headed back to sea. A Royal Dutch Navy paddle steamer was picked up by a giant tsunami and carried a mile and a half inland. The noise of the final explosion was heard 3,000 miles away.

The underwater telegraph lines were broken. Before the news could reach the outside world directly, tidal waves caused by the eruption had roiled the waters of the English Channel; atmospheric shock waves had circled the globe; smoke from Krakatoa had spread around the world. Temperatures in Europe and in the eastern United States plummeted suddenly. Enormous waves traveled outward from Java as far as Toronto, St. Petersburg, New York, and South Georgia Island. Debris from the explosion blocked the sun, affected the weather in Europe, and delayed harvests that fall in the eastern United States.

In 1883, no one had any idea why Krakatoa erupted. In *Krakatoa: The Day the World Exploded*, Simon Winchester describes in dramatic detail not only one of the physically most catastrophic events in world history, but also the decades-long scientific research into Earth's geological structure that led finally in the 1960s to an understanding of the planet's unsettled nature. In the 1960s, the "mobilists," who argued that the continents wandered with what are now known to be dramatic and highly visible effects, finally prevailed over the "stabilists," who believed that the world and its continents had always been in approximately the same positions.

The noise of the final explosion was heard 3,000 miles away.

Naturalist Alfred Russel Wallace reported in 1859 what would later become the first clue to the cause of Krakatoa's 1883 explosion. When studying East Indian flora and fauna, he found kangaroos, opossums, wombats, and duck-billed platypuses, all native to Australia and New Zealand, on the eastern islands, while on the western islands there were Asiatic Indian baboons, lions, elephants, buffalo, and giraffe. Wallace theorized that the reason must be geological; perhaps subterranean earthquakes and volcanic eruptions in times past had led to suboceanic upheavals separating formerly attached bodies of land and pushing them apart.

In 1915, a German meteorologist and Arctic explorer, Alfred Wegener, noticed that the coastlines of Africa and South America seemed to "fit" and wondered if they might once have been connected but had shifted and drifted apart. His contemporaries questioned his "scientific sanity" when he published on "continental displacement." Yet, when he died he was still "quite convinced he was

Notes on Contributors

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right, but with the world beyond equally convinced that he was wrong."

Scientists of the 20th century continued to study geology. A Dutchman, Vening Meinesz, took measurements in a submarine off the southern coasts of Java and Sumatra and discovered a dramatic drop in the strength of the local gravitational field, due to the nearly five-mile-deep Java Trench. When he and a Princeton scientist found a similar trench in the Caribbean, they speculated that a mysterious force was causing these deep depressions, moving continents away from or toward one another.

Debris from the explosion blocked the sun, affected the weather in Europe, and delayed harvests that fall in the eastern United States.

In the 1950s, research on underwater magnetism in the Pacific demonstrated that the sea floor was spreading. Work in Iceland and elsewhere showed that it was "normal" for Earth's magnetic field to undergo reversals. Paleomagneticists reckoned that there had been no fewer than 76 such reversals over the last 76 million years. By the 1960s, further scientific evidence of continental drift was obtained from expeditions to Greenland, Spitzbergen, Arctic Canada, Finnmark, and elsewhere in the Arctic.

Plate tectonics offered an explanation of continental drift. A vast amount of heat accumulated during the formation of the planet a little over 4.5 billion years ago, and natural radioactivity added to the ferocity of the internal fire. But the heat is now ebbing and is being transferred from the deep interior to the surface by way of convection currents, which rupture the rigid layer of the earth's lithosphere. Tectonic plates are shunted about and bang against one another. At their edges, subduction zones are created. Subduction zones are the boundaries of tectonic plates, where one plate slips under another and begins to create new lithospheric material.

J. Tuzo Wilson pulled all these theories together in 1963. He pointed out that where a tectonic plate bumps into and slides along the side of another, upward pressures produce a ridge, the plate splits open, spreads, and produces subduction and a transform fault, through which the interior heat escapes.

To the "mobilists," it became obvious that the 1883 eruption of Krakatoa had been fueled by subduction along the Java Trench, beneath the Indonesian island chain, permitting and forcing materials from the earth's heated interior to escape. That process of subduction and expulsion continues today. In 1927, enormous bubbles, warm water, flames, and a fountain broke the surface of the ocean west of the site of the old Krakatoa Island. In June of 1928, there was an eruption of ash and solid rock every minute; Anak Krakatoa, son of Krakatoa, was being born. Its cone now rises many feet, and its progress is being monitored. Given today's knowledge and technology, scientists should be able to locate the world's subduction zones, the boundaries of its tectonic plates, figure out what is happening, where, and how fast, and thus forecast the future of Krakatoa's "son," Anak Krakatoa.

Simon Winchester has written a fascinating book not only about one of the world's most dramatic and spectacular natural disasters, but also about how scientists, after a century of geological investigations in widely scattered locations around the world, eventually explained why and how Krakatoa came to explode in 1883. □

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Booknotes

Triumph of the Nerds — Whit Diffie and Mary Fischer, both lovers of exotic animals, met in a New Jersey hardware store in 1969. She had a squirrel in her pocket; he was an MIT brainiac who was obsessed with mathematical problems and computer security. Marty Hellman, a Jew who was raised in a tough, Catholic neighborhood in New York City, received a doctorate from Stanford, became interested in cryptography, and was hired by IBM. The U.S. government's super-secret National Security Agency (NSA) at Fort Meade, Md., learned of Hellman's abilities and tried to hire him. Walt Tuchman, who was working on a crypto cipher for commercial use at IBM, worked out a deal with the NSA: the NSA agreed to license IBM's crypto program, which would then become the "standard," in exchange for IBM's promise never to export it.

These are only a few of the colorful characters in *Crypto* (Penguin Books, 2001, 356 pages), all computer nerds, most of them completely independent mathematical whizzes who had become obsessed at a young age with codes, cryptography, and computers. They were dedicated to developing powerful encryption systems to make private communications secure from intrusion, especially intrusion by government snoopers. Their efforts were continually frustrated by the NSA, which considered decryption systems dangerous military weapons, and didn't want anything more powerful than IBM's system, which it had licensed, to be out there. Working in cahoots with the National Institute of Standards and Technology (NIST) and the FBI to enforce the International Traffic in Arms Regulations (ITAR), the NSA was determined to prevent the creation and export of any encryption system beyond its powers to decrypt.

Of course, this didn't stop mathematical and computer whizzes from continuing their work — independently or with the cooperation of a few business types who helped them put their ideas into practice — to develop stronger and stronger encryption systems to protect the security of private communications. After a couple of decades of challenging the NSA, tweaking

algorithms and mathematical formulae, the good boys — the individualistic, irrepressible cipherpunks and computer nerds — won out over the government snoops.

Crypto reads like a novel and is a real page-turner, even for someone who doesn't know the first thing about math, algorithms, bits, or bytes.

— Bettina Bien Greaves

An Anti-Malthusian Life — Julian Simon, who died in 1998, was a remarkably productive and independent-minded economist. He is best known for his brilliant though controversial research in population economics, upon which subject he published several scholarly books, but he also wrote at length on mail-order business, advertising, statistics, and the treatment of depression, among other topics. His work was enlightening, intellectually honest, and (in part the result of that honesty) very politically incorrect.

His work on the effects of population growth, most popularized in his book *The Ultimate Resource*, argued for the view that the planet's resources are not threatened by population growth, indeed, that every aspect of human material wealth will continue to improve indefinitely. This made him an enemy of the environmentalist Left. (Simon's work provoked Bjørn Lomborg, a Green-oriented statistician, to set out to debunk him — but as Lomborg documents in his book *The Skeptical Environmentalist*, he found Simon's work basically sound.) Simon's work on the economic effects of immigration, which argued for the view that immigration greatly benefits the economy in the long term (however disruptive in the short run), made him an enemy of the anti-immigration Right. And his willingness to investigate issues that went beyond his academic specialty made him an enemy of pedants of all stripes.

In *A Life Against the Grain: The Autobiography of an Unconventional Economist* (Transaction Publishers, 2002, 359 pages), Simon's account of his life is characteristically honest and frank. He grew up in a lower middle-class family in and around Newark, N.J. He was bright at school, though he showed no signs of exceptional genius. He attended Harvard, again doing well but by no means outstandingly, and served in the Navy. After his naval service, he worked his way into advertising. While working in a New York ad agency, he won a fellowship to attend the University of Chicago Graduate School of Business, where he earned his Ph.D. After starting and briefly running a small mail-order business, he took a teaching position at the University of Illinois at Urbana-Champaign. He started out in the Department of Advertising, but migrated to the College of Commerce. It was there that he first started doing research in demographic economics.

Simon initially supported the dominant Malthusian view that overpopulation is a threat to the world. He wanted to use his skills in marketing to help halt population growth by selling birth control to Third World countries. But his views started to change in 1969 as he studied the data, and by 1972 he held the contrary view: that population growth is beneficial and self-correcting. He published a technical treatise (*The Economics of Population Growth*) refuting alarmist Malthusianism in 1977, and his aforementioned popular treatment in 1981. At that time, he started to examine the issue of whether immigration is an economic threat, which led to the publication in 1989 of his book *The Economic Consequences of Immigration.*

He tells his life story openly, discussing not just his academic and intellectual history, but also his personal life (perhaps a bit too frankly!), including his long battle with depression. This makes for a delightful read, as well as for a good primer on the thinking of a most iconoclastic economist.

— Gary Jason

When Freedom Seekers Meet, *from page 40*

My golf outing took me to Waumbeck, established 1895, the oldest golf course in New Hampshire. The course is rugged, certainly not groomed to PGA Tour quality, but a fine walk unspoiled by poor play. The weather was wonderful, and I was in love with the natural beauty alone. The people in the pro shop wanted to tell me all about the course, as if I were somebody important. "Stop it!" I thought again, loving every minute.

I spent the night in the motel, then headed home.

Monday 6/28

I was stopped by the Border Patrol along I-91 southbound in Vermont. "Are you an American citizen?" they asked me. What's that all about? That's Vermont for you, I guess.

Many libertarian activists are getting tired of asking for their freedom. Freedom is something we're going to have to take. New Hampshire was the right state to choose for the migration. The Free Staters are pioneers. No less than their ancestors who escaped Europe to carve out a free world on these shores, the Free Staters are creating a new country. It just happens to be within reasonable driving distance.

Clearly, FSP is reaching a critical mass. When enough people realize that, progress will be swift. Not wanting to see a brain drain to the Free State, the political class will extend the blessings of liberty to people in other states. The federal government might cave soon after. Okay, I'm getting ahead of myself. But I don't see a successful statist response to a determined Free State Project.

Most of my neighbors in Michigan and Texas are wallowing in suffering and self-pity. They're fat and lazy. They resent the happiness that a free mind engenders. Look around and see how slavish your neighbors have become. Does no one look you in the eye? Do people smile much, or talk with you just for the sake of being friendly? Probably not. It's depressing. They're plugged in to the state, and they don't want to be unplugged.

"In terms of slogans, instead of 'Hi, we're from the Free State Project and we're here to help you,' let's think more like 'You have a friend in New Hampshire.'"

The "Show Me" state is now New Hampshire. Time to make it happen. ☐

Urination Nation, *from page 32*

She said simply, "At this point it's moot."

During her day extolling the health of children, not once did she mention the deaths of Esequiel Hernandez or Charity Bowers, two innocent young people killed by drug warriors. Not once did she mention those who have died by overdosing on drugs that, because of prohibition, are impure and of unpredictable potency. Not once did she mention the children who lost parents to prison or AIDS because of the drug war. "At this point it's moot," I suppose.

Recipe for Totalitarianism

I heard of this event when somebody forwarded me an email from the Drug Policy Alliance, an organization that was to take a beating throughout the tax-funded conference. That email prompted a few critics to attend, including three board members of the state Libertarian Party and Frank Atwood, a Libertarian who helped eliminate taxes on groceries in Littleton. Atwood wore a T-shirt that read, "Why stop at drug testing students? Let's drug test coaches and Congressmen!" I cautioned him that a libertarian's *reductio ad absurdum* is often a bureaucrat's logical conclusion.

Czar Walters did not show up. The very notion of calling somebody "Czar Walters" here in this land of the free is ludicrous, but strangely charming, I suppose for roughly the same reasons that a themed restaurant called Mao opened in town last year.

I was struck by the surreal surface normality of the event. Agents of the state want kids to pee in a cup or hand over spit or hair samples, in a random test, without any suspicion whatsoever of wrongdoing. That weirds me out — it's something out of a dystopian story. The frightening truth, though, is that most people will go along with damn near anything, if government officials explain it in a pleasant voice.

It is a recipe for totalitarianism. When free choices are treated as diseases and the government assumes responsibility for "treating" these "diseases," there is nothing beyond the scope of government control. Drug abuse, of course, is a very real problem. Some people do develop physiological attachments to some drugs. Blaming non-"addicts" for drug abuse by "addicts," however, is a mere pretext to maintain the machinery of the drug-war bureaucracy. Recreational drug users have no more responsibility for drug abuse than those who drink wine with dinner are responsible for alcoholics.

Recreational drug users have no more responsibility for drug abuse than those who drink wine with dinner are responsible for alcoholics.

The Question of Children's Rights

And yet the issue of random drug testing is perhaps more complex than some libertarians wish to believe. Most people, even most libertarians, agree that children do not acquire their full set of rights until they reach maturity. Parents have a right to force their kids to do certain things, such as go to bed at a set time or eat their peas at dinner, and this extends to drug testing. Whether various parental strategies are prudent is a different issue. If parents have a right to test their kids for drugs, may they not also delegate that right?

The problem with random drug testing in schools is not the testing, it is the schools.

I asked Evans what he thought about letting parents opt out of random drug testing without their children losing access to school-related activities. He didn't have a big problem with the idea, and he said some schools in California already operate that way. To my mind, such a policy resolves the civil-liberties problem, so long as parents who opt out, and their children, don't suffer any repercussions. Judge pointed out that some private schools already test their students for drugs, and libertarians don't generally have a problem with that.

The biggest problem with drug testing is overlooked by most of its advocates and most of its critics. With government-run schools comes arbitrary use of government power to achieve misguided social goals, such as "keeping the public schools drug-free." Since when is education a federal issue? If we took the Constitution seriously, ONDCP would be abolished, along with all federal intervention in education. I didn't think it would be worth my time to ask about the 10th Amendment though, because I already knew the evasion I'd be offered: "Blah blah blah general welfare blah blah commerce clause blah blah blah."

So let us be bold. The problem with random drug testing in schools is not the testing, it is the schools. The pretext for testing students only in extracurricular activities is that those engagements are "voluntary." Thus, participating in such activities is said to be analogous to joining a private school, which has every right to drug test. In fact, extracurricular activities at government schools are generally not voluntary, in that they depend upon funds forcibly taken from parents and other members of the community. The rights violation occurs at the point of the forced transfer of wealth.

In the market, businesses have an incentive to test only to improve job performance (if at all), and they have a huge incentive to test properly, both because of legal suits and because of the risk of losing good employees. In the socialized school structure, such incentives are muted. The financial incentive, instead, is to test regardless of effectiveness. A bureaucrat might lose his or her job for incorrectly administering a test, or for failing to test, but if a school loses a legal suit, the funds come from taxpayers.

At What Price?

On a common-sense level, the notion that random tests help reduce drug use is plausible. Evans and Judge noted such tests work in the world of business and government.

What the hell are we talking about here, though? Lots of repugnant practices get results. The major problem is that many parents have abandoned their children to the television and to the government nannies. Drug abuse among students is merely a symptom of a much deeper problem, one that won't be solved by more government. Not every child raised in a "good home" will be without problems, to be sure, but parents are still the most important influence for most children. Responsible, involved parents tend to have more responsible children.

Evans made me nervous when he suggested the Supreme Court might already have several votes to okay random drug tests for all students in government schools. I asked him if he would support such a program. He said he hasn't reached a position, though "a case can be made for it."

If the government gets around to training an entire generation to live with random drug tests, would further expansions be that far away? I doubt, for example, that the Brady bunch would have much of a problem forcing, say, gun buyers to take a drug test. The most horrifying outcome would be mandatory, random drug tests for the general adult population, with the results encoded on our "papers, please."

I don't have a sense of whether random drug tests for students in extracurricular activities will catch on. Evans predicts better evidence will be available in a few years which will either encourage an expansion or retraction of the program.

My wife and I aren't even pregnant yet, and we've already decided to homeschool. Thus, we'll avoid this nonsense of drug tests entirely. The silver lining surrounding random drug tests is that the Left might finally realize that putting the state in charge of education is a dangerous thing. ❑

The Military Invades the Campus, *from page 20*

Congress' power to scrutinize university curricula and to punish "anti-American" scholarship. It is a nightmare for academic autonomy.

Yet, the bill is arguably less vulnerable to legal challenge after *Grutter*.

H.R. 3077 would provide new federal funding to Middle East studies programs, which Congress believes is needed to train more Middle East experts for government service. As an incident of federal funding, the bill would establish a curriculum oversight board tasked with recommending — from a national security standpoint — whether grant recipients ensure a proper balance of "diverse perspectives" in university Middle-Eastern studies programs.

Proponents of the board argue that Middle-Eastern studies programs must include views less "anti-American" and more friendly to American foreign and military policy. As University of Michigan Middle East specialist Juan Cole points out, the bill is accordingly a recipe for politically motivated harassment: "I could imagine the board making it a criterion that the politics of a faculty are not balanced, so the university must balance things out by hiring pro-Likud scholars, or else funding could be withdrawn."

Grutter was decided only two months before H.R. 3077 was introduced in Congress. While Congress did not cite *Grutter* as an authority for the legislation, the decision makes the legal case for Congress' power to enact the bill stronger.

Congress justified the proposed advisory board based on a link between viewpoint diversity and national security similar to that suggested by *Grutter*. Rep. Howard Berman (D-Calif.), for instance, argued that the board is designed to enhance government military recruitment by expanding student exposure to viewpoint diversity and eliminating a monopoly of narrow views "at odds with our national interest." Similarly, Rep. John Boehner (R-Ohio) claimed that the bill will "strengthen and renew higher education" by simultaneously "expanding diversity" and addressing a "critical piece of our national efforts to fulfill national and international security needs."

If the government's national security interest in military recruitment requires that civilian universities ensure viewpoint diversity in a law school — by regulating racial demographics to promote more diverse ideas and viewpoints to baby lawyers — then it would seem reasonable for Congress also to monitor the diversity of ideas and viewpoints presented in programs that produce government specialists for the CIA, the Pentagon, the NSC, and the FBI.

To protect national security, the brief argued, the military must have a diverse officer corps, and it is a "small step" to conclude that national security requires universities to expose students to racial and viewpoint diversity.

After all, the connection between diversity, recruitment of military officers, and national security in the latter context assuredly is no less attenuated than the connection between law school viewpoint diversity, military recruitment, and national security suggested in *Grutter*.

Be Careful What You Wish for

Grutter is a case in which proponents of affirmative action relied on policy, not principle, to achieve their goal. Now, one of those policies, national security, is threatening unintended consequences that may prove especially costly in the post-September 11 climate, in which courts and legislatures can be expected to take an especially broad view of our national security interests.

Even if universities repent, the damage has been done. After *Grutter*, the notion that campus viewpoint diversity can and must take into account national security has been given a new purchase.

Expect Congress and the president to push the envelope. ❑

Terra Incognita

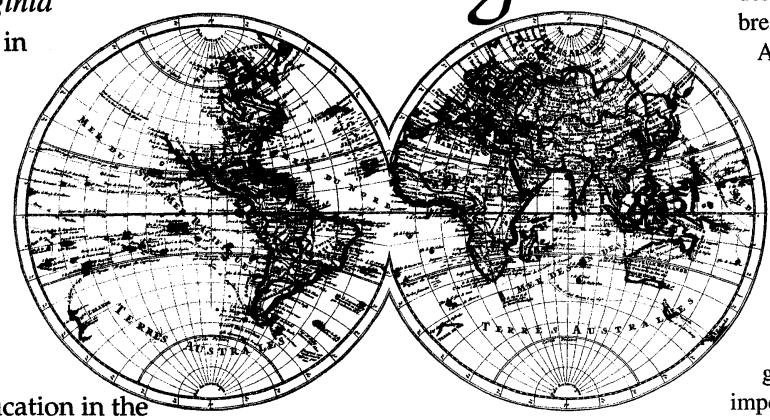

Baghdad, Iraq

Curious defense offered by President Saddam Hussein against charges of invading Kuwait, as chronicled in the estimable *Wall Street Journal*:

> At his first courtroom appearance since being ousted from power, Hussein was told he stood accused of wrongdoing in his invasion of Kuwait. "I was protecting the Iraqi people from the Kuwait dogs who wanted to turn our women into 10-dinar prostitutes," Hussein explained.

Blacksville, West Virginia

An alarming lesson in thermochemistry from "Carolinas' News Channel" *WCNC*:

> A man is recovering from burns after lighting a cigarette in a portable outhouse, causing the outhouse to explode Tuesday in Blacksville.

Los Angeles

The progress of education in the nation's second-largest city, from a report in the estimable *New York Times*:

> In the shadow of downtown, the Temple-Beaudry neighborhood, modest, a little ramshackle, and mostly Latino, was broken up two decades ago, dozens of its houses razed for a high school that has yet to open. When completed, it will have cost about $270 million.

United States

Note on the measured and careful approach to historical writing taken by modern scholars, from a book review in *The Wall Street Journal*:

> Author Christopher Catherwood writes in *Churchill's Folly*, a history of Winston Churchill's role in building the modern Middle East: "Everything I write and you read is open to disputation and interpretation by zealous protagonists."

Bellingham, Washington

Astute economic analysis from the lead headline in an edition of the impressive *Bellingham Herald*:

> Raspberry crop down; prices will be higher

U.S.A.

Creative use of statistics, from an op-ed in *The Week*, which neglected to mention that tax revenues increased from $517 billion in 1980 to $909 billion in 1988:

> Reagan told voters his plan would boost tax revenues by sparking growth. But when he left office, in 1988, federal revenues as a percentage of U.S. gross domestic product had fallen to 18.3%, down from 19.6% at his 1980 inauguration.

Ottawa, Canada

Curious warning from Elections Canada, the bureau that organized and supervised Canada's recent election, from a story in the *Ottawa Citizen*:

> Ahead of queries about getting registered and advance voting, Elections Canada's list of frequently asked questions begins with the puzzler: "Is someone allowed to eat a ballot?" The answer is a decisive no: "Eating a ballot, not returning it or otherwise destroying or defacing it constitutes a serious breach of the Canada Elections Act."

London

Progressive animal rights policy across the pond, from a report of the venerable *News Telegraph*:

> Legislation to be announced by the Government this week will give courts the power to impose fines of up to £20,000 and 12 months in jail on people found guilty of mistreating animals. Anyone under the age of 16 will be banned from owning a pet and goldfish will no longer be allowed to be given as prizes at fairgrounds. The legislation could lead to gardeners being fined for killing insects, worms, caterpillars, slugs, and snails, if scientific evidence proves they have suffered pain and distress.

Merrillville, Indiana

Fashion note from the Hoosier State, from WKLY, Channel 32, "Where the News Comes First!":

> Public school officials in Merrillville, Indiana, have banned pink clothing out of concern that the color has been associated with gang activity. "There is no evidence of gang activity," said Michael Berta, associate superintendent of the school district. "But because of the growing use of the color pink, we decided to be proactive."

New York

Military news flash, from Toronto's *Globe and Mail*:

> The U.S. Army now provides soldiers and their families with facelifts, breast enlargements, liposuction, and nose jobs at taxpayers' expense. The Army says it helps surgeons practice their skills.

Czechoslovakia

Traffic safety is a serous business in "New Europe," from a dispatch of South Africa's *Cape Times*:

> A Czech police officer in the western city of Pilsen first fired a warning shot to stop a pedestrian from crossing a road against a red light. When the man failed to return to the pavement, the officer shot at him twice, missing with both shots.

Special thanks to Russell Garrard, Bryce Buchanan, William Walker, Starchild, and William Brickey for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Can anyone be happier than a Catholic libertarian?

Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.

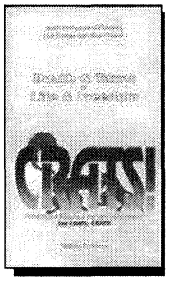

Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.

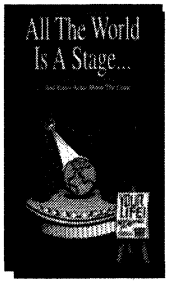

All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is $6.95, plus $2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus $3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.

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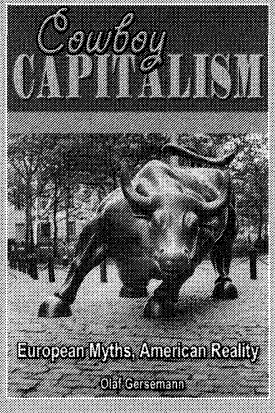

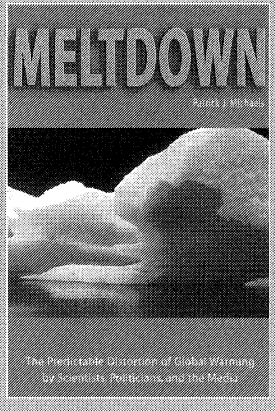

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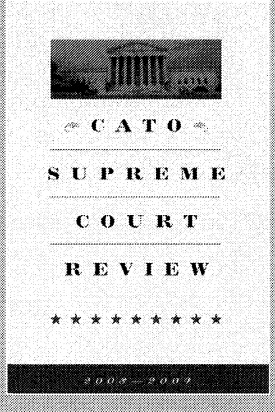

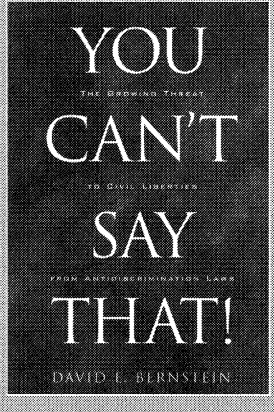

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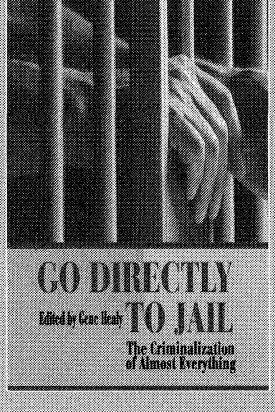

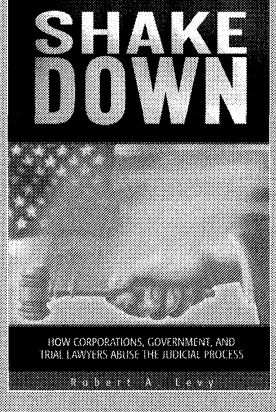

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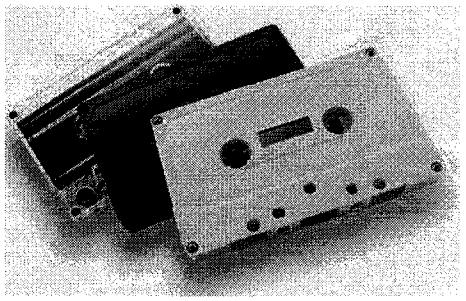

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Inside Liberty

October 2004
Volume 18, Number 10

4 Letters Readers touch the Fed's private parts, explore the monogamous Enlightenment, take us to task about Badnarik's nomination, and more.

7 Reflections We salute Mr. Saigon, Nixonize Kerry, find pigskin and pot don't mix, logic-check Harper's, admire Moore's "Triumph," get down with Osama and Lucifer, square the circle with John Kerry, fight terrorism with feminism, and celebrate the liberation of Poletown.

Features

23 Kerry Nation *Doug Casey* holds his nose, sifts through the latest dreck the Democratic party has offered, and tells us what we're in for.

25 The Michaelmoorization of John Kerry John Kerry has made the racist, mendacious ranting of a two-bit propagandist the center of his campaign, writes *Patrick Quealy*.

26 In Defense of Ronald Reagan Liberty's editor claimed that "government spending grew rapidly during Reagan's presidency and individual liberty suffered." *Milton Friedman* offers challenges that claim the evidence "speaks for itself."

27 Freedom and Spending Under Reagan *R.W. Bradford* stands by his words.

29 When You Wish Upon a Czar . . . it makes no difference how accountable you are. *Norman Ball* romps through the palaces of America's new power elite.

31 Freedom at the Ballot Box For most Americans, voting is a ritual that sanctifies theft and aggression. *R.W. Bradford* wonders, is there any reason for a person who values liberty to participate in this process?

34 Who Owns the Fed? The Federal Reserve System makes money out of ordinary paper. Who profits from this magic? *Bill Woolsey* explains the mysteries of the Fed.

Reviews

41 The Paper War on Terror A government-chartered commission investigated America's intelligence failures and proposed to fix them with more government. That answer is as wrong as the outcome was predictable, writes *Christopher A. Hartwell*.

44 The Case Against Bush The Bush administration is a train wreck. *Anthony Gregory* sorts through the debris.

46 Marriage Is Fabulous If marriage is such a swell thing, why don't its straight supporters want to share it with gays? And just why does the state think it should set the rules? *John Coleman* looks for answers.

49 The Unwasted Vote *Greg Kaza* examines the curious history of fringe parties in America.

47 Notes on Contributors Before the cock crows thrice, you will deny them three times.

54 Terra Incognita Don't ask, don't tell, don't pursue.

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Letters

One-Trick Pony

For many years, publisher R.W. Bradford has concentrated on reporting anything that can denigrate the Libertarian presidential candidate. He has become a one-trick pony, repeating ad nauseam that Badnarik "willfully refused to file his federal tax return for years."

Missing from Bradford's breathless response is any questioning of the IRS position concerning the income tax. For instance, does Badnarik legally owe income tax (only "if you are liable")? According to the IRS's own manuals, most of us don't. Asking the question of the IRS, however, will most likely get your website shut down, your home broken into and searched, and your computer, records, and bank accounts confiscated — all without a trial. Badnarik has taken a courageous stand against this repugnant, out-of-control agency as a true patriot.

Bradford's "reasoning" (the IRS says so) regarding who owes income tax would lead one to accept the myth of a Social Security "trust fund"; believe all pronouncements of the DEA, CIA, and FBI; and believe in the goodness of the Patriot Act and John Ashcroft.

Badnarik talks the talk *and* walks the walk — he has my vote.

Jim Kinard
Lancaster, Ohio

The Fed Is Private!

I enjoyed "Dark Horse on the Third Ballot" by R.W. Bradford (August) immensely, and, being a former investigator, was fascinated with the investigative "behind the scenes" details. However, I noticed some errors in the article that I wanted to bring to your attention.

Bradford describes the belief that the Federal Reserve System is privately owned as a "goofy belief" and describes his utter surprise that all three presidential candidate nominees subscribe to this "goofy belief." I also believe that the Federal Reserve is privately owned, but I consider such to be knowledge of a particular fact as opposed to a "belief." There are many facts that support this "goofy belief." One, in particular, is the case of *Lewis* v. *United States*, 680 F.2nd 1239 (1982), in which a man named John Lewis was injured by a vehicle owned and operated by the Los Angeles branch of the Federal Reserve Bank of San Francisco and he sued for damages. The Ninth Circuit Court of Appeals ruled that Federal Reserve banks are "independent, privately owned and locally controlled corporations."

I try to make it a practice not to mock or ridicule a particular belief or position until I have meaningfully examined the reasons supporting it. Adhering to this practice, I have learned that many beliefs regarding the income tax and monetary system I once thought to be "goofy" are based, in many cases, on solid, verifiable facts.

Thank you again for your thought-provoking article.

Joseph R. Bannister
San Jose, Calif.

The Fed Is Private!!!

Get off your high horse, OK? There are guys in the Wakko-Patriot-Militia movement that, however lacking in PR skills, have forgotten more law than you'll ever know. Our liberty was lost through legal frauds and deceptions, and we won't get it back and KEEP it unless we understand this.

Richard L. Perry
Indianapolis, Ind.

Bradford responds: I characterized the belief that the Fed is privately owned as "goofy" because every person who believes it also believes that the Fed's owners are secretly making profits of billions of dollars at the expense of

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ordinary Americans. In actual fact, the Fed is not privately owned in any meaningful sense. The Fed was created and remains controlled by the government. The *Lewis* decision simply prevented a man from suing the Fed in federal court over an automobile accident, and has no relevance to the question of whether the Fed is in any real sense privately owned. For further information on the Fed and the *Lewis* decision, readers can read "Who Owns the Fed?" by Bill Woolsey and "The *Lewis* Decision" by William E. Merritt elsewhere in this issue.

Eliminating the Competition

I have just finished reading your take on the LP convention in Atlanta. I was a delegate, attending my first LP national convention, and I was impressed with your coverage of the event.

There was another reason that Badnarik won the nomination Bradford did not report. The word was out that, as you reported, Badnarik would run for VP if he lost. There was a move within the VP campaigns to vote for Badnarik for president to eliminate one competitor for the VP nomination. I know of delegations that voted that way and VP campaigns that campaigned that way (i.e., vote for Badnarik for president or he will receive the anointing for the VP position).

As for this LP member and convention delegate, I'm not feeling too good about the happenings in Hot-lanta.

My name is Rich Moore and I have approved this email.

Richard J. Moore
Sloan, Iowa

Not the Answer

I was disappointed with John Hospers' July reflection "Iraq and anticipatory aggression." I would imagine that most libertarians accept the concept of a justifiable preemptive war. If someone is pointing a gun at you and threatening to kill you, you do not have to wait until he actually shoots to shoot at him.

But there have to be specific standards widely if not universally agreed to in advance to justify a preemptive strike. The overwhelming majority of libertarians apparently believe that Saddam Hussein and Iraq did not meet the standards justifying an American invasion.

Hospers seems to claim that any country ruled by an evil despot can rightly be invaded at any time. If this is correct, then we should have had perpetual war during the past century and beyond.

Perpetual war for perpetual protection. Is this really the answer?

Paul Thiel
Crescent Springs, Ky.

No Libertarian, He

Thank you for reprinting "Ronald Reagan: A Political Obituary" by Murray N. Rothbard in the August issue. It's nice to know I wasn't the only libertarian who loathed Reagan.

I was 15 when Reagan was first elected, so I became politically aware during his tenure. Despite being raised by liberal Democrats, I soon described myself as "socially liberal, economically conservative."

Reagan's war on civil liberties guaranteed I would not be a Republican. I investigated a few issues of Reason, and agreed with most of what I found, but I was turned off by the frequent effusive praise of Ronald Reagan. That delayed by several years my willingness to declare myself a libertarian.

Thomas Giesberg
Rosharon, Texas

Read Your Mises!!

In "Why Is the West Rich?" by Jane Shaw (September), there is no mention of the explanation given by Ludwig von Mises: ". . . the tremendous progress of technological methods of production and the resulting increase in wealth and welfare were feasible only through the pursuit of those liberal policies which were the practical application of the teachings of economics. It was the ideas of the classical economists that removed the checks imposed by age-old laws, customs, and prejudices upon technological improvement and freed the genius of reformers and innovators from the straitjackets of the guilds, government tutelage, and social pressure of various kinds. It was they that reduced the prestige of conquerors and expropriators and demonstrated the social benefits derived from business activity. None of the great modern inventions would have been put to use if the mentality of the precapitalist era had not been thoroughly demolished by the economists. What is

From the Editor . . .

We're approaching the height of the political season and the air is full of lies and evasions. My little article noting that John Kerry was promising to support the Iraq War even more strongly than President Bush brought a rejoinder from Bruce Ramsey (see "Reflections"). Ramsey argues that Kerry's promise didn't imply, as I had suggested, that he actually supports the war more than Bush does. Of course, Ramsey is right. Politicians are all chronic liars, and no sensible person ever believes a word they say.

That mega-truth is part of my argument with Steve Cox over the idea that people who value liberty should vote for the major party candidate who promises to destroy it more slowly. There's a lot more to my argument, which begins by considering whether a sensible libertarian would vote at all, proceeds through evidence that government spending rises faster under Republican presidents than Democratic ones, to what I think is a strong case for voting the Libertarian ticket under virtually all conditions.

There's lots of other interesting stuff in this issue. Bill Woolsey demystifies the Federal Reserve System, a subject that has clouded many minds. Doug Casey and Patrick Quealy deliver John Kerry a couple of well-deserved drubbings. Anthony Gregory can't find enough praise for Jim Bovard's new book that drubs George W. Bush. Chris Hartwell looks closely at how government failures led to 9/11. John Coleman identifies the real issues involved in the gay marriage debate. And Milton Friedman defends Ronald Reagan against my libelous comments in our August issue.

As always, we begin with short takes on the lunacy that surrounds us. The world may be crazy, but our editors are a joyous bunch and liberty is a wonderful thing.

R. W. Bradford

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commonly called the 'industrial revolution' was an offspring of the ideological revolution brought about by the doctrines of the economists. The economists exploded the old tenets: that it is unfair and unjust to outdo a competitor by producing better and cheaper goods; that it is iniquitous to deviate from the traditional methods of production; that machines are an evil because they bring about unemployment; that it is one of the tasks of civil government to prevent efficient businessmen from getting rich and to protect the less efficient against the competition of the more efficient; that to restrict the freedom of entrepreneurs by government compulsion or by coercion on the part of other social powers is an appropriate means to promote a nation's well-being. British political economy and French Physiocracy were the pacemakers of modern capitalism. It is they that made possible the progress of the applied natural sciences that has heaped benefits upon the masses" ("Human Action," pp. 8–9).

But, as usual, libertarians will see no economics, hear no economics, speak no economics.

D. G. Lesvic
Pacoima, Calif.

Love and Marriage

In her review of Pomeranz's "The Great Divergence" (September), Jane Shaw states that "even if one agrees that colonial advantages gave Europe an important economic edge, one might point out that the earlier institutional developments made Europe (but not China) capable of establishing colonial empires."

What were those "earlier institutional developments"? Classical liberal theory identifies them as property rights and limited government, both of which evolved from feudalism and the fragmentation of Europe.

Shaw is almost there.

The real reason has to do with sex. Specifically, the rise of socially imposed monogamy in Western Europe in contrast to the polygynous cultures of the East.

According to evolutionary psychologist Kevin MacDonald:

"Monogamy may well be a necessary condition for the unique European 'low-pressure' demographic profile, [which] results from late marriage and celibacy of large percentages of females during times of economic scarcity. . . . [M]onogamous marriage results in a situation where the poor of both sexes are unable to mate, whereas in polygynous systems an excess of poor females merely lowers the price of concubines for wealthy males. . . .

"Not only was the marriage rate the main damper on population growth, but this response, especially in England, had a tendency to lag well behind favorable economic changes so that there was a tendency for capital accumulation during good times rather than a constant pressure of population on food supply.

"There is therefore some reason to suppose that monogamy, by resulting in a low-pressure demographic profile, was a necessary condition for industrialization."

If Pomeranz were to study history through the prism of monogamy he would understand why Enlightenment England was not only willing but able to colonize the world.

Trevor Poulsen
Portland, Ore.

Reductio ad Incognitum

Ari Armstrong's incidental remark that "a libertarian's reductio ad absurdum is often a bureaucrat's logical conclusion" ("Urination Nation," September) should be enshrined as "Armstrong's Law." Evidence thereof is conveniently located on the Terra Incognita page of any Liberty issue.

Russell B. Garrard
Bellevue, Wash.

The Budgets of Ronald Reagan

In his September letter, "Reagan's Critics and the Constitution," Bill

continued on page 30

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Reflections

Mr. Saigon — At the well-choreographed Democratic nominating convention and in much of his advertising since, John Kerry has taken great pains to portray himself as a Vietnam war hero. Yet he objects every time anyone mentions his war record in a way that is less than favorable. A remarkable strategy: as the centerpiece of his campaign he has painted a self-flattering portrait as war hero, but only those who present an equally flattering portrait of his war record should be permitted to comment about it. He's the painter, he's the subject, he's the controller of all criticism. One question remains: who's supposed to be the audience?

— R. W. Bradford

Copy Catwoman — Actress Halle Berry, during a London press conference to promote her movie "Catwoman," slammed women who get plastic surgery, saying "this plastic copycat look evolving" is "really insane and I feel sad what society is doing to women." Well, duh! She already looks like Halle Berry.

— Alan W. Bock

Reconcile this! — Why is it that the politicians who promise to be social conciliators invariably turn out to be dividers — to such an extent that their reelection often turns principally upon the issue of themselves? Two recent examples that come immediately to mind are Dubya and David Dinkins.

— Richard Kostelanetz

Kerry comes of age — John Kerry first emerged into national prominence in 1971 when he led Veterans Against the War in Vietnam, in opposition to the Nixon administration. Richard Nixon himself thought of Kerry as a capable opportunist who might constitute a serious threat. In public, however, Nixon voiced the hope that Kerry would come to understand the administration's Vietnam policy.

As I write this, it seems unlikely that Kerry will win the presidential election, but it is just about conceivable. If that improbable event does come to pass, Kerry will undoubtedly appreciate Nixon's old point of view, for it will be precisely his own.

Kerry, just like Nixon, will say, in effect: "This war was not of my making and I deplore the way it has been handled. Perhaps it should not even have been started. But now we are there, we cannot simply leave. That would be a humiliating defeat for the United States, something I simply cannot countenance.

"What we must do is to build up the local forces that are fighting on our side, so that they can crush the insurgents and we can safely leave knowing that this faraway country will voluntarily do exactly what America wants. If we leave now, the insurgents will win, and the people we have installed in power will be eliminated. But if we temporarily build up the number of our troops there, we can strengthen the pro-American forces so that they will ultimately eliminate all opposition without further help from us."

So, in the end, Kerry absorbs the wisdom of Nixon. Or perhaps it's the wisdom of Macbeth: "I am in blood / Stept in so far that, should I wade no more, / Returning were as tedious as go o'er."

This wisdom is not the last word, however. President Kerry of 2005 would be called upon to answer the John Kerry of April 1971: "How do you ask a man to be the last man to die for a mistake?" How indeed, President Kerry?

— David Ramsay Steele

Divided we stand — Do Americans really "long to be united," or is that mainly the goal of political leaders — to have their "followers" united and dutifully obedient? Would it be healthy for freedom if we were united? Not that I would ever advocate division for its own sake (though I might for the sake of variety and amusement), but is unity a healthy goal for a country of 260 million people who hail from every corner of the world?

— Alan W. Bock

Pigskin, pot, and piss cups — Former NFL running back Bam Morris has been released after nearly five years in federal and state prisons, following convictions for marijuana possession and trafficking.

In 1996, Morris was Super Bowl XXX's top rusher. As the Houston Chronicle reported, "Two months later, he was busted for the first time, and his career began to unravel with one incident after another." Yet in his six years in the NFL, Morris scored 35 touchdowns and gained an average of 3.5 yards per rushing attempt. It seems the drug laws hurt him far more than the drugs.

Meanwhile, Miami Dolphins running back Ricky

Williams recently retired. He admits to regular marijuana use throughout his career. Williams now wishes to enjoy his life and fortune, without having to evade NFL drug testing.

I would like to see Williams visit schools and reveal to the children that the government is lying to them about the putative harm from marijuana use. But someone who speaks the truth surely will not be permitted on campus.

— Thomas Giesberg

Saddam's crime — The legal proceedings by the American puppet government in Iraq against former president Saddam Hussein raise the interesting question of what might happen to Saddam in a genuinely independent Iraq. No doubt the former U.S. protégé would still go on trial, but the counts would be somewhat differently worded.

The main indictment against Saddam would have to be that, as leader of Iraq, he failed to develop weapons of mass destruction, and in an incredible act of folly destroyed even those he had been given earlier by the United States, thereby inviting the horrendous butchery of the American attack followed by the interminable mayhem and obscene brutality of the occupation.

The clear lesson of the invasion of Iraq, to all countries that might be a target for American violence — and that is almost anyone, almost anywhere — is to develop, as rapidly as possible, viable and credible weapons of mass destruction. North Korea prudently did develop such weapons. As a result, it's extremely unlikely that the United States will attack North Korea. Had North Korea failed to take this precaution, it's quite certain that the United States would have unleashed its trademark "shock and awe" against the population: terror bombing and mass murder, followed by occupation, more mass murder, rape, torture, and humiliation of the inhabitants, followed by further years or decades of interminable mass murder and appalling brutality.

The United States chooses only victims it believes to be helpless. It cares not a jot for untold thousands of foreign deaths, but cherishes each of its own soldiers like a Fabergé egg. After years of propping up the inefficient Saddam Hussein and feeding him weapons of mass destruction, the United States switched to economic sanctions accompanied by almost daily bombing. Following twelve years of this softening up, the U.S. rulers believed that the Iraqi population was helpless. Although it turns out that this was a miscalculation, and the United States is now being defeated by the Iraqi resistance, actual possession by the Iraqi government of weapons of mass destruction would very likely have deterred the American attack. Instead, Saddam thought he could appease the aggressor, and unilaterally disarmed. Dozens of governments around the world must now be giving higher priority to their WMD programs.

The United States spends more on its military than the next 25 biggest-spending nations combined. The United States alone has the power — in this brief window in history — to run amok all over the world, killing and maiming according to whim. Sadly, it also has the aptitude and the inclination.

It is pleasant to imagine that public opinion inside the United States might one day demand repentance from this appalling evil, conversion to non-interventionism and peaceable international dealings, and execution of the Bush cabinet for their unspeakable crimes.

The actual outcome will no doubt be different. Nearly all the major world powers other than the U.S. will combine to form a military alliance for the containment of the United States: at least three of Europe, China, Russia, and India will lead this alliance. One will perhaps serve its self-interest best by becoming the stooge of the American serial aggressor; this stooge could be any of the four, but will most likely be China, where the government is least responsive to popular sentiment.

Even a world of jostling, predatory nation-states is not so collectively irresponsible that it can tolerate a chronic situation where one power is able and willing to wreak mass slaughter anywhere on Earth, at its merest whim. The future emergence of the Alliance to Contain America is by no means entirely beneficial. I don't look forward to it with eager anticipation. It will have many unfortunate, perhaps terrible, side effects. But it is now inevitable.

— David Ramsay Steele

Cold comfort — The theme of the Democratic convention seemed to be that the Democrats are just as bellicose and belligerent, just as capable of undertaking military adventures overseas, as the Republicans. Pardon me if I don't find that especially reassuring. — Alan W. Bock

What are they good for? — Given that Republicans have been no more successful in their war in Iraq than in their "War on Drugs," may I suggest a constitutional amendment forbidding Republicans forever from declaring war on anyone or anything? Democrats and Greens, take heed. — Richard Kostelanetz

Elián's revenge — I am bracing for the Democrats' election-year vilification of me and my fellow residents of West Palm Beach. Accusations that we are responsible for Bush's theft of the presidency from Al Gore began at the convention, and I am sure they will crescendo by election day. Though for me voting has never fulfilled any meaningful purpose, I feel compelled to defend my voting neighbors.

South Florida has an immigrant's soul. Fifty-nine percent of the residents of Miami were born outside this country. City council meetings are held in Spanish. I have five stations on my radio that broadcast in Creole, the lingua franca of Haiti. As the local saying goes: we love living in south Florida because it is so close to the United States. Even we native-born gringos catch the immigrant fever — and it's good. Shortly before the 2000 election, our passionate immigrant hearts were beating in sync with an 8-year-old boy whose mother died in pursuit of *libertad*. To return Elián to oppression was beyond comprehension. Janet Reno, the hero of Waco and Ruby Ridge, chose to deal with that delicate moment of passion with a SWAT team. To many Floridians, the face of the Clinton administration wore a riot mask and looked down the barrel of an assault weapon at a frightened little boy. That image may have faded, but it hasn't died. I'll bet if you tried right now, you could conjure up the image of that famous photograph. In November of 2000, that image was fresh.

While the rest of the country carried on an intellectual and philosophical debate over the disposition of Elián, south Florida got pissed. I observed a number of the "Keep Elián in

America" demonstrations. They occupied every shopping center parking lot. True, they were instigated by Cuban-Americans who already had Republican leanings, but the crowds were not exclusively Cuban. They were Guatemalan, Salvadoran, Mexican, and even Haitian. In Miami they were Venezuelan, Brazilian, and Chilean. Many if not most of the demonstrators were from ethnic groups with traditional leanings toward the Democratic Party. Elián struck a chord with all, and immigrants vote with their hearts.

And so I request a favor. The next time you hear a Democrat complaining about the handful of questionable votes delivered to George W. Bush by Palm Beach County voters' dimpled, hanging, or pregnant chads, remind him of the truckload of votes delivered by Janet Reno and her boss.

— Dan Kiely

Red team, brown team — We grow up playing cops and robbers, cowboys and Indians, good guys and bad guys. Perhaps these childhood games imprint us with the notion that the belligerents in every battle are polar opposites. Maybe that explains why the Left equates the right wing of American politics with Nazis. The Nazis fought the Communists in the Second World War, so Nazi must be the antonym of Communist. Since the American Right fought so hard against Communism during the Cold War, they must be Nazis also. (It is a little strange that the side of the aisle that refuses to be judgmental also chooses to paint politics with such bold colors.)

The charge of Nazi is a popular one on the Left, used frequently today as a pejorative for anyone opposed to their policies and politics. The truth is that Communists and Nazis have far more in common with each other than either has with libertarians. The main difference between Communists and Nazis is that nobody is sympathetic to the Nazis. Nobody would ever embarrass themselves by saying that the intentions of National Socialism were noble, that the idea was just corrupted by the people in charge, and that it would work if it were ever honestly attempted. Leftists say things like that about Communism all the time.

— Tim Slagle

Soapboxes and grandstands — If you have a position with power, you can use that as a lever to make familiar opinions heard; if you lack that advantage, you must say something unfamiliar, if not radical, if you expect to be heard or read at all. Similarly, reporters eagerly quote a baseball player with a high batting average or a low earned run average, while less successful athletes are rarely quoted, no matter how smart or perceptive they are.

— Richard Kostelanetz

Thinking tanked — Lewis Lapham, editor of Harper's, is one of the nation's finest essayists. His writing on politics and culture is nearly always thought-provoking, so when the September Harper's arrived with "Tentacles of Rage: The Republican Propaganda Mill, A Brief History," by Lewis H. Lapham, emblazoned on its cover, I sat down expecting a good read.

And a good read it was. Lapham began by noting that a half century ago, political opinion in the United States was virtually universally "liberal." As evidence, Lapham cited a brief quotation from polemicist John Kenneth Galbraith (1964) and an observation of critic Lionel Trilling (1950). In 1964, Americans gave 61% of their votes to Lyndon Johnson, who called for a huge increase in state power, against "reactionary" Barry Goldwater, who had the effrontery to call for "actually reducing the size" of government. Ah, the good old days!

But things have changed: now, he notes, only "one in five Americans [is] willing to accept identity as a liberal, [while] one in three prefer[s] the term 'conservative'." (His sneer quotes around "conservative," not mine.) He also cites as evidence of this change the facts that Americans have "accepted" a lower level of government spending than the citizens of any Western European democracy, that government doesn't provide "full funded health care" and tolerates a situation where 40 million people earn only $10 an hour or less, that "no politician is permitted to stand for public office without first professing an ardent faith in God," and a few other characteristics that Lapham presumably believes are "conservative."

Of course, his observations about contemporary America would be relevant only if he provided evidence that in the halcyon days of the '50s and '60s, government spending was lower, wages were smaller, and non-professing candidates were better tolerated. He makes no attempt to establish that any of these conditions has changed, probably for the very good reason that the changes in these categories were all in the other direction. Americans seem more tolerant of the irreligious these days: a half century ago, divorced men were pretty much considered morally unfit for office, government spending was 80% less per capita than it is today, and medicine was almost entirely in private hands.

The only change for which Lapham offers any evidence is the change in self-labeling, and even here his evidence is weak: his vague citation of contemporary opinion surveys is sensible enough, I suppose, but quoting two smug left-liberals about how totally dominant their political views were a half century ago is a bit more slippery.

The great change of labels was effected, he argues, by a conspiracy of wealthy Americans who, starting in the mid-1970s, bankrolled several conservative think tanks, which have been extraordinarily effective in changing public opinion — much more effective, he admits, than the much wealthier left-liberal institutions.

Here, it turns out, he has undermined what little argument for ideological sea change he has mustered. If the change began in the mid-'70s, as he claims, the self-identification of Americans today should be different from self-identification in the '70s — and Trilling's 1950 testimony and Galbraith's 1964 testimony that America was a 100% pure liberal nirvana are irrelevant.

By karmic coincidence, the same day my mailman delivered the September Harper's with Lapham's essay, he also delivered the September issue of The American Enterprise, whose regular feature "Opinion Pulse" provided data on how Americans have located themselves on the political spectrum during the past four decades, citing polls by Harris Interactive:

Decade	Conservative	Moderate	Liberal
1970s	32%	40%	18%
1980s	36%	40%	18%
1990s	38%	41%	18%
2000s	34%	40%	18%

This is a picture of stability, not a sea change effected by anyone, including wealthy conservative think tanks. Liberals haven't declined a whit during the 30 years since the think tanks started up. Conservatives have increased by a whopping 6%, while moderates remain unchanged.

Obviously, Harper's needs a logic-checker on its editorial staff.

It also could use a fact-checker. Elsewhere in the essay, Lapham identifies Barry Goldwater's "The Conscience of a Conservative" as "Goldwater's autobiography." Goldwater's best-selling book was not remotely an autobiography; it was a conservative manifesto, no more and no less.

Such intellectual sloppiness, however, should not discourage anyone from reading Lapham's essay. Not only does it reveal the vulnerability of a major cultural critic to idiotic conspiracy theory and a myopic inability to distinguish between conservative and libertarian institutions (he puts the Cato Institute and the Reason Foundation on the same list of conservative "think tanks" as the Heritage Foundation, the Hoover Institution, and the Institute for Foreign Policy Analysis), it also discloses the systematic attempts by neo-conservative Irving Kristol to lure Lapham into the neoconservative trap. All in all, it's a fascinating piece.

— R. W. Bradford

"It's a nice story, Mr. Landry, but why do you always write in the passive voice?"

"I guess because I've been a taxpayer all my life."

Decapitating the hydra — One interesting aspect of the Orange Alert issued in late July — if the authorities are to be believed — is that jihadist terrorists still seem focused on what Homeland Security Secretary Tom Ridge called "iconic economic targets." This suggests a fundamental misunderstanding of the American economy and market economies in general, a misunderstanding shared by many Americans.

We may never know if Osama bin Laden expected the American economy to collapse or to be irreparably damaged by the attacks on the World Trade Center. But there is little doubt that he and others have an essentially hierarchical understanding of the U.S. economy, a vague belief that it depends on orders from a few oligarchs at the top to function.

Fortunately, a market economy — which the United States still has, despite its subversion by government intervention — works from the bottom up, rather than from the top down, and its hallmark is decentralization. Economic coordination results from millions of decisions and transactions undertaken voluntarily rather than from orders from the top.

The 9/11 attacks, which damaged but hardly destroyed the economy, demonstrated that such a decentralized structure is more resilient than a top-down hierarchy. This implies that one defense against terrorism is further decentralizing authority structures rather than gathering more power at the center.

— Alan W. Bock

The goat and Mr. Bush — There is little I could add to the critiques and counter-critiques of the content of Michael Moore's great documentary "Fahrenheit 9/11", but about its style, I have a few thoughts not commonly heard.

The editing is wildly uneven. Many parts (especially those drawn from television footage) reflect the hyper-zippy editorial style of MTV, sometimes effectively, as with the footage of former President George H.W. Bush consorting with Saudis, but often ineffectively. Many other parts in "Fahrenheit 9/11" go on too long, especially when Moore appears on screen.

Most visual artists want to produce an afterimage that sticks in the viewers' minds long after they have seen a work; I have more than once suggested that a film or television documentary lacking an afterimage remains just illustrated journalism. In my mind, the principal afterimage of "Fahrenheit 9/11" is the president's paralyzed indecision at an elementary school photo-op after being informed that a plane had struck the World Trade Center. Though Moore, in his editorial impatience, did not use all seven minutes report-

edly taken in the Florida elementary school photo-opportunity the morning of Sept. 11, 2001, his film contains more of Dubya's pathetic reaction than we've seen before, along with Moore's devastating portentous narration. This sequence, in the past often conveniently abridged to suit the restrictive rhythm of TV news, is now frequently shown again in television reviews of or reportage about the film. The irony is that the limitations of American television news reporting gave Moore the opportunity to use fully available footage that, given the newsworthiness of his film, can now be shown more completely on American television. It is this afterimage, more than any other in "Fahrenheit 9/11," that will undermine Dubya's pretensions to remain president (and thus realize Moore's ambition, often sidetracked in the film, to unseat the incumbent).

In fairness to Bush, I don't assume that another president necessarily would have acted more decisively against such an unprecedented attack. Many filmmakers would have given millions of dollars to have footage of FDR's face immediately upon hearing of the Japanese attack on Pearl Harbor. It was Bush's misfortune to have a photo-op camera turned on his face at a paralyzing time.

It is noteworthy that neither of the two major sponsors of mediocre American documentaries contributed to this film — neither the National Endowment for the Humanities nor Public Television — though I'm sure the latter would be happy to show it (after it tours movie houses, of course). Indeed, since "Fahrenheit 9/11" has made millions for those producing and distributing it, one beneficial result is likely to be more movie-house documentaries similarly tough on their subjects.

The historic film that "Fahrenheit 9/11" most resembles in its focused political purposefulness is "Triumph of the Will", Leni Riefenstahl's appreciation of a Nazi political rally. Whereas the principal afterimage of the former is Dubya's weakness, the strongest memory of "Triumph" comes from its portrayal of the awesome strength of Hitler's speaking. — Richard Kostelanetz

Blinded by the Faith — Disembarking from his campaign train in Pittsburgh on the first morning after receiving his party's nomination in 2000, George W. Bush began with a small greeting that set the tone for his presidency. "Hello people of faith!" he began, addressing the crowd with an inappropriate linkage between government and religion and already wedging out those who didn't consider themselves "people of faith." In less than a minute, Bush had rolled up and discarded Reagan's Big Tent.

The theocratic wing of the Republican Party came out again during Bush's campaign stop in Pittsburgh this summer. The crowd saved its most enthusiastic applause for politicians of faith like Congressman Tim Murphy (R-Pa.) and Sen. Rick Santorum (R-Pa.). Murphy declared, "We cannot be one America until we are one America under God!" Santorum, labeled "Senator

News You May Have Missed

In Wisconsin, Vegans Scarce, Cheegans Common

OSHKOSH, Wis. — In the last few years there has been a surge across the country in the number of people identifying themselves as vegans, people who eat no animal products whatsoever, just vegetables, fruits, grains, and nuts. Gwyneth Paltrow and other Hollywood stars are said to be vegans, and Congressman Dennis Kucinich declared himself one early in his campaign for the Democratic presidential nomination, sewing up the nut constituency. In some parts of the country, vegans are so numerous that you can easily find vegan entrees on restaurant menus, vegan muffins and cookies in bakeries, and vegans being cheerfully served (rare, medium, or well-done) in steakhouses.

But here in Wisconsin, it can be hard to find a single vegan, let alone a menu accommodating vegans, while cheegans (people who eat only cheese, or objects covered with cheese) are everywhere. In towns like this small industrial city on the western shore of Lake Winnebago, about 90 miles north of Milwaukee, you will find cheese on almost everything you can eat, as well as many things you can't eat. Every conceivable restaurant order is an inadvertent order for cheese. Pancakes, oatmeal, salads, BLTs, lamb chops, clams, pâté de foie gras, red wine, hot fudge sundaes, after-dinner mints, aspirin, the check: all seem to come with cheese in or on them somewhere.

Visitors from other states are said to sometimes go into shock when they innocently stop by one of the many stridently advertised roadside food and gift emporiums in the state and contemplate, for the first time in their lives, pecan maple cheese logs, enormous, leaden objects consisting of a densely compacted compound of cheese and nuts and artificial maple syrup, often chocolate-covered, that, if ingested, can cause the unwary traveler to gain 37 pounds overnight. Conversely, Wisconsin cheegans who leave the state are sometimes at a loss when they find they are unable to buy cheese-flavored chewing gum and cheese-based cough syrup in other states. Authorities here, under pressure from dairy interests, are still refusing to say whether state investigators have determined if it is a common practice in Wisconsin to repair plumbing fixtures and flat tires with some of the more resilient varieties of Wisconsin cheese or whether it was just a few well-publicized cases.

Thanks to nationally televised NFL football games, viewers around the country are familiar with the sight of cheeseheads, the Green Bay Packer fans who wear bizarre hats in the form of wedges of cheese. What is not so well-known is that the devotion goes much deeper than wearing clothes resembling cheese or even made of cheese. Many Wisconsin cheegans are believed to have turned what began as a strict dietary commitment into a religious cult that aims at nothing less than the conversion of the entire country to total cheese immersion. Wiretap transcripts of sermons by ministers and conversations between church members believed to be devout cheegans, for instance, refer to a revered godlike figure known only as Cheeses Christ. At what is known as Holy Communion in these cheegan-dominated churches, worshippers are given a choice of cheddar, muenster, cottage, Swiss, camembert, and aerosol-spray cheese on their communion wafers. Experts on the new religion have determined that Swiss is considered the holiest cheese.

— Eric Kenning

Sanctimony" by the Pittsburgh Post-Gazette, characterized Democrats who favor stem cell research as wanting to "create children so they can experiment on them and kill them!"

Santorum worked the crowd into the most vigorous cheering of the day by delivering a faith-based litany of grievances against John Kerry and the Democrats at the "Hollywood production in Boston." He railed repeatedly, "Is that moral? Is that mainstream?" Sen. Arlen Specter (R-Pa.), a pro-choice political moderate, was rudely and repeatedly booed by his fellow Republicans.

From the start, many Republicans have reacted to John Kerry not simply as a rightful opponent in a two-party system, but with fury and their long knives out, as if he were some satanic interloper coming to wreck the plans of God's chosen people.

With Karl Rove hovering behind the bleachers, the president followed Santorum onstage, saying that "the most important thing" about a win for him in November is that we'd get four more years of Laura as First Lady — meaning, of course, that we wouldn't get You Know Who, Teresa, the loose cannon who Pat Buchanan warned needs to be watched. "An argument between two guys is understandable, but this woman needs to be watched," said Buchanan. "You know she has this huge fortune and she's uppity and Americans need to keep an eye on her."

If we're not careful, God knows, Teresa Heinz Kerry might do something crazy like insult the French or tell Europe to shove it. She's so crazy she might start a war against the wrong country. She might send tanks into Baghdad. If he weren't such a freedom lover, I'd think Buchanan wanted American women all to be Stepford wives, barefoot and permanently pregnant. I suspect Patrick Buchanan would put Teresa Heinz Kerry under a burqa if he could.

Meanwhile, the big news on the day President Bush came to Pittsburgh was a report that "the equivalent of 390 jumbo jets full of people are dying each year due to likely preventable, in-hospital medical errors, making this one of the leading killers in the U.S," according to Samantha Collier, vice president of medical affairs at HealthGrades, which conducted the study.

HealthGrades found that American hospitals accidentally killed 195,000 people each year from 2000 through 2002. Their study was based on research from 37 million patient records. "If the Centers for Disease Control's annual list of leading causes of death included medical errors, it would show up as number six, ahead of diabetes, pneumonia, Alzheimer's disease and renal disease," reported Collier. "Hospitals need to act on this, and consumers need to arm themselves with enough information to make quality-oriented health care choices when selecting a hospital."

"Instead of nagging you, Randy, I've started writing a syndicated column."

The Institute of Medicine found in a study in 1999 that medical accidents in hospitals killed nearly 100,000 Americans annually, often through errors in prescribing or delivering medications. The government said it is trying to spearhead a move to get hospitals and clinics to use electronic databases and prescribing methods.

However, despite the high accidental death and injury rate, the Bush administration has argued in several recent court cases that individual consumers have no right to sue for injuries allegedly caused by defective drugs or medical devices if the products have been approved by the FDA. "In a recent ruling," explains an editorial in The New York Times, "a federal appeals panel in Philadelphia, after seeking the administration's views, threw out a lawsuit filed by the widow of a man whose heart pump failed."

The Bush administration is, as usual, solidly on the side of corporations that have helped finance his campaign — in this case the pharmaceutical industry and HMOs — rather than on the side of patients. Bush opposed the Patient's Bill of Rights, which gave patients the right to sue the HMOs that made the decisions mismanaging their hospital care. Now he has hijacked the legitimate tort reform movement by attempting to blur distinctions between serious lawsuits and frivolous ones. In Pittsburgh, the faithful crowd cheered when the president advocated eliminating their own right to legal recourse if injured by defective drugs or medical equipment.

Bush told the Pittsburgh audience, "I don't think you can be pro-doc, pro-patient and pro-trial lawyer at the same time. I think you have to make a choice." He may have bragged in the past that he doesn't "do nuance," but only a simpleton or a cynic could advocate choosing sides between doctors, patients, and trial lawyers as a reasonable solution to America's mistake-ridden, top-heavy health care system, where few things are frivolous, and almost anything can turn deadly serious. Doctors, nurses, patients, and trial lawyers all must play vital roles to balance it. While the faith-based GOP obsesses about threats to stem cells, the equivalent of 390 jumbo jets packed with fully developed people are dying from medical mistakes every year. People of reason don't think it's moral or mainstream to disarm helpless hospital patients, and grant total control to a corporate health care system that has killed far more Americans than al Qaeda.

— Sarah J. McCarthy

Mandatory minimum sense — A case decided with little fanfare by the U.S. Supreme Court toward the end of its term is creating a good deal of confusion in the lower courts. It is likely to create more confusion before its consequences play out, but it could lead to better sentencing practices in federal and state courts — or to worse ones.

In *Blakely* v. *Washington*, a Washington state judge had enhanced the sentence of a convicted kidnapper based on the

Word Watch

by Stephen Cox

Everyone who admires reputable choices of words has at least a sneaking admiration for the skill shown in crooked choices, in language employed to delude or confuse. One of the funniest moments in "Citizen Kane" is the shot of the headline prepared for Kane's newspaper when he loses the election for governor. "FRAUD AT POLLS," it says.

As a connoisseur of verbal imposture, I relished Monica Lewinsky's outraged response to President Clinton's autobiography. His book calls their affair an "inappropriate encounter." She suggests that it was, instead, a "mutual relationship." I understand the way she feels, despite the fact that "mutual" makes an awkward redundancy with "relationship." But while she's amusing us by twisting her office sex breaks into the pretzel-like babble of "relationship" and "mutuality," I wish she'd be fair to the expert twisting that went into her former inamorato's phrasing. He might have chosen a hundred expressions less favorable than "inappropriate encounter," and you know what they are.

Some people have a knack for this kind of verbal technology. Think of the person, whoever it was, who decided to call welfare pensions "Social Security." Or that partisan of the French Revolution who named its supreme group of cutthroats the "Committee of Public Safety." Of course, literary talent is not confined to politicians. Witness "adult exercise programs" (fat camps), "custodians" (janitors), and "correctional officers" (prison guards). Nor is such renaming always euphemistic. It can go the other way. There is in Washington a gang of guys whose job is to contact the media to try to put the administration's spin on the news. Al Gore (as mentioned in the last "Word Watch") calls these people "digital brownshirts."

But the most talented twisters of words — and Gore, notoriously, is not the best guy in the word department — refuse to stop with a single phrase. They go for the slope effect. They want to get just one of your feet, just one of your toes, on some slippery slope of syllables, some slope so smooth that when you get to the bottom you won't even realize that you've fallen on your intellectual ass.

Sigmund Freud was a master at this. On page 16 of "Civilization and Its Discontents," he modestly suggests that he is "inclined" to think that "somehow" all experience is preserved in memory. By page 20, he's so sure about it that he is barely willing to consider it "possible" that certain memories may be lost. Without adducing a scintilla of evidence, he blandly refers to "the fact" that "it is rather the rule than the exception for the past to be preserved in mental life." Then, before you realize what he's doing, he's erected a whole philosophy on the groundless assumption that anything that happens to anyone remains inscribed in the subconscious mind — and a good thing, too, because otherwise his professional followers couldn't charge people $200 an hour to exhume their subconscious recollections. The moral is this: just keep your terms shifting silently, and you can "argue" for anything you want.

Freud took several pages to construct his verbal ski slope. News editors have more limited means to work with. Their slopes have to be short and steep. But if you do something fast enough, it may not be noticed. In merchandising, there is a trick known as "bait and switch" — advertise X, and once you've got the customers in the door, fob 'em off with Y. They may feel just as good as if they'd actually walked out with X. Whoever conveys the news at Yahoo is pretty good at the bait and switch technique.

Here's a typical headline (June 25): "Women: Wal-Mart execs knew of sex bias." Now, what impression does that convey? That all women, or at least all women who ever came in contact with Wal-Mart, testify incontrovertibly that the company knowingly practices discrimination. But if you click on the headline and go to the news article itself, you will not find the mass of "women" that the headline seems to mention. You will find that certain lawyers who are suing Wal-Mart "will try to show" various things, including the alleged fact that "some current and former employees say they complained about pay disparities or sexism to the corporate office but got little or no response." This is a long way from the women of Wal-Mart rising as one to testify that their bosses knew all about "sex bias," and laughed contemptuously. But the impression has already been created.

Here's one from the preceding day. It's an AFP story carried by Yahoo. The headline is: "US experts say global warming faster than thought." Pretty definite, eh? You may not think so if you're the rare person who reads farther, and the rarer person who notices what's being said. That person will be surprised by the following revelation of who the "US experts" really are, or is: "The computer at the National Center for Atmospheric Research projects that temperatures could rise by 2.6 degrees Celsius (4.7 degrees Fahrenheit) if countries continue to emit large amounts of carbon dioxide. The previous estimates were a rise of about two degrees Celsius (3.6 degrees Fahrenheit)."

Some people have a knack for this, like that partisan of the French Revolution who named its supreme group of cutthroats the "Committee of Public Safety."

Oh, I see. It's not the Legion of American Experts, united like the army of the Holy Ghost; it's a machine that somebody programmed, somebody who seems to have a very good press agent. And the globe isn't "warming faster than thought" (and who was it who thought that, exactly?); "temperatures *could* rise . . . if countries continue to emit . . . " But that's in doubt, too. The last lines of the article quote an actual scientist who finally states the obvious: "The key question is: How much of the change is a natural variability and how much of the change is caused by activities of mankind on the face of the planet." He just threw in those last six words for the hell of it; that's how scientists are. But every little bit helps to bury the truth that the impression created by the headline lacks a basis in fact.

Words to the wise, or at least to the canny: if you have nonsense to peddle, follow the example of Clinton and Gore and Freud and Yahoo and the cronies of Charles Foster Kane. Your readers will probably never know what hit them. — Stephen Cox

judge's finding that he had acted with "deliberate cruelty" by holding his wife at knifepoint and forcing her into a small box in his pickup. The high court ruled that since the jury had not heard this evidence but had decided based on those facts before them, the sentence enhancement was not justified.

The case challenges practices in place since 1984, when Congress created a new sentencing system and many states adopted similar guidelines.

Erik Luna, a professor at the University of Utah College of Law, told me that four different federal judges in Utah had come up with four different interpretations of what the *Blakely* decision purposes to do. But he hopes the federal sentencing guidelines, which he believes to be the heart of the problem, will eventually be replaced.

"The sentences are promulgated not by Congress but by a bureaucratic entity, the U.S. Sentencing Commission. And they rest on the notion that people thousands of miles away who have not seen a defendant or heard the facts know more about an appropriate sentence than the judge who has heard all the facts and looked him in the face."

The sentencing guidelines are not true guidelines, Luna contends, but formulas so strict that judges are tempted to go outside them. That's what happened in the *Blakely* case.

The Supreme Court was correct to throw out that sentence, however. The jury convicted Blakely for one crime. By enhancing the sentence based on facts the jury hadn't heard, the judge was in effect convicting him for an additional

News You May Have Missed

Fundamentalists Claim Nobody Invited Devil

GURGIK, Ashkanistan — Delegates at the first annual World Fundamentalist Congress, which has drawn religious zealots and extremists of many faiths to this windswept, gravel-rich former Soviet republic, vowed "to set aside differences of doctrine and creed and, in an ecumenical spirit of unity and concord, to summon the healing power of murderous rage as a solution to the profound problems the world faces in this critical time." But they received what was clearly a nasty shock when a big-screen video hook-up that was supposed to convey warm greetings from the Rev. Pat Robertson and Osama bin Laden, both of whom were unable to attend, apparently malfunctioned and instead conveyed a short speech of gratitude by the Devil.

As the assembly sat in stunned silence, Satan, as he is also known, thanked fundamentalists everywhere for "doing my job better than I could have done it myself, and as you know, I usually hate to delegate responsibility." Lucifer continued, "Thanks to the growing influence of fundamentalists on world events, millions of suffering human souls throughout the world have been lifted up out of their everyday cares and woes in order to be thrown headlong into a bottomless abyss of hatred, fear, guilt, and hellbent scripture-based suicidal religious insanity."

Old Nick concluded his remarks by quoting scripture, as he has long had a reputation for skillfully doing; in this case, a little-known passage from an obscure Old Testament text, which seemed to suggest that there is a sound scriptural basis for doing stupid things based on scripture: "And the Lord looked down upon His servants, and He saw their iniquities and abominations that they did in His name and according to His word and the word of His prophets, for the word of the Lord is dark, and subject to interpretation, and the Lord in His wisdom did sometimes wonder if maybe He should never have gone into the sacred book business in the first place. But when He heard the voices of His servants raised not in humble supplication and repentance, but in accusation and incitement, His wrath was kindled against them, that he might smite them, if they were not quite so busy smiting each other, and behold, the earth did tremble, and the firmament shook, and the Lord spake in a loud voice, saying: It's getting hard to find decent help these days." (Oprah 6:25–29)

The apparent mix-up in the video feed didn't stop the delegates from attending to other business. They quickly passed a resolution commending American Evangelical Protestant fundamentalists for having called upon the Bush administration, with which they have considerable clout, to implement a "balanced" Middle East policy, one that would weigh the urgent need for a Battle of Armageddon that would kill pretty much everybody on the planet with the equally compelling need to bring about, as quickly as possible, a plague of giant locusts, the transformation of the world's aquatic resources into blood, and the appointment of a beast with seven heads to be either dictator of the world or the new commissioner of Major League Baseball (the Book of Revelation is considered unclear on this point).

The fundamentalist gathering also passed a resolution praising the decision of Jewish fundamentalist settlers on the West Bank to continue to expand their settlements eastward toward Xinjiang province in China, a predominantly Muslim area that they believe was promised to them in the part of the Hebrew scriptures in which God appears to Moses not in the guise of a burning bush, as the passage is usually interpreted, but as a smoke-blowing real estate agent.

Finally, the delegates unanimously acclaimed Muslim fundamentalists for "showing that the most reliable and certain path to the state of absolute, undefiled spiritual purity that all fundamentalists seek lies not in rigid dogmatism, superstitious credulity, sadistic authoritarianism, and twisted sexual puritanism but in blowing everybody, including ourselves, to smithereens." The conference concluded ahead of schedule on only its second day after minor disagreements arose concerning the wording of several resolutions. Local police called to the scene determined that the situation had been quickly and harmoniously resolved because everybody was dead.

— Eric Kenning

crime.

If the sentencing guidelines were true guidelines, Luna said, the judge would have had the flexibility to serve what he saw as justice based on all the facts.

The high court, cognizant of the confusion the *Blakely* case has caused, has taken two cases for the first day of its next session in October, to clarify how the *Blakely* rules apply and to what extent they can be used retroactively. Given *Blakely* and an earlier decision, *Apprendi* v. *New Jersey* in 2000, Luna doesn't see how the court can avoid applying the principles to federal sentencing rules.

If that happens, Congress could dump the 20-year-old sentencing system and give judges more flexibility. It is possible, of course, that Congress could simply impose more mandatory minimum sentences — an approach that has filled prisons but done little to reduce illicit drug use — which would be disastrous.

"Congress will have to fix it" is often a prelude to disaster. Let's hope — perhaps vainly — they get it right this time.

— Alan W. Bock

Certified public clowns — Alan Keyes has become the Al Sharpton of the right — a voluble clown who's attractive as long as he's talking, and similarly eager to be conned into running his big body through an obstacle course, even if he is unlikely to be elected to any position of greater responsibility than dogcatcher. Approximately equal in age, one was trained in the African-American church, the other was educated at Harvard, both first-rank clown schools. I wonder whether somewhere down the road, perhaps on Earth, perhaps elsewhere, they will do an act together, hand in hand, and it will be hilariously successful.

— Richard Kostelanetz

Nine simple things to do before breakfast — Roll Call, the newspaper of Capitol Hill, reports that various Democratic members of Congress want John Kerry, if and when elected, to start a more expansive prescription drug plan than President Bush's, spend more on education, spend more on funding for minority health care, spend more on environmental protection, restore relations with Europe, liberalize immigration laws, roll back tax cuts for "the rich," fix Iraq — and balance the budget quickly. How about squaring the circle and turning lead into gold?

— Alan W. Bock

Reporting for duty, sort of — R.W. Bradford asks in a recent article why the Democratic Party has "nominated a man who supports the war even more enthusiastically than George Bush does." I don't think it has. Judging by John Kerry's lifetime record, he is less likely than Bush to start a war, at least a medium-sized war like the Iraq venture. But much of Kerry's recent rhetoric is as Bradford says. Listening to the esteemed senator, you'd think that the most important things about him were his Bronze Star, his Silver Star, his Purple Hearts and his eagerness to be "reporting for duty."

What is Kerry saying here? He is telling the American people he is not, in JibJab's memorable words, a "liberal wiener." How does one say that? That other Taxachusetts Democrat, Michael Dukakis, tried to say it by posing for pictures in a tank, and people laughed at him. Kerry has to be careful how he says it. He is trying to say it by declaring that he might, under some circumstances, go to war without asking permission of France or Germany.

Kerry is trying to appeal to the voter who is not in his base by making himself look more nationalistic than he is. His supporters understand. They want their power back (which was Bradford's main point).

In arguing that Kerry is not really more pro-war than Bush, I am not arguing that he is antiwar in any principled way. He's an internationalist, probably not a lot different from Bill Clinton, the master of small wars and discretionary bombing. Clearly Kerry is a believer in the presidential war power, which is how he justifies his October 2002 vote for the Iraq war resolution. That resolution did not declare a war, but gave the president the authority to start one when he wanted. Kerry covets the same power, but promises a more thoughtful use of it. After the past two years, even that begins to look good.

— Bruce Ramsey

Butcher than thou — Feminist author Barbara Ehrenreich, at a rally during the Democratic convention, said, "I feel so exasperated that they [Kerry and Edwards] can't figure out anything except to try to act butcher than [George W. Bush] when it comes to our international crises." She thinks the key to defeating terrorism is exporting feminism. No, not feminists, but feminism.

— Alan W. Bock

The liberation of Poletown — The Michigan Supreme Court, in a significant victory for property rights, has reversed *Poletown*, a landmark eminent domain decision that allowed a massive government taking of property to make way for a General Motors assembly plant in Detroit during the 1981–82 recession. The case (discussed in my article in the November 2003 Liberty) led to the government condemnation and destruction of 1,400 homes, 144 businesses, and 16 churches in the Poletown neighborhood on Detroit's Lower East Side. The victims of this aggression were Poletown's poor and elderly residents. The reversal is a defeat for all governments that have relied on *Poletown* to justify their own taking of property from the weak to benefit politically connected corporations, developers, and other commercial interests.

Poletown, originally decided by the Court in 1981, was struck down in another eminent domain case brought by Wayne County, Mich., against private property owners. The county sought to use eminent domain to condemn the prop-

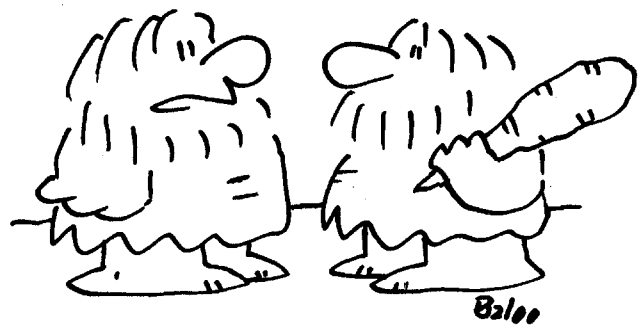

"Being a vegetarian isn't a matter of principle with me — I just prefer biting things that don't bite back."

erty so it could build a development for commercial interests. The Court, in a unanimous (7–0) ruling, found:

"To justify the exercise of eminent domain solely on the basis of the fact that the use of that property by a private entity seeking its own profit might contribute to the economy's health is to render impotent our constitutional limitations on the government's power of eminent domain. *Poletown's* 'economic benefit' rationale would validate practically any exercise of the power of eminent domain on behalf of a private entity. After all, if one's ownership of private property is forever subject to the government's determination that another private party would put one's land to better use, then the ownership of real property is perpetually threatened by the expansion plans of any large discount retailer, 'megastore,' or the like."

The Court noted:

"Because *Poletown's* conception of a public use — that of 'alleviating unemployment and revitalizing the economic base of the community' — has no support in the Court's eminent domain jurisprudence before the Constitution's ratification, its interpretation of 'public use' . . . cannot reflect the common understanding of that phrase. . . . Consequently, the *Poletown* analysis provides no legitimate support for the condemnation proposed in this case and, for the reasons stated above, is overruled."

Thus, the Court sided with property owners fighting government action in 2004 by overturning a decision it made nearly a quarter century ago:

"Because *Poletown* itself was such a radical departure from fundamental constitutional principles and over a century of this Court's eminent domain jurisprudence leading up to the 1963 Constitution, we must overrule *Poletown* in order to vindicate our Constitution, protect the people's property rights, and preserve the legitimacy of the judicial branch as the expositor — not creator — of fundamental law."

The Court also applied its ruling to other eminent domain cases:

"Our decision to overrule *Poletown* should have retroactive effect, applying to all pending cases in which a challenge to *Poletown* has been raised and preserved."

This is a sweeping victory for property rights, with implications for property owners in Michigan and other states fighting government seizure of their property. Governments across the United States have cited *Poletown* to justify their own takings of private property. They will no longer be able to rely on *Poletown* now that Michigan's highest Court has reversed its original decision. — Greg Kaza

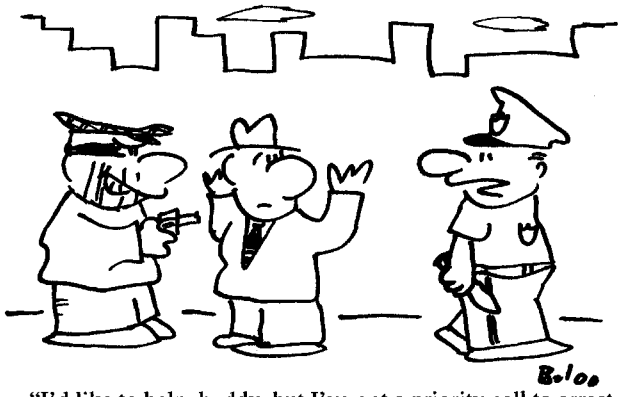

"I'd like to help, buddy, but I've got a priority call to arrest a guy for violating a 'No Smoking' ordinance."

Slo-mo pullout — President Bush announced that he plans to reduce the number of troops in Europe and Asia by 60,000 to 70,000 over the next decade. If this suggests a serious reconsideration of the policy of keeping U.S. troops in places where they are not only unnecessary but also increasingly resented, or the first step toward a program of more comprehensive disengagement, it is welcome news. But the devil is in the details, and the president didn't provide many details.

I talked with Ted Carpenter, vice president for defense and foreign policy studies at the Cato Institute. He said the president "deserves the gratitude of the American people for deciding to withdraw 70,000 troops from Europe and East Asia," and explained that from a defense standpoint these commitments make little sense. He told me, however, that he is concerned about the ten-year timetable. "A lot of good intentions can disappear over that period," he said.

Chalmers Johnson, University of California political science professor emeritus and author of "The Sorrows of Empire," was more skeptical. "Are they planning to bring those troops home or transfer them to Poland, Romania, Bulgaria, Uzbekistan, Kazakhstan — or Iraq?" he asked. "If that's the plan it will meet resistance within the military and do little or nothing to reduce our exposure overseas."

Johnson also suggested the move may be retaliation against Germany and South Korea, which have not been especially supportive of U.S. policy in Iraq, or an effort to move U.S. troops from places where they have become more an irritant than an asset. He noted that recently a U.S. helicopter crashed on a college campus on Okinawa, setting off a new round of protests against U.S. bases.

Whether the move represents serious rethinking of U.S. military policy or not — Defense Secretary Donald Rumsfeld has talked seriously for some time about realigning U.S. forces and making the military leaner and more agile, but not about reducing overseas commitments — this move is overdue. South Korea and Germany are quite capable of handling whatever threats they face.

However, as Shakespeare once put it, "If 'twere done, 'twere well if 'twere done quickly." There's no reason to take ten years to do what should have been done ten years ago.

— Alan W. Bock

False prophet — Watching former President Clinton warmly endorse the Kerry-Edwards ticket on the first night of the Democratic convention reminded me that a few months back, nutball conservatives were atwitter over the idea that the Clintons were somehow pulling strings behind the scenes to put themselves back in power via their puppet, Wesley Clark, or possibly put Hillary onto the Democratic ticket. The second theory was pushed by Dick Morris, the toe-licking former Clinton consultant, now a New York Post columnist. How adept a prognosticator is Morris? Let's look at the first paragraph of a column from last December: "Especially now that the capture of Saddam Hussein could turn the Iraq war into a positive for George Bush, Howard Dean may turn to Hillary Rodham Clinton to be his vice-

presidential candidate. And, especially now that Al Gore has un-retired, Hillary might just accept." Hmm. The capture of Saddam boosted the president for a news cycle, Howard Dean imploded in Iowa, and John Edwards is the vice-presidential nominee of the Democratic party.

Morris' predictions quickly foundered on the shoals of reality. In a February column, Morris tackled the subject again. Again, there is no need to look beyond the first paragraph: "The demise of Howard Dean's candidacy opens the door to a Kerry-Clinton ticket in 2004. As long as Dean was favored to get the nomination, Hillary likely wasn't interested in the second slot on the ticket. With the Vermont governor almost certain to go down to a massive defeat, Hillary probably wanted no part in the ensuing carnage. But now that the Democrats have a real chance to win, it makes all kinds of sense to offer her the nomination and for her to accept it."

Morris' predictions seemed to me to be bunk from the get-go. But I am not part of his intended audience of barely coherent wingnuts who think that the Clintons are the focus of evil in the modern world. For them, there is not even a need for Morris to explain why he predicted Hillary would run with Dean in December but said that she would refuse such an opportunity in February or even to acknowledge the glaring inconsistency. He is giving them what they want — fodder for their perverse obsession with the Clintons.

As much as some people hate them, the Clintons are simply politicians who crave power. In this regard, they are no different from John Kerry, George Bush, or Tom DeLay. For some people, however, a Clintonian coup is always right around the corner. Like most readers of Liberty, I never liked Clinton. But I would take Slick Willie over the preppie doofus in cowboy boots currently sitting in the White House.

If his convention speech is any indicator, Bill Clinton sincerely wants Kerry to be elected, even though this would hinder his wife's ambitions. The most memorable line from the former president's speech stands out because he deprecated himself to build up Kerry. "Let me tell you what I know about him. During the Vietnam War, many young men, including the current president, the vice president, and me, could have gone to Vietnam and didn't. John Kerry came from a privileged background. He could have avoided going too, but instead he said: 'Send me.'"

Should Kerry win, Morris will no doubt start predicting that the Clintons are maneuvering to have Bill appointed head of the Federal Reserve and Hillary Chief Justice of the Supreme Court (or perhaps the other way around). The folks occupying the right side of the fever swamps will lap it up. They won't even bother to check what he says today against what he said two or three months ago. — Clark Stooksbury

Let's go all the way — The controversy over the Federal Marriage Amendment has given rise to a discussion dominated by two equally ridiculous claims.

Conservatives argue that marriage is a sacred institution which, if not reserved by constitutional amendment for one man and one woman, will be stripped of its power and meaning, leading to a (more) degenerate society.

Left-liberals have a couple of primary factions, one that supports gay marriage (but not polyamorous or intrafamilial

Lessons from the Iraq War: Reconciling Liberty and Security

Friday, October 22, 2004
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marriage!) and one that sort of agrees with conservatives, but doesn't want to be painted as conservative.

It's time for bold solutions to this moral crisis, and I've got one. Left and Right should come together (so to speak) in support of sex licenses.

Sex licenses would solve most problems that marriage licenses are meant to solve. Marriage is a stable and civilizing influence, giving young people one person from whom it's socially acceptable to get as much nookie as they want. Marriage theoretically promotes monogamy and discourages promiscuity, thus encouraging loyalty to one's spouse. Marriage provides a family for children to be raised in; sex licenses are sort of a supply-side approach to the same problem.

The conservatives and modern liberals having this debate are all authoritarians of one type or another. They think it's the state's business to license marriage, and they're okay with prohibition of prostitution, so they shouldn't be bothered by this sensible expansion of the state's regulation of sex. Unlike laws that discriminate against homosexuals, this one will have no equal-protection problems. Gay, straight, doesn't matter — *nobody* gets laid without the state's say-so!

I envision a photographic identification document, like your driver's license. There would be restrictions ("A" for heart patients who may not use Viagra, "B" for people with chronic venereal disease) and endorsements ("good in bed," "sterilized," "total babe").

Most states let teenagers get a learner's permit a few months before they're eligible to get their "real" driver's license. During this probationary phase, they can drive as long as there is a licensed driver in the car with them. I'm sure there's a role for a learner's sex permit: you can do anything up to second base, but only with a fully licensed individual present.

The vagaries of federalism would give us an exciting array of licenses. California and New York would have colorful, good-looking plastic cards emblazoned with the words "Sex License," while certain states in the Midwest and the South would issue their citizens an understated, easy-to-forge laminated piece of paper called a "Permit for Conjugal Relations." I'll bet the pictures on progressive states' licenses would give a whole new meaning to "head shot."

Sex licenses would encourage young people to practice safer sex. In many states, if a cop pulls you over for speeding and you don't have your seat belt on when he arrives at your car window, he can ticket you. Similarly, a cop who caught you having a quickie in the back seat of a car could tack another costly violation on top of public indecency: "I don't see a helmet on that solider, Jimmy. That's an $80 ticket!"

Sex is a privilege, not a right. We need responsible coitus control. Do it for the children. Just don't do it *with* the children — that'll still be illegal. — Patrick Quealy

A voter's dilemma — I won't vote for president unless, as seems unlikely, a third candidate gets on the Alabama ballot. But I will vote to reelect our third-district Republican congressman. Mike Rogers gets my vote because his office expedited fixing a screw-up on my passport renewal and because I'd rather see Republicans controlling the House of Representatives, especially if Democrats win the White House. Rogers gets my vote even though his ads blatantly appeal to special interests. He trumpets protecting textile workers against "unfair" foreign competition and getting prescription-drug benefits (doubtful, by the way) for us old people.

This inconsistency on my part illustrates one of the many inaccuracies of the democratic process. Voters have no chance to express their opinions on particular issues, one by one. They must choose among packages of policy positions (and candidate characteristics), each package probably including several positions that the individual voter rejects. This and other perversities of the democratic process argue against subjecting more and more aspects of life to government control. — Leland Yeager

Iranian nuance — Iran has overturned the death sentence for an academic dissident guilty of telling Iranians not to follow clerical leaders "like monkeys," sentencing him instead to five years in prison. On the same day Iran announced it will resume building nuclear centrifuges. Maybe its idea of getting into the good graces of the "international community" is to baffle 'em with contradictory moves. — Alan W. Bock

Man's Google for meaning — Edward I. Koch, when he was New York City mayor, would often ask, "How am I doing?" seeking approval from everyone within earshot. For those of us in professions without rankings or positions and, unlike Koch, lacking an immediate audience as well, the question is more problematic and at times haunting. How is anyone's cultural presence measured? Income is not a sure criterion; nor other dubious distinctions such as academic appointments. Western intellectual life is a kind of free market with values and rankings always in flux.

Nonetheless, retaining an interest in the issue, I feasted upon the Internet search engine Google.com, which claims to store well over four billion "web pages," including printed text and websites. Every time a person's name appears in any of these sources, it becomes an entry noticed by Google. For reasons that escape me, entries are often duplicated, if not triplicated, creating for any person a false sum that, however, suffers about as much redundancy as everyone else's sum.

To measure someone who has a unique name, simply type it in the appropriate search space surrounded by quotation marks to ensure that the search engine notices only when the whole name appears together. Otherwise, Joe Clinton's name on a laundry bill would be credited to our former president. Names belonging to two or more people, like "Milton Friedman" or "Philip Johnson," won't work at all. And names that include common words, such as "Robert Street" or "William Summer," generate false positives.

After trying "Hannah Arendt," Google informed me it had found "about 123,000" results, which seems reasonable, given that she wrote several influential works. Here are some other figures:

Noam Chomsky	316,000
John Cage	224,000
Ayn Rand	167,000
Kurt Vonnegut	138,000
Aaron Copland	102,000
Allen Ginsberg	99,400

Susan Sontag	78,300
Joyce Carol Oates	72,100
William F. Buckley	71,400
P.J. O'Rourke	55,100
Saul Bellow	53,900
Thomas Pynchon	48,600
Henry Louis Gates	33,300
Irving Kristol	20,000
Richard Kostelanetz	5,840
Hilton Kramer	5,500
Dwight Macdonald	5,300
Gordon Lish	1,870
Jerome Kinkowitz	913

Bear in mind that misspellings don't count, or are counted elsewhere. I discovered 28 entries under the name "Richard Kostelantz," but Google's programming is so adept at recognizing possible spelling errors that it asked me if I had meant to type "Richard Kostelanetz."

As a measure of cultural presence, most of these numbers seem fairly credible to me. Remembering the problem currently plaguing Friedman and Johnson, I recently advised a young relative named Gordon Craig to add his middle name to all professional work, to ensure that anyone trying to find him under a search engine wouldn't get the historian of Germany or the theorist of theater instead.

One charm of Google-counting is that the sums reflect democratic procedures, the results of a large number of people discriminating independently — to the detriment of disdainful snobs, who believe that only certain recognitions count while others are to be dismissed. You might say that those who think their name insufficiently counted suffer from Google envy.

Is it possible to stuff the Google box, so to speak? The photography critic A.D. Coleman, an Internet pioneer, tells me, "If I were to post a thousand identical new pages at my site, with the page title consisting only of my name, with my name as the keyword, and with the text content consisting exclusively of my name a hundred times over, using slightly varying URLs (adc1.html, adc2.html, etc.), I could considerably up my own count. The downside is that anyone who clicked on such a link during a Google search would find, basically, junk; and anyone who did that several times might well give up looking at or for my substantial online material. Stuffing the system is not smart in the long run." Since statistics don't lie, Google counts reveal, at least for now, truths about cultural presence unavailable before.

— Richard Kostelanetz

The war to start more wars — As with so many famous lines, the phrase "war to end all wars" was apparently never uttered by the man to whom it's attributed, Woodrow Wilson. In "Breaking The Heart of The World" (2001), author John Milton Cooper says the phrase originated with Lloyd George. But in fact, the phrase appears to have originated with H.G. Wells, who used it in his 1918 book "In The Fourth Year: Anticipations of a World Peace," where he writes, "In the latter half of 1914 [a] phrase, 'The War to end War,' got into circulation, amidst much sceptical comment. It was a phrase powerful enough to sway many men, essentially pacifists, towards taking an active part in the war against German imperialism, but it was a phrase whose chief content was its aspiration. While we talked of this 'war to end war,' the diplomatists of the Powers allied against Germany were . . . seeing in the treacherous violence of Germany only the justification for countervailing evil acts. To them it was only another war for 'ascendancy. . . .' In those days, moreover, we said this is the 'war to end war,' and we still did not know clearly how. . . . It is largely the detachment and practical genius of the great English-speaking nation across the Atlantic that has carried the world on beyond and replaced that phrase by the phrase, 'The League of Nations,' a phrase suggesting plainly the organization of a sufficient instrument by which war may be ended for ever." He used the phrase again in his book "The Shape of Things to Come" (1933), but in a 1934 article, Wells acknowledged that the phrase which "got into circulation" in 1914 was actually his own creation. This, however, didn't stop him from using the phrase again as if it weren't artificial, in "The New World Order" (1939).

— Timothy Sandefur

You, robot — Isaac Asimov's message in his 1950 collection of short stories, "I, Robot" — loosely applied in the movie "i, ROBOT," starring Will Smith — remains light years ahead of its time. Viewing oneself and others as machines is, to quote a recent New York Times editorial, "vastly easier and more thrilling than introspection." Indeed, pretending one is a machine, that is, pretending one is not human, reduces existential fear. Machines don't die. They're

not responsible for their actions. They're not lonely. They don't fear freedom, and when they're creative, we say they're broken.

Machines also require an operator.

Where does this escapist thinking come from? Today, the dominant explanatory paradigm for human behavior is based in mechanistic philosophy. Proponents posit that human beings are ultimately reducible to chemical and electrical interactions — man is considered a machine, an incredibly complex machine, but a machine nevertheless. This view is scientifically valid when it comes to understanding the human body and disease; however, it is unscientific when it

Portrait of a Congressperson in Service to His Constituents

Selected resolutions co-sponsored by Rep. Jim McDermott (D-Wash.), in the 108th Congress:

- to honor George Thomas "Mickey" Leland on a postage stamp
- to commend India on Republic Day
- to declare death by stoning a violation of human rights
- to express the sense of the Congress regarding scleroderma
- the same, regarding viral hepatitis
- the same, regarding polio
- to honor the 140th anniversary of Abraham Lincoln's Emancipation Proclamation
- to oppose anti-Semitism in Europe
- to encourage the establishment of a National Visiting Nurse Association Week
- to support International Women's Day
- to recommend naming a day to celebrate African-American scientists, mathematicians and inventors
- to recommend that Arthur Ashe be put on a postage stamp
- to support the designation of an American Jewish History Month
- to reaffirm women's role in the promotion of world peace
- to recognize the historical significance of the Triangle Fire of 1911
- to thank two Iraqis, Mohammed and Iman, for helping in the rescue of Pfc. Jessica Lynch
- to recognize the importance of inheritance rights of women in Africa
- to recognize the importance of the Mexican holiday of Cinco de Mayo
- to support the goals of Veterans Educate Today's Students (VETS) Day
- to proclaim that strengthening women's groups in Iraq would promote democracy there
- to recommend that Japan apologize for "comfort women" during World War II
- to celebrate the achievements of Larry Doby
- to express the sense of Congress regarding the educational curriculum in Saudi Arabia
- to commemorate former Rep. Dalip Singh Saund as the only Indian American to serve in Congress
- to support Hire a Veteran Week
- to suggest a presidential proclamation honoring the 200th birthday of Constantino Brumidi
- to urge the observance of Global Family Day
- to honor the life of Johnny Cash
- to suggest that Congress adopt the goals of the President's New Freedom Commission on Mental Health
- to honor Sargent Shriver
- to urge the government of Indonesia and the Free Aceh Movement to immediately declare a ceasefire
- to express the concern of Congress regarding human rights violations committed against lesbians, gay men, bisexuals, and transgendered (LGBT) individuals around the world
- to preserve Franklin D. Roosevelt's profile on the dime
- to recommend that the U.S. car industry be given a place in any U.S.-Thailand Free Trade Agreement
- to recommend that Rotary International's polio program be commemorated on a postage stamp
- to commend the persons inducted for service during World War II
- to recognize the 75th anniversary of the Empire Builder rail service, now operated by Amtrak
- to declare genocide in Darfur, Sudan
- to recommend that the Senate ratify the Convention on the Elimination of All Forms of Discrimination Against Women
- to declare that affirmative action programs are indispensable
- to recommend Medals of Freedom for the astronauts who died in the space shuttle Columbia
- to recognize the importance of sports in fostering the leadership ability and success of women
- to recommend a National Day of Rememberance around the internment of Japanese, Germans, and Italians during World War II
- to note the 11th anniversary of the return of the remains of musician Ignacy Jan Paderewski to Poland
- to recognize the inauguration of President Roh Moo Hyun of the Republic of Korea
- to recognize the contribution of historically Black colleges and universities
- to urge the posthumous granting of a Presidential Citizens Medal to Frederick Douglass
- to urge the adoption of a legal public holiday to commemorate Cesar E. Chavez
- to urge the adoption of a paid legal holiday to commemorate Native Americans
- to recognize the achievements of Operation Respect and the "Don't Laugh At Me" programs
- to observe the 15th anniversary of the enactment of the Genocide Convention Implementation Act
- to welcome home the crew of the carrier Abraham Lincoln
- to condemn bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans
- to honor the life and work of South African Walter Sisulu
- to commemorate the 53rd anniversary of the "Declaration of Conscience" speech by Sen. Margaret Chase Smith
- to express sympathy for the victims of the May 21, 2003, earthquake in Algeria
- to recommend that Anne Frank be put on a postage stamp
- to congratulate Canada on the occasion of Canada Day
- to call for the immediate and unconditional release from prison of certain Kurdish members of the Parliament of the Republic of Turkey.

— Compiled by Bruce Ramsey

comes to understanding mind and behavior. For example, brains become physically diseased, whereas minds become diseased in a metaphorical sense only. Some people are invested in obscuring that difference.

Psychiatrists and psychologists are among the worst when it comes to peddling science fiction as fact, despite (or perhaps because of) their interest in "humanizing" people. They frequently argue that behavior is caused (machines don't choose). This thinking underpins the insanity defense and involuntary commitment to prisons called mental hospitals. It's an integral part of justifying drug prohibition (illegal drugs turn users into machine-like zombies) specifically, and the therapeutic state (anti-depressant prescription drugs help people to "become themselves") generally. Clearly, illegal drugs are bad and dangerous. Prescription drugs are good and safe. The distinction is socially constructed, not the result of chemical analysis. Drugs are neither safe nor dangerous, neither good nor bad — it's all a matter of how one uses them.

People who believe Martians are beaming messages to them via the fillings in their teeth are "diagnosed" as schizophrenic. Those who believe Jesus is entering their hearts are having a valued religious experience. Similarly, what we call human and non-human is a matter of social construction. A person is a person. We can't differentiate between persons and non-persons by reading machines like PET scans, any more than we can differentiate between machines and persons by reading science fiction like "I, Robot."

Desire, aversion, angst, love, despair, courage, selfishness, and altruism — all the things that we consider uniquely human — are now construed by experts as mechanical secretions of the brain. And this dehumanizing view of human nature is heavily influencing clinical, legal, and public policy, as well as the structure of society. The brain "acts." That which is represented by the pronoun "I" is simply a ghost in the machine. And who believes in ghosts, anyway?

The revenge of the robot makers is upon us.

— Jeffrey A. Schaler

The Yellow Plague — In *People* v. *Hall* (1854), California's Chief Justice Hugh C. Murray, joined by Justice Solomon Heydenfeldt, held that Chinese people could not testify in California's courts. Why not? Murray based his decision on an 1850 law which declared that "No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man." But this law also applied to the Chinese, because "When Columbus first landed upon the shores of this continent . . . he imagined that he had accomplished the object of his expedition, and that the Island of San Salvador was one of those Islands of the Chinese sea. . . . Acting upon this hypothesis . . . he gave to the Islanders the name of Indians. . . . From that time, down to a very recent period, the American Indians and the Mongolian, or Asiatic, were regarded as the same type of the human species." So the Chinese are Indians. He goes on to discuss whether "modern" science has justified this opinion; the evidence isn't clear, he says, but "the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race, and that the name, though first applied probably through mistake, was afterwards continued as appropriate on account of the supposed common origin." As if this weren't enough, Murray continues: "even in a doubtful case we would be impelled to this decision on grounds of public policy. The same rule which would admit them to testify, would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls. This is not a speculation which exists in the excited and over-heated imagination of the patriot and statesman, but it is an actual and present danger. The anomalous spectacle of a distinct people, living in our community, recognizing no laws of this State except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, and for them is claimed, not only the right to swear away the life of a citizen, but the further privilege of participating with us in administering the affairs of our Government."

As Elmer Clarence Sandmeyer notes in "The Anti-Chinese Movement in California" (1973), this was practically a declaration of war against the Chinese, since violence against them would usually only be witnessed by other Chinese, who then could not give evidence against the perpetrators.

Oh, and although *Hall* has not been expressly overruled, the State Supreme Court repudiated it in 1948, in *Perez v. Lippold*, itself a remarkable opinion which struck down California's antimiscegenation law. — Timothy Sandefur

Muriel Hall, RIP — Muriel Hall, one of the last witnesses to the early years of the modern libertarian movement, has died at the age of 82. She was the friend of the libertarian author and theorist Isabel Paterson, and the lifelong exponent of Paterson's ideas.

Muriel Welles Hall was born in Trenton, N.J., on Nov. 27, 1921, the daughter of Mabel De Geer Welles and the Rev. Samuel Gardner Welles. The Welles family had for generations played a prominent role in the Episcopal church. One of Muriel's grandfathers was an early bishop of Wisconsin, and one of her brothers became bishop of West Missouri. Her father, a priest, worked as a missionary in Oklahoma Territory, where he met his future wife, a pioneer schoolteacher. Muriel was reared in an environment in which the spirit of Western enterprise and the spirit of traditional learning were equally respected.

After graduation from the New Jersey College for Women

"He only watches the news to give himself an excuse for drinking."

(now Douglass College) and staff work for Time magazine, she studied at Oxford University and worked as a "stringer" for Time, interviewing such people as C.S. Lewis. In England she married Edward Matson (Ted) Hall, a distantly related scion of the Welles family who was serving in the American merchant marine. They returned to America, where both pursued careers in journalism, Ted as a newspaper reporter and editor, Muriel as a senior researcher for Time-Life and later for the Reader's Digest. The couple, who divorced in the mid-1960s, reared four children, including two young relatives whom they informally adopted.

It was in 1937 that Muriel first encountered the novelist and critic Isabel Paterson (1886–1961), a friend of Muriel's parents and of her older sister Mary, who had worked with Paterson in the editorial offices of New York Herald Tribune "Books." Impressed by Paterson's intelligence and sophistication, Muriel was first astonished and then attracted by her radical political views. At the Welles' home, Muriel witnessed the great debate between Paterson and another family friend, Whittaker Chambers, later celebrated for his role in the Hiss-Chambers case and in the foundation of the modern conservative movement. Muriel joined in the brilliant conversations at the famous "Monday Night" salons in Paterson's office at the Herald Tribune. She was present on the Monday night in January 1949 when Paterson announced that she had been fired from the paper, with whose management she had long disagreed about political and social issues.

During the 1950s, Muriel and Ted were frequent visitors at Paterson's farm near Princeton, New Jersey. When she sold the farm, they urged her to move to their own home in Montclair, New Jersey; and Muriel was beside her when she died there in 1961. Muriel executed Paterson's will and, in 1964, sponsored a new edition of her major work of political and historical theory, "The God of the Machine." She preserved the memory and the written records of Paterson's life and upheld Paterson's ideal of individual liberty during the many years in which others ignored or scorned it. When the resurgence of libertarian thought took place in the 1970s and 1980s, Muriel shared her knowledge with new generations, creating a unique and vital connection between the past and future.

In the mid-1980s Muriel retired to her home in the tiny village of Hampton, Conn., where she devoted herself to reading, gardening, and the enjoyment of her family and friends. An expert fisherman, she spent summers at a primary location for the sport, Cape Hatteras, N.C. establishing residence there in the late 1990s. "I'm an old woman," she said; "I could die at any time!" — a reflection that did not prevent her from going wherever she wanted with her truck, her fishing poles, her cat, and her latest copy of The Wall Street Journal. When, last September, she developed a rare form of leukemia, she fought back heroically and succeeded in maintaining her enjoyment and control of her life, at one point driving alone through hundreds of miles of hurricane-ravaged territory in order to reach her house at the Cape. On July 13, 2004, she at last succumbed, still fearless in the face of death, at the home of her beloved sister, Mabel Owen, in Storrs, Conn.

Like Isabel Paterson, Muriel Hall was a complex and forceful personality, a woman of passionate and outspoken conviction, yet a woman of great kindness, generosity, and delicacy of feeling. She was also a woman whose serious intellectual interests never restricted her sense of fun. As she said of Paterson, "it was just laugh, laugh, laugh" when she was present. Witty and ebullient, Muriel was at the same time a deeply meditative person, patiently developing her own thoughts and expressing them, when they matured, in words that could not be forgotten. No one who accompanied Muriel to a gallery of art or heard her reading aloud in her deep, resonant, effortlessly modulated voice could fail to remember the experience.

Superbly competent herself, Muriel revered competence in others, whether it was mastery in building, painting, cooking, or gardening, or brilliance in literature or political thought. She felt that she could never say enough to praise the individual achievements of the men and women, famous or obscure, who created the wonders and pleasures of "this beautiful world."

Many Americans express devotion to ideas of individual liberty and responsibility, but Muriel saw the full significance of those ideas and embodied them fully in her life. She cherished their history; she grasped their implications, and she rejoiced in anticipation of their final victory. She was, as she said of Paterson, "a great libertarian" — and a very great person. — Stephen Cox

Bernard Levin, RIP — The late British writer and controversialist Bernard Levin was known to everyone in the United Kingdom but to few in the United States. Americans might be interested to hear that for some years his mistress was the well-known writer Arianna Stassinopoulos, who later immigrated to the U.S. and began a new life as Arianna Huffington.

Levin had many accomplishments, and did some things perhaps not most aptly describable as accomplishments, like his swooning advocacy for a while of the Rajneesh cult. Among other unfashionable opinions, he was an early opponent of socialism and excessive union power. Approximately speaking, it is fair to describe his political outlook as libertarian, though there were a number of jarring features, like his support for the U.S. war in Vietnam and his adoption of Solzhenitzyn's view that the over-affluent West had grown too soft and needed a spiritual rebirth. He attacked Communist and Socialist pretensions at a time when this took courage.

One of his achievements, now largely forgotten and not mentioned in the British obituaries I have seen, was his prediction (in 1968 or 1969, I recall) of the downfall of the Soviet Union. Levin announced that this would occur in 1988. Shortly after this initial prediction, he modified the date of the Soviet collapse to July 14, 1989. His reasoning, I believe, was bold and simple. Levin looked at the abortive Czech liberalization, crushed by Soviet tanks in 1968, and he asked himself who would be driving the tanks when the Russian people started behaving like the Czechs.

In the 1960s, the reaction of some correct-thinking middle-class Brits to Levin's prediction was that the nasty, vicious, right-wing elements in his thinking had finally tipped him over the edge into crazy delusion.

Brilliant journalist, adventurous mind, indispensable gadfly, Bernard Levin died aged 75 on August 7, his last years clouded by Alzheimer's Disease. — David Ramsay Steele

Kerry Nation

by Douglas Casey

America is a great democracy in which we get to choose, every four years, which sociopath will lead the nation. Meet John Kerry, the devil we hardly know.

Americans increasingly, and in so many ways, find themselves in the position of the Romans of the Early Empire. After Tiberius died there was great rejoicing, since people figured it couldn't get much worse. But it did: they got Caligula, then Claudius, then Nero — and the decline of the Empire was just beginning. Some emperors were noted more for incompetence, some for dissipation, or viciousness, or stupidity, or paranoia, or — choose your vice. History would show that the immense power of the office of emperor brought out the worst in almost everybody.

I felt much the way a Roman of Tiberius' reign might have when Clinton was in office. Sure, he was smart, eloquent, and charming, but he was essentially a degraded being, surrounded by vicious harpies like Hillary, Madeleine Halfbright, Odonnana Shalalala, and Chelsea's father, Janet Reno. It seemed like it couldn't get much worse, but at least there was an element of black comedy around Clinton.

And then it got much worse, with Bush and his axis of evil advisors — Cheney, Ashcroft, and Rumsfeld. I'd make an attempt at mischief with their names, but they're about as funny as 50,000 dead Iraqis and a billion enraged Muslims.

Now I have some really bad news for you: John Kerry is going to be your next president. And he's very likely going to be worse than Bush has been. But we should be thankful, because if Bush were to be reelected, he would realize that he would be out of office in 2008 in any event and thus have nothing to lose, so he and his handlers would likely pull out all stops, destroying what remains of liberty in the United States — in the interest of preserving liberty. Unless, of course, there were a modern-day Reichstag fire, or a terrorist event that would induce the government to postpone elections, as Homeland Security Czar Tom Ridge recently suggested, putting his finger in the wind.

Would the Bushites try such a stunt? Don't forget that the population of sociopaths is a standard distribution in all countries and at all times. It's a manifestation of Pareto's Law, known to most as the observation that 20% of the people do 80% of the work, but in this case reflecting the fact that 20% commit 80% of the crime. I'm not worried about common crime. The really smart and ambitious sociopaths are inexorably attracted to government. In normal times, most of the potential bad actors are hard to tell from their neighbors: they like dogs and kids, and play softball on the weekends. But when the situation is right, they'll show their true colors, as they did in Germany under the Nazis, Russia under the Soviets, and in so many other times and places. It seems to me that conditions are increasingly ripe for that kind of thing in the United States. And the current regime — and most of those who are candidates for their positions for the foreseeable future — are quite capable of using another 9/11 or some other tear in the social fabric as an excuse to descend to mankind's more brutish tendencies.

Some believe that it's usually better to deal with the devil you know than the one you don't, and that's reason enough

to vote for Bush. True enough. And that will undoubtedly get him millions of votes from people who actually dislike him and what he stands for.

But, everything else being equal, I'm sadly of the opinion that we're better off with Kerry, the devil we don't know. That's because it takes a year for the new regime to have its high-level nominees approved by the Senate, shuffle the bureaucracy around, meet the players in foreign governments, and generally get situated. That's at least a year that they'll get the country into less trouble than they would otherwise. And again, there is the aforementioned concern that a second-term Bush presidency could turn into a no-holds-barred neocon orgy.

There are three reasons why I think Bush is dead meat. First is the war on terrorism in general, and the wars in Iraq and Afghanistan in particular. They've gone very badly so far and they are likely to get much, much worse. *Boobus americanus* is naturally xenophobic, provincial, and paranoid, which would tend to lean him towards Bush. But he's also emotional. It's estimated that close to half of likely voters will have seen Michael Moore's *Fahrenheit 9/11* by election day, and the proportion of undecided voters seeing it is even higher. The movie takes some dramatic license, but it generally makes a very compelling case. My guess is that it alone, courtesy of Bush's disastrous adventures in countries he couldn't even find on a map before he was elected, will cost him the election.

Second is the economy. The great bear market that started in March 2000, interrupted by a significant (and perfectly normal) rally starting in 2003, is about to resume. Interest rates, which are still at generational lows, have begun to increase, and they are likely to rise above the levels of the early '80s before it's all over. A housing bubble, blown up by an unprecedented debt binge, is desperately in search of a pin. The dollar is going to resume its death march towards its intrinsic value. And inflation will go through the roof, probably about the time the $500 billion trade deficit starts to reverse course and the standard of living heads down in lockstep. You don't have to believe in doom and gloom to believe these things will happen. You only have to believe that the economy is cyclical, and that cause has effect. The question, of course, is when. Perhaps it won't get bad enough to make a difference before November. But a declining economic environment will give whichever candidate wins an excuse to do all kinds of predictably stupid and counterproductive things.

"Everything seems to be in order, except that you forgot to add the hard-working middle class surcharge."

Third is that many rationally thinking Republicans, disgusted with Bush's wars, unconstrained spending, and general shredding of the Bill of Rights, will simply not vote this year.

Bush's main hope is that Nader will draw enough votes away from Kerry to tip the balance, as happened last time. In 2000, you may recall, Bush lost the popular election by only 500,000 votes. But he really lost by more like 3.5 million, when you count those who voted for Nader, or for any of several other leftist candidates. For these voters, Gore wasn't nearly far enough left. Is Bush's henchman Karl Rove cheeky enough to steal the election with another stunt like what happened in Florida in 2000, even though he'll be under close scrutiny? Who knows? But if he does, I bet there will be riots.

Really smart and ambitious sociopaths are inexorably attracted to government.

Bush is unintelligent, unknowledgeable, psychologically unbalanced, pig-headed, mean-spirited, bad-tempered, and a religious fundamentalist to boot. It's hard to imagine a worse set of personality traits in a president.

Kerry doesn't appear to suffer from any of these particular flaws; however, he's got a whole set of his own that are already apparent, and unquestionably many more will only become apparent once he's in office. He is terminally vain, devoid of a moral compass, interested only in his own aggrandizement, and a serious philosophical statist and collectivist.

Bush can blame the mess he's in mainly on his lack of such things as intelligence, knowledge, wisdom, understanding, and judgment. But at least he started out haphazardly on the road to perdition. Kerry is going to do worse because he will purposefully pursue the wrong goals. He'll raise taxes and increase spending (more than Bush, as hard as that may be to believe). He'll institute some type of mandatory "national service." He'll create loads of new government agencies, backed by draconian new laws. He'll nationalize health care.

Oh, and P.S., he'll continue all the current wars. At no time has he disavowed any of Bush's actions; he's only said he'd do it differently. If anything, he's even more a creature of Israel than Bush. (And lest my reference be unclear, I believe it is almost entirely on behalf of Israel, which is remarkably adroit in its manipulation of U.S. politicians, that we are currently fighting in Iraq.)

What kind of man is Kerry personally? Other than his authoritarian voting record, numerous self-contradictory statements, and the fact that he's perhaps the richest man in the Senate solely by virtue of being a serial gigolo, there's surprisingly little available about what kind of man he is, aside from his Vietnam war record, which he uses ad nauseam as a centerpiece in his campaign.

Is Kerry a war hero? There are dozens of websites run by

continued on page 52

The Michaelmoorization of John Kerry

by Patrick Quealy

The road to power is paved with moorons.

John Kerry's nomination acceptance speech at the Democratic National Convention was by turns absurd, comedic, horrifying, and stupefying — but good for a few laughs at the expense of the nation's dignity.

The senator began by "reporting for duty" with a cheesy, halfhearted, pathetic salute. It was beyond embarrassing and probably lost him a goodly number of whatever veterans' votes he had. It was a cheap device that looked no more dignified than walking up to the podium enshrouded in the American flag and carelessly casting it aside.

Notwithstanding his insincerity, Kerry spoke well, and even, at times, convincingly. In telling the delegates why he and John "Ah Been Ready Fer This Faht Mah Whole Lahf" Edwards should be elected, he said nothing of consequence, but he said it *well*. And though tens of thousands of words could be written about this bland auditory artifact of a strange political situation, a single line stands apart. If Kerry wins the election, the moment he uttered this line can be said to mark a decisive switch from Bush's politics of newspeak-couched neoconservatism to Kerry's neo-Slick politics, and he'll treat his victory as a mandate to bring more of this "nuance," which is to say doublespeak, to the White House.

The line in question is: "I want an America that relies on its own ingenuity and innovation, not the Saudi royal family."

There's a general acknowledgement that America is dependent on Middle East oil, and a legitimate policy debate about the consequences of that dependence. Intelligent people argue for and against actively weaning America off overseas oil.

In "Fahrenheit 9/11," Michael Moore lays out lots of facts which constitute circumstantial evidence, enough to convince people unwilling or unable to do their own research that there were improper business relationships between Bush and various Saudis. He essentially implies that Bush is guilty of treason. That's pretty serious stuff. He doesn't say it outright, not in a fact-checkable way. But gosh, he makes it *look* bad, doesn't he?

Weeks after the release of Moore's film, in an unrelated, uncoordinated speech (wink, nudge), Kerry says we need independence from the Saudis. He doesn't say that American energy policy shouldn't be dependent on Saudi Arabia; no, he says he doesn't want America to rely on "the Saudi royal family."

Suppose some enterprising reporter were to have a problem with the Democratic nominee parroting Moore's racist propaganda as part of a major political speech. Suppose he interpreted Kerry's line about the Saudi royal family to be a not-so-subtle allusion to Moore's film, and

continued on page 53

MILTON FRIEDMAN
SAN FRANCISCO, CALIF.

August 5, 2004

Editor
Liberty Magazine

Dear Sir:

"Ronald Reagan...came into office promising to reduce government and to increase individual freedom....Yet government spending grew rapidly during his presidency, and individual liberty suffered" (Liberty, August 2004, p. 15).

Herewith the record:

On government spending.

Figure 1:Federal non-defense spending as percentage of National Income, before and after Reagan

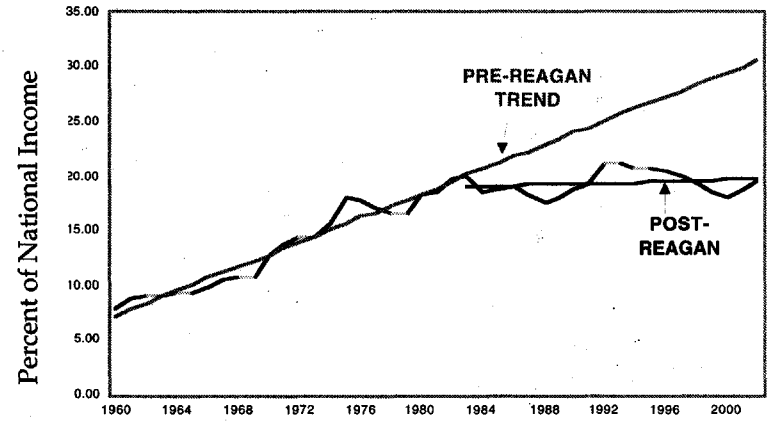

On individual liberty.

Figure 2 Number of Pages Added to the Federal Register Each Year, 1960-1999

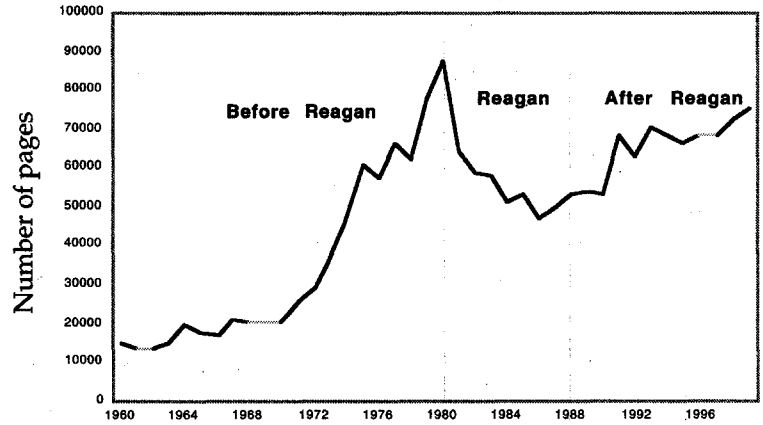

The record speaks for itself.

Sincerely Yours,

Milton Friedman

P.S. Figures taken from my op-ed published in The Wall Street Journal on June 11, 2004 under the title "Freedom's Friend."

Response

Freedom and Spending Under Reagan

by R. W. Bradford

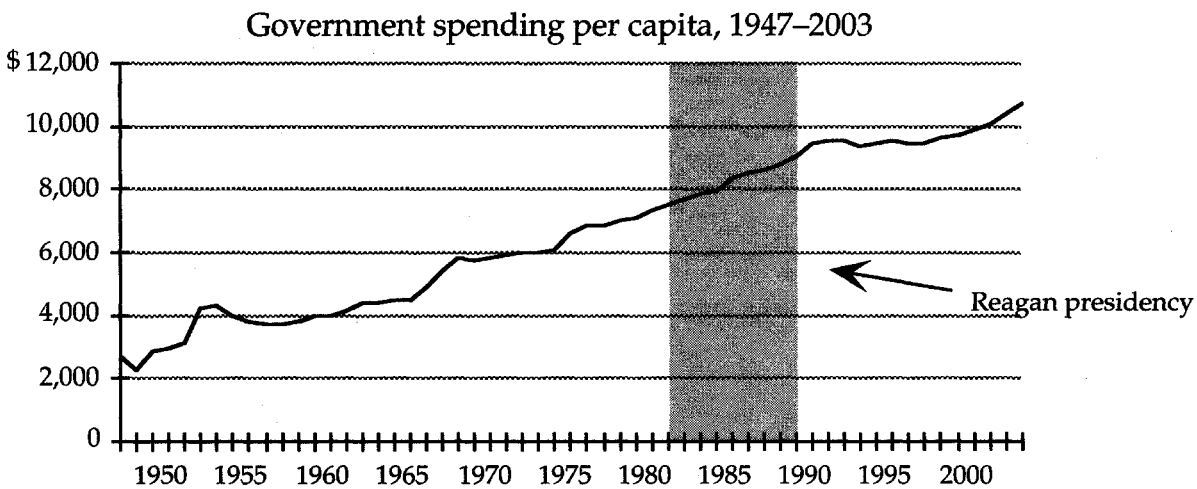

Prof. Friedman has graciously offered some interesting data that he apparently believes undermine my claim that "government spending grew rapidly during [Reagan's] presidency and individual liberty suffered." The two graphs that Prof. Friedman offers, he writes, constitute a record that "speaks for itself."

While I share the value that Friedman places on historic claims backed by hard evidence, as opposed to mere conjecture or prejudice, which he seems to suggest my claims amount to, I am not convinced that the data he cites undermine those claims.

I. Government Spending Under Reagan

Against my claim that government spending grew rapidly during the Reagan years, he offers a graph showing that non-defense federal spending as a percentage of national income grew only very slightly during Reagan's tenure. I see two problems with this.

I can think of no reason why we should eliminate defense spending from the category of government spending. After all, defense spending is money spent by the government. Nor am I certain that state and local government spending should be eliminated from the total. While it is true that the president has less influence over state and local government spending than he does over federal government spending, it is still a fact that the money spent by state and local governments is government spending.

Second, I do not see any sensible reason to normalize spending by national income. I suppose I might conclude that if a particular ten-foot tree in my backyard grows two feet during a decade, while other ten-foot trees in my yard grow three feet, that the first tree was not growing rapidly. But this supposes that government spending has as much in common with private income as one tree has with another. It comes perilously close to assuming that government spending is not growing at all unless it is growing faster than private income.

So how can we test the proposition that government spending grew rapidly during the Reagan years? The answer seems plain to me: by getting the figures for government spending and seeing how fast they grew. Of course, we have to correct the annual spending figures for the declining value of the dollar. It also makes sense to correct for population growth — at least it does if we accept the notion that government in some sense provides goods and services for people.

Happily, annual population figures and government spending figures are easily available from the U.S. Census Bureau and an estimate of the declining value of the dollar is available from the Department of Labor, which publishes each month its Consumer Price Index.

A few simple calculations show that government spending per capita, corrected for inflation by the CPI, yields the data reflected in the graph on page XX.

The Reagan years are highlighted in the graph. A quick inspection revealed that government spending grew about as fast during the Reagan presidency as during the years immediately before and quite a bit faster than the years immediately after.

Let's take a closer look, by checking the average annual change under each president since 1960 in the chart below:

While spending grew fastest during the Johnson years, during which the welfare state was greatly expanded (the "Great Society") and an expensive war in Vietnam was pursued, it is interesting to note that spending rose faster under Reagan than under the two presidents who preceded him and who followed him. It was even higher than the average rate of growth (the dashed line in the chart) during the entire 42-year period and has since been eclipsed only by George W. Bush, who like Lyndon Johnson, pursued both an expensive war (Iraq) and a huge expansion of the welfare state (Medicare-financed prescriptions).

It seems to me that these data strongly support the proposition that "government spending grew rapidly under Reagan." Unless Prof. Friedman can tell me why federal nondefense spending as a percentage of national income is a better measure of "government spending," I will remain satisfied with the truth of my claim.

II. Freedom Under Reagan

Here I am afraid the problem is murkier. Prof. Friedman offers a graph showing the number of pages added to the Federal Register each year, which is in general a measure of how much economic regulation people face. It shows that the number of pages added during the Reagan years declined from its highs under President Carter, and after five years had actually fallen to roughly the same number of pages as were added under the previous Republican president, before starting to rise for the last three years of Reagan's tenure.

This doesn't seem very convincing to me for two reasons.

First, I question whether the number of pages added to the Federal Register is an accurate gauge of how much individual liberty suffers. It may give us an idea of how heavily regulated businesses are, but that is not the same thing as individual liberty. Our freedom is reduced by all sorts of actions which are not reflected in the Federal Register: for example, by outlawing certain forms of consensual sex or the ingestion of certain substances.

Like all scientists, the economist wants to deal in measurable phenomena. But not everything in life is quantifiable. That's why when libertarian and conservative think tanks like the Heritage Foundation, the Cato Institute, and the Frasier Institute attempt to measure freedom, they are careful to limit their efforts to *economic* freedom. And even here, there is a certain element of the arbitrary. Why, for example, should foreign exchange controls be included in an index, but not the degree to which a person can privately move funds from one country to another?

Three decades ago, in a review of Douglas Casey's "Crisis Investing," I pointed out that Casey's ratings of the freedom one enjoys in various countries depend in part on which freedoms one wants to enjoy. Casey had rated the Bahamas as a very free place for investors, thanks to its low taxes and general absence of regulations. I pointed out that while the Bahamas may be a free place for the investor whose recreational drug of choice is alcohol, an investor whose drug of choice is marijuana might prefer to live in the Netherlands.

There are two epistemological problems involved.

First is the problem of attaching hard numeric values to freedoms gained or lost. Freedom is a matter of degree, but in what units do you measure it?

The other problem is the relative value of different freedoms. If you are a gay American, the fact that in 1904 you

continued on page 30

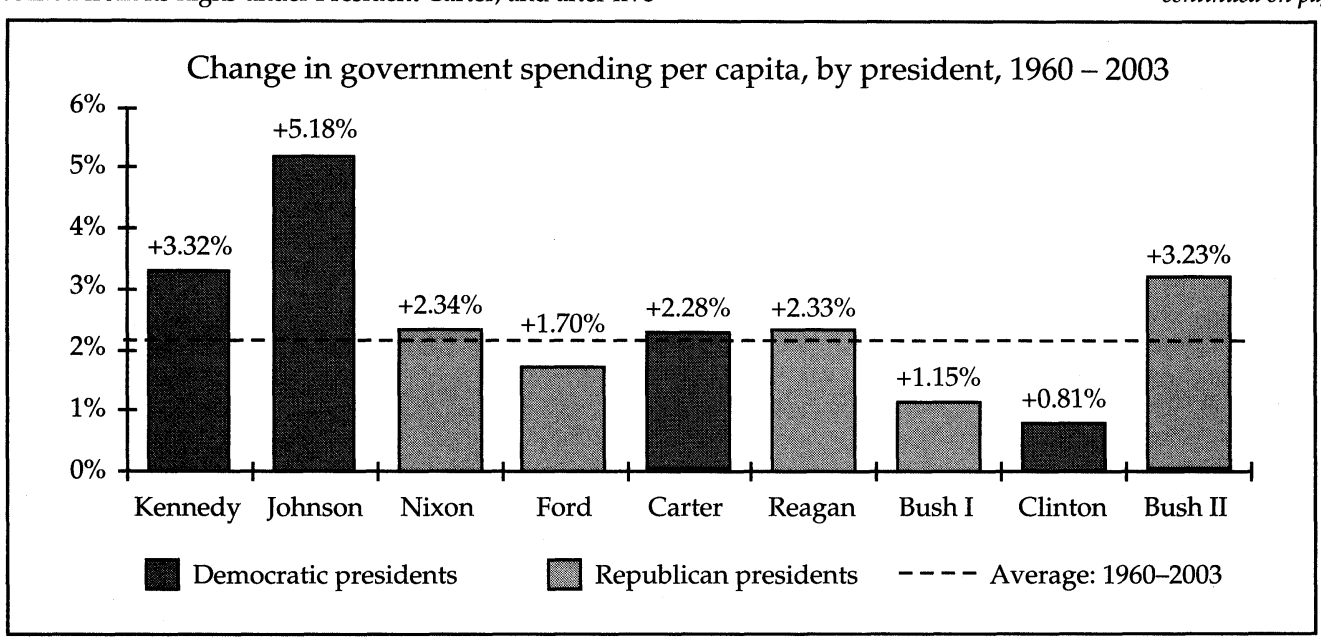

When You Wish Upon a Czar

by Norman Ball

Even a big brother needs someone to look up to.

America's ruling class wants it both ways. Those in its ranks guard their power jealously, having no desire to lose the perks it gives them, but they nonetheless proffer a cavalcade of czars in hopes of shirking heavy lifting. Drug Czar, Education Czar, now an Intelligence Czar. The ruling class needn't bear the responsibility of ruling — give it to the czars! This autocratic fantasy betrays a subliminal recognition of the intractable morass American democracy has become. As it turns out, all the ruling class wants to do is dance at Inaugural Balls.

We tend to ascribe self-certitude to those in power, when in truth our Maximum Leaders are controlled mostly by their towering insecurities. Secretly, they yearn for the *Übermensch*, a Bigger Daddy who tells them what to do, administering sound spankings followed by prolonged house arrest with no VIP privileges. At least the trains would run on time.

Rarely, however, is the self-doubt of the ruling class so vividly evidenced as in "The 9/11 Commission Report." An eerily impuissant tone echoes throughout the massive tome, something like: "We, your leaders, are largely powerless to protect you." The report warns plaintively that 85% of the nation's infrastructure lies in private-sector hands. Read: "Our hands are full with the Statue of Liberty. Guard your own stuff." Yes, we're over the Rubicon without a Caesar. Next stop? Amtrak Czar.

Rumsfeld had it tragically reversed. The shock and awe is mostly ours. The world's only remaining superpower is discovering itself horribly vulnerable to flight-bound nail clippers. Though the report largely skirts the elephant in the living room (Iraq), there are the obligatory Beltway bromides about improving the "unity of effort" across disparate organizations, etc. But once again, the self-exploratory waltz of the well-connected (so euphemistically embodied — and entombed — in the "commission" format) converges on the same hackneyed prescription: "We'll appoint a cabinet-level strongman, 'cause he'll make us take our medicine."

The grass roots are equally parched. Americans are thoroughly fed up with their cache of personal liberties. In increasing numbers, they'd happily swap freedom for enhanced security. Funny how anthrax spores and suitcase nukes can shift the tenor of a debate. Breathing is, after all, *the* inalienable right, so who can blame people for thumbing their noses at the genteel postulations of a bygone Age of Enlightenment? According to Ben Franklin, those who relinquish liberty for a modicum of security deserve neither. But then, Franklin flew kites during thunderstorms.

Many Americans today would embrace Mussolini if it meant a copious supply of the first-run movies they've come to enjoy. What, too cynical? There is a move afoot in some circles to make Blockbuster Video the fourth branch of government. Strict constructionists, though strictly

opposed, are treading lightly. Hassling America's largest dispenser of opiates would precipitate an uprising of massively obese proportions. It's thanks to Blockbuster that Americans have made permanent peace with the reclined, prone position. In this sense, Blockbuster is to Big Brother what John the Baptist was to Jesus: the Great Preparer. But what form will our new Messiah take, and will he generate sufficient box-office receipts? I don't know, but effete intellectuals would do well to sit down, grab some popcorn, and accept the inevitable. And no talking during the movie!

Americans are thoroughly fed up with their cache of personal liberties; in increasing numbers, they'd happily swap freedom for enhanced security.

Grassy knoll paranoiacs get it wrong most of the time. I envy Michael Moore's childlike belief that someone in power has the world's problems completely in hand. If ending terrorism were as simple as disbanding Skull and Bones and the House of Saud, I'd relinquish my Yale decoder ring in a New Haven minute!

I miss the days when the seeming inoperability of our system didn't have such dire implications. The quaint term we used was "gridlock." Hearing it, our teeth would clench, each of us conjuring images of our own private purgatories. Rush hour was my personal demon. These days, sitting in interminable traffic, stewing over a continued lack of dictatorial prerogative, I reflect on the United States' utter lack of exceptional people in positions of authority. But then, that is what a generation of telegenic leadership can do. Mind you, good looks are not an entirely bad thing. As first lady in waiting Teresa Heinz Kerry bubbled recently, John Edwards is a babe magnet.

So who's our daddy? I can only tell you whom *I* would fearlessly follow up a hill in a battle for America's lost love of freedom. Trouble is, that fearless leader mounted his (or her) last charge leading a group of fellow passengers to wrestle a plane into a Pennsylvania field. So who *was* that masked man? The greatest irony of all is that United Flight 93 had the belly of *our* beast in its sights. There, beneath a luminous white dome of indecision, that beast dithers even now. ❑

If ending terrorism were as simple as disbanding Skull and Bones and the House of Saud, I'd relinquish my Yale decoder ring in a New Haven minute!

Freedom and Spending Under Reagan, *from page 28*

were liable to be tossed into the hoosegow and tortured by hostile brutes merely for being gay, but are not likely to be so treated today, probably makes America in 2004 seem like a much freer place than the America of 1904, despite the fact that taxes are much higher and economic regulations much more onerous. On the other hand, if you are a heterosexual businessman engaging in retail trade, the absence of sales and income taxes and near absence of regulation in 1904 makes that time seem much freer than today.

When I wrote that "individual liberty suffered" under Reagan, I was thinking of things like his escalation of the War on Drugs, which resulted in the imprisonment of hundreds of thousands of casual marijuana users and the enactment at his administration's instigation of omnibus anti-crime measures that allow, for example, federal officials to search your person (including, as I recall, your body cavities) if you happen to be canoeing on a river in central Kansas. (The law authorized customs officials to make such searches on any body of water that connected to any body of water . . . that connected to international waters, which means virtually any lake, river, or stream outside the basin areas of the West.)

I am not convinced that the number of pages *added* to the Federal Register is a good measure of freedom, even if we grant that there is a direct correlation between Federal Register pages and freedom. After all, under Reagan, the number of pages of regulations continued to grow at about 19,000 pages per year. It seems to me that freedom suffers so long as any pages are added. Indeed, I am sympathetic to the proposition that freedom suffers as long as the Federal Register contains any regulations at all.

To me, the data offered by Prof. Friedman does not "speak for itself." Hard data supports my claim that "government spending grew rapidly" during Reagan's presidency. While it seems impossible to obtain the same kind of scientific data to support my claim that "individual liberty suffered" during those years, I think the anecdotal evidence is quite convincing. ❑

Letters, *from page 6*

Chambers quoted Article 1, Section 7, Clause 1 of the U.S. Constitution. This reads, "All bills for raising revenue shall originate in the House of Representatives." Then Chambers pointed out that the Democratic Party had a majority in the House during the Reagan administration.

Like other apologists for Reagan's deficits, Chambers argued that this absolves President Reagan of any responsibility for the tripling of the national debt that happened when he was president. If we take this argument seriously we will need to maintain that the president of the United States has no control over taxing and spending.

That is not what candidate Reagan said during the campaign of 1980. Back

continued on page 51

Freedom at the Ballot Box

by R. W. Bradford

For most Americans, voting is a ritual that sanctifies theft and aggression. How can a person who values liberty participate in this process?

Stephen Cox's "George W. Bush: Our Liberal President" (March, Liberty) argues persuasively that George W. Bush is neither a conservative nor a fundamentalist, as so many contemporary liberals believe, but is in reality a modern liberal. Cox cited extensive evidence, from Bush's responding to the recession with tax cuts and increased spending to his aggressive foreign policy which can scarcely be distinguished from Clinton's. It is an argument pretty familiar to libertarians and the more thoughtful conservatives, distinguished mostly by Cox's wit and literacy than by its content.

But toward the end of the essay, Cox takes a startling turn. He announces that he intends to vote for Bush. His very brief argument for this position is that the Democrats were proposing somewhat more activist forms of the policies that Bush was implementing, and that Bush was thus preferable: "If you value your life, do you prefer Bush's moronic but limited 'reforms' of health care, or the Democratic candidates' wacky and unlimited schemes? . . . Much the same might be said about the Democrats' plans: to pursue an aggressive foreign policy, but only under the direction of the U.N. and France; to reduce military expenditures, but to spend still more on (the destruction of) education and social welfare; or to manipulate the economy, but to do it on a more massive scale than Bush ever dreamed of."

It was an interesting argument, and it got me thinking about the kind of mental processes that a sensible person whose highest political value is human freedom might go through when deciding whether, and how, to vote.

It is worth pointing out that voting is not free, at least not to the voter. Voters who cast their votes in person must go to the polls, wait in line perhaps, and mark a ballot or pull levers on some contraption. This all takes time, and if they are a considerable distance from their polling place, it can take a lot of time or the use of motor transportation. Voters who use mail-in ballots must take the time to fill out their ballots, and in most cases, pay the postage to return the ballot to the election authorities. Voters who want to vote sensibly must also invest time in learning about the candidates and ballot measures they vote on. Voting costs time and money.

So why vote?

Well, it's pretty clear that a lot of people vote simply because they believe it is part of being a "good citizen," because it is expected of them, or because they want to maximize their own financial gain. Whatever the virtue of those rationales for voting, I shall not discuss them here. Instead, I wish to consider only people who vote because they believe that the choices they make in the voting booth can somehow help make the world a better place; or more specifically, those who believe that their vote can make the world a better place by making it a freer place.

A lot of those qualified to vote apparently find the arguments for voting unconvincing. Many never vote at all, and many others vote only occasionally. Apparently, they do not believe that voting is worth the time and the effort. And who is to say that their thinking is wrong? After all, the chance that any individual vote they cast is going to change their lives is infinitesimal. Virtually no elections are decided by a single vote, and the minuscule number that are so decided are for low level, insignificant offices. The 2000 presidential election was the closest in modern history, but changing its outcome would have required 466 Florida voters to switch their votes from Bush to Gore. While 466 vote switchers among 100 million-plus voters is a very small number, it is also a lot larger

than the number of votes — one — that each individual enjoys.

But there remain reasons to vote. Each individual vote may be insignificant, but all votes taken together determine who makes and enforces laws, and in many cases, even the character of the laws themselves. If, for example, American voters had elected at least 218 individuals to the House of Representatives in 2000 who agreed with Benjamin Franklin that "They that would give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety," the Patriot Act would not have been enacted and your local library would not be keeping a file on the books you read for the convenience of federal police authorities. Indeed, if American voters had elected people who value freedom as highly as I do, America would be a much freer place today than it is.

While this does not mean that the person who values human liberty is morally obliged to vote, it does provide some incentive, and for many such people the cost of voting is less than the satisfaction they get from casting their ballots.

But the sorts of candidates and issues the voter faces seldom offer easy choices. Consider just one single election, the November 2 election for the office of president of the United States. The candidate who advocates policies most likely to optimize liberty is Michael Badnarik, the nominee of the Libertarian Party. But the possibility of his actual election is virtually zero, and if one is voting in hopes of changing the outcome of the presidential election, there is no reason to vote for the Libertarian — just as there is no reason to vote for independent Ralph Nader, Green Dave Cobb, or Constitutionalist Michael Peroutka. If one hopes to have an impact on the outcome, one must choose between the nominees of the two major parties, one of whom will surely be elected.

This is a tough choice. While it is true, as Cox pointed out, that Democrat Kerry calls in a general way for reducing liberty at a somewhat faster rate than does Republican Bush, it is far from plain which outcome would be better for liberty itself. Certainly Democrat Bill Clinton called for reducing liberty somewhat faster than did Republican George H. W. Bush in 1992 or Republican Bob Dole in 1996. Clinton was the head of a disunited party whose dominance of the legislature was about to be broken and stay broken for a long time, making it difficult for him to implement most of his anti-liberty schemes. Bush I or Dole would have had a much easier time of putting their own anti-liberty schemes into law. If you have any doubt about this, ask yourself whether President Al Gore could have gotten the Republican Congress to enact a $550 billion subsidy for senior citizens' prescription drugs, as Bush II did.

The chance that any individual vote they cast is going to change anyone's life is infinitesimal.

The GOP-controlled House of Representatives is far more inclined to oppose massive increases of government power than any other major government institution. And the House is likely to remain firmly in Republican hands. The Economist has claimed that the possibility of the GOP's losing control of the House is just about negligible, thanks to the fine job Republican state legislators did of gerrymandering congressional districts. With a Republican president, House Republicans can be pushed to vote against their convictions, as they did on the prescription subsidy measure. With a Democrat in the White House, they will dig in their heels and resist with all their might, as they did when Clinton proposed a government takeover of medical care.

The hypothesis that government grows faster under Democrats than under Republicans is not supported by hard data: government spending per capita corrected for inflation, as indicated by the Consumer Price Index, increased faster during the presidencies of Bush I and Bush II than it did during the presidency of Clinton. In fact, government spending grew more slowly under Clinton than under any president since Eisenhower.

At the very least, it is not plain that liberty would fare better with Bush as president than with Kerry.

Things get even murkier when you consider that politicians are congenital liars whose campaign promises mean practically nothing. As candidate for office, Bush II promised to end nation building and to bring home many American troops; as president, he engaged in the most aggressive nation building program undertaken since the Marshall Plan and greatly increased foreign deployment of American fighting men. As candidate, he promised less spending and smaller government; as president, he presented Congress with budgets containing the largest deficits in American history and greatly expanded federal power. Bush II is hardly unique in this sort of thing: as candidate for president in 1932, Franklin Delano Roosevelt promised to return to sound money and supported the gold standard; as president he got off the gold standard as quick as a wink and inflated the currency beyond recognition. As candidate, Lyndon Johnson warned that his opponent might want to escalate American involvement in Vietnam; as president, he escalated the war to the point where more than 50,000 American soldiers were killed.

Nor is it obvious that losing liberty slowly is preferable to losing it faster. Some libertarians (and others who want radical political change) believe that people are more inclined to accept slow change, and that the chances of successfully turning the tide are better if change seems to be coming faster. We've all heard the Parable of the Boiled Frog, haven't we? If you put a frog in a pot of boiling water, it will jump out. But if you put a frog in a pot of cool water, he will swim about contentedly, and if you gradually heat the water, he will not be aware of the danger until it is too late. Likewise, if socialized medicine were introduced in this country in one radical move, people would resist on a massive scale, but implementing it piecemeal, as the Republicans and Democrats have done, alarms no one but a few nutty libertarians.

But does it really make sense to try to promote liberty by voting for candidates who want to undermine it faster? Could any lover of liberty really vote for Lyndon Johnson rather than Barry Goldwater?* Or, to take a more extreme

*Libertarian theorist Murray Rothbard did, but he argued that Johnson was more libertarian than Goldwater, not less.

case, could a lover of liberty vote for the Nazis rather than the Social Democrats or Christian Democrats? Or for Lenin over Kerensky?

And those who accept the Boiled Frog theory still have to deal with the problem of determining under which major candidate government is likely to grow faster. As I have pointed out, judging by campaign promises, government should grow faster under Democrats, but judging by growth in government spending, it is likely to grow faster under Republicans.

All the foregoing considerations, which are as inconclusive as the conclusions they lead to, are irrelevant unless one is convinced that his vote (or, more broadly, his support) might actually make a difference. As I've noted, the chances of any individual's vote determining the outcome of any significant election is so small that it is hardly worth consideration. The 2000 presidential required but 466 vote switches among major party voters, or 931 vote switches from minor party candidates to Gore, to change the outcome. It is pretty plain that Ralph Nader could have changed the outcome of the election if he had, two days before the election, dropped out of the race and purchased extensive television advertising telling his Florida supporters to vote for Gore.

In the American political system, it is generally impossible to determine which major party candidate would maximize liberty or better retard state growth.

Similarly, one might acknowledge that while one's vote had an infinitesimal chance of changing an outcome, one might influence enough voters to do so, just as Nader could have in the last presidential election. But very few people are in a position to influence as many votes as was Nader, and even if Nader had wanted to change the outcome, he could not have done so without foreknowledge of the closeness of the race and of which state (or states) would be so close that investing money to tell supporters to change their votes could have been concentrated in those states.

More importantly, we must remember that the 2000 election was extraordinary in its closeness. Since the two party system came into being nearly two centuries ago, only one other presidential election has been even remotely as close. In all other elections, even individuals as influential as Nader could not have affected the outcome. The chances that an ordinary voter, or even one as influential as the senior editor of this magazine, could affect the outcome of an election remains absurdly tiny.

Which raises the question: why should anyone who values liberty ever vote for (or support) a candidate who, if elected, will increase government power? The chance of affecting the outcome is a tiny, tiny chance made tinier still by the fact that it is difficult to determine which candidate will harm liberty more, and that in the American political system, major party candidates almost always have positions that are virtually identical on major issues. Witness John Kerry's support for Bush's war in Iraq and George W. Bush's support for massive increases in Medicare benefits.

Further, advances in polling have reached the point where the outcome of most elections is known before the actual balloting starts. No one but an idiot gave Republican Bob Dole any better chance of winning the 1996 election than Libertarian Harry Browne had: virtually all the polls predicted the landslide victory that Clinton enjoyed.

The simple fact is that in the American political system, it is almost always impossible to determine which major party candidate would maximize liberty or better retard state growth. The chances that it makes sense for a person whose highest political value is liberty to cast his vote for a major party candidate are virtually nil. I will succumb to Cox's argument for casting my ballot for (or supporting) Bush only when he can demonstrate to me that my vote (or my support) can actually make a difference and that it is reasonable to conclude that Bush is significantly more likely to reduce state power than Kerry, or at the very least, that Bush is more likely to retard state growth more effectively. The chances that Cox (or anyone, for that matter) can provide a convincing argument that my vote (or support) can make a difference is negligible; the possibility of a convincing argument that liberty will fare better under Bush than under Kerry (or vice versa) isn't much greater.

So why would any thinking person who values liberty bother to vote? The answer to that question, I am convinced, is that voting is a form of political speech. When I cast my vote for Michael Badnarik, I will be making the most unequivocal statement for human liberty that I can possibly make. That is why I proudly wrote in John Hospers' name for president in 1972, why I have made my mark for every Libertarian candidate since, and why I will proudly vote for Michael Badnarik this fall.

Supporting Bush or Kerry on the theory that liberty will fare better (or less badly, which I think is Cox's view) under one or the other makes virtually no public statement at all. It is merely to cast one more vote with the millions who vote their economic interests, or vote as an act of faith in the state, simply from dumb habit, or under the misapprehension that one candidate is significantly preferable to the other. And doing so has virtually no possibility of impacting the outcome of an election.

When I cast my vote for Libertarian Michael Badnarik, I will be making the most unequivocal statement for human liberty that I can possibly make.

Casting my vote for Badnarik and other Libertarian candidates, whatever their personal merits or demerits, is one way I can tell the world that I stand apart from those infected with the delusions of state worship and from those who vote as a means of legalized theft, and that I believe a free society is a good society. It is my way of standing up and being counted for the political values I hold most dear. As long as I have that opportunity, I shall take advantage of it. ❑

Who Owns the Fed?

by Bill Woolsey

The Federal Reserve System prints $100 bills at a cost of 6¢. So who is pocketing the $99.94 profit?

It was in the late eighties. I was a new faculty member at The Citadel, teaching Money and Banking. A memo was in my box. There was a phone number and a note that someone had questions about the Federal Reserve.

Being dutiful (and not tenured), I returned the call. A man answered. I said that I was from The Citadel and understood that he had some questions about the Fed. An interrogation then began.

"Isn't it true," he demanded, "that the Federal Reserve pays the Treasury three cents for each dollar bill printed?" I replied that this was pretty much true.

He continued, "Isn't it true that the Federal Reserve lends this money to ordinary banks and charges 3% interest?" I noted that while the discount rate was currently at 3%, it has sometimes been higher or lower. I added that the Fed doesn't really lend out currency directly and that these Federal reserve advances aren't very important. He interrupted, "Is it true or not?" I said, "Pretty much so."

His next question was a bit different. He asked, "Isn't it true that the Federal Reserve is privately owned?" I agreed that it was, "kind of."

The rest came out in a bit of a rush. "So, isn't it true that, for every dollar printed, the Federal Reserve covers the three cent cost of printing the currency with the interest and so makes a one dollar profit for the owners. And that's how the international bankers get their money to rule the world."

I said that no, that wasn't true, but I had no quick and easy explanation. And my conspiracy theorist wasn't interested in anything other than a confirmation of the first three premises. His logical deduction of a one dollar profit and his alleged bankers' conspiracy weren't things he needed to have confirmed.

I had never heard anything like it. Now, don't get me wrong. I have been a libertarian since I was a teenager in the mid-'70s. The notion that the Federal Reserve, as an engine of inflation, was nefarious seemed natural. It was just this particular approach to the evils of the Fed that was new to me.

Soon after, a former student visited and asked me about Pat Robertson's discussion of the Federal Reserve in his book "The New World Order."[1] As my student relayed the story, the Fed pays three cents for each dollar, lends it out at 3% interest and so on. Another student reported on a story about a Washington call girl. She claimed that all the politicians had credit cards. Where did they get the money? The Fed pays three cents per dollar bill and so on. A year later, at a local Libertarian Party meeting, a newcomer was distributing issues of The Spotlight, a publication of the anti-Semitic Liberty Lobby. Among the articles about the dual loyalists in the State department was one about the Fed. It pays three cents per dollar bill, lends it out at 3% interest, and so on. This time, however, it was the international *Jewish* bankers making all the profit.

A Google search on the Federal Reserve and ownership

will generate several hundred thousand hits, many of which allege that the private owners of the Fed are making huge profits from the issue of currency. There are quite a few links to sites that specifically debunk the conspiracy theory. Some links are to Federal Reserve sites that describe the system's ownership structure.

The conventional wisdom among libertarian economists is that central banking is the modern means by which governments continue their traditional policy of debasement — using inflation as a means of public finance. The government prints money and spends it. The result is price inflation, which is often blamed on the greed of businessmen who actually set the prices. Could economists be wrong? So I did some research.

The government prints money and spends it. The result is price inflation, which is often blamed on the greed of businessmen.

The conspiracy theorists have a point regarding the ownership of the Federal Reserve. The Federal Reserve system is made up of twelve Federal Reserve banks. According to the Atlanta Federal Reserve bank, "They were to be *quasi*-private bankers' banks, owned by the member banks, which would buy all the stock of the Reserve Banks and receive dividends for it."[2]

Any Principles of Economics or Money and Banking text describes the situation, usually in similarly ambiguous terms. Baumol and Blinder state, "*Technically*, each Federal Reserve bank is a corporation; its stockholders are its member banks."[3] Mishkin explains, "Each of the Federal Reserve banks is a *quasi-public* (part private, part government) institution owned by the private commercial banks in the district that are members of the Federal Reserve system."[4]

The courts have taken notice of the Fed's peculiar status. In the 1982 case, *Lewis* v. *United States* (see "The *Lewis* Decision," p. 38), the Ninth Circuit Federal Court of Appeals opined, "Federal reserve banks are not federal instrumentalities for purposes of a Federal Torts Claims Act, but are independent, privately owned and locally controlled corporations." On the other hand, the opinion notes, "The Reserve Banks have properly been held to be federal instrumentalities for some purposes."[5]

Apparently, there is something unusual about the status of these Federal Reserve banks. Some libertarian economists describe claims about the "private" nature of the Fed with an attitude of "if only." In the context of a proposal to privatize the Federal Reserve banks, Richard Timberlake explains that "The member commercial banks already 'own' the twelve Fed banks," but adds that, "they have no property rights."[6] Murray Rothbard notes that "[c]entral banks are often *nominally* owned by private individuals or, as in the United States, jointly by private banks, but they are always directed by government-appointed officials, and serve as arms of the government."[7]

According to the Federal Reserve Act, a Federal Reserve bank is a special type of corporation chartered by the Federal government.[8] Shortly after the act was passed, the United States was divided into twelve districts and a Federal Reserve bank was organized in each district.[9] National banks (private commercial banks chartered by the Federal government) were forced to join the Federal Reserve system. State chartered banks could join if they chose, though most did not.[10] Any newly chartered national bank must still join the system and existing or new state chartered banks can still choose to join.

One requirement of membership was for a bank to purchase stock in its district Federal Reserve bank. The amount purchased was fixed by the Act. Each member bank must purchase stock equal to 3% of its capital.[11]

Take a bank's total assets — vault cash, loans, investments, building, and equipment. Then subtract its lia-bilities — checking accounts, savings accounts, bonds. The difference is the bank's capital, which, in banking lingo, is another term for net worth. Multiply by 3% and that is the dollar value of the Federal Reserve stock a bank must hold.

The par value of the Federal Reserve stock was fixed by the Act at $100 per share.[12] As a bank's net worth changes and deviates from the 3% requirement, its Federal Reserve bank issues it new shares or buys back excess shares —

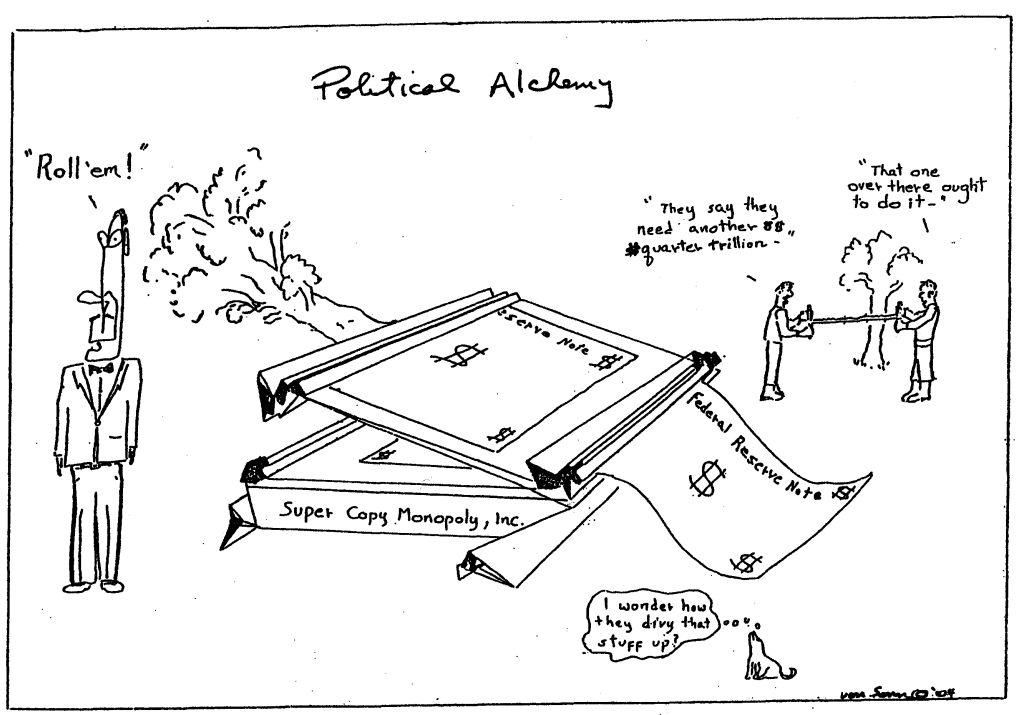

always at the $100 par value. If any bank joins the system, its district Federal Reserve bank issues new shares. If any member bank fails, its district Federal Reserve bank pays off the shares.

The Federal Reserve Act contained a provision for selling shares to the general public or even to the U.S. Treasury if necessary to meet a minimum capitalization for each district bank. These provisions weren't needed, and so all shares are held by member banks.[13]

All member banks are U.S. chartered banks — chartered by the federal government as national banks, or by one of the states. However, the stockholders of the various banks can be U.S. citizens or foreigners.

So, private investors, including foreigners, own the member banks which in turn seem to own Federal Reserve banks. That is the element of truth in the conspiracy theory.

The member banks' "ownership" of the Fed is consistently described as "quasi," technical, or nominal. The key reason is that owning stock in a Federal Reserve bank does not provide the usual benefits of stock ownership.

One of the key benefits of the corporate form of business relative to partnerships is that the owners can sell part or all of their interest in a business by selling some or all of their shares. But Federal Reserve banks aren't like ordinary corporations. Aside from the transactions with their Federal Reserve banks to maintain the 3% ratio to capital, the member banks cannot buy additional shares or sell off their shares. They cannot pledge the shares as collateral for loans.[14]

Most investors purchase stock to earn capital gains, in the hope that it will increase in value. There is no market for Federal Reserve stock — its price remains at the par value of $100. It is impossible for the shareholders of Federal Reserve banks to earn capital gains or suffer capital losses on their stock.

Of course, stockholders in ordinary corporations can also hope for dividends. As the owners of the business, all profits belong to them. In most corporations, the board of directors decides if and when to pay dividends on common stock. But

It is impossible for the shareholders of Federal Reserve banks to earn capital gains or suffer capital losses on their stock.

the Federal Reserve banks are different. The Federal Reserve Act fixes dividends at 6% per year.[15] That is $6 per year per $100 share. Any additional earnings go to the U.S. Treasury.

If an ordinary corporation is liquidated, any remaining assets belong to the stockholders. But that isn't the situation with the Federal Reserve banks. If the Federal Reserve is liquidated, the member banks get back their $100 per share and pending dividends and anything left over goes to the U.S. Treasury.[16]

Stockholders generally vote for their corporation's board of directors, and that is true of the stockholders of the Federal Reserve banks. But there are some very unusual voting rules. Usually, stockholders vote their shares, so that the largest stockholders get the most votes. Each member bank, however, gets just one vote regardless of the number of shares it owns in its Federal Reserve bank.[17]

Each Federal Reserve bank has nine board members. They are divided into three groups. There are three Class A directors, three Class B directors, and three Class C directors.[18]

The Class A directors can be involved in the banking industry and usually are. The member banks are divided into three groups — large, medium, and small banks. While

While the Fed no longer pays off Federal Reserve notes with anything, it continues to account for them as liabilities.

this is measured by their stockholdings, stock holding is proportional to net worth, which is closely associated with total bank size. The large banks elect one Class A director, the medium-sized banks elect another, and the small banks elect the third.[19]

Class B directors are elected in much the same way, except that none of them can be bank employees or stockholders. Each member bank gets one vote and the large, medium, and small banks elect one director each.

Class C directors cannot be involved in the banking industry either, but they aren't chosen by the stockholders. They are instead appointed by the Board of Governors in Washington D.C.[20]

To sum up, the stockholders of each Federal Reserve Bank elect two-thirds of its board of directors. They don't vote by shares, but rather each bank gets one vote. Bank size does influence voting, however, with large, medium, and small banks getting two directors each — one banker and one nonbanker.

For most corporations, the board of directors selected by the stockholders is free to choose top management. While the board of directors of each Federal Reserve bank chooses its president, that decision is subject to approval by the Board of Governors in Washington, D.C.[21]

There are seven members of the Board of Governors and they are appointed by the president of the United States with the advice and consent of the U.S. Senate. They are appointed for 14-year terms. The chairman is appointed by the president with approval by the Senate for a four-year term.[22] The current chairman is Alan Greenspan.

The Board of Governors is clearly a federal government agency. Its members have substantial independence from the president and Congress because of their long terms — less than federal judges, but more than those serving on most federal regulatory commissions.

The Board of Governors dominates the twelve Federal Reserve banks. Not only does it appoint one-third of their boards of directors, it has an effective veto power over the selection of the twelve Federal Reserve bank presidents.

The Federal Reserve Act authorized the board of directors of each Federal Reserve bank to set its own discount rate in consultation with the Board of Governors. This was the

interest rate at which Federal Reserve banks made loans (called advances) to member banks.[23] While some of those supporting the Federal Reserve Act thought that there would be different discount rates across the United States depending on local conditions, the consultation process with the board of governors resulted in the twelve boards of directors setting a uniform discount rate.[24] During the Great Depression, the Banking Act of 1933 changed consultation to a requirement that Federal Reserve banks obtain Board of Governors approval for their discount rates.[25] There continued to be a single discount rate for the Federal Reserve system, though it was routinely approved by each Federal Reserve Bank's board of directors.

In 2003, the Fed changed its lending policy. Today, any financially sound bank (member or not) can obtain loans from its district Federal Reserve bank at the primary credit rate. It is set at 1% above the Federal Funds rate.[26] Since the Federal Funds rate is the interest rate at which banks borrow from and lend to other banks for overnight loans, there is little motivation to borrow from the Fed. Financially troubled banks can obtain loans at the secondary credit rate. That rate is set at .5% above the Federal Funds rate and entails added supervision.[27] Given this new policy, the "power" of the board of directors of a Federal Reserve bank to set the discount rate has become a dead letter.

While the Federal Reserve Act implies that lending at the discount rate would be the key element of monetary policy, that approach was long ago superseded by open market operations. Open market operations are the purchase or sale of government bonds by the Federal Reserve.

The Federal Reserve Open Market Committee directs open market operations. It is made up of the seven members of the Board of Governors and five Federal Reserve Bank presidents. The president of the New York Federal Reserve always serves and the other four slots rotate among the other eleven Federal Reserve bank presidents.[28]

The committee sets a target for the Federal Funds rate.[29] The open market trading desk at the New York Federal Reserve buys or sells government bonds. Generally, they purchase them at either a faster or slower rate so that surpluses or shortages of funds in the market cause private traders to agree to interest rates on overnight loans close to the target.

In 2003, the total dividends to the member banks were $518 million. That amounts to .02% of U.S. government spending.

When the Federal Reserve Open Market Committee sets its target for the Federal Funds rate, it is also determining the primary and secondary credit rates for loans by the Federal Reserve banks. Today, monetary policy is controlled entirely by the Open Market Committee.

The politicians appoint the Board of Governors, which makes up seven of the twelve members of the committee. That same Board of Governors appoints one-third of the boards of directors, which select the Federal Reserve bank Presidents that make up the remaining five-twelfths of the committee. And the Board of Governors has an effective veto over the selection of Federal Reserve bank presidents.

Because of the 14-year terms for the members of the Board of Governors, today's monetary policy mostly depends on the appointments made by politicians in the past. Short of rewriting the Federal Reserve Act, appointments by today's politicians will only gradually effect future monetary policy. That is why the Federal Reserve System is described as an independent agency within the federal government.

The politicians control the Fed, in the same sense that they control the federal judiciary.

Many of the conspiracy theories claim that the private owners of the Fed are making large profits from the issue of currency — Federal Reserve notes. The twelve Federal Reserve banks are responsible for issuing Federal Reserve notes, but they don't print currency themselves. They pay the Bureau of Printing and Engraving, a division of the U.S. Treasury, for the service. Estimates for the amount the Fed pays for printing each note vary from 2 cents to 6 cents. In 2003, about 8 billion notes were printed. The Fed purchased currency with a face value of $143 billion[30] and then paid the U.S. Treasury $508 million.[31] That amounts to about 6 cents per note and .3 cents per dollar printed.

It is like having copies made at Kinkos, and even more like the cost of printing checks. The printing cost doesn't have much to do with the amount the checks will be worth when they are written and spent.

While paying less than one cent per dollar issued sounds profitable, the Federal Reserve Banks do not treat this as profit. The Fed accounts for Federal Reserve notes as a liability — a debt of a Federal Reserve bank.[32]

When the Fed was formed, the United States was on a gold standard and the Fed was obligated to pay off Federal Reserve notes on demand with lawful U.S. money — mostly gold coins and gold certificates. While the Fed no longer pays off Federal Reserve notes with anything, it continues to account for them as liabilities.

After the Fed has currency printed and before it is issued, it is just paper — like a blank check. When the currency is issued to banks or ends up in the hands of other firms or households, it becomes a liability for the Fed. When the currency is deposited by a bank back into the Fed, it is again meaningless paper — like a cancelled check. Unlike a used check, however, the Fed can issue out currency again.

While the Fed accounts for Federal Reserve notes as liabilities, the U.S. government guarantees them as well. If a Federal Reserve bank were to fail, then the U.S. government would pay off the outstanding currency. To protect the U.S. government from losses, it requires that Federal Reserve banks set aside U.S. government bonds or gold certificates as collateral.[33] When the United States left the gold standard, there was no longer any possibility of the Fed defaulting on Federal Reserve notes, so the secondary U.S. government

guarantee became meaningless. Still, the Federal Reserve banks pledge collateral for Federal Reserve notes.

The Federal Reserve doesn't directly lend currency to banks. When a bank gets an "advance" from the Fed, the Fed just makes an entry into its computer and credits the bank's deposit account. So rather than paying less than one cent per dollar for the money they lend to banks, the Fed actually pays nothing.

Of course, banks can withdraw currency from their deposit accounts at the Federal Reserve banks whenever they want. And they do so regularly, to cover currency withdrawals by their depositors and to stock ATM machines. The Federal Reserve banks have currency printed up as needed to cover withdrawals by the banks. And while the total stock of currency is usually expanding, a substantial portion of the Fed's printing cost is for new currency to replace worn currency that has been withdrawn from circulation and shredded. In 2003, the Fed increased the stock of Federal Reserve notes by $42 billion and replaced $101 billion of worn currency.[34]

Suppose the Fed lent money to a bank, charging 2.25% annual interest (the primary credit rate in August 2004).[35]

The *Lewis* Decision

by William E. Merritt

In certain quarters (mine, for example), the revelation that vast chunks of federal power had been quietly privatized would be cause for bonfires and parades and patriotic rejoicings, so it was with a thrill of optimism that I read *Lewis* v. *United States*. This is the case — the definitive statement by the Ninth Circuit Court of Appeals — that proves once and for all that the Federal Reserve banks and, by extension, our entire economic system, have fallen into private hands.

Lewis v. *United States* was brought by a man named, naturally enough, Lewis, who was injured by a vehicle owned and operated by the Los Angeles Branch of the Federal Reserve Bank of San Francisco. (The Ninth Circuit didn't say what kind of vehicle Lewis was injured by, but I like to think it was a triple-trailer loaded with cancelled checks. One of the things Federal Reserve banks do is ship huge quantities of cancelled checks around the country.)

Lewis then sued the United States in federal court under the Federal Torts Claims Act. The trial court, and then the Ninth Circuit, dismissed the case on the grounds that the Federal Torts Claims Act didn't apply because Federal Reserve banks don't actually belong to the federal government but are, as the Ninth Circuit put it, "independent, privately owned and locally controlled corporations."

The Ninth Circuit had a point: each Federal Reserve bank is a separately chartered corporation owned by commercial banks. The commercial banks appoint six of the Federal Reserve bank's nine directors (the other three are appointed by the Federal Reserve Board, so the government keeps a finger in this pot) and the directors enact bylaws, appoint officers, and supervise daily banking activities. Given these facts, the Ninth Circuit came up with the same standard, white-bread result any court would have reached, and people who go around claiming that Federal Reserve banks are privately owned are right. The banks *are* privately owned, at least for purposes of the Torts Claims Act.

But this decision doesn't set my juices flowing, and not just because I wasn't the one who was run down by a truckload of cancelled checks. It's because the decision doesn't have much to do with who actually controls monetary policy in the United States. All the Ninth Circuit decided was that the federal government did not have enough ownership in the Federal Reserve Bank of San Francisco to trigger jurisdiction under the Federal Torts Claims Act.

It's as if I were run down by a tow truck owned and operated by the Shell station on the corner, and decided to go to Holland to sue Royal Dutch Shell. The worthy Dutch jurists would undoubtedly point out that, since Shell doesn't own the filling station in question, I should have sued the filling station back home in state court. They would explain their decision by pointing out that the station was owned by local investors who hired their own employees and made their own rules about day-to-day operations, that the owners of the station set the price of gas at the pump, and that the owners of the station were responsible for deciding whether people's windshields got swabbed as part of the deal and whether customers had to pay for the air squirted into their tires. And the Dutch court would be right. But none of it would mean that my local pump-jockey secretly controlled Shell Oil and was calling the shots down at the International Energy Cartel.

As fervently as I might wish it different, it's the same with Federal Reserve banks: the fact that they enact their own bylaws, appoint their own officers, conduct general banking business, and load cancelled checks onto trucks with forklifts doesn't mean they have any say in federal monetary policy. All it means is that their job is to get the rest of us to buy the gas the federal government puts out.

The bank might withdraw the funds and the Fed would be obligated to issue it currency which would cost .3 cents per dollar (or 6 cents per note). When the bank repaid the loan (probably the next day), the Fed would earn a tiny fraction of a cent per dollar. The returned Federal Reserve note, however, wouldn't be revenue. And the Fed could issue it out (perhaps by lending) again and again until it wears out.

Total outstanding loans by the Fed to the banks was $245 million in July 2004.[36] At 2.25% interest, that would earn the Fed an income of about $5.5 million per year. But since the total amount of Federal Reserve notes is approximately $700 billion,[37] it is apparent that Fed lending to banks does not play a significant role in the creation of currency.

There are any number of ways in which regulations associated with the Federal Reserve system impose unjustified costs on banks.

Conspiracy theorists, like Thomas Schauf[38] and Eustace Mullins,[39] complain that the private owners of the Federal Reserve are profiting from the national debt. Since the Federal Reserve creates money out of thin air through open market operations — purchasing government bonds — they are at least looking in the right direction.

As of July 2004, the Fed held government bonds worth $693 billion.[40] Contrary to the claims by some conspiracy theorists that the entire national debt is associated with the issue of currency, the Fed's holdings are about 9% of the $7.5 trillion gross national debt.[41] After subtracting securities held by various federal government trust funds, the Fed's holdings are about 15% of the remaining $4.5 trillion net national debt.[42]

When Fed bond holdings are added to the small amount of its lending to banks, the $11 billion gold reserve, $40 billion in holdings of foreign exchange, along with repurchase agreements, Federal Reserve bank premises, and the like, the Fed's assets cover its liabilities — Federal Reserve notes issued, the $25 billion that banks have deposited at the Fed, the government's $4 billion deposited in the Fed, and various other small items.[43]

Since government bonds make up the bulk of the Fed's assets, the interest from those bonds provides most of its revenue. In 2003, the Federal Reserve's total income was $24 billion, of which $22 billion came from holdings of government securities.[44] While that is a substantial amount of money, the total interest expense for the U.S. government was $153 billion[45] and total government spending was $2.157 trillion.[46] The Federal Reserve's earnings on bonds were a bit over 14% of the government's interest expense and 1% of total government spending.

Some conspiracy theorists have claimed that personal income tax funds are earmarked to pay interest to the Fed, and if no such interest was paid, there would be no need for the income tax. Fed interest earnings amount to a bit over 2% of the $987 billion in personal income collections in 2003.[47] Total interest payments by the government are about 15% of income tax revenues.

The chief problem with the theory that the private owners are making huge profits from the Fed is that the Fed transfers large amounts of money back to the U.S. Treasury each year. In 2003, the amount transferred was $22 billion.[48] Since that is exactly how much interest the Fed earned from U.S. securities, the net cost of the Federal Reserve to the U.S. taxpayers was zero.

Zero? The conventional view among economists is that the Fed makes money for the government. How? One way to look at it is that if the Fed didn't own these government bonds, then someone else would. Those investors would not transfer their earnings back to the Treasury. By having the Federal Reserve own a portion of the national debt, the U.S. government saved $22 billion in interest expense in 2003.

Conspiracy theorists like Schauf have proposed that the government replace Federal Reserve notes with "greenbacks" — U.S. Treasury notes that bear no interest.[49] They claim that this would free the government from paying interest on part (or even all) of the national debt.

If the government replaced Federal Reserve notes with that sort of currency and retired interest-bearing debt, then the government would not have paid the Federal Reserve $22 billion in interest. But neither would the Fed have transferred the $22 billion back to the Treasury. An exact match doesn't occur every year. In 2002, the Fed earned $25 billion on government bonds and transferred back only $24 billion.[50]

Still, that didn't create an additional $1 billion "profit" for the member banks that "own" the Federal Reserve. The member banks make six cents on each dollar they are forced to have invested in the Federal Reserve system. In 2003, the total dividends to the member banks were $518 million.[51] That amounts to .02% of U.S. government spending. It amounts to about .5% of the $100 billion in total commercial bank earnings.[52]

The rough equivalence between the interest the Fed earns from the government and the amount it transfers to the U.S. Treasury causes most economists to see these financing issues as a shell game. Since nearly all the interest paid on debt sold to the Fed is transferred back to the U.S. Treasury, there isn't really any interest paid. The government uses the Fed to partly finance its deficit by creating money and spending it. The end result is no different than if the U.S. Treasury just printed up "greenbacks" and spent them. The process is just a bit more "efficient" than the ancient practice of melting down silver coins and mixing in lead. Most economists would argue that the Fed created $36 billion for the government in 2003.[53] That is the change in the monetary base (currency and reserves) less the expenses of operating the Federal Reserve system.

For the Fed, final authority is in the hands of the politicians.

Do shady international bankers control the Federal Reserve? Perhaps, but not because they "own" the Federal Reserve system. The politicians have control, in the same

sense that they control the federal judiciary. Government appointees make up the majority of the Open Market Committee and those same appointees have an effective veto in selecting the Federal Reserve presidents who make up the remainder of the body. Further, they appoint one-third of each Federal Reserve bank's board of directors, which in turn choose those presidents.

However, if one begins with an understanding that the Fed is fundamentally a political operation, then it is unusual in that bankers have an extra avenue of influence. Like everyone else, they can vote, lobby, and make campaign contributions and so influence the politicians. Unlike everyone else, they can own shares of stock in member banks that "own" the Federal Reserve banks and so influence directors, Federal Reserve bank presidents, and the Open Market Committee.

Do shady international bankers make large profits from the Federal Reserve? It depends on what is meant by "large." Since there is little or no risk in stock whose value remains at par, and the interest rate earned by the Fed on its government securities portfolio is closer to 3% than the 6% dividend, perhaps a substantial cut in payments to the member banks is in order. If the dividend rate were reduced to reflect the current return on the Fed's portfolio, the taxpayers could save as much as $250 million a year in financing the national debt.

However, this potential gain depends on the low levels of interest rates for the last few years. Since 1960, the rate on Treasury bills has been greater than 6% almost 40% of the time. It was consistently above 6% from the fall of 1977 to the summer of 1986. When the T-bill rate peaked at 15% in March of 1980, the Fed was earning substantially more on its security portfolio than the dividend rate it was paying the member banks.[54]

Further, from a libertarian perspective, there are any number of ways in which regulations associated with the Federal Reserve system impose unjustified costs on banks. Reserve requirements force banks to tie up more funds than they believe necessary in vault cash and Federal Reserve deposits. The banks earn less interest and the Fed and the U.S. Treasury collect roughly what the banks lose. More importantly, by taking away the right of banks to issue redeemable, dollar-denominated banknotes, the Fed's compulsory monopoly on currency issue reduces bank earnings by tens of billions of dollars. How a competitive banking system would distribute those funds between bank stockholders and customers is difficult to predict, but there is a cost to having the government finance its budget deficits by issuing currency.

Who owns the Fed? The owners of a business typically have ultimate authority over operations and serve as residual claimant. Stockholders elect directors, who appoint top management. Stockholders receive the profits — excess revenues after all other claims on funds are paid.

For the Fed, final authority is in the hands of the politicians. They appoint the Board of Governors, who dominate the Federal Reserve banks. Further, any earnings of the Federal Reserve banks beyond expenses, including the 6% dividend to the member banks, goes to the U.S. Treasury. Since the U.S. government has final authority and serves as residual claimant, the most reasonable view is that the Federal Reserve system is government-owned.

The conspiracy theorists' claim that private owners of the Fed are making bundles of money is false. The conventional view among economists (including libertarian ones) that the Fed is a government operation that partially finances fiscal deficits by money creation is fundamentally correct. The live question among libertarians is how to get the government out of the banking system — perhaps by truly privatizing the Fed's operations — in a way that prevents inflation and macroeconomic instability. ❑

The conspiracy theorists' claim that private owners of the Fed are making bundles of money is false.

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continued on page 52

Reviews

"Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001," by Steve Coll. Penguin Press, 2004, 695 pages.

"The 9/11 Commission Report," by the National Commission on Terrorist Attacks Upon the United States. W.W. Norton & Company, 2004, 516 pages.

The Paper War on Terror

Christopher Hartwell

The 9/11 commission hearings monopolized the headlines earlier this year. The media and Democrats gleefully seized upon former counterterrorism guru Richard Clarke's assertion that the Bush administration was so obsessively focused on Iraq that it ignored al Qaeda, despite the protestations and pleadings of the outgoing Clinton administration. Republicans countered that the foreign policy drift of the Clinton years, including the desultory "wag the dog" missile attacks in 1998, did nothing to counter al Qaeda ascendance and required President Bush to confront eight years of neglect.

Two recently published books seem to vindicate both sides of this debate; indeed, they can be seen as a two-volume exposé of America's failed policies in Afghanistan and the Middle East, written in a rare bipartisan consensus. The central lesson of both *Ghost Wars*, Steve Coll's new book on the CIA's involvement in Afghanistan, and "The 9/11 Commission Report" is that the U.S. government has become so weighed down dealing with issues outside its purview that it now fails at just about everything, including its most important responsibility: defending the country. Contrary to things you will hear and have heard during this campaign, Iraq is not the distraction from the war on terror — everything else that government does is.

Of the two books, *Ghost Wars* has more depth. Coll paints a damning picture of a superpower that built up an armed resistance in Afghanistan, erroneously funded some of the most virulent anti-American jihadists (though not bin Laden himself; the bulk of CIA funding went to Gulbuddin Hekmatyar, now on the lam from U.S. troops), and then walked away when the Cold War abruptly ended. The anarchy that Afghanistan plunged into provided ripe conditions for the rise of the Taliban and al Qaeda just as America was taking its vacation from history.

Inextricably linked to this tale of America's myopic foreign policy is the more malicious story of America's role in shaping the Afghan resistance and rebuilding the country. America deferred continually to its allies Saudi Arabia and Pakistan, with nary a thought as to what a post-resistance, post-communist Afghanistan would look like. Pakistan had been calling the shots in Afghanistan for quite some time, as CIA funding to the mujahedeen was channeled through Pakistan's notorious intelligence service, the ISI (and matched by Saudi funds that went to the most radical commanders). The CIA was not concerned with where or to whom specifically the money went, so long as it was used effectively. As Milt Bearden, the CIA station chief in Islamabad, kept repeating to anyone who would listen, the mission was to kill Soviets, and the "CIA was not going to have its jihad run 'by some liberal arts jerkoff.'" (p. 166)

Coll subtly but continually makes the point that relying blindly on allies to do work important to our national security is naive at best, and dangerous at worst. Our allies do not always share our national interests — witness France in the run-up to the Iraq war. Pakistan's behavior in post-Cold War Afghanistan bears out Coll's point. As Afghanistan descended into chaos, and with a new president in the White House promising to focus on domestic matters, the U.S. government was con-

tent to let the Afghans sort things out for themselves — which meant letting Pakistan control the course of Afghan events. It was in Pakistan's interest to have a subservient, weak Afghanistan that could provide "strategic depth" (i.e., a fallback position for Pakistan) should India finally get fed up with Pakistani provocation in Kashmir. And a weak Afghanistan was a divided, Islamic Afghanistan. While America was preoccupied with trivial matters, the ISI stepped up its support for Islamist militants and America's hard-fought gains in Afghanistan were virtually wiped out by 1996. This saga alone should give pause to those who would have the United Nations run our foreign policy.

Another bit of conventional wisdom that is detonated in Coll's book is the notion that legal maneuvering is effective, from the endless debates among lawyers about what military targets were justified to the comical attempts to explain the legal parsing to our Afghan allies and get them to conform to what State Department lawyers had decided was "acceptable." Coll relates several anecdotes about the U.S. government's reluctance to act forcefully, even after the embassy bombings in Africa in 1998, where "any joint operation [with the Afghans] had to be a plausible, well-planned attempt to capture [bin Laden]." Attempting to explain the nuances of American legal constraints, Afghan resistance legend Massoud was inclined to think, "Oh, okay, you want us to capture him. Right. You crazy white guys." (495)

Those who plotted the Sept. 11 attacks suffered setbacks and confronted obstacles, but still succeeded because of the sheer incompetence of their enemy.

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Given John Kerry's declaration that fighting terrorism should be primarily a "law enforcement operation," one hopes that Coll's examination of the way it actually was handled under Clinton has made its way to Kerry's staff. Indeed, Coll's account becomes more and more infuriating as the Clinton administration lets chance after chance to nab bin Laden slip away, as the reliance on lawyers as the arbiters of all that is holy in international relations becomes complete. The section on deciding whether to classify the CIA's predator drone as a missile or not would be hilarious if it were not so depressing. At the end of the day, the legal constraints on our operations were so extensive that American policy towards terrorism boiled down to this: "American officials began to hope that bin Laden would mistakenly stray behind Northern Alliance lines one more time." (495)

Coll's book, by design, tells a tale of the past but does not seek to offer recommendations for the future. This task has been taken up by the government itself, in the form of "The 9/11 Commission Report" prepared by the National Commission on Terrorist Attacks Upon the United States.

Much of this work corroborates Coll's tales of missed opportunities to nab bin Laden, although in much less detail, and concentrates on both the attacks themselves and how the government can reinvent itself to prevent an even worse disaster.

Despite the headlines yanked by the media from the report (declaring, for example, that Saddam and bin Laden never collaborated "operationally"), the report itself is a sober and, dare I say, nuanced effort. Being a product of bipartisan investigation, it paints the Clinton administration as much less inept than some critics on the Right claim, although how much of this owes to the fact that the Commission's reconstruction of events is dependent upon testimony from Clinton himself, I can't say. The report shows that the government as a whole was not able to deal with terrorism in any systematic way, especially when terrorist attacks actually occurred.

Those who plotted the Sept. 11 attacks suffered setbacks and confronted obstacles, but still succeeded because of the sheer incompetence of their enemy. The 9/11 Commission's retelling of that late summer morning appears as a culmination of all the bureaucratic failures that Coll laboriously depicts. In fact, one of the disheartening lessons of the report is how flexible and adaptable al Qaeda was, in sharp contrast to our government, and how it was able to work as a lean machine on limited funding. Of course, part of the reason is that al Qaeda didn't face the same political pressures that governments do; there is little call for a government-funded pension program when your members expect to die between the ages of 18 and 35 in a fiery cataclysm. But the continued improvisation of al Qaeda shows the difficulty we were and are facing. Even the Commission itself notes that the plotters had:

The problem with having one part of government detail the entire government's failures is that its solutions invariably involve more government.

- [L]eaders able to evaluate, approve, and supervise the planning and direction of the operation;
- Communications sufficient to enable planning and direction of the operatives and those who would be helping them;
- A personnel system that could recruit candidates, vet them, indoctrinate them, and give them necessary training;
- An intelligence effort to gather required information and form assessments of enemy strengths and weaknesses;
- The ability to move people; and
- The ability to raise and move the necessary money. (173)

What's striking is not that al Qaeda accomplished this; it's how a government as expansive as ours was *unable* to accomplish this and prevent the plot. Indeed, some of the biggest successes in the fight against terrorism, such as the discovery of the January 2000 plot to detonate a bomb in the Los

Angeles International Airport, were only achieved because of alert individuals, not because of governmental action. The opening chapters are alternately gripping, infuriating, frightening, and illuminating. They detail exactly what happened on Sept. 11, and how individuals working outside the rules were the only ones with any success that dark day. Stewardesses willing to risk their lives by calling for outside help via cell phone, passengers not willing to acquiesce to terrorists over Pennsylvania, and air traffic controllers who circumvented normal procedures were the only ones who managed to alert the military and the nation of the threat, despite an elaborate chain of command that was supposed to prevent something like this from happening. If anything, the opening chapter of this report shows that homeland security begins and ends at the level of the individual.

Both of these books are meticulously compiled, researched, and argued, but the interlocking narrative leads the reader to the unmistakable conclusion that the attacks of Sept. 11 weren't the fault of Reagan for arming the jihadists during the 1980s, nor were they the fault of the Clinton administration's ambivalence towards terrorist threats. Nor, as Richard Clarke claims in his latest book, did the attacks of Sept. 11 occur because George W. Bush had to destroy Iraq at all costs, Osama be damned. No, the lesson of America's approach to Afghanistan and international terrorism is that our government is too big, too unwieldy, and too slavishly devoted to process and interagency meetings to handle a thousand terrorists in a mud fortress on an open plain.

Time and again, both books point out the bureaucratic infighting that crippled intelligence operations. What would have happened if there hadn't been at least five different agencies (the State Department, the Department of Justice, the Department of Defense, the CIA, and the NSC) pulling in different directions while dealing with the threat from Afghanistan, with these agencies themselves bitterly divided into bureaus and task forces and country desks? Even though the report tries to salvage some of the Clinton administration's supposed determination to eradicate bin Laden and stop al Qaeda, the method the administration chose for signaling urgency was less than efficacious — as the report says, "the Principals [i.e. the cabinet members at Secretary level] met constantly" (179).

What these books expose is the U.S. government as an organizational nightmare. Having worked at the Treasury Department on the reconstruction of Afghanistan and Kosovo, I can attest that the worst aspects highlighted in both books are perhaps not highlighted *enough*. In fact, our successes in deposing both the Taliban and Saddam Hussein are threatened because of the same bureaucratic processes and infighting. Endless meetings that leave subordinates scrambling to brief their superiors, incessant quibbling about wording of memos and communiques, and inter- and intra-agency feuding that require *any* communication on letterhead to receive approval from at least eight people do nothing for our national security, much less for our liberty.

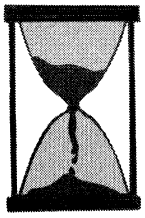

Is Time Running Out for Government?

*"Historically comprehensive and philosophically coherent"—**Choice***

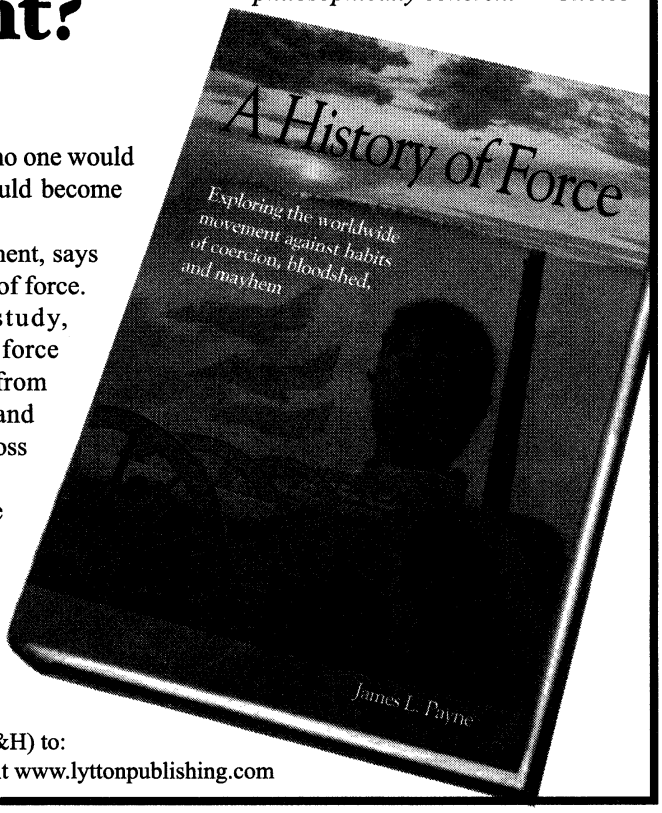

Force is the basis of government. Take away the guns, and no one would care what senators say, and their bustling marble chambers would become echoing mausoleums.

Therefore, if we want to know about the future of government, says political scientist James Payne, we need to track trends in the use of force. This is what Payne has done in his provocative new study, *A History of Force.* His readable account of dozens of uses of force reveals a long-term tendency for the human race to turn away from violence and coercion. This trend affects government. Large and intrusive as it is today, government is quietly being eroded by the loss of moral, cultural, and intellectual support.

For centuries, reformers have looked to the state and its use of force to improve the world. Payne shows that this perspective is historically misguided. Coercive approaches are in decline. The future belongs to voluntary arrangements that emphasize individual creativity, persuasion, and generosity.

To order ***A History of Force,*** send check for $27.45 ($23.95 plus $3.50 S&H) to:
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This is precisely the conundrum posed by "The 9/11 Commission's Report." The problem with having one part of government detail the entire government's failures is that its solutions invariably involve more government. This is perhaps an inevitable knee-jerk response in a democracy, as the populace wants its politicians to be doing *something*. So before the Commission's recommendations were even a twinkle in Tom Kean's eye, our government's initial response to terrorism was more bureaucracy, in the form of the vaguely fascist-sounding Department of Homeland Security. Now the 9/11 Commission lays out a series of recommendations that call for still more government.

Some recommendations seem ready-made for their own bureaucracy and your tax dollars — witness the call for an "International Youth Opportunity Fund" (378) or "increased assignment of radio spectrum for public safety purposes." (397) But the most important recommendation calls for creating a National Intelligence Director that would oversee disparate intelligence centers but not combine them, leaving intelligence fractured across agencies. In other words, to add another layer of bureaucracy.

It's a pity that the 9/11 Commission drew this conclusion from the facts in its own report. President Bush's rush to implement some of these suggestions just means that our talk of being "safer" only really means that our government is larger. ☐

"The Bush Betrayal," by James Bovard. Palgrave Macmillan, 2004, 330 pages.

The Case Against Bush

Anthony Gregory

If we libertarians are ever going to reclaim the freedoms Americans once enjoyed, we must better understand the *specific* ways in which government officials have trashed our liberties, squandered our money, threatened the peace, and lied to us. No matter how well we understand economics, history, or philosophy, we must have concrete examples and modern empirical data that support the ideals of liberty and that reveal the dangers of government power, if we hope ever to sway public opinion.

Today we witness a political realignment. The libertarian movement suffered a setback from 9/11, and some libertarian thinkers and activists became advocates of the most accelerated expansion of government power in recent years, all in the name of fighting terrorism. Many of these same libertarians have defended the current administration with no shame, despite its well-deserved reputation as the most destructive administration to American liberty in many years.

Bush has expanded the size, role, expense, and belligerence of the federal government in virtually every conceivable way. He has betrayed the conservative principles of fiscal responsibility and constitutional federalism. He has ruthlessly attacked our civil liberties. He has cajoled the country into unnecessary war and imperial occupation. He has invaded two countries, censored our political speech, expanded agricultural corporate welfare, increased federal control of public education, increased social spending, restricted foreign trade, escalated the drug war, racked up unprecedented public debt, shredded the Bill of Rights, and pushed through more health-care socialism than any president since Lyndon Johnson. We know all this. But what about the details?

In his new book, "The Bush Betrayal," James Bovard presents a succinct, cogent, and compelling analysis of how Bush has betrayed America's founding principles of liberty and limited government in ways that impact all areas of our lives. In 278 pages of text with more than 1,200 footnotes, Bovard provides us with a pleasantly readable and detailed account of the Bush administration's collectivism and dishonesty on every policy issue from farm subsidies to tariffs, from the oppressive Bipartisan Campaign Reform Act to the war on Iraq.

Bovard stays on target throughout the book, laying out the details of Bush's follies, but he sneaks in important lessons for the reader about how the answer is liberty, and the general problem is government power. Many libertarians write pages and pages outlining philosophical cases for freedom, ornamented with the occasional, often unconvincing example of actual government wrongdoing. Like most partisans, they tend to avoid the dirty work of looking up specifics — the facts, the figures, and the quotations from politicians and pundits involved with the issues they write and speak about. Bovard puts the facts first, lets them largely speak for themselves, and then offers his insights into what the fundamental problem is and how to solve it.

The fundamental issues, of course, transcend the particular faults of George W. Bush. Bovard knows this full well. For example, he writes: "The more government is exalted, the less likely national security will be improved. . . . Post-9/11 America shows what happens when a nation worships its leader and permits him to tell one lie after another" (p. 30).

Some of the best material in the book involves the foreign fronts of the War on Terror. Bovard exposes as an outright lie Bush's claim in his 2002 State of the Union address that diagrams of American nuclear plants

were found in Afghanistan. He reveals the administration's failures in Afghanistan, where the people are hardly "free" and the roads are still terrorized by warlords and the Taliban. And then there's Iraq. Bovard chronicles lie after lie about weapons of mass destruction and nicely documents the changing rationale for war, which has now reached the point where all the administration does is boast that at least Iraq is "free." But "Bush freedom" in Iraq, as Bovard calls it, is hardly freedom at all, with its censorship, military occupation, curfews, and frequent shootings of civilians. Bovard also shows that, far from being an anomaly involving a handful of bad apples, the prison torture at Abu Ghraib and elsewhere "arose from one of Bush's most audacious edicts" (260) and was a predictable result of the administration's policies.

Bovard does not limit himself to Bush's foreign policy. He shows how No Child Left Behind — far from being "ineffective," as the Left complains — has quite effectively encouraged states and districts throughout the country to dumb down their standards and simply neglect to test students who would likely fail. He describes the Bush administration's decision to impose steel tariffs, even though it knew the tariffs would destroy American manufacturing jobs. Bovard addresses Bush's socialistic "compassionate conservatism," ripping apart Bush's farm subsidies that "entitled farmers to snare up to $360,000 per year" (98) and asking, "Who gave George Bush the right to be generous with other people's money?"

Bovard does not merely preach to the libertarian choir. A conservative, frustrated by Bush's rabid spending and skeptical of his wars, will find Bovard much more persuasive than Michael Moore. A liberal, disgusted by Bush's warmongering and mostly ignorant of his domestic economic policies, will find "The Bush Betrayal" a refreshing addition to the polemical anti-Bush literature.

Liberals in particular need to read this book. Much of the leftist critique of Bush is accurate and useful, especially in regard to war and civil liberties. And yet, the leftists' partisanship becomes clear in their frequent attacks on Bush's social spending record. Liberals tend to blame Bush for cutting social spending, gutting the Department of Education, and, in Hillary Clinton's words, "undoing the New Deal." If only! Bovard shows how Bush has increased domestic spending beyond Clinton's wildest dreams, and by showing the corruption of Bush-style welfare statism, Bovard offers the liberal much to think about. Bush's huge expansion of Medicare and his agricultural welfare can be attacked from the Right as big government or from the Left as corporate giveaways. Bovard criticizes such policies from all angles and on all counts. The chapter on campaign finance reform alone is a powerful argument not only against Bush, but against the kind of speech suppression that campaign finance "reform" entails. It's sure to complicate the blurred thinking of any well-meaning liberal reader who has long believed that Congress can legislate away its own corruption.

The fundamental issues, of course, transcend the particular faults of George W. Bush. Bovard knows this full well.

And conservatives who are tired of hearing liberals complain about Bush's fictional cuts in social spending, who think that any attack on Bush is an endorsement of Kerry-style socialism, and who are skeptical of hearing anti-war arguments from what they perceive as the Marxist Left, will have nowhere to run and hide when Bovard is done dismantling their illusion of Bush as any sort of protector of the free market, the Constitution, or limited government. Indeed, Bovard strategically avoids the Iraq issue until the very end, having already proved Bush's willingness to lie about Medicare costs, pander to voters with profligate domestic spending, and suppress political speech.

Bovard's nonpartisan deconstruction of the Bush administration's lies and failures is reminiscent of his "'Feeling Your Pain': The Explosion of Government Power and Abuse in the Clinton-Gore Years." At a time when conservative pundits put most of their anti-Clinton energy into condemning the president's marital infidelities and overall smugness, Bovard focused on what was most important. He laid out precisely how the Clinton administration squandered taxpayers' money, regulated business to an obscene extent, encroached on privacy and the right to bear arms, bombed thousands of civilians in Serbia for dishonest reasons, whitewashed Ruby Ridge, and gassed and torched a religious community in Waco in what was essentially a horribly failed publicity stunt. These were Clinton's sins that actually affected innocent people, and whereas Republicans focused on the intern — just as today's Democrats focus on Bush's poor speaking skills — Bovard devoted his energy to accounting for the tax dollars, liberties, and lives sacrificed on the altar of the growing U.S. welfare-warfare-police state. Whether or not the Serbians and Iraqis slaughtered fell victim to a man with a D or an R in his political title is not Bovard's main concern, and if we wish for freedom to return for everyone — conservatives, liberals, and libertarians — it must not be our main concern either.

Bovard seems to want Bush to lose the election, but he cautions that "[r]egardless of who wins the November

"No insurance? — Are you trying to make trouble?"

election, America will likely have a lousy president for the next four years. . . . No one is entitled to the amount of power that the winner of the November election will possess over the American people" (277). After reading his compilation of self-damning quotations from Bush and his underlings, the faulty cost projections, the frustration and follies within the federal bureaucracy, and the disastrous results of virtually all of Bush's domestic or foreign programs, the reader will have a difficult time coming away from "The Bush Betrayal" with the same impression of Bush he had going into it. Those who defend Bush will be confronted with too much powerful evidence to walk away with their loyalty to the president intact, and those who think they cannot possibly dislike Bush's sorry record any more may find, after reading this book, that they can. ❑

"Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America," by Jonathan Rauch. Times Books, 2004, 224 pages.

Marriage Is Fabulous

John Coleman

With his presidential radio address on July 10, George W. Bush kicked off a searing congressional debate over the Federal Marriage Amendment with his unequivocal support for defining marriage constitutionally as the union of one man and one woman. "A great deal is at stake in this matter," Bush commented. "The union of a man and a woman in marriage is the most enduring and important human institution, and the law can teach respect or disrespect for that institution."

The president's position seemed simple enough. The White House, however, was divided. Lynne Cheney, the vice president's wife and the mother of a lesbian, opposed the president, claiming instead that marriage is an issue better left to the states. "[T]he constitutional amendment discussion will give us an opportunity to look for ways to discuss ways in which we can keep the authority of the states intact," she implored — and while the president publicly opposed "judicial activism" with legislative activism, Mrs. Cheney's subtler federalist position was echoed not only by prominent Republican Sen. John McCain, but also for many years by her own husband.

What is it about marriage that so confounds and arouses the political sensibilities of civil society? For millennia, state interference in man's primal social institution has been a source of inspiration, tyranny, and legend. In A.D. 249 St. Valentine, a Roman cleric, was imprisoned and executed for his opposition to Emperor Claudius' decree that young men (his potential crop of soldiers) could no longer marry. Nearly 2,000 years later, the California state Supreme Court faced political martyrdom when it struck down a ban on interracial marriage, crushing two centuries of institutionalized racism. In contradistinction to an ideology that would blame all of marriage's problems on the state, writers from Shakespeare to Kate Chopin have noted the problems of societal pressure on the most sacred of human institutions.

In his new book, "Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America," Jonathan Rauch, a writer at National Journal and The Atlantic Monthly, carries the torch of marital revolution by making the case for gay marriage at a time when the topic is perhaps the hottest cultural issue in the nation. Building on a wealth of historical precedent, statistical support, and old-fashioned reason, Rauch pieces together a lawyer's case for the inclusion of homosexuals in American civil marriage, and attempts to dispel the idea that gay marriage is a purely "civil liberties" dilemma. Rauch attacks the strongest arguments of his opponents, both conservative and liberal, maintaining his place as one of the pre-eminent journalists and essayists of the 21st century.

Rauch's work is a well-written and thorough defense of marriage itself. The first two chapters ("What is Marriage For?" and "Accept No Substitutes") explore the importance of marriage in modern society and argue for broadening the institution to include gay couples. To Rauch, marriage is much more than a "contract between two people" or a "package of benefits" (p. 31). It is the fundamental institution of civil society. It is the foundation of the family structure. It ensures the persistence of a reliable caregiver in times of illness and old age. It settles the populace, particularly young men, and discourages irresponsibility and sexual promiscuity.

As Rauch sees it, marriage is a cohesive of monumental proportions — binding society at a macro level and granting hope and security to those who choose it. However, it is also indescribably complex. "We can't preserve the marriage mystique if marrying is just one of many arrangements people make to express their fondness for each other or to link their bank accounts," Rauch contends (38). Marriage is not just a contract. It is a primal social bond with positive externalities both for those who enter into

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the agreement and for the society in which the agreement is made. Rauch's social case for marriage is persuasive,

The denial of marriage rights to an entire subset of human beings is precisely what should encourage Hayekian political evolution.

and throughout he reiterates that these benefits extend to homosexual as well as heterosexual relationships.

"For eons, human communities have favored more marriage over less," Rauch writes. "They have believed that marriage is a powerful stabilizing force: that it disciplines and channels crazy-making love and troublemaking libido; that stability and discipline are socially beneficial, even precious. . . . Why should homosexuals be the one exception?" (80–81) His analysis is simple: marriage is good; if homosexuals are permitted to marry, there will be more marriage; this increase in marriage is good for all parties involved. This, Rauch argues, is why marriage is good — good for gays, good for straights, and good for society.

It is not a radical position. Rather, it employs a kind of Midwestern, sincere, traditionalist rhetoric that challenges the conservative opposition on its own turf; and while his basic position is as simple as his thesis — "Let everybody marry" (54) — the analysis carefully woven to support this contention and counter the opposition is both smart and laden with Rauch's characteristic charm and subtlety.

Rauch argues that marriage might eliminate the more unsavory portions of the gay sexual underworld — a problem, he contends, created not by homosexuality, but by the repression of homosexuality. To assuage the fears of those who believe marriage must concern itself solely with the propagation of the species, Rauch cites data on adoption by gay couples and reminds readers that many heterosexual couples do not have children. He argues against a marriage based on exclusion — an institution defined more by the absence of homosexuals than by the presence of any positive principle — in favor of a marriage founded in responsibility, fidelity, and trust. Civil unions and other forms of "marriage lite" are inadequate to this purpose, Rauch notes, because for several thousand years there has been no effective substitute for marriage; without real, civil marriage, homosexuals can never experience equality with their heterosexual peers — an equality guaranteed by the Declaration of Independence.

Perhaps more compelling is Rauch's philosophical support. According to Rauch, "there are only two objections to same-sex marriage which are intellectually honest and internally consistent. One of these is the simple anti-gay position: 'It is the law's job to stigmatize and disadvantage homosexuals, and the marriage ban is a means to that end.' The other is the argument from tradition. . . . marriage is as it is, and you can't just make it something else" (160). To the

Notes on Contributors

Norman Ball did *not* attend Yale University, although he plays an effete East Coast intellectual on TV.

Baloo is a *nom de plume* of Rex F. May.

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Milton Friedman is the 1976 Nobel Laureate in Economics.

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Anthony Gregory is a writer and musician who lives in the Bay area. He has considered James Bovard, whom he has met on a couple of occasions and whose most recent book he reviews here, to be a hero since he read Bovard's "Freedom in Chains" while he was serving a week of detention in high school.

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delight of libertarians, Rauch terms this second position the "Hayekian argument" and spends significant time countering it.

Building upon the cautionary conservatism of Edmund Burke, Rauch notes that Hayek believed in the necessity of tradition, and saw the arrogance of central planning as a "fatal conceit." No one is smart enough to replace all of the complexity of history with some witty or intellectual abstraction, and sometimes institutions should stay the way they are precisely because, after 4,000 years, that is still the way they are.

Acknowledging the authority of this traditionalist argument is a brilliant move. It enables Rauch not only to portray himself as open-minded, but bolsters his own position. The traditionalism of Hayek, Rauch argues, is not inflexible. Rather, it encourages slow and careful change where institutions are fundamentally at odds with the rights of individuals; and Rauch argues that the denial of marriage rights to an entire subset of human beings is precisely the kind of impetus that would encourage Hayek to allow for political evolution.

It is in this conservatism that Rauch finds a solution to the gay marriage dilemma. Siding with caution and limited government, he boldly rejects both judicial activism and federal legislation. His solution: in the words of Lynne Cheney, let the states handle things.

For libertarian readers this federalist approach is alluring. In his fight for civil liberties Rauch refuses to allow the personal inconvenience endured by him, his partner, and other gay people to override his respect for Constitutional republicanism. However, as appealing as it may seem, at the base of Rauch's otherwise persuasive case is a soft and subtle statism that presents a quiet threat to individual liberty.

Rauch's call for federalism and for the extension of marriage "rights" is one thing, but what precedent does his positive, conservative, and ultimately state-centered approach to the defense of same-sex marriage set for future marriage debates? Rauch contends that gay marriage is the last step on the road to marital equality in the United States, but is he right?

Throughout "Gay Marriage," Rauch argues vehemently against lifting state restrictions on other outlawed marital unions. To him, there are no reasonable arguments for polygamy, incest, and bestiality; however, it is precisely Rauch's willingness to relegate marriage to the supreme authority of the state that threatens to perpetuate the governmental tyranny that forced the "marriage debate" in the first place.

To Rauch, it is the marriage license, not the private commitment, that formalizes the marriage bond.

Nowhere in the Constitution is marriage mentioned — a testament to the foresight of the Founders. However, Rauch's argument depends on the belief that society has a compelling interest in controlling marriage, and that it is the place of government to sanction this control. To Rauch, it is the marriage license, even more than the private commitment, that formalizes the marriage bond. He lightly brushes off the idea of privatizing marriage, contending that the gay marriage ban, at present, is the only problem with state-sanctioned marriage (other than no-fault divorce), but his reassurance rings hollow.

The fundamental problem is not the gay marriage ban, but the very authority of the state to enact a ban. The abuse of marriage law did not start with the American homosexual community, and it will not end there. For thousands of years, rulers have misused marriage. In Russia, serf marriages were controlled and assigned. In the pre-Civil War United States, slaves were denied marriage simply to

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers, and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God bless laissez faire capitalism."

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iterate the authority of their masters and to prevent the formation of strong family bonds. And, while the ban on gay marriage is the most glaring example of government interference in marriage today, to assert that it is the only example is deceptive.

In 30 states, mentally disabled people can be denied marital union. In almost every state, the judicial system must determine whether young people under the age of 16 may marry even with parental consent, and polygamy and incest are banned across the nation. Marriage licenses often require blood tests, and those who perform ceremonies must be licensed; and while Rauch attempts to brush off the injustice of this interference, it is important to remember that at the time the California Supreme Court overturned the ban on interracial marriage, homosexual marriage seemed as perverse and unimaginable as polygamy or incest does today. By relying on an argument of social good, Rauch engages in a little central planning of his own — declaring what is "Good for America" — and, in the process, subjects himself, voluntarily, to the very governmental tyranny that relegated the gay community to two and a half centuries of marriage-less existence.

Granted, privatizing marriage may be politically impractical (or impossible), and Rauch's position may be the best pragmatic response to the marriage ban; but his argument goes the extra mile to affirm not only the state's right to govern marriage law, but the necessity of that governance. And if his analysis prevails, the argument for a principled libertarian objection to future regulation will be crippled. At least a civil-liberties defense of gay marriage would serve to decrease the power of the state. Rauch's argument attempts to bring one more social group under its benevolent control.

On July 14, a procedural motion was voted down 50–48 in the Senate, which for all intents and purposes meant the Federal Marriage Amendment was defeated — presumably as Lynne Cheney and Jonathan Rauch cheered, and as gay marriage inched one step closer to reality. But what might the future hold for these marriage wars?

At the beginning of his book, Rauch issues a challenge to those who would oppose same-sex marriage and cling to the status quo: "The days when homosexual unions — marital and nonmarital — were invisible are gone, and gone for good. Homosexual relationships will enjoy increasing social recognition and respect even outside of marriage. If your first choice is for the whole gay thing to go away, remember that children can demand their first choice or nothing, but adults must often deal in second choices. If you can never accept same-sex marriage as just or moral, I ask you nonetheless to consider: If gay marriage is outlawed, what will come in its place? The world is changing, and marriage, like it or not, is changing too" (9).

Rauch's argument attempts to bring one more social group under the state's benevolent control.

If court rulings in Massachusetts and Senate votes on the FMA are any indication, the world is changing, and marriage is changing with it. With continued state interference, however, one has to wonder if some things will always be the same. ❑

"Others: Third-Party Politics From the Nation's Founding to the Rise and Fall of the Greenback-Labor Party," by Darcy G. Richardson. iUniverse, 2004, 668 pages.

The Unwasted Vote

Greg Kaza

Darcy G. Richardson's book, the first of a planned four-volume set, is a comprehensive history of U.S. third parties from the founding of the United States through 1884. Standard establishment cliches about "minor parties" are absent from this work. Richardson shows third parties fielded stellar public officials, affected the outcome in six presidential elections, and elected more than 350 members to Congress in the mid-to-late 19th century while contributing to the abolition of slavery and to women's suffrage. Third-party members, students of political science, media, and a curious public can all draw inspiration from this work, likely to emerge as a standard reference.

Although the Constitution made no provision for political parties, by 1792 two distinct parties — the Federalists and the Democratic-Republicans — were vying for political control of the U.S. By the early 19th century most of the nation's predominantly rural, agrarian population had gravitated toward the populist-oriented Democratic-Republicans led by Virginia's Thomas Jefferson. The Federalist Party, he once observed, was an "Anglican monarchical aristocratic party" whose main purpose was to usher in an American version of the British government. By the 1820s the Federalists were extinct. A decade later the Whigs, whose membership included Kentucky's Henry Clay and Massachusetts' Daniel Webster, emerged as a major party.

In the interim the Anti-Masonic Party, organized around opposition to freemasonry, was a significant third party. While most historians insist the Anti-Masonic Party was the nation's first nationally organized third party, Richardson notes a strong case can be made that an earlier group, the Quids, deserve the distinction. The Quids, a term derived from the Latin *tertium quid* (a third party of ambiguous status), opposed the acquisition of west Florida and Jefferson's antitrade Embargo Act of 1807. The Quids held six U.S. House seats (1809–11). By contrast, the Anti-Masonic Party held 25 House seats at its peak in 1833. The party was formed after the murder of William Morgan, a bricklayer who threatened to divulge secrets of freemasonry. The number of U.S. Freemasons declined from 100,000 to 40,000 during the party's existence. The Whigs, taking their name from British antimonarchists, absorbed many Anti-Masons but soon faced a new threat from the abolitionist Liberty Party, a new third party opposed to slavery.

The Libertymen, as they were known, also accused the slave power of undermining the civil liberties of free Americans. Ironically, the party's 1844 presidential candidate, James G. Birney, held balance-of-power in the election, won by Democrat James K. Polk. The race featured several other twists, including Democratic President John Tyler's threat to run as a third party candidate, inducing the Democrats' southern wing to support Polk, a Tennesseean, rather than Martin Van Buren of New York.

By decade's end slavery was creating irreparable sectional rifts within both major parties. Southern Whigs opposed the idea of excluding slavery from the territories. Northern Democrats wanted slavery decided on a state-by-state basis. In 1848, the antislavery Free Soil Party nominated Van Buren. In nominating the former Democratic president, Richardson argues, the Free Soilers demonstrated unusual political acumen. A man with a grudge against a party that he had served so loyally and capably was the ideal standard-bearer for an insurgent third party seeking to wreak havoc on the major parties. The shrewd Van Buren split the Democratic vote in New York, enabling Whig Zachary Taylor to sneak into the White House with 47% of the popular vote. The Free Soil Party also won 13 U.S. House seats, giving them balance-of-power in the body. The Free Soil Party played a critical role in the Whigs' decline in the 1850s and the Republicans' emergence as a major party.

Richardson notes the Free Soil Party might have emerged as the second major party if it had not been supplanted in the 1850s by the Know-Nothing Party, which opposed open immigration and the Roman Catholic papacy. The group, also known as the American Party, controlled at least 51 congressional seats. It also won six gubernatorial races, including California's, and won hundreds of seats in state legislatures. Citing these results, Richardson argues the Know-Nothing Party was "the most successful third party in American history." With the Democrats divided over slavery and the Whigs on virtual life support, the Know-Nothing Party was briefly positioned to emerge as a major party. The party's fatal undoing was its moral ambivalence to the evil institution of slavery. Richardson writes: "Had it not been for the issue of slavery, it is possible — indeed, probable — that the two major parties in America today would be called the Democrats and Americans. The antislavery Republicans, one could argue, probably would have gone the way of the earlier Liberty and Free Soil parties and vanished forever. Or, possibly, the Grand Old Party might have survived as a persistent third party much like the age-old Prohibitionists or the modern-day Libertarians."

The Anti-Masonic Party was formed after the murder of William Morgan, a bricklayer who threatened to divulge secrets of freemasonry.

Within a few months of their founding as a single-issue, antislavery party in Ripon, Wis., on March 20, 1854, the Republicans had become the second largest political party in the U.S. Lincoln's election in 1860 cemented its status as a major party. The GOP won ten of the next twelve presidential elections. In 1884, the Prohibition Party's John P. St. John, a former Kansas governor, cost Republican James G. Blaine 36 electoral votes and the presidency by capturing enough votes in New York to swing the state — and the election — to Grover Cleveland. Richardson notes St. John made at least 41 appearances in New York during the long campaign. Angry Republicans hung St. John in effigy, terming the Prohibition Party "spoilers."

Soft-money movements supported inflationist policies used to finance the Civil War. The Democrats waffled, and it cost them the 1876 and 1880 elections.

In 1876, Democrat Samuel Tilden got 4,288,546 popular votes, Republican Rutherford B. Hayes got 4,034,311, and Peter Cooper of the inflationist Greenback Party got 75,973. At least, that's how the votes were recorded. "Exactly how many votes were cast for the Greenback standard-bearer but were never counted . . . remains a mystery," Richardson writes. In Democratic districts, "it was customary for local election officials to credit so-called 'foolish' third party votes to the Democrats. In predominantly Republican districts many Greenback votes were credited to

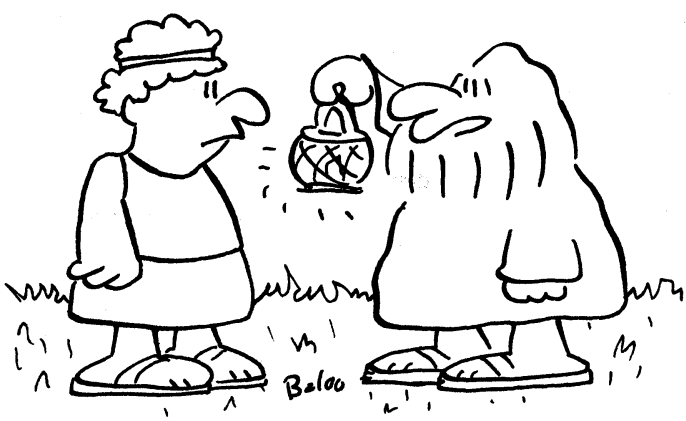

"While I was out looking for an honest man, my wife ran off with another philosopher."

Hayes."

This chicanery was surpassed by the intrigue following the election. Tilden went to bed thinking he had won the election, and most newspapers reported the same. "But Republican national chairman Zachariah Chandler and a few of his friends at The New York Times weren't about to give up control of the White House without a fight," Richardson writes. "Determined to swing the electoral votes of Florida, Louisiana and South Carolina — three states still under carpetbag rule — into the Hayes column . . . John C. Reid of the Times and an exhausted Chandler sent telegrams to Republican leaders in those states asking them to hold their states for Hayes." On Nov. 10, lame-duck Republican President Ulysses S. Grant sent additional troops into the contested states "to preserve peace and good order" and to guarantee local election boards remained "unmolested" while tallying the results. Florida was the most contentious of the disputed states in 1876. Richardson writes:

With the Democrats divided over slavery and the Whigs on virtual life support, the Know-Nothing Party was briefly positioned to emerge as a major party.

"On November 27, the state's canvassing board, deliberately excluding the returns of two Democratic precincts in Baker County, gave Hayes a 43-vote statewide plurality. Within nine days, that margin mysteriously swelled to 924 votes. The Democrats argued that the canvassing board should simply have counted votes, instead of deciding which ballots to count, arguing that a full counting of all the ballots cast would have given Tilden a 1,700-vote majority. The Florida Supreme Court ordered the canvassing board to meet on December 27, but it refused to do so. The Florida attorney general, a Democrat, appeared by himself and certified Tilden's electors. The board then convened shortly thereafter and certified the Republican electors. On January 1, 1877, the Florida Supreme Court then rejected the canvassing board's certification and the Democratic governor and the Democratic-controlled legislature then certified Tilden's victory. When the state Supreme Court decided to delay ruling on a challenge to the Republican certification, two sets of election results were sent to the Democratic-controlled U.S. House of Repre-sentatives, which refused to participate in a joint session with the Republican Senate."

Congress appointed a bipartisan Electoral Commission to resolve the constitutional crisis. The Democrats agreed to having the crisis settled by the commission, but "only after being assured that Hayes, if elected, would withdraw federal troops from the South, thereby leaving the state governments in the hands of southern whites." The commission was composed of five senators, five House members, and five Supreme Court justices. Seven Republicans and seven Democrats were appointed to the panel. Justice David Davis, considered the most politically independent judge on the Supreme Court, was expected to be the 15th member. But Davis was elected to the U.S. Senate by a coalition of Illinois Greenback and Democratic legislators, removing him from the commission. Justice Joseph P. Bradley, who had been appointed by Grant in 1870, replaced Davis. Bradley sided with the Republicans, and Hayes won the Electoral College vote, 185–184.

Tilden got 4,288,546 popular votes, Hayes got 4,034,311, and Peter Cooper of the Greenback Party got 75,973. At least, that's how the votes were recorded.

In the 1880 election, the Greenback-Labor Party was again instrumental. It won only 3% of the vote yet held balance-of-power as Republican James A. Garfield defeated Democrat Winfield Scott by only 1,898 votes. The post-2000 election debacle, in which the Green and Reform parties held balance-of-power in the national vote (the Libertarians held it in four states), was not unique in light of the elections of 1876 and 1880. ❑

Letters, *from page 30*

then he promised the voters that if elected president he would cut taxes, raise defense spending, and balance the budget by 1984 without cutting popular middle class entitlements.

Reagan's director of the Office of Management and Budget from 1980 to 1985 was David A. Stockman. In his book "The Triumph of Politics," Stockman admitted, in effect, that Reagan's campaign promise was dishonest. He pointed out that it was never possible to cut taxes, raise defense spending, and balance the budget without making deep cuts in Social Security, Medicare, and military pensions, and without eliminating farm and business subsidies.

Stockman also pointed out that Reagan refused to make these cuts because he knew that most of the people who voted for him favored those domestic spending programs. Stockman ended his book with: "The White House and the Republican Party should not have told the American electorate in 1984 that we don't have to raise taxes. It wasn't true."

Regardless of what the Constitution says, the way the system works is that the presidential administration presents Congress with a budget. Congress adds to and subtracts from the budget, and returns it to the president who may sign it or veto it. Every one of Reagan's budgets arrived at the House of Representatives with a huge deficit in it. George Will has pointed out that if each of Reagan's budgets had been approved in its entirety, the increase in the national debt would only be 10% less than it was.

John Engelman
Wilmington, Del.

Kerry Nation, *from page 24*

Vietnam vets that vociferously denounce the man. It's pretty clear that most of the vets dislike him because of his subsequent grandstanding against the war, and his claims that both he and many others had committed war crimes. John O'Neill, who replaced Kerry in command after his controversial early departure, has stated, "John Kerry slandered America's military by inventing or repeating grossly exaggerated claims of atrocities and war crimes in order to advance his own political career." Recently, over 200 veterans who served with Kerry signed an open letter asserting that Kerry has "deceived the public, and in the process [has] betrayed honorable men, to further [his] personal political goals." I've got no problem with Kerry voicing opposition to the Vietnam war; being against the war was certainly a better position than being for it, and if he had regrets about his role in same and wished to come clean, all the better. And, frankly, I've got little patience for the posturings of 95% of the more vocal vets. But the circumstances surrounding Kerry's war record make me think the whole thing was just a charade to get him in the public eye and launch his political career. The vets make what seem to me telling points about the possibly bogus nature of his decorations.

The fact that during his brief four months in Vietnam, he was awarded three Purple Hearts, a Silver Star, and a Bronze Star with V device (for valor) suggests that he was a hero — a term used far too lightly today. But the Purple Hearts were for trivial, superficial wounds, especially the first, which was for a small piece of shrapnel, extracted with tweezers, and covered by a Band-Aid. The shrapnel apparently was the result of a ricochet from a round Kerry himself fired from a grenade launcher; no enemy fire was involved. As one of his fellow swift boat veterans put it: "Three Purple Hearts but no limp. All his injuries were so minor that he lost no time from duty. Amazing luck. Or was he putting himself in for medals every time he bumped his head on the wheel house hatch?" Notably, Kerry put himself in for the award. After garnering three questionable Purple Hearts in less than four months, he made use of a little known naval regulation and put in for a transfer out of the war zone. Kerry points out that he volunteered to go to Vietnam, and this is apparently true, but it is also apparent that he did everything in his power to get out of there as fast as he could — in the end serving the shortest tour of any swift boat commander.

Kerry volunteered to go to Vietnam, but he also did everything in his power to get out as fast as he could — serving the shortest tour of any swift boat commander.

The legitimacy of his Bronze Star is fiercely debated. The Navy, of course, claims it was awarded for Kerry exposing himself to enemy fire in order to pull a Green Beret out of the water, and a number of witnesses back this story up. But some of Kerry's "brothers in arms" claim otherwise. "John Kerry lied to get his Bronze Star. . . . I know, I was there, I saw what happened," as one put it. The Silver Star was awarded for pursuing, shooting, and killing a fleeing, wounded Viet Cong. I would think if that's the case, he should have been brought up on charges for the incident. In fact, there was some debate at the time as to whether Kerry deserved a medal or a court-martial.

What Bush and his cronies deserve is a horsewhipping, followed by being tarred, feathered, and shipped to Camp X-Ray in Guantánamo.

None of this sounds heroic; it sounds bogus, or worse.

No matter how you slice it, in the end the American voter is, yet again, confronted with a choice between a pair of horrible candidates. As a consequence, I expect that, except for Pareto's pathological 20%, most Americans won't be voting for a candidate, but rather against a candidate. Regrettably, that's not how their votes will be counted. But it gets worse. Even if Kerry doesn't win, there will be Hillary to look forward to in 2008, assuming there was no insurrection in the interim.

We're in for truly turbulent times, whether triggered by another successful attack by revenge-seeking citizens of the Middle East, or by Bush winning in another questionable photo finish. In case of the latter, regardless of the truth, the Republicans will be accused of election-rigging, and we could see mobs storming Washington.

If Bush loses, don't shed a tear. He and his cronies will all walk away, like Clinton and his crew, with hundreds of millions of dollars in book contracts, consulting fees, speaker's honoraria, and so on.

What they should get instead is a horsewhipping, followed by being tarred, feathered, and shipped to Camp X-Ray in Guantánamo for the rest of their sorry lives, under the loving care of someone like Pvt. Lynndie England — if for no other crime than having made it possible for someone like Kerry to become president. ❑

Who Owns the Fed?, *from page 40*

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40. Economic Data, http://research.stlouisfed.org/fred2/series/GFDEBTN/5
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45. Economic Data, op. cit., http://research.stlouisfed.org/fred2/series/FYOINT/5
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52. Governor Mark Olson, (Federal Reserve Bank Board of Governors, 1983), http://www.federalreserve.gov/boarddocs/speeches/2004/20040301/default.htm
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The Michaelmoorization of John Kerry, *from page 25*

asked, "Are you referring to the Bushes' improper relationship with the Saudis as described in 'Fahrenheit 9/11,' Senator?"

No problem; the spin assuredly was waiting. The Kerry campaign wouldn't want to risk such a blatant accusation; it's not slippery enough, and it seems that every Kerry position has to include some means of backing out. Had anyone called him on it and created unfavorable public opinion toward the allusion, it would have been called an "oversight," an "unfortunate and unintentional characterization," a "slip by a novice speechwriter." After all, "We'd never want to imply in a time of war that President Bush's motives were anything but upright. The reference to the Saudi royal family was only about oil."

Well, that's plausible. Kerry's line about the royal family fell between a couple of paragraphs about American "dependence on oil from the Middle East."

When Howard Dean was still the front-runner for the Democratic nomination, he liked to tell audiences that President Bush had "played the race card" in using the word "quota" to describe the Supreme Court's decision regarding the University of Michigan's affirmative action policies. Dean said "quota" was a "race-coded word."

He was right. Now Kerry's doing the same thing, but he's doing Bush one better. "Saudi" isn't coded. It obviously refers to Saudi Arabians, who, not to put too fine a point on it, are predominantly Arabs. But to *which* Arabs was the senator referring? Did he merely pick a vague and inappropriate way to say, as he has on other occasions, that the United States should strive for energy independence? Or was he carefully deploying coded language to detonate political landmines previously set by Michael Moore's rantings?

We can't be sure. Smooth, John. Care to rant about the Rothschilds, too?

There's more. Not long after his nomination speech, Kerry was asked at a convention of minority journalists what he would have done differently from Bush in response to the 9/11 attacks. He replied that, had he been reading to schoolchildren that morning and been told the country was under attack, he would have acted differently.

That's good, as far as it goes. One wonders sometimes whether George Bush is capable of going to the bathroom without guidance from handlers, much less running the free world on his own initiative. That concern certainly extends to his ability to deal with terrorism. But there are many other ways to make that point. Why invoke the particular image of Bush, appearing uncertain and frightened, stumbling through "My Pet Goat" for lack of any better idea of what to do?

In telling the delegates why he and John Edwards should be elected, Kerry said nothing of consequence, but he said it well.

Because it was another political landmine Michael Moore had planted, that's why. Kerry detonated one in the nomination speech, found that no one really cared, and now knows he has free rein to do it at will.

Thus the presidential nominee of the Democratic party gets away with implying that our president is in bed with Saudis, that he's helping terrorists by flying them out of the country, that he has committed treason, that he wants to make mom and apple pie illegal and kill your babies, and that he's doing it all with ill-gotten Saudi money. Moore fed his audiences pictures of scary, dark-skinned foreigners in turbans, and of Bush sitting among a group of children with that dumbfounded, terrified look on his face. Kerry dropped a couple of lines referring to those images. The hysterical "Anybody But Bush" propaganda took care of the rest. Can you imagine the response from the Left if Matt Drudge had written some insane piece of propaganda claiming Kerry was a spy for North Korea, and Fox News ran stories on it, and then Bush made oblique references to it at every campaign stop?

If Kerry wins the election, he'll treat his victory as a mandate to bring more of his "nuance," which is to say doublespeak, to the White House.

Rudolph Giuliani said that Kerry "must be frustrated in his campaign if he is armchair quarterbacking based on cues from Michael Moore." That's an understatement. Republicans won't demand that Kerry either apologize to Bush or justify his suggestion that Bush has more allegiance to Saudi Arabia than to America. Nor will they stand by their traditional fiscal conservatism, and almost all their remaining ideologues are professed imperialists. What's left of the GOP?

The Democrats passed up several attractive candidates, some of whom even had a couple of worthwhile ideas, for a guy who gives sloppy salutes to score points with the least sophisticated, most unthinkingly partisan portion of his base. They don't care that he's exploiting his service in a cause he abjured, but then they also don't care whether he committed atrocities in service of that cause. Good thing, too, because he can't remember whether he did. Bayonet one gook, and you've bayonetted 'em all. Not only will he not take a stand on anything, but his Clintonesque slickness is compounded by a willingness to run a campaign whose real foundation is a documentary by Michael Moore; a movie with much popular appeal, but little credibility. So, what's left of the Democrats, either?

We're either headed for four years of the Slick-style spin of the '90s, or four more years of huge-government conservatism and embarrassing Bushisms. Either way, American political discourse has tanked and will continue to plummet. God bless America — she'll need it. ❑

Terra Incognita

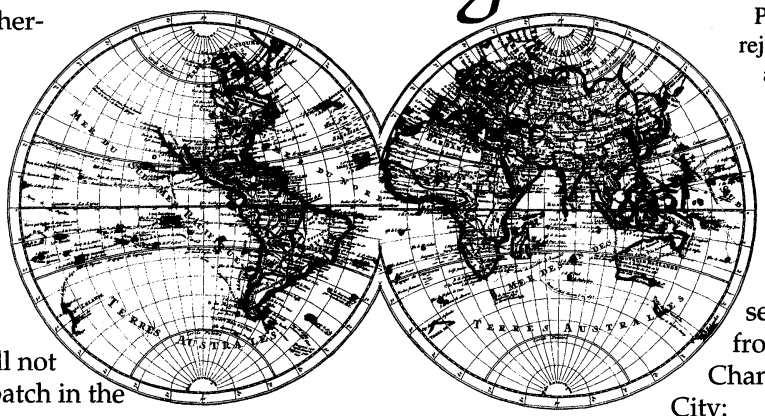

Hartford, Wisc.

Advance in jurisprudence in the Cheese State, from the *Chippewa Herald*:

When Robert Curry's jeep crossed the centerline causing a serious accident, his blood-alcohol content was twice the legal limit, and he had three prior DUI convictions. He argued that the accident was instead triggered by Vietnam War flashbacks, which his wife said had gotten worse since 9/11. The jury acquitted him.

Berlin, Germany

The wonders of motherhood, from *Der Spiegel*:

Vets at a Berlin zoo have been forced to separate a baby rhino from his mother for fear she might accidentally trample him to death.

Los Angeles

Evidence that America's Second City will not tolerate crime, from a dispatch in the estimable *Los Angeles Times*:

The Los Angeles City Council voted to ban the use of "silly string," a colorful foam that children spray on each other, because of environmental and security concerns. Offenders will face fines of up to $1,000.

Oslo, Norway

A worthy crusade continues, as commented on by the Oslo-based news and culture magazine *Utrop*:

The Prime Minister launched a two-year, zero-tolerance plan to eliminate bullying in schools, with a "Manifesto Against Bullying" which encourages competitions in writing essays and rap music against bullying.

Berlin, Germany

A vacation for folks who have tried everything else, as relayed by *Swissinfo*:

A German company offers tourists an authentic jail experience in East Germany's biggest women's prison. For 100 euros ($122), visitors are fed sloppy food and deprived of sleep in a tiny cell.

Roseville, Mich.

Artistic integrity meets zoning laws, from the *Macomb Daily*:

Artist Edward Stross is threatened with jail time for his reproduction of Michelangelo's bare-breasted Eve from the Sistine Chapel. The painting violates a deal exempting Stross from the local sign ordinance, in exchange for his agreement not to paint words, breasts, or genitals on his studio.

Preston, England

Curious episode in the United Kingdom's War on Drugs, from the estimable BBC News:

A drug-sniffing dog died from a suspected overdose of amphetamine after a police search for drugs, said Lancashire police. No drugs were found in the search.

Melbourne, Australia

Setback in the struggle for prisoners' rights, from a dispatch in the *Sydney Morning Herald*:

Prison officials Thursday rejected a triple murderer's application to be allowed to wear make-up while serving his sentence. His request for a sex change was also rejected.

Sapulpa, Okla.

The career of a public servant ends prematurely, from a report by KOCO, Channel 5 News, Oklahoma City:

An Oklahoma judge facing removal over charges that he masturbated and used a device for enhancing erections under his robes during trials said on Wednesday he would retire from the bench. The timing of his retirement means he will receive a full government pension.

Teheran, Iran

Perplexing development in the world's most conservative country, from a dispatch in the *International Herald Tribune*:

The band Queen, fronted by gay icon Freddie Mercury, has become the first rock band to be given the official seal of approval in Iran with the release of an album of their greatest hits. Western music is largely frowned upon in the Islamic republic and homosexuality is a crime.

New York City

The nation's largest city continues its crackdown on crime, from *Newsday*:

An 86-year-old man who was picking up take-out meat loaf at Luke's Restaurant was arrested and handcuffed for "disorderly conduct" when a law enforcement official concluded that he was "being overly assertive and disrespectful" and the officer "feared for his partner's safety."

Ashgabat, Turkmenistan

Curious exercise of presidential power, from Moscow's venerable *Pravda*:

Turkmenistan's president has ordered television newsmen to stop wearing make-up because he has difficulty telling the men from the women.

Special thanks to Juan Lopez, William Walker, and Fletcher Rice for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Can anyone be happier than a Catholic libertarian?

Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.

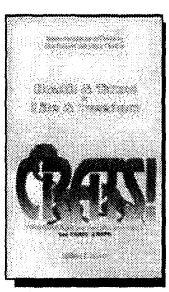

Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.

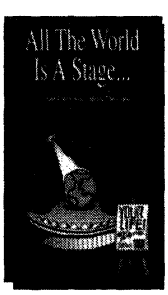

All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

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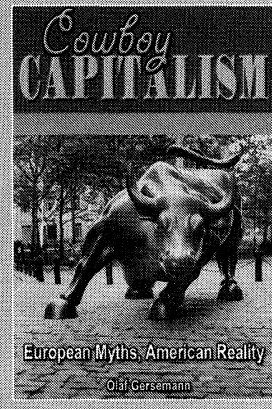

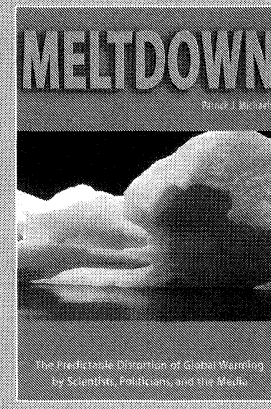

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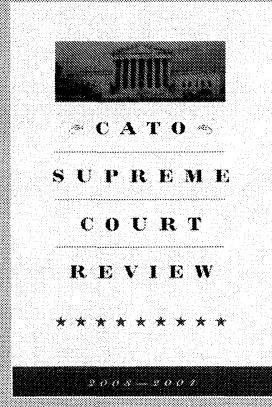

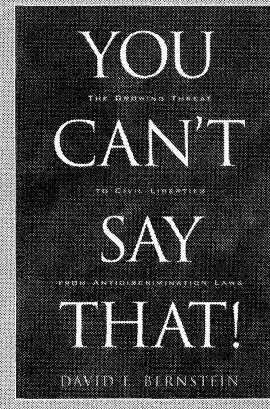

In this provocative book, David Bernstein explores how our civil liberties are threatened by extreme interpretations of antidiscrimination laws. UCLA law professor Eugene Volokh calls the book "a must-read for anyone—left, right, elsewhere—who seriously cares about liberty in America." *Now in paper!*

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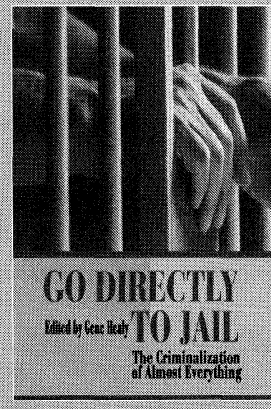

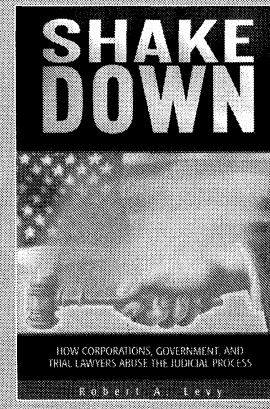

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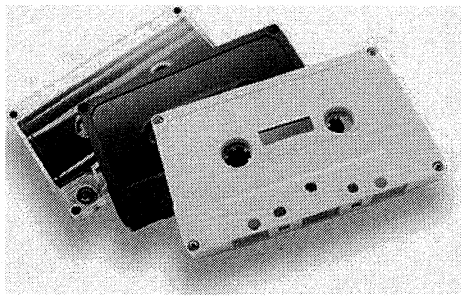

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Inside Liberty

November 2004
Volume 18, Number 11

4 Letters The reader always comes first.

7 Reflections We get beat by the EU, hope the best duck wins, fail the Archbishop's Test, fight terror with shiny armor, deport a brazen chess player, get stoned with the man, and regret that the world is going to hell.

Features

19 The Politics of Government Spending Republicans favor fiscal restraint; Democrats advocate increasing government spending. But what happens when they get in office? *R.W. Bradford* examines more than a half century of hard data, and arrives at some surprising conclusions.

24 The New Anti-Semitism There's a difference between policy disagreements and pathological race hatred. *Merrel Clubb* discovers that a lot of media figures and intellectuals cannot grasp this simple truth.

27 The Intelligent Person's Guide to Presidential Politics *R.W. Bradford, Stephen Cox, Sarah McCarthy,* and *Douglas Casey* present reasons to vote for the goofy crank, the lessers of two evils — and for no one at all.

31 Mr. Badnarik Goes to Colorado Michael Badnarik made a campaign swing through the Centennial State, where he talked about his belief that Congress forgot to make taxes mandatory and his support for a right-wing activist convicted of threatening a judge, reports *Ari Armstrong*.

36 Equality, Stinginess, and Empire *John Hospers* examines philosopher Peter Singer's imaginary world of peace, plenty, and selflessness, and asks why anyone would want to live there.

39 An American Life Libertarian writer *Rose Wilder Lane* relates her life as a "plump, Middle-Western, Middle-class, middle-aged woman, with white hair and simple tastes."

Reviews

43 The Taxman Cometh Clean *Mike Holmes* pokes the soft underbelly of the IRS with a sharp stick.

44 Pained Twain *Timothy Sandefur* reflects on the life of America's greatest writer — his highs, his lows, and all the contradictions in between.

47 Challenging the Blank Slate Believing that people are neither good nor evil and are born without any human nature is pandemic among intellectuals, admits *Leland B. Yeager*. But that's no reason to agree with them.

51 Upwardly Mobile The availability to blacks of servile work as Pullman-car porters, *Bruce Ramsey* discovers, was responsible in no small part for the rise of the black middle class.

52 Escape From the Gulag *Bettina Bien Greaves* looks at the journey of a man who refused to die in a Communist hellhole.

53 Hail Mary, Full of Smack *Jo Ann Skousen* discovers that drug mules are people, too.

50 Notes on Contributors All about us.

54 Terra Incognita Be careful. It's a quagmire out there.

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Letters

Blacklist McCarthy

After giving a scathing and well-deserved critique of "Bowling for Columbine" and acknowledging that "Fahrenheit 9/11" is "an op-ed intended to remove George W. Bush from the presidency," Sarah McCarthy goes on to accept Moore's facts and theories without question. This is no different than the anti-gun crowd accepting "Bowling for Columbine" and overlooking its flaws because they agree with Moore's conclusions. Given Moore's history, the honest thing to do would be to justify any of Moore's arguments you agree with, instead of assuming they are true because you want them to be.

For instance, McCarthy asks if Congressmen would allow a ground war if they or their children were fighting in it. A simple Internet search (http://www.davekopel.org/terror/59Deceits.pdf) shows that members of Congress have a higher percentage of children serving in Iraq than the general population and that almost a fourth of the representatives and over a third of the senators served in the military themselves.

McCarthy ends her article by criticizing military recruitment in poor neighborhoods — while most libertarians complain about the amount of money spent on the military. Direct marketing to those most likely to join is a better use of tax dollars than marketing equally to each person regardless of his probability of joining. Should the military recruit in nursing homes, at gay-pride rallies, and in maternity wards to keep from discriminating?

Besides, recruiters recruit; that's what they do. The idea that poor, unemployed young people are being taken advantage of is the same kind of logic that leads to drug laws, gun laws, Social Security, national health care, government schools, and the welfare state. McCarthy ignores the fact that joining the military is a voluntary action, even if recruiting is involved. Likewise, she fails to mention that parents signing their children up for the military, or forcing them to do anything else, is far from the libertarian ideal. Instead she fawns over Moore's showmanship.

There are questions that need to be asked about Moore's theories before reporting them as facts. Let the mainstream media be Michael Moore's mouthpiece, and use the pages of Liberty to offer me something I can't find elsewhere.

Robert Bandy
Indianapolis, Ind.

A Modest Solution

Patrick Quealy's response to the gay marriage debate should be examined. In the October issue, he says that "sex licenses would solve most problems that marriage licenses are meant to solve." Unfortunately, most participants in this debate think the purpose of marriage is sex. No wonder there's so much passion.

Quealy should offer a more serious solution: "No one may have children with more than one other person." This frames the issue in terms of human rights. Mothers and fathers must be held accountable for the life they create. No one has the right to be a single parent. Nor do they have the right to abandon their child.

Libertarians should keep in mind the strong correlation between the increasing number of broken families and the demand for more government

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spending.

What goes on in the bedroom does not concern the state — but having children does.

Trevor Poulsen
Portland, Ore.

Adieu, Monde Cruel

I have been a Liberty subscriber for three years, but this year, I'm not going to renew my subscription. As it has nothing to do with the quality of your magazine, I think I owe you an explanation.

I discovered libertarian ideas through the French Anarchist Federation years ago; but something in what they professed made me uneasy. When a liberty advocate is on state welfare, it somewhat lacks congruence.

By chance — I happened to be on one of their direct mail lists, I don't know how — I bought the French edition of "Neo-Tech Discovery." I very much liked their conservative, politicians-are-liars stance, so I bought the "Neo-Tech Reference Encyclopedia." That was a bit of a challenge, as English is not my mother tongue; but I knew it was worth it, and I had the impression of learning the truth page after page. Thanks to this book, I discovered great authors like Harry Browne, Ayn Rand, and Nathaniel Branden.

In Harry Browne's "How I Found Freedom in an Unfree World," there happened to be a reference to a brilliant libertarian magazine: Liberty. So I became a subscriber. The first issues were almost painful to read; I had my dictionary beside me all the time. But there was so much truth and wit in what I read that I carried on, and on, and on. At this time, Harry Browne was a candidate for the U.S. presidency, and I admired him a lot, so I followed each article about the LP with passion. I was disappointed by what I later learned: Harry had lost his sense and become a crook. I haven't forgiven him yet — and probably never will.

Politics in France looks very much the same as politics in the USA. The controversial issues are things like gay marriage, prostitution, and reforming the public sector. How boring. Never one word about the widespread dishonesty of politicians. Never one word about overpaid teachers, overpaid train drivers, or overpaid bureaucrats. Never one word about taxes, loss of civil liberties, state monopolies, or unfairness of the customs administration. It was refreshing to read good articles in Liberty about important issues — articles which

From the Editor . . .

It's autumn, the days grow short, the leaves change color, and America's quadrennial elections draw near. Liberty offers some perspectives on politics that you won't find elsewhere.

Everyone believes that Republicans practice fiscal restraint and Democrats are big spenders. It turns out that this hasn't been true for more than 30 years, as I learned when researching data to support my claim that government spending "increased rapidly" during the Reagan presidency, which drew a challenge from Milton Friedman.

It turns out that so far as I can tell no one had ever compiled the data needed to answer this question. But it wasn't much of a chore to do, and last month I wrote a short article showing that the data supported my claim about Reagan. I've had another month to analyze the data, and it has revealed information that is very surprising to me. (Isn't it always wonderful to discover something both surprising and disquieting?) For example, during the past 35 years, spending has grown more slowly when Democrats sit in the White House than when Republicans do, and when Republicans control Congress than when Democrats do — and most slowly when the president is Democratic and Congress is Republican. I suspect this will come as a surprise to those libertarians and conservatives who support George Bush's reelection.

We also have something that supporters of Libertarian Michael Badnarik may find disquieting. Ari Armstrong spent three days with Badnarik on a campaign swing through Colorado, and learned that Badnarik argues that one needn't pay federal income tax because Congress forgot to mention in the tax bill that payment is compulsory, and that Badnarik still supports a right-wing activist who has been convicted of threatening a judge and who harbors anti-Semitic beliefs.

By "anti-Semitic," I mean a pathological hatred of Jews, not mere disagreement with the policies of Israel's government, which brings us to Merrel Clubb's "The New Anti-Semitism," an exposé of the ploy used by supporters of Israel to stifle debate by portraying all of Israel's critics as bigots — and a similar ploy of conservatives to stifle any criticism of George W. Bush.

We are especially proud to publish, for the first time anywhere, libertarian pioneer Rose Wilder Lane's autobiography, from a WPA project in 1939. Only an incomplete transcription of this oral history has been published in a few other places, thanks to the difficulty in reading part of the 65-year-old typescript. Liberty's crack staff got a copy of the original document and, using computer enhancement, prepared the first and only complete and accurate transcription.

As the election approaches, we follow our tradition of offering our editors' endorsements of as many candidates as they are willing to support. Three candidates found support among our eclectic editors: Messrs Bush, Kerry, and Badnarik. And we give the last word to Doug Casey, on behalf of None of the Above.

Our reviews begin with a look inside the IRS by Mike Holmes, who returns to our pages after a hiatus of more than a decade. It concludes with Jo Ann Skousen's exploration of the life of a drug mule. In between, Timothy Sandefur offers new insight into the life of America's quintessential novelist, Leland Yeager looks at the nature and nurturing of the mind, Bruce Ramsey discovers how Pullman car service helped emancipate southern Negroes, and Bettina Bien Greaves relives an escape from Stalin's Gulag.

And as always, we begin with our editors saying a few things about current ephemera — and significa — in the form of *Reflections.* Enjoy!

R. W. Bradford

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made sense and did not forget morality and justice.

But no longer is it so. I'm getting fed up with politics.

It's been two years since I dumped my television. Recently, I changed my radio habits and no longer listen to the news. You may know the French satirical paper Le Canard Enchainé — I have dumped it too. Now, I live in total political ignorance. I know that when a politician talks about a great idea to improve the lives of everyone, sooner or later it will be implemented with my tax money, to the detriment of my life. That's all I have to know. I no longer need to read it each month; I am already convinced.

There is so much more to life than politics. The free market provides cheap access to art and to books and music, cheap access to everything one needs to be educated and happy. The few hours I spent reading about politics I will now spend learning Dutch — an eccentricity of mine.

I enjoyed reading your magazine a lot. It taught me loads of things and was a milestone in my political education. But I don't think learning more in this field will make me any happier.

This is why I will not renew my subscription this year. It is time for me and politics to part.

Nicolas Roussel
St. Josse, France

Ditch the System

Let me get this straight: the LP nominates someone who loves liberty so much he's willing to publicly confront the feds about the lawless IRS, and who won't get a driver's license if it requires his social security slave number, and that's a bad thing? When I heard the LP had nominated someone who had not filed with the IRS because he knows the law, and knows he *does not* owe the tax, I said to myself: *finally*!

I'm convinced the reason the Libertarian Party has not prospered is because it operates on a fundamentally flawed premise: that working within the system the party can convince enough people to change government policy by voting. Let's just show them how liberty would work, that's so right, so reasonable, we all just have to be for it. Get Libertarians elected to office, and liberty will flow like manna from heaven. Wrong! It will never happen. First off, it's patently obvious that our mammoth "democratic" system serves as window dressing for a fascistic governing elite that doesn't care one whit about the "people." One-third of the population either works for the government or lives off its handouts, and this among many other things makes the system hopelessly rigged. Even if by some miracle the Libertarian Party were to get some kind of traction with the public, it would easily be co-opted (as your articles about Reagan so aptly illustrated).

Jim Parrish
College Park, Md.

Yankees Go Home

Yes, Kerry has said he will not abandon Iraq. Too bad. What is needed is an urgent de-assing of that part of the world.

At least Kerry will not invade Iran or Syria, unlike W, who is just itching to.

The favoritism of the United States toward Israel and certain un-elected rulers of Saudi Arabia, Egypt, and Jordan, are what to a certain extent brought on 9/11.

In 2000 I voted for Harry Browne. This time I will vote for Kerry.

Hopefully, a year from now W will be a painful memory and Cheney will be under indictment.

Tim Foster
Stuart, Fla.

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

The decline and fall of everything — It is said that every generation, upon reaching middle age, begins to think the world is going to hell and society is falling apart.

Who would have thought that we'd be the generation that was correct? — Ross Levatter

Your campaign contributions at work (really) — By mid-September, the Badnarik campaign had invested $116,406 to purchase advertising. Compare this to the 1996 Harry Browne campaign, which invested only $8,840.50 in advertising in its entire campaign. This is all the more impressive when one realizes that the Badnarik campaign, with its late start, has raised only $575,000 to date, compared to the Browne campaign's $1.4 million. Badnarik may not be the ideal presidential candidate for the LP, but at least his campaign has its priorities a lot straighter than the Browne campaign did — and keeps its word better.

— R.W. Bradford

EDDY IN AMERICA **by Andy von Sonn**

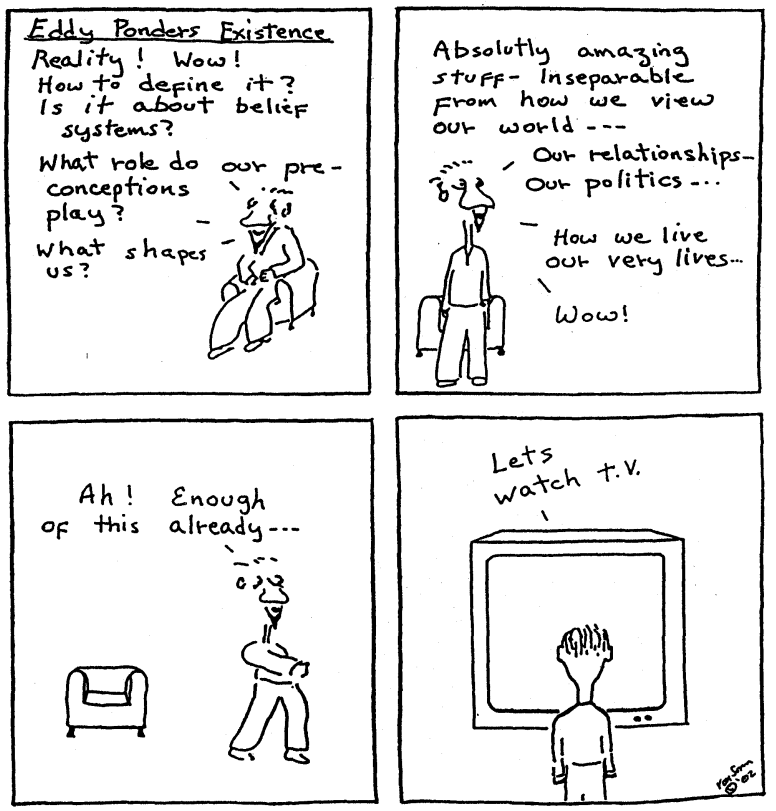

Europa über alles — A British newspaper reports that European Commission President Romano Prodi claimed an Olympic victory for the European Union, adding that EU athletes might all perform under the EU flag at Beijing in 2008. By piling up all the gold medals won by European nations, the EU came out as the big winner with 82 gold medals, absolutely trouncing the United States, which won only 35.

I'm watching for Mr. Prodi to merge all their separate European seats at the United Nations into one. Or perhaps the United States should be allowed 50 seats, one for each sovereign state. — Tim Slagle

Vote Duck! — Both major party presidential candidates are certifiable liars, lifelong ne'er-do-wells, and borderline sociopaths. There are romantics who, despite their better judgment, will go out and vote anyway. For them, the only vote that makes sense is a protest vote for a third party, in which case the Libertarian candidate makes sense — at least if you believe in both economic and social freedom. Of course, if you really want to treat the elections with the respect they deserve, you might consider a write-in for, say, Donald Duck. — Wendy McElroy

Dan Rather = George Bush? — On Sept. 8, CBS News made public various letters it claimed were written by Lt. Col. Jerry B. Killian, George W. Bush's commanding officer in the National Guard, that proved that Bush had shirked his duties in the Guard.

The authenticity of the documents was challenged within a few hours, and during the next few days, evidence mounted that more or less proved that the documents were faked: the documents themselves seem to have been produced using Microsoft Word, which hadn't been invented yet; the documents appeared to have been produced by a typewriter or printer that hadn't been invented yet; Col. Killian's wife (he died in 1984) claimed that her husband didn't type and didn't produce them, a fact later verified by his secretary; the officer who Col. Killian's letter claims had pressured him to "sugar coat" Bush's record had died a year and a half before the letters were allegedly written; and the experts who CBS claim authenticated the documents deny having done so. None of this stopped CBS (mostly in the person of Dan Rather, who had broken the story) from standing by its story as the evidence undermining it piled up.

In sum, CBS published a story of extremely questionable accuracy after making little effort to verify it and enthusiastically defended its authenticity even after the documents had been mostly discredited. CBS News in general and Dan

Rather in particular have harbored a long-time antipathy toward George Bush, and it seems overwhelmingly likely that this provided them the motivation to run with the story, not only without their customary due diligence, but even after their own experts questioned the authenticity of the evidence.

This is a familiar story. It is an all-too-common human weakness to subject evidence that supports one's beliefs to less scrutiny than evidence that runs contrary to one's beliefs, or even to accept very shaky evidence in support of one's beliefs. News organizations are supposed to know better. They are supposed to check everything thoroughly. As Rather himself once said, "You trust your mother, but you cut the cards." Rather and his producer, Mary Mapes, deserve to be fired in disgrace. And if CBS News wants to regain its credibility, they will be.

Most Americans are familiar with another such case, one that has far more expensive consequences than CBS' extreme negligence regarding the authenticity of these documents. It is a case that has cost billions of dollars and thousands of lives.

I refer, of course, to the "evidence" that the Bush administration put together to support its contention that Saddam Hussein was a terrorist threat to America and had been involved in the Sept. 11 terrorist attacks.

The evidence that Saddam was a terrorist who posed a credible threat to America was, of course, Bush's charge that he possessed Weapons of Mass Destruction and the means of deploying them. This was questioned at the time, but it was impossible for critics to challenge the evidence successfully because Bush kept it secret on national security grounds. The U.S. invasion and occupation of Iraq without any deployment of WMDs by Iraq all but proved that Iraq had no deployable WMDs, and the fact that the subsequent 18 months of searching for WMDs produced no more evidence than O.J. Simpson's search for the "real killers" of his ex-wife left the Bush administration in a situation where it had little choice but to admit that it was wrong.

I have a friend who has had contact with Donald Rumsfeld, whose underlings tortured prisoners in Iraq. Does that implicate me in that torture?

The evidence for Saddam's involvement with the Sept. 11 terrorist attacks was even less credible. All the intelligence proved was that some low-level people associated with Saddam had had some contact with some low-level people associated with al Qaeda. Hell, I have a friend who has had contact with Donald Rumsfeld, whose underlings tortured prisoners in Iraq. Does that implicate me in that torture?

Why did Bush believe, as he claims he did, in the authenticity of the evidence against Saddam? As I argued in these pages, Bush's prejudice against Saddam, which amounted to outright hatred, not only motivated him to believe any evidence against Saddam that he was offered, it also motivated his minions in the intelligence community to do the same in order to advance their careers. Knowing this, he ought to have been especially critical of such evidence. But of course, he really wanted to invade Iraq, and he was in no mood to question any rationale anyone offered for doing so.

What's interesting is that Bush and CBS have responded in the same way. They defended the authenticity of their evidence even as evidence undermining it accumulated. When the evidence against them became so massive that further defense was laughable, both abandoned their claim that their evidence was authentic, but stuck by their conclusion. Bush admitted that he had been "fooled" by bad intelligence, but maintained that the conclusion the phony evidence supported — that Saddam was a bad guy whom we ought to take out — was nevertheless true. Likewise, Dan Rather all but admitted that the evidence was fake, but held that the underlying story — that Bush had not served nobly in the National Guard — was nevertheless true.

In a rational world, George Bush would be fired from his job, just as Dan Rather should be fired from his. Unfortunately, the situation is not so simple. The only way to fire George Bush is to elect John Kerry in his place — and not only did Kerry support Bush in his war, but Kerry continues to insist that even if he had known at the time that the evidence was faked, he'd still have supported the invasion.

Such is how democracy works in the world's greatest country. — R.W. Bradford

The Constitution says the darnedest things — Three or four generations ago a story was published called, I believe, "The Archbishop's Test." It was written to oppose attempts at revision of the Book of Common Prayer, which is the handbook of beliefs and rituals used in the Anglican church. In the story, the presiding archbishop insists that before any revision takes place, the priests of the church actually read the Book of Common Prayer and try to practice what it says. Then, if they want to revise it, fine. But first they have to read it.

Someone should write a story like that about the U.S. Constitution.

In late August, I tuned in to Bill O'Reilly's radio show, which I often enjoy. I don't mind O'Reilly's arrogance, I can put up with some big differences of opinion, and I love the way he pictures media authorities and government bureaucrats "hiding under their desks," refusing to comment on what he says. Which is what they do. Anyway, on the day I tuned in I enjoyed a full-throated O'Reilly attack on the New York Times, which had just issued a demand for the abolition of the Electoral College. As he suggested, the Times hopes that a straight popular vote for president would confine campaigning to large-population states, most of which are Democratic — thereby giving Democratic opinion the political edge.

O'Reilly gratified me by insisting that the Electoral College be maintained as it is. It's always been interesting to me that according to "The Federalist Papers," the Electoral College was the one thing for which everyone applauded the nascent Constitution. It's an important barrier between America as we know it and the plebiscitarian, mass-media-dominated, elite-encrusted Euramerica that the Times and

the Democratic Party managers would dearly love to see.

It wasn't until O'Reilly took a friendly phone call that I began to suspect how constitutionally illiterate he himself was. The caller said that he agreed with him about the wrongness of abolishing the Electoral College, but he felt confident that the abolition would never occur. After all, it would require a constitutional amendment, wouldn't it? Well, no, O'Reilly said; I don't think so. I think they can just do it with an act of Congress. But thanks for your call — I'll send you a T-shirt.

Then he added, obviously not suspecting where this would lead: we'll "research" the issue for you.

Research it? It wouldn't take much research to discover that the Electoral College is mandated by the Constitution and would require a constitutional amendment to be removed.

The Constitution is not a lengthy document. It can easily be printed in its entirety on one page of a daily newspaper. Perhaps, for the benefit of Bill O'Reilly and other profound political thinkers, left, right, and center, people who appear to derive their knowledge solely from the pages of daily newspapers, that is how the Constitution should be made available. Then maybe they'd sit down and read it, for once. I think they'd be surprised by what it says. — Stephen Cox

Defining deviousness down — In last month's "Word Watch," Stephen Cox discussed the slippery slope of meaning, noting how easily a subtle shift in terminology can prove an assertion that logic can't.

In most schools, public and private, grammar and syntax have been optional subjects for more than a generation. Even the highly educated are no longer expected or particularly encouraged to display any command of the language — only pompous elitists and pedants show off like that. But those who know how to wield words and are clever enough to cloak their meanings in jargon and business-speak have an almost incantatory power over the heart and mind of the average man, simply because he is never taught how to resist their spell. With every pretzel-word he swallows, it becomes that much easier to get him to suck down the next, and the next, until every news report contains propaganda that would make even Citizen Kane's cronies blush.

Confucius said, "When words lose their meaning, people lose their liberty." We must educate ourselves and act as guardians of words and their meanings, or we are complicit in that loss. — A.J. Ferguson

The lesson of 2004 — It has seemed to me from the get-go that Bush II will win reelection. Very early on, the Democrats convinced themselves that the American people prefer "Anybody But Bush." They thought that the only way they could lose the election was to waste so much money in the nomination fight that they wouldn't have enough left to run a general election campaign. So they decided that they would unite behind whomever emerged from Iowa as the frontrunner.

The problem is that the Iowa caucuses are structured in such a way that a relatively tiny and unrepresentative group of self-selected and self-important people choose delegates to political conventions, and they are liable to choose a candidate who is, well, not very appealing to most voters — which is exactly what they did when they anointed John Kerry.

It's not merely that Kerry had just about the least coherent set of policies of any Democratic candidate. It's more that he had no coherent program at all. Like Bill Clinton, he has no political principles, aside from a burning conviction that the world would be a better place if he were in charge of things. Unfortunately, Kerry lacks the small-town used car salesmanship and I-feel-your-pain empathy that exuded from Clinton. He is Bill Clinton, without the charm.

Naturally, Kerry gravitated toward his opponent's platform, hoping to capture middle-of-the-road voters by offering watered down versions of Bush II's views. By the time of the Democratic convention, Kerry actually supported the Iraq War more strongly than Bush and was so close to Bush's domestic policies that his staffers no longer objected when journalists called Kerry's program "Bush Lite."

For nearly four decades, Republican congressional candidates pursued a similar policy: they favored increasing government spending a little less than the Democrats did, expanding government programs a little bit slower than the Democrats, and increasing government intervention a bit less aggressively than the Democrats. And what they got was four decades of minority status, usually such a small

minority that they couldn't even influence legislation. It was only when the old GOP congressional leadership was replaced by aggressive, younger, and more radical people like Newt Gingrich and Dick Armey and the not-going-to-take-it-anymore Contract with America agenda that the GOP had any success at the national level.

Americans simply don't seem to go for moderate copycattism. I didn't expect Kerry to have any more success with this strategy than those Republicans did. George W. Bush may have his flaws — lots of them — but at least he has an actual agenda.

The lesson of this election, I suspect, will be that it's more important to choose a reasonably plausible candidate than to jump on the bandwagon of the candidate chosen by the farmers, college students, and union members of Iowa. Whether the Democrats will learn that lesson remains to be seen. — R.W. Bradford

Square government in a round world — It is no secret that Christopher Columbus' discovery of America required a government grant. Washington Irving wrote a great folktale about Columbus standing in front of Queen Isabella with a globe, trying to convince her the world was round. This fictional story is so compelling that it is now taught as history, even though the round earth had been an accepted truth centuries before Columbus. Today, there are thousands of scientists approaching the governments of the world, looking for grants to provide capital for their adventures into the frontiers of knowledge. Petitioning governments is an antiquated process that has no place in the modern world.

The trouble with government funding of science is that it gets too political. Popular whims decide what is important, what is dangerous, what gets studied, and what doesn't. The masses are never very good at deciding the direction of science, as new intellectual territory always frightens the ignorant. Many primitive cultures remained primitive for millennia because their elders held veto power over new endeavors, and anything they didn't understand they thought was witchcraft. The reward for discovering new technology was execution. I wonder how many Stone Age scientists were killed for the common crime of static electricity. One minute you're making your hair stand straight out for the kiddies, the next you're being tied to the stake.

In today's political culture, popular fear is given far more credibility than actual science. The debate over genetic engineering is a great example of how limited science is today. There is absolutely no evidence of any danger linked to genetic engineering, yet it is being banned in country after country. I would bet there are very few grants given out to study genetic manipulation as well, especially in more primitive countries like those in Western Europe. Recently, a relief load of corn from the United States that may have contained some genetically engineered seeds was allowed to rot in a warehouse, instead of being given to hungry people. As a result, people starved to death.

Right now all the survivors of Ronald Reagan are traipsing around the country demanding that stem-cell research be started up again. In reality, the research has never stopped, President Bush just banned federal funding for it. I think a more noble way to honor Reagan would be to build an Alzheimer's research institute, independent of government, in his memory and name. It would certainly be more in line with his philosophies — a shining research facility on the hill. In fact, all the people who are now complaining about the lack of government funding towards stem-cell research could focus their energy better by calling for a separation of science and state; especially the rich and famous people, who have the resources to build a facility on their own.

The Howard Hughes Medical Institute is a good example of privatized science. Sustained by the financial resources derived from the sale of Hughes Aircraft in 1984, it has become the nation's largest private source of support for biomedical research and science education. Because they do not rely on grants, scientists are liberated from the tedious applications process and can concentrate all their energies solely on science. Because they do not take federal money, they are free to work on things banned by the federal government — like stem-cell research. They are on the cutting edge of that field. It is a great model of how science *should* be done.

Man's curiosity will always drive science. Some of the greatest discoveries occurred long before the days of government grants. Look how much the world changed between 1875 and 1945; in those 70 years, man went from being a ground-bound creature to one who could soar in the skies, or swim down to the depths of the oceans. We went from being animals who had to go to bed when the sun went down, to staying open 24 hours. In 1875, most people spent their whole lives in one little town. By 1940, you could drive coast to coast in just a couple weeks for the cost of pocket change.

The human voice, which could only travel a few feet in 1875, could now be heard clear across the country. Almost every pleasant diversion, like recorded music, movies, and television, was created in that short time span. The cause of infectious diseases was discovered, and many of them could be cured with a simple pill by 1943. Compare what we have now to what was available in 1945. Not much different, is it? Almost everything "modern" was invented before 1945 (including computers). I believe that much of that slowing of progress is because of government regulation and oppressive taxation. I can't prove it, but I can't find another explanation. — Tim Slagle

It could have been worse — When terrorists struck in the United States, the president called for greater government surveillance, higher taxes, the erosion of individual rights, and a foreign war against a petty dictator who was no threat to Americans. When terrorists struck Russia, a country that already has much more extensive government surveillance, horrible taxes, and hardly any legal recognition of individual rights, Russia's president called for more personal power for him — including the power to name governors, taking away a hard-earned democratic right. He also declared that Russia has the right to strike terrorists anywhere and anyway it wants. Come to think of it, hasn't Bush pretty much claimed that same right? — R.W. Bradford

Finding Bobby Fischer — Former world chess champion Bobby Fischer shocked the world in 1972 by beating the apparently unbeatable Russian Boris Spassky, inspiring all kinds of commentary about the triumph of eccentric individualism over collectivist communism. Now he may be deported from Japan and face up to ten years in prison if the United States government has its way. In 1992, you see, he traveled to the former Yugoslavia for another match with Spassky, which he won. But the U.S. had imposed an economic embargo on then-Yugoslavia, and now wants to prosecute Fischer.

The government should lighten up. Like many people with genius capacities in a narrow field of endeavor, Bobby Fischer is, as former foe Spassky put it in a letter pleading for clemency, "absolutely not social" and something of a loon. But he's no danger to the United States. Yugoslavia doesn't exist any more. The U.S. should let bygones be bygones.

Spassky defied a Russian embargo against former Yugoslavia in 1992. The Russian government slapped him on the wrist by forbidding him to travel abroad for a month. By insisting pettily on deportation and prosecution, the U.S. may raise questions about which regime is the spiritual and bureaucratic heir of the former Soviet Union. — Alan W. Bock

Suits of armor, medieval and modern — During the late Middle Ages knights and dukes and other members of the feudal aristocracy had suits of armor. They didn't wear them into battle, because they were so heavy

News You May Have Missed

News Media: No Iraq News Is Good Iraq News

NEW YORK — Top U.S. media executives, in a rare joint statement, declared yesterday that since both major-party presidential candidates favor continuing the occupation of Iraq indefinitely, and since insurgents in Iraq favor continuing the insurgency against the indefinitely continuing occupation indefinitely, there is no longer any news from that country, and their coverage from now on will scrupulously attempt to reflect that situation accurately "by like totally not covering it." The statement went on to say that, in view of recent developments and the ongoing intractable problems there, "Iraq is like so totally over and so, you know, 2003."

"Hey, no capital city to be marched on, no statues to be toppled, no evil satanic dictator to be captured, an interim Iraqi government with no real power and no real popular support and no real prospects, no evidence to justify starting the war in the first place, a majority of Americans saying the war was a mistake but no politician or party with any traction to represent them, where's the story?" asked one network executive. "Listen, maybe if we could get Donald Trump in there somehow to fire all the show-offs and losers who dropped the ball on this in the Defense Department and the CIA and the White House, we could sell it as a ruthless, elimination-style reality show, with the survivor being allowed to run the federal government as a subsidiary of Trump's casino operations, but right now it's like there's no reality there, dude."

Other ideas being batted around by network executives include sending a cross-section of young American women and men to Abu Ghraib prison near Baghdad to re-enact, as both "guards" and "prisoners," the scenes of sexual humiliation and enforced nudity that briefly made the news last spring when they involved Iraqis, with the winning "Iraq Idol" being the one who photographs best as voted on by the viewing audience, or having George W. Bush and Ayad Allawi wackily "trade" countries for a season, with Bush cluelessly in charge there and Allawi cluelessly in charge here and everyone in his new "family" gradually losing patience with him from episode to episode, but so far these are considered just vague ideas by network insiders, though they are admittedly more precise, in many ways, than either the Bush administration's or the Kerry campaign's own ideas for Iraq. But for now, as one high-level media-industry source put it, Iraq is "off the table as far as its entertainment value to the American public is concerned, and it never had any significant news value, compared to important ongoing stories like, say, Scott Peterson, let alone Michael Jackson or Martha Stewart."

— Eric Kenning

Word Watch

by Stephen Cox

Anyone who worries about words is bound to suffer both chronic and acute anxiety over the fate of the language. He or she is also likely to enjoy both brief and lasting ("short-term" and "long-term") pleasures. Among the momentary joys of word watching are the little thrills of glee occasionally inspired by political campaigns. Most political locutions, especially in years divisible by four, are intolerably dull. But once in a while, something interesting gets said.

My favorite moments in this year's campaign have been given me by Sen. Kerry's wife. No, it's not what you think. I relish only her choice of words. On July 25, for example, she gave a speech to the Pennsylvania delegation of the Democratic national convention, a speech in which she deplored political hate speech — in a few well-chosen, hate-filled words. In what appears to have been her peroration, she intoned: "We need to turn back some of the creeping, un-Pennsylvanian and sometimes un-American traits that are coming into some of our politics."

Un-Pennsylvanian! I've never heard that one before. And who but a genius, or a total fool, would combine such a word with "creeping," then use it to modify "traits"? "Keep outta that ol' Bush house — it's got the creeping traits!" Only by abandoning yourself to the most peculiar impulses of the imagination can you turn the idea of un-Pennsylvanian activities into a source of gothic horror.

Reporters pestered Mrs. Kerry to explain her comments, whereupon she denied making them. Of course, that's what politicians always say, especially when, as in this case, they don't know that their comments have been videotaped.

It's not just political hacks and untutored illiterates who dangle modifiers and create ridiculous pictures.

Pestered again, Mrs. Kerry reverted to a more individual type, inviting the press to "shove it." That was another burst of inspiration: imagine Martha Washington saying that. Imagine even Hillary Clinton saying it, at least to a reporter.

When Mr. Kerry responded to Mrs. Kerry's outburst, he said, "I think my wife speaks her mind appropriately." "Appropriately" is a delightful weasel-word, but "my wife" goes further. It daringly returns us to the dark, old, patriarchal days when wives were owned by husbands — another gothic effect. (Strange how often modern liberals say things like that, when they're under pressure.) But "mind" is going too far.

Other pleasures, strange and strong, were contributed by the Democratic convention itself (sorry, none from the Republican convention — far too dull). My favorite was a gift of the twelve-year-old girl who, according to the Associated Press, "Wow[ed] Convention Delegates" by critiquing the filthy language of Vice President Cheney. "When our vice president," she lisped, "had a disagreement with a Democratic senator, he used a really bad word. If I said that word, I would be put in a timeout. I think he should be put in a timeout."

The dear child! Unfortunately, mature reflection soon returned, at least to me. Was there anything really new, or even naive, about such comments? This column has noticed them more than once. They're one more instance of a century-long phenomenon, the reversion of political speech and "thought" to what used to be called "the child mind." "For the Children." "Children First." Are you tired of those slogans? I am. It isn't all that healthy to take your politics from the mouths of babes.

But now that I've reached the field of chronic problems, I want to bring up something that has no intrinsic connection with politics — a problem that, despite my best efforts here, shows no sign of going away. It's the problem of the dangling modifier.

The Godzilla-like form of this grammatical blunder made another landfall on Sept. 3, when former President Clinton's office released a statement on his medical condition that contained this sentence: "After undergoing additional testing this morning at Westchester Medical Center, doctors advised he should undergo bypass surgery."

Never mind the repetition of "undergo"; just look at what the sentence literally says about Clinton's medicos. It says that they, not he, underwent "additional testing." You don't believe that's what the sentence says? Well, what does that big hunk of verbiage starting with "After" and ending with "Center" hang off of? Who underwent additional testing? It wasn't "Clinton," who isn't even in the sentence, or "he," standing proudly aloof from "Center." No, the big modifier dangles from the next noun after "Center," which is "doctors." It therefore pictures Clinton's "doctors" being tested and retested, no doubt to make sure that their advice was good before they were permitted to shove the former president — who, strangely, needed no such elaborate examination — into quadruple bypass surgery. Good luck, Mr. President.

OK, so you knew what the sentence actually meant. But grammatical rules exist so that sentences can say what they're

supposed to mean, without projecting any unintendedly ludicrous images. And it's not just political hacks and untutored illiterates who dangle modifiers and create ridiculous pictures. Here's an American historian, talking about an historical figure whom he's trying to glamorize: "A penniless surgeon, his charming manners and romantic marriage with Lady Caroline Keppel, daughter of the 2nd Earl of Albemarle, granddaughter of the Duke of Richmond and sister of Admiral Keppel, brought him notoriety and the king's patronage." No doubt they did; but if you aren't completely mesmerized by this digest of aristocratic connections, you will notice that the gentleman's "manners" and "marriage" — not the gentleman himself — emerged from med school as "a penniless surgeon." It's strange, I know, this possibility that a doctor could ever be penniless, but I suppose it's hard to make money when you spend all your time being charming and romantic, especially when you don't even have the advantage of being human.

I wonder whether historians have some special attraction to dangling modifiers. Here's the otherwise sleep-inspiring author of a recent biography of John Adams (how can anyone be dull about Adams? I don't know, but this author is): "After landing on the Kent country coast, about sixty miles from London, three days were consumed in a carriage ride to the capital." Unhappy "days"! They "landed" but to be "consumed." Adams himself apparently had adventures that were just as odd: "Once crystallized, Adams found himself in the Federalist party." Well, maybe that's what happens to statesmen. Once they're crystallized, they're just thrown into the same test-tube as all those other Federalists.

Whatever scientific evidence may eventually accumulate about the verbal fixations of historians, it's clear that British authors, for some reason, are much more addicted to dangling modifiers than American authors are. Even the world-famous Virginia Woolf, notorious for the preciousness of her writing, shows an illiterate's delight in danglers of every shape and size. Her novel "Mrs. Dalloway" is full of them. "Lying awake," she says, "the floor creaked." Well, you'd creak too, if you had to lie there day and night, staring at the ceiling, while people walked up and down on you. And it's not surprising that one of Woolf's characters feels that something is "very queer" on her first visit to London: "Now walking through Regent's Park in the morning, this couple on the chairs gave her quite a turn." She should have told that couple to get down off their chairs and walk in their shoes like normal folk. But those high-toned Londoners would probably not have listened.

There used to be an expression for pretentious writing: it was said to be "on stilts." Perhaps, in honor of Virginia Woolf, we can say that pretentious writing is also "on chairs." When you think about it . . . how many of the errors that I've mentioned in this column did not originate from someone's trying to write or talk with both nostrils in the air?

and cumbersome that the warrior who wore one wouldn't have been able to move. They were reserved for display, for ceremonial occasions and ancestral halls. Even in tournaments a jouster had to be lifted up onto his horse with pulleys or lowered from a platform because his armor was so ponderous and immobilizing. It didn't matter. Suits of armor conferred prestige. They were symbols of invulnerability. During troubled and dangerous times, well-off people go in for useless but ostentatious, overawing elaborations of defensive prowess and impenetrability.

Today, for instance, we have SUVs. They're huge, heavy, and cumbersome, and they don't make their owners safer because they overturn easily and are harder than ordinary cars to maneuver and stop. It doesn't matter. They're suits of armor, symbols of invulnerability.

So is the Bush administration. Its cumbersome, heavy-handed, lead-footed foreign policy hasn't made the country any safer. It's made it less safe, because the immobilizing obsession with Iraq meant that Osama bin Laden and al Qaeda escaped being encircled and finished off in Afghanistan, as American troops and resources and intelligence units were reserved for or transferred to Iraq, where the occupation has created new Islamic fundamentalist enemies and recruited new members for the old ones. It doesn't matter. Bush's unwieldy, rigid, ironclad, crusading apparatus, his boasting and "Mission Accomplished" posturing, are for display only. The point is to look invulnerable, not to be able to maneuver and change direction. It's impressive and useless, just as suits of armor were impressive and useless.

That's why Bush seems (in mid-September, when this is being written) likely to defeat Kerry, who offers roughly the same dead-weight, dead-ahead, dead-end strategy in Iraq, but in a muffled, muddled version that's like the suit without the armor, an immobilizing straitjacket of cautious hesitation and clumsy self-contradiction. Bush's invincible and inflexible obliviousness seems better suited to our armor-suited national mood. — Eric Kenning

Joint efforts — Seattle voters last September approved Initiative 75, making adult possession and use of small amounts of marijuana the "lowest law enforcement priority" for the city. I have anecdotal evidence that the police are taking that to heart — a little good news to make campaign season almost bearable.

A friend of mine attended the Seattle Hempfest on Aug. 21–22. The organizers of such events must formally prohibit smoking marijuana there, but, of course, many attendees smoke anyway. My friend emailed me about the experience a couple of weeks later:

"The police had a great relationship with the attendees. Just about everyone was smoking — pipes, bongs, joints, etc. — the police ignored it. It was the first time I actually felt like the police were there to protect and to serve. They were there to make sure nobody took advantage of us in our stoned state, and they also made sure no other drugs except pot were used." — Patrick Quealy

The need for Houyhnhnm News — I've talked before about the peril of Yahoo News, about the politically distorted picture of the world that the dominant source of computer news passes along to its millions of clients. If you doubt what I've said about Yahoo's distortions, try its report on the climactic act of the Republican national convention, the president's speech. Its lead story (Sept. 3) appeared with this headline: "Bush Glosses Over Complex Facts in Speech."

I'd be curious to see that approach to a modern-liberal speech, but on Yahoo it's strictly reserved for the Right (or phenomena such

as George Bush, whom the Far Left regards as Right).

Incidents like this illustrate, in a particularly gross way, the gulf between the democratic (small "d") media and the would-be media managers. The real news of the mid-campaign season was the swift-boat veterans' successful use of the Internet to knock Sen. Kerry off-message. To make their charges against Kerry known, and to turn their book about them into the nation's No. 1 bestseller, they used a network of conservative and libertarian websites that neither the New York Times nor the on-air networks nor Yahoo News seemed ever to have heard of. They succeeded so well that Kerry's minions in the media reacted violently against him, charging him with failure to respond to the massive attack until it was too late.

This is, of course, absurd. Not a single one of Kerry's disgruntled media advocates addressed the issue of the swift-boat vets until after the damage had been done. They had no intention of responding — they were either ignorant, as usual, about the interests of the 80% of the populace that does not trust the establishment media, or they were following their normal game plan: silence the real opposition by ignoring it.

I can't recall a single Yahoo News headline about the swift-boat vets, or Kerry's early attempts to avoid their charges. What we get from the Internet news managers is the digital equivalent of attack ads against Bush. These must have an effect on someone. But I wonder: What kind of world do these people think they're living in? Do they imagine that a computer that is capable of accessing their nonsense isn't capable of reaching every other source of news as well?

— Stephen Cox

Elephants ascendant — As the November election approaches, the question is not if America is going to move in a conservative direction, the question is when and how much. For the first time since the New Deal, conservatives may end up controlling every branch of the federal government. It is easy to imagine President Bush being reelected in a landslide, and the Republicans picking up seats in the House and Senate. By combining their strength, they could then remake the judicial branch.

Even if all this doesn't happen in this election, it will eventually. It is almost inevitable that there will be another major terrorist attack sometime in the United States during the next few years. Whenever it happens, Americans will be eager to make the Republican government stronger to prevent further terrorist attacks. How will the conservatives use their newfound power?

— Alan Ebenstein

Mandatory maximum compliance — Anyone who cares a whit for privacy had to be very upset by the 2000 census. As I reported in an article four years ago, "an estimated one in six households will receive a 'long' Census 2000 form with dozens of questions and subquestions. For example, 'Last week did this person do *any* work for either pay or profit?' (Emphasis in original.) 'At what location...?' All 'wages, salary, commissions, bonuses or tips' must be accounted for. Indeed, all income, including interest, dividends, rental income, and welfare must be listed. The form demands to know the value of your house and estate. Further, the long form inquires into the citizenship status of each person enumerated. Compliance is mandatory." In reality, however, prosecution for non-compliance was rare and (as I recall) the penalties were fairly light.

John W. Whitehead, in an article entitled "The Thought Police and the American Community Survey," warns of a new threat to privacy from the Census Bureau: the American Community Survey. "Unlike the traditional census, which collects data every ten years, the American Community Survey is taken every year at a cost of hundreds of millions of dollars. And at 24 pages, it contains some of the most detailed and intrusive questions ever put forth in a census questionnaire. These concern matters that the government simply has no business knowing, including a person's job, income, physical and emotional health, family status, place of residence and intimate personal and private habits. . . ."

As with the regular census, compliance is mandatory, but this time the authorities are baring real teeth. Whitehead notes, "For every question not answered, there is a $100 fine. And for every intentionally false response to a question, the fine is $500. Therefore, if a person representing a two-person household refused to fill out any questions or simply answered nonsensically, the total fines could range from upwards of $10,000 and $50,000 for noncompliance."

Will a cash-strapped government pursue this easy source of revenue? I wouldn't bet against it.

— Wendy McElroy

Red carpet welcome — Since I've enlisted, I've had a lot of nights when I've wondered if joining the Air Force was the right decision to make. Worry, paranoia, and the usual fretfulness, I suppose.

Not tonight.

Tonight, I was granted the honor of serving a group of men and women returning — safely, thank God — from Iraq. Over two hundred enlisted, officer, and civilian personnel.

These folks have been away from their families for over 100 days each, and there are others who will stay even longer — which has to be hell for their families. I was an augmentee to the crew that handled the grunt work for their return. We swept the runway, set up cordons to prevent little kids from running onto the flight line, and did "crowd control" in case the cordons didn't work.

One other airman and I got the coolest job of the night: we rolled out the red carpet to the returning crew. Literally. Before the colonel hopped aboard and gave them their "wel-

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come home" speech, before the Air Force Band of the Pacific played the Air Force song, before their names were announced as they climbed down the stairs to exit the aircraft that brought them back from the desert — we rolled out the red carpet.

A lot of dads hugged their kids on that carpet. A lot of husbands kissed their wives. A lot of friends slapped each other on the back and smiled.

This is what it's all about for me. I don't give a shit about the politics. These guys could be coming back from anywhere in the world, doing any sort of work — and that red strip of cloth would still tell the same stories. Families back together. Friends reunited. Love and relief and elation and exhaustion and jetlag and excitement — the gamut of emotions, all on that one short walkway.

It's given me perspective, too. I don't give a damn if we're in Iraq for the oil, or the nukes that we admit they didn't have, or for freedom, or whatever. My job is to support deployed troops — providing the ground teams with communications, providing their commanders with good information. Giving them the tools that help them stay alive in an environment where, like it or not, we're at war.

And if doing my job well means that there's one more story for that red carpet to tell about a dad seeing his newborn daughter for the first time — then I'm going to do the best goddamned job I can, whatever my politics may be.

These families, these lives, these people — they transcend any political beliefs I may have. Whether I'm pro-war or anti-war, I want everybody to come home safely. And I'll do my damnedest to make that happen.

Maybe some will think I'm evil, to do my best to protect troops that many say shouldn't be there. Maybe somebody who believes that the war is wrong will also believe that I am wrong for working as hard as I can to ensure our success. And maybe they think that I'm a bad person for not actively opposing something that they see as evil.

Well, that's fine. Those people are entitled to their opinions. I'm not here to win hearts and minds in Iraq or America. I'm not doing my job for oil or nukes or freedom. I'm here because I want to see soldiers and sailors and marines and airmen make it home safely. I want as many boots on that red carpet as will fit. I want kids to grow up with their mommies or their daddies alive and well.

And if that's evil — then I guess I'll take the label.

— Paul Wright

May the nobler Yalie win — Burke's Peerage, the British keeper of all things aristocratic and royal, has predicted that John Kerry will win the election in November because he has more royal connections then Dubya. The Bushes are no slouches when it comes to royal connections, having more than Al Gore and claiming kinship with

News You May Have Missed

IOC Vows Drastic Changes in Next Olympics

GENEVA, Switzerland — After a careful review of television ratings and a survey of viewers' preferences during the recent 2004 Olympic Games in Athens, International Olympic Committee officials have promised that all events and competitions will be eliminated for the 2008 Games in Beijing, with the exception of women's beach volleyball. The survey found that 97% of male viewers discovered, during the extensive network and cable Olympics coverage in August, that women's beach volleyball was their favorite sport, and that they didn't really care to watch anything else, or for that matter do anything else, including mow the lawn, go to work, or listen to their wives or girlfriends. Most women viewers were similarly transfixed by the two-woman-team event, with 83% saying that they wished they had a name like Misty May and 98% saying they wished they had a butt like Kerri Walsh.

Women's beach volleyball was added to the Olympics in 1996 as a tribute to the original spirit and traditions of the games after a team of archaeologists, conducting a dig not far from Corinth, Greece, unearthed an ancient polychrome vase, dated circa 650 B.C., depicting four young women leaping and sprawling on opposites sides of a fishing net strung between two poles placed in what appears to be a sandy area, with a large ball suspended in the air between them. All four women are "completely naked and completely hot," as one archaeologist put it, and it is now believed that they were performing at the original games at Olympia, where all athletes competed in the nude. "It's really quite an amazing and historically significant find," the director of the dig, Professor Fulton R. Frisby of Harvard, said at the site of the discovery back in 1996, cradling the vase in his arms while other exultant archaeologists crowded around him, "because up till now we believed that only males were allowed to compete in the earliest ancient Olympics, but if you examine the vase closely, it's clear that women were not only in the games, they were very young and very lithe and very well-formed and, hey, let go of that, it's mine."

In an official statement, the IOC said that gold-medal Olympic competitions in Beijing in 2008 would include the 200-meter women's beach volleyball, the 400-meter women's beach volleyball, the women's beach volleyball marathon, synchronized women's beach volleyball, underwater women's beach volleyball, and women's beach volleyball on stilts. Many of the events, in a further attempt to recapture the pure original spirit of the ancient games, will prohibit players from appearing in distracting bikini-like outfits and instead require that they wear absolutely nothing at all, "like maybe the events with those Brazilian babes in them," one committee member said. — Eric Kenning

Britain's Queen Elizabeth, as well as Henry III and Charles II. Through his mother, Rosemary Forbes, however, Kerry is supposedly related to all the royal houses of Europe, as well as Ivan the Terrible of Russia, the Shahs of Persia — and Henry II, Henry III, and Richard the Lionhearted of England.

Harold Brooks-Baker, director of Burke's, claims that in the last 42 elections the "candidate with the most royal genes and chromosomes has always won the November presidential elections." And you thought we threw out the kings in 1776. — Alan W. Bock

Two ways to socialize risk — We all face risks every day. When risks get big enough, we try to find a way to protect ourselves from them. In the free market, the chosen method of protecting oneself from risk is insurance: a group of people who face similar risks pay modest amounts into a kitty to compensate those in the group who actually suffer damage. Insurance first developed as a means of socializing the cost of maritime risk: every merchant knew that a small portion of the ships that went to sea for trade would not come back, thanks to bad weather, bad seamanship, or piracy, so they paid into a fund that would cover the losses suffered by owners of the few ships that didn't come back. The same notion quickly was adapted for fire and other risks.

The second way of socializing risk is newer, and it is simpler: simply force everyone into the pool of premium payers, whether they face the risk or not, through the action of government. A good example of the idea here is that the government should pay for virtually all medical care. This idea has obvious appeal to egalitarians, to people who want to allay their feelings of guilt for not being generous to those in genuine need, and to those not wanting to be responsible for their own or their loved ones' medical expenses. Of course, it has problems in practice: if all medical care is free, no one has any reason to keep expenses under control, and not surprisingly, the costs escalate to the point where countries with socialized medicine have to ration medical care.

But socialization of risk by force is far more pervasive than this. Consider the risk of living in areas where hurricanes are fairly regular occurrences. Whenever the people who live there are afflicted, the federal government steps in with billions of dollars. This has two effects: not only does it drive up the cost of cleanup and repair, it also encourages people to engage in dangerous activities — like building houses in hurricane areas.

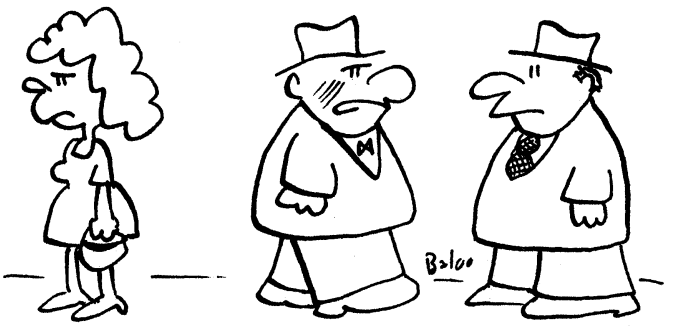

"What good is the right to the pursuit of happiness if they keep slapping your face?"

Curiously, not all weather risks are socialized. I grew up in northern Michigan where Mother Nature dumps huge amounts of snow. It costs lots of money to remove the snow, and this cost is borne by the people who live there, unlike the residents of Florida who get federal "emergency" money to remove the debris left by hurricanes.

Socialization by force has other costs as well: it provides a rationale for government to regulate the most private actions. The argument for the legal harassment of cigarette smokers is that smokers get sick and raise medical costs. The argument for mandatory seat-belt laws is that those who don't wear seat belts are more likely to be injured and have higher medical expenses. And so on.

The growing government socialization of all risk means a lot more than the inefficiency and waste that is inherent to all government programs. It both encourages people to take risks that they would otherwise avoid and encourages people to support greater and greater incursions into their own private lives, though of course, they generally perceive these incursions as affecting primarily the lives of other, less-enlightened people than themselves.

In a society where government doesn't socialize risk, people will still live in hurricane belts or forests with high fire danger. But they will realize that they have to pay for the risks they face and behave accordingly. Fewer will engage in risky behavior, despite the fact that they do not face government intervention in their own individual lifestyle choices. Not a bad deal, in my mind. — R.W. Bradford

The Fugitive — CBS News demonstrated its bias by devoting an entire "60 Minutes" segment to George Bush's National Guard record. Before the segment even aired on the West Coast, bloggers had recognized that the documents proving their allegations were made with a word processor. While a more impartial journalist would have admitted the mistake and issued a retraction, Dan Rather continued to defend the story even as evidence mounted of the documents' recent fabrication.

It's like the final chase scene of an action movie, in which the criminal dashes into a building and starts running up the stairs, only to find himself cornered in a room many stories up, with no choice but to be caught by his pursuer or jump out a window to his death. Dan Rather is on the metaphorical window ledge. — Tim Slagle

A momentary shift in strategery — Silly me! When President Bush told Matt Lauer that we can't "win" the vaunted war on terror in the way traditional, state-on-state wars are won, I thought that might have been the opening gambit in a shift to more candor about the problems that confront the United States around the world.

You can never eliminate terrorism, because terrorism is a tactic, not a concrete enemy. Terrorism is used by those too weak to prevail in a conventional military confrontation. Terrorists are fanatical enough about their cause, and contemptuous enough of human life, to pull off something so shocking as to cause a less ruthless foe to yield something of value or falter in resolve. As long as there are political conflicts there is likely to be terrorism. You can undermine groups that practice terrorism, and you can diminish whatever credibility they may be granted by eliminating some of

their grievances. But eliminating terrorism from the world is most unlikely. Simple honesty would seem to require acknowledging this.

Politicians, however, seldom see simple honesty as a winning strategy. So my hope that this was an opening for candor lasted mere hours. Soon Dubya was assuring Rush that winning was a sure thing, and Rush was assuring his listeners that resolve and will were enough.

Bush's flirtation with telling the truth about the war was a classic Washington gaffe: departing from the scripted party line into an inadvertent utterance of truth. Naturally, the Democrats, seeing an opening, rushed in to say that they had no doubt about our ability to win this thing, and they would do it for sure — although they have yet to explain just how they plan to do it.

The political establishment breathed a sigh of relief that its false pieties — mainly the pretension that announcing a government plan or program is all that's necessary to address a problem — were once again secure. I'm reminded of H.L. Mencken's remark that the American people prefer lies to truth, and that anybody who bludgeons them too often with uncomfortable or even unconventional truths will be duly punished. — Alan W. Bock

If not I, who? — One characteristic of my more polemical criticism that editors sometimes find objectionable is frequent references to my own experience. Some editors try hard, perhaps too hard, to erase it, often to deleterious effect. This is unfortunate, because the principle behind my strategy is simply this: unless something said is true for me it might not be true at all.

Coming of age in the 1960s, I remember reading statements that were patently untrue, considering the writer's experience. I remember social situations like schools or even Western countries described as "jails," though the writer could have easily walked out of them. Glib ideologues often thought they could illustrate a stereotype with patently dubious anecdotes. Do you remember James Baldwin indicting America for killing Martin Luther King, when it was an individual named James Earl Ray who did it?

A prominent African-American professor known for decrying pervasive American racism once provided from his own experience the example of people moving away from him in a crowded elevator. However, one need not be too skeptical to recognize that perhaps something else could make them move away — body odor, physically imposing size, a walking stick in his hand, or simply nothing at all. Likewise false was much of the writing about the experience of poverty, which I've known as an independent writer who began his career residing in a low-rent Harlem housing project. I recall statements about project life that clearly contradicted my experiences there, usually made by people who had only imagined a life in the projects.

Respecting my own experience, I know certain things because I've seen them, I've done them, and I've researched them, often discovering truths contrary to common opinion. It would be false for me not to incorporate my own experience. What A.D. Coleman said about himself is likewise applicable to me: "I don't represent some unidentified but implicitly larger group of people from whom I'm the elected or self-appointed spokesperson." Schooled not in journalism but in the great tradition of essaying, I never pretended to a false "objectivity" in trying to aim at the truth.

— Richard Kostelanetz

Process, not product — Margaret Thatcher's son Mark, variously described as a race-car driver or a businessman, has been arrested in South Africa for allegedly giving financial support to a coup attempt in Equatorial Guinea that failed in March. He might not have done it, of course, but if he did, you would think that with his hereditary background he would know how these things are done. You get into a duly recognized government before you organize such a plot. Then it is called "regime change," and is applauded by right-thinkers as a giant step toward democracy. — Alan W. Bock

Aaron Director, RIP — Aaron Director, older brother of Rose Director Friedman and brother-in-law of Milton Friedman, has died at 102. Aaron Director was significantly more important in 20th-century economic and libertarian thought than he is often considered to be. Like some other academics, Director did not write much, but his conversations and lectures proved to be very influential.

Many people were touched by Director's words. Melvin Reder, writer of several articles on the history of Chicago-school economics, notes that when he was researching his articles, he was impressed by the number of people who mentioned Director, including Edward Levi and Robert Bork.

Director graduated from Yale in 1924 before coming to the University of Chicago as a graduate student, eventually becoming a junior faculty member in the late '20s and early '30s. He was originally a follower of Paul Douglas at Chicago, but shifted his allegiance to Frank Knight, a switch which played a major role in his departure from Chicago in the mid '30s.

He played a major role in the publication of Friedrich Hayek's "Road to Serfdom" in the United States, passing page proofs from the British edition to Frank Knight, who in turn forwarded them to the University of Chicago Press, which published the American edition.

When he returned to Chicago in 1946, he went into the law school instead of the department of economics. He

continued on page 42

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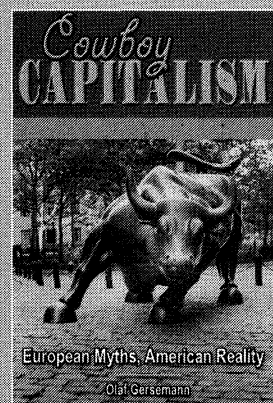

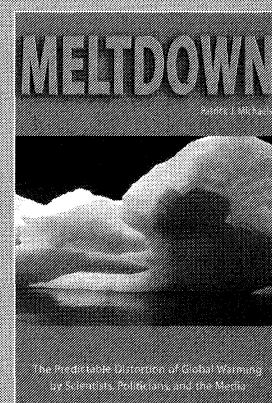

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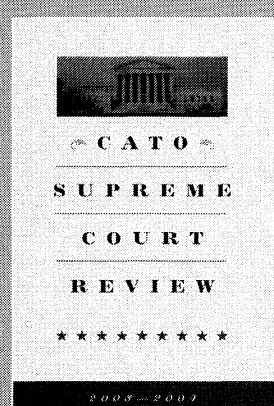

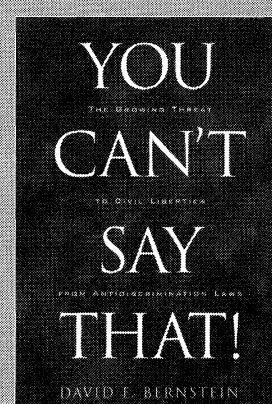

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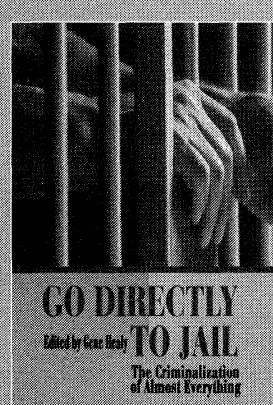

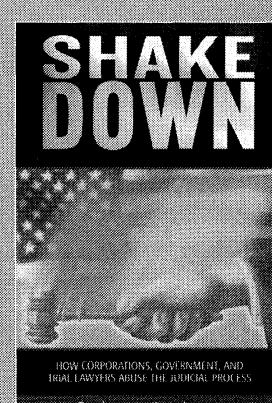

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The Politics of Government Spending

by R. W. Bradford

Most people believe that Democrats are big spenders and that Republicans are tight-fisted. The evidence leads to a very different conclusion.

How do various political regimes affect government spending and, hence, the size of government's intrusion into our lives? This is a fundamental issue in political and economic theory.

Dr. Milton Friedman, Nobel laureate in economics and one of our era's greatest advocates of liberty, recently entered the debate on the historical background of the question. Dr. Friedman wrote to Liberty challenging my claim that "government spending grew rapidly" during the Reagan presidency. Friedman offered as evidence a graph showing "Federal non-defense spending as a percentage of National Income" from 1960 to 2003. This graph showed a leveling off of such spending in 1983. Friedman stated that "the record speaks for itself" and offered no further argument or data.

I couldn't see why "government spending" should be limited to "federal non-defense spending." Nor could I see why spending should be normalized by national income, unless one believes that the government is somehow entitled to a certain portion. It made more sense to me to consider "government spending" to refer to all the money government spends, to adjust the actual spending figures for inflation, and to normalize spending for changes in population.

I searched in vain for figures on government spending per capita, corrected for inflation. But I found on the Census Bureau's website annual government spending for each fiscal year from 1947 to 2003 as well as annual population figures, and, of course, the Consumer Price Index is available from the Bureau of Labor Statistics. So it was just a matter of putting the numbers into a spreadsheet and doing relatively simple calculations to determine annual government spending per capita, and to see whether it grew more slowly during the Reagan years than before or since. The data verified my earlier claim: spending grew a little faster during the Reagan years than during the Carter and Ford years that preceded his terms in office, and at a much faster rate than during the Bush I and Clinton years that followed. I wrote a brief response to Friedman, which was published in the October Liberty.

It quickly occurred to me that the data I had developed might help answer questions like these:

Does spending grow more slowly during Republican presidencies than during Democratic presidencies?

Does spending grow more slowly when Republicans control the House? the Senate?

Does divided government (in which one party controls Congress and the other party controls the White House) result in lower spending growth? If so, does spending grow faster under Republican presidents with Democratic congresses than under Democratic presidents with Republican congresses?

So I added fields to my database for the political affiliation of the president and the party which controlled each

house of Congress during each fiscal year, and began to look for correlations. A summary of the data can be found in the chart on the facing page.

It quickly became evident that the more recent data are quite different from the earlier data in two significant ways:

1) During the earlier years, annual changes in government spending were much greater than in later years. During the first six years of available data, during which Harry Truman was president, the average annual variation in per capita spending was 14.6%. The highest average annual change in any six-year period since Truman was president was 5.6%. As you can see from the graph below, which shows the year-to-year absolute change in spending, spending has become much less volatile over the years, and especially after 1970.

Since 1970, spending has grown 64% faster when a Republican sits in the White House than when a Democrat does.

2) During the years before the presidency of Republican Richard Nixon (i.e., before fiscal year 1970), there was a strong correlation between the Republicans and lower growth in government spending, and between the Democrats and higher growth. Since 1970, this correlation has hardly existed.

Prior to 1970, the correlation was strong:

• When a Republican held the White House, spending fell by an average of 0.70% per year; with a Democrat in the White House, it grew by an average of 5.98%.

• With Republican control of Congress, spending fell by an average of 2.12% per year; with Democrats in control, spending rose by an average of 4.82% annually.

• With the GOP in control of both the White House and Congress, spending fell by an average of 6.85% per year. It is worth noting that this is a very small sample — just two years (fiscal years 1954–55). During the twelve years that the Democrats controlled Congress and the White House, spending rose by an average of 6.55% per year.

During the six years of split government with a Republican White House, spending grew at an average rate of 4.92%. During the two years (fiscal years 1948–49) of split government with a Democrat in the White House, spending grew by 1.46%.

This strong correlation between spending growth and the party affiliation of the president disappeared with the election of Richard Nixon in 1968.

A New Era Now Begins

Starting in 1968, a very different pattern emerges. Government continued to grow, but year-to-year spending changes became much less volatile. Part of the reason is that during the 1947 to 1969 period, government spending more than doubled, so that absolute changes resulted in much smaller changes expressed as percentages. We can hypothesize about other factors causing this drop in volatility; for example, the abandonment among Republicans of opposition to the welfare state.

But much more importantly, the correlations between spending and political parties changed radically. Prior to fiscal year 1970, there were very strong correlations between fiscal restraint and Republican control of the White House and Congress, and between spending increases and Democratic control of those institutions. Since then, there has been hardly any correlation, despite the fact that Republican candidates for office generally claim to favor fiscal restraint and Democratic candidates for office generally claim to favor the expansion of government.

Consider the following:

• In the twelve years that a Democrat has sat in the White House, spending has increased at an average rate of 1.29% per year; during the 22 years of Republican presiden-

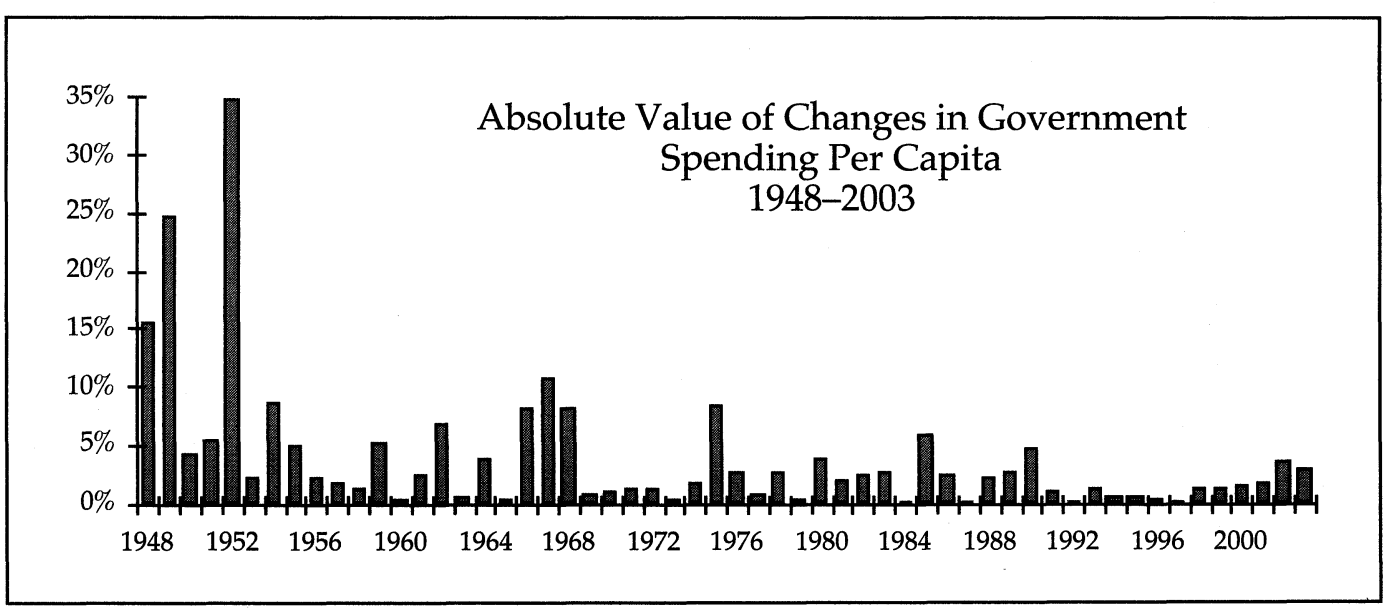

cies, government spending has risen at an average rate of 2.12%. In other words, spending has grown 64% faster when a Republican sits in the White House than when a Democrat does.

• During the 20 years Democrats have controlled both houses of Congress, spending has grown at an average rate of 1.84% per year, more than double the average rate of 0.89% per year during the six years the GOP ran Congress. (During the other eight years, when control of Congress was split between the two parties, spending grew at an average rate of 2.52%. The split-control years all occurred during Republican presidencies.)

• When Democrats controlled the White House plus both houses of Congress, spending grew at 1.70% per year, slightly below the average growth rate of 1.83% for the entire period.

• The slowest spending growth occurred when a Democrat sat in the White House and Republicans controlled both houses of Congress. Spending rose by an average of just 0.89% during the six years of this situation, which all occurred with Bill Clinton as president and Newt Gingrich as Speaker of the House.

• During the 14 years Republicans controlled the White House and Democrats controlled both houses of Congress, spending grew at an average annual rate of 1.92%. During the eight years with a Republican president and a split Congress, spending grew at 2.54% per year.

All this must come as a shock to the overwhelming majority of Americans who believe that Democrats are spenders and Republicans want to cut government spending. The simple fact is that during the past 34 years, government spending has grown significantly faster when a Republican has sat in the White House.

But the old prejudice still seems to have some validity regarding Congress: Democratic-controlled congresses have increased spending at a rate more than twice the rate that Republican congresses have.

Government spending has grown fastest when a Republican was in the White House and Democrats controlled Congress. It has grown most slowly when a Democrat was president and Republicans controlled Congress.

* * *

To this point, everything I've written is strictly factual, derived from figures published by the Bureau of the Census and the Department of Labor. So far as I am able to

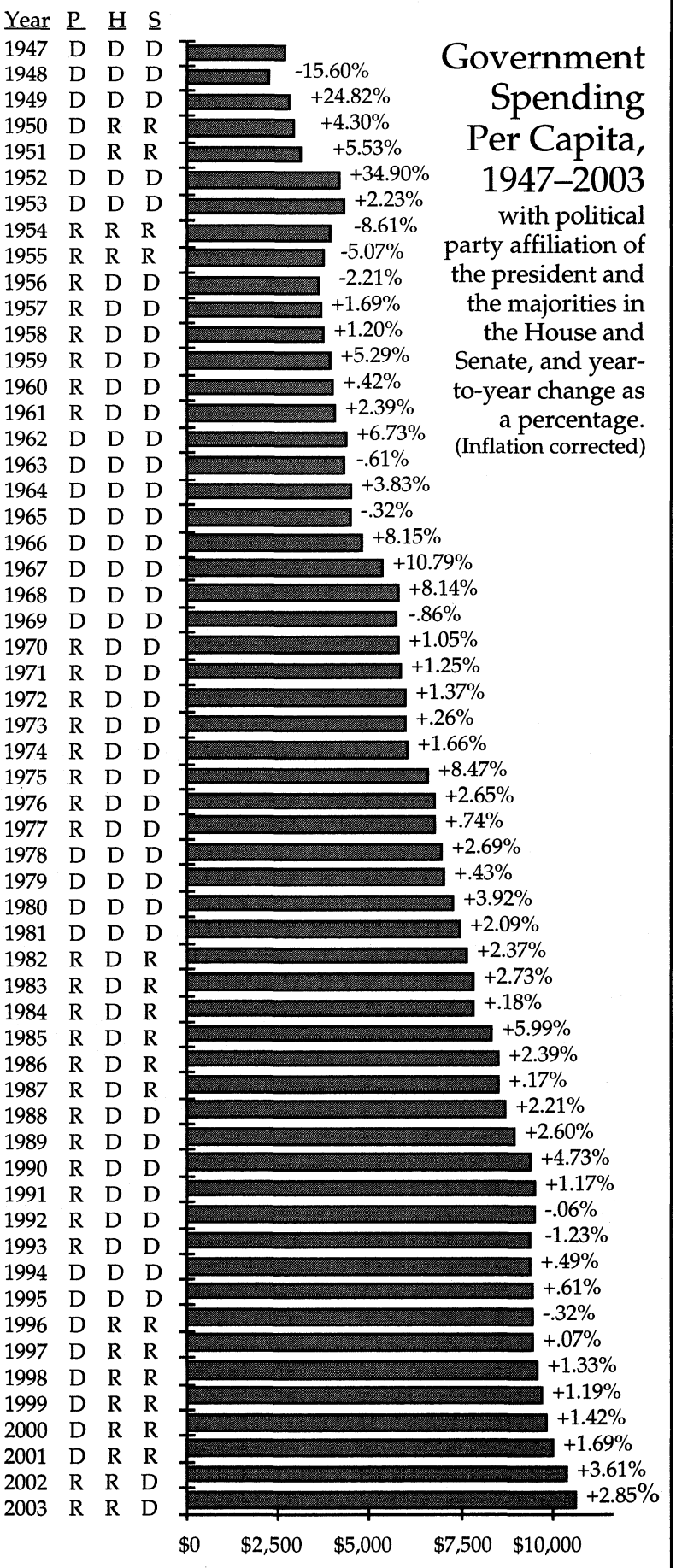

determine, these facts cannot be unchallenged.

But they are open to interpretation, and what follows is an attempt to provide background and explanation for why the growth in government spending in relation to political control of Congress and the presidency has taken the course I've described above.

The Early Post-War Years (1947–1969)

The strong correlations between Democrats and spending and between Republicans and restraint during the early postwar period make perfect sense. The Democratic administrations of Truman, Kennedy, and Johnson were characterized by war and the expansion of the welfare state, both of which are expensive projects, while the single GOP presidency was a time of peace and restraint.

The domestic policy of President Harry Truman (fiscal years 1947–53) called for federal subsidies for (and control) of medical care, housing, and education, as well as other expansions of government programs, under the slogan of "The Fair Deal." Not all of Truman's ambitious program was enacted, but enough of it was implemented that in combination with the Korean War (which began in fiscal year 1950) government spending increased at an average rate of 6.77% during Truman's second administration.

John F. Kennedy (fiscal years 1962–65) was elected on a platform calling for increased government spending domestically and an aggressive anti-communist foreign policy. But a coalition of conservative southern Democrats and old-line Republicans made it difficult to enact his domestic program and, with the exception of his abortive invasion of Cuba in 1962, his war against communism didn't really come to fruition until after his untimely death. Spending grew at an average of 3.27% per year during his brief administration.

Lyndon B. Johnson (1965–69) called for a massive increase in the welfare state, under the slogan of the "Great Society," and greatly escalated the war in Vietnam, which Eisenhower had almost entirely avoided and for which Kennedy had laid the groundwork. Unsurprisingly, government spending increased rapidly during his presidency. During his only full term, spending rose at an average rate of 6.46% per year.

When Democrats controlled the White House plus both houses of Congress, spending grew at 1.70% per year, slightly below the average growth rate of 1.83% for the entire period.

The only Republican to capture the White House during this period was World War II hero Dwight D. Eisenhower. Although he was criticized by many conservatives for not rolling back government as much as they wanted, his is the only administration since World War II in which government spending per capita actually fell. He combined fiscal restraint on domestic programs with an inclination to disentangle America from wars abroad: he presided over the end of the Korean War, refused to get involved in the wars in the Middle East, and did what he could to keep America from greater involvement in Vietnam. During the first two years of his administration, when he had the support of a GOP Congress, spending fell by more than 13%, but during the final two years, with the Democrats firmly in control of both houses of Congress, spending rose at an annual rate of 1.46%. Even with these increases, spending fell at an average annual rate of 0.70% during his administration.

Although Ike was criticized by many conservatives for not slashing government enough, government spending per capita actually fell during his presidency.

The New Era (1970 to 2003)

The fact that Republican presidents have been bigger spenders than Democratic presidents during the past 34 years startles many people. This is probably a product of people's greater inclination to listen to the rhetoric of the candidates than to pay attention to what winning candidates actually do once they are in office.

Consider the case of Ronald Reagan. He called for cutting back government, but presided over a massive increase in the size and power of government, at least as measured by government spending per capita. Government spending during his administration grew at an average rate of 2.28%, nearly three times as fast as during the administration of Democrat Bill Clinton.

Similarly, Richard Nixon was elected based on his promises to cut back government, but spending increased during his administration at a faster rate than during any subsequent administration except that of George W. Bush. Nixon pursued policies that he thought would maximize his chances for reelection and his historic reputation. He had no interest in repealing any of the Great Society measures. His "de-escalation" of the Vietnam War proceeded very slowly, and involved sending more troops and dropping more bombs. His legacy includes such expansions of government power as the War on Drugs and the Environmental Protection Agency. The result? During his years in the White House, government spending grew at an average rate of 2.31%, virtually identical to the rate during the Reagan years.

George W. Bush was elected on the strongest and most explicit conservative platform ever, yet he supported massive increases in military spending, created a whole new bureaucracy to fight the War on Terror, invaded two countries, and pushed through the largest single increase in welfare spending in decades. Not surprisingly, spending has grown the fastest during his years of any presidency since Lyndon Johnson's.

The other two Republican presidencies were different cases. Gerald Ford, who assumed the powers of the presidency when Nixon resigned in disgrace, was an old-line, fiscally conservative Republican who faced a very hostile and overwhelmingly Democratic Congress. Ford responded by using his veto power more frequently than any president before or since. The result was the lowest average annual spending increases of any presidency since Eisenhower.

George H. W. Bush was also a special case. He presided over a country that favored fiscal restraint and was elected largely because of his promise not to raise taxes. When he broke that promise, many Congressional Republicans treated him as if he were their enemy. Meanwhile, the Democratic majority in Congress, smelling blood, focused on making him look bad, sensing a victory of the White House for them. They succeeded. The result: spending grew at 1.15% per year during his presidency, the lowest rate of increase of any post-war president except Eisenhower.

The two Democratic presidents of this era faced radically different situations. Jimmy Carter was elected during post-Vietnam public cynicism about the military, and his years saw actual cuts in military spending. He eschewed most of the traditional Democratic calls for increases in welfare programs. Not surprisingly, spending grew at a relatively low 1.70% annual rate during his administration.

Bill Clinton is perhaps the most interesting case. He was elected very narrowly, on a platform that included a government takeover of the entire health-care system, the largest expansion of government power any president had proposed in decades. But he got only 43% of the vote, with the remaining 57% going to candidates who plainly opposed the measure and portrayed themselves as fiscal conservatives. Upon his wife's advice, he pursued the takeover of medicine in a manner so high-handed that, in combination with strong opposition from conservatives and libertarians, the entire package was abandoned.

George W. Bush is establishing himself as the biggest spender since Lyndon Johnson.

After Republicans won both houses of Congress in 1994, Clinton, having no real political convictions, proclaimed that the "era of big government is over," and embraced other elements of the GOP agenda, such as welfare reform. The result was that spending grew at a rate of just 0.81% during his administration, the lowest growth rate since Eisenhower.

What can we learn about the future from this study? Past experience is not a perfect predictor of the future, but it seems far more likely that America's government will become larger, more powerful, and more expensive if George W. Bush is reelected than if he is defeated. A Democratic victory in either (or both) houses of Congress would likely accelerate this trend. Republican congresses combined with Republican presidencies during the past 34 years have consistently resulted in faster spending growth than Democratic presidencies. Democratic congresses have tended to increase spending faster than Republican congresses. And spending has grown faster with a Republican president and Democratic control of one or both houses of Congress than in any other situation. In addition, Bush is establishing himself as the biggest spender since Lyndon Johnson.

The election of John Kerry as president would likely result in slower spending growth, especially if Congress remains in control of the GOP, which seems overwhelmingly likely. Government spending grows most slowly with a Democrat in the White House and the Republicans in control of Congress. While John Kerry's positions have been all over the place during the campaign, ranging from pro-war to anti-war, from support for the traditional Democratic tax-and-spend policies to "Bush lite" reforms, his record in the Senate is generally one of fiscal responsibility. And the Republicans, particularly those in the House of Representatives, have shown a strong inclination against all sorts of spending.

But you never know. ❑

Notes

Alert readers may notice that these figures for average annual per capita spending change for each presidential regime are very slightly different from those in my previous article, "Freedom and Spending Under Reagan" (October). This variance is the product of my using geometric means in this analysis rather than arithmetic means, which I initially eschewed because of the complexity of calculating geometric means from discontinuous data sequences.

For the sake of simplicity, I have ignored the peculiar "transition quarter" that occurred between fiscal years 1976 and 1977. ❑

Total Government Spending
per capita
in constant dollars,
basis year 2000

1947	$ 2,717
1948	2,293
1949	2,862
1950	2,985
1951	3,150
1952	4,250
1953	4,344
1954	3,970
1955	3,769
1956	3,686
1957	3,748
1958	3,793
1959	3,994
1960	4,010
1961	4,106
1962	4,383
1963	4,356
1964	4,523
1965	4,509
1966	4,876
1967	5,403
1968	5,842
1969	5,792
1970	5,853
1971	5,926
1972	6,008
1973	6,023
1974	6,123
1975	6,642
1976	6,818
1977	6,868
1978	7,053
1979	7,084
1980	7,361
1981	7,516
1982	7,694
1983	7,903
1984	7,917
1985	8,392
1986	8,592
1987	8,607
1988	8,797
1989	9,025
1990	9,452
1991	9,563
1992	9,557
1993	9,439
1994	9,485
1995	9,543
1996	9,513
1997	9,519
1998	9,646
1999	9,761
2000	9,900
2001	10,067
2002	10,430
2003	10,728

Debunking

The New Anti-Semitism

by Merrel Clubb

Contrary to what the media suggest, disagreement with Israel's policies does not constitute pathological hatred of Jews. Nor does disagreement with George W. Bush's policies constitute pathological hatred of Americans.

Far too many people seem not to recognize the full complexity of the meanings of the two expressions *anti-Semitism* and *anti-Americanism*. They continue to use them as though each has only a single, simple meaning. Both expressions belong to a small group of words with dual meanings in political discourse: a literal or dictionary meaning and a political or propagandistic meaning. But unlike such words as *terrorism*, both *anti-Semitism* and *anti-Americanism* also belong to another class of words similar to one an early semanticist referred to as "snarl-words" (in contrast to "purr-words"). In some contexts *anti-Semitism* and *anti-Americanism*, especially in their adjectival forms, mean little more than "I don't like."

Although from time to time someone will note that one must take care to distinguish clearly between criticism of Israel and anti-Semitism, as well as between criticism of America's policies and what might be called "true" anti-Americanism, many who use the expressions simply do not make the distinction.

Charges of anti-Semitism are so common today in newspapers and elsewhere that many critics of Israel's policies are afraid to voice their objections for fear they will be labeled anti-Semitic, or if Jewish, self-hating Jews.

Those who do have the courage to speak out are often quickly marginalized. In September 2002, Harvard's president, Lawrence Summers, gave an address, which later appeared in the Providence Journal and was widely reprinted in other newspapers. He said, "Where anti-Semitism and views that are profoundly anti-Israel have traditionally been the primary preserve of poorly educated right-wing populists, profoundly anti-Israel views are increasingly finding support in progressive intellectual communities. Serious and thoughtful people are advocating and taking actions that are anti-Semitic in their effect, if not their intent." He went on to declare, "Some here at Harvard and some at universities across the country have called for the university to single out Israel among all nations as the lone country where it is inappropriate for any part of the university's endowment to be invested."

What Summers glossed over too easily was a country-wide student protest movement on more than 50 campuses calling upon universities to divest their stock holdings in American companies which do significant business with Israel, as a protest against such Israeli actions as expropriating more and more Palestinian land for Jewish settlements and connecting roads, killing Palestinian civilians (including women and children), uprooting their orchards, and destroying their houses in both the West Bank and Gaza. The students were not singling out Israel as the "lone country" for protest. They were calling for a boycott as an objection to the actions of a government against another people, hoping to force a change, as did happen eventually in apartheid South Africa when democratic policies were established. All too often, criticism of Israeli policies in the West Bank and Gaza has been equated with anti-Semitism to cut off any debate by smearing the critic with the brush

of racism. Such usage can only be termed political propaganda.

On Jan. 20, 2003, Warren Kinsella published an article in the Canadian magazine Maclean's entitled "The New Anti-Semitism," in which he defined "new" anti-Semitism as criticism of Israel's Zionist policies. However, equating criticism of Zionist policies to anti-Semitism is nothing new. Even before Israel became a state in 1948, David Ben Gurion declared, "henceforth to be anti-Zionist was to be anti-Semitic." And in 1973, Israel's foreign minister Abba Eban said, "One of the chief tasks of any dialogue with the Gentile world is to prove that the distinction between anti-Semitism and anti-Zionism is no distinction at all. Anti-Zionism is merely the new anti-Semitism." And such an illustrious thinker as Elie Wiesel, in effect, cut off all alien criticism of Israel's policies when he said: "A person who does not live Israel's ordeals and challenges has no right to criticize its decisions." In other words, only those Jews who live in Israel have a right to criticize Israel's policies in the West Bank and Gaza.

In 1984, Robert Westrich, who lived most of his life in Great Britain, delivered a lecture in the home of Israel's president, Chaim Herzog, on what he called "the new anti-Semitic anti-Zionism in the 1980s." Placing his topic in the larger context of what he referred to as a globally "orchestrated campaign against the Jewish state, Zionism, and the Jewish people as a whole," he first asked, "How can we be sure that anti-Zionism . . . is not primarily motivated by sympathy with the Palestinian cause or by opposition to specific Israeli policies?" But quickly answering his own question, he said, "Anti-Zionism has undoubtedly provided a wonderful alibi for anti-Semitism . . . a vehicle for the re-emergence of anti-Jewish attitudes."

Later in his talk he went further: "[W]e witness a conscious effort to delegitimize Jewish self-definition. . . . Delegitimization is no longer racial or religious but ideological and political." He explained: "Delegitimization of Israel and its ideological basis — Zionism — is the most direct way in our time to damage Jewish interest and prepare the way for the destruction of Jewish identity."

A 1988 editorial in The New Republic sounded a similar theme: "Salient anti-Semitism is anti-Semitism with a program . . . the delegitimization of the Jewish national movement." And shortly after Summers' Sept. 2002 address, Harvard's Alan Dershowitz chimed in, "There's nothing wrong with criticizing Israel. But to compare Israel's policies to the worst human rights abuses, that's an attempt to delegitimize Israel."

And there are those who have claimed that when criticism of Israel becomes excessive, it is anti-Semitism or "Israel bashing." But the obvious question becomes, "Who is to say when criticism of the killing of women and children and young boys, along with the destruction of houses and entire sections of towns, becomes excessive?" The argument that other countries have committed far worse crimes than Israel's against the indigenous Palestinians, as for example, the Hutus' murder of over 800,000 Tutsis in 1994, is irrelevant to any judgment of Israel's atrocities in the West Bank and Gaza. One crime does not justify another one.

The phenomenon often long precedes the word that comes to represent it, and the English expression *anti-Semitism* first appeared in English at the end of the 19th century to refer to the vicious hatred of Jews simply for being Jews — a hatred that was rampant in France and eastern Europe at that time and a form of racism on a par with color-based racism in the earlier part of the 20th-century American South. And, of course, such racist anti-Semitism continues to plague Jews in many parts of the world today. Zionism, in its first manifestation, also arose in the late 19th century, as a reaction to anti-Semitic persecutions in Europe, and a small number of "Lovers of Zion" emigrated to Palestine to find freedom. But soon after, another wave of "Political Zionists" began to arrive, ultimately with the expressed goal of establishing a Jewish state in Palestine — which was not "a land without a people for a people without a land," but a territory already inhabited for centuries by a large number of Arabs and a small minority of Jews, who did not welcome the Political Zionists and had no desire to live in a Jewish state in their own land. Initially, most Jews in Europe were highly critical of Zionism and were among its leading opponents, but it is hard to imagine that those Jewish critics were "anti-Semites" or "self-hating Jews." Eventually, however, any opposition to political Zionism was thought of by Zionists as anti-Semitism, and after Israel became a state, *any* criticism of Israel's Zionist policies came to be called anti-Semitism, often as a form of political propaganda intended to belittle such criticism.

Racist bigotry and anti-Semitism, of course, still exist in places all over the world, as illustrated by recent anti-Arab and anti-Semitic assaults in France. And while it is certainly true that criticism of Israel's policies can be motivated by anti-Semitism, and equally true that sympathy for the Palestinian cause can be a cover for resurgent anti-Semitism, in the sense of "anti-Jewish attitudes," most of the time now they are not. Criticism of Israel's policies in the West Bank and Gaza, at least in the Western world, is more often motivated by a sense of justice, *not* by racism or by a desire to delegitimize Israel or to destroy Jewish identity; sympathy for the Palestinians is a *result* of Israel's policies as they have been carried out in Palestine, not an alibi for racism. Sympathy for the suffering of Palestinians does not entail ignoring or condoning Palestinian terrorism in Israel and the suffering of Israelis, as is sometimes suggested.

Criticism of Israeli policies in the West Bank and Gaza has often been equated with anti-Semitism to cut off debate by smearing the critic with the brush of racism.

To say that criticism of Israel's treatment of Palestinians in the West Bank is the same as anti-Semitism is not only ridiculous but much the same as saying that criticism of the white regime's treatment of blacks and coloreds in apartheid South Africa was anti-white, or that criticism of 16th-century Spanish and British attacks on indigenous Indians

in the Americas was anti-Spanish and anti-British, or that criticism of American destruction of Indian villages and killing of women and children as pioneers moved westward and settled Indian land was anti-American.

The expressions *anti-American* and *anti-Americanism,* like *anti-Semitic* and *anti-Semitism,* are often tossed about to denigrate critics of a government's policies and actions. Both terms, of course, do have literal meanings that represent realities; however, unlike *anti-Semitism, anti-Americanism* does not refer to a form of racism; it refers to a hatred or dislike of America for what it is. But *anti-Americanism,* like *anti-Semitism,* also has a political meaning and is often used as a propaganda weapon against criticisms of various policies of the American government. Certainly, what can be called "literal" anti-Americanism is prevalent in many parts of the world, as illustrated by the appellation "The Great Satan" and by the 9/11 attacks on the World Trade Center and the Pentagon, but the so-called anti-Americanism that exists in European countries today is really widespread objection to the Bush administration's arrogant, unilateral foreign policies. Eric Alterman (The Nation, Feb. 10, 2003) wrote that he had recently visited Germany, France, Italy, and Britain looking for anti-Americanism, in the sense of dislike of Americans or America as such, and found little that could properly be thought of as genuine anti-Americanism; but he did find what New York Times columnist Thomas Friedman has called the "new anti-Americanism," that is, strong criticism of Bush's obvious intention at the time to plunge headlong into a preemptive war in Iraq. Anti-Bushism, yes; anti-Americanism, no.

Sympathy for the Palestinians is a result of Israel's policies as they have been carried out in Palestine, not an alibi for racism.

Before the invasion of Iraq, the Bush administration and sympathizers in the media labeled European objections to Bush's policies as anti-Americanism to discredit opposition in much the same way as the Israeli government and its sympathizers have leveled charges of anti-Semitism in order to smear critics of Israel's policies in Palestine. When the United Nations' Human Rights Commission in Geneva voted the United States off the Commission, the Washington Post announced a "new period of anti-Americanism." Even as Israel continues its terrorist tactics in the West Bank and Gaza, critics of America's large military and financial support of Israel are sometimes charged with anti-Semitism or anti-Americanism.

Individuals both abroad and at home use the term "anti-Americanism" to disparage what they do not like to hear or read. On a visit to the United States before the Iraq war, Prime Minister Tony Blair was quoted as saying in reference to extensive criticism in England of President Bush's plans to invade Iraq: "Some of what I read . . . is just straight forward anti-Americanism." As though there had been no such criticism in America!

The term is often used by Americans to attack other Americans when they voice unpopular views, as for example when anyone publicly attempted to understand the reasons for the hatred which led to the 9/11 attacks on New York City and Washington. There is almost a knee-jerk reaction at times by some conservatives to call liberals anti-American, as when David Frum in National Review (April 7, 2003) referred to Robert Fisk, Noam Chomsky, Gore Vidal, Alexander Cockburn, and "other anti-Americans of the far left." And the editor of The Progressive (Feb. 2003) related how a professor of economics at the University of Massachusetts, an American citizen who happened to have been born in Iraq, was visited by a campus police officer and an FBI agent. When the professor asked the reason for the visit, they responded it had been reported that he was anti-American, because he opposed the president's war on Iraq. Charges of anti-Americanism, of course, were commonplace before and during the Iraq war when many Americans, who most certainly did support our troops, spoke out in opposition to a foolish war in which many of those troops, as well as many Iraqis, would needlessly lose their lives, as for example when Rush Limbaugh said, "these anti-war demonstrators . . . let's call them what they are: anti-American demonstrators," and when William Kristol in The Weekly Standard (April 7, 2003) referred to the "Teddy Kennedy wing of the Senate Democrats" and the "Nancy Pelosi faction of the House Democrats" as anti-American. Or when an airline security agent opened a passenger's bag and found two signs saying "No War With Iraq," and left a note criticizing the passenger's "anti-American attitude."

The assumption that America can do no wrong, and even that history — or rather, historical descriptions — must always be true is common. When historians maintain, as most (not all) who have focussed on the topic do, that atomic bombs were not necessary to defeat Japan and end World War II, they are often characterized as "anti-American" or "un-American." In the course of the 1995 Enola Gay controversy, when the Smithsonian National Air and Space Museum proposed to mount a serious educational exhibit which would, for the first time by a public institution, raise questions many historians had been asking since the 1950s about the use of the atomic bombs at the end of WWII, that famous professor of American history Newt Gingrich was quoted in The New Republic (March 13, 1995) as saying that the exhibit was "anti-American, and distorted history" (the words many veterans also used during the controversy) simply because he did not like the implications of the questions raised. Similarly, on Oct. 25, 1994, Charles Sweeney, the pilot of the B-29 that dropped the plutonium bomb on Nagasaki, characterized the exhibit

Individuals both abroad and at home use the term "anti-Americanism" to disparage what they do not like to hear or read.

continued on page 42

The Intelligent Person's Guide to Presidential Politics

Choosing among those who seek the presidency is not necessarily an easy task for the intelligent libertarian. Liberty's editors do their best to help.

I Like Mike!

by R. W. Bradford

I shall vote for Michael Badnarik, the Libertarian Party's candidate for president, and I shall vote for him with more enthusiasm than I have felt for any Libertarian presidential candidate since 1988. Yes, I know that Badnarik has some negatives: he harbors a number of beliefs — the Federal Reserve System is privately owned, the federal income tax is not compulsory — that are not merely mistaken, but goofy, right-wing, and cranky. But Badnarik is a good and honest man, and an articulate spokesman for libertarian ideas.

I am sure this surprises no one. I have endorsed in these pages every LP nominee for president since 1988, and supported, voted for, and publicly endorsed every LP nominee since the party was founded.

Part of my reason is that I think that voting is, more than anything else, a form of public speech, and I want to make a statement that is as unequivocally libertarian as I can. But there is more to my support of Badnarik than that. While it may be argued that delegates at the LP convention made an uninformed and less than optimal decision when they gave the nomination to Badnarik, his personal virtues make him a better candidate than the party has nominated in the recent past. He is an energetic campaigner, a hard worker, and a straight-up guy. There's not a hint of self-aggrandizement in his campaign, and hardly any ego-tripping. His passion and sincerity and honesty are manifest.

If I believed that my vote and support actually might have some real effect on the outcome of the election, I would vote for John Kerry — not because I think he is a good man or would be a good president, but because I think governmental power and spending would grow more slowly if he were elected. Democratic presidencies in the last 35 years

have been characterized by far less activist government than Republican presidencies. A Kerry presidency would likely provide even slower growth of government than the usual Democratic occupation of the Oval Office. The element of our national government least inclined to expand government spending is the GOP-controlled House of Representatives, and thanks to Republican gerrymandering in the states, the chance of a Democratic takeover of the House is virtually zero. Kerry has shown more fiscal restraint than most Democrats; with a Republican-controlled Congress, history suggests voting for Kerry would be the best bet for restraining the growth of government in the next four years.

I realize that Kerry is a power-lusting politician who changes his public positions with every hiccup in public opinion. But so was Bill Clinton, under whose regime government spending grew at the slowest rate since Eisenhower. And George W. Bush has a proven record of increasing government spending and power. Unlike Kerry, he has convictions, but so many of his convictions are manifestly wrong that it is difficult to make any sort of plausible case for his reelection. And there is also the issue of the war in Iraq. While both candidates support it, Kerry obviously has more wiggle-room than Bush, so he could extricate the United States from this quagmire more easily.

I shall vote for the only candidate who actually wants to increase liberty and reduce state power. And I think all Americans who value human liberty should do the same.

One final thing: I am squeamish about casting my vote for a scoundrel like Kerry or Bush. In 1968, I cast my first vote for president for Richard Nixon, who promised smaller government and had two hardcore libertarians, Alan Greenspan and Martin Anderson, on his staff. Subsequent events proved that if ever there was a wasted vote, that was it.

I was much happier to be among the 3,676 Americans who voted for John Hospers in 1972 than I was to be among the 31,785,480 Americans who voted for Nixon in 1968. There is something repugnant about voting for a scoundrel, even if he is the lesser of two evils. I could hold my nose and do it if I thought it would make a difference. But any delusions of self-importance that I harbor lie in areas other than thinking that my vote or my support could affect the outcome of the election. The simple fact is that the likelihood that my support will affect the outcome of the election is nil.

So I shall make the most positive statement that I can: I shall vote for the only candidate who actually wants to increase liberty and reduce state power. I shall proudly cast my ballot for Michael Badnarik. And I think all Americans who value human liberty should do the same. ❑

Two Cheers for George Bush

by Stephen Cox

Before we start arguing about the presidential election, we should all admit that this is a year of remarkably weak candidates. The weaknesses of Sen. Kerry and President Bush are obvious to everyone but their most fanatical supporters. (But no, that's wrong. Neither one of them has fanatical supporters. Each has fanatical allies, motivated by fanatical opposition to the other party.) The weaknesses of the Libertarian candidate and the various Green candidates would also be evident to all, if anyone but fanatical supporters paid any attention to them. I am a registered Libertarian. When the Libertarian Party finds a candidate who has the stature of such previous candidates as John Hospers, Ed Clark, and Ron Paul, I will joyously vote Libertarian. In the meantime, I don't plan to waste my vote. I will cheerfully, if not joyously, cast it for President Bush.

At this point, some of my libertarian friends are shouting, "Wait! What do you mean by 'waste'? You don't even understand what it means to vote!" Their argument is this. The chances are minuscule that any individual vote will actually affect the outcome of the election. Under these circumstances, voting is simply an expression of one's political ideology, and it would be sheer waste for any libertarian to vote for a major-party candidate.

It's an interesting argument, although I'm not sure I grasp its metaphysics, especially the implication that *nobody's* vote matters in practical terms. I don't know how close the election will be, but I don't intend to surrender my chance of affecting it; and I know that if more people felt as I do, there would be a much greater chance that the result would be affected. I intend to vote for the least imperfect candidate who is actually able to win. In other words, I am going to cast my ballot for the scorned and derided Lesser of the Two Evils.

Scorn and deride all you want; "able to win" is still an important criterion. If it weren't, I'd vote for Milton Friedman, and a hundred million other voters would go out and vote for their own private idea of the perfect candidate. But that's not what elections have ever been like. They are contests between two or three people, not a hundred million; and since 1796, none of the live options has ever been ideal. Even Thomas Jefferson was far from a perfect libertarian candidate, but if I had to choose between Jefferson and his opponent Aaron Burr, I'd vote for Jefferson, every time. In 1940, the two meaningful candidates were Franklin Roosevelt and Wendell Willkie, two very bad candidates, from a libertarian point of view. But the country would have been a lot better off if Willkie had won and Roosevelt had been denied a third term. You may think it's morally wrong to give your sanction to the Lesser of the Two Evils, but are you willing to accept the responsibility of helping the Greater of the Two Evils to win?

George Bush is a big-spending modern liberal. So is John Kerry. Yet there are two vital differences between them.

One is character. In the early seventies, Kerry functioned as a Communist stooge. He enjoyed the experience, and he has never gotten over it. He is a meddler and a blowhard, a self-anointed apostle of uplift for the unwashed masses. Like all such people, he is ambitious and grasping, with a mile-wide mean streak. Bush, by contrast, is simply a small-town Rotarian, a man of completely conventional ideas and motives, pleasant and friendly in a canine way. The most interesting thing about him is the fact that he is a reformed alcoholic who has managed not to become self-righteous about reform. Case closed on the question of character.

You may think it's morally wrong to give your sanction to the Lesser of the Two Evils, but are you willing to accept the responsibility of helping the Greater of the Two Evils to win?

The other difference is party affiliation, and it is much more important. When you elect a president, especially a personally weak president, such as Bush is and Kerry would undoubtedly be, you are electing not just him but his party, with its million heads and tens of million claws.

Now, I would prefer to vote for a party that endorses and practices an isolationist foreign policy and a domestic policy devoted to shrinking the government's economic, social, moral, medical, and educational involvements. The Republican Party endorses smaller government but has recently done little, or worse than little, to transform its faith into works. The Democratic Party has, for the past three generations, struggled to attain precisely the opposite aims. This is the party that wants to nationalize health care. This is the party that vows to roll back Bush's tax cuts. This is the party that is so devoted to racial quotas that it rigorously imposes them even in the supposedly democratic selection of delegates to its own conventions. This is the party that uses Al Sharpton as one of its public faces. Even its antiwar positions amount to mere timeserving. It applauded President Clinton's multitude of wars, it insisted that President Bush (re)invade Haiti and called him a racist when he resisted doing so, and it has now selected a presidential candidate who is proud to say he voted for (as well as against) the war in Iraq and would be better than Bush at winning it.

No thanks. Of the two real alternatives, I prefer the party that isn't pledged to every crackpot political idea that is current in America today and hasn't compiled an excellent record of turning crackpot ideas into laws. It's not for nothing that the Republicans are called the stupid party and the Democrats are called the evil one. Satan knows how to get things done.

Therefore, I and my household, as the Bible says, are voting for the stupid party. And I will vote for it with a measure of pride, knowing that votes for Bush will be interpreted as rebukes to the vileness of the Democrats' four-year campaign to paint him as a fascist drug addict energized solely by a desire to rape the environment, enrich the Halliburton Corporation, and return African-Americans to slavery. Within living memory, there has never been a national political campaign so frothing with hate. Lyndon Johnson's henchmen, as politically debauched as they were, never led public chants of "Don't drink the Goldwater!"; yet we have seen the unreproved indecency of the Rev. Mr. Jackson's "Keep out the Bushes!" Even Joe McCarthy never pulled the stunt that Dan Rather tried to pull on Bush, waving palpably forged documents accusing a man of 30-year-old misdemeanors, then responding to criticism by saying that the story was true, whether the evidence was forged or not.

Or don't you believe that CBS News is part of the Democratic campaign? The very basis of the Democratic Party, and of the institutional opposition to libertarian ideas in America, is the alliance of a partisan political elite with its front groups and minions in the media, the arts, the clergy, the foundations, the schools, the "civil rights" aristocracy, and the other parts of civil society that it has corrupted with its venom, obscurantism, and outright lies. If decency and candor are ever to be restored to our national political life, this unholy alliance, currently led by John Kerry, must be decisively rebuked. To give it an electoral victory, with the intention of expressing libertarian views, would be a tragically ironic mistake. ❑

In Defense of Flip-Flopping

by Sarah J. McCarthy

In mid-August of 2004, the presidential election was John Kerry's to lose, and by mid-September it looks like he had done just that. In the end, Kerry's flaw was the same as Michael Dukakis' in the 1988 presidential campaign — he wound up looking effete. Dukakis couldn't get up the gumption to say he'd defend his wife Kitty from a hypothetical rapist, and Kerry went limp under the Swift Boat onslaught, a skirmish that should have been won simply by forcefully stating the truth. Appearing impotent is a fatal flaw in a presidential candidate, even more so when the country is at war.

Somewhere between 1974 and 2004 John Kerry lost his will to fight. Kerry should have claimed his status as a genuine war hero, and strongly defended his flip-flop to antiwar hero, an insightful stance taken some 30 years ahead of that war's architect and manager, Defense Secretary Robert McNamara, who finally, thoroughly denounced the Vietnam War in his book "Fog of War" and the documentary film that followed. A man who cannot forcefully argue that he was honorable to go to war, and honorable to question the necessity of war, and reject the horror of it and the atrocities that happen in all wars by every side including our own, is a man too cautious too stand for much of any-

thing.

The media and the country were determined to revisit the Vietnam War, and John Kerry was in a perfect position to bring the issue to some degree of resolution. He could have reviewed what Robert McNamara said in "Fog of War" — that if we are to learn from our experience in Vietnam, we must first pinpoint our failures. As McNamara sees it, there were eleven major causes of our disaster in Vietnam:

1. We misjudged the geopolitical intentions of our adversaries and exaggerated the dangers to the United States of their actions.

2. We totally misjudged the political forces within the country.

3. We underestimated the power of nationalism to motivate a people.

4. We misjudged friend and foe alike, reflecting our profound ignorance of their culture, history, and politics.

5. We failed to recognize the limits of modern high-technology military equipment in confronting unconventional and highly-motivated people's movements. We failed as well to adapt our military tactics to winning hearts and minds.

A president who leads his country into war on bad information does not deserve reelection. Because John Kerry did not take us into the Iraq war and probably wouldn't have, I will vote for him.

6. We failed to draw Congress and the American people into a full and frank discussion of the pros and cons of military involvement in Southeast Asia before we initiated the action.

7. A nation's deepest strength lies not in its military prowess, but in the unity of its people. Once unplanned events took us off course, we failed to explain what we were doing and why.

8. We do not have the God-given right to shape every nation in our own image or as we choose. Our judgment of what is in other people's interests should be put to the test of open discussion in international forums.

9. Other than threats to our own security, we should have international support for going to war.

10. We failed to recognize that there may be problems for which there are no immediate solutions.

11. We failed to analyze and debate our actions, our objectives, risks and costs of alternative ways of dealing with them, and the necessity of changing course when failure was clear.

In conclusion, McNamara says that American leadership both overestimated the effect of South Vietnam's loss on the security of the West, and failed to adhere to the fundamental principle that if the South Vietnamese were to be saved, they had to win the war themselves.

The lessons of Vietnam should have been applied to the war in Iraq. Inexcusably, the Bush administration manipulated Americans into fearing that Iraq was on its way to developing nuclear weapons and other weapons of mass destruction, giving us little choice but to support a preemptive attack. Though it is unclear whether Bush deceived the American people, or if he himself was misinformed, neither explanation is acceptable.

There is a case for suspecting that the administration deceived us into war. Paul O'Neill, in "The Price of Loyalty," states that from the first cabinet meeting there were those in the administration advocating the invasion of Iraq. "Fahrenheit 9/11" includes footage of Condoleezza Rice and Colin Powell saying in early 2001 that Saddam Hussein and his weapons were contained. Wesley Clark has said that high Pentagon officials were already advocating war with Iraq on 9/11.

And finally, there is the stupidity of the strategy. The Bush administration seems to have dotted every *i* and crossed every *t* in its plans to win the presidential election. Not so for Iraq. Administration officials recklessly ignored the Powell Doctrine about sending in ground troops only in overwhelming numbers, and conveniently forgot that a guerrilla war with American soldiers on the ground is a high-risk, low-return strategy. General Eisenhower warned never to get into a land war in Asia, a principle applicable to the Middle East. No strategy has become clear, either to win the war or get out of it. So far, there are 8,000 dead and wounded with no end in sight. More terrorists may have been created than killed.

A president who leads his country into war on bad information does not deserve reelection. Because John Kerry did not take us into the Iraq war and probably wouldn't have, I will vote for him. By appointing strong advisors and an able cabinet, he can provide sorely needed checks and balances on a government that in every area has marched too far to the right.

A commander in chief has as much duty to avoid war as a ship's captain does to avoid a shipwreck. Now, with a war on terrorism that requires strategic thinking and the wisdom of Solomon, we have a government that is squandering blood and treasure on an ill-planned and unnecessary venture in Iraq. The ship of state sails through choppy waters; it needs a captain and crew able to navigate through the difficult obstacles ahead. Hopefully, John Kerry has the wisdom to choose intelligent and nuanced advisors who know there is a time for war and a time for peace. ❑

The Case Against Voting

by Douglas Casey

Once again we find ourselves in the midst of the quadrennial American circus, when shameless power-mongers come out to blather moronic and vacuous platitudes in hopes of getting *Boobus americanus* to "get out and vote," granting politicians life-and-death power over the citizenry for the next

continued on page 42

Mr. Badnarik Goes to Colorado

by Ari Armstrong

On a three-day swing through the Centennial State, Libertarian candidate Michael Badnarik takes his case to the people — and gets asked some rough questions about his refusal to pay taxes and his association with a convict.

Michael Badnarik, the Libertarian Party's presidential candidate, traveled through Colorado Sept. 7–9, and I saw him at his campaign stops at the Auraria campus in Denver and the University of Colorado at Boulder.

Badnarik earned an impressive amount of media coverage in Colorado — thanks largely to the efforts of a handful of Colorado activists — even though he spoke in person to no more than 200 people during all of his campaign stops combined. Badnarik seems to be running the most inspired third-party campaign and is on more ballots than even Ralph Nader, which undoubtedly helps him get press attention. While at the CU event, I learned that USA Today had run a story on Badnarik that morning, and a number of publications have discussed the possible effect of Badnarik in swing states. Badnarik has wisely concentrated his efforts in these states, although Republican-leaning Colorado is an exception.

In Colorado Springs, Badnarik met with the editorial board of the major daily paper, appeared on local television news broadcasts, spoke on an AM radio show, recorded remarks for a television station on the western slope, and was interviewed on the local public station. He joined two Denver radio programs, including a popular rock-station morning talk show. The Denver Post, Rocky Mountain News, Boulder's Daily Camera, and Longmont's Times-Call all covered him. On the whole, the media were quite receptive.

Badnarik demonstrated good political instincts on several occasions. He didn't stray far from his message, and the few outrageous comments he made were well calculated. When Badnarik was asked whether he thought the U.S. government was involved in the Sept. 11 attacks, he ignored the question and said only that more "investigation" of the attacks is warranted. Similarly, when a radio host awkwardly portrayed the victim mentality by saying, "I'm black, whitey is keeping me down," Badnarik responded by explaining the concept of individual rights and the meaning of a republic.

His natural bravado made him a hit with the state LP, helping him overcome his outsider status: one well-organized fundraising dinner brought in close to $12,000 for the campaign. When Jack Woehr, a drug-policy reformer running for Congress on the LP ticket, suggested that the party is "probably not going to gain power within the next two years," Badnarik adjusted his tie in a manner reminiscent of Rodney Dangerfield and said, "Hey, you haven't met me yet."

Badnarik's most interesting media appearance in Colorado was on "Colorado Inside Out," a political TV broadcast based in Denver. The show is usually hosted by Peter Boyles, a tough interviewer who leans to the left, but he was unavailable. Badnarik was disappointed that the liberal host was absent, as he was looking forward to "chewing him up and spitting him out." Fortunately, a substitute was

found who likely knew much more about the campaign: Dave Kopel, research director of the Independent Institute and a contributing editor of Liberty. Kopel grilled the candidate on several thorny issues, especially on foreign policy and his history with the tax protest movement.

As R.W. Bradford reported in the August Liberty, "Badnarik believes that the federal income tax has no legal authority and that people are justified in refusing to file a tax return until such time as the IRS provides them with an explanation of its authority to collect the tax." Badnarik has taught others this theory in his one-day class on the U.S. Constitution.

Dave Kopel took the chance to ask Badnarik to clarify his views on tax liability and fraud:

Kopel: Let's talk a little bit about the IRS. You've run seminars that people pay to come to attend, which tell people about the Internal Revenue Service and express the view that they're not legally required to pay income taxes?

Badnarik: That's not the outline of the class at all. The class is a class on constitutional fundamentals. Basically, the idea is that "we the people" ordain and establish the Constitution. "We the people" invented our form of government in 1789, therefore our government works for us, not the other way around. "We the people" give government privileges, and those are listed in Article I, Section 8.

Kopel: Right, but let's get to the IRS part.

Badnarik: The IRS can collect taxes that you're liable for. Neither you nor I are required to pay more taxes than we're liable for. You don't have to pay $1,000 more than you owe.

Kopel: Right.

Badnarik: The question is, how much do I owe? How am I liable? Show me the law that says I am liable for these taxes. All I've done is ask the IRS to answer certain questions.

Kopel: "Show me the law that says you're liable." So, when somebody gets the federal 1040 form that says, fill in how much money you made, fill out your deductions, the IRS is just sending that out frivolously, it doesn't have a law that creates the authority to say people have to pay taxes.

Badnarik: That is the question, isn't it? The question is, if there is a law that supports them sending out that 1040 form, they should be able to show it to us. There have been several groups, one of which is wethepeople.org, I believe, which have filed 570 questions to the IRS. And the IRS and the Justice Department refuse to answer. If they work for us, they don't have the authority to not answer our questions.

"So you think Congress just created this tax code of gargantuan proportions, but forgot to put a line at the very beginning: 'Everybody should pay taxes according to the following?'"

Kopel: So you think Congress just created this tax code of gargantuan proportions, but forgot to put a line at the very beginning: "Everybody should pay taxes according to the following?"

Badnarik: Wouldn't it be interesting if that were true.

Kopel: Is that true?

Badnarik: I would like to know if it's true.

Kopel: Well, you can read the statutes as well as everyone else. Is it true?

Badnarik: I think that it is true. I think that since 1913, our Congress has created the presumption that Americans are required to fill out this 1040 form and mail in half of everything they owe. I would like to see the law. I am under the impression that there has been a lot of fraud involved.

Kopel: So you've studied the Internal Revenue Code, and you believe there's nothing in the Internal Revenue Code that says that people are actually required to pay taxes.

Badnarik: I believe that much of what the IRS does is done under fraud. That's correct.

Kopel: So you believe there's nothing in the United States statutes, in the Internal Revenue Code, that says you have to pay income taxes.

Badnarik: I believe that is true.

Kopel: When's the last time you paid income taxes?

Badnarik: I pay all the income taxes I'm liable for. I have sent letters to the IRS requesting information, and I am waiting for the IRS to respond.

Kopel: Requesting information about the questions we discussed, which is show me where it says "Mother May I" in the Internal Revenue Code.

Badnarik: That's correct.

Kopel: When's the last time you've filed an income tax return?

Badnarik: It's been several years.

Kopel: When?

Badnarik: I don't remember. It was back in 1997, I believe.

Kopel: 1997.

Badnarik: Right.

Kopel: According to the theory of people who believe that federal taxes are mandatory, if you make more than a certain amount per year, you're required to file an income tax return.

Badnarik: No, you're required to file an income tax form, or a statement. And I have filed a statement and have complied with my understanding of the IRS code. I have asked the IRS for information, and they have neglected to respond to my requests. I've never been indicted for anything. I'm trying to resolve this question with the IRS, and they have never answered my questions.

Kopel: So since 1997 you've paid no federal income taxes.

Badnarik: Well, most of that time, much of that time, I've been unemployed.

Kopel: In some years, have you earned more than the federal taxable threshold?

Badnarik: Yes.

Kopel: Okay.

Not all of Badnarik's fellow resisters have been as successful. Rick Stanley, a former Libertarian Senate nominee who has spoken at Badnarik's 2nd Amendment rallies in Texas, was sentenced on Sept. 10 to six years in prison for threatening two judges who had convicted him on firearm violations.

On Dec. 15, 2001, Bill of Rights Day, Stanley wore a handgun on his hip at a Denver rally, a legal no-no at the time. The

police took him away in handcuffs, and he was convicted of a misdemeanor. On Sept. 7, 2002, Stanley was arrested for the same offense in the city of Thornton, and convicted again. The judges who convicted him were Thornton Municipal Judge Charles J. Rose and 17th Judicial District Judge Donald W. Marshall, Jr.

To this point, Stanley had only received misdemeanor convictions and was acting within the tradition of civil disobedience. Then he sent letters to the two judges who had convicted him. Here's one of those letters, released on Stanley's webpage: "Rick Stanley demands that Judge Donald W. Marshall, Jr., overturn this conviction of Stanley on constitutional grounds. Failure to do so will result in a treason charge against Donald W. Marshall, Jr. for failure to uphold the oath of office to defend the Constitution, which this court has on record, and Donald W. Marshall, Jr., swore to, as a 'condition' of his office. This treason charge, will result in a Mutual Defense Pact Militia warrant for Donald W. Marshall, Jr.'s arrest if the following conditions are not met: 1. Overturn the unconstitutional conviction of Rick Stanley for violation of TRMC 38-237 because TRMC 38-237 violates the constitutional rights of Rick Stanley, under the guise of 'color of law.' 2. Return the $1,500.00 bond to Rick Stanley. 3. Return Rick Stanley's property which consists of 1 each Smith and Wesson 6 shot .357 pistol and 6 each .357 bullets." Unsurprisingly, Stanley was charged with threatening a judge and sentenced to six years in prison.

Badnarik wrote that Rick Stanley is, literally, a modern American hero. He was visibly shocked to see on Stanley's webpage an article that contemplates murdering Jews in an American Holocaust.

Badnarik has defended Stanley in the past. In 2002, the Colorado LP censured Stanley and considered withdrawing his nomination. In an email on Aug. 21, 2002, Badnarik wrote: "Rick Stanley is one of the few people who is . . . willing to risk everything he has to defend [his] rights. He is literally a modern American hero. I am not intimately familiar with all of the personal interactions taking place within the Libertarian Party of Colorado, however I find their plans to remove Rick Stanley from the November ballot completely incomprehensible. Mr. Stanley, by his own actions and financial backing, has put that state party squarely in the middle of media attention. Instead of taking advantage of his courage and initiative, they have chosen to ostracize him because he doesn't play the game like other political parties. . . . The only conceivable reason for the Executive Board of the Colorado LP to distance themselves from Rick Stanley is because they are afraid he may actually WIN the election! . . . I urge everyone with a conscience to vote for Rick Stanley, and to send their written comments to those who are trying to slander his name."

Rick Stanley has become more and more unbalanced since then, but Badnarik has continued his support. In an interview, Badnarik confirmed that he had signed on to Stanley's Mutual Defense Pact Militia (mentioned in the letter above), and the Million Gun March, in which Stanley planned for a million armed citizens to converge on the District of Columbia and, if need be, trigger a "Second American Revolution."

Badnarik seemed unaware of Stanley's recent statement that Colorado Sen. Wayne Allard should be "indicted [for treason], tried, 'and hung when found guilty." He also had not seen some of the emails Stanley had been forwarding, one of which referred to Mexican immigrants as "trash" whose hobby was breeding, and another which called for "Summary Street Trials" and executions of all public officials, from judges to meter maids, found guilty of treason. Badnarik was visibly shocked to see on Stanley's webpage an article (written by someone else) that contemplates murdering Jews in an American Holocaust.

Badnarik said of Stanley, "He does things in a way I wouldn't do them." Thank God for small mercies. Still, Badnarik's long-standing friendship with Stanley, his participation in some of Stanley's schemes, and his supportive (though qualified) comments about him, cause me to question Badnarik's judgment.

Dave Kopel questioned Badnarik extensively on his connections to the convicted felon:

Kopel: Rick Stanley — what's your view on that?

Badnarik: Rick Stanley is a friend of mine. And I believe that he is morally correct. We do not get our rights from the Bill of Rights. Nobody in the United States fills out a government form that allows you to go to church on Sunday.

Kopel: Right. Rights are natural, and inherent.

Badnarik: That's right. And Rick Stanley does have a right to keep and bear arms to protect himself and his family and his property.

Kopel: Does he have a right to threaten a judge who he thinks is violating that right?

Badnarik: Philosophically, we all have that right. We have the right — the Declaration of Independence says that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.

Badnarik signed on to Stanley's Million Gun March, in which a million armed citizens would converge on the District of Columbia and trigger a "Second American Revolution."

Kopel: Does Rick Stanley have the right to alter or abolish a judge?

Badnarik: No, he doesn't have the right to abolish the judge. But the question is, can we change and alter the government? And if the government has become unreasonable, if the government has come to take your property, are you just going to unroll your sleeping bag on the curb and say, "You know, I'm really going to miss cable?"

Kopel: So you think it's all right that Rick Stanley has, at least as the prosecutors allege and have proved in their case, threatened violence against judges.

Badnarik: Rick Stanley is very, very direct, and he is fighting for a reasonable cause. If the government had come to his house, and tried to physically deprive him of his weapons, he would have had a moral and justifiable right to defend himself and to shoot back. The United States of America started when King George came to Lexington and Concord —

"If the government has come to take your property, are you just going to unroll your sleeping bag on the curb and say, 'You know, I'm really going to miss cable?'"

Kopel: Did he have a right to threaten the judge? That's what's he's being sentenced for.

Badnarik: I don't know exactly what the interaction was between them. If the judge is actually threatening Rick Stanley's life, then, yes, Rick Stanley does have a right to retaliate.

Kopel: Of course, the judge was not threatening Rick Stanley's life. The judge was enforcing a Denver ordinance [actually a Thornton ordinance], which said you cannot carry an unconcealed gun. That law was later wiped out by the legislature.

Badnarik: That's right.

Kopel: However, the law was on the books at the time, and the judge was enforcing it. Does Rick Stanley have a right to threaten the judge with violence for enforcing that law?

Badnarik: If a law is unconstitutional, you have a right to not follow it.

Kopel: Do you have a right to —

Badnarik: I really wish that Rick Stanley had been a little bit more diplomatic in his fight. I read the article. I read the letter that he sent to the judge. And it was an aggressive letter. Is it a threat? No, I don't necessarily think that it was a threat. So this is an interpretation thing. And the judge clearly chose to decide that this was a threat. And I think that the government's reaction to Rick Stanley was also over the top, and totally unnecessary. So I would say that Rick Stanley does hold some culpability for letting his mouth say things that may have exceeded decorum. But I don't think — and I know Rick Stanley personally — I know that Rick Stanley was not actively threatening anybody's life. Rick Stanley was being dramatic. He's trying to outline, and emphasize, the fact that our government is out of control. Most of what our government does in Washington is unconstitutional.

Though he was, for the most part, solid when answering questions on domestic affairs, Badnarik wasn't persuasive on foreign policy matters. Bush's post-convention success shows that most Americans aren't buying pacifism or anti-Americanism, and for good reason. Badnarik is trying to tap into widespread skepticism about the Iraq war (a skepticism I share), but most people are even more skeptical of reactionary non-interventionism. Mouthing slogans and rhetoric rather than expressing a well-formulated foreign policy is not the way to win them over.

Badnarik tried to draw a sharp line between "national defense," which is okay, and "international offense," which is not. But the difficulty of drawing that line became apparent in another context. When asked whether the 2nd Amendment allows people to own nuclear bombs, Badnarik argued no, because a nuclear weapon is a "clear and present danger" to others, like pointing a gun at an innocent party or firing randomly into the air while walking down a busy street. When Badnarik was asked about less clear cases, he finally punted, saying it would require a careful weighing of the evidence. It's obvious that Iraq posed a threat to innocent Americans, but how great was that threat, and how direct? How should that threat be dealt with? These questions were not addressed.

I asked Badnarik if he would support going to war to defend Israel or Taiwan against outright invasion. He said "the American people might consider it appropriate" to go to war in such an event. However, he would at least require a congressional declaration of war.

Badnarik would not have sent troops to Afghanistan or Iraq. But, he said, the United States is perfectly justified in sending troops into other nations for the purpose of capturing suspected terrorists and bringing them to justice. But what if the host nation isn't keen on letting in our troops? Do we just drop the attempt? How closely must the terrorists be tied to the host nation before we seek regime change? These are complex questions to which few libertarians — Badnarik included — offer good answers.

Early in his interview with Badnarik, Kopel asked him about foreign policy:

Kopel: Your press secretary also encouraged people to come to a Badnarik meetup scheduled on Sept. 11, and here's how they were asked to dress: wearing some clothing article colored black to mourn the deaths of the thousands of people who have died as the result of U.S. government policies. Why Sept. 11 for that kind of thing?

Badnarik: It is a tragic situation that we had so many people who were killed in the Sept. 11 bombing. However, as libertarians, we suspect and believe that it has been our foreign policy, over at least the last 50 years, which has generated a dislike for Americans. We've been involved in the Middle East, we have military in 135 countries around the world, we are using our military to influence other governments, influence other economies, and, politically, we are poking other countries in the eye with a sharp stick. And it's little wonder that at some point in time, somebody decided they were going to retaliate.

Mouthing slogans and rhetoric rather than expressing a well-formulated foreign policy is not the way to win Americans over.

Kopel: So, you view Sept. 11 as retaliation for American aggression.

Badnarik: And that's the way that it was advertised by the

people who did that —

Kopel: Al Qaeda, according to its statement made after Sept. 11 . . . is upset that Spain is no longer a Muslim country . . . . If Spain is attacked by al Qaeda . . . should the United States defend Spain, according to its NATO treaty obligations?

Badnarik: I don't know about NATO. I genuinely do not. However, the United Nations is trying to influence our government here in the United States, and I'm completely opposed to having the United Nations, or any other outside force, telling us what we can't —

Kopel: Me too, but that's got nothing to do with our treaty obligations under NATO. Libertarians are generally thought of as being very isolationist and pacifist in foreign policy. If you're president, will you support our NATO treaty obligations and defend fellow NATO members who are attacked?

Badnarik: Libertarians are not isolationists, we are non-interventionists. We are also not pacifists. We're the ones who support the 2nd Amendment and think that you should be able to carry a gun wherever you want to go. So we are not going to be pacifists internationally. If another country attacks us, we will use our military, and we will retaliate. And in the case of Sept. 11, we would be happy to bring Osama bin Laden, and any of his people that we can show evidence for, to justice.

Kopel: So therefore we should not follow the NATO treaty. And if Germany or England or Italy or Spain is attacked, we should not help defend those countries.

Badnarik: If the NATO treaty is in fact constitutional, and I don't know that, then we must agree to that thing. Given a question of whether I would have voted for NATO at the time that it was being adopted, the answer is no.

Kopel: The invasion of Afghanistan. Were you for or against that?

Badnarik: I'm in favor of retaliating against the people who attacked us. Afghanistan the country was not responsible. It was a small subset of the people from Afghanistan.

Kopel: Who were there with the blessing of the government, and helping to run the government.

Badnarik: It's my understanding that the country of Afghanistan was willing to turn over Osama bin Laden to us, if we were willing to show them the evidence that said that they were the ones that did it. I would like to see that evidence myself. In the United States, you are innocent until proven guilty. That means you have to have some evidence to show the crimes —

Kopel: And so, therefore, what the United States should have done with Osama bin Laden is try to capture him alive and put him on trial. You wouldn't have favored sending in commandos to kill him, for instance.

Badnarik: No. The Sept. 11 tragedy is an international crime. It's a mass murder, and has to be dealt with as an international crime. It is not automatically a war, and I wouldn't have gone to war with Afghanistan. And, to the best of my knowledge, Iraq has never attacked us — well, maybe not never — but didn't attack us there, and is not directly related to the Sept. 11 tragedy, and I think it's totally inappropriate for us to have 150,000 troops there. Over 50% of the people in the United States think that going to Iraq was a mistake. It is clearly a mistake to stay, it's a political tar-baby, and we cannot get out of it with any type of satisfactory victory. We need to acknowledge that it was a mistake, and we need to bring our troops home as safely and quickly as possible.

There were other peculiarities in Badnarik's views. He repeatedly characterized taxation — at least the taxation of income — as theft. Yet he said government should run on excise taxes. He said we can't abandon the elderly who now depend on Social Security, but if taxation is theft, how can continued support be warranted? Furthermore, like Harry Browne, he suggested paying off Social Security dues by selling federal lands, but also said he wants to replace Social Security with a Cato-style "privatized" system of accounts.

When a CU student asked about stem cell research, Badnarik vacillated. He described the problem of defining the start of human life and said, "I'm not smart enough to know when that is," but that "for the time being," it's an "individual rights issue," not a government issue. Then he said, "I really can't give you a legitimate answer on the stem-cell issue," because it might be that taking undifferentiated cells from a tiny glob of tissue is stealing from an individual.

Though he describes himself as an expert on the Constitution, Badnarik invoked the 1st Amendment to support his view that he should participate in the presidential debates — as if the Commission on Presidential Debates were constitutionally obligated to invite his participation.

Badnarik continues to employ the bizarre metaphor he used at the LP convention to argue against the "wasted vote" line of thinking. Voting, he said, is like being in prison and having to decide between three options: a 50% chance of dying by lethal injection, a 45% chance of dying by the electric chair, or a 5% chance of escaping. Well, of course, we have to go with escaping. But that doesn't have anything to do with voting Libertarian. Badnarik tried to make the point that voting Republican or Democrat is the equivalent of committing political suicide, but I doubt many who heard him say it believe it to be true.

Badnarik's visit to Colorado illustrates his strengths and weaknesses as the Libertarian presidential candidate. He is brash, self-consciously arrogant, and often charming, taking full advantage of the media opportunities that come with the nomination. He is articulate on domestic issues, but his views on taxation and his incoherence on foreign policy may limit the appeal and effectiveness of his campaign. ❑

"Oh, right — and I suppose *you've* never obstructed justice?"

Equality, Stinginess, and Empire

by John Hospers

It might sound nice to live in a world of Exemplary Altruists, but does anyone really want to?

Peter Singer's early book "Animal Liberation" (1975) won him instant fame as a champion of the humane treatment of animals — not so much animals in the wild, over which we have little control, but domestic animals such as cows and pigs, who are raised for slaughter. The book dramatically exposes the mistreatment of animals on factory farms, in which animals are raised in conditions of extreme overcrowding and lack of sanitation extending even to the moment of cruel death in slaughterhouses. The book did not make much of a dent nationwide in factory farm practices, but it did alert thousands of readers to the existence of the conditions Singer describes.

The book is a plea for "equal treatment" of animals and persons, with implications that shocked some readers, such as that there are some situations in which the survival of a dog or a deer should be preferred to that of a human being.

Now Singer has produced two new books that raise essential questions about our political and economic life — indeed, about our survival. Both are works on applied ethics, and the ethics he defends is that of classical utilitarianism, as presented originally by its founders, Jeremy Bentham in the 18th century and John Stuart Mill in the 19th. The phrase often used to describe this view is "the greatest happiness of the greatest number," but this phrase works against itself; sometimes the greatest total amount of happiness is not shared by the greatest possible number of persons.

There are numerous forms of utilitarianism, such as act-utilitarianism, rule-utilitarianism, and attitude-utilitarianism, which Singer does not distinguish in these pages. Nor does he explain the differences between pleasure, satisfaction, happiness, and contentment versus pain, misery, and unhappiness, each of which is important when discussing specific examples. These distinctions, which abound in the literature, are not requisite for Singer's purposes here.

The feature of happiness and unhappiness with which he is almost exclusively concerned is their *distribution.* What he wants the world to contain is as much happiness as possible, experienced by as many people as possible. A world in which some persons spend more money on theater tickets in a year than others do on food is for Singer a world of injustice. Everyone should have an opportunity to enjoy the world's resources.

Should everyone then have an equal share? Here Singer's view diverges sharply from that of most others who call themselves utilitarians. An equal share of what — money? Happiness? Houses? Family members? The usual utilitarian answer is "happiness," but there is no way to provide people with equal shares of that: some people will be unhappy no matter what is done for them. Happiness is not distributable by others. The nearest approach to this is distribution of money, with the hope that more money will lead to more happiness. And it is money that the welfare

state distributes to its citizens.

Should all share equally? Not quite: one's first response is to say that some don't deserve it. But Singer does not pursue this avenue. What he believes every person on the planet is entitled to is "a decent living" — enough nutritious food to keep healthy, a reasonably comfortable place in which to live, and sufficient amenities to enable one to enjoy what is called "a decent living." What this will be differs from person to person, but "a decent living" must be available to all, even the most depraved.

Who shall supply all these benefits? Society: specifically, those who can afford it most. Those who have provide for those who have not. It is the moral duty of the rich to provide for the poor. A hundred dollars is worth much more to a poor person than to a rich one. The rich person can easily spare it, but for the poor person it is a matter of survival. So if you are well off, or better off than the poor, you give to them to improve their lives.

The duties are endless. How many people are there in want? Millions — some in your hometown, some elsewhere in your country, and most of all in overseas countries where extreme poverty is the norm. And of course, if you give them enough for today's needs, there is still tomorrow with its millions of further needs to be supplied. And for how long? Besides tomorrow there will be a long chain of tomorrows, each filled with needs for you and other donors to satisfy. Won't the supply run out before we run out of poor people to help? And how long will you and the other givers survive all this?

These are obvious questions of the most elementary kind, and Singer does little to address them. "You keep giving, and they keep taking" seems to be his answer; at least he nowhere rejects it. His emphasis is entirely on the duty of the haves to give to the have-nots. The pages are filled with examples.

You have been saving up for years in order to buy an elegant expensive car; you know that there are starving people in the world, but your life's dreams are embodied in that car. Is it immoral for you to buy it nonetheless? Yes, says Singer: think of all the poor people you could feed with that money. Hundreds of them could survive for some time on it. And you could get along just as well with a cheaper car; you could save still more by taking the bus to work. It wouldn't be so bad once you got used to it, and many people would be enabled to escape penury, at least for a time.

What would happen if Atlas shrugged, and you refused to support them any more, is nowhere described. Nor is it described what would happen if you stopped working: since everyone has a right to a decent standard of living, presumably the gifts would somehow have to keep coming.

Most Americans, Singer believes, should give about 70% of their annual income for the support of the poor, particularly those overseas who are entirely without the means to sustain themselves. The average American could live on that 30%, after some temporary discomfort, with inexpensive food and housing and becoming accustomed to living without luxuries.

There is of course an obvious rejoinder: "Go get a job, or if there isn't one, mow some people's lawns or do what even children do when they open up a lemonade stand. Do something and you won't be so needy tomorrow!" Though an obvious response, this is not one of which Singer avails himself. It is as if in his universe the whole world were a soup kitchen, with the vast majority constantly in need of more soup. (Or one could say that he knows well enough that people can improve themselves, but that people who have done this are not his concern: he is only concerned to remedy nature's errors by making sure that the most basic needs of everyone are supplied.)

Singer does not consider what would be the psychological effects of such a donor vs. recipient arrangement: what it would do to the motivation of the giver, who would soon lose his appetite for charity, and the receiver, who would soon become accustomed to the habit of dependency.

In fact, it seems almost too obvious to mention that no economic progress is possible without extensive *capital accumulation.* Manufacturing cars is not possible without thousands of parts, each of which requires its own maker or manufacturer, and many thousands of dollars of accumulated capital. People who live hand-to-mouth couldn't generate enough money to make these enterprises possible. But the very poor already live hand-to-mouth, and it is hard to escape the conclusion that the donors would soon arrive in that position if they had to keep on giving. (One could say of course that the government could collect the money from taxation, and distribute it among its subjects; but of course this money would be extracted from the people. The government would have to originate all enterprises requiring large investment, just as in the Soviet Union, and they would be operated with the same degree of corruption and waste of resources as they were there.)

Capitalism, as we do not need Singer to teach us, is a wealth-producing machine because it pays people to work and improve themselves, each year enjoying the fruits of the accumulated labor of previous years. In hand-to-mouth existence there is no such built-in progress. Moreover, human nature is such that most people will work hard to sustain themselves but will not continue to do so when they are forced to work for the benefit of others. Universal poverty is the result of such Exemplary Altruism.

In Singer's universe the whole world is a soup kitchen, with the vast majority constantly in need of more soup.

The Law of the World

What is urgently needed, says Singer, is a system of law applicable not only to nations but to the entire world — a world law, with full powers of enforcement, as well as a world court. There are partial approaches to this in the World Trade Organization and GATT, but nothing with real teeth in it that is also sufficiently inclusive. The United States, he says, is the principal obstacle here:

"It has to be said, in cool plain language, that in recent years the international effort to build a global community

has been hampered by the repeated failure of the United States to play its part. Despite being the single largest polluter of the world's atmosphere, and on a per capita basis the most profligate of the major nations, the United States has refused to join the 178 states that have accepted the Kyoto Protocol. . . . Though it is one of the world's wealthiest nations, with the world's strongest economy, the United States gives significantly less foreign aid, as a proportion of the Gross National Product, than any other developed nation. When the world's most powerful state wraps itself in what — until Sept. 11, 2001 — it took to be the security of its military might, and arrogantly refuses to give up any of its rights and privileges for the sake of the common good — even when other nations are giving up their rights and privileges — the prospects of finding solutions to global problems are dimmed" (One World, p. 198).

Is it immoral for you to buy an expensive car? Yes, says Singer: think of all the poor people you could feed with that money.

He cites many examples. He wants to prohibit, on a worldwide basis, the sale of furs that come from animals caught in steel-jaw leg-hold traps — which crush and hold the animal's leg, sometimes for days, until the trapper returns. Only the U.S., Canada, and Russia were holdouts preventing the WTO from carrying out this proposal. The same applies for the use of animals in cosmetics testing, and the importation of tuna caught by methods that drown dolphins (57–60).

There is ever so much more, and it is sometimes far from clear whether, even if the situation is as bad as he presents it, it can be corrected by collective action. (If furs are prohibited in some nations but not in others, surely this can help correct the situation in those nations — is it really "all or nothing?") He cites many examples of situations that call for worldwide observance of a law — where only an enforceable worldwide rule will suffice. Laws about the mistreatment of ocean creatures are of no avail if some nations can escape them. The capstone of his examples is this: "It is sometimes justifiable to intervene militarily to prevent flagrant human rights abuses in other countries" (64). But here we embark on a sensitive and highly controversial topic.

Singer devotes much of his new book "President of Good and Evil" to denouncing the United States for being stingy and uncooperative, and most of all for interfering in the affairs of other nations, such as Afghanistan and Iraq. One would have thought that he would favor the invasion of Iraq on humanitarian grounds alone, and that as an Exemplary Altruist he would have left no stone unturned in defending this enterprise. Here after all were millions of people living at the mercy of a sadistic dictator, Saddam Hussein, condemned to imprisonment, torture, and death, year after year without any apparent way to unseat their Stalinesque tyrant.

Although rescuing Iraqis from this situation would cost lives as well as money, it would seem well worth the price. Millions of Iraqi citizens would be rescued from torture and death, at the cost of a few thousand allied casualties (a tiny fraction of the casualties in World War II). And neighboring nations would be put on notice to cease and desist from their totalitarian ways, especially the practice by fundamentalist Muslims of killing non-Muslims everywhere they can find them. While the enemy is busily killing his antagonists (or those he has been conditioned to believe are his antagonists) and torturing dissidents by putting them into shredders, should we simply ignore the situation, or should we find a way to deter him? The question looks like a utilitarian slam-dunk.

Singer, however, does not view it in that way. Rather than compare the utilities on both sides, he uses the principle (or rule) that no nation should attack another unless it has first been attacked by that nation. This is a time-honored libertarian maxim, but I would not have thought that national boundaries were all that important for Singer, since so much of his energy is expended on getting us to transcend these boundaries by giving billions of dollars in humanitarian aid to people on the other side of them.

It is true that Iraq did not attack the United States. But it had attacked other nations, such as Kuwait, on whose behalf the U.S. had gone to war against Iraq in 1991. Iraq's predatory habits had already been established, leaving little doubt that it was indeed "armed and dangerous." Even more important, this was a different kind of warfare, initiated not by governments through a declaration of war but by huge collections of terrorists attacking others according to their whim, without bothering about such niceties as existing governments. They were collections of thugs who wished the rest of us dead and were promised eternal rewards for dispatching us as quickly as possible.

There is, I fear, in our present world, rapidly decreasing utility in holding to the principle "Never use force against another person (or nation) unless they have used it against you first." When Egyptian forces were massed at Israel's borders in 1967, and Israel responded to the threat with a preemptive strike, should Israel have waited until it was destroyed by the combined Arab armies? And if an enemy with nuclear forces is poised and ready to strike us (a highly probable situation a few years, or months, from now), should we then wait until they have struck, perhaps so powerfully that no retaliation is possible or feasible? In an era of instant attacks and instant responses, would it not be suicidal to keep repeating, "We must always wait until they have hit us first"? If once struck, should we just let it go, as Singer says we should do with 9/11?

In an era of instant attacks and instant responses, isn't it suicidal to keep repeating, "We must always wait until they hit us first"?

Bush did not let it go, and for this Singer castigates him

continued on page 41

An American Life

by Rose Wilder Lane

A self-described "plump, Middle-Western, Middle-class, middle-aged woman, with white hair and simple tastes" tells her life story.

I was born in Dakota Territory, in a claim shanty, forty-nine years ago come next December. It doesn't seem possible. My father's people were English country family; his ancestors came to America in 1630 and, farming progressively westward, reached Minnesota during my father's boyhood. Naturally, he took a homestead farther west. My mother's ancestors were Scotch and French; her father's cousin was John J. Ingalls, who, "like a lonely crane, swore and swore and stalked the Kansas plain." She is Laura Ingalls Wilder, writer of books for children.

Conditions had changed when I was born; there was no more free land. Of course, there never had been free land. It was a saying in the Dakotas that the Government bet a quarter section against fifteen dollars and five years' hard work that the land would starve a man out in less than five years. My father won the bet. It took seven successive years of complete crop failure, with work, weather and sickness that wrecked his health permanently, and interest rates of 36 per cent on money borrowed to buy food, to dislodge us from that land. I was then seven years old.

We reached the Missouri at Yankton, in a string of other covered wagons. The ferryman took them one by one across the wide yellow river. I sat between my parents in the wagon on the river bank, anxiously hoping to get across before dark. Suddenly the rear end of the wagon jumped into the air and came down with a terrific crash. My mother seized the lines; my father leaped over the wheel and in desperate haste tied the wagon to the ground, with ropes to picket pins deeply driven in. The loaded wagon kept lifting off the ground, straining at the ropes; they creaked and stretched, but held. They kept wagon and horses from being blown into the river.

Looking around the edge of the wagon covers I saw the whole earth behind us billowing to the sky. There was something savage and terrifying in the howling yellow swallowing the sky. The color came, I now suppose, from the sunset.

"Well, that's our last sight of Dakota," my mother said. "We're getting out with a team and wagon; that's more than a lot can say," my father answered cheerfully.

This was during the panic of '93. The whole Middle West was shaken loose

and moving. We joined long wagon trains moving south; we met hundreds of wagons going north; the roads east and west were crawling lines of families traveling under canvas, looking for work, for another foothold somewhere on the land. By the fires in the camps I heard talk about Coxey's army, 60,000 men, marching on Washington; Federal troops had been called out. The country was ruined, the whole world was ruined; nothing like this had ever happened before. There was no hope, but everyone felt the courage of despair. Next morning wagons went on to the north, from which we had been driven, and we went on toward the south, where those families had not been able to live.

Looking around the edge of the wagon covers I saw the whole earth behind us billowing to the sky.

We were not starving. My mother had baked quantities of hardtack for the journey; we had salt meat and beans. My father tried to sell the new — and incredible — asbestos mats that would keep food from burning; no one had ten cents to pay for one, but often he traded for eggs or milk. In Nebraska we found an astoundingly prosperous colony of Russians; we could not talk to them. The Russian women gave us — outright gave us — milk and cream and butter from the abundance of their dairies, and a pan of biscuits. My mouth watered at the sight. And because my mother could not talk to them, and so could not politely refuse these gifts, we had to take them and she to give in exchange some cherished trinket of hers. She had to, because it would have been like taking charity not to make some return. That night we had buttered biscuits.

These Russians had brought from Russia a new kind of wheat — winter wheat, the foundation of future prosperity from the Dakotas to Texas.

Three months after we had ferried across the Missouri, we reached the Ozark hills. It was strange not to hear the wind any more. My parents had great good fortune; with their last hoarded dollar, they were able to buy a piece of poor ridge land, uncleared, with a log cabin and a heavy mortgage on it. My father was an invalid, my mother was a girl in her twenties, I was seven years old.

Good fortune continued. We had hardly moved in to the cabin, when a stranger came pleading for work. His wife and children camped by the road, were starving. We still had a piece of salt pork. The terrible question was, "Dare we risk any of it?" My father did; he offered half of it for a day's work. The stranger was overjoyed. Together they worked from dawn to sunset, putting down trees, sawing and splitting the wood, piling into the wagon all it would hold. Next day my father drove to town with the wood.

It was dark before we heard the wagon coming back. I ran to meet it. It was empty. My father had sold that wood for fifty cents in cash. Delirious, I rushed into the house shouting the news. Fifty cents! My mother cried for joy.

That was the turning point. We lived all winter and kept the camper's family alive till he got a job; he was a hard worker. He and my father cleared land, sold wood, built a log barn. When he moved on, my mother took his place at the cross-cut saw. Next spring a crop was planted; I helped put in the corn, and on the hills I picked green huckleberries to make a pie.

I picked ripe huckleberries, walked a mile and a half to town, and sold them for ten cents a gallon. Blackberries too. Once I chased a rabbit into a hollow log and barricaded it there with rocks; we had rabbit stew. We were prospering and cheerful. The second summer, my father bought a cow. Then we had milk, and I helped churn; my mother's good butter sold for ten cents a pound. We were paying 8 per cent interest on the mortgage and a yearly bonus for renewal.

That was forty years ago. Rocky Ridge Farm is now 200 acres, in meadow, pasture and field; there are wood lots, but otherwise the land is cleared, and it is clear. The three houses on it have central heating, modern plumbing, electric ranges and refrigerators, garages for three cars. This submarginal farm, in a largely submarginal but comfortably prosperous county, helps support some seven hundred families on relief. They live in miserably small houses and many lack bedsteads on which to put the mattresses, sheets and bedding issued to them. The men on work relief get only twenty cents an hour, only sixteen hours a week. No one bothers now to pick wild berries; it horrifies anybody to think of a child's working three or four hours for ten cents. No farmer's wife sells butter; trucks call for the cream cans, and butterfat brings twenty-six cents. Forty years ago I lived through a world-wide depression; once more I am living through a depression popularly believed to be the worst in history because it is world-wide; this is the ultimate disaster, the depression to end all depressions. On every side I hear that conditions have changed, and that is true. They have.

Meanwhile I have done several things. I have been office clerk, telegrapher, newspaper reporter, feature writer, advertising writer, farmland salesman. I have seen all the United States and something of Canada and the Caribbean; all of Europe except Spain; Turkey, Egypt, Palestine, Syria, Iraq as far east as Baghdad, Georgia, Armenia, Azerbaijan.

California, the Ozarks and the Balkans are my home towns.

Politically, I cast my first vote — on a sample ballot — for Cleveland, at the age of three. I was an ardent if uncomprehending Populist; I saw America ruined forever when the soulless corporations, in 1896, defeated Bryan and Free Silver. I was a Christian Socialist with Debs, and distributed untold numbers of the Appeal to Reason. From 1914 to 1920 — when I first went to Europe — I was a pacifist; innocently, if criminally, I thought war stupid, cruel, wasteful and unnecessary. I voted for Wilson because he kept us out of it.

My father had sold that wood for fifty cents in cash. Fifty cents! My mother cried for joy.

In 1917 I became a convinced, though not practicing, communist. In Russia, for some reason, I wasn't and I said so, but my understanding of Bolshevism made everything

pleasant when the Cheka arrested me a few times.

I am now a fundamentalist American; give me time and I will tell you why individualism, laissez faire and the slightly restrained anarchy of capitalism offer the best opportunities for the development of the human spirit. Also I will tell you why the relative freedom of human spirit is better — and more productive, even in material ways — than the communist, Fascist, or any other rigidity organized for material ends.

Personally, I'm a plump, Middle-Western, Middle-class, middle-aged woman, with white hair and simple tastes. I like buttered popcorn, salted peanuts, bread-and-milk. I am, however, a marvelous cook of foods for others to eat. I like to see people eat my cooking. I love mountains, the sea — all of the seas except the Atlantic, a rather dull ocean — and Tchaikovsky and Epstein and the Italian primitives. I like Arabic architecture and the Muslim way of life. I am mad about Kansas skies, Cedar Rapids by night, Iowa City any time, Miami Beach, San Francisco, and all American boys about fifteen years old playing basketball. At the moment I don't think of anything I heartily dislike, but I can't understand sport pages, nor what makes radio work, nor why people like to look at people who write fiction.

"But aren't you frightfully disappointed?" I asked a stranger who was recently looking at me.

I was a pacifist; innocently, if criminally, I thought war stupid, cruel, wasteful and unnecessary. I voted for Wilson because he kept us out of it.

"Oh, no," she said. "No, indeed. We value people for what they do, not for what they look like." ❑

In the late 1930s, libertarian essayist Rose Wilder Lane recounted her life story to a functionary of the Federal Writers Project, a make-work project of the New Deal. From a typewritten transcript in federal archives.

Equality, Stinginess, and Empire, *from page 38*

in a number of ways: Bush is a religious bigot, he is a man driven by an overriding passion, he is not amenable to reason, his mind is an example of arrested development. True, Bush is not a towering intellect, but the fact that he is a professed Christian should surely not be held against him. Almost all presidents have held Christian belief in some form, though Bush wears it on his sleeve more than most of the others, and for mentioning this fact to his audiences he is ridiculed by the media, most of whose members consider all such beliefs stupid. He even talks about evil; but so did Reagan when he referred to the USSR as an evil empire, and the media hated him for that as well, though most of the American public did not. As for me, not sharing his religious convictions, I simply say, "Let him express whatever religious belief he wishes, as long as such beliefs don't compromise the separation of church and state."

Bush is, after all, commander in chief of the U.S. armed forces, and sworn to protect Americans to the best of his ability. Under his command American forces conquered the Iraqi army in record time with minimal casualties, freed Iraq of its tyranny, then replaced this tyranny with a near approach to American-style democracy — a government that will, it is to be hoped, deter its neighbors from any precipitate action against us. Not too bad for a man of such limited intellect.

Empire?

Singer is extremely suspicious of American strength, and he never treats military preparedness as a virtue. The ultimate appeal, he believes, must lie in the United Nations, at least a revised United Nations. I fear, however, that the United Nations is as impotent today as the League of Nations was in 1938. If there is any protection for Americans today it lies with the American military that saved France in 1918 and again in 1944.

A collection of nations, yes; but empire, no. Most Americans have no desire for an American empire; but the distinguished British historian Niall Ferguson, among others, doesn't think it would be such a bad idea for the British Empire, now defunct, to be replaced by a new American empire. He writes in his book "Colossus" (2004), p. 156, "I am fundamentally in favor of empire. Indeed, I believe that empire is more necessary in the 21st century than ever before. The threats we face are not in themselves new ones. But advances in technology make them more dangerous than ever before. What is required is an agency capable of interfering in the affairs of such states to control epidemics, depose tyrants, and local wars to eradicate terrorist organizations."

Whether such an organization will emerge from the present UN is not an easy question. When the League of Nations failed to prevent war in Ethiopia, I could not help asking in retrospect, "Could we really have expected the other members of the League to arm themselves, combine forces, and attack Ethiopia?" Perhaps not. In 2004, can we expect other nations to free Iraq, Iran, and Syria from tyranny? In the case of Iraq, perhaps the answer is again no; still, a group of other nations, especially ours, has already gone quite a distance trying to do so; and we are still far from knowing the outcome.

Would other nations, having agreed in the UN to resist the tyrannies near their borders, actually do as they promised, or would they leave it all to the United States, whether as one independent nation among many or as the leader of an American empire? Americans generally prefer to throw their weight around when they have to and then retreat between the oceans. Whether we can be safe in such isolation is a troublesome question. Will we be able to ward off nuclear attacks and at the same time protect other nations whose survival is essential to ours? An answer to this would involve many complexities of detail. Careful weighing of alternatives, not emotional rhetoric, will be required if we are to emerge from this thicket unscathed. Whether such care will be exercised in high places is yet another question, whose answer will not yet be evident in any nearby tomorrows. ❑

The New Anti-Semitism, *from page 26*

as "un-American" and "close to treason." He made it clear in his memoir that in his opinion the exhibit did not represent "the facts" of the war, facts that only a veteran who was an "eyewitness" to the war could know — not a historian, of course, who was "not there." This is similar to Elie Wiesel's claim that only Jews in Israel have the knowledge and understanding to criticize Israel.

Although there is much to admire in both the Israeli and the American people, as well as in Israel and America, there appear to be all too many who accept the simplistic and puerile notion that "you are either with us or against us": you are either uncritically with Israel or against Israel; you are either uncritically with America or against America. When faced with facts or questions they dislike to hear about the actions or proposals of the governments of Israel or of the United States, many people cry "anti-Semitism" or "anti-Americanism" — words which, in such circumstances, have become little more than expressions of emotions. ❑

The Intelligent Libertarian's Guide to Voting, *from page 30*

four years. Regrettably, they won't be disappointed.

But one can hope they will be. I think back to the '60s, when the wistful saying "Suppose they gave a war, and nobody came" was popular. It was a noble sentiment. In that vein, I also like "Suppose they gave a tax, and nobody paid" around April 15. And "Suppose they gave an election, and nobody voted" now.

You've heard all the reasons why you should vote. Most of them are humbug at best, and some — like "It doesn't matter how you vote. Just vote!" — are simply idiotic. Voting today has nothing to do with the "civic duties" you learned about in grade school. Your fellow citizens aren't Jimmy Stewart and Gary Cooper lookalikes earnestly trying to do the right thing. Well over 50% of U.S. citizens are now net tax recipients, and they've trundled down to the polls in their tank tops and shower slippers only to help ensure they stay on the gravy train.

It's sickening to hear thoughtful non-voters, who can sense in their gut something is terminally wrong with the process, make lame excuses because they feel guilty for not participating. I would, therefore, like to give you five reasons why you shouldn't vote.

1. Voting in a political election is unethical. The political process is one of institutionalized coercion and force; if you disapprove of these things, then you shouldn't participate in them, even indirectly. As Mao, a leading expert on the subject, famously said: "The power of government grows out of the barrel of a gun."

Sure, if government limited itself only to defending its subjects from domestic and foreign aggression, and adjudicating disputes, you could argue there is nothing unethical in voting for who plays the night watchman. But the fact is that elections have long been, as Mencken observed, nothing but advance auctions on stolen goods.

If you want something, vote in the marketplace with the dollars you've earned.

2. Voting compromises your privacy. It just gets your name in another government computer bank — one that they can use to call you up for jury duty and other forms of involuntary servitude. The less the government knows about you, even in small ways, the better off you are.

3. Voting is a degrading experience. Voting (and even registering to vote) often involves spending considerable time standing in line, hanging around government offices, filling out forms, and dealing with petty bureaucrats. Most people can find more enjoyable and productive things to do with their time.

4. Voting just encourages the kind of person that runs for office. People don't actually vote for a candidate; they vote against the other candidate. But that's not how the guy who gets the vote sees it; he thinks it's another mandate for him to rule. It's ridiculous to justify voting as an endorsement of the lesser of two evils.

In 1980, as luck would have it, I did an hour alone on "The Phil Donahue Show" on the very day before the elections. The audience had been very much on my side up until the point where Phil accused me of voting for Mr. Reagan, and I had to explain why I wasn't. Unfortunately, telling them they shouldn't vote was just more than they could handle, so they didn't let me get past this fourth point. The prospect of their stoning me precluded my explaining the fifth, and possibly most practical, reason not to vote.

5. Your vote doesn't count. Politicians and political hacks like to say every vote counts, but statistically, one vote in scores of millions makes no more difference than a single grain of sand on the beach. That's completely apart from the fact that, as voters in Chicago in 1960 and Florida in 2000 can tell you, when it actually is close, things can be rigged. And, anyway, officials manifestly do what they want — not what you want — once they're in office. ❑

Political hacks like to say every vote counts, but statistically, one vote in scores of millions makes no more difference than a single grain of sand on the beach.

Reflections, *from page 17*

fought the view that the American economy is best characterized by monopolistic competition. This was a major contribution, for it helped to pave the way for the libertarian revival in mainstream academic economics.

For its first five years, Director edited the Journal of Law and Economics. According to Milton Friedman, Director founded this hybrid field of study. Director was succeeded at Chicago by Ronald Coase.

Director was personally known for his truthfulness. He was sometimes referred to at Chicago as "honest Aaron." His work is carried on by his nephew, David Director Friedman, and many others. — Alan Ebenstein

Reviews

"Confessions of a Tax Collector: One Man's Tour of Duty Inside the IRS," by Richard Yancey. HarperCollins, 2004, 695 pages.

The Taxman Cometh Clean

Mike Holmes

The "Confessions of a . . ." literary genre has long been a popular format that entices readers by promising an inside look at some mysterious and usually disreputable profession, like Mafia hit man, or prostitute, or soldier of fortune or other career choice which average people rarely have firsthand knowledge about. Richard Yancey's "Confessions of a Tax Collector" is no exception. Tax collection, like butchering animals or gathering foreign intelligence on WMDs, has remained shrouded in mystery, and for good reason. Sausage makers and government spooks do not want you to share their secrets.

Yancey's book does a credible job of giving us a look inside the IRS Beast (Yancey's term). It is both less and more than the typical insider account of an unsavory profession. There is plenty of salacious action: mild-mannered, middle-class tax collectors come across as pretty sexed up, and Yancey claims pressured taxpayers regularly offer sexual favors as bribes. But what makes this book distinctive is that it manages to achieve a degree of literary merit.

Yancey came to the IRS as a scrawny, 135 lb. weakling with an English degree and a string of failed careers. His real ambitions were literary, and his literary talent is evident as he paints a vivid picture of the first three years of his often terrifying twelve-year descent into the bizarre world of tax collection. He tells how he (and other) IRS agents intimidate taxpayers into filing and paying taxes, and when they cannot collect, how they barge into their homes and businesses, hauling away cars and trucks, emptying bank accounts, and stickering everything in sight with bright notices warning citizens that their property now belongs to the federal government.

In 1991, Yancey answered a blind newspaper ad in central Florida. It promised college graduates with at least a 3.5 grade point average "interesting and rewarding careers." The ad led to a well-paying but despised IRS job as a point man for the "voluntary" tax system. His job consisted of showing taxpayers who were reluctant or unable to pay just how "voluntary" the system really is. His skeptical fiancee wasn't supportive, and his friends from community theatre were horrified. He quickly was alienated from the civilian world, much like a newly recruited Marine or policeman. The IRS veterans derided him as a "pansy poet" (though he isn't gay) and predicted he'd soon be gone.

Yancey manages to present himself as a sympathetic protagonist despite his working for the most despised agency of the government. This is a genuine literary accomplishment, achieved by detailing the progress of his career while presenting himself as different than the insider career-climbing clerks or ex-military types typically hired as R.O.'s (Revenue Officers). Yancey is one of the first of a crop of "Distinguished Scholars," who are hired solely on their demonstrated academic success rather than any knowledge about taxes or ability to bully others successfully. Most of this book centers on the severe and weird year-long training internship designed to turn him into a loyal IRS functionary.

Readers looking for revelations of IRS tradecraft won't be disappointed. Yancey skillfully weaves into the tale many interesting tidbits about, and insights into, the IRS's collection process and the paramilitary mindset of its collections officers. His accounts of paranoia and bureaucratic infighting within the collections offices are even scarier than the things they do to taxpayers. Readers come away with even less confidence in their privacy and in

the security of their assets. But they get some small solace in the emotional and psychological price the tax collectors themselves pay for their pitiless intrusions.

The book is full of anecdotes, among them his encounters with tax protesters. He develops a specific hatred for them, especially the promoters of the "untax" movement; and his account of how the IRS squashes their misguided efforts is must reading for libertarians.

The paranoia and bureaucratic infighting within IRS collections offices are even scarier than the things they do to taxpayers.

What makes this book extremely readable is that it consists almost entirely of reconstructed dialogues between Yancey and co-workers, friends, or taxpayers, and interior monologues which reveal Yancey's often panicked state of mind. While the author mentions several times his 4 a.m. writing sessions before work at the local Denny's, I have to wonder just how accurately these 8-to-12-year-old conversations are rendered, especially with Yancey's claim that all names and identifying details have been changed. The book jacket tells us that his interactions with taxpayers were all conducted under a self-selected IRS pseudonym, as is common practice, yet nowhere in the actual book is this mentioned. In his reconstructed dialogues, everyone refers to him as "Mr. Yancey." He reports considerable career success, and yet we learn nothing about the final eight years of his service in the Treasury Department.

At one point, he shares a detailed account of how he picked up a wounded dog that had been struck by a hit-and-run driver and left for dead, and heroically rescues the animal despite the owner's indifference. This story, I suppose, serves to demonstrate his charitable moral fiber, but seems so self-serving and irrelevant as to be merely annoying.

Aside from a brief mention in the afterword, where Yancey claims the mid-90s Republican Revolution put severe restraints on R.O.'s with the list of "Ten things that can get you fired" (this was originally, by the way, 30 things), he doesn't deal with many of the changes in the IRS since the early 1990s. The number of field-collection R.O.'s has been cut by over two-thirds, and recent massive IRS reorganizations have doubtlessly made much of his description of the bureaucracy obsolete.

There are plenty of former IRS employees now in civilian life, many of them now representing taxpayers. Some have written similar insider accounts. The IRS functions in three large segments: tax return processing (mostly clerical and data processing), tax return examination (the dreaded audit process, partly by automated methods, partly by trained accountants and attorneys), and the collection process, which, according to Yancey, requires virtually no knowledge of business, tax law, or anything else we usually associate with the IRS. All it takes is a strong stomach and a thick skin, plus a willingness to become part of a dysfunctional bureaucracy full of backstabbing coworkers and managers who spy on their employees.

"Confessions of a Tax Collector" was much more enjoyable than one would expect, given its subject. And if you can justify its purchase as an "ordinary, necessary and reasonable" expenditure for your business, you may even be able to write off the purchase price. But you didn't hear that from me. ❑

Readers get some small solace in the psychological price the tax collectors themselves pay for their pitiless intrusions.

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"The Singular Mark Twain," by Fred Kaplan. Doubleday, 2003, 736 pages.

Pained Twain

Timothy Sandefur

Mark Twain is the only writer who deserves the mountains of superlatives your high school English teacher heaped upon him. His writing is fresh, vivid, subtle, and sharp after more than a century, and his insight into human nature remains profound and often moving.

Fred Kaplan's biography is the first full-length life of the great writer in recent memory. Justin Kaplan (no relation, apparently) won the Pulitzer Prize for his 1966 "Mr. Clemens And Mark Twain," but that book intentionally skipped over much of Twain's early life, since Twain "was always his own biographer, and the books he wrote about these years are incomparably the best possible accounts, even if they may not always be the truest."

Ron Powers' 1999 "Dangerous Water," by contrast, focused primarily on Twain's early years, and produced a fascinating short book with intriguing insights into the writer's motivations. Unfortunately, despite its comprehensiveness, "The Singular Mark Twain" lacks the liveliness and insight of these earlier works.

Twain was haunted by many ghosts — the Paige Typesetter which twisted him through bankruptcy over the course of 15 years; the guilt he felt for the deaths of his young son, his daughter Susy, and his wife Livy; the nightmares of violent destruction on the river, or of the incineration of the town drunk when the jail burned down (Twain had given him the matches). These ghosts manifested themselves in various ways — particularly in his obsession with images of lost innocence, like the Adam and Eve story, which he told and retold countless times. His idealistic representation of childhood in "Tom Sawyer" essentially created the popular image of American boyhood. But like the steamboat wrecking Huck's raft, there was a darker element touching all of Twain's work, and which would eventually produce such heart-wrenching works as "The Death of Jean," an essay he wrote within hours of discovering his daughter drowned in the bathtub on Christmas Eve.

His melancholy over the loss of innocence is reflected in his repeated invocation of the idea that ignorance is bliss. In "A Tramp Abroad," he complained that "We have not the reverent feeling for the rainbow that a savage has, because we know how it is made. We have lost as much as we gained by prying into the matter." Again, in "Life on The Mississippi," he grumbled that learning to read the Mississippi River's features destroyed its beauty: "Since those days, I have pitied doctors from my heart. What does the lovely flush in a beauty's cheek mean to a doctor but a 'break' that ripples above some deadly disease . . . ? Does he ever see her beauty at all, or doesn't he simply view her professionally, and comment upon her unwholesome condition all to himself? And doesn't he sometimes wonder whether he has gained most or lost most by learning his trade?" Twain, who was always fascinated by technology, nevertheless saw it as tremendously destructive, and some of his ruminations on the subject are as pessimistic as "The Education of Henry Adams." As Fred Kaplan writes, Twain "was to maintain his popular image, the humorously satiric and genially avuncular embodiment of America's nostalgia for small-town life, the Norman Rockwell of American prose. Later, [William Dean] Howells was to call him, memorably, 'The Lincoln of our Literature,' which he is, suggesting that he also embodies the darker, tragic strains of American experience, though it also implies that, like Lincoln, he provided in his prose a redemptive vision, an optimism earned through painful experience. But, in fact, he is also the anti-Lincoln of our literature, who looked unflinchingly, for himself though not for his public, mostly in unpublished works, at the nasty underside of American and of human life in general: its brevity, selfishness and meaninglessness, its hypocritical religiosity, and its devotion to mammon. All human life, Twain concluded, begins with false hope and inevitably imposes loss and pain. No redemption of any kind inheres in its random nature."

Fred Kaplan's biography manages to capture some of Twain's personal force — particularly his capacity to demonize perfectly innocent people.

What could make such a writer worth reading? Twain's magnificent skill in capturing the essence of the bright as well as the dark sides of life. When roused on a subject, as in his killer book review "In Defense of Harriet Shelley," Twain is a master warrior, starting slowly and steadily boiling to explosive pressure. When recalling the sweetness of life, as in his autobiography (his unfinished masterpiece), he bests any poet for soothing expression. And when telling an anecdote, like "Jim Wolfe And The Cats" or "Jim Blaine's Old Ram," his comic timing and subtlety are perfect. Twain was a high idealist, often a crusader, as in his real masterpiece on race relations, "Pudd'nhead Wilson." But as an idealist, he was also often disappointed that mere human beings — including often himself — failed to live up to his hopes. And when that happened, his disappointment was bitter, even shattering; it hit him with the force of eating the apple in Eden. As Powers notes, Twain was always just what his wife called him as her term of endearment: "Youth." He could lie without guile and carry a grudge like a war-wound; he could make mere fools into fantastic monsters, and good men into gods, in his mind.

Fred Kaplan's biography manages to capture some of Twain's personal force — particularly his capacity to demonize perfectly innocent people. One of these may have been Isabel Lyon, a longtime friend and companion whom a paranoiac aged Twain later called "a liar, a forger, a thief, a hypocrite, a drunkard, a sneak, a humbug, a traitor, a conspirator, a filthy-minded and salacious slut pining for seduction & always getting disappointed." Scholars, however, still debate to what degree Lyon deserved

CORPORATIONS ARE NOT PEOPLE

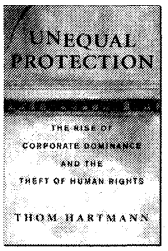

- Why should the government give more rights to corporations than individuals have?
- The Boston Tea Party was *not* a protest against "taxes." It was a WTO-style protest against transnational corporations.
- The 14th Amendment (granting basic rights to freed *individual* slaves) has been misused by lawyers representing corporate interests to sell out individual rights.
- Corporate managers, as a class, have more in common with government bureaucrats than they do with private individuals.
- The largest transnational corporations resemble kings more than they do us.

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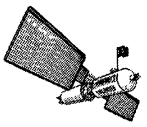

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these epithets, although Kaplan fails to note the fact. There are other discrepancies between Kaplan's version of events and those of other biographers. He repeats, for instance, Twain's claim that he once turned down the opportunity to buy stock in the Bell telephone, even though Justin Kaplan dismisses the story as apocryphal.

While Twain was surprisingly well-read, he shared in the Victorian moral philosophy of his era, and his fear of technology compromised some of his convictions.

Unfortunately, Fred Kaplan is not as adept as Justin Kaplan in evoking the hysteria and eventual gloom that surrounded much of the writer's life. Twain's existence — even in his own eyes — can be described at least as much by reference to sentiment and image as it is to the facts. As the Paige Typesetter came to overshadow the great writer (reducing his output to a single novel in the course of five years, the fascinating "Connecticut Yankee in King Arthur's Court") his humor was drawn farther and farther from him as he watched himself descend into Investment Madness. The machine never worked; disappointment fell upon disappointment; only his association with oil magnate Henry Rogers finally rescued his finances. But his addiction to the Typesetter simply would not relent. It is as if the fever of contemplating fantastic riches caused the cold facts to evaporate into steam. Twain later recalled his family's constant faith that their worthless 75,000 acres of Tennessee would one day make them all rich: "It kept us hoping and hoping, during forty years, and forsook us at last. It put our energies to sleep and made visionaries of us — dreamers and indolent. We were always going to be rich next year — no occasion to work. It is good to begin life poor; it is good to begin life rich — these are wholesome; but to begin it *prospectively* rich! The man who has not experienced it cannot imagine the curse of it."

Many biographers have detected Twain's regret at the Typesetter fiasco in the pages of "Connecticut Yankee," but their interpretations are rather strained. In fact, Twain was remarkably productive in spite of the strains in his personal life. After Susy's death, Twain completed "Following the Equator," and as Fred Kaplan notes, "that he had been able to write a travel book in which grief played no role was testimony to his professionalism and his use of his pen as catharsis." The "Connecticut Yankee" makes only the most distant glances at his Typesetter stress, and Kaplan is to be commended for not following Twain's other biographers in saying otherwise. "Connecticut Yankee" is actually quite interesting from a libertarian perspective, since it is Twain's most sustained commentary on politics. His intense denunciation of theocracy and defense of the right of revolution in particular show his sincere individualism. The apocalyptic conclusion of the book bears a remarkable resemblance to "Atlas Shrugged," with its theme of politically motivated ignorance destroying the technology it could not possibly create. But while Twain was surprisingly well-read, he shared in the Victorian moral philosophy of his era, and his fear of technology compromised some of his convictions. Some passages in "Yankee" and other writings are even tinged with socialist sympathy. When Howells sought Twain's support for labor unions in opposing labor-saving technology, Twain told him that every invention "takes a livelihood away from 50,000 men — & within ten years *creates* a livelihood for *half a million*." But at the same time he denounced factory labor, saying that man "is always some man's slave for wages, and does that man's work; and this slave has other slaves under him for minor wages, and they do his work." Howells later recalled that "he never went so far in socialism as I have gone, if he went that way at all, but he was fascinated with 'Looking Backward' and had [Edward] Bellamy to visit him; and from the first he had a luminous vision of organized labor as the only present help for working-men."

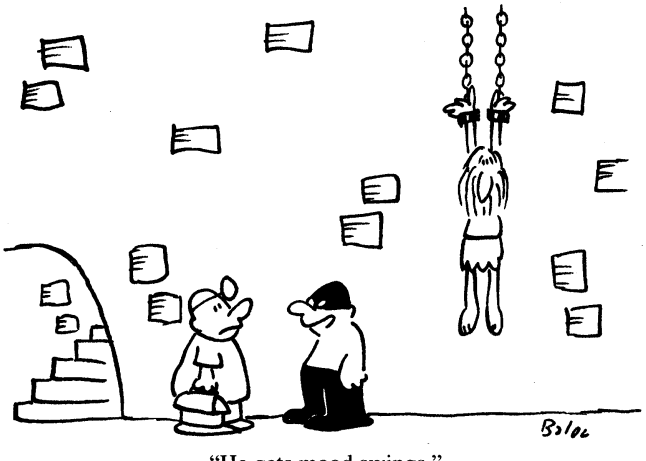

"He gets mood swings."

This fascination can be understood only by Twain's extreme capacity for sympathy. Indeed, his contradictions flow from a deeper source than political. His rapturous individualism — symbolized most beautifully in the figure of Huckleberry Finn choosing to defy the moral teachings of his whole society — runs counter to his Victorian social mores on several occasions. His idealization of peasant life and his realism with regard to the Dark Ages; his worship of technology and his fear of its moral and psychological influences; his skepticism toward quacks and his willingness to indulge Christian Science, dream imagery, and other quackery — all clashed severely. But they clashed in a manner characteristic of his country as well as his era. It is often said that Twain's writing is characteristically American in its style and imagery, but it is also characteristically American in its contradictions. Twain's innocence and his skepticism, his idealism and cynicism, his hero-worship and his crusading, reflect a contradictory and vital culture. As Fred Kaplan writes, Twain "had his fingers to the pulsebeat of who we were and are and made that available to us in ways that make it possible to say, as a metaphor, that Mark Twain wrote aspects of America into existence."

That word "pulsebeat" is unfortunate; "The Singular Mark Twain" bears other similar marks of clumsiness. It contains numerous spelling and grammar errors ("made him more about in the future in his confidences" p. 373) and awkward phrases ("It kept, though, dragging on" 392); ("Twain had many unfilled holes, he was very short of acorns, and the house was huge." 348). More disappointing is that Kaplan fails to put that pulse into his story. For a 736 page book, "The Singular Mark Twain" seems surprisingly empty. The main reason is that Kaplan fails to take up the tool that Twain used so well: emotion. For Twain was a romantic, and for him, memory was at least as much about sentiment as about dates and places. In his "Autobiography" he wrote of his boyhood, "The life which I led there with my cousins was full of charm, and so is the memory of it yet. I can call back the solemn twilight and mystery of the deep woods, the earthy smells, the faint odors of the wild flowers, the sheen of rain-washed foliage, the rattling clatter of drops when the wind shook the trees, the far-off hammering of woodpeckers and the muffled drumming of woodpheasants in the remoteness of the forest, the snap-shot glimpses of disturbed wild creatures skurrying [sic] through the grass — I can call it all back and make it as real as it ever was, and as blessed. I can call back the prairie, and its loneliness and peace, and a vast hawk hanging motionless in the sky, with his wings spread wide and the blue of the vault showing through the fringe of their end-feathers. I can see the woods in their autumn dress, the oaks purple, the hickories washed with gold, the maples and the sumacs luminous with crimson fires, and I can hear the rustle made by the fallen leaves. . . . "

Twain's writing is characteristically American in its style and imagery. It is also characteristically American in its contradictions.

That is Mark Twain, and his story needs to be told in similar terms. Justin Kaplan and Ron Powers succeed in evoking the deep gloom and the white sunshine of Mark Twain's life and times, and readers interested in finding the elemental Twain should start there. ❑

"The Blank Slate: The Modern Denial of Human Nature," by Steven Pinker. Viking Penguin, 2002, 528 pages.

Challenging the Blank Slate

Leland B. Yeager

Steven Pinker is a psychologist and cognitive scientist who recently moved to Harvard from MIT. His broad field includes investigating what universals of language structure may be innate and how children learn language. Two of his earlier books that I have read, "The Language Instinct" and "Words and Rules," delighted me.

His latest book has wider scope. It challenges three fashionable dogmas that now figure in postmodernist (relativist, deconstructionist) attacks on the sciences of heredity and human nature. Philosophers have sometimes called those dogmas empiricism, romanticism, and dualism. The first, the Blank Slate, denies any permanent human nature and attributes differences among persons and groups (including the sexes) almost entirely to environment and experience rather than to heredity. Pinker does not argue — no one does — that "genes are everything and culture is nothing"; instead he explores "why the extreme position (that culture is everything) is so often seen as moderate, and the moderate position is seen as extreme" (p. ix). The second dogma is the Noble Savage: precivilized man is a peaceful, happy creature; and, as environmentalists want to believe, nature in general is a fount of virtue. Third is the Ghost in the Machine: mind or soul is an entity distinct from the body (including the brain) and its functioning.

Unlike, for example, J. Philippe Rushton (who does appear in the References), Pinker spends little time on issues of race. Genetic differences among individuals are unlikely to "affect every part of the body except the brain." Differences between races or ethnic groups, though "much smaller than those among individuals, . . . are not nonexistent" (143). On the black-white IQ gap in the United States, Pinker agrees with Thomas Sowell that current evidence does not require a genetic explanation. He regrets racial profiling but recognizes that limited time and resources may make it necessary when wrong decisions would be very costly (he mentions suicide hijacking, 148).

Pinker invokes Sowell's "A Conflict of Visions: Ideological Origins of Political Struggles." He gives Sowell's Constrained Vision a more intuitively meaningful name: the Tragic Vision. Its adherents include

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Thomas Hobbes, Adam Smith, Edmund Burke, Alexander Hamilton, James Madison, Oliver Wendell Holmes Jr., F.A. Hayek, Karl Popper, Isaiah Berlin, Milton Friedman, and Richard Posner (287). Standing in contrast with their realism is Sowell's Unconstrained vision. Renamed Utopian by Pinker, it rests on the three targeted dogmas: "the Blank Slate (no permanent human nature), the Noble Savage (no selfish or evil instincts), and the Ghost in the Machine (an unfettered 'we' that can choose better social arrangements)" (293).

"The blank slate was an attractive vision. It promised to make racism, sexism, and class prejudice factually untenable." But "[t]he modern sciences of mind, brain, genes, and evolution are increasingly showing that it is not true. The result is a rearguard effort to salvage the Blank Slate by disfiguring science and intellectual life: denying the possibility of objectivity and truth, dumbing down issues into dichotomies, replacing facts and logic with political posturing" (421–422). The philosophy of Big Brother's regime in George Orwell's "1984" is "thoroughly postmodernist" (avant la lettre) in its relativism and its denial of objective benchmarks for evaluating the deceptions of the powerful (426).

Especially in chapter 6, "Political Scientists," Pinker recounts attacks on researchers whose work on human nature and heredity was deemed politically incorrect. Even some justly eminent scientists (like Stephen Jay Gould and Richard Lewontin) have taken part in the radical science movement. Tactics include deliberate misquotation, baseless charges of racism, invasions of the classroom, and demonstrations and seizure of the microphone to prevent or disrupt invited lectures. E.O. Wilson, entomologist and father of sociobiology, was doused with water as he tried to deliver a scheduled talk at a convention of the American Association for the Advancement of Science. Anthropologist Napoleon Chagnon, long-time student of the Yanomamö people of the Amazon rainforest, suffered a dishonest campaign of defamation. Exploring some area or stumbling upon some unwelcome fact may thus turn an honest researcher into a despised public figure. Are the vilification, harassment, political interventions, and physical assault inflicted on behavioral scientists just another example of people reacting to findings that make them uncomfortable? Or, as Pinker suggests, "are they part of a systematic intellectual current: the attempt to safeguard the Blank Slate, the Noble Savage, and the Ghost in the Machine as a source of meaning and morality?" Anyway, "Behavioral science is not for sissies" (121).

Pinker exposes ignorance or abuse of science not just from the radical Left but by people of other political persuasions. Some leading conservative and neoconservative intellectuals (named on pages 130–131) have embraced the Intelligent Design hypothesis of biochemist Michael Behe, even though biologists have rejected it. In "Darwin's Black Box," Behe tried to modernize William Paley's Argument from Design for the existence of God, emphasizing the (so far) inexplicable elegance and complexity of biological

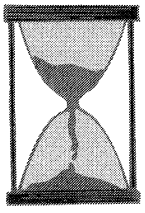

Is Time Running Out for Government?

*"Historically comprehensive and philosophically coherent"—**Choice***

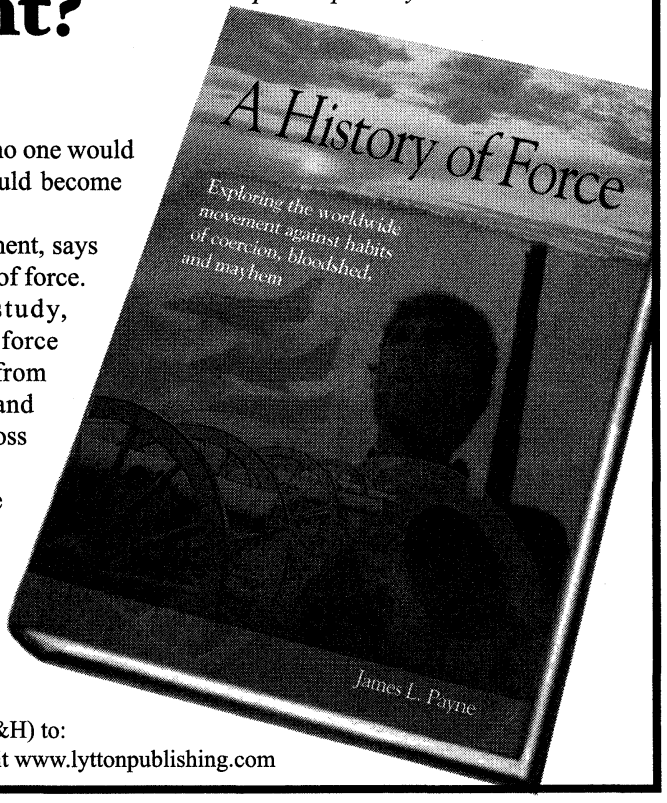

Force is the basis of government. Take away the guns, and no one would care what senators say, and their bustling marble chambers would become echoing mausoleums.

Therefore, if we want to know about the future of government, says political scientist James Payne, we need to track trends in the use of force. This is what Payne has done in his provocative new study, *A History of Force.* His readable account of dozens of uses of force reveals a long-term tendency for the human race to turn away from violence and coercion. This trend affects government. Large and intrusive as it is today, government is quietly being eroded by the loss of moral, cultural, and intellectual support.

For centuries, reformers have looked to the state and its use of force to improve the world. Payne shows that this perspective is historically misguided. Coercive approaches are in decline. The future belongs to voluntary arrangements that emphasize individual creativity, persuasion, and generosity.

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systems at the molecular or subcellular level. (God so postulated is sometimes called "God of the gaps," the gaps being not-yet-solved scientific puzzles.

Pinker's main purpose is not politics but the defense of science against political and ideological attacks.

The third dogma — of a soul separable from the body — also appeals to the Religious Right.)

Pinker maintains the fact-value distinction as essential to clear thinking. The "naturalistic fallacy" — trying to get "ought" from "is," even supposing that something is good if it is natural — is a familiar attempt to erase the distinction in one direction. Pinker identifies an attempt in the opposite direction. "The moralistic fallacy," as he calls it, tries to get "is" from "ought": "if a trait is moral, it must be found in nature" (162). "Nature, including human nature, is stipulated to have only virtuous traits . . . or no traits at all, because the alternative is too horrible to accept" (162). Ramsey Clark, President Johnson's attorney general, illustrated the fallacy in arguing that the criminal justice system should replace punishment with rehabilitation: "it would be so nice *if* the idea were true that we should all believe *that* it is true. The problem is that it is not true" (313). The moralistic fallacy is at the heart of political correctness (although Pinker does not much use the term): a proper political position can shortcut research and dictate answers even to questions of fact.

With the fact-value distinction reaffirmed, Pinker can show how the sciences of human nature, far from undermining humane values, help rescue them from a shaky foundation. It is a mistake "to say that discrimination is wrong only because the traits of all people are indistinguishable," that violence and exploitation are wrong only because people are not naturally inclined toward them, "that people are responsible for their actions only because the causes of those actions are mysterious," and "that our motives are meaningful in a personal sense only because they are inexplicable in a biological sense" (193). "Pure environmental theories of violence remain an article of faith. . . . Condemning violence is all to the good . . . but not if it is disguised as an empirical claim about our psychological makeup" (312–313).

Linking values to politically asserted factual claims can boomerang. Such ideas imply that future factual discoveries could make our values obsolete. They conceal the sordid sides of denying human nature: "persecution of the successful, intrusive social engineering, writing off suffering in other cultures, an incomprehension of the logic of justice, and the devaluing of human life on earth" (194).

Delinking our widely shared values from moribund factual dogmas makes their rationale clearer. "We understand *why* we condemn prejudice, cruelty to children, and violence against women, and can focus our efforts on how to implement the goals we value most. We thereby protect those goals against the upheavals of factual understanding that science perennially delivers" (422).

Pinker offers insightful remarks on miscellaneous topics, like scientific method. "The way of science is to lay out every hypothesis that could account for a phenomenon and to eliminate all but the correct one" (352). (Karl Popper spoke of "conjectures and refutations.") Should or can the social sciences and psychology be "reduced" to biology and ultimately to chemistry and physics? Pinker distinguishes two varieties of reductionism. The bad, greedy, destructive variety tries to explain a phenomenon in terms of its smallest or simplest constituents. Yet as the philosopher Hilary Putnam pointed out, even the fact that a square peg won't fit into a round hole cannot be explained in terms of molecules and atoms. Good — hierarchical — reductionism consists not of *replacing* one field of knowledge with another but of *connecting* or *unifying* them (69–70).

Pinker diagnoses "the euphemism treadmill" (212–213). People invent new words for emotionally charged things or conditions; but a euphemism comes to take on the emotional charge of what it refers to, requiring its replacement in turn, and so on. Thus *water closet* became *toilet* (originally a term for any kind of body care), then *bathroom*, then *restroom*, then *lavatory*. *Garbage collection* turned into *sanitation*, then *environmental services*. *Crippled* people became *handicapped*, then *disabled*, then *challenged*. In 2001 the San Diego City Council even banned the word *minority* as disparaging. The long history of changing terms for the people whom it now seems most politically correct to call *African-American* is a prime example of the treadmill.

Pinker relevantly cites authors on an impressively wide range of topics, including Thucydides, William Shakespeare, Mark Twain, Emily Dickinson, George Bernard Shaw, Bertolt Brecht, Isaac Bashevis Singer, Kurt Vonnegut, Dave Barry, Woody Allen, Gottfried Wilhelm Leibnitz, David Hume, Immanuel Kant, J.-J. Rousseau, Karl Marx, Isaiah Berlin, Franz Boas, Noam Chomsky, Richard Dawkins, Betty Friedan, Galileo Galilei, Sigmund Freud, Richard Herrnstein, Charles Murray, Eric Hoffer, Margaret Mead, Robert Nozick, John Rawls, Earl Warren, Alan Sokal, Dr. Laura Schlesinger, Christina Hoff Sommers, the cartoonist Charles Addams, Ann Landers and her identical twin Abigail van Buren, and Hillary Clinton, who "may have advanced the dumbest explanation [of her husband's escapades] in the history of psychobabble" (179). In a lapse from care about accuracy, Pinker obliquely refers to Ayn Rand and

Good — hierarchical — reductionism consists not of replacing one field of knowledge with another but of connecting or unifying them.

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characterizes her individualism as holding that "every man is an island" (255).

References not only to Thomas Sowell but to other economists, including Milton Friedman, Gary Becker, George Akerlof, Amartya Sen, Richard Thaler, Robert Frank, and Jennifer Roback reflect Pinker's good grasp of the fundamentals of economics. He identifies the "conceit" of social planners (170). He cites F.A. Hayek sympathetically on issues of equality and of justice in income distribution and recognizes him as "the foremost advocate of distributed intelligence in societies" and "an early neural network modeler" (151, 291–292).

Pinker applies the concept of opportunity cost to the question of school and college curricula. The pervasive fallacies that he examines warrant high priority for economics, evolutionary biology, and probability and statistics. No one wants to be a philistine, seeming to say that foreign languages or English literature or the classics are unimportant. But time is limited, and spending it on one subject means denying it to another. In a world of challenging complexities, "these tradeoffs cannot responsibly be avoided" (235–236).

Pinker provides ammunition that libertarians can well use in controversy with utopians and statists. Whether he so intended, I do not know; neither his book nor his web site clearly reveals his political orientation. (Pages 331–332 do briefly mention costs of the war on drugs.) The dogmas that he refutes are more often found, true enough, on the Left than on the Right. Still, not only libertarians but also intellectually honest left-liberals could share Pinker's humane values. (These include the bourgeois virtues, named on page 416.) Anyway, his main purpose is not politics but the defense of science against political and ideological attacks.

A prize-winning parody of sociological gibberish quoted near the end of the book and, more generally, Pinker's putdowns of "ugly, baffling, and insulting art" and "pretentious and unintelligible scholarship" alerted me to the question of writing style. Not until then did I consciously notice Pinker's style. Its very unobtrusiveness is its hallmark and virtue. It is almost entirely free from such distractions as grammar and punctuation errors, awkward or unduly long and complicated sentences, ill-chosen words, pretentiousness, and mannerisms. Even on fairly technical matters, Pinker writes straightforwardly and smoothly. Appropriately, he is a member of the "American Heritage Dictionary's" usage panel. He sets an example that other academic writers should emulate. ❑

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"Rising From the Rails: Pullman Porters and the Making of the Black Middle Class," by Larry Tye. Henry Holt, 2004, 314 pages.

Upwardly Mobile

Bruce Ramsey

From the 1870s through World War II, the American middle and upper class traveled by Pullman car. The porters were black. By today's standards they were servile, low paid and stuck in dead-end jobs. But today's standards were not theirs. Larry Tye's "Rising from the Rails" recounts the history of these porters and how that history is closely tied to the birth of a black middle class.

Given the alternatives, it was a glamour job. Porters got to see America, and how the upper half lived.

George Pullman did not make the first railroad sleeping car, but he made luxurious ones that in the 1870s swept the market. Because of the close quarters between the men who let down and prepared the beds and the passengers who slept in them, Pullman wanted a porter who would be, as Tye says, "the invisible man." And that was a black man, preferably a dark black man from the Deep South.

Tye calls them Negroes, a stylistic device that works well. Pullman, he writes, "hired more Negroes than any businessman in America, giving them a monopoly of the profession of Pullman porter and a chance to enter the cherished middle class. He did it not out of sentimentality, of which he had none, but because it made business sense." Lincoln freed the slaves, the saying went, and Pullman hired them. And by 1890 the Pullman Palace Car Co. employed more Negroes than any company in America.

Given the alternatives, it was a glamour job. Porters got to see America, and how the upper half lived. They got to read the Saturday Evening Post or The Wall Street Journal or one of the big-city black papers like the Chicago Defender.

Their pay was low, but over the decades it went up. The average monthly wage in 1879, at the beginning of the gold era, was $10 plus tips. By 1897 it was $30, by 1916, $40; by 1924, $81.75, always plus tips. Adjusting for inflation, the pre-tip wage had increased by four and a half times in half a century.

"They had one of the best jobs in the Negro community, putting them on a social par with teachers, funeral directors, and even doctors and lawyers, many of whom worked their way through school as porters," the author writes. "Porters owned their own homes and were thought to be good catches as husbands. . . . They were the aristocrats of Negro labor."

Tye, a former newspaper writer, wants to show the porters in a good light, but he also wants to show A. Philip Randolph's union, the Brotherhood of Sleeping Car Porters, in a good light, and that requires stressing how bad off the porters were. They worked long hours. Sleeping three hours a night in some awkward place was considered adequate. They had a long rulebook to memorize and follow. Passengers called them "George," even after the company provided name cards in 1926. They could not be promoted to white jobs like conductor, and they were paid considerably less than the conductors. White labor unions regarded blacks as low-wage competitors and strikebreakers.

The book tells the story of Randolph, a socialist labor entrepreneur, attempting to organize the porters in the 1920s under the pre-New Deal rules of individual sign-up. It was tough, the company was unhelpful and the union failed. It succeeded only when the New Deal was behind it, and in 1937 it negotiated its first contract. Wages went up and hours went down.

Unfortunately for the porters, the sleeping-car business had peaked in the 1920s. The Pullman company stopped hiring porters in 1939, and the workforce shrank. Just as the personal automobile was hammering its business, the government went after Pullman for monopoly. The company shrank and shrank, and ended its sleeping-car service Jan. 1, 1969.

People forget the Pullman porters now and maybe are happy to forget them. But it was a rung up, right from the beginning. This book tells the story well. ❑

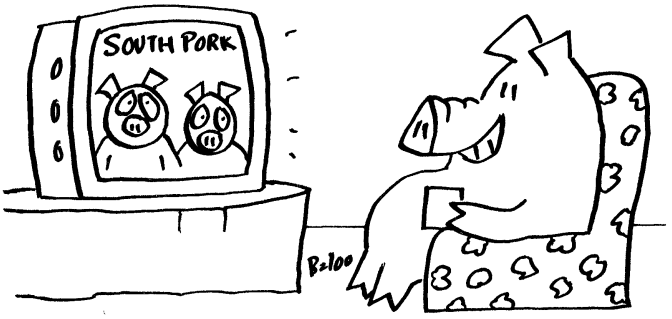

"As Far as My Feet Will Carry Me," by Josef M. Bauer. Carroll & Graf, 2003, 576 pages.

Escape From the Gulag

Bettina Bien Greaves

Josef M. Bauer's "As Far As My Feet Will Carry Me" is a gripping tale of grit, survival, and the determination to be free. Clemens Forrell was a German paratrooper who was captured after parachuting behind the Russian Urals during the Second World War. He was sentenced to 25 years of servitude in eastern Siberia's lead mines. Forrell was determined to escape — better to die seeking freedom than slowly of lead poisoning in the mines. The Communist slave camp where Forrell was imprisoned was only a few miles from the Bering Strait and Alaska. Forrell tried once to escape to the east, but was soon captured and savagely beaten. Tramping westward across thousands of miles of Siberian wasteland, though risky, seemed more feasible.

When the camp physician learned of Forrell's determination, he decided to help. Dr. Stauffer, also a German POW facing a long prison term, had given up his dream of escape after diagnosing himself with cancer. He provided Forrell with a makeshift compass, a crude map of Siberia made from memory by another German POW, some food, clothing, skis, a tinder box, knife, pistol, and advice. In exchange, the doctor asked Forrell to deliver a message to his wife in Germany — if he made it.

It was snowing when Forrell set out in October 1949; his tracks were soon covered over. After struggling for 24 hours in the bitter cold, sweating and experimenting with his skis, he heard and saw what he most dreaded — a two-man, 15-dog search party. They passed within 70 yards but failed to spot him. Confident then that he had survived the final attempt of the camp authorities to capture him, he felt almost free, as if setting out on a tour.

Forrell struggled on, trying to steer clear of human encounters, not knowing who was a Communist. However, he met a friendly tribe of reindeer herders and wintered with them. They taught him many tricks of survival — how to find moss for bedding under the snow, how to bivouac when the mercury fell to 40 below, how to fish through the ice and snare small animals. In spring, they sent him on his way westward. He spent the summer with three Russians who, like him, had escaped from decades-long sentences in labor camps. They had built a dam sluice to regulate water flow, creating a primitive washing plant to pan for gold. One of the men had with him a sizable gold nugget he had smuggled from the mine where they had been slave laborers. "Lust" for that gold nugget, when the other men discovered it, led to two murders and Forrell's being pushed off a cliff. Forrell survived, but barely, with broken bones, no knapsack, no supplies, and no food.

By happenstance, he was rescued from a pack of hungry wolves by a party of Yakuts, who reported that the third gold miner had been captured and, after having his gold nugget confiscated, executed. However, he had

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers, and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God bless laissez faire capitalism."

For *The Jewish Debt to the Right*,
see Intellectually Incorrect at intinc.org

given his captors a pretty good description of Forrell — his height (six feet, three inches), ragged appearance, and whereabouts. His new friends outfitted him and told him that people mostly sympathized with convicts. They suggested that if he met anyone he should say he was a convict on his way to join a work crew.

By this time, out of desperation, Forrell's ingenuity, courage, stamina, determination, watchfulness, and ability to improvise were pretty well developed. He was sometimes able to hitch rides in trucks, or even trains. He had become clever at stealing food from farmhouses and barns without being detected.

Finally, as he approached the western reaches of the USSR, he met some members of an anti-Communist underground who referred him to a couple of safe houses and a guide who smuggled him out of the USSR and into Iran. There he asked refuge at a police station, only to be arrested as a Communist spy and threatened with repatriation to the USSR. He remembered that his mother had a brother who, before the war, had been a civil engineer in Turkey, and asked the authorities to contact him. The uncle arrived with his mother's photo album. Forrell identified all the people in the photographs and then recalled that he had personally signed and dated one photo, before giving it to his mother on her birthday. The uncle then realized that the shaggy-haired disreputable-looking man facing him must really be his nephew. The police apologized.

After struggling for 24 hours in the bitter cold, sweating and experimenting with his skis, he heard and saw what he most dreaded — a two-man, 15-dog search party.

Forrell was outside Communist jurisdiction and free at last! He flew with his uncle to Ankara and then back to Germany, where he delivered Dr. Stauffer's message to his wife. It had taken Forrell's feet three years to carry him from the Communist lead mine in far eastern Siberia to Germany and freedom. ❑

"Maria Full of Grace," directed by Joshua Marston. Fine Line Features, 2004, 101 minutes.

Hail Mary, Full of Smack

Jo Ann Skousen

"Maria Full of Grace" (in Spanish with English subtitles) is not your typical drug-trafficking movie. No sadistic drug lords battle over turf; no surly DEA agents flex their muscles; no informants or debtors are beaten to a pulp. In fact, there isn't any overt violence, or even a single scene of drug use. The power of this film is in its calm, straightforward storytelling. Maria (Catalina Sandino Moreno) is an intelligent, gutsy, beautiful young girl trying to find a way out of her dead-end life in rural Colombia. Just 17, she is expected to be the breadwinner for her mother, sister, and infant nephew, working as a stripper (no, not that kind — she strips thorns and leaves from long-stemmed roses) at a florist's plantation. She is pregnant by a young man who does not love her and whom she does not love. When her insensitive boss fires her for asking to go to the bathroom too often, she heads to the big city to look for another job.

As often happens in cautionary tales, Maria is intercepted on her way to grandma's house by a young wolf who offers to find her an easy job earning big money. Like many young women in her predicament, out of work and out of hope, she agrees to become a "drug mule," carrying heroin to the United States in pellets inside her stomach. Despite the life-threatening risks involved, Maria acquiesces to her circumstances with the same grace and acceptance as her namesake did when she said, "So be it unto me." Maria never rails against her life; she simply moves forward calmly and gracefully, with a luminescent beauty befitting the title of the film.

This is a film as much about poverty, immigration, and the saving grace of community as it is about drugs. The first feature length film of writer-director-photographer Joshua Marston, it won the Audience Award at Sundance and the Alfred Bauer award at the Berlin International Film Festival.

I recommend it highly. ❑

"My figures show that we're overstaffed, dear — one of the kids will have to go."

Terra Incognita

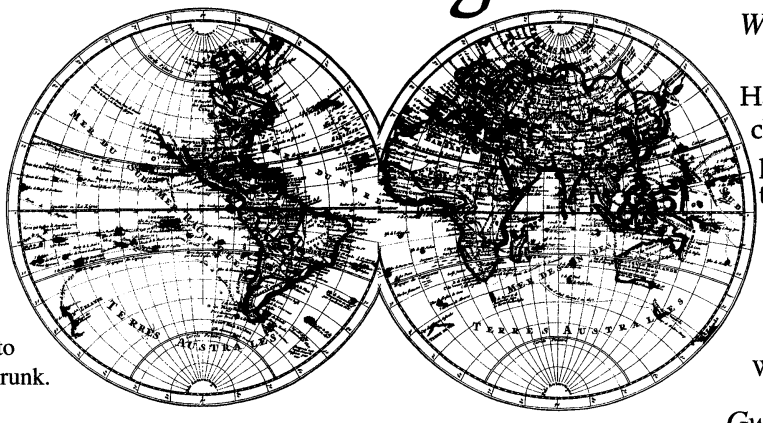

Seattle

Sad note on labor conditions in the Bush era, from a dispatch in the Seattle Times:

Diane London says she was a "sweatshop psychic" for the National Psychic Network until it fired her for not giving "happy readings."

"They started hiring these people with names like Elvira and Moonshadow," London complained. Her attorney, a former Zamboni driver who did not attend law school, says the employer violated minimum-wage laws.

Vernon, Vt.

A citizen takes the initiative in assisting law enforcement, as reported in the Rochester Insider:

Police Chief Ian McCollin said he was pulled over by a driver looking for a police officer to arrest him because he was drunk.

Columbia, Mo.

Equal treatment for the homeless in the Show-Me State, from a dispatch in the Columbia Daily Tribune:

When a homeless man urinated on the floor of his coffee shop, owner Chip DuCharme called the police. After the officers arrived, the vagrant returned, still soaked in urine. When the owner attempted to prevent him from sitting down, the officers smashed DuCharme against a counter, handcuffed him, and led him out to the police cruiser.

U.S.A.

Interesting interpretation of "impunity," from the lead sentence of an article entitled "Militant Attacks Kill 59 in Iraq" on the front page of USA Today, the nation's second highest circulation newspaper:

Baghdad— "Striking with seeming impunity, insurgents carried out a suicide car bombing . . ."

Orlando, Fla.

Advance in jurisprudence in the home of Disney World, from a report in the Miami Herald:

After discovering in January that Orange County Deputy Sheriff Mindy Hood was an unwed mother, Judge Alan C. Todd told her that she was a "disgrace to society," and her child was "a bastard," explaining that "it is acceptable for a male to have sex before marriage, but if a female does so, she is not respected and considered a tramp" and that her family "obviously had no morals."

Atlantic Ocean

An explanation for a stormy summer, from the plywood-covered offices of the Palm Beach Post:

"Most scientists agree that global warming plays little or no role in the number of storms in the current hurricane cycle.

"Global climate models show that air pollution from industry and traffic will drive up average world temperatures by a degree or two this century. All that extra heat could fuel more stormy weather."

West Des Moines, Iowa

Culinary note from the Hawkeye State, from an article about Iowa steakhouses, published in the authoritative The Iowan:

"Hawaii native Cy Gushiken offers acrobatics and stand-up comedy as steaks grill on hibachis at Ohana Steakhouse in West Des Moines."

Gwinnett County, Ga.

Evidence of the vigilance of the frontline soldiers in the War on Drugs, from an article in the Atlanta Journal-Constitution:

Terrell Jones, a student in Gwinnett County's Grayson High School, was pulled from class by a school administrator because he wore a shirt that read: "Hempstead, NY 516." School authorities thought the shirt advocated the use of marijuana, a plant that is widely harvested and smoked by Americans, but whose use is nonetheless illegal. The shirt referred to Hempstead, New York, a Long Island town of 752,000 people, and its telephone area code, where the student had formerly lived.

"It's important to remember that the vigilance of our administrators is important. The administrator saw a phrase on the T-shirt that raised a red flag," said Sloan Roach, spokeswoman for Gwinnett County schools.

Olympic Peninsula, Wash.

Curious epistemological note from the concluding paragraph of an essay on the literary merits of 1945 best-seller "The Egg and I," from the estimable north Olympic Peninsula Vigilance:

"At a recent Quaker meeting in Port Townsend, a woman was compelled to rise to her feet and share the following insight with her fellow worshippers. 'Every person has a different view about the past, so if you want to arrive at the truth, listen to everyone's memories, to what occurred from many points of view. The truth only comes when you approach it as a community.' May this story be a small offering towards that truth."

Special thanks to Russell Garrard, Starchild, Ross Levatter, Doug Allison, Dave Roberts, and Philip Todd for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Can anyone be happier than a Catholic libertarian?

Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.

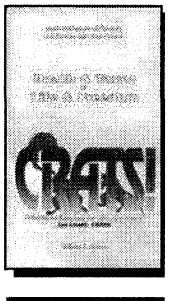

Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.

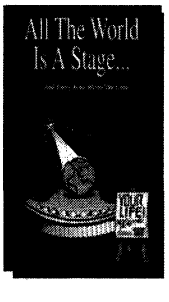

All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is $6.95, plus $2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus $3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.

Old Drum Publishing Box 401 Portersville, PA 16051 800-653-3786 Fax: 724-368-9357

I couldn't believe the City of Redmond said politicians and realtors could have portable signs, but my bagel shop couldn't.

If that ban stayed in place, my right to free speech would have a hole in it bigger than my bagels.

I am fighting for my First Amendment rights.

I am IJ.

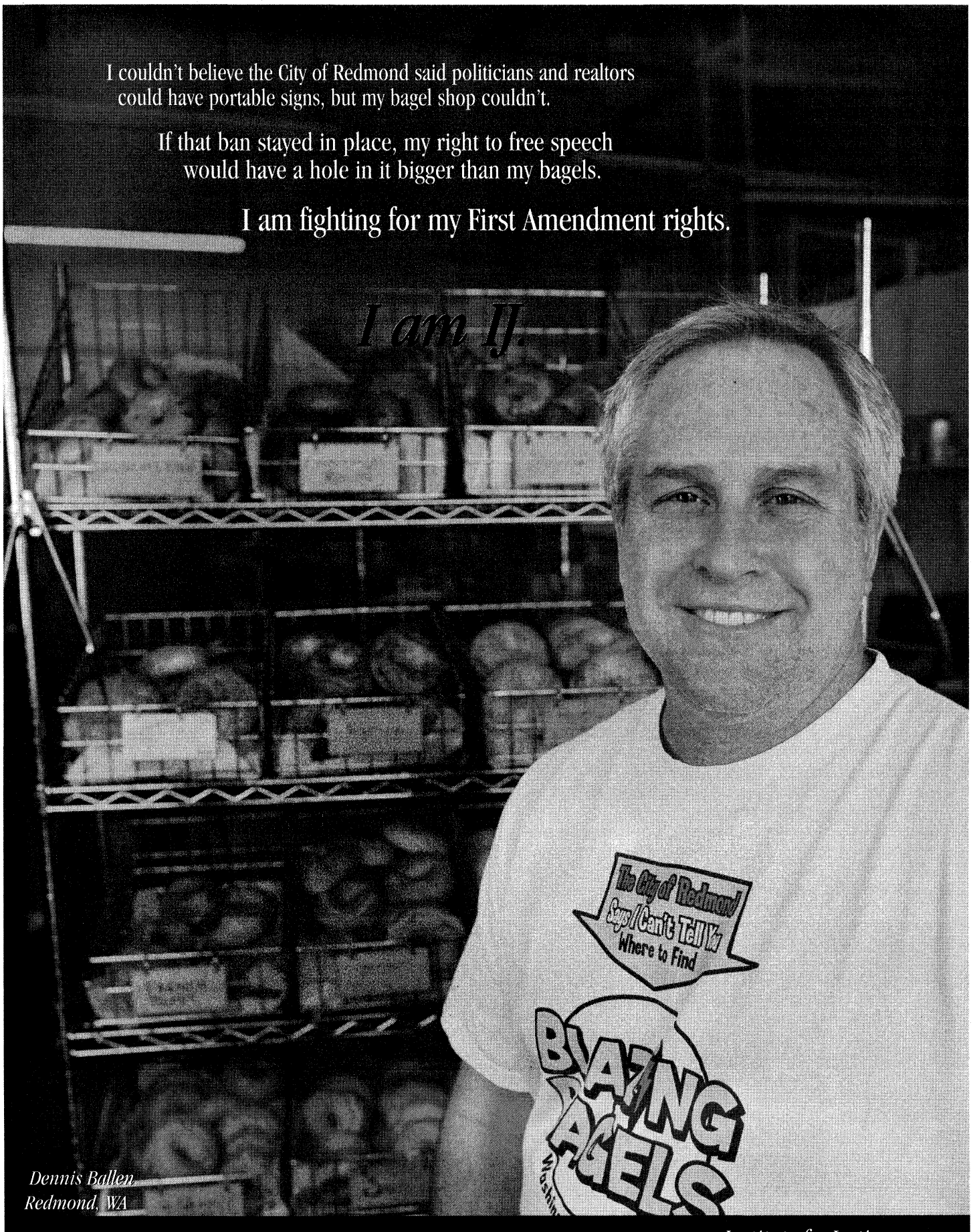

Dennis Ballen
Redmond, WA

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Hellraising for Dummies

Does Freedom Mean Anarchy?

A Symposium with Charles Murray, David Friedman, David Boaz, and R. W. Bradford

Disabling the Handicapped

by Greg Perry

Dwarf-Tossing & Empire

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The South Takes Gettysburg

by Lance Lamberton

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12

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"We are here to let in the light of Liberty upon political superstition." — Benjamin Tucker

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to wield power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

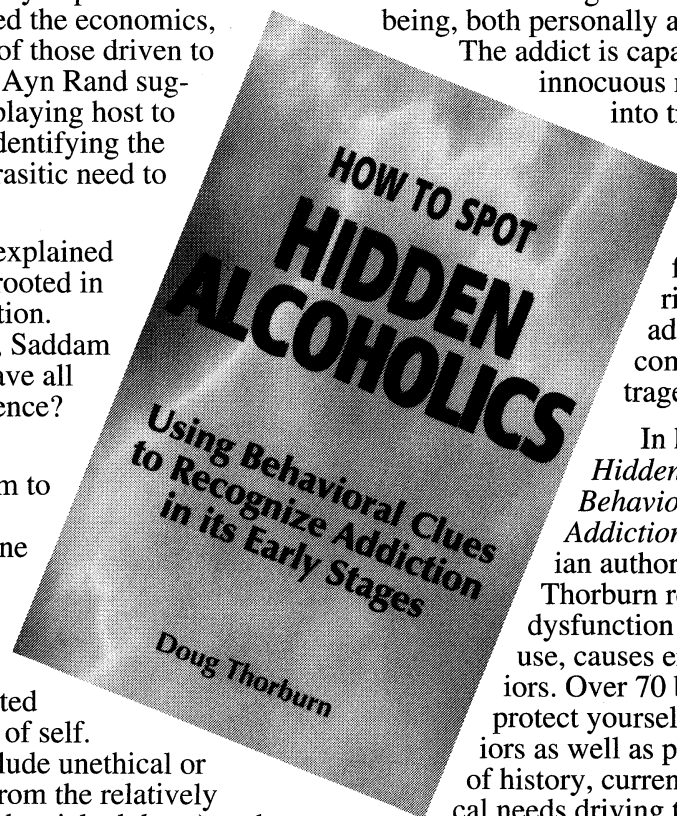

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy occurs.

In his latest book, *How to Spot Hidden Alcoholics: Using Behavioral Clues to Recognize Addiction in its Early Stages*, libertarian author and addiction expert Doug Thorburn redefines alcoholism as a brain dysfunction that, when combined with use, causes erratically destructive behaviors. Over 70 behavioral clues allow you to protect yourself from alcoholic misbehaviors as well as provide a better understanding of history, current events and the psychological needs driving those in positions of power. And — crucially — he also details the most effective ways of dealing with the addicts in your life.

How to Spot Hidden Alcoholics is available in bookstores, online, and from the publisher for only $14.95

100% Money-back guarantee — If you aren't completely satisfied, return your books for a full refund.

Holiday special — all three of Doug's books examining the subject of alcohol or other drug addiction and power trips from different angles, along with a two-hour audiotaped presentation on identifying early-stage alcoholism and myths of alcoholism — a $58 value. Yours for *just $41*!

Free! Online Thorburn Addiction Report — Download prior archived issues on the Kobe Bryant case, Scott Peterson, Kim Jong Il and others. Subscribe to the report and read parts of Doug's books free:

www.HiddenAlcoholics.com

"Doug Thorburn makes an incontrovertible case that no dysfunction, including poverty, illiteracy or racism, causes more damage to society than alcohol and other-drug addiction . . . A must read for every social commentator and anyone else who cares about the human condition."
— Shawn Steel, Former Chairman, California Republican Party

"An immensely useful guidebook for understanding the motives of, and dealing with, the worst politicians and despots. It offers a revolutionary panoramic view of misbehaviors — private and public — and how we can best deal with them."
— Ken Schoolland, Professor of Economics and Author of *The Adventures of Jonathan Gullible*

Yes! Give me the tools to recognize addiction early and *prevent* tragedy.

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Inside Liberty

December 2004
Volume 18, Number 12

4 **Letters** Our readers take us to task on the Fed, check our vital statistics, switch their votes, end corporate welfare, and cry to heaven.

7 **Reflections** We check the color of Bush's blood, damn the Yankees, do some monkey business, fall into a quagmire, deconstruct a corpse, fret over 2008, and snore through the debates.

Features

18 **Does Freedom Mean Anarchy?** Government is a necessary evil — or is it? *Charles Murray, David Friedman, David Boaz,* and *R.W. Bradford* debate anarchy vs. minimal government.

27 **Absence Makes the Hawk Grow Stronger** What do barroom brawls, Oedipus, and Vietnam have in common? *Norman Ball* connects the constellations around our Commander-in-Chief.

29 **Disabling the Handicapped** *Greg Perry* points his fingers (all three of them) at a law that hobbles us all: the Americans with Disabilities Act.

33 **Bronx Justice** It's available only on Tuesday and Thursday afternoons. *Lauren Shapiro* waits for hers.

37 **Crisis of the Soft-Money Plague** Sometimes people just go nuts. newspaperman *Garet Garrett* knew this; he tells the story of a time when the mob rioted in the streets over the color of money.

Reviews

41 **Hellraising for Dummies** Things haven't got bad enough for us to need a revolution, *Andy von Sonn* discovers. But there's plenty to do in the meantime.

43 **Occidents Happen** Hatred may not be a family value, but is it a cultural one? *Eric Kenning* weighs the evidence.

45 **Coolhunting and Conundra** *Jeff Riggenbach* explores a future run by pattern seekers and footageheads.

49 **Ernesto Goes to Peru** *Jo Ann Skousen* climbs to Machu Picchu with the man who devastated Latin America.

50 **After the South Took Gettysburg** The South might have won the battle. But could a victory at Gettysburg enabled it to win the Civil War? *Lance Lamberton* looks at what might have been.

51 **Dwarf-Tossing and Empire** Throwing little people and conquest go together like bread and butter. *Richard Kostelanetz* wonders why.

47 **Notes on Contributors** The few, the proud, the strange.

54 **Terra Incognita** Life is real, life is earnest.

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Letters

The Voice of Reason

Thank you for publishing the Bill Woolsey article regarding the Federal Reserve banking system ("Who Owns the Fed?" October) — what a great article and explanation of how it really works! Thank you!

As Woolsey wrote, there is a lot of conjecture and conspiracy theory out there and it is difficult for the average joe to pick out what is true and what is not (let alone to know the inner workings of money policy and creation and the "rules" that go along with it). Before reading this article I had just enough knowledge to be dangerous. I have tried for several years to find an authoritative piece that got to the heart of the matter in just a couple pages and that used language and concepts that anyone could understand — this is it. This is a piece I can show to others who also have legitimate questions about the way the Fed operates and who have been misled.

I also really appreciate that Woolsey had an open mind when he tackled the conjectures about the Fed that have been making the rounds. It allows for a very objective look at what is being claimed, why it is interpreted the way it is, and the validity of rival claims. That objectivity only makes Woolsey that much more credible.

Lance White
West Bend, Wis.

Perking Up

Bill Woolsey's "Who Owns the Fed?" was accurate and much needed. Our present central banking system and our unbacked fiat money provide a great deal to worry about, and crackpot conspiracy theories just divert energy from those real worries.

But there is one point that Woolsey might have added to his otherwise thorough piece. The Fed's budget is set by none other than the Fed itself, since it remits its interest income to the Treasury only after subtracting its expenses. Thus it spends whatever it wants on salaries, perks, offices, conferences, publications, etc., free of Congressional oversight and limited only by possible political repercussions if it were to become too lavish. Perhaps its most important expense is for economists which it employs by the boatload, both on staff and as consultants. In so doing, it buys the support of most of the economics profession, and this support does a great deal to assure that the Fed's empire will survive and prosper.

Self-preservation is, after all, the primary goal of any bureaucracy.

Warren Gibson
San Carlos, Calif.

Behind It All . . . a Conspiracy

It was amazing to find nearly seven pages of the October issue devoted to Bill Woolsey's convoluted argument that the question of "Who Owns the Fed?" is not important to those who love liberty because those who appoint the seven members of the Board of Governors are our politicians; and anyway the bankers don't really profit from the arrangement (except, of course, for their guaranteed piddling 6%).

If there were no significant profits to be made by banks and private individuals from the establishment of the Fed, then what motivated the cabal of powerful bankers who worked so hard to replace our constitutional money system with a central bank system? If not to benefit themselves then what was the point of their

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actions? Can we believe it was pure altruism? And why are private individuals and foreign governments motivated to own shares if not to make a profit?

The Founding Fathers understood the dangers a central banking system posed for ordinary citizens and provided in the Constitution for a system of banking whereby the Treasury created our money and spent it debt-free. They would have been horrified by Congress' relinquishing to a central bank its constitutional authority to create and control the medium of exchange. They'd have been appalled by the idea of delegating the issue of currency and the control of its quantity to the banking establishment which operates the system for its own benefit. This system allows the Fed to create money through debt and lend it to the people, to our businesses and to our government. They create money out of nothing, and we all pay interest for the privilege of using it. The Fed creates our money and has no debt, while the U.S. government borrows its money and is foundering on debt.

"Real" money has been replaced by pieces of paper labeled Federal Reserve Notes. Laws pushed through Congress by the bankers force all U.S. businesses and citizens to accept these pieces of paper as "lawful money." Under the current Federal Reserve-based system all money is created by debt, thus there is never enough money to pay off both the debt and the interest. Ipso facto, unless we dispense with the Fed we will never be able to be out of debt.

The president does not control the economy of this country. He cannot cause or prevent inflation, deflation, depression, or prosperity. The controls are in the Fed's hands, and one would be naive to believe that its actions have been, or ever will be, decided by what is best for those citizens who love liberty and personal freedom. The first interest of bankers is their own pocketbooks.

Without a doubt, as provided by the Constitution, the Treasury should create all our money, debt free, and control the quantity as needed by the economy. Woolsey's smoke screen about the technical ownership of the Fed betrays his ignorance of the real problem. The entire Federal Reserve system should be abolished. I doubt there are many citizens who would not be delighted to return to "Real Money."

D.D. Hill
Buhl, Idaho

Woolsey responds: There are a variety of monetary reform proposals that have been supported by libertarian economists. Abolishing the Federal Reserve and implementing a purely private gold or silver standard with all banks holding 100% reserves is one possibility. Whether or not such a change is superior to the status quo or whether there are still better proposals for reform is independent of inaccurate claims about Federal Reserve ownership and allegations about the distribution of profits from the issue of money. As I explained in my article, private ownership of the Fed is an illusion and the government is collecting the profits from inflation. That the government collects the profits from inflation is not an argument in favor of the status quo — at least not for libertarians.

The notion that, prior to the founding of the Federal Reserve, the United States enjoyed a constitutional monetary utopia is dead wrong. The U.S. monetary system included national banknotes, issued by privately owned banks. These were backed by U.S. government debt, with the interest being collected by the owners of those banks. While usually redeemable, national banknotes and other bank deposits were subject to suspensions during which they could no longer be redeemed for lawful money — gold and silver. During those suspensions, bank-owned clearinghouse associations would issue small-denomination clearinghouse certificates which were used as hand-to-hand currency. Since these private monetary instruments were not legal tender, they were perfectly constitutional. However, they were illegal under U.S. banking law. It was the illegality of evolved banking practice in the late 19th century that motivated bankers to promote reform.

The bankers promoted, and had Republican politicians supporting, a scheme something like the Federal Reserve — but with the banks earning the profits and in full control. The proposed National Reserve Association would be much like the private clearinghouse associations, but they would be legal. The currency issued by the association would be redeemable in lawful money — largely gold. However, the Democrats won the elections, and implemented the actual Federal Reserve system — a system that funneled the profits to the government and gave political appointees control. Most libertarian economists would argue that freeing banks from restrictions on the issue of national banknotes, loosening branching restrictions, allowing option clauses, and legalizing the activities of the clearinghouse associations would have been much better than the approach proposed by the bankers and the Republicans or the actual Federal Reserve system implemented by the Democrats.

The Founders did not particularly favor Treasury notes redeemable in gold or silver. Some of the Founders voted to set up the Bank of the United States. While the U.S. government owned some of its stock, the Bank was mostly privately owned, and it issued redeemable currency. It was loosely modeled on the Bank of England and likely would have developed into a central bank. Others of the Founders, like Jefferson, argued that the Bank of the United States was unconstitutional. While the primary author of the U.S. Constitution, President James Madison, signed a bill rechartering

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the Bank of the United States, President Andrew Jackson vetoed a similar bill years later. It was then, well after the era of the Founders, that the independent Treasury was developed. However, the Jacksonians did not favor having the Treasury issue notes for use as currency. During what came to be called the era of "free banking," redeemable paper money was issued by competing private banks on a fractional reserve basis. Treasury notes became an important part of the U.S. money supply when the Lincoln administration began to print them up and spend them to finance the invasion of the Southern states. It was then that irredeemable paper money was first made legal tender in the United States.

It is remarkable that some libertarians have combined the arguments of the "greenbackers" who celebrated Lincoln's unconstitutional fiat money, the economic fallacies of the fascists about the supposed impossibility of paying off interest with bank-created money, arguments favored by a small minority of libertarian economists about the supposedly fraudulent nature of fractional reserve banking, and the more usual support for a gold or silver standard. That this witches' brew would be combined with fantastical notions about the ownership of the Federal Reserve and the siphoning of profits to those owners should perhaps be no surprise. However, false claims and fallacious arguments will not help bring about a sound monetary system that prevents inflation and allows for macroeconomic stability.

Lies, Damned Lies, and Statistics

"The Big Lie" — you all know what that means — you've alluded to it in your pages, usually referring to the crisis-oriented mass media's use of "generally accepted" but unsubstantiated conclusions and "facts" to make a point or promote a cause.

So how could the piece by Sarah McCarthy commenting on the "facts" of medical care in the United States (Reflections, October) make it past your otherwise sharp editors?

In her comments about Bush and his positions on health policy, she refers to the finding of a "study" by HealthGrades that 195,000 people per year (2000–2002) are "accidentally killed" at American hospitals. She states that this "fact" is based on research from 37 million patient records. This finding is not true and McCarthy misrepresents the reality of their methodology.

HealthGrades, a for-profit website selling reports on hospitals and doctors to consumers, did not review a single medical record (such as an actual hospital chart), and did not interview any attending doctor, patient's family, or hospital administrator.

According to their website, their conclusions are derived from a database of Medicare billing codes using a "proprietary" (i.e., unproved) methodology.

Medicare billing codes are not always a reflection of the real situation. Remember the Columbia Hospital chain scam, when codes were jacked up to get more money from Medicare? Things haven't changed much. This makes a great "crisis" story in the mass media! And it's good for selling "medical quality" reports to the public too!

To further buttress this conclusion, McCarthy cites a "study" by the Institute of Medicine from 1999 that said "hospitals killed . . . 100,000 Americans annually." Let's look at that "study," a favorite of trial lawyers and the scaremongering mass media: it is a "meta-analysis," a review of other papers (whether validated or not) on inpatient mortality. Again, not a single medical record was reviewed, nor was any attending physician or patient's family interviewed. The survey used the unvalidated conclusions of other writers, then extrapolated from the result to draw conclusions about the entire country. As the saying goes, there is "truth, lies, and statistics."

I am surprised that the editors of Liberty would let this slip by. It is the epitome of "the big lie."

Scott Geller, M.D.
Fort Myers, Fla.

continued on page 52

Reflections

Noblesse privilege — One casualty of the modern age is the notion of *noblesse oblige*. Far from obligating today, nobility seems only to open a floodgate of privileges. Rand once observed: "If an heir is equal to his money, it serves him; if not, it destroys him." Judging by the wartime records of Bushes, father and son, some family members are more equal than others. — Norman Ball

Lesbians, gigolos, and the presidency — John Kerry, in the third Presidential debate, brought up the fact — known to most who follow politics — that Mary Cheney, one of the vice president's adult daughters, is a lesbian. And it seems some people took offense. I don't see why. It was public knowledge, after all. Similarly, I'm sure Mr. Kerry wouldn't mind if someone brought up in nationally televised debate the fact — known to most who follow politics — that he is a devout Roman Catholic who nonetheless left his first wife (family fortune estimated at $300 million) to marry his second (family fortune estimated at $750 million).

Interesting question, isn't it . . . whether it is worse to associate a Republican with lesbianism or to suggest a Democrat is an upper-class gigolo? — Ross Levatter

Yankee imperialism — I've been a New York Yankees fan all my life, since I lived around the corner from Yankee Stadium as a child. Though I can't reverse six decades of allegiance, I can be amused by the utter vanity of the Yankees' principal owner's continued attempt to illustrate the truth, no less for sports than for war, that money — not even money flowing from bottomless pockets — cannot always buy victory. Whenever a Yankee star seems to falter (as everyone does in time), the team bosses simply go out and buy another player, usually a proven veteran, who, since he is older than his colleagues, is thus more prone to injury, prompting the need to purchase yet another aging star. Every year a Yankee fan attending his first game of the season is shocked to find several new players, most of whose names were made familiar someplace else. One reason to read the sports sections of local newspapers is the flackery accompanying new players' arrivals.

The Yankees' budget for annual salaries exceeds that of any other team — indeed, the combined outlays of several other teams. Much like the Dubya administration, they spend extravagantly and often carelessly, and with a comparable lack of sense. Since war, like sports, can't be fully controlled, no matter how "strong" or rich any side is, a certain perverse pleasure comes to the observer, especially Yankee haters, from discovering all the ways that our military screws up and the Yankees lose — star hitters don't hit, starting pitchers falter, closers blow their saves, the other side simply bests them, repeatedly illustrating the truth mentioned before — a truth no less true in love, incidentally, but that's another story. — Richard Kostelanetz

Spinal will and testament — Christopher Reeve passed away on Oct. 11, and while others mourn, I consider his passing merciful. Christopher Reeve was locked in a hell that few of us will ever know. It is one thing to be paralyzed and poor, but to be paralyzed amid enormous wealth must have been incredible torture. Much like a man dying of thirst in the desert will see water everywhere, the accouterments of luxury surrounded Mr. Reeve, and his affliction left him unable to touch any of it. He certainly would have given everything he owned for the one thing he could never purchase — a new spinal cord.

He traveled the world over the past ten years begging for a cure, in the guise of helping others as afflicted as himself. But I think the truth was obvious to most everyone: he wanted to walk again himself. Sadly, the world's best wheelchair is still a wheelchair, and plating it with gold makes it no easier to sit upon. — Tim Slagle

This Old Housing — For years, "North Beach

Place" near San Francisco's Fisherman's Wharf fit the stereotype of run-down public housing. It was perhaps best known for the muggers who terrorized nearby tourists and hid inside the project. If we are to believe the San Francisco Chronicle, however, a new age may be dawning: "North Beach Place is clean. It has locking front gates and courtyards with green grass, young trees and new play equipment." What's behind this radical transformation? For one thing, nobody has lived there for five years.

In 1992, the last Democratic Congress launched HOPE VI, or "Housing Opportunities for People Everywhere," a HUD program that has since "invested" over $3 billion rebuilding 81 housing projects in 55 cities. When San Francisco got the go-ahead for its own makeover shopping spree for North Beach Place (along with four other sites around town), the residents were shipped out to other projects while the site was completely demolished and rebuilt. Five years and a cool $105 million later — that's $300,000 per apartment! — the city is now tracking down the prior residents who "are moving back and can't believe their eyes." Their new digs include "washers, dryers and dishwashers" in each of the 341 apartments.

I hate to rain on the parade here, but wasn't it the prior residents who were mugging the tourists and trashing the premises in the first place? Isn't this going to happen again when the same people move back in, and aren't we going to pay dearly for it a few years down the road? These periodic media "success stories" about public housing renovations always create the impression that the problems were caused by some one-time outside force, like a hurricane. All we have to do is finish tearing it down, build it back up for however many millions of dollars and voilà: "North Beach Place is clean." This isn't just any success story, mind you; the very last words of the Chronicle article are in fact "resounding success."

The same article laments the fact that "the Bush administration severely cut HOPE VI funding from $570 million in 2003 to $149 million in 2004. Bush's 2005 budget plan would eliminate the program entirely." I had read elsewhere that John Kerry strongly supports HOPE VI funding and wants to keep the program alive. I haven't been too excited about voting for Bush, but here's one small reason.

— Michael Drew

Death babble — The death of deconstructionist Jacques Derrida didn't exactly leave me prostrate with grief (to borrow the phrase once used about Scarlett O'Hara's brief and innocuous displays of mourning). But I will sort of miss having him around. He was, after all, the Platonic form of everything ripe for ridicule in academic life. I'll go farther. I can say (with a little funerary exaggeration) that Derrida taught me how to think. I saw that he was wrong about everything, and in figuring out exactly how anyone could be as wrong (and as boring) as he was, I learned a great deal about thought and logic.

What struck me about his death, however, was the fact that it was announced by the office of the president of the French Republic, which also provided a pseudo-philosophic account of his stature and contributions. "In him," quoth Jacques Chirac, "France gave the world one of the greatest contemporary philosophers, one of the major figures in the intellectual life of our time. . . . Through his work, he sought to find the free movement which lies at the root of all thinking."

Nonsense. If Derrida "sought" anything, it was to show that nothing that anyone thinks has any form, integrity, or definite meaning. He preached the great truth that we are all fated to careers of incomprehensible ("indeterminate") babbling, remarkably like his own. But again, it was the news of the mountebank's death being announced at the highest levels of government, the idea of it booming down from the Elysèe Palace like a thunderbolt from Jupiter — that was what tickled my funnybone.

Suppose Americans carried on like that.

"THINKER SUCCUMBS TO STOMACH AILMENT. The White House announced today that Michael Moore, a giant of contemporary thought, has died in rural Michigan. The cause of his demise was given as an unsuccessful attempt to devour a steer. On the night before his death, Moore suddenly walked off a lecture stage in Kalamazoo, saying he was going out for a snack; the body was discovered some hours later. 'In him,' President John Kerry said, 'America gave the world a role model of gargantuan proportions. Through his work, he sought to find the hatred and envy which lie at the root of political aspiration. He found them, and thereby taught us all.'"

"DIVA MARRIED FOR TENTH TIME. The White House announced today that singing star Madonna has been wed. The ceremony, conducted at the Voodoo Church of Cleveland, Ohio, united her with her longtime companion, a life-size statue of herself. 'In her,' President Hillary Rodham said, 'America has given the world one of the greatest contemporary theologians. . . . Through her work, she sought to find the genital stimulation which lies at the root of all religion.'"

"MESSIAH BORN TO HUMBLE FAMILY. The White House announced today that John Fitzgerald Skakel Kennedy, future president of the United States, has been born to Sen. Ted Kennedy and an unnamed intern. The 19-term senator was reported doing well. 'Let the word go forth,' Press Secretary Dan Rather announced, 'that the torch has been passed to a new generation of Kennedys — born in this century, schooled by cash, disciplined by hard and bitter lapses of publicity, proud of their ancient vices, and unwilling to witness or permit the slow undoing of those family perquisites to which this nation has always been committed, and to which we are committed today at home and around the world.'"

Well, why not? Clearly, as Monsieur Derrida discovered, those old ideas about the subversive potential of philosophy and art were just, well, so many meaningless *ideas*. "The free movement which lies at the root of all thinking" can be found right down the hall from the president's office.

— Stephen Cox

Untitled — In September of last year, my aged Taurus blew its head gasket. I had the car towed to my apartment's parking lot, where it sat idle for a few months. I bought a junker at a government auction, figuring it would get me around until I found a better car. The best deal I could get for the Taurus was from a local junkyard: in exchange for the

car, they'd haul it away. I signed my ownership over to them, thinking I was done with the car for good.

A year later, my mother calls me. The Department of Motor Vehicles won't let her renew her driver's license because there's some issue with the Taurus. A few calls reveal that the car would have been due for an inspection in Oct. 2003 — after I turned my plate in. The state had patiently waited for six months, then (without telling anyone) inserted a hold on any driver listed on the Taurus' title. Since I shared ownership with my mom, this meant that neither of us could renew our licenses, or even get any information on them changed, until a $280 fine was paid. Fortunately, I kept the letter of receipt from the junkyard, dated well before the government's generous six month "grace period" ran out, showing the car had been scrapped. The matter was resolved after a wait of only a few hours.

I had hoped the DMV bureaucrats would appreciate the absurdity of requiring me to tow my car down to the local inspection center so it could be declared safe to drive. But government desk jobs tend to attract humorless types who think it immoral for citizens to keep money the government has claimed. Thus, if I had misplaced that one piece of paper, we would have had to shell out $280 on a heap of metal we don't own and couldn't drive even if we did.

— A.J. Ferguson

Buying time — As the price of gasoline rises, many people are comparing the cost of a gallon of gas to the cost of other liquids, such as milk or beer. Although it is interesting to see that other fluids are brought to market at a cost far beyond what the petroleum corporations charge for gasoline, these comparisons always seem flat. I use about 25 gallons of gas per week, and like most other people, don't drink that much beer.

The price of gas is the price of going places, and it still seems reasonable. I can only walk about three miles per hour. On a bicycle, I can travel maybe ten or fifteen miles per hour (although not for very long). Even if I could do 20 m.p.h. on a bike, I can cover that distance in a car in about half the time for just two dollars. (I drive a big car.) That means that I get an extra half hour of my life to spend however I like for just two bucks. That's an extra hour of my life for only four dollars! Since four dollars per hour is less than minimum wage, a gallon of gas is still an incredible bargain.

— Tim Slagle

Vengeance is mine, saith the U.S. — Whenever a Palestinian-American friend complains about illegitimate abuses committed by Israelis, I must remind him that the IDF (Israeli Defense Forces) are self-consciously measured in their retaliation against Palestinian suicide bombers and other violence perpetrated by Arab neighbors. Thanks to their superior intelligence service (the Mossad), Israelis try to take out identifiable individuals whom they think are associated with the perpetrators, though sometimes incidentally killing innocents who happen to be nearby. American critics of Israel tend to forget that relative to other democratic countries, America is not very selective in taking revenge against those outsiders who inflict violence on us. Remember that the notorious Palmer Raids in the wake of

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WWI, which involved the imprisonment of many American radicals and the deportation to Russia of 249 others, including Emma Goldman and Alexander Berkman, were prompted by someone we would now call a suicide bomber. In his book "Red Scare" (1955), Robert K. Murray recalls "the dynamiting of Attorney General A. Mitchell Palmer's house in Washington, D.C. Just as Palmer and his family had retired for the night, a terrific explosion demolished the front of his residence at 2132 R Street NW. Windows in homes surrounding that of the attorney general's were blown in and startled neighbors rushed into the street to determine the cause. The assistant secretary of the navy, Franklin D. Roosevelt, who lived directly across the street from Palmer, assumed the responsibility for calling the police.

"Upon examination, it was discovered that the attorney general and his family were badly frightened but not harmed and that the explosion had probably been premature. The bomb thrower evidently had stumbled on the stone steps leading up to the front door and had blown himself to bits with his own missile. Only fragments of his body and clothing were found, but enough to indicate that it was an Italian alien from Philadelphia. His crumpled hat bore a Philadelphia hatter's trademark, but the hatter in question could not remember to whom he had sold it.

"Some other rather puzzling but fascinating sidelights shrouded the bomb thrower's identity. What resembled parts of two left legs were found at the scene of the explosion which gave rise in the press to the speculation that not one but two men had planted the bomb. As police authorities continued to insist that only one man was involved, the Washington Evening Star quipped that there was little wonder he stumbled and fell with such pedal equipment. But regardless of his physical characteristics, there was little doubt that he was an anarchist. Near the door to Palmer's house was found a copy of an anarchist pamphlet entitled 'Plain Words,'" of course, need I add, the incendiary pamphlet could have been planted by an American wanting an excuse to deport foreign-born anarchists (who were mostly Italian at that time). Incidentally, even though Palmer was raised a Quaker, and graduated from Swarthmore (a Quaker college) at the age of 19, his name has forever been associated with fierce state revenge.

We know not only from the Palmer Raids, more than eight decades ago, and the incarceration of Japanese-Americans six decades ago in the wake of the attack on Pearl Harbor, but from the aftermath of 9/11, that the American capacity for retaliation against an alien affront on our soil can involve not just the imprisonment of hundreds of people and abrupt deportations without benefit of legal niceties, but the invasion and suppression of whole countries, most recently Afghanistan and Iraq, regardless of cost. That's why I tell

News You May Have Missed

Large Gorilla Continues to Elude Police

NEW YORK — Law enforcement officials have issued a nationwide alert for an 800-pound gorilla that is reported to have appeared suddenly and inexplicably in rooms throughout the country on repeated occasions, but the investigation has apparently been stymied by the unwillingness of anyone to come forward as a witness and offer a detailed description of the elusive animal. "You would think that with something as big and dangerous as an 800-pound gorilla in the room, people would want to talk about it, but they don't," said one frustrated NYPD detective desperate to capture the massive ape before it strikes again. "Maybe they're just scared, but there seems to be a conspiracy of silence around the whole subject."

The one arrest in the case, police say, turned out to be a case of mistaken identity, and the suspect, Anthony "Fat Tony" Scimmia, an exceptionally hairy, hulking, heavy-set capo in the Bonnano crime family, was given a banana and quietly released. Police searches of likely hiding places for large, dangerous primates, including the upper stories of the Empire State Building, the offensive line of the Tennessee Titans, the audience of the "Jerry Springer Show," and several state legislatures, proved fruitless.

Two NYPD patrolmen thought they might have gotten a break in the case when they seized a cable-news political commentator after he broke into a cage at the Bronx Zoo and tried to get away with a large orangutan. He is one of several thousand journalists, columnists, and TV news analysts to have regularly alluded to 800-pound gorillas in rooms during recent months, and he was willing enough to talk, but the officers quickly concluded that "the guy is totally nuts" after he babbled incoherently about having to go shopping for some new metaphors and wanting to find out if a 627-pound orangutan or maybe a 516-pound baboon, placed in a crowded room, would occasion comment.

Meanwhile, Ingrid Newkirk, president of PETA (People for the Ethical Treatment of Animals), led a protest in Times Square, as she and several dozen other members of the militant animal-rights group denounced people in rooms who are rude to 800-pound gorillas, pretending not to notice them at all when they should be asking them what they do and how much their co-op apartment is worth now and whether they would like red or white wine. The group demanded that any gorillas trapped in rooms where they are subjected to the oppressive, pungent-smelling presence of human New Yorkers be liberated immediately. "Free the 800-pound gorillas now!" Newkirk and the other PETA activists, all of them clad for the occasion in gorilla suits, shouted through megaphones to the passing crowd, but no one paid them the slightest attention.

— Eric Kenning

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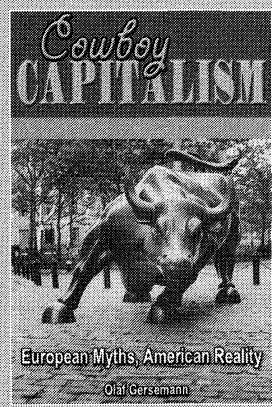

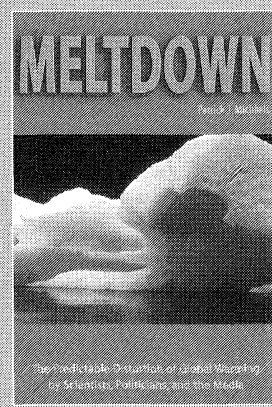

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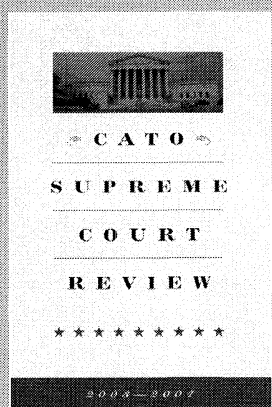

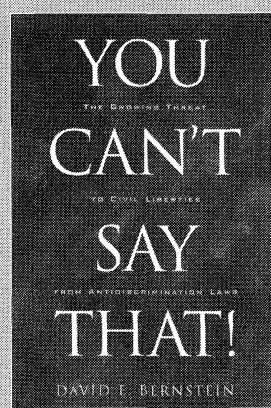

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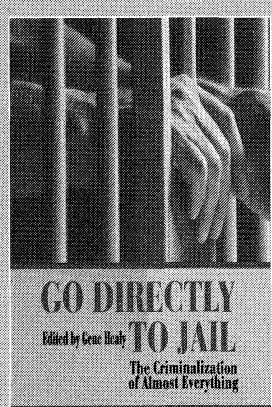

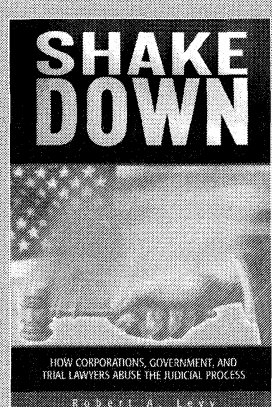

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my Palestinian friend that if he ever comes across a suicide bomber from his hometown of Nablus in the United States, he should defuse him or arrest him or even consider killing him; for the likely American response to any Palestinian violence here will, alas, make the dreaded IDF look like limp kittens. — Richard Kostelanetz

Fly the Fatwa Skies — After being forcibly removed from a plane in Maine, musician Yusuf Islam was surprised to learn that his name had been added to the "no-fly" list, joining such luminaries as Osama bin Laden and Teddy Kennedy. Older readers might remember Yusuf by his original stage name: Cat Stevens. He had a string of bland light-rock hits in the '70s that were briefly popular with acne-ridden Catholic guitar musicians for their underlying spirituality and their simplistic, easily-learned chord progressions. They were pop songs that could be played during

Word Watch

by Stephen Cox

On Aug. 21, 1858, Abraham Lincoln, debating the question of slavery and attacking the idea that the Declaration of Independence omitted black people from the category of "all men" who "are created equal," replied to his antagonist, Stephen Douglas, in this way: "One more word and I am done. Henry Clay, my beau ideal of a statesman . . . once said of a class of men who would repress all tendencies to liberty and ultimate emancipation, that they must, if they would do this, go back to the era of our Independence, and muzzle the cannon which thunders its annual joyous return; they must blow out the moral lights around us; they must penetrate the human soul, and eradicate there the love of liberty; and then, and not till then, could they perpetuate slavery in this country! To my thinking, Judge Douglas is, by his example and vast influence, doing that very thing in this community, when he says that the negro has nothing in the Declaration of Independence."

Lincoln's remarks, like Douglas's, were enormously long, yet they were delivered extemporaneously. They are known to us because newspaper reporters took them down in shorthand. What Lincoln and Douglas said, however, was of fine literary quality. True, their sentences were not always as complicated or as erudite as the long sentence just quoted. Many of their statements were colloquial; many were composed largely of monosyllables. Both Lincoln and Douglas often used scandalously bad logic, their display of evidence was often petty and lugubriously one-sided, and anyone who reads the transcript of their several debates soon tires of their repetitions. Nevertheless, what they spoke was literature — sometimes inspiring, almost always precise and clear, and always expressive of the mind's capacity to shape ideas into patterns of words that are interesting in themselves.

The world that Kerry and Bush inhabit is a lot duller than the world of Lincoln and Douglas — judging, at least, by the words they choose to represent it.

I have spent so much time discussing the Lincoln-Douglas debates because I can hardly bear to discuss the real subject of this column, which is the Kerry-Bush debate — the first of their debates, and the only one of this year's debates that I have succeeded in forcing myself to read. (I did not succeed in forcing myself to watch it on TV.) But here are a few of the most obvious facts.

1. Neither Kerry nor Bush has anything to brag about in the syntax department. Bush's way with words is somewhat worse than Kerry's; he has his father's trick of arbitrarily jettisoning the essential parts of a sentence: "We've got 1,000 extra border patrol on the southern border; want 1,000 on the northern border." But Kerry also has odd ways of shortening his statements. In Iraq, he says, "we are 90% of the casualties and 90% of the cost: $200 billion." Well . . . no, Senator, I'm not a "percent" of the casualties, or of the $200 billion, and neither are you; but if you want to say that *America has suffered* 90% of the casualties and *is paying* 90% of the cost, go right ahead.

2. Both candidates have the capacity to create sentences that make no sense, though with Kerry this capacity is more highly developed: "I'm proud that important military figures who are supporting me in this race: former Chairman of the Joint Chiefs of Staff John Shalikashvili; just yesterday, General Eisenhower's son, General John Eisenhower, endorsed me; General Admiral William Crown; General Tony McBeak, who ran the Air Force war so effectively for his father . . ." Wait! Who is this "McBeak," anyway? What's a "General Admiral"? What was "the Air Force war"? Was that something like the Clone War? And which "father" does he have in mind? I could also ask in what sense all these people are "important military figures," since I've never even heard of most of them, but if I asked that, I might be talking about substance rather than syntax, and I don't want to do that.

3. The world that Kerry and Bush inhabit is a lot duller than the world of Lincoln and Douglas — judging, at least, by the words they choose to represent it. It contains no moral lights or muzzled cannon or penetrated souls or thundered

guitar masses, and they made those masses seem less dorky.

When Cat converted to Islam and changed his name, most of his fans wrote him off entirely. It was not unusual for musicians in that day to join strange religious cults — George Harrison had set a precedent. Cat probably would have vanished into obscurity, had not the Ayatollahs issued a fatwa against Salman Rushdie in the early '80s for writing "The Satanic Verses." When questioned about the order to kill Rushdie, Yusuf Islam said it was absolutely valid.

I've always questioned the authority of governments to issue a death order, and although I remain undecided about the issue, I most certainly do not believe that any religion has such authority. I find that authority even more suspect when the alleged crime is composition. If such an order is valid, shouldn't we be able to issue a fatwa against the man formerly named Cat Stevens for the way his first few albums insulted rock 'n' roll? — Tim Slagle

joys. It is a world of cliches, both attempted ("the president has left them in shatters"; "if you break it, fix it" [Kerry]) and achieved: "never take my eye off that ball"; "changed the culture"; "in harm's way"; "in your heart of hearts"; "this president"; "no viable exit"; "up close and personal"; "they both looked at me and said: We need you"; "my fellow Americans"; "win the peace"; "the Arab countries have a stake"; "the European countries have a stake"; "and those are the stakes"; "what message does that send our troops?"; "if we send mixed signals"; "you cannot lead if you send mixed messages"; "doing what we say and not sending mixed messages"; "talk about mixed messages"; "what kind of mixed message does it send?"; "what kind of message does it send to be sending money . . .?"

There's no point in labeling these remarks with their speakers' names; both men, as it turns out, talk in essentially the same way, and it's a mighty drab way to talk.

Of course, politicians think they have to talk in this way, so that the booboisie will understand them. That's a sad commentary on the difference between our current system of education and the supposedly primitive system that obtained among the backwoods farmers and small-town shopkeepers who showed up for debates in 19th-century Illinois. But by the time you've finished the Bush-Kerry transcript, you're convinced that modern politicians couldn't talk much differently, even if they tried.

The two candidates — each the choice of a great and historic American party — are so verbally inert that one is actually shocked to discover something either consciously or unconsciously amusing about their words. The amusement, unfortunately, is mild. Bush won the prize for conscious humor by saying, "I won't hold it against [Kerry] that he went to Yale. There's nothing wrong with that." Kerry triumphed in the field of unconscious humor: "I've never wavered in my life." But he also won the award for least-funny remarks. Apparently thinking that people will vote only for candidates who cast themselves as tough guys in an adventure movie, he emphasized his willingness to "hunt down and kill the terrorists. . . . to go kill [Osama bin Laden] . . . I will never let those troops down, and will hunt and kill the terrorists wherever they are." I don't remember the word "kill," used in this sense, in any previous presidential debate.

Is this a debasement of "the culture"? No. America's culture, its real culture, has nothing to do with affairs like this. As for the nation's political "culture" — well, that's been an oxymoron for a long, long time. And whichever candidate wins (I'm writing this before the election), it is likely to remain one.

Faith kills — Mix weapons of mass destruction with suspended reason (i.e., religious beliefs), and it's pretty predictable that we're all going to be blown to smithereens before too long. That's the message in "The End of Faith: Religion, Terror, and the Future of Reason," the new book by Sam Harris.

From Palestine and the Balkans to the Sudan and the World Trade Center, what Harris sees is religion leading us, inexorably, to kill one another. On the one side, there's a tribe that believes God has written a book. On the other side, a different tribe believes that God has written a different book. Neither side requires any evidence about what's in its book. It's this retreat from reason, this faith-based acceptance of fantastical notions, that Harris finds so dangerous: "If history reveals any categorical truth, it is that an insufficient taste for evidence regularly brings out the worst in us."

And "the worst in us" isn't exclusive to any one side. What the Creator in Deuteronomy wants for non-believers isn't all that different from what the Islamic throat-slashers want in Iraq. The prescription for slaughter in Deuteronomy, even if it's "your brother, the son of your father or your mother, or your son or daughter, or the spouse whom you embrace, or your most intimate friend" who "tries to secretly seduce you, saying 'Let us go and serve other gods'" is that "You must kill him, your hand must strike the first blow in putting him to death and the hands of the rest of the people following. You must stone him to death, since he has tried to divert you from Yahweh your God."

Switch to India in the winter of 2002 and the picture of violence between Hindus and Muslims is much the same, as described in the New York Times: "Mothers were skewered on swords as their children watched. Young women were stripped and raped in broad daylight, then set on fire. A pregnant woman's belly was slit open, her fetus raised skyward on the tip of a sword and then tossed onto one of the fires that blazed across the city."

Add nukes to the arsenal of the true-believers and we have a recipe for something bigger than women on skewers. As my born-again barber regularly explains to me during haircuts, a grand apocalypse is in the cards, thanks be to Jesus, and it's something good, a well-deserved collective reckoning. As he tells it, guys like him will be magically transported straight up to heaven in an instant, and people like me will be stuck forever in a hell of floods, fires, bugs, and whatever else can be dumped on us. He's nuts about all that, but his haircuts are okay.

Most controversially, Harris argues that "moderation" in religion is part of the problem. Moderates, rejecting some of the craziest parts of religion while simultaneously believing that they should respect the unjustified beliefs and antagonistic mindsets of others, only close their eyes to the role that

faith plays in creating and fueling human conflict. "The very ideal of religious tolerance, born of the notion that every human being should be free to believe whatever he wants about God," contends Harris, "is one of the principal forces driving us toward the abyss."

Harris sees no reason to think we can survive our religious differences indefinitely. To reverse course, he believes we must put aside "the blood-soaked heirlooms of a previous age," reject the idea that religious beliefs should be sheltered from honest inquiry and genuine criticism and the belief that a child's education should consist of his "learning to recite from an ancient book of religious fiction," and accept that people who harbor fervent beliefs without evidence belong on the margins of our societies, not in the halls of power, or with their fingers on the nuclear buttons.

"The only angels we need invoke are those of our better nature: reason, honesty, and love," says Harris. "The only demons we must fear are those that lurk inside every human mind: ignorance, hatred, greed, and *faith*, which is surely the devil's masterpiece." — Ralph R. Reiland

The "V" Word — Supporters of the war in Iraq usually scoff at the inevitable comparisons with Vietnam. In one sense they're right: the scale of ongoing combat operations in Iraq is obviously far smaller. In Vietnam we were fighting both a national guerrilla insurgency and a sustained conventional war against a well-equipped enemy backed by our Chinese and Soviet superpower foes. As a result, U.S. troop commitments and casualty rates were far higher for far longer than anything we'll ever see in Iraq (before we get the hell out, that is).

Yet several disturbing parallels have plainly been emerging. The first was evident during the big coalition offensive into guerrilla-held Fallujah back in April. From all reports, approximately 50% of our new Iraqi Army allies either refused to fight or even tried to help the other side, leaving U.S. forces to do all the heavy hitting. Sound familiar? Once again this people whose freedom we are reportedly fighting to defend don't seem to be willing to fight or die in great numbers themselves. U.S. military spokesmen tried to spin the episode as merely revealing the need for more training of local forces, but the problem clearly seems to be one of heart — something the local opposition (once again) appears to have in ample supply. Reports from more recent battles suggest the new Iraqi Army has been fighting better of late. Maybe so, but then we've heard that before, too.

I thought of the "V" word again recently after hearing a returned soldier on TV talking at length about his Iraq experience. The most rewarding task his unit got to perform was bringing presents to a Baghdad orphanage, where they struck up instant friendships with the resident kids. One day they returned and, to their utter surprise, were told never to come back. It turns out the insurgents had contacted the orphanage staff and informed them that if they cooperated with the Americans again, the children would all be killed. The Americans never went back.

As in most countries, the majority of Iraqis — many of them nonpolitical folk — probably just want to follow the path that keeps them out of immediate trouble, and the insurgents know it. As in Vietnam, all the billions in American aid and invincible conventional military power cannot change the hearts and minds of people who are successfully terrorized — and thus controlled — by opposition forces we are apparently unable to control. It may be a small-scale military action at the moment, but it sure looks like a big disaster looming. — Michael Drew

Tomorrow's scandal — There is a type of scandal which has never yet happened, or if it has, I've never heard of it. But I expect to witness it before I die. I mean the exposure of government employees guilty of insider trading.

Every week and every month official reports from government agencies appear, and the financial markets react in somewhat predictable fashion, or so financial pundits assure us. It follows that the people working on preparing these reports possess valuable inside knowledge.

Suppose that an economics graduate employed in the Labor Department and involved in working up the next monthly report on unemployment learns today that tomorrow's report will reveal a larger-than-expected rise in registered joblessness. He decides that there will be a drop in the Dow tomorrow, sells stocks today and buys them back at lower prices tomorrow afternoon.

There must have been many such unpublicized real-life cases. Yet I have never seen any discussion of these debatably-gotten gains. Corporate officers have to post information about their trades, but, as far as I know, employees of the Commerce and Labor Departments don't have to.

First there's the narrow question of whether a civil servant trading on inside information has done anything illegal. Then there's the broader issue of whether he has done anything wrong according to currently fashionable ethical thinking.

From what I've heard about the insider trading laws, I would guess that the Labor Department researcher, being neither a professional trader nor a corporate manager, has done nothing against the law as it now stands, though this may well change as the law continues to be creatively reinterpreted and remorselessly expanded.

A hypothetical story told to law students is that of the burglar who, in the course of stealing from a corporation, stumbles across information about its operations, and then

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buys that company's stock. Traditionally, this burglar cannot be touched for insider trading. The principle here is that the burglar, not being an officer or major stockholder of the company, does not owe a "duty" to the "victims" of his trading. I guess the victims must be those who were going to buy the stock within a short time-period, and find the price going higher a bit sooner, because of the burglar's purchase of stocks.

The fact that the government employee's purchase affects stock prices in general rather than one particular stock means that the effect of his trading in raising prices is negligible, but that would also have applied in many successfully prosecuted insider trading cases. It doesn't seem to be any defense; people have been prosecuted for insider trading where the activities netted gains of only a few hundred dollars. And given the inventive way in which insider trading laws are being elaborated, the time may come when it will be argued that a civil servant has a duty to the taxpayers, most of whom are also stockholders.

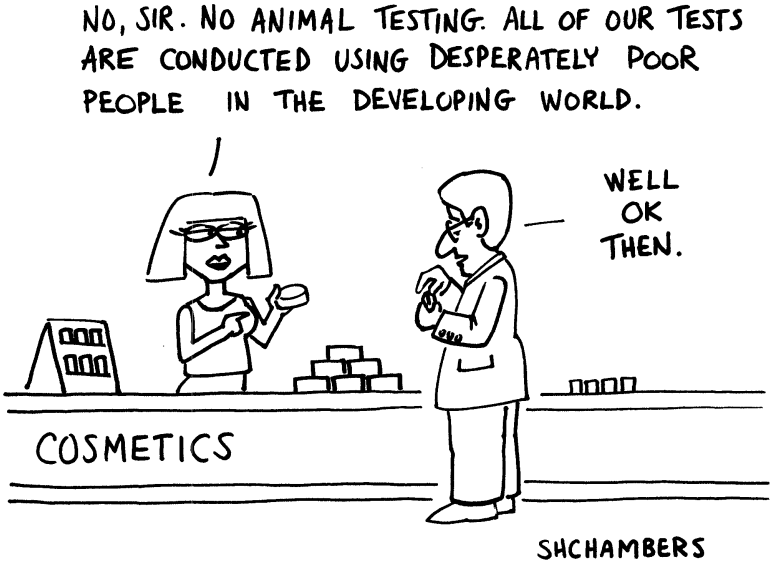

Aside from the legal situation, would general opinion think that the government worker had done something wrong? I don't myself think he would have, but then, I don't think there's anything wrong with insider trading. It's ridiculous to suppose that anyone who buys stocks has a right of access to all the information that anyone else has, and insider traders, if they succeed in making gains, always confer a general benefit on the rest of us, by expediting market adjustment.

My estimate is that the general opinion would be mixed. Some would hold it "obviously unfair" for him to benefit from knowledge he possessed in advance of other people. Others would perhaps hold him largely blameless, because corporate executives and major investors are doing something inherently disreputable and motivated by greed, whereas government employees are axiomatically conferring a public benefit.

Numerous other areas of insider trading have not yet become causes for scandal. You hear from your nephew at city hall about a pending change in zoning affecting a neighborhood, so you buy a house there, guessing the price of that house will rise when the zoning change becomes public knowledge. This is not currently illegal and would not normally be considered immoral.

But given time, the inexorable logic of the insider trading witch-hunt will carry us into many strange places. Who knows? If you spot an unidentified Vermeer on sale for $40.00 in an obscure antique store, you may be obliged to publish this discovery online and then wait a week before you may snap it up. — David Ramsay Steele

Anybody but Hillary — It's election time, and the sidewalks around Columbus Circle, Times Square, and Lincoln Center are teeming with fresh-faced young college students earnestly urging pedestrians to support their efforts to defeat George Bush. Knowing how discouraging it is to be ignored when one is full of missionary zeal, I always stop to talk with them. "Tell me more," I urge. "Why should I vote for Kerry?" Inevitably they respond, "Because we have to defeat Bush." I nod my head in agreement and say, "Yes, I know, I'm not very happy with Bush either, but tell me, what do you like about Kerry?" The response is always the same: a blank look of utter befuddlement, followed by, "Because he isn't Bush."

In two months of asking this simple question, "What do you like about Kerry?" I have not received a single reason why supporters support him. They don't know anything he has done or anything that he plans to do. They just know that he isn't Bush, and that's good enough for them.

Well, Michael Jackson isn't George Bush either, but that's not a good enough reason to elect the little pervert. Yet I have to admit that this may be my precise argument four years from now, when I will be urging all of my friends and acquaintances, "Anyone but Hillary." I will be as anxious and earnest as these young college kids. But how will I answer when they ask me about the alternative?

That's why it is essential that Libertar-ians, Republicans, and anyone else whose mantra is "Anyone but Hillary" begin looking now for a candidate they can fully support, one who is articulate, principled, and available.

As for this year's Libertarian choice: Michael Badnarik may be articulate, but who would know? Since his nomination in May, Badnarik has been virtually out of sight. I haven't seen or heard any media ads, nor has he pushed for news interviews. I received one fundraising letter in June and responded by email, asking to be kept informed of his campaign and appearances. Shouldn't that have put me on some kind of email list? But I haven't received any electronic information or requests for help. I went to a meeting here in New York where he was supposed to speak, a great opportunity to share his philosophy with a group of high-powered political types. But he cancelled at the last minute

when he missed his flight. How's that for planning ahead?

If we want to defeat Hillary — and we must — we have to present a capable, intelligent alternative. The hunt is on.

— Jo Ann Skousen

The joy of capitalism — It's not a bad idea to go back to basic economics at times, to get a refresher course on common-sense principles as we wade through the issues of the day. Thomas Sowell does just that in his recent book, "Basic Economics."

In a chapter on "The Role of Profits — and Losses," for instance, Sowell reminds us why it's no accident that capitalist economies with competing companies operate with more efficiency and deliver higher standards of living than statist economies with overblown bureaucracies, state monopolies, centralized planning, egalitarian income distributions, and socialized property. "When one business enterprise in a market economy finds ways to lower its costs," writes Sowell, "competing enterprises have no choice but to scramble to try to do the same." The boarded-up companies that couldn't keep up with Wal-Mart illustrate the point.

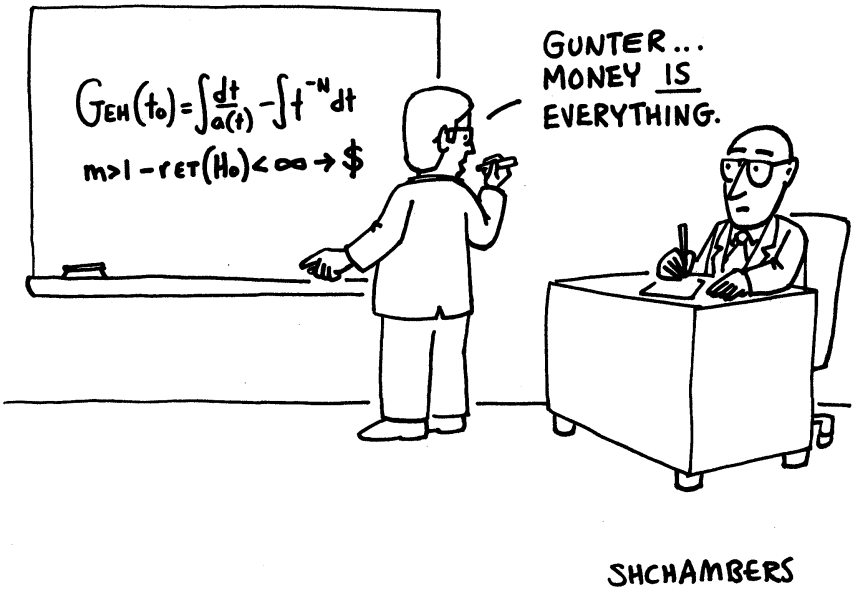

It's that scramble that's missing when the government runs the show through state monopolies. Sowell quotes a Soviet premier who complained that his country's enterprise managers shied away from innovation "as the devil shies away from incense." Under Stalin, these sluggish managers were accused of sabotage, and disciplined accordingly. In fact, it was the entire Soviet system that sabotaged individual incentives.

It's exactly the opposite in a free market system. Unprotected from competition, private enterprise managers, under the risk of extinction, simply can't coast. The general choice is between an indolence that delivers red ink and a get-up-and-go that delivers survival and profit.

To a good socialist, profits and losses are symptoms of a wicked and unruly system, the bottom lines of a chaotic and disorganized structure. As Sowell reminds us: "Socialists have long regarded profits as 'overcharge,' as Fabian socialist George Bernard Shaw called it, or a 'surplus value' as Karl Marx called it. 'Never talk to me about profit,' India's first prime minister, Jawaharal Nehru, warned his country's leading industrialist. 'It's a dirty word.'"

In socialist theory, profits only add unnecessary charges to goods and services. Eradicate the capitalists, eliminate the profits, and everything will become more affordable and the masses will enjoy higher standards of living. What's overlooked is the fact that competition and the drive for profits force capitalist enterprises to innovate and produce at the lowest cost in order to survive. Under socialism, that incentive is missing. The fat isn't cut out and the masses pay the price in terms of bad products, poor service, and inflated prices. The bottom line? For the masses, profits under capitalism are less expensive than inefficiency under socialism. That's why capitalism won. — Ralph R. Reiland

Friends in raw spaces — I know several libertarian entrepreneurs who exploit the idiocies of the state for their benefit. Back in the early 1970s, for instance, several libertarians got into the business of buying and selling gold coins, profiting from the American government's forbidding its citizens to own other forms of gold. Similarly, libertarian marijuana dealers depend upon the state making their wares illegal, increasing enormously the price of herbs that cost only a few cents to produce. In both these cases, the machinations of the state function to increase value.

The state can also create business opportunities by reducing value. I know a libertarian who purchases rent-controlled New York City apartment buildings at a reasonable multiple of their present income. However, his strategy assumes that once current tenants move out, he'll be able to rent their apartments at free-market rates that are often several times higher, incidentally increasing the resale value of his building.

Nearly three decades ago, I moved into SoHo, an industrial neighborhood in lower Manhattan. Since the area was zoned for light manufacturing, residences were forbidden. However, the decline of light manufacturing in lower Manhattan in 1960s left many buildings with empty loft spaces. The area resembled an industrial slum.

A rental agent named Jack Klein persuaded SoHo landlords to rent these "raw spaces," as they were called, at low prices per square foot to artists, mostly painters, some of whom lived there "illegally," so to speak. (The rules at the time were that you could have a shower, but not a bathtub; you couldn't have a stove.)

continued on page 36

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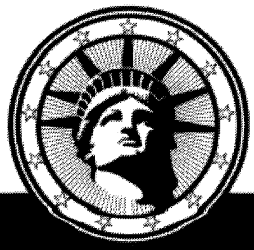

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Does Freedom Mean Anarchy?

by Charles Murray, David Friedman, David Boaz, and R. W. Bradford

From the invention of "anarchism" in the 17th century, the word has almost always been employed as a pejorative. As a political theory, it has usually been befriended by a tiny minority of political cranks. It has, however, been popular with some libertarians.

Many, if not most, libertarians believe that it is always wrong to initiate the use of force. This leads them toward anarchism: after all, how can you have a government that does not initiate force, if only to collect taxes to finance its activities and to enforce its claim to exclusive jurisdiction? Some who advocate the non-initiation imperative, such as Ayn Rand, have tried to fudge the issue, by concocting arguments to the effect that government coercion is somehow not coercive or that government can somehow exist without coercion. But many who advocate the non-initiation imperative, most notably Murray Rothbard, have surrendered to the ineluctable logic that leads to anarchism.

Many other — perhaps, indeed, most — advocates of the non-initiation imperative see the logic of the anarchist conclusion but are troubled by the practicality of anarchism. Wouldn't a society without government lead to armed conflict among its citizens? How could it defend them against external enemies? And why, if anarchism is such a good and practical way to organize society, has human history seen so few social organizations that even approach anarchy?

Libertarians whose thinking is not rooted in the non-initiation imperative are bound to be interested in this argument. Some of them argue that a society without government is perfectly plausible and is preferable to the minimal government approach, while others argue that there is an indispensable core of social functions that can be performed only by a coercive government, and that the task of political and legal thinkers is to minimize the coerciveness of the state.

At the Liberty Editors' Conference in Las Vegas on May 15, two panels were held to take up this controversy. The first considered the question of the plausibility of anarchism, the second the question of its morality.

The participants were: Charles Murray, author of "What It Means to Be a Libertarian"; David Boaz, author of "Libertarianism: A Primer"; David Friedman, a leading proponent of the practicality of anarchism and author of "The Machinery of Freedom"; and R.W. Bradford, editor of Liberty. Stephen Cox moderated both panels.

What follows is a lightly edited transcript of the first of the two panels.

Moderator: Charles Murray, what do you have to say about the plausibility of anarchy? About its practicality?

Charles Murray: There are philosophical questions that are not to be addressed in any particularly useful way, except

at the margins, by scientific findings. Questions like the nature of self-ownership and natural rights, I would classify as this type. We can argue about these and we can decide who has the better and more persuasive arguments, but our arguments will not be basically empirical.

In deciding what kind of government or lack of government you want, one factor is human nature. As I am defining that term, human nature is susceptible to a more empirical examination. It is not one that is subject to a definitive empirical investigation (but I will say parenthetically, it is going to get that way over the course of the next century, maybe even over the course of the next 20 or 30 years, as we understand in greater and greater detail and specificity how human beings are wired and how they aren't wired). It is with regard to these issues of the nature of human nature that I will confine my remarks. I think that the facts about human nature point away from anarchism and towards limited government as the appropriate way to run human affairs.

I want to make two main points. The first goes back to the 18th century and a line of thinking exemplified by Adam Smith. Other thinkers were a part of this tradition, but Adam Smith said it best in "The Theory of Moral Sentiments." Anybody in this room who wants to talk about anarchism and limited government has to read that book. It is a wonderful book. You don't have to read it cover to cover — it's sort of like my books in that way. You can dip into various parts of it and skip long sections that deal with 18th century Scotland and England. It is an absolutely brilliant book.

The point I want to emphasize from Adam Smith's argument is this: he came at the end of a time when people were asking whether human beings have a moral sense — and I would say the argument that human beings have inherently a moral sense needs to be an essential part of any anarchist argument. Adam Smith offered what is to me an utterly persuasive answer — persuasive in terms of 20th and 21st century psychology. He said, well, maybe we do have a moral sense and maybe we don't,

I would say the argument that human beings inherently have a moral sense needs to be an essential part of any anarchist argument.

but one thing that human beings do have (and you can look within yourselves to see whether you agree with this statement), is an innate desire for the approval of their fellow human beings, their approbation, and you can rely upon that instinctive desire for approbation from other human beings to get away with very limited government. There are lots of things that human beings will do, if given the right setup, that will lead them to behave in cooperative ways. However, you do need to have that right setup, because approbation can as easily be sought in a band of pirates, by the code of ethics of pirates. Or, as we know from street gangs in the United States, kids who go into street gangs deeply want approbation. They are being Smithian, but in ways that lead to very destructive human behaviors. And I think that having the right setup, which in the case of my own views is the restraint of force by the use of government, is appropriate.

The second aspect that I'll speak briefly on has to do with the bell curve and the question of IQ. Fifty percent of the population is below average in intelligence. [Laughter.] I love making these provocative statements.

Everyone has a moral compass; some are more susceptible to magnetic storms than others.

There is a real problem here because also about 20% of the population is below 90 in IQ. There are relationships between social behavior and IQ. I have no brief whatsoever for the professoriate — I agree with William F. Buckley when he said that he would rather be ruled by the first 3,000 people in the Boston phone book than by the faculty of Harvard University — but the professoriate does tend to be fairly peaceful in terms of actual use of weapons as opposed to other kinds of things. Meanwhile, there are problems of increased use of violence at a lower level of IQ. Ed Crane of the Cato Institute gave me a wonderful quote, which we used in "The Bell Curve." Out of my deep friendship for Ed, I did not cite him as the source of it because Ed doesn't like "The Bell Curve." It goes like this: everyone has a moral compass, but some are more susceptible to magnetic storms than others. I think that captures it exactly right. The equal human dignity of people everywhere within the normal range of functioning is unquestionable. Some are more susceptible to magnetic storms and so what you want is a government of simple rules — simple yes or no; this is right, this is wrong; this we will enforce, this we will not — that deals with the basic crimes. That's all you need, but you do need at least that much. The bell curve and IQ is a genuine problem in trying to do away with any form of government at all. I'll stop there.

Moderator: Thank you. David Friedman?

David Friedman: Unlike Charles, I try to write books all of which are worth reading. [Laughter.] Usually the argument on anarchy vs. minarchy consists mostly of people trying to argue that an anarchist system can't work and other people arguing that it can work. I'd like to take the other side and discuss why limited government is obviously a utopian scheme that cannot possibly work.

To begin with, the supporters of institutions that are supposed to give us governments that respect and protect rights regard all of history as experimental error — we have after all done the experiment a couple of times — and

they believe that if only this time we got it right, if only we wrote the right constitution, or somehow tweaked the system, we could actually get a government which was given a monopoly of the ability to use force on other people and, of course, only use it to protect people's rights. Some of them believe you can do this with the right constitution. I was discussing this with my wife on the phone last night and she said, "Yes, the minarchists have a touching faith in constitutions." And I thought H.L. Mencken put it much better, as he put most things, when he said, "In nothing did the founders of this country so demonstrate their essential naivete than in attempting to constrain government from all of its favorite abuses, and entrusting the enforcement of these protections to judges; that is to say, men who had been lawyers; that is to say, men professionally trained in finding plausible excuses for dishonest and dishonorable acts." [Laughter, applause.]

The fundamental mistake in the minimal government argument is its theory that goverments become abusive because they have the wrong constitution or the wrong philosophy.

The other variant of minarchism is the one held by those who don't think you can do it by writing the constitution right, and think you can do it by only having the right philosophy for the society. This is a view I especially identify with followers of Ayn Rand, a woman whom I greatly admire and frequently disagree with. I spent a number of years as a very active participant on a Usenet news group, where a bunch of the participants are hardcore Objectivists, some of them going all the way back to more or less the beginning of the movement, and one of the striking things was the amount of disagreement on that list. I can point you at intelligent and thoughtful people who consider themselves Objectivists, who believe that they accept the basics of Rand's philosophy, and essentially believe that you are morally obliged to obey the laws of the War on Drugs. I know one such person; he's one of the people on that list I have more respect for, because he at least follows through the logic of his position, which is a sort of a version of a social contract theory. He thinks there shouldn't be a War on Drugs, of course, but that once there is, you are obliged to obey. And there were other people with a wide range of other views — so judging just by my empirical observation starting with a reasonably commonly held philosophy, one whose founder thought it was the solution to the problem of government abuses, you can generate all of the arguments necessary, if you want, to make Mencken's plausible excuses for dishonest and dishonorable acts. To put it differently, the fundamental mistake in the view of the people who believe you can have a long-term, stable, rights-respecting government, is that they think the evidence is all a mistake — that there is no consistent reason why governments behave the way they do, it just happens because sometimes they have the wrong constitution and sometimes the wrong philosophy.

But government behavior is not an accident. If you give people a monopoly over the use of force, like any other sensible people, they will use it in a way that best achieves their ends, and that will very rarely involve protecting individual rights. There is a whole branch of economics called public choice theory which attempts to explain the behavior of governments. And it's not a finished job — there's lots of stuff we can't understand. For instance, I'm a little puzzled that they don't take 99% of our income but rather satisfy themselves with 30 or 40% — well 99% is too high, we'd die, so 94%. But it turns out that if you think through the logic of political systems, including democratic ones, the use of government to transfer money from poorly organized interest groups to well-organized interest groups and in the process take a cut is a predictable outcome. And if you had an Objectivist government and waited a few years for people to think up plausible excuses, it would happen there too. That's a prediction made with some confidence. The idea that the way you restrain people's desire to use force is to give it all to one person was famously argued by Hobbes, and I didn't realize there were that many Hobbesians left in the building.

Finally, observe that the whole minarchist position depends on the idea that though the government can't do a competent job of building automobiles or delivering the mail or producing food, somehow it can design a legal system. This is not the world's easiest problem, I can assure you.

In my view there really is only one solution to government behaving the way government behaves, and that's not to have one. [Applause.] I've spent some time and effort, and I can't do it in a ten-minute introduction, but I address it in "The Machinery of Freedom" — and there are a couple of articles that fill in the gaps that are on my web page, "Anarchy and Efficient Law" is one of them, and "Law as a Private Good" another. I think one can make a pretty convincing argument that if you have a market for law, market forces will not work exactly the same as the ones that work for automobile manufacturing, but they will tend to give you that set of legal rules that maximizes the welfare of people living under the rules. And it doesn't depend on those people knowing what rules do that. You don't have to be an automobile

You don't have to be an automobile engineer for the market to make good cars for you, and you don't have to be a moral philosopher for the market to make good laws for you.

engineer for the market to make good cars for you, and you don't have to be a moral philosopher for the market to make good laws for you. That's the essential point that I think people miss about the whole idea of polylegal systems, market generated law, and so forth.

Now, if I were a utilitarian, as many people mistakenly think I am, I could stop now and say, "All right, the law will maximize human happiness with a few exceptions that I've noted in my footnotes." But since I'm a libertarian and I think liberty works, I think that on the whole, and again no doubt with a few exceptions, if people are free to run their own lives they will generally be happier than if they're not. And I therefore think that the law which, in the jargon of my trade, is economically efficient, or more loosely speaking, maximizes human happiness, is going to be pretty close to the law that libertarians want. And therefore, if you want a free society, ultimately the way to do it is to set up institutions in which the generation of law is a market process, where people have some degree of choice — you can't have perfect choice because the law that applies when you do something to me still applies whichever side of us we look at it from — but you can have a lot of choices and you can have market institutions that then generate law and will give you a tendency to generate the right ones.

There really is only one solution to government behaving the way government behaves, and that's not to have one.

Moderator: Thank you, David. Now, David Boaz.

David Boaz: David makes a good point. Maybe I have to change my mind. [Laughter.]

I do think it is difficult to defend against the argument that governments always exceed the powers that you give them even with the U.S. Constitution, which is about as good a constitution as you can write. We can look back on it and say, we should have included this, and we should have included that; but part of the problem is that they did include many of those things, and so you hear people say, "Well, let's add a constitutional amendment that says 'And we mean it.'" [Laughter.] I don't think that means the Constitution has been irrelevant. I think the Constitution has maintained a largely free society for a long time and that is an accomplishment. The question is whether there would be something that would maintain a freer society for longer.

At the Cato Institute I spend my days making consequentialist arguments for the negative effects of rent control, the positive effects of Social Security privatization, and so on; but the reason I'm there, the reason I'm a libertarian, the reason I work at Cato, the reason I wrote a book, the reason I've devoted my life to this, is a commitment at a much more fundamental level. I didn't study each of these issues and finally come to a conclusion about what works; at some point I think I discovered that at least in political philosophy I pretty much agreed with Ayn Rand, who summarized things that a lot of people believe.

The difference I had with Rand was that she made a tremendous effort to build a philosophical system that only in its final points came to a political philosophy; she believed that it was important to get the metaphysics, the epistemology, the ethics right before you could talk about politics. And this of course was her big disagreement with libertarians: that libertarians believed you could be a Christian, a Jew, a Muslim, a hedonist, an Objectivist, and still arrive at libertarian political conclusions, and, I think, still believe in a rights-based libertarianism.

So, although I've read Rand's arguments, and I've read Christian libertarian arguments, and I've read at least some of Kant, I go back to the way Jefferson put it in the Declaration of Independence: I hold these truths to be self-evident — it's just wrong to initiate force against people who have not initiated force themselves. And there are implications to be worked out about that, but that's really why I'm in this business, because it seems wrong to me to use force against peaceful people. The nonaggression axiom is a formal way of describing that.

What I want is a system that will minimize the initiation of force against peaceful individuals, and to me that means a government that protects us from the initiation of force by parties outside the United States (or whatever country we're in), one that protects against and punishes those who would initiate force within that society, which means some sort of police system, some sort of court system, which it seems to me are categorically different from other goods and services that I want provided. I don't see any reason that because I think government should protect against the initiation of force, it should also provide roads or schools or any of those other services that are sometimes called public goods.

Now, I think if you listen to the arguments that Charles was making, you could say that what you come to is the conclusion that we want to live in a law-governed society. We want to live in a society in which people's desires to initiate coercion against others are gov-

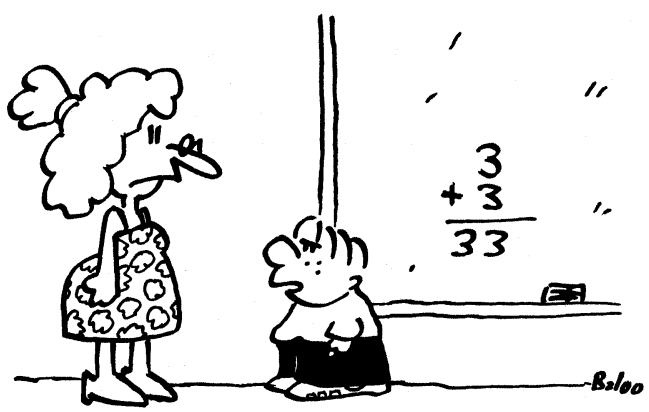

"That's my story and I'm sticking to it!"

erned, are restrained, that there are systems in place to discourage and to punish those kinds of antisocial behavior. The question is whether that necessarily means you need a government, if we define a government as a monopoly on force. We definitely want to live in a society governed by law, but law doesn't have to mean a single monopoly provider, and indeed one of the most profound observations about why we're free in the West is because for so many years we didn't have a single monopoly provider: we had church law, mercantile law, the king's law, the manorial law, the feudal law, all these different kinds of law. Even in a less mobile society, people were able sometimes to choose among them, and that's one of the ways that we got the good law that we generally did get. So making the case for why that law needs to be provided by government is more difficult. I think Rand did a reasonably good job of explaining why the provision of law is different from the provision of other services, but the important thing is that we end up in a society where antisocial behavior, defined specifically as using force against other people, is restrained and punished. I believe that a limited constitutional government is the best approximation that we will get, but it's certainly true that there aren't many historical cases where that's worked well.

Moderator: Thank you, David. I can see that this is a topic on which we want to get a lot of audience participation, and I think we will get it. We're running a little bit long but we have one panelist yet to present, Bill Bradford.

R. W. Bradford: David asked me earlier whether I was an anarchist or not, and the only response I could give was that at Libertarian Party picnics, I always played on the anarchists' softball team. [Laughter.] I got into a long discussion of this with Murray Rothbard once. He asked me how I would describe my political philosophy and I said, "Well, it's ultimately statist." And he asked me to describe what it was, and after a long discussion he told me that he thought my position was more or less tantamount to his own. Murray, of course, considered himself to be an anarchist.

The first issue we must address is what do we mean by government. When I use the term, I use a slight variation of the classic Weberian definition: government is that man or combination of men that are capable of enforcing law within a certain geographical area.

The reason that I have such an ambivalent — I prefer to say, subtle — position is that it seems to me to be impossible to dispense with some core of government and still have a peaceful society. What I mean by that is, whether we have people actively engaged in coercion to enforce rules within a society, we still have people who are capable of doing so if so inclined. When you are in a situation where someone is capable of forcing you to do something, the fact that, for the moment, he chooses not to do so or that he shouldn't do so, doesn't make you substantially freer. So I concluded that government is ultimately not dispensable because as long as we have a substantial number of people peacefully interacting, we're going to have a combination of people who can impose their will.

What I want is a system that will minimize the initiation of force against peaceful individuals.

My response to the question of what government should do is what convinced Murray Rothbard that I was virtually an anarchist. I think that everything a conventional government does can be privatized, except for one: a supreme court, that is, a court that has jurisdiction over competing private courts. If we don't have one, and David and I are in a lawsuit, and I win in my court and he wins in his, and each of our courts goes out and hires private armies to enforce its decision and the private armies fight it out — what we are engaged in is civil war, not civil society.

So I could be accurately described as an advocate of limited government, but not in the usual sense in which governments are limited by constitutions or by judges. I think the only thing that ultimately limits the government's power is public sentiment. That's sort of bad news for some libertarians, those who think that we can just get the right laws in place, and then we'll have a libertarian society. Unfortunately, if the public doesn't support those laws, they won't do much good.

The reason I say that I don't think judges are involved — incidentally, the Constitution doesn't give the federal courts the right to declare laws unconstitutional, they arrogated that right for themselves 20 years later. As I recall, George Washington believed that it was the president's job. And he *was* the first president of the United States, and the president of the Constitutional Convention. He believed that was the function of the presidential veto at the federal level, that his job was to veto laws that he thought were unconstitutional. He also

"Oh, right — well, try jogging in *place*."

thought that Congress should pay attention to the Constitution and not pass laws that were unconstitutional. The notion that the courts were a part of this process is foreign to the Constitution itself. I admit this makes me probably the strictest constructionist there is. If you read the Constitution, you can't find any place in it that says the courts are in this position.

I want briefly to make the case for the proposition that this issue is not as important as it seems. What we're talking about here is end-state libertarianism. We're talking about where the evolution of a free society eventually ends. All libertarians share a certain vision, but we have a wide variety of ideas about how to implement our vision, about how liberty can progress.

It seems to me that it's extremely difficult to envision the advanced state of an incipient process. I'm reminded of the experience of Charles Babbage, an early 19th century British eccentric, who more or less envisioned the computer. The technology didn't exist. Not only wasn't the chip invented, let alone the transistor, let alone the electronic vacuum tube, and electricity was a mysterious little toy at the time, more or less. Babbage envisioned computers being run, as I recall, by a giant network of pipes with valves, and we would be turning valves in different patterns in order to see what the outcome would be. Now there are a lot of engineering problems with this, but it's theoretically plausible. But today, if we look back at Babbage, it's easy to see him as a fool rather than as a visionary. If you start looking at diagrams of how you do this with pipes, it's hard to make more than the most ludicrously simple computer.

I suspect that liberty is in that same stage of development today, and that if and when society progresses toward liberty, the end state is going to be a lot easier to see. Envisioning the way the institutions are actually going to develop and what the final form of society is going to be will be a lot easier at that point than it is now.

Moderator: Thank you. Now ordinarily I would ask everyone on the panel to go around one more time, but I really want to get audience participation. I'm sure that the members of the panel are clever enough to work in any of their rebuttals in response. [Laughter.] So the first person who raised his hand is you:

When you are in a situation where someone is capable of forcing you to do something, the fact that he chooses not to do so doesn't make you substantially freer.

Audience Member: I would much rather have a free-enterprise-competing, profit-seeking insurance company take my freedom than a coercive, non-proprietary socialistic government steal my money in order to protect my property and freedom. Give someone a gun to protect your property, and they can always turn on you. I think that a for-profit insurance company would be less inclined to shoot its customers.

Moderator: Thank you. Who would like to respond? Charles?

Murray: You're right, I'm going to work in my rebuttal immediately and ignore the question altogether. [Laughter.] No, I actually am responding to your question. None of the other three panelists talked about the question, "Given the way human beings are, is this plausible?" I would go to David Friedman first with that. You have to tell me why it is that what you're saying is consistent with what we know about the wiring and nature of human beings. The questioner is saying that if you had this profit-seeking insurance company that could protect your property, and given a lot of other assumptions, you would rather have the insurance company than a government? That's a little bit like the joke about the people stuck at the bottom of the hole. You all know it? Where you have a priest who says, "Let us pray," and somebody else who says something else, and a third person who says, "I'm an economist; first, we assume a ladder." [Laughter.] And that, I think, is the problem of all the assumptions you made — you're assuming a ladder. Any argument about anarchism must be realistic about the nature of human beings. That's a topic I would like to see discussed more.

I think that as society progresses toward liberty, the organization and institutions of a free society are going to be a lot easier to see.

Friedman: We live in a real world; you can observe it. There have been a lot of state-run societies. There have not been any stateless societies in a modern advanced developed system, and that is some evidence that it's difficult to make that work. But if the arguments that people like you are making are as strong as you make them sound, there would be none! And you know the anthropology books are full of stateless societies: the Comanche Indians, for example, had nothing you could recognize as a government. They didn't kill each other very often; oddly enough, they were militarily very effective. Here you've got this bunch of primitives, enormously outnumbered, who stopped the settlement of Texas for 20 years because they were so good at fighting people. That's sort of an extreme case.

Moderator: I'm not sure whose side that comes down on. [Laughter.]

Friedman: But it's a striking observation. The real point I'm making is that one can give a long list of known societies which succeeded in maintaining the enforcement of social rules within them without anything that most of us

would recognize as a government. I can't give you a list of anything very much like modern-day America, which is why when I tried to sketch out institutions, I was trying to think what would such institutions look like in a modern society. But it's not hard to find examples of other ones, and if the arguments against anarchy were really as strong as you're trying to make them sound there wouldn't be any, and we know there are.

Audience Member: I'm afraid that if legitimacy is not accepted by the mass of society, the whole thing will fall apart. Isn't that what it comes down to, legitimacy?

Moderator: David Boaz?

Boaz: Legitimacy is a fuzzy concept. I remember seeing a New Yorker cartoon. A physicist had covered the blackboard with equations that are obviously incomprehensible to us and probably didn't mean anything anyway since it was in a cartoon, and at the bottom it says "And then a miracle happens," and then x equals whatever. I sometimes think that libertarian legal theory sometimes involves that. I've heard people whose constitutional legal theory I respect talk about, we start from private rights, we start from the inherent right of self-defense and of acquiring property; we come together and do this, and then a miracle happens and there's a legitimate constitution. Well, you didn't get unanimous consent. I think we can all assume that you would never get unanimous consent for anything. So what creates the legitimacy? Randy Barnett has a new book trying to argue what creates legitimacy for the Constitution; other people have offered different answers. The fact is that most people in the world regard their governments as legitimate, even the ones as bad as Saddam Hussein's. My impression is, most people sort of grudgingly go along with "That's the government." The ones that are as good as American constitutional government command pretty much unanimous consent, even though we would say they really shouldn't. In a philosophical sense, I think that legitimacy is a serious problem; as a practical matter, I'm not sure that it is.

Moderator: David Friedman.

Friedman: My response requires more time than we have. I ran into this problem when I was about 15. For a while, I followed the policy of obeying all laws on the grounds that though I couldn't see any reason why I was obliged to obey laws, society would fall apart if people didn't, so there had to be a good reason. I eventually noticed that all of my friends thought I was nuts for obeying all the laws. I was the only person I knew who acted that way, and I concluded that in the real world society doesn't depend on people believing that right and wrong are established by acts of Congress, it depends on a legal system which is enough in conformity with peoples' beliefs, and the parts that aren't are enforced strongly enough so that people obey them.

Murder is wrong not because Congress says so, or not because my rights-enforcement agency agrees that it is, but because it's wrong.

My own view of the issue is that the only moral legitimacy laws have comes from their being just. That is, murder is wrong not because Congress says so, or not because my rights-enforcement agency agrees that it is, but because it's wrong. What a stable legal system comes out of, ultimately — and I would say this is true under minarchy and under anarchy — is that it's ultimately a peace treaty. That is to say, we recognize that I have views about what's right and wrong, and so do you, and fighting with each other is an expensive and unpleasant activity, so at some point I say, "Well then, here is a compromise which as a practical matter I'm willing to accept. I believe that some of the laws you're enforcing on me are wrong, and if I could easily get away with breaking them I would, but as a practical matter I'm not going to try to."

There have not been any stateless societies in a modern advanced developed system, and that is some evidence that it's difficult to make that work.

I think the nearest thing to making any sense out of the social contract is the peace treaty, and it's not clear to me that peace treaties have any moral force at all, but they help explain why you've got an orderly structure out there. And when I think about my anarcho-capitalist society, it's tempting to say, "Well, the laws are morally binding because I've agreed to them, because I contracted with this agency, which agreed with your agency as to what the laws between us would be," but the only reason I contracted with it was that I knew I couldn't get what I really thought I had a right to, because I didn't have adequate force to protect the rights I believed I had. So even in the anarcho-capitalist system, the voluntary agreements are made in the shadow of the threat of force if you don't make voluntary agreements, and it's even more true of the state. So I think that moral legitimacy only comes from being morally just, not from any political process, and the practical assent that prevents you from shooting each other comes from your having agreed on workable compromises between what you and I think is just.

Audience Member: Randal Holcombe has argued that there could never be anarchy, there will be a state, because the protection of society business tends toward monopoly. We've got these societies that have all these instruments of force sitting around most of the time. I hope they have an interest, it's in their self-interest to expand their busi-

ness, they're going to use that stuff, and ultimately you're going to have one, and it's called a government. And by at least having classical-liberal limited government, you have a chance of constraining them.

Friedman: It ultimately depends on the economies of scale in that business, that once you have an equilibrium, given the nature of the equilibrium, firms that try to expand by saying "You always have to agree with me or I'll bite you" are going to lose, unless they start out with a large majority. Say you've got 100 agencies enforcing rights. Ninety-nine of them are following the starting rule (I'm describing equilibrium, not telling you how to get there), which is: we've got to agree with each other on private courts that will settle disputes between us and we'll abide by those agreements. We want to keep the reputation for abiding.

And one of them says, "No, I'm always right and I'll shoot you if you disagree." That one agency is settling 100% of its disputes by violence. Every other agency is settling 1% of its disputes by violence. The result is that the one agency has enormously higher costs and delivers a much lower-quality product, because the ability to know that you'll win the case when you're in the right is more valuable than the ability to know you'll win the case if it happens that your agency wins the war; so therefore that agency goes bankrupt.

So in order for your story to be true, the economies of scale in the ordinary business of an enforcement agency have got to keep growing up to close to the extent of the market. If you have an equilibrium with two or three agencies then I think you're in serious trouble, and I wrote that 30-some years ago. That's not anything new that Randal Holcombe has come up with. But I suggested reasons to suspect that the economies of scale in the ordinary business of enforcement agencies didn't go all that high, and that therefore you could expect to have many competing agencies.

But again, the same point I made before, anybody who says it's impossible — not that it wouldn't work in our society this year, which for all I know is true — has to explain historical societies.

Moderator: The woman in the back of the room.

Audience Member: I have a question about Ayn Rand and [inaudible].

Moderator: Could you speak a little more loudly?

Audience Member: I think Ms. Rand talked about the advantages of [inaudible].

Friedman: I'm not an Objectivist. I can't answer that question.

Moderator: That's a question for David Boaz.

Boaz: I'm not sure I heard the question.

Friedman: Isn't there a contradiction between Galt's Gulch being in effect an anarchy with no visible government, and the fact that Rand was a supporter of limited government?

Boaz: Well, that's an interesting question. I guess I'm actually not an expert on Rand, I'm an expert on what people said about Rand. [Laughter.] That's what I've been studying recently. So I'm not sure about that.

I think to some extent, of course, "Atlas Shrugged" is a novel. Her works presented a stylized view of the real world, but were not supposed to be realistic in the sense of truly realistic novels, and Galt's Gulch was a temporary place where people were sort of waiting to go back to the world. However, it is true it appeared to be a functioning society, and perhaps she meant to say that if everyone was like John Galt, then you wouldn't need government, but not everybody is. However, I don't think that would be her answer. I don't think she would say that. So yes, it does seem, at least in microcosm, there's a good question there.

Murray: Just one sentence? Two sentences, maybe? We have to keep scale and size in perspective with all of these issues. Galt's Gulch may very well have worked with its population, Comanche society may very well have worked with its population. But I will give you another example of a government that worked for a long time, and that is Sweden when it was still very small and very homogeneous. I don't think it could have continued to work forever, but in asking about the feasibility of all prospective governmental systems, you have to keep in mind the diversity, the size, the complexity of the society to be governed.

Moderator: Yes, the gentleman in the back of the room.

Audience Member: David Boaz said something like, "We need a limited government to protect us from initiation of force." But I think you have a logical contradiction there because the government, in order to protect you from the initiation of force, starts out by initiating force to fund its own functions. So how can an organization based on a logical contradiction work? [Applause.]

Boaz: Well, I think every government in the world today probably operates on logical contradictions, and they do work at some level. However, I don't think saying that you believe in a minimal government implies that you believe in taxation. Rand addressed this question, not entirely satisfactorily. I don't believe in the initiation of force, and I do think taxes are that. I would, of course,

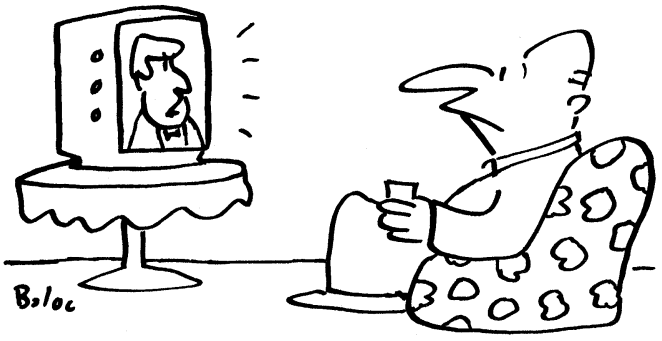

"Hey, don't blame us. You're *watching* this junk, aren't you?"

favor a radically reduced government in size, therefore it would need radically less money than today's governments have. Could that be funded through some sort of voluntary fees on contracts? Maybe something like that.

But I think the suggestion that you need — and I sort of agree with Bill Bradford, that what you're really saying is you need a supreme court. There's got to be some final answer if the other competing legal systems don't come to that answer, you need a supreme court. Doesn't take a whole lot to fund that. National defense, at least in today's world, could be a bigger problem.

Moderator: Let's see if Bill Bradford agrees with you.

Bradford: I'm not sure I do. The taxation issue isn't the only contradiction in Rand. For example, how do you claim exclusive jurisdiction without initiating force? I think that the rise of what I would consider to be the contemporary libertarian movement — namely, people like us — came out of the Objectivist movement, primarily because people read Rand and looked at the implications of her arguments more clearly than she did. They understood that if we're going to have a universal prohibition on the initiation of force, we can't have government, for two reasons. One, government costs, and two, any government, even the government that I advocate that's so tiny that Murray Rothbard maintained it was tantamount to his anarchist society, has to claim exclusive jurisdiction. And you can't get exclusive jurisdiction without being able to enforce that jurisdiction.

Friedman: I think some of these "If there's anything enforcing it, there's got to be a government" kinds of arguments are wrong. I want to imagine a society with people who have a good deal in common with each other, without terribly dense population, the kind of place where everybody's farming his own land and knows most of his neighbors, and there isn't a government. And there are pretty widely shared norms. Lots of societies have norms that aren't created by governments. So what happens is that when somebody does something to someone else that the someone else sees as a rights violation, he could use force himself. But that gets pretty dangerous. So what he does instead is that he goes to somebody in the community who has a lot of respect from his neighbors and says, "Are you willing to arbitrate this dispute?" And the guy says yes. Then he publicly demands that his opponent accept the arbitration of this person, or offer somebody else whom their neighbors regard as a decent arbitrator. And the guy has a choice: either he agrees to that, or he doesn't. If he agrees to that, and the arbitrator rules against him, he again has a choice: he either goes along with the judgment, or he doesn't. If he takes the "not" in either case, if he refuses to arbitrate the dispute with a respected arbitrator or then reneges on the agreement, the victim uses force against him, and the victim succeeds in using force against him because everybody else in the community says, "Aha, this is an honest man who has been wronged, acting against a villain." And when everybody else in the community is willing to help you out if necessary, and unwilling to help him, it turns out you've got a big advantage in using force.

How do you claim exclusive jurisdiction without initiating force?

Now, this mechanism isn't going to work very well for complicated societies. You would need a lot more institutional structure. But I just want to take it as sort of the primitive version of anarcho-capitalism to make the point that in that society, rules are enforced. When you rob people, bad things happen to you. And yet, there is no supreme court. The rule enforcement is a description of an equilibrium coming from the decentralized behavior of a whole lot of different people. And in fact, that kind of norm enforcement, if you think about it for a while, we all live with regard to various norms that are less serious than not killing people.

Moderator: I think that we can take one more short question and response.

Audience Member: Okay, I'm not an economist, but let's say I agree with Mr. Friedman that basically, those agencies that resort to violence to solve their problems will eventually fail. In a different sense the same thing is happening now: Enron cheated, and Enron lost. But Enron got away with it for a while, and what was at stake there was money, but what's at stake here is force.

Friedman: But I think that I'm describing the equilibrium, and sometimes we make mistakes, and sometimes occasionally there may be violence; but after all, in the world we live in, violence happens too: between states and within states. I'm not a utopian. I've never been a utopian. I assume that even in the best institutions we can arrange, rights will sometimes get violated, bad things will sometimes happen. I'm only arguing that a decentralized market approach to the enforcement of rights and the settlement of disputes is likely to result in fewer bad things happening and rights getting violated less often than any of the others. ❑

"Yes, as a matter of fact, I *do* expect you to grovel!"

Absence Makes the Hawk Grow Stronger

by Norman Ball

There is an unscratchable itch in a dark recess of Bush's patrician soul: Vietnam, the war he failed.

By fortuitous circumstance, few have to answer the bugle's call to arms. For this, we are indeed blessed. I am one such grateful non-combatant, too young for Vietnam, too old for Iraq. But there is a group of unconscientious objectors for whom personal bravery seems to sprout with gray hair. These audacious hypocrites promulgate war on the backs of others even though they evaded combat when their own number was called.

Today's Iraq hosts their war.

Wobbly knees are not found only in war; indeed, they can be found in the most innocuous schoolyard tussles or barroom brawls. Example? A fight is on the verge of breaking out, and fisticuffs seem inevitable. One person shrinks back from the conflict and the fight fizzles. Cooler heads have prevailed. But no sooner does the imminent danger pass than the faltering combatant finds his voice and begins screaming "Lemme at 'em! Lemme at 'em!" If he's lucky, there's a cadre of friends to hold him back while he performs his war dance. By this time, his opponent is well out of earshot, something our erstwhile hero has calculated marvelously. In a less enlightened era, such behavior might be called cowardice, camouflaged of course by the face-saving denouement. Such flailing can be suppressed for years until the Oval Office plays host to a Monday morning hero.

Cowardice: in all likelihood, modern psychiatry has a more palatable term, labeled with an acronymic "syndrome," and treated with a happy pill to make everyone feel better about themselves. But in a bygone, preclinical era, ignoble episodes could forever besmirch a man's reputation and honor, causing him to slink away from public life altogether. In fact, a Victorian gentleman could find himself so ostracized that even his psychiatrist would decline his calls. Today, the shamefaced simply aspire to higher office, with an odd political advantage to boot.

America is the land of second acts. But with all due respect to Dr. Jack van Impe and the Rapturists, George W. Bush may be answering to an even higher calling when he talks of being "born again." Forget the hereafter. Bush needed evangelical Christianity so he could face Dad again in the here and now. With the patriarchal breach thus repaired, it was a quick dash to the Texas governorship and then on to the fulfillment of his dynastic birthright.

But make no mistake. There is an unscratchable itch in a dark recess of Bush's patrician soul: Vietnam, the war he failed. Neither Richard Nixon's "peace with honor" nor Billy Graham's one-on-one ministrations could ever absolve such an intensely private abdication. In American political dynasties, private failings often require public extirpations. In Iraq, Bush hoped to find the redemption he had sought for so long.

Iraq is at least partly an Oedipal second act, seasoned

with a dash of Armageddon. It is the boy who, once afraid to jump into the pool, stops the world to redress his initial failure of nerve. WMDs are merely the excuse Bush offers for his second chance at the deep end. You see, the reason was never really the reason. Everything was about jumping in again.

Stopping the world to make Mom swoon means good men and women must die. So let's hope Barbara picks her favorite guy real soon 'cause the troops are stretched thin. On the off chance that Barbara's scouring these pages in search of second opinions about this Freudian impasse, George Sr. gets my vote, hands down.

Frequently labelled a presidential wimp, George Sr. was a bona fide WWII hero. Pardon the Orwellian segue, but everyone knows war heroes are wimps. And if you don't, well, comrade, Room 101 is waiting for you. The recently departed Ronald Reagan, Star Wars aficionado and Cold Warrior, served in the show-biz wing of the WWII effort. This means the closest he ever got to blood was stage ketchup. Of course, the image makers assured us Reagan "exuded strength." George McGovern, decorated (and stoically reticent) WWII B-24 pilot war hero, was decisively painted into the wimp corner by Nixon's burgling band of brothers. John Kerry, decorated war veteran, recently used the unfortunate adjective "sensitive" to describe his philosophy on prosecuting an effective war. Dick Cheney, hawk and draft dodger, seized upon this rhetorical gaffe to reveal Kerry's inherent wimpiness. And let's not recount on a full stomach the character assassination Vietnam paraplegic Max Cleland suffered at the hands of his political opponents, arguably the armchair hawks' most despicable moment. In all manner of battlefields — physical and political — character, or the lack thereof, always reports for duty. My, how the hawks resemble doves and the doves, hawks. But then, war is peace, right, Winston Smith? Or is everyone simply looking like the pigs they are?

It's time to coin a new term: asynchronous bellicosity. Hopefully, the American Psychological Association will see fit to list it as a bona fide mental disorder. The symptoms? The farther a noncombatant retreats from direct personal harm, the more combative he becomes. Conversely, the farther a combatant recedes from direct personal harm, the more circumspect he becomes about sending others into harm's way. Perhaps noncombatants can still bask in war-fantasy glorification while the real-dealers can no longer countenance John Wayne made up as a Green Beret without suffering post-traumatic flashbacks. Whatever the reason, the Home of the Brave is increasingly being governed by the Cowards Who Stayed Home.

Iraq is at least partly an Oedipal second act, seasoned with a dash of Armageddon.

In moral terms, it's a hop, skip, and a jump from a chicken to a corporatist, statist pigeon. So it's fair to ask whether sitting co-President Dick Cheney is acting, first and foremost, as a committed civil servant or as Halliburton chairman emeritus. Can a blind trust swim? I for one can't tell. But I am reminded of Ayn Rand's admonition in "The Roots of War": "The actual war profiteers of all mixed economies were and are of that type: men with political pull who acquire fortunes by government favor, during or after a war — fortunes which they could not have acquired on a free market." Not that I begrudge our fighting men and women their $300 daily meal stipends care of Cheney's old employer. If the troops are truly dining in royal splendor, I'm a happy prole. But no amount of money will turn MREs into haute cuisine.

Whose heart didn't sink when George declined Saddam's pre-war challenge for mano a mano combat? Perhaps he isn't born again after all.

So Iraq is George's second crack at Vietnam, and Cheney's pot of gold. Fortunately for Bush, Vietnam is so far back the Ho Chi Minh Trail of history that not even a stray Viet Cong bullet can hit him now. This means that, despite his rebirth as warrior-king, he'll never be required to rattle his saber from anywhere other than his desk. And whose heart didn't sink when George declined Saddam's pre-war challenge for mano a mano combat? Perhaps he isn't born again after all, and it's the same ol' George, out to save nothing but his skin.

One man's two-act pantomime is another's Waterloo. As a result of George W. Bush's mid-life adventurism, Pat Tillman met his first — and last — war. Let it be noted that, on the auspices of his grim occasion, Tillman rose, deliberately and courageously. The terms we once used were duty and sacrifice. After Pat Tillman's death, the general upper-crust chorus was one of incredulity. After all, here was a young man "with everything going for him." And yet, he "went patriotic," buying the whole God-and-country thing when he could just as easily have bought a fleet of Lamborghinis. Brave? Heroic? Dangerously naive? Avariciously bankrupt? Where was his moral calculator? More alarming still, how did his character manage to cloud his judgment so thoroughly? What a senseless waste of future cashflows! In their musings, the ruling class betrayed contempt and disdain for the sacrifices of the less well-connected. The tenor of the Tillman retrospective was clear: "War is for dead-enders."

Such an extraordinary young man as Pat Tillman could easily have become the progenitor of a fresh new political dynasty. Trouble is, Tillman might not have had the stomach for modern politics. After all, he would have to face a phalanx of reconstructed, recriminating hawks, since (if recent history is any judge) there was every chance of him returning home a committed dove. War has a way of doing that, even to the best of us. ❑

Disabling the Handicapped

by Greg Perry

How the Americans with Disabilities Act kicks away the crutches from the differently abled.

My name is Greg Perry and I am a handicapped man.

I was born with only one leg and a grand total of three deformed fingers. I am currently walking around on an artificial leg although I've had to resort to crutches several times in the past. I've also been confined to wheelchairs before. It all depends on the state of my leg and how I'm doing at the time.

But I'm glad that I was born long before 1990, when a much more severe handicap — the Americans with Disabilities Act (ADA) — was signed into law. If I'd been born afterwards, I would not be writing this. I probably would not be what many consider to be a huge success today. I would not be married. I would be a loser on the government dole.

I am not saying everybody who benefits from the ADA is a loser, but I know myself. I know that in my high school years if anybody had offered me any excuse to get out of work — to get a government paycheck and become a victim — I would have taken it. I was a typical lazy teenager who thought the world owed him; with the incentives offered by the ADA, I would have been willing and able to be as disabled as I needed to be so that I wouldn't have to work for my grades or anything else.

Besides costing every normal person money and grief, the ADA not only increases discrimination against the truly handicapped, it teaches them to be dependent when they could be independent otherwise.

I am not sure that I would even have been born if the Americans with Disabilities Act had been enacted while my mom was pregnant. Some government social worker might have called after my mom's sonogram showed that I would be born with one leg and three stubby fingers and tried to convince her that I would have no shot at a healthy, productive life. That is typical of ADA fans: they often encourage abortion for handicapped children.

My mother was a school teacher, and when I was 4 she did what many public school teachers used to do — she taught me how to read and write. About the same time, my father did what good fathers do — he bought me a baseball, a bat, and a glove. He took me outside and handed me the bat. He then walked away. He turned, told me to get ready, and tossed the ball to me. I used the bat to hit the ball. Then I put on the baseball glove. My father tossed me the ball. I caught the baseball. I threw it back to him.

Obviously, my father was smarter than the psychologists, lawyers, and bureaucrats who make their fortunes off lives crippled by the ADA. My father didn't assume I couldn't hit a baseball. He figured that if I could, I would; and if I couldn't, there were plenty of other things in life to keep me busy. He didn't try to rig some strap contraption to the bat, he just let me see what I could do. If I had needed a strap or some other device, he would have been the first to get it for me. But he didn't start off assuming I needed help. Later, he tossed me a football and I kicked it.

Far! I was an incredible punter growing up. I can imagine today's ADA police ushering my father into sensitivity training for buying his one-legged, three-fingered little boy a baseball bat and football! Wouldn't buying me those harm my self-esteem?

The government schools today teach that a child's self-esteem is the most important part of learning. That seems backwards to me. Being able to read street signs and billboards as your family drives past them when you're 4 years old, or reading books to your neighborhood friends who can't read yet, or hitting a baseball and catching it and running around imaginary bases in your yard — *that* instills a lifetime of self-esteem that otherwise wouldn't have been there. Bear with me for one more example.

When I was 7 years old, my parents bought me a typewriter for Christmas. I imagine today's ADA police might send my parents to prison for buying me that typewriter! What a blow to my self-esteem. Wouldn't buying me a typewriter, considering my digital deficit, be as cruel as, I don't know . . . as buying a 4-year-old one-legged boy a football to kick?

But look at the result of that gift. I am recognized as the most prolific author on earth about a very broad subject: all forms of computer technology. My books about computers have been published by major houses and translated into every major language in the world. Without that typewriter, I would not have taken to the keyboard as I did. My entire career would have been destroyed before it ever began, and almost 100 books wouldn't have been written and sold worldwide. I might very well be a loser today if some ADA psychologist had warned my parents not to buy me such stupid items.

Businesses that built their buildings and storefronts long before the ADA was passed had to conform, no matter the cost. Retroactive laws mean no one can ever count on protection from the justice system. They are unjust, plain and simple.

If retroactivity were the only thing wrong with the ADA, it would be a huge problem — but that's its least important problem. All the other harm it has done is what truly makes it dangerous.

Consider a small-business owner who runs a family-owned coffee shop. He's struggling to survive his first few years just, like any other small-business owner in America.

I can imagine today's ADA police ushering my father into sensitivity training for buying his one-legged, three-fingered little boy a baseball bat and football.

Before the ADA, if anybody came up to his coffee shop's front door on crutches or in a wheelchair, that business owner would have gone out of his way to leave the order counter, help with a menu, and bring items to the table — even if it meant forsaking other customers who were in line earlier — to help that person enjoy a quality experience. Compassion overflows in America when someone *truly* needs help. His assistance would make every other customer in that shop happy, even if it cost them some time.

But after the signing of the ADA in 1990, that business owner was told that he had to change every door, switch, aisle, faucet, toilet, sink, countertop, chair, sign, parking space, ramp, and so on. If he didn't, he would lose his business and possibly go to jail. After being required by law to spend $10,000, $25,000, maybe more than $100,000 to change all those things, the next time that a handicapped person wheels up to the front door, will that business owner view him with compassion, with a desire to help?

How comfortable are you, knowing that the ADA might require the managers of your local pool or beach to hire deaf lifeguards?

Quite the opposite. The owner will view that person with disdain. He will think, "I've been forced to spend as much as $100,000 for you by law — so now you're equal! If you need help, there's a grab bar. Help yourself!"

If you want to help a little old lady cross the street, that's good. It's an act of compassion. But what if a policeman puts a gun to your head and demands that you walk her across the street? That is coercion. Coercion destroys compassion! The more coercion our laws create, the less compassion Americans will have for each other.

We've seen time and time again how welfare teaches family and friends not to help each other. The ADA teaches America not to have compassion.

The ADA was supposed to stop discrimination against the handicapped — but people weren't kicking crutches out from under crippled people before the ADA became law. People weren't pushing folks in wheelchairs into traffic! It took the ADA to bring about discrimination against the handicapped.

I despise the politically correct term *disabled*. I prefer the term *handicapped*. When an alarm system is disabled, it doesn't work. But when a watered-down word such as *disabled* is used instead of the more accurate term *handicapped*, the law can be used against far more people, and far more people can take advantage of the ADA.

Take the dentist who was caught sexually molesting his patients: his defense was that he should be considered disabled under the ADA because he had a compulsion he couldn't help. Even the most unscrupulous lawyer would be hesitant to say the dentist was handicapped because that would be obviously ludicrous. Yet, when he could use the term *disabled*, he could get away with defending the criminal. When you use *disabled* instead of *handicapped*, you've got some wiggle room in the American law system!

If you weren't disabled before the ADA, you are now. You pay higher costs for every single thing you do. You pay as a customer when a business owner makes physical building changes that can cost tens or hundreds of thousands of bucks, or when a business owner is taken to court

under the often false pretense of discriminating against the handicapped. You pay as a taxpayer when the government takes businesses to court for violating the ADA — which happens all the time. You pay both the defendant's and the plaintiff's costs, fees, and damage awards! As an American customer and taxpayer . . . you lose!

The ADA snares employers in a Catch-22. A business owner is not allowed to ask about any disabilities when hiring, and if he doesn't hire someone who is handicapped, that owner faces a discrimination lawsuit. But if he does hire a handicapped person, and the employee needs some costly device to do the job because of the handicap — perhaps something like special amplifying equipment for all the phone headsets — that employee doesn't have to mention that until after being hired! And if the employer refuses, the employee returns with an EEOC or Department of Justice lawyer.

In 1990, I thought about going to Washington to campaign against this farce when Congress was discussing it because I knew it would be horribly misused, cost America far more than estimated, and end up causing more problems for those who were truly handicapped. I decided not to go. I had severely underestimated the ADA; I still kick myself. (And believe me, kicking myself is a challenge!)

A slogan a few decades ago read, "Hire the handicapped!" and it worked. You'd see those signs in the workplace. People actually hired us!

The dumbest business owner in the world is smarter than the smartest person in Congress. And business owners rightly thought, "Hey, if this person has overcome some disability and is capable of doing the job, then this is a person I want to hire! By overcoming adversity, he or she shows a fortitude that goes above and beyond that of normal people without that problem."

But ADA advocates speak out of both sides of their mouths. They tell us that people with disabilities are to be treated as though they have no disabilities. Try building a parking lot without wheelchair ramps and see how they like you treating the handicapped as though they were just like everybody else. The ADA says employers can't ask about the needs of the disabled because this is discriminatory. Then after being hired, the disabled person can bring up a pile of problems — problems that the employer must deal with at considerable expense. How equal is that?

Disability advocates state that you should never mention the fact that a disabled person overcame their disability to do something great. That doesn't make sense to me. Beethoven went deaf, but it didn't stop him from composing some of the greatest musical works ever! But they've scolded me for mentioning that, and said that it's akin to telling a black man that he is a credit to his race — as if they've never used a black or handicapped person to further their own agenda.

What about the world's most famous physicist, Stephen Hawking? He can't walk, he basically can't move his body from the neck down. He can't even talk. The only thing he can do is blow through a straw — and he's used that straw to develop arguably the most important sets of theories in modern physics. But we're not supposed to mention that from the neck down, Stephen Hawking is helpless.

ADA advocates say it's bad to point out these differences. Yet the ADA advocates point out the differences between normal and handicapped people all the time! I'm sick and tired of being reminded that I'm handicapped when I drive down any street, passing 200 wheelchair parking signs on every building, door, and parking lot. According to the ADA police, they can say I'm different but *you'd* better not!

In government schools, disabilities bring big bucks. The more kids they can label disabled, the more money they get

Last supper — The Americans with Disabilities Act has given rise to a lucrative new profession: disability-rights activist. Those included in the ADA's generous definition of *disabled* can cash in by heading down to any local restaurant or retail outlet and measuring all the fixtures and furniture for compliance with the law. If something is amiss — perhaps a paper towel dispenser set a couple of inches too high — then the trip becomes a "humiliating and embarrassing experience," and the basis for a lawsuit and cash settlement.

Jarek Molski, a paraplegic dubbed "The Sheriff" by fellow activists, has made quite a career out of his disability. He has filed several hundred lawsuits against restaurants and wineries in central and southern California, rattling off a litany of complaints that seem to be cut-and-pasted from a "Check all that apply" survey sheet.

Molski's attorney, Thomas Frankovich, claims that his client is merely seeking "access" and opportunities equal to the able-bodied. If that were true, the suits would be dropped once the businesses agreed to make the renovations required for compliance. But Molski invariably seeks compensatory damages of up to $4,000 for every day a business remains open without complying.

So far, two businesses have closed their doors rather than spend the time and money needed to fight Molski's discrimination claims. Roger Patterson, owner of Roy's Drive-in in Salinas, Calif., said he might have been willing to pay the $10,000 required to refit his restaurant, but he knew he couldn't cover the legal fees and damages. Frankovich's response? "If a guy wants to go out of business, then fine, he can go out of business."

Congress is attempting to push through a bill requiring that all businesses accused of ADA noncompliance be informed of their violations and given time to renovate before a suit can be brought, curtailing the ambush tactics of disability activists (at least until a loophole is found). Though the bill may make it harder for activists like Jarek Molski to pursue their gold-digging crusades, it comes a bit late for Roy's Drive-in and the people who for 50 years have gone there for burgers and milkshakes. One hopes that Molski's heart is warmed by the sight of shuttered buildings, with their empty parking lots proclaiming equal treatment for all: now, nobody has access. — *A.J. Ferguson*

from the taxpayers. No wonder they find more and more disabled kids all the time. As they move from phonics to a whole language reading approach, more kids can't read; therefore, they're legally disabled! More bucks flow out of taxpayer pockets into the government school system.

I don't want to be hired out of pity, or because a business that might already be strapped for cash has to meet its government cripple quota.

Teachers no longer discipline students, so many students now have to be drugged into submission. And if a kid needs drugs, he must be disabled. They can use that *disabled* label for so much. If schools were retail stores, *Disabled* would be a key on the cash register.

Linda Shrock Taylor writes about how special-education teachers are often not allowed to transfer special-ed kids into normal classes even when the teachers feel the children have overcome whatever put them there. Why? If special-education kids were allowed to go back into the regular curriculum, the extra money would go away.

Before she married me, my wife Jayne taught special ed for two years. She tells me they wouldn't allow the special-ed kids to take the same standardized tests the other kids took. I'm not big on standardized tests, don't get me wrong, but this is really a gem: they wouldn't allow special-education students to take the tests the normal students took because the school's test average would fall and parents wouldn't want to send their kids to that school.

You must understand that almost every parent thinks that his or her kid's school is the best. Every parent in America says, "Yes, the schools have a lot of problems but *my* kid's school is fine." But the schools know that if they don't hide their special-ed problems, the parents will pull their kids out and the money will stop flowing. This is all done with the ADA seal of approval, by the same people who say that you can't separate handicapped people in *any way* from society.

Political correctness is not just some cute thing from the Left that we can wink at — it can be deadly. Consider the deaf person who recently filed a discrimination lawsuit for not being hired as a lifeguard. The managers of the beach were concerned that the deaf person may not hear screams if someone started drowning or got hurt in the water and others yelled for a rescue. The beach's managers didn't think he would make a very effective lifeguard, but the ADA lawyers that he came back with said: "No, he *will* be your lifeguard." ADA lawyers don't care. To supporters of the ADA, psychologists, and lawyers, life and death issues are less important than justifying their jobs. The next time your kids go swimming, how comfortable will you be knowing that the ADA might require the managers of that pool or beach to hire deaf lifeguards?

It would be wrong for me to tell my neighbor to widen his doors for those times when I'm in a wheelchair, or remove his steps for when I use my crutches — so why is it okay for me to demand that he make all those changes at his street-corner coffee shop? Either way, I am stealing from him! When the government forces him to make changes that he doesn't see the need for, he is being robbed.

If a business doesn't want to change their fixtures to make it easier for me to do business with them, maybe they just don't have the money to do it. Or maybe . . . maybe they are just jerks. Maybe they hate handicapped people. But I don't have to grovel, because the free market offers me someone down the street who wants my business enough to make those changes.

If a company wants to hire me because they figure that I can do the job — even if I cost them extra because of my handicaps — then great, I'd want to work for them. But if they don't want to hire me, fine. If they just don't like me, fine. I don't want to work for them.

I don't want to be hired out of pity, or because a business that might already be strapped for cash has to meet its government cripple quota. I want to work for them as long as they want me to work for them.

Thanks to the ADA, round doorknobs are already illegal in corporate America. But what happens when the ADA is retroactively extended to housing developments? Some residential building codes already require ADA compliance. I personally prefer levered doorknobs to round ones, because I don't have to use both hands to turn them. But I'm not changing the few round doorknobs left in my house even if the government tells me to. *My* house will be the *last* house in America to change its few round doorknobs if required to do so by the government. I look forward to the day when they come and put me in handcuffs for that — I guess they'll have to use some special ADA-approved cuffs because I can easily slip out of regular ones.

What do I want the government doing to help me function better in society? What do I want the government doing to help me be more equal in society? What do I want the government doing to help me have more opportunity than I would otherwise?

Only one thing.

There is one definite thing I want the government to do to help me function better among people who don't have such handicaps — I want the government to get out of my way and leave me alone!

When it comes to businesses, my wallet will bring all the compassion I need.

What do I want Wal-Mart to do so that I have a better shopping experience in their stores? What do I want Wal-Mart to do to make me more equal as a customer who sometimes uses crutches or a wheelchair? What do I want Wal-Mart to do to help me shop where normal people shop?

continued on page 36

Bronx Justice

by Lauren Shapiro

A mother searches for justice in the wilds of the judicial system.

On the front of the New York County Courthouse at 60 Centre Street is an inscription taken from a letter by George Washington to his Attorney General, Edmund Randolph, in 1789: "The true administration of justice is the firmest pillar of good government." But I am in the Bronx Family Court and its facade is not so inspired.

I begin my *pro se* motion: "Please take notice." I pause. I'm not feeling up to the task of speaking for myself to the Appellate Division panel of judges. I look for other voices. "First they ignore you, then they laugh at you, then they fight with you, then you win." Who would ever have thought I'd be relying on Gandhi as a motivational speaker? But my next sentence is inspired: "On the first day of the sixth month at 10:00 in the forenoon, or as soon as it can be heard . . ." I pause again. That's poetry and this time, it's Muddy Waters' voice that I hear: "On the 7th hour of the 7th day of the 7th month." The Law is not without passion.

"The Undersigned shall move this court." I stop. "The undersigned shall move this court?" After a six-year battle in the Bronx Family Court that finally led me to the Appellate Division — a battle for child support, for the custody of my children, against a frivolous neglect charge — I take it literally. I think of fairy tale fortresses. "Open Sesame" were Aladdin's magic words of entry; to get on the Hogwarts Express "all you have to do is walk straight at the barrier . . . don't stop and don't be scared, you'll crash into it, that's very important." Arthur pulled the sword out of the stone and became king of Camelot. Modern legend has mothers lifting cars off their pinned children. I am ready to pass my hands over the candles three times, utter incantations, and stand speechless as the halls of justice open wide for me. The Law is not without magic; or, in other words, the law was written with hope and love and therefrom derives its awesome power.

I wonder why it is only now, after so many years of struggle, that I am having a quasi-religious experience of the law. Like me, the architects of a bygone era must have been in love with the law when they sculpted its awe-inspiring housing.

It is hard to imagine being inspired by either the exterior of the Bronx Family Court where the only appropriate inscription is "No Radio"; or the interior, where I listened to Judge Carol Ann Stokinger decide on a whim that my ex-husband's temporary protection order against me would stand, that there would be no fact-finding hearing, that I couldn't contact my children, that what I have to say "is neither here nor there."

"But," I protested, "my children will think I've done something wrong."

"Well," the judge responded, "tell them you haven't."

(Wasn't she supposed to say something about due deliberation?) I wanted to scream. Such injustice is contempt of court of the worst kind, because it comes from the bench itself.

The Association of the Bar's handbook "How To Complain About Lawyers And Judges In New York City" states: "The judge should maintain order and decorum in the courtroom. The judge should be patient, dignified, and courteous to all people with whom he or she deals in an official capacity." I sent the transcripts accompanied by an affidavit from an immigrant witness to the proceedings, who noted remarkable similarities to justice in the third-world country she had fled, to the New York State Commission on Judicial Conduct, which "upon careful consideration, concluded that there was insufficient indication . . . to warrant further inquiry. . . [and] dismissed the complaint." Apparently there are definitions of "dignified," "courteous," and "decorum" with which I am unfamiliar. I implored the chief administrative judges, the Office of Court Administration, and all my elected officials. They refused to intervene in any way, saying that my only remedy was the Appellate Division. My remedy? But I'm not the one with the disease! And, frankly, we're way past remedy and on to a major miracle cure.

My therapist asks me what I think of the justice system. I paraphrase Gandhi: "I think it would be a good idea."

But now, here, in the Appellate Division, I can feel the spirits of Benjamin Cardozo and Louis Brandeis in the halls. I am ready to trust the legal system and fall in love again, and caught up in the rarefied air of the powerful courthouse, I begin my affidavit, "Verily, I say unto thee . . . ."

Week 1: The Appellate Division motion clerk informs me that decisions on motions take one month and come down on Tuesdays and Thursdays after 1:00 p.m. I find that odd. I consider asking why, but I know it's best to keep a low profile. I imagine trying this at home: I might ask my landlord, "Can I get a cat?" She'd reply, "I only make decisions on Tuesdays and Thursdays." Or at work, I ask the boss, "Can I have the afternoon off?" and he replies "I'll let you know on Tuesday after 1:00 p.m." No, it wouldn't fly. It must be the robes.

Week 5: "Appeal or Motion?" "Motion." "Docket Number?" I give the number. Brief Pause. "Still pending."

Week 6: Pause. Still Pending.

Week 7: Long Pause. Still Pending.

Week 8: Interminably long pause during which my cardiovascular system undergoes measurable changes. Still pending. I ditch my low profile: "Did they lose my motion? Is one of the judges out sick?" I'm transferred and repeat my question.

"No, they're still working on it."

I restrain myself from bursting out with, "Oh, come on, tell me, tell me, tell me — what are they doing, what, what, what?" and instead I say "thank you" in a cold, lawyerly, ulcer-producing fashion.

I speak to I Can Say No More, a lawyer. He says, "The longer they're out, the better it is. The longer it takes, the more likely they're going to reverse. Or, they might be writing an opinion. But, of course, who knows what they're doing up there." The Law works in mysterious ways.

Week 9: Still pending. An opinion from a lawyer friend: they could remind the Administration for Children's Services (ACS) attorney and the father's counsel that it is the function of Counsel to assist and not mislead the Court. They could reassign the case. I speak to the Caterpillar, another lawyer, who reassures me that I will have a better chance of justice here in the Appellate Division because, "unlike the Family Court judges, these judges are there based on merit."

"Well that's a relief." And then it hits me. "What do you mean, 'unlike the Family Court judges'? What's the basis of their appointments?"

"They're appointed based on making large donations to the party, or being a loyal party hack over the years."

"What?"

"A Family Court judge is just a lawyer with friends in high places. The Family Court judges are making life-and-death decisions for you and your children, based on their having licked a lot of envelopes."

"What?"

"And the Bronx is the dumping ground for the judges who get kicked out of other boroughs for bad behavior. You know, like Siberia."

"Did anyone run that by the Bronx Borough president?"

Week 10: Still pending. They must be deliberating whether to disbar the ACS attorney and my ex-husband's attorney for misleading the courts. I talk to Been There Done That, yet another lawyer.

"Did the Family Court judge give you a written decision?" he asks.

"No."

"That's why you really need a good lawyer — because now it's easy for the Appellate Division to dismiss your motion. You should have forced her to give you a written decision."

"How can you force a judge to do anything?"

"Well, what I would have said is, 'I agree with you, Judge, Family Court is the eighth circle of hell, and I can see why you hate it here, I really can, and if you want to quit, any day of the week is fine. Tomorrow's looking good. But, for today, we have a system that requires you to go through a specific, boring, painstaking process called adjudicating the case. And, if I make an application and you say "denied," then I have nothing to bring to the Appellate Division to get reviewed. So for today, I need a reasoned, written decision.' But she, instead of bending over backwards as she should for a *pro se* litigant, took advantage of you."

"Do you practice in Family Court?"

"Nope. I did that when I was younger, when I had ideals — before I had kids that have to be educated. I can't do that anymore. If you think about it, who wants to be a

Family Court judge? Why, if you can make $300,000 a year as an attorney, would you want to make $110,000 a year instead as a Family Court judge? I mean, they're not pondering complicated, deep issues of law. They're usually just bad lawyers who couldn't survive in a good law firm, and don't want to work more than a 40-hour week and who are also wild for power, knowing no one is watching, and no one cares about the litigants who are before them."

"Does the Appellate Division know that?"

"Yes, and they do stand ready to reverse. But I also think that they're overloaded, and that if they can get a case off their docket, they will."

Week 11: Still pending. They must be writing an opinion that disbars the Family Court judge, the ACS attorney, and the father's lawyer; reprimands the Judicial Conduct Committee; and replaces the administrative law judge.

Week 12: I dream that the motion clerk comes to my door with a message from the Appellate Division. But when he hands me the order, it bursts into flames in my hands. I can no longer bear to call the motion clerk from home. If he says "denied," I will jump out the window. I call from a phone booth on Hofstra University's campus, where I play music for a dance class. That way, if my motion is denied, I will be surrounded by the whimsical statues and art and distracted from whimsical judges. I will be reminded that there are law schools filled with students who want to do the right thing, and that I am still living in a beautiful world of dance and music, that I am part of that world, and that that much, at least, remains intact. Although, having experienced the judicial system thus far, I don't even take that for granted anymore. The Blackbird looks at it as luck.

"Some women have bad luck and get breast cancer; some women have bad luck and end up in family court. Either is a painful disease with a long and uncertain cure, and the woman never knows when the malignancy may metastasize. What if someone mistakes me for the perpetrator of a crime? Would I fare any better in the criminal justice system? Could my entire life be destroyed, by the very system that is supposed to be protecting it? Could I one day be on death row because some judge wanted to appear tough on crime? Am I only free because I am lucky?"

"The only reason it's taking them so long to deny it is because you have documentary evidence of misconduct. It's just taking them longer to rationalize denying it."

I talk to Double Agent, another lawyer. He recommends, "If denial of your motion would make you jump out the window, then move to a ground floor apartment so you don't hurt yourself, because they're going to deny your motion. The only time they don't side with the judge is to side with the agency. The only reason it's taking them so long to deny it is because you have documentary evidence of misconduct. It's just taking them longer to rationalize denying it. It's not justice. It's Just Us."

"But they have granted some of my applications."

"As I remember, your trial judge was so extraordinarily stupid she couldn't even get procedural matters right. They never want to look like they're denying due process, but on an issue of substance, they're going to deny it. Or, since this has been going on for six years, and your son is now 16, they'll probably just delay it until he's 18 and they can deny it as moot." He continues conversationally, "In the 18B panel room, we call it the Repel-It Division."

I talk to the Blackbird again. She agrees: "They don't like to overturn Family Court judges. Maybe it's because there's no money involved. I don't know. Or maybe it's like the cops' 'code of silence': they're all judges; they all feel they might make mistakes one day; maybe they think that the Family Court judge might be on the Court of Appeals one day. They all go to seminars and other social functions together. I don't know what it is, but I know they do rubber stamp the Family Court judges."

Family Court judges are making life-and-death decisions for you and your children based on their having licked a lot of envelopes.

"What country are we in? I'm still trying to absorb the fact that the Family Court judge basically won the right to run my life in a political bingo game, and now you're telling me that the Appellate Division won't overturn her because it might be awkward when they're chatting over the cheese dip! And they never have to look me in the face? They never have to look my child in the face? Are they going to deny me now because I'm a troublemaker? Should I use a pseudonym too? Shocked and Appalled would be perfectly non-identifying."

Week 13: Still pending. My therapist asks me what I think of the justice system. I paraphrase Gandhi: "I think it would be a good idea." I go on to explain that I want the Appellate Division to institute an automated answering service — "For Motions press 1, for Appeals press 2. Due to unusually high whim volume, your estimated wait time is approximately six months. Your motion is very important to us. Please call back at that time."

She says she has appointment time available on Tuesdays or Thursdays at 1:00 p.m. so I can call the motion clerk from her office and she can have the smelling salts ready if they say my motion is denied. She mirrors my issue. "So, if they say granted, you're Rosa Parks, Erin Brockovich, Karen Silkwood. And, if they say denied, you're just some jerk who bucked the system."

Week 14: Still pending. Maybe they're hoping I'll just go away.

Week 15: Still pending. I order a T-shirt for Double Agent with a map of the United States overlaid with the inscription "Land of the Free, Certain Restrictions Apply, Void Where Prohibited" on it. Perfect courtroom-wear for today's fashion-conscious iconoclast! He won't wear it

because he might be found in contempt. He says wistfully that, as a *pro se*, I could get away with it. But should I win the booby prize of a trial *de novo* in front of a different judge, it would probably be worse than losing because there's Judges Tweedle Dumb and Dumber.

I relax with my daughter by watching "Ghostbusters." But when the character Winston says something like, "Ray, when someone asks you if you're a god, you say *yes*!" it sounds like legal advice.

Week 15: I call the motion clerk. He recognizes my voice and says, "Hi, how are you? I don't think they got to your case yet. Let me check."

This small display of humanity brings me near tears. I want to ask him: "Am I Rosa Parks, or am I a jerk? Is the justice system a remedy or a cancer? Is there a good reason to be a lawyer beyond paying tuition bills? Is there a government of the people, by the people, and for the people, or is the courthouse just a cash cow for career building? Is justice for sale to the highest bidder? Is the truth of the matter neither here nor there? Was my immigrant friend just as well off at the whim of a Third-World government? Would my own ancestors who came here in steerage have taken the next boat back if they saw this? Is there really a United States of America, and if so, do you need a membership card? Is there Justice or is it Just Us?"

But I don't ask him these things. I ask instead, "Is there a decision?" ❑

Disabling the Handicapped, *from page 32*

I want Wal-Mart to do whatever they think they need to do to keep me as a customer. If they don't want my business, someone else will. Of course Wal-Mart does want my business, and so do most others. The government doesn't have to force them to be compassionate. When it comes to businesses, my wallet will bring all the compassion I need.

I see it as my duty to teach those who are normal how the ADA has harmed them in ways they've never imagined. I want to expose how it's not only the ADA lawyers but also the other professions that are increasing discrimination against the handicapped, and destroying the fabric of America. If I wanted to harm the handicapped, the first thing I'd do is campaign to strengthen the ADA.

There is little hope that a law such as the ADA will be eliminated. It's far easier to drop oil into a bucket of water than it is to do away with the drop of oil once it's in the bucket. But it's time for us to stop rolling over and letting these things happen to us! These kinds of laws must be kept from getting any stronger. We must question every one of them.

And remember: when a law is "compassionate," that means it will cost you money and harm the very people it's supposed to be helping. ❑

Reflections, *from page 16*

An artist named George Maciunas, better known to art historians as the founder of Fluxus, persuaded his colleagues to purchase a whole loft building, dividing the available spaces among them in a co-op. As neither manufacturers nor residential developers wanted these buildings, competing buyers were scarce. For my 1,900 square feet in a building with roughly 50,000 square feet, I paid Maciunas in the low five figures in 1974. Renovating "raw space" to make it inhabitable cost me another low five-figure sum.

At that time, artists residing in SoHo made a move that legitimatized their occupancy while keeping the value of their spaces artificially low. They petitioned New York City to let only "certified" artists reside in the SoHo loft spaces. If you moved out of a co-op, you had to sell to another "certified" artist. Since bourgeois folk could not apply, the prices per residential square foot were artificially cheap.

Eventually, however, some much wealthier nonartists, decided that living spaces with large open spaces were more attractive than apartments with many little rooms. They purchased SoHo lofts, a few posing as artists; some co-op boards accepted them as artists. Once these richer folk could safely purchase them, the value of lofts like mine escalated into the hundreds of thousands of dollars. A few years ago, media mogul Rupert Murdoch paid a few million dollars to purchase the top floors of a building on the other side of the parking lot from mine.

While looking for more space, I came across a similar opportunity of real estate whose value was undermined by the state. The Rockaways is a peninsula on the southern edge of Queens, fronting on the Atlantic Ocean. Once favored by the rich — the sorts of people who a century later would patronize the famous "Hamptons"— it was wrecked by "city planning."

Along the beach were shantytowns of bungalows that were thought to be unsightly. On one section of the Rockaways, Robert Moses, the notorious city wrecker, condemned the bungalows a half-century ago in order to construct a four-lane parkway with a grass island in the middle. Later dubbed "the highway to nowhere," this two mile road never had much traffic.

On another stretch along the beach, the city in the 1960s condemned all housing between the Atlantic Ocean and the elevated train, leaving miles of oceanfront property that, four decades later, is still mostly empty. Where buildings might be, you'll find sagebrush.

Recently I purchased an empty plot, immediately on the other side of the subway, for a price per square foot thought to be cheap, especially for land in New York City. Obviously, if people could build on the other side of the train tracks — if New York City would release oceanfront land to private developers — the price of my property would have been considerably greater. When this Atlantic oceanfront is independently developed, perhaps the value of my new property will appreciate as my SoHo loft did, fetching in a freer market what would be impossible in one restricted by government. — Richard Kostelanetz

Crisis of the Soft-Money Plague

by Garet Garrett

The Panic of 1893 was followed by the bitterest depression in memory. Dozens of big railroads, including the Erie, the Northern Pacific and the Santa Fe, went into receivership. The financial crisis came in the last week of January 1895, when the U.S. Treasury's gold stock, at $20.67 an ounce, fell to $8 million. Here is an account of the crisis from the novel The Driver (1922).

You may define a mass delusion; you cannot explain it really. It is a malady of the imagination, incurable by reason. If it does not lead people to self-destruction in a wild dilemma between two symbols of faith it will yield at last to the facts of experience.

Once the peace of the world was shattered by this absurd question: Was the male or the female faculty the first cause of the universe? There was no answer, for man himself had invented the riddle; nevertheless, what one believed about it was more important than life, happiness or civilization. Proponents of the male principle adopted the color white. Worshippers of the female principle took for their sign the color red, inclining to yellow. Under these two banners there took place a religious warfare which involved all mankind, dispersed, submerged and destroyed whole races of people, and covered Asia, Africa and Europe with tragic ruins. Then someone accidentally thought of a third principle which reconciled those two, and human sanity was restored on earth. All this is now forgotten.

Since then people have been mad together about a number of things — God, tulips, witches, definitions, alchemy and vanities of precept. In 1894 they were mad about money, not about the use, possession and distribution of it, but as to the color of it, whether it should be silver — that is to say, white, like the symbol of those old worshippers of the masculine faculty; or gold — that is, red inclining to yellow, as was the symbol of those who in the dimness of human history adored the feminine faculty.

And as people divided on this question of silver or gold they became utterly delirious. Either side was willing to see the Government's credit ruined, as it very nearly was, for the vindication of a fetish. They did not know it. They had not the remotest notion why or how they were mad, because they were unable to realize that they were mad at all.

I have recently turned over the pages of the newspapers and periodicals of that time to verify the recollection that events as they occurred were treated with no awareness of their significance. And it was so. Intelligence was in suspense. The faculty of judgment slept as in a dream; the imagination ran loose, inventing fears and fantasies. That the Government stood on the verge of bankruptcy or that the United States Treasury was about to shut up under a run of panic-stricken gold

hoarders was regarded not as a national emergency in which all were concerned alike, but as proof that one theory was right and another wrong, so that one side viewed the imminent disaster gloatingly and was disappointed at its temporary postponement, while the other resorted to sophistries and denied self-evident things.

Nor does anyone know to this day why people were then mad. Economists write about it as the struggle for sound money (gold), against unsound money (silver), and that leaves it where it was. Money is not a thing either true or untrue. It is merely a token of other things which are useful and enjoyable. Both silver and gold are sound for that purpose. Their use is of convenience, and the proportions and quantities in which they shall circulate as currency are rationally a matter of arithmetic. Yet here were millions of people emotionally crazed over the question of which should be paramount, one side talking of the crime of dethroning silver and the other of the gold infamy.

All other business having come to a stop while this matter was at an impasse, a truth was effected in this wise by law: Gold should remain paramount, nominally, but the Treasury should buy each month a great quantity of silver bullion, turn it into white money, force the white money into circulation, and then keep it equal to gold in value. Now, the amount of precious metal in a silver dollar was worth only half as much as the amount of precious metal in a gold dollar. Yet Congress decreed that gold and silver dollars should be interchangeable, and put upon the Treasury a mandate to keep them equal in value. How? By what magic? Why, by the magic of a phrase. The phrase was: "It is the established policy of the United States to maintain the two metals at a parity with each other by law."

Naive trust in the power of words to command reality is found in all mass delusions.

The Coxeyites were laughed at for thinking that prosperity could be created by phrases written in the form of law. Congress thought the same thing. It supposed that the economic distress in the country could be cured by making fifty cents' worth of silver worth one hundred cents' worth of gold, and that this miracle of parity could be achieved by decree.

Naive trust in the power of words to command reality is found in all mass delusions.

Anyone would know what to expect. The gold people ran with white dollars to the Treasury and exchanged them for gold and either hoarded the gold or sold it in Europe. In this way the Government's gold fund was continually depleted, and this was disastrous because its credit, the nation's credit in the world at large, rested on that gold fund. It sold bonds to buy more gold, but no matter how fast it got more gold into the Treasury, even faster came people with white money to be redeemed in money the color of red inclining to yellow, and all the time the Treasury was obliged by law to buy each month a great quantity of silver bullion and turn it into white money, so that the supply of white money to be exchanged for gold was inexhaustible.

Wall Street was the stronghold of the gold people. It was to Wall Street that the Government came to sell bonds for the gold it required to replenish its gold fund. The spectacle of the Treasury standing there with its hat out, like a Turkish beggar, was viewed exultingly by the gold people. "Carlisle's Bonds Won't Go," said the New York Sun in a front-page headline on one of these occasions. Carlisle was the Secretary of the United States Treasury,* entreating the gold people to buy the Government's bonds with gold. They did it each time, but no sooner was the gold in the Treasury than they exchanged it out again with white money.

This could not go on without wrecking the country's financial system. That would mean disaster for everyone, silver and gold people alike; yet nobody knew how to stop. The silver people said the solution was to dethrone the gold token and make white money paramount; the others said the only way was to cast the white-money fetish into the nearest ash heap and worship exclusively money of the color red inclining to yellow.

Delusions are states of refuge. The mind, unable to comprehend realities or to deal with them, finds its ease in superstitions, beliefs and modes of irrational procedure. It is easier to believe than to think.

The realities of this period in our economic history, apart from the madness, were extremely bewildering. For five or six years preceding there had been an ecstasy of great profits. The prodigious manner in which wealth multiplied had swindled men's dreams. No one lay down at night but that he was richer than when he had got up, nor without the certainty of being richer still on the morrow. The golden age had come to pass. Wishing was having. The Government had become so rich on duties collected on imported luxuries that the Treasury surplus became a national problem. It could not be properly spent; therefore it was wasted. And still it grew. This time for sure the tree of mammon would touch the heavens, and human happiness must endure forever.

Then suddenly it had fallen. Speculation, greed and dishonesty had invisibly devoured its heart. The trunk was hollow. People were astonished, horrified and wild with dismay. They would not blame themselves. They wished to blame one another without quite knowing how. The casual facts were hard to see in the right relations. Popular imagination had not been trained to grasp them. The whole world was dealing with new forces, resulting from the application of capital to machine production on a vast scale, and there had just appeared for the first time in full magnitude that monstrous contradiction which we name overpro-

* John Carlisle, 1835–1910, was Secretary of the Treasury 1893–1897. A gold man, he supported the repeal of the Sherman Silver Purchase Act in 1893 and worked to retire the Treasury's silver notes.

duction. This was a world-wide phenomenon, but stranger here than in European countries, because this country was newly industrialized on the modern plan and knew not how to manage the conditions it had created; could not understand them, in fact.

As the pain of loss, chagrin and disappointment unbearably increased, the conglomerate mind performed the weird self-saving act of going mad. That is to say, people made a superstition of their economic sins and cast the blame for all their ills upon two objects — gold and silver tokens. Thus what had been an economic crisis only, subject to repair, became a fiasco of intelligence.

As the pain of loss, chagrin and disappointment unbearably increased, the conglomerate mind performed the weird self-saving act of going mad.

The Europeans, all gold people, who had bought enormous quantities of American stocks and bonds, said: "What now! These people are going crazy. They may refuse ever to pay us back in gold." Whereupon they began hastily to sell American securities.

"After all," sighed the London Times, "The United States for all its great resources is a poor country."

In the panic of 1893 confidence was destroyed. People disbelieved in their own things, in themselves, in each other.

Important banking institutions failed for scandalous reasons. Railroads went headlong into bankruptcy, until more than a billion dollars' worth of bonds were in default, and in many cases the disclosures of inside speculations were most disgraceful. United States senators were discovered speculating in the stocks of corporations that were interested in tariff legislation.

The name of Wall Street became accursed; not that morality was lower in Wall Street than anywhere else, but because the consequences of its sins were conspicuous.

All industry sickened. A scourge of unemployment fell upon the land, and labor as such, with no theory of its own about money, knowing only what it meant to be out of work, assailed the befuddled intelligence of the country with that embarrassing question: Why are men helplessly idle in this environment of boundless opportunity?

The Coxeyites thought it was for want of money. So many people thought. They proposed that the Government should raise money for extensive public works, thereby creating jobs for the workless; but the United States Treasury, which only a short time before contained a surplus so large that Congress had to invent ways of spending it, was now in desperate straits. The Government's income was not sufficient to pay its daily bills. However, neither the curse of unemployment nor the poverty of the United States Treasury was owing to a scarcity of money. The banks were overflowing with money, idle money, which they were willing to lend at one-half of one per cent, just to get it out of their vaults. In one instance a bank offered to lend a large amount of money without interest. But nobody would borrow money. What should they do with it? There was no profit in business. There was unemployment of both labor and capital.

Conditions grew worse. There was the shocking disclosure after bankruptcy that one of the principal railroads had deliberately falsified its figures over a period of years.

European investors were large holders of the shares and bonds of this property, and naturally the incident caused all American securities to be disesteemed abroad. Foreign selling now heavily increased for this reason, and as the foreigners sold their American securities on the New York Stock Exchange they demanded gold.

The United States Treasury had survived two runs upon its gold fund, but its condition was chronically perilous and began at length to be despaired of. Gold was leaving the country on every steamer. The feud between the gold and silver people grew steadily more insane and occupied Congress to such a degree that it neglected to consider ways and means of keeping the Government in current funds. Labor, which had been clamorous and denunciatory, now became militant. Reports of troops being used to quell riots of the unemployed were incessant in the daily news. Wheat fell to a very low price and the farmers embraced populism, a hot-eyed political movement in which every form of radicalism this side of anarchy was represented. Then came the disastrous American Railway Union strike, bringing organized labor into direct conflict with the authority of the Federal Government. The nation was in a fit of jumps. Public opinion was hysterical.

Steadily the American giant grew worse in his mind. There were yet lower depths of insolvency. The passion to touch them was like the impulse to collective suicide in the Dark Ages. Bankruptcy ceased to be a disgrace. Hope of profit was abandoned.

It came a time that everyone was thinking of the imminent bankruptcy of the United States Treasury. This delirious event now seemed inevitable.

For several weeks uninterruptedly there had been a run on the Government's gold fund. People were frantic to exchange white money for gold. They waited in a writhing line which kept its insatiable head inside the doors of the Subtreasury. Its body flowed down the long steps, lay along the north side of Wall Street and terminated in a wriggling tail around the corner in William Street, five min-

All the time, unawares, the country grew richer because people worked hard, consumed less than they produced, and stored the surplus in the form of capital until the reservoirs were ready to overflow.

utes' walk away. It moved steadily forward by successive movements of contraction and elongation. Each day at three o'clock the Subtreasury, slamming its doors, cut off the monster's head. Each morning at ten o'clock there was a new and hungrier head waiting to push its way in the instant the doors opened. Its food was gold and nothing else, for it lived there night and day. The particles might change; its total character was always the same. Greed and fear were the integrating principles. Human beings were the helpless cells. It grew. Steadily it ate its way deeper into the nation's gold reserve, and there was no controlling it, for Congress had said that white money and gold were of equal value and could not believe it was not so. The paying tellers worked very slowly to gain time.

The street was congested with spectators, because the officers of the Subtreasury had just telegraphed to Washington saying they could hold out only a few hours more. That meant the gold was nearly gone. It meant the United States Treasury might at any moment put up its shutters and post a notice: "Closed. Payments suspended. No more gold."

Never had the line been so excited, so terribly ophidian in its aspect. Its writhings were sickening. The police handled it as the zoo keepers handle a great serpent. That is, they kept it straight. If once it should begin to coil the panic would be uncontrollable.

Particles detached themselves from the tail and ran up and down the body trying to buy places nearer the head. Those nearest the head hotly disputed the right of substitution. In the tense babel of voices there came sudden fissures of stillness, so that one heard one's own breathing or the far-off sounds of river traffic. At those moments what was passing before the eyes had the fantastic reality of a dream.

The Subtreasury held out until three o'clock and closed its doors once more in a solvent manner. Everybody believed it would capitulate to the ophidian thing the next day. There was no escape. Events were in the lap of despair.

The United States Treasury did not hang out the bankrupt's sign. What happened instead was that President Cleveland in his solitary strength met a mad crisis in a great way. He engaged a group of international bankers to import gold from Europe and paid them for it in government bonds. The terms were hard, but the Government, owning to the fascinated stupidity of Congress, was in a helpless plight. What Cleveland had the courage to face was the fact that any terms were better than none. It was fundamentally a question of psychology. The spell had somehow to be broken. The richest and most resourceful country in the world was about to commit financial suicide for a fetish. All that was necessary to save it was to restore the notion of gold solvency. People really did not want gold. They wanted only to think they could get it if they did want it.

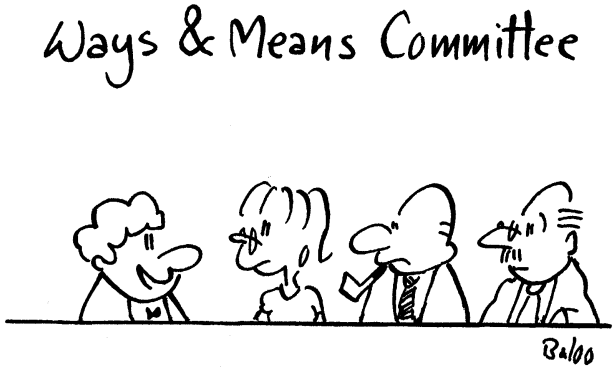

"Well, if consumer confidence is down, doesn't that leave everybody more money to pay taxes with?"

The news of the President's transaction with the bankers, appearing in the morning papers, produced a profound sensation. The white-money people denounced him with a fury that was indecent. Many men of his own political faith turned against him, thinking he had destroyed their party. Congress was amazed. There was talk of impeachment proceedings. Popular indignation was extreme and unreasoning. Mankind was about to be crucified on a cross of gold. The principle of evil had at last prevailed.

Thus people reacted emotionally to an event which marked the beginning of a return to sanity. While the nation raved the malady itself began to yield. That ophidian monster which was devouring the gold reserve began to disintegrate from the tail upward. Presently only the head was left, and that disappeared with the arrival of the first consignment of gold from Europe under the Government's contract with the bankers.

The full cure, of course, was not immediate. But never again were people altogether mad. As the tide reverses its movement invisibly, with many apparent self-contradictions in the surf line on the sand, so it is with the course of events. Between the tail of the ebb and the first of the flood there is a time of slack with no tendency at all — a time of mixed omens, of alternating hope and doubt. Yet, all the time, unawares, the country grew richer because people worked hard, consumed less than they produced, and stored the surplus in the form of capital until the reservoirs were ready to overflow.

In the autumn of 1896 a strange event came suddenly to pass. People were delivered from the Soft Money Plague, not by their own efforts, as they believed, but because maladies of the mind are like those of the body — if they are not fatal you are bound to get well. Doctors will take the credit. The Republican Party won the election that year on a gold platform, and this is treated historically as a sacred political victory for yellow money; the white-money people were hopelessly overturned. But it was wholly a psychic phenomenon still. Why all at once did a majority of the people vote a certain way?

To make a change in the laws, you say. Yes, but there the mystery deepens. Immediately after this vote was cast the shape of events began to change, with no change whatever in the laws. After 1896 the tide began to swell and roar. The law enthroning gold was not enacted until four years later, in 1900, and this was a mere formality, a certificate of cure after the fact. By this time the madness had entirely passed. ❑

Reviews

"The Freedom Outlaw's Handbook: 179 things to Do 'Til the Revolution," by Claire Wolfe. Loompanics Unlimited, 2004, 86 pages.

Hellraising for Dummies

Andy von Sonn

Our Declaration of Independence declares that it is self-evident that we are born free, but nearly everyone, especially those who suffer through our public educational institutions, seems blissfully unaware. No one is born with more rights than anyone else: this is the premise underlying all of our government's "legitimacy." The Declaration says that if government fails to provide conditions for people to pursue happiness in their own ways, the people have a right "to alter or abolish it."

Claire Wolfe uses the label "outlaw" to describe those who take the Declaration as gospel and try to live by it. An outlaw is someone who disobeys an unjust or invasive edict, someone whose personal morality and belief in his sacred right to be free supersedes the rule of government.

The American people, rather than being infused with an understanding of what individual freedom means, are indoctrinated from childhood to the grave to pledge allegiance to a flag — the ultimate golden calf, the false idol.

Considering all the brainwashing people are subjected to, the fact that so many of us make personal freedom our priority speaks well of our maker (God or evolution or however you figure we got here).

If you want your freedom, but you're stuck living in the enormous, garish maze of contemporary collectivist culture — if you are an outlaw — what can you do?

One thing you can do is read Wolfe's "Freedom Outlaw Handbook: 179 Things to Do 'Til the Revolution." This is a manual for surviving and thriving in our topsy-turvy times. It is the Boy Scout Handbook for anyone thirsting for a guide through our present dilemma. It's got philosophy and practical information.

What Wolfe is talking about is living freedom. Talking about liberty — doing this or that project — is important, but unless you are living free, you are missing out.

Wolfe begins with an idea that's both fun and practical. People are always talking about conspiracies led by groups like the Council on Foreign Relations or the Trilateral Commission to control the destiny of the planet. So why not have our own conspiracy of freedom-loving outlaws? "So here's the plan. . . . There is no plan. . . . Our strength is in not being centralized, organized, comprehensible, etc.," she says. "Being disorganized and disorderly and thereby giving every individual a myriad of choices is what freedom does best. So let's do it."

Wolfe describes three types of individuals participating in this conspiracy: the Agitator, who "confronts, demonstrates, challenges, risks arrest"; the Ghost, who "haunts the system, quietly defying, disobeying, planting doubt, monkey-wrenching, and otherwise non-cooperating"; and the Mole, who "works within the conventional structures of society, either doing damage from within or giving support to those who fight for freedom on the outside." These types, she acknowledges, are not mutually exclusive.

The book is filled with fun quotations. My favorite is from the television show "The Prisoner," where the individualistic, freedom-seeking hero would often be chased down by a giant white ball as he was attempting his escape. "I am not a number," he would remind us. "I am a free man!" That idea is important. People don't realize how many of their freedoms they lose merely by cooperating with the government's demands, or how,

bit by bit, they're being turned into drones. As Wolfe writes, "It's too late to work within the system, but too early to shoot the bastards." She divides her plan for the time in between into six chapters.

It's too late to work within the system, but too early to shoot the bastards.

Wolfe begins with "Some Things You Can Quit Wasting Your Time On": basic noncooperation techniques that can help you break free not only from the "system," but from your own dependencies. It's about knowing your rights and giving government as little of your money and personal information as possible. Wolfe suggests you should stop wasting your time on useless gestures like writing letters to your representative, and reassert your freedoms.

She continues with "Better Yet: Active Non-cooperation With Tyrants." Offering the time-tested axiom that "attitude is everything," Wolfe outlines positive steps beyond simple noncooperation to reclaim independence and privacy. She provides the groundwork for understanding how government prohibitions on our behavior are categorized. Actions like murder, assault, and robbery are *malum in se* — obvious, serious invasions of someone else's space. We don't need positive laws to tell us that these acts are inherently immoral. Then there are *malum prohibitum,* a whole different kind of action. These are actions that are prohibited *only* because a statute declares them to be illegal. They are not inherently immoral. Prostitution and smoking marijuana are examples.

In "The Ground You Stand On: Self-reliance," Wolfe writes about forming like-minded communities and voluntary exchange systems as means to survival. This is difficult for Americans, because all U.S. taxes must be paid with federal reserve notes, making it very difficult to live outside the federal system. The personal income tax keeps everyone locked into the system. Allowing the taxman to step in between an individual's means of survival and his dinner table and the roof over his head is clearly not what the Declaration of Independence had in mind.

In "Way Better Than Voting: Agitation for Outlaws," she offers advice "for those who want to publicly stir things up." She urges people to bring down the tyrants, either working alone or in "loose, ephemeral, leaderless alliances." She makes a strong case that gun rights are worth fighting for and that it is essential to support those who refuse to abandon those rights. She provides interesting information on a wide range of government activities including its interest in placing tracking chips in everything from retail products to people.

She goes on to the subject of "Wrenching" — sabotage, or tossing a monkey wrench into the machine. There is information on how to fry those nasty little tracking chips, and lots more fun and mischief, such as fake IDs, fake social security cards, and freeway blogging (redoing billboards or hanging banners on freeway overpasses).

"Chief, I'd like you to meet my faithful White companion . . . "

In "If It Comes Down to That: Someday," Wolfe asks what we will do if the system becomes intolerably oppressive. She identifies several options, ranging from guerrilla resistance to leaving the country altogether. She hopes the political situation won't end in violence, but believes it necessary to be prepared if it does, with caches of food, weapons, and, if possible, a means of exchange like gold tucked away.

Throughout the book, Wolfe tells us what we can do and how to do it, with resource sites on the how-to. She provides websites on almost every aspect of how to take back your life.

It seems so weird, in a way, to review a book about this stuff, but this isn't just some science fiction fantasy starring Arnold Schwarzenegger. Or is it? Where's Fellini when we need him?

People don't realize how many of their freedoms they lose merely by cooperating with the government's demands, or how, bit by bit, they're being turned into drones.

I share Wolfe's hope that it won't ever come to violent confrontations. I can't see myself shooting anyone. In any event, whatever life brings, Wolfe urges us to create community in a 21st century kind of way. We need somehow to link up with one another, to help each other through this life, regardless of the circumstances, regardless of what's going on in the main tent.

I believe it is possible to resolve the problem of government encroachment on our liberties in a peaceful manner. But I share the author's belief in the importance of building communities, no matter what happens.

"179 Things to Do 'Til the Revolution": obviously, I didn't touch on all of them. Wolfe covers a lot of territory. This is fun reading, and extremely practical as well. For now, I'll keep a copy of "The Freedom Outlaw's Handbook" next to my Boy Scout Handbook and hope the revolution never has to come. ❑

"Occidentalism," by Ian Buruma and Avishai Margalit. Penguin, 2004, 160 pages.

Occidents Happen

Eric Kenning

In 1948, Sayyid Qutb, an Egyptian Islamic fundamentalist who became a major influence on Osama bin Laden, visited America and was horrified. All the conversation in New York was about "money, movie stars or car models" (this is no longer the case — car models have been replaced by real estate). He recoiled from the racy clothing, banter, and manners of city women. And a church dance in Greeley, Colo., sent him into shock, as young women abandoned themselves to the seductive rhythms of "Baby, It's Cold Outside." Back in Egypt, instead of simply joining the Brotherhood of People with Unpronounceable Names, he joined the shadowy Muslim Brotherhood, which aimed to establish an Islamic theocracy, becoming its chief theorist and martyr (he did most of his writing in jail before Nasser finally executed him).

Qutb's reaction to New York and its saucy women doesn't seem substantially different from the patented Whore of Babylon reaction of homegrown fundamentalists like Billy Sunday, Billy Graham, or Jerry Falwell. But according to Ian Buruma and Avishai Margalit in this short, ambitious, interesting, and somewhat misdirected book, Qutb and bin Laden don't primarily represent religious fundamentalism, not even a particularly rabid and brutal Islamic jihadist division of it. What they really are is the latest incarnation of "Occidentalism," an anti-liberal, anti-Western ideology that, like a horror-movie vampire, apparently keeps being killed off by the forces of reason and democracy only to rise from its grave and sink its fangs into us again.

Even if Buruma and Margalit are right in thinking that it's Occidentalism that we're up against, which I doubt, we might stand a better chance of zeroing in on it and defeating it once and for all if it had a catchier name. Since *occident* is Latin for *west*, Occidentalism sounds like it should be a pretentious Westernizing movement in non-Western countries. But the authors are academics (Buruma at Bard College in upstate New York, Margalit at Hebrew University in Jerusalem) who feel obliged to turn the tables on "Orientalism," the academically influential 1976 book by Edward Said, which upbraided Western scholars and writers for perpetuating prejudices and stereotypes about the exotic, sensual, puritanical, despotic, languid, warlike, honor-bound, and devious inhabitants of the East.

So Occidentalism would be a set of hostile prejudices and stereotypes about the modern liberal West, where life is mechanical, materialist, calculating, and soulless, reducing everything to standardized mediocrity and numbers, counting heads in democracy, dollars in capitalism. The West is inauthentic and shallow and unheroic, marked by caution and comfort, the ideals of merchants and soft, possession-crazed consumers. Its entertainment is trivial and degrading, its art decadent. But the culture of (fill in the blank with your own authentic country or ethnic or religious group) is organic and profound, rooted in the soil and peasant simplicity and warrior heroism, in religion and honor and ancient custom. It puts spiritual values and art and poetry over money and material comfort, and it is austere and self-sacrificing, despising greed, luxury, and self-indulgence.

The authors demonstrate that this set of contrasting stereotypes was passed on for 200 years more or less intact, like a treasured heirloom or explosive device, from one culture to another, thus refuting (though they don't point this out) its own premise, which is that everything in authentic cultures is deeply rooted in the soil and native tradition. The "Occidentalist" contrast first surfaced in Germany, where most writers and intellectuals had initially welcomed the universalist ideals of the French Enlightenment, just as Frederick the Great welcomed Voltaire to Potsdam. But they began having second thoughts when revolutionary armies and Napoleon's legions seemed to be merely shoving French cultural preferences down German throats, turning what had been an ideal of anti-fanaticism and tolerance into a kind of rationalist jihad.

A church dance in Greeley, Colo., sent Qutb into shock, as young women abandoned themselves to the seductive rhythms of "Baby, It's Cold Outside."

The most intriguing response came from philosophical historian Johann Gottfried von Herder, whom Buruma and Margalit discuss as if he fit their Occidentalist profile, though he doesn't. Herder wasn't a nationalist

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who believed in the superiority of German or any other culture. He was a kind of libertarian traditionalist with, in Isaiah Berlin's words, "his acute dislike for political coercion, empires, political authority, and all forms of imposed organization." He believed that cultures had a specific individuality, and that to understand other cultures (or periods of history) you needed sympathetic imagination, not just facts and analyses. Once you understand them, you see that they're not just defective versions of yourselves. Different cultures should be valued and preserved as great works of art are valued and preserved, for their unique creativity and individuality. If Herder were around today, he'd be a familiar figure, making documentary films about South American rain forest tribal cultures and displaying STOP GLOBALIZATION and FREE TIBET and U.S. OUT OF IRAQ bumper stickers on his Volkswagen.

The authors interrogate their suspects just long enough to get the Occidentalist confessions they're looking for.

But other German writers reacted to the French intrusions with self-congratulatory notions of German metaphysical depth and folkish purity, and the authors' basic Occidentalist template was born. By the mid-19th century it was translated into Russian and taken up by the Slavophiles, who used it against everything to the west of Russia (including Germany) on behalf of the mystical Russian nation and the Russian Orthodox Church. In the 1930s–40s, it was picked up by Japanese nationalists, who used it against everything to the west of Japan (including Russia) on behalf of the sacred imperial mission to purify Asia of imperialism. It can be detected among Maoist Chinese and Cambodian Communists, who used it against everything foreign and capitalist and bourgeois (including Japan) on behalf of communal peasant purity. Finally, the authors think it turned up again among Islamic fundamentalists, who have used it against all infidels (including Communists, but especially Americans and Israelis) on behalf of an ideally purified, back-to-the-7th-century Islamic community.

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Because "Occidentalism" is arranged by touchstone themes ("The Occidental City," "Heroes and Merchants"), not chronologically and historically, Buruma and Margalit dart back and forth between cloudy Germans and gloomy Russians and fervent Japanese and robotic Maoists and rancorous Arabs, leaping whole continents and centuries in a single bound. It's a method good for turning up similarities, not so good for respecting differences. They don't spend enough time with anyone to register differences. They interrogate their suspects just long enough to get the Occidentalist confessions they're looking for.

So they're happy to find an Arab here and a Persian there who picked up the Occidentalist script during a Western education or while browsing in translated European novels. They don't ask if Qutb or bin Laden ever heard of these European ideas, let alone whether they were more influenced by them than by their interpretations, warped or not, of the Koran and its doctrine of jihad. They don't concern themselves with the differences between militant Islam, which even at its narrowest and nastiest has no theory of racial or ethnic superiority, and German National Socialism and Japanese militarism, which did, or the differences between apostles of cultural diversity like Herder and frothing xenophobic nationalists. And apart from a brief mention of Tocqueville, they don't acknowledge how many of the Occidentalist criticisms of the alleged soulless commercialism and artless mechanical monotony of modern life, the loss of heroism or individuality or spiritual depth, were echoed by eminent writers and artists who were living in liberal Western societies.

By not assessing what might be called the (more or less) loyal imaginative opposition in Western societies, the authors risk making their schematic division, "the West" versus "Occidentalism," a George W. Bush-caliber "You're either with us, or you're with them" Manichaean proposition (which they say they want to avoid). William Blake saw "marks of weakness, marks of woe" on every face in every London street, and Frank Lloyd Wright hated congested modern cities and sought a spaced-out organic architecture that would do away with them. So were Blake and Wright (or the agrarian idealist Thomas Jefferson) Occidentalists trying to stamp out "The Occidental City"? Wordsworth lamented the "getting and spending" treadmill of modern life, Thoreau and Whitman and William James denounced their fellow Americans for their cult of money and possessions and success, English writers like John Ruskin, William Morris, G.K. Chesterton, and Hilaire Belloc sought some version or other of the organic, craft-guild society of the Middle Ages, and the southern American writers known as the Fugitives, like Richard Weaver, John Crowe Ransom, and Allen Tate, were nostalgic for traditional poetry and agrarian virtue. None of them had the hellbent fanaticism of what Buruma and Margalit call Occidentalism, the willingness to use total state control and total war to dismantle liberal modernity, but they sounded some of the same notes (as did, more vehemently, D.H. Lawrence, or Continental writers like Nietzsche, Dostoevsky, and Tolstoy). The authors are trying to define Occidentalism by theme, and it doesn't quite work.

Cultures are always eclectic, platypus-like creatures, patched together out of trade and religious conversion and curiosity and envy and aesthetic imitation.

They might have had better luck by writing a book not about a recurrent polemical contagion among incompati-

ble fanatics called Occidentalism but about the pathological political-religious quest for purity in modern life. It's something that religious fundamentalists and xenophobic nationalists have in common: the pursuit of a mythic purity of origins. Extreme nationalists, Nazis, fascists, Maoists and other devout Marxists, fundamentalists, and the more deranged sort of environmentalists are all obsessed with purity (the original purity of race, nation, peasant life, primitive communism, undefiled nature, etc.). Democracy and market capitalism are very human, which is to say very messy, muddled, competitive, compromising, inconsistent, and impure. Religious fundamentalists have deluded notions about the pure divine origins of their religions, which actually always begin as amalgams of previous religions, myths, and superstitions. The "Occidentalist" subjects of this book had a deluded notion of the organic purity of culture. Cultures are always eclectic, platypus-like creatures, patched together out of trade and religious conversion and curiosity and envy and aesthetic imitation. Cultures throughout history have tended to leak like sieves and absorb like sponges. Even Tibet, isolated by the highest mountains in the world, got its Buddhist religion from India, some of its customs and costumes from China, and its lama system from its 17th-century political and religious Mongolian connections. When threatened by the scientific skepticism and pluralism and market-driven innovations of liberal modernity, traditional societies, institutions, and religions, along with assorted idealists and crackpots, seem to retreat into myths of purity. There's a book to be written about it, and it might have been this book, if it had been a little longer and deeper. ❑

"Pattern Recognition," by William Gibson. G.P. Putnam, 2003, 356 pages.

Coolhunting and Conundra

Jeff Riggenbach

Cayce (rhymes with "ace") Pollard, the 32-year-old ace marketing consultant and heroine of William Gibson's seventh novel, "Pattern Recognition," has a rare skill to offer the advertising agencies and design firms that make up her clientele. "Google Cayce," Gibson writes, "and you will find 'coolhunter,' and if you look closely you may see it suggested that she is a 'sensitive' of some kind, a dowser in the world of global marketing" (2).

And so, in a manner of speaking, she is. She has, in the past, engaged in quite a bit of "actual on-the-street coolhunting," whereby she is "dropped into neighborhoods like Dogtown, which birthed skateboarding, to explore roots in hope of finding whatever the next thing might be" (32). "Cayce has spent hours here . . . looking for little jolts of pure street fashion to email home" (37). And though she's now in London on a totally different sort of assignment for a cutting-edge ad agency called Blue Ant, "she still has clients in New York willing to pay for a Cayce Pollard report on what the early adaptors in this crush [on the sidewalks of Soho and Piccadilly Circus] are doing, wearing, or listening to" (38). "It's about a group behavior pattern around a particular class of object," she tells a hopeful young designer of hats at one point in the novel. "What I do is pattern recognition. I try to recognize a pattern before anyone else does" (86).

In this, of course, she is no different from anyone else in the marketplace. In this, she is only human. As F.A. Hayek noted in his 1964 essay "The Theory of Complex Phenomena," " [H]owever urgently we may want to find our way in what appears just chaotic, so long as we do not know what to look for, even the most attentive and persistent observation of the bare facts is not likely to make them more intelligible. . . . Until we have definite questions to ask we cannot employ our intellect." And, of course, "[q]uestions will arise at first only after our senses have discerned some recurring pattern or order in the events. It is a re-cognition of some regularity (or recurring pattern, or order), of some similar feature in otherwise different circumstances, which makes us wonder and ask 'why?' . . . It is to this trait of our minds that we owe whatever understanding and mastery of our environment we have achieved."

Nonetheless, Hayek reminds us, this trait of our minds is not without its drawbacks: "Marvellous . . . as the intuitive capacity of our senses for pattern recognition is, it is still limited." For one thing, "[o]nly certain kinds of regular arrangements (not necessarily the simplest) obtrude themselves on our senses. Many of the patterns of nature we can discover only *after* they have been constructed by our mind" (23–24). For another, there are problems so complex that no one mind can solve them, no matter how formidable its powers of pattern recognition. As Hayek noted in his celebrated 1945 essay, "The Use of Knowledge in Society," "The peculiar character of the problem of a rational economic order is determined precisely by the fact that the knowledge of the circumstances of which we must make use never exists in concentrated or integrated form but solely as the dispersed bits of incomplete and frequently contradictory knowledge which all the separate individuals possess. The economic prob-

lem of society is thus . . . a problem of how to secure the best use of resources known to any of the members of society, for ends whose relative importance only these individuals know. Or, to put it briefly, it is a problem of the utilization of knowledge which is not given to anyone in its totality."

No one mind can grasp the pattern of the entire economy — if only because that pattern is constantly changing, constantly evolving. In another sense, then, as Hayek observes, "the economic problem of society is mainly one of rapid adaptation to changes in the particular circumstances of time and place." For "[t]he continuous flow of goods and services is maintained by constant deliberate adjustments, by new dispositions made every day in the light of circumstances not known the day before, by B stepping in at once when A fails to deliver" (83). And people who recognize patterns before anyone else does can do very well for themselves in the marketplace by knowing before anyone else exactly what adjustments need to be made. Entrepreneurs are such people. They recognize patterns no one else sees, enabling them to launch successful new enterprises. Others are successful radio or television programmers, cutting-edge theatrical or musical booking agents, and efficient buyers for retail stores. And then, of course, there are the professional marketers, like Cayce Pollard.

Cayce is dropped into neighborhoods like Dogtown, which birthed skateboarding, to explore roots in hope of finding whatever the next thing might be.

As the action of "Pattern Recognition" begins, sometime in the early 21st century, Cayce has been flown to London by Blue Ant to evaluate a proposed corporate logo for one of the agency's largest clients. Cayce has a special sensitivity to logos. "Her talents," which her boss at Blue Ant "calls her tame pathologies, had carried her along, and gradually she'd let them define the nature of what it was that she did. She'd thought of that as going with the flow, but maybe, she thinks now, it had really been the path of least resistance" (94). But of course going with the flow is following the path of least resistance. And this is precisely what is required of everyone who seeks success in the marketplace: to find one's niche, to find the place where one's natural talents or acquired skills best take the sting out of the slings and arrows of outrageous competition, to identify one's comparative advantage. Cayce serves "as a very specialized piece of human litmus paper" (13). Taking a look at the proposed logo, "[s]he knows immediately that it does not, by the opaque standards of her inner radar, work. She has no way of knowing how she knows" (12).

Cayce is reminiscent of the character John Strapp in "Time Is the Traitor," an Alfred Bester science-fiction story set in the world of business. Bester is an acknowledged influence on Gibson's writing, and Strapp, like Cayce, has a rare ability to synthesize knowledge in ways few others can. He makes "Major Decisions" that are "87 percent correct." But Aldous Fisher, Strapp's liaison man, notes, "[h]e doesn't know how he does it. If he did he'd be one hundred percent right instead of eighty-seven percent. It's an unconscious process." Cayce likewise "has no way of knowing how she knows." Nor is either of their situations unique. Bester wrote in his introduction to a 1976 reprinting of the story (which was originally published in 1953) that he did his own work in the marketplace without understanding fully how he did it. "I don't coolly block a story in progressive steps like an attorney preparing a brief for the supreme court," he wrote. "I'm more like Zerah Colburn, the American idiot-savant, who could perform mathematical marvels mentally and recognize prime numbers at sight. He did it, but he didn't know how he did it. I write stories, but as a rule I don't know how I do it."

Hayek would say, I believe, that this is merely one of millions of examples of the phenomenon of what, in his 1962 essay "Rules, Perception, and Intelligibility," he called "the capacity to act according to rules which we may be able to discover but which we need not be able to state in order to obey them." He writes that "[t]he most striking instance of the phenomenon is the ability of small children to use language in accordance with the rules of grammar and idiom of which they are wholly unaware." But "[t]he phenomenon is a very comprehensive one and includes all that we call skills" — skills like judging corporate logos, making Major Decisions, writing fiction, or, as Hayek notes, "[t]he skill of a craftsman or athlete." Skills are also what each of us has to sell in the marketplace.

Most of us have avocations as well as vocations, however; most of us desire a life after work. Cayce Pollard is no exception. In her off-work hours, Cayce is a "footagehead." It's been going on for a few years now: video files, 135 of them so far, all of them very brief, fragmentary, incomplete, but all clearly related to each other, have turned up on the Internet. It is impossible to figure out where any of the files came from. The footageheads try to figure out what the fragments are part of. Are they fragments of a "work in progress? Something completed years ago, and meted out now for some reason, in these snippets?" Even after incessant discussion and analysis, the fragments "have yielded no period and no particular narrative direction" (24).

Gibson has an irrefutable claim to being one of the top living writers of fiction in English.

The footageheads congregate on email discussion lists. Parkaboy, one of Cayce's best friends on the list she hangs out on most frequently, "is de facto spokesperson for the Progressives, those who assume that

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the footage consists of fragments of a work in progress, something unfinished and still being generated by its maker." The other school of thought, the Completists, "a relative but articulate minority, are convinced that the footage is comprised of snippets from a finished work, one whose maker chooses to expose it piecemeal and in nonsequential order" (46–47). Whichever school of thought you belong to, Parkaboy "says you should go to new footage as though you've seen no previous footage at all, thereby momentarily escaping the film or films that you've been assembling, consciously or unconsciously, since first exposure. *Homo sapiens* is about pattern recognition," he says. "Both a gift and a trap" (22).

A trap of an entirely different sort closes on Cayce when she accepts an offer from Hubertus Bigend, the "thirty-something boy genius" and cutting-edge advertising executive who brought her to London in the first place to evaluate the redesigned logo. Bigend is philosophical about his work; he's given it careful thought and reached insightful conclusions. "Far more creativity, today, goes into the marketing of products than into the products themselves," he tells Cayce over drinks one evening. "That is why I founded Blue Ant: that one simple recognition." Bigend also knows exactly what he's after in his future work — a new level of subtlety. "I want to make the public aware of something they don't quite yet know that they know," he tells Cayce, "or have them feel that way. Because they'll move on that, do you understand? They'll think they've thought of it first. It's about transferring information, but at the same time about a certain lack of specificity" (63). In a way, of course, that's exactly what the footage does. Bigend recognizes this and asks Cayce to find the maker of the fragments.

With certain misgivings, Cayce takes the assignment. And in short order, her borrowed London flat is burgled, her phone is tapped, and her email is hacked. Then, while in Tokyo following a promising lead, she's assaulted on the street by someone who desperately wants her notes and her recording of an interview with a new source. Clearly someone takes her quest for the footage maker's identity very, very seriously and intends to stop it.

In working out the details of this story, Gibson demonstrates all the same narrative ingenuity and command of language that have consistently marked his work since the publication of his revolutionary novel "Neuromancer" twenty years ago. Gibson has long since staked out an irrefutable claim to being one of the top living writers of fiction in English. Now, this South Carolina native (who fled to Canada to escape the Vietnam-era draft and ended up staying there) has written the first realistic novel of international business that might be said to be informed by an Austrian perspective.

Gibson is not, to be sure, the first fiction writer to present one sort of pattern recognition or another as a key element in the world of business. Rod Serling (1924–1975), another writer with major ties to the world of science fiction, recognized another part of the role pattern plays in commerce back in 1955, when Gibson was only 7 years

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old. In that year, Serling's play "Patterns," a depiction of a power struggle at the highest level of a large corporation, was produced on the "Kraft Television Theater." A year later, as a result of its brilliant success on TV, it was adapted as a major motion picture starring Van Heflin, Everett Sloane, and Ed Begley.

Walter Ramsey, "[a] tough, icy, predatory but honest corporation head . . . [i]n his early sixties," has hired a younger man, Fred Staples, to replace an older executive, Andy Sloane, who dates back to the days when Ramsey's father founded and built the company (43). In Ramsey's view, Sloane is hopelessly old-fashioned and sentimental about doing business. When Sloane objects to the idea of delaying the company's purchase of a former competitor's plant, pointing out that "six months with improper maintenance of equipment" and throwing "two hundred men . . . half the working force of the village" out of work for half a year will mean significant "[l]oss of good will" for the firm, Ramsey makes no effort to conceal his exasperation. "If you'll forgive me for interrupting," he fumes, "it also means a savings of a quarter of a million dollars in the purchase price"(58).

This is the first realistic novel of international business informed by an Austrian perspective.

Staples confronts Sloane about his apparently shaky position in the firm and expresses concern that Sloane might be fired. Sloane tells him, "Ramsey wants me to resign. He wants me to get my craw so full I'll forget what his father meant to me, what this great company has meant to me, that I'll chuck it all and pull out. He thinks he can make me miserable enough to do that."

"You take it," Staples observes.

"Sure," Sloane replies, "I'm the kind who does. The kind who gets into a rut and feels desperate about the job. The kind who gets used to a big salary and decides it's more important than his pride. . . . The chain that binds. Habit. Pattern" (67–68).

The American poet Amy Lowell (1874–1925) knew this as long ago as 1915, when her famous poem "Patterns" first saw publication. The unnamed young woman who is the main character and narrator of this dramatic monologue reflects, as she "walk[s] down the patterned garden-paths," on the recent death of her lover, a military officer in World War I. Her "dress is richly figured, / And the train / Makes a pink and silver stain / On the gravel." Only that morning she had received the official letter informing her that her fiance had been killed in battle. Then,

> . . . I walked into the garden,
> Up and down the patterned paths,
> In my stiff, correct brocade.
> The blue and yellow flowers stood
> up proudly in the sun,
> Each one.
> I stood upright too,
> Held rigid to the pattern
> By the stiffness of my gown.
> Up and down I walked,
> Up and down.
> In a month he would have been
> my husband.
> In a month, here, underneath this
> lime,
> We would have broke the pattern;
> He for me, and I for him,
> He as Colonel, I as Lady,
> On this shady seat.

But it is not to be, and she resigns herself to the facts.

> In Summer and in Winter I shall
> walk
> Up and down
> The patterned garden-paths
> In my stiff, brocaded gown.
> The squills and daffodils
> Will give place to pillared roses,
> and to asters, and to snow.
> I shall go
> Up and down,
> In my gown.
> Gorgeously arrayed,
> Boned and stayed.
> And the softness of my body will
> be guarded from embrace
> By each button, hook, and lace.
> For the man who should loose me
> is dead,
> Fighting with the Duke in
> Flanders,
> In a pattern called a war.
> Christ! What are patterns for?

This is a question to which Serling's Ramsey knows the answer by the time the curtain goes down on the third and final act of "Patterns." For though he still believes that there is necessarily some sort of conflict between morality and profits (73) — Ayn Rand, unfortunately, was not on hand to explain that profits are one of the moral high points of human life — he *has* learned that he cannot dispose so easily of Andy Sloane's devotion to decency, compassion, and the maintenance of goodwill among suppliers, customers, and employees: a proven path to long-term, rather than merely short-term profits. Ramsey has learned that his new recruit, Fred Staples, is just as concerned about long-term profit as Andy Sloane had been, and that if he wants to benefit from Staples' genius at sales, he will have to accept the younger man's sense of business ethics as part of the package. In effect, the market has imposed Andy Sloane's pattern on the company, whether Walter Ramsey likes it or not.

By the end of Gibson's tale, Cayce Pollard, too, knows the answer to the question, "What are patterns for?" She already knew that patterns have their uses. But she learns more as a result of an email she sends in a crucial scene on one of the "reddish gravel . . . paths" in London's Kensington Gardens. The response leads her, ultimately, to recognize the pattern — and identify the creative intelligence — behind the footage.

Cayce Pollard knows what patterns are for. So will you, once you've read her story. ❑

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"The Motorcycle Diaries," directed by Walter Salles. Focus Films, 2004, 126 minutes.

Ernesto Goes to Peru

Jo Ann Skousen

"Life is just school, vacation, school, vacation, and then it's work, work, work till you die."
— C. S. Lewis

Somewhere between school and work, American students often take one last unfettered vacation, comprising several weeks of backpacking through Europe, sleeping in youth hostels, eating little, and experiencing much, before returning to their middle-class roots and full-time careers. In the summer of 1952, Ernesto Guevara de la Serna (Gael Garcia Bernal), a young Argentine medical student, set off on a similar adventure around South America with his friend, biochemist Alberto Granado (Rodrigo de la Serna), before the two were scheduled to begin their duties as doctor and pharmacist in a leper colony in Peru. "The Motorcycle Diaries" is a recreation of that journey, based on the diaries and letters the two wrote during the trip.

The most majestic part of the travelogue is their arrival in Machu Picchu, where they lounge within the walls of the fabled city virtually alone.

Although the story is rather slow moving, as a film about a road trip, it's a fine piece. The filming is deliberately amateurish, almost like a home movie at times, reflecting the ramshackle nature of their trip: no money, no food, and before long, no bike. Dusty villages and dustier townspeople are portrayed with a straightforward honesty, particularly in the Peruvian leper colony where the two find work. The most majestic part of the travelogue is their arrival in Machu Picchu, where they lounge within the walls of the fabled city virtually alone, their reward for the lung-wrenching mountain climb. This is a road trip at its finest.

Ultimately, of course, this is not a film about a summer vacation, but about the birth of a revolutionary. Loading their motorcycle (dubbed with the hopeful but woefully inaccurate moniker "The Mighty One") like a pack mule, Ernesto and Alberto set out on a journey toward manhood and enlightenment. The motorcycle crashes frequently, spilling their possessions along the road until they have only the goods they can carry on their backs. This seems to symbolize Ernesto's divesting himself of his middle-class goals and values and even his mother's name; by the end of the journey, he has become simply "Che" Guevara (a name teasingly applied to him by a Chilean girl making fun of his Argentine accent). Moved by the poverty and injustice he observes throughout South America, and perhaps motivated even more by his upper-class girlfriend's rejection, he leaves the leper colony to fight for a "United America," eventually becoming a leader of the revolutions in Cuba and Bolivia, where he would be assassinated "with the approval of the CIA."

Every screening at the theater I attended was sold out opening weekend, even in the early afternoon. The closing credits were greeted with cathartic applause for Che's heroic martyrdom in bringing justice to Latin America. Ironically, this applause came from upscale Manhattanites — the sort of people Che fought to overthrow. Perhaps their enthusiasm came from the fact that we only saw the embryonic Che — the compassionate young doctor removing his rubber gloves to show the lepers he was their equal; the faithful young lover jilted by his wealthy girlfriend; the kind young man who gives his only dollars to a poor communist family. But I was nonplussed by the applause. Is it any more "just" to wrest lands and homes from the wealthy than it is to take them from the poor? Let's compare the beauty and vibrancy of pre-Che Havana with the poverty and erosion of modern Havana to judge the effectiveness of Che's revolution. As Winston Churchill once said, "The inherent vice of capitalism is the unequal sharing of blessings; the inherent virtue of socialism is the equal sharing of miseries." I'll take the injustice of capitalism over the justice of socialism any time, knowing that I have the opportunity to increase my share of the blessings by my own work and innovation. I will never favor bringing someone down to my level, just to keep us equal.

Che's politics are kept to a merciful minimum, seen only through the innocent eyes of an idealist awakened to the problem, before he has hit upon his brutal solution.

Nevertheless, "The Motorcycle Diaries" is a movie worth seeing, if only to view the mystical peak of Machu Picchu rising above the grandeur of the Quechuas' ruined city, before cruise-ship tourism made the fabled mountain hideaway as accessible as a theme park. Che's politics are

kept to a merciful minimum; we observe the elitist snobbery of his girlfriend's family and the desperate plight of the poor displaced workers, but it is through the young and innocent eyes of an idealist awakened to the problem, before he has hit upon his brutal solution. It is also an opportunity to muse on how many lives might be different today if Che Guevara had decided to remain in Peru, quietly and humbly caring for the lepers he was trained to heal, instead of leading a murderous revolution in foreign lands. □

"Grant Comes East," by Newt Gingrich and William Forstchen. St. Martin's Press, 2004, 404 pages.

After the South Took Gettysburg

Lance Lamberton

One of the most debated subjects in American history is what would have happened if the South had won at Gettysburg. Most students of history speculate that Lee's march on Washington would have been all but a *fait accompli*.

In "Gettysburg," Newt Gingrich and William Forstchen paint a vivid and plausible picture of how the South might have avoided Pickett's suicidal charge, and outflanked, enveloped, and all but annihilated the Army of the Potomac. On the last page of "Gettysburg," Lincoln sent a telegram to Grant, making him Supreme Commander of all the Northern Armies, and ordering him back east to create a new army to pick up where the Army of the Potomac left off.

Thus the stage is set for the sequel, "Grant Comes East," in which Gingrich and Forstchen say to those who assume that a victory at Gettysburg would have meant Southern independence: "Not so fast." The North's industrial capacity would have remained intact. They had the ability (if not the will) to raise another army at least twice the size of the South's, this time under an able commander. Washington was the most heavily fortified city in the world. And it would be a mistake to underestimate the steely resolve of Lincoln to subjugate the Confederacy, regardless of cost.

What makes the novel compelling is the way it extrapolates what famous historical figures would have done under different circumstances. It bases their thoughts and actions on the historical record.

Libertarians will be especially intrigued by two discussions which highlight the glaring flaws of both sides' leaders. In one, Lincoln is explaining to Grant why it is so important for the North to win. Using the ideas he expressed so well in the Gettysburg Address, Lincoln states his honest belief that if the Union is dissolved, then the ideals upon which the nation was founded will die with it.

Through his aggression against the South, Lincoln did more than anyone else to ensure that constitutional ideals would be put to the sword.

I have always been amazed at the brazen audacity of Lincoln's claim that the war was being fought to determine whether this "nation, or any nation so conceived, and so dedicated, can long endure." The tragic irony is that through his aggression against the South, he did more than any other figure in American history to ensure that those ideals would be put to the sword — and that limited, decentralized, constitutional government would "perish from the Earth."

The other telling conversation is among General Lee, Confederate Secretary of State Judah Benjamin, and Rabbi Samuel Rothenberg, a family friend of Judah's. Benjamin and Rothenberg argue that the South cannot win the war unless it taps its most powerful unused resource: its black slave population. By offering them manumission in exchange for military service, they would gain much needed manpower that would fight heroically both for their own freedom and the independence of their homeland. It would also undermine any and all pretenses of moral superiority by their adversaries.

In the novel, as in real life, the Davis government did not heed their advice. If it had, either before or after a victory at Gettysburg, who knows what the outcome would have been. There are many variables to ponder, and "Grant Comes East" does a masterly job of engaging the reader in this fascinating subject.

While "Grant Comes East" is a fictional history, it dramatizes a persistent theme in Ayn Rand's writing: the power of the mind over brute force. The North certainly had brute force, in its immense superiority in men and materials, and Lincoln did not hesitate to press his advantage with savage intensity. Yet the South's brilliant military leadership, pitting mental prowess against Yankee muscle, along with the fighting spirit it imbued its men with, is a legacy of which all Americans should be justly proud. To accomplish what they did with so little, in the face of such overwhelming odds, is nothing short of miraculous.

To avoid ruining the novel's suspense I shall not reveal any more of its plot, aside from mentioning that after the South wins yet another glorious victory, Southern scouts report to Lee that

Grant's reconstituted army is on the move, with massive troop movements streaming across pontoon bridges on the Susquehanna. Like a bad dream, where there is always some impossible obstacle to achieving your goal, the dream of Southern independence must once again confront the might of the North.

As with "Gettysburg," Gingrich and Forstchen set us up for another sequel. I will be the first in line to get it. ❑

"Imperial Crusades: Iraq, Afghanistan, and Yugoslavia," edited by Alexander Cockburn and Jeffrey St. Clair. Verso, 2004, 378 pages.

Dwarf-Tossing and Empire

Richard Kostelanetz

From the other side of the political river, I've admired the journalism of Alexander Cockburn for many years; even though he is a veteran lefty who descends from a long line of lefties (including the British Communist writer Claude Cockburn), his writings invariably stand out in the journals in which they regularly appear. When such a dubious publication as The Nation falls into my hands, his article, if there, grabs me first. Likewise, I read him first in the New York Press, an alternative weekly that competes with the Village Voice. For a while in the 1980s, I recall, he was even a regular columnist for The Wall Street Journal.

Not only does he write clearly and strongly, but he is often full of surprises. The best pieces in his recent collection, "Imperial Crusades," exemplify this quality. In "Dwarf-Throwing and the UN," his classic, he mocks the UN Human Rights Committee for supporting a 1995 ban on dwarf throwing by a French high court:

"So here's a bunch of UN administrators, each of them probably hauling down an annual salary hefty enough to keep a troupe of dwarfs in caviar for life, dooming poor little Wackenheim to the unemployment lines before going home to scream at the underpaid Romanian maidservants or to get a blowjob from a thirteen-year-old girl from Kiev in the local whorehouse. (UN guys do that, you ask? Oh yes they would. Remember the nasty little sex scandal about UN observers in Kosovo?)"

For concise demolitions like this, I'll forgive Cockburn such transgressions as deprecating Mikhail Gorbachev for betraying the Soviet Revolution or regarding Edward Said as a cultural saint.

No illiterate he, Cockburn then defends the exploitation of very short people whom he finds increasingly scarce, because:

"I guess even in Catholic Ireland the doc takes a look and chokes nature's sports before they've got out of the starting gate. If the UN had been around at the time, the hunchbacks of Philip IV of Spain would have been forbidden to pose for Velásquez, [etc.]."

Not yet letting his subject die, Cockburn then recalls historic dwarfs such as Jeffrey Hudson, adopted by the queen of King Charles I, and Charles Stratton, more familiarly known as General Tom Thumb. Curious about how others treated this "news" story, I found remarkably few entries on Google, implicitly congratulating Cockburn not only on interpreting but uncovering.

Biographical information about Cockburn is limited. He was born in Scotland in 1941, but grew up primarily in Ireland and graduated from Oxford before working as an editor at the Times Literary Supplement and the New Statesman. He moved to the United States in 1973 — I assume because of the States' more receptive climate for idiosyncratic journalism. Currently living in Northern California, he co-edits with Jeffrey St. Clair a newsletter named Counterpunch, and contributes regularly to several websites. Incidentally, his Scottish surname is pronounced Co-burn, I assume for the same unique Scottish reasons that a friend named Colquhoun pronounces her surname Co-houn.

"Imperial Crusades" is disingenuous in suggesting that he and his Counterpunch partner Jeffrey St. Clair author the newsletter when they actually co-edit it; it includes chapters by other Counterpunch writers who aren't as good. This deception is unfortunate, because Cockburn as a professional bookman is customarily accurate in his own bibliographical data. Even so, "Imperial Crusades" is an interesting book that contains solid and entertaining writing from Cockburn, a lefty I admire for his libertarian sentiments. ❑

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Letters, *from page 6*

McCarthy responds: Dr. Geller seems to have an outdated, elitist, and defensive viewpoint, preferring that only medical experts and actuaries comment on the medical delivery system that we consumers pay to receive care from.

Experts seldom agree on the interpretation of various methodologies. The studies used by the Institute of Medicine or HealthGrades say, respectively, that between 100,000 and 200,000 hospital patients are killed each year from preventable medical errors. Some have argued that the HealthGrades study underestimates hospital errors because its results are garnered from records hospitals themselves have given to the researchers.

Far from being a big liar or a crisis-monger who is trying to whip up a media frenzy, I was a hospital patient whose life was saved in 1999 by risky surgery, but was almost killed three or four times in subsequent weeks by mundane hospital errors. That'll get your attention every time, especially when, just as you are breathing a big sigh of relief and gratitude for making it through surgery, you discover you've almost been killed by understaffing, by being sent out of the hospital too soon, and by a medication error. I discussed my hospital experiences in a Pittsburgh Tribune-Review article titled "Hospital Depot" (available online at PittsburghLive.com). If my story is representative, and I think it is, the American health-delivery system has some very serious structural problems.

In their book "Internal Bleeding: The Truth Behind America's Terrifying Epidemic of Medical Mistakes," Robert M. Wachter, M.D. and Kaveh G. Shojania, M.D. write that the Institute of Medicine (IOM), founded in 1970 as the think tank of the National Academy of Sciences for health issues, "has a venerable history." The tipping point for public awareness of the extent of medical errors was reached with the IOM's 1999 report, "To Err Is Human: Building A Safe Health System," which found that up to 100,000 patient deaths per year, or the "equivalent of a jumbo jet crashing every day," were caused by preventable medical errors.

As a result of these alarming studies, four important conferences were held in Pittsburgh within the last month to address these issues. Surprisingly, many national and regional leaders in health system performance recommend similar solutions.

"Rather than advocating a national policy fix, speaker after speaker called for improvements in basic service delivery," explained Karen Wolk Feinstein, chair of the Pittsburgh Regional Healthcare Initiative. "The current design of work, not the high cost of malpractice insurance or even the cost of prescription drugs, was identified as the major culprit."

Dr. Paul Uhlig of the Dartmouth Medical School declared that "health care will be transformed not by laws or regulations, but as it always has been — by people working together in new ways to give better care to their patients."

Michael Porter, in his recent study in The Harvard Business Review, states: "Information is integral to competition in any well-functioning market. . . . The most fundamental and unrecognized problem in U.S. health care today is that competition operates at the wrong level. It should occur in the prevention, diagnosis and treatment of individual health conditions. Providers should be rewarded for the best value care."

Traditionally, health care providers have not received higher reimbursements for better patient outcomes. Providers have not earned academic prestige or National Institute of Health funding for improving the safety and reliability of their daily practice. But, states Feinstein, "When work redesign is applied rigorously, the results are stunning."

In Pittsburgh, the Veterans Hospital and Allegheny General Hospital have both significantly slashed infection and death rates by redesigning workplace procedures, and have therefore made important reductions in the costs of caring for patients with infections. More specifically, Pittsburgh's hospitals have cut the rate of central line associated bloodstream infections by 55% between 2001 and 2004, saving both lives and money.

Cliff Shannon, president of SMC Small Business Councils, charged at the conference for the Pennsylvania Health Care Cost Containment Council that Pennsylvania's businesses and individuals who buy health insurance are paying hundreds of millions of dollars each year for services that injure or kill patients.

And finally, Dr. Robert Bork, vice president of the Rand Corp. and director of its health-care research, took aim at the medical community itself, charging that providers have resisted the kind of performance measurements that other industries use, resulting in poor quality and unnecessary care driven by doctors and hospitals who resist performance measurements.

Rather than dragging his feet and quibbling about statistics, Dr. Geller should take a look around at what his more open-minded and up-to-date colleagues are accomplishing!

One last thing: Mark Twain's famous expression is "lies, damned lies, and statistics," not "truth, lies, and statistics," as Dr. Geller witlessly reports.

Full of Sound and Fury

R.W. Bradford's "Freedom at the Ballot Box" (October) argues "No one but an idiot gave Republican Bob Dole any better chance of winning the 1996 election than Libertarian Harry Browne had . . ."

As one with a certified 190 IQ I have to say that this was an idiotic statement to make. Simply switch about 618,000 votes spread over eight key states (increasing Dole's approximately 41% of the popular vote to 41.72%) and Dole would have won the election with 270 electoral votes to Clinton's 268 electoral votes. (Taken from "What if?" on Dave Leip's Atlas of U.S. Presidential Elections website.) It is the electoral vote, not the popular vote that counts. To say Dole had no better chance of winning that election than Browne, who had only 0.5% (one half of one per cent) of the vote is idiotic.

Stan Vaughan
North Las Vegas, Nev.

Bradford responds: The fact that switching 618,000 votes spread over several carefully selected key states would have changed the outcome is irrelevant — a shift that size and character would

change the outcome of almost all presidential elections. For example, in the 1940 election, FDR's margin of victory in the Electoral College was 70%, and he topped Wendell Wilkie's popular vote total by 10%. It was a landslide by any measure — yet if just 443,940 votes had been switched in 14 carefully selected states so that Wilkie carried each by a single vote, Wilkie would have been elected president by a margin of five electoral votes.

Based on pre-election polls, Dole's chance of winning was around 0.05%, versus Browne's chance of about .00005%. Dole's chance was a hundred times better than Browne's, but both were still virtually zero. Perhaps I should have written, "No one but an idiot or a person with an IQ of 190 but lacking a scintilla of common sense gave Bob Dole a chance of winning . . ."

Outcome-based Voting

R.W. Bradford has very clearly and succinctly expressed my own argument against using the commonly known "wasted vote" excuse to choose evil, even when it is the lesser of two. The small voice of your individual vote is only truly wasted when it mimics the "baas" and "moos" of the frightened, clamoring herd.

I would add one small point to Bradford's argument. Every measurement, including a vote count, comes with a statistical margin of error. Given the right voting mechanism, and taking the average of an increasing number of vote recounts, we might reduce that statistical error to some number less than one. As we saw in Florida in 2000, however, these are not the circumstances. We do not have a very accurate voting mechanism. (When should we actually count that dimple as a vote?) And, long before we can average a statistically significant number of recounts, we know that the vote will be decided not by a count, but by a court (or some other political power). In determining a victor, not only is one vote insignificant compared to some actual, likely large, vote difference number (e.g. "466"), it is also insignificant compared to the statistical margin of error in our ability to count — at least for a large race like the presidency using our current voting mechanism.

Deciding a victor is only the most obvious part of the "outcome" of an election, the part that most voters naively focus on. Overlooked is the fact that all of the individual voices from all of the individual votes come together to spell out a message from the electorate. My one vote, no matter how insignificant, gives me a chance to affect the "outcome" by affecting that message. I would be deluded to think that my vote actually gives me the power to affect the "outcome" by determining a victor. No lover of liberty should ever waste the voice of their vote to send the message that we want more of what the Democrats and Republicans are giving us.

Doug Gallob
Denver, Colo.

Double-parking Palestine

"The New Anti-Semitism" (November 2004) asserts, in response to those who question the singling out of Israel for occupying foreign territory, that "One crime does not justify another one." I guess that a murder on one side of the street would not justify double parking on the other side. Still, should a police officer come upon the scene and write out tickets before attending to the murder, we would suspect he had an agenda other than just moving traffic. Anti-Semitism seems to be the most logical explanation for picking on Israel rather than the dozens of other occupiers such as China, which took over Tibet.

Tibet, mind you, has never threatened to drive the Chinese into the sea, as Arabs have threatened Israelis. And sometimes the Arabs forget the script and replace the word *Israelis* with *Jews*. And why should we be reluctant to criticize Israel? Because if our advice is heeded the Israelis, not us, will have to live with the consequences. No country will condone its own destruction. As long as Arabs insist on the elimination of Israel (and Jews) and praise suicide bombers who kill civilians, they are fair targets who do not deserve our sympathy.

David Kahn
Montville, N.J.

Poletown Dance

I was thrilled to read in the October 2004 issue about the Michigan Supreme Court reversing its (in)famous Poletown decision. It is a staggering blow against Big Government, all the more striking as a unanimous decision. Upon reading it, I did a little dance of joy. A few days later, while writing to an elected official about a seemingly unrelated issue, I had what felt like an epiphany. What if the reasoning used against eminent domain in this decision was applied to, for example, corporate welfare expenditures?

All government expenditures are supported by seizing property, often in the form of money from taxpayers. So I modified the published parts of the Court's ruling, substituting "taxation" for "eminent domain" and "money" for "property" or "land," and (with some leeway for syntactical shortcomings and the like) I found a fantastic argument against, at the least, corporate welfare. Where, pray tell, might I find an attorney to put forth such an argument and a court to "see the light"? I wonder if even one of these seven justices would acknowledge the same underlying principles in this "new" case.

Wayne Betts
Wading River, N.Y.

Fighting Legitimate Freedoms

Gay marriage is *not* fabulous. It is number two on the list of sins that cries to heaven for vengeance. The first is willful murder, second is sodomy, third is defrauding the laborer of his wages, and fourth is oppression of the poor.

You are following on the road on which others have found their downfall. Not long ago, a publication called The Week had a picture of a car with two men looking out the window. The sign on the back of the car said "JUST MARRIED." I called in my cancellation along with so many thousands. The company went belly up. This will be your downfall as well.

The "queers" as we called them back in the '30s are only three-quarters of 1% — but are backed by big bucks.

Your magazine certainly could promote books, articles, and individuals that elevate human dignity and foster a strong nation.

I am a proud fighter of legitimate freedoms and a World War II Veteran.

Kenneth L Strain Sr.
Rathdrum, Idaho

Terra Incognita

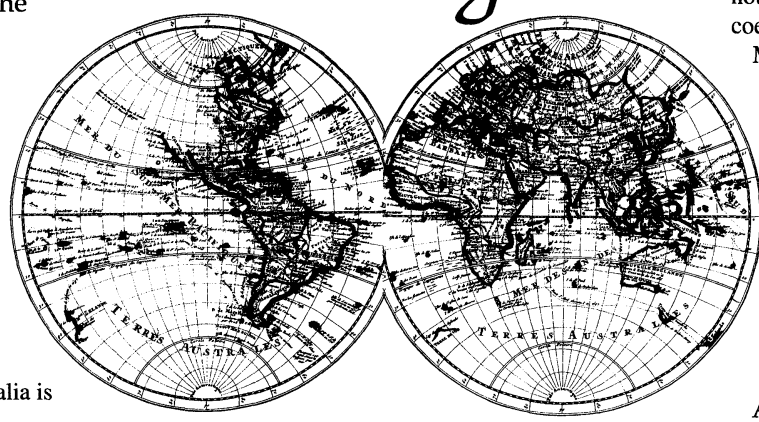

Jaemtland, Sweden

Environmental success in the socialist paradise of Sweden, from a report in the New York Times:

Storsjodjuret, a species of huge black serpent with a catlike head native to Storsjoen Lake in Jaemtland province, has been removed from the Endangered Species List.

Sydney, Australia

Evidence that you can imprison a man, but not destroy his ingenuity, offered by the Brisbane Courier-Mail:

Inmates in a New South Wales prison have been caught breeding deadly redback spiders that they milked for venom to inject into themselves for a narcotic high, according to government records. A spokesman for the opposition Liberal Party said this shows "just how soft Australia is on prisoners."

Washington, D.C.

Daring reform in the ranks of federal management, described in the Federal Manager's Daily Report:

The Treasury Department eliminated such titles as chief of staff to the assistant secretary and associate deputy assistant secretary, while the Defense Department has created a deputy chief of staff to a deputy assistant secretary.

U.S.A.

A company spares no feelings to impress upon its customers the importance of safety, from the Honda Motors website for purchasers of its All Terrain Vehicles:

"Remember: safety starts with the rider. Read the 'Stupid Hurts' material that comes with your ATV."

Brisbane, Australia

Vigilance in the War on Terror, Down Under, reported by the Brisbane Courier-Mail:

A major regional airport was shut down for an hour after a vibrating adult sex toy was mistaken for a bomb. The terminal was evacuated until security officers could check out the suspicious package.

Cafeteria manager Lynne Bryant was cleaning tables when she heard a strange noise. "It was rather disconcerting when the rubbish bin started humming furiously," she said. "In retrospect the humming sounded exactly like a vibrator — but it was better to be safe than sorry. You can't afford to take chances."

Lansing, Mich.

Curious political development in the Great Lake State, from a dispatch in the estimable Detroit Free Press:

The Michigan Republican Party is asking four county prosecutors to file charges against filmmaker Michael Moore, charging that he illegally offered underwear, noodles, and snacks to college students in exchange for their promise to vote.

"We want everyone to participate in this year's election, but not because they were bribed or coerced by the likes of Michael Moore," said Greg McNeilly, executive director of the state Republican Party. Michigan's election law prohibits a person from contracting with another for something of value in exchange for agreeing to vote.

Livermore, Calif.

Aesthetic note, from a news report in the Modesto Bee:

A $40,000 ceramic mural unveiled outside the city's new library misspelled the names of Einstein, Shakespeare, Vincent Van Gogh, Michelangelo, and seven other historical figures.

Maria Alquilar, the artist who misspelled the names, was not upset about the mistakes. "The people that are into humanities, and are into Blake's concept of enlightenment, they are not looking at the words," she said. "In their mind the words register correctly."

Mexico City

Religious diversity on the march in our neighbor to the south, from the Denver Post:

Crowds gather each month to pray to a 6-foot skeletal figure called La Santa Muerte, or St. Death. Miguel Miranda said he came to the ceremony to thank "the skinny lady" both for helping him survive a recent overdose and for keeping the police away when he deals drugs on neighborhood corners or mugs someone. A transvestite prostitute named Claudia was there seeking protection from violent clients and sexually transmitted diseases.

U.S.A

Evidence of political progress in the world's greatest democracy:

On November 2, American voters will choose as president either George W. Bush or John F. Kerry.

Special thanks to Russell Garrard, William Walker, Charles Gordon, and Ari Armstrong for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Can anyone be happier than a Catholic libertarian?

Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.

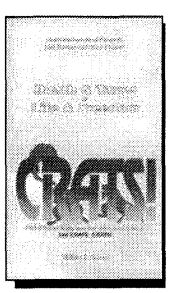

Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.

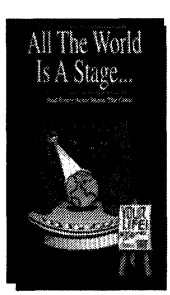

All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is $6.95, plus $2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus $3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.

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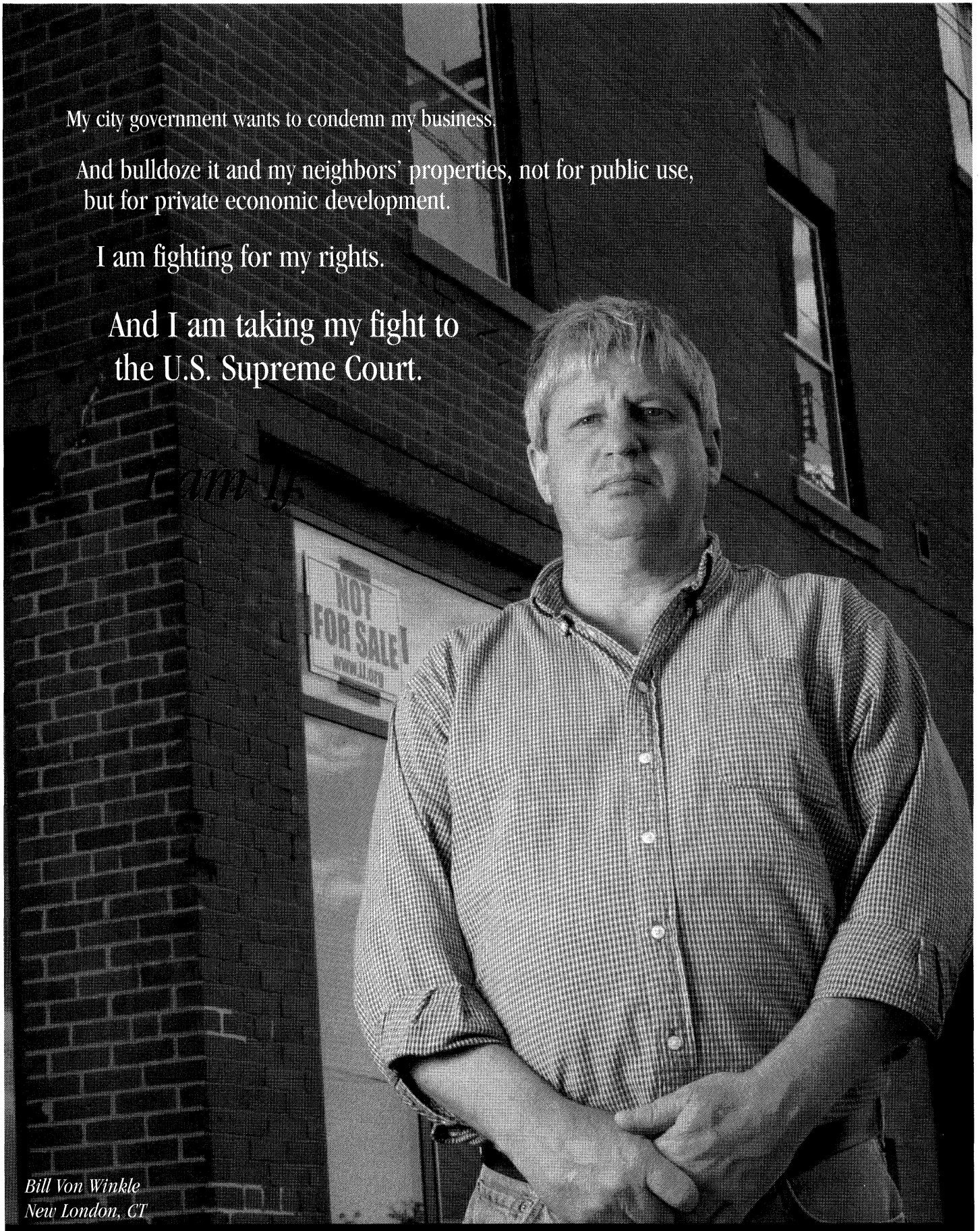

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"The manna of liberty must be gathered every day." — Wendell Phillips

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to wield power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

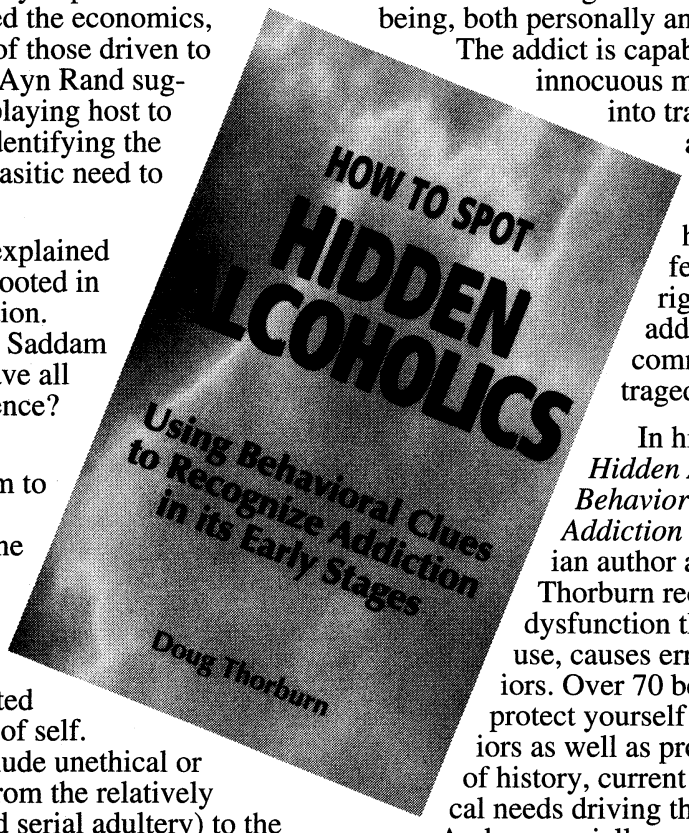

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy occurs.

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— Shawn Steel, Former Chairman, California Republican Party

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Inside Liberty

January 2005
Volume 19, Number 1

4 Letters Okay, okay, okay, we're sorry.

7 Reflections We turn base metals into political gold, interrupt your stories, toss research ethics to the hypercarnivores, put Ensign Darwin in his place, burn money Boston style, invert Vietnam, get nostalgic for the madhouse, make a run for the border, and feel Kerry's pain.

Features

19 Lies, Damned Lies, and Election Analysis Whether it is mainline pundits or Libertarian Party leaders offering election analysis, *R. W. Bradford* observes, the results are the same: idiotic claims that ignore obvious facts.

23 The Election *David Friedman, Bruce Ramsey, Michael Drew, James Barnett, Bill Merritt, Tim Slagle,* and *Stephen Cox* offer insights far from the mainstream.

29 Liberty and Empire Some libertarians seem to think that the world's strongest power needs to be pushy. *Ted Galen Carpenter* wonders why.

31 Freedom: What's Right vs. What Works Is man born free? Or do things just work better that way? *David Boaz, Charles Murray, David Friedman,* and *R. W. Bradford* tackle this tough issue — and its implications.

41 The Meaningful Derrida Jacques Derrida's right-wing critics dismiss him as a subverter of reason whose critical approach undermines Western civilization. He is far from that, argues *Jo Ann Skousen*.

Reviews

43 The Many Hatreds of Noam Chomsky *Frank Fox* takes a close look at the life of a man who is much loved for hating America.

46 Saturday Night and Sunday Morning Ray Charles led a fascinating life. But is it the stuff of a good film? *Jo Ann Skousen* looks at the latest biopic.

47 Disease as a Force in History *Bettina Bien Greaves* explores how disease has silently shaped our world.

52 The Wonder Drug *Bruce Ramsey* tells the intriguing tale of how a drug known to the Egyptians was lost to antiquity, rediscovered in the 18th century, stolen during the Great War, and now touches our hearts.

49 Notes on Contributors The good, the bad, and the ugly.

54 Terra Incognita Something wicked this way comes.

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Letters

Galt's Glitch

I write in response to your "Does Freedom Mean Anarchy?" symposium (December). It seems logical that freedom can exist without the oversight of government if all parties share the same value system. Galt's Gulch is a good example of a society in which government was unnecessary because every member had the same moral values. Because of these moral values, protection of individual property rights was unnecessary. Galt's Gulch does not exist in the real world and people do not value individual rights in the same manner. As a result, these rights become infringed and a lawmaking authority is necessary to protect the individual and these rights.

Our Founding Fathers recognized this and attempted to create a government of limited authority based on enumerated powers to protect individual rights. This enumerated authority was designed to ensure the creation of a free nation. Today many feel these powers extend far beyond the framers' original intent. I believe that they indeed created a "more perfect union" but failed to recognize that being a congressman would become an occupation that one could pursue for a lifetime. Our Founding Fathers had families, farms, and businesses that they wanted to get back to, leaving the power of government to the next patriot. Now the career politician must continue to get reelected by showing what he has done for his constituents even if it means expanding the reach of the federal government beyond its purpose.

The erosion of freedom would not be reversed by removing government authority over individuals with differing values; however, understanding the causes of the erosion would help prevent it from happening further.

Steven P. Barth
Atlanta, Ga.

Freedom Means Neophily

"Does Freedom Mean Anarchy?" No. The free market is a self-regulating, self-governing process; and interference with it, interference with government, is not itself government but antigovernment.

Would a pure free market develop separate, competing law enforcement agencies within a community? No. It would develop separate, competing communities.

Does any of this really matter? No. The problem for libertarians is not telling a free market what to evolve into. The free market will figure that out by itself. The problem for libertarians is getting the world to permit a free market to evolve. And answering why has it not yet done so? It isn't because libertarians haven't yet resolved all the finer points of political and moral theory. "It's the economy, stupid," the desire for plunder and redistribution. And there will be no end to it until you show that it doesn't pay, that taking from the rich to give to the poor doesn't make the poor richer but poorer.

That is the only logical strategy; and the narrow minded, neophobic libertarians who can't be bothered with it are not leaders in the fight for freedom but irrelevant to it.

D.G. Lesvic
Pacoima, Calif.

Freedom and Baloney

Everyone involved in the discussion appears to wish to impose their

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own perfect "system" (or lack thereof) on everyone else. All appear to seek to solve the problems of the rest of humanity, instead of their own.

In other words, there is an underlying implication in this discussion of: "in order to solve my problems, and make me feel better, I need to change the rest of the world to my standards first," even from the "anarchist." Messrs. Friedman, Murray, Boaz, and Bradford are no different from any other philosopher, whether celebrated or obscure. They think: "If everyone did and thought as I do, my world would be perfect, and everyone else would be better off into the bargain."

What a bunch of baloney!

David Whiting
Savannah, Ga.

Keep It Simple, Stupid!

I read "Does Freedom Mean Anarchy?" and the authors did lots of discussing, but did not come up with the simplest answer. The essential thing we ask of government is protection from aggression. Is there a better way to protect myself from aggression than expecting government to do it? I suggest there is.

I suggest there should be companies selling protection. I suggest one be named We Protect Or We Pay. WPOWP. They would sell protection policies, like insurance companies.

How would WPOWP operate? Let's imagine a thief. Let's name him Luigi. Luigi, like everybody else, has bought a protection policy. Luigi is a burglar. He breaks into a house and steals the silverware. He has to sell it to convert it to money. He sells it to a pawn shop.

The victim reports the theft to WPOWP. They pay, according to the contract. Then they check pawnshops. The pawnbroker is also a customer of a protection company. He reports the sale as possibly a theft. It does not take long for WPOWP to recover the silver, and find Luigi.

Luigi's protection company would be notified. They would instantly cancel Luigi's protection policy. Luigi would be a dead man. He would be a bad risk.

Of course, it would not happen this way. The beauty of this system is that theft would be prevented! Word would get around among the possible thieves that they could never get away with anything. Luigi would have to find an honest way to make a living.

A problem was suggested: suppose, in a no-government world, a protection company decides to go into the burglary business? I consider this extremely unlikely. Its customers would learn that it was not a nice protector, and cancel their contracts. After all, the vast majority of people do not like thieves.

Additionally, if a protection company became an aggressor, all the other companies would find it necessary to oppose it. Because their customers would be its victims, they would lose money. They would do their best to publicize the criminal activity of their competitor.

Since the protection companies are businesses, they would be run by businessmen, who are honest.

Of course, there are protection services you can buy, but they are hired only by people who fear getting assassinated. Bodyguards. What I suggest is for ordinary people, like you and me. I suggest this service instead of police and courts. Instead of government. Anarchy.

Somewhere I read that police service costs about $20 per year per person. I bet the free market can do it for less and better.

Everett DeJager
Cincinnati, Ohio

Degrees of Separation

I just wanted to say that it is frightening to see Charles Murray in dialogue with some of the editors of Liberty. I just don't think Murray's writings are compatible with liberty, especially with Liberty editor Dr. Thomas Szasz's writings.

Murray's latest book "Human Accomplishment" is dedicated to Dr. Charles Krauthammer, the syndicated columnist and psychiatrist. Murray and Krauthammer have been friends for some time and play chess on Mondays at Krauthammer's home. Krauthammer is an outspoken critic of Dr. Szasz, and there is a chapter on Szasz in Krauthammer's Pulitzer Prize-winning book, "Cutting Edges".

Krauthammer, along with the late Gerald Klerman, is credited with discovering "secondary depression". But as Szasz has shown, since there is no such thing as "mental illness," Krauthammer and Klerman invented "secondary depression." Klerman debated Szasz at Harvard on suicide and psychiatric coercion. Dr. Krauthammer loves psychiatric coercion.

Murray was never able to see that the late Richard Herrnstein, co-author of "The Bell Curve," was a fake, as are all psychologists. Dr. Murray doesn't see that Dr. Krauthammer is a fake, as all psychiatrists are.

I don't know what Liberty is doing with Murray.

David Herman
New York, N.Y.

The editors respond: Let's see. We should all shun anyone who has a friend who is a critic of Thomas Szasz? We're sorry that Dr. Murray

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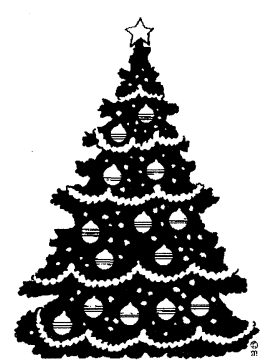

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frightens you, but we'll continue to associate with anyone we think is intelligent and challenging.

A Great Hobby!

Researching the Fed is a hobby of a lot of people.

I think that there is indeed a conspiracy going on in this world. It's a conspiracy of people in governments to enslave us all. The people who started the Fed were led into it by government-minded people. The super-rich people at the time were motivated by greed and thought they had it in the bag. But, as always, when you play with the government you lose.

The Constitution of the United States makes no provisions for the government to be in the banking business so they found some suckers to bring it in the back door by making it a quasi-private entity. Just look at all the policing agencies that monitor banking at state and federal levels. That's a grip no one could escape. The Fed does belong to the government by proxy because they have long wanted the hammer to beat out their world as they see it.

Woolsey ("Who Owns the Fed?" October) makes it look as if the Fed is somehow harmless, because there is no mass super-rich conspiracy behind it. Woolsey should take off his rose-colored glasses.

M.D. Antee
Lewisville, Texas

Whose Side Are You On?

Ari Armstrong ("Mr. Badnarik Goes to Colorado," November) and R.W. Bradford ("Dark Horse on the Third Ballot," August) seem to share the belief that whatever is ordained by the IRS is factual, and anyone questioning this assumption, even with diligent research, is misguided. What else would explain the constant badgering of Badnarik regarding his frank views concerning who owes federal income tax?

Robert L. Dean
Columbus, Ohio

Strangely Misplaced Tastebuds

Your distaste at our presidential candidate's views puts a bad taste in my mind. Have you done any research on the subject of the so-called Federal Reserve or do you rely on something told to you in a 1970s sensitivity session?

The private ownership of the Federal Reserve is well known, although, as with libertarianism, it is largely a taboo subject with the media.

Better a candidate who believes such than one who tries to ape liberals in a pro-murder, pro-molestation, pro-disease stance.

Russell M. Jeffords
Houston, Texas

Who's Counting the Beans?

I was disappointed in your lack of a prediction for the number of votes to be cast for our candidate, Badnarik. Did you forget, or are you reluctant to predict a low number? Badnarik is a reasonable candidate (for us anyway), but if there ever was a justification for voting for the lesser of two evils, this election was surely the occasion.

My guess was less than 200,000. What was yours?

Richard Vajs
Franklin, W.Va.

The editors respond: please see p. 24 of this issue.

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Reflections

One more reason to regret a Kerry loss

— It's pretty likely that, at the end of a Kerry presidency, Teresa Heinz Kerry would *not* be absconding with White House furniture. — Ross Levatter

Jacquesboots — Riots break out in Ivory Coast, and France responds with military action. I don't understand why there was no clamor for UN approval of this unilateral action. I hope for the best, but I can't help but worry that the U.S. will be back to its traditional role of digging the French out of another military quagmire. — Tim Slagle

The new alchemy — It's the greatest thing ever discovered, a substance unparalleled in its potential to ease human suffering. It'll cure diseases, make the lame walk, and end the ravages of old age. Sure, it requires a bit of money for research, but that investment will be returned a hundredfold when the project gets off the ground. Whether "it" is stem cells, or the Philosopher's Stone, depends on how much television one watches.

With the rhetoric tossed around this election cycle, it's understandable to think that stem cells will cure every human malady from cancer to baldness. Shameless claims, like how Christopher Reeve would be alive and walking if only the country funded stem-cell research, overshadowed such questions as whether taxpayer dollars should be used as venture capital.

Science has never been free from politics, and never will be, but the treatment of government as the sole source of grant money is dangerous, especially when mixed with volatile campaign promises. The expectations placed on scientists will be enormous. In sociological studies, the findings can be fudged to reach whatever conclusion is politically astute at the time. That won't work for healing diabetes or stopping Alzheimer's. Still, with so much "political capital" at stake, will the scientists be allowed to fail?

California has approved $3 billion for a stem-cell research facility. I expect that institute to develop into a standard bureaucracy within a few years, justifying its continued existence by proclaiming a series of small discoveries that never quite add up to a breakthrough. If the research flags, it'll be because there isn't enough money in the coffers. When self-preservation becomes the highest end, success is the one unaffordable luxury.

The old alchemists sought to transform base materials into gold. The new alchemists have developed a less remarkable but much more effective process: turning taxpayer gold into the dross of broken promises and wasted potential.

— A.J. Ferguson

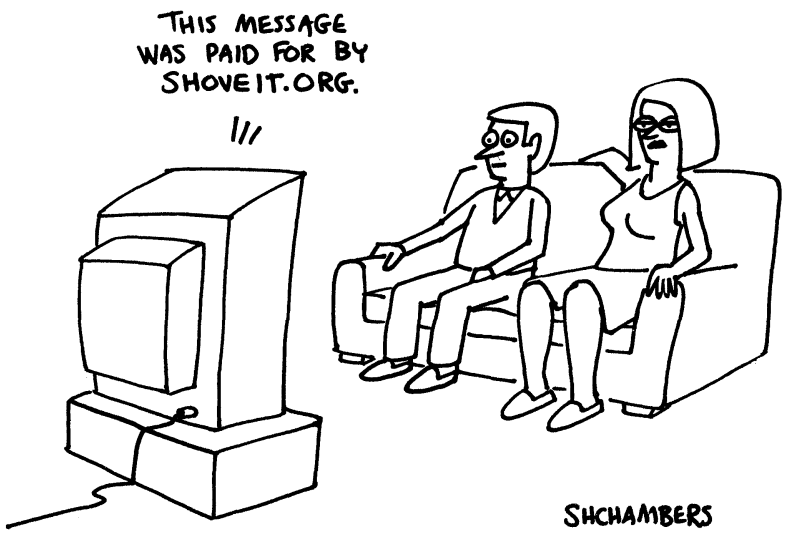

A beautiful day in his neighborhoods —

There's his wife's Idaho retreat, a 15th-century farmhouse transported from England and reassembled on the banks of the Big Wood River, where he goes skiing.

There's her other home off the coast of Nantucket, Mass., where he windsurfs and sails in summer.

Then there's the couple's 18th-century townhouse in Boston where the kitchen is two stories high.

And the 23-room townhouse in Washington.

And the large Pittsburgh estate with its personal staff of six, including a number of caretakers and a cook.

Could it be that John Forbes Kerry is proclaimed a man of the people because he has so many neighbors?

— Ross Levatter

CSI Palestine — Yasser Arafat passed away on Nov. 10, and CBS preempted the dramatic conclusion of a "CSI" episode to announce it. As you can imagine, the viewers were outraged, and emails and phone calls prompted CBS to apologize, rebroadcast the episode, and fire the producer responsible for the decision. I hope that, when I pass from this world, I am not so universally loathed that my death announcement is answered with, "Shh, not now, my stories are on!" — Tim Slagle

The new New Dealer — He ran as a compassionate fiscal conservative. After he was elected, a national emergency forced him to make tough decisions, and he reversed his campaign rhetoric: he became one of the biggest-spending American presidents and took America to war. His administration violated civil rights, maintaining it had the right to detain people indefinitely, even American citizens, who had not been found guilty of a crime.

I describe both George W. Bush and FDR.

The anybody-but-Bushers I know don't seem to have equal hatred for the father of the New Deal. The difference highlights the irrationality of the trendy hatred of Bush. Maybe history will one day regard Bush as a hero, or FDR as a villain. More likely, I think, is that the hatred against Bush derives mostly from the "R" after his name, his folksy accent, his propensity for malabushisms, and his belief in God.

I don't like Bush as a president. I didn't vote for him either in 2000 or in 2004. I dislike his outgoing administration, and I don't expect I'll like the incoming one any better. I don't like the way he keeps favor with his base through bad social policies and placates his opponents by compromising on important issues such as campaign finance and education. I have no quarrel with his personal faith, but I wish it wouldn't pop up so obviously and so often in his political decisionmaking. I dislike the way the war in Iraq has been conducted and I think going to war was immoral.

So it scares me that a lot of people are mad at me because I don't dislike Bush enough for their tastes. I wonder where that amount of misdirected rage is going to take us over the next four years, and where it will take us in 2008.

— Patrick Quealy

Loud mouths, big pocketbooks — According to CNN (the morning of Oct. 23, 2004), 37 people provided 40% of the money spent by the partisan political action committees known as 527s. So, not only do we have most of the major media in favor of a redistributionist government operating far from the constitutional model, but now a very small number of people are producing a major share of political messages; and, judging from 527 messages, most of those 37 people are very leftist. This concentration of political speech has taken place as a result of the U.S. Supreme Court's abandonment of First Amendment protection for political speech in upholding McCain-Feingold.

— Sandy Shaw and Durk Pearson

Fraud as a research tool — Marianne Bertrand and Sendhil Mullainathan report in the American Economic Review (Sept. 2004) on an experiment to detect labor-market discrimination against African-Americans. The researchers answered help-wanted ads in newspapers by sending out nearly 5,000 résumés, some showing good, and others poorer, qualifications for the jobs advertised. The fictitious résumés carried randomly assigned names suggesting black applicants (e.g., Lakisha and Jamal) or white applicants (e.g., Emily and Greg). Résumés with black names drew fewer responses than those carrying white names.

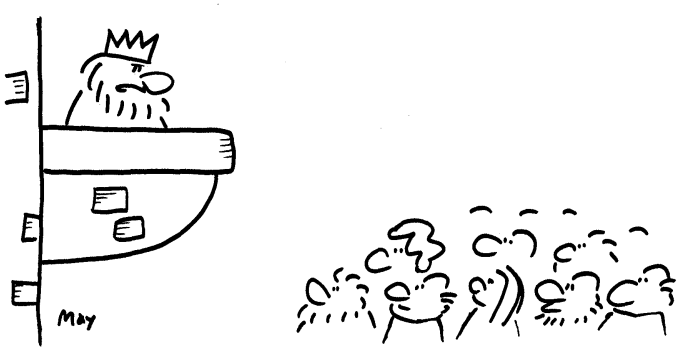

"Okay, you can have freedom of speech, but watch your language."

The broad research method is not new. Black persons and white persons have been hired to pose as job applicants. Studies of honesty — yes, honesty! — have featured phony episodes of lost wallets. However, the authors claim advantages for their method. One is that "relatively low marginal cost" permits sending out many résumés and achieving the statistical advantages of large sample size. But *for whom* is the cost low? It seems not even to occur to the researchers that they were thrusting onto the targeted employers the costs of handling many distractions that kept them from actually filling job vacancies.

I do not seriously doubt that the results mean what the authors think. Even so, I wonder whether the results do not in part illustrate an unintended consequence of antidiscrimination laws. I even wonder whether they do not in part reflect some employers' vague sense that some of the applications looked fishy.

Above all, I am struck by the researchers' unapologetic *lying* with their untruthful résumés and cover letters. They were drafting employers into the role of involuntary guinea pigs. They are parasites, feeding on the honest communication between employers and potential employees; widely practiced, it would impair both that communication and the method's own usefulness.

Confronted with these charges, the researchers might offer some excuse about the end justifying the means, or that fighting discrimination was more important than padding their own lists of academic publications. Yet the victims of the supposed discrimination were not real people, but merely fictitious ones.

Are standards of honesty considered less binding in social science than in the natural sciences? — Leland B. Yeager

Whaling on the courts — Far be it from me to suggest that moments of lucidity are rare at the 9th U.S. Circuit Court of Appeals, which has the distinction of being overturned by the U.S. Supreme Court more often than any other circuit (come to think of it, that might be evidence of too *much* lucidity). Whether rare or common, however, moments of lucidity are worth celebrating.

Thus it's worth a small whoop that Judge William A. Fischer, writing for a three-judge panel and affirming a lower-court decision, decided that the cetaceans of the world — whales, porpoises, and dolphins — have no standing to sue in the all-too-human courts of the United States of America.

Sometimes it's useful to grasp the obvious. If lawmakers "intended to take the extraordinary step of authorizing animals as well as people and legal entities to sue," Judge Fischer wrote, "they could, and should, have said so plainly."

The lawsuit wasn't actually filed by whales, of course. Lanny Sinkin, a lawyer in Hawaii, filed it on their behalf, seeking an injunction against the use of sonar by the U.S. Navy. He couldn't file it on his own behalf, because he hasn't been harmed by it. You could even make a case, if national defense is a "public good," that he has been helped by the use of sonar.

There is probably truth in the contention that sonar

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—Patrick Henry, 1776

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News You May Have Missed

Publishers to Writers: Drop Dead

NEW YORK — Arthur "Pinch" Sulzberger Jr., the publisher of The New York Times, S.I. "Si" Newhouse, the head of the Condé Nast magazine empire, and other powerful, if not very tall, publishing executives have announced that all journalistic writing jobs will be outsourced to low-wage workers in Bombay and other Indian cities, effective immediately. Young Indian girls like 20-year-old Bharati ("Cindy") Rajnaputtee of Jaipur and 18-year-old Punjari ("Jessica") Pandarandra of Poona, both previously employed as customer service representatives for major American electronics and cell-phone corporations, will use new computer programs drawing on the entire published outputs of the great journalists of the past, allowing their trademark styles to be reproduced and applied to current developments, while carefully eliminating any controversial ideas they might have had.

Thus a single worker with rudimentary English earning 90 cents an hour will be able to write about legislation bottled up in a Congressional committee with the exuberant wit of H.L. Mencken, cover the latest preordained collapse of the Chicago Cubs with the streetwise pungency of Jimmy Cannon or the urbane irony of Red Smith, and analyze the twisted psyche of Michael Jackson or the philosophical significance of Britney Spears with the magisterial, Olympian detachment of Walter Lippmann while churning out over 3,000 words an hour, which contemporary American journalists are unable or unwilling to do. "I am so very happy I do this now, is much, much better than try to calm down angry Americans all day," said Ms. Pandarandra, sitting in front of a computer screen in one of several thousand identical cubicles in a gleaming new air-conditioned journalism factory in Bombay. "As Sahib Mencken put it so well and I am just writing yesterday in my op-ed column in New York Times, 'Nobody ever went broke underestimating the intelligence of the American public.'"

"Look, we got nothing but respect for writers, but let's face it, they're insubordinate bastards who miss deadlines and keep trying to sneak in opinions that don't follow corporate guidelines, plus we gotta pay 'em," said the diminutive Newhouse, sitting atop three Manhattan telephone directories at his desk in his palatial, marble-walled, chandeliered office, modeled on Mussolini's, in Condé Nast headquarters at 4 Times Square. "These kids in Bombay listen to me like I was Krishna or Vishnu or Vindaloo or one of them other funny Hindu-type gods with a lot of arms." Sulzberger, commonly believed to have been nicknamed "Pinch" because his father, former Times publisher Arthur Sulzberger Sr., is called "Punch," though female staffers at the Times are known to have a different story, added, "Thanks to the wonders of modern technology we can now return to the golden age of journalism by getting rid of journalists."

Hundreds of newly unemployed writers could be seen lining West 43rd Street near the soaring Condé Nast tower and the massive Times headquarters just to the west, begging passers-by for spare change. But some have already found other work. Several former Vanity Fair writers were spotted pulling bait-and-switch cons on unsuspecting tourists outside Radio City Music Hall, inside of which some two dozen fetching ex-Vogue staffers have joined the high-kicking Rockettes, and a number of former Times critics have banded together to start a fundamentalist church, where they said they expect to make a comfortable living by sowing division, strife, and hatred, just as they did before while reviewing plays or books or restaurants. Quite a few of the newly obsolete writers, in fact, seem to have found religion. A disheveled man who gave his name as Eric Kenning and who claimed to be a former freelancer, for instance, said he had decided to join the cult of the Greek god Dionysus, an ancient religion whose fundamentalist form, which he said he strongly favors, strictly prohibits sobriety. He then hurried off to take the subway downtown to McSorley's, the venerable saloon on East 7th Street, where he said he would join a worship service already in progress.

messes with cetaceans' ability to hear and interpret natural sounds, and perhaps its use should be curbed. But Sinkin will have to pursue his cause through political channels rather than by making surrogate plaintiffs of Willie and Shamu.

Judicial restraint can be lovely. — Alan W. Bock

Outplanning the planners — Homebuilders are not like sheep meekly standing in line to be shorn. As the new urbanism, hostile to suburbs and the automobile, creeps into distant places such as the small town of Bozeman, Mont., homebuilders have figured out how to turn it to their advantage. The latest example is their response to Bozeman city planners who oppose snout-houses — the popular suburban-style homes dominated by garages. Planners want cars hidden in a garage located at the back of the house, approached through an alleyway.

So one new upscale development follows the letter of the regulation by making the garage a separate building, not exactly at the back of the house, but at an angle, so that you probably won't see it from the front, at least not at first. The entrance to the garage is from a back alley, but this is like no alley I've seen. It is broad and paved, forming a cul-de-sac. You can have a block party back there. The only sign that it's not a road is its lack of sidewalks. There are plenty of cars and trucks behind the homes, but they are all parked.

For some of the more expensive houses in the subdivision, the back entrance actually is on a road, not an alley. You can enter the home through the quaint traditional porch at the front, or you can drive around the block and park your car at the substantial rear entrance — which is where the house numbers are. That garage is almost always two stories, with a bonus apartment on the second floor. Homebuilders are

giving people what they want — living space, easy access to their cars, and plenty of parking — whether planners like it or not. — Jane S. Shaw

Money pit — On Nov. 10, I saw a headline indicating that Boston's government-financed "Big Dig," a system of tunnels designed to ease traffic congestion and enrich contractors and politicians, is leaking profusely despite the expenditure of $14.6 billion on the project: "The 8-inch leak that sprang up in September in the northbound lanes of Interstate 93 caused 10-mile backups."

As I always do when I read such statistics, I took out my calculator and tried to find the cost per capita. Dividing the $14.6 billion by Boston's population in the 2000 census, I found that the Big Dig has cost almost $25,000 per person — enough to give every four-member family either five new cars or several years of its own private chauffeur.

Who was checking the costs on this one, eh?

But there are worse examples. In the little Illinois town where most of my family has lived during the past 200 years, a new high school is being erected, with money provided almost entirely by the state, at a cost sufficient to build a brand-new subdivision in which every one of the 300 students could spend the day learning, watching TV, or whatever students do these days, in his or her own individual three-bedroom house. And that is a "conservative" American community. — Stephen Cox

Oil for peace — The election results may have masked the situation temporarily, but the war in Iraq has divided the country and embittered a significant portion of the people. The best bet for the administration is to wind it down with as little embarrassment as possible. A best-case scenario: pulling off reasonably credible elections in January, having the security situation stabilize as potential insurgents see a possible alternative future, reducing U.S. troop levels gradually until full control is turned over to a broadly supported new government in late 2005 or early 2006. That would give the U.S. more flexibility and options for dealing with stateless terrorism and emerging challenges from Iran and North Korea.

It would take luck as well as skill and determination to pull off that timetable, and it's doubtful whether the current administration has any of those qualities. It's more likely the U.S. will have troops in Iraq for years to come. That could provide an impetus for the best long-term approach to jihadist terrorism: changing our foreign policy so we have less direct political and military involvement in the Middle East. Let's face it. Middle Eastern countries sitting on huge pools of oil get no benefit from that oil unless they sell it. We don't need troops over there to ensure that they do. — Alan W. Bock

The Competing States of America — There is talk of the blue states seceding from the red states. What a glorious idea!

The red states could impose more and more draconian laws imposing the majority's view of morality, and see their economies tank as, at the margin, productive individuals who happen not to share those moral views emigrate to the neighboring USA-Blue.

The blue states could impose higher and higher taxes on productive effort and see their economies tank as, at the margin, productive individuals who wish to keep their hard-earned wealth emigrate to the neighboring USA-Red.

And presumably two smaller nation-states would be less able and less inclined to police the world than the Leviathan we have today.

Hundreds of years ago, legal structures that enhanced liberty arose from the interplay of judicial decisions in areas of easily transferable allegiance: people moved from the papal court to the king's court and back to see who would provide more favorable rulings. One needn't believe in the intrinsic love of liberty of either pope or king to appreciate that competition between them led to each providing the populace with more liberty than either would have done alone with monopoly control. Similarly, competition among red and blue states if either group secedes would be a blessing for liberty even though neither red nor blue leaders desire to provide liberty to their constituents. — Ross Levatter

S.H. Chambers

Throwing the law out with the lawlessness — A decision by U.S. District Court Judge Colleen Kollar-Kotelly to allow three detainees at the Guantanamo Bay detention center to have speedy and meaningful access to lawyers is not just correct. It's a big step towards restoring honor to the procedures developed by the U.S. government for handling these prisoners. The original decisions were shameful, but at least the courts have been somewhat responsible, and vigilant enough to begin to rein in the executive branch.

The United States has held about 540 people at Guantanamo — mostly captured during the Afghan war, though some were brought there under different circum-

stances — without filing charges or letting them speak to lawyers. By unilaterally declaring them "enemy combatants," the government claimed it didn't have to treat them as POWs under the Geneva Convention. Later it allowed some to talk to lawyers, but maintained that this was by permission, not by right.

This summer the Supreme Court ruled that the Guantanamo detainees have the right to challenge their imprisonment in U.S. courts. But the decision was a bit vague on the circumstances under which they could speak to lawyers and whether any federal court in the United States would have jurisdiction.

Michael Ratner of the New York-based Center for Constitutional Rights, which represents some of the detainees, might have overstated the case when he said the "government had dug in here as if the Supreme Court ruling did not exist," but there's no question the government was dragging its heels. It still claimed that speaking with an attorney was a privilege, not a right, and wanted to monitor and videotape all attorney-client conversations and review attorneys' notes and mail.

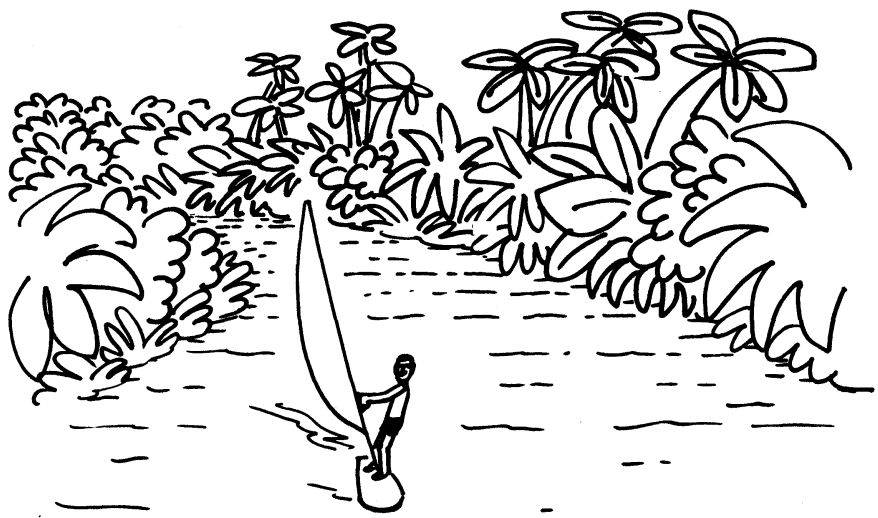

CAMBODIA, 1968

S.H. Chambers

Judge Kollar-Kotelly ruled that was an unwarranted abuse of the traditional attorney-client privilege. She addressed the government's concerns that the prisoners might use conversations with attorneys to send messages to terrorist allies outside by ruling that all attorneys would have to get a security clearance, and that they would not be allowed to talk about their conversations with anyone, including members of detainees' families.

That is reasonable. What is shocking is that in the midst of a fight that so many of our leaders want to characterize as a struggle between civilized societies that operate by the rule of law and vicious, lawless terrorists, the government has been so stubborn about wanting to take legal shortcuts that undermine the rule of law.

It would be unrealistic, even with new leadership at the Justice Department, to expect Judge Kollar-Kotelly's decision to induce a policy of scrupulous respect for traditional legal procedures. But it should correct some of its more egregious enthusiasms.

— Alan W. Bock

Me llamo Jorge — From an AP release on election night: "Kerry also led among Hispanic voters, but the gap was closer and Bush appeared to have made some progress on that front. Kerry had a 15-point lead over Bush with Hispanics — 56 percent to 41 percent — about half the margin that Democrat Al Gore enjoyed in 2000. Bush, a former Texas governor, actively courted the Hispanic vote in both presidential campaigns and speaks passing Spanish."

Coincidentally, Bush also speaks passing English.

— Ross Levatter

Outervening in Iraq's civil war — The last time we got stuck in a military conflict, the talk was that we'd made the mistake of intervening in somebody else's civil war. But Iraq is no Vietnam and, no matter what you might think about our current leaders, they haven't made the same mistake this time around.

This time around, we didn't get involved because Iraq was having a civil war. This time, we got involved because it wasn't having a civil war. It was because the Shiites and Sunnis and Kurds and other decent folks wouldn't take up arms against their government that we felt like we had to do it for them. Those people may not have liked each other when our soldiers came streaming up out of Kuwait, but you can't deny that their country was politically united.

While the actual war part of the war was going on, it was your classic regular war: Americans trying to kill Iraqis and Iraqis trying to kill Americans. For the next few months, it was still us against them, Iraqis trying to kill Americans and Americans trying to do whatever it was we were trying to do to Iraqis. But that was an unstable situation, and everybody knew it. What we needed was a way out before things turned sour. Luckily, we have a way out: get enough Iraqis shooting at each other, and we can make a graceful exit.

And it's working. Just look at the progression of Iraqi-on-Iraqi violence. At first, nothing much more than revenge killings, and those seemed to spring more from personal grudges than from any organized political movements. Then a few rockets started landing in residential neighborhoods and blowing away little kids on tricycles. Now, we are creating an Iraqi army, and a national guard, and security forces, and policemen to give the rockets something better to shoot at.

Our current problem is that the Iraqis on our side don't seem to be doing an equally good job of shooting back. But, the time will come. Given enough training and enough heavy weapons, our guys will be able to get a credible enough civil war going to let us to outervene with honor.

Don't tell me our leaders don't learn from history.

— William E. Merritt

Whose "Phantom Fury"? — The U.S. military has broadcast its intention to invade Fallujah so loudly and for so long that I suspect that, in the wake of their overkill, they'll find few antagonists there, especially since they have already allowed, as they claim, "innocent people to get out." Doesn't anyone currently in the American military remember the lesson from Vietnam? As smart Davids when confronted by a clumsy Goliath, nationalist guerrillas can look like "innocent people" on one day and warriors on another. In the initial report from the AP appears this revealing sentence without any editorial comment: "The Marines reported that at least initially they did not draw significant fire from insurgents, only a few rocket-propelled grenades that caused

Word Watch

by Stephen Cox

If Word Watch (occasionally) has a focus, it's on the political uses of language. So I take it as my duty to comment on the adventures of words during the latter stages of the presidential campaign, together with its grand climax on Nov. 2.

Much of my report is predictable. It involves the persistence — sometimes the intensification — of tendencies previously lamented here.

I have to break the news to you that candidates kept using the imperial "we" ("We think the voters of Wisconsin are responding well to our campaign"; i.e., the suckers will vote for me).

I also have to tell you that candidates kept proclaiming their delight in "meeting and listening to the voters of this great country of ours" (i.e., bothering the patrons of every Denny's in Nevada by rushing in to shake their hands).

That silly woman on Fox News kept telling politicians, "But that begs the question . . .," which she took to mean, "I want to ask you," instead of, "You've just committed a logical blunder," which is what it really means.

Horror of horrors, the offensively useless sentence-ender "in this country" ("I want to see health care reform in this country") spread for the first time from Democrats to Republicans ("I want to see education reform in this country").

Pennsylvania, Florida, and Ohio were, as usual, "up for grabs"; New Jersey was, as usual, "more of a horse race than we thought it would be"; and Democrats were complimented, as always, because they were "working for [some vague, amorphous, undefinable] change." The culmination of that tendency appeared in Sen. Kerry's concession speech, in which he thanked "William Field, a six-year-old who collected $680, a quarter and a dollar at a time, selling bracelets during the summer to help change America." Five-year-olds, I assume, are still struggling to safeguard "conservative values"; but six-year-olds have seen enough of the past — they're now working for change.

By the first Tuesday in November, verbal vitality had drained almost completely from "the electoral process." Even cliches like that seemed less in evidence than they were at the same point in previous election years. Perhaps the ever-bubbling optimism of the cliche spouter, who always believes that he is the first person to say such clever things, was yielding at last to the tension and fatigue of the "most important election of our time." Around 11 p.m. on election night, one of the network people assigned to keep track of the Kerry supporters assembled in Boston to cheer his victory speech was asked by the anchor desk how the crowd was doing. "They're gettin' pretty bummed out now," the reporter said. That pretty well sums up the last two or three months of the campaign, on both sides.

Perhaps someone in future will remember "Vote or Die," the only resonant slogan of the campaign, although no one will be able to decide what it meant. Probably no one *today* knows what it meant. An occasional sprightly public utterance was heard. Ken Blackwell, Ohio's Secretary of State, was asked by a TV interviewer, "Are you afraid of lawsuits?" — to which he replied, "I had 23 lawsuits, and I won them all." Fun, but probably not one for the ages.

Of course, the election produced its share of purely dumb-ass remarks:

CNN's Candy Crowley, reaching for the immortal phrase to describe the challenger on the morning after his defeat: "This was the day when John Kerry woke up and discovered that he had a math problem — he just couldn't make the numbers add up."

Candy's colleague, Aaron Brown, eagerly competing with her in the bon-mot department: "George Bush certainly has a tiger in the tank!"

Ron Reagan, Jr., who seemed to be freshly lobotomized every time he appeared in public, speaking on Chris Matthews' show to urge the Democrats to repair their defeat by steering to the left with promises of nationalized medicine: "*If*," he said sarcastically, "universal healthcare is left-wing!"

Finally, however, it was Sen. Kerry who won my heart with his virtually incredible ability to spin out phrases completely devoid of identifiable meaning. "I just voted," he said. "It's the great gift of democracy." Think about that. Is he saying the same thing twice ("voted" . . . "democracy"), or is he saying anything at all? You can't tell! Empty . . . yet mysterious! What an effect.

Try another Kerryism: "In an American election, there are no losers, because whether or not our candidates are successful, the next morning we all wake up as Americans." Hmmmmmmm. . . . What can that mean?

The more I think about it, though, the more I think that Kerry's running mate might have had a better angle on the patriotic theme. In his concession speech, John Edwards attempted to inspire his erstwhile followers by telling them, "We are Americans, so we *choose* to be inspired!" Well, if you say so, boss. But by the same logic, I suppose I can just as well choose not to be inspired. That's why I won't waste your time by reporting on the winners' speeches.

no casualties." Perhaps there is no longer an enemy there. Phantom Fury is the name not just of the mission but a description of the antagonist.

How easy it is for American military chiefs to predict victory, no doubt at great expense (including rebuilding the destroyed city afterwards). Likewise, how easy it is for skeptics to predict that victory in Fallujah will have little effect upon insurgencies elsewhere in Iraq.

One excuse for pursuing this invasion is unearthing "foreigners," which is to say non-Iraqis, presumably from elsewhere in the Arab world. Has anyone ever established an actual number of these? "Foreigners" become the convenient American explanation for continued anti-American resistance, which can't be blamed on the Iraqi natives who are supposed to be eternally grateful to us. Little can equal the chutzpah of Paul Wolfowitz's declaration that the problem in Iraq is "too many foreigners," apparently not counting Americans among them.

The destruction of Fallujah will not make our enemies in Iraq disappear, but it will provide another occasion for critics of American arrogance to receive favorable coverage. Meanwhile, those wishing to continue the occupation of Iraq, emboldened by a presidential victory, have dug themselves into a deeper ditch. — Richard Kostelanetz

Back in the sanitarium — Her voice was calm, polite, well-modulated, her diction clear, precise, educated without self-advertisement. It was the kind of voice a good teacher uses. There were none of the warning signs of hysteria or other mental disturbance. She was phoning C-Span to comment on its post-election interview with two reporters, one of whom had covered the Democratic campaign, the other the Republican.

"I'm just calling to let you know," she said, "that everyone here in Portland is aghast at this election. I want someone to tell me, how could Bush have won, when he told nothing but lies? He is exactly like Hitler. I want to say that I am a Christian, but I worship the Prince of Peace, not the God of George W. Bush."

There was more of it, but that's enough. Listening to it, attempting to record it, was embarrassing, in the same way in which any mental breakdown, witnessed in public, is embarrassing.

"They would not have allowed such things to happen to me," says the protagonist of one of Borges' stories, "back in the sanitarium."

In which sanitarium is it that people are sheltered from the idea that a Christian might possibly resort to war? Where is it in this country that the memory of Wilson and Roosevelt is kept from the populace at large? In what secluded district of Multnomah County, Ore. (votes for Kerry: 246,000; votes for Bush: 93,000) did "everyone" vote for Kerry? Where is it on this earth that otherwise sane people actually believe that George W. Bush, standard American middle-of-the-road politician, is exactly like Adolf Hitler?

The answer is, the modern liberal enclaves of America, where one can live for many a day, as in the Big Rock Candy Mountain, without the faintest contact with political reality.

You don't have to be an admirer of President Bush to see that America's islands of left-liberal culture have detached themselves from their moorings and are drifting slowly, slowly off toward the horizons of sanity. This in itself is an

News You May Have Missed

Fictonal Characters Welcome O'Reilly, Limbaugh, Bennett

BOSTON — The Tartuffe Society, an organization of hypocritical characters drawn from the world's greatest literature, has voted to admit Bill O'Reilly, Rush Limbaugh, and Bill Bennett as its newest two-faced, sanctimonious members. It marks the first time that the society, named after Molière's unctuous, conniving religious dissembler Tartuffe, has ever admitted real people.

"Actually, their public facade is so blatantly phony that they're essentially fictional characters just like the rest of us," said the Rev. Elmer Gantry, who joined after being invented by Sinclair Lewis in the 1920s. He was seconded by Uriah Heep, a member since the mid-19th century, who said, "Dickens made me up out of thin air, but these American Uriah Heeps made themselves up out of hot air."

All three of the new American members are known for the thundering, hectoring self-righteousness of their public pronouncements and their published books. After Bennett, the author of tracts and well-paid speeches berating contemporary Americans for their self-indulgence, admitted last year to being addicted to gambling after losing millions of dollars in Atlantic City and Las Vegas over a ten-year period, and Limbaugh, who has called for severe punishment of drug users, confessed to being addicted to painkillers that investigators believe he may have obtained illegally, O'Reilly, the seething, frothing host of "The O'Reilly Factor" on Fox News, was accused by a female producer at Fox of sexual harassment, consisting of repeated phone-sex calls to her in which he seemed to be obsessed with vibrators, lesbian scenarios, and masturbation.

Several long-time members have quietly resisted admitting the three noisy Americans into the exclusive society. "At least I was discreet," said one of the first Americans to join, the Rev. Arthur Dimmesdale, who qualified after his treacherous role in Hawthorne's classic "The Scarlet Letter." "And I was thoroughly ashamed of myself," he added. "These bums are brazenly trying to continue their careers as if nothing happened." And the Rev. Davidson, the South Seas missionary who succumbed to Sadie Thompson's charms after relentlessly denouncing her in Somerset Maugham's story "Rain," was also critical of the new members. "This club is supposed to be a quiet place where snakes like us can slink away, out of the public eye," he said. "Can you imagine having to come here and listen to these blowhards ranting all day about how right they are? They're going to give hypocrisy a bad name." — Eric Kenning

unfortunate event, because the denizens of those islands include some of the country's genuinely intelligent and respectable people, people whose occupations naturally allow them to influence others: teachers, journalists, managers of institutions.

It is also unfortunate because others find it so hard to come to terms with these people's intellectual plight that they unconsciously adapt themselves to it, like conscientious children trying to cope, day after day, with the whims of a delusional parent. The two intelligent gentlemen on C-Span didn't blink an eye at the caller's ravings. They didn't reprove her, as they undoubtedly would have if she had gotten on the phone to say that she was glad Sen. Kerry lost, because she didn't want to see a man exactly like Stalin in the White House (but that is a much rarer thing to hear, one that people are not accustomed to adapting themselves to). They didn't agree with her, mind you; they just commented in a polite, well modulated way on political generalities. Never a hint that the words they were hearing were just plain nuts.

These phenomena, I think, have not been seen in standard American politics since the days immediately before the Civil War, when distinguished members of both political parties literally believed, without any evidence worthy of the name, that their opposite numbers were trying to *take over the world*. The hysterical fears of the educated classes led to a civil war in which more than half a million people died. Most of those people didn't share the delusions of the extremists. But they adapted to them. They went along.

I don't predict anything like that for the present. Basically, only the Democratic Party is infected by the unreality disease, and that far from wholly. (The Republicans have other problems.) Yet I am afraid that the Democrats' delusions are institutional and therefore resistant to treatment. They come from a baffled sense of entitlement to power, rising in turn from the power of the modern state, whose servants and dependents (administrators, journalists, teachers, all tending strongly Democratic) are educated to believe that people like them *should* have special power and influence over public opinion. They are the intelligent, the respectable, the moral part of the population; what they don't know isn't knowledge; what lacks their anointing is illegitimate. No wonder they respond with baffled hatred when someone — even such a weak reed as President Bush — stands against them.

And you who also dislike the president, on other ideological grounds: don't be quick to say, "Oh, he can take care of himself!" If you disagree with these people, they will come after you, too; and you won't have the power of the presidency to protect you. — Stephen Cox

Many are called; few are frozen — A few months back my alcoholic next-door neighbor informed me she might be moving to Canada if George Bush won the presidential election. At the time I assumed she had thought this up all on her own — I should have known better. As we've heard many times by now, the Canada Ho! movement has become all the rage among unhappy Kerry supporters.

Daily inquiries to the Canadian immigration authorities skyrocketed from the usual 20,000 to 115,000 the day after Bush was re-elected. Salon.com featured a piece entitled: "So you want to move to Canada? All you need to know about becoming a legal resident." A noted Bay Area columnist talked about "the people on my side who are going to Montreal" (where my neighbor is supposedly headed). Michael Moore even produced a map showing the combined blue "United States of Canada" versus red "Jesusland." The man is a genius.

For all the talk, something tells me this impending yuppie diaspora will not be counted among the great migrations in history. I believe very few will actually go, and of those even fewer will stay. But man, do they love to talk about it. And I think that's really what it's all about.

A reporter covering the Democratic convention back in July said it seemed more like a VFW meeting, what with all the American flags and tough speeches about war. That's not the left wing I know. The left wing I know is the Berkeley Fire Department being barred from flying the American flag after Sept. 11th because it "might upset people." Or a good friend of mine who once said in an argument about something or other: "The difference is, you love this country and I don't!"

What does this have to do with Kerry-ites for Canada? I just think, in their hearts, many on the Left get a visceral charge out of indulging their disdain for America, and all this happy talk about leaving gives them yet another outlet for it, nothing more. Michael Moore and the Dixie Chicks may get the headlines, but I've been hearing the same drumbeat from the rank and file my whole life. "New York is like a European island off the coast of America," said one wannabe emigre to a European friend recently. I haven't heard the inside dope on why Montreal seems to be the hip choice

for asylum-seekers; maybe that English language spoken in the other parts of Canada would remind them too much of themselves and where they come from.

This Canada thing has the bonus attraction of a nostalgic association with the draft resistance days of the '60s. I respect that movement much more for the legal implications and potential life-and-death choices for those who went. And I respect the fact that they went. The current fad has such an air of phony posturing about it, I sense little more than sour grapes over one side having lost an election.

Speaking of which, I don't blame anyone for being mad as hell about losing an election — I too think Bush deserved to be tossed for the Iraq mess alone (though I could stomach the thought of Kerry even less). The Republicans, as we know, were equally disgusted by Clinton, but they simply got mad and took their country back. I don't remember much talk about them leaving the country during the nineties. The Democrats could make it with a better candidate some day; 150,000 more Ohioans would have put even Kerry into the White House this time.

Maybe the whining faddists will prove me wrong by actually leaving the Great Satan in great numbers; if nothing else, making the long-anticipated Bay Area real estate crash a reality. I'm not holding my breath on that one.

— Michael Drew

Predator and prey — A recent paper in Science on what caused the extinction of large North American canids (wolf-like carnivores) is startlingly parallel to what is happening to the government of the United States and its constituent states and leads us to a hypothesis concerning the death of democracies.

The paper reports that during the past 50 million years, successive branches of large carnivorous mammals have diversified and then gone into extinction. The authors argue that "energetic constraints and pervasive selection for larger size (Cope's rule) in carnivores lead to dietary specialization (hypercarnivory) and increased vulnerability to extinction." They explain that Cope's rule — the evolutionary trend toward larger size — is common in mammals because larger size makes it easier to evade predators and to capture prey. Moreover, larger size improves thermal efficiency, thus increasing the potential range of habitats into colder areas. As the size of carnivores increases beyond about 45 pounds, the amount of nutrition obtained from small prey becomes inadequate to cover the energy used in capturing them. Thus the larger carnivores became what the authors call "hypercarnivores," which hunt only large prey (as large as or larger than themselves). A plot of the index of hypercarnivory (PCI score) against estimated species duration shows that none of the hypercarnivorous species persisted for more than 6 million years, as compared to other, more omnivorous species that lasted as long as 11 million years. Hence, the authors propose, the hypercarnivores are more vulnerable to extinction. The researchers also note that hypercarnivores reverting to a more generalized diet and morphology was rare.

In Detroit, because deceased voters haven't been removed from the rolls, there are more registered voters than people of voting age.

Reliance upon a smaller number of large prey increases the statistical variation in the nutritional intake. Moreover, the larger the carnivore, the lower their population density. Both of these are factors that increase the risk of extinction.

It is interesting that the government of the United States and of its constituent states are moving rapidly in the direction of targeting large prey, with an increasing statistical variance in the yearly revenue from these relatively small number of prey. The federal government relies heavily on a steeply progressive income tax (with the well-known result that the bottom 50% of income earners pay only 4% of income taxes). Relying upon the fat targets at the highest levels of earnings has resulted in greater statistical variation in revenues, as well as increasing demand for government services from those paying little or nothing for them. Worse yet, today's government is already preying upon the fat targets of the future by rapidly increasing government debt, something canids never had the option to do.

We suggest, therefore, that hypercarnivory may be one reason that democracies don't last much longer than about 200 years. If we start counting from the passage of the 16th Amendment on Feb. 3, 1913 (which provided the means to target most of the large prey via unlimited progressive income taxation) rather than from 1787, the United States theoretically could last another century or so, though for reasons given below we think it unlikely.

— Sandy Shaw and Durk Pearson

Be sure to wear some flowers in your hair — Shortly after the election, the San Francisco Chronicle ran a story quoting local artists on "how President Bush's reelection, as well as the nation's attitude on social issues . . . would influence their art." A musician known as "Fat Mike" responded: "When I run into a tourist with a southern accent, I tell them to get the f— out of San Francisco. We're at a culture war. I'm angry at them. We live in a country shrouded in ignorance." The headline just above Fat Mike's words read: "Whether in shock or mourning, artists look for ways to reach out." I'll say.

I really don't care whether Fat Mike and his pals remain shrouded in the kind of ignorance they claim to abhor, a fairly common condition in the world. But it never ceases to amaze me how the leading guardians against "hate speech"

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in our progressive community, including the media, are so quick to honor and promote the worst kind of bigotry so long as the target happens to be white, male, Southern, Christian, conservative, or God forbid, all of the above.

For solace I turn to the words of another local artist, documentary filmmaker Dayna Goldfine: "It's a dark time, but it's important to keep doing our jobs because we're the ones who create things of beauty." — Michael Drew

What if they held an election, and nobody won — Here's one way to get a dictatorship: when you can no longer determine who won an election, because of large numbers of legal suits overwhelming the courts. Even if the courts were able to make decisions in all of the suits, democratic processes would no longer be determining who wins elections, courts would. The rule of judges has already been tried in ancient Greece as a method of political rule. But it didn't work out well because of the almost immediate corruption of judges.

We have some immediate problems with elections that stand to paralyze the process for determining who holds political power; problems such as errors, fraud, and even the basic question of who should be allowed to vote. For example, many demented patients in nursing homes are being signed up to "vote." In Detroit, because deceased voters haven't been removed from the rolls, there are more registered voters than people of voting age.

Having judges decide who wins an election is bad enough, but what happens if there is no way for the courts to make a timely decision to determine (in their view) who won the election? We may be seeing the last presidential election that is ever won by something resembling the one-man-one-vote democratic process. Hence, the future of the United States as a relatively free country where there are basic rules (such as a Constitution) that are generally agreed upon is limited for that reason alone. We can imagine after one of these so-called elections in which no decision results or the decision is made after an extended judicial process, that there is massive rioting in the inner cities; for example, by those unhappy with the election outcome and thinking themselves disenfranchised. (This is especially dangerous in cities where people have been disarmed.) We ourselves will be disenfranchised by this process and it is difficult to see any strategy that could possibly reverse this. Perhaps those who believe that voting is already a waste of time will be satisfied with this result, but it seems to us that rule by judges is an even worse outcome.

It would be ironic if the United States were to follow the ex-Soviet Union into oblivion after only a relatively short time by breaking up, but separating into a large number of small political units might be the only solution to the hyper-carnivore state (see above).

We do live in interesting times.

— Sandy Shaw and Durk Pearson

The second time around — F. Scott Fitzgerald said there are no second acts in American lives, but that has turned out to be ridiculously untrue, as Bill O'Reilly is only one of the most recent to prove. What might give lovers of liberty at least a glimmer of hope as we contemplate the Imperial City for the next four years, however, is that second terms in American presidencies are almost always at least mildly disastrous for the president in question. There are reasons to believe that George W. Bush is unlikely to break the pattern.

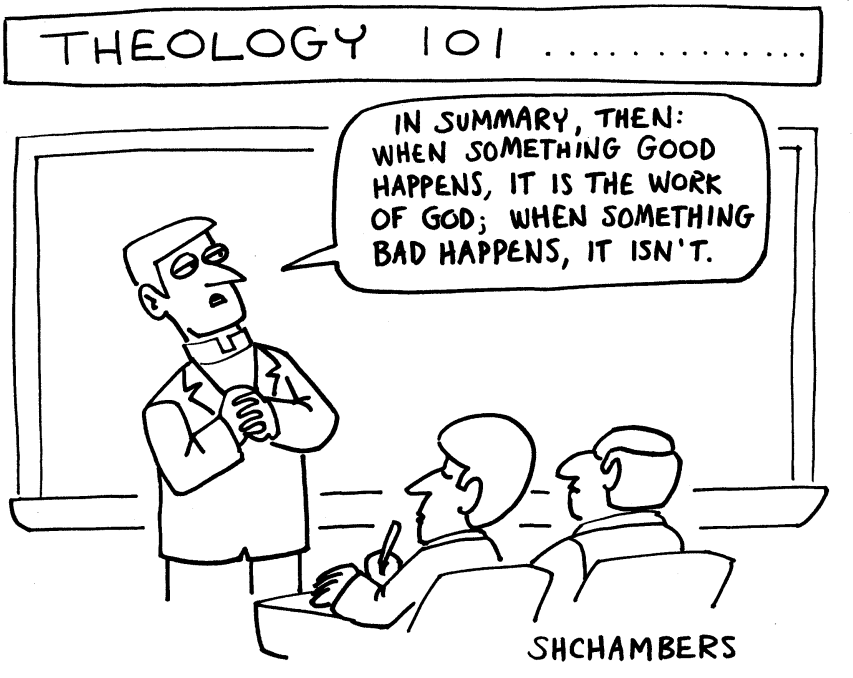

We all remember Watergate in Nixon's second term (though some might not have had Republican friends at the time, as I did, who were utterly convinced Nixon was really going to reform and reduce government once reelected). Reagan's second term brought Iran-Contra and Clinton's ushered in Monicagate. If LBJ was really JFK's second term (which could be argued) it was disastrous. Even Ike had a recession in his second term and a Democratic sweep in the 1958 congressional elections.

The track record of second terms wasn't much better before the 22nd Amendment term-limited presidents. Woodrow Wilson's second term saw not only a war but the collapse of the Democratic majority. Because FDR won a third term thanks to the next war, we tend to forget that his second term featured the court-packing fight, a 1937 recession, and GOP victories in 1938. Truman had problems — McCarthyism, scandals, congressional opposition — in his second term, and his retrospective rehabilitation rests mostly on what happened in his first term.

President Bush has an ambitious set of plans for his second term, but he is unlikely to be able to focus enough attention on any one of his projects to bring them to completion — though I wouldn't mind if he really did take a baby step toward privatizing Social Security and simplified the tax

code. Iraq is likely to remain a thorn unless he decides to declare victory and get out. To be sure, presidents accomplish most of that they do by delegating, but success on major projects generally requires some personal presidential attention. One man has only so much attention to give.

Second terms are often marred by the surfacing and maturing of scandals that began in the first term. The list of potential scandals that could ripen to the spoiling stage during Bush's second term includes the possible AIPAC-Israeli acquisition of secret documents, the new CIA report on how 9/11 happened and the response to it that has been kept under wraps until after the election, and new investigations into the failure to find "weapons of mass destruction" in Iraq. Perhaps Republicans, less constrained by the imminence of an election, will be more willing to search for something resembling truth.

Conventional wisdom holds that Bush has two years — maybe 18 months — to ring up some accomplishments before the political world becomes transfixed by the 2006 and then the 2008 elections and sees him as yesterday's news. I suspect several problems will reach up to bite him before then. — Alan W. Bock

Yasser Arafat, RIP — Highlights from the life of a statesman:

1929: Born in Cairo.
1965: Forms Fatah guerrilla movement.
1966: First successful Fatah attacks against Israeli civilian targets.
1969: Becomes chairman of the PLO.
1970: Quoted in the Washington Post saying, "The goal of our struggle is the end of Israel, and there can be no compromise."
- 47 people are killed when SwissAir flight 330 is bombed by a PLO group.
- PLO terrorists attack an Israeli school bus with bazookas, killing nine children.

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1972: Eleven Israeli athletes are murdered at the Munich Olympics by a Fatah group.
1974: Addresses the UN General Assembly, referring to Israel as a "racist camp predicated on the destruction of civilization, cultures, progress, and peace," while comparing Zionism to Nazism.
- 21 children are killed by PLO terrorists at Maalot school.

1975: The PLO's destabilizing of Lebanon and support for the Marxist rebels contribute to the outbreak of civil war. The PLO persecutes and kills thousands of Lebanese civilians.
1978: Fatah terrorists take over a bus and kill 21 Israelis.
1980: Quoted in the Venezuelan El Mundo saying, "Peace for us means the destruction of Israel. We are preparing for an all-out war, a war which will last for generations."
1985: The Achille Lauro, an Italian cruise ship, is hijacked by Palestinian terrorists. Leon Klinghoffer, an elderly, wheelchair-bound man, is shot and thrown overboard.
1988: Renounces terrorism and acknowledges Israel's right to exist.
1993: Signs Israel-PLO accord on Palestinian autonomy, known as the Oslo Accords. He pledges to stop incitement and terror and to foster co-existence with Israel.
1994: Awarded the Nobel Peace Prize.
1995: States on the Voice of Palestine, "The struggle will continue until all of Palestine is liberated."
1996: States in Stockholm, Sweden to a gathering of Arab diplomats, "You understand that we plan to eliminate the state of Israel and establish a purely Palestinian state. We will make life unbearable for the Jews. . . . I have no use for Jews; they are and remain Jews! We now need all the help we can get from you in our battle for a united Palestine under total Arab-Muslim domination."
1997: Says on Palestinian TV, "It is important that we organize our homes and our movement so that we can more and more and more endure the coming battle, which we shall initiate."
1998: States in the Palestinian Authority newspaper Al-Hayat Al-Jadeeda, "O my dear ones on the occupied lands, relatives and friends throughout Palestine . . . my colleagues in struggle and in Jihad . . . intensify the revolution and the blessed Intifada. . . . We must burn the ground under the feet of the invaders."
2000: Meets with Israeli Prime Minister Ehud Barak at Camp David and turns down his offer to withdraw Israeli forces from 97% of the West Bank, 100% of the Gaza Strip, dismantle most of the settlements, and create a Palestinian state with East Jerusalem as its capital, telling him to "go to hell."
- Second Intifada, incited and encouraged by the Palestinian Authority, begins. To date, 750 Israeli and over 1,000 Palestinian non-combatants have been killed.

2003: The International Monetary Fund estimates that Arafat has diverted at least $900 million in Palestinian aid to private bank accounts, and Forbes lists him as the sixth wealthiest among the world's "kings, queens and despots."
2004: Dies in France. — Andrew W. Jones

Lies, Damned Lies, and Election Analysis

by R. W. Bradford

Whether it is mainline pundits or Libertarian Party leaders offering election analysis, the results are the same: idiotic claims that ignore obvious facts.

The morning after Kerry conceded the election, one of Liberty's editors was rather upset. "All over the media," he said, "there are reports that Bush won because ballot measures banning gay marriage brought out new voters who supported Bush." He was upset by this because he had voted for Bush and thought this was the usual left-wing attempt to smear opponents as bigots.

I told him that I doubted this theory was correct. "For one thing," I said, "so far as I can recall, the anti-gay marriage measures were mostly on the ballot in states that were strongly pro-Bush anyway. And one was on in Oregon, which is pro-Kerry anyway. The only battleground state that I can recall it was on the ballot is Ohio. But Bush won Ohio by almost a quarter million votes, and I doubt that the measure brought that many new voters to Bush there. Anyway, checking this out is a simple enough matter. All you have to do is see how Bush performed in states where the measure was on the ballot in comparison to his performance in states where it wasn't."

After a few minutes on the net, I had my answers.

There were no data that supported the notion that Bush gained votes because of the gay-marriage ballot measures, let alone that the measure had won the election for him. In fact, the data suggested that he would have done better if the gay-marriage proposals had not been on the ballot.

In states that voted on the gay-marriage ban, Bush increased his vote share from 53.33% in the 2000 election to 54.17% in the election just past. That's an increase of 0.84%. In states where gay-marriage bans were *not* on the ballot, Bush increased his vote share from 48.82% to 50.78%. That's an increase of 1.96%. Bush's vote share rose more than twice as much in states where voters didn't have a chance to ban gay marriages.*

The evidence suggested that the gay marriage measures actually hurt Bush — and hurt him substantially. And this makes a lot of sense, if you think about it. Sure, the gay marriage measures may have brought more religious anti-gay voters to the voting booth, and these voters may have voted mostly for Bush. But it is just as likely that it brought a lot of other new voters to the ballot box: young, urban gays who were offended by the proposed ban on gay marriage. And these young voters may very well have influenced others: virtually all gays have heterosexual parents, and although these parents may not be crazy about their progeny's sexual orientation, they also may strongly prefer that their offspring get involved in more-or-less monogamous relationships, if only for health reasons. These groups and their families may very well have outnumbered anti-gay-marriage Christian voters.

* These numbers are slightly different than those I calculated at the time because I have used updated vote totals. In both cases, I used two-party totals because fringe party totals were not yet available and wouldn't substantially change the outcome.

This hypothesis may be wrong. But at least it is consistent with the evidence. The hypothesis that anti-gay-marriage ballot measures helped George Bush is not consistent with the evidence.

Yet on the cable news channels, in major newspapers, and on broadcast political shows the theory that the anti-gay-marriage measures had helped Bush continued to be stated, almost as if it were a fact.

For ten days, political analysts repeated the claim that anti-gay-marriage ballot measures had increased Bush's vote, without bothering to look at the actual evidence, which inconveniently showed that Bush's vote share in states without the marriage ban on the ballot increased more than twice as much as in states where voters were invited to ban gay marriage.

In a sense, this is easy to understand. Two political groups had strong motives to propagate the groundless theory. The anybody-but-Bush crowd, most of whom believed that Bush was such an evil man that voters would surely reject him, found solace in the theory because it explained why their prediction was wrong, and it explained it in a flattering way: they had miscalculated because they had failed to appreciate how many small-town and rural religious bigots exist out there in the red states. Not only did it let them off the hook, but if they happened to earn their living from leftist politics in general and anti-Bush or anti-GOP politics in particular, it gave them an excellent way to raise funds. "We must fight against religious bigotry!" is an excellent battle cry for rallying their troops and getting donors to cough up cash.

Opponents of gay marriage, and anti-gay people in general, also had a strong self-interest in the hypothesis. It flattered them. It proclaimed them victors in the culture war. Not only were they so successful that they passed every measure banning gay marriages, but they also saved the president! It certainly wouldn't hurt their fund-raising abilities either.

But what is strange about this is that for more than a week, the theory was treated as gospel by much of the political class, and virtually no political analyst, commentator or pundit bothered to look at the actual evidence, despite the fact that the hypothesis was child's play to check out. Those who challenged the thesis were content merely to disagree; with a single exception, none bothered to look at the data.

That exception was a feature on Slate.com, which examined the vote totals and arrived at the same conclusion that I did. Unhappily, this analysis provided little detail and made a claim that was contradicted by the actual data, viz., that Bush's "vote share averaged 7 points higher in gay-marriage-banning states than in other states (57.9 vs. 50.9)." In actual fact, Bush's vote share in the states with ballot measures was 3.39 points higher than in other states (54.17 vs. 50.78).

It also claimed that in the 2000 election, "Bush's vote share was 7.3 points higher in these same states than in other states." This also is false: Bush's 2000 vote share in the states that had the ballot measure in 2004 was 53.33, versus 48.82 in other states, a difference of 4.51 points.

Finally, ten days after the election, syndicated columnist Charles Krauthammer examined the evidence, arrived at the obvious conclusion, and wrote a column debunking the theory.

Why the long delay?

Politics in the United States has become a sport. Like sports journalism, political journalism has remarkably little interest in looking at actual evidence. And this is fine with most political activists, as it is with most sports fans. Consumers of political punditry seem more than satisfied by the moronic, highly partisan analysis offered by Sean Hannity or Michael Moore. They actually prefer it to the more reasoned (dare I say nuanced?) analysis of Charles Krauthammer or, say, me.

For their part, political activists, reporters, and even campaign managers would rather work themselves up over theories than attempt to verify or disverify them, in exactly the same manner as sports fans, reporters, and managers.

Consider the case of the sacrifice bunt, a tactic once widely employed in baseball. The theory is this: with a runner on first with no men out, the batter should bunt, in hopes that the infielder who gets to the ball will throw to first to retire the batter, enabling the runner to get to second base, where he can be driven home with just a single. In effect, you trade an out for a one-base advance.

From the 1890s until the 1980s, this tactic was very widely employed. It never occurred to anyone who believed in it that it could easily be proved or disproved. All one had to do was examine what happens when it is tried and when it is not tried: add up how many runs are scored in innings in which a runner makes it to first safely with no one out and a sacrifice bunt is used, and how many runs are scored when a batter is allowed to try to get a hit.

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Finally, sometime in the 1980s as I recall, a group of baseball scientists did just that. They quickly discovered that in innings when the bunt was tried, fewer runs were scored on average, and fewer innings failed to produce a single run. Many other old strategic controversies in baseball have been similarly resolved by the simple examination of evidence.

A lot of baseball fans, commentators, and managers

oppose this sort of analysis and feel nostalgic for the good old days when they could argue endlessly about various tactics and strategies — the same way that many political fans, commentators, and managers prefer to argue endlessly about simple questions like whether gay marriage proposals helped or hurt Bush. But whether in sports or in politics, ignorance of this sort, be it willful or the product of intellectual laziness, is just plain stupid.

Political reporting and sports reporting are both inherently meretricious. Reporters in each domain depend on access to public figures — sports figures and politicians — which often leaves them reluctant to make any serious criticism at all, unless they are extremely partisan, and then their criticism is as predictable as it is tedious.

Like sports journalism, political journalism has remarkably little interest in looking at actual evidence.

Reporters and commentators in both fields have a powerful interest in making the events they cover seem both closely competitive and crucially important. If they do not, the audience loses interest. Political journalists have even adopted the language of the sports page: closely competitive elections are "real horse races," attractive candidates are "real contenders," etc.

I just read Newsweek's special election issue, which will be expanded and published as a hardback bestseller within a few weeks. It is sports journalism, pure and simple, an account of a close race, with inside details about the managers, players, and strategies, and distaste for outsiders, like the Swift Boat veterans, who might disrupt the game.

Politics is like sports in other disquieting ways. Consider the huge importance that partisans in both fields attach to victory. Every time you hear the word "historic" in a sports story, you can be sure that the utterer actually means "trivial," as in the Boston Red Sox's "historic, come-from-behind victory" over the Yankees after falling behind three games to zero.

Whether the Red Sox beat the Yankees is of huge importance to fans, but trivial in reality. Is the slim victory of George Bush over John Kerry any more significant? It's obvious that whichever man won the presidency, the republic would survive more or less unscathed. While Kerry has a record as a left-liberal spender (a record any Massachusetts politician must have if he is going to win elections) and Bush has a record as what's now being called a "big-government conservative," as befits any successful politician from Texas, there is no reason to believe that government spending would be less under Bush. Indeed, based on past experience, the evidence is that spending will be higher under Bush — but not disastrously higher. There was little perceptible difference between the candidates even on the issue of the war in Iraq, despite the claims of idiots like Michael Moore. In fact, a case can be made that Kerry proposed a set of policies that was even more pro-Iraq War than those of Bush.

The American republic is a remarkably robust political institution: it survived twelve years of Franklin Roosevelt, a Civil War in which 5% of its entire population was killed, eight years of Bill Clinton, and more nonsense in its public discourse than an imaginative novelist could concoct. It can certainly survive another four years of George W. Bush or even eight years of John Kerry.

And political commentary and analysis remains about 97% bullshit, pure and simple. The people like it that way. Charles Krauthammer will not be honored by his fellow professionals for pointing out that they've been talking pure BS. Some will simply ignore the evidence and go on prattling about the brilliance of getting anti-gay-marriage initiatives on the ballot. Others will simply drop the issue, and move on to other spins. And I shall move on too.

Deconstructing the Libertarian Party Performance

As fairly complete election returns became available the morning after the election, libertarians like me had reason for elation. Libertarian Party candidate Michael Badnarik had apparently captured around 390,000 votes, bettering the total of 2000 candidate Harry Browne and coming surprisingly close to his much better known competitor Ralph Nader, who captured about 407,000 votes — only 4% more than Badnarik.

I was surprised by Badnarik's strength and close showing to Nader, and figured that it might indicate that the Libertarian Party was coming out of a long electoral funk. Given the tightness of the presidential race, the widely-held why-waste-your-vote sentiment among voters, and the lack of resources of the LP campaign, this seemed a very impressive showing.

But, as is my custom before I arrive at conclusions, I examined the evidence as closely as I could. I looked at state-by-state data, actual matchups between Nader and Badnarik, and kept an eye out for correlations that might help me understand what had happened, and why.

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The results were not pretty. In every one of the 34 states in which both Nader and Badnarik had been on the ballot, Nader beat Badnarik by substantial margins. Badnarik came closest to Nader in South Carolina, where Nader beat him by 49%. Nader had his widest margin in New York, where he garnered more than eight times as many votes as Badnarik. In states where both were on the ballot, Nader got more than three times as many votes as Badnarik.

So how did Badnarik manage to finish a relatively close fourth to Nader in the national totals? He did so largely because his name was on the ballot in 15 states where Nader's was not. In those states, Badnarik got almost 70% of his own vote total.

This suggested to me that a good share of Badnarik's total vote may have come as a protest from individuals who disliked both major candidates and were willing to vote for any alternative. If that were the case, we'd expect Badnarik to do best in states where he had the least third-party competition. So I sorted the states by the number of presidential candidates who adorned their ballots, and totaled Badnarik's vote share in each state. The results are illustrated in the graph below.

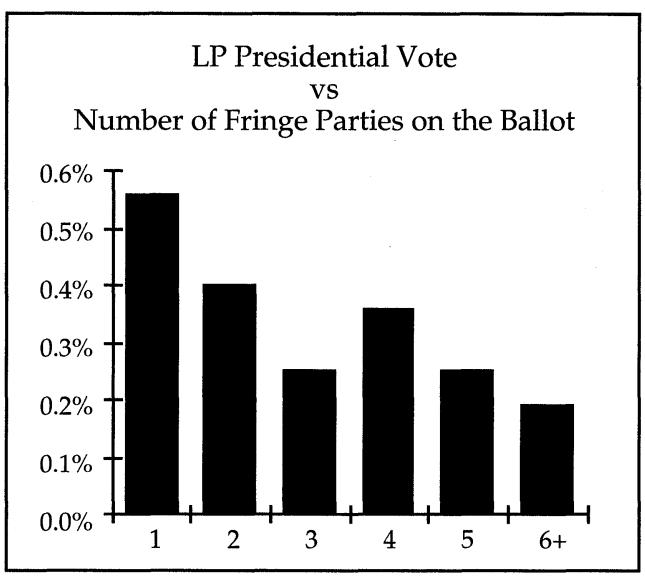

Obviously, there is a very strong correlation between Badnarik's vote share and the number of other fringe parties on the ballot, suggesting that a substantial share of Badnarik's vote did indeed come from voters seeking any alternative to the major parties and not particularly enamored or even aware of the Libertarian message.

What about the Badnarik campaign's much touted strategy of concentrating its resources in four "battleground" states? Did the substantial expenditures for television advertising in these states pay off?

The four states were Nevada, New Mexico, Arizona, and Wisconsin. The results can be measured by comparing the LP candidate's vote share in 2004 to the LP candidate's vote share in 2000, when resources were not concentrated in those states.

In Arizona, a party split meant that 2000 presidential nominee Harry Browne did not appear on the ballot. Here are the results for the other three states:

States	2000 vote	2004 vote	Change
Nevada	.365%	.331%	-9.3%
New Mexico	.544%	.385%	-29.2%
Wisconsin	.256%	.216%	-15.5%
All three states	.316%	.262%	-17.0%

And how did Badnarik perform this year compared to the LP candidate in 2000 in the other states, where resources were not concentrated? His vote share fell from 0.364% to 0.333%. That's a drop of 8.4%.

In sum, LP vote share dropped 17% in the states where the 2004 campaign focused its money and energy, while dropping only 8.4% in other states. Think about it: the Badnarik campaign did twice as well in states that it ignored than in states where it concentrated its resources. Needless to say, this does not support the idea that heavy spending on television advertising had a positive impact. Indeed, it suggests that perhaps the more voters know about the Libertarian candidate, the less likely they are to vote for him.

There's another way to gauge how the LP fared in the election. The presidential race was widely portrayed in the media as extremely close, and the why-waste-your-vote argument was very much in evidence. Perhaps this factor drove down the LP presidential vote totals in general and in the battleground states in particular.

The LP vote share dropped 17% in the states where the 2004 campaign focused its money and energy, while dropping only 8.4% in other states, suggesting that perhaps the more voters know about the Libertarian candidate, the less likely they are to vote for him.

So let's take a look at how the LP did in its races for the House of Representatives, where such arguments were not much in evidence. There are 91 seats in Congress for which the LP fielded candidates against both major parties in 2004 as well as in 2002. The LP vote share rose in three of those races. It declined in 88. The LP vote share in all 91 races declined from 2.24% to 1.95%. That drop of 12.7% exceeds the drop at the presidential level of 7.7%.

In sum, the election results were very disappointing for proponents of the LP. After contesting nine presidential elections, running thousands and thousands of candidates

*There was a -.504 correlation coefficient between the percentage of votes that Badnarik received in a particular state and the number of presidential candidates on the ballot in that state.

I realize this sounds like technical gobbledygook to people unfamiliar with statistical analysis. A correlation of this sort explains the dependence of one variable on another in the following way: if you square the coefficient of correlation you get the level of dependence. In this case, the square of -.504 is .254, which means that 25.4% of the variance of Badnarik's vote share in each state is accounted for by the number of fringe candidates on the state ballot.

for lesser offices, spending tens of millions of dollars and untold hours of volunteer time, the LP presidential vote share is down more than 68% from its 1980 showing. That share at the presidential level has declined in every election but one since 1988.

In the presidential race, the LP finished 7.7% worse than in 2000. In congressional races, LP candidates finished 12.7% behind the 2002 totals. It was the worst finish for the LP in any election ever, aside from 1992's dismal performance, when its candidate was dodging bill collectors and refusing to speak to the press.

Of course, you won't get this impression from the Libertarian Party's website, where the election results were actually given as evidence of growth. Its lead feature was headlined "More than 20 Libertarians elected to office this year." A careful reading of the feature revealed that not a single candidate was elected to a partisan office.

The second lead concerned the presidential election. "Mr. Badnarik's campaign touched millions of voters and helped to increase the size and strength of the Libertarian Party," executive director Joe Seehusen told LP members. Seehusen credited Badnarik's unexpectedly close finish to Ralph Nader to the "media coverage that is showered upon celebrity candidates." He made no mention of Badnarik's huge advantage in ballot access or the huge margin by which Nader trounced Badnarik in every state in which both were on the ballot. Nor was any mention made of the 12.7% decline in vote share at the congressional level or the 7.7% decline at the presidential level.

Next up was a story about the Badnarik campaign's efforts in battleground states. No mention was made of Badnarik's dismal performance in these states.

Candidate Michael Badnarik was as optimistic as the LP executive director. "We are the new refounding fathers and mothers and we will restore liberty," he told a student newspaper twelve days after the election. "We are making incredible progress. We will use this [election] as a springboard for future success. The campaign was a huge success." He also said he planned to run for president again in 2008.

Libertarian Party professionals, of course, get their livelihood from funds raised by the party and have a powerful vested interest in convincing the faithful that their contributions were effective. Like other political professionals, they spin stories and propagate interpretations that make no sense upon examination. They are simply doing their jobs. Which is exactly what I am doing when I debunk their claptrap.

I suppose Libertarians can take solace in the fact that other third parties did even worse. Nader finished almost 40% below his 1996 vote total — and he didn't even campaign in 1996. The Greens, without Nader on their ticket, got only 112,000 votes, finishing in sixth place, though they did manage to finish ahead of the LP in six states, as did the Constitution Party. It was a bad year for third parties all around — but even within that context, it was a bad year for Libertarians.

Note on Sources

Vote totals for the 2000 election are from the Federal Election Commission's website (http://www.fec.gov/pubrec/2000presgeresults.htm). For the 2002 congressional vote, I depended on http://www.fec.gov/pubrec/fe2002/2002fedresults.xls. For 2004 presidential votes, I used USA Today's website (http://www.usatoday.com/news/politicselections/vote2004/nationalelectionresultsbystate.aspx?oi=P&rti=G&cn=1&tf=l). For 2004 congressional returns, I used http://news.yahoo.com/electionresults. Raw third party presidential vote totals came from Ballot Access News' website (http://www.ballot-access.com).

I would like to thank A.J. Ferguson and Sara Jones for assistance with researching this article.

The Election

Fun with numbers — The days after the 2004 election provided a wonderful opportunity for those of us who spend time online to watch the process by which rumor arises from the combination of wishful thinking and mathematical incompetence. My favorite example was a graphic widely offered around the net as proof that Bush stole the election by the use of rigged voting machines. It consisted of nine sets of bar graphs comparing exit polls to final vote counts — one each for nine states. Three were labeled paper ballot states, and in those three Bush did at best a little better in the vote count than in the poll. Six were labeled machine ballot states, and in each Bush did much better in the final vote than in the exit poll. So far as I could see, not a single one of the people citing that as clear evidence of vote fraud bothered to wonder just how the nine states being shown had been selected by whoever put together the graphic — clear evidence that not enough people have read "How to Lie With Statistics."

— David Friedman

Feeling sorta blue — In the state of Washington, voters went for John Kerry and reelected a liberal Democratic senator (Patty Murray). But they also reelected an avowed libertarian, Richard Sanders, to the state supreme court despite a smear campaign by a law-and-order judge who claimed that Sanders was a friend of criminals. Voters rejected an anti-corporate populist candidate for attorney general, and elected a populist conservative, Jim Johnson, to an open seat on the state supreme court.

Find some order in that.

Washington is one of the strongholds of the initiative and referendum. This year its voters took the advice of the teachers' unions and decisively rejected a charter school referendum for the third time. The argument was that charters would take precious money away from public schools. Washington has no charter schools and, of course, no vouchers. Voters also rejected a one-percentage-point increase in the sales tax even though its entire purpose was to give money to the public schools. The main reason for the second vote was that the sales tax in most of the Seattle area would have gone to 9.8%.

As I write, the race for governor is essentially a dead heat. If Dino Rossi wins, he will be the first Republican governor elected since 1980, and the first conservative governor in this state since people started pumping their own gas. If he does not win, Washington will be a state with two Democratic women senators (Maria Cantwell is the other one) and a Democratic governor, Christine Gregoire. The world of Democratic dominance will have been saved, barely.

— Bruce Ramsey

This is CNN — On election night I sat back and watched the returns for ten hours straight, flipping back and forth between the cable stations the whole time. Nearby at the Parkway Theater in Oakland, a group of 300 Kerry supporters kept CNN on the big screen the whole time. "We wanted to be with like-minded people, either to get excited or weep," said one at the gathering. "The alternative was to be in a living room." I prefer a living room. But if their goal was to keep the party going all night long, the Kerry folks made a prescient choice in sticking with CNN.

As the night wore on, not much of interest happened until CNN, contradicting the early exit polls favoring Kerry, announced unexpectedly heavy Bush returns across the bellwether I-4 corridor in Florida. At this point I thought CNN was doing the best analysis, though they, Fox, and MSNBC were all behaving fairly on the whole. Following those early trends in Florida, all three cable stations eventually called the state for Bush, which was important because winning Florida was a huge step toward his reelection. CNN lagged behind the others on calling Florida, but arguably called it within a reasonable amount of time. Then the strangest thing started happening.

CNN legal analyst Jeffrey Toobin then tried to clarify the situation: "Kerry's chances appear to be nonexistent . . . but it's awfully close!"

At 12:41 a.m. Eastern time, Fox called Ohio for Bush, followed by MSNBC a short time later. It seemed all but over, with Bush needing only one more victory out of a group of swing states he appeared to be leading in: Iowa, New Mexico, and Nevada. At the time of Fox's Ohio call, Bush led by about 120,000 votes in the state with 83% of precincts counted. Analyst Michael Barone's reasoning was that, although a sufficient number of votes remained uncounted for Kerry to turn it around at that point, so many of them were in traditionally Republican strongholds there was no reason to think Kerry could make up the difference.

A Democratic operative soon appeared on CNN to lay out a possible Ohio victory scenario. The Democrats thought that, as the remaining votes were counted, Bush's margin might tick down to less than 50,000, at which point the large number of outstanding provisional ballots could still put Kerry over the top. That possibility kept the drama alive for a while. But as the 83% of precincts reporting ticked up to 97% by 3 a.m., Bush's lead increased to 145,000, with about the same number of (non-provisional) votes left to count.

The wild cards at this point were the uncounted provisional ballots, which nobody

Handicapping the Presidential Race

Predicting the vote total of Libertarian Party presidential nominees is a notoriously difficult task. As is customary, on election eve, R.W. Bradford invited Liberty's editors and contributors to predict the total vote that the Libertarian nominee for president would get the following day.

Here are their predictions:

Larry Sechrest	23,000
Tim Slagle	200,000
Bill Kauffman	205,000
R. W. Bradford	260,000
Douglas Casey	385,000
Michael Drew	395,947
Patrick Quealy	430,000
Stephen Cox	500,000
Bruce Ramsey	845,000

The most accurate prediction came from Douglas Casey. Curiously, Casey tells us that he is terrible at making political predictions. Last election's winner, by the way, was Bruce Ramsey, who seems to have been overwhelmed with a fit of optimism this year.

We also asked our "experts" to predict the winner of the presidential election and his winning percentage. Stephen Cox predicted George W. Bush with 51% of the popular vote. He was so accurate that we shall save the remainder of Liberty's "experts" the embarrassment of seeing their predictions in print.

had an exact handle on; estimates of the number of provisional ballots ranged anywhere from 100,000 to 250,000. Even so, in the 2002 election the provisional ballots in Ohio wound up breaking roughly along the lines of the overall vote count. On what basis could we therefore expect this random sampling from around the state to break so lopsidedly for Kerry to give him the win? For an answer, let's turn to CNN.

When asked why they hadn't called Ohio with 99% of precincts now in and Bush ahead by 140,000, Judy Woodruff confusedly explained that "we're looking to see if there's any way mathematically he [Kerry] can still win." Of course, if the races were called based on mathematical certainty there would be no need for projections by the vaunted "decision teams" of statistical and political experts hired by the networks to enlighten us. Something smelled here. CNN legal analyst Jeffrey Toobin then tried to clarify the situation: "Kerry's chances appear to be non-existent . . . but it's awfully close!" I see. Even with 100% reporting in later and the lead largely unchanged, still no call.

CNN's inexplicable delay in declaring the obvious was significant in this case, since the network had earlier called Nevada for Bush, meaning with Ohio added they would have had to call the election. Meanwhile, Fox still had Nevada listed as "too close to call" (a key difference from CNN's analysis on Ohio being that Nevada was actually close).

The next day Kerry conceded anyway, but the CNN-Ohio projection mystery continued, at least for me. CNN's Candy Crowley reported: "John Kerry woke up and found out he had a math problem; there was no way he could make the numbers add up." Wolf Blitzer added that "John Kerry simply did not have the votes to overcome" the deficit in Ohio.

Really? Then why was CNN making those preposterous statements to the contrary in the wee hours, staring at the very same "math problem" to which Kerry had conceded?

To cover their asses with an air of false objectivity, CNN ran a story the following day stressing that "caution was the watchword" in this election after the debacle of 2000, going so far as to deride Fox's Ohio call for Bush as a "stretch"! Never mind that Fox made the right call based on objectively defensible analysis, provided publicly on the spot, a call that got "righter" as the night went on. No, the mother of all stretches was CNN's non-call, and now we finally know why.

It turns out that after Fox's Ohio declaration, Kerry staffer Howard Wolfson told others in the campaign "boiler room" that they had 30 seconds to stop the other networks from calling Ohio. Several Kerry men got on the phone to ABC, CBS, CNN, and NBC begging them to hold off, and they mostly did. It's unclear based on the timing of events whether NBC simply ignored the Kerry people, or had already called Ohio, but it's quite clear from the farce I observed which course CNN chose. By deliberately stalling public confirmation of the election's outcome at the Kerry campaign's request, CNN allowed the Kerry team time to weigh its nonexistent legal options through the night. A race genuinely close enough to recount or otherwise challenge legally would have been a different story, but this one was no contest by late Tuesday.

It's not the media's job to tell a candidate when to concede an election. It is their job to honestly report the facts as they see them and let the candidates and the public draw the necessary conclusions. Kerry should have conceded Tuesday night based on the numbers in the "math problem," and probably would have had CNN (and the others) kept their analyses and proclamations honest, in the process telling the legions of Kerry supporters watching their network — and the world — the truth. I can't believe this isn't a bigger story.

By the way, even after Kerry conceded the next day, CNN's website listed Ohio as too close to call.

— Michael Drew

The political do-si-do — For libertarians, the most interesting thing about the election is that it may persuade the Democrats that they need to broaden their coalition. The Republicans have largely abandoned both libertarian and traditional conservative positions, offering a number of opportunities for the Democrats. Their problem is how to get new voters without losing too many of those ones they already have.

One intriguing possibility is for the Democrats to come out in favor of the federal government going along with state laws permitting medical marijuana. Not only is that a relatively mild and politically popular step in the direction of scaling down the War on Drugs, it also lets them pick up the banner of federalism and decentralism — what used to be called "states' rights," although that isn't a likely label for the Democrats to use — which the Republicans have dropped. I was struck, watching the election returns, by the results in Montana. Bush carried the state with over 60% of the vote. So did a medical marijuana initiative.

Another possibility is for the Democrats to shift to supporting homeschooling and vouchers. That's much more risky in terms of internal party politics, since it would offend the teachers' unions, probably the most powerful faction within the party. But it is also likely to appeal to a lot of voters. One can imagine a candidate for the nomination in the next presidential election using that position to differentiate himself from the other Democrats. — David Friedman

Another vote for AuH_2 — Until election day I did not know whom to vote for. I hated the lies and slander committed by the anybody-but-Bush crowd so much that I was tempted to vote for Dubya. But then again, I don't like how the administration has increased federal spending or gotten us into the Iraq war, so I wanted to send a message to the GOP.

With that sentiment, I should have voted Libertarian,

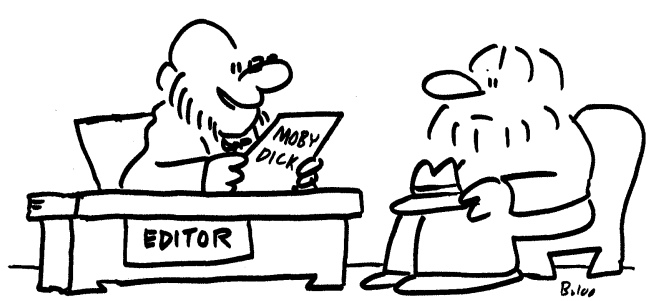

"Nice, but let's change the whale to a kangaroo."

right? But I'm tired of the sheer zaniness that is the Libertarian Party. The 2004 LP presidential candidate hates the state so much that he drives his car without a license. No thank you, Libertarian Party. Please, put up a good market liberal next time.

My only option was to write in a candidate. That way, I'd be sending both the Republicans and the Libertarians a message — and the Dems, too, if they would only listen.

At my polling place, a poll worker pointed me to the new touch-screen voting machines. A man in a suit explained the apparatus. I dove right in and started typing the name of my write-in choice. When it reported back my "write-in," it read "Barry Goldwat." I asked the man in the suit if this would be a problem. He looked at the screen perplexed, perhaps at the glitch in the computer, or perhaps at my choice in candidates. He walked over to the election official to consult. Meanwhile another poll worker butted in, wanting to help and also to know what was going on. He looked at the screen and then at me with puzzlement and disbelief. I sensed he thought, "How could you waste your vote in our precious democracy!" I wanted to yell "voter intimidation!" but all I felt was voter humiliation. Finally I got the all-clear thumbs up from the man in the suit, and I cast, as far as I know, the only vote in my county for a dead candidate. — James Barnett

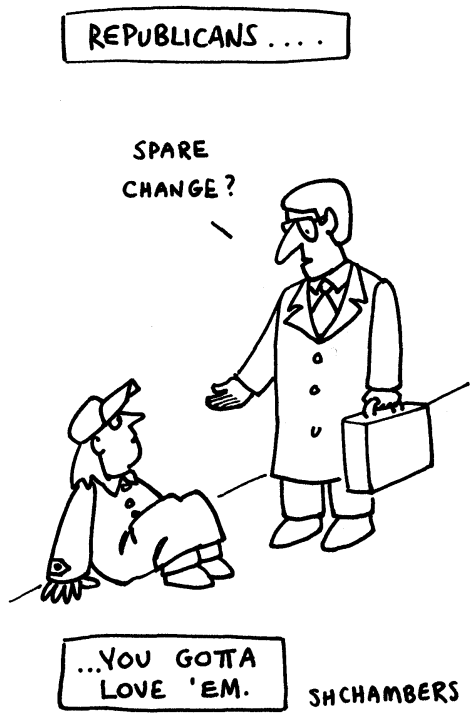

Double the pleasure — Whatever else you might think about the outcome of Nov. 2, at least one of those guys isn't going to be president. The sense of relief I feel about this makes me glad our country was settled by Englishmen. If we'd been settled by Austro-Hungarians, our political roots might extend back to the Dual Monarchy. I'm not sure how something like that would have worked in practice, but it gives me the cold shudders to think about waking up on Nov. 3 to the news that both Bush and Kerry had been elected.

— William E. Merritt

Blue jeans vs. blue blood — The résumés of George Bush and John Kerry reflect similar men from similar backgrounds. The only real difference is that Bush has a slightly higher IQ and did a little better on the SAT.

But intelligence or political philosophy has nothing to do with why people vote for a candidate; people vote on their gut instinct. I can summarize quickly why I think Bush won over Kerry: everybody loves a cowboy. Even though W was from an old-money, East Coast, blue-blooded family, and I've never even seen him on a horse, he has the swagger of a hero from an old western.

To put it in marketing terms: Bush is Marlboro; Kerry is Benson and Hedges. Bush is chaps and spurs; Kerry is long boots and an English riding cap. George Bush is married to a lovely woman who looks like a schoolmarm, and has two coltish daughters. Kerry is married to a woman who conjures an image of a Valium prescription, and the only contact Kerry ever seems to have had with his children is their letters from boarding school.

John Kerry is Europe and the United Nations, the Ivy League, restaurants where you need reservations, movies with subtitles, and books you display on your shelf but never bother to read. Bush is America, hot dogs and chili, John Wayne movies and paperback novels.

It should be of some consolation to libertarians that the rugged individualist image won over the condescending socialist. Even though George Bush opposes libertarian thinking on matters like a balanced budget, military interventionism, and serving more pork than Bob Evans, at least America voted for the man who *seemed* libertarian.

The other reassurance is that Bush promises to nominate judges who believe in a strict interpretation of the Constitution. Some suggest that he may nominate Clarence Thomas, my favorite Supreme Court justice, to be chief justice if William Rehnquist were to resign. There is no chance of the United States signing the Kyoto Accord or joining the International Criminal Court for at least another four years. Meanwhile, we can expect that the tax cuts made in this term will become permanent, and a new round of deeper cuts is on the way. When Fed Chairman Greenspan's current term expires in 2006, Robert Reich will not be nominated as a replacement.

Badnarik didn't win, but there is reason to celebrate. — Tim Slagle

Why hast thou forsaken me? — The first presidential election since 1988 to give one candidate more than 50% of the popular vote was reviled by many as a "betrayal of democracy." For a party whose name openly proclaims their allegiance to the principle *Vox populi, vox dei,* this is no mere political difficulty: it's a theological crisis. By their mewling protests, their impotent fury, and their hand-wringing self-pity, Democratic partisans have made themselves like Job, scratching their sores in the ashes. Unlike Job, however, they don't hesitate to curse the god who failed them. — A.J. Ferguson

Looking backward — The three biggest mistakes of the LP's national campaign:

1. Michael Badnarik's campaign staff estimated that it could raise $5 million dollars for the campaign during the five months between nomination and election. That's substantially more than Harry Browne, who was a master fundraiser, managed to raise in more than six years of hard fundraising for his two presidential campaigns. This was just

plain idiotic. In fact, as of election eve, the campaign raised just under $1 million.

2. Acting on its idiotic assumption, the campaign signed a contract agreeing to pay film director and Libertarian activist Aaron Russo $250,000 to produce television commercials. This amounted to a quarter of the total funds raised by the campaign, and didn't include the purchase of any air time. Because of a contract dispute, the campaign paid Russo only $115,000 — still, that's 11.5% of all the money it raised.

3. The party nominated Richard Campagna for vice president mostly because of his promise that he could raise $500,000 for the campaign. There was nothing in Campagna's background to indicate that he possessed this ability, and there was a lot suggesting that he was more or less a flimflam man. In fact, he raised about $2,000.

— R. W. Bradford

Another disappointment — The campaign of Judge Jim Gray, the LP standard-bearer, against entrenched incumbent Barbara Boxer in heavily Democratic California was also very discouraging. Gray is a proven vote-getter, an elected judge and an articulate and attractive candidate with a relatively well-financed campaign who faced an incumbent who was obviously going to be reelected with a huge majority. He was probably the best candidate the LP fielded in any race, and certainly would have been a better presidential candidate than any of the three men who sought the LP nomination. He finished fourth in the race, with only 2% of the vote. — R. W. Bradford

Not all the news was bad — Washington state Supreme Court Justice Richard Sanders won reelection with more than 60% of the vote. He is an explicit libertarian and has been an extremely articulate and effective jurist. Republican Congressman and former LP presidential candidate Ron Paul was reelected without opposition.

Non-party libertarians generally fared much better than Libertarian Party candidates. So did Libertarian Party members running for nonpartisan office. Perhaps it is time to consider the possibility that the LP is an albatross around a candidate's neck, and that libertarians who seek public office should abandon the LP. — R. W. Bradford

Queer studies — On what issue do activist gays and lobbyists for right-wing churches agree? On this proposition: the 2004 election was won by an enormous turnout of conservative evangelical Christians voting in favor of "moral values," which was a code phrase for "opposition to gay rights."

On what issue do modern-liberal media such as the New York Times and conservative commentators such as Rush Limbaugh agree? On this proposition: the first proposition is nonsense.

And the second group of strange bedfellows is right.

The sole evidence for the first proposition comes from exit polls indicating that 22% of voters listed "moral values" as their chief concern, that these voters tended to vote for President Bush, and that he carried most of the states in which anti-gay-marriage measures showed up on the ballot.

Do you sense a slip between the evidence and the conclusion?

When you compare returns from the election of 2000 and the election of 2004, you find that Bush got an average of 2.5% more votes in 2004 from states that had anti-gay-marriage ballot measures. But that's approximately the same percentage that his nationwide vote increased. Bush ran an average of 15% behind the anti-gay-marriage vote in the states that had it, and none of the anti-gay-marriage states changed its presidential preference from 2000 to 2004. Those that favored the Republicans continued to favor the Republicans; those that favored the Democrats continued to favor the Democrats. Further, exit polls revealed that while Bush voters were more opposed to gay marriage than Kerry voters, they were marginally more in favor of gay civil unions.

And here is Slate.com on the gay marriage issue: "It's true that states with bans on the ballot voted for Bush at higher rates than other states. His vote share averaged 7 points higher in gay-marriage-banning states than in other states (57.9 vs. 50.9). But four years ago, when same-sex marriage was but a twinkle in the eye of the Massachusetts Supreme Judicial Court, Bush's vote share was 7.3 points higher in these same states than in other states. In other words, by a statistically insignificant margin, putting gay marriage on the ballot actually reduced the degree to which Bush's vote share in the affected states exceeded his vote share elsewhere."

Conclusion: the gay issue was electorally insignificant.

What about the general issue of "moral values"?

Here is Gary Langer, director of polling for ABC News, commenting in the New York Times: "Preelection polls consistently found that voters were most concerned about three issues: Iraq, the economy and terrorism. When telephone surveys asked an open-ended issues question (impossible on an exit poll), answers that could sensibly be categorized as moral values were in the low single digits. In the exit poll, they drew 22 percent. Why the jump? One reason is that the phrase means different things to people. Moral values is a grab bag; it may appeal to people who oppose abortion, gay marriage and stem-cell research but, because it's so broadly defined, it pulls in others as well. Fifteen percent of non-churchgoers picked it, as did 12 percent of liberals."

Langer adds that "just 8 percent" of voters "said they were mainly interested in a candidate with strong religious faith."

So there you have it. No matter what hysterical or opportunistic people at each end of the political spectrum prefer to think, there was no "right-wing Christian revolution" at the polls, much less an anti-gay revolution. — Stephen Cox

Liberty

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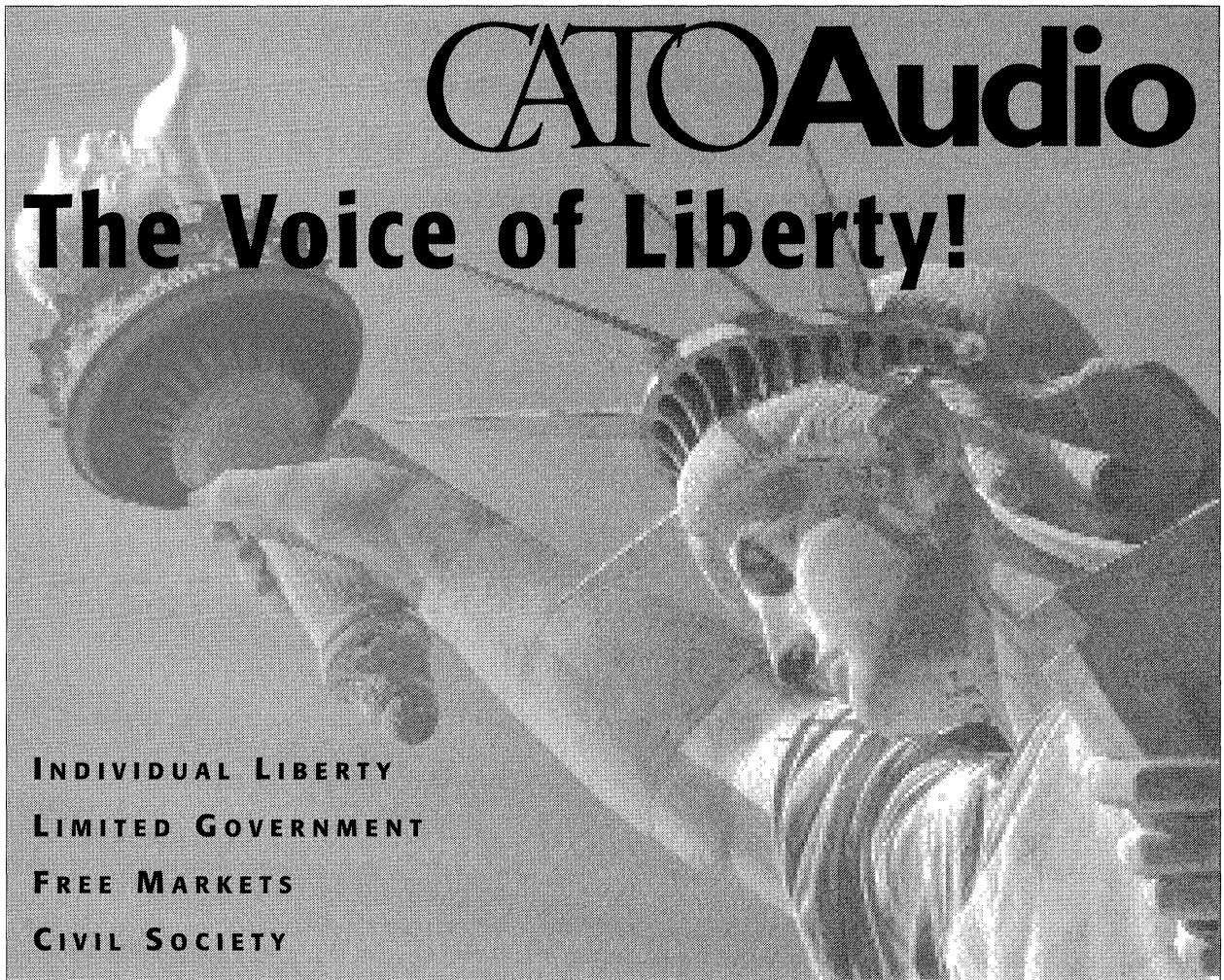

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Liberty and Empire

by Ted Galen Carpenter

Sometimes, a good reason isn't good enough.

It is increasingly evident that libertarians find foreign policy a very difficult and divisive matter. Most libertarians oppose the Iraq war, but a substantial number of libertarians supported it, and a smaller, but still significant, number embrace a policy of trying to expand freedom in the world through military force. I find this profoundly troubling. Foreign policy should not be such a difficult issue for libertarians.

Advocates of liberty and constitutional government should be united in opposition to the promiscuously interventionist foreign policy that the United States has today. And if one doubts that it is a promiscuously interventionist foreign policy, consider that the United States has used large-scale military force or the threat of large-scale military force on nine separate occasions in the scant 15 years since the end of the Cold War, in places as disparate as Somalia, Haiti, the Balkans, and Iraq. That seems to be a bit excessive for a country that is merely protecting the security interests of its population.

By interventionist foreign policy, I refer to the coercive measures taken by the U.S. government — CIA covert operations, economic sanctions, blockades and military assaults. I do not mean trade relations or diplomatic positions, or even governmental education or propaganda campaigns to try to advance liberty in the world. One might debate the wisdom of such measures, but they are separate issues.

I'll grant that in the security arena there are individual hard cases. No strategy or policy is self-executing; judgments have to be made. Reasonable people can disagree about whether a threat exists, or how serious a threat might be, or if a threat requires coercive, or even military, action. But that is different from an argument that all of foreign policy is a gray area and that libertarian principles teach us nothing about what kind of foreign policy is appropriate. Nonintervention should be the default position for a constitutional republic.

I had a discussion about this with a hawkish colleague of mine a few weeks ago, and he conceded that nonintervention should be the default position — unless there is a "good reason" for it not to be. That is the wrong standard. A "good reason" isn't good enough; there has to be a compelling reason. It has to be a situation in which virtually any alternative course of action is worse than taking coercive measures.

There is also the matter of burden of proof when it comes to military action. One of the most annoying features about the debate leading up to the war against Iraq was the attitude of the pro-war faction that the burden of proof was rightfully on those who wanted to remain at peace. The burden of proof should be on those who want to use military force — those who say that in this specific case, there is a compelling argument to take this republic into war.

More troubling than some of the disagreements about individual foreign policy cases are those libertarians who believe that it's possible to have a libertarian crusading state — a global interventionist foreign policy designed to free the unfree — while having a constrained state at home. Such a

position is wholly illogical.

Liberty and Empire

Among other things, libertarians who embrace that view seem to assume that domestic policy and foreign policy operate in hermetically sealed compartments. They don't. To be blunt, if we continue our current interventionist foreign policy, we won't be able to maintain government even in its current, far-too-large, incarnation. We certainly will not be able to downsize it. That's because there are inherent requirements of a global interventionist foreign policy and there are inherent results.

The burden of proof should be on those who want to use military force — those who say that in this specific case, there is a compelling argument to take this republic into war.

One of the requirements is that the country must have a very large, very expensive military. There is no way around that. The United States cannot be intervening willy-nilly in various parts of the world with a small military. We are finding that out in Iraq now. Even with the large military we have, it is not large enough.

One can see the financial requisites of a hyperactivist foreign policy in the defense budget. We spend more than $400 billion a year on the military. The country with the second largest military budget spends $55 billion a year. Most modern industrial states spend somewhere between $20 and $40 billion a year. Talk about opportunity cost. That vast disparity in military spending is the imperial premium. It is the premium for having a global interventionist foreign policy instead of one dedicated solely to self-defense.

There are also very important social and political consequences. With an interventionist foreign policy, there are inevitable changes in the structure of the political system. Power flows inexorably from the private sector to the governmental sector. Within the governmental sector, it flows from the local and state governments to the federal government. Within the federal government itself, it flows inexorably from the judicial and legislative branches to the executive branch.

This isn't some nefarious conspiracy by "evildoers" or even power-hungry politicians. One can't have a global interventionist foreign policy if every initiative is going to be debated at length by Congress. An interventionist power must have a policy that is predictable, efficient, and reliable. And that requires the concentration of decision-making authority in an imperial presidency. It's no accident that the imperial presidency has developed during the era of global interventionism.

A key result of a global interventionist foreign policy is that it increases America's risk exposure. For instance, as a result of our alliance with the European countries in NATO, we have extended security commitments to Russia's neighbors. Now, I'm very fond of the Estonians, Latvians, and Lithuanians. But I'm not willing to take this republic into war to defend them if Russia turns expansionist again. One can apply the same principle to our commitment to Taiwan. That security commitment creates a very real risk of a war someday between the United States and the People's Republic of China. Our risk exposure is substantially greater when we have an expansive foreign policy.

The War on Terror

America's risk exposure has also increased as we have alienated the Muslim world with an "in-your-face" political and military presence. We can debate whether U.S. foreign policy is the proximate cause of the rise of radical Islamic terrorism, but it certainly is a significant factor, and it may well be the dominant factor.

Now, what about the terrorist threat? It is a very real danger, but it's also important to put the threat into perspective. We're facing a force of several thousand fanatics. They certainly can do damage to us, but compared to the existential threat that existed during the Cold War, when one serious misstep by the United States or the Soviet Union could have led to a civilization-extinguishing event, the terrorist threat is relatively modest. We should be concerned about it, but we must not panic, or toss our principles overboard in combating this menace — as some libertarians are tempted to do.

It is perfectly reasonable as a matter of self-defense to go after terrorist groups that have attacked America. But that is different from an amorphous war on terror. Terror is a tactic, not an entity. It has long been the weapon of the weak against the strong; it is not a new phenomenon. We can and should go after specific groups that have used terrorist tactics against us, but we must recognize that we are never going to be able to eradicate terrorism from the face of the earth.

As a practical matter, we can't launch attacks on every group that uses terrorism as a tactic — there are too many such groups. Most of them, though, do not direct their attacks against the United States. Other enemies are the target of their wrath. Going after every terrorist group — and thereby making every country's enemies our enemies — simply is not in our interest.

A war against specific terrorist groups is dramatically different from launching a moralistic, Wilsonian crusade to overthrow tyrants and force-feed the blessing of democracy to populations around the world. That is an inappropriate role for a restrained constitutional government, much less a libertarian government.

It's no accident that the imperial presidency has developed during the era of global interventionism.

The Cost of Crusade

Libertarians, even more than other people, ought to understand the distinction between what may be proper conduct for private individuals and groups, and what is proper

continued on page 53

Freedom: What's Right vs What Works

by Charles Murray, David Friedman, David Boaz, and R. W. Bradford

Perhaps the most persistent fundamental argument among libertarians has been between those who believe that freedom is a good thing because of its consequences — because it creates a more prosperous or a happier society — and those who believe that freedom is a good thing because it is entailed by objective morality, which instructs us that it is always wrong to initiate physical force or to engage in fraud.

Generally, libertarian thinkers who hold the moralist view are led to anarchism because no government can exist without taxation, which violates the non-aggression imperative. Those libertarian thinkers who hold the consequentialist view are not boxed in quite so tightly, and some see justification for a state with minimal power.

At the Liberty Editors' Conference in Las Vegas on May 15, two panels were held to look at this issue. The first focused on the question of the plausibility of a society without government, and the second on the question of the morality of government and of its anarchist alternative.

The participants were Charles Murray, author of "What It Means to Be a Libertarian"; David Boaz, author of "Libertarianism: A Primer"; David Friedman, author of "The Machinery of Freedom"; and R. W. Bradford, editor of Liberty. Stephen Cox moderated both panels.

A transcript of the first panel was published in the December issue of Liberty. What follows is a lightly edited transcript of the second panel.

Moderator: Here we continue our discussion of liberty and anarchism, with a slightly different emphasis. I've asked Bill Bradford to begin with a brief statement of what we're talking about here.

R.W. Bradford: Ultimately, everybody answers the question: why do you favor liberty? It seems to me that there are basically two answers to this question. One is: I favor liberty because the consequences of liberty are a society in which human beings flourish and maximize their happiness. This answer, I believe, is either explicit or implicit in the writings of Ludwig von Mises, Milton Friedman, and Friedrich Hayek.

The other position is that liberty is a good thing because human nature is such that we have an obligation to respect the life, liberty, and property of others. This is the position of such influential libertarians as Ayn Rand and Murray Rothbard. When I first wrote about this view, I called it moralistic. I've since gone to calling it deontological, a considerably more accurate term. But I fear it is too abstruse a term for most people to grapple with.

When I initially proposed this program I called it something like "Deontological Libertarianism vs. Consequentialist Libertarianism," and I figured that title would draw about three people into the room, [laughter] all professional philosophers. So I don't mean to suggest that it's dumbed down one whit when it's changed to

"What's Right vs. What Works."

Moderator: Thank you. Charles, would you like to follow up?

Charles Murray: I will say very quickly that I firmly believe that minimal government could work. But I also think that the following is the only way to justify minimal government.

Suppose it turns out — sadly I'm sure it will — that very large segments of the human race are not crazy about freedom as we understand the word. They would like to have freedom in some respects, especially the opportunities that freedom brings. But most people also like security. You can explain all the ways in which their real security would be greater in a free society than by relying on government programs, and all the rest, but many will still want the kind of security that government programs claim to provide. In short, I am pretty sure that even under the best of circumstances, a large number of people in the world will always prefer to live under systems that we would find noxious in terms of their philosophical underpinnings.

That leads to a problem. If it were possible, would it be appropriate to impose a system on people that they do not prefer, just because it is a morally correct system? Especially if the alternative is a system that is morally inferior, but one that leaves me pretty much alone to live my own life as I see fit?

We live in the real world, in the United States of America, where I think you have to make the case for the most minimal government that can still command the support of a majority of the population. Or in other words, you have to be pragmatic and focus on what works as opposed to what the morally appropriate role of government is. If you don't, you're never going to get anywhere.

Moderator: David Boaz?

David Boaz: As I said earlier, I do come at this personally from an a priori and moral point of view. I think it's wrong to initiate force. When I was a kid libertarian, I remember at summer camps and things, libertarians used to say to each other, "Would you support libertarianism even if it meant we would all be poor and racked by social conflict?"

But our task is not to convert the whole world to thinking the way we do, because we ain't gonna do it. Our task is to find refuge and sanctuary some place.

And somehow the correct answer was supposed to be "Yes, yes I would! Liberty though the heavens fall!" And I think that critics of natural rights libertarianism think that's what the natural rights position is. But I think the real position — the real problem with this question — is that there's no real conflict, and if there were a real conflict, we'd have a problem. Murray Rothbard once wrote that it was a happy coincidence that the protection of individual rights leads to the greatest social prosperity, widespread happiness and so on. Even Rothbard, who is probably the most aprioristic libertarian philosopher, only wrote that once. And Jeff Friedman's Critical Review likes to refute that sentence, but I don't think Rothbard meant it that literally. He didn't mean it was a happy coincidence; of course it's not. I do think critics of natural rights libertarianism who want to say, "No, we should talk about consequences, not natural rights or something like that," are saying basically that you think natural rights and the non-aggression axiom are a categorical imperative, and if you believe in that, you're not allowed to have any reliance on anything other than that bare moral principle. And I think that's wrong. In the first place, not all moral principles are categorical imperatives. They're not all principles that must be followed in all circumstances regardless of the consequences. They're rules, they're guides, they're moral principles that you're supposed to follow, and the central reason that you follow them is that they have the best consequences, but they're not something you follow in all circumstances. Liberty once did a poll and one of the questions asked was: if you fell off a 50th floor balcony and you grabbed onto the 30th floor balcony and were hanging on for dear life, and the owner of that apartment came out and said, "Get off my property," [laughter] would you let go? Well, of course you wouldn't let go, you'd be an idiot. And the implication is, well, if you wouldn't let go, then you really don't believe in natural rights. Because if you really believed in property rights, when the guy told you to get off his property, you would. Well, I think that's the difference between a moral principle and a categorical imperative. You're not obligated to do it in emergency situations, in unusual situations. It's a guide for living. Also, I think it is important to realize that when we make the case for natural rights, even if we may put it in these a priori terms, in extremely moral terms, even if we are inclined to say, "Yes, you bet I would believe it even if those were the consequences," we derive these arguments for natural rights from human nature. We believe they are the rules that are suited to human nature. Nobody would suggest that bees or cows follow a system of natural rights. Now, if we encountered another race, from another planet of rational beings who were much like humans in that regard, then we might very well say they have rights, or at least we should interact with them as if they had rights. But it is because they're suited for human nature, and suited for human nature means suited to the peaceful, prosperous flourishing of human beings, that makes them right for us. And we talk about natural rights, we talk about deriving them morally, we talk about deriving them a priori, but we also ought to look at history, eco-

Libertarians used to say to each other, "Would you support libertarianism even if it meant we would all be poor and racked by social conflict?" And somehow the correct answer was supposed to be "Yes, yes I would! Liberty though the heavens fall!"

nomics, reason, the study of human nature, and all of those in my view lead us to essentially the same conclusion. As I said, we'd have a real problem if we developed an a priori theory and then said, "But gee, history, economics, and reason point us in a different direction. History and economics teach us that central command and control organizations will bring about prosperity on the scale of the U.S., whereas laissez faire will bring about prosperity on the scale of Cuba." Well, then we'd have a real problem to debate here on this panel. But since that's not the case, I think it's sort of a triply redundant system that tells us we can be more confident that we're right, because the evolution of law, history, economics, and reason all lead us to the same conclusions.

Moderator: David Friedman?

David Friedman: I think there are three different questions we're asking. One is, "Why am I a libertarian?"; one is, "How do I explain it to other people?"; and one is, "How do I persuade people?" In trying to figure out why I'm a libertarian, I ask myself how I would feel if I believed that the implication of the pure rights theory, as best I could make it out, was some horribly unattractive set of consequences — if respecting rights completely led to almost everybody being miserable and dying early and all that stuff, whereas if we had just a little bit of violation of rights everything would be fine. The answer is that in that world I would think it a good thing to have a little bit of violation of rights. So I cannot be a pure-rights libertarian, I cannot be somebody who says the only thing I make my decision on is, to what degree do we respect rights.

I then turn the question around and try to imagine what I would do if I had the opportunity to take an action that was clearly, by my moral standards, unjust, immoral, and violated people's rights, but when the dust cleared, the people who had been made happy by it would be made a little bit more happy than the people who were unhappy were made unhappy. On consequentialist grounds, that would be a good thing, so would I do it? And the answer is, of course, no.

So I have to conclude that I cannot be either a pure consequentialist or a pure rights-based libertarian, since either position would lead me to support a change that produced a tiny gain on one scale in exchange for a huge loss on the other. And that's not in fact how I feel.

The libertarian and the socialist have rather similar moral intuitions — not identical, but similar enough so if they really agreed on the facts, one or the other would have a hard time defending his position.

I have a second problem specifically with the a priori version of rights theory, although there are some related ones with the consequentialist version, and that is that when I try to think through the a priori version it turns out to be much harder than most believers in it think. That realization comes partly from studying law. Categories such as coercion, and ownership, and things of that sort, turn out to be very complicated ideas. It is not at all clear how one initially gets the rights, such as ownership of land and things, that one claims to be entitled to use force to defend. I find that although I have both moral intuitions about how one should act and objectives I would like to achieve, the intellectual tools at my command can do a better job at figuring out how to achieve the objectives than they can in figuring out the implications of the moral intuitions.

It seems to me that on the whole, arguing on a consequentialist basis is a more useful way to spend one's time than arguing on an aprioristic basis.

We now come to an interesting observation about the objectives, and moral intuitions, that people actually have. When a libertarian argues with a socialist about rights, in my experience, they can never agree about the facts of their hypothetical. The question is something like: does a poor man, if he's hungry, have the right to be fed by a rich man?

In the libertarian's hypothetical, the two men started out perfectly equal, going out into an empty wilderness. The rich guy worked hard and cut down trees and made a farm and grew food and fed himself and his kids, while the poor guy was sitting there lazily, occasionally picking a few wild asparagus stalks to keep himself alive. After all that was done, the poor guy went to the rich guy and said, "Aha! I'm poor, you're rich, we're all equal, support me."

The socialist's version of the hypothetical is a little different. His poor guy worked very hard cutting down trees, clearing things, making a farm. The rich guy then came and swindled him out of all of it, and now he's claiming [laughter] . . . I'm exaggerating a little bit, but not very much.

If that description of the argument is right, it suggests that the libertarian and the socialist have rather similar moral intuitions — not identical, but similar enough so if they really agreed on the facts, one or the other would have a hard time defending his position.

Furthermore, I observe that consequences matter to both sides. I've never met the socialist who says, "We need socialism because it's just. It's true people will be hungry, and be miserable, and die of diseases, and they'd all be happy and healthy and such if we only had capitalism, but capitalism is unjust and it's exploitation, so we need socialism." I have not met that socialist yet.

It looks to me as though the people who say, as I might have said a very long time ago, "I'm in favor of liberty because it's right," wouldn't hold onto that position if they really thought liberty was catastrophically bad in its consequences. And I get the feeling that the socialist who says, "I'm for socialism because it's right," wouldn't hold on to his position if he thought the consequences of his system

were catastrophically bad either.

That leads to a final conclusion, a tactical decision I made a long time ago: on the whole, while arguing moral philosophy can be entertaining and occasionally enlightening, you ought to spend most of your time arguing economics and history and such instead, because the chance of persuading other people to agree with you, or their persuading you to agree with them, is a whole lot better.

I'm not inclined to try to get other people to believe in natural rights because I don't have any very good arguments for them.

It is better for two reasons. One is that, on the whole, most people's objectives are pretty similar. They differ, of course, in one important way: I want good things for me and you want good things for you. But when you get beyond that, most of us hope that other people will be well-fed and healthy and all that nice stuff, and most of us really don't like seeing people ordered around, except maybe when we do it. There are, of course, disagreements about the details, but more agreement than disagreement.

If I and the guy I am arguing with have about the same objectives, that eliminates one problem in coming to agreement. In addition, we live in the same real world, we both experience that world. When we make predictions that turn out to be false we can see that we are making a mistake. So there's at least some hope that we can come to some agreement about what the consequences are of real-world alternatives.

If we agree on the consequences and have some mechanism for reaching at least some degree of agreement on what leads to what consequences, there's a hope that one or the other of us can eventually give the other arguments with which he will later persuade himself, and so bring us to agreement. So it seems to me that on the whole, arguing on a consequentialist basis is a more useful way to spend one's time than arguing on an aprioristic basis.

Moderator: Bill?

Bradford: I see David has a list of three items, and I do too. I noticed his have Roman numerals and mine have Arabic numerals. I'm not sure of the consequences of this. [Laughter.] Or the significance.

The first problem I have with rights theory, and the first issue that I think is involved is: Is the logic of rights philosophically rigorous? Now, I won't go into it here, but I'm convinced that rights theory as I read it in Rand and Rothbard — and for what it's worth, I can't find anything in Rothbard that isn't really in Rand, I think Rothbard is more or less derivative of Rand — is not rigorous at all; in fact, it's indefensible.

I had the good fortune, as an undergraduate and a hopped-up Objectivist, to have a professor of philosophy who was an Aristotelian, a neo-Thomist. And we agreed on almost every philosophical issue, we had the same philosophical "base" as Ayn Rand would say, but when it came to the political consequences of this philosophy, we differed considerably.

So, I decided to sit down and write out in rigorous, syllogistic form the derivation of rights. I spent a good deal of time at it, and I came to two conclusions. One, the real thing we're deriving is not rights — what we're deriving is the non-aggression imperative — and two, the derivation was fallacious. I'm not going to go through all the considerations I did, but I suggest that anyone here who is interested in this issue study "The Objectivist Ethics," examine Galt's speech and Rothbard's "The Ethics of Liberty," and try to come up with a rigorous defense, or rigorous derivation of this proposition. I don't think it can be done. If you get it, for God's sake, Liberty would like to publish it — for Rand's sake, I guess. [Laughter.]

At the time, that left me pretty much in the consequentialist camp. That is, I'm for liberty because liberty is good for me and good for people. The problem with this is, that when I finish saying it, that no matter how much I think about it, I'm lying. By that I mean, if we walk out of this casino onto the street, and I see a guy beating up another guy — and I see no reason to think this is defensive or retaliatory — I'm going to conclude that the guy who's beating him up is a bad guy. I think in a very fundamental level, in my gut, that initiating force is almost always wrong. One thing David didn't mention when he was talking about what we call the "flagpole" issue around the office is that was one of several theoretical questions we asked people, and the difference among them was that the consequences of sticking with the nonaggression principle were much higher as you went through the list.

I'm convinced that rights theory as I read it in Rand and Rothbard is not philosophically rigorous at all; in fact, it's indefensible.

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It's sort of like, if you absolutely believe in property rights, you have put up a "No Trespassing" sign and a little girl comes wandering onto your yard chasing a butterfly, do you have a right to blast her away? [Laughter.] My answer is: you don't. I mean, we have these gradations and as we go through them, we need some kind of method of sorting them out. And I don't think that the noninitiation imperative is much more than a starting place.

I have come to two conclusions. One, the real thing we're deriving from Rand's theory is not rights — what we're deriving is the non-aggression imperative — and two, the derivation was fallacious.

And here's why: I sorted through Rand's discussion of this really thoroughly, and her basic answer is that it's an absolute imperative except when it isn't, except in situations where it isn't. Well, the whole purpose, at least according to Rand, of why you need a moral rule, is so that when you get in tough issues, you'll have a way of deciding it. Well, if I get in a tough situation, it doesn't help me a bit if she's got this caveat saying that I can abandon it.

This reduces the question of what's a tough situation, what's an emergency, to use the term she used. And that's a question she doesn't address very well. She goes on about metaphysical conditions inappropriate, or abnormal for human life or something like that, but this doesn't really address the issue.

So while I agree with the noninitiation principle, I treat it not as an imperative — although I think many libertarians do treat it as an imperative, as a way of solving virtually any issue — I treat it as a general rule.

Now, I realize this is all a little fuzzy. But I don't see any way to get around the fuzziness. One of the reasons I'm charmed by the institution of juries is that juries offer a practical way of getting around this. I mean, you did something that under ordinary circumstances would be wrong, you have an opportunity to explain to your neighbors why you did something that under ordinary circumstances would be wrong, and if they say, "Gosh, he's sort of got a point there. Maybe it's okay to hold onto the flagpole and not drop and kill yourself, and to actually trespass on this other property owner's property."

I realize this is not a philosophically rigorous answer, but it has appeal to me. For one thing, it doesn't claim to be philosophically rigorous, so it's hard to criticize it for that. More importantly, as a practical way to get through life, it's a very good guide.

Moderator: Let's open up for questions and further discussion. Alec?

Audience member: Like most people here, I more or less used to be of the type that thinks automatically that it's not right. I'll argue that it doesn't work either, but it's not right and that's just undoubted and that's a secure thing to sit on, no matter how rough the ride is, on any issue. But, on further thought, it seems that morality is based on consequentialism, natural rights is based on consequentialism. What's the root of morality? Well, natural rights. But why do we have natural rights? Well, because of our nature. All virtue and value must be directed toward maintaining life and making it better. Well, those seem like consequences of our moral actions, they seem like the reasons we're for those actions in the first place. They are not utilitarian moment by moment, but in the long run, they will work better and let humans prosper and flourish. However, they are consequentialist. You're focusing on the consequence of the concept in your real life. The philosophic evidence of the nature of man determines what action will better lead to consequences like quality of life. What do you think of the idea that consequences actually are at the root of natural rights morality in the first place?

Bradford: At least in my own experience in introspection, that just isn't the case. I mean, I didn't just sit down — I have no memory at any point in my life thinking: the reason that I don't like seeing what I would call crimes, I mean the initiation of force, occur, is because I've analyzed the consequences of it.

There's something much more visceral. That's my own experience. Now maybe other people were smarter when they were little kids, I don't know. But you know, in retrospect, I have to say that I believed that initiation of force was wrong before I ever read Ayn Rand.

Friedman: My views of rights have nothing to do with Rand. As I said, I respect her, but I don't agree with her on lots of things. But the view that one ought to follow those general rules that result in maximizing the happiness of people already has a name. It's called rule utilitarianism. It's one of the variants of classic 19th-century utilitarianism. And as far as I can tell, the kind of talk that one often hears which says, "Well, you can't make this distinction because . . . " really involves defending natural rights as something like rule utilitarianism, and I always find it hard to figure out what's supposed to be the subtle distinction. And if people want to say that, fine, but then they ought to say that they're consequentialists who prefer rules to case-by-case decisions, and I don't see why they want to call themselves natural rights believers except there's a shorthand for a particular conclusion from rule utilitarianism.

If you say that my right not to be killed means my right to have people stop other people from killing me, that requires positive actions and is a claim against other people, just as my right to eat would be.

Boaz: Who defines what works?

Friedman: You're asking me?

Boaz: Yes.

Friedman: I'm defining it in terms of what outcomes I think are desirable.

Boaz: But we will all have —

Friedman: Utilitarianism strictly speaking defines it in terms of either what maximizes the average happiness of mankind, or what maximizes the total happiness of mankind, again depending on which variant.

Boaz: I'm just wondering how you deal with the routine objection to utilitarianism of any kind, the objection about who gets to be the definer of what works.

Friedman: Well, of course, the way I deal with it in practice, as I thought I already said, was to observe that most people have a very large common element as to what they see as desirable objectives. And that's large enough, since my guess is that anything radically far from what I want would do badly enough in its outcomes so that almost any plausible human set of objectives would prefer the outcome of the institutions I want to the alternative.

Bradford: The extreme case in this is Mises, who argues that his praxeological analysis of society is totally value-neutral, and the economic system that he recommends is one that, generally speaking, fulfills the subjective desires of the people who want prosperity, well-being, and happiness.

But if, for example, you wanted to work out an economic system that instead produces death and destruction, you could design that. He's just not particularly interested himself in designing that kind of system because most people he runs into seem to favor wealth, health, and happiness to disease, destruction, and death. [Laughter.]

Moderator: The gentleman in the back of the room?

Audience member: I wanted to ask the panelists if any of them had read Steven Pinker's new book "The Blank Slate," which is all about human nature, what it is, and what it is not.

Friedman: I haven't read the new Pinker book. I was very favorably impressed by "The Adapted Mind," which is a work on evolutionary psychology. I have an article on economics and evolutionary psychology that is webbed on

Even under the best of circumstances, a large number of people in the world will always prefer to live under systems that we would find noxious in terms of their philosophical underpinnings.

my web page and coming out in somebody else's book. It is not really about libertarianism at all; it's trying to see whether, if you substitute the evolutionary psychologist's version of rationality for the economist's version, you can explain any of the puzzles that economists have a hard time explaining. I think that evolutionary psychology is a fascinating field, it's one that appeals to economists because the logical structure of evolutionary biology is very much like that of economics, but I haven't read the Pinker book.

Moderator: Charles, is this in your territory?

Murray: The findings in books like Pinker's actually lie behind my remarks earlier. I remember that in my own book on libertarianism, which was published in 1996, I had a sentence to the effect that freedom is as essential to happiness as oxygen is to life. At a dinner party with

If it were possible, would it be appropriate to impose a system on people that they do not prefer, just because it is a morally correct system?

Irving Kristol — who in fact threw the dinner party for the book, bless his heart, him being a neocon [laughter] — he said that was the silliest sentence in the whole book. I bridled at that, but I guess I would have to say in the years since then, partly because of evolutionary psychology, partly because of the empirical findings in psychology, I have this sinking feeling I was wrong for a large part of the human population. It was a silly sentence after all.

This is going to sound much more pessimistic perhaps than I intend it, but I'll say it and then try to qualify it. There are a lot of people for whom freedom is as necessary to happiness as oxygen is to life. I am one of them, and everybody in this room is one of them, and we need to have a place where we can live and where we can function. But our task is not to convert the whole world to thinking the way we do, because we ain't gonna do it. Our task is to find refuge and sanctuary some place. And that's what makes me, as far as my advocacy goes, a consequentialist. That's separate from my visceral beliefs. Bill, I thought your statement about viscerally being attracted to freedom is absolutely right. I did not come to the conclusion that free societies worked better in a pragmatic sense. I started out with exactly the same kind of assumption about the initiation of force that you did, and I bet everybody in the panel did to some extent.

Moderator: Let me call on the gentleman in the back of the room.

Audience member: When I find myself in discussions like this, it seems to me that everything started with natural rights. Once you write this down, the question always comes around, well, what about more? Why can't I just add more? Why can't I reinterpret this to make it broader? Why can't I do this?

And every time that happens to me, I always wind up saying something like, "Well, you better assume this because if you don't, there will be major consequences."

Friedman: I would say that I don't have to assume rights

since I already intuitively believe in them. As I said, I'm neither purely for one form or the other. I'm not inclined to try to get other people to believe in natural rights because I don't have any very good arguments for them, and I try to limit myself to persuading people of things I have good arguments for.

I should say that my critique of Rand — which is based entirely on Galt's speech — is on my webpage, if anybody's curious.

Boaz: The criticism of the idea of adding a Bill of Rights to the Constitution was: if you enumerate the rights of man, it's impossible to enumerate them all, so therefore some will be left out. They tried to deal with that by adding the Ninth and Tenth Amendments. Nevertheless, it is an issue. There is one fundamental right, it seems to me, which is the right to take actions, to live your life in the way you choose, so long as you don't interfere in the equal rights of others. Now, there are complications to that statement, but I think that's the one.

The natural rights argument, even in Rand, is ultimately a consequentialist argument. It is: these are the rules that are necessary for man to flourish as man qua man.

And I think it is true that ultimately, the natural rights argument, even in Rand, is a consequentialist argument. It is: these are the rules that are necessary for man to flourish as man *qua* man. But it's also true, as Bill said, for me, that I viscerally believed it was wrong to hit people and take their stuff before I read the philosophical argument for why it's wrong.

Moderator: Yes, Bruce.

Bruce Ramsey (from the audience): This is a question for Charles Murray. Last summer I attended Jeff Friedman's seminar about libertarian ideas, and one of the arguments we got into was an argument from your book, about liberty and the average person, the common person who just makes a living and struggles. And under a free society, if that person can support a family, do their simple role in life, they have this immense satisfaction of having faced the obstacles and the odds and succeeded. And in a welfare state, all of that is stripped away, and basically that person has achieved nothing that they couldn't have had provided to get them back to zero.

And Friedman called that a very smug or self-satisfied argument and he thought it was ridiculous, and I thought it was convincing. I wanted to ask you, whether you've dealt with an attack on that argument for the record, and whether you have found others who have found it convincing or not convincing.

Murray: Actually, that's the argument that I would say most people intuitively agree with. When I say that somebody may have low income, but if he has worked hard and supported a family, he can get to be 70 years old and look back on who he has been and what he has done and take pride in it — that's a statement that usually moves people who are not libertarian. They look at their own lives, or the lives of their parents, and they know how immensely proud a person can be of those kinds of accomplishments. I'm glad you took my side in your argument with Jeffrey.

Moderator: Yes, the gentleman in the white shirt there.

Audience member: Suppose you have a degree of doubt about whether a particular item is a natural right or not. For example, suppose there's a debate about whether you have a natural right to vacation with pay, to take the occupation of your choice, the kind of things found in the United Nations Declaration of Human Rights. You have a very considerable disagreement between people about what constitutes a natural right and what doesn't. My question is, if you have some disagreements, what criteria do you use to resolve them?

Boaz: Well, I think it depends partly on where you're having this argument — are you having it on "Crossfire," are you having it at a philosophical seminar, are you having it over the dinner table? — that determines what kind of arguments are appropriate.

I think when an argument like that is put forward, you have to try to analyze, what does it mean to have a right? And the obvious point that we would make in response to those things is: well, you're talking about rights that have to be provided by someone else. The kind of rights I'm talking about — the right to free speech, the right to the property that you have created, the right to make your own decisions and live your own life — we can all equally have those rights. But when you talk about a right to education or a right to health care, then you're saying other people should be required to provide you with that right. And that is not the same order of thing. Now, you can make an argument for it, but it's not the same kind of thing, and there's a problem: it involves taking something from other people, it involves using force against them.

That isn't always persuasive to people, but I think that is the rational distinction. And ultimately, it is our job to persuade enough people of enough of the case for rights that we can in fact live together in a peaceful and prosperous society. And I think we've done a reasonably good job of that. We've talked up here about our visceral reactions; well, I think one of the important points about libertarianism is that most people instinctively live by it. Most people know that what you create is yours, that it is wrong to hit other people and take their stuff, that it is wrong to break your promises, and they live by that. It's only when you complicate it, when you bring in government, that

One of the important points about libertarianism is that most people instinctively live by it.

you sort of obscure the issue of who's paying for those prescription drugs, who's paying for that education, that people get confused. But if we can bring people back to the heart of the matter, we can all live together peacefully, and we do. We don't go around taking each other's property in our neighborhood, we don't go around hitting each other. Then you can build from that to the explanation of what rights are, but that doesn't mean that you're always going to convince people.

I think in a very fundamental level, in my gut, that initiating force is almost always wrong.

Moderator: Let's see. Well, Durk, you haven't had a chance yet.

Durk Pearson (from the audience): There's a lot of different ways of deriving things. I got to libertarianism when I was a high school student by studying Norbert Weiner's book on cybernetics. When you apply what he showed about control and communication within complex systems to politics, to the complex systems of society, you see that the socialist nostrums are unworkable.

But there's another way that I think is a very profitable way to libertarianism, and that is game theory in experimental economics. I've written a couple of articles on that in Reason in the past . . . excuse me, Liberty, sorry about that. And I think you can read them and see that it leads inevitably in the direction of a libertarian worldview. There's a lot of publications on game theory and experimental economics being published in Science and Nature, and I don't know whether they're being published in there because the editors understand where these things are leading, or because they're completely oblivious to where these things are leading.

Moderator: Bill?

Bradford: Something that's been talked about by a number of panelists and some people in the audience that I haven't gotten my two cents' worth in, and that's the nature of man.

Moderator: Oh, you have to raise that.

Bradford: I agree that it's very relevant, and my own thinking on this subject has changed a lot over the years. I started out very much with Rand and Aristotle, that man is the rational animal. I have begun to suspect that the salient characteristic of human beings is not their rationality, but their adaptability.

Now, the two issues are not unrelated, I'll agree to that, but I just want to put this out as a notion for people to think about, that it seems remarkable that human beings can live in the wide array of physical environments that they live in. No other animal really lives everywhere from the frozen wind-swept arctic conditions to the hot steamy tropics and every place in between. Man's the only one that manages it, and it's quite a remarkable feat.

Similarly — now, part of the reason he does that is because he's rational, mankind has found ways to protect himself from the environment — secondly, similarly, he's able to survive in a lot of different social environments. It seems remarkable to me that people in Russia survived Stalin. I mean, this is a real tough situation. And when you start looking at varieties of primitive societies, we see such a wide array of cultural arrangements that are truly awful. I think this is something that should be taken into account. Where I think this leads is to the conclusion that all kinds of human societies are plausible and sustainable, which actually more or less coheres with what I've observed in the world, although it's something that libertarians often frequently disagree with, and what we're really talking about is what type of society you'd like to live in.

Moderator: The gentleman in the blue shirt at the very back?

Audience member: This question is for Bradford or Boaz or anyone. What would one think of splitting the natural right theory, so you have necessary natural rights, and sufficient natural rights, and then conditional natural rights.

Bradford: I'm not sure what you mean by that.

Audience member: Well, say, like conditional natural rights, something that would work in principle in a couple situations, but gets to a point where it fails and you have to use something else.

Moderator: David, would you like to take that?

Boaz: That doesn't really sound like a system of natural rights to me, I think natural rights, if they mean anything, are supposed to be rules for action in all normal circumstances. And we've talked a little bit about emergencies — Rand wrote an essay on the ethics of emergencies, Rand said, correctly I think, you don't write your ethics for lifeboat situations because we don't normally live in lifeboats. I personally have gone more years than I care to admit without finding myself hanging on a flagpole on a 50th floor balcony. [Laughter.]

You don't write your ethics for lifeboat situations because we don't normally live in lifeboats.

So these rules work in virtually all the circumstances which we will encounter. Now, I kid Bill about these crazy questions about breaking into cabins and things, but there are some more real circumstances; for instance, if I knew that rounding up all the Muslims in the United States would be a way of forestalling a nuclear weapon going off in Chicago, would I do it? Well, I'm not going to give an a priori answer, "No, absolutely never" — if I

knew that would prevent the explosion of a nuclear weapon in a major American city, then I think you may be getting into the ethics of emergencies, but that's not the world we normally live in. Rules shouldn't be built on the basis of odd or marginal cases, and so I think that when deciding whether claims are natural rights, they either are or they aren't; I don't think they are going to be necessary or conditional.

If you absolutely believe in property rights and you have put up a "No Trespassing" sign and a little girl comes wandering onto your yard chasing a butterfly, do you have a right to blast her away?

Bradford: One of the problems that we have here is that most of our political opponents see emergencies where we don't. [Laughter.] I mean, they don't have to be in a lifeboat to be in an emergency. We suddenly have an unemployment emergency, or we have a homeless emergency, or an energy emergency. That's one of the reasons why I think it's an important task for libertarian thinkers to put a little more energy than we have into defining what constitutes an emergency.

Boaz: Well, I think that's fair, but you know, a phrase that I sometimes use is, just because there are hard cases doesn't mean there aren't easy cases. But here I'm going to say, just because there are easy cases like — look, just because you have less money than Bill Gates, that ain't an emergency — doesn't mean that there aren't also hard cases.

Moderator: Charles, would you like to comment?

Murray: No. [Laughter.]

Moderator: We actually have time for one more, and I want somebody who's new, and it's the gentleman at the very far — yes, you.

Audience member: Why do libertarian policies come across as uncompassionate?

Murray: They come across as uncompassionate because the arguments for them are indirect. If you say you are against children being hungry, and you are in favor of a government program to feed hungry children, you are off the hook. It makes no difference whether you will have fewer or more hungry children after that program than before. At least you can say to yourself that you're trying.

When instead someone like me says that I don't like children to be hungry either, but the way that you have the fewest hungry children is to get rid of all social welfare programs to feed hungry children, I am making a complicated argument. Very few people will stick with you through that argument. So once you say that the operational solution is to get rid of food stamps, the operational solution is to get rid of WIC and the rest of the programs that are supposed to feed hungry children, you have already defined yourself as not caring. Because, then as you go on ahead to say these programs don't really work, they create negative incentives whereby you have more children born into families which can't feed them, etc., etc., other people listen to this and say, "Well, this is just an elaborate rationalization to avoid doing the right thing, which is trying as best you can to feed hungry children."

Moderator: David Friedman.

Friedman: Let me see if I can respond to something closer to the original question about rights, because it seems to me that there are really three interesting categories of rights here.

An example of the first category is that you have a right not to be killed, meaning I have an obligation not to kill you. That is the normal, negative rights, libertarian approach.

An example of the second sort of right, which some libertarians accept but I am reluctant to, is again the right not to be killed, but meaning this time that someone has an obligation to protect you from being killed, to stop anyone else from killing you. If you follow through on the logic of that kind of right you conclude that taxes are justified, because the taxes are being used to pay for the police. You have a right to be protected from crime, and therefore I don't have a right not to contribute to the police.

People don't usually make the argument in that form, but that really is the logic of it. If you say that my right not to be killed means my right to have people stop other people from killing me, that requires positive actions and is a claim against other people, just as my right to eat would be.

The third category is the one you are raising. The first two are both rights that you have against me, your claim that I am obligated to not murder you or to stop him from murdering you. The third category is not a claim that you have against me but an obligation that I recognize that I have to behave in a certain way — an obligation owed as it were to myself, not to you. You have no right to demand that I feed you, but if you are starving and I readily can feed you, I am a bad person if I don't. And I suspect most libertarians believe that. Rand might not admit that she believed that, but I think she did.

There are a lot of people for whom freedom is as necessary to happiness as oxygen is to life. I am one of them, and everybody in this room is one of them, and we need to have a place where we can live and where we can function.

Moderator: I'm afraid we don't have time for any further responses. Thank you, everyone. ❑

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Retrospective

The Meaningful Derrida

by Jo Ann Skousen

Jacques Derrida's right wing critics dismiss him as subversive of reason. He is far from that.

Jacques Derrida (pronounced with accents on the first and last syllables), one of the leading voices in modern literary theory and founder of the concept of deconstruction, died Oct. 8 in Paris. Derrida's influence reached far beyond literary theory to impact philosophy, theology, sociology, history, and politics. His work is probably as significant as Freud's and Darwin's in its influence, and yet it is largely misunderstood by laymen who seem to think the word is synonymous with "destruction." Paul Harvey made this mistake on his radio show recently when he talked about the "deconstruction" of some old office buildings that are being torn down.

Like Harvey, many armchair philosophers and intellectuals think that "deconstruction" and "destruction" are virtually interchangeable, and accuse Derrida of setting out to destroy Western culture. Although that has indeed been the goal of some of his misguided and overzealous followers, and probably explains to some extent the French distrust of the dominant American culture, "destruction" is not the inevitable result of "deconstruction." The root of deconstruction is not "destruct" but "construct," a word Derrida used in its noun form (accent on the first syllable), to mean a model, pattern, or framework upon which other ideas are built. He exposed the construct of Western culture by taking apart each building block and examining all its sides for additional layers of unspoken meaning. As a very simple example, "red" is both red and "the absence of everything that is not red." That may seem silly and self-evident, but when one is the woman or minority who is "the absence of everything that is not man," Derrida's discovery begins to take on great significance.

The term "private property" implies both "this is mine" and the equally important "this is not yours." Why is this important? Because it eliminates the "finders keepers" rule. In our home, even while raising five children, money can sit around on a counter or desktop for weeks and no one will take it. Eventually the owner will pick it up, or someone will finally say, "Does anyone own this money?" Only after thoroughly checking for the rightful owner will the claimant pocket the money. We never consciously decided on this rule. It just arose naturally from our family's construct of the principle of private property. My son has taught his roommates these same rules of private property, resulting in a peaceful coexistence in the refrigerator. Imagine living in a world where everyone respected the concept that "mine" is also "not yours"!

Heralded as a new paradigm, deconstruction focused on the "other" that was largely overlooked by the dominant culture. Like an earlier French philosopher, Frederic Bastiat, Derrida focused on the unseen rather than the seen. Deconstructionists thus challenge the "constructs" of a society, the cultural framework upon which assumptions and

stereotypes are constructed. These building blocks often begin with phrases like "Everyone knows" or "It's human nature to . . . " and conclude with a blatant and widely accepted stereotype. Instead, Derrida would say "everyone *in the dominant culture* assumes" or "it's *Western cultural nature* to. . . . " He insisted that people examine their biases and preconceptions before assuming that "everyone believes" as they do.

The root of deconstruction is not "destruct" but "construct," used in its noun form (accent on the first syllable), to mean a model, pattern, or framework upon which other ideas are built.

Derrida discovered through this examination an obvious but important truth: Western culture is built upon a construct of philosophy and history that focuses on the white males who recorded it. What immediately comes to mind when you think of British history? Probably a list of monarchs, wars, and imperial conquests. When deconstructionists examined the history that mainstream Western historians did not much discuss, i.e., the aspects of British history that are not made up of kings and conquerors, they discovered a rich history that focuses on the everyday lives of ordinary individuals: women, servants, immigrants, and others. The result is a whole new approach to history, literature, religion, politics, and philosophy.

The upside of Derrida and deconstruction is that it gave rise to examination of the "other" — the alternate, non-dominant cultures that live side-by-side with the dominant culture, contributing unacknowledged meaning and value to a society. Feminism and multiculturalism are two important offshoots of deconstructionism, and I applaud the new approach to history and literature that is taught today, an approach that is not centered on war. The downside of deconstruction is that these "others" were pushed into becoming the new dominant culture, simultaneously marginalizing the white male as the "new other." This led to our current climate of legally enforced "political correctness" that is as bad as the previous marginalization of minority cultures. I don't think this was the intent of Derrida, who rejected the dualities of good and evil, black and white, master and servant. But it has been the result.

Deconstruction can be a valuable tool for decoding language and facilitating communication. For example, when my oldest son was a teenager, he and his friends suddenly discovered camping. My own "construct" of camping included such building blocks as hunting, fishing, hiking, cooking on an open fire, sleeping under the stars, communing with nature, and having long philosophical discussions about God and the universe. In other words, "camping" had positive, wholesome connotations for me, and I was delighted when my son developed an interest in it. Of course, when I deconstruct my camping model for my college students, they invariably laugh at my naivete. To their generation, the building blocks of "camping" include drinking, smoking, goofing off, and hooking up, with no phones and no parental access. In the 21st century, even that construct of camping is changing, as cell phones have made teens accessible wherever they are and many parents have made their homes available as a safer place for drinking and sex. But the point is this: Derrida challenges us to deconstruct the codes that are embedded within our language, to understand not only the denotations of words but also the connotations, and to realize that the denotations themselves are replete with connotations. (See also George Orwell's masterful essay, "Politics and the English Language." And while you're at it, deconstruct that word "masterful"!)

Deconstruction can be a valuable tool for decoding language and facilitating communication.

Thinking deconstructively opens one's eyes to the possibilities of language. Just as I was drawn to examine my unconscious use of the word "masterful," I am also drawn to muse on the use of parentheses, boundaries which simultaneously marginalize and emphasize the words within the frame (a dual function served by quotation marks as well). Our enjoyment of puns and other figures of speech relies on the assumption that another person will understand our multiple layers of meaning, meanings that are often lost on members of other cultures who do not use the same symbols or word associations. Even our humor marginalizes and isolates the "other" implied by the "absence of those not in the dominant culture."

By examining the constructs that underlie the core values of a dominant culture, Derrida discovered unspoken layers of meaning that, when examined further, contribute to a more complete and honest understanding of the human experience. Like Frederic Bastiat before him, Derrida discovered that the unspoken and the unseen are just as powerful and important as the spoken and the seen. ❑

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Reviews

"The Anti-Chomsky Reader," by Peter Collier and David Horowitz. Encounter Books, 2004, 260 pages.

The Many Hatreds of Noam Chomsky

Frank Fox

"The Anti-Chomsky Reader" is a recently published collection of critical essays, edited by Peter Collier and David Horowitz, on Noam Chomsky's political philosophy. It includes chapters on Chomsky "Whitewashing Dictatorships in Communist Vietnam and Cambodia," "Chomsky and the Cold War," "Chomsky and the Media: A Kept Press and a Manipulated People," "Chomsky's War Against Israel," "Chomsky and Holocaust Denial," "Chomsky and 9/11," and "Noam Chomsky's Anti-American Obsession." There are also a couple of chapters that question Chomsky's standing among linguists.

The book's cover is an apt one. It features Chomsky's face as a photographic negative, his eyes quizzically peering from behind aviator glasses, his wide mouth arranged in a shape that is at once a self-satisfied smile and a ghostly sneer. The arresting image is fitting, evocative of the many unanswered and troubling questions about this controversial intellectual figure.

The volume examines a variety of controversies that have swirled around the famous scholar and anti-American propagandist. While it challenges his veracity on a number of issues and his reputation as a pioneer linguist, it does not provide a satisfactory explanation for Chomsky's unremitting attacks on the land of his birth. Whence comes Chomsky's great hatred of America, a country that has afforded him and his family a lifetime of comforts? In words penned in 1979, he described Washington as the "torture and political murder capital of the world" — this at the time when cruel communist regimes, particularly that of Cambodia's Pol Pot (whose murderous reign Chomsky was unwilling to confront), were responsible for the genocidal deaths of millions. His views on America have not changed. He considers the 9/11 attacks a justifiable and overdue response — America is to blame. Only an Islamic fanatic could match Chomsky for such vehemence and vitriol.

Just as perplexing are the origins of his equally great hatred for Zionism, an ideology he once admired, and for Israel, a country for whose welfare he struggled as a youth. He has described as "Nazi-like" the actions of Israel fighting for its survival. There can be no more hateful expression against the land and people of Israel than to brand them with that label.

"The Anti-Chomsky Reader" tells the hitherto untold story of Chomsky's journey from Zionism to contacts with neo-Nazis, from philosophical discussions to a one-sided view of the world in which the United States and Israel are considered the world's preeminent enemies of peace. His life is a story of betrayals. One betrayal is of his family and its strong Jewish roots: Chomsky may aptly be called a "self-hating Jew."

Those of us who met him as fellow students at Gratz High School in Philadelphia in the early 1940s remember a very bright teenager in a class taught by his mother, Elsie, the principal of the Hebrew School. She was by some accounts a domineering woman (some described her as "tyrannical") in contrast to her passive husband, William, an authority on Hebrew grammar. They lived in Philadelphia's East Logan neighborhood and owned a car, a sign of affluence in those days. Noam attended the exclusive Oak Lane Country Day School. "He was not in the mainstream with the rest of us guys," a

contemporary recalled. "He didn't play football or baseball."

Long before he acquired a reputation as one of the world's bitterest critics of Israel, Noam had a keen interest in pioneering Zionism. He joined a radical Zionist group, Hashomer Hatzair ("The Young Watchman"), and spent some time as a teenager working on a kibbutz. The Jewish academic community in Philadelphia was not strongly pro-Zionist, but all of Noam's friends were, and those who knew him then cannot understand "what happened to Noam." But surely an important clue lies in the intemperate views on America that he has imparted to audiences all over the world. These have caused much confusion, particularly among youth for whom Chomsky and his radical ideology have become a lightning rod for hatreds and disappointments. He has become an icon whose views have even been espoused and recited by rock stars at concerts.

The second betrayal is an example of Chomsky using personal vendettas to settle historical scores. It is a story of unrequited love, albeit of an intellectual variety. The ideas of Professor Ellis Rivkin, a gifted and respected scholar who has praised America's leadership in the world, influenced the young Chomsky, but Rivkin's name is missing from the indexes of books dealing with the foremost radical of our times. The differences between young Chomsky and Rivkin became an intensely personal conflict, one in which the student, whose admiration for his mentor was unbounded, eventually devoted his entire life to contradicting his teacher's view of history.

Rivkin received his training at the Johns Hopkins University, where he specialized in medieval history and Biblical studies. But he was principally interested in the dynamics of change. Where Noam was convinced of the evils of the American system, Rivkin was trying to explain to him the dynamics of change within that system.

The controversy with Rivkin formed an early pattern in Chomsky's life. Many who knew him in his formative years are gone, but some measure of the deep hurt he caused to those closest to him may be gauged by the fact that the family of Professor Selig Harris, a mentor of Chomsky's at the University of Pennsylvania, refuses even to discuss Chomsky, convinced that his ideas on grammar were originally those of Professor Harris. The names of those two influential scholars, like the likenesses from the Soviet hierarchy after Stalin's purges, are missing from the many works that deal with Chomsky's life.

Rivkin knew Chomsky when Chomsky was in his teens. It was because of Rivkin's offbeat, dialectical approach in dealing with themes in Jewish history, and his emphasis on economic forces, that Chomsky contemplated studying history. Rivkin discussed the despotic aspects of the Soviet system long before the Cold War. His knowledge of Marxist thought was grounded not only in the original ideas of its founders but in the many splinter groups that accompanied the expulsion and eventual assassination of Leon Trotsky. I remember sitting in Rivkin's class soon after the war and hearing for the first time about the sham trials of the "wreckers and saboteurs" in the Soviet Union a decade earlier. Those of us in the service who were exposed to Ilya Ehrenburg's wartime harangues, sent courtesy of the Soviet Embassy, knew little about these matters. Stalin was, after all, our ally. Rivkin made us aware of the critique of those trials by the philosopher John Dewey and others.

"I used to work on a farm, but I got tired of all the rush-rush-rush."

Chomsky and Rivkin talked before classes, took long walks, and sometimes had dinner together. They were both disillusioned with Stalinism, but for different reasons. Chomsky was intent on seeing how a "purer" Marxism could be achieved, while Rivkin wanted to understand the growth of the free-enterprise system. Rivkin's knowledge of Jewish history provided him with a starting point for creating a new view of the world and the forces in it. He saw the Jews as occupying a crucial place in the evolution of capitalism, from its inception to its present global influence. According to Rivkin, the history of Jews departed from that of other societies because of the Jews' religious concept of unity, an idea he was to develop fully in his important work "Shaping of Jewish History: A Radical New Interpretation" (Scribners, 1972). In this extraordinary book, Rivkin undertook a study of the importance of developmental Judaism and developmental capitalism. It was an intellectual tour de force which Chomsky would not acknowledge and whose import he has ignored for more than half a century. His attacks on Rivkin's ideas about democratic capitalism have not mentioned the name of his former professor and close friend.

Rivkin's book is a history of changing forms, but always has at its center a key element: the concept of unity that generated diversity. Rivkin saw the idea of unity in the universe as the underpinning of all progress — a contribution from Jewish tradition — as a tool for interpreting all history. Emancipation of Jews was always part of economic, social, and political movements. To Rivkin, the rise of Nazism was a result of the stagnation of nation-state capitalism in Germany. The Holocaust, in his opinion, resulted from "an entrapped nation state." America, on the other hand, was a society in a state of "permanent

revolution" (a Trotskyite expression never intended to describe a system of developmental capitalism).

Rivkin argued that America could fashion a global system in which the profit motive would serve a global society. This would be of crucial importance to Jews, who found a home in every age and in every land in which there was economic progress. When a society was in a state of growth, it drew on whatever the Jews had to offer. Remove the economic growth, Rivkin argued, and anti-Semitism would flourish. Conversely, when capitalism prospered, Jews were safe.

Whence comes Chomsky's great hatred of America, a country that has afforded him and his family a lifetime of comforts?

Rivkin recalled many years later the shock that Chomsky expressed in 1955 when he told him that he was going to accept a position at Hebrew Union College in Cincinnati and that he was talking about the future of capitalism rather than class struggle. "I thought he was going to drag me into the Charles River," Rivkin recalled. "Noam's focus was on the evils of our system. I could understand why he would raise questions," Rivkin said, but "I could not understand why he would get angry." But then the followers of Marx were known for their intemperate expressions, as when Marx referred to Ferdinand Lasalle, the German Social-Democrat, as "Nigger Lassalle."

Chomsky was committed to a pure Marxism, but Rivkin was not. In contrast to Lenin, who considered imperialism the last stage of capitalism, Rivkin saw imperialism as a cage erected by nation-state capitalism. It kept alive the world of cheap, replicating labor; it did not bring about the efficient capitalism that a global economy demanded. Chomsky could not see this. He didn't understand that those who were driven by power rather than profit motive would enslave others in the name of some "ideal."

Rivkin often referred to the writings of George Marlen (a pseudonym for George Spiro) and had been a keen follower of Marlen, a self-taught radical in New York and one of the many small players in the splintered Trotskyist movement in the 1930s. Marlen was an advocate of an analytical method that Rivkin had found useful and that Chomsky eventually used to the exclusion of all others: to analyze "the game of nations" based on memoirs, newspaper clippings, and little-noticed items in the press that somehow escaped the average reader's scrutiny. In one of the most revealing essays in the "The Anti-Chomsky Reader," sociologist Werner Cohn, who wrote the pioneering work on Chomsky's contacts with Neo-Nazis ("The Hidden Alliances of Noam Chomsky," 1988) and has repeated his accusations in the essay "Chomsky and Holocaust Denial" in the Collier-Horowitz volume, has explained the influence of Marlen on Chomsky's modus operandi. Chomsky was "fascinated" as a teenager by the ideas of the Marlenites, a group he must have learned about from discussions with Rivkin. These were founders of "Council Communism," who under such leaders as Rosa Luxemburg fought against the "dictatorship of the proletariat." Of all the essays in "The Anti-Chomsky Reader," Cohn's is most damning, particularly on Chomsky's contacts with Robert Faurisson and other Holocaust deniers. Chomsky excuses his ties with deniers by appeal to the "right of free speech," but the roots of Chomsky's hatred are shallow in their intellectual import, deep in their long-standing animosities, and harmful in their effect on susceptible minds.

Chomsky has continued his drumbeat of hatred. In a lengthy profile by Larissa MacFarquhar ("The Devil's Accountant," New Yorker, March 31, 2003), there are telling sentences that show his approach to problems now facing America. The author is struck by the manner in which he addresses those issues. She talks about his "rage," how his "sentences slice and gash . . . envenomed by a vicious sarcasm," and says his writing is "as ferocious as the actions he describes." Chomsky's world is one in which his native country is ever ready to commit new atrocities. If America wars against Iraq, the reason could not be the intent to topple a tyrant because, according to him, we managed to get along with other tyrants in the past.

Chomsky moralizes about the failings of America, but in his pursuit of incriminating evidence he neglects some of the least understood factors in the histories of nations and the lives of their leaders: instances of chance, accident, miscalculation, or plain stupidity that have influenced events. These are not part of Chomsky's worldview. At age 75, he continues to search in political systems for the kind of symmetry that he sought to find in language structure, oblivious of the fact that human beings often behave in unexpected ways. Inspired by idealistic communists, he seems to have forgotten Karl Marx's famous comment that men make history, but not in the way they intend it. He ascribes the worst motives to America, never willing to consider the generous character of a land that continues to be a beacon of hope for many in the world, and a land of opportunity, as it has been for him. What a waste! ❑

Those of us who met Chomsky as fellow students at Gratz High School in Philadelphia in the early 1940s remember a very bright teenager in a class taught by his mother, Elsie, the principal of the Hebrew School.

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"Ray," directed by Taylor Hackford. Universal Pictures, 2004, 153 minutes.

Saturday Night and Sunday Morning

Jo Ann Skousen

"Exhilarating!" "Electrifying!" "Mesmerizing!" the display ads proclaim. "Ray" is all of this, and more. At once joyful and heartbreaking, "Ray" tells the Ray Charles story without the sugar coating of a typical biopic, revealing Ray's struggle with heroin, his many infidelities on the road, his business decisions that occasionally put money ahead of friendship, and his inattentiveness as a father. Yet it is told almost as an apology, as though Charles (who worked very closely with the filmmakers) wanted to acknowledge those he had hurt along the way. According to producer Stuart Benjamin, who worked for 15 years to get funding for the film, Charles supported the project enthusiastically, reviewing the drafts of the script and calling old friends to ask them to talk openly with Hackford and screenwriter Jimmy White. The result is not a puff piece but a well-rounded story with the ring of truth.

The story pays tribute to Ray's mother, Aretha, a young woman who refused to coddle her son when he lost his sight, probably to glaucoma (Although I wonder if those eye drops did more harm than good.) "Don't you be a cripple," she urged him as she sent him away to a school for the blind when he was only seven. It credits Ray's realistic and long-suffering wife, Della Bea, who said of his drugs and his women, "Just keep it on the road. Don't be bringing it into our home." It also demonstrates his painful, and successful, determination to overcome his heroin addiction without the use of additional drugs.

At once joyful and heartbreaking, "Ray" tells the Ray Charles story without the sugar coating of a typical biopic.

Ultimately, though, "Ray" is about the music, glorious music that keeps the audience tapping and nodding throughout the movie. Twenty-five songs in 2½ hours — you do the math. It's a concert with a storyline. And what a concert it is! Almost every aspect of the story is told in the context of one of his songs, and all of the recordings are performed by Ray Charles himself, including some concert tracks that were in Charles' private collection, never before released. As we see the many innovations Charles brought to music, the crossovers between gospel and pop, the creation of country and soul, the development of new technologies, we come to understand why Frank Sinatra said of him, "Ray Charles is the only genius in our business."

Although it is Ray Charles' voice we hear (a wise choice; a musical biography earlier this year, "De-Lovely," was ruined by the decision to let Kevin Kline sing Cole Porter's songs), Jamie Foxx is not merely lip synching. A pianist since the age of 3, Foxx is an accomplished musician who went to college on a piano scholarship. He spent several hours at side-by-side pianos with Ray Charles, learning the nuances of Charles's unique style. Consequently, Hackford did not have to resort to the usual tricks of strategically placing a microphone in front of the actor's mouth or cutting from a stand-in's hands to the actor's face. Foxx performs each number, playing and singing, his fingers on exactly the right keys with exactly the right expression, allowing Hackford to take long luxurious shots of concert scenes that would not have been possible with a lesser actor. Far from merely impersonating the celebrity he portrays, Foxx seems to actually be Ray Charles. It's uncanny; they really don't look alike, yet Foxx seems to look exactly like him.

Jamie Foxx is having a great year. This summer, as a taxi driver in the movie "Collateral," he stole the show from Tom Cruise (not such a difficult feat, in my opinion) with kudos from all the critics. He has come a long way since his start as a regular on "In Living Color," a comedy ensemble created by the Wayans Brothers in 1990 and often described as "Saturday Night Live" without the music and news and with more than the one obligatory black. (In fact, Jim Carrey had a role there as the "obligatory white.") The Wayans brothers are still playing a version of that lightweight TV show, with their latest movie, "White Chicks," rushing quickly from theaters to video stores with a dismal 13% approval rating on rottentomatoes.com (one of my favorite movie rating services). Meanwhile, Foxx has honed his craft to become a legitimately praiseworthy actor.

"Ray" is a concert with a storyline. And what a concert it is!

The rest of the cast are equally as gifted, especially the hauntingly beautiful Sharon Warren as his mother and Regina King as Margie Hendricks, one of the original Raylettes and one of Charles' "road wives." I don't much care about the Oscars any more because they have become so commercialized, but at least now I have a film to root for this year. ❑

"Plagues & Poxes: The Impact of Human History on Epidemic Disease," by Alfred Jay Bollet. Demos Medical Publishing Inc., 2004, 237 pages.

"Pox Americana: The Great Smallpox Epidemic of 1775–82," by Elizabeth A. Fenn. Hill & Wang, 2001, 370 pages.

"The Great Influenza: The Epic Story of the Deadliest Plague in History," by John M. Barry. Viking Books, 2004, 546 pages.

Disease as a Force in History

Bettina Bien Greaves

History books usually report the doings of kings, presidents, armies, and governments. Important as these are in the lives of every one of us, the real history of mankind, or rather the real history of actual people, is the history of ideas men live by and what they do as a result of their ideas. History is a record of what people accomplish individually and in cooperation with others, how they live, work, produce, trade, alter their environment, and cope with accidents, natural catastrophes, and disease. These three books all describe historical events that have affected diseases and diseases that have affected historical events.

Plagues and Poxes

Alfred Jay Bollet is a physician and writes with a physician's understanding of diseases and how they spread. In writing about diseases through history, he keeps in mind how each disease might be used today as a biological or chemical weapon of mass destruction.

By the end of 1494, Naples had been under siege for months. Among its defenders were men who had sailed with Columbus in 1492 on his historic voyage to the "New World." Reportedly, some of them had contracted syphilis there and carried it back to Europe. Hoping to infect the French forces that held them under siege, the Neapolitans forcefully drove women, especially the beautiful ones and the harlots, out of town. The French, "gripped by compassion and bewitched by [the women's] beauty," took them in. By the time the siege ended on Feb. 21, 1495, both the invading French and the Neapolitans were infected by syphilis (Bollet, p. 67).

Bollet describes outbreaks of bubonic plague, including the notorious Black Death of mid-14th-century Europe. Rats were soon identified as the cause, but eliminating rats did not stop the plague. Only in the late 19th century was it discovered that fleas were the real culprit; when the rats were exterminated, the fleas found new hosts and new victims among people.

"Cholera," explains Bollet, "is an infection of the gastrointestinal tract that can cause more deaths, more quickly than any other epidemic" (91). People rarely transmit the disease directly to other people, but it "can be carried on hands or soiled clothing and introduced into food by flies or nightsoil, although the most important transmitting vehicle is contaminated drinking water" (95). Contaminated rivers used both for ritual bathing and for "drinking or cooking, bathing or waste disposal" (92), such as the Ganges in India, have caused cholera epidemics. Cholera follows "along lines of travel by caravan, ship, or airplane, primarily through contaminated water or food supplies" (91). Bollet writes, "The opening of the Suez Canal on November 17, 1869 greatly enhanced the opportunity for cholera to spread by ship from its home base on the Indian subcontinent to the Mediterranean and Europe" (97).

As the Industrial Revolution gathered steam in England, landowners improved production techniques and grew more food. People lived longer, the population increased and more and more people crowded into London, where people still relied on wells for their drinking water. In August 1854, a terrible outbreak of cholera occurred. In three days, 127 people living in one small section around Broad Street died. John Snow (1813–1858), an obstetrician, suspected that "undrained cesspits beneath old houses . . . were draining into wells and contaminating the water." He finally traced the source of the cholera outbreak to a baby who "had been taken ill with cholera symptoms" and whose diapers had been rinsed in a well three feet from the Broad Street pump. As an experiment, Snow had the pump handle removed. "[N]ew cases of cholera stopped appearing" (98–99).

More difficult to explain than diseases caused by filth, fleas, infections, bacteria, and viruses are those caused by a nutritional or vitamin deficiency. Bollet explains that beriberi arose

"I think the problem is that your superego has kryptonite poisoning."

among rice-eating populations in Japan when new technological advances in processing rice, which were introduced in about 1870 to increase its caloric and protein content and keep it from spoiling, also removed the rice grain's vitamin-rich germ or embryo (147). Similarly pellagra developed among Southerners whose diet consisted primarily of cornbread, grits, molasses, and bacon when around 1900 an improved method of processing corn was developed to keep cornmeal from spoiling. The new processing method also eliminated the germ in the corn kernel, which is high in important lipids, enzymes, and cofactors, including nicotinic acid (169).

The Neapolitans drove the beautiful women and harlots out of town. The French took them in. By the time the siege ended, both the French and the Neapolitans were infected by syphilis.

During the 15th and 16th centuries, sailors who spent months at sea without access to fresh foods were bound to become afflicted with scurvy, a seriously debilitating disease. Among other explorations, Vasco da Gama's and Ferdinand Magellan's were cursed by scurvy. Scurvy was due to a lack of vitamin C, but vitamins were then unknown. Through trial and error, Dr. James Lind (1716–1794) recognized oranges and lemon juice as scurvy preventatives (178–179), and in 1795 Lind's recommendations "suddenly killed naval scurvy" in the British fleet (180). In 1804, when Napoleon was gathering his forces to invade England, he ordered one of his admirals to sail across the Atlantic and entice British Admiral Horatio Nelson to follow. Napoleon expected Nelson's forces to succumb to scurvy on such a "Long Chase" across the Atlantic and back; before Lind, a sea-going fleet had to be relieved every ten weeks if the crew were to be able to fight (180). When the French admiral reached the West Indies he landed a thousand sick sailors, soldiers, and marines and buried many others, while Nelson's men remained healthy. Nelson obtained in the West Indies 20,000 gallons of lemon juice to supplement the regular issue of 30,000 gallons. When the French admiral set sail eastward to Spain, Nelson followed, rejoined the English fleet, followed the French to Cadiz, waited at sea while the French were in port, and engaged them when they emerged (Oct. 21, 1805). In the Battle of Trafalgar that ensued, Nelson was killed, but Napoleon was badly defeated and gave up all thought of invading England (182). Thus, Lind's victory over scurvy determined the British victory in the Battle of Trafalgar.

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Bollet also discusses malaria, yellow fever, smallpox, the great flu epidemic of 1918–1919, poliomyelitis (infantile paralysis), rickets, gout, anthrax, botulism, and SARS.

Pox Americana

Elizabeth A. Fenn wrote a paper as a college undergraduate about native American Indians in the Hudson Bay fur trade. In the course of her research, she ran across accounts of a devastating outbreak of smallpox in Canada in 1781–1782. Later she came to realize that this was only the tip of an iceberg — the 1775–1782 smallpox epidemic that wreaked havoc on soldiers, both American and British, during the Revolution.

Smallpox played an important role in the American Revolution. The epidemic started in Boston when the British occupied the city right after the Battles of Lexington and Concord. Washington isolated anyone among his Continental forces suspected of harboring the disease. Then in the summer of 1776 he withdrew his army southward. The disease spread after the siege of Boston ended and communications and travel in and out of the city resumed, but by that time Washington and his men were gone.

Benedict Arnold took smallpox with him when he led an army of Continental soldiers north in an attempt to conquer Quebec and British Canada. On New Year's Eve 1775, his men attacked the city of Quebec; they scaled the walls and fought heroically. But their assault failed, less because of their fighting than because the men were weakened by smallpox. The disease ravaged more than 400 American prisoners left behind with the British, and it traveled with the defeated Continental soldiers as they struggled home on their own (Fenn, pp. 62–71).

At the time of Valley Forge, Washington made the excruciatingly difficult decision to have the Continental Army soldiers inoculated, knowing that those inoculated would be able to transmit the disease to others for several weeks until finally the inoculation brought immunity. But the inoculation proved effective and protected his forces from further infection later in the campaign against the British.

When the British left Boston, they sailed south, taking the disease with them. Most British soldiers had some immunity to smallpox, having been exposed in their youth in England. As the fighting moved south, the governor of Virginia (55ff.) and then later British Generals Henry Clinton and Charles Cornwallis enticed many blacks to join the British forces by offering them freedom (126–130). The blacks helped the British in many ways — until they encountered the pox. The blacks had never before had contact with the disease and had no immunity and little resistance. The incidence of the disease among them was phenomenal; sick and dying blacks were often abandoned by the British — some thought deliberately, as a form of biological warfare, in the hope of spreading the pox among Americans (131). The American victory, when it finally came, was the product not only of hard

Benedict Arnold's assault on the city of Quebec failed less because of the soldiers' fighting than because the men were weakened by smallpox.

fighting, clever generalship, and British blunders, but also of the immunity of the American soldiers to smallpox, thanks to Washington's decision at Valley Forge. The release of soldiers at the end of the war spread the disease still further — in an unbroken chain of person-to-person contacts among vast and vulnerable populations elsewhere on the continent.

Fenn traces the path of smallpox to New Orleans, Mexico City, south to Colombia and Ecuador, then north with traders from population center to population center along the *camino real*, and north with Spanish missionaries and west as far as Los Angeles (146–156). In 1805, when Lewis and Clark arrived in the Pacific Northwest, they mapped dozens of Indian settlements that had been devastated by smallpox and abandoned. Fur traders following inland waterways were probably responsible for carrying the pox from the Columbia River Basin to the Hudson Bay area, where Fenn found the first reports of the disease.

Fenn's book reports how smallpox affected history, the tides of battle, trade patterns, and the continent's demographic makeup, as well as how historical events determined the transmission of the disease. Her research in tracing the path of the epidemic through person-to-person contacts is remarkable.

The Great Influenza

John M. Barry, author of books on such varied subjects as football, cancer, the Mississippi flood of 1927, and Washington politics, has written a riveting account of "The Great Influenza: The Epic Story of the Deadliest Plague in History." The 1918–1919 epidemic took the world by surprise, spread rapidly worldwide among soldiers and civilians, and, according to modern epidemiologists, was responsible for 50 to 100 million deaths. Influenza was extremely infectious, its cause was unknown, and at the time no cure or vaccine was available. Barry explains how its spread was aggravated by ineptitude, fear, overcrowded military barracks, large-scale soldier transfers, and even by military officials who, under political pressure, rejected the best available medical advice. Barry also describes the determined and valiant efforts of a band of true heroes — brilliant and dedicated scientists — to find the cause of the flu and a vaccine for it.

When the United States declared war on Germany on April 6, 1917, William Crawford Gorgas, who had vanquished yellow fever and malaria in Panama, was surgeon general of the U.S. Army. Gorgas and his medical colleagues were concerned not only with treating soldiers wounded in combat but also with trying to prevent disease. When huge numbers of men from many parts of the country, carrying with them different germs and different immunities, are crowded together in huge encampments and frequently transferred from one location to another, as they are in wartime, they are fertile ground for the transmission of disease. Well aware that the biggest killer in previous wars had been not

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combat but disease (Barry, p. 135), Gorgas and his associates were worried about possible epidemics of measles, pneumonia, whooping cough, chicken pox, or mumps. And they were concerned about how to disinfect huge amounts of laundry (136–137). They were determined to prevent widespread deaths from disease during World War I.

When the U.S. entered the war, there were about 200,000 men in the U.S. armed forces, soon to be expanded to 4 million. "Huge cantonments, each holding roughly fifty thousand men, were thrown together in a matter of weeks. Hundreds of thousands of men occupied them before the camps were completed. They were jammed into those barracks that were finished, barracks designed for far less than their number, while tens of thousands of young soldiers lived through the first winter in tents. Hospitals were the last buildings to be constructed.

"These circumstances not only brought huge numbers of men into this most intimate proximity but exposed farm boys to city boys from hundreds of miles away, each of them with entirely different disease immunities and vulnerabilities. . . . Gorgas' nightmare was of an epidemic sweeping through those camps. Given the way troops moved from camp to camp, if an outbreak of infectious disease erupted in one cantonment, it would be extraordinarily difficult to isolate that camp and keep the disease from spreading to others" (145).

The American victory was the product not only of hard fighting, clever generalship, and British blunders, but also of Washington's decision at Valley Forge to have the soldiers of the Continental Army inoculated against smallpox.

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In February 1918, three men "traveled from Haskell [Kansas], where 'severe influenza' was raging to [Camp] Funston. . . . Within three weeks eleven hundred troops at Funston were sick enough to require hospitalization. "Only a trickle of people moved back and forth between Haskell and Funston, but a river of soldiers moved between Funston, other army bases, and France" (169). The disease spread rapidly among raw soldier recruits in crowded camps in the States, and across the Atlantic on ships carrying troops to Europe.

President Wilson "had injected the government into every facet of national life and had created great bureaucratic engines to focus all the national attention and intent on the war. . . . And the final extension of federal power had come only in the spring of 1918, after the first wave of influenza had begun jumping from camp to camp, when the government expanded the draft from males between the ages of twenty-one and thirty to those between the ages of eighteen and forty-five" (300–301). "Wilson . . . was not now fighting to the death; he was fighting only to kill. *To fight you must be brutal and ruthless*, he had said. *Force!* he had demanded. *Force to the utmost! Force without stint or limit! The righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust*" (302).

The flu epidemic exploded at Camp Devens, 35 miles northwest of Boston. The camp was built to hold 36,000 men, but by Sept. 6, 1918, it held over 45,000. "In a single day, 1,543 Camp Devens soldiers reported ill with influenza," Barry notes. "On September 22, 19.6 percent of the entire camp was on sick report, and almost 75 percent of those on sick report had been hospitalized" (187).

A military team of doctors was ordered to Camp Devens to investigate. "A stench filled the hospital. . . . Bed linen and clothing were rank with urine and feces from men incapable of rising or cleaning themselves.

"Blood was everywhere, on linens, clothes, pouring out of some men's nostrils and even ears while others coughed it up. Many of the soldiers, boys in their teens, men in their twenties — healthy, normally ruddy men — were turning blue. . . . It was more chilling still to see corpses littering the hallways surrounding the morgue." The medical experts reported, "In the morning the dead bodies are stacked about the morgue like cord wood. . . . They were placed on the floor without any order or system, and we had to step amongst them to get into the room where an autopsy was going on" (189–190).

The 1918–1919 flu epidemic was responsible for 50 to 100 million deaths.

The surgeon general's office dispatched three army colonels, all doctors, to Camp Devens. When Col. William Henry Welch of Johns Hopkins walked out of the autopsy room, he made three phone calls — to scientists in Boston and New York, and to the acting army surgeon general in Washington. He asked them to perform autopsies and try to find the cause and a cure for the epidemic. He related "his expectations of its course at Devens and elsewhere. For this was going to spread. He urged that 'immediate provision be made in every camp for the rapid expansion of hospital space'" (190–191).

The warning was relayed that same day to the army chief of staff "urging that all transfers be frozen unless absolutely necessary and that under no circumstances transfers from infected camps be made: *The deaths at Camp Devens will probably exceed 500. . . . The experience at Camp Devens may be fairly expected to occur at other large cantonments. . . . New men will almost surely contract the disaster*" (302). The army chief of staff ignored the warning. Medical officers wrote the commander of the army, urging him not to deploy soldiers overseas who were known to be infected with or exposed to the disease until it had run its course among

them. Their warnings, too, were ignored.

Medical officials' warnings did not go entirely unheeded, however. Provost Marshal Enoch Crowder canceled the next two inductions of new soldiers scheduled under the draft. Crowder "recognized that the disease was utterly overwhelming and creating total chaos in the cantonments. There could be no training until the disease passed" (303).

"Meanwhile the *Leviathan* was loading troops. . . . The *Leviathan* and, over the course of the next several weeks, other troopships would ferry approximately one hundred thousand troops to Europe. . . . They became death ships. . . . The burials at sea began. . . . The transports became floating caskets" (304–306).

President Wilson had made no public statement about influenza. On Oct. 7, he summoned Gen. Peyton March, commander of the Army, to the White House to discuss the epidemic. Wilson said to March, "I have had representations sent to me by men whose ability and patriotism are unquestioned that I should stop the shipment of men to France until this epidemic of influenza is under control. . . . [Y]ou decline to stop these shipments."

The general "made no mention of any of the advice he had received. . . . He insisted that every possible precaution was being taken. . . . If American divisions stopped arriving in France, whatever the reason, German morale might soar. True, some men had died aboard ship, but [he said] 'Every such soldier who has died just as surely played his part as his comrade who died in France. . . . The shipment of troops should not be stopped for any cause'" (307).

"Gorgas had had one goal: to make this war the first one in American history in which battle killed more troops than disease. Even with one out of every sixty-seven soldiers in the army dying of influenza, and although his superiors largely ignored his advice, he just barely succeeded" (406). However, "when navy casualties and influenza deaths were added to the total, deaths from disease did exceed combat deaths" (406).

Influenza also exploded among civilian populations. There was an extreme shortage of doctors and nurses everywhere. Many retired nurses and doctors returned to practice and volunteers pitched in. But still victims piled up, many suffering and dying uncared for due to lack of medical assistance. And corpses piled up. Australia was the only part of the world to escape infection — because of a stringent quarantine of incoming ships.

Scientists exerted superhuman effort in the attempt to find the cause, a preventative, a cure, a vaccine, anything that might help. But the flu virus didn't cooperate; different strains appeared, some milder, others extremely lethal, and the virus mutated. Finally, some immunity developed, and the epidemic gradually wound down. "Nothing could have stopped the sweep of influenza through either the United States or the rest of the world — but ruthless intervention and quarantines might have interrupted its progress and created occasional firebreaks" (314).

The struggle for vaccines to protect against the flu is ongoing. New varieties appear every year, so new vaccines are needed every year. "If a new influenza virus does emerge, given modern travel patterns it will likely spread even more rapidly than it did in 1918. . . . It takes time to manufacture and distribute vaccines, and vaccines are the most effective defense. Early warning can make an enormous difference" (450, 457). So the search for new medicines and effective vaccines continues.

Barry discusses the history of biological warfare and the possibility of its use today. "The use of biological weapons has a history going back at least to the Romans, who catapulted sick animals into enclaves of their enemies," he writes. "The British and Americans likely used smallpox against Native Americans, and in 1777 British Major Robert Donkin recommended using smallpox against 'American rebels'" (457). Biological weapons present researchers and military strategists with ethical issues, even if their only intent is to defend against them. One such ethical question, says Barry, "involves the free flow of scientific information. . . . The influenza virus can be created to design in the laboratory, so publishing the information would give it to terrorists. . . . But publishing would also give the information to researchers who could find a way to block whatever mechanism made the virus deadly" (460).

Barry's final message is that success in the battle against disease and epidemics must rest on knowing the truth. "In 1918, the lies of officials and of the press never allowed the terror to condense into the concrete. The public could trust nothing and so they knew nothing. . . . The fear, not the disease, threatened to break the society apart. . . . So the final lesson, a simple one yet one most difficult to execute, is that those who occupy positions of authority must lessen the panic that can alienate all within a society. Society cannot function if it is every man for himself. By definition, civilization cannot survive that. . . . Those in authority must retain the public's trust. The way to do that is to distort nothing, to put the best face on nothing, to try to manipulate no one. . . . Leadership must make whatever horror exists concrete. Only then will people be able to break it apart" (461). ❑

"No, mine just make toys — you must be thinking of the *Keebler* elves."

"Aspirin: The Remarkable Story of a Wonder Drug," by Diarmuid Jeffreys. Bloomsbury, 2004, 352 pages.

The Wonder Drug

Bruce Ramsey

British journalist Diarmuid Jeffreys spins the story of how alchemists, country doctors, chemists, and capitalists brought us aspirin, and lawyers, judges, and politicians messed with it thereafter.

The genealogy of the ubiquitous pill goes back to the ancient Egyptians, who medicated fevers with willow bark. It apparently works, in a rough and unpalatable way. The knowledge was rediscovered in the 1700s by an Englishman poking around for a substitute for quinine. Willow bark tasted like cinchona bark, the imported and expensive source of quinine. In the 19th century a gaggle of experimenters chased after the fever-reducing chemical in willow bark and, in Switzerland, in the meadowsweet flower. In 1838 an Italian isolated salicylic acid. In 1876 a Scottish physician published a paper in the Lancet extolling the value of salicylic acid to reduce fever.

In April 1917 America had declared war with Germany, and Congress quickly passed the Trading With the Enemy Act. Bayer was expropriated without compensation.

In 1897 a chemist at Friedrich Bayer & Co., one of the new German chemical concerns, set out to make a commercial drug of it. Using carbolic acid, a derivative of coal tar, he came up with acetylsalicylic acid. This had been formulated before but never in such a practical way.

A Bayer executive believed acetylsalicylic acid would be dangerous to the heart, and rejected it, but the chemist's boss sent samples to Berlin physicians anyway. The doctors gave a thumbs-up, and in 1899, Bayer & Co. introduced its new product. To name it, they began with the word *Spiraea*, the Latin name for the meadowsweet, and ended up with "Aspirin."

Bayer was able to patent acetylsalicylic acid only in Britain and the United States, and Bayer lost its patent in Britain because a rival proved that a French chemist had discovered it first. Bayer's U.S. patent was set to expire in February 1917, so it needed to build up its brand name. But the American Medical Association was on a crusade against branded medicine. For most of the years of Bayer's patent, it sold Aspirin only to pharmacists in powder form for pressing into unmarked pills. The first consumer advertising of Aspirin branded with the Bayer cross came only a few months before the patent was to expire.

"It may seem strange now that such an innocuous set of advertisements should have provoked such ire," Jeffreys writes, "but the fact is that by the standards of the time Bayer was considered to have contemptuously fouled the ethics of the profession. . . . Immediate action was called for. Bayer Aspirin was dropped from the AMA's official list of recommended medicines."

Four months after Bayer's patent ran out, all of its U.S. assets were seized by A. Mitchell Palmer, Alien Property Custodian. In April 1917 America had declared war with Germany, and Congress quickly passed the Trading With the Enemy Act. Bayer was expropriated without compensation.

Palmer later became infamous as the attorney general who rounded up anarchists and Reds for deportation to Russia. He did not give back the Bayer assets at the end of the war. They were auctioned, and snapped up for $5.3 million in gold-backed dollars by Sterling Products, then a maker of quack medicines. Sterling Products got exclusive rights to "Bayer," but not "Aspirin." In 1920 Judge Learned Hand put the word "aspirin" in the public domain — which is why there are dozens of kinds of aspirin in the United States, but still only one Aspirin in Canada.

When the next war came, the FBI found that Sterling had a secret deal with the German Bayer & Co. to handle its business until the end of the war. In August 1941, four months before the attack on Pearl Harbor, the Justice Department ordered the agreement broken, and CEO William Weiss was banned from Bayer for life.

In 1980, the FDA received a request that aspirin packages be labelled to inform doctors of the drug's cardiovascular benefits. The FDA said no.

"It is hard not to feel a sneaking sympathy for the carpet-bagging, entrepreneurial William E. Weiss," Jeffreys writes. "Duplicitous and grasping though he sometimes was, there's no evidence to suggest that he was ever actually a Nazi sympathizer or, indeed, that he really understood what was going on in Germany. . . . His biggest sin was that of naivete, of believing that business was just business and that the events of the wider world were of no concern to him."

German Bayer was reconstituted after the war. It wasn't until 1994 that it bought back the rights to its name in North America. The price: $1 billion in paper dollars.

All that is just part of the story in

this book. There is a chapter on how the 1918 flu epidemic raised the status of aspirin. There is a chapter on how the Nazis bullied the executives of IG Farben, a chemical combine that included Bayer, intimidating them into giving money, and then corrupted them with investment bailouts and government contracts. There is the story of the Glendale, Calif., physician who noticed around 1950 that his tonsillectomy patients who chewed Aspergum had excessive bleeding. This physician guessed that maybe aspirin was a blood thinner, and that could be useful in preventing heart attacks. He put several thousand of his patients on a daily dose, and his theory seemed to work. He published a couple of articles on it, but they were in obscure journals and nobody paid attention.

Then there is the story of the U.S. Food and Drug Administration, which in 1980 received a request from Sterling to add these words to Bayer aspirin packages for medical professionals: *Aspirin has been shown to be effective in reducing the risk of death or reinfarction of patients who have suffered myocardial infarction.*

The FDA said no.

This is a story in which the regulators don't come off too well. ❑

Liberty and Empire, *from page 30*

for a constitutional government of delegated and enumerated powers. An individual has the right to spend his wealth and risk his life as he wishes. But no person has the right to force friends, neighbors, and complete strangers to spend their wealth and risk their lives to implement his moral agenda.

Yet that is precisely what happens when the U.S. government pursues a global interventionist foreign policy and intervenes militarily when there is not a clear threat to the security of the American republic.

We also must always keep in mind the consequences of intervention in terms of blood. Take the Iraq mission. Some libertarians want the United States to stay on in Iraq until it becomes a tolerant, secular, peaceful, capitalist, pro-Western society.

But how many American lives should be sacrificed in pursuit of that goal, assuming it can be achieved at all? More than 1,100 American soldiers have been killed already, along with another 8,000 wounded, many with life-altering injuries. How many casualties would be too many in the crusade to remake Iraq politically, socially, and economically? Three thousand dead? Five thousand dead? Ten thousand dead? All of those numbers are now in play because of the original decision to invade and occupy Iraq.

Seldom do I hear the proponents of intervention discuss the costs in that way, the cost in blood as well as treasure. Yet that is the most crucial issue. The lives of the American people are not, or at least should not be, available for whatever foreign policy objectives suit the whims of national political leaders. Such blood sacrifices should be made only when the security of Americans is in severe peril.

The U.S. government has a fiduciary responsibility to protect the security and liberty of the American republic. It does not have a moral or constitutional writ to institute the political elites' conception of good deeds internationally any more than it has a writ to do so domestically.

We should be concerned about terrorism, but we must not panic, or toss our principles overboard in combating this menace — as some libertarians are tempted to do.

Given the scope of Washington's interventionist foreign policy, we face an increasingly stark choice. Either the United States will adopt a more circumspect role in the world in order (among other reasons) to preserve domestic liberty and constitutional government, or those values will continue to erode, perhaps beyond recovery, to satisfy the requirements of a global interventionist foreign policy. That choice will determine not only how the United States is defended, but whether this country retains the values and principles that make it worth defending. ❑

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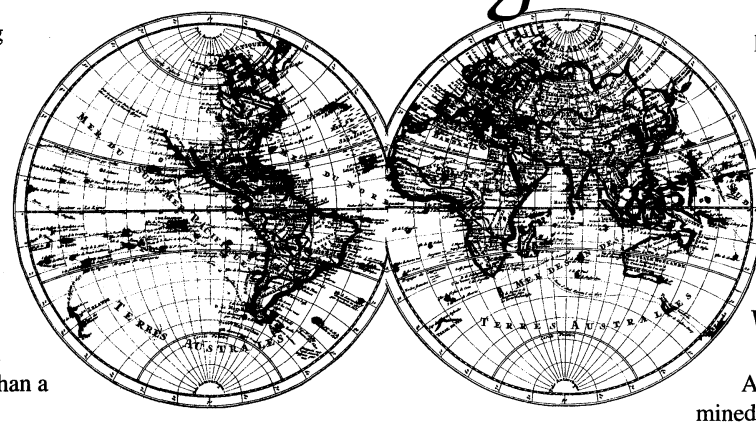

Washington, D.C.

Advance in the War on Expensive Bereavement, from, a dispatch in the estimable Wall Street Journal:

A staffer in Sen. John Breaux's office in Washington paid upwards of $900 to Continental Airlines to attend her grandmother's funeral. Offended by the high fare, the senator introduced legislation to change airline pricing. The provision is part of an intelligence bill.

Boca Raton, Fla.

Psychotherapeutic advances in the Sunshine State, from the Boca Raton News:

Kerry supporters are having trouble coping with their candidate's loss. "We're calling it 'post-election selection trauma' and we're working to develop a counseling program for it," said Rob Gordon, the Boca-based executive director of the American Health Association. "It's like post-traumatic stress syndrome, but it's a short-term shock rather than a childhood trauma."

The Center for Group Counseling said it hadn't "implemented a specific program for Kerry-related trauma." Recovery group Emotions Anonymous said it would help Kerry supporters "refocus and surrender to the things in their life which they can't possibly change."

Caro, Mich.

Civil unrest in the Great Lake State, reported in the Bay City Times:

Police intervened at the Tuscola County Pumpkin Festival parade after officials asked for help after Charles R. VanAllen tried to enter an "inappropriate" float in the parade. The float displayed a "blow-up doll of the upper torso of George Bush, with an arrow sticking through the head," according to Tuscola County Chief Assistant Prosecutor Timothy J. Rutkowski.

VanAllen allegedly tried to bite Caro Police Chief Ben Page and Caro resident Gary Muska after police wouldn't let VanAllen's display into the parade.

Dayton, Ohio

Cutting-edge military research, related in USA Today:

The Air Force Research Lab has released an 88-page "Teleportation Physics Report." The report, which cost the Air Force $25,000, discusses the potential applications of wormholes and psychic teleportation, and calls for spending $7.5 million to conduct psychic teleportation experiments.

Orange, Calif.

The body politic resoundingly rejects politics as usual, the San Francisco Chronicle reports:

Steve Rocco was easily elected to the Orange Unified School District board, which is in charge of setting policy for a district that has a budget of $230 million and serves nearly 32,000 students at 42 schools in Orange and surrounding cities.

Rocco refused to make public appearances during his campaign or to file a candidate statement. Neighbors report the 53-year-old man, who lives with his parents, is occasionally seen around the neighborhood riding his bicycle, wearing military fatigues. He has refused to answer press queries since his election.

Fallon, Nev.

Cultural note, from a dispatch in The Wall Street Journal:

After the General Accounting Office determined that charges to military credit cards in the name of "James Fine Dining" were for services rendered at a brothel in Nevada (in parts of which prostitution is legal), the brothel posted a sign that read, "We are not an Essential Government Service. Do not accept military credit cards."

Minneapolis

Scuffles on the front lines of democracy, reported in the Minneapolis Star Tribune:

At a polling place in north Minneapolis, a voter was asked by an election judge to remove a button reading "Santana/ Nathan '04" he was wearing. He declined, setting off a quick trial by election judges. The button showed support for Minnesota Twins ace pitchers Johan Santana and Joe Nathan.

London

Innovation in the spirits industry, cited in the Pittsburgh Tribune-Review:

A new vodka called "Kalashnikov" is being marketed as a premium brand, under license from Mikhail Kalashnikov, 84, inventor of the famous Kalasmolov AK-47 assault rifle.

U.S.A.

Curious question posed in a fundraising letter mailed by the NAACP:

"Dear Fellow Citizen: Are aggressive blacks and pushy women threatening America's superiority?"

Special thanks to Russell Garrard, William Walker, Charles Gordon, and Tom DiMaio for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Can anyone be happier than a Catholic libertarian?

Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.

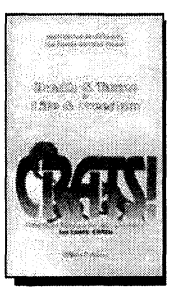

Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.

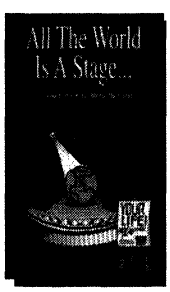

All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is $6.95, plus $2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus $3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.

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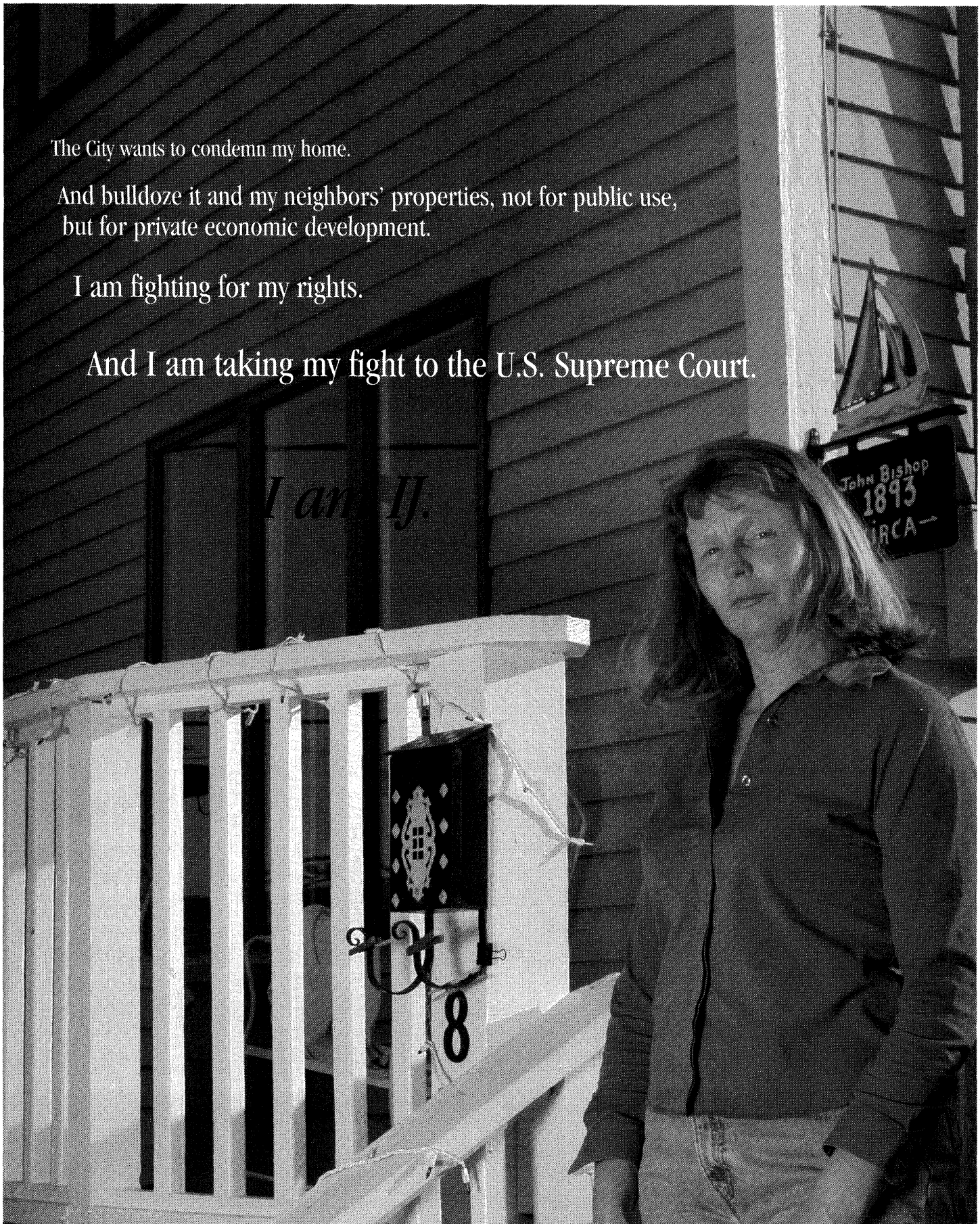

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"The Mountain Nymph, sweet Liberty." — *John Milton*

Why *do* the worst get to the top?

Friedrich von Hayek posed this question in 1944. While he explained the economics, he omitted the psychology of those driven to wield power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

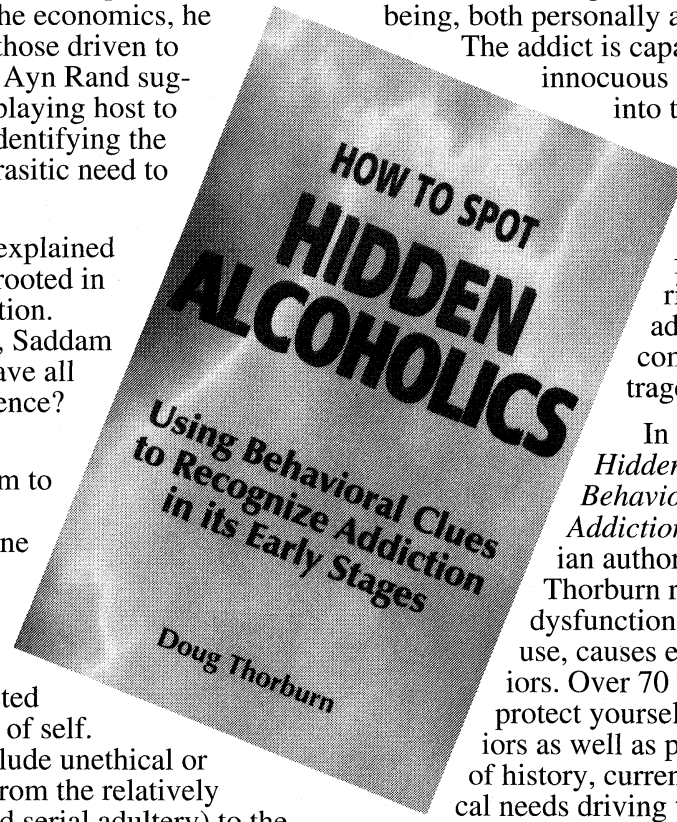

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy occurs.

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Inside Liberty

February 2005
Volume 19, Number 2

4 Letters So sweet of you to write.

7 Reflections We windsurf with Jesus, listen to Hendrix in the Village, get comfort from cosmic justice, hold ecotopic recounts, get juiced with Popeye, clown around on the mound, and Dumpster-dive to armor our Humvees.

Features

19 Politics vs. Ideology: How Elections Are Won Presidential elections have always been about interest groups, with ideology playing only a small role, *Stephen Cox* points out. Libertarians should learn from this.

25 How the Libertarian Party Avoided Disaster LP nominee Michael Badnarik finished surprisingly close to Ralph Nader in the 2004 election. *R.W. Bradford* looks at the election returns and identifies two decisions that added almost 90,000 votes to Badnarik's total.

27 The President and Mr. Bush What would George Washington have to say to George W. Bush? *Craig J. Cantoni* moderates a fantasy debate.

29 An Evening With the NSA If you plan on treating your family to a fun-filled afternoon at the National Cryptologic Museum, *William E. Merritt* advises, make sure that everyone brings a library card.

35 How Urban Planners Cause Congestion and Death The road to congestion and pedestrian deaths is paved with good intentions. *Randal O'Toole & Michael Cunneen* explain why it's so hard to get around these days.

Reviews

39 You Can Buy Happiness *David Ramsay Steele* discovers that money actually does buy happiness, but it costs more than you think.

48 The New Face of Conservatism *Tim Slagle* falls for Ann Coulter.

50 The Godfather Returns *Clark Stooksbury* reads the new Godfather novel.

52 Truth, Justice, and the Aristocratic Way *A.J. Ferguson* finds an animated exposition of modernity's enduring political conundrum, and a funny one at that.

47 Notes on Contributors The dirty dozen (give or take a few).

54 Terra Incognita Things that make you go "hmm."

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Letters

Polling Pink

I found your election analysis ("Lies, Damned Lies, and Election Analysis," January) very interesting indeed!

I still think the antigay ballot initiatives brought out Bush's base, rather substantially, even if it brought out some anti-Bush forces as well. Bush's base remains a force to contend with, insofar as it has been emboldened by a growing coalition of evangelical right-wing and more socially conservative Catholic voters.

And if you take a look at Ohio: That initiative in particular got an affirmative vote of 3,249,157 and a negative vote of 2,011,168. Bush won the state by about 136,000 votes. Exit polls tell us that 67% of those who voted for the Ohio same-sex marriage/civil union ban also voted for Bush. The GOP Ohio strategy tied the campaign to the ban explicitly in radio spots, 3 million taped phone messages, millions of targeted mailings, and over 2.5 million church bulletin inserts. Bush won not only the evangelical vote in Ohio by a 76%–24% margin, but the Catholic vote there as well, 55%–45% over Catholic Kerry, a shift of 172,000 Catholic votes to the Republican column from Bush's last showing in 2000. I think a persuasive case can be made that this initiative was just enough to galvanize social conservatives, assuring Bush a victory in Ohio, and, by consequence, four more years.

Of course, voters don't vote on single issues, and most certainly, other issues inspired the Bush vote. But I think we minimize the growing political impact of social conservatism at our peril.

Chris Matthew Sciabarra
Brooklyn, N.Y.

Bradford responds: For your claim that "a persuasive case can be made that this initiative was just enough to . . . [assure] Bush a victory in Ohio" to be credible, you'd have to provide evidence that the ballot measure increased Bush's margin by at least 119,000 votes, his margin of victory in Ohio. You don't offer any such evidence. Instead you offer evidence that the Bush campaign followed a strategy there that they hoped would exploit the ballot measure and that the ballot measure was quite popular with certain voters. All very interesting, but it says nothing about the overall effect of the ballot measure on the presidential vote.

To measure the overall effect, we have to look at actual vote totals, as I did in my article. In Ohio, Bush's margin of victory in 2004 was .57% *lower* than his margin of victory in 2000, when voters had no opportunity to vote on banning gay marriage. In the eleven states where gay marriage bans were ballot options, Bush's vote share increased by 1.56%; in the 40 states where no option appeared, his vote share increased 4.01%.

This is overwhelmingly powerful evidence that the impact of the gay marriage ballot measures actually reduced Bush's margin of victory.

Central Protection Agency

If we take exclusive jurisdiction as the definition of government, then libertarian anarchism is impossible. Protection agency A has exclusive jurisdiction over the property of its clients, and protection agency B has exclusive jurisdiction over its clients. Whatever problems occur with exclusive jurisdiction, occur with all exclusive jurisdictions. Even with genuine

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anarchism (no protection agencies), everyone has exclusive jurisdiction over his own property. The only permissible anarchism would be communist anarchism, where everything is shared and there is no exclusive jurisdiction. I suggest "protection agency" is a better definition of a libertarian government.

Tom Porter
Reseda, Calif.

The Road to Perdition

Kenneth L. Strain writes in opposition to gay marriage (December 2004), apparently threatening to cancel his subscription. He suggests that Liberty is on the road to perdition and bankruptcy, as he claims happened to the magazine The Week when it published a picture of two men in a car with a "Just Married" sign on it. Actually, The Week is still in business and is published by Felix Dennis, publisher of Maxim, Stuff, Fortean Times, and other magazines — it appears that he has a growing publishing empire, built upon the success of Maxim.

I've been a subscriber to Liberty since the first issue, and I miss those early days when the subscriber survey showed more than 90% of the subscribers were atheists. It's my perception that the religious-right subscribers have increased, and it seems rare that an issue comes out without a cranky letter from someone like Strain, whose brand of liberty doesn't appear very libertarian.

Jim Lippard
Phoenix, Ariz.

Give Me That Old-Time Constitution

Regarding the recent debate about anarchy and freedom:

For anarchists I have no use;
It's just because they're so
abstruse.
Just give me law, but law
controlled
By Constitution, as of old.

Jim Ware
Baton Rouge, La.

The New Anti-Bigotry

Your article by Merrel Clubb in the November issue about "The New Anti-Semitism" was very disturbing. The vast majority of American Jews do not resemble the political caricature expressed by this article. We are able to distinguish between discussion about Israeli military tactics and discussion about the right to have a peaceful homeland and to be free of bigotry. Zionism is about the right to have a homeland as the center of Jewish life. So not surprisingly, anti-Zionism is indistinguishable from anti-Semitism. When criticism of Israeli policy becomes so disproportionate in terms of the effect on civilians compared to virtually all other countries, including countries like Germany and France and all Arab countries, it strains credulity to say that most anti-Israel sentiment is not anti-Semitism. I am profoundly disappointed that Liberty would print this article.

Paul Fisher
Chicago, Ill.

The New Anti-Zionism

It is difficult to dispute Merrel Clubb's central premise in "The New Anti-Semitism" (November) that the terms "anti-Semitism" and "anti-American" are frequently used today to silence critics of the Israeli and American governments, and that in this context, the actual meanings of those terms have become little more than "snarl-words." I find it ironic, given this premise, that Clubb repeatedly uses the term "Zionism" in almost the same manner.

From the Editor . . .

I see by my calendar that 2005 is about to begin. Newspapers keep me abreast of American progress in the War on Iraq, the War on Terror, the War on Smoking, the War on Obesity, and various other wars.

Things are now going so badly in Iraq that military leaders have confessed that they were wrong to think they could occupy a hostile country and inspire its inhabitants to embrace democracy (apparently, these military geniuses didn't read the warnings we published here).

The War on Drugs continues to account for half the imprisonments in the United States, with no sign of an abatement of drug use in the general population. The War on Smoking continues to inspire rebellious teenagers to smoke.

Searching the body cavities of people who want to travel by air is now legal and accepted, as is the right of the Department of Homeland Security to set up checkpoints on any road or highway within 150 miles of the periphery of the U.S. to search automobiles and require their occupants to produce identification. Franklin's maxim that "He who would trade liberty for some temporary security, deserves neither liberty nor security" is nearly as forgotten as the Constitution of the United States.

Happy New Year!

But all is not lost. This issue of Liberty is blessed with some delightful writing. Consider, for example, Bill Merritt's account of his encounter with federal agents on a recent visit to our nation's capital, where he caved in to their illegal demands only to see his beautiful daughter (a former managing editor of Liberty) stand up for her rights. Or consider Stephen Cox's look at the politics of the last 175 years of presidential elections, and the lessons they have for Libertarians. Or Craig Cantoni's marvelously crafted debate between the two George W's. Or David Ramsay Steele's essay on money, work, and happiness. I could go on and on.

Life too goes on, and if you pretty much stay at home, the Wars on This and That don't affect you much. The blessings of liberty for which our forefathers risked their lives remain abundant, though liberty itself is steadily being depleted. We hope that the blessings of this particular Liberty will bring you pleasure, joy, and intellectual stimulation.

R. W. Bradford

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Clubb refers to "political Zionism" and "Zionist policies" always in the pejorative. But, since Clubb appears to have some knowledge of the history of Zionism, he must be aware that Zionism is no more monolithic an ideology than is libertarianism, but encompasses a wide range of opinions and perspectives.

Although Clubb does not define the term "political Zionism," I take it to include the idea of a Jewish nation-state — a concept that did not really gain much momentum until the 1920s, after the Balfour declaration, and didn't enter the mainstream of Zionist thought until the mid-1930s. This shift in thinking came about as a reaction to two disturbing trends — the rise of anti-Semitism under the Nazi regime in Germany, and the increase of Arab violence against Jews in Hebron, Jerusalem, and other key cities under the British Mandate. Prior to this time, Zionism was largely a cultural and religious movement, although admittedly, it owed its inception to the rise of nationalism in Europe during the 19th century.

Even after the founding of the state of Israel in 1948, Zionism represented a diverse array of positions and viewpoints. This is true even today; it might surprise Clubb to learn that the hundreds of thousands of Israelis who oppose some, or all, of the current Likud government's policies, consider themselves Zionists. And this is also true in the diaspora — one does not have to be a fanatic Likudnik to consider oneself a Zionist. Like the expressions "anti-Semitism" and "anti-Americanism," Zionism is a complex term, with many meanings.

I would expect an article published in Liberty to contain more than a tired rehash of conventional arguments; moreover, I would expect it to present a uniquely libertarian slant on the issue with which it was concerned. I am sorry to say that, as interesting as Clubb's article is, I found nothing new therein, nothing that I would consider distinctly libertarian, and at least one glaring error of fact. Clubb insists that the region called Palestine in the 19th century was "already inhabited . . . by a large number of Arabs and a small minority of Jews." Quite the opposite is the case.

Karl Baedeker's 1906 travel guide to Palestine and Syria estimates the total population of Jerusalem at 60,000, of whom 7,000 were Muslims, 13,000 were Christians, and 40,000 were Jews. Not exactly a small minority there, especially when one considers that in 1906, Jerusalem was the most populous city in the region. Some 60 years earlier, in 1854, the New York Daily Tribune ran an article declaring: "The sedentary population of Jerusalem numbers about 15,500 souls, of whom 4,000 are Musulmans and 8,000 Jews." The author of the article was Karl Marx. Beyond the few cities, the countryside, as reported by Mark Twain and other travelers in the mid-19th century, was largely desolate, inhabited mostly by nomadic Bedouins (who, incidentally, do not consider themselves Arabs).

It's unfortunate that Clubb either did not bother to research this historical background, or chose to present the historical perspective selectively. There is certainly much to criticize, from a libertarian perspective, in the past and present policies of the Israeli government; it would be interesting to see such a critique presented. Clubb's article, however, is not it; it is merely

continued on page 24

Correction

In last month's issue, we incorrectly listed the website for Ballot Access News. Its URL is http://www.ballot-access.org.

Letters to the Editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

Crashing on Canada's couch — It was disconcerting to watch George Bush, on Canadian turf, thank the people of Halifax for taking into their homes thousands of Americans who had been stranded when U.S. airports were closed and flights diverted northward on Sept. 11, 2001. Of course, his thanks came three years late. Of course, his gratitude was a prelude to making demands. (Neither the thanks nor the demands came with any concessions on trade issues, I note.) His talk of a longstanding friendship between Canada and the States sounded like those phone calls you get from old and "dear" friends who chat you up before requesting money. — Wendy McElroy

Qui custodiet ipsos custodes custodiorum? — Within days of Bernard Kerik's back-out as Homeland Security czar, all the embarrassing details about his personal life began to come out. The large themes, if not the details (and probably a lot of them, too) had been widely known on the East Coast. Yet none of the administration's clever, canny, can-do guys apparently knew anything about them.

S.H. Chambers

You know the old expression, Who will watch the watchers? I want to know, Who is watching the watchers of the watchers? — Stephen Cox

Purple Hearts for everyone! — Something I would like to know is what proportion of our servicemen in Iraq are combat troops.

In past wars, the ratio was about nine to one: nine support personnel for everybody who actually fought the enemy. Of the 2.5 million soldiers who went to Vietnam, only about 250,000 actually walked around outside base camp getting shot at.

At this point, close to 300,000 soldiers have rotated through Iraq. If the ratio of support personnel to combat troops is anything like what it was in past wars, then the eleven-hundred-and-something soldiers who have been killed, and the twelve-thousand-or-so who have been wounded badly enough to be sent home, is looking like a pretty big number. In fact, it's looking a lot like a 43% casualty rate. But that's just when you look at the numbers.

When you look at the people, it's a lot bigger because a lot of those 300,000 soldiers are double counted. By now many of our combat troops in Iraq are on their second tour. So the personal odds of not coming home as healthy as you went over could well be more than 50%. From the point of view of the people involved, this doesn't seem like small-scale incursions on the way to a peaceful future to me. This seems like a major war. — William E. Merritt

Join the insanity? — Libertarian presidential nominee Michael Badnarik agreed to join a Green Party move for a recount in Ohio, where idiot leftists continue to believe Kerry won more votes than Bush. Perhaps "join" is too weak a word. The Greens were not on the ballot, and thus had no status to sue for a recount, so Badnarik's involvement was necessary for the suit to succeed.

The recount will cost the challenging Greens and Libertarians $113,000 and the state of Ohio another $1.4 million. Some LP members have objected to Badnarik's participation because the recount forces Ohio taxpayers to pay that $1.4 million bill. I understand their feelings.

So why did Badnarik agree to the move? "We felt that joining the lawsuit was something we could do at no cost to us, and said we'd be willing to participate," campaign manager Fred Collins explained. "I don't believe the vote count will change dramatically. But this will go a long way toward making sure that votes will be counted accurately in the future." Barb Goushaw, co-chair of the Badnarik campaign, said that the move was "a cheap way for us to get more publicity," though she acknowledged that most of the publicity in Ohio was unfavorable!

Why did the Greens want the recount? According to a source close to their leadership, they believe that it may turn the election over to John Kerry, who, incidentally, is helping to finance the affair. The press release issued by the Greens referred to websites (e.g. http://www.tompaine.com/articles/kerry_won_.php) that argue that Kerry actually got more votes in Ohio, because CNN's exit polls showed him running ahead of Bush.

I agree with those LPers who think this was a bad move because it imposed additional costs on Ohio taxpayers. But even if it had not, I think the decision was a mistake. The notion that Kerry actually won Ohio is simply preposterous,

Word Watch

by Stephen Cox

This department gets a lot of correspondence, some of it friendly, all of it interesting. One of the most interesting messages received in the last month comes from John Hospers, who reports that he becomes distressed when he hears people mangle the English language. Indeed, he is doubly distressed because, being a philosopher as well as a man of sense, he realizes that there is seldom any practical reason why he should worry about others' forms of expression. He can almost always understand what they are trying to say, despite their way of saying it. So he wishes he were not distressed, though he can't seem to help it.

Well, I disagree. I don't want to blow out an artery over other people's insensitivity toward the English language, but I don't consider it irrational to be irritated. Even if it were, the irritation is like eating — you can't get rid of it. And there's always an invitation to indulge in it.

I used to think that only native speakers had lost their ear for the language, but now I see that even foreigners, who should have a better perspective, a sharper apprehension of the sound of words, at least, are just as bad as we are. What kind of world do we live in, I wonder, when I see that an agency of the British government has "quizzed more than 40,000 people in 102 non-English speaking countries on their favourite words" and discovered that "mother" is judged "the most beautiful word in the English language, followed by passion, smile, love and eternity." The report noted that "father" wasn't even on the list of the 70 most "beautiful" words.

That shows you something about psychology, I guess. But what it shows about people's verbal acumen is enough to make you shudder. Anyone with either an ear or a brain could tell, I should think, that "mother" is a low, slow, mumbly word, a word closely akin to "bumbler," though without the neatly explosive pair of "b's." "Father" isn't any prize, either, but it's marginally more attractive. At least it gives out with a generous "ah" before swallowing itself in that last, dirty "ther."

Is it too much to expect that 13 years of government schooling should convince my neighbor that there's something wrong with saying, "I seen you coming up the walk"?

Of the other top words, only "eternity" has any kind of rhythm or class. If you don't believe it, just spell them a little more phonetically: "PASHun," "SMY-ul," and of course the immortal "luv." During the last generation, a survey discovered that to native speakers "dawn" was the most beautiful word, despite the fact that, as one scholar observed, "cellar door" was obviously a lot prettier, once you made the elementary distinction between sound and meaning.

Apparently, it's too much to expect people to make such distinctions, even when they're commenting specifically on the beauty of language. But is it too much to expect that 13 years of government schooling should convince my neighbor that there's something wrong with saying, "I seen you coming up the walk"? Is it too much to expect that 17 years of the same should keep the mayor from saying, "These financial crisises have sprang on us suddenly," or that five or six more years might prevent the chair of the English Department from whispering confidentially, "Just between you and I . . . "?

Yes, as John said, I understand what these people mean, but I'm still disturbed by their total absence of an aesthetic sense.

Suppose that you saw a professional baseball player walk onto the mound in a chicken costume and, before throwing the first pitch, spit on his shoe, pick his nose, and rub the ball vigorously in his ass. The fact that he then struck out the batter would seem somewhat beside the point, as would the fact that, in purely practical terms, his antics made no difference to the game. No one would admire him as a ballplayer; the word would be "clown," and people would be justifiably distressed. Even "innocent" actions have associations; if you act like a clown, that's how you'll be regarded by people who don't act that way.

Words also have associations. There are a number of ways of asking someone to open a door. You can say, "Would you be so kind as to let in some air?" Or you can say, "Hey! Open the goddamn door!" The first set of words suggests good manners, respect for polite conventions, a sense of order and dignity; the second demonstrates a total disregard for all those things. In the same way, bad grammar and usage demonstrate a lack of interest in the basic customs of the English language, its structure and means of self-discipline. They also demonstrate a lack of considerate interest in the readers and listeners who do care about such things.

I'm not talking just about the rules of the formal language. The colloquial language has its own rules and customs; there's an aesthetic pleasure in working with them, too — and a respect to be paid to people who appreciate their power and subtlety. But how much respect for anyone's intelligence is indicated by the following message, lately received: "Respondents will kindly furnish his/her input by the deadline indicated"?

I'm sure that you have an inbox full of messages like that. I get a hundred or so every day. I understand what they mean, in the same way that I understand that a slice of limp lettuce, a brownish tomato, and some kind of goop that grows down by the railroad tracks qualifies as a "salad" in some of our better restaurants. But I don't like it, and I'm glad to know that John Hospers doesn't, either. In fact, I think it's time we started sending dishes like that back to the cook.

a paranoid fantasy of the lunatic left. I can see no reason why Libertarians should help them in their ridiculous quest, even if all it required was Badnarik's cooperation and about $10,000 of Libertarian money. And I doubt the resulting publicity can possibly be worth the loss of such little credibility as LPers have. — R.W. Bradford

In the army now (like it or not) — Two members of the California National Guard have filed suit, contending that the military's controversial "stop-loss" program, which forces those whose enlistment is about to run out to stay in the military, is illegal when applied to National Guard soldiers. About 40,000 National Guard members are now deployed in Iraq.

"John Doe," identified only as a member of the 2668th Transportation Company and "married and the father of two young children," is one of them. His unit left for training at Ft. Lewis, Wash., and is expected to depart for Iraq before the end of the year.

Both "John Doe" and another National Guard member who filed suit in August are in the National Guard "Try One" program reserved for military veterans. The program allows veterans to bypass basic training while enjoying military education and family medical benefits for a one-year trial period. Before their one year was up, however, they were called under stop-loss orders for an 18-month tour that includes deployment to Iraq.

The military says the involuntary retention of troops was fully authorized by an executive order signed Sept. 14, 2001 by President Bush. Attorneys for the soldiers, however, cite the 9/11 Commission's report that found no "collaborative operational relationship" between Iraq and al Qaeda means deployment to Iraq is not covered by an executive order written in response to 9/11. They argue additionally that the executive order doesn't cover "nation-building," and that in the absence of a declaration of war by Congress, an involuntary call is a violation of the National Guard enlistment contract.

Many people have deplored the fact that stop-loss orders amount to a "backdoor draft" permitting the government to avoid the consequences of their overly ambitious foreign policy by forcing those who have already fulfilled their military commitment to serve longer.

The first district court to handle the case declined to find the policy either objectionable or illegal, but an appeal was quickly filed. I'm pleased that the case points out that the U.S. Constitution gives Congress — not the president acting unilaterally — the power to declare war. That check on executive power has been ignored for too long.

— Alan W. Bock

Affirmative action for hypocrites — "You're hypocritical" is the favorite put-down of public discourse. It's swift, it's elegant, and most of us have used it. But it is often shallow, and unfair in a tricky way.

For example, in my state there is a region of irrigated farming. It is the most conservative part of the state, and these days it elects Republicans. Urban progressives love to note that the dams and irrigation works were paid for by the federal government. Therefore, the anti-government sentiment of the people there may be dismissed.

What that implies is that anyone who consumes a benefit conferred by the government loses his right to oppose the government. That is not a principle I want established.

It has been shown repeatedly that among college professors in states where people register by political party, Democrats outnumber Republicans by margins of up to 7 to 1. Some conservatives are making an issue of it. George Will wrote a recent column on it, and David Horowitz has said there is a "pervasive blacklist" of conservatives on college faculties. Horowitz is calling for an "academic bill of rights," which critics say would be an affirmative action program for right-wingers.

The instant response of "progressives" is to haul out the hypocrisy argument. Here are these right-wingers who huff and puff about affirmative action for black people, and now they want it for themselves! End of argument. Ignore them. They are hypocrites who care only about themselves.

Writing in the San Francisco Chronicle, Steven Lubet, professor of law at Northwestern University, uses this argument. He does it gently, with an air of fairness that is lacking in most face-to-face exchanges with the Left. He ends his column this way:

"Most major universities would likely benefit from the presence of more conservative scholars, who would sharpen the dialog and challenge many assumptions. I might even be convinced to support some form of recruiting outreach or affirmative action for Republicans — but surely my conservative colleagues would never stand for it."

The message: Yes, you have a legitimate complaint, but

you're hypocrites, so we're not going to do anything about it, ho, ho, ho.

There is a problem with intellectual diversity on campus. The solution doesn't have to be a government program in which political outlyers are legally assigned to a protected class. Indeed, it had better not be that. Affirmative action for political ideas would be even worse than affirmative action for race, because it implies government management of thought, and that is not a place where any academic should want to go. But there are other answers, and using the hypocrisy maneuver is a way of not finding them.

— Bruce Ramsey

Setting the cosmos right — With a few favorite authors, I have only to pick up the first page and I am hit with a comforting feeling of complete familiarity mingled with an exciting feeling of anticipation. Jane Austen's novels affect me that way (no matter how many times I read them), as Louis Auchincloss's did before I realized that they almost always have unhappy endings.

Thomas Sowell is such an author, and "The Quest for Cosmic Justice," published in 1999, is an example of what I mean. Within a few pages you both confirm your own view of the world (one where incentives matter) but you also see the world in a completely fresh way. In this case, you see justice (often called "social justice") as leftists do.

Sowell explains how left-liberals search for "cosmic" justice, not traditional justice, a quest that lies behind much governmental intervention. With traditional justice, people who play by the rules are rewarded; those who do not are punished if they harm others. Because the rules are clear and generally accepted, the result is a world that is relatively predictable, in which people are accountable for their actions.

The search for "cosmic" justice reflects the fact that the universe (the cosmos) is frequently unfair. Some people suffer through no fault of their own — and frequently through nobody else's fault, either. They may be poor because they were ill-treated as children, for example, or because they are unintelligent, or because they were born with a handicap. Such people certainly deserve better; everyone agrees on that. But Sowell points out that harnessing political power to correct these problems almost inevitably ends up harming other people. At the very least, this undermines their cosmic goal.

But leftists don't see this. They don't see that their meddling in a futile pursuit of "cosmic" justice has unintended consequences — causing not cosmic but certainly widespread harm. Sowell illustrates the quest with a simple example. In 1996 in San Francisco, a politically influential person was refused home delivery by a pizza company because the neighborhood was considered dangerous. Outraged, this person successfully pressed for passage of a law requiring retailers that offered delivery to deliver anywhere in the city.

This illustrates the search for cosmic justice because, yes, some people in the neighborhood such as this politico were suffering unfairly — they did not create the dangerous neighborhood. The political insider tried to correct this "wrong" but probably, as Sowell says, at the price of dead truck drivers. "[W]e cannot simply 'do something' whenever we are morally indignant, while disdaining to consider the cost entailed."

Look at the daily newspaper. How many stories — about government pension guarantees, privacy laws, pharmaceutical price controls, foreign aid, minimum wages, urban growth boundaries, you name it — are appeals to "cosmic" justice? When these policies are enacted, many innocent people suffer, all in the name of justice.

— Jane S. Shaw

Was Popeye a juicer? — Two of baseball's greatest players — Barry Bonds and Jason Giambi — have revealed to a grand jury that they have used steroids to enhance their already tremendous skills. This violates the rules of baseball, but the rule against steroids has been pretty much a dead letter, since (a) it specified no punishment for first-time violators, and (b) it did not provide that players could be tested to see whether they had used steroids in the first place. The toothlessness of the antisteroid rule, the owners claim, is the product of resistance from the players' union. There is some merit to this assertion, but not very much: if, as the owners' say, the integrity of the game is at stake, then surely the owners themselves are at fault for conceding to the union on this issue.

Should baseball prohibit steroids? Personally, I think it should. One of baseball's charms is that it is played by men who, aside from their gifts at the game's very peculiar skills, are pretty much ordinary human beings. When a good ballplayer like Bonds starts taking steroids in his mid-30s, at the point when ordinarily age is taking its inevitable toll on a ballplayer's ability, and his forearms assume the

appearance of Popeye's spinach-enhanced battling arms, something is plainly wrong. Ordinary people don't develop Popeye arms in their mid-30s, and neither should ballplayers.

Unlike Popeye's spinach, steroids can have seriously unfavorable consequences for those who use them. And since steroids enhance a player's abilities, their use gives those who are willing to face the ugly consequences for their health a competitive advantage over those who are not. If ever there was a perverse incentive, this is it.

Not only do steroids change ballplayers from more or less ordinary human beings to Popeye-armed freaks, allowing their use also provides powerful incentives for all players to put their health at serious risk. If the owners and players cannot figure this out, then baseball will surely head toward a well-deserved decline.

We live in an age when everything is considered the business of government, and steroid use by ballplayers is no exception, so it isn't a bit surprising Sen. John McCain (Idiot-Ariz) has publicly told the owners and players that if they don't put teeth into their antisteroid rules Congress will intervene. This is, of course, nuts. Baseball is a private activity and there is no sensible reason for government to intervene. And if baseball wants people to continue to go to ball games, it surely will. — R. W. Bradford

Drop that nickname or I'll shoot — In the New York tabloid papers for the past several months, blaring headlines ("RAT BITES GOTTI") have accompanied the court testimony of a rogue's gallery of "mob turncoats," including Frankie "Fapp" Fappiano, Michael "Mikey Scars" DiLeonardo, Salvatore "Fat Sal" Mangiavillano, and Dominic "Fat Dom" Borghese, who have been singing like canaries or castrati about the concerted but thwarted efforts of Peter Gotti to whack Salvatore "Sammy Bull" Gravano for spilling enough beans back in the mid-90s to put away Peter's brother, the late John Gotti, head of the Gambino crime family. Meanwhile, the son of jailed Bonnano boss Vincent "Vinny Gorgeous" Basciano is said to be in danger for allegedly rubbing out the estranged son of Dominick "Quiet Dom" Cirillo, a reputed Genovese boss, without permission of the bosses of both families, which would have violated whacking protocol, an offense that carries penalties ranging from loss of HBO adaptation rights to being buried in five separate oil drums in five different swampy locations in the Jersey Meadowlands. Also in the news during the past couple of years have been such memorable mobsters as Richard "the Lump" Bondi, Ralph "One-Arm" Trucchio, Vincent "Vinnie Ocean" Palermo, Anthony "Tony Connecticut" Megala, Arnold "the Beast" Squitieri, and Richard "Shellachead" Canterella, plus a veritable delicatessen of savory, food-oriented hoods, such as Carmine "Pizza" Polito, Louis "Louie Bagel" Daidone, Michael "Cookie" D'Urso, Louis "Louie Eggs" Consalvo, Salvatore "Sallie Bread" Cambria, and Peter "the Crumb" Caprio.

My question is, who gets to assign these nicknames? Is there a Central Mafia Moniker Registry down in Little Italy or out in the Gotti territory of Howard Beach, Queens, where you go and fill out forms, describing your physical characteristics and food preferences, and three weeks later you get a certificate bearing your official nickname in the mail? Who decides Vinny is Gorgeous and Sal is Fat? Can you change it if you don't like it, from, say, "the Beast" to "the Cute Cuddly Kitten"? Is it okay for two wiseguys to have the same nickname or does that mean it's curtains for one of them, hereafter known as Anthony "Tony Curtains" Canarino? Don't get me wrong. I like Mafia nicknames. My own Scandinavian ancestors used to have names like Erik the Red and Olaf the Quiet and Thorvald the Picky Eater. Kings and conquerors had names like Charles the Bald, Louis the Stammerer, Aethelred the Unready, Vlad the Impaler, and Ludwig the Mad. Today we're left with banalities like "Slick Willie" or "W" (why not Bill the Serial Fondler or George the Misunderestimator?) and, elsewhere, "A-Rod" and "Boomer" and "J-Lo" and "Puff Daddy." The Mafia is the only group left with any sense of creativity and colorful tradition, going back to Al "Scarface" Capone and Frank "the Enforcer" Nitti and Jake "Greasy Thumb" Guzik in Chicago in the '20s. There was even a guy named Dominick "the Gap" Petrilli who was shot by three unknown assailants in 1953 in New York. Could one of the gunmen just possibly have been nicknamed "Banana Republic"? The trouble is, with all these wiseguys going to jail and becoming informers and going into witness protection programs under new, assumed, and bland names, you wonder if the whole nickname business will eventually go under. Mother of Mercy, is this the end of "Shellachead"?

— Eric Kenning

Do it for the children — Examining the post-election rhetoric made a few things clear. First, despite their culture-war talking points, the Dems and the GOP are closer to each other now than they've ever been. Second, neither has any new ideas: the Republicans are happy to continue their slide into European social statism; the Democrats are splintering as the lunatic interest groups they've relied upon for decades get more catty and shrill. Third, none of the other parties have the resources or the marketing sense to do anything more than congratulate themselves over each thousandth of a percentage point gained. Fourth, even if they did have cash to spare, it'd be

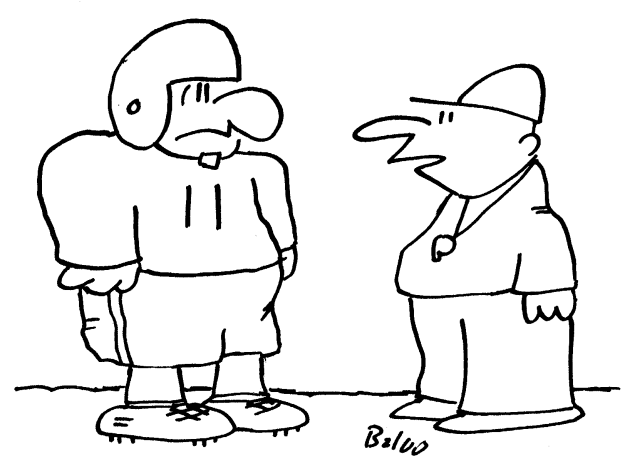

"You're still on the team, Zbradowski, but you're being traded to a different beer company."

tough to dent the brains of those used to waddling down to the precinct to endorse their subsidy checks.

What's wrong with our third parties? Historically, the most successful ones have been personality cults. But once the celebrity leaves, the voters drift back to the big two. Thankfully, now that Jesse Ventura is no longer governor of Minnesota, this model, and its inevitable messianic windbaggery, is all but dead. Still, it got results, while the ideological platform parties — Libertarians, Greens, and assorted mixed nuts — might as well be listed on ballots as "None of the Above." (Nevada thoughtfully includes this option on its ballots.) So, where does a third party stand, if not on a rickety platform or behind a grinning idiot?

Simple: single-issue advocacy. It has to be something which produces a deep emotional response, yet not something that divides, like prohibition or abortion. It should be a cause which promises to end the polarization of the electorate, one which has the power to bring every decent American together to work towards a common goal. (See how the campaign ads write themselves?) Whipping up this type of frenzy is only possible when demonizing a tiny minority, depicting them as responsible for society's ills;

News You May Have Missed

Little Hope Seen for Truce Between Audiences, Performers

NEW YORK — Senza Speranza, a 287-pound soprano appearing in "La Traviata" at the Metropolitan Opera, charged into the audience during last Saturday evening's performance and sat on several patrons who had hissed her aria, leaving one with broken ribs and two others near suffocation, and forcing the Met to cancel the rest of the performance, in what police are describing as yet another one of the "copycat" brawls that have followed the Nov. 19 melee at The Palace basketball arena in Auburn Hills, Mich., in which Ron Artest and several other Indiana Pacers players charged into the stands and punched out beer-throwing fans during a game with the Detroit Pistons.

Meanwhile, 65 miles north, at the Blue Moon strip club in Newburgh, N.Y., Pandora Farouche, a dancer at the popular "All Nude All the Time" establishment, jumped off the platform and knocked regular patron Greg Middledorf unconscious by swinging one of her 14-pound silicone-enhanced breasts at the side of his head after he failed, for the 37th consecutive time, to insert even a single dollar bill into her only article of clothing, the garter on her left thigh.

In other recent incidents, the Rev. Philo Fantod, an Episcopalian minister who was 47 minutes into his sermon ("Heeding the Signposts Along the Winding Road to Inner Peace") at a church in Old Lyme, Conn., charged into the congregation and crowned a snoring parishioner with a collection plate; singer Celine Dion interrupted a concert in Colorado Springs and, in a move patented by boxer Mike Tyson, chewed the ear off of an insufficiently weepy fan; and a NASCAR driver steered his car into the stands in Fayetteville, N.C., and drove off with two spectators clinging to the hood all the way to Chattanooga.

In Washington, Department of Homeland Security staffers experienced mood swings that went from orange to red to yellow and back again as they tried to assess the new threat to America's vital entertainment infrastructure.

In Chicago, Dr. Phil McGraw, the daytime-TV psychologist, devoted an entire hour-long program ("Everybody But Me Is Nuts") to the issue, berating Americans for their immaturity and lack of self-control before plunging into the studio audience and landing a left hook to the jaw of a woman who questioned his folksy godlike omniscience.

President Bush seemed to allude to the problem in a speech at the United Nations General Assembly calling for peaceful responses to provocations, which was interrupted when he abruptly invaded the audience and occupied several seats, violently ejecting the people sitting in them, while claiming that he just knew that they were about to throw something at him, even though no beer, popcorn, chewing gum, or other weapons of mass detraction were ever found. The incident only reinforced persistent rumors that prominent members of the administration, including Bush, Vice President Cheney, Defense Secretary Donald Rumsfeld, and new National Security Advisor Barry Bonds, have been hooked on steroids for the last several years.

But law-enforcement officials believe that despite efforts to throw cold water, or at least warm beer, on the trend, it is only getting worse, pointing to an incident at a mall triplex in San Leandro, Cal., where both Colin Farrell, the star of the movie "Alexander the Great," and Angelina Jolie, who plays his mom, suddenly stepped off the screen and began attacking members of the audience who had laughed during one of their over-the-top mother-son scenes, resulting in several moviegoers suffering severe spear wounds, while several others were left traumatized by Jolie's overacting. Subsequently, as in Auburn Hills, where a number of belligerent Pistons fans ran out onto the basketball court, a few angry San Leandro movie fans stormed onto the screen, which is why there's a fat guy wearing a black-and-silver Raiders jersey and a backward baseball cap wandering around the battlefield during the final conquest of Persia.

— Eric Kenning

given Americans' mania regarding anything done "for the children," this leaves but one possibility: forming the Anti-Pedophile Party.

Immediately, almost 100% of the population supports the new movement. Publicity will be easy to get; if the big parties won't debate the APP, we can smear them as being controlled by the child-porn industry, or by the North American Man-Boy Love Association. When they sputter and claim to be against pedophilia, we can say they're just jumping on the bandwagon.

As with any political party, the rhetoric is what matters. Having an agenda with only one item on it leaves a lot of wiggle room for forming policy, and everything the party pursues once in office can be as distantly related to the actual well-being of children as any "pro-child" proposal made in Congress or the White House. We can even begin dismantling government agencies: after all, the FBI has the world's biggest collection of child pornography, and every day field agents pose as minors and talk sexy in Internet chat rooms. That's sick, that's perverse, that's something America doesn't have to stand for. Vote for decency! Vote for values! Vote for the APP!

— A.J. Ferguson

S.H. Chambers

First things first — Elsewhere in this issue, I offer statistical analysis which isolates where and how the LP gained vote share at the presidential level. The biggest gain came from states where Ralph Nader was on the ballot in 2000 but was excluded in 2004, and I jocularly concluded that if the LP wanted to name an MVP, it should be the Democrats who kept Nader off the ballot in those states.

But there is an individual who deserves credit, if not for gaining votes, then for keeping the LP's national vote share from slipping further. Bill Redpath, head of the national party's Ballot Access Committee, persisted in efforts to get Badnarik's name on the ballot in 13 states whose local parties had failed. In those states, Badnarik got about 120,000 votes. Among them were three large states where the LP vote share rose substantially, thanks to the exclusion of Nader from the ballot. In Illinois, Badnarik picked up 31,863 votes, running 151% ahead of Harry Browne's 2000 showing. In Pennsylvania, Badnarik got 20,794 votes and a 53.8% better vote share than Browne got four years earlier. And in Texas, Badnarik got 38,573 votes, a 45.1% larger vote share than Browne got.

In all, the national party spent about $300,000 on ballot access in those states. For this expenditure, it got 118,899 votes that it surely would not have gotten had Badnarik's name not appeared on the ballot. That's a cost of $2.52 per vote: a real bargain for a party that has great difficulty getting votes.

— R. W. Bradford

Yielding to design — Those of us who aren't hard-core atheists were intrigued to learn that a prominent atheist, Antony Flew, is reconsidering his view of God. In fact, according to news reports, he is now a Deist — a person who believes that a "prime mover" set the design for life, then let it develop on its own. Flew, an 81-year-old British philosophy professor who has defended atheism for years, has concluded that "the almost unbelievable complexity of the arrangements" required to produce life means that some "intelligence" had to get it started.

Although this news will trouble his atheist colleagues, Flew is not the first free-thinking scholar to be frustrated by trying to figure out how life could have started. Fred Hoyle, the late British astronomer, and Francis Crick who discovered DNA both proposed a concept of "panspermia" — the idea that life on this earth came about through a seed from elsewhere in the universe. In fact, Crick called it "directed panspermia." Although he considered the theory speculative, he said that one reason he and a colleague proposed the idea was "the uniformity of the genetic code, suggesting that at some stage life had evolved through a small population bottleneck."

The kind of intellectual switch that Antony Flew made tends to get swept into a controversy over creationism. Indeed, it is almost impossible to talk about intelligent design (which is what these scholars are grappling with) because Darwinists see any allusion to intelligent design as an attack on evolution. Darwinist Kenneth R. Miller calls intelligent design the "best rhetorical weapon against evolution" and thus refuses to take it seriously.

It's a shame because no one has been able to explain the origin of life in a convincing fashion. If outstanding minds such as Flew's reluctantly see a role for a "prime mover," perhaps we should pay attention.

— Jane S. Shaw

Angel-headed hipsters — Anyone who thinks that the typical urban hipster who believes Bush is con-

trolled by the Saudi princes and had foreknowledge of the 9/11 terrorist attacks is somehow more of a freethinker than his Bible-thumping, rural counterpart obviously has had little interaction with either. While the mass culture of modern democracy demands that every citizen have an opinion on every issue, the reality is that nobody has the mind, the time, or the interest to do so. Rather than failing in their democratic obligations, people tend to buy into one of many off-the-shelf, one-size-fits-all sets of opinions proffered by subcultures and interest groups and pass them off as their own.

But all over-the-counter ideologies are not equal, and it does matter which the majority accepts. Christianity is the foundation upon which millennia of Western thought, politics, and social institutions have been built. The typical Christian believes, without needing justification, in the importance of family, the central social role of church and community, the individual's duty to charity, and in the importance of personal responsibility — all venerable institutions and predispositions, proven through the centuries to protect social stability and resist centralized tyranny.

S.H. Chambers

Today's secular left-liberals dismiss or deny the importance of all these traditions. They trade the wisdom and experience of centuries of Western civilization for the destructive doctrines of Noam Chomsky and the propaganda of Michael Moore. They preoccupy themselves with tearing down the traditional institutions of social life and offer little but utopian dreams and the cold, centralized state to replace them. While the recent political moves on both sides of this culture war disturb me, I'd sooner take my chances with a conservative mass of close-minded ignoramuses, who pretty much want things to stay the same, than with these nuts, who want God knows what. — Andrew W. Jones

Saving Spc. Wilson — One of the nice things about the American military is that it hasn't entirely been taken over by military people. In fact, I think that's one of the goals the Founders had in mind when they slipped in the bit about a "well regulated Militia, being necessary to the security of a free State." Militiamen weren't soldiers. They were just guys who'd agreed to take up arms on an organized, ad hoc sort of basis. As just guys, their real lives were back home, which made them a lot more likely to ask questions when some numb-nut higher up in the food chain said something preposterous.

We still have militiamen. Militialadies now, too. We call them national guardsmen and, in mid-December, a national guardsman from Tennessee got the chance to question the Secretary of Defense himself about some preposterous lapses in the military procurement program. What Thomas Wilson wanted to know was, how come American soldiers have to dig through landfills for pieces of scrap metal and compromised ballistic glass to up-armor their vehicles?

Putting aside the suspicion that all that talk about "up-armor" and "compromised ballistic glass" suggests that Spc. Wilson may not have clung as tightly to his civilian identity as some of us would have hoped, it's still a good question. Why aren't all of our Humvees armored by now?

Secretary Rumsfeld didn't exactly answer the question. "You go to war with the army you have," he said, "not the army you might want or wish you had at some later time." Then he went on to blame the whole sorry debacle on physics. It was all physics' fault, he said. Not his. We, as a nation, are producing Humvee up-armor as fast as we can.

Afterwards, a government flack named Pentagon Spokesman Lawrence Di Rita chimed in with the news that the military is producing 450 sets of Humvee up-armor a month. Di Rita then went on to mention America's huge industrial capacity and how we'd won WWII — none of which answered the question, why don't we have the army we might wish we had at some later time?

This is some time later. Counting from Sept. 11, 2001, to Dec. 7, 2004 — the day Spc. Wilson asked the obvious — we were 38 months and 27 days into the War on Terror. When we were 38 months and 27 days into WWII, it was March 3, 1945, and we had the army we wanted by then. In fact, we had it in Germany.

By March 3, 1945, the army we wanted had already won every major battle on the Western Front. By March 3, 1945, the army we wanted had kicked the Axis out of North Africa and Sicily, invaded Italy, conquered Rome, stormed ashore at Normandy, broken out, liberated Paris, pushed back the Bulge and crossed the Rhine. By March 3, 1945, the Secretary of War wasn't trying to figure out how to up-armor jeeps so American soldiers could survive routine supply convoys through already-liberated territory. On

March 3, 1945, the American army was about to enter Cologne.

After 38 months and 27 days fighting WWII, we weren't straining our industrial capacity to produce 15 sets of jeep armor a day. From the instant the first Zero appeared over Oahu, all the way through to the moment the final Japanese diplomat straggled on board the Missouri to sign the surrender, we averaged — including the time needed to design, develop, ramp up production for, and build with a labor force consisting, largely, of people who had planned to be housewives at this point in their careers — an entire brand-new tank every 20 minutes. And we did it while turning out a warplane every five minutes, a jeep every two and a half minutes, and a ship every four hours and 20 minutes. And a lot of those babies used armor, too.

So, Secretary Rumsfeld and spokesman Di Rita, having brought the Second World War to our attention, brought some other facts to mind, too. Like how German soldiers nearly froze to death outside Moscow in December 1941 — not because German industry couldn't produce winter clothing but because, with the Soviet armies collapsing during the summer, the Nazi government cancelled its war-production contracts. Then, when the snow hit the fan, the only way the Nazis could keep their young men from dying was to collect up all the ladies' fur coats they could lay their hands on and ship them east.

Now I don't want to make any unpleasant comparisons here, but the Nazis got into this mess because their civilian leaders were too savvy to upset the economy by spending more on the war than was absolutely necessary. So I leave it to you, Secretary Rumsfeld and Mouthpiece Di Rita, to explain to me how what happened in Russia in 1941 is different from what's going on right now, with American families having to mail fashionable body armor to Iraq to keep their boys from being blown away.

And how, given the same 38 months and 27 days in which our parents built 90,000 tanks, tens of thousands of landing craft, 300,000 military aircraft, 600,000 jeeps and 7,000 ships, we are straining to turn out 15 sets of Humvee armor a day. And why, exactly, that isn't your fault.

— William E. Merritt

Ginsberg vs. Graham — I didn't know anything about religion when I went off to college. In fact, I didn't know anything about college when I went off to college. The curriculum didn't matter, or the teachers. It was the summer after high school and I was going steady with someone (now my wife) and the big thing in picking a school was driving time. I asked the guidance counselor for a stack of catalogs for colleges within 200 miles so I could get back every Friday night. I picked the place with a lake and swans on the cover.

It was 1960, the beginning of the decade when things started coming apart in America — or got more free, depending on whether you think Billy Graham or Allen Ginsberg got it right. The downside of that era can be seen in one of those "Neediest Cases" stories that ran in the New York Times right before Christmas, to encourage people to help the less fortunate. This one was about a promising young guy from the Bronx who started out in the Boys Club of America and ended up in jail.

"It was the whole hippie thing," explains the man, now 53, referring to how he got sidetracked by the '60s. "I remember going through the Village barefoot with a joint in my hand," he says. There was Jimi Hendrix and wine in the schoolyard, and then Rikers Island after he was picked up with 75 bags of heroin stuffed in his pockets.

Along the way, he was homeless from 1986 to 1999 and had three kids by three different women, and now he has HIV from sharing drug needles.

The story ends with the good news. He's clean, thanks in part to rehab money from the New York Times Neediest Cases Fund. "He now lives in a studio apartment on the Upper West Side paid for by the HIV/AIDS Services Administration. Medicaid pays for his health care, and he receives food stamps. He no longer drinks or uses drugs; he has even stopped smoking cigarettes. He has, though, picked up one of his old habits: Every Sunday, he attends church."

It's easy not to feel sorry for this guy. The poor are seldom perfect. And mostly, they don't have good lawyers or family coaches to get them through the rough spots.

In this guy's case, he was arrested at 15 for carrying a roach clip, used to hold marijuana, in his pocket. It might sound like a convenient excuse, but he says now that he thought that meant he would never be able to get a job or enlist in the Army. For a dumb kid doing drugs in the Bronx, peddling a little marijuana, and then heroin, looks like a step up from a life of anticipated joblessness.

If one is into the theological blame game, none of the calamities in this man's life come as a surprise, or as anything approaching real injustice. Damnation, first in the Bronx and then in the eternal sense, comes to those who do

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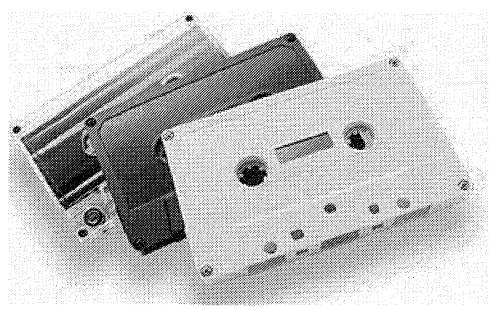

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bad things. And on the other side of the coin, those who aren't bad will inherit the Earth, including the best cars and houses, and then eternal bliss.

In his most famous book, "The Protestant Ethic and the Spirit of Capitalism," Max Weber took things a step further, past individual rewards and punishments, and argued that capitalism, the most bountiful economic system, was the direct result of a religious movement, Protestantism, specifically Calvinism.

As luck would have it, I didn't know people were running barefoot through the Village in the '60s with joints in their hands, or I'd have been there. Instead, I ended up in mandatory chapel three mornings a week in the middle of some Ohio cornfields at Muskingum College, a school with deep and everlasting Calvinist roots, and no Hendrix. Before I got there, students weren't even allowed to dance at the proms. They just sat at card tables and stared at each other and listened to Guy Lombardo.

I didn't know it when I paid up, but cars weren't allowed for freshmen, so the first year was one of much unforeseen hitchhiking. Until the check cleared, I also didn't know we could be expelled for having a glass of wine with our parents over Thanksgiving or Christmas break. As a white male, that first day on campus was also the first time I'd ever felt like a minority, when I was called a "papist." I'd never heard of the word. It meant that I supported "Romanism," instead of the United States. It was like I'd stepped into the Thirty Years War.

Aside from astronaut John Glenn, Muskingum's most famous graduate was Agnes Moorehead, who played Endora on the "Bewitched" television series. She died of lung cancer 20 years after making "The Conqueror," the ill-fated movie shot in 1956 in the Utah desert near where the government was doing nuclear testing. Those tests are suspected to have caused the cancer deaths of several of the film's stars, including John Wayne, Susan Hayward, and Dick Powell. Said Ms. Moorehead shortly before her death, "I wish I'd never done that damn movie."

Anyway, what I learned in chapel was Calvin's doctrine of predestination, the idea that God decreed, beforehand, the salvation of some and the damnation of others. It's the kind of doctrine that makes people anxious about whether they're stuck from day one in the bad or the good group. To get some reassurance, this led people who believed this stuff to go full blast in achieving economic success, thinking that God signifies his favor by giving the best cars and top knickknacks to the elect. In short, the fat cats are God's people, hence "The Protestant Ethic and the Spirit of Capitalism."

Somehow, I think the whole thing might be more complicated than that. On the day this was written, the New York Times had a story about two sisters, one 73 and the other 70, who were out in below-zero winds in Brooklyn begging from strangers in their cars. "The money was for their bilious nephew and his crack habit, their own blood who was smoking up their lives," explains the Times. "He had already cost them their house, their savings, their dignity." If they don't deliver the cash, the nephew flies into crazed tirades, bruising their ribs and blackening their eyes. It's been going on for years.

A few pages away, there's an article by Somini Sengupta about the "beggar boys" of Senegal. They too face a beating if they don't deliver the cash. Dispatched to the streets by religious leaders, called marabouts, their daily quota ranges from 50 cents to $1.30, plus whatever nuts or sugar cubes are dropped into their tin cans as they chant verses from the Koran. "From Bombay to Mexico City to Bangkok, child beggars are a banal fact of life," writes Sengupta. "UNICEF

News You May Have Missed

Kerry Vows Bold Windsurfing Initiative

BOSTON — Sen. John Kerry, after careful reflection on his loss in the November presidential election, has concluded that very few people in states like Kansas, South Dakota, and Ohio are out windsurfing most weekends, and this is why his campaign tragically failed to "connect" with enough ordinary, Middle American voters to swing the election in his favor. He is determined, he has told aides, to do something about it, and, after borrowing some of his wife's pocket change, he has set up the $400 million Real Deal Progressive Windsurfing Foundation, staffed by 315 graduates of Harvard and Yale law schools, which will establish free training centers to teach the challenging sport in small towns throughout the Great Plains and in the decaying industrial cities of the upper Midwest. The foundation will also encourage school districts to replace football and basketball programs with athletic programs that, by stressing aquatic sports and skiing in Idaho, will allow Midwestern youngsters to grow up with a deep sense of identification with stiff, solemnly decorous people from Massachusetts who have $200 haircuts.

"Once a majority of people in Topeka and Joplin and Akron give up driving pickup trucks over to the Wal-Mart or playing checkers on the front porch or whatever the heck they do with their time and are out there riding the waves in neoprene wetsuits on a regular basis, John Kerry will be revealed as the plain-spoken man of the people he is and he'll coast, or at least surf, to the nomination and ultimate victory in 2008," said campaign manager Mary Beth Cahill.

Kerry also hopes to capture a much larger share of the crucial evangelical Christian vote next time by recruiting several liberal theologians trained in hermeneutics at Union Theological Seminary in Manhattan, who will attempt to convince voters that Jesus, based on the Gospels' declaration that he walked on the Sea of Galilee, was in all probability a windsurfer too.

— Eric Kenning

reported last week that half the world's children, a billion people, face extreme deprivation." Across Africa, they're orphaned by AIDS, sold as cheap labor, turned into soldiers at ten by warlords. There's a photo with the article of a skinny young child panning for diamonds in Sierra Leone, for earnings of perhaps a bowl of rice a day. And it's all been choreographed beforehand, predestined, so that God's favorites get the jewels and the kid doing the panning dies at 12? By what kind of God? — Ralph R. Reiland

Every vote counts! — As a resident of the state of Washington, where Republican Dino Rossi edged out Christine Gregoire in the governor's race by a margin that makes Bush's 2000 victory over Gore in Florida seem like a landslide, I am witness to the same sort of calls for an infinite number of recounts by the losing candidate that the entire country endured in Florida in 2000.

Every vote has already been counted twice, and Rossi won both times. The third count is bound to be less accurate than the previous two because it is being conducted by hand, whereas the previous two were done by computer. Since the ballots were designed to be computer-counted, it stands to reason that hiring hundreds of clerks to read and hand tally the ballots will be less accurate than using equipment designed to do the same thing. The Democrats, who demanded (and are paying for) the hand count, insisted that the counties that used touch-screen computers use the computer records to print up ballots and that the clerks read and hand tally these as part of the process. Perhaps surprisingly, the Democrats abandoned this especially absurd proposal.

Nor is confidence in these processes enhanced by the fact that officials in King County, which voted overwhelmingly for the Democrat, keep finding more ballots that they had lost, and not included in their earlier counts. You might think the media would be upset at the extremely lax care that King County officials give to ballots, but so far, I haven't heard a word of such criticism.

The most disturbing aspect of the whole process is that, as in Florida, those demanding infinite recounts deny that they are seeking to change the outcome of the election. All they want, they insist, is to be sure "that every vote is counted." This rationale has, so far as I can tell, not been challenged by anyone.

Well, I for one can recognize horseshit when I see it, and if this isn't horseshit, then every horse who has ever lived is eternally constipated. If their motive was to be sure "that every vote is counted," then why are they recounting only the ballots in the governor's race? Why not recount the ballots in the Senate race? Surely, it is as likely that minor clerical errors were made there as in the governor's race? What about the contests for Congress, the state senate and the state house? What about the races for county commission? Precinct delegate? Why not every single race in the entire state? The chances of error are no less in these races than in the governor's race.

The reason, of course, is that the governor's race is close enough that its outcome might change. The motive for the recount is obvious: the challengers hope to turn a loss into a victory.

Of course, it doesn't sound particularly high-minded to say that you want a recount to capture political power, and "make sure every vote counts" has a lovely altruistic flavor to it. It portrays its proponents not as power-hungry politicians, but as benevolent defenders of the people's say in determining who governs them.

Why hasn't anyone in the media pointed out this obvious fact? I don't know, but the next time I hear Democratic loser Christine Gregoire explain that she just wants to make sure "every vote is counted," I shall change the channel from the so-called "news" to reruns of Seinfeld. If enough people do that, perhaps the idiot news readers and commentators on local television will realize that they are not doing their jobs. — R. W. Bradford

"I know we can't repeal the laws of nature, but I don't see why we can't *amend* them."

The lean, mean shuffling machine — President Bush has begun the process of shuffling U.S. troops around the globe by talking about moving troops from Germany, South Korea, and even Japan. The all-too-gradual administration plan aims to move some to Don Rumsfeld's "New Europe" and to bolster force levels in Iraq. A better course would be to consider a more extensive redeployment, mainly to the United States.

The threats of the near future are more likely to come from terrorist cells and guerrilla forces than from nation-states seeking to challenge U.S. dominance. The best way to deal with them is through agile, mobile, high-tech special forces able to move quickly and lethally and improvise in the field — Secretary Rumsfeld's "lean and mean" military vision in spades (or perhaps, outright private mercenaries, but that may be getting ahead of things). Stationing large numbers of conventional troops in Germany, Okinawa, Korea, and Central Asia — let alone the volatile Middle East — is more likely to stir resentment than to improve national security. It's long past time to move beyond Cold War deployments and prepare a more effective and appropriate plan for the realistic threats of the near future.

— Alan W. Bock

Politics vs. Ideology: How Elections Are Won

by Stephen Cox

Presidential elections have always been about interest groups, with ideology playing only a small role. Libertarians should learn from this.

"I have long entertained a suspicion, with regard to the decisions of philosophers upon all subjects, and found in myself a greater inclination to dispute, than assent to their conclusions."
— David Hume

As Hume automatically doubted the conclusions of other philosophers, so I have a strong tendency to distrust the speculations and assumptions of political commentators and party activists, especially when they are engaged with their favorite subject, the nature of American presidential elections. Here I want to dispute a number of attitudes that they have propagated among the American people, attitudes that obtrude themselves wherever politics are discussed.

One of these attitudes is the tendency to regard presidential elections as "defining historical events," as expressions of great "ideas" and great "social movements." Even the election of 2004 was commonly described, before it happened, as an event that would "change the nature of American politics for the foreseeable future." It is now being described as a "political watershed" that has precipitated a last, desperate battle to "redefine the heart and soul" of the losing party.

A second attitude, one that is closely linked to the first, involves the idea that decisive victory in a presidential contest confers a "mandate" on the winner, ratifying his ideology and requiring that its principles immediately be put into practice. *Vox populi, vox dei;* or, as H.L. Mencken said, democracy is the idea that the people know what they want, and deserve to get it good and hard.

A third attitude runs contrary to the first two. It stems not from a misplaced sense of drama but from flat-footed pragmatism. It arises from the theory that elections are won, not by ideas, but by an assemblage of "populations," "communities," or "voting blocs" that are known in advance to be favorable to one party or another. Find enough blacks, ecologists, soccer moms, and college professors; herd them to the polls; and the Democrats will win. Lure enough angry white males into the cave, and victory will go to the Republicans. This kind of theory is classically represented by Theodore White's study of the election of 1960 and V.O. Key's studies of the degree to which people tend to adopt the party allegiances of their parents.

The third attitude often produces a fourth. People who harbor it see America as a nation characterized by highly stable "power bases"— ethnic groups, social classes, that kind of thing. They believe, therefore, that any party that succeeds in capturing one of those bases from the other party will thereby change the whole shape of American politics. Suppose the Republicans capture the Democrats' "Hispanic base," or the Democrats capture the Republicans' "values base." The winning party would then "have a lock on" subsequent presidential elections. Or so people say.

Each of these four attitudes, I believe, is grounded in an element of truth. There are such things as political "bases," communal sources of political identification: "I am a Catholic"; "I am an African-American"; "I'm gay"; "I'm a Southern rebel." There are also such things as political ideas and social movements, and these can have noticeable effects on elections, occasionally dramatic effects. And people who

win elections are free to claim that they have succeeded in attaining a mandate. But the picture of the world that people with these four attitudes see is very far from the world as it is.

I recently looked at returns from the past 45 presidential elections, beginning with 1828, which is about the time when political parties as we know them began to take form and the popular vote for president began to assume its current significance. The numbers I saw prompted questions about the nature of American electoral success.

Let's start with the issue of the winner's "mandate." President Bush suggests that his decisive electoral victory in 2004 constituted a mandate for the programs he favors. Democrats are eager to dispute this claim. They suggest that his victory was (in the words of a certain political scientist) "actually one of the narrowest" in the last 100 years. But both sides are wrong. Although Bush got only 51% of the popular vote, nine of the past 25 winning candidates (including Truman, Wilson, and Clinton) got even less. Bush was nearer the center than the end of the list. Only by standards very far removed from common sense, however, could such a victor derive a "mandate" from his success in running with the pack.

People work for American political parties, give money to American political parties, and to a large extent vote for American political parties in order to win elections. Few people do any of these things merely to express some set of abstract views.

American elections are not won by "ideas" that can conveniently be transformed into mandates. For one thing, the diversity of the American populace, a diversity that is ordinarily very well reflected in any snapshot of either the winning or the losing party, means that no one is able to calculate exactly what it was that appealed to this heterogeneous group of voters and thereby produced the alleged mandate. I, and 5 million other people, may have voted for presidential candidate X primarily because we liked his advocacy of free trade. My next-door neighbor, and 5 million of his friends, may have voted for candidate X primarily because they are recipients of the economic handouts he endorsed. And in a normal election, candidate X would need all of us to win, no matter how opposed our premises might be. Even if he gathered enough of us together to win 60% of the vote, he could not have a mandate to give all of us, or any one of us, exactly what we wanted.

But the big fact about American presidential elections is that they are won by small margins. In only five of the past 45 elections did the winning candidate get anything near 60% of the popular vote: Harding, 1920, 60%; Roosevelt, 1936, 61%; Johnson, 1964, 61%; Nixon, 1972, 61%; Reagan, 1984, 59%. All these victors (four of whom, by the way, had the advantage of incumbency) were pitted against extraordinarily weak opponents. All but one (Johnson) were able to contrast themselves with closely preceding administrations of the opposing party (those of Wilson, Hoover, Johnson, and Carter) that were generally perceived as disastrous.

It was not "ideas" that defeated James Cox (1920), Alfred Landon (1936), George McGovern (1980), and Walter Mondale (1984). True, many people voted for Harding and against Cox because they disagreed with the Democratic Party's support for the League of Nations. Many people voted for Roosevelt and against Landon because they believed that Roosevelt's economic policies were worth a continued try. Many people voted for Nixon and against McGovern because they believed that McGovern was a socialist, and socialism is not a good idea. Many people voted for Reagan and against Mondale because they were opposed to the social-welfare liberalism that Mondale championed. But it is difficult, if not impossible, to see Harding's party, let alone Nixon's, as a party of ideas.

Roosevelt's and Reagan's parties were much more ideological, although the two candidates spent about as much time dodging their parties' ideological assumptions as they did explicitly advocating them. Johnson's victory can plausibly be viewed as a repudiation of Barry Goldwater's ideological conservatism. Yet even Johnson's election, which was won by a swing of only eleven points from the 50% taken by the Democrats four years before, hardly represented an overwhelming ideological victory. In only eight states did the popular vote on either side of this, by far the most highly polarized electoral contest of the 20th century, exceed Johnson's national share of 61.1%. His was a broad victory, but it had no deep wellsprings of support. In the next two elections, the opposing party won, the second time by a "landslide."

And Johnson's victory in 1964 was as close as you get to a "mandate" in American electoral politics. The fact that President Bush can dare to represent his achievement of a 51–48% victory as a mandate merely demonstrates what a deformed meaning the word has come to possess, under the pressure of America's highly competitive two-party system.

One may say of this system, as Mark Twain supposedly said of the weather, that everybody talks about it but nobody does anything about it. The reason is that there is nothing to be done. The logic is inexorable. People work for American political parties, give money to American political parties, and to a large extent vote for American political parties in order to *win elections*. Few people do any of these things merely to express some set of abstract views. Even voters who, because of their geographical location, are doomed to lose — Democrats in Indiana, for example, or Republicans in New York — can picture themselves as contributing to the larger, national effect, or to a party-building effort that may eventually pay off in their benighted home states.

The two major parties drift eerily across the political, social, and literal landscape, seeking whom they may devour.

But there can be no question about the professional man-

agers of the major parties: they are working to win, and to win right now. Even Bill Clinton, that embittered opponent of the great right-wing conspiracy, tried to convince John Kerry to campaign aggressively in favor of the anti-gay-marriage measures that were placed by the Right on the 2004 state ballots. For Clinton, winning was what counted. The important thing was to come out a vote or two in front of the other guy, no matter how you did it. He knew that the 49% he won in 1996, or even the 43% he won in 1992, was about as good as any 51% that someone else might get. Just get that vote!

"Winning," in the context of American politics, is not like winning World War II. It's more like winning one of those 18th-century wars in which, with tremendous effort, one of the European powers captured a hundred square miles of marginal territory, only to give it back the next time a war came along. But American elections are even more complicated and "marginal." In the 18th century there was an England, a France, a Spain, an Austria, and a Prussia, each representing great and permanent blocs of power. Such blocs do not exist in America. Unlike other countries, America has never had a "Catholic" or a "Protestant" party, or even a "religious" party. It has never had a viable "labor" party. Its regional parties, such as the Southern Democratic Party in the election of 1860 or the States Rights Party in the election of 1948, have been of very short duration.

It's worth asking why this is. The reason is that Americans, heirs of two centuries of political and religious individualism and extreme social mobility, are people of multiple social identifications. Here's an example. Most gay Americans currently identify with the Democratic Party. They may not know a word of the party platform, but they feel a personal identification with a party that (they believe) "supports" them as gay people. It's all very vague, and the vagueness expresses the fact that push so rarely comes to shove in American politics. If you're an ordinary, hard-working, law-abiding American, it's not easy to tell, from its overt actions, whether a political party "supports" you or not. It doesn't give you immunity from taxes, allow you exclusive use of the municipal swimming pool, or grant you a title of nobility; neither does it arrest you for being "who you are." It doesn't dream of doing such things. Once in power, it treats almost everyone with contempt and indifference, occasionally doling out some political welfare in the shape of "affirmative action" or "faith-based initiatives" — until the next election comes around, when it starts talking again about "making the government look more like America."

Still, I know gay men who care nothing about politics as such, but would probably kill themselves rather than cast a Republican vote. Yet millions of gay voters also identify themselves as property-owners, Texans, home-town boys, friends of the military, tax foes, Christians, and other people emotionally or logically identified with the Republican Party. Who can tell how such people will vote? Who, therefore, can tell how gays "as a group" will vote? Nobody. And you can say the same thing about people in virtually every social group in the country, because virtually everyone in America is self-identified with a multitude of groups, causes, jobs, beliefs, interests, prejudices, and experiences.

The task of the American political party is to exploit as many of these personal identifications as possible. This is not a science, and it cannot be. Representatives of any group or position with which some people identify are free to say, as they are saying of the recent Republican victory, "We caused it! If it hadn't been for our 3% of the vote, the candidate would have lost." But that goes for every 3% and even 2% and 1% of Bush's vote. *All* of those percentages were necessary to elect him.

Further, it is by no means clear that the, say, 60% of the gay population that voted for Kerry in 2004 will vote for a Democratic candidate in 2008, whatever he does or does not do (or is perceived as doing or not doing) in relation to gay people. Group identifications vary unpredictably, and so does the strength of group identification in the lives of individual people. A black ex-military voter may have felt strongly impelled to vote for Bush in 2004, but he may feel only weakly impelled to vote for the Republican candidate in 2008, when (God willing) the war will be over.

Almost every minor party is an ideological party, and that explains why such parties either remain minor or cease to exist.

Voting behavior is like other forms of human action, as explained by such economic theorists as Friedrich Hayek and Ludwig von Mises; it proceeds from individual, variable, nonquantifiable preferences. Someone who writes "Vote for Bush!" at the top of his Things-to-Do list in November 2004 may write "Vote for Hillary!" at the top of that list in November 2008; or his list for the first week in November may start with "Buy new shoes," "Remember conference call," or "Register kids, preschool," with no entry at all pertaining to electoral politics.

What happens in American elections is that the party that lost the last one looks for a way to win the next one, knowing (if it's smart) that it cannot rely implicitly on any stable bloc of voters. Even the legendary strength of African-Americans' identification with the Democratic Party can easily recede sufficiently to keep most potential voters in that "bloc" away from the polls. The best that each political party can do is to go through its list of possible voters, trying to interest as many as possible, beginning with those most strongly identified with itself (at the moment) and proceeding as far down the list as its funds and energy permit. If the gay vote is sixth on the list, a party that has any possibility of getting it will try to do so, altering its own character and "ideas" when alteration is necessary to optimize its capacity for winning.

One result is that the two major parties stay fairly close to equal in strength. Another result is that voter identification groups drift restlessly from one party to another, and the two major parties drift eerily across the political, social, and literal landscape, seeking whom they may devour. The solid Democratic South is now the solid Republican South. The Republicans, formerly the big-government party, are now the small-government party (except when they're not). Blacks used to be "predictably" Republican; now they are

"predictably" Democratic. College professors used to vote Republican; now they vote en masse for the Democrats. Democratic soccer moms become Republican security moms; populist evangelical Christians (Democratic) become community-standards evangelical Christians (Republican); big business stands with the Republicans, leaps suddenly toward the Democrats, then shivers into a thousand fragments, each pursuing its own interest in government benefits or obeying its managers' ethnic, gender, or ideological inclinations, or the phases of the moon.

American elections are won not by stable power blocs but by *shifts* in party identifications among people who used to be in those blocs, until they escaped. Some of the shifts, which go on all the time, in every conceivable direction, coincide with major intellectual or social movements, the kind of movements that change large patterns of intellectual and social history. But electoral politics has its own more intricate, local, and self-adjusting patterns, the patterns of the marginal gains and losses that happen as parties hunt the all-important plurality of votes.

The most historic and ideological election in American history was undoubtedly the election of 1860, when the Republican party came to power as the political expression of the antislavery movement. Abraham Lincoln won just 40% of the vote that year. In 1864, he managed to increase his party's share to 55%, but by then eleven opposition states were not even voting; they were out of the union. His raw popular vote — the vote of a wartime president! — had increased by only 19% over the 1860 total. At that rate, if the Southern states had not seceded and other things had remained equal, he would have received only about 48% of the popular vote in 1864. Presumably, the nominee of the Democratic Party would have beaten him. It was no historic mandate, conferred by the voters on Abraham Lincoln, that inspired the Southern states to leave the union after the election of 1860; it was a refusal to recognize the self-correcting nature of American electoral politics.

Ideas have a chance of gaining influence, but their chances often improve when they don't have to carry an entire political party with them. This is what supporters of minor parties usually do not understand.

In 1868 and 1872 the Republicans responded to their perilously small electoral margin by nominating Ulysses S. Grant, a war hero. Grant won both elections, but he received only 53% and 56% of the vote, respectively. (And in both instances, his margin was inflated by unnaturally Republican conditions in a partly disenfranchised South.) During the remaining three decades of the century, an era that witnessed many historic ideological and social movements, to which both parties attempted to adjust, the Republican Party usually won; but the winning party's head was never far above the water. The winners' vote-shares were 48%, 48%, 49%, 48%, 46%, 51%, and 52%.

Let's take another example of the difference between "history" and electoral processes. The administration of Franklin Roosevelt (1933–1945) was clearly a triumph for the ideology of big government and the welfare state. Yet Roosevelt came to power on a small-government platform, displacing Herbert Hoover, who endorsed roughly the same ideas and practices as Roosevelt but had been discredited by his failure to "solve" the Great Depression. Roosevelt's victory by 57% to 40% of the vote was not a mandate for the distinctive set of policies that his administration eventually came up with; it was a vote against Herbert Hoover. In 1936, Roosevelt's share of the vote climbed to 61%, an enormous accomplishment in an American election. Although he was running against feeble opposition, it is certain that many of the votes he received were from converts to the big-government ideology. By 1940, however, Roosevelt's vote was down to 55%; in 1944, in the midst of a global war, and against an opponent who was barely campaigning, he achieved only 53%. His highest percentages of votes came from the deep South, where some people might have expected his modern liberalism to be one of his less popular characteristics.

A worse fate befell the party of Lyndon Johnson after his great "ideological" victory of 1964. In 1968, the Democratic Party's left-liberal stalwart, Johnson's hand-picked successor and apologist Hubert Humphrey, gained only 43% of the vote against country-club Republican Richard Nixon (43%) and segregationist George Wallace (14%). In 1972, a revival of left-liberalism under George McGovern lost the election for the Democrats by the terrific margin of 61% to 38% (which was, however, just 5% lower than Humphrey's vote). In 1976, Jimmy Carter, who was perceived as an anti-ideologue if not as a "conservative," crept into a 50–48% victory against a Republican Party discredited by the Watergate scandal. In 1980, 16 years after the defeat of Goldwater, the great champion of conservatism, a conservative administration came to power with Reagan's 51–41% victory over Carter. In other words, the Democrats sank by nine points that year, and the Republicans rose by three.

Such small margins, achieved by such large movements! And ideological movements were far from the only factors involved. There were also matters of personality, of preceding failure or success in office, and of geography, with Carter exerting, initially, a special appeal to the South. In view of these relatively small but shifting margins, it is understandable that President Clinton's supporters should have regarded his progress from 43% of the vote in 1992 to 49% in 1996 as a triumph, whether of ideology or of personal charm (they didn't care, so long as he remained in office).

In truth, however, only ten elections out of the past 45 have been won by margins of 48% or less. Clinton's 1996 victory put him on the southern shore of the mainstream of electoral success, the broad current that has carried 19 presidential candidates to victory with shares of 49% to 53%, the current that swirls fretfully around issues and ideologies, then courses happily downward toward the votes that are most easily obtained (and no truly *ideological* vote is ever *easily* obtained).

Again, this does not mean that ideas are wholly without influence, even electoral influence, in American life. They

have a chance of gaining influence, but their chances often improve when they don't have to carry an entire political party with them. This is what supporters of minor parties usually do not understand. Almost every minor party is an ideological party, and that explains why such parties either remain minor or cease to exist. Even the Republican Party, the only example of an ideological party that succeeded in becoming a major one, was supported by much more than antislavery sentiment. It offered protective tariffs, internal improvements, western land, municipal reform, and a variety of other ostensible benefits, especially to people of the North. It also retained much of the old northern Whig power structure; i.e., politicians who were experienced in taking votes from Democrats. But the social welfare movement, the feminist movement, the African-American movement — none of these movements had to constitute itself as a political party in order to get its way. Had it done so, it would have had to take on many more issues than the ones that primarily interested it, and it would have alienated more people than it did in its quest for single-issue legislation.

The best that a minor party can do is to keep itself in business as a continual advertisement for its ideology. The worst it can do (and the best and the worst are in this case inseparable) is to advertise its continual failure to win public office.

In 1916, the Prohibition Party achieved 1.19% of the popular vote. A little over two years later, a prohibition amendment was added to the Constitution. Obviously, A was not the cause of B. It is frequently suggested that minor parties lose with issues that major parties later use to win. But the mere fact that the Democratic Party has adopted many of the proposals once offered by the Socialist Party does not indicate that the Socialist Party itself had any considerable influence on the process. It was people within the Democratic Party who saw the appeal of socialist ideas, and used them, despite the simultaneous, somewhat embarrassing advocacy of those ideas by the Socialists.

The same might be said about most of the issues that reputedly mobilize "the" Democratic Party and "the" Republican Party of today. Issues mobilize some people. But if all that a studio executive in Hollywood and an auto-parts worker in Cleveland have in common is their friendship for "the environment," then the Democratic Party is in serious trouble. The two people in question will have as much in common, on that score, with many Republicans, and with very many people who see no occasion to vote at all. And that is precisely the problem with the current Democratic Party: it's hard to keep a party together when many of its participants share just one reason for supporting it, and the reasons themselves vary so wildly that many Democratic voters might just as easily be in different parties.

Now suppose, as is actually the case, that one or both major parties were disliked and distrusted by a majority of voters, or that neither major party were courageous enough to address certain issues of wide popular concern. This still does not imply that a minor party would be able to intervene successfully in electoral politics. A minor party invariably has a well-disciplined set of ideological positions, but it lacks the wide array of personal identifications that are necessary to unite a large proportion of American voters over a substantial period of time.

It is noteworthy that the Democratic Party's electoral votes in 1952 and 1956 came exclusively from Southern states, despite the fact that its presidential candidate, Adlai Stevenson, was the quintessential northern liberal. Even voters' traditional loyalty to a party label can keep a party going for a decent period of time. (Or it can delude the party by masking other sources of political identification. In several north Florida counties, as many as 75% of voters consider themselves Democrats, but those counties went overwhelmingly for Bush this year.) Minor parties, however, have few or no such nonrational means of retaining their voters. The best that a minor party can do is to keep itself in business as a continual advertisement for its ideology. The worst it can do (and the best and the worst are in this case inseparable) is to advertise its continual failure to win public office.

It is quite possible that many of the Libertarian Party's leading ideas are shared by a substantial majority of Americans. But that isn't enough for a political party. There is not even the hint or seed of a "mandate" here. Most Americans do not derive their electoral identity from that particular set of ideas, nor do they share most of the other identity markers that tend to unite political-party libertarians. Most Americans are not rationalists, deists, or atheists, chronic dissenters, or owners of small businesses; most are not even college-educated, as virtually all (upper case) Libertarians are.

Even if the national economy collapsed tomorrow as the obvious result of government interference with the marketplace, the Libertarian Party would never come to power on that issue, or any other. Americans would simply turn to one of the two major parties, to an entity whose vast, unruly identities. It would be well if there were libertarians within that lucky party, people who could draw it in a direction more favorable to their own ideology. At any time, from the point of view of sheer practicality, libertarians would do better to climb onto a major party, taking their position on the back of an animal with many feet to bear it to victory, than they would to set out toward the next election with only their own legs to carry them.

Libertarians would do better to climb onto a major party, taking their position on the back of an animal with many feet to bear it to victory, than they would to set out toward the next election with only their own legs to carry them.

It grieves me to say this. I am a registered Libertarian. I

think that, by and large, the Libertarian Party has done a good job advertising ideas of individual freedom. The Libertarian Party in my home county has done a magnificent job at that. And there is nothing wrong with using a party for purposes of intellectual advertisement. The question is whether, from a political point of view, another medium would be more effective.

I would like to see the Libertarian Party sweep the country, elect a president, and organize both houses of Congress. That's not going to happen. American electoral politics just don't do things like that.

As I have indicated, and as everybody knows, even the major parties have serious problems. It might even be possible for a major party to die, if it ceased to offer large segments of the electorate the multiple identity connections that allow them to adhere to one political entity. Already the Democratic Party, by exchanging the South for its largest donor base, the Hollywood film industry, has forfeited what used to be a major point of political identification for an enormous segment of traditional voters: we're from the South; we've always been Democrats.

But anyone with a brain — and a major political party is bound to have some people with brains — can figure out a way to maximize Hollywood donations without losing even more votes in Georgia. I believe that the Democratic Party, in some form, will be with us for a long, long time, whatever turns its official ideology takes from moment to moment. The same can be said of the Republican Party. They're not going away. If you want to accomplish something in electoral politics, you have to work with one of them.

Is this picture of American politics too cynical, too dispiriting? Consider the alternative. We might live in the kind of country that is washed by recurrent waves of political ideology and "idealism," a country (like France in the late 18th and 19th centuries) in which lopsided plebiscites or parliamentary elections continually change the basic form of government, sweeping past all local attachments, professional loyalties, inherited ideas, and practical considerations — all the "little" things from which the little margins of American elections are made. No, I'd rather live with the politics of small adjustments than with the politics of revolutionary upheavals; even though my advice is not solicited by either major party.

Despite all that, I admit that I would like to see libertarianism become an electoral movement. I would like to see the Libertarian Party sweep the country, elect a president, and organize both houses of Congress. That's not going to happen. American electoral politics just don't do things like that. But being elected yourself isn't the only way to affect the political system. The fact that both major parties attempt to appeal to an enormous variety of people gives libertarians a clear invitation to do so too, to increase the sentiment for liberty within the major parties by connecting that sentiment with the interests or personal identifications of the major parties' constituents. The libertarian idea really does offer something for rich and poor, black and white, male and female, gay and straight, Christian and atheist, doesn't it? Perhaps in 2008 we will hear that "opposition to big government," "the decriminalization platform," "free school empowerment," and "the minimal taxation movement" have produced the next presidential "mandate" for one of the two major parties. ❑

Letters, *from page 6*

an uncritical rehash of arguments that have been raised elsewhere.

Luther Jett
Washington Grove, Md.

Clubb replies: Unfortunately, Jett appears not to understand what I said. My "central premise" was not simply the use of the terms "anti-Semitism" and "anti-Americanism" to silence critics of two governments and that "in this context" the meanings amount to snarl words. The essay was an exercise in linguistics, or semantics: Noam Chomsky has described a small set of words, such as "terrorism," "defense," and "democracy," which have dual meanings in political discourse: a dictionary meaning and a propaganda meaning. I added "anti-Semitism" and "anti-Americanism" to this group and went further to point out that these expressions also belong to a subgroup which mean little more than "I don't like what you say or what I read." I don't think what I said is particularly tired or old hat, for I cited a 2002 statement by the president of Harvard, and a 2004 statement by the prime minister of Great Britain, among others, to illustrate one of my points.

I was not interested in Zionism as such in my essay. Today, of course, the meaning of Zionism is indeed complex, but at the beginning it was not "largely a cultural and religious movement." I know I am rehashing a tired, old story when I point out that in the late 19th century, political Zionism was quite distinct from older religious Zionism. The father of political Zionism was Theodor Herzl, whose book "The Jewish State" (1896) asserted that Jews throughout the world constituted a nation and that a Jewish state should be established for all Jews somewhere. Herzl's picture hung on the wall behind David Ben-Gurion when Ben-Gurion read the Declaration of Independence to establish Israel as a Jewish state in Palestine on May 14, 1948. From the beginning, particularly with the second wave of political Zionist immigrants, which included Ben-Gurion, and through the '20s, '30s, and '40s, political Zionism meant establishing a Jewish state in Palestine, or of Palestine, or for some

continued on page 26

Analysis

How Badnarik Avoided Disaster

by R. W. Bradford

The Badnarik campaign got a respectable vote count because it picked up more than 80,000 additional votes by getting on the ballot in states where Nader did not, and another 8,000 votes by advertising on television.

In the election just past, the Badnarik campaign focused its efforts (and spent most of its meager resources) in four "battleground" states, in hopes of taking enough votes from incumbent Bush to swing the election to challenger John Kerry. The move was a failure: Bush carried three of the states with margins that dwarfed Badnarik's vote, and in the other state, Kerry won by a margin greater than the LP candidate's vote.

Worse still, as I noted in the January Liberty, the LP vote share fell 17% from 2000 in the states where the Badnarik campaign concentrated its resources, while falling only 8.4% in other states that the campaign had pretty much ignored. This suggested, as I observed, that "perhaps the more voters know about the Libertarian candidate, the less likely they are to vote for him."

This conclusion, despite the data supporting it, seemed preposterous. Another explanation occurred to me: perhaps the "why waste your vote" argument had greater impact in battleground states than in other states, accounting for Badnarik's poor showing there. I mentioned this possibility in my article, but didn't pursue it.

I am embarrassed to confess that it didn't occur to me until the day we went to press that there was a relatively simple way to verify or falsify the theory that the Badnarik campaign had actually had a negative impact. With the magazine laid out and undergoing final proofing, there was no time to compile the data and rework the article.

But here's the idea. My theory could be checked by comparing how Badnarik did in the battleground states where his campaign focused its efforts to how he fared in the other battleground states. I did a Web search and came up with a list of 13 states that were widely identified as battleground states by experts. Four of these states had to be eliminated from the comparison because either the LP nominee or Ralph Nader had failed to achieve ballot status in both 2000 and 2004. This left three battleground states where the Badnarik campaign had concentrated its advertising and six in which it had not.

In the three battleground states that the campaign concentrated on, Badnarik's vote share fell 17.6% behind LP nominee Harry Browne's share four years earlier:

State	2000 vote	2004 vote	Change
Nevada	0.55%	0.39%	-29.60%
New Mexico	0.37%	0.31%	-15.60%
Wisconsin	0.25%	0.22%	-14.80%
Average	0.32%	0.26%	-17.60%

In the six battleground states that the campaign more or less ignored, Badnarik's vote share fell 36.3%:

State	2000 vote	2004 vote	Change
Florida	0.32%	0.16%	-49.50%
Iowa	0.24%	0.19%	-19.90%
Michigan	0.31%	0.22%	-30.10%
Minnesota	0.22%	0.16%	-26.30%

Washington	0.51%	0.39%	-24.60%
West Virginia	0.30%	0.18%	-39.40%
Average	0.32%	0.20%	-36.30%

So the impact of the Badnarik campaign's spending about $186,270 was favorable: the LP vote share fell less than half in battleground states where the money was spent than in battleground states the campaign more or less ignored.

How many votes did the campaign win over with its advertising and candidate appearances in its favored battleground states? Simple extrapolation suggests that if the campaign had saved its money, it would have won a total of 13,336 votes in those chosen battleground states. In fact, Badnarik captured 21,483 votes in those states. This suggests that the cost of gaining each of the 8,137 votes was $22.89. Actually, the cost of each vote gained in those states was a bit higher than this, since the campaign also concentrated candidate appearances in those battleground states.

The last time it was possible to calculate the cost of gaining votes by television advertising was the 1988 campaign, in which advertisements purchased on behalf of the LP candidate by the party in Kansas were able to increase LP votes at a cost of about $1.86 per vote. The cost in the 2004 election was more than twelve times as high. Whether the difference is entirely the product of the higher costs of television advertising, or is partly the product of the higher cost of swaying voters in battleground states than in uncontested states, is a matter for conjecture.

The Badnarik campaign's advertising in battleground states won the candidate an additional 8,137 votes at a cost of $22.89 each.

The 8,137 votes that the Badnarik campaign got for its $186,270 investment were dwarfed by the votes it got from another identifiable source. In 2004, Ralph Nader failed to appear on the ballots of twelve states on whose ballots his name had appeared in 2000. In those states, the LP vote share went up 17.4%. In the 33 states where Nader and the LP nominee appeared on the ballot in both elections, the LP vote share fell by 30.4%. If Nader had not been denied ballot access in those twelve states in 2004, it is virtually certain that the LP vote would have been substantially less: simple extrapolation suggests that those who kept Nader off the ballot in those twelve states increased the LP vote total by 83,489 votes.

If Libertarians have anyone in particular to thank for their non-disastrous finish, it is the election officials who kept Nader's name from appearing on the ballot in those states.

That's more than ten times as many votes as the LP candidate won by campaigning in battleground states. If Libertarians have anyone in particular to thank for their non-disastrous finish, it is the election officials who kept Nader's name from appearing on the ballot in those states.

In most cases, Nader was kept off by people with motives curiously similar to the Badnarik campaign's strategy of focusing on battleground states: state officials believed that most voters who would have otherwise voted for Nader would vote for Kerry, increasing his chances of winning those states. Similarly the Libertarians running the Badnarik campaign hoped to attract votes that would otherwise go to Bush, thereby increasing Kerry's chance of winning.

It is curious that those who kept Nader off the ballot failed to sway a single state for Kerry. Had Nader been on the ballots of those twelve states and performed comparably to how he performed elsewhere, and every one of Nader's votes came out of Kerry's total, the outcome would not have been changed in a single state. ❑

Letters, *from page 24*

Greater Palestine, and there are many quotations by prominent Zionists to support this.

Also, in my article I was not interested in the population of Jerusalem, although it is true that Jews outnumbered Arabs there. But in 1900, although population estimates for Palestine as a whole vary quite a bit, estimates by demographers are in the range of 500,000–700,000 Arabs (Arabs could be Christians, and Bedouins were generally considered Arabs whatever Bedouins themselves thought) and 50,000–70,000 Jews — a small minority.

As for my not writing an article with a "uniquely libertarian slant," although I am not a libertarian (or a Democrat or a Republican either, for that matter), I would say that no magazine or journal should limit itself to publishing only articles written from the same point of view; it would be boring. I have enjoyed reading many articles in Liberty written from a libertarian point of view, but I have also read numerous others which do not self-consciously follow any particular point of view, except perhaps that of truth. Insisting that every article published in Liberty should be written with a "uniquely libertarian slant" would not be liberty. Liberty's editorial policy is to publish articles of particular interest to libertarians, and apparently Liberty's editors think my work qualifies.

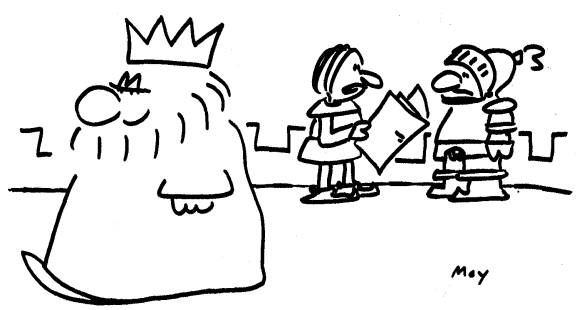

"The press is really beating up on him — It's a good thing he's illiterate."

The President and Mr. Bush

by Craig J. Cantoni

George Washington and George Bush square off in a cross-epochal presidential debate.

I have obtained a secret copy of a transcript of a debate that was moderated by a medium earlier this year between George W. Bush and George Washington. Although the transcript would have hurt Bush, the establishment media sat on it during the presidential campaign because Washington's comments also would have hurt their left-liberal agenda. Here are excerpts:

Medium: The first question is on Social Security and Medicare. President Washington, what would you do to fix the programs?

Washington: What programs are those?

Medium: They are programs by which the federal government takes 15% of the income of workers to pay the retirement and medical bills of retirees. It's projected that by 2060 the combined deficit for both programs will be over $70 trillion, a tab that will be picked up by our grandchildren.

Washington: You're pulling my leg, aren't you?

Medium: No, the Social Security Act was enacted in 1935, and Medicare in 1965.

Washington: [Looking stunned]

Medium: Mr. President, are you okay?

Washington: [Sighing] Yes, sorry. Putting aside the immorality of having some people pay other people's bills and consigning children to indentured servitude, my answer is that there is no constitutional authority for such programs and that they should be ended as soon as possible. Besides, this nation was founded on the noble ideas of personal responsibility and morality — of family members helping family members, of neighbors helping neighbors, and of churches and charities helping the unfortunate. It wasn't founded on the ignoble notion of the government replacing personal responsibility and morality. It doesn't take a genius to understand that when the government tries to replace personal responsibility and morality, society will end up with less of both.

Bush: [Whispering to Karl Rove off stage] Psst, Karl, help me out here. You didn't prep me on this constitutional thing. [Speaking to medium] Oh, is it my turn? What was the question again?

Medium: What would you do to fix Social Security and Medicare? President Washington says that there is no constitutional authority for the programs.

Bush: [Blank stare, and long pause] Ah . . . uh. Oh, yes . . . hmm . . . I've . . . uh . . . added a prescription benefit to Medicare and authorized Health Savings Accounts, and I'll be proposing something or other about letting the good American people put some of their Social Security money in private accounts, which is something that liberal Sen.

Kerry opposes. On the constitutional thing, I think this went to the Supreme Court under DRF, er, RFD. No, it was FDR. Yeah, I'm certain it was FDR.

Medium: Next question: President Bush, what will you do about income taxes and the deficit?

Bush: [Smirking] Read my lips: T-A-X-E C-U-T. Oops, that's T-A-X. [Sheepish grin] On the deficit thing, I'm going to continue spending more money than any president since JBL, er, LBJ, but less than what Sen. Kerry will spend. That's what compassionate conservatism is all about: being compassionate with other people's money.

Washington: Income taxes? There's no provision in the Constitution for taxes on income.

Medium: The federal government got the authority to levy income taxes in 1913, when the 16th Amendment was ratified.

Washington: [Sobbing uncontrollably] Tell me . . . please tell me, good sir, that what you say is not true.

Medium: No, it's true. In 1914, the year after the ratification of the 16th Amendment, the income tax per capita was $69 in inflation-adjusted dollars. Today, it's over $2,500. The tax rate on a median family was zero in 1914, versus more than 25% today.

Washington: But an income tax will lead to the tyranny of the majority, once Americans understand that they can petition the government to tax the minority.

Medium: We're already there. A majority of Americans now get more back from the government in services and entitlements than they pay in taxes.

Washington: [Sinking to his knees, weeping] Give me a moment, please.

Medium: Take all the time you need.

Washington: [Getting off his knees and wiping his eyes] How is this tax collected?

Medium: First, the tax is taken from workers' pay before they even get their checks. Then people file an income tax return every year, and send the return to an organization called the Internal Revenue Service, to make sure the government took enough out of their paychecks. In 1914, less than 1% of the population had to file, versus 45% today. There were 4,000 IRS agents in 1914; there are 110,000 today. And in 1914, there were four pages of IRS forms. Today there are more than 4,000 pages.

Washington: [Shaking his head in disbelief] Hamilton must have been behind this. Satan must have given him a furlough from hell, where he shares a bunk with Burr, to return to the United States and destroy individual freedom through a centralized government of unlimited power. On the deficit question, let me quote from my Farewell Address of 1796:

"As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear."

Medium: I have two more questions. The second to last question is for you, President Bush. What will you do to improve public education?

Bush: I'm going to expand my No Child Left Behind initiative from grade schools to high schools, using the full force and financing of the federal government, under my strong leadership — and I'm a strong leader, you know, someone who would have never let the British push the Revolutionary Army out of New York, New Jersey, and Alaska — to make sure that local school districts have the money and incentive to educate children the way they should be educated; that is, the government way. [Silly grin.]

Washington: Has there been a constitutional amendment in my absence that gives the federal government the authority to intervene in what is clearly a local matter? If there has been no such amendment, then President Bush is violating his oath of office to uphold the Constitution and should be impeached. Let me repeat what I said about this in my Farewell Address of 1796:

"The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish Government presupposes the duty of every individual to obey the established Government."

Medium: Last question. President Washington, what is your foreign policy?

Washington: Most of my Farewell Address was devoted to foreign affairs. I said that the way to spread our values is through example and commerce, and I warned about getting involved in foreign wars and intrigues, especially European ones. To quote once again from the address:

"Observe good faith and justice towards all Nations; cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt, that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a Nation with its Virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. In the execution of such a plan, nothing is more essential, than that permanent, inveterate antipathies against particular Nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The Nation, which indulges towards another an habitual hatred, or an habitual fond-

continued on page 53

An Evening with the NSA

by William E. Merritt

No flash photography, please: the inhabitants are easily startled.

Like all healthy 16-year-olds, my son is a natural libertarian. He doesn't have any theoretical basis for his beliefs, he just knows that if Authority says Do Something, he doesn't want any part of it. Last summer, I thought it would be a good idea to help fill in some of the gaps in his theory. My plan was to take him to Washington, D.C., and check out some of our more flagrant national institutions. In Washington, D.C., we could share the warm, fuzzy, Dad-Dude kind of experience upon which lasting memories are built, while I explained in a conversational sort of way what our government was meant to do, and what it actually does.

When my daughter got wind of the trip, she wanted to go. She was 23 and back in town after four years working, mostly, for libertarian organizations. I was glad to have her along. Her grounding in libertarian theory is a lot more solid than mine, and her facts considerably more numerous and more compelling. So, the Saturday we found ourselves driving down the Gladys Spellman Parkway from Baltimore to D.C., she was in the back seat. We were on the Gladys Spellman Parkway because, for reasons that must make sense to somebody at the airlines, it's a lot cheaper to fly into Baltimore than into Reagan or Dulles.

That's when we happened upon a sign announcing we were approaching the exit to the National Cryptologic Museum. Now, before any of you who work at any prestigious spy agencies take offense at anything that might appear in the rest of this article, I ask you, whose fault was it, anyway? I mean, what American wouldn't want to visit the National Cryptologic Museum? Especially if he had a 16-year-old boy riding shotgun and a libertarian in back. As clear a case of entrapment as you could want, if you ask me.

To get to the National Cryptologic Museum, you take the Canine Road exit. For some reason, this seemed appropriate. What the sign on the Gladys Spellman Parkway didn't point out is that Canine Road doesn't actually lead to the National Cryptologic Museum. Where it really leads is to the National Security Agency. The National Cryptologic Museum is around back. You get there by driving to the gate of the National Security Agency, deciding you don't want to go there, then swinging left around a parking lot until you come to the National Vigilance Park (no kidding!), where you find the entrance to the National Cryptologic Museum.

If you've never been to the National Vigilance Park, don't make the trip just for that. It's just a little outdoor air museum displaying a handful of not-very-sexy spy planes left over from the Cold War. There aren't any U-2s or SR-71 Blackbirds. In fact, when you look closely, there may not even be any spy planes. As the NSA's website explains, "The centerpiece of the exhibit is a C-130 aircraft, refurbished to resemble the reconnaissance-configured C-130A which was downed by Soviet fighters over Soviet Armenia on 2 September 1958." In other words, it's not a spy plane at all, it's a regular airplane disguised to look like a spy plane.

What this means in the shadowy world of international vigilance, I have no idea.

The National Cryptologic Museum may actually have real spy stuff inside, but I wouldn't know, because it was closed. We would have felt more disappointed about that if it hadn't already occurred to my son and me that, just down the road was something way cooler than a museum filled with what might, or might not, be real spy stuff.

Now, despite certain remarks I may have made from time to time regarding who should have won the Civil War, I am a reasonably loyal American. And as anybody who has caught even the most fleeting glimpse of my lifestyle can tell you, I sure don't live like I'm in the pay of a foreign government, at least not any foreign government with the resources to threaten the United States. For that matter, I don't even know what goes on inside the National Security Agency.

The fact is, nobody knows what goes on in there, except that they are the spyiest of spy agencies. They're the guys who are supposed to intercept and record every electronic communication on the planet — every email, every phone call that's routed by satellite, everything that's broadcast through the air or through outer space or beneath the ocean. And they are the guys who have the underground rooms filled with daisy chains of supercomputers, all wired together in parallel, to read this stuff — at least if you believe the rumors going around Portland a few years ago when the NSA bought an entire train carload of Pentium III processors from the local Intel plant to use on the other side of the very gate we were heading back to. Talk about your flagrant national institutions, I thought. My son can get a real civics lesson here.

My daughter, who had given a lot more thought than I had to the implications of being anywhere near the National Security Agency, wasn't so enthusiastic. "No," she yelled from the back seat. "Don't get *close* to that place." But she spoke too late. The 16-year-olds in the front seat were in control of the car and, not much later, we were frolicking around the gate of the National Security Agency, photographing one another lounging against the big, sky-blue, circular concrete seal with the words

I handed them the digital camera that we'd used to snap pictures of ourselves in front of their gate, and they erased the pictures. That's how easy it was for the NSA people to get what they wanted out of me.

NATIONAL SECURITY AGENCY
UNITED STATES OF AMERICA

written around the outside of the circle, and a rather out-of-sorts looking eagle perched on an enormous skeleton key in the center. Why the letters used to spell out NATIONAL SECURITY AGENCY should be so much larger than those used for UNITED STATES OF AMERICA is not explained.

For a place where there hadn't been any patrol cars a few seconds earlier, there sure were a lot of them a few seconds later. And the men who jumped out weren't rent-a-cops. They were big, buff guys with ostentatious pistols strapped to their sides. Looking at those guys, I got the impression that nobody at the NSA had let any artsy-fartsy EEOC rules or Americans-with-Disabilities-Act legalisms get in the way of their staffing objectives. When those guys came on board, the employment standards had been all about physical presence and, when they asked for my driver's license, I forked it over.

They didn't have nearly as much luck with my kids. That is to say, they didn't have any more luck getting my kids to cooperate than I do. In the first place, my son doesn't carry ID.

Looking back, I wish I hadn't. But I wasn't thinking about standing on principle just then, I was thinking about what was the quickest way to get the hell out of there. So, even though I was on foot and wasn't even particularly near the car, I gave them my license. Then I handed them the digital camera that we'd used to snap pictures of ourselves in front of their gate, and they erased the pictures. That's how easy it was for the NSA people to get what they wanted out of me.

They didn't have nearly as much luck with my kids. That is to say, they didn't have any more luck getting my kids to cooperate than I do. In the first place, my son doesn't carry ID. He's too young for a credit card, at least none that I know about and . . . well, even though he had officially turned 16 in December, it's going to be a long time before he'll be able to cough up a state-issued ID in the form of a driver's license, not after the evening when he was discovered at 2:00 a.m. — back when he was still 15 — expressing his libertarian impulses a little too assertively regarding the rules governing how old you are supposed to be before you can operate a motor vehicle. The National Security Agency Security People were out of luck in the ID department as far as my son was concerned.

They were even more out of luck in the oral-interview department. Whoever these guys who had come swarming up were, they were *the cops*, and my son knew from years of slipping around after curfew what you do with *the cops*. He stood with his hands in his pockets, looking like a teenager who's made up his mind not to talk. I knew the drill. This was not a confrontation the National Security Agency was likely to win.

My daughter was a good deal more forthcoming. She told them right up front that she wasn't going to show them any ID, thank you very much, or tell them her name, either. What she would tell them was, "I'm an American citizen lawfully minding my own business on a public road. I don't have to tell you anything."

That was a new one on the NSA people, and they had a little huddle about it. Important principles were at stake, and they knew it. When they had figured out how to protect the important principles they had in mind, they told my daughter they would be keeping her in a holding cell while she rethought her opinion of what Americans can and cannot do

on public roads.

That would have worked on me. But they weren't reckoning on dealing with someone who'd once brought an entire Tri-Met bus to a halt for the better part of rush hour while a supervisor drove out from headquarters to straighten out the situation that arose when one of his drivers tried to claim my then-teenaged daughter had slipped aboard without paying.

"So then," my now-grown daughter asked in her chirpiest voice when they explained the thing about the holding cell, "there'll be a hearing on Monday?"

This resulted in another huddle. These guys had been hired for physical presence, not for an easy understanding of criminal procedure. After a while, one of them climbed into a patrol car and made an emergency radio call. When he climbed back out, nobody ever mentioned holding cells again.

There have been plenty of next-days in my life when I've figured out what I should have said the day before. But not that day. That day, what I should have said spooled out in real time as my daughter said it instead of me, and hearing her say it made me feel ashamed of myself. To salvage a bit of self respect, I walked over to give my son some encouragement in keeping his mouth shut. But he was way ahead of me. He'd seen his sister in action, too. And he was more than just an instinctual libertarian, he was 16, and wasn't about to be out-machoed by anybody, especially not a girl. And certainly not his sister.

The guy who had been grilling him saw me coming, went from confrontational to subtle, and jerked his thumb in my direction. "Who's this guy?" he demanded. "Your dad?"

My son didn't say anything.

"Maybe," the National Security guy insinuated, "he's your *grandfather*." Wow, that stung. These people were masters at gaining the psychological edge.

While I was trying to figure out how to respond, an unmarked car sped up. Then an unmarked — at least, an ununiformed — middle-aged white guy popped out. He was,

Whoever these guys who had come swarming up were, they were the cops, and my son knew from years of slipping around after curfew what you do with the cops.

I think, the Head of Security at the National Security Agency, and he wanted to know what the problem was.

My son didn't have an opinion on that, certainly not of the sort he was willing to express to anybody in authority, and he just stood there. My daughter and I didn't think there was a problem, at least not of our making. We thought we were just being Americans on a public road, and we told him so. Since it was my daughter who was being the most American of the three of us, he gestured toward her. On the ride over, he had figured out what to do. "We'll have to handcuff her," he informed me with a straight face. "For officer safety."

To get the flavor of what this guy was trying to tell me, you've got to picture the scene. My daughter is a relatively short, very curvy, sweet-faced, soft-spoken young lady. She is not one of your testosterone-riddled, helmet-wearing, opera-singing, scary females. Meanwhile, every one of the guys who needed protecting from her could have bench-pressed the patrol car he drove up in. They all had guns strapped to

My daughter was a good deal more forthcoming. She told them right up front that she wasn't going to show them any ID, thank you very much, or tell them her name, either.

their hips, and one was sporting a brass badge that said Pistol Expert. Another had his Pistol Expert patch sewn permanently onto his uniform.

I still had the digital camera around my neck, and I told the Head of Security that if his men thought they needed to handcuff my daughter to protect their own safety, I was definitely going to get pictures of it.

This did not defuse the situation. Instead, I became the focus of my own little lesson in civics while he pointed out how absolutely forbidden American citizens are to photograph uniformed federal officers in the course of their duties on public property. Then, as a sort of intellectual consolation prize, he explained that he wasn't really worried about my daughter overpowering his men but, "Who knows what she has in her purse?"

When she heard that, she handed them her purse. "You have my permission to search it," she said. Or, at least, she tried to hand them her purse, but nobody would take it. So she laid it on the street.

The purse was about the size of a paperback book, if a paperback book came equipped with a shoulder strap. Lying in the street, it didn't look threatening. But those National Security guys couldn't have stepped around it more gingerly if it had sprouted rattles and fangs. "Pick up your purse, lady," they told my daughter. "Lady. *Pick up your purse.*"

After a while she did.

That ended the threat of exploding purses. And of handcuffs, too. Instead, the National Security People decided to write my daughter a summons. That way, she could explain to a judge why she thought she had the right to be in a public place without having to tell anyone who she was or why she was there. The only thing was, they couldn't fill out the summons without writing in her name.

To everybody's surprise, she agreed to give them her name. On two conditions. First, that they guarantee they would use her name only for the purpose of filling out the citation, not for finding out who she was.

Confronted with a legal hair the United States Supreme Court would have had trouble splitting, the National Security Security People called another little huddle. Before agreeing to any deals, they announced a few minutes later, they wanted to know what the second condition was.

"Show me the statute you plan to base the summons on," my daughter told them.

That should have been easy. All they had to do was . . . well, what *did* they have to do?

They had a follow-up huddle about it. Then, one of them made another emergency radio call.

Somebody inside the bowels of our darkest, most feared spy agency radioed back a legal opinion. The National Security Security People nodded to themselves when they heard what they needed to do. Then, one of them turned over his ticket pad and showed my daughter what was printed on the back.

What was printed on the back was a list of the eight or ten things NSA people get to write tickets for — things like driving faster than 35, or parking in the wrong place, or driving a motorcycle without a helmet. The back of the pad didn't say anything about taking family portraits on a public road in front of the NSA gate.

What they were allowed to write tickets for seemed pretty clear to us. But the National Security Security People weren't as convinced. While they were discussing among themselves how to persuade my daughter that the back of their ticket pads really did give them authority to issue her a ticket, she pulled a scrap of paper and a pencil out of her purse and began writing.

Her name, they must have all been thinking. Finally, this is over and we can go back to busting the foreign terrorists trying to take pictures of each other in front of our gate. One of them was so relieved, he even handed her a legal pad. "Here," he said, "no need to use that scrap of paper." Then, as my daughter began to write on the pad, he circled around to look over her shoulder, wanting to be the first person at National Security with the scoop on who she was.

"*Lady*," he said in an almost plaintive wail when he saw what she was actually writing, "you're supposed to be writing down *your* name. Not *our* names."

Your National Security Agency Is a Responsible Citizen

On the website of the NSA, along with high quality pictures of the NSA's front gate, there is a web page setting out their commitment to protecting the privacy of American citizens. Reading what they had to say, I came away with the feeling that the people who created their web page are the same ones who hung the sign over the security checkpoint at the Portland International Airport.

Since I do a modest amount of travelling, I spend more time than I'd like looking at that sign while I'm snaking along in line, waiting for my chance to prove my innocence to the lowest-level employees at the Transportation Security Agency. The electronic sign announces in bold letters:

Your Rights as a Passenger

It continues:

1. You may have your personal search conducted in private.

Good start, I remember thinking the first few dozen times I read that sign. Now, what are my other rights?

2. You may speak to a supervisor.

It could come to that, I have thought more than once. Now, about those other rights.

Your Rights as a Passenger

the sign says, again.

1. You may have your personal search conducted in private.

2. You may speak to a supervisor.

After 40 or 50 times watching that splashy technology flicker through the same, dreary loop, I began to get it. Those are my rights. I can have my personal search conducted out of the sight of my fellow citizens, where God knows what might happen without John Q. there to keep an eye on the searchers, and if I don't like it, I can have somebody in authority explain to me that that's how it is. And then, no doubt, add my name to the no-fly list alongside Ted Kennedy's name, and Ozzie and Harriet's boy, David's.

The NSA's web page is entitled "Responsible Citizen." I called it up, cynic that I am, thinking it would lay out the rules that I, as a responsible citizen, am required to follow. I was wrong: the Responsible Citizen the NSA is referring to is none other than the National Security Agency itself. And the responsibilities it's concerned with are its responsibilities to respect the privacy of the rest of us.

In four short paragraphs, the NSA tells us how it goes about this. The very first paragraph lays it on the line:

"Americans expect NSA to conduct its missions within the law. But given the inherently secret nature of those missions, how can Americans be sure the Agency does not invade their privacy?"

Yes!, you say to yourself, the NSA gets it. They really do understand what worries the rest of us.

Next, they set out their complete plan to protect our privacy. The ellipses are part of the text on the website. I haven't left anything out to try to make this article more readable. What you see here is the entire NSA privacy-protection policy.

"The 4th Amendment of the Constitution demands it . . . oversight committees within all three branches of the U.S. government ensure it . . . and NSA employees, as U.S. citizens, have a vested interest in upholding it. Respecting the law is only part of gaining America's trust."

So what, exactly, is the plan to protect our privacy? Maybe it's in the third paragraph:

"The American people need to know, within the bounds of operational security, what NSA does and why they do it, and how they work within the intelligence community and the Department of Defense to protect the Nation's freedom."

It's not just privacy, anymore. It's freedom itself. But what is the NSA doing to protect it? You can almost hear the strains of uplifting music as you read the final four sentences of the Responsible Citizen page of the NSA's website:

"With each new day, NSA is writing new and unexpected chapters. The missions have never been clearer. The challenges have never been greater. The stakes have never been higher."

And the freedoms have never been more endangered.

— William E. Merritt

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The reason you are reading this now, the reason the three of us didn't just vanish from Canine Road — locked away from public view, and lawyers and telephones, as enemy combatants — is that my daughter, who had already proved she has a lot more presence of mind than I have, went on to prove that she's also a lot more conversant with the loopy psychology of the bureaucratic brain, and reached into her wallet and pulled out a compromise that got us out of there, and got the NSA security apparatchiks out of the stupid corner they had backed themselves into.

What she would tell them was, "I'm an American citizen lawfully minding my own business on a public road. I don't have to tell you anything."

What she pulled out was a plastic card that was the same size and shape, and the same kind of plastic for all I could tell, as a driver's license, or an American Express card, or a United Mileage Plus card, or a Costco Wholesale Executive Member card, or any other piece of plastic ID a citizen might have in her wallet. It was, in fact, a Multnomah County library card.

The front of a Multnomah County library card lists the branch libraries. On the back is the card-holder's signature attesting, "I accept responsibility for all materials charged on this card." And that's it. Nowhere is there a picture. Nowhere is there a printed version of the cardholder's name, address, rank, serial number, or any other information to tie the card to any particular human being. But the National Security Agency's Security People were happy to pretend it was a real and bona fide piece of identification.

One of them disappeared into a patrol car with the library card. A few seconds later, he reappeared and handed it to the head of security, who returned it to my daughter. "You can go, now," the head of security announced, all smiles.

Anybody else would have gone.

My daughter wasn't so hotfooted. "Why," she demanded before she would budge, "are you letting me go?"

"We checked you out." The head of security was still smiling. "You're okay."

"You checked me out? What did you check me out *against*?"

"Our database." Now *go*, you could almost hear him thinking to himself. Just *go*.

I was with the head of security on that one, but my daughter wasn't quite through. "You have a *database* on American citizens?"

"Oh no, lady. Nothing like that." The head of security started to back up. "Not on Americans."

"No data bases, unh *unnnh*," the other guys were coming to his defense. "Not on Americans."

"No, ma'am. No databases here."

"Not on Americans, that's for sure." By now they were all backing toward the gate. "No *way*."

"Not at the NSA."

"Not us. No databases *here*."

As the rapidly developing criminal mind of my son put it a few minutes later while we were driving away, "Gee, Dad. If we ever did want to break into the National Security Agency, we've sure found out how to create a diversion."

Still, I'd feel a lot better about what happened that afternoon if I had a better fix on what went on in the patrol car with my daughter's library card. Were those guys really as incompetent as they seemed? That doesn't sound right. The easy explanation is that they were basically decent folks who realized pretty quickly that she was no threat to national security, but didn't have any way to turn off the nonsense they had turned on until she came up with something to give them the excuse to let us go. In a lot of ways, that fits. They certainly seemed decent enough. They didn't raise their voices. They didn't shove anybody. They didn't really even do any physical menacing, outside of carrying guns and looking big. For the most part, they just talked to us one-on-one, keeping a comfortable social space, while the guys who weren't talking watched from a few yards away in case any of us made any sudden moves. So it's easy to believe they were looking for a way to end the standoff.

The other explanation, which I don't think I buy, is a good deal more sinister. Still, one thing everybody has heard about the NSA is that your explanation can never be sinister enough to capture the reality of what goes on in there, so there might be something to it. The thing is, there's another bit of identification on Multnomah County library cards, one that I didn't think about until later. There's a bar code that has enough personal information to let you check out books. It's hard to imagine that NSA patrol cars are equipped with bar-code scanners, or the sort of optical character readers that would let them check my daughter's signature, or are somehow so tied into the library systems around the country that they can run a scan on a library card and come out with everything they need to know a few seconds later. But, if any patrol cars anywhere on the planet could do this, the NSA would have them.

I felt bad about losing the pictures. I would have really liked photographs of the National Security Agency's gate. But, as the head of security at National Security took pains to point out, pictures of the gate might reveal something to the enemies of our nation. Besides, some of the pictures had the NSA building in the background, and who knew what terrorists might learn from something like that. Still, if I had only hung tough, I told myself, I might have gotten away with the pictures. Or, maybe, I would have gotten my camera smashed. Or, perhaps, like the last dozen or so people who tried the same stunt, nobody would have ever heard from any of us again — at least until a few months later when my kids and I were featured on an episode of "Without a Trace,"

They told my daughter they would be keeping her in a holding cell while she rethought her opinion of what Americans can and cannot do on public roads.

continued on page 53

How Urban Planners Cause Congestion and Death

by Randal O'Toole and Michael Cunneen

For planners, "pedestrian-friendly" means streets conducive to more accidents, property damage, and deaths.

Converting one-way streets to two-way traffic is one of the latest fads of urban planning. Such conversions will increase congestion, pollution, and traffic accidents, but planners ignore these problems and talk about how they will lead to more "vibrant" streets, whatever that means. The debate over one-way streets in Austin, Columbus, Denver, and many other cities calls attention to recent urban transportation trends as planners have gained power at the expense of traffic engineers.

A few decades ago, engineers made most urban transportation plans and decisions. Their first priority was safety and their second priority was efficient movement of traffic. The engineers carefully studied the effects of any changes or improvements they made to see if they were good or bad, and they published their results for other engineers to see.

"Practical Traffic Engineering for Small Communities," published in 1958 by Pennsylvania State University, offers numerous examples of the engineers' method. The guide presents hundreds of case studies asking such questions as:

- Will traffic signals reduce pedestrian accidents?
- Are there more accidents where there is parallel parking than where there is angle parking?
- Will putting grooves in pavement reduce accidents?

Notice the heavy emphasis on *reducing accidents*, in keeping with the engineers' first priority of safety. Improving traffic flows and reducing congestion are important, of course, but only if they can be done without reducing (and preferably by increasing) safety.

Most of the studies began with the engineers gathering data for a year or more. Then some action — installation of a traffic signal, grooving of pavement, etc. — was taken and, sometimes after an adjustment period, data were gathered again. The data from the two periods were compared.

Sometimes two similar streets — say, one with parallel parking and one with angle parking — were compared. Sometimes a control street was used for comparison, or perhaps the city as a whole was used as a control. For example, accidents on a particular street might decline after the pavement was grooved even though accidents increased in the city as a whole. In any case, the point was to evaluate carefully whether the action produced benefits and perhaps whether those benefits were worth the cost.

After World War II, Americans who lived in cities began a rapid movement to the suburbs, and they were followed by retail shopping malls. Downtown retailers worried that this competition would have an advantage over them because the suburbs were less congested.

Traffic engineers offered a solution: convert two-way streets to one-way. This would produce several benefits.

First, one-way streets with the same number of lanes as two-way streets can move 20% to 50% more cars because of fewer turn delays. According to one estimate, seven lanes of a two-way street are needed to move as many vehicles as four lanes on a one-way grid because people turning left or

right impose fewer delays on people behind them.

Second, traffic signals on a one-way grid can easily be coordinated so drivers can proceed at a continuous speed without stopping frequently for red lights. Third, as engineers would prove over and over again, one-way streets are safer for both auto users and pedestrians. Finally, because traffic moves more smoothly on one-way streets, they produce less air pollution than two-way streets; frequent stops and starts are a major source of pollution. This point became important after 1970.

One study found that converting two-way streets to one-way led to a 19% increase in the amount of traffic the street could handle, and that the average speed was 37% faster. This wasn't because the maximum speed limit on the one-way streets was any greater than on two-way streets, but because drivers experienced 60% fewer stops. To top it off, there was a 38% decrease in accidents.

Engineers reported similar results in city after city:

- Portland found 51% fewer accidents at intersections and 37% fewer between intersections.
- The Oregon State Highway Department found that one-way streets in a dozen Oregon cities, ranging from Astoria to Eugene, led to an average of 10% fewer accidents and 23% more traffic — meaning the accident rate per million vehicle miles declined by 27%.
- Sacramento found 14% fewer accidents on streets converted to one-way operation despite a 17% increase in accidents in the city as a whole.

In Sacramento, there were 163% more pedestrian accidents on two-way streets than on one-way streets. In Portland, Ore.; Hollywood, Fla.; and Raleigh, N.C., the pedestrian accident rate was double on two-way streets. One study called one-way streets "the most effective urban counter-measure" to pedestrian accidents.

Many downtown businesses initially resisted one-way streets, worrying that customers going in the other direction would miss them or not bother to drive around the block to shop. But after some streets were converted, most businesses saw the benefits of increased traffic — meaning more customers — and became believers.

"Of course, there were some retailers who opposed" one-way streets, wrote the director of the Portland Retail Trade Bureau in 1953. "Today, those very same people would not go back to two-way traffic." Around the same time, the director of the Retail Merchants Association of Sacramento wrote that, while there was some initial skepticism, Sacramento businesses "are now almost 100% in favor of" one-way streets. "There was a feeling on the part of filling station and apartment owners that the one-way system on 16th would hurt their business. This has proved to be the exact opposite. Business has improved in this area and property values have risen substantially."

Because traffic moves more smoothly on one-way streets, they produce less air pollution than two-way streets.

In 1949, the Traffic Engineering Department of Fresno, Calif., made a nationwide survey of cities with one-way streets. A questionnaire to traffic engineers and police came back with unanimous responses in favor of one-way streets. This was so striking that the city worried that "officials might have been prejudiced." So it sent a second survey to merchant associations, and it came back almost as favorable: only 10% reported opposition to one-way streets.

Engineers in Sacramento and Olympia, Wash., compared retail sales before and after one-way streets. Olympia found that businesses on one-way streets were doing better than comparable businesses on two-way streets. Sacramento also found that businesses grew faster (or, in some cases, shrank less — the study was done at the beginning of a recession) than similar businesses in the city as a whole.

The only dissenting voices seem to have come, ironically, from auto dealers and possibly some other auto-related businesses. No study ever found that one-way streets hurt these businesses, but some auto-related businesses continued to resist one-way streets. "The only vehement opposition we have had lately," said a Portland merchant association, "has been an automobile concern that happens to be on a through artery and still feels that [switching from two-way to] one-way streets has hurt its business."

In the 1960s, a flurry of books appeared that criticized automobiles and highways. Ralph Nader charged that poor auto design led to many fatal accidents. Others worried that air pollution was darkening skies and making people sick. There was substance to both claims, which led to federal legislation requiring safer and cleaner cars. The legislation proved successful. Fatality rates per million vehicle miles today are 75% lower than they were a half century ago. Total auto emissions have declined by more than 60% even though we drive 2.5 times as many miles as we did in 1970.

Despite these successes, animosity toward the automobile has only increased. One reason for this is the inflation of the 1970s, during which highway construction costs grew dramatically but were not matched by growth in highway revenues. Since most highway user fees came from gas taxes, which were based on the number of gallons sold rather than the value of those gallons, the revenues did not grow with inflation. Though states and the federal government raised gas tax rates, they lost the race to inflation and more fuel-efficient cars: after adjusting for inflation, auto drivers today pay only half as much gas tax for every mile they drive as they paid in 1960.

As a result, highway construction after 1970 could not keep pace with demand. This meant urban roads got more and more congested. Yet people continued to drive more, with per capita driving growing by about 2% per year. While this growth briefly slowed during the energy crises of the 1970s, the long-term response to higher gas prices was that people bought more fuel-efficient cars and then drove more than ever. This further reduced gas-tax revenues so that, after adjusting for inflation, revenue per vehicle-mile in 2000 was only half the revenue per vehicle-mile in 1960.

When roads became too congested, many people drove at different times, found different routes, or used other modes of transportation. This meant there was a large pent-up

demand for highways during peak periods, so when a new highway did open, it was almost immediately congested as people changed times, routes, or modes — a phenomenon economist Anthony Downs calls "triple convergence." This led to the myth that "building roads simply leads to more driving," when in fact the increased driving was taking place whether the new roads were built or not — just not at times or on routes most convenient to drivers.

Having failed in their efforts to close streets to autos, planners began trying to reduce auto flows through various forms of so-called traffic calming.

One result of the increasing criticism of the automobile was that transportation engineers began to lose the favor of city officials. Elected officials turned instead to urban planners, who promised a more holistic view of transportation.

Urban planners wanted to assess the effects of transportation on land use, air quality, housing, employment locations, the size of retail shops, and a host of other variables. This made their job far more complex than the engineers' simple criteria of safety and efficient traffic flows. Attempts to assess too many variables, weighed using different and incompatible types of measurement, quickly became overwhelming. To make their jobs more manageable, planners resorted to following fads.

One fad was to "revitalize" downtowns by closing streets to auto traffic and turning them into pedestrian malls in a conscious attempt to compete with suburban shopping malls. Starting in the mid-1960s and accelerating in the early 1970s, more than 70 U.S. and Canadian cities tried this out.

Far from revitalizing retail districts, most of the pedestrian malls killed them. Vacancy rates soared, and any pedestrians using the malls found themselves walking among boarded up shops or shops that had been downgraded to thrift stores or other low-rent operations. Despite these failures, cities continued to create pedestrian malls as late as 1980, and might still be doing so were it not for intense opposition from retailers who had seen the failures elsewhere.

By 2002, more than three out of four pedestrian malls had been partly or entirely reopened to traffic. In most cases, this led to an immediate and often dramatic decline in retail vacancy rates. Five more cities were considering such reopenings.

Only nine pedestrian malls (12%) were considered successful, and seven of these were in university or resort towns, which have higher-than-usual concentrations of pedestrians. In other words, malls could not create pedestrians out of auto drivers. They only worked when the pedestrians were already there.

Why did it take planners 15 years to realize that pedestrian malls rarely worked? Why did it take another 20 years for most cities to reopen their streets to autos? One answer is that planners are resistant to reality. They told themselves and everyone else that their projects were successful no matter how badly they turned out in reality.

Having failed in their efforts to close streets to autos, planners began trying to reduce auto flows through various forms of so-called traffic calming. This means putting barriers in roads that force cars to slow down or turning one-way streets back to two-way operation.

Planners argue that converting one-way to two-way streets will make them more pedestrian friendly and better for business. Not surprisingly, they offer no evidence for these claims, since they were disproved by engineers 50 years ago. But few people remembered the benefits gained from converting two-way to one-way streets, so many believed the planners.

As early as 1976, Denver officials considered converting several one-way streets to two-way operation. The city's director of traffic engineering wrote a lengthy memo predicting that this action would increase accidents, congestion, and air pollution. He could find no evidence to support claims that property values on two-way streets were greater than on one-way streets. He concluded that "the benefits to the total neighborhood [of converting to two way] would be negligible."

The report may have delayed one-way conversions in Denver, but it did not stop them. About a decade later, Denver converted several one-way streets to two-way operation.

A 1990 review of the conversions found that virtually all of the engineer's predictions had come true. Accidents increased an average of 37% "as is expected with two-way operations." Congestion increased as well, as did the pollution that accompanies congestion.

The report claimed that downgrading some one-way collector streets to two-way local streets "strengthened the residential status of those streets." It did not provide any evidence for this or even offer a way to measure it, but, of course, any local street will be more attractive to residences than busy collector streets, regardless of whether they are one- or two-way. The only benefit the report could find for turning other one-way collector streets to two-way collectors was "a *perceived preference* for two-way operations" (emphasis in the original). Again, the report did not document the supposed preference or suggest how it could be measured. Denver continued to convert one-way streets to two-way.

Planners demonize the automobile for killing people and polluting the air, then promote transportation policies that increase accidents and air pollution.

Other cities have gone through similar experiences. In 1993, Indianapolis converted a major route to two-way operation. After three years, accidents on that route had increased 33%. In 1996, Lubbock, Texas converted several one-way streets to two-way. Two years later, monitoring found a 12% decrease in traffic on those routes, but 25% more accidents causing 34% more property damage.

Despite these results, proposals to convert one-way streets to two-way are being taken seriously in Austin, Berkeley, Cambridge, Chattanooga, Cincinnati, Columbus, Louisville, Palo Alto, Sacramento, San Jose, Seattle, St. Petersburg, and Tampa, among other cities. Though the benefits are meager — and may be limited to a "perceived preference" for two-way streets — the proposed conversions are costly:

- St. Petersburg estimates that restriping, signal changes, and other changes required to convert streets from one-way to two-way cost more than $140,000 per intersection.
- Conversion of nine one-way streets to two-way in downtown Austin is expected to cost $15 million.
- San Jose spent $15.4 million converting ten streets to two-way.
- A plan to turn a one-way couplet in Hamilton, Ontario to two two-way streets is estimated to cost about US$2 million.

Conversions are costly in other ways as well, namely in terms of accidents, congestion, and pollution. Austin planners admit that their plan of converting nine streets will increase traffic delays by 23% and downtown air pollution by 10% to 13%.

Conversions of one-way streets to two-way are also often accompanied by other traffic calming measures, including reducing the number of lanes of auto traffic, narrowing lane widths, removing right-turn or left-turn lanes, and adding median strips or other barriers to streets.

As with two-way streets, these actions will increase accidents, congestion, and pollution. To the extent that they succeed in "slowing" traffic, they will also succeed in killing businesses that depend on a regular flow of customers. Even if slowing traffic were a sensible goal, it can easily be done on one-way streets by simply retiming traffic signals, thus maintaining safety and reducing delays caused by cars turning left.

Clearly, planners and engineers think in dramatically different ways. Engineers think in terms of safety and efficiency. Planners demonize the automobile for killing people and polluting the air, then promote transportation policies that increase accidents and air pollution. Engineers experiment and publish their findings. Planners implement policies and declare victory no matter what the outcome.

Planners apparently believe they are thinking on a higher level. "A pedestrian-oriented hierarchy of transportation promotes density, safety, economic viability, and sustainability," say planners in Austin, Texas. While the first three claims are wrong or at least questionable, the most important word is "sustainability," which in transportation planning is a code word for "anything but automobiles."

To support a program that involved converting downtown one-way streets to two-way streets, Austin planners convinced the city council to pass a resolution identifying a "transportation hierarchy" in which pedestrians were given first priority, public transit second, bicycles third, and private motor vehicles last. "The safety and comfort of pedestrians is of greater concern than the convenience of a driver," says the resolution. This assumes that pedestrian safety and comfort is incompatible with the convenience of drivers. At least in the case of one-way streets, the reverse is true.

Planners fantasize that mixing housing with commercial uses will lead to more walking and less driving as people find stores, restaurants, and even jobs within walking distance of home. While there is a market for this kind of development — mainly among young singles or childless couples — it can be quickly saturated. Planners try to attract more people to such developments through subsidies, or forcing more people to live in such developments by using urban-growth boundaries or other land-use regulation to drive up the cost of single-family housing. There is no evidence this will lead people to reduce the amount of driving they do.

Portland, Ore., for example, boasts of the Pearl District, just north of downtown, where several thousand housing and office units have been developed in the past five years. To attract people to the area, the city spent more than $170 million on subsidies, including $50 million on a streetcar connecting the district with downtown.

"Yet during the peak commuting hours of 6:30 a.m. to 8:30 a.m., the streetcar averages fewer than 120 passengers per hour," says John Charles of Portland's Cascade Policy Institute. "The most common sight in the Pearl District during those hours is an underground garage door opening for another private vehicle to emerge from an upscale loft or condo complex."

One study by smart-growth advocates found that people in neighborhoods that were denser, more pedestrian friendly, and had better transit service drove less than people in other neighborhoods. The authors concluded that this proved that smart-growth planning reduces driving. They do not consider the possibility that such neighborhoods attract people who want to drive less, leaving other neighborhoods with more people who drive a lot. This alternative hypothesis is supported by their own data, which shows that, of the three urban areas they compared, the one with the highest density, most pedestrian-friendly design, and most intensive transit service also had the most per capita driving.

On just about any ground imaginable — safety, congestion, pollution, and effects on most businesses — one-way grids and one-way couplets are superior to two-way streets for moving people and vehicles. The idea that building pedestrian-deadly environments can create pedestrian-friendly neighborhoods is a planning fantasy. Cities that want to create livable, safe environments for pedestrians and businesses should return transportation planning to the engineers, whose programs are grounded in reality, not fantasy. In the long run, American cities need to rethink their support for urban planning. Why should cities employ members of a profession that advocates policies that reduce safety, increase pollution, and waste people's time? It is time to return to the methods and vision of the engineer. ❑

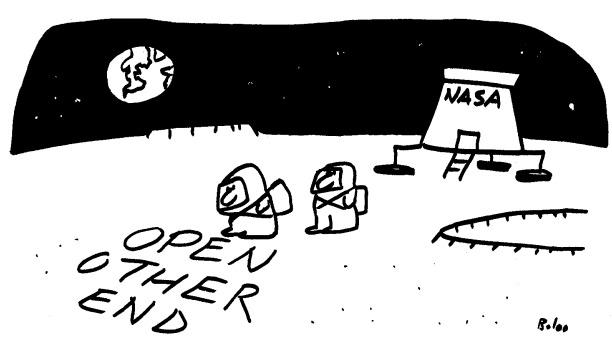

Reviews

"The Progress Paradox: How Life Gets Better While People Feel Worse," by Gregg Easterbrook. Random House, 2003, 400 pages.

"The Paradox of Choice: Why More Is Less," by Barry Schwartz. Ecco, 2004, 288 pages.

"Happiness Is Overrated," by Raymond Angelo Belliotti. Rowman and Littlefield, 2004, 192 pages.

Life, Liberty, and the Treadmill

David Ramsay Steele

I can remember the day I learned to ride a bike. I must have been about eight. In those days, at least in that part of England, there were no such things as training wheels and the smallest bicycles had twenty-four-inch wheels. I just kept pushing, wobbling, and gliding along, and suddenly, I could do it!

The sun came out from behind a cloud and the entire world shone with warm and radiant delight. Every day for the next few weeks, I spent hours just cycling up and down or round and round in circles. Could there be anything to beat this?

Six months later I was still pleased I could ride a bike, and I still got some direct fulfillment out of this activity, but I would not have dreamed of riding around just for the sheer pleasure of it — not for more than a couple of minutes, anyhow. Cycling had become about 98 percent instrumental, a way to get from one place to another, and only about two percent intrinsically gratifying.

This well-known phenomenon, called "adaptation," is key to the thinking of psychologists who maintain that our level of happiness is a "set point" to which we always tend to return, largely irrespective of our circumstances. Typically, we look forward to some consummation, and when we achieve it, we're pleased. From that moment on, the glow of gratification dims like dying embers. It's essential to being human that the joy resulting from the attainment of any goal starts to fade as soon as it begins.

Most people believe that if their real income were to be suddenly doubled, they would feel a lot happier. And so they would, for the first week or two. After that, the happiness would have perceptibly diminished, and six months or a year later, they would be only slightly happier than before their financial improvement.

And it works in reverse. People who go blind or deaf, lose their limbs, or become paralyzed are usually acutely miserable for a month or two, after which the gloom begins to evaporate. A year later, they are approximately as happy as they were before they were afflicted. Research indicates that people with extreme physical disabilities are, on average, slightly happier than the general population.

We were made by millions of years of natural selection of genes. From a gene's point of view, the happiness of the organism which temporarily houses the gene is not an end in itself. The gene "wants" its host organism to reproduce, which entails surviving for at least a while, the longer the better if repeated reproduction is possible.

It's advantageous for pleasure to be associated with successful action, and pleasure often tends to promote happiness. But pleasure too intense and too prolonged might be detrimental. If we now have something we have wanted, and we know we can keep it, what would be the point of perpetual euphoria? It could distract us from the immediate tasks of survival and reproduction. Continual misery would be pointlessly distracting too. It's entirely authentic, as well as poignant, that the slave-labor camp inmate-protagonist at the end of the harrowing "One Day in the Life of Ivan Denisovich," reflects

that, all in all, this has been a pretty good day.

Is Progress Pointless?

All this is straightforward, and not even controversial, but it does raise an interesting issue with political implications. Liberals, and especially that subspecies of liberals known as libertarians, tend to accept as a premise that *it's good for people to be able to get what they want*. If asked why, we are apt to say, with the framers of the United States Constitution, that only then can people pursue happiness. This can easily lead to the reasoning: *it's good for people to be able to get what they want, because if they get what they want, they will be happier than if they don't.*

But what if having more of what we want does not ultimately add to our happiness? What if the pursuit of happiness is a "hedonic treadmill," as some psychologists have contended? In recent years a lot of research has gone into finding out how happy people actually are and what makes them happy or unhappy. Some of the conclusions of this research suggest that increasing real incomes — increasing ability to get what we want — does not make us very much happier, once we have passed a certain minimum level of comfort. What, then, is the point of further industrial and technological progress?

There prevails a strong tradition for intellectuals to believe that ordinary people are incapable of happiness, or at least of "true" happiness, as well as being wretched and not even truly alive.

This question has been raised in a number of recent writings, most influentially in Lane's book, "The Loss of Happiness in Market Democracies."* Easterbrook's work is a more popular treatment of the same issues. Both Lane and Easterbrook start from the finding that Americans in the 1990s were no more happy, and perhaps even a bit less happy, than they were in the 1950s, although real incomes had way more than doubled in that period. Lane refers to the "paradox of apparently growing unhappiness in the midst of increasing plenty" (Lane, p. 4), a theme echoed in Easterbrook's more popular work. Contrast this with the 1930s complaint of "poverty in the midst of plenty." It's hard to uncover real old-fashioned poverty in 21st-century America, but it's easy to find any amount of dissatisfaction.

Ascertaining how happy people are is mainly a question of asking them, and it may be doubted whether this is always perfectly reliable. However, the results of numerous questionnaires, painstakingly designed and scrupulously interpreted, exhibit a consistency, a stability, and a clear pattern which suggest that people's happiness self-ratings are generally quite accurate.* Various attempts have been made to check the results (for instance by comparing individuals' self-ratings with the ratings of those individuals by people who know them) and they look quite solid. I'm convinced that the data emerging from these studies do indeed measure happiness (or SWB, subjective well-being, as it's known in the trade).

If these studies of SWB are at all accurate, then there has been little, if any, gain in happiness in advanced industrial countries of the West over the past half-century. In the United States, people are no happier than they were in the 1950s. To be more precise, the percentage reporting themselves as just "happy" is close to identical in the 1990s and the 1950s, while the percentage in the "very happy" category has fallen slightly, and the percentage classified as "depressed" has increased.

The Specter of Futility

Easterbrook starts out with impressive boldness and clarity. He makes two assertions: (1) that in almost every measurable respect, life for nearly everyone in the Western world has been getting better at a spectacular rate, and (2) that people's happiness or satisfaction with their lives has stayed about the same or slightly diminished. Both of these claims are well documented by an accumulation of interesting and often surprising facts, which Easterbrook presents skillfully and entertainingly.

The bigoted "Just Say No" zealots of our day strive to replace drugs which give people enjoyment with drugs which deaden people's sensibilities.

Easterbrook poses his "paradox" bravely, but as his argument proceeds, its thrust falters. Just over halfway through the book, Easterbrook switches to throwing out a number of conjectures about influences which might account for the loss of happiness, along with his policy solutions. He voices the usual leftist gripes about consumer capitalism, though the relation of these to the findings of SWB research may be tenuous. He is furious at greedy CEOs, and favors raising the minimum wage, imposing universal health insurance, and increasing foreign aid. These chapters are still well-written and they contain nuggets of fascinating information, but they do not resolve or even seriously confront the ominous "paradox" he has laid out at the beginning.

Easterbrook, like Lane, makes the most of the startling juxtaposition of declining happiness and increasing affluence, and doesn't want to spoil a good story by drawing too much attention to considerations which might blur the stark drama of this incongruous outcome. Neither author gives the reader even an outline of the basic facts from which a few items have been plucked for close attention.

Lane actually volunteers that he does not place any reliance on the declining SWB trend, and wouldn't be surprised to see it reversed.* This

*Robert E. Lane, "The Loss of Happiness in Market Democracies" (New Haven: Yale University Press, 2000).

*Ed Diener and Eunkook M. Suh, eds., "Culture and Subjective Well-Being" (Cambridge, Massachusetts: MIT Press, 2000), pp. 5–7.

*"My argument does not depend on the evidence of growing unhappiness in the post-war period (which may be a mere blip in a long-term curve)" (Lane, p. 5). The rhetoric

admission contrasts strangely with the strident rhetoric of *decline* and *loss* in Lane's book. Granted, the fact that the amount of happiness has been roughly the same and has not increased, while incomes have made spectacular gains, is notable enough to be well worth discussing. But if we take "The Loss of Happiness in Market Democracies" and substitute some word like "conservation" or "stability" for "loss," it would not have the requisite quality of "man bites dog." The same applies to Easterbrook's subtitle, "How Life Gets Better While People Feel Worse." "How Life Gets Better While People Feel About the Same" would be more defensible, and still quite intriguing, though less of a shock.

Most People Are Happy!

By far the biggest and most imposing fact to emerge from the empirical studies of SWB is that a substantial majority of people in advanced capitalist cultures are happy.* In Easterbrook's and Lane's books, and a number of other writings, there is so much emphasis on the disquieting fact that the amount of happiness has not increased, and may even have slightly declined, that one is apt to lose sight of the mundane fact that *over 80% of people in advanced industrial countries rate themselves as more happy than unhappy.*†

This is worth emphasizing because it is so frequently denied. Down the centuries, innumerable sages have opined that most people were not happy. In his 1930 classic, "The Conquest of Happiness," Bertrand Russell asserted that very few people were happy, a fact he inferred from the expressions on the faces of people in the street.* From all that we know now, it seems inescapable that the majority of the readers of that book were happier than its author, at least in the 1930s. (In his 90s, convinced that the world was overwhelmingly likely to be destroyed in a thermonuclear conflagration, Russell became extremely happy, illustrating both adaptation to a set point regardless of perceived circumstances and the common pattern of individuals growing steadily more serene with age.)

Thomas Szasz has famously defined happiness as "[a]n imaginary condition, formerly attributed by the living to the dead, now usually attributed by adults to children and by children to adults."† Most readers take this as an amusing overstatement of a truism. There prevails a strong tradition for intellectuals to believe that ordinary people are incapable of happiness, or at least of "true" happiness, as well as being wretched and not even truly alive.‡

Facts About Happiness

Another downplayed fact is that *people in rich countries are, on average, much happier than people in poor countries.*§ How many readers of Lane or Easterbrook come away with a clear grasp of the fact that "market democracies" are way more conducive to happiness than any other known form of society?

Surely it is in the light of these huge general findings — that the great majority of people are happy and that people in developed countries are happier than people in less developed countries — that we ought to look at the extremely interesting possibility that aggregate happiness in the United States may have declined slightly.

Here are some other assorted facts to emerge from the SWB research.

Older people have higher SWB than younger people,* a fact all the more significant because it is an aggregate outcome which presumably has to include gains in SWB more than enough to compensate for some cases of acute misery caused by terminal disease. Men are almost exactly as happy as women, though women experience more extremes of happiness and misery (one of the exceptional cases where women go to extremes more than men do). American blacks are just about as happy as American whites.

Consistently cohabiting married people of either sex are happier than the divorced, the separated, or the never-married. Analysis of the data suggests that the causality runs in both directions: being married makes you more happy and being happy makes you get and stay married. Churchgoers are slightly happier than non-churchgoers. Ethnic diversity within a country is not associated with higher or lower happiness.

The happiest populations in the world are the people in Scandinavia, Netherlands, and Switzerland, though the United States and most other wealthy countries are not very far behind. From all that we know, it seems a reasonable surmise that the present populations of Scandinavia, Netherlands, and Switzerland are very close to being, and may actually be, the happiest sizable populations that have ever existed in human history, and not very distant from the maximum

Substituting these newfangled concoctions for the tried and trusted intake of good old alcohol, good old tobacco, good old cocaine, and good old opiates does not increase happiness.

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of "growing unhappiness and depression" is heavy throughout his book, but if his argument really does not depend on this, it must depend on the mere fact that there is some remaining unhappiness in "market democracies," even though this is less than in any other kind of social order.

*A good source for recent findings in this area is Diener and Suh, which I draw upon freely in the text. Useful background for some of the psychological and methodological issues is Daniel Kahneman, Ed Diener, and Norbert Schwartz, eds., "Well-Being: The Foundations of Hedonic Psychology" (New York: Russell Sage Foundation, 1999).

†Eighty-five percent of people in the U.S. are above the neutral mid-point between unhappiness and happiness (Ed Diener and C. Diener, "Most People Are Happy," Psychological Science 7 [1996]), and the corresponding number for several European countries is higher.

*Bertrand Russell, "The Conquest of Happiness" (New York: Liveright, 1930), p. 13.

†"The Untamed Tongue" (Chicago: Open Court, 1990), p. 139, though this *bon mot* had appeared in print earlier.

‡See John Carey, "The Intellectuals and the Masses: Pride and Prejudice among the Literary Intelligentsia, 1880–1939" (Chicago: Academy Chicago, 2002).

§Diener and Oishi, in Diener and Suh, pp. 198–201.

*According to some studies, older people are slightly less "happy" but more "satisfied with life." SWB usually averages different entities like this. I skip over these distinctions here.

aggregate happiness attainable in any large population, absent some future biological or other revolutionary breakthrough.

Both within and between countries, high-income people are happier than low-income people, though the advantage becomes very slight above a quite modest level of income.

Veenhoven classified three kinds of freedom: economic, political, and private. He found that all are correlated with happiness, but economic freedom much more so than political or private freedom.

Although "more money" is definitely associated with high SWB, individuals preoccupied with money-making tend to be less happy than those who seek fulfillment in other ways. Gregarious, extroverted types are happier than loners.

There are wide variations in SWB among different populations, independent of income. Some very poor tribal cultures, such as the Masai of East Africa, are not far below the affluent world in SWB, while within that affluent world there are very sizable differences between countries. The populations of Japan, Italy, and France are distinctly less happy than their level of income would predict. People in the Irish Republic have been consistently happier than people in Germany, which until recently had twice Ireland's real income per head. (Rapid growth in Ireland and slow growth in Germany have been closing the gap in incomes.) Adjusting for income, Hispanic people are the happiest broad segment of world population, while Asians are the least happy.

THE DRIVER

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Within countries, very low-income people are on average decidedly less happy than people of modest income or above, but high-income people are not tremendously happier than middling-income people. The very rich are indeed happier than the average for the population, but only by a small margin.

A common prejudice among intellectuals is that people generally want higher incomes primarily because this will improve their status relative to other people. While many writers are so convinced of this theory that they often assert it in blithe disregard of the facts, the SWB research does not afford the theory much comfort. For instance, poor people in rich countries are decidedly happier than poor people in poor countries. In fact, living in a rich or poor country has a stronger effect on your SWB than being rich or poor yourself. "Inequality" does not reduce happiness (Diener and Oishi, in Diener and Suh, pp. 205–07).* Detailed studies show that, for example, people of moderate income are equally happy whether they live in predominantly poor or predominantly affluent areas.

A view compatible with the data is that if you're poor, more income will enable you to become appreciably happier, but once a quite modest level of income has been achieved, further increases will bring very little greater happiness. (Money does buy happiness, but for most people in advanced industrial cultures, it takes a lot of money to buy a tiny increment of happiness.) This general result could be explained in a number of different ways. For instance, it could be that all the components of real income begin to plateau, as regards conduciveness to happiness, once a modest income level has been reached. Or it could be that one or two key components of income do all the heavy lifting with respect to happiness, and once consumption of these goods has reached a certain point, any further income increments go to goods which don't add to long-run happiness. As with so many puzzles in this area, empirical work may soon provide a definitive answer.

*The data actually show that there is more happiness with greater inequality. Diener and Oishi decide to abstain from any casual inference on this point.

Liberty Promotes Happiness

It used to be thought that people in "individualist" cultures are happier than people in "collectivist" cultures, but one major study has failed to confirm this and it is now in doubt, though most SWB theorists still seem to hold to it. Individualism and collectivism in this context do not relate to the system of industrial ownership or administration. They are terms employed by sociologists and social psychologists to distinguish cultures which value individual self-realization from those which lay more emphasis on group solidarity. Thus, Japan and South Korea are classed as collectivist cultures.

At any rate, people in individualist countries, contrary to the folklore of intellectuals, don't appear to be any less happy than people in collectivist countries (though it could reasonably be contended that people in collectivist cultures would be more inhibited about highlighting their own feelings, and would therefore tend to have a downward bias in rating their own happiness).

Freedom generates happiness. Veenhoven classified three kinds of freedom: economic, political, and private. He found that all are correlated with happiness, but economic freedom much more so than political or private freedom. Veenhoven candidly remarks: "This is a pleasant surprise for the right-wing free market lobby but a disappointment for liberals like me" (Veenhoven, in Diener and Suh, p. 276).

Rich or poor, people feel better if they are more free. They do not suffer by being cut loose from traditional folkways or from the kindly direction of their betters.

Economic freedom does not merely contribute to happiness by

raising incomes; controlling for income, economic freedom still clearly promotes SWB, a fact that seems to puzzle Veenhoven. To most people economic freedom is the very substance of their lives as creative, purposive beings. Compared to the option of living and working where you please, at whatever occupation you wish, doing what you choose to do without permission from anyone on high, the liberty to vote in elections or to pass out leaflets on the street is, for the great majority of folks, rather a minor consideration, especially in poor countries.

As Veenhoven suggests, the strong positive association between freedom, especially "economic" freedom, and happiness will very likely turn out to be even stronger, because his results are heavily affected by the temporary situation in post-Communist countries, which possess some freshly-won freedoms but are currently undergoing a historically brief, acutely painful industrial transition.

Veenhoven's results refute the familiar conservative contention that freedom reduces human well-being by atomizing individuals, by inducing anomie, by imposing a crushing burden of responsibilities, by removing the security of fixed status, or by offering a vertiginous variety of choices. The findings also refute the related view that people cannot benefit from freedom until they have been sufficiently prepared. Rich or poor, ready or not, people feel better if they are more free. They do not suffer by being cut loose from traditional folkways or from the kindly direction of their betters, or if they do, they somehow find more than adequate consolations for these losses.

Some popular legends have become casualties of the SWB research. The "midlife crisis" is a myth: on average, emotional crises get steadily fewer and less severe as people grow older, and there is no blip at midlife. Neither is there any such thing as an "empty nest syndrome": middle-aged people whose children have moved out are, in fact, happier than those whose children stick around.

Happiness and Economic Growth

The fact that joy of attainment always fades suggests that happiness may be pursued by keeping a succession of new attainments coming, just as the fact that every note sounded on a piano declines in volume very rapidly from its inception does not prevent a piano piece maintaining a high, or even an increasing, level of volume. This would mean that at any time some attainments were close to their maximum in terms of contributing to subjective well-being.

That line of thought might suggest that the rate of growth of income is more relevant than the current amount of income. Some such notion may have influenced the great proponent of economic growth, Adam Smith, who evidently held that higher incomes do not make people happier, but that fast-growing incomes do. Before reading any of the recent research I would have bet on this Smithian view, but the facts now appear to be exactly contrary: there is a high correlation between absolute level of real income and happiness, and no significant correlation between rate of economic growth and happiness (Diener and Oishi, in Diener and Suh, p. 203).

All the same, I still feel that something like this ought to be true. Perhaps, for instance, people in countries with positive GDP growth are happier than those in countries with zero growth, who are in turn happier than those experiencing negative growth. Few countries have experienced zero or negative growth over the last few decades and SWB research has not made a special effort to focus on these places, so there is presumably insufficient data to test this. But thanks to the valiant efforts of helpful souls like Hugo Chavez, we will not run out of examples of countries with falling incomes, and perhaps this theory can be tested before long.

In Defense of Progress

What are the implications of SWB research for those who favor progress, and in particular for libertarians? I believe that the liberal, progressive, and libertarian commitment to advancing technology and indefinitely expanding material prosperity can be defended against the new attack based on the SWB findings.

My defense is in two parts. First, I claim that these findings, properly understood, are less disturbing for advocates of progress than the popularizers of SWB research have reported. Second, I point out that happiness, though important, isn't everything, and I maintain that modern, high-income, capitalist cultures score higher on most of the other salient values than do traditional or pre-industrial cultures.

We should separate two theses: (1) that for comparatively high-income people the level of happiness has remained approximately the same while real incomes have expanded enormously, and (2) that there has been a slight, long-term decline in happiness in the more affluent countries. While the first of these now seems to be strongly indicated by the data, the second looks dubious.

Most of the evidence for the decline in happiness over the past half-century comes from the rising incidence of "depression." This invites the obvious response that what 50 years ago was called being down in the mouth is now called "depression," "depressive disorder," "unipolar

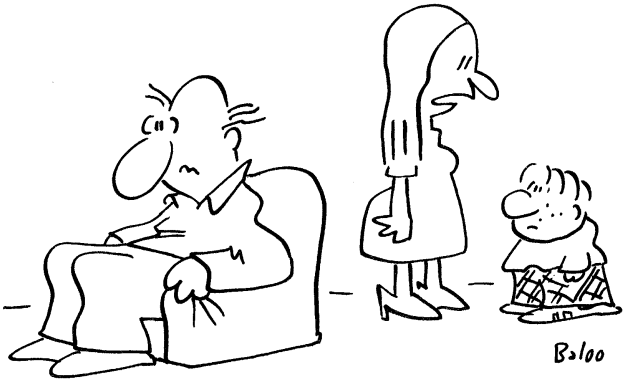

"Don't bother Daddy — he had a defining moment today."

depression," or, forsooth, "clinical depression." Easterbrook dismisses such objections as follows (p. 165): "though the rising rate of Western depression may relate to some extent to better diagnosis and the loss of taboo associated with this topic . . . a tenfold increase in two generations is far too great to be an artifact of improved diagnosis alone."

This is the reader's first introduction to the statistic of a "tenfold increase" in depression (no source is cited for the factor of ten). Easterbrook later discloses (p. 181) that "tenfold" is the upper limit of a range of controversial estimates, the lower limit being twofold (or, as he puts it, "on the order of two- or threefold"). Twofold still sounds like a lot, but the likelihood that an increase is due to "better diagnosis" (meaning greater readiness to apply the label "depressed") has little to do with the size of the increase as a multiple of the starting point and much to do with the size of the increase as a proportion of the total population. This, of course, is small.

It's often claimed that 25% of Americans undergo an experience of depression at least once in their lives, and that 6–7% have experienced depression at least once in the past year. These numbers can't easily be compared with the statistics for SWB, which tend to focus on how people are feeling at one point in time or how they feel on average over a period of time. We typically don't ask people whether they have been blissfully happy at least once in their lives or at any time during the past year. And someone who currently feels fine but at one time felt sad and fell into the clutches of the mental health profession may now be classified as depressed and "managing" his depression.

"Okay, just don't be impatient — It could take *months* before they learn to obey these."

Where such small shifts in numbers are at issue, it's remarkable that so little attention is paid to two great demographic trends: aging of the population and immigration. How many of those labelled "depressed" are over 80?*

Millions of people from the less developed countries have come to the United States recently, and have prodigiously amplified both their real incomes and their SWB. Still, they are genetically and culturally products of countries with much lower levels of SWB than the United States (all the data point to a major genetic component in the determination of SWB). These folks might well be immensely happier than they would have been in Guatemala or Cambodia, and still embody a decline in United States SWB. Improvement could thus possibly masquerade as deterioration.

Another element usually undiscussed in this connection is the enormous growth in the ingestion of mood-modifying substances like Prozac. At first blush, we might suppose that this collective swilling of antidepressants and tranquilizers must be counteracting a powerful tendency for misery to increase. I am more inclined to the view that these drugs, on average and in the long run, do not increase happiness, or more precisely, that substituting these newfangled concoctions for the tried and trusted intake of good old alcohol, good old tobacco, good old cocaine, and good old opiates does not increase happiness. The bigoted "Just Say No" zealots of our day strive to replace drugs which give people enjoyment with drugs which deaden people's sensibilities, and regrettably they have had some success.

I discount the suggestion that there's an inherent tendency for happiness to decline in industrially advanced countries. But I think it has to be admitted that the level of happiness in these countries is either roughly stationary or climbing very, very slowly. This does raise the question of whether further increases in incomes can be defended as additions to human well-being.

It won't be a practical issue for at least another couple of centuries. There are still hundreds of millions of people in the world who are desperately poor, and whose SWB will be greatly augmented by raising their incomes. It's not a feasible option to increase the incomes of the poor while holding the incomes of the well-off at a constant level: hold down the rich and you ineluctably hold down the poor. It's not possible to have economic growth in the less developed countries while halting it in the more developed.

Thanks to the valiant efforts of helpful souls like Hugo Chavez, we will not run out of examples of countries with falling incomes.

Since modern, affluent, high-tech lifestyles are demonstrably highly conducive to human happiness, to oppose further gains in material prosperity from free trade and globalization is objectively to favor the perpetuation of wretched misery for hundreds of millions of poor people. Extrapolating from the SWB data, the conversion of the entire Third World to First-World standards will generate an enormous gain in happiness.

At a more general level, it's fallacious to conclude that because increases in already high incomes yield only very slight benefits for SWB, therefore only those very slight gains would be lost if we froze incomes at some arbitrarily high level (supposing this were feasible). Humans are plan-pursuing entities who achieve fulfillment from striving to improve their condition. What happiness they have now is an attribute of this broad purposive framework. If this framework were to be destroyed, there could be a major reduction in happiness. That this might be so is corroborated by Veenhoven's demonstration that eco-

*Both average overall life satisfaction and the small percentage of "depressed" increase with age.

nomic freedom confers happiness independently of its income-raising role.

On this argument, then, the very existence of free-market capitalism would in itself add substantially to long-term happiness, and it's just an inseparable concomitant that free-market capitalism indefinitely increases median real income, which does not add very much to long-term happiness for the already well off. In short, even if *having* more of what we want does not add greatly to our happiness, *being able to pursue* more of what we want may still add greatly to our happiness.

What certainly has to be acknowledged is that it is false to suppose that every increase in GDP represents an actual gain in the joyfulness of daily experience, or that in some future high-income world every quotidian moment will be lived in a perpetual state of bliss. But I do not know of anyone who has ever held this view.* Probably those who came closest to it were Marxists around 1890.

Happiness Isn't Everything

The second part of my defense is to point out that happiness, though important, isn't everything. As many have insisted, happiness is not the *summum bonum* (all-important good). Other values are vital in setting our requirements for a good social order.

Easterbrook repeatedly states that it is "far better" to have high incomes even if these are not matched by high SWB. He even says that it's better to have high rates of depression than to have a world so poor that people are so caught up with survival they have no time to become depressed (Easterbrook, p. 165). I agree, and I applaud him for saying it, but he does not make explicit the values which may legitimately compete with happiness.

People in rich countries are, on average, much happier than people in poor countries.

If you could convince me that a return to a world of recurring plagues and famines, children without shoes, their ribs poking out because of malnutrition, most of them dead before the age of ten, and the average woman requiring to give birth about nine times to maintain a stable population, would somehow leave people no less happy than today, I would still feel that you had not made a case for returning to that pre-industrial world. Dignity, charity, intelligence, and exploration of new opportunities are values which, though of course most often conducive to happiness, are in principle independent of happiness and may occasionally clash with it. The realization of these values is far more in evidence in today's Europe and America than in medieval Europe, medieval Islam, or the Third World.

Although happiness is extremely valuable, it is not the only thing of value, nor can it measure the value of every other thing. The arguments here are as familiar as they are sound. A cheap and infallibly happiness-inducing drug, added to the water supply, would not make us lose all interest in justice or human betterment. Most people would not choose to undergo a kind of brain damage which would make them simultaneously a lot happier and a lot more stupid. "Ignorance is bliss" can be uttered with many shades of emotional tone, but never admiringly. As Nozick's argument from the "experience machine" brings out,* most people do not want a happy life in a state of comprehensive delusion. A survey has found that less than 1% of people would choose to be plugged in to an experience machine.

Possibly neither "La Belle Dame Sans Merci" nor "The Bucket Rider" could have been written by a happy person — at any rate they weren't — yet the creative lives of John Keats and Franz Kafka are enviably worthy. It can even plausibly be argued that a certain modicum of suffering is essential to the best possible life, though I would add that one can get too much of a good thing, and I have it on the best authority that my suffering quota has been filled.

Happiness: The Final Frontier

How much further can we go in raising SWB in affluent modern cultures? My view is that people do have a set point which is most often on the happy side of neutral, but which varies individually, and which is largely but not entirely genetic. Once certain sources of acute misery are removed, which they generally are by industrial development, the set point rules. Thus, although I see abundant opportunities for augmenting happiness, I don't see the scope for anything that could again repeat the staggering achievement of free-market capitalism in raising SWB to its present high levels.

It's better to have high rates of depression than to have a world so poor that people are so caught up with survival they have no time to become depressed.

Modern society is a marketplace for lifestyles, religions, psychotherapies, and interpersonal arrangements. There's a continual process of discovery by trial and error, which may lead over a long period of time to an approach to the optimum in these areas, yielding some gains in happiness.

In the area of religion, I see much hope in replacing the Abrahamic creeds (which, in one of their recent manifestations, can make millions of people think it inspiring to watch a movie of a man being tortured to death for a couple of hours) with a new synthesis of Buddhism and other

*"Utility" in economic theory is not happiness. It is an abstract concept defined as want-satisfaction. This is not unconnected with happiness but shouldn't be identified with it.

*Robert Nozick, "Anarchy, State, and Utopia" (New York: Basic Books, 1974), pp. 42–43.

*See the remarks by Andrew Rawlinson in his "The Book of Enlightened Masters: Western Teachers in Eastern Traditions" (Chicago: Open Court, 1997), pp. 33–36.

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religions of enlightenment.* The Abrahamic religions, aside from being composed mainly of untruths about nonexistent entities, are not well-suited to a culture of real abundance, security, and glorious opportunities.

In psychotherapy, which I expect to eventually become one with religion, all psychodynamic doctrines, derived from Freud, which seek to terrify people by imagining a world of inscrutable unconscious forces, are rapidly being replaced by an effective cognitive-behavioral approach of the sort pioneered by Albert Ellis, which effectively teaches people how to reduce their sources of unhappiness.

It's unclear whether the general tone of the culture or the reigning ideology can have much effect on people's happiness, but if it can, there is certainly room for improvement here. To take one simple example, the modernist movement in the arts, and its various offshoots and successors, have driven a wedge between music, fiction, drama, and pictorial representation as readily appreciated by the mass of the population and as sanctified by the approval of intellectual elites. This wedge was not always there, and will not always be there. It's largely a matter of intellectual fashion. But as long as the wedge is there, opportunities to develop great works of art with a popular audience tend to be closed off, and a potential avenue to the enrichment of the lives of the majority of people is not explored.

The Abrahamic religions, aside from being composed mainly of untruths about nonexistent entities, are not well-suited to a culture of real abundance, security, and glorious opportunities.

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Ultimately, drugs may be helpful for some, not because of the questionable notion that "depression" is an "illness," which can be "treated" by "medication," but rather because of the fact well known to Fitzgerald's Khayyam and to countless others down the ages, that taking drugs can make you feel better. If you belong to the 1%, or 5%, or 10% of the population genetically most prone to melancholy, maybe some drug or other will help you to be happier.

Surfeit of Options

Barry Schwartz is an avowed enemy of the free market (one of his earlier books is subtitled "How Market Freedom Erodes the Best Things in Life"). But most of "The Paradox of Choice" is advice about making the best decisions within a free market. To the extent that people take his advice and find that it works, his antimarket complaints lose some of their force.

He thinks that we are overwhelmed by too many choices. But he accepts that how many choices confront us is itself a result of our choices. It's easy, for example, to adapt our shopping habits so that the number of purchase decisions is greatly reduced. It would even be feasible to join a club, like a book or record club but concerned with all kinds of consumer goods, so that we had to make almost no further choices at all — we would simply accept the groceries and other provisions selected for us each week by the club. Perhaps this is why some people join cults with apparently absurd dietary and other restrictions, because in this way they reduce the need to consider too many options.

Schwartz begins the book with an anecdote about his visit to The Gap in search of a pair of jeans. The salesperson asked: "Do you want them slim fit, easy fit, relaxed fit, baggy, or extra baggy? . . . Do you want them stone-washed, acid-washed, or distressed? Do you want them button-fly or zipper-fly? Do you want them faded or regular?"

I didn't expect the Spanish Inquisition! What a burden to drop onto the shoulders of a mere college professor! Buying the jeans, he says, became "a daylong project." The jeans he ended up with "turned out just fine." But, reports Schwartz, "it was a complex decision in which I was forced to invest time, energy, and no small amount of self-doubt, anxiety, and dread." Forced? He could have just left and gone to Penney's.

It used to be thought that people in "individualist" cultures are happier than people in "collectivist" cultures, but one major study has failed to confirm this and it is now in doubt.

People can choose to make fewer choices. Schwartz gestures a few times in the direction of the brainwashed zombie theory, the victim of consumer capitalism who cannot choose to make fewer choices because he's addicted to consuming. But it wouldn't do to elaborate that theory, as it would undercut 80% of Schwartz's book, which gives you advice on how to choose to make fewer choices.

Much of this advice is quite sound. There's plenty of experimental evidence that most people typically make wrong-headed decisions. For instance, they erroneously count sunk costs. Schwartz gives many of these examples, some of which have no bearing on overabundance of choices. There's certainly scope for educating people in fallacies of practical decision-making, but this aspect would be more helpful if detached from his preaching about the baleful influence of too many choices.

Another anecdote refers (pp. 18–20) to a study in which either 24 or six varieties of jam were displayed. Schwartz says that 30% of people who visited the display of six varieties bought jam, while only 3% bought jam from the display of 24. Problems of this kind tend to solve themselves: sellers of jam have an incentive to display the smaller range. Managers of stores as a matter of course do limit

the number of varieties of all goods they offer for sale.

Schwartz is perturbed (p. 9) that his local supermarket carries 285 varieties of cookies, but evidently if all 285 keep taking up shelf space, all 285 are selling. Anyone upset by the spectacle of 285 types of cookie can go to a corner or specialty store where the range is far more limited. Costco or Sam's Club attracts people prepared to buy in bigger quantities at bargain prices, from a more limited range. What many people do, of course (p. 19), is to settle on a cookie they like, and then always look for just that one, tuning out the other 284. Atkins dieters tune out all 285. Taking this further, you can request the supermarket to send you the same list of groceries every week, and give no more thought to choices. Some busy yuppies use services like Peapod in this way.

Schwartz's advice is to adopt a "satisficing" rather than a "maximizing" strategy. Settle for what's good enough without looking for the very best. Most people do this anyway, instinctively adjusting their searches among goods to take account of the opportunity cost of their own time (satisficing is only a special case of maximizing). Some others, mainly women, seem to derive intense gratification from the actual activity of researching what's available. Who, aside from the Taliban, would want to deny them this indulgence?

Money does buy happiness, but for most people in advanced industrial cultures, it takes a lot of money to buy a tiny increment of happiness.

If some people find the multiplicity of options irksome, the benefit they derive from having that many options may more than compensate them for the irksomeness. Therefore, it's possible for people to dislike the situation of having so many choices and still be net gainers from the availability of those choices, a possibility Schwartz never mentions. He thus confounds some specific loss from more choices with net loss from more choices, and wrongly supposes that by making a case for the prevalence of the former, he automatically makes a case for the prevalence of the latter.

For those stressed-out shoppers who really do find choosing oppressive, much of Schwartz's advice may prove helpful, and the free market will then work even better. Thank you, Barry Schwartz!

Happiness in Its Place

Raymond Belliotti evidently started out to write a work with the challenging title, "Happiness Is Overrated," and when he was well into it, suddenly realized that his crucial argument is misconceived. Instead of scrap-

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ping that book or turning it into a different kind of book, he went ahead and published the thing.

The problem becomes clear when we ask: just who has overrated happiness? It turns out that there are two broad ways of defining "happiness," the way it is defined in ordinary English, as subjective contentment or good feeling, an enduring pleasant state of mind, and the way it is defined by some philosophers, as encompassing much more than that, perhaps a *merited*, or *worthy*, or *virtuous* pleasant mental state.

As Belliotti must have realized late in his composition of the book (see Belliotti, p. 93), those philosophers who have defined the word "happiness" in the normal vernacular manner have generally stated that happiness is not the *summum bonum*, but that other values are independently important, and may trump happiness. And those philosophers who have proclaimed happiness as the *summum bonum* have generally proposed an expanded definition of the word "happiness."

Consequently, Belliotti cannot name anyone around today who really overrates happiness, in the sense he specifies. A possible historical exception is Bentham, but on this point Bentham has no following. Belliotti's own views, while often correct, are equally often much more commonplace than he supposes them to be. In an effort to come up with a real "target" for his "thesis," he finally identifies "those who formally define happiness as a relatively enduring, positive state of mind and who take happiness to be (at least) a great good" (p. 94). This is indeed a popular position — I adhere to it myself — but I cannot find any arguments in Belliotti's book directed against it. The most he seems able to claim is that happiness is "not always a personal good," which presumably means that there are some situations where happiness is not a relevant value.

At any rate, people in individualist countries, contrary to the folklore of intellectuals, don't seem to be any less happy than people in collectivist countries.

While he does not advance happiness as the *summum bonum*, Belliotti does recommend an expanded definition of "happiness." His attempt to argue for an expanded definition is bedevilled by the problem that he apparently does not understand that the meanings of words are conventional, and therefore writes as though there is a correct meaning of "happiness," independent of actual usage or of usefulness in argument. So he sets out on a wild goose chase to discover the true meaning of happiness or what happiness really is. He maintains, for example, that defining "happiness" in the normal way ignores or slights values other than subjective contentment. This is like saying that we had better define a car's "maximum speed" to include its comfortable seats or fuel economy, and if we don't, we are ignoring or slighting these other desirable attributes.

Belliotti provides a readable survey of philosophers' views on happiness and finding meaning in life, but sheds little new light on these topics. ❑

"How to Talk to a Liberal (If You Must): The World According to Ann Coulter," by Ann Coulter. Crown Forum, 2004, 368 pages.

The New Face of Conservatism

Tim Slagle

Can you keep a secret? I've got a big crush on Ann Coulter. She's the woman I always dreamed of meeting at Libertarian conventions. Blonde, slender, piercing blue eyes, whip smart, and a great sense of humor. She's educated, well versed in law (especially the constitutional variety), and not bad with a handgun. She's the kind of girl who attracts flocks of leering, lonely Libertarian men, and the kind of girl those same men always chase out of the Party.

Her fourth book, "How to Talk to a Liberal," has just been released. Like most popular conservative pundits, she uses the word "liberal" not as Jefferson did, but as an epithet for leftist members of the Democratic Party. She wants to teach us how to argue with these folks, and in the first chapter she outlines her methods. She mentions the favorite tactics of the Left for getting out of arguments, like changing the topic. Ann also criticizes liberals for being champions of one-way dialogue: "Inasmuch as liberals can only win arguments when no one is allowed to argue back, they enjoy creating fictional worlds in movies and on TV where liberals finally get to win" (p. 3). She also lists ten rules for how to behave when arguing with a liberal.

Most of the book consists of reprints of her syndicated columns. If you've never read any of Ann's work, this is a great place to start. Even though I've read many of her columns before, it was a delight to have them organized by topic, so that I could follow the course her commentary took as each event unfolded.

She devotes a chapter to the col-

umns she wrote during the Elián González debate. Although the incident paled in comparison to other Reno-Clinton extravaganzas like Waco and Ruby Ridge, sending the little boy to Cuba was one of the more heinous things that administration did. I still remember looking at photos from the Miami raid and feeling rage. Ann shares my rage and offers solace by illuminating the one positive outcome from the biblically miraculous story of Elián's survival: "The presidential election that year was decided by less than 500 votes in Florida. If Elián González had never landed in America, Al Gore would have been in the White House on September 11, 2001. Thank you, Elián González for doing more for freedom in this country than Chuck Schumer, Nancy Pelosi, Tom Daschle, and the rest of that party combined has ever done" (272).

She devotes a chapter to her columns from the 2000 election. This is a must-read for anyone who still thinks that George Bush stole the election. Ann uses her skills as an attorney to analyze both state law and the Constitution, making a clear and convincing case that President Bush won the election fair and square.

Libertarians have a problem with Ann, because she is in favor of the Iraq war and doesn't think drugs should be legalized before the welfare system is abolished. However, she is a champion of capitalism. Libertarians share her views on the perfection of market forces: "Only a little over a decade ago, the centralized planning of the Eastern bloc was exposed as having created a squalid, poverty stricken abyss. Meanwhile, corrupt running-dog lackeys of the capitalist system here in America managed to produce a society in which the poorest citizens can have televisions, refrigerators, telephones, and the opportunity to appear on the 'Jerry Springer Show'" (134).

"For a brief fleeting moment," she writes, "I supported the NEA. I figured at least the rich are getting some of their tax money back" (240). She wrote a column about attending the Brooklyn Museum of Art's famous "Sensation" exhibit, in which the Virgin Mary was adorned with elephant dung.

Ann is one of the strongest defenders of gun rights in American public life. "Too few people — girl people — appreciate the central point: Guns are our friends" (305). She believes the judicial system has eagerly defended the pornographers' First Amendment rights to a ridiculous extent while allowing individuals' Second Amendment rights to be compromised: "If the courts ever interpreted the Second Amendment the way they interpret the First Amendment, we'd have a right to bear nuclear arms by now." In defense of freedom and security, Ann observes, the freedom of speech has its limitations: "Some may be willing to rely on withering editorials in the 'New York Times' to preserve their liberty. I'd prefer a tasteful Sigsauer."

Coulter's sense of humor is so sharp that the opposition doesn't even see it coming.

Ann once considered running for House of Representatives as a Libertarian. Her experience with the Libertarian Party of Connecticut was less than favorable. She was viewed as an outsider who didn't agree completely with the platform. She walked away from the campaign, jaded by her experience with Libertarians, and wrote a couple of negative columns about it. Too bad: her candidacy would have helped promote the LP far more than it would have diluted its message.

Like most of us, Ann has become increasingly frustrated with what passes for security in air travel. She writes at length about the idiotic regulations that have been implemented in airports nationwide: "The government's logical calculus on flight security has long been: Really annoying = safe plane (Does anyone not know how to use a seat belt?)" (76). She also offers an ultimate solution: "The single most effective thing we could do in this country to protect travelers from terrorist attacks would be to abolish the Department of Transportation" (77).

But above all, Ann is funny. She writes: "According to an ABC poll, 48% of Americans have an unfavorable impression of Hillary, 53% of Americans don't want Hillary to ever run for president, and 7% of Americans have been date-raped by Bill Clinton" (253). And: "According to liberals, the message of Jesus . . . is something along the lines of 'be nice to people' (which to them means to 'raise taxes on the productive')" (162). On Phil Donahue: "Did people actually enjoy watching a man with the IQ of a bright chimpanzee who passed himself off as Bertrand Russell, or did they just want to watch something on TV?" (196). On the very senior senator from West Virginia: "[Robert] Byrd had to scrape by with billions of dollars forcibly extracted from taxpayers to build grotesque banana-republic tributes to himself" (124).

Her sense of humor is so sharp that the opposition doesn't even see it coming. Nor do they get the jokes. Al Franken thinks he's smarter and more knowledgeable than you are, and likes to tell you that; Ann Coulter probably is smarter than you. She refutes some of the allegations that Al Franken made against her in his book, "Lies and the Lying Liars Who Tell Them." In one short column, she exonerates herself on all charges except one. And she does it without a grant from the Kennedy School of Government or a staff of 13 researchers provided by Harvard University.

The one charge she justifiably ignores is that she might have had the wrong birth date on an old driver's license. How did Al Franken (or the Washington Post, which he cites as his

"Scram, buddy — we don't serve people with persecution complexes here!"

source) get a look at Ann Coulter's old driver's licenses? I thought that only government officials had access to those documents. One wonders how many other "private" documents were combed before that alleged inconsistency was discovered. However the Post came to see her old driver's license, I think she stumbled upon the reason they did it elsewhere in her book, while writing on a different subject: "[W]e're supposed to pretend this is the first time we've seen a rapid response team smear witnesses against the Clintons. . . . All witnesses against the Clintons are trashy people, looking for publicity, have a minor criminal offense in the past . . . and are part of a right-wing conspiracy to bring false charges against the long suffering, completely innocent Clintons" (244).

She does it without a grant from the Kennedy School of Government or a staff of 13 researchers provided by Harvard University.

Ann can also write straight from the heart. Chapter 8, "The Battle Flag," is probably the most beautiful piece I have ever read on why the Confederate flag is an important part of our national heritage. It is often mistakenly called the Confederate flag, even though it was never the flag of the Confederacy. Rather than being the symbol of racism or slavery, "The battle flag symbolizes an ethic and honor that belongs to all sons of the South" (176).

"How to Talk to a Liberal" is the perfect book for your winter vacation. It is a great companion for things like airline travel. Because it is broken down into columns, it's easy to find your place again after a federal employee has ordered you to put it through the X-ray machine. It's also really fun to flaunt if you get seated next to a liberal. ❑

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"The Godfather Returns," by Mark Winegardner. Random House, 2004, 448 pages.

The Family Business

Clark Stooksbury

In the mid 1960s Mario Puzo was a novelist in his 40s with a family and gambling debts to support. He set out to write a book that would solve his financial problems. The resulting novel, "The Godfather," was a best seller when it was released in 1969, and is still in print after 35 years. Had there never been a movie, Mario Puzo would have been able to pay off his bookie, and still have enough left for tuition and doctor bills, but his effect on American pop culture would have been negligible, and it's unlikely that Random House would have commissioned a sequel to the book. But of course, there was always going to be a movie. Puzo even worked out of an office at Paramount Studios while writing the novel.

"The Godfather," released three years after the novel, is a modern classic, ranked third on the American Film Institute's list of the top 100 films. It has often been called an Italian-American "Gone With the Wind." The struggle to make the film is the stuff of legend. Gangster Joe Colombo's Italian American Civil Rights League protested the making of the movie. The suits at Paramount were a problem as well. They didn't want either Marlon Brando or Al Pacino in the movie. Had Francis Ford Coppola not won most of his battles, it is not hard to imagine the result: a two-hour film shot on a backlot with white-bread actors like Ryan O'Neal and Robert Redford in key roles.

When "The Godfather: Part III" (which is better than its reputation) wasn't as successful as the first two Godfather films, it looked as if the story was finally finished. Mario Puzo allowed Random House to commission a sequel to his book — but only after he'd gone to the great Sicilian hideout in the sky. In 2002, Random House notified a select group of literary agents about the project and enlisted their help to find a suitable author. The publisher selected Mark Winegardner, a novelist in his early 40s and the head of the creative writing program at Florida State University.

Winegardner's task was to build upon the story from the novel and square it with events from the movies. That story is about Vito Corleone's reluctant transfer of power to his reluctant son, Michael, and the son's attempts to change the family business into a legitimate enterprise. In the first movie, Don Corleone is visibly upset when he learns that Michael is in hiding because the son avenged the attempt on the father's life. Later, the Don tells his son that his desire was for him to be "Senator Corleone, Governor Corleone . . . something."

That quest for respectability continues in "Godfather Returns" which begins where the first movie leaves off, with Michael as the new don, who has just settled some family business only alluded to at the end of Puzo's first novel: the execution of traitorous *capo-regime* Sal Tessio. A new character, Nick Geraci, is introduced to carry the execution out. Geraci is a prominent member of the Corleone family. He is a retired boxer, considered to be an excellent earner for the family, this helps in part to make up for being something of an outsider (from Cleveland, not New York). Since Geraci is a protege of Tessio, performance of this task helps

to demonstrate his loyalty to the family.

There are many loose ends in "The Godfather," so Winegardner has plenty of material to work with. A prime example is the family's move to Las Vegas, which becomes an issue both for those in the Corleone family, who question the wisdom of the move, and with Chicago gangsters, who see Las Vegas as their turf.

The twin daughters of the late Santino Corleone are starting college when "The Godfather Returns" begins. At Florida State, one twin, Francesca, meets preppy Billy Van Arsdale, the scion of a citrus empire. She brings him to a family Christmas in New York, where the Corleones still own property, and her sister explains why the young man came. "Can't you see Billy's just here to experience a gen-u-ine Mafia Christmas? To him, we're a bunch of dirty Guineas. Something for him to laugh about over highballs at the yacht club with Skip and Miffie, the year he saw real dago gangsters with tommy guns in their violin cases." Eventually, Van Arsdale knocks up Francesca. After some persuading by Corleone thugs, he marries the Mafia princess and eventually gets a Justice Department job in a Kennedyesque administration.

The family becomes heavily involved in politics when family lawyer, Tom Hagen, receives an appointment to the House of Representatives from Nevada only a few months after moving to the state. This allows Winegardner to examine the deeply cynical worldview of someone who buys and sells politicians, judges, and cops as part of his job: "The government was worse, which Hagen knew long before he took office himself. Remember 'Remember the Maine'? All a big lie concocted so the United States could go to war under false pretenses and the men in charge could make their rich friends richer (including the newspaper moguls who self-servingly spread the lie in the first place). More people died in that trumped-up war than in every Mafia conflict put together. It's only negative stereotypes about Italians that make people think they're a threat to the average Joe. The government, on the other hand, wages nonstop war on the average Joe, and the suckers just eat their bread, go to their circuses, and keep on pretending to live in a democracy — a lie so cherished they can't grasp the self-evident, that America is run entirely via backroom deals involving the rich."

If the studio had its way, "The Godfather" would have been a two-hour film shot on a back lot starring Ryan O'Neal and Robert Redford.

When Hagen runs for the seat he was appointed to he loses badly, thus ending a brief political career. Later, Michael Corleone serves on the transition team of president-elect James M. Shea. Shea is of Irish origin, the son of a former ambassador to Canada, who was a bootlegger in the depression. Shea also appointed his brother to be Attorney General. If you are not seeing parallels to JFK, then you just missed the two-by-four aimed at your head. At Shea's inauguration, Corleone fends off questions about his underworld ties, as does another family associate, Johnny Fontaine. When "The Godfather" was originally released, Frank Sinatra was incensed by the character, whom he believed to have been based on himself. In "Godfather Returns," Winegardner makes the vague parallels more concrete to the point of giving Fontaine a Sammy Davis-like sidekick and making him friends with the Kennedyesque President Shea.

Some events towards the end of the novel, which takes place in the early 1960s, seem vaguely familiar. Corleone, for example, becomes involved with the CIA against Castro. He also has Geraci, who has gone into hiding after falling out with his former don, begin to work on a confessional similar to the revelations of Joe Valachi, who told the feds about the inner workings of the mob in the early 1960s. Winegardner leaves enough loose ends to justify yet another "Godfather" filling the gap existing from the early 1960s until the third movie starts in 1979. In a few years, the Corleones may belong more to Winegardner than to Puzo.

Redoing Mario Puzo carries small risk to Winegardner. While the original novel is good, it is good pulp fiction. Even negative reviewers of "Godfather Returns" will not accuse him of desecrating a shrine. However, the director who turns this book into a film, which seems likely if it sells well, will be treading on quicksand. The films made by Francis Ford Coppola have achieved a status in American culture far higher than the original novel.

The director who turns this book into a film, will be treading on quicksand. The films made by Francis Ford Coppola have achieved a status in American culture far higher than the original novel.

Compared to films like the brilliant Scorsese-De Niro-Pesci gangster epics "Goodfellas" and "Casino," the "Godfather" movies have a tragic, operatic quality to them. In the third film, the final sequence (with most of the killings) even uses the opera "Cavalleria Rusticana" as a backdrop. The films are also rich in Catholic imagery, and not the guitars-and-folk-music variety of the post-Vatican II era. The three movies include a wedding, two funerals, a baptism, a first communion, and a bestowal of papal honors. In addition, Fredo Corleone is executed after saying a Hail Mary, a cardinal and future pope hears the confession of Michael Corleone in the Vatican, and an archbishop is assassinated in the Vatican. One of the most striking images from all three movies is the body of the archbishop falling from a gothic spiral staircase.

The director of the film version of "Godfather Returns" will be better off going in a completely different direction than Coppola. This will minimize the inevitable comparisons made by everyone from important cultural mandarins to fanatics.

Mario Puzo (with the help of his bookie) started it all. Francis Ford Coppola turned a hit novel into an institution. By breathing new life (and new death!) into the Corleone family, Mark Winegardner has brought that institution into the new millennium. As Michael Corleone keeps discovering, there is no way out. ❑

"The Incredibles," directed by Brad Bird. Pixar Studios, 2004, 121 minutes.

Truth, Justice, and the Aristocratic Way

A. J. Ferguson

Superheroes have taken a beating at the hands of democracy. The same costumed characters who constantly save the world from arch-villains and giant meteors have been humbled by the whims and envy of the common man — and why not? Our minds can summon imaginary champions to banish imaginary evils, but what good are they against gulags, gas chambers, and mass starvation?

Hell, they can't even handle their personal lives. Each time a comic breaks away from cataclysmic battle scenes, it's to show a masked hero's alter ego botching some routine social interaction. Since the mid-80s, every caped crusader has been outed as a social deviant of some sort: Superman's a fascist stooge who jilts Lois Lane for Wonder Woman; Batman's an obsessive monkey-wrencher with a penchant for young sidekicks; Spiderman's a pimply teen whose most formidable enemies are awkwardness and angst. They may think themselves selfless and altruistic, but their exploits serve only to gild their indiscretions and perversions; underneath the Spandex, they're the same as — no, worse than — everyone else.

Alan Moore's seminal comic "Watchmen" features the amoral Comedian, so called because he gets the joke: keep saving people, and they'll turn on you. The only way to avoid the mob is to lead it, and the only way to escape the firing squad is to be the guy with his finger on the trigger. Since democratism refuses to acknowledge the possibility that any man can be better than any other, the public gets a kick out of seeing someone truly excellent brought low. We'll forgive anyone who proves himself grossly incompetent; failure is always the system's fault. But for those arrogant and hubristic enough to achieve, there can be no pardon. Of course, once they've been purged, inequality will remain, so we'll lift up and dash down a new straw-man elite. Repeat until reaching utopia; envy is nothing if not industrious.

In a country which exports democracy, the appearance of "The Incredibles" is thus even more astonishing. In Pixar's newest film, a small percentage of the population have superhuman powers, gained through a mechanism never explained (though likely as an inherited trait). The government pays these heroes a stipend to thwart evil as they see fit — until rising costs from property damage and lawsuits turn public sentiment against them, and they're shoved into a too-small world that, as ex-hero Mr. Incredible remarks to his superpowered family, continually devises new ways to celebrate mediocrity.

Of course, in a world where everyone is special, no one is, and "special" becomes a euphemism for "retarded." So the heroes settle into their secret identities, gaining families and paunches, with only magazine covers and outmoded uniforms to remind them of the old days. But some of them have difficulty adjusting to lives surrounded by deaths and disasters they could have prevented had society let them. One by one, they're lured to a remote island by the prospect of a new assignment: subduing a secret government robot gone rogue. One by one, they're killed off by the robot's real creator: Syndrome, a deranged genius who has nursed a grudge against superheroes ever since Mr. Incredible refused to accept him as a sidekick.

Most would-be despots have to demonize hated minorities before carrying out their purges; with superheroes already exiled, Syndrome instead plays off the fear of the masses by turning his "unstoppable" killer robot loose on a major city, figuring that the man who knew how to defeat it would be hailed as a god. By eliminating the heroes with true powers beforehand, he plans to rid himself of any potential competitors for the mob's adoration. He's the quintessential demogogic dictator, callously sacrificing individual lives to feed his classless society, while hoarding the best technology to preserve his status as first among equals.

Thus does egalitarianism foster tyranny — and ghoulish humor: Syndrome's plan, if successful, would be like Hitler finishing off the Final Solution in time to rush down to Jerusalem, rebuild Solomon's Temple, and install himself in the Holy of Holies as the new high priest. Fortunately, costumed villains are prone to blunders, and the Incredible family exploits a classic gaffe to free themselves from Syndrome's clutches and save the day. For Pixar's world still has heroes, individuals willing to use their extraordinary skills towards the betterment of humanity, once freed from faddish public perceptions of an abstract common good. The moral? Some people are inherently better than others. If we get out of their way, society will benefit.

This is hard for Americans (and in fits and starts, Europeans) to swallow.

With their secret identities, the Incredibles at least have a respite from noblesse oblige: they don't have to be super all the time.

The thought of a natural aristocracy, or worse, hereditary nobility, calls up images of periwigged syphilitic fops, alienating the little folk through tiny

acts of cruelty and contempt. But with privilege comes responsibility (something nouveau-riche Hollywood starlets fail to grasp); an aristocrat's life is constantly on display, subject to the attention and expectations of the public. With their secret identities, the Incredibles at least have a respite from *noblesse oblige*: they don't have to be super all the time. Those without alter egos can't become "normal" in times of revolutionary fervor. They either abdicate, abandoning society for hermitic exile, or they fight and in time submit to the guillotine. Either way, they won't be around to lead when naturally gifted, thoroughly trained leaders are most needed — leaving history in the hands of the rabble-rousers and butchers.

Obviously, a major motion picture condemning democracy couldn't escape the notice of egalitarian culture critics. Reliably hyperbolic columnist Ted Rall even claimed the movie had "fascist overtones." But those who treated "The Incredibles" as more than a kid's film were usually content to stamp it as Objectivist and move on, as if any critique of institutionalized mediocrity in a fictional context would automatically be cribbing from Rand. Granted, the need for a PG rating could explain the absence of the obligatory rape scene, but it's still a tough case to make. Mr. Incredible is not a ruggedly individualistic hero: he admits his weakness to his wife, saying that if she were killed, he wouldn't be strong enough to carry on. And he's not the type to pause in the middle of a fight to set forth the reasons for his ethical superiority; the movie lampoons "monologuing" as something villains indulge in to explain all the niceties of their diabolical plots. Syndrome is much closer to Rand's ideal: a brilliant self-made man who revolutionizes industries and prefers to form his own society on the margins rather than compromise his principles. A pity he's insane.

Still, those who skipped past the political message might have had the right idea: the joy of this film is that it can be enjoyed by anyone. With this film, Pixar confirms that they have overtaken Disney as the gold standard for animated films. "The Incredibles" will become a classic; like "Toy Story" before it, kids will continue to watch it as they grow, and continue to find new things in it to enjoy. The animation sparkles, intruding only in rare moments when it's *too* perfect. The sight gags, often playful twists on timeworn Tex Avery and Warner Bros. jokes, draw laughs without resorting to gross-out humor. The backgrounds are filled with all manner of homages and minutiae that invite later exploration with a DVD and a quick thumb on the pause button. Even the ending credit sequence is worth sitting through — though lacking the fake outtakes that have been a Pixar trademark — both for the Mancini-like soundtrack, and the boxy, vivid animation recalling Cartoon Network's "Samurai Jack" series.

Syndrome is much closer to Rand's ideal: a brilliant self-made man who revolutionizes industries and prefers to form his own society on the margins rather than compromise his principles. A pity he's insane.

Skip the stultifying "Polar Express" and the formulaic Christmas films, and take the kids to see "The Incredibles." They'll laugh so much they won't even realize they're learning a lesson. ❑

We Meet the Spooks, *from page 34*

inspired by a true story. Who knows?

I shouldn't have felt bad about the pictures. What nobody at the gate mentioned that afternoon is that you can download the same pictures, minus me, my son, and my daughter, directly from the NSA website. Right there at www.nsa.gov is a full-color photo, suitable for framing, of the same sky-blue, concrete seal my kids and I were caught mugging around. And right there, too, is a photograph of the same black-glass NSA building, looking like some kind of shiny, impenetrable, tipped-over obelisk from "2001: A Space Odyssey." Except the picture you can download is a good deal more detailed than the ones the security people erased from my camera. Mine was from ground level, through a chain-link fence and across a sea of cars, with a few spindly, Levittown trees obscuring the view. Theirs was taken from overhead with a wide enough angle to show all the grassy knolls and clumps of nearby trees where you could set up an enemy listening post, or conceal a sniper, or hide an entire Iraqi mortar crew, if you really had it in for the NSA. ❑

The President and Mr. Bush, *from page 28*

ness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests."

Medium: Your turn, President Bush.

Bush: My foreign policy is to remove evil from the world, replace dictatorships all over the world with democracies, exist and leave them in nations where they do exist, and win over the hearts and minds of Muslims and Arabs by killing Muslims and Arabs until they no longer want to become terrorists. That way, America will be safer. Onward Christian soldiers.

Medium: Time for closing comments. You first, President Bush.

Bush: Leadership and patriotism. I have both. My opponent does not.

Washington: I have always wondered what hell was like. Now I know. It's what America is being turned into by both political parties. ❑

Terra Incognita

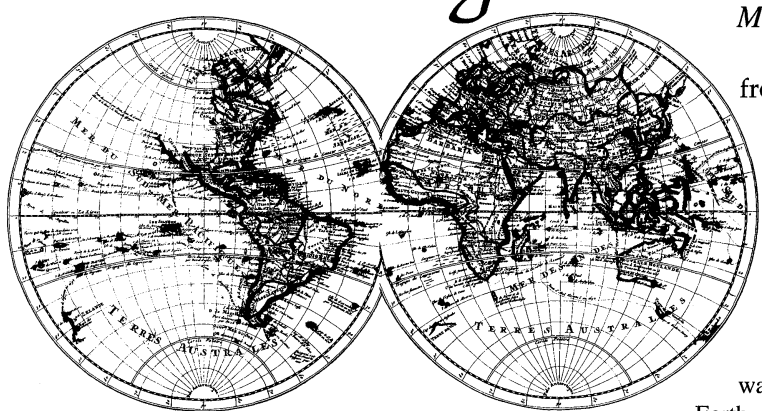

Seattle

Heroic efforts in defense of the Homeland, noted in the estimable *Seattle Times*:

Soldiers from the Washington National Guard are being tapped to help build a $60 million sports complex. Use of the Guard's labor to build a nine-field soccer and baseball complex is said to be part of a training program. The GAO says that such projects have offered "no valid military training."

Tokyo

Reassurances of good corporate citizenship, cited in the *Times* of London:

A spokesperson for Vodaphone reassured the public that the company "would never sell a phone that was enabling someone to see someone naked." She was responding to questions about a third-party device developed in Japan which allows cell phone cameras to take pictures through clothing.

Hurlock, Md.

Advance in the culinary arts, from the menu of the Suicide Bridge Restaurant:

The menu offers "Suicide's Famous Crab Balls," and "Suicide Oysters," which are "topped with Suicide's special BBQ sauce, cheese & bacon."

Santa Cruz, Calif.

An elementary school confiscates food, reported in *USA Today*:

Freedom Elementary School informed parents that as part of its nutrition program, "We will take away from students any non-nutritious foods."

Boca Raton, Fla.

The struggle for psychiatric health in Florida continues, detailed in the *Boca Raton News*:

Mental health officials in south Florida blasted Rush Limbaugh, saying the conservative talk show host's offer of "free therapy" for traumatized John Kerry voters has made a mockery of Post-Election Selection Trauma, a valid psychological problem.

"The people here in Palm Beach County now in therapy or support groups are the canaries in the mine shaft," said American Health Association executive director Rob Gordon. "There could be thousands of others, even Republicans, who need to be in therapy over this election."

"Rush Limbaugh has no clinical qualifications to counsel anyone," clinician Sheila Cooperman said. "He's not only minimizing PEST, but he's bastardizing the entire psychological field and our clinical expertise."

Austin, Texas

Good news for oenophiles, from a dispatch in the *Desert Mountain Times* (Alpine, Texas):

Texas Agricultural Commissioner Susan Combs announces Texas Wine Month: "Every year, this unique celebration gives our Texas wineries, growers and retailers a tremendous opportunity to let the world know about the fabulous wines being produced in Texas. And with all of the excitement building around the Texas wine industry, this year should be bigger and better. I encourage Texans to make up their own minds about Texas wines."

Manchester, England

Pedagogical note, from the *London Sun*:

Keith Hogan, headmaster of St. Matthews School, stood behind an unnamed teacher who attempted to motivate her pupils into making the most of each day by telling them a meteorite was about to smash into the Earth, and that they should all return home to say good-bye to their families.

Washington, D.C.

Absolute zero-tolerance reached, cited in the *Washington Post*:

The U.S. Court of Appeals for the District of Columbia upheld the arrest of a 12 year-old girl by Metro police for eating a single french fry in a train station in the fall of 2000. The court affirmed a lower court ruling that Metro's "zero-tolerance" policy and the child's subsequent arrest were constitutional.

Moses Lake, Wash.

Dispatch from the front of the War on Obesity, from the *Seattle Post-Intelligencer*:

Moses Lake is the first city in Washington selected for a pilot fat-fighting program using $135,000 in seed money from the federal Centers for Disease Control and Prevention. It will use the funds to finance a community garden next to city hall and to "focus on breast-feeding."

Mississippi

Curious development in higher education, from a dispatch in the *Washington Post*:

Three universities in Mississippi must increase white enrollments to at least 10% and maintain that level for three years before receiving a portion of the $524 million in state funds for school improvements provided in a federal court settlement.

Special thanks to Russell Garrard, William Walker, Michael Roberts, and Alexander Stephanopolis for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Can anyone be happier than a Catholic libertarian?

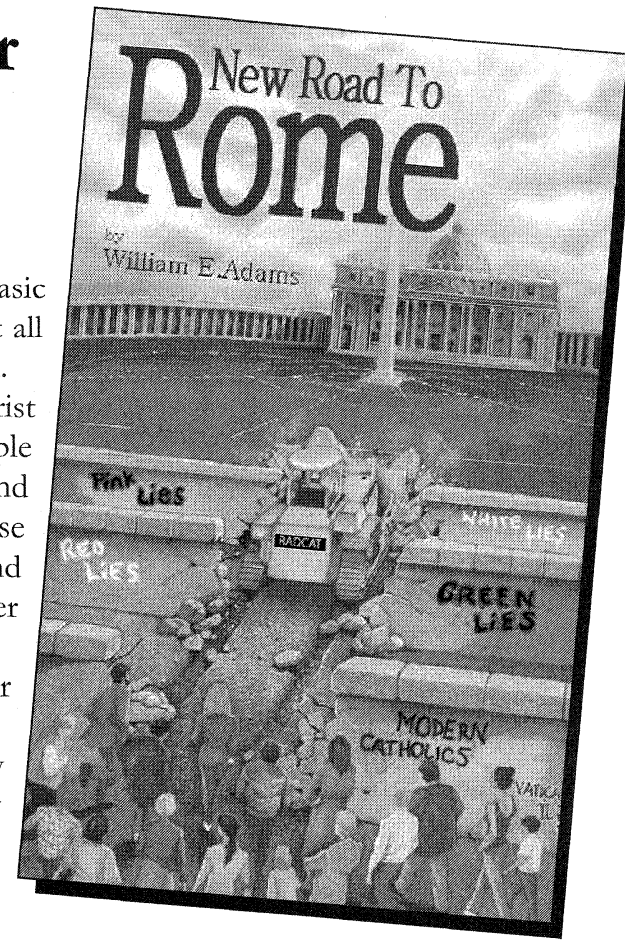

Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.

Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.

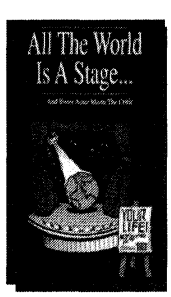

All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is $6.95, plus $2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus $3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.

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I am fighting wine wholesalers who use government's power to protect their monopoly and I am taking my fight to the U.S. Supreme Court.

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I am IJ.

Juanita Swedenburg
Middleburg, Virginia

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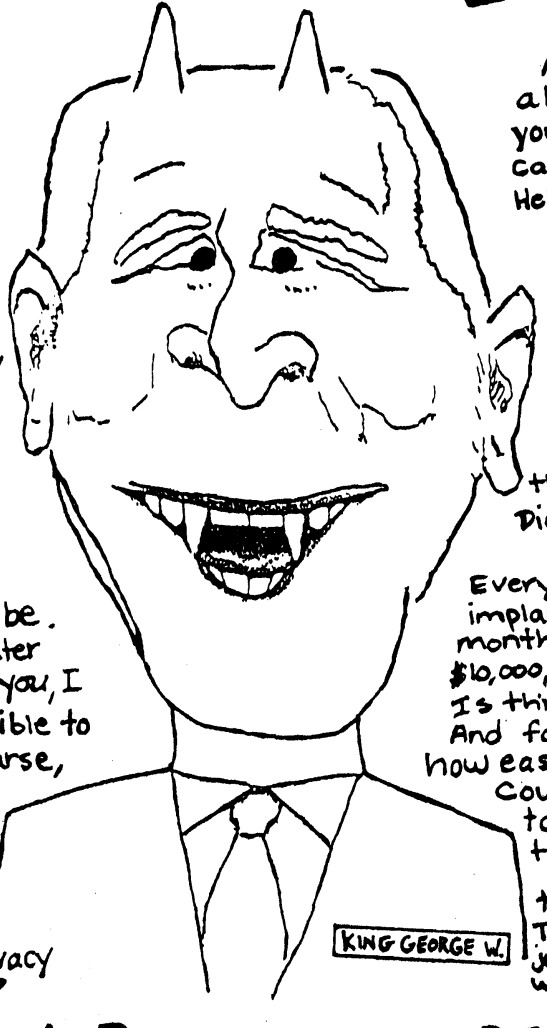

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see you Soon.

ALREADY IN YOUR LIFE WITH MORE TO COME!

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Inside Liberty

March 2005
Volume 19, Number 3

4 Letters Stand and be counted.

7 Reflections We disturb the space-time continuum, decry conservatives legislating from the bench, smoke out the Feds, question the Tenets of the CIA, take a close look at the CBS whitewash, fly with the hawks of Manhattan, and blast off into Space.

Features

23 Conversion of a Gun Grabber *Bruce Ramsey* tells why he no longer believes gun control is good for us.

25 Outsource Me, Please! A software engineer pleads for open markets and competition.

29 The Final Deceit How much of Hayek's last book, "The Fatal Conceit," did the aged philosopher actually write? *Alan Ebenstein* examines newly discovered private papers and learns that Hayek's final words were written by someone else.

33 They're Coming for Your Land When Big Business wants your land, *Timothy Sandefur* discovers, your local government is happy to take it from you.

39 Did the Fed Cause the Great Depression? Most libertarians and conservatives blame the Depression on the Federal Reserve System. But one thing's for sure, *Robert Formaini* argues, the Fed doesn't bear all the blame.

Reviews

43 Pollution Violates Individual Rights *Robert H. Nelson* examines a new book that argues that environmental disputes can be resolved by respecting individual rights.

47 History Without Blinders The history we all learned in school, *Anthony Gregory* reports, isn't nearly the whole story.

49 Libertarianism in the 17th Century *Michael Caldwell* explores the rise of libertarian thinking in Britain in the 1600s.

51 Notes on Contributors Who are these people?

54 Terra Incognita Stranger things have happened.

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Letters

Rallying the Disinterested

In "Freedom: What's Right vs. What Works" (January), Bill Bradford remarked that "the salient characteristic of human beings is not their rationality, but their adaptability." That struck me as important in answering a question that has been nagging me for years: How is possible that billions are willing to accept living under intrusive, even oppressive, governments? Certainly, adaptability is a better answer than rationality. However, adaptability and rationality fail to explain why thousands of people enthusiastically and passionately participate in political rallies even when personal interests may not be involved. Does anybody have a reasonable explanation for this or similar behaviors?

Franklin López
New Orleans, La.

The Geography of Protection

Ayn Rand defined government as having a monopoly on the use of force in a given geographical area, i.e., exclusive jurisdiction. Free-market anarchism takes this definition literally, as distinguishing government from anarchist protection agencies which lack such a monopoly. But that can't be the difference between them.

A government holds exclusive jurisdiction over the real estate of its citizens; that's its geographical area. And an anarchist "protection agency" holds exclusive jurisdiction over the real estate of its clients and that constitutes its given geographical area. Exclusive jurisdiction over geographical area cannot distinguish government from protection agencies.

There are differences, of course. The conceptual history of the anarchist protection agency will encourage a more fragmented jurisdiction than a government's history. And anarchist clients will be able to take their real estate with them when they emigrate and immigrate. But these (and similar) differences cannot be essential, because if the fragmented jurisdiction or the shifting of jurisdictions turned out to be efficient, governments would adopt them. And if they turned out to be inefficient, protection agencies would drop them.

Indeed, "protection agency" is a literal description of an ideal government: its sole job is to protect its citizens, and it's their agent, exercising only those rights and powers delegated to it by those citizens.

If governments are just protection agencies, then protection agencies are just governments. Genuine anarchism would have no governments, i.e., no protection agencies.

Tom Porter
Reseda, Calif.

Friedman responds: Tom Porter makes, in my view, two mistakes. First, he writes that "an anarchist 'protection agency' holds exclusive jurisdiction over the real estate of its clients."

That does not describe anarcho-capitalism, at least as I understand it. A dispute has at least two parties, and there is no reason to expect them to be customers of the same agency. A dispute need not have a geographical location, let alone one that both parties agree to, so settling a dispute according to the law of agency of the party on whose real estate it happened is not a workable rule. Consider, for a simple example, a dispute over who owns a particular piece of real estate.

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Under anarcho-capitalism no agency has "exclusive jurisdiction." "Jurisdiction" is a function not of one agency but of two — the court that gets to rule on the dispute is determined by a preexisting agreement between the agencies of the parties. For details see part III of my "Machinery of Freedom"; one relevant chapter is webbed at http://www.daviddfriedman.com/Libertarian/Machinery_of_Freedom/MofF_Chapter_29.html.

Second, he writes that "if the fragmented jurisdiction or the shifting of jurisdictions turned out to be efficient, governments would adopt them."

This assumes that governments have some mechanism that automatically moves them towards an efficient structure. I know of no good theoretical reason to believe this is true and lots of evidence that it is false. The ability of individuals to easily switch from one agency to another means that agencies must compete for customers — not a situation that a government, starting with a monopoly over its customers, would want to emulate.

In a letter to the editor in February, explaining why libertarian anarchism is impossible, Porter writes:

"Protection agency A has exclusive jurisdiction over the property of its clients, and protection agency B has exclusive jurisdiction over its clients."

That is not a correct description of the versions of anarcho-capitalism with which I am familiar, and I find it hard to see how it could be. A legal dispute involves at least two parties. If they are not clients of the same agencies, how can each agency separately have exclusive jurisdiction over the dispute?

In the form of anarchy I argue for, a dispute between clients of agency A and agency B goes to a court preselected by the two agencies for handling such disputes, so neither agency has exclusive jurisdiction — or indeed any jurisdiction. And although that court has exclusive jurisdiction over that dispute it does not have exclusive jurisdiction over any person or any property, since a dispute between the same client of agency A and a client of agency C might go to a different court, pre-selected by those two agencies.

Republicans in Libertarian Clothing

The commentary on the 2004 election in January's issue seemed to confirm the quip of a liberal friend who once observed that "most people who say they are libertarians are really Republicans." A full third of the issue could have come right out of National Review or the Weekly Standard. I am really trying to understand how anyone with serious libertarian leanings could rejoice over Bush's reelection, which he has interpreted as an endorsement of an imperial foreign policy.

Robert Kelley
Austin, Texas

Taking Charge of Consequentialism

I read with interest the article "Freedom: What's Right vs. What Works" (January). The deontological thesis took a thorough drubbing in the symposium, whereas the consequentialist one escaped relatively unscathed. I suggest that the latter as defined has significant problems of its own. One is the vagueness and ambiguity in the notions of happiness, prosperity, etc. (especially when construed as applying not only intra-culturally but trans-culturally). Another is the difficulty in demonstrating that freedom, defined as no more than minimal government, invariably or even consistently "creates a more prosperous or a happier society," that is, "a society in which human beings flourish and maximize their happiness" to a greater extent than they would in a society with more than minimal government.

Exogenous factors can adversely affect individuals' achievement of happiness regardless of the governmental or anarchistic system that is in place. Accordingly, I believe that a weaker but more easily defended consequentialist position is worth exploring, a position that gives proper weight to the distinction between trying and succeeding, and asserts that freedom as defined provides the best environment for the vast majority of competent adult humans to pursue happiness (as they view it). One virtue of this thesis is that it coheres well with the common libertarian emphasis on taking charge of one's life. Another is that it keeps libertarianism from being subordinated to traditional utilitarianism.

Jan Wilbanks
Marietta, Ohio

Zombie Persuasion Symposium

Let's see if I get the "consequential" defense/justification as regards liberty. The champion of liberty must persuade animated corpses who need blood to survive and who, therefore, see liberty as the hated enemy, that liberty serves their self-interest. With such friends as these, liberty needs no enemies.

Steve "Esmo-Blubbo" Esmedina
San Diego, Calif.

Dubious Deism

Jane Shaw writes (Reflections, February) that we should pay atten-

Letters to the Editor

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Errata

On the lower-right portion of page 23 of the February issue, a sentence in Stephen Cox's article should read: "Americans would simply turn to one of the two major parties, to an entity whose vast, unruly breadth came closer to representing their own multifaceted identities."

A reflection on page 7 of the November 2004 issue credited to Wendy McElroy should have been attributed to Doug Casey.

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tion to the possibility of a creator God because noted atheist Antony Flew has converted to Deism. Flew, a philosopher in his 80s with no special knowledge or training in science, cites physicist Gerard Schroeder's "The Hidden Face of God" as a reason why he has adopted belief in the God of Thomas Jefferson and Aristotle. For a cogent critical view of Schroeder's work, I would recommend turning to physicist Mark Perakh's book "Unintelligent Design," rather than to Flew, who can't seem to decide what he currently believes or what his reasons are for it — see Richard Carrier's "Antony Flew Considers God . . . Sort of" on The Secular Web at http://www.secweb.org/asset.asp?AssetID=369. Shaw also writes of Brown University biologist Kenneth Miller, a Catholic evolutionist, stating that "Darwinist Kenneth Miller calls intelligent design the 'best rhetorical weapon against evolution' and thus refuses to take it seriously." Actually, Miller took Michael Behe's irreducible complexity argument for intelligent design seriously enough to refute it in detail in his book "Finding Darwin's God."

Jim Lippard
Phoenix, Ariz.

Design on the Fringe

In a reflection in the February 2005 issue of Liberty, Jane Shaw observes that the philosopher Antony Flew, once a prominent atheist, now describes himself as a Deist, who believes that a great intelligence must have created the initial conditions for the universe to exist. Shaw concludes that "Darwinists" are giving short shrift to intelligent design. This is clearly not the case.

Her word choice is interesting. Rather than referring to Kenneth Miller as a scientist (which may seem a vague term), she refers to him as a "Darwinist," employing the rhetorical trick of equating people who accept current biological theory as being stuck in an 1859 paradigm. Never do you see germ researchers referred to as "Pasteurists" or people who do research into gravity referred to as "Newtonists." It would be simply nutty to ignore that a lot has happened in the germ theory of disease since Pasteur, or ignore the tremendous contributions to the theory of gravity that have been made since Newton.

The theory of evolution has gained a great deal more intellectual horsepower since Darwin's time, the most important contribution of which has been the addition of genetic theory to the theory of natural selection and the theory of common descent. One thing the theory of evolution doesn't try to explain is from where the first self-replicating mechanisms came.

When Kenneth Miller refers to intelligent design as the "best rhetorical weapon against evolution," he is right. However, Miller is talking about something different than Antony Flew is. Flew is talking about arguments regarding the fine tuning of the entire universe, why gravity attracts things with just so much force, why the speed of light isn't faster or slower, etc. Miller is talking about the biological idea that living things show signs of intelligent design, a fringe idea which has never caught on in mainstream biology and as of yet has only proven popular among people who don't want to accept that living species are descended from earlier species. I call this idea intelligent design creationism, as the vast majority of their arguments can be traced back to earlier versions of creationism.

There are practicing philosophers and biologists out there (Robert Pennock and Francis Fukuyama come to mind) who can provide a better answer to the literature on intelligent design than I can, particularly when I'm composing this from my work account on work time. Briefly, however, let's take Antony Flew's revelations and see what they say about modern biology. If Flew is right, and the universe's constants were set by some superpowerful being, this implies nothing about the origins of the first self-replicating mechanisms. If we extend Flew's argument and say that such a super-being created the first living cells, this says nothing about the mechanism of evolution and origin of species. In other words, Flew has nothing to tell us about biology

continued on page 22

Reflections

Timequake — In the winter of 2004 in the Indian Ocean, the earth took a great step in its long journey, and an enormous number of its passengers tumbled down its shoulders to be lost forever. Amid the chaos and destruction that followed the subaqueous earthquake in the Indian Ocean, something much more fundamental was altered: time.

Geophysicists theorize that enough of the earth's mass moved toward its center to cause the planet to spin microseconds faster, shortening our days. While the change may not be noticeable to the average human as he goes about his business, governments of the world have taken notice. Here's a few of the adjustments that will be made:

- Drinking-age limits will be raised due to a slight lack of maturity.
- Tax rates will be raised to compensate for reduced annual revenue.
- A new federal holiday will be created due to the loss of vacation time.

Additionally, the French government has applauded the change, as it shortens the work week for all employees worldwide.

— Kasey Allen

I, Tsunami — I used to think of the word *tsunami* as a rather rarified term for destructive change — a synonym that you might use instead of whirlwind or cyclone or hurricane or tempest. How little I knew! For me, *tsunami* will now describe only itself — something so unspeakably powerful and disastrous, so sudden and so widespread, that in a matter of minutes it leaves everyone it touches not injured, but dead. — Jane S. Shaw

Prison food: it's a good thing — I've always assumed that Martha Stewart is a very picky eater. If the wine was not perfectly chilled, or the cheese not aged just so, she would gag and spew it from her mouth. I always imagined her meals consisting of delicacies from around the world, eaten off of the finest bone china with tasteful sterling and coordinated linens with seasonal napkin rings. I thought she might starve to death if forced to dine in a mundane fashion.

But recent pictures of her indicate this is absolutely not the case. She has obviously been eating quite a bit while incarcerated. It's nice to know that, when presented with creamed corn, mashed potatoes and chipped beef served cafeteria-style with plastic silverware, she is just as apt to overeat as the rest of us. — Tim Slagle

The final days of the News Oligopoly — CBS's two-man, blue-ribbon panel to investigate CBS News' publication of fabricated documents purporting to show George W. Bush used political pull to minimize the personal cost of serving in the Texas Air National Guard began its report with a David Letterman-like Top Ten List.

The list, entitled "the most serious defects in the reporting and production," reads like a recipe for bad journalism, itemizing seven different "failures" to follow sound journalistic practices, one episorde of "misleading" the public into thinking that the documents had been authenticated, one event "that created the appearance of political bias," and one episode of just plain lying — oops, I mean making a "false statement."

It goes on to list six of the "more egregious shortcomings during the Aftermath" of the CBS report, including making "inaccurate press statements," airing "misleading stories," making a "strident defense" of the story "without probing whether any of the questions raised had merit," airing "misleading stories" about the story "despite strong and multiple indications of serious flaws," searching for "additional document examiners who would vouch for the authenticity of the documents instead of seeking the best examiners available," and "preparing news stories that sought to support the Segment, instead of providing accurate and balanced coverage of a raging controversy."

Given the number of people who put the CBS story together, vetted it, and were involved in its dishonest and meretricious defense, it is surprising that the network decided that only one person should be fired and three others asked to resign. The overwhelming majority of those involved in the fabrication and defense of the story will keep their jobs. So how much credibility can CBS News hope to retain?

The Panel (as it calls itself) refused to conclude that "a political agenda at 60 Minutes Wednesday drove either the timing or airing of the Segment or its content," even though it "reviewed this issue and found certain actions that could support such charges." Apparently it figured that highly paid, experienced professionals would flout the ethical standards of their profession merely to get a scoop, and would have done so just as eagerly if the target had shared their politics. If this is really the case, it is a further powerful reason for CBS to clean house in its news division.

Why did CBS News publish a fabricated story and defend it even as the evidence of its fabrication mounted? I think the answer can be found in Lord Acton's famous maxim, "Power CBSizes, and absolute power CBSizes absolutely." CBS News is used to functioning as part of a news reporting oligarchy. It expects what it says to be believed because, well, it said it. And it's used to the other elements of the news oligopoly not looking very closely at what it puts out.

Traditionally, CBS News and its fellow oligopolists have been as secure from scrutiny as Gov. Bill Clinton was in one-party Arkansas. Clinton barely attempted to cover up the payments his wife received for helping Jim McDougal swindle the taxpayers out of millions of dollars, safe in the knowledge that no one in Arkansas had the wherewithal to expose him. This, I believe, is what led the CBS newspeople to be so negligent or outright deceptive in claiming that the purported Bush documents were unquestionably genuine even though their counterfeit nature was evident to intelligent but otherwise ordinary viewers of the original television report. It was obvious even to me, a total novice in the field of document authentication, that the documents were almost certainly fakes: typewriters with proportional spacing just didn't exist at the time in question.

Given the number of people who put the CBS story together, vetted it, and were involved in its dishonest and meretricious defense, it is surprising that the network decided that only one person should be fired.

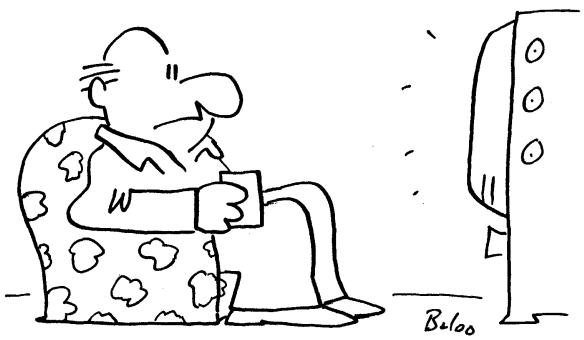

"This program is coming to you live, unless, of course, you illegally videotaped it."

But CBS News in New York was no more used to scrutiny than was Bill Clinton in Arkansas.

Political reporting is naturally susceptible to the sort of fraud that ensnared CBS News. Political reporters depend on information from political people, and political people are not paragons of truth. It is common sense, not a bureaucratic code of ethics, that ought to keep political journalists focused on truth.

At Liberty, we've published two major political stories that had their origin with information or documents provided to us by sources plainly hostile to their object — in both cases the 1996 and 2000 Libertarian Party presidential nominee, Harry Browne. The first story came to us in 1997, when one of Browne's critics offered us information showing that his campaign had spent the money it raised mostly on consultants and building up its own infrastructure, and had spent only a tiny fraction of its funds on advertising, despite its oft-repeated claims to the contrary. It took us nearly three years to get the story ready for publication, mostly because we wanted to see unquestionably authentic documents that supported the claim.

As it happened, the Browne campaign was required by law to report details of its spending to the Federal Election Commission, which by-and-by published copies of the original documents on its website. We had to download nearly a thousand pages of Browne campaign spending reports, carefully compile the data they contained into a form that could be analyzed, and look at the entire, immense body of evidence. It was an extremely complicated task, one subject to clerical error and requiring computer enhancement of some of the documents. We went forward with the story only after we had checked and double-checked all the data obtained from the unquestionably genuine documents. In this case, the dangers of political prejudice were relatively small, as the lead reporter of the story (me) had long been an enthusiastic supporter of Browne.

Browne and his staff never denied the authenticity of the documents. Instead, Browne publicly claimed that no such documents were available at the FEC's website — a preposterous claim that may have satisfied his true believers, but could be easily disposed of by anyone with access to the Internet.

The next story also began with a document provided by a critic of Browne's: an invoice from the LP's National Director for service rendered to the Browne campaign that violated his employment contract, LP party rules, and his and Browne's explicit agreement to obey the policy prohibiting party employees from working on behalf of any individual seeking the party's presidential nomination. This time, authenticating the sources was easy: we simply called the alleged author of the damning document, and he verified its authenticity to us. But there was a risk of political bias, in that the lead investigator (me, again) had become generally critical of Browne. Yet with the document authenticated by the individuals involved, eventually including Browne himself, the risk of falling victim to political prejudice was slight.

These were not the only political stories that have been brought to us by people hostile toward a politician. We

gave careful consideration to the others, but they didn't check out. We didn't reject them because they couldn't run the gauntlet of a detailed list of codified procedures. We rejected them because we looked at all available evidence, and it wasn't good enough to verify them.

The "reforms" recommended by the Panel are all additions to its procedures for vetting stories. They sound good, but I don't think they will help clean matters up at CBS News. The problem isn't a lack of procedures, but a lack of integrity to carry them out. Whether the CBS News staffers' willingness to go with a story whose basis is fraudulent is the product of their political bias or their ambition to enhance their reputations by producing "scoops" isn't really what's important here. What is plainly needed is a staff with a commitment to truth.

It took us nearly three years to get the Browne exposé story ready for publication, mostly because we wanted to see unquestionably authentic documents that supported the claim.

My own fantasy was that CBS would hire Brit Hume away from Fox, make him boss of the organization, and give him carte blanche to clean up the mess. True, Hume is vaguely conservative. But his integrity is unassailable and he has never shown the bias in his reporting that is more or less standard at CBS. And his vaguely conservative politics is certainly no more off-center than Dan Rather's mild leftism. A credible journalist with vaguely conservative bona fides and unassailable integrity is just what CBS needs to restore its credibility. But CBS has chosen not to clean its house.

In any event, the major media have to recognize that the days of the News Oligopoly are numbered. Although CBS may not know it yet, the number of those days has already turned negative. Before CBS News aired the fake documents, the Internet and the independent media had ended the days when news reporters and producers could ignore their first and most obvious obligation: to tell the truth.

— R.W. Bradford

Neoconfusion — The call by neoconservative strategist Bill Kristol for Defense Secretary Donald Rumsfeld to resign after his "the army you have" response to a media-prompted question from a soldier in Iraq looks like a transparent attempt to deflect attention and responsibility for how badly things are going in Iraq. If people focus on aspects of the execution of the occupation considered faulty — inadequately armored vehicles, not enough troops — perhaps they won't spend much time thinking about whether the entire invasion and occupation were misconceived.

The neocons in their magazine offices and think-tank aeries have at least metaphorical blood on their hands for misdirecting the response to the 9/11 attacks into an attack on Iraq. But if most of the blame for the ugly aftermath lay at Don Rumsfeld's feet, perhaps the neocon day of reckoning can be postponed and the "sofa samurai" (thanks to Taki for the term) can get on with urging preparation for the next dubious war, against Iran, Syria, North Korea, or whoever the next demon of the day may be. — Alan W. Bock

When we want Canadian opinion, we will give it to them — It is difficult to understand why the U.S. is so heavy handed in foreign relationships which would yield so readily to diplomacy . . . or just plain silence. I am thinking specifically of the recent announcement to the Canadian press by Paul Cellucci — the American ambassador to Canada — on the controversial missile defense plan. Cellucci stated, "We've been told that it will be dealt with over the next couple of months," thus clearly implying that the States had struck a deal with Canadian Prime Minister Paul Martin. Cellucci even provided a timeline. Canada would join the U.S. ballistic-missile defense system for North America by the end of March.

The statement has been poorly received. For one thing, why is a foreign ambassador announcing to the press what Canadian military policy will be? Especially when the Canadian PM continues to declare to all-and-sundry within hearing range that no decision has been reached? Martin rushed to inform reporters, "No such assurances were given."

It is a particularly sticky issue as Martin promised in his Oct. 5 Throne Speech to open Parliament to debate the issue before signing on with the States. No such debate has occurred.

Canadian politics is a complex balancing act with at least four players who must constantly watch each other for reactions. The Liberals under Martin are in power, but they constitute a minority government, which must look to

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Quebec for support or risk losing office. The Conservatives generally back the antimissile defense system but they are bristling at not being consulted . . . indeed, at not even being shown the terms of an agreement into which Canada has — perhaps — already entered. The New Democratic Party (more left than the liberals) is adamantly opposed to the program, as is the Bloc Quebecois and most of Quebec itself.

Nevertheless, sneaking the antimissile program past Parliament at the last minute would probably have worked since the Conservatives would not have blocked it, and they're the only ones with sufficient numbers to act as a brick wall if they joined with other factions. But the prospect of easy, sneaky passage has been rendered more difficult by Cellucci's statements. First, everyone is irritated at the United States announcing Canadian foreign policy. Second, everyone is suspicious of Martin and his motives. Third, even politicians who agree with the plan are enraged at being kept in ignorance about it.

What on earth was Cellucci thinking? If there is, or was, a covert deal sliding through, then he's doing the best he can to jeopardize it.

— Wendy McElroy

Heating up the N. Y. Times Bestseller List — For years, free market environmentalists have longed for a blockbuster book that would change the public's views about the environment. Such a book would convincingly show that the environment is improving, not deteriorating; that private individuals and organizations are the key to progress; that economic prosperity will lead to greater improvement; and that predictions of gloom are wrong. We have wanted our own "Losing Ground," Charles Murray's 1984 book that revolutionized public thinking about welfare.

Bjorn Lomborg's "Skeptical Environmentalist" was a big step in this direction — a serious book that undermined today's emphasis on imminent environmental disasters. But it appealed mostly to scientists and policy analysts. (One sign of its forcefulness was the level of antagonism it aroused among scientists committed to environmental disaster.)

Now Michael Crichton has come up with "State of Fear." This could be a genuine blockbuster — right now it's second on the New York Times bestseller list. Whether it will reframe public thinking, I don't know. Crichton attempts to meld an argument about science — evidence that global warming is not a catastrophic threat — with a techno-thriller in which murky eco-terrorists are the villains. As far as I know, this is the first thriller to include a monologue about risk policies, footnotes citing peer-reviewed scientific literature, two real-world appendices, an "author's message," and an annotated bibliography featuring politically incorrect books (such as "Free Market Environmentalism" by Terry Anderson and Don Leal and "In a Dark Wood" by Alston Chase).

The only other Michael Crichton novel I've read was the beautifully rendered historical novel "The Great Train Robbery," so I can't make a direct comparison to his previous works of this sort. I must say that this book does fall short of thrillers I've read by, say, Nelson DeMille or Tom Clancy. The characters are paper-thin and the plot twists are preposterous. But the five-and-a-half page appendix on the politicization of science is worth the price of the book.

There, Crichton compares the obsession of scientists and policymakers with global warming to the shameful eugenics episode of the first half of the 20th century, when scientists claimed there was a "crisis of the gene pool." Luminaries such as Theodore Roosevelt and Margaret Sanger favored isolation or sterilization of "degenerates" who were harming the rest of society, and there was little protest by scientists who knew better — or should have known better. For that comparison, Michael Crichton deserves applause, whatever the influence of his latest tale turns out to be.

— Jane S. Shaw

CIA or CYA? — I've often observed that Baby Bush is unintelligent, thoughtless, and pigheaded. But I've never accused him of lacking a sense of humor, even if it's of the frat boy variety, giving rise to his famous smirk. Proof that Bush possesses this singular virtue was recently offered by his giving the Medal of Freedom, the U.S. government's highest civilian honor, to Paul Bremer III, Tommy Franks, and, most egregiously, George Tenet. The award is something of a farewell present from the government to the trio, who have each been intimately involved in the ongoing disasters in Afghanistan and Iraq.

Now that they've escaped to the "private sector," they'll each be showered with millions of dollars in speaking fees, book contracts, corporate directorships, and the like. In other times and places, these three stooges would have been executed (if they hadn't been honorable enough to perform *hara-kiri*) for complicity in such overt failure. But in today's public relations-driven U.S., they're rewarded instead, demonstrating an ingrained pattern of dysfunction in the empire.

I suppose I don't have much of a problem with Tommy Franks: he's just a soldier who followed orders to go in and kill people and destroy property when and where he was told. His excuse for the snowballing disaster is that there weren't enough troops to quell the insurgency, which tells me that he never had a clue what he was dealing with. Paul Bremer, as the chief bureaucrat on the ground, stumbling from one catastrophe to another as the situation deteriorated in Iraq, bears more responsibility. Frankly, it's hard to see how anyone could possibly have created a bigger mess. But the strangest choice — in a class with Doris Day, who's also a recipient of the medal — is George Tenet.

I suspect he'll be most remembered as the political lackey who, while running the CIA, assured Bush that it was a "slam dunk" that they'd find atomic, biological, or chemical weapons when they invaded Iraq. At a recent investment conference, Tenet — in exchange for a neat $50,000 honorarium — delivered a glib justification of his agency's embarrassing record. I spent about five minutes of my speech at that same conference debunking the Agency's shameful track record. But I knew, in light of the jingoistic hysteria ruling the American psyche today, that *Boobi americani*, whipped dogs that they are, would give Tenet a standing ovation instead of shouting him down with catcalls and pelting him with rotten fruit. Which is exactly what happened, solidifying my opinion that Americans have become something like trained poodles, sitting up to beg, then rolling over on their backs, whenever they're graced with the presence of a high government official.

In fact, I was amused (but, regrettably, not in the least surprised) to discover that I created a near riot among the attendees when I asserted that the CIA, like almost all government agencies, not only served no useful purpose, but was a detriment to the well-being of the average American. It's not just the $20 billion or so the agency fritters away every year. It's not even the fact that a lot of that goes to fund informal retirement programs for its agents and "assets" around the world. It's not even that every place it goes, without exception, the Agency reflexively props up the most corrupt dictatorships available, leaving immense hatred for the United States in its wake. It's not even that the powerful Agency might, in the future, act as a Praetorian Guard to install an emperor in Washington.

The real problem is that — for all the damage this dangerous, unwieldy, and corrupt bureaucracy does — it's apparently incapable of supplying intelligence. The CIA is, in effect, nothing more than a secretive version of the post office, but that may be an unkind comparison because at least the post office manages to deliver the mail, sometimes even on time. What does the CIA do? It precipitates disaster everywhere it goes — the Congo, Guatemala, Iran, Somalia . . .

What doesn't it do? It failed to predict the start of the Korean War, or the subsequent Chinese intervention. It failed to predict the split of China and the USSR. It apparently didn't have the foggiest idea what Castro was all about while it was propping up Batista; then it bungled the Bay of Pigs invasion. It was unaware that the Soviets had tactical nuclear weapons in Cuba, and almost touched off a nuclear war during the Cuban missile crisis. From start to finish, it didn't know who was who in Vietnam. It failed to predict the collapse of the USSR, actually buying into Soviet propaganda that the place was an economic powerhouse.

Anyone with a lick of common sense would have been much better off getting "intelligence" by reading the New York Times.

Will the next political hack to run it reform the place? No. Government agencies, like families or corporations, have ingrained cultures. A certain type of person is drawn to certain groups, and the larger and more self-contained an organization is, the more it has a life of its own and is given to recruiting only similar types. The CIA, quite predictably, will always put its own interests ahead of those of Americans at large; it's just a good thing that there's still a lot of overlap.

The only solution is to abolish it, and let its employees see if they can find productive work. But that's not going to happen. Instead, the CIA (like the FBI, NSA, DEA, ATF, and all the other "national security" agencies) will continue to grow like a cancer. — Doug Casey

Quagmire quickie? — When John Kerry, during a campaign, said his goal was to have U.S. troops leave Iraq within four years, he was berated as showing weakness and possibly aiding and abetting the enemy. When Defense Secretary Donald Rumsfeld said pretty much the same thing — after the election, to be sure — while chatting up reporters in Kuwait, hardly anybody even noticed, let alone was outraged. If he really wants U.S. troops out that "quickly," it's best that he stays on as Secretary of Defense. Almost anyone you can imagine the Bushlet appointing to replace him would probably be even worse. — Alan W. Bock

I knew that Boobi americani, whipped dogs that they are, would give Tenet a standing ovation instead of pelting him with rotten fruit.

Leave corruption enough alone — U.S. Rep. Stephanie Tubbs Jones and U.S. Sen. Barbara Boxer protested the certification of Ohio's electoral votes on the grounds of reported voting irregularities. This is a dangerous precedent being set by the Democrats. By disputing every presidential election, they are planting seeds of doubt that fair elections are occurring in America. In certain cir-

cles it is already conventional wisdom that Bush stole the 2000 election.

I don't mean to sound naive. I know that there is corruption in American elections. The adage goes: In every election there is fraud on both sides, and corruption cancels out corruption. This, for better or worse, is just the way American politics operates. It's amusing, however, that the cries of corruption are currently coming from the Democrats. After all, cities where electoral corruption has been rampant for decades, like Chicago, have long been Democratic strongholds, and it was the twice-recounted votes from Washington's strongly Democratic King County, thanks to its counting 1,800 more votes than there were voters, that turned the governorship over to Democrat Christine Gregoire.

— Tim Slagle

Cuckoo for coca paste — Late last year President Bush made a point, on his way back from the Asian Pacific Economic Conference in Chile, of stopping off in Colombia to praise Colombian President Alvaro Uribe's sterling effort in fighting the drug war.

In claiming that victory is just around the corner, the president noted a sharp increase in arrests, more spraying of poison on coca fields (Colombia supplies about 90% of the cocaine that the U.S. imports), and seizures that have kept 475 tons of cocaine from reaching the United States. The cost to the U.S. is about $3 billion in military and economic aid over the last four years, along with 325 U.S. troops and 600 civilians doing contract work in Colombia.

Statistics about spraying and seizures, however, are not especially relevant. What matters, if the drug war is really about reducing drug use, is whether all this effort and expense has any impact on the price and availability of cocaine on the streets of America. That story is hardly encouraging.

Just last August, "drug czar" John Walters (a little closer to the ground than the president on this issue) took an AP reporter on a flyover of blackened Colombian coca fields and let slip a few candid comments. "Thus far we have not seen a change of availability in the United States," Walters admitted. He quickly added that the drug warriors expected to see those kinds of results sometime soon — maybe in the next year or so. But they've been promising that since the 1970s.

I talked to San Ho Tree, who follows Colombian developments at the Institute for Policy Studies and visits the country often. He told me the price for a kilo of coca paste in Colombia has remained steady at about $800 since the inception of Plan Colombia, back under the Clinton administration. He worked with a reporter who called the New York Police Department a couple of months ago to get an idea of how things are on the street. The NYPD says the price, availability, and quality of cocaine are virtually unchanged over the last several years.

The drug war does drive some of those who are less efficient at violence and concealment out of business, thus buttressing the most vicious of the drug lords. If that's good news, maybe the drug war is a success. By any commonsense evaluation, however, it's a failure. But President Bush wants to nick $566 million from taxpayers for Plan Colombia next year. It would be less damaging to flush that money down a toilet — as they'd have to do if the stupidity narcs ever threatened to break down the president's door. — Alan W. Bock

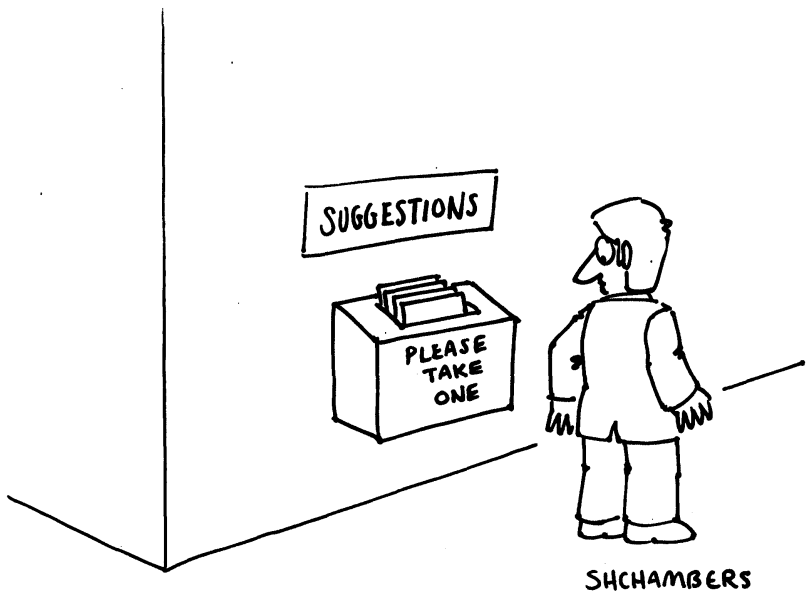

No bias here, no sir — On Jan. 10, the committee appointed to investigate the CBS News scandal finally issued its report. The 224-page document, a fascinating study of bureaucratic incompetence and malignity, led to the firing of four CBS personalities but acquitted CBS News of political bias in its broadcast of faked documents reflecting discredit on George Bush's service in the National Guard.

We are supposed to believe, in other words, that in the midst of an election campaign in which Bush's character was a major issue, employees of CBS News (according to the organization itself)

- pushed a faulty story so fast that they didn't have time to review it for accuracy;
- mounted a "stubborn 12 day defense" of the story when it was questioned;
- made "virtually no attempt . . . to determine whether the questions raised had merit";

and further, that

- "the producer of the piece, Mary Mapes . . . call[ed] Joe Lockhart, a senior official in the John Kerry campaign, prior to the airing of the piece, and offer[ed] to put [the purveyor of the faked documents] in touch with him . . . a 'clear conflict of interest that created the appearance of political bias'"...

BUT THERE WAS IN FACT NO POLITICAL BIAS.

Huh?

If you believe that, maybe you're prepared to believe

that the documents weren't faked in the first place.

— Stephen Cox

Interstate smoke — The medical marijuana case *Ashcroft* v. *Raich*, heard by the U.S. Supreme Court at the end of November, will not turn on whether lawyers and justices know much about medicine. The outcome of the case will depend on whether certain conservative justices mean it when they say they believe the Constitution gives state governments discretion in using what political scientists call "police powers" and limits the power of the national government to override them.

Angel Raich, having tried dozens of prescription medicines, uses marijuana to alleviate the effects of an inoperable brain tumor. She believes she would be dead if she didn't use it. Diane Monson suffers from chronic back pain and muscle spasms caused by a spinal disease. Since voters approved Prop. 215 in 1996, both women's marijuana use is legal under California law. But federal law still prohibits any use, possession, or production of marijuana.

When the Supreme Court considered a different medical marijuana-related case in 2001, it did not rule that the federal supremacy rule automatically overturns the laws of California and ten other states — two added by voters this year — that allow sick people to use marijuana. And it will not so rule in this case. Federal supremacy is not at issue. At issue, interestingly enough, is the Constitution's commerce clause, which allows Congress "to regulate commerce with foreign nations, and among the several states."

The original purpose of the commerce clause, amusingly enough given the purposes to which it was turned in the early part of the 20th century, was to prevent state governments from erecting barriers to commerce. During the New Deal, however, the clause was used to expand the power of the federal government to regulate almost anything, based on the theory that almost any activity affects interstate commerce, however indirectly or theoretically, so the national government can regulate just about anything that moves. Or stands still.

Most conservatives have deplored this expansion of federal regulatory power, and the conservatives on the Supreme Court have sought to rectify the balance (as they would put it) by restoring a little power to state governments to handle certain kinds of regulation without federal interference, notably in the Lopez and Morrison cases. Some observers even believe that Chief Justice Rehnquist sees such a restoration of proper federalist balance as the legacy he hopes to leave when he retires.

This is a case where the state of California has legislated in health and safety, an area that has traditionally been left to the states and is absent from the powers enumerated in Article I, Section 8 of the Constitution. The activities of Angel Raich and Diane Monson involve no commerce at all, let alone interstate commerce. Not only is everything they do done within the state of California, but no money changes hands.

If there's no interstate commerce, there's no legal justification for the federal government to interfere with Angel Raich's and Diane Monson's efforts (in conjunction with duly licensed physicians) to treat their illnesses. It will be interesting to see what the conservatives on the court — and the liberals — do with this case.

— Alan W. Bock

God: killer, bumbler, or fake? — There are only three main ways to reconcile traditional concepts of God with the horrific carnage of the Asian mega-tsunami. Each way is a hypothesis that depends on whether God caused the tsunami. And each leaves God with a lot to answer for.

Suppose that God caused the tsunami. Then the first hypothesis is that God is a murderous fiend.

This murderer hypothesis follows if God not only caused the tsunami but intended to cause it. Causality is easy to show for an omnipotent or all-powerful being. Such a God can cause any event by simply willing it and then His will be done. Indeed tsunamis are just the kind of *force majeure* that we call an Act of God.

The sharper question is whether God intended to cause the tsunami and its disastrous aftermath and thus whether He deliberately killed over 150,000 innocent children and adults. The law defines intent as either desiring an outcome or being substantially certain that the outcome will occur. Assume that God did not desire to cause such death and destruction. That still won't get Him off the hook.

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The clincher here is God's alleged omniscience or complete knowledge. Set aside the argument from philosophers that omniscience is logically impossible because it requires knowing all truths and because there is no set of all mathematical truths (a consequence of Cantor's Theorem: a set always has less size or "cardinality" than the set of all its subsets). So go ahead and grant that God has omniscience and perfect foresight. Then God does not play dice because for Him there is no probability or uncertainty. God knows with certainty the causal consequences of everyone's actions and of His own actions.

So God intends His actions — and so God is a mass

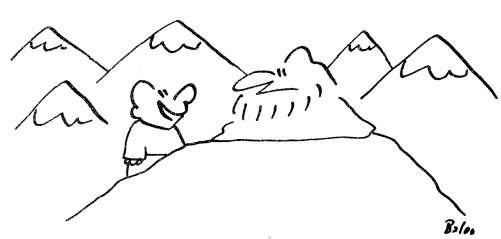

"Not the whole Universe — I just want to attain oneness with Julia Roberts."

murderer.

The verdict is worse than this because God shows no remorse and because He deliberately continues to compound the problem. It does not matter that He may be all-loving. God's alleged omnipotence lets Him resurrect the dead tsunami victims and fix the other damage that He has caused. But He refuses to do so. Instead God lets the victims' relatives grieve and lets disease spread and lets children suffer abuse.

The second hypothesis is that God caused the tsunami but He did not intend to. It just sort of happened after He unleashed the Big Bang 15 billion years ago and imposed the laws of physics on all matter and energy. The Universe Maker is still responsible for His dangerous product.

This careless or negligent God does not really count as God because He lacks omniscience — since omniscience

News You May Have Missed

Kerry Goes Down in History

BOSTON — John Kerry's "I actually voted for the 80 billion dollars before I voted against it" is being seen as the major gaffe in the recent presidential campaign, tagging him with a flip-flop image that he was unable to shake off and possibly costing him the election. But scholars at Harvard University's Center for the Advanced Study of Total Nut-Job Screw-Ups say that such colossal gaffes are nothing new, and there is plenty of evidence that they repeatedly changed the course of history long before they became staples of American negative campaign ads and "gotcha" journalism.

According to Center director Dr. Fiona Lunchmeat, Julius Caesar's triumph over Pompey in their rivalry for the dictatorship of Rome in 49 B.C. was due to a major gaffe on Pompey's part. During the third debate, Pompey went on the attack, pointing to Caesar's quip "The die is cast" as proof that he was in the pocket of gambling interests planning to turn the Forum into a casino-entertainment complex called Caesar's Palace. But Pompey mistakenly used the dative rather than the accusative case, so that instead of accusing Caesar of taking bribes, he asked him out on a date. When Pompey subsequently tried to appease the powerful grammatical-industrial complex by promising to introduce two new cases, the putative and the laxative, high-school Latin students rioted in the streets, and Caesar, whose campaign slogan ("Bread and Circuses") also seemed to go over better than Pompey's "Arugula and Compulsory Lectures on Early Etruscan Sarcophagi," went on to win a close, disputed election after the Seven Sybils voted 4-3 in favor of stopping the recount.

Another example, said Dr. Lunchmeat's colleague Professor Dudley Thweek, was a crucial election in 12th-century Lincolnshire, England, in which the challenger, Robin Hood, had opened up an apparently insurmountable lead in the polls over the incumbent, the Sheriff of Nottingham, who had alienated many voters by hanging them. But then Hood carelessly summed up his economic policy as "stealing from the rich and giving to the poor," which implied extensive paperwork, including filling out Forms 1066A and 4562W, plus Schedule SE-998b ("Application for Partial Exemption from Non-Farming Poaching Depreciation Credit Allowance Penalties and Fees"). The Sherwood Forest Veterans for Truth quickly produced a series of ads portraying Hood as "Red Robin," a subversive who had betrayed his men and the cause of merriness in general, and he was finally forced to drop out after he made another huge gaffe at the Early Gothic Arts and Crafts Fair while attempting to demonstrate the new intermediate-range longbow he favored. He badly overshot the target, and the arrow found its way to the Archbishop of York just as he was bowing to greet the delegation from the League of Norman Voters, causing the archbishop to say something in pure Anglo-Saxon for the first time in his life.

Lunchmeat and Thweek also cite the firestorm that erupted in 1789 when Louis XVI, running unopposed in the Versailles primary, was forced to apologize after his unpredictable, outspoken foreign-born wife Marie Antoinette published her controversial diet book "Let Them Eat Cake." Louis reiterated that his strict low-carb policy of denying both bread *and* cake to the people of Paris would remain in place, with the aim of eventually making the city the fashion-model capital of the world. Both Louis and Marie quickly gained a reputation for losing their heads.

Finally, the scholars point out, in the heated campaign for Soviet leadership in Moscow in 1925, Leon Trotsky and Joseph Stalin got into a fierce argument over whether the new Five-Year Plan For Maybe Coming Up With A Four-Year Plan was, from a strict Marxist perspective, "objectively correct" (Stalin's position) or "correctly objective" (Trotsky's position). Both seemed to find support in an early pamphet written by Lenin while in exile, "Ambles and Rambles in Olde Zurich," but Trotsky's controversial stance produced a plunge in the polls, and he was forced to apologize by leaving the country and ducking behind sofas a lot. He tried to recoup his political fortunes by breaking with the Communists altogether and starting the new, even more radical Revolutionary Socialist Vanguard Party, but the R.S.V.P. itself quickly splintered, one faction favoring "permanent revolution," the other favoring "permanently talking it over." Trotsky, after faking his assassination and changing his name to Arthur C. Perkle, opened a catering business in New Jersey, rising quickly to absolute power in the Paramus Chamber of Commerce.

— Eric Kenning

implies intent and thus no intent means no omniscience. Yet this might be the God that many inadvertently pray to. It is pointless to pray to an omniscient God because He already knows the content of the prayer. Prayer itself is nothing more than asking for a divine handout and thus it borders on blasphemy. The request is not a waste of time and effort for all concerned only if it tells God something that He did not already know. But then He lacks omniscience and that in turn suggests that He is not all powerful or omnipotent. How can you have total power over everything for all eternity and yet not know everything?

Such lack of knowledge would itself be a lack of power and hence there could be no omnipotence either. So this creature would not be God — but He would still be liable for multiple counts of wrongful death if not criminal negligence.

That leaves the third category where God did not cause the tsunami. Here there are many variations on the simplest hypothesis of all: There is no God. So God did not cause the tsunami or anything else.

The no-God hypothesis is what statisticians call the null hypothesis. It is the default hypothesis that we try to reject or refute with evidence to the contrary as when physicians test to see if a new drug has a predicted effect. Failure to reject the no-God hypothesis does not mean that we accept it as true although it does point in that direction. It technically means that so far the evidence has not knocked down the claim.

So it goes with God.

Science has not found a single footprint or miracle that would refute the null hypothesis that there is no God and thus support the claim that there is a God. The microscopes and telescopes have found no trace of Him whatsoever. This negative evidence is strong but not completely conclusive because the universe is a big place and a God signal may still turn up.

Until then what science can explain with God it can explain without God. The tsunami arose from natural causes — as did everything and everyone else in the universe.

— Bart Kosko

It doesn't take a weatherman — I'm not a scientist, and I don't know whether "global warming" is going on or not. Some scientists — for instance, Richard S. Lindzen of MIT — make me doubt that it is going on and, if it is, that it's caused by anything that people do. And I am always suspicious of scientific claims that are "universally accepted," or turn violently political.

Right now, "global warming" is probably the most politicized of all scientific issues. The fact that it is constantly proclaimed as the obvious truth, with all who doubt it relegated to the rubbish bin of moral and intellectual history, is enough to make anyone doubt that it's real — or, again, that it's caused by human beings. You just don't get that level of smug self-assurance from scientists and public officials who are careful about the problem of drawing "global" conclusions from diverse and fragmentary data. It's clear, as well, that we wouldn't hear one-hundredth as many dire declarations that the earth is warming — as it has been, off and on, for countless ages — if the warming warriors weren't trying to sell various draconian political programs designed to Deal With It.

A few nights ago, I saw an amazing show on the so-called History Channel that asked the scientific question, Will the prophecies of Revelation be fulfilled in our time? Maybe they will be, the show insinuated, when "the ice caps" melt. (Background noises: Groan! Crunch! Splash! Gurgle! Smash!) That didn't make me feel any more confident about the Warming. Then, the next day, I was trolling a used-book store when I discovered a book that was popular in 1976. It's called "Global Cooling."

The book was written by a journalist named Lowell Ponte, whose research was wide, if not particularly deep. His arguments are actually a good deal fairer than those of most public advocates of the warming hypothesis. He's not quite sure that the earth is cooling, and he's not quite sure that humans are responsible. He's willing to state his reservations and allow for varying points of view. Nevertheless, he does believe that (A) the earth grew warmer from the mid-19th to the mid-20th century and (B) has been cooling rather dramatically ever since.

He has some evidence, which would be tedious to rehearse. The entertaining thing is his citations from experts who agree with him. He cites a National Academy of Sciences warning about the significant possibility of a 10,000-year-long chill. And he quotes "a group of the world's leading climatologists" who in 1974 and 1975 pronounced the "near certainty" that climate change would result in "major crop failures within a decade."

That didn't happen. Neither did the global-*warming* predictions he cites, such as those of the people who met at MIT in 1970 and estimated that by the year 2000 the amount of the atmospheric "greenhouse gas" carbon dioxide would

have grown from its preindustrial level of 275–280 parts per million to 379 parts per million — or 390–400 parts per million, if you prefer the 1975 revisions of the forecast. The actual figure for 2000 was about 360 ppm.

Equally foolish predictions were made about the growth of earth's population, which Ponte and many other supposedly well-informed people imagined was a runaway train about to crash into the food-production barrier of a cooling (or warming) earth. According to "optimists," Ponte says, the human population of the world, with all its carbon-dioxide-generating proclivities, will rise to 6 billion in the year 2000, while "pessimists" predict 8 billion. Strangely, the "optimists" were right. The figure in 2000 was 6 billion, or a trifle more.

Every thinking person can see what happened. The population estimators, like their cousins, the climate cranks, considered only what Lindzen and other scientists call "positive feedback" — reinforcements of a trend — while discounting "negative feedback," the contrary forces that the trend may stimulate. Population pessimists assume that each generation will replicate its progenitors' habits of reproduction. Yet the experience of every industrial society has shown that new generations are repelled by the squalor of large families and, given the chance, do their best to limit their own family size.

As Lindzen suggests, similar things happen in earth's climate. Rising temperatures, for instance, produce clouds that help control temperatures. Such events happen in the sociology of intellectuals, too. Contrary to what hysterical anticommunists used to suggest, a victory for Marxism in one nation, party, trade union, or profession did not necessarily lead to victories in others. Success inspired further left-wing activity, but it also stimulated right-wing opposition.

Let's hope that such self-corrective tendencies are universal, and that hysteria of all kinds, especially the hysteria that attaches itself to science, where it least belongs, will continue to receive the sharply negative feedback it deserves.

— Stephen Cox

All I needed to know about government I learned at the stop light — My friend, Herb, says he never met a traffic light he liked. "They're just like laws. Lousy ones never get dismantled and they clutter up the intersections of my life." The last piece of legislation Herb respected was the Magna Carta. Who needs more?

"And when's the last time you saw a traffic light removed?" he adds. "About the last time a Muslim was voted president of the Southern Baptist Association. Traffic lights and laws — as irreversible as a speeding bullet." He may be right. When's the last time a politician stood up in broad daylight and admitted to a lousy piece of legislation and called for its revocation?

And when did your traffic engineer admit that the light at Rural Road and Lullaby Lane was a needless impediment; and so proclaim on the front page of your local paper?

"Motorists, me and my staff are really sorry about the five-minute light we put on the corner of Gran Prix Boulevard and Old Rural Lane. Your bomb threats have convinced us. It's a bummer. (We just couldn't resist the 2-for-1 special from ACME Signal Corporation.) We'll take it down tomorrow evening (during rush hour, naturally). There'll be free beer for all. And glass and metal fragments will be dispensed as souvenirs. Again, apologies to you patient Gran Prix travelers. If anybody lived on Old Rural Lane, we'd apologize to them, too."

What's operating here is the sin of pride. Lovers and weathermen are *always* apologizing. Traffic engineers and politicians, on the other hand, never do.

Both traffic signals and laws should attend to the delicate equilibrium between society and individual freedom. The stoplight that stacks up traffic on the eight-lane parkway is there to allow the eight residents of Serenity Lane to get out into the world. For them it's freedom, but for the 10,000 whose parkway progress is disturbed daily, it's a pain in the transmission. Trouble is, there's a constituency for Serenity Lane and not for the eight-lane parkway.

One Wednesday night long ago, before the expressway was encumbered by traffic lights, those frustrated Serenity Laners gathered at the municipal council meeting and raised the devil about the mortal danger of the Parkway-Serenity Lane intersection. They spoke loudly and waved signs picturing maimed toddlers and shouted slogans like "Kids should be seen, not hurt."

Noisy voters bonded by a common cause, who wave signs and write letters to editors, often get what they want — their own traffic light. This Serenity Lane community that dreams of easy access to the world outside their environs is, in the classic sense of the word, a special interest group. And city planners have to please vocal constituents, especially sign wavers who write letters to editors. Result? BAM! A new light quicker than J. Lo sheds boytoys.

Think any of the expressway users scattered all over the county dropped in at that Wednesday night meeting? Nope. They are geographically and politically dispersed, as cohesive as pebbles on a beach. Therefore, they will pay the price for Serenity Lane's cohesiveness: a two-minute delay on the way to work. Not so terrible. But if the natural process of pleasing special interest groups adjacent to the expressway continues . . . well, the expressway is no longer an expressway. It's a thicket of lights. Gridlock — like Times Square on New Year's Eve.

And even when the ex-expressway has congealed into a parking lot, not one of the Serenity Lane folks will go down to city hall to sacrifice their highway access for the great good of the commuting multitudes. That's human nature. And it shapes our political as well as our automotive freedom.

— Ted Roberts

Judicial Activism for Conservatives— The U.S. Supreme Court declined to hear an appeal in the matter of *Largess* v. *Supreme Judicial Court of the State of Massachusetts*. The appellants sought, on equal-protection grounds, to overturn the decision by the state Supreme Court about a year ago to allow same-sex marriages in the state.

The case involves a few delicious ironies.

The Massachusetts Supreme Court made a decision about state law based on the wording of the equal-protection clause of Massachusetts' state constitution — ruling that if the state granted marriage licenses to heterosexual couples, equal application of the law to all without discrimination required it to give marriage licenses to same-sex couples as well.

The state legislature gave initial approval to a constitutional amendment that would change the equal-protection clause to ban gay marriages but allow civil unions. To change the constitution, the legislature must approve the same amendment next year and put it to the voters. If that happens, it could go on the ballot in 2006.

Thus the issue can be handled within the state under state law. There is no federal issue involved.

The case was brought by Florida-based Liberty Counsel, a conservative legal group, on behalf of eleven Massachusetts legislators. The grounds? The U.S. Constitution requires the federal government to guarantee a "republican form of government" in the states. The issue has never been adjudicated, partly because the question of just what constitutes a republican form of government is ticklish and partly because no state government has strayed too far from the republican reservation, broadly viewed. In this case, there is recourse from the "tyranny" of a legal decision, and that recourse is already under way.

The case was a real stretch for foes of gay marriage. These opponents routinely decry "activist judges." But in this case they were pleading with the U.S. Supreme Court to be activist in a way that would override the right of Massachusetts to make decisions for itself in an area that has never been considered part of the legitimate federal domain. Activist judges expanding federal power? What kind of conservative jurisprudence would that be?

— Alan W. Bock

Catch-6.2 — Michael Tanner, Director of Health and Welfare Studies at the Cato Institute, recently published a study titled "The 6.2 Percent Solution: A Plan for Reforming Social Security." Tanner writes, "[A]lthough the individual account option is completely voluntary for current workers, it will eventually become mandatory for those workers who have not yet entered the labor force. As a result, the PAYGO

News You May Have Missed

Chomsky Stuns Followers, Blames U.S.

CAMBRIDGE, Mass. — MIT Professor Noam Chomsky, speaking from his home in suburban Boston, forthrightly placed the blame for the December Indonesian earthquake and the resulting tsunami that killed over 150,000 people in half a dozen countries on the United States government and the global corporate elites who are conspiring with it to dominate and eventually destroy the world. "Nothing happens by accident, " Chomsky declared. "I see the carefully calibrated calculations of the malign genius George W. Bush, exercising an implacable will and an almost superhuman intelligence, behind everything, not just the earthquake and killer wave but the fact that I can't seem to find my car keys and bumped my head looking for them under the desk."

Chomsky argues that "nature" is a deceptive ideological construct designed to disguise the malfeasance and meddling of the CIA and other secretive government agencies and points out that the earthquake, not by coincidence, removed some of the very people — Swedish tourists, poor Indonesians and Sri Lankans — who were standing in the way of Bush's evil plan to seize control of all money and resources for himself and his friends and then, while stroking a large white cat and cackling maniacally, to kill everyone outside his secret underground compound in Texas with a universal death-ray activated by a switch concealed in the arm of his specially made recliner chair. Chomsky, who concluded by chiding patriotic Americans for exaggerating the extent of their power in the world and concocting a simple-minded "devil theory" to explain everything they don't like, also blamed the earthquake-related destruction of the Minoan civilization of Crete in 1600 B.C., the Black Plague of the 14th century, the Basque separatist movement in Spain, and a bad Chinese takeout order he ate in October on the machinations of the U.S. government and global corporate elites.

— Eric Kenning

Social Security system will eventually be replaced entirely by a market-based one."

A mandatory, market-based proposal. That's what a policy analyst from Cato, the giant of free-market policy analysis, is proposing. It's difficult even to take Tanner's remarks seriously. Ellsworth Toohey would have had trouble with such blatant mendacity. Tanner, and the executives at Cato who let him get away with it, need a reminder: if a program is mandated by the national government, it's not part of the free market. If politicians force you to do something, it's not "completely voluntary." Indeed, it's not voluntary at all.

The accounts aren't even "completely voluntary for current workers." Under Tanner's proposal, workers would face a choice. They either continue to pay 6.2% of their earnings into the Ponzi scheme known as Social Security, or they can pay that money into accounts mandated and regu-

Word Watch

by Stephen Cox

Words, like human beings, spend their lives ascending or descending the stairway of social esteem and status. A lot of silly things can happen on those long, twisting stairs.

Members of the Church of Jesus Christ of Latter Day Saints were once derided by their neighbors as crazy "Mormons" (after the title of their "third testament," the Book of Mormon). Then they decided to pick up the name and apply it to themselves. The same thing happened to "Quakers," the word that people used in sneering at early adherents of the Society of Friends, who always seemed to be shivering with enthusiasm. Something similar may be happening with "queer," meaning "gay," meaning "homosexual": it's on its way up.

"Queer" is an ugly expression, and I hope it slips somewhere and falls, but at least it's better than "gay, lesbian, bisexual, and transgendered people." That phrase is currently lodged in the linguistic basement, with other ten-ton samples of bureaucratic, pressure-group, and political-lobby lingo; but it's trying to hoist itself upstairs. Please don't give it any help.

Anyway, while "Mormon," "Quaker," and "queer" were rising, "catamite" (from Ganymede, the male lover of the great god Zeus) and "bohemian" (from Bohemia, a respectable European country whose moniker descended upon people of doubtful respectability elsewhere) passed them on the staircase, coming down. Other words climb and fall, then pick themselves up and climb again. "Piss" got into the King James Bible, then tumbled completely out of polite usage; now, however, it's almost respectable enough to use in a urologist's office.

The aggressive, self-righteous, puritanical religion of the present day is multicultural atheism, fully equipped with its own array of linguistic superstitions.

During the genteel age of American writing, "belly" found itself so far downstairs that nice people were afraid to use it. Hence the comic song in "42nd Street" (1933) about an unfortunate sex encounter:

He did right by little Nellie
With a shotgun at his bel — . . . tummy;
How could he say no?
So they had to shuffle,
Shuffle off to Buffalo.

But that song was a signal that "belly" was back, and shimmying brazenly up the stairs.

Is "Christmas" back, or forth? That question preoccupied me throughout the recent season of year-end frivolity, which was marked by an unusual amount of political conflict over words. The aggressors were the fundamentalists — not the fundamentalist Christians, this time, but the fundamentalist atheists, who can be just as much of a pain in the rump. These are the people who succeeded in pressuring mayors, public-school principals, and managers of commercial enterprises around the country into converting Christmas trees into "holiday trees," Christmas musical events into "winter concerts" (who would want to celebrate "winter," for God's sake?), and the store clerk's robust "Merry Christmas!" into a flaccid "Happy Holiday."

Now look. December 25 isn't a "holiday" because it's in "winter"; it's a holiday because it celebrates the birth of Jesus. That's just a fact. And "winter concerts" consisting entirely of songs like "Jingle Bells" and "Have a Holly, Jolly Something" show a good deal less than perfect sensitivity toward the poetry of song, not to mention the needs of junior high-school music instruction. That's also a fact. Why should anybody raise a row over a bunch of kids playing "Silent Night" on their tubas and xylophones? Does the Chicago Symphony refuse to perform Handel's "Messiah" because that work proclaims the divinity of Christ?

To me, the great Christmas Controversy of 2004 was a reminder, not that America is becoming a secular nation, but that America is still the most religious nation on earth. The only difference is that the aggressive, self-righteous, puritanical religion of the present day is multicultural atheism, fully equipped with its own array of linguistic superstitions.

Every form of puritanism gladly sacrifices beauty to its superstitious pursuit of "goodness" and "truth." Just as the religious rotters of the 17th century smashed church organs because they were an offense to their view of the primitive (and therefore veridical) church, so the "secular" rotters of the current age think nothing of asserting, in effect, that learning the lyrics of "Frosty the Snowman" will do more for the seventh-grade intelligence than learning the lyrics of "Once in Royal David's City." On the same assumptions, I suppose, children should be forbidden to act

lated by the national government. And if a worker simply wants to keep that money and spend it as he or she chooses? That's not allowed — and any attempt to deviate from the "choices" specified by the national government will result in persecution by national enforcement agencies. Tanner seems to think that "completely voluntary" means "do it or else."

Tanner recommends "individual accounts [that must] be invested in real capital assets under a three-tiered system." Magnanimously, he wishes to initially give workers "a choice of three investment options." Three whole options? What benevolent dictators Cato endorses!

These "voluntary" accounts will be regulated by the national government, and thus sustain Social Security, not eliminate it. Tanner's admission that "there will almost certainly be a short-term requirement for additional revenues" acknowledges the costs of transition, but he must be naive to think that the money will come from cutting Medicare and corporate welfare, rather than raising taxes or increasing the national debt.

Cato is located in Washington, D.C., yet Tanner seems to have an idealized vision of how Congress operates. Tanner fears "government investment," but his plan entails overwhelming government control of investment. But of course Congress would never fight about which investments are "appropriate" according to some interest group. While Tanner's plan is better than giving the national government full control over the money, it is still a statist system.

Unfortunately, Tanner is not the only advocate of mandatory accounts at Cato. José Piñera, co-chairman of the Cato Institute Project on Social Security Choice, wrote a similar article for the New York Times (Dec. 1). Piñera describes Chile's system, which he admires: "10 percent of [workers'] pretax wage is deposited monthly into a personal account. . . . Workers may choose any one of several competing private pension fund companies to manage their accounts. Those companies can engage in no other activities and are subject to strict supervision by a government agency." Piñera suggests such a system "is based on ownership, choice and personal responsibility." In fact, it is based on coercion.

People who advocate free markets don't want the government to strictly supervise the investment of 10% of wages. Furthermore, forced investment is a direct violation of individual rights that results in the destruction of value. The more limitations the state places on the use of income, the less valuable that income is to the earner.

Those who support mandatory, regulated accounts don't like Social Security, but they don't have the moral fortitude or intellectual integrity to admit the obvious: Social Security should be abolished. So instead Tanner and like-minded wonks pretend that "replacing" Social Security with a system of mandatory, regulated accounts is somehow desirable.

I propose a radical alternative to the Cato proposal: Social Security should be phased out. This can be accomplished in two ways: gradually increase the age at which benefits are paid or incrementally reduce real benefits for new retirees. This can be achieved without touching the benefits of current recipients, if that's politically necessary. Furthermore, the Social Security tax would be reduced only as benefits were reduced, so there would be no danger of Congress borrowing more.

As a matter of policy, it's probably wise to attack only the general retirement provision of Social Security first, and leave for another day the debate over funding the elderly

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in Shakespeare: just look at those shocking *words* they'd be forced to *say*!

We do not hear, as yet, that "Happy New Year!" will be banned along with "Merry Christmas!", but just wait till somebody notices that numerous minority groups do not start *their* new year on January 1. And there are many children — I am one — who ordinarily find the new year depressing. Why should *our* sensibilities by abused by seeing "Happy New Year!" glaring from the blackboard? It's as if our *feelings* didn't *count*. And did you realize that Valentine's Day is the celebration of a Roman Catholic saint? Not only that; it's a standing offense to all who have loved and lost. Surely the *pain* such children feel can never equal the pleasure others take in cutting hearts out of construction paper and writing "I Love You" upon them.

Of course, you can make all kinds of arguments about what should or should not go on in public schools. Murray Rothbard was right when he said that quarrels about "public" places can have no convincing solution — because who has a "right" to a "public" place? What's within the province of this column is not the legality or even the politics of this mighty issue; it's the psychology.

Take the private businessman who forbids his employees to wish the customers a "Merry Christmas!" That's his right. But what psychological principles are in play? The businessman, of course, is scared that someone, for some reason, may possibly object to the customary expression of theological good cheer. So let's think a little more about this real or imagined objector. What is his psychology? Such a person must imagine that if I am not a Christian and do not celebrate Christmas, I am injured in some manner by a stranger's benevolent wish that I enjoy myself on Christmas day. Such a person must believe that "Have a nice day!" is innocent and innocuous, except when the day is December 25 and the good wishes are cloaked in religious language. Then it becomes insidious and hurtful. Perhaps he also imagines that any person, black or white, who wishes me a happy Kwanzaa is assaulting me in some way. Just imagine! The cashier at Denny's actually wants me to be *happy*! The nerve of that woman.

People who imagine such things are — not to put too fine a point on it — more than a little bit goofy. They are also going a lot farther in devotion to religious principle than even Jesus Christ was willing to go. Criticizing the puritans of his day, he said that a person is "defiled," not by the "unclean" foods he puts into his mouth, but by the evil that comes out of it (Mark 7:14–23). He apparently had no idea that a person can be defiled by what gets into his ears while he's collecting his change at the sales counter. And I'm certain that neither Jesus nor James Madison would have stood at the bottom of the staircase to keep expressions decked out in their holiday best from going on up to the Christmas party.

poor and the disabled. Nevertheless, when the issue arises, market advocates must not shy away from criticizing the welfare state in all its manifestations.

The phase-out plan is simple and compatible with free markets. While the initiation of force would continue in lessening degrees for a period of time, eventually Social Security would be wiped out. In its place would stand liberty, not a shadow statism composed of mandatory accounts and "completely voluntary" doublespeak.

— Ari Armstrong

Withdraw or conscript? — The announcement that the number of U.S. troops in Iraq would be increased to 150,000 during the prelude to Iraqi elections scheduled for Jan. 30 almost counts as a grudging bow to reality — hardly a popular place in the administration. It would probably be too much for this administration to acknowledge what the move tacitly admits: that previous troop levels have been insufficient for tasks that have proved more difficult than our top leaders let on.

Actually, the move in early December was a second installment in a belated, almost covert recognition of reality. In October, 6,500 U.S. troops had their tours of duty in Iraq extended.

So when do we start to rethink the mission in Iraq, to bring it more in line with a realistic assessment of current U.S. resources and will? The alternative would be to increase the size of U.S. military forces substantially, which might or might not be politically feasible.

Ideally, military commanders like to have available three times the number of troops actually in place in a theater of operations. The idea is that at any given time a third of those troops are deployed, a third are training to be deployed, and a third are doing rest and rehabilitation after coming home, preparing to go overseas again. This regimen can be altered or speeded up, of course, but it's the preferred way to go.

Thus to support a need for 150,000 troops in Iraq, you would need 450,000 troops dedicated to Iraq. But Congress just increased the mandated size of the Army from 482,000 to 502,000, and troops are deployed, believe it or not, in places other than Iraq. If 150,000 troops are going to be deployed in Iraq on a long-term basis, the military will be somewhat stretched.

Reduce commitments or institute a draft? Those seem to be the only realistic options.

— Alan W. Bock

But who's counting? — Arnaud de Borchgrave has reported that in a lot of mosques, it has been preached that Allah punished Western culture by sending us a tsunami between two big Christian holidays. I personally avoid this kind of speculation. But if pressed, I would point out that fewer than 100 of the victims were American, and the vast majority were Muslim.

— Tim Slagle

Enemies everywhere — Unlike some others in this administration, Donald Rumsfeld is not stupid; he's quite eloquent and even aware that not everyone agrees with his view of Iraq. Even so, based on his comments to the troops over there this Christmas, he apparently still thinks denial is only a river in Egypt — a place, incidentally, that's ripe for trouble once Mubarak kicks the bucket.

Rumsfeld exhorted his audience that "when it looks bleak, when one worries about how it's going to come out, when one reads and hears the naysayers and the doubters who say it can't be done, and that we're in a quagmire here," to pay no heed, for there have been such doubters "throughout every conflict in the history of the world."

He then went on to say that he was going to push ahead with the global war on terror, wherever it may take the U.S. military, and for however long it takes. Something like that should fill the hearts of men with terror, not good will.

Is there reason to question his mental stability, as well as

News You May Have Missed

Bush Hails Blind for Leading Blind

WASHINGTON — President Bush, who described the Iraq War as a "catastrophic success" during his re-election campaign last year, said yesterday that he hoped to turn things completely around this year and make the war a "successful catastrophe." To that end he has appointed a distinguished disgrace, Bernard Kerik, to head the newly created cabinet-level Department of Insecure Security, where he will preside over a staff of stupid intellectuals who will implement and coordinate reckless precautions, despondent hopes, minuses on the plus side, breakthrough stalemates, transparent cover-ups, tar-based whitewashing, and other oxymoronic initiatives throughout the federal government.

In a related development, the president announced that three principal figures of the war, General Tommy Franks, former CIA director George Tenet, and former Iraq occupation autocrat Paul Bremer, who were honored with the Presidential Medal of Freedom on Dec. 14, would be given a new award, the Presidential Medal of Cheap Plastic, in a ceremony on the White House lawn scheduled for Friday, the 13th of April. The medal, which looks good from a distance, is intended to honor the ability not to see what is right in front of you. The president, who now wears a blindfold emblazoned with the presidential seal to prevent any accidental reading of newspapers, singled out Franks, Tenet, and Bremer "for having the foresight to have no hindsight whatsoever, and vice-versa," before tripping over some TV cables and plunging headlong into a crowd of reporters. Administration sources explained that the president's seeing-eye dog, Karl, was at the vet's office being fitted with new glasses.

— Eric Kenning

his judgment? When he said: "The battlefields of the global war on terror are everywhere one looks," it struck me as something a paranoid would say.

It was especially ironic when he commented, "[The insurgents] can go out across the world and take young people and put things in these schools and teach them that their goal in life has to be to go out and kill innocent men, women, and children, and they can find recruits." I wonder if any of the soldiers thought he was hitting a little too close to home. — Doug Casey

Fly the friendly ether — Last year I drove up to Mojave to see Burt Rutan's SpaceShipOne kick-start the private space race. It was a festival of delight in entrepreneurialism. This year could see private space travel make significant steps toward becoming a commercial enterprise offering ordinary people, not just government astronauts or people with $20 million to spend, a chance to travel in space for an affordable price.

The Ansari X-Prize Foundation in St. Louis, which offered the $10 million prize Burt Rutan and his Scaled Composites Company won in October, has already announced the X-Prize races, to be held in New Mexico. This series of events will offer prizes for would-be private space travel providers for going higher, faster, or traveling with more maneuverability. Several providers said they were close to meeting the criteria for the initial prize, but Rutan, with backing from Microsoft co-founder Paul Allen, got there first. Virgin Atlantic founder Richard Branson has already placed an order for suborbital space vehicles and wants to start flying passengers by 2006 or 2007.

Hotel magnate Robert Bigelow is offering a $50 million prize for building a vehicle capable of orbiting the earth twice with five passengers and docking at a space hotel he hopes to build. Rep. Dana Rohrabacher has introduced a bill to provide the kind of light-handed regulation budding space-travel entrepreneurs will need to innovate. And so far the Federal Aviation Administration has chosen to cooperate with private space travel enthusiasts rather than throwing bureaucratic roadblocks in their way.

— Alan W. Bock

Nature au naturel — Like a lot of celebrities, he lives in Manhattan. His building is right on Fifth Ave., facing Central Park. He's a well-known movie star. Like a lot of movie stars, he's run through a few female consorts since he got famous, fathering kids with each of them. And like any celebrity, when he runs into trouble, it's a big story, a scandal made to order for screaming tabloid headlines and the 10 o'clock news.

This is a bird we're talking about. A real one. Not a mob canary, not a stool pigeon, not an ambulance-chasing vulture with a law degree, not a night owl or dead duck or gone goose or other common New York avian sights. Pale Male — that's the nickname of the celebrity hawk who more than ten years ago built an eight-foot-long nest made of twigs and branches high on the facade of an elegant Fifth Ave. apartment building, attracting crowds of enraptured birdwatchers and becoming the subject of a documentary film as he went about his business of soaring and hovering and sky-diving into the woods of Central Park for the kill, ordering takeout and returning to his cluttered nest with the food like everybody else.

On Dec. 7, after a few residents of the snooty building, where apartments sell for millions of dollars, objected to the pigeon carcasses, rat limbs, and similar déclassé garbage that occasionally fell from the nest to the sidewalk below, threatening their Manolos and Guccis, the co-op board voted to remove the nest and the antipigeon spikes that had held it in place. The immediate result ruffled the feathers of the residents far more than any mere rat limbs or bird droppings. They got hit in the eye with a very big, very bad glob of publicity. Sign-waving, chanting protesters were parked on the edge of the park across the street all day, every day, joined by one of the building's more famous residents, Mary Tyler Moore, along with TV crews and gawking hawk-lovers. You could buy Pale Male t-shirts from sidewalk merchants. The cowed co-op board sheepishly retreated, voting by the end of the month to restore the anti-pigeon spikes, plus a platform to catch any debris, effectively inviting Pale Male, who had been trying without success to rebuild the nest, back. And no maintenance fees, no rent, no doorman's Christmas bonus. Pale Male, like other well-off Manhattan apartment-dwellers, will be able to hawk his really, really lucky real-estate story to anyone who will listen and crow about his great find while pretending to pity all those poor pigeons out there with raw deals, and then he can get down to the serious, full-time, never-ending business of renovation and remodeling. Maybe he can enlist a few of the city's 1.3 million or so gay interior decorators to give him advice this time — Queer Eye for the Straight Bird. "Oh, lose those appalling pigeon bones, love. Maybe we'll just try a few silk pillows?"

Anyway, it was good publicity for Nature, Inc., which otherwise had a bad month. Hawks and earthquake-spawned tsunamis, both 100% natural. Natural heroism and natural terrorism. It was useful to be reminded, dramatically, all in the same month, that Mother Nature is, after all, only human-all-too-human, creative and destructive, angelic and demonic, lustrous and monstrous. Nature is every bit as morally ambiguous as we are. Or is it the other way around? As that quintessential New Yorker, Pale Male, might say, "You and me, buddy, we gotta whole lot in common." — Eric Kenning

Vaporizing research — During U.S. Supreme Court oral arguments in *Ashcroft* v. *Raich*, the latest medical marijuana case, Justice Stephen Breyer commented that

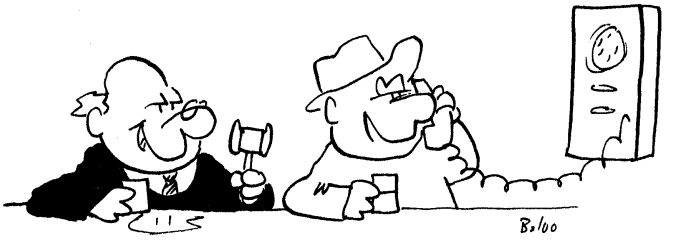

"Why, no, dear — I'm sober as a judge!"

instead of passing a patchwork of state laws, medical marijuana advocates would be better off petitioning the Food and Drug Administration to have marijuana, or cannabis, reclassified as a prescription drug. "Medicine by regulation is better than medicine by referendum," he opined.

Not to put too fine a point on it, but both regulation and referendum are lousy ways to do medicine. It's probably utopian to dream of conscientious research and dispassionate scientific investigation, unhampered by bureaucratic constraints or popular passions. Given the current system, Justice Breyer's suggestion sounded reasonable on its face.

The FDA model is unlikely to work as long as marijuana is subject to strict federal prohibition and the Drug Enforcement Administration, with a vested interest in preventing research that might call into question the notion that marijuana is a devil-weed with no redeeming characteristics, has veto power over who can do research.

On Dec. 10, after a delay of almost four years, the DEA rejected a 2001 proposal from Dr. Lyle Craker, professor of plant and soil sciences at the University of Massachusetts at Amherst, to grow marijuana for FDA-approved research. The decision came only after Dr. Craker filed a suit in July demanding a response.

Currently, the only marijuana available for research is grown at a Mississippi farm overseen by the National Institute on Drug Abuse. But researchers claim that the product is of poor and inconsistent quality.

Furthermore, if the FDA were ever to consider approving something as a prescription drug, it would have to review clinical trials on the product that was going to be sold. The federal farm at Mississippi has no intention of getting into commercial growing. Dr. Craker's proposal had in mind developing strains of clinical-grade cannabis that could eventually be used commercially, if the FDA were to give its approval.

Well! The DEA had to stop that idea in its tracks. The DEA's letter also included a fascinating pre-judgment. "Current marijuana research has not progressed to Phase 2 of the clinical trials because current research must use smoked marijuana, which ultimately cannot be the permitted delivery system for any potential marijuana medication." Not only does this ignore the fact that tests are beginning in California using vaporization (a technique by which cannabis can be ingested without being smoked), but it decides in advance a question that should be subject to the very research that opponents of medical marijuana say needs to be done before it can be approved.

By denying the application, the DEA effectively prohibited any research that might eventually lead to FDA approval of cannabis as a federally authorized prescription drug. The decision said, in effect, that the feds don't approve of the medicinal use of marijuana, and they will block any research that might challenge that predetermined opinion.

The decision renders ridiculous the constant whine of medical marijuana opponents that we simply can't allow medical use without more research. They're the ones preventing research. But don't expect them to stop using that lame excuse, and don't expect too many people in the establishment press to call them on it. — Alan W. Bock

Letters, *from page 6*

even if he is right, which is in dispute.

Chris Wiswell
Seattle, Wash.

Love the One You're With

R.W. Bradford's reasoning that Badnarik got many votes from Nader and Green supporters (January) is on target and needs some explanation. For many years some libertarians have preached and practiced a strategy of working with the Left. This began with Murray Rothbard working with Marxists in alliances to end the Vietnam War and continued with the Radical Libertarian Alliance and others through the '70s working for McGovern, Hatfield, and drug legalization campaigns. During this time we had little success because people on the left were either

(1) Too tied in with the Democratic Party.

(2) Too involved with Marxism and other authoritarian structures.

(3) Too amorphous in lifestyle and ideas to do any real organizing.

After attending a Green convention in 2002, I realized that here was a group that was pro-decentralization, willing to say no to the Democrats and the authoritarian left and organized enough to be on the ballot and run candidates. Many other libertarians recognized this as well. What made our working with the Greens possible is that the Greens percieved us as being similar in size and in opposition to the establishment. During the campaign we had a series of friendly debates. Cobb and Badnarik got arrested in St. Louis and cooperated on various projects. Since we were friendly with the Greens, when they were not allowed on the ballot in many states some of their supporters voted for us. This default libertarianism can work for us when we work together on referendums and anti-war protests. My hope is that on a local level we can place some referendums on instant runoff voting and proportional representation and that we will become the second choice of the left more and more. This strategy will also work with conservatives such as the Constitution Party. To build liberty we need to work on single coalitions and outreach. This strategy can work for LPers and non-LPers alike.

Don Meinshausen
Hoboken, N.J.

Worse at Second Glance

In "Lies, Damned Lies, and Election Analysis" (January), R.W. Bradford compares the LP presidential candidate's vote share in 2000 with 2004 for three states: Nevada, New Mexico, and Wisconsin.

The New Mexico data read .37% in 2000 and .31% in 2004. However, the data presented on the New Mexico

continued on page 28

Epiphany

The Conversion of a Gun Grabber

by Bruce Ramsey

If guns couldn't help the Swiss or the Branch Davidians, what good are they?

I was never that interested in guns. My dad, a hunter, gave me a fine Japanese shotgun, a 12-gauge double-barreled side-by-side; I downed a few pheasants and ducks with it and nailed one sad jackrabbit, then sold it to my cousin for a hundred bucks. I was a city fellow. I didn't need a gun, and for years I didn't have one.

I was tempted once. A gun-owning friend took me out for a shoot with his AR-10 semiautomatic, a castoff of some African army, and I pulled off ten rounds at a tree stump. I pretended it was a communist tree stump, and blasted it to hell. Wow! I could understand my friend better after that, but I didn't get a gun myself.

Some folks argued that they needed a gun for self-defense, but I never did. I never lived in a high-crime area, and I figured that even if I had a gun it wouldn't be handy at the moment I needed it. The handier it was, the greater the risk of me killing the wrong person, or having my gun used by someone else, and the greater hassle it would be. If I bought a gun, I'd put it on a shelf somewhere, and what good would it be? To hell with it.

In 1993 I returned to Seattle from three and a half years in Hong Kong. The United States was in the midst of an epidemic of drive-by shootings. There was one at the high school nearest my house. Some kid meant to shoot at another kid but did it from a moving car because he was nervous and shot other kids instead. Bang, you're dead. This would not have happened in Hong Kong, because kids couldn't get guns there. Adults couldn't get them. They were banned. I suggested in one of my newspaper columns that guns be banned here, too.

Conservatives and libertarians hated what I wrote, and several called me a communist. One sent me a baby pacifier. My progressive colleagues (which was most of them) congratulated me on my fine logic.

I was uneasy about that, because I was being praised by the wrong people. I reviewed my arguments.

All individuals, I agreed, have a right to defend themselves. But not with any kind of weapon — not with a nuclear weapon, certainly. Not with a howitzer or a mortar, land mines or a machine gun. Those are too dangerous to be allowed for general private use, and no civilized country allows them. And that means there can be no general right to own a weapon, but only a right to own a *certain class* of weapons.

What weapons? Ones useful for self-defense. That might include pistols, rifles and shotguns, and it might not, because those things can be used offensively, and they are designed to be lethal. A society, even a libertarian one, might say that people could defend themselves with pepper spray or electric zappers, or by taking karate and having a dog, or with deadbolt locks and barred windows, but not with devices designed to kill. Private ownership of guns means amateurs in control of lethal force. I didn't

want that. Too many morons.

The gun people made the argument that it's not guns that kill people, but people who kill people. Banning guns, they said, was as stupid as banning steak knives, scissors, or even cars and trucks, since all those things can be used as murder weapons. But by that argument, a razor blade was indistinguishable from a machine gun. I thought that was a fatuous argument, and I still think so.

The gun people argued that guns were an "equalizer" of special value to women and old people. But there are other equalizers, and most shootings were of young men by other young men. The demand for guns was mainly not from old ladies.

I pretended it was a communist tree stump, and blasted it to hell.

The gun people also argued that when guns are outlawed, only outlaws will have guns. There was a bumper sticker to that effect, and it was tautologically true. But I recalled Hong Kong. Nobody had guns there except the cops, a couple of Gurkha regiments, and a handful of outlaws with connections in China. Petty criminals did not have them. You could not buy guns or ammo or reloading supplies. These things were just not available — and when I was living in that very dense, impersonal city, the homicide rate was about *one-sixth* that of the United States.

Don't tell me that gun control can't work, I thought. I have seen it work. And it was not in an authoritarian society, but in the place that the Cato Institute says, year after year, has the freest economy on earth.

I was right about Hong Kong. But America is a different place. Millions of Americans had guns, ammunition, and the technology for reloading cartridges, and they were scattered over an immense area. They had a strong desire not to have their guns taken away. To make America like Hong Kong would require draconian, invasive enforcement pursued over decades, confiscating not only guns but ammunition and reloading supplies. It would mean severely restricting hunting, or maybe banning it altogether. People would hate it, and they would resist. It would also mean cutting a hole in the Constitution — *another* hole, because there were several already. It would mean giving officious, moralistic "progressives" even more powers to order people around. Ugh.

In the abstract, I liked the idea of a gun-free society. If I were setting up a new society, on Mars maybe, that's the way I'd do it. But that wasn't the question.

The gun people had one more argument, that guns were connected with freedom. The real reason we needed guns, they said, was to defend ourselves from invaders, like in the 1980s B-movie "Red Dawn," or from an oppressive government, like the Nazis. If the Jews had had guns, they said, the Nazis would not have been able to come for them. One of the first things the Nazis had done upon taking power, the gun supporters said, was to take away the people's guns.

They offered no documentation for that, and I couldn't find any. I found a source called "Firearms Regulations in Various Foreign Countries," published in 1990 by the Law Library of Congress. It said the Germans had passed a law in 1928, five years before the Nazis came to power, requiring a license to buy handguns and rifles. In 1938 the Nazis amended that law, *lifting* the requirement for rifles, encouraging people to buy them so that the nation would be more militarily fit. The law also let Nazi officials buy handguns without a license. Gun imports were banned, but the motive was to stimulate the German armaments industry. Finally, the book said the law in effect during the Nazi years was much less strict than the law in effect in Germany in 1990.

The histories I consulted listed all sorts of restrictive things the Nazis did to the Jews, right from the start. These sources didn't say anything about guns.

I thought about Jews defending themselves with guns. If you're a Jew in Germany in 1942, and the Gestapo is knocking at your door, it does no good to have a gun. Use it and you're dead. It was the same in the 1990s in Idaho for Randy Weaver or at Waco for the Koresh cult. Guns do not protect an individual or a small group from the state. They are worse than useless. They are an incitement. They bring the state down on your head.

Regarding national defense, the gun people used the argument of Switzerland in World War II. In Switzerland, every man of a certain age was in the reserves, and had a rifle at home. And because of that, the gun people said, the Germans did not invade Switzerland. I tended to believe this until I read an account of Switzerland and the war, Angelo Codevilla's "Between the Alps and a Hard Place" (Regnery, 2000). That made it clear: Germany had refrained from invading Switzerland because of the Swiss Army's bloody-minded determination to use the Alps as a fortified redoubt, with as much organization and advanced weaponry as it could get. The (conscript) reserves were part of the strategy, but the Swiss were not expecting to hold off Panzer divisions with a mosquito swarm of small-arms fire.

Guns do not protect an individual or a small group from the state. They are an incitement. They bring the state down on your head.

Regarding revolution against a state, the gun people tended to use our own Revolution, in which the armed Americans beat the British. Even then, I discovered, the citizen militias were notorious for turning tail rather than facing the Redcoats. It was Washington's professional army, trained by a Prussian, fortified with artillery and backed by the French Navy, that won the battle of Yorktown. Farmers with muskets played a role in the Revolution, but they could not have won it.

continued on page 28

Outsource Me, Please!

by Anonymous

After the technology market crash of 2000, many in the industry turned protectionist. A software developer makes his plea for open markets and competition.

Every day I work in the United States, most of what I do should be done in Mumbai or Bucharest or Manila. My work should be outsourced.

April 1996: I gave a lecture to a small group of engineers in Madras (now Chennai), India. They smiled broadly and rocked their heads vigorously from side to side. Thankfully my wife had instructed me that the south Asian head waggle indicates agreement. Within a few days we had resolved some tricky software problems and my employer's first major outsourcing project was on track.

I was born in 1953 when the United States was at the zenith of its economic advantage as the only major industrial power without significant damage to its homeland in the Second World War. The United States and other industrialized countries also had a knack for dictating favorable terms of trade to the developing world, getting oil, bananas, coffee, and many other commodities at low prices while selling manufactured goods at relatively high prices.

For 15 years I had worked with Indian engineers at Intel and other high-technology companies, admiring their hard work, intelligence, and determination to succeed. Now I was working with a new generation of engineers who no longer had to emigrate in order to work with U.S. companies on U.S. projects. The cost of pay, benefits, and overhead for a U.S. software developer exceeded $10,000 per month in 1996. We paid less than $2,000 per month for the services of each Indian developer. As with U.S. developers, quality varied. We worked with three Indian companies, one unsatisfactory, one mediocre, and one of outstanding quality. We resolved all problems and finished our project with quality work, on schedule and on budget, saving my employer hundreds of thousands of dollars in development costs.

The developed world offered aid to the "Third World," partly out of genuine altruism and partly because of the competition between the Western "First World" and the communist "Second World." The aid was accompanied by rhetoric and assurances: the aid was a hand up, not a handout; the already industrialized countries would trade with the developing countries. Trade was liberalized, in blocs such as the European Common Market and the North American Free Trade Agreement, and in worldwide agreements such as the General Agreement on Tariffs and Trade. Americans became accustomed to buying foreign-made clothes, then autos, and then electronics as well. In consuming the fruits of free trade these past decades, the woes of my fellow

American workers have not concerned me. The auto workers of defunct American Motors, the electronics assemblers who once built U.S. television sets, and the artisans at a hundred textile companies in the South — all lost their jobs with nary a tear from me.

In 1980, 16 years earlier, I installed a computer process control system in a sawmill in the rural South, in Arkansas. As a young engineer, I pompously explained to the graying veteran who operated the sawing machine that the computer would now position the log for sawing, as it would be able to produce a better yield from the log than he would. His job would be reduced in scope to simply moving the log laterally back and forth through the saw. He told me that I was taking the skill out of his job; he resigned a few days later. I then realized concretely what I had known abstractly: that the economic rationale for most information technology is the replacement of human labor.

The woes of my fellow American workers have not concerned me. The auto workers of defunct American Motors, the electronics assemblers who once built U.S. television sets, and the artisans at a hundred textile companies in the South — all lost their jobs with nary a tear from me.

In 1965 the United States, shedding its own apartheid past, reformed its immigration laws, allowing immigration from Asia and Africa as readily as from Europe. The first generation of Indian engineers immigrated to the United States, welcomed and needed in a country with a perennial shortage of technical graduates. Many went to work in the booming computer and electronics industries.

At Intel in the late 1980s our division was building a very technically advanced computer system. One-third of the engineers in many groups were immigrants from India. These men and women weren't low-cost commodities, but the best available talent, building the future of computing. The wife of one of those engineers started her own small business, sending small programming jobs to colleagues in India.

The Internet changed everything. Suddenly, any job which dealt primarily in information could be done by the lowest bidder anywhere in the world with a telephone line. The information workers displaced by the resulting wave of outsourcing were highly paid, politically savvy, and vocal in their communities. The pain of outsourcing became front page news after the year 2000 technology market crash in the United States; it has stayed on our front pages ever since.

In India I browsed in a bookstore containing books written by Indians for Indians. The business, medical, scientific, and technical books were in English. Most of the Indians I met spoke some English and many were fluent. I was told that if a businessman from Delhi wanted to converse with a businessman from Tamil Nadu, they would probably not converse in the Hindi of Delhi (nominally the national language) nor the Tamil of Tamil Nadu, but in English. In the hotel the satellite TV channels carried computer skills tutorials around the clock. I grasped the potential of a billion people in a free democratic India able to provide services over the Internet to other English-speaking nations.

If human rights mean anything, then the young engineers in Beijing and Ulaanbaatar, in Cote d'Ivoire and Johannesburg, in Caracas and Kiev, should all be free to compete to do my job.

Outsourcing is now a worldwide phenomenon, but it began with India doing work for the United States. These two countries at the antipodes are more alike than many realize: the world's two largest democracies, both with strong religious influences, both with governments traditionally separate from religion, both with multicultural and heterogeneous societies, both strongly influenced by Great Britain, and both devoted to forward economic, cultural, and technological progress.

Madras was a city of 5 million people without a single traffic light. Traffic at intersections moved all ways at once, in a cooperative chaos of three-wheelers, motorbikes carrying entire families, and bicycle rickshaws. I braved the traffic for an outing with two Indian entrepreneurs who had returned from successful careers in the United States. They proudly showed me their software factory: 300 programmers, many of them women, under one roof. In 18 months this team wrote several hundred applications for a U.S. state government. India's brain drain of 20 years before had turned into a modern brain gain as former Indian expatriates returned and helped build a multi-billion dollar outsourcing industry.

Outsourcing is the triumph of economic law over human contrivance and conceit. The West erected expensive welfare states with a focus on entitlement and protection rather than efficiency and production. The West relied on immigration restrictions to keep the developing world's relatively infinite pool of cheap labor from undermining these cozy political arrangements. The borders maintained in geography have now dissolved in cyberspace. Jobs migrate over electronic networks at the speed of light, to where work can be done most efficiently and economically.

Immigration, guest-worker programs, and outsourcing are different ways of addressing the same imbalance. When nations restrict immigration or guest workers, more outsourcing may result. Restrict all three and the nation stagnates economically. Allowing more skilled workers to immigrate may depress wages, but the new workers at least pay taxes in the developed world to sustain the welfare and pension programs that we rely on. New workers brought into the country are also new consumers, contributing to growth in overall economic output, if not in per capita income.

Ashwin immigrated from Chennai and joined our U.S. firm just out of college. He was still learning a few things and I was happy to help him. We've stayed in touch. He is now a senior software architect in Texas with a home, a wife, and a child, paying U.S. taxes and bolstering the U.S. economy.

Economic freedom feels good when it works to my advantage, when I am the highly paid worker or the purchaser of inexpensive goods. Each particular producer is tempted to abandon economic freedom in favor of protection or monopoly when he feels the heat of competition. To make that temptation into policy ruins a nation, because an already uncompetitive nation paying higher prices for steel, for software, and for a thousand other products becomes even less competitive.

Protection also has non-economic costs: the personal acceptance of job stagnation in exchange for temporary security; the hypocrisy of embracing the free market when it benefits us and discarding it when it benefits others; and the diminution of our professions from serving humankind to serving ourselves.

In 2004, my employer weathered the technology depression, surviving and staying profitable. We shed one-third of our software staff along the way. Because we are not hiring many junior developers, much of the day-to-day work that our experienced developers do is routine work that could possibly be done less expensively overseas, freeing up our time to develop improved products.

We are long past the days when those of other nations, other colors, or other religions could be regarded as less than human. In 1948 the world, through the United Nations, adopted the Universal Declaration of Human Rights, which proclaimed the "equal and inalienable rights of all members of the human family." In other words, we are humans first and Americans or Indians, Europeans or Africans, second. If human rights mean anything, then the young engineers in Beijing and Ulaanbaatar, in Cote d'Ivoire and Johannesburg, in Caracas and Kiev, should all be free to compete to do my job.

Besides, what is America but an idea? It is not the cobbled-together territories and peoples of just another nation-state. The true America is in many places now, in Estonia and Bangalore, in Santiago and south China, wherever the spirit of freedom is advancing against statism and stagnation. My tribe is these true Americans, wherever they live.

America is not the cobbled-together territories and peoples of just another nation-state. The true America is in many places now, in Estonia and Bangalore, in Santiago and south China, wherever the spirit of freedom is advancing against statism and stagnation. My tribe is these true Americans, wherever they live.

Outsourcing is not altruism. If 3 million Americans produce information technology services, nearly 300 million consume and benefit from those services. With outsourcing we can afford to do things that we could not otherwise afford: improve software, streamline business processes, and save our companies billions of dollars. For small companies and new ventures, outsourcing's cost savings can make the difference between survival and failure.

So, outsource me, please! If I do not find another place in this economy, then I will go and again ride on the back of Mr. K. Rangarajan's motorbike through the streets of Chennai. I will learn to waggle my head and work six days a week for rupees with my esteemed fellow software developers and humans in Chennai. ❑

Conversion of a Gun Grabber, *from page 24*

A better example of the people versus the state, I thought, was the deposing of Ferdinand Marcos. The Philippine islands are saturated with guns, but in 1986 the people brought down the dictator with a press campaign, mass protests, a walkout of election workers and a defection of army commanders. They didn't use private handguns against the army. They *won over* the army.

I decided that for the protection of the people against invasion and dictatorship, pistols, hunting rifles, and shotguns were just about useless. I said so in a newspaper column and challenged the gun people to find me one example in which a country was defended from invasion or purged of a dictator with private guns of the sort Americans had.

I got some nasty replies — the gun people can be *so* emotional — but no examples.

I had made an interesting point, but politically and culturally, I was wrong. I see that now.

The answer hit me while reading a science-fiction story about a survival test. The youths of a space colony were to be dropped on a forest planet and had to survive alone for 30 days. They could choose what weapons to take with them. The instructor said they could take a powerful gun if they liked, but he advised against it, because there might be ferocious beasts on that planet, and the key to survival was to avoid ferocious beasts, not to pick fights. A gun in a man's hand made him physically bold.

And I thought, *a gun in a citizen's hand makes him politically bold. That is its value.*

The gun owner's pistol, rifle, or shotgun is useless against the state. But it has a powerful effect on *him*. It strengthens his resolve. It steels his will. It affects his political attitudes, the organizations he joins, the money he donates, and how he casts his vote. It makes him think about his relationship to the state, and his responsibility for himself and his family. *That* is why he needs to keep his gun, and that is why I need to support his right to have it.

I changed my opinion on it.

For the first time in 25 years, my house has a gun. My son received it as a gift, and my wife and I allowed him to accept it. It was a family heirloom, and having a gun is a part of American life, and I decided I should teach him how to shoot it. I didn't do it for a political reason, but I probably would not have done it had my political thoughts not changed.

A gun in a citizen's hand makes him politically bold. That is its value.

I now support the Second Amendment — because I support the First, the Fourth, and all the others in the Bill of Rights. Canceling the Second, particularly if done New Deal-like, by weaseling around it, will weaken the others. We already have the War on Drugs; I do not look forward to the War on Guns, which would tend to be another chapter in the War on Us.

I still harbor a private doubt that all these guns make me physically safer, but I am pretty sure they make me politically safer, and that is a good thing. If the cause of limiting government is to have any future, it will be as part of what Grover Norquist calls the "leave us alone coalition." The gun people are a part of that coalition. A big part. We need to stick together.

That AR-10 *was* fun, too. ❑

Letters, *from page 22*

Secretary of State's web site (http://www.sos.state.nm.us/) do not agree, and are even worse. The official results are: In 2000, Harry Browne got 2,058 votes out of 598,605, or .344%. In 2004, Michael Badnarik got 2,382 votes out of 756,304, or .315%.

Of course, this doesn't change Mr. Bradford's analysis or conclusions, which I found enlightening and disturbing. Mr. Bradford concludes by stating that it was a bad year for the LP and all third parties. To that I would only add this: It was a bad year for our country, for in the "most important election of our time" not a single important issue or idea was addressed by the Bush/Kerry ticket or allowed into the non-debate offered us by the major media.

Richard Obergfell
Chairman, LP of New Mexico
Ruidoso, N.M.

Bradford responds: I used data from the USA Today website as of Nov. 13, 2004, at 5:00 EST, with the realization that more precise data would eventually become available at the various states' Secretary of State websites during the following weeks. The change in data that Mr. Obergfell presents adds strength to my thesis that the Badnarik campaign's advertising in selected battleground states added to his vote total, though the cost of doing so was extraordinarily high. I share Mr. Obergfell's concluding sentiment that 2004 was a bad year for the country.

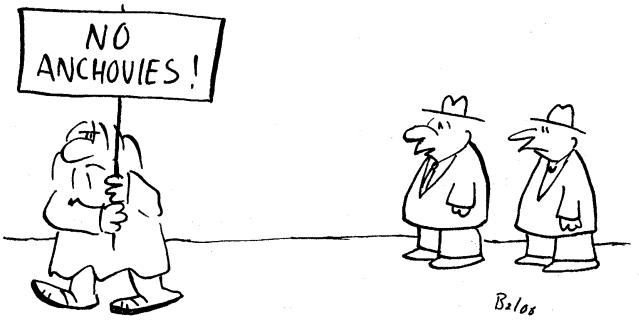

"It's getting harder and harder to keep up with politics these days."

The Final Deceit

by Alan Ebenstein

Hayek's last words were written by someone else.

Friedrich Hayek (1899–1992) was among the greatest political and pure philosophers of the 20th century. His most famous work, "The Road to Serfdom," published in 1944, is an anti-socialist classic. His later works, "The Constitution of Liberty" and "Law, Legislation and Liberty," are rightly considered permanent contributions to political philosophy. His works in pure philosophy, extending from "Economics and Knowledge" in 1936 through studies published in the 1940s through early 1980s, are permanent contributions to human understanding. Hayek's was one of the greatest minds of the 20th century.

The state of his final work, "The Fatal Conceit," published in 1988, is something of a mystery. The degree of involvement by the work's editor, William Warren Bartley, is not commonly known, troubling many scholars. The first indication that something might be amiss in the published version came from Jeffrey Friedman, editor of Critical Review, in 1998. "In 1986," Friedman wrote, "I served as research assistant to W.W. Bartley . . . the 'editor' of the book . . . [T]he products of Bartley's labors were allegedly reviewed by Hayek. . . . The extent of Hayek's supervision of the project . . . is called into question by the appearance in the book, verbatim, of passages I submitted to Bartley as suggestions for how Hayek might consider updating his critique of constructivist rationalism. Among these are . . . passages mentioning Marcuse, Habermas, and Foucault. Since Hayek had not previously referred to these figures in print, I was surprised to learn, upon the appearance of the book, that he would have accepted without alteration discussions of their work written by someone he had never met."[1]

Other scholars in the past seven years have questioned how much of "The Fatal Conceit" was written by Hayek. Austrian economist Peter Boettke writes that "Bartley was an extremely active editor . . . and scholars are just beginning to assess not only the extent of the revisions made by Bartley — perhaps with or without Hayek's approval — and the judgment of whether the editorial changes made improved the manuscript or decreased the value of the final product."[2] Intellectual historian Jerry Muller writes of his own work on Hayek and "The Fatal Conceit" that "I have not made much use of this volume because the question of how much of it was actually written by Hayek and how much by his editor, W.W. Bartley III, remains an open question among scholars."[3] The general editor of Hayek's collected works, Bruce Caldwell, notes "interpretive puzzles surrounding Hayek's last book," and speculates that "comparison between the finished and earlier manuscript version of 'The Fatal Conceit' might . . . help us to decipher what Hayek originally had in mind."[4]

Fortunately, it is now possible to engage in such comparison. In 2003, Hayek's longtime, final secretary, Charlotte Cubitt, deposited her extensive records with the Hoover Institution at Stanford University. These records demonstrate that Bartley's role in the published "Fatal Conceit" was significant, far more significant than has heretofore been known.

"The Fatal Conceit" has a sad history. Hayek considered

it the great work of the last years of his career. "The Fatal Conceit" grew out of "The Three Sources of Human Values," the epilogue of "Law, Legislation and Liberty," which was published in 1979. "The Three Sources of Human Values" was originally given as a lecture at the London School of Economics in May 1978, when Hayek was 79 years old. He here attempted to convey the general direction in which his ideas were moving at the end of his career.

In this lecture, Hayek put forward the idea that there are three sources of human values and institutions. In addition to genetic and intellectual sources, there are subconscious sources that emerge through group selection — sources that are not adequately characterized as either rational or innate. Rather, these are rules of human conduct that flourish because of the success of the human groups that practice them. Better rules result in more effective human communities, with the latter defined as the communities that are the most materially productive.

Hayek saw economics as fundamentally about knowledge and information, how they are generated and transmitted. He considered prices and profits to be knowledge-conveying devices. Prices and profits convey information about the supply of and demand for goods, and the effectiveness of individuals in producing them. According to Wesley Clair Mitchell, one of the greatest teachers of economists in the first half of the 20th century, whose students included Hayek and Milton Friedman: "Men who are trying to make money are the servants of consumers — that is, of the whole society. . . . [T]he money economy gradually put the task of making goods under the direction of men who provided most efficiently what solvent consumers wished to buy, and whose continued leadership depended on maintaining their efficiency."[5] This, in a nutshell, is the theory and justification of capitalism.

Hayek came to see whole societal systems — their webs of rules, customs, values, and governments — as competitors with one another. Just as the most efficient individuals and firms come out on top in the market, so the most materially productive society will ultimately prevail. He saw the market as the prototype for intersocietal competition.

He worked on "The Fatal Conceit" for seven years, from mid-1978 through mid-1985. In about August 1985, he fell ill, never to recover. He thereafter did no work on it.

"The Fatal Conceit" was published in late October 1988, more than three years after Hayek last worked on it. During this period, it was substantially remolded by editor Bartley. Though Hayek reviewed some of Bartley's work, he did not participate in any substantial way in the changes — he was too ill to do so. His mental capacities had diminished precipitously with his 1985 illness.

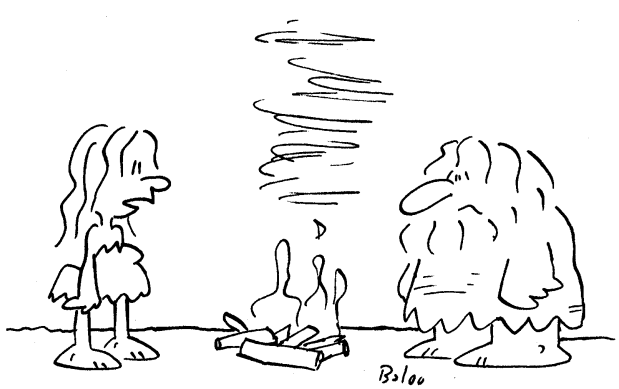

"It's a great invention, but what about secondary smoke?"

When "The Fatal Conceit" was published, it included a preface, purportedly written by Hayek and dated April 1988, that ended with Hayek expressing his "deep gratitude . . . to Professor W.W. Bartley . . . who — when I fell ill for a time, just prior to the completion of the final draft — took this volume in hand and prepared it for the publishers."[6] It is not known whether Hayek or Bartley wrote this closing to the preface.

Readers of "The Fatal Conceit" were given a misleading impression of Hayek's recent participation in the book by the concluding sentence of the preface and its 1988 dating. The preface conveyed the impression that Hayek had recently been involved in writing "The Fatal Conceit," that Bartley's role in it was minimal, and that Hayek had at least somewhat recovered from his illness. None of this was the case. That Bartley himself intentionally misled readers about Hayek's recent participation in the book and inaccurately stated his own role is inescapable from his editorial foreword to the work, in which he wrote that "'The Fatal Conceit' . . . is fresh from Hayek's hands."[7]

Actually, during the more than two and a half years that Bartley worked on "The Fatal Conceit," from about late 1985 through the first half of 1988, he changed the work substantially. He rearranged, reorganized, and retitled chapters. He introduced much extraneous material, deleted paragraphs and sentences, added others, and rewrote many more. He inserted paragraphs from individuals who reviewed the manuscript and added citations (including to his own work). He changed terminology and emphasis. He apparently composed the conclusion of the work on page 140, Hayek's final word.

Bartley's interpretation of Hayek was heavily influenced by philosopher Karl Popper, a Viennese near-contemporary of Hayek, who, like him, taught for many years at the London School of Economics. Bartley was a student of Popper, whose primary philosophical message was the tentativeness of knowledge.

This resulted in a Bartleian Hayek who was more concerned with the evolution of knowledge than Hayek was. Hayek's major point with respect to economics was the incompleteness of knowledge rather than its evolution, Bartley's focus. Thus, when it was said in the last paragraph of the introduction of the published "Fatal Conceit" that "I suggest . . . we need . . . an evolutionary epistemology"[8] — the latter two words being Bartley's favored terminology — it is hard to know who was doing the talking here, Hayek or Bartley. Caldwell is "leery of putting too much emphasis on Hayek's apparent new enthusiasm for Popperian themes in 'The Fatal Conceit,'"[9] as a result of Bartley's participation.

There was little reason for most of the changes Bartley made. In a July 26, 1985, letter from Hayek to Bartley, just before Hayek fell ill and was unable to continue working, he wrote to Bartley that he had completed all but one chapter of the first part of "The Fatal Conceit," which he hoped to finish

in the next few weeks. Instead of bringing this final chapter to completion (chapter 6, of seven chapters in the first part, for which good material existed that Hayek had written), and publishing Hayek's introduction and six chapters of the first part, Bartley rewrote the first part of "The Fatal Conceit."

Unfortunately, as a result of restrictions imposed by Hayek's literary heirs, it has not yet been possible to quote from much of Hayek's correspondence — particularly with respect to sensitive topics such as "The Fatal Conceit" — and it is only possible to paraphrase his and Bartley's correspondence. Nonetheless, as a result of the Cubitt donation to the Hoover Institution, it is now possible to verify the information presented here. Curiously, prior to Cubitt's deposit, little of the relevant correspondence between Hayek and Bartley was in the Hayek archive at Hoover, nor were Hayek's drafts of "The Fatal Conceit" there.

In the editorial foreword of "The Fatal Conceit," Bartley wrote that the published book was at one point "a large work in three parts; then the whole was compressed into the short book . . . presented here."[10] This was misleading. While "The Fatal Conceit" was intended as a three-part work, the book as published was not a compression of the three parts. Rather, it was almost exclusively the first part. The latter two parts were intended for separate publication, which has not occurred.

During the seven years Hayek worked on "The Fatal Conceit," there were two basic versions of it, which has caused some confusion. Hayek worked on the first version from about 1979 until the summer of 1982, when a group of economists from the Mont Pelerin Society met with him to discuss this manuscript. According to James Buchanan, one of the participants: "I reveal no secrets when I state that the participants were skeptical, even after two-days discussion, about prospects for the circulated material to be transformed into a publishable book."[11]

For the next three years, Hayek then worked on the second version of "The Fatal Conceit," particularly its first part, which is what Bartley used to produce the published volume. Hayek's own second version of "The Fatal Conceit" was not a casually written document, but one on which he worked for years and that he anticipated would be his last and perhaps most important book.

The preface conveyed the impression that Hayek had recently been involved in writing "The Fatal Conceit," that Bartley's role was minimal, and that Hayek had at least somewhat recovered from his illness. None of this was the case.

This helps to explain Buchanan's further comment that when "The Fatal Conceit" was "eventually published . . . we were quite pleased that the book had been markedly improved." Buchanan went on to say that it was improved "due not only to Hayek's diligence in responding to our criticisms, but, probably, also to the help of William Bartley, who took over as editorial assistant in the final stages of preparation."[12] But Hayek's own second version of the first part of "The Fatal Conceit" was improved over what Buchanan and others saw in 1982.

A new version of "The Fatal Conceit," including all three parts and consisting of Hayek's final drafts, should be prepared and published.

Hayek expressed conflicting views regarding Bartley's work on "The Fatal Conceit." It should be emphasized that Hayek's mental state fluctuated during his last years. At one point, he sent a memo to a few friends saying he had suffered a nervous breakdown. In a Jan. 24, 1986, letter to Bartley, he noted great fluctuations in his state. From at least 1987 on, he experienced significant diminution of memory, being unable to remember individuals with whom he had, even recently, been in frequent correspondence. His son, Larry, once remarked to me that his father was "out of it" during a considerable part of his last years. At the same time, Hayek experienced periods of mental comprehension and lucidity, though his physical state prevented him from work.

In a Dec. 11, 1986, letter to Bartley, Hayek told Bartley that Bartley's initially revised version of "The Fatal Conceit" should not be published during Hayek's lifetime, and that when it did appear, it should be under both their names. According to Cubitt, when Hayek received a copy of the published "The Fatal Conceit," he told her that Bartley's changes were so significant that he hardly recognized it.

At the same time, in other late correspondence to Bartley and others, Hayek expressed the view that Bartley had improved the text, and Hayek ultimately agreed to publication of Bartley's version. According to Cubitt, he agreed because "Bartley had spent so much time and effort on it."[13]

Bartley's approach to editing was perhaps best described in a Jan. 16, 1988, letter to Leif Wenar, another of Hayek's research assistants, who was to edit the latter two parts of "The Fatal Conceit." In this correspondence, also at the Hoover Institution, Bartley encouraged Wenar to edit Hayek's work on a massive scale: to compose introductions, conclusions, connective material, and summaries on Hayek's behalf, to link the second and third parts to the first part Bartley was working on, and to compose its conclusion.

Hayek's essential message in "The Fatal Conceit" could be lost in the circumstances surrounding the work. This message was that people do not like capitalism because it relies on an unseen extended order over time to produce goods and services, and people instinctively like to see immediate, visible good. Similarly, the glamorous idea of what he termed "constructivist rationalism" (that individuals can design any sort of society they wish) is false. Rather, by following rules that enforce contracts, promote and preserve private property, and encourage exchange, mankind can pro-

continued on page 38

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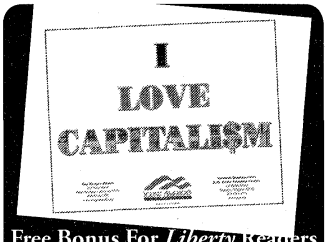

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They're Coming for Your Land

by Timothy Sandefur

Big Business wants your house, and the government is going to take it from you and give it to them.

"With no power, of which they are possessed, do [legislatures] seem to be less familiar, or to handle less awkwardly, than that of eminent domain. . . . At times they fail, or seem to fail, to distinguish accurately between public and private ends, and if their terms and language be alone consulted, to pervert the power to uses to which it cannot lawfully be applied."

— *Sherman* v. *Buick*
(California Supreme Court, 1867)

Frank Bugryn and his three elderly siblings owned two houses and a Christmas tree farm in Bristol, Conn. The 32-acre family homestead had been in the family for over 60 years when city officials decided the land would produce more tax revenue if it were transferred to industrial use. Specifically, the city wanted to give the land to the Yarde Metals Corporation, which hoped the state highway frontage area would allow them to construct a large sign and entranceway. When the Bugryn family turned down the city's offers to buy the property, the city began eminent domain proceedings.

In May 1998, Bugryn and his family asked a state court to bar the condemnation of his property. "I don't want to go anywhere," he told the court. "My parents built the family house in 1939, and I built my own house on the property 42 years ago. I'm almost 78. Where am I going to go now?" But Mayor Frank Nicastro testified that the industrial park was "in the best interest of the future growth of the city," because it would "build up the tax base." The court denied the injunction, holding that the condemnations of the Bugryns' homes "do not . . . constitute serious or material injuries." In the face of unremitting pressure from the community, and particularly from the Hartford Courant, which editorialized repeatedly against them, the Bugryns appealed. But the Court of Appeals also refused to stop the taking, and the city continued its plans even when Yarde Metals chose to relocate due to the legal delays.

Finally, in 2004, when the family refused to leave their homes, the city initiated proceedings to evict them. Once again, the Courant decried them in an editorial, calling their resistance a "public farce," and a "melodrama," and denouncing the family for "stall[ing] and draw[ing] upon the public's sympathy." Meanwhile, 76-year-old Michael Dudko, husband of one of the Bugryn sisters, and a Polish immigrant who at the age of 15 had been taken from his home by the Nazis and forced into farm labor, suffered a relapse of cancer and died. After a nearby radio station ran a story about the Bugryns' plight, an anonymous, irate telephone call forced the police to post a guard in the mayor's office. Relations within the Bugryn family itself became strained; when one sister failed to leave her house in time, her nephew took the city's side, telling reporters "people are pointing the finger at the mayor and the council and city officials, but all they're really doing in taking the property is using an eminent domain system that was given to them by the legislature." The reverberating effects of eminent domain not only disrupted the family and community, it also bred a sense of disillusionment best expressed by Frank Bugryn himself, who told a reporter, "I'm a veteran of World War II, I fought for

our freedom, democracy. But it seems 60 years later it doesn't work."

Eminent domain — the government's power to force a person to sell real estate against his will, at a price the government deems "just compensation" — is one of the most extreme forms of government coercion, and today, among the most common. Used for centuries for building railroads, highways, and post offices, eminent domain is now a multi-billion dollar industry, and a classic example of rent-seeking run amok. Governments throughout America routinely seize property to transfer it to private companies to "create jobs" and increase the tax base in a community. In 1999, the city of Merriam, Kan., condemned a Toyota dealership to sell the land to the BMW dealership next door. That same year, Bremerton, Wash., condemned 22 homes to resell the land to private developers. In one especially notorious case, billionaire Donald Trump convinced the government of Atlantic City, N.J., to condemn the home of an elderly widow so that he could build a limousine parking lot. As attorney Jennifer Kruckeberg puts it, "Whether you know it or not, your house is for sale. Corporations, using cities as their personal real estate agents, are proposing the following assignment: 'Find me your most prominent location, get rid of what is on it, help me pay for it, and maybe you will be lucky enough to have me move to your city.' Such is the state of the current eminent domain power."

With the eminent domain power unmoored, the power to redistribute property fell into the hands, not of the most deserving, but of the most politically adept.

The exploitation of eminent domain by such private interests is a relatively new phenomenon, and is explicitly prohibited by the U.S. Constitution, which holds that "private property" may be taken only "for public use." But a series of court decisions beginning in the first years of the 20th century, and culminating in the 1954 decision *Berman* v. *Parker*, eroded the "public use" limitation to such a degree that, as Richard Epstein once noted, some law professors have taken to replacing that clause with an ellipsis when writing out the text of the 5th Amendment.

In *Berman*, the Supreme Court held that eliminating slums was a public use because once the legislature deems a project worthy of its attention, that project is necessarily a public one: "[W]hen the legislature has spoken, the public interest has been declared in terms well-nigh conclusive," wrote Justice William O. Douglas for a unanimous Court. "In such cases the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation."

This level of deference from the Court had become standard fare for property rights and economic liberty by 1954. With the coming of the New Deal, the Supreme Court had decided to take a hands-off approach to regulations of economic rights, which it decided — without the slightest constitutional basis — were "lesser" rights, deserving only "rational basis scrutiny." Under "rational basis," a law regulating economic or property rights is presumed to be constitutional unless it is shown to lack a "rational relationship to a legitimate government interest" — a standard so advantageous to the government that laws hardly ever violate it. But if government's decisions regarding property rights are supposed to be related to a "legitimate government interest," what interests are not legitimate? Are there goals that are off-limits to the state, or beyond the acceptable use of eminent domain? *Berman* was followed by the Michigan Supreme Court's 1981 decision of *Poletown Neighborhood Council* v. *Detroit*, which held that the state could seize an entire working-class neighborhood and transfer it to the General Motors Corporation to build an automobile factory. Since the factory would "create jobs," and creating jobs is a legitimate government interest, the public use clause was satisfied. A few years later, the United States Supreme Court came to a similar conclusion in *Hawaii Housing* v. *Midkiff*, holding that the Hawaii legislature was within its constitutional limits when it wrote a law allowing renters to buy their landlords' property at a fraction of the actual value. Decisions like this rendered so little protection to property owners that the Ninth Circuit Court of Appeals once declared that "the whole scheme is for a public agency to take one man's property away from him and sell it to another. The Founding Fathers may have never thought of this, but the process has been upheld uniformly by latter-day judicial decision. . . . Our hands are tied — if the book on the procedure is followed."

By failing to define, let alone limit, the scope of "legitimate government interests," the courts sparked an explosion of condemnations in the service of any interest that the legislature decided to pursue. "The 'legitimate state interest' test in vogue today," wrote Epstein shortly after *Midkiff*, "is a bare conclusion, tantamount to asserting that the action is legitimate because it is lawful. . . . As such, it functions, at best, as a convenient label for serious inquiry, without defining the set of permissible ends of government action."

With the eminent domain power thus unmoored, the result was predictable to public choice theorists: the power to redistribute property fell into the hands, not of the most deserving, but of the most politically adept. As government became capable of transferring unlimited amounts of land between private parties, the business community began investing an ever-increasing amount in lobbying to persuade it to give the land to them. These companies portray the redistribution of land as a benefit to the community, in the form of job creation and increased funding for public services, as well as an eradication of "economic blight," a vague term attached to any neighborhood that is less than affluent but not an actual slum. Meanwhile, government officials have come to see their roles, not as defenders of the public's safety and welfare, but as sculptors of neighborhoods, for whom citizens and land are raw materials to be formed into the ideal community.

Boynton Beach, Fla., for example, is gradually implementing the "Heart of Boynton Redevelopment Plan," an immense redesign involving potentially hundreds of condemnations. After an attorney from the Pacific Legal

Foundation attended a community meeting to challenge officials about the plan, City Redevelopment Director Quintus Greene gave a presentation to the city council entitled "Why We Are Doing This." Greene told the council that although the cities of Boynton Beach and Delray Beach have almost the same population, "when comparing median household incomes, Boynton Beach ranks lower at $39,845 than Delray at $43,371. Boynton Beach ranks higher in median household income than West Palm Beach at $36,774. . . . The purpose of this redevelopment, is to compensate for the loss of one of the City's major taxpayers. Our property tax values are meager compared to other cities and this redevelopment is our attempt to enhance property values within this City. Our choices are to expand our tax base, raise property taxes or reduce services to our citizens. . . . In Boynton Beach, there is a significant amount of property that pays little or no taxes. Given that reality, we must do other things to compensate for that loss of tax dollars."

In plain English: throw poor folks out of their homes, and the city's median income will be higher. Well, that is undeniably true.

But this marriage of government and private industry doesn't just benefit bureaucrats eager to be seen as "creating jobs" and "cleaning up the community." It also yields enormous boons for companies that are adept at political persuasion. Recent articles in The Wall Street Journal and Mother Jones have detailed the enormous pressure that Home Depot, Bed Bath & Beyond, Wal-Mart, Target, and especially Costco, exert on governments to give them somebody else's real estate. These efforts can be extremely enticing to government officials pursuing "the vision thing," not to mention local residents desperate for new jobs. The plans are presented with a smooth and authoritative style — with sophisticated PowerPoint presentations including lovely artist's renditions of gleaming new streets and bustling pedestrian malls — that is hard for bureaucrats to resist. There's even a website, www.eminentdomainonline.com, which bills itself as "an internet based business to government (b2g) clearinghouse for professionals in the eminent domain, right of way, and infrastructure development fields." If the lobbying efforts should include donations to mayoral election campaigns, and promises to fund giant public works projects on the side, so much the better. As one city planner told Mother Jones, "The reality is that you need to rely on developer interest in order to facilitate projects. We're not paying for this party." (Conveniently enough, the Internal Revenue Code allows money expended by a company seeking to persuade a city official to exert eminent domain to be deducted from the company's gross income when determining income tax liability.)

Donald Trump convinced the government of Atlantic City, N.J., to condemn the home of an elderly widow so he could build a limousine parking lot.

Industry uses sticks as well as carrots when prodding officials to use eminent domain on its behalf. The *Poletown* case is a prime example: GM presented its plan to the city in July of 1980. On Sept. 30, the city's Economic Development Corporation approved it. Eight days later, GM chairman Thomas Murphy wrote the mayor and the chairman of the Detroit Economic Development Corporation, strongly urging them to adopt the plan: "I firmly believe the prospect of retaining some 6,000 jobs, and the attendant revitalization of these communities is a tremendous challenge," he wrote, adding ominously, "it also is an opportunity and a responsibility which none of us can ignore." This letter and GM's other maneuvers, Michigan Supreme Court Justice James Ryan later said, "suggest the withering economic clout of the country's largest auto firm," and indeed Detroit was more than eager to do GM's bidding. Preliminary paperwork was finished within days, and the city council and mayor approved the final documents less than a month after Murphy's letter. Action in the courts moved with the same rare speed, culminating in oral arguments before the state Supreme Court on March 3, 1981, and a decision only ten days later. Meanwhile, wrote Justice Ryan, an "overwhelming psychological pressure . . . was brought to bear upon property owners in the affected area," as a "crescendo of supportive applause sustained the city and General Motors. . . . The promise of new tax revenues, retention of a mighty GM manufacturing facility in the heart of Detroit, new opportunities for satellite businesses, retention of 6,000 or more jobs . . . all fostered a community-wide chorus of support for the project."

A prep school in Wisconsin was declared blighted despite its elite $10,000 tuition price.

Other cases present similar David-and-Goliath scenarios. In 2001, Mississippi redevelopment officials gave the Nissan Corporation 1,300 acres of state-owned land to construct an auto factory. When Nissan hesitated, the state condemned a middle-class black neighborhood to give Nissan another 23 acres. James Burns, Jr., executive director of the state's development authority, told the New York Times that the property was not actually a part of the project: "It's not that Nissan is going to leave if we don't get that land. What's important is the message it would send to other companies if we are unable to do what we said we would do. If you make a promise to a company like Nissan, you have to be able to follow through." Attorneys from the Institute for Justice, a Washington, D.C.-based libertarian law firm, managed to fight off the state, and the residents kept their homes. Less fortunate were the residents of the Toledo, Ohio, neighborhood that was taken to build a Jeep factory, which received the blessing of Ohio courts in the fall of 2004, or the property owners in Redwood City, Calif., where the city condemned land to build a movie theater. Knowing that a theater is probably not a "public use," the city declared it was really building a parking lot — and it just happened to include a theater above the parking lot.

The precise amount of money involved in the eminent domain industry is impossible to assess, but Mother Jones' Gary Greenberg notes that one project in Ohio — an attempt to condemn 13 acres for the benefit of a shopping mall called Rockwood Pavilion — involves about $125 million in planning and construction costs, and promises the local city some $1.5 million per year in tax revenue once completed. Multiplied by countless cases, as well as the legal expenses and the detriment to property values caused by a city's unpredictable tendency to exert eminent domain, the costs are incalculable.

Eminent domain abuse can have perverse social consequences, too. One of the most commonly voiced justifications for eminent domain is that it is necessary for cleaning up unsightly neighborhoods, which include "adult" businesses or other low-class uses. But in 1997, a consortium of Las Vegas casinos persuaded the city to take the retail property owned by Greek immigrants John and Carol Pappas to build a parking lot for the "Fremont Street Experience," a pedestrian mall including such adult attractions as the "Topless Girls of Glitter Gulch." Moreover, the concept of "blight" is so elastic that economic interest groups can easily exploit it. A mall in St. Louis was recently determined to be blighted, despite the fact that it was 100% occupied and had $100 million in annual sales. And a prep school in Wisconsin was declared blighted despite its elite $10,000 tuition price (which conveniently enough qualified it for a $5.6 million tax-exempt bond issue).

Costco, the nation's leading corporate abuser of eminent domain, has persuaded cities across the nation to engage in such transfers. Lancaster, Calif., tried to condemn a 99 Cents store to transfer it to Costco, even though Costco already had a store in the same mini-mall with the 99 Cents store. The city did so, not on the grounds that the property was blighted — it wasn't; in fact, it's probably the cleanest 99 Cents store in America — but on the grounds that the neighborhood might be blighted in the future, if the government did not act now. A federal court struck down this condemnation (an extremely rare occurrence) after noting that "by Lancaster's own admissions, it was willing to go to any lengths — even so far as condemning commercially viable, unblighted real property — simply to keep Costco within the city's boundaries. In short, the very reason that Lancaster decided to condemn 99 Cents' leasehold interest was to appease Costco. . . . " It is impossible to tell how many properties Costco has taken through eminent domain because the company hasn't released exact figures and has tried to stifle shareholder attempts to reverse the company's policies. But the cases abound. Institute for Justice lawyer Dana Berliner, who recently published a catalogue of some 10,000 instances of eminent domain abuse, reports that "of the big-box retailers, Costco shows up the most." But the company is unrepentant. Asked for an explanation, Costco senior vice president Joel Benoliel told investors that if they didn't exploit eminent domain, "our competitors . . . would . . . and our shareholders would be the losers."

The Supreme Court held that eliminating slums was a public use because once the legislature deems a project worthy of its attention, that project is necessarily a public one.

It's hard to deny that assertion. So long as the power is available to the highest bidder, Costco executives would violate their duty to investors to withdraw from the scramble for other people's land. Although it is easy to damn powerful companies so insensitive to homeowners unable to afford a legal defense — a Costco attorney once told the city council of Lenexa, Kan., that the property he wanted condemned was "not much of a neighborhood, anyway" — the blame rightfully rests on the courts that have gradually erased the public use clause.

A series of court decisions eroded the "public use" limitation to such a degree that some law professors have taken to replacing that clause with an ellipsis when writing out the text of the 5th Amendment.

But in confronting this problem, the courts suffer from a serious intellectual handicap, which dates back to the Progressive Era at the opening of the 20th century. During this period, leading intellectuals came to reject the individualistic natural rights premises of the American founding. As Michael McGerr writes, the Progressives "wanted not only to use the state to regulate the economy; strikingly, they intended nothing less than to transform other Americans." But remaking Americans meant inverting the premise that the state was a tool of the people. John Dewey, philosophical champion of the Progressives, denounced "the notion that there are two different 'spheres' of action and of rightful claims; that of political society and that of the individual, and that in the interest of the latter the former must be as contracted as possible." Such a notion, he said, would be replaced with "that form of social organization, extending to all the areas and ways of living, in which the powers of individuals shall not be merely released from mechanical external constraint but shall be fed, sustained and directed."

The Progressives thought society should mold individuals in a manner best suited for the survival and flourishing of the state. It was during this period that various devices for controlling citizens — everything from the Pledge of Allegiance to eugenics and forced sterilization — were introduced. In his great book on this era, "The Metaphysical Club," Louis Menand explains just how opposite the Progressive idea was to the views of the Founding Fathers. To the Progressives, "Coercion is natural; freedom is artificial. Freedoms are socially engineered spaces where parties engaged in specified pursuits enjoy protection from parties

who would otherwise naturally seek to interfere in those pursuits. . . . We . . . think of rights as privileges retained by individuals against the rest of society, but rights are created not for the good of individuals, but for the good of society. Individual freedoms are manufactured to achieve group ends. This way of thinking about freedoms helps explain why the . . . [Progressives] were indifferent to the notion of individual rights."

The Progressive Era began to dissolve the public-private boundary by holding that the things we think of as rights are really just permissions granted by society and revocable whenever society decides. Understandably, this period brought a corresponding explosion in the use of eminent domain. In 1923, for the first time, the Supreme Court held that government could condemn land not just for necessities, but for mere recreational facilities like scenic highways. A California court held in 1911 that "[g]enerally speaking, anything calculated to promote the education, the recreation or the pleasure of the public is to be included within the legitimate domain of public purposes" served by eminent domain.

In short, the Progressive goal of "remaking Americans" meant breaking down the limits on state power. The difference between "legitimate" and "illegitimate" government interests was accordingly dissolved. Since government would "extend to all the areas and ways of living," it would now be free to do "anything calculated to promote . . . the pleasure of the public."

It is no coincidence that the Progressive Era was the first time the word "blight" was applied to economic stagnation. The Progressives saw society as an organic whole, with each person a cell. Thus the term "blight," originally a term for a plant disease, was applied to neighborhoods that failed to perform to the standard the society desired. Private businesses were no longer private, they were a tool by which society produced a certain standard of living, and if they failed to do so, society could simply revoke the permission (formerly called property rights) and give that land to someone else.

With the boundaries of "legitimate government interests" erased, New Dealers built on the Progressives' work by establishing the concept of judicial deference. In previous decades, courts had been willing to block the more extreme Progressive social experiments, but in the 1930s they took a more deferential view. Louis Brandeis, a Progressive attorney who had once coined the term "right of privacy," was appointed to the Supreme Court, where he would instead declare that "in the interest of the public and in order to preserve the liberty and the property of the great majority of the citizens of a state, rights of property and the liberty of the individual must be remolded, from time to time, to meet the changing needs of society." President Roosevelt's other appointees (including Justice Douglas, who would later write the *Berman* decision) agreed not only that government could "remold" the "liberty of the individual," but that courts should not stand in the way. The result was the creation of "rational basis scrutiny."

Today, courts are unable to decide whether an asserted "government interest" is legitimate or illegitimate. Indeed, the Supreme Court has confessed that "our cases have not elaborated on the standards for determining what constitutes a 'legitimate state interest.'" But without such an elaboration, it is impossible to determine whether a law is "rationally related to a legitimate state interest." Since anything at all might qualify as a "legitimate interest," anything subject to this test will receive a pass from the Court. The result is that government's power to manipulate individuals, and their property, is limited only in the rarest possible circumstances.

There is reason for optimism, however. The severest abuses of eminent domain have already forced many people to reexamine their views about the lesser stature of property rights. When the Michigan Supreme Court indicated its willingness to reconsider its *Poletown* decision, the ACLU joined forces with the Pacific Legal Foundation urging the court to declare eminent domain abuse unconstitutional. The court agreed, unanimously overruling its decades-old decision. To permit the condemnation of land "solely on the basis of the fact that the use of that property by a private entity seeking its own profit might contribute to the economy's health" would "render impotent our constitutional limitations on the government's power of eminent domain," said the court. "*Poletown*'s 'economic benefit' rationale would validate practically any exercise of the power of eminent domain on behalf of a private entity. After all, if one's ownership of private property is forever subject to the government's determination that another private party would put one's land to better use, then the ownership of real property is perpetually threatened by the expansion plans of any large discount retailer, 'megastore,' or the like."

Only months later, the United States Supreme Court agreed to hear *Kelo* v. *New London*, a case challenging Connecticut's attempt to seize a neighborhood for the benefit of Pfizer. Although it is impossible to predict what the court will do, there are three main possibilities. The first is that the court may allow government to redistribute private land of New London residents to a private company on the grounds that any benefit to the public is good enough. Second, it might hold, on very narrow grounds, that in some cases, the private benefit is just too extreme to be labeled public. This seems the most likely outcome, but it is an unsatisfying one, because it would leave the important question unanswered. The third and least likely option is that the court could invest serious thought into the difference between what is public

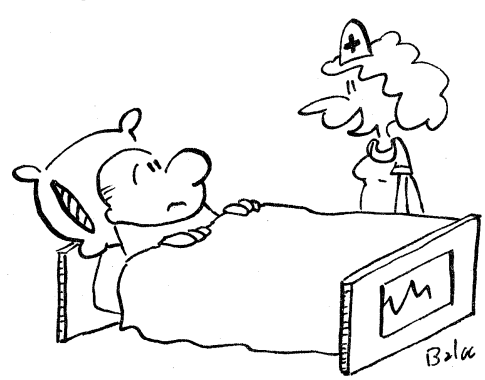

"Try not to get excited in front of the doctor — this is his first operation."

and what is private, and could declare that attenuated social effects of private behavior aren't enough to make it into a public concern. Just because a private business affects the public in some way doesn't make it the government's business. If the court embraced this view, the answer to the *Kelo* case would be obvious: of course a private company is not a public use, even if the public likes to purchase its products.

President Eisenhower once warned the nation about the military-industrial complex, but today local governments are wrapped up in the Costco-WalMart complex.

It is not impossible that this will happen. In *Lawrence* v. *Texas*, the Supreme Court declared that alleged harm to society by private, adult, consensual sexual activity is not enough to allow the state to pry into people's private bedrooms. It would be refreshing indeed if it also said that alleged social effects of private business interests are not enough to make a private business into a public use. But, again, I think it unlikely. Such a decision would require the court to reexamine old and politically volatile assumptions which trace back to the Progressive abandonment of America's founding principles. To city planners, your neighborhood is theirs to shape as they please. The fact that a business uses condemned land for its own profit is irrelevant to them because private businesses are public uses, in their minds. They are the tools by which society creates jobs and provides people with goods. President Eisenhower once warned the nation about the military-industrial complex, but today local governments are wrapped up in the Costco-WalMart-Home Depot complex. They believe in what they call "partnerships" between government and private industry in which government and corporations decide the shape and layout of whole neighborhoods, with no regard for the rights of the landowners who stand in their way.

But even a favorable outcome in *Kelo* might come too late to help Curtis Blanc of Liberty, Mo. Through his company, Mid-America Car, Inc., Blanc owns a well-maintained brick warehouse which he leases for $1 per year to two charities: In As Much Ministries, and Love, Inc. These ministries feed more than 400 families per month — despite one city council member's statement during a council meeting that "there are no poor people in Liberty." But the council has other plans for Blanc's land: it wants to construct a business district on "Liberty Triangle," which consists of 88 acres of land, including Blanc's warehouse. The first phase of the Triangle project has already begun, and a 160,000-square-foot Lowe's home improvement store recently opened. Steve Hansen, the city's public works director, recently told businesses that those which generate high sales tax income for the city will be allowed to remain in the area, but that "most of the businesses that are there now are not high sales producers" and will be condemned to make way for companies that will raise tax revenue for the city. Blanc has received a final notice from the city requiring him to sell his property, or face condemnation. Still, Blanc is hopeful. Along with the Bugryn and Pappas families, he agreed to be represented by the Pacific Legal Foundation in a friend of the court brief in the *Kelo* case which urges the court to breathe new life into the "public use" clause.

It is very sad that we have come this far. For the Supreme Court of the United States to declare that "our cases have not elaborated on the standards for determining what constitutes a 'legitimate state interest'" is a shocking statement. Two hundred years after the founding, with the Declaration of Independence and the Federalist Papers at hand, and with the experiences of the Revolution, the Civil War, the World Wars, and the civil-rights movement behind us, we ought to know what a legitimate state interest is. As Hadley Arkes has put it, "this late in the seasons of our experience, federal judges should not be in need of this kind of instruction, on the rudiments of constitutional government. . . . [The Founders] did not expect that the main instruction would have to be offered to the lawyers and the judges themselves, and to the resident wits in the schools of law. . . . But that project has become, in our own day, steady work." ❑

The Fatal Deceit, *from page 31*

duce the most and be freest and happiest.

Clearly, a scholarly version of "The Fatal Conceit," including all three parts and consisting of Hayek's final drafts for as many chapters as possible, should be prepared and published. Fortunately, most — perhaps all — of these chapter drafts are now at the Hoover Institution. Hayek's goal in writing "The Fatal Conceit," as in so much of his other work, was to free men from misconceptions about the free society made possible through private property. A new edition of his last great work would be a valuable step in realizing this goal. ❑

Endnotes

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2. Peter Boettke, "Which Enlightenment, Whose Liberalism?: Hayek's Research Program for Understanding the Liberal Society" (undated Internet article), p. 24.
3. Jerry Muller, "Chapter 12. The Untimely Liberalism of Friedrich Hayek," Internet chapter from "The Mind and the Market: Capitalism in Modern European Thought" (2002), p. 68.
4. Bruce Caldwell, "The Emergence of Hayek's Ideas on Cultural Evolution," Review of Austrian Economics (February 2000), p. 19.
5. In Arthur F. Burns (ed.), "Wesley Clair Mitchell: The Economic Scientist" (1952), p. 247.
6. Friedrich Hayek, "The Fatal Conceit: The Errors of Socialism" (1988), p. 5.
7. Ibid., p. xii.
8. Ibid., p. 10.
9. In Alan Ebenstein, "Hayek's Journey: The Mind of Friedrich Hayek" (2003), p. 228.
10. Hayek, op. cit., p. x.
11. Caldwell, op. cit., p. 17.
12. Ebenstein, op. cit., p. 230.
13. Correspondence between Charlotte Cubitt and Alan Ebenstein (July 8, 1996).

Did the Fed Cause the Great Depression?

by Robert Formaini

Most libertarians and conservatives blame the Depression on the Federal Reserve System. Do the facts support their view?

A staple of current economic history is the idea that the Federal Reserve pursued inappropriate monetary policy during the 1930s and, by so doing, prolonged the Great Depression. I will hereafter call this the Friedman-Schwartz view, naming it after Milton Friedman and Anna Schwartz, whose very influential work "A Monetary History of the United States, 1867–1960" advanced this thesis.* A similar claim is that the Fed caused — or helped cause — the depression in the first place through expansionary monetary policy during the 1920s, which created a stock market boom even though the overall price level remained relatively stable. I will call this the Robbins-Rothbard view, after Lionel Robbins' book "The Great Depression" and Murray Rothbard's book, "America's Great Depression." To what extent are these incompatible views correct? Which is, to put it simply, "more true"? What was the Fed's responsibility, if any, for the Great Depression?

It's unlikely that any answers to these questions will ever satisfy most economists. There are too many potential caveats and confounding effects, too many agendas on the part of authors addressing the issue, and too much uncertainty in the weak predictive capabilities — even in hindsight — of economic theory. It's always a difficult thing to assess cause in historical incidents. We are always prone to that great logical fallacy known affectionately to all historians: *post hoc ergo propter hoc*. Nonetheless, I happily tread where many have trod before me, offering my own view of what happened, what went wrong, and why it stayed so very wrong for so very long.

It is impossible to understand the 1930s without first examining the 1920s, just as understanding the 1960s helps one to understand the '70s, and an understanding of the 1990s helps us to understand why we are where we are right now. Nothing historical is understandable in a vacuum and, typically, it is probably true that there are so many potential causes for historical events that isolating any few is always questionable. But what alternative to understanding history do we humans have at our disposal? None. And so — David Hume be damned — we chug along, pronouncing our hypothesized causal relationships as historical truths.

The most entertaining history of the 1920s is Frederick Lewis Allen's wonderfully titled book "Only Yesterday." Reading this famous work today, one cannot help but be struck by the similarities between the '20s, the '60s, and the '90s. The ancient Greeks Parmenides and Anaximander — on opposite sides — explored an interesting question: do things ever really change, or are things always changing? After reading Allen's entertaining, informative history, you might well wonder whether in fact we ever learn from history, and whether things do really change . . . at least insofar

* Friedman, Milton and Anna Schwartz. 1963. "A Monetary History of the United States, 1867–1960" (Princeton: University Press). See also Meltzer, Allan H. 2003. "A History of the Federal Reserve," Vol. 1 (Chicago: University Press).

as social trends and stock markets are concerned. The chapter titled "The Big Bull Market" remains a fascinating — and cautionary — read. Lewis' position, generally stated, is that the Fed knew exactly what was happening during the late 1920s and, although it tried to do something about the looming crisis, it failed to stave it off. It failed, in the first place, because it was trying to help European economies — notably Great Britain's — instead of seeing to the United States' problems. By lowering interest rates here, it helped prop up Britain's attempted return to its pre-war gold standard, with the pound worth $4.87. That rate was too high, and required coordinated macro policy between the Fed and the British central bank for its survival. The Fed obliged. It shouldn't have. Using American monetary policy to help another nation pretend that it had the same status after WWI as before was not — and never could have been — a good idea, notwithstanding that it was approved of by a majority of English citizens and both the British and American governments.

Murray Rothbard argued that the Fed caused — or helped cause — the depression in the first place through expansionary monetary policy during the 1920s, which created a stock market boom even though the overall price level remained relatively stable.

The policy failed because the Fed did not want to precipitate a market crash as stocks climbed ever higher. It failed because the public would not go along with the Fed's policy initiatives. Corporations and non-national banks had little trouble evading the Fed's interest rate moves and verbal exhortations concerning speculation, especially as state chartered banks vastly outnumbered national banks, thus limiting the Fed's power to centrally control the monetary system.

I will, therefore, call the following contention Great Depression Myth #1: that the Fed was "clueless" about the impending market crash and the possible inflationary consequences of what was happening in the '20s. It just wasn't so.

And it is here that the differences between the Friedman-Schwartz and Robbins-Rothbard views become clear. During the '20s, according to the Friedman-Schwartz view, there was price stability and hence, no inflation. Therefore, there was no general loose money policy driving the '20s boom years. In the '30s, the Fed contracted severely when it ought to have inflated, thus causing a general deflation and contraction of the money supply.

In the Robbins-Rothbard view, the Fed inflated throughout the '20s, price indices notwithstanding, and then, in the early '30s, it did everything it could to reflate, but the process didn't work, as Allen's book suggests as well.* Instead, we got deflation as a byproduct of causes other than Fed policy. The public lost confidence in the banking system and began to increase its demand for money to hold, including gold. The velocity of circulation fell, and so did prices. Concurrent fiscal policy, as will be discussed momentarily, was probably as bad as it has ever been in American history given the circumstances in which it was carried out.

One of the major Fed problems during the late 1920s — the most heated speculative period for stocks — was a disconnect, personal and professional, between the New York Fed and the system's Board of Governors in the person of NY's president, George Harrison, who had succeeded the legendary Benjamin Strong, Harrison's board, and the Fed Board's chairman, Roy Young. The central disagreement was over bank loans used for stock speculation, and what, if anything, to do about it. The New York bank wanted to raise the discount rate and voted to do so several times in 1929. The Board demurred, preferring to pursue a policy it called "direct pressure," or verbally chastising those banks that appeared to be funding "excessive" speculation. I don't want to engage in loose speculation here, but this policy of direct pressure seems to have failed.

Even in this policy dispute, we can see that the Fed *was* concerned about the stock market, but unsure — *déjà vu* — exactly what to do about it. The stock market was suffering from "irrational exuberance," 1929-style and, as was also true in the late 1990s, the Fed surely knew how to make the market crash, but it was even more reluctant to do so back then. It appears that the Fed may have learned something from its experience of the '20s: how better to handle the aftermath of a market downturn.

Eventually, the power struggle between the regional banks and the Board would be settled by 1935's federal Banking Act, which gave full control to the Board in Washington. FDR's handpicked chairman, Merriner Eccles, wouldn't have taken the job otherwise; until then, this conflict played an important role, and should be noted by anyone attempting to explain today what happened eight decades ago.

What was the Fed doing with monetary policy during the 1920s? We have to remember that the structure and authority of the Fed was different from what it is today.

Milton Friedman has argued that the Federal Reserve pursued inappropriate monetary policy during the 1930s and, by so doing, prolonged the Great Depression.

The Fed Board's head was the secretary of the Treasury, and Fed policy was always subservient to the Treasury's. We were on a gold exchange standard. Coordinated, national monetary policy was something the Fed had not been given the power to do under the 1912 enabling act. And, it had not yet assumed the ability to make national

* Prochnow, Hebert V. (ed). 1960. "The Federal Reserve System" (NY: Harper and Row). Chapter 15.

monetary policy, as it would later do, whether authorized or not. During the 1920s, the Fed generally pursued policy based on the doctrine that economists call "real bills."

The real bills theory proposes that the money supply can be increased proportionately to real output, since increases in real output can "back" new money issues, therefore making inflation impossible. Under this view, inflation is impossible so long as the money supply is tied to real, productive transactions. The problem in the doctrine, not unknown even to 19th-century economists — Henry Thornton is a famous example — is that, as prices rise, the total dollar amount of transactions necessarily rises, which, according to the theory, calls for money creation and a resultant increase in prices. The fallacy of treating prices as given, when, in fact, they vary with the money stock, makes the real bills doctrine a dangerous base upon which to try to conduct price stabilization policy.

The Fed tried to do something about the looming crisis. It failed because it was trying to help European economies instead of seeing to the United States' problems.

Unfortunately, the Federal Reserve Act seemed to enshrine this "pro-cyclical" doctrine into the Fed's institutional structure. The Act provided for the system to extend bank reserve credit via the Fed's rediscounting of eligible, short-term, self-liquidating commercial paper presented to it by member banks. The Fed's 10th annual report, issued in 1923, states: "It is the belief of the Board that there is little danger that the credit created and distributed by the Federal Reserve Banks will be in excessive volume if restricted to productive uses." By this, the Board meant loans that financed the actual production and marketing of real goods, the classic real bills definition.

Further, it was during the 1920s that the Fed began to do open-market operations, even though these were not contemplated by the original enabling legislation. And these early open-market operations were undertaken, unfortunately, to "sterilize" gold inflows from England's overvaluation for its pound sterling. Sterilization is the process by which the money supply is kept constant regardless of the inflow of gold; ordinarily, under the international gold exchange standard, in force at that time, the gold flow into the U.S. would have caused monetization that would raise U.S. prices and make Britain more competitive as its prices fell. The U.S. and France prevented this from occurring. Both nations' gold stocks rose dramatically while, at the same time, their central banks sold securities to reduce the monetary impact of the new gold to zero. In fact, during the late 1920s, the U.S. should have experienced inflation due to this gold inflow; but instead, it experienced a mild deflation due to the sterilization policy.

Myth #2: "The Fed pursued a reckless policy of inflation between 1922 and the crash."

By the late 1920s, Britain was desperate to get out from under its current account deficit position. A meeting was held in 1927 between representatives of the Bank of England, the Fed, and the U.S. Treasury. It was decided that the Fed would lower interest rates in the U.S. rather than Britain raising them, since Britain was already in a worsening economic condition. This monetary expansion has been credited with precipitating the late '20s market boom by many, including both the Friedman-Schwartz and Robbins-Rothbard camps. Note however that the point of departure is 1927 and this policy lasted but a short time.

The joint policy agreed upon — and carried out in 1927 — failed for several reasons. As the U.S. stock market boomed, money flowed in and capital exporting fell. American banks were more interested in financing domestic stock speculation than economic projects elsewhere in the world. This, in turn, slowed trade and economic output in other nations, thus hurting England all the more. A recession began there in 1929 as their interest rates rose, their money supply tightened, their international exports declined, and their current account position continued to weaken.

Both Robbins-Rothbard and Friedman-Schwartz see the looser policy beginning in 1927 as creating the crisis of 1929. For Friedman-Schwartz, the perfect correlations between money and economic activity throughout the decade point to changes in money supply being the prime cause of the downturn and the boom that preceded it. For Robbins-Rothbard, the story is more complex because their model of the cycle is based on the Austrian theory propounded by Ludwig von Mises. I shall not elaborate fully on that model, but I can say that it is the view that booms are caused by bank credit expansions that then distort the consumption-saving-production time structure of the economy by sending an incorrect interest rate signal to business owners and entrepreneurs. The "artificial" boom, thus created, must be followed by a bust. A stable price level in no way means that the boom is not underway, since prices might have been lower than they were without the credit expansion, and therefore index stability merely masks the ongoing, real inflation picture. Eventually, money and credit must be tightened and the crash then looms. And that tightening came in the 1928–29 period so that, by August 1929, the recession had already begun, the market peaking on Sept. 3.

Myth #3: "The stock market crash caused the Great Depression."

The crash was a symptom of things unique to mid-to-late 1929, not the cause of what followed. Regardless of how the market crash occurred, and regardless of who or what was to blame, the issue of whether post-crash policy helped or hurt the prospects for recovery must be addressed. As Meltzer titled one of his book's chapters: "Why Did Monetary Policy Fail in the Thirties?" This is not only an important question, but a divisive one. There are many deeply held and contradictory points of view among economists and historians.

One of the most prominent views is the Friedman-Schwartz view, echoed by Meltzer, that monetary contrac-

tion between 1928 and 1933 produced deflation, and deflation produced — in a vicious spiral — worsening depression. These authors see a clear causal connection between the decline in the money supply and the depression that followed. Others do not believe the causality runs that way. They see the public's distrust of the financial system as leading to an increase in the demand for money outside the banking system. The Fed's expansionary policy was impotent because of a weird, non-Keynesian liquidity trap situation where, due to public distrust and the Fed's "let them fail" policy toward banks, all monetary expansions ended up hoarded as people and banks awaited better economic conditions.

Some measures of the money supply shrank while others grew. The money supply of the '30s was very different from today's M1 and M2. It included a variety of competing paper notes, national notes, bank notes, and gold coin. As banking crises arose, people drained their accounts and hoarded cash out of a well-founded fear of the banking system's soundness. The Fed, the "lender of last resort," allowed the banks to fail: 1,400 in 1930, 2,300 in 1931, almost 1,500 in 1932, and a staggering 4,000 more in 1933. The failure of the Bank of the United States in New York City had particularly disastrous results. In retrospect, the Fed probably should have lent assistance, but, realistically, that just wasn't about to happen at that time. Thus, Robbins-Rothbard might be correct in asserting that reflation was attempted by the Fed, but failed between 1930–33 because of the effects of ongoing occurrences.

To be fair to the Fed, we should survey factors that were contemporaneous with the end of the bull market and the coming of depression, factors over which the Fed had absolutely no control, including:

1. The enactment in 1929 of the Smoot-Hawley tariff, which led to a contraction of international trade. U.S. exports fell by two-thirds between 1930 and 1933. This was precisely the sort of policy that ought *not* to have been enacted at this time. Hoover wanted to protect Republican-leaning agricultural interests, and he did — at a very high price for the nation.

2. The Nazi Party's success in Germany's 1930 elections, which created havoc in the international bond market.

3. Hoover's wage policy, which was a misguided attempt — agreed to by major corporations — to keep wages from declining during a depression. Not surprisingly, this proved to be a surefire way to create unemployment.

4. Congress' raising of taxes during an economic downturn in an attempt to balance the federal budget. This increased the tax burden on citizens whose incomes were already falling. This perverse policy was followed throughout the decade of the '30s, first during Hoover's and then FDR's terms. Taxes were three times higher in 1939 than they had been in 1929: this was utterly perverse macroeconomic policy.

5. Anticipation, in 1932, that FDR would abandon the gold standard if elected, and his failure to deny that rumor during the campaign. This was also destabilizing. Of course, once elected, he did a great deal more than simply abandon the standard. His administration outlawed the private ownership of gold, and required all Americans to surrender any gold they owned.

6. A great surge in economic regulation, begun under Hoover, which grew exponentially under FDR. This spooked entrepreneurs and investors throughout the decade, aided by the capricious, back-and-forth court decisions on the regulations' constitutionality and the always-changing policies that poured forth from Washington during FDR's terms.

7. England's leaving the gold standard in 1931. This caused a gold drain from the U.S. that the Fed fought by raising the discount rate during the depression. In retrospect, it is hard to suggest that the Fed could have done anything else given the legal-institutional parameters in place at that time.

Whatever policies the Fed followed, or might have followed, between late 1929 and 1933, they were the last ones to matter until after WWII. The Treasury took over economic policy, and the Fed played a much smaller role between 1934 and the end of war than it had during the 1920s and early 1930s. What power remained at the Fed as a whole shifted to the Board in Washington. The seeds for the post-WWII Fed were sown by the Banking Act of 1935, finishing what the Banking Act of 1933 had begun.

After WWII, the regional banks became a good deal less important than the Washington Board, and policy became completely centralized. It is hardly surprising that the Fed took a passive role during the New Deal — FDR was not one to share power, and so his Treasury, over which he had total control, became the center for national economic policy. It would be good if one could say it did better than the Fed had done but, of course, it didn't, and hardly could have given the economic capriciousness of FDR's attitudes and actions — all of which flowed from his general ignorance of, and contempt for, market processes and businesspeople.

An example of FDR's capriciousness was his foolish habit of personally setting gold prices. Believing, after he read George Frederick Warren's peculiar argument in his book "Prices," that the current gold price caused commodity prices to be what they are, he set about inflating the price of gold and, *ipso facto*, depreciating the dollar. Having taken ownership of all gold previously in private hands, and hav-

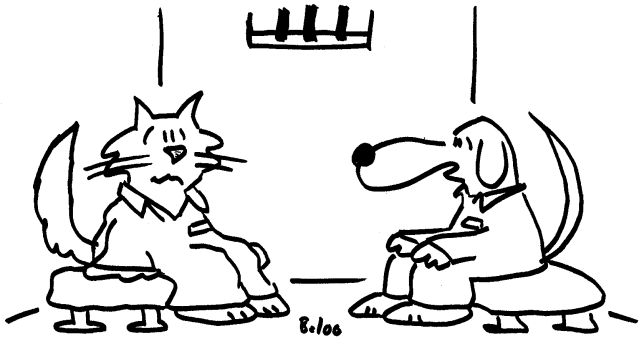

"Wow! — *Nine* life sentences?"

continued on page 53

Reviews

"Price, Principle, and the Environment," by Mark Sagoff. Cambridge University Press, 2004, 294 pages.

Pollution Violates Individual Rights

Robert H. Nelson

In his new book, "Price, Principle, and the Environment," University of Maryland philosopher Mark Sagoff (and in the interests of full disclosure, I should also say a colleague of mine) announces, "I agree with middle-of-the-road libertarians that public policy should seek primarily to improve the institutional arrangements" that sustain a market system. He criticizes reliance on economic valuation in environmental policy and argues that "the fundamental choice ... lies between the institutions of a free society and the pretensions of social science. That is the big trade-off."

Sagoff also takes the position, advocated previously by many libertarians, including Tibor Machan and Murray Rothbard, that "pollution should be enjoined as a violation of personal and property rights" — an act of trespass or assault against a person who in most cases has not given any consent. Since it is impossible to stop all pollution, public policy in this area should be regarded as setting the proper bounds of legally acceptable nuisances, requiring social decisions concerning the degree of acceptable harm before a form of pollution requires the consent of an injured party.

Sagoff's libertarian views put him in the camp of many committed environmentalists. No industry should have an automatic right to pollute; the social goal, although it may not be feasible at present, should be to eliminate all pollution as an unwarranted intrusion on individual liberties. Fishermen in the Adirondacks should be able to bring class-action nuisance suits to stop power plants in Ohio from polluting lakes with sulphur and thus damaging their fishing. If I want to dump toxic wastes somewhere, I should be required to win the consent of the nearby land owners — possibly by offering a suitable payment.

Most economists — including some who label themselves libertarian — take a different view. They argue, in essence, that the degree of acceptable pollution should be determined by a comparison of benefits and costs to society associated with polluting activities. That is the role of the Environmental Protection Agency and other regulatory bodies that become in effect the "scientific managers" of the environment. Sagoff, however, dismisses benefit-cost analysis and most other tools of centralized management as they have been developed by social scientists over the years. He argues that the claims to expert management by economists and other professionals are often a scientific fraud and practical failure. The best that can be done is to devise better institutions in society that allow private individuals in the market, and small-scale democratic decision making in politics, to resolve conflicts.

Sagoff is no less dismissive of professional ecologists and other environmental "experts." He lumps them together with economists as part of the broader failure of scientific professionalism in the 20th century. Since the progressive era, professionals have advertised that the world could be transformed by the application of objective, technical skills. They were unable to deliver on this promise, however. The technical quality of their understanding of social and ecological systems was typically weak and inadequate for public purposes. Their "scientific" efforts, moreover, usually had powerful value assumptions underlying them. Both economists and ecologists sought to advance their own "religions" in the misleading guise of scientific knowledge. Even as they

claimed to be acting as "experts," Sagoff writes, the actual result has been a general "holy war against the forces of evil on the other side."

At a minimum, Sagoff wants to institute a new regime of intellectual honesty. The protection of the environment, he says, is "ethical at bottom" and should be defended explicitly by "moral argument." Endangered species, for example, are seen by environmentalists as having "a certain intrinsic worth because they are part of God's creation." Environmentalism asserts a "distinction between the natural and the artificial [that] marks the difference between those things that God has ordained and those things for which human beings are accountable." It thus becomes necessary to go to heroic lengths to protect the natural heritage of the earth because "human beings, weighed down by sin and corrupted by the profit motive, are far less likely to improve upon than to spoil what God has made." It is only their own hubris that makes them believe otherwise. This is the correct message of contemporary environmentalism, Sagoff argues, even when is misleadingly asserted with "the authority of scientific journals and prestigious [expert] panels."

Sagoff explores several examples of scientific malpractice by economic and environmental professionals. Since the 1960s, for example, leading economists — including some Nobel Prize winners in economics — have advanced a new concept of "existence value" by which they claim to calculate the monetary value of nature protected from human actions. Broadly, an existence value is the value in money to an individual to know that some state of the world — a wilderness, for example — is actually present. Existence value is distinct from previous efforts of economists because it involves in effect the "consumption" of an idea that makes a person feel good (the idea gives "utility"). There is little doubt that people do feel better or worse according to their perceptions of the state of the world. Yet, as Sagoff says, calculating the dollar value of feeling better, or feeling worse, according to individuals' thoughts is to reduce the practice of economics to an absurdity.

Noting that "beliefs are not benefits," Sagoff thus argues that it is an act of economic imperialism to propose that issues of social — or environmental — justice can be reduced to economic calculations. Should society decide abortion policy by whether some people assign a greater (or lesser) dollar value — to be calculated by economists — to the knowledge that an abortion clinic (which they will never visit themselves) is legally present in a community, as opposed to the dollar valuations of people on the other side of the debate? As a philosopher, Sagoff is quick to note that economists are logically inconsistent in this matter. They would never think of making economic policy recommendations based on existence value calculations, even though many economic policies provoke strong emotional reactions going well beyond the direct effects on the individuals. Sagoff observes: "If economists believe that society should tax pollution or allocate resources to maximize welfare, they do not necessarily think this because they will be better off as a result," as possibly shown by existence value calculations for the mere adoption of such policies.

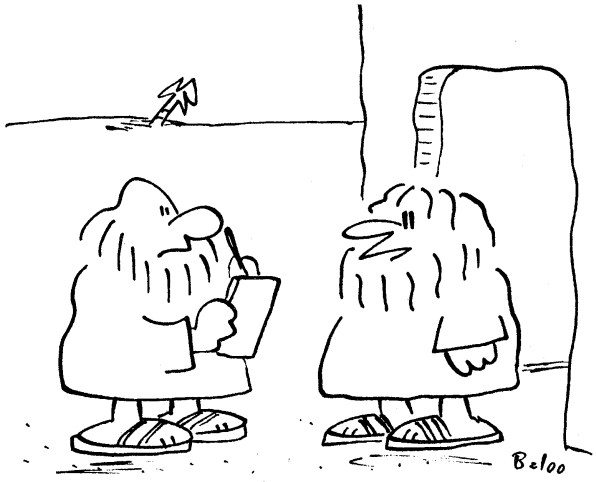

"Where do I stand on human sacrifice? — I guess I'm pro-choice."

The follies of existence values represent an extreme example of the failure of benefit-cost analysis in general. Sagoff argues that consumer preferences are intrinsically unobservable; even given actual instances of consumer choice, it is impossible to calculate any revealed preferences without imposing a rigorous framework of choice that implicitly reflects a powerful set of assumptions. But this framework is itself often a prime issue for debate. As a result, economists have no way of reliably calculating economic benefits for ordinary goods and services. With respect to the concepts of "choice, preference, and value," Sagoff concludes that "the only general relations that hold among these terms are stipulated — constructed as tautologies within the theory and otherwise without merit or application." The bottom line is that the calculation of the dollar benefits of government policies is impossible; "the relation economists assert between preference satisfaction and concepts such as 'welfare' is at best an empty, trivial, frivolous, fatuous, specious, and tautological one."

Sagoff argues that "pollution should be enjoined as a violation of personal and property rights" — an act of trespass or assault against a person who in most cases has not given any consent.

Sagoff's argument in this respect has far reaching implications. Much of the activity of the modern welfare and regulatory state seeks to increase public welfare by various forms of government programs and policies. Sagoff is saying that there is no way objectively and quantitatively to evaluate the benefits of these welfare state functions, in order to compare them with the costs. Past benefit and cost calculations have merely reflected the desires and goals of the politicians, the bureaucrats, and the constituencies who have ordered up these studies. Benefit-cost analysis — and here Sagoff is in the camp with many traditional libertarians — simply rationalizes the current power relationships in the economy and society. It is

merely "politics" in a less transparent form.

The legitimacy of the welfare and regulatory state thus should derive not from the technical expertise with which government acts to increase the public welfare but from the mere fact that a policy or program has been democratically approved in the political process. When so much of the power of modern government is concentrated in Washington, D.C., however, it is difficult to see how ordinary citizens can acquire the knowledge or influence necessary to achieve democratic participation. If the political process cannot achieve genuine democratic results, and technical experts cannot act as surrogates to advance the public welfare, this leads to a libertarian conclusion. Much of the activity of the national government in Washington lacks legitimacy. Perhaps it should be dismantled. Sagoff does not himself go this far, but the conclusion is embedded in his logic.

Sagoff is similarly critical of past attempts by "ecological economists" to justify environmental policies in terms of the services that the natural world provides for the economy. Again, technical arguments are being marshalled falsely to justify strong moral positions about the proper relationship of human beings and nature. Sagoff thus explores efforts to preserve the land and the environment in the Catskills mountains of New York State, justified as measures to protect the quality of the drinking water of New York City. As with so many efforts of economists, it is the desired conclusion that ends up driving the analysis. There was never any real problem with the water quality in New York City and it is doubtful that the natural conditions in the Catskills have much effect on City water. If there is a problem, it may be an excess of nature. Rapidly growing populations of white tailed deer, beaver, and other wild animals pose a greater risk of pathogen contamination than human wastes. Sagoff sees this as another example of how, when "ethical, ascetic, and religious arguments are not winning the battle," advocates of preserving nature turn to "science" in hopes that it will "ride to the rescue" — however spurious the quality of the scientific research.

As an example of the scientific quackery offered by many ecological scientists, Sagoff cites the widely publicized estimate that human beings have "co-opted" 40 percent of the net primary production (NPP) of terrestrial organic material — the "phytomass" — of the earth. Sagoff points out that under the usual definition of NPP employed by the ecologists making this claim, "termites represent a direct assault on global NPP . . . almost ten times greater than human beings. Other creatures, such as beetles and ants, may be as prodigious." That is, in the same sense that humans are now said by ecologists to consume an excessive share of NPP, total consumption by all creatures may equal many multiples of 100 percent.

Sagoff finds that the calculation of NPP serves, not as a scientific finding, but as a religious metaphor. Ecologists define anything influenced by human activity in a separate category that consists, in effect, of things that are morally objectionable. As he writes, "[T]he implication that human dominated environments (farms, suburbs, etc.) are not 'natural,' however, provides a clue to a suppressed premise of the argument. Since what humans do — including all they consume — is tainted by original sin or something, it is 'unnatural.' By definition, human beings, corrupted as we are by sin, must threaten and contaminate ecosystems simply by changing them." The ecological science of phytomass calculations is a modern form of "Calvinism minus God," presented in brand new — and this time entirely secular — imagery. It would be much more honest, however, to present the theology explicitly.

Is there anything useful to be done by government? Sagoff believes it may be possible to improve the institutions of society so that free individuals can achieve their goals more effectively through their own actions, often thereby serving the wider purposes of society. The most important step is to define property rights clearly in order to encourage a well-functioning market. Sagoff suggests that ranchers who use public lands for cattle grazing to be able to sell the "rights" to public land grazing to environmentalists. In this way, a free market dealing in rights to graze on public lands would be created, determining in this manner the amount of grazing that actually occurs.

Sagoff would thus overturn the decision in the progressive era to retain the public lands under federal ownership in order that the lands might be "scientifically managed" by forestry, range management and other public land professionals. As in other areas of government, the application of science to public lands has papered over the exercise of raw political power. The comprehensive land use plans that ostensibly guide U.S. Forest Service and Bureau of Land Management decision making have been about as functional as the central five-year plans in socialist Poland. In planning theory, ranchers were allowed to graze public lands because their presence maximized public benefits minus costs. In reality, they grazed the lands because they had been there first, and had the political clout to remain there. If environmentalists now want to greatly curtail livestock grazing on public lands, then, as Sagoff argues, they should just do it the old fashioned way: they should buy the ranchers out. It would be faster and fairer, and the willingness to actually pay off environmental groups would serve as a practical test of the relative value of livestock grazing versus the environmental plans for the use of the land.

When ethical, ascetic, and religious arguments are not winning the battle, advocates of preserving nature turn to science in hopes that it will ride to the rescue.

Many issues involving the public lands do involve collective decisions, however. In such cases, a democratic

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decision is necessary, but Sagoff argues for a sharp decentralization of this process. The local community will often be the appropriate decision-making unit because most of the benefits and most of the costs are experienced there. Sagoff explores the example of the Quincy Library Group in northern California where local environmental, timber industry, and other parties worked with officials of the local government to devise a citizen plan for nearby national forest management. Sagoff thinks that his example of "civic engagement" offers a model that might be followed in the future across much of the public lands.

The comprehensive land use plans that ostensibly guide U.S. Forest Service and Bureau of Land Management decision making have been about as functional as the central five-year plans in socialist Poland.

The residents of Quincy faced a problem not unlike other Western rural communities dominated by federal land ownership. The "scientific management" by the Forest Service had made a mess of the surrounding Plumas, Lassen and Tahoe National Forests. For much of the 20th century, the agency had suppressed forest fire, but this had now resulted in the accumulation of large amounts of fire-prone "excess fuels" among the trees of these forests. There was a severe danger of catastrophic forest fire, as had already been seen in other areas of the West. Because they regarded timber harvesting as an unwarranted intrusion on the innocence of nature, environmental groups had compounded the problem by pressuring the Forest Service to curtail timber harvesting — thus leaving more fuel to burn and also putting many local mill workers out of their jobs. In response, the members of the Quincy Library Group had put together a plan that combined modest increases in timber harvesting, consequently reduced fire hazards, protection of the most environmentally sensitive forest areas, and more jobs in local lumber mills. From the local community viewpoint, it offered the prospect of win-win all around.

The citizens of Quincy were unable to persuade the local Forest Service administrators that they had either the authority or the technical justification to implement this plan. In desperation, Quincy residents went to Congress seeking special legislation and, remarkably, were successful. However, when national environmental organizations attacked the whole effort, the Forest Service was able to fend off what it saw as a challenge to its core professional authority. In the end, the Quincy Library agreement collapsed. Nevertheless, while central authorities will inevitably be difficult to dislodge from their longstanding prerogatives, Sagoff argues that local democracy must be the next step.

"Price, Principle, and the Environment" thus makes many arguments that libertarians will find congenial. In some ways, Sagoff is more libertarian than many libertarians — he would probably reject, for example, the arguments that global warming is acceptable because the costs of preventing it are too high;to him, that would just be another form of benefit-cost analysis, in the service of scientific management of the world's climate. Yet, unlike many libertarians, Sagoff sees himself as a committed environmentalist. He argues that there are powerful moral arguments — ultimately theological arguments — for protecting the natural world from the physical depredations of modern science and industry. Unlike many environmentalists, however, he wants to abandon the false "scientific" arguments in defence of protecting nature and put the religion on the table for discussion and debate.

There are, admittedly, a few economic errors in the book. In Chapter 4, Sagoff argues correctly that the calculation of "consumer surplus" and other estimates of individual "willingness to pay" (part of the standard apparatus of benefit-cost analysis) is usually flawed and sometimes impossible. However, he goes too far in suggesting in this

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

For *The Jewish Debt to the Right*, the New Mises Seminars, an Open Forum of the Right, and new ideas that the old libertarians don't want you to know about

see Intellectually Incorrect at intinc.org

chapter that consumers do not respond vigorously to price signals. Sagoff leaves large areas to be resolved in determining precisely when and how much human beings are allowed to "play God" in transforming "the Creation" — it would be impossible in many cases to do otherwise. He could also have said more about how to determine what level of harm is minimal enough to be acceptable without compensation.

Yet, libertarians would do well to read "Price, Principle, and the Environment." It is an argument for a "libertarian environmentalism" that breaks new ground. It is all the more interesting and important because Sagoff makes little formal use of traditional libertarian terminology and theoretical sources, even as the argument is distinctly libertarian in its substance. ❑

"A Politically Incorrect Guide to American History," by Thomas E. Woods, Jr. Regnery, 2004, 270 pages.

History Without Blinders

Anthony Gregory

In today's world, "political incorrectness" means little more than a reflexive gainsaying of every left-liberal disposition and sentiment, whether harebrained or rational. Many libertarians have proudly embraced and self-applied the label "politically incorrect," and wannabe libertarians such as Bill Maher have transformed its meaning into one signifying style more than substance: an inflammatory and in-your-face approach to commentary designed to offend the sensibilities of those in the political mainstream.

Conservatives especially love the term, often employing it in the duplicitous mission of defending the state, which their preferred political party now controls. To be against violations of civil liberties and war is seen as "politically correct," even though such positions oppose the actual dominant political regime and status quo.

No doubt, many such conservatives have picked up copies of Thomas Woods' new book, "The Politically Incorrect Guide to American History," expecting to find in its pages rhetorical ammunition and personal reassurance that the main threat to America comes from an alleged and perhaps conspiratorial leftist drive toward totalitarian political correctness, to the detriment of the country's taxpayers, families, religious institutions, and traditional civil society.

They'll find much of this in the book. He dismantles the case for the 1964 Civil Rights Act and its progeny, such as affirmative action and the Americans with Disabilities Act. He attacks the Civil War for masquerading as social justice while consolidating power and overturning the secessionist principles of the American Revolution; and he portrays Lincoln as a racist, opportunistic powermonger who wavered between a plan to keep blacks in bondage indefinitely by constitutional decree, and a proposal to send them all to Africa. Woods puts the post-war Republicans to the fire, suggesting the strong possibility that "the real purpose behind Radical Reconstruction was to secure the domination of the Republican Party in national political life through the newly freed population of the South," and even boldly comments that "[i]n the Northeast, as well as in Indiana and Wisconsin, the vagrancy laws were as broad as any [black codes] in the South, with more severe punishments for violating them" (pp. 79, 81).

Woods argues that the government caused the 1929 stock market crash, and the New Deal didn't bring America out of the Depression. He defends such rarely defended subjects as Eugene McCarthy, school prayer, Andrew Johnson, and even the notorious robber barons.

Politically incorrect conservatives will find all this amusing, but may begin to wonder: is it really conservative to attack the Civil Rights Act anymore? Many conservatives are more likely to boast that the Republicans, more than the Democrats, deserve credit for this program of federal intervention. Modern conservatives frequently argue that the egalitarian Civil Rights Act and affirmative action are based on opposite principles, the first on racial equality and the second on discriminatory quotas. However, as Woods points out, "Since it is impossible to read minds, it cannot be known whether a private employer is engaged in 'discrimination,' or if he is perfectly unbiased but in the course of hiring failed to employ various minority groups in proportion to their representation in the general population. In order to prove they have not discriminated, employers must now establish quota systems in hiring to protect themselves from government lawsuits. *Thus the logic of antidiscrimination legislation leads directly to affirmative action*" (207, emphasis in the original). To further provoke heavy-duty political soul-searching, Woods reminds his readers that it was Nixon, not a Democrat, who gave America its first major federal affirmative action programs.

And is it really conservative to condemn the New Deal? Sure, it was socialism, but among today's conservatives Franklin Roosevelt is more revered as a great leader than lambasted as a villain. Woods astutely places the blame for the beginning of the New Deal where it belongs, on Republican Herbert Hoover, who backed the protectionist and devastating Smoot-Hawley tariff that "[v]ir-

tually all American economists united in urging Hoover to veto," signed into law "the largest peacetime tax increase in United States history up to that point," and headed the administration under which "[m]ore money was spent on [public-works projects] in four years than in the previous thirty" (143, 144).

Woods relentlessly attacks the cherished wars of old, documenting the propaganda, deceit, and futility surrounding U.S. entry into World War I. But exactly whose politically-correct nose is he thumbing here? Rarely does the modern Left express strong opinions about World War I, other than its being a futile and destructive waste of time. To discredit the Great War in the way Woods does attacks a more fundamental political correctness: that of the U.S. military state.

Woods documents how leftist American newspapers and journalists whitewashed the genocidal regime of Stalinist Russia during the 1930s. He tells the shocking story of how the New York Times "denied the existence of the [Ukrainian] famine" (quoting Times reporter Walter Duranty as saying, "The 'famine' is mostly bunk"), and tells the reader that "[p]rominent Amer-icans could even be found to defend Stalin's show trials, a spectacle of political theater so transparent that it would have taken genuine effort *not* to see through it" (165, 166, emphasis in the original).

But then he exposes Franklin Roosevelt and Harry Truman — heroes of today's conservatives (compared to Bill Clinton, anyway) — as being sympathetic towards Stalin. Here Woods exploits the anti-Communist, pro-McCarthy sympathies of the New Right, while denouncing two of its greatest heroes. Meanwhile, he slips in facts about "Mr. Republican," Sen. Robert Taft, a man who would feel about as comfortable with the Bush administration — or, for that matter, Rush Limbaugh — as does today's antiwar libertarian Congressman Ron Paul. "Conservative" Bob Taft opposed the Cold War, and especially the Truman Doctrine: "Not only would it potentially involve the United States in countless conflicts around the globe, but it was also, in [Taft's] view, founded more in hysteria and paranoia than in a rational and sober appraisal of Soviet capabilities" (192). So Mr. Republican opposed the Cold War while the Democratic "liberal" communist sympathizer Harry Truman waged it. This is certainly not the run-of-the-mill political correctness of, say, Sean Hannity. Nor should we expect many of today's conservative shock jocks to share Woods' interest in Pearl Harbor revisionism, now that the interventionist warfare state and the accompanying delicate web of mythologies on which it thrives are part of the Republicans' view of the world.

The Guide's best section details one of the most abhorrent, and least known, atrocities of the Second World War: Operation Keelhaul. At the end of the war, in accordance with agreements made at Yalta, the Allies forcefully rounded up 1 million or so war prisoners, mostly expatriates from the USSR, loaded them onto boxcars, and shipped them off to Stalin. "Uncle Joe," as FDR used to call him, worked many of them to death and murdered the rest, a predictable consequence of Stalin's forced repatriation, as anyone who had noticed Stalin's gulag, purges, and mass starvations could have predicted: "Some of the men simply committed suicide rather than return" (188). Woods tells how the atrocity hit American soil: "About 200 Soviet nationals were among the prisoners of war at Fort Dix, New Jersey, in mid-1945. . . . They were taken prisoner with the solemn promise that under no circumstance would they be repatriated to the Soviet Union, where they faced certain death. That promise was betrayed so that the American president might be faithful to Uncle Joe" (188). Today's textbooks don't mention this war crime at all, and few educated people know much about it. This piece of history is far more politically incorrect than anything you will ever see in an Ann Coulter column, and it's a reminder that the worst Communist sympathizers, the ones with the most blood on their hands, were not the ignorant liberal journalists, but rather the most celebrated heroes of the U.S. warfare state.

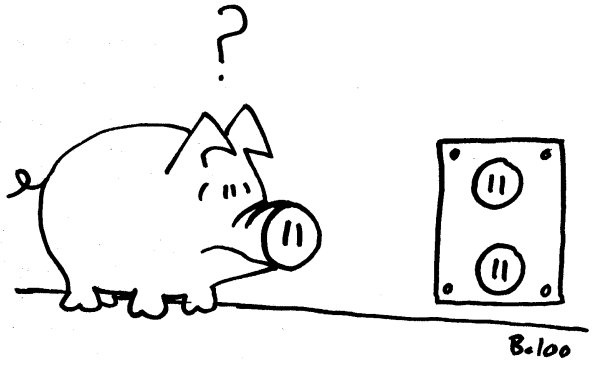

Woods' book is being pitched primarily to conservatives as an anti-leftist piece of work, but its anti-state message is strong and consistent.

"A Politically Incorrect Guide to American History" is a bit soft on Reagan, who, as Woods explains, did not cut government at all, but rather expanded it. Yet Woods defends Reagan as a man who "was unable to do *more* of what he had hoped to do" (237, emphasis in the original). Some would argue that Reagan never had any interest in cutting government in the first place. The book also glosses over the Vietnam War, and speeds past entire periods of history with barely a comment. Woods acknowledges this in his preface, and points readers interested in further study to his selected bibliography.

The book is being pitched primarily to conservatives as an anti-leftist piece of work. Nevertheless, its anti-state message is strong and consistent, and the author does not pander to the right at the expense of principle. He explains the differences between political capitalists — such as most of the railroad tycoons, who fed off the powers of the government — and entrepreneurial capitalists, who made their enormous wealth by producing for the masses and raising their standard of living.

The "Politically Incorrect Guide" explains the economics behind Europe's recovery after World War II, and obliterates the myths surrounding the so-called "success" of the Marshall Plan, concluding that it "worked no better than any other government giveaway program" (190) — another government program you won't hear many modern conservatives condemn amidst the "reconstruction" efforts in Iraq. Woods consistently defends the free market and opposes the collusion between Big Business and the state that has become so pervasive, especially under Republican rule.

Overall, Thomas Woods has produced a wonderful book. I recommend it highly for high school and college students who have been exposed to nothing but leftist propaganda in academia. I recommend it even more highly for today's self-proclaimed "politically incorrect" apologists for the very politically correct ruling ideology and regime of our times. ❑

"The Politics of Liberty in England and Revolutionary America," by Lee Ward. Cambridge University Press, 2004, x + 459 pages.

Libertarianism in the 17th Century

Michael Caldwell

In my public high school it was a truth universally acknowledged that any student caught woolgathering by an attentive teacher should respond to that teacher's inevitable question (designed to shame said daydreamer) with the magic phrase "The French Revolution." No matter what the topic or class, these words were regarded as a talisman so pregnant with meaning that the surprised teacher would always assume one's reply denoted deep thinking. I was reminded of this as I read Lee Ward's "Politics of Liberty in England and Revolutionary America." The answer to every question this text seems to throw up is "The American Constitution." Lest it seem as if I am damning this work by linking it with teen folly, let me state right up front: this is a very good book.

Ward writes lucidly. He begins and ends every section and nearly every chapter with a clear summary of where he has been and what it all means. His paragraphs begin with straightforward theses; one could read them *seriatim* and have an excellent outline of each chapter. The mini-history lessons used to orient the reader, particularly in the book's central section, are lucid without being overly simple. The mastery of a broad range of historical, philosophical, and political scholarship is impressive. At the risk of seeming churlish, I will note that even if Ward's tendency to organize thoughts in twos and threes — every paragraph seems to have an idea which comes in binaries or triptyches — can get tiresome, one is nevertheless grateful for the fact that the prose is structured so clearly on these matters. And the text is blissfully jargon-free. Nevertheless, this book will be easier to read for those conversant with the outlines of Anglo-American history in the 17th and 18th centuries. Similarly, the broader and deeper one's familiarity with the range of political and philosophical thinkers deployed in Ward's text, the greater will be one's appreciation for his argument.

Ward's has an interlocking series of goals. His primary wish is to contribute to the debate among political historians and philosophers regarding the legacy of John Locke, the most popular candidate for intellectual founder of classical liberalism (and ultimately libertarianism).

On one side of this debate are (or were) the Lockean liberals, who see his "Two Treatises on Government" (1690) as crucial to the development of Anglo-American liberalism. In brief, they trace to this text the classical liberal emphasis on "the centrality of individual and natural rights, an . . . understanding of government as a product of human artifice designed and directed to the securing of rights, and . . . the importance of private property rights" (p. 2).

On the other side are the classical "republicans," who trace a different lineage from 17th-century political philosophy to the Declaration of Independence. These thinkers replace Locke with neo-Machiavellians like James Harrington (1611–77) and, especially, Algernon Sidney (1622–83), and find their influence in all the old haunts that Locke used to occupy. As embodied in the work of their central theorist, J.G.A. Pocock, classical republicanism identifies a "civic humanist mode of thought" that emphasizes "mixed government, civic virtue, property as instrumental to citizenship, and the importance of participatory poli-

Ward seeks to end the liberal-radical standoff by pointing out where both sides have reason to view the Constitution as the culmination of their cherished tradition's ideals.

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tics" (3).

More recently, Locke and his liberal partisans have found new life, and political historians exist in something of a tense equilibrium on these matters. In the realm of political debate, most parties tend to appropriate as much of both traditions as they can. Even contemporary libertarians tend to see as many of their own, essentially Lockean, ideas in America's founding documents, without allowing for possible influence from other sources.

Ward argues that both the republican and Lockean liberal strands inform the development of Anglo-American debate over a wide range of political issues, reaching a synthesis in, you guessed it, the American Constitution. In other words, he seeks to end the standoff by pointing out where both sides have reason to view the Constitution as the culmination of their cherished tradition's ideals. Still another way of putting it is that Ward wants to redefine more precisely Locke's influence in Anglo-American political discourse. In this, it seems to me, Ward is wholly successful.

Ward recognizes that texts in the civic humanist tradition bear strong traces of Locke's imprint, and it would be an oversimplification to deny these influences. He also sees that it would be wrong to deny the remnants of republican ideas in classical liberal texts; such elements appear in Locke's own work, for instance. Ward argues that "only by digging down to the very roots of [18th-century liberal] thought will we find the materials necessary to reconcile the different strands of this early modern philosophy into the heterogeneous whole it originally was" (10). In Ward's conception, the digging must be deep. In order to explicate the American synthesis of these traditions, Ward feels it is important to trace their development from three influential 17th-century thinkers: James Tyrrell (1642–1718), Sidney, and Locke. And in order to discuss these three thinkers, he finds it necessary to trace their response to natural law theory, to Robert Filmer's Bible-based patriarchalism, and to others' early responses to Filmer.

The challenge after the English Civil War was to develop the notions of resistance and popular consent, without raising the specter of mob rule and anarchy.

My own initial response to a text conceived in this fashion was to wonder just how far back one has to go to understand an idea. I was skeptical that in order to place Locke's influence on Adams and Jefferson I needed to comprehend the development of natural law theory in the early 17th-century Catholic thinkers Roberto Bellarmine and Francisco Suarez. Even Ward's lucid chapter summaries could not at first convince me that one really has to grapple with Filmer's attacks on Catholic natural law. Haven't we been schooled to think that people like Filmer are just insects best preserved in the amber of their opponents' theories?

From Ward's work, it would seem that Filmer has too often been flippantly dismissed. His reading shows that for 17th-century political thinkers, Filmer was a force to be reckoned with. Why? Because, as Ward explains, "it is in the light of Filmer's professed horror about the theological and political consequences of [the Catholic theologians'] doctrine of natural liberty that the Adam of Genesis emerges as the central figure in the divine right drama" (25–6). As developed by Bellarmine and Suarez, the Catholic doctrine of natural liberty boils down to four principal tenets: people are equal and free, popular consent produces the particular form of government of a people, this government can be viewed as the result of a contract, and the people may alter this contract under certain circumstances (25). Filmer rejects all of these positions. His view is that "the lordship which Adam by creation had over the whole world, was as large and ample as the absolutest dominion of any monarch which hath been since the creation" (quoted by Ward on p. 26). From this basic position, Filmer derives his views that political power (that is, monarchy) is divinely inspired, that the hereditary right of kings is absolute, and that the natural condition of people is subjection. For obvious reasons, Filmer loathes the notion of consent.

For Paine, society forms the raw material of government, and government should almost always be democratic to safeguard the individual rights of the people who make up the society that sanctions it.

The 17th century produced many responses to Filmer. The most influential of these responses, however, tended to produce absolutist government. As Ward writes, the "leading lights of early modern natural jurisprudence offered secularizing, and, in Hobbes' case, emphatically individualistic models of political theory, but these models also contained dangerous absolutist tendencies" (98). For Ward, the need to synthesize secular and anti-absolutist elements of the natural liberty debate as they swirled around Filmer and his disputants in the 17th century is the backdrop crucial for understanding the work of Tyrrell, Sidney, and Locke.

The response of James Tyrrell (Ward calls him the "Voice of Moderate Whiggism") to Filmer is founded on Samuel Pufendorf's (1632–94) development of the natural rights tradition. The challenge for anti-Filmerites after the English Civil War was to develop the notions of resistance and popular consent, without raising the specter of mob rule and anarchy, and without resorting to Filmer's royal absolutist doctrines. For thinkers like Tyrrell "who were seeking justification for their own resistance to the crown . . . but were also profoundly suspicious and fearful of the populist or even republican implications of radical resistance theory,

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Pufendorf's formulation of a limited, primarily restorative, right of resistance in emergencies was the ideal theoretical support" (113). For Pufendorf, as for Tyrrell, societies are founded on the natural rights of consent, but these rights come with duties and obligations. Thus the bar for resistance in such a system is set rather high; Tyrrell hopes to limit the occasions for resistance and the anarchical tendencies of mass rule.

Tyrrell's "abiding moderation" and his solution to the problem of Filmer are rejected outright by Algernon Sidney. Of the three major thinkers in Ward's second section, Sidney is the most radical. Unlike the almost conservative views of Tyrrell or the more moderate liberalism in Locke, Sidney resuscitates the republican views of Machiavelli. For Sidney, the only legitimate government is that which derives the most frequent and widest consent from the governed. Sidney's "linking the doctrine of natural liberty to the contention that all legitimate rule rests on popular sovereignty and is directed to the security of rights," for Ward, means that "Sidney establishes the theoretical foundations of radical Whig republicanism" (181). Despite the fact that Sidney's views were not enacted in any meaningful sense by his 17th-century countrymen, it is difficult to overstate his long-term influence. For Ward, "the Sidneyan form of Whig republicanism . . . presented a blueprint for later variations of Anglo-American republicanism" (208).

Locke's response to Filmer partakes of elements of both Sidney's and Tyrrell's work. Ward sees Locke as a "radical Whig and a defender of the doctrine of natural liberty" at the same time that he notes "his principles of individual natural rights and popular sovereignty did not eventuate in a defense of republicanism and popular government" (212). That is to say, Sidney's extreme emphasis on popular sovereignty "runs counter to Locke's support for the separation of powers and his assertion that sovereignty is a product of the delegated natural powers of individuals" (212). For this reason, Ward sees Locke as a "liberal and constitutional alternative to the moderate Whig and radical republican constitutional thought of Tyrrell and Sidney" (213).

In another passage, Ward claims that "liberal constitutionalism, as Locke conceived it, broke from both radical republicanism and moderate Whig ideas by reconceptualizing government power in such a way as to make political sovereignty difficult, and perhaps impossible, to locate. Neither the moderate Whig king-in-Parliament nor the modern republican popular assembly would be sovereign in Lockean society. In a fundamental sense, society would be sovereign, not institutions" (269). Thus Locke's response to Filmer is less radical than Sidney's, yet holds out more room to maneuver against tyrannical government than Tyrrell's.

Ward's readings of these authors depend for their strength on the use he makes of a wide range of philosophical

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and political discourse. For example, in his explanation of Locke's account of slavery in the second treatise, Ward explains Locke's appeal to Richard Hooker's account of the state of nature, as a way of defending Locke's theory from dissenting views found in Aquinas or Suarez. That's a mouthful, but I am trying to suggest that the specific arguments within Ward's chapters are a good deal more detailed and nuanced than one can do full justice to in the space of a review.

Once Ward has laid out his three main theorists' views in the book's central section, he turns in his final section to show how these strains of liberal thought play out in an American context. As one might expect from the foregoing summary, the line from Locke to the Constitution is not a straight one. Different colonial writers respond to the moderate, radical, and liberal constitutional views (Tyrrell, Sidney, Locke) differently, and they also combine these views in interesting ways.

One of the pleasures of Ward's book is how he explains and makes attractive, writers who would seem to deserve more attention. One of my first reads after Ward's book will be James Otis' "The Rights of the British Colonies Asserted and Proved" (1764). The text, of which John Adams remarked "then and there the Child Independence was born" (quoted on p. 332 in Ward), surely deserves to be better known. In Ward's account, Otis combines elements of the radical and liberal strains of post-Lockean thought prevalent in Anglo-American discourse, without developing the more radical conclusions implicit in them. So, for example, Otis insists on the notion of government depending on the consent of the governed. He defends the British notion of a mixed constitution of king-in-parliament. For Ward, "it is this uneasy balance of the radical and moderate Whig elements in America's English political inheritance that characterized the early colonial position in the imperial crisis" (333). Later colonial writers more eagerly pursue the radical implications of combining Sidney and Locke.

For instance, in Ward's reading, Jefferson's "Summary View of the Rights of British America" (1774) is a logical and somewhat more radical development of the views of Otis. For Jefferson, "[G]overnment is the product of human artifice generated by the consent of free and equal individuals" (352) — a view that could come straight from Locke's "Second Treatise." More importantly, Ward claims that "in conformity with Locke's delegation theory of sovereignty, Jefferson argues that the colonial assemblies were the bodies to which the colonists delegated supreme legislative power" (355). Jefferson's views are thus much in keeping with Locke's liberal constitutionalism in the "Summary View": he wishes to enshrine colonial legislatures on a par with Parliament, but still under the rule of the king. At the same time, Jefferson's views on popular sovereignty stem from the more radical views consonant with Sidney.

This blending of liberal and radical political discourse largely disappears from the work of Paine, whose views are much more in keeping with those of Sidney. Paine justifies independence for the colonies by a "potent blend of distinct radical Whig ideas" (375). Specifically, Paine reconceives society, government, and monarchy in recognizably republican terms. Paine sees society as the natural precursor to government, but government as, at best, a necessary evil. As Ward puts it, "Paine believes society is good and government is bad, or at least stands as a testament to human frailty" (377). For Paine, society forms the raw material of government, and the reason why government should almost always be democratic is to safeguard the individual rights of the people who make up the society that sanctions it.

Having laid out Jefferson's and Paine's arguments, Ward turns to a discussion of state constitutions, because in them, the process of working out how liberal (Lockean) and radical (Sidneyan) would be combined in the American experience becomes most clear. The earliest of these documents emphasized the more radical strains of the tradition. Ward thinks the earliest state constitutions picked up on the most radical elements in Paine and Jefferson (including the Declaration). Thus, "the central premise of the first-wave constitutions" was, ac-cording to Ward, "ensuring popular control over the central lawmaking body in an effort to make the engine of government reflect the thoughts, opinions, and feelings of the public as closely as possible" (411). The insistence on weak executives, frequent elections, and a strong lower legislative chamber in these constitutions reflected Sidney's influence more than Locke's.

If I have one major disappointment with this book, it is that (and one can almost never say this of academic monographs) it ends too soon.

The next wave of state constitutions sought a stronger role for the executive branch, controls on who could participate in upper legislative chambers, and a more nuanced understanding of the delegation of powers to government. Thus for Ward, "the second-wave reaction to the perceived populist excesses of the republican first wave" involved blending "the moderate Whig principle of constitutional balance with the Lockean liberal ideas of a functional separation of powers and the fundamental limits on the legislature" (416).

Something of an ideal balance seems to be struck in the

Massachusetts constitution of 1780. Ward sees it as "the first fully articulated formulation of the uniquely American form of constitutional government" (422). Like other second-wave state constitutions, Massachusetts' sought a greater role for the executive and upper legislative chamber, and a clear separation of powers. The key innovation here was the submission of a draft of the constitution for popular ratification. For Ward, "the process of popular ratification in Massachusetts represented the most ambitious effort in the revolutionary period to institutionalize and operationalize the Lockean liberal understanding of the origin of government" (423). Why? Because "by fleshing out the process required to distinguish the fundamental popular consent implied in the idea of natural constituent power so central to Lockean Whig philosophy from the operational consent required in quotidian governance and normal legislation, the Massachusetts constitutional framers advanced the American idea of consent materially toward a coherent theory of divided sovereignty" (423–4).

One could be forgiven for wondering, in all the jockeying between partisans of Sidney and Locke, where Tyrrell went. By Ward's account, Tyrrell's defense of mixed government and the British constitution becomes the default position of the wider British polity in the 18th century. In a terrific chapter entitled "The Glorious Revolution and the Catonic Response," Ward shows that while a few radical Whig voices (John Trenchard and Thomas Gordon in their periodical Cato's Letters being the best example) cried out for more daring constitutional reform, including more frequent parliaments and wider suffrage, in the end, something like Tyrrell's moderate views came to predominate. Ward's narrative does an excellent job of placing writers like Bolingbroke and Blackstone, writers who have sometimes been badly misread in the service of other agendas.

If I have one major disappointment with this book, it is that (and one can almost never say this of academic monographs) it ends too soon. Because the American Constitution looks like the richest possible answer to the question of how the various strains of liberalism combined, it seems strange that the text ends where it does, with the Massachusetts Constitution of 1780. Everything in the text led this reader to expect a grand summary showing how the American Constitution itself solved the problems of competing traditions; Ward breaks off before this summary can occur. Another scholar, or perhaps Ward himself, ought to write a text tracing how the synthesis Ward details in his work panned out in the years 1788 and following. Such a text, particularly if it followed through on American and British (and French?) developments after the American Revolution, would be a worthy sequel to this excellent monograph, especially if it teased out the philosophical and political implications of neglected texts and authors with the rigor and clarity brought to this effort. ❑

Did the Fed Cause the Depression?, *from page 42*

ing prior contracts specifying payment in gold revoked by Congress, FDR decided that the "correct" price for gold was $35 per ounce.

Along the way, he would meet in his White House bedroom with Treasury Secretary Henry Morgenthau and set that day's price for gold. One morning, FDR chose an increase of $0.21, and Morgenthau asked him why. FDR replied, "because three times seven is 21, a lucky number."* That's how the author of the New Deal pursued and implemented important economic policy decisions. These manipulations of gold stocks and gold prices had no positive economic impact, but they did make the federal government the single greatest hoarder of gold in human history. I suppose I should point out that many prominent economists at the time had also advocated confiscation of gold and other gold manipulations. There was the so-called Chicago Plan for banking reform — signed by such important economists as Frank Knight, Aaron Director, Henry Simons, Lloyd Mints, Henry Schultz, and Paul Douglas — which sought just such policies, without anticipating, of course, Roosevelt setting prices from his bed.†

So we see that the Fed alone — Myth #4 — cannot be held responsible for the Great Depression. Two presidential administrations and Congress played important roles in virtually guaranteeing that the depression would worsen. And so it did. In a way, we learned a great deal about economic policy during the 1930s. We learned pretty conclusively what *doesn't* work. And that's a very valuable thing to know. Unfortunately, the nation as a whole paid a severe price for this particular collection of truths, and we remain in the shadow of many policy initiatives begun during the Great Depression that at best are dubious, and at worst, might ultimately bankrupt us.

As for the Fed's responsibility, which of the two views mentioned above is more correct? Perhaps we can do no better than to quote Frederick Lewis Allen on the business cycle: "Fundamentally, perhaps, the business cycle is a psychological phenomenon. Only when the memory of hard times has dimmed can confidence fully establish itself; only when confidence has led to outrageous excess can it be checked. It was as difficult for Mr. Hoover to stop the psychological pendulum on the downswing as it had been for the Reserve Board to stop it on the upswing." ❑

One morning, FDR chose an increase of $0.21 in the price of gold. Morgenthau asked him why. FDR replied, "Because three times seven is 21, a lucky number."

* Powell, Jim. 2003. "FDR's Folly" (NY: Crown Forum). p. 72.

† Phillips, Ronnie J. (1992) "The Chicago Plan and New Deal Banking Reform." Working Paper #76 (Avondale-on-Hudson, NY: The Jerome Levy Institute). p. 8.

Terra Incognita

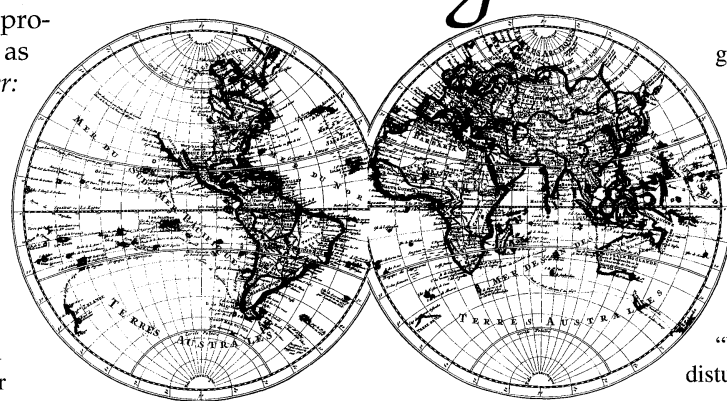

U.S.A.

The march of progress in military science, reported in *The New Scientist*:

The Pentagon considered developing an "aphrodisiac" chemical weapon that would make enemy soldiers sexually irresistable to each other. Provoking widespread homosexual behavior among troops would cause a "distasteful but completely non-lethal" blow to morale, the proposal says. Spokeman Edward Hammond says it was not known whether the proposed $7.5 million, six-year research plan was ever pursued.

Eastsound, Wash.

Alert border patrolmen protect our nation's food supply, as detailed in *The Island's Sounder:*

When Richard and Debbie Tetu attempted to cross the U.S. border with 15 cases of maple syrup destined for a high school fundraiser, they were pulled out of line for seven hours of questioning by the Border Patrol, who said the syrup could be considered a biohazard. Their passports were taken away and they were threatened with a $5,000 fine.

Olympia, Wash.

Evidence of the efficacy of bureaucracy, from the *Seattle Times*:

Department of Social and Health Services Secretary Dennis Braddock said there are legitimate reasons for Medicare payments to dead people.

South Hall, Ga.

A roadblock on the way to community recreation, as reported in the *Gainesville Times*:

Three hundred eleven acres of Eleanor Brazell's land are under contract to a developer for $8.4 million, leaving Brazell twelve acres and the home her husband built. County Commissioner Deborah Lynn proposes to use eminent domain to force the widow to sell all 323 acres to Hall County for $6.4 million, in order to build a park and community center. A county-appointed citizens' park board has said they do not want any of Brazell's land for a park.

Detroit

Yuletide spirit, noted by the *Detroit Free Press*:

Agostinho Fernandes, the director of a Detroit food bank, is wondering what happened to 60 turkeys that his charity gave to members of U.S. Rep. John Conyers' local staff two days before Thanksgiving to give to needy people. Fernandes said he became suspicious after hearing from a friend that a federal court worker had said he was offered free turkeys by a member of Conyers' staff.

Muscatine, Iowa

Further evidence of the efficacy of bureaucracy, from the *Des Moines Register*:

Dean Wooten was denied unemployment benefits after it was revealed that the 65-year-old, formerly a greeter at Wal-Mart, was fired for displaying to incoming customers a picture of himself wearing nothing but a strategically-placed Wal-Mart sack. He is appealing the decision.

Hempstead, N.Y.

Evidence that Shakespeare was right, from *New York Newsday*:

While waiting in line to get into the 1st District Courthouse, Harvey Kash and Carl Lanzisera passed the time by telling jokes about lawyers. An attorney ahead of them in line reported the pair to court personnel, who arrested them and charged them with disorderly conduct for "being abusive and causing a disturbance."

Redmond, Wash.

Experiments in workplace diversity at Microsoft, from employee newsletter *MicroNews*:

I would like to challenge every Microsoft employee to try an experiment during the next week. As you attend your meetings, take a moment to look around the room and ask yourselves, "Are the people in this room a diverse group?" If the answer to that question makes you a little uncomfortable, congratulations! Moving outside your comfort zone is the first step. Then, ask yourself, "How can I personally make a difference?" It won't always be easy, and it may be uncomfortable, but it will be worth the effort.

Victoria, Australia

Politicians give back to the community, from the *Ballarat Courier*:

Politicians have been asked to lend a hand and become sperm donors to help arrest dwindling supplies at an in vitro fertilization clinic.

San Anselmo, Calif.

Police become educators, as outlined in the *Marin Independent Journal*:

Drake High School administrators and police Commander Jim Providenza defended the possible hiring of a campus police officer as a way to educate students on police law, if not tamp down on campus crime. Providenza said the hiring was not primarily aimed at thwarting crime at the school, but rather an effort to "work in a pro-active fashion to interact with the kids. I would also hope that it would have an impact on discussions on civil liberties."

Special thanks to Russell Garrard, William Walker, Tom Isenberg, and Bryce Buchanan for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

Franceland

Harrowing, seething, scary, ~~tremulous~~, frightening, hilarious, petulant, frustrating, even searing tale of a sabbatical year at a French University not-in-Paris.

Read as Dwayne tries to convince a Gabonese Customs agent that his RAM chip was "free" via a coupon and thus not dutiable.

But there's better, much better: mad cap races in tiny cars during hapless transportation strikes and terrorist attacks, resulting in such sure-fire defenses as welding the trash-cans shut.

And, churning, stewing underneath it all is Dwayne's mid-life sea change. Like what? Did he chase after pizza waitresses? Buy a Miata? NO! He became a Libertarian.

Learn how to rate French restaurants, hotels and bars by the infallible "quality of the bar dog" system. Learn how to speak real French without the agony of learning any. Come to understand why the entire French education system is incomprehensible.

Join us in this neither fish nor fowl (note to book store clerks: "travel/humor") romp through France, a joyous but often sad, digestible yet searing (I know; I already said that) epistolary memoir.

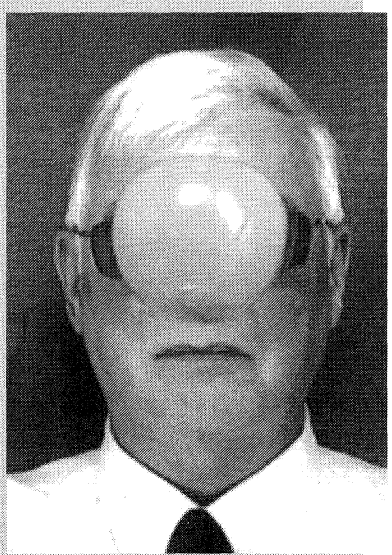

Fake praise for *Franceland:*

"Damn, I wish I'd written that!"

— P.J. O'Rourke

"I knew there was a reason why I've never gone to France."

— Dave Barry

"Funnier than Dave Barry — hey, and even me on a bad day."

— Bill Bryson

"Eef I aver get my 'ands on zat weasel I'll wrang 'ees nek."

— Président Chirac

The Luzerville Trilogy, by Dwayne Lubner. Order at:

www.luzerville.com

Fake praise for *Leaving Luzerville*:

"Damn, I wish I'd written that!"

— John Dewey

"Flee flee! David didn't learn by eating finger paint!"

— Maria Montessori

"Les pommes frites sont belles comme les chaussettes séchés."

— Marquis de Condorcet

"Dwayne is such a scamp!"

— Woodrow Wilson

Leaving Luzerville

It isn't easy being funny when relating the harrowing, seething, scary, ~~tremulous~~, frightening, frustrating, even searing tale of being fired by your University and betrayed by your wife, but why not? I mean, IS there an "appropriate" response to finding out that your wife traded you in for a free trip to Japan?

Read on as the Luzerville University attorney flays Dwayne for being, in order of egregiousness, "uppity," heterosexual, quietly Libertarian, loudly critical of really, really stupid policy decisions, and a tall poppy in general. An excerpt:

> What [advisors] do is translate the ever-increasingly complicated University Catalog, the contract between the student (at the time of his or her matriculation until seven years later or the return of Halley's Comet, whichever comes first) and L.U. Here is a fictional, but not far from the mark, entry:
>
> Equine Statistics 304: Use of ways and means of alternative deviations as they apply to horses. Prerequisites: Equine Gender Studies 204, Equinetrics 107, Equine writing 201. Must be taken before the age of 26 if male. Not fungible with any Military Science course. Not an adequate substitute for equine chemistry courses taken at area junior colleges or any school in Albania prior to 1999.
>
> Steering the poor students through such quagmires is the job of the uncredentialed or "differently credentialed" faculty wife. Such quagmires also tend to stretch a "four" year degree into five of six. The logic behind such waste is, at bottom, that no one at universities, or at least those who feed in the public trough, really give a damn about students.

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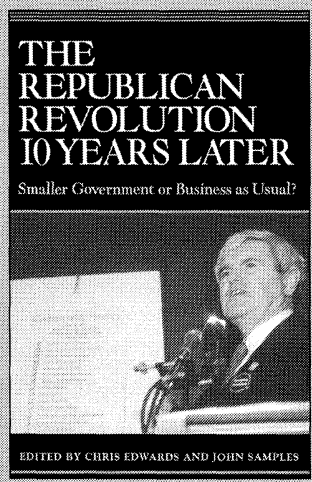

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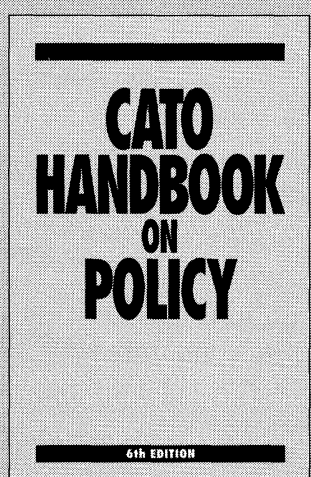

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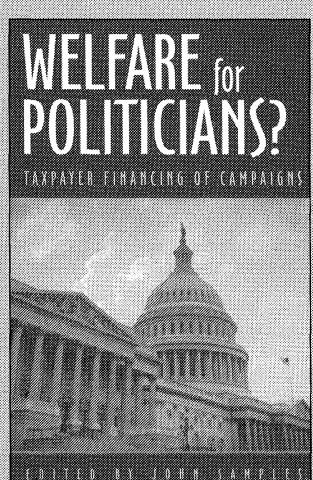

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Edited by John Samples

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Letters

Fed Up

I have read and re-read Robert Formaini's "Did the Fed Cause the Great Depression"(March), and I am still not sure what his answer is. On the one hand he seems to absolve the Fed of responsibility for the severe, prolonged economic downturn that began in 1929. That period of misery was caused more by the policies of Hoover and Roosevelt, by Smoot-Hawley, and by people's worries about the soundness of banks and paper currency than by the Fed.

But on the other hand, Formaini's primary causes of the 1929 crash seem to be the Fed's refusal to raise its discount rate to a market level, its refusal to have higher rates for stock speculation, and its policy of expanding the money supply proportionately to productive transactions.

So what is the answer? Did the Fed cause the crash but not the subsequent depression or what? Inquiring minds want to know.

Paul Thiel
Crescent Springs, Ky.

Formaini replies: As I argued in the article, the causes — note the plural — of the Great Depression were numerous and complex. No single cause theory explains all the facts of its beginning, or its long duration. The Fed, being the instrument of national monetary policy, cannot be blameless for the effects of the policies it followed that contributed to the downturn. But to suggest that the entire episode could have been easily prevented or, once started, cured by Fed policy, seems simplistic to me given all the other extremely counterproductive policies that were pursued at that time by all levels of government.

Greenspan the Taxman

You have been getting a lot of comments from readers who offer opinions on "Who Owns the Fed" by William Woolsey (October 2004).

The commercial "member" banks are the titular owners. They receive a statutory dividend of 6% on their required capital investment in Fed Banks. This fact is as unimportant as the percentage of carbon dioxide (0.03% — three-hundredths of one percent) in the atmosphere.

What is important is the fact that the Federal Reserve System is an institution that produces all the base money for the U.S. economy, and much of what the rest of the world uses as well. The total amount the Fed creates currently is approximately $25 billion per year. The U.S government, through the Treasury Department's offices, spends this new money into existence. Since the costs of production of the money are almost zero, the net benefit to the government is near $25 billion.

The formal name for this new money-creating process is seigniorage, and it is rightly classified as a tax on the economy. It is one big, unaccounted, unseen, and virtually unknown tax.

If privately owned banks or other firms generated this new money, the returns would go to private bankers operating banks under the constraints of free, private, competitive enterprise. Consequently, the seigniorage returns they realized would be competitive residuals, similar to the "profits" in any other industry.

Since the federal government gets all of the Fed's seigniorage, and since the president appoints the Board of Governors (one new board member every two years), and since Congress has complete control over the operations of the Federal Reserve System, the titular ownership vested in the "member" banks is inconsequential. Fed mon-

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Inside Liberty

April 2005
Volume 19, Number 4

2 **Letters** Our readers know what they want and deserve to say it, good and loud.

7 **Reflections** We take heart from Iraqi elections, tax a nose job, waltz past the Border Patrol, recall an ambassador, find God near Saturn, oar while intoxicated, ward off trial lawyers, and tell them young punks to pull up their pants.

Features

21 **The War on Law** Terrorism, *John L. Martinez* argues, must be fought. But not at the expense of liberty and law.

23 **George W. Bush and the Pageant of History** Dead Romans, Texas annexation, God's true and righteous judgments — presidential inaugurals have seen them all. *Stephen Cox* assesses the most recent offering in a long and strange tradition.

26 **Who's Your Daddy? Authority, Asceticism, and the Spread of Liberty** Why are conservatives and liberals so resistant to the logic of liberty? *Michael Acree* finds some startling answers.

33 **Not Your Father's Republican** As governor of Maryland, Robert Ehrlich fought off trial lawyers, teachers' unions, and a Kennedy; he even signed a bill legalizing medical marijuana. What will he do next? Run for president? *John Berlau* reports.

39 **Pierre Sunshine** God didn't permit him to be perfect for no reason. How often has a baby, black or white, been born this perfect in Saint Domingue?

Reviews

43 **Guns, God, and Gays in the Heartland** The Democrats like to present themselves as the champions of the little man. But Kansas sees through them, and so does *Bruce Ramsey*.

44 **Living on the Fringe** *R. W. Bradford* pokes around America's vacant spaces.

46 **Sex, Wine, and Midlife Crisis** Two ne'er-do-wells take a road trip through the Napa Valley. *Jo Ann Skousen* wonders why anyone should care.

47 **Hayek the Enigma** *Bettina Bien Greaves* surveys Hayek's intellectual journey.

51 **Notes on Contributors** The apples of our eye.

54 **Terra Incognita** Double, double, toil and trouble.

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etary policy is government monetary policy, just as definitely as is foreign policy by the State Department.

I discuss all of these issues in my book, "Monetary Policy in the United States, an Institutional and Intellectual History" (University of Chicago Press, 1993).

Richard H. Timberlake
Athens, Ga.

Reasons to Recount

As a charter subscriber to Liberty and a life member of the Libertarian Party, as well as current chairman of the Libertarian Party of Northeast Ohio, I wish to respond to some of the errors in "Join the insanity?" (Reflections, February). Nobody who knows me well considers me a leftist or an idiot, but as a lifelong resident of Ohio who witnessed the vote recount in Cuyahoga County, I have serious doubts about the validity of the election.

Among other facts, our secretary of state, J. Kenneth Blackwell, who twice ruled the Libertarian Party of Ohio off the ballot for frivolous reasons which are now before a federal judge, and who is a member of the one-worlder Council on Foreign Relations and the neocon Jewish Institute for National Security Affairs, was both the co-chair of the Bush campaign and the officer responsible for the integrity of Ohio elections.

When Michael Badnarik launched his brilliant initiative, he generated more favorable publicity for the Libertarian Party than during the entire establishment media blackout of his campaign.

The publicity only became unfavorable when the establishment media masters realized how good it was making us look. This was why they brought up the Republican red herring of expense to Ohio taxpayers, as though the state of Ohio does not squander millions of dollars every day.

Next to protecting the lives, liberty, and property of taxpayers, what function of a representative self-government is more important than insuring honest elections?

A second benefit of Badnarik's proposal was to discredit our enemy, J. Kenneth Blackwell.

A third was to weaken Bush's phony mandate.

A fourth was to reach out to dissident Democrats, Greens, and others who, despite some regrettable lapses in knowledge of economics and the proper role of government, oppose Bush's unconstitutional, lie-motivated, unnecessary, and counterproductive war in Iraq, and the growing police-state structure, as well as supporting honest elections, which was not a controversial position until quite recently.

Finally, if Kerry could have entered the White House under these circumstances, we could have been assured of gridlock for the next two or four years.

The only downside I see in Michael Badnarik's actions is the pathetically weak response, especially by the National Executive Committee which resulted in the confusion which was displayed by your article.

David Macko
Solon, Ohio

Bradford's Blunders

Would someone at Liberty magazine headquarters nudge R.W. Bradford awake to mention that the election is over, Badnarik lost, and that Bradford can now stop picking on him and the Libertarian Party? Thanks.

Bradford's credibility is fast approaching zero. Bradford wrote in his February reflection that Badnarik's recount would cost the state of Ohio $1.4 million. Where did he get the figure? Was he in Ohio doing a payroll audit? Having participated as a Libertarian Party of Ohio recount observer, I can assure that no county employees were detected being overworked or on overtime. The ballot processors were unpaid volunteers.

"I can see no reasons why Libertarians should help [paranoid leftists] in their ridiculous quest," Bradford wrote, "even if all it required was Badnarik's cooperation and about $10,000 of Libertarian money." Gold, silver, and other forms of exchange I'm aware of, but I'm stumped regarding the currency "Libertarian money." No Libertarian Party funds were provided.

Finally, from my firsthand view in Ohio, there were consistent and serious violations of voting procedures. The only voting process I will ever trust is a traceable, paper ballot — regardless of the cost.

Jim Kinard
Lancaster, Ohio

Bradford responds: Regarding Macko's

claim that the recount produced "more favorable publicity for the Libertarian Party than during the entire establishment media blackout of his campaign," I note that the news articles in the Ohio press reported almost uniform public hostility to the recount. I doubt that we'll see any measurable increase of Democrat or Green support for LP candidates as a result of the ballot challenge; time will tell. If there is any evidence that the recount weakened Bush's mandate, I'd like to see it.

Kinard wonders where I got the $1.4 million figure. I got it from news reports in more than a dozen different Ohio newspapers. I got the figure that $10,000 of the cost came from Libertarian Party members from Barb Goushaw, Badnarik's campaign manager.

Accounting for That 1%

I applaud R.W. Bradford's complete election analysis, particularly his analysis of Libertarian candidates in the U.S. House elections. I was such a candidate in U.S. District 2 in Arizona. I would have been pleased if I had matched the percentage of the Libertarian candidate from two years before, Ed Carlson, who received 3.4% of the vote in 2002. But I received only 2.4%.

I sat back and thought about this. Was a 1% loss significant in such a low percentage? Was it because I take unswerving positions that got me proudly labeled "an extremist" by the state's major paper, costing me the protest vote? Or was it due to a presidential campaign year where the voters were rallied and scared into voting for one of the two major party tickets, more so than in off years, by the incessant media spin about close elections?

Bradford should have considered and presented the 2000 results as well, but I realize this would be difficult since the boundaries and numbers on most districts shifted after that election.

Powell Gammill
Phoenix, Ariz.

The Original Intent of Christmas

Stephen Cox, in his March "Word Watch," states, "December 25 isn't a 'holiday' because it's in 'winter'; it's a holiday because it celebrates the birth of Jesus."

While it's certainly true that it was taken over for that purpose, in truth early legends, including the Bible, do not state when Jesus was born, and in fact early Christians did not consider that important. What somewhat later Christians wanted was to fit in with Roman culture, and devised this "Christian" holiday to be at the solstice time that was being celebrated as the rebirth of the Sun, which was now rising higher in the sky every day after having descended day by day up to that point in the year.

Just as Kwanzaa was invented to coincide with Christmas, and the minor feast of Hanukkah was emphasized to compete with Christmas, Christmas itself was devised to emulate pagan Roman festivities.

Charles Kluepfel
Bloomfield, N.J.

Tipping the Election

In "Politics vs. Ideology" in your February issue, Stephen Cox wrote, "In 1916, the Prohibition Party achieved 1.19% of the popular vote. A little over two years later, a prohibition amendment was added to the Constitution. Obviously, A was not the cause of B." Cox is wrong. The Prohibition Party cost the Republicans the presidency in 1916, the 2nd time that a minor party had produced that outcome (the first time was 1884). Both times, the Prohibition Party ran a former Republican governor for president, and both times the Prohibition vote for president tipped the results in a single state. Each time, that single state caused a reversal in the electoral college (New York in 1884, California in 1916).

The result after the 1884 election was a Republican Party-inspired hate campaign against the Prohibition nominee. He was burned or hung in effigy in hundreds of towns in the north, and the county that had named itself after him, changed its name.

But the results after the 1916 election were much more dramatic. The prohibition amendment, which had been bottled up in Congress since 1875, passed Congress in April 1917, less than six months after the presidential election. Remember that neither party had ever even mentioned prohibition in its national platforms (the Republicans in 1892 had put in the platform a praise of temperance, but even that was removed thereafter). Remember also that southern Democrats in Congress had been in favor of it for some time, but it had no hope of passing without massive Republican support. Republicans, having lost two presidential elections as a result of Prohibition Party campaigns, decided to end the problem.

Richard Winger
San Francisco, Calif.

Cox responds: I appreciate Mr. Winger's intelligent response. One thing is certain: it's a good idea to burn prohibitionists in effigy. I remain skeptical, however, about the Prohibition Party's influence. The Democratic margin of victory in New York in 1884 was 1,047 votes; in California in 1916 it was 3,420. That kind of margin can result from the way the nominee parts his hair. It resulted at least in part from the presence of a Greenback candidate (16,955 votes) and a Socialist candidate (3,847 votes) in those respective years and states. There's no difference between "marginal" votes and other votes; every vote counts, and political parties know that. For stronger Republican candidates, none of the minor parties would have been an issue. But the Republicans had every confidence of winning the White House in 1920, and they did so, by the largest margin in the history of U.S. presidential elections. Why jump the gun and pass a constitutional amendment, especially one also supported by many Democrats? It's worth remembering that by 1917, 26 of 48 states already had prohibition, and the war fever was creating a zest for discipline and asceticism and other awful things. Congress quickly passed "temporary" wartime prohibition, but the prohibition amendment was not cleared by Congress until December 1917. Slightly more Democrats than Republicans voted for it.

Preventing Genocide 101

Bruce Ramsey said something in his article ("Conversion of a Gun Grabber," March) which was absolutely bizarre. He stated that,"If you're a Jew in Germany in 1942, and the Gestapo is knocking at your door, it does no good to have a gun. Use it and you're dead." With the 60th anniversary of the liberation of Auschwitz just past, do you know absolutely nothing about the Holocaust, Mr. Ramsey? The fact is, with the Gestapo at your door, if you didn't have a gun, you were dead too because they weren't there to take you to a resort, but to take you a death

camp. Resisting with a gun wasn't going to make you any more dead. After all, over six million Jews were murdered and almost none of them were armed. But if every Jew had met the Gestapo with a gun and had inflicted some casualties, then maybe the Germans would have suffered enough deaths as they tried to murder the Jews that they would have stopped at some point, or they would have had to draw resources from other areas which would have led to the war ending sooner.

Or take Rwanda. Nine hundred thousand unarmed Tutsis were killed, mostly by civilian Hutus armed with machetes. If the adult Tutsis had been armed with guns, how many dead civilian Hutus would it have taken before the killing would have stopped? And even assuming the Hutus would have armed themselves too, the Hutus often went after the the Tutsis in buildings, giving the advantage to the Tutsis. And again the killers were mostly civilians who would not have been willing to accept too much risk. Armed Tutsis probably would have ended the killing early.

The fact is, all acts of genocide in the 20th century took place against unarmed populations. That's a pattern worth considering. The best way of preventing genocide is for the population to be armed.

David Husar
Arlington, Va.

The Self-Evident Right to Own a Tank

Bruce Ramsey was right about only one thing — all individuals have a right to defend themselves. He immediately followed that with the kind of arrogant, condescending statements that flow so easily and freely from the mouths of authoritarians.

"But not with any kind of weapon," "too dangerous to be allowed," "no civilized country allows them," "there can be no general right to own a weapon, but only a right to own a *certain class* of weapons."

The (Libertarian) Connection, open forum since 1968. Subscribers may insert four pages/issue free, unedited. Factsheet Five said, "Lively interchange of point, counterpoint and comments." Eight/year, $20. Strauss, 10 Hill #22-LZ, Newark NJ 07102.

Ramsey implies that a weapon's potential uses or the policies of "civilized" countries somehow justify the curtailing of individual rights. This isn't exactly a self-evident truth.

When the law or the government or Bruce Ramsey tries to explain *why* there are limits to individual rights, they must give you the straight socialist line. There is no way within a philosophy of freedom, so eloquently and succinctly expressed in the Declaration of Independence, that one person or a million persons can find the legitimate authority to dictate the boundaries of an individual's rights. And that is the self-evident truth.

Bruce has followed the rules of the majoritarians — an individual's rights are whatever we tell them they are.

And what can you say about a fellow who would take a gift from his father and sell it?

Mike Doege
Macomb, Mich.

Underestimating the Morons

As Alexis de Toqueville observed, America is a nation of philosopher-kings. Each individual makes his or her own judgments on what is Good and Not Good, and then directs himself accordingly. Each individual is (using the analogy carefully), politically, an equal, independent nation, with all the powers and responsibilities attendant to a nation. Now, while we may politically be equal nations, realistically we are people, with all the strengths and weaknesses found throughout the entire spectrum of human nature and behavior, from the meanest, nastiest bastard to the saintliest of the saints. So the rules still apply regarding murder and mayhem between people. But in the rules between each individual and his government, between man and state, the individual is equal to all levels of government, local, state, and federal. More than equal, because government is of a temporary nature that can be changed when necessary by the people that establish, that give measured power to, their system of governing.

I thought that Bruce Ramsey might have caught this unique American value when he mentioned that America was not Hong Kong. But no, we just have "a strong desire," he writes, "not to have" our "guns taken away."

For all of this to work, Thomas Jefferson knew that education was key; that people needed to be educated of the rights and responsibilities of philosopher-kings, and so avoid abdicating such difficult and scary things back to government power-mongers and their lackeys. That education should include the five Rs: reading, writing, arithmetic, and American rights and responsibilities.

The major fault in Ramsey's article, from this American point of view, is his assertion that too many of his fellow Americans are morons who couldn't be trusted with lethal force, particularly guns. Too many morons can't be trusted with drugs, can't be trusted to eat right, or use vitamins right, can't read advertising right, don't vote right, don't spend their money right, and just can't stop smoking.

Well, moronic *and* impertinent.

The term "Too many morons" is only vaguely quantified, so he may think maybe 2%, 50%, or 95% of his fellow Americans are morons; and the tone of his writing is such that I assume he considers himself to be in the 5% non-moron and able-and-morally-duty-bound-to-tell-those-morons-what-do category.

The problem lies in considering his fellow Americans, his fellow philosopher-kings as morons unfit to rule themselves. Morons not only should be told what to do, but need to be ordered about, and probably feel safer when following his simple orders. No difficult thinking about duties and conflicting interests, no responsibility for action, or inaction. For morons, ignorance is bliss.

His epiphany, that a gun in my hand makes me politically bold, seems to imply that government is that "ferocious beast" of the SF story, and instead of simply surviving around these voracious, ever-expanding, man-crushing beasts, such as most of the world's people do around their governments. An American would rather pick that good fight, in an attempt to exterminate, or at the least domesticate, these horrible, age-old beasts.

Wesley Rathbun
Philadelphia, Penn.

Machine Guns in Massachusetts

Bruce Ramsey notwithstanding ("no civilized country allows" machine

continued on page 22

Reflections

Flashing their piece — North Korea announced that it has a nuke. Big deal. We all suspected it. That it had to be announced makes me wonder. Most people I know who pack heat go out of their way *not* to show you their weapons. It is most often the guy with the pointed finger in the pocket of his ski jacket who has to announce that he has a gun.

I vote to let them try and use it. If North Korean technology is on par with its economic system, I doubt that it can get out of the country, and doubt even more that it can hit a target, or even detonate. — Tim Slagle

Over one trillion served — New York Times health columnist Jane Brody reports that a trillion servings later, not a single example has emerged of anyone harmed by eating biotech or genetically altered foods. So eventually, science and evidence triumph over scare-mongering. But don't worry, plenty of journalists will fall for and plenty of people will believe the next scare.

— Alan W. Bock

The customer is always wrong — Here's the cover story of the Feb. 21, 2005 issue of Time magazine: "What Teachers HATE About Parents."

Can you imagine a Time headline "What Successful Restaurateurs HATE About Their Patrons"? Their only possible complaint would be that their customers don't eat out often enough. But, of course, teachers want fewer students per teacher, not more.

Nothing could demonstrate more clearly the complete absence of competition in modern education, and consequently the ability of producers of education to dismiss the concerns of consumers of education, than this Time cover.

— Ross Levatter

Will declare blight for cash — The article "They're Coming for Your Land" (March) was superb! Even very small towns in rural Nevada use the designation of "blight" (which can be applied to any neighborhood, blighted or not) to qualify for government grants of various types for town improvements. Fortunately for us, in Nevada, counties with fewer than 100,000 residents cannot use eminent domain for redevelopment purposes. When our very small hometown designated the main street through town as "blighted" (nothing blighted about it) in order to get a grant, we told the town board that if they did not remove our main street property from the "blighted" area, we would sue the town for taking private property without just compensation, thereby violating the 5th Amendment. They caved after they realized we meant it, and the map of the "blighted" area has a noticeable chunk missing. Of course, this is not the sort of thing you can do to protect your property in a large or even medium-size town, which is one reason we are here and not there.

— Durk Pearson and Sandy Shaw

Trafficking in baseball — The District of Columbia is stepping up parking and traffic enforcement. Got to keep the money coming in to subsidize Major League Baseball for the Team Formerly Known as the Expos. — Alan W. Bock

Three cheers for the Iraq elections — Am I the only harsh critic of Bush's invasion and occupation of Iraq who is actually pleased by the apparent success of the January elections in occupied Iraq? I hope I'm not, but I couldn't tell that from the critics of the Iraq war I heard on talk radio in the days after the election, and I am told by friends who troll the antiwar blogs that the elections are not being celebrated there. I cannot understand why not. The strong participation of Iraqis suggests that the prospects of the U.S. managing to get out of Iraq are better, that the horrible waste of human life and treasure will end sooner than might have been thought.

These are good things. Yes, the high turnout and relative peacefulness of the elections surprised me. I expected a worse outcome. But I am not so vain as to value my success rate as a predictor of world events higher than human life and property. And the outcome has no impact at all on my conviction that the war was a bad idea. Even if some kind of free and democratic society emerges from this mess and Bush removes the U.S. troops by year's end and doesn't feel

obliged to provide subsidies for the new democracy — all very iffy propositions — the best anyone will be able to say about the whole thing is that we brought a free democratic society to 25 million people at a cost of about $350 billion, the lives of more than a thousand young American men and women, and the stretching of our defense forces so thin that should a real military challenge occur, our prospects for success would be cloudy at best.

If Iraq were the only dictatorship on earth, I suppose it could be plausibly argued that stamping out the last vestige of totalitarianism might be worth that price. But this is not the case: Iraq under Saddam Hussein was far from the worst or the largest or the most dangerous totalitarian state in the world. What about North Korea, which is far more dictatorial than Saddam's Iraq had ever been? What about China, with more than a billion oppressed people? (Yes, I know that China is a less oppressive state than it used to be, but this is hardly an argument for deposing totalitarian states: such progress as has been made in China did not result from invasion and occupation.)

And what about Turkmenistan? Uzbekistan? Pakistan? Zambia? Cuba? Libya? Equatorial Guinea? Burma? Sudan? Belarus? A case can be made that all these countries are ruled by dictators worse than Saddam, and several are or have been much greater threats to the United States than Saddam ever was. Obviously the U.S. government doesn't have sufficient resources to remove the current governments of all these countries and try to plant democracy and free institutions in them all. So what is the rationale for picking out one of the smaller and less threatening states for this public service? Well, at the time, it was Bush's claim that Saddam possessed weapons of mass destruction and was inclined to use them against the U.S., a claim that was as false as the American claim that a North Vietnamese ship fired on an American ship in the Gulf of Tonkin, or that Germany's sinking the *Lusitania* was a heinous and illegal act.

The case for or against the invasion of Iraq is not made by the success or failure of the Bush administration in planting seeds of a democratic society there. But the case for leaving Iraq would surely be improved by the growth of such seeds. So if you're not inclined to celebrate any evidence of such growth — why aren't you? — R.W. Bradford

Botax — A Washington state legislator is proposing a "vanity tax" on cosmetic surgery — Botox injections and the like. Will they go after facials and massages next? Hmmm. If the government is that hard up for money, maybe it should tax frivolous legislative proposals.

— Alan W. Bock

The lowest common inaugurator — Most presidential inaugural speeches are just compilations of truisms and homilies, intended to appeal to the lowest common denominator of *Boobus americanus*. Every once in a while there's a memorable line, however glib, like Kennedy's "Ask not what your country can do for you, ask what you can do for your country." Or Roosevelt's "The only thing we have to fear is fear itself." My candidate for the signature line in the Bush coronation ritual is: "The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world."

It's a good thing that few people pay any attention to these things, perhaps intuitively realizing that it's mostly just superficially appealing spin. But I found the words of our self-appointed "war president" scary, ill-informed, and just plain stupid.

Contrary to the mantra of the Bushies, what has distinguished America in the past is that liberty flourished here totally independent of what happened in other lands. Things have come to a sorry state indeed if liberty can't survive in the United States without "depending" on its success in miscellaneous hellholes. Even worse is his thought that peace apparently depends on the United States expanding "freedom" by invading places he thinks need it.

An analysis of Bush's speeches will show that, other than articles, conjunctions, pronouns, and similar parts of speech, the words he uses most are "liberty" and "freedom." He should have them purged from his vocabulary, and have his mouth washed out with a bar of soap for corrupting the English language. Bush is (and I hate to say this after the disastrous Clinton) the most destructive president we've ever had for liberty and freedom, with the possible exceptions of Lincoln, Wilson, and FDR. — Doug Casey

Nothing ventured, nothing gained — In the Social Security debate, I'm finding that arguments to allow individual accounts are being taken as arguments for ending the whole program. Is this because people sense from the arguments used that their proponents would end the program if they could? Is it that they imagine that if accounts were offered as an option that most people would take them, even though opponents think the accounts would be a rotten deal? Or are they merely responding to their fears rather than the proposal at hand? I don't know,

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but it is frustrating.

Another thing I'm finding is a deep skepticism of people's own abilities to beat the government's promised rate of return, even though for new workers that rate is about zero. People don't want any risk, and they don't want to have to think. — Bruce Ramsey

A clear and persistent danger — Under the No Child Left Behind Act, students are supposed to have the option of leaving schools designated as "persistently dangerous." Well, the list of "persistently dangerous" schools has come out, and there are 26 of them. Did you figure there were a bunch in New York, Chicago, Detroit, Ohio, and parts of California? Sorry, not a one. There are two in South Dakota, and the rest are in New Jersey and Pennsylvania. You don't suppose schools are tinkering with the criteria so they can redefine themselves as trouble-free without actually fixing anything, do you? — Alan W. Bock

Stroll for the border — A few days ago, my husband and I were in the car half-chatting, half-listening to the Canadian Broadcasting Corporation's six o'clock news when a report caught our attention. A subsequent print version of the story stated, "Public Safety Minister Anne McLellan has ordered an investigation into security at a major border crossing in Quebec after reports of motorists speeding through without being questioned. McLellan says she has asked the Royal Canadian Mounted Police [RCMP] and Canada's Border Services Agency for a full report. . . . More than a dozen cars have barrelled through it in the past six weeks without being stopped by the RCMP. . . . Customs officers reportedly notified the RCMP, but to no avail. The offenders weren't intercepted because the Mounties eliminated patrols last fall along the Quebec-New York border."

The radio version went on to explain that RCMP officers had been needed to investigate gang activity and terrorism threats in major cities and, so, were pulled off the relatively light border patrol duty. Curiously, the news report also included a description of how to foil the border guards: you drive in a lane beside large trucks, which shield you from view, and make a dash across when you get close enough to the guard stations.

When added together with a recent report that cameras allegedly monitoring the U.S.-Canada border are largely broken or non-existent, the folly of attempting to control the longest border in the world (3,987 miles, much of it uninhabited) becomes clear. — Wendy McElroy

Gatesway to prosperity — I know it sounds ridiculous, but the mission of libertarians has usually been to rescue capitalism from the capitalists.

Here are the sentiments of Bill Gates, World's Greatest Capitalist, as reported on Jan. 29 from something called the World Economic Forum, meeting in Davos, Switzerland — a place where rich people go. It's a long way from Communist China.

But referring to Communist China, Gates opined, "It is a brand-new form of capitalism, and as a consumer [sic], it's the best thing that ever happened. . . . You know they haven't run out of labor yet, the portion that can come out of the agriculture sector. . . . It's not like Korea, Korea got to a point where, boom, the wages went up a lot. . . . that's good, you know, they got rich and now they have to add value at a different level."

Pardon me? I'm not sure I follow that. Is this the labor theory of value? Or something even more exotic?

But Gates went on: "They're [the Koreans are] closer to the United States in that sense than they are to where China is right now."

Huh? But I guess that's actually bad, eh? It's bad to earn high wages. It's bad to work in the United States. Compared to Communist China. Really?

Well, no matter: "Gates continued by heaping praise on the current generation of Chinese leaders":

"'They're smart,' he said with emphasis. 'They have this mericratic [sic] way of picking people for these government posts where you rotate into the university and really think about state allocation of resources and the welfare of the country and then you rotate back into some bureaucratic position.'"

Sounds like paradise, doesn't it? Instead of having ignorant and corrupt Communist Party officials allocating resources, you combine the corrupt officials with the university professors (who, as we know, understand everything); then you add the bureaucrats (everyone's idols), and you come up with . . . Microsoft!

Perhaps you do. But perhaps it's time for Mr. Gates, since he's so intelligent, to "rotate back into some bureaucratic position." I would suggest a junior clerkship in the DMV. — Stephen Cox

Flash! Bush administration official does something right! — Occasionally a government official does something right. So congratulations are owed to U.S. Solicitor General Paul Clement for deciding, and saying in a letter to Congress, that "the government does not have a viable argument to advance in the statute's defense and will not appeal the district court's decision."

What prompted such an unusual refusal was what is generally called the Istook Amendment, introduced into a 2004 appropriations bill. Miffed that a few reform organizations had been so bold as to buy ads criticizing marijuana prohibition on busses and other transit systems, Republican Rep. Ernest Istook of Oklahoma attached a rider denying

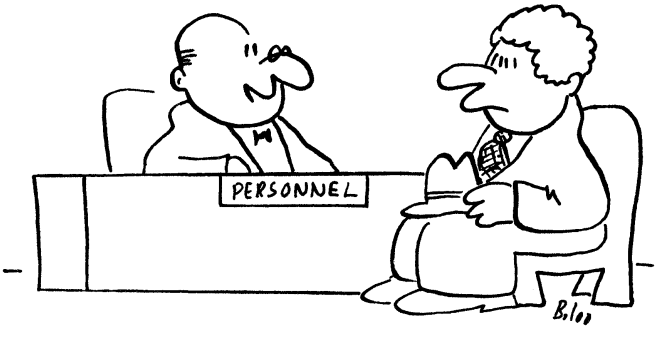

"Your first task will be to arrange a burial for your predecessor."

federal funds to transit systems that accepted such advertising.

After the provision went into effect, the ACLU, Drug Policy Alliance, Marijuana Policy Project, and Change the Climate, Inc. jointly developed an ad showing ordinary Americans behind bars with the caption, "Marijuana Laws Waste Billions of Taxpayer Dollars to Lock Up Non-Violent Americans," and tried to buy space for it with the Washington Metropolitan Area Transit Authority. Fearing the loss of federal dollars, the authority declined the ad and the matter went to court.

Last June, Judge Paul Friedman of the U.S. District Court for D.C. ruled the Istook provision was unconstitutional, stating "there is a clear public interest in preventing the chilling of speech on the basis of viewpoint." At first the government declared it would appeal the decision. But later, Clement conceded there was no way the government could win the case.

It's shocking that any member of Congress thought prohibiting ads was a legitimate exercise of constitutional authority, but the attempt is a reflection of how weak the case for prohibition is. Federal drug officials have for several years declined to meet qualified critics of drug laws in open debate. Was an effort to silence dissent by legislative fiat the next logical step?

— Alan W. Bock

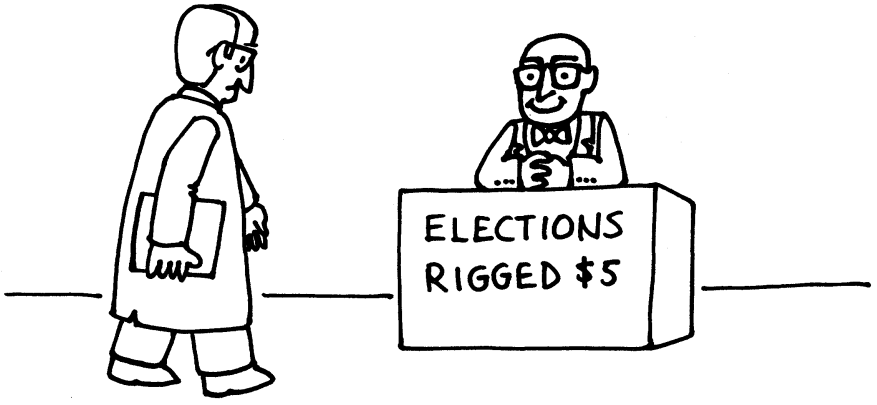

SHCHAMBERS

Syrial killers? — There's something dramatic and quaint about the recall of an ambassador "for consultations." Presumably someone in the Bush White House recognized that in February when the the U.S. ambassador to Syria was brought home. This was in response to the suicide bomb assassination of Rafik Hariri, an admired former prime minister of Lebanon. The implication was that Syria, which has occupied Lebanon in whole or in part since it dispatched "peace-keepers" there in 1976, was responsible for bumping off a popular Sunni Muslim politician who opposed them.

Of course Syria is one of only a million or so entities in the Middle East that might have a motive for killing a politician. But our new secretary of state Condi Rice used the old "blame but not *blame*" routine when commenting on U.S.-Syrian relations. "We're not laying blame. But there is no doubt that the conditions created by Syria's presence there have created a destabilized situation in Lebanon."

Oh come now! You can call Lebanon a lot of things (occupied, tyrannized, vassalized, Frankified, artificially carved out of Syria in the first place, etc.), but destabilized is not one that jumps immediately to mind, in light of the conditions that obtained there in the '70s and '80s.

What the American hissy fit is really about, I would say, is seizing upon another pretext for a future war on Syria. What other charges have been laid at Syria's door? Harboring Ba'athists from Iraq. Allowing "foreign fighters" to cross the border into Iraq. And — when no nuclear or chemical weapons were found after sifting through the ashes of Baghdad — of taking Iraq's WMDs for safekeeping. Now: allowing suicide bombers to run amok in an occupied Middle Eastern country.

Will any nation withdraw its ambassadors from the U.S.? There's little doubt the U.S. presence in Iraq is creating a destabilized situation. This parallel would be funny if it weren't for the backstory of 20,000-odd civilian deaths, and over 1,000 American deaths, in Iraq since the spring of 2003.

— Brien Bartels

Shave and suspenders, two bits — Freshman Virginia Delegate Algie Howell Jr. hasn't let his new job keep him from cutting hair at his Norfolk barbershop — except now he's not just talking to friends, he's listening to constituents. And when they notice a social problem — such as these kids today, and how they wear their pants around their knees and show off their underwear — you can bet he'll do something about it.

Howell has introduced a bill in the legislature that would allow police to issue a $50 fine to anyone whose low-cut pants expose underwear in a lewd or indecent manner. Leaving aside the question of enforcement, perhaps someone should let Howell know that the only way to stop an objectionable fad among the young is for the old to adopt it themselves. If every patron of that barbershop buckled his pants low while sporting French-cut briefs or a thong, those kids would have their pants hitched up to their chests in a jiffy.

— A.J. Ferguson

Sentencing fragments — It is not difficult to criticize the circuitous way the Supreme Court went about downgrading, but not quite eliminating, the controversial sentencing "guidelines" system Congress set up in 1984, acting more like a quasi-legislative body than a court. It might have created more confusion than if it had simply declared the entire system unconstitutional and told Congress to try again — or stayed out of it and let judges handle sentencing.

On balance, however, the court got to a constructive result. The federal sentencing guidelines created confusion and injustice, and had to go. The court didn't fix the entire

problem, but it made a decent start.

In the 1980s, federal judges were criticized both by "tough-on-crime" advocates who condemned "bleeding heart" judges for handing out lenient sentences and by civil rights advocates who claimed African-Americans tended to get disproportionately long sentences. Some scholars dispute the scope of the disparities, but the perception was that sentencing for the same or similar crimes was wildly inconsistent from one part of the country to another.

So Congress created the U.S. Sentencing Commission, empowered to set up sentencing guidelines for various statutory crimes. The "guidelines" turned out to be more rigid than most judges preferred, setting up a mandatory "floor" for sentencing and making it difficult to revise a sentence downward based on mitigating circumstances. By 1997, a survey of federal judges found that two-thirds of them found the guidelines unnecessary, and many believed they were downright harmful to the administration of justice.

The Sentencing Commission could have been viewed as unconstitutional, since in effect it performed legislative functions with no accountability to the people or to any of the three branches of government. But the high court upheld its constitutionality in 1989.

Appellate lawyers tried a different path, and last year in *Blakely* v. *Washington,* the court found a state system based on the federal system unconstitutional. The reason? Sentences could be enhanced (increased) by a judge based on factors the jury hadn't considered or ruled upon. That violates the guarantee of trial by jury.

Would the same criticism apply to the federal sentencing system? Understanding the confusion the *Blakely* decision would create, the court took up two drug cases — *United States* v. *Booker* and *United States* v. *Fanfan* — that raised similar issues. It ruled 5–4 that federal judges cannot be bound by the misnamed "guidelines." Instead of eliminating the guideline system, however, a separate 5–4 majority ruled that the guidelines would henceforth be "effectively advisory," giving judges more discretion to depart from them based on individual circumstances.

The major effect will be on white-collar crimes and drug cases, which according to the Sentencing Project account for 55% of federal prisoners. In the future, drug offenders are likely to get less severe sentences, and a number of prisoners now serving time could have their sentences reviewed.

The decision does not touch the "mandatory minimum" sentences Congress enacted during a flurry of get-tough-on-drugs legislation in the late 1980s. Those laws have cost taxpayers billions while doing little or nothing to reduce rates of drug usage or addiction.

— Alan W. Bock

Taco hawk — I have a theory that the British Empire conquered and grew because the Brits were searching for edible food. Indeed, they stopped with India because there they found really great curry. When they had to surrender India as a colony, the Brits compensated by passing a law that required an Indian restaurant at every major intersection in England.

I trust a similarly sane motive underlies what otherwise is utter madness on the part of Joseph Farah, who advocates the conquest of Mexico in the Feb. 4 edition of WorldNetDaily, his online publication.

He writes, "A top-ranking Mexican official last week virtually declared war on the United States. Foreign Secretary Luis Ernesto Derbez said in a radio interview that an international strategy would be used if other attempts to reverse Arizona's Proposition 200 fail. In other words, the equivalent of the U.S. Secretary of State is advocating meddling in the internal affairs not only of our country, but one of our 50 independent, sovereign states." (Prop. 200 went into effect last week. Among other things, it denies most taxpayer benefits to illegal aliens and requires those who wrongly apply for such benefits to be reported to officials.)

Farah's subsequent logic may be correct: if it is proper

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for the United States to jump an ocean to bring "democracy" to Iraq and greater security to the America, then why it is wrong to truck a few miles southward to accomplish the same goals? If you buy the premise, you've bought the package.

But the premises are drek. And the hypocritical chutzpah of his complaining about one nation bringing "international power to bear" on another is astounding.

— Wendy McElroy

This Landlord Earth — Robert H. Nelson's "Pollution Violates Individual Rights" (March) reminded us of the attempt of environmentalists to incorporate economics into their vision of the relationship of people to "ecological services" — water, air, trees and so forth. These are purported to be services provided by the planet to humankind. Serious papers have been published in which authors attempt to attach prices to these services to define a "market" in which the earth provides services and we are obliged to pay what those services are worth.

There are several problems with this approach. How do you determine prices when there is no market? (This is akin to the problem of determining prices in a socialist economy.) It is not as though we are buying air and water from an entity named Earth. There is no such entity, and thus, the usual method for estimating the value of these services is to ask people what they would be willing to pay, not measuring what they might pay in an actual market.

Another problem is, to whom does one pay the purported value of Earth's services? To the government? But how can that be, when the government is not the Earth and, hence, cannot be providing the "ecological services"? Moreover, all these "services" (air, water, etc.) are derived from the effects of the sun, so why aren't the environmentalists calculating "sun services" and what we all owe the sun? (Probably because they would sound a mite nuts if they did.) This may all sound a little ridiculous, but the concept of "ecological services" is taken very seriously in scientific journals like Science and Nature.

— Durk Pearson and Sandy Shaw

Sending a message — Let's be clear on one non-

News You May Have Missed

God's Existence Confirmed

DARMSTADT, Germany — Scientists at the European Space Operations Center here who have examined photographs from the Huygens spacecraft after it landed on Titan, Saturn's largest moon, said that the mysterious surface of Titan, which is veiled in a dense hydrocarbon haze, seems to contain a number of things found nowhere else in the solar system. "It's kind of like the Lost and Found Department of the universe," said a jubilant Dr. Helmut Krautkopf, the center's director, while presenting the unexpected results of the seven-year space probe. Scientists who have studied the somewhat blurry photographs with a large magnifying glass have so far been able to identify not only some unique, bizarre rock formations and unheard-of minerals, but also thousands of Iraqi weapons of mass destruction, President Bush's complete National Guard records, the missing 18 minutes from the Nixon White House tapes, the clues leading to the real killers in the O.J. Simpson case, easy-to-understand income tax forms, dozens of interesting or beautiful works of postmodernist art, a good movie with Jennifer Lopez in it, a videotape of Paris Hilton not looking like a dumb slut, and, perhaps most significantly and unexpectedly, God.

God was first reported missing in the 18th century and was widely believed to be dead after a tough-talking private investigator named Fritz Nietzsche looked into the case in the 1880s and made public his findings, though no incorporeal body was ever found and no arrests were made. The will of God has been stuck in probate ever since.

Rumors of supreme beings fitting God's description nevertheless continued to surface throughout the 20th century and into the 21st, though many of the purported sightings turned out to be Santa Claus or Elvis. In a statement made in range of the sound sensors on the spacecraft, God said he just wanted to be left alone and would appreciate no further space probe photographs. He said he had decided to come to Titus for its peace and quiet more than for its climate, which has temperatures close to -115°C and windchills believed to be much lower. "You freeze your ass off some nights, but on the other hand there aren't many tourists," he observed. He claimed he was now out of the creative side of the universe business altogether, and would not be producing, directing, or scripting any further worlds, acknowledging that his last one had tanked, and he was no longer even listening to prayers or other potential deals and offers, no matter how urgent. He complained of the paperwork and long hours involved in a position demanding omniscience and omnipotence as well as frequent audits, and said that having to wax wroth on a daily basis got to be exhausting. "I wasn't all that goddam almighty anyway," he continued. "You think I would have allowed Donald Trump or Maury Povich or spandex shorts to prevail if I could have somehow stopped them?"

"Plus, for an all-seeing, all-knowing kind of deity, I was always completely stumped about why women have to try on like maybe 14 different outfits before getting what they wanted in the first place," he added, before joining his friends for a game of shuffleboard — most of them also retired, including Zeus, Isis, Baal, Osiris, Ubilulu, Sutekh, Odin, and Assur. — Eric Kenning

issue. The sentencing of Army Spc. Charles Graner to ten years in prison as punishment for his part in the abuse of Iraqi prisoners at Abu Ghraib prison stands on its own. The fact that Saddam Hussein's minions did much worse to Iraqi citizens — sometimes at the same prison facility — or that Iraqi and foreign terrorists have tortured and beheaded kidnap victims is irrelevant.

Your mother tried to teach you that two wrongs don't make a right. The fact that U.S. adversaries in Iraq and in the larger "war on terror" are demonstrably vicious does not justify — even if it makes it potentially understandable — vicious or over-the-line activities by U.S. service personnel.

A second question is more complicated. Does the trial and conviction of Spc. Graner amount to scapegoating lower-ranking military personnel while declining to go after higher ranking military and even civilian personnel who may also bear some culpability for the abuse or unacceptably harsh treatment of prisoners at Abu Ghraib, Guantanamo, and elsewhere?

At one level of analysis it mattered little, and should have mattered little, to the ten military jurors who convicted Spc. Graner. Whether he was acting under orders or as a result of wink-and-nod justification of torture by higher-ups, he was the one who, the jury found, beat and sexually humiliated Iraqi prisoners. It is appropriate that he face judgment as an individual for what he actually did, which went well beyond the bounds of what his training should have informed him was appropriate, even for a Military Police reservist.

The fact that Spc. Graner was put on trial — and that 26 members of the Army have been referred for trial, 75 more troops have been subjected to other disciplinary measures, and 14 U.S. Marines have been convicted of abuse in military courts — is an important signal, to U.S military personnel, to the American people, and hopefully to the world at large, that the U.S. military does not condone such abuse and that it stands ready to punish those proven to be abusers.

As for higher-ups, the question is worth considering but difficult to answer. The highest-ranking soldier scheduled to be tried is a lieutenant accused of being one of a group that forced two Iraqis to jump from a bridge into the Tigris River (one drowned). His commanding officer, a lieutenant-colonel, has been disciplined but not subjected to trial for ordering a cover-up of the death. Should he be tried? It's hard to find a compelling argument on either side.

There is also little question that various memos have surfaced from military and civilian lawyers that defined torture narrowly and seemed to find ways to justify going right up to the edge of outrage in condoning rougher-than-usual treatment. Did they contribute to a "climate" in which underlings believed they had a free hand? Perhaps. But can their culpability be proven in a trial in which their due-process rights are respected? Hard to say.

— Alan W. Bock

Show me your non-federal identification papers, please — There has been a big push for National ID cards ever since the planes flew into the World Trade Center. Knowing that prospect frightens most Americans, the bureaucrats have been working at a plan to get the same result with a different face. It looks like they might have figured out a way.

By setting down strict regulations on what a driver's license must include, and tying it into a big federal database, states have the appearance of controlling their own licenses, but the federal government really will be in control. The new driver's licenses will have things like digital photos and biometric identifiers mandated by the Department of Homeland Security that have nothing to do with driving ability. The licenses will also be tied to Social Security numbers — numbers that were to be used solely for access to retirement accounts, and never as an identification number — by the same governing body that promises never to abuse the database.

The sticking point was how to get the states to implement the regulations. The Real ID Act which just swept through the House of Representatives would allow federal employees to reject any ID card that doesn't comply with federal regulations. Fine, you say, I just won't drive in national parks.

Unfortunately, the TSA people who replaced baggage screeners at airports are now federal employees. They will be ordered to deny passage to any person from a state that refuses to comply. While we all laughed at those people when they put on their TSA windbreakers, none of us realized that these minimum-wage employees would be used as sentries, dictating that no one without proper papers would be allowed to go anywhere. — Tim Slagle

Ten-gallon helmet — The government of New South Wales in Australia wants cowboys to start wearing helmets, following the death of one cowboy who fell from his horse and was trampled. Ranchers say helmets will increase accidents and the risk of sunstroke. I say some government officials obviously have too much time on their hands. — Alan W. Bock

Why can little Juanita read? — There's some good news, for a change, coming out of the embattled California public school system. It appears that proficiency in English has been rapidly improving among non-English speaking students the last few years. From 2001 to 2004, the percentage of students scoring at the "early advanced or advanced" level has almost doubled, from 25% to 47% according to the San Francisco Chronicle. When asked for a possible explanation for this dramatic improvement, the state superintendent of public instruction attributed it to "educators' greater familiarity with English language development standards as well as professional development for teachers." As he spoke, the elephant in the room continued to grow larger until it was almost blocking the doorway; the Supe could not leave until he answered just one more question.

Back in 1998, California voters overwhelmingly approved Proposition 227, eliminating bilingual education in the school system against the bitter opposition of the teachers' union and Democratic politicians. The multicultu-

ral Left gnashed their teeth over the racism, chauvinism, and other diseases inherent in speaking English in a predominantly English-speaking country. As media reports have slowly trickled in since that time — of overall test scores improving among young Hispanic students, or of Hispanic and white students playing together in schoolyards for the first time — the obvious correlation with Prop. 227 has been largely dismissed or ignored. In this case, "asked to assess the impact of the controversial Proposition 227," the Supe merely said he "wouldn't venture a guess." That's cool, as long as the scores keep improving.

We know that the Peace Corps doesn't send new volunteers into bilingual Swahili classes with African families; they and everyone else knows that immersion is the only effective way to learn a new language. Surely left-wing education advocates must know this, much as they know that proficiency in English leads to improved test scores and more opportunities for immigrants. However, a number of progressive opponents of 227 were Peace Corps volunteers themselves.

I thought about this as I eavesdropped on a couple of progressive Berkeley Buddhists lamenting the direction of the country, which they (following the lead of the media) blamed on the exalted political organization of the Christian Right. How might lefty Buddhists get more into direct political activism the way Christians have, they wondered? Well, the Right may have gotten better organized of late, but those on the Left can hardly complain of a shortage of activists or spokespeople. A deeper problem they seem unable to face is that one left-wing idea after another has fallen by the wayside over the last few decades. Case in point: even if the mainstream press won't come out and say it, the sacred cow of bilingual education appears to be the latest left-wing experiment on its way to the dustbin of history. — Michael Drew

Academic disciplines — Two current controversies might help illuminate what is meant by "academic freedom" and how it ought to be applied. Ward Churchill, former chair of the Ethnic Studies department at the University of Colorado, is under attack for things he has written outside the classroom, specifically that the victims of 9/11 were "little Eichmanns." Hans-Hermann Hoppe, a professor of economics at the University of Nevada Las Vegas, has been under administrative pressure for a year, ever since he made remarks inside a classroom about time preference for different groups during a lecture in an economics class. Hoppe claimed that, for a variety of reasons — for example, no children to worry about — homosexuals have a higher rate of time preference discount; that is, they tend to value present satisfaction of wants or desires over satisfaction in the future.

Tenure, with its attendant academic freedom, was originally intended to protect teachers not from what they did in classrooms, but from what they did outside them. But as political advocacy has become one of the academy's favorite pastimes in our postmodern age, it is now more generally invoked for problems arising within classrooms. As one who has done a fair share of college teaching, I am sensitive to the fact that, in today's often poisonous academic environment, a single slip of the tongue can cost one a job and, possibly, a great deal more. Is invoking academic freedom an all-purpose defense? Obviously not, for professors are disciplined and fired all the time for infractions of school policy, as their colleges and universities (and school districts, of course) define those policies. No teacher can claim an absolute privilege never to suffer negative consequences for saying — or writing — something that offends someone, or for classroom behavior subsequently judged to have been incorrect.

I can't claim to know precisely what limitations academic freedom ought to have, but it seems to me that these two cases are very different. Churchill's statements outside class and in his writings are a matter between him and the university. If CU wants to tolerate them, then its administrative process must bear whatever long-term consequences arise from having one of its professors spouting unpopular rhetoric.

In Hoppe's case, his claim of academic freedom in the classroom needs to be taken very seriously. I wasn't there, but by the accounts I've read, Hoppe's statement was in an academic context and not some kind of gratuitous insult aimed at homosexuals. It is also a statement that can be subjected to empirical verification or falsification. The fact that the offended student chose not to speak with Hoppe or challenge him in — or outside — class, but instead chose to run directly to the school's administration is quite telling. Even if Hoppe had been expressing an entirely personal opinion, his claim of academic freedom would still apply for several reasons: students often desire to learn their professor's opinions on subjects other than the one they are studying; and no professor can possibly teach pure facts alone, so all professors say things that are partially or wholly non-factual at some point in their lives. When they do, should they immediately be fired? Reprimanded? Retroactively fired when evidence shows they were incorrect in some past lecture? Should teachers refuse to discuss any issue that in any way might offend even one student's sensibilities? What are students' obligations when confronting professors who they claim are offending them?

I don't have the definitive answers to these questions, but unhappily, they appear to be of increasing importance. It's enough to make one consider some field other than teaching, and that's the real pity in all this. For every good teacher who is forced out, or reprimanded, several potentially fine teachers will divert their talents to pursue other endeavors with a "Who needs this kind of thing?" attitude. Tomorrow's students will be the ones who ultimately pay for poorly applied policies. I say CU should let Churchill say and write whatever he wants, and UNLV owes Professor Hoppe a very overdue, and very sincere, apology. — Robert Formaini

Step out of the gondola, please — The gondoliers of Venice are about to face spot checks with breathalyzers following some accidents police believed were caused by oaring under the influence. Can a regulation requiring seat belts be far behind? — Alan W. Bock

Robert Frost, poet libertarian? — I was

recently reading a biography of Robert Frost and was surprised to learn that the "voice of American poetry" was in many ways a libertarian. Ever since he read poetry at the Kennedy inauguration in 1961, I thought of him as the court poet of the Democrats, and I have never read anything to the contrary. Yet in fact, Robert Frost was a democrat who despised FDR and the New Deal; was fiercely anti-communist; and was opposed to our getting involved in World War II.

Frost wrote in his poem "Provide, Provide":

> Better to go down dignified
> With boughten friendship at your side
> Than none at all. Provide, Provide!

After reading this poem, he would tell audiences: "And if you don't provide for yourself, somebody else is going to provide for you, and you might not like it."

Here are some other Frost quotations worth noting:

"I'm against an homogenized society because I want the cream to rise."

"I hold it to be the inalienable right of anybody to go to hell in his own way."

"By working eight hours a day you may eventually get to be boss and work twelve hours a day."

And finally: "I never dared to be radical when young for fear it might make me conservative when old."

— Mark Skousen

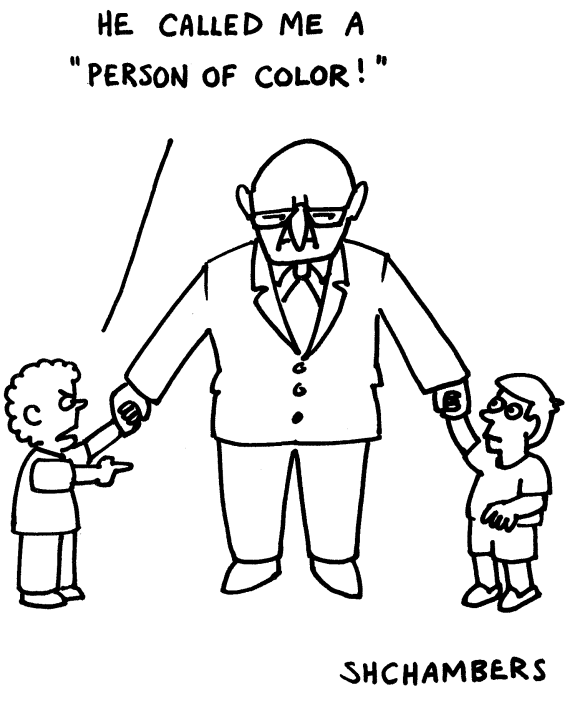

Red shift — Lew Rockwell is wrong, I hope, in his year-end article arguing that "the dramatic shift of the red-state bourgeoisie from leave-us-alone libertarianism, manifested in the Congressional elections of 1994, to almost totalitarian statist nationalism" is the "most significant socio-political shift in our time."

Certainly the Right has shifted to nationalism. It's not that it wasn't there before, but the 9/11 attacks brought it out and strengthened it, as did George W. Bush. You can see it in the personae of Cheney and Ashcroft, in the cases of Padilla and Hamdi and the prisoners at Guantanamo, in the Patriot Act, and in the war. I hear it on talk radio and notice it in words like "Islamofascist."

I tend to agree with Scott McConnell, who writes in the American Conservative that Rockwell overstates how libertarian the 1994 Republicans were, and maybe also how statist they are now. It is easier to do this if one concentrates on the eruptions on talk radio and FreeRepublic.com, or even on the fanatics around the president of the United States. But it is harder to make the case if one thinks of the Republicans and conservatives one knows personally.

Rockwell writes, "Whereas the conservative middle class once cheered the circumscribing of the federal government, it now celebrates power and adores the central state, particularly its military wing." A few paragraphs later he says of this group, "It sees the state as the central organizing principle of society, views public institutions as the most essential means by which all these institutions are protected and advanced, and adores the head of state as a godlike figure."

There is some of that, I hate to say. Rockwell is not making it up. But there are still people defending their property rights, and people who are suspicious of the state's intentions regarding their guns, people who homeschool, and business people complaining of taxes and regulations, and people fighting antismoking laws, and helmet laws and all the other kindnesses of the nanny state. The "leave me alone" coalition is still there and still wants to be left alone. In the county and state where I live, the conservative side of the political spectrum is still asking for less government, and has a notable libertarian strain. It has been pro-war, but part of it has its doubts about the Iraq venture and the crusading intentions of the president's inaugural address. Only a handful "sees the state as the central organizing principle of society."

Rockwell's argument leads to his conclusion that libertarians should separate equally from Left and Right "and undertake radical intellectual action on behalf of a third way that rejects the socialism of the left and the fascism of the right." I think libertarians are still part of the Right. But it is a part that is uncomfortable, and which should be picking arguments with those closest at hand.

— Bruce Ramsey

Biting the invisible hand that feeds you — What a strange enclave is the few square miles called Hollywood! A beachhead of doubters on the western shores of capitalism, thoroughly ashamed of the goose who lays their golden eggs.

They are enormously adventurous risk takers, who walk a fiscal tightrope held tight by two drunks called uncontrollable cost and public whim. In practice, they are the Olympic champs of hard-core capitalism — highwire entrepreneurs who work without a net. Yet, the producers and investors who bet on the dream machine hate the free market, the big tent in which they perform, so say their movies. They carry a monotonous and consistent label, incorporated in plot and dialogue: "This product, which has enriched everyone who had a hand in it, was produced by a

system that is evil and unjust." What is there about a Rolex, a Porsche, and a $10 million mansion in Beverly Hills that drives them to condemn the system that bore such fruit?

These are cultural suicide bombers. Their explosives are their products. And how they've changed from the days when the industry was overwhelmingly controlled by Eastern European immigrants who valued acceptance in the club over profits, when Hollywood moguls saluted their adopted country and the free markets that rocketed them from pushcarts to offices fancier than the czar's throne room. Though largely lacking formal education, they didn't need any lectures on political science to compare the dull, repressive shtetls of their past to the Yankee Doodle Dandyland of mid-20th century America.

Now, the Hollywood clique throws eggs and rotten fruit at Adam Smith instead of kneeling at his shrine. The psychoanalysts help them work through their guilt. The actress, awash in awards, declares that her lavish pay for 60 minutes of mimicry should also go to the workman for his 60 minutes of sewer line installation. Only a flawed and lopsided system, she pontificates, would give the hard-working plumber a case of Bud Light instead of a Beverly Hills spread. (Not that she's offering *her* Beverly Hills spread!) They can't stop dissing the system.

It's like the old Groucho Marx joke: I won't join any club that'll have me as a member. Oh, the money — that's okay. But I prefer scripts that lecture on the inequities of the free market system. (And don't forget to put my name before the screenwriter's.)

Somehow or the other this message always finds its way into the script, even if the movie is about warfare between the 6th and 7th rings of Saturn.

There must be an exception, but it's hard to recall a recent gangster flick that doesn't mention the ludicrous comparison between Mafia capos and CEOs. These sermons began with Michael Corleone in "The Godfather," lecturing his girlfriend on the overlap in job descriptions of Mafia don, U.S. president, and U.S. Steel. Same thing, Michael said. The boys in the back room — the producers, directors, writers — glowed with social justice. Hollywood has a love affair with organized crime and a blood feud with capitalism. Why? — Ted Roberts

Tortuous reform — According to Democratic Senate leader Harry Reid of Nevada, the bill approved by the Senate to change the venue of most class-action lawsuits "turns federalism on its head by preventing state courts from hearing state law claims." And at first glance the bill, which would shift most class-action suits from state to federal courts, does look like something of a power-grab.

However, Michael Greve, who heads the Federalism Project at the American Enterprise Institute, sees the issue differently. "We had gotten to a point where county and state judges were making decisions that affected the entire country. That's the kind of interference with interstate commerce the founders hoped to prevent." What brought about the situation Greve deplores is the practice by trial lawyers of first assembling a large "class action" of people aggrieved by some real or imagined corporate malfeasance and then forum-shopping — finding a state court system or judge who is especially sympathetic to class-action suits, and winning huge damages from juries in localities known for such awards. Although such suits were always touted as protection for downtrodden consumers ripped off by giant corporations, they were usually assembled more to collect damages and large fees for the lawyers than to correct an injustice.

Because of forum shopping, consumers throughout the country can be affected by a ruling from a judge in a different state. Greve says the founders didn't intend that, that cases that affected interstate commerce have been heard in federal courts from early on. I'm not sure if I buy his argument in its entirety, but it's worth some consideration.

— Alan W. Bock

Lousy judges, dumb questions — I hope somebody on the New York State Matrimonial Commission said "Amen" when Judge Judy testified about "lousy judges who really have no right to rule" making "lunatic decisions." Her prescription to remedy the family courts included instituting "a substantive test" for judicial candidates.

I'd like to contribute these three questions for that test, from a litigant's point of view.

Question 1: You want your lousy judge off your case in particular and the bench in general. You chronicle your reasons. The decision on your recusal motion will be made by:

A) The supervising judge in the Courthouse;

B) The political party who offered this judge as the only candidate for the Civil Court;

C) Your lousy judge.

The correct answer is C.

Question 2: You can expect the decision to read:

A) Gee whiz! Did I make all those lunatic decisions? Motion granted;

B) The court is fair and intelligent; furthermore the court's experts agree that the roses should be painted red. Okay? Motion denied;

C) We are Egypt. We are not pleased. Motion — and all motions henceforth — denied.

The correct answer is B or C, depending on whether you read between the lines.

Question 3: Your next and last step is to appeal. By established case law, Appellate judges must show great deference to:

A) The Family Court judge, because she has the best vantage point for evaluating the credibility of the witnesses;

B) The litigant, because she has the best vantage point for evaluating the credibility of the judge;

C) Whoever went duck hunting with them.

The correct answer is A.

Until the answers to this test change, any test for judges misses the mark. As long as the inmates are running the institution the courts will remain lunatic asylums.

— Lauren Shapiro

Somalia on more than $1 a day — Ever since the United States pulled out of Somalia in 1994, the country has been effectively without a central government,

a fact almost universally deplored among the chattering classes. But a recent World Bank study reported that "Somalia boasts lower rates of extreme poverty and, in some cases, better infrastructure than richer countries in Africa." Somalia has a smaller percentage of people living on less than $1 per day, more roads per capita, and better telephone service than many other African countries. Mogadishu has numerous Internet cafes. Does this mean strong government is not the key to alleviating poverty in Africa? What a concept. — Alan W. Bock

One less tux to rent — Michael Moore was snubbed by the Oscars. While there is speculation throughout the industry as to what that meant, I think it's pure Democrat politics. Nowhere, outside the Mafia, is failure punished as harshly as it is among Democrats. Candidates who have lost elections disappear, and are rarely heard from again. (Anybody seen Michael Dukakis lately? How many people can even name his running mate?) I think the refusal even to nominate "Fahrenheit 9/11" indicates a reluctance among Hollywood Democrats to give an award to a picture that was incapable of delivering an election. — Tim Slagle

Tilting at turbines — It's amazing what a 1.8-cent tax credit and some state mandates for renewable energy can do. Suddenly, wind farms are being proposed for the hills of West Virginia, Maryland, and Vermont, the mountains of Colorado, and the waters off the shore of Cape Cod. Possibly aided by high natural gas prices, wind energy is all the rage.

Although wind power produces less than 1% of the nation's electrical energy, it has become highly visible. Indeed, that is its chief problem — wind turbines, which reach 160 feet in height and have blades 140 feet in diameter, are very visible. For environmentalists, who traditionally have supported wind as a "soft" source of energy, the idea of despoiling beautiful places is a shocker.

So environmentalists are splitting ranks. It started with Robert Kennedy, Jr., who imperiled his environmentalist credentials by opposing an offshore wind farm that might be seen from his family's compound on Cape Cod. "There are appropriate places for everything," he told the New York Times, and Cape Cod apparently isn't one of them. Green opponents are popping up around the country. Pleading to his fellow activists to let up, Bill McKibben wrote in the New York Times on Feb. 16, that "part of me doesn't want to gaze out from the summit of Peaked Mountain or the marsh at Thirteenth Lake [in New York State] and see an industrial project in the distance." But, he goes on, to stave off global warming he will have to.

I get some wry amusement from the activists' disarray. What shocks me, though, is the way that otherwise free-market venture capitalists have embraced a business propped up by government subsidies and regulation. An article I recently edited that criticized wind energy aroused outrage, much to my surprise. Although the criticisms included a few dubious technical arguments, at the core they argued that traditional fuel sources are subsidized, so wind should be too. This claim of heavy subsidies for other fuels is largely wrong — on net, government hurts them more than it helps, says a Cato study — but the idea lets would-be entrepreneurs feel better about getting on the subsidy gravy train. — Jane S. Shaw

Keepin' the faith — I recently listened to the first of three hour-long monologues presented in a 24-hour period by Harry Browne, at a meeting of the San Diego Libertarian Party. He was given cheers and a standing ovation . . . and I came away understanding why the LP is hopelessly marginalized in American political life.

What has the party accomplished during the 40 years since William Buckley campaigned for libertarian policies and values in New York? Never since has his exposure or vote-getting been matched.

The truth? America's closest thing to a third party cannot even do to George W. Bush what Ralph Nader did to Al Gore (an accomplishment that might have done our country and the world tremendous good, even without electing a candidate.) Libertarians are not only on the fringe. We are pathetic. If the LP had pulled a Nader in just one state, the salvation and gratitude of the Union might have been overwhelming. But no, men like Browne cannot even see how we let the country down.

I had been told by organizers that Mr. Browne would debate me about pragmatism vs. idealism. Finding instead a camp meeting, featuring monologue pulpit sermons, I grew frustrated listening to calls for perfect fealty to the precise liturgy of Received Faith, reiterating that failure after failure at the ballot box need never provoke significant reflection upon the message itself.

No, we must stick to a purist party line that the American people have relentlessly rejected (in one form or another) for 70 years. No tweaking. No fresh approaches to replace stale ones. No gradualist proposals for free-market alternatives that might compete with statist solutions. No concessions to an American consensus that the best-educated people in world history have generally ratified in biannual elections for three generations. No, we must continue to rant at our neighbors that their consensus is 100% idiotic. Hallelujah.

Mr. Browne preached that we must reject incrementalism and stick to "educating" the foolish, unenlightened masses, hoping that someday, like the Berlin Wall coming

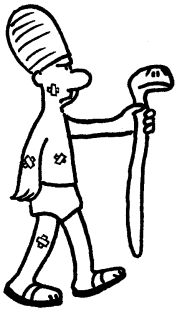

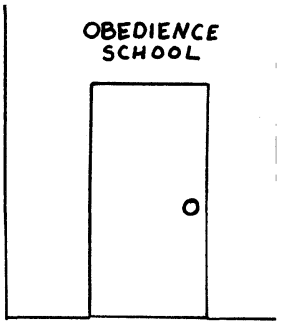

Baloo

down, a sudden change of state will miraculously occur. This has all of the hallmarks of a religion, not a political agenda grounded in assumptions of individual sovereignty.

In a market, you would laugh at a businessman who kept blaming his failures on the customers. Or whimpering that the market is biased to favor big players. A competitor with a good product should be able to get past such obstacles.

Yes, there are elites out there who have biased much of the media, rigged electioneering laws and even hijacked some of the ballot process. But is it seemly to whine and blame such shenanigans for the LP's inability to capture more than one percent of the vote? Pathetic.

Mr. Browne seemed puzzled when I stood up to suggest that this entire approach was based upon an unpleasantly smug assumption — that the American people are fools. (Puzzled, but uninterested in discussion.)

Contempt is the food of ideologues. They crave it more than oxygen. All religious fanatics relish contempt for their infidel neighbors, who cannot see the Truth that they see. But this impulse is especially ironic, hypocritical — and, yes, contemptible — for libertarians to embrace, since their entire philosophy is supposed to be based upon the premise that our neighbors are not fools. Indeed, Americans are so vastly better educated than all other polities in history, combined, that they have produced far more libertarian-leaning minds! That alone should be cause to reject seductive contempt.

Blaming citizen-ignorance is the profoundly stupid and hypocritical premise of LP platonism and the root of all its failure. It must be called what it is. An emotional crutch and the core reason why a party based on adult-sovereignty relentlessly insults Americans instead of offering them pragmatic alternatives. The fault is not theirs, it is ours.

A few libertarians have been awakening to the cult mentality that prevents the movement from outgrowing its image as a band of tinfoil hat-wearing kooks. I was invited to harangue the LP National Convention about this in 2002 and the speech (transcribed at http://www.davidbrin.com/libertarianarticle1.html) has become an underground hit.

Elsewhere I have led a drive to recognize that the deeper problem is not just government. Other enemies also undermine individual initiative and sovereignty. For example, no one seems to have noticed what really happened on Sept. 11, 2001: ordinary citizens swiftly and resiliently acted to assume responsibility for duties that had been taken over by the professional classes (http://www.futurist.com/portal/future_trends/david_brin_empowerment.htm). This squelching of the "age of amateurs" is perpetrated at least as much by commercially-centered professions as it is by government-centered ones.

Are "government bureaucrats" the only threat to citizen autonomy, free markets and liberty? Anyone who fixates solely on the IRS and bureaucracy is no student of history. And yet, that is precisely the stance of today's libertarian liturgy, which can see no threat at all in the sort of conspiratorial aristocracies that squelched freedom in every other nation, in every other era.

There are millions of Americans who might vote Libertarian if the LP stopped yammering and hectoring people about FDR and LBJ. If libertarians cheered up and stopped ranting about dismantling consensus institutions that the American people consented to for three generations, and instead began offering incremental alternatives to those institutions. Private services might first compete with paternalistic ones, and then gradually replace them, without much protest from the American people. There are many recent examples.

You will never dismantle the IRS by shrieking at it. In contrast, the gradualist "parallel services" process by which FedEx and UPS gradually and gracefully replaced Parcel Post shows that you can use the incremental approach to make a huge difference. The people have seen that sort of thing happen. They understand it and don't fear it, the way they legitimately fear all-or-nothing fanaticism. — David Brin

DeLaying tactics — Media gossip tells us that the next Republican target of CBS will be House Majority Leader Tom DeLay who, like their last target, is from Texas. According to the Drudge Report, "House Majority Leader Tom DeLay is about to get the full 60 MINUTES treatment. CBSNEWS Lesley Stahl and her crew crashed a tsunami-relief photo op that Republican DeLay held last week. Stahl hit DeLay with questions about Ronnie Earle, the Democratic Travis County district attorney who is investi-

gating a Texas political action committee DeLay founded. 'This is about children,' DeLay told Stahl, trying as hard as he could to put a plug in her relentless line of questioning. Stahl hammered away. After about the third question, DeLay ended the press conference."

Stahl is being criticized for "crashing" a conference on the tsunami, but last time I checked, a journalist has the right to ask any question of general concern to a public official at a news conference; indeed, a journalist may feel an obligation to stray away from the self-flattering topics preferred by that official. — Wendy McElroy

Cancer of the tort — Every now and then a number of forces come together that crystallize the million wrong things that emanate from the idea that a human does not have the right to his own life. Such is the case with the tests, propaganda, and hearings associated with the well publicized side effects of the pain killers.

What's fundamentally wrong with the studies, tests, and hearings about pain killing prescription drugs like Vioxx and Celebrex is that every patient should have the right to decide for himself whether he should be taking the drug after assessing the benefits and costs.

More proximately, there is a total emphasis in the controversy about whether these drugs increase the risk of heart attacks and strokes. The studies most frequently cited by those who want the drugs taken off the market suggest that the risk of heart attack rises from 1% or 2% a year to 2% or 3% a year for people in the 50-year-old bracket. That's what they're referring to when they talk about the doubling of rates. But compare that to the benefits of taking the drugs: approximately 100% reduction in pain and approximately 50% reduction in polyps, 80% of which, scientists believe, will grow into cancers.

News You May Have Missed

World Peace Achieved

BAGHDAD — American military commanders announced yesterday that U.S.-led coalition forces in Iraq would cease all operations and withdraw from the country after a communiqué from Abu Musab al-Zarqawi and other leaders of the insurgent forces was intercepted ordering their followers to suspend car bombings, mortar, and rocket attacks, and all other acts of violence and to "shut up and go home" so that they could follow the Michael Jackson trial without any further annoying distractions or interruptions. Some 40,000 American troops have already been withdrawn from the Sunni Triangle in Iraq and transferred to areas where the terrain is more favorable to channel-surfing, like Cleveland, because re-enactments of the trial on the E! channel — unavailable in Iraq — are no longer believed to pose a credible threat of totally sucking, as they had been widely expected to do.

Elsewhere, Muslim rebels in a remote, mountainous area of the Philippine province of Mindanao surrendered to government forces that had been battling them there for over two decades. In a daring raid on government military headquarters the rebels had seized the only working TV in the province in order to follow the opening arguments in what is being called "The Trial of the Century of the Last Eleven Years or So" while also getting indispensable expert legal analysis from Jeffrey Toobin on CNN, but government troops retook the set the following day. Though they lost it again in heavy fighting two days later, they retained control of the remote, so that they were able to force the rebels to watch "Family Feud" and reruns of "Three's Company" instead of trial news until the insurgents surrendered.

In a related development, Osama bin Laden's latest videotape, aired on the Al Jazeera channel, in which he admits he has gotten into the habit of eating pork rinds and drinking Bud Light while watching news of the Jackson trial in the basement rec room of his undisclosed hideout, is said to have dealt a fatal blow to al Qaeda, already seriously weakened by bin Laden's videotaped assertion last month that Jackson is Allah's chosen prophet, not "that B-list celebrity" Muhammed, who, he points out, never went platinum even once.

Meanwhile, chronic warfare in approximately 37 former Soviet republics, in the Balkans, in the Sudan and other strife-torn African countries, in Colombia, and in American professional basketball arenas has been suspended for the duration of the trial. Fighting has also been called off between Liza Minelli and David Gest, Paris Hilton and Western civilization, the Bonnanos and Gambinos, people hailing the same cab in Manhattan, and parents attending their kids' Little League and hockey games, and reports indicate that the consuming interest in Michael Jackson's legal problems has also put an effective end to aggressive nationalism, religious fundamentalism, globalization, resistance to globalization, and resistance to anything whatsoever.

In Washington, President Bush invited French president Jacques Chirac over to the White House to watch trial developments on Fox News, describing the formerly despised Frenchman as "my good buddy Jack" and crediting him with saving his life after he choked on a french fry. UN officials are said to be exploring ways to continue the trial forever, as are cable news executives and defense lawyers, but legal analysts scoffed at the plan as a "head-in-the-clouds utopian scheme," arguing that 13 or 14 years is a far more realistic estimate of the trial's duration. — Eric Kenning

But that's just the first of the problems. The drugs themselves have been used for hundreds of millions of patient years. And they have been tested for efficacy and safety in double blind studies hundreds of times. They have numerous spillover benefits in all sorts of off-label uses. And indeed at the time they were pulled, hundreds of studies were going on as to their efficacy for such things as prostate, breast, colon cancer, and stroke. Of course, one of these studies with a hundred patients or a thousand patients is going to show a increased rate of disease of 1 percentage point a year. That's guaranteed to happen with randomness. (As a benchmark consider that the variability of a proportion is of the order of 2 percentage points with a study of 1,000 patients.)

Unfortunately, the issue is in the hands of the tort system. Lawyers using junk science have an industry in suing companies whose products have side effects. In a typical case, the patients get $100 each and the lawyers get $50 million — and politicians benefit because the tort lawyers are one of their biggest contributors.

While the litany of abuses runs deeper and deeper, all stemming from the idea that people are incompetent to make intelligent choices, the drug companies should not be absolved. The outcome of all such hearings is to preclude competition, reduce their permitted level of expenses, make it harder for other companies to bring out competitive drugs. (Think of the tobacco settlement as an example here with restriction on entry into the industry by companies that didn't participate in the settlement).

Multiply such witch hunts by 1,000-fold, and think of all the molecules that don't get invented, and all the patients that don't get treated, and the delays and restrictions in the drugs that do go through the pipeline, and you can readily estimate that the average life span of all of us would be increased enormously — five years or more — within five years of the abolition of the organization that likes to think of itself as a proper noun, with benevolent influence, FDA.

— Victor Niederhoffer

Guess they'll have to settle for Stanford

— Racial preferences in state and local government employment, education, and contracting were abolished in the state of Washington in 1998. This year there is a push in the state legislature to bring them back in higher education. There was a hearing on it, at which all the representatives of academia — and there were a lot — supported the bill, which would have allowed them to take race and ethnicity into account.

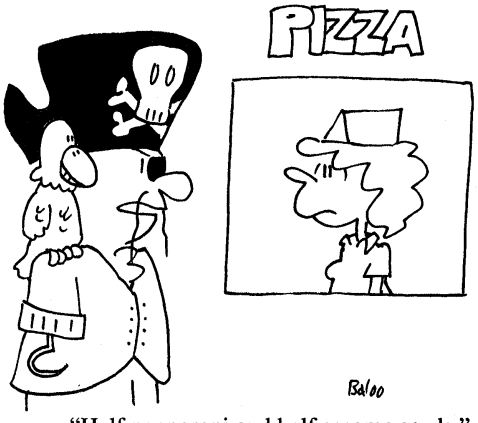

"Half pepperoni and half sesame seeds."

They denied that this was discrimination and said it was necessary for diversity.

None of them cited the racial statistics on the freshman class. At the state's premier university, the University of Washington in Seattle, incoming freshmen in 2004 were divided as follows: white 53.9%, Asian American 28.5%, Hispanic 4.6%, African American 3.0%. By these figures, blacks were admitted in the same proportion as in the population, whites and Hispanics less and Asians about five times more.

Furthermore, these figures had hardly changed since 1998, when preferences were abolished. The university had substituted outreach programs for preferences and was achieving the same racial percentages without preferences, except that Asians had increased a few points and foreign students had decreased. But the university's people didn't say any of that. Several speakers said instead that the ban on preferences had affected students' feelings. Students of color felt unwanted, though they were being admitted in the same numbers as before.

A black minister told the legislators the problem was not the number of students admitted, but the quality. Because we did not have preferences, our best minority students were being lured out of state.

She was seconded by a prominent Mexican-American activist, who had graduated from the University of Washington in the mid-1960s. His daughters had chosen not to go there. Instead they had gone to private law schools, one of them to Stanford. As he spoke, you could hear the father's pride in his voice. And I thought — what was his complaint again?

— Bruce Ramsey

Arthur Miller, RIP — Arthur Miller, the playwright who specialized in dramatizing the dark corners of the American dream, died recently at the age of 89. He was one of the sad cases of American literature, such as it is. He almost came to embody the characters in his plays (several of which were highly autobiographical). Success did not satisfy him, and he dwindled into a life of quiet frustration.

Miller's greatest success, the 1949 Pulitzer Prize-winning play "Death of a Salesman," came at the age of 33. Although he subsequently became something of a celebrity during his failed marriage to Marilyn Monroe, he never reproduced that success, though he wrote almost to the end of his days. America was willing to make him a millionaire for his most popular play, but it didn't take him as seriously as he thought it should, nor did it see him as a prophet or an agent of social change.

Like so many on the Left whose attitudes were shaped by the Great Depression, he never moved far beyond the Depression mentality. He didn't understand that the American dream was more about freedom than money; that freedom, not love of money, is the essence of capitalism; or that "money doesn't always bring happiness" does not constitute a condemnation of capitalism or commercial activity. Living in something of a time-warp, becoming unfashionable even on the Left for his wonky earnestness and devotion to traditional forms, he became something of a cranky anachronism, ever pining for the 1940s when "serious" plays could get produced on Broadway.

— Alan W. Bock

The War on Law

by John L. Martinez

Terrorism must be fought. But not at the expense of liberty and law.

To wage war on terrorism as a matter of foreign policy is one thing. To wage that war as a matter of domestic policy is another. The government cannot wage such a domestic "war" without in large part disregarding the Constitution. Domestic war and domestic law cannot possibly coexist in a constitutionally based legal framework.

An act against society, however violent and dastardly, by any individual who has submitted himself to that society's jurisdiction can never be an act of war against that society. He may well be an enemy of the people and worthy of the most serious punishments, but there does not exist a state of war between the individual and society. His acts can and must be dealt with as crimes against society. This, of course, society is equipped to do through its legal processes. To attempt to avoid important and necessary legal processes by labeling persons terrorists does not change this imperative.

The expression "war on terrorism," as used domestically, is as misleading as the expressions "war on poverty" and "war on drugs." "War" can be and often is used to provoke emotion, passion, or our irrational natures. To make radical improvements in our national security, to organize ourselves to accomplish this goal, to make a greater commitment of our resources and energy to achieve this end — these are all good and necessary things. But they are not the "prosecution of war."

To refer to them in this way is to do a major disservice to the American people by insinuating that it is quite to be expected that we must forego our liberties for the duration of "combat." "War" is the time when constitutional protections tend to be most imperiled — even when war is being waged for the liberties guaranteed by them. We need to be sober and critical about attempts to lead us into "war," and never more so than at times, like the present, when the "combat" is obscure.

Let me offer some examples of areas in which vigilance is required. One has to do with proposals for new courts, whether civil or military, wherein the providers of clearly inadmissible evidence and the inadmissible evidence itself are not disclosed to defense counsel. The mere name of "court" would not save these bodies from their tyrannical nature. It would merely give them the illusion of functioning in a traditionally constitutional manner.

Another example is the idea of arresting and subsequently detaining persons for uncertain periods of time on the basis of government suspicions about their intentions. This is a radical departure from a fundamental principle of constitutional law, the principle that probable cause must be shown that some offense has been committed before government intrusion in this manner is warranted and permitted. Our true safety must ultimately depend on sound and effective law enforcement and a fair and open justice system. We cheat ourselves if we accept anything less.

The requirement that there be evidence of some offense

before arrests ensue does not mean that law enforcement officers must wait around with their hands tied before they can act on our behalf. No, the law has always provided them with the ability to thwart intended crime. Common means of doing this have included the laws of "attempt," "conspiracy" and "possession of apparatuses." When a direct but ineffectual act is committed toward the commission of a crime, that in itself is the crime of attempt. The law does not even require that an attempt shall actually have been committed. When two or more people agree to commit a crime and one of them engages in some overt act or step in furtherance of the objective, we have the crime of conspiracy. The law can also make it illegal just to possess certain dangerous materials or criminally useful objects.

Our true safety must ultimately depend on sound and effective law enforcement and a fair and open justice system.

Fortunately, however, the Constitution has always been unkind to efforts to arrest Americans for what they think or desire. Applying the Constitution so liberally and loosely as to justify that type of government action is tantamount to extinguishing its very vitality. In fact, a regime that operates outside the prescribed powers delineated in its constitution, against any one person subject to its laws, is declaring war on that person and in so doing is declaring war on all the people. In this manner the war against terrorism becomes a war against the people; the government in the exercise of unfettered discretion no longer relies on constitutionally derived powers but on its own self-proclaimed powers. Self-proclaimed power is what history has always termed tyranny.

John Locke, in his "Second Treatise on Government" — a document that exercised enormous influence on America's founding fathers — argues that government "is bound to . . . decide the rights of the subject by promulgated standing laws." To suggest, then, that a government can, at its own discretion, determine that one citizen has fewer rights than other citizens or that one person is entitled to constitutional protections and another person is not, is to sanction tyranny over constitutional governance. For the government to operate beyond the powers granted to it by the Constitution when it itself is a creature of that Constitution by using, domestically, the expression "war on terrorism" as its justification does profound damage to permanent and perpetual individual freedom. The situation only looks worse when the war itself has no boundaries or identifiable end.

More than three centuries ago Benedict de Spinoza, who is said to be the first philosopher to justify democracy systematically, wrote that "the true aim of government is liberty." We must always remember that the unique concern of a democratic government is the preservation of personal liberty, and that the paramount obligation of each member of a democracy is to demand from that government nothing less. ❑

A regime that operates outside the powers delineated in its constitution, against any one person subject to its laws, is declaring war on all the people.

Letters, *from page 6*

guns), private ownership of machine guns is entirely legal in the United States, if you have the appropriate licenses. Indeed, here in Massachusetts, one local gun club sponsors a machine gun shoot as a way to lure in the public.

Ramsey writes, "If you're a Jew in Germany in 1942 . . . it does no good to have a gun. Use it and you're dead." Given the fate of German Jewry, it is not clear why Ramsey believes that using the gun would have made matters worse for the Jew than not using it.

George Phillies
Worcester, Mass.

Libertarian Bonafides

I have known conservatives who called themselves "libertarian" in some sense or another. When conversing with such conservatives, I've always kept as a signpost the War on Drugs. I'd be saying to myself, "If you haven't figured out what the War on Drugs is about, and don't oppose it, you're not really libertarian."

Reading Ramsey's article on guns, it occurred to me there is another signpost.

Ramsey's article is proof that there are always facile (if contrived) rationalizations for state oppression — in all issues, not just gun control. He certainly came up with a lot of them. Perhaps he got them from the circles he runs in, where we all get our various prejudices and not-too-closely examined premises.

He no doubt still believes a lot of them. But somehow, from a science-fiction story no less, he managed (to his credit) to stumble on the correct answer — despite all his other misconceptions. And thus he's finally become a libertarian.

There are two reliable signposts, or indicators, of libertarianism; and both are required. If you don't hate the War on Drugs, or are not a certified gun nut with a thousand rounds of .308 in your closet, then you are not libertarian. These are more reliable than "socially liberal, fiscally conservative."

Welcome to the club, Bruce. I'll take you out shooting some day.

Paul Bonneau
Hillsboro, Ore.

Ramsey responds: Mr. Rathbun takes me to task for not wanting to trust morons as far with guns as I trust them with vitamins, voting, etc. Unlike nutrition, vitamins, voting, personal spending, and tobacco, the moronic use of weap-

continued on page 42

George W. Bush and the Pageant of America

by Stephen Cox

Dead Romans, Texas annexation, God's true and righteous judgments — presidential inaugurals have seen them all. And in that context, George W. Bush did fairly well.

In 1841, on the eve of William Henry Harrison's inauguration as president, he and Daniel Webster, his designated Secretary of State, were locked in dubious battle over the speech that Harrison intended to give on the occasion.

Webster had ghosted a speech for him, but Harrison turned it down, observing (according to Peter Harvey, Webster's friend) that "everybody would know that you wrote it, and that I did not." In other words, Webster had a distinguished style, so his work could not be used. Harrison had written his own speech, and "although, of course, it is not so suitable as yours, still it is mine."

It would be hard to quarrel with that, but on reading the speech, Webster saw that it "had no more to do with the affairs of the American government and people than a chapter in the Koran." For one thing, "it entered largely into Roman history." Webster urged the president-elect to let him revise it, and Harrison "rather reluctantly consented."

When Webster returned to his lodgings that day, he seemed "fatigued and worried" and was asked what had happened. "You would think that something had happened," he said, "if you knew what I have done. I have killed seventeen Roman proconsuls as dead as smelts, every one of them." But though most of the Roman parts were omitted, the speech remained almost two hours long. Harrison was elderly, he overexerted, he caught a cold, it turned into pneumonia, and he died a month after taking office.

Inaugural addresses can be hazardous to your health.

Yet they are very interesting historical and literary documents, as I discovered when I read them in preparation for a review of the current president's performance.

Interesting — and odd. The state of the union address has a constitutional mandate (Article 2, Section 3), but the inaugural address has none; presidents just keep giving them because their predecessors did, despite the fact that Washington, who started the custom, immediately tired of it: his Second Inaugural is only 135 words long. The inaugural address has no necessity or obvious use; it doesn't have to *do* anything — so it can be whatever the president wants it to be. Yet the solemnity of the occasion, which is thought to transcend all mundane interests and party politics, has made it a very challenging genre to work with.

The expectation is that the president will address the issues of the moment while providing an historical and, if possible, an eternal perspective on the whole of the American experience. Some presidents have chosen to spend a great deal of time on the issues of the moment. Before the arrival of mass media with their insistence on "the vision thing" — on literary effects that create headlines and "inspiring" moments on TV — the ordinary method was for the president to mention the solemn obligations of his oath of office, then proceed as soon as he decently could to practical matters.

Quite a number of inaugural addresses dwell on the

importance of devising "a tariff for revenue only," yet for "judicious protection" as well. President Polk's inaugural address works out all the logical difficulties of the annexation of Texas, which he cunningly calls its "re-annexation." President Garfield falls foul of the Mormon church for establishing polygamy and tyranny in Utah. Lincoln's First Inaugural marches relentlessly through the swamp of arguments about whether states have a right to secede from the union. Franklin Roosevelt's First Inaugural proposes raising agricultural prices so that farmers will be able to buy the products of the cities, thus employing urban people, but also encouraging them to move out of the cities, thus removing "the overbalance of population in our industrial centers."

As this curious proposal suggests, readers of inaugural addresses need to look out for the rhetorical trapdoors that presidents tend to build into them. President Hoover announces, as if it meant something, that "there would be little traffic in illegal liquor if only criminals patronized it." In his First Inaugural, Lincoln concedes that, even as he speaks, a constitutional amendment that might prevent war with the seceding states has been passed by Congress. He claims that he hasn't read this amendment, so he cannot discuss it. Sure. That's why he's taking the time to mention it and shuffle it aside. FDR, priding himself in his Second Inaugural on the progress that his administration has made in eliminating poverty, suddenly has a revelation: "I see one-third of a nation ill-housed, ill-clad, ill-nourished." Good God! Where did all these poor people come from? But something has to be done about them, and he demands the nation's support in doing it. By his Third Inaugural, however, the Third of a Nation has vanished, leaving only a bland reference to "undeserved poverty."

Other presidential addresses veer away from current events, toward extremes of Vision. In Lincoln's Second Inaugural, we have a sermon — magnificently phrased, but as strange, in its way, as anything in the genre — about God's attitude toward slavery and the consequent Civil War:

"Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'the judgments of the Lord are true and righteous altogether.'"

The inaugural address has no necessity or obvious use; it doesn't have to do anything — so it can be whatever the president wants it to be.

If you think that President Bush was doing something unusual when he referred to sacred scripture — consisting of the Old Testament, the New Testament, and the Koran (!) — I'm sorry, you're wrong. Most inaugural addresses go way, way beyond the current president in expressing allegiance to God, and none farther than those delivered by the presidents whom modern liberals most revere.

Thomas Jefferson's First Inaugural expresses his thanks that Americans are all "enlightened" by the same "benign religion," Christianity. John Kennedy, citing Jefferson, summarizes America's revolutionary creed as "the belief that the rights of man come not from the generosity of the state, but from the hand of God." He concludes by observing that "here on earth God's work must truly be our own."

There was some straining and cliche-crunching this year, too: "vital interests," "outlaw regimes," "America speaks anew," etc.

One of the salient features of Franklin Roosevelt's First and Second Inaugurals is his recurrence to the gospel episode in which Jesus drives the moneychangers from the temple. Roosevelt identifies the moneychangers with modern capitalists, and his audience, or himself, with Jesus. The financiers were the cause of the Great Depression, and all will be well when we "drive from the temple of our ancient faith those who had profaned it." In the Second Inaugural, he claims to have fulfilled this religious duty.

Presidents are often more definite about the Deity than they are about anything else. The ceremonial style of an inauguration encourages abstraction, approximation, circumlocution. In Roosevelt's Third Inaugural, the threat is no longer the financiers; it is Hitler, but the German dictator is never called by name. Even the name of "Europe" (the place that President Coolidge resolutely calls "the Old World") goes unmentioned. It is enough, in the peculiar code of inaugural addresses, to worry about the possibility that "the spirit of America" will be "constricted in an alien world." Similarly, President Bush's Second Inaugural refrains from naming "Iraq" or any other foreign nation, contenting itself with a reference to "obligations that are difficult to fulfill, and would be dishonorable to abandon."

Older inaugural addresses are high on prose and low on poetry. Even Lincoln's speeches save their crucial imagery ("the better angels of our nature") for crucial passages. More recently — undoubtedly the mass media are responsible for this, too — imagery has become a good deal more important than "logic." Much of the imagery is fustian. When President Kennedy proclaimed that "the torch has been passed to a new generation of Americans," he was visibly straining for an heroic image, only to arrive at a bombastic cliche. There was some straining and cliche-crunching this year, too: "vital interests," "outlaw regimes," "America speaks anew," etc.

Most of the best writers among American presidents — John Adams, James Madison, Theodore Roosevelt, Woodrow Wilson — have produced bad or mediocre inaugural addresses, but some of the sappiest have shown an unexpected flair. Lyndon Johnson's inaugural contains some goofy "vision" stuff — "Even now, a rocket moves toward

Mars" — but it does offer some arresting moments. Johnson claims that every disadvantaged person who succeeds in America is "like a candle added to an altar": a weird image, but it works. On a homelier level, he claims that "in a land of healing miracles, neighbors must not suffer and die unattended." This is a coded argument for Medicare, and as such, it's not very good — too many traps clapping. But strictly as rhetoric, it works very well. "Neighbors" (as opposed to the remote and frigid "citizens," "people," or "old people") is a clever turn.

(Did Johnson write his own speech? No. Modern presidents, not as proud as Harrison, happily tolerate ghost writers. But presidents like Bush and Johnson supervise these familiar spirits closely.)

Lincoln's literary gift — for such it was; he read very little and had few literary models, and those that he had (overwhelmingly, Shakespeare and the Bible) were very distant from his own genres — is the easiest to recognize and the hardest to describe. It was a gift of weight and dignity, yet of rhythm in thought and language Above all, it was a talent for omission. Breaking with other Victorian writers, he omitted every word that wasn't necessary. What he left were the relatively few words that carried the rhythm of common speech and the impressiveness of real emotion.

Lincoln discovered (somewhat paradoxically) that if you omit all the words you don't need, you have plenty of room for anything else you want to put in. You can speculate: "Suppose you go to war, you can not fight always . . . " You can throw the argument back upon your enemies: "In *your* hands, my dissatisfied fellow-countrymen, and not in *mine*, is the momentous issue of civil war." You can even feign spontaneity. Approaching the climax of his rhetoric in the First Inaugural (from which I have been quoting), Lincoln adds, in a modest yet self-dramatizing way: "I am loath to close" — I do not want to stop before I have convinced you all. Truly, as the poet Edgar Lee Masters argued, in his slash-and-burn attack on Lincoln ("Lincoln, The Man," 1931), this was a president who owed his all to literary genius.

I'm afraid that nothing similar can be said about the current president. Nevertheless, his speech of Jan. 20 was one of the ten or twelve best specimens of the genre, and much better than the disconnected set of sermon notes he delivered four years previously. This one had a definite shape and a definite point of view. It was clever — perhaps too clever by half. It showed Bush's skill at lying in wait for his opponents and shooting them before they can get their ammo out. Heading off criticism about his tendency to proclaim faith in democracy while maintaining friendship with authoritarian regimes, he creates an image of dictators "start[ing] on [a] journey of progress and justice," while America still "walk[s]" by their "side." He also makes a cunning response to complaints about American arrogance: "Not because we consider ourselves a chosen nation; God moves and chooses as He wills."

You can see that Bush is following the presidential tradition of constructing trapdoors for the unwary reader. Elsewhere, his speech appears to be arguing the (indefensible) thesis that the United States must send troops to any country in the world in which people are struggling for democracy, but if you read it carefully, you will see that the paratroops won't start dropping until a multitude of conditions is met. So the interventionists as well as the isolationists have ground for dissatisfaction — if they're careful readers.

There isn't anything in Bush's speech like Franklin Roosevelt's "We have nothing to fear but fear itself" (First Inaugural), or Jefferson's clever plea (in his own First Inaugural) for harmony after a particularly vigorous electoral conflict between two parties: "We are all Republicans; we are all Federalists." When Bush does try to be memorable, the result is often just inaugural slush — the unimpressive things that people say when they're yearning to be impressive. "We cannot carry the message of freedom and the baggage of bigotry at the same time." Really? Maybe if we bulked up, dude! "In the long run . . . there can be no human rights without human liberty." Huh? Oh, I guess so . . . But isn't that saying the same thing twice? Compare Franklin Roosevelt's reference to the "plain people, who sought here, early and late, to find freedom more freely."

Yet Bush's speech offers nothing so inane as his father's prayer, in his 1989 inaugural, that God will "write on our hearts these words: 'Use power to help people,'" or his assurance to listening schoolchildren that "freedom is like a beautiful kite." The current inaugural is more literate than that. It is even subtly literate. It refers, for example, to "the *consequential* times in which we live" — an interesting way of taking a word of restricted usage and quietly upping its ante.

There's some strained diction, but also a memorably theatrical climax, in the current President Bush's description of America's history from 1989 to 2002: "After the shipwreck of communism came years of relative quiet, years of repose, years of sabbatical [?] — and then there came a day of fire." That works. So, in a way, does the Boy Scout tone and Boy Scout imagery of his description of America's response to Sept. 11: "Our response came like a single hand over a single heart."

Slightly better, in this way, is his concluding reference to the Liberty Bell and its biblical inscription: "Proclaim liberty throughout all the land unto all the inhabitants thereof."

When Bush does try to be memorable, the result is often just inaugural slush.

Unfortunately, the effect comes from the allusion, not from what he does with it ("America, in this young century, proclaims liberty throughout all the world"), and it is followed by a standard claim that America's "greatest achievements in the history of freedom" are yet to come.

So that's that. Bush's speech was literate, fleetingly memorable, and only about three times as long as it should have been. That puts it pretty high up on the inaugural roll of honor, though not in the hall of fame. But perhaps the meaning of all that I have said, my fellow citizens, is that America's greatest achievements in the history of presidential inaugurations are *yet to come*. I hope so. ❑

Who's Your Daddy?

Authority, Asceticism, and the Spread of Liberty

by Michael Acree

Why are conservatives and liberals so resistant to the logic of liberty?

"Why Doesn't Libertarianism Appeal to People?" This was the wry title of an informal talk by Robert Nozick to a libertarian supper club in Cambridge shortly after the publication of "Anarchy, State, and Utopia" (Basic Books, 1974). (I'm sure Nozick would have been aware of the implied slur on libertarians.) My memory is that he saw himself as raising an important question more than offering definitive answers. The question remains as important as ever, but has attracted surprisingly little serious attention since then.

The various explanations that have been offered mostly boil down to the contention that people are jerks — consumed by envy, by needs to control others, or whatever. There is obviously some truth in these claims. The difficult point about such explanations is the implication that libertarians are not afflicted with similar character flaws — that we are more saintly or mentally healthy than the rest of the population. Anyone who has experience with libertarians in person, however, will have (or should have) trouble swallowing that conclusion. There must be more to the story.

Naturally, I do not suggest that what I say here is what Nozick would have come up with had he returned to the question. Nor do I consider this to be a definitive treatment of the question. I merely bring a few ideas which I have not seen applied to this question before.

It is obvious to everyone that political beliefs — *other people's* political beliefs — are not altogether rational. The evidence in favor of laws against, say, guns or cocaine is simply not compelling enough to support the fervor their advocates commonly exhibit. Yet political discussions are commonly conducted as though political beliefs were determined by logic and evidence. That is why they are so frustrating. Libertarians, especially, are given to what Nozick would later* call "coercive logic": hit them over the head with an irrefutable argument, and socialists can do nothing but capitulate to capitalism. Few among us have failed to note how seldom it works that way, even as we continue to insist that education is the key to political change.

Possibly the most profound work thus far on understanding political differences is Thomas Sowell's "A Conflict of Visions: Ideological Origins of Political Struggles" (Morrow, 1987). Sowell integrates a wealth of observations into a remarkably even-handed characterization of two "visions," constrained and unconstrained, of human nature and society. He says little (as yet) about where these visions come from, and libertarians interestingly cut across this particular distinction. The other major work in the area, George Lakoff's "Moral Politics" (University of Chicago Press, 1996), has been more neglected by libertarians; I shall have more to say about it.

My own approach is a little more psychological than either of these. Psychological analysis of political beliefs can help us understand not just where people of all persuasions

*In "Philosophical Explanations," Belknap Press, 1981.

are coming from — and thus more effectively how to reach them — but to understand some other phenomena that are puzzling to libertarians, such as the widespread tolerance and excuse-making for government atrocities, the asymmetrical appeal of libertarianism to left-liberals and conservatives, and the professed hostility of liberals to lowering even their own taxes.

Psychological analysis of political beliefs is a delicate task, however. The very suggestion that the beliefs being analyzed may not be fully rational understandably gives offense. At the very least it is obligatory that any such analysis be self-reflexive. Understanding why libertarianism appeals to us may help explain the limited appeal it has to some conservatives and left-liberals.

Ambivalence About Asceticism

Start with the most famously transparent case of psychological motivation for political beliefs: the obsessive campaign of conservatives against pornography, which elicits a knowing smile from everyone else. Susie Bright, noted author of erotica, says that the Report of the Meese Commission on Pornography was the best jill-off book she had ever read, the Commission having gone out of its way to procure the kinkiest stuff. Look today at the amount of coverage given by WorldNetDaily, to pick on just one popular publication, to sex scandals, child prostitution, and other titillating topics. Without their diligent reporting, many pedophiles might never have considered the opportunities in contemporary Afghanistan. Leftist intellectuals smugly infer suppressed desires from this righteous crusade, but their own positions may be vulnerable to a similar analysis.

Consider the odd resistance of left-liberals to lowering even their own taxes. The very idea is as offensive to them as relaxing laws against prostitution is to conservatives. That doesn't mean they are indifferent to money, but it is important to them to *appear* indifferent to money. Most of my liberal friends are wealthier than my conservative friends, but they would sooner die than be thought of as wealthy. They refer to themselves as "comfortable" — where "comfortable" means having a home in the Berkeley hills, an SUV and a sports car, and enough money for either private school tuition or a condo in Aspen. But the insistent denial of concern for wealth, we may suspect, betrays an underlying obsession.

Explanations for the lack of appeal of libertarianism mostly boil down to the contention that people are jerks, but such explanations imply that libertarians are not afflicted with similar character flaws.

What liberals and conservatives have in common, I suggest, is having publicly subscribed to an ascetic code in which they are not wholeheartedly committed. They have simply focused on different aspects of Christian asceticism (an asceticism shared by most other religions) — money or sex. Morality, in the cynical view, was probably invented as a system of social control: the intellectually powerful use guilt to control the physically powerful. Happy people are hard to control noncoercively. There is a limit to what we can offer them as inducements to behave differently. Guilty people, on the other hand, offer a conspicuous lever. Do as the moralists say, and your sins will be forgiven and you will experience eternal bliss. (Some gullibility is required, but not an extraordinary amount.) The ideal moral code, from this point of view, is one that is set against human nature, that people can hardly help violating. Thus the historically successful codes, including those prevailing in Western culture, are ascetic, particularly with respect to sex and money. Tellingly, perhaps, it is rare to find prohibitions on power over other people.

Left-liberals are not indifferent to money, but it is important to them to appear indifferent to money.

As mechanisms of social control, moral codes were designed to be *accepted* but not to be *observed.* If everyone cheerfully followed them, there would be no guilt to manipulate. Guilt is an effective lever just because, as Nathaniel Branden has famously argued, perhaps the most important value we are all controlling for is a sense of ourselves as good people. Morality becomes political through a second value for which we control nearly as strongly: a sense of justice. What is intolerable is to feel as if you are paying a price for adherence to an ascetic code, and seeing other people — whether capitalist pigs or queers — flouting the rules *and getting away with it.*

Self-acceptance, or its lack, is key in both cases. Conservatives who live comfortably within the bounds of their narrow code are generally less agitated and zealous in their disapproval of transgressions. Not feeling especially deprived by their moral choices — feeling, perhaps, that their moral choices are their own, rather than imposed from without — they have no reason to envy others their greater freedom of action. Similarly with those left-liberals who are comfortable with a very modest standard of living. I think, in fact, that the range of peaceful behaviors we are comfortable with in others is a pretty good index of our own self-acceptance.

For left-liberals and conservatives alike, political beliefs derive much of their obduracy from being rooted in morality and self-concept. Conservatives can tell they are good people by the strictness of the standards they espouse, and by the zealousness of their advocacy — which generally means efforts at imposing those standards universally. Challenging conservatives' political beliefs will generally not get very far, because those beliefs are linked to conservatives' sense of what is good, and of themselves as good people. Anyone who has entered into political discussions with left-liberals has tasted the similar righteousness of their position. They believe their commitment to redistributionist policies shows them to be good people; challenges to those policies will likely be experienced as challenges to left-liberals' sense of

the good, and of themselves as good people.

But notice that both left-liberals and conservatives focus not so much on becoming virtuous as on forcing other people to adhere to the standard they believe they are supposed to uphold. They are quite willing to submit to coercion on issues they feel they need help with, so long as everyone else is similarly coerced. It is easy to imagine Al Gore feeling he needed some extra help (in the form of coercion) to meet his standards for charitable giving when his tax return showed a total of $353 in charitable deductions (especially compared with the more recent figures of $68,000 for Bush and $330,000 for Cheney). The common conviction of liberals and conservatives that they are committed to what is good makes it easier for them to dismiss the hardships their policies impose on others. Advocating universal standards, in fact, serves importantly to relieve us of responsibility for judging whether we are generous enough, or overindulgent. Better to have someone else decide what the limits are — so long as they decide for us all.

These ascetic codes, and the efforts at social control to which they lead, are addictive: they generate their own justification. Because of them, we acquire a view of ourselves as needing external constraints on our behavior ("I don't know if I would contribute that much to charity"), which will lead us to resist any suggestion that the constraints are not necessary. There are few psychological challenges greater than changing one's conception of the good, given a lifetime of investment in constraints that may have been unnecessary. Perhaps the most insidious and destructive legacy of our traditional reliance on external controls, whether moral or legal, is the undermining of personal responsibility. We come to believe that, if social controls were relaxed, everyone, including ourselves, would run wild, indulging every whim. That expectation feeds the demand for ever stricter controls. And we end up confusing opposition to enforcement of moral codes with immorality.

Family Models of the State

Tacit resistance to ascetic codes is but one of several related axes of political difference, however. For those whose ascetic focus is on sex (and drugs and related sins), morality tends to be primarily a private matter, to be maintained with a rigid, disciplinary self-control ("Don't touch yourself," "Save yourself for marriage"). For those whose ascetic focus is on money, morality is primarily social ("Share your toys," "Take care of the less fortunate"), and is to be supported by cultivating and nurturing a sense of public-spiritedness — altruism and collectivism.

Here we reach the distinction George Lakoff takes as fundamental. Lakoff is a Berkeley linguist best known for his work on metaphor. The language of the state, in case anyone had failed to notice, is very much the language of the family, whether the Fatherland, Uncle Sam, or Big Brother. Patriot and father have, of course, the same root.

Lakoff opens his book "Moral Politics" with a question he believes reliably distinguishes liberals from conservatives: if your baby cries in the night, do you pick him up? A conservative may say, "No, you're only teaching the kid to cry more. Sooner or later he has to grow up; he might as well get used to it now." A liberal may say, "Of course. How cruel to let the child feel abandoned, as though no one cares for him." The point is not that we need an elegant new device for classifying political beliefs, but rather that we carry these parenting styles over to the state. Conservatives hold a disciplinary parent model of the state, seeing its role as policing "undesirable" behavior; liberals hold a model of the state as nurturing parent, whose role is to ensure that everyone is taken care of, and that the bigger siblings don't take advantage of the weaker ones.

For Lakoff, the choice is a slam-dunk: empirical research in developmental psychology shows that the nurturant approach works better, hence the liberal society is the better one. To libertarians, however, the question is beside the point: we reject any model of the state that sees citizens as children, and bureaucrats and politicians as the only adults. It is remarkable that Lakoff misses entirely the possibility of noninfantilizing social arrangements. He considers libertarianism a species of conservatism. I think he is not entirely to blame for that impression. Lakoff, a thoughtful, fair-minded scholar, did his homework, and consulted libertarian sources; and, in fact, a conservative orientation in libertarianism today is apparent in many ways, including recently the prevalence in libertarian circles of hawkish attitudes on the war on terrorism, where punishment and retribution emerge as the paramount concerns.

It might be supposed that the claim that conservatives are attached to a disciplinary-parent model of the state is refuted by their opposition to the United Nations. I think however, that conservatives really do want a dominant power in the world; they just want it to be the U.S. rather than the UN — or anybody else. A case can be made, as it was many years ago by Leopold Kohr in his book "The Breakdown of Nations" (Dutton, 1957), that peace and stability are better served by a homogeneous distribution of size and power than by an arrangement where some political entities are very much larger and more powerful than others. And the foreign policy of the Bush administration, the full effects of which are yet to be felt, would seem ample confirmation. But conservatives can be counted on to oppose moves that would diminish the hegemony of the U.S.

Lakoff generously subtitles his book "What Conservatives Know That Liberals Don't." He is referring to conservatives' "knowledge" that government is inherently about morality. Perhaps it is, for better or worse; but I would say the more relevant thing conservatives know that liberals don't is that government is inherently disciplinary. I wish Lakoff had been less modest and had acknowledged what

liberals know that conservatives don't: that legislating morality doesn't work. Enforcing public morality — nurturance by compulsion — doesn't work any better than enforcing private morality. It furthermore ceases to be experienced as nurturant either by recipients, who come to take it for granted as an impersonal entitlement, or by donors, who come to resent it as a demand. If Lakoff understood what both liberals and conservatives know, he would have cut the ground entirely from under both.

As mechanisms of social control, moral codes were designed to be accepted but not to be observed.

The parental model of the state helps to explain the extraordinary tolerance and excuse-making exhibited by most Americans in relation to government atrocities like Waco, or their hostility toward those who question official accounts — the treatment of Robert Stinnett's "Day of Deceit" by the Wall Street Journal, for example. Think of the well-known phenomenon of children clinging to abusive parents and adults remaining with abusive spouses. There may be many factors involved here, but surely a major one is the psychological difficulty of acknowledging that the powerful figure in whom we've placed all our trust is actually corrupt or unreliable.

There is an important asymmetry between liberal and conservative models of the state, however: the nurturant-parent model is much harder to give up. It is true that, through a process that is all too familiar, children with tyrannical parents can grow up to be tyrants themselves; but the disciplinary-parent model still inherently invites resistance. Under the nurturant-parent model, on the other hand, we grow up, at least in theory, to be benevolent protectors rather than tyrants. The fact that the nurturant-parent model is thus more seductive is surely one reason why libertarianism has attracted more conservatives than liberals.

Whence the Parental Model?

The pervasiveness of the two parental models of the state raises the question of their source: why should such models be so compelling? Dorothy Dinnerstein offers one interesting potential explanation for our attraction to parental models of the state which has been largely overlooked by libertarians.

Many observers, of different orientations, have interpreted the human history of repeated subjugation to authority, plausibly, as an "escape from freedom." Dinnerstein, in her classic book "The Mermaid and the Minotaur: Sexual Arrangements and Human Malaise" (Harper and Row, 1976), goes a little deeper, to consider the question of why such an escape should appear to be possible. She observes that, throughout history and across cultures, child rearing (not just child bearing) has been monopolized by women. The significance of women's monopoly in child rearing lies first in the fact that all the rage and frustration of infancy, of unmet needs and the struggle for autonomy, are directed against women:

> It is obvious that we all have character traits which make us less than perfectly parental. What is not faced head-on is the fact that under present conditions woman does not share man's right to have such traits without loss of human stature, and man does not share woman's obligation to work at mastering them, at shielding others from their consequences. Woman never will have this right, nor man this obligation, until male imperfection begins to impinge on all of us when we are tiny and helpless, so that it becomes as culpable as female imperfection, as close to the original center of human grief. Only then will the harm women do be recognized as the familiar harm we all do to ourselves, not strange harm inflicted by some outside agent. And only then will men really start to take seriously the problem of curbing, taming, their own destructiveness." (p. 237–238, original in italics)

But the split in gender roles also makes it possible for us to project the different sides of a number of fundamental ambivalences onto each gender. This "solution" generally insures that one side or the other is disowned, that each is alienated from the other and hypertrophied in its expression, and that the ambivalence itself is never recognized or dealt with, as it would have to be if both sides were represented in each of us.

One of the things we feel ambivalent about is the process of growing up. Dinnerstein writes:

> Few of us ever outgrow the yearning to be guided as we were when we were children, to be told what to do, for our own good, by someone powerful who knows better and will protect us. Few of us even wholeheartedly try to outgrow it. What we do try hard to outgrow, however, is our subjugation to female power: the power on which we were dependent before we could judge, or even wonder, whether or not the one who wielded it knew better and was bossing us for our own good; the power whose protectiveness — although we once clung to it with all our might, and although it was steadier and more encompassing than any we are apt to meet again — seemed at that time both oppressive and imperfectly reliable.
>
> Having escaped that power, or at least learned how to keep it within bounds, all but a few of us have exhausted our impulse toward autonomy: the relatively limited despotism of the father is a relief to us. (188–189)

If men, however, bore equally the burden of those infantile feelings now attached to women, then subjugation to authority — male authority — would not hold the appeal that it does for us:

> If a different, apparently blameless, category of person were not temptingly available as a focus for our most stubborn childhood wish — the wish to be free and at the same time to be taken care of — we would be forced at the beginning, before our spirit was broken, to outgrow that wish and face the ultimate necessity to take care of ourselves. (189, original in italics)

Regardless of whether Dinnerstein is right in her gendered interpretation, the wish for someone to be in charge remains nearly universal. Most often it is expressed as a need to control unruly others, but I've also heard many people say, in different contexts, that they didn't trust themselves to do what they were supposed to without the threat of external sanctions. On some level, they really didn't think of themselves as responsible adults. Naturally I think the source of most of that distrust is the unrealistic, ascetic codes by which they are judging what they are supposed to do. If all the fruit weren't forbidden, they wouldn't have acquired an image of themselves as so vulnerable to temptation to

engage in illicit behavior. But in any case, if people don't trust themselves, they certainly aren't willing to trust others to do better.

If I have made it sound as though social order can be achieved simply through members of society trusting one another, many readers will be eager to insist that I'm making a crucial but obviously false assumption: that adults are adults. Indeed, the media are full of reports every day to remind us, with respect to both private individuals and public officials, of the falsity of that assumption. However, it is just because chronological adulthood doesn't entail maturity or responsibility that we should oppose investing any person or group with too much power over all others.

But it is important to appreciate the role of ascetic codes in bringing about this state of affairs. I've already suggested that a state of chronic deprivation leads us to expect that everybody is about to explode into narcissistic self-indulgence, and consequently that strict external controls are necessary. We might well expect some movement in that direction if existing controls were suddenly removed; on the other hand, our fears might well be exaggerated. I'm sure there were many parties the night Prohibition was repealed, but if there was a prolonged national orgy of drunkenness, I've never heard about it.

Authoritarianism vs. the Market in Epistemology

Phenomenological method advises us to test any analysis in a neighboring domain, and it is indeed illuminating to consider the epistemological implications of ascetic codes and parental models. The impact of asceticism in knowledge and science is evident in the automatic dismissal of personal experience that standard conceptions of the scientific method demand: the discounting of self-reports, the disparagement of subjectivism — indeed, the loss of the distinction between "subjective" and "merely subjective." The prevailing scientific norm of epistemological altruism sets us up for epistemological authoritarianism: having cognitively disenfranchised ourselves, we need someone or something to tell us what to think.

We have celebrated as progress in both epistemology and politics the depersonalization of authority — the shift from investing authority in a particular political or religious figure to investing authority in a set of impersonal rules governing behavior and thought. In politics, the concept of authoritarianism applies to bureaucracy, however, no less than to monarchy; either, as anyone with any experience of the IRS knows, can be despotic. Similarly, epistemological authoritarianism pertains as much to impersonal systems as to personal or spiritual authorities.

It is intolerable to feel as if you are paying a price for adherence to an ascetic code, and seeing other people — whether capitalist pigs or queers — flouting the rules and getting away with it.

The alignment of the disciplinary-parent model with a moral and epistemological authoritarianism is perhaps clear. The social orientation of liberalism, on the other hand, leads philosophically to a commitment to openness to other points of view, to an emphasis on the social construction of language and thought, and to philosophies like relativism and postmodernism. (It hardly needs to be added that the commitment, like the commitment to material ascetic codes, is often *merely* philosophical. As liberals are not necessarily more generous than conservatives, so they are not necessarily more open-minded. They can be every bit as rigid and intolerant — for instance, of smokers or gun owners — as conservatives, and even more annoying thereby.) So it is hardly surprising that some philosophers have embraced a more libertarian perspective here than have libertarians themselves. Paul Feyerabend, in his book "Against Method: Outline of an Anarchistic Theory of Knowledge" (Verso, 1976), argued that scientific progress has often come, not from following, but from *breaking* rules, and that the only rule that wouldn't inhibit the growth of knowledge is "Anything goes." Simple-minded critics have taken his claim as implying that anyone's opinion is necessarily as good as any other, but epistemological anarchism actually places *more* responsibility on individual knowers than does a philosophy which conceives of knowledge production as a matter of mechanically following defined rules. There are no rules to hide behind, to shift responsibility onto, no substitute for our own judgment.

Both left-liberals and conservatives focus not so much on becoming virtuous as on forcing other people to adhere to the standard they believe they are supposed to uphold.

Epistemological anarchism does not entail the rejection of logic or any particular methodological rules. It merely recognizes their inadequacy as arbiters of dispute and governing authorities of thought. How often do we say: "Oh, you're right — I see now that I had an undistributed middle term"? Knowledge and understanding, like the conduct of our lives, call for more sophistication than that — or perhaps more courage.

Libertarians

The analysis of libertarianism is complicated by the fact that the label, as is well known, really comprises two groups. The majority, who are responsible for the perception, by Lakoff and many others, of libertarianism as a species of conservatism, want a disciplinary-parent state which will somehow constrain itself to observe specified rules. Emotional vestiges of right-libertarians' attachment to both parental models and ascetic codes are apparent in the wistfulness often discernible in their attitude toward government — the feeling, for example, that it is *too bad* that drug prohibition doesn't work; it would be nice if we could force people to do what we want. Those, on the other hand, who want to abolish the state altogether might well be considered true libertarians.

Very many of the "classic core" of the modern libertarian movement grew up on Ayn Rand, and thus are unusual in this culture in rejecting both forms of asceticism. Lacking these two sources of envy and attendant complications in our interactions with others ought to give us an advantage, making social relationships more rewarding. Unfortunately, rejection of ascetic codes can also be crassly interpreted as justifying insensitivity and indifference to others, as though religion (on the Right) or redistributionism (on the Left) were the only possible bases of caring. That is part of what has given libertarians a bad name. Some years ago I met a distant relative at a family funeral, who expressed surprise at seeing a Clark for President bumper sticker on my car: "At last I've met a nice Libertarian." I'm sorry to say I knew what she meant. The one political philosophy based on respect for others ironically attracts some of the least respectful people (perhaps taking Rand as a personal model), who make correspondingly ineffectual advocates. It is remarkable how seldom it occurs to many libertarians to be nice even instrumentally: the idea that it might actually be helpful to the movement if libertarians were popularly perceived as friendly, cooperative, and generous.

Good conduct, like good science, is not a matter of following rules. But rejecting the rules doesn't mean that it makes no difference what we do! Reliance on formalized, ascetic codes has obscured the need for all of us to cultivate attitudes and skills of sensitivity and respect, and of integrity and responsibility toward the animate and inanimate world. The good life is a more interesting challenge than we have made it seem.

As we might have expected rejection of ascetic codes to confer a psychological advantage, so we might also expect rejection of family models of the state to signal the achievement of a high degree of autonomy and responsibility. Once again, however, we need to be mindful of the occupants of the tub as we are dumping the bathwater. Jennifer Roback Morse has written a whole book ("Love and Economics: Why the Laissez-Faire Family Doesn't Work," Spence, 2001) lamenting that many libertarians have rejected the family model of the *family*. Russell Means might agree. Following his defeat for the presidential nomination of the Libertarian Party in 1987, a core group of about 30 of his supporters met to form an organization to try to ensure that the values they emphasized — community, the environment, and other left-libertarian issues — weren't lost to Libertarians focusing more exclusively on economics. As we were drawing up a statement of principles (essential in any libertarian undertaking!), Russell insisted on only one point: including reference to "family values," by which he meant things like being responsible for ourselves and taking care of our own. The reaction, among his strongest supporters, was nuclear. One fragile-looking young woman appeared to be speaking for most of those present as she gathered her courage to say, "The family is just the first tyranny we have to escape." I was wishing her family had been more nurturant than it evidently had been.

Morse appears to be coming from a conservative position, focusing as much on the need for discipline as for nurturance. But she is right, in any case, in picking up a peculiar lack of connection — as though, for many libertarians as for Sartre, hell is other people. A familiar species of libertarian, in fact, appears to exhibit (I won't say "suffer from") a disorder of autonomy: every concession to the wishes of others — the ordinary gestures of social lubrication, like showing up for meetings on time, complying with requests regarding smoking, attire, or noise — is experienced as a violation of autonomy and integrity, to be resisted as a matter of principle. The Libertarian Party is at least a natural draw for those who experienced their family of origin as intrusive. If the ease with which many core libertarians reject family models of the state derives from their having rejected family ties in general (supported, again, by the model and rationale of Rand), that unfortunate circumstance does not necessarily confer a psychological or moral advantage. A civil society isn't formed by people backing into each other as they withdraw from others, or structuring every interaction as a contest of wills.

A major factor in understanding libertarianism as a movement is the simple fact that, in our cultural context, self-identifying as libertarian entails a willingness to be perceived as deviant. There are undoubtedly many people who would join the Libertarian Party if most of the people they knew belonged. The importance to most people of not being perceived as deviant is apparent in the obsession of very many LP members — especially those coming from the Right — with "mainstream acceptability" (where "mainstream" refers to the conservative heartland), and with downplaying or even eliminating planks on issues like gay marriage or the War on Drugs. Experience with another dimension of deviance doesn't necessarily help: Very many lesbian, bisexual, gay, or transgendered people are quite capable of recognizing that, compared to Michael Badnarik, John Kerry is no champion of gay rights, but are unwilling to relinquish the support of the one community — about 99% Democratic — where they feel at home. Those of us, on the other hand, who have a higher tolerance for being perceived as deviant, and have consequently formed much of the core of the Libertarian Party from the beginning, thus tend to be social isolates. Rand would indeed have authorized us to wear our social deviance as a badge of honor. Important as such pioneers are in getting a new movement going, they may not be its most effective ambassadors later on. And if the movement grows, social deviance will recede as a distinguishing characteristic of libertarians.

The parental model of the state helps to explain the extraordinary tolerance and excuse-making exhibited by most Americans in relation to government atrocities like Waco.

Whether the movement becomes more libertarian or conservative, however, depends on a more fundamental, enduring attitude among the members it attracts. That orientation is usefully revealed in our view of knowledge. We have already noticed among leftists a horizontal *décalage* between

their authoritarianism in the political sphere and their libertarianism or anarchism in epistemology. That *décalage* is important to recognize because it offers a potential lever for influence, especially since most leftists would strongly resist being labeled "authoritarian." Brute force just happens to be the unavoidable means of implementing their egalitarian social goals, but the use of guns is something to be masked, to be left implicit, at the level of threat rather than murder. Leftists bridle at the arrogance of fundamentalists, especially at righteous attempts to impose their values on the whole society, yet remain blind to the equal arrogance of their own political authoritarianism. There are thus grounds for an appeal to consistency, to bringing the attitude of humility from epistemology around to displace their arrogance in the political realm. One might expect, for example, Nozick's model of utopia as a "framework for utopias" to hold some appeal to leftists, as the political equivalent of postmodernism.

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Now, the position of libertarians, curiously enough, tends to be the mirror image of that *décalage* exhibited by leftists. Libertarians, again under the obvious influence of Rand, have characteristically been rabid fundamentalists in epistemology, vesting their security in deductive systems. It goes without saying that they would resist the label "authoritarian" as fiercely as their counterparts on the Left, but the arrogance of libertarians, especially Objectivists, in asserting the infallibility of their deductive systems is a match for the arrogance they denounce in efforts at socialist planning. Where socialists ironically tend more to trust the market with respect to ideas, in a more dynamic vision of knowledge and science, libertarians are more inclined to appeal to fixed notions of objective, universal, timeless truths. They are particularly inclined to insist on the importance of "objective," well-defined rules in the legal realm: it is essential for everyone to be able to know in advance whether a given action is legal or not; the potential and actual evils of discretion, in the hands of a powerful judge, are all too obvious.

The problem, however, is that judgment is *always* required in the application of any rule, and a great deal of mischief can be perpetrated by pretending otherwise, by claiming that decisions are given automatically by the rules, without human involvement. If the ambiguities and pitfalls of inference weren't apparent from ordinary discourse, we have a library of textbook examples to remind us. The following *modus tollens*, due to Ernest Adams, prompts us, for example, to reflect on how much we assume about what the meaning of "if" is:

If it rained, it did not rain hard.
It did rain hard.
Therefore it did not rain.

Even in a structured domain as uncomplicated as horse-racing, it is difficult to specify all the rules unambiguously. As Michael Polanyi noted in "Personal Knowledge" (University of Chicago Press, 1962, p. 20n), the photo-finish camera was believed to have obviated human judgment there, until a photo was taken where "one horse's nose is seen a fraction of an inch ahead of another's, but the second horse's nose extends forward by six inches or so well ahead of that of its rival by virtue of the projection of a thick thread of saliva." For every horror story involving discretion on the part of a judge, there is another involving the attempt to impose a simple rule blindly, without regard to context or circumstances. Philip Howard has amassed a collection of those in his book "The Death of Common Sense: How Law Is Suffocating America" (Warner Books, 1994).

The source of this dilemma, of course, is the investment in someone of arbitrary power — in other words, a monopolistic justice system. Arbitration agencies in a free market are obliged to reach decisions that will be perceived as fair by all parties. An agency which was perceived as favoring wealthy clients, for example, could attract business only from disputants who perceived themselves approximately equal in wealth — a rather specialized market niche. The "marketplace of ideas," in epistemology or law, doesn't privilege one authority over another, and that works better than the assumption that there is one fixed rule or correct answer, and that we — or the government — know it and are applying it.

Summary

Returning, in any event, to Nozick's question, I think one reason why (a thoroughgoing) libertarianism doesn't appeal even to many who call themselves libertarian, is that it doesn't leave anyone in charge — to keep ourselves and others forcibly in line with ascetic codes we still believe are necessary. More and more Americans in the last century have been willing to abandon the idea of Someone up in the sky who is in charge of everything — so long as there is somebody running everything from Washington. Everyone, not just libertarians, will resist the hell out of authority wherever it asserts itself — but, like adolescents, we still want it there to rebel against.

People have a harder time reaching libertarianism from the Left, just because they are giving up on a model of the state as a good, nurturing parent. But once they do, they appear more likely than those coming from the Right to go all the way to anarchism. Conservative libertarians retain the family model of the state; they are merely looking for a *better* parent. But that is not the same thing as growing up. ❑

It seldom occurs to many libertarians to be nice even instrumentally — to help the movement by causing libertarians to be perceived as friendly, cooperative, and generous.

Not Your Father's Republican

by John Berlau

As governor of Maryland, Robert Ehrlich fought off trial lawyers, teachers' unions, and a Kennedy — and signed a bill legalizing medical marijuana. What will he do next? Run for president?

In early 2003, the Democrat-controlled House and Senate of the Maryland General Assembly passed a bill to sharply reduce penalties for use of marijuana by the terminally ill, and national GOP drug warriors were in a panic. Nine states, some of which were heavily Republican, like Arizona, had already passed similar medical marijuana laws, mostly through voter initiatives.

But Maryland was different. It was home to the inside-the-Beltway suburbs and some of the D.C. drug warriors' literal backyards. Commuting to a state with this law on the books would be a constant reminder that, no matter how much they linked pot to terrorism on national TV, the American people just weren't as enthusiastic about the drug war as they once were.

But the GOP drug warriors, beginning with Bush administration drug czar John P. Walters, thought they could count on Robert L. Ehrlich, Maryland's newly elected Republican governor. After all, Ehrlich, coming off a surprising victory in 2002 in which he defeated the lieutenant governor, a Kennedy, was also winning battles with the Democratic legislature by refusing to raise taxes to solve the state's budget crisis. He was a rising star of the GOP, touring the country with President Bush, so Walters and others made a full-court press to sway him to veto the bill, which would reduce the maximum penalty for medicinal pot use from a $1,000 fine and a year in prison to $100 and no jail time. Even though Ehrlich had cosponsored one of the first bills introduced to allow medical marijuana while he was representing Maryland in the U.S. House of Representatives, Ehrlich had never been very vocal on the issue as a Congressman. In fact he was something of a loner, and never seen as a leader on anything. It was reasonable for Walters and others to assume he could be swayed fairly easily.

"I hope anybody who can help explain the legalities here and the dangers of this bill will contact the governor," Walters said in an April 2003 speech at a Baltimore substance abuse conference. The Baltimore Sun paraphrased Walters, saying that his office was "making an unprecedented push to persuade Ehrlich to veto" the bill. Warning Ehrlich not to be "conned," Walters concluded, "It is an outrage that, in this state, the legalizers would come here to try to put additional people in harm's way." Former Drug Czar Bill Bennett, a resident of the Beltway suburb Chevy Chase, Md., also got into the act. He wrote letters and placed phone calls to Ehrlich and told the Sun, "This is softening the public's image of marijuana." When Ehrlich visited Capitol Hill, several of his former GOP colleagues asked him, "Are you really going to sign a marijuana bill?"

The answer was yes. And not in the dead of night, but in a very public way in May of that year. He talked about his support for Bush, but said that he respectfully disagreed with him on this issue. He talked about how he was influenced by his brother-in-law who had died of cancer two

years earlier after prolonged suffering. He then explained a central tenet of his governing philosophy in a statement printed in the Washington Post: "If you look at my views over the years, there are clearly two wings of the [Republican] party on social issues. One is more conservative, and one is more libertarian. I belong to the latter, and I always have."

A year later, when I interviewed him in his office on the second floor of the historic statehouse in Annapolis, Ehrlich, stressed what he saw as the unity of the two wings. He was in a reflective mood. A few days earlier he had been in Normandy commemorating the 60th anniversary of D-Day with Bush, when he heard the news of the death of former President Ronald Reagan, one of his political heroes.

After I gave him a copy of a 1975 interview of Ronald Reagan from Reason magazine, in which Reagan called conservatism a misnomer for limited government advocates, Ehrlich said he agreed. "Jeffersonian liberals are today's conservatives," he said. Conservatives and libertarians "are cousins, but at times they're fighting cousins. They share a common baseline and common philosophical foundation, and in the real world of politics they share almost identical views with regard to defense and economic issues. Clearly, however they diverge on some social issues. . . . Clearly, I'm libertarian-influenced on a variety of these issues [including] medical marijuana."

And Ehrlich has pushed even further on drug reform. Last year, Ehrlich signed a bill that moves toward treatment instead of prison for first-time, non-violent drug offenders. Bill Piper, director of national policy for the Drug Policy Alliance, calls Ehrlich "probably the most reformist on drug policy of all governors, Democrat or Republican. He's signed things into law, but he's also been proactive" on sentencing and juvenile justice reform.

Ehrlich also received praise in February from hip-hop mogul and activist Russell Simmons, who credits Ehrlich's reforms for paving the way for the repeal of New York's 30-year-old Rockefeller drug laws that set harsh penalties for petty drug crimes. "I don't know if we could have done what we did in New York if we hadn't seen Maryland move first," Simmons told the Washington Times. He proclaimed that Ehrlich "raised the whole party up" and "makes every Republican open for discussion" among black voters.

But while cooperating with the Democrats on drug law reform, Ehrlich was also in contentious battles with the Democrat-controlled chambers. He stopped their proposed tax hikes, a "living wage" provision, and a ban on so-called "assault weapons" (he also lifted a 50-year-old regulation that banned bear hunts). And he can point to an accomplishment that most conservative GOP governors cannot — he has actually made the state government smaller, if ever so slightly, than it was when he took office. Maryland's government spending was cut by $700 million during Ehrlich's first year. According to his budget director, James C. "Chip" DiPaula, about $1.4 billion in current spending and anticipated growth, 14% of the state's budget, will be cut by June 2005. About 8,000 state jobs have been cut by eliminating some positions and leaving others vacant. Costly programs from land acquisition to transit expansion have been terminated.

Ehrlich is no libertarian purist, but in a time when conservative pundit David Brooks is proclaiming in the New York Times Magazine that "the era of small government is over," Ehrlich is showing that a reformist program based on reducing government can still attract voters. His stance on drug-law reform

The legislative sump pump — A few hundred feet from the statehouse in Annapolis is my alma mater, St. John's College. It's a Great Books school, where students read and discuss Plato, Aristotle, Hobbes, Locke, de Tocqueville, and many other political theorists. Given the amount of time spent discussing the ideal governance of society, it didn't take long to figure out that Maryland under Parris Glendening was far from that ideal.

It's commonly said that the Democratic Party is run by unions and trial lawyers, but Glendening actually took orders from them. Whenever private citizens banded together in Baltimore to clean up trash or patrol the streets, union heads knew they could rely on Glendening to issue cease-and-desist orders, to save them the embarrassment of admitting that their employees were unable or unwilling to do jobs at union wages that volunteers did for free. Whenever Baltimore Orioles owner Peter Angelos (probably the most powerful trial lawyer in the country) needed a cap on tort damages obliterated, he knew he could call his buddy Parris to make sure the bill got shoved through committee and into the code.

But even Glendening, as despicable a politician as can be found outside Third World juntas, was just a slightly wider than usual conduit for the geyser of corruption that gushed through the State House year after year. I recall nights when House staffers would rent out St. John's basketball court to get some exercise. While I worked out in the weight room, I could hear them discussing bills up for vote, making quid pro quos to guarantee passage of their bosses' pet projects. And it's not as if they needed our gym to make deals: so many of the power brokers in Maryland are related to each other that they can haggle during Sunday dinner; for instance, the state attorney general is the father of a Baltimore district court judge, who is in turn married to the mayor of Baltimore, who is running for governor in 2006.

Lieutenant governor Kathleen Kennedy Townsend should easily have been selected to be the new nozzle on the sewage pipe. But her campaign was so inept, and Glendening so despised, that the state of Maryland somehow ended up electing a Republican — the first in the state since Spiro Agnew, who was considerably more left-wing. Still, with the Democrats firmly ensconced in the legislature, and a reliably activist judiciary, Governor Ehrlich's time in office promised to be short and ineffectual. That he has accomplished anything at all with so many obstacles in his way speaks very highly of him. There's a lot left to do: Maryland's stable hasn't been mucked out for decades. But Ehrlich might well prove himself the Hercules that the Old Line State needs. — A.J. Ferguson

allows him to look less like a traditional right-winger to swing voters, making the budget cuts easier to accomplish. Conversely, his fiscal stances and his attacks on gun control have made many conservative Republicans willing to overlook libertarian policies they may disagree with. While last year's Republican convention showcased "moderate" governors such as Arnold Schwarzenegger and George Pataki, observers say Ehrlich may be showing the best way to win over swing voters while retaining the base. And if he wins reelection in Maryland in 2006, he may very well be a contender for the presidency in 2008.

"He's governed from the right," says John Gizzi, longtime political editor of the conservative weekly newspaper Human Events. By contrast, Gizzi notes, Maryland's last GOP governor, Spiro Agnew, who was elected in 1966 and served until 1969, when he became Richard Nixon's vice president, was a domestic liberal. "Governor Agnew clearly was elected from the left and governed from the left. He signed into law a tax increase, plumped for stronger environmental legislation, and very much expanded the power of government. Ehrlich, by contrast, has gotten the state through two years without a tax increase."

Gizzi calls Ehrlich's 2002 victory against eight-year Lt. Gov. Kathleen Kennedy Townsend, daughter of slain senator Robert Kennedy, "earth-shattering," an upset on par with Reagan's taking of the California governorship from Edmund G. "Pat" Brown in 1966. "He overcame an illustrious name, someone who had won statewide, and Maryland history, to be elected. I call his victory nothing short of breathtaking," Gizzi says.

The son of a car salesman who worked on commission, Ehrlich grew up in the working-class Baltimore suburb of Arbutus. He received an athletic scholarship to an elite private high school and then moved on to Princeton, where he was captain of the football team. After receiving his law degree from Wake Forest in 1982, Ehrlich returned home to practice law and then, influenced by Reagan and Jack Kemp, ran successfully for state legislature and the U.S. House. The district that Ehrlich represented in Congress, consisted of the

When the Maryland General Assembly passed a bill to sharply reduce penalties for use of marijuana by the terminally ill, the national GOP drug warriors went into a panic.

Baltimore suburbs plus some rural areas, a fairly conservative district — for Maryland, at least. Maryland politics are dominated by Baltimore and the Washington suburbs, which have many residents who work for the federal government and are solid Democrats. In 2000, Al Gore won the state over Bush, 57–40%.

Going into the 2002 elections, Ehrlich had the political advantages of a young family, athletic good looks, and a friendly, optimistic personality. But he likely never would have won had there not been splits in the Democratic Party that grew out of personal and financial scandals from the administration of his predecessor, Parris Glendening. After his narrow 51–48% victory on election day, he still had to contend with a Democratic majority in both houses large enough to override his vetoes.

To top it off, soon after he was elected, the debt the state had amassed from Glendening's spending turned out to be far greater than previously revealed — projections showed

Several of Ehrlich's former GOP colleagues asked him, "Are you really going to sign a marijuana bill?" The answer was yes. And not in the dead of night, but in a very public way.

the state would be $1.8 billion dollars in the hole over the next 18 months. Ehrlich knew if he were to keep his promise not to raise taxes, he would have to make some substantial spending cuts, even if he were able to legalize slot machines to bring in revenue. Watching the Republicans get outfoxed by Clinton on the budget in the mid-'90s, he had had a preview of what the state budget battle would be like. Democrats had already tried to tie him to former House Speaker Newt Gingrich during the hard-fought gubernatorial election.

But he had some things that worked in his favor to show swing voters he was on their side: his support of drug law reform, his opposition to intrusive traffic cameras, and his push to legalize slot machines at private race tracks — all libertarian policies. Says Gizzi, "He taps on the 'he's on your side against government' sentiment. [GOP] Gov. Gary Johnson of New Mexico was that way and so was [Democratic California Gov.] Jerry Brown. Populist is more the term I'd use."

Slots moved front and center during the budget crisis as a way to bring in revenue for the state. Ehrlich argued for allowing 10,000 slot machines at racetracks throughout the state. Revenue was the main selling point, but Ehrlich was able to argue convincingly for it and answer critics' objections, in large part because he never viewed the issue as being about revenue alone. To him, it was about many things, not the least of which was personal freedom. "My advocacy of slots predates slots as a fiscal issue," Ehrlich told me. "It's been about horse racing, and horse farms and the horse industry and open space. I represented horse-oriented districts in the state legislature and in the Congress. The horse industry is an important industry in our state. When this came about . . . it was a horse racing-centered debate; it was not a fiscal issue. When this debate began to gather momentum in the 1990s, we had a surplus situation in the state, so it was not necessarily viewed as a dollar issue at all. It became more a dollar issue when in March 2000 spending continued despite recessionary downward pressures on our budget."

And to counter his opponents who have moral objections to gambling, Ehrlich is quick to point out that Maryland crossed that threshold 30 years ago with the creation of the state lottery: "During the campaign, my opponent, Kathleen

Townsend, was talking about the evils of gambling, and my response in the debate was, 'Gotta Play to Win,' which is the Maryland Lottery's motto," Ehrlich recalled. "Of course, her administration funded that advertising campaign, because her administration depended on in excess of $400 million a year in lottery proceeds for the general fund. So it was a silly argument. You could make arguments against slots that are intellectually defensible arguments, but to talk about the evils of gaming when you're asking people to 'play to win' twice a day — Pick 3, Pick 4, Scratch-off, Lotto, Big Game, everything else — is pretty much a joke."

When the legislative session began, many liberal Democrats sounded like moralistic conservatives on the issue. House Speaker Michael Busch talked about his father who was addicted to gambling and left the family to live in Las Vegas. As an alternative, Busch proposed $1 billion in corporate, personal, and sales tax hikes to solve the fiscal crisis. Ehrlich went around the state and on talk radio, saying this would send businesses packing to neighboring states like Virginia. Even many liberal Marylanders did not want that big a hit to their wallets. Ehrlich also proposed $851 million in spending cuts. Maryland voters are "very liberal on many social issues but have a surprising conservative streak," says Barry Rascovar, former Baltimore Sun reporter and author of "The Great Game of Maryland Politics." "Maryland is more conservative than you would guess looking at the presidential election returns, or the outcome of who is elected to Congress. When you get down to state and local issues, suddenly a lot of that liberalism flies out the door when it butts up against reality."

Ehrlich won over Senate President Mike Miller, whose chamber has twice passed Ehrlich's plans for slots. Busch made several overtures to Ehrlich, suggesting compromises. Yes, he would back slots — if Ehrlich approved this tax increase, or if they were only on government property and not at private racetracks, which curiously amounted to outright state sponsorship of this "vice." Ehrlich would not accept these deals, and Busch has held up the slots bills in both legislative sessions.

But observers, including some Democrats, say the legislative defeats may turn into electoral victories for Ehrlich and the GOP. This is because Busch, through his maneuvers and compromises, yielded the moral high ground on gambling, and made it look like all he wanted was to get his hands on more of the voters' money through tax hikes. Busch "has frustrated his moral allies on the issue, such as the ministers and the newspapers," says Blair Lee, a Democratic campaigner and columnist for The Gazette, a Maryland statewide newspaper. "He's against slots, but he's all over the lot as to why."

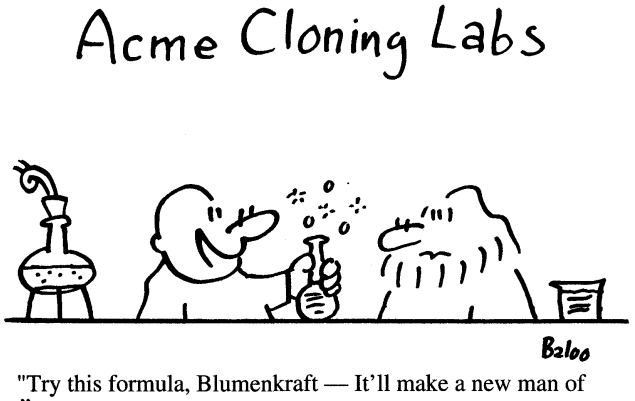

"Try this formula, Blumenkraft — It'll make a new man of you."

In the meantime, using the shortfall as his strong hand, Ehrlich cut spending by nearly $700 million his first year and has been not-so-subtly threatening to cut more if slots aren't passed. Budget Secretary DiPaula announced in late 2003 that public education and Medicaid would be the only two state programs out of 54 in the operating budget that would grow in 2004.

Ehrlich doesn't focus exclusively on slashing government spending. He also talks about things such as the new roads he is going to build. The exceptions to his rule on taxes so far have been increases in property taxes, raises in vehicle registration "fees" for building new roads, and sewer "fees" for cleaning up the Chesapeake Bay. Ehrlich's distinction between taxes and fees is rather slippery, as Democrats don't hesitate to point out. When former Virginia GOP Gov. Jim Gilmore campaigned against the vehicle registration fees in the late '90s, he called them a "car tax." While Ehrlich makes the argument that a fee is for a specific service rendered, he overlooks the fact that government is the monopoly provider for that service, and also that the "fees" could be lower if there were deeper spending cuts. In our interview, however, he said he is open to the idea of having private roads.

Ehrlich was also rather vague about tax reductions. "After we get to balance [the budget], we'll be looking at tax cuts," he said. Ehrlich's "fees" and his lack of new tax cut proposals are two of the factors that kept his impressive "B" from being an "A" on The Cato Institute's 2004 Governors' Report Card, says Cato budget analyst Steve Slivinski. Still, Slivinski and Maryland conservatives and libertarians praise him for generally keeping his promise not to raise taxes, and for balancing the budget through spending cuts, which is more than many self-described conservative GOP governors, such as Sonny Perdue of Georgia, have done. And Slivinski adds that Ehrlich's grade is also lower because of the "hostile legislature," noting that he is a big improvement over Glendening, who received a "D" in 2002.

The specific area where Ehrlich most needs improvement is elementary education. While he made cuts to higher education, he largely ignored the legislature's big-spending Thornton state-aid plan for primary education, a Robin Hood scheme passed by the legislature that transfers money to poor districts with hardly any measure for accountability or parental decision-making. Although Ehrlich was able to get a watered-down version of charter school legislation passed in 2003, Washington Times editorial writer Joel Himelfarb faults him for not pressing harder for education reform proposals such as vouchers. Still, Himelfarb, a Maryland resident, praises Ehrlich for deftly using the gambling issue to fight tax increases and get other spending cuts, and for not being suckered into doing the Democrats' dirty work for them. "He made his peace with Thornton, which is really a big-government boondoggle," Himelfarb says. "But he said, 'Look, I don't want to have tax increases for this, but if people want to voluntarily go to the racetrack and play slots, I'm amenable to this.' That doesn't strike people as being a terribly unreasonable, dogmatic, feet-in-cement kind of position."

"Great Game" author Rascovar, a self-described "Rockefeller Republican," says Ehrlich may have maneu-

vered the Democrats into a no-win situation. If they give him slots, he gets a victory. But even if they don't, Rascovar argues, voters will blame them for causing the "gridlock" that results in more spending cuts or tax hikes (assuming Ehrlich sticks to his pledge and they override Ehrlich's vetoes, as they recently did on a watered-down malpractice liability reform bill that contained tax increases on HMO premiums). Either scenario would likely translate into a triumphant reelection for Ehrlich and possibly a substantial number of Republican allies being elected to the legislature.

Conservatives and libertarians, Ehrlich says, "are cousins, but at times they're fighting cousins."

To prevent this from happening, Ehrlich's liberal Democratic opponents have been desperately trying to shift the blame by portraying him as a heartless Gingrich-clone. School kids from urban Baltimore were bussed in to protest the governor's refusal to raise taxes — even though, so far, the spending cuts have not affected elementary schools. As for higher education, both houses sent Ehrlich a bill that would raise the corporate income tax two percentage points in return for a tuition freeze. Ehrlich vetoed the bill and successfully prevented an override.

According to the polls, Ehrlich remains popular with Maryland voters. A January survey by the Annapolis-based polling firm Gonzales Research & Marketing Strategies showed 55% of Maryland voters approved of the job Ehrlich is doing. By contrast, in a poll taken last June by the same firm, just 39% of state voters approved of President Bush's job performance. How does Ehrlich continue to draw the support of the swing voter, even while cutting spending? His personality explains some of this appeal, but another reason is provided by a bill that he chose to veto upon first taking office.

In 2003, Maryland legislators passed a bill to set up a network of cameras to catch speeders throughout the state. Ehrlich shocked the sensibilities of the nanny-state liberals in the legislature and the press when he met that bill with a veto. In a preachy editorial entitled "Safety Last in Maryland," the Washington Post lambasted him for refusing to "protect children from lead-footed motorists." Bringing up his opposition to gun control, the editorial accused Ehrlich of giving "a lot of assists to the lobbyists who put safety last" and concluded, "You have to wonder if Maryland Gov. Robert L. Ehrlich Jr. (R) has a thing about safety."

But if Ehrlich had a "thing" with the cameras, Ehrlich didn't believe that the issue was about "safety," it was about privacy and due process for those caught by the cameras, as he made clear in his veto message to the legislature. "Although speeding is an issue that we must address, I am troubled by the intrusive nature of this type of technology and its use by government," he wrote. The influential Privacy Group of the free-market National Consumer Coalition gave Ehrlich its "Privacy Hero of the Month" award for "putting a stop to the Big Brother madness bubbling up from the state legislature."

Former House Majority Leader Dick Armey (R-Texas) says that the camera issue has the potential to bring Ehrlich support from voters who don't consistently cast their ballots for the GOP. Armey says that, since he took up the issue in the House, "I have a lot of people even to this day when I walk around the streets of Washington — and they're clearly not my kind of right-wing people — stop me on the street and say, 'Boy, I really appreciated the work you did on that camera thing.' I think it's got a lot of breadth to it as well as a lot of appeal to the non-traditional voter and activist." Because they are set up to raise revenue as much as catch offenders, Armey has called traffic cameras a "hidden tax" on motorists. Other observers say that, as a savvy politician, Ehrlich knows that the Maryland commuters to Washington are bothered by the district's camera system. Even Washington Times conservative Himmelfarb, who opposes Ehrlich's efforts on medical marijuana, says, "On the cameras, God bless him."

Armey recalls that in Congress, Ehrlich "had good friendships, but he wasn't a fellow that sort of joined in with a movement group." To hear Ehrlich, elected in the GOP takeover year of 1994, tell it, "I had my own wing . . . I felt that there was no group for me." There were two main factions: The Conservative Action Team, or CATs as they called themselves, and the Lunch Bunch, which consisted of a dwindling crowd of moderate and liberal Republicans. "The CATs brought a more religious conservatism with them on social issues, and that obviously does not comport with my views."

But he didn't feel entirely comfortable with the so-called moderates either. For one thing, he was pro-gun, and many of the "Lunch Bunch" members also fought the GOP leadership on environmental issues. There, Ehrlich voted with the GOP leadership in attempts to reduce burdensome regulations by requiring agencies to give greater weight to the costs and look at cost-benefit analysis and scientific research. And because of his blue-collar background, there was probably some added tension around many of the "country club Republicans" in the moderate camp.

Ehrlich is pro-choice, but stands against state funding and partial-birth abortion. Given Maryland politics, this was enough for most of state's social conservative activists to back him. He also favors allowing federal dollars to be spent on embryonic stem cell research, but supported a ban on cloning. He now stands firmly against gay marriage and takes a position that seems to preclude civil unions as well. "Do I think that two men or two women, or a man and a woman who don't want to get married, can have a relationship, and the state should generally get out of their way? Yes, absolutely, that's really none of the state's business," he says. "But the state's business is in the support of traditional marriage, not the least of which is for children." He adds, however, that his staff was "studying" the question of whether there are "rights that should attach as the result of non-blood friendships and relationships in life that would give rise to specific legal rights in specific contexts," such as hospital visitation

Ehrlich says he is open to the idea of having private roads.

and advancing medical directives.

In his new book "Armey's Axioms," Armey writes that the trick to leaving Washington an idealist is to not "fit in too well." But a "maverick," or even an "independent thinker," in media jargon, is a slippery concept. Sometimes the media-anointed mavericks just seem to like the media spotlight for dissenting within their party. But a genuinely independent thinker, Armey says, realizes that "ideas are bigger than the maverick," and Ehrlich fits into that category. "I wouldn't use the term 'maverick,' as it's generally understood, for Governor Ehrlich," Armey says. "I think Bob Ehrlich is a guy who says, 'These are serious matters. It's not about me. If it gets to be about me, I'm standing on the wrong ground.' . . . He came to Washington as an idealist, and he left as an idealist."

"During the campaign, my opponent, Kathleen Townsend, was talking about the evils of gambling," Ehrlich recalls. "Of course, her administration funded that advertising campaign. To talk about the evils of gaming when you're asking people to 'play to win' twice a day is pretty much a joke."

One of the ideas that Ehrlich took seriously in Congress was federalism. He broke with the Contract With America pledge on tort reform, which he calls the "federalization of state tort law," and he didn't like GOP incursions on traditional state matters such as crime. "I saw these conservatives and Tenth Amendment guys, who were very articulate people and smart people, willing to run over the Tenth Amendment when it suited their purposes," Ehrlich recalls. "Two examples that come to mind are running over traditional areas of jurisdiction concerning state tort law and juvenile justice, which has always been [under] state jurisdiction until we got there. These were areas of particular concern I had during my tenure in the Congress." On tort reform, some grumbled that Ehrlich didn't want to buck Maryland's powerful trial lawyer lobby. No one is saying that now, because, as governor, Ehrlich has aggressively pushed for caps in malpractice cases and other tort reform action at the state level.

Another example of Ehrlich's independent but principled thinking is land acquisition. He took flak from environmental groups for ending Glendening's policy of buying "open space" throughout the state to protect it from the alleged dangers of development. Ehrlich put an immediate stop to this practice, saying the state would only buy land for parks or near the Chesapeake Bay. "The era of secondary land purchases, given other pressures, is over," Ehrlich announced at a 2003 state Board of Public Works meeting. But while pointing to budget pressure, Ehrlich made clear his belief that this type of spending was beyond the scope of limited government and was not going to resume when times were better. "This is a fundamentally different administration, and even if we had a billion-dollar surplus, the philosophical approaches expressed by me . . . [are] the new law in town."

However, buying "open space" was not just a policy pursued by Glendening. Republican governors in the '90s, from New Jersey's Christie Whitman to Pennsylvania's Tom Ridge, also embarked on ambitious land-buying programs. Even Mark Sanford, a free-market oriented, former congressman from Ehrlich's freshman class of '94, elected governor of South Carolina in 2002, has expanded his state's Conservation Bank Act in order to buy random parcels of land.

"Open space" purchases, like prescription drug entitlements and other new spending, are ways consultants tell Republicans and conservatives they can appear more compassionate. David Brooks suggests in his essay that the national GOP support early childhood education, wage subsidies, national service, and energy research funding to "stave off the harsh aura of Gingrichism." Ehrlich, however, has found ways to be seen as compassionate and on the voters' side while reducing state spending. One of the ways he has done this is by personalizing certain libertarian policies, like his stand against traffic surveillance.

And what could be more compassionate than allowing a cancer patient to smoke a joint for relief in peace, or freeing a first-time, non-violent drug offender from a draconian prison sentence? Although he rejects comparisons with former New Mexico Gov. Gary Johnson, who favors complete decriminalization, he says that "for hand-to-hand sales, the traditional addict, and the non-violent offender, we could not begin to build prisons to house that population in this state or any other. Particularly for first-time offenders, everybody deserves a mistake, particularly if you have an addiction. What has also driven my view is that so many addicts do their time and come out as addicted as they were when they went into the system." Ehrlich, who can also talk tough on crime and strongly backs the death penalty, says alternatives for non-violent drug offenders would make room in the prisons for truly violent criminals.

In looking at Ehrlich's successes, circumstances and Maryland's unique political climate have played a big role. But there are certainly lessons other Republicans and conservatives can learn from him about how to hold on to the base while attracting swing voters. In several elections in Western states over the past few years, the Libertarian Party candidate's vote was bigger than the margin of victory for the Democratic candidate. If the GOP had gotten these voters, Democratic senators such as Harry Reid of Nevada and Maria Cantwell of Washington would not be in that body today. Conservative pundits wring their hands and ask what Libertarian voters were thinking, accusing them of taking an "all-or-nothing" approach. Perhaps they were simply waiting for Republican candidates who express common-sense libertarian views, like those of Maryland's Bob Ehrlich. ❑

Ehrlich's liberal Democratic opponents have been desperately trying to shift the blame by portraying him as a heartless Gingrich-clone.

Pierre Sunshine

by Norman Darden

God didn't permit him to be perfect for no reason. How often has a baby, black or white, been born this perfect in Saint Domingue?

Some conversation these three privileged slave women were having! Lively and intelligent, enlightening, entertaining, it was sometimes spiced by a trenchant remark. It didn't seem like an hour had passed since they'd begun airing the best secrets of L'Artibonite (one of the nicest plantations) and of Saint Domingue (the notorious Caribbean, French slave colony) as they rode uncomfortably in their crude cart to the church where they were taking their Pierre for his baptism today. Their bright chatter made time go by and their discomfort bearable. The three "mothers," know-it-all Tonette, not-so-bad-herself Zenobe and sometimes contributor-of-a-surprise Ursule knew how to make their conversation sparkle. They, as the favorite L'Artibonite house slaves, had a store of knowledge of the master Jean Berard and of the most powerful planter "lords" of Saint Domingue (who'd been guests at the "big house"), and were using the knowledge creatively to make the conversation the best.

The trip was near its end. "Just one more bend to make and we're there," Ursule said, who was keeping watch, and her eye on Pierre, who was miraculously quiet in her arms as she talked. It didn't matter to long-winded Tonette that the trip was ending. She had one more thing to air, and was determined to do it or bust.

"Let me tell you this," Tonette said, preparing to stun Zenobe and Ursule with a "shock" she preferred to call a "revelation."

"Our 'little man,'" she said, "Do you know what I think?" She was referring to Pierre (her great grandson). "I think I know his true identity, and you're in for a big surprise." Her tone was that it was the best secret in Saint Domingue, that would make all they'd said about Berard and the planters pale.

"You've got to tell us quickly, grandma," Ursule said. "Do you see what I see over there, a half mile away? — the church." Of course she saw it. She was not going to rush her "revelation."

"Remember that big party back in June master had and ole man Breda was

there? He's so funny, his little fat self," Tonette said (who wasn't planning to watch the time). "The way he stuffed his mouth with food that his pink cheeks bulged. I just found it so cute. I'm so sorry that slave of his, that wild, bow-legged Toussaint 'L'Ouverture' — that what they call him. He has ugly gaps between his teeth. Master Breda's heart was broken by him when he became his enemy. I heard he's preparing to descend upon all of the planters to destroy them. Imagine, that ugly thing overwhelming the planters!"

"When did you get to see 'L'Ouverture,' mother?" Zenobe asked. She'd heard about him.

"That's what I heard that he's ugly — a crime!" Tonette replied. "I also heard that little slave girls in the colony, some of them pretty, pull up their dresses for him because he's famous! That's what that trashy field slave crowd does!"

"Grandma, I'm not going to pull up my dress for him," Ursule said. "So, go on and tell us about that party at the 'big house' master Breda attended, and somehow Pierre became important. You've only got a minute!"

"I have to tell the story as it has to be told, in full," Tonette retorted. "As I was saying, master Breda said he noticed something big happening in Saint Domingue. It started in June, he said, which was six months ago. He said there was a sudden upswing in sale of colony goods. France couldn't get enough. The French merchants were begging, and he said he had to buy 50 more slaves! I'm listening to him talking excitedly with his packed mouth. I'm filling up my head with this news, but I tried not to look like I was eavesdropping. Master Breda predicted that by the end of the year, 1,600 ships will have left here to take back to France what they'd produced. It's now December, and he was right. Many ships have been here and left loaded. And then he said surprisingly, 'We have to thank the Lord for sending us so much sunshine and good rain. We couldn't have done this without such help from God!' This struck me. He acknowledged they weren't supermen but that God had a hand in their success!"

"So, mother, where does Pierre fit in this?" Zenobe asked disinterestedly. "Is he the 'sunshine and good rain'? I know the way you think."

"You're rushing me, but you're right — have never been cleverer," Tonette responded. "That's what I'm saying. Pierre's the 'sunshine and good rain' of Saint Domingue. Would you believe it?" They didn't (not according to the way they rolled their eyes and creased their brows). It didn't matter. "I came to this conclusion after reflecting on Pierre and after what master Breda said, who got me to thinking. God has looked favorably upon Saint Domingue as the richest man in the colony said. And you know what, I began to praise God every time I held Pierre. The Almighty has looked favorably upon him too: I said to myself, 'Look at him: perfect birth, no defects, brilliant health, perfect body. I said this when he was born, when Ursule pushed his head out of her womb and I pulled the rest of him out. I saw what I saw. God didn't permit him to be perfect for no reason. How often has a baby, black or white, been born this perfect in Saint Domingue? He's the healthiest baby in the colony — why? Then the party and two months later, I started to put things together. Pierre was born in June. Saint Domingue began to have its best year ever — in June, 1766, according to master Breda. Was this a coincidence?"

Tonette admitted she had to do more thinking to make Pierre important because of his birthday. She needed something more to make it believable that God had looked favorably upon their "little man." She was dying to say that they had treasure too — and to say that Pierre was the jewel of Saint Domingue.

"Mother, you've been thinking, I see," Zenobe said, "but people would say it's nonsense what you're telling me and would laugh at you."

Tonette sat up ramrod straight in her seat, and said, "I know I'm right, and I will convince you before we leave this cart!" Now Tonette played her trump. "Last year, Father LeClerq gave a Christmas Mass homily that was magnificent." She was impressed. The priest had two great qualities: he was a good theologian and homilist, and he was young, good looking, and popular. He held her attention. At this Christmas Mass, he preached a great Catholic Christmas sermon, which affected her deeply, and which later found to be most useful for her reflections on Pierre. "Do you remember any of it, Zenobe?" She really wanted to impress her. The homily was almost a year ago, and had faded in Zenobe's mind. She didn't remember a word. "I choose to mention the homily now because it's relevant to what master Breda said and to what I now believe Pierre to be, the 'sunshine and good rain' of Saint Domingue." Tonette got specific about the homily.

"'The Virgin Birth, the Baby in the manger born to transform the world' — You don't remember Father LeClerq preaching about this?" Tonette asked. "Was his homily memorable, a great message! And how he delivered it!" Tonette exclaimed. "Remember the way he looked at us, so tenderly, when he said, 'God is not only mindful of the poor, he's partial towards them!' I cried. He was telling us something — and was also taking a swipe at the planters. And the next thing he said: 'It's impossible to homilize at a Christmas Mass and forget the virtues of the poor and the importance of their grace for the welfare of the world!' He's deep. You know, we're not cursed because we're slaves!"

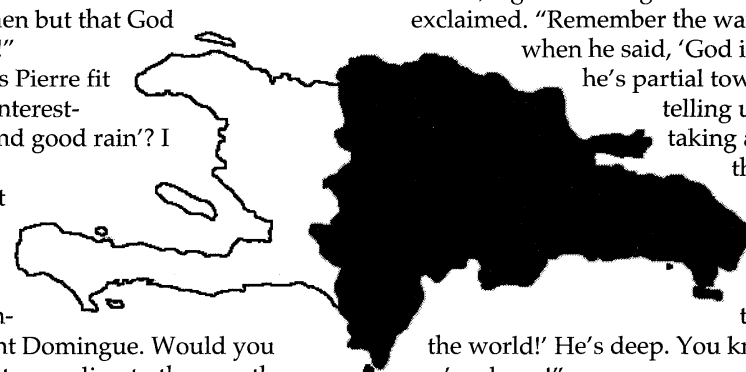

Zenobe and Ursule couldn't disagree. The three of them were Jean Berard's darling house slaves more privileged than any of the slaves or servants at his L'Artibonite sugar plantation. They knew how nice it was to be a pet. They had no problem with what Tonette just said. Zenobe had a strong curiosity about Virgin Birth, and so she asked Tonette, "What about the Virgin Birth? What did he say about that?" She wasn't poised to poke it but just wanted to hear more about this famous contradiction of natural law. She knew Virgin Birth to be Church dogma that couldn't be questioned. She also wanted to hear how Tonette would link this mystery to Pierre's "gift." She knew she was going to

attempt to make a link.

"This was the next thing I was going to tell you," Tonette said, "how Father LeClerq addressed the Virgin Birth, which you can imagine is a very difficult subject. It was so interesting what he said. I doubt if I have it right. You know he's a scholar. This made me nervous. I paid close attention to him with all my strength. His opening words, 'The Virgin Birth — how can I begin?' Such modesty! I knew he was going to impress me:

'The Church has reflected on these two words for centuries,' he continued. 'I can hardly be cavalier about these two words, and the three extraordinary references: The Virgin, The Birth, and Christmas — God's three magnificent gifts to the world, to all mankind.'

"He meant for us to feel included. We are baptized daughters of the Church. He had to have been addressing us too. There was one thing he said about the Virgin that really hit me. She didn't know her full identity until the angel told her.

"Oh, God, let me get it right! He said: 'The Archangel Gabriel told The Virgin at the Annunciation the glorious news we know from Saint Luke, who captured it so beautifully in his Christmas Gospel — she'd found favor with God, and would give Virgin Birth to the Christ-Child: her singular privilege because of her unique role in God's salvific plan for mankind.' I think I got it right," Tonette said.

"The next thing I remember, 'The Church teaches that The Virgin was created for Virgin Motherhood and declares her the Mother of God because she bore God's Son; and so she's honored for all ages as the highest honor of the human race.' I believe Father LeClerq said it." Profound truths. Tonette felt they were and said them like they were, as solemn pronouncements of the Church. She failed to impress Zenobe and Ursule, which wasn't her fault. The priest had reflected upon the highest of Church thought. It would've taken him too far from his Christmas homily to get into Mariology for a clearer explanation. Actually, it was implied in his recital of Mary's titles what Virgin Birth meant, that God, Lord of nature, suspended natural law to permit his perfect creature to bear her Creator in time — Him who always existed (the way Father LeClerq would've said it).

There was no need for the priest to overwhelm the parishioners' Christmas with "technicalese." Tonette remembered as best she could the brilliant portion of his homily that was a song to The Virgin's singular titles that made it possible for her to make her case for Pierre stronger — for Pierre, it will turn out to be more than Saint Domingue's "sunshine and good rain."

Father LeClerq also implied from what he said that God sometimes allows a people to have good fortune because he loves one of its sons very much. If Tonette had known this she would've jumped for joy. She'd made her case for Pierre on her awareness of his exceptional body and physical health she thought had great meaning. God had a mission for Pierre? She made all she'd said about Virgin Birth to say this, that Pierre was unique in the colony. She still had another portion of the homily she wanted to use for her conclusion.

But "Mother, we're here, and you're still talking and not getting ready to go into the church," Zenobe said in frustration. Clearly she wasn't that interested in what Tonette had said the priest said about Virgin Birth. To think, these two words were the lifelong ponderance of some of the greatest minds of the Church. Zenobe had been worrying these last minutes about Tonette not showing any visible signs she'd taken notice of their having pulled into the driveway and that they were now at the door of the church, and worse, that she didn't care about her telling them both when they started out on the trip, that they couldn't be late for the baptism.

"There's one more thing, honey," Tonette said, who didn't care about the disgust in Zenobe's face. "I have to tell you what Father said about the Baby in the manger, and how it sheds more light on Virgin Birth and how much it really strengthens my case — you'll agree. He said, 'The Baby chose the dirty and smelly cave for his Incarnation and the animal trough in it for his bed — to ennoble poverty and to make it the desire of all who sincerely want to love him.' Don't you want to cry?"

Tonette was feeling good now, like she was really succeeding. "And then he said 'By choosing poverty for himself, the Newborn King of the Jews formally declared worldly wealth, power, pleasure, and their prince, Satan, false. The Baby in the manger was born to transform the world — to show what's true and what isn't. The meaning of Christmas! The Announcement to the world how to conquer!' A tingle went down my spine!

"So I say, why can't Pierre be the 'sunshine and good rain' of Saint Domingue since he's a slave but is the healthiest baby in the colony that began to boom when he was born? This can't make sense? How many signs does God have to give to convince us Pierre is special here?" Know-it-all Tonette!

She triumphed! Ursule gave Pierre to her mother to hold so that she could work on Tonette. "Grandma, let me tidy you up before we go into the church." Tonette had to be freed of crumbs and dust before she got out of the cart. They had to wait in their seats anyway until the young, handsome driver returned from the bushes where he ran to relieve himself.

How exciting was the conversation on this trip! If Pierre was the "sunshine and good rain" of Saint Domingue, he was that for France too. The planters' success was so great that their exported goods to their marketers in mother France were enough to provide jobs for a fifth of France's population of 20 million, and for Louis XV to have money to fight his many wars. The smiling, courteous driver helped the women down from the cart. "What's his name?" Ursule asked Zenobe in a whisper (she liked him).

"Master hasn't given him one yet." Zenobe replied in not a whisper. The "mothers" with Pierre disappeared behind the church doors as the young driver drove off.

Letters, *from page 22*

ons can be immeditely lethal to innocent people, including me. It seems like there could be some reasonable rules on the ownership of weaponry that would not be needed for cash, vitamins, or cigarettes.

Regarding my comment that a gun wouldn't have been any use for a Jew in Germany in 1942, Mr. Husar suggests that by 1942 it wouldn't have made things any worse for them. Probably not. But that's not much of an argument for shooting cops.

Mr. Bonneau suggests that if you're not "a certified gun nut with a thousand rounds of .308 in your closet" you're not a libertarian. How many rounds for my 12-gauge shotgun? Please, not a thousand . . .

Now that's a Bottleneck

Jane S. Shaw, in her reflection "Yielding to Design" (February), quotes Francis Crick as proposing the idea of "directed panspermia" as a hypothesis to explain the evidence that "at some stage life had evolved though a small population bottleneck." Well yes, life most assuredly *did* evolve through a very, very small "bottleneck." The first cell that developed the full 20-amino-acid genetic code was almost certainly the product of asexual reproduction. That means that it was descended from a lineage containing only one single ancestor in each generation, all the way back to the beginning of life. "Bottlenecks" don't get any narrower than that. Should we be surprised that organisms having a 19-amino-acid genetic code were all displaced by organisms with the greater flexibility of the 20-amino-acid code? Or that they were all displaced before a different 20-amino-acid code happened to arise? A "population bottleneck" simply has no real meaning outside species that combine DNA from more than one member of that population, such as by sexual reproduction or bacterial conjugation.

Bill Bunn
Soledad, Calif.

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Duly Noted

I am writing to you to clear any confusion as to what kind of article I, as a subscriber, want to see in Liberty. "Outsource Me, Please!" (March) is an excellent example of the kind of article I do not want to read. Please make a note of this.

The author may get his wish, in that many more IT jobs will be outsourced, but the article's tone of exultation at what can only viewed as an extremely disruptive process for Americans is callous and in poor taste. I embrace a market-based economic system not because it's soft and cuddly, but because I can contrive nothing better. I understand that economic dislocations will occur as markets shift and change, but what kind of a person celebrates these disruptions? Screw Anonymous. If Anonymous thinks America is nothing more than a collection of ideas, then the sooner we outsource him or her, the better.

Glen Dickey
Huntington Beach, Calif.

The New Face of Fascism

I was appalled by Tim Slagle's review of Ann Coulter's new book, "How to Talk to a Liberal," ("The New Face of Conservatism," February) and I have to question why it was published in a libertarian journal. This is the woman who said: "I am often asked if I still think we should invade their countries, kill their leaders, and convert them to Christianity. The answer is: Now more than ever." This sentiment is the polar opposite of what libertarianism stands for. In fact, it is such a revolting and extreme expression of neoconservatism, that it should be called for what it really is: Fascism.

Is Slagle also aware that she is an ardent defender of Sen. Joe McCarthy, who slandered, lied, and destroyed the careers of so many in the name of fighting Communism? Well, I guess that makes it okay, then. Perhaps Slagle and Coulter believe just ends excuse unjust means.

Yes, I will agree that Coulter is very attractive, and it appears that has perhaps clouded Slagle's judgment concerning her politics. And I was pleased to learn that she has written in defense of the Confederate battle flag. Even Ann Coulter can get it right once in a while.

But that small virtue notwithstanding, it's time that libertarians and even libertarian-leaning conservatives see this woman for what she is: an intolerant, snarling, war-mongering, shrill, fascist, and very unfunny idiot. The last thing we need to do is sing her praises in the pages of Liberty.

Lance Lamberton
Austell, Ga.

The Economics of Happiness

In "Life, Liberty, and the Treadmill" (February), David Ramsay Steele introduces us to the factual observation that "very low-income people are on average decidedly less happy than people of modest income or above, but high-income people are not tremendously happier than middling-income people. The very rich are indeed happier than the average for the population, but only by a small margin." He speculates on several possible explanations for this fact, but leaves the subject with the hope that "empirical work may soon provide a definitive answer."

It so happens that "soon" is 30 years ago, courtesy of Professor S. S. Stevens (1906–1973) of Harvard University, in his book, "Psychophysics" (1975, John Wiley & Sons, Inc.). Professor Stevens was first a professor of psychology, then a professor of psychophysics, and was known throughout the scientific community for his theoretical studies of measurement and operationism, and for his experimental research in the fields of sensation and perception.

Stevens' key discovery is that the human nervous system obeys a "psychophysical law" relating perceived response to objective stimulus — and that this response law is logarithmic instead of linear. Sometimes this law is expressed as a power law, where the response is proportional to some

continued on page 53

Reviews

"What's the Matter with Kansas?," by Thomas Frank. Metropolitan Press, 2004, 306 pages.

Guns, God, and Gays in the Heartland

Bruce Ramsey

"What's the Matter with Kansas?" is the hot book for progressives. Its author, Thomas Frank, grew up in the entrepreneurial culture of a Kansas City suburb in the 1970s, imbibing "laissez-faire thought." But at the state university he was confronted with the "oozing insincerity" of the College Republicans and "finally learned about social class." He escaped to Chicago, founded The Baffler and wrote a book called "One Market Under God."

Say this for him: he is a fine writer. He has done his legwork, knows what he wants to say, and says it clearly. And he is not nasty to his opponents.

In this book he revisits Kansas and finds it "burning on a free-market pyre," its farmlands depopulated, its Main Streets sacked by Wal-Mart, its politics infected with radicalism. This radicalism is as religious as that of William Jennings Bryan, but completely inverted. In the 1890s when people were angry, they went left; now they go right.

Frank can't fathom their logic. The farmers and the lower middle class ought to be supporting unions, liberals, intellectuals, and the government, he believes, because these are their friends. Instead, their political fascinations are abortion, guns, and gays, none of which they can do anything about by changing state or local government. But they have swept new people into power, people with an economic agenda to cut taxes. In sum, Frank writes, "Cultural anger is marshaled to achieve economic ends."

There are some exaggerations here. First, Frank exaggerates how many fetters have been removed from today's capitalism, and blames deregulation for everything from outsourcing to Wal-Mart. He writes as if the decline of unions is mainly the result of attacks by employers rather than a 50-year shrinkage of unionized companies. He says the welfare state has been "smashed," which is surely an exaggeration in a country in which food stamps are packaged as debit cards and a large percentage of births are paid for by Medicaid.

I don't know Kansas. I live in the state of Washington, and many of the same things have happened here. In 2003 I drove through the town of Colfax, a once-important center of the eastern Washington wheat country. There was a storefront on the main street offering a used PC for $100, and a place next door occupied by the Department of Social and Health Services. Towns like Colfax have not prospered in the market. But the proportion of Americans working on farms has been shrinking for 150 years. What would government do about it? Subsidize it more? Europe has done that, and not with happy results. Its farm policy is a heavy burden on taxpayers, and irritates its foreign relations.

As with similar towns in Kansas, Colfax used to support Democrats: it was in Rep. Tom Foley's district. Foley was the Democratic Speaker of the House who lost his seat in 1994. Now, though Washington is a "blue" state, its eastern part is "red," and the two congressional seats east of the Cascades are in the safe hands of conservatives. The Republicans have become the rural party, and the Democrats the urban party — which has made the Democrats impregnable in King County (Seattle), with the state's highest per-capita incomes, and has wiped them out in the poor counties.

As in Kansas, many of the Republican voters in my state care more about social issues of the sort the state can do little about, and vote for candidates who, once in office, cut taxes. Is there a disconnect? I wouldn't deny it. But surely there is as much on

the other side. Every two years in my left-wing district, candidates say they're saving abortion rights from imminent destruction. They apply a "pro-choice" litmus test to candidates for governor, state legislator, county council, and even the commissioner of public lands, an official whose main concern is forestry. In the 2004 election the progressives leaped onto the issue of stem cells. They might not have known a stem cell from a paramecium, but they got the politics of it instantly: it was a way to show Republicans as rubes.

In my state, the Democrats captured the legislature and (after a hand recount) the governor's office. And what are they itching to do? Save abortion? Why, no. Save government programs by raising taxes.

Someone could write a mirror-opposite book called, "What's Wrong with Seattle?" If people in Kansas should be leftists, people in Seattle should be free-marketeers — and they're not.

"Cultural anger is marshaled to achieve economic ends." Frank's description applies to both sides. Someone could write a mirror-opposite book called, "What's Wrong with Seattle?" — a city that has achieved so much in the free market, and is the home of Microsoft, Starbucks, and Amazon.com, yet elects a congressman who supports socialized medical insurance. If people in Kansas should be leftists, people in Seattle should be free-marketeers — and they're not.

And yet Frank's portrait of Kansas conservatives is often brilliant. One of the high points of the book is his interview of Tim Golba, the organizer of Kansans for Life. Frank is impressed that this man of power is a mere line worker in a soda-pop plant. Frank visits him in his little house, unscreened by trees, baking in the prairie sun, far from the leafy neighborhoods of the bourgeoisie. Apparently Golba is not conducting his crusade out of an economic interest. "Ignoring one's economic self-interest may seem like a suicidal move to you and me, but viewed in a different way it is an act of noble self-denial," Frank writes. "This is a man who has turned his back on the comforts of our civilization — who defies the men in great palaces. He smites their candidates; he wastes their money; he ends their careers."

Later he interviews Kay O'Connor, a state senator from Olathe, who champions tax relief and says, "Robin Hood was a thief." The woman is not rich; her husband is a monitor technician at a hospital.

Frank writes as if the disconnect between money and politics is weird, but it's not. Strong politics is about belief. The socialist-progressive movement in America, which Frank wishes would return, had a hard core of belief. So does Frank.

Many on the Left assume that while they are motivated by a belief in fairness and justice, the Right is motivated by money. The economic beliefs of the Right are such obvious horse manure — all this stuff about the "free market" — that the real motivation has to be something else. Obviously, it's greed. Frank, to his credit, does not use the word, but he keeps expecting to find the reality. He thinks of the businessmen who are in favor of low taxes (because they don't want to pay them) as the real Right, the Right that knows what it is doing. But people in politics have many other motives than money-making; to say of Kay O'Connor that "her thoughts on the issues seem all to have been drawn from the playbook of the nineteenth-century Vanderbilts and Fricks" misses the point, and thus loses any chance of tracing the real connection between robber-baron capitalists in the big city and congressional housewives in Topeka. ❑

Frank writes as if the disconnect between money and politics is weird, but it's not. Strong politics is about belief.

"Rancho Costa Nada: The Dirt Cheap Desert Homestead," by Phil Garlington. Loompanics, 2003, 122 pages.

Living on the Fringe

R.W. Bradford

The first time I visited the Mojave Desert, I came upon a small abandoned town, found a bit of shade, stopped my car, and started to make a sandwich. It was an edifying experience: by the time I had slapped my food together, the bread had dried to the point where the thing was only marginally edible.

I had read about how hot and dry the Mojave is. During my childhood in Michigan I had experienced occasional summer temperatures as hot as the Mojave was that day. But I hadn't imagined just how dry it is. Nor, for that matter, had I really appreciated just how hellishly brilliant the Mojave can be wherever the shade gives out. And there isn't much shade: except in the lee of an occasional abandoned build-

ing, there's practically no vegetation and what little exists is small.

There's little wonder that practically no one lives in the scorching ultra-dry southern Californian desert except in tiny artificial oases like Blythe and Needles, where water and electricity are available. But some people *do* live elsewhere in that immense and wonderful and terrifying place, and if you look closely, you'll see signs of them: tire tracks heading off the roads which, if you follow, lead to weird-looking shacks showing signs of habitation.

Of course, most of us don't see these signs. We simply cross the desert on modern expressways, and in a few hours, we're through it, unless we get adventurous and take an occasional side road, or, feeling especially adventurous, venture a ways off road in our air-conditioned SUVs.

The same is true of the less scorching deserts of Nevada and Oregon, where wild temperature swings and extreme cold make conditions for human life as inhospitable as they are in the Mojave and Colorado deserts to the south.

While I've probably seen more than most "normal" folk of the very marginal lives of people clinging to the fringes of civilization, I realize that I really know virtually nothing about them. I've driven the desert tracks and seen their shacks in the distance. But I have never approached them or their habitations. I respect their privacy, I tell myself. And besides, I am a little afraid of them: there's a good chance they came out here because they found it difficult to function in ordinary society and, well, they might just take a shot at me. That, at least, is what I imagine.

So when a copy of "Rancho Costa Nada: The Dirt Cheap Desert Homestead" crossed my path, I was interested. Its cover features a photograph of one of those desert shacks, up close and personal. Constructed, it appears, of salvaged scrap wood, it has a hand-lettered sign warning "Occupied Home: Careful Pard." It looks a lot like how I imagined the shacks I had seen only at a distance must look up close. The actual image was intense.

Here, I thought, is a book that will give me an idea of how people live in roasting land that no one wants, without the benefit of such trivial conveniences as electricity, plumbing and water, at least in the sense that we know them. And I was right.

"Rancho Costa Nada" is about equal parts memoir and handbook. Its author, Phil Garlington, is one of those people who have trouble getting along with others. He moved to the desert after being fired from a long series of jobs ("My deportment irks employers. I guess it's a kind of hauteur. Kind of cocky, supercilious, cheek, insolence, or an overweening and querulous hubris.") A few years earlier, while working as a reporter for the Orange County Register, he had attended a public auction of land whose owners failed to pay taxes. On a lark, he bought himself ten acres of "alluvial wash dotted with smoke tree, Palo Verde, barrel cactus and scrub" in the Colorado desert. The price was $325. "My deed says ten acres. It might well be 1,000. I have no cheek-by-jowl neighbors, and three miles to the nearest. [I live] in a lonely, out-of-the-way valley surrounded by hundreds of square miles of bone-dry landscape. The inhabitants are a handful of seldom-seen desert rats and homesteaders, their presence only revealed by a faraway triangular column of dust thrown up by their rattle-trap pickups."

After locating his estate with a cheap GPS device, Garlington and his buddies pitched their tents and used the land for "drinking, shooting, and rocketry." They quickly discovered that tents were not a practical shelter in a place with so much wind. So they built a long table for bench shooting and a shade shack, closed to the wind and sun on three sides. To this he added a "bum box" for sleeping: "a plywood box 8' long by 4' high, raised on stilts, open on the eastern side . . . It had a curtain like a berth in a Pullman . . . Snakes and scorpions couldn't get you, and the bum box offered protection against the desert gusts."

So when Garlington lost his job, he decided to move to his desert property, which by now was "basically a shooting gallery, empty brass glittering in the sun, with a couple of rude sheds for shade. Not promising, perhaps, but it was my land, bought and paid for."

There he set about living by his own "rock-bound principles": "Find a stretch of the world filled with worthless desert. Pay a rock-bottom price for a piece of it. Then build a tight little nature-proof and comfortable homestead that's cheap, simple, and easy, in a couple of weeks or a month. Plant the proud banner of personal independence, and uncap a beer."

"Rancho Costa Nada" is an account of how Garlington implemented these principles. He tells how he constructed a more elaborate hogan from salvaged and improvised materials, how he dealt with the problems of water and power, and how he dealt with the problem of his outhouse blowing down in a storm. (The solution involved taking a walk in the desert away from his hogan and kicking a hole in the ground.) Living on the fringe of civilization requires earning a few hundred dollars a year for incidentals like food and water, so he tells how he found occasional casual labor to fill his need for cash.

Because "Rancho" is billed as a "how-to" book, Garlington provides a lot of specific information, including detailed advice regarding technologies he considers inappropriate (e.g. trailers), too complicated for him to attempt, or attempted with only limited success, like making a swamp cooler from salvaged auto parts.

Some people do live elsewhere in that immense and wonderful and terrifying place, and if you look closely, you'll see signs of them.

How did he deal with building permits and codes? "I'm in denial on code," he writes. "I don't believe for one second that a building inspector —

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a sleek, pampered bureaucrat working for the county — will put himself to the bother of driving 17 miles on back-breaking washboard to see what some disgruntled, and perhaps demented and heavily-armed hermit is doing out in the middle of God-forsaken nowhere." This approach seems to have worked.

I am a little afraid of them: there's a good chance they came out here because they found it difficult to function in ordinary society and, well, they might just take a shot at me.

Unlike Garlington, who spends his summers in public campgrounds in the Pacific Northwest, his neighbors ("the Hobo, the Demented Vet, Baby Huey, Mystery Woman, and Alba the Dog Lady") live in the desert year-round. They are colorful, to say the least. In some ways, they adapted better than Garlington, but they seem a little crazier, too — a fact that might not be unrelated to their year-round tenure.

"Rancho" is addressed to people who harbor fantasies about going to the desert and living as a hermit, fantasies that many libertarians latch onto at some point in their lives. For the reader who has no such daydreams, or has outgrown them, it offers a colorful memoir of someone who found a way to live on that eerie planet that we call "desert" and a vivid portrait of other humans who have found themselves still more at home on *terra extraterrestris*.

Garlington concludes with a chapter that puts forward perhaps his most sage advice: "Don't Do It," in which he reminds those with fantasies about getting away from civilization and living an isolated, nearly self-sufficient, life that they just may "start sounding like the Demented Vet." ❑

"Sideways," directed by Alexander Payne. Fox Searchlight Pictures, 2004, 123 minutes.

Sex, Wine, and Midlife Crisis

Jo Ann Skousen

"Sideways," the latest of director Alexander Payne's films in which no one is a good guy and just about everyone is disgusting ("Election," "About Schmidt," "Citizen Ruth," portions of Playboy's video series, "Inside Out"), is the most over-hyped movie since "Titanic," receiving unwarranted "Best Picture" accolades from critics, awards nominators, and even rottentomatoes.com (normally a fairly reliable source) since it opened a couple of months ago. The film, based on an unpublished novel of the same name by Rex Pickett, follows two former college roommates on a week-long bachelor trip through the wine country of central coastal California. Miles (Paul Giamatti) is a middle-school English teacher and would-be novelist who fancies himself a wine connoisseur; Jack (Thomas Haden Church) is a washed-up actor known for his stint as a doctor on a soap opera and his commercials for cold products. Neither has an ounce of integrity. Jack has only one goal: to get laid as many times as possible before his wedding on Saturday (now there's a sure way to demonstrate one's love and fidelity). Miles finances this bachelor adventure by stealing hundreds of dollars from his mother's lingerie drawer. The premise sounds promising, I suppose, but the execution is over-the-top debauchery. Why would anyone care whether these two despicable losers find love or happiness in L.A.? Please tell me these audiences don't seriously think they have anything in common with them!

I suppose critics are drawn to the highbrow aesthetics of an extended metaphor permeating the film, but it's so heavy-handed and trite I wanted to throw a bottle at the screen. Miles, the self-proclaimed wine connoisseur, has wasted his life just sipping and tasting and spitting it out; even when he does glut himself midway through the film, he does so by drinking from the spittoon filled with the tastings spat out by others. He owns a very expensive bottle of wine that he is saving for a special occasion, vintage 1961 (the year of Payne's birth and probably Miles' as well — could the metaphor be a little more obvious please? We might not get it.) His date for the evening, a waitress at a wine-tasting bar, is impressed with the vintage but then warns him, "Wine improves until it peaks and then it begins to go bad. Yours might already have peaked." Uh-oh, middle aged angst is about to set in!

The film's title comes from Miles' explanation of the best way to pour a fine wine — by tilting the goblet sideways and letting the wine expand and breathe as it enters the glass. Gosh, do you think anyone else ever noticed the phallic implications of the shape of a wine bottle and the shape of a goblet? That Rex Pickett is so darned clever! (Fatty Arbuckle doesn't count, I guess;

The second most disgusting aspect of this film is the ugliness of the sex-making (there is no lovemaking).

metaphors have to be implied, not applied.)

The second most disgusting aspect of this film (the most disgusting is the fact that I sat through it all the way to the end — just so you wouldn't have to) is the ugliness of the sex-making (there is no lovemaking). Alexander Payne got his start in the soft porn industry, and he seems to be stuck in the genre. Fat, old, and wallowing, it's about as erotic as watching the seals mating at the Bronx Zoo. Or Kathy Bates dropping her robe on her way into the hot tub in Payne's "About Schmidt." Wait, I take that back. At least the seals seem to like each other.

I just don't get it. Maybe most people really are like this. (One friend said the Jack character reminded him of his college days.) Or maybe in Hollywood they are. But I don't need to watch them wallowing in degradation, and I don't understand rewarding them with Golden Globes and Oscars. Give me a film about someone overcoming the odds, discovering a truth that I can relate to, one that is genuinely witty or engrossing and not just gross.

Despite the accolades, this emperor has no clothes — and it's not a pretty sight. ❑

"Hayek's Journey: The Mind of Friedrich Hayek," by Alan Ebenstein. Palgrave Macmillan, 2004, 283 pages.

Hayek the Enigma

Bettina Bien Greaves

Friedrich A. Hayek was born in the old Austro-Hungarian Empire in 1899. Over the years he became a soldier in World War I, student, professor, scholar, author, economist, and social philosopher. He died in 1992 after having lived almost a full century. In this book, Alan Ebenstein, author also of "Friedrich Hayek: A Biography" (2001), describes Hayek's lifelong intellectual journey in the pursuit of knowledge and his ideological journey from Fabian socialism to libertarianism.

Hayek was a European of the old school, cultivated, dignified, self-confident, and courtly, with an aristocratic bearing and a gracious manner. As a naive young man, more at home in the world of books than in a soldier's uniform, he served in the Austro-Hungarian army during World War I. At war's end, when he embarked on his intellectual journey, he was a mild Fabian. At the University of Vienna he began to encounter the men and ideas that would shape his intellectual development.

Hayek was a prolific reader. He read the works of Hume, Locke, Smith, Darwin, Spencer, Marx, Mill, Hegel, Kant, Mach, Freud, and Wittgenstein, among others. He absorbed what he found compatible and ignored the rest. He said later that he considered it "very curious" that after reading a book, he was "hardly capable of restating the ideas of another person. . . . [giving] an account of its arguments." He could "perhaps say what [he had] learnt from it," but he would pass over "that part of the argument which [was] not sympathetic to [him]" (p. 3).

"Hayek possessed a towering intellect. . . . His virtue was to be a highly evocative writer, whose words call forth in the minds of readers new ways of looking at the world and new ways of understanding" (210). "While his writing is, stylistically, difficult, it is also exceptionally profound, and its value lies in its profundity. . . . The idea that it is possible to write better than one thinks is truly paradoxical. What is meant by it, in this case, is that Hayek's thought was not as profound or stimulating as the writing based on it. Hayek's writings create ideas in the minds of others that were not necessarily in his own" (118–119).

Hayek came from a family of natural scientists. His father was a medical doctor and a part-time botany professor. His father's father was a biologist. Hayek developed an early interest in psychology and came to believe that Darwin conceived of biological evolution from the idea of societal evolution as expressed in the works of Hume, Smith, and especially Spencer. Austrian economist Carl Menger's description of social institutions as having developed from human actions but not from human design led Hayek to his thesis of social evolution in the field of ethics, and of the survival of the fittest (where "fitness" is defined as social utility). Hayek later developed this idea still further to explain the development of human practices, outlooks, attitudes, social conventions, even of laws and morals.

"Hayek was a social evolutionist through group selection. He thought that the difference between an organization and a spontaneous order is fundamental. Organizations are deliberately planned, while spontaneous orders grow or evolve. . . . He thought that the division of labor is one historical outcropping of the Great Society. This division occurs not just within but among societies as they practice free trade. He further stated, though — and it was here that his contribution lies — that much less stress has been placed on 'the fragmentation of knowledge, on the fact that each member of society can have only a small fraction of the knowledge possessed by all, and that each is therefore ignorant of most of the facts on which the working of society rests'" (191).

Two professors at the University of Vienna — Friedrich von Wieser and Ludwig von Mises — deeply influenced Hayek's thinking. Hayek considered Wieser his mentor. Through

Wieser's own works and those of his brother-in-law and fellow Austrian Carl Menger, Wieser introduced Hayek to basic economics, subjective value theory, and marginal utility. Hayek worked for Mises while attending the University of Vienna, but never actually studied with him. Mises' "Socialism" (1922), in which he argued against socialism and for free markets, private property, and individual freedom, had a profound effect on Hayek, and he rejected Fabian socialism. Hayek later joined Mises' private economics seminar and became one of the seminar's most active participants.

In the early 1920s, Hayek spent a year in the United States where he studied for a time at Columbia University with Wesley Claire Mitchell, noted statistician of business cycles. As a result Hayek developed an interest in money, inflation, the trade cycle, and the role of prices. He recognized that "the seed for serious economic disruptions and business crises" seemed to lie in "the organization of the monetary system" (57). But he felt that the statisticians neglected two important factors: time and the effect of the introduction of money on relative prices. Upon Hayek's return to Vienna, he wrote Mitchell that while his "theoretical predilections have remained unchanged," he considered it essential to "pay sufficient regard to time" (63). Money, Hayek said, injects uncertainty into a national economy (61). "Monetary theory has by no means finished its work when it has explained the absolute level of prices . . . ; its far more important task is to explain the changes in the relative height of particular prices which are conditioned by the introduction of money" (60).

Back in Vienna, Hayek became a *Privatdozent*, a private, unpaid lecturer at the university. And he continued his study of economics. One paper he wrote at that time attracted the attention of Lionel Robbins of the London School of Economics, and Robbins invited Hayek to England to give a series of lectures (published as "Prices and Production"). Then Hayek was offered a full-time teaching position at the London School. He accepted.

While teaching in England, Hayek continued his interest in money and wrote a book on the Austrian theory of the trade cycle: "Monetary Theory and the Trade Cycle." Hayek described "the cycle" as a multistage affair. Interest rates are reduced, then the quantity of money is increased, and then prices and production of goods are affected. First, "goods of higher order" are affected. These are goods used in the production of consumer goods. Later, the consumer goods are affected. But as Ebenstein writes, "Hayek never established that changes in interest rates primarily and predominantly influence capital production of goods of higher order and their prices" (75). He did not see, as Mises had pointed out in 1912 when he developed the Austrian theory of the trade cycle in the first German-language edition of his "Theory of Money and Credit," that the expansion of credit due to the artificial reduction in interest rates increases the quantity of money in circulation and that this monetary increase inevitably reduces the subjective value of each monetary unit in the eyes of market participants. As a result, they are willing to pay more money for goods than before. The producers of production goods usually borrow large sums of money to carry out their enterprises. Consequently they are among the first to respond to lower interest rates and they are among the first to anticipate that the resulting credit expansion will lead to an increase in the quantity of money and therefore to a loss in the value of each unit of money. Thus, the producers of production goods are among the first to be willing to pay higher prices for the things they need in their enterprises. Although Hayek didn't explain why the first stage of production to be affected by the increase in the quantity of money was the production of producers' goods, he recognized that this was the case. Hayek's presentation of the Austrian theory of the business cycle in 1931 was the first to appear in the English language; thus it attracted considerable attention and enhanced Hayek's reputation as an economist.

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Although Hayek recognized in his 1937 analysis of monetary policy that monetary expansion exerted "destabilizing effects" (69) on the economy, he was not opposed to monetary manipulation. "Optimal monetary policy," he said, called for a restrictive monetary policy when the economy was heating up, "not to prevent inflation but to ensure that the productive capacities of the economy do not become mismatched with the real demand for production and real savings," and a more expansive monetary policy when the economy was contracting (69).

Hayek remained in England throughout World War II. He lectured regularly at the London School of Economics and wrote several more books on economics. He and John Maynard Keynes, whose star was then rising, became friends, despite their sharply opposed ideas about economics. Keynes considered 19th-century laissez-faire conditions "dead," while Hayek held that "[t]he guiding principle, that a policy of freedom for the

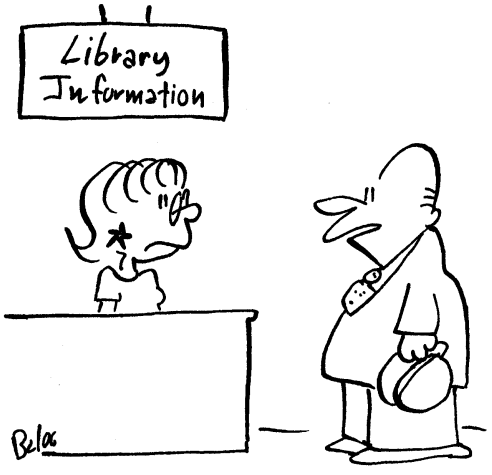

"I can't find the books on information retrieval."

individual is the only truly progressive policy, remains as true to-day as it was in the nineteenth century" (78). Moreover, when Keynes' "Treatise on Money" appeared, Hayek criticized it harshly. "Suffice it to say that, from a policy perspective, Keynes favored expansive monetary and fiscal policies, and Hayek did not" (85).

In "Socialism," which had exercised such a powerful influence on Hayek, Mises argued that in a socialist society with no private property, there would be no market transactions and hence no prices. Without prices, central planners would be unable to decide what to produce, how much to produce, or where and when to produce. Thus, Mises concluded that socialism was "impossible." Hayek had been interested in prices and pricing ever since his years at the University in Vienna. His further studies had led him to recognize the special importance of free-market, competitively determined prices for the transmission of knowledge. High prices for a commodity indicated scarcity, lower prices relative abundance. Hayek applied this insight to the situation in a socialist society and thus elaborated upon and reinforced Mises' thesis. In the absence of free-market prices, Hayek explained,

Hayek came to believe that Darwin conceived of biological evolution from the idea of societal evolution as expressed in the works of Hume, Smith, and especially Spencer.

the central planners in a socialist commonwealth would lack the very knowledge they would need to make plans.

After the publication in "Collectivist Economic Planning" (1935) of Hayek's paper on the importance of free-market prices in transmitting knowledge, together with Mises' 1920 paper on economic calculation, as well as several others on the subject, some socialists claimed that newer, more rapid, and more efficient calculating machines would be able to furnish central planners with the knowledge they needed to plan. Ebenstein revives this view by suggesting that "through the Internet and other improvements in communication technology, it is possible to centralize knowledge and decision making as never before. To the extent that Hayek's arguments for free-market order rest on the inability to centralize knowledge and decision making, circumstances are likely to change — perhaps dramatically — in the years ahead" (239). This view, however, is precisely what Hayek rejected; he had explained that although a price is expressed in terms of money, many nonmaterial factors are incorporated in it: the subjective valuations of those who offer and bid for goods and services, the speculations and future anticipations of others who are bidding and offering goods and services, and also widely scattered intrinsic or nonverbal knowledge which is unknowable and unavailable. "The idea of unarticulated or nonverbal knowledge is that individuals can have knowledge of which they are not aware, in the sense that they cannot express it in words. . . . [T]he concept of nonverbal knowledge is so important in part because it undercuts the notion of central planning" (176).

With the rise of Nazism on the Continent and of socialist ideas in England, Hayek turned his attention to the economic and political issues of the day. In "The Road to Serfdom" (1944), which became his most popular book, he warned England against following the same path toward socialism as Nazi Germany had. Hayek described the economics of government control and planning, who benefits, and who suffers. In his chapter, "How the Worst Get on Top," he explains why evil men become dictators. He also discussed the importance of the rule of law. "Nothing distinguishes more clearly conditions in a free country from those in a country under arbitrary government than the observance in the former of the great principles known as the Rule of Law. . . . [U]nder the Rule of Law the government is prevented from stultifying individual efforts by ad hoc action. Within the known rules of the game the individual is free to pursue his personal ends and desires" (119).

In the course of rubbing shoulders with relatively mainstream economists in England and the United States, Hayek had become "considerably more integrated with the rest of economic academia, at least with respect to practical policy and personal com-

Mises' "Socialism" had a profound effect on Hayek. He joined Mises' private economics seminar and became one of the seminar's most active participants.

ity. . . . While he did not backtrack from his fundamental analyses, he countenanced and even advocated that activist monetary policies could be appropriate policy and that even public works might have a role to play in evening out the vagaries of the business cycle" (70). In "The Road to Serfdom," he even advocated "a comprehensive system of social insurance." When Leonard Read, president of the Foundation for Economic Education, questioned him about this, Hayek's response was, as relayed to me by Read: "I didn't want to be thought a complete kook." The phrasing was undoubtedly Read's; Hayek's language was more formal.

Hayek's years in Chicago were extremely productive. "The Counter-Revolution of Science" (1952), which Mises considered Hayek's best book (Mises did not live to see Hayek's three-volume work, "Law, Legislation and Liberty"), was a serious critique of the predecessors of modern socialism who tried to apply the methods of the physical sciences to the social sciences. Hayek told the history of the abuse and decline of reason in modern times. Hayek had respect for reason as "man's most precious possession" (199). But he realized reason had limits; it was incapable of creating a society or social institutions which evolve

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without conscious planning. "[B]y tracing the combined effects of individual actions, we discover that many of the institutions on which human achievements rest have arisen and are functioning without a designing and directing mind . . . and that the spontaneous collaboration of free men often creates things which are greater than their individual minds can ever fully comprehend" (Ebenstein p. 113, quoted from "Individual and Economic Order," p. 6). It was Hayek's thesis that no single mind can create what many individual minds create in "spontaneous collaboration" (113).

During his years in Chicago, Hayek also wrote the book he considered "his magnum opus on human freedom" (143), "The Constitution of Liberty" (1960). Its central message was "the primacy of the rule of law to liberty." Hayek held that "[w]ithout law, freedom has apparently not been possible. Law allows humanity to live at peace with one another and to interact effectively. Law is not the nullity of freedom — law creates freedom" (147).

In the introduction Hayek wrote: "We are concerned in this book with that condition of men in which coercion of some by others is reduced as much as is possible in society" (145). And more explicitly: "In the societal context, freedom means solely the greatest limitation of coercion possible" (148). He considered private property "an essential condition for the prevention of coercion" (149). Yet in the first two parts of his book where Hayek presented his positive case for freedom, he called for "a significant positive" role for government; he called for government to provide many services which inevitably require coercion and which violate the right of individuals to private property, not only directly but also through the taxes exacted to pay their costs. For instance, he thought it proper for government to provide sanitation facilities and roads, care for the disabled and infirm, most health services, a reliable and efficient monetary system, the enforcement of safety regulations in buildings, eminent domain, some occupational licensing, and even support for, if not also the organization of, some kind of education (151).

According to Ebenstein, Hayek "did not really enunciate a principle for government interference. Rather he articulated the form that government interference should take, together with the preference that there be less government rather than more." From a libertarian perspective, therefore, "his heart was in the right place with respect to government activities, [but] his intellect was less so" (152). Thus by default, so to speak, Hayek became an advocate of substantial government intervention.

Ebenstein discusses Hayek's social and political philosophy — his epistemology, psychology, and methodology, his association with Karl Popper, and his views of Marx, Mill, and Freud.

In reviewing "The Constitution of Liberty," Hayek's friend and mentor, Ludwig von Mises, praised Hayek for his "brilliant exposition of the meaning of liberty and the creative powers of a free civilization. . . . as the rule of laws and not of men. . . . [H]e analyzes the constitutional and legal foundations of a commonwealth of free citizens. . . . Unfortunately, the third part of Professor Hayek's book is rather disappointing. Here the author tries to distinguish between socialism and the Welfare State . . . . [H]e thinks that the Welfare State is under certain conditions compatible with liberty. . . . Professor Hayek has misjudged the character of the Welfare State." (See Mises' review in "Economic Freedom and Interventionism," pp. 151–152, quoted in part in Ebenstein, p. 195).

When Hayek arrived at the University of Chicago in 1950, one of the most influential persons there was Milton Friedman: charismatic, popular, and a remarkable communicator. Hayek's position was with the Committee on Social Thought, outside the university proper, so Friedman and Hayek were not direct academic associates. However, they cooperated in seminars (139) and worked together,

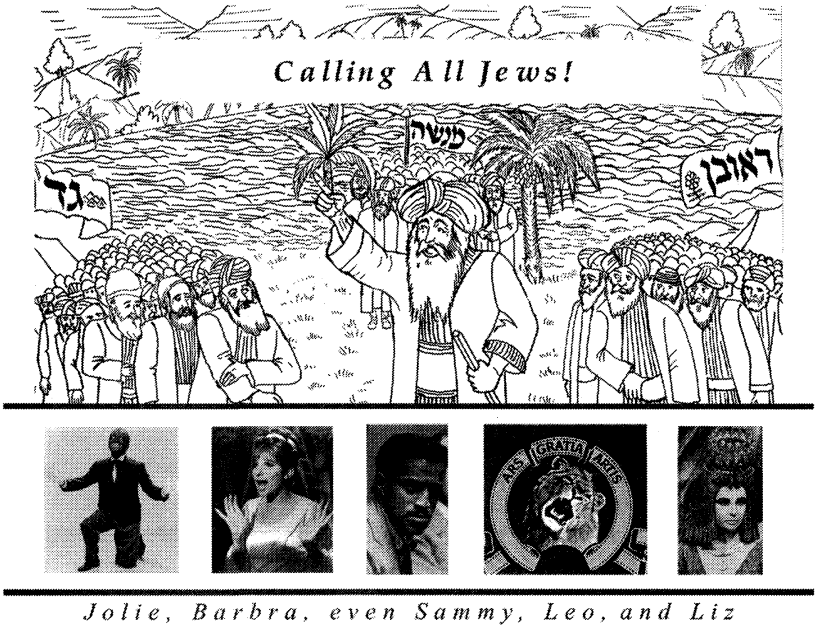

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

For *The Jewish Debt to the Right*, the New Mises Seminars, an Open Forum of the Right, and new ideas that the old libertarians don't want you to know about

see Intellectually Incorrect at intinc.org

notably with the Intercollegiate Society of Individualists and the publication of the New Individualist Review (1961–1968), produced by the university's graduate and undergraduate students (167). The Review became an important outlet for articles, not only by the students themselves, but also by economists, philosophers, historians, and others interested in ideas.

As a professor of economics at the university, Friedman exercised considerable influence through his workshop on money and banking. Hayek and Friedman respected each other and became friends, even though they were to discover they had some profound differences of opinion. It was their views on money and banking that separated the two men. Both agreed, in effect, that "money matters," that is, that the quantity of money affects prices. "Hayek agreed with Friedman in decrying Keynesians, who disputed that 'an inflationary or deflationary movement [i]s normally caused or necessarily accompanied' by 'changes in the quantity of money and velocity of its circulation.' It is hard to remember now that as recently as a quarter of a century ago, the majority of professional economists and the mainstream of the academic profession disputed the most basic postulates of monetary theory" (208).

"Where Hayek disagreed with Friedman was not in this appraisal of Keynesianism, nor in the overarching truth of the monetarist perspective, but in the failure of the macroeconomic monetarist perspective to consider the microeconomic effects of injections of money on the economic system. The 'chief defect' of Friedman's monetarism, [Hayek] held, is that by 'its stress on the effects of changes in the quantity of money on the general level of prices it . . . disregards the even more important and harmful effects of the injections and withdrawals of amounts of money . . . on the structure of relative prices and the consequent misallocation of resources and particularly the misdirection of investments which it causes'" (209).

Hayek pointed out that the fundamental problem arises because of where and when money is injected into, or withdrawn from, the economy. Because changes in the quantity of money cause some uncertainty, they affect relative prices and the structure of production over time. They also distort the information prices would otherwise convey, and thus lead to misallocation of resources and misdirection of investments from the point of view of consumers. Hayek criticized the monetarists for their emphasis on the effect of monetary changes on the general level of prices. Hayek's position stemmed from the teachings of the Austrian school, as taught by Mises in Vienna. When the quantity of money is changed, it is individuals, each acting and making choices, who are responsible for causing prices to rise or fall. People are not automatons; they think and respond to changes. If the quantity of money is increased or decreased, they revalue the monetary unit in their minds and revise their plans for buying and selling. Because many individuals are responding to essentially the same monetary increase or decrease at essentially the same time, their revaluations trend in the same direction. Many follow the lead of those who respond first to a change. Thus, many make similar choices in buying and selling. Precisely because "money matters" to each and every one of them, they bid some prices up, others down, some sooner, others later. Individual prices go up, or down, but prices do not rise or fall in unison to a general level.

In his late work, Hayek the classical liberal became Hayek the libertarian.

By 1962, when Hayek left Chicago and returned to Europe, his primary interest had turned away from economics proper to social and political philosophy. Eben-stein discusses this aspect of Hayek's intellectual "journey" — his epistemology, psychology, and methodology, his association with Karl Popper, his views of Marx, Mill, and Freud, and his later works on money and inflation, "Choice of Currency" (Feb. 1976) and "Denationalization of Money" (Oct. 1976). However, in the eyes of the world, Hayek's ultimate success was as a social philosopher and, upon receiving the Nobel Prize in economics in 1974, as an economist.

Hayek devoted the rest of his life primarily to writing what may be his most important work, "Law, Legislation and Liberty" (three volumes: 1973, 1976, 1979) and "The Fatal Conceit" (1988). "'Law, Legislation and Liberty' was one of the greatest works in political philosophy of the twentieth century," Ebenstein writes. "Its greatness stemmed, however, . . . from its conception of the tie between liberty and law, emphasis on the description of spontaneous order, and inspiring ideal of a 'universal order of peace.' All of these themes were found in Hayek's earlier work, but in 'Law, Legislation and Liberty,' they found their greatest expression" (187).

"Hayek thought that the state is necessary, though, because, like and following John Locke, he thought that there must be a body — government — in society that possesses the monopoly of coercive power; otherwise the condition of men and women would be barbarous. The critical goal, in both Locke's and Hayek's minds, therefore became how to control the power of government. . . . Both Hayek and Locke thought that this is best achieved by limiting government's potential actions and restricting these potential actions to known general rules applicable to all. Both sought a government of rules rather than commands, the latter of which, by their nature, are not known in advance and

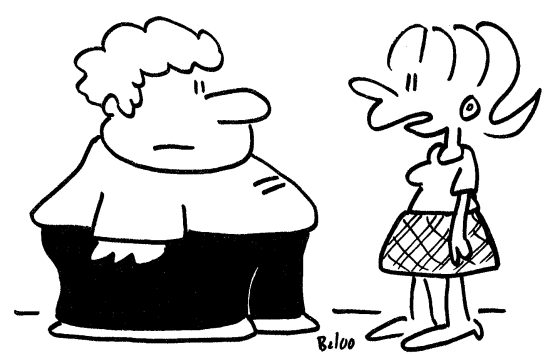

"No other man could ever take your place in my life, Randy . . . A hippopotamus, maybe, but no other man."

may be arbitrary — not applicable to all. Hayek's goal was the society of law" (114).

"Hayek's goal for society was a 'permanent legal framework which enables the individual to plan with a degree of confidence and which reduces human uncertainty as much as possible.' He criticized views that posit that a society without coercive government is possible or desirable and was emphatic throughout most of his work — until the last pages of 'Law, Legislation and Liberty' — that there is an extensive role for government to play in providing social welfare services and other programs" (146).

Admittedly, it is not the role of value-free economists or of neutral social philosophers to say what government should or should not do. However, it is well within their jurisdiction to point out whether or not specific government interventions hamper or foster peaceful social cooperation. As author Ebenstein put it: "There is a criterion for appropriate government involvement in the affairs of others to which Hayek did not give adequate attention. This criterion is to prevent physical harm to others" (150). Ebenstein calls this "[t]he true libertarian principle . . . that government involvement is justified in one circumstance and one circumstance only: to prevent harm to others" (152). Ebenstein holds that Hayek failed in this respect — until the end of the third volume of "Law, Legislation and Liberty." There Hayek wrote:

> "Any governmental agency allowed to use its taxing power to finance such services ought to be required to refund any taxes raised for these purposes to all those who prefer to get the services in some other way. This applies without exception to all those services of which today government possesses or aspires to a legal monopoly, with the only exception of maintaining and enforcing the law and maintaining for this purpose (including defence against external enemies) an armed force, i.e., all those from education to transport and communications, including post, telegraph, telephone and broadcasting services, all the so-called 'public utilities,' the various 'social' insurances and above all, the issue of money." (204)

Ebenstein points out that this "was a significantly more libertarian position than he [Hayek] took earlier. . . . In his late work, Hayek the classical liberal became Hayek the libertarian" (204).

"There are at least two primary purposes of social life: the highest material standard of living and the greatest individual development. Both require, Hayek believed, political liberty. Without liberty, economic productivity is not possible. More important, without liberty, personal development is impossible. Individual

Notes on Contributors

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moral development requires the ability to make choices. When the state or government attempts to make choices for individuals, it takes away what makes people most human. Much of the argument for democracy is, Hayek argued in accord with other liberal writers such as Mill and Alexis de Tocqueville, educational" (193).

"In the long run," Hayek wrote, "it is ideas and therefore the men who give currency to new ideas that govern evolution. . . . So far as direct influence on current affairs is concerned, the influence of the political philosopher may be negligible. But when his ideas have become common property, through the work of historians and publicists, teachers and writers, and intellectuals generally, they effectively guide developments" ("Constitution of Liberty" p. 113, quoted in Ebenstein p. 143).

Hayek did not write for his fellow academics; he sought throughout his professional career "to make politically possible what was thought to be politically impossible" (71). As historians, publicists, teachers, writers, and other intellectuals make Hayek's teachings about the importance of the Rule of Law and the inability of governments to plan into "common property," they will cause a change in the climate of opinion. What may now seem "politically impossible" — a shift toward freedom — may become "politically possible." Alan Ebenstein has written a discerning and informative book about the intellectual and ideological journeys of one remarkable political philosopher whose ideas can help turn the tide toward greater freedom. ❑

Letters, *from page 42*

exponential power of the stimulus. The net result is that it takes increasing multiples of stimulus to create uniform steps of perceived response (e.g., sound pressure level versus perceived loudness, or light intensity level versus perceived brightness).

In his book, Stevens explains the data that substantiate the application of this law to a broad range of social stimuli (e.g., preference for wristwatches, esthetic value of handwriting, importance of Swedish monarchs, pleasantness of odors, political dissatisfaction, prestige of occupations). One of these studies, directly applicable to the happiness problem, measured estimated social status against annual income. Out of a sample of nearly a thousand people, the estimated social status corresponding to a stated income figure was found to obey the psychophysical law of a logarithmic relationship between the status and the income. Income levels varied from $500 to $500,000, and the scalar social status rating varied (on an arbitrary scale) between 10 and 1,000. One might easily surmise that the happiness attached to one's social status would vary according to the same or a similar law.

If this is the case, the situation reported by Steele becomes an obvious instance of this law: relatively significant gains in happiness occur with initial linear accumulation of wealth, but the gain for each fixed increment of wealth tends to get smaller and smaller as wealth accumulates. This implies that to improve one's happiness by some perceived fixed increment, one's wealth would have to multiply by a characteristic factor. But, as we all know, the modern economic environment imposes, if not an actual ceiling, then a kind of highly viscous inversion layer over our endeavors, due to the impedance of taxes and regulations. We can become wealthy up to a point with straightforward application of our intelligence and effort, but after that point, we are faced with a progressive rate of taxation and increasing government hindrance to our activities. The derailment of our economic growth notwithstanding, one might also suppose that our happiness is degraded by the immediate, personal frustration of this opposition and interference.

Michael J. Dunn
Federal Way, Wash.

Constitutional Minarchism

Here's my take on the anarchy debate ("Does Freedom Mean Anarchy?" December 2004): While people have sidestepped the content of the Constitution to bestow more power to the Congress, the president, and the courts, than the Constitution had outlined for them, they haven't really sidestepped the procedures outlined in the Constitution by which power is allocated. I think it's easier for people to see when the Constitution isn't being followed procedurally, than when it is overstepping its bounds. Therefore, to maintain the minimalist state, I think it would be productive to limit power through procedure.

Do this: Keep a strict, limited constitution, but change the requirement for the Congress to enact a law, such that a two-thirds vote is required for a law to be passed, and a majority vote is required to repeal a law. The laws passed in such a society would be much more limited in number and scope, since it would be harder to pass a law, and mistakes would be easier to rectify through repeal of laws.

If such a large proportion of Congressmen support a bill, then it would be hard to deny such a body the ability to pass it into law. If a large enough body of people in society want to take some action, then it's not likely they can be stopped by the system of government they have in place. One other requirement that would help protect the rights of the people would be a constitutionally imposed five-year limit on all laws passed. This would require Congress to continually review *all* laws on its books and make it less likely that a bad law would remain on the books. Note, also, that for a law to be renewed, another two-thirds vote must be obtained in support of the law.

Considering that so few variations on democracy have been tried, attempting to limit power through procedure may be a powerful mechanism worthy of exploration.

Craig Haynie
Houston, Texas

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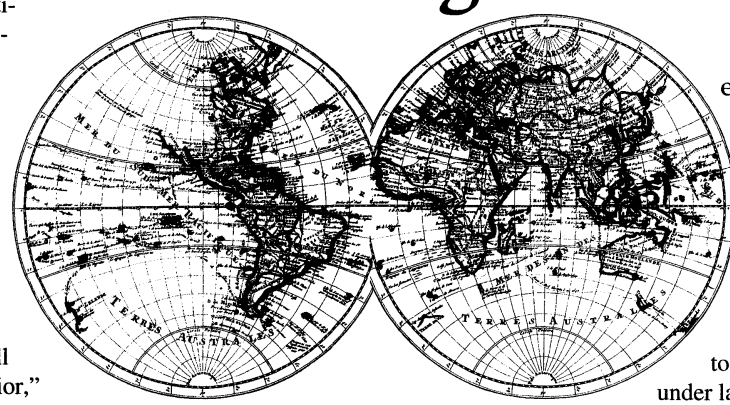

Tacoma, Wash.

Curious advance in public education, from the *Seattle Times*:

A Tacoma elementary school teaching aide served dog food to pre-schoolers. "She thought she was being creative," a Tacoma School District spokeswoman said.

Sacramento, Calif.

Curious working conditions in the Fire Department of the Golden State's capital, from a dispatch of the *Sacramento Bee*:

Sacramento Fire Chief Julius "Joe" Cherry launched an investigation into charges that four firefighters — three men and a woman — had engaged in group sex in their Hollywood Park station house. In recent months, the Fire Department has been rocked by disclosures that firefighters have been drinking on duty, cruising bars, and giving joy rides to women in fire vehicles. "We will not tolerate inappropriate behavior," the chief said.

Oklahoma City

Further steps toward the ethical treatment of animals, from *The Oklahoman*:

A state senator has a plan for saving Oklahoma's gamefowl industry after voters outlawed cockfighting in a referendum.

State Sen. Frank Shurden proposed that fighting cocks be required to wear protective vests and tiny boxing gloves, rather than razor sharp spurs. "Who's going to object to chickens fighting like humans do? Everybody wins," Sen. Frank Shurden said.

Animal rights activists oppose the measure on grounds that the cocks might hurt themselves anyway.

Olympia, Wash.

Making government accessible to people of all cultures, deciphered by the *Seattle Times*:

Washington residents who speak Chinese who tried to view the Secretary of State's web site in their native language found the translation a bit murky. A statement about Secretary of State Sam Reed proposing "state-wide mandates to restore public trust" was translated as "Swampy weed suggests whole state order recover open trust."

The Secretary of State's Office pays a California company, Systran, about $6,000 a year for the use of translation software. Systran President Denis Gachot dismissed the criticism of the translation, saying that people who are "prefectly billingual" tend to focus on the software's shortcomings.

Wellington, United Kingdom

Curious marketing ploy in the hinterlands of Great Britain, from *The Mail on Sunday*:

A devout Baptist couple who bought a Doris Day DVD from a supermarket were surprised at what they got. "Some topless young women appeared and started talking in Italian," Alan Leigh-Browne said. "It's not what you expect from a Doris Day film. It was a pretty raunchy, explicit film, it certainly pulled no punches. My wife and I were very shocked but we watched it until the end because we couldn't believe what we were seeing."

Berlin

A possible problem in efforts to avoid charges of discrimination in Germany, from a dispatch of the *Telegraph*:

A 25-year-old waitress who turned down a job providing "sexual services" at a brothel in Berlin faces possible cuts to her unemployment benefit under laws introduced this year.

Under Germany's welfare reforms, any woman under 55 who has been out of work for more than a year can be forced to take an available job — including in the sex industry — or lose her unemployment benefit.

The government had considered making brothels an exception on moral grounds, but decided that it would be too difficult to distinguish them from bars.

Woodinville, Wash.

Protecting those who advance public safety, from a dispatch in the *Seattle Times*:

Lawmakers will be presented with "Brock's Bill," a policy forbidding the State Patrol from investigating serious crashes involving its officers, said state Rep. Toby Nixon, R-Kirkland. He is introducing the bill in response to Trooper Jason Crandall, whose car hit and killed Brock Loshbaugh while the 22-year-old Mill Creek man was jaywalking on Feb. 19, 2002. Between November 2001 and June 2003 Crandall was involved in six crashes. Crandall still works as a trooper, said State Patrol Capt. Jeff DeVere, and remains assigned to road duty in King County.

Lubbock, Texas

Further evidence that people who live in glass houses shouldn't throw stones, from a report in the *Denton Record-Chronicle*:

Rick Roach, a prominent prosecutor and anti-drug crusader in the Texas Panhandle, was charged Wednesday on four federal counts accusing him of methamphetamine and cocaine possession.

Special thanks to Russell Garrard, William Walker, and Bryce Buchanan for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

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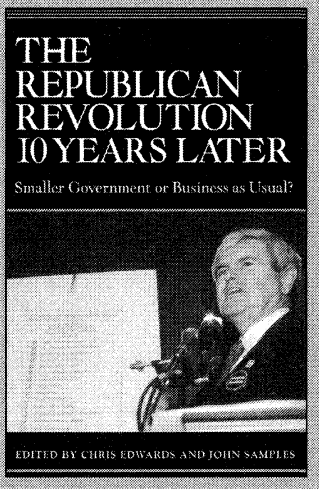

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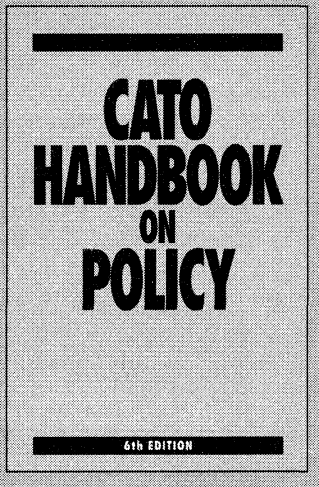

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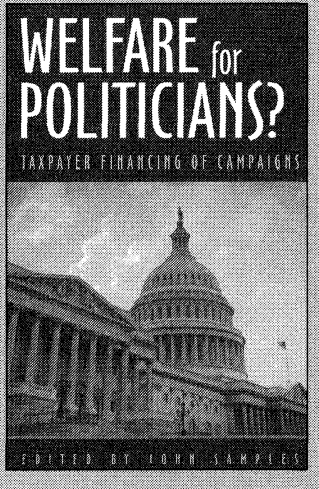

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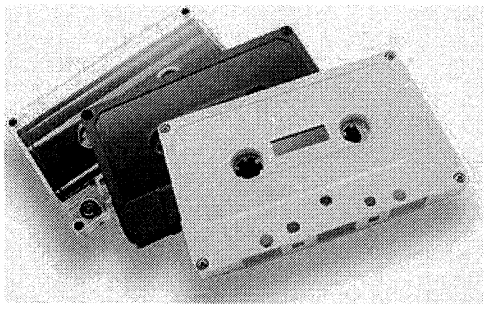

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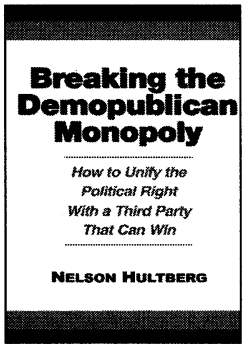

All libertarians realize that America is a one-party state. The Democratic and Republican parties are nothing but two divisions of the Central Leviathan Party. No matter who wins, we always get more spending, more taxes, more inflation, more wars, and LESS FREEDOM.

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About the Authors

Nelson Hultberg is a freelance writer in Dallas, Texas and the Executive Director of Americans for a Free Republic. His articles have appeared in publications such as *The Dallas Morning News*, *Insight, The Freeman, Liberty, The Social Critic*, and on Internet sites such as Gold-Eagle, FinancialSenseOnline, etc. He is the author of *Why We Must Abolish the Income Tax and the IRS.*

Dr. Antal E. Fekete is a Hungarian born economist who taught in Canada for many years and also worked in the Washington office of Congressman W.E. Dannemeyer on monetary and fiscal reform. Presently Professor Emeritus, Memorial University of Newfoundland, he is the author of numerous scholarly articles that have appeared on many Internet sites and also the widely read *Monetary Economics 101* course.

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Inside Liberty

May 2005
Volume 19, Number 5

4 **Letters** Fighting the good fight.

7 **Reflections** We break a thousand laws, worship a million gods, pull levers in prison, send the feds on vacation, declare terrorism illegal, fire a few missiles over Toronto, take a few cheap shots, dress down, shoot up, and eat cake for Ayn Rand's 100th.

Features

20 **Marxism of the Right?** Libertarianism's strength, *John Coleman* argues, lies in its not being an ideology of any sort.

23 **Rattlesnakes, Tacos, and Tetracycline** After a rattlesnake bite, *Robert H. Miller* nearly lost his arm. Fortunately he was treated by a Mexican hospital, not an American one.

30 **Searching for Utopia from Upstate New York to the Horn of Africa** *Spencer MacCallum* examines the migration of a libertarian utopia — from motel to cruise ship to colony — and looks forward to the realization of a stateless society.

36 **Willy Loman: Good-bye and Good Riddance** "Attention must be paid" to the death of Willy Loman? *Travis Stewart* pores over the works of Arthur Miller and wonders whether too much attention has already been paid.

40 **One Nation, Under Whose God?** With fundamentalist religion entrenched in the executive branch, *Norman Ball* asks, do prayer breakfasts trump Cabinet meetings?

42 **Kharma Come & Kyoto + Ten** *Tamara Wilhite* provides two glimpses into a future less free.

Reviews

44 **The Man Who Made America** What do you get when you take the platitudes of Marxist historiography and apply them to the heroes of the American Revolution? Apparently, *Timothy Sandefur* discovers, a Pulitzer Prize.

46 **Punch Drunk Oscar** "Million Dollar Baby" isn't the film many on the Right made it out to be, *Jo Ann Skousen* reports, but the Academy Award for Best Film still should have gone elsewhere.

48 **Wanderings in the Quest** For art about the "heartland" to be memorable, it must at the same time satirize its subject and embrace it. *Stephen Cox* explores a classic instance of doing both.

51 **Notes on Contributors** Our nearest and dearest.

54 **Terra Incognita** Snippets from the real world.

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Letters

Give 'Em What They Want

There might be a cure for Hollywood's anticapitalism syndrome, which Ted Roberts details so well (Reflections, April). Hollywood's income distribution is exactly what anticapitalists abhor — roughly a sideways "L," with thousands of dirt-poor aspirants, and a few filthy-rich stars.

Bush, Hastert, and Frist should give them what they want — landmark "Entertainment Equity" legislation under which megastars like Alec Baldwin would receive reasonable salaries of (say) $50,000, with the remainder being distributed to struggling, undiscovered actors and musicians. It would ruin the industry (and a major Democratic funding source), but the confused howls of the Streisands and Springsteens would provide entertainment enough for a lifetime.

Russell B. Garrard
Bellevue, Wash.

Skull and Blight

Developers routinely pay inflated prices to consolidate little parcels into big ones and still manage to make a profit ("They're Coming for Your Land," March). The added value is split between the developer and the landowner. Everyone is happy. In eminent domain, government is the developer; it allots the added value to itself and its well-connected friends. None of the increase in value goes to the original owner via "inflated" prices or even "fair market value," as determined by a public auction. What exactly is "just compensation": the market value of my little, rundown house in New London, or my fair share of the value of over 90 acres of redevelopment land suddenly open in the middle of town?

Maybe the solution is to make eminent domain a right any individual can invoke. Put all property on an equal footing and let everyone taste the pleasures of "highest and best use." What might I bid for use of that Supreme Court parking space? How much is an admission to Yale worth? After all, if government contractor Yale can give an admission to a president's daughter, why not just sell it to the highest bidder instead and let New Haven pocket the proceeds? Calculate for a minute the value of a dozen admissions to Yale taken under eminent domain; a "fair market value" to Yale of $40,000 (the usual sale price), but once the "value is enhanced by government action" each would sell for a million or so. And, after all, Yale is in a "blighted neighborhood" . . .

Dave Miller
Austin, Texas

Military Laboratory

I really enjoyed Bruce Ramsey's article, "Confessions of a Gun Grabber" (March), and I appreciated his efforts to deflate some of the sacred cows of both libertarian culture and gun culture. It will at least send a lot of people scrambling to check their sources.

He may be right that guns do not protect individuals or small groups from the state, but I would argue that armed individuals and groups do protect the people in general from the state. If it could be demonstrated that a few stubborn folks with guns could cause a lot of trouble to the U.S. military, despite the superior technology and numbers our government can bring to bear, then the government might think twice before using military force against its own citizens.

If only we had a laboratory, maybe a small country of 25 million or so, where we could see what the full force of the U.S. military could do against a few troublemakers with small arms and whatever they could scrape together. We could call them "insurgents" or "dead-enders," and maybe we could call the country Iraq.

Our experience in Iraq demonstrates

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that if the U.S. government were to take steps that incited just a small percentage of the "you'll get my gun when you pry it from my cold, dead hands" crowd, it would have quite a mess on its hands. Imagine the Iraqi insurgency in proportion to the 300 million strong population of the U.S., standing in opposition to the same U.S. military now fighting in Iraq, with that military demoralized by the prospect of shooting at fellow American citizens. I think that's enough to give any sane politician pause!

Bill Everman
Aston, Pa.

Not a License

In his "Conversion of a Gun Grabber" (March), Bruce Ramsey finally found a reason for having a gun in his house. But then he stated: "I now support the Second Amendment — because I support the First, the Fourth, and all the others in the Bill of Rights." He wrote that not so doing would "weaken the others."

That's reasonable crack-in-the-foundation thinking, but the Bill of Rights isn't the foundation. Its sole purpose is to prevent Congress from exercising any power over rights. The 2nd Amendment's "shall not be infringed" applies *only* to Congress. It's not a license "to keep and bear arms."

For example, if anyone carries a pistol into Massachusetts, he'll spend a year in their slammer for possession. Firearm rights are granted and defined by state constitutions and laws, and they're not all alike.

James Harrold Sr.
Springdale, Ark.

Letters to the Editor

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Bronze Bullet

I have been a subscriber to Liberty for a long time, and I have been very impressed with your analysis and commentary on the LP's electoral performance over the years. I was the first Texas LP candidate certified to appear on the ballot statewide in Texas. I ran for railroad commissioner in 1980 and governor in 1982.

This letter is motivated by Bill Bradford's and Stephen Cox's articles in the February Liberty. I have sympathy for Cox's statement that he "would like to see the Libertarian Party sweep the country."

As a casual observer of Texas LP electoral results over the past two decades, I have noticed that two political offices seem to attract more votes than other offices regardless of how many candidates are in the race. These two offices are treasurer (state, county, or city) and sheriff (usually a county office).

I believe there is a reason for this that should be important to the LP. By running high profile races for these offices, the LP can appeal to two distinct constituencies.

The office of treasurer usually involves a campaign almost totally devoid of intellectual content. By posturing as the "taxpayer's friend" and an additional watchdog to prevent raids on the treasury by the major parties in power, LP candidates can develop a "niche" constituency.

The office of sheriff allows LP candidates to publicize their stance on the drug war, privacy issues, and police brutality. This also attracts a minority segment neglected by major party candidates.

I am not predicting that this is a "silver bullet" to bring the LP electoral success. However, if this anecdotal evidence has some statistical basis in reality, it could be a productive LP electoral strategy until some more effective strategy is discovered and articulated.

David Hutzelman
Houston, Texas

They Both Begin With Z, Anyway

When I read "Three Cheers for the Iraq Elections" (Reflections, April), I was extremely surprised to see Zambia mentioned in the same sentence with several countries known for their

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repressive regimes. Did the author mean Zimbabwe?

I spent three weeks in Zambia last fall and came away with the notion that Zambia was a good place. It was very poor, but entrepenurial. People worked. People were universally friendly. The airports all had posters encouraging trade (and racial harmony). It just didn't seem like a place that should be grouped with Libya. Whenever we talked about politics, the locals expressed sadness that their neighbors had such a wrong-headed leader (Mugabe).

Also on that trip, I spent a day in Zimbabwe (Victoria Falls). The difference was palpable.

Joseph Bacanskas
Seattle, Wash.

The editor responds: Bacanskas is correct; I did indeed mean Zimbabwe. Thank you for the correction.

Economics is Our Daddy

Michael Acree ("Who's Your Daddy?", April) overlooks the fact that the left-liberals' moral commitment to redistributionist policies is based on the assumption that they work. So, if we've permitted that assumption, our problem has not been too much but too little of the logic that would show otherwise: that the policies don't work, and are, in fact, immoral by the redistributionists' own standards.

Granted, people have an irrational attachment to rational error, but reason overcame the errors of left-liberalism 150 years ago, when the new science of economics and the logic of liberty overcame irrationality and changed the world.

In light of the success of reason in the past, why just give up on it now, rather than working a little harder at educating the Left? If Acree thinks that we have gone as far as we could with it, he just doesn't know economic logic.

D.G. Lesvic
Pacoima, Calif.

The Nader-Pulling Cover-Up

David Brin (Reflections, April) complains that "If the LP had pulled a Nader in just one state, the salvation and gratitude of the Union might have been overwhelming. But no, men like Browne cannot even see how we let the country down." In 2000, Browne's 16,415 votes in Florida vastly exceeded Bush's 537 vote margin. Bush would probably have avoided the hand recounts were Browne not on the ballot.

Browne's 2,058 votes in New Mexico in 2000 were over five times Gore's margin of victory (366 votes). At least since the New Deal, supporters of limited government have been a mostly Republican constituency, so Browne probably would have been credited with having "pulled a Nader" in New Mexico if reporters were not afraid of losing access to politicians and other sources who have a vested interest in big government and would therefore be reluctant to spend time on journalists who cover candidates with an ideology of limited government. Government bureaucracies, another important source for reporters, would mostly have less power and less funding if Libertarians were elected on a large scale, so their spokesmen don't take kindly to reporters who draw attention to libertarian ideas. Unlike Libertarians, but much like Democrats, Republicans, government bureaucracies, and most interest groups, Nader is trying to enlarge the government and, as an added bonus, he's on the Left.

R.W. Bradford ("Lies, Damned Lies, and Election Analysis," January) points out that votes for Badnarik were negatively correlated with the number of third-party candidates on the ballot. This suggests that third-party candidates attract voters who wouldn't have voted Democratic or Republican anyway, casting doubt on Nader's ability to hurt Democrats. However, given the disparity between media coverage of Democrats and Republicans and coverage of third-party candidates, it would stand to reason that someone who votes for Nader or a Libertarian is likely to be well informed about only one or a few third-party candidates. Because of the wasted vote myth, to vote for Browne, such a voter would have to have approved of Browne a lot more than he approved of Bush or Gore.

Joshua Dunn
Buret, Va.

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Reflections

The perfect storm — Computer models predicted a huge snowstorm for Washington D.C., and the whole town shut down for a day. Bureaucrats all got to stay home, as every government office was closed. Yet in the end, the storm brought less than five inches of snow.

This makes me wonder how accurate climatological computer models are — especially the ones that have been churning out global warming alarmism for the past 20 years. There are those in the environmental community who are willing to shut down the entire economy to deal with a problem that may be no more real than the Great D.C. Blizzard of 2005. — Tim Slagle

Roadtrip of a thousand crimes — A couple of Brits, Richard Smith and Luke Bateman, plan to spend eight weeks and 18,000 miles traveling around the United States breaking as many absurd laws as they can. They plan to ride a bicycle in a pool in California, go whaling in Utah(!), sleep in a cheese factory in South Dakota, walk on their hands while crossing a street in Hartford, Conn., and engage in dozens of other activities some all-wise legislative body has decided at one time or another to outlaw. They hope to get a book deal to cover expenses. It's probably too much to hope they serve as a reminder that passing a law is not always the wisest course when an annoying or faddish practice haunts a community for a while. — Alan W. Bock

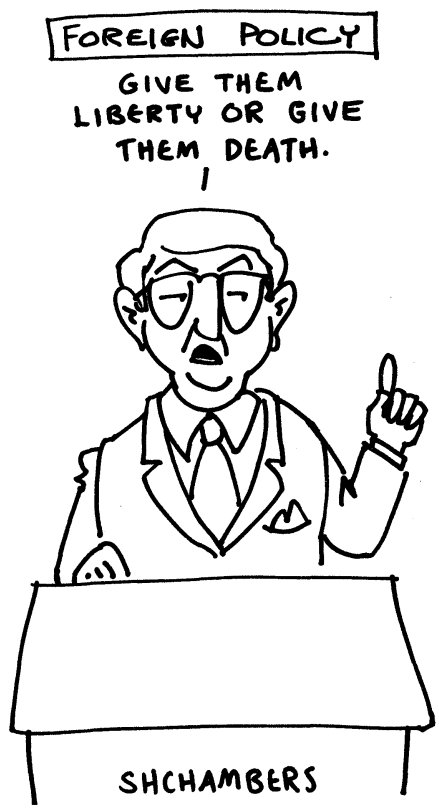

Backdoor flat tax — As a patron of Cato and many other libertarian outfits, I never thought I would say this, but I think doing anything to Social Security might be a mistake. Why? Well, first off, you have to decouple the name of the program from its real nature. It is just a tax. Sure, the politicians can have some geek claim there is a "Trust Fund," but we all know that is bullshit. I once had a vehement argument with my high school teacher about Social Security being a tax. I shut him up with the retort "Try not paying it and see what happens."

It is a tax, and it all goes into one big giant general fund so George W. can kill Iraqi babies and hassle Mexican immigrants and put all our black youth in prison. Of course it also funds the Social Security payouts and Medicare and welfare and other things that by some stretch of the imagination might be socially beneficial. So what is the Social Security "contribution" at its core? It's a flat tax. And a very nice one, because once you earn about 90 grand they figure you have paid for more than your share of government service, so you don't owe any more Social Security tax. So by privatizing some or all of it, we only put more burden on our insane progressive income tax, which kills savings, destroys small businesses, and generally screws the one segment of society that creates wealth. I propose not only do we not privatize Social Security, but we increase the Social Security tax to 10% (with the matching 10% from the employer) and then eliminate the income tax and all tariffs. Our growth rate would rival China's, and the great mass of people that benefit from government entitlements would actually have to pay for them. — Paul Rako

Meet the new boss — It is hardly encouraging that in his first policy speech since taking office, Attorney General Alberto Gonzales said renewal of controversial provisions of the Patriot Act is a key to defeating terrorism, and promised to step up federal obscenity prosecutions. These are not the actions of an official whose primary allegiance is to the U.S. Constitution — as distinguished from allegiance to the institutional interests of a department that, like any bureaucracy, seeks always to expand and extend its power.

In a speech at a Washington conference sponsored by Stanford's Hoover Institution, Gonzales confirmed early impressions that his policies are likely to be virtually indistinguishable from those of his predecessor, John Ashcroft. Because Gonzales is less, well, colorful than Ashcroft, they could arouse less opposition. However, they deserve critical scrutiny.

Gonzales said the Patriot Act "has helped prevent additional terrorist attacks," urged Congress to streamline the system for deporting illegal immigrants, called for an end

to the impasse over federal judicial nominees, vowed to step up federal obscenity prosecutions, announced the creation of federal task forces to fight violent crime, and advised states to adopt model legislation to curtail "human trafficking," by which he means the illegal smuggling of aliens for purposes of prostitution.

That's an ambitious agenda at a time when federal law enforcement, for any number of reasons, should be focused much more narrowly. The Justice Department's record on terrorism cases is spotty at best. It has had to abandon several cases announced with great fanfare. Government spokesmen like to claim they've done a lot behind the scenes, in situations they can't publicize, to thwart possible terrorist attacks. Possible, but color me skeptical.

As Timothy Lynch, legal analyst at the Cato Institute, told me, "If there really are al Qaeda cells in the United States, as numerous officials have told us, and untold hours of untranslated intercepts at the FBI, it makes no sense to have any federal prosecutors or investigators working on obscenity cases."

Even aside from free speech considerations, it is doubtful whether the national government has the constitutional authority to prosecute obscenity cases. In our federal system most crimes are handled at the state and local levels. Members of Congress and federal officials like to grandstand on crime issues by federalizing various crimes, but in most cases getting the feds involved does little or nothing to make citizens safer. — Alan W. Bock

Terrorism: soon to be illegal — A March 10 dispatch from Reuters gives Kofi Annan's take on how to respond to terrorism. Says Annan: "The world must quickly take concerted action against terrorism and deny extremists the chance to carry out a nuclear attack."

How does he propose to implement this truly innovative idea? "The time has come to complete a comprehensive convention outlawing terrorism," he boldly declares.

Wow! Why didn't anyone think of this before? The UN will say you're not allowed to be a terrorist anymore, and then planes will stop flying into buildings, and there won't be any more anthrax in the mail, and nobody will ever have to worry about getting nuked or poisoned or blown to smithereens. It'll make static cling and ATM fees disappear, too.

— Patrick Quealy

Celebrating Rand in the Death Star — I confess that the Ayn Rand Centenary event, held by the Objectivist Center at the Library of Congress on Feb. 2, isn't the sort of event I normally attend. Like many libertarians I know, I believe that Ayn Rand had many good ideas and some bad ones. I enjoyed "Atlas Shrugged" and "The Fountainhead" and think that "We the Living" has dated badly. I'm not as familiar with Rand's nonfiction as I should be.

Still, a centennial doesn't happen every day, and as a mushy-wushy anti-sectarian fusionist, I've always believed that any friend of liberty is a friend of mine. So I went to the Library of Congress to check things out.

The event was held in the "Members' Room" of the library, which is one of those grand secret Washington rooms you rarely get to see. The room was built at the turn of the century, and has somewhat ornate oak paneling with gold tint. There are two mosaics on each side, constructed by an artist named Frederick Dielman, that celebrate law and reason. It is a room that Rand would have liked (particularly the gold-tinted ceiling).

I missed the early panel, and walked in to see a typical dark-suited Washington crowd. The crowd was so formally dressed that I wasn't sure if I was attending Rand's birthday party or her wake.

I first heard a woman named Madeleine Cosman, who talked about how she was building a house and she demanded excellence, and she only hired the best contractors and her house had to be just the way she wanted it. I gathered that this woman was some sort of hero to Objectivists: she was full of energy, but I didn't know what motivated her. Cosman didn't just speak her lines, she declaimed them like she was Sarah Bernhardt.

The follow-up panel was much more conventional. Howard Dickman of the National Endowment of the Humanities talked about the importance of accurate business history. Cato's Ed Crane and the Competitive Enterprise Institute's Fred Smith both stressed the importance of think tanks in promoting liberty.

I spent some time talking to attendees about Rand. Most of them treated Rand like she was your favorite grandmother — you know, the one who gave you a lot of really good ideas and set you on the right path in life. Many of the people I talked to had favorite memories of hearing Rand in the 1970s or at her last appearance in 1981.

The people I talked to seemed like sensible people who had become stronger and more self-reliant as a result of reading Ayn Rand. I didn't come across any insufferable egotists.

I know enough about Objectivism to know that the Objectivist Center and the Ayn Rand Institute are deadly rivals. So it wasn't any sur-

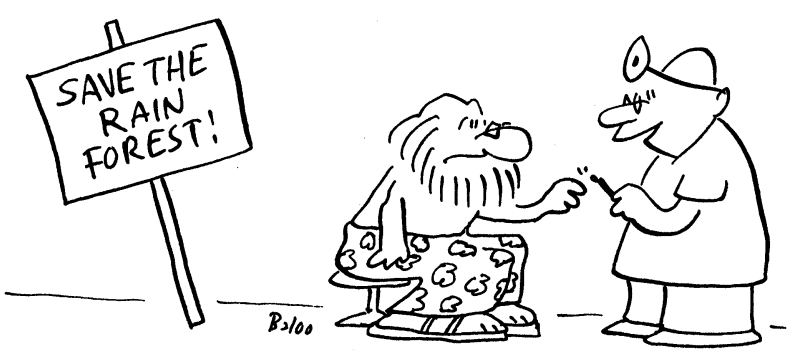

"Don't feel bad — All tree huggers get a splinter now and then."

prise to hear rumors that the Ayn Rand Institute was denouncing the Objectivist Center's conference. Check out the institute's message boards, the rumor went. There you'll find that the Objectivist Center is being denounced for holding an Ayn Rand event in a government building! And inviting . . . politicians!

Afterwards, I duly surfed to the Ayn Rand Institute website. But I didn't want to register for their message boards, so I don't know if these rumors are true.

What I did find was that the Ayn Rand Institute centenary conference was far more elaborate. They had a multi-day symposium featuring all sorts of Objectivist eminences, of whom I only recognized Leonard Peikoff and Michael Berliner. Then they had a grand banquet. The conference cost $275, and the banquet was an additional $285. By contrast, the Objectivist Center's event was free. (Yes, I honored Ayn Rand with a free lunch.)

I can't imagine that the Ayn Rand Institute had as much fun as we did celebrating the life of a great American.

And I bet our birthday cake was better too.

— Martin Morse Wooster

The right to be kept silent — A U.S. group wants the United States to shut down al-Manar television — a Middle Eastern station linked to Hezbollah — because of its alleged ties to terrorists. The group's name? The Foundation for the Defense of Democracies. Somehow it seems counterintuitive that the best way to defend democracies is to limit freedom of speech. — Alan W. Bock

Green behind the gills — In recent months environmentalists have been forced to look inward, thanks to an article, "The Death of Environmentalism," written by two "progressive" (their term) strategists and supported by the Nathan Cummings Foundation, a funder of environmental organizations. In this essay, which has been widely distributed, Michael Shellenberger and Ted Nordhaus contend that the environmental movement is out of touch with average people and too concerned with narrow policy issues. As a result, it is ill-equipped to address the "greatest calamity in modern history": global warming. One sign of this failure is that the movement has not been able to rouse concern about global warming among the broader public. (When the authors talk about being "out of touch," by the way, they focus on the movement's failure to engage United Auto Workers and other labor groups.)

The essay elicited a spirited rebuttal by the voluble Carl Pope, executive director of the Sierra Club. Pope argued that environmentalism is a "broad, diverse and robust movement." He acknowledges the movement's setbacks, such as Bush's election, and concedes that the movement hasn't ignited public concern about global warming. But he doesn't go along with the Shellenberger-Nordhaus thesis that the failure on global warming stems from any failure in the environmental movement — he places a lot of blame on the "carbon lobby."

Shellenberger and Nordhaus have hit a nerve by distinguishing the "old guard" from younger environmental activists. Grist, an online environmental magazine, solicited comments from four "emerging" environmental leaders and found that they tend to go along with the Shellenberger-Nordhaus suggestion that their elders have too narrow a focus. Thompson Smith, until recently director of the Flathead (Montana) Resource Organization and now a director of tribal history for Indian tribes in the Flathead Valley, said politely that "too many of us fail to build into our work and our organizations a consciousness that the roots of our ecological crisis and the roots of our social inequities and injustices are deeply intertwined." While taking note of the past successes of the "big greens," he considers the movement different now — it involves "the bigger issues that now threaten the entire globe, such as global warming, mass extinctions, the collapse of ocean fisheries, soil loss, and freshwater scarcity."

The "old guard" has been addressing these issues for decades (with varying degrees of wisdom). But it seems as though the new generation (at least as defined by Grist) is trying to outdo its predecessors by reframing and expanding environmental issues, stretching the movement into a collection of "isms." In other words, these future leaders have an even grander and more ambitious vision than the old guard, if that is possible. As political scientist Charles Rubin has said, environmentalism these days could just as easily be called "everythingism." At least three out of the four "emerging" leaders responding to Grist would seem to like that.

My initial response is that the United States is better off with the "old guard." Although Carl Pope's antagonism towards normal activities (such as burning fossil fuels) drives me to distraction, at least he recognizes that environmental issues are problems that have solutions. The

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younger leaders don't seem to want solutions; they want causes. If that's the case, we had all better hunker down.

— Jane S. Shaw

Ask a simple question . . . — It's a pretty simple question: Given the choice, would you rather put 4% of your income into a private retirement account, or give it to the government? When posed that question, most Americans would have no problem answering in favor of their own accounts. Yet in an AP poll, 55% of Americans opposed private accounts, while only 39% supported them. (I don't care to discuss the morality of being forced to make that decision in the first place — it's a milder version of the "your money or your life" drill.)

I can't understand why people oppose the idea. The rationale I've seen most often is that there would be a danger of some people losing their money by investing in fraudulent stocks. Despite the Enron fiasco, there is no corporation more fraudulent, corrupt, or inept than the Social Security Administration. They have lost every single dime they ever collected.

The other concern is that a percentage of individuals who lost their money would have to go onto welfare. Even if that figure were substantial (which I doubt) it is still a better percentage than what we have now, when every single retired American receives public aid. —Tim Slagle

Chaotic good, ordered evil — Democratic national chairman Howard Dean, getting a bit carried away at a fundraiser in Kansas, declared, "This is a struggle of good and evil. And we're the good." And all this time we thought the Republicans were the Stupid Party.

— Alan W. Bock

Let a thousand gods bloom — Go ahead, display the Ten Commandments in courtrooms in Alabama and elsewhere. For that matter, display the original, longer, director's-cut Forty-Seven Commandments. Add Buddhist maxims and Hindu homilies and the Taoist paradoxes of Chuang-Tzu. As an atheist, I don't have a problem with symbolically buttering up a divinity or two in public places, but the more the merrier. The appointment of one God to run the universe, which up till then had been more plausibly managed by a large, inefficient, quarrelsome, picturesque committee of gods, was a mistake originally accomplished by the ancient Israelites (after an earlier, failed attempt by an Egyptian pharaoh) and then extended and compounded by Christians and Muslims with more universal ambitions. It inexorably led to fanatical exclusiveness and purism, arbitrary, ironclad, hellfire-enforced prohibitions and asceticisms, morbid guilt-complexes, heresy-annihilating persecutions and massacres, crusades, and jihads, all virtually unknown among the relatively easygoing and tolerant ancient pagan polytheists that monotheism ruthlessly stamped out. Fundamentalism, the latest of the deranged and deformed monotheistic offspring to arrive, seems likely to blow up half the world given a chance.

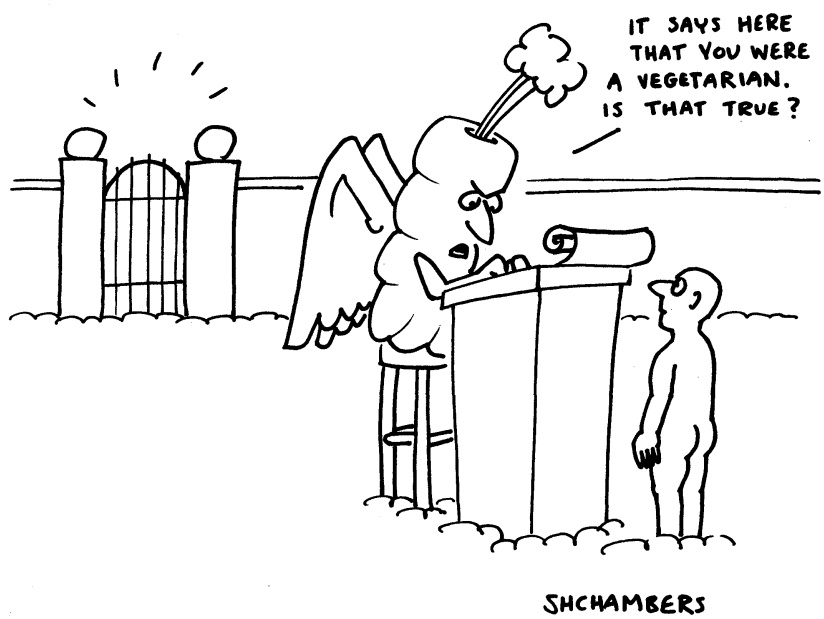

Man, the superstitious animal, is probably always going to worship someone or something. The 20th century and its retinue of feverish tyrant-cults like Stalinism and Maoism and Hitlerism, complete with sacred texts, hairsplitting doctrinal disputes, synchronized mass groveling, and embalmed Marxist apostles kept under glass like the pungent relics of saints, taught us that much. So I wouldn't recommend trying to sponge all religion off the restroom walls of the public realm in the manner of the ACLU. Instead, a little editing. We could revise our coin and currency mottos to read "In (Your God Here) We Trust" or "In Some God or Other You Trust, Unless Of Course You Don't." And we might as well allow manger scenes in public corners in late December, the solstice-timed spot of the Roman Festival of the Unconquered Sun which the Christians usurped long ago for their mythical birthday celebration and its light-versus-darkness imagery, but with the motley crowd of shepherds and wise men bringing their gifts and awed expressions to a whole maternity ward of divine or prophetic infants, plus maybe Athena springing fully formed, and fully foxy, from the head of Zeus.

Some token public polytheism makes perfect sense in a society where shopping around has become our only universal ritual, where "please listen carefully to the following menu" is the one disembodied revelation from on high everyone receives, where "choice" and "selection" and "variety of options" are sacred everywhere, whether you're strolling through supermarkets and malls, channel-surfing, web-surfing, porn-surfing, partner-seeking, succumbing to cell-

phone plans or vacation packages, contemplating plane fares or medical treatments, gambling on edible restaurant or takeout menu odds — everywhere, in fact, except our democratic voting booths, where extensive choice and real variety are frowned upon and effectively suppressed. Sport, the most public and conspicuous example of mass fervor and pious ritual (and pious fraud) we have in contemporary American culture, is polytheistic, with everyone zealously entreating and beseeching his own team and its steroid-enhanced household divinities. And then there's our smoggy century-old Mt. Olympus, Hollywood, and its radiant pantheon of blowsy goddesses and substance-abusing gods. We already live in a society where the principle of polytheism is firmly established, and all that's left is to extend it to religion. So we can start with public space. Mercury and assorted classically draped Liberty goddesses once graced our coins and stamps. Let's bring them back, and then welcome the whole riotous assembly of Jehovahs, Allahs, Holy Ghosts, Thors, Baals, Jesuses, Krishnas, Great Spirits, Virgin Marys, and Venuses into courthouses and parks and police stations and parking garages with statues, tablets, totems, icons, roadside shrines, and grottoes where passers-by are free to ignore them or to honor them by throwing praise or coins or custard pies in their direction — whatever they prefer. — Eric Kenning

Puttin' off the ritz — I am one of the minority of college-educated Americans whose jobs do not oblige them to wear a suit, sports jacket, or tie. That was not always the case. Twice in the past I was elected to offices in my university that required me to attend the meetings of its Powers and Dominions. Knowing my preference for blue jeans, a friend drew me aside after the first election and said, "Congratulations. Just remember that nobody will take you seriously unless you wear a suit and tie." I knew he was right, and I took his advice. But I no longer have that kind of job.

Not needing to spend an extra half hour dressing in the morning leaves me free to speculate about why tens of millions of Americans are still oppressed by the suit and tie. One might have thought that the 1960s would have ended that custom, as they ended the Obligatory Hat. (Look at any pre-1960 picture of gangsters, prisoners on their way to jail, young guys on a bender, or ditch-diggers headed for their jobs, and you are likely to see the Suit and the Hat on all of them.) But that didn't happen. The '60s wiped out pipes, horn-rimmed glasses, standard haircuts, and a reverence for law and order, but not the suit and tie. And now that businesswomen are dressing like businessmen, there are approximately twice as many people encased in uniforms.

Yes, I know, some people look good in a suit and tie. Those are the people who also look good in prison jumpsuits. Anything can be turned into a fashion statement, because the libido can attach itself to anything. But the idea that every year millions of otherwise intelligent people are forced to spend hundreds of dollars apiece buying trousers that constantly need to be cleaned and pressed, coats that are out of place in any known climate, shirts that choke them and make them sweat, and ties that — well, for heaven's sake, what would a Martian say about that tie you're wearing? How would you explain it to him, anyway?

And these are the clothes you must wear to be taken seriously?

It's true that priests in some churches wear garments modeled on those of late Roman antiquity, thereby expressing a reverence for tradition. Of course, the priest's clothing is seldom so ridiculous — or, I believe, so uncomfortable — as that of the modern businessperson. But the real issue is, What tradition is respected by the suit and tie? The tradition of 19th-century military officers? Because that's where the suit and tie came from, isn't it? And as for the idea that I

News You May Have Missed

Inflation Hits Movies Hard

NEW YORK — Creeping ticket-price inflation continues to plague moviegoers, and New York City retains the dubious honor of featuring the most overpriced movies in the country.

Most Manhattan theaters now charge $10.50 to see the latest badly written, badly acted, formulaic concoction of drug-addled, adolescent-minded film-school dropouts, and hapless audiences are subjected to a relentless 20-minute barrage of overamplified, machine-gun-paced commercials and previews before the incoherent, misbegotten movie even starts, making Talleyrand's observation "Life would be tolerable if it weren't for its amusements" practically a proverbial expression in the Big Apple, also known for loud, tuneless, tasteless, endless Broadway musicals that cost about $100 a ticket.

But it isn't just ticket prices that are going way up. Owing to inflation, studio publicists have announced, Clint Eastwood's boxing drama "Million Dollar Baby," which on Feb. 27 won the Oscar for Best Picture, will henceforth be marketed as "One Million, Three Hundred Sixty-Two Thousand, Eight Hundred Seventeen Dollar Baby." Eastwood's 1964 spaghetti western "A Fistful of Dollars" is being re-released as "A Lapful of Dollars." And a remake of the 1954 classic "Three Coins in a Fountain," due out in early summer, has been retitled "Twenty-Seven Coins and a Bus Token Plus Some Pocket Lint in a Fountain."

Hollywood sources say grotesquely out-of-control inflation can be expected to continue indefinitely in the movie business, "and that means," as one insider put it, "the prices of tickets and popcorn and sodas, not just the egos and percentage demands of stars and producers and directors and agents and screenwriters and the valet parking guy at Spago." — Eric Kenning

need to be impressed by tradition when I confront the teller in my local bank . . . well, tell that one to the Martians.

So why is this abuse continuing? I don't know. I suspect it's the influence of Satan. Clearly, we feel guilty about the custom — why else would businesses have weekly "dress down" days? But those occasions are just the exceptions that enforce the rule.

You would expect libertarians to work to end this massive offense to individuality. No, it's not a political issue — but it is a moral one. Yet as I write these words, the newslet-

Word Watch

by Stephen Cox

"Oh my God!" my friend exclaimed. "I've got to write this down!"

That's a comment I seldom hear from people who mooch around my office, waiting for me to get ready to do the things I rashly promised to do with them, and beguiling their wasted moments by peering through my (badly organized) books. The book that he'd encountered — jammed between "Paradise Lost" and an Esperanto grammar — was "The Life of Mary Baker G. Eddy" (1909), by Willa Cather. Cather wrote the biography of the redoubtable founder of Christian Science on commission for McClure's magazine; then she (Cather, not Mrs. Eddy) went off to become a great novelist. Her treatment of the subject was so pungent that Christian Scientists suppressed the book for several generations after its appearance, buying up copies, preventing reviews, acquiring republication rights, and keeping library copies out of circulation.

But my friend wasn't entranced by the mysteries of Mrs. Eddy's movement. What struck his imagination, when he opened the book, was one of Mrs. Eddy's amazing remarks: "When I vociferate so loudly, why do you not respond with greater alacrity?"

Why indeed? It's a question that authority figures must always be itching to ask their laggard followers — a natural question, if you will. For the monumental pomposity, however, we must thank the unique genius of Mrs. Eddy. It certainly makes her more interesting than her religious system would otherwise do. My friend grabbed some paper and recorded her saying; then, still shaking with laughter, started reading the rest of the book, which is full of stuff like that. He went through it like a shot.

The subject of this column is: They Know Not What They Say; Or, Making a Fool of Yourself With Words. People being people, you can never run out of material that comes under that heading. Most of it, unfortunately, is dull, mighty dull, excruciatingly dull. But some of it is as memorable as great literature.

James Boswell's immortal "Life" of Samuel Johnson includes a landmark literary hatchet job, a purportedly objective characterization of Boswell's fellow writer Oliver Goldsmith. One of the damaging anecdotes is an account of Goldsmith, the crazed egotist, attending a puppet show: "When those who sat next him observed with what dexterity a puppet was made to toss a pike, he could not bear that it should have such praise, and exclaimed with some warmth, 'Pshaw! I can do it better myself.'"

At a farther, subliterate extreme of verbal folly, we have the first President Bush, describing Ann Richards, a Democratic governor of Texas who never tired of ridiculing the Bush family. To appreciate this anecdote, you need to know that like many other women in Texas, Gov. Richards sported a beehive hairdo. Inspired, for some reason, to start listing all the people who didn't like him, Bush at last came to Richards. "Then there's the lady," he said, using his hands to make the outline of an enormous head of hair, "the lady with the—." And that was it. There wasn't any more. He'd used all the words he had. But the audience got the point. Using just a few words to, uh, *frame* his observation, the president had then revealed and expertly illustrated, with *no additional words at all*, the folly of both Gov. Richards and himself. At that moment, truly, less was more. It was his finest literary effort, miles ahead of the runner-up, his famous call for the elimination of "drug pingpins." That was good, but the only person it made ridiculous was himself. The pingpins escaped.

You may be thinking, Why give anybody credit for this kind of thing? Good question. The answer is, It's delightful, and somebody *did* it. So why not give him credit?

I'm sure you won't deny credit to the Rev. William Archibald Spooner (1844–1930). It was he who unwillingly gave his name to the ridiculous transpositions of letters known as "Spoonerisms." Of the many Spoonerisms attributed to him, the two I like most are these: "I see before me tons of soil" (used in greeting farm folk; he meant "sons of toil"); and "The Lord is a shoving leopard." Strangely, both remarks were true, as spoken.

Did Nietzsche say, "The thought of suicide has comforted us on many a dark night"? I think he did. But on dark nights I am comforted by the memory of an RV emporium somewhere south of Los Angeles. Its name was "Home of Pacific Mobile World." Let's see . . . A home of a world, a world in motion, a world somehow related to the Pacific Ocean. . . . Picture that. Just try.

Idiocy. But true idiocy — like the madman in G.K. Chesterton's aphorism — often has nothing left but its logic. Someone named Gerhard Kocher, whose words of wisdom are frequently quoted on the Internet, is credited with saying, "War is the mother of invention. But who is the father?" You see what I mean by "logic." Granted that there's a mother, there has to be a father. That follows, doesn't it? Well, doesn't it?

ter of a prominent libertarian organization is open on the desk before me, and its every picture is filled with men and women dressed in what is euphemistically known as "business attire." It's a wonderful organization; I respect it deeply; I know and love many of the people in those pictures. If I were invited to one of their soirees, I would conform to their customs. But surely, this cannot be good for America.

— Stephen Cox

The same person is credited with a pristinely empty variation on President Kennedy's inaugural address: "Do not ask what the government can do for you. Ask why it doesn't." No, *you* ask. I'm afraid to.

We've now arrived at that strange, twilight world, the world of words that surrounds and transcends the world of logic. In this weird, superlinguistic realm, to posit the absence of a "what" is automatically to demand a "why." Far be it from me to condemn such eerie verbal procedures, or the swamp of ambiguous "thought" in which they are spawned. For one thing, I enjoy them. For another, I wouldn't want to get on the wrong side of that world-famous authority on everything, Theodor Adorno, who decreed that "intolerance of ambiguity is the mark of an authoritarian personality." Thank you for putting that so intolerantly and unambiguously, Professor Adorno. Thank you for vociferating so loudly.

But here I must make a reluctant transition from the ridiculous to the sublime. A great English poet, in his first great work, argued that you can't always write by the rules:

> Pegasus, a nearer way to take,
> May boldly deviate from the common track;
> From vulgar bounds with brave disorder part,
> And snatch a grace beyond the reach of art,
> Which without passing through the judgment, gains
> The heart, and all its end at once attains.

Graceful or not, the examples of brave disorder that I've cited in this column have certainly gained my heart. Alexander Pope, author of the preceding lines, also observed that "there's a happiness as well as care." It is true that none of my quoted passages has the total absence of care suggested by the slogan I used to see scrawled on the edges of schoolbooks: "In Case of Fire, Throw This In." But a number of them come close, and they contribute almost as greatly to the happiness of the world. All you really have to worry about is the possibility that somebody's ludicrous self-revelation may actually be taken seriously. Then books may actually get burned.

Karl Marx is the great example of this phenomenon. As you know, he began his most famous work by alleging that "A spectre is haunting Europe — the spectre of communism." Sure, sure. Anything you say, Karl. It's a safe bet that when he wrote those words no sane person in Europe was even the least bit preoccupied by the threat of "communism" as Marx understood it. But, well, give it 70 years; maybe somebody will take this nonsense seriously. And somebody did.

People took "Mein Kampf" seriously, too; and the sayings of Chairman Mao. But this shows how superior the comic spirit is to the political spirit, the enjoyment of unconscious comedy to the insistence on taking solemn vociferations solemnly. Sometime in the 1970s, a libertarian group passed out buttons saying, "Sing and Dance the New Deal Away." Now, that's the kind of vociferation that the masses should heed.

Redistribution by treaty — A great many nations have signed the Kyoto Accords. The U.S. is among the very few holdouts, and there are signs of weakening. They shouldn't weaken. Kyoto is probably the single worst sci-fraud in the history of politics — which is saying a great deal, I know. But consider: the few scientists who have done their homework and made the calculations have concluded that the maximum possible benefit from Kyoto given full compliance by all would be a reduction in northern hemisphere average temperature of 0.27°F, and most estimates are lower. This is a figure well below the level of discernibility, given the innumerable causes of temperature variation in this world. Moreover, the very existence of global warming is disputed, and the effect of increased carbon dioxide in the atmosphere has been tremendously good for plants — including agricultural plants, enabling hundreds of millions to eat better. That means that the benefits of signing Kyoto are zero — even if we were to discount the latter factor, which we certainly should not.

And the costs? Again, figures vary, but only a very few try to argue that it will actually pay. The more realistic commentators put the figure at anything up to $6 trillion all around. Canada, which signed the Accords as a matter of knee-jerk compulsion, is already trying to wiggle out of what looks to be initial costs in the billions. And nobody thinks that compliance will be 100% anyway: indeed, it seems fairly clear that the main reason why players like the Russians signed is because of the formula that lets them get financial payments from the "good guys." So there you have it: a treaty that is very expensive, and guaranteed to do nothing towards its sole stated purpose.

Politics doesn't get any better than this!

— Jan Narveson

"Cheap Shots: How Authors Choose to Fail or Succeed" — Every review I've read of Jared Diamond's "Collapse: How Societies Choose to Fail or Succeed" quotes three hypotheses that Diamond offers about the thinking of the "Easter Islander who chopped down the last palm tree" on Easter Island, thereby destroying the means of survival of that isolated island's entire population.

Here's how Diamond put his hypotheses at a recent lecture delivered in San Diego: "What do you think the Easter Islander, who chopped down the last palm tree, said as as he was chopping down that last tree? I've wondered if he said, 'Never fear, technology will solve our problems, we'll find a substitute for wood.' Or perhaps he said, 'Your environmental models are untested; we need more research, action would be premature, you are fear-mongers.' Or perhaps he said, 'This is my tree and this is my land, I'll do with it what I please, I'm here to maximize a profit, get the big government of the chiefs off my back.'"

The answers to Diamond's questions are obvious to anyone even remotely familiar with prehistoric Polynesian

society.

Did the killer of the last tree say, "Never fear, technology will solve our problems, we'll find a substitute for wood"? Well, obviously he did not. The Polynesians were extremely primitive technologically. They lived basic, stone-age lives. There is not a scintilla of evidence that they made any effort to produce new technologies, let alone that the tree-fellers speculated about the potential impact of such things. Diamond, a scholar on the subject, surely knows this.

Did the tree-exterminator say, "Your environmental models are untested; we need more research, action would be premature, you are fear-mongers"? No, they didn't say that either. Again, prehistoric Polynesia was a primitive place, and there is no evidence that its members engaged in any scientific research, let alone environmental modelling. Diamond surely knows this as well.

Did the tree-assassin say, as Diamond surmises, "This is my tree and this is my land, I'll do with it what I please, I'm here to maximize a profit, get the big government of the chiefs off my back"? Land tenure in prehistoric Polynesian society was simple: the paramount chief owned all the land, and subordinated the rights of some of it to sub-chiefs. Ordinary people, the kind of people who would be doing the actual work of felling trees, were more or less chattel slaves; certainly none owned any land. The concept of private property was as unknown to the Polynesians as Einstein's theory of relativity. Again, as a scholar on the subject, Diamond surely know all this.

So why does he offer these hypotheses?

The answer, I am afraid, is that he wants to denigrate people who disagree with him about environmental policy. Are there scientists who are not convinced by models that predict catastrophic environmental degradation? They are no more credible than a stone-age worker who ruins his entire society. Are there people who think that technology can help replace dwindling resources? They are the same as primitive people who ignorantly sentence themselves, their friends, and family to death. Are there ignoramuses who believe that private property ought to be respected, perhaps on the ground that owning something makes people want to protect it? They are no different from a brute who takes a stone axe to the tree of life.

Diamond is an intelligent man, and many of his arguments are challenging and thought-provoking. By taking such patently idiotic cheap shots at those with whom he disagrees, he discredits himself before all thoughtful human beings and risks the credibility of everything he writes and says. — R.W. Bradford

"It wasn't the divorce that traumatized me — it was when Dad had Mom beheaded."

Federal Censorship Commission — The House of Representatives recently went grandstanding again, passing a bill that would increase the fines the Federal Communications Commission can levy on broadcasters and entertainers who participate in what the government deems indecent acts. It would force regulators to consider revoking the license of a station or network that commits three such infractions in eight years.

If Congress respected the U.S. Constitution or the precepts underlying a free society, it would have moved in the opposite direction.

The bill as passed increases the maximum fine for broadcasters from $32,500 to $500,000 per violation, and for entertainers from $11,000 to $500,000, and allows the FCC to issue a fine against an individual without first issuing a warning.

The flurry of fines that followed last year's Super Bowl might even violate the FCC's guidelines. The FCC says material is indecent if it "depicts or describes sexual or excretory activities or organs in an offensive manner as measured by contemporary community standards." The most notable punitive actions have been directed at sex-obsessed radio man Howard Stern. Yet Stern is near the top of the ratings in almost every market. That suggests that far from offending "contemporary community standards," he reflects them.

Fining Howard Stern or the radio stations that broadcast his program amounts to deploring contemporary community standards. There's nothing wrong with that; I do it all the time. But that doesn't and shouldn't give me the power to punish those who prefer triviality to seriousness, or statism to liberty.

There's a more serious issue. The First Amendment says "Congress shall make no law" restricting freedom of the press. The broadcast media, for better or worse — and unfortunately it's worse more often than better — are the press with technology unavailable in 1789. The notion that the airwaves belong to "the public" rather than Mother Nature and are therefore rightly controlled by the federal government is a fiction, convenient for power grabbers but false. The idea that the government can not only censor but license broadcasters should be repugnant to those who cherish the Constitution.

Unfortunately, based on the record, it seems few such people serve in Congress. — Alan W. Bock

Missiles over Manitoba — Condi Rice has announced the delay of a planned trip to Canada. The official reason given was "scheduling conflicts"; unofficially (and through sources that leak like sieves), Bush is pissed off because Canada refuses to go along with his beloved missile shield defense program that involved — and, by logical necessity, must involve — an American presence in Canadian air space. As the title of an Associated Press arti-

cle declares, "Rice delays Canada trip as relations turn chilly." Up here, the relations have turned hot.

Some background may be helpful. The Canadian public is overwhelmingly critical of the war in Iraq and of the Bush administration in general. Bush's missile defense shield program was particularly unpopular, largely because Canadians did not believe assurances that it would never be used offensively and they did believe it was being rammed through the Canadian Parliament by Bush and by Prime Minister Martin, aka Bush's poodle. Martin encountered such staunch political pressure, including rebellion from the backbenchers in his own Liberal Party, that he prudently condemned the program, thus ensuring its demise in Parliament.

But the issue will not die. Paul Cellucci — who may be the stupidest U.S. ambassador on the surface of the earth — was the one who got Martin into hot water in the first place. Months ago, Cellucci stated, and to the press no less, "We've been told that [the missile defense shield program] will be dealt with over the next couple of months," clearly implying that the United States had struck a deal with Martin. Cellucci even provided a timeline. Canada would join the U.S. ballistic-missile defense system for North America by the end of March. That made Canada seem like a satellite state of the U.S. Of course, that classification may be justified, but Canadians don't like to be reminded of it in such a heavy-handed manner. We like to be bought dinner and flowers before we get screwed.

Then, after Martin's announcement, Cellucci did it again! In response to being turned down, he stated that Washington would simply deploy its anti-missile system over Canadian airspace anyway, and seemed puzzled that Canada would "in effect, give up its sovereignty." To quote Cellucci directly: "We will deploy. We will defend North America. We simply cannot understand why Canada would in effect give up its sovereignty — its seat at the table — to decide what to do about a missile that might be coming towards Canada. I personally don't think it's in Canada's sovereign interest to be outside of the room when a decision is made about a missile that might be incoming towards Canada."

As one Canadian editorialist stated, "No doubt the Soviets felt similar puzzlement as they rolled into Czechoslovakia in 1968." What's with these crazy Czechs? Don't they get it? All they have to do is cooperate with Moscow and they can retain their "sovereignty."

The Bush administration has asked Martin to reconsider, saying that Bush would probably bring up the matter with Martin when the two of them meet with Mexican President Vicente Fox in March to discuss the future of NAFTA. But Cellucci's comments — again made to the press — mean that such a reversal of policy on Martin's part is politically impossible. That would be seen as ceding to the United States precisely what Cellucci highlighted: Canadian sovereignty. No backroom deal is now possible, and Cellucci is being identified in press stories as the "outgoing Ambassador to Canada." My personal opinion: Cellucci — idiot that he undoubtedly is — was probably just spouting the straight Bush line on Canadian compliance and is now being scapegoated. I conclude this because Cellucci made so many similar statements without (apparently) being sanctioned or reined in by the Bush administration that I think he was always intended to play "bad cop." He is a shrill shill serving as a distraction while Bush applies more covert pressure. But, like so many of Bush's dealings with us ignorant and ultimately unimportant foreigners, the effort at diplomacy achieved the opposite of what was intended.

Martin is taking the only stance a prime minister leading a minority government can take: namely, the United States must get permission before firing on any incoming missiles over Canada. He stated last Friday, "This is our airspace, we're a sovereign nation and you don't intrude on a sovereign nation's airspace without seeking permission." On the other hand, Martin also acknowledged that Americans would ultimately determine whether to shoot down an incoming missile. "I don't think that anybody else expected that there would be any other finger on the button other than an American," he said. Exactly how he reconciles those two statements will be fascinating to see.

— Wendy McElroy

The fix of champions — As an abstemious sort

who drinks little coffee and less alcohol, smokes nothing, and takes only Celebrex and Lipitor daily, I feel queasy about athletes taking "performance enhancing" drugs; but as a libertarian, I can't object to anyone desiring to improve himself of his own initiative. What makes steroids different from Wheaties?

I hear that steroids can be debilitating with respect to other important human functions, such as sexual interest; but one truth of pharmacology is that improvement in some realm of human functioning is likely to have negative effects upon another realm. The question for the drug user is whether the trade-off, as we say, is acceptable. For steroid-using athletes, apparently it is.

Don't forget that competitive athletics can themselves be debilitating, not only to those who succumb early to career-ending injuries but to those who don't, often irreparably injured by the effects of their careers. (This likewise happens to professional art dancers, whom I've personally known better.) As most athletes want to improve significantly, the use of any available leverage is scarcely objectionable, as long as they don't complain later in their lives about any deleterious effects. I find unacceptable the argument that the use of such drugs gives certain athletes an unfair advantage, because one secret of success in any sport is striving for some trick unavailable to others. All of the steroid-using stars were pretty good athletes to begin with.

To understand this issue better, consider a couple of parallel situations. Let's say it became known that Warren Buffett, by common consent a great investor, used steroids, and thus observers thought that his use of the drug accounted for his superior investment performance. Would the state then want to ban steroids within the investment community? Probably not, as we would credit Buffett with exploiting whatever he could to enhance his intelligence. If observers discovered that a majority of physicists at Los Alamos during World War II smoked marijuana, which thus contributed to America's building an atomic bomb before the Germans or Japanese, would this information

News You May Have Missed

New Avian Virus Poses Threat of Posing No Threat

ATLANTA — Epidemiologists at the National Centers for Disease Control are tracking another powerful new avian virus that they believe could be transmitted from birds into human populations throughout the world, and perhaps already has been, though evidently to a negligible extent so far. The virus is believed to be carried by fowls like bluebirds and skylarks associated with happiness in popular songs. Once transferred by still undetermined means to human victims, it apparently makes them feel good. Other symptoms may include the sudden onset of kindness, generosity, and a sense of humor.

Among those sounding the alarm for immediate federal action to combat the potential epidemic are psychotherapists, pharmaceutical firms selling addictive prescription antidepressants and sedatives, tabloid newspaper publishers, doomsday environmentalists, portentous academic cultural-studies theorists, Pentagon neo-cons, and others whose incomes could be slashed if the rage-dispersing, gloom-dispelling virus remains unchecked. At a news conference in Washington, the Trial Lawyers Association threatened a multibillion-dollar class-action lawsuit on behalf of all lawyers everywhere that would claim massive liability for negligence against people who neglect to sue other people as a result of not feeling like it, a condition some medical experts believe could rapidly follow infection by the so-called "Avian Euphoria Virus."

Economists have predicted a stock market freefall and rapid economic collapse if consumers suddenly become so happy with their lives that they no longer feel compelled to go out shopping for essentially unnecessary electronic gadgets, armored vehicles, lotions, potions, sneakers, and beverages that promise to dramatically transform them. Meanwhile, Oprah Winfrey, Jerry Springer, Maury Povich, Dr. Phil McGraw, Judge Judy, and other daytime TV personnel were said to be wailing and gnashing their teeth at the thought that vital reserves of screaming overweight trailer-park residents and lachrymose moms and sullen self-destructive teenagers, once assumed to be inexhaustible national resources, may suddenly vanish overnight.

On a brighter note, a prominent theologian, Dr. Pangloss Spiegelwelt, one of the most eloquent advocates of the idea of "Intelligent Design" as an alternative to the random processes of the Darwinian theory of evolution, publicly welcomed the news of the virus. He pointed out that since human beings occupy one tiny, precarious, vulnerable speck of a planet in one marginal solar system in one galaxy out of billions in a universe that is, as far as it can be known, mostly cold, dark, empty, and utterly inimical to human life, and since that planet, much of it itself dangerous or uninhabitable, is infested with countless communicable viruses and other germs ranging from instantly lethal to slowly lethal to crippling to temporarily incapacitating, the fact that this one virus seems to do no harm at all and may actually be kind of nice to catch proves beyond a doubt that a Supreme Intelligence designed the universe and everything in it with humanity's best interests in mind. — Eric Kenning

persuade politicians, not to mention parents, to deny marijuana to budding physicists?

Sometimes, of course, professional intelligence about chemical enhancements can be wrong. Many younger jazzmen believed during the 1950s that Charlie Parker's superior musical intelligence derived from his use of heroin. Trying heroin themselves, often to the point of addiction, they discovered that Parker's genius thrived in spite of his addiction, rather than because of it, and many of his epigones died sooner than they might have otherwise. Might the same truth ultimately be discovered about baseballers' consumption of steroids? — Richard Kostelanetz

The felon vote — There is an undeniable stench of partisan gamesmanship in the call by New York Sen. Hillary Clinton and other Democrats to make Election Day a federal holiday to encourage more people to vote, and to allow ex-felons to vote. A higher percentage of registered Republicans than Democrats tends to vote, and these proposals are clearly calculated to get more Democratic voters to the polls.

While the first idea is rather flaky, however, the second has some merit. The question is whether it should be handled at the national level or by the states.

The theory is that somebody who has committed a crime and served a sentence has "paid his debt to society," and is therefore eligible to be reinstated into full citizenship. Yet several states — Florida, Iowa, Kansas, Mississippi, Nebraska, and Virginia — permanently disenfranchise anybody convicted of any felony. Others make it so difficult to regain voting privileges that it almost amounts to permanent disenfranchisement.

This barring of about 4.7 million people from the polls has become a problem in the wake of get-tough legislation passed in the 1980s, especially with regard to drug offenses, that made some of what had been misdemeanors into felonies. It affects blacks especially, since blacks — although they use illicit drugs at about the same rate as other ethnic groups — make up 38% of those arrested for drug offenses.

About 13% of black men are permanently unable to vote because of a felony conviction. The right to vote may not be quite so sacred as some, who have a religious devotion to democracy and see voting as its central sacrament, would have it. But depriving people of the privilege doesn't do much to give them a sense of having a stake in the system.

— Alan W. Bock

Every day a holiday — My response to Hillary Clinton's call to make election day a federal holiday is a bit different from Alan Bock's. The only people who are guaranteed a day off on designated federal holidays are federal employees — to be sure, a largely Democratic group, if we are to judge from their union's political activities — so this would have the effect of paying federal employees for not working. I think this idea has considerable merit. I propose to take this one step further: why not declare every day a federal holiday? Federal employees would do nothing at all except cash their paychecks (presumably delivered to them by FedEx, since all postal employees would be on holiday). There would be no one to snoop into our personal lives, impose and collect taxes on us, regulate our businesses, or do any of the other mischief that federal government employees engage in on a daily basis. Not a bad idea, in my book. —R. W. Bradford

Stay indefinitely in jail — A federal judge in South Carolina has told the government either to charge José Padilla with a crime or release him. Padilla is the terrorism suspect arrested at Chicago's O'Hare Airport on a flight from Pakistan two and a half years ago.

This should be a no-brainer. A key aspect of a free society — which all our leaders claim their efforts against terrorism are devoted to preserving — is that the government can't simply put people in prison without at least charging them with a crime. But, of course, the government has chosen to appeal, again, just to keep him imprisoned for as long as possible. That's despicable.

When Padilla was arrested, the government claimed it had evidence he was part of a plot to set off a radiological "dirty bomb" in the United States and had trained with al Qaeda in Afghanistan. Instead of charging him with a crime and convicting him, however, it declared him an "unlawful combatant," sent him to a military prison, and denied him access to an attorney.

He eventually got an attorney to represent him and his case went to the Supreme Court. The high court punted, saying he should have brought his suit in South Carolina rather than New York. However, when it decided the similar case of Yaser Hamdi, who was actually apprehended on a battlefield, it laid down a pretty good covering fire of rhetoric, about wartime not making the president or the executive branch an absolute ruler. If the Court sticks close to those principles, it should mean Padilla, who probably has a stronger case for release than Hamdi, will be released unless charges are brought.

But the government is using your money to keep him imprisoned for the longest possible time in a case it is virtually certain to lose. That's more like a government of intransigence and spite than a government of law. — Alan W. Bock

Psychological aid — Overheard in the halls at Mercy College on a cold, windy, snowy day: "I wish I

"They get along fine, as long as they avoid politics and religion."

weren't paying for my own tuition. I'd go home right now." Her companion: "I know. When I was in high school I could just go home and sleep when I got tired of school."

I turned around and gave the girls a smile. There's nothing like paying for it yourself to motivate a student to do well in college. When I taught at Rollins College, a white-bread, rich-kid school in Winter Park, Fla., my students had the attitude that Grandpa owed them a 4-year paid vacation, and they would go to class only if it didn't interfere with their social lives. Here at Mercy, a working class commuter school where most students have jobs and children in addition to their studies, most students manage to graduate in four years. They take their schooling seriously because they know it's their own money going down the drain if they blow it. My students here don't come with the same skills I found at Rollins; in fact, I spend a lot of time explaining verb-subject agreement. But they are a joy to work with because they are humble enough to be teachable and motivated enough to succeed.

— Jo Ann Skousen

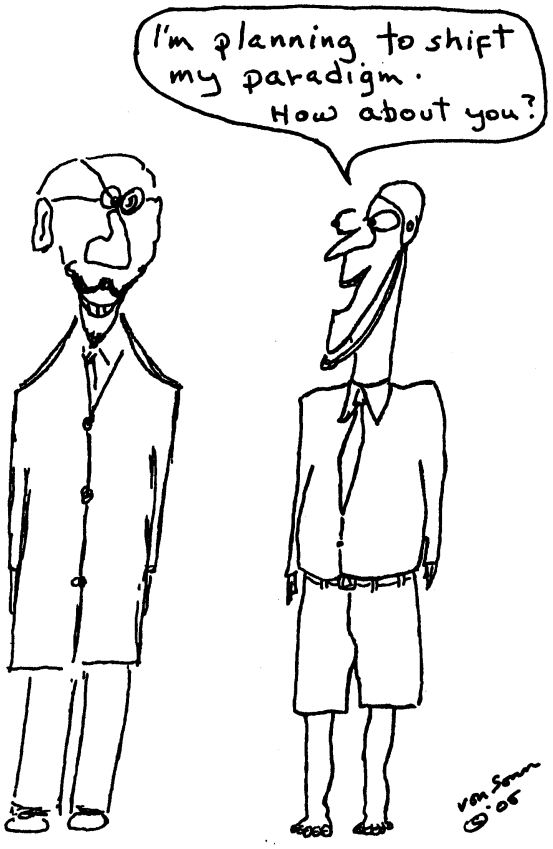

Greasy palms — It's just too delicious. Arizona Republican Sen. John McCain, media darling and co-author of the restrictive McCain-Feingold campaign finance "reform" law that was supposed to make political campaigns free of "dirty" money, seems to have been caught with his hand in a corporate cookie jar.

Seems Cablevision Systems Corp., the country's eighth-largest cable company, wants to change its pricing to an "a la carte" system, whereby customers could pick the channels they want one-by-one rather than taking the packages most cable systems offer.

Sen. McCain has arranged for Cablevision's CEO to testify before his Commerce Committee, written a letter of support to the Federal Communications Commission, and lobbied other cable companies to support the pricing system.

The complication? Cablevision has given $200,000, in two separate donations notably close in time, to The Reform Institute, a tax-exempt group formed right after the senator's unsuccessful 2000 presidential bid to support his lobbying activities. The group touts the senator's views, showcases him at public events, and pays $110,000 a year to his chief political adviser, Rick Davis, who ran his 2000 campaign. The contributions and the McCain actions on behalf of Cablevision came within weeks of each other.

Sen. McCain says there's no problem, since the institute isn't a campaign committee or political action committee, and the donations are legal. But that's more than a little disingenuous, and not just because McCain has gotten so worked up over the activities of the "527" groups like MoveOn.org and the Swift Boat veterans, whose activities were also legal. The Reform Institute is essentially part of Sen. McCain's political machine. The Cablevision donation shows that there is more than one way for corporate interests to reward politicians who carry water for them — just one reason McCain-Feingold is pernicious and ineffective.

The real scandal here, however, has to do with the intrusive, unnecessary, and ultimately corrupting role of the federal government in regulating cable TV. In a sensible world, if Cablevision wanted to do a la carte pricing, it would just be able to try it and see how consumers respond, rather than having to ask permission from the FCC. The very fact that the federal government has that kind of power reduces the efficiency of the marketplace and invites corrupt — or corrupt-appearing — political-economic transactions of the sort that make Sen. McCain look so hypocritical.

The real way to get dirty money out of politics is to reduce the power of the government to make or break the fortunes of companies in the marketplace. It's curiously appropriate that McCain — a member of the Keating Five, it's worth remembering — has provided the latest illustration of this adage.

— Alan W. Bock

Courtroom pajama party — A good friend once told me that he felt sorry for Elvis. At the time (it was the mid-'80s), Elvis' name was widely invoked in comedy clubs as an easy punch line to a fat joke. My friend believed

that the fame Elvis enjoyed eventually became a curse. Elvis was so famous that any public appearance he made would draw swarms of people, so he had to be locked away from the real world. His "people" controlled everything he saw or heard, and they were afraid to be honest with him, because that might mean banishment from the inner circle. So when Elvis first modeled that overly tight white jumpsuit with the open front, and that sequined cape, nobody had the nerve to tell him what a jackass he looked like. Instead, they told him he looked great, and "the King" wore the outfit onstage, guaranteeing stand-up comedians decades of easy laughs.

Back then, my friend also predicted that Michael Jackson would end up the same way. Neither of us imagined he'd be proven so right.

Right now Michael is on trial for his life. Although the crimes he's accused of are not capital offenses, I highly doubt that Michael could survive prison. It is difficult enough for a man with his mental faculties intact to be imprisoned for child molestation, since inmates have a very special initiation reserved for freshmen with that rap.

Unfortunately for Michael, he is already considered guilty by most of America (myself included). There's a chance that he is completely innocent, but he's not really convincing anybody. I think his best defense would be to come into the courtroom in a conservative suit and tie, and state in a normal, gravelly, 47-year-old voice, "By the way, Your Honor, that Peter Pan routine was just a big act, orchestrated to keep my name in the tabloids. Hey, that's show biz."

Instead, Michael Jackson showed up to court in his pajamas and spoke in a voice reminiscent of Mickey Mouse's. I am certain that within his weird mind that seemed like a good idea, something that would generate sympathy among the jurors. Unfortunately, the jury might get other ideas. You just can't show up in bedroom apparel to a trial where you've been accused of child molestation. It would be like William Kennedy Smith showing up at his rape trial wearing a velour bathrobe.

At what point are you so distant from reality that you are no longer aware of how people regard you? That's a fear that I've been living with for a number of years now. I look down, and realize that I am also still clad in pajamas, at 5:30 in the afternoon. I doubt I would go to court like this (although I have gone to the post office, and the McDonalds drive-thru). Perhaps a pair of trousers and a trip to the hardware store might do me some good. — Tim Slagle

Bracket busters — Around the time this issue hits the newsstand, a new men's college basketball champion will be crowned. That coronation will mark the close of the NCAA basketball tournament, and the end of a three-week period in which millions upon millions of Americans not only disregard a law, but do so without fear of having federal agents storm their offices, their lodges, or their bars — all by paying a few bucks towards a common pool and filling in a tournament "bracket," predicting which teams will win which games. I encourage you — even if you know nothing about college or basketball — to take part in one next year. It's a cheap and easy way to celebrate one of the rare occasions when common sense trumps regulation: the feds will always be too busy with their own brackets to pay attention to yours.

Besides, you might win some money: tournament pools always seem to be won by someone who has no idea what she's doing. — A.J. Ferguson

Hunter S. Thompson, RIP — One of my Aspen neighbors, Hunter S. Thompson, has opted out of his life via the barrel of a gun. While I didn't know the guy personally, I did bump into him now and again over the years, usually at the polo field, and always admired him for living life on his own terms (albeit terms that invariably included some form of excess).

Which makes the sanctimonious tittering of the media about the nature of his exit — proof, they cluck, of his failed life — all the more laughable. His desire to shuffle off this mortal coil when, where, and how he chose was entirely in character: growing old and dying forgotten in a nursing home would have been unimaginable. In any event, in addition to knowing how to party, Hunter knew how to string words together competently.

"America . . . just a nation of two hundred million used car salesmen with all the money we need to buy guns and no qualms about killing anybody else in the world who tries to make us uncomfortable."

"Call on God, but row away from the rocks."

"The music business is a cruel and shallow money trench, a long plastic hallway where thieves and pimps run free, and good men die like dogs. There's also a negative side."

"No man is so foolish but he may sometimes give another good counsel, and no man so wise that he may not easily err if he takes no other counsel than his own. He that is taught only by himself has a fool for a master."

So, why did he kill himself? I suspect he found that life goes on long after the thrill of living is gone, and I suspect he was tired of having once been Hunter S. Thompson, and no longer being able to hack it. — Doug Casey

Marxism of the Right?

by John Coleman

Libertarianism is not the "Marxism of the Right," as a critic has recently charged. In fact, it's not an ideology of any sort. Libertarians want people to run their own lives and society to run itself. By so limiting its scope, it makes itself compatible with many religions and philosophies.

Many on the Web have begun to refer to the string of Lebanese beauties gracing the covers of magazines and newspapers across the United States as "protest babes." With a mix of determination, drop-dead good looks, hope, and excitement, these women (and their slightly less photogenic male counterparts) have come to represent what many are calling "the Arab Spring."

They are blossoms in the desert of a despotic region. They are the forerunners of an Arab renaissance that will finally, hopefully, bring liberation to the peoples of our oldest civilizations. They are flowers of hope — fragile, rich, colorful, beautiful, diverse — asserting themselves amongst the weeds of fascism and coerced privilege. They provide irrefutable proof, as so many did at Tiananmen Square and in the events that preceded the fall of the Berlin Wall, that if there is one thing more powerful than a wall or a tank or a tyrant it is the sheer force of human liberty, creativity, passion, and love — the same force that, seeping through the cracks of the Gulag walls, once led Alexander Solzhenitsyn to proclaim boldly:

> One word of truth shall outweigh the whole world.

The Iron Curtain subsequently collapsed under such a heavy truth — one, in fact, that had been captured two centuries earlier in a simple, universal, and revolutionary phrase: "All men are created equal and endowed by their Creator with certain inalienable rights. . . ."

Robert Locke recently argued in "The American Conservative" that libertarianism is the Marxism of the Right. He is wrong. Libertarianism, broadly defined, is nothing like Marxism. It is an intellectual and political movement, an anti-ideology that, having vanquished the two greatest ideological threats of the last century, is poised to affect political and philosophic movements across the spectrum of belief for centuries to come. And if the Arab spring is any indication, it is the intellectual and practical force that may finally drive democracy into the hearts of some of the most undemocratic nations on earth.

Locke's fundamental flaw in attacking what he defined as libertarianism lay in his understanding of both Marxism and libertarianism. One is an ideology, the other an anti-ideology. The distinction can be seen in analyzing the definition of ideology laid out in Peter Lawler's more thoughtful criticism of libertarianism and materialism, "Communism Today": "The name rightly given to specifically modern lies is ideologies. An ideology is a form of popular science, and so not a form of real science. It is a comprehensive and easy to understand account of all that exists. Ideologies are dogmas that fill the vacuum created by the discrediting of religious dogma . . . [They] are never personal; we aren't controlled by persons but forces — such as history or material forces or the economy or technology. . . [They] make us all seem more soulless and less truly free than we really are."

By Lawler's account, Marxism is a pure ideology. Libertarianism is not. In "History of Political Philosophy," Joseph Cropsey notes that "Marxism presents itself as a comprehensive account of human life, and not only of human life but of nature as well." And it is this distinction that first separates the two.

Marxism sought to combine the political, the natural, the human, the cultural, and the economic in one unified theory, and claimed that utopian governance and the conquest of nature (the end of history) were both possibilities once a fundamental understanding of this unified theory guided political action. But in elevating the abstraction of an impossibly fluid rationalistic philosophy over the reality of individual human life, he laid the foundation for the 20th century's greatest monstrosity: the communism of Stalin and Mao. Contradictions to the theory were not seen as disproof of Marx's formulation, they were seen as outliers to be slaughtered, obscured, and cleansed. Placing value only in the material progress of "mankind" and in the final liberation of human beings from the natural constraints of choice, Marxism became a real-world creed — a frightening manifestation of the republic of Plato — that was primarily dangerous because it transcended the abstract to become reality. Governments acted on these theories. People internalized them. And the world was transformed.

Marxism is an ideology. Libertarianism is an anti-ideology.

But Locke would have us believe that libertarianism is cut from the same cloth:

> Free spirits, the ambitious, the ex-socialists, drug users, and sexual eccentrics often find an attractive political philosophy in libertarianism, the idea that individual freedom should be the sole role of *ethics and government* (emphasis mine). Libertarianism offers its believers a clear conscience to do things society presently restrains, like make more money, have more sex, or take more drugs. It promises a consistent formula for ethics, a rigorous framework for policy analysis, a foundation in American history, and the application of capitalist efficiencies to the whole or society. . . .
>
> This is no surprise, as libertarianism is basically the Marxism of the Right. If Marxism is the delusion that one can run society purely on altruism and collectivism, then libertarianism is the mirror-image delusion that one can run it purely on selfishness and individualism.

To be fair to Mr. Locke, his analysis continues for several pages, but it is here, in his initial formulation of both Marxism and libertarianism, that it runs wildly astray.

First, I find it hard to believe that anyone who has read Marx would actually define Marxism as "the delusion that one can run society purely on altruism and collectivism"; but granting his case, I know of no one that would define libertarianism as the "delusion that one can run it purely on selfishness and individualism." At the very heart of libertarian belief is the idea that no one should run society, but that societies work best when communities, families, businesses, and individuals are free to run themselves within the confines of civility, and without the threat of violence for purely intellectual differences. Ideologues run societies; libertarians, as Hayek would admonish, demote these ideologues, relying on the passions and dreams of individuals rather than on the intellectual permutations and perversities of a distinguished few. And it is revealing that Locke cannot remove himself from a construct in which intellectual movements must be pure, and must force their beliefs on others. This is certainly the definition of ideology, but it is the primary point at which libertarianism separates from ideology.

Marxists need a top-down implementation of Marxism, in the form of communism, because the entire system relies upon impersonal forces trumping individual preferences. Just like fascism, it demands rigorous adherence to rules for the execution of its societal plan.

Libertarianism and classical liberalism, on the other hand, demand nothing of the sort, and this is primarily because the foundation of libertarianism is not a holistic philosophy of mankind. Hearkening back to Lawler's guidelines, it is not an "impersonal" system, but a hodgepodge, a political framework designed to safeguard the personal from the coercion of the few. Far from making each person feel "more soulless and less truly free than we really are," its essential dogmas — dignity, political autonomy, mutual respect — place liberty and humanity at the forefront of all human behavior, emphasizing the very basic fact that politics is not everything, and that a safe and civil society is merely a vehicle for deeper human development.

And while Locke would have us believe that libertarianism proposes a comprehensive program for government and ethics, nothing could be farther from the truth.

It is proper to note that libertarianism demands some level of political obeisance to individual preference; but it never proposes the kind of moral nihilism that Locke claims as its primary motive.

Again, if ideologies are holistic conceptions of humanity and nature, then libertarianism is the opposite. Recognizing the contradictions and individualistic longings within people, it attempts to create a political system in which one moral framework may win over another through persuasion rather than force. It recognizes that real differences in morality do exist, and that they are vitally important, to the point that they sometimes lead to violence and coercion; and it emphasizes a system that respects these differences

Libertarianism recognizes that real differences in morality do exist, and that they are vitally important. It emphasizes a system that respects these differences in the hope that conflicts may be resolved nonviolently.

in the hope that conflicts may be resolved nonviolently.

It is a political philosophy designed to protect personal philosophies. If you want further proof of its decentralized and wholly unideological formulation, try to find two people who define their libertarianism in the same way. They don't exist, which is why Locke was forced to establish a perverse straw man as his libertarianism instead of the diverse mosaic of beliefs and actions that has for centuries comprised the philosophies of free markets and small government.

Libertarianism is not an ideology because libertarians are content to make government smaller piece by piece. Those who love liberty do not have to agree on every issue of government or morality. They do not need armies or prison camps to win the war of ideas — they just need a few courageous men and women to step to the forefront when real ideologies and ideologues threaten to undermine human dignity. Despite their personal beliefs and political preferences, they refuse the government the right to degrade their souls and their rights in order to shape culture, government, or society to their liking.

Locke must resort to fear-mongering — invoking "Free spirits, the ambitious, the ex-socialists, drug users, and sexual eccentrics" — because in the absence of such straw men his readers might see the real faces of libertarianism.

Not stereotypes, but people.

They might see Martin Luther King Jr. standing defiantly on the top step of the Lincoln Memorial and denying an ideology of racial hatred the right to crush his dream. They might see Patrick Henry, who coined the phrase "Give me liberty, or give me death!" planted in front of the House of Burgesses, shouting to his oppressors, "If this be treason . . . make the most of it!" They might see Gandhi passively enduring his own degradation or Christ professing, "Render unto Caesar what it Caesar's, and unto God what is God's" — because in a world destined to fall short of Utopia, He knew, as Solzhenitsyn did, that "one word of Truth might outweigh the whole world."

And they might see the same ageless struggle in the flawless visage of a Lebanese "protest babe." Because great ideas are not confined to so-called "great men," nor are they the product of universities or of political caucuses. They are the natural outgrowth of billions of human souls, young and old, thirsting for a birthright of freedom that has languished for centuries under those "who know better," longing for that moment when real human potential can be realized and unleashed.

In his essay, "Liberalism in the New Millennium," Mario Vargas Llosa wrote: "For liberals, the war for the progress of liberty in history is, above all else, an intellectual battle, a struggle of ideas. The Allies won the war against the Axis, but that military victory did little more than confirm the superiority of a vision of man and society that is broad, horizontal, pluralist, tolerant, and democratic over a vision that was narrow-minded, truncated, racist, discriminatory, and vertical. The disintegration of the Soviet empire before the democratic West validated the arguments of Adam Smith, Alexis de Tocqueville, Karl Popper, and Isaiah Berlin concerning the open society and the free economy, and invalidated the fatal arrogance of ideologues like Karl Marx, V.I. Lenin, and Mao Zedong, who were convinced that they had unraveled the inflexible laws of history and interpreted them correctly with their proletarian dictatorships and economic centralism."

Locke must resort to fear-mongering — invoking "Free spirits, the ambitious, the ex-socialists, drug users, and sexual eccentrics" — because in the absence of such straw men his readers might see the real faces of libertarianism.

Libertarianism, at base, is not an ideology. It is the enemy of ideology, but like Marxism it has the power to change the world on the basis of a few basic ideas, and if small battles against the drug war and sodomy laws accompany the larger war on autocracy and state oppression, let that be the case. The price of liberty, after all, is vigilance — even in the smallest and most controversial of things.

Locke makes a number of good points about the dangers of materialism and moral relativism, but he would do well to address these issues separately and realize the more diverse nature of "libertarianism" — not a school of thought or political party, but a broad-based and hopeful core of ideas. Perhaps then, in his concern for what he terms "the Marxism of the Right," he would look around to see that the anti-ideology he describes was a social force of power, beauty, and strength long before Marx published his manifesto. It battled and outlasted his movement, and now, with its emphasis on the importance of human liberty regardless of race, culture, or creed, it is washing over yet another region in this — the slow awakening of a global spring. ❑

"C'mon, sir — You don't want me sponging off the taxpayers, do you?"

Rattlesnakes, Tacos, and Tetracycline

by Robert H. Miller

Rocks, docs, and Mexican cops, with an arm swollen like a salami: surviving a rattlesnake bite in Mexico is very different from surviving one in the U.S.

"Ouch!"

I'd stuck my finger (or so I figured) into a little cactus hidden in the overhead crack. I instinctively retracted it, took a good look at it — only two dots of blood but no visible thorns — stuck the digit into my mouth, and sucked on it. The reaction, an involuntary evolutionary adaptation to disinfect wounds (saliva has anti-bacterial properties), this time had a conscious component. Unable to see the spines, I ran the tip of my tongue over the pulsating flesh to feel for the tiny offenders. I felt nothing, so I looked at it again and pulled up on a handhold to get a look at the culprit.

There was no cactus. Instead, not one foot from my nose, a cringing and diminutive, foot-long, gray rattlesnake — cute actually — hissed and rattled, warning me not to encroach again. My first thought was to snuff it, but I was in no position to do so. I was leading a difficult rock climb, 1,000 feet up a sheer, vertical limestone wall. At the time the snake struck, I was hanging on with one good handhold and two toeholds the size of the edge on a Susan B. Anthony coin. Instead, with a clarity I'd experienced only once before, when my life had also been threatened, I considered the situation. First, the snake. The intensity of a rattlesnake bite varies with age, species, and size of load (a function of how recently the snake had shot its wad into its previous victim). Such a little snake implied a youngster. Whew! Then I counted the rattles. Each rattle represents one year of age. This little bugger had six. I made a mental note that perhaps things were a bit worse than they seemed. Next, I formulated a plan to evacuate and get help.

Not an easy task. First aid for rattlesnake bites specifies full body immobilization until help arrives, time being of the essence. But I still had 20 feet up to go — climbing over and past the snake — before reaching a secure anchor at the summit. My wife and climbing partner, Tina, was carefully belaying me 100 feet below. To get help I first had to finish the climb. Only then could we even begin to think of "evacuation."

This wasn't Yosemite National Park with its fully staffed, government-funded, first-rate rescue team. We were climbing at El Potrero Chico, a giant limestone massif outside the little town of Hidalgo — and the headquarters of Cemex, Mexico's cement multinational, of which El Potrero is their mother lode source — about two hours from Monterrey, the capital of the state of Nuevo Leon, Mexico. No helicopters or expertly trained mountain rescue team here. Getting down and out was up to us.

Rock climbing is one (out of many) techniques employed in the sport of mountaineering to make headway over vertical ground. It has evolved into a sport of its own. The

nature and difficulty of the terrain is indicated by what started out as a fairly simple rating system. A rating of Class 1 is flat, improved trail. Two is ground that varies in gradient and can require bush bashing. Three is steep and very rough. For Class 4, add lots of vertical exposure and the occasional use of hands for balance and progress (the prudent will resort to a rope). Class 5 is vertical terrain that requires the constant use of arms, a rope for safety, and specialized gymnastic techniques for upward mobility.

Class 5 is further subdivided by decimals to indicate the degree of difficulty. A rating of 5.0 is like climbing a 150-foot ladder at a normal angle. Tilt the ladder 45 degrees towards you, so that you're climbing more or less upside down, and the rating shoots up to 5.7. A 5.8 or 5.9 rating is akin to climbing on common interior door trim. When the system was devised — prone to lots of subjectivity — no one envisioned harder climbing. But by the 1970s, climbs much more difficult than 5.9 were being undertaken, and so the unmathematical 5.10 was born: territory akin to steep, textured drywall or requiring Terminator strength or a devious combination of the two. Still, climbing standards progressed. Thinking that the 5.10 grade just had to be the limit, when even harder climbs were crafted, mountaineers resorted to the Rube Goldbergian expediency of adding a letter rating — a, b, c, and d — to the existing numbers. Well, that didn't last. Today we have 5.11a, 5.11b, 5.11c, 5.11d; 5.12a through d; 5.13a through d; and 5.14a through d. And, as of this writing, we're at the threshold of 5.15 — akin to vertical, *un*textured sheetrock. My own limits — on a good day, properly psyched, beatific, and transcendent, and with the cosmos aligned *just so* — tops at 5.11a.

Not one foot from my nose, a cringing and diminutive, foot-long, gray rattlesnake hissed and rattled, warning me not to encroach again.

We'd gotten a pre-dawn start to tackle the climb. El Potrero Chico is like no other mountain or crag anywhere. It looks like a giant, Antonio Gaudi (or Tolkienesque, depending on your cultural perspective) cathedral peppered with agaves and palm trees sprouting out of vertical surfaces. The spires and buttresses resemble a random grouping of Brobdingnagian stalactites. The limestone, gray and hard, lacks cracks but is replete with little solution pockets. The name means "the small corral," a reference to the little oval canyon that a stream has carved right through the middle of the formation. The base of the massif was dark and the air was damp, chilled by the Gulf of Mexico fog typical of the Sierra Maestra Oriental in February. If the fog cleared, the day would turn dripping hot. The climb had been dubbed, by the first ascensionists — for some unknown reason — Black Cat Bone. It was 9 pitches long (a "pitch" is a handy rope length, somewhere between 75 and 165 feet — the length of a conventional climbing rope) and 5.10d in difficulty. Tina and I tied in and sized each other up for the first lead.

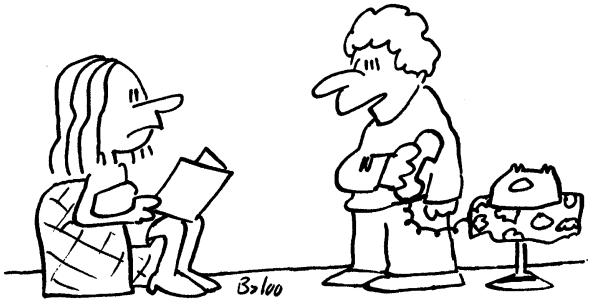

"It's our marriage counselor — he wants to know if he can sleep on our couch tonight."

The mechanics of climbing actually render the sport reasonably safe. First, the rope is unwound from its coil and stacked loosely on the ground so that it'll feed out without any snags: a "spaghetti" coil. Then, each climber ties in — via a harness (like a parachute harness) — to opposite ends of the rope: a "lead" end (also known as the "hot end") and a "belay" end. The belayer then also ties in to an anchor — any handy tree, rock, or object that will hold him secure come what may. The belayer then grabs a piece of the rope close to the leader and winds it around a belay device — his waist, a tree, or a specially designed piece of gear that can produce enough friction when pulled tight to hold a leader's fall. At this point, there is very little loose rope between the two climbers, and so the leader heads up, with the belayer feeding out rope as the leader progresses. Every few feet the leader inserts a piton (like a big nail with a clip-in ring), bolt, or mechanical device that jams into a crack or other natural feature of the rock and is thereby pretty secure. To each of these he clips a carabiner: an oval shaped metal ring with a pivoting snap gate that he clips the rope through. The carabiner allows the rope to run through unimpeded. If the leader falls from five feet above his last piece of protection, he'll fall a total of ten feet: the five feet above plus the same five feet of rope as it pendulums down (if his belayer is paying attention and catches him). A ten-foot fall caught by a rope with no give can cause serious injury. But climbing ropes are designed to stretch and thereby ease the fall — no big deal.

When the leader reaches a likely belay spot, he stops climbing, anchors in, and belays the second climber up to the top of the first pitch. Well rehearsed, military-type signals ease the process of communication even in the worst of conditions. However, the system is prone to misunderstanding. (At one point I heard Tina yell, "You dumb mule!" She'd actually said, "Don't pull!") Once the second climber arrives at the subsequent belay, roles are reversed and the process is repeated until the top of the climb is reached.

It fell to Tina to lead the sixth and hardest pitch (the hardest pitch determines a climb's rating). The heart of the matter was a shallow, featureless "open book" — two walls intersecting at 90 degrees — followed by a "blind roof," actually a protruding 15-foot horizontal ceiling. Looking like a water strider, she shimmied up the open book using the opposing pressure of her hands and feet against the two angled walls. At the roof she became a spider. Upside down, grasping the rough edges of solution pockets with her hands and either hooking her toes against their lips or pressing the balls of her feet against their back surfaces, she scurried to the roof's lip as fast as she could. She then stopped cold. Craning her neck over the edge, she searched blindly for a "thank god" hand hold with one arm while holding on with the other. When she found one, she matched hands on it, released her feet and swung out over perdition. Quickly, she executed a pull-up and, when her chin passed her hands, brought a toe up to the same hold her hands were on, found purchase and stood up. Tina took no falls. When I seconded up to her, I took all the tension on the 9 mm rope she could exert. And so the climb progressed until my encounter with the little snake.

By the third rappel my left arm was fat and hard as a salami, unbendable at the elbow. By the fifth rappel, the salami turned green and purple and a strange sensation had reached my armpit.

Via shouts — akin to communicating over a lousy radio with lots of static (the wind was blowing) — I told Tina what had happened. She took the news in stride. I finished climbing the last pitch and belayed her up to the summit. It was noon.

Getting down is straightforward, *if* there's a walk-down descent nearby. Not so straightforward if the mountain or crag is vertical all around: rappelling then becomes the only option. For a rappel, the climbers loop the rope around a secure anchor so the cord dangles from its center. They then descend the doubled rope by attaching themselves to it through any friction-inducing device — around their bodies or a rappel mechanism — and feeding the rope through in a controlled manner. When they reach the end of the doubled rope, one of the climbers pulls one of the ends down. As the rope feeds through the anchor point, the other end goes up. After the ascending end clears the anchor point, the rope free-falls down, vulnerable to snagging and catching on any protrusion. Once the line is safely retrieved, a subsequent rappel is threaded and the procedure is repeated until walkable ground is reached. Black Cat Bone had no walk-off descent, so we began the complex and time consuming nine rappels that would get us to the ground.

Contrary to popular depictions, rappelling is neither fun nor fast. Suspended from *one* anchor point, the rappeller slowly walks down backwards — so as not to shock load the anchor — and exercises faith to swallow his fear. And it takes two hands: one on the rope below to control the rate of descent; one above for balance. I had Tina rig my rappel and kept the poisoned limb above my head. By the third rappel my left arm was fat and hard as a salami, unbendable at the elbow. I was unaware of any pain. By the fifth rappel, the salami turned green and purple and a strange sensation had reached my armpit. At the sixth rappel the rope snagged when we pulled it down. Improvising a belay with what extra rope we had, Tina climbed up and freed the line. With only three rappels left, I started thinking about what to do when we reached the ground. I was befuddled. Either the prospect was overwhelming or the poison had begun to affect my mind.

No one climbs "because it's there." We climb because we're never more alive than when we face death. Mind you, climbing is pretty safe and we are seldom anywhere near death. But it sure feels like it. Climbing integrates all the faculties: intellectual, physical, and emotional. The exact sequence (the harder the grade, the more complex the sequence) of upward moves, like a life-sized chess game, must be plotted and then executed gymnastically — with the dread of falling and splattering on the rocks below ever present. Success turns the fear into exhilaration, which in turn generates lust — the antithesis of death, as George Santayana so eloquently realized when he wrote, "Her lust was so intense; it was like she was trying to beat back death."

The nine rappels ate up two hours — about as good as it gets. At the base (before Tina was even down) I flagged down the first vehicle that came by. I was lucky. Sue, a climbing guide from the Shawangunk Ridge (a conglomerate formation in New York State where William Shockley, inventor of the transistor, pioneered many routes), stopped. Sue winters at the Potrero to hone her skills in the offseason.

Brandon had insurance and was admitted, stabilized, and put under observation — after all, what harm could such a little snake inflict?

I told her what had happened. She motioned me to jump in, turned the car around, and headed for Hidalgo. She reassured me that rattlesnake bites are seldom fatal except to the very young or the over-50. Her attitude was so positive I forgot I was 53 (I look 40). When I told her, she raised an eyebrow, barely skipped a beat, and stepped on the accelerator.

My mind was a maelstrom of questions. Was there a doctor in town? A hospital? (Hidalgo seemed too small for one.) Sue explained that Mexico is covered by government-run free clinics that cater to all needs, and that they are responsible and well-staffed. We headed for the Hidalgo Free Clinic. I was reassured but very skeptical. The real adventure was about to begin.

Midnight, mid-June, 2002. Brandon Kulszan, 19, and a group of friends were basking in the moonlight by the pool at a Scottsdale, Ariz. gated community when a 10–12 inch snake slithered poolside. One of them noticed the intruder and alerted the others. Brandon, familiar with snakes, identified it as a baby Western Diamondback — it barely had one single, soft rattle which it was shaking like a dog shitting apricot pits, to no effect. He reached down and picked up the interloper to dispose of it. But the snake was quick on the draw; it counter-attacked Brandon's index finger. Brandon was philosophical. He'd always wondered what it would be like to get bit by a rattler and was actually looking forward to the experience. After all, what harm could such a little fellow inflict? He threw the rattler over the fence and got a friend to drive him to the outskirts of Phoenix and the nearest emergency room.

Arizona's Emergency Medical Treatment and Labor Act (EMTALA) requires every hospital to accept every patient that walks through the door. They are triaged by a doctor or nurse and then asked about insurance or ability to pay. Brandon had insurance and was admitted, stabilized, and put under observation — after all, what harm could such a little fellow inflict? As Brandon's condition deteriorated, the hospital administered heroin derivatives and concluded he should be transferred to a specialist. Six hours after the bite he was transported — by ambulance — to Good Samaritan Hospital in downtown Phoenix. Arizona's Consolidated Omnibus Budget Reconciliation Act (COBRA) facilitates and mandates a doctor-to-doctor transfer, to a separate facility.

We pulled up to a nondescript, pastel yellow concrete building with a flat roof and an IMSSS (Instituto Mexicano del Seguro Social-Solidaridad) banner. The parking lot was empty. Inside there was standing room only: wall-to-wall worried women comforting crying, runny-nosed children and past-their-prime, overweight, mustachioed men in cowboy hats. I didn't look too closely. Sue ushered me over to the single, glass-protected, bankteller-style reception kiosk. When she uttered "snake bite" we were immediately directed to a room in the back. It was tiny — maybe 16' by 16' — but it bustled with activity, and was packed with beds, privacy curtains, patients, medical accouterments, a refrigerator, and a small nerve center from which a very professional yet disarming and reassuring middle-aged doctor instantly came forward to greet us and took charge.

The doctor said it was imperative I get to a hospital in Monterrey, but didn't offer an ambulance or any such conveyance: I had to figure out what to do and get there on my own.

When Sue's halting Spanish faltered, I took over — in spite of the fact that I was fading fast. I grew up in Cuba, and Spanish is my mother tongue. Sue slipped me two serious pain pills, "just in case," and took her leave. I asked her to find Tina and bring her up to date. The doctor placed me in a bed, wrapped the arm in ice, and gave me her prognosis. She had no anti-venom; instead she proposed to stuff me with antibiotics and anti-inflammatories — intravenously. But she lacked one of the ingredients, so she enlisted someone to run down to a pharmacy and get them. In no time I was hooked up to two bottles and lay there, under observation, for about two hours.

During the lull, no paperwork was shoved in my face. Tina finally found me and was allowed to stay by my side. Meanwhile, I was getting more and more spacey, but I made an effort to retain consciousness as Tina, as they say in Cuba, speaks "not a cumin seed" of Spanish. Finally the doctor said it was imperative I get to a hospital in Monterrey, but didn't offer an ambulance or any such conveyance: I had to figure out what to do and get there on my own. Despair.

As Brandon's condition deteriorated, the hospital administered heroin derivatives and concluded he should be transferred to a specialist.

Monterrey is the third largest city in Mexico, two hours from Hidalgo along a pot-holed, crowded, two-lane highway. With a population of about 3 million, it has grown in size and wealth since the *maquiladora* program was established (unemployment is only 2.4%). John Deere's Mexico headquarters are there, as are FEMSA's, brewer of Bohemia, Tecate, and Carta Blanca beers, and bottler of Coke. Additionally, it's an important steel, chemical, manufacturing, and financial center. But it's also an old city, founded in 1596. During our war with Mexico, the battle for Monterrey was a decisive victory for Zachary Taylor's and Winfield Scott's grand pincer movement to capture the country.

Traffic was a nightmare. Tina can't read a map, much less one in Spanish, *and* navigate Mexican streets, signs, and traffic. How to pick a hospital? At first the overwhelmed doctor said that was up to me. Then she started to explain the Mexican health system. Realizing that it was more than either of us could handle just then, she grimaced — resignedly, albeit sympathetically — and asked me what I wanted. *What I wanted!!* I wanted not to have to make decisions in my condition and to be taken care of!

The distribution and disposition of hospitals in Monterrey is perfectly logical, though I was not aware of this at the time. There are 4 giant IMSS hospitals and 4 full-service private hospitals. The latter range from bare-bones to luxurious. (IMSS stands for Instituto Mexicano de Seguro Social, not to be confused with the aforementioned IMSSS. More on the difference later.) Since Mexican hospitals outside the IMSS system are not required by law to serve everyone who comes through their doors regardless of their ability to pay, Mexicans triage themselves up to the best level of care they can afford. My doctor picked Oca Hospital, the cheapest of the private lot.

To get there, she networked me a driver (I offered to pay $50). When I was ready for the transfer, I thanked her profusely and asked how much I owed the clinic. Nothing! Her? Again, nada. I couldn't believe it. No amount of pleading or reasoning changed her mind. "That's the system," she insisted.

The nurse wheeled me out to our camper van, introduced our driver, loaded me in, stabilized the IVs for the drive — by having Tina stand beside me holding them up in the air — and we set out for the two-hour slalom to Monterrey.

The Oca Hospital complex takes up more than one city block on a busy downtown street. In no time I was gurneyed into an emergency examination room and verbally assessed, and had my vitals recorded. By this time (about six hours had passed since the bite), the toxins had breached my shoulder and invaded the torso — I'd beefed up considerably — and my hand had taken a turn for the weird, deciding to point the wrong way. The pain was intense. In a few minutes, Dr. Jose Eduardo Rivera Gonzales danced — literally — into the room, introduced himself, and conveyed his competence. He was a plastic surgeon specializing in burns with a sub-specialty in hand surgery and animal bites. It seemed too good to be true.

Dr. Rivera (in Mexico — or any other Spanish-speaking country, for that matter — the last name is the mother's maiden name, while the penultimate name is the father's or family name. *Never* call someone by his last name; it implies that he is a bastard) had studied at medical schools in Guadalajara, Jalisco, Mexico and Barcelona, Catalonia, Spain. He looked at my arm, studied my vitals, and sat down for a chat.

I have never met an M.D. like Dr. Rivera. Short, dark, and handsome, he was happy, cheery, bubbly; unselfconscious, unself-important; absolutely unstressed and impressively unhurried. *He,* not an orderly or nurse, washed and bandaged the bite site, talking all the while, giving us his prognosis. Though it was too late for antivenom to be effective — the optimal window of opportunity is four hours — he was going to administer it anyway, just in case. He said the main danger was infection; that the most dangerous bites (absent poison) were human; that I had an 85% chance of keeping my finger and that the next 48 hours were critical. He was going to continue — and increase — the antibiotic and anti-inflammatory regimen. He asked whether we had any questions, loitered around chit-chatting to see if any came up, gave us *all* his phone numbers — stressing that he *always* answered his cell phone, genuinely reassuring us to call if we needed anything, anytime. Then he said he was sure we'd have some questions so he'd leave us alone for a few minutes to digest what he'd said.

True to his word, he came back in five minutes. I asked whether Tina could stay with me, and would he give me something for the pain which was now becoming unbearable. He looked at me as though to ask who was he — or the hospital — to keep Tina away from me? But he said that because of the way the poison worked — something to do with my brain function (I was starting to feel like I was on a bad, albeit mild, psychedelic trip) — I had to bear the full brunt of the pain without any palliatives. But not to worry, he would check on me every two hours throughout the night. Before leaving I wanted to reassure him that I was good for the bill — so far, no one had inquired about my finances. But it felt awkward, like trying to point out snot on a mustache in public. He gave me a "don't be a silly boy" look and told me not to fret.

By this time I could barely stand. Tina, a nurse, and an orderly wheeled me into a third-floor spacious, single room with wall-to-wall picture windows overlooking the city and the Sierra Madre in the distance. It was the worst night of my life. While Tina slept fitfully on the couch, I stared unblinkingly and intensively at Mexican graveyard-shift TV, fighting the pain by grimly holding on to sanity. Every hour, a nurse came in to monitor my vitals; and every two hours, Dr. Rivera came in to check up on me.

Dr. Rivera asked whether we had any questions, loitered around chit-chatting to see if any came up, and gave us all his phone numbers — stressing that he always answered his cell phone.

Come morning my entire left side, down to my hip, was black and purple, and swollen as if I was about to give birth to a football. When the nurse came in to change the wound's dressing, Dr. Rivera, already there and bright and sprightly as ever, joked with her until we were all laughing till it hurt — literally, for me — and cared for my hand himself. Back home, I'd never seen such a breach of the doctor-nurse caste protocol.

The Phoenix metropolitan area holds about 3 million people — about the same as Monterrey. And there are about 8 full-service hospitals (plus one veteran's hospital and one Indian hospital run by the federal government to provide for the entire state). Good Samaritan Hospital specializes in snake bites. They have 2 toxicologists on staff and stock synthetic antivenom. Brandon, now falling in and out of consciousness, was admitted into intensive care and administered over four times the conventional antivenom dosage. He spent three nights in intensive care before being directly discharged. His finger remains disfigured (and slightly numb) while his hand is a bit larger than it used to be. Total cost: more than $25,000.

I wondered whether all Mexican doctors were as unstressed as Dr. Rivera. He said that, like all people, their personalities varied. But I sensed something different. I told him that American doctors train and practice in a culture of stress, ready for war and natural disaster at a moment's notice; that interns average 70 hours a week with half putting in 80–90 hours; that 72 hours on duty is not uncom-

mon; that securing a doctor's appointment often took weeks, sometimes even months; that just talking to a doctor usually required pre-arrangement with the consultation being terse and curt. He looked puzzled — it made no sense to him. I told him that consequently, overworked interns were twice as likely to get into traffic accidents and the rate

An administrative representative came to my room to settle accounts. I was incredulous; the bill was only $1,200: my credit card easily covered the cost.

of "mistakes" in American hospitals was alarming. The fall 2003 issue of Money magazine (entirely devoted to health care) even recommends that, when anticipating surgery, a patient schedule himself to be the first case in the morning — *after* the doctor has had a good night's sleep. This all came as a surprise to Dr. Rivera. He replied that doctors in Mexico worked, if not regular hours, at least reasonable hours; that one could usually make same-day appointments, even with specialists, for about $20–$25 (rarely as high as $50); and that he, in giving out all his phone numbers and mostly answering the phone himself, was, by and large, no exception. I couldn't believe it.

At midday, Dr. Rivera announced he thought I'd keep my finger. By dinnertime I was served my first meal. Not hungry, and not looking forward to hospital food, I was surprised by the quality of the fare. I ate it all. By the third day we were wondering when I could be discharged. Dr. Rivera was noncommittal.

Still, everything wasn't a warm enchilada. Our camper van had been left parked in front of the main hospital entrance. Considering the circumstances, the security guard had volunteered to watch it and make sure it wasn't towed. But after his shift was over, it had to be moved. Oca Hospital's parking garage was multistoried, with a seven-foot maximum. Our van, with a bubble top, was nine feet tall — it just wouldn't fit. Tina kept herself busy shuffling the vehicle from curbside meter to meter as each two-hour maximum expired. Meanwhile, I'd call the front desk and try to explain our parking problem in hopes of some relief.

Once, in the middle of the second night, she was late. A uniformed Saddam Hussein look-alike was writing the van a ticket. Neither could speak the other's language. Tina handed over her papers: passport, visa, driver's license, vehicle permit, and proof of insurance. Apparently, something was amiss (we found out later that our insurance had expired). The encounter got complicated. A local resident approached the officer and, Tina surmised, berated the cop for the hassle. Saddam didn't relent. Tina pointed to the hospital, blurted (in English) that her husband was dying, broke into tears, gently pried the papers from his hand and slowly drove away. Miracle of miracles, he didn't pursue. By this time the original security guard was back on duty and agreed to watch the vehicle until his shift was over. The next morning Oca arranged for secure parking. But we would still have to extend our Mexican car insurance and settle the parking ticket before crossing the border. Tina had lots of homework.

Somehow, Tina found her way to the police station and paid the fine. Meanwhile, I contacted the insurance agent. He agreed to come to the hospital to extend our coverage.

Oca's food only improved during our stay and I had to rein in my appetite. By the fourth day, Dr. Rivera was reluctantly willing to discharge me on the condition that I spend a further night up in the hospital's fifth floor and promise to get follow-up care at home. It was time to settle the bill. Anticipating a hefty charge, I'd called my sister in Phoenix and arranged for a wire transfer. An administrative representative came to my room to settle accounts. I was incredulous; the bill was only $1,200: my credit card easily covered the cost. Dr. Rivera's bill was still to come.

The fifth floor of the hospital had been conveniently designed as a hotel, either for discharged patients not quite ready to go home but not needing hospital care, or for visitors. We booked a room. That evening the insurance broker came by and updated our policy. At 10 p.m. Dr. Rivera dropped by to visit and present his bill. By now, he fancied himself my friend. Though I felt the same way, it was tough for me to breach the professional doctor-patient divide. Tina poured us a glass of wine. By way of foreplay, he said that besides his regular practice, he volunteered time at a children's burn clinic. Then he told me I owed him $900, but refused to present a written bill or write me a receipt. Payment would be made via a credit card cash advance. Intrigued, I pursued the subject — after all, my costs were not only deductible in the U.S., but they were also reimbursable by my insurance company.

Doctors in Mexico are issued an official government "book of receipts," with each receipt numbered, carboned, and partitioned into halves: one for the doctor and one for

Tina pointed to the hospital, blurted (in English) that her husband was dying, broke into tears, gently pried the papers from the cop's hand, and slowly drove away. Miracle of miracles, he didn't pursue.

the patient. Come tax time, both patient and doctor provide the government with an accounting of health transactions via each half of those numbered receipts; the halves would be rejoined and taxes, or credits — as the case may be — would then be levied. Dr. Rivera explained that if he wrote out a receipt to a foreigner, *that* half of a receipt would forever leave the paper trail leaving a "mate less" receipt half in the revenue department's hands. Though there was nothing illegal in the transaction, it was out of the ordinary. Inevitably, an investigation would ensue. Dr. Rivera did not want to be investigated by Mexico's IRS. Doubtlessly he

would also evade taxes on that income, which he did not mind admitting.

Dr. Eduardo (as we were now addressing him) stayed past midnight discussing health care. He said that about half of Mexico's population has government health insurance provided by a variety of agencies and programs collectively known as Mexico's social security system and funded by equal employee and employer levies. The largest of these agencies is the IMSS, basically a health maintenance organization. Any resident, regardless of employment status or nationality, can join. Though participants have limited choice when choosing care providers, the $225 annual premium is dirt cheap.

Prices in Mexico are a fifth to a third of their U.S. equivalent (my total tab, at $2,100, was less than a tenth of Brandon's $25,000 bill).

Another third of the population — the portion without formal coverage — is served by IMSS-Solidaridad, a program funded by general tax revenues but administered by the IMSS. Care is based on one's ability to pay; for some people, it is free. There is no choice in providers. Private insurance covering private medical care provides for the remaining 20% of the population at an average annual premium of $1,000.

Dr. Eduardo was interested in performing cosmetic plastic surgery on Americans. Like Canadians coming south to the U.S. seeking health care in a more unregulated market, Americans have long been going to Mexico for cheaper dentists, drugs, podiatrists, optometrists, "alternative" practitioners, and such. And as American health care becomes more expensive, doctors more difficult to engage, and the whole system more complex, more Americans are now heading south for ever more extensive medical care such as scheduled and elective surgery and other non-emergency procedures. One study found 41.2% of U.S. residents of Mexican ancestry in Laredo, Texas, get primary health care in Mexico. Prices are a fifth to a third of their U.S. equivalent (my total tab, at $2,100, was less than a tenth of Brandon's $25,000 bill).

Unfortunately, Dr. Rivera's and Oca Hospital's bills barely dented my $7,500 deductible. Up until a few years ago I never admitted to being insured. I always figured that it was no one's business how I chose to protect my assets; that my contractual arrangement with an insurer was between myself and the company. Additionally, whatever price I negotiated with a health care provider had nothing to do with my net worth, how much I made or whether I had insurance or not. I always made it a practice to keep a wall of separation between my insurance company and my health providers — I didn't want any hanky-panky, where my pocketbook was concerned, behind my back. Invariably, I'd have bills sent to me directly, pay them and then deal with collecting from my insurance company. In fact, I figured that if I said I didn't have insurance, I'd get a lower price. How naive!

Often, it worked. During run-of-the-mill doctors' visits, I'd discuss the fee with the doctor directly, and he'd notify his billing department to make an adjustment. But once, after a surgical procedure, my insurance company told me I'd be charged less, sometimes more than 50% less, if I initially admitted to having insurance — regardless of the deductible. It made zero sense to me.

Here's how it works. In an attempt to hold down Medicare and Medicaid charges, the federal government has capped (by means of a hideously complex formula that is forever subject to revision) fees for a majority of procedures. In effect, health care providers may not charge fees above these ceilings if they accept Medicare and Medicaid patients. Most health care providers, in order to get reimbursed, swallow this indignity. Insurance companies ride on the system's coattails, insisting they too will only reimburse according to the federal guidelines. Doctors try to make up the difference by charging the uninsured what they believe their services ought to cost. It's a perverse set of incentives.

Although the cost of living in Mexico is much lower than in the U.S., Mexican health care costs are doubtlessly kept low by what one U.S. doctor has called (and I paraphrase) "a tort system that is either prehistoric or way ahead of its time, depending on your point of view." Personal injury lawyers — as we know and love them — do not exist in Mexico. Liability claims over $100,000 are rare. Negligence, normally a civil matter in the U.S., is a criminal affair in Mexico — a claim devilishly difficult to prove. Claimants don't need a lawyer or retainer. A prosecutor takes charge for them.

Barring negligence, malpractice awards are initially limited to compensatory damages. Punitive damages, if assessed, are strictly apportioned by statute, and moral damages (pain, suffering, and emotional distress) are capped at a third of compensatory damages. Unfortunately, the state of Chihuahua and the Federal District have revised their moral damages upward, more in line with U.S. practice: unlimited compensation. Dr. Rivera's malpractice insurance premiums consume about 20% of his income.

All of these factors are attracting an ever-increasing U.S. clientele south of the border — and even a Canadian clientele (a recent issue of the Canadian Family Physician includes a short introductory piece on the Mexican health

continued on page 35

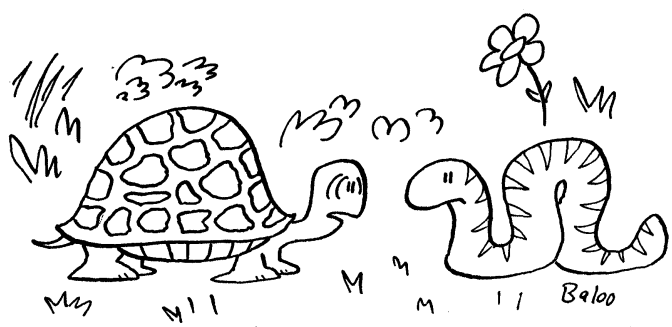

"You'd look spaced-out, too, if *your* back had been itching for 87 years!"

From Upstate New York to the Horn of Africa

by Spencer H. MacCallum

Some people talk about what a free society would look like. Others try to build one.

I believe, as an act of faith, that human social organization in the future will be stateless. Such an assumption is warranted for the same reason as the scientist's assumption that the universe is a cosmos and not a chaos. That is to say, it's a productive assumption. The scientist can't prove the universe can be understood rationally, but if he didn't make that assumption, he wouldn't make any discoveries. He wouldn't expend the effort. In the same way, it is productive to assume that human society (which after all is very young) is a work still in progress and that we are outgrowing the conflicted behavior of politics.

Such an assumption prompts the search for new understandings of the peacefully evolving social process. To engage in such discoveries is inspiring, and inspiration lifts our spirits. Inspiration is the fountain of creativity — and creativity is what being human, in the best sense of that word, is all about.

For this general perspective, I'm indebted to my grandfather, Spencer Heath. He was attracted early on, in the 1890s, to the strongly free-trade stance of Henry George. From his ensuing close acquaintance with the Georgist movement over the next 40 years, his attention was drawn to the institution of property in land. Instead of condemning it, as many Georgists are inclined to do, he made the productive assumption that it performs a vital function in human social organization and set about to understand what that might be. In 1936, he wrote up and self-published his findings in a monograph entitled "Politics versus Proprietorship."

I became aware of my grandfather's ideas while I was an undergraduate at Princeton in the mid-1950s. I've been hooked ever since, fascinated by the idea of social evolution and particularly the notion of human society as an emerging spontaneous order. A few years later, studying social anthropology at the University of Washington, I did a master's thesis based on those ideas. I received a lot of encouragement from Baldy Harper, who was then in the process of founding the Institute for Humane Studies. My thesis became the basis for "The Art of Community," which the Institute published in 1970.

My main focus over many years has been a vast and virtually untapped body of empirical data from the field of commercial real estate, namely, the emergence since the mid-19th century of many forms of multi-tenant income property, such as hotels, shopping centers, office buildings, business parks, and marinas. What all of these have in common is that title to the land component of the development is not fractionated by subdividing but is held intact, and the parceling is done by ground-leasing. Leasing sites instead of selling them off preserves the concentrated entrepreneurial interest in the whole development that allowed it to be planned and built in the first place, and this permits it to be operated as a long-term investment for income. The result is very different from a subdivision, such as a condominium or other form of common-interest development, which are governed nowa-

days by a homeowners' association. A subdivision is an aggregation of consumers looking to their own purposes and not in any sense a business enterprise serving customers in the competitive market.

Around 1970, I made the acquaintance of Werner Stiefel. Shortly after that, he began work on a new project: devising a constitution for an altogether stateless community. While the community needed to be effectively governed, its government was to differ from governments as we know them in being internally consistent. In no way should it infringe upon property rights. There was to be no taxation or other discretionary authority over anyone's person or property.

Stiefel undertook to transform those who had joined him into a seasoned team by assigning them the task of building the ferro-cement ship.

Stiefel had been inspired and awakened philosophically by reading "Atlas Shrugged." But unlike a great many Randians, he saw an inconsistency in her tolerance for the state. He realized that men act in their own interest as they perceive it, and that is no problem when they are dealing with their own person and property. But when they acquire discretionary authority over persons and property not their own, problems arise, since their perceived interest and that of the owners must at some point diverge. The private individual must then resist, even to the forfeit of his life if he cannot prevail, or live for the sake of another.

Stiefel's family had experienced Nazi Germany in the 1930s. Unable to rescue any assets from their family soap manufacturing business in Germany, Stiefel, his father, and brother set up a new business in the United States, based on what they carried in their heads. Today Stiefel Laboratories, a family-owned company, produces dermatological soaps and related products in more than 40 countries.

When Stiefel read "Atlas Shrugged," he woke up to a sobering question. When conditions had deteriorated in Germany in the 1930s, many people had fled to the United States. But even then, in the United States, Stiefel saw symptoms of the same thing happening that he had witnessed in Germany. When the time came, he asked, where could people flee from the United States?

Taking his cue from Rand, Stiefel conceived of a "Galt's Gulch" somewhere on the oceans, a community on the high seas outside the political jurisdiction of any nation. Adopting the name "Atlantis," he set about to make the dream a reality, using his private resources and not any of those of the company. His endeavor was a fit subject for a heroic novel.

Stiefel began by purchasing a motel near the company's main plant in Saugerties, N.Y., and inviting libertarians to come and live there while they worked in the surrounding area and, in their free time, helped to plan the Atlantis Project. He conceived of the project in three stages. Atlantis I was the Saugerties Motel. Atlantis II would be a ship at sea, and Atlantis III would be a community on floats or on dredged-up land on a submerged seamount. The ship would play an indispensable role in the construction phase for Atlantis III.

At Saugerties — Atlantis I — Stiefel undertook to transform those who had joined him into a seasoned team that could work under any and all conditions. He did this by assigning them the daunting task of building the ferro-cement ship that would be Atlantis II. The team passed this first test and sailed the ship south into the Caribbean, where a tropical storm destroyed it.

Undaunted, Stiefel constructed four sea walls at a spot in the Caribbean outside any political jurisdiction where the depth was only four feet at low tide. While he was dredging sand to create his first bit of artificial land on which to stand while extending Atlantis III, one of Haitian dictator "Papa Doc" Duvalier's gunboats showed up and leveled its guns. Someone had found silver nuggets on the sea bottom nearby and had cut a deal with Papa Doc for protection from pirates. The gunboat captain had no idea who these people were or what they were doing in the area, but thought it best to run them off. Forced to make a quick decision, Stiefel abandoned the site.

Stiefel then leased a site for his base in a freeport operated by the Haitian government. But when a copy of Werner's newsletter, "The Atlantis News," fell into an official's hands and revealed his underlying philosophy, the government canceled the lease. Stiefel learned the importance of keeping a low profile.

He next set about to create land on the Misteriosa Bank, a submerged seamount midway between Cuba and Honduras, the same location that self-styled Prince Lazarus Long would later publicize as the site for his ill-starred New Utopia. Stiefel bought and towed to the site an oil rig that, once on location, would be inverted to stand on three legs. Before it could be put in place, a hurricane blew it out to sea and destroyed it.

Undismayed still, Stiefel purchased property on Grand Cayman and constructed an attractive building complex for his center of operations, one that would also serve as a retreat for staff of Stiefel Labs. This setting still exists. It became, among other things, the office of the Atlantis Trading and Commodity Purchasing Service (ATCOPS), which Stiefel had established as the forerunner of the Bank of Atlantis. ATCOPS made profits for many clients, including me, over the years and minted an attractive silver coin, the deca, so-called because it contained a decagram of silver.

The team passed this first test and sailed the ship south into the Caribbean, where a tropical storm destroyed it.

From his base at Grand Cayman, Stiefel bought an island off the coast of Belize and built improvements on it, with the ultimate goal of negotiating, if not full sovereignty, then at least freeport status from the government of Belize. But in time, with age now advancing on him, Stiefel tired of dealing with the bureaucracy and put up the island for sale.

Beginning with Atlantis, Steifel's goal was to develop one

or more freeports at sea that would function much like new countries. His approach had many practical features. Atlantis would start small and grow by increments. It would aim at attracting business residents, starting with one of his own plants — Stiefel Laboratories. It would not aim at attracting a residential population. Businesses would bring their own personnel and their families, and these would require ancillary services, which services in turn would require personnel, and the residential population would grow naturally. This would enable the Atlantis community to develop without fanfare; promotional advertising of casinos and other recreational amenities of tourism would follow much later. Until then, the fledgling community could maintain a low profile, almost under the political radar screen. Stiefel's approach was also nonideological, aimed at effective, entrepreneurial people of business and the professions regardless of political persuasion or lifestyle.

One of Haitian dictator "Papa Doc" Duvalier's gunboats showed up and leveled its guns. Forced to make a quick decision, Stiefel abandoned the site.

The most innovative aspect of Atlantis is that the provision of governmental services would be a business in and of itself, creating value in the competitive market and subsisting on the market revenues those values induced. There would be no need to appeal to philanthropy or to have recourse to taxation. Because the provision of public goods would be a business, specifically a multi-tenant income property, taxation of the residents would be intolerable, anathema to the enterprise because destructive of the values on which it depended.

From Werner's Herculean effort came an intellectual achievement that survived Atlantis and has influenced others who have been similarly taken with the notion of apolitical countries on Earth or on the frontiers opening in outer space.

Unlike Ayn Rand, Stiefel was not treating his "Galt's Gulch" as a literary device. He was setting out to apply it in the real world. Consequently he was not privileged, as she had been, to ignore the question of how it would be administered. In 1972, he reached a low point, almost despairing of the project, over the question of how Atlantis could be administered as a community and yet leave its inhabitants free. What form of government ought he choose? Surveying the history of human society and government, he could find no form of government that would not be prone to repeating the tired cycle of tyranny the world has always known.

At that point, he came upon the ideas of Spencer Heath and saw their relevance. Heath had written of the advantage of keeping intact the title to the land underlying a real-estate development by parceling the land into leaseholds instead of subdividing it. Doing this would enable the owners to administer the development as a long-term investment for income, rather than selling it off piecemeal for a one-time capital gain. To the extent that, by supplying public services and amenities, owners could create an environment the market found attractive, they would recover their costs and earn a profit to themselves and their investors. Heath forecast that in time whole communities would be managed on this nonpolitical basis. He saw this becoming the future norm for human settlements, each competing in the market for its clientele. Community services would become the major new growth industry.

Heath's pilot demonstration was a hotel. The hotel resembles a community in having private and public spaces. Its corridors are its streets, and its lobby the town square. It offers public transit, which happens to operate vertically rather than horizontally. In-house medical and security services assure round-the-clock safety of guests, their visitors, and their property. The hotel controls its climate and administers utilities. It allocates space in an orderly manner for many uses. All the hotel lacks that we are accustomed to find in communities is a city hall exercising the power of taxation and other discretionary authority over the inhabitants and their property. A shopping mall or any other multi-tenant income property would have served as well for a demonstration.

Stiefel had just such a working community in his Saugerties Motel — Atlantis I. Here he administered all necessary community services contractually on an ordinary, businesslike basis. Pragmatic businessman that he was, he realized that here was his desired form of government — a proprietary, free-market government in which there was no violation of private property but all relations were contractual, freely negotiated among the parties. All he needed was to preserve this form of organization and move it out to sea.

Why had no one thought of this before? Why wasn't it common wisdom? Doubtless the reason is that the dynamic, evolving market process, is recent in human history, and our understanding of it is nascent. Boston's Tremont House, acknowledged within the industry to have been the first modern hotel, was built only 175 years ago, and all subsequent forms of modern, multi-tenant income property have evolved since then. We are not habituated to thinking of a community as an entrepreneurial undertaking. Only with the advent of modern technology and business practice, including banking and finance, insurance, innovation in communications, modern accounting methods, and so forth, could a community conceivably take the form of a competitive business enterprise.

The wording of Stiefel's master lease form would be critical for the success of Atlantis. In the absence of a vast body of law to fall back upon, it would have to provide for every conceivable contingency. Stiefel commissioned me to carry out this writing assignment, since I had already investigated the matter. In "The Art of Community" (1970), I had written the first study of multi-tenant income properties that outlined something of their history and recognized them as a special class of social phenomena. Stiefel assigned me the task of writing Atlantis' social software in exchange for a 2% equity in the venture.

Steifel's master lease form not only survived Atlantis, it took on a life of its own as people criticized it and offered improvements. It was published in several iterations with his

permission, but not under the name of Atlantis. Stiefel had learned the importance of keeping a low profile in the developmental stages of a project, and was leery of prematurely drawing the attention of the world's governments to the idea of private interests settling the open seas. Consequently the master lease form was published, without reference to Atlantis, as a purely heuristic exercise in the free-market provision of community services. Its setting was given as "Orbis" — one of a hypothetical cluster of settlements in outer space.

Twelve years ago, Orbis' master lease form was adapted for the Somali Freeport project, a proposed freeport development in northern Somalia on land that the Samaron Clan, the fifth largest clan in Somalia, is considering offering on long-term lease to a private consortium. The Samaron Clan is a traditionally stateless society, so no governments or government agencies need apply. The project was promoted by a Dutch lawyer, Michael van Notten (1933–2002), who had married into the Samaron Clan and lived with his adoptive kinsmen during the last ten years of his life.* Van Notten is the author of the "The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa," forthcoming in 2005 from the Red Sea Press.

The idea of the Somali Freeport project is to develop a large, multi-tenant income property. Provisionally called "Newland," it is conceived as a purely private business venture, with no flags, anthems, or any of the ritual panoplies and paraphernalia associated with political nations. If successful, it would become something like a small, latter-day Hong Kong, offering a business and professional environment free of all burdensome bureaucracy and taxation. Located in their own back yard, it could become the Samaron's stepping stone to full economic, scientific, and cultural participation in the developed world. The Samaron aspire to such participation, provided it won't bring them under the domination of a political government, their own or any other.

The master lease form would be Newland's social software from which would be generated an elaborate but internally consistent web of relationships spelled out in the wording of the leases, subleases, sub-subleases, etc. The agreements in effect at any given time would comprise the written constitution of Newland. Each agreement could be as specialized and distinct as circumstances might warrant, so long as it did not contradict the master lease form.

In adapting the "Orbis" open software to the Somali situation, Michael van Notten made an important contribution. A trained lawyer and student of law, he sketched out a set of natural-law principles together with supporting procedural rules that could be incorporated in the master lease form. This would enable a system of law to be in place from the beginning of the development, from which point it could evolve of its own accord. It would be a system of law, moreover, to which all members of the community, including administrative and service personnel, would have freely consented in their lease agreements or their terms of employment.

Natural-law scholar Roy Halliday writes of this innovation that it "comes as close as anything I have seen to establishing the framework for a civil society consistent with liberty and natural rights. The idea of incorporating a description of natural rights into the master lease for a proprietary community is brilliant. It satisfies both the strong natural rights advocates . . . and the skeptics who believe rights are created by contracts. The lease contract provides a way to specify how rights are to be enforced."

In pursuing his vision of freeports at sea, Werner Stiefel put into motion in a practical way a plan for a wholly proprietary, nonpolitical public authority. Here was his answer to the question of how to have public administration and yet have each person be fully empowered over his own person and property. He believed that humankind will outgrow government as we know it today. Perhaps what is most intriguing and heartening about his formula for an internally consistent, open social software is that it is not merely conjectural. It is extrapolated from a century and a half of empirical data gleaned from observation of development in the marketplace.

Orbis is an evolving venture, and it naturally raises a lot of interesting questions. Here are some of them:

Q: What about the possibility of warfare developing between Orbis communities? How would that be handled? Might not the need to establish a defensive force lead to state formation?

A: Look at experience. You don't find hotels taxing or drafting their guests, or shopping malls their merchants, to fight a hotel or shopping mall across the street. In the case of Newland, moreover, an insurance requirement in the lease agreement makes it costly for members to behave in ways that would endanger its political neutrality.

Q: What will prevent the proprietors from becoming tyrannical and taxing their tenants?

A: Competition and the fact that they are in business to serve their clientele, and an impoverished customer is a poor customer to have. "Taxation" is clearly defined and forbidden in the lease agreement. For the proprietors to break the lease agreement in this or any other particular and then to disregard the law would be self-defeating, as the consequences would quickly cascade and undo the entire enterprise, leaving it open to being acquired by new interests who could manage it better and restore its profitability.

Taking his cue from Rand, Stiefel conceived of a "Galt's Gulch" somewhere on the oceans, a community on the high seas outside the political jurisdiction of any nation.

Q: The costs to a tenant of leaving a remotely situated Orbis settlement are likely to be high. Might not this high cost tempt the proprietors to unilaterally raise rents, thereby in effect imposing a tax?

A: The lease agreement provides for such an eventuality

* See "From Nation-State to Stateless Nation," Liberty, April 2003.

by underwriting the member's cost of returning with his personal belongings to his place of origin or moving to another place of his choosing, and recompensing losses associated with the move. However, for the proprietors to violate their agreement in the first place, especially with competition factored into the equation, would be tantamount to relinquishing their business. In practical terms the likelihood would be remote, for they would also face insurance cancellation or raised premiums, and their mismanagement would be an invitation to others to seek to acquire a controlling interest. All of these considerations may be academic, however. For the intent in Somalia is to develop as much competition as possible as quickly as possible. A start has to be made with a single freeport where there are none now, but the object is for it to become a model that will be imitated.

Stiefel began work on a new project: devising a constitution for an altogether stateless community. There was to be no taxation or other discretionary authority over anyone's person or property.

Q: How can a system of law evolve and grow if it is written into the master lease form?

A: The lease agreement provides for periodic review of the law and allows it to be amended by the unanimous recommendation of a panel consisting of the proprietors and five judges who have practiced continuously in Newland for more than five years, and during each of those years earned the highest certification from a major consumer rating service.

Q: If the proprietors have the right to inspect tenants' premises in the interest of health and safety, might not this right be abused?

A: The proprietors would not have to engage in inspections or policing. Because all members of the community are insured against legal liability as a condition of their lease, inspections could be left to the insurers who, owing to the competitive nature of their business, could be depended upon to treat their customers with courtesy. Should a tenant be found to be endangering others, his insurance would be revoked by the insurer who understandably would not want to pay for liabilities. This would put the tenant in violation of his lease, and he would soon find himself on his way out of Newland unless he succeeded in rehabilitating himself. An insurer who engaged in collusion, on the other hand, would find himself answerable to the law, boycotted by other insurers, left with a ruined reputation, and likely banished from the community.

Q: Would zoning need to be imposed to prevent the community from growing in a disorderly manner?

A: One of the lease obligations of the proprietors is to assist existing and prospective leaseholders in making rational land-use decisions by seeing that they have access to all relevant information, including not only economic data, but inputs from neighbors who may, for example, be anticipating changes in their own uses, and from architects and planners. The assumption is that most inappropriate land-use decisions result from inadequate information, and that where information is available, nonconforming uses will be small enough in number and extent that they will be able to be tolerated. The result will not be an absence of community planning, but rather dispersed, or polycentric, planning. This does not mean that the proprietors could not directly undertake or promote community improvements. Moreover, in doing so, they would have a distinct advantage over political governments. They would have a quantitative feedback, a yardstick by which to measure and evaluate proposed improvements. Overall land revenues would be a direct measure of the attractiveness of the community to its existing and prospective clientele.

Q: To safeguard freedom in the community, would libertarians be given preference over non-libertarians in recruiting members?

A: No, they would not be given preference. The Somali project is non-ideological; it is simply an attempt to come up with something that will work. The ultimate protection for the residents of Newland is that the community is to be operated as a business, and hence more rationally than it might otherwise be. If it were operated on any other basis — ideological, charitable, or whatever — there would not be this protection. The impersonal, rational pricing mechanism of the market process is the ultimate safeguard of justice in a civilized community. In Newland, a further protection against tyranny is a lease provision that the proprietors have sufficient insurance coverage or available reserves to compensate losses or inconvenience resulting from their violating any of the terms of the lease agreement.

Q: If anyone can provide police and judicial services competitively in the market without licensing, what will prevent their abusing their authority?

A: Each person agrees in his lease agreement to observe the law, the terms of which are spelled out in his lease. This commits him when performing judicial, military, or police work, to follow established procedural rules to safeguard the rights of community members.

Q: What happens to someone who can't pay his rent through no fault of his own?

A: To prevent his or his dependents' becoming a burden on the community, as well as to protect creditors, each member is required to be insured against loss of life, property, or earning capacity due to accidental injury or other calamity.

Newland is conceived as a purely private business venture, with no flags, anthems, or any of the ritual panoplies and paraphernalia associated with political nations.

Q: Since insurance plays such a pervasive and important role in Newland, the firms relied upon must be real and reputable. Will the proprietors license these?

A: Licensing would be tantamount to restraint of trade and would be subject to abuse. Instead, the lease agreement provides that any insurance it might require shall be purchased from firms carrying the highest certification from a

major consumer rating service. In this way, market competition will ensure that tenants rely only upon reputable insurers.

Q: If someone is insured against all eventualities, won't he become less careful in his behavior?

A: Perhaps so. On the other hand, his insurability, on which his very presence in the community depends, will suffer if he is careless or neglectful, and his premiums will rise accordingly.

Q: If people lease, they won't participate in the increase in land value. Will this be a deterrent? Will some people be priced out of the market by rising land values?

A: Not necessarily. Their home or any other improvements they might make on the land will reflect general increases in land values, and this will be far less speculative than in a subdivision. But instead of an interest in the land, they will be buying, besides the assurance of the value of their improvements, the positive amenities and quality of life that can only be offered by a firm with experience and resources behind it, dedicated to the enhancement of the neighborhood. This is not available in any subdivision, where the residents are left on their own to fend for themselves as best they can through a volunteer association. For business tenants, the services and amenities will make their site more productive of revenue. Finally, in the Newland agreement, when rents are periodically revised to the then-current value of the site, members will receive a discount as preferred tenants.

Q: How would legal enforcement work? What if someone ignored a court?

A: We can reasonably expect that, in response to demand in a free-market setting, arbitration companies will come into existence and offer a complete line of dispute handling services, competitively priced. A malefactor who ignored or refused a call to arbitration would lose the judgment by default. His insurer would pay restitution to the injured parties and then doubtless revoke his policy, putting him in violation of his lease. Unless he could find another qualified insurer, which might be difficult, he would soon find himself on his way out of Newland. If he were considered dangerous, the consortium of insurance companies presumably would have ways of dealing with him since they would have the most at stake in preserving the safety of life and property in Newland. By the same token, the consortium could be expected to join in conducting a defense of Newland in the unlikely event of military threat.

Q: Why bother to write such detailed agreements? Why not simply allow a free community to evolve of its own accord, guided by an enlightened administrator like John James Cowperthwaite, the architect of Hong Kong's freedom?

A: There are two reasons, quite aside from the fact that Hong Kong's freedom was only partial and precarious, and that the presence of an exceptionally able financial minister under conditions in which he could be effective was a historical fluke not likely to be repeated. The first reason is that in the absence of statutory law to fall back upon, the agreement must provide for all contingencies that might arise. The second is that, unlike political communities, the provision of public goods here is an entrepreneurial undertaking, a competitive offering in the market. Planning is essential to business success. Rarely does a business venture succeed without a well-considered business plan.

Q: Some readers of the "Orbis" agreement have expressed concern over the ever-present potential for erratic bureaucratic behavior on the part of corporate managers due to their insulation from any effective control by the owners in a legal corporation. Does this have implications for the structure of ownership of Newland? What about corporate tenants?

A: The lease agreement requires that its signatories be personally answerable for their actions, denying them any special status before the law by virtue of their membership in or employment by any organization. To comply with this may require that the owners of Newland organize not as a corporation but as a limited partnership, and it may call for special arrangements between corporate tenants and their officers. This is a major, unanswered question. ❑

Rattlesnakes, Tacos, and Tetracycline, *from page 29*

care system for the prospective Canadian consumer). Even big business is getting in on the opportunities. A Feb. 14 NPR news report announced that U.S. insurance companies will soon be issuing two-tiered policies: a conventional one for care within the U.S., and one with a sharply cheaper premium for care outsourced to Mexican providers.

Before you outsource your health care to Mexico, however, *ten cuidado!* The quality of hospitals and doctors can vary considerably, something that really goes without saying, and not only for Mexico. Additionally, though nearly all doctors have some knowledge of English, few nurses do. What's a gringo to do?*

On the way home, Tina had to drive the entire distance. Otherwise it was uneventful except for one small incident.

Three weeks prior, on our drive down to Monterrey, we'd been shaken down (or, as they say in Mexico, "bitten") by a traffic cop for speeding — going 45 mph in a 50 mph zone — to the tune of $75. Later on, an Hidalgo municipal officer charged us $7 for driving down a one-way street in the wrong direction. The fact that it was unmarked was immaterial.

Five miles before the U.S. border, we heard a siren and saw a flashing red light behind us. We pulled over. Up came another Saddam Hussein double. Tina warned me not to speak Spanish — playing dumb had worked for her. Officer Saddam bid us a good day, noticed my arm and asked what had happened. I told him our story. It was the perfect ice breaker. After commiserating with me he turned to Tina and told her, in perfect English, that he'd pulled her over for speeding. Tina began to argue. The cop laughed while giving her a sharp look and said that since he was letting us go, she shouldn't argue. But Tina was on a roll, she hates authority and she's a bull terrier when she has a bone of contention. I finally reached over, pointed at my arm, moaned and said, "Let's go home."

It worked. ❑

*A team of three doctors — a father and two sons — have authored the "Mexico: Health and Safety Travel Guide" (MedToGo, 2004) specifically for the medical visitor to Mexico. Unfortunately, I have not read the book or any reviews of it, so I cannot provide an opinion on it.

Willy Loman: Good-bye and Good Riddance

by Travis Stewart

Arthur Miller tried to grasp wonder, and failed.

If there is a sacred cow in American letters, it is the late, lamented Arthur Miller. Known to everyone in a country where the average citizen can name fewer than five dramatists, he has long been regarded by anyone who ever finished high school as the Great American Playwright, the theater's long-awaited equivalent to Melville, Poe, Emerson, and the handful of others who are entrenched in our education system's woefully short reading lists.

Miller's recent passing, as might have been predicted (and was entirely appropriate), was cause for much memorializing. The New York Times ran close to a dozen obituaries, eulogies, op-eds, encomia, and sober reflections. The rest of the nation's newspapers weren't far behind. Miller's long career was widely hailed as a milestone; Miller was almost universally remembered as America's first important dramatist. Unlike his most famous character, Willy Loman, Arthur Miller was mourned by many when he passed.

While it may be a heresy of the sort that once got you burned at the stake in Salem, I must confess that Miller's works have never spoken to me, let alone impressed me. I find in our reputed Great American Playwright a smallness of spirit, a sensibility out of step with the national character, and a writing style most charitably compared to bland hash. Claims that Miller is America's first great playwright (implying that all who went before him were rubbish) are overstated; assertions that his heirs apparent in today's theatre are necessarily superior to their 19th-century forbears are equally hyperbolic. Good and bad plays came before and after Arthur Miller, a very large percentage of them more interesting than anything he ever wrote. And while Miller has often been referred to as an intellectual, that gives him too much credit: he was a pedant — no different from, or wiser than, thousands of college professors and bureaucrats around the world. In his favor it can be said that he was one of the few to envision some of the qualities the great playwright should have, and he worked hard to attain them. But he was limited by a parochial moralism, a schoolmarmish, holier-than-thou pulpit-pounding manner that hardly made him the superior of the McCarthyites to whom he professed to be an alternative.

Like so many 20th-century artists, Miller's chief significance lay in his utterance of fashionable sentiments. He is famous for his social conscience (that's the kind of conscience where everyone else has to help address the things you think are wrong). The free-market system that educated him, financed the production of his plays, nurtured his investments, and made him rich invariably wore a black hat in the stories he told. The Cold War era intelligentsia and guilt-ridden wealthy liberals who patronized the New York theatre ate it up with a fork and spoon. His best known works are essentially trials, with businessmen or other powerful figures (or those who would partake of their system) sitting in the dock for the audience to judge. In "All My Sons" (1947) he gives us a war profiteer who sells cracked munitions to the government. In "Death of a Salesman" (1949), it's a success-obsessed jerk who is cruelly fired with

no safety net. In 1951, he adapted "An Enemy of the People" by Ibsen, a story about a muckraker destroyed when he goes against the financial interests of his town. Two years later, he gave the world "The Crucible," a thinly-veiled allegory about the abuses of the House Committee on Un-American Activities. The HCUA theme would reemerge in his 1964 play "After the Fall." By then, he'd had the opportunity to testify before the committee himself and polish his leftist credentials by not naming names. In his last few decades, when his newer plays weren't scoring like his hits of the Truman and Eisenhower eras, he took his act around the world as a sort of international cause célèbre.

While Miller's credentials as a leftist are impeccable, he comes up wanting as a writer and thinker. I've heard otherwise intelligent people speak about the "poetry" in Miller's writing, but I wonder: what on earth can they be talking about? One combs through the collected works of Arthur Miller quite in vain to find even the tiniest scrap of anything resembling a poetic turn of phrase or flight of imagination, or anything of the sort. The closest I've been able to come up with is "A man is not a piece of fruit," from "Death of a Salesman." That not Shakespeare. It's not even Sunnydale Orchards.

In 70 years of writing, Miller never rose above humdrum, flat prose, reminiscent of real speech, but far more boring. Confronted with the challenge of taking on the voice of 17th-century Massachusetts for "The Crucible," he fudged it, claiming modern audiences wouldn't understand the archaic patois. But 20th-century audiences sit through Elizabethan plays all the time, just as they read their King James Bibles. The sad fact is that Miller didn't take on the problem because he couldn't. He had none of the hellfire or wit or poetry in his bones to write the speech of either the demented sermonists or the defiant sex-crazed teenage pagans in their midst. Miller, as always, does a fine job of delineating the motives of these people, but without capturing the language he can't convey their religious passion, and lacking that, he forces us to experience the story through the cool eye of a disaffected modern. Eugene O'Neill, who believed that God should be pulling all the strings in the theatre, might have fared better. The atheistic Miller writes about Puritans like a blind man might write about the sun.

In writing his 1944 play "The Man Who Had All the Luck," Miller claimed to have tried — and failed — to grasp "wonder." But if you want to be a poet of the stage or anyplace else, you shouldn't have to "try" to grasp what that is. To his credit, Miller realized his limitation in this regard, so instead of attempting to squeeze something out of himself he could never achieve (however necessary it might be to great drama), he sought to become, instead of a poet, an advocate.

Like his alter ego Quentin in "After the Fall," Miller was a lawyer at heart. He acknowledged this frankly on many occasions, and fought valiantly to make a virtue of it. Theatre, he said more than once, was "a species of jurisprudence." His skill (and the trait that so endears him to method-trained actors) was in laying down a meticulous argument, each note of the play leading logically to the next in a cogent and digestible manner. The discovery of this knack was what made Arthur Miller a household name.

After the Broadway failure of "The Man Who Had All the Luck," Miller went back to the drawing board for three years, conceivably for the last time, to see if he could get it right. Confounded by wonder, he resolved to take the opposite tack, seeking to explore, he wrote, "cause and effect, hard actions, facts, the geometry of relationships" and to build his new play on "a bedrock of logic." The result was "All My Sons," a play of nearly flawless construction. While Miller's debt to Ibsen in this play is often acknowledged, one can also see more than a little Sophocles in the relentless, methodical peeling of layers to reach the play's horrific revelation. Formally, someone once said, "All My Sons" is like the pyramids. You can't even fit a knife in the cracks between its building blocks.

Like Ibsen, Miller said, he wanted to "make a play as men make watches, precisely, intelligently." But form is only one element of art. Some writers prefer to make a play more like a Vietnamese nun setting herself on fire, and others like a fat man doing a belly flop off the high dive. Big sloppy passions that speak to our whole nervous system are every bit as vital to the theatre as an architecturally sound playscript. But

Writing what you kind of know — Every time I hear "Death of a Salesman" characterized as a critique of American capitalism or even traveling salesmanship, I cringe. The play portrays a business world in which workers are fired easily, often for trivial, hurtful reasons. He purportedly meant to contrast this with the world of socialism, if not communism, where citizens have "job security."

In what business does capricious termination occur more often than traveling peddling? Show business, where not even stars are secure before the whims of producers. Right behind show business is writing for slick magazines. In both of the latter, the buyers depend upon the existence of a supply of supplicants that greatly exceeds demand for their services, coupled with competition among those desiring employment. Traveling sales is definitely not an overpopulated business.

This thought suggests to me that Miller the playwright learned firsthand about the mechanisms of capricious termination from show biz, and then from actors about the emotions of those fired. While applying this know-how to an occupation less familiar to him is not discreditable, because that's how creative writers and actors often work, what is not acceptable is a cultural critique that is essentially dishonest.

"The Crucible," Miller's famous play about the Salem witch trials, was an attack on McCarthyism to which there is a simple rejoinder: while there weren't any witches in 18th-century Salem, Mass., there were Communists in 20th-century America.

For all of the claims made for Miller as the epitome of intellectual integrity, may I dissent with the reminder that a certain disingenuousness informed his work and thus, as a result, its reception.

— *Richard Kostelanetz*

"bigness" onstage is the essence of theatricality, and Miller's declared aim in writing "All My Sons" was "to be as untheatrical as possible." (I'm glad Beethoven didn't make the Eroica Symphony as unmusical as possible.) Thought — and thought of a rather pedestrian and orthodox sort — is Miller's stock in trade. And a man who endeavors to undertake tragedy without passion is a quixotic soul indeed, every bit as full of illusions as Willy Loman.

To be fair, Arthur Miller was a man of his time. American theatre had an unnatural genesis. Thanks to the Puritans, it was two centuries before a theatre culture of any sort began to evolve in America. When it did, it was wicked, because polite society considered it to be wicked, and mostly wicked people or good people out for a wicked time attended. Thus American show business was born in 19th-century saloons. From this humble origin sprang vaudeville, burlesque, musical comedy, and the philosophy that continues to drive the film, radio, and television industries. In Miller's day, except for a few notable exceptions like O'Neill, the vast majority of American theatre was unabashedly frivolous, lacking a scintilla of any attempt to be edifying beyond a few chuckles. The Greeks, the English, the French, the Spanish, the Italians, the Germans, the Russians — even the Swedes and the Norwegians! — had produced first class playwrights of intellectual distinction beyond anything America had sired. And the excuse that we were a young nation was getting implausible after we reached our third century.

So perhaps we can forgive the young Arthur Miller for wanting to be "serious" as a corrective. "There is confusion in many minds about Show Business and the Theatre," he sniffed. "I belong to the theatre." Seeing everyone eating cotton candy, he thought it would be a good thing to serve up some vegetables. But contrast his conclusion with that of Bertolt Brecht, the ultimate socialist playwright, who wanted no less than Miller to see "humanity" restored to the social equation, but who thought the paramount quality necessary in the theatre was "fun." With Brecht, one has both seriousness and fun, combining to create, in my view, the greatest playwright of the 20th century. But Miller was unable to detach the concept of fun or "theatricality" from the kind of theatre he hated, the theatre prized by "tired businessmen,"

When theatre culture appeared in America, it was wicked, because polite society considered it to be wicked, and mostly wicked people or good people out for a wicked time attended.

the follies and frolics and farces of Broadway musical theatre. If he'd found some way to synthesize the two, he might have been a more complete artist. Just imagine if Shakespeare had confined himself to "seriousness." What would be left of any of his plays?

So the man who could not grasp wonder decided his mission was "to make understandable what is complex" and to write plays that "remove some of my helplessness before the chaos of existence." Chaos: like the death scene in "Romeo and Juliet," like Lear howling at the thunder, like Hamlet stabbing Polonius. Yes, by all means, let's have no more of that.

Miller could not think outside the narrow perimeter of his own mind. His conventional sensibilities prevented him from exploring the really tough aspects of human existence. He steered clear of true darkness, claiming that if you

Important writing, Miller felt, had to address the injustices of the day. In other words: decadent capitalist play bad; didactic socialist play good.

depicted "evil in its full bloom in a person [the audience wouldn't] quite believe it." This is hogwash, of course. Shakespeare must have done it three dozen times, in characters like Richard III and Lady Macbeth and Iago. But to paint such characters you have to visit the frightening parts of your own personality. You either have the bravery — and the ability — to go there, or you don't. One thing you can't do is write them from a place of judgment.

Miller's attempts to shoehorn life into economic morality plays take his writing a step farther away from realism. Sometimes ghastly and hilarious things happen for no bloody reason at all, and there's nothing to do but cry or laugh about it. Man's economic relations don't dictate every single event in his life. Yet Miller derided those playwrights, like Tennessee Williams, who placed too high a premium on subjective emotion as mere chroniclers of personal neuroses. Really important writing, he felt, had to address the injustices of the day. In other words: decadent capitalist play bad; didactic socialist play good.

This is the crux of it. Theatre by itself isn't good enough. It must serve a higher, more political end. And not just any political end, but one that results in "social justice." The great critic and director Robert Brustein called this type of theatre the "Theatre of Guilt" — the main character is made to pay for his attachment to money and power and we are all to cluck and shake our heads and mutter "shame, shame" as we leave the theatre. The ultimate example of where he went wrong with this simplistic approach to human venality is his best-known play "Death of a Salesman." The ostensible gimmick of the play, and one that caused much ink to be spilled, was the idea that it is appropriate to write a tragedy in which the hero is not a king or a prince or a nobleman, but just a common man. This is a wonderful, egalitarian, and very American idea, and I applaud it. The problem is, Miller didn't just make Willy Loman a humble man, he made him an asshole. Loman encourages his kids to steal. He lies, and encourages his kids to lie. He is rude to those around him, devalues education, and thinks gladhanding is the best way to get ahead. Instead of a likable, admirable man with a single tragic flaw, he is a man of a thousand flaws who performs a single pointless sacrifice at the end. Miller never understood the criticism he received on this point, and per-

haps it wasn't well articulated. The point in making a tragic hero noble has nothing to do with making him a literal nobleman, as Miller seemed to think the critics were telling him. Sticking to the rules of tragedy, as laid down by Aristotle, isn't a matter of blind adherence to some literary dogma. It has to do with the very practical matter of making the audience like, admire, and relate to the main character, so that they care deeply about what happens to him.

Now, I must admit, I cry just like all the rest of the suckers when Willy drives off the road, but ultimately his death is just pathos and not tragedy, because in a certain sense Willy Loman is a son of a bitch who gets what's coming to him and deserves every second of his misery.

And that's Miller's point, you see. We are not to identify with this man. We are to judge him. And Linda's famous epitaph "Attention, attention must finally be paid to such a man," so often quoted approvingly by the Left, is revealed to be paradoxical. Attention must be paid to assholes? In real tragedy, essentially good people tap into the bad part of themselves and end up destroying themselves and those around them. Here, an essentially bad person destroys himself and those around him, and we as Miller's audience are expected not only to care, but to leave the theatre and "do something about it." That's very much the socialist mindset. It divides mankind into those who have money and those who don't, and attempts to make an angelic virtue of "need." In this case, economic justice reveals itself to be far, far removed from actual justice, and I find myself uninterested in giving Willy Loman the slightest help.

Yet, this is Miller's most-quoted line. "Attention must be paid." It reveals the muddiness of Miller's political thought, and one encounters it frequently on the Left. Who must pay the attention? How? With what resources? Is such attention to be paid to every American citizen? If so, how much attention? If a lot of attention must be paid, will we need a staff of 300 million attention-payers to service the 300 million Americans? That's a hell of a lot of attention. Ultimately, money, money must be paid to such a man. Whose money will it be? Oh, it'll come from guys like Willy Loman. I changed my mind — we *should* weep for him!

In 70 years of writing, Miller never rose above humdrum, flat prose, reminiscent of real speech, but far more boring.

Like so many who feel the human race needs improving, Miller has no practical platform, just the vague idea that something must be done. His knack was for the logic of motivation, of character on the stage. But actual logic eluded him. Over the years, he composed many jeremiads about the state of the world and the theatre, usually in the form of op-eds for major newspapers and magazines, and in forewords to published volumes of his plays. Throughout them one can find the sort of muddled, meaningless language one is more accustomed to hearing from activist actors than from writers (never mind writers who claim to want to be logical and rational). Truisms and tautologies combine with ill-defined generalities and contradictions and we are to take it all as gospel.

For example, he once proclaimed, "Man will only find peace when he learns to live humanly, in conformity to those laws which decree his human nature." This is the sort of vague platitude that everyone applauds dutifully and automatically without pausing to think about whether it actually makes sense. After all, it all sounds so inarguably correct. "Peace." "Human." But what did he *say*?

Instead of a likable, admirable man with a single tragic flaw, Willy Loman is a man of a thousand flaws who performs a single pointless sacrifice at the end.

Well, he said nothing, actually. It's a double tautology. He essentially said, "Mankind will only act like mankind when it acts more like mankind." But even the component parts of his sentiment break down into nonsense. After all, man has no choice *but* to live according to natural laws, does he? That's what a natural law *is*. The idea that it is somehow possible for man ever to act outside natural law is an error that people of all political stripes (but particularly the Left) frequently make. (They claim to believe in evolution, for example, but feel somehow the negative byproducts of the human animal's activities, such as war and pollution, are "unnatural.")

In this statement Miller reveals himself to be ignorant about what that human nature is. I suppose he derives his vision from Marx, but it sure isn't from Darwin. By all empirical evidence, man, by killing, looting, amassing power, and a thousand other selfish activities, is living very much in harmony with the laws of human nature. That *is* his nature. If your goal is to make Gandhis of all men, you are talking about the nature of some new superhuman species — not men.

"Human" proves to be one of those slippery concepts that Miller likes to inject into his apologies, much to the detriment of clarity. The aim of the theatre, he wrote in 1949, is to "make man more human." "More humane" would seem to be Miller's actual task, and a Sisyphean one at that. But more human? When one is a human how can one possibly become *more* human?

Miller illuminates the whole thing for us in this tiny clause. Unlike the Roman playwright Terence, who famously said, "I am human, therefore nothing human is alien to me," Miller placed himself somehow above his audience, whom he was in the unique position to "teach" to be human. Apparently, without benefit of his instruction the American public was — there is no other word for it — sub-human.

It is this lack of humility, this absence of wisdom and grace, that prevents Arthur Miller from ascending to the rank of great artists. ❑

Judgment Day

One Nation Under Whose God?

by Norman Ball

George Bush has God on speed-dial. What does that mean for the rest of us?

"I trust God speaks through me. Without that, I couldn't do my job."

— George Bush addressing an Amish group (as reported in the Lancaster New Era, July 16, 2004)

A social libertarian, I normally avoid judging other people's religious beliefs. Until the revival tent comes to Washington, that is. Then all reticence can take a hike. The product of a buttoned-down, under-sexed Calvinist upbringing, I was raised to believe banking and religion, properly practiced, shared one crucial similarity: they were boring as hell. Any sense of drama or, God forbid, fun was a portent of looming disaster. This heavy-on-the-starch moral restraint is at odds with the Pentecostals' penchant for pyrotechnic hyperbole. There's just no appetite in the Lone Star State for stiff-backed Yankee rectitude. Free beer, wild-catting, fire and brimstone are what pass for a quiet day in Texas. But there I go judging again.

Let me add that I share with many Christians their despondency over the coarsening of this nation's cultural life and the general trashing of the polis. So the impulse to wash everyone's mouths out with soap is hardly foreign to me. Still, it must be resisted. If I read The New Testament and St. Augustine correctly, part of a Christian's burden is to shuffle through this mortal coil, holding his nose mostly. But even a good ascetic can snap. When Christians shed their meekness and assume the reins of power, the theocratic impulse often overwhelms them. Cowboys make especially lousy doormats.

Then there are the prophetic self-fulfillers, who are looking not only for a fight, but for The Fight. Perhaps I speak from the agony of effeteness, but when a president's foreign policy rhetoric includes conjuring up images of Armageddon and the Antichrist, I want to sequester the red phone. Who knows, George Bush may hanker for hell-on-earth as a necessary prelude to ushering in God's Kingdom. I prefer the Christian presidents of yore who worked to avert the Great Conflagration: Containment over Calvary. I suppose I preferred presidents who were Christians to Christian presidents. I mean, where are the Presbyterians when we need them? John Kennedy's detractors feared he would consult the Vatican on matters of state. However, a good fundamentalist brooks no earthly intercessors. When God has his ear, it's usually with a vengeance.

Surely Ayn Rand would read this administration very darkly. For her, faith and reason were inextricably linked in a zero-sum game. More of one invariably means less of the other, with tyranny and illegitimate force flourishing in a climate of outsized faith. The Iraq War is George Bush's most disastrous faith-based initiative. Not surprisingly, the explicit "reasons" for Iraq have eluded most thoughtful commentators.

But I want to afford religion every consideration. Speaking in ancient Semitic tongues while under the Holy Spirit's close supervision is a venerable American pastime. Even rattlesnake handling has a place at the Great Table so long as the serpents aren't housed on government property. This is the essence of church-state separation. But how does an individual psyche, heavily colored by an apocalyptic theme, partition itself effectively? Does the Pit of Fire countenance firewalls? When is a president, even in his leisure

hours, not seconds away from "having to be president" again? With all this ducking back and forth between Superman and Clark Kent, is George Bush spending too much time in his phone booth?

Frankly, what people choose to do behind closed doors with their rattlesnakes is a private affair. Of infinitely more concern are the geopolitical pretensions of Christian fundamentalism, specifically, its life-negating aspirations — if that's not too oxymoronic. This prophecy business can easily spiral into an eerie self-fulfillment. If Bush feels he is a prophesied figure (in fairness, I don't know that he does), then his recent historic "mandate" can only add fuel to the Pit of Fire. Mideast conflagration? No problem. Everything's falling into place! With the world teetering towards hell in a handbasket, the Christian fundamentalists are beside themselves with . . . rapture. This should send reasonable people (many Christians counted among them) into prayerful conniptions. As many of us labor in the here-and-now with conscientious conviction, others may be instigating conflict, even subconsciously, taunting, "bring it on" (to reference a recent Bushism). Suffice to say there is, within the end-times crowd, a disturbing acquiescence to calamity. I would call it a death-wish, a Jungian shadow-manifestation. Perversely, the Born Agains call it a "culture of life." Texas' death-row inmates don't know what to make of this debate, so they simply mark their calendars, day by day, and keep filing appeals.

If there are autonomously functioning civic and religious George Bushes, the man has done little to demarcate the line publicly. Indeed he seems to thrive on the margin with winks and nods to the amen chorus. This is a White House famous for its prayer-circling and Bible study. Dr. Jack van Impe, who never met a current affair he couldn't biblically implicate, has found a sympathetic ear in the Bush administration. For all we know, George Bush may have "stumbled upon himself" in some obscure Old Testament passage. More ominous still, some good soul on the Internet has discovered that, when you take the sum of the letters in George Bush's name, multiply it by the square root of The Carlyle Group's net income and divide by pi, the result is 666. This good versus evil thing can get very murky, very fast.

With the world teetering towards hell in a handbasket, the Christian fundamentalists are beside themselves with rapture.

My own hunch is that the overt religiosity displayed by the public man is real — which only makes it more alarming. I'd sleep better knowing there was a calculating, old-school pol at the helm. At least deviousness operates within the normal — albeit seedier — realms of reason. Vote counters are eminently reachable. So yes, it's okay to wax nostalgic for the carnal, earthbound antics of Bill Clinton. Though he perhaps navigated with a sort of moral indifference, Clinton was a master at altering course. As most managerial textbooks will tell you, pragmatic flexibility is not a bad trait for a CEO.

By contrast, Bush supporters speak glowingly of their Leader's "unswervingness." The worse things get, the more he feels he is simply being "tested." When guided by the hand of God, there are no false paths, only demonic attempts to derail one's righteous journey. This is analogous to the downhill skier who, losing his footing, careens down the mountain smashing into numerous pylons. His most avid fans assure us he is simply "testing his body." Others say he's falling. Bush embraces the stubborn constancy of Job. But self-correcting resourcefulness, as any fan of "The Simpsons" will tell you, gets Homer out of a lot of tough scrapes.

Dr. Jack van Impe, who never met a current affair he couldn't biblically implicate, has found a sympathetic ear in the Bush administration.

Behind every public saint, there must be a scrupulously attendant sinner. Karl Rove is the embodiment of everything George Bush can't bring himself to stoop to, and yet desperately requires for political viability. The old man had Lee "Willie Horton" Atwater, and missed him desperately in the 1992 election. A political genius, Rove has his feet firmly planted in the Earthly City. However, he excels at wielding George Bush's faith to huge political advantage. The morality issue that dominated the last election was Rove's subliminal clarion call, alerting the faithful to the rising tide of anti-Christian forces everywhere: Islamic fundamentalists abroad and uppity homosexual "unionists" at home. In the perpetual looming shadow of apocalypse, traditional public policy issues suddenly become *de minimus* unless they have direct bearing on the disposition of the soul. It's pointless, really, bemoaning budget deficits, Social Security, and jobs when the sky's about to explode into a tabernacle of singing angels. Meanwhile Halliburton laughs all the way to the Gulf. Quite brilliant, really.

The English are not a particularly religious people. So perhaps the Daily Mirror can be excused for its post-election headline "How Can 59,054,087 People Be So Dumb?" Well into what appears to be — on the Continent at least — a post-Christian era (or as the Pope, with plaintive optimism, likes to term it, Europe's current "waywardness"), Europeans regard Bush's reelection with absolute incredulity. After all, it defies all logic and reason. Indeed it does. Bush's reelection requires a sort of supra-rational analysis because it is, at least in part, transcendently derived. To those still yoked to the secularist claptrap about "passing along a better planet to successive generations," well, you're all just irreligious farts anyway. Never mind that the betterment of life on Earth has venerable — and stubborn — Christian roots dating back to the Pelagian heresy. It's Satan, at his diversionary best, who compels so many to strive towards making the world a better place. The message is clear: engage the world and imperil your soul; imperil the world and your soul ascends. ❑

Kharma Come

The white walls of the isolation room were closing in on me by the time someone arrived. There was a puffing noise as the medical advisor came in. The relief I felt at seeing someone died as soon as he spoke.

"I'm sorry. Your application for medical treatment has been denied."

"Excuse me?" After all the hours spent filling out forms, and after having the computer triple-check them, I couldn't believe that a person was telling me that treatment was being denied. It wasn't just the denial for a simple and routine procedure; it was that a real person had been sent to tell me.

"Your application for medical treatment has been denied."

"On what grounds?"

"I can't discuss that. I have other duties." He turned to leave.

I got up and tried to get between the bureaucrat and the door. The effort sapped what little energy I'd gained during the hours-long wait. "We're talking about antibiotic treatment. What possible reason would there be for denying it? Uni-cef antibiotics are cheap. I can pay for it with my own money, if there's no money left in the hospital budget." Please don't accuse me of bribery, or mixing private and public money! — "There's no shortage" — at least, none that made the news — "so there's no reason you can turn my request down."

"There are laws."

"What laws?"

"We have to deny you treatment per the new medical directive from President Edwards."

"What directive?"

"You refused to donate stem cells."

"I thought donation meant optional!" I caught myself and focused on the more essential charge. "I have no recollection of being asked to donate stem cells." Please let this be a check box I forgot to fill in, something that could still be fixed! I could feel a chill coming on. I hoped it was from the stress, and not the fever returning. The black market Tylenol wouldn't last much longer. And if the fever came back, they'd ship me down to storage with the other biowarfare patients waiting to die. "I'll fill out the form now."

The younger man seemed a little sympathetic through his protective suit. "Do you know how Uni-cef is manufactured?"

"I think it's brewed in chicken eggs."

"No. It's made from natural antibiotic excreted by human tissue during the healing process, especially during the formative phases."

"That would explain why it works so well." But what does this have to do with my request?

"Yes. But there is a very limited supply of tissue to use. Prior administrations outlawed corporal punishment about the same time they created the one payer medical system. Demand went up for medical services even as supply went down. Rationing worked for a while, and it was hoped that it would give the medical manufacturers time to catch up with demand. But they all went overseas or out of business. Uni-cef is the first new antibiotic put out in decades since the government clamped down on the excesses of the pharmaceutical industry. Moreover, it's a whole new class of drugs! It's made by creating massive swaths of human tissue. Then it is damaged in a precise chemical-mechanical method. As the tissue regenerates, natural antibiotic compounds are released. Because these are stem cell cultures, the antibiotics released are separate and unique from those used in the adult body; that's why it's so effective. The batch is processed to remove the antibiotic. It's like the growth hormone they used to get from human cadavers, before cremation became mandatory following the biowarfare strikes."

"How does that relate to me not donating stem cells?"

"You've never had cosmetic surgery," his eyes criticized me for forgoing such a routine, and in his view necessary, procedure, "so no sample could be taken from your body fat. You never had an abortion, so no collection could be made then. Furthermore, when you underwent fertility treatment a few years ago, you explicitly refused permission for any excess embryos to be used for scientific research or medical use."

"It was an ethical decision—"

"The Supreme Court, against the President's wishes, decreed that the individual does indeed have the right not to donate tissue when medical procedures are done. However, the President can determine who gets medical treatment in these times of scarcity. Since you didn't contribute to the supply, you will not be allowed access to it." Then he left, and the biocontainment barriers sealed securely behind him. Again, I couldn't leave unless those on the outside unsealed the barrier. And they didn't do that because of the disease risk I posed.

I felt queasy. Was it the disease reasserting itself or was it the knowledge of how the cure was created? I didn't have time to ponder the question — the room was getting warm.The walls turned pink, then a dangerous red. The decontamination sequence had begun.

—*Tamara Wilhite*

Kyoto + Ten

Jordan flipped the burgers every few seconds, whether they needed it or not. The barbeque was an act of bliss. A siren shrieked in the distance, and Jordan scrunched down to avoid being seen. Then he closed the grill's lid, burning his fingers as it slammed down. "Damn Kyoto," he muttered.

He had a permit for the meat, but not for the barbeque. And the illegal carbon emission charge couldn't be bought off with a steak the way he'd kept from getting ticketed when he had illegally acquired meat.

The sirens grew distant. They weren't coming for him. Jordan came up a few centimeters. He'd picked an alley close to the industrial section in the hopes that the carbon dioxide would be blamed on the machinery. Standing in the alley with the grill hidden behind a trash can was the safest way he could think of cooking this way. This was the first beef he'd had in six months, and he wanted to cook it as his father had. A microwave just wasn't good enough. Nor was it safe, with blackouts that could render him unable to cook the meat before it went bad and brownouts that could leave the meat undercooked.

Russians didn't have problems like this. Their economy was collapsing even before they had ratified the Kyoto treaty in 2004. Their declining population meant they had plenty of carbon credits per capita. They could light bonfires in the old Soviet squares at Solstice.

But could Americans do that? No, Americans were rich, evil industrialists who'd polluted the world too much to be allowed even the simple joy of cooking over a real fire. There might be more barbeque permits for people like him if they persecuted homeless people with open fires to keep warm. Or he'd get one if he lived long and got very rich . . . but the 60% income tax meant to pay for the baby boomer retirees' benefits and the unemployment checks would make it but a faint dream. That's why he had to enjoy his beef ration from the culled dairy herds. It was far better than the illegally acquired cat meat the homeless often sold to buy rationed vegetables trucked in from afar.

He stood back up, and flipped back the grill's lid. Nothing was burned. It smelled good — much better than the tofu and krill cakes his friends claimed were acceptable substitutes.

Jordan shifted to look like he was scavenging in the trash cans as some pedestrians cut through the nearly empty wing of the industrial complex. Then they stopped near a door. Security guards came outside and quizzed everyone. After bribes were taken, the pedestrians pulled out attaché cases and resumes. Jordan tried not to curse. He hadn't known there was anyone hiring out here! Those who got there first had been tipped off in advance and been allowed in early. But by 6 a.m. word would spread, and there would be a huge line of people hoping for interviews.

Jordan started dousing the fire with dirt. The meat was close to done. Was it safe to transport? He didn't have a choice. He looked around furtively. Neither guard outside the hiring office seemed to have noticed him. Nor had any more applicants come past.

He left the meat in the grill. It would get dirty, but it was the only chance he had of saving it for later. Jordan had hoped to eat it here to eliminate any evidence of his crime. He'd even hoped to abandon the grill in a metal recycling hopper so that he'd walk away with empty hands and a full stomach.

Jordan slung the grill over his shoulder, and started grabbing some rusty scrap metal to carry, to keep his precious cargo out of sight.

—*Tamara Wilhite*

Reviews

"His Excellency: George Washington," by Joseph Ellis. Knopf, 2004, 352 pages.

The Man Who Made America

Timothy Sandefur

To me, Joseph Ellis represents everything wrong with contemporary historiography of the American Revolution. His relentless skepticism toward the ideology of the Founding Fathers leads him to make the strangest sorts of statements. He continually refers to the ideals for which the Revolutionaries "*claimed* to be fighting," rather than the ideals of the Revolution: for instance, he says, "In June 1776, while Jefferson was drafting the words that declared American independence and the principles on which it claimed to be based. . . ." Such phraseology does not just indicate scholarly objectivity. Scratch the surface of such skepticism a little, and it becomes hostility, as in the concluding pages of this new biography, when Ellis attacks what he calls "the grand illusion of the age, the presumption that there was a natural order in human affairs that would generate perfect harmony once, in Diderot's phrase, the last king was strangled with the entrails of the last priest." Such a cynical conflation of American and French Revolutionary ideology was once reserved for paleoconservatives.

Ellis constantly approaches Washington and his contemporaries with the attitude that their acts must be explained by something less (and allegedly more fundamental) than ideology. He is obsessed with the word "elemental," which appears every time he tries to discuss Washington's convictions. The impression one gets is that Washington fought not for liberty or equality, but because he resented the high fees charged by Robert Cary, his purchasing agent in London: "The more Washington thought about it," writes Ellis, "the more he concluded that . . . the mercantile system itself was a conspiracy designed to assure his dependency on the likes of Cary. When Washington thought of that abstract thing called the 'British Empire,' he did not think politically. . . . He thought economically." Perhaps, but Ellis fails to explore how this system of exploitation would offend a Revolutionary ideologue, with a commitment to equality and economic opportunity. Instead, the Revolution was just a vulgar scramble for financial gain.

This approach would be perfectly legitimate, if it were an explicit thesis. Indeed, it would be far from original: Charles Beard, Howard Zinn, and other economic historians have long espoused the Marxist view that ideas are invented to cover interests, and they have done so unapologetically. But Ellis usually just ignores the ideological claims of the Revolutionaries. For him, their principles are more or less irrelevant — particularly today: "The entire mental universe in which Jefferson did his thinking," he writes in his Jefferson biography, "American Sphinx," "has changed so dramatically, modern science has so unmoored all the 'fixed principles' that he took for granted, that any direct connection between then and now must be regarded as a highly questionable enterprise."

This position leads Ellis to project onto Washington his own refusal to take Revolutionary ideals seriously. What makes Washington a great man, we're told, is precisely that he did not talk much about equality or "fixed principles." But this presumption leads to a deeply dissatisfying account of the Revolution and those who made it. At the end of the book, when he discusses Washington's attitudes toward slavery, Ellis acknowledges that Washington found the institution morally revolting — but never explains why, certainly not to the extent that he sifts Washington's financial reasons for hat-

ing slavery. "Economic rather than moral considerations seemed to weigh more heavily on his mind," he says, even though he admits that Washington recognized "that human bondage was a moral travesty." Why? We're not told. In freeing his slaves, Ellis writes, "conscience, his deep moral revulsion at the blatant wrongness of human bondage, surely played an important role in his decision, [yet] his motives were not purely or merely moral, as they seldom were." But should we expect — or even desire — that they be otherwise? Ellis' stated theme is that Washington always combined interest with vision. But while he meticulously excavates the interest, he rarely even describes the vision.

Ellis ignores the ideological claims of the Revolutionaries. For him, their principles are more or less irrelevant — particularly today.

In Ellis' defense, an interest-based approach is more plausibly suited to Washington than many other Founders. He did seem uncomfortable with some of the principles, like equality, which other Revolutionaries defended at length. He was not a scholar; he did not go to college; he wrote little on political theory that was not platitudinous. And his later life shows that he was at least sometimes led more by motives of personal loyalty and resentment than by political or philosophical considerations. Yet an analysis of Washington, or of the Revolution, which focuses so much attention on interest rather than ideology is bound to fall apart. Ideas have consequences, at least as much as personalities or interests, especially when those ideas lead people to act against their own personal interests. And, in fact, Ellis' *qui bono*-style analysis cracks badly when he confesses that during the Revolution, Washington "transform[ed]" himself "into a public figure whose personal convictions must be suppressed and rendered subordinate to his higher calling as an agent of history, which in this case meant that winning the war was more important than being himself." Why would he do this? Again, we are not told. But such a transformation is not the sort of thing one would expect from a man motivated primarily by "elemental" concerns.

It cracks even more when Ellis repeatedly condemns Jefferson and Madison for their claims that during his presidency, Washington was manipulated by Hamilton. Ellis finds their allegations repugnant, and says several times that Jefferson "describ[ed] him in private correspondence as quasi-senile." This is at best an exaggeration. Jefferson never called Washington senile; rather, he believed that Washington's "mind was great and powerful, without being of the very first order, his penetration strong, though not so acute as that of a Newton, Bacon, or Locke, and . . . no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. . . . His integrity was most pure, his justice the most inflexible I have ever known. . . . We knew his honesty, the wiles with which he was encompassed, and that age had already begun to relax the firmness of his purposes. . . . After I had retired from [the cabinet], great and malignant pains were taken by our federal monarchists, and not entirely without effect, to make him view me as a theorist, holding French principles of government, which would lead infallibly to licentiousness and anarchy. And to this he listened the more readily, from my known disapprobation of the [Jay] treaty."

Far from calling Washington senile, Jefferson attributes Washington's complacency to the fact that Jefferson opposed a treaty that Washington endorsed. And his general description of Washington sounds surprisingly like Ellis' own acknowledgment that the first president, though a man of great integrity, was not a political philosopher. What, then, accounts for Ellis' sarcastic dismissal of Jefferson's complaints? Was Washington a strong, independent political thinker who took ideology seriously and had thoughtful reasons for embracing Hamilton's arguments — or did he fight for personal motives because he was passionate and "elemental," and unable to see through Hamilton's manipulation?

Viewing the Revolution through the lens of interest rather than ideology causes Ellis to miss these contradictions, even while he sees contradictions that aren't really there. In one passage, Ellis asserts that "Just as the standing army he sought to create contradicted the political principles it claimed to be fighting for, Washington's king-like status contradicted the potent antimonarchical ethos in revolutionary ideology." But only a few paragraphs later, he notes that "from the very start . . . he made a point of insisting that his expansive mandate was dependent upon, and subordinate to, the will of the American citizenry. . . . Washington did not use the term 'civilian control,' but he was scrupulous about acknowledging that his own authority derived from the elected representatives of Congress." The alleged contradiction thus disappears: Washington's status was antimonarchical precisely because he was Cincinnatus, the farmer-soldier, the focus of an ethos that was at least as *republican* as it was *antimonarchical*. The Revolutionaries did not disclaim titles, they disclaimed *unearned* titles.

"Always give them their bill before they get their clothes back on — they're more *vulnerable* then."

The principle of equality meant government by consent, which gave legitimacy to the robes of office which they had previously lacked: the legitimacy of the "natural aristocracy of virtue and talents." Thus Washington's king-like status was consistent with the Founders' vision because the accolades were bestowed on him by the consent of the governed.

Ellis' failure to understand the Founders the way they understood themselves is a common theme in his work. In the preface to "Founding Brothers," for example, Ellis claims that "the very arguments used to justify secession from the British Empire also undermined the legitimacy of any national government capable of overseeing such a far-flung population." The "core argument" of the Revolution, he claims, "was an obsessive suspicion of any centralized political power that operated in faraway places beyond the immediate supervision or surveillance of the citizens," and "the cardinal conviction of revolutionary-era republicanism" was that "no central authority empowered to coerce or discipline the citizenry was permissible, since it merely duplicated the monarchical and aristocratic principles that the American Revolution had been fought to escape." And yet the fact is that only a few years after the Revolution, the nation ratified a Constitution that did create a central authority, and did so with the backing of the leaders of that very Revolution. They did so because their actual argument rested on "fixed principles" that are noticeably absent from Ellis' description: namely, that *all men are created equal,* and that they are *endowed with certain inalienable rights,* to secure which government is created. Any government that respected these principles — even a centralized one — the framers saw as consistent with Revolutionary principles. The Founders were not led by an "obsessive suspicion" of all government, but by a political philosophy of equality, consent, liberty, and security. But because he omits the Declaration's most fundamental axioms from his appraisal of the Founders' "cardinal convictions," Ellis finds the Constitution a paradox — or even worse, the result of a diabolical plot of elites: "a tiny minority of prominent political leaders from several key states conspired to draft and then ratify a document designed to accommodate republican principles to a national scale," he writes.

Washington's status was antimonarchical precisely because he was Cincinnatus, the farmer-soldier, the focus of an ethos that was at least as republican as it was antimonarchical.

So we are left with this: the American Revolutionaries "claimed" to fight for radical principles like equality and natural rights, which are really irrelevant today; but they were *really* fighting for "elemental" convictions arising from an "obsessive" hostility to "any central authority" — solely because of geographic considerations, mind you. The "tiny minority" of elites then "conspired" to foist on the United States a Constitution which was, in Ellis' word, "incompatible" with Revolutionary principles, but which nevertheless has served as a "realistic compromise" between "liberty and power."

Yet Ellis won the Pulitzer for "Founding Brothers." This isn't surprising: his views have been standard fare for generations now. Ellis' style is to announce with great fanfare the tired shibboleths of mainstream American history professors: Jefferson was an incomprehensible sphinx; the Founders were economically-driven elitists and hypocrites; Revolutionary ideology is made up of platitudes that have lost whatever meaning they might have had, and were designed to cover up the interests of the exploitative classes in the first place. Ellis' packaging of such claims is actually more mild, and far more readable, than the usual, but it's regrettable that historians of such stature continue to embrace the notion that the American Constitution somehow betrayed the Revolution, or that the "fixed principles" that Jefferson and Washington fought for are now irrelevant. They are not; they are the only hope for a safe and free world today — and the only hope of those who want to really understand our nation's past. ❑

"Million Dollar Baby," directed by Clint Eastwood. Warner Bros. Studios, 2004, 137 minutes.

Punch Drunk Oscar

Jo Ann Skousen

Unless you've spent the last three months in a secluded monastery, you probably already know how Clint Eastwood's Oscar-winning "Million Dollar Baby" ends. That's because shortly after the film opened in December, some movie reviewers and talk show hosts began discussing its controversial ending, which I won't mention yet, in case you have indeed been hanging out in that secluded monastery.

And that's a shame, because the movie isn't really about the ending, and it isn't really about women boxing either (although that's another reason conservatives avoided this movie). It's a tender film that gently explores the meaning of family. Three losers are thrown together, by happenstance really, and make a home for themselves in a worn-out gym. Maggie (Hilary Swank) is a 30-something waitress from a trailer-trash family who wants to make something of herself, and sees boxing as her chance to "be somebody" — although judging by the way Maggie barely punches at the speed bag early in the film, one wonders how she ever managed to get through a first round before teaming up with Frankie Dunn (Clint Eastwood). Scrap (Morgan Freeman) is a former boxer whose eye injury many years earlier ended his career; he now cleans the gym, watches over the boxers as they work out, and sleeps in a utility room in the back.

Maggie sees boxing as her chance to "be somebody," although judging by the way she barely punches at the speed bag early in the film, one wonders how she ever managed to get through a first round before teaming up with Frankie Dunn.

As owner of the gym and its principal trainer, Frankie is down but not out, living in a modest house nearby. But it's not a home. He's battling demons: fears of injuring his boxers makes him hold them back; questions about God take him to church every day, where he spars with the young priest; and estrangement from his daughter leads to the most poignant moment of the film. Eastwood's lean acting style, never wasting a motion or a word, serves him well in this role, as he reveals his character slowly, subtly, achingly, without the melodrama that has turned even the original "Rocky" into a parody of itself (never mind the ones that came after).

These three become much more than a team, and much less than a love story. Thankfully Eastwood (looking better than he has in a long time, but still — he's 74!) did not decide to give himself a romantic relationship with Swank. Instead, they develop a father-daughter relationship that is almost perfect: he coaches her, takes pride in her, feeds her, listens to her, guides her, and ultimately gives her the one thing she wants which takes away from him the only thing he has left. And that is what this movie is really about — sacrifice. Giving up what one loves more than anything in the world for the person one loves even more.

Ironically, the campaign to ruin the film by talking about its ending might have inadvertently propelled it to the podium at the Oscars, as Hollywood voters decided that they weren't going to be pushed around by conservatives in yet another election. It's a good movie, but it isn't a great movie, and the other contenders this year were top-notch. I wouldn't have given it the award for best film.

Nor would I have given the best supporting actor award to Morgan Freeman. Yes, he's a mainstay in Hollywood, a good actor who deserves recognition for his longevity as a consistent performer. But he's a Katherine Hepburn — roles find him because he fits the part, not the other way around. He has played this role before, as the benevolent narrator and guide in "The Shawshank Redemption," "Driving Miss Daisy," and "Godalmighty." All great roles, two of which earned him Oscar nominations, but in this year's field of fabulous performances, I'm not sure he was the right choice. Perhaps Hollywood insiders thought it was his "turn," just as John Wayne received an Oscar in 1969 that seemed more like a lifetime achievement award than a recognition of his

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

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work in "True Grit." (Losers that year included Dustin Hoffman and Jon Voigt in "Midnight Cowboy," while Robert Redford and Paul Newman weren't even nominated for "Butch Cassidy and the Sundance Kid.") But by that criterion, it was Martin Scorsese's "turn" as well this year, and "The Aviator" was a better movie (except for the annoying Cate Blanchett as Katharine Hepburn, who did win the Oscar — go figure!)

Eastwood's lean acting style, never wasting a motion or a word, serves him well in this role, as he reveals his character slowly, subtly, achingly.

I could add a paragraph here about the controversial ending, but it really isn't necessary. The film does not campaign for euthanasia, it simply ends that way. While making the decision, the characters discuss and reject other options, acknowledging that this is not the only choice, or even the best choice for most people, but it is the choice that this person wants. And it's a choice that breaks the heart of the one who must carry it out.

"Greater love hath no man than this." ❑

"Spoon River Anthology: An Annotated Edition," by Edgar Lee Masters, edited by John E. Hallwas. University of Illinois Press, 2003, 443 pages.

Wanderings in the Quest

Stephen Cox

To the making of books, as King Solomon said, there is no end. But there are a few books that can never be replaced and should never be forgotten. One of them is "Spoon River Anthology," a collection of poems by Edgar Lee Masters.

"Spoon River" was published in 1915, to great popular and critical acclaim. It was an important event in American literature. It was one of several works, in various genres — Theodore Dreiser's realist novel "Sister Carrie" (1900), Sinclair Lewis' satirical novel "Main Street" (1920), James Branch Cabell's fantasy-satire "Jurgen" (1919), the brief "epiphanic" stories that Sherwood Anderson collected in "Winesburg, Ohio" (1919), H.L. Mencken's many essays in literary and social criticism — that soon spelled the end of the ornately respectable "genteel tradition" in American writing, together with the routine acceptance of "heartland values" as typical of the national literature.

Until the 1960s and 1970s, two of the works I just mentioned, "Main Street" and "Spoon River," were favorite offerings in high school and college classes. Today, only one of them — "Main Street" — remains in that category, and it is not hard to predict that unless something drastic is done, "Spoon River" will soon disappear from the knowledge of intelligent general readers.

That would be an immense misfortune. "Spoon River" is much more than the typical "historically interesting" book. It shows, as few works of literature have ever done, what the individual's struggle for freedom looks like — and sounds and feels and tastes like, too.

I'm not referring to the struggle for a certain kind of political program. There was plenty of politics rattling around in Masters' brain, but his political thought was chiefly remarkable for its period style, and for its ability to carry a period style far past the era in which it seemed to make sense. Masters, in a word, was an unreconstructed Bryanite, a proponent of the soft-money, anticorporate program on which the Democratic Party lost the elections of 1896 and 1900. He hated "banks" and idealized "democracy" and the "American people" — not any particular people, mind you; he knew better than to idealize them, but people, as opposed to capital and business. He also had an idea that America's "great race," the race of the pioneer yeomen, was losing out to recent immigrants and the urban mob and southern crackers and evangelical Christians and numerous other people whom he didn't like, with all sorts of political ramifications that are too silly to inflict on you.

Occasionally "Spoon River" surprises the reader with a gripping image from American history, an image of:

> that stretch of years like a prairie in Illinois
> Through which great figures passed like hurrying horsemen:
> Washington, Jefferson, Jackson, Webster, Clay. . .
> or an image of the time
> When giant hands from the womb of the world
> Tore the republic.

But such images are not really politics, and political issues are not the ones that are really interesting in "Spoon River," where even Abraham Lincoln (whose politics Masters came to dislike) is treated as a person, not as a set of political ideas. "Spoon River" is relentlessly focused on individual people and their attempts — often obscure, usually tragic, but almost always formidable in signifi-

cance and expression — to fulfill their private destinies. Some of those destinies, if realized, would be glorious; some would go unnoticed by anyone but the individual himself; some are recognized by the poet as hopelessly perverse. But all the drama of humanity is in them.

Well, exactly what is the "Spoon River Anthology," anyway?

It is a collection of 244 brief epitaphs, written in free verse, supposed to have been transcribed from the tombstones of former inhabitants of Spoon River, a village in Illinois. (The idea of a poetry sequence came to Masters from the ancient collection of short poems called the Greek Anthology.) Each imaginary epitaph speaks in the voice of the dead person — as, for instance, Tennessee Claflin Shope, a proponent of eastern mysticism:

"Spoon River" shows what the individual's struggle for freedom looks like — and sounds and feels and tastes like, too.

I was the laughing-stock of the village,
Chiefly of the people of good sense, as they call themselves —
Also of the learned, like Rev. Peet, who read Greek
The same as English.
For instead of talking free trade,
Or preaching some form of baptism . . .
I asserted the sovereignty of my own soul.
Before Mary Baker G. Eddy even got started
With what she called science
I had mastered the Bhagavad Gita . . .

Eccentric? Certainly. But you cannot have individualism without eccentricity.

There really is a Spoon River in west-central Illinois, but it's a river, not a town. Masters bases his mythical town of Spoon River on two places in the vicinity, places where he lived while growing up, Petersburg and Lewistown. Many of the characters are based on people he knew in those towns. One character, at least, bears the real name of a man who was still alive when the book was published. What that man thought of his epitaph, if he ever read it, has not transpired. Most of Masters' other models would not have been pleased by what he does with them, or his account of what they had done with themselves.

Some of the epitaphs are solely concerned with events in the speakers' own lives. Many, however, refer to episodes in which the speakers' lives converged with others', usually with unhappy consequences. The poems can be read either in or out of order, but however they are read, the story of the whole community emerges, like the action lurking in the background in a series of sudden snapshots.

My husband had nothing to do
With the fall of the bank — he was only cashier.
The wreck was due to the president, Thomas Rhodes,
And his vain, unscrupulous son.
Yet my husband was sent to prison,
And I was left with the children,
To feed and clothe and school them,
And I did it . . .

What the reader sees in the evolving story is the primal and continuous struggle between the self and the world that surrounds it. One also sees the self's constant attempt to understand the struggle, find its pattern, discover an image that explains it.

Oh, many times did Ernest Hyde and I
Argue about the freedom of the will.
My favorite metaphor was Prickett's cow
Roped out to grass, and free, you know, as far
As the length of the rope.

The argument of fate and freedom runs all the way through "Spoon River." But whatever images and patterns the characters debate, the very intensity of the debate insists that any final truth must be consistent with the great fact of their individuality. "You may blame Spoon River for what it is," remarks the epitaph for Calvin Campbell, who is named, ironically, for the prophet of predestination, "But whom do you blame for the will in you . . . ?"

As a respecter of individual motives, Masters knows that they cannot be reduced to formulas. They are mysterious and unpredictable, revealed more effectively in story than analysis. This insight makes a perfect fit with the kind of poetry he's writing, short lyric poems that have to show everything in a quick flash of action.

Why did you do what you did? According to the epitaph of Barry Holden, he was attending the trial of Dr. Duval for killing his lover Zora Clemons, and it "was clear" to him, as he listened to the witnesses, that Duval "had got her in a family way" and then could not "let the child be born." So what? you may ask.

Well, how about me with eight children,
And one coming, and the farm
Mortgaged to Thomas Rhodes?
And when I got home that night,
(After listening to the story of the buggy ride,
And the finding of Zora in the ditch,)
The first thing I saw, right there by the steps,
Where the boys had hacked for angle worms,
Was the hatchet!
And just as I entered there was my wife,
Standing before me, big with

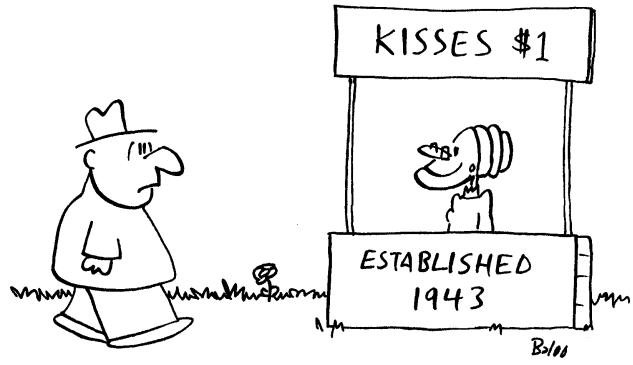

child.
She started the talk of the mortgaged farm,
And I killed her.

"She started the talk of the mortgaged farm": the line comes as fast as a camera's click, but it has the formal dignity of words chiseled in granite. "And I killed her" has the same dignity and calm, conveying and closing the horror at once, in just four deadly syllables. Do you need any more? You do not. The poem has already told you much more about murder than you ever knew before. It did it with pure action. The picture is complete.

Few quests for freedom in Spoon River turn out to be as criminal as Barry Holden's. More of them are simply ridiculous, or would be if they did not find an arrestingly individual form of expression. Consider Zilpha Marsh, who discovers her true self one afternoon "at four o'clock in late October" while sitting "alone in the country school-house," playing with the ouija board "in an idle mood." Suddenly the board spells out the name of Charles Guiteau!

And after that the spirits swarmed —
Chaucer, Caesar, Poe and Marlowe,
Cleopatra and Mrs. Surrat . . .

"Spoon River Anthology" is a collection of 244 brief epitaphs, written in free verse, supposed to have been transcribed from the tombstones of former inhabitants of Spoon River, a village in Illinois.

"Mere twaddling nonsense, Spoon River agreed." Yes. But Zilpha speaks for everyone who values individual experience over community assumptions, when she turns on Spoon River and asks,

And suppose I see what you never saw
And never heard of and have no word for,
I must talk nonsense when you ask me
What it is I see!

The last line could serve as a heading for many of these poems, so concerned are they with variant ways of seeing, and with "seeing" as a way of achieving at least the freedom to express one's rebellion against the world. A pair of poems demonstrates the individuality of "sight" in the different ways in which two people view those most common of all midwestern objects, trees. For Samuel Gardner, the self is like a great, self-enjoying tree:

Oft in life [I] saw this umbrageous elm,
Measuring its generous branches with my eye,
And listened to its rejoicing leaves
Lovingly patting each other.

Gardner believes that the growth of the tree is limited only by the breadth of its roots. His humble acquaintance Dow Kritt does not agree.

Samuel is forever talking of his elm,
But I did not need to die to learn about roots —
I, who dug all the ditches about Spoon River.
Look at my elm! . . .
Look, Samuel, where the roots have struck rock,
And can no further spread.
And all the while the top of the tree
Is tiring itself out, and dying,
Trying to grow.

Few individualist thinkers in the American tradition (Emerson, Thoreau, Whitman, Paterson, Nock . . .) have believed that being an individual is a guarantee of success. They knew that for some people — as for Oedipus and the great Antigone — being an individual provides the dignity of a disastrous end. It may be other people who work that end, out of their envy and hatred, or stupid pragmatism; or the end may be worked by the person himself, out of his own good qualities. Remember that Oedipus and Antigone perish because they overfulfill the norms of individual virtue.

A "tragic view of life," as Ayn Rand would say? No; just a truthful view of life. Individuality is often incompatible with its circumstances, and its success with its own decisions. But having the choice of what one wants to say about it, one still has every reason to honor it. And the necessities of art weigh heavily in its favor. In the great scene in which Citizen Kane is exhorted to take the advice of other people or see his political career destroyed, everyone knows that the advice is good, in a practical sense. In fact, everyone feels that it would be comic, as well as tragic, for Kane not to take it. The problem is that if he did so, nobody would stay for the rest of the film. Such a decision would destroy the dignity of the character, and the film itself; and it would bore any American audience to death.

Masters was born in 1868, but you would think, from reading "Spoon River," that he was writing about the experience of a thousand generations.

Masters is the great poet of this exacting but logical and very American view of the self and its choices. His politics constantly tempted him to blame the bankers, the village grandees, the sexually repressed Christians, all the ignorant and stupid inhabitants of Spoon River for the defeats of the rebels who fail in their struggle with life. But his insight into human choices showed him something besides politics. "You may think," says the epitaph of Lyman King, "that Fate / Is a pit-fall outside of yourself."

But pass on into life:
In time you shall see Fate approach you
In the shape of your own image in the mirror;
Or you shall sit alone by your own hearth,

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And suddenly the chair by you shall hold a guest,
And you shall know that guest,
And read the authentic message of his eyes.

The "Fate" that may destroy you is already here with you. It is yours. And yet, even in the least propitious circumstances, so is the hidden life that makes you free. Many of Spoon River's epitaphs are triumphant disclosures of the kind of secrets that vouch for the self's individuality and authenticity.

Such a secret may simply be the honesty of self-knowledge. "You praise my self-sacrifice, Spoon River," says Constance Hately, "in rearing Irene and Mary, / Orphans of my older sister." But what Spoon River doesn't know is that Constance Hately's virtue made sure to collect a psychic payment: "I poisoned my benefactions / With constant reminders of their dependence." Bad or good, that is her secret, her sign that she has a self quite different from the one that seemed to fit Spoon River's mold.

Spoon River cannot see Constance Hately's soul. Neither can it appreciate the delight that Chase Henry, the town drunk, derives from his glorious interment in the village cemetery, with "a marble block, topped by an urn." What did he do to deserve it? Nothing! And that's the joke. The Protestants fell all over themselves to do him honor, simply because his fellow Catholics would not allow him to be buried in consecrated ground. So Henry sees himself as the final winner:

Masters' political thought was chiefly remarkable for its period style, and for its ability to carry a period style far past the era in which it seemed to make sense.

Take note, ye prudent and pious souls,
Of the cross-currents in life
Which bring honor to the dead, who lived in shame.

Spoon River cannot imagine why Harry Goodhue, who waged one campaign after another against banks and business interests, suddenly went over to the Temperance cause. But he explains. It was while "staggering up from the wreck of defeat" that he seized on a scheme of revenge:

I slipped from my cloak my last ideal,
Hidden from all eyes until then,
Like the cherished jawbone of an ass,
And smote the bank and the waterworks,
And the businessmen with prohibition,
And made Spoon River pay the cost
Of the fights that I had lost . . .

The "dullards of Spoon River" never knew that Harry Goodhue, the crusader, was also the "spiritual brother" of Chase Henry, the drunkard — both immoralists, after all. And the secret was kept.

Yet there are moral victories in Spoon River that are just as pure and secret as these triumphs of cynicism. Emily Sparks, the "old maid" teacher, dies thinking of her favorite student, wondering where he is, and praying,

That all the clay of you, all the dross of you,
May yield to the fire of you,
Till the fire is nothing but light! . . .
Nothing but light!

Where is her former student now? He's in Paris, entertaining a prostitute; and yet . . . he's thinking of Emily Sparks. Thinking of her, he breaks into tears. The prostitute is pleased, believing that he is crying for love of her. In fact, he is "somehow" receiving a "new vision" of life, the gift of his secret thoughts of Emily.

That is a victory of experience. There are also victories of innocence. William Goode is known in the village as one who wanders "aimlessly" about. But again, Spoon River's wisdom is mistaken. He is the one who, though innocent, is wise enough to know and follow a true purpose.

If you have ever lost your way at night,
In the deep wood near Miller's Ford,
And dodged this way and now that,
Wherever the light of the Milky Way shone through,
Trying to find the path,
You should understand I sought the way
With earnest zeal, and all my wanderings
Were wanderings in the quest.

Satire of the heartland is almost as old as the heartland itself.

"Spoon River" is full of phrases that describe itself. "Wanderings in the quest" is one of them. "Spoon River" is not a work that dogs a thesis; it is the deep wood through which the Milky Way shines, in moments of individual apprehension too bright to be represented in any other way than the one that Masters chooses.

It is gratifying to realize that his book has never been out of print. The best available version is the annotated edition by John Hallwas. Although it does not afford a full view of the poet's life, dwelling instead on his period of intellectual development, it provides an intelligent introduction to his work, some interesting photos, and useful notes. Hallwas appreciates the importance of individuality, and individual liberty, as stars that Spoon River follows. He doesn't happen to discuss a number of curious issues about Spoon River and other "heartland" literature that I think merit attention. I want to mention four or five of those issues.

1. It is very curious that so new a civilization as that of the American middle west should have become so conscious of itself as "old." Lewistown, Illinois, which now

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> Home of Dickson Mounds State Park
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> The Heart & Capital of "Spoon River Country"

was settled in the 1820s. Masters was born in 1868, but you would think, from reading "Spoon River," that he was writing about the experience of a thousand generations. The first age of the midwest was that of the pioneers; the second was that of respectability, conformity, and boredom; the third was that of satire and nostalgia.

No artistic representation of American life can succeed and endure unless it both embraces and sharply criticizes that life.

But those three ages were not far apart; indeed, they overlapped. Sinclair Lewis' home town, Sauk Centre, Minnesota,

> The Original "Main Street"

was settled in the 1850s and only one generation later (1885) became the birthplace of its Nobel Prize winning satirist. Yet Lewis, like Masters, looked back to the era of the pioneers as if it were the time before the flood.

2. A remarkably large proportion of the residents of Masters' Spoon River seem to be conversant with "Chaucer, Caesar, Poe and Marlowe" — a proportion approximately 100 times greater than you'll find among the residents of the town where you live, wherever you live. The alleged ignorance of the old American heartland invites further research.

3. When "Spoon River" first appeared, most American readers were

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products of small towns and rural areas. Now the great majority are people who grew up in the megalopolis. This should mean that there is a vast gulf fixed between their sense of the world and that of the old America. Many academics and high-class publishers assume that there actually is such a gulf, except in respect to the ersatz hinterland scenes that show up in novels by people like Jane Smiley and Stephen King. But the continued accessibility of "Main Street" and "Spoon River" argues otherwise. Experiment shows that no intelligent contemporary American who sits down to read these books ever fails to understand them, regardless of their now-arcane references to Henry George and John Peter Altgeld and "the day the Anarchists were hanged in Chicago." Why is that so? This also bears investigation. Perhaps the culture of the American hinterland represents something essential, natural, and universally communicable, after all.

When "Spoon River" first appeared, most American readers were products of small towns and rural areas. Now the great majority are people who grew up in the megalopolis.

4. Satire of the heartland, as I've indicated, is almost as old as the heartland itself. Michigan wasn't one-tenth settled when Caroline Kirkland made herself unpopular therein by writing her satirical novel "A New Home — Who'll Follow?" Nostalgic treatments go back almost as far. But the vast majority of both nostalgic and satirical treatments are worthless, except as historical documents, because they are either satiric or nostalgic. The great American writers knew that no artistic representation of American life can succeed and endure unless it both embraces and sharply criticizes that life. I grew up in farm country. My family has lived in small towns and rural areas of the midwest for the past 200 years. I think I know what I'm saying when I insist that the meaning of these places cannot be evoked by one-sided methods. One of my first cousins, a lifelong resident of a small town, died under circumstances that strongly suggested murder; but despite the pleas of his sister, no one would investigate the case. The town hadn't liked him (with some good reason), and that was that. There's a drama in that story, a drama of red-state attitudes, good and bad; but no blue-state satire would bring it out. Only a many-sided literary approach could do it. Sinclair Lewis understood that (though he didn't always act up to it); so did Willa Cather, and William Faulkner, and Edgar Lee Masters. Maybe American literature will revive as a truly national literature when some of our contemporaries learn the same thing.

5. Let me put that in another way. The great American writers saw the folly of heartland attitudes. They saw the soulless pragmatism of small-town America. They saw its daily indifference to individuality, individual desire, and individual responsibility, just as Sophocles saw the folly of the choruses in "Antigone," which ordinarily show a strong disposition to flatter the winning side. But like Sophocles, they also saw something more profound in their material. They saw that America, like the Athens of Sophocles, was a place where individuals could defy the community in the name of the community's own official values, and finally interest the community in their defiance. A drama like that will always deserve attention. When "Main Street" came out, my oldest uncle, who had been to college, sent a copy to my grandmother, inscribing it, "To My Mother, Who Lives There." She lived in a house that was literally on the Main Street of the kind of town that Lewis was satirizing — but she enjoyed the satire anyway. Like ancient Athens, heartland America, despite the monotony of its wood-frame facades, has always retained a core of individualism, like an heirloom on the top shelf of the hall closet, to make sure it keeps until somebody comes along and opens the box and sees what a remarkable thing has come down in the family.

The great writers saw small-town America's daily indifference to individuality, individual desire, and individual responsibility, just as Sophocles saw the folly of the choruses in "Antigone." But like Sophocles, they also saw something more profound in their material.

The heirloom is still in the house. Masters can lend you one of the keys. ❑

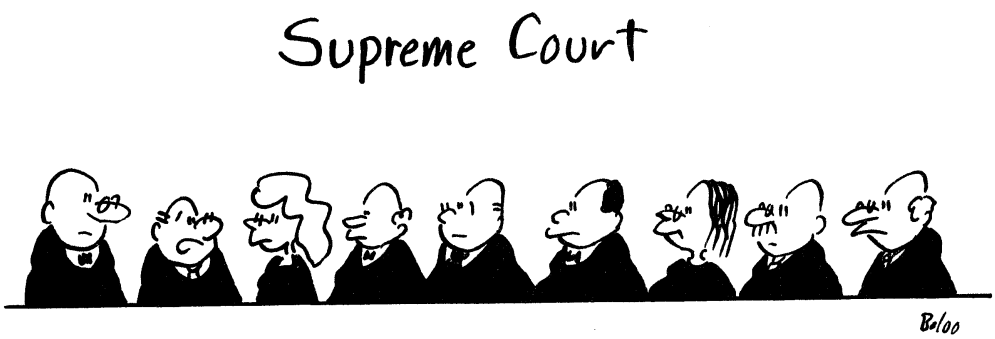

"I don't know about you guys, but *my* mail has been running two to one *against* the Constitution."

Terra Incognita

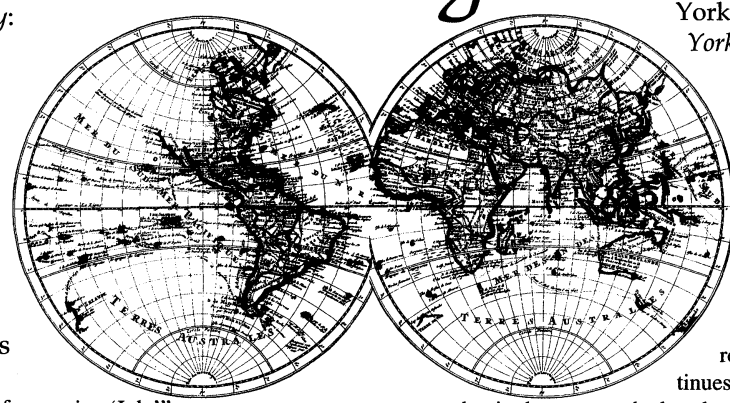

Boise, Idaho

Advance of the arts in the wilds of Idaho, from KTVB.com, winner of the Edward R. Murrow award for best news website:

Boise ordinance 6-22 prohibits entertainment featuring complete nudity, excluding "dance, ballet, and dramatic performances." A local "gentlemen's club," Erotic City, has converted itself into an art school, and provides its patrons with sketch pads and pencils.

Oslo

Cultural advance in the Scandinavian utopia, from an article in the *Seattle Weekly*:

The government of Norway has financed foreign journalists' visits to Norway to hear performances by Tungtvann, a Norwegian reggae group.

Seattle

A headline in the *Seattle Times* offers curious advice to the lovelorn:

"Know partner's credit before saying 'I do'"

Springfield, Ill.

The tribulations of a movement leader, from the *Springfield State Journal-Register*:

Annette "Flirty" Stevens, the president of the Springfield chapter of the Million Mom March, was arrested on firearms charges. While investigating her connections to gang members implicated in a series of drive-by shootings, police found in her house an unregistered firearm with a scratched-off serial number.

U.S.A.

Good news for household mold, from a dispatch in the *Peninsula Daily News* (Port Angeles, Wash.):

John Kerry's defeat means that he will be unable to fulfill his campaign promise to create a "Department of Wellness, to deal with problems such as household mold."

Key West, Fla.

A procedural note, from the Marathon *Keynoter*:

Officials with the Florida State Attorney's Office have requested the appointment of a special prosecutor to avoid a conflict of interest in court proceedings against Monroe County prosecutor Albert Tasker.

Tasker is charged with indecent exposure and drunk and disorderly conduct after attempting to pull a prank by hopping naked into his friend's car. The woman in the vehicle called 911.

Orange County, Fla.

Admirable commitment to preventing juvenile violence, from Melbourne's *Florida Today*:

Robert Gomez, a 7th-grader at Liberty Middle School, was suspended for ten days and faces expulsion for dropping a rubber band onto his teacher's desk. His mother, Jenette Rojas, was told that "if he would have aimed it a little more and he would have gotten it closer to her face he would have hit [the teacher] in the eye."

The school is punishing Gomez for a Level 4 offense: "the use of any object or instrument to make a threat or inflict harm." Other Level 4 offenses include arson, assault and battery, and the use of explosives.

Albany, N.Y.

Innovation in employee disciplinary measures in the halls of New York's capital, reported in the *New York Post*:

After Patricia Freund complained about Gov. George Pataki's prayer breakfasts, claiming they were discriminatory to state employees who were Jewish, her bosses retaliated by having her named the New York Liquor Authority's director of wholesale services, a position with no responsibilities. Freund, who continues to earn $82,000 a year, estimates that in three years she has done less than two days' worth of work.

Aurora, Colo.

Progressive policing in the Mile High State, from the *Rocky Mountain News*:

Aurora police have said that proper procedures were followed when patrolmen hit Danon Gale twice with a Taser in front of his young children. Gale had refused to show proof of purchase while making a trip to the salad bar at a Chuck E. Cheese restaurant.

King County, Wash.

Advance in the techniques of public defense, from the estimable *Seattle Times*:

Jail guards said they saw former public defender Theresa Olson having sex, in a room reserved for attorney-client meetings, with her client Glen Sebastian Burns. Olson explained it was merely a "hug gone bad," and that she did not "know anything that was going on with Mr. Burns' pants."

Morton Grove, Ill.

Interesting legal development in the suburbs of Chicago, reported in *Trains*:

Paul Burgess and Randy Olson, who are rail enthusiasts, set up camera tripods at a station in Morton Grove. Police soon arrived, conducted background checks of the two, searched Burgess' truck, and admonished the rail fans that taking pictures of trains was against the law. Burgess protested that the pair "had First Amendment rights under the Constitution." The officer responded, "These laws supersede the Constitution. Photography of trains is illegal."

Special thanks to Laurie Gelb, Russell Garrard, Thomas DiMaio, Paul Arends, and M. Richards for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

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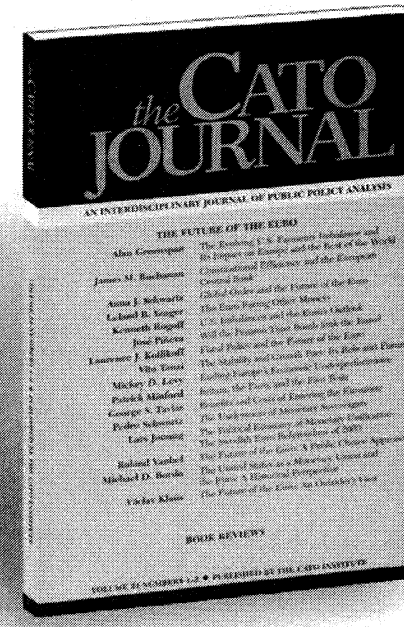

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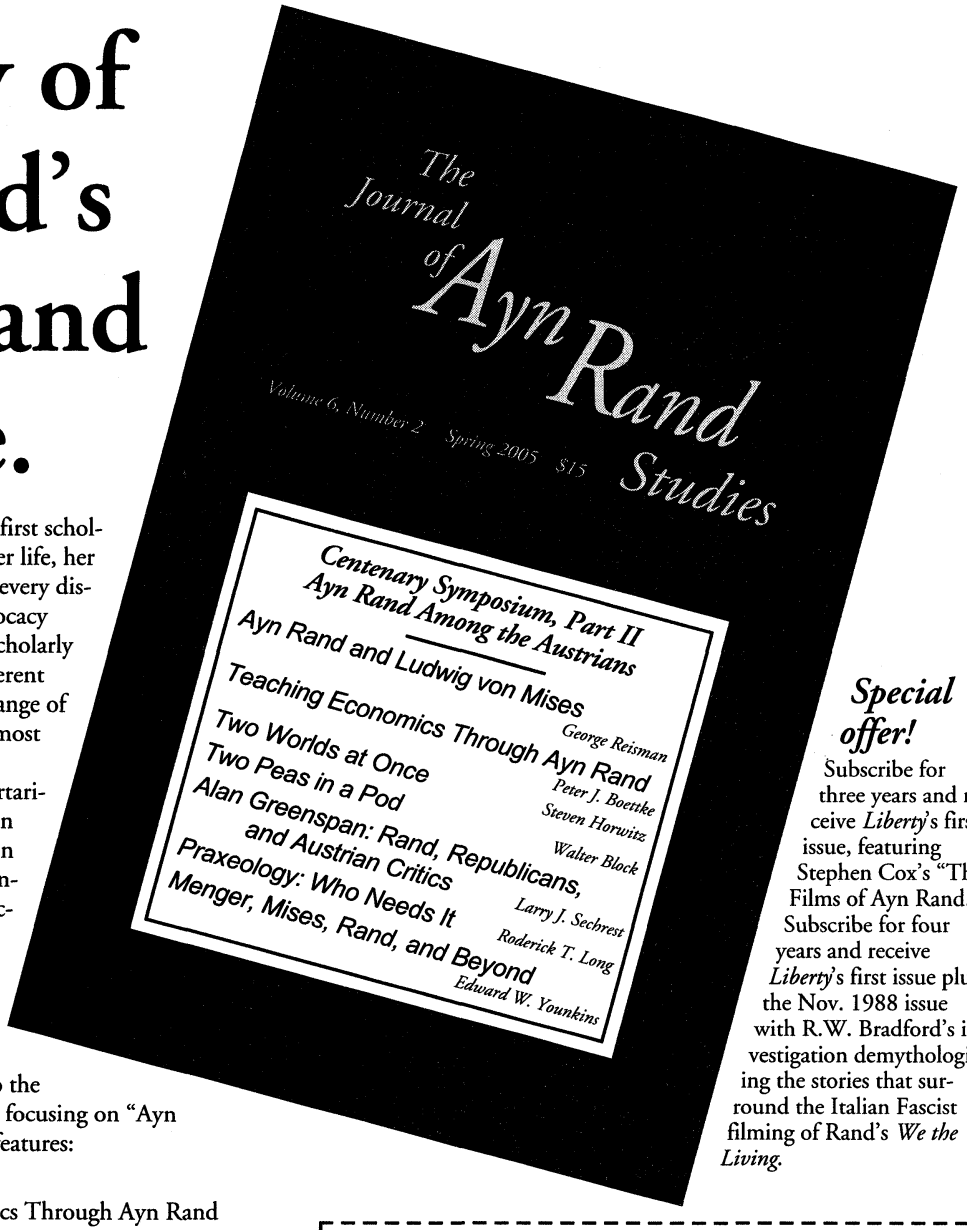

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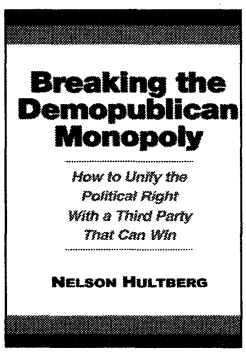

All libertarians realize that America is a one-party state. The Democratic and Republican parties are nothing but two divisions of the Central Leviathan Party. No matter who wins, we always get more spending, more taxes, more inflation, more wars, and LESS FREEDOM.

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About the Authors

Nelson Hultberg is a freelance writer in Dallas, Texas and the Executive Director of Americans for a Free Republic. His articles have appeared in publications such as *The Dallas Morning News, Insight, The Freeman, Liberty, The Social Critic*, and on Internet sites such as Gold-Eagle, FinancialSenseOnline, etc. He is the author of *Why We Must Abolish the Income Tax and the IRS.*

Dr. Antal E. Fekete is a Hungarian born economist who taught in Canada for many years and also worked in the Washington office of Congressman W.E. Dannemeyer on monetary and fiscal reform. Presently Professor Emeritus, Memorial University of Newfoundland, he is the author of numerous scholarly articles that have appeared on many Internet sites and also the widely read *Monetary Economics 101* course.

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Inside Liberty

June 2005
Volume 19, Number 6

4 **Letters** The first word.

5 **Reflections** We clone Ted Williams, panhandle with a president, get high on hate, empty a chamber pot, kick at a skeleton, pepper an air marshal, rip down some signs, visit a dominatrix, get fingerprinted, and get taken for a ride.

Features

17 **Searching for Evil in Syria** Our government tells us that Syria is a bastion of evil. *Doug Casey* checks it out.

20 **A Man's Body, a Man's Right** Some people would pay any price for the extra years a new kidney can provide. Too bad politicians won't let them. *Bart Croughs* dissects the issues.

23 **Why Don't Americans Save? Blame Greenspan** Alan Greenspan bemoans our low savings rates. *R.W. Bradford* discovers that he has only himself to blame.

26 **The Plot to Regulate Video Games** Insert enough quarters — say, $90 million worth — and scientists will tell you why the government should regulate video games. *A.J. Ferguson* refutes them for free.

29 **The Coming War With Iran** President Bush assures us that military action against Iran isn't in the cards. *Alan Bock* tells how the president has stacked the deck for war.

31 **Fix Social Security Now!** We know the Social Security system is broken. *Durk Pearson* shows that the alternative plans that have been suggested won't work either, and proposes a plan that will.

37 **The Importance of Henry Hazlitt** *Jude Blanchette* explains why the man who introduced millions to the simple logic of economics was a pivotal figure in the revival of liberty.

41 **Anarchist Socialism** A never before published gem by libertarian pioneer *J. Wm. Lloyd*.

Reviews

45 **The New Noir** *Todd Skousen* takes in the film version of a graphic novel, and espies the future of cinema.

46 **Socialism's Last Bastion** *Gary Jason* exposes the illogic of postmodernism, and the motives of its adherents.

50 **Freedom's Farthest Future** Millions of years from now, in a galaxy very close to home, a lone hero fights an invisible state for his life, his love, and his sanity. *Mark Rand* reports from this brave new world.

52 **It's the Outcome, Stupid!** *Jo Ann Skousen* explores the fine line that separates tragedy from comedy.

51 **Notes on Contributors** They also serve, who only stir the pot.

55 **Terra Incognita** Too funny to be true? Too sad to be fiction?

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Letters

The Objectivism of the Left?

In his May 2005 article, "Marxism of the Right?" John Coleman denies that libertarianism is an ideology.

Ideological thinking happens whenever we allow our likes and dislikes to influence our judgments of what is true and false. To an extent, all of us do this. Nevertheless, it is wise to make an effort not to. Dwight Eisenhower once said, "A man should be aware of his prejudices."

Ideological thinking on the left happens when one denies the importance of genetics in determining ability levels. Those on the left have effectively prevented a public debate on this issue by endangering the careers of those who disagree with them.

Those on the right have not tried to stifle dissent from their opinions since the end of the McCarthy Era. Nevertheless, they indulge in ideological thinking when they disregard evidence of the greenhouse effect. Moreover, despite the economic history of the past 25 years, virtually all Republican and libertarian economists still argue — often truculently — that tax cuts balance the budget.

Ayn Rand's "Objectivism" is certainly an ideology. This word comes from Rand's assertion that her list of values has the same objective truth as the multiplication table.

John Engelman
Wilmington, Del.

Setting the Serpent Straight

For all Robert H. Miller's apparent knowledge (May 2005), I find it odd that he states that each rattle on a rattlesnake represents one year of age. I thought that myth had been dispelled among outdoorspeople by the time I was 10 (46 years ago).

A rattlesnake gains a rattle each time it sheds its skin, which might happen two, three, even four times a year, depending on how much food the snake gets, which partially determines its growth rate.

A foot-long rattlesnake with six rattles implies a pygmy variety.

Other than that, Miller's story was entertaining and fascinating.

Bob Newland
Hermosa, S.D.

Rational Ignorance

Who owns the Fed? Who cares? May as well ask, "Who owns the government?"

Kuyle Ledbetter
Minneapolis, Minn.

Fanatics, Not Elitists

I agree with David Brin that the Libertarian Party practices all-or-nothing fanaticism, a strategy that has gone nowhere. But it was not my observation during my 22 years in the party (1980–2002) that typical members regarded the voters as fools. Rather, I noticed that LP members generally believed the following:

Average voters already are libertarians — they vote the way they currently do, not because they are fools, but because they are resigned or have been tricked. The LP is fighting against "the government" and the small number of

continued on page 40

Letters to the Editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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Reflections

Genetics of scholarship — According to the Associated Press, University of Colorado professor Ward Churchill is being investigated by university faculty to see if he lied about being an Indian to "beef up his credentials as a scholar." Strange that the circumstances of your birth are now considered scholarly credentials. It runs directly counter to the notion that all men are created equal, the major premise this nation was founded upon, and recalls a time when titles were granted at birth. — Tim Slagle

Robert's Rules of Dueling — The controversy over the filibuster, the "nuclear option" in the debate over Republican judicial nominees, is ridiculous. The object of a filibuster, or in any case its practical effect, is to shut down debate on a matter unless a certain number of senators insists otherwise. Rudimentary parliamentary procedure could achieve this object: yea and nay votes decide such questions all the time.

That's not good enough for the upper house of the federal legislature of the world's only superpower. Its august members instead use the filibuster, a custom by which a senator divests himself of his dignity (such as it is) by reciting recipes for favorite dishes, or the first names of all the Smiths in the phone directory, or any damned thing he can find, while struggling to remain standing for hours or days, straining to talk as his throat becomes raw, and ingloriously pissing every now and then into a diaper or a bucket.

If debate in the Senate on important questions is to come down to physical endurance, we ought to kick it up a notch. Bring back the duel. Give pistols to the earnest senator who wants to filibuster, and to one of the senators who calls for cloture. Ten paces, shoot, clean up the mess, and get on with business.

The debate is whether to get rid of the filibuster so Republicans can advance their agenda, or keep it because losing it could upset Democratic interests for decades. Why don't we get rid of it because it's *stupid*? — Patrick Quealy

Fine for ordinary people — Peter Jennings is seeking treatment for lung cancer. Perhaps I'm being cold to observe that despite all the glowing praise Jennings has heaped upon the single-payer health care plan of his native Canada, he has no intention of seeking treatment there.

— Tim Slagle

Hourly wages — Suppose that terrorists somehow discovered a way to destroy the productive lives of three million Americans, a thousand times more people than were killed on 9/11? What would be the economic effect? What would be the effect on the nation's morale? Immense . . . overwhelming . . .

But that degree of devastation, according to a report issued on April 14 by the Internal Revenue Service, happened to America this year — and, you can be sure, will continue to happen to America, every year in the foreseeable future — solely as the result of the federal tax code. Just the effort to file 1040 forms requires 1.6 *billion* hours of work. The total paperwork effort of taxpayers is 6.6 *billion* hours. Assume that a working year is 2000 hours long, and you will see what I'm talking about: the total waste of a year's work for 3.3 *million* Americans.

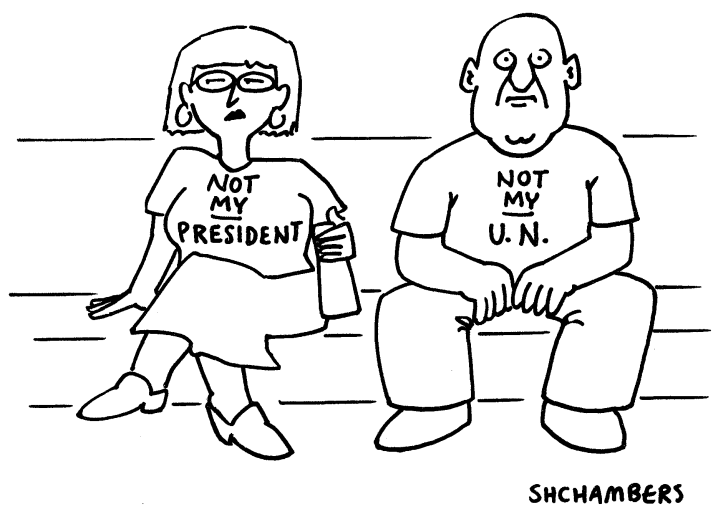

That is more than the number of working people who inhabit any American city. That is more than the number of people who inhabit 90 countries of the world. That is approximately as many free people (men, women, and children) as were counted in the first census of the United States (1790). That is more than the number of people who voted in any American election until 1856.

I could go on like this. You understand the point. Now ask yourself, What would be the effect of a sudden *addition* to the American economy of 6.6 billion hours of productive work? It would be the biggest boon to any economy in the history of the world. And that could happen by the simple institution of a flat tax. — Stephen Cox

Christianity, the Church, and liberty — Most libertarians that I've heard from dismissed the sadness with which so many people responded to the passing of Pope John Paul II as an orgy of mass hysteria. This is hardly surprising: the intellectual leadership of the libertarian movement in the 20th century has consisted overwhelmingly of unbelievers. Ayn Rand and Murray Rothbard were both

explicit and evangelistic atheists, and I've neither heard nor read anything from Friedrich Hayek, Ludwig von Mises or Milton Friedman that indicate any religious belief. All seem overwhelmingly secular in their thought.

But I think that contemporary libertarians are poorer for their inclination simply to dismiss religion in general and Christianity in particular.

Yes, yes, I know. During the Middle Ages, the church was part of a social system that can only be described as repressive. And during the early modern era, the Church actively opposed the evolution of western society toward greater liberty. And the Church has continued to harbor outright reactionaries who oppose liberal ideas and the liberal social order, and at the same time advocate "liberation theology" that is socialistic, if not quite socialist.

Contemporary libertarians are poorer for their inclination simply to dismiss religion in general and Christianity in particular.

And yes, I know that fundamentalist Protestants have often opposed modernism and liberty, even at times trying to suppress scientific inquiry. And, yes, so-called "liberal" Protestants have often pushed for much greater government power and even supported totalitarians like Robert Mugabe of Zimbabwe.

But is it mere coincidence that the love of liberty found its most fertile ground among Protestant Christians and, indeed, that libertarian thinking had its origin among Protestants? Or is there something about Christianity or Protestantism that helped give birth to liberty?

Is it mere coincidence that the Roman Catholic Church is by a wide margin the most enduring human enterprise, lasting (so far) more than 1,700 years? Or is there something about the Church that resonates with human beings, thereby enabling it to endure?

I don't know whether these questions have occurred to the libertarians who dismiss Christianity as mere folly that may be amusing but is worthy of no serious consideration. But I am convinced that those who dismiss the millions who mourned the passing of John Paul II as mere fools, and dismiss John Paul himself as a fool or an exploiter of fools, miss a great deal.

John Paul II stood up to the two great tyrannical ideologies of the 20th century, national socialism and communism. He lived and suffered under both, and was instrumental in bringing down the latter. The defeat of national socialism, in which he was at most peripherally involved, cost hundreds of thousands of deaths in Poland alone. His homeland's victory over communism, a victory in which he was the critical figure, cost at most a few hundred deaths. John Paul was a man of peace, and the peaceful demolition of communist tyranny in his homeland illustrates truths that we should all learn. He was the 20th century's greatest advocate of peace, and the most prominent opponent of the United States' conquest and occupation of Iraq.

From his early adulthood, he was an eloquent spokesman against tyranny. He spent most of his life fighting it, and played as big a role in the late-20th century ascendency over

News You May Have Missed

Congress KO's Right to Die

WASHINGTON. In a surprise middle-of-the-night session, Congress passed emergency legislation making death without specific congressional authorization a federal crime. An FBI sweep of car accident sites, hospitals, and morgues throughout the country early this morning resulted in 1,314 arrests, all of them involving people who had expired during the night without filling out the newly required federal forms and waiting for approval. The detainees, who offered no resistance, are to be brought before a new Federal Unappellate Court of Aggregate Meddling established by Congress in an underground chamber below the Capitol, where, after brief trials at which they will be found guilty if they make no plea, most illegally deceased persons will face sentences of up to 15 years in a federal minimum-security facility, though suicides will be subject to harsher measures, including the death penalty. The legislation was co-sponsored by House Republican whip Tom DeLay, who said that it is the federal government's job to restore, as a multicultural initiative, the ethical and spiritual oversight formerly exercised by the Spanish Inquisition, which will be now be turned over to the new cabinet-level Department of Health and Human Thumbscrews.

President Bush, who interrupted a vacation at his ranch in Crawford, Texas, and flew to Washington to sign the bill, said that while the federal government should not play God, it might nevertheless soon be forced to recreate the world in six days, though Iraq will probably take a little longer. He also, during brief remarks in the Oval Office, set his face against his people, and against their iniquities, and his wrath was kindled against them, for they have forsaken the ways of righteousness, and have whored after idols and abominations and privacy rights, and they have girded themselves with harlotry and did not give an Oscar to Mel Gibson, and they have taken the name of the Lord thy Bush in vain, though he added that he was willing to appoint an independent commission, consisting of 15 distinguished fundamentalist whackjobs, to review the allegations and recommend policy changes. — Eric Kenning

tyranny as any human being. He also opposed the socialist tendency within his church, quietly discouraging the "liberation theology" that had come to dominate Roman Catholic thinking in Latin America.

He was a great respecter not only of liberty but also of life. In a century in which the value of life was demeaned by totalitarian governments and by stupid, vicious wars, he did everything within his considerable power to encourage a reversal of this trend. We libertarians may not agree with all his views, particularly those on abortion, but we certainly should respect them.

When warned of papal opposition to communism, Soviet dictator Joseph Stalin is famously supposed to have asked, "How many divisions does he have?" thereby revealing his own ignorance of the power of moral suasion. John Paul used this power more effectively than anyone else in recent memory. He never commanded any divisions, nor even the Church he headed. But his love of humanity, of liberty, and of peaceful human endeavor captured the moral imagination of many millions.

The Roman Catholic Church is not a perfect institution. No human institution is perfect. Nor has any institution with a history even a quarter as long as that of the Church failed to have bad days as well as good ones. But the Church respects human reason more than any other religion and has made its peace with the liberal social order. John Paul had a hand in that. He left the Church a better institution, and the world a better place. — R.W. Bradford

FDA mandates gutter humor — On Friday, April 15, the FDA posted a letter sent to the Bayer corporation criticizing its ads for Levitra, a second-generation impotence pill. Comedians around the country poked fun at the ads for Levitra, which warned that users should consult a physician if their erections lasted for four hours or longer. The FDA was upset that the current Levitra ads did not include this warning, even though gutter humor based on this potential side effect has made it common knowledge. It is ironic that the FDA is demanding that this warning be broadcast over the public airwaves, since a different branch of government, the FCC, has warned morning radio hosts that it will fine them half a million dollars every time they talk about this side effect. — Tim Slagle

Outlawing science — The Native Americans Graves Protection and Repatriation Act (NAGPRA) is a federal law that requires any skeleton of a member of an Indian tribe to be returned to that tribe, if the skeleton is found on federally owned land. In 1996, when a 9,000 year old skeleton called Kennewick Man was found, it became the flashpoint for a lawsuit over NAGPRA, and over the degree to which the federal government should curtail scientific research in the service of a religious orthodoxy. Although Kennewick Man was too old to be a member of any modern-day Indian tribe, a group of tribes demanded that the Army Corps of Engineers give them the remains so that they could "repatriate" it — i.e., bury it, thereby destroying it for scientific purposes. The Army agreed. On orders from the Secretary of the Interior, who declared that any bones dating from before 1492 must belong to an Indian tribe, the Army ordered that the bones be returned for destruction. Only a lawsuit by a group of scientists calling themselves Friends of America's Past managed to preserve the skeleton. The Ninth Circuit Court of Appeals held that NAGPRA only applies to bones of a member of a present-day tribe.

Now Senator John McCain is leading the charge to amend NAGPRA. He is sponsoring a bill to change the statute's definition of "Native American Indian" to read "of, or relating to, a tribe, people, or culture that is or was indigenous to any geographic area that is now located within the boundaries of the United States." This means that any skeleton found anywhere on Federal land, even if it is thousands or tens of thousands of years old and in no way related to any present-day Indian tribe, must be given to a tribe that claims it, rather than to scientists for research, and destroyed rather than studied — all to appease Native American creationists. This is an extremely serious threat to archaeology and anthropology in the United States.

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Unfortunately, it is part and parcel of a rising trend towards "repatriation." The Smithsonian's recently opened National Museum of the American Indian — which the Washington Post recently described as "more like a cathedral than a museum," has an open policy of repatriation, even though it now has access to the federal government's priceless collection of Native American anthropological specimens. But, as the Washington Post article explains, "the National Museum of the American Indian has no anthropology department and likely never will. Gerald McMaster, a deputy assistant director for the museum and a Plains Cree, says, 'Anthropology as a science is not practiced here. . . .' Science is not going to be the final arbiter at the museum." This is a startling development to anyone who has regarded the Smithsonian as one of the world's finest scientific institutions. — Timothy Sandefur

Take this job and shove it — I'm glad I'm not a college president. Like gas station attendant, radio repairman, cotton picker, and elevator operator, it's not a great career field. You don't make nearly as much money as the football coach. You don't have his fame. And you rarely get your picture in the paper. I guarantee that more Alabamians can identify Tommy Tuberville, Auburn head football coach, than what's-his-name, the Auburn president.

Worst of all, the job description boils down to panhandling. Begging for money. Billy Shakespeare said it. "A rose by any other name would smell as sweet." And he could have gone on to say that if you call a skunk a rose, it still will stink like a skunk. Begging is begging even if you call it fundraising or "endowment enhancement."

Institutions of higher learning (a title applied to Northwest Central State Teachers Community College as well as Harvard) used to look for scholars when they needed a chancellor. Now they look for salesmen. Remember Professor Harold Hill, the huckster played by Robert Preston in "The Music Man"? He'd make a perfect president of a small, lightly endowed liberal arts school. You not only have to schmooze the alumni or anybody else who wants their name over a dormitory portal — you gotta keep the faculty happy. And they're a restless lot who have a firm grasp on a single management principle: they don't work for you, the Prez. They don't work for anybody. Try influencing curriculum or, heaven forbid, imposing limits on tenure and you'll find out in the snap of a chalk stick that you're as powerless as the football team's water boy. We know you can't run a grammar school that way — there's got to be a boss somewhere — but for some reason, we believe management chaos can work at State U.

Look what happened at Harvard. The boss, President Summers, is in big trouble. First, he tried to tighten the budget. And then, in an epileptic fit — or maybe while drunk — he ran off a well-known professor of African-American studies. Then his life got really bleak: while defending himself from an attack by the diversity demons, he claimed that men and women were different!

But President Summers — whose mouth is an automatic weapon, not a single-shot — was only wounded, not dead. He stumbled on to say that scientific studies would lead you to expect under-representation of women in Physics, just as we observe disproportional gender and racial representation in other fields. With his death rattle he asserted that there's not a lot of white guys in the NBA!

Sufferin' succotash, no one is supposed to say stuff like that. The faculty is madder than a scalded dog. Don't misunderstand: scalded dogs probably get no madder than scalded cats. I see absolutely no difference in the two species. Or men and women either. I like my job. But I think Mr. Summers is in trouble. Read all about it in your local paper.

— Ted Roberts

Conversation lost — "What's so bad about Wal-Mart?" I asked, regretting the question even as it came out of my mouth. It was clear that the woman across the table from me, who had been explaining to our group of acquaintances that Wal-Mart had to be stopped before it destroyed more small towns, would make no distinction between devil's advocate and devil. In all fairness, she did try to give me the benefit of the doubt.

"They drive all the mom-and-pop stores out of business. They go into a town, sell everything at prices too low to compete with, and drive out all the competition," she explained.

"Do they raise the price at that point — stick it to the consumer?"

"No, but they've already done their damage. They ruin a lot of people's lives. The government needs to do something to stop them."

"What about the people whose lives become easier due to the money they save when their food bill drops? I sympathize with the mom-and-pops, but if I can save a few bucks here and there, it makes a real difference for me. I think a lot of people are in a similar situation."

The change in her posture made me suspect I'd been

upgraded from innocent fool to corporate shill. The change in her tone confirmed it. "The problem is that they sell everything cheaper than other companies can even buy it wholesale. They have an unfair advantage."

"That sounds like a good thing from my perspective," I said. "Again, I don't want to dismiss the effect on other businesses, but that's the law of the jungle, right? And my bottom line is, well, my personal bottom line. If my food is cheaper, I'm better off. What's wrong with that?"

"They don't even always have the cheapest prices," she gasped. "I got this shawl from a little shop downtown for a lot less than it costs at Wal-Mart. They don't even sell these at Wal-Mart."

I looked to my friends for help. Nothing. I looked over at her husband. Surely he could say something. He was conspicuously not paying any attention. Everyone at the table had more sense than I did. I won't be playing poker in this group.

I folded. "That's beautiful," I said. "It really sets off your eyes. Where did you say you bought it?" — Mark Rand

Terri Schiavo, abortion, and Ted Williams — Three years ago, baseball great Ted Williams had his head quick-frozen on the theory that at some time in the future, it might be possible to thaw it out, cure him of the diseases that wrest him from this mortal coil, clone a new body for him, and return him, if not to his days as baseball's greatest hitter, at least to a more or less normal human life.

As Terri Schiavo lay vegetating, it occurred to me that Ted Williams had a better chance of coming back to life than Schiavo did. Unlike Williams', Schiavo's brain was dead. Most of her other organs were alive and functioning, thanks to elaborate machines that kept them going. But brain-dead is the end of her life, and no matter what advances science may make, she wasn't ever going to come back to life. Sure, maybe someday scientists might be able to transplant a new brain into what's left of her, but the resulting being would not be Terri Schiavo.

Ted Williams' brain is a frozen mess, with most of its cells as dead as respect for the U.S. Constitution among members of Congress. But there may be a few cells that are in some sort of suspended animation, like the viruses that scientists have recovered from the bodies of those who died and were frozen in the flu epidemic of 1918. Terri Schiavo's brain was a gooey mass with no cellular structure at all.

I have very strong sympathies with the notion that human life has become undervalued. I have strong reservations about abortion, especially in the second and (especially) the third term, when the fetus has taken the form of a human being. But I had very little sympathy with those who claim to share my reverence for human life and wanted to keep Schiavo's organs functioning indefinitely. A fetus at 24 weeks may not be able to get along without the life support system of its mother, just as Schiavo (or more accurately, many of her vital organs) could not survive without the life-support system of medical equipment. But in the natural course of things, the fetus is going to be born and, still needing life support, eventually become a fully functional human being.

Terri Schiavo's vital organs lost that potential. They no longer constituted a human being, or a potential human being. She did not die when those organs stopped functioning 13 days after the equipment that kept them going was shut down. She died when her brain died, more than a decade ago. — R.W. Bradford

High on hate — Sometime during the Terri Schiavo hysteria, I recalled the funeral of the Ayatollah Khomeini. A frenzied throng snaked through the streets of Iran heaving the ayatollah's coffin above their heads — passing it along, bouncing it through the crowd like some hapless victim in a mosh pit, until his corpse actually rolled out of the coffin and onto the street.

For a while, it looked like things outside Schiavo's hospice might get that crazy. Jeb Bush had called in the state troopers for a possible showdown, and religious intellectuals like Peggy Noonan were verging on hysteria. In her Wall Street Journal column titled "In Love With Death," Ms. Noonan proclaimed her bafflement at those who believed that Terri Schiavo might not have wanted to continue living in her vegetative state. "Why are they so committed to this woman's death?" she asks. "They seem to have fallen half in love with death."

Noonan, writing like some overheated damsel in a romance novel, is the one throwing red meat to her ravenous religious conservative friends.

"In love with death" — an insulting and thoughtless pronouncement if ever there was one. It's a take that could only have developed from the insular perspective of one who is accustomed to falling in line with the knee-jerk demonization process that is the signature trait of today's religious conservatives, and who has never considered the limits of her own religious boundaries. Imagine putting a pet to sleep or having a family member withdrawn from life support and having some wordy melodramatic genius accuse you of

"'There's no such thing as a free lunch' — that'll be ten bucks."

being in love with death.

Noonan's tortured musing sounds like the lead-in to some '50s radio soap opera. "What does Terri Schiavo's life symbolize to them?" she asks. "What does the idea that she might continue to live suggest to them? Why does this prospect so unnerve them?

"Again, if you think Terri Schiavo is a precious human gift of God," she continues, "your passion is explicable. The passion of the pull-the-tube people is not." She waxes on, warning that the culture-of-death people are taking us down a slippery slope to the gas chambers, and includes this crescendo of demonization: "Terri Schiavo may well die. No good will come of it. Those who are half in love with death will only become more red-fanged and ravenous."

Noonan, writing like some overheated damsel in a romance novel, is, of course, the one throwing red meat to her ravenous religious conservative friends who simply can never get enough of this kind of stuff. Religious conservatives would blame death itself on liberals if they could.

But the guy the Christians really bloodied up this time was Michael Schiavo, who they introduced to America as "an adulterer." Professional Catholic William Donohoe chatted on cable shows about Michael Schiavo's "cheatin'," and World Net Daily labeled him a murderer. One of the True Believers actually referred to Schiavo's live-in girlfriend as "his concubine." Sen. Rick Santorum told his children that Terri was being starved to death by people who think her life doesn't matter. (With reminders to the kiddies, of course, that, thank God, those people are not like us.)

Noonan's shallow litany asks rhetorically what Terri Schiavo's life could have symbolized to those who were, as she calls them, the tube-pullers. For most of us, not as theologically knee-jerk as Noonan, what Terri Schiavo symbolized was a nightmare — the terror of becoming helpless and

News You May Have Missed

Government Overthrown in Central Asian Country That Starts with K

BISHKEK, K-something. Rebels in the capital city of Bishkek stormed the presidential palace yesterday, forcing authoritarian president Askar Akayev to go into hiding, successfully completing a stunning revolution in the former Soviet republic of Kryzgy . . . Kyrgzy . . . Kyrzygystan, the strategically located . . . no, that's not right . . . maybe Kyrzygzagstan . . . Khyrrrgzzzstan . . . well, anyway, you know the former Soviet republic we mean.

The rebels demanded an immediate end to corruption, the rapid implementation of democratic reforms, and a name for the country that its citizens would know how to spell. But Akayev loyalists still held sway over large areas of the mountainous interior and vowed to resist, calling themselves the That's Not How You Pronounce It Liberation Front and claiming in a communique that the rebel takeover had been engineered by a secretive, well-financed international cabal of mapmakers and atlas publishers who want to force the country either to adopt a name that isn't longer than the space for it on the map or else to enlarge its territory by invading and annexing neighboring Yubetchastan.

The impoverished, windswept country has seen prices for its chief export, consonants, fall in recent years, leaving its economy in dire straits, according to World Bank economist Dr. Dire Straits, and it is feared that the new crisis might undermine longstanding regional instability. President Bush recently named, or tried for several minutes to name, the country as part of the "Axis of Countries I Get Mixed Up with Other Countries," which includes Slovenia, Slovakia, Niger, Nigeria, Estonia, Eritrea, and Canada, and he pointedly reminded his audience what happened to Iraq after he received reports that Iran was developing weapons of mass destruction.

The newly installed government hopes that by giving the country a name that can be remembered and spelled by travel agents and airline executives, it will boost the country's troubled tourist industry, which was down to three tourists last year, two of whom turned out to be looking for some other Stan. The country offers picturesque gravel deposits, large areas of unspoiled virgin rubble, and four-asterisk hotels where a traveler's camels can be accommodated right in the guestrooms, but even the most adventurous vacationers have had trouble reaching a country where the rickety two-passenger connecting flight involves waiting weeks for favorable winds and stopping halfway and asking a guy milking a goat to point in the general direction. The rebels themselves have stated that they would have seized power much sooner, but they were unable to find the country on the map that the CIA smuggled in to them, which dates from 1927.

Among the new, more tourist-friendly names the new government is considering for Kyr-whatever-stan are Starbuckstan, Disneystan, Gapistan, and Banana Republic. The new leadership also announced that the capital, Bishkek, would be renamed Beefcake and would be touted as the future site of Mr. Universe competitions, while Jalalabad, another major city, would become Jalalagood. As for cuisine, the new president, Asker Owmuch, who has just returned from exile, plans to open a Kyrgyzy restaurant similar to one he owns in the Little Yrkyzg neighborhood of Manhattan, where the baked Zygryk in Khrazzyglu sauce ($16.95) is said to be very tasty.

— Eric Kenning

forever dependent on strangers to change our diapers. For those of us who love life more than we love theology, it is no way to live. For the Republicans, what Terri Schiavo symbolized was a political football.

I remember when, on the day the space shuttle *Challenger* exploded, killing everyone on board, Peggy Noonan healed a nation by penning exactly the right words. The speech she wrote for Ronald Reagan inspired even the nonreligious, bringing us closer together, and even, perhaps, closer to God. Noonan said they were "ad-libbing disaster:"

"The crew of the space shuttle *Challenger* honored us by the manner in which they lived their lives," she wrote. "We will never forget them, nor the last time we saw them, this morning, as they prepared for the journey and waved goodbye and 'slipped the surly bonds of earth' to 'touch the face of God.'

"Sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. The *Challenger* crew was pulling us into the future, and we'll continue to follow them."

Healing and bringing people closer to God is not what the current crop of right-wing Christians are up to. They clearly view themselves as warriors fighting a "culture of death," and intend to go to whatever lengths necessary to ensure that the laws of the land reflect their divinely inspired vision.

Noonan is tone deaf if she really believes that those she demeans as "the tube-pullers," are in love with death. In reality, Noonan and much of the religious right are addicted, as were the Pharisees, to the power of hate, a condition nicely described by William Hazlitt in his essay "On the Pleasure of Hating."

"The pleasure of hating, like a poisonous mineral, eats into the heart of religion, and turns it to rankling spleen and bigotry; it makes patriotism an excuse for carrying fire, pestilence and famine into other lands; it leaves to virtue nothing but the spirit of censoriousness, and a narrow, jealous, inquisitorial watchfulness over the actions and motives of others."

— Sarah McCarthy

Principled pandering — Rick Santorum has introduced the Workplace Religious Freedom Act. It would strengthen the language of the Civil Rights Act that requires employers to make reasonable accommodations for employees' religious practices; for example, by allowing time off for observance of holy days. Senators Clinton and Kerry are cosponsors of the bill.

Conservative Sen. Santorum is working to legislate against a thought crime, thereby increasing the intrusiveness of the federal government into employment practices. Sen. Clinton is finding religion in time for 2008. God only knows what the inscrutable senator from Massachusetts is up to, but you can be sure he's doing it for the children.

Each of these senators is working to expand the influence of an unconstitutional law, and doing it in a way that compromises his or her, uh, "principles." So this is bipartisanship: conservatives legislating like big-government liberals, while still talking like bigots; and liberals talking about civil liberties, but appealing to religious conservatives whenever it suits them. I prefer partisan politics as usual. Two sides are better than one, even if they're very predictable sides.

— Patrick Quealy

Rule of law on life support — As I write this, Terry Schiavo is dead.

Her body still exists, pumping blood and exchanging carbon dioxide for oxygen on its own, though it too may have ceased to exist by the time you read these words.

But Terry Schiavo died back in 1990. Her persistent vegetative state means she has neither a conscience nor the capacity to think, in a more profound sense than could be said of Tom DeLay or George Bush.

The personal tragedy of one woman has become a national tragedy for the Constitution and rule of law. People susceptible to Rush Limbaugh and Sean Hannity now believe that the Constitution allows Congress to pass laws which apply to one person only, and that a judge engages in "activism" whenever he follows legal tradition by allowing legally appointed guardians to ascertain a person's wishes. Large numbers of people now seem to think adults are better cared for by their parents than their chosen spouses. This is a very frightening thought.

I do not wish to cast aspersions on Terry Schiavo's parents, who obviously place belief over evidence in denying their daughter's condition. But it seems to me that, having lost the person that was once their daughter, they prefer to treat her like a pet — cooing over her, praising her for turning her head when they wish her to, as if she's learned a trick — rather than seeing her random motions for what they are. This pitiable situation happens thousands of times a year

throughout the United States. But it has become all the more pitiable now that Republicans have passed a plainly unconstitutional and cynically symbolic law — a bill they would quickly condemn if the Democrats proposed it — merely to bring in cash and votes.

Some thoughtful conservatives, like legal scholar Bruce Fine, have denounced the Republican congressional action. But most Republicans are so overwhelmed by "culture of life" rhetoric that they forget how it can threaten liberty and autonomy.

Terry Schiavo died 15 years ago. But now is the time of tragedy for her family . . . and, for very different reasons, the rest of us. — Ross Levatter

What's the deal with airport food? — On a recent flight I figured out something that had been bothering me for a while. I've always enjoyed putting hot pepper seeds on my pizza, but for some time now, I've noticed that airport pizza vendors never have the seeds available. It's been a repeated frustration asking the server, who usually has a minimal grasp of English, what I am looking for and why. Until recently, I always attributed this oversight to regional taste preferences, but on a recent trip to the East Coast (where I believe the tradition of peppering pizza slices originated) it occurred to me that there is perhaps another reason for the absence: pepper seeds could be used as a weapon. Ground into a fine dust, and poured into a drinking straw, they could be blown into the face of an air marshal, temporarily incapacitating him.

A different attempt at thwarting MacGyver-style terrorism was initiated April 13: butane lighters are now banned on all U.S. flights. I understand the danger of butane leaking into the luggage compartment, and I know that a simple explosive device can be manufactured from a disposable lighter, but banning butane lighters seems excessive, especially since matches are still allowed on flights. It is apparent that TSA officials did not spend as many pre-adolescent hours as I did cutting off match heads and packing them into CO_2 canisters. A close friend of mine once had to be rushed into the emergency room to have a fragment of shrapnel removed from his leg after a particularly good detonation. I doubt that matches will be allowed on board once the TSA realizes their oversight.

I can't help but think that these regulations are just another step in the march toward a tobacco-free society. After banning smoking on all domestic flights, in all public areas of airports, and most cocktail lounges, the tobacco Gestapo is still frustrated that smoking occurs outside the baggage areas of all airports. By banning ignition devices, it is quite possible to prevent smokers from lighting up until they can get to a place where lighters are sold, well off airport grounds. — Tim Slagle

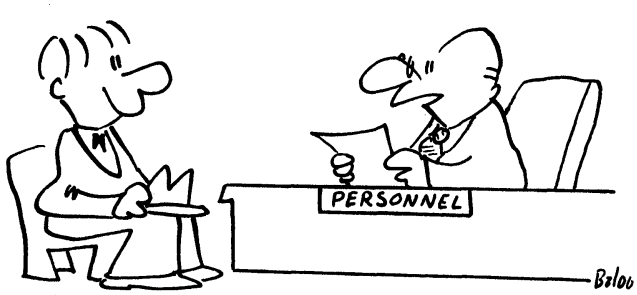

"Any long-range goals *other* than retirement?"

Love hurts — "When Susan Peacher hung up her latex evening gown and wooden paddle for a job with the federal government, the former dominatrix thought she was done with abuse," according to a recent news item by Elizabeth Fernandez at the San Francisco Chronicle.

The problem is that this ex-dominatrix went to work for the Treasury Department in San Francisco and found when she arrived at her new job that one of her supervisors was a former client.

It could have been perfect. She's out of money and gets a job with a boss who'll pay extra if she slaps him around a bit over morning coffee and occasionally takes him out during lunch for a fast spin on the bondage wheel. After work, a brief detour to the old dungeon for a quickie session of verbal abuse and some "these boots are gonna walk all over you" trampling might well warrant another bonus.

I shouldn't have done it, given that the FBI is keeping a closer public eye on things private, but I typed "dominatrix" in Google to see exactly what's happening in these "sessions."

Instead, it all blew up into a lawsuit, as explained by Fernandez: "This man wouldn't leave her alone, she said in a sexual harassment and retaliation lawsuit, charging that he sexually harassed her, attempting to kiss her in the elevator, telling her she had 'luscious lips,' and repeatedly asking for 'sessions.'"

I shouldn't have done it, given that the FBI is keeping a closer public eye on things private, and given the likelihood that a whole new crew of wax-drippers and other assorted sadists now has my computer inquiry, but I typed "dominatrix" in Google to see exactly what's happening in these "sessions."

What first popped up was a solicitation from "Strict Aunty-Teacher" in the United Kingdom: "Mistress requires naughty adult schoolboys to attend her evening and weekend classes, for detention and judicial punishment. You will receive the punishment you deserve."

That sounded goofy. I didn't like night school even when there was no hitting involved. Plus I can't think of anything I ever did that calls for being tossed over Strict Aunty's knee, so I clicked to the next homepage, an offering from "Nurse Despair, a skilled professional BDSM artist with three large well-equipped playrooms" (for novices, a footnote explains that BDSM means "bondage, domination, sadism, and masochism").

Ms. Despair's three fully equipped rooms consist of a "Main Dungeon, 20' by 20', air-conditioned, mirrored cham-

ber with en suite shower facilities," a "16' by 18' Medical Examination Room," and a "16' by 14' Suspension and Rubber Bondage Room."

The arrangement in the Rubber Room is described as follows: "Be fully suspended in complete safety by industrial electric winches." And the good news is that if you're doing this sort of thing at lunch and going back to the office, there are no telltale signs after it's over, given that Nurse Despair has succeeded in becoming a "pain without marks specialist."

Overall, the pitch for any of the three rooms was "Await your fate, the hell within." Odd, but there must be a healthy demand for this stuff because the "hell," as Nurse Despair describes it, goes on all day and half the night: "Sessions available from Monday through Saturday, 11 a.m. until 8 p.m." In addition, there are "Extended sessions available" in the off-hours, apparently to accommodate the needs of the severely guilt-ridden and true hangdogs.

What else came up in the Google search was a lengthy S&M dictionary with a full array of what's available on the menu, starting with mild-mannered humiliations like "birching," i.e., a beating applied with a light branch, and moving to some less carefree activities like "strangulation and suffocation games during which the supply of oxygen to the brain is restricted."

At the risk of sounding too much like an economist, note the division of labor in all this, the specialization of tasks that didn't exist in earlier centuries. Medieval mystics, for instance, inflicted pain on themselves in acts of atonement and self-mutilation, and also made their own jelly. Now, it's Smucker's and Nurse Despair.

In any case, Ms. Peacher claimed that her client-turned-boss gave her an unfair performance evaluation and that she was given little to do after she complained to higher-ups. "Rather than sit idly at her desk," reports Fernandez, "Peacher spent her time studying workplace harassment and labor law."

Bottom line, in terms of dishing out the pain, Peacher had accomplished a smooth transition from whips to litigiousness. In March, she reached a settlement with the government, i.e., the taxpayers, that provided a job transfer, some 800 hours of leave, a new schedule that permits her to work at home one day a week, $25,000 in attorney fees, and $35,000 in damages.

And the guy? He's gone, beat to a pulp again, like in the good old days on the rack. — Ralph R. Reiland

Keep on keeping on — For years before the death of John Paul II, political pundits, including such conservatives as Bill O'Reilly, mocked his "dotage" and demanded that he "step aside" and let "younger men" take charge. The Pope paid no attention. Bent, crooked, shaking, he simply continued his work.

I disagreed with much that he did. I never felt personally attracted to him. But no one could regard him as an uninteresting figure, and some of his most interesting days were his last.

When we think of "interesting" people or events, we ordinarily think of complicated ones. But while John Paul himself was an extremely complicated man, his last days were very simple. He decided that he would continue, no matter what happened, and he did. He decided that he would make an example of himself — bent, crooked, shaking, apparently contemptible — so that other people, similarly afflicted in body (though not in mind) would have a pattern to follow. Again, that's what he did.

As far as I know, he never lobbied "on behalf of the handicapped" or waxed self-righteous about himself. He just went on. He must have known that millions were praying for his death, that thousands were planning what they would do in response to it, that hundreds were maneuvering, in one way or another, to seize his power. He paid no attention. He went on.

During his last hours, long after media throughout the world had announced his death, he continued doing the routine business of his church. He had determined, long before, what would be his course of action. He followed his plan. May that be the way with all of us. — Stephen Cox

Intentions 9, Results 0 — Why do people choose to take jobs with the government? One reason, I think, was nicely illustrated by a recent front-page article in the Seattle Times about how well Sound Transit, a government-funded transportation enterprise, is doing.

"Sound Transit's buses and commuter trains aren't carrying as many riders as the agency promised voters back in 1996," when it was seeking the authority to tax in support of its activities. "Operating expenses are higher than anticipated," the article went on. "Many projects are costing more and taking longer to build. Some have been downsized, others eliminated."

For example, the promised light-rail line from downtown Seattle to the Seattle-Tacoma airport is now planned to end seven miles short of the airport, leaving air travelers to hitchhike or take a cab.

But happily for taxpayers, there is in place the "Sound

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Transit Citizen Oversight Panel," a "watchdog" agency that evaluates Sound Transit's performance. Unhappily, the Oversight Panel has concluded that Sound Transit, despite its manifest failures, is doing just fine. True, it has failed to fulfill any of its promises to voters back in 1996. But that's not really a problem. The problem is that its promise to meet its goals by 2006 "clearly was unrealistic." So it has cut back on what it proposes to deliver, delayed the delivery date, and increased the projected cost.

The Oversight Panel concluded that "on balance, Sound Transit has met the goals and adhered to the principles and commitments" that it presented to voters when seeking funding. And now it's time to go back to voters and ask for the money needed to complete the cutback projects years after promised completion dates.

The Oversight Committee, you'll be glad to learn, is completely independent of Sound Transit, despite the fact that Sound Transit's board appoints its members. "The idea that

Word Watch

by Stephen Cox

Something must now be said, though very reluctantly, about the relentlessly overplayed hands of everyone involved in the affair of Terri Schiavo (God rest her soul). Discussing this affair, my friend Mehmet said, "There's one thing it's taught me. You can make any case you want, so long as you can choose your own words to make it."

He was referring to the grossly self-serving vocabulary of both sides of the episode, the vocabulary that allowed Schiavo's "death" to be positioned either 15 years in the past or several days in the future, and the vocabulary that allowed it to be called either "murder" or "starvation" or "the withdrawal of life-support" or whatever else anyone wanted to label it, provided that the labeler had sufficient self-confidence to shout his words into a microphone.

I happen to be on the side of those who say that Schiavo "died" when she fell into an irreversible state of unconsciousness, but I realize that I have to make an argument for that view, not merely assert it by definition. I will be even more emphatically on the side of anyone who wants to argue that incessantly referring to the "victim" — the "helpless woman," the "patient," the "wife," the "daughter," and so on — by her first name only ("Terri's case has now reached the Supreme Court"; "Relatives report that Terri is now near death") is itself a gross abuse of language.

To refer to someone in that way, at this era of American history, is to turn that person into nothing more than a subject of one's own discourse. "Mrs. Schiavo" might have been a formidably individual presence; "Terri" is just that little dear on the hospital bed, an entity defined by other people's asserted affection for her. The fact that the vast majority of people who called her "Terri" on TV had never seen her, knew practically nothing about her, and presumably would care nothing whatever about her had she not landed in the middle of a series of celebrated court cases, passed without notice by anybody.

The first-naming of Terri Schiavo is one example of a wider problem. I don't mean to be frivolous, but look . . . How many times have you walked into your bank and heard the cheery teller say, "How ya doin t'day, Stephen?" (Or "Bill" or "Barbara.") I hear that all the time. I don't like it. I'm an informal person, but that's going too far. "You've got my *#*!* *money*," I want to shout. "Treat me with some respect! In fact, treat me with extra respect!" When I am called by my first name so easily and publicly, I feel that I am being reduced to the status of a child or dependent.

Well, someone might object, why don't you feel that being called by your first name *elevates* you to the status of a *friend*?

Sure, I could decide to feel that way. I could also decide to feel that Terri Schiavo (A) was murdered, (B) was merely withdrawn from life support, which was what she wanted, (C) was one of my closest friends; that's why I call her "Terri." I can feel any way I want to, but that doesn't change the facts. Terri Schiavo was not my friend. And I know that the bank teller isn't my friend, either. The evidence, if you need any, is what happens when one rejects the first-name relationship. You don't have to rear back and say, "I'm 'Mr. Cox' to you, sonny!" All you need to do is say very calmly, "I'd rather be called 'Mr. Cox.'" Actually, all you need to do is look at the little name tag next to the window and address the other party as "Mr. Smith" or "Mr. Allen," with just a tinge of stress on "Mr." You'll see how friendly the conversation is, after that. Not friendly at all, in my experience.

Of course, there is often more involved in first-naming than somebody's individual whim. Corporations hire people to do "customer satisfaction surveys," and these surveys routinely indicate that customers actually *want* to "be on a first-name basis with their bank," or mortgage company, or church, or used-car dealership. I assume this means that people would like those outfits to have the kind of friendly relationship with them that would mandate the use of first names. Fat chance. The teller doesn't know you from Adam.

The fundamental problem, however, is the growing tone deafness of the American people.

I could write ten columns about this, and so could you. Remember the last time you encountered an objectionable expression in conversation. It might be the waiter's constant, withering refrain as he or she stares at your plate, preparing to snatch it: "You still *workin'* on that?" Eating as "work": no, I don't like that metaphor. It's obnoxious. But suppose one

we're not independent from Sound Transit," the Oversight Committee's vice chairwoman said, "is just not true."

Can you imagine anything similar to this happening in the world of commerce? Suppose the CEO of a corporation asked its stockholders to pony up billions of dollars to, say, build a shopping center that would earn a profit for them. Suppose further that when the day rolled around when the CEO had promised to open the shopping center, the stockholders were told that (a) construction hadn't yet started; (b) the shopping center was going to be a lot smaller; (c) it would be completed years later; (d) it would never turn a profit; but nevertheless, (e) he'd like the stockholders to put up a lot more money to complete it.

What are the chances that a stockholders' committee would conclude that the CEO's original goals "were clearly unrealistic" but his performance was nevertheless quite satisfactory because he had "on balance, met the goals and adhered to the principles and commitments" he'd made?

What are the chances that the CEO would continue to hold his job? What are the chances that he'd manage somehow to stay out of jail?

I suspect that this illustrates the appeal of government jobs. Those who take them can enjoy job security, excellent salaries, and even praise, while ignominiously failing to fulfill any of the the requirements of their positions. This seems sufficient to explain one side of the phenomenon, the side visible from the office-holder's direction. But what about the side visible to the taxpayers? Is anybody looking?

— R.W. Bradford

replies, with the kindly emphasis that is meant to educate, "Yes, I'm still *eating*." The response will inevitably be, "OK! When you're through workin', I'll come back to you." You can lob any verb you want over the net, but "workin'" will just keep comin' back. I know that I've mentioned this before, but that's just evidence for what I'm saying about the problem of tone deafness. "Workin'" is still with us, despite all efforts to make it go away. (You *have* been making an effort, haven't you?)

Tone deafness is not limited to a particular class, profession, or region. It's omnipresent. I am sure that the people who make television documentaries have heard other people talk about "infantry" and "cavalry"; they may even have seen the word "cavalry" written in a book. But that doesn't stop them from claiming that Colonel Custer and his "calvary" were destroyed at the Little Big Horn, any more than spokesmen for the U.S. Army, who must have heard innumerable discussions about "caches" of weapons, are deterred from describing the discovery of another big "cachet."

My beloved aunt in Southern Illinois has spent a lifetime in conversations like this:

Neighbor: I went past and seen you layin' here on the sofa, so I knew you was home.

My aunt: You *saw* me *lying* here?

Neighbor: Yeah, I seen you was home.

After almost 90 years of conversations like this, she has reached the conclusion that verbal modeling simply doesn't work. But there's no essential difference between the tone deafness of her acquaintances and that of the people I run into at the university.

World-famous expert: My major critical project at present is the problematization of the private/public differential, largely in respect to dimensions of gender and transgender.

Me: Ah. So you're trying to find out whether gay people behave differently in private from the way they do in public.

World-famous expert: Precisely. That is precisely the problematic into which I am currently inquiring.

Whether you're dealing with invincible ignorance or the invincibility of what St. Paul termed "falsely called knowledge," it's pointless to suggest, exemplify, or insinuate. No one is listening. They are completely tone deaf.

The only option is to go into a Lord Vader mode and announce in a low, rough, threatening voice, "Your lack of grammar [or clarity, or whatever it is] *disturbs* me." This will immediately put you on a truly intimate footing with whomever you are speaking to. It will be better than a first-name relationship. You can share your feelings. You can discuss your differences. You can shout and scream. But it still won't do a bit of good.

Concealing your rights — In Columbia County, Oregon, if you want to apply for a non-resident concealed weapons permit, there isn't much eyebrow-raising. They cheerfully accept your money in exchange for considering granting your 2nd Amendment right. Of course, they aren't in the habit of telling non-resident folk that $15 of the $65 fee must be in the form of a check or money order, made payable to the Oregon State Patrol. Nope. You find this out when you show up.

After you obtain the appropriate checks, money orders, and bills, you find that they happen to be fingerprinting that day, so you'd best come back another time, say, next weekend: Friday 8a.m.–12p.m., Saturday 8:30a.m.–3p.m., or Sunday 9a.m.–3p.m. You drive back to Clark County, Washington in your safe and sturdy but only moderately fuel-efficient automobile. And you wait.

You go back. You've got everything (again): check for OSP, cash for Columbia County, proof of firearms training, driver's license, Washington concealed weapons permit, letter to Sheriff Derby explaining why you should be allowed your right, a letter from Olympia stating that you've never been committed to a mental health institution, and a completed license application which includes your last four addresses and the names and addresses of two personal references. You wait for prisoners to be let out of jail for visitations. You wait for parents of the incarcerated to deposit money into in-house prison accounts. You wait for the office clerks to come back to the counter. You open your book. You wait.

The office clerks come back and you pay your money, you smile pleasantly, you comply with requests for signatures and — even though not technically required for the license, you know that it's best to stay low-profile — you acquiesce to the demand for your Social Security Number. When they peer across their counter and into your personal briefcase, noticing an envelope from the Florida Department of Agriculture, they demand to know what business you have with it. You know that this is a rule of men and not of law, so you release what is none of their business: you are applying also for a concealed weapons permit in Florida (a

state where you don't have to apply in person).

When they fingerprint you, the ink pad is dangerously low on ink. They will print you two, three times. They will tell you that you will likely be a "retake," because they're uncertain that the state's computers will be able to classify the faint, gray smudges on the fingerprint card. They assure you that if you are a "retake," the state will be kind enough to put your prints on the top of its to-do list. You won't have to wait twice as long. You won't have to wait. You drive back to Clark County in your gas guzzler and go about the rest of your weekend. You go out, do chores, run errands. You find a message on your machine from the Columbia County Sheriff's Office. They explain that they forgot to have you sign the third fingerprint card they did on you. You stare at your answering machine.

You cancel your plans for Sunday. Sunday morning the Columbia County clerks watch you sign the illegible fingerprint card that you know you will have to redo and sign again. You drive home, and you wait. You wait.

— Katelyn B. Fuller

Who benefits from Wolfowitz? — How pleasing it is to hear that Dubya has rechanneled Paul Wolfowitz into the World Bank, not as a deputy, as he was in the State Department, but as the bank's president. As the architect of the disastrously expensive, needless Iraq war — and as a profligate spender with a top-down statist approach toward stimulating economic growth abroad — he contributed mightily to the whopping deficits that will cost U.S. taxpayers and their children for years to come. Remember that Wolfowitz is the political genius with a doctorate in political science from Chicago who predicted that receipts from Iraqi oil would compensate the United States for the costs of invasion and occupation. Can't such a huckster sell the world all the used cars in America?

Will he, in his new position, continue to initiate profligate moves that wreck the world economy? Or will he merely bankrupt the World Bank, which is more vulnerable to going under than the U.S.? If the latter, perhaps his appointment should be considered just another neocon effort to sabotage "do-gooding social programs" not just in the U.S. but around the world. On further thought, if his appointment is meant to subvert the World Bank, isn't it reasonable to ask whether he functioned as a subversive in previous positions? If so, on whose behalf?

I'm reminded of a distinction attributed to Milton Friedman. If someone uses his own money to purchase something for himself, he pays attention to both price and quality. If he uses his own money to purchase something for someone else, he customarily cares more about price. If he uses someone else's money to purchase something for himself, he pays more attention to quality than price. Who high in the current administration cared less about quality or price, believing that enough money can buy everything, even military victory, in the face of continuing resistance?

Wolfowitz's appointment will also alienate other countries, whose loyalties for one or another Dubya project will then need to be purchased through grants, loans, or foreign aid bribes, thus deepening the budget deficit indirectly.

Not a builder but a bankrupter is this Wolf, soon to be ensconced in a traditionally sheepish position.

— Richard Kostelanetz

Aiming to please — Fonda is coming 'round again doing her dancing tricks and pirouettes to please us, like some pretty ballerina on a music box. She is still captivatingly pretty, and when she's on I always tune in to see how she looks and what she's doing now. At 67, wrapped in creamy white spandex, blue eyes sparkling against lavender

continued on page 54

News You May Have Missed

Entire Universe Named in Steroid Scandal

PALO ALTO, Cal. The steroid scandal continues to gain momentum as new allegations this week extended the controversy far beyond baseball. Astrophysicists at the Stanford Institute for the Advanced Study of Research Grant Applications have concluded that the rapid growth of the universe, which is still expanding at an accelerating rate, is highly suspicious and probably could not have been achieved simply by strenuous daily workouts or other natural means. As one Stanford scientist, Dr. Felix Culpa, pointed out, the universe was, just 14 billion years ago, moments after the Big Bang, "thinner than Lara Flynn Boyle and even less interesting," but now it's approximately 1.9 billion light years across, or 66.4 billion trillion football fields wider than Rosie O'Donnell, an increase in size and strength almost impossible to attain without anabolic steroids. Traces of the illegal, growth-enhancing hormone have in fact been discovered during a careful spectrographic analysis of telescopic images that show, on the outer edges of the visible universe, a large, dense lump of the mysterious substance known to physicists as "dark matter," Dr. Culpa says, though some skeptics in the scientific community believe that the telescope was accidentally trained on San Francisco, about 25 miles north of Palo Alto, and what the scientists were in fact looking at was Barry Bonds.

Elsewhere, theologians are pondering the possibility that the frequent, inexplicably irate biblical passages along the lines of "Now will I shortly pour out my fury upon thee, and accomplish mine anger upon thee . . . and mine eye shall not spare, neither will I have pity" (Ezekiel 7:8–9) suggest the possibility that God may well have been hooked on a rudimentary, early Middle Eastern form of steroids and was suffering from the common side effect known as "roid rage" throughout much of the period covered by the scriptures. Others now under suspicion for past steroid use include Hercules, Atlas, Thor, Conan the Barbarian, The Incredible Hulk, Superman, Goliath, Attila the Hun, Vlad the Impaler, and Ann Coulter. — Eric Kenning

Searching for Evil in Syria

by Doug Casey

Getting into Syria is difficult, but when you get there, you'll be surprised by what you see, hear, and smell.

On my recent trip through the Middle East, I spent nearly a week in Syria. I also tried to visit Iran, but visa procedures were overwhelming; as is becoming standard operating procedure all around the world today, due mainly to Bush's "War on Terror," many countries are now insisting your visa be issued in your country of residence. I am going to try to get to Tehran before Bush turns the current epicenter of evil into a sea of glass or, alternatively, cleanses it with the heavily armed teenagers employed by the U.S. military.

It wasn't easy to visit Syria. But however inconvenient, I felt that it was now or never; for all I know, the next time I'm in the area Syria might be transformed into a war zone by thousands of trigger-happy young crusaders. So I filled out the forms, submitted the photographs, and sent the whole thing to the Syrian Embassy in Dubai.

I was able to get my Syrian visa in Dubai overnight, complicated only by the Syrian officials' request that the local U.S. Consulate notarize a statement proclaiming that there was no reason I shouldn't visit. The Syrian officials were, surprisingly, not only polite, but friendly and helpful. The Syrian Embassy itself is a perfectly ordinary, if rather rundown, house in a residential area, untroubled by security or guards — rather unlike the American consulate, which resembles a high-rise fortress with armed guards, metal detectors, steel doors with buzzers, and bulletproof glass windows, behind which lurk surly clerks who might have been transplanted from your local DMV. And that is just the Consulate; the U.S. Embassy for the U.A.E. in Abu Dhabi (as well as the one in Qatar), is a massive high-tech affair, a blockhouse-style building, a bunker really, surrounded by a high blast-wall that leaves the whole compound looking as formidable as any prison — very much the template for all new U.S. embassies around the world. Not that I'm a connoisseur of embassy design, but I know of no other country employing such paranoid architects. It says a lot about the success of our foreign policy that such extreme measures are required. But I digress.

Into the Heart of Darkness

Press reports intimate that Syria is a land of dark foreboding, an Arabic Mordor, inhabited mostly by orcs and other twisted creatures. I found an altogether different country. I traveled all over Syria looking for evil; but instead mainly found a quiet, tired place in a bit of a time-warp. The tone is set by the Damascus airport, which appears to have been built in the '50s when traffic was perhaps four or five flights a day; there are probably 15 or 20 now, but things haven't changed a bit. In the city, there's some renovation, but very, very little new construction aside from a Four Seasons hotel now breaking ground — which is a good sign, especially since it's financed by Kuwaiti money, which is to say, probably smart money. They can see that the country is changing. While I was in Damascus, I stayed in both the Sheraton and the Meridian, and although they were the best hotels in town, they were only between three and four stars. Syria doesn't get many visitors on either business or pleasure.

This is a country full of the ruins of history. That's all well and good for visiting history buffs like me. It's great to

see absolutely world-class sites like the Omayyad Mosque, the Krac de Chevaliers (one of the world's largest and best-preserved medieval castles), and the innumerable ancient ruins. But it really doesn't serve the locals very well, except for the occasional tour guide. It keeps people's attention on history which, as Gibbon aptly observed, is little more than a catalogue of the crimes, follies, and misfortunes of mankind. Countries are, by and large, better off without a history. That way, people's attention tends to be naturally directed towards the future — which means high technology and a high standard of living. And, necessarily, the completely free flow of people, ideas, goods, and money across borders.

Unfortunately for the Syrians, Syria is a closed country, with few people coming in, and even fewer going out — partly because of the visas required by most other countries for Syrian passports, partly because of exchange controls, but mostly because few can afford to go anywhere but, say, Lebanon, to do mostly menial labor. A typical Syrian, like a government employee, earns about $100 a month.

That doesn't bother someone like me, except on a philosophical level. On a practical level, it means there's no problem getting a hotel room without a reservation. It's easy to rent a car and driver for $100 per 24 hours. It's nice being basically the only tourist visiting great sites. But it should bother the locals.

The Reality of Evil

You're probably wondering what Damascus is really like. I can't tell you with any great certainty because, regrettably, I wasn't able to form any relationships with any of the locals. But I can tell you that, to all one's senses, it's a perfectly normal Third World city. It is, I suspect, a great deal like Baghdad used to be before it was transformed into a war zone.

Your sense of smell is pleasantly engaged by the exotic cooking spices the Crusaders came here to steal, and less pleasantly by the odor of uncollected garbage and diesel from the trucks. In these places there are always too many trucks, generally badly maintained, since no one would dream of building a railroad in a socialist country, nor bother to maintain one that had been built during colonial days.

Your hearing is soothed by the cries of the muezzins at the mosques, calling the faithful to prayer five times a day. The musical chant of the muezzin is as charming as the ringing of church bells in France. In Syria, my impression is that most people pay lip service to Islam, much as the French do to Christianity. The other thing you hear, at all times of the day, is the constant beeping of horns; people here use them in place of brakes.

What do you see as you look around Damascus? Lots of traffic. Lots of cheap taxis. People dressed casually; very few men decked out in traditional Arab garb. While many older women wear headscarves, very few wear an abbaya. Just as many young women sport exposed midriffs.

What you do, after you see the sights or wander around the huge covered souks, is sit down in one of the numerous restaurants, have some sweet tea and mezze, perhaps (usually, in my case) accompanied by a water pipe. Looking at passers-by, I was hard-pressed to find evil.

So I went far out in the desert to look for it. I went to Palmyra, which I recommend to any tourist in Syria. The new town is like hundreds of others around the Mediterranean basin, distinguished only by its prison, looking like an out-of-place U.S. Embassy, notorious for holding political detainees under Papa Assad. The ancient city of Palmyra, however, ranks with the very best Roman era ruins I've ever seen. The city was a major stop on the Silk Road that tenuously tied Rome to China. It's easy to envision the caravans, the shops lined up in the souk, the bathhouses, the fleshpots, the travelers topping up their appetites for wine, women, and song before again hitting a desert full of bandits. Exotic types from all over the empire and beyond passed through the town with outlandish tales, some of them true. The place was undoubtedly the Dubai of its day; I wonder whether Palmyra is where George Lucas got his ideas for the desert cities featured in Star Wars.

On the three-hour drive back to Damascus, there were several signs for Baghdad, tempting me to drive in that direction. But, truth be told, approaching a border crossing into Iraq at night is potentially worse for your health than a lifetime of smoking. We stopped for nearly an hour at an obscure little cafe along the road, which styled itself the Baghdad Cafe, and were treated to Turkish coffee by the proprietor. Had he been to Baghdad? No. And neither had anyone else I asked in Syria. Travel to Iraq has been strongly discouraged since relations between Hafez and Saddam soured a couple of decades ago.

As I do everywhere, I looked for financial opportunities. Since there's no stock exchange — although they say one is in process of being set up — I checked out the real estate market. You might think property would be cheap in a backward socialist country, but while that's the case in many places (much of South America, almost all of Africa, and a few places in Asia, like Burma), it's not the case in Syria. I suspect this is largely because there are few alternatives to property for savings, so property in Damascus is expensive. I went to the beach to check out the country's 110 miles of Mediterranean coast. I found no bargains, although seafront condos go for about $50 per square foot, which is cheap. But being the only foreigner at a beach resort in a Muslim country isn't my idea of a vacation.

The Politics of Evil

It's important to remember that — like Jordan, Lebanon, Palestine, and Iraq — Syria is an artificial construct, part of the Ottoman Empire, which was defeated in World War I. The French and British drew the lines creating these countries almost as arbitrarily as they did when they divvied up Africa. That naturally led to an unstable situation in this part of the world. After the Syrians kicked the French out, much the way the Iraqis evicted the British, they had frequent military coups until Hafez Assad took control after staging a coup in 1970.

Since his death in 2000, his son Bashar Assad has been president. Like Iraq, Syria has been a socialist police state since its independence. The "socialist" part means that the state owns the means of production, but since Syria doesn't produce anything of consequence, that's an academic distinction. Socialism here, like everywhere in the world, is a clever way for those in power to conduct a systematic swindle of those who aren't.

In the case of Syria, we're talking about the Baath (Resurrection) Party. Like the Communist Party in China, it is just a scam allowing individuals in government to live high and pad their foreign bank accounts. I suppose one can see the appeal, however idiotic, the Baath might have had in the post-colonial era. But now everyone under the age of 40 sees it as a corrupt and counterproductive anachronism that serves mostly as an ineffective limit on their supplies of hip-hop CDs, imported jeans, and Internet cafes. Half of the 18-million population is under 20, and a quarter of the working age population is unemployed. Exposed for the first time to the salubrious influence of the West — and just in the last decade or so because of the computer, the VCR, and the satellite dish — these folks are ready for a change.

To all one's senses, Damascus is a perfectly normal Third World city, a great deal like Baghdad before it was transformed into a war zone.

Left alone, the pathetic old Baath dinosaur would likely die of its own accord, exactly the way the Soviet Union did, and for exactly the same reasons. It's not only unnecessary, but counterproductive to threaten places like this with military action. The place is an economic disaster, with no worthwhile exports but oil. And that's coming to an end. Production is about 525,000 barrels per day, and domestic consumption is 275,000, leaving 250,000 for export. But the fields are in decline, and it's estimated that Syria will be a net oil importer in five years. That alone guarantees that the remainder of Syrian troops in Lebanon will be withdrawn sooner rather than later.

The American consulate is a fortress, with armed guards, metal detectors, and bulletproof glass windows, behind which lurk surly clerks who might have been transplanted from your local DMV.

The Syrian Baaths haven't liberalized the economy, failing to realize, as the Chinese Communists have, that if people earn more they can extort more. The police state, however, has mellowed considerably since Hafez died, and that trend is likely to continue, at least if the U.S. keeps its hands off the place. Bush's saber-rattling does nothing but encourage large portions of the Syrian population to unite around the Baath.

Syria is still an authoritarian regime, but it's evolved considerably since the death of the old Assad in 2000. Now, under the 38-year-old Baby Assad, owning a fax machine no longer requires a security clearance, there's at least one paper not owned by the state, cell phones are available (though expensive), and you're allowed to own a computer or a satellite dish. The young Assad appears to be surrounded, at once, by young technocrats who want to see Syria join the modern world, and a bunch of old thugs from the military and security apparatus who don't want their rice bowls broken. If the old thugs are smart, they'll take the billions they've stolen and retire to Geneva while they still can.

My conclusion? As was the case with Iraq, the reality of Syria is vastly different from the propagandistic view disseminated by the U.S. government. It's a small, poor, quiet, old, and passive country. Its inhabitants have been suppressed by a socialist government for the last 50 years, but that form of government is about to die, and be tossed like a dead rat onto the garbage heap of history. Syria, and the whole fertile crescent region, is home to not only civilization itself but a people who have always been renowned as the world's sharpest merchants and traders. They will again become highly prosperous and productive. The last 50 years will eventually be seen as an insignificant blip on the 5,000 year screen of their history — exactly as the reign of the Emperor Mao is proving to have been for the Chinese — as long as somebody doesn't invade and turn the place into a second Iraq. ❑

A Man's Body, A Man's Right

by Bart Croughs

Some people would pay any price for the extra years a new kidney can provide. Too bad politicians won't let them.

The problem of organ shortage for transplants is well-known. In the United States alone, over 80,000 people are on the waiting list for an organ transplant. Every year, thousands of patients die while waiting for their transplant. What is the cause of this persistent shortage?

How many TV sets would reach the market if television manufacturers were not allowed to ask for money for their product? One does not need to be an economist to understand what the consequences of such a policy would be. Yet this is exactly the policy that exists today with regard to organs: it is illegal to pay or receive money for organs.

Adam Smith wrote these famous words: "It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their self-love." The politicians who have prohibited organ trade and the opinion leaders who support this prohibition still fail to grasp this point.

This is not rocket science; the harmful consequences of the introduction of a maximum price for goods and services is part of Economics 101. The price mechanism sees to it that supply and demand are in equilibrium. When there is a shortage of a certain product, the price will go up; the higher price makes it more profitable to make the product, which will increase the supply of the product. If the government prohibits the rise of the price of a certain product, thus artificially keeping the price below the market price, the incentive to increase production disappears, and a permanent shortage of the product ensues. For organs a de facto maximum price of $0 has been introduced, with predictable results.

Politicians often come up with new interventions, with no results to speak of. The only thing politicians do not consider abolishing is the initial intervention which has caused all the misery.

Organ trade is illegal in most countries. India was a well-known exception, where organs were openly traded on a large scale, until the practice was prohibited in the mid-'90s. Organ trade in India was limited primarily to live donors selling a kidney. In the early '90s, a donor received a sum of money for his kidney equaling six times the average annual income in India. The extra supply of kidneys was not only used for kidney patients in India; patients from all over the world who had been put on waiting lists in their home country flooded in.

Why the prohibition of organ trade?

Most who oppose organ trade recognize that paying for organs will lead to more donor organs becoming available, but object nonetheless, mainly out of ethical considerations.

One of the reasons to prohibit organ trade is, as bioethicist and CNN's private philosopher Jeffrey Kahn puts it, that organ trade "could exploit people who need money and wouldn't donate except for payment."[1]

The reasoning is that people should decide to donate voluntarily; when a poor man proceeds to donate out of a desire to be better off financially, it is no longer a matter of voluntariness but of coercion — the poor man is "forced by poverty." The Bellagio Task Force, a collection of scientists who have taken a stand against organ trade, put it as follows: the poverty and deprivation of organ donors can be

"so extreme, that the voluntary character of a sale of an organ remains in doubt."[2]

This argument proves far too much. If the poor should not be allowed to sell a kidney because transactions that are motivated by poverty are a matter of "coercion," then they should not be allowed to take a job at a factory either, or to shine shoes, etc. The poor agree to do any of these only because they are "forced by poverty" to do so. Why should someone be allowed to improve his financial position in one manner but not in another? This question is not answered.

Of course, there is a substantial difference between factory work and the sale of one's organs: selling an organ entails more risk than working at a factory or shining shoes. In the words of the Bellagio Task Force, the removal of an organ poses a "threat to [the donor's] physical health and bodily integrity."[3] (They also note that "the risk to health in selling one kidney is truly minimal . . . at least in developed countries.") The risk is greater that one will come to regret the donation; because of that, the poor should be protected from themselves, to prevent them from making the wrong decision.

But the argument that the removal of an organ is not without risk also applies to organ donations motivated by altruism — they have exactly the same risks. There is no reason to assume that the risk of regretting an organ donation is greater when you are left with a large sum of money after the transaction, than when you are left with nothing except the satisfaction of having helped someone. (The opposite is more likely: there is a real possibility that the transplanted kidney will be rejected. The person who only donated out of altruism has lost his kidney for nothing; this is not the case for the person who gave up his kidney for financial gain.)

Nonetheless, there is a widespread assumption that the poor person who decides to go through life with one kidney in exchange for a large sum of money makes the wrong decision. For example, in 1998 Atul Gawande, writing for the online magazine Slate, argued that the sale of an organ "would be right for so few, if any, that permitting the option makes no sense at all."[4] But on what basis Gawande drew this conclusion remains a mystery. By what magical means can an outsider, who knows nothing of the specific circumstances and preferences of the potential seller, be a better judge of which decision is the right one than the organ seller himself? The probable cause of the popularity of this view is that the relatively prosperous intellectuals and politicians who occupy themselves with these issues would not easily sell a kidney for money themselves, and therefore conclude that people for whom selling a kidney can mean the difference between poverty and relative wealth should not do so either — an understandable error.

In fact, the "forced by poverty" argument can be reversed: the more someone is "forced by poverty" to sell a kidney, the more important it is that organ trade is not prohibited. In the most extreme poverty, when the choice is between selling a kidney and starving to death, it is most in the interest of the poor that organ trade is legal.

The whole idea that actions that are risky should be forbidden is ridiculous anyway. It would mean that working as a taxi driver in New York should be prohibited, just like Formula 1 racing, taming lions, having sex without a condom with homosexual junkies, etc.

Another argument from the "exploitation" category is put forward by anthropologist Nancy Scheper-Hughes, the driving force behind anti-organ-trade organization Organs Watch. She laments the fact that donor organs move "from South to North, from Third to First World, from poor to rich, from black and brown to white and from female to male."[5] That may seem unfair, until you realize that there is also a movement in the other direction: namely, a flow of money from the rich to the poor, from the First World to the Third World, etc. And that flow of money is exactly the reason that the poor are prepared to give up their organs!

In the early '90s in India, a donor received a sum of money for his kidney equaling six times the average annual income there; patients from all over the world who had been put on waiting lists in their home country flooded in.

Moreover, the supply of organs is hardly the only service in which the provider of the service is generally poorer than the one who receives it. According to the reasoning above, the profession of housekeeper, for instance, should be prohibited — what great injustice that the flow of household work goes from the rich to the poor!

Yet another typical objection to organ trade is that inequality between poor and rich could result if people would have to pay for organs. As Jeffrey Kahn phrased it: "it could give rich people the chance to get available organs first."[6]

That possibility cannot be excluded, but at this moment, too, there is inequality: that between the patients who are on the waiting list and die before an organ has become available, and the patients who are lucky enough to make it to the operation. The main thing that legalization of organ sales will do is make more organs available, and therefore fewer people will be part of the unlucky group.

Apparently, those who use this argument do not consider inequality based on luck unjust, but they do consider inequality based on income unjust. But why? When you

realize how the current, luck-based system of inequality works, the opposite conclusion makes more sense. Patients who have the money to buy an organ are not allowed to do so; many are therefore prematurely regulated into their graves by the government. How this is just is not evident. At the same time, these unfortunate patients are forced to pay for the operations of those who are lucky enough to survive the waiting list. The fairness of that, too, is questionable at best. People who have the money to buy an organ do not cause other patients not to have that money, and neither are they the cause of those patients' illnesses; it is therefore unclear why it is just to make them financially liable for the cost of other people's organ operations. This is a violation of the elementary legal principle according to which people can only be held liable for the damage they cause.

If the poor should not be allowed to sell a kidney because transactions that are motivated by poverty are a matter of "coercion," then they should not be allowed to take a job at a factory either.

The whole idea that inequality in health care on the basis of income is unjust and should therefore be prohibited is sanctimonious nonsense that few people really take seriously. Western countries have access to health care that is far better than that of the average inhabitant of the Third World, purely on the basis of higher incomes here. Why should this outrageous inequality continue to exist? Why not lower the level of Western health care to Third World level, and donate the money that is thus saved to the Third World to improve health care over there? The reason why abolishing inequality within a country is so much more popular than abolishing inequality between countries is simple: the desire to collect other people's hard-earned money with impunity is much better developed than the desire to lose your own hard-earned money to others. Considerations of "social justice" and "solidarity" are little more than sorry excuses for the desire to live at the expense of other people.

Another objection against organ trade that is often heard is that giving up organs should be done out of altruism and not out of pursuit of profit. As Jeffrey Kahn puts it: "the risk we run is that society comes to share the view that organ donation is no longer about altruism but about less virtuous motives."[7]

In this view, thinking of one's own interests is so reprehensible that it should be prohibited. This argument is diametrically opposed to the previous argument: this time, the donor should not be prevented from entering into an agreement that would harm him, but he should be prevented from entering into one that would benefit him. It's amusing that both arguments are typically used by the same people.

But even if we assume that the desire to benefit financially from a transaction should be prohibited, the problem remains that far too much is proven with this argument. If giving up organs for financial gain should be prohibited because giving organs away for free is so much more noble and generous, then it is hard to see why, for instance, baking bread for financial gain is acceptable; the logical conclusion of such reasoning is that not only should people give up organs altruistically and non-commercially, but also bake bread, make clothes, build houses, etc. In other words: why only sacrifice the well-being and the life of the people who need organs? If it is so morally superior to sacrifice people on the altar of altruism, why not be consistent and let everyone suffer? Say of the communists what you want, at least they were consistent.

Another argument against organ trade that is often used is that it is reprehensible to "commodify" parts of the human body — i.e., to use them as objects. Nancy Scheper-Hughes denounces the markets: "By their very nature markets are indiscriminate, promiscuous and inclined to reduce everything — including human beings, their labor and even their reproductive capacity — to the status of commodities. . . . [and] nowhere is this more dramatically illustrated than in the booming market in human organs from both living and dead donors."[8]

First of all, it is not markets that tend to reduce organs to the status of objects, but people. The reason for that is simple: both buyer and seller expect to gain and there is no third party involved. So what is the problem? This seems to be a primitive way of thinking: organs are (unconsciously) considered as beings who can think and feel, and should therefore be treated "with respect."

But even if you assume that "commodification" of organs is wrong, it is still unclear why this objection should only apply to organ trade and not to organ donations. Why is an organ that is sold being "treated as an object" and an organ that is given as a present not? Objects such as chairs and tables can both be traded and be given as presents; their status as "object" does not depend on whether anything is exchanged for them. It is hard to see why, when it concerns organs, their status as "objects" should suddenly be dependent on whether money is asked in return. In short, if organ trade should be prohibited because "commodification" of organs is reprehensible, then organ donations should be prohibited as well.

In the most extreme poverty, when the choice is between selling a kidney and starving to death, it is most in the interest of the poor that organ trade is legal.

Another practical objection that is often used, as pointed out by the Bellagio Task Force: there are allegations of "babies and children kidnapped and murdered for their organs. Many journalists as well as individuals are

continued on page 25

Analysis

Why Don't Americans Save?

by R. W. Bradford

Americans no longer save, and Alan Greenspan is upset. He has no one to blame but himself.

On February 16, Federal Reserve Chairman Alan Greenspan testified before Congress, as federal law requires. He spoke about several subjects, including Social Security reform, interest rates, and inflation. But the article about his testimony on the CNN/Money website began, "Fed Chairman Alan Greenspan said Wednesday the economy is in good shape but warned that Americans urgently needed to save more."

Greenspan's worry was justified: if Americans don't save, the U.S. will inevitably become a huge debtor nation, an event that will undermine our prosperity and, given the exigencies of the democratic system, destroy the value of our currency.

And he certainly had his facts right: during the past 20 years, the Savings Rate (the percentage of income that is saved) has fallen from about 11% to about 0%, as you can see from the graph to the right.

Why has this happened? Why do Americans save so much less today than they did five, ten, or twenty years ago?

Historically people have saved mostly for two reasons.

First, they save so they can remain financially solvent if they lose their job or their business becomes unprofitable or they become sick or they fall victim to a calamity of some kind. During the past half century, however, the effect of such considerations has lessened, thanks mostly to mandatory government insurance, pension plans, and the welfare state's ready willingness to pay for all sorts of things.

The second reason why people save is to get interest. Of course, they save more when the compensation they get for saving is higher than when it is lower.

Through most of history, the supply of money was relatively stable, and interest rates — the price of borrowing money — were a matter of supply and demand. Rates were

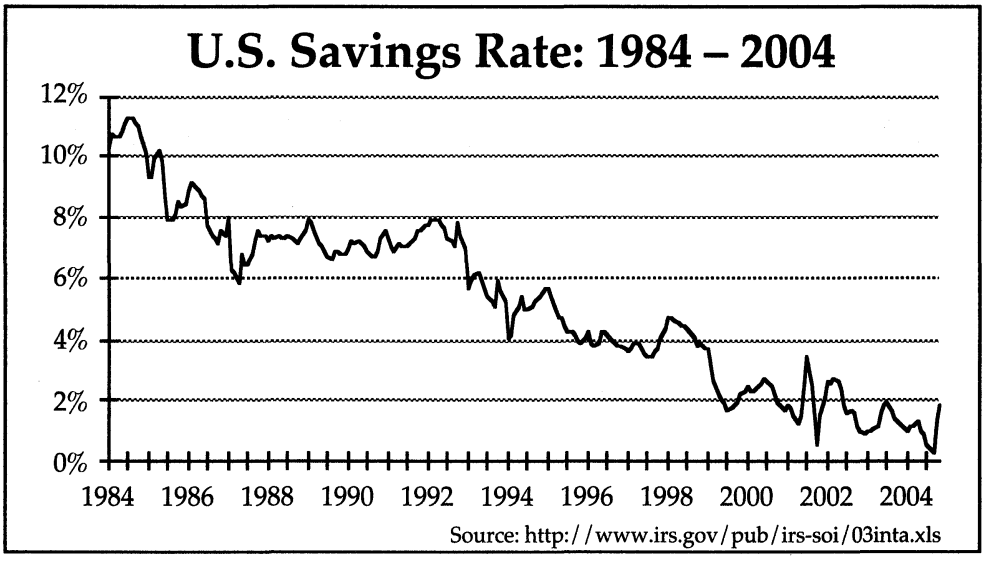

worked out between people who wanted to borrow — whether to expand a business enterprise or to acquire consumer goods — and people who were willing to lend, thus foregoing the expansion of their own business activities or postponing the acquisition of consumer goods.

About a century ago, all this changed. During the Progressive Era, people came to believe that interest rates were too important to be allowed to fluctuate in the marketplace. In 1913, the Federal Reserve Act was passed by Congress, creating the Federal Reserve System and endowing it with powers to control interest rates by either increasing the supply of money (more of anything lowers its price) or constricting its supply (less of anything raises its price). Since then, as a result, interest rates, at least in the short term, have been pretty much absolutely controlled by the Fed, which today is pretty much absolutely controlled by Alan Greenspan.

This leads to an interesting question: if Greenspan is so worried about the savings rates, why doesn't he simply increase interest rates?

But before we can charge him with creating or exacerbating the problem of low savings, we should explore the more fundamental question: do low rates inhibit savings? Of course, the commonsense answer to this question is an unequivocal "Yes." But common sense sometimes leads us astray. Is there evidence in the real world? Are there hard data? Can we identify the relationship between the yield on savings and the savings rate?

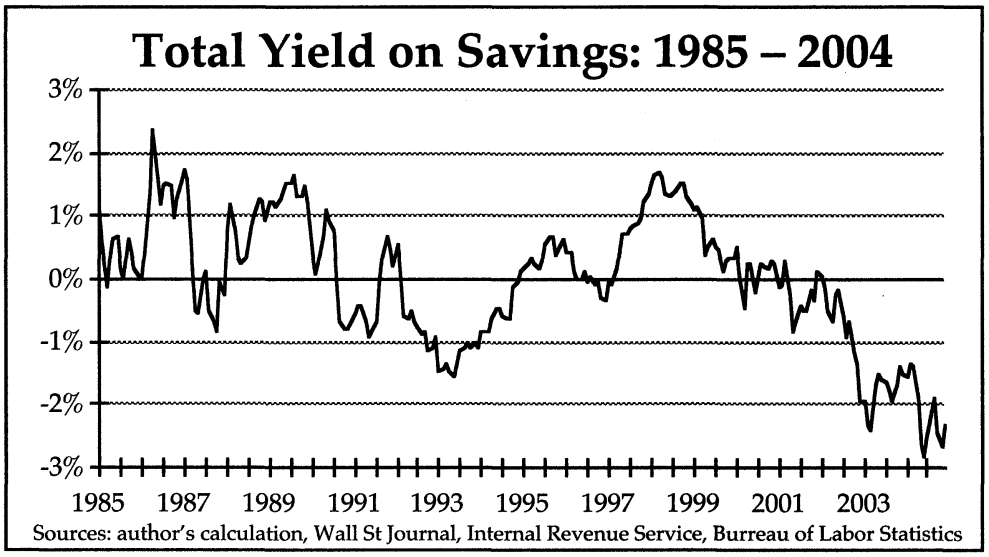

Several years ago, in an attempt to explore this issue and get a handle on what interest yields actually are, I postulated a new economic indicator. In a simpler era, when inflation was negligible and there were no taxes on interest, the yield on savings was identical to the nominal interest rate: if your bank paid you 2.5% on your savings, your actual yield was 2.5%.

But the imposition of income taxes in 1913 and the rise of inflation that resulted from turning control of the money supply over to the Fed, a problem exacerbated when the gold standard was abandoned in 1933 made the issue much more complex.

Today, a typical money market yield (I use the figure for Merrill Lynch Ready Assets Trust) is 2.13%: if you invest $1,000 at 2.13%, you will get $21.30 in interest over the course of a year. But you won't receive the full $21.30. You'll have to pay taxes on that amount. Currently, the marginal federal income tax rate is 35%, which reduces the yield to $13.85.

But thanks to persistent inflation, the value of both the interest you earn and the money that you saved declines. Currently, the Consumer Price Index stands at 3.0%, which means that the $1,000 you invest at 2.13% will be $970 at the

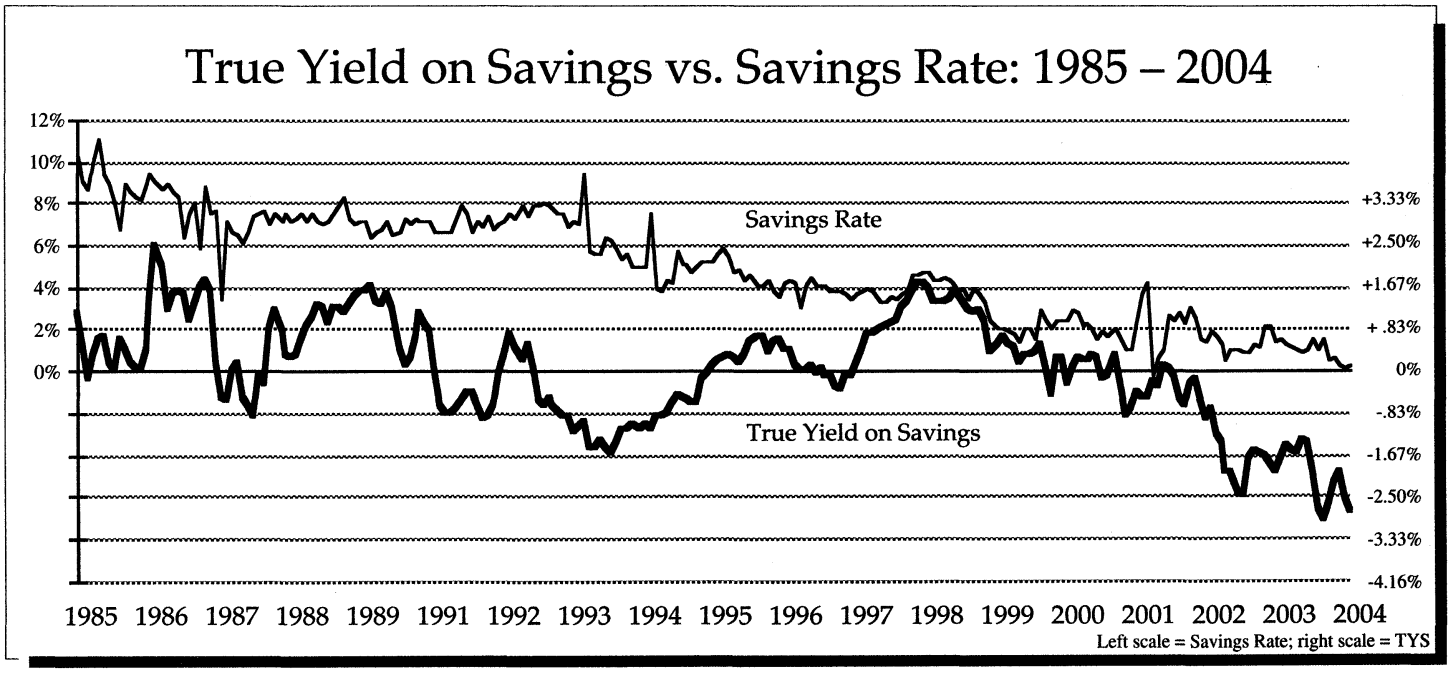

end of a year, and the $13.85 after-tax income you receive amounts to $13.43. So the $1,000 you saved, with the interest that it nominally earned, has purchasing power at the end of a year of $983.42. Your actual yield is -1.66%. That's right: you lose money when you save.

I call this figure the True Yield on Savings (TYS). I started calculating it about five years ago. I wrote an article about it in Liberty's February 2002 issue ("Today's Crazy Investment Environment"), in which I noted that the yield was negative.

I have since obtained the data needed to track TYS back to 1985, which you can see in the graph at the top of the previous page. As you can see, TYS has varied considerably, ranging from +3% to -3%.

Well, how does the Savings Rate correlate with TYS? Take a look at the graph at the bottom of the previous page.

In statistical terms the correlation is .432. My statistical friends tell me that this correlation is not perfect, but it is considerable.

The curious thing is that so far as I know, Greenspan has never acknowledged his personal responsibility for the collapse of saving in this country despite the fact that, as head of the Fed, he virtually controls interest rates. So long as he keeps rates so low that investors lose money on their savings the situation is not going to improve very much.

One can only speculate about why he has kept rates so low that Americans no longer save. He certainly knows the consequences. My best guess is that he has acted for political reasons, trying to keep the stock market strong and buoy Americans' confidence in the economy for as long as he can.

Back in the early 1990s, Greenspan increased interest rates to stimulate saving and prevent serious inflation. The Democrats responded by focusing on the economy during the 1992 election campaign. Remember Bill Clinton's campaign adage: "It's the economy, stupid!" And the voters responded by turning out of office a Republican who had just won a war with Iraq. I suspect that Chairman Greenspan had learned his lesson — and that now it's time for the rest of us to learn one, too. It's somewhat more difficult, because the evidence is somewhat more subtle. But it's much more basic and much more important.

We're not earning any money by "saving." The government is manipulating the economy for nobody's good but its own. Republicans and Democrats both do this; probably Democrats do it for worse purposes than Republicans.

But it's about time that we all learned what's going on. Call it a lesson in economic reality. ❑

A Man's Body, *from page 22*

convinced that the ready market for organs has stimulated these abuses."[9]

There is not much reason to assume that the risk of organ theft will increase when organ trade is legalized. The present shortage of organs for transplant is the product, at least in part, of the prohibition of organ trade; the supply of organs is low, so the price of an organ is high when a black market develops. When organ trade is legalized, the supply of organs will increase, which will make the price of organs drop. That will make stealing organs less profitable, so criminals will have fewer reasons to do so. And, of course, it's easier for organ traders to defraud organ donors (accepting the organs, but not paying the price that was agreed upon) when organ trade is prohibited. When selling organs is illegal, the victims of fraud are less inclined to go to the police. So rather than an argument against legalizing organ trade, the risk of people being robbed or defrauded of their organs is really an argument in favor of legalizing organ trade.

The main thing that legalization of organ sales will do is make more organs available.

Even if it were true that the risk of crime would increase if organ trade were legalized, there would still be no reason to prohibit organ trade. People are killed to collect their life insurance; should life insurance therefore be prohibited? People are killed so others can quickly receive their inheritance; should the laws of inheritance therefore be abolished?

The objections against organ trade do not make sense; the result of the prohibition of organ trade is that numerous patients are sentenced to death each year for no good reason, while at the same time numerous poor people are deprived of the chance to improve their standard of living.

Finally, this is also a matter of principle. To whom do my organs belong: me or the state?

A man's body, a man's right! ❑

Notes

An earlier version of this article appeared in HP/De Tijd. It was translated into English by René van Wissen.

1. http://www.cnn.com/HEALTH/bioethics/9905/organ.donate/template.html
2. http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList302/87DC95FCA3C3D63EC1256B66005B3F6C
3. http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList302/87DC95FCA3C3D63EC1256B66005B3F6C
4. http://slate.msn.com/id/2676
5. http://www.freeindiamedia.com/health/8_july_health.htm
6. http://www.cnn.com/HEALTH/bioethics/9905/organ.donate/template.html
7. http://www.newint.org/issue300/trade.html
8. http://www.cnn.com/HEALTH/bioethics/9905/organ.donate/template.html
9. http://www.icrc.org/Web/eng/siteeng0.nsf/iwpList302/87DC95FCA3C3D63EC1256B66005B3F6C

"Don't panic, but I'm think I'm getting a blister."

The Plot to Regulate Video Games

by A. J. Ferguson

Insert enough quarters — say, $90 million worth — and scientists will tell you why videogames ought to be regulated.

Rod Blagojevich, the governor of Illinois, has toured his state for months, conducting impromptu interviews and visiting town hall meetings to worry his constituency. Seems he's tilting at one of Illinois' most urgent problems: video games. Now the State House has voted 91–19 in favor of a bill requiring retail stores to figure out which games feature sexual content or "human on human violence" and thus can't be sold or rented to minors.

The governor won support for the bill by linking video games to antisocial behavior and, curiously, obesity. (I have yet to see the game that encourages me to eat all the ice cream in the freezer, but I'm waiting. Perhaps "Barbie Gets Jilted.") Harvard professor Michael Rich oozed out to anoint the governor's opinion: "Children are learning from video games. The question is: What are they learning?"

The implication, of course, is that they are learning the wrong things, and we must teach them the right things instead. Since Rousseau, at least, education theorists have sought to "make learning fun," and with the rise of video games in the '80s, that oft-lampooned goal* seemed at last attainable. Games were designed to teach math, spelling, geography, and even sex ed. A few caught on: "Oregon Trail," in which you guided a pioneer family westward, showed kids how to die of dysentery and carve rude messages on tombstones for the next class to discover; "Where in the World is Carmen Sandiego?," where you tracked criminals around the globe, gave kids the vague but mistaken impression that Interpol is useful for something; and "Mavis Beacon Teaches Typing" taught kids that, while driving, one should pay close attention to the letters being formed by clouds in the sky. On the whole, they failed to teach a damn thing, yet updated versions sold well and received glowing praise. Eventually some marketing demon slapped the etymological abortion "edutainment" on the genre, and years later it chugs along even though no one plays such games without being forced to — a coercion often justified as "balancing out" the lessons taught by vapid or malevolent games at home.

Now, I could make a snarky list of libertarian ideals I learned from my gaming days, about self-reliant heroes and nosy government officials and rampaging mutant zombies, but that might imply that these boobs have a point. A much better question than "What are they learning?" is the one Professor Rich sneaked past with the first part of his statement: "Do children learn from video games?"

Truth is, Mike, I didn't learn much from video games, and I doubt anyone else did either (except maybe the loser-cum-hero in "The Last Starfighter"). Video games as media are unable to impart lessons that transfer to other situations: while I can develop a strategy for shooting some game's Mafia kingpin, it doesn't mean that I've learned any of the particulars of contract killing. Perhaps it means I've mastered that game, but whatever knowledge I gain is confined to that game alone (or, at most, to that game and other games made by that company). The button-mashing is primary and easily forgotten; what sticks in the mind are the secondary elements of such games: the music, the design,

*For a fine example, see Saki's short story "The Schartz-Metterklume Method."

the atmosphere. Many graphic designers became very wealthy by assuming that bright colors in pixellated arrays would appeal to a generation raised on Nintendo games. Recording artists nabbed sound effects from decades-old games and used them as samples in their songs. Even the military caught on, producing recruitment ads that make service in Iraq look like a tactical strategy game, with a soldier peering down a sniper scope at a machine-gun wielding Arab in a jeep. Video game motifs flooded the American subconscious so completely that they trickled down to the next generation: the influx of Japanese pop culture over the past few years, specifically comics and card games, would have been unthinkable without Nintendo, Sega, and Sony breaking through first.

But new technologies and new fads invite the scrutiny of the professionally concerned, and any combination of the two is sure to set heads talking. "60 Minutes" aired a segment on the "psychology" of the video gamer, seeking to understand why anyone would waste his time on such violent, antisocial fare — sounds familiar, no? Yet this particular segment aired in 1976. They were riled up about "Death Race," in which the object was to run over as many "gremlins" as possible. With each success came the sound of something approximating a death rattle, and the appearance of a tombstone on the screen.*

The free publicity worked wonders: "Death Race" sold ten times more units than the company had originally forecast. As is often the case, if the game had been ignored, it would quickly have been forgotten. Video gamers are a demanding lot: if a game isn't fun to play, they won't play it, no matter how much sex or violence it promises. Every time a company floats a game to see if people will purchase it for shock value alone, it sinks — unless it is buoyed by press-released outrage from the cultural lifeguards. Apart from the economic incentive created by protest groups who reliably denounce shock-value games, most of those games would not exist. For example, "Custer's Revenge," a game well in the running for most loathsome of all time, was released in 1982 to universally bad reviews. The graphics were poorly done, the character was nearly impossible to control, and the game wasn't any fun whatsoever. But the premise was so horrid that some interest groups couldn't help but protest: the player was expected to maneuver General Custer across the Little Bighorn battlefield, avoiding Indian arrows. Also, Custer was naked — his three-pixel penis proudly erect — and he sought to rape an Indian girl tied to a cactus. Without the copies sold to people who just wanted to see what all the fuss was about, the game would have been a wretched failure; with those sales, the company stayed out of bankruptcy long enough to release two more terrible games before mercifully closing up shop.

Occasionally, though, a game hits on exactly the right combination of skilled craftsmanship and adult content, and the resulting crush of media attention makes it an even bigger success. Clearly Congress alone can stop such a juggernaut. In 1993, Sen. Joseph Lieberman (D-Conn.) initiated hearings on video game violence, prompted primarily by Mortal Kombat, a one-on-one fighting game packed with impressive depictions of kung fu characters beating ten kinds of hell out of each other. The hearings proceeded with the detached, impartial manner that we've come to expect from our nation's lawmakers. However, the game companies came prepared, demonstrating a new ratings system they had begun to use. These ratings, like those given to movies, attempted to estimate which age groups could handle which games, from Everyone to Adults Only. And these ratings, like those given to movies, came to be seen by legislators not as suggestions, but as commandments handed down from on high.

Anyone who votes against a "get tough on games" bill invites opponents to characterize him as "pro-child-violence" in the next election.

In some states, would-be Solons have been flabbergasted to find that these ratings aren't legally binding. Attempts to etch them in stone, like Gov. Blagojevich's pet bill in Illinois, follow a standard pattern:

- Some horrible tragedy, usually involving a kid and a gun, snags the public's attention.
- An elected official seizes this opportunity to hold a press conference. He declares that video game companies aren't doing enough to keep violent games out of the hands of minors, and makes an unprovable causal link between a game he's never played (though he's been briefed on how bad it is) and the horrible tragedy.
- The official, or one of his henchmen, introduces a "get tough on games" bill in the assembly. Anyone who votes against it risks killing his career, inviting opponents to characterize him as "pro-child-violence" in the next election. The measure passes, after the usual grumbling from "civil libertarians" (as in the stock newspaper phrase "But some civil libertarians fear . . ." floating like an iceberg in the middle of any article on politics).
- The ACLU and pals immediately challenge the law, and it is struck down by an appeals court. This will happen in Illinois, just as it has happened in Indiana, Missouri, and Washington.

Since the hearings in 1993, video game legislation at the federal level has suffered from a lack of horrible tragedies. Since the courts would void any "get tough" bill that Congress spent time passing, most of Capitol Hill's windbags are content to squawk about video game content while pandering at campaign stops. Only lightweight Rep. Joe Baca (D-Calif.) has dropped a bill in the hopper, and his

*The game maker had tried to soften the game: "Death Race" was originally called "Pedestrian," and the player was charged with running over humans, not gremlins (though in 1976 they couldn't be made to look much different). In later years, as companies exported games with better special effects to countries without First Amendments, they had to devise odder and odder methods to slip their products past government censors, such as turning all human victims into zombies and making all blood green. I'm not sure what kids are supposed to learn from such substitutions; I presume they're made in deference to important cultural prerogatives.

"Protect Children from Video Game Sex and Violence Act of 2003" died in committee, despite picking up 43 co-sponsors.

This is a shame, at least from the censor's point of view, because a wildly popular scapegoat game already exists: Grand Theft Auto III (GTA), which has received armfuls of awards from every major gaming magazine — partly for its adult themes, but mostly for its open-ended game play. In it, the player controls a hoodlum working his way up through the crime syndicates that control Liberty City. The plot itself is pure pulp, but the game allows you to put off missions and explore the city instead, creating mayhem as you go. Run over a few hookers and the police come after you; start killing the cops, and you'll face SWAT teams, the FBI, and the Army. A separate statistic keeps track of how much attention your crime spree has drawn, from "late-night local news" to "USA Today front page" to "special meeting of the UN" (sadly, the blue-helmeted peacekeepers never pop up to lecture you on the Geneva Conventions while you're blowing up ambulances).

GTA is so perfect a target that truly savvy, dedicated statists can't afford to wait for a horrible tragedy; they must prepare as if one is already scheduled. Thus, Sen. Hillary Rodham Clinton (D-N.Y.) plans to launch a $90 million investigation to find out how video games affect the "cognitive, social, emotional, and physical" development of children. It should be no suprise that she's already dictated the study's conclusion, referring to GTA as a "silent epidemic of media desensitization that teaches kids it's okay to diss people because they are a woman, because they're a different color, or they're from a different place." Once you're done laughing at her grammar and her painful attempt at slang, consider the implication lurking behind her words: that this "major threat to morality" was made for and marketed to children under 18. But GTA is clearly marked "M" for "Mature," meaning it's not recommended for anyone under 17; most retailers not only refuse to sell it to unaccompanied minors, but also attempt to discourage parents from buying the game for children under 16.

Sen. Hillary Clinton is asking for a study of video games, because these days you can't build a platform without applying a scientific veneer.

Consider too the shift in strategy: Hillary is not asking for regulation of video games. She's asking for a study of them, because these days you can't build a platform without applying a scientific veneer. If the study is funded — and she has enough allies in both parties to pull it off; Sens. Brownback (R-Kan.) and Santorum (R-Pa.) have already declared their support — it will confirm Mrs. Clinton's preliminary findings, and the propaganda ("media sensitization," perhaps?) can begin. TV commercials, movie trailers, even video games themselves will carry melodramatic anti-game messages. Game makers will fight back at first, and may even escape being forced to advertise against their own products. But they will eventually lose when a horrible tragedy happens, and Mrs. Clinton holds her triumphant "I told you so" press conference.*

Publicly-funded science has become the preferred tool of statists for dismantling constitutional protections. Given enough grant money, facts can always be found to support the government's thesis. Peer reviews of such studies are unreliable, because oftentimes the reviewing peers are themselves dependent on public funding for their own projects. Any scientist who challenges an approved doctrine — on secondhand smoke, perhaps, or medicinal uses of marijuana — risks his career; if he manages to obtain private funding to propagate his research, he is often called a corporate stooge, or even a traitor. This strategy has proven so successful and subsequently pervasive that a state legislator like Illinois Rep. Linda Chapa LaVia can claim with a straight face that empirical evidence from a Harvard University study on post-traumatic video game stress in children "provides the necessary punch needed" to push aside the First Amendment.

Game makers will eventually lose when a horrible tragedy happens, and Mrs. Clinton holds her triumphant "I told you so" press conference.

The Supreme Court may disagree, but they too are being sidestepped. The Constitution is pesky, at least when the courts bother to defend it, and statists have tried audacious methods to brush it aside (like Andrew Jackson's refusal to obey a Supreme Court decision, or FDR's court-packing scheme). But now they realize that the only court that matters is that of public opinion. By controlling scientific research, they control the facts that reach the common man, and the litany of things that "everyone knows" is not subject to constitutional review. Once a fact penetrates the mass mind — the evils of marijuana, for a present example; the supremacy of the Aryan race, from the past — it is very difficult to extract, especially when some or all of the government's power relies on the perpetuation of that fact. If "everyone knows that video games teach kids to kill," and a horrible tragedy happens that seems to confirm that fact, it will be all but ineradicable.

Video game companies can best fight this tactic by learning from the porn industry (the two are becoming more closely

continued on page 40

*Hillary's comments have a more immediate purpose, of course: the day she entered the Senate she sloughed off her strident socialism, and since then she's presented herself as a slippery centrist in preparation for her presidential bid. But every time she's crossed the aisle — most notably in support of the war in Iraq — it's been in favor of stronger government. Her stance here is a sort of political speculation: in the short term, she gains a few votes from gullible mothers; in the long term, she positions herself on a small swell of an issue that could crest in time (the summer of 2008 would be nice).

The Coming War Against Iran

by Alan W. Bock

We absolutely, positively will not invade Iran. Until we do.

During his recent trip to Europe, President Bush said that concern about possible U.S. military action against Iran "is simply ridiculous," then paused a beat and added, pointedly, that "having said that, all options are on the table." In mid-2002, many thought that military action against Iraq was virtually inevitable. Barring an Iranian renunciation of any plans, even peaceful, for nuclear power, is military action against them inevitable as well? The parallels in official statements are striking, and there is little doubt that Iran is still on the neoconservative "to do" list. But how the United States ends up "doing" Iran could still depend on real-world realities and contingencies, which could in this case override neocon ambitions.

The invasion of Iraq, or at least neutralization of Iraq's purported threat to Middle Eastern peace, was a neocon ambition long before the 9/11 attacks. As far back as 1992, Paul Wolfowitz, then under-secretary of defense for policy — who believed that the 1991 war to oust Iraq from Kuwait was ended prematurely — outlined plans for military intervention in Iraq as necessary to ensure "access to vital raw material, primarily to Persian Gulf oil," and to prevent the proliferation of weapons of mass destruction. The document he drafted, which also stated that U.S. policy would aim to prevent any power from challenging U.S. global dominance, was leaked to the New York Times and formally shelved. But it is strikingly similar to the new U.S. National Security Strategy that was promulgated after 9/11.

A similar refrain about the necessity of removing Saddam can be seen in the 1996 document prepared by Richard Perle, Douglas Feith, David Wurmser, et al., for the newly-installed Likud government in Israel headed by Benjamin Netanyahu. In 1998, 18 prominent conservatives wrote a letter to President Clinton, urging him to "aim at the removal of Saddam Hussein's regime from power." Among the signatories were Elliott Abrams, Richard Armitage, John Bolton, Richard Perle, Donald Rumsfeld, Paul Wolfowitz, and others who became Bush administration officials.

Dick Cheney did not sign that 1998 letter; indeed, as president of Halliburton, he argued during much of the 1990s for lifting or easing the sanctions on Iraq imposed after the first Gulf War. Getting him on board the neocon train was a key political development that eased the way toward the U.S. invasion in 2003.

In official meetings immediately following 9/11, Wolfowitz called for an invasion of Iraq, but the president decided to settle matters in Afghanistan first. A campaign to justify such an invasion began quickly. Douglas Feith opened the Office of Special Plans in the Pentagon, which "stovepiped" Iraqi-related intelligence — including dubious material from exile groups like the Iraqi National Congress, free from inconvenient analysis by area experts at the CIA — directly to the White House. Soon the administration was convinced that Saddam's regime possessed chemical and biological weapons, and had programs to acquire nuclear weapons.

Although administration spokesmen were relatively circumspect about concrete claims, statements like

Condoleezza Rice's hope that we wouldn't wait until the smoking gun appeared in the form of a mushroom cloud reinforced the impression that U.S. officials were convinced that Iraq possessed dangerous weapons and the will to use them against the U.S. and its allies or interests abroad. The CIA prepared a new National Intelligence Estimate on Iraq in October 2002. Without adding much new information about Iraqi plans and intentions, it reinterpreted information in previous estimates — which suggested that the threat from Saddam was largely contained — to present a much more active threat than they had previously reported.

When then-Secretary of State Colin Powell put his credibility on the line in a presentation to the U.N. Security Council in February 2003, advocates of war figured that he had laid the final brick in their wall of justification.

As we know now, however, U.S. intelligence was faulty. No weapons of mass destruction have been found, and every lead touted by anonymous leakers and Fox News (the WMDs had been secreted away in Syria, there were still caches to be found in remote desert regions, etc.) turned out to be a dead end. Likewise, while some of the hints connecting Saddam with al Qaeda may have indicated a desire to establish links with al Qaeda, the evidence to date suggests there was no operational link between the two.

U.S. intelligence about Iraq fell short of being complete and accurate, and current U.S. intelligence on Iran suffers from the same shortcomings. A recent Reuters story quotes former intelligence officers and other area experts to the effect that "they doubt the CIA has been able to recruit agents with access to the small circle of clerics who control the Islamic Republic's national security policy." Former weapons inspector David Kay, who led the Iraq Study Group that was unable to find evidence of weapons of mass destruction in Iraq, notes an increasing reliance on dissident exile groups with a strong institutional interest in a policy of regime change in Iran. Information from similar Iraqi groups proved notoriously unreliable.

Nonetheless, many of the same groups that led the bandwagon for war with Iraq are making similar noises about Iran, which has admitted that it has had a nuclear development program, some aspects of which it successfully concealed from the U.N.'s International Atomic Energy Agency (IAEA) for 18 years. Iran claims its goal is nuclear power strictly for peaceful purposes like generating electricity. Iran floats on a sea of petroleum, so its need for nuclear power to keep the lights on is not immediately apparent.

Iran is a larger country, with terrain less conducive to a swift ground invasion, and a larger and probably more effective military than Saddam's Iraq.

Few of those promoting regime change in Iran acknowledge that the mullahs' nuclear aspirations are based on the lesson the Iraq war taught the "axis of evil": If you want to avoid a military confrontation with the United States, the best bet is to get a nuclear weapon, or a reasonable possibility of having one soon, not a bunch of inflated guesses that informed people suspect are unreliable, as in the case of Saddam's regime. That might suggest that a more accommodating approach — recognizing that the mullahs' regime, while canny, faces significant domestic disillusionment — could at least delay further research, if not convince the regime that — since it is not threatened with invasion — it has no need to pursue nukes.

A major deterrent to overt military action against Iran could be the "catastrophic success" of defeating Saddam's regime.

Instead, recent reports by outfits such as the Iran Policy Committee, headed by former National Security Council staffer Ray Tanter, and a December report from the reconstituted Committee on the Present Danger, while offering a few carrots (increased trade, modification of the economic embargo), emphasize the importance of sticks. The IPC report, for example, discusses military strikes and active efforts to destabilize the government, largely through supporting dissident groups, including the Mujahedin-e Khalq (MEK), which is still on the State Department's list of terrorist groups. The IPC report advocates taking it off the list so it can be openly subsidized and supplied.

The administration has not explicitly denied (although Iran has) what Seymour Hersh and others have alleged: that U.S. Special Forces teams have conducted operations inside Iran, presumably to gather more reliable information about the whereabouts and significance of Iranian nuclear sites. This is hardly surprising. Given that the Iranians have successfully concealed some of their nuclear activities for years, and assuming the truth of reports that U.S. intelligence has not penetrated the upper reaches of the Iranian regime, knowledge about which sites might be capable of producing weapons-grade material is bound to be scant. One can easily imagine a bombing campaign that took out some important sites but left others untouched, leaving in place a regime more angry and determined than intimidated.

That's what David Kay emphasized in his article, "Let's Not Make the Same Mistakes in Iran," in the Feb. 7 Washington Post. Our intelligence services, whether through incompetence or by trying to give policy makers what they believed they wanted, got it wrong in Iraq. There's no evidence that our intelligence on Iran is reliable. Even CIA director Porter Goss, who says he has a plan to improve human intelligence, acknowledges that it could take years to add to what we really know about Iran. Training to be a clandestine officer takes about a year, not including proficiency in languages and customs.

David Kay acknowledges that the IAEA "is not

continued on page 40

Proposal

Save Social Security Now!

by Durk Pearson

Social Security is broken. Neither Bush's nor the Democrats' plans will solve anything. Here's one that will.

If Social Security had been based on personal retirement accounts since 1935, we wouldn't have an actuarially unsound system now. After 70 years of Congress stealing all of the Social Security "trust fund" surpluses and spending them on non-Social Security programs, personal accounts alone cannot make the over-promised system sound. That will require increasing the age of full retirement or direct reductions in benefits, which are not in the short-term interests of workers, and hence are currently politically impossible.

Moreover, even if Social Security taxes were immediately increased or benefits reduced, no real lasting benefit would accrue to either retirees or workers; Congress would simply continue to spend a larger surplus on non-Social Security programs, just as they have done for 70 years.

A simple alteration in how the Social Security surplus is used can alter this calculus of long-term worker and retiree impoverishment: simply return each worker's annual surplus payment in the form of a check marked "for deposit to a Social Security Roth IRA only." If the Social Security surplus is 25% of total Social Security taxes collected that year, and a worker and his employer together paid $6,000 in Social Security taxes, the worker's Social Security surplus Roth IRA lockbox check would be $1,500. The worker's traditional Social Security account would be credited with $4,500 — his $6,000 payment less the $1,500 Roth rebate he receives. The worker's future traditional Social Security payments would be based on the $4,500 net amount that he paid into the system.

Participation would be voluntary; if a worker returns his Social Security surplus Roth IRA lockbox check to the Social Security Administration, it will be credited to his traditional Social Security account, and this additional surplus added proportionally to all other Social Security surplus Roth IRA lockbox checks.

What do Social Security surplus Roth IRA lockboxes accomplish?

- A typical full-time worker would have over $10,000 in his Social Security surplus Roth IRA lockbox by the time the Social Security surplus runs out. A couple, both full-time workers, would have a total of over $20,000. This is real retirement security, not liberal bullshit.
- The time before Social Security cash flow becomes negative would be extended beyond the current projection of 2017: This is a direct result of the smaller traditional Social Security payouts to participants. The time to trust fund exhaustion would also be extended beyond 2041, though this is really a sham event since the Treasury bonds in the "trust fund" are not net assets; they are really liabilities to all taxpayers.
- Long-term Social Security trust fund liabilities would be immediately reduced by several trillion dollars. The roughly $1 trillion that would go into Social Security surplus Roth IRA lockboxes between now and 2017 will reduce the 75-year and infinite term Social Security trust fund liabilities by several trillion dollars because traditional Social Security payouts would be based on traditional (now smaller) trust fund accounts, plus the compound increases of wage index-

ing (about 4% per year) up to time of retirement, and cost of living indexing thereafter. These compound benefit increases add up to far more than the Social Security taxes paid in by the employee and employer over the employee's working career. This means that the future income taxes needed to repay the trust fund liabilities and Social Security taxes that will have to be paid by younger workers, our children, grandchildren, and their employers, will be reduced by several trillion dollars by this simple, easily understood change.

This is like paying off a few hundred dollars extra every month on your mortgage; the savings over the next 30 years will far exceed the extra payments.

• It would create incentives and remove disincentives for needed long-term changes to the traditional Social Security benefit formula. When each employee receives his annual Social Security surplus Roth IRA lockbox check, there would be an accompanying table showing the annual expected Social Security surplus Roth IRA lockbox check amount (assuming a wage increase of 4% per year) for each year between now and when the Social Security surplus — and further Social Security surplus Roth IRA lockbox checks — disappear.

That table can also show how potential changes in the Social Security full retirement age would affect the future Social Security surplus Roth IRA lockbox checks. Social Security cash flow is exquisitely sensitive to full retirement age. Social Security cash flow was about to go negative back in the 1980s until the Greenspan Committee increased the full retirement age from 65 to 66 for those born from 1943 to 1954, and to 67 for those born in 1960 or later. This extended positive cash flow to 2017. For example, if the Social Security full retirement age were increased by one year per decade (much less than life expectancy increase), even exempting those who are currently 55 or older from the new full retirement age increases, the Social Security surplus Roth IRA lockbox checks would become larger and larger with time, and eventually their total (with accrued investment earnings) would become much larger than the debt in the traditional Social Security "trust fund." Then we would finally have a durable, actuarially sound system. Moreover,

Even if Social Security taxes were immediately increased or benefits reduced, no real lasting benefit would accrue to either retirees or workers.

the continuance of the Social Security surplus Roth IRA lockbox checks would provide a positive incentive to Social Security taxpaying workers to support increasing the age of full retirement.

The literature accompanying the Social Security surplus Roth IRA lockbox check should also state the total amounts paid into both the worker's Social Security surplus Roth IRA lockbox and his traditional Social Security "trust account" to date. It should also explain that the Supreme Court has held that a worker has no property right to "his" traditional Social Security "trust account," which, unlike his Social Security surplus Roth IRA lockbox, can have its benefits cut by Congress at any time, as has already occurred.

Is it appropriate to characterize the use of Social Security funds for other purposes as "stealing"?

Unfortunately, yes. For 70 years Congresscritters have spent trillions of Social Security tax dollars on non-Social Security purposes; i.e., buying votes. Hasn't Congress replaced the spent surplus with Treasury bonds backed by the full faith and credit of the United States government? This is a multi-trillion dollar scam. *No one, not even Congress, can spend the same money twice.* Each dollar of Social Security

Simply return each worker's annual surplus payment in the form of a check marked "for deposit to a Social Security Roth IRA only."

"trust fund" assets in Treasury bonds is canceled by a dollar (plus compound interest) in liabilities to taxpayers, the cost of paying off these bonds. *You cannot make yourself into a trillionaire by loaning yourself a trillion dollars.* And it is not the United States government that will be paying off these bonds; governments don't pay taxes — every cent of that will have to be paid by increased taxes on workers, retirees, and employers.

Why a Roth IRA rather than a regular IRA?

The surplus portion of the half of the Social Security taxes paid by the employee has already been subject to income taxes, and thereby meets the Roth requirement. It could be argued that the surplus portion of the employer's half of the Social Security taxes has not been subject to either individual or corporate income taxes and hence should be put into a regular IRA. The amount of income tax revenue forgone by putting the surplus of the employer half of the Social Security taxes into a Roth IRA will be relatively small (about $10 billion per year, decreasing as the surplus shrinks if age of full retirement is not increased), and this approach has the virtues of simplicity, and the true security of knowing that the Roth part of one's retirement savings cannot be eroded by future tax increases. Remember that for most of Social Security's existence, benefits were not subject to income taxes. The ugly clawback of income taxing Social Security payouts is relatively recent.

Won't Congress just borrow more to replace the Social Security surplus that it now spends, resulting in no net savings?

That would be true if a deficit of about $550 billion per year had no greater restraint on spending than one of $400 billion per year. Historically, larger deficits have tended to restrain Congressional spending; if they didn't, both spending and deficits would tend toward infinity, therefore, some increase in net savings can be expected. Honesty and transparency in government is a better policy than continuing to

scam the public about the real size of the general expenditure deficit. The Social Security system is in mid- to long-term trouble because Congress is using it as a cash cow for other programs.

Even more important, the Social Security surplus Roth IRA lockbox checks will change the incentives for workers to accept rather than (as now) reject a gradual increase in full retirement age. This change can make the reformed Social Security system actuarially sound, something which is otherwise politically impossible.

Should the investment and withdrawal rules for the Social Security surplus Roth IRA lockboxes be the same as for an ordinary Roth IRA?

Arguably not. A foolish investor could invest all of his Social Security surplus Roth IRA lockbox in Enron or Worldcom, and the liberals will use this as a bogeyman. The Social Security surplus Roth IRA lockboxes might be limited to those investments permitted by the Federal Thrift Plan, plus the Wilshire 2,000 and Wilshire 5,000, both of which are even more diversified than the S&P 500. Borrowing against the Social Security Roth IRA before 62 (or perhaps Social Security full retirement age), even for purchasing a home could arguably be prohibited, because home equity can be cashed out with a home loan and the money quickly consumed. The nannies in Congress might even prohibit a lump sum distribution after retirement and insist on converting at least part of the lockbox account to an annuity, or require fractional payouts over the account owner's actuarial life expectancy. Congress is going to decide these details however much we dislike their economically ignorant anti-freedom meddling; the best we can do is try to persuade them to forego their worst ideas.

Nevertheless, the incentive for gradual retirement age increases will be changed from negative to positive, thereby permitting the composite system to be actuarially sound in the long run, and reduce the eventual income taxes and Social Security taxes on retirees, workers, and employers — including our children and grandchildren — by several trillion dollars, as well as increasing real savings and investments in the form of Social Security surplus Roth IRA lockboxes. If some Congressmen want to continue buying votes by spending $550 billion more per year than is collected by non-Social Security taxes, force them to take full credit for their foolish and wasteful actions and the inevitable consequences, but don't let them continue to covertly stick it to retirees, workers, and employers.

Long-term Social Security trust fund liabilities would be immediately reduced by several trillion dollars.

Congress's appetite for gargantuan deficit non-Social Security spending should not be stolen from the Social Security taxes of workers or payments to retirees. Once this is fully understood, the transition cost to this composite (traditional Social Security + Social Security surplus Roth IRA lockboxes) retirement system is zero. The *appearance* of increased deficits from not allowing Congress to continue to steal the Social Security surplus for non-Social Security spending is not a cost of Social Security; it is a cost of a spendthrift Congress, and the blame should be placed right where it belongs — on those politicians who will not reform.

For 70 years Congresscritters have spent trillions of Social Security tax dollars on non-Social Security purposes; i.e., buying votes.

Won't increasing the full retirement age by one year per decade quickly return us to the situation that we had when the Social Security System was created in 1935, when average life expectancy was less than retirement age?

No. Life expectancy has been increasing by about three months per year for the past 125 years.

Until the 1940s, life expectancy increase was mostly a result of decreased mortality at all ages due to improved sewage disposal, improved water and food supplies, and vaccinations. The development of antibiotics from the 1940s on helped both young and old to live longer, and new vaccinations (e.g., polio vaccine) continued to provide ever more protection.

By about 1970, infant and child mortality in America was already so low that further decreases would have little further effect on life expectancy. The plague of cardiovascular disease that came to public awareness during the 1950s led to the Framingham study and other research that identified modifiable risk factors such as diet, exercise, and smoking. Heart surgeons were working their miracles. Starting with the 1970s, hundreds of billions of dollars of research funds were spent developing specific cardiovascular medicines, first beta blockers, then other drugs for controlling hypertension, then antihypercholestremics (niacin, then fibrates, now statins) which have actually reduced the death rate from cardiovascular disease, even though the average age of the population is now much older than in the 1950s. Life expectancy continues to increase about three months per year, but now most of the increase is at the older end of the lifespan.

There are ample reasons to expect that life expectancy will continue to increase at its historic rate of about three months per year, 2.5 years per decade, especially with scores of billions of dollars being spent every year on researching first mechanisms, then treatments for the diseases of aging, and even aging itself. The study of aging mechanisms has led to a variety of experimental interventions that have increased the average life expectancy of animal subjects by 20–100%. There is every reason to think that the fundamental mechanisms of aging in animals are conserved, i.e., similar to those in humans, and that this knowledge will be applied to humans within the next 15 to 25 years. Phase 1 clinical trials in humans will be starting soon.

Some scientists claim that, even if cardiovascular disease

and cancer were eliminated tomorrow, life expectancy would increase by less than three years, and that only effective intervention in aging processes can produce further life expectancy increases.* I heard this same claim made 20 years ago at a scientific conference on the biology of aging mechanisms; life expectancy has increased about five years since then, in part because most common types of cardiovascular disease and some cancers have become medically manageable in a manner that yields many additional years of life.

Each dollar of Social Security "trust fund" assets in Treasury bonds is canceled by a dollar (plus compound interest) in liabilities to taxpayers.

The Social Security actuaries' estimate of a two-year life expectancy increase between 2000 and 2050 is a gross underestimate. "Therefore, it appears that by 2050, the affluent populations of the world will have added almost 50 years of life expectancy since 1900."†

A real long-term reform of Social Security must not become actuarially unsound with increasing life expectancy. It is time to dramatically reduce the Social Security trust fund deficit and debt. Stopping the stealing now with Social Security surplus Roth IRA lockboxes for all workers is a politically attainable and effective first step in achieving this long term goal.

Why won't any of the other alternatives work?

1) The alternatives suggested by left liberals of either increasing Social Security tax rates or raising the cap on the wages subject to Social Security taxes would have very serious negative, albeit unintended, consequences. These tax increases would make American workers less competitive globally by two mechanisms: First, the cost of American workers to employers would be further increased, hence importing goods and services from China, India, Ireland, and most of the world would become relatively less expensive and more attractive. Second, a wage cap increase would directly target those who are most likely to invest substantial amounts of their after tax earnings, and it is only through continued investments that improve productivity or create new products or services that American workers can maintain their high pay in a predominantly lower paying world.

2) The alternative suggested by the liberals of means (net worth, savings, investments) testing recipients of Social Security payments would have catastrophic unintended consequences, and is the worst possible way of trying to fix Social Security. Every worker and retiree has already made plans for retirement that do not include being penalized for saving and investing for future consumption, and do not include being rewarded for being a spendthrift who consumes all his income as quickly as he earns it. The savings rates of Americans are at a historic low because the after-tax incentives to save and invest are already too low. Means testing Social Security would further increase the incentives for current consumption and reduce the incentives for savings and investment for future consumption.

Means testing would also be terribly morally corrosive; every worker would be trapped in a system akin to the liberals' unreformed welfare trap, in that they would face steep marginal losses in Social Security benefits if they were responsible and saved for the future. Unfortunately, the liberals want people to be more dependent on government and less on themselves, for this is their route to power, regardless of the cost to innocent bystanders. Moreover, net worth testing is far more intrusive than a typical income tax audit — just ask any Medicaid recipient.

Finally, *little of the reduction in Social Security expenditures expected under static analysis would materialize.* Do a Web search for "Medicaid" and "spending down"; there is a multibillion dollar per year industry of books and legal services that tell seriously ill people how to legally dispose of their assets so that they can qualify for Medicaid. This process is so effective that Medicaid must now pay most nursing home bills.

3) The alternative suggested by the left liberals of income testing recipients of Social Security payments has most of the disadvantages of the proposed changes described immediately above, though it is less intrusive. It has an additional and very serious unintended consequence, however, of dramatically decreasing the incentive to continue working (or receiving investment income) after attaining Social Security full retirement age. Note that current tax policies already do this, to a lesser extent, by subjecting 85% of Social Security payments to income taxes for a full retirement age couple earning over $44,000 adjusted gross income per year (including half their Social Security payments!). (50% of the benefits are subject to income tax for a couple with an A.G.I. of $32,000 per year, including half their Social Security payments.)

Historically, larger deficits have tended to restrain Congressional spending; if they didn't, both spending and deficits would tend toward infinity.

Income testing greatly reduces the incentive to work full time after reaching Social Security's full retirement age. The standard of living of all Americans depends critically on the ratio of productive workers to those who as retirees are purely consumers of other peoples' tax money. This ratio is already down to 3.3, and is continuing to drop towards 2. This left liberal proposal would further accelerate this drop, whereas the Social Security surplus Roth IRA lock-

*Horrobin, D., J. Royal Soc. Med., 93:341–345 (2000)

†Strohman, R., Nature Biotechnology, 19:195 (2001), see also Horiuchi, S., Nature 405:744–745 (2000), and Tuljapukar, S., Li, N., & Boe, N., Nature 405:789–792 (2000), Mann, C.C., Science 307:1716–1717 (2005), Marris, E., Nature Medicine 11:240 (2005), Preston, S.H., New England Journal of Medicine 352:1135–1137 (2005)

boxes would provide additional incentive to remain economically productive after reaching Social Security's full retirement age.

4) The administration's proposal to allow people to divert a third of their Social Security taxes to voluntary personal accounts is better than the left liberals' alternatives, but that's not saying much. Like the liberals' proposals, it implicitly assumes that all Social Security money belongs to the government, and that those who want some back must pay the government for the privilege. Unfortunately, this proposal provides no incentive whatsoever for increasing the full retirement age, a necessary condition for long-term actuarial soundness of Social Security.

Furthermore, the transition costs are over $1 trillion, admittedly without doing anything to make Social Security actuarially sound. Democrats are demagoguing about the increased deficit, and even Republicans are saying "no sale."

Moreover, the proposed concomitant traditional Social Security benefit reductions are difficult to understand, and sound like a really bad deal. This is because, unfortunately, they often are a bad deal.

The proposed reductions in traditional benefits would be equal to an assumed real rate of return of 3% on the total amount of payments into the personal account. That means that whenever the real (corrected for inflation) riskless rate of after-tax return is less than 3%, the personal account option is a loser. Right now, in relatively good economic times, the ten-year Treasury bond is yielding about 3.5%, which after income tax at a 15% rate is 2.975% (2.625% for 25% bracket taxpayers). TIPS (Treasury Inflation Protected Securities — inflation indexed Treasury bonds) are yielding about 1.8%, implying market expectations of a 1.7% inflation rate (3.5% Treasury bond yield minus 1.8% TIPS yield) over the next few years. So the after-tax real yield of ten-year Treasury bonds for someone in the 15% tax bracket is 1.275% (3.5% yield on bonds, less .525% for taxes, less 1.7% for inflation) per year, which is a net loss of 1.725% (3% assumed real return minus 1.275% actual real return) compared to traditional Social Security. For those in the 25% income tax bracket, the net loss of the personal account option is worse, 2.075% per year.

What if one accepts greater risk and invests in a common stock index fund? During a bear market, the results of the

A Disclaimer to the Readers of Liberty

The Social Security reform suggestion I have outlined here is not libertarian because it is still a forced retirement savings system, and because it reduces redistribution (a.k.a. plunder) but does not eliminate it. I have suggested it to the Congresscritters because it may be politically feasible and because it is much better than any of the other alternatives swirling around D.C. Social Security is likely to be changed, and Sandy and I would rather it be changed for the better than for the worse. What would be best, political considerations aside, is to liquidate the assets of this bankrupt organization.

As Bastiat said in "The Law," a group of people calling itself government cannot morally do what no individual can morally do. Our preferred solution would be to treat the Social Security Administration of the United States of America as what it is: a retirement organization (run by crooked thugs) which has squandered the retirement assets to entrench and enhance the personal power of the management. The traditional legal solution to this problem is involuntary bankruptcy with liquidation of the organization's remaining assets by public auction, followed by their proportionate distribution to the victims.

What assets? The Treasury bonds in the Social Security "trust fund account" are not assets; they are liabilities the federals enforce on taxpayers.

But the United States government does claim to own about 30% of the land in the U.S. and most of the oil, gas, coal, gold, etc. remaining in the U.S., since most of it is under these nationalized lands. How much? At least a few trillion dollars. Auction it off. Moreover, the growth of many cities such as Los Angeles and Las Vegas is limited by surrounding lands controlled by the *federales*; Bureau of Land Management-controlled land around Las Vegas is selling at public auctions for $200,000 per acre. Auction it all off.

In fact, auction off all U.S. Government property except for that explicitly authorized in the U.S. Constitution's Article I, Section 8, Paragraph 17: the District of Columbia and " . . . places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;" Yes, I know that Paragraph 7 says "To establish post offices and post roads"; but as Sandy Shaw said, "The Constitution isn't perfect, but it's a hell of a lot better than what we've got now."

What would be best, political considerations aside, is to liquidate the assets of this bankrupt organization.

Even without the Social Security scam, we would be much better off if these nationalized lands were auctioned off. There were no checks and balances put into the Constitution for an unanticipated and unplanned huge federal land estate. — Durk Pearson

personal account option are much worse. During a sideways market, the results still are worse because there are no capital gains, and dividend yields are much lower than Treasury bond yields (even after considering the 15% dividend income tax rate).

During a bull market, of course, one can do much better with the personal account option, even with the 3% effective tax wedge on personal accounts in the current administration proposal. However, an era of mostly bull markets for the next 30 years or so is not a given. The recent 20-year bull run is an historical anomaly, and one must know what caused it to understand whether it is likely to be repeated. The recent long bull market occurred during an unusual period in history; the demographic bulge of baby boomers were entering their highest earning years, and during the Bush 41 and Clinton 42 tax increases, there was an especially strong motivation to invest in equities in tax deferred 401(k)s and IRAs. At the same time as the huge baby boomer generation was investing in equities, the much smaller retired generation that preceded the boomers was selling their equities for retirement consumption.

This equity supply and demand situation will be reversed during the retirement of the baby boomers, since the post-boomer generation (often called the baby bust generation) that will be reaching their earnings and investing peak years is considerably smaller than the boomer generation. The boomer sales of equities will accelerate as they reach the age of 70 1/2, due to IRS mandatory 401(k) and IRA distribution regulations. This does not foreordain a 20–30 year bear market; it does suggest that the percent of time spent in bull markets during the next 20–30 years will likely be smaller than in the last 20–25 years, and that the overall equity price increases will probably be less. Of course, if a well designed revenue-neutral consumption tax replaced the income tax, there would be an unprecedented economic and equities boom, but nothing being proposed — let alone passed — in Congress resembles such a tax reform.

The administration's 3% deduction proposal is essentially a 3% annually compounded tax on capital diverted to the proposed personal accounts. How many investors would buy an index fund with a 3% per year management fee? There will understandably be relatively few takers of this remarkably bad proposal, hence few people will support it, and the trillion-dollar-plus transition cost will motivate a lot of opposition on top of the ideological opposition of liberals and the political opposition of Democrats to any form of personal accounts that even partially replace traditional Social Security.

Honesty and transparency in government is a better policy than continuing to scam the public about the real size of the general expenditure deficit.

5) The Pozen progressive indexing proposal would eliminate wage indexing but retain price indexing for those earning over $113,000 per year, retain both wage and price indexing for those earning less than $25,000 per year, and gradually phase out wage indexing but retain price indexing for those in between.* It would make the already very progressive Social Security benefit formula even more progressive, thereby increasing the effective marginal tax rate on everyone who earns over $25,000 per year.

Liberals claim that Social Security is a regressive tax because the wages subject to this tax are capped at $90,000 per year. They ignore the fact that this caps the benefits, too, and that the tax payments that count towards one's Social Security benefits can be as little as 15% of the Social Security taxes one actually pays.

Congress is going to decide the details however much we dislike their economically ignorant antifreedom meddling; the best we can do is try to persuade them to forego their worst ideas.

Let's look at Social Security Publication No. 05-10070, "How Your Retirement Benefit Is Figured": 90% of the first $561 of your average wage indexed monthly income counts toward your retirement benefits. Only 32% of your average wage indexed monthly income between $561 and $3,381 counts toward your retirement benefits. Only 15% of your averaged wage indexed monthly income over $3,381 counts toward your retirement benefits. This formula is already very highly progressive with an effective marginal tax rate of up to 85%. (OK, technically it is a progressive marginal decrease in benefits of up to 85%, before progressive income taxes.)

Don't forget that the employee pays Social Security taxes with after (progressive) income tax funds, and that up to 85% of the Social Security benefit is taxed again at progressive income tax rates. Worst of all, all of these progressive taxes are applied by serial multiplication, so that the effective top marginal tax rate on Social Security can already easily be well over 90% for a couple with average incomes. Pozen's liberal nostrum is to make Social Security hyper progressive, instead of merely ultra progressive, as it is now.

Finally, Pozen's progressive indexing would not permanently solve the problem of rapidly and continually increasing life expectancy, which would inevitably result in further demands for even more progressive tax increases or benefit cuts (or both) within the relatively near future. This "problem" of increasing life expectancy (actually a great blessing) can only be permanently solved by continually increasing the age of full retirement, and that will require a change in the incentives.

Politicians who refuse to give every worker their share of the Social Security surplus for deposit in their own personal Roth IRA lockboxes are cheating every worker. ❑

*Wall Street Journal, Pozen, R.C., CCXLV #51:A20 (15 March 2005)

The Importance of Henry Hazlitt

by Jude Blanchette

Henry Hazlitt introduced millions to the simple logic of economics. And that is just one of his important contributions to the revival of liberty.

In the hall of great libertarians, Henry Hazlitt rightly sits atop a grand pedestal. To Murray Rothbard he was "One of the most distinguished and productive economists, writers, and intellectuals in this country."[1] Milton Friedman once remarked to Hazlitt that "There are not very many people whose judgment I value as I do yours."[2] Marty Zupan went so far as to say, "If any one person can be said to have kept the idea of economic freedom alive in this century, it is Henry Hazlitt."[3]

Yet for all the praise heaped upon him, Hazlitt is virtually unknown beyond a small circle of libertarians and conservatives. His relative anonymity exists despite the fact that his books have sold well over a million copies. This is one of the most unfortunate intellectual oversights of the 20th century, for Henry Hazlitt's influence was profound: it is no exaggeration to say that the libertarian and conservative movements would have been set back decades were it not for his efforts.

Hazlitt's reputation primarily rests upon his book "Economics in One Lesson." There is probably no other work which has introduced so many to the idea of free markets. It has been in print continuously since its first publication in 1946 and has been praised by Nobel Laureates and laymen alike for its clarity and profundity. Had this been Hazlitt's only book — even his only written work — his name would still resonate for libertarians. Thankfully, this is not the case. Hazlitt lived into his 99th year — 77 of these spent writing. By Hazlitt's own recollection he wrote more than 10,000 "editorials, articles, and columns."[4] These, along with his 19 books, make him one of libertarianism's most prolific writers.

Yet the most striking aspect of Hazlitt's writings is that they were produced within the journalistic mainstream. Unlike many libertarians who remained on the periphery of the intellectual community (or at least spent a good portion of their lives in intellectual exile), Hazlitt wrote widely and regularly for mainstream publications. During most of his career, Hazlitt experienced a remarkable resiliency in a milieu that was hostile (to say the least) towards limited government and the market economy.

While neither mainline media nor dominant intellectual opinion were inimical to those notions when he began his career at The Wall Street Journal at age 19, or even during his work at The Nation and his brief editorship at Mencken's American Mercury, Hazlitt certainly went against established opinion for the twelve years he spent, beginning in 1934, as lead economic editorialist for the New York Times — even at that time the most important newspaper in America.

With the onset of the Great Depression and the New Deal, public acceptance of the market economy had reached its nadir. Belief in the scientific (i.e., political) management of the economy was on the rise. "Planning" was the new euphemism used to describe government's soft socialization of the entire business sector of the United States. Intellectuals, pundits, columnists, politicians, clergymen — just about all good and honest people — seemed to support

the notion that with enough brains, money, and power, the U.S. government could ensure that the calamity of the business cycle would never again occur.

Hazlitt challenged these assumptions almost every day. In editorials such as "Dangers of 'Planning,'" "The Return to Gold," "The Cult of Planning," and "Monopoly under NIRA," Hazlitt thoroughly and persuasively debunked a plethora of economic schemes that were receiving undue attention during the confused decade of the 1930s. And unlike so many who find themselves working for "respected" publications, Hazlitt refused to soften his message and tone: "If we allow economic freedom and self-reliance to be destroyed, the powers standing for liberty will have lost so much in strength that they will not be able to offer effective resistance to a progressive invasion of the fields of personal liberty and freedom of thought and speech."[5]

While it is difficult to estimate the effect these editorials had on the current of ideas, Hazlitt's editorials criticizing the Bretton Woods agreement almost certainly helped to mitigate its harm. Russell Porter, the journalist assigned to cover the Bretton Woods conference, summarized the effect Hazlitt's editorials had on the delegates in a July 27, 1944 letter to Arthur Sulzberger, owner of the New York Times:

"[The editorials] apparently served to stiffen the backbone of our delegation in negotiating with foreign delegations over controversial issues. It gave our negotiators the opportunity, when hard pressed by other nations and groups of nations with insistent demands for concessions, to point to The Times' editorials and say, 'You can see that there is a very important section of public opinion in the United States that thinks we have already gone too far. If you force us to go any further it is doubtful that we can get enough public support to get this through Congress."

Porter continues: "At the beginning of the conference, [American] delegates . . . seemed disposed to agree with almost any foreign demand as long as their pet theories seemed untouched, but at the end, under the steady pounding of The Times' editorials . . . these delegates of ours began to talk more and more in terms of sound and conservative policies and protection of American interests."[6]

It was also during Hazlitt's tenure at the Times that he wrote two very important book reviews. The first, on Mises' "Socialism," appeared on Jan. 9, 1938, introducing Americans to Mises' devastating critique of socialism. It boosted the book's sales and helped to establish Mises' name in the United States two years before his arrival.

Henry Hazlitt's influence was profound: it is no exaggeration to say that the libertarian and conservative movements would have been set back decades were it not for his efforts.

Hazlitt first came across the name of Mises in a footnote appearing in American economist Benjamin Anderson's "Value of Money." As Hazlitt would later recall, "In 1937 I read a review of 'Socialism' in the London Economist. I think they praised it — not extravagantly, but they praised it. The British publisher sent me a copy and I reviewed it in January of 1938. I was terrifically enthusiastic about it, and I said that Mises had written an economic classic in our time."[7] Soon after Hazlitt's review, he and Mises struck up a correspondence that developed into a lasting friendship.

Unlike many libertarians who remained on the periphery of the intellectual community (or at least spent a good portion of their lives in intellectual exile), Hazlitt wrote widely and regularly for mainstream publications.

More than that, however, Hazlitt played an important part in securing a future for Mises after his emigration from Switzerland to the United States in 1940. Mises' widow Margit wrote, "Hazlitt was one of the first people [Mises] met in New York and one of the first to take an active interest in getting [Mises] established in America."[8]

Hazlitt's support of Mises continued until Mises' death in 1973. For most of his life in the United States, Mises held an unpaid, untenured position at New York University. Most of his funding was provided by the William Volker Fund. After the Volker Fund ceased its support of Mises in 1964, Hazlitt, Leonard Read, and Lawrence Fertig took it upon themselves to assure the financial security of Mises and his wife. As Fertig later wrote to Foundation for Economic Education president Leonard E. Read, "As you remember, I am sure, when the Volker Fund abandoned its contribution some four years ago we constituted a Committee of you, Henry Hazlitt and me to make certain that von Mises would continue to have a platform and an influence in this country. After all there is no doubt that von Mises is the outstanding figure in the defense of the free market in the entire Western world."[9] Without Hazlitt's unwavering support, it is doubtful that Mises' 30 years in the United States would have proven so productive.

Hazlitt's other significant New York Times review was of F.A. Hayek's "Road to Serfdom," published on Sept. 24, 1944. Although "The Road to Serfdom" would go on to become one of the most influential books of the 20th century, Hayek initially had difficulty finding an American publisher. As Hayek scholar Bruce Caldwell recently noted, "[Hayek] had a hard time getting an American publisher, but the University of Chicago agreed to bring it out. It was not expected to be a big seller in the U.S. They were figuring that it would maybe sell a couple of thousand copies, but it got very strong write-ups in a couple of the New York newspapers and demand was high for it."[10] While several New York newspapers did review the book, it was Hazlitt's review on the front page of the New York Times book section that catapulted its sales. As Hazlitt remarked in 1977, "Hayek later said to me, 'Your review did more to sell my book than anything else.'"[11] There is no need here to detail the importance of this book in the struggle for liberty.

Hazlitt's review of "Road to Serfdom" even had spillover effects to other countries. The success of Hayek's book spurred a Reader's Digest condensed version. One of the millions who read Reader's Digest was a young Briton named Antony Fisher. Inspired by Hayek's prophetic warning, Fisher visited him at his London School of Economics office where Hayek advised him to create an organization that would appeal to the intellectuals, whom Hayek referred to as the "second-hand dealers in ideas." In 1955, Fisher founded the Institute for Economic Affairs (IEA).

One of IEA's first undertakings was the publication of a short monograph by George Winder entitled "The Free Convertibility of Sterling." Fisher was uncertain about the financial prospects of IEA, so the success of the Winder publication was of extreme importance. Hazlitt, who had befriended both Winder and Fisher, decided to review the publication in his Newsweek column, "Business Tides." Fisher's biographer Gerald Frost notes, ". . . partly as a result of a review by the American economist Henry Hazlitt in his Newsweek column, the entire print run of 2,000 copies was sold within three months."[12] Heartened by the monograph's success, Fisher went ahead with his plan to officially create the institute. Given that it is often said that without IEA there would have been no Margaret Thatcher, Hazlitt's role in the formation of IEA was vital for Britain's move away from the soft socialism of the post-World War II Labour government.

A similar storyline could be constructed back in the United States. Hazlitt, along with John Chamberlain and Suzanne Le Follette, founded The Freeman in 1950. Its first issue appeared on Oct. 2, 1950, and for the next four years it exerted a momentous influence on the conservative and libertarian movement. In part, this was because few publications at that time articulated an explicitly classical liberal position. Also, the quality of the articles and authors appearing each issue separated The Freeman from other libertarian publications of that era. After four years of financial loss and internecine feuding between the principal editors, it was purchased by the Foundation for Economic Education and changed to a less timely monthly format.

Unlike so many who find themselves working for "respected" publications, Hazlitt refused to soften his message and tone.

But the Freeman in its early incarnation had provided several important lessons for future generations of polemic magazines, most importantly National Review. One lesson, as William Rusher concludes in "The Rise of the Right," was "To avoid the fratricidal strife that . . . brought down The Freeman . . . power . . . ought to be vested in a single individual rather than a warring board of directors."[13] In keeping with that, William F. Buckley was sole editor-in-chief.

The Freeman provided Buckley and National Review with a potent mix of writers to draw from. Many of the names that had appeared in The Freeman also showed up in National Review, either as contributors or as editors. The Freeman also gave Buckley a style and look that worked. As George H. Nash writes, "[National Review] was strikingly similar in format to the pre-1953 Freeman."[14]

It is often said that without National Review, there would have been no Ronald Reagan. Considering the importance The Freeman played in fostering an atmosphere in which National Review could begin and thrive, we see, once again, Hazlitt's role in the formation of the conservative movement.

Hazlitt even significantly influenced the careers of those not particularly friendly to liberty. Paul Samuelson, winner of the 1970 Nobel Prize in economics, credits Hazlitt for his entrance to the field. In a 1966 letter to Hazlitt, he wrote, "A writer never knows what his impacts have been. I can say that one of the reasons I decided to go into economics was reading [one of your articles]." Considering the corrosive effect Samuelson's textbook "Economics" has had on generations of students, this is not the happiest chapter in Hazlitt's life story.

Fortunately, one could go on at some length about Hazlitt's influence on the libertarian and conservative movements. He was a founding member of the Mont Pelerin Society, founding trustee of the Foundation for Economic Education, an instrumental figure in the creation of the American Enterprise Association (now the American Enterprise Institute), friend or mentor to Rand, Rothbard, Mises, Frank Chodorov, F.A. "Baldy" Harper, Milton Friedman, John Chamberlain, H.L. Mencken, Hayek, Ronald Reagan, Barry Goldwater, and Robert Taft, among others.

If his life and writings are taken as a whole, Henry Hazlitt deserves far more credit than he has received. While it is promising that his book, "Economics in One Lesson," has never been out of print, Hazlitt will never be fully appreciated until the importance of his entire life is established. Let us hope this situation is soon rectified. ❑

Notes

1. Murray Rothbard, "Henry Hazlitt Celebrates 80th Birthday," Human Events, 12/30/1974.
2. Letter to Hazlitt, dated 6/10/1969.
3. Marty Zupan, "Henry Hazlitt: Reason Interview," Reason, December 1984, p. 36.
4. Henry Hazlitt, "The Wisdom of Henry Hazlitt," (Foundation for Economic Education, 1993), pp. 45–46.
5. "Dangers of 'Planning'," New York Times, 8/12/1934, E4.
6. Letter to Arthur Sulzberger, dated 7/27/1944.
7. Zupan, p. 38
8. Margit von Mises, "My Years with Ludwig von Mises," (Arlington House, 1976), p. 99.
9. Letter to Leonard E. Read, dated 10/4/1967.
10. Nick Gillespie, "Hayek for the 21st Century," Reason, January 2005. Available online at (http://www.reason.com/0501/fe.ng.hayek.shtml)
11. Bettina B. Greaves, "Persona Grata: An Interview with Henry Hazlitt," World Research INK, 11/1977.
12. Gerald Frost, "Antony Fisher: Champion of Liberty," (Profile Books Ltd, 2002), pp. 62–63.
13. William Rusher, "The Rise of the Right," (William Morrow and Company, Inc., 1984), p. 37.
14. George Nash, "The Conservative Intellectual Movement: 1945–Present," (Basic Books, Inc., 1976), p. 148.

Regulating Video Games, *from page 28*

related, as seen in the "Adults Only" rating given to games including nudity and sex). Every time there is legislation pending that would restrict the distribution of their products, pornographers launch a comprehensive public relations campaign: They remind everyone that porn is protected speech; they note that, while they produce adult content, they intend for it to be bought only by adults; they point out that they aren't forcing anyone to buy any of their products; they outline the options available to parents to protect their children from objectionable content; in short, they say whatever they have to in order to ensure that everyone doesn't "know" that pornography is bad. It may be self-serving, as critics claim, for smut peddlers to wrap themselves in the First Amendment, but porn hawks know that if they don't serve themselves, no one else will.

Rep. Linda Chapa LaVia claims with a straight face that a Harvard University study "provides the necessary punch needed" to push aside the First Amendment.

To this point, game makers have relied on the courts to protect them, but the final decision will be made by the public, and that is the venue in which game makers must fight. As cynical as it may sound, video game companies must prepare for a horrible tragedy, because their opponents are surely preparing to exploit one. At every opportunity, they must trumpet everything they have volunteered to do to keep adult games in adult hands, such as their age-check agreements with all retailers and built-in content filters on all hardware. Above all, they must emphasize that parents, not game makers, are responsible for their kids' "cognitive, social, emotional, and physical" development. If parents can't get kids to read a book, talk to others, express their feelings, or go outside, how can they expect video game companies to do it for them? It is the parents' responsibility to determine what is appropriate for their children, and make sure that they hold their children to the standards they have set.

I realize that, to some extent, this involves an implicit acceptance of the notion that the depiction of an act causes imitation of that act — a notion which those who hate censorship must firmly resist in courts of law. But after a horrible tragedy the kangaroo court of the common man will accept that notion explicitly. The question then will not be "How could this have happened?" but "How could you game makers let this happen?" ❑

Coming War in Iran, *from page 30*

equipped to uncover clandestine weapons programs," but believes it can do useful work that makes a clandestine program less likely. At this point, however, "What is in doubt is the ability of the U.S. government to honestly assess Iran's nuclear status and to craft a set of measures that will cope with that threat [Iranian nukes] short of military action by the United States or Israel."

A major deterrent to overt military action against Iran could be the "catastrophic success" of defeating Saddam's regime. Many of the troops that might be useful in Iran are tied up in Iraq just now. And Iran is a larger country, with terrain less conducive to a swift ground invasion, and a larger and probably more effective military than Saddam's Iraq.

That could be part of the reason that neocon armchair strategists emphasize Special Forces, "pinpoint" bombing, support of antiregime dissidents, and covert subversion of the regime rather than an outright military invasion. The use of such tools just might destabilize the mullahs' authority. And if it doesn't, some will say that the case has thus been made that more peaceful options didn't work and it's time for an invasion, perhaps using troops that, in an optimistic scenario, have been freed from constabulary duties by an Iraqi government that can by then handle security problems on its own.

There's little question that Iran, no less than Iraq and perhaps with more justification from an imperial perspective, has been a neoconservative target at least since Paul Wolfowitz's 1992 draft paper, both because of the anti-American nature of the regime and its importance to the Wilsonian neocon dream of transforming the Middle East states into democracies. What is in question is whether circumstances and (lack of) resources will force the administration to stick to encouraging change quietly, seeing whether students and others reform the theocracy or overthrow it from within, or whether the United States, despite a woeful lack of reliable intelligence, gets committed to another military adventure. ❑

Letters, *from page 4*

adherents of non-libertarian ideologies that control it.

The task for the LP is therefore to convince the voters that the society they so desperately long for and which is being withheld from them can be achieved through mass uprising. To advocate anything less would therefore not accommodate the voters, but rather betray them.

It was impossible for most LP members to accept that the voters prefer big, authoritarian government. It was also impossible for most LP members to understand that the average voter fears rapid change, even those voters who sympathize with many libertarian ideas. That is why Harry Browne looked puzzled when David Brin questioned him.

David Hoscheidt
Bloomington, Ill.

Anarchist Socialism

by J. Wm (John William) Lloyd

The years after the Great War were lean ones for liberty. As Progressives tightened the government's grip on citizens' lives, those who should have fought the federal stranglehold fought each other instead.

But some, like John William Lloyd, still believed that all radicals should work together towards freedom. The following is a previously unpublished essay by Lloyd — one of the preeminent anarchists of the early 20th century — edited and introduced by Wendy McElroy.

John William Lloyd was a frequent contributor to Benjamin Tucker's Individualist Anarchist periodical Liberty (1881–1908) through most of its lifespan.

After coming into possession of Lloyd's papers, I transcribed several essays written by him, essays that — as far as I know — have never been previously published. (Lloyd's papers have been donated to the Mises Institute as a contribution to its library.) The following essay "Anarchist Socialism" is undated, but it seems to be have been written during 1914–8. The piece is unedited except for the deletion of passages with material that would confuse the reader: for example, the mention of Lloyd's obscure acquaintances. The punctuation and grammar is sometimes antiquated and remains so due to my reluctance to edit the work of someone deceased.

Despite the word "Socialism" in its title, the essay should be of interest to libertarians. First, it includes a retrospective of Lloyd's own experiences with the 19th century Anarchist movement, including memories of Tucker and commentary on luminaries such as Josiah Warren. Second, Lloyd was the author of several works, mostly of poetry, that were heavily promoted by Liberty; they included "The Anarchists' March," " The Dwellers in Vale Sunrise," and "The Red Heart in a White World." To the extent that there is a poet laureate of Individualist Anarchism, it is surely John William Lloyd.

Third, the term "socialism" as used by the 19th century individualist radicals differed in meaning as dramatically as the word "liberal" today differs from its 18th century usage. As used by Lloyd and his contemporaries, socialism per se — as opposed to State Socialism — did not negate private property or the primacy of the individual but referred more to voluntary, cooperative ventures through which a just society could be achieved. Thus, many of the voluntary communities of early libertarianism could be viewed through either a socialist or individualist lens. To the extent that Individualist Anarchists who sometimes used the label "socialist" had a point of overlap with collectivist-socialists, it is: they agreed with the labor theory of value. Since Individualist Anarchists also insisted on the pri-

macy of contract, however, their position devolved to the statement: interest and rent are invalid practices, nevertheless everyone has the right to make a foolish contract, and no third party has the right to interfere.

As many of you, my comrades, may know me only as a Socialist, and may doubt my qualifications to explain Anarchism, I will say that for some 20 years or more I was a professed and active Anarchist, a constant contributor to Anarchist periodicals, and the personal friend and correspondent of many of the Anarchist leaders of the time. In 1884, when I first publicly announced myself a philosophical Anarchist, Liberty was the leading Anarchist paper in the United States and certainly the ablest one in the world and I became a steady contributor to its columns and the close friend of its editor and owner, Benj. R. Tucker. Mr. Tucker now lives in Europe, but his wife was one of the most intimate friends of my family and his only child is named Oriole, after my daughter. At one time I was the literary editor of Liberty. At another I myself edited an Anarchist periodical, The Free Comrade, which was suspended for a while, and then revived for a short time by Leonard Abbott and myself, as an advocate of the juncture of the Anarchist and Socialist forces. I also wrote and published an Anarchist booklet, "The Red Heard in a White World," and became the leader of an Anarchist group, which was known as "The Comradeship of Free Socialists," and at one time had quite a membership, scattered all over the world. My books, "The Natural Man" and "Vale Sunrise," were Anarchistic. During these years, tho I avoided the platform, I was almost constantly engaged in debate, defending and explaining the philosophy of Anarchism thru the press. I even wrote an "Anarchist's March," which was set to music. I mention all this simply to show you that when I speak of Anarchism, I am somewhat prepared to explain it and do it justice.

Anarchism originated in the United States before the rest of the world had it, and is a logical consequence of fundamental American principles.

First, then, what is Anarchism? It is logical human liberty. It is the ideal of human life without a master. Tucker defined it as "Equal Liberty." Another definition is, "Do as you please at your own expense"; another, "Mind your own business and let your neighbor's alone." The name was first used and applied by Pierre J. Proudhon,* the French philosopher, who derived it from the Greek *an*, privitive, and *archos*, ruler, meaning life without a ruler or government. On this basis the Anarchist founds a whole system of ethics and politics. He identifies crime and government as the same in logical essence, for both are impositions of one man's will on another without his consent. All Anarchists say that liberty and Anarchism are synonyms.

It was a common charge a few years ago, and probably still is, that Anarchism is an imported foreign product and un-American. On the contrary, Anarchism originated in the United States before the rest of the world had it, and is a logical consequence of fundamental American principles; also many prominent Americans have been Anarchists.

Thomas Jefferson, the author of the Declaration of Independence, was so nearly an Anarchist that he uttered the famous aphorism, "The best government is that which governs the least." The Declaration is so nearly an Anarchist document that there is probably not an Anarchist in the world, except the few Nietzscheans, who would reject its fundamental logic. For example: That all men are equal in rights to life, liberty and pursuit of happiness; That governments derive their just powers from the consent of the governed; That whenever any government becomes destructive to the above rights, it is the right and duty of those who have formed it, the people, to take whatever measures may be necessary to secure their own safety and happiness, even to its complete abolition. In other words, the logic of the Declaration is that the individual is sovereign and supreme where he has his true rights, and the government only his tool, which he has made and has a right, therefore, to unmake at his pleasure.

"Individual Sovereignty" was one of the fundamental American watchwords and the whole of Anarchism is logically included in it. So too, all Anarchism is logically contained in the doctrine that governments derive their just powers from the consent of the governed. No Anarchist has any logical objection to a government to which all its members consent; only he carries the logic one step further and says that if the individual withdraws his consent, in that moment the just power of the government over him ceases. So too, all Anarchism is logically contained in the statement that the right of every man to life, liberty and the pursuit of happiness, in his own inoffensive way, is rightfully inalienable. Therefore the American principles are profoundly Anarchistic and the logic of Anarchism is absolutely American.

But the matter was not left simply to logic and doctrinaire deductions. Josiah Warren, direct descendant of that famous General Warren who fell at Bunker Hill, was the real founder of Anarchism and the first Anarchist author. In his work "True Civilization," published, I believe in the thirties [1830s], he took the American principle of Individual Sovereignty and worked it out to its logical ultimates, making the first clear and definite presentation of Anarchist principles the world had ever seen. He also established the first Anarchist group at his colony of "Modern Times" on Long Island. However he did not use the word "Anarchism," which had not then been adopted. At that time many prominent Americans accepted these ideas, either wholly or in part. Ralph Waldo Emerson was the

*Editor's note: The term *anarchy* first appeared in medieval Latin; it was used to mean *chaos*. In the 16th century, French and English superseded Latin, and political philosophers in each country adopted the term directly. William Godwin was perhaps the first to use the term as anything other than an insult, and Proudhon the first to wear it with pride.

most shining example. His writings are full of Anarchist statements of great force, much quoted by Anarchists to this day. His friend, Henry David Thoreau, was a scarcely less illustrious and more militant Anarchist. He went to jail rather than pay a poll-tax to a government that supported slavery. When Emerson heard of it and came to pay his tax to get him out, he said to Thoreau, in his cell, "What Henry, you here!" and Thoreau sarcastically replied, with his quaint Yankee humor, "What, Waldo, and you not here!" implying that to be consistent Emerson would have done the same. And a New England woman, who knew him, told me two summers ago, that his townspeople actually never afterwards asked him to pay a tax. Most of the New England Transcendentalists were more or less Anarchist and so were all Abolitionists, some of whom were radically so, particularly William Lloyd Garrison and Stephen Pearl Andrews. It is noteworthy that the Civil War was more or less avowedly fought over two Anarchist principles, wrested from their context. Thus the North, so far as intentionally Abolitionist, was fighting for the restoration of individuality to the black man, and the South was fighting for the Anarchist principle of Free Secession from an undesired Union.

Warren's most brilliant and influential disciple was Benj. R. Tucker, a man of old New England stock. He was at one time city editor of the Boston Globe. As a translator of French books, he translated some of the most important of Proudhon's works and adopted Proudhon's name, Anarchism, for the philosophy. Proudhon had developed his Anarchism separately, with no knowledge of Warren but probably derived it from the logic of the French Revolutionary slogan of "Liberty, Equality and Fraternity," which perhaps the French had largely derived from the principles of the American Revolution with its Declaration of Independence. At any rate its logic was identical. But somewhere near this time, also independently, a Russian form of Anarchism was originated by Bakounine.

Now developed the first split in the Anarchist movement, which since then has broken up fundamentally into many sects and schools. Warren and Proudhon were intensely individualistic, and Proudhon and Tucker especially detested and fought communism, while the Russians made communism their main principle. Bakounine, Kropotkin, and Emma Goldman, all Russians, have been the great leaders of Communistic-Anarchism, which now has largely outgrown the Individualistic-Anarchistic division in numbers and political importance.

Another split grew up over the question of violence. The Individualist-Anarchists have always stood for an intellectual propaganda and for passive resistance, reserving violence only as a weapon of last and desperate resort.

The Russians have largely advocated, encouraged and winked at terrorism as a means of revolution — "propaganda by deed" they called it. A small group of Americans and foreigners combined, in Chicago, at one time and adopted the Russian communistic and terroristic principles, leading to the calamitous "Haymarket Riot," and the hanging of several of their leaders. Among these was Samuel Parsons, also an American of Revolutionary ancestry. On the other hand, among the Russians, Tolstoy developed an entirely new variant of Anarchism — a Christian and non-resistant form, but still communistic. He declared all violence, even in self-defense, a violation of liberty; even to defend liberty, it was a violation of liberty.

Now another split came among the individualists. These had largely adopted the philosophy of Egoism of the German, Max Stirner, who declared all human life was moved simply by self-interest. Still the Americans did not think this conflicted with their principle of equal liberty, which they declared an enlightened egoism would make every man maintain for his own benefit. But Stirner's most brilliant disciple was the German, Nietzsche, who declared that the law of Nature was that might was right, and that the true Anarchist was the individual who cared consciously only for himself and exploited the world to feed his own individuality who pleased himself and had no law or limit but his own powers. Thru his brilliant and paradoxical genius, Nietzsche exerted a tremendously active influence in the German universities and over the dominating spirits of the world. Theodore Roosevelt is commonly considered among his disciples. So is the German Kaiser and the whole military caste of Germany, and the initiation of the present war is often laid to his door. Napoleon and John Pierpont Morgan could have called themselves Nietzschean Anarchists; or any other utterly unscrupulous exploiter and tyrant might have taken the name.

There was also a small American school whose watchword was "Do as you please and take the consequences!" which they said contained all of Anarchism.

So now Anarchism, today, is curiously broken up into utterly opposing and contradictory schools. This arises from their failure to agree on a definition of liberty. Anarchism, they all say, is liberty, but what liberty is and how best to secure it are the points on which they divide. The Americans and French say that the liberty of the individual is only logically secured by equal liberty of each to be sovereign only over his own. The Russians say that equal liberty can only be secured by the equal sharing of communism the individualists retorting that communism swallows up the individual and digests him into the community. Tolstoy says if you adopt altruism as your method and let your brother do what he pleases without resistance, he will let you do what you please and so equal liberty and harmony will come by the law of Christ. Nietzsche says he is Anti-Christ, ridicules and denounces Christianity, altruism, Socialism, equality, communism and social rights, as all

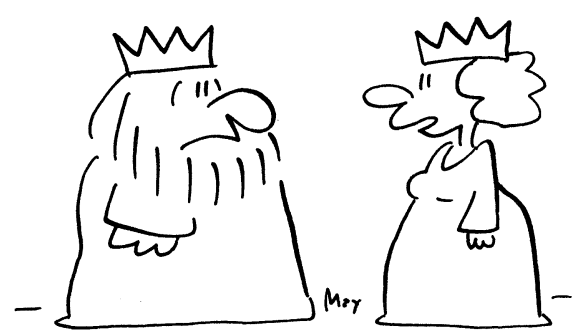

"How can you blame the media? The country is 98% illiterate!"

equally the inventions of the weak to cheat the strong, declares there is no logical liberty but that of the individual to assert himself thru that struggle for existence and survival of the fittest which is Nature's law, and everything but the law of might will fail.

I, in my writings, did not agree with any of these exactly, but endeavored to effect a reconciliation a working combination of individualism and communism the individual to possess and be master of his own personal belongings, but communistic in the larger and social relations.

Again the Anarchists split on the question of property in land. The Individualists held that the only valid title to anything was a labor-title, and as nobody's labor had made the land, therefore it belonged to nobody, but would become the property of whoever occupied and used it just so long as he occupied and used it and no longer. The Communists held that everything belonged to all men equally, the land included. My own proposition was that each man should have a small piece of land, not larger than he could personally occupy and cultivate or use, and a communal right, with all others, in all land not thus individually occupied and used. The Single-Taxers, who, by the way, are largely Anarchistic in theory, agreed with the communists and offered the Single Tax as the best way of equalizing land values and opportunities.

Tolstoy declared all violence, even in self-defense, a violation of liberty; even to defend liberty, it was a violation of liberty.

Despite its differences, Anarchism has had a profound and far-reaching influence on human thought. For personal liberty appeals to every brave and original mind. It is to be noted that Anarchists, just as strongly as Marxians, claim to be scientific. Nay, they claim to be more scientific, because they say they would cut away all artificial supports and privileges and leave man absolutely to the natural laws on which alone science bases itself. All governments, they say, are artificial and interfere with Nature. It must be remembered that in their younger days Proudhon and Karl Marx were friends and agreed up to a certain point, where Marx declared the remedy to be to put all social functions under the government, and Proudhon affirmed that government itself, with its privileges and monopolies and invasions of liberty, was the enemy. In those days both called themselves socialists and Marx called himself a Communist, as witness his famous "Manifesto." Indeed Anarchists still claim to be socialists, a name which the Social-Democrats have no right, they say, to monopolize. All men are socialists, they claim, who are working for the world as it should be, against those who are contented or are contending for the world as it is. They call themselves, sometimes, Free-Socialists, as opposed to what they call State-Socialists that is, those who would create socialism thru political action.

Now for a little personal history. Our secretary [of a local radical organization], Comrade Zeitelhack will remember that when I offered to join the Westfield Branch, I wrote him I was an Anarchist but as there was no Anarchist Group of Single-Tax party here, and as I believed in radicals working together, I wanted to help the Socialists. He met me on the street and told me he did not think there was much difference in the ultimate aims of Anarchism and Socialism and that he would be glad to have me join, and it was on these terms that I was admitted. I had no thought of becoming a real Socialist, but I studied the thought and the literature and in time came to feel that the Socialists had the best of the argument. Anarchist theories were fine and fascinating, but, as most Anarchists rejected voting, majority rule and even suspicioned organization, they were powerless against the growing evils of capitalism. They refused the ballot because they said the bullet was behind it, but as most of them justified the bullet, at least as a last resort, why not use the ballot? I came to see that government was a tool without which, in some form, cooperative action was impossible. Voting and majority rule were natural necessities of collective functioning, and men could act in no other way if they acted together, and I now saw why, in the twenty years I had been with them, the Anarchists had accomplished nothing except to modify the thought of some of the higher minds. I came to think too that there might be times and places where the rights or necessities of the collectivity might be greater than those of the individual. So I ceased to be an orthodox Anarchist. Nevertheless I have never lost my thirst for personal liberty, only I believe now, that if the Social-Democracy can win, it will give to all men greater practical equal-liberty and security than the vague faiths and method, or no-methods of the Anarchists could achieve.

But I believe that Anarchism and Socialism are both needed in human society that they represent two strong trends in human psychology the trend toward liberty and individual variation, and the trend toward cooperation, sympathy and solidarity, and that therefore they should work together. Socialism greatly needs Anarchism as a critic and to keep it from sacrificing the individual and his originality to the domination of the mass. And I have tried, tho I confess with no appreciable success, to effect a compromise, which would permit the essential Anarchist principles of Individual Secession and Autonomy of the Group to be guaranteed under Socialism, claiming that if this were done in the Socialistic Constitution and Platforms, the Anarchists would have no logical ground for keeping out of the Party, which would thus gain a multitude of votes without sacrificing its own principles. Simply an alliance to win, with division of territory and autonomy of method after the conquest of government and the capitalist defeat. ❑

Anarchism, today, is curiously broken up into utterly opposing and contradictory schools. This arises from their failure to agree on a definition of liberty.

Reviews

"Sin City," directed by Robert Rodriguez and Frank Miller. Dimension Films, 2005, 124 minutes.

The New Noir

Todd Skousen

Take the dark worlds of Mickey Spillane, Ed McBain, or even Raymond Chandler and let them simmer for 40 years in their own depravity and you might end up with the yin to the Galt's Gulch yang. A place filled with low-lifes, corrupt politicians, city districts ruled by ultra-violent prostitutes, clergymen who condone cannibalism, and a few heroes and anti-heroes alike. This isn't Spiderman, Superman, or even Hellboy. This is the world of Sin City. Welcome to the last exit before hell.

With the recent advances of computer graphics, Hollywood has finally been able to cash in on the creative superpowers of comic book heroes. Unfortunately, many fans found the tone and artwork of the pulp comics replaced rather than enhanced by big-budget Hollywood effects. For this reason, Frank Miller resisted the big money offered him for the rights to his award-winning "Sin City." It wasn't until filmmaker Robert Rodriguez, known for his action films "Desperado," "From Dusk Till Dawn," and "Once Upon a Time in Mexico," as well as family films like the "Spy Kids" trilogy, approached Miller with a sequence showing his version of Sin City — one that stayed true to the world, artwork, and creator of the comics — that Miller acquiesced. Miller came on the film as a co-director, which forced Rodriguez to quit the Directors Guild due to bylaws prohibiting such a combination on a film of this size. The result is a movie that is the closest adaptation of a comic yet, but is still a mix of successes and failures.

The most striking element of the film is its adherence to the artwork of the books, especially its use of color. Rodriguez shot the entire movie against green screens and then reduced it to the black and white world created by Miller, leaving color intact only to emphasize a particular aspect of the film: a woman's bright red dress and lipstick, a prostitute's golden hair, an evil character's yellow skin. The film opens with an assassin (Josh Hartnett) lighting the cigarette of a woman he has been sent to kill. The fire ignites in an explosion of color, but once it enters the world of Sin City on the end of her cigarette, the color quickly dissipates into black and white. When Marv (Mickey Rourke) thinks he sees his love Goldie (Jaime King), the woman he'd kill anyone to avenge, she appears in radiant light with bright gold hair and a red dress. But as soon as he realizes the girl is actually Goldie's sister Wendy (also played by Jaime King) the color disappears and she fades back into the dark society Marv inhabits. Likewise, when Hartigan (Bruce Willis) sees a girl he once protected (before his eight-year stint in prison) dancing seductively on stage in a local bar, she lights up in saturated color because she was the one thing that kept him going in the joint. This use of color is taken directly from the comics and is one of the film's resounding successes. Never before has a comic-based movie been rendered so closely to its original source material.

The dialogue also reinforces the comic book roots of the movie. In comic books (or graphic novels, as the genre is called), the action is suspended, with a single drawing representing the ongoing action. Dialogue spoken between characters is found in "thought bubbles," often revealing the characters' inner thoughts. The film brings this sensation to the screen by using voice-overs of the thoughts of the characters as they interact. When the over-the-hill honest cop, Hartigan, experiences chest pains while chasing a band of kidnappers, we hear his every thought as he musters his will to

save young Nancy (Jessica Alba) from her captors. At times, the dialogue and voice-overs seem over the top. But the film slowly eases into the new approach, bringing the audience into the comic book world where we are privy to things both spoken and thought. A few of the performances suffer from campy delivery of the cliched dialogue, especially Michael Madsen's as Hartigan's partner, and perhaps also from the strains of acting in a blank room with green walls where the sets are added later. Though it takes some adjustment, the constant voice-overs add a nice layer to the film and enhance our understanding of the characters living in Sin City.

Rodriguez leaves color intact only to emphasize a particular aspect of the film: a woman's bright red dress and lipstick, a prostitute's golden hair, an evil character's yellow skin.

The other notable element of the film is the outrageous violence which dominates it. In changing media from comic book to full-action film, Rodriguez and Miller portray the brutal reality of what is merely suggested in the drawings. Rodriguez is already known for the violent deaths in his action movies, but this movie makes those gun fights in Mexico seem quite tame by comparison. Miller's graphic novels include dismemberment, cannibalism, beheadings, misogynistic beatings of women, and castrations, and these scenes become more gruesome when shown on film. When Marv finds Goldie victim to the cannibal Kevin (Elijah Wood), he goes on a streak of vengeance that makes Beatrix, the blood-soaked heroine of "Kill Bill," look weak-hearted. As he dismembers and tortures his victims, some with a saw and rubber tubing for tourniquets, he states, "Hell will feel like heaven after what I've done to them." We witness Miho (Devon Aoki), a prostitute and assassin, cut off arms, stab assailants through eyes, and chop off skulls with her samurai sword in order to protect prostitute gang turf. If there is any saving grace to all the bloodshed, perhaps it is that the level of violence is not like the brutality of a Tarantino film, because we are always aware that we are watching a comic book world; the color of the blood is not red, the characters are superhuman, and anyone can be brought back from the brink of death and restored. After being hit by a car three times, Marv needs only a beer and about 50 ridiculous white patches to ready himself to kill again. The stinking "Yellow Bastard" (Nick Stahl) is mostly restored after having part of his face, his arm, and even his genitalia shot off. The violence falls in line with the rest of the film as purposely over the top and, well, comical.

While "Sin City" succeeds brilliantly in its style and artistic approach, it fails to create a dynamic and intriguing plot. This is because the directors chose to tell the stories from three of the first four Frank Miller books, which are simply three episodes from the same world, not three stories where the characters interrelate. The stories are put together in a "Pulp Fiction" format with the story being told in a non-linear fashion. The audience expects to discover how the characters relate to one another, but is disappointed when the stories touch each other only in passing. This disappointment is especially felt with Marv, the superhuman, ruthless avenger — the character is played brilliantly by Mickey Rourke, but appears only in the first episode. Because all the characters are given such short scenes, we don't have time to connect with their struggles.

"Sin City" shows us what the future can hold for cinematic adaptations of comic books.

Aside from its few shortcomings however, Rodriguez and Miller's new film shows us what the future can hold for cinematic adaptations of comic books. This movie, for the first time, didn't adapt a comic book to a movie, but instead brought the comic to life. Hopefully, Miller and Rodriguez will do the same for the last three books of the "Sin City" series. ❑

"Explaining Postmodernism: Skepticism and Socialism from Rousseau to Foucault," by Stephen R.C. Hicks. Scholargy Publishing, 2004, 214 pages.

Socialism's Last Bastion

Gary Jason

Over the last 20 years or so the philosophic orientation known as "postmodernism" (or "po-mo," to the cognoscenti) has become the dominant mindset in many humanities departments in American universities, especially in English departments. To the extent that professors in, say, science and engineering departments have heard of postmodernism, it seems mystifying. They see colleagues in humanities departments delivering papers filled with incomprehensible prose, making outré claims (such as that there is no correct interpretation of any text), and offering bizarre courses (such as

the history of comic books). Stephen Hicks, a professor of philosophy at Rockford College, has produced a clearly written, concise book explaining just what postmodern philosophy is and how it arose, and he has done so in an admirable way.

Hicks begins by sketching out in broad terms what modernism is. Modernism is the worldview produced by the Enlightenment over the last four centuries. Roughly characterized, modernism involves naturalism in metaphysics, with the confidence that modern science is capable of, and is actually succeeding in, giving us an understanding of the physical universe. Modernism involves what he calls objectivism in epistemology, meaning the view that experience and reason are capable of gaining real knowledge, although modernist philosophers have hotly contested the specifics of this (with Rationalism, Empiricism, and Pragmatism being the most historically active epistemological schools). Modernism involves individualism in ethics, and a commitment to human rights, religious toleration, and democracy in political theory. Modernism also involves the acceptance of free-market economics and the technological revolution that it has spawned. In sum, modernism is the mindset that is common to the West, the laborious product of many great minds — Bacon, Locke, Descartes, Smith, Hobbes, Spinoza, Galileo, Newton, and Hume, among others. Most of us view this as a considerable leap forward from the Medieval period of supernaturalism, mysticism, excessive reliance on faith, and feudalist political and economic systems.

In the last 30 years or so, however, a group of thinkers have set themselves in opposition to the whole Enlightenment project. These soi-disant postmodernists reject the Enlightenment root and branch. Chief among the postmodern thinkers are Jacques Derrida, Michel Foucault, Jean-Francois Lyotard and (amazingly, an American) Richard Rorty. These thinkers, together with a host of smaller fry (such as Stanley Fish, Jacques Lacan, Andreas Huyssen, Frank Lentricchia and others), have developed a large following in the humanities — especially literature, less so in philosophy — and in the social sciences. They have developed virtually no following in science, math, computer science, and engineering for reasons that will become clear below.

The postmodern mindset views the whole Enlightenment project as a failure. The po-mo view is metaphysically anti-realist and anti-naturalist, holding that the physical universe is not ultimately describable in final terms. It is socially subjectivist in epistemology, holding that the "world" is what we socially construct, and each "group" (racial, gender, linguistic, ethnic, national or what have you) constructs the world according to its group identity. Postmodernists are egalitarian and collectivist in matters ethical and political. (If there are any postmodern libertarians or conservatives, I have yet to hear of them.)

Postmodernism has had a powerful impact on a number of areas of academic study. In literary theory, it has rejected the notion that literary texts have objective meanings open to better or worse interpretation, in favor of the notion that the text is simply a vehicle for the critic to exercise wordplay upon, or to deconstruct and thus expose the racial, class, or gender biases of the author. In law, postmodernists known as Critical Legal Theorists reject the notion of universally valid legal principles and objective legal reasoning, essentially viewing legal reasoning as subjective plumping for one's race, class, gender, or political preferences. In education theory, postmodernism junks the notion that education should develop a child's cognitive abilities and impart factual knowledge to enable her to function as a productive member of our free-market democracy. Instead, the postmodernist believes education should mold a student's racial, class, and gender identity. Postmodernists try to focus on the achievements of women, nonwhites, and the poor, exposing the history of American democracy as a history of oppression, and denying the existence of any objective scientific method. For this reason, natural scientists and engineers find postmodernism silly — try convincing engineers who have successfully sent a robotic probe to the surface of Mars that objectively true scientific laws don't exist. Also, most modern philosophers, who since Descartes have concentrated on epistemology, have tended to view natural science as the most successful knowledge-generating human enterprise, and thus are not inclined to dismiss it lightly.

The failure of socialism, both empirically and theoretically, brought about a crisis of faith among socialists, and postmodernism is their response.

In short, postmodernism is relativism run riot, skepticism on stilts. In terms of the culture wars, it informs the arguments of those who think that American society is inferior to others and on the decline, that there are no "Great Books" of a higher order of merit than others, that science and technology are socially constructed and are not making genuine progress, and that modern free-market economics has lowered living standards. As Hicks notes, there is a contradictory tone to all this — all cultures are equal, but ours stinks; all truth is relative, except the unquestionable po-mo truth; no race, class or gender is super-

"You never drag me anywhere anymore!"

ior, but middle class white males are clearly inferior; and no books are superior, except, of course, those by third-world authors. Where does this farrago of resentment come from?

Hicks rightly views postmodernist philosophy as the most recent manifestation of the reaction against the Enlightenment, what we might call the Counter-Enlightenment. The Counter-Enlightenment in Hicks' view goes back at least to the work of Kant and Rousseau in the 18th century. The epistemological and metaphysical side of the Counter-Enlightenment Hicks traces back to Kant. Kant, Hicks claims, should not be considered an Enlightenment advocate of reason, for he held that we can know only the phenomenal realm, i.e., the realm of what we directly experience via the senses, while the noumenal realm — the "world-in-itself" — is beyond our knowledge. The mind has built-in organizing features (causality, temporality, and so on) which it imposes upon the raw input of the senses to construct the world of experience. Kant begot Hegel, who sought to fuse the phenomenal and the noumenal realms — viewing reality as being ultimately all mental or spiritual (metaphysical idealism). Hegel's ideas certainly informed Marx's philosophy, contributing to the rise of collectivism. But Kant also begot the strain of irrationalist philosophers, most importantly Schleier-macher, Schopenhauer, Nietzsche, and Kierkegaard. This strand of thought attempts to get around the Kantian problem of reason's inability to apprehend the noumenal world directly by thinking that intuition or other non-rational approaches (leaps of faith or superhuman acts of will) will bridge the gap.

Hicks focuses upon two strands of 20th century metaphysics and epistemology as direct precursors of postmodernism. He discusses Heidegger in some detail, appropriately, given that Derrida and Foucault describe themselves as followers of Heidegger. Heidegger grounded his philosophy in phenomenology, the close examination of the given field of immediate experience. He came to the view that logic and reason are impotent in answering ultimate metaphysical questions, leaving dark emotions such as boredom, guilt, and dread as the only tools, and reaching a metaphysical nihilism in which pure Being and pure Nothing are one and the same. Heidegger thus provides the postmodernists with some of their core beliefs: that reason and logic are subjective and metaphysically sterile; that words and concepts are obstacles to be destroyed or unmasked; that feelings are a more reliable tool than logic and scientific method; and that the Western philosophic tradition (based upon the law of non-contradiction and the subject-object distinction) is something that needs to be overcome. As Hicks notes:

> The postmodernists will effect a compromise between Heidegger and Nietzsche. Common to Heidegger and Nietzsche epistemologically is a contemptuous rejection of reason. Metaphysically, though, the postmodernists will drop the remnants of Heidegger's metaphysical quest for Being, and put Nietzschean power struggles at the core of our being. And especially in the cases of Foucault and Derrida, most major postmodernists will abandon Nietzsche's sense of the exalted potential of man and embrace Heidegger's anti-humanism. (p. 67)

The question arises, then, how can a philosophic trend so rooted (or mired) in the Continental tradition of Kant, Hegel, Marx, Nietzsche, and Heidegger come to be so attractive to the American academy — indeed, apparently now more the stronghold of postmodernism than Europe, its birthplace — given the Anglo-American tradition of Enlightenment empiricism? Hicks rightly puts the focus on the collapse of the logical empiricist project. Hicks briefly surveys the rise of logical empiricism from its early sources in the advances in modern logic by Frege and Russell,

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

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and the work of the Vienna Circle, to its demise at the hands of Hanson, Feyerabend, Quine, and Kuhn. The logical positivists had attempted to rigorously analyze scientific method

All cultures are equal, but ours stinks; no race, class or gender is superior, but middle class white males are clearly inferior; and no books are superior, except, of course, those by third-world authors.

and the structure of knowledge using the tools provided by modern symbolic logic, but their program was demolished in the 1950s and 1960s. This left a vacuum which attracted skepticism. That vacuum, together with the work of Kuhn and Quine — which gave perspectivalism a rebirth in an analytic context — provided the soil for anti-Enlightenment epistemology to flourish.

Turning from metaphysics and epistemology to politics, Hicks notes that postmodernists aren't just skeptics who vary in their political beliefs. No, postmodernists are all committed leftists. The fact that postmodernists are uniformly drawn to collectivism is even more puzzling, given that socialists have traditionally, a la Marx, argued that socialism is scientific, while postmodernists view science with contempt, and worship subjectivity and irrationality. Hicks explains this in detail over several chapters by exploring an external factor, namely, the collapse of socialism in theory and practice. Postmodernism is a fusion between Leftist politics and skepticism. But the dream of socialism died in the latter half of the 20th century. Socialism was tried in a variety of forms, from Leninism to National Socialism to Maoism and so on, with the clear result that, far from being superior to capitalism, it is completely inferior. Socialism promised to free workers from capitalist bondage, but it chained them to the means of production they purportedly owned. It promised to outproduce capitalism, but the prosperity achieved by capitalist economies totally eclipsed the poverty wrought by socialism. Socialism promised to usher in an era of peace and humane values, but it delivered decades of police states and gulags. Free-market democracy, i.e., classical liberalism, won decisively in the developed world, and is rapidly transforming the rest of the planet as well.

The failure of socialism, both empirically and theoretically (once Mises demolished socialist theory with his publication of "Socialism" in 1920), brought about a crisis of faith among socialists, and postmodernism is their response. Hicks puts it well:

> Postmodernism is born of the marriage of Left politics and skeptical epistemology. As socialist political thought was reaching a crisis in the 1950s, academic epistemology had, in Europe, come to take seriously Nietzsche and Heidegger and, in the Anglo-American world, it had seen the decline of Logical Positivism into Quine and Kuhn. The dominance of subjectivist and relativist epistemologies in academic philosophy thus provided the academic Left with a new tactic. Confronted by harsh evidence and ruthless logic, the far Left had a reply: That is only logic and evidence; logic and evidence are subjective; you cannot really prove anything; feelings are deeper than logic; and our feelings say socialism. . . . Postmodernism is a response to the crisis in faith of the academic far Left. Its epistemology justifies the leap of faith necessary to continue believing in socialism, and the same epistemology justifies using language not as a vehicle for seeking truth but as a rhetorical weapon in the continuing battle against capitalism. (90)

I have a few slight quibbles with Hicks' book. First, he has a tendency to blur the distinction between a skeptic, accurately so called, and a failed anti-skeptic. The difference is important in historical exegesis. Descartes tried mightily to devise a theory of knowledge that would do justice to the rapidly rising scientific revolution of his time — a revolution to which he himself was a tremendous contributor. But his program — pure Rationalism, at least as it's coquettishly flaunted in the "Meditations" — clearly failed. Locke, following Bacon and Hobbes, tried to devise an Empiricist epistemology that would do justice to the scientific revolution — an epistemology that ultimately failed to refute skepticism, as Hume so deftly demonstrated. Locke and Descartes failed to refute the skeptic — but not for lack of sincere effort. It is with this understanding that we need to look at Kant. Kant was no anti-objectivist crypto-skeptic. He truly was challenged by Hume's devastating skepticism (which roused him from his dogmatic slumbers, as he put it). His epistemology was a brilliant attempt to answer Humean skepticism. That later philosophers, most notoriously Nietzsche, used it to devise a perspectivalist skepticism shouldn't lead one to think that Kant would have been at all sympathetic to it.

Second, Hicks might have looked a bit more at the pragmatic tradition. This epistemology reached its apogee

Natural scientists and engineers find postmodernism silly — try convincing engineers who have successfully sent a robotic probe to the surface of Mars that objectively true scientific laws don't exist.

in the work of C. S. Peirce, who called himself a pragmaticist to distinguish his thought from people such as James and Dewey.

Pragmaticism is a very novel and reasonable stab at combating skepticism, with a more realistic approach to scientific enterprise. Unlike Rationalism, Empiricism, and even Kantian Perspectivalism, Peirce (a prolific polymath who actually did scientific research) gave up the idea of founding knowledge on certainty. Instead, he noted that knowledge, while real, is inherently fallible. Pragmatism of

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Peirce's sort is absolutely unsympathetic to the po-mo pragmatism of Rorty.

Third, Hicks leaves things hanging, epistemologically speaking. Yeah, okay, the cheap, trendy collectivist skepticism of postmodernism is silly, in the face of the continuing global advance of scientific knowledge, new technology, free-market economics, and political democracy. But does anyone yet have an adequate account of the nature of knowledge and scientific method that Hicks can recommend?

But I ought not wax churlish. Hicks has written a lucid and readable book explaining an influential, albeit puzzling, intellectual phenomenon. He has a balanced internalist and externalist approach, discussing the narrow evolution of ideas within philosophy and the wider influence of political and economic trends on the evolution of those ideas. His book deserves a wide audience. ❑

"The Golden Age," by John C. Wright. Tor Books, 2002, 304 pages.
"The Phoenix Exultant," by John C. Wright. Tor Books, 2003, 304 pages.
"The Golden Transcendence," by John C. Wright. Tor Books, 2003, 352 pages.

Freedom's Farthest Future

Mark Rand

John C. Wright's trilogy beginning with "The Golden Age" is a space opera set in a distant, almost utopian future. In the first book, Phaethon of Radamanthus House discovers that his memory has been partially erased, and sets off to find the cause. Ultimately he is drawn into a battle over the fate of the entire solar system.

Why on earth does this merit a review in the pages of Liberty?

First (and not yet answering that question), the books are ripping good reads, despite the fact that the plot — like the plot of most novels — can be reduced to a stock formula that has been used before and will be used again. Wright creates a rich and fascinating universe, filled with a dizzying array of technological marvels, but manages to keep the setting subservient to the story. The characterization is solid, the pace brisk, and the plot twists both plentiful and fair (no deus ex machina here).

Second, and more to the point, the books are written " . . . as a rebuke to 'Last and First Men' by Olaf Stapledon," according to Wright,* because "[a]s much as I admire him, Mr. Stapledon and I are philosophical foes. At the zenith of his human evolution . . . [is] a communist utopia with no private property; at the zenith of my human evolution . . . is a libertarian utopia with no public property." This complete absence of public property has obvious ramifications and implications, which play important roles in the development of the story.

"The Golden Age" wastes no time easing the reader into the setting. The level of technology that exists, and its ubiquity, is illustrated by simple observations of Phaethon's daily activities. It has become common practice to augment one's intelligence through a computer interface so seamless that it is indistinguishable from one's own mind; also, many people have elected to genetically engineer themselves in ways limited only by their finances, their imaginations, and the laws of physics. Humans being what they are, the results are sometimes very alien, although it is noteworthy that this series has no actual aliens.

Phaethon, a wealthy planetary engineer, is attending a party when he encounters someone who identifies himself as an old friend. Phaethon doesn't recognize this person, and thinks the man's claim that Phaethon's memories have been altered is ludicrous. After all, one of the benefits of his computer augmentation is a regular backup of his entire mind. It's simple enough to verify his memories. Still, the very ease of refuting the claim gives Phaethon pause — why, he wonders, would anyone try to deceive him in such a foolish manner? He is amazed to discover not only that his memory has been altered, but that he has consented to the alteration. Furthermore, he learns he is not the wealthy pillar of society, but a pariah, living on the dole of his father, and only tolerated by his peers as part of some inexplicable plea bargain. If he restores his lost memories, he will be exiled.

Fortunately for Phaethon, he lives in a society ruled by law, not by men. The terms of his Faustian plea bargain are contained entirely in the contract he signed, and they do not preclude him trying to reconstruct his memories the old-fashioned way. The governing body (I use the term loosely) wants Phaethon to avoid the whole subject, but its power is strictly limited to enforcement of contract.

The frustration and impotence of the council members (major monopoly holders collectively known as the Seven Peers) can hardly fail to warm a freedom lover's heart. Wright uses this opportunity to describe the law of the land, which boils down to absolute property rights, including the freedom to enter into any contract, under any terms to which the parties agree.

Wright avoids the trap of decreeing his preferred system of government a

*All quotations attributed to Wright in this review are taken from an interview available at http://www.sfsite.com/05a/jcw127.htm

panacea for all the evils of the world. It is a serious literary failure to ignore man's natural tendency to attempt to shape his environment to his benefit. For example, we repeatedly see socialist utopias where everyone cheerfully does his best to contribute to the common good, and the only rational behavior in the book is exhibited by the villain. Wright gives us a world where it is quite clear that people behave like people, i.e., pursue their own interests. Thus we have monopolies, fraud, deceit, espionage, sabotage, attempts to increase the scope and power of government — in short, realism in a fantastic setting.

Phaethon discovers after many twists and turns that his "crime" was his intent to explore interstellar space, and his creation of a ship with which to do so. The Peers claimed this could upset the stability of civilization, but what they actually feared was that Phaethon's venture would imperil their economic dominance. Phaethon still cannot fathom why he agreed to have his memories erased, and the first book ends with him preparing for exile and restoring his full memory.

Wright creates a rich and fascinating universe, filled with a dizzying array of technological marvels, but manages to keep the setting subservient to the story.

Like Ayn Rand's Howard Roark, Phaethon will have his goal or nothing at all.

The second book of the trilogy, "The Phoenix Exultant," covers Phaethon's quest to get his ship back. This is made problematic by his physical and economic exile, the form of which is logically connected with the structure of the society. The Peers monopolize the supply of essential commodities, including food and energy, and through various contractual agreements including restrictions on resale, they make it impossible for Phaethon to procure any of their products.

In order to survive and continue his quest, Phaethon must descend into what might be described as a subsociety — those who found unacceptable even the minimal level of government that Phaethon lived with, as well as other exiles. Once again, there is a realistic economy extant, and Phaethon must barter his knowledge and skills for the supplies he requires.

Phaethon comes to suspect that someone or something is actively trying to destroy him. While trying to pin down his suspicions, he meets Atkins, who is the military. Not a member of the military — Atkins is the entire military. The military is largely viewed as a symbolic gesture, a remnant from the ancient past, and many doubt that it really exists. From whom would an army defend? Atkins does exist, and he has access to the best weaponry available. Atkins' arrival suggests that he also suspects a foreign agent. Atkins and Phaethon form something of an anti-team, cooperating though working towards different goals. Phaethon wants his ship, and wants to know why he seems to be in someone's cross hairs. Atkins wants to identify what seems to be a threat to the society he serves, and neutralize it.

Phaethon's wife, Daphne, also plays an important role in this book

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and the next. Some reviewers have criticized the relatively Victorian relationship between Phaethon and Daphne, and what they regard as the excessive influence of our era on the structure of theirs. It's a reasonable criticism, I suppose, but in designing a new world it also seems reasonable to keep nonessential elements familiar rather than introducing endless explanations of new social conventions. And in Wright's words, "I find it frankly ridiculous to read SF tales where no one seems to know about World War II, not to mention the Crusades or the Peloponnesian Wars. These are going to be our children. Will we truly teach them nothing at all? (Public school teachers need not answer the question; I am familiar with your work.)"

The third and final book, "The Golden Transcendence," reveals who is hunting Phaethon, and why. Phaethon's enemy, Xenophon — the agent of a group that left Earth ages ago — plans to use Phaethon's ship to attack Earth at its most vulnerable moment. We all know (or think we know) the end result, but to his credit, Wright comes up with surprising twists, and manages to maintain suspense. Xenophon argues that Phaethon is on the wrong side — after all, the society Phaethon is trying to save has exiled him for exercising the freedom it supposedly cherishes. Xenophon claims he is trying to liberate a society enslaved and brainwashed by the Seven Peers, and offers to prove this to Phaethon. At this point, the reader is subjected to a battle of polemics on the nature of freedom and society. The arguments are interesting, but they seem artificial, and slow the story considerably.

The society Phaethon is trying to save has exiled him for exercising the freedom it supposedly cherishes.

But this is a minor complaint, and should not take away from what Wright has accomplished: an absorbing blend of philosophical discourse and fictional narrative that can be read either for enjoyment of the story, or contemplation of the future of libertarianism. I enthusiastically recommend this trilogy. □

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"Melinda and Melinda," directed by Woody Allen. 20th Century Fox, 2005, 100 minutes.

It's the Outcome, Stupid!

Jo Ann Skousen

What is the difference between comedy and tragedy? Woody Allen explores this question in his latest film, "Melinda and Melinda." The premise, at least, is promising: half a dozen friends are enjoying dinner together (in Manhattan, of course) when two of them, one a writer of comedies and the other a writer of dramas, hypothesize how they might turn the anecdote just told by a third diner, about a girl who showed up unexpectedly at a dinner party, into two different scripts. From this premise the film moves fluidly between the story as it might appear in a tragedy, and the story as it might appear in a comedy, with occasional interruptions as the dinner guests discuss the writers' unfolding storylines.

This self-conscious look at the writer-in-progress is artistically intriguing, but the resulting film is dramatically unsatisfying. Its constant reminder that this is only fiction prevents audiences from becoming emotionally engaged in either plot. Perhaps it is because we don't really see the stories unfold; we just hear the characters talk about them. Creative writing teachers constantly remind us, "Show, don't tell," but Allen tends to have his characters talk about their lives, instead of letting us experience those lives along with them. Moreover, genuine tragedy is not merely dead bodies at the end, or pity over love's labors lost, but a sense of a great person having fallen through missteps and bad choices. But Allen's characters lack the stature to inhabit true tragedy, or the zany misunderstanding of good comedy. Thus the audience experiences neither a joyful sense of triumph at the conclusion of the comedic version, nor a painful catharsis at the conclusion of the tragic one. Perhaps the one indirect tragedy of the film overall is watching Will Ferrell play the part that Allen clearly wrote for himself. Ferrell does an adequate job as the bumbling comedic protagonist, but it's almost disconcerting to hear him speak the words that should be coming from that meek, owl-eyed face. Woody Allen fans can't help but think, "if only!" "If only" carries the plot of great tragedy and the inexorability of aging may be the truest tragedy highlighted by this film. "We laugh because it masks our terror about mortality," one of the characters says, and this seems to be true for Allen.

The interior storylines of the film are lightweight and fluffy, hardly memorable after one leaves the theater, but the concept of those twin

masks, tragedy and comedy, is intriguing. "The essence of life is comic, tragic, or absurd," one dinner guest opines, placing the writer just a little below the gods in cosmic importance. Another suggests that the difference between the two is, ironically, "tragedy comforts, comedy escapes." "Are those tears of sorrow or tears of joy?" one character asks, and the other responds, "Aren't those the same tears?" Aristotle would probably agree. In the earliest form of drama, the difference between comedy and tragedy was "outcome, purely outcome," as one of my literature professors used to say. Comedy and tragedy both rely on similar plot devices of mistaken identity, misunderstood actions, and partially overheard conversations. In a comedy we laugh at the foibles and misfortunes of the main characters because we know that it will all turn out right in the end, and everyone will find true love. In a tragedy, we weep at the "if only's" that prevent a happy ending. If only Romeo had waited for Juliet to awaken, we sigh; if only Macbeth had not listened to his wife; if only Othello had realized that Cassio was speaking of Bianca, not Desdemona. But we laugh heartily when Lucy thinks Desi bought pearls for another woman, when Chrissy thinks Jack is getting a vasectomy, or when Costello thinks Abbott is hiding in the bear skin, because we know it will all turn out fine in the end.

Comedy and tragedy both rely on similar plot devices of mistaken identity, misunderstood actions, and partially overheard conversations.

A perfect example of genre being controlled entirely by the ending is Charles Dickens' "Great Expectations." Like many Victorian novels, Dickens' masterpiece was written and published in 18 fortnightly installments, as a continuing serial in the magazine All the Year Round. Dickens intended for this autobiographical work to end tragically (and realistically), with Pip missing out on the opportunity to marry his one true love, Becky. He travels the world a sad and lonely man, never to marry again. This was an apt punishment for making the mistake of marrying the wrong woman, even though Pip's wife, "Dumb Dora," was conveniently killed off midway through the story. Publishers knew, however, that their Victorian audiences did not care a whit about realism, and they had not been waiting nine months to be let down; they demanded a happy ending. Dickens wasn't happy about it but he complied, writing a final chapter for the magazine that found Pip and Becky living blissfully ever after, and voila! tragedy becomes comedy. (Several modern editions include the original ending as an appendix.)

Shakespeare is probably a more apt model than Dickens for Allen's muse in "Melinda and Melinda," where the stories unfold quite differently. Indeed, Allen alludes to "King Lear" and "Richard III" in several instances, perhaps in a deliberate attempt to elevate himself to the same bookshelf. Allen's twin plots are only thematically alike, in that both begin with a girl arriving unexpectedly at a dinner party (Melinda, played by Radha Mitchell); both Melindas are running away from bad relationships; both dinner-party hostesses set Melinda up with a blind date; and both couples become entwined in Melinda's love life. But the story lines veer in different directions. Similarly, Shakespeare often reworked familiar storylines, exploring themes in opposing ways in his parallel plays "Midsummer Night's Dream" and "Romeo and Juliet", and "Measure for Measure" and "Othello," for example.

"Midsummer Night's Dream" and "Romeo and Juliet" are both based on the myth of Pyramus and Thisbe, in which two young lovers are forbidden to marry because of family differences (in "Midsummer Night's Dream" a group of traveling actors actually produces Pyramus and Thisbe as a play within the play, creating a deliberate allusion to the myth). In "Romeo and Juliet," nothing works out, and as the "if only's" mount up, the "star-crossed lovers" die tragically. The characters in

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"Midsummer Night's Dream" are also forbidden by their parents to marry, and like Romeo and Juliet they steal away to marry secretly. But through a series of comical misidentifications and farcical "if only's," a little bit of magic and woodland nature ultimately bring the lovers together, with their parents' blessings. Three weddings occur in the end, and another couple kiss and make up. Is it any wonder that this is one of Shakespeare's most often produced plays?

Similarly, "Othello" and "Measure for Measure" both deal with rumors of infidelity, both plots are manipulated by an evil mastermind, and both plays are populated by prostitutes and nobility whose lives intertwine. Othello, the tragic hero, is presented with numerous opportunities to open his eyes, recognize Desdemona's virtue, and reject the lies with which Iago poisons his mind, but each time he yields to the evil manipulator. By contrast, Isabella is able to turn the tables on the vile Angelo, retain both her virtue and her reputation, save Claudio, and marry the man she loves (in fact, everyone marries someone, even the prostitute). "Measure for Measure" is a dark comedy, not raucous and frolicking like "Midsummer Night's Dream" or "Merry Wives of Windsor," and its themes are often troubling, especially for modern audiences. But it is technically a comedy because the "if only's" turn into "thank goodnesses," no one dies, and everyone gets married in the end.

Ultimately, the "tragedy" of "Melinda and Melinda" is that, like so many of Woody Allen's later works, it is neither tragedy nor comedy, but another failed attempt to regain his former glory. Allen holds an important place in the Cinema Hall of Fame, but tragically his best work seems to be behind him. His last several films simply aren't worth the time to see them, except in talking about what they might have been, and remembering what he used to do ("Annie Hall," "Sleeper," "Bananas," etc.). In that sense, I guess, we see a fallen hero, brought down by his own reluctance to leave the stage. □

Reflections, *from page 16*

cashmere, she is still a statuesque Barbie doll. Between the creamy white spandex, blue eyes sparkling against lavender cashmere, she is still a statuesque Barbie doll. Between the lines she is telling us: don't envy me because I'm beautiful, I have bulimia.

Aghast at video footage of herself acting like an ass on a North Vietnamese antiaircraft gun, she comes off lame, blaming it on the mean media who showed up that day. She says when she saw them all there that day, she should have known they were there to ruin her life. She mumbled something about being "set up there on that antiaircraft gun." When she talks about that incident, she speaks in the passive voice. In truth, those of us who saw Fonda's speeches back then know that she was an incredibly strong and powerful woman who was quite articulate in her antiwar views, which at times bordered on being pro-communist. She should be forgiven, I think, for her days as Hanoi Jane, due to her tender age and inexperience, and because her foolishness was overshadowed by the sins of the men who ran the war. Insane actions led to extreme reactions, and she really was caught up in a cultural riot.

What Fonda shouldn't be excused from is her continuing insincerity. She still blames the men in her life for everything that has ever happened to her — including going out on her own and procuring women to surprise Roger Vadim for the threesomes she brought to the marriage bed. "Did you enjoy it?" asked Paula Zahn. Oh, I don't know, Jane said. "I was numb. I would drink first." Is she lying to us or to herself, I wondered. Us, I decided.

Fonda never really did anything, meant anything, believed anything, enjoyed anything — everything just sort of happened to her. Her political radicalism? Tom Hayden's fault. Her sexual adventurousness? Roger and Ted. The only thing she did totally of her own volition was become a good girl, a closet Christian. If Ted had known, she explains, he would have talked her out of it. The poor thing is just putty in the hands of any man who happens by.

Insincerity rains down as she speaks of herself as an old jalopy that's losing fenders, and about how she wishes she had just lived a life where she had been with the same husband for 40 or 50 years in the same interview as she relishes dishing about the ongoing adventures of Ted and Jane. Yes, she still sees Ted Turner, she giggles. She has lunch with his new "first girlfriend," and they exchange owner's manuals and laugh. She wants to be a bad girl who led a wild and exciting life full of drama and adventures — political, sexual and spiritual. She wants to please us. No one ever said she wasn't a great actress.

Maybe next time around Jane will get real.

— Sarah McCarthy

Federalism, when we feel like it — Was anyone else bothered by the intellectual inconsistency of Terry Schiavo's "let the parents decide" advocates? Many have called them hypocrites, on the basis that Schiavo parental decision advocates were attempting to exploit a situation for political benefit. That is not the point here.

Rather, it is that social conservatives could well argue that opposing the decision of Mrs. Schiavo's husband to discontinue intravenous feeding was the "liberal" (in a 20th century sense) course of action.

The question was not whether she was brain dead enough to allow discontinuation of intravenous feeding. This had long been established. Our society is reasonably tolerant of individuals' families making the decision on when to terminate life support. The question was who should make this decision — the husband or the parents? Until now, social conservatives would almost always support the husband's decision.

With respect to the larger issue of abortion — for which the Schiavo matter was undoubtedly a proxy — social conservatives usually support states deciding their own policies. *Roe* v. *Wade*, they argue, takes power away from the states in violation of the 10th Amendment. But nationalizing the Schiavo decision to let her parents decide would have struck a grave blow against states' rights, and undermined conservatives' hopes of seeing *Roe* overturned. — Alan Ebenstein

Terra Incognita

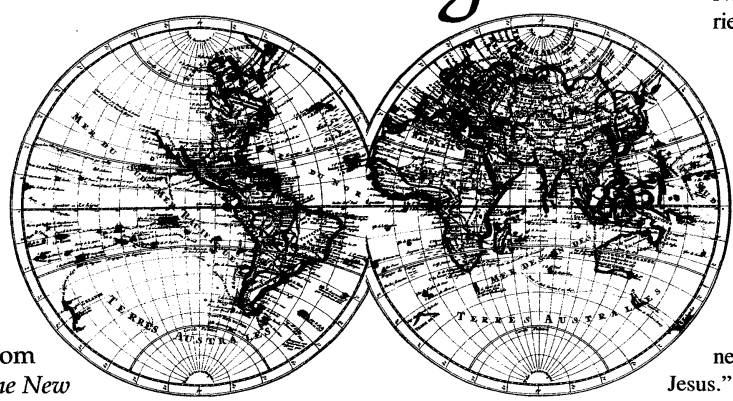

Troy, Ohio

A variety of innovations in the war against civil nuisances, from the *Columbus* (Ohio) *Dispatch:*

Ohio police took Haley Dawson's identity, driver's license, and Social Security Number, and gave them to Michelle Szuhay, a criminal-justice student recruited to work undercover as a nude dancer.

For three months, Szuhay received $100 a night to strip at Total Xposure while liquor-control agents drank beer and watched from the audience. Other officers watched her strip on the Internet, using an account created under the identity of a dead man.

Miami County Prosecutor Gary Nasal pointed to a change in Ohio law used to fight identity theft and credit card fraud, claiming it allows police to assume anyone's identity as long as it's for an investigation.

Brooklyn

The thin blue line that separates society from chaos, as reported by *The New York Post*:

On March 8, a police officer emerging from an unmarked car shouted at Howard Lewis "Get over here! Take your hands out of your pockets!" Lewis, who was helping his daughter Grace Marie sell Girl Scout cookies, fearing that the officer was an impostor, ordered his daughter into his van where his multiple sclerosis stricken wife was sitting, and went over to the police officer, who slapped him with a summons, which read, in part, "Defendant observed offering for sale cookies w/o being properly licensed." In response to press inquiries, "police sources" said that officer had not wanted to ticket Lewis, but "was strong-armed by his superior."

London

Progress in the War on Incivility, from *The Herald* (U.K.):

Former Sex Pistols bass-player Glen Matlock has called for restricting swearing on television. Matlock had become famous for repeatedly using the word "fuck" on British television nearly 30 years ago as a publicity-seeking bass-player for the rock group "The Sex Pistols."

Ocala, Fla.

Society is served and protected yet again, from a report in the estimable *Gainesville Sun*:

Two boys drew primitive stick figure scenes on scrap paper that showed a 10-year-old classmate being stabbed and hung, police said. The boys, aged 9 and 10, were arrested and taken away from school in handcuffs. They were charged with making a written threat to kill or harm another person, a second-degree felony.

Lynnwood, Wash.

The perils of suburban pet ownership, from the *Snohomish County Times* bureau:

Deborah Linnell was sentenced to three days in jail, as punishment for a misdemeanor "animal-at-large" citation for allowing her dog to escape from her back yard.

Vermillion, S.D.

Advance in olfactory aspects of religious practice, witnessed by the *Yankton Daily Press & Dakotan*:

You can find candles with just about every fragrance imaginable, from blueberry to ocean mist to hot apple pie. Now there's a candle that lets you experience the scent of Jesus.

Light up the candle called "His Essence" and its makers say you'll experience the fragrance of Christ. Bob Tosterud and wife Karen say the formula is all spelled out in Psalm 45.

"You can't see him and you can't touch him," says Bob Tosterud. "This is a situation where you may be able to sense him by smelling. And it provides a really new dimension to one's experience with Jesus."

Los Angeles

Setback in the War on Terror, from the *Los Angeles Times*:

Officers from the Los Angeles Police Department's K-9 explosive detection unit left a bag containing explosive powder unattended at Los Angeles International Airport after a training exercise. A bomb-sniffing dog failed to detect the explosives and an airport police officer opened the bag in the presence of passengers, prompting officials to clear the area.

"It was unfortunate that this happened, and there will be an investigation to figure out who was responsible for what," said John Miller, chief of the LAPD's counterterrorism bureau.

Snohomish, Wash.

Victory in the fight against clothing harassment, from the *Seattle Times*:

When Justin Patrick wore his "SNOHOS" T-shirt to school, he was suspended for sexual harassment. School officials said "Snohos" contained a slang term for prostitutes and was derogatory towards women.

The Snohomish School District website refers to the football team's "SnoHo" traditions, and the school's yearbook depicts "Snoho Mojo."

Imperial, Pa.

Innovation in defense technique, from the *New Pittsburgh Courier*:

Former Chief of Police Darryl Briston tried to eat a piece of evidence — a receipt — at a court hearing here. A state trooper intervened to prevent the destruction of evidence. Briston was later charged with aggravated assault and tampering with evidence.

Special thanks to Russell Garrard, Philip Todd, Patrick Quealy, and Luther Jett for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

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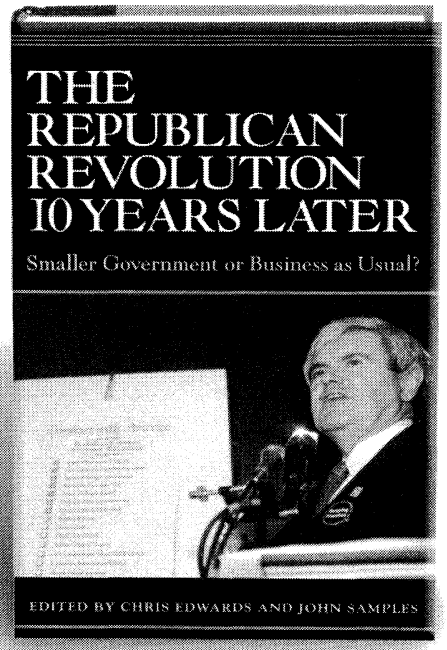

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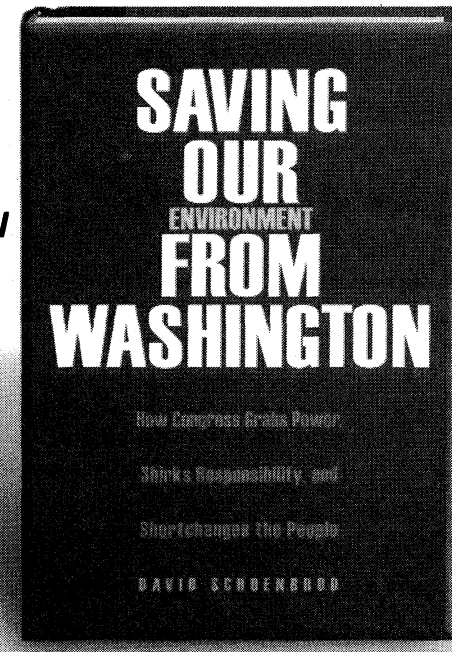

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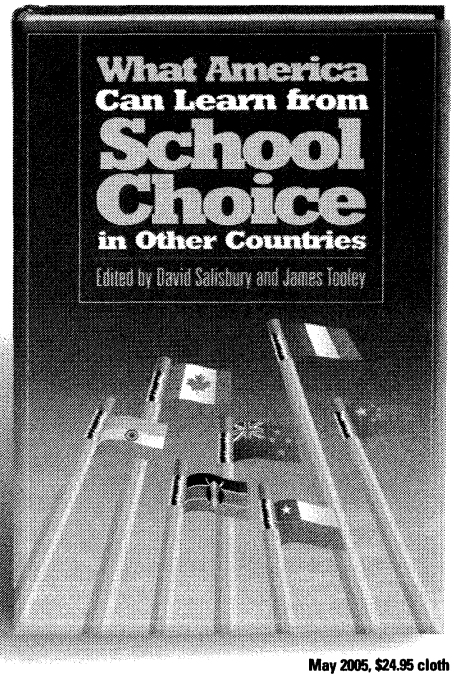

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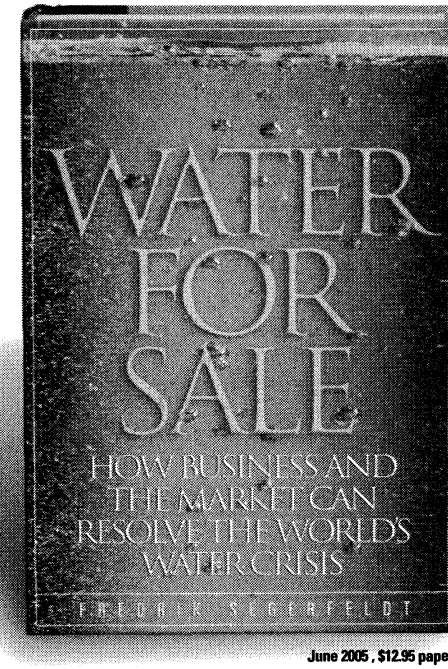

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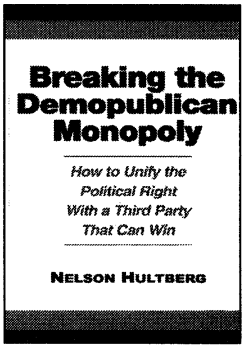

All libertarians realize that America is a one-party state. The Democratic and Republican parties are nothing but two divisions of the Central Leviathan Party. No matter who wins, we always get more spending, more taxes, more inflation, more wars, and LESS FREEDOM.

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About the Authors

Nelson Hultberg is a freelance writer in Dallas, Texas and the Executive Director of Americans for a Free Republic. His articles have appeared in publications such as *The Dallas Morning News, Insight, The Freeman, Liberty, The Social Critic*, and on Internet sites such as Gold-Eagle, FinancialSenseOnline, etc. He is the author of *Why We Must Abolish the Income Tax and the IRS.*

Dr. Antal E. Fekete is a Hungarian born economist who taught in Canada for many years and also worked in the Washington office of Congressman W.E. Dannemeyer on monetary and fiscal reform. Presently Professor Emeritus, Memorial University of Newfoundland, he is the author of numerous scholarly articles that have appeared on many Internet sites and also the widely read *Monetary Economics 101* course.

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Inside Liberty

July 2005
Volume 19, Number 7

4 **Letters** Getting in words, edgewise.

7 **Reflections** We sing with Bobby McGee, sober up on the drive home, relocate our business, pull a double shift, beg adults for money, protect North Dakotan sugar, stake an insurance claim, clean rodent guts off the carpet, get left at the altar, get kicked out of Cuba, and live to fight another day.

Features

19 **Freedom Blossoms in the Desert** With custom-built islands and the world's only seven-star hotel, Dubai defies conventional wisdom about democracy and the Middle East. *Doug Casey* conducts a tour of a new Shanghai.

22 **The Shifting Sands of the Clean Water Act** The government says cornfields are water, sunbeams are pollutants, and property developers are felons. *Gregory T. Broderick* sorts it all out.

25 **Breeding a Better Tomorrow?** Think Nazi Germany was the only western society to practice eugenics in the twentieth century? *Ralph R. Reiland* exposes an ugly secret.

27 **Standing Up for the "Heathen Chinee"** When California's politicians met to make racism the law of the land, only one man spoke out against them. *Timothy Sandefur* reports on a forgotten hero.

33 **The Sins of the Grandfathers** Can we atone for the injustice of slavery? Should we even try? *Leland B. Yeager* puts reparations under a microscope.

35 **Pictures of Myself** *Stephen Cox* searches the Internet to find his forgotten past.

40 **It's "Smart Growth," Comrade** Present-day urban planners are using an old soviet playbook. *Randal O'Toole* reveals the new face of central planning.

Reviews

43 **The Dismal Science's Freaky Side?** "Freakonomics" looks at everything from gun control to abortion to Sumo wrestlers. *Robert Formaini* takes it to the mat.

45 **Offender Bender** *Jo Ann Skousen* watches a film that turns stereotypes — and automobiles — inside out.

46 **America the Secular** Is the United States "One nation, under God," or "One nation, period"? *Thomas Giesberg* examines the issues.

52 **World Poverty Ended!** *Jane S. Shaw* douses Jeffrey Sachs with the cold water of reality.

49 **Notes on Contributors** Friends, Romans, countrymen.

55 **Terra Incognita** Barnum's dictum realized, repeatedly.

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Letters

Hit 'Em Where It Hurts

It strikes me as a little odd that in providing the exceptional benefits of organ transplants, only the most essential person in the process, the donor, is prohibited from being financially compensated.

Doctors make huge fees, as do hospitals, from trafficking in human parts.

How about a law that makes it illegal, because immoral, to be paid money to perform transplants? This, more than anything else, would concentrate the minds of the medical establishment on this matter.

Don Vandervelde
Gig Harbor, Wash.

Hegelian Conservatism?

In "The Marxism of the Right?" (May), John Coleman did a pretty good job of showing the differences, despite there being many similarities, between the systematic conceptions of both Marxism and libertarianism. I read Robert Locke's column on the American Conservative website as well. Locke has a poor understanding of *both* libertarianism and Marxism, and is philosophically a lame duck. There is an idea that runs through Hegel and is very strong in Marx (and Rousseau): that society creates the individual. This demands the question: Who creates society? Locke buys into Hegel's premise when he writes: "Consider pornography: libertarians say it should be permitted because if someone doesn't like it, he can choose not to view it. But what he can't do is choose not to live in a culture that has been vulgarized by it."

Just because you're surrounded by a culture you don't like doesn't mean you have to partake in it. Also, who says there is only one culture within a given geography? If the opportunity exists to take drugs, do we all take drugs? If the opportunity exists to commit suicide legally, do I marvel at the glory and kill myself? Locke doesn't really say what kind of morality he adheres to but he has lots of criticism for libertarian morality. He also claims that in a libertarian society people wouldn't have minds or would willingly abandon them. "Oh, we can do whatever we want! Let's just stop thinking!" After fighting off an army of straw men, the only thing I knew for sure about Robert Locke was that he's no John Locke. It is for this reason, that I find conservatives' praise of the vague term "traditionalism" a big threat. Conservatism has always been a bigger enemy to libertarianism than progressivism because its system can't be changed and it can't differentiate between alternative systems of society. It is a closed system.

Mike Treadwell
Gig Harbor, Wash.

As Long As You Sing It

In a reflection (June 2005), R.W. Bradford asks that we give Christianity credit for its longevity, resonance with human beings, "respect for human reason," and opposition to tyranny. He is willing to forgive a multitude of historical horrors in light of Christianity's general, if belated, acceptance of a modern liberal social order.

I dissent. In judging what is true and worthwhile, I give no weight to the number of adherents. Cannibalism, slavery, astrology, communism, and many forms of fanatical fundamentalism have all, at times, resonated with large numbers of human beings and endured for centuries.

What is historically new is that, while many still take their fundamentalism seriously (e.g. Osama bin Laden), many other religious believers are able to live modern quasi-rational lives while keeping a separate unquestioned mental compartment for their manifestly absurd religious beliefs.

Consider these grotesqueries:

1. The vast majority of mankind

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firmly believes that the religion they happened to be born into (of about 4,200 worldwide) is the one true religion. What good luck!

2. Imagine that the Supreme Court ruled that it would satisfy justice for an innocent third party to be tortured and executed for the crimes of another person. Pagans sacrificed the nearest goat or virgin to appease their gods. Yet this repulsive view of justice is the foundation of Christianity, whose "all- merciful God the Father" required the same kind of appeasement in order to forgive sins.

3. Cannibals believed that eating the flesh of the bravest of their victims would give them strength. Most Christians still believe in this revolting idea in the form of "holy communion." And no, they don't mean that the wine and wafer merely represent the flesh and blood of Christ: "They actually are his flesh and blood."

Anthropologists visiting Borneo might not be shocked to find societies based upon such primitive and precivilized conceptions, but those visiting Earth from other planets should be. On the absurd plots of Grand Opera, Anna Russell once observed: "You can get away with anything as long as you sing it." Apparently a similar principle applies to religion.

Such beliefs cannot be characterized as "respect for human reason." Instead they represent a vast enterprise to tyrannize gullible minds with irrational fear. The leaders of various Christian cults oppose political tyranny because they are the competition.

Barry Milliken
New York, N.Y.

Schiavo Suffered

My jaw dropped when I read R.W. Bradford's reflection on the Terri Schiavo case (June).

"Schiavo's brain was dead"? False: she was not even in a coma, though damage to her cortex had left her severely retarded. So it appeared, at any rate: her husband would not permit a PET scan, which would have shown what parts of her brain were still responding to her environment.

"Most of her other organs were alive and functioning, thanks to elaborate machines that kept them going"? False: there were no "elaborate machines," just a feeding tube, routine for patients who have trouble eating. That Terri Schiavo could survive two weeks without water testifies to her general health.

I hope I'm wrong; but thirst and pain are ancient, in evolutionary terms. Terry Schiavo probably suffered, even if the damage to her cortex left her unable to understand why she was suffering.

Taras Wolansky
Kerhonkson, N.Y.

Brain-damaged, Not Brain-dead

Recently an article was posted on www.seattlecatholic.com by Dr. James M. Gebel, Jr., a neurologist who reviewed the CT scans of Terri Schiavo's brain, and videos taken by her parents. He made a number of comments on her treatment and death:

1. Terri Schiavo was *not* in a persistent vegetative state.

2. She had significant brain damage but was not brain dead. The parts of her brain that would allow her to swallow on her own were intact. If that was not the case she would have died long ago due to an infection in the lungs which is the result of inhaling one's own saliva.

3. Other tests were available to better clarify the full extent of her awareness, such as an MRI or an EEG. These were not allowed, on order of her husband.

From the Publisher . . .

Alert readers will note a change in the title of this column and several changes in this issue's masthead. The column is titled "From the Publisher" rather than "From the Editor" because for the first time in Liberty's history, I did not play the primary role in editing an issue. That responsibility was taken by Kathy Bradford, my wife. She has always played a critical (and much underappreciated role) in the editorial process. For this issue she stepped in and assumed my own editorial responsibility during an illness that, for the past month, has prevented my doing more than a token amount of work.

Four days after the June Liberty went to press, I was stricken with a pain in my abdomen that turned out to be symptomatic of a tumor attached to my left kidney. Both were removed a few days later. My recovery has had complications, most of which are past, though I remain tired and weak. My physician suspects that I may still harbor some cancer, though of a relatively benign and curable sort.

Kathy's support has been more than heroic. While my gratitude for her care of me is infinite, it is also very private. I hope that those of you who care for this magazine as I do and who have an opportunity to thank her for her help this past month and during Liberty's entire life will extend your thanks to her as well..

Others also deserve special thanks. You'll note that Andrew Ferguson is listed on the masthead as Managing Editor, a position that he has earned by keeping the editorial process going when I have been too ill and Kathy has been too busy caring for me. Liberty's other full-time staffer, Mark Rand, also performed splendidly. Although he's been here only about two months, a length of time that finds most staffers still learning the ropes, he mastered major responsibilities at a difficult moment.

Senior editors Steve Cox and Bruce Ramsey also stepped up and provided editorial help beyond the norm, help for which I am extremely grateful. I also owe special thanks to the editors and contributors who responded with articles and reviews to the single email I managed to send out reporting my illness and asking for their help. I had feared for this issue, since we had originally intended to include two fairly lengthy pieces of my own, an article and a review that I'd been working on for some time. Had these individuals not responded, the issue would have been very thin or very late. My thanks goes out to everyone who helped with this issue.

Although I played only a small role in producing the July issue, I read it over before it went to press. I think it's very good, and I hope you will too.

R. W. Bradford

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4. Schiavo had a feeding tube, which by modern medical standards is considered ordinary and unburdensome. This feed method is in fact less expensive than what is normally spent on three meals a day. This method of feeding could easily be administered by her husband, parents or other family members. She could have been cared for at home with some professional assistance, likely at a modest cost.

5. She could have received therapy to improve her swallowing to the point that she may have been able to chew and swallow some types of normal food. These measures were not permitted by her husband.

6. Schiavo died of dehydration. This is not a pain-free death, as some reported. That is why in the last stages of her life she received morphine.

7. Cases like Schiavo's are, thankfully, rare. This is why they cause so much turmoil when they do occur. Even if one were to assume lifetime tube-feeding for all such cases, the economic burden to the country as a whole would be less than a new football stadium.

The court order to remove her feeding tube also specified that no food or water could be put in her mouth, which is why there was a police presence in her room at all times: to make sure that no one would try to help her as she died of thirst. The goal was her death and thus she died, just as anyone else would, regardless of her state of health, if she were denied food and water.

If you want to see what people who supported killing Terri Schiavo in this manner really think about this procedure, then propose that from this day forward we execute all criminals by dehydration, and see what they say then.

Robert J. Considine
Fulton, Ill.

Deflating the Fed

In "Why Don't Americans Save?" (June), R.W. Bradford asks why Alan Greenspan doesn't simply increase interest rates. I'll try to answer.

The only interest rate that Greenspan can control is what is called the Rediscount Rate. This is the rate which the Fed will charge member banks for lending to them; it is not a rate which the Fed will pay to depositors.

Admittedly, this rate is connected to rates which banks will pay to depositors, but only loosely. The rates which banks pay to depositors are determined by the individual banks themselves, not by the Fed. Other long-term rates, such as Treasury bills and Treasury bonds, are determined by auctions — effectively a consensus of the large brokerage houses who bid for these bills and bonds, and not by either the Fed or the Treasury.

If Greenspan were to raise this Federal Funds Rate, it would have two consequences: one would be that banks might try to raise their deposit rates to obtain funds more cheaply from the public than from the Federal Reserve System. That must be what Bradford expects to happen. But the other thing that would happen is that banks would have to raise the interest rate that they charge on loans — and this is what Greenspan is trying very hard to avoid.

Greenspan rightly fears deflation more than inflation because the Fed has some control over inflation. It can raise interest rates to discourage borrowing; or it could refuse to lend any money at all. But all that it can do for deflation is to discourage it by lowering the interest rate. Interest rates today are so low that there is not much leeway if business conditions should falter and not provide opportunities for entrepreneurs to use borrowed money, even at zero percent interest.

Right now, in my opinion, Greenspan is trying desperately to get interest rates up a little so that he will have wiggle room to lower them again in case the economy stalls once more.

Robert J. O'Donnell
San Rafael, Calif.

Letters to the Editor

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Reflections

Gaudeamus igitur — "Today, we seek to spread knowledge everywhere," wrote the German philosophical wit Georg Christoph Lichtenberg in the 18th century, "but who knows whether in a few centuries there will not be universities dedicated to re-establishing our former ignorance?" Thanks to postmodernist theory, feel-good curricula, and the nonstop semiprofessional bacchanalia of college sports, that day has arrived. — Eric Kenning

Artful conflict — Newsweek published a rumor that copies of the Koran were flushed down the toilet in Guantanamo, causing riots in Afghanistan and Pakistan. Apologists within the media started speculating what would happen if someone flushed a Bible down a toilet. A Muslim who wanted to do this could probably get an NEA grant. He could get a manager, open a one-man show, and the New York Times art critic would hail the show as the greatest piece of performance art since "The Vagina Monologues."

We love our religion here in the United States, we just don't take it too seriously. Someone at a gallery in New York actually made a picture of the Virgin Mary out of elephant dung, and other than a few protests, there was little controversy. In the Muslim world, it's a crime to make a picture of Mohammed out of watercolors.

— Tim Slagle

Bounced Czech — On May 20, Czech Senator and former Chancellor Karel Schwarzenberg was escorted from his hotel in Havana, Cuba and expelled from the country. His offense: planning to attend a meeting of Cuban dissidents, quaintly entitled the Assembly for the Promotion of Civil Society. Schwarzenberg said — and given his experience in Czechoslovakia, he ought to know — "This is typical behavior of a totalitarian state."

"Totalitarian": I like that word. Don't let it go out of use. There have been states that attempted to totalize their power over the people. Such states still exist, and plenty of them. And any state or movement that aims at political correctness bears watching, because the seeds of totalitarianism are alive within it. Cuba, which has spent the last half-century showing what happens when the college is run by the student council, is still capable of revealing, for all who are willing to look, the gorilla-like body beneath the sexy "Che" imprint. And for that, I suppose, one should be thankful. — Stephen Cox

$44.40 or fight — Medicine is the frontier of the welfare state. The next territory staked out for annexation is medical insurance for children. To this end, a statement by John Kerry makes a catchy argument. He writes: "If we believe drivers have a responsibility to buy car insurance, surely we believe parents have a responsibility to get health insurance for their kids."

I have medical coverage for my son, and think of it as my responsibility. I also have personal injury protection in my auto policy, and think of that as my responsibility. But I don't think these are the matters to which Kerry refers. He and his fellow progressives want to make medical insurance "universal," meaning mandatory. Kerry is making a parallel to that part of auto insurance that is mandatory, which (in my state, at least) is liability insurance.

The purpose of auto liability insurance is not, like medical coverage, to reduce the risk to myself. It is to reduce the risk to others.

Let's rewrite Kerry's statement to make it more specific. If we believe drivers have a responsibility to protect others by buying liability insurance, surely we believe parents have a responsibility to get health insurance for their kids.

That is what he's really saying, and it doesn't make any sense.

— Bruce Ramsey

Pyramid power — Ponder, for a moment, our feline government. In the light of day, it does nothing but consume resources and produce waste, which it buries and leaves for someone else to clean up. In the dark, it works diligently to get into things forbidden to it when people are watching; when it is caught, it hides and waits for the outcry to stop so it can try again later. On the rare occasions that it gives something back to those who make its existence possible, it does so as ostentatiously as it can manage, expecting praise for its skill and cunning.

For cats, this means dragging in a half-eaten gopher carcass and depositing it on the most expensive rug in the

house. And though government officials seldom walk to the podium at gala press conferences to spit rodent corpses at reporters, the recent present given to taxpayers by the Federal Department of Agriculture (which, I assume, has an entire bureau devoted to rodent corpses) showed much the same *esprit*.

The FDA's gift was a new food pyramid: a graphic depiction of their recommended nutritional guidelines. At least, that's what they claim it is. The logo itself conveys no information, so without going to the MyPyramid.gov website, there's no way of knowing whether the sideways rainbow stands for nutrition, or gay rights advocacy, or appreciation of Pink Floyd's "Dark Side of the Moon." I could reprint it here, since government graphics are in the public domain, but in black and white it's impossible to distinguish between some of the color shades.

There's no way of telling whether the logo stands for nutrition, or gay rights, or appreciation of Pink Floyd's "Dark Side of the Moon."

The first food pyramid was designed to present the FDA's complex nutritional guidelines in one easy-to-understand chart. Sure, it looked hokey, and it relied on a mysterious unit called the "serving," but at least it got the basics: go easy on fats and sweets; eat grains, fruit, veggies, and some sort of protein, and drink a couple glasses of milk to wash it all down.

Then the FDA decided that this was too simple, that people were getting the idea that nutrition was something they could handle without thinking too hard. So the department flipped the pyramid on its side, tossed out the words, and added a jaunty, pointy-limbed androgyne. (This last bit is meant to indicate "exercise," though it looks more like an Aztec priest stomping up a ziggurat.) The website was the only place where the new scheme was explained: there I found out that there are actually twelve food pyramids, and I had to plug in some variables to figure out which one I should follow — at which point I figured my nutritional goals would be better met if I went and played basketball.

Of course, other people — those who think the government should not only give nutritional advice, but ban products that aren't healthy — aren't content to just mock the FDA and move on; they've started a campaign for a better, more stringent logo to replace what they call "McPyramid." Junk-food lawsuit guru Marion Nestle has condemned it as typical of the "philosophy of this administration . . . they're all about personal responsibility."

As I shot free throws, I wondered: if Ms. Nestle's cat dropped a mole torso on her Bangladeshi jute rug, would she get rid of the remains, or would she tell the cat to bring her a squirrel instead? — A.J. Ferguson

Identification crisis — The Real ID Act sailed through the House and Senate with little or no protest from either party. Barring a successful court challenge, it will soon be the law of the land, and for the first time in history, citizens of the United States will be forced to carry proof of citizenship when traveling inside the country.

Once, driver's licenses were used only as proof that a person was a competent driver. They were supposed to be a means for the state to ensure that the person in the car had the knowledge to operate a vehicle, and didn't have a history of recklessness. Back then, they didn't even have pictures on them.

As America became more transient, car ownership became universal, and the nature of cities changed. Everyone had a driver's license, and that transformed little

News You May Have Missed

Newsweek in Even More Trouble

NEW YORK — In a desperate effort to quiet the continuing uproar over Newsweek's now retracted assertion that U.S. military guards at Guantanamo Bay prison flushed a Koran down the toilet, which set off riots in Afghanistan and Pakistan, the magazine's editors and reporters gathered yesterday in the men's room down the hall from their Manhattan editorial offices and attempted to flush a Bible, the Bhagavad Gita, the Analects of Confucius, some Buddhist sutras, a totem pole, a voodoo doll, 59 New Age paperbacks from the Metaphysics section of Borders, a copy of "Das Kapital," and a copy of the Official Rules of Major League Baseball down a toilet. "We figure that if everybody's offended, nobody's offended," editor Mark Whitaker explained. But the result, he admitted, was a disaster, "a flood of biblical, er, I mean, Koranic proportions," forcing the evacuation of the building. "We called a plumber," said reporter Mike Isikoff, who started the trouble by relying on an anonymous source, "but the plumber was a Scientologist who was offended that we hadn't flushed anything by L. Ron Hubbard down any toilets, so he left in a huff, and the next guy we called was a practicing Tibetan Huffist, so he left in a huff, too."

Newsweek now promises that it won't rely on anonymous sources ever again but will instead wait for inner voices, celestial messages and emanations, and prophetic dreams to deliver leaks from the top secret, highly classified Divine Plan. "After all," said Whitaker, who was dressed in a saffron monk's robe, a clerical collar, and a turban topped by a yarmulke and was sitting on a bed of nails while facing east toward Mecca, "the only source we really need is God, I mean Allah, unless you prefer the Great Spirit, or Zeus, or maybe I'd better just shut up."

— Eric Kenning

neighborhoods full of familiar faces into vast urban areas where everyone was a stranger. The licenses were probably first used at bars, to prove that a fresh-faced youngster was actually old enough for his first taste of sin. Shortly after that, they were used at the supermarket down the street, to prove that the person writing the check was actually the person who owned the checkbook. Then they were used by airlines, to check whether the passenger named on the ticket was the same person who was traveling — though then it was only to satisfy insurance companies.

Now a driver's license is an ersatz internal passport. You cannot rent a car, buy a bus or train ticket, or (in some places) even ride a bicycle or horse without one. Strange how something as benign as a driver's license could morph into something reminiscent of mid-century fascism while we weren't paying attention. — Tim Slagle

He who fights and runs away . . . — From an AP report on May 11: "BAGHDAD, Iraq — Four car bombs and a man with explosives strapped to his body killed at least 61 people and wounded more than 100 in three Iraqi cities Wednesday as hundreds of U.S. troops pushed through a lawless region near the Syrian frontier in an offensive aimed at followers of Iraq's most-wanted terrorist.

"This week's offensive came amid a surge of deadly car bombings, ambushes and other attacks after Iraq's first democratically elected government was announced April 28. Insurgents are averaging about 70 attacks a day this month, up from 30–40 in February and March, said Lt. Col. Steven Boylan, a spokesman for U.S. forces in Iraq."

They said we'd be greeted as liberators. We weren't. Before Saddam's sons were killed, we were told the insurgency would end when they were caught or killed. It didn't. Before Saddam was caught, we were told it would end when he was captured. It didn't. Before the elections we were told the insurgency would end after the elections. It didn't. Before the government was formed, we were told it would end when the government was formed. It hasn't.

When will it end? It won't end. But the removal of U.S. forces may ameliorate things. What have we to lose? The fear that things will get worse if we leave is harder and harder to justify, given the facts on the ground.

— Ross Levatter

Government's invisible backhand — Restaurant workers in Florida are feeling the unintended consequences of well-meant legislation. Servers in the restaurant industry are one of the few groups who may be paid less than the federal minimum wage. Because they earn tips, their employers are only required to pay them $2.13 an hour. Once full-time workers surpass 40 hours, time-and-a-half kicks in, but because it's only $1.05 more per hour, employers allow servers to work as many hours as they wish. Florida officials decided that all workers, including those who earn tips, must be paid "adequate" overtime wages and passed legislation making overtime pay, even in the restaurant industry, time-and-a-half of the federal minimum wage, not time-and-a-half of actual wages.

Unsurprisingly, faced with the prospect of paying what amounts to triple wages for overtime, most restaurant owners strictly limit their servers to 40 hours per week. You might think this has resulted in either a dramatic increase in wages, or a dramatic decrease in the workweek of restaurant workers. The actual result of the overtime rate increase, however, is a reduction in wages and an increase in hours. Why? Knowing they cannot earn enough tips working only 40 hours a week, servers now clock in late and clock out early to ensure they save enough hours to work the lucrative weekend shifts. The end result of the overtime change: servers are working the same hours as before, but they are getting paid nothing for their overtime hours instead of receiving the meager $3.18 they were paid before. Once again, legislation meant to circumvent market principles has resulted in negative consequences for the very group it was meant to benefit. — Todd Skousen

Commercial values — I recently talked to a man from Israel, a left-leaning centrist involved in civic life there. In talking about the Likud government, he made a point about the political effects of capitalism.

Israel, founded as a socialist state, has become much more capitalistic. This has affected the main right-wing party, which has been the party of nationalism, siding with the settlers in Gaza and refusing to compromise with the Palestinians.

Look at the current government, he said. It is making 8,000 settlers in Gaza leave their homes, in favor of the Palestinians. Why? A big reason, he said, is the influence of business and commerce.

"People want to make money and live," he said. "They don't want to follow the extreme Right and take Israel into endless war and occupation." And in particular, he said, "The young entrepreneurs of the high-tech industries made

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themselves clear: 'If we're not going to see peace in Israel, we're going to take our money and get out.'"

It's a good sign. It would be even better if it happened here. — Bruce Ramsey

Village pulls wool over knit-pickers' eyes — Our little village two miles south of Sleepy Hollow has become a knitters' Mecca over the past couple of years, as trendy Manhattanites catch the shuttle northward to take knitting classes and shop for yarns at our local knitting shop. Business has been so good that the proprietress of Flying Fingers has gradually expanded into three different rentals on Main Street. Finally, she purchased a roomy storefront building that had been home to our local stationery and gift store for 30 years, anticipating the luxury of having enough space to store her inventory of yarns and offer her classes all in one location. But to do it properly, she would have to expand the back of her building, because she didn't want to store the yarns in the musty basement. City fathers nixed the idea for a variety of reasons. First, it would bring too much traffic to our sleepy little town (even though Manhattanites don't drive); second, it would raise the roofline of the block (even though other buildings on the street have already been raised and modified); third, and most recently, it can't be changed because it's an historical landmark (even though it's just a dull flat rectangle, and the architect says it isn't safe without structural renovation).

Now the battle is over. After six months of fighting city hall, the knitting lady has decided to move her business to Tarrytown, two miles north of us, leaving behind three vacant shops too small for most businesses and a vacant historical landmark that used to be our stationery store. The Manhattanites won't be eating lunch in our pricey little restaurants any more, nor will they be buying clothes, art and antiques from our cute little boutiques. But it will be quiet. Oh yes, it will be quiet. — Jo Ann Skousen

Incumbency of the masses — José Ortega y Gasset's "The Revolt of the Masses" (1930) is a book I hadn't seen for a long time. I ran across it last week on a dusty shelf of the library. I opened it, and my eye fell immediately on this characterization of the masses or "multitude": "Before, if it existed, it passed unnoticed, occupying the background of the social stage; now it has advanced to the footlights and is the principal character. There are no longer protagonists; there is only the chorus."

I don't intend to debate, or even to discuss, any of Ortega's major theses, or their fairly obvious relationship to those of Howard Roark; but the statement seemed truer than ever to me. There is hardly a field of endeavor in contemporary America in which one can think of a single intellectual leader — bold, dynamic, wrong-headed, perhaps, but at least acting as a protagonist, not as one more expendable "elder of Thebes," smirking slyly from the chorus line.

Ask yourself — who today is a distinguished exponent of art? Music? Literature? Education? Can you think of a single college president who isn't drifting with the crowd? Can you think of a single painter you really admire? A single author who represents a significant aesthetic movement? A single composer as good as Weber, even? A single political or social thinker who has something distinctly new to say? Yet there are probably more officially sanctioned poets, novelists, painters, composers, educators, and political theorists alive today than ever lived in the world before.

The revolt of the masses? No, it's the incumbency of the masses. And nobody seems to care.

How did it happen? Well, for one thing, what do you expect, when virtually all intellectual endeavor — even poetry — is conducted within the hive of state-supported institutions, and intellectual pursuits that are not so conducted (i.e., architecture, film) are carried on by people who were educated in such institutions and remain haunted by their "standards," the standards often being little more than the systematized expectations of a multitude of unremarkable men.

That's not the whole explanation of the problem, and of course it's not the solution. It is time, however, that the problem be noticed. — Stephen Cox

Complacency of the masses — As Stephen Cox points out, there is a problem with the arts in America, and the bulk of the blame belongs to our publicly-funded cultural institutions. But I consider anyone complicit who claims to care about the arts, yet can't answer a single one of his questions with "Yes, I can think of someone like that." There are great painters (my answer: Dave McKean, or Odd Nerdrum), great composers (Canadian collective Godspeed You Black Emperor!), and great authors heading literary movements (Alan Moore, and his reinvention of the comic

book) out there, but people have to shake off their complacent acceptance of what is officially sanctioned and go look for it — whether outside the academy, or outside America. I can't claim any great knowledge of contemporary political and social theory, but I suspect that there are great minds that would make fine answers there as well.

So I ask you, dear reader: what are your answers?

— A.J. Ferguson

Hysteria in decline — On Oct. 19, 2001, the American press reached the peak of its fear and anxiety over terrorism. The occasion was marked by the publication of Peggy Noonan's Wall Street Journal column "Profiles Encouraged."

This was the article where Noonan encouraged each and every one of us to profile and snitch on any brown person we see. Why, she herself had just seen some brown guys that not only looked Middle Eastern but also appeared surly. And get this: they were snapping pictures of a famous church. She nearly flipped. They had to be plotting to blow something up. I mean, who would expect tourists to be snapping pictures of famous landmarks, huh? And these were brown people. We all know brown people are not tourists. No, they're there to supply cheap labor, like picking produce or sewing textiles. And these guys looked surly, to boot.

Of course, I would look a little surly too if I was just enjoying my vacation in New York City and some crazy white bitch started staring at me like I was about to rape her daughter. Noonan reminds me of bimbo drivers at stop lights who sneak their hand up and surreptitiously lock their car when I pull up next to them on my Harley, as if I were about to drop the bike (the one I built from parts and love more then my left arm) and start tugging on her door in the middle of the street in broad daylight. Take that uppity attitude and add the hysteria of a recent terrorist attack, and you get Noonan's rant.

But there is good news. Take a look at the Tampa Tribune from April 12, 2005, and you'll see how far the press has come since Noonan's column was published.

The first thing to catch my eye is the coverage of some goofy guy with a suitcase in Washington, D.C. who caused a full-blown bomb scare. The neat part and the thing that made me proud to be an American was that even though all the frightened security forces were cowering behind barricades, the tourists were crowding around to get a better look, snapping pictures and laughing at the spectacle. (No word on if any of those tourists were brown.) Moving on, you see a big article about the confirmation of that Bolton

I'd look a little surly too if I was enjoying my vacation in New York City and some crazy white bitch started staring at me like I was about to rape her daughter.

News You May Have Missed

"Runaway Jesus" Gets Cold Feet

ALBUQUERQUE, N.M. — The Second Coming of Christ, scheduled for last Saturday, had to be called off after Jesus didn't show up, most likely, according to several evangelical end-time preachers who had arranged it and put down a deposit on the site of the Battle of Armageddon, because at the last minute he got "cold feet" and took off on a Greyhound bus. Religious scholars say that this "runaway Jesus" phenomenon is not unusual. Jesus was also expected in 1529, 1660, 1689, 1844, 1914, 1934, 1975, 1988, and 2000, among many other dates announced with absolute certainty, on the basis of the close study of cryptic passages in the Book of Daniel and the Book of Revelation, by Protestant evangelists who simultaneously identified a whole platoon of Antichrists for the standard Great Tribulation scenario, including assorted popes, Napoleon, Mussolini, Hitler, John Kennedy, Moshe Dayan, Henry Kissinger, Mikhail Gorbachev, King Juan Carlos of Spain, and lately, sources say, Ashton Kutcher.

Authorities here are looking into the possibility that it was Jesus who made a mysterious 911 call from a 7-11 store near the local Greyhound bus station. The caller said he had been kidnapped by Tim LaHaye and Jerry Jenkins, authors of the best-selling "Left Behind" series of novels. The caller, described as having a Middle Eastern accent, went on to say that LaHaye and Jenkins told him that they wanted to finish at least one more end-time novel before the world comes to an end, and that they were determined to keep the alleged victim under lock and key at a secure, undisclosed location until their sales figures start to fall off.

Some religious experts who reject the kidnapping claim as a hoax say that the reason Jesus keeps getting cold feet whenever a date is announced for his highly anticipated return is that he's in no hurry to spend the rest of eternity in heaven having to listen to gasbags like Pat Robertson, Jack Van Impe, Benny Hinn, or Tim LaHaye talk about how right they were. But others say that the stress of a large public gathering, with millions of invited guests, is simply too much for the unsophisticated, publicity-shy Galilean, who lives simply and whose only registered gifts for the occasion at a Jerusalem department store were said to be a few loaves and a couple of fish, a stark contrast to the vast wealth of some of his followers, like LaHaye and Jenkins, whose projected sales figures will reach $666 million by next Christmas.

— Eric Kenning

guy. Great, partisan politics at its best. Looks like things have returned to normal in the halls of power as well. Then there's a nice provincial story about two school bus accidents — and get this: none of the little kids were hurt, but it still shows that yellow buses have replaced brown tourists as the primary threat to our kids' safety. By now I am feeling pretty good about life in the USA and then I see the article that ran down the whole right side of the front page. It was about a Florida bill that would prohibit people from driving too slow in the left lane of the freeway, even if they're driving the speed

Word Watch

by Stephen Cox

When was it that the default adjective of this continent became "nice"? It was sometime before Ernest Hemingway's The Sun Also Rises (1926), where use of that word already evinces people's besetting desire to keep everything looking as pretty as possible. We laugh at 19th-century euphemisms, but it was 20th-century sophisticates, not Queen Victoria, who turned morticians into "grief counselors," janitors into "custodians," and prisons into "correctional facilities." As art and architecture grew ever more brutally "honest," the common language grew ever more appallingly nice.

Now, in the 21st century, ornament has been ostentatiously (if often ironically) reborn in postmodernist architecture; and there is a small, guilty revival of decorative styles in painting and sculpture. But the popular art of our people continues to be the art of making things just a li'l bit nicer on every possible occasion.

On April 26, a woman named Jennifer Wilbanks disappeared from her home in Duluth, Georgia. Hundreds of people wasted thousands of hours and hundreds of thousands of dollars looking for her. Several days later she emerged in Albuquerque, New Mexico, telling a tale of "abduction," then confessing that she had faked the story. Her apparent reason was that she was scheduled to be married, but after having survived eight (!) wedding showers, she did not want to face the wedding itself, to which 600 of her closest friends had been invited.

Wilbanks' padre pictured her feelings as something so weighty, so intractable, that they simply "caved in on her," like Section E4 of the parking structure, down at the mall.

Now, inviting 600 people to your wedding is a feat of niceness that is pretty hard to justify, unless you happen to be the Queen of Sheba. Cal Herndon, a columnist for a paper in Kentucky, is right to suggest that for our fellow citizens, the wedding is now "bigger and more important than the marriage." There's a whole industry devoted to making that inflation happen. Even gay weddings, in which one would expect to discover the last refuge of individual, in-yo-face romance, have become enormous ceremonies of niceness-to-all.

It was the Wilbanks case, however, that showed the extent to which niceness has become our official ideology. One of the first indications came from the mayor of Wilbanks' hometown. Giving a peculiarly nice turn to the utterance of the sadistic warden in "Cool Hand Luke," she characterized Jennifer's problem as a breakdown in "communicating." New Mexico authorities were not to be outdone. They never dreamed of prosecuting Wilbanks for bamboozling them with false accusations of a heinous crime. Instead, they consoled the innocent 32-year-old with the ceremonial gift of a teddy bear (which she nicknamed "Al," for Albuquerque — ain't that nice?). Although New Mexico is largely Hispanic, they carefully protected her from any attempt by the press to determine why she claimed she had been abducted and abused by an Hispanic man. Questions wouldn't have been nice.

Not all observers were so accommodating. Some people back in Georgia were a trifle miffed by Wilbanks' gross imposition on their time, money, and sympathy. But while the media vaguely suspected that she had failed to be, like, completely and toadly nice to her family and fiancé, they knew that her neighbors were being much less nice to her. Los Angeles Times headline: "Town Without Pity Offers Hisses to a Runaway Bride."

What lawyers say can seldom be believed, but it does provide an indication of what they think that other people will believe. And often they're right. So it was interesting to hear the way in which Wilbanks' lawyer invoked the cult of niceness: "Jennifer hopes this experience will help her grow and heal and perhaps help others in similar circumstances." It's the organic approach: Jennifer will grow like a plant and heal like a wound, and by growing, she will help other nice people to grow. The next time someone wants to run out on a small-town society wedding and blame someone else for abducting her, this will help. Ah, the mysterious processes of life and growth!

Think not that the church, any more than the bar, the press, or the police, constitutes a barrier to niceness. Responding to Wilbanks' moral plight, one of her innumerable pastors read the entrails of our civic religion and pronounced her a mere victim of "issues that caved in on her." Let's see . . . that's from 1 Corinthians, isn't it? The place where St. Paul talks about how all of us have issues, man, and they sometimes, like, just cave on us, and what are we to do? Yeah, I think that's it. It must be in the Bible somewhere.

The word "issues" is particularly interesting. It is, of course, a political word, and its translation into the moral and psychological sphere shows the easy irrationalism with which politics

limit. Is this a great country or what? The last thing is an article about the Food and Drug Administration considering whether to allow silicone breast implants back on the market. Now we are focusing on the positive. It definitely cheers me up to see junk science reconsidered.

and "feeling" bleed into each other in the Nice Society. Formerly, to "make an issue" of something or to "take issue" with something meant to argue, to come up with some kind of facts and logic. To "have issues," as we do now, means to nourish feelings of resentment, inaccessible to logic or argument. Ordinarily, it means that other people must instantly take the responsibility of "dealing with" these mysterious issues, if they themselves want to be considered nice. Surely you don't expect the nice person who happens to "have issues" to resolve them herself, do you? Wilbanks' padre went one step beyond even that point and pictured her feelings as something so weighty, so intractable, that they simply "caved in on her," like Section E4 of the parking structure, down at the mall. What could a nice girl do except run for her life?

When Wilbanks finally put out a written "apology" for her behavior, she made the most of the "issues" angle. She claimed to have been driven to her act by "a host of compelling issues, which seemed out of control — issues for which [sic] I was unable to address or confine." But, thank God, she survived; and as a brave survivor, she was happy to talk about her experience: "Each day I am understanding more about who I am and the issues that influenced me to respond inappropriately." What nice person could fail to share her thrill of self-satisfaction?

Shakespeare said that "ripeness is all." We say, "Niceness is all."

That was a good ending for a column, but I can't resist adding a note on something completely different. Isabel Paterson once noted that Rexford Guy Tugwell, one of Roosevelt's Brain Trusters, was a person "unable to write even a cliché accurately." There's a lot of competition in the field of cliché-mutilation, so perhaps it's time to honor distinguished performances. I am therefore pleased to inaugurate the Rexford Guy Tugwell Award for Inaccurate Use of Clichés, and to name, as first winner of this annual contest, Dr. Ian D.C. Newbould, President, North Carolina Wesleyan College.

According to an AP report, Dr. Newbould declared, in reference to the maintenance of academic freedom: "We don't tell professors what to think. We don't tell professors what to teach. The Eastern European Communist regimes, or Saddam Hussein for that matter, that's what they did. What makes America great is we don't do that. I've often used a quotation that they say comes from Voltaire, 'I may disagree with what you say but I'll fight to your death your right to say it.'"

No, Dr. Newbould, the cliché is "defend to the death"; that is, "my death." It makes a difference! So, in recognition of the brilliant feat of imagination that produced this shift of responsibility, it is my distinct honor and personal privilege to announce that your name will be perpetually memorialized in the Rexford Guy Tugwell Museum of Words, and Malapropism Hall of Fame. Enjoy, dude!

All this must surely signal a return to normalcy in America. Finally, we own the terrorists, not the other way around. Sleep well, my fellow travelers in liberty, and rest easy knowing your voices are making this country a lot saner then it would be otherwise. — Paul Rako

Elementary fundraising — Recently a parent told me about a private elementary school whose proprietor requires his young students to round up donations from relatives and family friends. The professed purpose is to improve playgrounds and other facilities. Each child is assigned a dollar quota. Children who meet their quotas are rewarded with prizes at a ceremony at the end of the school year; the others suffer humiliation in contrast. The school's proprietor claims that his system helps teach children the importance of accomplishment.

But what sort of lesson does the system teach? What does it teach about what counts as accomplishment and what methods are praiseworthy? I think that the lesson is perverse, and the parent in question agrees with me. It teaches the sort of attitude that obstructs economic development in Latin America. Wealth, instead of being created, comes from being taken or wheedled away from other persons. Personal contacts are very important. Questionable pressures — both on potential donors and on the young fundraisers themselves — are legitimate. But I think it is better to let children be children than to teach them premature and pernicious lessons.

Recently one of the students hit me up for a donation. On the one hand, I wanted to express solidarity with my young friend and help save him from humiliation, and I wanted to avoid coming across as a Scrooge. On the other hand, I deplored helping a perverse system to work, and in my own mind I questioned the motives of the school's proprietor. It was a real dilemma.

Would you have donated, or not? — Leland B. Yeager

A bridge to freedom — Bush's failure to sell Social Security private accounts shows how difficult it is to extract a nation from welfarism.

The Cato Institute, which would like to do that, has spent 25 years promoting the idea of Social Security private accounts, and on several levels. The first is as a solution to Social Security's long-term financial problem. The second is as an opportunity for workers to get a better rate of return on their retirement money, and to regain some control over it. The third is as a step toward dismantling the welfare state. This last reason is not used much with the general public, but it is obvious to the politically attuned.

By 2000 the idea of private accounts had become mainstream doctrine in the Republican Party. That was a big, big achievement. But the Republicans were not going to sell it as a first step toward anything radical, because they are not a radical party. They did try to sell it the second way — as a means for workers to get a higher return and ownership of their money — but that raised the issue of risk. There was a tendency to argue about financially rebalancing the system, but then they were vulnerable to the reply that private accounts are not necessary for that.

Opponents homed in on the issue of risk, and, though they exaggerated it, they had a valid point. This was not

merely a proposal to offer the worker something new, the private account. It was a proposal to take away something old, the guaranteed benefit, or at least a substantial part of it.

Libertarians fooled themselves when they took seriously those polls that said that most Americans would like to set aside Social Security taxes in private accounts. Of course people would like that. They'd probably like to set aside some of their income taxes in private accounts, too. But there was a price, and they had not been told about it. When opponents exposed it — and exaggerated it — people balked. Privatizers had not made a sale.

Social Security's Grand Canyon of liability got the issue to the table. But that canyon, which involved birth and death rates, had to be bridged by any successful reform, and bridging it tended to make every proposal look worse than the current system. Private accounts essentially "solved" the government's liability by shifting it to the individual worker.

There was a second canyon to get across. Private accounts are a way for you to invest for your retirement, rather than to have the next generation do it. But the first generation that gets to invest for itself still has to pay for its parents. This is a huge cost. It could be spread out with debt, but it is a lot of debt.

For the moment, private accounts have lost. There are several reasons, one of them is people's resistance to change; but one of the more interesting ones is that private accounts are really not about solvency. They are about individualism. They are about freedom and responsibility. The battle has to be fought on that ground. — Bruce Ramsey

The MADDing crowd— According to a recent study, the number of people operating vehicles while intoxicated is on the rise.

In the early eighties, laws prohibiting intoxicated motoring were generally ignored. Police, who are not known for teetotaling, were too forgiving to drunks trying to get home from the bar. Mothers Against Drunk Driving (MADD) demanded stricter enforcement of the laws. They were successful at first, and the number of alcohol-related traffic fatalities fell. But like most bureaucracies, MADD refused to acknowledge victory, and would not go away. Now they lobby state and federal governments full-time, and every year since their incorporation stricter legislation has been passed.

In 2000, the U.S. Congress passed the Federal Transportation Appropriations Bill, which used Department of Transportation money as leverage to get every state to lower its blood alcohol threshold to 0.08%. Now something unexpected has happened. More people than ever before have been staggering to their cars and closing one eye to get the key in the ignition. According to the Department of Transportation, alcohol-related fatalities increased in 17 states between 1995 and 2003. A recent study indicates that alcohol-related traffic incidents are up almost 50%. This is going to make MADD mothers MADDer. There may be many explanations for this phenomenon, but my speculation is that the stigma has been reduced. The stricter standard has made it very easy to get nailed for drunk driving — even when a person is relatively sober — so today, almost everyone knows someone who has been convicted of DUI. Rather than treat those arrests as shameful, or as an indication of an alcohol problem, most people now look at a DUI as just a really bad traffic ticket. Hence more people are lax about getting in a car when they shouldn't. This should be illuminating for anyone who believes that human behaviors can always be controlled. If a law becomes too easy to break, people stop respecting it. — Tim Slagle

The peril of cheap sugar — The Central American Free Trade Agreement (CAFTA) is in trouble because Congress and the public have forgotten that imports are a benefit of trade, not a cost.

Economist Milton Friedman maintains that "our gain from foreign trade is what we import. Exports are the price we pay to get imports." Similarly, David

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Ricardo's theory of comparative advantage shows that trade benefits nations by allowing each one to focus on producing those goods and services for which it can create the most value. Without imports we fail to realize this benefit, as we must produce domestically every good and service our nation consumes, squandering resources better used elsewhere.

So why do policy makers denounce imports as a burden and tout exports as the ultimate prize? The answer is based on a misperception that dates back to colonial times.

Mercantilism — the economic policy of the major trading nations during the colonial era — is based on the fallacy that exports increase national wealth while imports decrease it. The mercantilist fallacy has proven an extremely useful tool for domestic producers unable to compete with foreign firms, and for the politicians who seek to protect them at the expense of consumers and the broader economy.

On CAFTA, Sen. Kent Conrad (D-N.D.) believes that our message to Congress should be, "Don't trade away our farms, don't trade away our jobs, don't trade away our economy." According to Sen. Byron Dorgan (D-N.D.), "Senators are going to ask why we should ratify another trade agreement . . . when the old agreements are producing nothing but record trade deficits."

They have invoked the mercantilist fallacy to protect the sugar producers in their state. In Sen. Dorgan's own words, "Any additional sugar imports can only hurt North Dakota sugar producers." The only way they can continue to force U.S. consumers and businesses to pay multiples of the international market price for sugar is by convincing people that cheap sugar imports would cost jobs, and damage our economy.

In fact, artificially high sugar prices have forced confectioners to move abroad or shut down, costing the country thousands of jobs. The number of jobs lost due to sugar protectionism far exceeds the total number of sugar farmers in the United States, yet Sen. Dorgan and Sen. Conrad maintain that they are protecting jobs.

In situations like these, members of Congress have found mercantilist thinking so convenient that they are blinded to the basic economics of trade. In turn they have been quite successful in blinding the voters as well. Public support for free trade has collapsed over the past five years because more attention has been paid to trade deficits. In this climate, it is widely deemed that CAFTA does not have enough votes to pass either house of Congress.

It's a shame for which supporters of free trade bear some responsibility. Arguments in favor of free trade agreements have traditionally been framed in mercantilist terms, focusing on the benefits of increased exports and downplaying the effects of the corresponding imports. Such arguments will no longer work in an era of trade deficits, and they make matters worse by legitimizing mercantilist rhetoric. If you accept that imports are bad for our economy, you have to accept that almost any free trade agreement is a bad idea. A mercantilist argument for free trade is doomed from the start. For trade agreements such as CAFTA to gain public and congressional support, champions of free trade must make the case that opening our markets to imports will be good for the U.S. economy.

— Adam Platt

Truth in signage — Everything that's wrong with government can be summarized by a single sign that stands at the entrance to my neighborhood park, a plot of green with tennis courts and soccer fields for athletes and playground paraphernalia for junior swingers.

Cursed with a civic attitude that makes me wary of gifts from politicians, my eye lingers on the boastful sign at the entrance of my neighborhood park. "This playground made possible by the City of Huntsville and the Madison County Commission," it says. Not a blatant lie — just a fuzzy deception. About as far from the truth as the mayor's office downtown is from this suburban playground.

I think it's the tone of our "governors" (using the word in a literal sense) that bothers me in their proclamations of achievement. They ignore the contributions of me and my fellow taxpayers to this oasis. They forget that we are a society of the taxpayers, by the taxpayers, and for the taxpayers.

The sign has it wrong. These few acres of athletic fields and tree-shaded green are "made possible" by three entities: First and foremost, the creator of the earth and its celestial companions. He instituted the natural laws that resulted in trees and grass; and gave us sunny days to enjoy them. Second, the taxpayers of Huntsville, who came up with bucks to make the sandpile, install the playground equipment, and carve a tennis court out of a grassy field. Finally, there's the construction contractor (who we hope is no kin to the mayor) and his men and machines that did the actual work. Yes, the mayor, the city council, and the parks and playground department signed some papers, but not one used a shovel to remove the sod and lay down the surface of

the tennis court. And the Madison County Commission doesn't drive the fleet of lawn mowers that periodically neatens up the soccer field. Not a single member of the MCC, who on this serene Sunday morning are still abed, has ever cut this field.

A more truthful sign would, shortly and sweetly, state: "Paid for by the taxpayers of Huntsville." It would remind both of us, governors and governed, of our proper roles in the civic scheme of things. Of course, it still ignores you know who. But He should never be mentioned on a public sign in a public place. — Ted Roberts

Intangible dividends — In 2002, after the scandals at Enron and WorldCom, Congress passed the Sarbanes-Oxley Act. It wasn't designed to punish those responsible for the scandals — there were already laws to take care of that. (Had there been no such laws, it would have been interesting to watch our elected officials pontificate about why the constitutional prohibition of ex post facto laws is not actually a prohibition of ex post facto laws.) It was designed to stabilize the stock market in the short term, and in the long term to protect the economy from similar debacles.

Given the act's explicit intent, it's clearly appropriate to evaluate its success by measuring its effect on the stock market. One paper, by Ivy Xiying Zhang of the William E. Simon Graduate School of Business Administration at the University of Rochester, figures the net cost to stockholders at $1.4 trillion. That's almost $5,000 for every person in the United States. Net.

Has this calculation overlooked some of the benefits? The act has been a boon for accounting firms, who are reap-

News You May Have Missed

Pope, Schwarzenegger to Meet, Trade Jobs

ROME — Sources close to the Vatican revealed that the election of Joseph Ratzinger as the new pope would never have happened without the surprise election of Arnold Schwarzenegger as governor of California in 2003. "We were all like, 'Omigod!' when we heard about it," said one Cardinal who had attended the papal conclave. "It was totally a wake-up call. We saw how the media went gaga over Arnold and how everything he said made news, and we were thinking that we wouldn't mind a little of that ourselves, so we went out and got the closest thing to the Terminator we could find, a guy with a thick German accent who, as the head of our counterintelligence unit, the Congregation for the Doctrine of the Faith, has silenced quite a few heretics and girlie-men and other shadowy international villains in his time."

But other Vatican insiders insist that Ratzinger was not at the top of the church's wish list. "We were thinking, if not Arnold himself, probably some other Catholic movie actor," said Archbishop Speriamo Peggio of Palermo. "We were kind of like, maybe it's time for a Pope Mel I." But both Mel Gibson and Jim Caviezel (who played the starring role in Gibson's "Passion of the Christ") turned down the big-budget costume-drama papal role, citing prior commitments, so that left Ratzinger, who, unlike Pope John Paul II, has no acting experience, but who was, on the other hand, born in rural Bavaria, just over the border from Graz, the Austrian birthplace of Schwarzenegger. Ratzinger, now Pope Benedict XVI, said that he would be meeting with Schwarzenegger "as soon as possible and maybe even, miraculously, sooner" to get some tips and "also hoist a few steins of beer and take some quiet satisfaction from the fact that us Germans are finally taking over the world after all, *nicht wahr*?"

What the new pope and the governor of America's largest state will really be discussing, however, sources say, is a time-share arrangement in which Schwarzenegger will occupy the throne of St. Peter six months out of the year, during which time he will declare atheists to be demonic space aliens in human guise and annihilate them with shoulder-fired missiles while dressed in a specially tailored white leather papal outfit, while Benedict XVI will move to Sacramento to serve as acting governor of California, where the state's many devout Spanish-speaking Catholics will, he assumes, give a warm welcome to the revival of an Iberian-Catholic tradition that has fallen into sad neglect, the Spanish Inquisition.

While in California Benedict will also be working out with weights and otherwise preparing to shoot "True Lies 2," a script originally conceived as another Schwarzenegger vehicle. Sam Surfeit, the veteran Hollywood agent who now counts both Schwarzenegger and Benedict as clients, said the screenplay is being rewritten around its new star and will be repositioned as an epic history of the development of Catholic dogma, especially the doctrine of papal infallibility, with Jamie Lee Curtis, who played Schwarzenegger's wife in the original "True Lies," cast as the Virgin Mary this time around and Ben Stiller as the clumsy but lovable Holy Ghost. Surfeit added that he is working overtime to prepare the pope for his six months in California, where Sacramento political stalemates plus the perpetual hairsplitting arguments over the ontological proofs of Hollywood existence, including percentages of the gross, name-above-title screen credits, studio parking spaces, and lunch reservations at Patina, will make thorny theological doctrines like Transubstantiation, the miraculous changing of the consecrated wafer at Mass into the body of Christ, look like a piece of cake.

— Eric Kenning

ing hundreds of millions of dollars in increased revenues, and they are among its strongest supporters. When asked about the economic benefits of Sarbanes-Oxley, however, they use words like "intangible" and "hard to quantify." If accountants can't quantify the benefits, how about one of the act's co-sponsors? Michael Oxley (R-Ohio) responds to the question with one of his own: "How can you measure the value of knowing that company books are sounder than they were before?"

There's only one way, Mr. Oxley, and as chairman of the House Committee on Financial Services, you should know it. You look away from the campaign speech you're writing — just for a second, it won't take long — and you check the price of the company's stock.

Unless the market is up by at least $1.4 trillion, you owe the taxpayers an explanation. — Mark Rand

Experience is the harshest teacher — The American military has learned a truth long known to the Israeli Defense Forces — most civilian suicide bombers will succeed in their missions. — Richard Kostelanetz

Nothing left to lose — When colonists debated the prudence of declaring independence from Great Britain, Benjamin Franklin warned, "He who would give up essential liberty to purchase a little security deserves neither liberty nor security." Two hundred years later Janis Joplin, with more than a touch of irony, said it a little differently: "Freedom's just another word for nothing left to lose." Is this an accurate definition of freedom? Was Joplin onto something?

In "A Doll's House" by Henrik Ibsen, Dr. Rank reveals his unrequited love for his best friend's wife Nora on the day he learns his death from a terminal illness is imminent. With nothing left to lose, he has the freedom to express his love out loud. Shocked that he would risk the security of their good reputations by putting into words an emotion she has instinctively sensed for several years, Nora rebuffs his protestations of love. Yet his example gives her the strength to walk out on her unfulfilling marriage just a few hours later, closing the door on the security of a home, husband, and reputation for the freedom of earning her own living and finding her own way. She will not be a pampered doll in her husband's house any longer.

When I attended my 25th high school reunion, I encountered numerous people who had purchased security at the price of freedom. The high school I attended is in a sleepy little town halfway between Sacramento and Oregon whose only industries are — well, I can't think of any. People stop there on their way to someplace else. My parents moved there because they enjoyed camping and hunting. I moved away the day after I graduated from high school. So I was surprised to discover that most of the popular kids in my class — the class officers, cheerleaders, and jocks — were still living in the same one-horse town, many of them on their second marriages to other members of our graduating class. Meanwhile, the social outsiders — those of us who hadn't made the teams or been invited to the keggers — have traveled the world and explored multiple careers. The difference? The jocks and cheerleaders had too much to lose. They were too comfortable, content, and afraid to give up the security of being invited to the next in-crowd party to test the unknown freedom outside Happy Valley.

My classmates seemed to have bought into the philosophy of another '60s songwriter, Stephen Stills, who sang, "If you can't be with the one you love, honey, love the one you're with." In "Million Dollar Baby," Hilary Swank's character risks everything to become a prize fighter, earning enough to purchase a house for her estranged mother, who lives in a trailer park. Clint Eastwood's character drives them to the house and stands back, ready to observe the heartfelt reunion. Instead, the mother lashes out at her "inconsiderate" daughter's gesture, screaming, "What'd you go and do that for? What's going to happen to my welfare if they find out I own a house?" She refuses to sign the papers accepting title to the house, preferring the security of a welfare check and certain poverty to the uncertainty of hope and possibility. Just love the one you're with.

Seeking our own self-interest and satisfaction is the key to happiness. It leads to invention, innovation, and a better standard of living for all.

One of the insidious results of our welfare system is that it provides just enough security to make it difficult to let go. Welfare should be a safety net, not a Beauty Rest. It should break one's fall, but not be comfortable enough to sleep on night after night. Instead of settling for "the one you're with," we would do better by following the Rolling Stones: "I can't get no satisfaction, but I try, and I try, and I try, and I try." Seeking our own self-interest and satisfaction is the key to happiness. It leads to invention, innovation, and a better standard of living for all. It may require changing direction, taking risks, cutting losses, or even cutting wins, but a lifetime of striving toward a desired goal is preferable to a lifetime of avoiding failure.

In Frank Capra's 1938 comedy, "You Can't Take it with

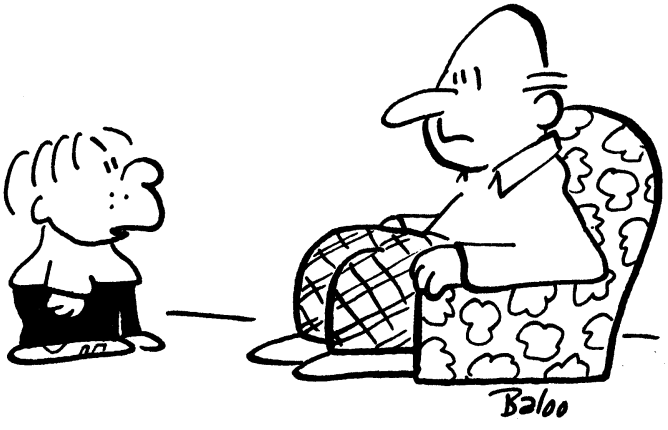

"What did I learn in *school* today? Boy, where have *you* been for the last 20 years?"

You," an eclectic household of artists and inventors drop out of the corporate rat race to pursue hobbies and interests that fill their souls rather than their pocketbooks. One is an artist, another loves to cook, yet another is a stamp collector. They all manage to earn a sufficient living doing what they love, for two reasons. First, as economist J.B. Say discovered, "Supply creates its own demand"; they were able to create a market for the goods and services they produced. Secondly, they discovered that doing what they wanted to do was more satisfying than having what they wanted to have. They lived frugally and happily, not worrying about the materialistic trappings of keeping up with the Joneses. They stayed out of debt and lived within their means, creating their own security by exercising their freedom.

Each of my adult children has experienced the principle taught by their seventh great-grandfather, Benjamin Franklin, refusing to trade security for freedom. My oldest daughter earned a degree in public relations, but after two years working for a publishing company, she realized that dance, not copywriting, is her passion. She cut her losses, quit her job, and started over. Now she is one of a handful of Isadora Duncan experts and runs her own successful dance troupe. My oldest son majored in economics, passed his Series 7 test, and was offered a good job with a successful brokerage house. But, like his sister, he is an artist at heart: he said no to the job, and began studying film. Last year he was first assistant director on the sleeper hit "Napoleon Dynamite," and right now he is in Oregon, directing his own film, "The Sasquatch Dumpling Gang," with Kevin Spacey as executive producer. My younger son, also an economics major, is pursuing a career as a professional wakeboarder. Will he succeed? I don't know. But I do know this: It is his passion, and he will be much more satisfied for having tried. He's fed by the words of yet another Rolling Stones hit: "You can't always get what you want, but if you try some time you'll find you get what you need."

— Jo Ann Skousen

Hail to the chef – How strange to find pride of workmanship in this seaside casino where the trick is to get rich without working; unless you consider work the mashing of a red lighted button that says "spin wheel."

Surrounding the buffet, where I'm chewing on a moist, sticky-sweet macaroon, are hundreds of players symbolically throwing money at numbers in electronic machines, numbers painted on felt tabletops, numbers inscribed on wheels.

Gaming they call it, not gambling. Gaming is sport — gambling is a vice.

The idea is sort of a "Bread upon the Waters" concept but with the substitution of selfishness for generosity.

At the roulette wheel adjacent to the buffet, where I'm enjoying my macaroon, if I put a chip on number 11, I'll get 35 chips back. All I need is for fate to favor 11 over 37 other numbers. But for the moment, my mind has landed on macaroons, not roulette. While random chance might make number 11 a winner, somebody lovingly, whole-heartedly, purposefully has flavored, shaped, and baked this ambrosia.

Overwhelmed by the talent that produced something as real as a mouth-rewarding coconut cookie in this sea of emptiness, I poke my head in the kitchen: "Hey who made this spectacular macaroon?" A fat guy, wiping his hands on an apron, steps forward and says he is the pastry chef. I babble about this celestial macaroon. (Okay, I admit that I'd had a small rum and coke.) He responds with proper pride. He lovingly recites the ingredients. He adds with flashing eyes that they bake everything themselves.

This clearly is a man who enjoys his work and understands its value to the world. He may be the only winner in the casino. If I bump into Diogenes and his feebly flickering lantern I'll direct him to the macaroons and the artist who makes them.

— Ted Roberts

News about nothing — Last night when I turned on my talking box, I was in for a special treat. Allow me to paraphrase the news bulletin:

"This is breaking news. The Seattle Chief of Police has just been warned by the FBI that there is a noncredible terrorist threat to the city of Seattle: poisonous gas could be released downtown at the end of the month. Experts say that because of the high level of organization such a terrorist act would require, this threat is unsubstantiated. Again, we

continued on page 54

Freedom Blossoms in the Desert

by Doug Casey

Custom-built islands and a seven-star hotel: Dubai defies conventional wisdom about democracy and the Middle East.

I'm not easily impressed. And it's not really my style to indulge in hyperbole, so I'm a bit taken aback by what I'm going to tell you. But what's happening in the United Arab Emirates (U.A.E.) simply beggars the imagination. I've written a lot about the boom in China, especially Shanghai, where the new national bird is the Construction Crane; Dubai exceeds it, and redefines the meaning of a boom. Words like "unbelievable" and "breathtaking" are warranted. The place is like Las Vegas multiplied by ten.

I've been to about 170 countries, but until last month, never to the U.A.E. That's not exactly true. A few times in the '80s, I went through the airports in Dubai and Abu Dhabi for refueling, on my way from Europe to the Orient, but never took a walkabout. Based on the shabby facilities and the few shops peddling knickknacks, there seemed no reason to bother getting a visa to take a closer look. Big mistake.

The fact that Dubai isn't a recurring feature in most magazines is testimony to how provincial the world still is. What's happening in this part of the Persian Gulf, abutting Saudi Arabia, just about 60 miles across the water from Iran, and about 800 miles from Iraq, is far different — and ultimately far more significant — than anything going on in the rest of the Middle East.

Let me first give you a bit of background, then tell you what is happening, and whether it will continue. Then why. Then what I think it means, and why it's important.

Dubai

The U.A.E. was formed from British protectorates known as the Trucial States. After the Empire went home in 1971, seven of them joined together in a federation that became the U.A.E. Abu Dhabi, with gigantic oil revenues, was and is the biggest. Dubai is next in size. Then comes Sharjah. Then four others that are still very much off the beaten track (for the benefit of trivia buffs: Ajman, Ras al-Khaima, Umm al-Qaywan, and Fujairah). Two other emirates, Qatar and Bahrain, were invited to join but stayed independent.

Dubai started pumping oil in 1969, but while the reserves were gigantic for a country of 100,000 citizens, they were small by Gulf standards, and it was clear they would virtually disappear over the next 40 years. Better than oil — usually a curse to those who have it — Dubai was blessed with a particularly prescient leader, and a long history of making its living as a trading port.

It's funny how provincial and prone to hysteria Americans are. When I mentioned I was going to spend a few weeks in the Middle East, I was confronted by looks of awe, fear, shock, and disgust. It reminded me that most Americans still think they're tempting fate by ordering something other than chop suey in a Chinese restaurant. Dubai, I can assure you, is far safer and more interesting than 99% of the United States.

And much more prosperous and developed. Perhaps even more amazing than the development itself is its trajectory. It's not that 100 years ago there were only a couple thousand locals living on the creek that acts as the centerpiece for the old city, or that, as late as the '30s, pearl diving was the major industry. It's that the place opened its first hotel only in 1959, and its first airport in 1960.

What's Happening Now

It's impossible to describe a place like this adequately in a short article. So I'll touch on a few highlights and give you some Web references. Let's start with property.

The current signature building in Dubai is Burj Al Arab, a fantastic, sail-shaped building and that is the world's only seven-star hotel. I tried to get a room but, even at $1,100+ per night for the least expensive, they were completely booked. But then, every one of the city's roughly 250 hotels seemed to be booked. I was lucky, mainly because I patronize the chain a lot, that the Grand Hyatt deigned to make a room available for $500+. Not that Dubai gets many rubber-necking tourists yet, but the Burj ("building," in Arabic) charges a $20 entrance fee to those who aren't guests, or haven't reserved at a restaurant. Good idea, actually. At those prices, I wouldn't want a bunch of riffraff wandering around either. I'll plan ahead and spend at least a night there next time.

In addition to the most spectacular hotel in the world, Dubai will shortly have the Burj Dubai, now starting construction, which will be, at over 500 meters, the world's tallest building, abutting what will be the world's largest shopping center. The entire project is billed as "the most prestigious square kilometer on the planet." I believe it. Whatever happened to 5th Avenue, Rodeo Drive, and the Champs Elysées? They're part of the Old World. Nice, but relatively quaint. When was the last time something of that stature was erected in the United States — or Europe, for that matter? Thirty years ago, with the World Trade Center, or the Sears Tower. And the Burj Dubai isn't topping something in the U.S.; it's running with the big dogs, like Kuala Lumpur's Petronas Towers and Shanghai's World Financial Center.

You might think that a country that's 100% desert wouldn't need more land. But you can always use more beachfront. Dubai has already constructed The Palm, a development that has been built out into the Gulf and adds 120 km of shoreline, plus thousands of homes, and about 40 new luxury hotels. It's one of the world's greatest engineering projects. A second Palm is under construction, and a third — which will be about the size of Paris — is planned. The scale of all this is mind-boggling.

Most spectacular of all is The World, a complex of 300 artificial islands to be built 5 km out in the gulf, resembling a map of the world. The islands range from about two to ten acres apiece, and they're all pre-sold, the cheapest at $23 million. You buy your island, and you can do whatever you wish on it or with it.

The dozens of hotels that can compete with those in Bangkok are starting to draw not just businessmen, but tourists. They like the beaches, and love shopping in a tax- and regulation-free environment. The selection and prices are probably the best in the world, especially for unique items like Oriental rugs. And while Dubai can't compete with Bangkok or Las Vegas in their particular areas of strength, it's as close as you get for this whole part of the world. And it's going to be on par with Disney World in the theme park department in a few years.

People from around the world like American university degrees and American medical care, but they don't like American prices nor, any longer, going to America. Recognizing this, Dubai has set up the Dubai Knowledge Center that, through a combination of e-learning and physical facilities, offers degrees in conjunction with a number of globally recognized academic institutions. There is also a Medical Center, a Media Hub, a technological hub and even an outsourcing zone to compete with India, all of which use the Dubai's streamlined regulation and pro-business bias as a very sharp competitive edge.

Almost all the labor is from India, Pakistan, Sri Lanka, or Bangladesh. The workers typically get a few hundred tax-free dollars a month plus room and board in exchange for twelve-hour days, but with no possibility of immigrating, marrying, or overstaying their contract. They may resent being treated like serfs, but it's a better deal than they get at home. And when they go home, they spread tales of how the streets of a free-market economy are paved with gold.

Although the Emirates share a long border with Saudi Arabia's Empty Quarter and Islam is obviously the favored religion, it comes in nearly as many flavors as Christianity. A Muslim is considered observant as long as he adheres to the Five Pillars. This allows for substantial freedom (not that fundamentalists, like Saudi's Wahhabis, acknowledge it). Dubai's women, for instance, are Westernized, but in a quirky way. In one large shopping center (which, like the village well it supplanted, functions as a place to see and be seen), I recall seeing a striking young Bedouin woman in a

sheer, see-through chador, a cross between the Arabian Nights and Victoria's Secret.

The national airline, Emirates, is probably the best in the world as far as I'm concerned. I don't know any others that, as a complimentary service, pick you up for your ride to the airport in a 7-series BMW. Unlike U.S. carriers today, all its stewardesses are like those on U.S. carriers circa 1960. (Whenever I fly United, I'm reminded of the fact that, when my mother was a stewardess, they all had to be young, pretty, single RN's. Regrettably, nowadays they're all roughly my mother's age and members of the Teamsters Union. They stupidly thought it was a career, when it was just a good way to see the world for a few years while meeting up-market guys. But that's another story.) Emirates has been highly profitable since its second year, and made about $300 million last year, even though it started with only $10 million in capital in 1985. And they did it with no subsidies.

A benevolent dictatorship that's run like a profitable business, not a dictatorship, actually can work.

Naturally, I stopped by the stock exchange. For the last couple of years, all the markets in the Mideast have been howling; Dubai was up 5% on the day I stopped by. Will I open an account? No. It's simply too hard to watch companies on the other side of the world. And I hate to get into anything that's been so strong for so long. But I will certainly watch it out of the corner of my eye.

Why the Boom Will Continue

As a longtime anarchist, I'm of the opinion that the best government is no government at all. The fact that Hong Kong has been, until recently, just a "night watchman" state is responsible for its spectacular success; it was as close to a political ideal as existed in today's world.

But, perhaps because of some atavistic genetic coding, humans usually seem to want somebody in charge — a father figure who can give them the illusion of security and somehow guarantee that they live in the best of all possible worlds. It's often been said that a benevolent dictatorship is the best practical form of government, and that may be true as long as the dictator stays benevolent; generally, however, only the most flawed type of person actually gets to be a dictator. There are exceptions, of course, like Lee Kwan Yu of Singapore who, despite his somewhat laughable and idiosyncratic attempts at social engineering, not only did an excellent job, but found an able and noncorrupt successor. I do know that "democracy," a vastly overrated, currently quite fashionable but widely misunderstood system, is not the answer.

Dubai's Sheikh Rashid, who ruled from 1958–1990, said "What's good for business is good for Dubai." He not only talked the talk, but walked the walk. His son, Sheikh Mohammed, is apparently at least as friendly to business. They intelligently directed revenues from their oil, when it still flowed, to prime the pump, and then let the market do its thing. Can things change? Of course. This is a hereditary monarchy, and the next sheikh (like the next U.S. president, for that matter) could be a psycho. But I rather doubt it will happen in Dubai. This country is literally run like a corporation, with the sheikh acting as the chairman. The aristocracy are the other directors, and the 100,000 citizens the shareholders. Any serious deviation from a proven corporate culture simply wouldn't be tolerated.

A benevolent dictatorship that's run like a profitable business, not a dictatorship, actually can work.

Why This Is Important

People are, in most ways, very conservative. Sometimes I want to say stupid. One definition of stupidity is doing the same thing — like socialism — over and over again, and expecting different results. Another definition of stupidity is the ability to learn something — like "capitalism works" — only very, very slowly. You'd think that after enough people had been to the U.S. in its halcyon days, all the world would have wanted to model itself after America. But no, they stupidly kept buying into every cockamamie socialist scheme that came down the pike from Europe.

It was argued that, somehow, America was anomalous, or that its success was due to something other than its free-market practices. So America acted as an example to individuals, but not to other states. Hong Kong — basically a barren rock, devoid of any resources other than poor opportunity seekers and the free market — wasn't planned as a free-market entrepot, but anyone could see how successful it was. Singapore, watching Hong Kong, was probably the first country in the modern world to consciously adopt capitalism (albeit in a rather paternalistic and adulterated form) to achieve success. Then, in the early '80s, China started copying Singapore: a socially and politically circumscribed free market. Far from ideal, but an outstanding success nonetheless.

Dubai is, and will remain, the most successful city in world history because it is, in most ways, the freest.

Dubai is, and will remain, the most successful city in world history because it is, in most ways, the freest. But what's more important is that as leaders of other countries — especially small, poor ones — visit the place, they will increasingly see that they have no alternative but to emulate it. Dubai has truly let the cat out of the bag. There's no doubt in my mind that in the next ten years, Dubai look-alikes will spring up around the world like variations on a theme. For most countries, it's either imitate Dubai, or become a petting zoo for those who do.

What's happening in the Emirates makes me think that even when things go bad in the U.S. — and if they go bad in

continued on page 24

The Shifting Sands of the Clean Water Act

by Gregory T. Broderick

Don't mow your lawn without calling a lawyer — the Army Corps of Engineers might come after you.

Developer John Rapanos should be a classic example of the American Dream. Instead, he became the target of a government vendetta that dragged him through a dozen years of litigation and pushed him to the brink of bankruptcy. His story is a cautionary tale about how the Clean Water Act really works.

Rapanos is the son of Greek immigrants who escaped war-torn, socialist Europe to make a better life in Depression-era America. As a boy, John Rapanos played in a hallway spattered with blood and bullet holes. Broke and struggling, the family finally fled from their rough Chicago neighborhood to Midland, Mich., two hours from Detroit. Though they arrived with nothing more than a carload of possessions and their own wits, the Rapanos family prospered, despite anti-immigrant sentiment.

Rapanos' entrepreneurship began at an early age, when he set up a candy stand outside the town's largest employer, Dow Chemical Company. The business succeeded until one of Dow's employees attacked him for being a "dirty Greek" and overturned his stand. Rather than slinking away, Rapanos sought out the chief of police and demanded that the worker apologize. He did.

As a young man, John scraped together all the money he could find in order to buy some real estate. After preparing the property for development, he sold it at a profit, and Rapanos Investments was born. Since then, Rapanos has married, raised six children, and made a fortune, all the while helping Midland grow from a factory town to a "City of Science and Culture." His sons are also developers, but they don't work for him; Rapanos has made them earn their own way.

Unfortunately, the story doesn't stop there. In the 1980s, Rapanos bought a 175-acre cornfield across from the old Dow plant and prepared it for development by leveling the property. When his grading equipment hit the concrete foundation of an old farmhouse that had been on the site, he took a natural sand pile and spread it over the concrete. That incident 20 years ago is why John Rapanos now faces jail time; that's why his family and companies face bankruptcy, and why the property remains undeveloped.

This startling story is just another chapter in Clean Water Act (CWA) enforcement. Passed over President Nixon's veto in 1972, the CWA prohibits the "discharge of any pollutant into navigable water" without a federal permit. The language seems reasonable enough, but the statute has become a charter for federal control over the most local of decisions: real estate development, road building, driveway construction, even farming operations. The law doesn't seem to apply to John Rapanos' land, which consists of cornrows and a damp forest 20 miles from the nearest navigable waterway. But contorted interpretations of terms like *pollutant* and *navigable water* have made Rapanos' property as "navigable" as the mighty Mississippi.

The pollutant Rapanos discharged wasn't oil, or nuclear waste, or chemical sludge: just sand. But the Clean Water Act doesn't distinguish between "pollutants," and it covers everything from solid waste to rock, sand, and even heat. In one case, federal regulators required Oregon ranchers to

plant trees to block sunlight — which is a pollutant under the CWA.

You might figure that Rapanos' cornfield is not "a water." But, under the CWA, it's not necessary for property to contain any water on its surface to qualify as "a water." A piece of ground need merely meet the definition of "wetland" in the Army Corps of Engineers' "1987 Wetlands Delineation Manual." Legally speaking, if the soil one foot below your property is "saturated" with water for 5% of the growing season — usually eight or ten days between spring and fall — you own "water," not land.

By discharging a "pollutant" into "water," you've taken two steps towards becoming a felon. The third step is whether the "water" is "navigable." Here, the legal issue is more complicated. In the 1824 case *Gibbons* v. *Ogden*, the Supreme Court held that Congress' power to regulate interstate commerce extended to ferries providing transportation between New York and New Jersey. In keeping with Gibbons' reasoning that the federal government's power over navigation derives from the Constitution's commerce clause, federal power over American waterways in the 19th century was limited to those used (or capable of being used) as "highways for commerce, over which trade and travel are or may be conducted."

This continued until the 1890s, when Congress passed a series of Rivers and Harbors Acts, making it unlawful to "cast, throw, empty, or unlade" anything into a navigable waterway that might obstruct navigation. Despite these small steps toward federal suzerainty, the government stayed focused on commercial navigation throughout the late 19th and most of the 20th century. But beginning in the 1960s, the focus shifted from protecting waters for navigation's sake to protecting waters for their own sake. This change started with public officials touting rivers as national scenic treasures, and soon took off with an aggressive wave of legislation in the late 1960s and early 1970s. One of these laws was the Clean Water Act.

But even this new rush of laws — aimed at pollution instead of navigation — was limited to "navigable waters," which the law defined simply (if vaguely) as "waters of the United States." In keeping with 150 years of law and tradition, the Army Corps of Engineers, which enforces the CWA, initially applied it to the same waters that the Rivers and Harbors Act covered: waters subject to the ebb and flow of the tide, and waters that were being used or could be used for interstate or foreign commerce. As late as 1974, federal regulations emphasized that federal jurisdiction was determined by "the water body's capability of use by the public for purposes of transportation or commerce."

Contorted interpretations of terms like "pollutant" and "navigable" water have made Rapanos' cornfield as "navigable" as the mighty Mississippi.

It was only when environmental fanatics at the Natural Resources Defense Council sued the government, complaining that this definition was too narrow, that things really changed. Judge Aubrey Robinson, Jr., an unabashedly liberal Johnson-appointee, sided with the NRDC and struck down the rules, finding that the term navigable waters "is not limited to the traditional tests of navigability" but requires "federal jurisdiction over the nation's waters to the maximum extent permissible under the Commerce Clause."

In one case, federal regulators required Oregon ranchers to plant trees to block sunlight — which is a pollutant under the CWA.

Rather than appeal this ruling, the Army Corps of Engineers adopted new rules in 1975, asserting a breathtaking federal authority over everything from "traditionally navigable waters" and "tributaries of navigable waters" to "intrastate waters from which fish were removed and sold in interstate commerce" and any other waters the Corps "determines necessitate regulation" to protect water quality. Efforts to turn back this regulation passed the House of Representatives, but died in the Senate, and the modern age of federal regulation over virtually all water in the nation began.

In 1985, the Supreme Court removed what few limits were left when it ruled in *United States* v. *Riverside Bayview Homes* that the CWA could control wetlands "adjacent to" and "bound up with" any navigable river. With the Supreme Court seeming to confirm the "anything goes" version of the law, the Corps pushed its interpretation even further, adopting a new "clarifying" rule extending jurisdiction over any "waters" that might be used by traveling migratory birds, or that might provide habitats for endangered species. These new rules even hinted that the CWA might extend federal control to irrigation ponds, ditches, and swimming pools.

Only in 2001 did the Supreme Court again wade into these muddy waters to restore some limits, in *Solid Waste Authority of Northern Cook County* v. *Army Corps of Engineers*. There, the Court struck down the "Migratory Bird Rule," and definitively declared that the CWA does not "extend to ponds that are not adjacent to open water." Anything else, the Court said, would probably render the CWA unconstitutionally broad under the Commerce Clause. The ruling was a relief, but in the four years since, federal courts have sharply disagreed over its meaning. Today, the CWA means one thing in Michigan and Maryland but another thing in Mississippi. The 5th Circuit Court of Appeals had held that the CWA is limited to "navigable-in-fact" waters and immediately adjacent ponds, but the 4th, 6th, and 9th Circuits are ready to allow the federal government control over any body of water from which a single molecule of H_2O might end up in a navigable-in-fact water. If a water molecule can seep from your backyard and eventually reach a navigable waterway, then mowing your lawn could be a federal crime. Walking, biking, or driving a vehicle through a protected wetland is considered a felony.

Worse still, residents of Massachusetts and Minnesota

have no way to tell which interpretation of the law will apply to them; they must either cross the government and risk prosecution, or take federal bureaucrats at their word and submit to what is probably an illegal application of the CWA. Neither is particularly appealing. For a project like leveling a cornfield, it takes a little over two years and costs more than $270,000 to get a permit — assuming no delays. But proceeding without a permit can be even more expensive: a criminal violation of the Clean Water Act brings with it a maximum penalty of 15 years in jail and a $1 million fine; a civil violation means a fine of $32,500 per day of violation, which the government counts as every day that the "pollutant" remains in the "navigable water." Anything left in a wetland for one year could cost an offender almost $12 million — and ignorance is not a defense.

Anything left in a wetland for one year could cost an offender almost $12 million — and ignorance is not a defense.

So, when John Rapanos covered the troublesome farmhouse foundation by moving sand from one end of his land to the other, state and federal environmental officials accused him of filling dozens of acres of wetlands with more than 300,000 yards of sand. Former Michigan environmental chief Russ Harding says he's walked every inch of the property and drilled dozens of holes at least five feet deep without finding any evidence that wetlands ever existed there or that fill was brought in, and 300,000 yards of fill would require thousands of truckloads of dirt, something the employees across the street at Dow Chemical would probably have noticed. What's more, the evidence in the government's criminal and civil charges against Rapanos, filed in two separate cases, shows that the government doesn't even agree with itself about where the wetlands are or what portions of the property were filled.

None of this mattered to the federal courts. After 13 years of criminal litigation and 12 years of civil litigation — which has included four appeals to the Supreme Court and more than a half-dozen trips to the Sixth Circuit Court of Appeals — John Rapanos was convicted of CWA violations and sentenced to 10–16 months in federal prison for polluting his so-called wetlands, which connect to a 100-year-old man-made drain, which flows into a non-navigable creek, which, finally, flows into the navigable Kawkawlin River, 20 miles away.

How did events ever get this far? In the opinion of at least one Sixth Circuit judge who heard Rapanos' case, the government engaged in "prosecutorial overkill," in which federal prosecutors compared him to "the devil" and compared "his treeless property . . . to the Warsaw ghetto without Jews." According to federal District Judge Lawrence Zatkoff, who presided over Rapanos' trial, the government came after him because he is "easy to dislike, [and] had the audacity and the temerity to insist upon his constitutional rights."

Judge Zatkoff found that "the average U.S. citizen is incredulous that it can be a crime for which the government demands prison for a person to move dirt or sand from one end of their property to the other end of their property and not impact the public in any way whatsoever," and noted with irritation that prosecutors had claimed Rapanos' act was worse than the Exxon *Valdez* oil spill. The judge sentenced Rapanos to probation — but the government has asked the Supreme Court to intervene and increase his sentence.

As former Supreme Court Justice Byron White put it, "[o]n a purely linguistic level, it may appear unreasonable to classify 'lands,' wet or otherwise, as 'waters.'" It's even more unreasonable to ruin John Rapanos. A less principled man would have backed off long ago to close the deal, putting expediency ahead of property rights. But Rapanos didn't build a successful life by giving in. The Supreme Court is now considering whether to take his case. For John Rapanos, the case represents an opportunity to win justice and avoid financial ruin and, as with the candy stand from his youth, he won't stop until he's vindicated. For the rest of us, this case is an opportunity to restore sanity to federal power, clarify the meaning of the Clean Water Act, and end absurd federal meddling in local land use. ❑

Dubai, *from page 21*

China — the world economy will still continue apace. The reason is that any leader of a backwater country who sees what's happening here will understand that if a boom can be created in an absolute desert in the world's most notoriously unstable region, then one can be created anywhere. For all anyone knows, the leader of some flyblown place in Africa, Asia, the South Pacific, the Caribbean, or Latin America is even now planning on replicating the success of Dubai.

But Dubai is important in another way. It's an example to the Arab world that they can do something as spectacular as has ever been done — and do it without the deus ex machina device of oil. Arabs that see Dubai can view themselves and their culture on a level with the Europeans, Americans, and Asians, not just as some "camel jockeys" who got lucky by sitting on a pool of oil somebody else discovered and developed.

The success of Dubai is due — partly as a result of this ongoing change in self-perception by Arabs — to the withdrawal of their money from America. Because of the absurd War on Terror, anyone from the Middle East who keeps substantial capital in the U.S. has to be an imbecile. But where, then, should people from the Middle East put their money? Before Dubai, there was no place within Arab culture that was safe. Now there is. It's safer than America, and much more profitable.

Dubai shows the West in general, and America in particular, that Islam in general, and Arabs in particular, are not necessarily their enemies. Of course, the Bush regime will disregard the lesson. But in doing so, they will make themselves irrelevant, and find themselves locked out of Dubai's desert oasis. Don't make the same mistake. ❑

Breeding a Better Tomorrow?

by Ralph R. Reiland

When America's scientists advocated sterilizing "genetically inferior" citizens, they found an eager audience: the Nazis.

I'm not the Nazi type, so I'm usually not in the market for books that promote the idea of sterilizing the allegedly less-than-perfect among us. But my wife and I were looking for an oak hall tree in an antique shop, when up popped an eye-catching art nouveau woman sitting next to an oval beveled mirror, circa 1910. Next to the statuette, the enterprising shopkeeper had placed a book from the same period, "Sour Grapes, or Heredity and Marriage," by Edward Amherst Ott (1896).

I bought both (and still don't have the hall tree).

After dedicating his book to the "Era of Conscious Evolution," Mr. Ott begins by explaining how we get fast horses and perfect roses. It's a simple matter of nature and man working together, striving for perfection: "To secure beautiful flowers we must not rely on nature, we must direct her, use her." And it's the same with people, where Ott contends that the "thoughtful use of nature" can "materially aid in bettering the human race."

Basically, we're all "chips off the old block," the author reminds us, i.e., "like begets like," just as it's predictable year after year which lines of cows at the county fair will take home the blue ribbons. "The law of life itself" is that "character has a physical foundation." In other words, it's not just the physical that we inherit, but also "character."

When it comes to race, Ott sees an unfaltering line of straight-flush heredity for the lucky groups — a long run of winning hands. In the same way, for the less blessed, there's also an unrelenting heredity, a predestination to inferiority — a stacked deck that delivers an unending string of bad hands.

The bottom line: "The law of heredity gives the race its stability," for good or ill. Regarding the French, for instance: "Now even the French Revolution cannot destroy a nation, for there is something in the blood, bone and fiber of the people that leads them to take up the problems of life just where they were before the storm came." And with African-Americans: "We foolishly thought we could 'make over' the negro with a civil war; and when the storm passed, the negro, industrially, socially and educationally, was left untouched."

And what about a helping hand to break the cycle, to make up for the obstacles erected by racism, and the roadblock of centuries of slave labor at zero pay? "You can furnish free opportunity, and there helpfulness meets a stone wall. All great good things people must do for themselves. You can't give him civilization any more than you can give a lazy white boy an education."

Our mistake, Ott argues, is that we try to do things to uplift people, to "make over" the hereditarily bad and genetically clueless, rather than just eliminating them in the first place: "There is an ethics of biology. If we bred the right kind of people, the work of the school and the church would be easy."

It's tough, in short, for teachers and ministers to make something out of a roomful of genetic yahoos and dingbats: "It is fair, therefore, to say to the critic of the school and the church that these institutions are doing marvelously well when you consider the material they work with." In other words, garbage in, garbage out.

With crime, Ott paints the same "like begets like" picture: "A single family, with its center of activity in New York

State, has produced nearly twelve hundred of the criminals in this country, and has cost the taxpayers one and one-quarter millions for arrests and detentions." Again, it's the hereditary trap: "Vice runs in the blood just as virtue does and when some of these criminal types marry, they plant a new center of poisoned blood."

Ott's answer to all this: "It is high time that we substitute criminal reservations for jails and penitentiaries," with a "free, open-air life," like those new cageless zoos, and a "uniform punishment" for those who aren't officially classified as reformed or fixable — "namely, prevent marriage and reproduction among them; and so let the criminal class disappear."

Three decades after these words were published, the U.S. Supreme Court, by an 8-to-1 vote, upheld a lower court's decision to authorize the forced sterilization of 17-year-old Carrie Buck. Chief Justice Oliver Wendell Holmes wrote the majority opinion: "It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. Three generations of imbeciles are enough."

The "three generations" to which Justice Holmes referred are Carrie Buck and her mother Emma, both institutionalized at the Virginia Colony for Epileptics and the Feebleminded, and Carrie's illegitimate baby daughter Vivian. This newest "imbecile" was the result of a rape by a relative of Carrie Buck's foster parents, a point that wasn't raised in any of the court proceedings.

"We have seen more than once that the public welfare may call upon the best citizens for their lives," explained Justice Holmes, referring to the sacrifice of soldiers during wartime. "It would be strange if it could not call upon those who already sap the strength of the state for these lesser sacrifices." It would be odd, in other words, if we worried too much about the forced cutting by the state of the fallopian tubes of its less-than-perfect citizens when the best-of-the-nation are recurrently called upon to risk their lives in battle.

Within four years, 30 legislatures across the U.S. had passed laws authorizing involuntary sterilization for purportedly "defective strains" of the populace.

"Expert testimony" in court about the Buck family included a sweeping and somewhat geographical analysis by Dr. Albert Priddy, the superintendent at the Virginia Colony asylum: "These people belong to the shiftless, ignorant, and worthless class of anti-social whites of the South."

Additional testimony by one of Carrie Buck's teachers charged that she had sent flirtatious notes to boys in school, an allegation which was used to support the proposition that sexual promiscuity ran in the family, in the genes, from mother to daughter to granddaughter.

Attorney I.P. White, representing Carrie Buck, argued that forced sterilization was a violation of the natural law of bodily integrity, an unlawful "mutilation of organs" by the state, and a precedent under which there'd be no limit to the power of the government to rework and upgrade its citizens or divest itself of people who didn't quite measure up to prevailing norms.

Shortly after the Supreme Court's decision, Carrie Buck became the first person in Virginia to have her tubes cut under the state's new involuntary sterilization statute.

On top of all that extra music and sex, Dr. Davenport warned that there would be a rapid jump in "the ratio of insanity in the population."

Within four years, by 1931, 30 state legislatures across the U.S. had passed laws authorizing involuntary sterilization for purportedly "defective strains" of the populace.

The same purification drive regarding the intrinsically "defective" was also directed towards immigrants, particularly those not of Anglo-Saxon origin. Writing in The Atlantic Monthly in 1896, political philosopher Francis A. Walker was unambiguous in identifying the peril: "The problems which so sternly confront us today are serious enough without being complicated and aggravated by the addition of some millions of Hungarians, Bohemians, Poles, south Italians, and Russian Jews."

Similarly, Dr. Charles Benedict Davenport warned in his 1911 book, "Heredity in Relation to Eugenics," that "the great influx of blood from South-eastern Europe" to the United States would cause the American population to "rapidly become darker in pigmentation, smaller in stature, more mercurial, more attached to music and art, and more given to crimes of larceny, kidnapping, assault, murder, rape and sex-immorality." On top of all that extra music and sex, Dr. Davenport warned that there would be a rapid jump in "the ratio of insanity in the population."

On the other side of world, an up-and-coming Adolf Hitler was keeping his comrades informed about the progress of American eugenics legislation. "Now that we know the laws of heredity," he told a colleague, "it is possible to a large extent to prevent unhealthy and severely handicapped beings from coming into the world. I have studied with interest the laws of several American states concerning prevention of reproduction by people whose progeny would, in all probability, be of no value or be injurious to the racial stock."

In "Mein Kampf," published in 1924, Hitler left little doubt about who had "no value" when it came to upgrading the "racial stock": "With satanic joy in his face, the black-haired Jewish youth lurks in wait for the unsuspecting girl whom he defiles with his blood, thus stealing her from her people. With every means he tries to destroy the racial foundations of the people he has set out to subjugate. Just as he himself

continued on page 54

Standing up for the "Heathen Chinee"

by Timothy Sandefur

For the delegates who gathered at California's constitutional convention, the Chinaman was the issue.

Charles V. Stuart had been talking for ten minutes when the gavel fell. His speech was passionate, even desperate; he was not an accomplished orator. One pictures his hands shaking and his voice stuttering as he faced the hostile audience at the California Constitutional Convention. The chairman, usually lenient to speakers who went over the time limit, immediately interrupted Stuart.

General Volney Howard of Los Angeles spoke up with gloating. "I hope the gentleman will be allowed to proceed. He is the pluckiest man in the Convention. I give him my ten minutes."

"Thank you, General," said Stuart, without a pause. "As I was saying. . . ."

Howard could afford to be magnanimous — and smug. Nobody was listening to Stuart's plea on behalf of California's Chinese immigrants, and the convention had long ago made up its collective mind: the constitution they were drafting would include provisions barring the Chinese from working for any California corporation, and commanding the legislature to act to forbid Chinese immigration.

A quarter-century of anti-Chinese racism had built up to this moment. In the seats of the capitol building in Sacramento sat the 156 other convention delegates — Republicans, Democrats, Workingmen, or, like Stuart, Nonpartisans. But of all of them, only Sonoma County's Charles Stuart would speak on behalf of the state's most persecuted minority.

Stuart was born May 9, 1819, into a prosperous and conspicuous Pennsylvania family. His grandfather, Charles Stewart, had settled near present-day Williamsport in 1762, at the age of 19. In 1783, he bought 714 acres in Nippenose (or Nippenoos) Township — a name which may have meant "warm place," in a Native American language, or may have referred to the cold weather, when Jack Frost would nip at one's nose — and raised a family of six. The eldest son, Samuel, became a notorious local sheriff and member of the state legislature. The third son, also named Charles, born in 1775, became a farmer, and raised eleven children, taking particular care over their education. By the time this Charles' third son, Charles V., was born, the family owned what one contemporary called a "magnificent estate," as well as several slaves. The home was described by a contemporary as an "old-fashioned brick house . . . in a conspicuous position overlooking the river near the east end of the Jersey Shore bridge," and his family was prominent enough to "move in the first circles of society."

Charles V. Stuart (it is not clear when the spelling of the family name was changed, or by whom), later recalled that "[m]y early years was spent on my Father's farm doing the labor usually done by Boys + going to school till my 14th year when I was placed at the Owego Academy at Owego N.Y." The academy, in what is now Tioga, N.Y., was situated within the area known as the "Burned-Over District," after the number of religious revivals and reform movements that began in that area in the 1830s. What are now the Mormon and Seventh-day Adventist churches began in or around the area, along with several other reform movements, and in

particular, the abolitionist movement. By 1837, four years after Stuart began studying at Owego, New York had 274 anti-slavery societies.

It is impossible to tell what influence abolitionism had on Stuart. His teacher at Owego, Charles Rittenhouse Coburn, was a reformer and educator who went on to become the state's Superintendent of Schools. He is said to have written a book on moral philosophy, but if so, it has been lost. But Stuart's religious and literary education were significant; later in life he would punctuate his speeches not only with biblical references, but with references to the works of Victor Hugo, as well.

After leaving Owego, Charles moved to Ithaca, N.Y., where he became a merchant. Evidently he applied himself strongly, and in 1839, believing his health was suffering from hard work, he went on a year-long vacation, touring the country from Maine to Texas, and from New Orleans to the Great Lakes, before finally returning to Ithaca. Four years later, he married Ellen Mary Tourtellot, the daughter of a respected soldier. At some point, Stuart seems to have served in the army, probably fighting local Indians, and earning the title of Colonel. Over the next four years, he and Ellen had two daughters and a son.

Then came the Gold Rush. The wild country of California was suddenly inundated by a flood of immigrants, from America's East Coast, as well as from across the Pacific. Chinese workers poured in to work the gold fields, as they had to build the Transcontinental Railroad and to work in the state's agricultural fields. Racial and cultural conflict quickly followed. The cultural differences of the Chinese — and more importantly, their competition for jobs — made them a target for the vilest racism in the state's history.

In 1854, the state Supreme Court declared Chinese people ineligible to testify in the state's courts. An 1850 law had declared that "No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man," and Chief Justice Hugh C. Murray explained that "the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race." Thus Chinese could not testify. But, Murray wrote, sensing the absurdity of his reasoning, "we would be impelled to this decision on grounds of public policy" anyway, because if they could testify, "we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls." The Chinese were "a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point." The decision practically legalized violent crime against the Chinese. Mark Twain, who was a reporter in San Francisco in the 1860s, later

The cultural differences of the Chinese — and more importantly, their competition for jobs — made them a target for the vilest racism in the state's history.

recalled that his paper refused to publish a news article he wrote about witnessing an attack on a Chinese man in a city street. In California, he wrote, the "Chinaman had no rights that any man was bound to respect [and] no sorrows that any man was bound to pity. . . . [N]obody loved Chinamen, nobody befriended them, nobody spared them suffering when it was convenient to inflict it; everybody, individuals, communities, the majesty of the State itself, joined in hating, abusing, and persecuting these humble strangers."

Like the Chinese, Stuart saw opportunity in California. In February 1849, he and 50 neighbors gathered $500 to set up a mule train to California. Traveling first to Cincinnati, then to Independence, Mo., collecting supplies, the inexperienced group was, in the words of another member of the expedition, "foolish enough to get everything under heaven that we did not want, and nothing that we did. We bought a lot of gold washers, which we faithfully packed . . . picks and shovels also, and everything you could think of. We commenced throwing away our articles the first day, and continued throwing away until we got to the base of the Rocky Mountains." Stuart was chosen as captain of the mule train, because, another member of the train said, he "had been accustomed to Indian fighting."

Calling itself the Ithaca Company, Stuart's mule train left Independence in May, 1849. Traveling to and then along the Arkansas River to the base of the Rocky Mountains, and then to Salt Lake City, they encountered several Indian tribes, one of whom ran off the expedition's pack animals. But the group had no serious conflict with the Indians, and only two cases of cholera, neither fatal. Still, the trip was grueling. One member recalled that "we were obliged to subsist upon what we could shoot, our chief article of food being hawks, which we could cook only by boiling." Stuart himself recalled that the worst part of the trip came between Salt Lake City and the Cajon Pass, near what is now Ontario, California:

> This last part of our journey was one of extreme hardship both for men + animals from Provo City (or Fort as it was then) to the Mohave River is one of the most God forsaken portion of this Continent, the Vallys filled with sand + alkalie, the mountain + hills covered with piles of huge volcanic rocks, all the streams, springs + wells, bitter or salt + no living reptile or insect but its bite or sting is poisonous, whole districts only inhabited by the Prarie Dog, the owl + rattle

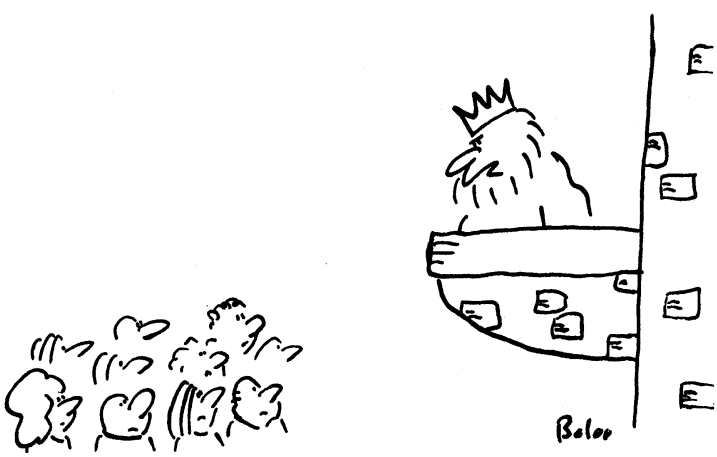

"On the contrary — extremism in defense of liberty is a *terrible* vice!"

snake occupying the Same hole + living in harmonious accord but feeding upon what, the Lord only Knows. The last Desert we passed in reaching the Mohave River was one hundred + twelve miles without water only such as we carried in our canteens, on this we lost about 1/4 of our animals, abandoned under the scorching sun for food for the Pi ute.

The group spent a few days recovering in Cucamonga, then traveled to Los Angeles, then through the San Fernando Valley to San Joaquin. Here, the party separated to reach the gold fields on their own. Stuart continued on to San Francisco, arriving on November 20, 1849.

In 1849, San Francisco was a wild town without a seriously functioning government. New arrivals began taking up land by adverse possession — called "squatting" — a source of violent conflict in the state, as thousands of miners declared themselves owners of land that belonged to wealthy absentee landlords. Stuart recalled that squatting was "an entire new bussiness to me," and, after asking local citizens for advice, he spent "a few days labor in fencing Plowing + building," with a business partner named Robert J. Ridley. This labor "soon put us in posession of a handsom little plot of about 10 acres affording us an undisputed + pleasant home" on the grounds of the abandoned Mission Dolores.

Ridley and Stuart opened a tavern on their new land, which they called the Mansion House. It became a landmark in San Francisco, catering to travelers and local citizens, who were especially fond of the "milk punch." Ridley, an English immigrant who had married the daughter of a prominent Mexican citizen, was an old hand at running taverns, and drank himself to death in 1851, at the age of 32. Stuart continued operating the Mansion House for almost 20 more years, and was prosperous enough to build the first brick house in San Francisco, on the corner of 16th and Capp streets. It is not clear when Ellen and their children joined him — or if they were part of the Ithaca Company — but by the mid-1850s, they were living together in the brick house. A son, Charles Duff Stuart, was born in 1854, and three daughters followed, Antoinette in 1856, Ida in 1859, and Isabel in 1863.

Stuart was enough of a local figure by 1850 to be elected to the city's first Board of Aldermen. In 1854, he ran for the state assembly, but was not elected. His business interests extended beyond the Mansion House: he tried to lease the New Almaden Quicksilver Mine, the first mine in California, and among the wealthiest, since quicksilver (mercury) was an essential ingredient in the process of extracting gold from ore.

But frustrated by "expensive + vexacious law suits" over ownership of the mine, Stuart sold his interest and pursued agriculture instead. Stuart was already experienced in agriculture, not only from his childhood on the farm, but from his San Francisco property, where he had arranged vegetable gardens, including fruit trees imported from New York. In 1850 he and a partner bought 1,000 acres of land in Sonoma County, and a decade later, Stuart became the sole owner of the land. He began planting grapevines, exploiting, he said "the fact that we could produce grape vines without irrigating." By 1863, Stuart was growing 40 acres of vineyards on his Sonoma County property. That number would more than double by 1880.

About 1868, Stuart began constructing a stone house on this land, and in 1870, the family moved into the home that he named Glen Ellen, after his wife. A railroad line was extended to the land, and a small town, also called Glen Ellen, began to grow. Stuart renamed his ranch Glen Oaks to avoid confusion.

Glen Oaks prospered. Stuart was able to send his son, Charles Duff, to the University of California, Berkeley. The ranch house was a large structure made of stone quarried on the property, probably constructed with Chinese labor. The two-story home had hardwood floors, a marble fireplace with a large gilt mirror, and a spacious porch. A barn and other outbuildings were also built of stone covered with plaster. A photograph of the house in 1870 shows several workers among the vines and barrels, with the imposing farmhouse in the background. A pencilled caption reading "Glen Oaks Ranch 1870, home of C.V. Stuart," appears to be in Stuart's handwriting.

No photograph of Charles Stuart is known to exist. An undated picture owned by the Glen Oaks Historical Society, however, depicts a man in a broad-brimmed hat standing at the gate dividing the main house from the barn. Although it is impossible to tell whether this is a picture of Charles V. Stuart, it bears some resemblance to the photograph of Stuart's grandfather, Charles Stewart — with the same prominent cheekbones and recessed chin. But the picture could also be of Charles Duff Stuart — if it is of a Stuart at all.

By the late 1870s, conflict over the Chinese had reached a crisis level. Native-born whites and European immigrants accused the Chinese of being dirty and spreading disease; they refused to assimilate, and used strange potions like opium. They degraded the progress of Christian civilization, the whites complained, and missionary work was hopeless. Most importantly, though, the Chinese competed for work with white laborers, driving down wages. These lower wages, said anti-Chinese writers like Henry George, forced white laborers into poverty and white women into prostitution.

Mark Twain, who was a reporter in San Francisco in the 1860s, later recalled that his paper refused to publish a news article he wrote about witnessing an attack on a Chinese man in a city street.

Leading the demand that "The Chinese Must Go!" was the Workingmen's Party, a political party formed out of the disbanded International Workers of the World. The I.W.W. had been founded by Karl Marx in 1864, but its power in San Francisco had quickly failed. The Workingmen now supported a platform combining nativism with opposition to corporate power. Alongside social conservatives who worried about the influence of Chinese culture, the Workingmen successfully called for a constitutional convention to put down "the heathen Chinee."

Why Stuart was chosen for the convention can only be guessed. By 1878, he was a prominent, wealthy citizen, with a reputation as a genuine forty-niner and a shrewd businessman. Sonoma County newspapers reported his life story, but

were silent as to his political views, or his opinion of the Chinese. But whether his neighbors knew it or not, Stuart was wise enough to see the danger that anti-Chinese sentiment posed to the farming trade.

The constitutional convention opened on September 28, 1878. The delegates included many prominent Californians, including David S. Terry, former Chief Justice of the State Supreme Court, who had resigned his seat after shooting California Senator David Broderick to death in a duel. (Terry himself would be shot to death in a Fresno tavern by the bodyguard of United States Supreme Court Justice Stephen J. Field.) Terry was only one of many populist delegates who demanded changes in the state's property laws and corporate regulations. Some of the delegates were unashamedly radical. Los Angeles delegate Charles Ringgold frankly denounced the U.S. Constitution as "a political abortion . . . violated in the interest of capital in every section and article. It has outlived its usefulness."

Leading the demand that "The Chinese Must Go!" was the Workingmen's Party, an offshoot of Karl Marx's International Workers of the World.

Remarkably, anti-Chinese delegates openly admitted that they despised the immigrants because they were smart and worked hard. As one Chinese worker recalled, the Chinese "were persecuted not for their vices but for their virtues. No one would hire an Irishman, German, Englishman, or Italian when he could get a Chinese, because our countrymen are so much more honest, industrious, steady, sober, and painstaking." The delegates acknowledged this. "The Chinaman is the result of a training in the art of low life," said delegate John Miller.

> The result of this life is a sinewy, shriveled human creature, whose muscles are as iron, whose sinews are like thongs, whose serves are like steel wires, with a stomach case lined with brass, a creature who can toil sixteen hours of the twenty-four; who can live and grow fat on the refuse of any American laborer's table. . . . The white man cannot compete in the field of labor with such a being as that. . . . If the white man is to compete with the Chinaman he must adopt a cheaper style of dress, he must inure himself to the cold, he must labor in the night; sleep shall not come to his pillow until the midnight bell tolls the solemn hour. He must arise at the first gray streaks of dawn and at his work. Then what shall be his food? No longer the savory meats, the pure, white bread made by willing hands. No! He must live as the Chinaman lives; work as the beast works; there can be no recreation, no rest, nothing but toil. . . . Our civilization has bred our people to a certain style of life, which to give up is to surrender all that makes life worth living.

Volney Howard agreed. "Our own security requires that we should turn this tide away from California," he told the convention. "If they continue to come in the numbers in which they have been arriving, they will in no time, and at a distant day, drive out the free white laborers by their merciless system of competition, which must inevitably result in their getting the possession and control of the country. . . . It is impossible for the white laborer to compete with him, and as a consequence, he drives off the white man and monopolizes the labor market." Delegates competed for ways to exclude the Chinese from the competition for labor. One delegate favored "absolutely and unequivocally cutting off the power and privileges of any Mongolian of getting any character of employment in the State whatever. That is the only way that we can rid ourselves of the nuisance." Others advocated licensing laws to forbid the Chinese from getting jobs, or laying heavy taxes on all Chinese immigrants, or confiscating the property of corporations that hired Chinese workers, and even forbidding the bodies of dead Chinese workers from being returned to China. (The Chinese believed their bodies must be interred in China, and would save their earnings to pay for repatriation.) At one point, the convention engaged in a particularly cruel joke. After deciding to exclude anyone who was "not capable of becoming a citizen of the United States" — i.e., Chinese immigrants — from owning property, the convention returned to discussing the Bill of Rights. When the delegates came to the clause, "All men are by nature free and independent," the following exchange took place:

> [Charles O'Donnell of San Francisco]: I move to amend by inserting after the word "men," in the first line, the words "who are capable of becoming citizens of the United States."
>
> [Thomas McFarland of Sacramento]: I second the amendment. [Laughter.]
>
> The Chairman: The Secretary will read it as amended.
>
> The Secretary read: "All men who are capable of becoming citizens of the United States, are by nature free and independent."

The motion failed, but the fact remained.

Finally, on December 9, 1878, Charles Stuart spoke up. "I have been a patient listener in this Convention," he began, "and have not been on the floor since its first organization — over two months ago. I have heard what was said with a great deal of instruction — sometimes; and sometimes with disgust and disappointment." In a brief speech of four paragraphs, Stuart described his arrival in California, his work as a farmer, and his opposition to any state efforts to defy a federal treaty that permitted Chinese immigration. He was interrupted by O'Donnell. "You say you have employed hundreds of men; have you not employed hundreds of Chinamen?"

"I have, sir, thousands of them, and hundreds and thousands of white men, too," Stuart answered.

"I thought so," snapped O'Donnell.

"That is what I am coming to now," Stuart continued. "There is not a man in California in my profession, that of farming, but what employs, directly, or indirectly, the Chinaman. The Chinaman becomes your cook, the Chinaman becomes your servant, he becomes your hewer of wood and drawer of water, even in the city of San Francisco." Stuart recalled the celebrations in San Francisco when California was admitted to the Union, over a quarter-century earlier. Stuart had watched the parade from the Mansion House. "the Chinamen, few as they were, were

admitted to a post of honor, and they followed the officers of the State and city in the parade," Stuart recalled. But since then, racial hatred over competition for jobs had poisoned the state. The problem was not that the Chinese were racially inferior, but that white men did not want to compete: "White men we have plenty of here," he said, "We have thousands and tens of thousands of white men traveling this State and the United States, voluntary idlers — not involuntary. We have a class of so-called white laborers that have never worked, never intend to work, and never will work."

Banning Chinese immigration was unconstitutional, Stuart argued; it was a federal matter, and states could not interfere. He spoke nervously, trying to remember all his points: "I am somewhat unaccustomed to this kind of business," he said. "Consequently I am going to leave that to others who are better posted than myself — after a while." But then he came to his larger point, and the shorthand reporter captured his words as well as the audience's reaction:

> Chinese immigration is injurious to the country, is it? Chinese immigration to the country has made it what it is. [Derisive laughter.] Labor has made it what it is. . . . It has been labor that has cleared up farms, that has planted fruit trees, that has built cities, that has done everything except the mining, and even then, the tailings we always used to rent to Chinamen in early days. Everything has been done by this labor.

Stuart was not immune from racism, though. Like most of his contemporaries, Stuart believed that whites lived in a secure position of superiority. But that did not justify racist laws. White labor was good, if you could get it, Stuart said, but whites were unwilling to arise at the first gray streaks of dawn:

> I believe one white man is worth two Chinamen; that one Chinaman is worth two negroes, and that one negro is worth two [white] tramps [laughter and hisses] — that is, for labor.

Anti-Chinese delegates openly admitted that they despised the immigrants because they were smart and worked hard.

> It is a well known fact that in all nature, both animate and inanimate, both animal and every other kind, that the weak fall under the march of the strong. That is a well settled fact in all governmental philosophy — that the weak fall under the strong. The black man has faded away, and the Chinaman takes his place as a laborer. He is for a day, and gone. The idea of the Chinaman, or the Chinese Empire, overthrowing the Anglo-Saxon race is preposterous.

Stuart begged his fellow farmers to come to the defense of Chinese labor. But nobody would. One farmer who followed attacked it. "Can a country possibly prosper under the doctrine of Mr. Stuart?" he asked. "If the Chinese were out of the country, [other] men would have a chance of working. . . . I trust that there are very few farmers that hold the views of Mr. Stuart. I hope so, for the honor of that glorious profession of farming, which I have always gloried in. When I left it for a time, I could not keep away from it, and there I am still. [Applause.] The Chairman: Order! Order!"

Stuart jumped up again: "Mr. Chairman: a year ago last Summer about twenty or thirty white men came up near my place. I went down with others to employ them. I wanted fifteen, I think; another wanted ten or twelve, and so on; and we took them all. After a little they inquired: 'How much will you give?' 'A dollar a day and board.' They wanted a dollar and a half. . . . They did not want work. They would sooner go to San Francisco afoot; sooner go back to their beer." The house grew increasingly agitated at Stuart. Charles Beerstecher of San Francisco rose to attack: "I would ask the gentleman if he considers one dollar a day and board fair wages?"

The problem was not that the Chinese were racially inferior, but that white men did not want to compete.

> Mr. Stuart: It is fair wages. You can get them East for twelve and fifteen dollars a month — that is half a dollar a day.
>
> Mr. Beersstecher: I don't wonder that they do not work for you.
>
> Mr. White: Wages in the Pajaro Valley are two dollars a day, and always have been, so far as I know.
>
> [Applause and confusion.]
>
> The Chairman: The house will keep order.
>
> Mr. Inman: I would like to know if this is a political meeting?
>
> The Chairman: The Sergeant-at-Arms will keep order in the lobby.

James O'Sullivan of San Francisco rose for his turn: "I venture to say that the gentleman is an employer of the Chinese," he said.

"Yes," replied Stuart.

"Yes: I knew it the first words that fell from his lips," replied O'Sullivan, "that he had such a hatred of his white fellow man — "

"No," interrupted Stuart, "I employ white men too."

"Order!" shouted the Chairman. The delegates swarmed like hornets, rising to ever greater fury over the Chinese. They were starving white families, they were monsters who were obliterating Western civilization. And, again, they worked hard for little pay. "If the white man works for a dollar a day," Beerstecher complained, "the Chinaman can work for fifty cents; if the white man can work for fifty cents, the Chinaman will work for ten cents. We cannot compete with them. This is what has driven the boys of San Francisco into hoodlumism and the girls into houses of prostitution." Stuart sat quietly as the fury continued for the rest of the day, and the next — and for the rest of the week. Only once did he try to speak, but he was ruled out of order. The Convention ignored him.

It dragged on for months. Delegates agreed on provisions forbidding either state bureaucracies or private corporations from employing the Chinese; prohibiting the Chinese from

fishing in Californian waters; prohibiting them from buying, holding, or leasing real estate, and voiding all contracts to rent property to the Chinese; and banning "Asiatic coolieism." Finally, on Feb. 1, 1879, the convention brought these provisions up for final approval. Stuart rose once more. "I oppose this article, and I hope every section of it will be stricken out," he began. "Such savage monstrosity has never been penned by man. Is it for Christian men, in this enlightened age, and only for California, to commit this unnatural act of attempting the destruction, by starvation or otherwise, of over one hundred thousand men? Is there anything to be conceived more horrible or more savage?"

Stuart begged the delegates to reconsider their extreme proposals. "Let us now reflect, and use our better judgment and purer reasons, before we pass this terrible article. Such a barbarous, inhuman, or unnatural proposition has never been conceived or entered the brain of either Pagan or Christian man since the foundation of the world. Talk of the Draconian laws written in blood!" These proposals would punish the very virtues of Chinese immigrants:

> You can trace down the stream of time through all savage life, with its wars, its cruelties, and its slavery, and fail to find its equal or parallel for injustice, treachery, or ingratitude. These men, after being invited to our shores, after building our railroads, clearing our farms, reclaiming over one million acres of our swamp and overflowed land, planting our vineyards and our orchards, reaping the crops of the small and the needy farmers, gathering our fruits and berries, digging and sacking our potatoes, supplying our markets with the smaller kinds of fish from the sea, manufacturing our woolen and other goods, cleaning up the tailings of our hydraulic mines, scraping the bedrock of our exhausted mining claims, and relieving most of the householders in this State of the household drudgery which would be imposed upon our wives and daughters, thus contributing to our happiness and true prosperity. Sir, after all this, which has added many millions annually to the State and nation's wealth, you would commit treason against our Government by putting this unjust and inhuman article in our organic law. I beg of gentlemen on this floor to pause, to consider well, and not to be carried away through blind prejudice, through political ambition, or through race hatred; but act like civilized, just, and Christian men; not to do an act that would shock all humane men throughout the world, both Christian and Pagan. Sir, this is what I plead for, and will ever plead for; and will sympathize with the weak and downtrodden of the world, and hope to ever remain on the side of humanity and justice as long as life shall last. I may well say that:
>
> "Man's inhumanity to man
>
> Makes countless thousands mourn."

Delegates agreed on provisions forbidding either state bureaucracies or private corporations from employing the Chinese and voiding all contracts to rent property to them.

Stuart told the convention that he had been attacked in the newspapers and received death threats for his previous speech defending the Chinese. But, he said, "they emanate from sources too low, too filthy, too cowardly, for me to notice. I will now say that no threats, no fears, no intimidation, no coercion, shall ever deter me for a moment from defending the right or doing my conscientious duty." He returned to his subject, and his plea became ever more desperate:

> It is complained that the Chinese are penurious in their diet, and that they live on nothing but rice. The truth is, however, that they live here at a greater cost, and have a greater variety of food . . . than do most of their Caucasian enemies. . . . Of pork, poultry, fish, and vegetables, they use large quantities, and good, for which they pay high prices. . . . And the general condition of health among them is far better in the country than among their Caucasian enemies. . . . Every night, after their work is done, and frequently before they eat their meal, each and all go through the ablutions from head to foot, and on Sunday their bathing and washing occupy nearly half the day. What a lesson! What an example to their boasting Caucasian persecutors! It would be well for them and the country if they would copy or practice some of their heathen rites — such as cleanliness, economy, and industry. . . . I am told that many [members of the Convention] agree with me. If so, why not speak . . . ?
>
> [T]he gentleman from Alameda[,] Mr. Webster . . . in his fierce denunciation of the Chinese, I asked him whether Italians and others did not compete with them? He answered 'The Italians compete with them only because they have been brought up from childhood to labor and economy.' What a concession! Economy and labor! Oh, consistency, thou art a jewel. Mr. Reynolds of San Francisco, the ablest St. Paul of their tribe of persecutors, differs from all the rest in his persecution of them. He says he does so on account of their intelligence, industry, and thrift; not on account of their ignorance and filth. I think, sir, I see a ray of light beaming through the dark minds of these benighted persecutors, and hope, like their great leader, they will become converted and sin no more in this way. . . .

Stuart saw his time running out, and urged the delegates to recognize that Chinese immigrants were hardworking and honorable immigrants:

> Who are they who desecrate the Sabbath? Who form our rioters and our hoodlums? Who fill our alms houses? Who are plotting to overthrow our common schools? Who stuff our ballot boxes? Who are conspiring to overthrow and destroy our Government, and to utterly stamp out liberty, that despotism over conscience, mind, and muscle, may rise upon the ruins . . . ? Who burn our railroad depots? Who threaten the lives of our best citizens? Who are plotting to despoil our wealthy men? Who claim two thirds of our public offices? Not Chinamen. Then who are they? You may search history through all time, and examine the nations of the East through their rise and fall, and you will find China where it now is and has been for over five thousand years. Yet you will fail to find an instance where she has overrun or crowded out a single nation, however near —"
>
> [At this point in the speaker's remarks, time was called and the gavel fell.]
>
> Mr. Howard, of Los Angeles: I hope the gentleman will be allowed to proceed. He is the pluckiest man in the Convention. I give him my ten minutes.

continued on page 34

The Sins of the Grandfathers

by Leland B. Yeager

Can we atone for the injustice of slavery? Should we try to?

Many generations ago a Louisiana bank — a remote and partial predecessor of Bank One, in turn later acquired by J.P. Morgan Chase — made loans with slaves as collateral. Occasionally it acquired slaves by foreclosing on defaulted mortgage loans. Some U.S. cities have laws requiring firms that do business with them to disclose any such ancient links with slavery.

One purpose of researching such history, according to a story in The Wall Street Journal of May 10, is to "promote a national dialogue on reparations to descendants of slaves." But is it possible to make amends for long-past injustices? Is it fair to people now living even to try? Do we really accept "visiting the iniquity of the fathers upon the children, upon the third and upon the fourth generation"? (Numbers 14:18; cf. Deuteronomy 5:9 and Exodus 20:5) Isn't responsibility personal rather than hereditary? The notion of inherited or collective guilt does not suit a society based on individual responsibility and individual rights.

Imagine a much simpler case in which a murder occurred only several decades ago. The victim and his murderer each had one child, both identifiable and still living. The case went unsolved until recently. Neither the murderer nor his daughter reaped any material gain from the crime; and the victim's son suffered no financial loss, although he did lose his father's love and guidance during his childhood years. Now that the old murder has been solved at last and the children of both parties identified, should the murderer's daughter be compelled to pay reparations to the victim's son? The daughter was and is innocent of any complicity in her father's crime and did not even know about it until just recently.

Even in this fairly clear-cut case, it would be unjust, I submit, to require reparations. How much more unjust would it be, then, to require reparations for offenses committed so long ago that the heirs or successors of perpetrators and victims cannot even be identified! Even when the old offense involved material property, efforts to unscramble the lines of descent would be unjust, as well as futile. Many people from whom reparations would be taken have acquired and invested their current wealth in perfectly respectable ways, like the stockholders of Morgan Chase. It would be unjust to disappoint legitimate expectations by confiscating land or other property from someone who had bought it in good faith from someone else who had created or bought or inherited it in good faith according to the rules of title in effect at the time.

On the issue of slavery, it would be hard indeed to classify the potential payers of reparations into descendants of enslavers or slaveowners and descendants of innocent people. Everyone has many ancestors. Some of the ancestors of prospective payers lived in free states or immigrated to the United States after the end of slavery; some of the ancestors may have been abolitionists or "conductors" on the Underground Railroad or even, like John Brown, outright rebels against the slave system.

Enslaved men and women did suffer unjustly, but compensating them now, long after their deaths, is impossible. It is doubtful, moreover, whether even their clearly identifiable

descendants have personally shared in this suffering. Likely they have benefitted from it, being born in the United States rather than in Africa. More exactly, they would not even exist. As philosophers Derek Parfit and Loren Lomasky have observed in a more general context, we cannot even in principle, let alone in practice, identify the descendants of people who committed and people who suffered from past injustices. Past events conditioned what men and women met each other, and when they met, and whether they had children, and how many, and with what particular combinations of genes. Those causal events were in turn partly the consequences of past property holdings, class relations, and voluntary and involuntary migrations. If the injustices of the past had never occurred, none of us living today, including supposed heirs of past victims, would ever have been born as the individuals we biologically are.

If unscrambling long-past injustices is impossible, it cannot be morally obligatory: "*ought* implies *can*" (or better, "*ought* presupposes *can*").

Tolerating relatively recent injustices is quite another matter. Trying to identify and reverse them is central to maintaining human rights, including property rights, and to resisting violations in the first place. One might object that this distinction between properly remediable and irremediable injustices is fuzzy. The distinction rests on how long ago the injustices happened and on how well the heirs of perpetrators and victims can be identified. But many distinctions are fuzzy yet important: the existence of twilight does not invalidate the distinction between night and day. We must cope with fuzziness as best we can.

The consequences of attempting impossible reparations go beyond injustice to the payers. Such attempts, depending on the particular contexts, would introduce capriciousness, breed skepticism of titles, and impair the rights of contract. They would encourage seeking wealth less by actually producing it than by receiving transfers, to be obtained by legislation or by legal cleverness and litigation. They would encourage an unhealthy culture of victimhood among prospective payees. They would increase tensions and resentments among different sections of the population. They would do practically the opposite of what timely identification and rectification of injustices can do.

In short, misguided attempts at reparations are to be condemned both on relatively specific utilitarian grounds and on the more general grounds of unfairness (a concept that itself has an ultimately utilitarian basis).

Needless to say, none of the foregoing indicates anything less than admiration for historical research; none of it is an apology for slavery; and none of it is meant to disparage the descendants of slaves. ❑

The "Heathen Chinee," *from page 32*

> Mr. Stuart: Thank you, General. As I was saying, on the contrary, her laborers, traders, and merchants have all been encouraged to settle [throughout the world]. . . . Sir, when I was a candidate . . . [t]hey charged that I had said a Chinaman was better than an Irishman or a Dutchman. I said no such thing; but did say that they had as much right here as either and should be protected the same; and I say so still.

He ended with a final plea for equal rights:

> Give to the children of these people (and some of them native born) the privilege of our common schools in return for the school taxes they pay; cease persecuting them by personal assault, to which the law is blind; stop this disgraceful special legislation against them; stop this relentless, heartless, only then, will we do our duty. What right has the State to exact of these men poll and other school taxes, and then legislate against them, prohibiting their children the privilege of her common schools? Why pass and continue to pass arbitrary and oppressive laws against them? Why does the State fail to protect them from murder, arson, and outrage? I charge the city of San Francisco with cowardice in not protecting them in the exercise of their rights of 'life, liberty, and the pursuit of happiness,' which all men are guaranteed under our flag; while they have collected millions of dollars in taxes, licenses, and otherwise, yet they furnish them no protection in return. They pass cruel ordinances against them; they harass and annoy them through every device the law can invent, and why are similar outrages heaped upon them in nearly every county, town, village, or hamlet in this state? Tell me; tell me; oh, tell me, why they are not protected like others in their honest toil? Or is this to be the final sum of all villainy? In case the outrages on these people do not cease in this state, and it refuses longer to protect them, then I call upon our Government to give them the ballot, that they may protect themselves. If it does not, then I demand the repeal of all naturalization laws, and to modify all immigration laws, with other nations, under the treaty making power.

There was probably a sneering silence in the crowd when Stuart sat. Only one delegate rose to reply; the anti-Chinese provisions were certain to pass. "I regret that I must differ," cracked the delegate. "It is a question between people of our own race, who build homes and build up the country, and the heathen, who band together like brutes, and I must choose the former."

The provisions all passed. The new constitution was submitted to the voters and approved by a statewide vote of 77,959 to 67,134. Shortly thereafter, federal courts struck down most of the anti-Chinese provisions as unconstitutional.

The next year, Charles Stuart died at his home in Sonoma County. His wife, Ellen, continued to manage the vineyards for years afterwards, with her son, Charles Duff Stuart. It succeeded for several decades, and Charles Duff became a writer, publishing a novel, "Casa Grande," in 1906. In it he told a story of the early days of California; his hero, John Miller, is a successful farmer in Sonoma County, a quiet, hardworking man of firm convictions who confronts a family of squatters on his property. But the novel contains no Chinese characters.

Today, Glen Oaks Ranch still stands, at the end of a row of unkempt eucalyptus trees. The vineyards were long ago sold off, and today tourists know the nearby town only as the hometown of writer Jack London. The ranch house, and a few pages of a handwritten autobiography, and the record of his speeches before the constitutional convention are all that remain of Charles V. Stuart, a brave man ahead of his time. ❑

Pictures of Myself

by Stephen Cox

The Internet can provide almost anything — even glimpses into our former selves.

To me, the finest result of free enterprise is the worldwide Web, and the finest result of the Web is eBay. I look to eBay as Muslims look to Mecca. I don't watch the site to discover bargains. I watch it to find new perspectives on reality.

That statement, I understand, requires some explanation. So I will explain, with illustrations.

Everything about eBay is logical, yet amazing. It was very logical that someone should have found an efficient way to market goods on the Internet. It was very logical that such a market, once established, should have produced a glorious "commodification" (to use the Marxist term) of everything even hypothetically buyable, presenting millions of items for sale that would otherwise have remained hidden in people's attics, or been swept out of the house at the next spring cleaning. What was not logically predictable was how much eBay would show me about emotional experience, in the simple act of selling picture postcards.

I have always been amazed by the fact that when we open a book of photographs, we are actually seeing the light that fell on a Paris street in the 1840s, or on the face of the last Tsar of All the Russias, or on the strange, contorted faces of creatures said to be ourselves, twisting in our mothers' arms while our fathers struggle to get the picture into focus. But the personal connection, the sensation that we as observers are actually present in the scene, looking with the camera's eye on something indisputably real and true, is something that we rarely feel.

Even when I look at pictures that I myself have taken, or that other people have taken of me, I generally regard them in the distanced way in which one regards a mildly interesting work of history, or fiction.

"Ah," I think, squinting down at the stiff, one-sided square of photographic paper, "I'd forgotten that big Buick. I guess that Dad was doing better than I thought. And that's me standing in front of it. Must be about 1967." That's the factual approach: I've looked at the picture and obtained information.

There is also the philosophical or speculative approach, sometimes leading to the hypothesis of the Other Self: "Who *are* these people, anyway? Could that be me? I don't remember . . . Oh now I do. That's our old car, there in the background. Oh well . . . It must be me, then. Poor stupid little kid! I wonder what became of him." There's no proof in my pulses that any connection exists between the picture and my self, my real and authentic self.

Yet everyone has experienced moments in which the past suddenly leaps from the cells of memory, clear and sharp and overwhelming, and one rediscovers, and re-experiences, exactly what one has forgotten about oneself. I am not referring to the "repressed memories" that manifest themselves in courtrooms. Those are "memories" of "facts." Anyone can know a lot of "facts," and some of them may actually be true. What is interesting are those moments when the past is suddenly experienced as strongly as the present, and one sees the world and oneself from a perspective that shows there is more to existence than just the facts.

An example. Like most other people, I had an awful time in high school. I could sit here now and draw a blueprint of the place, showing exactly where every ghastly episode occurred. I know all the facts. I know, for instance, that the east wall of the corridor that runs beside the gym at East Jackson High School is an unrelieved mass of white cinder blocks. Yet when I revisited the place after a happy absence of 35 years, and I walked down that corridor and looked up at that wall, I suddenly re-experienced the world as I had known it those 35 years before.

The hallway looked the same, smelled the same, sounded the same beneath my feet, and I felt exactly as ignorant, oppressed, hopeful, and young as I was the last time I walked that lonesome stretch of linoleum tile. I had not really remembered any of those feelings, or if I remembered them, they were not remembered as *my* feelings. They were the feelings of a horribly maladroit 18-year-old, a being who might, as far as I cared, be dead and buried. For that one moment, he returned; and I knew the connection between him and me. We weren't the same person, exactly; but I knew that his existence was informing mine, and vice versa.

So interesting was the experience that I began to pay attention to anything that seemed likely to bring it on. I noticed that a fall day of a certain temperature would drag my first day in college trembling back across the horizon of emotions. The smell of a certain kind of auto exhaust, which I believe must be particularly lethal, given its intensity, irresistibly suggested my first trip to Rome. But the most dependable portal on my past, or someone's, was the old-postcard market on eBay.

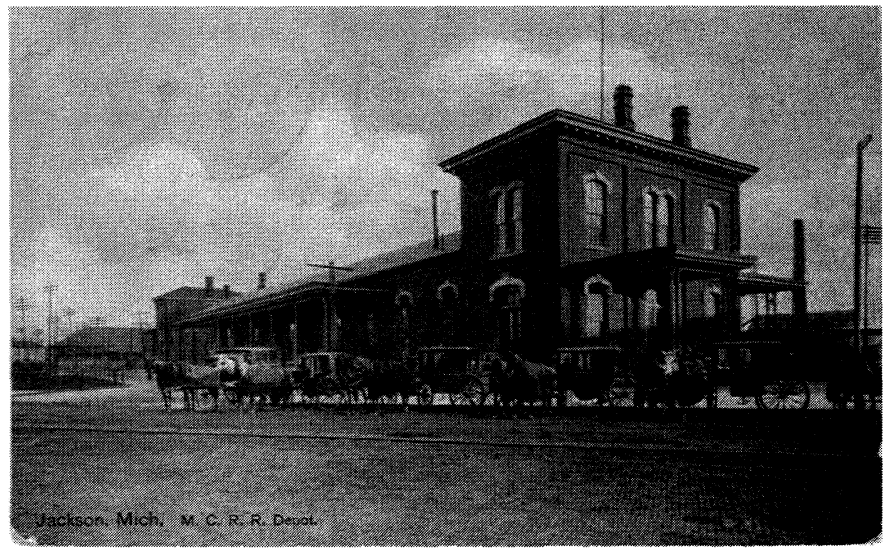

Picture 1

Picture 2

Before eBay came along, I had never fully realized the degree to which heartland America used to be obsessed with recording the way it looked. Today, it is almost impossible to buy a recent postcard representing anything in a small town, or anything but the principal monuments of Cleveland or St. Louis. In 1910, however, every street, church, bank, post office, statue, and larger-than-average house had its picture taken, reproduced, and marketed in postcards. And they're all coming out on eBay — tens of thousands of memories of American life, almost all of them available for $5 to $20 a hit.

With very little money, you can build an enormous collection. The only question is, What do you want to buy? What appeals to you? This is your chance to find out, and in so doing, to find out about *you*.

In eBay parlance, I am "a great eBayer" — someone who knows what he wants and pays for his purchases, right away. But to me, the idea of merely *collecting* means nothing. I don't want a complete set of anything; what I want is a new experience, or a new way of looking at an old one. I soon discovered that I wasn't likely to get either of those things by buying pictures of famous people or famous places. They seemed alien, somehow — too public to have anything new to say to me. I passed up a lot of really beautiful pictures of Washington, D.C., and the Golden Gate before the bridge. I even passed up a lot of good pictures of places that have been important to me personally — with one great exception. Right from the start, I was surprised by how often my fingers typed "Jackson MI" into the little eBay search box.

Jackson, Michigan is the metropolis, if there is one, of the rural county in which I grew up. It is a decayed industrial town. My childhood was largely spent in developing a

hatred and disgust for Jackson, Michigan, which seemed at the time (and may well have been) the dullest, most trivial place on the planet, a place that betrayed virtually no evidence of self-reflection, self-knowledge, or mental complexity of any kind.

But Jackson should have been a very interesting place. It was the hub of seven railroads, at least one of which had a dramatic history. It was the reputed birthplace of the Republican Party. Its fortunes had been made in the heroic age of Upper Great Lakes mining. In 1883–1884 it witnessed one of the 19th century's most fascinating crimes, the unsolved murders of the Crouch family, whose ghosts are said to haunt it still. In the 20th century, the world's largest prison was built just north of Jackson, and it experienced a famous prison riot.

But if Jackson had been the scene of any human drama, practically no one in my time seemed the least bit interested in it. As for any concern with the material remains of the past, it's enough to say that Jackson was a pioneer in what was euphemistically known as urban renewal. Yet when eBay arrived, I soon realized that Jackson played about the same role in my life that poetry played for Marianne Moore, who says, in her most famous poem,

I, too, dislike it . . .
Reading it, however,
with a perfect contempt
for it, one discovers in
it after all, a place for
the genuine.

Picture 3

Looking over eBay's seemingly endless run of antique cards of "Jackson MI," I saw my childhood home finally becoming a place for genuine experience. Of course, what I was looking at wasn't my own childhood; everything I saw on the cards had happened long before my birth. I was seeing the childhood of the town. But it was real enough to seem as if it had happened to me, and I was happy to make it my property in every sense of the word.

eBay showed me enormous locomotives, arrested for a moment in their headlong progress from Chicago to Detroit, disgorging passengers beside the "Italianesque" depot of the Michigan Central Railroad. I knew every brick of that elegant, faintly preposterous structure. But it had never come alive for me as it did when I looked at a postcard showing a line of horse-drawn cabs in front of it, ready to convey important visitors to their business in the city center (see Picture 1). When I parked cars for a living in downtown Jackson, the place had already given up on anything approaching class. But in the cards I bought on eBay, I could fly down Main Street behind a high-stepping horse, then turn and watch the trolleys rumbling behind me, and the Victorian storefronts rushing past, spilling signs and awnings into the street, gaudy as the spice market in old Stamboul. Off to the side, I could see the oriental mystery of ladies swathed in voluminous skirts and blouses, flocking to a matinee at the Bijou Theatre — a building dressed up like the Scarlet Woman, vending exotic experience, hour by hour (Picture 2). As I said, they used to make postcards of everything.

That was a lot more interesting than the Jackson that I had known, but just as real — more real, in fact, if vitality means anything to one's sense of the real, whether past or present.

Now step forward two decades. It is 1930. We've walked up from the train station, the Otsego Hotel, and the Bijou Theatre. We are looking at the new Union and People's Bank Building (Picture 3), the tallest structure ever built in the city of Jackson. The federally ordained, unnaturally low interest rates of the 1920s gave Jackson, and many other little burgs, a considerable building boom. Along Michigan Avenue ("Main Street," before Sinclair Lewis published his satirical novel of that name), the prongs of little skyscrapers appeared among the Victorian bricks. This is the biggest prong.

Unfortunately for Jackson, its attempt to reproduce Manhattan at one-tenth scale ended abruptly in the Great Depression. Even as a kid, I knew how pathetic the attempt had been. But Picture 3 enabled me to study the results from a new perspective — literally and experientially. The picture's lofty vantage point allowed me to enjoy the fine skyscraper-gothic of the UPB Building's top three floors. It allowed me to share the building's condescending glance downward at the miserable structures of the prior age.

Approaching the structure straightforwardly, like a friend, I could appreciate its wide shoulders and confident physique.

Naturally, there was trickery involved, as there is in most good photography. When you see both the side and the front of a building, it looks twice as big as it really is. And the smoke rising from whatever is burning in the background, there on the left side of the picture, makes the town itself look big and complex and mysterious. But this is to say nothing more than that the picture let me see my hometown as I'd always wanted to see it, and was disappointed not to be able to; and that it made me realize that both I and Jackson, Michigan might be more complicated than we'd ever let on to each other.

Picture 4

Photography always evokes the mystery of time. The picture you see is always, necessarily, later than the scene it depicts. The scene is gone; the picture remains; and the picture becomes the reality by which you test and revise your memories of the scene, or create new and more genuine "memories." But the mysteries of place are as strong as the mysteries of time. It is remarkable how much a place can change in the process of being remembered with the aid of pictures.

Leslie, Michigan is a little town ten miles north of the house I grew up in. As a very small child, I was in awe of the size and intricacy of the place. As a teenager, riding my bike there, I was impressed by its absolute deadness and plainness. I remember a movie house with a tin roof, playing hits like "Snow White and the Three Stooges." I remember an elderly gentleman who called himself the Leslie Observer and published a mimeographed newspaper in which he argued that capitalism was the Whore of Babylon, as prophesied by St. John the Divine. Those were the village high points.

Much later, researching the history of anti-state ideas, I discovered that Leslie was the birthplace of Voltairine de Cleyre (1866–1912), a leader of American anarchism. Writing about her, Emma Goldman, a more famous anarchist, called Leslie "some obscure town in the state of Michigan." Right, Emma. Leslie was like a fruit that had dropped off the vine and was lying in the fields, returning to its elements.

If there really was such a vine, it was the interurban railway that once connected Jackson with the capital of Lansing, passing through Leslie. Picture 4 (1910) shows the opening of that former agency of mass transit. I like the sturdy, self-confident people in this picture, standing proudly in front of their sturdy, self-confident iron cars. I like seeing the ocean of mud that their machines have conquered. I like seeing the way in which the train, although it is called "light rail," humbles the buildings around it. (It is stopped in front of the post office, the center of the town's affairs.) I like the train's generic name: "Capitol City Limited." It is archetypically American. Which Capitol? Any capitol! This scene of progress could have been enacted anywhere in America, in the world before the wars. I even like the unconsciously humorous effect of "Limited": if the train stops at Leslie and Rives Junction, as the sign on its prow says it does, where *doesn't* it stop?

Ninety-five years later, the interurban's right of way has gone back to the spooky Michigan woods. No one knows or cares where it was. But Leslie is better in my memory, now that I've been there on its greatest day.

When you like the people in a picture, when you start feeling that you almost remember them, you naturally wonder what became of them after the picture was taken. Frankly, I would give a good deal more to find out what happened to the competent gentlemen in the Interurban picture than I would to find out what happened to most of the people I've actually known. Now look at Picture 5. This one is entirely about curiosity. It has nothing to do, thank God, with the circumstances of my own life, but its sense of a particular place and time is so strong that it has almost the force of memory.

Part of the impression results from the fact that several of the people in the picture are looking back at us, as if we already knew the first part of their story. But we don't know anything more than that this is a group of reformatory inmates, photographed sometime around the turn of the century. The civilian behind them, looking so full of self-esteem, is presumably a doctor. Perhaps he is examining them on entrance to the institution. Perhaps he is simply displaying them for our benefit. The more one looks at the picture, the more changes of perspective one experiences. The

striped uniforms first obliterate individuality, then enhance it. One sees how various the young men are, despite the lockstep and the stripes. You wonder how each of them came to this particular place and time; then you wonder what happened to them all, later. Their stories hover just out of reach, like a memory that doesn't quite come into focus — a memory that seems more important, the less it reveals.

Picture 5

Of course, stories aren't the whole of memories. There are also memories of pure states of being. Picture 6 is another scene from Leslie. The postmark is November 7, 1908. We are standing just around the corner from the Interurban scene, near the intersection of Main and Bellevue, Leslie's two principal streets, looking west from Main. I recognize the fragment of building you see on the left. It's the rump end of a typical three-story brick commercial structure, the sort of building that fortified the main street of every 19th-century midwestern town. But it was a very thin thing, Main Street, USA.

Perpendicular to Main Street and its stores is the dirt road leading out of town. Despite its snooty French name, Bellevue is just a country road, a road starred with trees — the white trees of springtime, blooming as if for themselves alone. No persons appear. The carriage parked on the right shows by its scale how wide the street is, how wide and neglected the town's ambitions for progress. The horse is in its stable; the driver is inside one of those buildings on the right, taking his nap. Time has stopped. There is nothing but shade and sunlight, and the implicit memory of a certain kind of place, a place that one meets in myth. "In the afternoon," says Tennyson, Odysseus and his companions "came unto a land / In which it seeméd always afternoon."

Somehow, I wasn't surprised to read the message on the back of the card: "We are having a fine time here[.] Things look natural. But it was to [sic] bad her funeral." Thoughts of death are easily transcended when it's afternoon and the streets are full of blossoms. When I look at this worn little card, something in my mind blossoms too, as if I had visited the land of the Lotos Eaters.

Picture 6

Maybe the same thing wouldn't happen for you — but that, in a way, is the point I want to make. The picture that you regard as nothing more than a random view of "some obscure town" may be alive for someone else with the great messages of existence. The electronic marketplace — logical but miraculous — invites us all to begin our own odysseys, into whatever worlds have meaning for us individually. Every journey of this kind is a journey into one's memories and curiosities, aversions and attractions. Every picture that grips your imagination is in some sense a picture of yourself. You don't need to argue. You don't even need to buy. All you need to do is look. ❑

It's "Smart Growth," Comrade

by Randal O'Toole

Urban planning enthusiasts think Soviet cities worked so well that they want to duplicate them here.

American suburbs are a "chaotic and depressing agglomeration of buildings covering enormous stretches of land." The cost of providing services to such "monotonous stretches of individual low-rise houses" is too high. As a result, "the search for a future kind of residential building leads logically to" high-density, mixed-use housing.

These sound like typical writings of New Urbanist or smart-growth planners. In fact, these words were written nearly 40 years ago by University of Moscow planners in a book titled "The Ideal Communist City." The principles in their book formed a blueprint for residential construction all across Russia and eastern Europe. With a couple of minor changes, they could also be the blueprint for smart growth.

Mixed-use developments, wrote the Moscow planners, allow people easy access to "public functions and services" such as day care, restaurants, parks, and laundry facilities. This, in turn, would minimize the need for private spaces, and the authors suggested that apartments for a family of four need be no larger than about 600 square feet. Prior to the late 1960s, such apartments were built in five- to six-story brick buildings, but the authors looked forward to new, reinforced-concrete building techniques that would make 15- to 17-story apartment buildings possible.

Like the New Urbanists, the Soviet planners saw several advantages in such high-density housing. First, it would be more equitable, since everyone from factory managers to lowly janitors would live in the same buildings. While New Urbanists are less concerned about housing everyone in nearly identical apartments, they do promote the idea of mixed-income communities so that the wealthy can rub shoulders with the less well-off.

Second, the Soviets believed apartments would promote a sense of community and collective values. Single-family homes were too "autonomous," they said, while the apartment "becomes the primary element in a collective system of housing." Similarly, many New Urbanists claim that their designs will produce a greater sense of community.

Third, high-density housing was supposed to allow easy access to public transportation. "Private individual transportation has produced such an overwhelming set of unresolved problems in cities that even planners in bourgeois societies are inclined to limit it," the Russians prophetically observed. With their high-density apartments, as many as 12,000 people could live within a 400-yard walking distance of a public transit station. That's about 70,000 people per square mile, slightly greater than the density of Manhattan. "The economic advantages of [public transit] for getting commuters to and from production areas are obvious," says the book, "and it is also an answer to congestion in the central city."

Soviet-bloc countries were building new cities like these even as the University of Moscow planners were writing their book. In 1970, East Germany developed a standard building plan known as the WBS 70 (WBS stands for *Wohnungsbausystem*, literally, "house building system") that was applied to nearly 650,000 apartments in East Berlin and other East German cities. "The WBS 70 was the uniform basis

of the accelerated housing construction until the end of the GDR," says a paper titled "Architecture as Ideology." According to page 23 of this paper, the WBS 70 offered a generous 700 square feet in its three-room apartments, not counting 75 square feet of private balcony.

The WBS 70 was one of the major designs used in Halle-Neustadt, a bedroom community built between 1964 and 1990 for about 100,000 people on the outskirts of the manufacturing city of Halle. I first became aware of Halle-Neustadt at a 1998 conference on sustainable transportation where two planners from the University of Stockholm declared it to be one of the most sustainable (i.e., least "auto-dependent") cities in the developed world.

As shown on a vintage postcard, Halle-Neustadt consists of rows of apartment buildings surrounded by pleasant-looking green spaces, with a central commercial area and road corridor featuring large, articulated buses. The new city was also connected to Halle by an extensive streetcar system and an S-Bahn (commuter-rail line), and the city met the "Ideal Communist City" density of about 70,000 people per square mile.

The Stockholm planners' paper noted that almost all the apartments had two bedrooms because government planners decreed "that the ideal family consisted of four family members and that the number of flat rooms should be one less than the number of family members." They also noted that the government discouraged car ownership by placing most of the parking on the outskirts of the city "at a relatively large distance from the residential houses."

What the Swedish researchers failed to note in their 1998 presentation, but faithfully recorded in their full paper, was that Halle-Neustadt was only "sustainable" during the socialist period. When Germany reunified, many residents moved out, and those who stayed bought cars so that auto ownership "reached nearly the level of western Germany." Naturally, this created congestion and parking problems: "The cars are parked everywhere — on pavements, bike-ways, yards and lawn." The Swedes feared that proposed construction of new parking garages would "undermine" the "planning concept of concentrating the parking places on the city's outskirts."

On April 27, 2005, I had the opportunity to join Wendell Cox on a tour of Halle-Neustadt and other formerly East German cities. The first thing we noticed is that the "parking problem" is gone, as are most of the green spaces, which have been turned into parking lots. The city center also enjoys a modern new shopping mall supported by a multi-story parking garage.

The apartment buildings themselves range from reconstructed to totally abandoned. According to various websites on the city, Halle-Neustadt's population peaked at 94,000 in 1990 but has since fallen to 60,000. After reunification, the apartments were privatized and are now owned by various housing companies. These companies have successfully lobbied the federal government to fund the demolition of unneeded buildings, and more than two dozen high-rises in Halle-Neustadt are scheduled for destruction. Yet the population of east German cities is declining so fast that demolition cannot keep up: despite numerous demolitions, the region is expected to have even more vacant housing in 2010 than it does today.

Wendell and I looked closely at two basic styles of building. First was a six-story apartment structure that probably represented the pre-mass-produced buildings described with such fanfare in "The Ideal Communist City." These buildings had no elevators, so we were not surprised to find that many of the top floor apartments were unoccupied.

The second building type was eleven stories tall and probably represented the previously mentioned WBS 70. Some of these were in good condition, obviously reflecting investments made by the new private landlords. But many others were clearly abandoned and ready for demolition. We saw a few other building types, including some with even more stories, but did not examine them closely.

The principles in "The Ideal Communist City" formed a blueprint for residential construction all across Russia and eastern Europe. They could also be the blueprint for smart growth.

Germans pronounce the letter "H" as "ha" while "neu" is pronounced "noi." So residents often refer to Halle-Neustadt as "Hanoi," a reference to the bombed-out nature of much of the suburb. They commonly refer to the apartments as *die platte*, meaning "the slab," referring to the method of construction.

Following reunification, many of Halle's inefficient factories went out of business. The city has partly compensated by doubling the size of its university. Halle-Neustadt's central corridor still has frequent streetcar service to the university, but the commuter line connecting Hanoi with Halle's factories receives little use.

From a distance, the S-Bahn station still appears attractive. A closer look reveals many of the windows are broken, the inside is covered with graffiti, and the restaurant and other facilities advertised on the outside are abandoned. The actual loading ramp has room for 15-car trains, but today four-car trains are more than sufficient.

Where did all the people go? Many found jobs in western Germany; since reunification, the former East Germany has lost more than 1.25 million people. But many of those who stayed got away from the slabs by moving to suburbs, into new duplexes and single-family homes. We did not have to search very far to find such suburbs, mostly added onto existing villages.

Today no one in Germany refers to such suburbs as "monotonous." This term is instead reserved for the gray slabs of concrete that most people are abandoning as fast as they can. Throughout Europe, high-rise apartments are increasingly becoming ghettos for Muslim and other foreign "guest workers." While the houses are admittedly smaller than ones found in modern American suburbs, the Germans are fast catching up. A little further from Halle we found a suburban village that included many large homes with large backyards.

After leaving Halle-Neustadt, Wendell and I went to

Berlin where we found Corbusier House, the 1957 prototype for much high-rise housing. Planning historian Sir Peter Hall calls Le Corbusier "the Rasputin of the tale" of authoritarian urban planning, because his ideal of the "Radiant City" inspired so many bad urban plans around the world, including Halle-Neustadt and American public housing projects. But I suspect the 1,400 people living in Corbusier House are pleased with their setting. This is partly because, although Le Corbusier was a bad urban planner, he was a master architect, but mainly because Corbusier House residents choose to live there, whereas residents of Soviet-bloc countries had no choice.

There will always be a market, though probably a small one, for high-density housing, whether in Radiant-City high-rises or New-Urban mid-rises. The problems arise when planners ignore the market and try to impose their ideology on people through prescriptive zoning codes, regulations, and subsidies.

I have always resisted the notion that smart growth and sustainability are some kind of international plot to take away American sovereignty. Even if it were true, saying so marks one as a kook and eliminates all credibility. But I don't think it is true; we have enough central planners in our own midst that we don't have to look for them elsewhere.

And yet I get a creepy feeling when I look at the publication date of "The Ideal Communist City." Though written in the mid 1960s, the book was first released in English by a New York socialist publisher in 1971.

The earliest mention of smart-growth concepts I can find in the planning literature came out just two years later in the book "Compact City: A Plan for a Livable Urban Environment." Like "The Ideal Communist City," "Compact City" advocated scientific or "total-system planning." Like "The Ideal Communist City," but unlike the New Urbanists, "Compact City" advocated high-rise housing. Like the New Urbanists, it quoted Jane Jacobs' book, "The Life and Death of Great American Cities," in support of mixed-use and transit-oriented developments.

Germans pronounce the letter "H" as "ha" while "neu" is pronounced "noi." So residents often refer to Halle-Neustadt as "Hanoi," a reference to the bombed-out nature of much of the suburb.

By 1980, research by Northwestern University economist Edwin Mills had thoroughly discredited the hypothesis that more compact cities would have less congestion and air pollution because people would be more likely to walk and ride transit. That didn't stop the U.S. House of Representatives from holding hearings titled "Compact Cities: A Neglected Way of Conserving Energy." In 1996, compact cities were tied to sustainability in a book titled "Compact City: A Sustainable Urban Form?"

Which brings us full circle to 1998 when University of Stockholm researchers told an international group of planners that Halle-Neustadt was one of the most sustainable cities on earth — knowing full well (but not mentioning) that the prerequisite for Hanoi's sustainability was keeping its residents poor and oppressed.

While I don't seriously equate urban planners and communists, the similarities between the Ideal Communist City and smart growth are far more numerous than their differences. As the table below shows, both seek to use planning to create a sense of community and promote collective rather than individual transportation. Beyond the superficial difference that the Soviets preferred high-rises and smart growth prefers mid-rises, the main difference is that the communists tried to put everyone in identical small apartments while smart growth allows people to have as big a house or apartment as they can afford, as long as they build those houses on small lots.

The Ideal Communist City vs. Smart Growth

Concept	Communist	Growth
Higher density housing	Yes	Yes
Mixed-use developments	Yes	Yes
Mixed-income housing	Yes	Yes
Transit-oriented development	Yes	Yes
Discourages auto parking	Yes	Yes
Calls suburbs "monotonous"	Yes	Yes
Minimizes private yards	Yes	Yes
Maximizes common areas	Yes	Yes
Minimizes private interiors	Yes	No
Height of residential buildings	High-Rise	Mid-Rise

Though publicly they claim they want to reduce congestion, most smart-growth planners admit they seek to increase congestion to encourage people to use transit. Though publicly they claim to worry about affordable housing, smart-growth planners drive up land and housing costs to encourage people to live in multifamily housing or at least on tiny lots.

Before visiting Europe, I spent a few days in Madison, Wis. After returning, I spent a few days in Hamilton, Ontario. Though neither region is growing particularly fast, in both places politicians talk about the dangers of uncontrolled growth and how the firm hand of government planning is needed to prevent chaos and sprawl. Part of their plans, of course, call for packing more of that growth into urban infill areas than the amount that the market would build.

The plan for Hamilton requires that 40% of all new development be high-density infill. At present, the rate is just 18%. Now, 40% is a lot less than the near-100% imposed by Russia and East Germany. But Hamilton's plan means that 22% of its new residents will be forced to live in housing that they wouldn't normally choose. Experience in Portland, Ore., and other cities shows that regulation attempting to make much smaller changes in the housing market can lead to huge increases in housing costs.

Planners call this giving people more "choices"; what they mean is forcing people to accept lifestyles that they would not choose for themselves. How is this any different from the philosophy of "The Ideal Communist City"? ❑

Reviews

"Freakonomics: A Rogue Economist Explores the Hidden Side of Everything," by Steven D. Levitt and Stephen J. Dubner. William Morrow, 2005, 242 pages.

The Dismal Science's Freaky Side

Robert Formaini

Being human, economists tend to envy those in their profession who achieve internal fame, but roll their eyes and mutter about those who try to communicate with non-economists. Especially galling are economists who write bestsellers (with or without help). Steven Levitt need not fear such criticisms, as his career is already quite successful and his future well-assured. He is a tenured professor at the storied economics department of the University of Chicago, and the 2003 winner of the John Bates Clark medal, biennially awarded to the nation's best young economist by the American Economics Association. Governments, politicians, and corporations routinely seek his advice. But as this book makes clear, Levitt is not your typical economic Titan. For one thing, he freely admits to mathematical deficiencies that would cripple the careers of other economists. For another, he seems to like spending time in the real world, analyzing actual problems as opposed to purely theoretical ones. Finally, he communicates those findings not only to his colleagues but to the general public. I suppose this is a bit strange for an economist, but I'm glad he does it, because someone has to.

Let me begin, however, with some quibbles. The title of this book is unfortunate, and I want to believe that Levitt did not name it. There is nothing freaky about what lies between its pages and it does not — nor could it — "explore the hidden nature of everything." It does explore a number of interesting situations and use creative approaches to understanding them. Levitt is not a "rogue economist" in any sense of the term, including the one meant by the authors — which is, undoubtedly, "mischievous." This is a book that almost any academic might have written: not just an economist but even a sociologist, criminologist, psychologist, or a plain old statistician. Beyond its liberal reference to economic incentives and use of thinking at the margin, there isn't a lot of economic theory in the book, and where statistics are used, the analyses are rather basic even when regression is involved. One can, of course, view this "keep it simple" approach as one of the book's many strengths. No doubt, for the majority of readers, it is.

Even the most sophisticated analysis is useless if it is communicated poorly — or not at all. No such criticism applies here. Dubner, whose New York Times profile of Levitt began their collaboration, communicates Levitt's work quite well. They might, however, have avoided putting in things that look more like political cheap shots and less like economic insights. For example, they quote Dubner's Times colleague Paul Krugman complaining that "The approved story line about . . . [George W.] Bush is that he's a bluff, honest, plainspoken guy," rather than "a phony, a silver-spoon baby who pretends to be a cowboy" (p. 91). Likewise, the quotation from Harry Blackmun on the death penalty (125), which is not logically connected with the lengthy critique of the death penalty preceding it, seems out of place. It seems that Dubner and Levitt (surprisingly?) agree with many of the standard editorial page positions of the New York Times. I suspect that Dubner is more responsible for their inclusion in this volume than Levitt, and as I said, these are the cause of quibbles which won't bother most readers anyway.

The topics addressed in the book are wide-ranging: duplicitous real estate agents; cheating by sumo wrestlers and by teachers giving standardized exams; the economics of crack

gangs; ways in which secret information affects groups such as the Ku Klux Klan; reasons why crime rates really fell during the 1990s; the comparative risks of driving, flying, swimming pools, and gun ownership; the whys of baby names; the ethnic makeup of game show contestants. Levitt's approach to analyzing these topics is taken from neoclassical microeconomics: maximizing utility at the margin through choice, while people act under objective constraints. Nothing freaky about that, although some of my students might argue the point.

There have been exposés on sumo cheating, and suspicious deaths of wrestlers who came forward with tales that support Levitt's analysis.

Take those less-than-honest real estate agents. If one understands how they make their money, it's pretty simple to understand why they might give false advice to their clients. Since they receive only a fourth of the cartel-enforced 6% commission they charge, accepting a low-ball offer for your house costs them only 1.5% of the difference between the low-ball price and what you might receive from another buyer in the future. The agent, wanting to get the commission, sacrifices perhaps a few hundred dollars in exchange for a faster, more certain payday. Do they really act this way? Levitt shows that, when selling their own residences, agents tend to wait for (and receive) better offers. Why? Because they gain 94% (more, if self-selling) of any additional offer increase. Gosh . . . I'd always believed that real estate agents could be trusted!

What about the match results of those inscrutable sumo wrestlers? What incentives would they have to throw some of their matches? Their salaries and fringe benefits are determined in six yearly tournaments, where winning at least eight bouts is very important. When two wrestlers — one with a 7–7 record and one with an 8–6 record — meet, they have very different incentives: the 7–7 wrestler needs very much to win, while the 8–6 wrestler has already done well, making a loss no big deal. It's possible that the 7–7 wrestlers simply outperform statistical expectations in these matches because of the importance of victory, but Levitt's data suggest that deals are made in the sumo stables, based on bribes, or simply on the agreement that if "you scratch my back; I'll scratch yours." In fact, there have been exposés on sumo cheating, and even suspicious deaths of wrestlers who came forward with tales that support Levitt's analysis. His interpretation of the wrestling data seems quite convincing.

Analysis of information and prices informs several of Levitt's examples, including a case in which his analysis cost some cheating teachers their jobs. He also demonstrates how the exposure of secret information devastated the Ku Klux Klan. Modern technology, especially the Internet, has made information much more accessible for everyone.

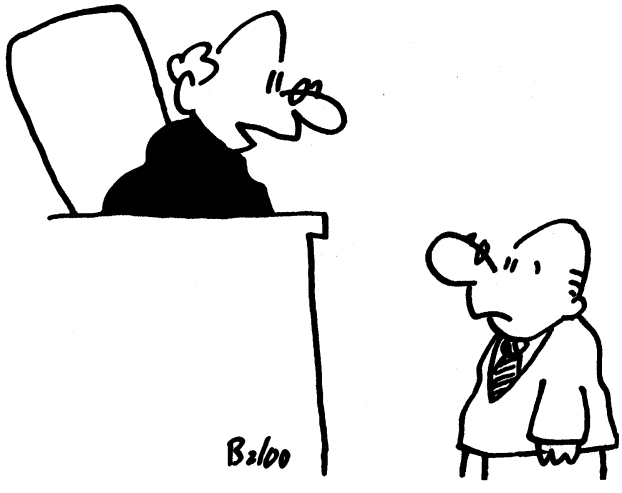

"On a scale of one to ten, how guilty would you say you are?"

Consumers shopping for life insurance, for example, now have easy access to price comparisons, resulting in savings of a billion dollars a year. Economists say that such things as Internet sites reduce information asymmetry: no longer are you at the mercy of buying from people who have better information about their prices than you have, because it's now easy and cheap to acquire that information. Experts often use inside information to promote their interests even as they argue that they are promoting yours. How many people get a second opinion before being rolled into operating rooms? We mostly defer to our doctors, but what are their incentives? If they're surgeons, the answer is obvious.

One of Levitt's fellow Chicago students, Sudhir Venkatesh, provided material for some of the book's most interesting conclusions by visiting a Chicago housing project with a sociology survey in his hands. He wound up almost being killed by a drug gang, then practically lived with them for the next six years as he studied the drug culture up close, embedded like a reporter in one of many rival gang armies in a domestic war zone — south Chicago. Levitt found that the drug gangs were run just like any other business and that the answer to the question "If drugs are so lucrative why do dealers live with their mothers?" is that drugs are not lucrative for the average gang member. In fact, they work under extremely dangerous conditions with high relative mortality, often for less than the minimum wage. So why would anyone pursue such employment? "For the same reason," Levitt says, "that a pretty Wisconsin farm girl moves to Hollywood" — extreme competition that rewards a lucky few with vast wealth and power. The book has a long discussion of the rise of crack and the alliance between Colombia and inner city gangs.

Levitt claims that legalized abortion is primarily responsible for the decline in crime rates during the 1990s. Some of his opponents believe his reasoning smacks of eugenics — abortion's crazy aunt in the attic.

One of the claims that has generated a very strong backlash is that legalized abortion is primarily responsible for the decline in crime rates during the 1990s. The book shows why Levitt believes this, and also discusses other possible explanations such as "broken windows policing," building more prisons, handing out longer prison sentences, the aging of the population, an improving economy, the effects of concealed weapons laws or tougher gun control, etc. Some of his opponents believe his reasoning smacks of eugenics, which has, of course, always been abortion's crazy aunt in the attic. But just because Levitt made people angry with this claim, does that mean he's wrong? Of course not. Levitt is not making a moral argument about abortion, although the book suggests the authors favor it on utilitarian grounds.

Levitt's analysis of parenting and the limited and surprising roles that parents play in their children's lives is enlightening (if true), and entertaining to read. The obsessiveness of many modern parents, and the things they do to help their children, can be very amusing, but if Levitt is correct many such endeavors are expensive and pointless. Levitt finds little evidence that parenting matters much at all! Bonding with the baby, reading to kids, playing Mozart for them, school choice programs — all the things we think are important — Levitt dismisses as irrelevant. What does matter then? According to Levitt, it's environmental factors such as the parents' education level, socio-economic status, age of mother at first birth, birth weight, whether English is spoken in the home, whether the child is adopted, etc. (The correlations between cited environmental factors and test scores are sometimes positive and sometimes negative.) And what doesn't matter? An intact family, a move to a better neighborhood, whether mom works between birth and kindergarten, Head Start, trips to museums, spanking, television watching, reading to children every day. The final conclusion is that it matters more what parents are than what they try to do for their children. Along the way, the authors suggest that IQ exists and is a powerful determinant of success. And I thought Charles Murray made up all that IQ stuff! I guess if you write for the Times and you support Head Start even though you admit it doesn't work, you get to make this IQ argument while immunized against the usual outrage.

"Freakonomics" ends with a lengthy examination of the differences between white and black names for children, and inter-group socio-economic name differences over time. Is your name your destiny? Well, yes... at least, sort of. I have to leave readers something to do on their own. I will say, however, that, generally speaking, this is a good book, though overhyped. But that's the time we live in. It's standard marketing practice today for every book, television show, and product that comes along, most of which are not worth reading, watching, or owning. I'm glad this book has been successful, because the information contained in the sales figures should direct publishers to put out more general-interest economics books. Making money by using information to maximize voluntary exchange — isn't that what the market's all about? ❑

"Crash," directed by Paul Haggis. Lions Gate Films, 2005, 100 minutes.

Offender Bender

Jo Ann Skousen

A powerful film about isolation in crowds and interconnectedness despite indifference, "Crash" slams into you midway through the film like a rear-end collision. Just when you think you've had enough of this "why can't we all just get along" public-service announcement, it turns into something completely different, something intense and compelling. Suddenly, you're hooked.

Writer and director Paul Haggis ("Million Dollar Baby") subtly begins playing with stereotypes even before the film begins. Early trailers seemed to emphasize the Sandra Bullock character, attracting one kind of audience, while the previews accompanying the movie itself associate it with blaxploitation flicks. Mercifully, these expectations failed to be realized. Nor is this simply a typical relationship film, as one might expect from the smarmy voice-over narration that accompanies the opening scene: "In L.A. nobody touches you. We crash into each other just so we can feel something." It's a film that observes how we "crash into each other," and suggests that there might be other ways to feel something. The opening scene, which shows a car accident between a Latina and an Asian woman who spits racial epithets at her, dissolves into a flashback that asks the question, "How did we get here?" Not just how did we get to this accident, but how did we get to this level of prejudice and ethnic name-calling?

"Crash" slams into you midway through the film like a rear-end collision.

The film is rough, particularly the language, and while the concept of examining stereotypes is interesting, the multiple unrelated stories are not

dramatically compelling at first. I was also turned off by the preachiness of the dialogue in the first half hour, and considered cutting my losses and going home — until midway through the movie, when the multiple stories begin to crash into each other with the breathtaking intensity of a fog-induced freeway pileup. First-time director Haggis knows how to use a camera as well as how to tell a story, and this movie is best when he lets the story do the teaching.

Some of the most interesting performances are the "cameo appearances" of stereotype cliches, from the custom of tipping to the ethnic nature of first names, to street safety (blacks don't tip; any woman named Shaniqua must be African-American; any black man on the street is up to no good), to affirmative action and entertainment (minorities are taking jobs from better-qualified whites; blacks don't figure skate, play hockey or listen to country music). Haggis tweaks the stereotypes, often turning them inside out and upside down. The film acknowledges that stereotypes have a foundation in truth (a white man has indeed lost his business to affirmative action; an African-American complains bitterly to his friend, "Why are they afraid of us? Just because we're black!" when a white woman instinctively clutches her husband's arm for protection, but then pulls a gun and steals their car). Still, this is only a nod in an unusual direction.

Everyone in the film is both a victim and a perpetrator of prejudice; no one is a good guy or a bad guy. Bigoted cops take advantage of their power and authority, stopping a car driven by a black driver on the supposition that "They're doing something!" and then subjecting the couple to sadistic abuse. When a young, idealistic cop tries to report the abuse he has observed, he is told to mind his own business. In short, the police don't police themselves, and I nod in agreement. Or is this just another stereotype that I buy into?

Ultimately, Haggis seems to say, prejudice is the result of making assumptions based on incomplete information. It isn't limited to race or ethnicity. And it isn't just in L.A. that "nobody touches you" until someone crashes into someone else. But, like his previous hit, "Million Dollar Baby," the power of his film is in the storytelling not the preaching. ❑

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"Freethinkers: A History of American Secularism," by Susan Jacoby. Metropolitan Books, 2004, 365 pages.

America the Secular

Thomas Giesberg

What is the role of religion in a democracy? Is democracy a threat to religion, or is religion a threat to democracy? Are those citizens who fight to separate church and state heroes or villains?

These questions appear daily in the news, with heated debates over issues such as the phrase "under God" in the Pledge of Allegiance, tuition vouchers for religious schools, and the display of the Ten Commandments on public property.

In "Freethinkers: A History of American Secularism," Susan Jacoby tackles these issues and many others as she examines the lives and actions of freethinkers throughout American history. Three themes run through "Freethinkers": the Founding Fathers established a secular government; notable freethinkers and their contributions receive less recognition than they are due in schools and history books; and the established churches and clergy were often on the wrong side of debates over such major issues as slavery and women's rights.

"Freethinkers" is an engaging book that grabs the reader's attention from the first chapter, which describes the Founders' creation of our secular Constitution. Jacoby does an excellent job of presenting the continuing history of tension between secularism and religion in America. She is not an unbiased reporter; rather, she is an advocate for the separation of church and state, and is quick to identify state-supported religion as a threat to democracy.

As defined by Jacoby, freethought — a term that first appeared in the late 1600s — is best understood "as a phenomenon running the gamut from the truly antireligious — those who regarded all religion as a form of superstition and wished to reduce its influence in every aspect of society — to those who adhered to a private, unconventional faith revering some form of God or Providence, but at odds with orthodox religious authority." Jacoby includes deists, agnostics, and atheists as freethinkers, noting that all share "a rationalist approach to fundamental questions of earthly existence — a conviction that the affairs of human beings should be governed not by faith in the supernatural but by a reliance on reason and evidence adduced from the natural world." (pp. 4–5)

The nation's founding documents were crafted during the American Enlightenment, a time of expanding lit-

eracy and interest in and respect for science. "Respect for the laws of science — 'the Laws of Nature and of Nature's God,' as the Declaration of Independence put it — translated into the conviction that both government and religion should and could operate in a manner consistent with those laws." (17)

The respect for nature appears in a tribute to Sir Isaac Newton, penned by Alexander Pope (1688–1744): "Nature, and Nature's laws lay hid in night: God said, 'Let Newton be!' and all was light."[1]

In the 1780s, "a widespread casualness toward formal religious observance" attested "to the presence of powerful libertarian and nonconformist impulses in the new nation." In addition, "Expanding literacy, especially in the northern colonies, contributed to the spread of freethought beyond an educated elite to a larger audience of literate farmers, small businessmen, craftsmen, and, in growing numbers, their wives and daughters." The founding documents were written with the expectation that large numbers of Americans were "familiar with both the language and the philosophy of the Enlightenment" (15–16).

Forms of religion that claim to have found the one true answer to the ultimate purpose of human life "are incompatible not only with science but with democracy. Those who rely on the perfect hand of the Almighty for political guidance, whether about biomedical research or about capital punishment, are really saying that such issues can never be a matter of imperfect human opinion" (362).

Established churches and clergy were often on the wrong side of debates over such major issues as slavery and women's rights.

The journalist Bill Moyers observed, "We are witnessing today a coupling of ideology and theology that threatens our ability to meet the growing ecological crisis. Theology asserts propositions that need not be proven true, while ideologues hold stoutly to a world view despite being contradicted by what is generally accepted as reality. The combination can make it impossible for a democracy to fashion real-world solutions to otherwise intractable challenges."[2]

Jacoby sedulously presents the moral yet secular philosophies of notable freethinkers. I expected to find more accounts of clashes over religious belief itself; yet with a few exceptions, such as the chapter that covers the reaction to Darwin's theory of evolution, "Freethinkers" primarily addresses the struggle by secularists against those who would impose their religious beliefs through politics.

The battle is still underway, as seen in material given to the attendees at a national conference aimed at "reclaiming America for Christ": "As viceregents of God, we are to bring His truth and His will to bear on every sphere of our world and our society. We are to exercise godly dominion and influence over our neighborhoods, our schools, our government . . . our entertainment media, our news media, our scientific endeavors — in short, over every aspect and institution of human society."[3]

Pope John Paul II advised that, "Laws made by men, by parliaments, must not be in contradiction with natural laws, that is, with the eternal law of God."[4]

The idea that God comes before democracy is not new. Jacoby quotes from an encyclical of Leo XIII (pope from 1878 to 1903), who was outraged by the contention that public authority "originates not from God but from the mass of the people" which "refuses to submit to any laws that it has not passed of its own free will" (232).

Originally, nearly all religious conservatives were Federalist (44), while most deists identified with Jeffersonian democracy. By the late 19th century, the political views of freethinkers "ran the gamut from anarchism to Spencerian conservatism. Freethinkers might be Democrats, rock-ribbed Republicans, or, on occasion, socialists with either a capital or a small s" (153).

This changed in the 1920s, when freethinkers and the political left, concerned by what they perceived as enduring fundamentalism in the South and the growing influence of the Catholic Church on state and municipal governments elsewhere, forged an alliance. Both had "a shared commitment to separation of church and state and freedom of speech," and both viewed "entanglements between religion and government as inimical to democracy" (228–232).

Forms of religion that claim to have found the one true answer to the ultimate purpose of human life "are incompatible not only with science but with democracy."

Addressing the present day, Jacoby worries that President Bush is using governmental mechanisms to impose his "religion-based personal morality" upon "millions of Americans who do not share his religion or his personal idea of righteousness." She goes on to say: "Nor is it enough for secularists to speak up in defense of the Constitution; they must also defend the Enlightenment values that produced the legal structure crafted by the framers. Important as separation of church and state is to American secularists, their case must be made on a broader plane that includes the defense of rational thought itself" (359–360).

The logical extension of the Enlightenment beliefs in rationality, skepticism about authoritarian religious sects, and religious observation as a matter of individual conscience rather than public duty, "was a civil government based not on the laws of God, as promulgated by self-appointed earthly spokesmen, but on the rights of man" (14).

This was a new philosophy. Originally, many states placed restric-

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tions upon various religious constituencies. In New York, Jews were allowed to hold public office, but Catholics were not (until 1806). In South Carolina and elsewhere, Protestantism was the state-established religion. Jacoby emphasizes that in this environment, the framers of the Constitution chose Virginia's new religious freedom act as the model for the nation (26).

In 1784, "Patrick Henry introduced a bill in the Virginia General Assembly that would have assessed taxes on all citizens for the support of 'teachers of the Christian religion,'" replacing the established Episcopal Church with "multiple establishments" (19).

James Madison responded with his "Memorial and Remonstrance against Religious Assessments." Madison asked, "Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects?" (19–20)

Quakers, Lutherans, Baptists, and Presbyterians "were willing to renounce government money to ensure government noninterference" (21). They joined with Enlightenment rationalists in support of separation of church and state. Their alliance led to the passage of the religious freedom act; although it did still assert that "Almighty God hath created the mind free," the lawmakers defeated a move to acknowledge Jesus Christ. Jacoby cites Thomas Jefferson's recollection that the act was meant to protect non-believers, as well as Christians and other religious believers (24).

The framers of the Constitution followed Virginia in crafting a secularist Constitution. In Article VI, the Constitution prohibits religious tests for office, and allows affirmations as alternatives to oaths. A new president must likewise take an "Oath or Affirmation," as found at the end of Article II, Section 1. Though the alternative was primarily intended to allow Quakers — whose beliefs forbade them to take oaths — to hold office, it indicated an impulse toward secularism that was demonstrated more fully in the First Amendment, which expressed the framers' hopes that it "would encourage other states to follow Virginia's example and establish complete separation between religious and civil authority" (28).

The secularism of the Constitution did produce substantial controversy during the ratification debates, with numerous attempts to amend it to declare that governmental power was derived from God or Jesus Christ (29–31). Jacoby argues against "the religious right's contention that the founders intended to establish a Christian nation," pointing to the public debate. "The founders knew exactly what they were doing, and so did their fellow citizens on both sides of the issue" (33).

"Freethinkers" is full of nuggets of history that were new to me. One of the most interesting concerns Sunday mail. Religious conservatives repeatedly failed to persuade Congress to repeal the 1810 law mandating seven-day-a-week postal service. In response to the controversy, in 1828 Congress referred the matter to the Senate Committee on the Post Office and Post Roads, chaired by Richard M. Johnson of Kentucky (who was also a devout Baptist). He concluded "that any federal attempt to give preference to the Christian Sabbath would be a clear violation of the Constitution" (79). Sunday mail service was not cut back until after the 1844 invention of the telegraph, which provided a more efficient form of business communication (80).

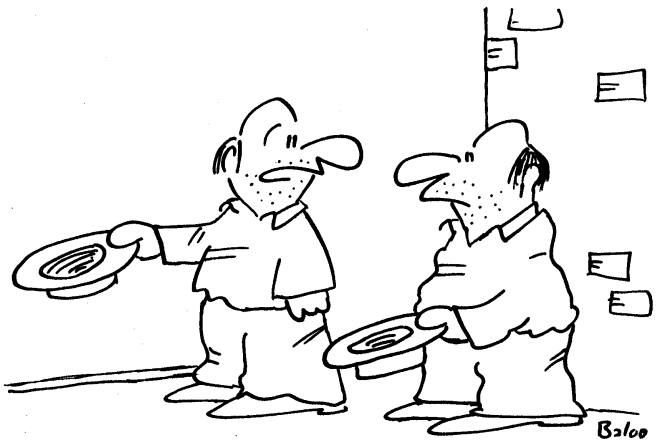

"I think I'll call it a day — My thumb is *killing* me!"

With the outbreak of the Civil War, many religious leaders asserted that the real cause of the conflict "was the failure of the founders to enshrine God in the Constitution" (104). Accordingly, in 1863, the National Reform Association was founded to lobby Congress. Their delegates proposed rewording the Constitution's preamble to replace "We the People of the United States, in Order to form a more perfect Union . . ." with: "Recognizing Almighty God as the source of all authority and power in civil government, and acknowledging the Lord Jesus Christ as the Governor among the nations, His revealed will as the supreme law of the land, in order to constitute a Christian government . . ." (105)

Because southern churches often defended slavery, and northern churches were slow to condemn it, radical abolitionists tended to be anti-clerical.

Congress was unwilling to amend the Constitution, but was easily persuaded to acknowledge God on American coins. Secretary of the Treasury Salmon P. Chase was the most religiously orthodox member of Lincoln's cabinet. He took credit for convincing Lincoln to add the invocation of God to the end of the Emancipation Proclamation. Chase ordered the addition of God to the money, but then discovered that only Congress could mandate such an alteration. Congress added "In God we trust" to a two-cent coin issued in 1864. By the end of 1865, Congress had ordered the motto engraved on nearly all denominations.

Sacrilegious puns soon appeared, such as "In gold we trust." These disturbed Theodore Roosevelt, a devout Christian; however, when he attempted to dispense with the motto

in 1907, he received a storm of criticism from ministers (107).

Jacoby teaches that such later additions of the deity to the sphere of government promote ignorance of the Constitution's grounding in human rather than divine authority. This is exactly why secularists keep making a legal issue out of such symbolic practices. The additions promote "the current public misapprehension . . . that antireligious fanatics are responsible for trying to take away something that has always been a part of American tradition" (309).

Jacoby was outraged by a January 2002 speech by Supreme Court Justice Antonin Scalia, entitled "God's Justice and Ours," in which Scalia expressed his belief that the state derives its power from God. "As evidence of the religious faith on which the United States was supposedly founded, Scalia cited the inscription 'In God We Trust' on coins; the phrase 'one nation, under God' in the Pledge of Allegiance; and the 'constant invocations of divine support in the speeches of our political leaders, which often conclude, God bless America'" (348–351).

Such invocations have indeed been constant in America. When George Washington was sworn in as president, he used a Bible and added "so help me God" to the words specified in the Constitution. The Houston Chronicle, in a Jan. 20, 2005, feature on the presidential inauguration process, presented the text of the presidential oath, supposedly from the Constitution, with "so help me God" appended. The newspaper also discussed the selection of a Bible to be used, without mentioning the option to use no Bible at all. Thus, as with the appearance of God on money, the public is inculcated with the belief that the government is charged with recognizing and promoting God.

What were the attitudes of the Founding Fathers towards religion and government in the new nation? Newt Gingrich said recently, "as a historian, I can talk about . . . historically the absolute fact that the Founding Fathers were deeply committed to the idea our rights come from God."[5]

Jacoby argues for the secular intent of the founders. Washington and Adams issued presidential proclamations of thanksgiving to God — Jefferson refused to do so — yet Jacoby takes the position that they all "were far removed from religious orthodoxy and fully shared Jefferson's views on the separation of civil government from religion" (43–44).

The debate continues at Mount Vernon: "Members of the religious right complain that not enough is made of Washington's religion in the displays of literature at his plantation. It is a firm tenet of many evangelicals that Washington was as godly as Jefferson was godless. The first president is their best display that this nation was born 'under God.' But Washington never referred to Jesus or to Christ, rarely to God, most often to Providence."[6]

Abraham Lincoln's faith is likewise disputed. Jacoby analyzes the testi-

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Mark Rand is assistant editor of Liberty.

Ralph R. Reiland is an associate professor of economics at Robert Morris University and a Pittsburgh restaurateur.

Ted Roberts is a freelance humorist living in Huntsville, Ala.

Timothy Sandefur is a staff attorney at the Pacific Legal Foundation.

Jane Shaw is a Senior Associate of PERC — The Center for Free Market Environmentalism in Bozeman, Mont.

Jo Ann Skousen is a writer and critic who lives in New York.

Todd Skousen is an economics major at Rollins College.

Tim Slagle is a stand-up comedian living in Chicago. His website is www.timslagle.com.

Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

mony and writings of those who knew Lincoln before he became a politician, before there was reason to conceal his private skepticism. She does a fine job of presenting the conflicting evidence, and concludes, "Whether Lincoln was or was not a devout religious believer — and a Christian — is a question that has never been answered" (117).

This chapter on Lincoln is representative of the focus on the individual found throughout "Freethinkers." The book could just as correctly been subtitled "A History of American Secularists." It presents the actions of freethinkers as they fought for abolition of slavery, women's rights, and other freedoms; the hostility these freethinkers encountered; and the frequent opposition of established prominent churches to reforms for which they frequently took credit afterwards.

For example, note the offhand assertion, "religion and democracy have always been intertwined in America, where churches were at the forefront of battles against slavery and in favor of civil rights. . . ."[7]

Jacoby vigorously attacks this "false image of religion as a staunch foe of slavery" as "a basic tenet of modern religious correctness" (68). Because southern churches often defended slavery, and northern churches were slow to condemn it, radical abolitionists tended to be anti-clerical, even if personally religious. Jacoby gives credit to these anti-clerical abolitionists and "the central importance of the Enlightenment concept of natural rights" (70).

Women speaking in public disturbed conservatives, especially when speaking before mixed audiences of men and women, and to blacks as well as whites.

She finds that merely anticlerical dissidents are much better known today than the unabashedly antireligious dissidents who "identified religion itself as a major contributor to and defender of evils that included, but were not limited to, slavery, poverty, and the subordinate status of women" (96).

The civil rights movement in the '60s involved many irreligious Americans. Michael Schwerner and Andrew Goodman, nonobservant Jews, were murdered in Mississippi in 1964, along with James Chaney, a local black volunteer. Goodman's mother explained that he went to Mississippi, "[n]ot because God told him to do it but because he believed in human beings helping other human beings" (330–334).

Jacoby connects radical reform, freethought, and anticlerical religious belief. In her ample account of the women's rights movement, the book illuminates a key aspect of feminist history. The participation of women in the antislavery movement beginning in the 1830s gave rise to the first wave of American feminism. Sarah and Angelina Grimké, sisters raised on a South Carolina slave plantation, were powerful voices for abolition. In 1837, large audiences flocked to hear their accounts of the evils of slavery. Women speaking in public disturbed conservatives, especially when speaking before mixed audiences of men and women, and to blacks as well as whites. The Congregationalist ministers in Massachusetts issued a pastoral letter declaring that when a woman "assumes the place and tone of man as a public reformer . . . her character becomes unnatural" (74–76).

Such attitudes produced the feminist movement. An 1840 convention of British and American abolitionists refused to seat the female delegates. Two of those excluded, Elizabeth Cady Stanton and Lucretia Mott, met for the first time and resolved to form a new organization to promote equal rights for women (84). This led to the 1848 Seneca Falls convention, which crafted "A Declaration of Rights and Sentiments," modeled on the Declaration of Independence (90).

Stanton and Susan B. Anthony agreed that religion lay at the heart of women's second-class status. Anthony was willing to ally with Christian women's organizations; however, Stanton was open in her condemnation of all religions, "teaching that woman was an afterthought in creation, her sex a misfortune, marriage a condition of subordination, and maternity a curse" (197). Stanton, despite Anthony's admonitions, produced the first volume of her "Woman's Bible" in 1895. It scrutinized many events of the Old and New Testaments as literary fictions of men, and challenged the widely accepted religious foundations for the subordination of women (200–204).

The presence of a disproportionate number of agnostics and freethinkers within the women's movement reinforced the determination of younger leaders to cover up the anticlerical origins of the suffragist movement, and especially Stanton's role in its founding. "The suffrage amendment was named after Anthony, though Stanton was the first to propose it. In 1923, a ceremony to commemorate the seventy-fifth anniversary of the Seneca Falls convention was planned with endless tributes to Anthony and no mention of Stanton" (204).

The history of secularism in the period from the First World War to the present is dominated by the intervention of the Supreme Court in issues of

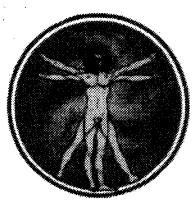

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censorship and establishment of religion. In 1931, the Supreme Court established for the first time that the equal protection clause of the 14th Amendment prohibits states from overruling 1st Amendment guarantees of freedom of the press, speech, and assembly (273) (in the case of *Near* v. *Minnesota*, 283 US 697 (1931)).

After the 1934 boycott of Philadelphia movie theaters, led by the Catholic Legion of Decency, the movie industry established its Production Code Administration. The code banned nudity, vulgar language, and even portrayals of married couples occupying the same bed (270). But film censorship began to crumble in the early '50s. New York's state film licensing board refused to grant permission for the showing of Roberto Rossellini's "Miracle," a move that resulted in the Supreme Court's decision that movies are not subject to prior restraint (307) (in *Joseph Burstyn, Inc.* v. *Wilson*, 343 US 495 (1952)).

Every tax exemption constitutes a subsidy that affects nonqualifying taxpayers, forcing them to become indirect and vicarious donors.

Any reader interested in such issues will benefit greatly from reading the opinions of these judges, via Internet sites such as www.supremecourtus.gov/opinions/casefinder.html or supct.law.cornell.edu/supct/index.html (finding the decision by using the case number, such as 283 US 697).

Jacoby presents such legal battles through the personal experiences of the people involved. She tells the story of Vashti McCollum, who challenged the practice of releasing public school students from regular classes for in-school religious instruction. McCollum argued that her son had been cruelly taunted by the other students for not attending. After she filed her lawsuit, her son was regularly beaten up, and she received hate mail and threats for many years. In siding with McCollum, Justice Hugo Black wrote, "Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally" (294–295). This decision is found under: *People of State of Ill. ex ref. McCollum* v. *Board of Ed. of School Dist. No. 71, Champaign County, Ill.*, 333 US 203 (1948).

Judicial opinions are especially enlightening on the issue of vouchers for religious schools. Jacoby calls the Supreme Court decision upholding an Ohio school voucher program "ill-advised" (358). As a libertarian, I favor vouchers, and see most voucher opponents as simply favoring teachers' unions at the expense of students who are trapped in poor public schools. However, I found serious Establishment Clause objections in the dissenting opinions in *Zelman* v. *Simmons-Harris*, 536 US 639 (2002).

Justice Souter made the very valid objections that religious instruction and secular education are "so intertwined in religious primary and secondary schools that aid to secular education could not readily be segregated, and the intrusive monitoring required to enforce the line itself raised Establishment Clause concerns about the entanglement of church and state" (at 691); "When government aid goes up, so does reliance on it; the only thing likely to go down is independence" (at 715); and "the ban on supporting religious establishment has protected free exercise, by keeping it relatively private. With the arrival of vouchers in religious schools, that privacy will go" (at 716).

As added by Justice Stevens, "Whenever we remove a brick from the wall that was designed to separate religion and government, we increase the risk of religious strife and weaken the foundation of our democracy" (at 686).

Although it does not appear in "Freethinkers," the decision *Texas Monthly, Inc.* v. *Bullock*, 489 US 1 (1989) should interest anyone researching the line between church and state. In holding unconstitutional a sales tax exemption for religious publications, Justice Brennan wrote that "[E]very tax exemption constitutes a subsidy that affects nonqualifying taxpayers, forcing them to become indirect and vicarious 'donors'" (at 14). Blackmun, joined by O'Connor, added, "government may not favor religious belief over disbelief"

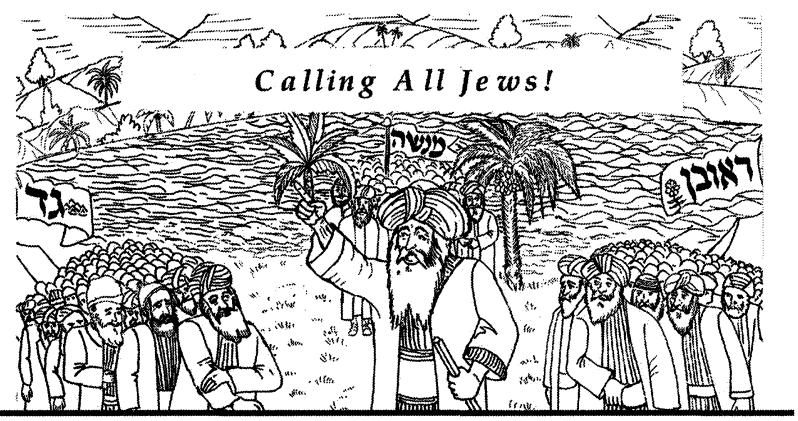

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

For *The Jewish Debt to the Right*, the New Mises Seminars, an Open Forum of the Right, and new ideas that the old libertarians don't want you to know about

see Intellectually Incorrect at intinc.org

(at 27). Scalia dissented, questioning how this exemption was different from the one for property taxes (at 36).

Even decisions that protect the separation of church and state do little to promote secularism: "The secularist victories of the postwar [era] were achieved mainly in courts of law rather than in the court of public opinion, and they were not followed by a sustained and candid appeal that challenged traditional beliefs and made a moral, as distinct from a legalistic, case on behalf of freedom of expression, secular public education, and rationalism itself. What was missing was an explicitly humanistic, nonreligious vision of personal ethics and social justice — a vision that could be understood even by Americans who had always believed that religion and morality were identical" (314–315).

Robert Green Ingersoll promoted just such a vision in the late 19th century, and even hostile newspapers covered his speeches (172). It seems clear that vision did not take root. Jacoby feels "the current assault on separation of church and state" is "intended to undermine all secularist and nonreligious humanist values" (352). Whoopi Goldberg, asked about "moral values," replied, "If you have a concern about gay marriage, don't marry a gay person. It appears we're becoming a country whose philosophy is being pushed into a religious column, which I find disheartening."[8]

"Freethinkers" reaffirmed my belief in strict separation of church and state. Jacoby adeptly packs an abundance of information into a very readable form. Both the index and bibliography are extensive, and the text is fully footnoted, making it a valuable resource as the controversies of the past continue into the future. ❑

Notes

1. "The Concise Oxford Dictionary of Quotations," 2nd ed. (New York: Oxford University Press, 1987), p. 185.

2. Bill Moyers, "Welcome to Doomsday," The New York Review of Books, March 24, 2005, p. 8.

3. Rev. D. James Kennedy, pastor of Coral Ridge Presbyterian Church, cited by Jane Lampman, "For evangelicals, a bid to 'reclaim America'," The Christian Science Monitor, March 16, 2005, p. 16.

4. Pope John Paul II in "Memory and Identity: Conversations Between Millenniums," quoted by Sophie Arie, "Must democracy rest on faith?" The Christian Science Monitor, March 4, 2005, p. 6.

5. Linda Feldman and David T. Cook, "GOP's 'big idea' man rolls out a new manifesto," The Christian Science Monitor, Feb. 23, 2005, p. 3.

6. Gerry Willis, "The Wise Warrior," The New York Review of Books, March 10, 2005, p. 16.

7. Peter Ford, "What Place for God in Europe?" The Christian Science Monitor, Feb. 22, 2005, p. 13.

8. "10 Questions for Whoopi Goldberg," Time, Nov. 22, 2004, p. 8 .

"The End of Poverty: Economic Possibilities for Our Time," by Jeffrey D. Sachs. Penguin Press, 2005, 397 pages.

World Poverty Ended!

Jane S. Shaw

Jeffrey D. Sachs, the economist who now heads Columbia University's Earth Institute, has some important successes to his credit. In 1985, he advised the government of Bolivia to stabilize its currency and open its markets, thus preventing hyperinflation. In 1989, he helped the government of Poland shift from socialism to a market economy, using what came later to be known as "shock therapy." But Sachs has had failures, too, the most notable of which was a celebrated but futile attempt to turn Russia into a market economy.

"The End of Poverty" is Sachs' attempt to achieve fame one more time. He argues that it will be possible to end extreme poverty by transferring funds from rich countries to the Third World. The book outlines Sachs' grand scheme and argues why the West should take on this task. Trouble is, the task is naively conceived. It ignores incentives, treating people as chess pieces, assuming that if the First World provides sufficient funds for investment in infrastructure and health care and other major categories, deep poverty will end. Rather than considering how massive increases in funding would affect the decisions of government officials or operate in practice, he devotes lengthy passages to explaining why the West should feel guilty about not giving enough aid, especially to Africa. In spite of his international experience and expertise, Sachs seems to be groping for ideas that failed in the 1960s.

Indeed, for all his strong support of global trade, Sachs has been hijacked by the Left. Some of the signs: He ignores DDT as a way to reduce the 3 million deaths from malaria (giving this successful but politically incorrect chemical one brief reference, outside his main discussion of malaria); he adores powerful patrons such as Kofi Annan ("whom I consider the world's finest statesman"); and he dismisses Hernando de Soto's plea for recognition of property rights. While discussing aid to the Third World, he slips into an environmental agenda as well.

The early part of the book includes

a personal history and commentary on countries whose governments he has advised or in which he has lectured. Only when he starts to build his ambitious proposal does he really go off track.

Sachs claims that impoverished countries need major interventions, primarily investments in "the Big Five" (p. 254): agriculture, health, education, infrastructure, and water and sanitation. Certainly, they do. He contends that in the poorest countries these investments must come from what he calls "official development assistance," not private investment. He doesn't seem to consider private nonprofit organizations as potential investors, either, although in specific instances he has high praise for the work of the Gates and Lenfest Foundations.

"[T]he poorest counties cannot really be expected to receive large inflows of private capital," explains Sachs, "because they lack the basic infrastructure and human capital that can attract international and even domestic private investments" (217). They are caught in a "poverty trap," which he illustrates with a diagram of a hypothetical household, showing that the family's capital declines when it consumes all its income rather than saving some of it.

Sachs' chatter along these lines made me think of another war on poverty — Lyndon Johnson's. In 1964, the Economic Report of the President (written by economists, no less), said: "Conquest of poverty is well within our power. About $11 billion a year would bring all poor families up to the $3,000 income level we have taken to be the minimum for a decent life."

Sachs' chatter along these lines made me think of another war on poverty — Lyndon Johnson's.

Sachs does a parallel calculation for the world's poor, concluding that "a transfer of 0.5 percent of donor income, amounting to $124 billion, would in theory raise all 1.1 billion of the world's extreme poor to the basic-needs level" (290). He then says that giving this money to families would fill the "consumption gap" but not extricate them from the "poverty trap." That will require infrastructure investment.

But hasn't the West been providing capital for investment to poor countries? According to Sachs, the aid has been minuscule. He illustrates his point by saying that the average amount of aid per sub-Saharan African in 2002 was $30. All but $12 of this went to things that he considers irrelevant — donor consultants, emergency aid, servicing Africa's debts, or debt relief. This makes an appealing statement, but how relevant is it? According to a recent Milken Institute Review article, about half the budget of the national government of Ghana comes from foreign aid.

Sachs does not give us any information about how much aid was provided by the West in the past. He does comment on colonialism. He says that it "left Africa bereft of educated citizens and leaders, basic infrastructure, and public health facilities" (189). This critique may have some merit but it certainly does not comport with the views of say, Peter Bauer, who points out that Great Britain built railways and roads and introduced exports to Africa. West Africa produced virtually no cocoa until the British encouraged it as an export crop, says Bauer, who quotes Nobel laureate Arthur Lewis as saying that "the tropics were transformed during the period 1830 to 1913" and that sub-Saharan Africa's exports grew from 6.2 percent of tropical trade in 1913 to 13.3 percent in 1937.

To Sachs, capital investment through international loans from the World Bank and other agencies isn't even worth comment. One of his themes is that all debt by poor countries should be forgiven because it puts an intolerable burden on those nations. Sachs supports his argument by quoting John Maynard Keynes' opposition to the punitive debt required of Germany after its defeat in the First World War. The reader can decide whether this is an apt comparison, but in any case Sachs never explores how poor countries used past loans or why debtors have not been able to service them. At the very least, if those investments were failures, we should be cautious about starting a new round of investments, however well-intended they may be.

But Sachs would view even the raising of such questions — asking for some information about past aid and investment and its consequences — as a sign of prejudice. He devotes an entire chapter to confronting what he considers biased (or, at best, uninformed) views about Africa. He reports on studies that he and his colleagues conducted showing that corruption is no worse in Africa than in other equally poor regions. They found, however, that whatever the quality of governance, African countries are growing more slowly than their counterparts. Sachs blames inherent geographical factors, such as the fact that many African nations are landlocked and that transportation is difficult across the continent. He dismisses or ignores evidence that excessive government control is highly correlated with a low standard of living.

Sachs writes as though he were the first person ever to think of a massive infusion of aid to Africa, and that it is certain to work if only it is tried.

Perhaps the eeriest part of this book is the fact that Sachs writes with such confidence, as though he were the first person ever to think of a massive infusion of aid to Africa, and that it is certain to work if only it is tried. "Getting from here to there is a matter of routine planning, not heroics" (274). And then he gets down to the serious business of castigating people who live in the West for not being generous enough. If only it were so simple! ❑

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Breeding a Better Tomorrow?, *from page 26*

systematically ruins women and girls, he does not shrink back from pulling down the blood barriers for others, even on a large scale. It was and it is Jews who bring the Negroes into the Rhineland, always with the same secret thought and clear aim of ruining the hated white race by the necessarily resulting bastardization, throwing it down from its cultural and political height, and himself rising to be its master."

Still, no matter how grave the threat to the "racial foundations" of the gene pool in the Rhineland, "a racially pure people which is conscious of its blood can never be enslaved by the Jew," wrote Hitler. And even better, the means of keeping things racially pure could be a fully humane undertaking with a perfectly fine and healthy ending: "The demand that defective people be prevented from propagating equally defective offspring is a demand of clearest reason and, if systematically executed, represents the most humane act of mankind. It will spare millions of unfortunates undeserved sufferings, and consequently will lead to a rising improvement of health as a whole."

On July 14, 1933, three years after the forced sterilization of Carrie Buck, the "Law for the Prevention of Progeny with Hereditary Diseases" was proclaimed to be the law of the land in Germany. It authorized the forced sterilization of all persons who were suffering from mental illness, retardation, feeble-mindedness, deafness, blindness, epilepsy, physical deformities, and alcoholism. Eight years later, the first experimental gassing occurred at Auschwitz, resulting in the death of 850 malnourished and ill prisoners.

By the time the eugenics craze died out, some 60,000 Americans had been coercively sterilized and thousands of others shipped off to "colonies." In Europe, the slaughter of millions was blurred and softened by the medicalizing of the process. Years later at Nuremberg, the Nazis, to explain, quoted the words of Oliver Wendell Holmes.

Edward Amherst Ott may not have seen that seeking to eliminate the weaknesses of humanity would lead to eliminating the weak themselves, but the horrors others committed made it impossible to see any other way. Once the toast of libraries and courtrooms, eugenics has now become an intellectual curiosity, a disturbing relic in the antique shop of history — which, unfortunately, does not contain an oak hall tree. ❑

Reflections, *from page 18*

would require, this threat is unsubstantiated. Again, we would like to stress that this threat is noncredible."

Any sane man would fall out of his chair laughing. Why? Because it's over. We are so far gone that the five o'clock news gives top billing to a noncredible threat. When I surfed Google News today, the top article contained the phrase "Why wait 32 months for passport requirements to go into effect, and why not issue national IDs?" It is over.

Less perfect, but otherwise appropriate responses include anger, despair, disgust, ambivalence, and so on. But these reactions — especially anger — miss their mark, for there is no fixed target, nothing to aim at.

When I was a child, one of my favorite films was "The Neverending Story," a classic quest tale in which the young hero Atreyu is tested in mind, body, and spirit. Of all the enemies Atreyu faces on his quest, the greatest is The Nothing. The Nothing is an expansive, all-consuming entity of enormity that threatens Atreyu's homeland, Fantasia. Everywhere and nowhere, The Nothing is unstoppable.

Who do you fault for the news bulletin about the noncredible threat? The newscasters? The public that eagerly digests this rot? The government? Hysteria? You'd do better trying to find out who was the first looky-loo to start that traffic jam you're in — you're looking for The Nothing.

Claire Wolfe, author of "What to Do While Waiting for the Revolution," says it's almost time. I think she's right. And in addition to preparing myself, I laugh.

— Katelyn B. Fuller

"But that was in a *previous* life!"

Filibuster foil?— Right at press date, seven Republican and seven Democratic senators came to an agreement that will allow the Senate to vote on some — though not all — of President Bush's judicial appointees.

The Democrats agreed not to support a filibuster on three of the appeals court nominees, in exchange for the Republicans' promise not to support any change the GOP leadership attempted to make to the filibuster rules.

The Associated Press report states that future nominees will be filibustered only "under extraordinary circumstances," which should be read, "when Chief Justice Rehnquist steps down and Bush nominates a pro-life conservative." In the meantime, I hope that means a couple of months without hearing about "the nuclear option," and a couple less times Harry Reid's ghastly visage will haunt my TV. — A.J. Ferguson

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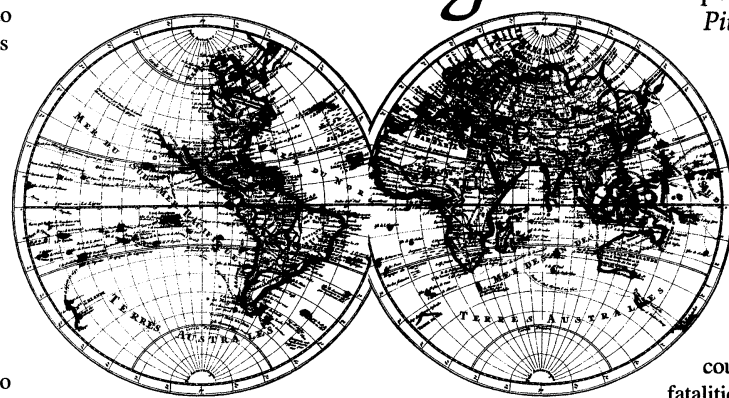

Orlando, Fla.

The rigors of law enforcement, from the *Orlando Sentinel*:

After an Orlando policeman tasered a suspect handcuffed to a hospital bed in order to obtain a urine specimen, Orange County Sheriff Kevin Beary responded to critics by allowing himself to be tasered at a press conference. After watching the conference, Orlando resident Alice Gawronski wrote a letter [to the Sentinel] describing Beary as "too fat for basic police work" and opining that if deputies were in better shape, they might not have to resort to stun guns.

Beary then ordered his staff to use restricted driver's license records to find Gawronski's address for a reply, in which he accused her of slandering law enforcement officers.

When asked about whether Beary's use of the restricted database was legal, department spokesman Sgt. Brian Gilliam said, "There is no black and white. I guess if you believe it's law enforcment-related, it's covered."

Berkeley, Calif.

Labor breakthrough in a bastion of enlightenment, from the pen of Rene Cardinaux, director of public works:

Currently whenever a light bulb burns out, Facilities Maintenance will be notified and a request is made to replace the light bulb. The Facilities Maintenance folks would try and replace the light bulbs as soon as they could in the midst of their high priority work requests and other emergencies. Unfortunately, with the limited resources and the great number of high-priority items and emergencies, the light bulbs are not replaced as timely as the customer desires . . .

The firefighters are authorized to replace their own burned-out light bulb as long as it is just a simple light bulb replacement and does not require special training and equipment.

Albany, N.Y.

The failure of a rehabilitation technique, documented in the *New York Post*:

State Comptroller Alan Hevesi said that scores of convicted rapists and other high-risk sex offenders in New York have been getting Viagra paid by Medicaid for the last five years.

According to Hevesi, the problem is an unintended consequence of a 1998 directive from federal officials telling states that Medicaid prescription programs must include Viagra.

Seattle

Innovation in art criticism, from the *Seattle Post-Intelligencer*:

The idea of taking art without permission came to Brian Balsa last summer when he was standing in a gallery looking at art he believed lacked merit.

"I just took a piece as a response. Art that bad shouldn't be hung on the wall." He formed the Philistine Group to steal art from galleries citywide. "I don't want to take all the credit, because a lot of people put their creativity into it."

Washington, D.C.

Advance in solar legislation, reported with admiration in the *Pittsburgh Post-Gazette*:

Lawmakers crafting energy legislation approved an amendment to extend daylight-saving time by two months, having it start on the last Sunday in March and end on the last Sunday in November.

"The more daylight we have, the less electricity we use," said Rep. Ed Markey (D-Mass.), a co-sponsor of the measure.

Markey also claims the change could result in less crime, fewer traffic fatalities, increased economic activity, more recreation time, and fewer struggles for those with seasonal affective disorder.

Wilsonville, Ore.

Progressive schooling in Ecotopia, from *The Oregonian*:

The West Linn-Wilsonville School District has paid Sally Miller $10,000 not to file a lawsuit against a school employee who cut her autistic 8-year-old's hair without permission.

"It was a step above a military buzz cut," Miller said. "If they had given a decent haircut, I probably would have been more grateful."

Seattle

A bump on the road map to peace, from the *King County Journal*:

The parents of Rachel Corrie, a 23-year-old Evergreen College student activist killed while trying to prevent the demolition of a Palestinian home, have sued Caterpillar Inc., the maker of the bulldozer that ran her over. The Corries are pursuing separate claims in Israel against the Israeli Defense Ministry and the Israeli Defense Forces.

Israeli military officials could not immediately be reached for comment.

Switzerland

Advance in recreational technology across the pond, reported in *The Times* (U.K.):

Swiss authorities are planning to wrap mountain glaciers at the Andermatt ski resort with tinfoil this summer in an effort to prevent them from melting.

Special thanks to Russell Garrard, Miles Fowler, James Ogg, and Howard Samson for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

The *real* issues of Social Security reform

There is no longer any doubt that Social Security needs to be reformed. The nation's troubled retirement program will begin running a deficit in just 12 years. Overall, the program faces unfunded liabilities of more than $12 trillion. But while the politicians in Washington debate whether this represents a crisis or just a big problem, the Cato Institute believes it is an opportunity to build a new and better retirement program for all Americans.

Ownership

Under the current Social Security system you have no legal, contractual, or property rights to your benefits. What you receive from Social Security is entirely up to the 535 members of Congress. But personal retirement accounts would give you ownership and control over your retirement funds. The money in your account would belong to you—money the politicians could never take away.

Inheritability

Because you don't own your Social Security benefits under the current system, they are not inheritable. Millions of workers are not able to pass anything on to their loved ones. But personal retirement accounts would change that by enabling you to build a nest egg of real, inheritable wealth.

Choice

Choice is part of the essence of America. Yet when it comes to retirement, Congress forces all Americans into a one-size-fits-all, cookie-cutter retirement program, a system that cannot pay the benefits it has promised and under which you have no right to the money you pay in. With personal retirement accounts, workers who wanted to remain in traditional Social Security could do so. But younger workers who wanted a choice to save and invest for their future retirement would have that option.

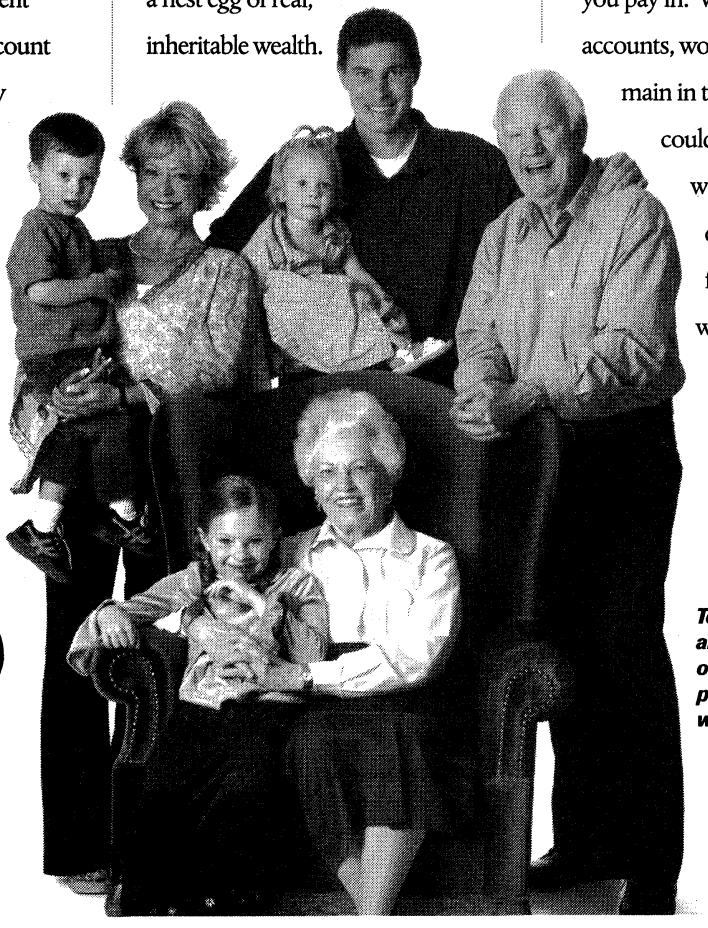

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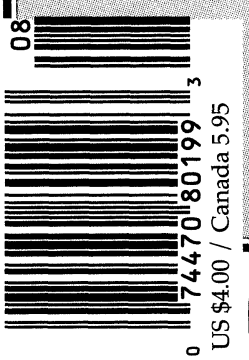

Also: *Stephen Cox* finds utopia in the Himalayas, *Jo Ann Skousen* puzzles through "Star Wars Episode III: Revenge of the Sith," *Scott Stein* takes child protection to its logical extreme . . . plus other articles, reviews & humor.

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Inside Liberty

August 2005
Volume 19, Number 8

4 **Letters** Our readers take us to the mat.

5 **Reflections** We make way for female drivers, give heroin to senior citizens, lug a bloody chainsaw through customs, ruin lives by buckling up, have dinner with a cannibal, sharpen our pitchforks, and give a deserving recipient the Byrd.

Features

13 **The Cookie Monster Goes to Jail** As *Rycke Brown* finds out, even in enlightened Grants Pass, Oregon, you can face years in prison for a peaceful protest.

15 **Doing What Comes "Naturally"** *Stephen Cox* explores a land where all desires are met, work is optional, and everyone is equal. He contrasts this with the next stop on the tour: Shangri-La.

22 **What Has Been Done** What will the Patriot Act look like in 20 years? *Robert Formaini* reports from 2025.

26 **The Paper-Money Crusade of 1894** Just before the turn of the 20th century, a small army marched on Washington, demanding peace on earth and death to interest-bearing bonds. *Garet Garrett* tells the story.

29 **His Mark on the World** You say you've got an idea that'll free up the economy? Chances are Milton Friedman had it first. *Alan Ebenstein* surveys an illustrious career.

31 **Zero Tolerance** It's tough being a cop — but some days are much tougher than others.

Reviews

33 **Pledging Allegiance to Socialism** Before the Nazis were around, American children saluted the flag with right arms extended. *Bruce Ramsey* explores the strange history of our national oath.

35 **Untying Loose Ends** George Lucas has had over six hours of screen time to provide a beginning for the Star Wars series. *Jo Ann Skousen* wonders how he managed to waste so much of it.

37 **Europe Rides Into the Sunset** Most Europeans see American capitalism as a frontier without law or love. *Gary Jason* finds at least one European who thinks that Europe's governments could use less of both.

41 **Booknotes** We read up on the hoax of global warming, swashbuckle our way through the baroque era, and teach Alan Greenspan about gold.

43 **Media Notes** A hymn for the common man, and a hymn for the uncommon hippie.

39 **Notes on Contributors** Even now, they walk among you.

46 **Terra Incognita** Don't panic.

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Letters

Silly Putty

Sarah McCarthy, in "Aiming to Please" (Reflections, June), left out some important points: Ms. Fonda may have been quite articulate, but articulate isn't a synonym for smart; being "putty in the hands of men" isn't an excuse for anything, it is just Ms. Fonda's way of telling us is that she is still irresponsible at 67. And why on earth should we have more regard for the views of a successful entertainer (except on the subject of entertaining) than for the views of, say, a successful truck driver?

Did Ms. Fonda, Rosie O'Donnell, or the Dixie Chicks become successful by virtue of their political analysis? (For that matter, did Charlton Heston, Sonny Bono, Michael Medved, or Dan Rather?) So why should we regard their political views as noteworthy?

The bad news is, of course, that American elections are just another area of entertainment.

Bill Dunn
Soledad, Calif.

End It, Don't Mend It

I was disappointed that your recent article on Social Security advocated adjusting the Social Security system rather than eliminating the system altogether. Although a disclaimer claimed that the writer favored eliminating the Social Security system, the flavor of the disclaimer seems to suggest that we should simply accept defeat, and merely work for something better. The system proposed was more fiscally sound, but no closer to true freedom. It would continue to teach that the federal government is going to provide for us, and would legitimize an unconstitutional tax.

If we decide that the federal government may do whatever it wishes, that it has whatever power it wishes to assume, then we have, in effect, no Constitution. If we the people become so delusional as to decide that we are incapable of providing for retirement, then we should amend the Constitution to allow the federal government to do so. To simply allow the federal government to assume this function is to declare the Constitution dead. As Jefferson so eloquently put it: "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction."

I understand that we must be realistic in our goals. Victory is not achieved in an instant. But we do not achieve victory by acquiescing to defeat.

Caleb Johnson
Manchester, N.H.

Hitler's Welfare State

In "Breeding a Better Tomorrow?" (July), Ralph Reiland traces genocide in Germany back to eugenics in the United States, but that doesn't tell the whole story. Hitler didn't just take his inspiration from the United States, but, as revealed in George Watson's "The Lost Literature of Socialism," from Marx and the Soviet Union.

Both eugenics and the Holocaust need to be traced back to their origins. The cruelty of the concentration camps arose out of the compassion of the welfare state.

continued on page 32

Letters to the Editor

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Reflections

Clothes-minded — If the world is so anti-American, why do anti-American protestors — in Palestine, Bolivia, Iran, and virtually everywhere else — always appear on television wearing American clothes? — Stephen Cox

Enjoy your stay — When Gregory Despres arrived on foot at the Canadian border crossing at Calais, Maine, he was carrying a homemade sword, a hatchet, a knife, brass knuckles, and a bloody chainsaw. U.S. customs agents confiscated the weapons, fingerprinted him, and let him into the United States.

Shortly afterwards, Canadian officials informed the border agents that Despres was a murder suspect. I suspect that customs agents fell victim to the notion that Canada is a "Safe and Crime-free Nation." A blood-soaked chainsaw is not grounds for suspicion in the country where, according to Michael Moore, murder never happens. —Tim Slagle

Smack for seniors — Having a 94-year-old father who suffers pain gracefully, I see no need to restrict access to heroin, or any other painkiller, to anyone who has lived past 90. Though "addiction" might be a threat, rest assured that drug dependency among nonagenarians won't last long.

I know that a principal argument against free heroin for nonagenarians is that it will set a bad example for octagenarians, who will then be clamoring to get free "horse" as well. And then septugenarians, even though they feel even less pain. But just as humane policies must start somewhere, so must a line be drawn. — Richard Kostelanetz

Earning her way — Racer Danica Patrick came in fourth in the Indianapolis 500, and injected new interest into the sport. This happened in spite of President Bush cutting funds for Title IX, a federal program that mandated funding for collegiate athletic programs for women. The sad reality of Title IX is that very few sports fans are interested in women's sports. For the most part, they are just an inferior imitation of men's sports (see, for instance, the WNBA).

Danica competes in a sport dominated by men, on a truly level playing field, and proves that a woman can succeed on her own abilities, without Uncle Sam holding the door for her.

Sports are market-driven, and the fans want to see the best on the field. If a woman can compete with the best, everyone will cheer her on, despite her gender. Actually, Danica's gender has helped her — nobody remembers who came in fourth last year, but Danica is probably going to be on Wheaties® boxes and Pepsi® commercials all summer long. I bet she'll get ten times more commercial endorsements than this year's winner . . . what's his name?

—Tim Slagle

Looking for an angry fix — The Senate has formally apologized for never having passed anti-lynching legislation, and thereby giving their tacit approval to the savage murders of thousands of blacks.

I am not impressed. The Senate (and the House, and the other two branches of the federal government) still allow lynching to happen. They changed the name from "lynching" to "the drug war," but it's the same thing. The lives of a generation of black people are being systematically destroyed because of the pathological, institutionalized hatred and idiocy of the dominant class. — Patrick Quealy

Office romance — One of my favorite parts of the country, eastern Washington state, has become the center of a scandal involving a bisexual Republican ex-paratrooper mayor, and things he should not have done.

The editors of the Spokane Spokesman-Review, sick of hearing rumors about Mayor Jim West's sexual proclivities, enlisted a consultant to visit websites that catered to men cruising for anonymous gay sex, to see if they could catch His Honor in a compromising Instant Message.

The story broke at the same time some incarcerated unfortunates made this allegation: West, when with the sheriff's department, looked the other way while his partner molested a young man on a camping trip almost 30 years ago. (His partner later shot himself rather than face other indecency charges.)

The mayor denied that charge. But then he said some-

thing that must have been very difficult for a former Republican state legislator and caucus leader. "The newspaper also alleges that I used the Internet to meet adult men. I don't deny that."

And there it was. West, in his previous career, had resisted the annual push for anti-discrimination laws for gays and, more heinously, once proposed to block gays from teaching and day care positions. Now, he had to admit to a liking for rough trade.

The story didn't go away with that denial, of course; it got more sordid every day. Gay teens started coming out of the woodwork (not the closet; they are all much more open about their sexuality than the mayor) with similar stories of an encounter with a bi Republican ex-para who had lots of connections and influence.

Mayor West once proposed to block gays from teaching and day care positions. Now, he had to admit to a liking for rough trade.

The Spokesman-Review printed myriad quotations from Gay.com chat rooms. There it was in black ink: the mayor, "chatting" away on his computer with his nemesis, the hired gun from the local paper, blithely offering internship opportunities and other blandishments, the quid pro quo obvious but never quite stated.

About a week later, the mayor's staff started splitting hairs with a city councilman about whether the mayor had told her about masturbating at his computer in his office or merely masturbating in his car.

Why did he feel the need to compromise himself and his office, to risk being outed as a Republican chicken hawk? Well, for one thing, he's not as svelte as he used to be.

In 1988, I was one of about 2,000 young men gathered for the American Legion/VFW Boy's State at Cheney, a pit of a college town outside Spokane. It was a summer vacation week of speakers, mock legislative sessions, and moot courts designed to keep us indoctrinated with Americanism, whatever the hell that is. A couple thousand guys. Dressed for summer. And 1988 was the year of surf slippers, deep tans, and homemade tank tops that showed off way, *way* too much adolescent flesh.

One of the speakers was a guy named Jim West. None of us, except the real government geeks and former pages, had ever heard of this guy, and I don't remember anything about his talk. I do remember when he said "I'm a Vietnam veteran" and got a standing ovation. All those boys. Standing and applauding him. (This was back when Americans were undergoing ferocious guilt trips for their treatment of the veterans of that war. Those of us applauding wanted to draw a line between our generation and our possibly subversive parents.)

I went to a microphone to pitch him a question. In 1988, there weren't many Republican legislators, and it looked like it would stay that way. I asked him if it was fair that incumbents were so easily re-elected. "I don't know if it's fair, but . . ." said the incumbent legislator. He went on to say that there are occasionally large shifts in the electorate. "For example, in 1932, the Democratic incumbents in Congress were turned out as part of Roosevelt's coat tails, and the Republicans went on to dominate Congress for the next 50 years."

Huh? Maybe he noticed that I was dumbstruck at this assertion. He blurted "No, wait, obviously, it was the Democrats that took control of Congress that year, and the Republicans, rather, who were in the minority." He moved on to the next question.

News You May Have Missed

Woodward: Deep Throat Choice "No-brainer"

WASHINGTON — Bob Woodward and Carl Bernstein, who as reporters for the Washington Post unraveled the Watergate cover-up in the 1970s, said that their selection of W. Mark Felt to be the source known until now only as "Deep Throat" was inevitable.

"We already knew that G. Gordon Liddy and E. Howard Hunt were heavily involved in Watergate," Woodward said, "and that J. Edgar Hoover had recently died and had been replaced as head of the FBI by L. Patrick Gray, so among all the people who came to us clamoring to be chosen as our Deep Throat, including John Dean, Henry Kissinger, Chuck Colson, Rosemary Woods, Maurice Stans, Martha Mitchell, Pat Nixon, Tricia Nixon, Howard Cosell, and Linda Lovelace, none of them had what we wanted: a cryptic first initial. So we went with W. Mark Felt and we weren't disappointed. This is a man who had gone underground and infiltrated numerous parking garages during his years as an agent, sending Hoover regular reports on how these shadowy subterranean organizations so undermined the confidence of ordinary American citizens that they would ever find their car again or find their way out of them, and that's why Felt and I always met in them, because I could never figure out how to get out of them either and lived in one from October 1972 to July 1974." Woodward and Bernstein added that now that he has finally disclosed that he was Deep Throat, they hoped that Felt would further reveal what the "W" stands for by the time he's 95.

Meanwhile, Monica Lewinsky's revelation that she was "Deep Throat" during the Clinton administration seems to have generated much less excitement in the nation's capital, and plans for a movie version starring Kirstie Alley have been shelved.

— Eric Kenning

Now, in 1988 I was pretty cute, but I had no notion that I might have caused a political junkie like him to lose his train of thought so completely, with nothing but my youthful charms and dewy eyes. Back then, West still looked like a paratrooper, or at least a reasonably fit Army reservist. Today, he does not. He has taken to wearing owlish glasses and his gut hangs ponderously over his belt. I didn't recognize him in the video of the infamous news conference because of all the gel in his hair. This is no longer a man who can attract a young sexual adventurer merely with witty banter and a "come hither" look in his eye. Now he has to tell these kids (all over 18, of course; Gay.com warrants so) that he's the Mayor of the Third Largest City in the state, and that he gives jobs to his tricks. — Brien Bartels

Dismantling Dean — I liked Howard Dean, and deep down, I think I still do.

Any sensible person could tell from the moment he threw his hat in the ring that he wasn't presidential material. But, like Fox Mulder from the X-Files, I wanted to believe.

Maybe what I wanted to believe in was as crazy as believing in flying saucers. I wanted to believe that this spunky, articulate candidate from "the Democratic wing of the Democratic party," the only Democrat with a chance in the primaries who genuinely opposed the war, a Democrat who solidly connected with his base and understood how modern elections are won, was someone I could get behind.

Sure, I disagreed with most of his platform on principle. Mere details. You take what you can get. He opposed the war. He understood economics . . . kind of. He pitched a way of socializing medicine that didn't ignore market principles as blithely as the other Democratic candidates' plans would have. He was decent on guns. He wasn't afraid of untouchable social issues like abortion and gay rights. For the love of God, he could string an honest sentence together, unlike Bush; and he believed some things, unlike Kerry.

Prime time was ready for a president like Dean: witness the popularity and success of "The West Wing," with its idealistic Democratic President Bartlet. But the converse wasn't true. Dean wasn't ready for prime time. He was the child who showed up the teacher in front of the whole class, but didn't know when to shut up. Now he's just the kid who's too smart for his own good, and so spends his afternoons in the detention hall. He'll always be on the principal's bad side, and he'll spend every recess inside writing on the board, "I will not 'promote tolerance' by saying I hate Republicans. I will not suggest that no Republican has ever done an honest day's work."

He seems on course to throw the DNC into disarray, cripple its fundraising, and continue the division he started among the inner circle of the Democratic Party. Perhaps that will be his lasting contribution. — Patrick Quealy

Buckle up or we'll shoot — Why are there legions of lawyers lined up outside appellate courtrooms to KO government inspection of our library cards — the Patriot act, you know — but none to carry a brief against the state's inspection of the front seat of my car? Seat belts save lives? Sure, but only my own, not yours. Therefore one would suppose my use of the belt would be my business: not yours, not the state's. I can't kill my neighbor by unbuckling. "Click it or ticket"? The state, with a mask of love, shows its arrogance.

Why not send a couple of those polite Highway Patrolmen to my house every morning, to make sure that I've taken my blood pressure meds? It's only a small logical leap from my car's front seat to my bathroom's medicine cabinet.

Last week my hometown, which I won't name to avoid embarrassment, set up a series of checkpoints around town to protect me from my careless self, lounging around my car seat without plastic restraints around my belly."There will be zero tolerance for those who do not wear seat belts." bleated a police spokesman: an ambiguous threat that could range from lifelong confinement to a strapping with an old frayed seat belt.

However, the cops did announce the times and locations of the blockades. Naturally they clogged up traffic like

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cheese in a colon. (I wonder how many people on the way to the ER died due to the delay? I wonder how many lovers rushing to randy rendezvous lost their one true loves because they were late?) Requirements for this kind of harrassment come with the check to the local police signed by the federal government.

How strange, these federal requirements. If a stranger with a gun blocked the road, pulled me over, and entered my car, I'd call the cops. But today there's no need: they're already here. — Ted Roberts

The cuisine of the proletariat — Vladimir Putin lashed out at Africa's past after being challenged about his own nation's human rights record. According to the Financial Times, Putin said, "We all know that African countries used to have a tradition of eating their own adversaries. We don't have such a tradition or process or culture and I believe the comparison between Africa and Russia is not quite just."

Considering Russia's communist legacy — the unproductive feasting on the blood, sweat, and labor of the productive while huge populations were allowed to starve to death — I don't think the denial of Russian cannibalism is completely honest. —Tim Slagle

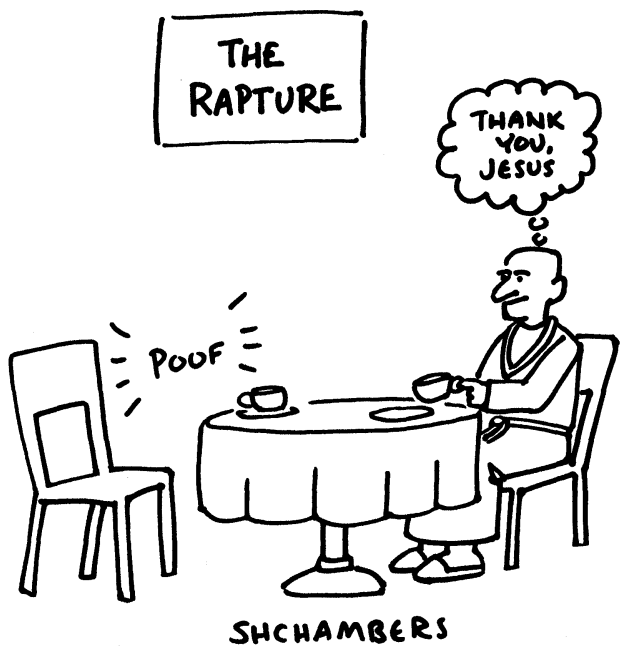

Can we say that? — The press is free in the United States, and can discuss just about anything it wants. But at any given time certain ideas are on the table and others are ignored. It would be a fascinating study to see how an idea gets into the public spotlight, what keeps it there, and what removes it.

Referendums are the most obvious example. If there is a vote on a specific issue, it will be in the spotlight. Medical marijuana has attracted a great deal of attention in the Western states that allow initiative and referendum, but I suspect it's less in the public eye in the East (at least until *Raich* v. *Gonzales*). In my state, charter schools were in the public eye because of a long campaign to enact legislation creating them, but they dropped out after the charter law was repealed by public referendum. Getting an issue on the table — or off — is one of the strategic uses of the initiative and referendum.

There are also effects after a general election. After 1994, when the Republicans took Congress on an anti-government platform, public debate changed. Previously verboten ideas suddenly had a hearing. The corrosiveness of racial preferences, which Thomas Sowell had taken on but no white person dared address, was one such idea. Social Security personal accounts emerged from the libertarian world at about that time, and single-payer medical insurance took a back seat. It wasn't that Social Security reform had any realistic chance of passage in 1995. But you could talk about it. You can still talk about it now, though maybe in a year there will be a tacit agreement to forget about it.

A prominent political or cultural sponsor can open the door. Steve Forbes was a failure as a Republican candidate in 1996, but he got a flat tax on the national agenda for a while. He also helped start the debate about Social Security reform — though he failed to generate much support for the gold standard.

Sometimes there is a taboo. One is that one race may not criticize another, particularly whites criticizing blacks. On the issue of the "achievement gap" in test scores between the two races, Bill Cosby broke ground when he criticized black parents for putting up with bad English and black students for using it. Cosby took heat, but he could say it because he was black. Once he said it, it was OK for whites — for a while, at least — to agree with him.

Another taboo is religion. In the mainstream press you cannot make an argument about the existence of God, or whether the Pope speaks to Him, or whether Intelligent Design is true. You can, however, write about whether Intelligent Design ought to be discussed in biology class or whether the next Pope should be a Latino.

After the 9/11 attacks it was not possible to argue that the United States brought the attacks upon itself — that its foreign policy had helped to provoke them. A year later, it could be said. It wasn't popular, but you could say it. During the invasion of Iraq, debate on the war virtually ceased, primarily out of respect for the soldiers and their families. That taboo is long gone.

These taboos have little or nothing to do with censorship or conspiracy. They have everything to do with a sense of journalists of what is safe to talk about and what isn't. Radicals denounce this sense of propriety, because it usually excludes their ideas. But sometimes an idea considered nutty becomes intriguing instead. That's where drug legalization is today. You can talk about it, but legislators won't support it openly and won't vote on it. Privately, some of them say it makes sense. At some point, they will debate it. Not yet; it is an issue awaiting a Cosby or a Forbes. — Bruce Ramsey

Diversity travelogue — Recently, during one 36-hour period, I (A) drove to Cairo, Illinois, where I joined the largely black clientele of the best restaurant in town in ordering the establishment's (great!) ribs sandwich with potato salad (eight dollars, including coffee and pie); (B) went over

to Fairview, Kentucky, where I ascended the 350-foot obelisk marking the birthplace of Jefferson Davis, a spot from which I achieved an excellent view of the lush farmland spreading around the base of the monument, farmland now largely occupied by Amish men and women, complete with horses and buggies and the kind of pacifist sentiments that I don't think Davis would have liked; (C) traveled on up to Terre Haute, Indiana, where I was pleased to discover a house preserved in honor of Theodore Dreiser, a great novelist, though a devotee of certain ideas (e.g., communism) that I know I don't like; and finally (D), while pumping gas at a local filling station, looked up to find that I was standing next to a sign erected to memorialize the four (!) men who, right there in Terre Haute, designed that icon of capitalism, the Coca-Cola bottle.

Now, why do some people think that Americans must be forced to experience "diversity"? — Stephen Cox

Sorry about that — On June 14th the United States Senate apologized for never passing a law against lynching. Although the House of Representatives passed three bills, and dozens more were proposed, the Senate never could muster the support to pass a single one during the 105-year history of lynching.

I'm not a fan of these kinds of apologies. I do not understand how it is possible to apologize for slavery, or taking land from the Indians, since the slaves and displaced Indians have all passed away. Since I never owned slaves, or bought a great piece of land for just a string of beads, I'm not even responsible. Likewise, since most of the Senate wasn't there when lynching stopped in 1968, their apology is worthless.

Sen. Robert Byrd is another matter. Not only has he plastered his name on every pork barrel project built on former Indian land in West Virginia for the last fifty years, he was in the KKK back when lynching was as acceptable to the Klan as bingo is to the Knights of Columbus.

During the battle over judicial nominees, lifetime Southern Democrat Robert Byrd spoke about the grand tradition of Democratic filibusters in the Senate. Curiously, it was Democrat-led filibusters that prevented anti-lynching bills from even reaching the Senate floor in 1922, 1935 and 1938.

Of course, those who claim the Senate's power was needed are ignoring the fact that lynchings stopped anyway, without a federal law ever being passed. What stopped the lynching, inevitably, was the Second Amendment. In the '60s, movements like the Nation of Islam and the Black Panthers encouraged blacks to arm themselves. Secretary of State Condoleeza Rice remembers her father loading up and patrolling the streets of Birmingham, defending the neighborhood from the Nightriders. You don't see lynching anymore because blacks are quite well armed, and today, white cracker bigots are afraid to go into black neighborhoods. Perhaps the Senate should instead apologize for the Assault Weapon Ban and the Brady Bill. —Tim Slagle

Pirates on the Potomac — Two days before my mother's 84th birthday, the government took $72,000 from her. A government that takes that much from an elderly woman of modest means is not a moral government. It may be a government of laws, but the laws are criminal.

The Founders wrote in the Declaration of Independence that whenever any form of government becomes destructive of certain inalienable rights, "it is the right of the people to alter or to abolish it, and to institute new government." They wrote these words as an angry response to British taxes and tariffs — plunder that pales in comparison to what today's tax code allows.

It is one thing for the government to take nearly half of my income and give most of the purloined loot to special-interest groups. But it is quite another thing for the government to plunder my 84-year-old mother. I don't know what angers me more: that she had so much of her retirement nest egg forcibly taken from her, or that most Americans don't give a damn.

The nation has passed the tax tipping point. The majority of Americans now get more back in government services and entitlements than they pay in taxes. We have become a nation of bloodsuckers, with a growing majority sucking the savings out of a shrinking minority. There is no way that the tax teeter-totter can ever be righted again. Those who think that it can be righted by a flat tax or consumption tax are delusional. A democratic government will always increase its plundering to meet the majority's demand.

Why aren't Americans grabbing their pitchforks, storming the castle, and putting the heads of their overlords on pikes for ravens to peck at?

Why did my mom have to pay $72,000? Because she and my dad scrimped and saved and lived below their working-class means. In an attempt to protect their nest egg, they invested in the stock market. Last year, my mom sold the stock and transferred the money to fixed-income investments.

She had to pay capitals gains taxes on the paper gains from the sale. I say "paper gains," because most of the gains were due to inflation, and most of the inflation was caused by the government printing money to cover its profligate spending. To classify the gains as income is as preposterous as classifying food and water as discretionary spending. The

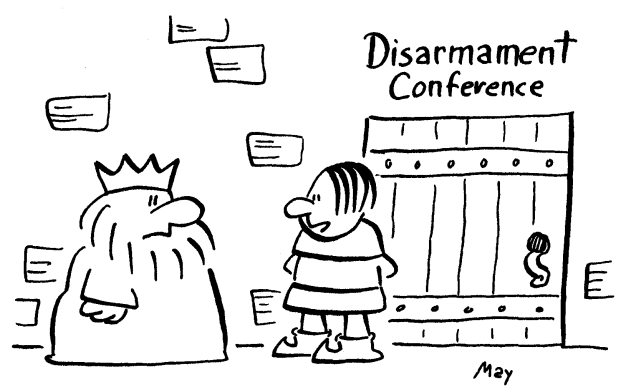

"It's just a formality, Sire, but I'll have to frisk you."

government also hit my mom with a $4,000 Alternative Minimum Tax, which was originally enacted by Congress in response to multi-millionaires using legal tax dodges to avoid paying income tax.

Mom's tax bill amounted to more than half the proceeds from the sale of the humble house that she and my father had lived in for 60 years. (As she was putting her home up for sale, the St. Louis Post-Dispatch ran an infuriatingly chirpy story about welfare recipients moving into new public housing. Photos showed townhouses considerably nicer

Word Watch

by Stephen Cox

The American language radiates from various centers of influence — various places where people work with words. There is a sales and advertising center, a computing and electronics center, a political center, and a bureaucrats-of-all-shapes-and-functions center, each with its own way of using and abusing language. Computer people "interface"; politicians "review options"; bureaucrats "seek consensus" and "strive for closure"; meanwhile, sales and advertising wonders, "Where's the beef?" and indulges itself in a periodic kraze for "K." Think what you will (or better, what I will) about the wholesomeness of these concoctions, they do show that the language is still alive. Of course, Frankenstein's monster was alive, too, in a way. . . .

One of America's leading centers of language dissemination has always been the Christian church. This is a center, indeed, that has often shown its ability to dominate other centers. What would American politics be like without "brotherhood," "faith" in our country's institutions, and perpetual "crusades" to "save" this and that? Not much, brothers and sisters. At the moment, however, religion is more the victim than the aggressor in the contest of language diffusion.

Consider the current plague of "mission statements." These days, it's hard to enter a liquor store without seeing a glossy red, white, and blue, 24"x 36" cardboard Mission Statement tacked up behind the cash register, heralding "our commitment" to "provide fast, quick, convenient service" to every tippler, boozer, and wino "in this community."

"We bring you God's peace and a bundle of love."

"Mission" is a religious term, hijacked by the bureaucratic segment of society. A bureaucracy is, by definition, an organization that is too complicated to know what it's doing. At some point, some bureaucrat must have tried to codify what his org should be doing — and the mission statement was born. Now everyone has to have such a statement, even churches; and it's sad to see how "mission" has recoiled on its original owners.

An ecclesiastical mission statement is a confession of failure. I mean, if it isn't already obvious what a church is for, then what's the purpose of explaining it? But wherever there's a church, you're likely to see a mission statement — beside the door, in that wide space on the narthex wall, next to the sign out front, on the website, in the little bulletin they give you when you turn up for a wedding . . . It's there someplace; you'll find it. And once Americans start writing things like that, they never find a good place to stop. Soon they're lost in elaborate attempts to rewrite the Bible ("When God created the world . . ."), the creeds ("We believe . . . "), the Democratic Party platform ("We welcome all God's people regardless of race, color, national origin, religion, age, handicap, sex, and sexual orientation"), and "I'm OK, You're OK" ("A church where we laugh and rejoice together, cry and comfort together, sing and dance together," etc., etc.).

I don't need to tell you that in most of these statements the "church community" proclaims itself "united" in its "diversity," yet striving for "empowerment" so that it can become yet "more fully human." And once the cart is rolling down the hill, it's easy for it to take a swerve toward politics. To cite one of a thousand instances, a Roman Catholic parish notifies us that "we live in a society conspicuous for its unequal distribution of power and material goods" (really? check out India, folks, or Vatican City), and that it is therefore earnestly "seek[ing] to hear the word of God spoken by the poor and suffering."

That last expression is one of those arrangements of words that become less comprehensible the more you study them, but it does exemplify a typical attribute of spontaneous (that is, bad) writing: the tendency to double things. It's never enough in a mission statement to talk about people being "poor"; they have to be "poor and suffering." One Protestant mission statement puts its message in this way: "We value each and every person, Christian or non-Christian, adult or child . . . We value a church culture where people are actively 'bringing and including' others, 'inviting and enfolding' . . ." All right, all right, I get it.

The orgy of mission statements is merely the latest expression of the American church's chronic desire to be something other than what it is. This weird existential craving began after World War I, when every church with a bank account bought up the lot next door, added a gymnasium, a social hall, and a bowling alley, and started pretending to be Metropolitan Social Services. It continued after World War II, when churches themselves began looking like gymnasiums and supermarkets

than my mom's house, and their new residents — obese women and their gaggles of obese kids, with no fathers in sight.)

Mom now lives in a tiny one-bedroom apartment in a retirement home. She fears she lacks sufficient money to live out her remaining years without becoming a burden on her family. Meanwhile, tens of thousands of people her age are living in nursing homes at the expense of taxpayers. Many of them were either spendthrifts all of their working lives and thus had no savings upon retirement, or had considerable

("Feed my sheep"). It intensified after the Vietnam War, when many churches became indistinguishable from daycare centers, methadone clinics, and the last act of "Hair." It got thicker and deeper when the religious left responded to the War on Terror by abandoning the word "church" altogether, preferring to "open dialogues" about "faith traditions." The idea was to pat yourself on the back for being religious, without convicting yourself of "bigotry" by setting one "faith tradition" (its own) above another (Islam).

The flight from distinctively Christian language can be found in conservative as well as liberal churches. "Family values" (a phrase not present in the Bible, where very few families have any "values" at all) is the best example of this, but there are plenty more. Even fundamentalists are now calling the church part of their "campus" the "worship center." It's sort of like the "food court" down at the mall; if you get tired of the other "features," you can always "take advantage" of the Sunday special. And just as every store requires a "sales team," so every "worship center" has its "worship team." This usually consists, I believe, of entities formerly known as the "pastor," "assistant pastor," and "choir director." Thank God, they've gotten rid of all those confusing religious titles.

I cannot be sure what is meant, however, by the California pastor who recently went online to tell his virtual flock ("Dear Church Family") how greatly "our time of worship" has been "enhanced" by "the Hula Worship Group." They worship the hula, is that what he means? No, maybe not. I'm just not sure. But I know that the luau liturgy, whatever it consists of, cannot be an isolated eccentricity. In the same way in which one ant is always evidence of a million other ants, there has to be an organization somewhere in America that's sending out "kits" telling local churches how to "enhance" their "worship experience" with the aid of twirling thighs.

Of course, no "church family" is safe so long as the Bible retains its ancient dignity of language. Numerous attempts have been made to "translate" this text so as to remove any connection with the tone and meaning of the original, and much progress has been made. The translation currently being foisted on mainstream churches is the New Revised Standard Version, an egregiously maladroit collection of phrases, the purpose of which appears to be the gratification of deaf professors at inferior universities. To cite just one absurdity, out of the thousands available: in place of the majestic "firmament" of the creation account in Genesis, the writers (or typists) of the NRSV give us nothing more than a wimpy little "dome" — as if nobody nowadays could be expected to understand what "firmament" means, or as if the ancient Hebrews knew anything about "domes" to begin with. Which they didn't. Trust me, when a Bible translation sounds silly, it's also wrong.

But the stunts pulled by the "translators" of the NRSV are as nothing, compared with the antics of Mr. John Henson, a retired Baptist preacher who has decided to create a New Testament that lets us "hear as if for the first time what the Christian scriptures were saying." That's according to the foreword that Rowan Williams, Archbishop of Canterbury and titular head of the worldwide Anglican communion, wrote in recommendation of Henson's "Good as New: A Radical Retelling of the Scriptures" (2004). This is a British publication, but its goofiness is American, through and through.

First, we have the typically American idea that "history," as Henry Ford believed, "is bunk," and that its replacement should be politics. Confronted with books of the Bible that he doesn't consider politically correct, Henson just leaves them out. Consider the book of Revelation: "Most of the fundamentalist sects of the fringes of Protestantism, distinguished mainly by their lack of love [thank you, O loving Henson!], have gained their impetus, their twisted theology, their lunacy and fanaticism from too much reading of Revelation." He blames "Waco" on the last book of the Bible. But don't worry; he's gotten rid of that book.

Second, and yet more amusing, we have the typically American idea that we's all jest fokes. That being true, we can't possibly be expected to interest ourselves in a text in which somebody is actually called "Mary Magdalene" (get her!) and another somebody is called "the Lord." To let us hear what the Scriptures are really saying, Henson transforms "Mary Magdalene" into "Maggie," and "the Lord" into "the Leader." Yes, I know, for historically educated people "the Leader" has another, somewhat sinister association, but we ain't educated, air we? Oh, and "Peter," whose name is related to a word meaning "rock": he's "Rocky," ain't he? That's how Henson translates it. So the First Epistle of Peter becomes, if I'm correctly identifying the faint resemblances between the original and the "translation," "The Call to Hope: A message from Rocky."

Now for "inclusive language." You've heard that at the last supper, Jesus' friend John "leaned on his breast"? You don't get it? Well, let me spell it out for you: "This was the friend," as Henson "translates" John 21:20, "who snuggled up close to Jesus when they were having a meal." It's 9:30, time for Will and Grace.

Or consider the moment in the gospel of Luke in which the "sheep farmers" (as Henson calls them) see the host of heaven announcing Messiah's birth with "Glory to God in the highest, and on earth peace, good will toward men." You can't possibly understand that, can you? Of course not — not without the help of the Reverend Mr. Henson, who conveys it to us in this wise: "Then a band of singers appeared. They were singing songs for God. This is what they sang: 'Look at God's beauty around and above, / We bring you God's peace and a bundle of love.'"

No wonder, as he says, the sheep farmers "ran as fast as they could."

savings that they surreptitiously gave to their families in order to qualify for Medicaid.

Meanwhile, members of the U.S. House of Lords — both Democrats and Republicans — set up their adult children in lobbying firms and lean on corporations to funnel hundreds of thousands of dollars to them. They take exotic vacations at corporate expense. President Bush is no better: he made millions from subsidized baseball.

Why aren't Americans grabbing their pitchforks, storming the castle, and putting the heads of their overlords on pikes for ravens to peck at? Why aren't they taking the Founders' advice about altering or abolishing a government so destructive of inalienable rights?

I don't know the answer. But I do know that I'm sharpening my pitchfork and polishing my pike. — Anonymous

Valedicere, Farewell Address — The graduating student who delivers the valedictory, or farewell address, at the graduation ceremony was in the past called the valedictorian. In some schools, he (or she) is still called the valedictorian. In a growing number of schools, however, referring to "the" valedictorian is imprecise. You must specify this or that valedictorian, or perhaps this or that throng of valedictorians.

The Seattle Times reports that Garfield High School in Washington has 44 valedictorians (none of whom will give a valedictory) in a graduating class of 406. Bullard High School, in California, lists either 58 or 59 — there are conflicting counts. (Big numbers are hard!) A few seconds with an Internet search engine reveals that these are not aberrations.

Grade inflation! Lowered standards! They're giving this honor to every kid who can struggle through most of a page of "Fun with Dick and Jane." Disgusting. I have to put my newspaper down and let my blood pressure subside somewhat before continuing.

Turns out it's not quite as revolting as I'd feared — some, maybe all, of Garfield's valedictorians have taken challenging classes, earned straight A's, and been accepted by top-notch

continued on page 44

News You May Have Missed

New Cellphones Simplify Everything

CHICAGO — Motorola, a leading cellphone manufacturer, has announced a technological breakthrough in its new cellphone model, available early next year, which industry insiders believe will be quickly matched by competing cellphone companies offering their own versions. The new cellphone line, called Motorola Motormouth, will not only send and receive text messages, take snapshots, access the Internet, arrange schedules, and take over lives, it will carry on cellphone conversations all by itself.

The user will program the phone by clicking through a brief personality test and entering a few salient facts about job, family, friends, pets, and sexual, entertainment, and shopping preferences, and then the phone will interminably do the rest. First of all, a built-in global positioning device will automatically give an answer to the question "Where are you now?" (automatically asked by the other conversing cellphone) by providing not only basic information like "I'm stuck in the frigging traffic again on the frigging Cross-Bronx Expressway," or "I'm in line at this pizza place on Clark Street," or "I'm kind of at this like party, at this guy's house, I don't know, somewhere like really far out? like I guess the suburbs, I don't know," but also a pinpoint reading of latitude, longitude, and lassitude. The phone will then automatically offer extended, repetitive accounts of clothes bought, persons flirted or argued with, meals eaten, TV shows and sports watched, and all other significant events from the past 24 hours of the user's so-called life.

Other options, which the customer can select at any time during the conversation, will include standard cellphone conversational modes like maundering, prattling, blathering, gibbering, high-speed interrupting, advanced digressing, repeating the question, repeating the answer, missing the point, spending 14 minutes trying to think of the name of the restaurant that's near the theater, and continuing the conversation for up to an hour after it has apparently exhausted itself. The phone will automatically dial preset numbers at random during commuter train rides and carry on a series of pointless conversations at amplified volume for the duration of the trip. It will also automatically respond to calls received in inappropriate public places with standardized messages like, "Hey dude, but listen, I can't talk now, I'm in the theater, the movie theater, yeah, but did you get the message I left you, 'cause I totally can't go tomorrow night, and, hey, this is a really cool movie, right now there's this great scene where what's-her-name, no, no, not Reese Witherspoon, you know, she's . . . yeah, okay, look, I know you're trying to watch the goddamn movie but this is an important call . . . listen, I can't talk now, but . . . "

Motorola spokesperson Amber Muldoon said that one advantage of the new phone would certainly be safety. "Now when you're driving and carrying on a cellphone conversation, all you have to do is listen, and the phone will argue and scream and totally lose it for you while you stay calm and watch the road," she said. "And if you're walking down a crowded city street, having the phone do all the conversational belaboring and drifting that you need will reduce the vague meandering swerves to the left or the right and the sudden stops that are the cause of so many tragic pedestrian collisions."

Electronics companies are reportedly working feverishly to develop an even more advanced mobile phone that will automatically go to the mall and run up huge charge card debts while simultaneously talking about nothing in particular, allowing the owner of the phone to remain home in bed, staring at the ceiling. — Eric Kenning

The Cookie Monster Goes to Jail

by Rycke Brown

If you can't beat 'em, starve yourself.

The last time I was convicted of a crime, I served a three-year sentence. I'm not really concerned about being convicted this time, because I have a way to avoid prison: while in captivity, I will not eat.

I realize I could be forced to accept a feeding tube, but I think that's unlikely. Hospital upkeep is expensive. The county can't afford it, and neither the state nor the feds are eager to take a fasting prisoner. They won't want the expense, and they won't want the publicity.

I also realize I could be allowed to die. This is also unlikely — very bad publicity. No sheriff will want to head into an election accused of starving a poor widow gardener like me, all because she gave away a few pot cookies!

Every Sunday for the past two years, I spent two hours at the intersection of 6th and G Streets in beautiful Grants Pass, Ore., holding a protest sign, dancing to 70's rock music, and handing out leaflets. The police left me alone, I became quite popular, and I had lots of fun. Occasionally, I gave away cookies made with pot butter. Most of these were given to protest helpers or medical marijuana patients.

My protest helpers are usually young adults, and word spreads fast among the young. One recent Sunday, four young women walked up and exclaimed, "The cookie lady!" and asked for cookies. I asked them if they wanted oatmeal-sesame chocolate chip cookies (which contain no marijuana) or the pot gingersnaps. They wanted the pot cookies. They said they smoked pot daily, so I gave them one cookie apiece.

Apparently, all four women were later urine-tested at the Gospel Rescue Mission, and claimed they didn't know what was in the cookies I gave them. One of the women was pregnant, and one was only 15 years old. (I try to avoid giving cookies to minors, but 15 sometimes looks like 21.) I'd been set up — not by my opponents or by the authorities, but by fellow drug users.

The following Sunday was Easter. There was a warm spring rain falling, and a police car half a block away whose occupants were obviously watching me. I gave a couple of cookies to two young men. One of them had tried them before, and he warned the other that one was enough. They sat on the porch of the nearby community center, ate their cookies, and watched me dance.

A lady came up and told me she doesn't smoke marijuana, but admires what I'm doing. She asked if I had anything she could sign, and I gave her a "Legalize Freedom of Medicine" leaflet and a copy of my petition to make all elections in Oregon non-partisan. She asked if I'd given cookies to the young men on the porch, and if she could have one as well. She chose the pot ginger-snaps, and I advised her to eat no more than half a cookie.

About five minutes later, a couple of Grants Pass' finest informed me that I'd just given a cookie to an undercover officer, and they arrested me. I spent the next 26 hours in jail.

While I was in custody, the police searched my house and took urine samples from my daughter and a gardening

apprentice, both of whom were there at the time. They didn't get much more than the urine — just a few seeds and some paraphernalia. Their search was desultory, for two reasons.

First, they thought they already had me on possession, distributing to a minor, and four counts of causing to ingest without knowledge or consent. Anything that would add significantly to these charges would be fairly obvious and easy to detect. A search for minute traces of anything would be a waste of their time, and they probably wanted to get home to their Easter dinners.

Second, there's what I think of as the "activist factor." Cops are more likely to oppress people who don't know their rights: the poor and the ignorant. People who protest on street corners, or even sport radical bumper stickers, are apt to know their rights and will sue to prove it. When it becomes necessary to arrest known activists, policemen treat them with respect if they show the same. (When I was busted in Arizona, the police were extraordinarily polite and careful with my family and belongings. They let me take my kids to a friend's house, and they left my guns, after unloading them.)

My brother put up $1500 to bail me out before I could be conditionally released. My initial appearance had been continued to the next day, as I had no lawyer and refused a court-appointed one. It's better to bail out, as there are no requirements except showing up in court, whereas conditional release includes restrictions like not using illegal substances or alcohol. In court the next day, the judge warned that self-representation would put me at a disadvantage. I said I understood, but that accepting a lawyer appointed by the state would put me at an even greater disadvantage.

No sheriff wants to head into an election accused of starving a poor widow gardener.

After the hearing, I went down to Neil Morey's law office. His bread-and-butter is DUI, but he specializes in marijuana cases. As I walked through his door, he said, "I was hoping you'd call me." Just what I needed to hear. I'd done self-representation before; I really didn't want to do it again. It would take a lot of time and study and I'd likely end up convicted again. For his part, he'd seen me protesting every Sunday and had considered giving me his card, figuring I'd need it sooner or later.

I told him that this was a political prosecution, and that I'd have to fight it by telling the press at every opportunity that everyone who got a pot cookie was told there was pot in it. I would be admitting to a non-rights-violating offense in order to fight the rights-violation charges of causing to ingest. In the end, whatever they convicted me of, I would accept no more punishment than a month or so of fasting while they held me. I would not pay fines or accept probation.

He agreed! He understood! But then, that's why he was hoping I'd call him. He likes to do trials, and he rarely gets to. And all publicity is good publicity for a lawyer.

The cookie angle has been a great publicity boost. My protest and arrest has made the Northwest AP News, and area TV and radio news broadcasts. Early stories emphasized the 15-year-old and the pregnant woman. Channel 10 interviewed me for a follow-up story which got across the point that everyone who took a cookie knew what was in it. The Daily Courier did an in-depth interview that ran under the headline "Protester Insists Pot is Religious-Freedom Issue." The article, which quoted liberally from my leaflet, was fair and favorable, although it presented my protest as mainly about pot.

continued on page 32

Rycke's Gingersnaps

This is the cookie recipe that got me arrested:

3/4 cup pot butter (see below)
1 cup brown sugar
1 egg
1/4 cup molasses
2 1/4 cup whole wheat pastry flour
2 teaspoons soda
1 teaspoon cinnamon
1 teaspoon ginger
1/2 teaspoon cloves
1/4 teaspoon salt
small bowl of granulated sugar.

Mix thoroughly butter, brown sugar, egg, and molasses. Blend in remaining ingredients except granulated sugar. Cover; chill 1 hour (or freeze for later use).

Heat oven to 350°F. Separate dough into teaspoon-sizes, round into balls, dip tops in granulated sugar. Place balls sugar-side up 3 inches apart on lightly greased baking sheet. Bake 10 to 12 minutes or just until set. Immediately remove from baking sheet. Yield: 3–4 dozen.

Pot Butter
1 cup butter
1 cup shake (marijuana with seeds and stems removed)

Place butter and shake in the top half of a double boiler (lacking the double boiler, in a glass or metal bowl). Fill the bottom half of the boiler (or a saucepan) with an inch or two of water. Place top on bottom; simmer for 1 hour.

Strain the melted butter out of the shake, pressing to get as much as possible out. Pour a small amount of boiling water into the shake and press again. Throw away the shake and allow the butter to cool (or use immediately for softer cookies). Yield: 3/4 cup butter.

Doing What Comes "Naturally"

by Stephen Cox

Is liberty an acquired taste?

The political history of the late 20th century (in the West, at any rate) can be mapped as a battleground between two forms of liberalism, "classical" and "modern." "Classical liberalism" (now usually called libertarianism) upheld the idea of individual rights, protected by strict limitations on government. "Modern liberalism," the more popular form, offered a hope of individual empowerment, guided and assisted by large extensions of government influence.

The two labels lose much of their meaning when taken outside the immediate political context, yet each form of liberalism is ordinarily associated with its own set of cultural attitudes, attitudes so congenial to its nature as to merit the name of either "classical liberal" or "modern liberal." And, just as every political idea presses toward some ideal formulation, some utopian display of itself, so does every cultural attitude. The ideal version may be found in a film, a poem, a cultural movement — anything that shows the nature of the attitude in definite and unmistakable form.

If you want a pure and pungent taste of the liberal cultures of the 20th century, you would do well to read a pair of books that can be found in any used bookstore, "Lost Horizon" (1933), by the British novelist James Hilton, and "Summerhill" (1960), by the British educationist A.S. Neill. Each is a work of utopian literature, motivated by its own variety of liberal assumptions; and each was once very popular. (Both books, indeed, remain in print.) The sequence of the two works, with "Summerhill," the modern liberal volume, coming in second, and the difference between their dates of publication (three decades, the interval between one generation and another), aptly symbolizes the gradual process by which modern liberalism became the final ideology of the century. Yet both works maintain their relevance today, as ideal expressions of the strengths and weaknesses of the two great cultural attitudes.

Jorge Luis Borges once spoke of literary works that seem obligatory, works that one can hardly imagine not being in the world. It is difficult to imagine a world in which modern liberal assumptions were not carried to the "Summerhill" extreme. It is equally hard to imagine a world in which classical liberal ideals and anxieties did not result in something like "Lost Horizon."

"Summerhill" is the story of a "progressive" school, written by the school's leader and founder. Alexander Sutherland Neill (1883–1973) started the institution that would eventually be known as Summerhill in 1921, but the place became famous only after his book was published. It was a huge bestseller. The copy I own represents the tenth printing in just four years. It carries fulsome encomia by Ashley Montagu, the social biologist, and Henry Miller, the novelist; and it contains a long foreword by Erich Fromm, the man who probably did more than anyone else to popularize "advanced" ideas of psychology, and the cultural attitudes derived from them, in post-World War II America. When I was in college in the 1960s, a psych-major friend of mine expressed the general attitude of the hip people I knew. "I wouldn't want to be a teacher," he said, "unless I could teach in a Summerhill school." He did become a teacher, but it wasn't in a Summerhill school. He now laughs at his early

enthusiasm. For a season, however, Neill's ideas exerted an irresistible effect on many people. And although "Summerhill" itself is pretty much out of circulation, its cultural assumptions are not.

Located in an English provincial town, Summerhill was a school for 40 or 50 pre-teens and teenagers whom Neill, its anti-"master," preferred not to call his "students." This reluctance made sense, because Summerhill was less a place to study than a place in which to enact a philosophy of life. Summerhill residents were not required to attend classes or, actually, to do much of anything. If they wanted to study, they could, and some apparently did, but the hallmark of the place was the total absence of ordinary rules. Summerhill was the image of a world made free from all restrictions, at least of the more obvious and traditional kinds.

Neill has often been termed a "libertarian," a title seemingly merited by Summerhill's simple "test" of practical morality: "Is what Mr. X doing really harmful to anyone else? If the answer is no, then objectors to Mr. X are acting anti-life." At Summerhill, as we will see, other ideas managed to trump that one, but it's a pretty libertarian idea nonetheless.

And Neill had other ideas that bespeak a broadly liberal culture. He was certain, for instance, that young people should not be bullied or coerced by their teachers, and especially that they should not be bullied into training themselves for "respectable" careers that they did not really want. President Clinton's notion that every American should attend college would have seemed ridiculous, even monstrous, to Mr. Neill. In addition, Neill was an apostle of sexual freedom and frankness. A great deal of Summerhill is concerned with the evil of warning children against masturbation and otherwise teaching them that sex is to be feared and avoided.

This is the side of modern liberal culture that is most attractive to classical liberals, many of whom have exactly the same ideas. Liberalism always stands for some kind of liberty, and modern liberals have taken a distinguished part in campaigns for what they often call "personal freedom" (as if there were an impersonal kind).

Of course, it's hard to talk about sex for very long without becoming a crackpot, and Neill became a very pronounced form of crackpot. Believing, like most other people of his generation, that homosexuality was a bad thing, instigated by bad childhood experiences, and believing also that a Summerhill education was good for almost anything that ailed you, he easily concluded that "over a period of thirty-eight years, the school has not turned out a single homosexual." I'll bet. Nevertheless, he does not recommend that homosexuality be punished in any way. His idea is that people are good and that when they are placed in good and happy environments, goodness and happiness must result:

> No happy man ever disturbed a meeting, or preached a war, or lynched a Negro. . . . No happy man ever committed a murder or a theft. No happy employer ever frightened his employees.
>
> All crimes, all hatreds, all wars can be reduced to unhappiness.

Summerhill was less a place to study than a place in which to enact a philosophy of life. Its residents were not required to attend classes or, actually, to do much of anything.

I will have more to say about Neill's idea of "happiness." Just now, I want to note that he is never very strong in the fact department. A lot of the things he says are merely things that make him happy to say. Most readers, encountering declarations like the one just quoted, will immediately be inclined to ask: Didn't Adolf Eichmann say that he would leap into his grave happy because he had liquidated millions of Jews? And haven't you ever worked for anybody who enjoyed making everybody else miserable? To such obvious questions, Neill has nothing to say. After reading a few pages of his book, one begins to see why Summerhill was called "The Island."

Neill's innocent trust in happiness and goodness is a clue that he is not playing a classical liberal hand. From the beginning, classical liberalism emphasized the importance of distrusting "good" people and their spontaneous urges. Isabel Paterson spoke for most classical liberals when she said that nothing that good people might ever do could possibly surprise her. There are many more good people than evil people in the world, and the good people have a much better chance of imposing their will on others. That is one reason why government must be limited — to make sure that no one, including good people like you and me, ever gets enough power to dominate other people's lives. Inseparable from classical liberal culture is a skepticism, even a cynicism, about freeing all the "goodness" inherent in "the people."

These ideas, though simple, never occurred to A.S. Neill; although it must be admitted that in "Summerhill" he professes little interest in any problems of government, except those that elicit his peculiar notions about the causes of war and crime. (He does think that government should do things like "abolishing the slums," but he doesn't go into detail about that.) "Summerhill," however, is a perfect model of the modern liberal state, where every resource necessary for

"happiness" is provided by a benevolent higher power, in this case A.S. Neill and his staff. The reason why young people at Summerhill are "free" to steal, swear, masturbate, and cut their classes for decades at a time is that, whatever happens, the masters of Summerhill are ready to minister to all their needs.

In this sense, freedom at Summerhill is something bestowed: "[t]he bestowal of freedom is the bestowal of love." And the limits of freedom (for there are limits, after all) are decided, not just by the Neill administration, which is always lurking in the background, arranging meetings, cooking dinners, and cadging money from parents, but by a general assembly of staff and students, each gifted with an equal vote. There is no separation of legislative, judicial, and executive powers in the "democracy" of Summerhill. The assembly meets every Saturday to make up rules, try the people who violate them, and execute condign punishment. Freedom at Summerhill is the freedom to do what one's neighbors decide to let one get away with. Democracy is freedom, freedom is happiness, and happiness is goodness. What democracy does has to be good.

Very simple. But where have we heard something like this before? The unacknowledged source is the great prophet of modern liberalism, Jean-Jacques Rousseau. Yet, lest you imagine that Summerhill, like certain other institutional progeny of Rousseau's political ideas, is always on the brink of a reign of terror, it is important to stipulate that the power of the General School Meeting is mitigated and rendered palatable by its lenient and relativistic idea of personal responsibility.

To put this as briefly as possible, personal responsibility really does not exist at Summerhill; all responsibility is "social." When someone uses his "freedom" to go wrong, "society" pays the price — "society," of course, being the innocent bystanders. All will be well if they understand that they have a duty (to their own happiness, of course) to endure the unruly adventures of the freest spirits among them. In fact, they have a duty not just to endure the aggressive but also to reclaim them, by means of counseling, laws, judicial processes, and big rewards (manifestations of "love") for misbehavior.

Neill tells the story of a boy who stole bicycle pedals from another boy in order to fix his own bicycle and take a trip on it. The case was brought to the General Meeting, where the offending student (or, to Neill's way of thinking, the non-offending non-student) was condemned to return the pedals and give up the trip. When the boy's fellow citizens were told, however, that he stole the pedals because he was out of cash (good reason!), "Jim's" sentence was rescinded. But that's not the end. There was still the nagging question of "what to do about Jim" himself: "Finally it is decided to open a subscription fund to put Jim's bike in order. His schoolmates chip in to buy him pedals for his bike, and he sets off happily on his trip."

The reward for theft is the blessing of the community. Neill assures us that when people appeal a sentence, they "usually" get a lighter one, because "the children realize that if the defendant feels he has been unfairly judged, there is a good chance that he actually has been." This realization, of course, has nothing to do with any rational reflection on specific facts, only with a desire to believe that everyone at Summerhill is good and free and happy, or just about to become that way, when shown enough love. "Reason" is one of the rarest words in Neill's vocabulary, but we do hear a great deal about the supremacy of "the heart" over "the head," and "the power to subordinate thinking to feeling."

There is, however, an implicit and strongly insistent rationale for the whole Summerhill establishment. I refer to the fact that the parents of Summerhill children, as Neill describes them, are modern liberals or radicals who are wealthy enough to pay annual fees of £250 — $7,000 in today's money — to ensure the survival of his experiment in democracy. (Summerhill's five staff members were paid only about $10,000 a year in today's money, plus room and board, which says something about the possibility of economic "exploitation," even in utopia.) Modern liberal experiments have usually been inspired and supported, if not always funded, by the people who have least to lose from them. One can easily imagine what would result if Summerhillian ideas — the priority of emotion to intellect, of play to work, of unearned approval to merited respect — were exported to less favorable environments. One can imagine the result because one can see it plainly manifested in public schools throughout America's inner cities, schools in which discipline has collapsed, academic subjects have become diluted almost to the vanishing point, and sports, sex, and the cultivation of "positive" though unearned "self-images" dominate the cultural landscape.

It's hard to talk about sex for very long without becoming a crackpot, and Neill became a very pronounced form of crackpot.

Neill would deny that such tawdry counterfeits of education have anything to do with his ideas, because none of them represents a full and pure expression of what he had in mind. True, but unconvincing. The same could be said, and usually is said, by everyone who advocates a failed social program. "The experiment," it is said, "hasn't really yet been tried." Yes, something is always interfering. But why didn't you take account of that to begin with?

Modern liberals, who have spent the last 40 years applying affirmative action, busing, bilingual teaching, and anti-racist, anti-sexist propaganda to the problems of American education, often claim that all the important problems would have been solved by now if it weren't for the reactionary attitudes, the "ingrained racism," etc., of the surrounding society, or simply for its "chronic underfunding of social programs." The implication, which is seldom allowed to remain unspoken, is that society as a whole must be remodeled, that social engineers must be given more sweeping powers, before the good in everyone can come spontaneously to light.

There is a good deal of this elitist cultural assumption in Neill's book, where the (rare!) failures of his system are routinely blamed on outside influences — bad parents, rotten

customs, an entire culture that Neill would change, if only he had the power to transform everyone into a "social being." Thus failure becomes an implicit argument for bigger experiments, larger investments, a wider sphere of influence for Neill himself. If only everyone in the world would give up religion, cease trying to make a profit, surrender silly ideas about sex, stop treating kids like inferiors, start acting like the best of Summerhill parents: "Our successes are always those whose homes were good." It's an interesting move in the intellectual game, this assertion that educational success depends on the swamps around the Island, rather than the Island itself. It's also a bluff: if the outside environment is that important, who needs Summerhill? But it's not clear that the player sees that he's bluffing.

Believing that homosexuality was a bad thing, and believing that a Summerhill education was good for almost anything, he concluded that "the school has not turned out a single homosexual." I'll bet.

Equally interesting is Neill's argument that his ideas must be good because some people manage to prosper in spite of them. "Take," he says, "the case of Mervyn." Mervyn "attended Summerhill for ten years" and was never forced to "attend a single class." So he didn't. Therefore, "at age seventeen, he hardly knew how to read." This astonishing revelation will appear less astonishing when one considers that it could be made about millions of American graduates of government schools, young people who have never attended a meaningful class and who, therefore, are functionally illiterate. But as Neill demonstrates, there is no cause for alarm. "When Mervyn left school and decided to become an instrument maker, he quickly taught himself how to read and absorbed in a short time through self-study all the technical knowledge he needed. Through his own efforts, he made himself ready for his apprenticeship. Today, this same chap is thoroughly literate, commands a good salary, and is a leader in his community." The child whom Neill wanted to save has obviously saved himself.

Victims of elitist attempts at acculturation in contemporary America often save themselves, too. But it never dawns on Neill, just as it never dawns on any other educational bureaucrat, that the Mervyns of this world have no need to languish for decades in pedagogic utopias where nothing is being either taught or learned. It would have been better for Mervyn if he had dropped out of school at the age of 7. Unfortunately, he was not permitted to do so.

Like "Summerhill," our other book, "Lost Horizon," is a work of utopian imaginative literature; but it is conscious of the fact that it is. It is clearly labeled a work of fiction. Like the seminal book in the genre, Thomas More's "Utopia," it is one of those rare works of serious fiction that have given a word, an image, and a concept to popular speech. Everyone knows what is meant by "utopia," and everyone knows what is meant by "Shangri-La," the fictional location of "Lost Horizon": it is a paradise, hidden behind inaccessible mountains, where people live far beyond the normal range of human years and far beyond the normal scope of human happiness.

One of the great scenes in 20th-century literature is the episode in "Lost Horizon" in which Hugh Conway, a member of the British foreign service who has found his way to Shangri-La, hears its history recited by the leader of the community, the High Lama. The elderly gentleman narrates the adventures of Father Perrault, a French missionary, who in 1719 discovered the ruins of a Tibetan religious establishment on a high shelf of rock about the Valley of the Blue Moon, deep in the Himalayas. He decided to restore the monastery and dedicate it to the service of his order. The High Lama describes the mutual respect between Perrault and the local Buddhist population, the way in which his philosophy of life grew broader and more tolerant and their philosophy grew more cosmopolitan and sophisticated, the way in which he drew like-minded refugees from the outer world into a brotherhood of scholars, philosophers, and artists dwelling peaceably at Shangri-La. He tells Perrault's story through the 17th century, the 18th century, the 19th century . . . until Conway, grasping the truth, exclaims, "You are still alive, Father Perrault."

He is indeed alive, preserved as if in living amber by the peculiar atmosphere, physical and cultural, of Shangri-La. The remainder of the book narrates the conflict within Conway's mind, and the minds of his three fellow travelers, about whether to remain in Shangri-La or try to escape from it. Hilton is not a great artist; his plot is weak and at some points intellectually ambiguous, and his characterizations are mostly stereotypical. His prose isn't entirely up to his great conception. Yet the conception itself is unforgettable. I mean, of course, the conception of an ideally private life, extended and enriched by its studied isolation from "this world." Even Ayn Rand, the libertarian "realist," evidently could not avoid being inspired by the fantasy of Shangri-La. Her model for the utopia of "Atlas Shrugged" (1957) is more than anything else the utopia of "Lost Horizon."*

The model was well chosen, because the central theme of "Lost Horizon" is not the extension of life but, as in Rand's novel, the preservation of individual liberty and the conditions that make it possible. "Lost Horizon," like "Summerhill," does not pretend to be a political book, but its political preoccupations are clear. The work is dated

*Like Shangri-La, Rand's utopia ("Galt's Gulch") is hidden behind a range of mountains, is founded by a great creative spirit who surrounds himself with friendly collaborators, and is strongly devoted to philosophy and the arts. Like Hilton's visionary community, it exists in opposition to the outside world while containing in "miniature" (one of Hilton's favorite words) the best features of that world's culture and technology. Though motivated by a central idea (like Shangri-La) it lacks (like Shangri-La) any system of central planning. I can think of no utopia that shares this set of features with "Atlas Shrugged" and "Lost Horizon." Anyone who reads the two books can discover more similarities, such as the clue to the utopia's existence that is provided by a character's knowledge of a famous artist's hitherto unknown composition, preserved in the secret utopia. (The composer is Chopin in "Lost Horizon," "Richard Halley" in "Atlas Shrugged.")

"April, 1933," soon after Hitler's coming to power, and it offers countless allusions to the political crises of the 20th century. It begins with disenchanted remarks about the British empire, which Conway serves with a considerable degree of skepticism. The Great War set him adrift from his cultural moorings: "The chief thing I've asked from the world since then is to leave me alone." He is fleeing from another outbreak of political violence — a revolution in "Baskul," where he served as His Majesty's Consul — when he fetches up in Shangri-La, a place that seems to preserve the peace and privacy that are necessary for the cultivation of individual life.

That is also the High Lama's view of the situation. He dreams of maintaining Shangri-La as the last refuge of real civilization — delicate, complex, accessible only to individuals in their most private moments. Reviewing the trend of political and military events from the 17th century to the present, he "foresaw a time when men, exultant in the technique of homicide, would rage so hotly over the world that every precious thing would be in danger, every book and picture and harmony, every treasure garnered through two millenniums, the small, the delicate, the defenseless — all would be lost like the lost books of Livy, or wrecked as the English wrecked the Summer Palace in Pekin."

Notice Hilton's choice of words: "the small, the delicate, the defenseless." That puts "civilization" on the proper scale, the scale of individuals appreciating the kind of things that only individuals notice and care for. The thought recurs when Father Perrault speaks about Conway's own future at Shangri-La: "You will conserve the fragrance of our history and add to it the touch of your own mind. You will welcome the stranger, and teach him the rule of age and wisdom; and one of these strangers, it may be, will succeed you when you are yourself very old." What opposes tyranny and barbarity is the understanding and enjoyment of history and culture. Culture can be appreciated, augmented, and passed on to the future only by individuals. Only an individual can smell a "fragrance"; only a truly free individual will be at leisure to enjoy the "fragrance of history."

That is one reason why government must be limited — to make sure that no one, including good people like you and me, ever gets enough power to dominate other people's lives.

Like liberals of all varieties — like Neill, for instance — Hilton wants all people to be free and happy. Happiness is so much the point in Shangri-La that even the grave High Lama makes much of his pleasurable experiences with drugs, and communicates to Conway the pleasant intelligence that girls in the Valley of the Blue Moon are only moderately chaste. Like Conway, however, we may be curious to discover what "the ultimate basis of law and order" may be in Shangri-La, a place where the rulers are self-absorbed philosophers, backed by "neither soldiers nor police."

The rule of the lamasery is about 99% noninterference. A spokesman for the "ruling" elite restates a classical liberal principle: "We believe that to govern perfectly it is necessary to avoid governing too much." Under this system of government, the people enjoy prosperity; and prosperity, Hilton says, is conducive to order. Also, "crime was very rare . . . because only serious things were considered crimes" — a libertarian principle, par excellence.

Even Ayn Rand was inspired by the fantasy of Shangri-La. Her model for the utopia of "Atlas Shrugged" is more than anything else the utopia of "Lost Horizon."

Neill would endorse that principle, although I am not sure that he would endorse the High Lama's radically libertarian idea that people who want to leave his utopia are free to do so, but no help will be provided them, even if they die, as they probably will, in the howling wilderness that encompasses Shangri-La. This is not what Neill and other modern liberals mean by "freedom." The freedom that they most appreciate is the kind that lovingly "enables" people to do what they want and get what they want. But the regime at Shangri-La does not consider itself under any obligation to become a nanny state.

This brings up another aspect of the difference between Shangri-La and Summerhill. It has to do with the question of democracy. For Hilton, "freedom" means being free, as much as possible, from the interference of one's neighbors. It means privacy, and privacy means limitations on what people can do to other people. For Neill, however, "freedom" is inseparable from "democracy," and once you have "democracy," the sky's the limit. "Democracy" means the weekly Meeting, where people shout and scream, accuse and convict, make and unmake laws as if nobody ever made a law before, and in general ensure that everybody is always in everybody else's "social" face. There is no such "democracy" in Shangri-La, and the absence of democracy is not regretted. For the people of Shangri-La ("citizens" would never be the right word), the form that government takes is not important. What they want is a government that creates the conditions for privacy.

The trick is to keep such a society — in essence, a classical liberal society — in healthy operation. Hilton is well aware that in the modern world (probably in any world, including "utopias") the social order cannot be maintained indefinitely if people in general are not happy with it. That's a banal statement, but it's pertinent to the current discussion, because the idea of happiness is essential both to Hilton's work and to Neill's, although their concepts of happiness, and of the relationship of happiness to freedom, are as different as night and day.

For Hilton, both freedom and happiness are, to a large degree, cultivated tastes; for Neill, they represent the gratification of "natural" impulses. Here is a difference between

liberalisms that does not quite conform to the classical liberal versus modern liberal distinction, but it is a difference that needs to be emphasized, even to radical libertarians, many of whom are more on Neill's side of this issue than on Hilton's.

There are three ways in which people can be induced to favor — to tolerate, to appreciate, to be happy with — a free society. They can be led to favor it by discovery, by learning, or by inheritance.

1. People can discover, on their own, that such a society makes them happy.

2. They can learn its virtues (a) from books, or (b) from the arguments of other people.

3. They can grow up in its culture and consciously or unconsciously conform themselves to it.

In long-established liberal societies, these three approaches are ordinarily combined with one another, and muddled together conceptually. But they can be analyzed separately, and our two authors help us to do so.

Neill vociferously recommends the first approach. That is his claim to fame — his insistence that happiness can easily be found when people are simply "left alone" to find it. By now, to be sure, we know that he is dealing from more than one deck of cards: Summerhill is a "free" institution whose inmates are committed to its custody by their parents, after which they are submitted to an all-encompassing program of social conditioning. One part of the program is the provision of limitless time to play, but another part is the sinister form of play that goes on in those amazing Weekly General Meetings: approach No. 2b.

For Neill, "freedom" is inseparable from the weekly Meeting, where people shout and scream, accuse and convict, and make and unmake laws as if nobody ever made a law before.

And despite the hateful remarks that Neill enjoys making about the wage slaves who dwell outside the Island, about the whole "society" that "is carried on the shabby shoulders of the scared little man — the scared-to-death conformist," he is unable to keep conformity (approach No. 3) completely out of his scheme:

> I know that when Jean [a troublemaker] is fifteen, she will be a social girl. . . . I pin my faith on public opinion. No child will go on for years being disliked and criticized. . . .
>
> Gradually his natural love of approval forced him [another troublemaker] to seek the approval of the people in his new environment. . . . [H]e adapted himself to his new companions. In a few months he was a social being.

But suppose that someone's environment is not "social" in the way in which Neill, and other proponents of spontaneous development, prefer to define that word. Suppose that someone's ideal of happiness is just living from day to day with no thought in his head except the pleasure of annoying and imposing on other people? That's a good question. But let's go one step farther and ask, Who's to say that Neill's idea of happiness is the one that should prevail? What justifies his ideal? What arguments? What convincing evidence? As soon as we ask those questions, we are back to approach No. 2, the approach that assumes that ideas of liberty need to be learned, that the inclination to liberty needs to be intellectually cultivated.

Neill considers this issue no more attentively than other modern liberals consider the necessity of public education. Haven't schools always been run by the government? Well, no. They were made public with some difficulty. Persuasive arguments, bad or good, had to be found (approach No. 2). It is only because government schooling has now become traditional that its supporters can rely on people to continue believing that it can be made to work (approach No. 3). Neill's cultural ideas also rely heavily, though implicitly, on arguments made in the past, the conclusions of which have become traditional assumptions. I refer especially to arguments for Christianity. Neill detests religion (it's not "natural"), but he has no difficulty invoking the Christian idea of ethics and even the Christian idea of salvation: "You talk about salvation. We live salvation. . . . No, we do not consciously [!] follow Christianity, but from a broad point of view, Summerhill is about the only school in England that treats children in a way that Jesus would have approved of."

Despite his palpable reliance on the past — the heritage of Christianity, the culture instilled by "good homes" — Neill still visualizes happiness itself as easy, spontaneous, immediately attainable. His prevailing examples are the pleasures of sex, food, idle play, joyous disruption of other people's activities. He seldom recurs to the happiness of reasoning, reflecting, reading, or pursuing anything requiring intellectual effort or spiritual refinement. "Books have little value for me," he happily confesses. "Only pedants claim that learning from books is education."

With a candor virtually unexampled among other pedagogues, he confides that "learning" fails to arouse his passions: "Learning is important, but not to everyone. Nijinsky could not pass his school exams. . . . All that any child needs is the three R's; the rest should be tools and clay and sports and theater and paint and freedom." What this means in practice is suggested by the minutes of a General School Meeting:

> "Harry [a teacher] complains that he spent an hour planing a panel for the front door, went to lunch, and came back to find that Billy [a pupil] had converted it into a shelf. I make accusations against the boys who borrowed my soldering outfit and didn't return it. My wife makes a fuss because three small children came after supper and said they were hungry and got bread and jam, and the pieces of bread were found lying in the hallway the next morning. Peter ['nother pupil] reports sadly that a gang threw his precious clay at each other in the pottery room. . . . There is always something happening, and there isn't a dull day in the whole year."

No? Offhand, I can't think of anything duller than meditating on the problem of the unused bread and jam, or on the little Gallipoli in the pottery shack — anything, that is, except people who put such controversies at the center of their lives. My suggestion is to punish the culprits and get on with the important things in life.

The GSM is clearly the reductio ad absurdum of something, but of what? I believe it is an attitude cherished by many people both in the classical liberal and in the modern liberal camp, the idea that, as Neill put it, people should be free to do what they want and no one should seriously object to the ideal of happiness that motivates them.

Well, of course someone should object, and someone had better object, if the results of education in freedom turn out to be the destruction of any kind of culture consistent with freedom itself. Libertarians who delight (as I do) in the vision of society as a "spontaneous order" should not assume that all spontaneous action is a good idea. Liberal societies were not created by the yelping barbarians who appear in Summerhill's version of "democracy." The frameworks for those societies — the only societies in history that have not been cruel and merciless, almost beyond belief — were laid by people who had learned (yes, had been taught) to take pleasure in historical knowledge, careful thought, skeptical evaluation of rival claims to belief, the studious separation of what is important from what is mere junk.

Neill considers this issue no more attentively than other modern liberals consider the necessity of public education.

These people saw limited government as the best protection for individual freedom, but they knew that an appreciation for limited government was not something that children, or anyone else, can automatically arrive at. It wasn't until the 17th century that anyone did arrive at it. Further, they suspected that restraints of government are easiest to maintain in a culture that values self-restraint, a culture in which people discover more pleasurable pursuits than shouting, whining, politicking, and otherwise wasting their lives in hurtful play. The pursuits — the private joys — of civilization are almost all acquired pleasures.

That is the message of "Lost Horizon." Hilton emphasizes that his protagonist, Hugh Conway, can appreciate the civilized order of Shangri-La because he is a man of culture and learning who also found out what barbarism was, from his experience in World War I and the political events of the 1920s. He reflected on his knowledge and experience and acquired an intense appreciation of the pleasures of private life. The novel portrays the limited government of Shangri-La as dependent on its subjects' cultural attainments, particularly their education in self-restraint: "The chief factor in the government . . . was the inculcation of good manners, which made men feel that certain things were 'not done,' and that they lost caste by doing them."

A utopia for snobs? Not really. Remember those Valley girls who are only moderately chaste. "Good-bye, Mr. Chips," the novel that Hilton wrote a few months after "Lost Horizon," shows that his own idea of culture was not impossibly challenging. Chips is a schoolteacher. His specialty is classics, one of the thousand forms of learning that schoolteacher Neill disdains. Chips' academic attainments, however, are only moderately good, and his expectations for his students are only moderately high. What distinguishes him is mainly "good manners" — decency, civility, a sensitivity to right and just ways of doing things. He realizes that this kind of culture is not innate. He is loath to punish his students, but he knows that he has to do so when they act out their infantile aggressions in the ways that Neill's regime encouraged his students to. Once regressions are repressed (worst of all words to Summerhill liberals), there is room for other things — not just the appreciation of Latin verse but also the appreciation of privacy and unregimented kindliness, and the mutual respect that ought to prevail in a liberal society.

I don't mean to suggest that "Good-bye, Mr. Chips" is an interesting work of literature. It's not. It has a slick sentimentality that does not appear in "Lost Horizon." It is, in fact, as sentimental as "Summerhill." A sentimental world is one in which good feelings always, in the end, prevail. Mr. Chips' version of liberal education always works, just as A.S. Neill's version always works (so long as the children's "homes" are good). That's not true of liberal culture in Shangri-La. I don't want to spoil the plot for you, in case you decide to read the book, but "Lost Horizon" is consistent about the idea that acquired tastes have to be, well, acquired, and not everyone acquires them. Or keeps them. Some well-educated, reputedly cultured people actually want to escape from Shangri-La, or even destroy it.

This is a most unusual observation for a utopia to make — the observation that even people living in an ideal society may not just naturally understand what makes it ideal. That was one of the considerations that led the founders of American classical liberalism (see James Madison in the tenth number of The Federalist) to insist on the idea of limited government, as opposed to unlimited "democracy." It's a consideration that should continue to commend itself, in a world in which the pleasures of coffee and wine, Raphael and T.S. Eliot, baseball statistics and books of economic theory, and even the kind of good manners that it doesn't take a wizard to divine, are recognized by all as cultivated tastes, while the pleasures of a free society are regarded by most as nothing more than doing what comes naturally. ❑

"The extra 30% is the self-employment tax on your businessman's lunch, sir."

What Has Been Done

by Robert Formaini

The Patriot Act was just the beginning.

The 1980 publication of Milton Friedman's "Free to Choose" helped usher in a period of privatization and deregulation. The tide turned toward freedom, and the market worked its magic. Planned economies collapsed, and the world embraced the benefits of capitalism.

After the attacks of 9/11, however, the tide turned again.

Benjamin Franklin once famously said that those who prefer security to freedom will wind up with neither. Americans have proven the accuracy of his warning by disregarding it. The New Patriot Act of 2006, modifying the original in the wake of the attack on Las Vegas, and its later super-modification (the Total Security Act of 2012) severely restrict commerce, speech, and travel. Of course, there was little actual debate before the passage of any of these acts — proponents simply labeled opponents "crackpots" and "lunatics."

This has led directly to national identification cards, universal ID chip implants that can be tracked by GPS satellites, and mandatory retina scans for anyone flying domestically or entering the United States from abroad. All vehicles that travel on American roads are required to have so-called "black boxes" and GPS transponders so their exact location and history can always be ascertained. The transponders, the black boxes, and the data they gather belong to the government, not to individual vehicle owners. The only grounds for appeal of any conviction based on these data sources is vehicle malfunction, but it has proven almost impossible to successfully appeal black-box cases, despite the common knowledge that the equipment, like all technology, does sometimes malfunction.

There are now over 1.5 million people on federal and state "Do Not Fly" and "Arrest Immediately" lists. Almost 260,000 people are incarcerated, awaiting disposition of cases based on catch-all terrorist charges, some of which are years old. Federal military laws now control every major transportation system in the nation including, but not limited to: docks, roads, rail, air, even bike paths and hiking trails. School security was federalized after hundreds of children were slaughtered in attacks on public facilities in 2006–7. All substances known to be possible bomb ingredients are rigidly controlled under ATF and Homeland Security regulations, and violators can receive the death penalty for selling or just handling them — even in very small amounts.

There are now over 2,000 Class-A controlled substances, and 14,000 altogether when all classes are summed. As of Dec 31, 2024, every 17th person in the country works in security — 19 million people in all. There are over 400,000 agents on the Mexican border alone, enforcing the National Border Integrity Act of 2007, which was passed by a Republican Congress campaigning for the 2008 elections on an anti-immigration platform. Federal border agents regularly conduct "shoot on site" patrols around known illegal entrance routes. The courts found constitutional the Judicial Interpretations and Reconciliation Act of 2009, which automatically removes any judge who tries to overturn its provisions, or who fails to rigorously apply the act's sentencing guidelines.

Of course, during time of war, political speech has always been curtailed, either by law or by public sentiment. America's attempts to curtail free political speech go all the way back to John Adams' Alien and Sedition Acts of 1798. The course to our present state of abridgment was set when the Supreme Court upheld McCain-Feingold (2004). Criticisms of incumbent politicians have been strictly regulated since that point, and are now further restricted by the Preservation and Extension of Free Speech Act (2008). Under that act, you may speak freely only under the following circumstances: (1) on your own, unmortgaged property, to no more than 50 people; (2) on radio call-in shows, provided you are a registered user whose phone is equipped with identity verification hardware; (3) on assignment for news organizations that fit the federal definition, are federally registered, and currently fully paid on their "news organization assessment accounts"; (4) on Internet discussion groups, provided they are federally registered, current on their "Internet assessment accounts," and verify the identity of all participants, (all of whom must also be up to date on their personal Internet tax assessments); (5) in publicly regulated places in full view and hearing of the appropriate public discourse monitors and ultra high-speed, infrared digital cameras.

The Internet Consolidation, Revenue, Registration and Public Airwaves Control Act of 2010 is the source of all current Internet regulatory activities, including Wi-Fi, cable, and any other kind of Internet access available — or that may become available in the future. After terrorist hackers were able to enter key systems to release toxic substances and generally disrupt daily activities, especially air travel and financial transactions leading to crashes of planes as well as markets in 2007 and 2009, all the while using their technical savvy to remain mostly anonymous, Congress took complete control of the system in late 2007 with a preliminary bill. It took an additional two years to craft the final, comprehensive bill under which we now live.

All Internet providers and users are routinely tracked by Homeland Security and NSA computers, users and providers are taxed monthly, based on an assessment of their use of the network, and all computers are federally registered so that they leave a cyber-trail whenever they access the Internet, much like an airplane's transponder reveals who it is and where it is headed. It is a federal crime, punishable by a minimum of ten years imprisonment, to access the Internet on any computer that does not have the cyber-trail hardware. A few hackers have succeeded in bypassing the system, but none has remained free for very long after doing so, and several have been sentenced to ten or more year terms, in maximum security facilities, for attempting to "undermine homeland security."

Federal military laws now control every major transportation system in the nation including, but not limited to: docks, roads, rail, air, even bike paths and hiking trails.

There are now over 5 million digital cameras publicly — and privately — employed for security purposes. It is almost impossible to go anywhere without being watched by Homeland Security. Digital cameras that feed directly to the Internet have been built into existing technologies, so few incidents have gone unrecorded, even if they are recorded only by private citizens. Of course, there are several popular television programs that deal exclusively in footage from these digital image displays, which sometimes capture horrific terrorist acts.

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Continuing a trend begun with 1973's Bank Secrecy Act and continued in 1980's Financial Institutions Deregulation and Monetary Control Act, the Comprehensive Supervisory Financial Institutions Information, Supervision, and Control Act of 2007 made all financial transactions "transparent," and placed a 15% surcharge on all cash transactions over $1,000 to discourage (as the Act put it) the "anonymous economy," and make it difficult for terrorists to purchase anything with cash. Anyone willing to pay the 15% cash fee gives the government a prima-facie case that the transaction is illegal in some way, since the payer is presumably trying to remain anonymous. Public conveyances no longer accept cash, and they are required to keep detailed records of all fares, passengers, pickup and departure points, and final destinations. All financial transactions are now traced, catalogued, and stored forever. There are no legally operating banks in the world outside this system. Bank secrecy now exists solely in the fugitive banks of Russia and its war-torn former satellites.

The collapse of democracy in Russia and its re-emergence as a totalitarian power with imperialistic ambitions has been blunted, to some extent, by the endless internecine wars within its former satellites among their Islamic and non-Islamic inhabitants. Russia is also a constant target of terrorists. These problems, along with an anemic economy, have prevented Russia from grabbing much in the way of territory, even with the United States and Europe distracted by their own terrorist problems.

China has emerged as the world's largest and fastest-growing economy. After retaking Taiwan in 2007, and annexing North Korea a year later, China then successfully "Finlandized" Japan, and now oversees a vast Pacific empire that would have made the 1942 Japanese government green with envy. China's thirst for the Middle East's oil leads it to support radical Islamic clerics, but this support goes unpunished, as no major country stands a chance if it goes against China's wishes.

The xhiang, introduced in 2009, is now the world's premier currency, followed by the euro, the Canadian dollar, and the U.S. dollar. Years of domestic and international wars have resulted in inflation and poor economic performance here at home, battering the dollar to the point that many in government are beginning to talk about replacing it with a "new dollar," trading each of them for 20 "old" dollars. This long-awaited policy is called the "Argentina two-step."

The sealing of the U.S. border and the abandonment and official repudiation of NAFTA have demolished Mexico's economy. The added stress from an influx of immigrants fleeing the Cocaine Wars to its south has caused Mexico to degenerate into near anarchy. These wars have been used by Venezuela as a pretext for trying to spread "Chavezism" to its neighbors. Most of the rest of Latin America is a shambles, run by the usual assortment of leftist politicians and their thuggish supporters, even though they have brought their economies to the point where further looting of their citizens is almost impossible. The Chilean military government has not yet confiscated the private retirement accounts that were the centerpiece of Chilean economic reform, but most analysts believe it is only a matter of time. This development is no doubt partially the product of the demise of the large international aid agencies which collapsed in 2014–15 under mountains of debt. When international markets realized that they were never going to be repaid by anyone, including strapped U.S. taxpayers, the World Bank, IMF, and AID all collapsed. Little time elapsed before the region's nations, deprived of their welfare largess, began the Cocaine Wars.

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During the last fifteen years, France and Germany have continued to struggle for control of the European Union, as well as competed to be the — in modern terminology — "front nation" for the so-called "New Europe," a Europe that has been discussed for decades but that looks remarkably like the old Europe. The internal tensions in the EU are troubling, with member countries often threatening military action, and Germany flexing of its military muscle, gained from secret development of laser weapons. Of course, the German government claims that historically it has always been entrusted with enforcing the regulations and policies of the EU, and will use force if necessary, but only as a "last resort." This reassurance offers little comfort.

After the terror war forced America to redeploy many of the troops based in allied countries, it only took a decade for Germany to become the most potent military power in Europe, since most of its neighbors worship peace at any price, including non-retaliation against terrorists. The Germans retaliate fiercely, and use their experiences to further strengthen their emerging military establishment. At first, the U.N. tried to constrain Germany's new military might, but when the German government denounced the U.N. and stopped paying U.N. dues (like America did years ago), talk of sanctions was dropped.

The Middle East has been a colossal mess for decades, but things have deteriorated markedly since 2002. The major civil war that erupted after Iraq's election in late 2005 brought a major U.S. reinforcement to the country, but at the cost of reinstating the military draft. That led to ongoing, domestic rebellion reminiscent of the Vietnam War era. The events in Iraq also destabilized Iran and Saudi Arabia. America's pre-emptive air strikes against Iranian nuclear facilities reignited theological revolution in Iran and led directly to the fall of the House of Saud. When that ruling elite fell, oil exports to the U.S. were shut off for three years. The Riyadh Accord in 2009 allowed resumption of sales of Saudi oil to American companies, but only at a 15% premium above the world price, and required a U.S. pledge that no military actions would ever be taken against the new Saudi Wahhabi-backed government or its allies, which include Syria, Lebanon, Jordan, Algeria, and Libya.

Israel became a garrison state, with commerce all but impossible, terrorist acts constant, and nuclear annihilation no longer merely possible, but probable. Some analysts believe that Iran is only waiting for the appropriate long-term wind patterns that would make an attack a one-way nuclear disaster for Israel. Meanwhile, Israel consumes vast amounts of American financial aid, as they are one of the few places left in that region from which American military operations can be mounted. Some American policy makers are arguing that we should use nuclear weapons on Iran before it does the same to anyone else, but that position is highly controversial and not supported by a majority of Americans.

Domestically, the burden of war diminished economic performance and regenerated inflationary pressures, and the Baby Boomer retirement bubble significantly strained government budgets at all levels. Deficits and interest rates rose, GDP growth dropped, and markets stagnated, with the Dow Jones average standing today at 17,755. That's an average return of 3% since 2004, but after adjusting for inflation, overall returns in the market have been consistently negative. Chronic energy shortages have become the norm, with stringent regulatory restrictions on energy consumption. Brownouts and blackouts are common in American cities, as are long lines at the few remaining gas stations. The Energy Profits Equalization Tax, combined with onerous excise taxes on energy, have cut American consumption by almost

The major civil war that erupted after Iraq's election in late 2005 brought a major U.S. reinforcement to the country, but at the cost of reinstating the military draft.

15%, but population and economic growth have cut in the other direction without any substantial increase in supply. Alternative fuels still have not eliminated the demand for oil, despite tens of billions of dollars in direct subsidies and tax credits to selected corporations for R&D.

Our fiscal position was helped slightly by major benefit reductions in entitlement programs between 2016 and 2022, increased audits and state and federal prosecutions of fraud, and a significant increase in the payroll tax (currently up to 22% and 34% for the self-employed) all phased in over the past eight years. Though some economists feared that raising the payroll tax rate would cause the work force to shrink rapidly, most people found that they couldn't afford not to work. The national debt stands at $38.5 trillion, about twice the current GDP. With GDP currently growing at about 2% annually, and inflation at 7%, the debt is slated to reach five times GDP in 20 more years. The collapse of several large pension plans as they were abandoned by their sponsors and turned over to taxpayers had irrevocably bankrupted the Pension Benefit Guaranty Corporation by 2012. Congress repudiated underwriting private-sector pension plans with public funds. Plans continue to fail and nothing is being done about it.

After Castro's death in 2011, Cuba became the "Hong Kong of the Caribbean" and allied itself with the U.S.

Of course, not every development has been negative. After Castro's death in 2011, Cuba became the "Hong Kong of the Caribbean" and allied itself with the U.S. as a bulwark against the general Latin American trends discussed above. A rare success story, but an important one.

Nevertheless, the ability of the federal government to carry out any coherent fiscal policy is tightly constrained, and the Fed has been unable to find any interest rate structure that is consistent both with growth and price stability. Politicians declare that we are in some kind of New Economy — as they did in prior times, but for very different reasons.

The external fiscal pressures are simply too large to reverse with standard 20th-century policy measures. Needless to say, full employment has not returned even with the draft, and consumer confidence is at a 30-year low.

Where can we go from here? The policy options currently available to alter many of these unpleasant realities are quite limited. A return to classical liberalism is not very likely. Incrementally, however, we can move some things in a direction favorable to freedom.

In that spirit, I offer the Free to Choose Manifesto for 2025:

1. The restoration of free speech is priority number one. If we cannot respect the very first amendment in our own Bill of Rights, we certainly cannot claim to be exporting any ideas other than our own particular form of government oppression.

2. The daily invasions of privacy that occur, generated both by public and private institutions, need to be redressed and contained. It is clear that, given current world realities, they will never be entirely eliminated, or even scaled back to pre-9/11 levels.

3. Free exchange across the Internet must be restored.

4. The right to a reasonably speedy trial should be reinstated, and civilians should not be held accountable to military tribunals operating under the Uniform Code of Military Justice.

5. National identification cards were enacted mostly to ensure smooth travel. That ought to be the goal, not the occasional pleasant surprise.

6. Limits on cash transactions should be raised to at least $5,000. This is not a perfect solution, but unmonitored large transactions are probably gone for good.

7. Energy access should be denationalized. That would go a long way towards alleviating the chronic shortages and high prices of energy. Repeal, or seriously modify, the Kyoto II-Brussels III environmental protocols, which have severely penalized American economic development while subsidizing that of other nations.

8. Privatize medical care, or at least allow a tiered system of care based on ability to pay. The criminalization of privately-provided and funded medial care is one of the worst features of the current American economic and political scene, and one of the worst public policy enactments since the founding of the nation. The use of the federal system to punish certain behaviors by withholding medical care is cruel and a clear denial of individual choice, as well as a denial of human freedom and simple human dignity.

9. Privatize more water delivery systems. The chronic water shortages that have plagued even areas that receive sufficient — or more than sufficient — rainfall each year are unnecessary and bureaucratically generated. The slow depopulation of much of what were once the fastest growing regions of the nation — Arizona, Nevada, and California included — is not the best long-term solution to the water use issue.

The enactment of these reforms would be a good start towards eventually restoring some of our nation's basic liberties. Until then, we can only continue to speak out against governmental abuses, in the times and places appointed for us to do so. ❑

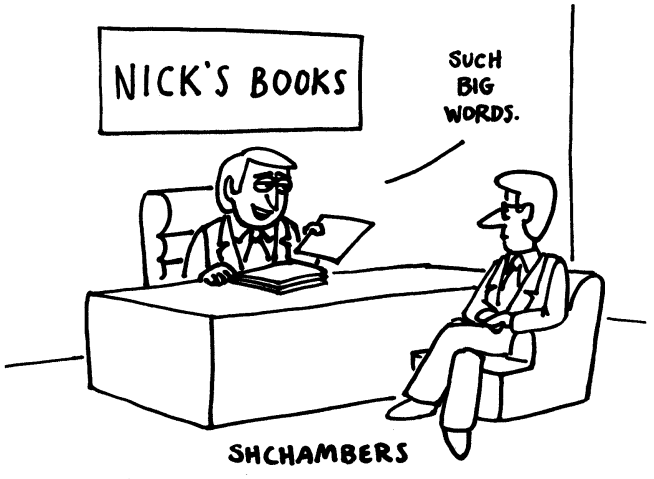

The Paper-Money Crusade of 1894

by Garet Garrett

The left has often lost. This bit of forgotten history recalls one of their more pathetic defeats, though also the precursor of ideas that would come to the fore during the New Deal. This account, from Garet Garrett's novel "The Driver" (1922), describes the farm-state anti-capitalist crusaders that became known as Coxey's Army, which walked to Washington, D.C. during the depths of the depression of 1893–1895. The "soft money plague" to which Garrett refers is the run on gold resulting from the Sherman Silver Purchase Act — a law that made the depression worse.

It is Easter Sunday in the village of Massillon, Stark County, Ohio, fifty miles south by east from Cleveland. Fourth year of the Soft Money Plague, 1894. Time, about ten o'clock.

The sky is low and brooding, with an untimely thought of snow. Church bells are ringing. They sound remote and disapproving. Almost nobody is mindful of their fall. The soul may miss its feast; the eye of wonder shall not be cheated. The Comic God has published a decree. Here once more the sad biped, solemn, ludicrous and romantic, will mount the gilded ass. For weeks in all the newspapers of the country the fact has been advertised in a spirit of waggery. At this hour and from this place the Army of the Commonweal of Christ will set forth on foot in quest of the economic millennium.

The village is agog with people congregating to witness the fantasied event. There are spasmodic sounds of laughter, retort, argument and ribaldry; and continually the shrill cries of youth in a frenzy of expectation. Buggies, two-wheelers, open carts and spring wagons line the two sides of the street. The horses are blanketed. A damp, chill wind is blowing. Vendors from Chicago, lewd-looking men, working a hundred feet apart, are yelling, "Git an Army button here for a nickel!" There is a composite smell of ham sandwiches, peanuts, oranges and cigars.

A shout rises at the end of the street. The crowd that has been so thick there, bursts open. A band begins playing Onward, Christian Soldiers, and the spectacle is present.

First comes a Negro bearing the American flag. Next, on a white horse, is a thick, close-bearded, self-regarding man with powerful, darting eyes and an air of fantastic vanity. He wears a buckskin coat with fringed sleeves; the breast is covered with gaudy medals. On his head is a large white sombrero. Around his neck swings a string of amber beads. He is cheered and rallied as he passes and bows continually.

Behind him walks a trumpeter, and after him walks the astrologer, bearing the wand of his mysterious office. Then a band of seven pieces.

And now, by the timbre and volume of the cheering, you recognize the commander. He rides. Sitting so still and distant beside a Negro driver in a buggy drawn by two mares, he is disappointing to the eye. There is nothing obviously

heroic about him. He wears spectacles. Above the thin down-growing mustache the face is that of a man of ideas and action; the lower features, especially the mouth, denote a shy, secretive, sentimental, credulous man of mystical preoccupations. None of these qualities is more than commonplace. The type is well known to inland communities—the man who believes in perpetual motion, in the perfectibility of human nature, in miraculous interventions of the Deity, and makes a small living shrewdly. He might be the inventor of a washing machine. He is in fact the owner of a sandstone quarry and a breeder of horses.

This inconsiderable man, ludicrously setting forth on Easter Sunday in command of a modern crusade, has one startling obsession: He believes that with the bandit-looking person on the white horse he shares the reincarnation of Christ.

In a buggy following, with what thoughts we shall none of us ever know, rides his wife.

Next comes another Negro, bearing the banner of the Commonweal of Christ. In the center of it is a painted Christ head. The lettering, divided above and below the head, reads:

Peace on Earth: Good Will to Men
but
Death to Interest-Bearing Bonds

Then comes the Army of the Commonwealers. They are counted derisively. The commander said that there would be a hundred thousand, or at least ten thousand, or, at the start, not fewer than one thousand. Well, the number is one hundred, scant. They are a weird lot — a grim, one-eyed miner from Ottumwa, a jockey from Lexington, a fanatical preacher of the raw gospel from Detroit, a heavy steel-mill worker from Youngstown, a Swede laborer from everywhere. There is not a fat man among them, nor one above forty. They march in order, looking straight ahead.

At the end of this strange procession are two wagons. One is called the commissariat wagon; it is loaded with a circus tent, some bales of hay for the horses and a few bags of provisions — hardly enough for one day. The other is a covered wagon painted blue. The sides are decorated with geometrical figures of incomprehensible meaning. This vehicle of mystery belongs to the precious being on the white horse ahead. He created it; inside are sliding panoramas he has painted.

As these wagons pass, people on foot and in buggies and wagons to the number of more than a thousand fall into line and follow. Their curiosity is not yet sated.

Among these followers are forty-three correspondents, representing newspapers from New York to San Francisco; four telegraph operators and two linemen. The linemen are there to climb a pole and tap the wires, with special operators to dispatch the news. The reporters are to whoop the story up and be in on the crucifixion.

The road is ankle-deep with that unguent kind of mud which lies on top of frost. Snow begins to fall. Followers begin to slough off, shouting words of encouragement as they turn back. The marchers are miserable. None of them are properly shod or dressed for it. After a few miles a number of them begin to limp on wet, blistered feet. The band plays a great deal and the men sing.

At one o'clock there is a stop for coffee and dry bread, served out of the commissariat wagon. It is understood that the army will live off the country as it goes along, trusting to charity and providence; but the shrewdness of the commander has foreseen that the art of begging will have to be learned, and that in any case it cannot begin successfully on the first few miles out.

At four o'clock a halt is called near a village, the inhabitants of which make friendly gestures and bring forth bacon and hams, which are gratefully added to the boiled potatoes and bread served out of the wagon. The tent is raised. The man on the white horse makes a speech.

He is the more aggressive half of the incarnation. Indeed, it presently becomes the opinion of the correspondents that he is the motivating principle of the whole infatuation and holds the other in a spell. He is full of sound and rhetoric, his talk a wild compound of Scripture, theosophy and populism.

The kingdom of heaven on earth is at hand, he says. The conditions foretold in Revelation are fulfilled. The seven heads of the beast are the seven conspiracies against the money of the people. The ten horns of the beast are the ten monopolies nourished in Wall Street—the sugar trust, the oil trust, and so on.

This feeling of againstness is sometimes stronger to unite men, especially unhappy men, than a feeling of forness.

"We are fast undermining the structure of monopoly in the hearts of the people," he declaimed, reaching his peroration. "Like Cyrus of old, we are fast tunneling under the boodlers' Euphrates and will soon be able to march under the walls of the second Babylon, and its mysteries too. The infernal, blood-sucking bank system will be overthrown, for the handwriting is on the wall."

This is how two fatuous spirits, visionaries certainly — Carl Browne on the white horse and Jacob S. Coxey in the buggy — let the Army of the Commonweal of Christ — Coxey's Army, for short — out of Massillon, out on the easting highway toward Washington.

And for what purpose? Merely this — to demand from Congress a law by which unlimited prosperity and human happiness might be established on earth.

"I'm *supposed* to pussyfoot around!"

Two years before this, Jacob S. Coxey, horse breeder and quarry owner whom no one had ever heard of before, proposed to cure the economic disease then afflicting the country by the simple expedient of hiring all the unemployed men on public works. Congress should raise half a billion dollars from non-interest-bearing bonds and spend the money on national roads. This plan received some publicity as a freak idea; nobody had been really serious about it. What then happens?

When they are asked how the money power could profit by their unemployment, what motive it could have in creating hard times, they take refuge in meaningless phrases.

Browne, a theosophist, demagogue and noise breaker, seeks out this money crank at Massillon, and together they incubate the thought of calling on the people to take the plan in the form of a petition and walk with it to Congress. The thing is Russian — "a petition in boots," a prayer to the government carried great distances by peasants on foot. The newspapers print it as a piece of light news. Then everybody begins to talk about it, and the response is amazing. People laugh openly and are secretly serious.

A day is set for the march to begin, a form of organization is announced, and Coxey Army contingents begin to appear spontaneously all over the country. Little groups of men, calling themselves the Christ Army of the Commonweal, set out from Missouri, Illinois, Pennsylvania, Kansas, Michigan, from anywhere east of the Missouri River, footing it to Massillon.

Then it rains. For three weeks there is nothing but rain, and the flesh fails. That is why there is but a scant one hundred to make the start. Coxey believes the bemired and tardy units will survive and catch up. He still hopes to have tens of thousands with him when he reaches Washington.

But all this vibration is unmistakably emotional. That is a fact to be accounted for. When did it become possible to emotionalize the human animal with a financial idea—specifically, a plan to convert non-interest-bearing bonds into an unlimited amount of legal-tender money? Never. The money theory is merely the outwardness of the matter. Something else is signified. What is it?

Why are people hungry in a land of surplus food? Why is labor idle? Labor applied to materials is the source of all wealth. There is no lack of materials. The desire for wealth is without limit. Why are men unemployed?

The Coxeyites blame the money power in Wall Street. When they are asked how the money power could profit by their unemployment, what motive it could have in creating hard times, they take refuge in meaningless phrases. Most of them believe in peaceful measures. Only a few harbor destructive thoughts.

The manner of the army's reception by farmers, villagers and townspeople is variable. In poor, dilapidated communities there is always a hearty welcome with what food the people can spare, cheerfully bestowed; the better and more prosperous the community the worse for the Commonwealers. The army is much maligned by rumor as a body of tramps obtaining sustenance by blackmail. It isn't true. There is no theft, very little disorder, no taking without leave, even when the stomach gnaws.

In those industrial communities where class distinctions have arisen, the police are invariably disagreeable and the poor are enthusiastic over the Commonwealers. At Allegheny, where the steel-mill workers have long suffered from unemployment, the army receives a huge white silk banner, lettered:

LAWS FOR AMERICANS
More Money
Less Misery

At some towns the army is not permitted to stop at all. At others it is officially received with music, speeches and rejoicings.

The size of the army fluctuates with the state of the weather. Crossing the Blue Mountains by the icy Cumberland Road in a snowstorm is an act of fortitude almost heroic. Confidence in the leaders declines. Browne comes to be treated with mild contempt. The line, "Christ and Coxey" painted on the commissariat wagon is almost too much. Everybody is discouraged when the expectation of great numbers has finally to be abandoned. Never does the roll exceed five hundred men, not even after the memorable junction in Maryland with Christopher Columbus Jones, forty-eight men and a bulldog, from Philadelphia.

Yet there is a cohesive principle somewhere. Nearly all those who started from Massillon stick to the very end. What holds them together? Possibly a vague herd sense of moving against something and a dogged reaction to ridicule. This feeling of againstness is sometimes stronger to unite men, especially unhappy men, than a feeling of forness. The thing they are against was formless in their minds. It cannot not be visualized. Therefore it is a foredoomed crusade.

The climax is pitiably futile.

Two self-mongering reincarnations of Christ, both fresh and clean, having nighted in decent hotels, lead four hundred draggle-tail men into Washington and up Pennsylvania Avenue to the Capitol grounds, enormous humiliated crowds looking on. Browne dismounts and leaps over the low stone wall. Coxey tries to make a speech. Both are good-naturedly arrested for trespassing on the public grass and violating a police ordinance. The leaderless men wander back to a camp site that has been mercifully loaned. For a time they duly subsist upon charity, cease altogether to be news, and gradually vanish away. ❑

Garrett wrote that "a great swell of radical thought" and "social insubordination" swept the country. Out West, trains were seized by bands of armed men. Federal and state officials were "afraid to act against Coxeyism," he wrote, "because too many people sympathized with it."

Two years later the spirit of Coxeyism was represented by William Jennings Bryan, Democratic and Populist candidate for president. Bryan lost to William McKinley, a supporter of gold. The depression lifted, and Coxeyism evaporated.

His Mark on the World

by Alan Ebenstein

Milton Friedman's ideas and tireless advocacy have changed the course of history.

Milton Friedman was born in 1912, and his early career was shaped by the Great Depression in the United States. He went to Rutgers University from 1928 to 1932, and began as a graduate student at the University of Chicago in the fall of 1932. He says that he originally went into economics instead of applied mathematics because of the economic circumstances of the times.

The University of Chicago at the time Friedman studied there was known for the strong and able advocates of free-market capitalism on its faculty, in particular Jacob Viner and Frank Knight. In addition, Henry Simons was an intellectual force, both in person and through his pamphlet "A Positive Program for Laissez Faire," which defended a free market at a time when capitalism faced one of its most severe challenges.

At the same time, the era was much more left-liberal, and this influenced the young Friedman. Following Simons, Friedman favored a progressive income tax through at least the 1940s, and he also possessed a more egalitarian view of the appropriate outcomes of economic interaction than he now does.

In the 1940s, Friedman saw little role for monetary policy in influencing inflation. In testimony before Congress in the early 1940s and in publications from the same time, he makes significant references to inflation without mentioning monetary policy. He thought inflation could be controlled through fiscal measures.

After World War II, he became much more libertarian in public policy. Much of this shift in his thinking stemmed from his reinterpretation of the Great Depression. Because he came to believe that the Great Depression was not caused by a crisis in capitalism but mostly by inappropriate monetary policy, he came to reject the perspectives of most of his peers.

Through his work with Anna J. Schwartz in their monumental 1963 study "A Monetary History of the United States, 1867–1960," Friedman demonstrated that the cause of the Great Depression was the collapse of the money supply, which the Federal Reserve System fostered. The Great Depression did not demonstrate the incapacity of capitalism to provide reasonable employment and a productive economy. It showed that the monetary policy pursued during those years was disastrous.

Since the 1950s, Friedman has been the most influential proponent of monetarism. At a time when the accepted belief was that government fiscal policy determined national economic activity including inflation, he put forward the view that inflation is always and everywhere a monetary phenomenon, and that monetary policy is far more important than fiscal policy in determining economic fluctuation.

Friedman's rethinking of the Great Depression is vital. It refutes the notion that free markets failed, and dispels the idea that it was (and is) the government's responsibility to step in and deal with the problems left in the wake of capitalism's failure.

At Chicago, Friedman learned from Jacob Viner the importance of the price system in establishing relative value in an economy. He became imbued with the idea of freedom: Let adults do whatever they would like as long as they are not harming anyone else. If both sides consent to a trade,

both feel they benefit from it. Why prevent individuals from trading?

Friedman's approach is gradual and incremental in nature, but he is ultimately more radical than the policy proposals he advances suggest. He is not an anarchist; ultimately, he sees no alternative to a continuing coercive role for a minimalist state, but the state he thinks optimal is substantially smaller than the diminished role he now advocates as a transitional step.

Friedman's rethinking of the Great Depression refutes the notion that free markets failed, and dispels the idea that it was (and is) the government's responsibility to step in and deal with capitalism's failure.

He supported floating international exchange rates for almost a quarter of a century before they were implemented in the United States. Here, too, his views were informed by price theory. Prices work their magic by reflecting relative supply and demand in monetary terms. If whole currencies are under- or over-priced, price signals cannot operate, and international trade will be diminished.

Creation of an international market is one of the outcomes of flexible international currency exchange rates. The liberal view in the 19th century was that free trade among countries promotes peace, because each country has a stake in the success of the other.

Friedman first gained a national audience during Goldwater's presidential campaign in 1964. Before then, he had been well known in academia, but not to the general public. He was frequently identified in the popular media as Goldwater's leading economic adviser.

One of Goldwater's campaign planks in 1964 was a five-year cut in income tax rates of 5 percentage points per year, a total of 25 percentage points, across the board. In the Reagan administration, income tax rates were cut by 25 percentage points across the board over three years.

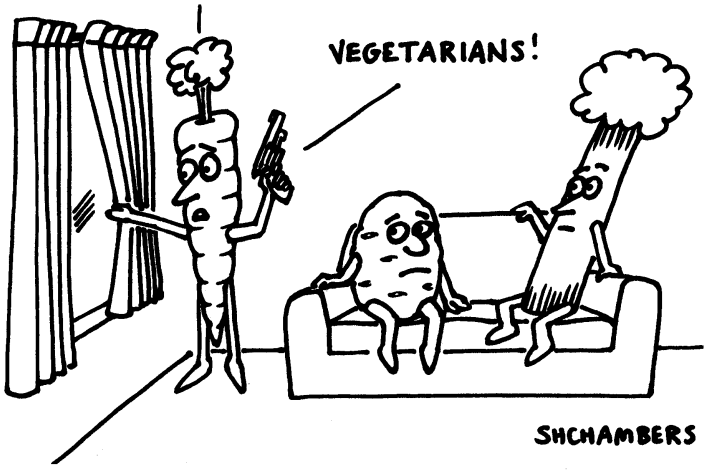

In 1966, Friedman began writing a column for Newsweek that appeared every three weeks. In these columns, he spelled out many of the positions that have become public policy since. One of the most consistent topics of his early Newsweek columns was the need to eliminate the pegged rate of $35 per ounce of gold. He advocated the system of freely fluctuating international currencies that subsequently was implemented.

His overarching concern from the late 1960s through early 1980s was inflation. He consistently advocated monetary restraint to control inflation and said that fiscal remedies for inflation were useless.

Early on, Friedman advocated the policy of tax cuts which became hallmarks of the Reagan and George W. Bush administrations. As early as 1962, Friedman recommended a flat tax; failing that, he suggested reductions in top income tax rates in order to spur productivity. In 1979, he recommended reducing the top income tax rate from 70% to 25%. By the end of Reagan's second term, the top rate was 28%.

In the 1960s, Friedman recommended tax cuts and budget deficits as the best way to reduce the role of government, or at least to prevent its increase. In his memoirs, he says he would prefer total federal spending of $1 trillion and a deficit of $500 billion to total federal spending of $2 trillion and a balanced federal budget.

The target of Friedman's opposition is government spending, not whether the federal government runs a budget deficit. He does not think the latter of much consequence, but believes the former is pernicious.

In recent years, Friedman has supported educational vouchers as an alternative to the public school monopoly in the United States. He has also suggested that if health savings accounts, together with high-deductible catastrophic insurance policies, were to replace present employer, Medicare, and Medicaid health coverage, health care costs would be cut more than half as a proportion of gross national product in the United States.

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In addition to his contributions to public economic policy that were either implemented or remain under debate, Friedman helped introduce the idea of a negative income tax, which dominated welfare reform discussion in the first year or so of the Nixon administration. His influence extends abroad, where he has been an advocate of the denationalization of governmentally-owned industries.

Friedman will turn 93 on July 31, 2005. His contributions to the discussion of political economy are many and varied, and only some of them have been touched on here. One can only marvel at the creativity and power of a mind that has put forward so many ideas before they became widely held and, in many cases, implemented. ❑

Short Story

Zero Tolerance

by Scott Stein

Team Leader signaled the sniper to take up position. He hoped to God he wouldn't have to use him. It was always worst with the young ones. High schools and middle schools were bad enough, and the elementary school last week was a horror story, so many wasted lives barely begun. Even that was nothing compared to today.

Sunnyville DayCare was surrounded. Patrol cars, two SWAT teams, and news vans from every major network ringed the rectangular brick building and fenced-in playground. Helicopters overhead sent aerial views to millions of televisions in homes across America. Officers locking arms kept the reporters at bay. A mother sobbed, "My baby!" Cameras whirled and microphones lunged.

Team Leader blocked it out, and his hunger, too. He was determined to end this without bloodshed, but knew it wasn't up to him. Those kids in there had started this. Only they could end it peacefully. There'd been too many of these lately, almost one a week. It was an epidemic all right — the world was going to hell in a hurry.

He lifted the bullhorn. "Kids, listen up. This is the police." He had to be careful not to provoke them. How they got their hands on dangerous contraband still wasn't clear, but there they were locked inside with it. A mistake could lead them to use it — he'd be held responsible for any consequences to their health. Probably someone had left it unguarded, maybe a store clerk. More likely it was a careless parent.

This sort of thing didn't use to happen. He remembered his own childhood — sure, sometimes kids talked back or broke curfew, but never this kind of open rebellion against adults and rules and the best-intentioned standards of a caring society. And at such a young age!

His voice through the bullhorn boomed. "Come out of there now and no one will get hurt."

No answer. Team Leader couldn't wait any longer. The risk was too great. He signaled, watched as the canister shattered a window of Sunnyville DayCare. In an instant thick white smoke billowed from the hole. Another signal, and four team members in gas masks swung from the roof through other windows, smashing glass and disappearing into the building and the smoke.

Quiet.

Seconds passed like minutes.

Then the front door swung open, heavy smoke blowing wild as the team members exited the building, children slung over their shoulders. There were four kids in all. No shots fired, no open wounds.

For a moment, Team Leader smiled. Tragedy had been averted.

Smile gone now as he got a closer look at the kids, chubby five-year-olds, crumbs on their shirts, glazed sticky fingers, sugar-high eyes darting. One girl still clutched the now-empty box of donuts, her knuckles white.

Team Leader shook his head. Four more victims. He consoled himself — you couldn't save them all — and prepared for the worst.

The media descended. ❑

Cookie Monster, *from page 14*

This is how we can win the drug war, and end other governmental violations of our rights — by fighting charges in court instead of taking plea bargains, and by refusing to eat jail food if convicted. The latter provides the confidence to do the former.

Fasting isn't a get-out-of-jail-free card. I've never heard of any violent criminals trying it — they might be allowed to die. Most people wouldn't particularly care. They already resent providing health care to prisoners when many free men can't afford it. But the costs of keeping violent criminals healthy mean that prisoners convicted of relatively minor crimes tend to be released if they have serious health-care costs. If you don't eat while in captivity, you won't stay in prison. The punishment they threaten you with becomes irrelevant. You can fight your case with good heart and make the state prove every element of every charge.

I'd been set up — not by my opponents or by the authorities, but by fellow drug users.

Today, 99% of defendants accept plea bargains instead of going to trial. If even 10% of defendants exercised their right to trial by jury, the judicial system would grind to a halt. Prosecutors would have to stick to prosecuting real criminals. Laws would have to change.

There is a slim chance I might die, but I would prefer that to years in prison. I love the life I live now, in my house, my garden, and my customers' gardens. I love the life I live with my lover, my daughters, my parents, and my friends, in a town I chose over many others in which I've lived. If I eat in jail and thereby go to prison, I would be trading that life for a life surrounded by concrete and barbed wire, living with company I don't choose, eating institutional food, and following an institutional schedule.

The charge of distributing to minor carries a sentence of up to 20 years, but even one year would destroy my life. By the time I got out, my customers and my house would be lost, and my friends and family would be gone or changed. If I save my life by eating, I have lost it. If I lose my life by fasting, I have saved it.

That, my friends, is the good news, not the bad. It is a choice any one of us could face: there are so many laws and so many ways to run afoul of them. We can free our country without having to convince anyone who isn't already on our side. We can defeat overwhelming force by peaceful resistance, simply by fighting to the finish in court and not eating their food. All who do so will live free. If enough do so, everyone will live free.

The Sunday protest goes on, amplified. The arrest kept me off the street for one hour of a very rainy day. I have pledges from daughters and friends that they will be out there if I'm taken off the street again. My lawyer says that his lawyer friends are having conniptions at the sight of me back on the street and talking to the press. I'm handing out twice as many leaflets as I did before my arrest. More people are stopping to talk and help, and there's even a little more opposition.

My business goes on as normal. Customers may support me, disagree with me, or not care, but reasonable people don't let politics come before business. My bumper stickers weed out most of the unreasonable people before they can hire me.

Court dates occasionally cut into my work schedule. The stretch between dates can be anywhere from weeks to months. The next one is supposedly to make a plea and set trial. The DA has offered to drop the two remaining "causing to ingest" counts in exchange for pleading guilty to the charges of distributing to a minor and felony possession. Not happening.

No matter what the outcome of the trial is, my life will go on. ❑

Letters, *from page 4*

How did these welfare-state socialists get associated with the far right? What is the Right, but the principle of laissez faire, of live and let live? How did that get connected to fascism and mass murder?

Marxist theory demanded and required genocide for the simple reason that, when human nature can't be eradicated, human beings must be.

Interestingly, Watson referred to the eugenics movement in Social Democratic Sweden, but not, as Reiland had, to that of the United States; and, while indicting the Left, failed to implicate the Center. While neither has told the whole story, each has told a big part of it.

D.G. Lesvic
Pacoima, Calif.

Second Opinion

Two letters to the editor (July) assert that Terri Schiavo was not in a persistent vegetative state, arguing that only a PET scan or MRI could have given conclusive evidence. Take a look at the online transcript of The Abrams Report interview with Ronald Cranford, a neurologist who had the advantage of actually examining Schiavo (http://msnbc.msn.com/id/7328639/), and look at the CT scan pictured. The large dark spots in the center are where the cerebral cortex is completely gone. So much cortex was gone that a PET or MRI scan was completely superfluous.

Those interested in the facts of this case should read the December 2003 report of Terri's guardian ad litem, Dr. Jay Wolfson from the University of South Florida, which may be found online at http://abstractappeal.com/schiavo/WolfsonReport.pdf.

Those who argue that Schiavo was conscious and aware are simply engaging in wishful thinking at odds with the facts.

Jim Lippard
Phoenix, Ariz.

Reviews

"To the Flag: The Unlikely History of the Pledge of Allegiance," by Richard J. Ellis. University Press of Kansas, 2005, 312 pages.

Ein Volk, Ein Reich, Ein Pledge

Bruce Ramsey

Many libertarians have noted that the Pledge of Allegiance was written by a socialist. But in the story as told by Richard J. Ellis, professor of political science at Willamette University, Francis Bellamy's socialism is of little consequence.

Bellamy said decades later he had written the Pledge so that it could be "applicable to either an individualistic or a socialistic state." There was no socialism in it, nor was there any religion in it, though Bellamy had been a Baptist minister. Its content was nationalist; its "one nation, indivisible," was a reference to the Civil War (and reminds us why the Pledge did not catch on in the South for a long time); its "liberty and justice for all" was an encapsulation of the American Creed.

The root question about the Pledge is why it exists at all. What is the explanation, asks Ellis, for "the paradox of this most individualistic of nations requiring children to declare daily their allegiance to the state"? In his book, Ellis gives three answers: war, radicalism, and immigrants.

As Ellis tells it, the writing of the Pledge "was part of an effort to rekindle the patriotic flame of the Civil War" among a people increasingly urban and commercial. It also expressed nativist worries about the tide of immigrants, many of them Catholics or Jews from Southern and Eastern Europe. Molding their children into Americans appeared to be a difficult task. The Pledge was meant to bolster a sense of nationalism and patriotism — and it has done that.

The Pledge was introduced as part of a nationwide ceremony for schoolchildren on the day the Columbian Exposition was dedicated in Chicago. The year was 1892, the 400th anniversary of the landing of Christopher Columbus. The task of designing the schoolroom ceremonies had been given to Youth's Companion, a national magazine that had campaigned to put a flag in every public school. Bellamy, who worked at the magazine, was assigned to write the flag oath. Facing a deadline, he retired to his office, scribbled for two hours and came out with this: "I pledge allegiance to my flag and to the republic for which it stands, one nation indivisible, with liberty and justice for all."

It was an elegant oath, and kids all over America said it on an October day in 1892. But it was published in a magazine which did little afterward to promote it. The Grand Army of the Republic, the organization of Union veterans, endorsed Bellamy's Pledge for the older school grades, but for younger grades it endorsed a rival oath that said, "I give my hand, my head, my heart to my country. One country, one people, one flag."

That sounds a lot like "Ein Volk, ein Reich, ein Führer," though the Nazis came decades later. The 1892 flag salute was a military salute followed by extending the arm outward, palm toward the flag — which is why early photos of children saying the Pledge look to us like Hitler Youth. The United States intentionally settled on the hand-over-heart salute in the early 1940s for that reason.

World War I and its aftermath made the Pledge a national institution. The book skims over the wartime story, but obviously something happened then. Before the war the Bellamy oath was one of several, and after the war it was dominant.

After the 1918 Armistice came a wave of labor unrest, radicalism, and deportation of radical immigrants. In February 1919, most of the city's unions joined in a five-day general strike in Seattle, an event Mayor Ole Hansen labeled as Bolshevism. It wasn't quite that: the strike was peace-

ful, and though communists tried to influence it, they did not control it. But it scared people. That same month, the legislature made it a felony to fly the red flag of the anarcho-syndicalist Industrial Workers of the World. It also passed a law making Washington the first state to require public school teachers to administer Bellamy's Pledge of Allegiance.

The conventions changed the wording, replacing "my flag" with "the flag of the United States of America," to prevent anyone from using the Pledge to swear allegiance to any other flag.

Open immigration was brought to an end in 1924 — and it was in 1923 and 1924 that the American Legion held two national flag conferences. The Pledge had been published in a private magazine and spread by a private veterans' group; in these two flag conferences it was canonized by other private organizations. Today we would have the government do it, but in the 1920s, they didn't.

The conventions changed the wording, replacing "my flag" with "the flag of the United States of America," to prevent anyone from using the Pledge to swear allegiance to any other flag.

Resistance to the Pledge came mainly from the deeply religious. Some were too otherworldly to fight it, but the Jehovah's Witnesses were willing to file suit, and they were tenacious. Twice they took cases to the Supreme Court. The first, *Minersville School District* v. *Gobitis*, was handed down June 3, 1940, when France was falling to the German army. It was not a good time for the Supreme Court to strike down an oath of national loyalty, and it didn't. The ruling was 8-to-1 in support of a mandatory Pledge, with only Justice Harlan Stone, who had been appointed by Calvin Coolidge, opposing.

The ruling was written by a loyal New Dealer, Justice Felix Frankfurter. He was a Jewish émigré from Vienna, passionately opposed to Hitler and obsessed with the war. He recognized that his ruling curtailed freedom, but "the time and circumstances," he wrote, required that the court support the government.

Much of the press praised Stone. A wave of violence against Witnesses increased sympathy for their beliefs. In June 1942, less than a week after the U.S. victory at Midway, the Supreme Court ruled on a case involving the licensing of Witnesses' door-to-door campaigners. Four justices — Harlan Stone, Frank Murphy, Hugo Black and William O. Douglas — sided with the Witnesses, agreeing on a broad statement of religious freedom. The Witnesses took that as a sign to try again, and in 1943, when the Allies were winning on all major fronts, the court accepted another Pledge case, *West Virginia* v. *Barnette*.

"He was never actually in combat."

In this famous decision, another New Dealer, Justice Robert Jackson, wrote: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

That is one of the best examples of how court rulings follow more than just the law.

The next part of Ellis' story is the insertion of "under God." This was done in 1954, just after the stalemate in Korea, as a way to distinguish Americans from Communists. "In the Cold War's early years," Ellis writes, communism was not just a military enemy but "was seen to be a dangerous rival for the allegiance of men and women in the United States and across the globe. Communism seemed capable of instilling a devotion and loyalty that some feared the West could not match. Only religious faith, many Americans believed, could counter the appeal of totalitarianism."

Ellis makes clear that in 1954 "under God" was not meant as "ceremonial deism," as its legal apologists maintain today.

Adding "under God" was a project of the Knights of Columbus, a Catholic organization — a notable fact because the original Pledge was part of a movement that feared immigrant Catholics. But the nation had changed.

Ellis covers the "under God" controversy about as impartially as one could. He makes clear that in 1954 "under God" was not meant as "ceremonial deism," as its legal apologists maintain today. It meant the Judeo-Christian God. On the other side, he notes that Bellamy, in 1892, should not be given credit for keeping God out of the public schools, either. There was no effort to do that back then, and constitutional law did not demand it. He was just trying to keep his Pledge focused.

In its final chapters, the book cov-

ers fights over the Pledge by Vietnam War protesters, its use by George H.W. Bush in the election campaign of 1988, and its use as a conservative and Republican weapon in the years since. The story ends with the quixotic legal campaign of atheist Michael Newdow to have the Supreme Court remove the words "under God."

If "under God" ever comes out — and as a matter of practical politics it could be done only by a court — Ellis will have to write an update of his book. Right now, this is the definitive account of America's nationalist oath for schoolchildren. ❑

"Star Wars Episode III: Revenge of the Sith," directed by George Lucas. Twentieth Century Fox, 2005, 146 minutes.

Untying Loose Ends

Jo Ann Skousen

"No one mourns the wicked" is a recurrent motif in the popular Broadway musical "Wicked," which tells the backstory of the Wicked Witch of the West from "The Wizard of Oz." The lyric is deliberately ironic, however; by the story's end, everyone in the audience mourns this "wicked," feeling tremendous sorrow for the fallen protagonist. In describing the essence of tragedy, Aristotle wrote, "The finest kind of tragedy should be complex and not simple . . . a representation of terrible and piteous events . . . inspiring either pity or fear, but not revulsion." The tragic hero "does not fall into misfortune through vice or depravity, but falls because of some great mistake." Usually that mistake is associated with a choice, or a series of choices, so that the viewer or reader continually mourns: "If only!" One of the greatest fallen villains of Western literature is Satan; it has been written that he was "an angel of God who was in authority in the presence of God, who rebelled . . . and the heavens wept over him — he was Lucifer, a son of the morning . . . and lo, he is fallen! Is fallen, even a son of the morning!"

Darth Vader is such a villain, a great Jedi knight who "was in authority" but fell to the dark side for reasons that creator George Lucas promised to explain in Episodes I–III. Fans of the original "Star Wars" trilogy (which comprised Episodes IV–VI) have flocked to the prequels to learn what great mistake or event could have caused Anakin Skywalker, the chosen Jedi Knight, to fall and become the pre-eminent villain of the universe. "Episode III: Revenge of the Sith," though nowhere near as entertaining or compelling as the original "Star Wars" trilogy, is the best of the prequel episodes, light years ahead of "The Phantom Menace" and "Attack of the Clones," with fabulous special effects, no interminable Senate debates, and no annoying Jar-Jar Binks characters.

Besides bringing space operas to mainstream Hollywood, Lucas' most enduring contribution to film is his special effects studio, Industrial Light & Magic, and that's what continues to shine. As a stand-alone film, I might give this movie a couple of thumbs up, despite the wooden acting and cheesy dialogue, simply for its spectacular special effects. But as a prequel, Episode III introduces more questions than it resolves. And I allow Lucas no excuses — he's had over six hours to tie up the loose ends, for heaven's sake!

Lucas seems stuck between needing to explain the fall of his hero and wanting his villain to be heroic. This conflict produces not the greatest villain of the 20th century, but a mealy, angst-driven, lovesick half-villain. Yes, Lucas makes half-hearted attempts to fill in the blanks toward the end (Anakin was seduced by the lust for power; it was too late for him to turn back once he realized what he had done; it appeared that his wife Padme had betrayed him). Any of these events could have created believable motivations, if they had occurred while he was actually making his choice. But these events and comments all occur after his conversion, not before, ratifying his choice but not explaining it. In a true tragedy, just the opposite should occur; after the decision is irrevocably made, the hero learns the truth of his mistake, and either regrets his fall (Othello, Oedipus) or wallows in bitterness (Satan, Vader).

We needed to see either a tragic misunderstanding or genuine bitterness as motivation for Anakin's turn to

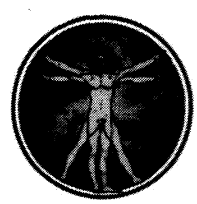

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the dark side — some dramatic angst as he falls. Someone with so much goodness (as Young Anakin showed in the first two prequels) would have to have experienced a true abandonment or betrayal in order to change that much; he must either mistakenly believe that the Jedi have become enemies of the good side, or he must believe that he has been betrayed. But Lucas wants us to believe that a bad dream is enough motivation for Anakin to turn toward the dark side. And a dream about a natural occurrence, at that! (After all, no one causes death in childbirth.) In the end, if he should feel bitter towards anyone, it's the evil emperor, Chancellor Palpatine, who doesn't keep his promise to resuscitate Padme. But Anakin remains true to the chancellor who has betrayed him. Utterly inexplicable.

To Lucas' credit, he includes some classic science fiction themes in this episode: peace is more than the absence of war; security must not be purchased at the price of liberty; power corrupts; freedom is worth fighting for. If he had remained true to his original plan for Vader's backstory, he probably would have produced a satisfying end to the "Star Wars" saga. But in his zeal to fit in with Hollywood's political mindset, Lucas seems to have abandoned his original timeless plan by making overt allusions to present-day politics. He equates Chancellor Palpatine with George Bush when the Jedis complain,

I allow Lucas no excuses — he's had over six hours to tie up the loose ends, for heaven's sake!

"He was appointed, not elected," "We're in a war based on his lies," and "He controls the courts and the Senate." He also presents a military made up of clones who blindly obey the Chancellor's inhumane "Order 66" — a not-so-subtle allusion to 666, the mark of the Beast. This may cause cynical cheers among Bush-hating audiences today, but such timeliness weakens the plot overall. Perhaps because George Bush is associated with the religious right, Lucas chooses to associate the Chancellor and Darth Vader with the Christ figure, an archetype of the good side in science fiction. They utter such lines as "Only the Sith believe in absolutes," "You must have faith," and "One Sith discovered the power to return from the dead." Chancellor Palpatine even lays his hands on Anakin's forehead in imitation of priestly healing. The allusions become eerily convoluted and depart from traditional science fiction prototypes.

Astonishing special effects are nice, but what makes a great movie is a powerful script with believable, three-dimensional characters portrayed convincingly. These have been sadly lacking throughout the prequel trilogy, including this episode. Okay, it's made over $300 million at the box office already, and I've seen it twice, so it's not bad. But still, Lucas manages to turn fine actors into wooden mannequins mouthing simplistic dialogue. Ewan McGregor (Obi-Wan) works overtime at his Alec Guinness impression; Ian McDiarmid (Palpatine) seems to be channeling Monty Burns from "The Simpsons"; Samuel L. Jackson (Windu) sounds like he's reading from cue cards; Yoda can't get his grammar straight (how hard is it to be consistent in putting the verbs last?); Hayden Christensen (Anakin) smolders without passion; and Natalie Portman (Padme) makes me want to shake her every time she sighs "Oh Annie!" or suggests "Let's go to Naboo and fix up the baby's room!" As a Star Wars fan for nearly 30 years, I missed the unexpected plot twists, the camaraderie between Luke Skywalker and Han Solo, and the never-ending adventures of the original trilogy. And I felt cheated by the lack of closure in what was supposed to be the explanatory episode.

I still want to know: How does Leia know about Obi-Wan at the beginning of the original "Star Wars," but not about Luke? How does Leia became a freedom fighter, and how can she remember her "real mother" in Episode VI? If Obi-Wan is hiding Luke, a la Sleeping Beauty, why doesn't he change Luke's name to

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

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something besides Skywalker — or at least let everyone think that Luke is Owen's son instead of his nephew?

Astonishing special effects are nice, but what makes a great movie is a powerful script with believable characters portrayed convincingly.

Why doesn't Darth Vader find his son? What does Owen know about his brother Anakin, anyway, and why didn't we see anything about Owen in Episode I ("The Phantom Menace")? How did Chewbacca go from being Yoda's protector to being a bandit's sidekick, and why doesn't he recognize C-3PO when they get together in Episode IV (the original "Star Wars")? Shouldn't Chewie be more noble in Episode IV, given his heroic role in Episode III, instead of always seeming to be afraid? What was Han Solo's backstory, anyway? He was the true star of the original "Star Wars," and the one I miss the most.

Perhaps these questions could be answered in Episode III I/II, (heaven help us!) but frankly, I don't think Lucas should be the one to write it or direct it. "No one mourns the wicked," but we do mourn the wasted opportunity. ❑

"Cowboy Capitalism: European Myths, American Reality," by Olaf Gersemann. Cato Institute, 2004, 209 pages.

Europe Rides Into the Sunset

Gary Jason

The New York Times has just concluded a particularly lachrymose series of articles lamenting economic insecurity and inequality in America, problems that presumably never existed before, and presumably will vanish once we elect Hillary president (or perhaps crown her the Virgin Queen). Even the Wall Street Journal recently ran a series on inequality. Amazing. Our economy has shown stunning resilience, and is doing incredibly well even after a stock market correction of colossal proportions, a terrorist attack that killed more civilians than any other attack in our nation's history, the resultant loss of a million jobs, and two wars. But many are unconvinced, and they turn to enlightened Europe for inspiration.

Recently, however, there has been doubt within European nations about the strength of their economies. The EU model of cozy, union-dominated welfare states working within a large trading block, relatively immune from competition, has seemed more and more untenable. The overwhelming rejection of the proposed EU constitution by French and Dutch voters has only intensified the debate. "Cowboy Capitalism," written by a well-respected reporter for Germany's largest economic and business weekly, had an explosive effect on this European internal debate when it was first published in Germany in 2003. The Cato Institute has done us a service in publishing this translation. It is a sustained examination of the myths about American economic life by an outsider, providing a valuable perspective — we get to see ourselves as (some) others see us.

Olaf Gersemann begins by noting an anomaly: despite the fact that, over the last quarter century, the U.S. economy has enjoyed an average real growth rate of 2.9%, which is a rate of growth 55% greater than that of Germany, 48% more than that of France, and 39% greater than that of the EU as a whole, and despite the fact that the United States has enjoyed lower unemployment rates than have those countries, the Europeans view our economy as a model, not to be copied, but to be avoided at all costs. In Germany, the phrase "*amerikanische Verhaltnisse*" (roughly "the American way of things") is used as a slur. He finds this puzzling, and while he isn't necessarily in love with our system (a point I will take up later), he thinks that it has aspects that European nations should emulate.

To convince Europeans of this, he compares the economic performance of the U.S. with those of Germany, France, and Italy (which account for half of the economic output of the EU, and over 60% of that of the euro zone). First he looks at economic growth, labor productivity and employment levels. Then he debunks many of the ugly myths about the U.S. economy perpetuated by the European Left and American leftists such as Michael Moore (whose books "Stupid White Men" and "Dude, Where's My Country" have been runaway bestsellers in Germany). Finally, he compares economic security and justice in the United States and the EU.

In America in the late 1970s, Jimmy Carter was talking about our "national malaise" and "crisis of confidence" (never, of course, assigning any blame for this to himself or his political party). The U.S. had high inflation and unemployment rates, and major industries in trouble (especially the auto industry, where Japanese and German auto makers were cutting into the U.S. market). Meanwhile, both Germany and Japan looked like economic miracles. In the second half of the 1970s, for example, American inflation and unemploy-

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ment rates were triple the German rates. It appeared that Europe was not only going to match us economically, but surpass us.

However, the 1980s saw these rates reverse, and by the late 1990s the gap between America and Europe was wider than at any time since the late 1960s. Gersemann points to a number of factors that account for this. First, Europeans are working fewer hours. Working-age Germans average 2 hours and 35 minutes of work per calendar day, with the French and Italians working even less. More important is the explosive growth in U.S. productivity: between 1996 and 2003, annual labor productivity growth was a phenomenal 3.09%, compared to 1.6% in Germany during the same period. This also reverses an earlier trend, which saw Germany's productivity growth outstrip America's. One of the reasons for our amazing productivity growth is our investment in information technology; another is (horrors!) Wal-Mart, which by itself accounted for 25% of the productivity growth in retail (with another 46% being due to improvements that Wal-Mart's competitors had to make to keep up). He also points to the fact that in the 1980s, the rapid growth in the size of government in the U.S. was slowed, tax rates went down, and the economy was liberalized. Airline, electric, and telecommunications industries were deregulated, and the power of unions was curtailed. In 1996, Congress finally passed welfare reform. The U.S. now ranks near the top of any list of the freest economies, while France, Germany and Italy rank much lower. Governmental expenditures in 2003 as a percent of GDP were 35.9% in the U.S., while they were 48.5%, 49.4% and 54.4% in Italy, Germany, and France respectively.

In Germany, the phrase "amerikanische Verhaltnisse" (roughly "the American way of things") is used as a slur.

In passing, Gersemann refutes the oft-heard claim that America is replacing valuable manufacturing and agricultural jobs with lower-quality service sector "McJobs." He points out that the ratio of low-skill to medium- or high-skill workers is much higher in the manufacturing and agricultural sectors than in the service sector. He also shows that service-sector employees are more than twice as likely to have college educations.

It is sometimes said that even a modern economy needs a strong industrial base, because the service sector produces nothing tangible and therefore can't be the foundation of an economy. Even Adam Smith, the otherwise sharp spiritual grandfather of capitalism, thought that only industrial work can be "productive." The work of the service provider "adds to the value of nothing."

Why Smith erred can be shown with an example. In the past, almost everyone who worked for the agricultural sector also worked in agriculture. In today's modern economies, only a small percentage of workers are employed in agriculture. But many service providers support this sector — for example, software engineers who write programs that help farmers manage their businesses or scientists who develop genetically modified seeds.

Thus, as an economy matures, employment tends to shift from the actual production of goods towards jobs that, broadly speaking, help to make the production process more efficient. That's one of the reasons why highly developed economies tend to have a high percentage of service jobs. Therefore, strong growth in service-sector jobs is a sign that the structure of an economy is improving. One unsettling figure in the book shows Germany and Italy lagging far behind in this area.

What's more, the gap between the U.S. and Europe is especially pronounced in business, financial, and other knowledge-intensive services — in other words, those areas of the service sector that offer the highest proportion of high-paying jobs. In five such knowledge-intensive service industries, real output in the United States grew by at least 195% between 1980 and 2003.

He also notes that our research and development spending is significantly higher than our competitors, even per capita, as is the number of high-tech workers. Some indication of the effect of this is given by the statistics on Nobel prizes awarded between 1990 and 2003: in Chemistry, 69.0% of the prizes went to Americans, as opposed to 3.4% for France, Germany and Italy combined; in Physiology and Medicine, 71.0% went to Americans, compared to 9.7% for France, Germany and Italy combined; in Physics, 76.5% went to Americans, compared to 8.8% for France, Germany and Italy combined; and in Economics, 88.5% went to Americans, compared to 3.8% for France, Germany, and Italy combined.

Germans average two hours and thirty-five minutes of work per calendar day, with the French and Italians working even less.

With this foundation in place, Gersemann continues by correcting or outright debunking a number of misconceptions that Europeans frequently hold, and that American leftists — who desperately want America to become a European-style welfare state — tend to push. He addresses the myths that American living standards are declining, that Americans are debt-ridden and savings-averse, that Americans are sliding into poverty, that American

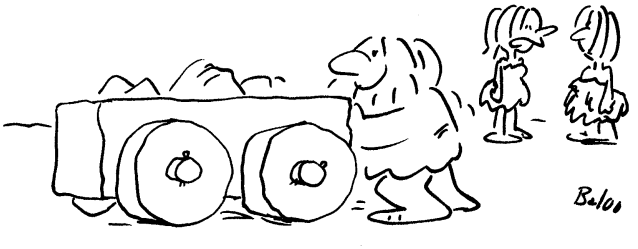

"Sure, but his wheel would never have amounted to anything if *I* hadn't invented the cotter pin."

moms are forced to work to survive, that Americans have to work three jobs just to get by, that American unemployment seems so low because the unemployed here are often incarcerated, and that Americans have little access to health care. Let's glance at two of these.

Consider the claim that American living standards are on the decline. It seems like the critics of the American economic system have a point: while the average hourly wage of production and non-supervisory workers increased in real terms in the 1950s and 1960s, it peaked in the 1970s and declined in the 1980s, though it has been rising again during the 1990s. But this figure is misleading: first, it considers earnings before taxes, and taxes have gone down significantly since the 1960s and 1970s, especially for those with low incomes; second, it doesn't consider the contributions employers make towards health care, retirement and savings benefits; and third, it doesn't consider the fact that more and more earnings come from dividends, capital gains and interest. In 2001, over 50% of American households owned stocks (directly or through pension and mutual funds); even among the lowest fifth of income earners, over 12% owned stock. Moreover, Americans work more than they used to, and more work full-time rather than part-time. If you look instead at the income of American households in real dollars, there is a clear, pronounced upward trend since the 1980s. All in all, the per capita real income of the average American household has risen by over 22% since 1980. Gersemann buttresses his analysis with figures showing dramatic increases in purchasing power, and showing the high rates of consumer goods ownership. For example, while over 68% of American households own homes, only 55% of French households do, and only 41% of German households do. (The rate of home ownership of all German households only equals the rate of the poorest fifth of American households!) And while the average size of the American dwelling is 1,763 square feet, it is less than 950 square feet in France and Germany.

Even Adam Smith, the otherwise sharp spiritual grandfather of capitalism, thought that only industrial work could be "productive."

The myth that Americans need to work three jobs to survive (a claim made by Germany's top union leader) is similarly refuted by Gersemann's analysis. In 2003, only 5.3% of employed Americans worked more than one job. Of these, most worked either one full-time and one part-time job, or two part-time jobs — only one fifth of 1% worked two full-time jobs. This figure is about what it was during the 1970s. It is true that Germany's statistics show only 2.4% of its workforce holding more than one job, but that is a dicey figure, because the size of the underground economy is much bigger there due to the steep income tax rates. And given the higher unemployment rate in Germany, it may be that many Germans would like to work a second job, but can't find one. Furthermore, despite what skeptics might suspect, it is skilled professionals such as teachers who are most likely to hold second

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jobs — no surprise, considering that teachers typically have three months off each year.

In the last part of the book, Gersemann takes up the more general issues of equality and justice. Among other things, he shows that global inequality is decreasing, not increasing, due to the rapid growth of industry in China and India. And he devotes considerable effort to make clear that while income inequality within America has grown, it is because the rich have gotten much richer, not because the poor have gotten poorer. Moreover, the increasing unequal distribution of income has not been mirrored by a growing inequality of consumption. That may be due to the fact that measures for income redistribution focus more on the needy in the U.S. than they do in the EU. And the increasing wealth of the rich is due in great measure not to inherited wealth, but to the rise of super-rich entertainment and sports stars, as well as entrepreneurs. If you compare the Forbes list of the wealthiest 400 Americans in 1989 with that of 2001, you see that their average wealth has grown from $920 million to $2.15 billion. Moreover, there is not a great amount of overlap — 230 of those on the 2001 list weren't on the 1989 list, and of those 230, all but 20 got there by their own work, not by inheritance. Gersemann makes a telling point about filthy rich entrepreneurs: "As for entrepreneurs, it can be assumed that most founders are driven not by some noble ideal but rather by the simple wish to become rich — filthy rich to be precise. That's the reason why a society that is concerned about its own well-being has to assess whether it might not be better, for all the dangers to the meritocracy ideal, to accept the possibility of successful entrepreneurs amassing gargantuan riches." (p. 163)

The rate of home ownership of all German households only equals the rate of the poorest fifth of American households.

Put differently, the income distribution in the United States would surely be more even if the Waltons had remained grocers, the Dells had become high school teachers, and the Ellisons had become journalists. If income inequality is the yardstick, America would be a more "just" country today — but almost certainly a poorer one, too.

Gersemann finishes with some interesting tidbits. First, that there is still more social mobility in the U.S. than in the EU. Second, the ridiculous employment protection laws that characterize EU economies not only result in higher unemployment, but much longer periods of unemployment — so it's not surprising that surveys show higher rates of optimism and security in America than in the EU. Third, the rich in America pay a higher share of tax revenue, and receive less in income transfers from the government, than do the rich in Germany.

As an insightful and wide-ranging comparative analysis of the European and American economic models, this book is hard to beat. Keep in mind, though, that Gersemann did the bulk of his analysis in 2001–2002, publishing the original German edition in 2003. Imagine how much starker the contrast would appear now that we've emerged from the 9/11 recession, created 3 million new jobs, and lowered unemployment to 5.1%. Our growth rate is currently 3.6%, three times that of the euro zone. And, as reported recently in the Wall Street Journal, in 2004 the net average household wealth of Americans reached an all-time high, with the number of net millionaires — people worth a million dollars or more, minus all debt, and excluding the value of their primary residences — rising by 21% to hit a historic high of 7.5 million households. (If that figure included equity in primary residences it would surely be at least 10 million.) The number of U.S. households with $20 million or more in liquid assets is increasing by 3,000 households per year, and the rate of home ownership just hit a new high of 70%.

Gersemann overlooks or understates some points that make the European model come off even worse. First, the Europeans get a free ride from the United States when it comes to defense. If America pulled its troops and equipment out of Europe, forcing the Europeans to pay the full price for their own defense, the European economies would face even greater problems. Second, while the population of Europe has been shrinking, we have steadily taken in millions of very poor immigrants, and given them the opportunity to move up the economic ladder. Indeed, over the last 20 years, we have taken in a number of immigrants equal to the entire population of Canada, and assimilated them. Third, he overlooks the fact that "McJobs" are typically first jobs that teach people valuable work habits. Just look at some of the people who got their first job at McDonald's: comedian Jay Leno, Amazon founder Jeff Bezos, astronaut Leroy Chiao, White House chief of staff Andy Card, actress Andie McDowell, former governor of Illinois Joe Kernan, and Representative Pat Tiberi. Over 1200 owners of McDonald's restaurants started as crew members there, as did 20 of the top 50 worldwide McDonald's managers — including the current CEO.

If income inequality is the yardstick, America would be a more "just" country today if the Waltons had remained grocers — but a poorer one, too.

More critically, at times he is somewhat sketchy on data, confining himself to economic statistics (as opposed to broader sociological measures). For instance, the only data to support the view that Americans are more satisfieds with their lot in life than Europeans is Harris Interactive polling data. That is good as far as it goes, but it would be possible to get a more accurate picture by looking at a greater variety of data, such as rates of application to emigrate, or perhaps rates of alcoholism or depression. But it has to be admitted that it is difficult to explore the superiority of the American model in only 200 pages.

Somewhat distressingly, he takes pains throughout to explain that he is not advocating that Europeans adopt the American model, but only that

they reform. "American conditions?" he asks. "In Europe? Of course not. No one would seriously suggest copying one economic model, no matter which, in another country." (208–9)

But why not pursue reforms that would allow the inhabitants of countries such as France, Germany, and Italy to reap the benefits of the American model? The problems that come along with American capitalism could for the most part be avoided, because, after all, they have little or nothing to do with cowboy capitalism itself.

European economic systems need not be as "American" as the American system itself. The success of the American model doesn't stand or fall with the fact that only some Americans enjoy six weeks of vacation every year. Nor do all employee protections have to be chucked in order to provide firms and employees with the flexibility they need in these Schumpeterian times.

Maybe I'm just too much of a cowboy, but yippie-ki-yay, pardner, this strikes me a downright wimpy conclusion. What moderate compromise is he suggesting here? To take the most obvious issue: how could Europe possibly have our lower tax rates and their cradle-to-grave state-paid health care?

All told, however, Gersemann has written an audacious book, and written it well. Its message is important for Germans, of course, but it needs to be taken to heart by Americans as well. Our system is working well — not perfectly, but well — and now is not the time to go all wobbly about free-market economics. We need to combat the continuing push from leftist journalists and academics to turn our country into a giant Euro-sclerotic welfare state. □

Booknotes

The fiction of global warming — Looking for a summer beach book with some intellectual stimulation along with a fast-paced story line? Michael Crichton's "State of Fear," (HarperCollins, 2004, 603 pages) may be just the choice, offering the improbable twists and turns of a thriller along with 20 pages of bibliographic references on global warming. Had enough environmental moralizing to last you a lifetime? Get this: Crichton, a medical doctor and scientist turned Hollywood insider, thinks global warming is a crock, designed to create fear, dependency, and donations.

"State of Fear" is a fun read, although like so many recent Crichton novels, it veers toward lunacy in the end. (Remember the cymbal-crashing monkeys in "Congo"?) George Morton, a disillusioned philanthropist, threatens to revoke his $10 million grant to a global-warming awareness group when he realizes that "All these environmental organizations are thirty, forty, fifty years old. They have big buildings, big obligations, big staffs. They may trade on their youthful dreams, but the truth is, they're now part of the establishment. And the establishment works to preserve the status quo. It just does." Crichton's story proposes that one of these big organizations is deliberately causing climate-related catastrophes in order to stimulate big donations. As Morton's associates race to prevent the catastrophes, Crichton introduces characters who discuss the global warming plot, referencing graphs and footnotes embedded in the text. With three appendices and that 20-page bibliography to back it up, he makes a pretty convincing case, despite the over-the-top ending.

Those who are skeptical of big organizations with "pretentious names with the words 'world' and 'resource' and 'defense' and 'wildlife' and 'fund' and 'preservation' and 'wilderness' in them" will appreciate the observations of some of Crichton's characters. One says to a Hollywood tree-hugger, "You just don't get it, do you? . . . You think civilization is some horrible, polluting human invention that separates us from the state of nature. But civilization doesn't separate us from nature, Ted. Civilization protects us from nature."

He continues: "The biggest cause of environmental destruction is poverty. Starving people can't worry about pollution. They worry about food. . . . We need to design delivery systems that really work, test them, have them verified by outsiders, and once we know they work, replicate them."

Refreshingly, Crichton looks to private enterprise rather than government for those solutions. "It's difficult if you are a government agency or an ideologue. But if you just want to study the problem and fix it, you can. And this would be entirely private. Private funding, private land. No bureaucrats. Administration [should be] five percent of staff and resources. Everybody is out working. We'd run environmental research as a business. And cut the crap." — Jo Ann Skousen

A celebration of minutiae — The ultimate book about the collapse of the Confederacy, "An Honorable Defeat: The Last Days of the Confederate Government," (Harcourt, 2001, 512 pages) traces the fortunes of President Jefferson Davis and his leading collaborators from the fall of Richmond through their ultimate escape to other countries or their capture by Union forces. For the reader who is only mildly interested in the Civil War, this book will be a crushing bore — a day to day account of everything that happened, no matter how minute. But for the student of political decadence, it is an absorbing experience. My favorite parts are those that deal with Davis's almost supernatural inability to admit that he might ever be capable of doing anything wrong, and with the bizarre adventures of his sec-

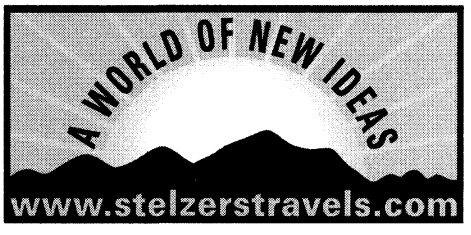

retary of state, Judah P. Benjamin, who remains the most mysterious member of the Confederate government and one of the most mysterious Americans who has ever achieved high office.

The following has nothing to do with mystery, but I was vastly amused by William Davis' account of the efforts of Confederate bigwigs to flee from the United States through southern Florida, a hellish wilderness seemingly inhabited only by people trying to escape from somewhere else. He describes Mr. Benjamin wandering in that wilderness and attempting to decide which fork of a road to take. He can't decide, so lies down and takes a nap, hoping that somebody will happen along to enlighten him. His rest is broken by shouts of "Hi for Jeff! Hi for Jeff!" Peering through the brush, he sees a parrot strutting around, cheering for Jefferson Davis. So he throws stones at the bird "to herd it homeward," where he is sure he will find a Confederate to help him. He does.

— Stephen Cox

Calling Alan Greenspan

— Hans Sennholz was born in Germany, served in the Luftwaffe during World War II, was shot down over Egypt, and became a prisoner of war in the United States. At war's end, he returned to Germany and to school, where he earned a doctorate. He then immigrated to the United States, and earned a second doctorate under Ludwig von Mises, acquiring as well a firm understanding of Austrian economics and monetary theory. For many years, Sennholz taught at Grove City College in Pennsylvania. Although English is his second language, he is one of today's clearest English-language thinkers and writers on complex economic problems.

Sennholz's "Sowing the Wind" (Libertarian Press, 2004, 323 pages) is made up of 42 articles which first appeared on his web page (1997–2003). Almost every day we read about some new economic crisis with wide-ranging consequences. Yet practically no one seems to understand what causes them. Most modern economists "crunch" the numbers and try to anticipate the future by extrapolating from the statistics of the past. Only Austrian economists understand the economy as the outcome of complex interpersonal relationships and transactions, and trace crises back to the actions, decisions, and choices of individuals under various circumstances.

During the years that Sennholz wrote these articles, he analyzed the economies of many countries — Mexico, Thailand, Japan, Argentina, Germany, etc. He studied stock market bubbles, economic depressions, and monetary exchange rates. Sennholz blames almost every economic crisis on monetary manipulation, credit expansion, and inflation. And though he is well aware of the political difficulties of making any sudden or radical changes, he says it is never too late to reform. Every crisis creates the opportunity for a new beginning.

Sennholz blames the Fed's monetary policy for the United States' soaring deficits and the shrinking purchasing power of the dollar. He recommends "a gradual abandonment of the monetary policies and an orderly readjustment to unhampered market conditions," (p. 84) — and a return to gold money. "[T]here cannot be any doubt that a gold dollar would restore justice in international relations and reassert American power and leadership. It would clear away much conflict and strife and pave the way toward a more equal and peaceful world order." (87)

Regarding Argentina's disastrous experience with inflation and bankruptcy, Sennholz writes: "The Argentinian crisis presents not only great dangers to the country's political and economic order but also an opportunity for a new beginning." (221) "Reform must come from within; it cannot be imposed by a creditor. . . . Someday Argentinians may be ready for a reform that regenerates and revitalizes the economy. They may demand freedom in all monetary matters: the freedom to enter into any currency contract of their choice, whether it be U.S. dollars, the euro, the peso, or even gold. In a free and unhampered contract system, creditors and debtors, banks and depositors would soon come to reasonable and fair agreements about their contractual relations. A contract system would call for no new taxes, not even compensation for harm done by law and regulation. It would reopen all banks and allow them to meet their obligations to the best of their ability. It would expect the government to honor its peso obligations and manage the peso as it pleases. But it would demand that government cease and desist from any more regulations, new outlays, new taxes, and new disruptions of any kind." (224)

Whether Sennholz is discussing economic crises in the United States or elsewhere, his analysis is always sharp, incisive, and enlightening. Ultimately, he traces the origin of almost every single crisis to government-fostered inflation and credit expansion. He makes the most complex situations understandable, and his proposed reforms are sober and realistic. Federal Reserve authorities should pay attention.

— Bettina Bien Greaves

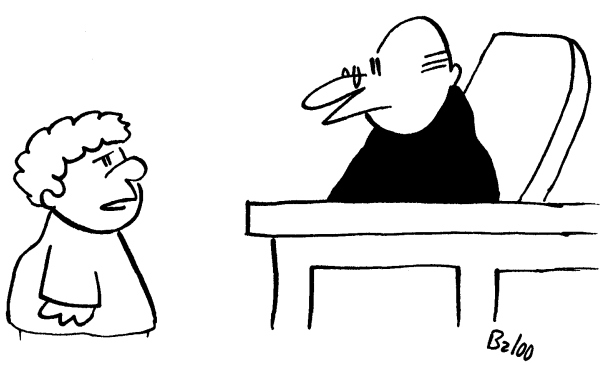

"Of course I was window-peeping — I'm a women's studies major!"

"Summarize Proust in 15 seconds"

— That was the challenge given in a skit performed by Monty Python, the British comedy troupe. It's absurd to expect that anyone could say anything coherent about Marcel Proust's 3,000-page epic *"A la recherche les temps perdu"* in just 15 seconds. Where could you begin — the themes, the plot, the characters, the prose style? In the skit, only one of the contestants manages to get as far as the first page. It is in the same spirit that I find myself writing a booknote on Neal Stephenson's 2,650-page epic, called

collectively "The Baroque Cycle," and comprising "Quicksilver," "The Confusion," and "The System of the World" (William Morrow, 2003–4).

The plot is rollicking "boys' own" stuff: romance, espionage, high-seas adventure, all shot through with the personalities and undertakings that made the late 17th and early 18th centuries one of the most engrossing eras of history. Stephenson has a flair for tangents perhaps matched only by Robert Burton (the 17th-century author of "The Anatomy of Melancholy," which contained a digression in praise of digressions), so it's easy to get lost in the world he portrays — and he portrays a lot of it: England, Holland, Russia, Turkey, India, Japan, the Solomon Islands, and the Massachusetts Bay Colony. But unlike his earlier novels, I never felt like shaking him and saying, "Get on with it!": the detail kept me fascinated. Also unlike his earlier books, "The Baroque Cycle" has a proper ending. Not that he ties up all the loose ends, but he at least resolves some of them, instead of leaving off at the moment of climax and providing only the hastiest denouement. My only disappointment with the trilogy is when he slips in anachronistic words like "voodoo" or "jumbo," and even that tendency disappears by the last book.

Providing any more detail would require an article well beyond the scope of a booknote, or likely even a full review. "The Baroque Cycle" will make for an absorbing beach read or an ideal nightstand companion — but it may well dominate your vacation or ward off sleep. Consider yourself warned. — Andrew Ferguson

Media Notes

Answering the bell — By his own admission, director Ron Howard doesn't let the facts get in the way of a good story. When Max Baer, Jr., complained about the villainous way his father is portrayed in Howard's new boxing film, "Cinderella Man" (Universal Studios, 2005, 144 minutes), Howard's spokesman Leslee Dart defended the characterization by saying, "Baer needed to be vilified, you know, for artistic purposes." A storyteller first and a historian second, Howard is a master at using film to tell a true story, even if it isn't completely factual. In "A Beautiful Mind," his previous collaboration with Russell Crowe, Howard manufactured a conspiracy-theory subplot in order to demonstrate cinematically the mental disorientation experienced by math genius John Nash. For "Cinderella Man," Howard wanted to tell more than a story about a famous prize fight; he wanted to tell a story about the Great Depression, as experienced by one family. Thus he portrays heavyweight champion Max Baer as a high-living, ruthless killer in the ring (Baer did cause the death of two opponents), in order to emphasize the hardships of the Great Depression that forced former boxer James Braddock, driven from a successful boxing career by injury and into poverty by the stock market crash, back into the ring, risking injury and even death in order to keep his family together. The result is a gripping film, full of brutal punches, unrelenting poverty, and tender emotion.

Critics say that the best direction does not draw attention to itself, but I have to give Howard credit for actors who are emotional but not maudlin, lighting that creates atmosphere without being gimmicky, and editing techniques that are striking without being distracting. During the fight scenes, for example, Howard interjects quick flashes of X-ray images to portray injuries as they happen, eliciting pained gasps from the audience, as well as quick flashes of unpaid bills, freezing rooms, and hungry children to demonstrate Braddock's motivation: Baer is a

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lady's man fighting for a title, but Braddock is a simple dockman, fighting for his family.

Russell Crowe delivers a knockout performance, with standout performances as well by Paul Giamatti ("Sideways") as Braddock's coach Joe Gould, who all but fights with him in the ring; Craig Bierko, who plays Max Baer; and Paddy Considine ("In America") as Braddock's friend and fellow dock worker, Mike Wilson. Wynn Thomas, production designer, also deserves kudos for his recreation of 1930s New York. — Jo Ann Skousen

Moving on — Q: "What did the hippie say when he ran out of drugs?"

A: "This music sucks, man."

So goes a joke from the '60s, and it has become more applicable with time. Psychedelic culture foundered when Timothy Leary took the helm and steered it into shallows filled with rootless, disaffected teenagers with unresolved emotional crises — not exactly the ideal subjects for psychedelic experimentation. The establishment, faced with the prospect of an army of addlebrained hippies, responded predictably. The anti-drug propaganda campaign they mounted (stripped of the often explicit racism of earlier drug crusades) still informs the stereotyping of drug users today.

Much of the blame for the continued success of that propaganda must rest with drug users themselves. So many are content to act like stereotypical hippies: lazing around, rolling blunts, making grandiose plans for projects that they intend to start but never quite get around to. Which is probably a grace, considering that many hippies haven't developed their aesthetics beyond faded tie-dye and weary folk singalongs — to the point that tribute band Dark Star Orchestra got successful by playing old Grateful Dead setlists, song for song, segue for segue. If hallucinogens can help mankind tap into vast reservoirs of creative potential, then where are the creative hallucinators?

They bailed on hippiedom long ago, shunning the stultifying adoration of nature, preferring instead a blend of the organic and the mechanical — thus the psychedelic themes in graphic design, computer art, and especially electronic music. In that latter category, there is no group that better conveys the Promethean fire of the hallucinogenic trip than Shpongle. On their third and final album, "Nothing Lasts . . . but Nothing is Lost" (Twisted Records, 2005, 67 minutes), the duo behind Shpongle again synthesize a vast array of musical styles (salsa, samba, jazz, flamenco, dub reggae, even heavy metal), and combine them with found music (tribal drumming, fluttering flute lines, and samples from various religious ceremonies). The resulting mix is nothing less than a hymn to the psychedelic experience — serious, but playful; wry, but jubilant.

The first two Shpongle albums ("Are You Shpongled?" and "Tales of the Inexpressible"), reduced to their simplest themes, can be seen to represent birth and life, respectively. As the final album for the Shpongle project, "Nothing Lasts" concerns itself with death — not death as all-consuming destruction, but death as change, as a transition from one state of being to another. The album is dedicated to psychedelic researcher and guru Terence McKenna, and includes snippets from a lecture in which he discusses his preparations for death after discovering he has brain cancer. Nothing lasts: death comes to all, and it is something for which we must ready ourselves. But nothing is lost: our creative endeavors are not in vain; they will survive beyond our bodies. These declarations are the twin pillars of the psychedelic ethic, flanking like Jachin and Boaz the entrance to the temple — and Shpongle is the music playing inside.

— Andrew Ferguson

Reflections, *from page 12*

universities. There may yet be hope for these public-school survivors. The real problem is clearly the school administration: too mired in the mud of absolute egalitarianism to comprehend the beneficial results of competition, or perhaps just too complacent in their union-shielded jobs to bother deciding which single student had done most to earn the title of valedictorian. Outrageous! I have to set my paper aside again. I don't want to have a stroke today.

When I resume my reading, I remember (and by "I remember," I mean "I am reminded by the surprisingly good article") that parents whose children narrowly miss becoming valedictorians have frequently sued the schools. (I therefore retract and regret my slur on this school administration.) That's one way to teach your kids how to get ahead in the real world. At last I have discovered the real villains — parents and lawyers. I knew it.

Some schools are pronouncing all their semi-literate graduates valedictorians (cruelly elevating them over their completely illiterate graduates). Some schools are restricting the award to truly outstanding students, even if it is no longer a singular honor. In cynical moments, I am convinced that schools in the former group outnumber schools in the latter group a hundred to one. In optimistic moments, I hope that the ratio is only ten to one. I suppose I should be happy as long as the latter group continues to exist. — Mark Rand

Col. David Hackworth, RIP — Over the years I've written quite a few obituaries, and they generally serve one of two purposes. One is, despite the prohibition against speaking ill of the dead, to debunk inflated and undeserved reputations. The other is to give credit to those whose contributions haven't been adequately acknowledged. This obit is of the latter type.

On May 4, Col. David Hackworth, known to his friends as Hack, joined the ranks of the departed at age 74.

I first encountered him indirectly when I was visiting my editor at Simon & Schuster in 1982. He gave me a copy of Hack's first book, "About Face," with the comment that I'd like both the book and its author. He was correct, although I didn't meet Hack personally until a mutual friend invited him to a private conference I've sponsored for some years. He was 67 at the time, but looked like a very fit 55-year-old.

What was he like, aside from being a great drinking companion? General Hal Moore, author of "We Were Soldiers Once . . . and Young," called him "the Patton of Vietnam." General Creighton Abrams described him as "the best batta-

lion commander I ever saw in the United States Army." Hack spent a full seven years of his life in actual combat. He was nominated for the Medal of Honor three times (the latest application is currently under review at the Pentagon), and he was twice awarded the Army's second-highest honor for valor, the Distinguished Service Cross, along with ten Silver Stars, eight Bronze Stars, and eight Purple Hearts.

At 15 he lied about his age to join the Army. He won a battlefield commission in Korea, where he became the Army's youngest captain; in Vietnam he became its youngest full colonel. I've heard (and can easily believe) that elements of his highly eclectic personality made him a model for both the Duvall and Brando characters in "Apocalypse Now." He quit the Army in 1971 and moved to Australia, after saying on ABC's "Issue and Answers," that Vietnam "is a bad war . . . it can't be won. We need to get out." He predicted that Saigon would fall to the North Vietnamese within four years. He was the only senior officer to sound off about the Vietnam War. It seems to me he was equally distressed about the conduct of most of America's current foreign adventures.

Hack's main concern was the problems the average grunt has to face due to careerism among the Perfumed Princes of the Pentagon: "Most combat vets pick their fights carefully. They look at their scars, remember the madness and are always mindful of the fallout. That's not the case in Washington, where the White House and the Pentagon are run by civilians who have never sweated it out on a battlefield."

I'd like to see a study testing Hack's opinion on this; I intuitively suspect that he is correct — although there are obvious exceptions, like Alexander, Caesar, Napoleon, and even Hitler. But, notwithstanding their criminal careers, at least you have to respect them because they were once, themselves, on the front lines. It's hard to have anything but contempt for those who start aggressive wars while never having dared to first put themselves in harm's way.

— Douglas Casey

News You May Have Missed

Dems Propose Nude Deal; GOP Counters With Leash Law

NEW YORK — New airport scanning devices are being developed that will allow security personnel to see passengers naked instead of as ghostly X-ray images on checkpoint screens, and implementation of the devices is expected to greatly facilitate recruitment to the low-paying, formerly tedious jobs. But while the new technology is widely seen as a step in the right direction, it still falls well short of national security requirements, according to federal officials and sympathetic legislators concerned about millions of other American citizens who are not regularly lining up at airport checkpoints but are just anarchically running around loose, many of them with clothes on, without authorities being able to know precisely what they are up to and precisely how cute their asses are.

"What we need is a Nude Deal for America," said Sen. Hillary Clinton (D-N.Y.), possibly rehearsing a campaign slogan for her expected 2008 presidential run. "Freedom from want, freedom from fear, freedom from clothes, and freedom from freedom. An America where everyone is required by law to be stark naked, except for electronic ankle bracelets." The ankle bracelets, like those already in place in many states on paroled prisoners, would transmit signals to a satellite-based global positioning system, allowing authorities to know where every citizen is at all times, while tiny surveillance video cameras, embedded in mandatory nose rings, will give government monitors a pretty good idea of what he or she is, and maybe shouldn't be, doing.

"Americans who have nothing to hide have nothing to fear from having nothing to hide it with," said Sen. Joseph Lieberman (D-Conn.), a cosponsor of a bill that would, in his words, "turn all of America, in a very real sense, into a strip mall."

While the measure is expected to be opposed by some leaders of the religious right, who are against nakedness on principle and have proposed measures in several states that would subject babies who are born naked to fines for public lewdness, others are defending it on biblical grounds, seeing it as a God-mandated return to the Garden of Eden, which this time around would be subdivided and opened to development by Christians. And as the Rev. Pat Robertson put it, "any libertarian snakes, tempting obedient Americans with knowledge, free choice, and other forbidden fruit, would be turned into snakeburgers." "Besides, it'll put all them nude dancing places in my district out of business," said one Georgia congressman, though a spokesman for a strip joint business association said that most "gentlemen's clubs" would probably continue to thrive by offering desperate, salivating men the sight of pretty girls wearing clothes.

Nevertheless, the Bush administration is said to be worried that a national "all nude, all the time" policy would not only hurt sales at retail clothing chains, it might prohibit the president from getting into a flight suit to declare victory in Iraq should it occur again. The administration is quietly backing an alternative measure, a federal leash law, which would forbid American citizens from leaving home unless attached to a leash, no more than six feet long, firmly held by federally funded private interrogation personnel formerly employed at Abu Ghraib. "One way to confound and frustrate the enemies of freedom and to just plain stop 'em in their tracks," Bush said during brief remarks in the Oval Office, "is to take away pretty much all the freedom that they seek to destroy before they can even get at it."

— Eric Kenning

Terra Incognita

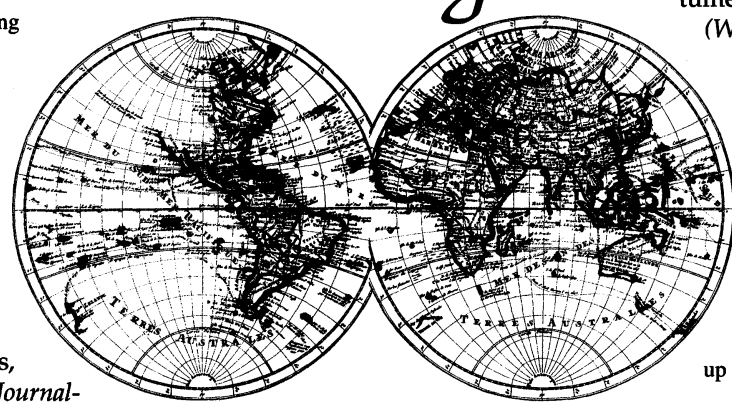

San Francisco

Mayor Gavin Newsom explains the proper role of government, noted by the *San Francisco Chronicle*:

> If we can't change people's behavior and make them think what's in their best interest, then that's when government comes along and becomes a bit paternalistic.

San Diego

The battle for campaign reform rages on, as reported in the *San Diego Union-Tribune:*

> The San Diego Ethics Commission fined Councilwoman Donna Frye $3,000 for improperly noting her fundraising committee's role on three mailers widely circulated as part of her mayoral campaign last fall. The note was printed in 9-point type instead of 12-point.

Savannah, Ga.

Vigilance in the War on Pocket Contents, reported in the *Atlanta Journal-Constitution*:

> FAA regulations forced Lt. Col. John King and the 280 troops under his command to turn out their pockets for nose hair scissors and cigarette lighters before they were allowed to board a chartered flight from Savannah to Kuwait City. The soldiers were allowed to carry their pistols, shotguns, and M-16 rifles on board.

Del Mar, Calif.

Shrewdness in the real estate market, from the *North (San Diego) County Times*:

> In 2003, Rep. Randy "Duke" Cunningham (R-Calif.) sold his home to campaign contributor and defense contractor Mitchell J. Wade. Wade immediately put the house back on the market at a reduced price, but it stood vacant for eight months until it was sold at a $700,000 loss.
>
> Government defense contract revenue for Wade's company, MZM Inc., has tripled in the past few years.

Cook County, Ill.

Innovative policing technique, reported by the *Chicago Daily Herald*:

> After administering Breathalyzer tests to a young couple, State Trooper Jeremy Dozier lied and said that the girl had failed the test. Saying he didn't want to ticket them, he instead ordered them to strip naked, lie in a nearby ditch, and urinate.
>
> Once Dozier's back was turned, the couple — in their underwear — fled on foot. When they called 911 to report that that they had been accosted by someone impersonating a police officer, Dozier was dispatched to take their statements.

U.S.A.

A bold step towards ridding our skies of unreal problems, dutifully recorded in the American Transit Authority's *Daily Briefs:*

> "A study funded by the Transportation Security Administration found when targets of a search rarely show up, they are more likely to escape detection. Researchers at Brigham and Women's Hospital, which conducted the study, plan to work with TSA employees to determine if there is a real problem."

Wheeling, W. Va.

Victory in the fight against costume apparel, from the *Charleston (W.Va.) Daily Mail*:

> Police arrested Norman Eugene Gray for wearing a Grinch mask while walking along a city street.
>
> Wheeling City Solicitor Rosemary Humway-Warmuth and Ohio County Prosecutor Scott Smith said masks as well as dark window tinting in vehicles can pose a safety hazard to law enforcement officers. The offense is punishable by a fine of up to $500 or up to a year in jail, or both.

Naples, Fla.

The thin blue line separating society from chaos, from the *St. Petersburg Times*:

> Felipe Santos hasn't been seen or heard from since Collier County deputy Steven Calkins arrested him for driving without a license in October 2003. When Santos' brothers tried to bail him out, they were told that the deputy had decided to let him go at a Circle K.
>
> Terrance Williams hasn't been seen or heard from since Calkins caught him driving without a valid license in January 2004, and decided to let him go at a Circle K.
>
> Calkins has changed his version of events several times, given statements that contradict other evidence, and failed polygraph examinations. Sheriff Don Hunter says the two men may "be purposely avoiding being found."

Kaohsiung, Taiwan

The wonders of the free market, from the *Taipei Times*:

> Diners entering Eric Wang's new restaurant Marton are greeted with a giant toilet bowl sitting between two urinals. White ceramic toilet seats comfortably accommodate their bottoms, and urinals grace the walls. The cuisine is delivered not on plates and dishes, but in miniaturized Western and Asian style toilets, both the flush and non-flush variety.
>
> The Marton (Mandarin for *toilet*) follows in the noble tradition of Taiwanese novelty restaurants. Other successful ventures have purposely confined scores of contented diners to coffins or jail cells, or exposed them to full-scale pictures of Mao.

Special thanks to Russell Garrard, Philip Todd, James Ogg, Dick Timberlake, and Kevin Bjornson for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to terraincognita@libertyunbound.com.)

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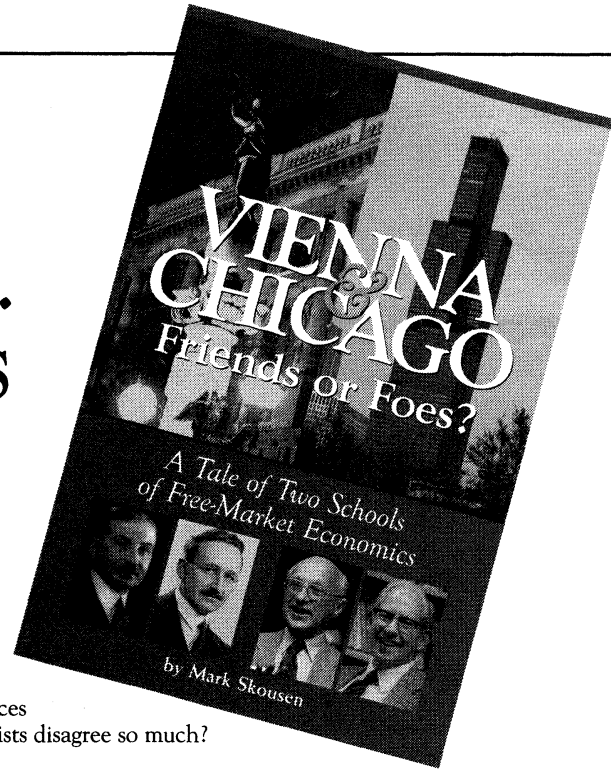

"You're all a bunch of socialists!"
— Ludwig von Mises (Vienna)

"We are friends and foes!"
— Milton Friedman (Chicago)

Austrian and Chicago economists have battled Keynesians, Marxists and socialists alike, but they often fight each other as well. What are the differences between the Austrian and Chicago schools, and why do free-market economists disagree so much?

After years of research and interviews in both camps, Columbia Professor Mark Skousen has uncovered the strengths and weaknesses of each, and determines who's right and who's wrong at the end of each chapter by declaring either "Advantage, Vienna" or "Advantage, Chicago." He ends with a chapter on how they could reconcile on major issues.

Chapters from *Vienna and Chicago, Friends or Foes?*

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9. Faith and Reason in Capitalism
10. The Future of Free-Market Economics: How Far is Vienna from Chicago?

Highlights.....

- Whose methodology is more controversial—Mises or Friedman?
- A debate that the Austrians have clearly won.
- Why Chicago economists have won more Nobel Prizes than the Austrians.
- Why did Israel Kirzner call George Stigler's essay on politics "bizarre, disturbing, unfortunately, and an affront to common sense"?
- Emotional fights at the Mont Pelerin Society, Foundation for Economic Education, and other freedom organizations.
- Why Friedman and Mises admire Adam Smith, and Murray Rothbard despises him.
- Why some Austrians call Friedman a "Keynesian" and "a statist" while Friedman calls Mises and Ayn Rand "intolerant" and "extremist."
- Major differences between Mises and Hayek..... and between Stigler and Friedman.
- The "fortress" mentality: Why the Mises Institute doesn't advertise, or appear on TV.
- Amazing similarities between Austrians and Marxists, and between Chicagoans and Keynesians.
- Why Mises refused to use graphs and charts in his books.
- How Friedman shocked the audience when asked "Who is the better economist, Keynes or Mises?"
- Why Austrians are usually pessimists and Chicagoans optimists.
- Powerful contributions by the "new" generation of Austrian and Chicago economists.....

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Vienna and Chicago is a 320-page quality paperback available now from the publisher Capital Press (www.regnery.com), Laissez Faire Books (www.lfb.com), Amazon, or directly from the author (see below). The book normally retails for $24.95, but Liberty subscribers pay only $20.

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From an anonymous reviewer: "A novel approach. Skousen sells neither school short and takes a non-doctrinaire view. He spices up his narrative with materials from personal correspondence and one-on-one discussions. No one other than Skousen could have written this book. Advantage, Skousen!"

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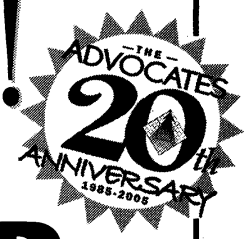

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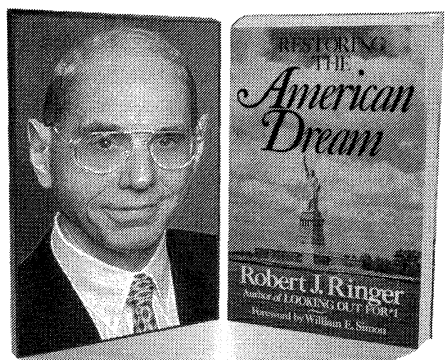

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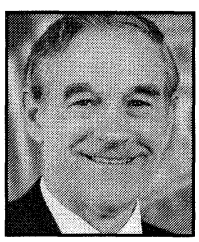

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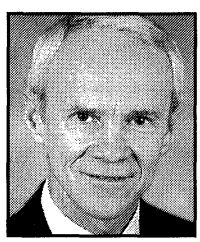

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Dr. Mary Ruwart
Author, *Healing Our World In An Age of Aggression*

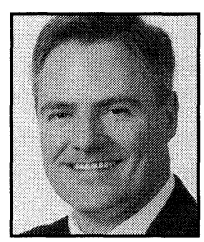

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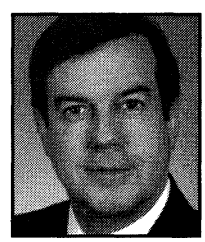

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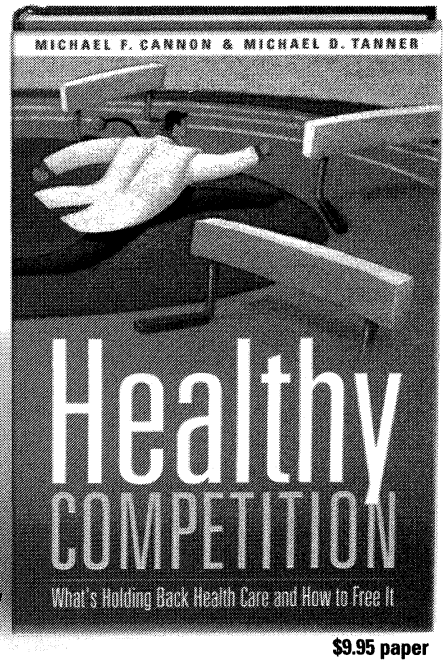

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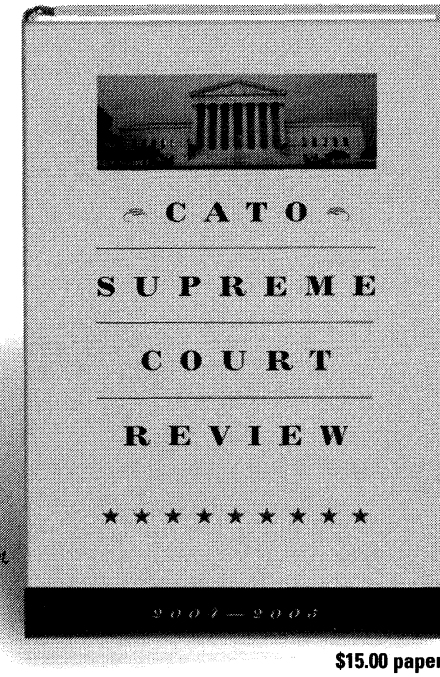

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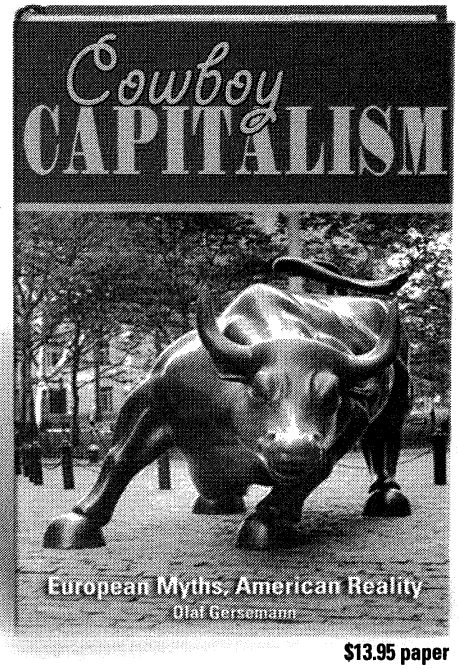

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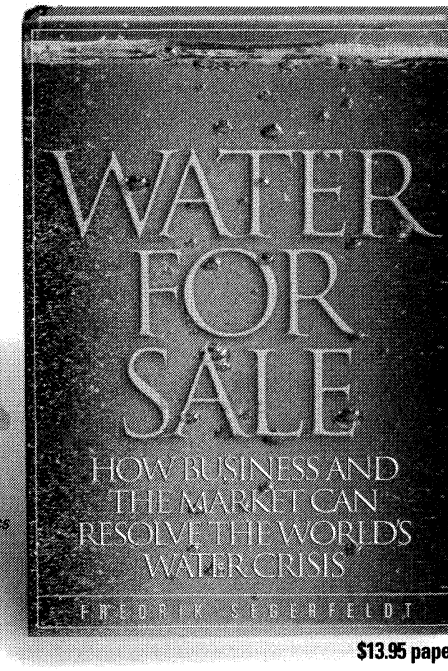

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Inside Liberty

September 2005
Volume 19, Number 9

4 **Letters** Our readers untangle the webs we weave.

5 **Reflections** We jump up and down with Tom Cruise, go bionic, kill without guns, dine with amputees, give away stadiums, pave over Connecticut, cut babies in half, and demand an end to world poverty.

Features

15 **Kelo: Hope for Property Rights** The Supreme Court's *Kelo* decision has brought together property rights advocates and environmentalists to protest. *Timothy Sandefur* points them in the right direction.

18 **Just Say "Non"** *Stephen Berry* explains why it's a good thing that the European Union is beginning to disintegrate. *Jacques de Guenin* argues that a divided Europe is dangerous.

21 **The Peasant Principle** Modern peasants aren't necessarily poor or uneducated. They just refuse to see what's right in front of them. *Stephen Cox* explores the ignorance that engulfs us.

27 **Two Years in the Yukon Wilderness** *Aaron Anderson* tells why he traded civilization for aggressive moose, overprotective bears, frozen thermometers, hashish, and the aurora borealis.

32 **The Necessary Evil** Some governments are so small that they cannot protect people's rights. Others are so big that they eradicate the very rights they were established to protect. Is it possible to create a government that is just the right size, with just the right amount of power? *Mark Skousen* explores a vexing issue.

Reviews

35 **Hammer, Sickle, Action!** *Bruce Ramsey* tours the Hollywood of the 1940s, where Stalin was America's best friend, show trials weren't just for show, and totalitarian life was just peachy.

38 **Anemic Bloodlust** As *Jo Ann Skousen* discovers, sometimes an old vampire just wants to settle down.

40 **Aristocrats of the Gilded Age** Taking two bullets from an assassin's gun, wrestling him to the ground before he can blow up the building, and sealing big loan deals — *Stephen Cox* finds that it's all in a day's work for a "robber baron."

43 **Notes on Contributors** They followed us home. Can we keep them?

46 **Terra Incognita** The supply of the absurd still exceeds its demand.

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Letters

Bartlett's Familiar Misquotations

I loved the postscript of Stephen Cox's July "Word Watch" column, regarding cliche mutilation. It reminds me of an incident from my own experience.

I used to live in Michigan's southwest corner (a vacation hangout on Lake Michigan for rich Illinoisans, such as Al Capone and Richard Daley). A fairly popular and well-established chain of local restaurants had a Tudor-style facility near our house. One of its attractions was a series of trompe-l'oeil stick-on "carvings" of famous and not-so-famous sayings on the exposed interior beams. Among the sententiae was this:

"To be great is to be understood" — Ralph Waldo Emerson.

You can imagine how disappointed I was to see it gotten so exactly wrong — I think it's a damn fine aphorism when it's gotten right! No one in the restaurant cared to know the correct quote; it didn't matter, since it was only there for decoration.

Chris Nelson
Windsor, Conn.

Re: Tort

I'm puzzled by the way the Right and Left have switched roles on the subject of tort reform. Those who think of themselves as belonging to the political right condemn trial lawyers with the same arguments that socialists employ against for-profit business. Alan W. Bock's Reflection, "Tortuous Reform" (April) is an example. I quote: "Although such suits were always touted as protection for downtrodden consumers ripped off by giant corporations, they were usually assembled more to collect damages and large fees for lawyers than to correct an injustice."

Physicians are earning fees too. Does this mean they are not trying to heal the sick? Grocers provide food to earn a profit. In fact the whole country is filled with citizens grasping after filthy lucre.

To me, the profit motive makes sense, even in the practice of law.

Thomas Crancer
Denver, Colo.

It's the Economy, Stupid

The successes of the United Arab Emirates ("Freedom Blossoms in the Desert," by Douglas Casey, July) and other nations such as Singapore, Oman, and Bahrain clearly demonstrate the importance of economic freedom and economic opportunity in bringing the third world into the 21st century. How is it that communist China recognizes this and the capitalist United States does not? The U.S. would do much better in bringing about the fundamental, long-term changes in the Middle East that it seeks if nations such as Saudi Arabia and Egypt were encouraged to create free economies rather than prodded to hold free elections.

Howard Landis
Naples, Fla.

No ID, No Cookie

I utterly fail to see why providing drugs to a minor ("The Cookie

continued on page 45

Letters to the Editor

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Reflections

Roberts' Rules — Supreme Court nominee John Roberts has at least two things to recommend him. First, he puts the law above his likes and dislikes. In upholding the arrest of a 12-year-old girl for eating a french fry in a D.C. subway station, Roberts noted that while "nobody liked the situation," the police had not violated the girl's 4th Amendment rights. Second, he shows panache. When a California resort sued the Department of the Interior over a meddlesome regulation involving arroyo toads, Roberts wrote that the interstate commerce clause could not cover the toad, because, "for reasons of its own, [the toad] lives its entire life in California." Hopefully Roberts will bring his wit and discipline with him to the high court.

— Leo Buchignani

First in the minds of his countrymen — I celebrated Independence Day by reading "1776," David McCullough's account of that fateful year, and was reminded again of the importance of the only revolution in all of human history that sought liberty. I was especially struck by the steadfast heroism of George Washington. He was not a genius or an intellectual, but he loved and understood the glory of liberty and risked everything for that cause. He was not a brilliant military tactician or strategist, but he persevered and learned from his mistakes and led his ragtag band of patriots through a war in which they prevailed over the greatest military force the world had ever seen. He is the best man this country has ever produced — though it might be more important to observe that he produced the greatest country that ever was. — R.W. Bradford

Every bulldozer has a silver lining— "Landowners have more and more become stewards who hold their property at the pleasure of the state," wrote Tom Bethell in his 1998 book, "The Noblest Triumph: Property and Prosperity Through the Ages." This claim became a glaring truth June 23, when, in *Kelo* v. *New London*, the Supreme Court reaffirmed the ability of a public body to take control of property for virtually any purpose it wants. Some of us actually thought that the Supreme Court would change direction. It did not, although Sandra Day O'Connor has found a place in property rights history with her powerful dissent, saying that "all private property is now vulnerable to being taken and transferred to another private owner, as long as it might be upgraded." Unfortunately, her new role as advocate of limited government was too little, too late, especially as she announced her retirement a few days later. The decision may have had a silver lining — it caused an uproar. Congressmen, editors, bloggers, and even environmentalists were apparently dismayed at the triumph of rich private owners over poor ones. The New York Times reported on July 19 that "lawmakers in at least half the states are rushing to blunt" the Supreme Court ruling. So far, however, the idea has not yet spread that it is government's near-omnipotence that enables wealth and privilege to trounce the property rights of others. But maybe it's a start.

— Jane S. Shaw

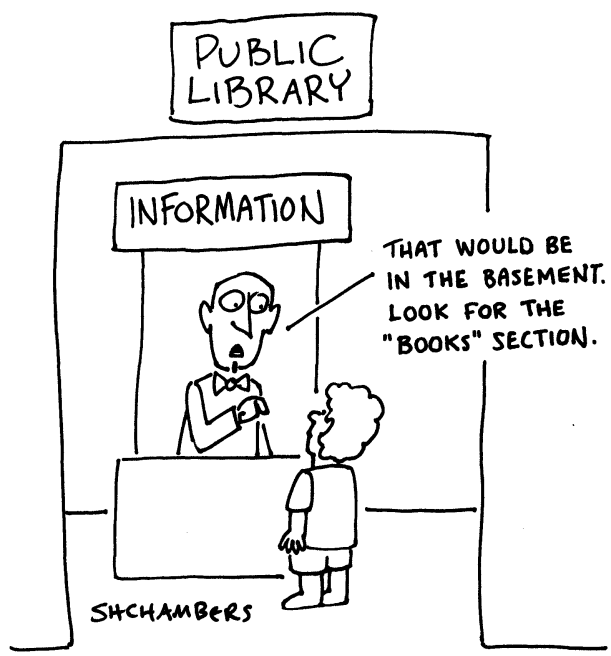

Worst of all, he's a decent human being — For as long as Bush II has been in office, there have been bad things to say about Paul Wolfowitz. Even a friendly profile in The Economist was rather arch, with the correspondent comparing the deputy defense secretary to a velociraptor, the murderous lizard from "Jurassic Park."

Journalists who consider themselves serious track his career through his days at the State Department in the Reagan years, and in Defense during the reign of Bush I. They point ominously to his co-authorship of the Defense Policy Guidance document of 1992, which became the plan for the War on Terror with indecent haste after 9/11. They suggest he has been maintaining an invasion plan for Iraq since around March 1, 1991. They demonstrate his connection to that creepy Project for a New American Century

Journalists who shouldn't consider themselves serious (e.g. anyone with a broadband connection to the Internet these days) just harp on his role in promoting and defending Operation Iraqi Fiefdom.

For Pat Buchanan, he is one of Those Jews, and Pat holds a first edition copy of the Protocols of the Learned Elders of Neoconservatism. The ignorant mob that gets its worldview

from Michael Moore only knows him as That Guy Who Licked The Comb.

Yes, it seemed Paul's positioning as a Vulcan-like geopolitician was fixed. And then, with an illusionist's swiftness, Bush II completely changed Wolfowitz's image by nominating him to head the World Bank.

Just about everyone with a stake in the World Bank found this astonishing, even alarming. For a moment I thought Bush was just going down an existing list of candidates in alphabetical order, with Wolfowitz succeeding James Wolfensohn.

It wouldn't be the first time a Defense Department official has moved from destroying one Third World country with bombs to destroying many Third World countries with "development." That would have been Robert McNamara. The difference was that McNamara was a technocrat and remained a technocrat. Once he began to campaign for his own nomination, Wolfowitz admitted that, yes, he's always been interested in the travails of the less developed countries.

Bodies used to running five miles and pounding out 100 push-ups now collapse after a half hour of extending and flexing shattered joints.

Within weeks we had video feed of him embracing AIDS orphans in Africa. Once his reputation had been thus sullied, even more damaging revelations leaked out. It seems that Fran O'Brien's Stadium Steakhouse in the D.C. megalopolis, not far from the Walter Reed and Bethesda hospitals, hosts a free banquet each Friday for the maimed and scorched veterans of the War on Terror and their families. Our former men and women in uniform undergo painful (and not always competent) rehabilitation. Bodies used to running five miles and pounding out 100 push-ups now may collapse after a half hour of slowly extending and flexing shattered joints. There are prosthetic fittings and skin grafts. Lessons in hygiene must be relearned. (How does one bathe with a hook for a hand?) Heads must be shrunk by learned psychiatrists — quite a dodgy thing when some of the syndromes in the Diagnostic and Statistical Manual are punishable by firing squad in the military and many of the rest are grounds for less than honorable discharge.

In short, these people are hurting. Fran's does what it can to give our vets a short respite from this horror. It is a place that should daunt the idealism of the neocon.

Wolfowitz dined there regularly.

And, because complaints from disabled veterans simply disappeared in the military machine, he would hand out his business card, and tell the aggrieved to call his office. This goes well beyond the art of "image-making," which prefers African AIDS orphans as props.

In a town where networks are everything, the business card of the deputy secretary of defense is worth far more than gold. How many defense industry lobbyists would crawl through a Fort Bragg latrine to grasp the business card that a 19-year-old amputee can reach out and grasp in his new prosthetic hook? How many lobbyists would simply swipe it from the boy?

When history renders its final verdict on America's role in Iraq, and on those responsible, Paul Wolfowitz will probably be among the convicted. But remember what he did at Fran's, week in and week out, for the broken soldiers of Walter Reed. It sets an honorable example. — Brien Bartels

ThinkAgain.org — On July 14, protesters from MoveOn.org gathered in front of the White House, and demanded that President Bush fire Karl Rove for leaking the identity of a CIA operative.

News You May Have Missed

Court Orders Emergency Homeless Aid

WASHINGTON — In a unanimous decision, the U.S. Supreme Court declared that the federal government has a constitutional obligation to provide homeless people with luxurious free accommodations immediately, provided that the homeless people have law degrees and wear long black robes. The surprise decision was announced not in the court's usual venue, the U.S. Supreme Court Building, but in the Shaky Precedent Bar and Grill, a dark, questionable establishment where the nine justices met following their release on bail from a nearby police station. They had spent the night in the station after being arrested for sleeping in a large cardboard box, on which someone had written "Equal Justice For All" with a magic marker, on a downtown sidewalk, where they had taken refuge after the homes of all nine justices were seized by local governments following the court's 5–4 decision in late June that allowed the city of New London, Conn., to seize the property of homeowners by eminent domain and turn it over to private developers who proposed building large-scale commercial and residential buildings on it. The controversial ruling relied on an expanded definition of the constitutional phrase "public use" which allows local governments to take into account such considerations as tax revenues, visions of urban renewal, campaign contributions, a slow day at work, dreams, omens, portents, whether there's a good seafood place in walking distance of their offices, and whether or not they've confiscated anything lately. In arriving at that decision, the five justices who supported it said that they had not foreseen, as a possible consequence, that their own homes might be seized by government officals in Washington and suburban Maryland and Virginia and turned over to Donald Trump, who announced that he will use the properties for casino gambling palaces, which the local officials decided was a legitimate public use after a free fact-finding trip to Atlantic City, from which they returned flushed, giddy, and, as one official described it, "in a kind of wow-I-won-the-jackpot mood."

— Eric Kenning

MoveOn was formed to encourage those in the Senate who were preparing impeachment proceedings against Bill Clinton to move on to more substantial business. At a time when President Bush is preparing for a battle over his Supreme Court nominee, privatizing Social Security, and waging war on at least two fronts, firing an aide who might have done something that's probably not illegal anyway is certainly not a pressing issue. If ever there was a better time for activists and zealots to "move on" to more substantial political issues, I can't remember it.

Perhaps what MoveOn.org is really Moving On to is a government controlled by Democrats. Just as with Republicans, Democrats and other mainline political groups, irony is as invisible to them as is integrity. — Tim Slagle

Pastime on the Potomac — To no one's surprise, the major league baseball team that moved to Washington, D.C. this year has become a political tool. The team is owned by the league, which is trying to find buyers for it. One of the eight bidding groups includes George Soros, the financier who donated $20 million to anti-Bush action committees before the last election.

But whether Soros' group makes the best bid or not is irrelevant to Capitol Hill Republicans. Rep. Tom Davis of Virginia — who convened the steroid hearings — said that "Major League Baseball understands the stakes" if Soros is part of the ownership group, adding "I don't think they want to get involved in a political fight."

Rep. John Sweeney (R-N.Y.) said, "It's not necessarily smart business sense to have anybody who is so polarizing in the political world." Unlike the grandstanding Davis, Sweeney has some say in the matter, because he's vice chairman of the appropriations committee that controls D.C.'s budget. Whichever group buys the team will have to go through him to get public funding for a new baseball stadium — and Sweeney says that if it's Soros asking, the GOP response will be, "Let him pay for it."

So the GOP has no problems disbursing hundreds of millions of dollars from the D.C. budget to some billionaire so he can build a stadium on top of the homes and businesses of Anacostia (after all, that part of D.C. is filled with poor blacks and gays; the Republicans owe them no favors) — unless that billionaire is their political opponent. Sounds like it's about time for George W. Bush to get back in the baseball business. — Andrew Ferguson

Pascal's wager (Hindu version) — The really terrifying thing about reincarnation is the possibility of being reborn as someone who believes in it. — Eric Kenning

'Fess up — President Bush probably bought himself a little more time with his recent speech at Fort Bragg, but unless conditions on Iraq improve substantially and soon, he may have blunted criticism only temporarily.

The president was appropriately somber, which was an implicit acknowledgment that things haven't gone as well as he had hoped. But he didn't tell Americans how we will know when things are going well enough that the troops can start coming home.

The president's speech is unlikely to reverse the administration's decline in credibility on Iraq. If he had any instinct for honesty he could have restored at least some degree of credibility. Wars are unpredictable and chaotic. People from the top levels of strategic planning to the privates in the field make mistakes. Everybody knows that. The American people are mature enough to deal with the possibility that the administration underestimated the amount of opposition U.S. occupation troops would face — and think better of the president for admitting it. That admission might lend credibility to the assertion that they have a handle on it now.

Here's a measure anybody can understand. A recent Brookings Institution study found that the number of insurgent (or terrorist) attacks in Iraq was 10 a day in May 2003, 52 a day in June 2004, and 70 in June 2005. Some 25 Iraqi civilians were killed by warfare in May 2003, while 350 were killed in June 2004, and 600 in May 2005.

When those numbers start to decline rather than increase, Iraq will start looking more like a success to Americans. Those numbers are more important than numbers of Iraqis trained or constitutional assemblies held. — Alan W. Bock

"The Property Protection Act of 2005" — A bare majority of a bitterly divided Supreme Court has ruled in *Kelo* v. *City of New London* that private property may be taken for private use if the taking authority considers this action to be in the public interest. An act of Congress to remedy this severe infringement of people's rights would be proper and constitutional.

The 14th Amendment grants Congress the power to enforce its provisions "by appropriate legislation." Among these provisions is a ban on "any State's depriv[ing] any person of life, liberty, or property, without due process of law." The 5th Amendment, also considered binding on the states under the 14th, provides that no person "be deprived of life, liberty, or property, without due process of law; nor shall pri-

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vate property be taken for public use, without just compensation."

Congress should enforce these provisions by resolving that "public use" means "public use" as traditionally understood, period, and does not include private use even if it is deemed to be in the public interest. (In a truly exceptional case of one private party's being unconscionably exploited by the monopoly position of another, and to a degree that blatantly infringes the public interest, the aggrieved party may, in conformance with existing law, seek a civil remedy in the courts.)

Congress should also attend to the "due process" and "just compensation" clauses. A property owner who holds onto his property usually does so because it is worth more to him than the selling price or supposed market price that he could get (net of transactions costs, including subjective costs). If a taking for public use really is in the general public interest, then the expropriated owner should share in this benefit. (The question whether such an overall benefit is available to be shared is a test of whether the taking is appropriate.) The owner should be paid enough to make him, like the rest of the public, come out ahead; he should be paid more than some government unit, perhaps influenced by greed, deems the market price to be. It should also be noted that the market price, to the extent that one can be ascertained, is likely to have been depressed by the prospect of an unfair taking. Paying only the lower price falls short of "just compensation."

One purpose, perhaps the main purpose, of eminent domain is to prevent a holdout owner from insisting on extortionate compensation. It may be difficult in some cases to draw a line between such a price and a price that, though not excessive, is generous enough to render the expropriated owner better off, and justly so, even from his own point of view. This line may inevitably be fuzzy but the principles involved should be clear. — Leland B. Yeager

We need it because we want it — Glossed over in many of the laments on the recent *Kelo* decision is the fact that the constitutional authorization of eminent domain takings exists for good reason. This doesn't conflict with a consistent minarchist libertarian philosophy. Under certain circumstances, government needs this power to fulfill its proper function. Obviously, eminent domain should be restricted to cases in which the use of the property is clearly defined, the public benefits are clear and direct, and there are no less invasive methods available. The Supreme Court considered this reasoning when hearing arguments in *Kelo*, and demanded that counsel for respondents clarify the proposed use of the plaintiff's land. Counsel conceded that he didn't know, but that, if nothing else, the home would make a good parking lot.

Apparently, for this court, that's good enough.

— Mark Rand

We have the technology — The first ever bionic prosthesis has been attached to a Tennessee man. Jesse Sullivan's new arm allows him to wash the dishes and shave, and he's now busy relearning how to tie his shoes. What's the cost of all this? Oddly enough, $6 million — and if Sullivan's new arm lets him juggle chainsaws as adeptly as these scientists juggled their budget to get that PR-friendly number, he'd be not just a success, but a sensation.

— Andrew Ferguson

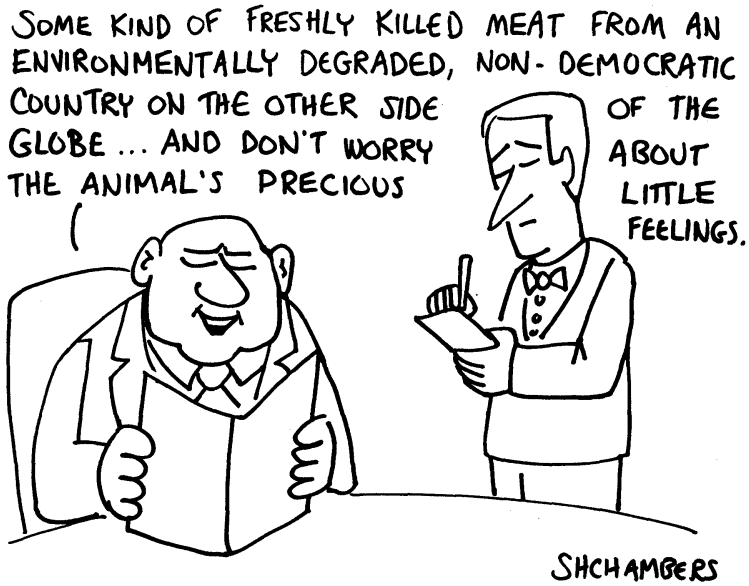

Solomonic wisdom — The U.S. Supreme Court's two decisions on the display of the Ten Commandments on government property could be seen as biblical. Remember the story of King Solomon, confronted by two women claiming to be the mother of the same baby? He said he would cut the baby in half, and when one woman objected, Solomon knew that was the real mother and gave her the baby.

The court went ahead and cut the baby in half. In two seemingly contradictory 5–4 decisions, the court said that a six-foot granite monument on the grounds of the Texas Capitol was constitutional, but framed copies of the Ten Commandments in Kentucky courtrooms were unconstitutional. Justice Stephen Breyer was the swing vote.

Actually, if you buy modern jurisprudence on the establishment of religion, context matters, and there are reasons to differentiate between the two cases.

High court jurisprudence has focused on making sure the government doesn't endorse or support any particular religion. While this is not the same as establishing a church, one can understand the concern. But deciding whether an action supports religion or merely acknowledges its historic importance is a matter for prudence rather than principle.

The court distinguished between the Texas case — in which the Ten Commandments monument was one of 17 historical displays — and Kentucky, where a couple of judges added other items to their religious displays only after complaints. The Texas case, it figured, was a valid acknowledgment of the historic importance of the Ten Commandments, while in Kentucky the judges were pushing religion.

Unfortunately, there's no clear principle to determine where the boundaries are, so these decisions invite future litigation. — Alan W. Bock

And how does that make you feel? — Sometime around the 1970s, the government grew a goatee and put all of us on a couch, nodding sympathetically, stroking its beard thoughtfully, and taking notes while we agonized about any trifle whatsoever (except trifles like the loss of privacy and liberty). We live in a frazzled therapeutic culture watched over by a therapeutic state in which every problem or trend, most of them once covered by the far-reaching French theory *C'est la vie*, is labeled a psychological disorder. The list includes most crimes, a persistent taste for alcohol or drugs, high energy when observed among children, easy distraction when observed among children, childish behavior when observed among children, fatness, thinness, hard work, laziness, anger, and absence of anger, all of them now an occasion for feeding frenzies by counselors and consultants and other professional meddlers.

Even those of us not yet officially diagnosed with a jargon-generated disorder are so fragile psychologically that we need to be protected from allegedly offensive speech and humor on college campuses, from jokes and flirtations and racy pin-ups in workplaces, from war photos and unconventional opinions on television. We're also eligible for millions of dollars in jury awards if anything more specific and suable than life leaves us with permanent psychological trauma or distress, and by permanent we mean lasting more than 45 minutes. So every public discussion of every event and issue is now accompanied by the soft murmur of therapists in the background, cautioning us, urging us, and soothing us, and every citizen is under careful scrutiny by therapeutic custodians in white coats armed with verbal straitjackets and quick to pounce, except maybe a president who invades a country and sends thousands of young people to their death for no apparent reason, which is considered normal behavior.

Yet somehow we come out of it more unhappy and with our nerves more on edge, judging from surveys that compare current levels of self-described contentment with those in the 1950s, even though terrorism and AIDS and other headlined menaces today are really no more menacing than communism and H-bombs and polio were then. Maybe the epidemic of therapy is the problem. Maybe we've been taught to exaggerate every transient feeling we dutifully get in touch with. Maybe being repeatedly and officially told we can't control ourselves leads to a vacuum of self-control filled by others, including the state. Karl Kraus' observation a century ago about the work of his fellow Viennese, Freud, comes to mind: "Psychoanalysis is itself the disease it purports to cure."

But Freud at least had a dark, stoic view of the human condition. Everything essential in his work was anticipated by Book IV of Swift's "Gulliver's Travels," where human life is already reduced to irrational impulse, lust, and excrement. He wasn't what he took himself to be, a scientist soberly making discoveries, but he was an unconscious, inadvertent satirist. Like Swift, he combined a gravely decorous style with grotesque absurdity, and like Swift, he thought the human condition was basically incurable. The occupying army of counselors and therapists in America today is mostly made up of smarmy, officious sentimentalists and busybodies whose only real view of life is that no one should ever be left alone to deal with anything, and that stoic fortitude is to be avoided at all costs. To their everlasting credit, Indonesia, Sri Lanka, and other countries affected by the tsunami last December told the American grief counselors to go home as soon as they arrived. — Eric Kenning

Maybe being repeatedly and officially told we can't control ourselves leads to a vacuum of self-control filled by others, including the state.

Laissez-scar — Most viewers and reviewers are puzzled by the abrupt ending of Steven Spielberg's "War of the Worlds." The answer can be found early in the movie, when young Rachel (Dakota Fanning) examines a splinter in her hand. Her father (Tom Cruise) offers to remove it but she pulls back, telling him, "Just leave it alone and it will work itself out." This small, seemingly insignificant exchange between a daughter and her nearly deadbeat dad turns out to be the central theme of Spielberg's version of the story. Just leave them alone, and the invaders will work their way out, harming a few cells that get in the way, but leaving the hand with little more than a scar. Many libertarians have the same

News You May Have Missed

Bush's Approval Rating Falls Among Bushes

WASHINGTON — President Bush's job approval rating has continued to plummet, falling to 31 percent in a survey of adults who are related to him, many of whom told pollsters that it's their turn to be President Bush now. The president's plunge in popularity has been even more dramatic among the general public, and according to rumors circulating in the scientific community, physicists who study the concept of Absolute Zero have begun taking an interest in it. But the same survey showed that poll numbers were down for others, too. The overwhelming majority of those surveyed said that they would be extremely dissatisfied with the job performance of Paris Hilton if she ever got one, and approval of Tom Cruise has fallen precipitously among all sectors of the population except Scientologists. In perhaps the biggest surprise, the polls showed that 79 percent of pollsters who were polled had completely lost confidence in the job that they were doing, while the other 37 percent thought that any mistakes they made were not their fault.

— Eric Kenning

idea about invaders — just leave them alone, and we'll be fine. They'll die out on their own, and will leave little more than a scar.

I wish it were that simple. — Jo Ann Skousen

Give a hoot! Don't dare shoot! — I admit it: I ride public transportation when I'm in the city. I know it's a folkloric tenet of individualism that you must take a car everywhere, but I have never felt constrained by it. And I would rather be transported to my workplace in a chair heaped with dung than try to find parking in downtown Seattle.

Seattle's buses are covered, inside and out, with public service ads. There are posters for Job Corps, Planned Parenthood, and, of course, announcements honoring the Operator of the Year. FACE, the FireArm Crime Enforcement Coalition of King County, contributed a black poster with

Word Watch

by Stephen Cox

A friend of mine opened the monthly bulletin of his church and discovered, amid the committee reports and announcements of ice cream socials, a long "think piece" written by the assistant pastor. This man had been inspired by some force, heavenly or demonic, to discuss his own religious experience, which, according to him, included his progress to the idea that "God is a metaphor."

The idea had a disturbing effect on my friend. It made him wonder what sort of religion his contributions were helping to fund. The next time he encountered the assistant pastor, he asked him what he meant.

"I was expressing my conception of God," the AP answered.

"But what is your conception?" my friend replied. "I mean, if God is a metaphor, what is he a metaphor of?"

No articulate response was forthcoming. My friend was left to conjecture that "God" must be either a metaphor for "God" or a metaphor for "nothing."

Of course, it's obvious what was going on. The minister had no idea what he was talking about. His words had no denotative meaning. They pointed at nothing; they expressed no determinate concept. Their significance, if any, was purely connotative, purely a matter of a certain atmosphere he hoped to create. On the one hand, he wanted to give people the impression that he was an advanced thinker, distrustful of all traditional ideas; on the other hand, he wanted to give people the impression that he really believed in God. Thus, God became a "metaphor." The Reverend was dancing the connotative two-step: put one foot here and another foot there, and with any luck the audience will think you're Ginger Rogers.

The world of political discourse is largely the world of connotative and impressionistic "meanings." This was not always so. Despite all the rhetorical fluff in the orations of Bryan and Webster, Douglas and Clay, there were denotative meanings at the core. When Stephen Douglas orated about popular sovereignty, it was clear, God damn it, what he meant by popular sovereignty. Any of those gentlemen could talk by the hour, telling you what they thought and why they thought it, providing in stupefying detail the history of the events and documents that appeared to support their views.

But we live in a purer age. Virtually every news story that involves political speech brings us something approaching the Platonic form of the meaningless message.

Particularly large scoops of piffle were dished out at the political concerts and demonstrations staged in Europe this summer in an attempt to pressure or disrupt the G-8 Conference. In discussing this topic, I cheerfully omit analysis of some of the participants' requests for little things like the total extirpation of capitalism, everywhere in the world. I limit my attention to political discourse focusing on the West's alleged duties to Africa.

Almost any news story would do as an example, but consider this one: an AP report entitled "As Many As 200,000 March Against Poverty." I am always wary of that "as many" phrase. I am warier still when the first line of a story indicates, as this one does, that "as many as 200,000" is actually supposed to mean "more than 200,000," even though "unofficial police estimates" are confessed to be only about half as high.

But never mind. The report concerns a vast demonstration of political opinion, staged in the city of Edinburgh, Scotland: "Anti-poverty campaigners formed a human chain around Scotland's capital on Saturday, echoing the musical call of the Live 8 concerts that [the] world's wealthiest nations act to lift Africa out of misery."

Fine. But let's see. What does it mean to be a "campaigner" against "poverty"? Does that concept apply to me? Every day that I work is a campaign against poverty, mine and that of the bureaucrats who absorb my taxes. But no, it couldn't mean that. That has nothing to do with traveling to Europe and holding hands with other "campaigners" to stop traffic in Edinburgh — a magical act that will somehow help to "lift" another continent out of its "misery."

Perhaps it would help if "poverty" and "misery" were defined in some manner. To do that, however, would be to obtrude an ugly denotative meaning into a situation where none could possibly subsist. Nobody knows what "poverty" means, much less "misery" or the act of lifting something (a continent!) out of it.

Is misery what someone feels when his doctor tells him that he needs an operation? Is misery what a young man feels when his girlfriend tells him that she's not in love with him "that way"? Is misery what an African feels when her farm is confiscated because the government doesn't like the way she votes? Yes, probably, all three. But do you know how to remedy it?

four (racially balanced) mug shots, each with a crime and the caption "15 additional years," or "5 additional years." The headline: "Use a gun . . . Do extra time. Don't use a gun."

See, one layer of our government here — I have given up trying to keep track of which — increases the sentences of those convicted of felonies if their weapon is a firearm. They think it sporting to alert the criminal class to this fact.

The first time I saw this I thought it rather presumptuous of the transit system to assume that the criminal class, rather than middle age commuters, is riding this bus. But aren't most public service ads wasted on their audience? Most exhortations to civic virtue fall on ears deafened by continuous volleys of ads exploding on all sides.

However, this particular exhortation could be dangerous rather than useless. What message are they sending to young and impressionable thugs and brigands? "Don't use a gun to

And what is poverty? Is poverty what President Johnson promised to eliminate from America? Did he succeed? If not, why not? Or is poverty what most of the people of Nigeria endure, despite the fact that Nigeria is "rich" in oil? Oh, certainly. But again, do you know what to do about it?

One thing we know about Africa is that economic "misery" prevails there because African governments are perpetually at war with private property. Another thing we know is that most African governments would change or vanish if Westerners stopped giving them aid.

Strangely, however, these are things that seem not to have been mentioned at all by the 200,000 "anti-poverty campaigners." They were demonstrating in support of a proposal that Western nations forgive African debts. That's a fairly innocuous suggestion, since the Africans aren't going to pay their debts anyway — although welshing on your debts can make future investments somewhat difficult to procure. Another proposal was the professional do-gooders' routine request for a radical increase in foreign aid.

Whatever could be said for this agenda, it was oddly out of proportion to the sound and the fury, the screaming and the posturing, the forging of human chains and the disruption of Edinburgh's traffic. If the meaning that the activists wished to communicate was a sober conclusion resulting from the study of economic statistics, what was the significance of all that other stuff? The AP story said that the demonstrators sent "a peaceful but powerful message." Let's see. . . . What was that message, exactly?

The mob's intellectual leaders struggled to define it in moral terms. British Prime Minister Tony Blair announced that "poverty in Africa is a 'scar on the conscience on the world.'" His chancellor of the exchequer, Gordon Brown, told "activists" that they were "standing up today for people who have no power of their own but need power." Scottish Roman Catholic Cardinal Keith O'Brien, pretending that he was one of the crowd of 18-somethings, testified that "we recognize our solidarity with the poor of the whole world. . . . We demand generosity and justice in our giving and politics."

Here are three interesting moves in the moral fandango. Tony steps to the right, confesses a guilty conscience — but wait! Now he steps to the left: it's not his conscience that's "scarred"; it's the world's. Then Gordon boldly insists that power be given to the poor. But from whom will the poor siphon off this power? Not from him — he's not losing any! In fact, he's proposing that his own power be increased, so he can transfer more of other people's money to the Africans. Next, Cardinal Keith asserts that all the campaigners for "justice," including and especially himself, are in "solidarity with the poor of the whole world." It's almost as if he were impoverished, too. But he is not so poor in spirit as to forget the iron fist inside the satin glove. What he wants, he demands. Is this St. Francis, or Father Coughlin come again?

Look at what he's saying. "We demand generosity and justice in our giving and politics." So he demands justice of himself; he is holding himself to the highest standard of justice. (Never mind the oxymoronic nature of a "demand" for "generosity.") But no, that's just the aura, the atmosphere, the impression he's trying to create — because the "we" doesn't point to the same entity that the "our" does. "We" signifies "we pious busybodies, standing here talking about justice and generosity," but "our" must signify "your," as in "your money that we intend to take from you to deliver to the national socialist states of Africa." If he were concerned with his own giving, he could just go ahead and give; why bother to demand anything? But he wasn't.

And there were other people besides the Cardinal who had demands to make: "Scores of shop windows were boarded up along the march route and officials had cleared away any debris

"We" signifies "we pious busybodies, standing here talking about justice and generosity," but "our" must signify "your," as in "your money that we intend to take from you to deliver to the national socialist states of Africa."

that could be used as missiles." The Cardinal's address preceded a week of violence by anarchists and communists, whose rhetoric came from the same barrel of irrational phrases on which he was feasting.

Irrational, and indescribably petty. Here was no solemn clarion, no splendid sweep of emotion, no "Give me liberty, or give me death!", no "This government cannot endure permanently half slave and half free," no "I have a dream today." Here was vapid nonsense about assuaging guilt by the exercise of power over others. Here was: "We demand generosity." Here was the rhetoric of children.

I remember a cartoon, circulated by one sect of '60s radicals for the purpose of lampooning another sect. It showed a young woman dressed in black, sporting long snaggly hair and a crazed expression, cranking a ditto machine that spat out pieces of paper saying, "WE DEMAND! WE DEMAND! WE DEMAND!" The cartoon made a point: when the medium looks like this, who wants to figure out the "message"?

overpower or overawe your victim. Instead, why not indulge your creativity?" Maybe the next series of ads can supply a few suggestions: "Use a knife. Use a bicycle chain. Use a can of hairspray and a cigar like James Bond. Use a machete, or a cane sword. Use a garrote. A rubber tube. A bag of dimes. A can of pepper spray. Use a gigantic belt buckle swung on a genuine snakeskin belt. Use a power tool. (Be sure it comes with rechargeable batteries, not an extension cord.) Use a car bomb. Or a beaker of acid. Sic a Doberman on your victim. Or a wolverine. Use a zip gun, whatever that is. A shiv. A shank. A skunk. Use Zyklon B or VX gas (but mind which way the wind blows). Be primitive and use a club, or be postmodern and use a volume of Derrida or Foucault. Be surreal and do any of the above, but wear a tomato in your lapel.

"Just don't use a gun. We're afraid of guns."

— Brien Bartels

The money pit — Poverty in Africa is unquestionably real and heart rending. But if sending aid to the continent was the key to economic recovery, Africa would be well on the road to prosperity by now. Between 1960 and 2005 foreign aid worth more than $450 billion (inflation-adjusted) flowed into Africa. But between 1975 and 2000, African gross domestic product per capita actually declined, at an average annual rate of 0.59 percent.

The problem in most of Africa is not lack of resources, lack of entrepreneurs, or the legacy of colonialism. It is poor governance. Most African governments are run by corrupt rulers who see governing as a way to seize resources for themselves and their families, tribes, and political supporters. Aid tends to be frittered away on useless projects or squirreled away in Swiss bank accounts.

There are exceptions. Rep. Ed Royce of Fullerton, Calif., who headed the African affairs subcommittee for eight years, notes that Botswana protects private property rights and has an independent judiciary. Its score on reports judging economic freedom has improved steadily since 1980, and while per capita GDP in the rest of Africa has been declining, in Botswana it has grown at an average annual rate of 4.58 percent. Other African countries that have increased economic freedom and improved economic performance include Mozambique, Uganda, Tanzania, and Mauritius.

So Africa has countries that have learned how to succeed. Unfortunately, pouring more aid into Africa is likely to delay rather than hasten the day when other African countries catch on and change their policies. The best way the U.S. can help Africa is to end domestic farm subsidies and reduce tariff barriers on products like cotton, cocoa, coffee, tea, tobacco, and dairy goods.

— Alan W. Bock

Revolutionary evolutionary pace — A study out of Beijing Normal University reports that Chinese elephants are adapting right before our eyes. Since elephants are hunted for their tusks, tuskless elephants are not being slaughtered, and according to a report in the China Daily, 10 percent of all Chinese elephants are now tuskless.

This should be reassuring to those who believe man has been irreparably damaging the planet. It's good to know that nature, which has already survived countless asteroids and ice ages, can survive humans as well. Despite how aggressive these clever hairless monkeys have been towards other species, nature will survive.

— Tim Slagle

"Mr. Bush, tear down this wall!" — As President Bush would have it, the choice is simple. Either Congress renews and expands the Patriot Act, or America will soon be fighting terrorism with one hand tied behind its back. "If we have good tools to fight street crime and fraud, law enforcement should have the same tools to fight terrorism." It's not a bad choice of words, for his purposes. Compared to "the power to demand just about anything from a business and make it a crime to say anything about it," the word "tool" sounds innocuous. Americans love having the right tools for the job.

The problem is that it is far from evident that the Patriot Act "tools" have done anything to prevent further terrorist attacks. Nobody really knows why we haven't suffered a major attack since 9/11. Is it because al Qaeda is weakened or because they think in years rather than

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months? Is it because law enforcement has stymied plots or because there weren't any serious plots? If anybody tells you he knows for sure, be skeptical, especially in the wake of the London attacks. U.S. intelligence, as everybody acknowledges, still hasn't figured out how to penetrate the al Qaeda network.

President Bush implies that if the Patriot Act isn't renewed intact, the fabled "wall" between intelligence and law enforcement will be rebuilt with bigger bricks. Balderdash. Tensions and turf wars between the FBI and the CIA have been the stuff of Washington legend for decades, and the Patriot Act hasn't had any perceptible effect on them. Even Attorney General Alberto Gonzales admitted in a recent congressional hearing that the "wall" was more a matter of culture than of law.

Efforts to improve intelligence and law enforcement communication began before the Patriot Act was passed and they will continue — in fits and starts, and with limited success — whether the act is renewed, reformed, or eliminated.

The recent Justice Department Inspector General report suggests the FBI had ample grounds to stop some of the 9/11 hijackers but never got its act together. It's more important to get these agencies to focus on terrorism than to make new powers permanent.

— Alan W. Bock

Finger lickin' good — The CDC has acknowledged that it overestimated deaths caused by obesity by fourteenfold. A simple mathematical mistake? It's more than that. Obesity and death have a complicated relationship which is not yet clear to us mere mortals.

Only at the extremes does the semi-science of public health accurately predict the relationship between obesity and mortality. If you're 5 feet, 3 inches tall and weigh 300 pounds, odds are that your life will end sooner than you desire. If you're 5 feet, 3 inches tall and weigh 150, even though skinny friends and health officials condemn you, it's not certain that a chicken drumstick every night will kill you.

All predictions involving weight and mortality are fuzzy generalizations. There's a positive statistical correlation, the scientists say. But that doesn't mean that extra-crispy fried chicken seven days a week, 52 weeks a year will hasten your journey across the Styx.

— Ted Roberts

The crucifixion of Tom Cruise — Actor Tom Cruise created quite a stir on June 25 when he called psychiatry a "pseudoscience," asserted that there is no chemical basis for Attention Deficit Hyperactivity Disorder, and said that antidepressant drugs mask problems-in-living. He used actress Brooke Shields' postpartum depression as a case in point, which has engendered a fair amount of hostility from those who disagree with him, including Shields. The New York Times published her rejoinder on July 1. Cruise was criticized by psychiatric apologists as irresponsible and dangerous for speaking his mind — and the truth.

A lot of people misunderstood what Cruise said, or dismissed his argument as a rant from a Scientology brainwashed wacko. Cruise, however, learned a lot about psychiatry from the writings of psychiatric abolitionist Thomas Szasz, and Cruise's arguments reflect Szasz's ideas. Szasz is an intellectual heavyweight whose ideas about medicine, disease, science, liberty, and responsibility merit serious consideration.

Szasz has upset many psychiatrists over the years because, despite being a psychiatrist, he is psychiatry's harshest critic. In real science this is expected to occur in order to advance scientific knowledge. In pseudoscience, such criticism is forbidden.

The American Psychiatric Association (APA), responding to Cruise's comments on NBC's "Today Show," asserts in a press release dated June 27 that "science has proven that mental illnesses are real medical conditions. . . . It is unfortunate that . . . a small number of individuals and groups persist in questioning [mental health's] legitimacy."

Actress Brooke Shields is understandably upset. She responded by claiming she has a disease caused by changing levels of estrogen and progesterone during and after pregnancy. This disease allegedly kept her from being the "loving parent . . . [she] is today." It is difficult to argue with someone who uses her own experience to prove that something is scientifically correct. If one shows how she is wrong, one can be accused of lacking compassion. But compassion has nothing to do with the truth.

Critics of psychiatry are frequently accused of lacking compassion. I fail to see how depriving an innocent person of liberty, forcing a person to take drugs he doesn't want to take, and shocking his brain with electricity against his will — all done by some psychiatrists in the name of treating mental illness — are indications of compassion.

What of the substance of Cruise's arguments? The truth is that science has never proven that mental illnesses are "real" medical conditions, anymore than it proved homosexuality is a disease. (Homosexuality was declassified as a disease by the APA in 1973, partly because of the writings of Thomas Szasz.) Standard textbooks on pathology do not list mental illnesses

among real diseases like cancer, rheumatoid arthritis, and syphilis. Why? Because only the body can be sick, not behavior.

Certainly people exhibit irrational, socially unacceptable, and abnormal behavior for all sorts of reasons. But it is wrong to call behaviors diseases. Diseases refer to physical lesions, wounds of the body, not behaviors, conduct, or deportment.

In other words, Cruise is right. Some drugs may certainly help people to feel better about themselves, but there is no evidence to support the idea that any drugs cure or restore chemical imbalances. Szasz pointed this out years ago. These drugs influence chemicals in the body, but everything we do is accompanied by chemical and electrical changes in the body. This is not the same as saying the changes in our body make us do this or that. We cannot tell who is depressed by drawing blood, studying fluid balances, or looking at pictures of the structure and function of the brain. There is no such thing as asymptomatic "mental illness" — yet there most certainly is when it comes to real diseases like cancer and heart disease.

Szasz is best known for his insistence that "mental illness" is a metaphor, and that we go astray if we take the metaphor literally. Yet belief in mental illness is not his main target. In Szasz's view, individuals should be free to devote themselves to any variety of psychiatric belief and practice. What Szasz objects to is forcing people to see (or not see) a psychiatrist, to reside in a mental hospital, to partake (or not partake) of drugs, and to believe (or not believe) in any specific set of ideas. Cruise, again echoing Szasz, rightly objected to the involuntary administration of psychiatric "treatments."

One way people try to discredit both Szasz and Cruise is by playing the Scientology-is-a-cult card. Instead of asking why Scientology endorses Thomas Szasz's ideas, we should be asking why other religions do not. — Jeffrey Schaler

We have met the enemy and he is us — The Bush administration continues to defend, in the case of Jose Padilla, a genuinely breathtaking legal theory more suited to an absolute monarchy or dictatorship than to a society operating under the rule of law.

Jose Padilla, remember, is the former Chicago gang member and convert to Islam who is accused of working with al Qaeda to plant a radioactive "dirty bomb." He was arrested in May 2002 in Chicago's O'Hare airport, on a flight from Pakistan. He has since been detained in a military brig in South Carolina, with no charges filed against him.

Last year the U.S. Supreme Court declined to rule in Padilla's case, saying he had filed in the wrong judicial district.

continued on page 26

News You May Have Missed

Bush to Ask for Easier Countries to Occupy

WASHINGTON — In a major address to the UN General Assembly scheduled for next week, President Bush will ask, according to an advance copy of the speech, for small, defenseless countries around the world to "step up" and volunteer to be invaded by the United States, adding that only those countries that would be "a whole heck of a lot easier than Iraq" would be deemed eligible. The speech will list, among many other "attractive, photogenic, highly qualified semifinalists," Togo, Estonia, Latvia, Luxembourg, Liechtenstein, Andorra, San Marino, Monaco, Costa Rica, and Vermont.

Once a country has been invaded, Bush will tell the UN, the two dozen or so regular U.S. troops that Defense Secretary Donald Rumsfeld estimates will be needed to quickly subdue it would be withdrawn and replaced by a much larger occupying force of battle-hardened military recruiters who will be relieved of duty in the unforgiving landscape of malls and high schools across the United States, where the Pentagon has found resistance insurmountable. The recruiters would then start "outsourcing" American military jobs, shipping able-bodied citizens in the conquered countries to Iraq in numbers large enough to replace exhausted, fed-up American personnel and sustain the troop levels needed for the projected perpetual U.S. occupation, the linchpin of the Bush administration's ambitious long-range strategy of transforming the entire Middle East into a free, democratic seething cauldron of anti-American hatred.

The job of cooking up the evidence for the immediate threat posed by each country selected for invasion will also be outsourced, according to administration sources, to cable news organizations like Fox that have already demonstrated their resourcefulness in this respect, and in return they will get the kind of wars that they can easily market to restive audiences with short attention spans, with quick victories followed immediately by new invasions that will allow continuous coverage of statues being toppled and fit neatly into 24-hour news cycles and reality format spin-offs.

Hawkish administration strategists like Kenneth Adelman, who predicted a "cakewalk" in Iraq, and Richard Perle, who guaranteed "dancing in the streets," issued a statement that said that by comparison the invasion and conquest of "pushover" countries like Gambia, Guinea-Bissau, Surinam, Belize, Syria, Iran, and France that have made their new to-do list will be "a kind of Viennese waltz, New Orleans Mardi Gras, Roman Saturnalia, Club Med cruise, Cancún Spring Break, and Thirty Years' War all rolled up into one."

But reaction at the UN to the president's speech is expected to be mixed, with some small island nations like Tonga, Fiji, and Barbados welcoming an invasion by Americans, figuring that it will be accompanied by a follow-up invasion by Bono, Madonna, and Sting raising money on their behalf or at least buying vacation homes and raising property values, and other countries opposing it on the grounds that it's late and they have a headache.

— Eric Kenning

Kelo: Hope for Property Rights

by Timothy Sandefur

Kelo is not the unmitigated disaster that it appears to be.

In *Kelo* v. *New London,* the United States Supreme Court held that government may take property that belongs to one person and give it to another. That is hardly surprising. Government today does little else. What is surprising is that for the first time in over a century — perhaps the first time ever — a Justice of the Supreme Court held that the Constitution puts limits on the power of eminent domain. In fact, four Justices contended that government should not be in the business of redistributing property between private landowners.

Eminent domain is the government's power to force you to sell your land for whatever price the government decides is fair. Troubling as this authority is, American law has always considered it legitimate, so long as the government takes the land for a "public use," such as a highway or a post office. But in the past 50 years, government has engaged in much more ambitious projects of redistributing land in ways bureaucrats think are likely to increase revenue. I described some of the awful examples of these takings in Liberty (see "They're Coming For Your Land," March).

In its June decision, the Supreme Court upheld a Connecticut plan to take the homes of Susette Kelo and some of her neighbors in New London, Conn., and give the land to a private developer to build a convention center alongside a new Pfizer pharmaceutical plant. Kelo, a nurse who works three jobs to care for her home and her ill husband, was represented by the Institute for Justice (IJ), the Washington, D.C. libertarian legal foundation that does heroic work challenging some of the worst abuses of eminent domain. In their case, IJ cut to the major principle: the state simply had no authority to condemn this tidy, pleasant residential property and transfer it to a private developer for private use. The 5th Amendment's public use requirement, they argued, must mean something more than "public purpose," since just about anything can be called a "public purpose" in some way, including whatever private development the city officials might envision. In fact, as IJ's Dana Berliner pointed out, the city hasn't even decided what it wants to do with Susette Kelo's property.

But Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg, Stephen Breyer, and Anthony Kennedy rejected this argument. They pointed to 19th century cases which allowed government to take property for railroads, or for dams that powered sawmills; these private enterprises had been authorized to use eminent domain because they contributed to the public welfare, so what was the difference? "The disposition of this case," Stevens concluded, "turns on the question whether the City's development plan serves a 'public purpose.'" Since constructing a convention center would create jobs and increase tax revenue to the city, the condemnation met the requirement. "Promoting economic development is a traditional and long accepted function of government."

None of this was novel. In the 1954 decision *Berman* v. *Parker,* the Court unanimously declared that Congress could eradicate slums by condemning large portions of Washington, D.C., and transferring the land to private developers. One victim, a storeowner whose business was not

blighted, sued on the grounds that this redistribution violated the public use requirement. Justice William O. Douglas could hardly restrain his contempt. "When the legislature has spoken," he wrote, "the public interest has been declared in terms well-nigh conclusive. In such cases the legislature, not the judiciary, is the main guardian of the public needs. . . . This principle admits of no exception merely because the power of eminent domain is involved." Since the New Deal, it had become the norm for courts to ignore laws that violated property rights, and Douglas was not about to disturb the status quo. In fact, Douglas even found it acceptable for government to take a person's land and give it to someone else directly: "Appellants argue that this makes the project a taking from one businessman for the benefit of another businessman," he wrote. "But the means of executing the project are for Congress, and Congress alone, to determine once the public purpose has been established." The decision was unanimous.

Thirty years later, in *Hawaii Housing* v. *Midkiff*, the Court again allowed a state to take land from some owners and give it to others. The Hawaii legislature passed a law allowing anyone renting a home to request that the state seize it from the landlord and sell it at a discounted rate to the renter. Justice Sandra Day O'Connor wrote that, although the Constitution did theoretically prohibit the government from taking property from one person and giving it to another, "where the exercise of the eminent domain power is rationally related to a conceivable public purpose, the Court has never held a compensated taking to be proscribed by the Public Use Clause." Public use, essentially, means whatever the legislature says it means. And, again, *Midkiff* was unanimous.

Kelo is probably the first time that any Justice has so directly challenged the validity of any precedent as powerful as *Berman* and *Midkiff*. It certainly marks the first time in well over a hundred years that Supreme Court Justices have taken the public use requirement seriously. Even Justice O'Connor tried to retreat from her own *Midkiff* decision, describing it as containing "errant language." Justice Clarence Thomas went further. *Berman* and *Midkiff* should be overruled, he wrote; the public use requirement means public use, not private use. Even in the railroad and sawmill cases, courts had required the government to regulate the private beneficiaries of eminent domain to prevent that power from being exploited for private profit. Worse, when government can use eminent domain to transfer land to private developers, it is only a matter of time before powerful lobbyists seize that power for their own profit. As a result, the commonest victims of private takings are people with the least political influence. "Something has gone seriously awry with this Court's interpretation of the Constitution," he wrote. "Though citizens are safe from the government in their homes, the homes themselves are not."

Public outrage over the decision surprised many observers. After all, *Kelo* was predictably in line with precedent. But it seemed to have suddenly dawned on Americans that their homes could be next in line for the bulldozer. Some congressmen proposed barring the use of federal funds whenever eminent domain is used to benefit private parties, and legislators in several states began working on laws to prevent private condemnations.

If you've got a barbershop next to a bookstore, and a Costco wants that land — watch out.

Meanwhile, in California, redevelopment agencies and contractors immediately began spinning the decision: Californians had nothing to fear from the *Kelo* decision, they claimed, because California's redevelopment law only allows the condemnation of "blighted" property. But this requirement only means that the city must pass a resolution declaring a neighborhood to be "blighted" before they condemn it. And the criteria on which such a resolution may be based are startlingly vague: "Factors that . . . substantially hinder the economically viable use . . . of buildings . . . [including] substandard design, inadequate size given present standards and market conditions, lack of parking, or other similar factors," is one. This seems to mean that if a grocery store's parking spaces are too small for the Nissan Titan, the place is blighted. "Adjacent or nearby uses that are incompatible with each other and which prevent the economic development of . . . the project area," is another factor. If you've got a barbershop next to a bookstore, and Costco wants that land — watch out. "The existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership." What sort of usefulness is "proper"? Well, whatever the bureaucrats say, of course.

Worse, a property owner who seeks to challenge the city's declaration that his neighborhood is blighted has little opportunity for a day in court. Take, for example, the case of Ahmad Mesdaq, whose fashionable coffee shop and cigar store, the Gran Havana Cigar Factory in San Diego's Gaslamp District, was condemned earlier this summer to make way for a new hotel. Mesdaq went to court to prove that his land was not blighted, but the judge held that he was not allowed to introduce any new evidence, and that if the city's decision was based on any evidence — no matter how

"It's not accidents in the kitchen that bother me — it's the stuff she does on *purpose*."

weak — the court would uphold it. When he appealed, the city complained that "if Mesdaq's 5,000 square feet is not included, the [hotel] project, on 35,000 square feet, has the following deficiencies:

1. The number of rooms is reduced from 334 rooms to 237 . . .
2. The on-site parking is reduced . . .
3. Increased costs are incurred to shore around Mesdaq's building . . .
4. Change of the project footprint from a rectangle to an "L" shape . . .
5. Loss of 150 linear feet of street footage . . .
6. Reduced ballroom size . . .
7. Changed "back of house" service areas . . .
8. Substandard lobby and arrival area . . .
9. Going back through the review and approval process . . .

The Court of Appeal agreed that these dire public emergencies must be remedied through the use of eminent domain, and Mesdaq was forced to relinquish his shop in May.

This is the reality of eminent domain, and if *Kelo* causes Americans to realize that "economic redevelopment" means just this sort of abuse, it will have taught them a lesson libertarians have tried to teach for years: whenever government has the power to redistribute property, that power will become a prize in a political competition which will be won by the lobbying of concentrated groups with the most to gain — not by the widely dispersed losers, who are often unaware of the legislation passed in their names. Thus the outcome will not depend on justice, but on which group can rally the most political support, which is why poor people so often lose their homes to companies like Costco, Ikea, or Home Depot — and not the other way around.

But at least as important as the education of citizens is the education of the judiciary itself. Since the New Deal, the Supreme Court has — with whatever degree of sincerity — insisted that the only solution for government's violations of economic freedom is the ballot box. That answer has always been absurd, because the whole purpose of the Constitution is to remove our rights, including the right to property, from the reach of democracy. The Constitution was not designed to strengthen government — government hardly needs the help — but to limit it. Federal courts, therefore, are supposed to police the boundaries by ensuring that the legislature does not exceed its constitutional authority. Deferring to the legislature on matters of wealth redistribution is simply turning over the henhouse to the fox.

The whole purpose of the Constitution is to remove our rights, including the right to property, from the reach of democracy.

Yet this deferential attitude on the part of the courts has been practically unshakeable. For 70 years, whenever a law that interferes with property rights or economic freedom is "rationally related to a legitimate state interest," the courts have given it a pass, and it has been considered almost rude, and certainly crude, to suggest in legal circles that the Constitution limits the legislature's authority to deprive people of their property or opportunity. According to the most widely respected legal scholars, courts are simply not in the business of "second-guessing" legislative attempts to rewrite the laws of economics. Things had reached such a state that in 1987 the Supreme Court confessed that "our cases have not elaborated on the standards for determining what constitutes a 'legitimate state interest.'"

As Justice Thomas noted, such deference is based solely on the Justices' political views; it would never be applied in the case of rights that the liberal members of the Court take seriously.

That the United States Supreme Court does not know what a legitimate state interest is ought to shock people, but it is entirely understandable, given the Court's deference to legislatures. The Court has adopted an ultrademocratic principle under which almost anything the legislature decides to do is automatically considered legitimate. The Supreme Court's assertion that "promoting economic development is a traditional and long accepted function of government" was not supported by any argument or even a footnote, but simply dropped into the opinion as a matter of course. Yet it is simply another instance of the Court ignoring its constitutional duty to ensure that the legislature stays within its legitimate authority. "Long accepted" — by whom? Certainly not by the American Founders, who explained in the Declaration of Independence that government only exists to "secure" our rights, and that the states may only do things which government may "of right" do. It was not accepted by the framers of the Constitution, such as James Madison, who wrote that:

> There is no maxim in my opinion, which is more liable to be misapplied, and which, therefore, more needs elucidation, than the current one that the interest of the majority is the political standard of right and wrong. Taking the word "interest" as synonymous with "ultimate happiness," in which sense it is qualified with every necessary moral ingredient, the proposition is no doubt true. But taking it in the popular sense, as referring to immediate augmentation of property and wealth, nothing can be more false. In the latter sense, it would be the interest of the majority in every community to despoil & enslave the minority of individuals. . . . In fact it is only reestablishing, under another name and a more specious form, force as the measure of right.

Although Justice Stevens' "deference" wraps itself in the rhetoric of democracy, it is really just substituting force as a measure of right: whenever the legislature decides, in the name of the people, to condemn a person's home and give it

continued on page 26

Just Say "Non"

by Stephen Berry

The European Union is crumbling — and that's good news.

On Sunday, May 26, French voters, always seen as staunch supporters of the European Union (EU), voted "Non" in a referendum, thus rejecting the new EU constitution. Barely had the bemused Eurocrats in Brussels prepared their explanations for this Gallic aberration when, three days later, the Dutch too rejected the constitution with an even stronger "Nee." Although the political leaders of all the major parties in both countries had prophesied doom if further steps along the path of European integration were not taken, the voters of both countries were not convinced. After 50 years, we are undoubtedly witnessing a sea change in the way the EU is perceived by the populations of Western Europe.

During the Second World War, a number of European politicians began to erect European institutions in an effort to neutralize the nationalism which had so damaged the continent in the first half of the 20th century. In 1943, Jean Monnet, one of the main architects of the new European politics, said, "There will be no peace in Europe if the states rebuild themselves on the basis of national sovereignty, with its implications of prestige politics and economic protection. . . . The countries of Europe are not strong enough individually to be able to guarantee prosperity and social development for their peoples. The states of Europe must therefore form a federation or a European entity that would make them into a common economic unit." In 1951, the European Coal and Steel Community (ECSC) was set up, with six members: Belgium, West Germany, Luxembourg, France, Italy, and the Netherlands. The power to make decisions about the coal and steel industry in these countries was placed in the hands of an independent, supranational body called the "High Authority," with Monnet as its President.

Within a few years, these same six countries decided to go further and integrate other sectors of their economies. In 1957 they signed the Treaties of Rome, creating the European Atomic Energy Community (EURATOM) and the European Economic Community (EEC).

In 1967 the institutions of the three European communities (ECSC, EURATOM, and EEC) were merged. There was now a single commission and a single council of ministers as well as a European Parliament. Originally, the members of the European Parliament were chosen by national parliaments, but in 1979 the first direct elections were held, allowing the citizens of the member states to vote for the candidate of their choice. The Treaty of Maastricht (1992) introduced new forms of cooperation between the member state governments in the areas of defense, justice, and home affairs. By adding intergovernmental cooperation to the existing "Community" system, the Maastricht Treaty also created the European Union. As if this were not enough for one year, the EU also decided to prepare for economic and monetary union, including a single European currency managed by a European Central Bank. This single currency — the euro — became a reality on Jan. 1, 2002, when euro notes and coins replaced national currencies in 12 of the 15 EU countries (Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, and Finland).

While national governments transferred powers to the headquarters of the EU in Brussels, the European Union also gained more members through successive waves of accessions. Denmark, Ireland, and the United Kingdom joined in 1973, followed by Greece in 1981, Spain and Portugal in 1986, and Austria, Finland, and Sweden in 1995. In 2004 the European Union welcomed ten new countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. Bulgaria and Romania expect to join in 2007; Croatia and Turkey began membership negotiations this year and expect to be admitted.

My potted history of the "European idea" clearly shows that, over the last half century, there has been a steady movement towards European integration. The end of this process is undoubtedly seen to be a federation of European states with the EU acting as a super state by virtue of its economic and military clout. The new constitution, which would create an EU foreign minister and a diplomatic service, is only the latest stage of a longstanding development. The rejection of the new constitution by the French and Dutch electorates calls this 50-year-old process into question.

President Chirac urged French voters not to reject the proposed constitution. "It would open a period of divisions, of doubts, of uncertainties," he warned in a televised address from the Elysée Palace, his last speech of a tumultuous campaign. "What a responsibility if France, a founder nation of Europe, took the risk of breaking the union of our continent." But the French have shown that this is a responsibility they are more than willing to shoulder, that a finger wagging from the high and mighty does not faze them. They were quite willing to put up with the displeasure of Washington when they did not wish to become bogged down in an Iraqi quagmire. Bleats from bureaucrats in Brussels who see their expense accounts under threat will only frighten citizens of a very timorous disposition.

Defenders of the EU have made a desperate attempt to maintain that this was not really a vote against the new constitution. In France, their scapegoats are Chirac and what is amusingly called "Anglo-Saxon economic liberalism." Let us leave Chirac aside for the moment — not easy, when the word is that if he were not president, he would be facing a stiff jail sentence for corruption. What of the charge that the referendum represented a response to globalism and market economics? This is the dream of the "class of '68," the unreconstructed leftists who, like the Bourbons, "have learned nothing, and have forgotten nothing." On this view, the EU constitution should have offered more protection

Setback on the road to peace — Every year on the 11th of November, the people of my village gather at a monument dedicated to the soldiers killed during the First World War. The monument is covered in the names of the dead, including almost every man then aged between 20 and 30. A similar monument can be found in almost every village in France and Germany. My parents told me of the horrors of that war, and I witnessed the horrors of the next one myself.

The statesmen of my generation — those born before the Second World War — undertook to create some sort of European union in order to ensure peace. In 60 years, there has not been a single war between EU nations, and it seems almost impossible that there could be one during the life of any person alive today. In the light of such a great achievement, any argument for or against the EU seems insignificant.

How have we been able to achieve this oasis of peace? Each step of the European construction has been a compromise between classical-liberal and constructivist-socialist governments. The liberals pushed for freedom of movement for people and capital, competition against state monopolies, and increased protection of individual rights. The socialists wanted a common agricultural policy, a joint agreement on nuclear research and proliferation, and shared subsidies to underdeveloped nations. Of course, as a liberal, I resent the socialist measures. But this combination of approaches did have the virtue of moving countries closer to each other, forcing their leaders (and their citizens) to find common ground, and generating lasting friendships.

It has taken 25-odd separate treaties to get Europe to this point, and a desire to synthesize all of them in one single, clear document led to the drafting of a new treaty, unfortunately called a "constitution." (The document contained many items, such as a summary of the previously existing rules, not normally found in a constitution, and that in itself led to many pointless debates which obscured discussions of greater relevance.)

Those who voted against the treaty felt it was either too liberal or too socialist; those who voted for it (as I did) thought it was a reasonable compromise, and one that would enforce some limits on intrusive national governments. It is likely that France would never have had any sort of liberal breakthrough without the pressure applied by the European Union, and, even so, the Heritage Foundation's Economic Freedom rankings list France as 23rd out of the 25 EU nations.

Although the Constitution was voted down in France, I am happy with the result. Why? Because of the unintended consequences: French president Jacques Chirac involved himself so heavily on the "yes" side that the "no" result made him seem out of touch with the people — his approval ratings are down to 21%. In 2007, there will be new presidential elections in France, and Chirac will likely face liberal Nicolas Sarkozy, the most energetic politician that France has seen for many years. Turning Chirac out of office would be a step away from socialism, towards a partnership with the rising star of the EU, Tony Blair (who, despite his "Labour" label, is far more liberal than Chirac). With the support of the former Communist nations, who don't want to hear any more about socialism, Blair and Sarkozy — and Angela Merkel, who should replace Gerhard Schroeder as chancellor in Germany — can liberalize Europe while maintaining the peace of the last 60 years.

— Jacques de Guenin

from foreign trade, financial competition, immigration, and above all, American culture. But this is a pipe dream for at least two reasons. It would not be acceptable to the general French population, whose appetite for foreign goods and American culture is often underestimated (the top ten movies in France are generally from Hollywood). Sad to say,

The Brussels bureaucracy spews forth an endless stream of red tape and directives, covering such important matters as the correct size of sausages.

the French Left's fantasy of a protectionist anti-American Europe would also be unacceptable to Britain, Holland, Scandinavia, Germany, and the new EU members from Eastern Europe who see the United States as a military guarantor against Russia.

Three years ago the Dutch took an eccentric politician, Pym Fortuyn, to their hearts. A homosexual, anti-establishment, anti-immigrant nationalist, he articulated the mood across much of Western Europe. The Dutch have always prided themselves on being tolerant, but when a Dutch film director had his throat cut on main street for making a film critical of Islam, many Dutch cried, "Enough!" There is, in continental Europe, an open hostility to non-European immigrants which would be thought of as racist in the U.K. or U.S. Tell the Dutch that their social policy is to be decided by the votes of 70 million Turks and they will give an even bigger "Nee" vote. And it's not just the elderly. A poll of Dutch high school pupils showed 70 percent to be in the "No" camp.

Add the fact that a certain amount of fear-mongering coming from the "Ja" camp backfired heavily. In a television campaign, the "Ja" campaign tried to invoke the specters of the Holocaust and Srebrenica in order to spook the Dutch people into voting for the constitution. The Dutch were much more impressed by the "Nee" camp, which printed fake 180 euro notes to represent the amount each Dutch person had to pay in a year towards the central EU budget.

Whichever way you slice it, the vote against the constitution came from two countries always supposed to be at the heart of the European integration process. Remember, France and Holland were two of the original founder members of the ECSC in 1951.

What has gone wrong?

The single European market and the merging of foreign trade policies did create prosperity in Western Europe, but each subsequent stage of European economic and political integration has failed to deliver. In the background, the Brussels bureaucracy spews forth an endless stream of red tape and directives, covering such important matters as the correct size of sausages and how a shopkeeper might advertise his goods. Ever present has been the Common Agricultural Policy which subsidizes European farmers and prevents European consumers from buying food where it would be cheaper. But if I had to single out one issue which has brought the EU to its knees over the last few years, it would be the euro. The introduction of the single currency has paralleled stagnation and mass unemployment in certain countries in the EU. Two of the major sufferers, Germany and Italy, immediately saw the referendum results as an opportunity to consider leaving the euro bloc. The German Finance Minister, Wolfgang Clements, claimed that currency union is stifling Germany's already stagnant economy, and that euro-zone interest rates do not reflect German needs. The Italian Welfare Minister, Roberto Maroni, called for a referendum to decide whether Italy should revert back to the lira. Milton Friedman's forecast about the brief duration of the single currency experiment becomes more prescient by the day.

What of the view from the other side of the English Channel? The aftermath of the EU referenda saw yet another EU conference to decide the level of subsidies to European farmers — yet another clash between British and French leaders over who pays what into the EU. The simple truth is that the EU has become a huge and expensive distraction for Britain and other forward-looking European countries. India and China are emerging as the new superpowers of the 21st century, set to race past Europe in an era of unprecedented economic, demographic, and geopolitical change. Any British prime minister worth his salt should be devoting time to forging closer economic and cultural ties with Asia, not endlessly arguing the level of handouts to this or that farming group. With the economies of China and India set to overtake that of the United States during the next 50 years, the obsession of the British political establishment with European integration (most clearly articulated on the BBC, the British state-controlled broadcasting channel) seems hugely irrelevant.

While the populations of America, China, and India are expected to grow over the next few decades, the population of Europe will fall by some 10 percent. It might be expected that, for historical reasons, the U.K. would be well placed to gain from the rise of Asia. In 1997, Britain handed over Hong

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Kong to China, but that vibrant city-state should still be a tremendous asset to the U.K., giving British companies extensive contacts in expanding Chinese markets. Hong Kong's trading relationships with the U.K. remain intact, British financial institutions have a strong presence there, and Hong Kong's British-style legal system is easy for U.K. companies to understand. Why more is not made of these opportunities

continued on page 26

The Peasant Principle

by Stephen Cox

Modern peasants aren't necessarily poor or uneducated. They just can't see what's right in front of them.

I recently found myself on a university campus, attempting to do some research in the Art and Architecture Library. I succeeded in locating the building, but I couldn't figure out where they'd put the library. After circling the lobby ten or twenty times, fecklessly trying to find my own way, I noticed a group of students hanging out in a computer room. Swallowing the shame that every American feels in admitting that he is hopelessly lost, I singled one of them out and made my plea for help.

Me: I'm sorry to interrupt you, but could you please tell me where the library is?

Student: What?

Me: I'm looking for the library. It's supposed to be in this building somewhere.

Student: Huh?

Me: The library. I'm looking for the . . .

Student: What?

Me: Library. Books. Reading. [Hand gestures: the opening of a book.]

Student: I dunno.

Me: Maybe upstairs?

Student: Huh?

Me: On the second floor?

Student: Maybe . . .

Me: Well, thanks anyhow.

Dazed, I blundered onto a staircase and got to the second floor. There was the library, all right. The rest of it, as more blundering later disclosed, was housed in the basement. In other words, the student whose advice I had sought was actually surrounded by books, books presumably about his own field of interest. But he had no conception that they were there.

This was far from the first time that such a thing has happened to me. It happens almost every time I seek directions. And it seems to be happening more and more frequently, and taking more and more ridiculous forms.

A couple of years ago I was visiting family and friends in rural Illinois when I discovered that I had forgotten which road to take. Trying to return to my aunt's house in Bridgeport, I had undershot or overshot the goal. I was traveling through farm country that was wholly unfamiliar and wholly without appropriate signage. Then an oasis appeared — a church with a lot of cars parked in front of it. The church had a school, and the school was having some kind of event. Here, surely, were the cognoscenti of the community; here, surely, were people who could release me from the maze of cornfields. I leaped from my car and accosted two large women striding toward the church with covered dishes.

"Pardon me, ladies," I said. "I must have gotten lost. Is this the road to Bridgeport?"

They stared back at me as if I had asked for the steamer schedule to Siam.

"Bridgeport?" they cried.

Now, there are only two towns in that part of the territory, and one of them is Bridgeport.

"Yes," I repeated. "Bridgeport."

The first turned to the second, and both of them

shrugged. "Say, Helen," the second one called to a third. "Know anything about *Bridgeport?*"

Helen confessed that she didn't. "Well," said a voice from the gathering crowd, "you *could* take that road you were on . . ."

I don't think that any of my would-be helpers was ignorant of Bridgeport's existence. I just think that Bridgeport was outside their mental universe. I took their advice and went back to the road I'd been on. It led me to Sumter.

The other day I was passing through a small town that was the birth and burial place of a significant American author. He's not as famous as Hemingway or Faulkner, but

It isn't just the shepherds of Arcadia who are ignorant of death; it is also the intelligentsia of little towns in Indiana.

who is? It's enough to say that his work is still in circulation, although things haven't reached the stage where "Birthplace of" appears at the city limits. Nevertheless, when I turned up at the town library to ask whether anyone could direct me to his grave in Evergreen cemetery, the reference librarian seemed to have heard of him. The problem was, she hadn't heard of the cemetery. Neither its name nor its location (which happened to be seven blocks away, next to the fairgrounds) evoked any recognition, either from her or from anyone else in the building. Cemetery? What cemetery? It isn't just the shepherds of Arcadia who are ignorant of death; it is also the intelligentsia of little towns in Indiana.

People who work in historical museums are particularly ignorant of the history that surrounds them. Making inquiries in the municipal museum of a large city of southern California, a city that prides itself on its historical connections with railroading, I discovered that no one could tell me anything about either the history or the location of the old railway depot, which was a five-minute walk down the street. "Never been there," they said, appearing to relish their ignorance. Guides at a state museum in a tiny town in Michigan could not direct me to the town's one other historic site, a church that was emphasized in the museum's own displays. They guessed that the church was a few miles east on the highway. Actually, it's about a thousand feet south on the same country road on which the museum itself is situated.

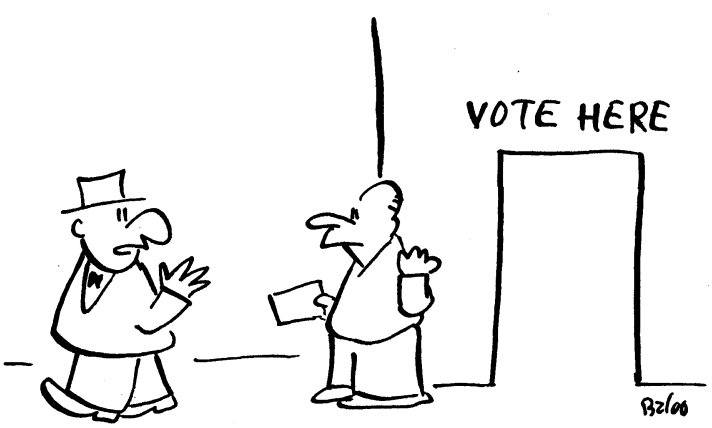

"No thanks — I don't want to get involved."

What's impressive isn't just the ignorance of the people who are paid to know things. It's the ignorance of almost everybody. Motoring this summer through the beautiful state of Kentucky, I decided to see something that I had missed on previous visits — the enormous monument that marks the birthplace of Jefferson Davis. The 350-foot obelisk, one of the largest monumental structures in the world, towers over the rolling fields east of Hopkinsville. It can be sighted from ten miles away. I didn't want to miss it again, but how *could* I?

So I thought. But my grotesquely deficient road atlas refused to show any points of interest or even to specify the village of Fairview, where the monument is located. I was confident, however, that any resident of the state could tell me how to get there.

I started asking as soon as I crossed the bridge at Cairo, and I kept asking all along the way east. I asked at state parks and historical sites. I asked at gas stations and McDonald's restaurants (I like their chocolate shakes). Nobody knew where the monument was. In fact, *nobody had ever heard of it*. Not until I saw the thing poking up through the trees was I sure that I was going in the right direction. "I'm surprised that more people don't know about this place," I remarked to the attractive young woman who ran the elevator that took me and two other tourists (not much business that day) to see the great view at the top of the obelisk. "Yes," she said. "It's really too bad."

Yes, it is. It's also too bad that most residents of Manhattan can't tell you where the Chrysler Building is (go ahead, ask them), and that residents of New Mexico who tried to get tickets to the Atlanta Olympics were told by their own representatives to the global village, the employees of the United States Olympic committee, that they should place their orders with the Olympic committee of *their* nation. No one seemed to realize that New Mexico was a state. I used to know a public relations operative who traveled around the country with the clients of her firm. She hadn't the faintest idea of where she was at any time. She had no idea that Iowa was west of New York.

In the early 19th century, during the beginnings of the romantic movement in literature and art, it was sometimes assumed that people who lived amid scenes of great natural beauty were bound to be spiritually inspired thereby: they would know nature and, knowing her, would know both themselves and God. The poet Wordsworth suffered from an advanced stage of this ideological disease. He believed that peasants dwell in an environment in which "the essential passions of the heart find a better soil, in which they can attain their maturity . . . because in that condition the passions of men are incorporated with the beautiful and permanent forms of nature."

Tired of these outbursts, Wordsworth's friend Coleridge informed him that, as everybody knows, or else should

know, peasants ordinarily understand nothing about "nature" or anything else, unless they are influenced by some neighboring "exciseman, publican, or barber" who reads a weekly newspaper. Where people don't care to read, even "the ancient mountains, with all their terrors and all their glories, are pictures to the blind, and music to the deaf."

It is time to go a step farther and state an essential principle of human experience. In honor of the Wordsworth-Coleridge dispute, I will call it the Peasant Principle. It can be formulated in this way: People are least likely to understand or notice the things that lie directly in their way. To put this in plainer language: Ignorance begins at home.

The principle explains much more than people's ignorance of geography. Oh, much, much more.

Why do men and women select spouses who are plainly worthless in every respect? Why, after getting a divorce, do they go out and make a second marriage, exactly like the first?

Why do the very people who have suffered most from the depredations of government, in the form of crime-ravaged streets, degenerate schools, and the systematic devastation of all job-providing businesses in their neighborhoods, vote en masse for the big-government party?

Why do activists against "hate" employ the most aggressive and abusive language on the political spectrum? Why do rich people constitute the major source of funding for socialist activism of every kind?

Authors are traditionally advised to write about themselves. But why do so many of them (good authors, too) appear to believe that it's the heroes in their books that are modeled on themselves, when actually it's the villains?

The answer is not that these people want to demonstrate their hypocrisy, marry themselves to drunks and crazies, make other people laugh at them, or ruin their own lives. It's that they have not noticed certain obvious features of the world around them. They are peasants, busily cultivating their gardens, intellectual or emotional, but never lifting their eyes to the dark woods all around them.

People who work in historical museums are particularly ignorant of the history that surrounds them.

Even the history of economic thought can hardly be understood apart from the operations of the Peasant Principle. Although the solution was obvious, the fundamental question of how things acquire economic value went unanswered until the late 19th century. Or rather, the wrong answers were provided. Deep thinkers taught that commodities are valuable either because people worked hard to produce them (the labor theory of value) or because they simply *are* that way (the intrinsic theory of value). Of course, the world has always been full of things that are worthless, no matter how much work went into them; and there have always been plenty of examples of commodities (like gold and silver) that seem to be intrinsically valuable but aren't valuable *to you, right now* (say, when you are starving to death on a desert island, with only a sack of silver coins for snacks). It took the theory of marginal utility, released to the public in the 1870s, to explain that things become valuable when somebody wants one of them more than anything else he could spend his time, money, or effort on at the moment. Simple, right? And it took only a few million years for the peasants to see it. A few of them saw it, anyway.

Residents of New Mexico who tried to get tickets to the Atlanta Olympics were told that they should place their orders with the Olympic committee of their nation. No one seemed to realize that New Mexico was a state.

We are all peasants at times. I will spare you an account of my own lengthy and embarrassing failures to see the truth about some of the most obvious features of my environment and myself. I'll just say that when I was in college I made a special study of Greek revival architecture, often traveling to obscure places to look at old buildings more or less justly suspected of Hellenism; but it wasn't until many years later, on a nostalgic walk past the rooming house where I spent most of my college days, that I looked at the house next door and discovered that it was one of the best examples of Greek revival in the area.

Do you know whom or what your town was named for? I must confess, to continue in this vein of honesty about myself, that I was well over 40 before I realized that there might be a story behind the names of the communities I knew as a kid. And there was. One, Leoni, was named for a hymn tune (I'm sorry to say that the other natives still don't know that); another, Henrietta, was named for a European countess — a glamorous origin for what would otherwise seem a very dull moniker.

It's always interesting to see what a large bag of words the frontiersmen carried with them. But even more interesting to me is the laconic little monosyllabic town of Rives, because, as I found, no origin has ever been established for that name. It's an indication of the mystery of ordinary things, and it would have been a good education for a little boy, if he'd known anything about it.

Do you know what your own name means, or why it was chosen for you? Most of us don't. But that's a question that is arguably much more significant than "Who's your congressman?" or "What is the capital of Belgium?" — the kind of questions that moralistic pollsters get so disappointed about when they find that people can't answer them.

The Peasant Principle sheds light on a great deal of behavior that people have tried to explain in other ways. Consider the economic fallacy of the Invisible Dollar. If you are unlucky enough to watch the local TV news, sooner or later you are bound to see a long report (it is always the same) about the horrible things that will happen if the government declines to renew its grant to some local project or

agency. Scores of jobs will be lost; scores of mortgages will be foreclosed; it will be a pretty sad Thanksgiving here in Eaton Rapids, and all because the government stopped "creating economic opportunity."

Well, that may be true; those may be the visible effects of the termination of federal largesse. But what no TV station announces is the jobs that would have been created elsewhere, undoubtedly in greater abundance, if certain funds had not been confiscated by the IRS and spent on that grant to Neighborhood Uplift of Eaton Rapids. This is not reported because nobody sees the money that people would have spent and invested in other ways if it had not been lost to taxation. Those dollars are "invisible." People see only the dollars that are actually spent on the government program. Hence the fallacious belief that there will be a net loss of jobs if the government does not spend money to create them.

That's a plausible explanation. It would be still more plausible if we were dealing with people who truly believed in Santa Claus, people who were certain that every government expenditure was a distribution of funds from some magical source, because they could see no evidence to the contrary. The truth is, anyone who is old enough to work is also old enough to see the supposedly invisible dollars that taxation removes from the marketplace. They're right there on your pay stub. It's very easy to Xerox, videotape, discuss and debate them. Even with the so-called employer's portion of your Social Security "contribution" hidden from your view, you should have no trouble seeing the whopping bite that the government takes out of your pay.

You don't think that money is being wisely invested, do you? No, you don't; you've visited the post office. And I'm sure you can imagine places where you could spend that "invisible" money to great advantage, thereby helping to create rewarding jobs for other people. But maybe the figures on your pay stub don't register on your consciousness. Or maybe you never look at them. Most people don't. If they see a two-dollar overcharge on their credit-card bill, they'll go after it like peasants chasing a stolen chicken, but — like peasants — they're just too daunted by the government to meditate upon their pay stub.

Coleridge informed Wordsworth that peasants ordinarily understand nothing about anything, unless they are influenced by some neighboring "exciseman, publican, or barber" who reads a newspaper.

And there are other issues. Peasants are not without pride in the untaught wisdom they are alleged to have. A few years ago, my colleagues and I at the University of California were granted an enormous raise by a state legislature that was worried about UC's "falling behind" in its competition for college professors. I know that sounds strange, but soon after it happened I observed something stranger. A party was given for some visiting academic, and at this party a member of my department waxed eloquent about the depraved indifference of the bourgeois political parties, neither of which showed any interest in "teachers" or "education." The result was that our salaries were *eroding*, day by day. Finally someone reminded her that we had just received a 15% raise. "Well," she said, triumphantly, "*I* never *noticed* it." No one could argue with that. She was a proud and happy peasant.

If you are unlucky enough to watch the local news, sooner or later you are bound to see a long report about the horrible things that will happen if the government declines to renew its grant to some local project.

You might argue, however, about the reasons behind the Peasant Principle, the hidden forces that cause people to constrict their consciousness in the manner of medieval serfs. This field is ripe for research and speculation. We can't rely on social class as the underlying cause. "Class" has nothing to do with it. When an establishment authority-figure remarked, in November 1980, "I can't understand how this man Reagan got elected; I don't know anybody who voted for him," he revealed that he was as much a peasant as the illiterate who doesn't know which party won the last election.

Nor does "access to information" offer any insight. Executives at CBS News can get any information they want, but they were the peasants who, on the morning after Dan Rather's disastrous invocation of patently faked documents to smear George Bush, sneered about the bloggers who were smart enough to expose the hoax and laughed about the funny little typographical features that proved it had taken place. Who, they chortled, would bother to notice stuff like that? Again, the important information was present and visible, but not within the universe-as-perceived by the peasants in question.

A great deal of latitude must be allowed to this concept of the universe *as perceived*. The objective universe includes a lot of things that go unperceived by the people who physically inhabit it. One might think it very natural for them to notice such things, but it doesn't seem natural to *them*. It may not even be useful, in the narrow sense of that word.

This is the factor that I call the Cow Component. I once complained to a friend of mine about a group of students who listened unenthusiastically to a lecture I gave. "They stared back at me like cows," I said. "I like cows," he replied. "Cows are dumb," I said. "They know as much," he said, "as they need to know." And that's usually true of people, too — supposing that all they need to know is grazing techniques.

The thing that counts is their conception of what they need to know. You can't tell me that half the population of this country is just naturally and spontaneously fascinated about what happens when two gangs of overweight males try to keep a leather ball away from each other. Some people

are probably born to be interested in football; the others get interested only because they know they will gain social status and respectability that way. It's expected of them, so they do it.

In the same way, a taste for physical nature — for gazing at it, conserving it, stomping around in it, staying outdoors in tents — is not natural to most people. There was a time, less than three centuries ago, when virtually nobody gave a damn about nature. Now most people do, because they are aware that they are supposed to. To put this more delicately, they have been educated into noticing nature, appreciating nature, making nature part of their mental universe. They didn't use to think that they "liked" it; now they think that liking it is their sacred duty.

There was a time before "nature"; then there was a time when people learned to appreciate it. There was also a time when the vast majority of white people in America did not notice that their relationships with black people were characterized by revolting arrogance and stupidity. They were peasants. Then, in a time of crisis, when black people showed that they weren't prepared to put up with that anymore, white people learned to see what they weren't used to seeing. I think that the results of the Second World War showed the Germans some new things, too.

I don't mean to equate learning about football or nature with learning about racism. I simply want to contrast two ways of learning. Your eyes can be opened by crisis, or they can be opened by a gradual process of encouragement and education. There is every reason to prefer the latter. And isn't it the role of teachers, parents, and friends to help the people they care about attain a richer experience of life? Well, of course it is.

You know what goes on the day after Super Bowl, when you're the only person in your office who doesn't know who won — or even, in my case, that the game was played. The response is shock, horror, pity, an urgent desire to help and instruct. The same emotions should be mobilized to counteract the baneful effects of the Peasant Principle.

Much can be done. Opportunities constantly arise for beneficial interventions. A person is introduced to you. You are told that her name is Mary and she comes from Fremont, California. "Mary," you say, "a lovely, old-fashioned name!" Already you're on the right foot, a much better foot than you'd be on if you'd just nodded and asked the predictable question, "So, uh. . . . What do you do?" "I'll bet you're named after someone in your family," you add. The respondent looks blank. "I dunno," she says. You've embarrassed her. But that's what you're trying to do. A little mild embarrassment, followed by a useful suggestion. "Oh," you reply, "I'm *sorry*. Perhaps if you asked your parents. . . ."

Mary's resistance to knowledge is now being broken down. You continue your innocent banter. Learning that Mary hails from Northern California, a sports fan would naturally make some comment about the fortunes of a Northern California team. You take a more instructive tack: "The Republican Party has certainly changed since the days of John C. Fremont, eh?"

At this, to Mary, extremely bizarre point in the conversation, she will probably decide to fake it, in the same way in which I fake it when somebody tells me, "Too bad about those Chargers, eh?" "That's right," I answer, "it's really too bad," as if I knew or cared anything whatever about the San Diego Chargers. Should Mary take the dishonest way out, there is little more to be done for her. You're confronting invincible ignorance. But if her resistance is still crumbling, she may say something like, "Who?" or even, "What do you mean?" Then you can clue her in on the fact that John C. Fremont was the first presidential candidate of the Republican Party, and a very interesting person in other ways as well. If Mary is blessed with an unprejudiced mind, vistas will now be opening up all around her. Imagine! There is something to learn!

But suppose that you yourself have no idea whom Mary's stupid town is named after. Have no fear. You're at no more of a disadvantage than the sports aficionados who talk for hours about things they have barely seen in headlines. Most of them don't know how the Chargers are doing, any more than I do; they're just good at making other people feel that *they* should know. So follow their example; keep talking and presume that the other person will feel obliged to come up with something to say.

Simply make some remark like, "Interesting town, Fremont — especially its name." If Mary confesses her ignorance, that's your cue to move in on her with an astonished stare and sympathizing voice: "Oh . . . I'm sorry. I thought you knew. Well. . . ." Then change the subject, with good hopes that your new friend will recognize her duty to go on the Web right away and look it up. Once she looks up "Fremont," who knows what other things she may decide to learn?

People see only the dollars that are actually spent on the government program. Hence the fallacious belief that there will be a net loss of jobs if the government does not spend money to create them.

I've outlined some elementary moves in the game. Advanced players will find no difficulty exploring more specialized strategies. And there's no reason to restrict the game to naked facts, as if life were "Jeopardy" or a chart compiled by a genealogist. It's good to proceed, wherever possible, to some sense of the significance of facts. Never let a conversation end just because somebody drops a stray fact into it. If your friend comments disparagingly about the money earned by the latest popular mindless adventure film, you can always go one step beyond. "Disgusting," you can say. "And that's only one-tenth the money that the state is spending on that new prison up at Washoe." "Really?" "Yes. And as you know," which undoubtedly your friend does not, "half the men in that prison will be there because of laws against drugs." "Gosh, that's terrible!" "Yes, it's one more example of what happens, once the government starts worrying about people's private conduct." From there on, the conversation is all gravy.

Of course, politics isn't the ultimate stage of discourse. Maybe you remember the thrill you felt when somebody first pointed up in the sky and got you to notice the wan gray light that's visible between the arms of the crescent moon. It's "earthshine," light reflected onto the moon, from the earth itself; and it made you realize that what the moon is to us, we are to the moon. Then there's the sense of intellectual mastery you gained, the first time you encountered a road sign that said "Continental Divide," and you learned the significance of the term: on the slope of that hill before you, the waters of the earth are parted, to roll in their separate ways down to the two great seas that bound our continent. To know such things is to see, comprehend, and *imagine* where we are in the world.

Sensations like that are still available, whenever you say to a bored little child, "Do you know what kind of trees those are? No? Neither do I. Let's look it up!" After all, it remains possible that there are things even you and I don't know. ☐

Kelo, *from page 17*

away to someone the legislature prefers, that decision is thoughtlessly endorsed.

As Justice Thomas noted, such deference is based solely on the Justices' political views; it would never be applied in the case of rights that the liberal members of the Court take seriously. "We would not defer to a legislature's determination of the various circumstances that establish, for example, when a search of a home would be reasonable, or when a convicted double-murderer may be shackled during a sentencing proceeding without on-the-record findings, or when state law creates a property interest protected by the Due Process Clause." So why the deference with regard to the public use clause? The only explanation is that taking property rights and economic freedom seriously might undercut the welfare state. Certainly it would raise complicated questions about how far American democracy has drifted from its actual constitutional authority. In defense of the welfare state, the liberal justices on the Court are willing even to abandon their traditional concern with political and economic outcasts.

Kelo is an excellent opportunity for civic education. People who have grown accustomed to seeing the redistributionary state as a kind-hearted way to eliminate poverty are now being confronted with the fact that for government to give, it must also take away. But more importantly, *Kelo* serves as an opportunity to teach a group of people who are in far more desperate need of education: the judges. The issue in *Kelo* was unavoidable: What is a legitimate state interest? Until the judges think seriously about that issue, using the materials bequeathed to us by the authors of the Constitution, their interpretations will continue on this chaotic, self-destructive path. That four justices did take these issues seriously is a great advance from the days of *Berman* v. *Parker*. ☐

Just Say "Non," *from page 20*

would be a mystery if the establishment's love affair with the EU were not everywhere to see.

The future for the U.K. in the 21st century cannot possibly lie in ever greater integration with a continent which seems to be in economic, demographic and cultural decline. Nor should it be as the military ally of the United States, which seems intent on wasting its massive political and economic advantages in an expensive and futile attempt to police the world. Instead the U.K. should strive to be an international trading center, a crossroads to the world. This would require reorienting British foreign policy towards Asia and Latin America, completely free trade, and further liberalization of the British economy, in particular health and education. The world is at the dawn of the greatest global economic boom in history. If the U.K. is to benefit, escape from the present European morass is essential. I hope and trust that the French and Dutch referenda are important steps along the road to the much-needed British disengagement from the EU. ☐

Reflections, *from page 14*

But it ruled that Yaser Esam Hamdi, who had been born in the U.S. (and thus is a citizen), raised in Saudi Arabia, and captured on the battlefield in Afghanistan, could challenge his detention in U.S. courts rather than a military tribunal. Hamdi has since been released.

In February a federal judge ruled that the U.S. government must either charge Padilla with a crime or release him. The government appealed, and in late July argued before the 4th Circuit Court of Appeals that it has the right to detain suspects in the war on terrorism "for the duration of the hostilities." That leaves a number of troubling questions. Congress authorized military action in a vague way — you could argue that it was to be directed only against those responsible for 9/11 — but it hasn't actually declared war on "terrorism" or any state, as the Constitution seems to require. Since terrorism is a tactic rather than a nation or a state, we have no idea what would constitute victory or when the war will be over.

Thus the administration is arguing for indefinite detention at the sole discretion of the president, with the judiciary having no say in the matter. So much for separation of powers.

"It is hard to believe that the government thinks it will win this case in the end," said Robert Levy, a constitutional scholar at the Cato Institute. "I think they're maneuvering to drag the detention out as long as possible but will come to a settlement in the end, as in the Hamdi case." For the time being, however, Jose Padilla is in the brig with no charges filed against him, and the administration is making the case for essentially dictatorial powers, for an indeterminate period. That is hardly the model of civilized, liberty-loving behavior we would like to contrast to terrorist barbarism.

Continuing to maintain such a stance materially weakens the case that the current struggle with terrorists is one between "civilization" and "barbarism." The terrorists are certainly barbarous, but working to undermine the rule of law is hardly a hallmark of civilization. — Alan W. Bock

Yukon Interlude

by Aaron Anderson

It was 1972. Judy and I felt the pull to move further from civilization. We bought 40 acres above Tonasket, Wash., on the Canadian border. We never actually moved there, but I did make two hikes from there into Canada, carrying 40 pounds of hash each time. The hikes were fun and profitable, and made us realize that we wanted to get even more remote. I had great memories of Alaska, so we planned a reconnaissance trip to Alaska on our BMW motorcycle. I removed the saddlebags and installed two large backpacks in their place.

I also built a 1x1x3 foot box for the package rack on the rear behind the seat. This held our food and cooking gear. My dog Flossy rode on top of the box. We stowed our tent and rain gear in the fairing in front.

Fairbanks was really torn up and overcrowded due to the pipeline project. This was not the vision from my youth, so we reluctantly got on the BMW and headed back towards our home in Roslyn, Wash. We still had lots of summer left, so we decided to take the Alcan Highway. Soon after stopping at Toke Junction to have a toke, we crossed the Alaska-Yukon border and proceeded to Dawson City, a small town of about 500 folks. We arrived just as the annual Dawson Days Celebration was starting, so there were thousands of people partying. We decided to hang out for awhile and check it out.

We sought out the locals and expressed our interest in finding some good growing land. The Lewis Rauls Homestead came up in several conversations. Lewis had been growing hay there for years, until the steamboats stopped operating on the Stuart and Yukon rivers. He had been selling his hay to racehorse owners in Vancouver. When the riverboats stopped running he just left and no one knew his whereabouts. We found a friend who agreed to lend us a canoe, and he drove us to a place upriver from the old homestead. Judy and I headed downstream on a river we knew little about. We did know that the homestead was on the right bank, so how could we miss it? The Stuart river was mostly pleasant, although we did encounter some pretty hairy rapids here and there. Traveling by canoe allowed us to encounter several moose and large brown bears at close range along the riverbanks.

The third day out we saw a large rooftop over the foliage at the river's edge. We paddled across the current and beached below a steep bank of glacier clay. As we climbed, I noticed some long pointed objects protruding from the bank. Curiosity caused me to scrape and claw one of them loose. Guess what? Mastodon tusks. We continued up the steep bank, and found ourselves staring at two Ford Model-T trucks in near-perfect condition. Beyond the trucks rose a log farmhouse, a barn, and several smaller buildings. The house was in good condition, other than the roof, which had failed under its load of snow. The barn was full of horse harnesses and farming equipment.

The well was fresh and the sloping fields were abundant with tall grass and feral hay. We were excited about the prospects for this place, and after a good hike around the land we spent the night. In the morning we canoed down the Stuart river to the Yukon river, and then to Dawson, our point of origin.

Our friend who had loaned us the canoe showed us how we could stake a claim on the homestead by faking a few documents. We filed our claim. Now we were really excited, and we rode as many as 800 miles a day on the rest of the return to Washington.

Upon arriving in Roslyn, we immediately began preparing for our departure. I purchased a 1946 Dodge 4-wheel-drive military ambulance and a large trailer. Judy's dad had given her a 1950 Dodge 3/4-ton pickup, and we purchased a camper for it. I repainted the vehicles blue and yellow, and yellow and blue. We still faced a few obstacles, like how we would get into Canada with all our gear, looking like hippies.

What we needed was some authentic looking documentation of who we were and what we were up to. As luck would have it, while we were sorting through stuff in preparation to leave, Judy came across a ring of keys to the University of Washington biology department.

The next time we were in Seattle we went out to the university, and sure enough the keys worked. Once inside, Judy looked for and found some University of Washington letterhead stationery. Cool. As we were leaving I bumped into a shelf and knocked a little book onto the floor. When I picked it up I saw that it was a requisition book from the university supply depot. Double cool. We took the requisition book with us for future considerations. (Please note our moral disclaimer: at this time we were more in tune with the "smash the state" mentality.) Now that we had the requisition book we found all sorts of things that could help us. We submitted a requisition for two aluminum canoes, some biology equipment, a large first aid kit, camera gear, and a citizens-band radio hookup for the trucks.

We still faced a few obstacles, like how we would get into Canada with all our gear, looking like hippies.

We had another stroke of luck one day when a junkie in Seattle approached me with a case of food stamp coupons he wanted to trade for cash. I gave him $100 for the case (about $2,400 worth of stamps). We spent the stamps on large bags of rice and millet, wheat berries, and a variety of nuts and dried fruit. We got huge wheels of cheeses, and cases of dates and raisins.

We also went to our friends at Starbucks Coffee Company at the original Pike Street Market location and had them make us a 25-pound package of our own special blend. Starbucks called it Yukon Blend, and I believe they still market it as such.

One of the considerations about leaving was what to do with Flossy. It was obvious that she wouldn't be able to handle the severe cold of the Yukon winters. One day when I was cutting some firewood so that Jim and Jan, our friends from California who would be living in our house while we were gone, would have a supply to last until they could get their own wood together, I accidentally felled a log on top of Flossy. This was a terribly sad occasion. I buried Flossy under a nearby tree and drove home feeling pretty low. After we had sufficiently mourned Flossy's demise, we loaded all our stuff into the trucks and bade farewell to Jim and Jan. We drove to Seattle to say farewell to friends and decide where to cross the border into Canada.

Into the Wild

We had our University of Washington letters of introduction, which we wrote ourselves, and all the proper papers for our malamute, Clyde. I did a final wrap on the trucks, putting everything in a high degree of order. The two aluminum canoes were tied on top of the truck. We named them Frog canoe and Om canoe. We chose to go through the main border crossing at Blaine, and arrived at the border early in the morning. Judy went inside with our papers and our letter of introduction which explained that I was Dr. Me, she was my assistant, and we were on a limnological survey to the Desdeash region of the Yukon Territory. The border guard who came out to inspect the vehicles was so impressed with our trucks and our whole presentation that he just waved us through. We drove a few miles and stopped to smoke a joint in celebration. We'd made it.

It is a long way to the Yukon and over 1,000 miles of the road was unpaved. We traveled about five miles apart to make it easier for faster moving vehicles to get past us. We were in communication through the two-way radios, and we took turns leading. We had both taken a massage course from my friend Calvin before we left home so we were quite proficient at relieving driver's stress at the end of each day.

One day when I was leading I saw a hitchhiker beside a pile of stumps by the roadside. I radioed Judy to pick him up. About an hour later I saw a nice place to stop for the night and pulled off the road to start setting up camp. When Judy arrived and pulled in I heard giggling, and when Judy and the hitchhiker appeared from behind the truck I realized that the hitchhiker was a young woman. She and her boyfriend had been going to Alaska to seek their future, then he had thrown her out of his car. She had been hiding behind the pile of stumps for four days with only a couple of candy bars for food. She was a mess. Her blond hair was extremely matted and her face was swollen from mosquito bites. Judy had properly medicated her with some hashish, so she was fairly mellow by the time they arrived. We fed her, brushed out her hair, and treated her insect bites. She had the same body style as Judy and the same long hair. Her face was ugly from insect bites that Judy washed clean with a special herbal cleanser.

After a good night's sleep she told us that she still wanted to go to Alaska. We appreciated her spunk, and invited her to travel with us. She accepted. Her name was Aimee. When her face had cleared up from the bites and stings she looked just like Judy, except she had blue eyes and blond hair. The two of them together were quite striking.

We had a series of breakdowns. The worst was a broken axle on the military truck. My jack would not lift the fully loaded truck, so we had to empty half the load to jack up the truck and remove the axle. I left the women with the camper beside the road with Clyde and a rifle, and I hitchhiked to the nearest town

to find a new axle. After a few days I returned, repaired the truck, reloaded it, and off we went. As a result of all the breakdowns, we had spent several weeks together by the time we finally arrived at the backroad that would take us to our homestead. We camped overnight and celebrated our journey with some homemade LSD-laced wine we had brought with us from Roslyn.

In the morning I began arranging our trucks for the final leg of our trip, on a road that hadn't been used for over 20 years. The women were having a conversation and Judy walked over and asked me how I felt about Aimee coming with us.

This new idea was dropped on me like a bomb, although I admit I had briefly entertained this fantasy. I flashed on the responsibility for another member, and if we would have enough food and supplies to accommodate a third person. I contemplated deeply for a split second and said "YES!"

The journey from the highway (a gravel road) to our new home was about 30 miles. We had to stop often to remove fallen logs and to shovel landslides from the road. When I say road I mean a two-rut strip that wound around and climbed up and down the countryside. It took four days to travel our driveway the first time. After the first time it only took eight hours one way.

Before we came to the land we came to a huge gold dredge that had been left to rot when the vein ran out of gold. We stopped to examine this oddity and I mentally cataloged its resources for possible future use. A little further on we came upon a grouping of buildings that must have been the mining camp. A mess hall, a bunkhouse, an office, and an equipment shed made up the scene. Oh yeah, and a six-hole latrine.

A mile or so further and we came to Eagle River. The river had obviously deepened and widened over the years because there was no way we could get across it with our trucks. We waded across the river and walked on down the trail for another couple miles or so and came to the homestead buildings we had seen on our visit last year.

Because it was getting late in the season I reluctantly decided we would be better off creating a temporary home at the mining camp for the winter. It would take way too long to build a bridge

We made a large brown-bear rug out of a brown bear that was threatening us while we were stealing his cranberries.

out of the timbers the gold dredge was made of, and we still had to have time to get ready for winter.

We immediately began tearing down the bunkhouse and remodeling the mess hall to suit our needs. I installed two barrel stoves and a cook stove that we had brought with us. We had brought lots of fun stuff to decorate a cabin with, and Judy and Aimee set about doing just that. As soon as we got the cabin tight I began cutting wood for the long winter ahead. After I had 24 cords of wood cut and stacked, I began splitting enough kindling for starting fires through the winter. We acquired seven more sled dogs from Gus, a trapper about 20 miles away. He was our nearest neighbor. We found a couple of sleds in the barn at the homestead and made our own harnesses out of some of the horse tack that was left in the barn.

The relationship among the three of us was great. I left most of it up to the women and we all loved each other a lot so it wasn't difficult at all. If you're wondering about our sexual arrangements, I left that up to the women to work out. All was well.

In the fall we spent our days harvesting cranberries, mushrooms, fiddler ferns, and lots of stuff we didn't recognize. We documented over 250 varieties of mushrooms. Some were shitty,

One morning we heard a commotion outside — a huge moose was trying to take out one of the trucks we had stored in the shop building.

some tasted good, and some felt good. I just loved the discovery of it all. We used most of the cranberries to make what we called cranberry ketchup. It was good on almost everything. We dried big bags full of herbs and teas for winter. And we made a large brown-bear rug out of a brown bear that was threatening us while we were stealing his cranberries.

In mid-October the snow came. It snowed about a foot thick and after that it was too cold to snow. The snow stayed bright white till spring, except for a strip downwind of our chimney. One morning while it was still dark (it only got a little light for an hour or so at midday) we heard a commotion outside. The dogs were yelping so I went out to see what was up. A huge moose was trying to take out one of the trucks we had stored in the shop building. I attempted to discourage him but he was stubborn, so I shot him. This set us up for a 24-hour marathon of skinning, butchering, and storing as much of him as we possibly could. The women made me an absolutely fabulous pair of pants and a shirt. We chewed on the dried hide to soften it. I made moose-horn buttons, Judy and Aimee created some awesome bead work. We had brought a Pfaff industrial sewing machine that I converted to operate on a treadle. Very high-tech. As the winter progressed, the women also got moose-hide outfits. Mukluks too. I got wolverine mukluks and a sealskin parka.

We read out loud to each other while doing crafts and the winter just crept on by. We developed a pattern where one of us served the other two every third day. The server's day started with stoking the stoves in the morning, preparing coffee or tea or hot chocolate, brushing hair, giving massages, leading a stretching session, then preparing and serving breakfast. The afternoons consisted of giving baths, massage, reading out loud, and otherwise pleasing the two recipients. Preparing and serving meals became competitive. Each of us constantly sought to create more artful culinary extravaganzas.

One nice diversion, especially during full-moon time, was to harness up the dogs, drop some LSD and go cruising. If we took the dogs out about ten miles we could turn around and they would head home on their own. We could just lie back and listen to the symphony of the sled runners and the panting of the dogs, while the aurora borealis sent its soft green rays deep into our eyes at 50 to 60 degrees below zero — very crispy entertainment.

I built a sauna for weekly sweats. This was major in regards to keeping us warm the rest of the week. We would get as hot as we could stand, then go outside and lay in the snow for as long as we could, and then repeat it over and over for hours. I developed a high degree of resilience to extreme temperature changes.

We could just lie back and listen to the symphony of the sled runners and the panting of the dogs, while the aurora borealis sent its soft green rays deep into our eyes.

As the long winter subsided and the days got longer, we started getting excited about gardening. After the snow melted and the ground thawed, I got an old Ford tractor running that had been left by the gold miners. It had a high enough clearance to cross the Eagle River, so I drove it to the barn on the homestead and got a plow that was intended to be horse-drawn. I taught Judy how to drive the tractor and we plowed about a quarter of an acre of south-sloping soil for a vegetable garden. I dismantled the six-seater outhouse from the mining camp and spread the human manure on the garden. We planted corn, potatoes, beans, peas, squash, radishes, turnips, and a variety of greens. Oh yeah, let's not forget the strawberries.

The soil was rich and fertile, and the summer sun was hot. We kept a record of the daily temperatures. The lowest was 74 degrees below zero and the highest was 96 degrees above zero. The summer was clear and dry, so we had to haul water for the garden from the creek by the cabin every other day. The sky was always clear, blue, and empty except for the occasional jet stream from planes that were so high we couldn't see them.

We were very happy to be eating fresh greens and other yummies from our own local garden of eatin'. Later we enjoyed the root crops which grew enormous in the long days of sunshine. Ten-pound potatoes and huge beets were our favorites. We spent days preparing and canning as much food as we could for the coming winter. We again harvested cranberries and mushrooms and other local herbs. In another location we grew some very good sativa. These plants towered 15 feet tall and produced enough stash to keep us well through the following winter. We named it thunderfuck. Yea, nature.

One morning, after the first snow had fallen, we heard a helicopter over in the next valley. We heard some rifle shots and then the helicopter left. I was curious and decided to hike over there and see what I could see. After slogging along for an hour or so, I saw some blood on the snow. As I got closer I saw the headless, footless, and tailless body of a large female wolf. This extremely graphic display of human stupidity stunned me to the core.

As I sat there in the snow contemplating the insanity of such an act, I heard some faint squeaks and yelps coming from a snowbank near an old stump. As I got closer, I saw the small opening the yelping was coming from. I stuck my arm into the hole to see if I could extract the noisemaker. The noisemaker responded by biting my finger. I quickly withdrew my arm and put my gloves on to stop the bleeding.

After an appropriate time for issuing expletives and profanity I tried a different idea. This time I got some of the jerky we had made for dog treats that I kept in my pockets, placed them outside the hole, and sat back and waited. Sure enough, after some time went by, out popped two of the cutest little wolf cubs this sourdough hippy had ever seen. I skinned the mama wolf and made a pouch out of the hide, placed the cubs in the pouch, and attached a stick to it. I placed the stick over my shoulder, Huckleberry Finn style, and made the trek home.

It didn't take the women long to domesticate these little rascals, and they grew like wolves. I erected a pen for them out of spruce poles and old roofing metal. The female never took to captivity as well as the male did, and one morning she was dead. We never figured out what caused her death. The male grew very fast, and our daily wrestling matches soon got a bit scary. One day when we were doing our eye contact thing, I decided to let him loose. He hung around for a week or so, and then one night when a pack of his relatives came by to set up a howling concert with our dogs, he left with them. He did come by and check on us a few times after that, and then we never saw him again. By the time he left us he was 36 inches tall and probably weighed 180 pounds. He never had a name. We just called him Big Guy.

Eagle Feather Junction

The Eagle River was the rear boundary of our homestead. Our maps showed that it flowed west, parallel to and north of the Stuart River, which framed our southern border, then turned south to meet the Stuart River. Our trapper friends called the place Eagle Feather Junction. Every year in the fall, all the eagles from the entire upper Yukon drainage gathered there to feast on cranberries and fall salmon in preparation for their long flight south for the winter. They also used this time to pluck each other's excess down and feathers out. This made them lighter and more streamlined.

When the fall chores were completed we wanted to make some short journeys around the area, and Eagle Feather Junction was high on the list. The trip would take us down the Eagle River to the Stuart, and on down the Stuart to the Yukon and then to Dawson. The only obstacles to our plan were that the canoe would only hold two of us, and one of us would have to drive the truck to Dawson, since we would need transportation for the return of the canoe and its passengers. We agreed that Judy and Aimee would draw straws to see who would go with me in the canoe, and who would drive the truck to Dawson. Judy drew the long straw, so she got to drive the truck. Remember, our drive-

way took eight hours in first gear. We didn't have an accurate estimate of how long the canoe trip would take, so we had her wait five days before heading for Dawson.

When Aimee and I arrived at Eagle Feather Junction we were astonished at the huge congregation of eagles that was there. The surrounding bushes were loaded with eagle feathers and down. We had brought rakes and large cloth sacks, and we spent a day raking up feathers and down. After securing the bags in the canoe we continued downstream to Dawson. When Judy arrived with the truck, we drove back home to create some awesome eagle-down mattresses and blankets. Very soft, very warm.

One day a middle-aged couple showed up in our yard claiming that they owned the mining buildings that we were occupying. I knew the buildings weren't on our homestead, so there wasn't much to argue about. They had a pretty "redneck" attitude and they demanded $1,000 for the buildings or we would have to move out. We didn't want any trouble with the authorities, so much to their surprise we gave them 50 twenty-dollar bills and asked for a receipt. That was the last we ever heard from them.

Saying Goodbye

After cutting another 20 cords of wood we had completed our preparation chores for the coming winter. We decided to take a trip to Dawson to see what we could see. We met a young couple at the only store. I can't recall their names. He was the new teacher at the Dawson school. They invited us to stay at their place and shared some of their British Columbia buds with us. Of course we reciprocated.

By this time I had harvested some of the mastodon tusks from the riverbank and had made a lot of paraphernalia and jewelry. I was able to sell it all for a good profit in Dawson. I also got several orders for knife handles, pistol grips, and stash boxes. We bought some fabric and other sewing supplies to help keep us productive through the coming winter. After a few days we got homesick, so after filling two drums of gasoline and one drum of kerosene, and purchasing a 50-pound bag of dried milk, we went back to the homestead to settle in for our second winter.

We heard some rifle shots and then the helicopter left. I decided to hike over to see what I could see. After slogging along for an hour or so, I saw some blood on the snow.

When we got back home it still hadn't snowed, so I tried my hand at panning gold in the creek. At first it was disappointing, however as I got better at it I could scrape up several hundred dollars a day. The downside was standing in frigid water wearing rubber boots while bent over at the waist, for hours. This was clearly not a healthy activity so when the snow came I was happy to give it up.

About a month into our winter schedule a helicopter landed in our yard and two Royal Canadian Mounted Police officers climbed out. I went out to greet them while the women hid our paraphernalia. I invited them in for tea and they explained that Judy's mom had called them because her dad had died, and she wanted Judy to come to New Mexico to help out for a while. Judy decided to go, and after getting her pack together she left in the helicopter.

The journey from the gravel highway to our new home was about 30 miles. We had to stop often to remove fallen logs and to shovel landslides from the road. It took four days to travel our driveway the first time.

This of course really changed the rhythm of life for Aimee and me. We had never had a relationship that just involved the two of us so it seemed awkward at first. About six weeks later, just as we'd adjusted to our new arrangement, the Mounties returned. This time the message was from Aimee's mom. Her grandmother, Bessie Birdsong, was dying and had requested to see Aimee before she died.

This was a severe blow to the very foundation of our life on the homestead. Aimee felt she should go, and she didn't feel good about leaving me there alone. Neither did I. We sent the Mounties off with a message for her mom that she would come soon. I got the battery out of the truck and brought it inside to warm up. I made a small fire under the truck engine to warm up the oil, replaced the battery, and the truck eventually started.

By this time we were packed and ready to go. We chained all the tires on the truck and worked our way down the driveway to the now frozen Alcan Highway. We dropped off the dogs and some food at trapper Gus' place on the way out. We first drove to Dawson and called a friend in Whitehorse, the nearest city, to make plane reservations to Michigan.

The temperature was 63 degrees below zero, our surroundings were entirely white, and the sky was bright blue and cloudless as we headed down the Alcan towards Whitehorse. We had our traveling gear and two 45-gallon drums of fuel, two new sets of chains, and a quarter pound of our homegrown thunderfuck. We had our long johns, moosehide pants and shirts, our parkas, mukluks, wool caps, and hoods. We had two eagle-down comforters and two warm hearts inside the cab of the truck. We had the heater and the defroster on max. The side and rear windows iced up and the heat from the heater was undetectable, but the defrosters kept two eight-inch circles of clear glass to see through.

We arrived at the airport and after an emotional separation, Aimee boarded the plane to Michigan. I never saw her again, and saw Judy only twice more, but I did receive a beautiful bright wizard's robe Aimee made for me. It came in the mail with a nice letter about her grandmother. ❑

Suggestion

The Necessary Evil

by Mark Skousen

Too much government and the economy chokes. Too little, and it cannot function. Is there a Golden Mean?

Today libertarians spend most of their time lamenting the consequences of big government. And rightly so. Today government is less a defender of freedom and more a Hobbesian leviathan that undermines prosperity. When we do talk about limited government, it is often seen solely as "a necessary evil."[1] George Washington best summarized the libertarian view: "Government is not reason; it is not eloquence; it is force! Like fire, it is a dangerous servant and a fearful master."[2]

So it is with some trepidation that I suggest that societies or countries may not have enough good or legitimate government. In the never-ending battle against big government, it might be well to consider what constitutes "good government" to see how far we have strayed from the proper role of the state.

Each year the Fraser Institute publishes their Economic Freedom of the World Index (see www.fraserinstitute.org), which measures five major areas of government activity in more than 100 countries: size of government, legal structure, sound money, trade, and regulation.

The most surprising thing about the study, according to its author James Gwartney, a professor of economics at Florida State University, is the importance of legal structure as the key to maximum performance for an economy. "It turns out," he told me in a recent interview, "that the legal system — the rule of law, security of property rights, an independent judiciary, and an impartial court system — is the most important function of government, and the central element of both economic freedom and a civil society, and is far more statistically significant than the other variables."

Gwartney pointed to a number of countries that lack a decent legal system, and as a result suffer from corruption, insecure property rights, poorly enforced contracts, and inconsistent regulatory environments, particularly in Latin America, Africa, and the Middle East. "The enormous benefits of the market network — gains from trade, specialization, expansion of the market, and mass production techniques — cannot be achieved without a sound legal system."[3]

The Proper Role of the State

Milton Friedman identifies the legitimate roles of the state: "The scope of government must be limited. Its major function must be to protect our freedom both from the enemies outside our gates and from our fellow-citizens: to preserve law and order, to enforce private contracts, to foster competitive markets. Beyond this major function, government may enable us at times to accomplish jointly what we would find it more difficult or expensive to accomplish severally."[4] Adam Smith suggests that this "system of natural liberty" will lead to a free and prosperous society. As Smith declares, "Little else is required to carry a state to the highest degree of opulence from the lowest level of barbarism, but peace, easy taxes, and a tolerable administration of justice."[5]

The division between the positive and negative role of government can be represented visually. In the diagram on the next page, we have on the vertical axis "socioeconomic

well-being": some general measure of the quality of life in a free and civil society. For empirical studies, economists might want to use changes in real per capita income, but this may be too confining.

On the horizontal axis we have "government activity." At point O, we have zero government, and as we move along the horizontal axis, the size and scope of government activity increase. The ultimate extreme is the totalitarian regime, which institutes "total government," though I would hesitate to label this "100% government," since no government can control all activity.

Too Little vs. Too Much Government

My thesis is that as a society moves from zero government to point P, economic well-being increases to peak performance. Then, as it adopts a larger and less necessary government, its growth diminishes, and can even turn negative if government becomes too burdensome and controlling.

Looking at the left side of the mountain, point O (zero government) to P (optimal government) constitutes "too little" government. For example, a nation may spend too few of its resources on personal protection, property control, and government administration. Here we see how increasing the size and scope of government activity initially leads to increased well-being, as measured by individual freedom and prosperity. Point P represents the right amount of government and the optimal amount of expenditure necessary to fulfill its legitimate functions. This is the ideal of the minimalist state. Any point to the right of P represents too much government, when the central authority becomes a burden rather than a blessing. I've drawn it as a gradual downward slope, so that the more bad government a country adopts, the greater the decline in performance, even to the point X where government is so large and so intrusive that it results in the destruction of economic and social well-being, which is probably worse than the costs of anarchy.

Quantifying the Right Amount of Government

Can we quantify P, the optimal size of government? Several economists have attempted to determine the ideal level of government spending as a percentage of GDP. In the 1940s, Australian economist Colin Clark said that the maximum size of government should not exceed 25% of GDP. Anything higher would hurt economic growth.[6] Professor Gerald W. Scully, of the University of Texas at Dallas suggests that the tax rate ought not to exceed 23%.[7] World Bank economists Vito Tanzi and Ludger Schuknecht analyzed 17 countries during the period 1870 to 1990 and concluded that public spending in newly industrialized countries should not exceed 20% and in industrialized countries not more than 30%.[8]

The legal system — the rule of law, security of property rights, an independent judiciary, and an impartial court system — is far more statistically significant than the other variables.

Is optimal government (point P) the same for every country? This would make an interesting study, but I suspect that differences in culture and socio-economic circumstances suggest that some nations require more government than others. As Benjamin Franklin states, "A virtuous and laborious [industrious] people may be cheaply governed."[9] And a lazy, dishonest people must be expensively governed.

Optimizing Government Power

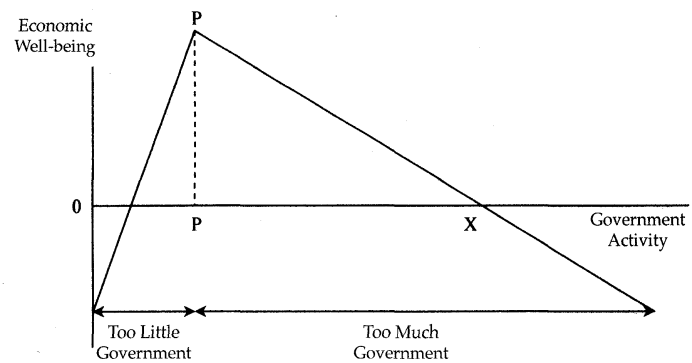

Optimistically, I would think that if all nations were featured together on the diagram above, the various points P would constitute a fairly narrow mountain range.

Almost every country in the world today is to the right of Point P, and could grow faster and enjoy a higher quality of life by reducing the size and scope of government. Countries from China to Ireland to Chile have demonstrated how dramatically the economy can improve by cutting back the state. I'm sure even Hong Kong, #1 in the Fraser Institute's study in terms of performance and freedom, could benefit from some improvements by scaling back some types of government services. According to the latest surveys of economic freedom by the Fraser Institute and Heritage Foundation, countries on average are becoming more free, and not surprisingly, the world's economic growth rate is rising.[10] After noting that government represents 40–50% of GDP in most developed nations, Tanzi and Schuknecht conclude, "we have argued that most of the important social and economic gains can be achieved with a drastically lower level of public spending than what prevails today."[11]

Two Case Studies in Little or No Government

Are there any examples of countries to the left of point P, that have too little government? The United States suffered from too little government under the Articles of Confederation, which was the basic law of the land from its adoption in 1781 until 1789, when they were replaced by the Constitution. The Articles limited the federal government to conducting foreign affairs, making treaties, declaring war, maintaining an army and navy, coining money, and establishing post offices. But it could not collect taxes, it had no control over foreign or interstate commerce, it could not force states to comply with its laws, and it was unable to pay

off the massive debts incurred during the Revolutionary War. States were already putting up trade barriers, striking a serious blow to free trade, and the economy struggled. After the Constitution became law, the United States flourished because of improved government finances, protection of legal rights, and free trade among the 13 states.

A modern-day example of too little government is Somalia, located east of Ethiopia and Kenya, where life has been difficult and often dangerous without any central authority since 1991. For example, drivers pass seven checkpoints, each run by a different militia, on their way to the capital. At each of these "border crossings" all vehicles must pay an "entry fee" ranging from $3 to $300, depending on the value of goods being transported. Competing warlords vie for control of the countryside, which has frequently collapsed into civil war. Only an estimated 15% of children go to school, compared to 75% in neighboring states.

However, a recent report by the World Bank indicates that an innovative private sector is flourishing in Somalia. This vindicates the Coase theorem, named for economist Ronald Coase, which argues that in the absence of government authority, the private sector will step in to provide alternative services, depending on the transaction costs.[12] The central market in Bakara is thriving: all kinds of consumer goods, from bananas to AK-47s, are readily sold; mobile phones proliferate and internet cafes prosper. But with no public spending, the roads and utilities are deteriorating. Private companies have yet to appear to build roads — the transaction costs are apparently too prohibitive. Public water is limited to urban areas, and is not considered safe, but a private system extends to all parts of the country as entrepreneurs have built cement catchments, drilled private boreholes, or shipped water from public systems in the city. There are now 15 airline companies providing service to six international destinations, and airplane safety can be checked at foreign airports. After the public court system collapsed, disputes have been settled at the clan level by traditional systems run by elders, with the clan collecting damages. But there is still no contract law, company law, or commercial law in Somalia. Sharp inflation in 1994–96 and 2000–01 destroyed confidence in the three local currencies, and the U.S. dollar is now commonly used. Because of a lack of reliable data, neither the Fraser Institute nor the Heritage Foundation's economic freedom indexes rank Somalia.

Under the Articles of the Confederation, the federal government could not collect taxes. States were already putting up trade barriers.

The World Bank concludes, "The achievements of the Somali private sector form a surprisingly long list. Where the private sector has failed — the list is long here too — there is a clear role for government intervention. But most such interventions appear to be failing. Government schools are of lower quality than private schools. Subsidized power is being supplied not to the rural areas that need it but to urban areas, hurting a well-functioning private industry. Road tolls are not spent on roads. Judges seem more interested in grabbing power than in developing laws and courts. Conclusion: A more productive role for government would be to build on the strengths of the private sector."[13]

In short, most countries could use less government, but a few countries could use more of the right kind of authority. There is an optimal size and structure of government, and when it is reached, the result is, in the words of Adam Smith, "universal opulence which extends itself to the lowest ranks of the people."[14] ❑

Countries are becoming more free, and not surprisingly, the world's economic growth rate is rising.

Notes

1. Thomas Paine, "The Thomas Paine Reader" (Penguin, 1987), p. 66.
2. George Washington, "Quotations of George Washington" (Applewood Books, 2003), p. 29.
3. James Gwartney and Robert Lawson, "Economic Freedom of the World, 2004 Annual Report" (Fraser Institute, 2005), p. 35.
4. Milton Friedman, "Capitalism and Freedom" (University of Chicago Press, 1962), p. 2.
5. Quoted in Clyde E. Danhert, editor, "Adam Smith, Man of Letters and Economist" (Exposition Press, 1974), p. 218.
6. Colin Clark, "Taxmanship" (Hobart Paper 26, Institute of Economic Affairs, 1964).
7. Gerald W. Scully, "Tax Rates, Tax Revenues and Economic Growth" (National Center for Policy Analysis, 1991).
8. Vito Tanzi and Ludger Schuknecht, "Public Spending in the 20th Century: A Global Perspective" (Cambridge University Press, 2000).
9. Benjamin Franklin, letter to Charles de Weissenstein, July 1, 1778, in "The Papers of Benjamin Franklin" (Yale University Press), vol. 27, p. 4. I discovered this quotation in my research for my forthcoming book, "The Compleated Autobiography of Benjamin Franklin" (Regnery Books, 2006).
10. According to the 2005 Index of Economic Freedom published by the Heritage Foundation, "the scores of 86 countries are better, the scores of 57 are worse, and the scores of 12 are unchanged." (p. 2).
11. Tanzi and Schuknecht, "Public Spending in the 20th Century," p. 34.
12. Ronald H. Coase, "The Problem of Social Cost," The Journal of Law and Economics 3 (October 1960), reprinted in "The Firm, the Market and the Law" (University of Chicago Press, 1988), pp. 95–156.
13. For an analysis of Somalia's ability to survive without government for over ten years, see Tatiana Nenova and Tim Harrford, "Anarchy and Invention: How Does Somalia's Private Sector Cope Without Government?" Public Policy Journal 280 (November 2004): http://rru.worldbank.org/PublicPolicyJournal/Summary.aspx?id=280.
14. Adam Smith, "The Wealth of Nations" (Modern Library, 1965 [1776]), p. 11.

Reviews

"Mission to Moscow," directed by Michael Curtiz. Warner Brothers, 1943, 123 minutes.
"Red Star Over Hollywood," by Ronald and Allis Radosh. Encounter Books, 2005, 309 pages.

Hammer, Sickle, Action!

Bruce Ramsey

Propaganda in the movies will always be with us. The movies I saw as a boy contained a fair amount of it: I still enjoy "The Longest Day" (1962), but wince at the mini-speeches. And consider some of the movies made during World War II: even "Casablanca" (1942), which is canonized as a classic about old lovers, ends with the conversion of a cynic who sacrifices his private love for the war against Hitler.

It is difficult to find a copy of the propaganda movie "Mission to Moscow" (1943), and for good reason. It deals with Soviet history from 1936 to 1939, which few people care about now, and it falsifies the history to boot. Warner Brothers regretted making the picture; that it was made at all is a telling comment on the political atmosphere in 1943, when the Union of Soviet Socialist Republics was our ally. "Mission to Moscow" is the most pro-Soviet movie ever produced by Hollywood.

This lying docudrama is based on the book of the same name by Joseph Davies. President Franklin Roosevelt named Davies, a liberal businessman, as ambassador to the USSR from 1936 to 1938. Davies portrays himself as a straight shooter, untainted by the sophistries of diplomats, and paints a portrait of the USSR as a wonderful country to have as an ally. The book hit the market at the right moment — three weeks after Pearl Harbor — and became a bestseller.

Jack Warner later testified that he had agreed to make it into a movie as part of the war effort. The screenwriter was Howard Koch, a leftist who had co-written "Casablanca." The "technical adviser" — actually political adviser — was Jay Leyda, a communist who had made a political pilgrimage to Soviet Russia. But it's not as if they twisted Davies' message. The former ambassador had unusual control over the script, and appears at the beginning of the movie to endorse it.

The movie focuses on pushing four big lies: that living conditions in the Soviet Union were good; that the show trials of 1936–38 were fair and just; that Britain and France forced Stalin to sign a non-aggression pact with Hitler; and that Stalin was a special friend of the United States.

In "Mission to Moscow," everything about the Soviet Union is good. A cosmetics store in Moscow is compared to Fifth Avenue in New York. The first Soviet woman we see is a smiling train engineer. Foreign diplomats, playing billiards in Moscow, pooh-pooh the Five-Year Plan — "big plan, small fulfillment," says one — but Davies tours smelters, dams, and collective farms and sees the wondrous accomplishments of totalitarianism for himself. Everything in Soviet Russia is wonderful: its food is delicious, its soldiers tough, and its women capable.

Davies meets an American engineer who tells him that the Soviets have done great things. There is only one problem: a rash of sabotage. The film illustrates this problem by showing a magnesium plant in flames, its manager saying the fire was set deliberately. Needless to say, the fact that Davies first learns about the sabotage from an American soldier gives the charge credibility.

By that time, Stalin's government had held highly publicized, but faked, campaigns against the saboteurs, or "wreckers." The only character in the movie who mentions that the campaigns are faked is the Japanese ambassador. The message is that to doubt the Soviet government is to side with the Axis.

The Soviet secret police follow Davies' car openly, with no more skill than small-town American cops. His

response is to call to them in jocular fashion: "Don't you GPUs get any sleep?" He also takes it lightly when the Italians find a microphone in their embassy, and refuses to allow a search in the U.S. embassy, saying, "Let them listen. Then we'll be friends that much faster." By the time the GPU arrests old Bolsheviks Nikolai Bukharin and Karl Radek, the audience has been conditioned to view the secret police just as Russian cops.

"Mission to Moscow" ends by asking the question, "Am I my brother's keeper?" An authoritative voice answers: "Yes, you are."

Bukharin and Radek are put on trial. They confess: they are tools of a plot by Leon Trotsky to seize power. "Our plan" says Bukharin, "was to seize the Kremlin, financed by the fascist governments."

Was there pressure to confess? "None whatsoever," Bukharin says. Davies believes it, and the movie audience is urged to believe it, too.

After the trial, Davies attends the 1938 May Day parade in Red Square. He takes satisfaction in the show of Soviet military power. "At least one European nation with no aggressive intentions is ready for whatever comes," he says. "And thank God for it."

No aggressive intentions? Why, then, in August 1939 did Stalin ally his country with Hitler? Why in September 1939 did the USSR annex the eastern third of Poland? Why in November 1939 did it attack Finland demanding territory? Why in 1940 did it annex Latvia, Lithuania, Estonia, and the eastern reaches of Romania? These things and more had happened by the time "Mission to Moscow" was filmed.

In the movie, Davies has an interview with Stalin, who says, "We feel more friendly to the government of the United States than any other nation." Stalin intimates that he would like to ally with the West against Germany, but that "reactionary elements in England" won't cooperate. "We may be forced to protect ourselves in another way," he says.

On his way home, Davies stops in Britain to visit Winston Churchill, who is not yet prime minister. He tells Churchill he is fearful that the democracies will drive Stalin into Hitler's arms, leaving no doubt that the Hitler-Stalin pact is Britain's fault.

And the invasion of Finland? The Soviets needed some strategic pieces of territory to defend against Hitler, and the Finns refused to swap some other land for it. The Soviets had to take it in order to defend themselves.

About the Baltic states and Romania, not a single word.

"Mission to Moscow" ends by asking the question, "Am I my brother's keeper?" A voice answers, authoritatively: "Yes, you are." A chorus sings, "You are your brother's keeper; now and forever you are."

Was there a substantial communist influence in Hollywood? Yes. In "Mission to Moscow," they showed their colors. "Song of Russia" (1943) was another wartime suck-up to the Soviets, as Ayn Rand testified to the House Committee on Un-American Activities (HUAC)* in 1947. So was "The North Star" (1943), a movie about Ukrainian partisans written by Lillian Hellman, the leftist writer who admitted being a party member from 1938 to 1940, and was later glorified by Jane Fonda in the movie "Julia" (1977).

Ronald and Allis Radosh's new book "Red Star Over Hollywood" chronicles the Hollywood Reds. It has an entire chapter on "Mission to Moscow." It also lists other movies with pro-communist portrayals: "Hangmen Also Die" (1943), written by Bertolt Brecht and John Wexley; "Action in the North Atlantic" (1943), written by John Howard Lawson; and "Cloak and Dagger" (1946), written by Ring Lardner Jr. and Alvah Bessie. Lardner, Bessie and Lawson had all

Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

For *The Jewish Debt to the Right*, the New Mises Seminars, an Open Forum of the Right, and new ideas that the old libertarians don't want you to know about see Intellectually Incorrect at **intinc.org**

Note: Sorry for the ghastly incongruities on the website but they have been fixed now...so hope you'll give it another chance.

* Alert readers will note that the acronym varies from the actual initials. Defenders of the Committee claim that this is because its critics on the Left preferred that the general public think of the committee as the "House Un-American Activities Committee" or even as the "House Un-American Committee." Many such defenders of the committee used the HCUA acronym, but the HUAC acronym was more often used by the press, and remains more widely used to this day.

been Communist Party members and would later be among the Hollywood Ten, who were jailed for contempt of Congress when they refused to answer questions about Party membership. Brecht, hauled in front of HUAC at the same time as the Ten, claimed to be a mere anti-fascist, but soon after moved to East Germany.

Besides these, communists and fellow travelers wrote screenplays for a number of movies — "Thirty Seconds Over Tokyo," "Confessions of a Nazi Spy," "Joe Smith, American," "Watch on the Rhine," "Sahara," "The Great Dictator" and others — that are not described in the Radosh book as propaganda films. "Red Star Over Hollywood" focuses more on the Hollywood communists' allegiances than their work, leaving the authors open to the criticism, "So what? So a handful of movies were pro-Soviet during the time when the USSR was our ally."

The Radoshes are more interested in personal political connections. Ronald Radosh was a Red-diaper baby who went to communist schools and summer camps, grew up to become an academic who opposed the Vietnam War, and went on pilgrimages to Cuba and Nicaragua. He began turning rightward in the late 1970s, when his investigation of the case of Julius and Ethel Rosenberg convinced him that Julius was, in fact, a Soviet spy. He made the case in "The Rosenberg File" (1983). The reaction to his book from the Left — that the facts didn't matter, that people had to believe the Rosenbergs were innocent, whether they were or not — moved him further rightward, until a decade or so later he had abandoned the Left altogether. He chronicled his evolving political perspectives in "Commies" (2001).

Davies refuses to allow a search for Russian microphones in the U.S. embassy, saying, "Let them listen. Then we'll be friends that much faster."

The most fascinating part of "Red Star Over Hollywood" is its description of the fall of the Hollywood Reds. Though the HUAC finished them off, the Radoshes show that the Reds were already in deep trouble. The reason was geopolitical. From 1941 to 1945, Stalin was our ally against Hitler, and it was okay to praise Stalin and Soviet Russia. By supporting President Roosevelt and the war effort, the Communists put themselves on the side of liberals and the patriotic new Communist Party line that Harry Truman was encouraging fascism and war against the innocent Soviet Union.

Political groups in which liberals and communists coexisted began to break apart. In June 1946, actress Olivia de Havilland was supposed to deliver a speech for one such group at a rally in Seattle. She was given a text written by communist screenwriter Dalton Trumbo, later one of the Hollywood Ten. The speech condemned "the drive of certain interests toward a war against the Soviet Union." She refused to give it; instead she gave her own speech, telling liberals they had to distance themselves from Moscow.

The battle was also fought in the labor movement, between anti-communist and pro-communist unions. In 1946 there was a jurisdictional battle for Hollywood backlot employees between the AFL and CIO unions. The anti-communist AFL union narrowly won. Later that year there was another fight, which the anti-communists won decisively. This was the fight in which Robert Montgomery and Ronald Reagan persuaded members of the Screen Actors Guild to cross the pro-communist union's picket lines. More than anything else, the Radoshes write, losing these union battles brought "the golden era of the Hollywood Communists . . . to an end."

A battle was also fought inside the Communist Party over politics and art. The Party's new line in 1945 put more pressure on working screenwriters. Some buckled under; the book's saddest story is of the artistic rebellion of Albert Maltz, who wrote an article for The New Masses objecting to the subordination of art to politics. The Radoshes say the Party organized a "struggle session" against him, resulting in his "abject self-abasement." Other followers left rather than abase themselves. One was Robert Rossen, writer, producer and director of "All the King's Men" (1949). After his picture appeared, the Party hacks called him to heel because his movie, based on the life of Huey Long, could be interpreted as an attack on the dictatorship of Stalin. Rossen stood up and said, "Stick the whole Party up your ass," walked out, and never came back. In 1953, he named 50 names to HUAC.

The movie pushes four big lies: that life in the Soviet Union was good; that the show trials were fair and just; that Britain forced Stalin to sign a pact with Hitler; and that Stalin was a special friend of the United States.

HUAC played a role by subpoenaing the leftist writers and producers known as the Hollywood Ten, but it

"You're bipartisan? Ooh, sounds kinky!"

didn't do so until 1947, when, the Radoshes write, "the Communists' position in Hollywood was precarious." By then, Eastern Europe was becoming Communist. In 1948, the Soviets would blockade Berlin, America would be riveted by the Hiss-Chambers spy case, and former Vice President Henry Wallace, running for president on a friends-with-Russia platform, would get only 2 percent of the vote. In 1949 China would fall to Mao Zedong; in 1950 America would be at war with Reds in Korea. No one in Hollywood was going to make more movies like "Song of Russia" or "Mission to Moscow."

The Ten, all writers and directors, were sent to prison for short terms — not for being Communists or pro-communist, but for contempt of Congress. They had refused to answer questions about their Party membership. In fact, they had been so snotty that they alienated their liberal supporters, who had organized a group to defend their right not to be questioned. Humphrey Bogart, the most prominent member of this group, disavowed the Ten afterward. The Ten embarrassed the studios, which blacklisted them and other Reds.

What of the blacklist?

"It is right to condemn the blacklist," the Radoshes write. "It was wrong to deprive artists of their livelihood because of their political views." I'm not so sure about that; a private blacklist is private business, and people who hate communism may not want to patronize communists. At that moment in history, I would have been happy to boycott Reds. A Dalton Trumbo, of course, could still get work under an assumed name, because he was highly skilled. A John Howard Lawson, party-line enforcer and second-rate writer, would be ruined. Well, too bad.

Congress should have kept out of it; as Ronald Reagan said to HUAC, the best way for opponents to combat communists was to "expose their lies when we came across them." Reagan opposed outlawing the Communist Party. "As a citizen," he said, "I would hate to see any political party outlawed on the basis of its political ideology." But there was political hay to be harvested by the resurgent Republicans, and they did it. By doing so, they turned the Reds into victims. The story that was created is now culturally dominant: that in the 1940s heroic leftists were run out of Hollywood by a right-wing witch hunt.

There is some truth in that: the Reds were run out of Hollywood, and the right wing did give them the final kick. But not the only kick. And the Hollywood Reds were not witches, or any other sort of mythical being. They were quite real. □

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"The Historian," by Elizabeth Kostova. Little, Brown, 2005, 642 pages.

Anemic Bloodlust

Jo Ann Skousen

"The Historian," Elizabeth Kostova's fictional search for the historic Dracula, is being touted by reviewers as the book of the year, the new "Da Vinci Code." Like Bram Stoker's original "Dracula," "The Historian" is told through letters, journals, and postcards, as several historians travel through four decades and three continents in an attempt to unravel the secret of the "undead" and discover Dracula's final resting place. Each scholar is guided by an ancient book containing the print of a sinister dragon — books that have mysteriously appeared on their university desks. In some ways the novel is a metaphor for the cutthroat world of academia, where a scholar's worst nightmare is the discovery that someone else is already researching one's topic, one's thesis stretches dragonlike across the blank pages of a dissertation, and a friendly librarian may actually be working for one's opponent.

Little, Brown purchased the manuscript after a bidding frenzy raised its price to over $2 million — not bad for a first novel, even for a Yale graduate. The publisher hopes that this sophisticated novel will duplicate the wildly successful run of Dan Brown's "Da Vinci Code" (still on the bestseller list after two years). Both books rely heavily on historic research, both take the reader on a wild ride throughout Europe, and both focus on the occult. But while Dan Brown's novel is genuinely impossible to put down, Kostova's book bogs down in too much detail and too much literary flair. "The Historian" begins with a bang, but the reader must slog through more than 400 pages of medieval history, cloying imagery, and minuscule detail before finally getting back to the story line. And the story, after all, is the reason we read novels. The book begins chillingly enough, with the foreboding words, "My dear and unfortunate successor." It has moments of deliciously unresolved eeriness, brief moments of unrequited horror; for example, the narrator writes, "I saw in a coffin of glass the skeleton of one small woman. . . . When I bent over the case to look down at her, she smiled at me suddenly out of eye-sockets deep as twin pits." But moments like this are too few and too scattered to sustain any satisfying suspense, and they seldom turn out to have anything to do with the actual story.

Kostova seems proud of her academic credentials; her biographical notes list only that she "graduated from Yale and holds an MFA (Master of Fine Arts) from the University of Michigan." And in many respects, her book reads like an MFA novel-in-progress, with its heavy-handed use of simile, metaphor, and personification. Kostova overwhelms the reader with her literary prowess, populating her novel with sentient boats and castles and rivers to the point of distraction: "Boats rock and swell in the Lagoon as if launching themselves, crewless, on adventure" . . . "The whole city puffs up like a sail, a boat dancing unmoored, ready to float off" . . . "The castle was made of brown stones like discolored bone, joined neatly together after some long state of dilapidation" . . . "The castle seemed to be clinging to the edge of the precipice with only its toes dug in for support." A little imagery goes a long way, and 642 pages of it can become more oppressive than Dracula's coffin.

Just as distracting is Kostova's attempt to satisfy the multiculturalist expectations of modern academia while presenting the traditional elements of the Dracula legend expected by the reader. One can almost imagine her horrified MFA colleagues exclaiming, "You can't present Christian icons as a protection against evil!" Consequently, a woman bitten by a vampire cries out, "Bring me a towel and the basin — I will wash my neck and bind it . . . Later we will go into the church and clean this wound with the holy water," but then muses to herself, "How strange, I have always felt all this church ritual is nonsense, and I still do." The historian warns his daughter: "I ask you from the bottom of my heart to wear the crucifix at all times, and to carry some of the garlic in each of your pockets," but then adds in the next sentence, "You know I have never been one to press either religion or superstition on you, and I remain a firm unbeliever in either." Huh?

"The Historian" begins with a bang, but the reader must slog through more than 400 pages before finally getting back to the story line.

To offset her references to the icons of good and evil lifted from the original Dracula legend, Kostova links vampirism with Christianity, making Christianity both the remedy and the poison in her telling of the tale. One heroine asks cynically, "Is [vampirism] any stranger than hoping for bodily resurrection?" (Well yes, actually, since vampirism is a continuation of life on earth, while resurrection is a promise of a happier life in heaven after one dies.) The narrator, observing a painting of the raising of Lazarus from the dead, comments, "The Christ who stood impatiently at the tomb's entrance, holding up his hand, had a countenance of pure evil, greedy and burning." And, if Christ must be made a villain, Dracula must also be made a hero. She describes the cruel nature of the 15th century baron, Vlad Tepes, on whom the Dracula legend is based, as a man who "liked to feast outdoors among the corpses of his impaled subjects," but then reports that he heroically protected his people — what was left of them, after he had tortured and impaled hundreds of them himself — from the invading Ottoman Turks. Dracula laments, "I should have been allowed to rest there [in Transylvania] forever. Imagine, after fighting so hard for my throne, for our freedom, I could not even lay my bones there." Poor misguided terrorist, he has no place to lay his head.

Kostova can't settle on painting the Ottomans as bad guys either. She describes their butchery as they invaded Europe, and decries the way they built their mosques in the rubble of the churches they destroyed along their way. Yet she decides that an Islamic crescent is just as useful as a crucifix in warding off vampires — perhaps even more so, since its use isn't accompanied by the disclaimer, "not that I actually believe in Islam." Such unwillingness to set up consistent, believable rules within her fictional world makes the suspension of disbelief, so essential to fantasy, nearly impossible for the reader.

Stoker's Dracula was erotic and sadistic, charming and horrifying, all at once; his nightly feasts on the blood of beautiful young virgins made sure every page was filled with dread. Kostova's Dracula, on the other hand, seems to have run out of steam, able to wait years between nocturnal relations with his female victims and preferring, it seems, to settle down with a good book. (Is it mere coincidence that he sleeps in his coffin with his hand firmly grasping a dagger over his pelvis?) At one point in Kostova's novel, the historian searches a library in vain for a copy of Bram Stoker's "Dracula"; no one has told him, I guess, that he could buy a copy at any Barnes &

Kostova overwhelms the reader with her literary prowess, populating her novel with sentient boats and castles and rivers to the point of distraction.

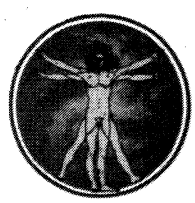

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Noble. Fortunately for you, dear reader, the secret is out: Stoker's "Dracula" is the best-written horror story of all time, and it's available in a variety of editions at your nearest bookstore. That's the one I recommend this summer if you want to be thoroughly spooked. But if you have a long flight ahead of you, and you enjoy picturesque travelogues mingled with vague horror, "The Historian" will fill the time nicely. ❑

"Dark Genius of Wall Street: The Misunderstood Life of Jay Gould, King of the Robber Barons," by Edward J. Renehan, Jr. Basic Books, 2005. 369 pages.
"Henry Clay Frick: An Intimate Portrait," by Martha Frick Symington Sanger. Abbeville Press, 1998. 599 pages.

Aristocrats of the Gilded Age

Stephen Cox

On Saturday, July 23, 1892, Henry Clay Frick, manager and chairman of the Carnegie Steel Company, sat in his office in Pittsburgh talking with the firm's vice president, John Leishman. At the moment, the major concern of Carnegie Steel was the epic strike in progress at the company's Homestead works. Responding with hostility to a hostile union, Frick had closed and fortified the plant and summoned hundreds of strikebreakers. The Amalgamated Association of Iron and Steel Workers had replied by taking over the village of Homestead, organizing workers on what a union official called "a truly military basis," breaking into the plant, repelling the police with threats of murder, and trying to destroy the strikebreakers by shooting them, hitting them with cannon fire, blowing them up with dynamite, and burning them alive. At least ten people had been killed. Despite these events, Frick continued to conduct his business in an office with glass walls, in a building that anyone could enter.

"Anyone" turned out to be Alexander Berkman, age 21, scion of a wealthy Lithuanian family who had migrated to the United States and become a professional "anarchist" (i.e., non-Marxist communist). Berkman decided that it was his duty to murder Henry Clay Frick. At 1:55 p.m., Berkman rushed into Frick's office and pulled out a pistol. Frick looked up at him, his eyes suddenly dazzled by the sight of his daughter Martha, standing beside his desk. Martha, aged five, had died in 1891.

Berkman was also dazzled by the light, although he believed it was sunshine bursting through the outside window (a window that was facing north). But he managed to fire. He shot Frick twice. Then, to his great disappointment, he discovered that his adversary, writhing on the floor, was still alive. Frick and Leishman rose up to attack him. Berkman kept firing, trying to finish Frick off.

Leishman and Frick and Berkman wrestled around the room, the three of them almost toppling through the window to the street below. A carpenter ran in and started hitting Berkman with a hammer. "Don't kill him, I tell you," Frick shouted. "Let the law take its course." Berkman was not subdued. "I have it!" he exclaimed, pulling a dagger out of his pocket and stabbing it repeatedly into Frick's body.

By now others were rushing into the office, pinning Berkman down, pulling him by the hair. Then they noticed that he had something in his mouth. He was chewing on enough fulminate of mercury to blow up the building. Another struggle ensued, the lethal medicine was extracted from Berkman's maw, and he was hustled away, protected with some difficulty from a mob of 2,000 that had formed outside, clamoring for his blood.

The doctors stretched Frick across his chaise lounge and started probing for the bullets. It took them over two hours to find them. Their patient, who had declined anesthetic, emerged from the process half naked, covered with blood, and expected to die momentarily. What happened next was perhaps the most surprising event of the afternoon. Instead of going to the hospital, he sat down at his desk and (to quote Martha Sanger's account) "took up his affairs exactly where he had left off. Frick completed the day's paperwork, signed letters, and concluded an important loan deal." Then he dictated a statement: "This incident will not change the attitude of the Carnegie Steel Company toward the Amal-gamated Association. I do not think I shall die, but whether I do or not, the Company will pursue the same policy and it will win." Finally Frick went home, promising to return to his office on Monday. And yes, he won the strike.

Workers repelled the police, and tried to destroy the strikebreakers by shooting them, hitting them with cannon fire, blowing them up with dynamite, and burning them alive.

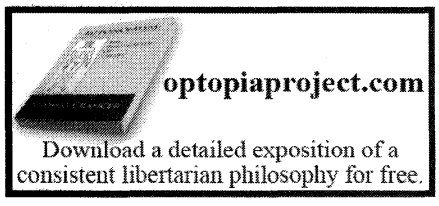

If you think of men like Frick (1848–1919) as "robber barons" (a phrase popularized by socialist historian Matthew Josephson) and picture them as actuated solely by "greed," the story that I just related may suggest that they are a lot more interesting than you assume. The books considered in this review go part of the way toward showing who those people really were.

Sanger's biography of Frick offers an unusually intimate view of a man who was, in his day, not only a leading figure in steel production and the largest private investor in American railroads but also one of America's great collectors of art. The book, which is well worth its $50 price tag (you can get it for much less from amazon.com), is filled with ravishing pictures from Frick's collection, an assemblage of masterpieces in which its owner's intelligence and sensitivity are shown to great advantage. And the book contains much more than that. Sanger is a great-granddaughter of Frick, with unique access to the memories and written records of a family in which her ancestor remains "a living presence." By the time one finishes her mammoth volume, one feels almost as if that presence were standing in the room, coolly observing one's reactions.

You would expect a biography written by a descendant to be ridiculously adulatory. This one is not. Although Frick's strength of character comes through so strongly as to make everything else seem somewhat beside the point, Sanger has little difficulty establishing her critical distance. If anything, she is rather too prone to discover deficiencies in her subject.

She has little interest in politics or economics, so we are spared the neo-socialist cant of some of her reviewers, who describe Frick as a monster "achieving new heights of infamy" in the field of labor relations. Sanger does appear to assume that anyone who resisted the Amalgamated Association (which was clearly attempting, before and during the strike, to claim the Carnegie mills as its own property) must have done *something* morally wrong. She intimates that impression from time to time, but it doesn't detract from her main story, because it has no vital connection with it. That story is overwhelmingly the tale of an intelligent, determined, and courageous man, sternly just, mysteriously sensitive, who from bitter experience learned to go his own way, consulting his own judgment and ignoring the opinions of others.

The tiresome part of the book isn't Sanger's political observations but the boatload of psychobabble that she tries to float on the current of Frick's affairs. Noting that Frick never recovered psychologically from the death of young Martha, whose picture was engraved on every check he wrote, and noting, further, that he maintained an exceptionally close relationship with his other daughter, Helen, who like a second self maintained his collections and defended his reputation throughout her very long life (and had Martha's picture engraved on her own checks, too), Sanger resorts to Jungian and other "authorities" to answer the burning question: How can this be? How is it possible that a man should have such deeply sentimental relationships with his daughters?

I think I would have sympathized with Alexander Berkman if the daffy little terrorist had decided to liquidate Andrew Carnegie instead of Henry Clay Frick.

She is certain that the relationship with Martha was emotionally crippling to him and that the relationship with Helen was inappropriate and blighting to her. Helen, can you imagine, *never got married!* Sanger doesn't ask herself whether Helen would have had a better chance for independence and self-fulfillment if she had ditched the old man and run off with a cowboy. And, like most people for whom Freudian and Jungian assumptions are still the thunderbolt of wisdom, Sanger never stops to ask herself whether the whole of modern psychology is really expressed in psychoanalytic "insights" about the family romance.

Frick invested tremendous psychic energy in his business relationships,

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his religious feelings and apprehensions, his aesthetic motives. Yet for Sanger, the explanatory thread always leads us back to the monstrous guilts and fears of the nuclear family. To hear her tell it, what Frick sought in the pictures he purchased was endlessly repeated images of family members and family problems — representations, too, of the most direct kind. Sometimes, indeed, similarities can be found. At other times, there is no more resemblance between the painted people and the real people than there is between any two figures who have noses, eyes, and mouths. The family feelings supposedly reflected in the canvases on Frick's walls can never tell us as much about him as Sanger's story about Martha's last hours, when her father urged her to try to lessen the pain of her illness by biting his own fingers. There was nothing Oedipal about the scars he acquired.

Fortunately, Sanger is an eminently clear writer, and it is easy to leap over her attempts at psychoanalysis and go directly to her stories of life and art. Frick, who would have liked to have been an artist, constructed his final home in New York City with the secret intention of making it a museum after his death. He gave the bulk of his estate to the creation and endowment of this public institution — unlike his colleague Andrew Carnegie, who built public libraries by the hundreds, an endless parade of immediate self-advertisements, but gave no thought to equipping them, or endowing them for later years. Frick cared little about "the public" but very much about the individuals who might possibly share his cultivated interests. Even before his death, his home functioned as a museum; people were free to come in and look at the art. No one was refused: "Certainly they shall have a[n] admission card. Come any day you wish."

Workers repelled the police, and tried to destroy the strikebreakers by shooting them, hitting them with cannon fire, blowing them up with dynamite, and burning them alive.

I'm not sure that Sanger has fully penetrated Frick's personality, or that anybody could, but she does give you some light to go by. She has the good sense to see that Frick's daughter Helen was almost as interesting a character as he was, and she spends a lot of time telling what happened to Helen in the 65 years following his death. She also sheds some interesting light on the sickening hypocrisies of Frick's sometime partner and would-be boss, the unjustly sainted Carnegie. I think I would have sympathized with Alexander Berkman if the daffy little terrorist had decided to liquidate Carnegie instead of Frick, although Frick is the member of the partnership who is supposedly so hard to love.

In Carnegie's autobiography, I find only one reference to Frick by name. Carnegie calls him "a man with a positive genius" for "management." But it is obvious whom Carnegie is contrasting with himself when he talks about visiting Pittsburgh after the Homestead strike and hearing from workers "that if I had been at home the strike would never have happened." He says that one of the workers told him, "Oh, Mr. Carnegie, it wasn't a question of dollars. The boys would have let you kick 'em, but they wouldn't let that other man stroke their hair." It's a point in Frick's favor that he spent the last years of his life refusing to communicate with Carnegie.

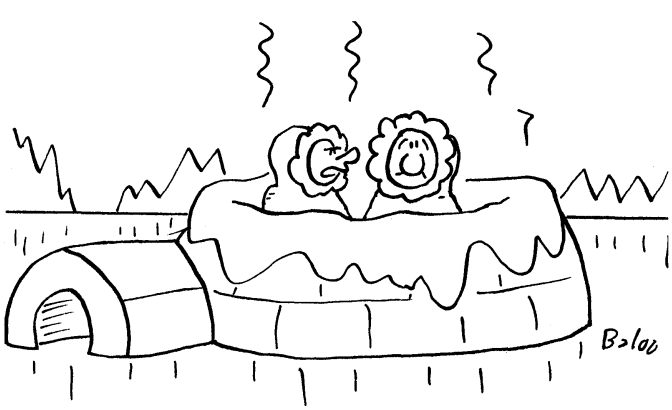

"Well, so much for your electric blanket brainstorm."

If there's anyone who has suffered more than Frick from the "Robber Baron" accusation, it's Jay Gould (1836–1892). Gould's ill fame rests on three tall pedestals. First, he tried to corner the gold market in 1869, failing but precipitating a panic. Second, he speculated in railroads, especially the Union Pacific and the most financially notorious of all the roads, the Erie. Third, he gave a lot of money to politicians so they wouldn't pass laws against the companies he ran.

Whether any of this made Gould a "robber baron" depends on one's ability to identify what and whom he robbed. Gould operated before the time when financial markets developed adequate means of protecting themselves from the grosser forms of price manipulation. Gamblers could make a lot of money by running prices up and down. They could also lose a lot of money. In the process, clever gamblers could demonstrate both the risks and the dynamic potential of modern finance. Jay Gould did all those things. It is not very clear whom he hurt by it.

That doesn't mean that he didn't hurt anyone. Often he hurt himself, as he did in the gold market speculations of 1869. More often, he hurt gamblers who weren't as good as he was — most of them effective illustrations of the maxim that you can't cheat an honest man. Sometimes, undoubtedly, he hurt "the public," ordinary people whose jobs or investments were predicated on price stability. At other times he helped "the public" by showing the ways in which capital could be raised to finance promising enterprises, or in which the stream of capital could be cut off from unpromising ones.

Gould's career as a manager of the Union Pacific and other western railroads was solidly constructive. He tried to make them worth their salt, and he had the kind of energy and vision that almost achieved that goal. The Union Pacific, the road that, with the Central Pacific, constituted the

nation's first transcontinental line, had been commissioned by politicians for political purposes. It was built through territory where there was little or no population and little or no commercial enterprise. It could not pay its own way; it could not begin to repay its debts to the government. Gould restructured its operations, sponsored business concerns along its route, attempted to rationalize its relationships with other railroads, and offered sensible proposals to free it from debt.

In the process, he encountered every conceivable attempt by every conceivable agent of government to hinder the Union Pacific's operations.

Just as some stereotypes are true, despite the fact that they are stereotypes, so there are real heroes and real villains in this world, despite the stereotypical nature of "heroes" and "villains."

It's not surprising that when he dispatched a lobbyist to some legislative body, he sent a lot of money with him, hoping that it would be distributed where it would do the most good. Though he was not averse to paying legislators and judges (many, many judges) for preferential treatment, he increasingly realized that what he really needed to do was pay them to leave his business alone. To follow his career is to follow the course of an intelligent person's education in the developing capitalist system.

Maury Klein, author of an excellent biography, "The Life and Legend of Jay Gould" (Johns Hopkins University Press, 1986), observes that "the political role of railroads has long been misunderstood as part of a morality play in which selfish, powerful corporations trampled the public interest until their depredations were curbed by regulation." In fact, Klein says, the "worst abuses" of such enterprises as the Union Pacific "were often born of weakness." Simply "to transact its business the road needed friends at every level: governors, congressmen, judges, legislators, mayors, aldermen, sheriffs, agents, editors, and merchants. . . . For every favor granted a dozen were demanded in return . . . " Who, it may be asked, were the real "robber barons"?

Klein scorns Josephson's use of that phrase, calling his "handling of the facts . . . careless to the point of being shoddy." I would say something worse about other leading authors in the field, going back to Gustavus Myers' "History of the Great American Fortunes" (1909). Myers pictured Gould as "a pitiless human carnivore, glutting on the blood of his numberless victims. . . . an incarnate fiend of a Machiavelli in his calculations, his schemes and ambushes, his plots and counterplots." If anybody wants to

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study the rhetoric of anticapitalism, I recommend a reading of Myers' several works, especially the 1936 edition of his History, which is remarkable for its rancidly self-pitying account of his battle against free enterprise. (As late as 1939, Myers was still banging away at "wealth" and hoping that FDR would follow through and confiscate it all.) His influential treatment of Gould is characterized not only by a rabid plutophobia but also by a zest for lying that contrasts very oddly with his constant moral indignation. I agree with Klein: something really ought to be done to separate the vocabulary of history from the vocabulary of writers like that.

Virtually all biographers write about their personal heroes, who remain heroes to them, no matter what.

The real Jay Gould was a Victorian gentleman of highly conventional and respectable views on morals and manners, views that he richly exemplified in his private life. He loved to read, walk, and look at flowers. He made himself an expert on botany, pursuing a special interest in orchids. Family life stood at the top of his scale of values. He said that he knew his domestic "inclinations" were not "calculated to make [him] particularly popular" with the sporting lads of Wall Street, but "I cannot help that."

Like most big capitalists, he indulged himself in charity; unlike many of them, he made no attempt to use his charitable impulses to curry favor with the public. I like the story about Gould's sending a check to an organization that was fighting an outbreak of yellow fever in Memphis. His message was: "Keep on at your noble work till I tell you to stop, and I will foot the bill. What are your daily expenses? Answer." He was interested in quelling yellow fever, not in organizing charity balls where he could hob-nob with other celebrities.

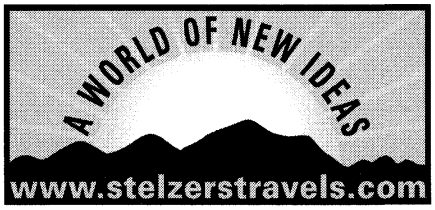

Gould was scornful of union organizers, writing to one of them, "I beg to say that I am yet a free American citizen. I am past forty-nine years of age. I began life in a lowly way, and by industry, temperance, and attention to my own business have been successful, perhaps beyond the measure of my deserts. If, as you say, I am now to be destroyed by the Knights of Labor unless I sink my manhood, so be it." Like Frick, he won out against the union; and like Frick, he continued to be interested in the happiness of working people as individuals. He made his personal libraries available to his employees, and if any of them used his books frequently, he sponsored their professional education.

As a business executive, Gould expressed his pleasure in order and solidity by shaping rational and efficient enterprises, becoming less of a gambler and more of a manager as time went by. When, late in his career, the behavior of other businessmen threatened a panic that might have imperiled the financial system, he used his own funds to avert a collapse, accepting losses for the sake of long-term stability. He didn't rely on government; he did it himself. He took great satisfaction from his creative work with Union Pacific, Western Union, the New York elevated railways, and other concerns.

He also, one cannot doubt, continued to take satisfaction in playing the market. Like other gamblers, he saw it as a game, a serious, instructive game, full of the interest and romance of life, but a game nonetheless — a game whose rules existed before he came to the table and could not be changed by the private ethical ambitions of any one individual. You can quarrel with him if you like, but calling him a pitiless human carnivore won't shed much light on the question.

This, more or less, is the attitude that Klein takes to his subject, and I think it's well advised. I've talked so much about him because I think his book is still the best one available about Gould. It has its limitations, however — limitations resulting directly from its strengths. It is a well researched business biography, constrained by the necessity of describing Gould's financial adventures in great detail. Klein is a very good writer, but one can read only so many accounts of Gould's buying stock X so he can drive down the price of stock Y, etc., etc., before all the frenetic activity starts to resemble the daily business of a beehive — constant, enormous, meaningless.

It wasn't really like that. Gould's financial dealings were brilliant feats of insight and courage. Many of them were also illustrations of an important economic truth, that large, well capitalized enterprises can be successfully attacked by small ones, if the small ones know what they're doing. Such attacks, as Klein observes, were Gould's specialty. But the literary problem remains. It's hard to make Gould's adventures seem adventurous.

Renehan's new biography, from which I have drawn many of the particulars in the preceding discussion, does much to resolve this literary difficulty. It presents Gould's financial career in as much detail as most readers would desire to have, and it attends, with more color and emphasis than Klein's genre permits him, to the substance of Gould's personal and family life. Renehan's style is sometimes too breezy, and one needs to understand that there is more to be said about virtually every subject that comes up. Still, "Dark Genius" is an attractively written volume — despite the lurid title, which has little to do with the substance or attitude of the book itself. Like Klein, Renehan is impressed by Gould and determined

Like most big capitalists, Gould indulged himself in charity; unlike many, he made no attempt to use his charitable impulses to curry favor with the public.

to give him the objective treatment that he rightly believes will rehabilitate his reputation.

And, like Sanger, Renehan knows that the descendants of an important person may also be of interest. The final part of Renehan's book is an attempt to account for what happened to the heirs of Gould's estate after Gould's death. Out of innumerable small facts, most of which, by themselves, would seem dull and dispiriting and hardly worth looking up, Renehan constructs a fascinating picture of an American family. You know that if you study enough generations and connections, any family will begin to seem like its own universe, filled with every conceivable species of human being, but in this case you really see what a family universe looks like. Renehan's presentation, which is almost extensive enough to be used as the basis of a scientific study, is surely enough to knock down convenient stereotypes about The Rich.

According to Klein, "No man remains a hero or a villain to his biographer. Stereotypes are the first casualty of character study . . . " I respect Klein, but what he says is false. Virtually all biographers write about their personal heroes, who remain heroes to them, no matter what. And just as some stereotypes are true, despite the fact that they are stereotypes, so there are real heroes and real villains in this world, despite the stereotypical nature of "heroes" and "villains." There are, besides, many kinds of heroism and many kinds of villainy that do not conform to stereotypes and generalizations. A hero can be a unique individual; a hero can be something other than a paragon of newspaper morality. A hero may, perhaps, be someone like Jay Gould or Henry Clay Frick. ❑

Letters, *from page 4*

Monster Goes to Jail," August) should be tolerated on libertarian grounds. "15 sometimes looks like 21"? Give me a break — there are thousands of bar owners and convenience store clerks who could offer the same excuse. Forbidding the provision of certain categories of goods to minors is no violation of libertarian principles, and providers can be required to take reasonable steps to verify age. Rycke Brown is clearly guilty of a crime.

Robert Kelley
Austin, Texas

Wrongthinkers

Thomas Giesberg's review of Susan Jacoby's book "Freethinkers: A History of American Secularism" ("America the Secular," July) failed to make an important point: Jacoby's way of thinking represents the single greatest danger for the modern libertarian movement and also the reason it has not been a greater influence in American politics. Liberty is not now, never has been, and never will be secure without a firm basis in Christian belief by most citizens.

It is true that the Founders envisioned a secular constitution and federal government, precisely because it was to be a minimalist "night watchman" state. They believed that secularism is healthy for a strictly limited government, but fatal for society as a whole. As our government has grown far beyond its intended boundaries, it has been increasingly necessary for believers to fight to minimize its damage to society.

The only real enforcer of limited government is the Christian view of the individual conscience. Our Founders were leery of basing American liberties on the secular "rights of man" (as in the French Revolution, which led to a bloodbath), but understood the need to provide checks and balances against human error and evil, while we try together to seek God's will for us individually and as a society. Thank God America never bought into the French anti-Christian version of the "rights of man!"

Although left-liberals don't like to admit it, their way of thinking promises liberty but actually delivers top-down centralized power, wielded by "expert" elites (contemptuous of traditional values) without mercy or restraint (e.g., communism, Nazism, fascism, welfare-statism).

Steven P. Sawyer
Fountain Hills, Ariz.

Tyranny of the Majority

In his review of "To the Flag: The Unlikely History of the Pledge of Allegiance" (August), Bruce Ramsey wrote: "Ellis covers the 'under God' controversy about as impartially as one could," then notes it wasn't meant as "ceremonial deism" and that it shouldn't offend anyone, religious or not.

But whether it offends anyone or not is beside the point. Congress is not empowered to pass whatever laws the majority of citizens clamor for, or whatever they think might be good for us. Adding "under God" to the Pledge violated the 1st Amendment's Establishment Clause.

Atheist Michael Newdow's suit to remove "under God" has the U.S. Constitution on his side, although most Americans want to continue ignoring it. It will be interesting to see how the U.S. Supreme Court rules — will it uphold the Constitution and offend religious America, or approve the violation and cement federal power over rights?

James Harrold
Springdale, Ark.

Terra Incognita

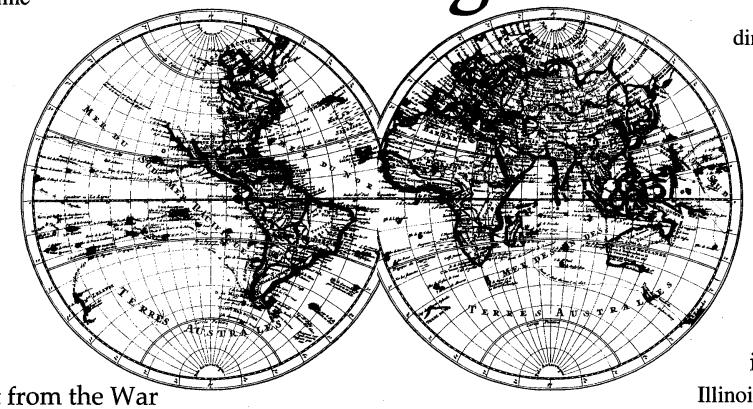

The United Kingdom

Advance in educational terminology, reported in *The Scotsman*:

The Professional Association of Teachers (PAT) has recommended at their annual conference that schools discontinue use of the word "fail" in favor of the concept of "deferred success."

Isleworth, England

Progress in the War on Crime, from the *London Times*:

A team from West Middlesex University Hospital said violent crime is on the increase, and called for a ban on long pointed kitchen knives. After surveying ten chefs in the U.K., the researchers said they could see no reason for the knives to be publicly available.

Summit, N.Y.

Curious incident from the War on Terror, from a dispatch in the *New York Post*:

Citing a provision regarding "attacks and other violence against mass transportation systems," town attorney Howard Yospin has invoked the Patriot Act to justify kicking Richard Kreimer, a homeless man, out of a city train station. Kreimer has sued the city in federal court, seeking $5 million in damages.

Chicago

Proactive merchandising, as reported in the Bloomington (Ill.) *Pantagraph:*

Chicago has become the first major city to ban the sale of marijuana-flavored lollipops, gumdrops and other confections. The candies are flavored with hemp oil, which does not contain any of the psychoactive ingredients in marijuana.

Kaukauna, Wis.

Inside the competitive world of wheelchair pageants, from the *Milwaukee Journal-Sentinel*:

Two months after being named Ms. Wheelchair Wisconsin, Janeal Lee was ordered to forfeit her crown and return her prizes. Pat O'Bryant, the executive director of Ms. Wheelchair America, saw a photograph of Ms. Lee standing — which she is able to do for as long as fifteen minutes before her muscular dystrophy forces her back to her wheelchair.

Fort Lauderdale, Fla.

Unforeseen consequences of a negative film review, from the *Florida Sun-Sentinel*:

In response to what FBI spokeswoman Judy Orihuela called "a napkin with a bomb threat written on it," American Airlines Flight 605 returned to Fort Lauderdale-Hollywood International Airport 30 minutes after taking off. All passengers and crew were evacuated and bomb-sniffing dogs searched the plane, but found no trace of explosives.

The napkin, which was found when a passenger flipped down his tray table, had the words "bomb" and "(meet the parents)" written on it.

Santa Fe, N.M.

Warning against a virulent new journalistic tactic, recorded by the *Albuquerque Tribune*:

In a recent email, Matt Dillman, director of relations for the state's Children, Youth and Families Department, warned employees against "unscrupulous reporters" who will use a "Jedi Mind Trick" to get them to divulge sensitive information.

Gurnee, Ill.

Curious police technique from the Land of Lincoln, noted in the *Chicago Daily Herald*:

Illinois State Trooper Jeremy Dozier was charged a second time for forcing a young couple to remove their clothes in exchange for him not citing them for what he said was illegal activity. He also ordered the couple to run around a nearby construction site while naked.

Seattle

Advance in public health, from a report in the *Seattle Post-Intelligencer*:

City Council members, concerned about childhood obesity, voted to ban ice cream sellers, pizza vans, and other fast food vendors within 1,000 feet of public schools. Operating Engineers Local 609, a union representing 300 school cafeteria workers, sought the ban.

Clackamas, Wash.

Protection and service, celebrated in a Clackamas County Sheriff's Office press release:

Livestock Deputy Robin Iverson was dispatched to answer a call from an anonymous informant who said that a chicken had been left in a pickup truck in an apartment parking lot. A locksmith was called to open the truck, and the bird was removed. Iverson noted that it was "stuffy and hot" inside the vehicle.

Providence, R.I.

Program note on the celebration of our freedom from tyranny, from the *USA Today*:

Fox affiliate WPRI used a five-second delay on its broadcast of the Providence Fourth of July parade, fearing that tipsy attendees might say something off-color that would leave them vulnerable to fines from the FCC.

Special thanks to Russell Garrard, Kevin Bjornsen, Tom Isenberg, Tom DiMaio, Joe Bellow, and Andy Currie for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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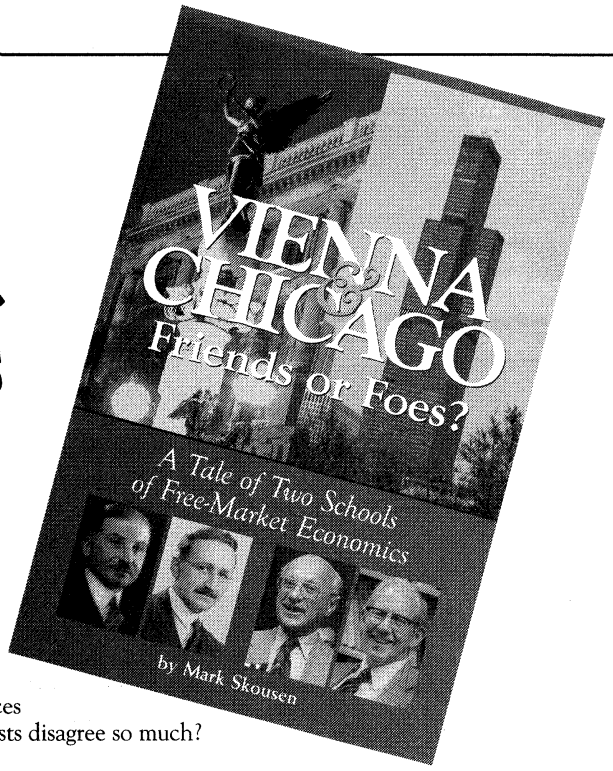

"You're all a bunch of socialists!"
— Ludwig von Mises (Vienna)

"We are friends and foes!"
— Milton Friedman (Chicago)

Austrian and Chicago economists have battled Keynesians, Marxists and socialists alike, but they often fight each other as well. What are the differences between the Austrian and Chicago schools, and why do free-market economists disagree so much?

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- Emotional fights at the Mont Pelerin Society, Foundation for Economic Education, and other freedom organizations.
- Why Friedman and Mises admire Adam Smith, and Murray Rothbard despises him.
- Why some Austrians call Friedman a "Keynesian" and "a statist" while Friedman calls Mises and Ayn Rand "intolerant" and "extremist."
- Major differences between Mises and Hayek..... and between Stigler and Friedman.
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- Amazing similarities between Austrians and Marxists, and between Chicagoans and Keynesians.
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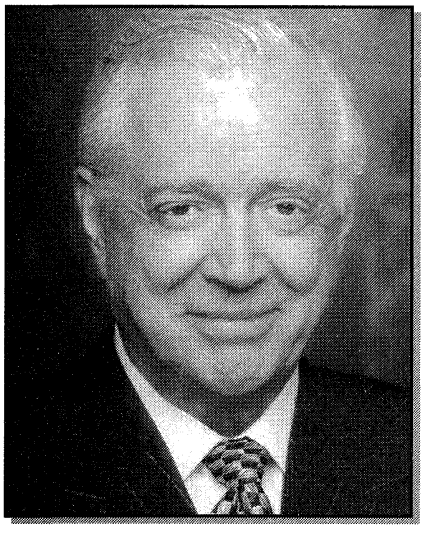

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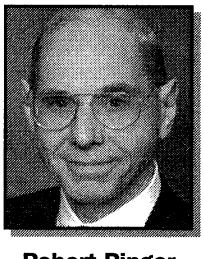

Robert Ringer
Author, *Restoring the American Dream*

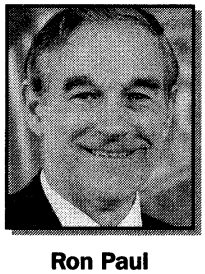

Ron Paul
U.S. Congressman (R-TX); 1988 Pres. Candidate

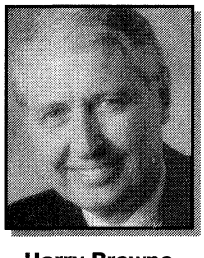

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1996 & 2000 Pres. Candidate; author, *Liberty A-Z*

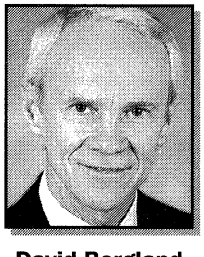

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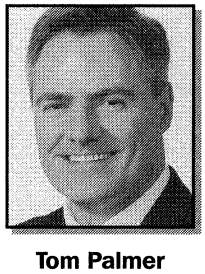

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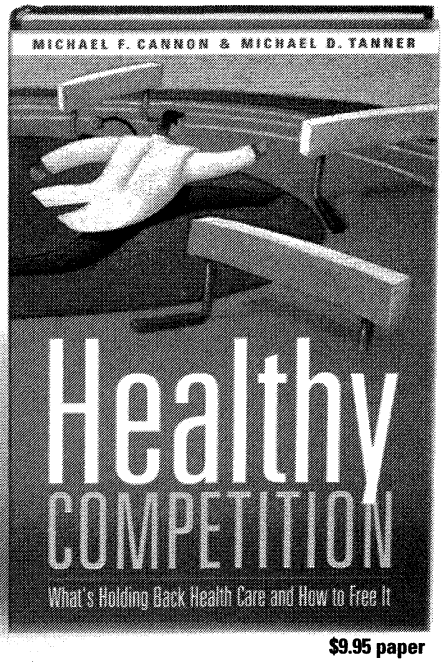

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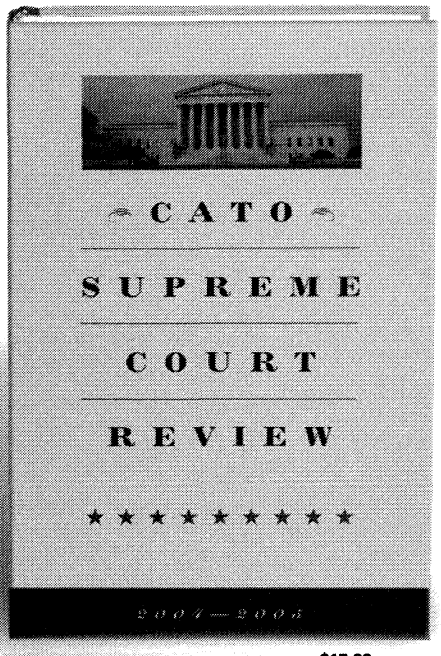

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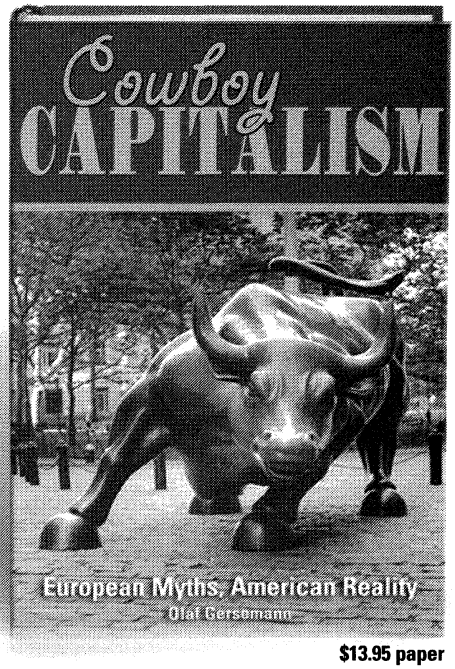

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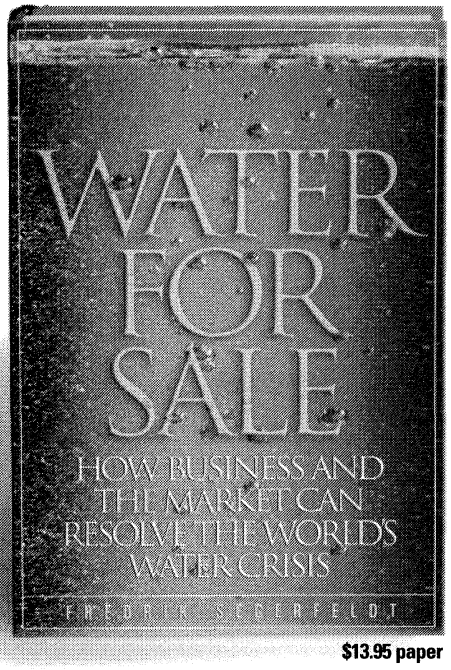

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Inside Liberty

October 2005
Volume 19, Number 10

4 Letters Our readers take us to task.

7 Reflections We schedule this year's teachers' strikes, pop the housing bubble, wander the desert, prevent birth defects, invoke devils and demons, rain on an infamous Crawford camper, gag on pork, suppress dissent, and pit supply against demand.

Features

15 South American Time Bomb Colombia has lots of problems, but America's War on Drugs might be the biggest. *Doug Casey* leads a tour that takes us from coke barons to paramilitary groups to muggers who leave victims with no memory.

18 Back to the Reservation If you think the NCAA's banishment of American Indian team names and mascots is an isolated case of political corectness run amok, you are very mistaken. *Andrew Ferguson* explains.

21 I Protest A big group often prevents effective protest. *Rycke Brown* prefers to dance with herself.

23 Fruitless Controversies You can talk until you're blue in the face, and prove your case beyond a shadow of a doubt, but you can't change people's minds. *Stephen Cox* tells us why.

30 Where Everybody Knows Your Name *Tamara Wilhite*'s two-year-old daughter is invited to dinner at an exclusive restaurant. Protecting privacy is tough in the information age.

32 Washington's Farewell Address The father of our country warned us of specific pitfalls that awaited us if we weren't vigilant in protecting our Republic.

Reviews

37 Life at the Bottom Why do physicians from third-world countries conclude that a rich Western country's universal health care system is a disaster? *Bruce Ramsey* walks the streets with Britain's underclass, seeking an explanation.

40 The Hoax of the 20th Century The Jews survived pogroms, blood libels, and the Inquisition, but one forged document nearly finished them off. *Andrew Ferguson* peers into the "Protocols of Zion."

41 The Once and Future Empire Is the United States attempting to establish an empire? Would that necessarily be a bad idea? *Martin Morse Wooster* weighs the evidence.

44 The Incomplete Skeptic Debunking astrology is all fine and good, but what *Gary Jason* wants to know is: why do skeptics give Marx a pass?

43 Notes on Contributors Meet the press.

46 Terra Incognita Running with scissors.

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Letters

Wealth of Ignorance

My introduction to "The Peasant Principle" (by Stephen Cox, September) came in 1976 — date ring a bell? — when I was playing table tennis at a California junior college.

A bright-eyed student with a clipboard, introducing himself as a history student, asked if I would mind taking a survey. "What famous event are we celebrating the 200th anniversary of this year?" "Easy," quoth I, "the publication of 'The Wealth of Nations.'" My subtle attempt at humor — and providing a diversion from what I assumed must have been a monotonous string of answers — failed. "WRONG!" he exclaimed, almost triumphantly. "Yes, yes, I know. It's the 200th anniversary of the signing of the Declaration of Independence." "WRONG!" he almost shouted. "Well what then?" I enquired. "The American Revolution." I should have thought that a history student might have been able to connect the dots.

Adrian Day
Annapolis, Md.

Orwell Lives

Despite his good intentions, Alan W. Bock (Reflections, September) errs in writing that Yasir Esam Hamdi, an American citizen, was released "after about three years" imprisonment as an "enemy combatant." At press conferences, in typical Orwellian fashion, Bush Administration spokesmen sometimes describe it in such terms, implying Hamdi left the country of his own free will, or as the result of a consensual agreement. But it wasn't voluntary even to the extent that a plea agreement by a criminal defendant is.

Shortly after a lower court ruling in Hamdi's favor, according to the Washington Times, Hamdi signed a document agreeing to be sent to Saudi Arabia, alienate his American citizenship at the U.S. embassy in Riyadh, and remain in Saudi Arabia for at least five years. After the initial five years, Hamdi agrees not to return to the U.S. for an additional five years, and must notify the U.S. embassy in Riyadh before international travel during the subsequent 15 years. The article also quoted State Department spokesman Richard Boucher as confirming Hamdi had been transferred from the Charleston naval brig (where he was being held) to Saudi Arabia.

Josh Dunn
Burke, Va.

Not the Babysitter

Robert Kelley ("No ID, No Cookie," letters, September) writes, "Rycke Brown is clearly guilty of a crime" in giving a pot cookie to a 15-year-old. What crime is that? In what way did I violate the rights of that young woman when I gave her a cookie that she asked for nicely even after I told her it had pot in it?

Or is Mr. Kelley saying that I violated the rights of her parents? First, I did not know her parents or their view on pot cookies. Even if I did, they have no rights in this matter. They have authority — over their child, and only over their child. If their child, running loose at the age of 15, does not respect their authority enough to obey them, why should I? Actually, on this occasion, she was with her adult sister, who also exhibited little respect for these parents' authority.

I have tried to avoid giving pot cookies to minors because it might make their parents angry, and I'm not out there to make people angry at me. But that does not mean that they have the right to expect every adult to obey their unknown wishes. In this particular case, the young woman apparently set

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out to make her parents angry with me instead of her, since she was going to fail their urine test anyway.

The state has even less authority in this matter than her parents. Use, abuse, or misuse of any substance by anyone at any age is inherently a matter of religion, as are all other vice laws. As such, all vice laws violate the First Amendment of the U.S. Constitution. When the state usurps a function of a church, an organized religion, it establishes religion and becomes, in effect, a state church. (What other functions of churches has the state usurped in the last century and a half?)

Regarding alcohol, the 21st Amendment gives the states the power to regulate or prohibit alcohol — and nothing else. So the states have no legal authority to forbid distributing anything but alcohol to minors, and a proper interpretation of the First Amendment would not allow them to do so. There is no amendment to the U.S. Constitution giving the feds the power to regulate medicine at all. How is it that the states felt it necessary to pass amendments to ban and then regulate alcohol, and yet illegalized most drugs and the practice of medicine without any such authority?

So I should've asked for an ID, he says. Why? Because that's what the state requires of store clerks selling alcohol and cigarettes — semi-legal products sold in legal stores. Sorry! This is a fully illegal product not sold in stores, and I wasn't even selling it. Even if I was, nobody in the black market asks for IDs, laws against selling to minors to the contrary. If you want pot sellers or givers to ask for IDs, you'll have to make it semi-legal first, and sell it in legal stores.

Maybe then it would be harder for minors to get it than for adults. Right now, it is easier, as is the case for all banned drugs. Teenagers talk to each other and to young adults a lot. Information about who has what for how much flows freely. They are less cautious and they can afford to be, since penalties for minor-in-possession (MIP) are minor. Older adults talk less freely, have fewer connections, and tend to avoid dealing with kids. They have to be more cautious, since penalties for dealing, especially with minors, are major.

Not that MIP laws and carding keep any kids from getting drunk if they want to. What they do is ensure that minors will generally drink without older adults around to model good drinking behavior. In Europe, where children drink with their parents and are allowed to drink in taverns, they have much less drunkenness and alcoholism than in the United States.

A store clerk who doesn't ask a minor for ID can be fined $600. I'm facing 20 years for giving a young woman a pot cookie. Regardless of your views on minors and pot, the disconnect here is insane.

All in all, I'd say minor and major prohibition laws are just as perverse and unconstitutional as concealed weapons laws. And they sprang up in the same period! But that's a whole 'nother subject.

Rycke Brown
Grants Pass, Ore.

Cox Misses the Point

Stephen Cox surely misses the point in his criticism of the assistant pastor who defined God as a metaphor. ("Word Watch," September) Wittingly or not, this hapless clergyman stumbled upon the precise definition of the term God. It is a conceptual abstraction indeed, a metaphor of ultimate human authority. I am not surprised that this man of the cloth declined to elaborate on what he meant. After all, he'd have to admit that God is imaginary.

Timothy J. Taylor
Mt. Pleasant, Mich.

Look It Up!

I enjoyed Stephen Cox's article "The Peasant Principle." My mother bought a World Book Encyclopedia for us in about 1961, and whenever we asked questions she would always say "Look it up!" I am grateful to her for fostering a love of reading and of learning.

I imagine Mr. Cox was talking about Rives, Tennessee, but there is also a Rives, Missouri. The word "rive" is french for "bank" as in river bank, and that may be the origin of the town's name. "Rives" would be the plural, pronounced "reeve," but it wouldn't be surprising if the local pronunciation rhymes with "drives." The french would more properly say Les Rives. La Rive Gauche is of course the famous Left Bank of the Seine River in Paris.

Mayor Willy Star Marshall
Big Water, Utah

Pork and Circuses

"Pastime on the Potomac," (Andrew Ferguson, September) concerning major league baseball returning to Washington, D.C., was a home run.

Taxpayers should "just say no" to using public funds for any new major sports stadiums. In ancient Rome, government attempted to curry favor with the masses by offering free bread and circuses. Today, we have sports pork.

How sad that taxpayers across the nation are continually asked to pay for new stadiums. Public dollars on the city, state, and federal level are being used as corporate welfare to subsidize private-sector businesses. The only real beneficiaries of these expenditures are team owners and their multimillion dollar players.

It is impossible to judge the amount of new economic activity that these so-called public benefits will generate. Between selling the stadium name, season sky-boxes, and reserve seating; cable, television, and radio revenue; concession, refreshment, and souvenir sales; rental income for other sports, rock concerts, and other commercial events, it is hard to believe that owners can't finance new stadiums by themselves.

Cities have better things to do with our taxes. As Raymond Keating wrote in a Cato Institute report, "Public subsidies pad the bottom lines of team owners and boost player salaries while offering no real economic benefit to the cities involved." Professional sports is

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not an essential service and shouldn't qualify for government subsidy. Let team owners float their own bonds or issue stock to finance new stadiums! Please don't pick the pockets of taxpayers!

Larry Penner
Great Neck, N.Y.

The Greatest Generation, Indeed!

In his essay "Pirates on the Potomac" in Reflections (August), Anonymous refers to people his mother's age living off Medicaid in nursing homes who "were either spendthrifts all of their working lives and thus had no savings upon retirement, or had considerable savings that they surreptitiously gave to their families . . . to qualify for Medicaid."

Congress dramatically tightened the Medicaid rules in 1993 after a General Accounting Office report that year described how common the latter abuse was. Among the changes are that the "look-back" period for asset transfers was extended in certain cases to five years from three; states generally must seize the house once both spouses are deceased or in a nursing home; and more assets, including those that are nonprobatable, must be turned over. There have even been attempts to make illegal the giving of information on how to continue to shelter assets from Medicaid.

This means that far fewer seniors fall into the second group than before; more and more fall into the first group, the spendthrifts. That's where one of my elderly relatives comes in. He is in his nineties, in a nursing home, and on Medicaid. He worked as a low-paid dairy farm hired hand, and bounced from one job to another as he got bored or angry at each employer. What resources his family had were consumed in these constant moves. He wasn't stupid, but I believe he could have made much better life choices.

Only in late life, after his wife received an inheritance and he had retired on Social Security, were they able to buy a house and own it free and clear. He then proceeded to spend most of the rest of the inheritance on collecting junk equipment. Once he and his wife became sick and ended up in long-term care, their few remaining assets were spent down, and both went on Medicaid.

Recently I crunched the numbers and discovered that the two received from Social Security, Medicare, and Medicaid not only more than they paid into those systems, not only more than they paid in overall taxes, but more than their entire lifetime earnings, including any plausible interest saving them could have earned. It doesn't take very many years of nursing home care at $60,000 a year to wipe out years of work earning $2,000–$3,000 a year in the 1940s–1960s. And he is far from the only one in this boat. The irony is that his adult children are fighting to keep the state from taking his house, even though by law it must.

Everyone carped and bitched about welfare mothers with bastard children until welfare as we knew it was reformed with a sledgehammer in 1996. The real bastards all along have been the greedy geezers who all too often have become net leeches and who will tell you that they have "earned" these benefits. The sledgehammers are due to swing their way. And they will.

Edwin Krampitz, Jr.
Drewryville, Va.

The Metrics of Happiness

While I enjoyed reading Mark Skousen's attempt to determine the optimal size of government ("The Necessary Evil," September), there is something missing. He links socioeconomic well-being to quality of life, freedom, prosperity, and even opulence, but — incredibly — he never mentions happiness. I'm curious how he would respond to utilitarians, who claim that the ultimate end of human endeavor is happiness and that all other values are merely means to that end. Those libertarians might question his analysis, or at least request a clarification. If he acknowledges that he is a utilitarian as defined, does he hold that no modification to the optimal size of government is required? Does he think that freedom and prosperity taken together constitute happiness, or invariably yield it? If he rejects utilitarianism, does he maintain that something other than happiness is the ultimate end of human action? I'd like him at least to show how the elements that comprise socioeconomic well-being are weighted, and to indicate the effect, if any, this clarification has on his view of the optimal size of government.

Jan Wilbanks
Marietta, Ohio

Reflections

Crawford Cindy — Camped outside of Crawford, Texas, is a woman who is rapidly becoming the modern-day Jane Fonda. Her son died — needlessly, in her opinion — in the Iraq War, and she seeks publicity by demanding another audience with Bush II.

One wonders if the victims of other government officials would garner as much media attention by camping outside a summer home. Would the mothers of daughters abused by President Clinton be allowed to camp outside Chappaqua? Personally, I'd like to see Mr. and Mrs. Kopechne camping outside the Kennedy Compound in Martha's Vineyard.

— Tim Slagle

At NASA, no one can hear you scream — Two and a half years ago, when NASA officials held a news conference to discuss the destruction of the space shuttle by the debris they had failed to prevent from flying off their Rube Goldberg conception of a spaceship, I was struck by the amount of time they occupied (the great majority of a very long event) in sharing their feelings about themselves and vowing their undiminished commitment to a project that a) had just failed, with sickening loss of life, and b) they had no conception of how to put right.

This summer, I was struck by NASA's heroic self-consistency. Years of work and 1.5 billion dollars of "investment" had produced a vehicle that was imperiled by the same defect that destroyed the last one: stuff falling off of it at launch. Fortunately, this year's model wasn't damaged enough to result in another disaster; but, as a vocal minority of the commission appointed to investigate the shuttle disaster has wondered, "What the hell is going on here?" Yet the response of NASA officials was pretty much the same as it was in 2003. Uh, we got a problem here . . . Don't know how to fix it . . . But *one* thing is certain: our whole *team* is totally *committed* to this project, and that's a God damned inspiring thing.

Equally committed to the project were the majority of news media, who followed their normal practice of asking no serious questions of the scientific establishment.

— Stephen Cox

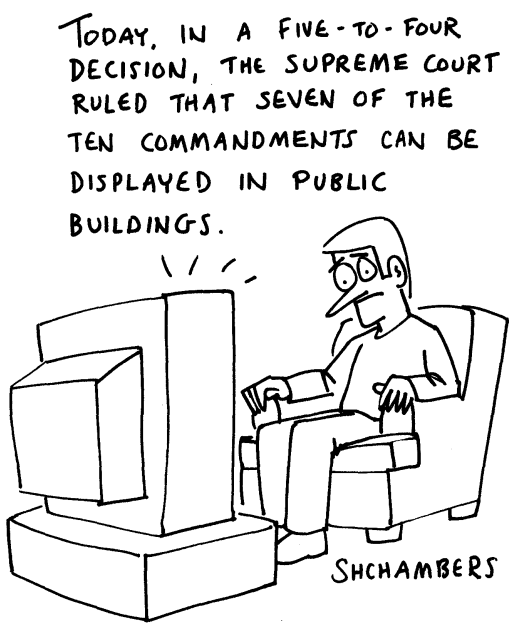

High on zoning — Rapidly rising housing prices are leading many economists to ask: is the U.S. facing a property market bubble similar to the bubble that brought Japan to its knees after 1991? The answer to this question is clearly yes, as anyone familiar with San Jose's market can see. Silicon Valley has lost 17% of its jobs in the last three years and office vacancies have increased from 3% to 30%. Yet San Jose housing prices rose by 17% last year, an increase that can only be due to speculative purchasing.

What few people are asking is: what is government's role in this bubble? While some economists at Harvard and Wharton Business School have known the answer for years, the first prominent writer to publish the truth is none other than left-liberal economist Paul Krugman. In his Aug. 8, 2005, New York Times column, Krugman notes that housing prices aren't increasing everywhere by the same amount. Instead, most of the increases are in what he calls the "Zoned Zone" — places like New York, Miami, and San Diego. Places with relatively little land-use regulation, such as Houston and Atlanta, have seen only modest price increases.

In the name of "livability," urban planners have driven up housing prices in many major cities to unsupportable levels, and now we run a huge risk that those prices will descend by 15 to 35 percent over the next few years. No one can seriously say that land-use regulation has made San Diego or Portland more livable than Atlanta or Phoenix. But it has increased the probability of high bankruptcy rates and a devastating downturn for the housing industry, which has been one of the main drivers of our economy for the last decade.

— Randal O'Toole

Satanic versus — The Middle East is the cradle of the three great monotheistic religions — in chronological order, Judaism, Christianity, and Islam — and that's not all that's wrong with it. For thousands of years, it's also been a cradle of ethnic and religious resentment and strife. Little seems to grow in the flinty soil of that austere desert landscape except absolutes and anathemas and vendettas, many of them, after a millennium or two, still in their first youth. Skepticism, toleration, and doubt, precarious enough everywhere, are particularly scarce there. After Sept. 11, 2001, the United States, following decades of Middle Eastern meddling, could have said either of two things: 1) "We had better

extricate ourselves as quickly as possible from this unholy mess, ending our dependence on their oil and their dependence on us, because the chaos and theocratic mayhem native to the region are spilling over into our own country now, and if we try anything more than a quick surgical intervention to punish and disperse the fanatics in Afghanistan who were responsible for the atrocities, we risk becoming Middle Eastern-caliber absolutists ourselves who throw around phrases like 'axis of evil' and 'an end to evil' and 'sacred cause.'" 2) "It's becoming so dangerous over there that we're just going to have to wade into two or three countries and stay there until these 2,000-year-old problems are solved once and for all. It should take about three years." The Bush administration, of course, chose to say the latter. It's committed to pursuing its mirage in the desert indefinitely. But so are the leading Democratic miragists, such as Hillary Clinton, who, like John Kerry, or Joe Biden, or Richard Holbrooke, or the allegedly moderate Republican John McCain, differentiates herself from Bush and Cheney chiefly by demanding more troops and more war and more taxes to pay for them. Only the American public, a solid majority of which now thinks the Iraq war was a mistake and has made us less safe from terrorism, along with a few maverick Democrats and Republicans and impotent third parties, begs to differ.

The one thing monotheism can't easily do without is a devil to explain how so many bad things get into a universe.

The history of religion suggests that the one thing monotheism can't easily do without is a devil. It needs a Satan, a Lucifer, a spirit of inexhaustible evil to explain how so many bad things get into a universe run by its absolutely powerful and absolutely good single, solitary God. Monotheism creates its own Satans; it's in the devil-manufacturing-and-distribution business. With the steady supply of bad news from Iraq as food for thought, we will have to decide if the vision, Bush's and Clinton's, of a monolithic world run by an absolutely powerful and absolutely good America is going to solve everybody's problems or just generate more devils, some of them bearing a striking resemblance to ourselves.

— Eric Kenning

Embryonic dilemma — A society can't be free unless its citizens are responsible. Policies surrounding the drug Accutane raise questions about how much liberty should be allowed when individual responsibility may be lacking.

Accutane is a strong medicine used in severe cases of acne. For people with the condition, it can be a miracle drug. But it has side effects, including birth defects in children born to women who take Accutane while pregnant.

Since the potential for birth defects is widely recognized, and since Accutane can be prescribed only by physicians, one might assume that doctors and patients would act with extreme care so that females using Accutane would not become pregnant. But are they acting responsibly?

The Food and Drug Administration doesn't think so. It has just tightened the rules again. This time, before a woman can use Accutane, both she and her physician must register through an electronic database, and the doctor must confirm that she has taken two pregnancy tests and is using two forms of birth control. A previous "restricted distribution" system of this kind was voluntary.

According to the New York Times (Aug. 13), women using Accutane have had more than 2,000 pregnancies since the drug went on the market in 1982. Most ended in abortion or miscarriage, but according to the Associated Press some

News You May Have Missed

Ape Eyed for Court Slot

NEW YORK — In a surprise move, PETA president Ingrid Newkirk broke with other left-leaning organizations and said that she would support President Bush's choice of John Roberts to fill the vacancy on the Supreme Court, "but only if he makes a complete monkey out of himself at the Senate confirmation hearings." Newkirk has long demanded that at least one court seat be set aside for "other primates." If Roberts is confirmed because of any recognizably human traits, she said, she would throw her support to a Barbary ape for the next vacancy, noting that the one she smuggled into the country after a recent trip to Gibraltar has "rock-solid" credentials and is also "kind of cute with very soft hands and a lot of stamina." She added that Barbary apes do not have tails, like the other current members of the court and like most senators, which should smooth the confirmation process.

But other animal-rights groups have angrily broken with PETA (People for the Ethical Treatment of Animals) over the issue, including AETP (Animals for the Edible Treatment of People), PEETA (Pizza Eaters for Ethical Touchiness about Anchovies), and FUBGAF (Fat Ugly Bald Guys Against Fur). These activists are accusing PETA of "blatant primatism" for wanting to limit the court to humans and their simian cousins. They have insisted that the Supreme Court make room for two members of every animal species on earth, after it is suitably expanded, refitted, and launched out to sea, with each court session lasting 40 days and 40 nights, a strategy that has for the first time put the animal activists in step with scripture-quoting religious fundamentalists who believe that a court heavily stacked with primitive life forms like single-celled organisms, brachiopods, and the Rev. Pat Robertson will probably vote against allowing the theory of evolution to be taught in public schools.

Meanwhile, a proposal by PETI (People for the Ethical Training of Insects) which would allow the court to seat educated fleas, even if their education has not included law school, suffered a setback when ALF (Animal Liberation Front) militants raided several leading flea circuses and went away scratching themselves furiously, suggesting that virtually all the fleas had been successfully liberated. — Eric Kenning

160 babies were born with defects caused by the drug. The Times does not include the number of defects, and neither outlet explains what the defects are.

Indeed, one has to probe a bit to find out the severity of the potential birth defects. The Organization of Teratology Information Services says that when women took Accutane during the first trimester of pregnancy, 25 to 35 percent of their infants have a "pattern of birth defects." These can include "craniofacial defects, heart defects, and central nervous system defects," and "occasionally" thymus gland defects and limb abnormalities. Accutane also raises the risk of miscarriage.

The question for liberty-minded people is whether further prevention of miscarriages, abortions, and birth defects is worth the latest loss of liberty. This raises further questions.

For example, are the number of pregnancies and defects substantial? According to the Times, in 2002 physicians prescribed Accutane about 170,000 times a month, with half the prescriptions going to women. One hundred sixty children born with birth defects over more than 20 years seems small in comparison. Is the FDA pursuing an impossible ideal of human behavior?

But the Times also suggests that the drug is being used excessively — and thus irresponsibly. Only about 6,000 people at any one time have extreme acne, the newspaper says, a far cry from the 170,000 prescriptions per month. And most people with this condition, it says, are male.

But are these numbers, especially the number of pregnancies, accurate? Pregnancies may be underreported, especially if they end in abortions. The 160 cases of birth defects correlating with Accutane use would seem to be more reliable — but then why didn't the Times include this number?

Given the enormous desire that many (surely, most) women have for healthy babies, any pregnancy under these conditions seems excessive and irresponsible. But one piece of anecdotal information found on the Web suggests how these pregnancies might arise. One woman taking Accutane didn't follow the requirement to use two forms of birth control because she intended to have an abortion if she became pregnant. Also, perhaps the fact that our health and welfare system pays for medical care causes women to ignore the potential effects. (And requiring two forms of birth control? This seems patronizing, particularly since it cannot be enforced.)

All in all, I am troubled by both sides of this story — the move by the FDA toward more regulation, but even more the failure of women to protect future children. I long ago gave up the mantra that "if it [a regulation] saves one child's life, it must be worth it." But what standard should we hold in a society of free and responsible people? I don't know.

— Jane S. Shaw

Saint, shill, both, neither? — Depending on who you listen to, Cindy Sheehan is either a grief-stricken mother with an absolute moral authority to voice her opinion about the War on Iraq, or a grief-stricken mother who is being shamelessly exploited by liberals to advance their agenda. She is both.

No thinking person can honestly believe that having a son die in Iraq qualifies Sheehan (or any of the other parents who've lost children in Iraq) to set our foreign policy. If she were qualified (which she clearly is not), she would have been equally capable before her son's death. To believe otherwise is tantamount to believing that an actor's fame and riches make him an expert on economics. Yet left-liberals continually imply that her grief gives her special insight.

Sheehan's claims shed no light on any aspect of the mess in Iraq. Her assertion that the invasion of Iraq was part of a "Neo-Con agenda to benefit Israel" isn't worth a response, and her supporters' tired mantra "Bush lied, people died" is true, but devoid of content. (The fact that Bush lied about — or at least spun — the reasons to invade Iraq was self-evident from the start, and "people died" would be more accurately phrased as "different people would have died under a different course of action or inaction.") Still, Iraq was never a significant threat to the United States, and we didn't need to depose Hussein. The world as a whole may well be better off, in the long run, now that we *have* deposed him, but we certainly didn't *need* to.

All of that is irrelevant to whether Sheehan has the right to voice her opinion on Iraq. She does. The First Amendment doesn't give her that right — it merely protects it. Freedom of speech is the bedrock of liberty. If it is wrong to speak when you are convinced thousands of lives are at stake, when is it right? Does she have a right to be heard? Of course not. But she can, and should, be heard exactly to the extent that she can convince people to voluntarily listen. There's no *a priori* test of appropriate speech, nor can there be in a free society.

— Mark Rand

Make war, not sense — "The emperor shuddered, for he knew that they were right, but he thought, 'The procession must go on!' He carried himself even more proudly, and the chamberlains walked along behind carrying the train that wasn't there."

Though President Bush has been on a recent tour claiming that all is going well in Iraq, with total victory coming, it is getting harder for Americans to believe him. New polls show the President's approval ratings have sunk to around 38%. We are coming, I think, to the part in "The Emperor's New Clothes" where everyone starts to proclaim that the king is wearing nothing but his birthday suit.

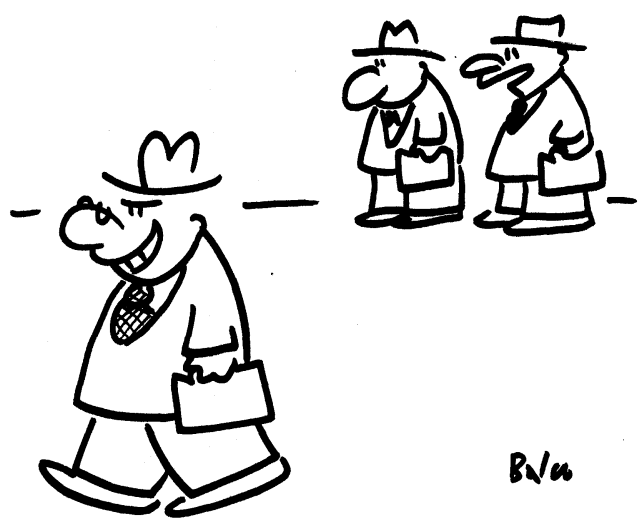

"He's taken corruption to new heights — he *auctions* his vote."

A year or so ago, it was widely believed that it was only the unpatriotic, the America-haters, and the French who wouldn't climb aboard the President's caravan to Baghdad, but there were a few intrepid souls who amid the clamor and the uproar were trying to speak the truth.

At a speech at the University of Pittsburgh Law School during the 2004 presidential campaign, financier George Soros spoke of his lifelong fight against both fascism and communism, emphasizing that the common flaw shared by the two systems was their absolutist certainty that they were right, and their suppression of free thought and critical debate.

As one who had grown up in Nazi Germany, and who had worked to undermine the Soviet Union's suppression of dissent, Soros said alarm bells began to ring when he saw Bush administration attempts to suppress dissent and critical thought after Sept. 11. "Over time it's going to be important for nations to know they will be held accountable for inactivity," Bush declared in a joint news conference with French President Jacques Chirac on Nov. 5, 2001. "You're either with us or against us in the fight against terror."

Speaking truth to power has never been easy, but the Bush administration, which claimed the Sept. 11 attacks as its own and enfolded them into its political agenda, made dis-

Word Watch

by Stephen Cox

All last month I received phone calls congratulating me on this column's only known, or supposed, victory over the powers of verbal darkness. "Hey!" the little man inside my cell phone kept saying. "Congratulations! You've got the New Yorker on your side!" It was only a cartoon, but . . . Here's the story.

About a decade ago, I went to dinner with my friend Muriel Hall at a neighborhood restaurant near her home in rural Connecticut. When the waiter came around to collect our used dishes, I asked Muriel whether she'd heard what waiters in California always say on such occasions: "You finished workin' on that?"

"No!" Muriel said, recoiling in horror. "That's what they say?"

I assured her that it was true, and she would soon be hearing it herself. The next time I saw her, she sadly reported that I'd been right. "You finished workin' on that?", one of the most disgusting expressions ever applied to food, had infested the country from sea to shining sea.

This column has conducted a gallant campaign to exterminate it, but until now, I'm sorry to say, the campaign has been conspicuously unsupported. I suppose that most people who are interested in good usage and polite locutions don't spend as much time as I do in restaurants. They know how to cook for themselves. But help has finally arrived.

The July 25 issue of the New Yorker carries a cartoon that shows a waiter asking his hapless customer, "Are you still working on that?" The customer replies, "No. In fact, I'm completely *exhausted.*" She adds, "Maybe if you wrap it up, I can finish working on it at home."

The cartoon isn't hysterically funny. It would have been better if she had said, "Yes. *Somebody's* got to work around here." Or, "That's right; this food needs a lot of work." Or, "Yes, and when I get through 'working,' it will sure be great to get something to eat." Or even, "No. But I guess you're still working on your vocabulary." Anyway, at least we see that resistance is forming, which is more than can be said about resistance to any other embarrassing linguistic tendency in America.

Verbal embarrassments can be divided into three groups: A) expressions that mean the wrong thing; B) expressions that don't mean anything; C) expressions that are just plain painful to read. All three types flourish as heartily among the educated as they do among the uneducated — often, indeed, more heartily. Weeds grow best on cultivated soil.

A brochure prepared by the National Gallery of Art for its recent show of the 17th-century painter Jan de Bray — an elite interest, if ever there was one — mentions the plague in which De Bray's parents and four of his siblings died. It continues: "Jan suffered further losses. Raised a Catholic, he was married three times, each time to a woman of that faith." This is a Type A embarrassment. So careful are the persons responsible (four authors and an editor are listed, for a 16-page booklet) to make sure you know that their friend "Jan" married within his faith, and also suffered the deaths of several wives, that they end up saying that to marry a Catholic is to suffer a loss. Somebody had to work pretty hard to produce an effect like that.

And here is Edmund Wilson, the god of the literary intellectuals, c. 1930–1960, laboring mightily to commit a Type C error. It's in one of his best books, a study of Civil War literature appropriately entitled Patriotic Gore. ("Avenge," commands the Confederate battle hymn, "the patriotic gore / That flecked the streets of Baltimore.") Writing about the domestic difficulties of Harriet Beecher Stowe, Wilson intones, "She was an invalid for months after the birth of the child; nor did the baby seem likely to live, and yet the little girl did survive." Well, how many kids did Stowe have, anyway? One senses that "the child" is also "the baby," and "the baby" is also "the little girl," but couldn't he have written a sentence that didn't require algebra to figure out? Couldn't he have written something like, "She was an invalid for months after the birth of the child, who survived only with difficulty"? No, that would have been too easy. Watching Wilson lumber like an elephant through the jungle of his words (Patriotic Gore contains 816 pages counted in Arabic numbers, and another 32 counted in

sent next to impossible. Generals and intelligence officials who disagreed with Bush strategy were ridiculed and fired, and military experts who objected to the invasion of Iraq, or the number of troops to be sent, were denigrated as "blow-dried generals," or as having mental problems.

Soros wrote in his 2004 book, "The Bubble of American Supremacy," "It is difficult to understand how President Bush could have embarked on the second Gulf War with so little forethought about, and preparation for, the aftermath. There had been plenty of warnings both for those responsible for the first Gulf War and from our European allies." Citing Brent Scowcroft's "Don't Attack Saddam" from the Wall Street Journal in August 2002, and James Baker's Financial Times article in February 2002, "The Right Way to Change A Regime," Soros contends that the caution of geopolitical realists yielded to arrogance.

"The main problem was that the senior administration officials have what I call faith-based intelligence," states Greg Thielmann, a former high-ranking official at the State Department. Intelligence "facts" were cherry-picked and made to fit around already-decided policy. "They knew what they wanted the intelligence to show. They were really blind and deaf to any kind of countervailing information the intelligence community would produce. I would assign some

Roman), one sees how awful it can be when intellectuals keep trying to get it right.

Of course, not all intellectuals or academics err by overconscientiousness. Here is a Type A mistake by a college president, eulogizing his institution: "All tolled, SMC [Southwestern Michigan College] has awarded more than 11,000 associate degrees and certificates . . ." Ask not for whom the college tolled; it tolled for them. And here is one of those erudite fellows from National Review: "Everyone yaks about the culture, J.K. Rowling did something about it." I could complain about the comma splice. I could also complain about J.K. Rowling. But I won't. I just want to observe that a yak is a kind of bovine found in Tibet.

That's a mistake with a small word. Ordinarily the intelligentsia prefers to make its mistakes with big words. One of the current favorites is "infamous," which is used whenever "famous" seems too small. I learned from a recent public address that "Roosevelt's infamous Social Security program" isn't well understood today. At first I took heart: the intellectuals are finally noticing what a disaster the New Deal was! Then I realized that the speaker didn't realize that "infamous" had anything to do with "infamy."

But surely it isn't simple ignorance or carelessness that prompts the spokesmen for social causes to drag their remarks out until they get to something like, "I'm convinced that we need a larger conversation around the issue of racism in this country," or, "So, Larry, the purpose of our group is to organize both the men and the women of America around issues of education and child care." They could say that they feel impelled to *discuss* racism. And they could say what, precisely, they're organizing people *to do.* Instead, to use the old rural expression, which includes their favorite word, they'd rather go all *around* Robin Hood's barn, searching for the right smell of pomposity and impertinence. The inevitable result is a Type C mess.

Type B errors, the kind of expressions that have little or no literal meaning, are purportedly the forte of illiterates. Consider, for example, the much derided "irregardless." Yet many a genteel journalist, laboring not to offend, discusses the problems of "aging" men and women, or contemplates the statistics about "international" students currently living in the United States. The first scare-quoted word is supposed to mean "old," but it doesn't. It doesn't mean anything in particular. We're all "aging," aren't we? Rocks age, too. The second word means even less, if less be possible. It's meant to avoid the allegedly harsh tone of "foreign," but what exactly does it signify? Where are these "international" students from? A house perched on the border of Haiti and the Dominican Republic? No, they are nationals of someplace, and they are foreigners here.

As a believer in human rights, I am especially dismayed by the high-toned meaninglessness of intellectual talk about "conflicts of rights," "the need to balance rights," the "predominance" of one "right" over "another," and so on. Listen, a right is an absolute, isn't it? If it's not, why talk about "rights"? If by affirming the right of religious freedom you mean no more than that people *should* have religious freedom, except when religious freedom conflicts with some other thing that you want, then you should talk about your own preference for religious freedom, not about other people's right to it. How could a right — if it really is a right — conflict with some other right?

Ask not for whom the college tolled; it tolled for them.

The problem for political philosophy is to identify rights in such a way that there is no conflict among them; the problem for writers about rights is to avoid meaningless expressions.

But, as politicians usually insist when confronted with some controversial statement, "No matter what I may think about what these people say, they clearly have a right to say it." Yup — and that also is a meaningless expression. No one who uses it is actually girding his loins, Voltaire-like, to defend to the death someone else's right to express opinions he loathes. He's just trying to avoid saying anything about the issue he's purportedly discussing.

That's not like you and me, eh? Maybe not. But I hate to think of how many times I've answered the cheery question, "How you doin' today?" with an equally cheery, "Fine! How 'bout you?", when my real view of the situation was, "Rotten — and please don't tell me that you're doing any better." I'm sure you've made the same meaningless answer. Still, I don't feel that we, unlike the politicians, are entirely to blame for our misuse of language. We're simply not permitted to make a meaningful response. Our listeners "couldn't deal with it."

But maybe the New Yorker will help us out with this one, too.

blame to the intelligence community and most of the blame to the senior administration officials."

At the time of the invasion, Thielmann says Iraq didn't pose an imminent threat to the U.S.: "I think it didn't even constitute an imminent threat to its neighbors at the time we went to war."

As the war in Iraq drags on and the outcome looks grim, George Soros' contention that "President Bush has played right into the terrorists' hands by invading Iraq" has begun to look prescient. His beliefs parallel the conclusions of longtime CIA analyst Michael Scheuer, former head of the CIA's bin Laden project, who claims that the U.S. invasion of Iraq has given bin Laden "the Christmas present he had long hoped for."

Scheuer, in his book "Imperial Hubris," worries that we're losing the war on terror because of thoughtless policy making. "Bin Laden has been precise in telling America the reasons he is waging war on us," he says. "None of the reasons have anything to do with our freedom, liberty and democracy, but have everything to do with U.S. policies and actions in the Muslim world."

Only when U.S. leaders begin to believe and preach that bin Laden and his allies are attacking us not for what we are or what we think, but for what we do, will we be on track to understanding why America is being targeted, argues Scheuer.

He explains that bin Laden has declared war on America because of its aggressive support of Israel, low oil prices, and especially, the presence of American troops on the Arabian peninsula.

A fundamental flaw in Bush's thinking, said Soros, was that designating terrorists as evil does not make all that we do right. Suicide bombers and other jihadists are more willing in larger numbers to fight us now than they were before Sept. 11. Every innocent Muslim death causes anger, he said, and "their rage and our fear feed each other."

Scheuer states that bin Laden is a long-term strategic thinker, who, having defeated one superpower, has plans to defeat another. His strategy included attacks on the World Trade Center which he hoped would provoke the U.S. into retaliating by invading Muslim lands and enraging a billion and a half Muslims, making it easier to defeat Western forces.

"Oil and Israel likely loomed large in the Bush administrations policy deliberations," wrote Soros, "but these were not the reasons publicly offered by President Bush and his advisers for the invasion of Iraq. Whatever the reason for invading Iraq, the American public has every reason to feel deceived."

Recently we have learned that even the Secretary of State was deceived. Appearing on CNN's "Dead Wrong — Inside an Intelligence Meltdown," Col. Lawrence Wilkerson, Colin Powell's longtime chief of staff, said the White House gave Powell an unsourced "Chinese menu" of information about WMD to present at his UN speech. Wilkerson says he now looks back on his involvement in Powell's presentation to the UN on Iraq's WMD as "the lowest point in my life."

Speaking truth to power has never been easy, but the Bush administration made dissent next to impossible.

Wilkerson and Powell spent four days and nights in a CIA conference room with then-Director George Tenet and other top officials trying to ensure the accuracy of the presentation.

"There was no way the Secretary of State was going to read off a script about serious matters of intelligence that could lead to war when the script was basically un-sourced," Wilkerson says.

"In fact, Secretary Powell was not told that one of the sources he was given as a source of this information had indeed been flagged by the Defense Intelligence Agency as a liar, a fabricator," says David Kay, who served as the CIA's chief weapons inspector in Iraq after the fall of Saddam. That source, an Iraqi defector who had never been debriefed by the CIA, was known within the intelligence community as "Curveball."

"George actually did call the Secretary, and said, 'I'm really sorry to have to tell you. We don't believe there were any mobile labs for making biological weapons,'" Wilkerson says in the documentary. "This was the third or fourth telephone call. And I think it's fair to say the Secretary and Mr. Tenet, at that point, ceased being close. I mean, you can be sincere and you can be honest and you can believe what you're telling the Secretary. But three or four times on substantive issues like that? It's difficult to maintain any warm feelings."

NBC News correspondent Jim Miklaszewski reported on August 19 that U.S. intelligence indicates that Islamic militants from several African nations — Morocco, Algeria, Tunisia, Sudan, and Somalia — travel through Syria into Iraq, where they get hands-on training in roadside and suicide bombings, assassinations, and kidnappings, as well as counter-surveillance and counter-intelligence against military targets, constantly changing their tactics to counter American defenses.

Back at the Pentagon, some officials now acknowledge that the two-and-a-half-year insurgent war in Iraq has turned the country into a full-blown terrorist training camp, according to NBC News terrorism analyst Roger Cressey: "Instead of going in to eliminate Iraq as a source of terrorism, Iraq now has a stronger terrorist presence than it did when Saddam Hussein was in power." — Sarah McCarthy

Spring forward, fall strike — Autumn is upon us, and as sure as the leaves will turn color, teachers will go on strike across the nation. Just as predictable as Back-to-School sales are the news stories affording striking teachers opportunities to remind all of us how dreadfully underpaid they are. In no other industry are strikes as common, or as effective. Perhaps the threat of forcing parents to spend an additional couple weeks with their children after a long hot summer is a useful bargaining chip.

I wonder why these strikes never happen at the end of the year. Perhaps a strike in June would push the school year too far into July, interrupting the teachers' generous vacation time. It is probably for this reason that school now starts in August — the strike is now factored into the school year.

I remember the Labor Days of my childhood as the most solemn of all the summer holidays: it was always like a wake for the passing of another summer. Sure, there were hot dogs and dashes through sprinklers, but the merriment was lacking. This isn't a problem today, as most children return to school up to two weeks before that holiday.

I asked a teacher why school starts so early, and she said it was to accommodate for snow days. I remember a snow day as a rare holiday that occurred only once every couple grades. Now, it is unusual when a year passes without at least a couple days that the schools are closed. It is quite possible that most teachers don't even realize that there has been a softening, that American children aren't expected to put on boots and trudge through the minor blizzards. Since a lot of teachers subscribe to the school of man-made global warming, they probably blame climate change for the increase in snow days over the past generation.

— Tim Slagle

Market yes, magic no — Free-market economists have a blind spot on the subject of energy. I noticed it during the time of the energy crisis, when Murray Rothbard said there could never be an energy shortage in a free market because supply would always equal demand. At some price, that was true, but what if the price were $50 a gallon? It is all very well to explain the magic of the market, but let's not go so far as to imply that geology doesn't count.

All this has come up again from Peter Huber and Mark Mills in their new book, "The Bottomless Well: The Twilight of Fuel, the Virtue of Waste, and Why We Will Never Run Out of Energy." The book makes a number of fine points. One point is the virtue of using up low-level, unconcentrated energy to create high-level energy like plutonium or jet fuel. That's their "virtue of waste." Another point is that the increasing efficiency of machines has not resulted in less energy use but in more machines. A related point is that we are getting more value out of each barrel of petroleum, so that as a percentage of our economy, oil is shrinking.

None of this, however, implies a "bottomless well." It is about our arrangements for using what's in the well. How deep the well is — that is, how much petroleum, gas, coal, uranium, and other sources of energy the earth has — is a hugely important question no matter what our social arrangements are. Economics implies a certain response to geology, but it cannot erase geology. I'm not sure that Huber, Mills, or even Rothbard ever flatly said it, but they implied that it didn't matter, and it does. — Bruce Ramsey

After the deluge — Inured as I am to natural disasters in poor countries, I almost ignored a New York Times story (Aug. 2) headlined "Torrential Rain Reveals Booming Mumbai's Frailties." But I happened to read it (wondering where Mumbai was). I learned that this was not just another tragic story; it signals a turning point.

A record 30 inches of rain fell within 24 hours in late July, causing floods that devastated the city, also known as Bombay. Four hundred six people were killed in Mumbai,

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and 962 throughout the state, as floods destroyed homes, infrastructure, and human beings. The destruction was particularly shocking because Mumbai is not an isolated outpost but a fast-growing, increasingly sophisticated city — "India's iconic city of strivers," according to the Times.

The government was slow to respond, and that undoubtedly pushed up the death toll, but the cause of the destruction was not hard to find. All that rain had nowhere to go. The city's antiquated storm sewer system could not send it downriver because the sewers were full of trash or buried by shanties, and one of the rivers had been narrowed by construction. One civic leader said, "It is bad weather that has caused part of the tragedy, but it is bad government policy that has compounded bad weather."

What struck me was that Mumbai illustrates the environmental Kuznets curve. This is the trend, discovered by economists, that shows environmental conditions changing as income changes. Initially, economic growth increases pollution (lots of smoke, contaminated water, etc.) but as income grows, pollution starts to decline.

We are seeing the turning point in Mumbai. When enough people are sufficiently prosperous, they become outraged at bad environmental conditions, and they take action. It may take a tragedy like this to galvanize them, and the steps they take may be voluntary or coercive (probably both), but there's no turning back. Rising incomes give citizens the desire and the wealth to correct the situation. Mumbai is on its way. — Jane S. Shaw

The other white meat — Nearly two years late, in July, Congress finally passed a law reauthorizing federal spending on transportation. This bill included more than 6,300 earmarks defining exactly how $24 billion would be distributed to every state and congressional district, allowing almost every member of Congress to brag about how well he had represented his constituents.

By comparison, the transportation bill passed in 1983 had fewer than a dozen earmarks. Before 1983, Congress left most of the details on where funds should be spent to transportation engineers who based their decisions on such criteria as safety, efficiency, and speed. Two things have changed since then.

First, the fall of the Soviet empire greatly diminished Congress' favorite form of pork — defense spending. So Congress turned to transportation as the next-best way of getting money to its top supporters. Second, the increasing demonization of the automobile has shifted transportation authority from engineers to urban planners who want to see roads as congested as possible in the hope that a few people will stop driving. The pork-driven politicians and anti-auto planners happily work together to spend federal gas taxes on million-dollar pedestrian paths and billion-dollar rail lines that few people will use.

Arizona Representative (and former Goldwater Institute Director) Jeff Flake was one of the few members of Congress to vote against the bill because he thinks federal transportation spending should be devolved to the states. While it might be difficult to get Congress to go that far by the time of the next reauthorization, enough people are unhappy enough with the current process that we may get some major reforms by 2009. At the very least, those reforms should base spending priorities on safety and efficiency rather than the congestion coalition's anti-automobile criteria. — Randal O'Toole

Hand over that hamburger, sir — Citing driver distraction, New Jersey lawmakers have proposed a ban on smoking while driving, thereby closing one of the few remaining sanctuaries for those who enjoy tobacco. Other former refuges like ballparks and the beach have already been cleansed by the anti-smoking Gestapo. Some municipalities have even attempted to ban smoking in private homes and apartments. Personally, I believe that a large mayonnaise-soaked hamburger is more distracting to a driver than a cigarette, and probably causes more accidents. It always seemed to me that the hamburger bun and spill-proof drink tops were designed purposefully to be used at the wheel of a car. I think that it would make more sense for safety advocates to go after hamburger peddlers rather than tobacconists. — Tim Slagle

It's a warm world after all — Something really big occurred in August: the evidence in favor of global warming became stronger. In fact, the last scientific bastion against the idea that the earth is warming showed signs of crumbling.

Since 1979, when measurements of global temperatures began to be taken by satellite, there has been a big difference between the trend they show and the trend identified by surface temperature measurements. Until now, no one has been able to explain why satellite (and weather balloon) thermometers show so little increase in temperature (about 0.09 degrees Celsius per decade), while surface measurements show a more significant rise of almost 0.20 degrees Celsius per decade.

Now, Science Express has published three articles (to appear in Science soon) that offer credible challenges to the

continued on page 31

South American Time Bomb

by Doug Casey

From coke barons to paramilitary groups to muggers who leave victims with no memory, Colombia has earned a reputation as one of the most dangerous places on earth.

In any country, the level of prosperity is determined by things like the level of personal freedom, respect for property rights, integrity of civil institutions, and cultural attitudes in general. Contrary to popular opinion, a country's geography and resources have almost nothing to do with how wealthy it is. If anything, they tend to be counterproductive, acting more as inducements to theft and lethargy than enterprise and hard work. Latin America started off on the wrong foot that way 500 years ago, when the conquistadors set the model for becoming wealthy by stealing and enslaving. Meanwhile, in the less endowed New England colonies, the model was more one of thrift and innovation. The differences still show themselves today.

Keeping that in mind, Colombia has done better than you might expect. Reported growth has averaged about 5%, compounded over the last 25 years. The country has long had a large and sophisticated stock market. Its government has never defaulted on or rescheduled its debt (last estimated at 50% of GDP, or about $140 billion). It's had a more pro-business policy (*apertura*, or "opening") since the early 1990s. Import duties have, for instance, dropped from an average of 40% to around 10%. Bogota looks, and is, modern and prosperous.

On the other hand, of all the Latin American countries, Colombia has most resembled a large ticking bomb for the longest time.

But you can always get a better feel for what's happening in a country by actually spending time there. So in May, I visited Colombia to make an on-the-ground assessment of the situation, paying particular attention to violence, drugs, and American involvement — the topics that American media usually focus on.

Violence

The most notorious violence is generated by leftist guerrilla armies: Revolutionary Armed Forces of Colombia (FARC) and the much smaller National Liberation Army (ELN). Guesstimates are that they have perhaps 25,000 members, combined, with which they pretty much control roughly half of the country. They (along with a number of other groups that have come and gone) have been fighting a civil war for decades, largely financed with drugs, kidnapping, and extra-legal taxation (protection and extortion). Of the perhaps 35,000 homicides in the country every year, the guerrillas are probably only involved in 10% or so. Your odds of encountering them are slim, unless you're out in the wrong part of the boondocks.

The second source is the right-wing paramilitaries. These formidable groups, slightly smaller than the guerrillas in number, were originally organized by wealthy business and agricultural interests to fight the guerrillas (since the army was chronically incompetent at protecting their property). At this point, some of them have a life of their own. You're unlikely to have a run-in with them, since neither they nor the army particularly target civilians unless they are perceived to have leftist tendencies. The police fit into this category as well, in that police here — as in many countries in Latin America — have a reputation for taking those they suspect of being . . . troublesome . . . for a "ride."

The third source of violence comes from common criminals. Regrettably, people who've lived in a war zone for several generations tend to develop bad habits, which are only exacerbated by extreme poverty. If something goes wrong for the average tourist, this is likely the source. When I first visited Bogota in 1980, the place just smelled like trouble — and I'm not much subject to flights of fear fancy. The city has clearly gotten more under control over the years, with its official homicide rate dropping from 80 per 100,000 ten years ago to 28 today. By way of comparison, that same number is 195 in Medellin, 95 in Rio, and 70 in Caracas. The downwaed trend is likely the result of heavily armed police, soldiers, and private security being absolutely thick underfoot in the capital; a surprising number of vehicles have been discreetly refitted with armor and bulletproof glass. That being the case, there is no question the place is violent: in Buenos Aires the homicide rate per 100,000 is only 5, and in Santiago, only 2 — a significant reason to prefer Argentina and Chile. (In case you're wondering, in New York City it's 7.)

The guerrilla war is cyclically swinging in favor of the army, mainly due to massively increased U.S. involvement. But, insofar as it's been going on in one form or another for 60 years now, I don't suppose it'll be going away soon. While I was there, attacks on police stations in the town of Toribio killed three cops and injured 23 others.

On that topic, I noted that the police station in one town we drove through had sandbags in front, blocking the windows and doors. I examined the fortifications, though, and found that they were stupidly placed — actually counterproductive. If I were a guerrilla, I would simply walk up to the barricade and throw my grenade (or, better, a satchel charge) over the sandbags against the door, and step away, knowing the bags would not only protect me from the blast, but focus it towards the station. Then, after the first blast, I'd toss in a second one. The sandbags were tactically idiotic, effectively putting the cops in a deathtrap.

This reminded me that there is no effective military defense against an informal, or guerrilla-style, enemy — *if* you want to maintain anything like a civil society. Military-style defenses — fortified camps, heavy weapons, organized troops everywhere — can be effective only if that's the kind of society you're willing to live in.

This is something I don't expect Americans to learn anytime soon.

While it's just common sense to be more alert for crime when you travel than you might be at home (you stand out as a foreigner, you are most likely richer than the locals and, most important, you don't know the local pitfalls), the fact is that most "security advisories" are based on hysteria, and a CYA approach to life. I heavily discount them. But, in the case of Colombia (and the big cities in Brazil and Venezuela), the danger is real and the violence can be unpredictable. There have been a number of bombings in nightspots in the Zona Rosa (the up-market district where my hotel was) in recent years. One in 2003 killed 33 and wounded 157. And yet, I walked around the city and ate out at sidewalk cafes, day and night, without feeling edgy.

Colombia has long been a world leader not only in emeralds, coffee, bananas, and cocaine, but kidnapping. In years past, up to 5,000 people have been reported held for ransom, although the numbers are now more in the 1,000 to 1,500 range. Kidnappings are most often of the "express" variety, where the victim is only held for as long as it takes to get together a reasonably small (a few thousand dollars) amount of money. This method makes sense, in that there's little incentive or time for the victim's family to recruit competent professionals to handle the situation. Less risk is involved for all parties.

Whither violence in Colombia? The figures show it's been dropping for some time. This is partly the product of the "get tough" attitude of the current president, who has vastly increased the size of the police and military. Just a few years ago, it was considered out of the question to drive a car at night, or sometimes even during the day, on the roads around Bucamaranga. Things seem to have changed, but my guess is that it's just been suppressed, not eliminated.

Drugs

At a dinner, I had a chance to talk with the provincial minister of economic affairs, a man of about 35. I (of course) abbreviated the good roads and good weather chatter as much as possible, redirecting the conversation to the "drug problem." I certainly wasn't looking for an argument, just information. I never, ever, argue. It serves no useful purpose. Instead, when I disagree, I politely ask questions and see where they might lead.

But, in the course of this conversation, I was not expecting what I got. He told me about the importance of the drug trade and the size of the U.S. military presence. So I said: "Don't you think it would be better to just legalize drugs?" The very sensible young man said, with a rather quizzical look on his face: "Why . . . yes, of course . . ." It was not a question he was used to fielding, although he was pleased to

actually be able to discuss it. Did he think it would happen? No, it was politically impossible; just too much opposition. The current president, a close ally of George Bush, would never hear of it.

Hysteria and propaganda aside, the fact is that most recreational drugs pose less of a health problem than alcohol, nicotine, or simple lack of exercise. Conan Doyle's Sherlock Holmes (of whom I'm a great fan) was an aficionado of opium products. Sigmund Freud enjoyed cocaine. Churchill is supposed to have drunk a quart of whiskey daily. Dr. William Halstead, father of modern surgery and co-founder of Johns Hopkins University, was a regular user throughout his long and illustrious career, which included inventing local anesthesia after injecting cocaine into his skin. Insofar as recreational drugs present a problem, it arises partly from "overuse," which is not only arbitrary, but can be true of absolutely anything. The problem comes, however, mainly from the fact that they're illegal. Alcohol, of course, provides the classic example. It wasn't much of a problem in the U.S. before the enactment of Prohibition in 1920, and it hasn't been one since its repeal in 1933. Making a product illegal artificially and unnecessarily turns both users and suppliers into criminals. Because illegality makes any product vastly more expensive than it would be in a free market, some users resort to crime to finance their habits. Because of the risks and artificially reduced supply, the profits to the suppliers are necessarily huge, not the simple businessman's returns to be had from legal products. It's completely insane, and totally counterproductive.

Colombia has long been a world leader not only in emeralds, coffee, bananas, and cocaine, but kidnapping.

There's one drug in particular that you should be aware of in the present context of Colombia: Scopolamine, known informally as *burundanga*.

Burundanga is an extremely powerful anti-cholinergic, which completely blocks the formation of memories. The drug has been used in Colombia since before the Spanish conquest and has a pretty sordid history. It's derived from what is popularly known as the *borrachero* ("gets you drunk") tree, which grows wild and is a member of the same biological family as belladonna, nightshade, and Jimson weed. The pollen from its white and yellow flowers alone is said to induce strange dreams. Its seeds are deadly if eaten, and scopolamine isn't hard to extract from them. The main source of the stuff is Ecuador, where it's grown to provide the active ingredient in many motion sickness and anti-Parkinson's medicines.

At least at the present, its criminal applications are still almost exclusively confined to Colombia, where muggers use it to render victims helpless. I have no personal experience with it, but a friend of mine believes it was used on him in Serbia by some Gypsies; he says that, in addition to the immediate effects, it had unpleasant lingering effects that lasted for months afterwards.

What happens is that someone may blow it in your face as you walk down the street. Or, after taking the antidote, puff it at you in cigarette smoke. Or drop it in your food. Or your drink. Scopolamine causes severely attenuated consciousness and willpower that can last several days. Apparently there are up to 2,000 emergency room admissions a month in Colombia due to scopolamine poisoning. Most aren't even reported, unless the circumstances are especially bizarre.

My guess is that, once this drug makes a general escape from the Colombian underworld to international criminal circles, you're going to see fear and paranoia — especially where strangers are concerned — rise to unprecedented levels. I don't think it's a question of if, just a question of when. And it's likely to happen first in the U.S. because of America's intimate involvement with bad things that happen in Colombia.

U.S. Involvement

Colombia, totally unbeknownst to *Boobus Americanus*, is the third-largest recipient of U.S. foreign aid, after Israel (for whom the annual $4 billion handout is a major economic prop), and Egypt (whose $2.2 billion might be considered indirect aid to Israel, in that it keeps the Egyptian government in power and friendly). Colombia has received $3 billion in U.S. taxpayer funds in the last couple of years, dispensed through the U.S. Embassy, which is the world's largest — at least until the new one in Iraq is completed. I didn't visit it, but am told that it's very much the form I discussed in my commentary on Syria (modernistic bunker-prison revival style), housing 2,000 employees, with at least three subterranean levels.

There is no effective military defense against an informal, or guerrilla-style, enemy — if you want to maintain anything like a civil society.

The U.S. is increasingly directly involved in the violence here, rather than funding it from afar. The Defense Department has just received authorization to double the number of U.S. military advisors in Colombia to 800; the permitted number of U.S. civilian contract agents, which is to say the same guys who are so prominent in Iraq and Afghanistan, has recently risen from 400 to 600. That's a lot of soldiers. The locals aren't thrilled to see armed gringos running around the countryside, or dozens of U.S. helicopters spraying potent herbicides over thousands of square miles of jungle in a futile attempt to kill coca plants — along with everything else. Pretty stupid, in a country containing an estimated 15% of the world's plant and animal species. This war could definitely get hotter.

The Venezuelans don't like it for lots of reasons, not least that it's causing the guerrillas to establish bases across the border for refuge.

Venezuela is ruled by Hugo Chavez. Chavez's act doesn't play well with the U.S. government for several reasons. He's friendly with Castro, which is understandable, as Fidel is

continued on page 35

Back to the Reservation

by Andrew Ferguson

The NCAA's asinine decree is not about sports, or even about Native Americans. It's about forcing people to think like they do.

"The presidents and chancellors who serve on the NCAA [National Collegiate Athletics Association] Executive Committee have adopted a new policy to prohibit NCAA colleges and universities from displaying hostile and abusive racial/ethnic/national origin mascots, nicknames or imagery at any of the 88 NCAA Championships." Thus began a press release that touched off a flurry of metaphors: the NCAA is on the warpath; scalping member schools; refusing the peace pipe — on and on.

The policy is hypocritical and egregiously stupid. The NCAA is presenting itself as the champion of the Native American cause, even though many Native American tribes are happy to have their names invoked, both for the sake of being remembered, and for the money that comes from marketing. Native American objections to Indian mascots come mainly from tribes outside these revenue streams, led by a vocal activist vanguard.

With these activists providing an ethical justification, the NCAA's officials are free to view themselves as enlightened despots, whose just and holy quest is to spread civilization to the savages. If the savages want no part in such an obviously superior way of life, why, they'll get routed in battle and marched off into exile, down trails leading only to obscurity. Who are these savages, these barbaric unbelievers? The fans, of course — the beer-swilling, tailgating, racist morons who fill the stands. With one hand the NCAA seizes the natives' resources (ticket money, advertising, merchandising); with the other, it shoves a conqueror's ideology down their throats — oddly enough, exactly how a Marxist would describe the behavior of a typical, exploitative colonial power.

After the announcement, fans of the affected schools circled the wagons to prepare their defense. They sought out a few sympathizers: for instance, Florida governor Jeb Bush spoke in support of the Florida State Seminoles. But on the whole, commentators opposing the egregious stupidity depicted the NCAA's statement as a surprise attack, as "political correctness run amok." They missed the point. This isn't an ambush: it's a minor skirmish, a small battle on one front of a major cultural campaign. The NCAA's mission statement says as much when it includes in its Core Purpose a desire to "integrate intercollegiate athletics into higher education."

Those words should chill the marrow of anyone who's paid any attention to higher education in the past few decades. For those who haven't, a quick summary: the late '60s saw small, dedicated groups of students forcing open the doors of administrative policy, seizing control of institutions in support of "free speech." This was good, in that it effectively ended the discretionary powers administrators justified as *in loco parentis*, but bad in that it convinced many small groups of students that they could bring about any social change they desired through determination alone. The problem with this approach is that boredom and failure weeds out the moderates: since it is the extremists who are most determined to change society, it is the extremists who remain when all others have moved on. Usually the interest

group itself dies out around this time (witness PETA's descent into frothing madness), but here the protesters still controlled the institutions they'd taken over.

Thus when the moderates who toasted "free speech" fell away, the extremists who interpreted that to mean "freedom of opportunity to speak" redoubled their efforts. The semantic shift they effected — favoring equality over liberty — has led, ironically if predictably, to all manner of ills and indignities: racial quotas, sexual harassment witch hunts, Donna Shalala, et al.

Commentators opposing the egregious stupidity depicted the NCAA's statement as a surprise attack, as "political correctness run amok." They missed the point.

"Higher education," as modern-day mission statements would have it, is not about education, and certainly not about learning: it's about changing cultural consciousness by any means necessary. It is about instructing the members of a society in what to think, and punishing them if they do not think that way. The higher-ed extremists are trying to establish utopias that are not only free of racism (or sexism, or homophobia), but free from the possibility of thinking a racist thought. This appears to be a secular twist on a classical argument for God's existence: if the thought of racism is present, that must mean racism itself is present. Any thought that can be construed as racist must be racist, regardless of intent or context; and any person who has one of these purportedly racist thoughts is contributing to a "hostile environment" that prevents others from feeling free to speak.

Take a look back at the NCAA press statement. Note the phrase "hostile and abusive" — this is their way of applying the "hostile environment" standard to member schools, in accord with their efforts to integrate collegiate athletics into higher education. Charles Kupchella, the president of the University of North Dakota (the Fighting Sioux), wrote a tart letter to the NCAA demanding an explanation and promising an appeal. Kupchella seized upon the "hostile and abusive" phrase, and ran through a litany of things UND has done for Native American students. His response is admirable, and worth reading in full (it's available at http://www.und.edu/president/html/statements/NCAAletter.html) but he made a mistake in waiting too long to respond. He should have sent the letter last November, when the NCAA was conducting preliminary hearings.

Then, according to the NCAA's statement, "33 schools were asked to submit self-evaluations to the NCAA National Office to determine the extent, if any, of the use of Native American imagery or references on their campuses." Cultural diversity, gender equity, and nondiscrimination were listed as specific criteria on which the schools would be judged.

Fourteen schools saw that the fix was in, and caved. Some changed their names, like Stonehill College switching from the Chieftains to the Skyhawks. Some changed their imagery, like Merrimack College switching from a Warrior dressed like an Indian to a Warrior dressed like a Roman. The Aztecs of San Diego State and the Rainbow Warriors of Hawaii made their mascots more "authentic" (though you'd think an authentic Aztec would be more stereotypically savage and bloodthirsty than a white guy in facepaint at a football game) and have thus far been allowed to keep them — though protests persist at both campuses.

Eighteen schools are trying to keep their mascots. These can be divided into two categories: those with a chance and those without. Those without a chance are the schools with generic Native American mascots, like the Braves of Alcorn State, the Indians of Arkansas State, or the Redmen of Carthage College. Many schools who had these mascots already ditched them in favor of silly alternatives, like St. John's (N.Y.) becoming the Red Storm instead of the Redmen. The NCAA loves this sort of change, because it lets them point and say, "They did it, now you will too." The teacher's pet schools that make these types of changes are "model institutions," following "best practices," and it is their example that dooms Indians and Braves nationwide.

The schools that have a chance are the ones with specific tribal mascots: the Utes of Utah, the Chippewas of Central Michigan, the aforementioned Seminoles and Fighting Sioux. Most of these schools have explicit permission from tribal authorities to use the names, and they work with the tribes to manage their imagery very carefully. The NCAA has said that the testimony of tribal leaders will be crucial in the appeals process, so some of these schools may be allowed to keep their names — for now. But even if they win that battle, they'll lose ground in the war: the "model institutions" will see to that. Already, the Universities of Iowa and Wisconsin refuse to schedule games with schools who have "hostile and abusive" mascots (except Illinois, who they are required to play under conference rules). Other schools will be pressured into adopting this "best practice," and in time even wealthy schools like Florida State may be forced into dropping their mascots just so they can get a game.

"Higher education," as modern-day mission statements would have it, is not about education, and certainly not about learning: it's about changing cultural consciousness.

That's 32 schools accounted for. The 33rd, the Braves of North Carolina-Pembroke, must be considered on their own, because they're going to keep their mascot with full NCAA approval. Pembroke adopted the Braves nickname back in the '40s, when the student body was 100% Native American (compared to 20% today). Apparently, this sets them apart from the other schools, which "[have] not demonstrated that their use of a Native American mascot . . . was the result of Native Americans attending or being associated with that institution." This last statement, from the NCAA's press

release on Pembroke, is ridiculous. As Kupchella points out in his letter, North Dakota has 25 separate programs to support Native American students; they've produced 20% of all Native American doctors in the country today, they've trained nurses, psychologists, and pilots. Any of the other schools can point to their Native American associations and attendees — but that doesn't matter. Pembroke is keeping their mascot because they demonstrated that they are a school by Native Americans, for Native Americans; in the NCAA's view, they cannot be contributing to a hostile environment because they *are* the environment, and they cannot be hostile to themselves.

The NCAA is trying to control the rules of discourse by eradicating any thought that may be perceived as hostile.

This is what the NCAA president Miles Brand meant when he suggested that the decision aims at "initiating a discussion on a national basis about how American Indians have been characterized." For the academic utopians, a hostile environment eliminates the possibility of discussion. In order to initiate a discussion, one must clear the way for discussion to take place; i.e., get rid of whatever is considered hostile. So paint over the courts, toss blankets over the statues, whitewash the campus, and then maybe we can talk about whether you can keep all the stuff you just got rid of. Kupchella asks, "Do you really expect us to host a tournament in which [Native American] names and images are covered in some way that would imply that we are ashamed of them?" The utopian responds, "As long as those names and images are present, you should be ashamed."

This seeming stalemate is actually a victory for the NCAA: in the interest of initiating a discussion, they have stifled any possibility of one. So far only Pembroke has avoided being preemptively labeled a "hostile environment," and in 2007, barring any other successful appeal, Pembroke will be the only place in the country where any aspect of Native American culture can be celebrated in an NCAA-sanctioned athletic event. A tidy solution: restrict all that Indian stuff to a little plot of land no one cares about, where it can't get out and be hostile or abusive to anyone. The word *reservation* comes to mind.

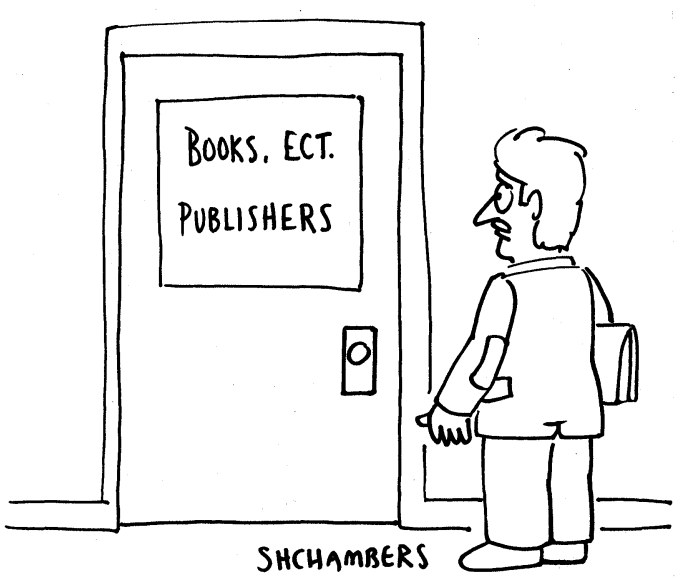

I could be wrong. College boosters have a lot of pull, and they started tugging on strings as soon as they recovered from the initial shock. By the time this issue reaches the newsstand, the NCAA may already have given in to some of the richer schools. But winning through power politics would be the worst possible result for the colleges: it wouldn't change anyone's mind, and it wouldn't challenge the "hostile environment" test. People would go on thinking that the NCAA just went a little nuts.

But the NCAA is not acting alone or out of character. The entire educational establishment, higher or not, is in on this crusade. There are activist groups that exist solely to pressure elementary schools into giving up their Native American mascots. NCAA president Brand called the Native American controversy a "teachable moment." What sounds more teachable: having a mascot like the Choctaw or Cherokee that provides a ready-made lesson plan about an area's Native American heritage, or settling for a generic mascot like the Tigers or the Hawks?

To people like Brand, a "teachable moment" is not a time for disseminating information, or leading people to a point where they can make tentative conclusions based on what they have learned. No, a teachable moment is one in which there is a chance to transform human consciousness, to bring humanity a step closer to the "best practices" ideal. (Other teachable moments include the enactment of campus speech codes, mandatory sensitivity training sessions, and the destruction of colleagues' lives and careers for unfortunate slips of the tongue.)

Teachable moments, hostile environments, model institutions: this is the vocabulary of today's National Collegiate Athletic Association. For them, this policy isn't about sports, and only tangentially about Native Americans. What it's about is controlling the rules of discourse: initiating discussion by first eradicating any thought that may be perceived as hostile; or better yet, turning the discussion into a lecture, with the superior teacher condescending to the willful, unruly, yet "teachable" students.

The NCAA wants to see itself as a virtuous conqueror, bringing civilization to the uncivilized. This viewpoint has gone unchallenged for too long. It is more like an unwelcome invader, interfering where it is neither wanted nor needed, while ignoring the genuinely beneficial duties that should be its only concern.

Sherlock Holmes often noted the importance of rejecting the impossible and focusing on whatever remained, however improbable. The NCAA should heed his advice and concentrate on improbable tasks, like limiting corruption in big-money college sports, rather than impossible ones like changing human consciousness by fiat. ❑

Sunday Morning

I Protest

by Rycke Brown

One may be the loneliest number, but it makes for the most effective protest.

It's 10:45 Sunday morning, and as usual, I head downtown to the city center — 6th and G Street. As usual, my favorite parking spot, on G closest to the corner, is open. As usual, my heart is beating a little fast, and I sit a few seconds, willing it to slow. But getting on with it is the best cure, and I slip out of the truck and start putting my signs together, sliding the forked willow poles between the sandwiched poster boards and jamming two signs between the cab and bed of the truck, high enough to read the messages over the cab. I get out the two folding chairs that I started bringing when the city took away their bench, and set them up a little closer to the corner than the bench used to be. I get out my CD player and a small folding table for my bumper stickers (a recent addition), and set them up next to the chairs. Last, I grab my basket of goodies, my leaflet box, my water, and my sign. I set my basket and box up next to the curb, box leaning on the basket, showing off the bumper stickers on the back and holding leaflets at ready. I pull one out far enough for easy grabbing and put on a CD, all the while keeping the sign facing toward moving traffic. The music starts and I start dancing, holding my sign steady while my body moves to the beat, watching the drivers for signs of reaction. It's showtime.

Welcome to the Sunday midday Protest Party. It's a one-woman party most of the time, and I like it that way. I used to yearn for others to join me on the street, and some do, for a half-hour or an hour, sometimes the whole two hours, sometimes for several weeks in a row. I welcome them when they come, and I like it when they go, because I've figured out that I work best alone.

A street protest has two main purposes: informing the public about a cause, and demonstrating support or disapproval. Obviously, before you can get the masses out, you have to reach 'em and teach 'em. And you have to reduce the fear level: when people lose their fear of talking about a subject, they find that they are not alone in their beliefs, that they might even be a majority. That's when change happens in a democracy. (Don't tell me it's a republic. Franklin said that we had a republic, if we could keep it, and we didn't. But we can regain it.)

Mass protest isn't necessary for radical change, and may even be counter-productive. The masses only get out on the street when they are really pissed off, and it is not pretty. The American people have plenty of reasons to be pissed off and they know it, but they're comfortable. Which is why we won't be seeing a draft anytime soon.

This leaves either lone protests or small to middling-size protests, to reach and teach. Face it; small-to-middle-sized protests are pathetic. They certainly don't demonstrate mass support. But when it comes to reaching, teaching, and reducing the fear, a lone protester with leaflets excels.

The first advantage of the lone protester lies in abandoning the group. Groups have to decide everything by consensus in long, boring meetings, and then depend on each other to follow through. The lone protester sets his own protest time and place for his own convenience, writes his own leaflets, makes his own signs, and doesn't depend on anyone

else. A weekly group protest cannot be sustained for years; some people get tired of it, and as the ranks thin, so does everyone else. A lone protester can keep it up until the problem is solved, because she feels no lessening of support; all her support is external, from the public. At a group protest, the protesters are talking to each other, not the public. The lone protester is talking to the public and learning from the public.

One person with a sign and leaflets is unthreatening to all but the most timid. Most people will not go out of their way to avoid passing one person closely enough to accept or decline a leaflet. The same cannot be said for a group with signs: the larger the group, the more likely passing pedestrians will avoid it. I start to see the effect when more than four people join me, a rare happening.

Groups have to decide everything by consensus in long, boring meetings, and then depend on each other to follow through.

People not only have an easier time passing or approaching a lone protester, they also are more likely to stop and talk. Fellow protesters can be a distraction and sometimes interrupt and interject their own opinions, usually trying to soft-peddle my radical opinions. (Soft-peddling doesn't work very well, in my experience. People respond much better to a consistent, radical position that is well stated.)

Fellow protesters can also be a distraction from the basic business of handing out leaflets, as people tend to talk to each other and miss out on opportunities. It takes great discipline, when I have helpers, not to let them distract me from the job. My discipline is not always that great.

A lone protester is not only non-threatening, she also appears uniquely vulnerable, out there all by herself, week after week. The fact that I am out there — week after week for over two years, without being attacked, hassled, or investigated for anything I say — brings down the fear of discussing what I say. My arrest four months ago (for what I did, not said) brought it back up a notch, but since I'm still out there every week, the fear is once again abating.

I have wondered if a protester has to get arrested to get any publicity. Now I know. A radical protest doesn't get any publicity unless someone gets arrested. Still, it was good that I spent two years building a following first. And while the arrest was helpful, it was not necessary. The people were getting educated, one leaflet at a time, without the help of the local paper.

"I've changed my mind, dear — I *don't* want a career of my own."

Now they're waiting to see if I get crucified. It's a sideshow, but I'll take publicity where I can find it. It's the only way to recoup the damage done to the fear-to-curiosity ratio.

I might have thought that this town is extraordinarily friendly to protesters, except that for the first few weeks of my protest, most passers-by disapproved. The problem was that my message was not clear. One side of my sign said "STOP THE WAR ON US!" — leading people to believe I was protesting the Iraq war. The other side said:

JUST SAY NO!
TO THE HOLY WAR ON DRUGS

leading people to think I was against drugs, because the second line was too small. I was catching it from both the rednecks and the hippies! First lesson: the message must be clear.

So I changed my sign to: "NO MORE DRUG WAR!" and "LEGALIZE FREEDOM OF MEDICINE." (This one has a pot leaf, which leads people to believe that the protest is mainly about pot. I intended it to be about all drugs, prescription as well, and the practice of medicine.) The rate of disapproval abruptly dropped to almost nothing, while the approval shot way up.

My first leaflet was titled, "Stop the Holy War on US!" and was mainly about the drug war. It was well-received among the persecuted, but was not reaching the straights. They didn't believe the drug war affected them, even though they were paying for it with their taxes.

Then I had to go to a doctor to get a prescription for a cheap antibiotic for a bladder infection. I was complaining to the doctor about having to pay $130 to see him to find out what I already knew and get permission to take what I knew I needed. He said, "Go to Mexico. You don't need a prescription for anything there."

I have wondered if a protester has to get arrested to get any publicity. Now I know.

That was my hook! Everybody is affected by the prescription drug system, which is just a licensing system for illegal drugs. Licensing of doctors, prescription power, and drug prohibition are all part of the same unconstitutional medical regulation system and must be attacked together.

I wrote a new leaflet — "Legalize Freedom of Medicine." People read it, and they understood. People who are willing to read are mostly reachable, and it is reaching them, even second-hand.

This is a cause whose time has come. And this is a way to spread the news, a fun and effective way. It's my Sunday devotion and performance art. The devotion comes into play when it's cold, rainy, or sweltering hot. That persistence and devotion to a cause has induced a lot of people to take a leaflet.

If you're an aspiring Libertarian politician (I'm not, but I know a few) there are worse ways to get name recognition. What has being careful gotten you? ❑

Fruitless Controversies

by Stephen Cox

Argument: A logical presentation of facts and data that utterly convinces the person who presents it.

My father had many good qualities, but one of them was not a tolerance for argument. He didn't mind expressions of opinion. Sometimes he expressed an opinion of his own. But at the first sign of *argument*, no matter how reasoned, restrained, and amicable the argument might be, he began to exhibit strong signs of anxiety. Soon anxiety became alarm, and he said, in an agitated voice, "Well, how many angels can dance on the head of a pin?" That was the signal for controversy to cease.

I don't know which medieval thinkers, if any, used to debate the choreography of the seraphim, but from my father's perspective they were just doing what all arguers do — endangering domestic peace with contentions that can't possibly bear fruit.

I believe it was partly because of my father's opposition to argument that I grew up with a strong bias in its favor. I remember astonishing a friend, who had dared to proffer some kind of opinion about something, by telling him, "There are six reasons why you're wrong," then reciting the reasons, one by one, with appropriate subheads, corollaries, and illustrations. After that, my friend didn't speak to me for quite a while.

Being a libertarian added a lot to my argumentative spirit. I had two college friends who were radically opposed to each other in style of conversation. I'll call them Smite and Umble. Umble was quiet, introspective, disinclined to argument. Smite was aggressive and pugnacious, never tempted to let any matter drop. I was in the room, one day, when Umble called the personnel office of a local business to find out whether he'd gotten a job he'd been applying for. He was told, politely but firmly, that another person had been hired. "Well," he said, wistfully replacing the receiver, "I didn't get the job. Of course, if I were Smite, the conversation would just be getting started."

Libertarians are like that. We can't resist a chance to argue. We're no better at resisting it than the guy who reaches down to grab the dollar bill he sees lying on the pavement, not noticing that it's attached by wires to the bucketful of water teetering on the nearest window ledge. The only difference is that a libertarian wouldn't mind getting drenched. That would merely provide a happy occasion for arguing about whose property the water had now become.

Be that as it may, after spending five or six intellectual epochs as an aggressively argumentative libertarian, I began to wonder whether all the controversial steam was actually driving any pistons. I already sensed that my attitude was changing when I attended a libertarian conclave in Ann Arbor. I was sitting with Bill Bradford, the publisher of this journal, when a resolution was introduced and debated. It was intended to summarize the political philosophy of the assembled throng, and it contained about a million articles. One of them, devoted (as I recall) to denouncing Keynesian economic policies, observed that "you can't fight reality." The phrase incited passionate dispute. Speakers rose from every section of the auditorium, 50% of them asserting that the phrase was correct, because the true principles of eco-

nomics ("reality") will always doom the state's attempts to circumvent ("fight") them, the other 50% maintaining that because any struggle against reality is itself a part of reality, the phrase about fighting reality was meaningless. All of them were armed with big sheaves of notes, which they kept beating against the microphone, like warriors pounding their spears against their shields. Thus armed, they were prepared to fight about "reality" till the cows came home. Bill and I weren't so well equipped. We started giggling, and when more serious people turned around in their seats and glared at us, we fled the room.

But if you don't want to argue about "reality," what do you want to argue about?

Perhaps you could argue about who really "discovered" America. There is always a big market for arguments in that field. Maybe it was the Indians, although that sort of undermines their status as *native* Americans, doesn't it? Also, it wasn't exactly "America" that they "discovered." They thought it was only a big island off the coast of Siberia — or they would have thought that, if they'd had any concept of "Siberia," which they didn't. The same problem arises when you talk about Norsemen discovering Nova Scotia and Columbus discovering San Salvador. They didn't know what they'd "discovered," either. So maybe Columbus just "encountered" America, as the political puritans want to put it. Maybe he was just playing around with stuff that other people had already discovered, or walked on, or whatever. But where will this logic lead me? People have fallen in love for a thousand generations, but does that mean I have to say that I was 19 years old when I first *encountered* romance?

We can argue about all that, although the more you look at it, the less consequential it seems to be. Or perhaps we can take up "selfishness," a subject that libertarians have been masticating during the past six or seven decades, ever since Ayn Rand first suggested that selfishness is a virtue. She didn't mean it's a good idea to shove other people's faces in the dirt. She meant that you should respect your own individuality, your own capacity for reason, your own ability to make up your mind about what's good for you. She thought that "selfishness" might even prompt you to give your life for a cause that expressed your "highest values." In this regard, she wasn't very far from some versions of Christianity. Be that as it may, not everyone was convinced.

The philosophical attack on Rand proceeded in this way: Suppose that someone constantly defers to other people, conforms to the crowd in every conceivable way. He may seem "unselfish," but isn't he doing what he chooses to do, *wants* to do under the circumstances? Isn't he serving his own values? Isn't he fundamentally just as "selfish" as Howard Roark? So it's meaningless for Rand to exhort people to be "selfish"; we are all inevitably selfish, all the time.

After spending five or six intellectual epochs as an aggressively argumentative libertarian, I began to wonder whether all the controversial steam was actually driving any pistons.

Claim and counterclaim; and at this point, I submit, the controversy should have stopped, because this is the place where anyone with any imagination can see all the arguments that are likely to take shape on either side. Like the problems of "reality" and "discovery," the problem of "selfishness" is completely transparent. If you use "self" to mean something like "one's highest self," there's nothing paradoxical or redundant in Rand's praise of "selfishness." Not everyone lives up to his or her highest self. But if you define "self" in a less restrictive way, then she's simply wasting her breath; everyone has a self and acts in accordance with its choices. And that's the end of the philosophic story.

Curiously, though, the fact that you can see right to the bottom of a controversy doesn't mean that everyone will say, "Oh, I get it now," and move on to some other topic of conversation. The still, transparent waters just invite more people to jump into the pool. They see the argument — half of it, anyway — so clearly that they feel impelled to make the dive. They can't resist. They know the truth, and they must tell others about it.

The Deserts of Dispute are dotted with pools like this. The biggest one at present is the controversy about whether Islam is "a religion of peace" or "a religion of war." Here is a subject that everyone can discuss. True, few people in the West have read the Koran or possess any facts about Islamic history, and few people in the East are capable of anything like an objective, critical relationship to such matters. But don't worry about that. Anyone is free to assert, in the most uncompromising manner, either that Islam is a tolerant and pacific faith or that Islam is an intolerant and belligerent one. And everyone will be right. It's a religion of peace if you define it in such and such a way, a religion of war if you define it in such and such another way. This controversy can continue indefinitely, so long as no one feels a need for specific evidence about how to define such a large thing as a world religion.

"Well, if you refuse to answer the question on the ground that it may tend to incriminate you, could you at least give us a *hint*?"

Yet although it's natural to assume that controversy diminishes when evidence is found, the opposite is often the case. Many fruitless controversies thrive on evidence. They are hardy perennials, always ready to be revived by any "new fact" announced in the spring book lists; but they are fruitless nonetheless.

Some of them are deformed by over-pruning, at least on one side. I'm thinking, for instance, of the arguments about whether Oswald killed Kennedy and whether Shakespeare wrote Shakespeare. The people who foment these controversies try to promote a luxuriant growth of evidence on the "no" branches by hacking off all the established facts on the "yes" branches. In a way, this works. If you ignore the fact that the "innocent" Lee Harvey Oswald attempted to assassinate a right-wing general and succeeded in assassinating a Dallas cop, you can talk forever about such things as the properties of bullets, the arrangement of motorcades, the alleged fakery of the Zapruder film, and everything else that distracts attention from Lee Harvey Oswald. And if you ignore the fact that none of the alternative "Shakespeares" had anything like the talent necessary to write his plays, then any new evidence of their celebrity and of his obscurity in 16th-century England can be made to seem very telling indeed. But you're still a long way from a fruitful argument.

Unpruned facts are often just as disappointing. Virtually all arguments about the military history of the American Civil War are crippled by an unlimited supply of facts. These arguments generally start with a commonly accepted opinion. It appears, for example, that General A *foolishly* ordered an attack on General B's well defended center, thereby losing the battle of C, and therefore, possibly, the war itself. Then somebody discovers Document D, which reveals that General A had received a summary of secret intelligence from Major E, who assured him that General B had weakened his center by redeploying most of his troops to the right, in a belated attempt to turn General A's left flank. The intelligence was false, but how was General A to know that when he ordered his *bold* assault on the center? He now looks less like an idiot and more like a tragically mistaken hero.

When it finally dawned on me that virtually all "argument" is simply self-expression, I felt that I had begun a new phase of my existence.

But wait! Still more evidence turns up. A long-neglected letter shows that Major E, whose record was, or should have been, well known to General A, had been criticized on two prior occasions for purveying faulty intelligence. Now General A is in the doghouse again. Only a fool would have relied on the word of the mendacious Major E, and General A was that *fool*. Then fresh news comes hastening from the front. It's the newly discovered diary of Corporal F, 2nd Indiana Infantry, which discloses that Major E was *not* the *sole* source of the misleading intelligence. The other source was . . . Shall I go on? For all we know, the discovery of relevant facts will continue forever. This is what produces everyone's eerie sense that the Civil War is still being fought.

Many non-military controversies cannot be settled either, because there are too many plausible though inconclusive ways of settling them. Samuel Johnson was thinking of this kind of controversy when he mentioned a poem whose "true meaning is so uncertain and remote that it is never sought because it cannot be known when it is found." Even in literary landscapes as well trodden as the Divine Comedy one can find a lot of metaphors that can be explained in any number of ways. Critics sometimes say that these symbols are "rich" with meaning — and that's just the problem.

Anyone is free to assert, in the most uncompromising manner, either that Islam is a tolerant and pacific faith or that Islam is an intolerant and belligerent one. And everyone will be right.

Yet (popular opinion to the contrary) fruitless controversy of this sort is much less common in literature than it is in other fields. A good author knows many ways of making sure that readers come to the right conclusions about his work. If you wonder how to tell the good people from the bad people in King Lear, you haven't been paying much attention to the play; Shakespeare provided plenty of signs to help us interpret the motives of his characters. But in daily life, not to mention the study of history, the signs of motivation are not so artistically arranged. At least they don't seem that way. From the available evidence, I can make a plausible case that Richard Nixon failed to burn the incriminating tapes (A) out of arrogance, (B) out of fear that burning them would make things worse for him politically, (C) out of a misguided notion that the tapes were the ultimate proof that he was innocent and well-intentioned, (D) out of a sincere respect for the tapes as historical records, (E) out of all four motives. One of these interpretations must be correct — but how do we know which one?

And the mysteries of our own motivations are often far more mysterious than Nixon's. Sex is always the best example. I am very skeptical about the idea that homosexual attraction, for instance, can be explained by any theory about genetics. But assume that someone finally does prove that it's something about DNA that makes Adam like Steve better than he likes Eve. Big deal. Does that explain why Adam isn't equally attracted to David and Jonathan? Or why Jonathan becomes attractive to him only when he's wearing tennis shoes? Or why he never even noticed David before he got that ultra-short haircut? And those are only the warm-up questions. I haven't mentioned any of the fruitless arguments that we can entertain about why people are attracted to the intellectual and emotional qualities of their would-be mates, or why those sterling qualities often appear so much less sterling immediately after the sex act is completed. You may think you know. Why, then, are you still performing experiments?

But to return. Some controversies are fruitless because they have already been settled to the satisfaction of any mind that is competent to consider them. There is no point in arguing about the validity of the labor theory of value (it's false), the authenticity of the Vinland Map (it's a fake), or the usefulness of the Aristotelian laws of thought (you can't think without them). And some controversies are fruitless because there is no way for competent minds to settle them. Consider, for example:

Virtually all arguments about the military history of the American Civil War are crippled by an unlimited supply of facts.

• The Lizzie Borden Case. Who done it? Yes, it's possible to think of ways in which Lizzie might have axed her father to death, then taken the same approach to her stepmother, without getting a speck of blood on her own clothes. And it's possible to think of ways in which another person might have done it, then escaped into a closely built neighborhood, glaring with sunlight, thick with prying eyes, and failed to attract even the slightest suspicion. Given the nature of the evidence, however, it's just as easy to believe that the parents committed suicide.

• The mystery of the *Mary Celeste*, the ship that, on December 4, 1872, was discovered sailing across the North Atlantic without anyone on board. Pirates? Mutiny? Bad weather? A sudden panic caused by some hint that the ship was about to capsize? There isn't enough evidence to establish any of the plausible solutions, although there is enough evidence to keep people writing books. Every new version of the story tells us more things we do not know. It has now been learned that we don't even know why the boat was named the *Mary Celeste*.

• The mystery of the Ark of the Covenant. What happened to it? Was it in the temple at Jerusalem when the Babylonians looted it? If it was, did they take it with them? And what happened then? I'm prepared to testify that I don't have it — although the ark was pretty small, and I do have a way of losing things that I want to save.

• The disappearance of Judge Crater. No one knows what became of him. We do know that if, one night, you walk out on a New York street and vanish, "Judge Crater" is a perfect name for you. It is also poetically appropriate that Judge Crater should have vanished after buying *one* ticket for a comedy called "Dancing Partners." What Partner did he have in mind?

• The treasure of Oak Island. Is there something buried on the low little island off the coast of Nova Scotia? The evidence demonstrates that this must be true. No, no, the evidence demonstrates that this can't be true.

• The meaning of Revelation 13:18. According to the principles of numerology, "666" may mean "Nero." It may also mean "Harry Potter."

• The secession problem. Did the South have a legal right to leave the union? Alexander H. Stephens, Vice President of the Confederacy, published two volumes of arguments showing that it did. "Can any proposition within the domain of reason be clearer?" he asked. Yes, I suppose there can be, considering the library of arguments assembled on the other side. The truth seems to be that the Founding Fathers couldn't agree on a constitution, and get it ratified, if it either excluded or included the right of secession. Now where does that leave the "legal" arguments?

• The true meaning of the "full faith and credit" clause. If gay people get married in Massachusetts, is Utah constitutionally bound to consider them married? The answer is Yes, if you want to think so; and No, if you don't. When the Supreme Court "decides" this issue, the answers will remain exactly the same.

• The Manchurian press conference. Do politicians really believe the things they say? No, that would be impossible. But how could they lie all the time, and still maintain their self-respect? So it's impossible that they *don't* believe their own propaganda. Yet as Pontius Pilate said, "What *is* self-respect?" Pilate appears to have been a successful politician.

Naturally, we *can* argue about any of these topics, just as we *can* argue about whether our memories are reports of a genuine past or whether (to cite Bertrand Russell's bright idea) the universe was created only a second ago, with all our memories in it. We *can* engage in any number of fruitless arguments. And the realization that we can always keep on arguing has itself produced some of the world's most fruitless and debilitating arguments, such as the argument for deconstruction, which holds that we can never reach a "foundation" of determinate and reliable meanings because any meaning we posit can always be the source of further arguments.

You've probably detected the fallacy in this determinate (not to say dogmatic) denial of the possibility of determinate meanings. Still, serious people, especially serious young people, are often unsettled by the idea that there is no end of argument, no literally unquestionable "proof" of the basic realities of our lives. This concept fills the deconstructionists with a gleeful sense of their power to disrupt and destroy. It fills ingenuous young seekers with the dreadful sense that nothing means anything.

According to the principles of numerology, "666" may mean "Nero." It may also mean "Harry Potter."

Their anxiety involves an interesting paradox. On the one hand, they assume that argument is the final test of truth; on the other hand, they assume that the very possibility of argument is a sign that truth cannot be found. Both assumptions give argument a lot more credit than it deserves. Even Hume, the greatest of philosophical skeptics, and one of the greatest of all arguers, lamented the fact that "there is no virtue or moral duty but what may, with facility, be refined

away, if we indulge a false philosophy in sifting and scrutinizing it, by every captious rule of logic, in every light or position in which it may be placed." When we do that, argument becomes the enemy of human life.

What Hume is saying is that argument is not the same as reasoning, or having common sense, and that everyone has enough common sense and reason to arrive at sound conclusions about such fundamental matters as duty and virtue. No visits to the sophists are required. As Hume notes in other places, over-conscientious arguers may be paralyzed by doubts about the final "warrants" of reality, but they still have perfect confidence in the way things work in daily life. They are perfectly convinced that axe heads won't float and that murder is wrong — until they ask themselves how they would prove these things beyond the shadow of any doubt. Then they despair about the ultimate "foundations." It's easy to see that they are not engaged so much in an argument about philosophy as in an inconclusive and perpetual argument between the practical and the metaphysical sides of their own temperament.

The argument, though concluded in your favor, will be as fruitless as any other, because your opponent won't pay any attention.

Such are the fruitless controversies to which the intelligent and the scrupulous succumb. More common, down here on earth, are arguments that go nowhere, not because there are too many or too few facts, or because someone doesn't trust the usefulness of facts, but because the arguers didn't bother to look for facts to begin with.

A couple of months ago I was lucky enough to have my radio on when a delightfully absurd moment occurred in a talk show hosted by Walter Williams. Williams, who is an African-American, was maintaining that the Constitution is not a "living document," to be given new meanings by successive generations of judges. The courts, he said, should interpret the Constitution as it was written by the founders. A (white) person called in to object. What did Williams think, he demanded, about the fact that slavery had been abolished by court decisions that reinterpreted the constitution so as to agree with the judges' own opinions? "Why, what court decisions do you mean?" Williams asked. "Oh," the caller said, "the *Dred Scott* decision." Williams had to tell him that the *Dred Scott* decision was famous for upholding slavery.

If you think that the caller's argument was unusually ridiculous, just press the next person with whom you argue for the specific facts on which he bases his claims. It is very probable that you will win that argument. There weren't any specific facts. But the argument, though concluded in your favor, will be as fruitless as any other, because your opponent won't pay any attention. He'll just go on to some other baseless set of claims, not minding his failure to convert you the first time around.

You might think that people who cared enough to try to get you to accept their views would also care enough to dig out the facts. But if arguments existed principally to change people's minds, nine out of ten arguments would never happen. I have a friend who constantly emails me articles ridiculing my ideas about religion and politics, prefacing the forwarded material with snide comments of his own. He sometimes sends me three or four of these messages a day. I used to reply, advising him that if he wanted to change my mind, this wasn't the best way to do it. He apologized, then immediately went back to doing what he'd done before. Gradually I realized that conversion is not his purpose. He knows perfectly well that I won't change. He also knows that I like him very much and am very unlikely to get angry with him, no matter what messages he forwards to me. So, whenever he has the opportunity to express his feelings, he happily presses the "send" button, and off goes another insulting post. It does no harm to me, and it seems to do a lot for his sense of intellectual superiority.

I am aware that some arguments are disinterested attempts to find the truth and communicate it. This spring, naturalists announced that the ivory-billed woodpecker, long considered extinct, had been discovered living and working somewhere in the sloughs of Arkansas. A few months later, a group of scientists wrote a paper disputing the claim: not enough evidence, they said. Then, in response to their arguments, more evidence was released. The critics considered it and withdrew their paper. Now, that was a fruitful controversy.

It is perfectly possible to debate in this way — calmly, clearly, without indulging in any of the evasions and logical fallacies that we normally use to score points in the great sport of arguing. The subject need not be ivory-billed woodpeckers. We can argue rationally with Aristotle or Thomas Aquinas, or the next-door neighbor. We can even debate honestly and fairly with ourselves. During a normal day, normal persons may change their minds a hundred times, as they find new information or reflect on past mistakes. Very few will keep driving down Main Street after they discover that they can save 20 minutes by taking the bypass.

But when controversy touches any issue that bears in any way on a person's identity — and there are so many of those issues — the dispute quickly reduces itself to one simple question: Shall I change myself or affirm myself? That's easy: affirm myself, of course! The vast majority of arguments are purely matters of self-affirmation. We argue, not to convince anyone else, but to show who we are. In the words of Artie Ziff, a bit-player on "The Simpsons," "I would stop, but I love my voice."

I encountered a nicer but more feckless way of putting this a few years ago, at a conference where I sat on a panel (an odd image, when you think of it) that was supposed to give career advice to libertarian college students. A question arose about whether you should announce that you are a libertarian when you submit your application materials for grad school. "No!" I said. "Why tell them things like that? If anybody cares, he'll care enough to veto your admission." The students' reaction was precisely the opposite. Some believed that they were "morally bound" to report their views. Others said they thought that education throve on controversy, so why conceal one's controversial ideas?

Confronted with the choice of feeling better about her life or worse about her viewpoint, she goes with the viewpoint every time.

What has gone wrong here? I wondered. Why should these people insist on starting a controversy, right off the bat, with a bunch of academics they don't even know? How many professors at Harvard or Yale are going to be converted to libertarianism by anything a student says? And if the purpose is not to convert them, why bring the whole thing up? Why, why? The answer, of course, is simply that the students were proud of their beliefs and wanted to express them, no matter what. And, needless to say, my arguments, which simply expressed my own concern with the practical aspects of professional life (i.e., getting a degree and making money), made no impression whatever on the idealistic young men and women.

I had no reason to be upset. They were expressing their opinion; I was expressing mine. If I had seriously attempted to convert them, it would still have been mainly an effort of self-expression. That's what most attempts at conversion are.

It's hard to think of anything that seems more aimed at conversion than the behavior of street evangelists, Mormon missionaries, and the guys with shaved heads who accost you in train stations. Many people resent any such public attempt to change their ideas. They consider it an unprovoked invasion of their space. It makes them angry; it makes them want to call the cops. But conversion is only the evangelists' ostensible purpose. If they really wanted to convert you, they wouldn't be yelling at you on a street corner or sidling up to you in the ticket line to ask if you were worried about "world conditions." They would know that this approach is exceedingly unlikely to bear fruit. But they don't care. Their true purpose is to dramatize themselves, to advertise their self-regard as religious persons. Jesus was talking about them when he condemned the Pharisees, who "for a show make long prayers" (Luke 20:47). But as with any other show, you're free to pass the Pharisees by without comment or retaliation. They're really not thinking about you anyway.

"How easily," says La Rochefoucauld, "we believe whatever we would like to." If evangelizing in an obnoxious way has become part of your identity as a Christian, a devotee of Krishna, a conservative Republican, an environmentalist, or (but no, that would be impossible) a libertarian, you are pretty likely to keep on doing it and believing that it works, whether it works or not. And if you spent your time predicting that the world would end in 1996, today you are likely to be preaching that the world will end in 2006, and thinking that somehow you were right both times.

Good news isn't good for people who aren't prepared to receive it. One of my best friends preaches the gospel of economic gloom, believing that the cost of everything is always going up, that it's harder to live now than it ever was before, et cetera. I've spent a lot of foolish hours handing her statistics about the rise in our standard of living, the accumulation of wealth by the middle class, the dwindling proportion of income that Americans spend on basics and the growing proportion that they spend on luxuries. Nothing makes any impression. Every cycle of statistics ends with her pointing to a phone bill or a receipt for ground round and saying in an agonized voice, "How can you think that we're doing so well when you look at prices like that?!" Confronted with the choice of feeling better about her life or worse about her viewpoint, she goes with the viewpoint every time.

When it finally dawned on me that virtually all "argument" is simply self-expression, I felt that I had begun a new phase of my existence. I admit that I continued to feel the instinctive response of *Homo sapiens* to people with opposing ideas: the hot flash of outrage against invasion of my intellectual terrain, the determination to show my opponents just how stupid they were, the chagrin accompanying the recognition that they might know something I didn't, the joy of transcending all such acknowledgments of reality with repeated assertions of my own ideas. But I no longer felt the burden of pretending that my real intention was to enlighten and convince. It wasn't. And I saw that it wasn't for other people, either.

Mainstream movements don't require a lot of arguments to support them. If they did, there wouldn't be an admirer of the New Deal left in America.

This zenlike realization did not tempt me to reject controversy, in the way my father did, as a distressing waste of time. Argument remained a spectacle worth viewing, sometimes worth joining, and at all times worth learning from. I saw that even the generation of "philosophers" (Norman O. Brown, Herbert Marcuse, and so forth) who tried to liberate

themselves from the law of contradiction were doing just what they claimed to be doing — providing an education for the rest of us. They just weren't providing the kind of education that they thought they were. Actually, they were showing what happens when people mistake words for ideas, arguments for insights. They were showing how not to think. Considered in this way, the dead branch budded; their fruitless chatter became fruitful for me. "If others had not been foolish," William Blake reflected, "we should be so."

And ironically, some self-expressive arguments really can change people's minds, if the self-expression is interesting in itself. If you saw a street preacher devoutly singing a fine old hymn, as street preachers used to do, you would think better about his message than you would if he were screeching pseudo-biblical slogans. America, the world's most Christian nation, has a long tradition of admiring atheists and freethinkers, people who, like Mark Twain, Robert Ingersoll, Harold Frederic, Sinclair Lewis, and H. L. Mencken, were remarkable for their exuberant wit and humor, freely exercised at the expense of Christianity. Their readers may not have been converted — and it's not clear, in the case of some of those authors, what the readers would have been converted to — but they did learn to see things from a different viewpoint.

Marx was such a bad arguer that generations of commentators have found lifetime occupations trying to force his thoughts into some kind of sensible relationship to the world outside.

It's possible that no one ever really changes, that "change" simply means becoming more like yourself. In any event, if people alter their opinions, it's not so much because they're attracted by good arguments as because they're attracted by good arguers, people who show them what they could be if they only had more wit, or fervor, or learning, or even logic than they now possess. When they take the hint and try to develop those qualities in themselves, their opinions may change accordingly.

This is the way in which minority movements in thought are sustained from generation to generation. Mainstream movements don't require a lot of arguments to support them. If they did, there wouldn't be an admirer of the New Deal left in America. But the unsanctioned, non-endowed minority needs to express itself vividly if it wants to remain alive. The radical libertarian movement was kept alive by a few people — Mencken, Rand, Albert Jay Nock, Isabel Paterson, Ludwig von Mises, Murray Rothbard, others — whose determinedly individual styles of argument attracted other individuals and encouraged them to check their logic and their facts, and act up to the conclusions that followed. Should libertarianism ever become the nation's authorized philosophy, people like that will still be needed, to keep the mainstream flowing.

The key word is "individual." You can argue from the assumed authority of some privileged class or majority tendency and, perhaps, succeed in inspiriting the people who already agree with you. I hear almost daily from friends and colleagues who read the New York Times and believe that there's something great and new in every issue. So what? When they folded the paper, they had exactly the same views that they had when they unfolded it, views indistinguishable from those of everyone else in their demographic group. If you want to change people's ideas, you need to dislodge them from their demographic and allow them to see themselves as individuals. But if your arguments don't project your own individuality, and do it in an interesting way, there's nothing for them to latch onto.

After President Reagan made his "evil empire" speech, Henry Steele Commager, a leading huckster in the history trade, said it was "the worst presidential speech in American history, and I've read them all." This was an extraordinarily feeble attack. For one thing, Commager's words were patently false. No sensible person could believe that even a senior professor of history had read all those speeches, or that Reagan's speech was indisputably the worst among thousands. But making all possible allowance for the hyperbole that Commager probably thought would individuate his statement, one notices a bigger problem: Who is this Professor Commager, anyhow? He talks like an authority, but his remarks don't make him look like anyone who deserves it. What if he did read those speeches? Didn't he have anything else to do? One pictures him hanging out in the faculty club, sucking a pipe and making superior remarks about Benjamin Harrison's second State of the Union address — a sniffy old spokesman for the brahmin caste. The "I" did nothing for his argument.

Mencken, by contrast, didn't need to use any "I" when he defined democracy as the idea that "the common people know what they want, and deserve to get it good and hard." He relied on the iconoclastic force of the statement itself, its intrinsic proof that its author was an individual, beholden to no caste or class or accepted ism. He left it to his readers to accept or reject what he said, knowing that his boldly careless expression of his ideas had the best chance of attracting them, and pleasing himself.

Some arguers do become notable because they operate within a movement and are so strongly identified with it that the movement and the person seem inconceivable apart from

continued on page 36

"I'd be willing to pay more taxes, if the government would use them to build more bars."

Where Everybody Knows Your Name

by Tamara Wilhite

The creation of nationwide databases threatens to make every day feel like a trip to the DMV.

I wasn't surprised to get a financial seminar invitation in the mail. Then I opened it — and saw my 2-year-old daughter's name on it. Needless to say, I called Fidelity the moment I found their phone number.

"I need to have the name Renee Wilhite taken off your mailing list."

"Can I ask why?"

"We just received an invitation to the seminar you have at the Mansion at Turtle Creek" — one of the most upscale restaurants in Dallas. As an engineer who prefers jeans over suits, I would have felt out of place there. A child in diapers most certainly could not have been the intended invitee — "We need to be taken off the list."

"We sent out invitations to new investors who have put significant amounts of money into new accounts."

That explained it. We'd recently opened a 529 plan and put in significant funds, including gifts from relatives.

"We're not interested. Please take her name off the account."

"Are you not Renee Wilhite?"

"I'm her mother."

"Only the account holder can request to be taken off the list."

"She's a minor."

"Adolescents could learn quite a bit about the market. As her mother, you could come as well if you paid an entrance fee . . ."

"I'm sure other investors will be quite thrilled if I bring my 2-year-old to your investment seminar with her very own invitation. Will it help the mood if she runs around covered in pasta sauce? You're serving quite a menu selection. I'll let her dump the plate on her head and run around with the sauce in her hair. Will that impress your other clients? Especially when I show that your client invitation list is so selective that it did actually includes my child."

"She's 2 years old?"

"Yes."

"I'll remove her name from the invitation list."

"I want her name removed from all of your mailing lists."

"You could benefit from . . ."

"And a financial services mailing list is shared with how many people? What happens when she gets credit card applications in the mail in her own name? What happens if someone fills out a credit card application in her name and mails it back? There's enough identity theft to worry us, and we're not checking our toddler's credit report. If the information is abused, we will sue you!"

"Please verify the information we are about to remove from our database."

We have yet to receive a credit card offer for our toddler, but we did receive health advice newsletters from our HMO until we put a stop to it. We receive letters for the ex-wife of the man we bought our home from four years ago. The ex-wife never lived here, but he did for several years. Hence, data-mining tied her name to his, and thus to our address. A business that used our address seven years ago continues to

receive letters from the IRS as well as occasional business service offers. The IRS, fortunately, has never tried to actually collect from us. The collection agencies for the former owner's ex-spouse have.

All of this occurs because a relational database algorithm says this address is associated with this person. The computer says they live here, so it must be right. In such a loose system of association, shared databases of outdated information collide with citizens who are not told when data about them is incorrect. Those who are targeted unfairly cannot get the information corrected.

Identity theft is only the tip of the iceberg. If privacy is not respected and our information is not our own to share as we choose, these incidents will only become more frequent and more severe. When third parties control our information — without our consent, control, or knowledge — they will do so in an increasingly sloppy manner and mere slaps on the wrist will not hold them in check.

The government's push to put more information in a public repository will only make the matter worse. When my HMO made an error in my records and I had a mild reaction to a drug, I recovered, then forced them to correct the typographical error that had put the wrong blood type into my records. My records were corrected that day, and I received a hard copy of the updates within a week. What if a government database had made this error? I know from experience I would have been up a creek without a paddle.

I'd gotten married and adopted my husband's family name. I filled out the forms to have my Social Security card updated and took care of my driver's license on the same day. Then Murphy's Law struck. The driver's license photos taken that day were overexposed, so I had to come back. My Social Security card arrived, but with a misspelling of my new last name. Then government bureaucracy kicked in. My old driver's license could not be accepted as proof of identity to get the Social Security card fixed. The driver's license bureau would not accept the misspelled Social Security card as proof of who I was to get the photo taken. It took showing up with my birth certificate, marriage license, Sam's Club card, and work ID badge with my new properly spelled name on it to convince the dueling bureaucracies to fix their mistakes. The process took two months.

Both agencies have processes and forms to update "client" information, such as name changes for Social Security and name and address changes for driver's licenses. If this is what it took to sort out government data entry snafus in systems accustomed to updates, how much harder will it be for a new central bureaucracy?

Mistakes of this sort don't always have such a "happy" resolution: several years ago, a friend was pulled over for a speeding violation. The cop ran a check against his name and saw a long list of warrants. Name, age, tattoo on right arm — all matched. Our friend was shocked when he was dragged before a judge. At least the judge had the sense to read a handwritten description of the wanted man, since "race" was omitted from the profile. Our friend was white; the wanted man was black. Whoops! Minor mistake, sir, please go on your way. Just don't get upset that we took time away from your visitation with your son and ruined your weekend, and try not to think about how long you could have been in jail if an actual human hadn't bothered to check a minor detail.

I'm sure other investors will be quite thrilled if I bring my 2-year-old to your investment seminar with her very own invitation. Will it help the mood if she runs around covered in pasta sauce?

This is why we should not have a central government database, whether for medical information (the proposed portable medical IDs would be based off government databases), or for collecting existing data (under proposed revisions of the Patriot Act), and why companies like Choicepoint that do lose data should be open to massive lawsuits from every person affected. Our bureaucracies are bad enough without making a big new one locked in a far-off building, closed to human interaction or correction, and even less accountable to the citizens it claims to serve. ❑

Reflections, *from page 14*

accuracy of the satellite temperature measurements. (Undoubtedly, charging forward with three simultaneous assaults is a tactic of psychological warfare by a far-from-objective magazine.)

Responding to these articles in an August 11 column on TechCentralStation, Roy Spencer, the University of Alabama at Huntsville researcher whose team takes the measurements, acknowledged that the criticisms have merit. (Spencer says that the most convincing criticism of the satellite measurements was not actually in the articles, but was discovered by one set of authors, who shared it with Spencer's group privately.)

Basically, satellites drift, and over time measurements are taken later in the day, leading to a cooling trend. Spencer's team had corrected for this, but not fully. Now that Spencer and his team have recalculated the figures, their estimate of warming comes to 0.12 C per decade — closer to the surface estimates of .19 C per decade, the current estimates of the critics).

That's not a big change, but it led Spencer to acknowledge that now "it is indeed possible to analyze different temperature datasets in such a way that they agree with global warming theory." That has never happened before, and his concession strengthens the hand of those who think global warming will be a disaster.

Not everyone is ready to surrender. Physicist (and policy

continued on page 36

George Washington's Farewell Address

After declining a third term as President, Washington delivered this speech on Sept. 7, 1796, to warn his country of the pitfalls to avoid.

Friends and Citizens: . . . .

The impressions with which I first undertook the arduous trust [of the presidency] were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. . . .

[M]y feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; . . . and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. . . . [L]et it always be remembered . . . that under circumstances in which the passions . . . were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that . . . the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and

which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. . . .

The unity of government . . . is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. . . . [I]t is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

. . . Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. . . . [T]he independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes. . . .

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. . . .

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. . . . This government, the offspring of our own choice, . . . has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All . . . combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

The Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite . . . that you resist with care the spirit of innovation upon its principles. . . . One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. . . . Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

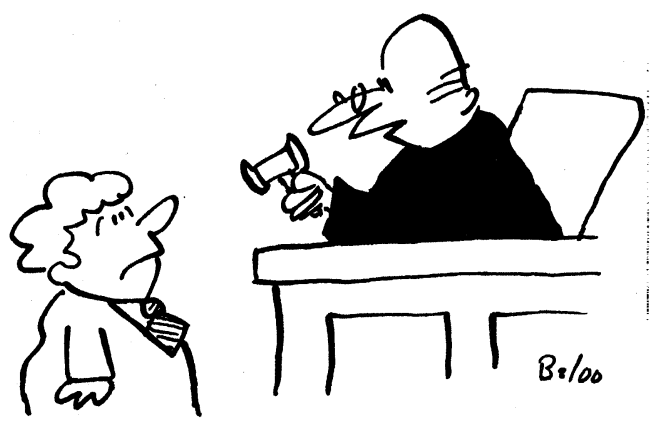

"Make up your mind — do you want justice or social justice?"

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Let me warn you in the most solemn manner against the baneful effects of the spirit of party.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield. . . .

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

. . . The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate. . . .

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none; or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we

may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them. . . .

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them. . . .

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

G. Washington

Colombia, *from page 17*

both personally charismatic and something of an icon to many Latinos of a certain age. But really, who cares? Cuba is bankrupt, and Castro is a dinosaur. Chavez criticizes U.S. foreign policy. (Well, it's not like there's any aspect of it that makes any sense.) He's building closer relations with China (also understandable, because while China is the world's second-largest consumer of oil, it isn't in a position to bully the Venezuelans). He's harassing foreign oil companies (which is just stupid and counterproductive to his own interests). And he's buying 100,000 rifles from the Russians. Why this last issue has become a big news item mystifies me. The dollar figure hasn't been mentioned anywhere, but it's probably around $20 million, which is pocket change. Do the Americans think Venezuela is going to invade, now that the soldiers have some new small arms? Rifles wear out, does the U.S. government think the Venezuelans would be better armed with bows and arrows to push back trespassers from Colombia? It never ceases to amaze me how easily hysteria can be incited over absolutely nothing.

My own view on Chavez? A guy who got lucky, gained power, but is now in over his head because his ignorance and general incompetence are compounded by a number of personality aberrations and bent advisors. But, then again, that sounds like most world leaders, most prominently the one in the U.S.

The Colombian government also isn't enamored with Chavez, partially because it's obvious he considers his neighbor to be a U.S. puppet. This is not an unreasonable view, and it is frequently reinforced by incidents involving the large U.S. military presence. In just the past couple of months, those incidents have included the arrest of two U.S. soldiers who were apparently selling 32,000 rounds of ammo liberated from their base to the paramilitaries. Another five representatives of our best and brightest were just caught transporting 35 pounds of cocaine from Colombia to El Paso on a military plane. These incidents genuinely annoy the average Colombian, even while they provide a certain element of comic relief. In 2000, for instance, the wife of the U.S. Army officer heading anti-drug operations in Colombia was sentenced to five years in prison for trying to mail $700,000 worth of heroin to New York. Her husband, the officer, only got five months. Meanwhile, hundreds of Colombians accused of drug trafficking have been extradited to the United States for far more draconian prison sentences.

As I said, Colombia is doing better than you might expect, and danger to tourists is probably exaggerated. Still, violence can and does erupt unpredictably, and the U.S. insistence on waging the counterproductive War on Drugs gives the average Colombian ample reason to resent the United States. Caveat viator. ❑

Fruitless Controversies, *from page 29*

each other. Socialist ideas, which were very widespread in the 19th century, were bound to find an encyclopedic advocate at some time. It happened to be Karl Marx, who had a special talent for expressing the socialists' anger and hatred, while supplying a dogmatic and mystical authority for these emotions. Yet Marx was such a bad arguer that generations of commentators have found lifetime occupations trying to force his thoughts into some kind of sensible relationship to the world outside. And there have been Marxist "scholars" who never managed to read a whole chapter of "Das Kapital." Louis Althusser, esteemed the greatest Marxist of his time, speaks of "a few passages of Marx which I had studied closely."

But the appeal of most thinkers — I'm not counting cultural dignitaries whose only claim on one's attention is the possibility that their works will appear on the final exam — starts with the reader's interest and pleasure in their approach to argument, not in the outline of the arguments themselves. Johnson's philosophy survives in his aphorisms, Voltaire's in his satires, Jefferson's very largely in his personal correspondence. None is known for a great work of systematic thought. What gives life to their propositions, which are often the merest common sense, is the fact that nobody else could have expressed them in the way they did. As for systematic philosophers, Jefferson was right to credit Hume's "fascinating style" and Plato's "elegance" of "diction" for making people enthusiastic about their ideas (ideas that he considered pernicious). Their arguments, he thought, wouldn't have gotten very far if the reader's sense of beauty hadn't been enlisted on their side.

I'm not saying that if you can't express yourself like Plato or Hume, Mencken or Jefferson, you ought to give up arguing. I am saying that the best arguments, as well as the worst, are assertions of self. The better this is understood, and the more vigorously arguers rise to the challenge of honest self-expression, the more chance of fruitful controversy there will be. And if it's not fruitful, it may at least be entertaining.

Those are all the arguments about argument that I have for today. If you're not convinced, at least I've expressed myself. ❑

Reflections, *from page 31*

gadfly) Fred Singer thinks that the 0.12 C-per-decade estimate may be too high, and he's exploring some reasons why. But science reporter Ron Bailey's article on Reason Online was titled: "We're All Global Warmers Now." — Jane S. Shaw

Shamefully unremarkable — Here is a story of politics that I found in "Luke G. Williams, American Entrepreneur," the autobiography of a Spokane, Wash. businessman.

Williams, who died in 2004, was a founder of American Sign & Indicator, the company that popularized the digital time-and-temperature sign once common on banks. Williams was a conservative Republican. In 1962 he was eastern Washington chairman for Dick Christensen, the (failed) Republican challenger to Sen. Warren Magnuson, and was Washington state chairman for Barry Goldwater's presidential campaign in 1964.

After Lyndon Johnson's victory, Congress considered a highway beautification bill favored by his wife, Lady Bird. One part of the bill as proposed would have banned electronic signs of the kind made by American Sign & Indicator if visible from a highway. Williams believed it would put his company out of business. The Democrats had a majority and there was little doubt that the bill would pass. To save his company, which had 900 employees, Williams went to Washington, D.C., to get the bill changed.

The person in charge of the bill was Sen. Magnuson.

"I was pretty sure Magnuson would remember me," Williams recounts. "I had no choice but to go back to Washington, D.C., hat in hand, and lobby the man I had almost unseated."

Williams was sweating. To his surprise, Magnuson "wanted to hear all about my problem." What did Williams need? To have time-and-temperature and public-information signs exempted. Magnuson had it done. There was no condition. But Williams writes, "I'm sure that he felt that if he did me a favor I would be less active in anti-Magnuson politics in the future — which I was."

Fifteen years later, during the 1970s, came another bill to outlaw electric signs, this time to save energy. The man to see in Washington, D.C., was the state's other Democratic senator, Henry Jackson. Williams saw him. As Magnuson had done, Jackson had time-and-temperature signs written out of the bill. This time there was a quid pro quo: that Williams stop his repeated efforts to bankroll challengers to Rep. Tom Foley, the Democrat who represented Spokane in the House — and who later became Speaker.

According to Williams' memoir, Jackson said: "Luke, I want one thing from you. Please get off Tom Foley's case."

"From that day forward," Williams writes, "I never contributed to another campaign against Tom Foley." (Foley would fall in the Republican sweep of 1994, and the district is solidly Republican now, held by Rep. Cathy McMorris.)

Williams puts these stories into his autobiography as if they had no moral import — on him, on the politicians concerned, or for the political system. He is recounting an interesting life, and these were interesting things, so he puts them in. — Bruce Ramsey

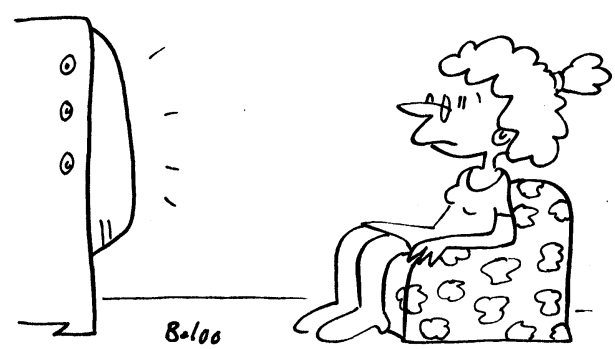

"The FDA issued a warning today not to eat things you find on the sidewalk."

Reviews

"Life at the Bottom: The Worldview that Makes the Underclass," by Theodore Dalrymple. Ivan R. Dee, 2001, 288 pages.
"Our Culture, What's Left of It," by Theodore Dalrymple. Ivan R. Dee, 2005, 320 pages.

Life at the Bottom

Bruce Ramsey

Once in a long while a writer comes along with a vision so powerful that it shakes you. Theodore Dalrymple is that kind of writer. He is a doctor, and with a medical clarity he examines the underclass — their habits, their manners, and the words they use to justify themselves. He writes: "It is the ideas my patients have that fascinate — and, to be honest, appall — me: for they are the source of their misery."

The idea Dalrymple has set himself against is that people are not responsible for what they do. That idea affects how citizens, police, judges, and wardens define certain acts, and how they will respond to them, and that, in turn, affects what the criminally inclined decide to do.

The denial of responsibility is, in turn, connected to the welfare state. In "The Frivolity of Evil," an essay in "Our Culture, What's Left of It," Dalrymple writes: "The state, guided by the apparently generous and humane philosophy that no child, whatever its origins, should suffer deprivation, gives assistance to any child, or rather the mother of any child, once it has come into being. . . . The biological father is now free to use whatever income he has as pocket money, for entertainment and little treats. He is therefore reduced to the status of a child, though a spoiled child with the physical capacities of a man: petulant, demanding, querulous, self-centered, and violent if he doesn't get his own way."

Dalrymple could be talking about parts of America, but he is British, and when he wrote most of the essays here, he practiced in a public hospital and a prison in Birmingham. For 14 years he advised a stream of ailing and complaining patients, most of them British-born and white. In his off-hours he advised his readers.

Dalrymple uses an older, moralized vocabulary — words like pauperism, squalor, wickedness, wretchedness, evil, and vice. Sometimes he employs Christian vocabulary, as when he describes man as a fallen creature with a propensity to evil, or when he says the decay of religious belief has left people without transcendent meaning in their lives. An odd choice of words, considering that Dalrymple is an atheist.

Many of these essays are based on conversations between doctor and patient: "Last week a young man finally imprisoned for repeated assaults on his girlfriend and his mother, among others, told me that prison was not doing him any good, that what he needed was anger management therapy. I remarked that his behavior in prison had been exemplary; he was always polite and did what he was told."

Some of his patients trump a harsh truth with a slogan, as in the case of a 17-year-old who'd gone on a binge when her boyfriend was sentenced to prison, and wound up in the hospital with alcohol poisoning. When Dalrymple tells her she will "have a succession of possessive, exploitative and violent boyfriends" unless she changes her life, she says "I can look after myself."

He doesn't think she will, and reminds her that men are stronger than women.

"That's a sexist thing to say," she says.

"But it's a plain, straightforward and inescapable fact."

"It's sexist."

Dalrymple's portrait of sexual life in the British underclass is one of "fleeting and kaleidoscopic" hookups. "They are the stars of their own soap operas," he writes. Relationships fly apart because, under the welfare state and the sexual revolution, "no obligations or pressures — financial,

social or ethical — keep people together."

In Britain 40% of children are born out of wedlock. Among Dalrymple's clientele, it is typical for the man to mistreat and abandon the mother, who is given welfare and an apartment. By age 20, some women have three children, each by a different man.

Too many libertarians decide the issue on principle and argue that the consequences of freedom will of course be better.

There are several messages in this social pathology. Dalrymple argues that about these crucial things the state cannot be neutral. He writes of "an unholy alliance" between the left "and libertarians on the right, who believe that consumer choice is the answer to all social questions, an idea eagerly adopted by the left in precisely those areas where it does not apply. Thus people have a right to bring forth children in any way they like, and the children, of course, have the right not to be deprived of anything, at least anything material. How men and women associate and have children is merely a matter of consumer choice, of no more moral consequence than the choice between dark and milk chocolate, and the state must not discriminate among different forms of association and child rearing . . . "

He has a point about the effects of libertarian policy in an irresponsible age. In late 19th century America and Victorian England, the law did not stop people from committing most acts of folly and vice, but most of the time people's beliefs, consciences. and common sense did. The hand of necessity was strong. People were responsible because they were trained to be, people around them expected them to be, and because they had to be.

With people like that, laissez faire can work.

This issue comes into particular focus with drugs. Dalrymple discusses the mess his patients have made of their lives by using drugs, and I know a bit of what he speaks. One of my high-school friends lost his business because he overused cocaine, one lost his house because his wife was addicted to crack, and one lost his life to an overdose of heroin. Not everyone who uses these substances comes to grief, but the risk is real, and each disaster has consequences for the people around the user. This matters. In any society, including an ideal one, you will have some people losing themselves in chemistry, but you had better not have too many.

Dalrymple takes this to a political conclusion in "Don't Legalize Drugs." "The consumption of drugs," he writes, ". . . impairs their ability to pursue more important human aims, such as raising a family and fulfilling civic obligations. Very often it impairs their ability to pursue gainful employment and promotes parasitism. Moreover, far from being expanders of consciousness, most drugs severely limit it. One of the most striking characteristics of drug-takers is their intense and tedious self-absorption; and their journeys into inner space are generally forays into inner vacuums. Drug-taking is a lazy man's way of pursuing happiness and wisdom."

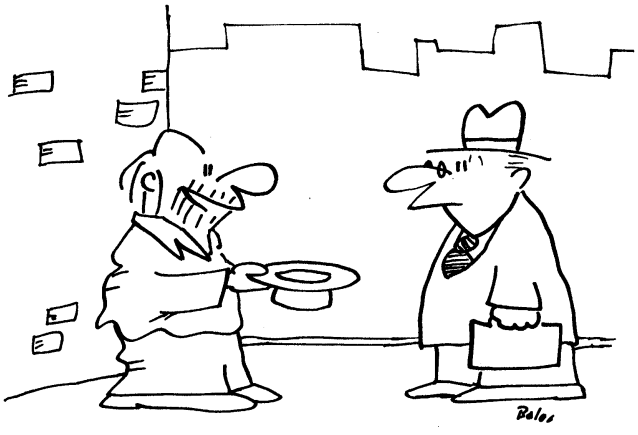

"I'd *like* to get a job, sir, but I hate the idea of my tax money going to support welfare bums."

This could be an argument not to use these substances, or to limit one's exposure to them. I find it less convincing as an argument to keep them illegal.

Dalrymple argues that if these substances are legal, too many people will use them. He gives the example of workmen at a British project in Africa, where he was the company doctor. The men were given a liquor ration at a fraction of market value — booze so cheap that they couldn't afford to remain sober.

"Drunkenness among them far outstripped anything I had ever seen, before or since," he writes. "I discovered that, when alcohol is effectively free of charge, a fifth of British construction workers will regularly go to bed so drunk that they are incontinent of both urine and feces. I remember one man who very rarely got as far as his bed at night: he fell asleep in the lavatory, where he was usually found the next morning. Half the men shook in the mornings and resorted to the hair of the dog to steady their hands before they drove their bulldozers and other heavy machines (which they frequently wrecked, at enormous expense to the British taxpayers) . . . " The workers, he said, "gained a well-deserved local reputation for reprehensible, violent, anti-social behavior."

Dalrymple does not compare the social costs of freedom with the social costs of the war on drugs, but his piece is a reminder that there are social costs of a liberal policy.

Here are men on a foreign construction job who have been removed from the supervision of girlfriends, wives, parents, neighbors, and society. They will do things they would not do at home. Add to this the bizarre tolerance of the employer: what sensible boss would supply workers with below-market booze so that they would destroy company assets?

This is not a convincing argument.

Dalrymple also argues that drug use is part of a criminal lifestyle whether the drug is prohibited or not. Methadone is legal in Britain. Methadone users do commit fewer crimes per person than heroin users, but are still inclined to commit crimes. If drugs were legalized, the price fell, and the number of users rose, crime might go up. In Liverpool, Dalrymple says, 2,000 addicts are on state methadone (and countless others use the black market), and the city "is the world capital for drug-motivated burglary." He says Amsterdam, which is ground zero for drug liberalization, "is among the most violent and squalid cities in Europe."

Dalrymple does not compare the social costs of freedom with the social costs of the War on Drugs, but his piece is a reminder that there are social costs of a liberal policy. Too many libertarians decide the issue on principle and argue that the consequences of freedom will of course be better. Maybe they will be better, but maybe it depends on the drug. Heroin is different from crack, which is different from methamphetamine. Maybe it depends on other things — social constraints other than the law, for instance.

Liberty includes the freedom to make bad choices. A supporter of liberty will have to tolerate a certain amount of bad choices around him — but he should have reason to believe there will not be too many of them. Some combination of influences, whether religion, morality, self-interest, or the law of supply and demand, will have to keep vice and folly under management. The totality has to work with folk whose appetites and inclinations differ from those of the people who design utopias.

Most of Dalrymple's writing describes welfare-state Britain. One of the most piercing views of that place is through the eyes of foreign doctors on one-year contracts. These physicians are familiar with real, material poverty. At first the foreign docs admire the National Health Service. Everyone is treated, and by the foreigners' standards, the care is good. But few of the patients are grateful for the free service. Dalrymple cites the case of a man emerging from a drug-induced blackout. The man's first words are, "Get me a fucking roll-up!" (a hand-rolled cigarette). Pretty soon he is bellowing, "Get me the fuck out of here!"

They come to realize that a system of welfare that makes no moral judgments in allocating economic rewards promotes anti-social egotism.

"My doctors from Bombay, Madras or Manila observe this kind of conduct open-mouthed," Dalrymple writes.

"By the end of three months my doctors have, without exception, reversed their original opinion that the welfare state, as exemplified by England, represents the acme of civilization," he writes. "They come to realize that a system of welfare that makes no moral judgments in allocating economic rewards promotes anti-social egotism. The spiritual impoverishment of the population seems to them worse than anything they have ever known in their own countries."

"Spiritual impoverishment" may need some examples. A very concrete one is how the underclass eats: "In all my visits to the white households in the area, of which I've made hundreds, never — not once — have I seen any evidence of cooking. The nearest to this activity that I have witnessed is the reheating of prepared or packaged food, usually in a microwave. And by the same token, I have never seen any evidence of meals taken in common as a social activity. . . . They eat alone, even if other members of the household are present, and never at the table; they slump on the sofa in front of the television. Everyone in the household eats according to his own whim and timetable. Even in so elementary a matter as eating, therefore, there is no self-discipline but rather an imperative obedience to impulse."

Some take drugs that suppress their appetites. Dalrymple writes of a man five foot ten weighing just over 100 pounds, with sunken cheeks and paper-bag skin.

"You don't eat," Dalrymple tells him.

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"Not much," he says. "I don't feel like it."

"And when you do eat, what do you eat?"

"Crisps and chocolate." (Crisps are potato chips.)

People that careless with their digestions are not likely to cultivate their intellects — not that free public school ever expected it of them. Dalrymple notes "I cannot recall meeting a 16-year-old white from the public housing estates that are near my hospital who could multiply nine by seven (I do not exaggerate). Even three by seven often defeats them. One boy of seventeen told me, 'We didn't get that far.'"

The underclass mind dwells deeply on neither the past nor the future, neither cause nor effect. Its worldview is summed up in the bumper sticker "Shit Happens." One of Dalrymple's most perceptive essays is, "The Knife Went In," in which he relates that criminals portray their predations entirely in the passive voice.

The college-educated version of "Shit Happens" is that crime is caused by psychological illness. Criminals are sick. That idea drifts down to the criminals, Dalrymple says, and they have embraced it — at least in their interviews with government doctors — because it relieves them of responsibility. Obviously, if their crimes continue to happen, the doctor has not cured their illness. A crucial thing for doctors to do, Dalrymple argues, is to heave out the idea they have this sort of power. They don't. The patient has it.

"When a man tells me, in his antisocial behavior, that he is easily led," Dalrymple writes, "I ask him whether he was ever easily led to study mathematics or the subjunctives of French verbs." The patients laugh, but Dalrymple has made his point.

It is relatively easy these days to recognize nonsense from senators, congressmen and the president of the United States. A whole industry works, albeit imperfectly, to see through their spin. But in these ostensibly nonjudgmental times, in which one may blame institutions but never "the victim," it is an even rarer achievement to see through the nonsense of starving addicts, battered spouses, serial burglars and thugs. Dalrymple is a writer who accepts no excuses. ❑

"The Plot," by Will Eisner. W.W. Norton, 2005, 148 pages.

The Hoax of the 20th Century

Andrew Ferguson

Henry Ford wrote in the May 22, 1920 edition of The Dearborn Independent: "The Jew was never popular as a race. . . . Even in modern times, in civilized countries, in conditions which render persecution absolutely impossible, this unpopularity exists." But even as Ford wrote his series of essays on "The International Jew," the curious document he relied on as his primary source, "The Protocols of the Elders of Zion," was providing fuel for a pogrom that would scorch the earth.

There is hardly a conspiracy theory that does not at some point veer into anti-Semitism, and hardly an anti-Semite that does not at some point reference the Protocols. The forgery first appeared in 1904, purporting to be a transcript of a secret congress of international Jewry (first identified with the Zionist Congress convened in 1897, until someone pointed out that those proceedings were public and attended by many Gentiles). Actually, it was a nearly verbatim copy of a dialogue written decades before by French satirist Maurice Joly, in which Machiavelli (representing the tyrant Napoleon III) and Montesquieu discuss political philosophy in hell. All the forger did was replace Machiavelli with the Jews. The Russian secret police, who commissioned the forgery, hoped it would encourage the fickle Tsar to expel all Jews from Russia.

The pamphlet failed in this goal, but like a stubborn air pocket beneath wallpaper, it popped up again soon thereafter. The Russian Revolution offered the spectacle of many Jews — Trotsky first among them — helping Lenin overthrow the established government in Russia. Never mind that many socialist Jews, like Rosa Luxemburg, spoke out firmly against Lenin's means of achieving proletarian rule; never mind that many of these "Jews" were Cossacks or Eastern Europeans given a change of religion for propagandistic purposes (like the murderous Hungarian Bela Kun becoming "Cohen"); what mattered was that Jews were having their way with Russia, and if they were not stopped elsewhere they would have their way with the whole world.

Readers in Europe, seeing in the Protocols an easy explanation for the stupidities their countries engaged in, turned the book into a bestseller, even prompting serial publication in the London Times. But it was also the Times that debunked the Protocols, providing conclusive proof that the book was a forgery. Finally, the bubble had been smoothed away — until a certain young German corporal with political ambitions pumped it up again. Adolf Hitler made the Protocols compulsory reading in Nazi schools, and one of the centerpieces in his gallery of hate. By then the fraud had taken in much of the rest of the world, from Jerusalem (where the Grand Mufti became a gleeful admirer of Hitler's work), to Japan (where busi-

nessmen regarded it as a model to be emulated), to Dearborn, Michigan (where Henry Ford wrote his articles for the Independent). Every time the Protocols were presented as factual, they were again debunked, only to appear once more somewhere else. They've proven most resilient in the Arab world, with Nasser, Sadat, and Qaddafi all publicly recommending the book, and the militant group Hamas stating in their charter that "The Zionist plan is limitless. . . . [It] is embodied in the 'Protocols of the Elders of Zion,' and their present conduct is the best proof of what we are saying."

When pressed, the college protesters demonstrate that what they hate most about Jews is that they're so damned Jewish.

In "The Plot," comics legend Will Eisner tells two stories: the first about the improbable tenacity of the Protocols, sketched above; the second about himself, an old Jew laboriously researching a hateful topic. In both, it is sheer frustration that dominates: how could something so clearly and demonstrably false be so often accepted as truth?

On the way to a college library, Eisner comes across a group of students waving placards to protest "Israeli apartheid" and handing out brochures with propaganda lifted from the Protocols. Dismayed, he tries to share with them the fruits of his research. But to them, it doesn't matter whether the Protocols are a hoax or not. Their agitprop must be true; after all, that's the way Jews are.

"The way Jews are"; the "Jewish outlook"; the "qualities inherent in the Jewish nature": though they attempt to tie their hatred to some contemporary issue, in the end anti-Semites must rely on tautology to explain what makes Jews so abhorrent. It is never envy alone that motivates them; anti-Semitism is a Protean thing. "[F]or the living, the Jew is a dead man; for the natives, an alien and a vagrant; for property holders, a beggar; for the poor, an exploiter and a millionaire; for the patriot, a man without a country; for all classes, a hated rival."* When pressed, the college protesters, like so many generations before them, demonstrate that what they hate most about Jews is that they're so damned Jewish.

Thus it seems as if the Jewish Question can only be answered by the disappearance of the Jews — the choice of whether this will be accomplished by assimilation or by extermination is left up to them. Eisner closes on a similarly bleak note, with a page showing his comic book self's hopes that the publication of "The Plot" will help debunk the Protocols once and for all, followed by a page that depicts a synagogue on fire, framed by newspaper clippings about present-day anti-Semitic vandalism and violence.

Eisner died shortly before the book was published; he will not see whether, or for how long, his book succeeds in debunking the hoax. Though "The Plot" is cynical, it may set some people straight: many of those same Israel-protesting college kids are also comics fans, and they might be inspired to pick up a master's final work. But no matter how many it persuades, it will not finish off the Protocols for good — and neither will it bring an end to the hatred of the Jews. ❑

* Leon Pinsker, "Autoemancipation," quoted in Paul Johnson, "The History of the Jews," p. 394.

"The Folly of Empire: What George W. Bush Can Learn From Theodore Roosevelt and Woodrow Wilson," by John B. Judis. Scribner, 2004, 212 pages.

The Once and Future Empire

Martin Morse Wooster

It's now been over two years since America demonstrated its imperial ambitions with its invasion of Iraq. The grounds for the invasion were of course specious, concocted to undergird the new doctrine of "preemptive war." This doctrine was coated in foreign policy bafflegab, but when the rhetoric was stripped away, the new rules were strikingly simple: America is stronger than any one else; therefore, we can do whatever we want. God bless the USA!

During the war, I kept hoping that America would let its imperial ambitions go whole hog. I wanted to see a glorious victory parade, with villainous Iraqi generals marched down Pennsylvania Avenue and stoned by a cheering mob. Sean Hannity and Michael Savage would moderate the festivities.

That didn't happen. Not only was there no victory parade (unlike the Gulf War), but President Bush's subordinates dutifully appeared on talk shows and op-ed pages spouting the line that America is not an empire, that we don't do the "conquest thing," and that our only interest is enabling Iraq to become a democracy.

The doctrine of preemption was beaten into dust in the battles for Fallujah and Najaf. There are a few unrepentant imperialists out there,

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such as Harvard business historian Niall Ferguson and Council on Foreign Relations fellow Max Boot, who publicly daydream of the good old days when half-remembered British imperial viceroys practiced "gunboat diplomacy" using actual gunboats.

Now the neoconservative think tanks are once again ringing the tocsin and sounding dire warnings that terror can only be vanquished through an American occupation of Teheran or Damascus. But when (and if) there is another war, some long-standing questions ought to be answered. What should America's role in the world be? Should the U.S. act unilaterally, or is it necessary to use force only when American divisions are under the control of the United Nations?

Judis reminds us that imperialism and world government are not the only options for American foreign policy.

These are deep questions which have been debated for over a century. So it's clear that people interested in America's place in the world ought to study episodes in American history similar to the Iraq War and see what lessons can be learned from the past.

In "The Folly of Empire," John B. Judis, a visiting fellow at the Carnegie Endowment for International Peace and a senior editor at The New Republic, does a fine job resurrecting long-neglected debates over how and when America should go to war. In an earlier book, "Grand Illusion" (1992), Judis told the story of U.S. foreign policy through a series of biographical profiles about such important leaders as Sen. William Fulbright and former vice president Henry Wallace. In this book, he also presents the past century of American foreign policy, with about half of the book devoted to Theodore Roosevelt and Woodrow Wilson, the next quarter describing American foreign policy between 1920–2000, and the remaining two chapters critiquing President Bush's foreign policy.

From the title, one might assume that Judis is opposed to U.S. interventionism. That is not the case. Judis is a social democrat, and an heir to the "progressive" ideals that inspired Wilson (and, for that matter, the founders of The New Republic). This leads Judis to oppose American unilateralism and support the notion of the U.S. acting in concert with other nations or international organizations.

Judis' views are best illustrated by his opinion of Theodore Roosevelt's foreign policy. In an article published in 1899, Roosevelt wrote that the world was divided into civilized countries and barbarous ones, and since civilized countries rarely fought each other, the best way to ensure world peace was for civilized countries to conquer the barbarous ones. "Every expansion makes for peace," Roosevelt declared. "This has been the case in every instance of expansion in the present century, whether the expanding power were France or England, Russia or America."

The ideas Theodore Roosevelt had in this period, Judis argues, are the ones that such neoconservatives as New York Times columnist David Brooks and Weekly Standard editor William Kristol admire. "It was invariably the Roosevelt of the late 1890s and his first term as president that neoconservatives would cite" in their arguments that the U.S. should go to war in Iraq, Judis writes.

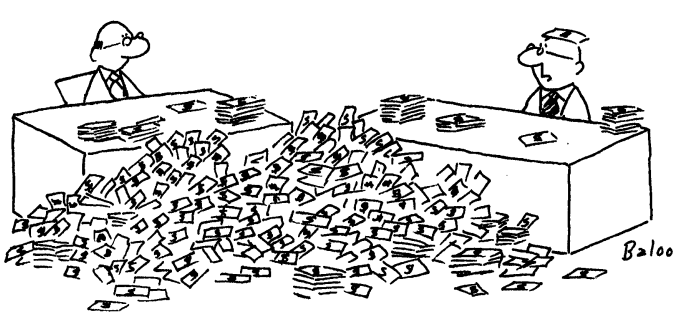

"You realize what this means, don't you, McAllister — we're going to have to pay windfall profits tax."

But Judis notes that later in his career, Roosevelt partially changed his mind. In 1910, Roosevelt received the Nobel Peace Prize for negotiating a peace treaty between Russia and Japan after these two nations fought each other in 1905. Roosevelt then backed the use of an international tribunal to settle disputes between other countries as a way of preventing war. In his Nobel address, Roosevelt declared "it would be a masterstroke if those great powers honestly bent on peace would form a League of Peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others."

Roosevelt, Judis writes, "was clearly moving away from the framework of 1898 toward a kind of vision that would be later embraced by Woodrow Wilson." Wilson is Judis' hero because he opposed U.S. imperialism and embraced international organization as a means to solve world problems. Wilson, notes Judis, was not entirely statist. "Wilson got much of his radicalism and his view of imperialism," he writes, from John Bright, one of the foremost 19th-century advocates of free trade. Wilson, during his administration, substantially lowered America's formidable trade barriers; Wilson, in Judis' view, "would see ending protectionism as integral to ending imperialism and an unstable balance of power."

In my view, Wilson was clearly not a Wilsonian in 1912. He probably did not become a Wilsonian until after 1916.

Judis also contrasts Roosevelt and Wilson's use of power by analyzing two American conflicts: the Spanish-American War of 1898, which led to the guerrilla war in the Philippines from 1899–1902, and the U.S. invasion of Mexico in 1914. Judis is wise to scrutinize the Spanish-American War, because it's the war that most resembles the Iraq War, both in its causes and its consequences. Spain, in Judis' view, was not a threat to the United States; like the Iraq War, the Spanish-

American War was clearly a "war of choice."

Another parallel with Iraq is that the Filipinos did not see themselves as "liberated" by American occupation; Filipino guerrilla leader Emilio Aguinaldo shifted from fighting the Spanish to fighting Americans. Roosevelt's response was to send generals skilled in slaughtering Indians to the Philippines. "I want no prisoners," General Jacob Smith, who fought at Wounded Knee, told his troops. "I wish to kill and burn, the more you kill and burn the better it will please me." His troops obeyed his orders, ravaging the Philippine Islands and herding tens of thousands of Filipinos into concentration camps. By 1902, these savage methods ensured that the Philippines were largely pacified, although sporadic fighting continued for about five years.

Judis contrasts Roosevelt's imperialism with Wilson's emphasis on creating international organizations. According to Judis, Wilson was an early advocate of using force to solve problems. In 1914, an American expeditionary force landed in Veracruz, Mexico, as part of an effort to depose Mexican dictator Victoriano Huerta. Wilson expected cheering crowds, but the Mexicans jeered the Marines who landed, and 19 soldiers died.

The doctrine of preemption was beaten into dust in the battles for Fallujah and Najaf.

Secretary of War Lindley Garrison urged Wilson to order American troops to occupy Mexico City and create a government friendly to the U.S. Wilson declined: "We shall have no right at any time to intervene in Mexico to determine the way in which Mexicans are to settle their own affairs." Wilson wrote Garrison, "There are in my judgment no conceivable circumstances which would make it right for us to direct by force or threat of force the internal processes of what is profound revolution."

Wilson, Judis argues, learned from the Mexican episode "that the United States had a mission to show the way to liberty, but he realized after the invasion of Veracruz that the United States could not do this simply by imposing liberty and democracy on a recalcitrant country like Mexico." Judis believes that Wilson supported U.S. entry into World War I as a way to ensure a stable democratic order that would make sure that global war would never again happen.

Historians continue to argue about when Woodrow Wilson became a "Wilsonian" advocate of establishing strong international organizations to ensure a peaceful world. In my view, Wilson was clearly not a Wilsonian in 1912, when the presidential election had little to do with foreign policy. He probably did not become a Wilsonian until after 1916, when he won a razor-thin victory over Republican Charles Evans Hughes, after campaigning as the president who "kept us out of war." Only when America entered World War I in April 1917 did Wilson reveal his commitment to a League of Nations.

But what should America's role in the League of Nations be? Many Republican senators wanted the United States to be part of the League, as long as the treaty included clauses stating that laws created by the League did not overrule American law. Judis dismisses these Republicans as putting "pure partisan concerns above the

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national interest," but I believe the objections of such senators as Massachusetts' Henry Cabot Lodge were reasonable. Lodge's reservations about the limits of international law are comparable to the reasons why the U.S. has refused to join the International Criminal Court. Had Wilson accommodated Lodge's reservations, America would have joined the League of Nations. He didn't, and the Senate repeatedly refused to allow the U.S. to join the League.

What can we learn from this period of American history? Does America have any options aside from acting alone in overseas adventures, or being a junior partner to an increasingly dominant United Nations?

Judis is right that the 21st century rationale for U.S. imperialism has led to disaster. The Iraq War reminds us that war is like major surgery; it always has unintended, often tragic, consequences. In the future, think-tank mandarins who scheme to rearrange the world should realize that invading American armies are more likely to be greeted with bullets than with flowers.

As Judis notes, during a presidential debate in 2000, candidate George W. Bush provided a forceful argument against what has since become his own foreign policy. "I'm not so sure that the role of the United States is to go around the world and say, 'this is the way it's got to be. We can help.' . . . I think one way to be viewed as the ugly American is for us to go around the world saying, 'We do it this way, so should you.'"

It's equally clear that American subservience to the United Nations is as ineffective as unilateral action. The UN has accomplished surprisingly little in its six decades of existence, and it's hard to see how a stronger UN, with American divisions under the control of foreign commanders, would make the world a safer place.

Certainly the U.S. should act to defend itself, whether patrolling the mountains of Afghanistan or breaking up terror cells around the world. But these actions need not involve tying up American divisions for years (or possibly decades).

The United States is the best country in the world. America should make its case for moral supremacy not by brute force but by free trade; by showing that success comes from the hard work of dynamic entrepreneurs, not from patronage granted by a permanent ruling class. In my view, Woodrow Wilson was right about the importance of trade, but his efforts to tie the United States to ineffectual international organizations are a misguided legacy that future generations should avoid. ❑

"The Skeptic's Dictionary: A Collection of Strange Beliefs, Amusing Deceptions, & Dangerous Delusions," by Robert Todd Carroll. John Wiley, 2003, 446 pages.

The Incomplete Skeptic

Gary Jason

Robert Todd Carroll's enjoyable new book is a concise dictionary of pseudo-sciences and other nonsensical belief systems, and the people who promulgate them. Carroll, who is chairman of the Philosophy Department at Sacramento City College, is well-versed in critical thinking and logic, having published a critical thinking text ("Becoming a Critical Thinker: A Guide for the New Millennium").

In this book, Carroll takes on trendy tabloid pseudo-sciences and cults. We meet relatively recent absurdities, such as hollow Earth theory, alien abduction, creation science, Falun Gong, the Indigo Children, SRA (Satanic ritual abuse), biorhythms, holistic medicine, transcendental meditation, Uri Geller, and reverse speech. And he includes many favorite oldies, such as palmistry, Nostradamus, the Loch Ness monster, astrology, numerology, Gurdjieff, haunted houses, Bigfoot, the Illuminati, reincarnation, Noah's Ark, fairies, vampires, zombies, phrenology, the shroud of Turin, mesmerism, and parapsychology — not to mention Roswell (we all know what happened there!). Well represented too are various pop therapies such as EST, dianetics, New Age psychotherapies, NLP (neuro-linguistic programming), and orgone energy, which never acquired scientific respectability, along with some that have gotten some mainstream support, such as the Myers-Briggs Type Indicator (used to classify personalities), the Rorschach inkblot test, RMT (repressed memory therapy), and TFT (thought field therapy). There are nearly 400 entries, a veritable grab bag of the inane, the insane, the asinine and the delusional.

If all Carroll did was debunk the usual suspects, his book would not be better than similar books, such as James Randi's primer "An Encyclopedia of Claims, Frauds, and Hoaxes of the Occult and Supernatural." But Carroll covers some more recent and interesting specimens of intellectual dreck. He includes the nasty phenomenon of Holocaust denial, for instance. He also discusses the much-hyped use of subliminal messaging and mind control (brainwashing), both of which have been proven ineffective, despite popular fears to the contrary.

Even more valuable are his pithy essays on logic and scientific method, which identify the nature of pseudo-science as well as logical fallacies (such as begging the question) that underlie it. For example, he succinctly discusses the Forer effect (also called the Barnum effect), which is the use of such vague language (in psychological surveys, or predictions by astrologers) that it describes everyone. His discussion of entrenchment, or what he calls "the sunk-cost fallacy," is a delight — we keep flying the Concorde not because it makes a profit, but because we don't want to admit our initial investment was wasted. He discusses confirmation bias (the tendency to seek only evidence which will support one's theory), ad hoc hypotheses, positive-outcome bias (the tendency to publish positive outcomes rather than negative outcomes), the post hoc fallacy, control group experiments, memory (false and veridical), the placebo effect, pseudo-history, pseudo-science, and Occam's razor. All these make the book a good reference book for a critical thinking class.

My admiration for his book is lessened by omissions that in my view are all too characteristic of contemporary academic skeptics. There are dozens of books lampooning the usual suspects such as astrology and parapsychology, but these books (including Carroll's) never mention, say, Marx or communism. Now, don't get me wrong — astrology and parapsychology are nonsense, of course. But so is Marxism. I've been in philosophy departments where astrology is ridiculed ("Oh, the stupidity of the plebs is so hard to endure!"), but where Marx is held in high esteem ("A soaring genius!"). Yet while the devotees of astrology haven't killed anyone, devotees of Marxism were responsible for as many as 100 million deaths in the 20th century. Again, while Carroll's book has entries on such obscure figures as Edward Bach (a British physician who devised a therapy using flowers) and Frederic Lenz (a Zen entrepreneur who calls himself "Rama"), you don't see an entry on Margaret Mead, whose pseudo-scientific anthropological research (based upon a hoax by her key source) helped persuade people that all gender differences are culturally constructed. Nor is there any entry in Carroll's book on Alfred Kinsey, the hyper-sexed poster boy for bias in sampling. Again, one searches in vain for any mention of "Black Athena" (or its author Martin Bernal), which propounded the theory that the Greeks (the ultimate in dead white males) stole philosophy, math, art, and science from Africa. Again, I surely commend Carroll for discussing the oft-forgotten Lysenko affair, in which a rank pseudo-scientist was able to exploit political ideology to destroy genuine biological science in the Soviet Union, but what about the current attempt by feminists to stamp out research on gender differences in cognitive psychology?

Also mocked are delusions with some mainstream support, like the Myers-Briggs Type Indicator, the Rorschach inkblot test, and repressed memory therapy.

My suspicion is that skeptical academics are more apt to debunk the belief systems of the hoi polloi than deal with the absurdities so prevalent in contemporary academia for a number of reasons. First, although the average man is usually modest about his intellectual abilities, academics are usually less modest, if not positively hubristic.

Second, the degree of vapidity of belief is often greater with academics. As Orwell observed, there are some ideas so stupid that only intellectuals can believe them. Suppose someone tells me he believes in reincarnation. While I think this belief is silly, I confess that nothing in my experience directly refutes it, so my mind simply rolls along. But to hear someone — with a Ph.D., no less — argue that paying everyone equally will maximize production, or that there are no innate differences between men and women, or that criminals don't choose to commit heinous crimes, but commit them because of ignorance, so profoundly offends my daily experience that my mind boggles.

There's no entry on Margaret Mead, whose pseudo-scientific research persuaded people that all gender differences are culturally constructed.

Third, there is simple pusillanimity. Tell believers in astrology that they are fools, and nothing happens. But if a university professor tells feminists or diversity scholars that their arguments are specious, they will demonstrate outside his office or torment feckless administrators until he is sacked.

Finally, there is sympathy. As Solzhenitsyn observed long ago, if you're a left-liberal, you have to have a sneaking sympathy for socialists, so in turn for communists. If you believe social justice requires confiscating most of what a productive person earns, why not all? The vast majority of academics are politically and socially liberal, as well as secular, and this colors even their skepticism.

Carroll's book is delightful, but not revolutionary. ❑

"Actually, his hidden agenda is all too obvious."

Terra Incognita

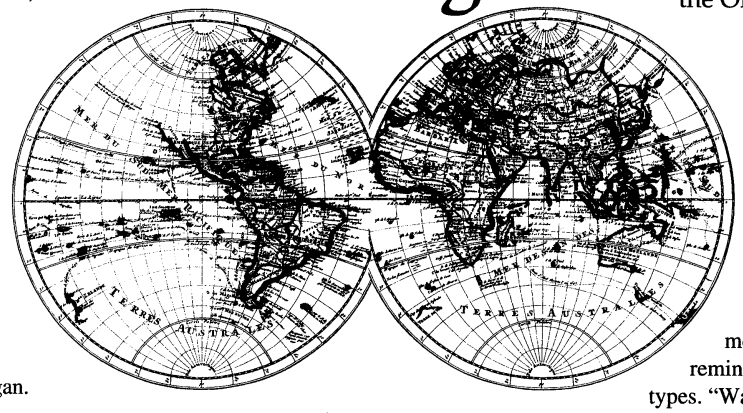

London

The wheels of justice grind exceeding slow, but exceeding fine in the United Kingdom, from a dispatch in the *Daily Mirror*:

A 15-year-old juvenile delinquent charged with violating the terms of his anti-social behavior order was released when magistrates discovered that because of a misprint, the youth had been ordered not to be in public without alcohol, and that he was also duty bound to act in a threatening manner likely to cause harassment, alarm, and distress to others.

Fukuoka, Japan

How Japanese children prepare for adult life, from the *Japan Times*:

Kidsbeer, a nonalcoholic brew aimed at children, is catching on with young drinkers and is posting monthly shipments of 75,000 bottles, according to maker Tomomasu. "Even kids cannot stand life unless they have a drink," reads the product's advertising slogan.

The European Union

Adulthood isn't what it used to be, from a dispatch in London's *Sun*:

The EU has deemed it a health hazard for barmaids to show too much cleavage, saying they run a risk of skin cancer if they expose themselves to the sun when they go outside to collect glasses.

In response, drinkers in Munich are threatening to boycott the famous Oktoberfest beer festival. Munich mayor Christian Ude said, "A waitress is no longer allowed to wander round a beer garden with a plunging neckline. I wouldn't want to enter a beer garden under those conditions."

London

Water conservation in the United Kingdom, from a report in the *Guardian*:

Legal threats from the Thames Water utility company forced Mark McGowan to turn off his exhibit called "The Running Tap." McGowan had turned on the kitchen faucet in a south London gallery, and planned to leave it running for an entire year, in an effort to protest wasted water in London.

Oslo, Norway

Advance in penal science, reported by *Ringerikes Blad*:

A Norwegian prison has stopped giving yoga sessions to inmates after finding that some of the prisoners became more aggressive and agitated. Prison warden Sigbjoern Hagen said that deep breathing exercises could make the inmates more dangerous by unblocking their psychological barriers.

Los Angeles

Advance in cartographic prudery, from the *Los Angeles Times*:

Comments from a handful of passers-by led to a last-minute alteration of a map of Los Angeles County being shown at the California State Fair.

Los Angeles County officials ordered a small section near Malibu cut off a map prepared for display at an exhibit celebrating California's counties. A few passers-by said the area resembled male genitalia.

Miami

Progress in racial sensitivity in the Old South, from the *Miami Herald*:

Miami city leaders are apologizing for a news release that invited summer campers to a "Ghetto Style Talent Show" and "Watermelon Eating Contest." The release said that children participating in the summer camp who "know the meaning of ghetto style" would have a chance to "prove just how ghetto they are."

Critics said that the watermelon eating contest is a painful reminder of racially insensitive stereotypes. "Watermelon, back in the days, was a good food for African-Americans, according to the Bible, but at the same time, it had an attachment with slavery and bondage ties," the Rev. Carl Johnson said.

Seattle

Novel legal theory, from the bowels of Ecotopia, noted in the *Seattle Times*:

James C. Garrett, who has a felony conviction for assaulting former Seattle mayor Paul Schell with a bullhorn, wants to run for mayor himself.

To support his candidacy, he argued in an administrative hearing that the Washington state law which bars him, as a convicted felon, from running for public office should not apply because the U.S. government's authority is invalid, and because he suffers from "post-traumatic slavery syndrome."

San Bernadino, Calif.

Advance in the struggle against metaphorical starvation in elementary schools, from the stalwart *San Bernadino Sun*:

Sociology professor Mary Texeira commended the Board of Education for agreeing to incorporate Ebonics into school programs for black students. "For many of these students Ebonics is their language, and it should be considered a foreign language. These students should be taught like other students who speak a foreign language."

Texeira also compared the low performance of black students to starvation: "How can you be angry when you feed a family of starving children?"

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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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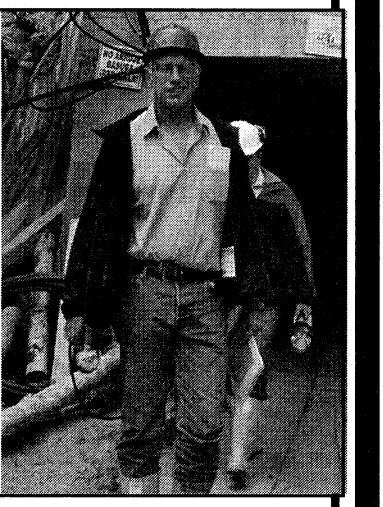

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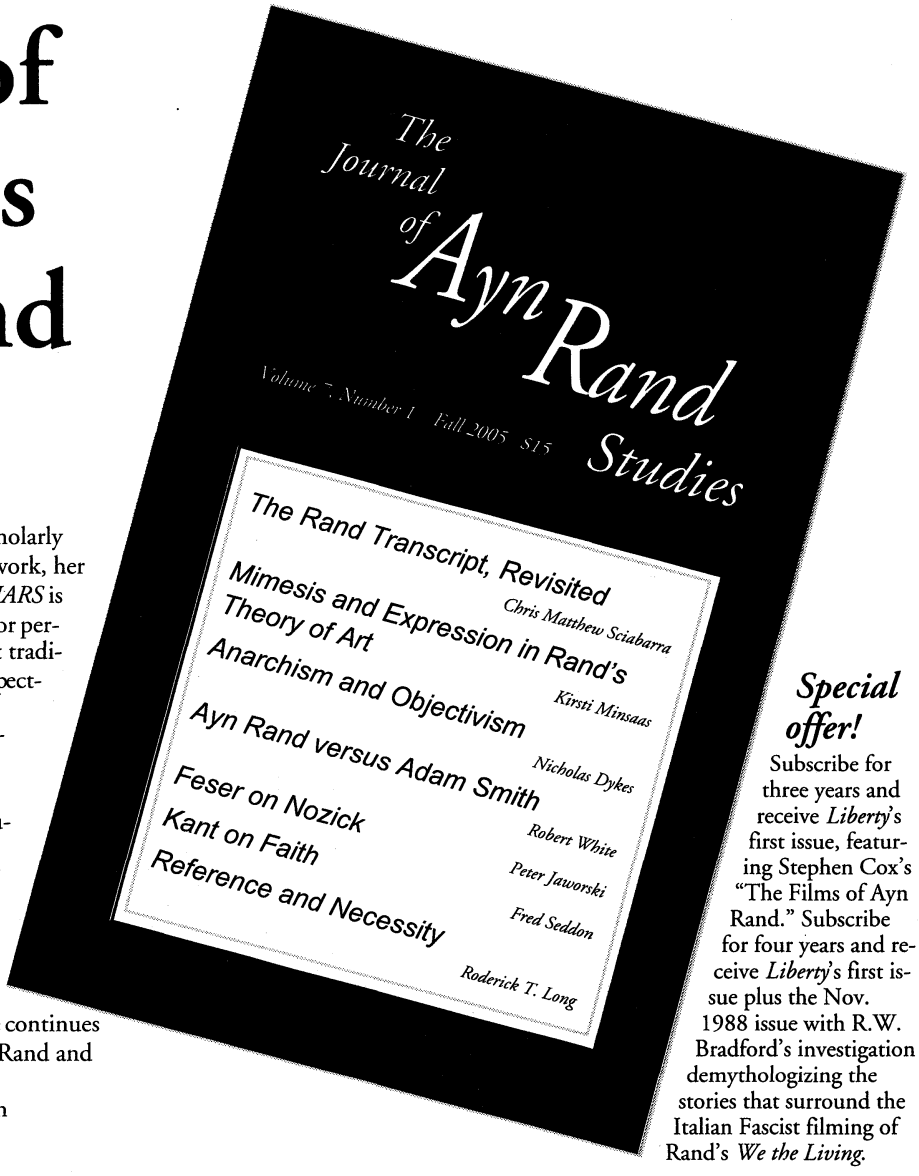

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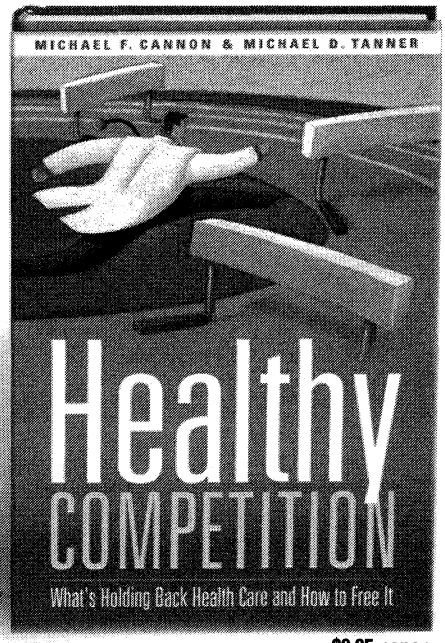

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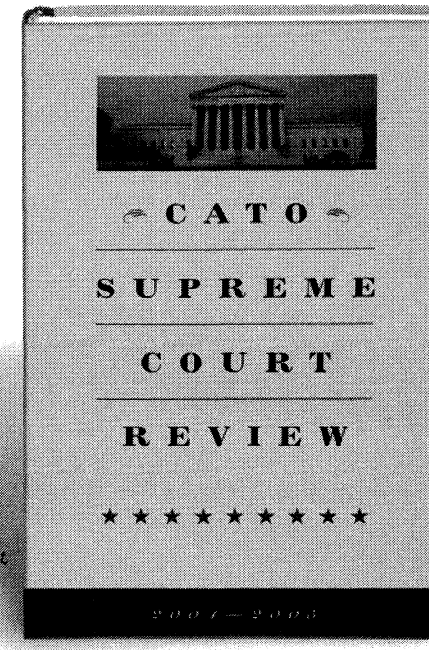

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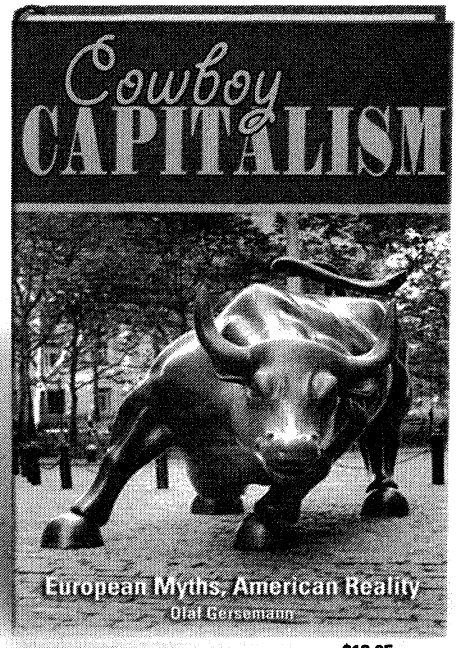

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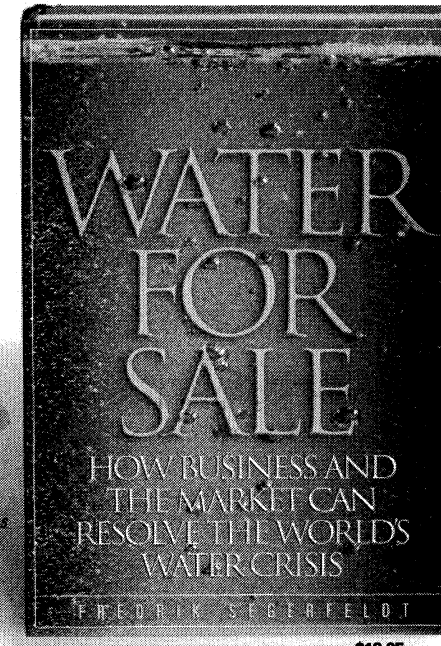

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Inside Liberty

November 2005
Volume 19, Number 11

4 Letters Our readers push aside the veil.

5 Reflections We chase Bush to the Carpathians, have our tee times canceled, reroute pork, convince our cars we're sober, give a sitting ovation, move Mardi Gras to Montana, declare war on god, and drive all night.

The Katrina Disaster

15 Who's Really to Blame How can Americans watch the government create a disaster and botch relief efforts, and then expect the government to make everything better? *R.W. Bradford* explains.

17 Bringing Order Out of Chaos As New Orleans flooded, several libertarian and classical liberal scholars discussed what went wrong and how disaster management should work.

23 Riding Out the Storm Nearly every New Orleans resident with a car got out safely. *Randal O'Toole* wants to know why city planners scoff at auto ownership.

Features

25 The Total Failure of William Rehnquist *Timothy Sandefur* examines the career of one of America's longest-serving Supreme Court justices and wonders: How did he manage to do so little?

28 The Greatest Generalization The Last Good War provides the Last Bad Analogy, suggests *Clark Stooksbury*.

31 Thwarting the Will of the People *Bruce Ramsey* exposes yet another way in which politicians thwart the voters' wishes.

Reviews

35 Useless Idiots Why didn't Stalin's victims try to take him out? *Stephen Cox* explores the conundrums of totalitarianism.

44 The Austro-Chicagoan Empire The two great schools of free-market economics agree on many issues — in practice. But when it comes to theory, *Alan Ebenstein* finds, they're separated by more than just the ocean.

45 Enterprise Lives, Barely How can entrepreneurs hope to succeed in a climate so choked with regulations that you can't even breathe without submitting an application in triplicate? *Martin Morse Wooster* checks the pulse of Europe.

46 Notes on Contributors The lilies of the field.

47 Terra Incognita Paved with good intentions.

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Letters

Re: Tort

Thomas Crancer makes an interesting point (Letters, September), to the effect that trial lawyers making a profit are simply earning a living like doctors, grocers, and everybody else.

That's fine, as far as it goes. But there's a little more to it than that. After all, the courts are a branch of government, and their awards are enforced by police power. And many lawyers are "officers of the court."

I doubt if a businessman could charge as much as he wanted for his product, and expect the courts and police to back him up. That would be "corporate welfare" with a vengeance!

Charles H. Chandler
Lexington, Mass.

Dynamic Mother

Regarding Jane Shaw's reflection on global warming (October), all these global warming Ph.D.'s and the general public should be aware that the earth's climate is cyclical.

From A.D. 900–1500, earth's northern hemisphere was in a cooling trend. This caused the Norse to abandon Greenland in the 13th century. It seems that around A.D. 1500, Mother Earth began a warming trend. Hudson saw blue- and grey-eyed Eskimos. Our current warming trend could well reverse itself in A.D. 2200.

The good news is that more sun and warmth enable us to grow more food. The bad news is that malaria, which was in the Sacramento Valley as recently as the 1890s, will make a comeback. And now we have Nile Fever, so we are spraying for mosquitoes.

The Chicken Littles need to learn from history — Mother Earth is dynamic.

Cyril Stevenson
Carmichael, Calif.

Dredful Ignorance

Stephen Cox ("Fruitless Controversies," October) was right on target in demonstrating the futility of argument. (In all my attempts to portray the Bill of Rights as restrictions on Congress — its sole intended purpose — I have yet to gain one convert.)

His example of talk show host Walter Williams' exchange with a caller drew my attention. Williams had maintained that the Constitution is not a 'living document,' and should be interpreted as was intended by the founders.

The caller claimed that the *Dred Scott* decision had abolished slavery by reinterpreting the Constitution "so as to agree with the judges' own opinions." Williams had to inform the caller that *Dred Scott* "was famous for upholding slavery."

That's classic — the blind leading the blind. If ever there was a case that upheld original intent, it was *Dred Scott* v. *Sandford*. The Court held "that the plaintiff . . . is not a citizen of Missouri in the sense in which that word is used in the Constitution, and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no

continued on page 24

Letters to the Editor

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Reflections

Allahu akbar, indeed — As I write this, one week post-Katrina, it appears the hurricane's death toll may well exceed that of 9/11. It follows that Bush's best political move is to declare war on God.

To pacify his Christian base, he should clarify that it's the Muslim God he's declaring war on. It would help if Bin Laden issued a fatwa stating that if the U.S. doesn't pull out of the Middle East he will continue to send hurricanes against us.

I recommend that Bush, when he declares war on God, use the phrase: "He can run, but he can't hide." This seems a reasonable statement about an entity said to be everywhere at once. The War on God would show Americans that we don't take guff from anyone! Granted, it would be a futile, unwinnable war, amorphous and ambiguous in its objectives, hugely costly . . . but when has that ever stopped the U.S. government?

— Ross Levatter

Autumn of the patriarch — Back in December 1989, Romanian dictator Nicolae Ceaucescu, or the "Genius of the Carpathians," as one of his many absurd titles and honorifics put it, stood speechless and baffled as his rent-a-crowd suddenly turned against him in the central square of Bucharest, shouting him down. Soon he and his wife and co-dictator Elena were being lifted by helicopter from the roof of a government ministry and trying to escape to Carpathia or some other remote corner of the country before their rebellious army caught up with them, which it did, followed by a kangaroo-court trial and Christmas Day executions.

The approaching end for George W. Bush won't be nearly so operatic. He may be speechless and baffled every chance he gets, but he's no megalomaniac Stalinist dictator, just a faux-folksy Yale frat-boy mediocrity, and if there's a "Genius of the Central Texas Plains," it would be Karl Rove, not Bush. His own carefully screened and purged crowds at campaign stops never turn on him, but the White House press corps has recently worked free of its leash and collar, and started growling, and his public approval ratings have tanked. And in one respect, his regime has developed a striking resemblance to Ceaucescu's.

When the facade comes down, it comes down quickly. The walls of this exceptionally insular, walled, moated, self-enclosed hall-of-mirrors administration are suddenly crumbling very fast. The facade was one of toughness and competence. Bush and his cronies were not going to be nice and empathetic and tirelessly seductive like talkative, shifty nuance-monger Bill Clinton, but unlike him they would be decisive and professional and as steely and laconic as John Wayne or Gary Cooper.

That description fits almost all of the soldiers who have been sent into a nearly impossible situation in Iraq, but not the fools who sent them there. Yet the hallucinations of Bush and Cheney and their entourage about Iraq, and the criminal incompetence of the Pentagon planners and Paul Bremer during the occupation were only eroding the administration's tough, take-charge facade very slowly. Under the onslaught of Katrina it gave way almost as fast as the levees.

— Eric Kenning

Squall clarification — In a stunning admission, President Bush insisted he's been misquoted practically since the inception of his political career and has simply been too busy clearing brush on his sprawling Texas ranch to issue the necessary retractions. As it turns out, Bush's seeming untiring advocacy of "small government" was instead an outline for "squall government," that is, a federal government that leaps into action after torrential downpours, checkbook ablaze. Similarly, what so many had taken to be "get government off our backs" was in fact an assurance that "government's got your back." The president has pledged to work on his elocution to avoid future misconstruences, and hopes nobody's too mad at the apparent confusion. — Norman Ball

Lagging questions — If you watched a lot of TV coverage of the hurricane in New Orleans, you gained a deeper understanding of the meaning of the word "garbage." One of my most memorable experiences was hearing a reporter proclaim that a Mississippi town had been "completely leveled, as you can see" — while the camera panned across a landscape of two-story buildings, all standing upright.

But for me, the smelliest bag of gunk dropped into the can on September 7, on the CBS "Early Show." It was a story about how demoralized the New Orleans police had become because of the federal government's lagging relief efforts.

Although President Bush was not mentioned by name, it was plainly suggested that because of him, "at least 200 officers walked off the job. Hundreds more are missing. Two committed suicide." The show's on-site reporter turned to a police captain to verify the psychological-disaster story. The captain did appear somewhat distressed. He said that he was tired of being shot at all the time. "They [even] tried to take me hostage!" he added.

I naturally expected the reporter to ask, "Who tried to do that? Why? Did you arrest them?" After all, the guy was reporting a major crime, which is presumably still news.

Kindly, gently, someone could have asked just one hurricane survivor, "Did you ever think about moving two or three miles away?"

Indeed, he was reporting a massive crime wave. But no such questions were forthcoming. The reporter merely expressed his sympathy for the cops' low morale.

Now, anybody with a lick of sense, whether he be conservative, libertarian, communist, fascist, modern liberal, or Martian theocrat, knows that a cop is supposed to stay on the job, no matter what, and that cops have a lot more responsibility for protecting the populace than the president ever had or ever should have. The fact that the mainstream media don't know this is final proof that they've lost every lick of sense. It's also very clear, from the kind of questions that the media asked, and didn't ask, that they've lost all conception of how to do their jobs.

There's an old journalists' story about an editor who sends a rookie reporter to cover a society wedding, which is the easiest thing in the world to cover. When the rookie returns to the office, the editor asks for his write-up. "I'm sorry," the rookie says. "I don't have one. There isn't any story."

"Isn't any story!" the editor replies. "Why not?"

"Because there wasn't any wedding."

"Wasn't any wedding? Why?"

"Well, everybody was there in the church and the organist played and the minister started his sermon, and suddenly some guy ran down the aisle and shot the groom dead. So there wasn't any wedding, after all. Sorry, chief."

The mainstream media are like that rookie reporter. As far as they're concerned, there wasn't any story in New Orleans; there was only Sympathy for the Suffering and a long awaited revenge on Bush. Even Fox News kept showing the same dismal footage over and over again — flooded streets, banged-up houses, angry people demanding government aid — never asking the kind of questions that any real reporter would immediately come up with. I have a big file of those questions (probably you do, too).

News You May Have Missed

Feds Say Weather Spoiled Plans

WASHINGTON — Deposed FEMA director Michael D. Brown and other federal officials blamed their poor performance in late August on the weather, which forced delays in implementing emergency bungling procedures. "We had well-prepared contingency plans in place for the whole week leading up to the busy Labor Day weekend, so that if one golf course was too crowded, we could, as an alternative, reach another safely," Brown said, "but we definitely goofed by not checking the weather reports. Everything would have worked out perfectly, not just for me, but for those folks down south, if it hadn't been for the lousy weather."

A high-level Department of Homeland Security official said that he did glance at the weather box on the front page of the Washington Post before heading off for some weekend sailing in Chesapeake Bay on August 26, and, noting that the forecast was for mostly sunny skies and seasonably warm temperatures with light southwesterly winds, he didn't foresee any problems for either his plans or anyone else's, but he later learned that the forecast was misleading in that it applied only to the mid-Atlantic coast region. "Apparently, given the lack of uniform federal regulations, they have different weather in some parts of the country," he said. "We probably need a new cabinet-level Department of Homeland Weather, Health, Security, Happiness, Luck, and Human Redundancy to address this problem in a deliberate, regulation-encumbered manner, but the fact is that we were right on top of it, or would have been, except that if you were here looking out of the office windows at that time, you couldn't have asked for a nicer day."

President Bush, continuing to voice support for embattled administration officials, said he understood their complaints about the weather since his own carefully planned occupation of Iraq had been all but ruined by the unforeseen contingency of violent resistance. "Weather and foreigners are fickle and unpredictable, kinda like my mother," the president remarked, apparently alluding to the fact that after Barbara Bush said that displaced victims of Hurricane Katrina were "underprivileged anyway" the National Hurricane Center declared her a dangerous Category 5 snob and predicted she would make landfall in Kennebunkport, Maine, where FEMA officials were already on the ground providing fuel-efficient Priuses to residents who were reluctant to pay $3.50 a gallon to evacuate in their Lexus SUVs and National Guard troops were patrolling to prevent looting as supplies of caviar and Louis Roederer Cristal champagne were said to be running dangerously low.

Meanwhile, TV evangelist Pat Robertson, in spontaneous remarks made during his "700 Club" cable show, called for the assassination of a tropical depression forming in the Caribbean, just a few hundred miles north of Venezuelan president Hugo Chavez. — Eric Kenning

"Give Me Liberty or Give Me Death."
—Patrick Henry, 1776

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Some of them would start with the observation that people who lived in New Orleans had been taking a conscious risk. Any large hurricane was bound to flood the place. Maybe the risk was worth taking, but what were the factors involved? Kindly, gently, someone could have asked just one hurricane survivor, "As you know, New Orleans has been called 'a bathtub waiting to be filled.' Did you ever think about moving two or three miles away?"

Other questions would be simply factual. If, as we were constantly told, only people who didn't have the means to get out of the city sought shelter in the Superdome, why were there so many cars clogging the inundated streets? And what accounts for the presence of all those able-bodied men and women who immediately started looting?

Speaking of the Superdome, why didn't the city government make arrangements for the refugees to go to higher ground? And once those refugees saw that the government had abandoned them without adequate sanitation, adequate supplies, or adequate police protection, why didn't the responsible people among them band together to provide for their defense, improvise sanitary facilities, and present a list of their needs to reporters, so that a useful message could get out to people who could help?

By the way, how did the reporters get in and out of all those places that normal people allegedly couldn't get out of? If they were so concerned about the suffering survivors, why couldn't they set up communications centers to get faster relief for them? If they were so concerned about the sick and dying, why couldn't they take some of these people out with them?

And what about other kinds of private action? In my many hours of media watching, I never saw anyone call an official of a hotel, church, or corporation to find out what was happening on the property owned by such outfits, and what they were doing to help. Nor did I hear, even once, the pregnant question, "Do you have insurance?"

I confess that I wasn't expecting to hear any questions about the president's call for over $50 billion in federal aid to the "hurricane ravaged" but presumably insurance-free zones, despite the fact that this sum amounts to well over $100,000 for every man, woman, and child in New Orleans. Asking questions about the federal government's responsibility to "help people" is a very obnoxious and obtrusive thing to do. And as we know, the news media would never do anything that wasn't in the best of taste. — Stephen Cox

The hot dog highway — Why not divert the billions that Congress earmarked for pork in the latest transportation bill to the humanitarian needs of New Orleans and the other areas devastated by Katrina? It's a quixotic idea, but it's appealing. Ronald D. Utt made that suggestion in a September 2nd commentary for the Heritage Foundation. Utt pointed out that $25 billion is going to be spent on comparatively frivolous uses such as hiking and biking trails, an auto route through a wildlife refuge, and the restoration of a train station — not to mention two highly dubious $200 million bridges in Alaska, home of House Transportation Committee Chairman Don Young.

Such expenditures were ridiculed for their inappropriateness when they became known, says Utt, but today they "are no laughing matter when their funding could be redirected to begin to rebuild the infrastructure of the Gulf States."

Among the items too numerous for Utt to mention were the $4 million earmark for a downtown parking garage in my hometown of Bozeman, Mont., and $1 million plus for Bozeman's yet-to-be built library. Even Montana's seasoned Senator Max Baucus had trouble swallowing the idea that the library's "urban plaza" was transportation, calling the library funding "a little bit of a stretch." He kept it in the bill anyway.

I don't expect this shift of funds to actually happen, but who knows? Americans have shown their generosity with a spontaneous outpouring of funds for Katrina victims — the total collected surpassed $500 million by early September. It would be wonderful if that same sense of generosity spurred a reconsideration of the transportation bill, which was already an embarrassment to many. — Jane S. Shaw

Refusing to separate the wheat from the dope — John Roberts is no Clarence Thomas. Indeed, much of the hearings amounted to Democratic senators making sure he is nothing like Justice Thomas. Still there were glimmers of a spirit the inquisitors will not like.

Sen. Ted Kennedy asked him if he agreed with both the holding and the reasoning in *Brown* v. *Board of Education*, the 1954 case which proclaimed that racially segregated public schools violated the Constitution's promise of "equal protection of the laws." Yes, Roberts said, he did; but the reasoning was important. It wasn't about the effects of segregation. "The genius of the decision was the recognition that the act of separating the students was where the violation was." Equal treatment, not equal results.

Sen. Charles Schumer homed in on *Wickard* v. *Filburn*, the 1942 case of the farmer who grew more acres of wheat than

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the federal government permitted, and fed the excess wheat to his chickens. The Court ruled that under the power to regulate interstate commerce, the government could penalize Wickard for growing that wheat. That case established the rule that even transactions conducted entirely on one man's property could be regulated if, when thousands of others did those same things, there was an aggregate effect on interstate commerce. It was one of the great holes in the Constitution opened by the New Deal court.

Roberts declined to comment on it.

The senator was unsatisfied. Roberts had said he agreed with other old cases, from *Marbury* v. *Madison* to *Brown* v. *Board of Education*, and *Brown* was more recent than *Wickard*. Why not affirm *Wickard*?

Robert's answer: Because of *Gonzales* v. *Raich*. That was the medical marijuana case, brought by libertarians, decided in June 2005. *Raich* reopened the question of *Wickard*. Instead of wheat for chickens, it was medical marijuana for Angel Raich — but the constitutional issue was the same.

Raich lost her case and the government won, but it was a divided court. Which meant Roberts wouldn't say whether he agreed with it, though he did say he had "no agenda to revisit it."

Not a Clarence Thomas, but better than some. (I hope.)

— Bruce Ramsey

99 bottles of beer on the road — The American automobile industry has paneled itself with the veneer of freedom for decades. The image of a lone car on the open road stirs the hearts of men, and coaxes cash out of their wallets. Men long to slide into the cockpit of a hemi-powered freedom machine, point it toward the horizon, and let the engine wind over the red-line.

Such images are illusory and fleeting, since any new driver pulls out of the car lot directly into a tangle of red tape. Once on a public street, he is faced with speed limits and a gaggle of road regulations that make "1984" look like David Friedman's anarcho-utopia.

The history of automotive law reads like the birth of totalitarianism. As automobiles proliferated, states required drivers to be identified and photographed, to register their vehicles and insure them. State and national speed limits were imposed, and the personal cost of insurance rose with traffic infractions; hence fewer people would ever learn the top speed of their vehicles.

You could get loaded and still be able to get home after the bars close, although no faster than a life saving clip of two miles per hour.

Seatbelts and airbags were made mandatory, roadblocks became common. Most cars now have black boxes installed, recording every quick stop, and every acceleration over the speed limit.

Now, Ford Motor Company is experimenting with the Brave New World of automobile fascism. Ford is working on a breathalyzer-seatbelt interlock so that cars will remain immobile unless the driver is buckled in and tests sober.

One can speculate that the interlock will also be tied to the black box, so that any attempt to start a vehicle while intoxicated or exceed the speed limit will be dated, recorded, and possibly used in court in things like child custody cases.

I personally can't see anyone actually ordering a breathalyzer or speed governor option for his vehicle. People that don't drink or speed won't want to pay the additional price;

News You May Have Missed

God Talking to Lawyers

ROME — The Supreme Being is threatening to file a lawsuit for defamation of character if the practice of referring to disasters like Hurricane Katrina as "acts of God" in legal documents and insurance policies isn't halted immediately, according to Pope Benedict XVI, who said he spoke with the "visibly angry" deity last weekend.

In a transcript of the interview made available by sources in the Vatican, God said that Katrina and similar catastrophes were not his fault, because he had long ago delegated day-to-day responsibility for the weather to a large celestial bureaucracy, which, he said, due to overlapping responsibilities and cumbersome regulations along with, he admitted, a certain amount of cronyism at the top, "occasionally screws up big-time." He added that he had told his college roommate, the Archangel Uriel, who was serving as the director of the Central Weather, Earthquake, and Locust Management Agency, to steer Katrina out somewhere into the mid-Atlantic, but the angel, who was formerly the head of the Arabian Horse Division of the Equine Administration of the Department of Flora and Fauna, "apparently failed to get my message or was just plain asleep at the wheel." By the time he found out that Katrina had barreled into the Gulf Coast it was too late to stop it, but far from being an "act of God," it was, he said, repeating the traditional rundown of the heavenly hierarchy, an "act of Seraphim, Cherubim, Thrones, Dominions, Powers, Principalities, Archangels, and Angels, folks who usually do one helluva good job but in this case, and a few hundred thousand others, obviously didn't know their ass from their elbow."

God added that he is considering a temporary suspension of all weather deliveries until the problems are fixed, but added that this, too, would inflict a certain amount of suffering, since people wouldn't have a clue about how to dress for no weather whatsoever, and tens of thousands of forecasters and CNN correspondents would be thrown out of work.

— Eric Kenning

and those that do drink or speed won't want the hassle. So why is Ford even bothering to experiment with this technology? A quick visit to the Mothers Against Drunk Driving website will show you that the Mothers are now very involved with legislation requiring breathalyzer interlocks. Perhaps Ford is only anticipating future legislation, and a day when these things will be required on all vehicles.

An innovation I might agree with would be an incremental breathalyzer tied into the speed governor, in exchange for immunity from all DUI legislation. That way, the drunker you get, the slower the car goes. You could get loaded and still be able to get home after the bars close, although no faster than a life saving clip of two miles per hour.

When the history of the rise and fall of liberty in America is written, the first battlefield where freedom was lost will probably be recognized as the interior of the American automobile. — Tim Slagle

Stop the clap — Living in New York, I take advantage of the proximity of Broadway as often as I can. One trend is driving me nuts, however: the tendency of tourists to offer a standing ovation at the end of every play, rendering the gesture virtually meaningless. Invariably it begins down front, in the half-price gallery. (The TKTS booth in Times Square generally sells seats in the first two or three rows and the outer edges of the theater, so it's easy to spot the tourists. Hint: if this really were a first-run, standing-ovation-worthy play, you wouldn't be buying tickets for it at the half-price booth!) Overcome with joy at the performance, two or three of them pop up like wombats in an arcade game, clapping and beaming at the actors as though they alone can communicate approval to the cast. Feeling a bit awkward now, the standers look expectantly at the people seated around them, as though these idlers aren't doing their part. Dutifully, they stand too. Now the people seated in the rows behind the standers can't see the curtain calls, so they heave themselves out of their seats as well. Within moments the entire audience is on its feet, standing on tiptoes and craning necks to see the actors and the encore that often follows the curtain calls. I do

Word Watch

by Stephen Cox

As I've said before, this column is grateful for whatever help it can get. I am therefore happy to acknowledge the assistance of Laura Ingraham, who on her August 24 radio broadcast replied to a caller in a way that has long been advocated here.

The caller's heart was in the right place: he was a libertarian who wanted to attack the anti-drug laws. "What an individual does in the privacy of their own home," he declared, "is nobody's business but their own." True, but . . . golly, what kind of grammar is that? Ingraham immediately detected the problem. "He means '*his* own home,'" she declared, thus becoming the only figure in the American media to show any acquaintance whatever with the structure of our language.

The most basic rule of language is parallelism. In English, you can't get more basic than the parallel between singular and singular, plural and plural. "An individual" is manifestly singular; "their" is manifestly plural: the two never belong together. For "his" you may substitute "her" or "his or her"; those expressions are also singular. But not to honor the principle of parallelism is merely to advertise your ignorance and lack of taste. Unfortunately, such advertisements appear all day long on radio and television — though not (here I make a low bow) on Laura Ingraham's show.

Yet the logical structure of language involves more than singulars mating with singulars. It involves choosing words that mate with their intended significance. The test comes when we try to picture what meaning (if any) our words literally project. If you say, "My love is a red, red rose," I can picture a rose and picture your girlfriend or boyfriend and understand that you believe that this friend is as beautiful as the plant. You may be mistaken; your love may actually be more like a weed, but that's an aesthetic rather than a linguistic problem.

If, though, you decide to write, "Growing beside the road, I thought of my love when I saw that rose," the communication is not quite so clear. Sure, most people will understand what you're trying to say: you were going down the road and you saw a rose, and it reminded you of someone you like. But that's not what you literally said. You literally said that you ("I") were somehow "growing beside the road," when you saw a rose, et cetera. (You don't picture the sentence that way? Then what does "growing" modify? The closest available candidate is "I.") I don't think that's the impression you wanted to create.

Rules of grammar and usage — in this case, the rule against what is called a dangling modifier ("growing beside the road") — are meant to keep wrecks like that from happening. But you don't need to know all the rules. What you need is common sense and an interest in picturing what words really say.

Often the results are ludicrous. A certain city in America (all right, it's my hometown) contains a park that features an enormous artificial waterfall. For many years this object was called "The Cascades." Now, for some reason, it's called "Cascades Falls." I guess that nobody looked in the dictionary under "cascade." The word means "falls." So what the new name literally means is "the Falls of the Falls." Visualize that, if you can.

In northern Indiana, where people are perpetually worried about whether they should be on Central time and agree with Chicago, or on Eastern time and agree with Michigan, a person who runs a golf course recently told a TV reporter, "I just think when you're doing business with somebody, he ought to be on your same time zone." When you try to visualize that, you will see that "your" and "same" are two words competing for a single job. A businessman who's in "your" zone is already in the "same" zone. And vice versa. No, it doesn't make any difference whether it's Standard or Daylight Savings Time.

Now here's a verbal trip that goes way beyond simple redun-

it too, because the idiots are blocking my view. But it drives me crazy!

Are standing ovations ever warranted? Of course. I remember my emotions compelling me to rise from my seat as the cast sang, "Who will be strong and stand with me?" at the end of "Les Miserables" when it opened 20 years ago. But a standing ovation should occur only when one is truly overcome by the performance, and it certainly shouldn't be theater-wide. The sight of 20 joyous, weeping standers scattered throughout the theater would mean more to the cast than an entire theater full of lemmings, standing and beating time to the music (another pet peeve of mine — applaud, don't clap along!) — Jo Ann Skousen

Cooperative profligacy — When Gale Norton became Interior Secretary, she and assistant secretary Lynn Scarlett coined the term "cooperative conservation." To their credit, they began to divert money from government land acquisition to "cooperative conservation" projects.

Somehow, given Norton's and Scarlett's libertarian credentials, I thought their initiative was going to emphasize the importance of the private sector in conservation. But having attended the White House Conference on Cooperative Conservation (held in St. Louis in August), I conclude that nothing of the sort has happened. "Cooperative" refers to relationships between federal officials and local groups, including landowners. These cooperative relationships depend on federal funds.

The Department of Agriculture, in particular, has lots of money to throw around (and USDA bureaucrats were well represented at the conference). The conference featured programs in which millions of dollars are persuading farmers to do such things as build riparian fences in Pennsylvania; plant vegetation along the Chesapeake Bay and the Delaware and Catskill watersheds; plant trees, grass, and shrubs in Missouri; and restore native grasses in Nebraska. This is "cooperative conservation."

Later, I found that the USDA's conservation expenditures

dancy. A village nestled on the flowing breast of Michigan has signs at its borders proclaiming: "City Limit Ends." Well, if the city limit has reached its end, then the city no longer has any limits, has it? Then all is possible! We urban dwellers are free, free at last. Free as God made us. Free to dance in the fields, free to watch the cornflowers bud and the constellations bloom above the endless, furrowed, fecund earth.

Regrettably, that's not what the sign is supposed to mean. The Smallville Department of Metes and Bounds didn't intend to liberate mankind. It just wanted to say, "Here's where the sewer system stops." But, strangely, it said something very different. Why? How? How could it fail at such a simple task?

I'm not sure I know the answer to that. Maybe it has something to do with the bureaucrat's natural tendency to multiply terms, his fear that one word won't be enough to make people pay attention. Thus "Limit" begot "End(s)," which means the same thing as "Limit," right? Yes, and that's the problem.

However that may be, I do know that such expressions violate an essential rule of language: say what you mean, for God's sake! Don't make the rest of us try to visualize your meaning, and come up with something laughable, then try to guess what you *probably* meant, and end up writing tirades like this. And again, even when some general meaning can be gathered from the things you say, you should remember to pay respect to the idea that language is related to logic.

The other day I was told that my favorite childhood TV show, "Spin and Marty," is about to be released on DVD, and that I can "pre-order" the precious object now. (Listen, the first season of that show is really the best. It has the Dostoevskian overtones that the other seasons notably lack.) But what does it mean to "pre-order"? Once you've pre-ordered, do you have to place a real order later on? No, because you've already placed your "order." But that was a "pre-order." So what does it mean to "pre-order"? We can keep going around like this, without ever finding an end to its limits.

The most serious events in life can be rendered absurd by someone's failure to visualize the literal meaning of his solemn words. I am thinking of a headline in the London Times about the young Brazilian who was slain during the panic that followed this summer's attempted subway bombings in London. The headline read: "Police Shoot Dead Suspect." Sorry, you don't need to shoot 'em after they're dead.

Then there were the devastating assaults on language unleashed by the hurricane in New Orleans. Much of the destruction could have been averted if leaders of the speech community had just been watching the relationship between words and meanings. But no, not an interview went by without somebody talking about how disaster relief was "just ramping up," "took too long to ramp up," "wasn't ramped up fast enough," or (thank God for loading docks) was "fully ramped up now." OK, picture a "ramp." Now picture "relief." Picture "relief" being "ramped." Good luck.

Meanwhile, African-American activists made a feckless attempt to restore linguistic order by objecting to the use of the word "refugee," which, they insisted, means "non-citizen." They preferred the term "internally displaced person." Fine. Picture a "refugee." What appears in this mental image, I believe, is someone who is trying to find a refuge. It's as simple as that.

You may be mistaken; your love may actually be more like a weed, but that's an aesthetic rather than a linguistic problem.

Citizenship never gets into the picture. Now visualize a "person" who's "internally displaced." That could mean a lot of things, most of them bizarre and unpleasant, and distinctly unfair to the people concerned.

In some instances, however, one wishes that badly chosen words really did describe reality. An AFP headline said that "Legendary Pianist Fats Domino" was "Rescued from New Orleans Flood." Many other headlines referred to New Orleans as a "Legendary City." I wish that all those headlines were true. "Legendary" means "mythical," "unreal." Would that only legendary cities were ever destroyed by wind and water, and only legendary people ever needed to be rescued.

for fiscal 2004, including the $1.8 billion for the Conservation Reserve Program (CRP), added up to nearly $3 billion a year. When this program originated in 1985, it came endorsed by environmentalists. Its goal was to stop "sodbusting" and thus protect marginal, erodible land that was being misused for crops. The USDA would pay farmers to stop farming that land.

But the program was largely ineffectual for conservation. Farmers who got the most CRP funds were those who cultivated the most "marginal, erodible" land, which could then be set aside. Those who had practiced good conservation practices lost out because they weren't cultivating erodible land. Furthermore, the farmers didn't have to do anything except set aside land, so they just grew grass — and during droughts cattle grazed on it anyway.

So new programs evolved — all costing money. According to Agriculture Secretary Mike Johanns, in addition to $1.8 billion in CRP funds in fiscal 2004, there were the following conservation expenditures: nearly $720 million for the Environmental Quality Incentives Program (mostly to help livestock owners improve soil, air, and water quality), $35 million for the Conservation Security Program (a broad-based conservation enhancement program — what distinguishes it from others isn't clear), $90 million on the Farm and Ranch Lands Protection Program (to fund conservation easements), $56 million for the Grassland Reserve Program (which pays for protecting and restoring grasslands), nearly $75 million for the Wetlands Reserve Program (paying farmers to restore and protect wetlands), more than $27 million for the Wildlife Habitat Incentives Program, and $10 million for Agricultural Management Assistance (which goes to farmers for "incorporating conservation into their farming operations").

These programs may not be all bad (and don't forget — other federal departments have their projects as well). My point is that these are subsidies, and I don't like them being called "cooperative" conservation. — Jane S. Shaw

Always a lawsuit. Always! — Wal-Mart is everything the activist Left hates — aggressive union-breakers, staunch free-traders, conservative and vaguely Christian corporate capitalists — in one convenient big box. Visit a left-leaning town where Wal-Mart is attempting to set up a store, and you'd think Auschwitz was moving in next door.

The activists have laid down a number of speed bumps — zoning restrictions, labor disputes, a class action sexual harassment lawsuit — but nothing they've done has slowed Wal-Mart down. Even worse: Wal-Mart scored a PR coup by upstaging the government after the hurricane, shipping emergency aid while FEMA was still claiming that getting trucks to the Gulf Coast was impossible. Activists didn't make many friends by claiming, after hundreds of lives had been saved, that Wal-Mart should have done even more.

Thus a recent lawsuit filed in California Supreme Court carries with it a whiff of Armageddon; perhaps the last chance to fight Wal-Mart globally instead of locally. Backed by plaintiffs from four continents, the suit claims that Wal-Mart "workers" were forced to work unpaid overtime, below minimum wage, with no time off for holidays. Why the scare quotes? Because none of the plaintiffs are actually employed by Wal-Mart; most work in sweatshop factories in Bangladesh, in Swaziland, in Nicaragua (the remainder of the plaintiffs are California business owners claiming that Wal-Mart is engaging in "unfair competition," i.e., selling merchandise at lower prices, providing better service, or both).

For all the talk of Wal-Mart exploiting workers in developing nations, the most egregious exploitation here is that of the workers by the union lawyers supposedly representing their interests. Wal-Mart propagated a Supplier Standards Agreement in order to improve the lot of sweatshop employees; if the retailer hadn't set up these standards, if company executives had said "Screw the poor," then the company couldn't have been sued. What kind of message does this lawsuit send?

If I were a Wal-Mart exec, I would point to this case every time activists start hectoring me about being a "good corporate citizen." I would realize that no amount of concessions will ever be enough to satisfy the activists; in fact, any

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concessions I make will be taken as signs of weakness. I would, above all, stop paying any attention to whiny waspish protesters who, no matter what I do, will never spend a dime in any of my stores. — Andrew Ferguson

Getting thin up top — Steve Connor, the Science Editor of the U.K.-based Independent, claims in his Sept. 16 column that scientists are convinced that "the northern hemisphere may have crossed a critical [global warming] threshold beyond which the climate may never recover." The cause for his alarm is a decline of sea ice in the Arctic, which "has reached its lowest monthly point . . . in hundreds and possibly thousands of years." Connor explains that since open sea reflects less sunlight than does sea ice, more heat is retained, and a vicious circle of ever-escalating temperatures begins.

Passive microwave data on Arctic sea ice coverage goes back less than 30 years. Less accurate data from other sources goes back longer, but amounts only to another drop in the bucket. Concluding solely from this data that "the climate may never recover" would be roughly analogous to a 40-year-old deciding that since he is hungrier than he has been at any time in the previous twelve seconds, he "may starve to death." However, we also have the albedo effect (the aforementioned greater heat retention resulting from reduced reflectivity) to consider. Here too, getting from the facts to Connor's conclusion is problematic. Arctic sea ice coverage typically varies from around 3 million to about 6 million square miles over the course of each year, while Antarctic coverage typically varies from around 1.5 million to about 7 million square miles each year. The Antarctic's decrease in albedo is greater both in absolute and in relative terms, but there is no runaway effect observed or expected.

Connor doesn't mention any reasons for the observed trend of declining Arctic sea ice coverage. Acknowledging that there are reasons other than anthropogenic global warming — such as the cyclical Arctic Oscillation — would undercut the urgency of his alarm. — Mark Rand

New Orleans in the Rockies — There is some beautiful and inexpensive land in western Montana. Avalanches occasionally roar through, sweeping away homes nestled against picturesque ridges. Still, it's safer than New Orleans. Here's a proposal: allow folks flooded out by Katrina to use their federal hurricane funds to build homes there. This option would apply only to lots with a lower disaster probability than land in New Orleans, thus saving the federal government money over time. If these new homes were taken by avalanches, the victims would qualify for disaster relief funds, as before.

Okay, this proposal to build in avalanche-prone areas is silly, but it is less foolish than rebuilding New Orleans. Again and again, experts predicted the devastation a storm such as Katrina would bring. Hurricanes are not anomalies, but normal events driven by differentials between air and water temperatures in the Caribbean and Gulf. Hurricanes are thought to follow 25-year intensity patterns, swinging between periods of infrequent, low-grade storms, and intervals of fierce, raging monsters. The present high-intensity cycle began in 1995: 15 more years to go.

Much of New Orleans lies below sea level. Based on current and projected rates of land subsidence, coastal geologists at the University of New Orleans have concluded that New Orleans will likely be on the verge of destruction by this time next century, thanks to the fact that the city is sinking at a rate of three feet every hundred years. Two thousand square miles of wetlands — a natural buffer against hurricanes — have disappeared since 1935. Levees often fail, because heightened riverbanks increase the rate at which sediment is deposited in channels. Risks are going up.

New Orleans will likely be on the verge of destruction by this time next century, thanks to the fact that the city is sinking at a rate of three feet every hundred years.

In 1985, the federal government evacuated Times Beach, Mo., because it was an irreversibly unsafe place to live; scientists make the same arguments about New Orleans. Giving folks incentives to return and rebuild in a sinking Gulf coastal area, already below sea level, is grossly irresponsible. While many argue that abandoning New Orleans is unthinkable from a cultural, historical, and political standpoint, the realities of hydrology, geology, and meteorology are unassailable. — Jennifer Mygatt

Shamefully unremarkable — Here is a story of politics that I found in "Luke G. Williams, American Entrepreneur," the autobiography of a Spokane, Wash. businessman.

Williams, who died in 2004, was a founder of American Sign & Indicator, the company that popularized the digital time-and-temperature sign once common on banks. Williams was a conservative Republican. In 1962 he was eastern Washington chairman for Dick Christensen, the (failed) Republican challenger to Sen. Warren Magnuson, and was Washington state chairman for Barry Goldwater's presidential campaign in 1964.

After Lyndon Johnson's victory, Congress considered a highway beautification bill favored by his wife, Lady Bird. One part of the bill as proposed would have banned elec-

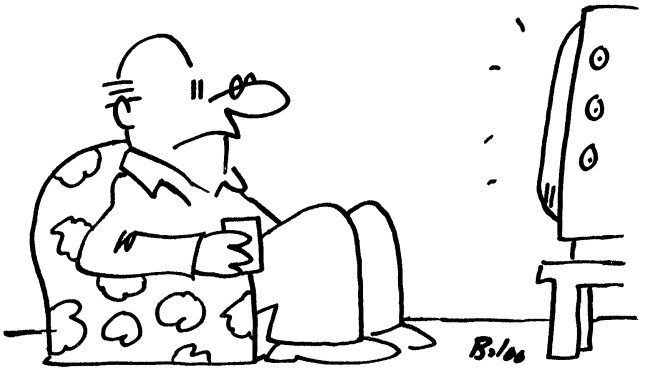

"The following movie has been politically-corrected for television."

tronic signs of the kind made by American Sign & Indicator if visible from a highway. Williams believed it would put his company out of business. The Democrats had a majority and there was little doubt that the bill would pass. To save his company, which had 900 employees, Williams went to Washington, D.C., to get the bill changed.

The person in charge of the bill was Sen. Magnuson.

"I was pretty sure Magnuson would remember me," Williams recounts in his autobiography, published in 2002 by Trade Mark Press, Spokane. "I had no choice but to go back to Washington, D.C., hat in hand, and lobby the man I had almost unseated."

Williams was sweating. To his surprise, Magnuson "wanted to hear all about my problem." What did Williams need? To have time-and-temperature and public-information signs exempted. Magnuson had it done. There was no condition. But Williams writes, "I'm sure that he felt that if he did me a favor I would be less active in anti-Magnuson politics in the future — which I was."

Fifteen years later, during the 1970s, came another bill to outlaw electric signs, this time to save energy. The man to see in Washington, D.C., was the state's other Democratic senator, Henry Jackson. Williams saw him. As Magnuson had done, Jackson had time-and-temperature signs written out of the bill. This time there was a quid pro quo: that Williams stop his repeated efforts to bankroll challengers to Rep. Tom Foley, the Democrat who represented Spokane in the House — and who later became Speaker.

According to Williams' memoir, Jackson said: "Luke, I want one thing from you. Please get off Tom Foley's case."

"From that day forward," Williams writes, "I never contributed to another campaign against Tom Foley." (Foley would fall in the Republican sweep of 1994, and the district is solidly Republican now, held by Rep. Cathy McMorris.)

Williams puts these stories into his autobiography as if they had no moral import — on him, on the politicians concerned, or for the political system. He is recounting an interesting life, and these were interesting things, so he puts them in.

— Bruce Ramsey

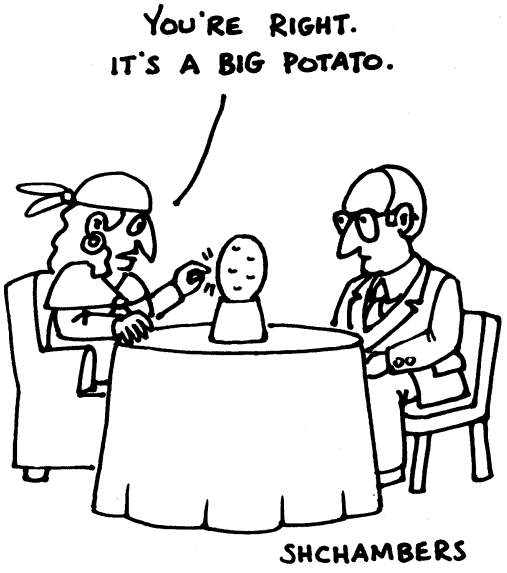

Non-lethal is in the eye of the beholder

— Large cities have become accustomed to riots after local sports teams triumph in big games. So it was that Boston police prepared for the worst after the Red Sox beat their arch-rivals, the New York Yankees, to win the American League pennant last year. As the celebrants filled the streets, the cops yelled at them; when a few fans yelled back, the police reached for pepper spray and tear gas. Victoria Snelgrove, an Emerson College student, had the misfortune of being in range of a cop with a pepper pellet gun and an itchy trigger finger: he shot her in the eye socket, killing her.

In May, an independent investigation found that the police department was guilty of gross negligence, faulting them for "poor planning and training, a breakdown of command discipline and inadequate research before purchasing the air-powered pellet guns for crowd control." Additionally, the panel found that, of the three officers that fired into the crowd containing the student, only one was certified to use pellet guns. Disciplinary charges against the three are pending, but many commentators expect them to be dropped or soft-pedaled, just like recent criminal charges have been.

Crowd control is a necessary duty for metropolitan police forces to undertake: they should be there to protect property, both public and private. It requires a combination of diplomacy, discipline, and analytical reasoning that can take years of training to acquire. What it doesn't require are shock troopers eager for combat, armed with "non-lethal" weapons that they use indiscriminately on crowds they've provoked. Hopefully, whichever city is blessed with a champion baseball team this October will also be blessed with a well-trained, respectful police force that will let its people celebrate in peace.

— Andrew Ferguson

Fact into fiction —

In reading Peter Irons' new book, "War Powers" — a generally fair account about the capture of the war power by the U.S. presidency — I came across two suspect quotations. Each bolstered Irons' leftist view of American business.

The first was the famous statement attributed to Charles E. Wilson of General Motors: "What's good for General Motors is good for the country." Wilson spoke Jan. 15, 1953, to a congressional hearing on his appointment as Secretary of Defense. A congressman asked Wilson if he could make a decision that benefited the country but that hurt General Motors. Wilson said:

"Yes, sir. I could. I cannot conceive of one because I thought for years what was good for our country was good for General Motors, and vice versa. The difference did not exist."

Fifty years later, that is still being misquoted, though it has been exposed in a number of books (I used John Steele Gordon's "Business of America") and can easily be checked on the Internet. Irons, who is professor emeritus at the University of California, San Diego, may have a technical defense here: he says in his book only that Wilson "became famous" for the statement. Still he implies that Wilson said it.

continued on page 34

Who's Really at Fault

by R.W. Bradford

If insanity is repeating a mistake and expecting different results, Americans' response to Katrina is insane.

The most bizarre thing about Hurricane Katrina is the public's reaction. Look what happened.

New Orleans was founded in 1718 on the bank of the Mississippi, about 100 miles from the river's mouth. The east bank is high at that point, so it seemed relatively safe, but the very next year, New Orleans suffered its first flood. During the next century and a half, it experienced the ups and downs typical of a port city in a tropical hurricane zone: occasional floods, followed by rebuilding. But like most cities in the New World, it suffered more from fire than from flood. During this period it suffered even more from military invasion and occupation than from fire and flood combined, and more still from tropical disease.

About a century and a quarter ago, federal, state, and local governments began to take charge of safety matters. They drained swamps and built and maintained levees, allowing the city's population to grow substantially. This growth was not willy-nilly: the city had adopted tight zoning and land use regulation. By the mid-20th century, state and local authorities, with the help of huge amounts of money from the federal government, extended and improved the flood management system, and New Orleans was touted as one of the safest and healthiest cities in the world.

So just how could Hurricane Katrina wreak $200 billion in damage and kill hundreds — possibly thousands — of human beings? How did it become, as we have heard over and over on television, "The Worst Natural Disaster in U.S. History"?

It happened because people gave too much responsibility to government. It is no overstatement to say that the Katrina disaster is purely the fault of the government, at local, state, and federal levels.

Nearly all the damage resulted from flooding in areas that are below sea level. Homes and businesses were built in these preposterously dangerous locations because government programs drained these areas and planners decided to build there.

These locations could have been made reasonably safe by building levees high enough to protect against the storm surge from Class 4 hurricanes (hurricanes with winds over 130 mph). On average, between 10 and 18 Class 4 hurricanes occur each year in the Caribbean and the Gulf. It was obvious, even to government officials, that this was a very dangerous situation. So Congress appropriated money to build up the levees. And the local authorities spent it on other projects. (Last year, for example, they spent $2 million building a computerized musical fountain by the levee board's headquarters.) And the homes were built at government direction in areas that even the government realized would inevitably flood on a grand scale.

How did the perpetrators of this almost unfathomably vast disaster react to it?

Perhaps it should come as no surprise that government didn't do much of anything until days after the inevitable floods happened, the hundreds (or thousands) of people died, the billions of dollars worth of damage occurred. The politicians responded at first by ignoring the whole mess, then by blaming each other, and then by making grandstand-

ing proposals to give government even more resources and power to deal with the problem. In some ways, government suppressed relief: for days, the governor of Louisiana refused to allow the Red Cross into the stricken area.

It was weeks before the Bush administration responded more than perfunctorily, and then its response was . . . throw huge amounts of money at the problem. Republicans in Washington say that they expect to spend $200 billion to undo the damage. That amounts to $400,000 for every man, woman, and child in New Orleans. Yes, I know: a lot of damage occurred elsewhere on the Gulf Coast. But remember: a third of New Orleans wasn't flooded, most residents of the Big Easy who were flooded had left the city before the flood, and many had flood insurance.

It is no overstatement to say that the Katrina disaster is purely the fault of government, at the local, state, and federal levels.

But what's most interesting about this whole sorry mess is the reaction of the American people. Virtually nobody put any blame on the government for the flooding, even though damage would have been almost trivial if government had acted in anything like a prudent fashion during the century prior to the flood.

Instead, people — especially media and politicians — blamed the government for failing to respond quickly enough and with enough money. On one level, this makes a certain amount of sense: after all, government did fail to provide any meaningful help, and even retarded private efforts.

But think about it for a minute: why on earth should you expect the perpetrator of such a disaster to provide timely and meaningful relief? Did the survivors of Stalin, Mao, or Hitler expect those dictators to provide them relief after their friends and family had been massacred?

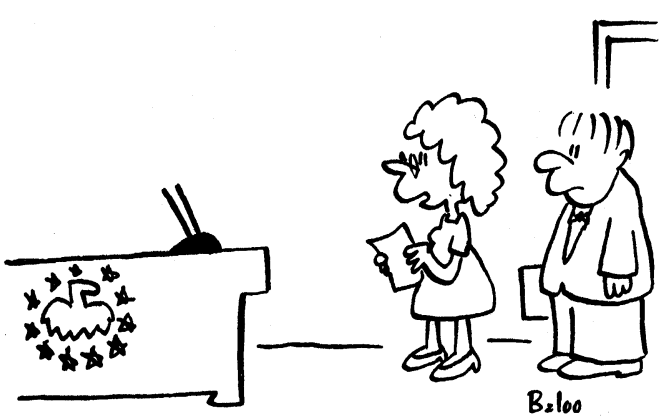

"Sir, Meet the Press wants to interview you about gas prices, Face the Nation wants to discuss Iraq, and Bloopers wants to do a segment on FEMA."

Of course, George Bush is not Joseph Stalin: no one in America acted with malice of the sort perpetrated by Stalin, Hitler, et al. His sins were sins of omission and simple incompetence. George Bush didn't appoint Michael Brown to head the Federal Emergency Management Administration because he wanted more people to die and more homes to be damaged. No. It just seemed like the chances of a major disaster in his remaining time in office were pretty remote, and there were political reasons to reward Brown with a sinecure. The local authorities didn't squander their appropriated millions to build the levees a few feet higher because they wanted people to die (and adding a few feet to the levees was all that was needed to prevent the flood). No. They figured that the chances of a major flood during the next few years were remote, and that the snazzy computerized musical fountain at their headquarters was something that could benefit them now. Dealing with the levee problem could wait.

But this is all the more reason not to expect government to offer meaningful relief in a timely fashion, or to expect it to respond by any means other than smothering an already afflicted area in tax dollars.

Like a horse that is led from a burning barn, then heads back to the barn as soon as it is turned loose, Americans are hard to fathom when they start thinking about disasters. How can you explain the self-destructive behavior of the American public? The explanation, I suspect, can be found in the displacement of traditional other-worldly religion with the secular religion of state worship. A hurricane is no longer perceived as an "act of God." It is now seen as an act of government. That's why Bush's approval rating fell when Katrina hit. That's why so many people believe, in the absence of evidence, that his refusal to sign the Kyoto Accords, which would dramatically affect U.S. energy usage and have a substantially unfavorable effect on our prosperity, somehow makes hurricanes more frequent and worse.

A hurricane is no longer perceived as an "act of God." It is now seen as an act of government.

And that's why people expect government to solve the problem of natural disasters. On earlier occasions, government was hardly involved even when the disasters were much worse, such as the hurricane that killed 10,000 residents of Galveston, Tex. in 1900, or the fire that destroyed central Chicago in 1871, or the flood that descended on Johnstown, Penn., in 1889, or the earthquakes centered in New Madrid, Mo., in 1811 and 1812 — the worst quakes ever recorded on this continent . . . but in this modern age of progress and rationality, people's faith in the state is so strong that even the manifest failure of government to respond to the breaching of levees has not undermined it.

What is needed, obviously, is a crisis of faith. But there is little or no evidence of any such storm on the horizon. ❑

Crisis and Liberty

In 2002, the Times-Picayune forecast what a Category 4 hurricane would do to New Orleans:

> A major hurricane could decimate the region, but flooding from even a moderate storm could kill thousands. . . . New Orleans has hurricane levees that create a bowl with the bottom dipping lower than the bottom of Lake Pontchartrain. . . . [T]he levees would trap any water that gets inside, by breach, overtopping or torrential downpour. . . . The estimated 200,000 or more people left behind in an evacuation will be struggling to survive. Some will be housed at the Superdome, the designated shelter for people too sick or infirm to leave the city . . . but many will simply be on their own, in homes or looking for high ground. Thousands will drown while trapped in homes or cars by rising water. Others will be washed away or crushed by debris. Survivors will end up trapped on roofs, in buildings or on high ground surrounded by water, with no means of escape and little food or fresh water, perhaps for several days.

That was three years ago. Last summer, FEMA and the Louisiana State University Hurricane Center, joined by state and local officials, simulated a "Hurricane Pam" in which the levees broke. In the simulation thousands of people drowned. Despite all the warnings and all the test runs, the actual event found government officials trying to shift blame rather than supplies, and save their careers rather than citizens' lives.

As the flood waters from the breach were still rising in New Orleans and government authorities were responding by blaming each other, several libertarian and classical liberal scholars discussed the situation by email. What follows is a transcript of the unmoderated discussion, lightly edited by Liberty Senior Editor Jane S. Shaw.

Max Borders: We have seen a terrible fiddling-while-Rome-burns phenomenon occur while federal, state, and local officials argue over who's responsible. This, to my mind, is at least a failure of any principle of subsidiarity (if it is not typical of government failure more broadly). Such a principle should apply on all issues, but particularly in the case of disasters. It says: deal with problems on the most local feasible level. Since, in this case, a local government would be partially or wholly crippled in terms of resources, services, logistics, and infrastructure, we can say this should have been the responsibility of the state of Louisiana by default.

The role of the state of Louisiana in this case might have been to coordinate — in some very limited way — the activities of the many who care. It would *not* have been any good to have a clusterfuck of good ol' boys trapping each other with bass boats, but it sure would have helped if, say, the state National Guard had a plan to keep order, direct such boat- and car-traffic, and use (or requisition) resources for disseminating the aid. After all, why should the feds have any idea about what to do about a hurricane in which the floodwaters wouldn't go away? It certainly shouldn't be their responsibility even if they did. But Louisiana sure as hell should have known what to do about New Orleans, especially since it has always been common wisdom that anything over a Category 3 would swamp the city.

New Orleans' infrastructure and civil order was destroyed. Chaos followed. Spontaneous order can't do its business until basic civil order is restored.

One might argue that if FEMA is going to exist, it might exist merely to provide emergency resources where they're needed by the state and local governments. Many have claimed that the bureaucratic process of requisitioning funds and human resources for the aid was a nightmare in this case. But should we really be surprised at this? Something's got to change in that whole process.

Ultimately, the best role for the government in such cases (if there is to be one) is to help coordinate the activities of a robust civil society, but not manage it. You've got to have rough 'n' ready rules and makeshift institutions that can handle whatever generosity people are prepared to throw at these kinds of disasters. Designating someone as "in charge" is the first order of business. At that point, whoever is in charge should be given the emergency authority to delegate responsibility quickly. In other words, spontaneous ordering forces can't work without a basic institutional substrate. New Orleans' infrastructure and civil order was destroyed. Chaos followed. Spontaneous order can't do its business until basic civil order is restored.

One thing that has truly disturbed me in all of this has been the attitude by everyone in this case — even the poor citizens — of "Why isn't anybody doing anything?" I have a feeling that 50 years of living on the welfare state has made many New Orleans folks completely dependent —

in mind, body, and spirit — on authorities. We have not seen as much of the ingenuity and whatever is the best in people that can be brought out in disasters. Instead we have seen whining and fingerpointing. We're starting to hear cries of "racism."And that's just a shame. One thing is clear: Most people in America have voted away their sense of responsibility for their fellow man . . . all the way to D.C. Civil society was crowded out in this case, as it has been in other cases. Our knee-jerk dependence on the government for everything has shown its weak stitching this week. But again: we can do better as a society if we get the government out; or at least give it an appropriate role as facilitator.

Fifty years of living on the welfare state has made many New Orleans folks completely dependent — in mind, body, and spirit — on authorities.

Fred L. Smith, Jr.: The Federal Emergency Management Agency and the fatalism of Louisiana created a serious moral hazard problem. Why wasn't an appeal made such as: "All individuals with boats or four-wheel-drive vehicles are urged to come to New Orleans and take people out of harm's way"? No, FEMA wanted to block entry "until things were safe." That process certainly delayed that criterion being satisfied.

As I contact more people in the area I learn that many people did take responsibility for themselves and sometimes others. One stayed with friends in the Faubourg Marigny area (which is near the river and therefore dry). He said that there were some crazies with guns (mostly drug addicts desperately seeking a fix — another problem with our drug laws) but mostly they broke into drug stores and hospitals (they weren't interested in money; the black market had broken down too).

Most people — white and black — were fairly cordial and helpful to one another. Finally he and his friend decided that things weren't going to improve soon so they got their car (actually the car of a friend who'd already evacuated) and drove out of the city toward the Highway 90 bridge — the only road out of the city. They ran into a police roadblock and found they were on the road to Baton Rouge. They got there, saw some friends, and ended up at the plantation resort where their friend was housed. Not quite the total chaos that the four-block radius of the city shown on CNN, suggesting that logistical routes into the city did exist throughout this period.

Also, the mayor apparently did try to persuade everyone to evacuate. I am told that he sent the municipal buses with bullhorns throughout almost all neighborhoods pleading with everyone to come. People just wouldn't leave, I am told. Indeed, in one case, after the flooding, some people still elected to stay in their homes, worried about looting. The breakdown of law and order did encourage too many people to stay in place. Had martial law been called before the storm, perhaps people would have had more confidence that their possessions would survive — if the city did.

Not everyone in Louisiana is fatalistic. The problem appears to be that the "people in charge" — FEMA and the Department of Homeland Security — adopted the Alexander Haig hysteria approach: we're in charge and we know what we're doing — everybody stay away! Rather than seeking to encourage everyone to help, the progressive view (let the experts handle it) seems to have permeated every relief group. Send money, not people — well, yes, not amateurs, but there are plenty of highly trained emergency workers at every volunteer fire and emergency response team in America. Thousands of trucks and boats could have been called for. I think that eventually people came anyway, but the FEMA team didn't say "Look, we're overwhelmed — can everyone who can help get in here and help? Please!"

The Bush administration's tendency to defend its own ("Brownie, you're doing a great job!") is not helpful. I've been willing to give Bush slack on Iraq — a mess but what can one expect when one is seeking to reverse decades of inattention? But the attitude of the Bush team — "we're doing fine," which has created many problems vis-a-vis the war — was replicated almost exactly in this case. Americans are much less likely to cut him slack on this domestic disaster. And the disbelief in what the administration is saying, which has certainly grown with its response to Katrina, is going to create real problems in maintaining support for Iraq efforts.

The response of FEMA has been disastrous. Who exactly is to blame is not clear, but the boss is responsible and what harm would be done in firing (or asking for the resignations of) Chertoff and Brown? They should, of course, have already resigned and then offered to serve till the crisis had calmed. That might have partially redeemed them — far better than the "everything is going fine" attitude of their perpetual press conferences. (I'm with Mayor Nagin: no more press conferences!) Perhaps the better voices in the Republican party will force some accountability on these aberrant agencies. I've listened to several of their press conferences — these guys are worse at explaining themselves than American businessmen!

Had martial law been called before the storm, perhaps people would have had more confidence that their possessions would survive — if the city did.

Borders: What I meant by having "someone in charge" is

only that there must be folks there to coordinate and facilitate large scale aid efforts in an organized way. I suppose the default entity in this case is the government (not that I'm rah rah government, of course). Spontaneous ordering forces — by definition — can only take hold when people rally together block by block and say "What are we going to do about this?" But when they're cut off from the outside by rotten water and looters, it's going to be tougher to start that process.

And with the breakdown of law and order, you have a breakdown in the institutional rules. The function of the government in such a case should be to restore the basics of the institutions designed to facilitate transaction and cooperation and to re-open public channels of access.

Complex systems theory, for example, says you can only have complex transitions when you have simple underlying rules that enable the overall system to self-organize (and adapt). Likewise, when a system experiences total breakdown, it may have to go through a brief stage of reformulating the rules, as it were, which (paradoxically) can require some hierarchical power.

Networked systems work better when there are a series of diverse ends, like that found in an economy. But hierarchy can work when there is a single, monolithic end like "getting aid into New Orleans" and figuring out who is responsible for what. Having "someone in charge" does not mean having a sovereign authority, but having someone who can temporarily remedy coordination problems and reinstitute basic rules. And we as human beings are evolved to respond well to that kind of leadership. That's why I think Fred is right when he said martial law should have been instituted before it was. Sounds very statist, I know. But its a temporary statism of pragmatics, I guess.

FEMA's abysmal response proves that they, like the Food and Drug Administration and the Environmental Protection Agency, should be reduced to a third party information-gathering and training agency, not a governing or responding entity (if it should be kept around at all).

Smith: The problem with hierarchy is that it has to respond and be reasonably competent — a burden that FEMA and DHS failed to manage. I'm hearing more and more stories of calls to FEMA offering to provide transportation, boats, etc. — only to be told, "We've got it under control." A hierarchic structure that fails to deliver is more disastrous than one that is absent — clearly leaving it to spontaneous order. Spontaneous order is easier when one is individualistic (my friends did get out of New Orleans; those who stayed got out later) and response is easier when one is qualified and has some reserves (economic and psychological). Still, the attitudes of "Throw me something, mista," "Good things come by luck," "Bad things can't be avoided," are destructive. The feds screwed up — big surprise. But why were Louisianans and others so willing to wait for government to get their acts together?

Yes, some simple acts — declaring martial law — calling for everyone to do anything they could to help get the people out of New Orleans — stopping their commandeering of buses and other devices — honoring the acts of those who were seeking to solve a piece of the problem — these would have been better. The seizure of the buses hired by the hotels to get their guests to safety was questionable. In principle, government might have made better use of them; in practice, they seemed to have been used only to ship people to the concentration facilities where no provision had been made for food, for water, for security.

A rational society has its individualist, hierarchical, and egalitarian elements — and, in a world where not all problems can be solved, it will also have its fatalistic elements. The challenge is to attain a reasonable balance, to ensure that each value provides its contribution where it best can.

The egalitarian elites will use this to push for an expansion of the paternalistic state; we should push for decentralization, for the elimination of these inept hierarchic response agencies.

The neocons pushed for hierarchy: America needed a more consistent, reliable response to terrorist and other disasters. The effect, at least to date, has been to weaken the resiliency of America. The egalitarian elites will use this to push for an expansion of the paternalistic state; we should push for decentralization, for the elimination of these inept hierarchic response agencies.

Thomas Tanton: The main problem with hierarchies is they are static. Those who are responsive and competent at one moment in time or under one set of circumstances may not be responsive or competent at another time. There is not an inherent conflict between "individualist" and "hierarchical" as termed by Fred's taxonomy (which I kind of like) since the strong, smart, competent, articulate individual in a given situation will generally rise to become the "natural leader" for the hierarchically inclined. Universal health care? Why not universal survival training?

Brian Mannix: The organizing institution exists; it is called the Incident Command System (ICS). Originally developed for fighting wildfires, it is now in use for a tremendous range of incidents by volunteers, police agencies, the military, and others.

ICS is informal but highly structured, and it starts when the first ICS-trained person arrives on the scene. With the consent of the legal authority — whoever that might be — that person offers to organize the responding resources. Initially the Incident Commander wears seven hats, but rapidly delegates tasks as others arrive on the scene. (And then they break out real hats, with titles on them, so they can tell who is doing what.)

It is awesome to watch the system when it is working. Once I arrived early at an incident where a child was lost in the woods in a rural Virginia county. The local sheriff

had two deputies, and not a clue what to do. A pretty blonde 19-year-old girl from a nearby college offered to take charge, and you can imagine his response. But the Virginia Department of Emergency Services told him over the phone to just do it, and he did.

Over the course of the day, hundreds of people (and several trained dogs) arrived to help. By late afternoon there were four field divisions, each with its own headquarters in neighboring valleys, plus an air traffic control center (a converted school bus bristling with antennas) directing helicopters and Civil Air Patrol fixed-wing aircraft, and various other ancillary services. Trained people handled family counseling and debriefing, press relations, personnel, etc. Local chain restaurants, such as McDonald's, were commandeered with a call to their national HQ, which compensated the local franchisee.

The sheriff just sat and watched in awe, and only felt the urge to intervene when dozens of scary-looking armed civilians in camouflage showed up. But the Incident Commander explained to him that they were the "survivalists" who monitor radio traffic and always show up at such incidents. They would be put to work — and kept out of the woods — and eventually would get bored and leave.

ICS works very well with fires, search and rescue, and other situations where law enforcement is a relatively minor component of the response. It breaks down when agencies get turf-conscious, or when politicians intervene in unhelpful ways. Of course, like any organization, spontaneous or not, it can also just be overwhelmed. I think Katrina falls into that category.

When California gets hit with the "big one" after a week of steady rain, it will be worse than New Orleans. All those golden hills and lovely canyons will turn to liquid.

Jane Shaw: It seems to me that it's fairly typical for emergency rescue operations to move by fits and starts, and there are often recriminations that too little was done, too late. Naturally, this tragedy was so overwhelming that recriminations are going to be particularly bitter.

At the same time, it's not as though there was no warning! Surely some plan was in place before Katrina arrived. Did that plan just not operate? I do wonder "Where was FEMA?" although that kind of a plea is just the opposite of what a libertarian should ask.

Mannix: I've done a lot of work with FEMA (prior to its being swallowed by DHS), and it is widely misunderstood — remember the X-Files? FEMA is not set up as a first responder agency, nor is it really set up as a planning agency. In fact, FEMA does not even have jurisdiction until the governor requests, and the president grants, a disaster declaration. So it is not surprising that FEMA was not there to evacuate before Katrina, nor that it was not there in the immediate aftermath.

So what is FEMA's role? Tom Schelling once explained why fire departments are publicly, rather than privately, funded. Once you have a fire department and trained firefighters, they are not going to stand around while someone's house burns down, even if that person did not pay his bill. Nor would anyone really want them to. That makes firefighting effectively a public good (i.e., nonexclusive, and usually nonrivalrous, given the amount of time firefighters spend waiting for the next fire).

Planning for, and responding to, local emergencies is a job for local agencies. If a locality suffers a natural disaster that overwhelms its resources, however, the rest of the nation is going to help. And while private charity can do a lot, there is some reason to expect the federal government to play a major role, at least where police and military resources are required. But even if you don't think it's needed, Congress is going to pass a relief bill. Wild horses could not stop them.

In fact, FEMA is not funded like an ordinary agency. Despite the fact that they can forecast X number of disasters each year, their budget does not include funding for those. The majority of the agency's funding takes the form of appropriations passed in response to particular disasters. The typical FEMA employee is attached to one declared disaster; when that declaration is closed out, he must find another disaster (which usually means relocating) or he is out of a job. Congress much prefers to fund the agency a disaster at a time.

Historically, much of the debate about FEMA's performance has been about whether it (1) writes checks too slowly, or (2) writes checks too quickly — and inaccurately. There has not been much criticism of its ability to anticipate disasters and offer advice, which they are actually pretty good at. People just don't listen to their advice. Millions of people are living in the wrong places. What can you do about it? Not much.

To some degree, because of its funding, FEMA resembles the Corps of Engineers. Both agencies are dominated by regional directors who are not known to the public but who work closely with congressional delegations to get their "slice of the pie." Yes, disasters are like pork.

So it is a flawed agency, with some good people in it doing some good, even heroic, work.

How to prevent future fiascos? I don't know. When California gets hit with the "big one" after a week of steady rain, it will be worse than New Orleans. In addition to the earthquake damage, all those golden hills and lovely canyons will turn to liquid. Hundreds of thousands will die; millions will be homeless. There will be no way to reach them. But . . . it probably won't happen. So bid up the real estate.

When it comes to natural disasters, people are not very risk-averse. But they do not want to bear the consequences alone. We all want to help, of course, but then moral hazard makes people even less risk-averse. The result is that

we don't have a practical way to avoid even the disasters that we can see coming a mile away.

Randal O'Toole: I don't buy Schelling's argument about the need for public fire departments. There are private fire departments that are funded by individual subscription. If you don't pay and your house catches on fire, they will come and make sure that the fire does not spread to any house that does pay them. They will not stop your house from burning down.

Louisiana has nearly 8,000 school buses. Roughly 1,500 would have been enough to evacuate everyone in New Orleans — but no one appears to have made an effort to coordinate such an evacuation.

I agree with your earlier posting — that the Incident Command System could have helped out in this case. Katrina would be classified a "Type I incident" and only people certified to work on Type I incidents would be put in charge. Somehow, I don't think people who are used to marshalling thousands of firefighters to fight fires that are half a million acres in size would be overwhelmed by Katrina. I am inquiring elsewhere to see if FEMA or other agencies used ICS in this case, and if so, why it didn't work. I'll let you know if I get any answers.

On the broader failure, the administration did far more, far faster, for the victims of last year's Florida hurricanes than it did for Katrina. Furthermore, Wired points out that just last year FEMA and 40 other agencies conducted a five-day simulation dealing with an imaginary hurricane that would have done about as much damage as Katrina. After the simulation, FEMA's regional director claimed, "We made great progress this week in our preparedness efforts."

Anyone could look at the census data and see that a third of New Orleans residents lacked an automobile and would need buses or some other means of evacuation. Apparently, no one at FEMA looked at that data. People in New Orleans were told to go to certain locations to be picked up by buses, but the buses never showed up.

According to the School Bus Information Council, Louisiana has nearly 8,000 school buses. Roughly 1,500 would have been enough to evacuate everyone in New Orleans who didn't have a car on Sunday before Katrina struck. But no one appears to have made an effort to coordinate such an evacuation.

On "Meet the Press" (Sept. 4), Director of Homeland Security Michael Chertoff claimed he didn't worry about New Orleans because he read in the newspaper on Tuesday morning that "New Orleans dodged the bullet." According to Senator Landrieu, FEMA is ignoring or turning away offers of help from other agencies and private parties. She claims that Bush came to New Orleans for a photo op and stood on a breached levee with all kinds of reconstruction work taking place in the background. When she returned the next day, all but one piece of equipment was gone.

All this puts people of all political persuasions in a quandary. Advocates of big government can see that it doesn't work — or it only works when it is politically expedient for top officials to see that it is working (as in pre-election Florida). Advocates of small government can argue that big government isn't working, but it isn't absolutely clear that New Orleans would be any better off relying on local government (notoriously corrupt) and private charity (which is overwhelmed).

I have seen liberals suggest on their blogs that they may not contribute to Katrina relief efforts because they want to show that private charity is inadequate. The same or similar blogs hint that the administration's failure is part of some right-wing conspiracy to prove government doesn't work.

No matter what your political persuasion, it is clear that the Bush administration dropped the ball. This huge Homeland Security department is a joke. As the Wonkette blog said, if they relied on the newspapers to tell them that New Orleans dodged the bullet, it is a "good thing they aren't looking for WMDs or terrorists or anything like that."

Tanton: Be very careful when taking data from websites that may have an agenda, left-wing, right-wing or simply whacked out. I am not sure which is true, but other websites have claimed that buses roamed the streets before the hurricane, but most of the population chose not to evacuate, due either to fear of post-hurricane looting or because they felt safe staying where they were, having survived earlier storms.

O'Toole: We will have to see which is true with respect to the buses. But fear of looting or complacency about the storm can't explain why people without cars stayed when people with cars left. If buses were available, I suggest that the reasons people didn't use them had more to do with uncertainties about mass transit: there are too many different origins and destinations. People want to take belongings and pets that might not be allowed on buses. If you drive your car somewhere, you can drive it back. If you take a bus, who says the bus will take you back? For these and other reasons, buses are simply too uncertain.

Fear of looting or complacency about the storm can't explain why people without cars stayed when people with cars left.

That is why I argue for an individual response, i.e., make sure that everyone has access to an auto and let them

evacuate on their own. Regardless of who is at fault for what happened to the people who were left in New Orleans, it is clear that auto ownership meant the difference between safety and disaster. (See "Riding Out The Storm," p. 23)

Smith: Sorting out the wheat from the chaff in this murky situation is very difficult. I've heard that Mayor Nagin did send the municipal buses throughout the city with bullhorns asking people to please come. Whether this is true, I don't know, nor do I know whether the plan was simply to dump them at the Superdome or send them out of town. One problem is that before the fact there didn't seem to be any place to send them. But, once the situation materialized, then there were places. It would seem that these could be arranged ahead of time even though final destinations would still require the outpouring of compassion associated with the disaster.

The disbelief in what the administration is saying, which has certainly grown with its response to Katrina, is going to create real problems in maintaining support for Iraq efforts.

Also, I've heard that FEMA blocked voluntary efforts (Red Cross and others), but some have said it was the city or state.

Owen McShane: Randal's comments contribute to a larger debate that has been developing prior to Katrina. In a recent issue of Prospect an analyst suggested we need to rethink urban development on the grounds that some form of terrorism is an ongoing threat. Prior to the current wave of Muslim activities other groups had been using urban terrorism, and these will no doubt continue. He suggests that we should probably avoid high-density infrastructure and especially tunnels, which have been attractive to all manner of terrorists. (Think the gassing of the tube in Japan.)

The last U.S. Census notes that the focus of population growth is now in the micropolises — towns of 25,000 to 50,000, not the big cities any more. Is this yet another example of the wisdom of crowds?

Smith: More generally, corporate America began to move out of big cities to suburban "campuses" long before 9/11. The growth of suburbia makes it harder to kill lots of people.

New Orleans had a massive "mass transit system." People were poor, but having a car was less necessary with a subsidized transit system. And, of course, "mass" transit systems are far more vulnerable than cars generally.

Note that the nature of government is to help people in place, not people. So we find it hard to disperse government facilities (Washington remains a major federal center — and target). We can't close military bases even though the nature of the threat has changed massively. And, of course, Amtrak survives through Republican and Democratic administrations while always being seen as non-sustainable. Sigh — one could get depressed.

Over a longer time horizon, I'm particularly interested in how a river basin might be managed in a voluntary world. The closest analogy I can envision is a watershed management district which seeks basin-wide policies that allow maximum value in low-vulnerability periods but adds restrictions as vulnerabilities (droughts, for example) occur. Would sections of the river be used for flood dispersal with development there being restricted to flood-tolerant activities — agriculture, warehousing, recreational homes on high pilings? Would alternative flooding areas, prioritized for damage minimization, exist with the areas being sequentially flooded depending on the severity of the threat?

We realize the risks that the channelization of the Mississippi has created — a steady decline in the buffering capacity of wetlands. But what would a classical liberal world have done about flooding, the need to maintain navigation access? We would not have created the National Flood Insurance Program, but what might a private-sector insurance sector have permitted? Would rational insurance ever have been offered, given the "soak the rich" Robin Hood attitudes of Louisianans?

Much of New Orleans has survived, but much has not. The population of New Orleans will certainly be less in the future than it is now — and this is likely to be true also for the greater New Orleans area. There has been a diaspora of historic proportions and many of these people will never return (very unusual in New Orleans, which along with West Virginia has one of the greatest locational loyalties in the world). Like the Jews' dispersal from Spain in the 15th century and then again in the 1930s, the world will gain much in the form of art, music, and food. And the city and state will have the opportunity to rebuild not only their structures but also their institutions. Can the uniqueness of New Orleans be reborn freed of its fatalistic flaws? Only time will tell. ❑

Riding Out the Storm

by Randal O'Toole

New Orleans is a model for smart growth: high population density, low rates of auto ownership, and exorbitant investments in rail transit. This proved to be its downfall.

Those who fervently wish for car-free cities should take a closer look at New Orleans. The tragedy of New Orleans wasn't primarily caused by racism or government incompetence, though both played a role. The real cause is automobility — or more precisely, the lack of it.

"The white people got out," declared the Sept. 4 New York Times. But, as the article in the Times makes clear, the people who got out were those with automobiles. Those who stayed, regardless of color, were those who lacked autos.

What made New Orleans more vulnerable to catastrophe than most U.S. cities is its low rate of auto ownership. According to the 2000 census, nearly a third of New Orleans households do not own an automobile. This compares to less than 10% nationwide. There are significant differences by race: 35% of black households do not own an auto, but only 15% of white households. But in the end, it was auto ownership, not race, that meant the difference between safety and disaster.

"The evacuation plan was really based on people driving out," a Louisiana State University professor told the Times. On Saturday and Sunday, August 27 and 28, when it appeared likely that Hurricane Katrina would strike New Orleans, people who could drive away simply got in their cars and fled. The people who didn't have cars were left behind.

Critics of autos love the term "auto dependent." But Katrina proved that the automobile is a liberator. It is those who don't own autos who are dependent — dependent on the competence of government officials, dependent on charity, dependent on complex and sometimes uncaring institutions.

As shown in the table to the right, the number of people killed by hurricanes in the U.S. steadily declined during the 20th century. Economists commonly attribute such declines to increasing wealth. Wealth differences are also credited with the large number of disaster-related deaths in developing nations vs. developed nations. But what makes wealthier societies less vulnerable to natural disaster? There are several factors, but the most important is mobility.

Number of Deaths Caused by Hurricanes in the U.S.

1900–1919	10,000
1920–1939	3,751
1940–1959	1,119
1960–1979	453
1980–1999	57

Source: Atlantic Oceanographic and Meteorological Laboratory. Number for 1900–1919 is estimated, as the exact death toll from the 1900 Galveston hurricane is unknown.

People with access to autos can leave an area before it is flooded or hit with hurricanes, tornadoes, or other storms. When earthquakes or storms strike too suddenly to allow prior evacuation, people with autos can move away from areas that lack food, potable water, and other essentials.

Commentators have legitimately criticized the Federal Emergency Management Agency and other government agencies for failing to foresee the need for evacuation, failing to secure enough buses or other means of evacuation, and

failing to get those buses to people who needed to be evacuated. But people who owned autos didn't need to rely on the competence of government planners to be safe from Katrina and the subsequent flooding. They were able to save themselves by driving away. Most found refuge with friends or in hotels many miles from the devastation. Meanwhile, those who didn't have autos were forced into crime-ridden high-density refugee camps such as the Superdome and New Orleans Convention Center.

Critics of autos love the term "auto dependent." But Katrina proved that those who don't own autos are dependent on the competence of government officials.

Rather than help low-income people achieve greater mobility, New Orleans transportation planners decided years ago that their highest priority was to provide tourists heavily subsidized streetcar rides.

- In the late 1980s and '90s, New Orleans spent at least $15 million converting an abandoned rail line into the 1.5-mile Riverfront Streetcar line.
- In 2004, New Orleans opened the 3.6-mile Canal Street streetcar line at a cost of nearly $150 million.
- New Orleans was planning to spend another $120 million on a Desire Street streetcar line.

These tourist lines do nothing to help any local residents except for those who happen to own property along the line. The city was not deterred even by its own analysis, which showed that each new rider on the Desire Line would cost taxpayers more than $20.

About 26,000 low-income families in New Orleans don't own a car. If all the money spent on New Orleans streetcars from 1985 to the present had been spent instead on helping low-income families buy cars, the city would have had more than $6,000 for each such family, enough to buy good used cars for all of them. Add the money the city wanted to spend on the Desire line and you have enough to buy a brand-new car for every single autoless low-income family — not a Lexus or BMW, certainly, but a functional source of transportation that would have allowed them to escape disaster.

While I don't think that buying low-income families brand-new cars is the best use of our limited transportation resources, it would produce far greater benefits than building rail transit. Studies have found that unskilled workers who have a car are much more likely to have a job and will earn far more than workers who must depend on transit. That is why numerous social service agencies have begun programs aimed at helping low-income families acquire their first car or maintain an existing one.

Yet when I point out the comparative benefits of providing mobility to low-income people vs. building rail transit lines to suburban areas that already enjoy a high degree of mobility, rail advocates often respond, "We can't let poor people have cars. It would cause too much congestion." Yes, as the Soviet Union discovered, poverty is one way to prevent congestion (see http://ti.org/vaupdate53.html).

New Orleans is in many ways a model for smart growth: high population density, low rates of auto ownership, and exorbitant investments in rail transit. This proved to be its downfall. While the city was vulnerable from being built below sea level, many cities above sea level have proven equally vulnerable to storms and flooding. In the end, the people of New Orleans suffered primarily because so many lived without autos, thus making them overly dependent on the competence of government planners. ❑

If the money spent on New Orleans streetcars had been spent instead on helping low-income families buy cars, the city would have had more than $6,000 for each such family, enough to buy good used cars for all of them.

Letters, *from page 4*

judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction."

Chief Justice Taney expressed the court's sympathy for "this unfortunate race" but declined "to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted. Such an argument would be altogether inadmissible in any tribunal called on to interpret it." The High Court adhered to that intent and dismissed the case for lack of jurisdiction — not to uphold slavery.

Clearly, neither Williams nor his caller had read the *Dred Scott* decision or the U.S. Constitution. Even if Dred Scott had been a citizen, the High Court would still have had no jurisdiction to hear his case. Article III, Section 2 limits the jurisdiction of federal courts to specific types of cases. The 11th Amendment removed two of them: "any suit . . . commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

Stated more simply, federal courts have never had judicial power to hear cases between a State and its own citizens where no federal law is in question — and all slavery laws were state laws.

James Harrold, Sr.
Springdale, Ark.

The Rehnquist Legacy

by Timothy Sandefur

The Chief Justice rests in peace. His legacy rests in pieces.

William H. Rehnquist served as Chief Justice of the United States for almost 20 years, after having already served 14 years as an Associate Justice. Appointed by Richard Nixon, Rehnquist's 33 years on the Court rivals the records set by William Douglas (36 years), Stephen Field (34), and John Marshall, who served 34 years as Chief Justice.

He succeeded Warren Burger, who had failed, as Chief Justice, to bring a sense of unity or even collegiality to the judges, if Woodward and Armstrong's "Brethren" is to be believed. During the Burger years, judges on the extreme left, such as Douglas, Thurgood Marshall, and William Brennan, were frequently unable to find common ground with their conservative colleagues. These years saw some of the most controversial decisions of the Court, and the most heated confrontations among its personnel. Perhaps the lowest point came in 1973, when Douglas, ignoring the decisions of his colleagues, enjoined the bombing of Cambodia, forcing Marshall to reverse him. Burger's inability to maintain discipline among the Justices was also evident in media leaks from the Court and the large number of individual opinions issued during his tenure. Appointing Rehnquist, an already-sitting member of the Court, to be Chief, was thought to ease these tensions.

But as with much else, Rehnquist's success in this regard would be easy to exaggerate. We cannot know for sure what goes on in the secretive Court building, but the morale-boosters that Rehnquist instituted — such as requiring the Justices to shake hands before every conference meeting — have not cooled the philosophical disputes, let alone the rhetorical battles, that go on there. Ten years ago, Justice Scalia concluded an opinion by writing that "the Court must be living in another world. Day by day, case by case, it is busy designing a Constitution for a country I do not recognize." Just this year, Justice Thomas likewise declared that "something has gone seriously awry with this Court's interpretation of the Constitution." Justices Scalia and Souter have even accused each other of writing cases like *Dred Scott*. Some of these decisions have drawn applause and laughter for their piercing wit; Scalia's were even recently published in book form, and many of them are quite correct. But the heated tone reveals that the Court's members disagree on some of the most fundamental issues of constitutionalism.

This is a serious problem because a constitution is written for people of fundamentally shared views. Although people in a political society will always differ on particulars, no society can long exist without a core of deeply shared principles, which make the differences small by contrast. But the world of American constitutional law is profoundly divided over first principles. When Tocqueville wrote that "scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question," he was hinting at the way that political disputes tend to overflow their constitutional boundaries. The distances between advocates of policies can widen until they become differences over fundamentals, and, finally, tear apart the deepest of political foundations. This process is going on now in the United States, at a slow pace — a sort of "creeping inflation"

of political philosophy. The symptoms are to be found everywhere: in talk of a "culture war"; in the angry disputes over judicial nominations; in Professor Laurence Tribe's recent decision not to publish the second volume of his Constitutional Law treatise, because, as he explained, "conflict over basic constitutional premises is today at a fever pitch"; and in the belligerent tone of Supreme Court opinions. Rehnquist was unable to douse that fire. Perhaps the best symbol of this came in *Bush* v. *Gore*, which was issued as a "*per curiam*" opinion — meaning "by the Court"; a designation routinely used to avoid pinning a decision on a particular Justice, and to put a united face on the Court — but which was nevertheless accompanied by dissents from Stevens, Souter, Ginsburg, and Breyer, and a concurrence by Rehnquist himself. The polite face of the "*per curiam*" designation was completely ineffective in disguising the obvious party lines.

The depth of the Court's fractures can also be seen in three areas of law that are generally considered the prototypical examples of Rehnquist's influence. It was a logical move for President Reagan to name him Chief Justice in 1986, because he had long established himself as an opponent of federal aggrandizement. As early as 1976 he had argued the then-moribund position that the Commerce Clause is not a blank check for congressional power. This view became the theme for those wishing to encapsulate Rehnquist's judicial philosophy: the "federalist revival," which promised to actually enforce the Constitution's limits on the federal government, and allow states greater leeway, gained not only popular support, but even some actual legal muscle, culminating in *United States* v. *Lopez* (1995) and *United States* v. *Morrison* (2000). These cases, both written by Rehnquist, held that Congress could only use its power to "regulate commerce . . . between the several states" when the activity in question was actually commercial in some way. Before then, the Court had allowed Congress to do absolutely anything under this Clause, on the theory that absolutely everything has some effect on commerce between the states.

Rehnquist opened *Lopez* with the startling declaration: "We start with first principles. The Constitution creates a Federal Government of enumerated powers." For the next ten years, these words would lead libertarians and conservatives to hope that Congress might be forced to respect its limits. That hope grew brighter when, in *Morrison*, Rehnquist explained that such limits were necessary because "the Constitution requires a distinction between what is truly national and what is truly local. . . . Indeed, we can think of no better example of the police power, which the Founders denied the National Government and reposed in the States, than the suppression of violent crime and vindication of its victims." But in the years to follow, the Court failed to apply, or even to consider, these principles in any broader scope. In *SWANCC* v. *Army Corps of Engineers* and *Jones* v. *United States*, the Justices dodged the questions, and in the years since, they have simply closed their eyes, refusing to take case after case involving federal environmental and criminal laws that are obviously none of Congress' business. Finally, in 2005, Rehnquist's 30-year crusade against the blank-check theory of the Commerce Clause was blasted into splinters in *Raich* v. *Gonzales*. Abandoned by such allies as Scalia and Anthony Kennedy, Rehnquist watched from the dissenting bench as the Court declared Congress' commerce power to be virtually limitless once again: the federal government may regulate even the most local activities if it can possibly imagine — even without evidence — that, "taken in the aggregate, [the activity would] substantially affect interstate commerce." The "federalist revival" was over.

Like most judges today, Rehnquist regarded rights as privileges granted to citizens by the state.

Along with the federalist revival was the apparent revival of interest in property rights. In such cases as *Nollan* v. *California Coastal Commission*, *Lucas* v. *South Carolina Coastal Commission*, *Dolan* v. *Tigard*, and *First English Evangelical Lutheran Church* v. *Los Angeles*, the Rehnquist Court halted what had seemed an unstoppable trend of buck-passing with regard to the Fifth Amendment's guarantee that property owners must receive compensation when their property is taken by government. These and other cases held that, sometimes, when the government takes away the value of a piece of property through its regulations, the authorities must pay for that taking.

Rehnquist's inability to understand individual rights led him to focus on institutional arrangements rather than substantive outcomes.

But, as with the federalist revival, Rehnquist would live long enough to see these cases disintegrate. In *Tahoe Sierra Preservation Council* v. *Tahoe Regional Planning Agency* (2002), the Court held that a supposedly "temporary" moratorium on all construction in the Lake Tahoe area — which had lasted for more than two decades and continues today — was not a taking of property at all, despite the Court's previous decisions that taking the whole value of a piece of property requires compensation (*Lucas*), and that temporary takings also require compensation (*First English*). Writing for the majority, Justice Stevens explained that this outcome was necessary because applying the just compensation requirement in a principled way "would undoubtedly require changes in numerous practices that have long been considered permissible. . . . A rule that required compensation for every delay in the use of property would render routine government processes prohibitively expensive." In other words, the Fifth Amendment does not apply, because government can't afford to pay for all the things it takes. Finally, in a series of cases in his final term, Rehnquist watched the Court

erase the "public use" limitation on eminent domain, deprive property owners of their day in federal court, and deal a serious blow to the regulatory takings precedents.

The third area of the law which is commonly seen as a product of Rehnquist's leadership fared somewhat better. Along with limiting the Commerce Clause, the Rehnquist Court placed much heavier emphasis on the "sovereign immunity" of the states — forbidding Congress from writing laws that allow citizens to sue their own state governments. Since Congress had frequently expanded its reach on the cheap by simply ordering states to do certain things, and then allowing private citizens to sue those states that did not comply, the sovereign immunity cases were also an element of the "new federalism." But these cases suffered from some significant weaknesses, not the least of which was the fact that they have not a shred of constitutional foundation. The 11th Amendment forbids citizens of one state from suing another state in the federal courts; it says nothing about citizens suing their own states. What's more, sovereign immunity as often as not ends up harming the individual rights of citizens rather than protecting them. As Robert Levy concludes, "by enlarging the scope of the Eleventh Amendment beyond any conceivable reading of its text, our courts have allowed a common law doctrine to trump the laws duly enacted by the federal legislature. . . . Consequently, the common law rights of state government will supersede the statutory rights of individuals. That astonishing — some might say, 'un-American,' — development flies in the face of the Supremacy Clause."

For Rehnquist, it appears, states came first, individuals second, and the federal government third — not a hierarchy the Constitution's authors would have endorsed.

The Rehnquist Court's heavy emphasis on textualism lost credibility in these cases, but its claim to respect the views of the framers suffered even more. The Constitution's authors understood that federalism is not an end in itself, nor is the "dignity" of states. Rather, federalism — particularly after the Civil War — is an instrument for protecting individual rights, and is legitimate only to the degree that it does so. As James Madison wrote in "The Federalist":

> Was, then, the American Revolution effected, was the American Confederacy formed, was the precious blood of thousands spilt, and the hard-earned substance of millions lavished, not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual States, that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty? We have heard of the impious doctrine in the Old World, that the people were made for kings, not kings for the people. Is the same doctrine to be revived in the New, in another shape — that the solid happiness of the people is to be sacrificed to the views of political institutions of a different form? It is too early for politicians to presume on our forgetting that the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object. . . . [A]s far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, Let the former be sacrificed to the latter.

What misled the Rehnquist Court into ignoring these principles, and reaching beyond the Constitution's plain language? The answer is to be found in one of Rehnquist's greatest weaknesses as a judge: his ambivalence toward individual rights. Like most judges today, Rehnquist regarded rights as privileges granted to citizens by the state. "If such a society adopts a constitution and incorporates in that constitution safeguards for individual liberty," Rehnquist wrote in the Texas Law Review in 1976, "these safeguards indeed do take on a generalized moral rightness or goodness . . . neither because of any intrinsic worth nor because of any unique origins in someone's idea of natural justice but instead simply because they have been incorporated in a constitution by the people." This startling eulogy to legal positivism led Harry Jaffa, in his book "Original Intent," to conclude that "the Framers of our Constitution clearly and wisely believed that there must be a lawfulness antecedent to positive law for positive law itself to be lawful. When Justice Rehnquist says that constitutions do not have any ground in any 'idea of natural justice,' he is repudiating the Framers, and John Marshall who followed them." This is plain from a speech Rehnquist gave at the University of Virginia on the 250th anniversary of Thomas Jefferson's birth. In a speech full of praise for Alexander Hamilton, John Marshall, and other anti-Jeffersonians, Rehnquist had almost nothing to say of the animating mind of American liberty. Rather, he claimed that "the permanence of Jefferson resided not in his specific theories or acts of government, but in his democratic faith," even though Jefferson's greatest "theory" was that liberty, and not democracy, was the goal of politics. "Each era," Rehnquist went on, "finds its own meaning from Thomas Jefferson" — equivocal praise indeed from a man who all his life scorned the theory of a "living Constitution."

In one of the worst-reasoned decisions in Supreme Court history, Rehnquist held that the Miranda warnings had somehow become part of the Constitution because they are repeated on TV cop shows.

Rehnquist's inability to understand individual rights naturally led him to focus on institutional arrangements rather than substantive outcomes; on process rather than on results. This was a refreshing change from a jurisprudence which

continued on page 30

Re-examination

The Greatest Generalization

by Clark Stooksbury

Those who who fail to misinterpret history are doomed to lose public support.

An old adage says that generals always fight the last war. Pundits and politicians have the luxury of refighting any previous war they wish. For left-wing critics of the war in Iraq — Ted Kennedy comes to mind — every war is Vietnam. For supporters of the war, the preferred template is World War II.

At first glance, the Second World War is an example of moral clarity. It provides for supporters of the current war — especially when viewed through a gauzy, Brokawized lens — an example of clear-cut national unity in service to a stark battle between good and evil. Back in the day, they remember, there was no carping from the liberal media about casualties or recruiting shortfalls.

A Thomas Sowell column from August 2003 provides a perfect example. "Here we are, five months after the war in Iraq began, and we haven't yet solved all of that country's problems. . . . Apparently a significant section of the American media either thought that we would or is simply piling on the Bush administration, in hopes of bringing back the Democrats in 2004. . . . Where were we five months after Pearl Harbor, compared to where we are today in Iraq? . . . We had no real victories in all that time." He repeated the WWII nostalgia theme in a column from June 2005 and complained, "[i]f American troops kill a hundred terrorists in battle and lose ten of their own men doing it, the only headline will be: Ten More Americans Killed in Iraq Today."

This might be credible, I suppose, if the president had made a dignified Oval Office address on May 1, 2003. Instead, on that day the President performed the modern equivalent of the surrender ceremony on the deck of the *Missouri*, when he made a tailhook landing on the *USS Abraham Lincoln* to give a victory speech. The president did not say that the war was completely over in that speech. He made a point of saying that "[w]e have difficult work to do in Iraq. We're bringing order to parts of that country that remain dangerous. We're pursuing and finding leaders of the old regime, who will be held to account for their crimes. We've begun the search for hidden chemical and biological weapons and already know of hundreds of sites that will be investigated."

However, the speech referred to the war in the past tense. The president thanked "the members of our coalition who *joined* in a noble cause," and who "*shared* in the hardships of war" (emphasis added). More importantly, the totality of the circumstances surrounding the speech conveyed a sense of final victory. The phrase about having difficult work ahead in Iraq could not possibly compete with footage of the president strutting around in a flight suit or a giant banner proclaiming "Mission Accomplished."

Sowell noted how little the United States had accomplished five months after Pearl Harbor. The president's triumphal *Abraham Lincoln* speech occurred barely five weeks after the war in Iraq began. Forcing it into the World War II template, the speech was the equivalent of FDR declaring victory even before the April 1942 Doolittle raid on Tokyo. After the carrier speech and the numerous other turning points (capture of Saddam, the January election) that were supposedly blows to the terrorist insurgency, it is no sur-

prise that the media consider continued casualties to be news.

A Sowell column from January 2003 — before the war started — used World War II for an entirely different rhetorical purpose. In that column he treated the forthcoming invasion of Iraq as comparable to Great Britain taking care of Hitler in the mid-1930s, before he got out of hand. "Back in the 1930s, Germany's military forces were limited. . . . Like Saddam Hussein today, Hitler at first pretended to go along with these restrictions. . . . The real question was whether Prime Minister Stanley Baldwin wanted to be the one to break the bad news to the British public or whether he would keep quiet, get re-elected, and pass the problem on to his successors — as Bill Clinton would do in a later era. Baldwin did a Clinton. . . . Hitler began openly violating the restrictions put on Germany, one at a time, allowing him to gauge what reaction there would be. . . . Each violation that he got away with led him to try another. . . . The opportunity to stop him . . . passed. Those who wanted 'clear proof' now had it. In just a few years, they would have even clearer proof when the Nazis invaded France and subjugated it in just six weeks — and then began bombing London, night after night."

Sowell compared the first five months of Gulf War II to the first five months of World War II, even though he previously argued that the United States could avoid the larger war by invading Iraq.

In essence, Sowell argued in January 2003 that invading Iraq would be like England invading Germany in 1936 and averting World War II before the threat from Hitler became too great. By August, Sowell had compared the first five months of Gulf War II to the first five months of World War II; even though he previously argued that the United States could avoid the larger war by invading Iraq.

Victor Davis Hanson, a classicist and regular contributor to National Review Online, is another pro-war commentator who compares Gulf War II to World War II, though for a different purpose. Hanson notes that the Allied effort was one disaster after another: "In the short period between June and August 1944, military historians can adduce hundreds of examples of American amateurism, failed intelligence, incompetent logistics, and strategic blundering, but not enough of such errors to nullify the central truth of the Normandy invasion. A free people and its amazing citizen army liberated France and went on in less than a year to destroy veteran Nazi forces in the West, and to occupy Germany to end the war. Good historians, then, keep such larger issues in mind, even as they second-guess and quibble with the tactical and strategic pulse of the battlefield."

Hanson is correct that there will always be blunders in the war room and on the battlefield, but the stark differences between 1944 and 2004 should be evident to someone with his expertise. While the United States and its allies were preparing to conduct the greatest amphibious invasion in world history, they were also marching up the Italian boot, engaging in a two-pronged island-hopping campaign in the Pacific, and fighting the Japanese in Southeast Asia. Donald Rumsfeld has considerably less on his plate than the war planners of the 1940s.

A Hanson article from the Feb. 14, 2005 issue of National Review makes similar arguments about American military blunders in World War II and even offers a revisionist case against the success of the Allied cause. "But at least there was clear-cut strategic success? Oh? The war started to keep Eastern Europe free of Nazis and ended up ensuring that it was enslaved by Stalinists. Poland was neither free in 1940 nor in 1946. . . . We put Nazis on trials for war crimes even as we invited their scientists to our shores to match their counterparts in the Soviet Union who were building even more lethal weapons to destroy us . . ."

It is easy to see why Thomas Sowell, Victor Davis Hanson, and others (a few minutes with Google will turn up plenty) force the Iraq War into an ill-fitting WWII template. For all the death, destruction, and dubious results, the Allies vanquished two of the most dangerous regimes of modern times and midwifed prosperous and peaceful countries in Germany and Japan.

Adolf Hitler particularly stands out, both as a figure of pure evil and as a menace on an epic scale. The Fuehrer's armies swept Europe from Paris to Moscow and from the Norwegian tundra to the North African desert. His U-boats and pocket battleships menaced Allied shipping from the North Sea to the Indian Ocean.

But Saddam Hussein was no Hitler, and the Republican Guard and Fedayeen Saddam were not the SS. If the emptiness of Saddam's "threat" wasn't obvious when his armies caved almost instantly in two wars with the United States, it should have been by the time he chose a humiliating capture and an almost certain execution instead of putting a Lugar in his mouth.

The greatest amphibious invasion in world history, a march up Italy's boot, a two-pronged island-hopping campaign in the Pacific: Donald Rumsfeld has considerably less on his plate than the war planners of the 1940s.

More importantly, the war we are currently in is entirely different from the Second World War. In one of his columns Sowell makes a superficially enticing argument that illustrates why. "The frivolous demands made on our military . . . that they tiptoe around mosques from which people are shooting at them betray an irresponsibility made worse by ingratitude toward men who have put their lives on the line to protect us."

American soldiers must tiptoe around mosques because they are not at war with most Iraqis. Since the military is act-

ing in concert with the new government of Iraq, ostensibly on behalf of its people, it must take into account Iraqi and hence Muslim sensibilities. If Muslims are finicky about having armed infidels barge into their mosques, then that is a burden that our military must bear. More precisely, that is a burden that the Bush administration and its neocon allies in the media have thrust upon the backs of the Army and Marine Corps.

Any number of previous conflicts serve as better parallels: the French in Algeria, the Israelis in Lebanon, and the Marine Corps in Beirut come to mind.

During World War II the rules were completely different. The Allies leveled entire German and Japanese cities in pursuit of the unconditional surrender of the Axis countries. Our B-17s and B-29s no doubt destroyed numerous houses of worship. It was total war on a scale never seen before or since. However, when the Axis regimes were destroyed, the war was over. In Iraq the regime collapsed almost instantly, but at that point, the war was just beginning.

Any number of previous conflicts serve as better parallels: the French in Algeria, the Israelis in Lebanon, and the Marine Corps in Beirut come to mind. The British occupied Iraq after World War I and dealt with numerous uprisings by the natives. They used poison gas, and Sir Arthur "Bomber" Harris (title and nickname courtesy of his role in World War II) used the youthful Royal Air Force to control the population with a small occupying force.

Although Winston Churchill and T.E. Lawrence (of Arabia) advocated the use of gas, British tactics were harsh enough that Air Commodore Lionel Charlton resigned in 1924 when, as the Guardian reported in 2003, "he visited a hospital after . . . [a conventional air] raid and faced armless and legless civilian victims."

Sowell, Hanson, and others would be on firmer ground if they compared the present-day war in Iraq to these previous Western occupations and wars. They could plausibly argue that the British were a lot tougher in Iraq than we are today.

The problem is that Western powers have not been very successful occupying Islamic countries. The RAF bombed Iraqi insurgents throughout the 1920s and the British left Iraq to the rule of King Faisal in 1932; but they failed to turn it into a real country. The king said shortly before his death in 1933, "There is still no Iraqi people, but unimaginable masses of human beings devoid of any patriotic ideas, imbued with religious traditions and absurdities, connected by no common tie, giving ear to evil, prone to anarchy, and perpetually ready to rise against any government whatsoever." ❑

Rehnquist, *from page 27*

had often tortured its reasoning to fit predetermined outcomes. But it also often meant perpetuating the wrongs of past courts, as with his dissent in *West Lynn Creamery* v. *Healy*, in which he emphasized his agreement with New Deal-era cases that savaged economic freedom. In that case, Massachusetts enacted a discriminatory tax on milk sold to in-state retailers by out-of-state wholesalers; the proceeds of the tax were then given to the domestic dairies. Although the Constitution's Commerce Clause was specifically intended to bar states from engaging in this sort of protectionism, Rehnquist, joined only by Justice Harry Blackmun, argued that the Clause should not apply. In the process, he endorsed the extreme pro-regulation views of Justice Louis Brandeis, who argued in a famous dissent that states can act as "laboratories" trying legislative experiments on their human subjects, even when such experiments violate the right to earn a living. For Rehnquist, it appears, states came first, individuals second, and the federal government third — not a hierarchy the Constitution's authors would have endorsed. His caricature of the free market in *Healy* as "messianic insistence on a grim sink-or-swim policy of laissez-faire economics" was of a piece with his endorsement of *United States* v. *Leon* (holding that the police may search homes even on the basis of invalid warrants, so long as the officer executing the warrant sincerely believes that it is valid) or *Atwater* v. *Largo Vista* (holding that the police may arrest a person, and drag her away in handcuffs, for not wearing a seat belt).

Throughout his career, Rehnquist derided the *Miranda* requirements as "legislating from the bench," and with good reason. Yet at the last minute, in the 2000 case of *Dickerson* v. *United States*, he blinked, and in one of the worst-reasoned decisions in Supreme Court history, held that the *Miranda* warnings had somehow become part of the Constitution because they are repeated on TV cop shows. His attitude toward free speech was similarly weak; in *Texas* v. *Johnson* he concluded that the 1st Amendment does not apply to flag burning because it "convey[s] nothing that [can] not have been conveyed . . . just as forcefully in a dozen different ways," and because "the government is simply recognizing as a fact the profound regard for the American flag created by [American] history when it enacts statutes prohibiting the disrespectful public burning of the flag." Evidently, such "profound regard" can trump the free speech rights of angry dissenters.

Lacking any serious understanding of individual rights, no "revival" of long dormant constitutional theories could have hoped to succeed. Nor could William Rehnquist's legacy as Chief Justice of the United States hope to be anything but mixed. American constitutional law is caught in a bind between those who believe that individuals derive their significance and their rights from the permissions of the majority, and those who believe that people have certain inalienable rights which government exists to respect. Every year, that division becomes wider. Despite the many positive advances made during his tenure, Chief Justice Rehnquist's attempt to stop this breach — if he even really made one — failed. Whether anyone at all can succeed is the question on which the nation's future depends. ❑

Referendum Runaround

by Bruce Ramsey

In Washington, politicians have discovered a way to sidestep the annoying "will of the people."

In 1912 the people of Washington voted to amend their constitution to include the initiative and referendum, which were seen then as tools of the populists. The first measure offered to the people, in 1914, was a proposal to ban liquor. Other regulations have been offered to voters, including one this year to ban cigarettes in all restaurants and bars. But populism comes in many flavors, and in the recent history of Washington it has been associated with limiting government more than with extending its reach.

Along with a gaggle of other western states, Washington entered the union in 1889, and it adopted a constitution usually described as "populist" and is, in many ways, libertarian. It is interpreted by the courts to forbid a state income tax, making Washington the only Democratic-leaning "blue" state with no direct levy on personal or corporate earnings. The constitution explicitly acknowledges an individual right to bear arms. It explicitly forbids the taking of private property for private use: though Costco is based in Washington, and sometimes benefits from cities that assemble property through eminent domain, it cannot do that in its home state.

More relevant to our story, the Washington constitution forbids special laws, meaning laws granting special favors to individuals or companies. It forbids giving government money to a private corporation or individual except in support of the "poor and infirm." It forbids the state lending credit to private enterprise or setting up a tax for private purposes.

Like the U.S. Constitution, which is also pretty libertarian, it has had some strategic holes punched in it, most recently in the 1990s by proponents of a baseball stadium.

Safeco Field is a fine stadium. The beer is strong, the grass is real, and the structure has a great lid that rolls into place to shut out the gray and misty rain. Seattle people love their stadium, though it cost much more than the $400 million-plus dollars that was authorized for its construction.

The Seattle Mariners played their first two decades of baseball in the Kingdome, a great concrete dome owned and operated by King County. The Kingdome also was home to professional football games, the Home Show, truck pulls, rock concerts, Billy Graham revivals, and strike-authorization meetings of Aerospace Machinists Local 751. The stadium worked, but for the big-money business of professional baseball, it did not generate enough cash. To support the salaries the team was paying players like Ken Griffey and Randy Johnson, and to justify the $100 million or so the Nintendo group had paid for the franchise, the team needed to control its own stadium — but didn't want to pay for it. In 1995 the Mariners made a pitch to the county, which asked voters to approve an increase in the sales tax to subsidize a new ballpark.

The populist Left hated this idea: precious public dollars were being spent on baseball, a brainless sport of big hairy men, instead of on daycare, preschool, and services for the poor. The populist Right hated it because it was another big government project. Both called it "corporate welfare." Organized labor, which would get a lock on the construction work through a "project labor agreement," loved it. So did

the newspapers, who sell lots of papers to baseball fans. The Establishment was for it.

The vote in heavily Democratic King County was close, but the "no" coalition won, 246,500 to 245,418.

The Mariners said they were leaving town if the Legislature didn't reverse the decision, and they were not interested in waiting for another election. The reaction of Seattle's establishment, including the editorial pages of the Seattle Times and the Seattle Post-Intelligencer, was to claim that voters had not said "no tax-funded stadium"; their "no" vote really meant, "no sales-tax-funded stadium." The governor, a liberal Democrat backed by labor, called a special session of the legislature, which chose a different set of taxes, and voted to build the stadium without asking the voters again.

The demand for a baseball stadium, Justice Sanders observed, was not necessary for the public peace, health, or safety "in any sense other than Orwellian."

Many voters were furious. They had voted "no," and the stadium was going to be built anyway.

Under the 1912 amendment, when a Washington law is passed, it takes effect in 90 days unless the people file a petition for referendum. If there are enough signatures, the referendum goes on the ballot, and if it wins a simple majority the law is repealed. The referendum is a valuable weapon for the people against the state. There is a catch, though. Under that 1912 amendment, a referendum may not be filed on "such laws as may be necessary for the immediate preservation of the public peace, health or safety, or support of the state government and its existing public institutions."

And the law creating the Seattle baseball stadium said:

"This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. . . ."

How could a baseball stadium be necessary for any of that? The law made no attempt to justify its claims, and the legislators passed it in a hurry, with visions of smiling, voting, check-writing baseball fans dancing in their heads. When voters filed a referendum, the state sued to keep it off the ballot, and the case went to the Washington Supreme Court.

The Washington Supreme Court is another example of 19th century populism: its justices are elected statewide (and still may accept political contributions without limit). It is a nonpartisan office, so most voters choose the name they heard on the radio, or that their union recommended, or that doesn't sound weird. A man named Johnson, for example, won the seat from an incumbent named Callow. Another justice is named Fairhurst. Another got elected by changing her unattractive name to Faith Ireland. She recently retired and was replaced by a second Johnson — a highly qualified man, but also with that down-home name.

In the baseball-stadium case, the court sided with the state. The baseball stadium was not done for a private purpose, the court said, but for public recreation and economic development. The court tacitly admitted that this would have outraged the constitution-writers of 1889, when it said, "The concept of what is public purpose is not a static concept. Rather, it is a concept that must necessarily evolve and change to meet changing public attitudes."

A living constitution.

The stadium was not a special law granting favors to one company, the court said, because it allowed any county of more than 1 million people to publicly fund a baseball stadium. There happened to be only one county in the state's 39 that had 1 million people, and only one team that wanted a stadium, but there might be another some day.

The stadium was not a gift to private enterprise, according to the court, because it was owned by a public development authority that charged the Mariners rent. It wasn't very much rent; in an economic sense it was hardly different from no rent at all, but it was rent, and the court was not in the business of judging the adequacies of rents.

But what of the emergency clause? This was the biggest constitutional rock to push from the road, and here there were three justices in dissent. But the other six swallowed whatever good sense they ever had and let stand the great baseball emergency of 1995.

The court agreed that a baseball stadium in Seattle was not necessary for the "support of the state government and its existing public institutions," but ruled that it was "necessary for the immediate preservation of the public peace, health, or safety." The court reached this bold conclusion by repeatedly talking about the "emergency clause" and then steering the discussion away from peace, health, or safety to emergencies. And, of course, there had been an emergency: a baseball emergency. There was, said Chief Justice Gerry Alexander, "a clear and present danger that this State's existing major league baseball franchise, the Seattle Mariners, would depart this state if prompt action was not taken. . . ."

A "clear and present danger" — Oliver Wendell Holmes' famous standard for judging whether Eugene Debs had broken the Espionage Act during World War I — is here used to tremble rhetorically over the threat of a baseball team to leave town.

Was the Mariners' threat to skedaddle Seattle really an emergency? That was for the legislature to decide, the court said. In 1995, the legislature had voted on 135 bills with emergency clauses. Over the years, more than 1,000 such laws had been enacted. To start picking apart these emergencies would amount to "intrusive judicial review," the court said.

Well, it was true that a lot of laws had been enacted with emergency clauses, though in the few cases when they had come to court, some had been thrown out. In 1915, in the first case about emergency clauses, the court struck the "emergency" law down. It ruled that the legislature's claim that one of its laws was "necessary for the immediate preservation of the public peace," was "no more binding on this Court than if the Legislature had declared that a certain measure is or is not constitutional." The Court threw out phony emergencies in 1945, 1948, and 1963. But by the 1990s

the bar had been lowered. The Mariner case knocked it to the floor.

Not, however, without protest. In 1995, the people of Washington had elected an independent libertarian, Richard Sanders, to the Court. The bar association, dominated by leftists, had rated him not qualified; the line the day after the election was that Sanders had won because his opponent had the weird name of Pekelis. His supporters pointed out that Sanders was a property-rights man, and won in the rural areas then chafing under the state's new Growth Management Act. He penned a furious dissent. The demand for a baseball stadium, he said, was not necessary for the public peace, health, or safety "in any sense other than Orwellian," and the majority's decision would "virtually eliminate the people's constitutional right to referendum by leaving it to the tender mercies of the Legislature." He was right; that's exactly what it did.

In 1997 the court heard a case from Spokane, the main city of eastern Washington. There the Cowles family owned the daily newspaper, the weekly business newspaper, a network TV station, and a block of downtown property called River Park Square. The department stores there had suffered competition from suburban malls, and were in decline. Their owners were willing to invest downtown, but only if they were given a parking garage. A city ordinance was passed allocating the city's federal housing grants for the poor to pay for the garage, and also authorizing parking-garage bonds to be backed by parking-meter revenues all over town. The ordinance said all this was "necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions."

The majority's decision, Sanders further noted, "virtually eliminate[d] the people's constitutional right to referendum by leaving it to the tender mercies of the Legislature."

A parking-garage emergency. Was that constitutional? Yes, the court said. It was.

Back in Seattle, the Seahawks football team, which had 15 years to go on its lease of the Kingdome, announced it was breaking the lease. The Kingdome was no longer a first-class facility, as the lease promised, because the stands might collapse in an earthquake of magnitude 8 or 9. A lot of things might collapse in a quake of that power, including the public hospitals, which are occupied 24 hours a day. A stadium, which was occupied only a few hours a month, was really not worth replacing. No matter; the football team was leaving — unless, that is, local taxpayers would pay for a stadium to be owned by another public stadium authority. Microsoft billionaire Paul Allen had bought an option on the Seahawks. He offered to keep them in Seattle if the public would chip in on a stadium. Lobbyists went to the legislature, which came up with a another law even more specific than the baseball law. It specified a county with 1 million or more people; a contract with a National Football League or equivalent team; that the owner of the team pay for a statewide election (which team owner Paul Allen had agreed to do); and that the owner be a state resident since 1993 (which Allen was). Unlike the baseball law, the football law was set to expire less than two months after the governor signed it, so there was no chance of squeezing another stadium through it.

Surely that must be a special, therefore unconstitutional, law. In 1999 the Washington Supreme Court heard a lawsuit regarding the law, and once again Richard Sanders wondered in amazed dissent whether Paul Allen's company, Football Northwest, was "by pure coincidence a lonely star in an otherwise empty universe."

Yup. Justice Barbara Madsen accepted the Lonely Star Theory for the court: "This act is not special legislation. The act allows for 'any county' to create a public stadium authority. . . ."

Allen paid for the election, and for the TV ads assuring voters it would cost them nothing, the taxes being levied on tourists. This time, the vote was yes, the second stadium was built, and the Kingdome was dynamited.

The state constitution had suffered serious structural failures, and there was more to come. In 2004, after fretting several years over budgets that squeezed their favorite programs, the Democrats captured both houses of the legislature. Their candidate for governor, Christine Gregoire (who, as state's attorney, had won the baseball case a decade before), was elected after two recounts. In the spring of 2005 the Democrats wanted a 9-cent increase in the gasoline tax. But a spending-cap law, passed by statewide voter initiative in 1993, required that all tax increases have a two-thirds vote in the Legislature, and they didn't have two-thirds.

They could, however, change the two-thirds requirement with a simple majority — much like the U.S. Senate can change the 60% rule on filibusters by a simple majority. The Senate calls that the "nuclear option." I don't know what the Democrats in Olympia called it, but they did it. Their bill included language that having a simple majority vote to raise taxes was "necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions."

If the people would rather have baseball than the right of referendum, a democratic republic will deliver them baseball and take from them the right of referendum.

This language was meant to protect the 9-cent increase, an estate tax, and some other impositions from immediate public referendum. Opponents filed a referendum petition anyway, and the issue went to the Washington Supreme Court. That august body ruled that the change in the tax-cap law that would allow the passage of a 9-cent increase and the

estate tax was "necessary . . . for the support of the state government and its existing public institutions."

Justice Tom Chambers, who had been elected since the baseball and football cases, dissented, arguing that the court had moved "to a near total abdication of its constitutional responsibility to review legislative action."

It had.

Justice Jim Johnson, the newest justice, agreed, arguing that the emergency was phony.

It was. Anyone could see it.

Sanders quoted from Judge Learned Hand: "What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it."

I am not so sure I agree with this. Having one's rights written in a constitution can be a powerful way to keep them "in the hearts of men and women." It is far, far better to have them written than not — ask the Canadians about living without a 1st Amendment. But it is not enough. Learned Hand was right about that. If the people don't care, if they would rather have baseball than the right of referendum, a democratic republic will deliver them baseball and take from them the right of referendum.

Voters can win some of the political battles. The saga of the baseball stadium that the voters rejected and the politicians built anyway launched the public career of Tim Eyman, a right-leaning populist. His first venture, in 1998, was a statewide ballot measure, Initiative 200, repealing racial preferences. It passed. Next was a statewide initiative rolling back the car license plate tax to $30. It passed. The Washington Supreme Court threw it out but the Legislature, intimidated by the voters, passed the rollback anyway. Among legislators, Eyman is now the most vilified man in the state — because he is far more effective at blocking their actions than is the Washington Supreme Court.

He is not alone. Two Seattle talk-show hosts on KVI-AM radio, conservatives John Carlson and Kirby Wilbur, mounted an on-air campaign to collect signatures for an initiative to roll back the gas tax. A referendum was forbidden, but an initiative (which requires twice the number of signatures) was allowed. An initiative needed 240,000 signatures, but to these veteran talk jocks, that was no problem. Their listeners turned in more than 400,000. As I write, their measure, Initiative 912, is on the ballot for November. It is opposed by organized labor, big business, major media, and all right-thinking believers in good government.

It is expected to pass handily. ❑

Reflections, *from page 14*

The next was more obscure. To establish the imperialistic bent of American business, Irons writes:

"Even before the United States joined the war, some business leaders described their ultimate goals in blunt terms. Speaking to the Investment Bankers Association of New York in December 1940, Virgil Jordan, president of the National Industrial Conference Board, used these words: 'Whatever the outcome of the war, America has embarked upon a career of imperialism, both in world affairs and in every other aspect of her life.' Carrying out 'our imperial responsibilities' meant the creation of a 'solid base of internal unity and domestic prosperity' following the war."

I had never heard of the speech. I noodled around on the Web and discovered that it is a favorite of some leftist writers. The speech is remarkable. A year before the attack on Pearl Harbor, Jordan was saying:

"Whatever the facts about this war may have been or are now, it must be unmistakably clear to any intelligent person that we are engaged in it. Our government has committed the American community to participation in this war as the economic ally of England, and as her spiritual, if not her political, partner in her struggle with the enemies of the British Empire everywhere in the world, to help prevent, if possible, their destruction of the Empire, and if this should not be possible, to take her place as the heir and residuary legatee or receiver for whatever economic and political assets of the Empire survive her defeat.

"To meet this commitment our government has been, or will be, compelled to assume control of the lives, property, resources, and productive organization of the American community, and to do so more completely than it anticipated would be necessary in carrying out the program of socialization upon which it was engaged during the six years before the war began.

"In broad and blunt terms, that is what the national defense program really means, and it is in the light of this fundamental fact that all problems of economic policy, as regards business, investment, consumption, labor, and government, must be considered henceforth. Whether this colossal commitment, of which the American community was, and still is, largely unconscious, was a wise one for the future of the American people, is a debatable but now utterly idle question, and I for one am not willing to debate it any more."

This is not advocacy of imperialism; it is diagnosis of it. I am further strengthened in my doubts of Jordan's imperialism by knowing he was a free-marketeer and an associate of free-marketeers. In 1945 Jordan co-authored an essay with Henry Hazlitt called "Freedom in America," and about that time he hired Leonard Read as his executive vice president. And from 1945 to 1950 he hired Garet Garrett to edit his organization's magazine, American Affairs. Garrett was a free-marketeer who had opposed entry into both World War I and World War II and in 1952 would go on to write "Rise of Empire," in which he attacked imperialism explicitly.

Certainly there were, and are, businessmen in favor of conquest, and who think that whatever is good for their company is good, period. But let us be careful with our quotations. And those of us with different politics than Irons are just as vulnerable to using a quotation without checking it, merely because we like it so very much. — Bruce Ramsey

Reviews

"Stalin's Folly: The Tragic First Ten Days of World War II on the Eastern Front," by Constantine Pleshakov. Houghton Mifflin, 2005, 334 pages.

Useless Idiots

Stephen Cox

"Once," according to Constantine Pleshakov, Joseph Stalin was guiding some military leaders to his dining room in the Kremlin. Passing the policemen who guarded his quarters, "he suddenly said, 'See how many of them are there? Each time I take this corridor, I think, which one? If this one, he will shoot me in the back, and if it is the one around the corner, he will shoot me up front. Yes, each time I pass them I get these thoughts.' The terrified commanders didn't know what to say and proceeded to the table in silence" (p. 72).

None of the commanders took these thoughts to heart and killed him. Even on the numerous occasions when he hinted that some highly placed official was about to be carted off to be tortured and killed, none of the victims decided that if he was going to die, he might as well take Stalin with him. Even on June 30, 1941, eight days into the Soviet Union's war with Germany, when Hitler's forces were speeding toward Moscow, determined to destroy Stalin's regime, and Stalin himself was holed up in his dacha, "depressed and confused," none of the cut-throats around him thought to liquidate him. Instead, Molotov, Beria, and the rest of them merely paid him a polite visit, hoping to rally their despondent leader — and found him "genuinely surprised and relieved" that they had not arrived to arrest him (219–20).

If you think you understand human motives, Pleshakov's book may suggest that you have something more to learn, or at least to marvel at.

It's true that rebellion against tyranny is so statistically unlikely that audiences of the third act of "King Lear" react with shock when a servant suddenly steps out of the shadows and objects to the injustice proceeding on center stage. It's a daring violation of dramatic probability, a violation for which Shakespeare makes sure to atone: the servant is immediately killed.

It is also true, as Pleshakov explains, that the powerful men who surrounded Stalin had several reasons not to revolt against him. Beria, the head of Stalin's goon squad, knew that he would undoubtedly be the next to go. Others were too "stupid" or "loyal" or "paralyzed by habitual slavishness" to revolt (219–20).

But reasons like that require their own reasons. How do people get too stupid to protect themselves? How do they develop the habit of slavishness? Why do they stay loyal to a man who has murdered millions of innocent people, a man who is prepared to take their own lives at any time that suits him, a man who, at the moment, is visibly destroying the country by his incompetence as a military leader?

Stalin, as Pleshakov informs us, could never even get the hang of military maps. Paying no attention to "the arcane marks indicating marshes and forests, and the thin blue threads announcing the presence of rivers," he simply commanded his armies to "march from point A to point B in a straight line, following a precise schedule" (77). The results were predictable. It was a miracle that the Soviet Union survived the first ten days of its entrance into World War II. During that week and a half, Soviet armies were swept from the board like pieces of a children's game. Only with the deaths of millions would the tide of war be reversed.

Pleshakov tells the story of the first ten days with assurance and clarity — the assurance provided by a thorough command of the books and archives currently available on his subject, the clarity inspired by a mature intuition

for the relevant fact, the significant episode. For him, the story cannot be reduced to tables of statistics or charts of military movements. It is the story, instead, of the decisions that individual people had to make, day by day, hour by hour, as Hitler's invasion progressed. He follows frontline soldiers as they try to find food, find shelter, find their military units, find out where they themselves are located on a rapidly changing field of battle, a field on which the simplest efforts at self-defense, let alone resistance to the enemy, were paralyzed by the dependence of everyone on the tardy and confused decisions of the commander in chief.

Every kind of nonsense has been talked about Stalin's role in the start of the war that began on June 22, 1941. Pleshakov's research provides convincing evidence that Stalin was just as lost in events as he seemed to be.

In August 1939, Stalin had signed a pact with his former archenemy Adolf Hitler. The pact gave Hitler the confidence he needed to begin a one-front war against Britain and France. It gave Stalin the right to join Hitler in mastering Eastern Europe. For communists and gullible modern liberals, the justification for the Hitler-Stalin pact was the time it supposedly allowed the Soviet Union to mobilize a defense against Nazi attack. According to Pleshakov, however, no defense was organized except a string of fortifications sitting directly on the Soviets' frontier, fortifications that were sitting ducks for a German invasion. All that Hitler had to do was take point-blank aim at Stalin's planes and soldiers; no backup positions had been provided.

Even when Stalin hinted that some highly placed official was about to be carted off to be tortured and killed, none of the victims decided that if he was going to die, he might as well take Stalin with him.

Up to the last minute, Stalin kept sending a flood of strategic raw materials to his Nazi ally, hoping to appease him.

It is true that, even while agitating for "peace" and damning the Western powers for fighting an "imperialist war" against Hitler, Stalin was planning his own preemptive strike. But the plan merely floated around in his imagination; little was done to implement it. When it became clear that Hitler's armies were organized and ready to attack, Stalin advanced the "schedule" for the start of his own assault from next year to next month, as if the mere act of rescheduling it gave him power. He also "had a number of popular poets taken to the Radio Committee and ordered to compose bellicose anti-Nazi songs" (93).

Hitler's forces moved first. They easily smashed through the armies nesting on Stalin's frontiers, armies that were useless for any purpose other than attack, and insufficiently organized even for that. Stalin's only reasonable option was to withdraw his men to the rear, until they reached some stable line of defense, but he had never created such a line. So he reverted to his default "plan" and ordered them to attack. It was as if Lee had arrived at Appomattox and ordered a general assault by all Confederate forces east of the Mississippi.

"I had it all — money, power, prestige — and then I got a *snooze alarm*!"

Stalin's failures were more than those of one foolish politician. They were permitted and encouraged by the system that gave him power, a system in which the socialist idea of central management was carried to its logical extreme, the total unification of authority. All large decisions, and many insignificant ones, devolved on Stalin and his cronies. Even the smartest, most ethical statesman could never have known enough to wield such power successfully. The people who functioned well in the system were much less suited to doing anything productive than they were to plotting and scheming and keeping the Leader from discovering any embarrassing facts. A system in which open private initiative is hated and feared is never one that produces efficient communication and responsible command.

Habits of control went hand in hand with incompetence. Stalin and his friends were afraid to send messages by radio, even if the messages were in code: you can't tell who might be listening! So they relied on telegraph, but they didn't bother to conceal the wires. Well, you can't think of everything. On the eve of invasion, German commandos simply crossed the border and snipped the wires, and Stalin was no longer able to contact his armies. "In a matter of hours," almost half a million troops were "taken out of the equation. . . . The Red Army, modeled on a perfect pyramid with an impeccably straight line of command, had turned into something untidy, unpredictable, and unmanageable" (214–15).

The communist system was supposed to derive its legitimacy from its material accomplishments. When these proved illusory it attempted to extract at least a sense of legitimacy from the myths that it circulated as propaganda. One of them was the story of Stalin, the all-knowing leader. Of course, the more sincerely this propaganda was believed, the more wretched were the effects of acting on it. Stalin himself was taken in: "No matter how cynical Stalin was, he had a dangerous habit for a dictator, which was believing his

own propaganda" (212). Because, for example, his propaganda had exalted the importance of Minsk, the capital of a socialist republic, he allowed his strategy to be distorted by the defense, and later the loss, of a place that was actually of little military significance (212). And it is certain that he believed very sincerely in the propaganda about his own significance.

Fearing that others might not, however, he had spent a decade and a half trying to destroy all sources of resistance among the Soviet military and political classes. He admired the willpower of men like General Georgy Zhukov, knowing that he needed strong characters to win his war with Hitler. Yet those strongmen were so impressed by the effects of his purges that they "behaved deferentially and obediently," even in situations in which personal initiative, not deference to authority, was crucial to success (188–89).

It was a miracle that the Soviet Union survived the first ten days of its entrance into World War II. During that week and a half, Soviet armies were swept from the board like pieces of a children's game.

We do not ordinarily think of Hitler as someone who cultivated a relaxed management style. But as Pleshakov points out, Hitler's field marshals had much more room for "political independence and strategic ingenuity" than Stalin's generals (123). Effective resistance to Hitler only materialized, Pleshakov argues, when Stalin voluntarily reversed the natural tendency of his regime and allowed his generals to start acting like generals, not errand boys.

Pleshakov makes important contributions to our understanding of Stalin's actions at the crucial point of his career. But the psychological (or, if you will, spiritual) questions about Stalin's movement remain unanswered, especially the one implicitly posed by Stalin himself when he wondered which of his guards would assassinate him. Why, after all, didn't somebody do it? Was it simply because his subordinates were so shell-shocked by his persecutions that they submitted to him without a second thought? There were certainly people who plotted to remove the Great Leader, but none of them got as far as the generals who tried to assassinate Hitler in 1944. And there are several circumstances that make obedience to Stalin appear even more mysterious than it looks at first.

One is the fact that, unlike the Hitler regime, Bolshevism had been in crisis from the very start. Its political program regularly produced social and economic disasters so massive and obvious as to drive large sectors of the population to despair. Further, Stalin repeatedly purged the military and the ruling party — unlike Hitler, who indulged in only one big purge, soon after coming to power. When a leading politician or general confronted Hitler, he had to watch his step, but Hitler never went out of his way to make his collaborators fear that they were about to be dragged off to the torture rooms. How does a leader retain hegemony when he leads his political movement into one defeat after another, meanwhile creating conditions exactly the opposite of those that are normally conducive to loyalty? What accounts for the supineness of so many people before such a gross parody of political wisdom?

Pleshakov's answer is this: "Dictatorial regimes can be terribly inefficient. . . . However, they do one thing extremely well: they deprive people of their will. Since the Enlightenment, mainstream Western thinkers have been arguing that an ineffective regime that destroys its people's initiative and brainwashes them instead of educating them will crumble in time of crisis. This may be true in some instances, but it was emphatically not the case in the Soviet Union in June 1941. In Stalin's USSR, state brutality compensated for everything. . . . As long as the dictatorship was able to manipulate its own people, it was efficient and could sustain almost any challenge, despite a faltering economy and jamming guns" (273).

Now wait. Pleshakov's prime datum in support of the deprivation-of-will argument is the behavior of Konstantin Rokossovsky, a Polish general who was imprisoned and tortured by Stalin, then resurrected for use in World War II, then dispatched to communist Poland to superintend its armed forces. This, one might think, would have given him plenty of motivation both for personal revenge and for rebellion against communism itself. But in 1956, when Polish students began to protest against the communist regime, Rokossovsky distinguished himself by volunteering to crush their rebellion. While other people dithered, as he was proud to say, he acted: "I went up to my office and summoned a tank corps to Warsaw" (273). Is this a man deprived of will? No, it's a man who believes in what he's doing.

Of course, generals and statesmen have opportunities that other people don't. But that's just the point. In 1941, a Soviet peasant or a Soviet soldier had, at best, the choice of deserting to the Germans or continuing to cooperate with his Stalinist bosses. No matter what he did, however, he couldn't hope to influence the course of events. Still, millions of people in the way of Hitler's invasion chose the first option. They went over to Hitler — only to discover that he, unlike the communists, didn't even pretend to be fighting for the welfare of Byelorussians, Great Russians, or Ukrainians. So disaffected Soviets selected the second option, wherever it was still open for them.

What accounts for the supineness of so many people before such a gross parody of political wisdom?

But some people had more substantial choices. They could leave communism without welcoming fascism. In some cases, they could leave and take Stalin with them, by the simple expedient of assassinating him. If they didn't do so, it wasn't because they were

wholly deprived of will. They retained, in full, their will to believe.

This idea comes through emphatically when one reviews the lives and public utterances of some distinguished advocates of communism. Consider Vyacheslav Molotov, Stalin's foreign minister. In 1940, Stalin removed Molotov's wife, Polina, from the Central Committee; Molotov abstained from voting. In 1949, Stalin brought charges of treason against Polina, claiming that she was a Zionist. Once more, Molotov declined to dissent. Polina was sent to prison, and Molotov continued to collaborate with Stalin as a member of the Presidium of the Central Committee. An interesting situation: imagine Colin Powell continuing to serve as secretary of state, after George Bush packed his wife off to prison for some imaginary political crime. And Molotov loved his wife. She was "beautiful, intelligent, and, the main thing, a genuine Bolshevik, a genuine Soviet person" ("Molotov Remembers," ed. Albert Resis [Chicago: Ivan R. Dee, 1993] 323).

Maintaining loyalty to the communist movement is qualitatively different from maintaining loyalty to the Grand Old Party, no matter what you think of President Bush's spending plans.

When, in 1953, Stalin finally died, Polina was released. Her husband's reaction, provided in conversations many years later, when Stalinism was no longer in vogue, was this: "Of course, she should have been more fastidious in choosing her acquaintances. . . . A black cat had, as they say, crossed our path. . . . She certainly endured great hardship, but I repeat, she never changed her attitude toward Stalin. She always thought highly of him." It is reported that when one of Polina's relatives criticized Stalin in her presence, she snarled, "Young man, you understand absolutely nothing about either Stalin or his times. If only you knew the burden he bore in office!" ("Molotov Remembers," 323–24).

Now let's look at the attitude of someone who had every opportunity to jump off the communist ship: Anna Louise Strong, one of America's leading partisans of Stalinism, and later of Maoism. Strong was, from the communist point of view, a believer of unstained integrity. Yet she was arrested and (lucky for her!) deported from Stalinist Russia for non-existent ideological sins. Her response? A continued defense of Stalinism. When Khrushchev finally came along, three years after Stalin's death, and admitted that Stalin had been a monster, Strong nearly lost her mind. "We knew all these things for twenty-five years," she wailed, "and I kept silent for the cause of socialism. What am I supposed to say?" (Tracy B. Strong and Helene Keyssar, "Right in Her Soul: The Life of Anna Louise Strong" [New York: Random House, 1983] 283).

Good question. But, we are told, Strong found consolation "in an epigram from Stalin: 'The logic of events is stronger than the logic of intentions.' It convinced Anna Louise that if her work had in fact furthered the cause of socialism, it did not matter what she had known or believed." (Strong 283) Of course, "the cause of socialism" included such "events" as the starvation, imprisonment, and torture of millions of people, and the miserable impoverishment of hundreds of millions more. But never mind the senselessness, the absurd lack of "logic" of the whole affair. Strong was still, according to the title that her biographers gave their work, "Right in Her Soul." This is not deprivation of will.

How shall we explain the allegiance that many (reputed) intellectuals, in the free and prosperous West as well as the shackled and demoralized East, maintained to Stalin? Isabel Paterson described them as people who had made an investment that they were unwilling to liquidate. They had bought (or at any rate taken a lease on) certain ideas, and rather than lose the franchise or sell at a loss, they kept trying to talk the value up again.

That's a good theory, and it has its uses. There are other good theories, too. One involves the idea of political "identification." Early in life, people associate themselves with certain political ideas or movements, which they later defend, no matter what, as if any attack on the ideas were an attack on their own identity. I have used this theory to explain Americans' relationship to this country's two major parties. No doubt the identification theory goes a long way toward explaining communist behavior, too. But it won't go all the way. Maintaining loyalty to the communist movement — particularly in circumstances in which its leader has arrested and tortured you, or sent your wife to prison for not being "fastidious" enough in her "acquaintances" — is qualitatively different from maintaining loyalty to the Grand Old Party, no matter what you think of President Bush's spending plans.

When one recalls the loyalty that many Western intellectuals showed to communism, it's important to remember that this stalwart feeling was maintained in the face of not just one discreditable episode, such as the Hitler-Stalin pact, but of hundreds of such episodes. Communism suffered catastrophic blows to its intellectual prestige throughout its life. No one had to wait until Khrushchev's "revelations" of Stalin's crimes to learn the truth about any of it.

Communism suffered catastrophic blows to its intellectual prestige throughout its life. No one had to wait until Khrushchev's "revelations" of Stalin's crimes to learn the truth about any of it.

Communist economic ideas, based on the labor theory of value, were announced at precisely the unlucky hour when the theory itself was being conclusively refuted by real economists. Marx's theory of history was also discredited from the start, spurned by everyone who understood historical fact. And communism wasn't slow to exhibit its abhorrent practical effects on human conduct. Nineteenth-

century communists disgraced themselves by a generation of terrorist outrages. When communists came to power in Russia, they immediately gave the lie to all pretensions about democracy and equality. Lenin ruled by war and terror. ("'Who was more severe, Lenin or Stalin?' 'Lenin, of course . . . I recall how he reproached Stalin for his softness and liberalism'" ["Molotov Remembers" 107].) He also confessed the inadequacy of communist economics by legalizing enough capitalist enterprises to save his regime from total collapse. After his death, the farcical conflict between his two would-be successors, Trotsky and Stalin, emphasized the inability of communism to produce a leadership with any respect for justice or truth.

Stalin's crimes are notorious; and they were notorious from the beginning, to everyone who cared to read or think. Stalin reformed agriculture by starving the peasants into submission. He enhanced Soviet public works projects by mobilizing slave labor to construct them. Then came the party purges, the army purges, the pact with Hitler, Soviet atomic espionage, and the destruction of democratic and labor movements in Eastern Europe. In 1956 and 1968, Stalin's successors followed his example by crushing national rebellions in the communist satellites. The latter decades of the century witnessed the erection of the Berlin Wall, the sinister buffoonery of Khrushchev and Castro, the bloody suppression of workers' movements in Novocherkassk and other places, the mass exterminations in Cambodia, the destruction of Tibet, the murder of millions that accompanied the Cultural Revolution in China, and the degeneration of North Korea into primitive psychosis.

Since 1880, no generation of intellectuals has come to consciousness at a time when communist ideas have not already been discredited, both in theory and in practice. Yet European and American intellectuals continued, generation after generation, to take communist ideas seriously. Many of them do so today.

Listen to the late Louis Althusser (1918–1990), a Marxist philosopher who had much to do with shaping the cultural theories now current in American college classrooms, as he summarizes his final view of the Soviet experiment: "Any public involvement in politics is, of course, forbidden and dangerous, but as far as everything else is concerned, what a splendid life they lead! . . . [I]t is a country where the right to work is guaranteed and, I might add, planned and compulsory." In the USSR, he is pleased to find, "groups of friends" actually "get together and sell their services to businesses which have fallen behind. . . . You could not imagine it happening here [in France]" (Louis Althusser, "The Future Lasts a Long Time," ed. Olivier Corpet and Yann Moulier Boutang, trans. Richard Veasey [London: Chatto & Windus, 1993] 190–91).

No one goes more berserk than an author whose works are censored — unless the author happens to be a communist whose works are censored by communists.

Yes, I could; it happens all the time in "bourgeois" society. But by this point, one understands that one is dealing with a person who has absolutely no idea of what the world is like, a person who is determined to believe that capitalism is always fundamentally wrong and communism is always fundamentally right, and who will invent whatever observations he needs to dramatize his beliefs. Even the feeblest intellect can observe and reason better than that, so we can be sure that some kind of egotistic defense mechanism must be involved.

But that can hardly be the sole explanation. If it were, Althusser would not have responded so blandly to Soviet suppression of his own works: "Not surprisingly[!], I found the USSR a philosophical desert. My books had been translated, like all other foreign publications, but they were hidden away in reserve collections in libraries, available only to select specialists who were politically safe" (191). No one goes more berserk than an author whose works are censored — unless the author happens to be a communist whose works are censored by communists. And Althusser is only one of many instances of a fairly common phenomenon among Western communists and fellow-travelers.

What moved people to act in such peculiar ways? It is ordinary to answer, and dismiss, that question with some brief reference to the alleged similarity between communism and other "religious" movements. The idea is plausible. Many adherents of absurd religious dogmas appear completely unaffected when their beliefs are shown to lack any logical or empirical foundation. People in the Hitler movement often acted in the same way. Although Hitler himself objected to being worshiped as a "messiah," that didn't stop his followers from continuing to do so, believing that if anything went wrong in Nazi Germany, the Fuehrer must not have heard about it.

But suppose that a religious cultist actually witnessed the object of his devotion wantonly slaughtering his compatriots. Or suppose that he saw him jailing and killing the worshiper's own family and friends, or threatening to do the same to the worshiper himself. Suppose that the worshiper had

"The big dummy bought a fire, and forgot to ask the salesman how to turn it on!"

labored for years to conceal the frailties of his god from others, twisting facts, inventing outright lies, and otherwise scheming to convince the world that what he knew to be true was actually false. Suppose, in short, that the worshiper knew that his faith in his god was false and hollow. What could explain his continued enthusiasm for the religion itself, an enthusiasm surviving even the god's death and burial (or, in Stalin's case, his being embalmed and put on display in the world's most lugubrious Mystery Spot)? There may be examples of Nazis who behaved like Strong or Rokossovsky or the Molotovs, but I don't know of any. And I can't think of any that I've discovered among the devotees of the many religious cults I have studied. Yet this sort of thing is not at all uncommon on the hard-core left.

The same logical freedom can be used to debate the Hitler-Stalin pact or the Soviet invasion of Hungary or the exegesis of Krazy Kat cartoons.

I can think of four factors — factors that Pleshakov does not examine — that seem to distinguish communism from other species of political "folly" (to use his well-chosen word). They are: cultural isolationism, theoreticism, the extinction of conscience, and militant self-righteousness.

By "cultural isolationism" I mean the conviction of intellectuals and other supposedly responsible people that communism offered the only explanation that really mattered of the world around them. I don't know whether Chairman Khrushchev or Marshal Zhukov had any more pretensions to philosophy than the average Southern Baptist, but it's clear that they never actively investigated any ideology other than communism. The same can be said of Robert Oppenheimer, the famous American physicist. When this ostensibly brilliant thinker decided to interest himself in political events, he went directly to the source of all wisdom: he read Marx's "Capital" and the works of Lenin. That constituted his political and economic education. He later renounced his romance with communism, but he never seems to have explored any other ideology.

Oppenheimer was a Western intellectual with free access to every book in the world. Consider the effect of communist doctrine on a military or political personality in the Soviet Union. If he wanted something to believe in, he might easily assume that the choice was between Marxism and nothing. And Stalin represented himself as the embodiment of Marxism.

He found it a lot easier than you might think. Because of what I am calling the "theoreticism" of the communist movement, anyone with enough self-will can use Marxist thought to justify almost anything he thinks or does. A prominent academic once gave a lecture at the University of California, San Diego, in which he offered a Marxist interpretation of certain events in 19th-century American history. At the end of his talk, someone asked him how his interpretation could possibly be true, considering the fact that some of the effects he mentioned had actually preceded their putative causes. "Well," he replied, "it's dialectically true." This astonishing riposte did no visible damage to his authority.

The Marxist way of explaining the world is so theoretical, so distant from any frank survey of the facts, as to transcend all normal checks and limits. Suppose that while passing through the cafeteria line at the Che Guevara Museum of Military Science and Heterosexuality I neglect to banter with the check-out clerk. Clearly, according to the Marxist way of thinking, I am undermining socialist "solidarity," contributing to the clerk's "alienation," and, in "objective terms," launching an "interrogation" of the labor theory of value. But suppose that I do stop and chat. Then, from the perspective of the same dialectical theory, it is just as clear that I am disrupting the flow of socialist production, indulging a mere "intellectualist" weakness for superficial contact with the working class, and therefore "objectively" contributing "yet more" to the clerk's alienation than I would have if I had never thought of chatting with her. (Don't laugh; I've heard both these applications of Marxist theory, at length.)

The same logical freedom can be used to debate the Hitler-Stalin pact or the Soviet invasion of Hungary or the exegesis of Krazy Kat cartoons. And remember that communist theory is, by definition, "materialist"; its conclusions are regarded as emanations of reality, not as the products (which they are) of an effete intellectual game. People who believe in the reality hypothesis are likely to see every turn of the theoretical wheel as an epiphany of scientific truth, a truth that is all the better for its shiny newness. If they participate, as Stalin did, in the giddy, anything-goes invention of theory, they may soon start to feel like Hindu gods, perpetually inventing new states of being, or like addicts with an endless supply of drugs.

There was no independent standard of fact, logic, or common sense to prevent Stalin from expressing his paranoia in any way he chose, or to assure his victims or followers (frequently the same group) that he was wrong.

Minds less inclined to theory may fear, with good reason, that the addicts will turn on them the next time the dialectic takes a lurch to the left or right. That is what kept happening with Stalin and his friends. There was no independent standard of fact, logic, or common sense to prevent him from expressing his paranoia in any way he chose, or to assure his victims or fol-

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lowers (frequently the same group) that he was wrong. And of course there was no standard of morality, either.

In personal terms, such a standard is called a conscience, an internal limitation on the individual's ability to construct his values to suit his whims, or even his necessities. Every great religious movement appeals to conscience. Conscience, indeed, has given birth to the worst abuses of religion in its puritan form. But conscience does not appear to have played any role in Stalin's variety of puritanism. What did play a role, and a starring role, was the implacable self-righteousness that has so often been noted by critics of communism — the kind of self-righteousness that allowed communists to do absolutely anything they wanted to do, or felt that they "had" to do, without regretting it later.

Religious people become self-righteous when they believe they are fulfilling a set of moral standards; communists become self-righteous when they conclude — as their political theory invites them to conclude — that there are no moral standards, except the exceedingly malleable ones that they themselves make up. If you want to feel good, just call yourself good; no evidence will confute you.

I said that there was no standard of morality in the Stalinist movement. But there was more than enough "morality" to make it a paradise of self-righteousness. Marxism was not erected on factual or even spiritual conceptions; it was erected on moral dogmas, and it has always remained inseparable from them. Marxist thinkers may fight over rival definitions of exploitation, imperialism, and colonialism, but they have never doubted that those things were bad. They have killed one another over rival definitions of the working class, social evolution, and the leading role of the communist party, but they have never doubted that those things were good. Yet because their moral judgments cannot be sustained either by a fair appeal to facts or by anything so bourgeois as an individual conscience, communism has always been wrapped in an impenetrable aura of cynicism. Communists have always made a profession of lying, and the bigger the lie, the thicker the swathing of self-righteousness.

Take, for example, a garden-variety communist sympathizer, who was also, quite probably, a member of the Communist Party (but what's the difference, really, when the issue is belief, not party dues?), an American academic named Haakon Chevalier. Today this person is known, if at all, as one of the leftist hangers-on who got Oppenheimer into trouble with the U.S. government. But it's in the memoir he wrote about his friendship with "Opje" that Chevalier's true cultural interest emerges. The book offers a perfect, or perhaps I should say a perfectly typical, display of communist self-righteousness. Describing his early period of communist acculturation, the high Stalin days of 1937–1942, Chevalier writes:

"It was a time of innocence . . . in the sense that in the face of the manifold and confused manifestations of unresolved social conflicts at home and the gathering war clouds abroad, those of us who had taken a clear political position felt a type of spiritual serenity due, I think, in large part to the fact that we suffered no conflict between heart and mind, between aspiration and what reason sanctioned. We were animated by a candid faith in the efficacy of reason and persuasion, in the operation of democratic processes and in the ultimate triumph of justice. In a world in which evil forces exerted their cruel sway, we held high the banner of justice, freedom and equality, asserted the sanctity of human rights and proclaimed the cause of peace" (Haakon Chevalier, "Oppenheimer: The Story of a Friendship" [New York: George Braziller, 1965] 19).

Communists have always made a profession of lying, and the bigger the lie, the thicker the swathing of self-righteousness.

So what does one do if one is inspired by "innocence," "reason," "democracy," "human rights," and "peace"? One becomes a supporter of Stalin, of course! — although our author does his best to avoid mentioning that name. As with Alger Hiss or

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the Rosenbergs or the friends of Fidel Castro or a thousand other communist stooges who have paraded beneath the banner of "progressive" politics, communism remains a love that dare not speak its name, because to speak it would be bad for communist propaganda. Chevalier is a writer who can pat himself on the back for supporting demonstrations for "peace" and then, with no transition at all, give himself another pat for supporting the wars of "Loyalist Spain" and Stalinist Russia. It was all "for the alleviation of human suffering" (24–25). Now imagine how many Haakon Chevaliers must have existed in the Soviet Union, where self-righteous personalities could really come into their own. Again, this kind of personality is the antithesis of the will-less, zombie-like people whom, according to Pleshakov, Stalin created.

For contrasting instances from another absolutist regime, one can turn to Pleshakov's earlier book, "The Flight of the Romanovs," written with John Curtis Perry (New York: Basic Books, 1999). Here we read of Grand Duke Nicholas, a cousin of the last tsar. The tsar wanted to make Nicholas a military dictator. Nicholas did not agree. "If he wants to force me to become Dictator," he said, "I shall take this revolver and kill myself in his presence" (95). That's a lot more than anyone in Stalin's court ever promised to do, for any similarly good reason. In 1917, two of the tsar's other relatives, Felix Yusupov and Grand Duke Dmitri, risked their necks to assassinate his depraved advisor, Grigory Rasputin. Felix and Dmitri were a pair of idle playboys, but they showed more political conscience than any of Stalin's high-minded ideologists. Even the last tsar was chock full of conscience; he was always doing things he didn't want to do, because of some moral or religious imperative he felt. His decisions were bad, his system of government was bad, but his culture produced quite a different sort of character from the "genuine Soviet person." Both the communists and the Romanovs were replete with "morality" (and "folly" too), but there was a part of communist morality that never got screwed on. The part was an individual and responsible conscience.

Well, what does all this matter now? The influence of specifically Stalinist ways of thinking has almost disappeared from the West, and perhaps even from China. Yet a broader, communist-flavored culture remains alive. In many ways it continues to serve as a recipe for the opposition cultures now dominant in many of the West's elite institutions. There is remarkably little difference between the attacks on "bourgeois" individualism and calls for state-determined "social justice" that characterized 1930s agitprop and the stridently anti-individualist, anti-capitalist assumptions that regularly appear in today's learned journals, foundation reports, and action plans of "liberal" lobby groups.

During the 1970s, anti-bourgeois, anti-capitalist, anti-individualist "theory" occupied the commanding heights of social science and humanities departments throughout the West. Since then, this type of theory has, if anything, only strengthened its grip, contributing greatly to the cultural isolationism of teachers and students, not to mention their self-righteousness. And while the vast majority of academics whom I know are punctilious about their private moral obligations, it cannot be for the good of the humane sciences that individual conscience is almost never recognized as a matter worth noticing in "serious" research.

The influence of elite notions is, of course, impossible to calculate. There's an old joke about a woman who is too sick to go to church one Sunday. When her husband returns from the service, she asks him how it went. "Do you want the good news or the bad news?" he inquires. "Give me the bad news first," she says. "All right," he continues; "the minister preached nothing but heresy." "Good heavens," she exclaims, "what news could be 'good' after that?!" "Well," he replies, "nobody was listening." The same may be true about the post-communist ideas I'm discussing. Yet, as we know, one misbegotten piece of "authoritative" advice can wreck the economy of an African nation.

It is time for intellectuals to be reminded of what the world can become when certain kinds of ideas are acted out by people who really mean business. The story of that world is vig-

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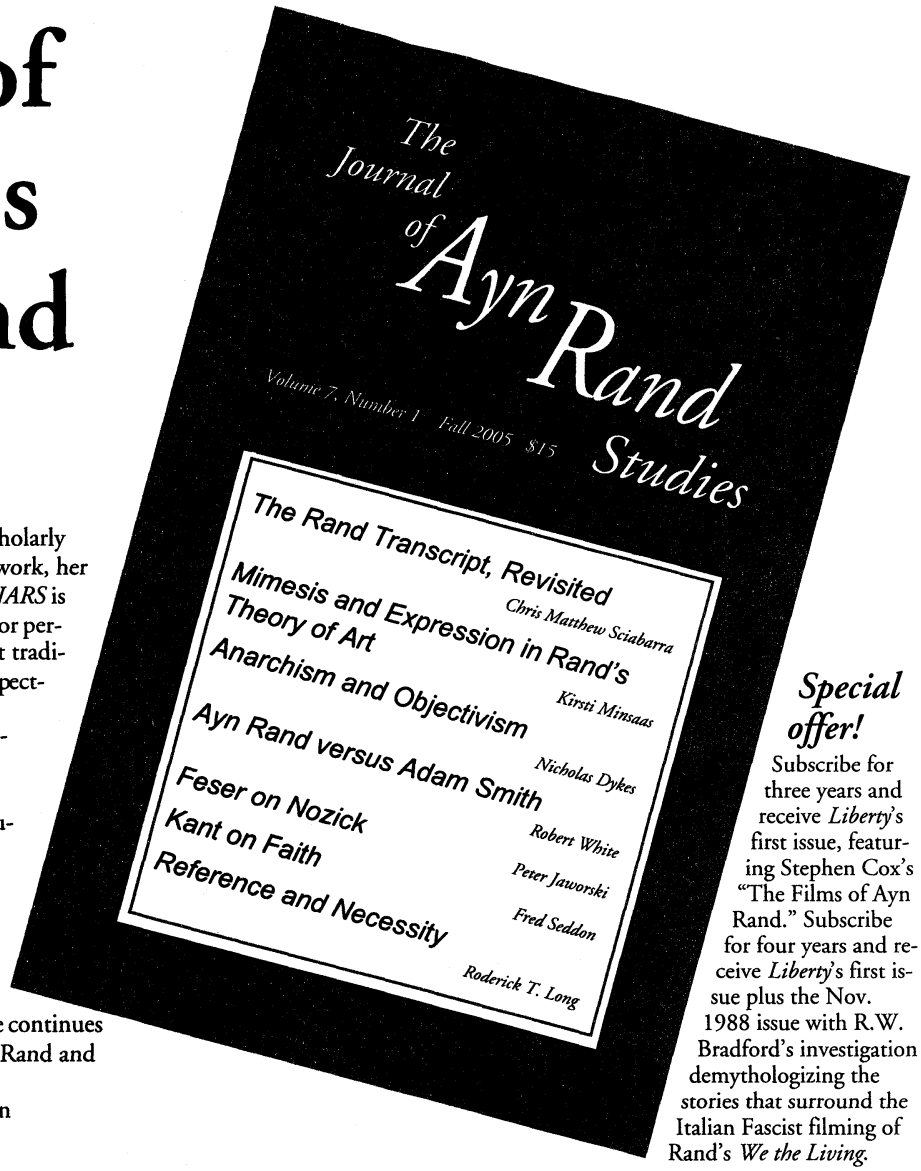

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orously and cogently told in "Stalin's Folly." Mr. Pleshakov's other fine books, "The Flight of the Romanovs" and "Inside the Kremlin's Cold War: From Stalin to Khrushchev" (Cambridge: Harvard University Press, 1996), provide the story with an appropriate before and after. ☐

"Vienna and Chicago: Friends or Foes? A Tale of Two Schools of Free-Market Economics," by Mark Skousen. Capital Press, 2005, 306 pages.

The Austro-Chicagoan Empire

Alan Ebenstein

Mark Skousen has established himself as one of the leading libertarian writers born after World War II. In his new book "Vienna and Chicago: Friends or Foes?" Skousen performs pioneering work in comparing and contrasting the two leading schools of free market thought.[1]

Skousen's brief work — less than 100,000 words — would provide a good introduction for anyone seeking to learn more about either school. As far as I am aware, it is the only book-length comparison of these two very interesting schools.

"Vienna and Chicago" displays all the features of Skousen's previous work — broad reading, good humor, clear expression, and original research. He provides a summary of the Chicago and Austrian positions on a variety of topics in economic theory, history, and practice. He then states which perspective he thinks superior in each area. Though his heart and roots lie in the Austrian school, his mind and perhaps future lean towards Chicago.

Skousen notes that the Chicago and Austrian schools have much in common. Both "champion the sanctity of private property . . . defend laissez-faire capitalism . . . support free trade . . . [and] believe in limiting government" (p. 3). With so much agreement with respect to public policy, how much could they differ with respect to theory? According to Skousen, a great deal.

Perhaps the major difference between the two schools is their conflicting interpretations of the Great Depression. Both schools were largely on the same page when the Great Depression started in 1929. Both Ludwig von Mises and Friedrich Hayek wrote that the central insights of the historical Austrian school of Carl Menger, Eugen von Bohm-Bawerk, and Friedrich von Wieser had mostly been absorbed by the mainstream of economic thought by the 1920s.

The historical Austrian school, before the 1920s, was not known for being particularly pro-free market. Rather, as Hayek said: "At that time, we would use the term Austrian school quite irrespective of the political consequences which grew from it. It was the marginal utility analysis which to us was the Austrian school."[2]

While some, including Milton Friedman, trace a free-market Chicago school to the University of Chicago's 1892 founding and the appointment of James Laurence Laughlin as the head of the department of political economy, the more conventional view is that the Chicago school began in the 1930s Jacob Viner-Frank Knight era in the Chicago economics department.

Primarily following Hayek, post-1920s Austrian economists have maintained the Depression was mainly a real, as opposed to a monetary, phenomenon. In "Vienna and Chicago," Skousen departs from this perspective, and in so doing he crosses the bridge from Austrian to Chicago economics.

Skousen goes back and forth between Vienna and Chicago throughout. On the one hand, he adopts a largely monetarist explanation of the Depression, and on the other, he continues to maintain the Austrian position that "monetary inflation [expansion] by the central banks artificially distorts the structure of the economy, causing an unsustainable boom that must end in a bust" (37). But Skousen's monetary premises, derived from Friedman's work, should not allow him to maintain the Austrian view of the Great Depression.

Hayek's contemporary perspective on the Great Depression was not correct. He thought the United States Federal Reserve System pursued an expansionary monetary policy in the late 1920s and early 1930s. In fact, the opposite was the case. Starting from wrong empirical premises, Hayek reached wrong theoretical conclusions.

Skousen goes back and forth between "Vienna and Chicago" throughout. But his monetary premises, derived from Friedman's work, should not allow him to maintain the Austrian view of the Great Depression.

In a chapter on "Macroeconomics, the Great Depression, and the Business Cycle," Skousen departs from Hayek's view, stating the monetarist interpretation of the Great Depression, at least as the Depression got going, as his own. "The evidence seems to support the monetarists' claim that the growth in

the money supply [in the 1920s] was not excessive" (172). He also criticizes Murray Rothbard's inclusion of, for example, the cash surrender value of life insurance policies in the money supply to argue that inflationary monetary policies were practiced in the 1920s, a weakness long observed by Rothbard's critics.

More significantly, Skousen writes: "Was Fed policy sufficiently easy to create a Great Depression following the 1929 stock market crash? Here the monetarists have the upper hand: only further deflationary blunders by the Federal Reserve could have turned the 1929–30 recession into the worst economic crisis of the twentieth century" (176). At this point, the Austrian theory of a trade cycle is in tatters. There was no inflationary boom in the 1920s. There was no expansionary monetary policy in the early 1930s.

At this point, the Austrian theory of a trade cycle is in tatters. There was no inflationary boom in the 1920s. There was no expansionary monetary policy in the early 1930s.

With respect to method, Skousen is also moving into the Chicago camp. He rejects the non-experiential positions of Mises and, to a lesser extent, Hayek. He goes, indeed, as far as to write: "Probably the most important reason why the Chicago school has been more influential than the Austrian school is because of their sharply differing methodologies" (99). He correctly notes that the Austrian method, notwithstanding their rejection of mathematical formulae in economic theory, is often closer to the "abstract theorizing" (107) of 20th century mathematical economists than the method of either is to Chicago's factual approach.

One of the best features of "Vienna and Chicago" is the extensive personal interviews and correspondence with leading economists of all schools which went into its composition. When Skousen writes that "[a]ccording to Gary Becker . . . rigorous testing of theories with empirical data is Friedman's most important contribution to technical economics" (62), he adds to our understanding both historically and substantially.

For those familiar with Skousen's past work, it will be of interest to know he no longer supports a gold standard as necessarily the best monetary system: "Even though the Austrians have a better theoretical, historical, and ethical argument in favor of the classic gold standard, the Chicago school offers better pragmatic solutions to monetary problems we currently face. Returning to a gold standard . . . cannot be instituted without creating its own crisis" (154–5).

It should be said in closing that Skousen's presentation in "Vienna and Chicago" is more balanced with respect to Austrian and Chicago views than what is presented here, which emphasizes his Chicago rather than Austrian positions. But that is the point: so dominant has the Chicago perspective become that even those who think or say they do not identify with it (in whole or in part) often look at the world through its eyes. ❑

Notes

1. In the interest of full disclosure, it should be said this reviewer saw a copy of "Vienna and Chicago" when it was in draft form.
2. Cited in Alan Ebenstein, "Hayek's Journey: The Mind of Friedrich Hayek," (New York: Palgrave Macmillan, 2003), 42.

"The United States of Europe: The New Superpower and the End of American Supremacy," by T.R. Reid. Penguin, 2004, 287 pages.

Enterprise Lives, Barely

Martin Morse Wooster

Look at Europe today and you'll see a continent in economic stagnation. In Germany, Chancellor Gerhard Schroeder has had to call an early election because of his country's dismal record in job creation. France has been mired in double-digit unemployment for a very long time. In Britain, the Tories gained seats on an immigrant-bashing campaign. And across Europe, many voters express their frustration at the polls by voting for neo-fascist or Communist parties.

Given the European Union's dismal economy, it is paradoxical to argue that America adopt the European social-market economy — but that's the premise of T.R. Reid's "United States of Europe." Reid, a reporter for the Washington Post, is an excellent writer, and his book has a good deal of valuable reporting in it. But Reid's cheerleading for the welfare state leads him to some problematic conclusions.

Reid's premise is that most Americans — say, the sort of people who dutifully depend on the Washington Post or the New York Times to tell them what the world is like — don't know much about European integration, a belief that finds considerable justification. Most American newspapers and weekly news journals do a terrible job surveying the rest of the world. Also, at least until recently, the War on Terror seemed so important that it pushed other important stories to the back pages of the newspapers, or out of them entirely.

Reid is at his best when he writes about social trends. In one chapter, he

discusses "Generation E," the younger generation of Europeans who wander from Helsinki to Madrid, visiting their friends in every member state. Given that English is now every young European's second language, once-formidable language barriers have crumbled.

As a liberal who likes markets, Reid is good at portraying Europe's most dynamic entrepreneurs. Take Austria's Dietrich Mateschitz. In the 1980s, Mateschitz sold toothpaste to Asians. As he traveled throughout Asia, he found that Asians stayed awake late at night by drinking tonics loaded with caffeine and amino acids. Mateschitz bought the European rights to a Thai beverage called "Kating Deng" or "Red Water Buffalo." Mateschitz adapted the name to Red Bull — and created a global market for "energy drinks." Because Mateschitz's company has an English name, few realize that Red Bull GmbH is actually headquartered in "a breathtaking corner of the Austrian Alps."

Mateschitz bought the rights to a Thai beverage called "Red Water Buffalo," then changed the name to Red Bull — and created a global market for "energy drinks."

"Please do not forget that Europe, too, has its entrepreneurs," Mateschitz tells Reid. They do indeed — though there aren't that many of them. Start a business in Europe, and you run into all sorts of hurdles that Americans don't face — a 48-hour maximum workweek, draconian restrictions on hiring and firing, and, of course, it's much easier to be unemployed in Europe than in America.

Reid points out that Europeans love their welfare states. And why shouldn't they? Of course given the choice, most people would rather get something for free — college tuition, child allowances, health care — than have to pay their bills. And since much of the cost of these "free" services comes from a value-added tax of 20–25% hidden in the prices they pay for practically everything, most Europeans hardly notice paying it.

And the "protection" offered by the European welfare state comes at a high price. The state offers a cushion for those who fail — and a net for those who rise. High taxes and onerous regulations ensure that it's much harder to be an entrepreneur in Europe than in America — which, in turn, ensures that European economies are far less dynamic than America's.

The European Union, of course, does good as well as harm. By removing trade barriers between member states, the EU has ensured economic growth. EU regulators have also had some success in encouraging privatization and competition among entrenched government monopolies. "Loser-pay" rules ensure European trial lawyers are less avaricious than their American counterparts.

Reid reminds Americans that they ought to know more about how the European Union got started and where it's headed. If you know so little about EU history that you think Jean Monnet was a painter, you'll find "The United States of Europe" a useful introduction to such institutions as the European Parliament and the European Court of Justice. More discerning readers will enjoy Reid's lively style and thoughtful anecdotes. But readers should question Reid's hearty endorsement of the welfare state. □

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Terra Incognita

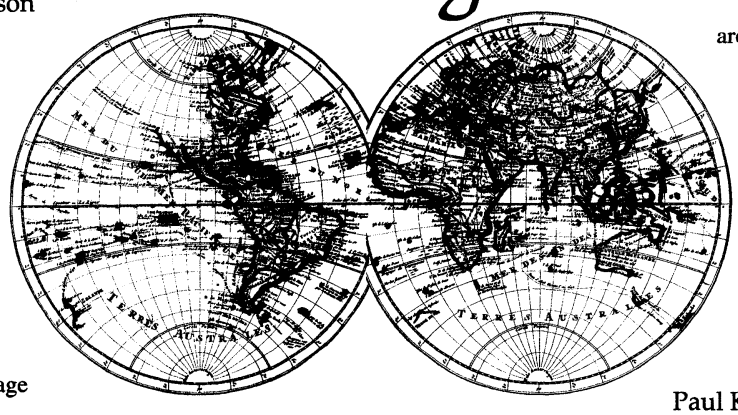

New Orleans

Compassion from *Agape Press,* the news outlet for the American Family Association:

Bill Shanks, pastor of New Covenant Fellowship of New Orleans, sees God's mercy in the aftermath of Katrina. "New Orleans now is abortion free. New Orleans now is Mardi Gras free. New Orleans now is free of the sodomites, the witchcraft workers, false religion — it's free of all of those things now. . . . in His mercy [God] purged all of that stuff out of there."

Jackson, Miss.

Innovation in the actuarial arts, from the Jackson *Clarion-Ledger*:

Mississippi on Thursday sued insurers to force them to pay billions of dollars in flood damage to Mississippi citizens who have home casualty insurance, despite the explicit and detailed exclusion of flood damage from their policies.

To deny coverage to those whose homes were wiped out by the storm surge, but lacked flood insurance, is "taking advantage of people in the most dire straits," said Attorney General Jim Hood, who filed the lawsuit. "We intend to . . . make sure the insurance companies pay all that they owe these people on the coast," he said.

U.S.A.

Preparing children for natural disasters, from the "FEMA for Kidz" website:

Disaster . . . it can happen anywhere,
But we've got a few tips, so you can be prepared
For floods, tornadoes, or even a 'quake,
You've got to be ready — so your heart don't break.
Disaster prep is your responsibility
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People helping people is what we do
And FEMA is there to help see you through
When disaster strikes, we are at our best
But we're ready all the time, 'cause disasters don't rest.

New Orleans

Streamlining disaster management, from the *Wall Street Journal*:

FEMA must abide by post-9/11 security procedures, such as putting air marshals on flights. That meant stranded residents couldn't be evacuated from the New Orleans airport until FEMA had rounded up dozens of Transportation Security Administration screeners and more than 50 federal air marshals.

Charleston, S.C.

Learning geography on the fly, reported in the *West Virginia Gazette-Mail*:

A South Carolina health official said his colleagues scrambled when FEMA gave only a half-hour notice to prepare for the arrival of a plane carrying as many as 180 evacuees to Charleston. The plane instead landed in Charleston, West Virginia, 400 miles away.

Atlanta

Progress in training for life saving, from a dispatch in the *Salt Lake City Tribune*:

Firefighters dispatched from around the country to the Gulf Coast have been briefed on the latest techniques. Said one Texas firefighter, "We're sitting in here having a sexual-harassment class while there are still [victims] in Louisiana who haven't been contacted yet." The firefighter declined to give his name because FEMA has warned them not to talk to reporters.

New York

Paul Krugman identifies the real problem, from an essay in the *New York Times:*

The federal government's lethal ineptitude . . . was a consequence of ideological hostility to the very idea of using government to serve the public good. For 25 years the right has been denigrating the public sector, telling us that government is always the problem, not the solution. Why should we be surprised that when we needed a government solution, it wasn't forthcoming?

Washington

Lexicographic note, from a report in the *San Jose Mercury*:

Jesse Jackson and other black leaders say the word "refugee" has a criminal connotation and advocate using the more neutral term "evacuees."

"These are American citizens, plus they are the sons and daughters of slaves," said Rep. Diane Watson (D-Calif.). "Calling them refugees coming from a foreign country does not apply to their status. This shows disdain for them. I'm almost calling this a hate crime."

New Orleans

Curious meteorological theory, from Columbia (S.C.) *Christians for Life*:

The image of Hurricane Katrina (reportedly means "pure" in Russian) looked like a fetus (unborn human baby) facing to the left in the womb, in the early weeks of gestation. Even the orange color of the image is reminiscent of a commonly used pro-life picture of early prenatal development.

Louisiana has 10 child-murder-by-abortion centers — FIVE are in New Orleans. God's message: REPENT AMERICA!

Special thanks to Russell Garrard, Fletcher Farmer, and Philip Todd for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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Minneapolis, Minnesota

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by the Honorable Davy Crockett

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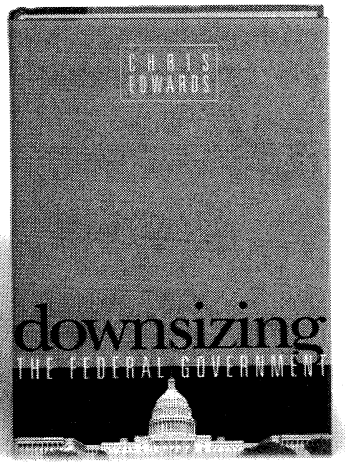

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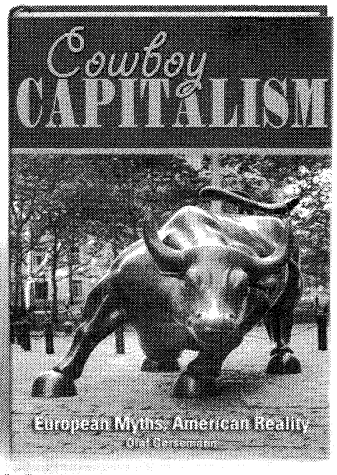

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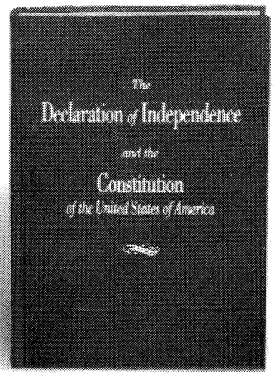

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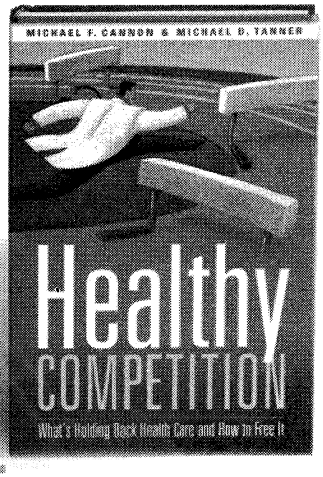

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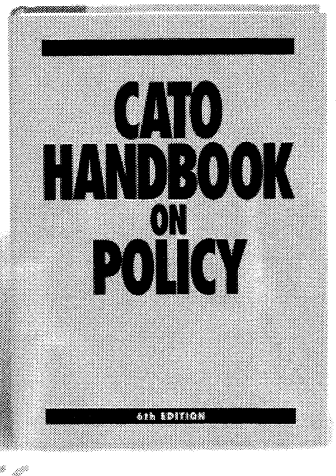

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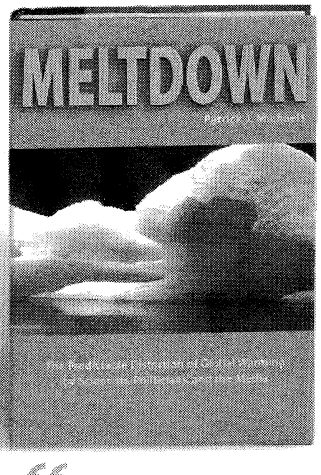

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Inside Liberty

December 2005
Volume 19, Number 12

4 Letters The eBay of ideas.

7 Reflections We flood our basements, kick out the homesteaders, fire billionaires into space, wave guns at tourists, post our mug shots, endorse the Japanese Diet, and misuse a turkey baster.

Features

15 Do We Need Government? If government did only what it can do better than individuals and private enterprises, how much government would we have left? Less than you think, answers *David Friedman.*

23 The Myth of Peak Oil Soon, the shortage of oil will result in virtually everyone living in harmonious cities, using public transit and their own two feet to get around — at least, so say "peak oil" theorists. *Randal O'Toole* crushes their dreams.

27 Dark Charity They'd agreed to donate their organs, but they hadn't expected to donate so quickly. A short story by *Tamara Wilhite.*

30 Not Yours to Give Does a big heart plus respect for private property add up to a tight fist? It's a question that legislators have faced since the founding of the republic. *The Hon. Davy Crockett* provided an answer before going off to join the revolutionaries at the Alamo.

33 My Military Career With a pregnant girlfriend and the draft board breathing down his neck, what's a young man to do? *Aaron Anderson's* solution: join the band!

Reviews

35 Historians' Triumphs What do Nicaraguan filibusters, French trappers, Incan emperors, and America's Second City have in common? People worthy of writing their epic histories. *Stephen Cox* explains.

42 New Life for Willy Loman Arthur Miller's most famous play is rightly reviled for its pushy Marxism. But a new production in London shows *Jo Ann Skousen* that there's room for life in "Death of a Salesman."

44 Europeans at the Gates Artifacts and ziggurats are all we have left of the cultures that dominated the Americas before 1492. *Jane S. Shaw* reconstructs the final days of the Indian Americas.

41 Notes on Contributors Behind the curtain.

46 Terra Incognita At Darwin's margins.

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Letters

Right Thinking

Stephen Cox ("Word Watch," October) asks "How could a right — if it really is a right — conflict with some other right?" and suggests that rights be identified "in such a way that there is no conflict among them." How can every exception to what initially looks like a right be thought of in advance?

Would Cox have demanded, e.g., that the 1st Amendment include exceptions such as " . . . except to require reasonable medical care for dependent children despite parents' religious beliefs"? (Who would have anticipated religions forbidding medical care?) Or does Cox think that anything done as free exercise of religion, including withholding medical care from dependent children, is acceptable?

Rights cannot be viewed in terms of black and white — that something is either an absolute right or not a right at all. A "right" is a concept that requires thought at the border areas of its usage.

Charles Kluepfel
Bloomfield, N.J.

Facilitate, Not Dominate

With regard to the panel discussion on disaster management ("Bringing Order Out of Chaos," November), here are some observations that result from five years as an emergency preparedness officer for the Air Force and many years of political activism. The best response to the complex problems of a natural disaster is not a centralized bureaucracy. We need the creativity of local governments and, even better, private entities working together cooperatively. Funneling disaster relief funds through Washington results in huge waste and inefficiency. Also, whenever a centralized bureaucracy has billions of dollars to distribute in a short period of time, corruption is inevitable. Plus, a federal response will involve the military and take them away from their primary function — protecting our liberty. Finally, the ancillary problems of law enforcement tend to motivate requests for repeal of posse comitatus, the prohibition against using the military to enforce laws. This would be a very real threat to our personal freedoms.

Let's restrict the role of the federal government to that of facilitating local response, and not let it assume control.

Roy Miller
Phoenix, Ariz.

Yoga, Yes; Bigfoot, No

In Gary Jason's review of "The Skeptic's Dictionary" (October), he trots out a number of common logical fallacies and the public's susceptibility to them. One fallacy not mentioned was the habit of conflating two or more ideas, not necessarily connected, to illuminate the truth or falsity, or moral worth, of the first idea. When the Enron executives were found guilty of cooking the books, it wasn't just the parties involved who were blamed, but the profit motive of all businesses — as though the search for profits cannot be separated from those who would abuse that search in fraudulent ways.

Unfortunately, either Jason or the author of "The Skeptic's Dictionary" is also guilty of conflationary thinking. In this review, alien abduction and Bigfoot are conflated with holistic medicine — as though all three of these beliefs are related. Holistic medicine encompasses a wide variety of disparate beliefs and practices — everything from acupressure massage and yoga to the curious medieval practice of 'dousing.' Carroll (or Jason) assumes there is no difference between any of these beliefs or practices, or that people who believe in one necessarily believe in another. Yet people who have treated back pain or other health problems with yoga might think 'dousing' is simply hocus pocus. Unfortunately, once such conflationary assertions have been tossed into the popular imagination, the constructing of straw men is sure to follow. "Oh, you

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think some elements of holistic medicine are legitimate? I can't see how anyone could still believe in leeching."

Mark Hershey
Chiang Mai, Thailand

Congress: Not Kosher

Jane Shaw's "Hot Dog Highway" (Reflections, November) should be no surprise to anyone. President Bush and the Republican-controlled Congress have failed to control spending. Bush has failed to veto any of the pork-laden spending bills Congress has sent him. In 2004, Congress funded 14,040 pork-barrel projects at a total cost of $47.9 billion! The numbers in 2005 will be even worse. Except for Sen. John McCain and a few others, everyone believes the best way to grease the wheels of reelection is to load up on billions in pork-barrel projects. Democrats and Republicans have morphed into one inside-the-Beltway party dedicated to staying in power regardless of the cost to taxpayers. Their philosophy is to increase spending above the rate of inflation. Liberals won't say no to social welfare programs; conservatives love any defense spending. Both support corporate welfare subsidies. They are leaving the next generation an inheritance of debt already over $7 trillion.

The famous Greek philosopher Diogenes is still searching for some honest politicians in Washington. Who in Congress will be the first to give up pork to offset federal government assistance provided for reconstruction from Hurricane Katrina?

Larry Penner
Great Neck, N.Y.

Streetcar Desire

Randal O'Toole fails to understand the value to New Orleans' poorer residents of the "heavily-subsidized streetcar rides" that "transportation planners decided years ago to provide" instead of "providing low income people greater mobility" ("Riding Out the Storm," November). He writes that "these tourist lines do nothing to help any local residents except for those who happen to own property along the line."

This is hardly the case. The lines provide an activity that causes tourists to remain in the city at least an extra day, providing income not only to restaurateurs, shopkeepers, musicians, casinos, and hotels, but also tips and jobs to valets, bellmen, taxi drivers, maids, and waiters, among others. This income is precisely the income that enabled many citizens to own cars and flee in the first place.

If all the money spent on the streetcars from 1985 to the present had been spent instead on helping the city's low income residents buy cars, as Mr. O'Toole suggests, then it would also have had to be spent on auto insurance, gas, license fees, parking, and maintenance for that period of time. And it would have had to have been spent on many more people than calculated by Mr. O'Toole, who failed to consider how many more people would not have been automobile-owners but for the additional jobs and income provided by tourists precisely because of the tourist trolley lines he so derides.

As for the studies which found that "unskilled workers who have a car are much more likely to have a job," O'Toole fails to explain whether these studies prove cause and effect. Were workers able to purchase their cars because they already had jobs, or did they have jobs because they were somehow able to purchase cars without jobs?

Further, as to the studies that showed that those unskilled workers with cars "will earn far more than workers who must depend on transit," O'Toole fails to explain whether those with cars were already earning more than those who depended upon transit, which would suggest that it is the income from the better job which produces the ability to own a car, and not vice versa. It is also possible that workers who had figured out how to save or who had established good enough credit to purchase a car would likely be people with greater ability to earn more than those who had not been able to do so.

While it is undoubtedly true that many of the city's poor would benefit from being helped to purchase and maintain an automobile, it is probably equally true that a certain percentage of poor people would not be able to organize their lives in such a way as to be able to maintain payments on their car, their insurance, or the other attendant expenses of automobile ownership.

Ellen Schneider
Fort Lauderale, Fla.

O'Toole responds: In 2003, New Orleans streetcars carried about 6 million riders. New Orleans hosts more tourists than that during Mardi Gras alone. Throughout the year only a tiny percentage of tourists actually ride the streetcars and you would be hard pressed to find any who said that they came to New Orleans or stayed longer because of the new streetcar lines.

Numerous studies have proven a cause-and-effect relationship: access to automobiles helps low-income people get jobs, earn higher pay, and get out of poverty. Other studies have shown that any policy that makes it more difficult for people to drive hurts low-income people the most. Anyone who advocates such policies, including the diversion of highway user fees to rail transit, is letting his ideology get in the way of the facts.

Objectively Selfish

Stephen Cox ("Fruitless Controversies," October) observes that reasoned argument counts for little when opposed by emotion. He also emphasizes the importance of understanding an opponent's argument (even if you don't agree with it and even if you don't immediately see how to refute it). When he cites Rand's argument re: "selfish-

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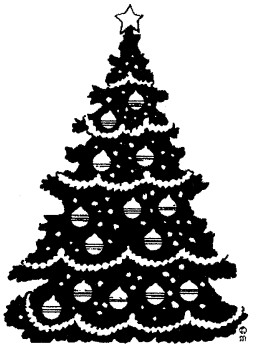

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ness," I think he goes astray — she published a response to his objections.

Here is Cox's summary of the issue. "Ayn Rand first suggested that selfishness is a virtue. . . . She meant that you should respect your own individuality, your own capacity for reason, your own ability to make up your mind about what's good for you." So far, so good. "Suppose that someone constantly defers to other people. . . . He may seem 'unselfish,' but isn't he doing what he chooses to do . . . ? Isn't he fundamentally just as 'selfish' as Howard Roark? So it's meaningless for Rand to exhort people to be 'selfish'; we are all selfish, all the time." At this point I assumed that Cox would now point out the fallacy of this attack, but to my surprise he did not. He says "[E]veryone has a self and acts in accordance with its choices. And that's the end of the philosophic story."

Not quite. This philosophical attack relies on the assumption that whatever a person values is, ipso facto, in his self-interest. It assumes that values (and self-interests) are subjective, not objective. If values are objective then it is perfectly possible to subjectively believe in (and act on) values which are not in your objective self-interest. And, of course, Rand argues vehemently for the objectivity of values. When Rand uses the word 'selfish' she is referring to selfishness in the objective sense. Hence a man may truly act 'selfishly' or 'unselfishly' by Rand's reasoning.

The basic issue, which Cox raises only implicitly, is the objectivity of values. And that's where all the meat is.

Wendl Thomis
Acton, Mass.

Precious Metals

Alan Ebenstein ("His Mark on the World," August) says that Friedman "put forward the view that inflation is always and everywhere a monetary phenomenon . . . " But if I read economic history correctly, it depends upon what the meaning of inflation is. A great number of treatises indicate inflation is not always a monetary phenomenon.

Inflation exists only when politicians manipulate the currency. "Economist whores" have put forth their ideas on how to manage the money systems because they are telling their political "masters and compatriots" what they want to hear.

Under Friedman's policies, as expressed by Ebenstein, one should expect continuously rising price levels (which are not my definition of inflation).

However, he seems to ignore what I consider to be one of the most important features and characteristics of a good money system: good money is an excellent long-term store of wealth.

Ideally, a little old lady in Ottumwa could put away in safekeeping a small gold piece that would buy two loaves of good bread and come back 10, 20, 100, or even 500 years later and buy the same amount of bread (or even a little more or a little better bread as production efficiencies and competition increase) with the same small gold piece.

Under Friedman's (and all the other monetarists') systems, the little old lady would have to continuously "game the system" in order to preserve the "purchasing power" of her money.

True money can only be the accurate weight of a long-lasting metal (gold, platinum, silver, etc.) of specified purity that is used as a reference (or standard, if you wish to call it that) for the possible issuance of notes and electronic data-entries by individuals, banks, governments (and other thieves).

Otherwise we have so-called fiat money that is not really money at all, but the gullible belief by billions of poor souls that their governments would not take advantage of them. This allows those "in the know" to enrich themselves, over time, at the tragic expense of those who are not "in the know."

Fiat money systems are mirages. Dr. Friedman does not seem to understand or admit this.

But who cares? "In the long run we are all dead!"

David Michael Myers
Martinsburg, W.Va.

Letters to the Editor

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Reflections

Everything's bigger in Texas — George W. Bush increased total inflation-adjusted discretionary spending during his first term by 35.8%, or almost 8% a year. That's more than any recent president. Even with the Great Society and the Vietnam War, Lyndon Johnson only managed 33.4% over four years. Tell me again: why are conservatives supposed to be so loyal to this guy? — Alan W. Bock

Notion building — "If we don't stop extending our troops all around the world and nation building missions," he said, "then we're going to have a serious problem coming down the road, and I'm going to prevent that." He said he "would be very careful about using our troops as nation builders. I believe the role of the military is to fight and win war and therefore prevent war from happening in the first place." That's a little tangled, but you see where he was going with it.

"He," of course, is George W. Bush in the 2000 presidential debates.

I don't think this isolationist policy is good for America. I think President Bush should consider a little nation building. Maybe we should even get involved in a war someplace. — Patrick Quealy

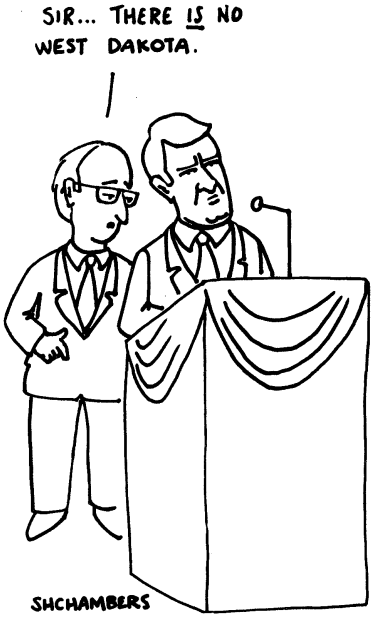

When life gives you lemons, seek federal aid — With the projected price of federal relief to the Gulf Coast increasing to over $400,000 for every man, woman, and child who formerly lived in New Orleans — a sum that would enable a family of four to build a ducal palace virtually anywhere in America, including most of New Orleans itself — I am less likely than ever to send my charitable dollars in that direction. And I haven't talked with anyone, left, right, or center, who doesn't feel the same way. "Next time my basement floods, I can be a victim too." That sarcastic remark is on nearly everyone's lips. Yet stores and factories and websites are still full of donation boxes for the "victims of Katrina."

Well, I guess there's a sucker born every minute. And there are usually enough busy-bodies around to fill the donation boxes for almost any cause, so long as it's not the cause of prudence, individual responsibility, or the usefulness of insurance policies. But the sight of senators and congressmen, Democrats and Republicans, from northern as well as southern states, protesting against the outrage of the administration's refusal to do more for the "Katrina sufferers" — that sight still has the power to astonish. Virtually everyone wants the administration to do *less*. At first I wondered, Why can't our representatives pander to that desire, as they pander to everything else? Then I had the awful thought: Perhaps they've been sincere all along. — Stephen Cox

Sartorial observation — I've attended two weekend conferences in the last two weeks, first in Philadelphia, where our government began, and then Washington, D.C., where it now resides. Getting to either requires several flights. Everyone's grown accustomed to the routine searches, the casual giving up of property for inspection, the unquestioned removal of articles of clothing, that accompanies flying in George Bush's America.

I look carefully at the TSA bureaucrats who run the searches, and I study their uniforms, and I wonder: shouldn't they be wearing red coats? — Ross Levatter

They're coming for your site — Think of the Internet as a frontier; better yet, as a homestead. In order to get a plot, a prospective homesteader must register the "address" he wants and then indicate his continued interest in the plot by re-registering each year. As with physical homesteads, the plot is "free": the expense comes in getting to the territory (having the necessary hardware: computer, modem, etc.) and improving the territory (software: web design programs, graphics programs, etc.). The only expense for the plot itself is the registration fee, which ensures our homesteader that his address is unique — when he gets to his territory, he won't find any competing claimants on it. Add in some general stores, some squatters, and some neighbors to trade with, and the landscape is complete.

The part of the Homestead Board is here played by the Internet Corporation for Assigned Names and Numbers (ICANN), an American non-profit group. ICANN issues each unique address in two forms: one easier for computers to use (192.0.34.65); one easier for humans (icann.org). ICANN also administers the Top-Level Domains, like the .org above, or the ubiquitous .com — and, more contentiously, the country codes, like .ca for Canada. Collectively, these tasks are known as Domain Name Service, or DNS.

The United States doesn't own the Internet. No one does. But the U.S. does have some amount of control over it, and the restraint our country has shown in its DNS administration is remarkable. We have not used it as a political weapon (deleting, say, North Korea's .kp country code). We have not tried to tax other countries for allowing them Internet access (though the UN has, as yet another way to finance corrupt dictators).

Now the UN, and model states like North Korea, want DNS out of American hands, preferring control by a UN Subcommittee of Something-or-Other. To show how serious they are, they're deploying their favorite slogans, speaking of "American online hegemony" and "the imperialistic Internet."

What would happen if the UN gained control of DNS? A look at French policy is instructive — and bear in mind that I'm not using as my example a repressive regime. France has no First Amendment: speech is protected, except when it's not. Nazi paraphernalia falls in the "not" category; it can't be worn, displayed, or shown in France. A few months ago, the French government decided to ban from French webspace (any site hosted in France, or with the .fr country code) any websites selling or discussing Nazi gear, and also to ban any links to such sites. The homesteaders whose Internet plots were thus taken either closed down, or moved to U.S. webspace to take advantage of First Amendment guarantees. With DNS in American hands, that's the end of it. With DNS in UN hands, France could lobby the committee to vote that speech completely off the Internet, by cutting off any country that tolerated such websites. Once the Internet is turned into a political weapon — and the first instance will be for a Good Cause, like banning Nazi propaganda — it's not going to be used for surgical strikes. It'll be used as a blunt object, a stick to belabor those out of step with UN policy. So a country refuses to cough up foreign aid, or sign the Kyoto Treaty? No problem, cut their country off the Internet.

All this is set to explode at the upcoming World Summit on the Information Society in Tunisia (a country that has eagerly silenced online dissidents). The preparations for the summit have resembled a game of chicken, with various world reps threatening to "vote themselves power over the Internet," and the U.S. refusing to hear any proposal that would mean ceding DNS control. It is difficult to see how this will end, but easy to imagine the worst case: countries creating their own "Internets" and fragmenting the DNS, which would in effect boot millions of Internet homesteaders off their plots and turn them into refugees. And we all know how well the UN handles refugees. — Andrew Ferguson

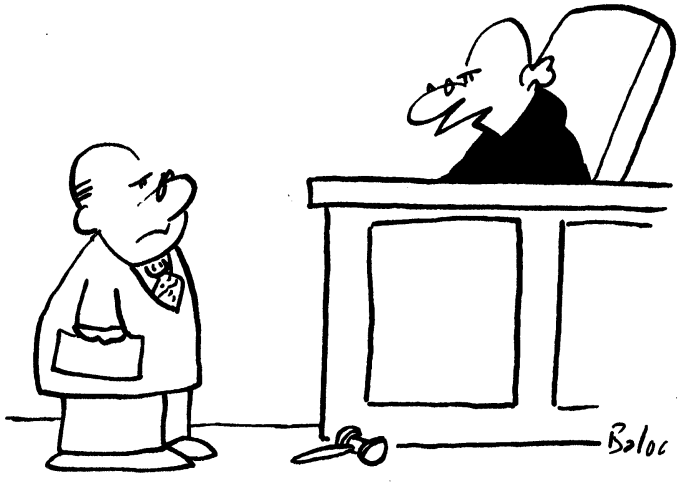

"Dropping a gavel is *not* a reversible error!"

The Japanese Diet: cut taxes and sell the post office — Historically, you know, we have a couple of grievances with the Japanese. First, healed over like an old wound, are the events of December 7, 1941. In the usual American tradition, we won that war but lost the peace. Next was the Great Scare of the 1980s, when armies of U.S. economists, with teary eyes and downcast faces, predicted the mortal wounding of the U.S. economy. The Japanese system — a partnership of government and business — would flourish. They'd steal our jobs. It was the '80s version of outsourcing. You'd need a wheelbarrow of U.S. greenbacks to buy ten yen. Japanese conglomerates, partnering with banks, would eat us up like tuna sushi; the Tokyo Stock Exchange backed by big government was the golden brick road to wealth. The economic undertakers, leaning on their shovels, predicted our demise. Thankfully, we rejected the Japanese model and stuck with our halfway capitalistic system.

But now that the Liberal Democratic Party, led by Junichiro Koizumi, has scored a landslide victory, they too are rejecting old models. They plan to begin their reign with an innovation that should challenge American politicians: they intend to privatize their post office!

Handing over ownership from the Japanese government to shareholders will take about twelve years. The Japanese Postal Service is more than a vanilla Post Office. It's a bank. A huge one with US$3 trillion in assets and 270,000 employees. The bill to accomplish this immaculate transmogrification passed the lower house of the Diet months ago and seemed destined to become law, but the Upper House rejected it — provoking the new elections and a mandate for Koizumi. The objective of the new government is to downsize itself; take those 3 trillion dollars, and invest them for consumers.

Hmmm, sounds like our social security discussions, does it not? And, in the meantime, our postal monopoly rumbles on. — Ted Roberts

The fox guarding the greenhouse — I've had a problem with Disney's political correctness for some time now. Screenwriters have gone out of their way to rewrite classical stories to suit the leftist political agenda. For instance, Disney's "Little Mermaid," based on a Hans Christian Andersen fairy tale of the same name, had the ending entirely changed. In the original story, the mermaid falls in love with a human against her father's wishes, and ultimately meets her demise as justice for her disobedience. In the movie, dad realizes he was wrong to be bigoted against humans, and welcomes a fish-eater into the family.

A new Disney movie takes on the fable of Chicken Little. For those of you whose memory of children's stories might be lacking: an acorn falls on Chicken Little's head, and he thinks the sky is falling. He immediately rushes over to tell Henny

Penny, Goosey Loosey, Ducky Lucky and Turkey Lurkey. A panic ensues, and it is decided that only the king can save them from certain doom. Foxy Loxy overhears the hysteria, and tells them he can get them an audience with the king. He lures them into his den, claiming it is the back door to the King's palace. There in the dark, Foxy Loxy chops off their heads, cleans and plucks them, and hangs them up for sale on his poultry cart.

It really is a good fable, which warns against the dangers of hysteria, and how mass panic and a request for a government solution can be used against you. I see a great parallel between Chicken Little, and those who claim that signing the Kyoto Accords is the only way we can save the earth. The Foxy Loxys of today are the socialists, eagerly rubbing their hands, knowing that government environmental regulation will keep them eating poultry for a very long time. Imagine my dismay, watching the trailers for the upcoming Chicken Little movie. It turns out that in the Disney version, Chicken Little is a brainy little nerd whom everyone dismisses as overreactive. In this version of the story, the sky is actually falling, and only Chicken Little is smart enough to recognize it. Rather than starting a panic, he enlists a brave group of outcasts who fight together and save the earth.

Once again the parallels to the environmental movement are obvious, although this version has been written by someone sympathetic to the movement. It is a version spawned of the American Cultural Revolution, where the wisdom of the ages has been rewritten to comply with the youthful fad of the moment. — Tim Slagle

Fiscal note — As the federal deficit rises, the U.S. government borrows more and more money from China, a nominally Communist country, to carry on a war to make the world safe for democracy. The mind boggles. — Alan W. Bock

Innocent until photographed — Most lawsuits against state agencies are frivolous or exploitative; but when I heard that the Chicago police are posting mug shots of men arrested (but not convicted) for soliciting female prostitutes, I'd make an exception. The crime here is misrepresenting someone not proven guilty. The cost is the resulting loss of standing and income, especially for those later found innocent. For these infractions the state should pay dearly for the sins of its delinquent agents.

Incidentally, since websites are cheap, those arrested might consider posting mug shots of cops arresting them, as well as their superiors, under the old American principle that turnabout is exquisitely fair play. When I taught three decades ago at CUNY's John Jay College of Criminal Justice, most of whose students then were involved in law enforcement, my student cops told me that colleagues boasting of two kinds of arrests — marijuana use and prostitution — were really goofoffs. Spread that truth, and sue them blue, until police desist from such disgusting activity.

— Richard Kostelanetz

Got a license for that baster? — In the October 2004 Liberty, I suggested, in a reflection that was supposed to be satirical, that state governments ought to implement sex licenses. As one must have a driver's license to operate a motor vehicle, one would need a sex license to legally get it on.

Indiana state Senator Patricia Miller recently took strong first steps toward making this happen in her state. She proposed changing state law so that "before intended parents may commence assisted reproduction, the intended parents shall obtain an assessment from a licensed child placing agency in the intended parents' state of residence."

The assessment was to include, among many other things, "a description of individual participation in faith-based or church activities." Also part of the assessment was — I swear I am not making this up — "intended parents' purpose for the assisted reproduction." In case, I suppose, you're only using that turkey baster for fun and not for godly procreation.

When the would-be parents finally made it through the red tape, the placement agency would "issue a certificate that the intended parents . . . are ready to commence assisted reproduction." Commence assisted reproduction? What is this, pillow talk with Data from Star Trek?

But the, ah, climax of the text is this: "An intended parent who knowingly or intentionally participates in an artificial reproduction procedure without establishing parentage [as this law requires] . . . commits unauthorized artificial reproduction."

Unauthorized reproduction. Reproducing without a license.

Predictably, the senator withdrew the proposed legislation shortly after bloggers got hold of it and had a field day. "The issue has become more complex than anticipated and will be withdrawn from consideration by the Health Finance Commission," she explained. It's easy to dismiss this as a crazy right-wing idea that would have been limited to one state, had it passed, and would in any case have been repealed or struck down before long. Maybe. But if a fascist-

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friendly U.S. senator like Rick Santorum gets in on the act, what now seems comical could become truly frightening.

— Patrick Quealy

To infinity and beyond — Way back in January 2004, as almost a throwaway line in his State of the Union speech, President Bush proposed returning humans to the moon and eventually to Mars. This grandiose public-works proposal seemed to sink like a stone in the sea of public opinion, and the president has not stressed it since.

Perhaps, however, the constituency he was addressing was not the American people at all, but the brave little band (well, not so little at $16 billion a year, and not all that brave, now that you mention it) at the National Aeronautics and Space Administration. Pummeled by space shuttle failures, the widely acknowledged uselessness of the space station project, and renewed private-sector commercial space-travel efforts, the NASAcrats could at least take refuge in the idea that the president still believed in them.

And so, only 20 months later, a sprint by NASA's recent standards, NASA administrator Michael Griffin has unveiled a $104 billion plan to put Americans on the moon again — in 2018. The money will come from reordering priorities within NASA's existing budget and retiring the ill-conceived shuttle.

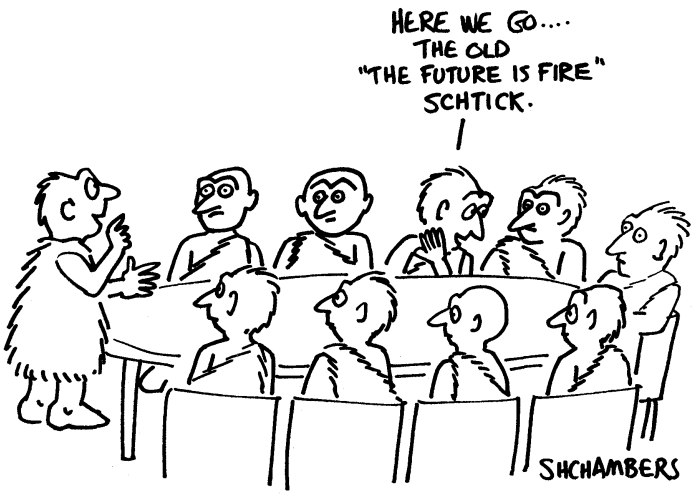

The moon program is to be cobbled together from modified existing hardware and a new spacecraft similar to the Apollo command capsule of the original moon program that put a dozen Americans on the moon between 1969 and 1972. A couple of new rockets, based on the 1960s-era Saturn rockets, are supposed to be built.

Perhaps it is commendable that NASA is trying to accomplish something interesting within its existing budget. But throwing together a program premised on modifying existing components and marrying them to some new hardware sounds like a formula for integration problems that will inevitably mean delays and cost overruns.

Will anybody — beyond Lockheed and Northrop Grumman/Boeing, which will compete for contracts — benefit from this program?

The desire to explore the heavens is an enduring human aspiration. But having the government dominate the project assures that it will be slow, expensive, and not especially innovative.

Last October, Burt Rutan of Scaled Composites in Mojave, Calif. showed us the likely future of space travel. SpaceShipOne, which cost about $25 million from the first scratches on a drawing board to successful flights, slipped out of the earth's atmosphere twice within a couple of weeks and returned successfully. Virgin Atlantic chairman Richard Branson immediately announced he was placing an order for several larger spaceships, and Rutan has practically had to fight off investors eager to put money into the next phase of commercial space travel. A Las Vegas hotelier has announced a plan to build a space hotel.

To be sure, those spaceships, and others being developed by other private companies, are not designed to go to the moon — not yet. But they will gradually bring the cost of venturing into space down, open up avenues of imagination that will lead to further developments, and provide a steady stream of income to finance future developments, at no cost to taxpayers.

What a concept! Let those who are really interested in space travel pay for it rather than seizing money from all taxpayers (some of whom are hardly enthusiastic) and building bloated bureaucracies that design blundering behemoths.

— Alan W. Bock

Real anarchists don't support the state — I ventured over to Seattle for a concert by a Japanese band called Acid Mothers Temple. Now, the fact that a Japanese band can come over and play a rock concert for an American audience is itself a sign of the astonishing success of globalization. Even more astonishing, considering America's penchant for telling other countries how to handle narcotics, is that Acid Mothers Temple has been touring our country for a decade and never had visa problems until this tour. But this time some State Department pinhead made a "Foreigners + Drugs = Terrorists" calculation, and the band had to wait an extra week to enter the States.

After the first song, lead guitarist Kawabata Matoko talked about the visa problem in broken but affable English. Though the words were a bit muddled, the moral was clear: government keeps things from getting done. Clear, that is, except to Seattle concert-goers: "Fuck Bush!" one yelled.

Kawabata seemed to think that his English was to blame, and tried again with admirable bluntness: "No, no, we hate all governments."

Confusion swept over the crowd. *All* governments? How can anyone hate *all* governments? (Remember, these are people who say "anarchist" when they mean "anti-corporate.") Fortunately, a quick wit saved the day: "Hate this one more!"

Kawabata opened his mouth, closed it, and launched into a furious guitar solo; the rest of Acid Mothers Temple picked

up the groove and the second song began. I don't know exactly what thoughts he buried in that distorted fuzzbox wail, but I've got my suspicions. — Andrew Ferguson

Party of missing teeth — According to a report from the American Dental Association, consumption of bottled water has led to an increase in tooth decay over the past ten years. Bottled water does not contain fluoride, an additive used to prevent tooth decay, which has been poured into municipal water supplies since 1945.

Modern people are so unaccustomed to things like polio and tooth decay, they forget that vaccinations and fluoride were given to children for reasons other than enhancing the profits of drug makers.

Today Democrats are rallying against fluoridated water and childhood vaccinations. What used to be the party of science and rational thinking, and the political home of the intelligentsia, is now dominated by lunatics, paranoids, and conspiracy buffs. — Tim Slagle

Pork on the bayou — The two hurricanes that lashed Louisiana and parts of Texas caused misery . . . and an outpouring of generosity and tangible help from people all over the country. There is little question that most of what has been destroyed will be rebuilt, including New Orleans — which leaves the questions of who will do the rebuilding and who will pay for it.

The Louisiana congressional delegation has announced a proposal that is breathtaking in its scope and audacity. Republican Sen. David Vitter and Democrat Sen. Mary Landrieu have introduced a $250 billion Hurricane Katrina Disaster Relief and Economic Recovery Act.

The Vitter-Landrieu proposal includes a $40 billion request for the Army Corps of Engineers — ten times the Corps' current budget for the entire nation. The Corps has estimated it can upgrade New Orleans' levee system to withstand a Category 5 hurricane for about $2.5 billion. But Louisiana's politicians, sensing opportunity in a time of crisis, want much more than that. Try $8 million for alligator farms, $35 million for seafood marketing, and $14 *billion* for ecosystem restoration.

This proposal might be just an opening bid, prior to negotiations that would reduce it to less outlandish proportions. But don't count on much restraint. President Bush, stung by criticism that the response to Katrina was slow, seems determined to compensate by opening the money spigot.

Despite murmurs from Republican backbenchers, who have proposed to offset hurricane relief spending with $102 billion in reduced spending in other parts of the federal budget, the Republican leadership seems wedded to the idea of spending the Gulf Coast into prosperity, with the bills covered by taxpayers all around the country.

A better approach would be to turn the Gulf Coast into a real Opportunity Zone — suspending regulations and taxes to spur the entrepreneurial spirit and encouraging private ownership over public works. Hurricane relief should come in the form of vouchers to victims so they can purchase construction materials, health care, and other services in a competitive market.

Private and personal charity outperformed government in the initial response. The private market would do better at rebuilding as well. — Alan W. Bock

Illegal, evil, necessary — The question of whether the U.S. should countenance torture has no single sensible, moral answer. The closest we can come is to assert that individuals are responsible for their choices and that government is a fearful master.

Consider the standard worst-case hypothetical. The federal government has a guy in custody, and they know for certain that he knows the locations of several nuclear devices terrorists have placed throughout New York City. They will detonate in a few hours and kill millions of people. Should it be legal to use torture to find out from the captive where those devices are located?

I'm not willing to grant my government the authority to use torture, even in those circumstances. Principles only mean something when they're tested at the margins. On the other hand, I wouldn't want the blood of millions on my hands. Given the choice, I imagine I'd personally torture the guy if there were reason to believe it would cause him to disclose the locations of the bombs. I wouldn't care if he died as long as I got the information out of him first, either. And I'd accept responsibility for the consequences. You do what has to be done.

Some things, though not exactly wrong, should never be legal. Some actions, if they are ever proper, cannot in any case be proper when administered by the state. That doesn't mean they are not, under certain circumstances and administered by individuals who accept responsibility for their own actions, the least of several possible evils. — Patrick Quealy

Bread and debit cards — In his 1845 autobiography, Frederick Douglass describes "the most effective means in the hands of the slaveholder in keeping down the spirit of insurrection. Were the slaveholders to abandon this practice," he wrote, "I have no doubt that it would lead to an immediate insurrection among the slaves."

What was this insidious practice that kept the slaves from revolting? Was it the threat of being sold, the practice of separating babies from their mothers, the capriciousness of sell-

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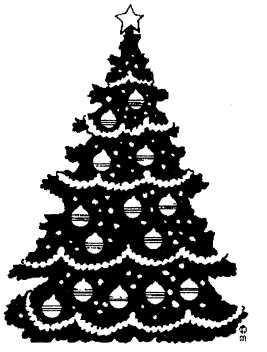

ing slaves who tried to escape? No. It was Christmas. "The holidays are part and parcel of the gross fraud, wrong, and inhumanity of slavery," Douglass wrote. "They do not give slaves this time [off] because they would not like to have their work during its continuance, but because they know it would be unsafe to deprive them of it." He describes the levity of the holiday week, when slaves were given their clothing allowance for the year, an extra allotment of food, and enough time and whiskey to get thoroughly drunk. "The object seems to be, to disgust their slaves with freedom, by plunging them into the lowest depths of its dissipation. . . . Thus when the slave asks for virtuous freedom, the cunning slaveholder . . . cheats him with a dose of vicious dissipation, artfully labeled with the name of liberty."

Slavery is no longer legal in this country, but a paternalistic government artfully employs some of the same methods to keep down an insurrection among the poor (regardless of ethnic origin), providing just enough of an allowance in welfare benefits to give its recipients a sour taste of a fraudulent freedom. Forty years of the "Great Society" has not improved the lot of the poor; it has only made it worse. One study reveals that over $6.5 trillion have been spent on welfare programs in the past 40 years, yet millions of Americans live below the poverty line, more than ever before, with poor education, poor skills, and little hope for improvement. The amount spent on one year of incarceration could provide a four-year college education, yet many turn to crime because their skills are simply inadequate for a job that offers a living wage. Clearly, the Great Society has been a great disaster.

Now we are preparing to spend $200 billion in govern-

Word Watch

by Stephen Cox

Isabel Paterson said that she kept a copy of the "Federalist" papers near her desk, just to remind herself of what good writing is like. I sympathize with her. We are all struggling for life in an ocean of terrible prose. Every good sentence is a bit of planking that helps us stay afloat. Every well chosen word is a sign that somewhere in this world there are islands of sanity and beauty.

To show what I mean, here's a passage from the tenth "Federalist" paper, where James Madison is explaining why liberty benefits from a system in which powers are distributed among a central government and a diversity of states. It's just one of a thousand passages that Madison throws off without apparent effort, but it shows what good prose can do:

"The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State. In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government."

What first won my heart about this passage was Madison's choice of the word "degenerate."

Madison's sentences tend to be long, much longer than most readers of today will tolerate, but they have an economy that is always instructive. Every word bears its weight — often, a double weight of meaning. "Degenerate" is an example. All that Madison really needs to say is that a religious sect may *change* into a political party, and that's what a lesser writer would have said. But Madison wants to say something more. He wants to say that it's *wrong* for churches to change in that way. "Degenerate" is the perfect word for that. Madison doesn't want to get stuck with discussing the separation of church and state. That's not what this particular essay is about. So he tucks his opinion into that one word; he expresses his idea as strongly as "degenerate" can do; then he moves on, having accomplished his purpose.

Now take a look at "wicked." That word fulfills approximately the same function as "degenerate," but it goes still farther. "Improper" has already appeared, and that would be enough, if Madison just wanted to indicate that in his opinion there's something wrong about printing a lot of paper money, using the law to relieve "poor people" of their financial obligations, or creating "equality" by seizing "rich" people's property — in other words, doing the things that most people in the 21st century believe that government was especially designed to do.

But Madison wants to comment on something more fundamental. He wants to criticize the relativism that afflicted politics even in the 18th century. That's why he adds "wicked" to "improper." In the 18th century, "improper" was about as emphatic as that ubiquitous modern word "inappropriate." It meant, "Well, that's not the best thing to do, but it doesn't make you a bad person." To correct this impression, Madison raises the ante with "wicked." Yes, printing paper money does make you a bad person.

Madison doesn't want to lecture you like a ranting puritan. So he slips "wicked" into the middle of his long and complex sentence and, again, moves on, implying his confidence that you're smart enough to agree with him. But to make sure you do, he creates a pattern of poetic imagery that identifies bad politics not only as morally wrong ("wicked") but also as unhealthy, lethal to the body politic. It's a "malady" that can "taint" society and, if you're not careful, even "pervade the whole body" with "disease."

The "disease" metaphor makes no concessions to the hypothesis that you can reason with political wickedness, con-

ment money to rebuild the southern coast. Like Santa Claus, government leaders are getting the credit, but the money is coming from you and me. Already the government has followed Douglass' model for keeping down an insurrection: when victims of the hurricane and flood complained of how the government mishandled the evacuation, they were handed debit cards worth $2,000 — just enough to avoid an immediate insurrection. The money was intended to buy temporary housing, food, clothing and other necessities, and I'm sure that many, if not most, spent the money carefully. But charges are appearing on these debit cards for everything from lap dances to Louis Vuitton handbags — and that's only the L's. The point is that throwing money at a problem will not make it go away. Money should be combined with community support, education, and job training.

The existence of emergency-relief agencies, funded by taxes, creates an implied contract between the government and its residents to take care of them. Like it or not (for those of us who believe in free-market solutions), the government failed to honor its contract. Don't impute to me a racism that does not appear in this article — the government failed in its contract with the poor and elderly who are white, as much as it did with the poor and elderly who are minorities. What I am saying is this: why does this surprise anyone? Government inherently fails to deliver. It has unchecked powers to tax, unlimited appetites to spend, and unnumbered hands stretched out to pocket money in between. It destroys the incentive to work and the incentive to be grateful. It provides just enough to keep a person alive, but not enough to give a person dignity.

vincing it to become less wicked. It argues that the most you can do is contain it, keep it from taking over the whole government. And that's what the Constitution is designed to do — contain the wickedness.

Such is Madison's argument throughout the "Federalist" papers. One sign of good prose, however, is its ability to do its job, not only in general terms or by the time you read to the last sentence but specifically and at every moment of its being. It is no accident that Madison calls movements he doesn't like "a rage" for this and that. To substitute, as a modern politician would inevitably do, some neutral word like "proposals" or "support" or "a groundswell of public opinion" would deprive his sentence of vitality. It would offer no clear image, no self-expressive phrase. As always, Madison isn't just stating his views; he's also projecting his vision, his way of *seeing* what he writes about.

Madison's sentences aren't really as complicated as they usually seem to modern readers. Only in comparison with the journalistic style that came in with television and the Truman administration does his prose appear intolerably complex. Modern political writers have fewer resources than he enjoyed: he could write a simple sentence, but they are prohibited from writing a complicated one. And even in the brevity department, Madison comes out the winner, once you start thinking about length in relation to meaning and interest.

Compare the sentences I quoted from the "Federalist" with any passage of recent political prose. Total the number of excess or useless words in each. How many do you find in Madison? How many in the contemporary passage? Here is a sequence of sentences, chosen virtually at random from President Clinton's second inaugural address, which is not a bad speech as such speeches go. Clinton is discussing racial and religious hatred:

"These obsessions cripple both those who hate and, of course, those who are hated, robbing both of what they might become. We cannot, we will not, succumb to the dark impulses that lurk in the far regions of the soul everywhere. We shall overcome them. And we shall replace them with the generous spirit of a people who feel at home with one another. Our rich texture of racial, religious and political diversity will be a Godsend in the 21st century. Great rewards will come to those who can live together, learn together, work together, forge new ties that bind together."

What would you leave out of that passage?

I'd start with "of course," a nervous phrase that insists (unlike Madison's prose, which assumes) that the reader will agree with the hazardous point being argued. Then there are the nagging, pseudo-sonorous repetitions involved in "we cannot, we will not," "we shall overcome . . . we shall replace," and "learn together, work together, forge . . . together," all of which are logically included in the preceding "live together." Clinton alludes to earlier writing — "We Shall Overcome," the anthem of the civil rights movement, and "Blest Be the Tie that Binds," the deservedly popular Christian hymn — but neither of his allusions pulls any particular weight, because he does nothing with them. They look like pandering, and they are. You see nothing like that in Madison.

"Godsend"? That's just a way of saying that something is good. And does Clinton mean to imply that diversity, which "will be a Godsend in the 21st century," is not a "Godsend" now? He mentions "political diversity" — a friendly gesture toward the majority of voters, who cast their ballots against him. But how do we know he means it? What's the intellectual basis of this diversity talk? No one can say. It may as well be omitted.

Madison raises the ante with "wicked." Yes, printing paper money does make you a bad person.

Then there's the imagery suggested by the words "succumb to the dark impulses that lurk in the far regions of the soul everywhere." I call this "imagery," but you might dispute the term. Try to picture these dark impulses lurking in the "far" regions of the soul. I can't. What is "far" about the soul, especially when the impulses in question are also "everywhere"? In any event, "far" and "dark" are hardly equivalent in effect to the "disease" imagery of Madison. I would rather have a far region in my soul than be raging with a mania for paper money.

Clinton's words, apparently so simple, are far too complicated for what he's saying. Now look at Madison's passage. Which words would you eliminate? Which words aren't doing the job? The answer, I believe, is "None."

Douglass concluded his treatise on the evil nature of benevolent holidays by saying, "When the holidays ended, we staggered up from the filth of our wallowing, took a deep breath, and marched to the field, feeling . . . rather glad to go, from what our masters had deceived us into a belief was freedom, back to the arms of slavery."

Let us hope that the victims of Hurricane Katrina do not march back into the filth of the welfare system. We should recognize that the real heroes of the past few months have been the private corporations and churches and the semi-private relief organizations who were on the spot immediately, assessing damage, handing out food, bandaging the wounded, providing housing, and giving millions and millions of dollars of their own free will and choice. Even more money could be given by private citizens if they weren't already spending staggering percentages of their paychecks on taxes for agencies that will always drop the ball and then scurry around trying to pick it up again before anyone notices. Compare that to the Red Cross, Salvation Army, Wal-Mart, celebrity fundraisers, and countless church and civic organizations, including neighborhood kids sponsoring lemonade stands. Government has had 40 years to produce a Great Society; let's give the free market a fair chance to find solutions. — Jo Ann Skousen

Wish in one hand, Shiite in the other — Even if it provides a talking point for war-whoopers, I'm hoping the vote on a draft Iraqi constitution begins a process that leads toward something resembling genuine Iraqi self-governance. If it happens, it will be because a sufficient number of Iraqis have decided to make a real try at establishing a government of their own rather than because of the wisdom of the U.S. occupying forces. Although the insurgents have taken to killing more Iraqis lately, the presence of U.S. troops in Iraq is a magnet for both Iraqi and foreign terrorists. So reducing the number of U.S. troops should reduce the ability of the most violent types to attract recruits. No guarantees, of course.

In the couple of weeks before the vote there was some evidence that people in the transitional government are looking for a way to handle the ethnic and religious divides inherent in a country cobbled together by the British after World War I. The National Assembly, dominated by Shiites and Kurds, went from tweaking voting mechanisms designed to weaken Sunni voting power to offering the Sunnis various carrots, including a promise to assemble a committee to tweak the new constitution quickly, to increase their turnout.

Americans who want to see troop reductions should hope this means a new political maturity in Iraq. President Bush is notably stubborn, and seems determined to have some kind of step toward democracy that he can point to before even considering troop reductions. Let the constitutional vote be the first step toward exiting Iraq. — Alan W. Bock

Keep honking, I'm reloading — A flier campaign, sponsored by the Brady Campaign to prevent gun violence, warns Florida tourists that residents can use deadly force, and cautions tourists not to argue with the locals. Although this is obviously intended to pressure Florida's most profitable industry to join the campaign against handguns, there is a good chance that it will have the opposite effect. I suspect that the locals would like it if tourists were a little more polite. After all, isn't the ultimate goal of the concealed-carry advocate to make civilization just a little more civil? — Tim Slagle

The do's and don'ts of torture — The most gratifying development in the nation's capital in weeks, perhaps years, was the 90–9 vote in the Senate to set clear limits on the techniques the U.S. military can use when interrogating detainees in military custody throughout the world. Now it's time for the House to do likewise.

Setting clear standards for handling detainees and prisoners is good for the military and good for the United States. The amendment proposed by Arizona Republican Sen. John McCain, a strong supporter of the war in Iraq, simply bans the use of "cruel, inhumane or degrading

continued on page 46

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Do We Need Government?

by David Friedman

Suppose government were confined to activities which it performs better than the private sector. What would be left for it to do?

It is sometime in the 12th century, somewhere in Europe, and I am one of a line of men with spears, on foot, facing another bunch of men — on horseback with spears — moving rapidly in our direction. I make a rapid cost-benefit calculation. If we all stand, we might break their charge. If we run, we die. I should stand.

The mistake I have just made is the word "we." I only control me, and I am only one spearman out of several thousand. If everybody else stands and I run, my running has little effect on whether their charge is stopped — and I won't be one of the men who dies stopping it. If everybody else runs and I stand, I die. So whether the rest of the line is going to run or stand, I should run. Everybody else in the line makes the same calculation. We all run and most of us die.

Welcome to the dark side of rationality.

This is an example of market failure — a situation where each individual correctly chooses the action that best accomplishes his objectives, yet the result is worse, in terms of those same objectives, than if everyone had done something else. More familiar examples include the Prisoner's Dilemma, a situation where each of two criminals is better off confessing even though both would be better off if neither confessed, and air pollution in circumstances where it is in each person's interest to pollute but we would all be better off if none of us did so.

Central to these examples is the fact that my decision provides costs or benefits for other people. In deciding what to do, I take account of the effect on me. I correctly conclude that I am better off running than standing, ignoring the cost my running imposes on my comrades. They correctly conclude that they are better off running, ignoring the cost imposed on me. I gain by my decision but lose more by theirs, and similarly, mutatis mutandis, for them. We each decide correctly and are all worse off as a result.

This is clearly a failure of some sort — but the examples I have given have nothing to do with markets, so why is it called "market failure?" A likely answer is that the concept was developed in the context of neo-classical economics. Economists generally assume that individuals are rational, that they take the actions which best serve their objectives. That suggests that if we simply let each person do what he wants, the outcome should be attractive for everyone, a suggestion that can be converted into a formal proof, an efficiency theorem showing that, under some set of simplifying assumptions, the outcome of individual choice in a market system cannot be improved even by a wise and benevolent central planner.

In economic theory, market failure provides the exception to that conclusion — an exception that may arguably swallow the rule. Where one person's acts impose costs or benefits on others that he has no reason to take account of, individual rationality cannot be expected to lead to group rationality, so there are opportunities for a wise and benevolent central planner — perhaps also for a real world government — to intervene in ways that make everyone better off. So economists are used to viewing the various forms of

market failure they have analyzed — the public good problem, externalities, adverse selection — as reasons why free markets sometimes fail, hence arguments for government intervention.

They are half right. Market failure is a reason why free markets sometimes fail. But it is also a reason why the alternatives to free markets, the political mechanisms proposed for correcting those failures, fail. In order for government intervention to improve on the market outcome, it is not enough that there is something government could do that would give a better outcome. There must also be a reason to expect government to do it. Putting the point in the language of economics, the incentives of the relevant political actors have to be such that it is in their interest to act in ways that result in the improved outcome.

For government intervention to improve the outcome, it is not enough that there is something government could do that would give a better outcome. There must also be a reason to expect government to do it.

To see why this is unlikely, consider the simplest argument for why democracy works — what I like to think of as the civics-class model. In that model, politicians act in the voters' interest because if they do not the voters will vote them out at the next election.

The problem lies in the incentives not of the politicians but of the voters. In order to punish politicians for doing bad things, voters have to know that they are doing them. Politicians rarely run as bad guys or introduce bills to Congress entitled "A Program to Make Farmers Richer and City Folk Poorer." In order to figure out both what a politician is doing and whether he should be doing it, the voter must spend substantial amounts of time and effort studying the issues and the politician's voting behavior. In doing so, he is producing a public good — better laws — for a very large public; he himself collects only a tiny fraction of any benefit. Seen from the other side, he is bearing a large cost for a trivial gain — an increase of perhaps one chance in a million in the probability that the right politician will get elected. Spearmen facing that logic run, firms pollute, and voters remain ignorant — rationally ignorant. So far as achieving their objectives is concerned, since they know their vote has almost no effect on the outcome, it makes more sense to choose how they vote on other grounds — which candidate is more handsome, more articulate, more popular with their friends and neighbors. That fits my observations of how voters behave. When I ask my students if they know the name of their congressmen, about half of them say they do. It is hard to keep track of what a politician is doing if you don't know his name.

As a second example, consider a less idealistic theory for why democratic government might work. A congressman proposes a bill that will benefit some interest groups and harm others. People on both sides of the issue offer campaign contributions, illegal bribes, endorsements, and other goods and services of value to politicians in exchange for voting their way. The amount they are willing to spend getting their way depends on how important it is to them. If the gainers gain more than the losers lose, the gainers are willing to spend more, lobby harder, with the result that the bill passes — and should.

This argument too runs into the public good problem. How much an interest group is willing to spend to get its way depends on how important the issue is to that group, but that is not all it depends on. From the standpoint of the members of an interest group, contributing to the group's political efforts is the production of a public good — where the public is not the whole population but the members of the interest group. If the auto industry gets a tariff passed all the firms will benefit, not just the ones that contributed to the campaign funds of the politicians who passed it. If opponents block the tariff, all consumers of autos will benefit, not just the ones who contributed to the campaign against the tariff.

One of the things public good theory tells us is that it is harder to produce a public good for a very large public than for a very small public. A concentrated interest group — the auto interest group, say, which consists mostly of a handful of firms, one large union, and a few Michigan politicians — can raise a substantial fraction of the value to its members of legislation they support in order to support the legislation. But consider a dispersed interest group such as those injured by auto tariffs, mostly consumers of autos and producers of export goods. It is a large and very dispersed group — lots of people, each of whom loses only a little. Each individual member has little incentive to spend his time and effort opposing the tariff, when the result will be a

tiny reduction in the probability that the tariff will pass — a benefit received mostly by the other members of the group.

Two conclusions follow, both confirmed by real world experience. The first is that tariffs will get passed, even though they do net damage — hurt the losers by more than they help the winners. The second is that the opposition to tariffs will come not from those who bear most of the loss but from those who bear a concentrated loss — not auto consumers and export producers, but foreign car dealers.

Generalizing these examples to the more general political market, we conclude that there is no reason to expect individual rationality in that market to lead to group rationality. In private markets, most of the time, an individual who makes a decision bears most, although not all, of the resulting costs, and receives most of the resulting benefits. In political markets that is rarely true. So we should expect that the market failure that results from A taking an action most of whose costs or benefits are born by B, C, and D should be the exception in the private market, the rule in the political market. It follows that shifting control over human activities from the private market to the political market is likely to increase the problems associated with market failure, not decrease them.

Private Solutions in the Small — Working Around Market Failure

A market failure is also a profit opportunity. If the result of individuals acting rationally in their own interest is to make them worse off than if they acted in some other way, it follows that an entrepreneur who could somehow move them to the better outcome would produce a net benefit — some of which, with luck, he could pocket. Hence in a market society there is an incentive for private parties to find ways around the inefficiencies caused by market failure.

Consider one example of the public good problem — radio and television broadcasts. By producing and broadcasting an entertaining program, I provide a benefit to everyone who listens to it. Since I cannot control who listens to it I cannot, as in the case of ordinary production, collect my share of that benefit by charging for it. The public in question is a large and disorganized one so it is clear, on theoretical grounds, that programs cannot be privately produced.

The voter is bearing a large cost for a trivial gain — an increase of perhaps one chance in a million in the probability that the right politician will get elected.

Yet they are. Some clever person thought up the idea of combining a public good with positive production cost and positive value with a public good of negative cost and negative value and giving away the package — a program plus advertisements. As long as the net value is greater than zero and the net cost less than zero, people listen to the program and the broadcaster covers his costs.

There are a lot of other ways in which such problems get solved — imperfectly but adequately. Consider any case in which two firms interact in such a way that decisions of one have large costs and benefits for the other, of a sort not easily controlled by contract. One way of internalizing the externalities is for the firms to merge. Indeed, one way of looking at the theory of the firm is to consider the size of the firm as a balance between the advantages of getting mutually related activities within a single organization with a single bottom line and the disadvantages of organizational diseconomies of scale — too many layers of administration between the president and the factory floor.

Shifting control over human activities from the private market to the political market is likely to increase the problems associated with market failure, not decrease them.

For a final example out of many I might give, consider the problem of producing ideas and information. One solution is intellectual property law, but that solution is difficult to apply in areas such as basic research or business methods where defining just what is owned and who is infringing can become a very difficult problem. It is hard to imagine how a patent on the laws of physics or the idea of the supermarket could be defined and enforced. In the context of software, an additional problem is enforcement cost. When any individual customer can copy a four hundred dollar program onto a one dollar CD-R and pass it on to a friend, it becomes hard for the producer of the program to enforce his copyright.

Solutions to this problem in the context of basic research are discussed at some length by Terence Kealey. Knowledge of current cutting edge research — Kealey's field is biology — is of considerable value, and it is not the sort of knowledge easily summed up in a one-page memo. In practice, the knowledge is largely restricted to the people doing the research, both because they are the ones who can understand each other's work and because they are the ones that the other researchers want to talk to. That makes such researchers valuable employees and consultants for firms and universities. While the researchers are unlikely to internalize the entire value of the information they produce, they may internalize enough so that the resulting income, along with nonpecuniary rewards of their work, make their research worth doing. Kealey's conclusion, looking at several different fields where government subsidies went from near zero to very substantial, was that there was no observable effect on the rate of progress in the field. One might interpret that as evidence that the cost of misallocation of resources through the political mechanism — diverting

smart people into whatever field looked good in the popular imagination at the moment — at least balanced the benefit of the additional money.

A similar pattern of incentives can be observed in the case of open source software and has been discussed at some length by Eric Raymond. Programmers claim no rights over others' use of the code they contribute — the one restriction is that any program derived from an open source program must itself be open source. Why then is it in the interest of programmers to spend their time and effort contributing to an open source project?

Part of the answer is nonpecuniary returns — status from doing work that others use and know is yours, satisfaction from helping to produce something worth producing. Part of it, as in the case of scientific research, is the real benefit to the programmer of being part of the relevant community. A contributor to an open source project who encounters a problem with the software that he cannot deal with or finds it lacking some feature that he cannot easily add has immediate access to the other contributors, some one of whom may be well positioned to solve the problem — and happy to do favors for someone who is contributing to the project and may next week do a similar favor in return.

That explains how programmers get useful services from their work, but not how they pay their bills. Part of the answer to that is that most programming is not done to be sold but to be used — customized software for a particular firm. By basing its software on open source code, a firm not only saves a lot of programming time, it also provides itself with access to a pool of experienced programmers familiar with the code. That makes familiarity with an open source project and access to the associated community — advantages that programmers contributing to the project already possess — valuable assets for a programmer who wishes to be an employee or consultant of such a firm.

These examples are suggestive, not exhaustive. They do not imply that the problem of market failure does not exist. But they do suggest that the problem can easily be overestimated, owing to the failure to consider the many ways in which ingenious individuals can work around the inefficiencies produced by market failure — and find it in their interest to do so.

When the incentives generated by the political marketplace are sufficiently perverse, illegal market transactions may be the best way of dealing with the problem.

The point applies to the political market as well as private ones. There too, inefficiencies caused by market failure provide opportunities for enterprising individuals to rearrange the outcome and gain by doing so. Arguably that is why government does not work even worse than it does. One relevant mechanism was hinted at by the title of a news story in the Harvard Crimson that I remember from when I was an undergraduate, reporting on a talk by a prominent political scientist: "Banfield Favors Corruption."

The conditions leading to market failure are the rule in political markets, the exception in private markets.

When the incentives generated by the political marketplace are sufficiently perverse, illegal market transactions may be the best way of dealing with the problem.

The argument for favoring private over political markets is not that market failure is always insoluble in one but not in the other. It is that the conditions leading to market failure are the rule in political markets, the exception in private markets.

It is tempting to think that we could get the best of both worlds by permitting the political market to intervene only where the private market fails badly. But someone has to decide what situations fit that criterion — and it is in the political market that the boundaries of political control are set. The range of possible arguments for the existence of market failure is broad enough so that intervention can be justified almost anywhere — if there is enough to be gained by justifying it.

Private Markets In the Large: A World Without Government

Imagine a society without a government to provide law and law enforcement. Individuals wish to protect their rights and settle their disputes, so entrepreneurs create firms to produce those services. Each individual is the customer of a rights enforcement agency that provides him the service of enforcing his legal rights against others. Each pair of such agencies contracts with an arbitration firm, a private court that settles disputes between their customers, and agrees to abide by its decisions.

There is no government over the agencies to force them to abide by their contracts. Instead there is the discipline of repeat dealings. A firm that reneges on its arbitration agreement when the decision goes against it will find other firms unwilling to contract with it for arbitration. Violent conflict is more expensive and risky than arbitration, so a firm that can only enforce its clients' rights by violence is at a severe market disadvantage compared to firms that abide by mutual arbitration agreements. So we can expect an equilibrium in which such agreements are made and followed.

The legal rules and the structure of rights they embody in this society are created not in the political but in the private market. Part of the product that an arbitration firm

sells to the enforcement agencies that are its customers is the set of legal rules it applies in deciding cases.

As in ordinary private markets, the result is a tendency towards an efficient product — in this case, a set of legal rules that maximizes the welfare of the people living under it. To see why, consider first a case where some change in legal rules would, on average, benefit the customers of both agencies. The better the service they provide to their customers, the more willing customers will be to pay for the service, so it is in the interest of both agencies to persuade the arbitration firm to alter its rules accordingly — or if it does not, to shift to one that does. In the case where the change produces benefits for customers of one agency and (smaller) costs for customers of the other, it is still in the interest of both to agree on the change — accompanied by an appropriate side payment from the one agency to the other, or changes in other rules that favor the second firm.

This is one advantage of the institutions I have described over those we are more familiar with. For reasons discussed above, the creation of legal rules in the political market has only a very weak tendency to generate efficient rules, since the efforts that go to supporting or opposing legal changes are proportioned not only to the size of their effects on different interest groups but also to the degree to which each interest group is able to solve its internal public good problem — loosely speaking, to how concentrated or dispersed each interest group is.

A second advantage of private law is that it avoids the public good problem associated with rationally ignorant voting. What determines the legal rules of the private market for law is individual choice — the same mechanism that determines the characteristics of ordinary private goods. The individual consumer who decides that agency A has, on the whole, chosen a better set of legal rules for its customers than agency B is free to switch agencies, just as a consumer is free to decide to buy a different brand of car. He pays the cost of his research — and gets the benefit. We expect rational individuals to be better informed about their market choices than about their political choices — and in this system, law is chosen in the market.

These examples show the difference between failure in the private market and failure in the political market. On the political market each is jointly choosing for all. Externalities and public goods are routine features of that market, private goods exceptions, hence market failure is the norm. The market failures I have just discussed occur naturally in the political market — and are naturally absent in the alternative private market.

Let's consider problems that might be expected to arise with such a system and might outweigh its benefits.

The Stability Problem

In the system I have described, enforcement agencies serve much the same function as police forces in our system. This raises an obvious problem — the risk that a group of such agencies may gain sufficient force to overcome the others and establish a government, perhaps a worse government than we now have.

Such a project faces several difficulties. One is that, if there are many agencies, customers threatened by an agency that wishes to convert them to subjects can hire another to defend them. Such a monopolistic enforcement agency is a cartel, and cartels are hard to maintain if there are many firms and easy entry to the industry. Thus one important issue will be how many agencies there are; the answer will depend upon economies of scale in the rights enforcement industry.

A second difficulty, also faced by a tyrannical government of the more familiar sort, is that governments do not have all of the relevant resources. Individual citizens control themselves and may have access to weapons, communication equipment, reputational and information assets of various sorts, and so some ability to use force in their own defense.

Finally, the practicality of converting a society from market anarchy to tyranny depends on a set of important but hard to define ideological factors. Consider the corresponding change in our society. Currently, military and police forces control most of the weaponry and are not particularly well paid. Why do they not seize power and revise our political system in their favor? Presumably the answer has to do with what sorts of actions they regard as appropriate and expect potential allies and opponents in such a move to regard as appropriate. Similar constraints would exist in the society I have described.

Violent conflict is more expensive and risky than arbitration, so a firm that can only enforce its clients' rights by violence is at a severe market disadvantage.

If a firm with a third of the market can produce a better service at a lower cost than any smaller firm, we will end up with at most three firms — making a cartel agreement in favor of them and against us a likely outcome. If a firm of optimal size serves only one percent of the market, such an outcome is unlikely.

So far as the ordinary business of rights enforcement is concerned, the evidence of existing police forces suggests that economies of scale do not go very far — big city forces do not seem to provide better services at lower cost than smaller forces, although that judgment is complicated by the fact that big cities and small towns differ in lots of ways relevant to the cost of preventing crime. It is also complicated by the fact that most of what we observe are geographical monopolies. It is possible that a firm with 80% of the customers in a given area can outcompete a firm with only 20%, even if police forces in large areas cannot outcompete those in small.

A more interesting complication comes from the fact that the agencies are producing two related products. One

is the enforcement of legal rules. The other, via the arbitration firms, is the set of rules being enforced. I have described how bargaining between agencies would change legal rules in the direction of efficiency but I have left out one important element of the problem. I have ignored the distributional outcome, the background starting point from which the agencies bargain. If the customers of one firm prefer rule A to rule A′ by 1 million dollars

A monopolistic enforcement agency is a cartel, and cartels are hard to maintain if there are many firms and easy entry to the industry.

and those of another prefer A′ to A by 2 million, we expect them to end up with A′ — but does the bargaining involve the second group offering to pay the first more than 1 million to get A′, and having the offer accepted, or the first group offering the second less than 1 million to get A and having the offer refused? Where does the bargaining start?

The pessimistic answer is that the distributional outcome arises from the underlying threat game — the options each party has if bargaining breaks down and conflicts must be settled by violence. If so, we would expect firms to get better results for their customers the better they were at interfirm violence. Economies of scale then depend both on economies in the business of enforcing rights and on economies in the business of threatening other firms with violence — and evidence from current institutions suggests that economies of scale in the latter activity may exist to a considerably larger size than in the former. That brings us to the nightmare scenario that some critics of private law imagine, with the big fish eating the small and private order dissolving into civil war and eventual tyranny.

The optimistic answer is that once a stable system is established the recourse to violence is no longer a credible threat, hence the ability to use violence is no longer an important asset. If two firms get into a mini-war, both lose — because both now have higher costs for producing a lower quality service than all the other firms that are peacefully settling their disagreements by arbitration. The distributional outcome, the background state from which firms bargain, is determined by history not threats — the dead hand of the past providing the Schelling points* of the bargaining game which both parties fall back on if no offer to change the rules can be agreed on. That view is supported by the extraordinary stability of national boundaries, also, presumably, the outcome of a mutual threat game. They do not shift a mile one way or another every time one of the two countries expands its army by a division or launches a new battleship. If this view is correct, it will be economies of scale in police services, not warfare, that determine the equilibrium size and number of rights enforcement firms.

So far I have been discussing the stability of the system against internal threats. Another concern is stability against external threats — the defense of an anarcho-capitalist territory against aggression by adjacent states. Defense against governments is a public good with a large public, hence difficult to provide privately.

Difficult but not necessarily impossible. Providing an open source operating system is also a public good with a large public — yet Linux exists. Tipping cab drivers who do their job well, and so offering incentives for better service, provides a public good for a large public — and it does happen. As these two very different examples suggest, there are a variety of social mechanisms by which it may be possible to provide, at some level, public goods even for quite large publics.

Consider the following model for one way in which a large, modern, stateless society might defend itself — a model variously inspired by open source, Kipling's story, "An Army of a Dream," and the 18th-century militia system underlying the 2nd Amendment to the U.S. Constitution.

At the bottom level we have the militia, made up of a large number of volunteer units of amateur soldiers. For the volunteers, part of the reward is the same sort of fun they used to get from paintball, video games, or mass medieval combat in the Society for Creative Anachronism — a chance to play soldier. Another part is the satisfaction of feeling that they are doing their part in defending their homes, families, and the society they are a part of.

Military units require more than volunteer manpower. In my imaginary future, many of them are financed by firms. What the firms get out of it is good public relations — when the liberty parade goes by, on April 15th of each year, their banner is there, carried by a trimly uniformed

Some stateless societies, such as the Apache, have been militarily formidable despite the lack of a government to fund and coordinate their efforts.

band of their employee-volunteers. Thus the firm demonstrates — as firms today try to demonstrate, sometimes at substantial cost — that it is a good corporate citizen, the sort that one ought to buy from and work for.

What the model so far lacks is organization — 10,000 separate companies of 100 men each do not an army make. To provide that organization we have a small cadre of full-time professional soldiers, funded by charitable donations. In peacetime they organize war games for the militias, define communication standards, recommend weaponry,

* Named for economist Thomas Schelling; also known as *focal points*. See http://en.wikipedia.org/wiki/Schelling_point.

teach tactical doctrine, provide the professional superstructure for an amateur army. In wartime, if there is a wartime, the cadre is the command structure of the army.

Whether such a system could successfully defend its territory depends on a number of factors. One crucial one is the size of the threat relative to the resources of the ungoverned society. If, as we might expect, a stateless society grows faster and so becomes richer than competing states, it may not take a large fraction of its resources to fund an adequate defense — perhaps no more than can be provided in the ways just described. The collapse of the Soviet Union considerably increased the chances that a stateless America could defend itself, since what I have just described, or something similar, should be more than adequate against any plausible threats from either Canada or Mexico.

Another factor is the system of norms and values in the society. Some stateless societies, such as the Apache, have been militarily formidable despite the lack of a government to fund and coordinate their efforts. Others have not.

One advantage to this particular model for defense, like the historical model on which it is based, is that it provides a protection against the threat of internal tyranny. The cadre, like the professional army of the original U.S. system, is too small to seize power. The amateurs who control most of the military force are ordinary citizens widely distributed through the population.

How Well Would it Work?

So far I have been concerned with the stability of a society without government against internal and external threats. Another set of issues arise if we ask how well such a society, presuming it was stable, would work — how nearly the laws it enforced would fit our views of either justice or efficiency.

To a first approximation, the answer is that such a system would generate efficient law, for reasons sketched earlier and discussed in more detail in Friedman (1996, 2), legal rules that maximized the welfare of the people to whom they applied. But in this case as in other private markets, efficiency is only the first approximation, and may be prevented by market failure.

One problem arises when the legal rule applying between A and B has substantial effects on C. Intellectual property law provides one example. By agreeing to respect your copyrights, I increase the incentive for you to write books or create computer programs. One consequence is that there are more books and programs available to be pirated without payment by people who, via their enforcement firm and arbitration agency, have not agreed to respect copyright. My incentive to agree to respect your intellectual property rights understates the real benefit from my doing so. It follows that I will sometimes fail to so agree even when doing so would produce net benefits. We can expect, in a world of privately produced law, a less than optimal level of protection for intellectual property. Similar arguments imply a less than optimal legal protection against pollution. Another form of the same problem might be associated with the deterrence of crime. By paying my protection firm to make strenuous efforts to apprehend and punish those who violate my rights I make crime less profitable — and the reduction in the number of criminals may benefit you as well.

In this case, however, the result is ambiguous. It is in my interest to not merely pay for protection, but make sure that potential aggressors know I have done so — to identify myself and my property as protected. We observe such efforts today — "All shoplifters will be prosecuted" signs in department stores, "These premises protected by . . ." signs on stores. In a world where all protection against crime is private we can expect more such efforts, converting deterrence, in large part, into a private good. So while the deterrence I have paid for may help you by deterring a criminal who does not know which of us is protected, it may also deter criminals from crimes against me, leaving them more time for crimes against you. Thus the sign of the potential externality from my efforts at deterrence is uncertain — we might get either a suboptimal or superoptimal level.

We cannot expect perfectly efficient outcomes. But we have more reason to expect them from private markets than from public markets.

These examples bring us back to a central point of this essay. Market failure is a real phenomenon in private markets. Hence we cannot expect perfectly efficient outcomes from private markets, whether in law or in other things. But we have more reason to expect them from private markets than from public markets.

Intellectual property law at present is in large part the product of concentrated producer interests — while the claim that whenever Mickey Mouse is about to go out of copyright the term of protection is extended is no doubt an

"Yes, it's fine to question authority, but you didn't say 'May I?'"

exaggeration, it is an exaggeration of a real pattern. On theoretical grounds, it is hard to tell what the optimal level of protection would be, given the advantages and disadvantages of treating ideas as property. Whatever it is, there is no reason to expect our present institutions to produce it. As some evidence that they do not, consider the extraordinary stability of the term of U.S. patent protection, roughly speaking from 14–21 years, over the past two centuries — a period during which the conditions likely to determine the optimal term, most notably the rate of innovation, have changed drastically.

Similarly for protection against crime. It is possible that a private market would produce a sub- or superoptimal level of criminal deterrence. But is hard to see any reason to expect the political system to do better, or as well.

Similarly for defense against foreign nations. The private market may well produce a suboptimal level. But the public market has not always produced an optimal level of defense either, and what it produces often seems to be produced at a considerably superoptimal cost. And a government equipped with an army may face political incentives to use it under circumstances that do not increase the welfare of its subjects.

A government equipped with an army may face political incentives to use it under circumstances that do not increase the welfare of its subjects.

Will such a society — one characterized by private defense and arbitration — be just?

Unfortunately I have no theory of justice adequate to answer that question. For those readers who are libertarians, however, I can point out the existence of a variety of arguments and evidence for the claim that liberty is efficient, that it permits people to achieve their individual goals better than any alternative set of social arrangements. If so, a society with efficient law should be, on the whole, a free society.

What follows from these arguments is an uncertain conclusion. There are circumstances in which a stateless society would be unstable against internal or external threats, making the creation of such a society an unattractive gamble. There are other circumstances in which such a society should be able to maintain itself.

If a modern stateless society did prove stable, would it be attractive? Here I think the conclusion is clearer, although it is hard to imagine any rigorous proof. There are forms of market failure that would make the outcome of such a society less than perfectly attractive, inferior to what could be produced by a wise, all-powerful, and benevolent despot. But Superman as philosopher-king is not a real-world option. The political alternatives to the market for law can be expected to suffer from more frequent and more serious problems of market failure.

The private market will not produce perfectly efficient law, but it is hard to see why the public market will come even close — and there is little evidence that it does.

The private market will not produce perfectly efficient law, but it is hard to see why the public market will come even close — and there is little evidence that it does. The economic arguments to show that a tariff injures the country that imposes it, for most countries most of the time, were worked out by David Ricardo almost 200 years ago. Most countries still have tariffs — and we know why. ❑

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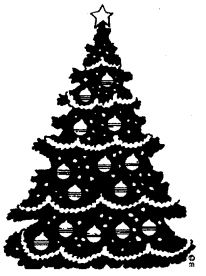

The Myth of Peak Oil

by Randal O'Toole

Some people assess a hypothesis by how well it matches their ideology, rather than by how well it fits the data. Consider the case of "peak oil"...

The world is running out of oil. Demand in China and other Asian nations is rising rapidly, yet total oil production will soon peak and then decline. As a result, today's high oil prices, driven by Katrina and Rita, are only a harbinger of even higher prices to come. Such high prices mean an end to life as we know it — life in the suburbs with automobiles, Wal-Marts, and other modern conveniences.

Those, at least, are the claims of the peak-oil theorists. Some proponents of peak oil are actually petroleum geologists who have some idea what they are talking about. But many are simply people who hate suburbs and automobiles and are gleeful at the thought that they will soon go away. "Forget Wal-Mart and another $286 billion to pave over good land. Finally!" one group happily reports.

Of course, if what they say is true, we should stop building any more low-density suburbs or highways, and instead build New Urban communities and rail transit. The peak-oil theory thereby helps politicians justify intrusive land-use regulations and wasteful transportation projects.

Leading the charge in this field is James Howard Kunstler, author of "The Geography of Nowhere," which argued that suburbs were "trashy and preposterous"; "Home from Nowhere," which advocated New Urbanism as a replacement for traditional suburbs; and now "The Long Emergency." As summarized in Rolling Stone, Kunstler's latest book argues that oil prices are rising to catastrophic levels, and that we will only be saved by building "walkable, human-scale towns."

Kunstler is no petroleum geologist. As his earlier books show, he simply considers suburbs abominable. If peak oil means an end to the suburbs, then he is all for it. This attitude blinds him to any realistic assessment of his argument.

Broken down, Kunstler's conclusions depend on four separate hypotheses:

1. We are rapidly running out of oil, and fuel prices will soon become unaffordable for ordinary auto drivers.
2. For powering automobiles, there is no substitute for oil.
3. Higher prices will necessarily mean less driving.
4. Less driving will favor New Urbanism over low-density suburbs.

If any one of these four hypotheses are wrong, then Kunstler's conclusions are unwarranted. All four must be true for there to be any support for the diversion of highway funds to rail transit, or for government regulations or subsidies that favor New Urbanism over low-density suburbs.

Let's look at each hypothesis in detail.

Are we running out of oil?

In 1920, the United States Geological Survey officially estimated that the U.S. had just 6.7 billion barrels of oil left, including undiscovered oil fields. Eighty-two years later, the U.S. had produced 180 billion barrels of oil and still had 22 billion barrels of proven reserves. The USGS's 1920 estimate was off by a mere 2900%.

People have long feared running out of oil, but doomsayers' predictions have all proven false. Given that there is a fixed amount of oil in the world, someday we will doubtless

see prices rise due to disappearing supplies. But that hasn't happened yet, and probably won't happen for at least 30–100 years.

Virtually all fluctuations in gasoline prices have been due to political events and natural disasters, not to actual shortages of oil in the ground. Though Katrina and Rita have driven oil prices today to $65 a barrel, this is less, after adjusting for inflation, than prices in 1979–1981.

Some geologists estimate that 150 years ago the earth contained 6–8 trillion barrels of oil. We've used 1 trillion barrels since then. That leaves 5–7 trillion barrels which, if we can extract them, will easily last another century. The problem is that most of this is not "cheap oil," and so is not included in listings of "proven reserves," which amount to just over 1 trillion barrels. That supply is forecast to last about 30 years.

The estimate of 1 trillion barrels of cheap oil is almost certainly conservative. In an article titled "Crying Wolf," MIT energy economist Michael Lynch documents that the geologists who lead the peak-oil debate have a long track record of underestimating future oil production from known reserves. Plus there are still parts of the globe that have not yet been fully explored. Thus, the 30-year time horizon for cheap oil is also conservative; while demand is increasing, known reserves of such cheap oil are also increasing.

After cheap oil is exhausted, there will still be plenty of oil in the ground. Radford University Professor Bill Kovarik points out that:

- Venezuela estimates it has at least 1.2 trillion barrels of "heavy oil," which is thicker and more expensive to refine than ordinary oil.
- Alberta is estimated to have another 1.8 trillion barrels in tar sands, which will be more expensive to extract than liquid oil in the ground.
- Wyoming, Colorado, and Utah are estimated to have 2.6 trillion barrels in oil shales, which will be even harder to extract than oil from tar sands.

Other parts of the world are supposed to have another trillion or so barrels of oil shales. Taken together, these "unconventional" oil reserves add up to more than 6.5 trillion barrels — enough, if they can be extracted, to last more than 40 years even in the unlikely event that everyone in the world increases their oil consumption to U.S. levels of about 24 barrels per person per year.

"More expensive to refine or extract" does not necessarily mean significantly higher prices at the pump. Typically, people go after the cheapest sources of a raw material first, then move on to the more expensive sources. But when they start on the more expensive sources, often they quickly develop techniques of extracting and using the resource much more cheaply. As long as cheap Saudi Arabian oil is available, there is little incentive to find ways to cheaply refine heavy oil or extract oil from tar sands or shales. But when the incentive arrives, expect the costs of refining and extraction to drop.

Some peak-oil theorists are are actually petroleum geologists who have some idea what they are talking about. But many simply hate suburbs and automobiles.

For example, U.S. production of iron once centered on the Great Lakes region, where high-grade ores were mined from about 1870 through 1950. When those ores were running out, scientists developed a process of mining low-grade ores, known as taconite, which continued through 1995 or so. Despite having to rely on low-grade ores, U.S. steel production peaked in 1969, and pig iron prices were no greater than in 1900, 1910, or 1920, when top quality ores were still being mined.

Since then, U.S. steel production has fallen by nearly a third, and someone could easily write a "long emergency" book about "peak iron." Yet after adjusting for inflation, the price of steel today is considerably lower than it was in 1969.

This is because raw materials make up only part of the cost of production. As resource prices rise, producers can respond by making other production costs more efficient. Similarly, while the costs of extracting oil may rise — though to nowhere near the levels projected by Kunstler — the cost of gasoline and other refined products may not appreciably increase at all.

In short, there is no clear proof that any shortage-induced price increases will happen soon. For the next 30 years, at least, oil prices will depend more on political events and natural disasters than on natural supplies or extraction costs. After that time, extraction costs may rise, but those costs may not lead to significantly higher fuel prices for many decades.

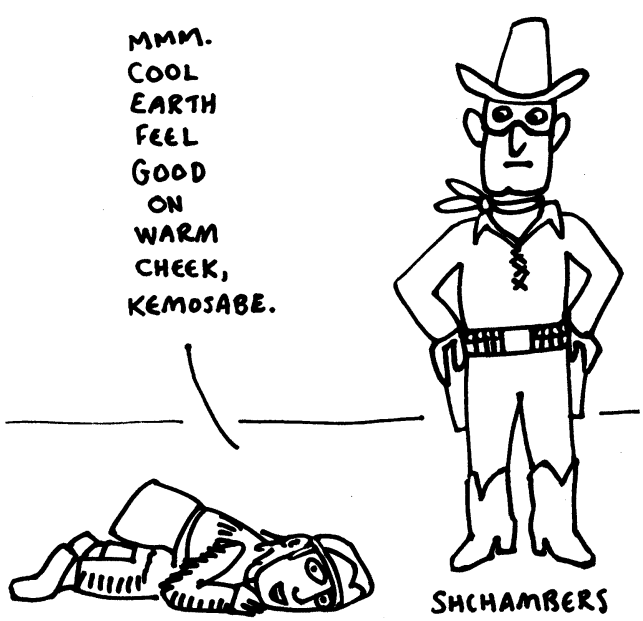

Are there substitutes for oil?

While it seems intuitive that the world's oil supply is ultimately limited, it is not so intuitive that there are no substitutes for oil. Yet Kunstler has to take this as a given, because if there are substitutes his entire argument falls apart. "No

combination of alternative fuels will allow us to run American life the way we have been used to running it," he asserts.

It doesn't take a genius to think of several potential substitutes:

• Modest increases in gasoline prices could lead car makers to switch almost entirely to hybrid automobiles and make other improvements that could nearly double fuel economy, as Toyota has already said it will do. Along with efficiency gains in other industries, this could nearly double our effective oil reserves. We know such a response is possible. In 1983, Americans drove 26% more miles than in 1973, yet used only 5% more fuel. Between 1973 and 1991, the fuel efficiency of the average American car increased by 42%. Since then, cheap oil has given people no incentive to buy more fuel-efficient cars, so fuel economy has remained constant. But that will change if fuel prices remain permanently high.

• Nuclear power could easily turn water into hydrogen that could be used in fuel-cell-powered automobiles without posing any risk of global warming. China is currently building dozens of nuclear power plants using new technologies that are supposed to be far safer than any used in the United States. Kunstler dismisses this possibility by saying Americans won't accept nuclear power. (I'm not enamored with it.) But rather than totally give up on the automotive lifestyle, Americans may be quite willing to accept safe nuclear technologies, especially if rival countries use them to gain economic power.

The geologists who lead the peak-oil debate have a long track record of underestimating future oil production from known reserves.

• There are several other potential power sources, although some of them may contribute to global warming. Solar power hasn't yet been fully explored. The United States has a huge supply of coal, and coal gasification can keep automobiles rolling — albeit while producing greenhouse gases. The idea of turning corn into ethanol is mainly a subsidy to Archer Daniels Midland and corn farmers, and probably requires more oil than it saves. But who knows? Someone might figure out how to do it right.

While I suspect hybrid cars will be the short-term response, I can't begin to guess what technology will ultimately replace oil, and neither can anyone else. We may not even find out within our lifetimes, if oil turns out to be plentiful for the next century. It would be absurdly expensive for the government to promote one technology over others (as it currently is doing by subsidizing ethanol, among other things). Worse, government support could lock us in to the wrong technology, leading to long-term waste.

One thing is certain: light-rail transit will never replace petroleum-fueled autos. Most people just will not give up the mobility the automobile provides for a slow, clunky train that doesn't go where they want to go.

Will higher prices necessarily mean less driving?

At first glance, it may seem obvious that people will drive less if gasoline prices rise, but it is not that clear. Let's take a look at the history of spending on driving and gas and oil.

Since 1950, Americans have spent about 9% of their personal incomes on automotive transportation. The year-to-year variation has been quite small, from about 8.1 to 10.1%. This suggests that people have a consistent budget for travel based on a percentage of their incomes.

The percentage of driving costs that go for gas and oil, however, vary dramatically from year to year. In 1974, Americans spent a full third of their driving expenditures on gas and oil. By 1998, this had fallen to less than a fifth. In 1974, of course, people were responding to high gas prices by buying smaller, more fuel-efficient cars. In 1998, people were responding to low gas prices by buying large SUVs.

In other words, people trade fuel costs for other auto-related expenses. When fuel prices rise, people reduce other auto expenses in order to keep total costs (as a percentage of their incomes) constant. They may keep their cars a little longer, for example, or buy less luxurious cars. When fuel prices fall, people spend more on bigger or more luxurious cars.

People also seem to have two different budgets for travel: a dollar budget and a time budget. When incomes are low relative to the cost of driving, the dollar budget is the main limiting factor. When incomes are high enough, the time budget becomes the limiting factor. When your time budget is the limiting factor, you are much less sensitive to changes in fuel costs.

Most Americans have already reached the limit of their time budgets. That means their main response to increased fuel prices will be to spend less on other aspects of driving.

For the next 30 years, at least, oil prices will depend more on political events and natural disasters than on natural supplies or extraction costs.

Of course, some Americans still have incomes low enough that their dollar budgets will be their limit, so higher prices will cause them to drive less. The higher fuel prices that Kunstler eagerly anticipates will primarily hurt poorer drivers.

We can get some idea of the effects of high prices by looking at Europe, where high taxes have long made gas prices two to three times those in America. European incomes are lower than those in America, so even without higher gas

taxes you would expect them to drive less. As it is, they drive about two-thirds as much per capita as Americans, and their growth in driving is faster. High prices don't seem to slow this growth down.

In short, higher prices will mainly affect driving among low-income families. Moderate- and high-income families will respond by making other changes in their transportation expenses, most likely by keeping their cars a little longer and, when they do buy new cars, buying more fuel-efficient or less luxurious cars.

Modest increases in gasoline prices could lead car makers to switch almost entirely to hybrid automobiles and make other improvements that could nearly double fuel economy.

Will less driving favor New Urbanism over low-density suburbs?

Before Americans had cars, they lived in denser "traditional" neighborhoods and many lived in mixed-use areas. New Urbanists such as Kunstler reason that, when cars disappear, people will cheerfully return to such neighborhoods. But is that the only possible outcome?

Before considering this question, it is worth asking: is that even a desirable outcome? Kunstler has no doubt that this would be "a glorious way to live."

"Imagine it's 1881," says Kunstler. "You leave the office on Wabash in the heart of vibrant Chicago, hop on a train in a handsome, dignified station full of well-behaved people, and in thirty minutes you're whisked away to a magnificent house surrounded by deep, cool porches, nestled in a lovely, tranquil, rural setting with not a single trace of industrial hubbub."

That sure sounds glorious. Of course, Kunstler isn't much of a historian, or he would know that only a tiny fraction of American urbanites lived this way in 1881. Most of them lived in high-density housing, better known as "tenements" or "slums." Their lives were a lot less glorious than Kunstler describes, characterized by sweatshop jobs, poor sanitation, and high crime.

As planning historian Peter Hall notes, "Twentieth-century city planning, as an intellectual and professional movement, essentially represents a reaction to the evils of the nineteenth-century city." Whereas the goal of 21st-century planning seems to be to return us to those evils.

Of course, Kunstler imagines that everyone could live in his traditional neighborhoods. Without the mobility provided by the automobile — the same mobility that led the descendents of the people living in 19th-century slums to increase their incomes and escape — this is unlikely.

But let's say Kunstler's dream is possible. Is it likely? Or could Americans respond to high gas prices in other ways?

One possibility is that more people will telecommute and move even further away from urban centers than today's suburbs. As Ted Balaker of the Reason Foundation observes, telecommuting is growing faster than commuting by transit. Although the Census Bureau doesn't measure exurbanization, some studies have concluded that the number of exurbanites (people with urban incomes living in rural areas) is growing far faster than the number of New Urban residents.

Another possibility is that more jobs than ever will move to the suburbs where people live and higher fuel prices will lead many of those people to live in suburbs close to their jobs. Such a "jobs-housing balance" is actually part of the smart growth platform, but it doesn't mean an end to low-density suburbs or an increase in New Urban residences. Moreover, it effectively destroys the utility of rail or other high-capacity transit, because there will be few or no job centers with enough jobs to attract that many transit commuters.

Even less pleasing to smart-growth advocates is a third possibility: more people *and* jobs move out of the cities and suburbs to the exurbs. One study notes that many manufacturing facilities are already moving to the countryside, where both factories and their employees can avoid high taxes, regulation, and congestion.

All of these trends could actually be accelerated by higher fuel prices. Why sit in traffic burning expensive gasoline when you can work at home some days and drive 20 or 30 miles to work on uncongested rural roads on other days?

Meanwhile, one retail analyst predicts that, far from putting Wal-Mart out of business, higher fuel prices will "create further opportunities for one-stop-shop retailers like supercenters and warehouse club stores to win more day-to-day shoppers." In other words, people will continue to drive to stores, but they will make fewer trips by going to bigger stores rather than the small shops that the New Urbanists favor.

Fuel costs influence two stages of the retail transaction: first, the cost of getting the customers to the stores, and second, the cost of getting the goods to the stores. Wal-Mart has become dominant because it minimizes the second cost, and higher fuel prices may actually help it. Higher-priced fuel will hit retailers located in congested urban areas the hardest, as their trucks are forced to burn fuel in stop-and-go traffic. Stores such as Wal-Mart and Costco that tend to be located in rural areas and on urban fringes can keep these costs down, thus allowing customers who have to drive to their stores to enjoy a net savings.

Far from devastating our economy, changes in energy supply will lead Americans to become more fuel efficient and explore new technologies for producing fuel. No matter what technology they select, they are not likely to drive significantly less than they do today. To the extent that higher fuel prices change their travel habits at all, those changes may actually accelerate the suburbanization and exurbanization trends that New Urbanists such as James Kunstler hate. If anything devastates our economy, it will be the intrusive government regulations and expensive rail transit systems that many New Urbanists want to impose on our urban areas. ❑

Short Story

Dark Charity

by Tamara Wilhite

People would throw back at me if I said I wasn't an organ donor — How could I be so selfish? It wasn't like I was going to need them after I died.

"Are you an organ donor?"

After every organ donation awareness campaign, organ donations crept up a few percentage points as more patients answered yes to that question. As organ donations went up, the profitability also crept up. The charitable caseload crept up, too, albeit at a slower pace, as the hospital diverted some of that profit and even a few donated organs to the truly needy. All the data looked good.

So why did that question still haunt me after the quarterly audit? My sister's old taunts echoed through my mind the whole time. People who obsess over statistics are even duller and more boring than the computers that crunch the numbers. All the data looked fine, and the trends were what we wanted.

I woke up in a cold sweat a few nights later. Mortality data. The question of — or, rather, an answer to why it bothered me — had to be tied to mortality data. Correlate the trends to the mortality data.

Mortality rates looked insipidly normal. Heart bypass survival rates were among the best in the nation. Morbidity rates among the terminally ill were utterly within expectation; there were no signs of any angels of death wandering the floor. Premature infant survival was a little lower than the national average, but one couldn't be perfect in all areas. Death rates from trauma were higher than expected.

Was that what was bothering me? I ran a correlation of patients against race and income. Nothing stood out. Patients were as likely to survive if they paid their own way as if they were charity cases. When racial data was available, there was no difference in quality of care. Older patients were a little more likely to survive than younger ones . . . One would expect younger patients to be more likely to survive. It was only a few percent points of difference, but reality and the data didn't correlate. To a biostatistician like myself, that was a red flag.

I ran the data a hundred different ways. Nothing tied the age to higher mortality rate in a way that made sense. On a hunch, I told the system to correlate based on organ donor status. Bingo!

Organ donors in trauma were 40% more likely to die from their injuries than

non-donors, even when the injuries were the same. Older patients were just as likely to be donors as those in their prime, but were harvested less frequently. Reconditioned organs from older patients were still used, but less so. And the difference in the rate of organs taken from older patients to younger patients accounted for the difference in their mortality rate.

My stomach turned to ice. If you were injured and you were an organ donor, you were more likely to die from your injuries. The younger the donor, the more likely he was not to survive. Those who were the ideal donors — young accident victims with donor cards — were the most likely to die.

For sanity's sake, I ran the same analysis for non-donors. Their survival rates from accidental injuries were a touch higher than average. They weren't dying disproportionately; in fact, the opposite was true. Then I realized why. People with crushed bodies were more likely to get what they needed. Especially if they weren't going to be giving.

Maybe the staff is extra careful to harvest when someone is a donor and is getting 100% of those eligible to donate. Given the hospital's reputation for organ donation, that would make sense. How could I verify that the higher accident death rate for donors and the lower death rate for non-donors wasn't a fluke? Then I saw the field for injury severity upon admission. For patients with the same severity of injuries, the donors were drastically more likely to die from their injuries than the non-donors. Donors that died from their injuries were harvested 98% of the time.

Ninety-eight percent? That's way too close to 100%! Nothing is 100%! Yet it was. Not only were donors more likely to die exactly when they were in the best scenario to be used to save others, they were being used. Who, exactly, were the 2% that were donated and not harvested? I queried that oddball 2%. Those few cases were people who'd died in accidents and been harvested . . . and whose organs turned out to be in too bad a shape to be used or were diseased.

Donors were far more likely to die in all situations. Donors were harvested 100% of the time they die. That statistic had to be result of something far greater than a good policy. There's no such thing as 100% in life — except death.

Statistics had attracted me because it seemed the way to have all the answers. Numbers are what is collected in the field and in real life. Data is what you have when meaning is assigned to it. Knowledge is what you get when a person makes use of the data to help others. That's why I'd picked biostatistics as a profession — to use my number-crunching obsession to try to help society as a whole. Sift through the data about death and disease and use the results to help others.

That was why I had access to all the data in the first place, not just the reports I was hired to generate. A few years before, I'd gotten in to look around for curiosity's sake. A spike in pediatric disease admissions correlated to a demographic trend that I'd spotted two full weeks before the Centers for Disease Control. I showed it to my boss. With a pattern established, we'd identified the mutated pathogen nearly three weeks before the CDC confirmed it. More importantly, we had quarantined the suspected patients with the unique strain. Four kids and two adults died in quarantine, but that was a resounding success compared to the dozens who'd died in other outbreaks. I had wandered through the databases at will since then. Is it possible that no one else has seen this? But what does it mean?

Donors were being allowed to die. Donors were being allowed to die from injuries when they might be saved. It was happening in such numbers that it wasn't one doctor's decision. Someone might say it was letting one patient die so that a dozen more might be saved, but it was a hospital-wide syndrome of neglect. Doctors were asking, "Are you an organ donor?" If the answer was yes, they were consciously saying, "Let them die."

That's what was leaving me cold. Doctors were supposed to save lives. But they were letting patients die. The fact that non-donors with the same injuries were living more often than donors was proof of that. Maybe it was on the misguided idea that this death might save far more lives in the short term. Why didn't matter. If you were the family member of that person who died and might have lived, the others who went home with your loved one's organs didn't make up for the person you'd lost.

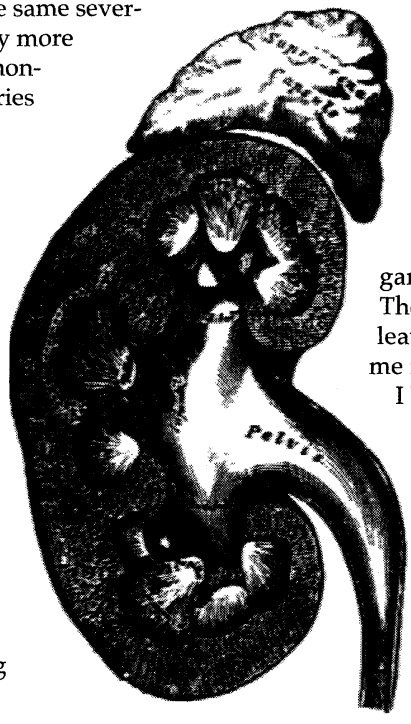

I queried my own medical file. I'd checked "no" in response to that critical question. It seemed selfish to many. The slogans had been sinking into daily conversation. The ultimate in recycling. You are what you leave behind. People would throw that back at me if I said I wasn't an organ donor. How could I be so selfish? It wasn't like I was going to need them after I died. Save a life, even in death. Have a change of heart, give yours. Make their deaths worth something. Worth something? Profits were up . . .

Transplants were a profitable procedure. The law said people had a right to have a poisonous appendix removed, but they did not have a right to a new liver if they'd poisoned their original. There were charity cases. Sometimes the hospital did arrange transplants for indigents; however, that was a small percentage because the hospital usually had to assume the lifetime cost of anti-rejection drugs for the poor patients. Rich patients who could afford the lifetime of anti-rejection drugs could afford the cost of the procedure as well. Transplants were one area where supply and demand could drive up cost, and the government did not mandate that the hospital absorb the cost for the poor. Unlike emergency care . . .

In a fit of paranoia, I checked the death rates for the poor

accident patients. No correlation. They weren't dying at a higher rate than rich patients. They were actually harvested at a lesser rate. Whatever else the staff might be accused of, they clearly weren't killing the poor to save the rich.

I drove to the hospital the next day with the silence weighing heavily on me. I didn't want to say anything to anyone about what was bothering me. Who was in on it? Who would justify it even if they hadn't already known about it? Conspiracies in medicine usually involved murder; did these unnecessary deaths count as murder? Who would accuse a doctor of murder who denied care to one to save ten? Yet I thought of that one who might have been saved, who should have lived. Who would have lived if he hadn't been an organ donor. The one who would have come home in one piece if he'd made the selfish choice.

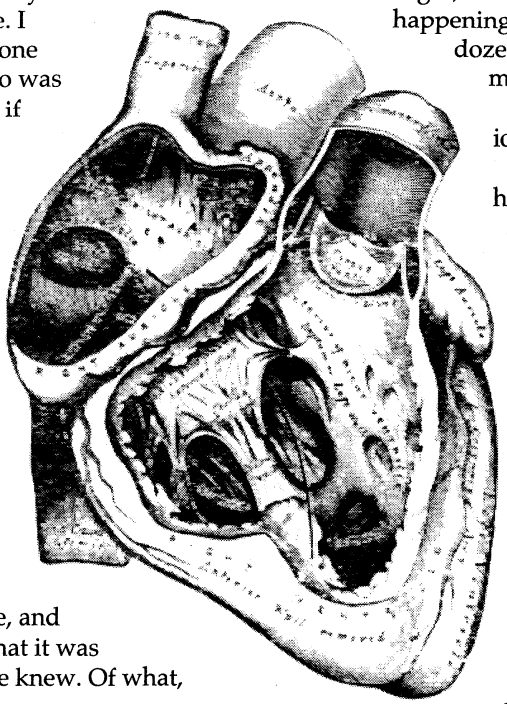

My supervisor waited until shift change to talk to me. She knew something was bothering me, and could only tell from my message that it was important. Another correlation, she knew. Of what, she did not.

"I take it you were reviewing the databases."

"Yes."

"What's wrong?"

"I was looking at the organ donation data . . ."

"We've already found the source of that malaria outbreak via an infected donor. Immunology found out last night."

"No. Not that. I found that donors were dying at a higher rate than non-donors."

"Donors by definition have to be dead."

"I meant that non-donors are more likely to survive their injuries than donors."

"I'll restate the obvious."

I had to rethink how to communicate the concept. "If two people come in from a bus crash with severe injuries, one an organ donor and the other not, the organ donor is more likely to die than the non-donor. Even if they have exactly the same injuries."

"How did you come to this conclusion?"

I detailed the analysis and the correlations. If anything, I knew how to explain how I'd gotten to an answer. My supervisor nodded the whole time and even started taking notes. "And what is your opinion of the whole situation?" she quietly asked me.

"We're not doing everything possible to save donors who come in with injuries because there is an impetus to let them die."

"Death by neglect? That's a serious accusation." Her voice was utterly emotionless. She had to be thinking of the potential lawsuits.

"I don't think it's intentional. No one says, 'Let them die so that others may live.' It's more likely a decision made time and again that when a patient is a donor to not take extraordinary measures."

The silence was deafening. I had tried to minimize the charges, even as I felt worse about the scope of what was happening. Hundreds of donations each year meant dozens of donors. That meant tens of people who might have gone home.

"I'm going to bring this up with my superiors."

The tone itself was a dismissal. I went home that night wondering if anything would actually be done. How could they fix a problem that might lead them into massive lawsuits by anyone whose family member died in trauma? How could they fix a problem that might be caused by something as superfluous as attitudes? How do you fix attitudes that were ingrained in the medical profession and even into society as a whole? How do you tell doctors that the needs of those few outweighed the needs of the many?

I didn't see my supervisor the next day. She was caught in a string of high level meetings. Whether or not the problem would be solved, at least I was certain that it had been made a priority. I was given a ton of surprise system checks and diagnostics to work on. The overtime pay was nice, but there was no time to follow up on my prior discussions.

After month's end, I logged into the system to see whether the latest data showed any change in mortality results only to discover that I was locked out of those reports. I couldn't run the correlation. Five different work-arounds either generated errors or messages that the report itself could not be generated. The data existed. The system just wouldn't let anyone correlate it. In any shape, way, or fashion.

I didn't bother trying to minimize the accusations or the motivations in my mind this time. This was a cover-up. And from the system access codes, the data access settings had been set from far above my level. The problem had gone up the chain, and their solution was to hide it.

My supervisor was waiting in her office. I didn't even bother looking at the two security guards with her. "Why is the mortality data off limits to me?"

"You don't need access to it as part of your job."

"So now no one can find it?"

"Were you able to get the report some other way?"

"No! All I get are system errors and report lock-outs. You don't want anyone to know . . ." I cut short when one of the senior system administrators came in.

"We are in the business of saving lives," my supervisor stated quite calmly. "That is the most important thing."

The two security guards came into sight. "Am I fired?"

One of the stun guns was leveled at me. When it fired, the world went black as the pain arced through my system. I heard the supervisor say, "Are you certain this will cause brain death? And be sure to edit her organ donor status in the database." ❑

Not Yours to Give

by Colonel David Crockett

Disaster relief was a hot issue even before hurricanes had names. Here, Davy Crockett explains why he voted against opening the Treasury for charitable aid.

One day in the House of Representatives a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The speaker was just about to put the question when Crockett arose:

"Mr. Speaker — I have as much respect for the memory of the deceased, and as much sympathy for the suffering of the living, if there be, as any man in this House, but we must not permit our respect for the dead or our sympathy for part of the living to lead us into an act of injustice to the balance of the living. I will not go into an argument to prove that Congress has not the power to appropriate this money as an act of charity. Every member on this floor knows it.

"We have the right as individuals to give away as much of our own money as we please in charity; but as members of Congress we have no right to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I never heard that the government was in arrears to him.

"Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bill asks."

He took his seat. Nobody replied. The bill was put upon its passage, and, instead of passing unanimously, as was generally supposed, and as, no doubt, it would but for that speech, it received but few votes, and, of course, was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made houseless, and besides, some of them had lost all but the clothes they had on. The weather was very cold, and when I saw so many children suffering, I felt that something ought to be done for them. The next morning a bill was introduced appropriating $20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about election, I concluded I would take a scout around among the boys of my district. I had no opposition there but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than any other, I saw a man in a field plowing and coming toward the road. I gauged my gait so that we should meet as he came up, and I spoke to the man. He replied politely, but as I thought, rather coldly.

"I began: 'Well friend, I am one of those unfortunate beings called candidates and—'

"'Yes I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine, I shall not vote for you again.'

"This was a sockdolager . . . I begged him tell me what was the matter.

"'Well Colonel, it is hardly worthwhile to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me. But I beg your pardon for expressing it that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting you or wounding you.

"'I intend by it only to say that your understanding of the Constitution is very different from mine; and I will say to you what but for my rudeness, I should not have said, that I believe you to be honest.

"'But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is.'

"'I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any constitutional question.'

"'No, Colonel, there's no mistake. Though I live in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say you voted for a bill to appropriate $20,000 to some sufferers by fire in Georgetown. Is that true?'

"'Well my friend; I may as well own up. You have got me there. But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of $20,000 to relieve its suffering women and children, particularly with a full and overflowing treasury, and I am sure, if you had been there, you would have done just the same as I did.'

"'It is not the amount, Colonel, that I complain of; it is the principle. In the first place, the government ought to have in the Treasury no more than enough for its legitimate purposes. But that has nothing with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be entrusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means.

The power of collecting and disbursing money at pleasure is the most dangerous power that can be entrusted to man.

"'What is worse, it presses upon him without his knowledge where the weight centers, for there is not a man in the United States who can ever guess how much he pays to the government. So you see, that while you are contributing to relieve one, you are drawing it from thousands who are even worse off than he.

"'If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give $20,000,000 as $20,000. If you have the right to give at all; and as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and everything which you may believe, or profess to believe, is a charity and to any amount you may think proper. You will very easily perceive what a wide door this would open for

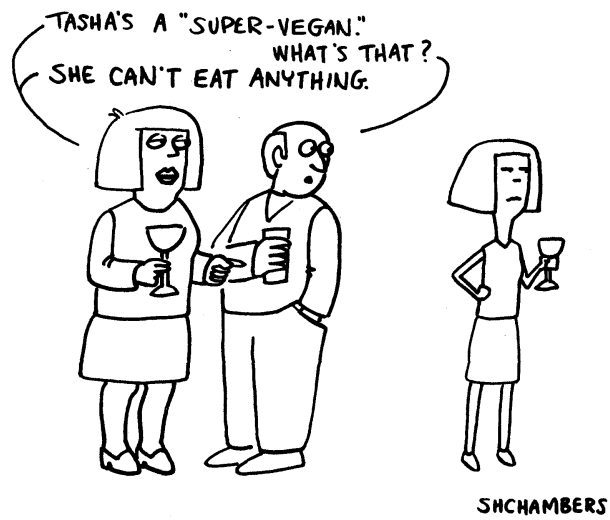

fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity.

"'Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this country as in Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar for our relief. There are about two hundred and forty members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over $13,000. There are plenty of wealthy men around Washington who could have given $20,000 without depriving themselves of even a luxury of life.

While you are contributing to relieve one, you are drawing it from thousands who are even worse off than he.

"'The congressmen chose to keep their own money, which, if reports be true, some of them spend not very creditably; and the people about Washington, no doubt, applauded you for relieving them from necessity of giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution.

"'So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you.'

"I tell you I felt streaked. I saw if I should have opposition, and this man should go to talking, in that district I was a gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced that he was right, I did not want to. But I must satisfy him, and I said to him:

"'Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you have said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard. If I had ever taken the view of it that you have, I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot.'

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again upon one condition. You are convinced that your vote was wrong. Your acknowledgment of it will do more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and perhaps, I may exert some little influence in that way.'

"'If I don't,' said I, 'I wish I may be shot; and to convince you that I am in earnest in what I say I will come back this way in a week or ten days, and if you will get up a gathering of people, I will make a speech to them. Get up a barbecue, and I will pay for it.'

"'No, Colonel, we are not rich people in this section but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you.'

"'Well I will be here. But one thing more before I say good-bye. I must know your name.'

"'My name is Bunce.'

"'Not Horatio Bunce?'

"'Yes.'

"'Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend.'

"It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence, and for a heart brim-full and running over with kindness and benevolence, which showed themselves not only in words but in acts. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintance. Though I had never met him before, I had heard much of him, and but for this meeting it is very likely I should have had opposition, and had been beaten. One thing is very certain, no man could now stand up in that district under such a vote.

If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give $20,000,000 as $20,000.

"At the appointed time I was at his house, having told our conversation to every crowd I had met, and to every man I stayed all night with, and I found that it gave the people an interest and confidence in me stronger than I had ever seen manifested before.

"Though I was considerably fatigued when I reached his

continued on page 34

My Military Career

by Pfc. Aaron Anderson, (ret.)

With a pregnant girlfriend and the draft board breathing down his neck, what's a young man to do? Join the band, of course!

It was 1956, and I had just turned 18. My girlfriend was pregnant. My Cadillac needed a new engine. I got drafted.

Not to worry. My girlfriend's father, Harold, had a solution that sounded pretty simple. He explained to me that if I was married to his daughter and had a child on the way, my draft board would no longer rate me 1-A.

He further advised me that he knew a high mucky-muck in the government who could get me into the National Guard Band, which would deliver me from draftable status altogether. I had been supporting myself at the time by playing music in a few jazz clubs around Seattle. It sounded like just another gig to me at the time.

Well, it wasn't. In the National Guard Band, we were forced to stand in rows at attention or what they called "at ease" for long periods of time while some guy with bars on his collar would inspect us one at a time and holler about anything he saw or didn't see that upset him. When we did play music, every once in a while we would hit a groove and then he would freak out and make us start all over again.

One time when I had just gotten home from a non-stop drive from a gig in Missoula, Mont., I was exhausted. I took a shower and went to sleep forgetting it was National Guard Band night at the Armory, which is now used as a food court.

I lived on Queen Anne Hill about a mile away. About 7:30, loud banging on the door of my house awakened me. It was three of my bandmates who had come to arrest me and take me to the Armory, where I had to answer for my absence. So I did. They calmed down some and decided to "let me off easy." They fined me three months pay ($95).

In my opinion the National Guard wasn't much fun at all.

That winter I started contracting to build and remodel homes. Business was slow in the winter in Seattle, but when spring came I got very busy. One night at the National Guard meeting it was announced that we were all going camping together for two weeks in August at the Yakima Firing Center. What to do?

I went home after the meeting and wrote a letter to the appropriate high mucky-muck in the National Guard, explaining how August was my peak earning point for the year and what with a wife and child I just couldn't see how I could support them if I didn't work in August. I also told him that I was going to be a Seafair Pirate and I needed to grow a beard for the event and would that interfere with the dress code at Yakima Firing Center?

The high mucky-muck bought it and I received a reprieve from summer camp duty. However I would be assigned a two-week winter camp at Fort Lewis.

The next year I got a divorce and moved to Portland, Ore. to work with my dad, so I was re-assigned to the National Guard Band in Vancouver, Wash., right across the Columbia River from Portland. This outfit was much more laid back. Everyone was there for the same reason, to make it as easy as possible. We could check out instruments to take home. I had six excellent Zildjian cymbals at home most of the time. The guys in the Vancouver band were way more fun and

soon I was playing in a cowboy band called "One Ton Tomato," and a jazz trio two nights a week.

Somewhere in early April I was attempting to do my taxes. I had my records and receipts spread all over the floor for several days. One afternoon when I got home from work I noticed that my house had burned down. Damn! All my clothes, my furniture, my black Gretch drum set with all the National Guard cymbals, and, of course, all my tax records, along with my nearly new Morgan Plus Four Roadster that was in the attached garage. My insurance covered the car — the insurance company got me a check in three days. I was able to buy some clothes and move to my dad's couch.

Life was beginning to look possible again except for one small problem. What to do about all my tax forms? I called the IRS and explained my situation. All they needed was a letter of proof from the fire department about the fire. So that was that, except I got so used to not filing that I haven't done it since.

I was beginning to realize that the National Guard was a pain in the ass, so I did some research. I found that if I lived more than 50 miles from an Armory I wouldn't be required to attend meetings. I bought a piece of property right on the beach in Pacific City, Ore. I rented a Post Office box there and notified the National Guard of my new situation. They were okay with that but I would still have to go to Ft. Lewis for two weeks in January. When I arrived at Ft. Lewis and checked in with the band it became obvious quickly that I was an extra thumb in this finely tuned operation. They assigned me a bunk in a barracks that was empty and said I could set up my drums and practice all I wanted, and they also gave me a permanent pass to come and go as I pleased.

Loud banging on the door of my house awakened me. It was three of my bandmates who had come to arrest me.

After that I never heard from the National Guard again. ❑

Not Yours to Give, *from page 32*

house, and, under ordinary circumstances, should have gone early to bed, I kept him up until midnight talking about the principles and affairs of government, and got more real, true knowledge of them than I had got all my life before.

"I have known and seen much of him since, for I respect him — no, that is not the word — I reverence and love him more than any living man, and I go to see him two or three times every year; and I will tell you, sir, if every one who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm.

"But to return to my story. The next morning we went to the barbecue and, to my surprise, found about a thousand men there. I met a good many whom I had not known before, and they and my friend introduced me around until I had got pretty well acquainted — at least, they all knew me.

"In due time notice was given that I would speak to them. They gathered up around a stand that had been erected. I opened my speech by saying:

"'Fellow citizens — I present myself before you today feeling like a new man. My eyes have lately been opened to truths which ignorance or prejudice, or both, had heretofore hidden from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgment is due to myself as well as to you. Whether you will vote for me is a matter for your consideration only.'

"I went on to tell them about the fire and my vote for the appropriation and then told them why I was satisfied it was wrong. I closed by saying:

"'And now, fellow-citizens, it remains only for me to tell you that the most of the speech you have listened to with so much interest was simply a repetition of the arguments by which your neighbor, Mr. Bunce, convinced me of my error.

"'It is the best speech I ever made in my life, but he is entitled to the credit for it. And now I hope he is satisfied with his convert and that he will get up here and tell you so.'

"He came up to the stand and said:

"'Fellow citizens — it affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today.'

"He went down, and there went up from that crowd such a shout for Davy Crockett as his name never called forth before.

"I am not much given to tears, but I was taken with a choking then and felt some big drops rolling down my cheeks. And I tell you now that the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced, is worth more to me than all the honors I have received and all the reputation I have ever made, or ever shall make, as a member of Congress.

"Now, sir," concluded Crockett, "you know why I made that speech yesterday. There is one thing which I will call your attention, you remember that I proposed to give a week's pay. There are in that House many very wealthy men — men who think nothing of spending a week's pay, or a dozen of them, for a dinner or a wine party when they have something to accomplish by it. Some of those same men made beautiful speeches upon the great debt of gratitude which the country owed the deceased — a debt which could not be paid by money — and the insignificance and worthlessness of money, particularly so insignificant a sum as $20,000 when weighed against the honor of the nation. Yet not one of them responded to my proposition. Money with them is nothing but trash when it is to come out of the people. But it is the one great thing for which most of them are striving, and many of them sacrifice honor, integrity, and justice to obtain it." ❑

Reviews

Historians' Triumphs

Stephen Cox

Many people think of history as something that exists wholly apart from the human mind — a collection of facts that stand on their own and vouch for their own significance. Of course that's not the way things are. Some of the most important and interesting historical facts make no impression at all until someone wakes us up to what they really mean. Probably everyone obscurely realizes that the United States, unlike other fertile parts of the globe, has never suffered a famine. But so what? We may know that fact of history, but do we feel its significance? Do we recognize its dramatic confirmation of the value of this country's social and economic system?

Doubtful. Yet a good historian could make us see and feel such things. A good historian can open our eyes both to the big facts and to the purportedly small ones.

It follows that a good work of history pleases not just by its revelation of the facts but by its revelation of the mind that is shaping those facts for our understanding and enjoyment. A limp work of history can be harder to endure than any of the events it describes; a brilliant work of history can be much more exciting. One turns the pages hastily, eager to discover what happened to Washington or Lenin or the first person who went over Niagara Falls in a barrel, and just as eager to find out what the historian is going to do next.

But how does one locate such exciting works of history? If they weren't written by someone who is alive and well and being interviewed on TV, almost no one but narrow specialists ever hears of them. And narrow specialists are usually too narrow to do anything so obvious as consider the literary quality of the works they study.

They may be too narrow even to read the classic works in their disciplines. I have met many specialists (note that I do not say "experts") in English literary history who have never opened C.S. Lewis' classic, and vastly entertaining, "English Literature in the Sixteenth Century." A couple of weeks ago I picked up a recent book about the history of Cuzco, the Inca capital. It was a collection of essays by several people, each of whom offered many references to other studies. None of them brought up B.C. Brundage's monumental "Empire of the Inca," the great work of literature on the subject. Presumably, this was because of the book's extreme old age — 42 years! — although in certain circles, high literary merit is considered a positive detriment to "scientific" history.

In any event, it's up to nonspecialists to keep their own lists of great achievements in historical literature, and pass the lists around. The present review is one of those lists. It's concerned with six works of New World history that deserve to be read — especially because each of them shows what a good author can do with an unpromising subject.

Even William Cronon's subject, the creation of a great modern city, is unpromising in several respects. Histories of places are almost always long on conscientious detail and short on epic sweep. And Chicago isn't exactly a name that sets the heart a-singing. Rightly or wrongly, the allure of America's Second City, the Capital of the Heartland, the City with Big Shoulders, Hog Butcher to the World, etc., etc., is pretty much confined to the city limits of Chicago. I was born 50 miles away, into a family that had lived in the Midwest for 150 years, to a mother who once lived in Chicago itself, and I remember the word "Chicago" being mentioned in our home about as often as the word "malaria." As a young man, I made the Michiganian's rare visit to Chicago and was thrilled by the sight of the Loop rising superbly beside the waters of the lake, the most magnificent architectural ensemble in the world. Yet the idea that there was anything intellec-

tually interesting in the history of Chicago itself was completely foreign to me, until I read Cronon's book.

Cronon isn't a great writer; he's a serviceable writer with a great conception: the uniqueness of Chicago as a city that was born exactly where a city should be born, at a natural crossroads for capitalist commerce and industry. On the west was an enormous, fertile, empty plain; on the east, the open highway of Lake Michigan, promising ready access to the mines and virgin forests of the upper midwest. Chicago was also born at exactly the right time, a time when the newly exploited power of steam was making revolutions in almost every type of human endeavor. Chicago was the place where trains and steamboats brought the products of the fields and pastures, to be graded and traded and transformed by industrial processes into salable commodities that could then be hurried back across America to the consumers hungrily awaiting them.

In certain circles, high literary merit is considered a positive detriment to "scientific" history.

It wasn't "nature" that created Chicago; it was the inventive genius of the industrial age. Everyone knows Chicago's importance in the development of the skyscraper. Cronon shows its importance in the development of grain elevators, futures markets, balloon frame houses, catalog marketing, meat packing, and a hundred other inventions that modern America was soon able to take for granted and regard as if they had no history.

The story of these events is uniformly exciting, despite the fact that "Nature's Metropolis," unlike the other books I'm discussing, is more about economic processes than it is about the individual people who devised and used them. The futures market, for instance, grew out of a generation of commercial experience and a common desire for orderly means of making a profit. Particular individuals contributed only incrementally to the process. But Cronon's vivid picture of human action — which contains many illustrations from individual lives — lets readers imagine their way into 19th-century America, feeling the surprise and speed of its economic development as they would have been felt by the participants themselves.

Cronon's charts and maps help, too. On page 77 there is a pair of them, one showing how far you could travel from New York City in a day, two days, a week, and so forth, in 1830; the other showing how far you could travel in the same amounts of time in 1857. The first map has you reaching Ann Arbor in two weeks, traveling, presumably, by boat along the Hudson-Erie Canal-Lake Erie route, then by stagecoach the last 50 miles. Another week would take you to Chicago. The second map shows the lightning progress you'd be able to make just 27 years later. Now a train takes you to Chicago or Springfield in two days or less. This isn't just "material progress": it's a new vision of human capability. Everyone knows that advances like this were made during the industrial (or, more fundamentally, the capitalist) revolution; Cronon's book makes you feel just how revolutionary 19th-century capitalism was.

"Empire of the Inca," by Burr Cartwright Brundage. 1963; reprint: University of Oklahoma Press, 1985, 414 pages.

"Nature's Metropolis: Chicago and the Great West," by William Cronon. Norton, 1991, 555 pages.

"Historians' Fallacies: Toward a Logic of Historical Thought," by David Hackett Fischer. Harper & Row, 1975, 360 pages.

"France and England in North America," by Francis Parkman. Library of America, 1983, 3124 pages (2 volumes).

"Filibusters and Financiers: The Story of William Walker and His Associates," by William O. Scroggs. 1916; reprint: Russell & Russell, 1969, 420 pages.

"Conquest: Montezuma, Cortés, and the Fall of Old Mexico," by Hugh Thomas. Simon & Schuster, 1993, 832 pages.

There is only one thing wrong with this book: despite Cronon's vast knowledge of economic processes, he seems to have practically no understanding of economic theory. In one of the most confused passages of economic discussion that I have ever encountered, he declines to repudiate Marx's long-exploded labor theory of value (perhaps because, as seems probable, he doesn't understand it), while admitting that "it cannot by itself explain the astonishing accumulation of capital that accompanied Chicago's growth."

Rightly or wrongly, the allure of America's Second City, the Capital of the Heartland, the City with Big Shoulders, Hog Butcher to the World, etc., etc., is pretty much confined to the city limits of Chicago.

What explains that phenomenon, of course, is people's willingness to invest in enterprises that they thought would make them money. But Cronon believes that nature somehow did the trick. It was "the light of the nearest star" that put energy and therefore value into the fields and forests, then into the pockets of the people who exploited them. An absurd picture emerges of trees and weeds rejoicing in economic "value," despite the fact that nobody ever used or, perhaps, even encountered them. It doesn't occur to Cronon that certain things simply had no economic value before capitalists found a way of making them available to people who might want to buy them.

Almost as absurd is Cronon's revival of Frederick Jackson Turner's idea that western land was in some sense "free" to its settlers. If it was, why didn't everybody east of Pittsburgh show up right away to cash in on this strangely valuable "free" commodity? True, you could buy an acre of land

from the government by paying the modern equivalent of $50 or so, but to make your investment worthwhile you'd have to pay a great deal more in terms of time, effort, and money to get to your property, clear it, develop it, and market its products. That's why so many western farmers were so deep in debt. This part of Cronon's book (149–50) is so embarrassing as to be unworthy of comment, except to emphasize the fact that the rest is fascinating enough to make one forget his feckless economic speculations. Their goofiness actually contributes its mite to the book's human interest.

If Cronon faced a difficult literary task — arousing interest in the history of Chicago — then B.C. Brundage faced a seemingly impossible one. The affairs of the Inca empire are wholly irrelevant to modern American life. The student of Roman history can rely on the assumption (false or true) that Rome's various wars and revolutions made a deep and enduring impact on Western thinking; the chronicler of Tahuantinsuyo (The Four Quarters, the Inca empire) has no such assurance. Even Brundage pronounces it an "error" to regard the Incas as "precursors or practitioners of the politics of today." Their empire was "unique and sui generis" (xiii).

In addition, the history of the Andean peoples, who possessed nothing that we would call a written literature, isn't the easiest thing to reconstruct from available records. Yet Brundage, the master both of the historical and of the anthropological sources, knew how to assess their omissions and divergences, and he knew, better than almost any other serious historian I can think of, how to integrate his findings into a compelling historical narrative.

His inspiration, at least in matters of approach and style, appears to have been Edward Gibbon's "Decline and Fall of the Roman Empire," with an important qualification. Gibbon's style is almost always loftier than his subjects; it is continuously arch and ironic, even when Gibbon has no particular reason for irony. Brundage hasn't gone that far. His characters are often as deserving of ironical treatment as Gibbon's, but he is willing to treat them with respect and, in a way, to take them at the value they gave themselves.

Unlike most experts on Amerindian civilizations, he views his subjects neither as exhibits in an anthropology museum nor as quaint instances of primitive life nor as implied protests against Western civilization. He gives them the dignity of their original status, using the same words for them that he would for Europeans of similar position and character. Like Europeans, they have an "emperor," "an imperial mystique," a "nobility," a "theology," a "hymnology," "centers of intrigue and immorality," "factions," political "parties," and so on. He writes "Tahuantinsuyo" as easily as if he were writing "France." And wherever he has the data to do so, he evokes the personalities of the people in his story, treating their individual ideas and motives as things that matter, not as mere static on the screen of historical theory. He describes their "counsels" and "stratagems" and "policies" in the same way in which one would describe the political affairs of Hadrian or Bismarck.

It doesn't occur to Cronon that certain things simply had no economic value before capitalists found a way of making them available to people who might want to buy them.

This interest in individuality is conspicuous in his account of the fascinating last half-century of Tahuantinsuyo, a history first dominated by powerful and creative rulers, then debased by a savage conflict between Atahualpa, the last true Inca ruler, and his crazed half-brother Huascar. It was during those latter days, when the empire was wholly absorbed in its internal affairs, that the Spanish crept over the horizon, first as rumors, then as facts, at last as conquerors. It is as if Lincoln had finally gotten the drop on Lee and Davis, only to be captured, the next day, by invaders from Mars.

Brundage relishes the ironies of history; he also relishes its grim poetry. Describing the plague that preceded the conquerors' appearance in the Andes, he says: "A fulminating disease introduced by the Spaniards had been gestating along the reefs and rotting beaches of the Caribbean; perhaps it was that illness, similar to both typhus and bubonic plague, which had been brought into Darien during August, 1514, by the armada of Pedrarias. It had flared and smoldered its way over the Isthmus and down along the mangrove coast of Colombia, bartered unwittingly by native traders. It flashed inward wherever there was a road, a trail, or any passage through the thicket. No skirmishers could have been more cunningly insinuated — like hooded

Calling All Economists!

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see *Intellectually Incorrect* at intinc.org

heralds they flew silent and unseen ahead of the bearded men, their captains, and few were their poisoned darts that missed the mark" (261).

Brundage has no illusions about the moral qualities of the people whose adventures he narrates. Describing the conquistadores' entrance into the city of Cajamarca, where they captured Atahualpa and killed 2,000 of his followers "like ants," he gives his assessment of the conquest in a single sentence: "The years of Peruvian history have echoed to the sullen sound of that entry, which has cast a spell of gloom, of blood, of deceit, and of extortion over every passage of Peruvian life since" (301). Yet the Incas, with their hideous cults of human sacrifice and their unrestrained delight in war and torture, are hardly models of ethical behavior, and Brundage never tries to present them as such.

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In this case, as in that of the Spanish conquest of Mexico, one has the strong impression that the Europeans and the Americans richly deserved each other. The impression is confirmed by Hugh Thomas' magisterial account of the Mexican affair. Like Cronon, Thomas is not a great stylist. He is a writer of clear and persuasive prose, with a fine intuition for the scene or speech that will illuminate his story. His special virtues are vast research, a deep interest in showing the conquest from both the Spanish and the Aztec point of view, and a splendid fairness and sensitivity to facts.

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As with "Empire of the Inca," there is no hint in Thomas' book of a desire to make the facts fit a preconceived hypothesis. It's easy to come up with an explanation of how the Spanish were able to conquer the Aztecs, a warlike people, vastly more numerous than the Spanish, and residing in their own country. The obvious explanation is technological: the Aztecs, who lacked even such things as draft animals and wheels (except on toys), could never have stood up against Western weapons and Western wealth. If anything was inevitable in human history, it was the Aztecs' elimination by some European power. But Thomas' story of how it actually happened complicates the picture considerably.

Even if one retains the "technology" explanation (which I think is basically correct), one cannot point to one particular technology as crucial. Surely it wasn't firearms. Thomas shows that guns were much less effective than crossbows as tools of conquest. Even more effective was the Spaniards' ability to construct ships on the lake that surrounded the Aztec capital, besiege it, and gradually reduce it. "Who could conquer Tenochtitlan?" asks an Aztec poem. "Who could shake the foundation of heaven?" (5). Well, boat-builders could.

Yet without the aid of the Aztecs' neighbors, who took the arrival of Cortés as an invitation to throw off the hateful domination of Tenochtitlan, the Spanish couldn't have built or launched their boats, or done much of anything else, either. And without the dogged courage and brutal self-assertion of a certain type of Spaniard, no allies would have been mustered, and nothing resembling a conquest would have taken place. Any technological explanation must be supplemented by a political explanation, and any political explanation must be supplemented by a cultural and psychological explanation. As Thomas says, "One does not have to be a believer in any special theory that great men dominate history to see at once that Cortés' combination of intelligence and prudence, bravery and originality [was] decisive in the extraordinary events in Mexico between 1519 and 1521" (602).

Thomas dispenses with theories about the conquest and presents the facts, in all their amazing variety, vitality, and strangeness. These are not just the big facts about the Aztecs' peculiar religious and political customs. They are also the small facts that give history its fascinating, serrated edge. Did you know that the Mexican emperor's descendants, far from being destroyed, became "counts of Moctezuma" and "survived many generations" after the conquest (594)? I didn't know that. And who could have guessed it? Who could imagine or predict the things that actually happen in this astonishing world?

Alas, most of the astonishing events that Thomas relates are far from charming. No one who reads his descriptions of Aztec rituals will ever fall for the idea that the culture of these "Native Americans" has been misrepresented as cruel and bloodthirsty in order to legitimize the cruelties of the "Christian" invaders. I cannot bring myself to recite the details; I wish, indeed, that I had never read them. Acquiring such memories is the one really bad thing about reading Thomas' book. One might think that its length — 832 pages, including notes — would pose another problem. It doesn't, and neither does the fact that this is the kind of book in which names like Cuauhtémoc, Coanacochtzin, and Tetlepanquetzatzin are apt to turn up in the same sentence (485). As remote and difficult as everything about the characters may be, their story never loses its attraction.

"Who could conquer Tenochtitlan?" asks an Aztec poem. "Who could shake the foundation of heaven?" Well, boat-builders could.

Not so unlikable, but not so grand a subject, either, is William Walker, a young American journalist who during the 1850s mounted filibustering expeditions — private attempts to take over foreign countries — in Baja

California and Central America. ("Filibuster" comes from a Spanish term for "freebooter.") One of these forays, the expedition of 1855–1857 that made him president of Nicaragua,

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was the most important filibustering adventure in American history. Still, that doesn't put the topic very far up on the scale of intellectual urgency. And Walker's reputation, among the few people who have heard of him, is simply that of a horrid purveyor of Yankee imperialism.

That, perhaps, is what he was. But to see him chiefly as an agent of "imperialist ideology" misses his personal motivation, which seems to have been a childish but besetting desire to make himself the president of something. The Yankee-imperialism approach also misses the fact that he gained considerable support among Central Americans trying to extricate themselves from the swamp of the region's cruel and ridiculous politics. In the republics of the isthmus, anyone who came from abroad and looked as if he might actually change something exerted an instant and not wholly irrational appeal.

William Scroggs, a professor at the Louisiana State University, was the Audubon of this political landscape. He identified its rare birds and startling flowers, and he showed how little you know the country until you know the swamp. His "Filibusters and Financiers" is the type of book that all professors should aspire to write, but virtually none have the wit to try — a learned, judicious, and irresistibly amusing account of an episode that expands one's knowledge of human life.

Gracefully, without apparent effort, Scroggs turns the story of Walker's expedition into a window on the world as it was, and perhaps still is, in places now gently described as "underdeveloped nations." In 1855, the population of Nicaragua was barely 200,000. Its sole visible asset was an American company that shuttled travelers from the Atlantic (or New Orleans) side of the country to the Pacific (or San Francisco) side. The nation's demoralized citizens were the sport of "violent factionalism which was based on no real principles" (82). Travelers on the transit company's riverboats and macadam road beheld "disorder and desolation . . . deserted fields, abandoned houses, and churches whose walls were marred by shell and bullet as a result of their use as fortresses" (83).

Into this bedraggled outpost of progress waltzed the dynamic Mr. Walker and his gullible comrades, the "Fifty-Six Immortals." (Scroggs, in the kind of footnote that warms the reader's heart, observes that "the number actually carried [to Nicaragua] was fifty-eight, though the newspaper accounts at the time gave it as fifty-six. For some reason, which it is useless to try to explain, the number reported by the papers became commonly accepted even by the men themselves, who gloried afterward as belonging to the 'Fifty-six Immortals'" [92].) By playing off one local faction against another and exercising superior military and organizational skills, Walker managed to establish himself as the dictator of Nicaragua. So tenacious was his grip on power that he could be pried loose only by the united forces of the other Central American republics and Cornelius Vanderbilt, owner of the transit company and the principal "financier" to which Scroggs' title alludes. Vanderbilt was angry because Walker had expropriated his property, and he had the means to satiate his wrath.

The picture Scroggs paints of Walker is that of a soulless man, ambitious only for power and prepared to take all practical means of seizing and holding it, a man who was relentlessly clubbed into the ground by the same intractable circumstances that had opened Central America to his ambitions in the first place. The region was capable of supporting many warring factions but incapable of supporting a government that any sane person would regard as legitimate.

Walker's position was rendered still less secure by foreign rivalries. The ownership of the transit company was booted back and forth between Vanderbilt and a couple of his former colleagues, and Walker himself became a political football in the contest between politicians in the American South, who hoped to expand the empire of slavery, and politicians in the American North, who wanted to keep it from expanding. I haven't even mentioned Great Britain's intrigues.

"Whenever he gained a new friend," Scroggs says of Walker, "he usually also made a new enemy. . . . He could favour neither political faction in Nicaragua without displeasing the other. What made his cause popular to Americans as a whole was to make him an object of suspicion to the British. He succeeded in gaining support in the Southern States only at the expense of antagonizing his friends in the North. By winning the support of one group of American capitalists he incurred the wrath of a powerful cap-

Central America was capable of supporting many warring factions but incapable of supporting a government that any sane person would regard as legitimate.

tain of industry, who resolved that he must be destroyed. These were matters beyond the filibuster leader's control. For lack of any better explanation, we may as well attribute them to the decrees of fate" (123–24).

Scroggs has a droll style, and he appreciates a droll style in others, such as Vanderbilt: "'I won't sue you,' he is quoted as saying to his rivals, 'for the law is too slow. I will ruin you'" (135). When it comes to character and

morals, however, he disapproves of nearly everyone in his story — Walker, who was "mastered by, rather than master of, his dreams" (397), his "misfit" followers (40), his European and Central American foes, who "vented their rage on . . . helpless noncombatants" and committed "treachery of the basest sort" (253, 392), and the civilian population of Nicaragua, which was, "as a whole . . . proud, ignorant, and intolerant" (82). (Scroggs has no notion of political correctness.) Yet he sees, in his Olympian detachment, how funny it all is. It "needs," he says, "the pen of a Cervantes to do it full justice" (40). In the absence of Cervantes, Scroggs himself will do very nicely.

In communist Poland, they used to say, "The state pretends to pay us, and we pretend to work." The only difference seems to be that in Louisiana no one even pretended.

The literary problem for Francis Parkman, the great 19th-century historian, was many times what it was for Scroggs. Parkman, who had written the story of the Oregon Trail, faced a much larger task in the story of the contest between France and England for the empire of North America. When his work, the labor of a lifetime, was completed in 1892, it occupied seven volumes, published over a period of 27 years. The current Library of America edition occupies only two, but it's still over 3,000 pages long — and there aren't any useless sections. It takes that long to tell a story that extends across two centuries and ranges across the map of North America from Green Bay and the Straits of Mackinac to the suburbs of New York and the bayous of Louisiana.

This is the North America whose wealth was the beaver and the fox, the America of the coureur de bois and the missionary priest, the America of primitive blood-letting and of starlight on the inland sea. It is also the America of fractious New England legislators and godlike French proconsuls, of Indian cultures both savage and civilized, of bottomless cruelty and limitless spiritual striving, and above all of European wars — the first world wars, played out amid the colossal scenery of America. To tell this story, Parkman had to explain what it was like to sit at Versailles and plan an empire; he also had to show what it was like to sneak through the frozen woods of northern New York, trying to survive till your Indian allies could slit some English farmer's throat.

Parkman presents this tale of America both exhaustively and perspicuously. His resources are an encyclopedic knowledge of history, a novelist's understanding of character, an adventurer's feel for exotic landscapes, and a philosopher's understanding of the reasons why some civilizations succeed and other civilizations fail. He demonstrates the futility of the plausible French idea that all the important things in life must be planned and ordered by the state, and he explains the astounding success of Britain's failure to organize its colonies on a "logical" basis.

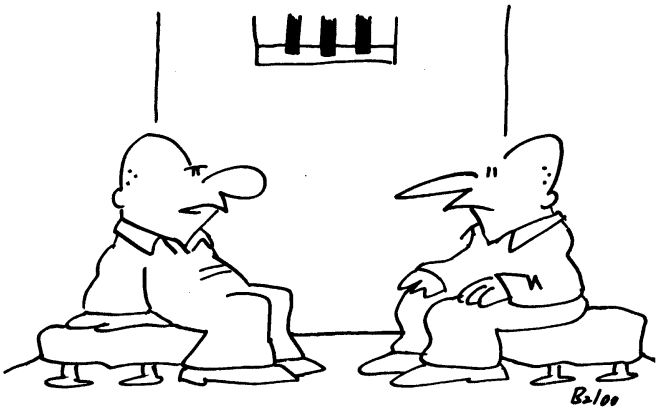

"I've been a burglar, a blackmailer, a mugger, and an armed robber, but by gosh, I've never been a *lawyer*!"

While France was doing everything it could to keep any unlicensed person, settlement, transaction, or idea from appearing on its American frontiers, Britain was treating its own settlements with salutary neglect, broken only by some blundering and spasmodic attempts to get them to contribute to their own defense. The British government's laxity and the French government's assiduous care of its possessions — its "unmitigated paternalism" (2,416) — resulted in the British dominions' becoming ten times wealthier and more populous than the French. British North America was a military asset; French North America was a sitting duck, waiting for the British to capture it.

Fischer requires no more than a footnote to deal with the vagaries of Herbert Marcuse, whom some people still regard as a distinguished philosopher.

The capture came in 1759, with the conquest of Quebec by British and North American forces. The last campaign wasn't easy, but its success had been prepared by generations of systematic mistakes on the part of France. The classic discussion is Parkman's chapter on France's colony in Louisiana, which was in desperate need of settlers, but in still more desperate need of common sense.

To this place where everything was always going wrong, France sent "about eight million livres . . . without any return." But even the simplest initiatives failed to work: "The settlers, always looking to France to supply their needs and protect them against their own improvidence, were in the habit of butchering for food the livestock sent them for propagation." The king replied with an edict forbidding anyone to kill any livestock "without permission of the authorities . . . on pain of death" (2,548). One can imagine how effective that edict was.

To one Antoine Crozat the king

granted a monopoly on enterprise in Louisiana, with predictable effects: "As the inhabitants were expected to work for Crozat, and not for themselves, it naturally followed that they would not work at all; and idleness produced the usual results" (2,544). In communist Poland, they used to say, "The state pretends to pay us, and we pretend to work." The only difference seems to be that in Louisiana no one even pretended. Crozat's resignation produced no change for the miserable inhabitants; it was the statist system that was at fault: "Louisiana was a prison. But while no inhabitant could leave it without permission of the authorities [a common situation in non-English colonies, whether French or Spanish], all Jews were expelled, and all Protestants excluded. The colonists could buy nothing except from the agents of the [government monopoly], and sell nothing except to the same all-powerful masters" (2,546).

Far from being a strong regime, however, this was an extraordinarily weak one: "Authority and order were the watchwords, and disorder was the rule. The agents of power quarrelled among themselves, except when they leagued together to deceive their transatlantic masters and cover their own misdeeds" (2,548). Much the same might be said about all the French dominions in North America. The seat of the folly was the central government. Though desperate to populate Louisiana with hard-working Frenchmen, the king refused a petition of four hundred Protestants who had emigrated to the Carolinas but were anxious to remove to a French colony: "The King replied, through the minister, Pontchartrain, that he had not expelled heretics from France in order that they should set up a republic in America. Thus, by the bigotry that had been the bane of Canada and of France herself, Louis XIV. threw away the opportunity of establishing a firm and healthy colony at the mouth of the Mississippi" (2,537). As in many modern regimes, it was the victory of ideology over every other consideration.

Even the study of logic can be enriched by a feel for life as it is lived, in its inexhaustible variety, by individual human beings.

When you reach the final page of Parkman's marvelous book, setting it aside with reluctance and wishing that its 3,000 pages could have been still more, you might take a look at Willa Cather's little novel, "The Professor's House" (1925), which is about the sense of desolation that comes to an historian who has written a great work like Parkman's, once his life's work is completed. Or — seeking the comic rather than the tragic effect — you might look at David Hackett Fischer's richly amusing analysis of the ways in which other historians, especially historians of America, have failed to complete their work, at least in any intellectual sense of the word "complete."

Fischer is himself a prominent historian, the author of powerful books on early American history: "Albion's Seed," "Washington's Crossing," and the eloquent and affecting "Paul Revere's Ride." But when he wrote "Historians' Fallacies" he was not yet an august figure. The book is a remarkable performance for a young scholar. It exhibits an enormous range of historical knowledge and historio-

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graphical reference; it is virtually a guidebook to approaches that have been taken to the study of America's past. It also exhibits enormous courage. There is hardly a school of historical or social thought whose logic it does not satirize; there is hardly a prominent historian who is not made to look the fool.

Anyone interested in argument should read this book, if only to enjoy its encyclopedic lists of logical fallacies: "fallacies of question-framing," "fallacies of generalization," "fallacies of motivation," "fallacies of narration," "the fallacy of essences," "the fallacy of the lonely fact," "the fallacy of the insidious generalization" — anything your fallacious heart desires. At the moment, my favorite is "the fallacy of false dichotomous questions," which Fischer exemplifies with a review of book titles that will send a thrill of merriment down the spine of anyone who has even the slightest appreciation for history's complexity: "Napoleon III: Enlightened Statesman or Proto-Fascist?", "The Abolitionists: Reformers or Fanatics?", "Renaissance Man: Medieval or Modern?", "The Absolutism of Louis XIV — The End of Anarchy or the Beginning of Tyranny?", and finally (you probably knew this was coming) "What Is History — Fact or Fancy?"

There is also the pleasure of watching Fischer pounce on self-important people. He requires no more than a footnote to deal with the vagaries of Herbert Marcuse, whom some people still regard as a distinguished philosopher. Fischer is criticizing "materialist" thinkers for imagining that all ideas are historically "determined," except, of course, their own, when he remembers the existence of Marcuse and adds the following note: "The same mistake appears in Herbert Marcuse's 'Eros and Civilization' (Boston, 1955), which, with other work by the same author, seems to be an attempt to combine the metaphysical determinism of Hegel, the economic determinism of Marx, and the psychic determinism of Freud with a plea for human freedom!" (195). Off with his head! So much for Marcuse. His work "seems to be an attempt . . ."

A worthier victim is Jeremy Bentham, whose "Book of Fallacies" is an important precursor of Fischer's own work. Fischer sees merit in Bentham but does not like his suspicious moralism: "He tended to assume that these forms of error [logical fallacies] are usually evidence of some sort of sinister interest in their authors. 'Is it credible . . . that their inanity and absurdity should not be fully manifest to the persons who employ them?' he asked. 'No,' he answered in his solemn way, 'it is not credible.' But this is a very great mistake. Many [fallacies] are clearly not the result of a deliberate attempt to deceive but rather of obscured understanding by authors who were themselves deceived" (283).

Authors cannot be acquitted quite so easily. If there is deception, it is ordinarily self-deception. Wasn't Bentham deceived ("in his solemn way") by his own failure of imagination? In any event, Fischer is right in emphasizing the complexity of human character. A good person, a brilliant person, as Bentham certainly was, may be a very bad arguer. As Fischer's book demonstrates, even the study of logic can be enriched by a feel for life as it is lived, in its inexhaustible variety, by individual human beings.

How much more is this true about the study of history! That's the lesson of virtually all the books I've discussed, whether they are concerned with the ambitions of William Walker or the struggles of Cortés and Montezuma or the disappointments of Pontchartrain and Atahualpa or the whims of professional historians. And whoever has that feel for individual human life will always have a claim on the attention of other individuals. ❑

"Death of a Salesman," by Arthur Miller. Lyric Theater, London.

New Life for Willy Loman

Jo Ann Skousen

Sometimes a director's staging changes the meaning of a play without changing a single word of the dialogue. Such is the case with Robert Falls' production of "Death of a Salesman" currently in London, starring Brian Dennehy as down-and-out salesman Willy Loman, and Clare Higgins as his long-suffering wife Linda.

Arthur Miller's Salesman is often called the Great American Tragedy, but I've never been a big fan, with its dark moralizing on the evils of capitalism and its despairing, dysfunctional family. Willy badgers his sons into occupations they don't like, belittles his wife, and hides his failures. He's not just a loser, he's an abusive loser victimized by an uncaring boss. The name says it all: Willy Loman is "low man" on the totem pole.

Robert Falls' masterly direction, however, skyrockets this Willy to the top of the pole. Every character is changed, just by inflection and delivery. Dennehy enters the stage with a stooped shuffle, the fingers of his right hand slightly clinched, his lips moving before he speaks as though he is reaching for language itself. This is no overbearing abuser, but a befuddled old man who has suffered a minor stroke or the onset of Alzheimer's. Clare

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Higgins turns Linda into the heart of this production, no longer a cowering abused wife but a woman who loves her husband passionately and demands that her sons respect him too. When she tells her sons, "Don't upset your father," it's not because she fears his abuse but because she doesn't want him to suffer any more anguish. Yes, Willy cuts her off mid-sentence, and it irritates Biff to see his mother treated that way. But it doesn't bother Linda. She loves Willy. She appreciates him. And she wants to protect him from the confusion that has come over him.

When the play was first written, Miller's producers were concerned about how to stage the flashbacks. Would audiences understand, or would they be confused? Dennehy's performance leaves no doubt.

Dennehy's Loman is no overbearing abuser, but a befuddled old man who has suffered a minor stroke or the onset of Alzheimer's.

Midsentence he turns his stooped back on the audience, shuffles a few feet into the scene, and straightens into a robust, powerful, lighthearted businessman 20 years younger, throwing footballs with his sons. As the scene ends he turns back, his shoulders droop, his fingers clinch, and he pulls at his eyebrow distractedly. He is in the present once more. During these flashbacks the other characters change costumes and hairstyles to indicate the earlier time period, but Willy remains in his gray suit throughout the show, a subtle reminder that these events are taking place inside Willy's tortured memory.

One aspect of the play that does not change is Miller's Marxist interpretation of money as a measure of self-worth. According to Marx, using money as a medium of exchange separates the laborer from the end product, dehumanizing the worker. Being a mere salesman, not involved at all in the production of any good, would then be the basest form of capitalism. But even that concept becomes more alive and personal in Falls' interpretation, which emphasizes the family's admiration of and appreciation for Willy's home repairs and renovations. Biff, who wants to be a rancher instead of a salesman, has more in common with his father than either of them realize; the tragedy is that Willy has been pushing them both in an unnatural direction their whole lives, instead of embracing their natural talents in working with their hands.

Who is the real Willy Loman? Is he the forlorn failure of the capitalist system Arthur Miller created, worth more dead than alive when he can no longer sell useless gadgets? Or is he the triumphant Willy Loman Robert Falls has created, who heads to his death with a sparkle in his eye, ready to earn another $20,000 as he sets out on one last road trip. In the penultimate scene, son Biff cries, "Pop! I'm a dime a dozen, and so are you!" Willy responds angrily, "I am not a dime a dozen! I am Willy Loman, and you are Biff Loman!" It's a pitiful irony from a man who has become a nobody. But midway through the line in this production Dennehy turns center front, opens his arms wide, and proclaims to the balcony, "I am Willy Loman!" Overwhelmed by the passion of the moment, I thought, "Yes, you are indeed." This play has been forever changed by the stamp put on it by Robert Falls and his remarkable cast. I shall never read it the same way again. If you are going to London in the next few months, or if it transfers to Broadway as many West End plays do, don't miss it. ❑

One aspect of the play that does not change is Miller's Marxist interpretation of money as a measure of self-worth.

"1491," by Charles C. Mann. Alfred A. Knopf, 2005, 466 pages.

Europeans at the Gates

Jane S. Shaw

Charles Mann's "1491" is a big-themed, richly detailed book that challenges conventional wisdom about the people who lived in the Western Hemisphere before Columbus arrived. Mann brings together recent anthropological and archaeological research to argue for three major propositions: (1) The Western Hemisphere had a greater population before Columbus arrived than scholars used to think — possibly 100 million — most of whom were killed by diseases inadvertently brought by the Europeans; (2) These early Americans shaped their environment through agriculture, irrigation, and fire, even in places such as the Amazon basin usually considered impenetrable; (3) Humans settled in the Western Hemisphere earlier than previously thought and perhaps did not come from Asia over a dry land bridge after all.

These arguments and ideas have been around for awhile. Specialists are still battling over them, but I don't think they have been collected in one place before. Mann presents the issues in a journalistic fashion, weaving in his own observations from his travels

throughout the Americas. His overall message is clear — he believes that the Americas had more people, probably for a longer time, and with more effect on the landscape than experts used to think. But Mann does not marshal convincing scientific arguments. You know which side he is on, but you aren't really sure you have the full story.

Partly that is because the topic — pre-Columbian America — is so big. Mann can't begin to cover it all. He has to pick and choose his civilizations, which range over time and space to include not only the advanced civilizations of Central America such as the Olmecs, Mayans, and Inca, but also the less well-known Mississippian cultures such as Cahokia in the midwestern United States, as well as the East Coast Indians who greeted the Pilgrims. With all this territory to cover, the book has a scattershot feel. Mann swings between describing civilizations and reporting on the contentious modern debates going on among archaeologists and anthropologists. Soon after, he is describing the 100 Years' War of the Mayans, pieced together through information found on walls and pottery (because all the Mayan paper or deerskin codices were destroyed by the Spanish). And then he is boating on the Amazon, and then summing up with lessons from the Haudenosaunee, the Indians who lived in what is now known as upstate New York and whom most people call the Iroquois. Along the way he contemplates why the Andeans, who had wheeled toys for children, never invented a working wheel, and explains how mitochondrial DNA is helping determine whether all South Americans could have originated in Siberia.

Mann is clearly in the camp of "high counters" who think that the population of the Americas could have been well above the early demographers' estimates of around 1.5 million, even as high as 100 million, more than the population of Europe at the time. The available evidence, much of it anecdotal, does seem to suggest high numbers. Hernando DeSoto, searching for gold in the Mississippi Valley in the mid-16th century, encountered several thousand Indian soldiers at once and reported seeing frequent towns. In 1682, the French explorer Robert LaSalle found the same area all but deserted.

The argument is that smallpox and other diseases hit the vulnerable Indians as soon as the Europeans landed. The Europeans didn't even have to approach the Indians to infect them; the 300 pigs that DeSoto's party started out with, for example, undoubtedly carried deadly viruses and spread them around the countryside.

Mann is convinced that Indians had an enormous impact on the land, whether using fire to create grasslands in order to attract game or through the creation of rich soil (called terra preta) in the Amazon, apparently formed by the deliberate addition of charcoal and ceramics. But Mann passes lightly over another effect — the likelihood that paleo-Indians during the Pleistocene wiped out the large mammals such as the mastodon, the mammoth, and the sabre-toothed cat. He expresses some doubt about this "overkill" theory, but never tells us why.

On a related issue, however, he is persuasive. Early white settlers were amazed at the prevalence of some animals such as passenger pigeons and bison. Mann makes clear that they were so pervasive because their human predators had been killed off by disease.

The third big issue is how long people have lived in the Western Hemisphere. For the first three decades of the 20th century, most American ethnologists resisted the idea that Indians could have been present in the Americas as far back as the last Ice Age. Mann recounts how amateur artifact collectors kept coming up with evidence of Pleistocene-age tools, only to have the experts reject them, ostensibly because the bones didn't look old enough, but possibly, he suggests, because they didn't like amateurs invading their turf. At a time before carbon-14 dating, one expert, William Henry Holmes of the American Bureau of Ethnology, examined site after site but concluded in every case that all the amateurs had come up with were colonial-era Indian relics.

Early white settlers were amazed at the prevalence of passenger pigeons and bison; they were pervasive because their human predators had been killed off by disease.

The attitude changed with the discovery of the Folsom and Clovis sites in New Mexico. Although the leading opponent of the early-American theory objected till the end, the discovery of spear points in the ribs of bison that had lived during the Pleistocene era clinched the argument — especially since their retrieval coincided with the emerging view that there had been a land bridge between Asia and North America that allowed Siberians to reach North America. Since this migration became conventional wisdom in the 1930s, however, doubt has surfaced, mostly because it seems unlikely that immigrants could have walked south because of the giant ice sheets

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that spread across Canada. Now some experts think that the newcomers may have arrived even earlier from Asia by boat, moving south along the Pacific coast. Mann seems to lean toward these views.

Perhaps one reason why Mann doesn't argue too forcefully on some of these points is that the evidence of early civilizations is so difficult to read. For me, Mann's most valuable contribution is illustrating the extent of scientific disputes, the power of the scientific establishment in resisting new ideas, and the fact that new theories and new evidence can always invalidate the conventional views. Sometimes, after an issue is fought over for decades, conditions suddenly "flip" and the new idea becomes conventional wisdom. This was the case with the land-bridge idea, which, Mann says, "leapt from the pages of Science to high school history textbooks."

An illustration of the difficulty of finding the truth is a dispute among scientists over the level of social and cultural complexity possible in the upland forest of the Amazon. Betty Meggers, a prominent archaeologist, made a major mark in 1971 by arguing that the soil of the Amazon is too fragile and lacking in nutrients to support a complex society. The lush and verdant rain forest is misleading; all the nutrients remain in the vegetation, not the soil. Take away the vegetation and you have "wet desert" — soil so poor that it cannot provide enough food to sustain a complex civilization. Thus, Meggers argued, Amazonians adopted "slash-and-burn" agriculture, which let them live within the ecological limits of the rainforest. Meggers contended that the people of the Amazon had lived that way — cutting down the jungle, farming for a few years, and then moving on — for 2,000 years. In the 1940s, Meggers and her husband had studied a city, Marajo, that seemed to defy those limits — it existed in the Amazon rainforest from A.D. 800 to 1400. But Meggers concluded that it was a mere offshoot of a more sophisticated culture from the Andes.

Recently, however, archaeologist Anna Roosevelt has harshly attacked the "ecological limits" theory. Roosevelt argues that Marajo was a rich civilization in its own right. She goes on to argue that "slash-and-burn" agriculture is actually a relatively new way of farming, made possible by the Europeans' steel axes. Armed with only stone axes, the early Amazonians would have faced an overwhelming task in cutting down rainforest trees. To Roosevelt, "slash-and-burn" was virtually impossible as the basis for a sustainable way of life. This relatively modern debate is just as bitter as the one surrounding the question of when the first Indians arrived. Ultimately, according to Mann, this one "featured charges of colonialism, elitism, and membership in the CIA."

As these controversies show, there is much more to be learned about early Americans, and perhaps the conclusions will never be definitive. These are sensitive topics, and the arguments are undoubtedly affected by ideology, prejudice, and professional standing. Mann's own diffidence in arguing for specific positions may stem from a desire to avoid the emotional minefields that could weaken acceptance of his book. But he has given the new ideas a broader audience, and we can expect to read much more about early Americans in the years ahead. ❑

Reflections, *from page 14*

treatment or punishment," and specifies that U.S. troops use only interrogation techniques authorized in the new Army field manual. This is no formula for kid-glove treatment: it authorizes the use of techniques ranging from subtle to hard-nosed that don't cross the line into barbarism.

Given all the talk from our noble leaders about the Global War on Terror being a struggle of civilization against barbarism, using tough but civilized techniques should have gone without saying. But the shocking photographs from Abu Ghraib, and the testimony of Capt. Ian Fishback and a few other soldiers who have come forward, suggest that some military people lost their way during this war.

The fact that two dozen retired senior military officers, including Colin Powell and John Shalikashvili, endorsed the McCain amendment is an indication a significant number of military people believe that setting understandable limits is in the military's interest. In Iraq, soldiers — many of them "weekend warriors" from the National Guard who had not received sufficient training — were confronted with dangerous situations, and confusing and sometimes nonexistent guidelines from civilian authorities, some of whom resisted making it clear that inhumane treatment was not condoned. Having clear guidelines will make their job easier in the future.

The most disappointing aspect of this whole sorry story is that the Bush administration resisted setting humane guidelines, and has talked about a veto — this from a president who has never vetoed anything, ever. That he would consider using his first presidential veto on a measure designed to prevent torture suggests an alarming moral hollowness.

It is probably significant that this legislative effort was led by Sen. McCain, a veteran who endured torture himself as a POW during the Vietnam war. For civilians without military experience, the use of torture is somewhat theoretical, and the idea of condoning it might seem like an exciting, even necessary tactic in a new kind of war. Those with experience know better. Torture and other extreme tactics not only demean those who use them, but seldom produce reliable information.

— Alan W. Bock

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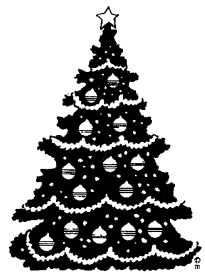

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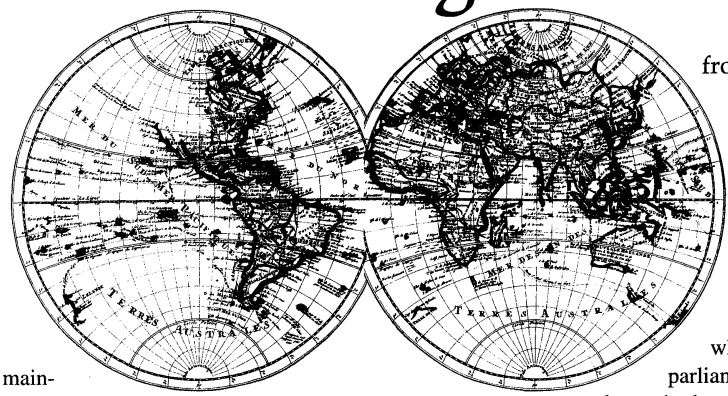

Albuquerque, N.M.

Curious dispatch from the animal control front, from the *Albuquerque Tribune*:

Bob Schwartz, the author of a new state law that allows felony charges against owners of dangerous dogs, was hospitalized over the weekend after his own dog attacked him.

Barstow, Fla.

The reasonable regulation of free speech, from the *Lakeland Ledger*:

After First Baptist Church of Bartow put up a Nativity scene without permission on a grassy plot near the center of the county's government office complex, county commissioners decided to create a "free speech zone" to eliminate controversy.

Groups wishing to use the zone must apply 21 days in advance and pay a $50 application fee, and an additional $100 to cover maintenance costs if the application is approved. They must also have liability insurance of at least $500,000. Displays cannot include any profanity or pornography, commercial speech, or lights or sound effects, and all content is subject to review by county officials.

Commissioners planned to hold a lottery last week to determine when groups could use the space during the following year. As it turned out, no lottery was needed because no applications were submitted.

Washington

Literary note from the seat of democracy, reported by the *Washington Times*:

Sen. Barbara Boxer's debut novel, "A Time to Run," a suspense tale penned by the California Democrat, portrays Republicans as "snakes" and Democrats as "saints" in the book, which chronicles the adventures of a diminutive redhead who assumes her husband's Senate seat after he is killed, then tries to foil the nomination of a conservative woman to the Supreme Court.

Wellingborough, England

Advance in "swear jar" technology, from the *London Daily Mail*:

The Weavers School in Northamptonshire allows pupils to swear at teachers — as long as they do not do so more than five times in a lesson. A running tally of how many times the f-word has been used will be kept on the board. If a class goes over the limit, they will be "spoken" to at the end of the lesson.

The school also plans to send "praise postcards" to the parents of children who do not swear and who turn up on time for lessons.

Washington

Reasonable regulation of the right of peaceable assembly, from the *Washington Post*:

Organizers of the Pentagon's 9/11 memorial Freedom Walk fenced off the route of the march, lined it with police and closed it to anyone who did not pre-register.

Officers were instructed to arrest anyone who joined the march or concert without credentials, said Park Police Chief Dwight E. Pettiford, adding that officers would patrol to keep interlopers out because the Pentagon restricted the event in its permit application. "That is what their permit called for, so we have those fences to keep the public out."

Bangkok, Thailand

Advance in public relations, from the *Sydney Sun-Herald*:

Prime Minister Thaksin Shinawatra, who has complained of press criticism, has sought to turn the tables with a new tactic: sounding a buzzer every time reporters ask questions he deems "not constructive."

Thaksin sounded the alarm when a Thai newspaperman asked why the government had failed to seek parliamentary consent before introducing an emergency decree in the southern provinces, where a Muslim insurgency has taken hold. "Not constructive!" he exclaimed.

Montgomery, Ala.

Protecting America from bioterrorist fish, noted in the *Mobile Register*:

Alabama is banning the sale of a Vietnamese-imported fish that competes with U.S.-farmed catfish. Jesse Chappell, a fisheries specialist with the Alabama Cooperative Extension System, said that the purpose "is to protect people from virulent infections and bioterrorism" but the effect in the short term will be to "create an even playing field" where U.S. catfish farmers "can better compete."

Washington

The wheels of justice grind on, from the *Washington Times:*

Former National Security Adviser Samuel R."Sandy" Berger was fined $50,000 by a federal judge for illegally taking classified documents out of the National Archives by stuffing them in his pants. Berger claimed he took the documents as the result of an "honest mistake."

Nashville, Tenn.

Admirable vigilance against tobacco, from the *Nashville Tennessean*:

Tenneessee attorney general Paul Summers has asked country singer Gretchen Wilson to stop "glamorizing" smokeless tobacco, noting in a letter to Wilson that her performance might violate the 1997 advertisement agreement between tobacco companies and state attorneys general. During performances of her song "Skoal Ring," Wilson takes a can of Skoal from her pocket and displays it to the crowd.

Special thanks to Russell Garrard, Dave Hudson, and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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Pearl Harbor: Japan's Gift to FDR

by Bettina Bien Greaves

I Vote Against Liberty

by Jane S. Shaw

The Craft of Ayn Rand

by Stephen Cox

Liberty in the Dark Ages

by Dave Kopel

Also: *Bruce Ramsey* defends the Constitution (what's left of it), *Jeff Riggenbach* looks at the "Old Right" critics of the New Deal, *Richard Kostelanetz* remembers the signs that said "No Jews" . . . plus other articles, reviews & humor.

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Inside Liberty

January 2006
Volume 20, Number 1

4 **Letters** Fair? Balanced? Democratic.

5 **Reflections** We frisk Santa, smoke in the street, set fire to France, chase cheetahs, hail the new king of the jungle, give God the hook, and inspect Chinese bras.

Features

13 **I Vote Against Liberty** Just what can one freedom-loving individual accomplish as a member of a small-town planning board? *Jane S. Shaw* finds out firsthand.

16 **The Roots of Liberty** *Dave Kopel* discovers the bright roots of liberty, in the Dark Ages.

19 **Pearl Harbor: Japan's Gift to FDR** What did the president know about the Pearl Harbor attack, and when did he know it? *Bettina Bien Greaves* assesses the evidence.

28 **The Anti-Semitism of My Youth** Colleges, golf courses, government agencies: it wasn't that long ago that their gates were open only to a select many. *Richard Kostelanetz* grows up in mid-century America.

Reviews

31 **The Craft of Ayn Rand** *Stephen Cox* guides readers around the great writer's workshop.

33 **The Mighty Flynn** Politics may be complicated, but at least the New Deal was easy: everyone for it was a liberal Democrat, and everyone against it a conservative Republican. Right? Not so fast, says *Jeff Riggenbach.*

41 **America Contra Mundum** There's not much use in mourning the Constitution we've lost, *Bruce Ramsey* laments. Especially when there are threats to the Constitution we still have.

45 **Zzzorro** Looking for a thrill-packed holiday blockbuster? *Jo Ann Skousen* wakes up just long enough to point elsewhere.

44 **Notes on Contributors** The monkeywrench gang.

46 **Terra Incognita** Outlook not so good.

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Letters

Pedal Power

Has Randal O'Toole ("Riding Out the Storm," November) ever heard of Houston? Or Rita? Or the 100 mile traffic jam? Can the automobile really evacuate a whole city? Sure, it might work when only part of the population uses it.

But what if the stranded New Orleans masses had bicycles?

For some years now, group rides have regularly attracted dozens of Chicago bike riders who average 5 mph near downtown neighborhoods. Ten hours of riding, thus, should get one out of a disaster zone. No gas is necessary. Bicycle campers generally carry 30 or more pounds of gear. This is much more efficient use of the roads than automobiles.

There has been considerable hue and cry about the neglect of poor blacks in New Orleans, with speculation that the powers-that-be would have been more concerned about whites. That speculation, however, is speculation.

If you want something done right, do it yourself.

William F. Wendt, Jr.
Chicago, Ill.

Aztecs Only, Please

In "Historians' Triumphs" (December) Stephen Cox mentions specialists apparently unacquainted with fundamental works in their own field. It seems to me his discussion of Brundage's "Empire of the Inca" suffers the same lacuna — failing to mention what I understand to be the definitive English-language work in the field, William Prescott's "History of the Conquest of Peru" (1847). In addition, Cox's statement about "the Incas, with their hideous cults of human sacrifice and their unrestrained delight in war and torture" is simply wrong. That characterization is proper for the Aztecs but not the Incas. Garcilasso de la Vega denies any such practice ("Commentarios Reales," ca. 1610) and while absolute denial is excessively reticent (both suttee and the sacrifice of personal attendants at the funeral of nobility are reported), Prescott notes "sacrifices were few, both in number and magnitude" (op. cit., chapter III). Even Prescott's estimate may too modest (cf. Juan de Sarmiento, "Relacion de la sucesion y govierno de las Yngas . . . " ca. 1550) by modern Western standards, but in any case the Peruvians neither practiced a "cult" of human sacrifice nor delighted in war more than, say, Europeans of the time.

Since I seem to be citing early Spanish authors, I append the observation that Jane Shaw's discussion of Betty Meggers' views in "Europeans at the Gates" (December), and Meggers herself, might have benefited from a familiarity with fr. Gaspar de Carbaxal [Carvajal], "Relacion del descubrimiento del famoso rio grande . . . " ca. 1560.

Leon Elliott
Culpeper, Va.

Stephen Cox responds: I appreciate Mr. Elliott's concern with my own work, and the Incas, who are a great deal more interesting than people usually assume. I do think that much has been learned since Prescott's classic but hardly "definitive" work of 1847(!), and I

continued on page 15

Letters to the Editor

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Reflections

The Madness of King Dubya — Sometime around the end of the 19th or the beginning of the 20th century, nations began to have identity crises, like the individuals who compose them. And in the spirit of democracy, whole countries went mad the way a few kings once did. The United States is no doubt lucky that only our King George and his chief counselors, not the whole country, are at the moment delusional. — Eric Kenning

Let's call the whole thing off — Judge Stephen Reinhardt writes in a letter to the editor in the November Harper's: "There is indeed a constitutional philosophy that is preferable to minimalism or fundamentalism: it's called liberalism." I'm surprised at this blatant admission of an activist judicial philosophy, even from a judge on the notorious 9th Circuit.

Originalism has become a euphemism for crypto-fascism, and "living document" liberalism for rejection of the most important constitutional principles. I'm not sure a real originalist and a real liberal would judge cases differently, nor that we'd any longer recognize either, if one actually made it to the bench. — Patrick Quealy

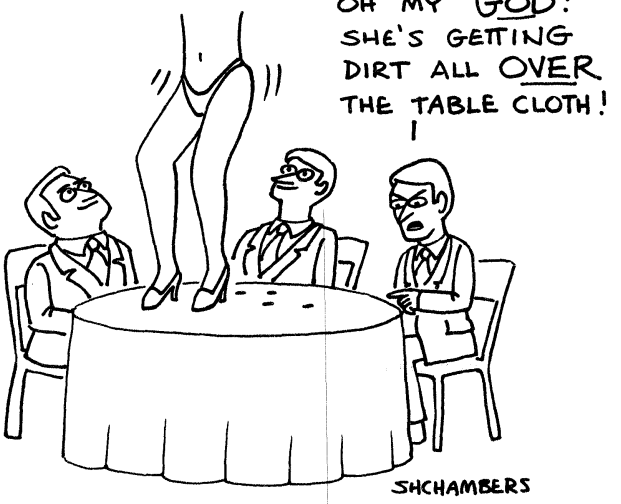

"We've got Noah Webster on line 1." — On Nov. 12th, Maureen Dowd was interviewed by Larry King on CNN. Asked about Judith Miller of the Times, and her role in the lead-up to war in Iraq, Dowd said the problem was that "Miller was too credible." This struck me as an odd claim, as if the writings of one reporter should so overwhelm the nation in their authenticity and authority as to make the push for war inevitable. Dowd went on to explain (and I paraphrase), "Miller should know that for an investigative reporter, getting the press quotes from the White House is the beginning of the job, not the end."

Which raises a question: shouldn't a famous columnist for the New York Times know the difference between "credible" and "credulous"? — Ross Levatter

Fair-weather insurance — The moral hazards that contributed to the destruction of New Orleans and other parts of the Southeast were even greater than we thought. We all knew that the National Flood Insurance Program spurred unsafe development, especially in coastal areas, but the Washington Post reported that the states were perhaps even more profligate. The state governments themselves, including Louisiana, have their own insurance companies that insure high-risk areas, including coastal barrier islands, at less than actuarially sound costs. (These insurers are now adding surcharges because the hurricanes overwhelmed them.) According to the Post, state-backed insurers have covered over $400 billion worth of property through 1.9 million policies. (Federal flood insurance covers $764 billion, with 4.7 million policies.) Texas covers single-family homes worth as much as $1.5 million — making the federal government look like a piker with its $250,000 limit on structures. Oh, how did these state-backed insurance companies get their start? With a federal law in 1968 that allowed states to create companies to provide fire insurance in inner cities. — Jane S. Shaw

Live from the Improv, it's Jimmy Carter — Imagine an America in which prayer was part of the daily ritual in public schools. Imagine an America in which most of those schools celebrated Easter, and virtually all of them celebrated Christmas, with songs and pageants. Imagine an America in which abortion and homosexual behavior were illegal almost everywhere, an America in which even liberal politicians routinely invoked the Christian God, and "Pray for Peace" was a common postal cancellation. Imagine an America in which divorce disqualified candidates for high public office.

That's the America in which I grew up, not many years ago. In the Michigan grade school that I attended, teachers led their students in saying grace over lunch, and the day's activities often began with the Lord's Prayer. Students were assembled two or three times a year to be instructed in Christian doctrine by a minister from the Rural Bible Mission. The great political issue was whether a Roman Catholic was qualified to be president.

That's the America that was known to me, and millions, but has been completely forgotten by modern liberals — at least on the evidence recently presented by their current ideological champion, former President Jimmy Carter.

Carter has been on TV a lot lately, plugging his new book, an opus breathlessly entitled "Our Endangered Values: America's Moral Crisis." The crisis, according to him, has resulted from the attempt of fundamentalist Christians to destroy "our sacred value," the "wall of separation between

church and state" — such an attempt, he says, as was never before witnessed in our great nation.

The first question that occurred to me when I heard these extraordinary assertions was the one that occurs to me whenever I run into somebody who actually takes the New York Times seriously: "Hasn't this guy ever been on the west side of the Hudson?" But of course Carter has. He's from Georgia — and he's an evangelical Christian, to boot. And he's a great deal older than I am. He was actually born during Prohibition, a national experience that ought to provide some inkling about what can happen when churches really interact with the state.

So what can account for his seemingly hallucinatory statements about the old America?

That's what I wondered, until it occurred to me that the former statesman must be indulging a rich, though hitherto well concealed vein of humor.

His claim is that fundamentalists are objectionable because they are "always certain that they are right," and that they therefore continually misinterpret reality. Now, what could constitute a greater, more willful misinterpretation of reality than the contention that America formerly had a wall of separation between religion and politics? Just consider the most faithful supporters of Carter's own political projects, African-American fundamentalists and the white religious left. Have they ever separated religion from politics? And is there any person in the country who is more habitually certain that he is right — no matter what — than Jimmy Carter?

My conclusion is that Carter is now atoning for his many and grievous sins of self-righteousness with a gargantuan act of self-parody, a show in which he pretends to blame other people for the stupidities in which he himself has inveterately engaged. I, for one, regard this as one of the funniest acts of our time.

— Stephen Cox

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I walk the line — To show my opposition to Washington's new smoking ban, I plan on doubling my tobacco consumption: now I will smoke two clove cigarettes each month instead of one. According to the public service announcements running before the vote, this is the same as me spraying twice as many people in the face with pesticide, or cornering twice as many Bambi-eyed waitresses and exhaling directly down their tracheas.

Today I'm smoking while standing on the dashed yellow line in the middle of Water Street, in front of Liberty's stately office building. The street is about 60 feet wide, so I can take maybe two steps towards either sidewalk before I have to extinguish my cigarette, lest some business owner risk a $250 fine on my behalf. See, Washington voters weren't content just to close loopholes for bars, restaurants, and bowling alleys left open by an earlier Clean Indoor Air bill; no, they dreaded the possibility of little groups of smokers congregating outside, socializing, making friends — groups that have become so chic in other smoking-ban jurisdictions (California, New York City, even Ireland) that some take up smoking just to gain admittance. Thus the referendum specified that no one could smoke within 25 feet of a door, window, or vent — basically, within a 25-foot buffer zone around the entire building.

Supporters of the ban (and that's nearly everyone; there was no organized opposition) helpfully pointed out that businesses can petition city councils for an exemption — not from the ban itself, but from the 25-foot zone. Some cities in eastern Washington may prove more lenient, but I have no doubts that every town west of the Cascades will exact a high price from bars to let their patrons smoke outside: remodeling for disability compliance, or retrofitting for the historical council — or just old-fashioned palm-greasing.

The sun is setting over the Olympic Mountains. A few weeks ago, I would have headed straight for the deck at the local pub, to enjoy nature's beauty with Kentucky bourbon in one hand and Carolina tobacco in the other. Today, I grind my cigarette into the asphalt, and get out of the road.

— Andrew Ferguson

Tooth, nail, and justice — At one end of Terminal C in the Minneapolis airport there is a large mural of the African veldt, with a running antelope and cheetah. After a moment's reflection, one notices an anomaly: the antelope is running behind the cheetah. And then one notices the statement at the bottom of the mural: "Under the Rule of Law All Are Equal."

I first noticed this mural when I saw a mother explaining it to her young boy. "Before," she told him, "the wild cat would chase the antelope, but now the antelope is chasing the cat."

I submit that this little tableau, this passing of information from one generation to the next, catches much of what Americans now believe about the law, and why libertarian thought has lost the battle of ideas.

What does the rule of law provide? Equality? No, it provides payback for past grievances. Once blacks were enslaved. Now they deserve affirmative action. Once women could be violated by their husbands with impunity. Now

they can barely be cross-examined in court when they accuse someone of rape. Once cheetahs chased antelopes. Now antelopes get to chase cheetahs. The idea they might be running together as equals never even occurred to the woman, who no doubt wants the best for her child, while providing him with an understanding of the rule of law more suitable to Hobbes' state of nature, where life is nasty, brutish, and short.

— Ross Levatter

Padding the numbers — The U.S. government recently placed a new quota on imports of cheap hand-sewn brassieres from China. As a result, Chinese brassiere makers are trying to develop more expensive brassieres, since those are given preferential treatment under U.S. law. In Bagualing, China, there is a bra lab devoted to developing new techniques. Hong Kong's Polytechnic University has started issuing degrees in bra studies. As seamless molded bras that can be smoothly worn under T-shirts have soared in popularity, Chinese bra makers have begun experimenting with new designs. They have developed new techniques for creating a shape-retaining bra cup, and also for fusing together the many components needed to make a seamless bra by using high temperatures to mold sheets of synthetic fibers into wafer-thin shells. And they have even experimented with ways to help make American women more seductive: by providing more cleavage; or by adding sealed packets filled with air (which proved too prone to leaks and punctures), oil pads (too expensive and heavy), or a filling, as yet untested, made from a kind of fiberfill such as is used to line winter parkas.

All this in the attempt to satisfy American women and offer them bras that they will like better than those now available in the United States. In doing this, makers of brassieres are doing no more than producers have done for centuries in the attempt to provide domestic consumers with cheaper, better, or cheaper and better, products than could be made at home. In Adam Smith's time, British manufacturers of woolens outsourced the production of wool to Australia and British ship builders outsourced the construction of masts to the American colonies. When cobblers around the world could no longer compete, shoe production was outsourced to factories in cities, across the seas, or in Brazil or China. The production of many items — oil, rubber, coffee, bananas, textiles, shoes, cameras, furniture, brassieres, automobiles, computers, steel — is now outsourced. Outsourcing is constantly shifting with demand and with fluctuations in domestic production costs as compared to production costs overseas. U.S. government taxes, regulations, restrictions, and tariffs have played a major role in increasing U.S. production costs, which leads to increased outsourcing — to the point that even the research and production of high quality bras has been outsourced, too.

— Bettina Bien Greaves

Sticking with the status quo — On November 8, California suffered a disaster worse than any eight-point earthquake. Voters spurned Governor Schwarzenegger's attempts to limit the power of the modern liberal forces that are bankrupting the state.

One of Schwarzenegger's proposals attempted to restrict public employee unions from using dues for political contributions; another attempted to keep teachers (hence, members of teachers' unions) from receiving the equivalent of tenure after only two years' work. Others tried to cap state spending and fairly reapportion the hideously gerrymandered legislature (virtually none of California's districts is competitive, and the legislature is controlled by Democrats). These measures lost, respectively, by margins of 6%, 10%, 24%, and 18%.

Why? Union advertising successfully portrayed them as measures designed to "hurt schools" and "children" and hand over control of politics to the arbitrary power of judges (the governor proposed that retired judges handle reapportionment). The latter claim was a bizarre one to be made by modern California liberals, than whom no one is more litigious or more supportive of judicial intervention; nevertheless, it was made and it was taken seriously.

A more attractive reason for Schwarzenegger's defeat is people's distrust of activist government. I know it's stupid, but many voters seem to have viewed his efforts with the same suspicion with which they viewed other political

News You May Have Missed

Santa Seeks WMDs

NORTH POLE — In response to Denmark's announcement in October 2004 that it was exploring the possibility of claiming the North Pole as part of Greenland, which has been Danish territory since 1814, Santa Claus reportedly has spent the last year mobilizing his elves and buying military equipment, including long-range reindeer and armored sleighs, on the international black market. He may be trying to develop snowballs with rocks in them and other weapons of mass destruction.

The Danish foreign ministry said that any invasion of the area by the Danish army would be a "a cakewalk or at least a Danish pastry walk," but Canada, which put in its own legal claim for the North Pole in the late 1950s, believes that it might not be so simple. "We couldn't get around a baffling strategic problem," said a Canadian Ministry of Defence official in Ottawa, "which was that even if our troops finally succeeded in reaching and occupying the North Pole, further maneuvers or probes in any direction would mean heading due south, which could be interpreted as a retreat." However, he admitted that the Danes have a major advantage in any confrontation with Santa and his estimated 27 divisions of elves. "The Danes have the option of releasing canisters of paralyzing Kierkegaardian angst behind Santa's lines, which will make short work of his reserves of merriness, while all we had to throw at him was the temporarily incapacitating complete works of Robert W. Service."

— Eric Kenning

attempts to change things. Every statewide proposition failed, including modern liberal proposals to involve the state in the prescription drug business (No: 58% and 61%), a proposal to reregulate electric service providers (No: 66%), and a proposal to mandate parental notification before minors' abortions (No: 53%).

What happened in California may also be part of the same wave of conservatism, in the sense of a desire to keep things the same, no matter what, that was visible in Ohio's simultaneous defeat of radical Democrats' attempts to create a more Democrat-friendly electoral system, and in Washington's failure to roll back a $9^1/_2$ cent gas tax increase.

In polities like California, which are dominated by modern liberal interests and institutions, conservatism of this kind is almost as disastrous as radical attacks on individual rights. It means that expropriation of taxpayers' property and its diversion from useful to useless (indeed, destructive) purposes will continue on a massive scale, and as the normal way of doing business. The power of unions may be fading; the economics of government intervention may be discredited intellectually; the terrible effects of state schools and unionized teaching may be evident to all (though uninterpreted by some); but it now appears that California will need another political spasm like the sudden shudder that cast out the last modern liberal governor and replaced him with the German gymnast before anything like sanity is restored to the land of nut-bearing trees. — Stephen Cox

Bonfire vivants — My local paper tells me in glaring black headlines that "Violence in France is slowing." Good news — I read on. I find that this is not the opinion of some crepes suzette loving Francophile. There's real data — minus the slant — as one expects in the pages of a decent paper. Only 374 cars were torched last night compared to 502 the night before. Furthermore, last week 1,400 cars were cremated! A cheery graph of descending violence. Happy days are here again! Soon Gallic skies will be blue and smoke free.

Then I read that not a Saturday night goes by in this per-

Word Watch

by Stephen Cox

Every year I train ten or fifteen teaching assistants, and I enjoy doing it. One of the things I especially enjoy is taking them through the logic of grading papers. But there are some things that they have a really hard time believing about my advice.

One of them is the idea that good writers don't need to sound like the "Encyclopedia Britannica." If your high school teacher told you never to use the first-person pronoun, or never to start a sentence with "And" or "But," or never to shorten "cannot" to "can't," that teacher was just purveying superstition. "I," "and," and "but" are words like other words, and like other words, they can be overused. But there's no reason to avoid them, or to avoid putting them at the start of sentences. And if you allow yourself to use contractions, you have one more way of giving interesting changes to your tone. I say all that to my teaching assistants. Then I look at their work on student papers, and I see that they're still telling people to "avoid the use of 'I'!," "avoid 'and' and 'but' at start of sentences!", and above all, "avoid contractions!!!" No reason — just avoid 'em. The result is that a student who would otherwise say, simply and naturally, "It's clear that Aeneas isn't responsible for all of Dido's problems," ends up saying, as if he were an Oxford professor shouting down an opponent, "It is clear that Aeneas is not responsible . . ."

This is false formality, something so rife in our society that cops describe their prisoners as "the gentlemen who are alleged to have been ancillary to this crime."

One way to narrow your tonal options is to aim at the maximum degree of formality, whether the situation demands it or not. The other way, of course, is to cultivate a false informality. This is something that Americans have been having trouble with ever since they started telling themselves how democratic they were. It's been bad since President Jackson's day, and now it's getting worse.

I think about this when the phone rings, because it's usually a person who says something like, "Hi, is this Steve? Hi, this is Cheryl! How you doin' today Steve? Listen, Steve, I'm calling from down here at the Acme Roof and Tile Company. Steve, did you know we got a real great special goin' on down here . . ."

Naturally, that's where I hang up. There's something galling about the pretense that somebody who's never met you and wouldn't care to do so, even on a bet, is actually an intimate friend of yours. It's especially galling when he or she is doing a sell job.

It reminds me of Woody Guthrie.

I'm not a big fan of "Woody's" music. Part of the reason is that he was a communist. I know that his political affiliation should have nothing to do with an aesthetic judgment of his work, but communism does make me want to find something pretty big and pretty good to compensate for it in a feller's work. In Guthrie's case, there isn't much. His tunes are good, but sometimes they're not his own tunes. His lyrics vary a lot in quality. In "Pretty Boy Floyd," he's a master of the aphoristic style: "Some will rob you with a six-gun, / Some with a fountain pen." But "This Land Is Your Land" is just a mess. "From California to the New York Island" is about as slipshod as you can get. And what do you think of the original verses: "Was a high wall there that tried to stop me; / A sign was painted said: Private Property"? That's as bad as bad can be.

But the thing that always comes to mind when I consider the problem of false informality is the song he wrote commemorating the *Reuben James*, a U.S. ship sunk by the Germans just after Hitler went to war with Stalin and made it all right for Guthrie to become a patriotic, pro-war guy. The song asks the

fectly well-balanced society without frolicking fire bugs burning up 100 cars. Really? Who knew that? My paper never told me that before. Evidently this is a society where block parties are warm even in November — where Luddites expeditiously communicate via computer about their next target. Who knew, before this recent mania for bonfires, about this quaint French habit: every normal Saturday night in the 'burbs is illuminated by lit-up rioters and lit-up Peugots? And I thought they sat at sidewalk cafés, sipped 12-proof white wine, read Balzac, and prayerfully thanked the U.S. for twice saving them from Teutonic expansionism.

— Ted Roberts

The first stage of discovery — It's been a grim fall, with floods, earthquakes, war, and scandal. But there was one satisfying moment: the 2005 Nobel Prize in medicine. The story behind it is a scintillating reminder of the need for humility about knowledge.

Not too long ago, ulcers were considered a psychosomatic disease. Brought on by stress, they attacked hard-driving middle-aged business executives (mostly men, it seemed) who resembled today's "Type A" personality. Unlike the Type A personality, however, which wins some respect for its dedication to power and control, this kind of executive was considered a bit of a failure. The disease revealed he had a tense life and probably an unhappy marriage.

Doctors thought that stress led to an overproduction of gastric acid, which destroyed the lining of the stomach or intestine, creating a hole or ulcer. Initially, treatment consisted of bland, non-acidic diets, perhaps some psychological therapy. When drugs such as Tagamet, which reduced the stomach's acid production, came on the market, they racked up billions of dollars in sales. They healed the ulcer — but the ulcer often returned.

An Australian pathologist, J. Robin Warren, began to notice that the ulcer biopsies he examined often had some unfamiliar bacteria. In 1982, he brought in a medical intern, Barry Marshall, to identify and culture these bacteria, and

urgent question, "What were their names? / Tell me, What were their names? / Did you have a friend on the good *Reuben James*?"

Well, no; I don't know their names. Like Guthrie's original audience, I never heard of them before. They weren't my "friends," and I won't pretend that they were. They weren't the song writer's friends, either. This is nothing but smarm.

It's the kind of thing that American communists have always emitted. I remember when Gus Hall and Angela Davis were running on the Communist Party ticket, and they were planning some dismal little get-out-the-vote rally in a midwestern city. Their followers plastered the slums with signs reading, "Gus and Angela Are Coming to Town!" It was an attempt to *assume* their way into a welcome — the assumption being that everyone "remembered" good ol' Gus and Angela and would therefore feel obliged to greet them with ecstasy.

In the old days, the copyright on folksy smarm was held by Will Rogers and all those people that Sinclair Lewis used to satirize. But their rights must have expired, because now the conservatives are into it too. Rush Limbaugh never honeys up to his audience in that way (in fact, he satirizes people who do). Neither does Michael Medved. But Sean Hannity is always addressing his callers as "darlin'" and whooping out the first name of every intellectual derelict who dials in, as if he'd spent the past two weeks camping out in the guy's backyard. Meanwhile, Bill O'Reilly has adopted folksiness, and the word "folks," as his personal trademarks. He's on the air five days a week demanding, "Who's lookin' out for the folks? That's all I care about. What's gonna happen to the folks? Who's lookin' out for the folks? I'm lookin' out for the folks — are you lookin' out for the folks?" If any of the people he interviews brings up a topic that O'Reilly doesn't feel like talking about, his response is an abrupt, "The folks don't care about that!" As if any guy in pancake makeup can be regarded as "folks."

Then there's President Bush — who is, perhaps, the worst example of this phenomenon, because he can't even get the smarm right. President Clinton, who was always far too much of a simpering little mama's boy ever to be (intellectually) tongue in groove with "folk" of any kind, could nevertheless tell a folkish story and sort of get it right. But when Bush tries to follow his lead, even the Texas accent can't pull it off.

You remember the inane little story that President Clinton popularized and President Bush couldn't quite manage to tell. You know, "Fool me once, shame on you. Fool me twice, shame on me." Bush got through the first sentence, then collapsed into "You fool me, you cain't git fooled agin." Whatever that means. More recently, the New Orleans disaster has given us many examples of what happens when the wealthy and powerful try to sell themselves in a folkish way. I didn't know there was so much smarm in the world until I saw all those $300,000 a year reporters waltzing around the French Quarter with their sleeves rolled up and "How you all doin'?" on their lips. But the episode I particularly enjoyed was the send-off that the mayor of New Orleans gave for his chief of police. On September 28, the chief resigned because of his abject incompetence in handling the disaster; and Mayor Ray Nagin, who had appointed him, bade him a public farewell. Nagin's first instinct, which was the right one, was to ladle out the sarcasm: "He leaves the department in pretty good shape and with a significant amount of leadership." That was a masterpiece of damning with faint praise, and the mayor should have left it at that. But he couldn't resist the lure of folksiness. Putting on his happy face, he said that he didn't know what the chief would do in retirement, but he hoped that he would *make a lot of money.*

That was a masterpiece of damning with faint praise, and the mayor should have left it at that.

Well, ain't that folksy? And ain't that nice? Too bad about the people in New Orleans who are not in a position to make a lot of money, the folks whom the powers that be have been helping to make a whole lot folksier — if by "folksy" you mean weak and poor.

they discovered a new bacterium (*Helicobacter pylori*). They postulated that this was the cause of the ulcers.

They were right, but it took years to convince the medical establishment, as the media reports about their Nobel Prize emphasize. The New York Times is particularly harsh toward the drug companies (which financed much of the research on ulcers), but physicians, surgeons, and researchers were all skeptical. Most pathologists thought that the acidity of the stomach prevented bacteria from growing. When they saw them through a microscope, they interpreted them as "opportunistic" bacteria, not the cause of the ulcer.

Frustrated at the rejection, Barry Marshall took the dramatic step of drinking a solution made up of *H. pylori*. He then suffered gastritis (a precursor to ulcers) and cured it with antibiotics. But it was not until 1991 that the connection between *H. pylori* and gastritis was made official by the Centers for Disease Control and Prevention.

Today, a two-week course of antibiotics usually wipes out the disease — permanently. (The reason that middle-aged executives get ulcers has more to do with the nature of the bacterium than with their lifestyle. The bacterium infects them as children but doesn't show up until years later.)

Scientific discoveries often take longer than nine years to be accepted, so in the annals of history this chronicle is a short one. Even so, millions of people suffered for years because of the intransigence of the medical establishment. It's a lesson we shouldn't forget. — Jane S. Shaw

Cell bloc — The Brennan Center for Justice at New York University's School of Law recently filed a lawsuit on behalf of several civil-rights organizations, claiming that a Florida law which denies ex-felons the right to vote was intended to discriminate against blacks. The Supreme Court refused to hear the case.

The state provided evidence that 70% of Florida's 872,000 ex-felons are white, suggesting that the justice system in Florida is color-blind. Civil rights groups had apparently just assumed that the Florida law is racist. By jumping to that conclusion, they identified the true racists in the debate. Strange that a class action suit could get all the way to the Supreme Court before somebody realized they never did a demographic breakdown of the class they were representing.

I find it equally amusing that Florida Democrats widely support repeal of the law denying felons the right to vote. It is almost an admission that they believe most criminals vote Democratic. — Tim Slagle

The cruel oppression of prosperity — Like many, I've been intrigued by the proliferation of quality wines from the newer growing areas of the world. So when I saw an interesting Shiraz/Pinotage blend from South Africa at the local store, I decided to try it out. The wine, a 2004 bottling by Goiya, was pleasant — but the label! Goiya, I was told, "means wine in the language of the San people of the Kalahari Desert. The unique subsistence lifestyle of these nomadic bushmen, *now under threat from the modern world*, is the inspiration behind this wine." (Italics added.)

One would certainly hope that the "subsistence lifestyle" of the San (and everyone else, for that matter) would be threatened by modernity. Hunter-gatherer may be a romantic

News You May Have Missed

Search for Missing Veep Continues

WASHINGTON — A "worried" President Bush has filed a missing persons report with police after Dick Cheney failed to show up for work for the 183rd consecutive day. Cheney has not been seen in public since last May, when he told Larry King on CNN that the Iraq insurgency was "in the last throes." There were reports in late August that he was vacationing at his ranch in Wyoming while Bush was at his ranch in Texas, and that it was Cheney, not Bush, who had issued the official statement reassuring New Orleans residents fleeing for their lives that Hurricane Katrina was "in its last throes." But a search of Wyoming turned up nothing, and although a nationwide alert in September resulted in 784,659 sightings at golf courses across the country of persons fitting the description of "a fat, bald, morose, 60-something white guy with glasses," all of them turned out to be cases of mistaken identity, according to the FBI, which, along with Geraldo Rivera, has been called in on the investigation.

Meanwhile, Virginia and North Carolina state police have been combing the outskirts of the Great Dismal Swamp, which is believed to be the "undisclosed location" where Cheney has spent most of the past four years and where he "fit right in," according to neighbors, many of them large prehistoric reptiles, but so far no clues have been found, although the police did discover what appeared to be someone's throes, but whether they were the vice president's last throes, the Bush administration's last throes, or possibly somebody else's merely intermediate throes could not be determined.

Lewis "Scooter" Libby, the vice president's chief of staff, who is under indictment by federal prosecutors looking into the leak of CIA agent Valerie Plame's name to Robert Novak and other journalists, has admitted leaking Cheney's name to New York Times reporter Judith Miller shortly before he went missing, which has raised suspicions of foul play in the case. During the run-up to the Iraq invasion Miller filed a series of sensational stories, most of them secretly sourced by Libby, raising alarms about Saddam Hussein's possession of large stockpiles of weapons of mass destruction, but shortly afterward the weapons vanished without a trace, and police fear the same thing may have happened to Cheney, especially after Miller admitted that she got the whole story wrong and that the actual weapons of mass destruction all along were "Cheney, Libby, and Judy Miller."

— Eric Kenning

lifestyle, but it's a harsh and unpleasant life. And that point has been made even by such liberal voices as the BBC, whose Brian Leith noted on Radio 4 that "the traditional San life of [his] grandparents was a matter of harsh reality and a struggle to survive."

Does Goiya (a label of Texas-based importer Hemingdale and Hale, which partners with a large South African wine outfit, Westcorp International) seek to perpetuate this heritage of poverty? One hopes not, but in today's "dancing with wolves" culture, it's possible. Too many Americans seem to believe that providing any opportunity for these people to join the modern world, live normal lifespans, and participate in a global economy is cultural imperialism.

Cross-cultural marketing does not always go smoothly and the wording of this label may simply reflect an American marketer seeking to add glamor to a new wine-growing region. Moreover, there are many who believe that the poor of the world are a "unique" resource to be "protected" from the contamination of our modern materialistic world. Still, I hope that the company does redesign its label — or perhaps funds a few scholarships for San students. Some of them, I suspect, would like to be able to afford to drink such wines in the future — and live long enough to do so. — Fred Smith

Bohemian rhapsody — The battle between bourgeois and bohemian was probably the longest-running vaudeville comedy act in Western history, each thwacking the other with rolled-up newspapers for about 150 years, so maybe it's just as well that it's been given the hook. Too many priggish, bloated blowhards denouncing perfectly good artworks and sexual pleasures, and too many bad artists and crackpot theorists denouncing perfectly good middle-class customs like baths and private property, for too long. Still, the vanishing of a bohemian option in life, nicely symbolized by the thousands of identical, franchised Starbucks stores selling overpriced sugar-and-cream confections in the guise of being coffeehouses selling coffee, is worth regretting. Yes, many bohemians were pretentious, dissolute fools and fakes, as were many of their respectable bourgeois counterparts, but if you walk around Greenwich Village in Manhattan, an upscale, casual professional-class neighborhood like all the other upscale, casual professional-class neighborhoods in New York or Boston or Burlington, Vt., or Santa Barbara, Calif., or anywhere, you can't help being haunted by the ghosts of Edna St. Vincent Millay, John Sloan, e.e. cummings, and other free spirits who inhabited it before it became a preserve of investment bankers and corporate lawyers and media celebrities, and you would be similarly haunted in San Francisco's North Beach, London's Soho, the Latin Quarter and Montmartre in Paris, and wherever else rebels and eccentrics used to congregate. At their best, bohemians formed a kind of aristocracy without the manors and manners, an impoverished subterranean elite with something of the same aristocratic frankness of speech, boldness, playfulness, drunkenness, artifice, love of art, and penchant for ceremonial, symbolic dress (as in "the red vest of Gautier" or bohemian black). Bohemias provided an experimental space for art, literature, sexuality, clothes, and food, and some of the successful experiments made their way into conventional society, which became a little less conventional.

In fact, whereas upper-middle-class people once aped the patrician upper class in dress and demeanor, today they're more likely to be trying to give the impression that they are some sort of artist. This is why Picasso, a consummate bohemian, a prolific, experimental, Mediterranean, life-loving Zorba the Spaniard, is the chief saint in the upper-middle-class religion of art, venerated in our museum-temples and in the holy writ of the New York Times Arts and Leisure section. Dead bohemian artists are sanctified, the most foul-smelling bohemian poets are taught to clean-cut suburban kids in university classes, but bohemias and bohemians themselves have essentially disappeared. The cheap fringe cold-water-flat neighborhoods, the little mom-and-pop Italian restaurants with checkered tablecloths and flickering candles, the seedy bars where struggling young artists and writers gathered to argue and get drunk and fight over women and aesthetics, are no more. Now, in the Village and the other once-bohemian New York neighborhoods that have fallen in succession to the gentrifying onslaught, like SoHo, Tribeca, the East Village, or Williamsburg, a struggling young something-or-other would have to cough up a vast security deposit and prove that he or she is plugged into the corporate-bureaucratic system with income-tax forms and credit checks to get an apartment and work in an office to pay for it, and as a result there are virtually no struggling young artists and writers anymore. Instead we have artists who can't draw but are skilled in public relations and gallery-museum politics, and writers who graduate from writing seminars and workshops, use the connections they have acquired in them to publish something somewhere, and then start teaching their own writing seminars and workshops. They live among other, nearly identical young professionals, computer programmers, pharmaceutical reps, and sports therapists, in neighborhoods where Dylan Thomas once drank and Joe Gould once ranted, unmindful of the raffish ghosts.

— Eric Kenning

It's only lying if you get caught — Republicans probably realize by now that complaining so long and loud about Bill Clinton's fibbing under oath about his relationship with Monica Lewinsky opened a can of vora-

"No offense, but how can you bring us all this stuff without a tax hike?"

cious worms that eat at them now that they are stuck with trying to defend Scooter Libby's apparent lying.

Only those of us who are neither Republican nor Democrat can say that one lie is ultimately as trivial as the other and that those publicizing politicians' lying should be dismissed as strictly partisan. Everyone in authority lies under oath; it only begins with politicians. Lawyers have told me how their colleagues have lied and sometimes how they've lied as well. The assumption that everyone must necessarily tell the whole truth under oath is a lie about lying. Politicians, as well as political critics, have more important problems to confront now.

My expectation is that Libby will cop a plea, if only to disappear from the front pages, and then get a pardon from Dubya in January 2009. By then he will have paid the price for Republican foolishness during the Clinton years.

— Richard Kostelanetz

Exit, frothing — The reports of God's death, written by Nietzsche, Darwin, Marx, and others in the 19th century, were, in Mark Twain's immortal phrase, greatly exaggerated. God may well be done for in the long run — science probably slipped poison into his ambrosia — but it's a slow poison, and he's like one of those ham actors who spend all of Act V staggering, twitching, and convulsing while orating his last lines. The macabre twitching and convulsing, the scenery-chewing apocalyptic melodrama, are technically known as fundamentalism, and there seems to be a pretty good chance that this noisily expiring scene-hogging ham deity will bring the whole damn theater crashing down on our heads. Between the Muslim fundamentalists addicted to absolutist violence and the Jewish and Christian fundamentalists addicted to goading them on, civilization and its pleasures are now in a state of siege. The ancient philosophical sect known as the Epicureans believed that the gods existed, but they were serenely unaware of us, so we weren't obliged to worship them or worry about them, just to seek our own serene happiness. Instead of abolishing the position, let's advertise an opening for that kind of god.

— Eric Kenning

Smoot point — Jude Wanniski, who recently died, will be remembered as the trumpet of supply-side economics on the editorial pages of the Wall Street Journal in the late 1970s and as the author of "The Way the World Works" (1978). What I remember most was an intriguing theory of what caused the Crash of '29.

The standard theory is that it was an unsustainable boom that ran out of gas. Wanniski didn't think so. Indeed, he started his account of it, printed in the Wall Street Journal of Oct. 28, 1977, by asserting dogmatically that the market is fully priced at all times, because it reflects everyone's expectations of the future. When markets collapse, he asserted, something has changed these expectations — something like political news.

I think the market is "fully priced" only in a tautological sense. But Wanniski thought otherwise and therefore went looking for an outside cause. In a 1988 interview he said he had gotten an idea from Gottfried Haberler that it might have been the Smoot-Hawley Tariff. Wanniski rushed off to the library and cranked in the page for the New York Times, Oct. 24, 1929, which chronicles the events of October 23.

He notes two stories: one about the market and another about the tariff negotiations in the Senate, where an anti-tariff coalition was struggling to hold off the demands for sharply higher import duties.

"On October 23, an hour before the market closes, disaster strikes: The market declines a stunning 21 points after news is out that the anti-tariff coalition has broken apart on the question of carbide rates." The carbide rates themselves are relatively unimportant; the vulnerability of the anti-tariff forces is the key. Yet the remarkable coincidence again goes unremarked in the next day's newspapers.

On Oct. 24, "the anti-tariff forces suffer another setback; casein tariffs are raised 87%." Again, casein is not the issue; it is the political strength of the pro-tariff forces.

This is Black Thursday.

On Friday the market stabilizes, but over the weekend Sen. Smoot predicts the bill will survive, and Sen. Borah, a tariff opponent, says he thinks so too. On Monday the Dow Jones Industrials drop 38 points, and on Black Tuesday, 30 more points, on the highest volume in history. The Crash is on.

Fast-forward to mid-1930. "On June 13, the Senate approves by two votes the measure to increase tariffs on more than 1,000 items and sends the bill to Hoover. On this news, the stock market breaks 14 points to 230, precisely where it was on the bottom on Black Tuesday, October 29."

What is remarkable about Wanniski's account is that he says the cause and effect were not associated at the time. Nobody wrote in the newspaper that the market had crashed because of the success of the pro-tariff forces in the Senate. Wanniski did not develop his theory by interviewing old speculators, or digging through old letters and diaries, but by looking at the New York Times. That is, by simply reading the newspapers, he saw a causal effect that no one at the time reported.

It could not have been something that nobody noticed. For an event in the Senate to cause the Dow Jones Industrial Average to collapse, a whole bunch of people would have had to act, and some other people would have noticed them acting. People would have talked about it. Indeed, thousands did act, people did talk about it, and the episode went down in history — and until Wanniski's book 49 years later, apparently nobody made the connection he did.

All this seems improbable to me.

Wanniski's account might be presented in at least two ways. One is his way, which is that the entire fall was due to these political events, and that the market was as rationally priced at the bottom of the fall as at the top. That is, the reason

continued on page 30

"You want a second opinion? — What are you, some kind of *paranoid*?"

I Vote Against Liberty

by Jane S. Shaw

Can you accomplish anything in politics — even on the planning board of a small town — without checking your ideals at the door?

Fifteen years ago, Klein Gilhousen, a founder of Qualcomm, was looking for a town that he and his family could live in while he continued to work in San Diego. He sought a university town with an electrical engineering college that was not close to a big city, but had adequate air transportation, and was near good skiing. Bozeman, Mont., was the only place in the country that fit, he says, and he and his family have been here since 1991.

The town may not be famous, but with its proximity to Yellowstone Park, blue-ribbon trout streams, and ski resort, Bozeman has cachet. It is a western "latte town," to use David Brooks' label — a small university town in a beautiful setting that attracts affluent urban refugees. (Burlington, Vt., is Brooks' prototype, but latte towns are scattered across the West.) Bozeman has a population of 30,000 plus about 10,000 students at Montana State University.

Situated on a broad plain and surrounded by mountains, Bozeman appeals to outsiders weary of noise, traffic, crime, and bustle. But Bozeman is no Aspen, partly because billionaires prefer Big Sky, the ski resort about 50 miles south. And because Montana State University is grounded in agriculture and technology (unlike the "dancing school over the hill" — the University of Montana in Missoula), it is slightly more conservative than many college campuses. Although housing prices are rising fast (the median price of a house in 2004 was $245,000), Bozeman still has some small-town feeling, a family atmosphere, and working-class families. The average per-capita income is $16,104, compared to $21,587 nationally.

But Bozeman's attractiveness means growth, and growth is a political hot potato. Bozeman seesaws from left to right and back. University-affiliated people are mostly on the Left, and many are what we used to call the "granola" Left — people romantically involved with the outdoors, suspicious of capitalism in general and of old Montana businesses such as mining and logging in particular. Since I moved here in 1984, new "granolas" have appeared, setting up branch offices for the Wilderness Society, the Sierra Club, and other environmental groups, and even the home office of American Wildlands.

On the other side of the political fence are developers, old-fashioned conservatives, working people, and entrepreneurs (though plenty of Chamber of Commerce types are on the left).* Business booms here, as it does in most latte towns, and many of the businesses are small firms nobody has heard of. Until a decade or so ago, most children of Bozeman families had to search for jobs elsewhere after college, but that seems to have changed.

About nine months ago, I became a member of Bozeman's planning board, which, typical of small-town planning boards, writes and updates the 20-year plan that is supposed to guide its growth and advises the city commission on whether proposed subdivisions are consistent with the existing plan. Zoning is the province of another commission.

We meet twice a month, usually to go over plans for sub-

*Bozeman also has two libertarian environmental organizations: PERC, the Property and Environment Research Center, which I work for, and FREE, the Foundation for Research in Economics and the Environment.

dividing property. So far, we have mostly rubber-stamped what the city's planning department (the professionals) have already decided. Then we send on our recommendations to the zoning commission, which sometimes overturns them; I'm not exactly sure why.

I've learned a few things from my experience on the board.

First, development in Bozeman is micromanaged to the *n*th degree. Developers run what seems like an interminable gauntlet of pre-applications and actual applications, reviewed by both us and the City Commission, and they are allowed to do this only after many hours of dealing with the city's planning department.

They must meet an impressive array of "exactions." A typical development will have very specific requirements for open space, dedicated parkland, trails, and bicycle paths, not to mention setbacks from watercourses and mitigation of "jurisdictional" wetlands. And the developer almost always has to build a road, or at least half a road: the city counts on the property owner on the other side of the road to pay for half, too. This doesn't always work out, especially if the other owner is the county.

Bozeman's Unified Development Ordinance, which codifies its comprehensive plan, is all about smart growth. Written at a time when the "granolas" held sway, the plan promotes high-density housing, urban infill, narrow streets, garages at the back (accessible by alleyways), and front porches. We don't have "mass transit" here, but it's on its way. The plan also specifies future nodes of commercial activity.

Requirements are both comprehensive and detailed. A few years ago a developer of low-cost housing said that he started preparing two housing developments at the same time. The one in Bozeman's suburb, Belgrade, was completed before the foundations were poured for the Bozeman project. Not too long ago, the planning board had to vote on hiding mechanical equipment with vegetation. Doing so was already required; the vote was to decide if the vegetation had to be evergreen or if it could be deciduous. (I was absent when the vote took place and don't know how it turned out.)

Developers mostly smile and agree to whatever they are asked. After all, in return for tolerating bureaucratic demands, builders get high density (at least six units per acre) and the opportunity to sell in a rising market. Some members of the public, however, have become embarrassed by rising housing prices, and a few years ago they successfully pushed for an "affordable housing policy."

By the time I voted on affordable housing, I was already an old hand at compromising my principles.

The city's affordable housing policy (which economist Robert Nelson likes to call "guilt relief") can be easily summarized: developers must set aside 10% of their subdivided land for smaller-than-normal lots, and the houses on these "restricted size lots" have to be smaller, too. That's it. That's the plan. (Of course, there are some specifications to the plan: the maximum size lot is 5,000 square feet for a detached home and 3,000 square feet for a townhome. And the house can't take up more than about a third of the lot.)

You don't have to be an economist to realize that small lots in a fast-growing city are likely to be purchased at just slightly lower prices than large lots. Indeed, with many "snowbirds" inhabiting Bozeman, such a lot could easily provide a *pied à terre* for well-off part-time residents. On a per-square-foot basis, these lots may well end up being more expensive than the normal lots. Given the low per-capita income in Bozeman, there is no way these homes are going to be "affordable."

Nevertheless, on the one chance I had to vote on this policy, I supported it. "Guilt relief" has its place if it holds worse options at bay, such as requiring buyers to meet income limitations, or putting ceilings on house prices, or putting in place other bureaucratic requirements similar to the rules that emerged from rent control in New York City.

The downtowners quickly asked the city to adopt an ordinance that excludes any first-floor business other than retail. And I voted for it. I restricted freedom.

All in all, inflicting a blow against freedom, but taking a big step toward "reasonableness," I voted to keep the plan.

By the time I voted on affordable housing, I was already an old hand at compromising my principles. I had started with Bozeman's downtown. This area, a small section of Main Street and a few cross streets, contains boutiques, restaurants, and bars (including an upscale wine bar). It is busy and successful. A number of the early 20th-century buildings have been restored to their original brick facades; the area is relatively easy to reach; and a tony residential area is nearby.

For years, the Bozeman Downtown Association has had a gentlemen's agreement that the first floors of all buildings within the downtown area would be retail stores. Retail, apparently, does not include real estate agencies. A year or so ago, a real estate agent opened an office on a first floor. Because she was a popular figure (on the symphony board and so forth), she was allowed to operate in peace, especially since she also set up an art gallery along with her business. But the downtowners quickly asked the city to adopt an ordinance that excludes any first-floor business other than retail.

And I voted for it. I restricted freedom. Here's why.

First, I have a unscientific but still strong intuition that downtowns are disproportionately important to their cities. If retail in every building is going to protect the downtown, I'm for it in spite of its bearing on liberty.

And then there is that "being effective" business. Even at the lowest levels of political activity, you have to look "reasonable" and "open." Otherwise you are written off as an

ideologue and (perhaps more importantly) you lose the potential for log-rolling. If I don't support some of their proposals, they won't support mine, and my feeble attempt at log-rolling will be cut off in midstream. I was bothered by some other things that the downtowners were doing (such as inflicting payment for a parking garage on the rest of the city), and I thought I might vote against some of those. So I set myself up for being viewed as "reasonable," with the hope that I might get a little log-rolling going in the future.

People living in the neighborhood resented having their section of town called "blighted" — perhaps not realizing the financial bonanza that being blighted provides.

It turned out that the downtowners made an end-run around local government and got Montana's congressional delegation to earmark $4 million in the 2005 federal transportation bill for the parking garage (do you get the connection — parking lots and transportation?) So I never got to raise questions about the parking garage (until it became a national issue, but that's another story). On the other hand, I did have a chance to question other maneuvers of a similar ilk. In fact, my one contribution to liberty was helping spark a discussion about tax increment financing, or TIFs.

A TIF is a method of paying for improvements in a specific geographical area. Once an area is designated as blighted and becomes an urban renewal district (required under state law), all additional property taxes that come in (beyond the existing level) will be set aside for use in that particular area, typically for infrastructure. There is a time limit on the TIF, usually around 15 years.

The Bozeman City Commission has big plans for this method of financing. A few years ago, I thought the downtown TIF district was a great idea. I didn't realize that this new money was, in a sense, being withheld from the rest of the city's taxpayers. All new tax moneys taken from downtown property (beyond the tax collected annually before the TIF began) is used for the downtown rather than general city purposes. So other city taxpayers have to shoulder a greater share of the citywide burden.

Even so, I don't mind the downtown TIF. It's all the other proposed TIFs that bother me. One is in an old mixed-use neighborhood that has been experiencing a renaissance. Some private developers successfully pushed for designating it as "blighted" so that a TIF district can be created. In fact, they hurried the designation along so that any investment the developer made in 2006 would "count," thus maximizing the amount of taxes that would go into the TIF. The process was so quick that it aroused an angry reaction from people living in the neighborhood. They resented having their section of town called "blighted" — perhaps not realizing the financial bonanza that being blighted provides.

Another street segment is going to become a TIF district. North Seventh Avenue is an entryway to the city that is bordered by dull commercial buildings such as a tire store and a U-Haul outlet, but it also has a few restaurants and casinos. These owners will benefit if a TIF produces revenues that can be used (as some hope) for new lights and sidewalks, to make the street more elegant and inviting. Also in the works are two industrial TIFs ("TIFits"). A city commissioner justifies these on the grounds that Bozeman, unlike most cities, doesn't give big tax breaks or special incentives to new businesses. Just TIFits, he hopes.

Well, this time I drew the line. I raised questions about the TIFs, and ultimately we had a frank discussion about them. I didn't change anything, but I introduced some transparency. And that may be the best thing that this weak-kneed libertarian can do on the planning board.

Indeed, I may not be able to accomplish anything more because I think my tenure on the board is about to end. The political winds are blowing, and the November election will probably eliminate the conservatives' briefly-held majority on the city commission, and they were the ones to appoint me in the first place. My political career is probably going to be a short one.

Well, at least I can get back to being principled. ❑

Letters, *from page 4*

suggest that Mr. Elliott acquaint himself with the richness of Brundage's research on the subjects at issue.

Brundage is hard not to enjoy, or to respect.

Democracy vs. Liberty

Re: "Wish in one hand, Shiite in the other" (December): As the prospects for democracy in Iraq remain in doubt, we should remember that freedom is the real goal. Democracy is only a means to that goal, and it isn't necessarily the best means for attaining it. Democracy didn't prevent slavery in America, and the Nazis were the most popular party in democratic Germany.

A democracy that results in "one man, one vote," undermines the objective of freedom. America's Founders recognized that pure democracy was not the best route to liberty. They advocated a constitutional republic with checks and balances between branches of the national government, and a distribution of power between national and state governments. The idea was to protect liberty by fragmenting power — even at the cost of impeding democracy.

What makes a great country are things like the rule of law, private property, enforcement of contracts, and a fair judicial system. Instilling acceptance of these principles among Iraqis is what is crucial. We should remember that our goal for the people of Iraq is not so much to let them vote as to let them be free.

Roy Miller
Phoenix, Ariz.

Categorical Correction

I read Mr. Bradford's article on Hurricane Katrina while Hurricane Wilma was smashing my (Fort Lauderdale) garden. I have one

continued on page 27

The Roots of Liberty

by Dave Kopel

Libertarians often believe that liberty is a creation of the modern world — at least the "modern" world that began in 1776. In fact, liberty's origins are far older. Many of them lie in a historical period that most libertarians heartily despise: the Middle Ages.

The period from the fall of the Western Roman Empire, until approximately the middle of the 11th century, is often known as the Dark Ages. For human liberty, the period was indeed dark. Two changes in political consciousness helped bring an end to the Dark Ages: the growth of feudalism, and the Papal Revolution initiated by Pope Gregory VII.

Submission to Tyranny

The fatalistic tendency of political theorists in the Dark Ages was to view all political power as granted by God and rulers as unaccountable to any human being (although they were accountable to God): rulers were above the law, and everyone else was obliged to obey them. Proper temporal rule seemed of little importance, since the world was going to end in the year 1000, or perhaps in 1033, a thousand years after the death of Jesus.

The king was sacred, and most political theorists in the Dark Ages believed in unlimited submission to government. For example, Archbishop Hincmar of Rheims (approx. 805–881), an important adviser to King Charles the Bald of France, wrote a pair of treatises, *De Divortio* and *De Regis Persona*, distinguishing a king (who assumed power legitimately and who promoted justice) from a tyrant (who did the opposite). Yet even Hincmar argued that tyrants must be obeyed unquestioningly. When Louis the German invaded France in 858, Hincmar remonstrated him with words from the Psalms: "Thou shalt not touch the Lord's anointed."

Kings were considered Christ on earth, and during a coronation, the bishop would gird on the king's sword, a symbol of the king's role in fighting the Church's enemies.

Feudalism

The feeble Western Roman Empire had been conquered by barbarians in the 5th century. After the fall of the Roman Empire, some relatively potent states

had arisen, such as Spain under the Visigoths and France under the Carolingian kings. But by the end of the first millennium, Gothic Spain and Charlemagne's France were distant memories. The essential function of government, providing security against attack, was no longer provided by the employees of a king in a distant capital.

Instead, the lord of the nearest castle and a few knights in his service provided security. That castle was the fortress into which the local community could retreat in case of attack. "All politics is local," U.S. House Speaker Tip O'Neill would observe a millennium later, and politics was especially local during the feudal age.

Because churches, monasteries, and convents were frequent targets of barbarian attack, they relied heavily on the local lord and his knights for protection. As a result, the church increasingly came under control of the micro-states.

Under feudalism, all ownership of land was based on reciprocal obligation. The farmer received protection from the lord of the castle, and was obliged to give the lord a share of the farm's produce. The lord in turn held his land in obligation to some greater lord. The lesser lord would pay his "rent" by providing military service (a certain number of knights and other fighters for a certain number of days) when the greater lord mustered his forces. These land-based, reciprocal obligations were passed down from one generation to the next. Eventually, the obligations of "vassalage" ran up to the greatest landholders, who owned their land by feudal grant from the king.

Feudal obligations were created by mutual oaths sworn before God. When kings ascended to the throne, they too took feudal oaths, setting forth their obligations to the governed. Reciprocal obligation was the foundation of civil society.

As Glanvill's famous 1187 treatise on English law explained, when a lord broke his obligations, the vassal was released from feudal service. If a party violated his duties under an oath, and the other party suffered serious harm as a result, the feudal relationship could be dissolved *diffidatio* (withdrawal of faith).

In "The Medieval World," historian Friedrich Heer argues that the *diffidatio* "marked a cardinal point in the political, social, and legal development of Europe. The whole idea of a right of resistance is inherent in this notion of a contract between the governor and the governed, between higher and lower."

Thus, historian R. Van Ceanegm observes in "The Cambridge History of Medieval Political Thought," that modern society is founded on "one element . . . that can be directly traced to feudal origins: the notion that the relation between rulers and citizens is based on a mutual contract, which means that governments have duties as well as rights and that resistance to unlawful rulers who break their contract is legitimate." Reciprocal feudal obligations "were the historic starting point of the limitation of the monarchy and the constitutional form of government, whose fundamental idea is that governments as well as individuals ought to act under the law."

The Gregorian Reformation

In the Dark Ages, there was no separation of church and state, and it was the political class, not the priestly class, which held ultimate power in the church. Kings were often the head of the national church, and they appointed the bishops. Many bishops controlled vast feudal domains. The church bureaucracy, with a near-monopoly on literacy, formed the backbone of local government in much of the West; so the power to appoint bishops amounted to the power to control the government.

Some bishops married, and their marital alliances solidified their ties to the royal regimes. Kings and their courts often made the final decision on disputes over church law and governance. After the fall of the Western Roman Empire,

Kings were considered Christ on earth, and during a coronation, the bishop would gird on the king's sword, a symbol of the king's role in fighting the Church's enemies.

the papacy frequently had to contend, not always successfully, for independence from the Byzantine Emperor, or from closer rulers. By the end of the first millennium, the Holy Roman Empire ran the papacy. The emperor appointed the pope, and deposed him if he stepped out of line.

The Holy Roman Empire was comprised of most of Germany, much of Italy, and a part of France; the Empire claimed to be the successor state to the Western Roman Empire. The name "Holy Roman Empire" was not used until 1254, but a Germanic state ruling much of Italy was far older, and many historians refer to this German-Italian empire as the "Holy Roman Empire," even when discussing events before 1254.

Beginning in the 11th century, the church began to reassert its independence. In 1059, a papal council declared that the Roman cardinals, not the Holy Roman Emperor, would appoint the pope. "Freedom of the Church" was the slogan. In 1075, Pope St. Gregory VII declared papal supremacy over the church, and further declared the church's independence from secular control. In a series of *Dictatus Papea* (Dictates of the Pope), Pope Gregory went even further, asserting the pope's powers to depose emperors, and to absolve subjects of unjust rulers from their oaths of fealty to the ruler.

"Abdicate? But I still have sick days to use up!"

Gregory VII started the Investiture Controversy when he declared that no layman (not even the emperor) could invest — that is, provide the vestments and the authority of office — a bishop. Unsurprisingly, the monarchs refused to surrender their power of lay investiture. The result was a series of wars pitting the Holy Roman Empire against the papacy and its allies. Pope Gregory VII announced the deposition of Holy Roman Emperor Henry IV, although he did not succeed in forcing Henry off the throne.

The Papal Revolution changed the world, promoting an intellectual shift that eventually made possible the American Revolution.

In 1122, the Vatican and the Holy Roman Empire reached a compromise at the Concordat of Worms: the Pope would appoint the Italian bishops, and the Holy Roman Emperor would appoint the German ones.

Today in China and Vietnam, a new Investiture Controversy is underway. The Communist governments insist that all Catholic bishops must be approved by the government. The Vatican adamantly refuses. At issue is whether the Catholic Church in China and Vietnam will be a church in service of worldwide Catholic belief, or a church whose primary mission is to support a totalitarian government.

Consequences of the Papal Revolution

Pope Gregory VII's "Papal Revolution" failed in its grand objective of uniting all Christian rulers under the Pope's leadership and control. Yet the Papal Revolution would change the world, helping to promote an intellectual shift that would eventually make possible the American Revolution. In his wonderful book "Law and Revolution: The Formation of the Western Legal Tradition," legal historian Harold Berman summarizes:

> The most important consequence of the Papal Revolution was that it introduced into Western history the experience of revolution itself. In contrast to the older view of secular history as a process of decay, there was introduced a dynamic quality, a sense of progress in time, a belief in the reformation of the world. No longer was it assumed that "temporal life" must inevitably deteriorate until the Last Judgment. On the contrary, it was now assumed — for the first time — that progress could be made in this world toward achieving some of the preconditions for salvation in the next.

In addition, the Papal Revolution set off two centuries of conflicts between emperors and popes. The papal propaganda produced what Heer calls "a revolutionary breach of the continuity of European history; the transformation of the popular image of the Christian monarch from a sacred and sacrosanct figure into a diabolical object of execration."

The Rise of Free Cities

During the wars sparked by the Papal Revolution, various cities revolted against the rule of one party or the other. In France and the Netherlands, towns forcibly asserted their liberties against ruling bishops who were subservient to monarchs; the municipal revolts were typically supported by groups loyal to the papacy. Other towns in Western Europe also demanded their rights, and were given charters, grants, or other recognitions of rights from monarchs. Such rights might include limits on taxation, freedom for serfs who escaped to the town and lived there for a year, freedom of trade, the authority for a town to maintain its own courts and for townspeople not to be tried elsewhere, and freedom from feudal dues. Many of the towns were governed by popular assemblies or by elected councils.

Towns bore responsibility for their own defense, which meant that townsmen had the right to bear arms, and the duty to serve in the town's militia. The Assize of Arms statute enacted by England's Henry II in 1181 required all townsmen to bear arms.

In northern Italy, cities such as Genoa and Venice began seeking autonomy or independence from the Holy Roman Empire. Their most important ally was the papacy, which was seeking to establish its own independence from the Holy Roman Emperor, and to expand its influence in Italy. Papal armies often fought in support of the cities. By the end of the 13th century, much of Italy had shaken off the Holy Roman Empire. Many cities, though, objected when the pope imposed his own temporal rule on them, and urban revolts against papal rule became common.

A New View of Legitimate Government

In the conflicts between popes and monarchs, the intellectuals who took the popes' side argued that a king's obligation is to see that justice is done; if a king fails to do justice, then he is not a legitimate king. Advocates of this view included Peter Damian (1007–1072, a church reformer), Anselm of Lucca (1036–1086, a bishop allied with Gregory VII), Cardinal Humbert (1000–1061, an adviser to the reforming popes), Bernold of Constance (1050–1100, a monk and historian), Cardinal Deusdedit (1040–1100), Bonizo of Sutri (1045–1090, a bishop and noted polemicist), and Honorius Augustodunensis (1080–1156, a prolific and popular author).

By the end of the first millennium, the Holy Roman Empire ran the papacy. The emperor appointed the pope, and deposed him if he stepped out of line.

Manegold of Lautenbach, a scholar at a monastery destroyed by the German emperor Henry IV, wrote the treatise *Liber Ad Gebehardum* arguing that the Pope had the authority to release subjects from their obedience to a ruler, as Pope Gregory VII had done. Manegold analogized a cruel tyrant to a disobedient swineherd who stole his master's pigs, and who could be removed from his job by the master:

continued on page 30

Japan's Gift to FDR

by Bettina Bien Greaves

Pearl Harbor meant that FDR could send American boys to their graves with a clear conscience.

It was about 9:30 p.m. on the evening of Dec. 6, 1941.[1] Navy Lieutenant Lester R. Schulz, special deputy Communication Watch Officer, assigned that evening to the White House "to receive [a] special message for the President," proceeded to President Roosevelt's study with a locked pouch containing important documents. The president had been entertaining, but as soon as he learned that the courier had arrived, he left his guests to go to his White House study to await this delivery.

As Schulz would later testify, when he entered, the president was sitting at his desk, his friend and close associate, Harry Hopkins, standing nearby. Schulz opened the pouch and handed the President a sheaf of "perhaps 15 typewritten pages" clipped together.

Schulz waited while "[t]he President read the papers." This took "perhaps 10 minutes" during which Hopkins paced slowly back and forth. "Then he [FDR] handed them [the papers] to Mr. Hopkins," who read them and handed them back to the President.

"The President then turned toward Mr. Hopkins and said in substance . . . 'this means war.' Mr. Hopkins agreed, and they discussed then, for perhaps 5 minutes, the situation of the Japanese forces, that is, their deployment." The Japanese had landed in Indochina. Roosevelt and Hopkins speculated as to where the Japanese would move next. Neither mentioned Pearl Harbor. Nor did they give any "indication that tomorrow was necessarily the day." Also, "[t]here was no mention made of sending any further warning or alert."

"[S]ince war was imminent," Hopkins ventured, ". . . the Japanese intended to strike when they were ready, at a moment when all was most opportune for them . . . when their forces were most properly deployed for their advantage. . . . [S]ince war was undoubtedly going to come at the convenience of the Japanese, it was too bad that we could not strike the first blow and prevent any sort of surprise."

The president nodded. "No, we can't do that. We are a democracy and a peaceful people." Then he raised his voice: "But we have a good record." FDR implied we would have to stand on that record, that "we could not make the first overt move. We would have to wait until it came."

The president went on to tell Hopkins that he had prepared a message for the Japanese Emperor "concerning the presence of Japanese troops in Indochina, in effect requesting their withdrawal." FDR had not followed the usual procedure in sending this cable, he said. Rather than addressing it to Tojo as premier, FDR "made a point of the fact that he had sent it to the Emperor as Chief of State."

The President then tried to phone Admiral Stark, Chief of Naval Operations. Apparently, "the White House operator told the President that Admiral Stark could be reached at the National Theater." FDR feared that if Stark were to be suddenly called out of his box at the theater "he would surely have been seen because of the position which he held and undue alarm might be caused." Besides, he expected he would be able to reach Stark "within perhaps another half an hour." So he let the matter drop. FDR did not then mention "telephoning anybody else." He simply returned the papers to Schulz and Schulz left.

The next morning, the Japanese bombed Pearl Harbor, launching the United States into a war that would cost hundreds of thousands of lives.

What information did those papers contain which led Roosevelt to say, "This means war"? And what did Indochina (now Vietnam) have to do with the United States? The United States had been very much concerned ever since September 1939, when Hitler's Germany had invaded Poland, leading England and France to declare war on Germany. It looked to some like a repeat of the 1914–1918 World War and many thought that the United States should join the fight right away. Although most Americans were anti-Nazi and anti-Hitler, they were reluctant to go to war. Besides, a "Neutrality Pact" was in effect.[2] Even as Roosevelt was signing the "Neutrality Pact," he said, "This nation will remain a neutral nation, but I cannot ask that every American remain neutral in thought as well." Roosevelt, himself, was unneutral in thought and anxious to help the British in whatever way he could. Generally speaking, the American public supported him when he proposed supplying England with whatever she needed — money, planes, tanks, ships, armaments — in order to keep the war from reaching our shores.

Roosevelt had promised the American people he would not send soldiers into war unless America was attacked first — and he was mere hours away from breaking that promise.

As for Japan, she had resigned from the League of Nations in 1935 because of charges against her over the "Manchurian Incident," a suspicious explosion on a Japanese-controlled rail line which the Japanese used as an excuse to extend their occupation of Manchuria. Then on Nov. 15, 1936, Japan had signed the German-Japanese Anti-Comintern Pact, making an alliance with Germany against their common enemy, Soviet Russia.

"This is interesting — 'Warning: The Surgeon-General is a partisan political appointee.'"

Throughout this period, Japan was at war with China. Japan's bombings and atrocities in China were widely reported and criticized. On July 26, 1939, the U.S. announced to Japan that she was terminating her 1911 trade treaty in six months; after Jan. 26, 1940, Japan would have to request special permission to purchase anything from the United States. This was a severe blow, as Japan depended heavily on foreign sources for many products, especially oil. Then on Sept. 17, 1940, Japan signed the Tripartite Pact with Germany and Italy, providing that if any one of the three parties was attacked by a power not then involved in the European war or the Sino-Japanese Conflict, the other two would come to the victim's assistance. Thus, sides were drawn — the Axis (Germany, Italy, and Japan) against the Allies (the United States, Russia, and Great Britain). On July 25, 1941, all Japanese assets in the United States were frozen, bringing to a halt all financial and import or export trade transactions in which Japanese interests were involved.

With practically the entire world at war, the United States expanded its production of ships, planes, tanks, and armaments, and enacted controls and regulations in an attempt to put the country on a war footing. In October 1940, Congress passed the Selective Service Act, subjecting all men aged 20 to 44 to military conscription.

Although most Americans opposed the United States entering the war, President Roosevelt was personally and emotionally British. He was influential in arranging for the United States to supply them with money, ships, planes, tanks, and guns; to establish an Atlantic patrol of U.S. Navy ships to warn the British of German ships and submarines; and to escort British ships to Iceland. U.S. ships fired on some German ships. Yet the Germans refused to respond. Hitler was not looking for a fight with the United States. He told Admiral Erich Raeder, then commander in chief of the German navy: "Weapons are not to be used. Even if American vessels conduct themselves in a definitely unneutral manner. . . . Weapons are to be used only if U.S. ships fire the first shot."[3]

In April 1941, the Americans, Dutch, and British held secret meetings in Singapore to explore how to respond to Japanese aggression in Southeast Asia. The outcome was an agreement on the part of all three powers that the Japanese should not be allowed to advance west of 100 degrees east longitude or south of 10 degrees north latitude lest it "create a position in which our failure to take active military counter-action would place us at such a disadvantage, that should Japan subsequently attack, that we should then advise our respective Governments to authorize such action."[4] War plans were developed based on this agreement. This U.S. plan was distributed to American field commanders on July 25, 1941.

The war was not going well for the British; many ships with supplies of munitions and food were being sunk in the Atlantic; and London was being attacked almost nightly by German bombers. In August 1941, Roosevelt and Churchill met at Argentia off the coast of Newfoundland. Churchill was anxious for the United States to enter the war against Hitler. However, Roosevelt resisted Churchill's pleas. Under

the U.S. Constitution, he said, only Congress could declare war. If he were to propose going to war, Congress would argue for weeks. Therefore, although "I may not declare war, I may make war." And he proceeded to do just that.

By mid-1941, the area of the U.S. naval patrol in the Atlantic had been extended as far east as the Azores. On May 21, a U.S. freighter, the *Robin Moor*, was sunk in the south Atlantic. Axis funds in the United States were frozen and German, Italian, and Danish (the Germans had occupied Denmark since April 9, 1940) ships in U.S. harbors were taken into "protective custody." Roosevelt knew that some of his actions in assisting the British openly and courting war against the Nazis were not constitutional. One of his writers, Robert Sherwood, wrote: "Roosevelt never overlooked the fact that his actions might lead to his immediate or eventual impeachment."[5]

Shortly after Denmark was occupied by the Germans, Greenland asked the United States for protection. In July 1941, the U.S. occupied formerly Danish Iceland, and in August, the United States began escorting merchant ships to Iceland. On September 4, a German submarine released a torpedo near the destroyer *U.S.S. Greer* on her way to Iceland; the *Greer* dropped a depth charge; the sub released a second torpedo; neither sub nor destroyer was hit. But the president was mad! On September 11, he went on radio and issued a "shoot on sight order" to U.S. Navy ships in the Atlantic. "[W]hen you see a rattlesnake poised to strike, you do not wait until he has struck before you crush him. These Nazi submarines and raiders are the rattlesnakes of the Atlantic. . ."

On Sept. 16, the *U.S.S. Kearny*, another U.S. ship en route to Iceland, was hit by a German torpedo; 11 men were killed, 22 wounded; but the Kearny managed to limp into Reykjavik. On October 31, the *Reuben James*, also accompanying a convoy, was torpedoed; it split in half and 100 men died; only 45 were saved.

Admiral Royal E. Ingersoll, Assistant Chief of Naval Operations, described the de facto war the United States was conducting in the Atlantic as "not a legal war." But then he half-apologized: "It was more in the nature of irregular. . . .

If FDR were to propose going to war, Congress would argue for weeks. Therefore, since he could not declare war, he made war instead.

In the Atlantic we were doing some things which only a belligerent does. There had been no declaration. We had done a great many things that under international law, as it was understood before the last war, were unneutral. . . . It was apparently to her [Germany's] advantage to have us as a nonbelligerent rather than as a full belligerent."[6]

By the fall of 1941, the situation in the Far East had begun to assume added importance in the eyes of top Washington officials. In an attempt to settle U.S.-Japanese differences — primarily over trade and Japan's occupation of Indochina — the United States began diplomatic negotiations with Japanese Ambassadors Kichisaburo Nomura and Saburo Kurusu. Roosevelt and Churchill were pressing Japan to end her war with China and stop expanding in the southwestern Pacific.

On November 7 — a full month before the Pearl Harbor attack — Secretary of War Henry L. Stimson reported that FDR took "the first general poll of his Cabinet . . . on the

U.S. ships fired on some German ships. Yet the Germans refused to respond. Hitler was not looking for a fight with the United States.

question of the Far East — whether the people would back us up in case we struck at Japan down there [in southeast Asia]. . . . It was a very interesting talk. . . . He went around the table — first [Secretary of State Cordell] Hull and then myself, and then around the whole number and it was unanimous in feeling the country would support us. [FDR] said that . . . the vote is unanimous, he feeling the same way. The vote would have been much stronger, if the Cabinet had known — and they did not know except in the case of Hull and the President — what the Army was doing with the big bombers [i.e., reinforcing the Philippines] and how ready we [the Army] are to pitch in" in case of an attack on the British or Dutch in southeastern Asia.

At a White House meeting on November 25, FDR raised the subject of Japanese relations. He "brought up the event that we were likely to be attacked [by Japan] perhaps (as soon as) next Monday [December 1], for the Japanese are notorious for making an attack without warning, and the question was what we should do." Secretary of War Stimson stated the dilemma succinctly: "The question was how we should maneuver them into the position of firing the first shot without allowing too much danger to ourselves."

On November 27, Stimson warned the Philippines to expect Japanese aggression in a few days. The war plans issued to Admiral Kimmel in Pearl Harbor advised him to prepare to take the offensive by getting his men and ships ready to launch an attack on the Japanese establishments in the mid-Pacific Marshall Islands.

The next day, November 28, Stimson learned from Army intelligence of a "formidable" expedition of Japanese forces sailing south along the Asiatic coast. Various alternatives were discussed that day at a War Cabinet meeting. All the participants agreed that if the Japanese were permitted to land in the Gulf of Siam, it would place them in a strategic position to strike a severe blow against all three other powers in southeast Asia — the British at Singapore, the Dutch in the Indies, and the Americans in the Philippines. The members of the War Cabinet all agreed that the landing must not be allowed. If the Japanese got into the Kra Isthmus, the British would fight; and if the British fought, we would have to fight. The cabinet realized that if this expedition was

allowed to round the southern point of Indochina, this whole chain of disastrous events would be set in motion.

"We decided, therefore, that we could not just sit still and do nothing." Stimson reported, "After some discussion it was decided that he [FDR] would send such a letter to the Emperor, which would not be made public, and that at the same time he would deliver a special message to Congress reporting on the danger." FDR "asked Hull and Knox and myself [Stimson] to draft such papers. The consensus was "that rather than strike at the Force as it went by without warning on the one hand, which we didn't think we could do, or sitting still and allowing it to go on, on the other, which we didn't think we could do — that the only thing for us to do was to address it a warning that if it reached a certain place, or a certain line, or a certain point, we should have to fight."

Secretary of State Hull sent the president a draft of a proposed message to Congress. After rehashing the history of U.S.-Japanese relations, Hull presented in strong terms the president's view of Japanese aggression: "The supreme question presented to this country along with many other countries by the Hitler-dominated movement of world conquest is that of self-defense. . . . We do not want war with Japan, and Japan does not want war with this country. If, however, war should come, the fault and the responsibility will be those of Japan. The primary cause will have been pursuit by Japan of a policy of aggression."

On December 1, Roosevelt had a long conversation with British Ambassador Lord Halifax, during which he confirmed the U.S. commitment to its agreement with the British and Dutch. In the case of a direct attack on the British or the Dutch, Roosevelt said "we should obviously all be together." But he "wanted to be clear about 'matters that were less plain'. . . . (i) if the Japanese reply to these questions [about where the Japanese troops were going, and if to Indochina, for what purpose] were unsatisfactory, but the reinforcements had not reached Indo-China, (ii) if the reply were unsatisfactory, and the troops had reached Indo-China, (iii) if the Japanese moved against Thailand without attacking the Kra Isthmus [on Thai territory] or if they did no more than enforce concessions from Thailand of a kind 'dangerously detrimental to the general position.'" According to Lord Halifax, the president said that the British "could count on American support if we [the British] carried out our move to defend the Kra Isthmus [on Thai territory] in the event of a Japanese attack, though this support might not be forthcoming for a few days. He suggested that we should promise the Thai Government that, if they resisted Japanese attack or infiltration, we would respect and guarantee for the future their full sovereignty and independence. The president said that the United States Constitution did not allow him to give such a guarantee, but we could be sure that our guarantee would have full American support." Roosevelt's remarks were "sufficiently encouraging to enable Halifax to report that in his opinion the United States would support whatever action we [the British] might take in any of the contingencies outlined by the President. We could, in any case, count on American support of any operations in the Kra Isthmus."[7]

A decrypted Japanese message, promising peace with Russia but war with the U.S., vanished into the naval hierarchy, its significance apparently not recognized.

Roosevelt knew that some of his actions in assisting the British openly and courting war against the Nazis were not constitutional.

Also on December 1, Roosevelt instructed Admiral Hart in Manila to equip three small ships commanded by a U.S. naval officer with sufficient armaments — one small gun and a machine gun — to be classified as "U.S. men of war." The crews could be Filipino. These small ships were to take up specific positions in the path of the Japanese convoy then heading south along the Asiatic coast; their purpose, to report the movements of the Japanese. Admiral Hart was puzzled; the Japanese movements were already known in Manila from aerial reconnaissance. Perhaps the three small ships were intended as bait, as Stimson had suggested on September 25, to induce the Japanese into "firing the first shot without allowing too much danger to ourselves." As it happened, only one of the three ships got into the Japanese convoy's way before December 7; it was spotted, and returned to base.

On the evening of December 3, the President again discussed with Lord Halifax the British plan to resist a Japanese attack on the Kra Isthmus and Thailand, again confirming, and even strengthening, his December 1 pledge. He told Lord Halifax that, "when talking of support, he meant 'armed support,' and that he agreed with the British plan for operations in the Kra Isthmus if the Japanese attacked Thailand." Halifax then wired his government in London that he "was sure that we [the British] could count on 'armed support' if we undertook the [Kra Isthmus] operation."[8]

The situation was heating up. Not only were reports of Japanese activity in the Far East more frequent, but more Japanese messages concerning diplomatic relations and Japanese affairs worldwide were being picked up, decoded, and translated in Washington. And their messages were increasingly urgent. Top Washington officials privy to MAGIC, the intelligence obtained by intercepting Japanese "Purple" coded messages, continued to read and scrutinize them carefully for hints as to what the Japanese were planning.

Among the Japanese intercepts sent from Tokyo in their J-19 code, decoded and translated by our Navy cryptoanalysts in Washington on December 3, was a "ships in harbor"

message to the Japanese consul in Hawaii. Tokyo asked that Hawaii report twice a week, instead of irregularly, the locations of U.S. "ships in harbor" at Pearl Harbor. Pearl Harbor officials had never been advised that "ships in harbor" reports were being compiled by the Japanese consul in Hawaii and sent to Tokyo. Nor were they told of this "ships in harbor" intercept.

On December 3, "highly reliable information" was received in Washington that the Japanese diplomatic and consular posts in Hong Kong, Singapore, Batavia, Manila, Washington, and London — all in American, British, or Dutch territory — had been ordered to destroy most of their codes and ciphers and burn all other important confidential and secret documents.

Top Washington officials were increasingly on the alert as conflict with Japan was becoming imminent. They sent instructions to U.S. Naval Attaches in Tokyo, Bangkok, Peiping, and Shanghai, to destroy their codes. And General Sherman Miles, head of the Army's Military Intelligence Division, ordered the U.S. Military Attache at the U.S. embassy in Tokyo to destroy his codes.

When the Japanese could no longer transmit via code over their cryptographic channels, they communicated with their diplomatic offices worldwide by inserting messages, each with a hidden meaning, in ordinary weather reports. On December 4, radioman Ralph T. Briggs at Cheltenham, Md., intercepted a message containing the phrase *Higashi no kaze ame* — "East Wind Rain" in English. The hidden meaning of "East Wind Rain" was: "War with England (including Netherlands East Indies, etc.); war with the U.S.; peace with Russia." Thus Russia was not to be a target of Japanese aggression, but England (Singapore), the Dutch East Indies, and the United States (possibly Manila, Pearl Harbor, or the Canal Zone) would be involved at the start in whatever aggression Japan was planning. This message, with its hidden meaning — "War with the U.S." — written in bold, was hand-delivered to the Director of Naval Communications in Washington. There it vanished, its significance apparently not recognized. At least no hint of this crucial intercept, or its interpretation that an attack on U.S. territory was coming, was ever relayed to any responsible official who would admit receiving it. All trace of its receipt was lost and none was ever found in spite of a thorough search during the many post-Pearl Harbor investigations.

Throughout the weeks and months that U.S. and Japanese diplomats negotiated in Washington, the United States had the advantage of being able to read Japan's very secret "unbreakable" diplomatic code. After first deciphering it in August 1940, American codebreakers and translators eventually became so adept that they often were able to place the translation of a Japanese intercept on Secretary of State Hull's desk before the Japanese ambassadors, to whom it had been addressed, arrived to discuss it. Thus, U.S. officials were able to learn many, though not all, Japanese secrets concerning U.S trade relations, Japan's obligations to Germany and Italy under the Trilateral Agreement, and Japan's incursion in China and occupation of French Indochina.

Negotiations with the Japanese finally reached an impasse toward the end of November 1941. However, the Japanese were told by their government to keep up the pretense of negotiating. By this time, top Washington officials were alert for any clues as to what the Japanese were planning. But their attention was not on Pearl Harbor; rather, it was riveted on the massive Japanese convoys in the southwestern Pacific, and the U.S. obligations to the British and Dutch.

FDR had been following U.S. relations with Japan very closely through MAGIC. He realized war was close. He had been particularly impressed by a December 1 Tokyo to Berlin intercept: "[W]ar may suddenly break out between the Anglo-Saxon nations and Japan through some clash of arms . . . quicker than anyone dreams." Another Tokyo to Berlin message intercepted the same day advised Berlin that the United States had "conferred with England, Australia, the Netherlands and China — they did so repeatedly. Therefore, it is clear that the United States is now in collusion with those nations and has decided to regard Japan, along with Germany and Italy, as an enemy."

The papers Lieutenant Schulz delivered to FDR on the evening of December 6, consisted of 13 parts of a 14-part message: Japan's answer to the United States' rejection of the latest Japanese attempt at a compromise. It announced that the Japanese were breaking off negotiations and that U.S.-Japanese relations were de facto ruptured.

American codebreakers were often able to place the translation of a Japanese intercept on Secretary of State Hull's desk before the Japanese ambassadors, to whom it had been addressed, arrived to discuss it.

Roosevelt appeared confident when he told Hopkins that the United States couldn't "strike the first blow . . . . [W]e could not make the first overt move. We would have to wait until it came." After all, under the U.S. Constitution, only Congress could declare war. And, moreover, Roosevelt had pledged to the American people more than once during his 1940 campaign that "We are arming ourselves not for any foreign war. We are arming ourselves not for any purpose of conquest or intervention in foreign disputes. . . . It is for peace that I have labored: and it is for peace that I shall labor all the days of my life" (Oct. 23, 1940); and again, "We will not participate in foreign wars and we will not send our army, naval or air forces to fight in foreign lands outside of the Americas except in case of attack" And yet again, he had stated: "And while I am talking to you mothers and fathers, I give you one more assurance. I have said this before, but I shall say it again and again and again. Your boys are not going to be sent into any foreign wars. They are going into training to form a force so strong that, by its very existence, it will keep the

threat of war from our shores. The purpose of our defense is defense."

In this way, Roosevelt had assured the voters many times that America had provided aid to the British, French, and Chinese purely to help those countries defend themselves against foreign aggression. The grants of money, planes, and weapons; the expansion of the area patrolled by U.S. ships in the Atlantic to keep German and Italian ships away from our shores; the Lend-Lease program; the exchange of old U.S. destroyers to the British for military bases in this hemisphere; the conscription of young men; the build-up of U.S. plants producing planes, ships, and armaments; the convoying of British ships to Iceland: all were intended to keep America out of the war by strengthening Britain. But Roosevelt must have had some misgivings even as he spoke to Hopkins. He was well aware that the U.S. was committed to help the British and the Dutch by the agreement signed in April 1941. And he knew that five divisions of Japanese troops were heading south in convoys of 30, 40, or 50 ships, and were probably even then rounding the southern tip of Indochina and sailing toward the Kra Isthmus and the Malayan peninsula. Moreover, he had just reassured Lord Halifax that the U.S. would lend the British military support if the Japanese proceeded thus. To keep that promise, he must deploy American forces. But how? The Constitution provided that the Congress, not the president, must declare war.

Roosevelt never overlooked the fact that his actions might lead to his immediate or eventual impeachment.

When Stark got home from the theater later that evening, he found a message instructing him to call the president. FDR must already have arranged for the other members of his "inner circle" to come to the White House that night. In any event, the president's closest advisers gathered together late that night, and into the wee hours of the morning, to discuss the crisis. In attendance were Secretary of State Cordell Hull, Secretary of the Navy Frank Knox, Secretary of War Henry L. Stimson, Army Chief of Staff George C. Marshall, Navy Chief of Staff Harold L. Stark, and Harry Hopkins. They read the 13 parts of Japan's 14-part response to FDR's note of November 26 — which the Japanese considered "an ultimatum" — and were expecting the Japanese to announce a final break-off of all relations with the United States. They thought the Japanese would strike Malaya, the Kra Isthmus, or Thailand, and possibly the Dutch East Indies. The president's men must have discussed how the United States should respond to Japanese aggression thousands of miles from American shores in view of the commitment the U.S. had made to the British. This was the dilemma over which they had agonized for weeks.

At Stimson's request, Hull and Knox worked on statements presenting the rationale for going to war against Japan without waiting — as the U.S. commanders in the field had been directed to wait — for the Japanese to commit the first overt act. Hull's statement began: "The Japanese Government, dominated by the military fireeaters, is deliberately proceeding on an increasingly broad front to carry out its long proclaimed purposes to acquire military control over one-half of the world with nearly one-half of its population. This inevitably means Japanese control of islands, continents, and seas from the Indies back near Hawaii, and that all of the conquered people would be governed militarily, politically, economically, socially, and morally by the worst possible military despotism with barbaric, inhuman, and semi-slavery methods such as Japan has notoriously been inflicting on the people of China and Hitler on the peoples of some 15 conquered nations of Europe. . . . [I]t is manifest that control of the South Sea area by Japan is the key to the control of the entire Pacific area, and therefore defense of life and commerce and other invaluable rights and interests in the Pacific area must be commenced with the South Sea area. . . . This at once places at stake everything that is precious and worth while. Self-defense, therefore, is the key point for the preservation of each and all of our civilized institutions."[9]

Knox wrote: "1. We are tied up inextricably with the British in the present world situation. 2. The fall of Singapore and the loss to England of Malaya will automatically not only wreck her far eastern position but jeopardize her entire effort. 3. If the British lose their position the Dutch are almost certain to lose theirs. 4. If both the British and the Dutch lose their position we are almost certain to be next, being then practically Japanese surrounded. 5. If the above be accepted, then any serious threat to the British or the Dutch is a serious threat to the United States; or it might be stated any threat to any one of the three of us is a threat to all of us. We should therefore be ready jointly to act together and if such understanding has not already been reached, it should be reached immediately. Otherwise we may fall individually one at a time (or somebody may be left out on a limb). 6. I think the Japanese should be told that a movement in a direction that threatens the United States will be met by force. The president will want to reserve to himself just how to define this."[10]

The three small ships may have been intended as bait, to induce the Japanese into "firing the first shot without allowing too much danger to ourselves."

On the morning of December 7, President Roosevelt received part 14 of Japan's reply to the U.S. "ultimatum," as well as the "One P.M. Message," intercepted early that morning, advising her ambassadors to deliver to Hull the 14-part reply to the U.S. "ultimatum" at precisely 1 p.m. Washington time. According to FDR's personal physician, Dr. Ross T. McIntire, who was with FDR from 10 a.m. to noon that day,

FDR did not think that, even given "the madness of Japan's military masters," they would risk war with the United States. McIntire wrote later that FDR thought "that they [the Japanese] would take advantage of Great Britain's extremity and strike at Singapore or some other point in the Far East, but an attack on any American possession did not enter his [FDR's] thought."

State Department writer Stanley K. Hornbeck had just finished a new draft of a speech, drawing on the suggestions made by Hull, Stimson, and Knox, which FDR planned to deliver to Congress on December 8 or 9 if he did not receive a satisfactory reply to his letter of last appeal to Emperor Hirohito. On the morning of December 7, FDR continued work on that speech.[11] He would review the historical background of U.S.-Japanese relations; remind Congress of the United States' respect for basic principles, and for "the sovereign rights of the countries of the Far East"; point out that in 1908, 1921, and 1929, Japan and the United States had exchanged notes and signed treaties, and declared support for "the independence and integrity of China," for maintaining "the existing status quo in that region," and for "the principle of equal opportunity for the commerce and industry of all nations throughout China." But he would remind his listeners that the U.S.-Japanese relationship had deteriorated after 1931. In that year, the Japanese army had begun a policy of aggression by seizing Manchuria. In July 1937 she had "embarked upon large-scale military operations against China," killing many American citizens; sinking American vessels; bombing American hospitals, churches, and schools; destroying American property and businesses; and interfering with American trade.

The proposed speech then went on to detail Japan's transgressions. "In flat defiance of its covenants Japan has invaded and sought to overthrow the Government of China. Step by step its armed forces . . . have invaded and taken possession of Indochina. Today they are openly threatening an extension of this conquest into the territory of Thailand . . . where they would directly menace, to the North, the Burma Road, China's lifeline, and to the South, the port and Straits of Singapore. . . . While all this is going on, Japan has bound herself to Germany and Italy by a treaty. . . . Simply stated, what we are confronted with in the Far East is a repetition of the strategy pursued by Hitler in Europe . . . a steady expansion of power and control over neighboring peoples by a carefully planned and executed progressive infiltration, penetration and encirclement."

The United States recognized Japan's legitimate interest in seeking access to resources and to trade for the sake of her large population, but objected to Japanese aggression and conquest in southeastern Asia. "The southwestern Pacific and the Asiatic mainland are important to our economy; but they may be even more important to our military position. . . . [T]he United States is necessarily linked with Great Britain and with the vital units of the British Commonwealth, as well as with China, and a number of other countries. Were Japan established in Singapore or the Netherlands Indies, or were she to dominate China, the lines of communication between the United States, China and other peace-loving nations would be cut."

In the speech the President would remind Congress that the United States and Japan had been negotiating in Washington for eight months in the hope of reaching some peaceful solution. "In our negotiations, we have kept in close contact with the Governments of Great Britain, Australia, the Netherlands Indies, and China. . . . [W]e have had the moral support of these nations. We also have been given assurance of their material and military support if there comes resort to force. . . .

"We have recognized, and have offered to defend, Japan's legitimate desire to provide her country with the means of peaceful and prosperous life. In return for this we have asked that Japan abandon the practice of aggression and conquest which sets up a continuing and growing military threat to the United States, and continuing and growing disturbance of those world conditions which alone make possible the peaceful life of the United States. This Japan has declined to do. . . . Though professing a desire merely to establish access to economic resources permitting her to live, she has in fact seized territory for the purpose of ruling it — a rule of merciless sorrow matched only by that of Hitlerized Germany. . . .

FDR thought that the Japanese would strike at some point in the Far East, but an attack on any American possession did not enter his mind.

"The fundamental issue between this country and Japan is not materially different from the issue prevailing between this country and Nazi Germany. The issue is drawn between peoples demanding to be masters over slave peoples, and to maintain and expand that system indefinitely by force, as against those countries who desire the independence of nations, the freedom of peoples, and the working out of

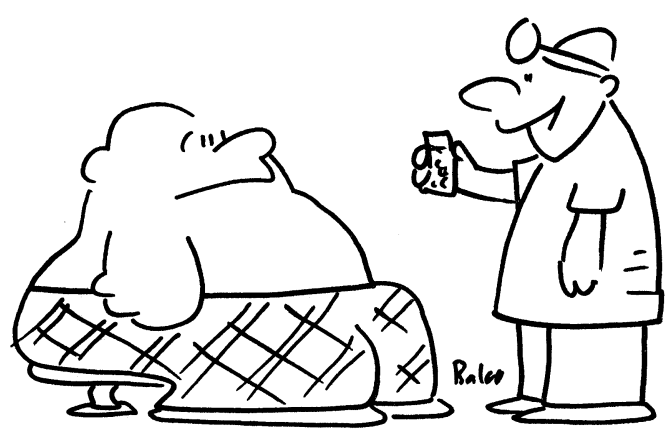

"Take one of these diet pills every time you regain consciousness."

cooperation in economic arrangements by which all can live. . . .

"Within the past few days large additional contingents of troops have been moved into Indo-China and preparations have been made for further conquest. The question is thus immediately presented whether the United States is to stand by while Japan goes forward with this program of lawless conquest — a conquest which disregards law, treaties, the rights and interests of others, and which brushes aside all considerations of humanity and morality. . . . The whole world is presented with the issue whether Germany, Italy and Japan are to conquer and rule the earth or are to be dissuaded or prevented, by whatever processes may be necessary, from pursuit of policies of conquest. . . .

"Japan's policy of conquest and exploitation which is now being carried out in China has already utterly destroyed . . . the peaceful and profitable commercial relations which the United Sates had previously enjoyed there. . . . This Japanese procedure of conquest and exploitation is encircling the Philippine Islands. It threatens the commerce of those Islands and endangers their physical safety. . . . If the Japanese should carry out their now threatened attacks upon and were to succeed in conquering the regions which they are menacing in the southwestern Pacific, our commerce with the Netherlands East Indies and Malaya would be at their mercy and probably be cut off. . . . Further extension of Japanese aggression in the Pacific area menaces seriously the effort which free countries in Europe and in Asia are making to defend themselves against Hitlerism. We are pledged to aid those countries. Trade routes important to Great Britain and to China and to Russia would be threatened, as would the obtaining by those countries of articles essential to continued resistance. . . .

"We cannot permit, and still less can we support, the fulfillment by Japan of the aims of a militant leadership which has disregarded law, violated treaties, impaired rights, destroyed property and lives of our nationals, inflicted horrible sufferings upon people who are our friends, interfered with our trade, ruined the legitimate business of many of our nationals, compelled us to make huge expenditures for defensive armament, made threats against us, put and kept many of our people in a constant state of anxiety, and, in general, made Japan a menace to our security and to the cause of peace, of freedom and of justice."

FDR's proposed address to Congress concluded: "As commander in chief, I have given appropriate orders to our forces in the Far East."

When Roosevelt heard of the Japanese attack on Pearl Harbor, he was surprised. But he was also relieved — at least until he learned the extent of the disaster.

On Sunday, Dec. 7, 1941, Japanese planes attacked Pearl Harbor. Administration officials found it difficult to believe the news of the Japanese attack when it first reached Washington. Hull thought it must have meant Manila. But Stark knew it meant Pearl Harbor; he knew the phrase "This is not a drill" heralded a real attack, not a practice.

When Roosevelt heard of the attack, he was surprised, but several witnesses reported that he actually seemed relieved at the news — at least until he learned the extent of the disaster. Secretary of Labor Frances Perkins said "that night . . . in spite of the terrible blow . . . he had nevertheless a much calmer air. As we went out [of that evening's White House meeting, Postmaster General] Frank Walker said to me, 'I think the boss really feels more relief than he has had for weeks.'" In Perkins' oral history: "His surprise was not as great as the surprise of the rest of us." And Eleanor Roosevelt wrote: "In spite of his anxiety Franklin was in a way more serene than he had appeared in a long time. I think it was steadying to know finally that the die was cast. . . . [Pearl Harbor] was far from the shock it proved to the country in general. We had been expecting something of the sort for a long time."

If the President had delivered the speech he intended to give Congress on December 8 or 9, he would have been violating his pledge to the American people; he would have been sending U.S. boys to fight in a foreign war even though the United States had not been attacked; he would have been sending them to defend territory thousands of miles from our shores — the Isthmus of Kra and Singapore in Malay, and the Dutch East Indies in the Indian Ocean.

Germany's declaration of war on the United States on December 11, and the blitz-warfare by the Japanese during the first few weeks, ensured that the American people would support the war. And so it happened that hundreds of thousands of Americans died thousands of miles from their homes, in a war the president had secretly pursued, while publicly promising to avoid.

The Japanese attack on Pearl Harbor made war inevitable. But the attack was not Roosevelt's reason for going to war. It was his excuse. ❑

NOTES

1. The dates mentioned in this article are all a matter of public record. Unless otherwise indicated, the direct quotations are all taken from the hearings and reports of the several

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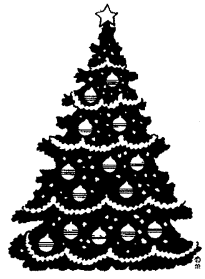

investigations into the Pearl Harbor attack, as published by the U.S. Congress (1946, 39 vol.).

2. In 1935, Congress had passed the "Neutrality Act of 1935," instigated largely out of U.S. sympathy for China in her struggle with Japan. As Roosevelt signed it on Aug. 31, 1935, he explained it was intended as an expression of "the fixed desire of the Government and the people of the United States to avoid any action which might involve us in war." This 1935 Act prohibited the trade in arms or implements of war with any country involved in a war. Then in 1939, Congress repealed the 1935 Neutrality Act and replaced it with the "Neutrality Act of 1939." This new Neutrality Act permitted military supplies to be sold to belligerent nations, if they were paid for in cash and if they were not transported in U.S. vessels. This "cash and carry" provision enabled the United States to sell weapons to good nations and refuse to sell them to bad nations. The 1939 Neutrality Act was further revised in November 1941, to permit armed U.S. merchant ships to enter war zones.

3. Remarks delivered at the Fuehrer Conference, May 22, 1941. As quoted in Patrick Abbazia, "Mr. Roosevelt's Navy: The Private War of the U.S. Atlantic Fleet, 1939–1942." (Naval Institute Press, 1975), p. 176.

4. Quoted from the ADB report, reprinted in the Joint Congressional Committee hearings, part 15, p. 1564.

5. Robert Sherwood. "Roosevelt and Hopkins," (Harper and Brothers Publishers, 1948), p. 274.

6. Joint Congressional Committee hearings, part 9, pp. 4246, 4249.

7. Llewellyn Woodward, "British Foreign Policy in the Second World War." Her Majesty's Stationery Office, 1962, pp. 186–187.

8. Ibid., p. 187.

9. Hull's "proposed statement" reprinted in Joint Congressional Committee hearings, part 11, pp. 5439–5440.

10. Knox's "suggestion" reprinted in Joint Congressional Committee hearings, part 11, pp. 5440–5441.

11. Mimeographed, drafted, signed, and pencil-dated Dec. 5, 1941, by Special Assistant to the Secretary of State and Advisor on Political Relations, Stanley K. Hornbeck. National Archives, Civilian Records Branch, Record Group 59, Entry 398, Box 3, Location 250/46/04/01.

Letters, *from page 15*

correction: Category (not Class) Four hurricanes (Saffir-Simpson Scale) are fortunately rare.

A storm is named when it becomes a tropical storm, one step below a Cat One hurricane. So far this year, we've had 22 named storms. Wilma was the 21st named storm — they skip several letters of the alphabet, so after Wilma they named the next storm Alpha. (There's one trying to form as I write this; if it achieves tropical storm status, it will be called Beta.)

According to the National Hurricane Center, during the period 1991–2004, a total of 21 hurricanes made landfall in the U.S., and of those only eight were Cat Three and above. Only one was Cat Four, and none were Cat Five.

The government — and the dependence fostered over many years — is to blame for much of the suffering in Louisiana and elsewhere. And there was no doubt that a Cat Four or Five storm would eventually hit New Orleans. While it should have been obvious that danger existed, it's not nearly as likely as Mr. Bradford asserts — the big storms just aren't as frequent as he describes.

Lou Villadsen
Fort Lauderdale, Fla.

Plank in Thine Eye?

Stephen Cox likes to nitpick others' speech. But can his own writing stand the test? Let's review some topics he addressed in Word Watch (November).

1) "Say what you mean, for God's sake." Here Cox references a divinity, to aggrandize his trivial goals. Or is he using a common expression that doesn't mean what it says?

2) "Pre-order" is obviously short for "prerelease order." Why the confusion?

3) Cox observes that "legendary" means "mythical," "unreal." So what? Many actual people are literally legends in their own time. Elvis' life has been mythologized in people's imaginations — alongside Robin Hood, King Arthur, and Bill Clinton, the most unreal president in memory.

Kevin Sterns
San Jose, Calif.

Unconstitutional Referenda

Bruce Ramsey's essay "Referendum Runaround," (November) gives me the opportunity to make a point I have considered for some time now.

The "referendum" or "ballot initiative" is wrong, and could be interpreted as unconstitutional.

Article IV, Section 4 of the U.S. Constitution, reads (in part): "The United States shall guarantee to every state in this Union a Republican Form of Government." A "republic" is the form of government where representatives administer the government on behalf of the people. Indeed, Article I, Section 1 reads (in part): "All legislative Powers herein granted shall be vested in a Congress of the United States." The clear meaning here seems to have been lost.

As I see it, when the country was formed, the citizens ceded all legislative power to their representatives in the various levels of government. The people only elect the representatives, democratically. If an issue is more than a private matter it should be settled by the elected representatives of the people, not by popular vote.

This is about insulation of the minority from the whim of the majority, an important theme in the history of our country. The fact that a ballot initiative could be used to promote a "good cause" is no kind of proof that it is proper for a rational society. The ballot initiative turns the citizens into legislators when that is not their proper role. The ballot initiative serves as a distraction from the corruption of government. It gives a false hope to the people. How can a court declare the results of a referendum "unconstitutional" ? There are many ways of looking at this issue which make ballot initiatives morally wrong.

When I witness references to our "democracy" my heart saddens because I know the intention behind that usage.

Rodney Choate
Alexandria, La.

The Anti-Semitism of My Youth

by Richard Kostelanetz

Colleges, golf courses, government agencies: it wasn't that long ago that their gates were open only to a select many.

Born in 1940, I can remember only four episodes. The first occurred around 1956 when I was disinvited from some trivial affair at the Scarsdale Golf Club. My recollection is that my teenage girlfriend, who was half-Jewish by ancestry, had gotten invited, and she in turn invited me. That prompted a cancellation. Such disinvitations were not uncommon at the time. When I got married, a few years later, we had to do the reception at my wife's parents' house, rather than the local Plainfield (NJ) country club, which didn't admit Jews. These restrictions ended, as the Scarsdale Golf Club, short of members a decade later, had to admit those previously proscribed, while Plainfield is now, I'm told, mostly African-American. One result of this episode is that to this day I still prefer public recreation facilities to private, in addition to finding any organizations restricting membership to be unseemly.

The second occurred when I applied to college. Some of the more distinguished universities had quotas that were hidden, but still known, limiting the percentage of Jews, as could best be determined in advance, to 10% of an incoming class. I have been told reliably that such quotas disappeared during the 1960s. One result of Ivy League anti-Semitism was that the best students were disproportionately Jewish, implicitly contributing to philo-Semitic mythology, while the universities in retrospect look modishly dumb. The effect on my mind has been a continuing preference for absolutely level playing fields, not only in sports, which is to say a distaste for dis/advantageous quotas of any kind in part because they customarily "demonstrate" a truth they are designed to deny.

A third episode happened at the National Endowment for the Arts during the mid-1980s. I applied for support for two projects with Jewish content, both of which drew upon art already completed with German funds — a book about the greatest Jewish cemetery in Berlin, about which I'd previously made several films, and a mechanical opera based upon an electro-acoustic composition Kaddish that had been commissioned and broadcast by Westdeutscher Rundfunk. Neither received support from the NEA, to my disappointment.

I became alarmed when I read the NEA's Annual Reports for those years and discovered that though many recipients had all kinds of minority-monikers, very few had versions of "Jewish" in their name or their projects — as few as only one a year. Jacob Neusner, at the time on the NEA's National Council (a trustee), remembers, "I also cannot recall any advocacy or warm support for a project because it bore a distinctively Jewish character, and there was plenty of ethnic and racial and gender advocacy in play. In other words,

there was pressure to support a Hispanic or feminist or African-American person or project by reason of the ethnic or gender or racial origin or focus, and never, ever, a Jewish person or project." Proposals for Jewish projects, such as mine, must have been cut off at an earlier pass, so to speak, long before they were ever presented to the Council whose members in that period included Harvey Lichtenstein of the Brooklyn Academy of Music, Joseph Epstein of The American Scholar, and New York state senator Roy Goodman, all apparently asleep on their thrones.

One result of Ivy League anti-Semitism was that the best students were disproportionately Jewish, implicitly contributing to philo-Semitic mythology.

Though I wrote an exposé of this neglect at the time, anti-anti-Semitism in the 1980s focused more on blathering by black Muslims and similarly marginal people. My exposé appeared in an obscure place, getting no further attention, and was then reprinted in a collection of my essays, "Crimes of Culture" (1995). In an otherwise sympathetic review, one writer identified it as the book's least persuasive piece, to my disappointment.

When I mentioned this NEA scandal several years later to someone operating a private foundation to support Jewish culture, he recalled conversations at the time with NEA officials who said that they expected prominent Jewish foundations to support Jewish art. (Little did these NEA wise guys know that much of the best Jewish art of the past decades was, like my own, funded entirely in Germany; but that's another story.) As a result of this episode, I ceased producing Jewish art, making me a victim not of censorship as such but, in truth, the effects of anti-Semitic discrimination.

In the fourth episode, I was a victim of Jewish anti-Semitism, which is always the most dangerous, because gentiles don't find it objectionable. In 1965, I published in Hudson Review an essay about minority-monikers in American literature, explaining that writers identifying themselves as Southerners had lost the center literary stage to a new group identifying themselves as Jews. Obvious in retrospect, my analysis was perceived as controversial at the time. My bias then, elaborated since, was that artistic categories based on anything other than formal characteristics — that includes geography as well as ethnicity — had no validity in serious criticism.

What I didn't know at the time was that some Jewish writers had dubbed my piece anti-Semitic, which was an opportunism typical at the time, and characterized me as a self-hating Jew, which would have come as a surprise to anyone who actually knew me. My writing had already appeared in patently Jewish magazines which continued to publish me; I attended synagogue and later produced the Jewish art mentioned above. (The lesson here is that those considering themselves Professionally Challenged, especially if anxious and insecure, can make up anything they want to advance their vulgar interests. Indeed, precisely in hysterical deceit do those Professionally Challenged mark themselves.)

Contracts and contacts with publishers were cancelled, often at their expense, because of machinations occurring behind my back. In his sweeping complaint about younger writers in his much-reprinted 1967 essay on "The New York Intellectuals," a critic named Irving Howe, a generation older than I, identified only one emerging writer by name, me, albeit only in a footnote typically misrepresenting me vulgarly. Whereas my essay had no appreciable effect on the fortunes of the Jewish-American writers, most of whom were and are quite prosperous, the losses to me were probably greater than I knew then and either I or my biographer can know now (as some conspirators and co-conspirators have passed).

The question to consider is whether I would have been treated differently had I not been Jewish — whether they jeopardized me because I was Jewish. If so, then these Jewish literary operatives must be considered anti-Semitic. As a result, my ability to survive professionally was impaired, not because of gentiles in the episodes mentioned before but because of disrespectful Jews.

In an elaboration of "Militant Minorities," which became the opening chapters of my book "The End of Intelligent Writing" (1974), I observed that some of these same writers had conspired — yes, breathed together — to deprive Communist Jewish writers, mostly older, of a livelihood, not only because the oldsters were anti-Communists but because they had to establish themselves as Kings of the Jewish Hill, so to speak. Having vanquished those foes, they turned their guns upon younger Jewish writers (apart from their direct proteges), likewise to buttress professional success and accompanying privileges. I was just another bunny in a continuing hunt whose earlier non-Communist targets included Allen Ginsberg and other Jewish independent radicals — note Ginsberg, rather than Kerouac, whose love for Jews was limited. Picking on me, rather than a gentile, implicitly flattered me, as well as allowing me to flatter myself, as I am doing here.

As a result of this episode, I ceased producing Jewish art, making me a victim not of censorship as such but, in truth, the effects of anti-Semitic discrimination.

Tactically, this opportunistic Jewish anti-Semitism was ultimately a mistake, as the movement represented by its publicists terminated with writers born around 1933 (Susan Sontag, Philip Roth). The truth then, as in decades before, is that history always buries short-sightedly anti-Semitic Jews.

Fortunately, unlike too many earlier victims of Jewish anti-Semitism, I survived long enough to write about ignominy. ❑

The Roots of Liberty, *from page 18*

> [I]f the king ceases to govern the kingdom, and begins to act as a tyrant, to destroy justice, to overthrow peace, and to break his faith, the man who has taken the oath is free from it, and the people are entitled to depose the king and to set up another, inasmuch as he has broken the principle upon which their mutual obligation depended.

Compare Manegold's views with the American Declaration of Independence:

> That to secure these rights, Governments are instituted among Men . . . That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government . . .

Manegold and Thomas Jefferson both claimed that rulers are contractually bound to protect the public good. Rulers who violate their duty thereby ceased to function as rulers; they might be removed, and replaced with others.

Monarchy had been desacralized. A tyrannical king was no longer "the Lord's anointed." Rather, he was nothing more than an employee who could be fired by his employers, the people.

It would take centuries for the feudal and papal principle of contractual government to achieve its greatest fruition in the American Revolution. The Founders knew that their new nation's religious philosophy had historical roots that were three millennia old — when in the Exodus, the false god-king Pharaoh was defeated by the true God, who is the only king. The Americans also knew the great debt they owed to the religious philosophies of 16th and 17th century Western European Protestant dissidents.

The Founders may not have known — but we should always remember — that those great Protestant writers, such as John Locke and Algernon Sidney, were building on a foundation of Catholic theology constructed during the Papal Revolution.

Not long after winning independence, the United States of America revamped the British favorite "God Save the King." The new words reflected the triumph of freedom-loving Christian writers and fighters from Manegold onward:

> Our fathers' God, to thee
> Author of liberty,
> To thee we sing.
> Long may our land be bright
> With freedom's holy light;
> Protect us by thy might,
> Great God our king.

As we fight for liberty at the beginning of the third millennium, we should acknowledge our own debts to the great men of the early second millennium — the men who overturned the false teaching that evil governments exercise authority from God, and who began recovering the principles of liberty and self-government which had been lost since the destruction of the Roman Republic. ❑

Reflections, *from page 12*

for the entire move in the market was missed by everyone at the time. Another way to present it is to assume that the market was already overbought, that it was ready to fall, and that the Senate action triggered something that was going to happen anyway. That is a more modest claim, and more plausible.

The Wanniski theory has other problems. Foreign trade was a relatively small part of the U.S. economy then: 4–5% of output, something like that. It was smaller than today. If it fell in half, the GDP would drop maybe 2–3%. That's too small to be the entire explanation for the Great Crash. Also, in hindsight (and all this is in hindsight) the event that deepened the Great Depression was the financial crisis in Europe in mid-1931. This had to do with debts and war reparations, and the links of currencies to gold. Trade was peripheral to it.

If you ask people today the cause of the Great Depression, many will point to the Smoot-Hawley Tariff, not to foreign debt, reparations and gold payments. The modern explanation emerges from a modern political point of view about trade. I share that point of view, and so the explanation is politically friendly. But that does not mean it is true.

I'll believe Wanniski's theory — the modest version — when the historians verify it. Until then, put me down as intrigued, and agnostic. — Bruce Ramsey

Joan Kennedy Taylor, R.I.P. — Joan Kennedy Taylor devoted 50 years to the cause of freedom and constitutional government, a devotion that ended only with her death from cancer on October 29. She was 78.

Joan was probably best known as an advocate of individualist feminism. Her book "Reclaiming the Mainstream: Individualist Feminism Rediscovered" remains, twelve years after its publication, the best book available on feminism and freedom. She also wrote "What to Do When You Don't Want to Call the Cops: A Non-Adversarial Approach to Sexual Harassment," a great example of her long interest in solving social problems without resort to the force of government. From organizing a women's group in Stockbridge, Massachusetts, in 1970 to her long service as a volunteer officer with the Association of Libertarian Feminists and Feminists for Free Expression, she spent much of her efforts on legal equality for women.

Her most important contribution may have stayed behind the scenes. In 1982 she saw a short report by Charles Murray on the failure of welfare programs. She asked him to expand it into a book, found a publisher, and edited the manuscript. It was Joan's entrepreneurial insight and editorial feedback that helped produce "Losing Ground: American Social Policy, 1950–1980," which transformed the debate over welfare, helped lead to welfare reform in 1996, and launched the career of one of the most important public intellectuals of the past two decades.

Joan Kennedy Taylor was born in 1926 to the actress Mary Kennedy and the noted composer Deems Taylor. As a young editorial assistant at Knopf, she read an advance copy of

continued on page 45

Reviews

"Ayn Rand: My Fiction-Writing Teacher," by Erika Holzer. Madison Press, 2005, 300 pages.

The Craft of Ayn Rand

Stephen Cox

Ayn Rand (1905–1982) was her generation's largest influence on libertarian thought. She was also a powerful novelist and a king-sized American personality. During this, Rand's centennial year, many of her friends and acquaintances have been communicating their memories of her. I think it's especially fitting that Erika Holzer, herself a novelist ("Double Crossing," 1983, and "Eye for an Eye," 1994), has contributed a memoir of Rand as a writing teacher. To tell the truth, I am on record as one of the many people who urged Holzer to do it.

It is very rare for an author to write at length about her literary methods, and rarer still for an author to write at length about what she learned from a contemporary. Someone once pointed out that writers tend to rebel against their "parents," while revering their "grandparents." Thus, modernist writers scorned the Victorians and did their best to resurrect the poets of the Enlightenment and the baroque period. The Victorians were still around when the modernists were growing up, and they were tired of listening to those overbearing parents; but writers from earlier generations posed no competitive threat. They could be used as examples for almost any precept.

As for writers' explaining their methods, forget it. Most prefer not to dispel the authorial mystique. Some, of course, are simply incapable of explaining what they do. A person who is good at creating plot and evoking character isn't necessarily any good at writing expository prose. But a perusal of authors' private correspondence will show you how good they can be at explaining how other authors went wrong, even while disclaiming, in public, any interest in literary analysis. "Let the work speak for itself," they say, cloaking with a half-truth their refusal to reveal trade secrets.

The half of the idea that's true is the notion that a work of art can hardly be improved by someone's explanation of how it was created. Either Monticello is a successful adaptation of Roman monumental architecture to American domestic use, or it isn't. No dissertation about what Jefferson thought he was doing when he decided to make a three-story plantation house look like a one-story temple will change the aesthetic effect of his decision.

The half of the "let-the-work-speak-for-itself" idea that isn't true is the implication that there's nothing to be learned by studying how an art object is created. That's just silly. If you follow "America the Beautiful" through its various revisions, you will see how much better it is to conclude the "Pilgrims" stanza in this way —

America, America!
God mend thine every flaw.
Confirm thy soul in self-control,
Thy liberty in law

than in this way —

America, America!
God shed his grace on thee,
Till paths be wrought through wilds of thought
By pilgrim foot and knee.

Studying the revisions, you may also see the reason why version A is superior to version B. A literary image needs to be visualizable. It's a lot easier to imagine the Deity mending flaws and confirming souls than it is to imagine feet and knees working their way through thickets of thoughts. Even when one accepts "knee" as a probable symbol for prayer, it's still hard to see what's going on with these symbols. The verbal bolts don't fit the verbal nuts.

The job of a literary craftsman is to find problems like this, and fix them.

Every good writer is such a craftsman; and occasionally — very occasionally — a craftsman will let you visit her workshop.

That's what Holzer lets you do, and that's what Rand let her do. Rand was an eccentric writer in many ways, but she was always a very thoughtful one. She could account for every word she used, and explain with great lucidity why she wanted to use it. When she went wrong, she went wrong for a reason. I like the epigraph that Holzer takes from Sophocles: "The reasonable thing is to learn from those who can teach." It mirrors the common sense that lies — often unnoticed by readers and followers — at the basis of most of Rand's literary ideas and practices.

Always a lively writer, Rand was also an exceedingly lively advice giver. Taking a look at Holzer's fledgling fiction, Rand saw a reference to faces "explod[ing] in panic." Well, what would you say about that? Many people would sense that there was something wrong but not be able to explain what it was. Perhaps they would make a vague reference to "melodrama" or tell the aspiring writer to "tone it down a little." Rand took a more instructive approach: "Make your metaphors real, Erika. . . . A good way to put your metaphors to the test is to try them out in front of a mirror." Holzer took her mentor's advice, went to a mirror, and made her face look like it was "exploding." Then she "exploded in laughter" (27). Now, that's good teaching.

Holzer came from a family of lawyers, and became one herself. A story provocatively entitled "The Secret Room," written at the age of 12, did not seem to presage a literary career. But an interest in Rand's ideas led to an invitation to meet with her, and

Rand could account for every word she used, and explain with great lucidity why she wanted to use it. When she went wrong, she went wrong for a reason.

Holzer took along the tell-tale evidence of her interest in a new career — her early, practice works in fiction writing. Rand at the time was an enormous best-seller and the demanding leader of an intellectual coterie. One would have expected her to turn Holzer away with some remark about coming back when you've finished a book. Instead, she took the time to teach her.

Much of her advice was about the psychological processes that are most closely related to writing. She didn't make vague remarks about authors' "inspiration"; she gave specific insights into processes that people can actually control. You've been told that you should "write what you know." You should write stories about your profession, for example. Well, that might result in a lot of accurate surface detail, she said, but there's something more important than surface detail. Why don't you stop worrying about what you "know" and identify what makes your "blood boil" (31)? Discover and exploit your real motivation.

Rand showed the same common sense in commenting on the famous "writer's block," from which, as we know, she herself sometimes suffered severely. She didn't call for 20 sessions with a psychiatrist, or for a voyage to Tahiti. "More than likely," she said, you can't write because "you don't know all you need to know about a given character or a piece of the action" (72). Find out more — but "don't overdo it. It's a common mistake by the neophyte . . . to read everything ever written on whatever relates to his subject" (77). What she advocated wasn't "research" but imaginative meditations on the meanings, motivations, settings, and implications of one's plot and characters. Writers' problems can be fixed by writers' work — not by a research library, a psychiatrist's couch, or a moralist's lectures.

It's a remarkable fact that the modern libertarian movement was largely initiated by creative writers, literary critics, and essayists, by such people as Isabel Paterson, Rose Wilder Lane, John Chamberlain, Albert Jay Nock, and Rand herself. If you told any of those people that literature is interesting principally because of its "ideas," particularly its "political ideas," you would soon be having a very bad day. The best word you'd hear would be "philistine." But that's exactly what a lot of libertarians are. They are people whose moral concern with political ideas reduces their literary responses to merely political ones. That's why they read so little real literature. Conrad? Yeats? Eliot (either of the two)? Not interested. But the latest work of pulp fiction, with some libertarian ideas thrown in? Hey, this is a classic!

Rand — often unfairly accused of writing propaganda novels — shuddered at the thought that any of her ideological friends would write such stuff. Propaganda fiction, she said, was "all facade and no structure," by which she meant, no aesthetic structure, nothing to which one can respond on a deeper level than, "I agree with this" (39–40). Holzer, taking up Rand's theme, sensibly suggests that aspiring writers ask themselves, "Am I really impassioned about my story or am I just hung up on spreading the Word and enlightening the masses" (40). That's good advice. Rand went even farther. Referring to her own philosophy, Objectivism, she told her followers, "Don't censor yourself by Objectivist morality" (40). Her advice

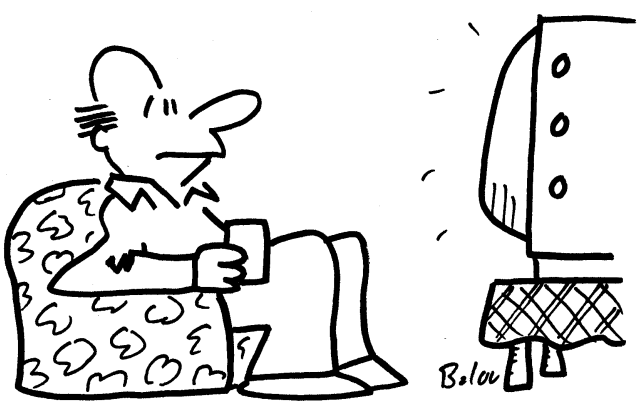

"In a five-to-four decision today, the Supreme Court went on vacation."

was seldom heeded, though it deserved to be.

But Holzer got the point. She got it so well that she became a fine Randian teacher herself, as this book shows. It's all summed up in one of her comments: "I have always believed that writers are made, not born. That fiction writing, in particular, starts out as a craft. That if you work at it hard enough and long enough, you can turn it into an art" (51).

Holzer isn't saying that anybody can be a good novelist. She is drawing attention to an idea that goes back to Aristotle's theories, and beyond them, to Homer's Odyssey: the idea that art is craftsmanship, or it is nothing. Her book shows the joy that both she and Rand found in thinking through the problems of craft — a rare pleasure, both in regard to its intensity and in regard to most people's ignorance of the fact that it can ever be a pleasure at all. The good thing is that you don't need to be a writer to feel that pleasure. All you need is some aesthetic and intellectual curiosity.

Referring to her own philosophy, Objectivism, she told her followers, "Don't censor yourself by Objectivist morality." Her advice was seldom heeded, though it deserved to be.

Holzer rounds out her book with text and discussion of two fine short stories of her own, "Eyewitness," first published in this journal in 1988, and "The House on Hester Street." The latter story, which illustrates the transformation of real situations into imaginative art, enables Holzer, explaining how it came to be, to evoke a salient picture of her mother, whose life "may have been conventionally small-town, but who played the role of co-conspirator to her daughter's romantic notion that life was — could always be — a grand adventure" (235). Holzer's book shows that an appreciation for artistic craft can be a tremendously important part of that adventure. ❑

"Right Turn: John T. Flynn and the Transformation of American Liberalism," by John E. Moser. New York University Press, 2005, 277 pages.

The Mighty Flynn

Jeff Riggenbach

John T. Flynn (1882–1964) was a pugnacious little man (John Moser reports that he stood well under six feet and that "his adult weight was around 140 pounds"), a stereotypical feisty Irishman, with the Irishman's proverbial gift of gab and blarney (9). He "had a hot temper," Moser tells us, and was both "quick to take umbrage at personal slights and seldom prepared to submit to authority." Moreover, "[h]e could hold a grudge for years" (5). It was not infrequent for those observing him in argument to become "alarmed by the sight of his red face and bulging veins." But any observer who expressed concern for Flynn's health at such times would quickly discover that remarks about high blood pressure "served only to make him angrier" (6).

Still, there was that undeniable gift of gab and blarney. Moser acknowledges that "[t]he name of John T. Flynn might be unfamiliar today, but it would have been readily recognizable to any American who followed public affairs from the late 1920s through the 1950s. As a newspaper columnist, freelance magazine writer, best-selling author, and widely recognized expert on economics, finance, politics, and foreign affairs, his words were read by millions" (1). Indeed, as Moser says, "Flynn was an extremely prolific author, having to his credit no fewer than nineteen books and thousands of articles. In addition to his weekly column in the New Republic [Other People's Money], which he had for nearly ten years, he also wrote for much of his career a daily newspaper column, one that eventually appeared in all the papers of the Scripps-Howard chain. On top of that, on and off during the 1930s and early 1940s and consistently in the late 1940s and 1950s, he had a weekly radio program" (5).

That weekly 15-minute program, "Behind the Headlines," was a big success. In the end, it "brought Flynn's words to a much larger audience than ever before." By "the end of 1949," Moser tells us, "the program was being carried on fifty-six stations, including all forty-five affiliates of the Mutual Network" (174). "By the autumn of 1952, Flynn was being heard on 362 stations," and "[h]e gleefully reported that it took 'a corps of clerks' just to go through his fan mail, one hundred to five hundred pieces of which arrived each day" (189).

And what sort of message was it that Flynn delivered with such passion to his vast audience? Opposition to the New Deal was a big part of it, certainly, followed by opposition to U.S. involvement in World War II and opposition to U.S. participation in the Cold War — these were Flynn's major themes for 30 years. And the New Deal was a liberal program, right? And it was liberal Democrats under the leadership of Franklin Roosevelt and, later, Harry Truman, that involved the

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United States in both World War II and the Cold War, right? And the opposition to all this came from conservatives, conservative Republicans, right? So Flynn must have been a conservative, right?

Not so fast, there. "To the end of his life," Moser writes, Flynn "never referred to himself as anything but a liberal — but in the words of Michele Flynn Stenehjem, he was a 'liberal betrayed.' Flynn claimed that it was the American political climate that changed during his lifetime, not he. Indeed, he believed that the very term *liberal* had been hijacked; as he wrote to New Deal lawyer Jerome Frank in 1940, 'I see the standard of liberalism that I have followed all my life flying over a group of causes which, as a liberal along with all liberals, I have abhorred all my life'" (3).

Flynn was a liberal — a man of the Left — and he remained one for his entire career. It was the American political climate that changed, not he.

In his view of this issue, Flynn was entirely correct. He *was* a liberal — a man of the Left — and he remained one for his entire career. It was "the American political climate that changed," not he. Specifically, what changed was the way most people used certain words to describe political positions and stances — words like *liberal* and *conservative* and *Left* and *Right*. And the result was that Flynn, who had been known far and wide as a liberal and a man of the Left in the '20s and early '30s, ended his career as an important opinion leader on what most contemporary observers of American politics considered the far Right — and all without having changed any of his opinions.

Or, at least, so Flynn claimed. Moser raises some legitimate objections to Flynn's contention that his political opinions remained fully consistent throughout his career, and I intend to return to these objections in due time. For now, though, consider another datum — the striking number of parallel cases it is possible to find in the cultural and intellectual world of the '30s, '40s, and '50s. For Flynn was far from the only journalist with a national audience who began as a "liberal" and ended as a "conservative" without the need of changing any opinions. There were others.

There was H.L. Mencken, syndicated newspaper columnist and editor of The Smart Set and The American Mercury. There was Albert Jay Nock, editor of The Freeman and regular contributor to The American Mercury, the Atlantic Monthly, and Harper's. There was Garet Garrett of the Saturday Evening Post. There was Isabel Paterson of the New York Herald Tribune. There was Henry Hazlitt of The American Mercury, the New York Times, and Newsweek. There was Felix Morley of the Baltimore Sun and the Washington Post. There was Rose Wilder Lane, a very prolific freelancer, with articles in Harper's, the Ladies Home Journal, the Saturday Evening Post, and Woman's Day, and a steady stream of books, including the individualist classic "The Discovery of Freedom," in the nation's bookstores. All these writers were accepted members of the "Left" before 1933. Yet, without changing any of their fundamental views, all of them, over the next decade, came to be thought of as exemplars of the political "Right."

Today, in fact, for some of the intellectual historians and journalists who write about them, they are members of something called the "Old Right." "The Old Right," declares Internet pundit Justin Raimondo in his 1993 book "Reclaiming the American Right," "was that loose grouping of intellectuals, writers, publicists, and politicians who vocally opposed the New Deal and bitterly resisted U.S. entry into World War II." Raimondo regards John T. Flynn as the "master polemicist of the Old Right" and lists Garrett, Mencken, Nock, Lane, Paterson, Frank Chodorov, Louis Bromfield, Colonel Robert McCormick of the Chicago Tribune, and Senator Robert Taft among its other leading lights (52, 98).

"The intellectual leaders of this old Right of World War II and the immediate aftermath," Murray Rothbard wrote in 1964, "were then and remain today almost unknown among the larger body of American intellectuals: Albert Jay Nock, Rose Wilder Lane, Isabel Paterson, Frank Chodorov, Garet Garrett."[1] Eight years later, Rothbard supplied a somewhat longer list: Nock, H.L. Mencken, Oswald Garrison Villard of the Nation, Francis Neilson of The Freeman, historian and Scripps-Howard newspaper columnist Harry Elmer Barnes, and John T. Flynn.[2]

"It almost takes a great effort of the will," Rothbard wrote in 1964, "to recall the principles and Objectives of the old Right, so different is the current Right-wing today. The stress, as we have noted, was on individual liberty in all its aspects as against state power: on freedom of speech and action, on economic liberty, on voluntary relations as opposed to coercion, on a peaceful foreign policy. The great threat to that liberty was state power, in its invasion of personal freedom and private property and in its burgeoning military despotism. Philosophically, the major emphasis was on the natural rights of man, arrived at by an investigation through reason of the laws of man's nature. Historically, the intellectual heroes of the old Right were such libertarians as John Locke, the Levellers, Jefferson, Paine, Thoreau, Cobden, Spencer, and Bastiat." In essence, "this libertarian Right based itself on eighteenth and nineteenth century liberalism, and began systematically to extend that doctrine even further."[3]

At first, American liberals hewed closely enough to their individualist values to shake off any temptation they might have felt to adopt the socialist line.

But if the leaders of this "Old Right" were extending the doctrine of liberalism even further, they must have been liberals, right? That's what Flynn thought. Moser summarizes one of his mid–1934 New Republic columns as follows: "Liberals, he wrote, had to face facts — the president had posed as one

of them, but all they could really expect from him were 'sweet words with no meaning behind them'" (47). Four years later, when the "United States had taken the first steps on the path to war," the thing that "amazed Flynn the most," he acknowledged in another piece for the New Republic, "was that this was all taking place under 'a Democratic administration supposedly in the possession of its liberal wing'" (61). Two years after that, in the late summer of 1940, in a bewildered lament to Bruce Bliven, his editor at The New Republic, Flynn plaintively characterized himself as "a liberal writer who is saying now the same thing he said five years ago and ten years ago, who is opposed to third terms for presidents, to war-mongering and militarism and conscription and corrupt political machines and vast public debt. . . . I held these views before Roosevelt was president and I have now lost my liberal credentials because I do not agree with the New York Times, the Herald-Tribune, [Secretary of War] Mr. Harry Stimson, Mr. Franklin Roosevelt and Wendell Willkie about the war" (107–108).

Flynn's dismay is easy to understand. Opposition to state power had originally defined liberalism, while maintenance of established systems of power had long been associated with conservatism.

Eighteenth-century liberals, as Rothbard contended, managed to achieve "at least partial victories for individual liberty, laissez-faire, separation of church and state, and international peace," through "a series of cataclysmic revolutions . . . the English Revolutions of the 17th century, the American Revolution, and the French Revolution."[4] It was, in fact, during the French Revolution, in the Legislative Assembly in the fall of 1791, that the terms *Right* and *Left* were first used in a political sense. As Will and Ariel Durant tell the story in "The Age of Napoleon," when the assembly convened, the "substantial minority dedicated to preserving the monarchy . . . occupied the right section of the hall, and thereby gave a name to conservatives everywhere." The liberals "sat at the left on an elevated section called the Mountain; soon they were named Montagnards.

The French Revolution also introduced a new wrinkle into liberalism, one that had extraordinarily serious implications some years down the line. The famous slogan of the French revolution — Liberty! Equality! Fraternity! — holds the key to this important new wrinkle. The idea of equality had figured in the earlier American Revolution as well, of course — didn't Thomas Jefferson write in the Declaration of Independence that "all men are created equal"? But to Jefferson and the other American liberals, "equality" meant equality of rights, equality before the law. In France, by contrast, to more than a few of the revolutionaries, it meant much, much more than that. In the eyes of these French liberals, it was, as Ludwig von Mises summarized their view more than a hundred years later, in his book "Liberalism," "not enough to make men equal before the law. In order to make them really equal, one must also allot them the same income. It is not enough to abolish privileges of birth and of rank. One must finish the job and do away with the greatest and most important privilege of all, namely, that which is accorded by private property. Only then will the liberal program be completely realized, and a consistent liberalism thus leads ultimately to socialism, to the abolition of private ownership of the means of production" (29).

During the 1932 campaign, Franklin Roosevelt tried to portray himself as a man who stood for small government and fiscal responsibility.

A good many liberals came to believe, as Lavoie says, "that a planning bureau could rationally and democratically control the cultural and economic development of society for the benefit of all"; as a result, "the ambition of the Left came to be not just the complete equality of rights, as important as that was still thought to be, but the more grandiose ideal of equality of wealth" (218).

The liberals who became ensnared by this vision of a totally egalitarian society did exactly as Mises predicted: they adopted socialism as their new ideal, and what Rothbard called "collectivistic, conservative means" of attaining it.[5] They proposed to create conditions of freedom by the use of the hierarchical and coercive state.

The socialist apostasy, however partial, proved more popular in Europe than in America — at first. At first, American liberals hewed closely enough to their individualist values to shake off any temptation they might have felt to adopt the socialist line. Even so, as the late Arthur Ekirch contends in his classic work "The Decline of American Liberalism," "[s]ince the time of the American Revolution, the major trend in our history has been in the direction of an ever-greater centralization and concentration of control — politically, economically, and socially. As a part of this drift toward 'state capitalism' or 'socialism,' the liberal values associated with the eighteenth-century Enlightenment — and especially that of individual freedom — have slowly lost their primary importance in American life and thought" (ix).

Alexander Hamilton's program called for a national bank which, after having "received a monopoly of government business," would "provide new capital for the business expansion that Hamilton deemed vital to United

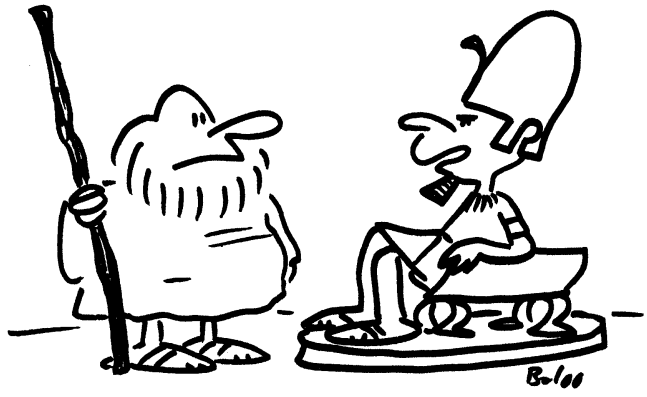

"I spend years inculcating a work ethic in you bums, and now you want me to let your people *go?*"

States prosperity," that business expansion to be protected from foreign competition by a high tariff wall (46–47). Hamilton — need it be said? — was the first great conservative in American politics. His party, the Federalist party, was the first conservative party, the first right-wing party, in American political history. As Ekirch reminds us, "the Federalists . . . pursued a constantly illiberal course during their twelve years of power" (53).

If the Federalists were the first American conservatives, the Jeffersonians were the first American liberals. In his first inaugural address, Gore Vidal points out, Jefferson called for "a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuit of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government . . ." "In other words," as Vidal puts it, "no taxes beyond a minimal levy in order to pay for a few judges, a postal service, small executive and legislative bodies."[6] In other words, the policy prescription of a classical liberal.

Since the time of Lincoln, the Republican party had always stood for top-heavy bureaucracy, strong central government, and hefty handouts to big business.

The twelve years of Federalist rule — the Washington and Adams administrations — were followed by 40 years of rule by Jefferson's party, the Democratic-Republicans, later the Democrats. Not a few were born, grew to maturity, and produced children of their own without ever knowing of a president or vice president who represented a different party. By the time the Democrats finally fell from power in the election of 1840, their opposition, the Federalists, had long since withered away and died.

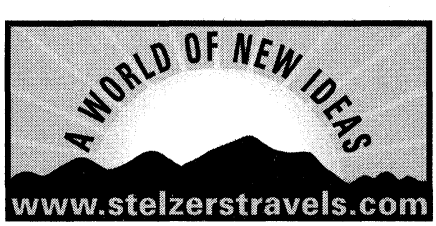

Nineteenth-century American politics was characterized by this conflict between liberal and conservative political principles, embodied in contests between Jeffersonian democrats, on the one hand, and, on the other, Hamiltonian federalists and their successors, the Whigs and Republicans. As historian Clyde Wilson puts it, "Apparently millions continue to harbor the strange delusion that the Republican party is the party of free enterprise. . . . In fact, the party is and always has been the party of state capitalism. That, along with the powers and perks it provides its leaders, is the whole reason for its creation and continued existence. By state capitalism I mean a regime of highly concentrated private ownership, subsidized and protected by government. The Republican party has never, ever opposed any government interference in the free market or any government expenditure except those that might favour labour unions or threaten Big Business."[7]

Rothbard agrees with Clyde Wilson's contention that the GOP was never a liberal party. "The classical liberal party throughout the nineteenth century was not the Republican, but the Democratic party," he wrote in 1980, "which fought for minimal government, free trade, and no special privileges for business."[8] Steven R. Weisman of The New York Times sees much the same thing when he examines the historical record for the mid-19th century. In his 2002 book "The Great Tax Wars: Lincoln to Wilson — The Fierce Battles over Money and Power that Transformed the Nation," Weisman writes that under Lincoln and the Republican party "the North's economy rested on a kind of state capitalism of trade barriers, government-sponsored railroads, coddling of trusts, suppression of labor and public investment in canals, roads and other infrastructures."

Even as late as the 1920s, the Republican party remained the friend of interventionist government, of which the much maligned Herbert Hoover was known as a leading exponent. During the 1932 campaign, Franklin Roosevelt tried, for purposes of public relations, to distance himself from this approach to politics. He portrayed himself as a man who stood for small government and fiscal responsibility. His platform called for "[a]n immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal government." It called also for "[m]aintenance of the national credit by a Federal budget annually balanced" and for "[a] sound currency to be maintained at all hazards."

Nor was this platform meant to be taken as empty rhetoric of the sort people today tend to assume is characteristic of virtually all public statements by politicians. No. As Garet Garrett of the Saturday Evening Post pointed out in 1938, "Mr. Roosevelt pledged himself to be bound by this platform as no President had ever before been bound by a party document. All during the campaign he supported it with words that could not possibly be misunderstood. He said: 'I accuse the present Administration of being the greatest spending Administration in peace time in all American history — one which piled bureau on bureau, commission on commission, and has failed to anticipate the dire needs or reduced earning power of the people. Bureaus and bureaucrats have been retained at the expense of the taxpayer. . . . We are spending altogether too much money for government services which are neither practical nor necessary. In addition to this, we are attempting too many functions and we need a simplification of what the Federal government is giving to the people'" (27).

After the coming of the New Deal, both major parties were conservative parties. For the New Deal variety of "liberalism" was not liberalism at all, but conservatism.

Roosevelt was particularly adamant on the subject of government borrowing. As Flynn recalled years later, in his classic book "The Roosevelt Myth," "Toward the end of the campaign he [Roosevelt] cried: 'Stop the deficits! Stop the deficits!' Then to impress his listeners with his inflexible purpose to deal with this prodigal monster, he said: 'Before any man enters my cabinet he must give me a twofold pledge: Absolute loyalty to the Democratic platform and especially to its economy plank. And complete cooperation with me in looking to economy and reorganization in his department.'"

True, this new Roosevelt's political track record was somewhat worrisome, for, as Flynn noted, "as governor [of New York] he took New York State from the hands of Al Smith with a surplus of $15,000,000 and left it with a deficit of $90,000,000" (37). On the other hand, Flynn argued, "[t]here was nothing revolutionary in" what FDR told the voters in the election of 1932. "It was," Flynn wrote, "actually an old-time Democratic platform based upon fairly well-accepted principles of the traditional Democratic party. That party had always denounced the tendency to strong central government, the creation of new bureaus. It had always denounced deficit financing. Its central principle of action was a minimum of government in business" (36).

By contrast, since the time of Lincoln, the Republican party had always stood for strong central government, top-heavy bureaucracy, and hefty handouts to big business. The fact that the voters had evicted a Republican from the White House and elected a Democrat surely meant that American public opinion was leaning in a more liberal direction. Or so many, including John T. Flynn, believed at the time. Of course, Franklin Roosevelt dashed all such liberal hopes within the first hundred days of his administration. Once elected, he tossed the Democratic platform of 1932 into the trash can and proceeded to show the electorate that he could play the conservative game better than any Republican. First he took Herbert Hoover's Hamiltonian policies and enormously expanded them; then, astonishingly, he had the effrontery to describe himself and his stolen program as "liberal."

The New Deal was, as John T. Flynn insisted while it was happening, "a form of conservatism dressed up as liberalism" (Moser 113). The "liberals" who pushed it were actually conservatives. And the members of the "Old Right" who opposed it were actually liberals. In his brief history of "the 'Old Right' Jeffersonians," Sheldon Richman acknowledges this. "That the ['Old Right'] movement was placed on the right or called 'conservative' has to be regarded a quirk of political semantics," he writes. "In a superficial sense it qualified as right-wing because it seemed to be defending the status quo from the state-sponsored egalitarian change of the New Deal. But in a deeper sense, the New Deal actually was a defense of the corporativist status quo threatened by the Great Depression. Thus the Old Right was not truly right-wing, and since that is so, it should not be bothersome that some palpable left-wingers, such as Norman Thomas and Robert La Follette, Jr., seemed at home in the Old Right."[9]

Nor was the political opposition to the New Deal primarily a Republican phenomenon. Many Democratic senators and other luminaries were involved in it.[10] In fact, it was members of the Democratic party, not the Republican party, who mounted the first organized offensive against the New Deal. The first national organization opposed to the New Deal, the American Liberty League, was founded in 1934 by a group of prominent Democrats, including John W. Davis, the 1924 Democratic presidential candidate and a J.P. Morgan & Company attorney, and Al Smith, former governor of New York and 1928 Democratic presidential candidate.

There were serious opponents of the New Deal in the GOP, too. But, despite Rothbard's preposterous claim that they were "the soul of the [Republican] party," and represented "majority sentiment in the party," the reality was far otherwise. Rothbard seems actually to have believed that the only reason the so-called "Old Right Republicans" perennially "managed to lose the presidential nomination," is that said nomination was "perpetually stolen from them by the Eastern Establishment-Big Banker-Rockefeller wing of the party," which relied on "media clout, as well as hardball banker threats to call in the delegates' loans." He seems actually to have believed that "Senator [Robert A.] Taft [of Ohio] was robbed of the Republican nomination in 1952" in precisely this way — "by a Rockefeller-Morgan Eastern banker

The "Old Right" was a coalition, in which the libertarians and individualists — the true liberals — were not dominant. And many individualists or libertarians forgot their link with liberalism.

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see *Intellectually Incorrect* at intinc.org

cabal, using their control of respectable 'Republican' media."[11] But if the "Eastern Establishment-Big Banker-Rockefeller wing of the party" was so powerful, why was it never able to put its own man, Nelson Rockefeller, in the White House — or even win him the GOP nomination? The fact is that, as Clyde Wilson puts it, the "Old Right" members of the Republican party simply "never had sufficient strength" within the party "to nominate a presidential candidate or prevent very many evils."[12]

Life and the passage of time taught Flynn that the use of such conservative means as planning, regulation, and welfare could not achieve the ends he had always desired.

The fact is that the coming of the New Deal ended a long era in American political history — an era that had endured for more than a hundred years, an era in which every national election was a contest between a liberal party and a conservative party, both substantial in size and influence. After the coming of the New Deal, both major parties were conservative parties. For the New Deal variety of "liberalism" was not liberalism at all, but conservatism.

Flynn's analysis was correct. The writers and intellectuals who made up the most visible contingent of the "Old Right" were in no meaningful sense on the Right at all. They were on the Left, where they had always been. They were liberals. The term liberal had been hijacked. The problem was that a great many of the liberals who had been left in the lurch by the Democratic party's sudden more or less official adoption of conservatism in liberal clothing had made the mistake of joining (or, at any rate, supporting) the Republican party — presumably in the belief that the opposition party, whatever its fundamental character, was where they now belonged.

As even Rothbard acknowledges, however, the "Old Right" was a coalition, in which the libertarians and individualists — the true liberals — were not dominant. And as he suggests, many individualists or libertarians forgot their link with liberalism.[13]

Flynn never made this dubious journey. However, as Moser notes, the nature of his liberalism did undergo some alteration over time, despite his claims that his views had never changed in any significant way. In 1932, according to Moser, Flynn wrote that "the doctrine of *laissez-faire* is now the gospel of the reactionary" (204). In 1934, Flynn called for a national minimum wage law, "a 'vast program' of public spending — mainly on construction projects — to relieve unemployment," and "a government-run system of unemployment and old-age insurance" (46). In 1936, Flynn "called for three constitutional amendments: one that would give to the government 'the police power over all economic matters of national importance,' and two others that would free Congress and state legislatures from 'the inhibitions of the due process clause" (90).

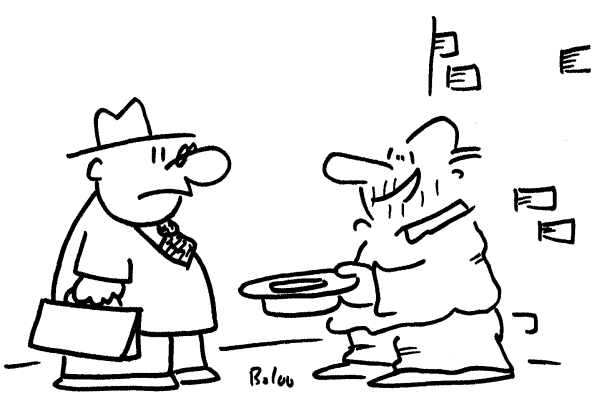

"Please, sir — just thirty-one cents more and I can get a lottery ticket!"

Then, in 1948, Flynn "wrote an article in the conservative American Mercury entitled 'What Liberalism Means to Me,' in which he seemed to associate himself, not with the reformist progressivism of his youth but with the very laissez-faire doctrine that he had rejected sixteen years earlier. Liberalism, he claimed, once had as its primary purpose the reduction of the power of the state, but in present times, he lamented, the word had been 'captured by certain aggressor philosophers, carried off as so much loot and offered for acceptance to a wholly different clientele.' He praised capitalism for producing 'beyond a doubt the greatest freedom in the world and the greatest abundance.' The 'planned economy,' he concluded, apparently forgetting that he had embraced economic planning in the 1930s, 'has produced before our eyes the most appalling consequences'" (204).

Moser writes that "[i]t is clear that Flynn's views, both on liberalism in general and on specific issues, had changed," despite his claims to the contrary. And this does, indeed seem to be the case. Moser argues that one reason for this change lay in the gradual death of Flynn's faith in what today we would call technocracy. The young Flynn, Moser points out, considered philosophy "empty and futile." More important, in his judgment, was social science, for "experts trained in the social sciences" could identify the "basic facts" of any troublesome social situation. After all, "[e]vils . . . were as easy to identify as any scientific phenomenon," and, once having identified them, experts trained in the social sciences would know precisely what reforms to recommend to solve social problems in a scientific way.

As Flynn grew older, he came more and more to realize that the path to utopia was by no means as simple as he had once believed. Collecting facts scientifically was not sufficient to guarantee the good judgment of the experts who collected them. Moreover, there was the problem that "intellectuals — whom by this time [1954] he had taken to calling 'Eggheads' — were irresistibly drawn to power." In short, Flynn started his career as one of those misguided liberals (the socialists, the progressives) who had come to believe that liberal ends could be achieved by conservative means. Gradually, life and the passage of time taught him that the use of such conservative means as planning, regulation, and welfare could not achieve the ends he had always

desired. Over time, he therefore evolved in a steadily more liberal, steadily more individualist, direction.

Flynn's views on foreign policy never underwent the changes that reshaped his views on domestic policy. As a liberal, he had always favored free trade and peace. As a liberal, he had always opposed war. For, as Arthur Ekirch reminds us, "any war, even one fought over some great moral principle, involves the use of methods essentially illiberal; for the very substance of liberalism — its emphasis on reason, on toleration and respect for individual and minority rights, and on progress by evolution instead of revolution — is bound to suffer in wartime" (116).

Moser devotes three of his 14 chapters to a detailed discussion of Flynn's role in the America First Committee (AFC), the largest and most powerful antiwar organization in America in the 1930s and early '40s. As chairman of the New York City chapter of the AFC, Flynn oversaw the largest and most powerful chapter of the organization. As Moser reminds us, the New York City chapter "would ultimately have nearly two hundred thousand members, roughly one-quarter of the national organization's total membership. The chapter eventually employed sixty paid staff members and hundreds of regular volunteers. It sponsored subsidiary chapters in each of the five boroughs, with numerous subchapters under each. There was a Women's Division, a Wall Street Division, a Veterans' Division, and a Labor Division, each with its own office. The chapter also employed a team of writers, directed and supervised personally by Flynn, so that it published more original literature than any other in the nation. It had its own weekly newspaper (the America First Bulletin) and a daily column (the 'Battle Page') that appeared both in the Chicago Tribune and in the New York Daily News, reaching a readership of approximately 2 million" (121).

And all this frenetic activity took place within a very, very narrow time frame. "The New York City chapter formally opened for business," Moser reports, "on January 25, 1941" (120). Within less than a year, its mission was a dead letter. It formally dissolved on July 2, 1942, less than 18 months after its formal opening (149). During the time it was open for business, the New York City chapter of America First took up a substantial fraction of Flynn's time. Indeed, "[f]rom June through December 1941," Moser writes, "the committee's work absorbed, by his [Flynn's] own admission, 'every minute of my time.' His output as a writer dropped off to almost nothing, not counting AFC press releases." Moreover, "in the eyes of nearly everyone," the AFC "was a right-wing organization." By maintaining such a high profile in the group, Flynn had "finally destroyed whatever reputation he still had as a liberal" (149–150).

And that was precious little. Several months before he decided to become active in the AFC, he had lost his weekly column, "Other People's Money," which had run for nearly eight years in The New Republic and was the main venue in which he had originally become famous in the 1930s. His firing from The New Republic is an especially interesting incident, both in his life and in the life of American ideas and policies. Moser portrays Flynn's firing as "a turning point of sorts in the writer's career," and tells us that "the impetus" for it "likely came . . . from the magazine's chief financial backer,

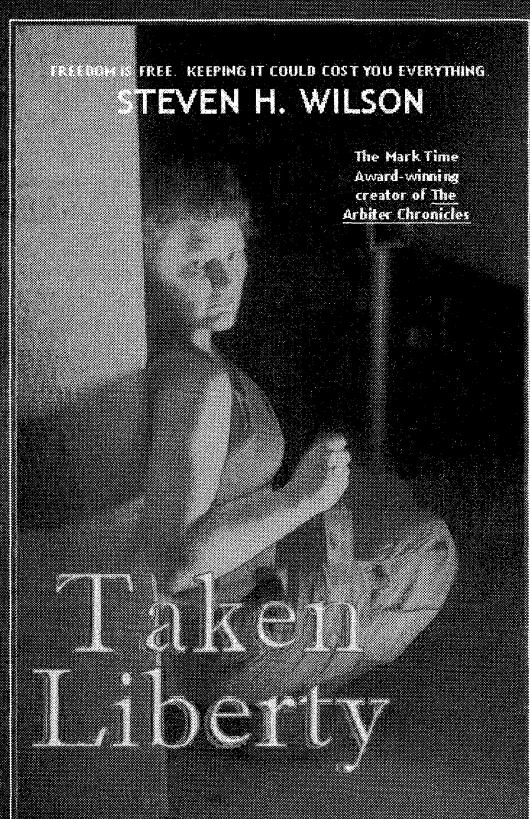

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Dorothy Straight. In 1925, Straight had married a wealthy Englishman named Leonard Elmhirst, and while the couple had generally let the editors formulate their own policy, by 1940 they had begun to pressure [Bruce] Bliven [editor-in-chief of The New Republic from 1930 to 1953] about the magazine's anti-interventionist slant. Thanks to this pressure Bliven also hired Dorothy's son Willard as chief Washington editor and fired film and music critic Otis Ferguson, 'TRB' columnist Jonathan Mitchell (who, like Flynn, was a critic of Roosevelt's foreign policy), and even Edmund Wilson, who had been literary editor since the 1920s. In short, there is considerable substance to Flynn's claim that it was the New Republic, and not he, that had changed" (110).

It is interesting to contrast this rather bloodless account with the one written in the early 1950s by Edmund Wilson and published in his book "A Piece of My Mind: Reflections at Sixty." "When our editor-in-chief [Herbert Croly (1869–1930)] died," he wrote, "the paper [The New Republic] was run by a group composed of the other editors. The weekly had been handsomely subsidized, first by an idealistic millionaire, then, after his death, by his widow — both personal friends of the editor [Croly]. But this lady now married an Englishman, went permanently to live in England and became a British subject. She had, however, arranged, in New York, a foundation which was to function in her absence, automatically supplying such money as was needed to make up our deficits; and we were given to understand that we were just as free as our late chief had been to publish whatever we pleased. This went well until the second war with Germany, in regard to which the paper's policy was completely isolationist. In the autumn of 1940, the husband of our Anglicized patroness suddenly descended on us, and indignantly denounced this policy."

In short order, "[h]e dissolved the old staff of the paper, though the members — to diminish the scandal — were allowed still to haunt the office and to continue in a small way to write till they were able to find other work. The managing editor [Bliven] was kept, at the price of his reversing his position and writing strongly interventionist leaders [editorials] instead of isolationist ones. Our English patron-in-law took over the direction of the paper and published anonymous leaders, entirely composed by himself, which would have been intensely comic if the situation had not been humiliating — since they purported to express the opinions of the well-known American editors but were actually exclusively occupied with plugging, in British clichés, the official British point of view" (41–42).

This is a policy of which Flynn would have very quickly run afoul. As Moser notes, "Flynn claimed that the British had a mysterious hold not on the minds of ordinary Americans 'but over certain persons who have access to the press, the pulpit and other agencies of propaganda.' He believed that his 'pro-Anglican virus' was strongest in the State Department, which was filled with men who were 'horrified at the thought of America's not helping England in a war.' This was a theme to which Flynn would turn again and again in the next few years, and indeed through the rest of his career" (59).

Little wonder, then, that as Edmund Wilson tells the story, the new "English patron-in-law" put a stop "at once to our criticisms of the Roosevelt administration, and a regular political commentator who had frequently disagreed with its policies [Flynn] was summarily dismissed. It was proposed, in an issue of December, 1940, that 'the United States and Great Britain assume responsibility and leadership for the whole world, except for that part of it at present under the heel of the totalitarians. Let these two great repositories of democracy pool their leadership in brains, vision and courage. . . . It is clear that we should extend the utmost aid to Great Britain even if it involves a considerable danger of going to war'" (42–43).

The new English patron-in-law made only one serious mistake in his takeover, according to Wilson. He did not "take account of the shock to the regular readers of the paper, who saw it turn its coat overnight and knew there was something wrong" (43). As for Flynn, Moser notes, "[a]t the end of

1940 he still had a daily newspaper column and articles regularly appearing in Colliers and other national magazines, in addition to frequent lecture and radio appearances" (110). Liberal or conservative, Flynn managed to keep busy, right up to two years before his death in 1964 at the age of 81. To the end, he called himself a liberal — and he was right. ❑

NOTES

1. Murray N. Rothbard, "The Transformation of the American Right." 1964. Online at lewrockwell.com/rothbard/rothbard13.html

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10. Murray N. Rothbard, "Life in the Old Right." August 1994. Online at lewrockwell.com/rothbard/rothbard45.html. See also Murray N. Rothbard, "The Life and Death of the Old Right," Rothbard-Rockwell Report, September 1990. Online at lewrockwell.com/rothbard/rothbard25.html; Ronald Radosh, "The Myth of the New Deal," "A New History of Leviathan: Essays on the Rise of the American Corporate State." Ed. Ronald Radosh and Murray N. Rothbard. (Dutton, 1972), p. 167; Richman, "New Deal Nemesis," op. cit., p. 211.

11. Rothbard, "Life in the Old Right," op.cit.

12. Clyde Wilson, "Save America! Vote Republican!" Sept. 30, 2003. Online at lewrockwell.com/wilson/wilson14.html

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"The Powers of War and Peace: The Constitution and Foreign Affairs After 9/11," by John Yoo. University of Chicago, 2005. 366 pages.

America Contra Mundum

Bruce Ramsey

John Yoo, professor of law at the University of California, Berkeley, is a pariah of the campus Left. His offense is his support of the denial of P.O.W. status to al Qaeda prisoners. The president, Yoo says, has the constitutional power to interpret treaties. George Washington did it and George W. Bush can do it. Not only did Yoo support Bush's authority to interpret the Geneva Conventions, but from 2001 to 2003, Yoo worked in Bush's Justice Department on the legal theory supporting Bush's assertion of war and treaty powers.

On Sept. 12, 2005, the Wall Street Journal profiled the controversial young Korean-American. The lead paragraph has Yoo recommending the use of assassination.

"The Powers of War and Peace" has no cheerleading for regime change by rifle. Nor is there any attempt to exonerate the guards at Abu Ghraib. Yoo is no longer acting as a lawyer telling his belligerent client what the options are; he is offering a serious, detailed argument about the war and treaty powers in the U.S. Constitution. It is not easy reading, but it is well worth the effort.

Yoo was once a clerk to Justice Clarence Thomas, the court's premier originalist, and there is a similarity in how they think. There is much in the book about the British and colonial background to the Constitution, the debates of the framers and ratifiers, and the first questions of treaty rights and war faced by President Washington. There are also many references to the past ten years, such as the wars in Kosovo, Afghanistan, and Iraq; the Kyoto Treaty; the ABM Treaty; and so on. Unfortunately, there is not much on the two centuries in between.

In constitutional law circles, the Journal says, Yoo is considered a "sovereigntist." Really, he is a nationalist: he is interested in an interpretation of the Constitution that allows America to do what it wants in the world and to remain independent of the United Nations, the World Court, et al. And while Yoo's theory would allow the U.S. government to be more interventionist and belligerent than most libertarians prefer, they should appreciate the way it keeps America in control of American actions.

Yoo begins with the war power. The Constitution gives Congress the power "to declare war." An earlier draft of the document gave Congress the power "to make war." The Constitution also says, in regard to the states, that they cannot "engage in war" unless under attack, or imminent attack. To declare, to make, to engage in: these are different. Yoo argues that the declaration of war is "fundamentally one of defining legal relationships." That is, if your government has declared war on a certain country, it can confiscate that country's assets and put that country's nationals into internment camps. But the president, as Commander in Chief and possessor of

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the foreign-affairs power, can make war — at least, some bombing and shooting short of total war.

I am uncomfortable with this; it is more permissive than I like. But it is one way to interpret the Constitution's imprecise language, and in fact it is what has been done. Congress has declared war only five times, though in the Vietnam, Gulf, and Iraq wars it authorized war without declaring one. (Yoo thinks these authorizations were not necessary.)

If the choice is the federal government versus world government, libertarians have to make common cause with the nationalists.

Yoo argues that Congress has control over war in the power of the purse. If Congress opposes a war, it can simply refuse to pay for it. This argument was made by the Federalists in the ratification debates. The Anti-Federalists, he says, "doubted, however, whether Congress would put its funding power to good use." And the Anti-Federalists were right. Yoo does admit that the Federalists "never fully confronted the Anti-Federalist claim that Congress would satisfy the president's military requests as readily as Parliament had cooperated with the king."

That is the problem. The president makes the sales pitch for war, decides when a sale is made, and sends the soldiers off to fill the contract, leaving Congress with the moral obligation to "support our troops." With another people and another way of thinking, the power of the purse might be enough. With the American people, it isn't.

I am uncomfortable with Yoo's analysis of the war power; there is some gray area in it, and he allocates all the gray to the president. Then I think of early 20th-century justice George Sutherland, one of the most libertarian of the time. In the 1930s he heroically resisted the New Deal, but in the famous *Curtiss-Wright* case he took the same line as Yoo about the foreign-affairs power.

Next, Yoo considers the treaty power. The Constitution says in the Supremacy Clause that treaties are "the Supreme Law of the Land." To many at the time of the framing and ratification, that was a troubling idea, because it seemed to allow domestic law to be created by the president in negotiation with a foreign power, subject only to an after-the-fact approval of two-thirds of the Senate. The Federalists and the Anti-Federalists did not argue much about the war power, but they fought hard over this. The argument ended with the Federalists assuring everyone that treaties were not "self-executing." In order to take effect inside the United States, treaties would require Congress to implement them through legislation, and Congress could decide to ignore them instead.

Well, then, how could treaties still be the law of the land? Look at the context, Yoo says. The Supremacy Clause is in Article VI, which has to do with the relation of the national government to the states. The full statement is this:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding."

It means, Yoo argues, that a state cannot nullify any part of a treaty. That is clear. It also means that federal law (or the lack of implementing legislation) can effectively nullify a treaty, as can the Constitution. That is not so clear. The text doesn't say that, but Yoo argues that it has to be interpreted that way in order to maintain the balance of powers. Otherwise the treaty acceding to the United Nations might mean that the power to make a non-self-defensive war, such as President Clinton's bombing campaign against Serbia, had been ceded to the U.N. Security Council. Another treaty might mean that Americans could be tried in the International Criminal Court for offenses, and under procedures, not in American law. A treaty might mean that an international agency could decide, without asking Congress and without U.S. warrants, to inspect U.S. chemical plants for evidence of weapons of mass destruction, or that another global bureaucracy could limit how much energy individual Americans could use.

Here is where Yoo's nationalism becomes interesting to libertarians. They have been arguing for decades against the expansion of federal authority, and for the power of the states and, particularly, individuals. But if the choice is the federal government versus world government, the libertarians have to make common cause with the nationalists.

That is a new thing. Libertarians look back at the Constitution as it was before the New Deal, as in Randy Barnett's "Restoring the Lost Constitution." But the biggest issue may not be restoring the Constitution that was, but keeping the one that's left. Hollowed-out as it may seem, today's Constitution is a robust instrument compared with an internationalized world. Look at what has happened to Germany — no more deutschmark! — and the pressures on Britain.

Non-self-execution was once a cause of the Old Right. In the decade after World War II, the United States joined the United Nations, the

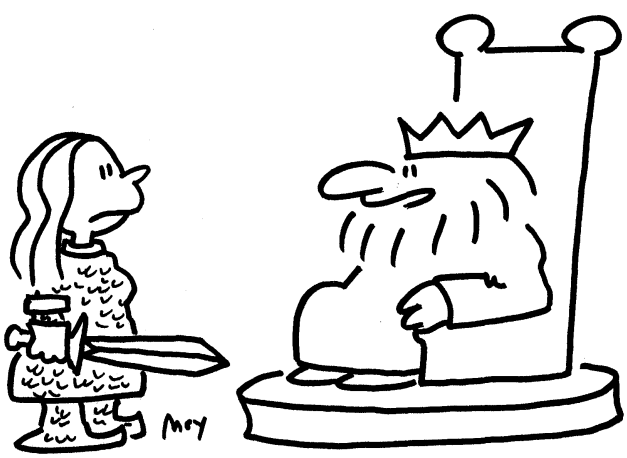

"You're a great fighter, Joan, but can you type?"

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—Patrick Henry, 1776

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International Monetary Fund, the World Bank, and the General Agreement of Tariffs and Trade. President Truman received permission from the United Nations, not Congress, to make war in Korea. The Left was pushing for the self-execution of treaties, starting with the UN Convention on Human Rights. A Supreme Court case from 1920, *Missouri* v. *Holland*, also seemed to endorse self-execution. It was only about birds, but it was disturbing anyhow. And so Sen. John Bricker (R-Ohio) responded with the Bricker Amendment, a proposed addition to the Constitution that explicitly said treaties were not self-executing. President Eisenhower opposed it, and in 1954 a version of the Bricker Amendment failed, by one vote, to pass with a two-thirds vote of Congress.

Yoo never mentions the Bricker Amendment. But he notes that in current practice, treaties are judged to be non-self-executing. "Self-execution," he writes, "would vest in the executive branch a legislative power broader in scope than Congress's. Non-self-execution, in contrast, harmonizes treaties with constitutional structure and maintains the important distinction between foreign relations and domestic lawmaking."

The Bricker Amendment would also have limited the use of the congressional-executive agreement, which is what the NAFTA and WTO agreements are. The congressional-executive agreement is an ordinary law, passed by a simple majority in both houses of Congress and signed by the president. A treaty is made by the president and ratified by a two-thirds vote of the Senate. The modern congressional-executive agreement was invented during the New Deal to make it easier to get certain agreements through Congress. The New Dealers remembered the Treaty of Versailles, which had been blocked in the Senate.

The legal Left tends to argue that congressional-executive agreements are interchangeable with treaties: any question can be handled under either form. Yoo disagrees. Treaties can be about pretty much anything, but congressional-executive agreements, he argues, have to be about something that lies within Congress' enumerated powers. The most obvious such power, regarding international affairs, is commerce. It is okay that the NAFTA and WTO agreements were approved by simple majority votes, because they are commercial agreements. A treaty on pollution might be approved that way, because it can be argued that pollution is connected to commerce, but a convention on crime, or police procedures, or human rights, could not. It would have to be done by treaty, and would be non-self-executing.

Yoo comes to an intriguing conclusion. At the end of his book, he compares the push for international law today with the push for federal law during the 1930s. Then the Supreme Court was sticking up for the states, and buckled under a landslide national election endorsing the New Deal and Franklin Roosevelt's threat to pack the court. The "bloodless constitutional revolution" of 1937 was disruptive, and the extra-legal way it was done still throws "the legitimacy of elements of the New Deal revolution" into doubt.

Something like that could happen again, Yoo says, regarding the push for international law. One side will argue that we take what international law we want, and ignore the rest. The other side will argue for sweeping acceptance. The focus this time will not be the Commerce Clause but the Treaty Clause. In a larger sense the question will be the same: power, what it consists of, who wields it, and how it may be controlled. ❑

Notes on Contributors

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"The Legend of Zorro," directed by Martin Campbell. Amblin Entertainment, 2005, 129 minutes.

Zzzorro

Jo Ann Skousen

Start with a legendary classic: Zorro. Add an Oscar-winning actress (Catherine Zeta-Jones) and a Latin Romeo known for his wry humor (Antonio Banderas). Top with a legendary executive producer (Steven Spielberg). Mix with four scriptwriters. And what do you get? A perfect example of what has gone wrong with movies this year. Z is for zzzzzzz.

With four writers, it's no wonder "The Legend of Zorro" is a mess. Stories — good stories at least — cannot be written by committee. A story needs a compelling conflict, and characters need believable motivations. That can't happen when four people are throwing their two cents into the pot and trying to compromise on the result. This movie feels like a sequel pushed by the producers to capitalize on the success of the original, but without any enthusiasm from the original crew. The actors seem to be thinking more about their next meal than their next line. Ted Elliott and Terry Rossio, who wrote the original "Mask of Zorro," are credited with the story, but two newcomers, Roberto Orci and Alex Kurtzman, joined the committee to write the screenplay for this sequel. Their previous credits include such notable projects as "Hercules: Legendary Journeys" and "Xena: Warrior Princess." It shows.

I don't mind suspending my disbelief in order to enjoy an action-adventure flick; in fact, I look forward to heroes leaping across housetops, somersaulting onto waiting horses, and brandishing swords with lightning speed. But this movie is just shockingly awful. The anachronisms alone are a hoot. Mom and Dad take turns walking junior to school and picking him up afterwards. Elena asks for and receives a quickie divorce — in Catholic California. Over dinner, Elena asks her date where she might find the bathroom to powder her cheeks. A bathroom? This is 1850. It's out back, over a hole in the ground, for heaven's sakes! The movie even presents a clean-shaven Abraham Lincoln signing California's statehood papers — but Lincoln wouldn't become president till 1861; it was Millard Fillmore's pen that brought California into the Union.

With movies costing many millions of dollars to produce and many more to promote, studios this year seem afraid to try anything new. This season has been fraught with sequels, remakes, and TV shows turned into movies. Occasionally an outstanding performance can save a remake — Johnny Depp was brilliant as Willy Wonka this summer — but great new stories are the only sure way to bring Hollywood out of its malaise. I once asked Ben Stein why Hollywood, one of the biggest business centers in the country, always makes business people the bad guys in movies. He suggested the reason is that screenwriters are the poorest paid members of the industry, and their writing reflects their own bias. Perhaps when studios start paying enough to lure great writers to the screen, they will get decent movies. ❑

Reflections, *from page 30*

"Atlas Shrugged" in 1955 and wrote a fan letter to Ayn Rand. They became friends, and Joan was part of Rand's New York circle until the 1968 Objectivist crackup. Years later, after Rand's husband Frank O'Connor died, Joan wrote her a sympathy note, noting that her own beloved husband David Dawson had died recently. Rand responded affectionately, bringing to mind Joan's better memories of their relationship.

In 1964 she supported Barry Goldwater for president and helped form the Metropolitan Young Republican Club. The next year she turned its newsletter into the political magazine Persuasion, which had a libertarian-Objectivist perspective. It became the first and only political magazine ever endorsed by Ayn Rand. She also tried her hand at writing Broadway musicals, including one titled "North Star," about the Underground Railroad that led escaped slaves to freedom. (Alas, none have been produced.)

In 1977 she traveled west to San Francisco, where a nucleus of libertarian organizations was forming. She joined the brilliant young writer Roy Childs as an editor of Libertarian Review. I wish Roy were around to sing her praises today. He told me that she taught him to edit, another great and unsung accomplishment. When that magazine failed, she worked as an editor at the Manhattan Institute — where she discovered and edited Murray and other writers — and at the Foundation for Economic Education. She was a radio commentator for CBS's Spectrum and for the Cato Institute's Byline, and in the 1990s she wrote her two books on feminism.

When I had to miss a testimonial dinner for her in 2004, I wrote this to her: "I've just been writing a speech about the problems facing the cause of liberty and limited government, and what individuals can do about it. You are an exemplar of the kind of citizen who is essential to the preservation of a free society." From her days with Ayn Rand, to her efforts to get the Young Republicans to stand for principle, to her midwifing of important books, to her own writing for newspapers, radio, and books, she devoted her life to the principles of the Declaration of Independence and the Constitution. Hers was a life well lived. — David Boaz

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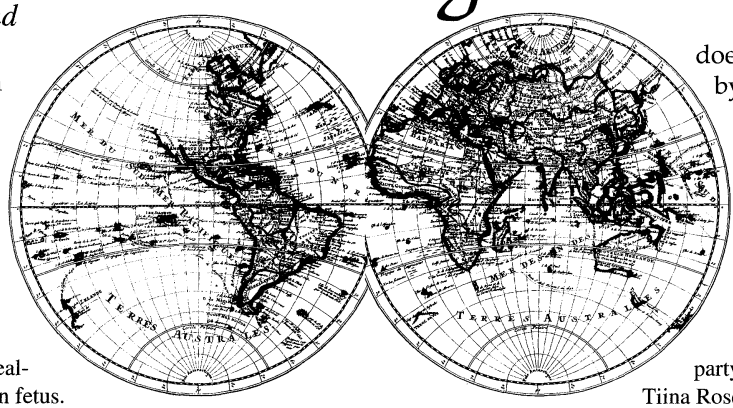

Frankfort, Ky.

Protecting the homeland from Bingo-playing terrorists, from the *Cincinnati Enquirer*:

Kentucky has been awarded a $36,300 Homeland Security grant aimed at keeping terrorists from playing bingo to raise large amounts of cash, said John Holiday, enforcement director at the Office of Charitable Gaming.

Holiday, who applied for the grant, said that to the best of his knowledge, terrorists do not currently profit from charitable gaming in Kentucky. "But the potential there, to me, is just huge. You can earn a lot of money very fast and deal entirely in cash."

Liverpool, England

Mourning with those who mourn, from the *Spectator*:

Well-wishers had laid more than a dozen bunches of flowers, along with cards and teddy bears, in an alleyway where the body of a mystery dead baby was found — before police realised it was only a chicken fetus.

Liverpool police told the community to "stop grieving, it's only a chicken."

Port Townsend, Wash.

A glimpse into the objectives of a modern-day peace movement, from the PTforPeace "cultural statement":

"Knowing we have all internalized the violence, patriarchy, white supremacy, and alienation so prevalent in our society. Knowing that dismantling these systems of oppression involves becoming aware of where they are hiding in our own minds, and that day-to-day patterns of oppression are the glue that holds together systems of oppression. Cultivating gratitude toward the person who points out where we may have internalized oppression without being aware of it."

Caracas, Venezuela

A statesman looks out for his constituency, from the *Guardian International*:

President Hugo Chavez cautioned Venezuelan parents to protect their children from Halloween with a spooky warning that the U.S. tradition is rooted in "terrorism."

"What they have implanted here, which is really a 'gringo' custom, is terrorism," Chavez said. "They disguise children as witches and wizards, that is contrary to our culture."

His comments came after authorities in Caracas seized pumpkins, cardboard skeleton costumes, and other traditional Halloween items inscribed with anti-Chavez messages.

Rome

Mandatory caring, from *Il Messagero*:

Rome's town council has banned goldfish bowls and made regular dog walks mandatory. The classic spherical fish bowls are banned under a new by-law which also stops fish or other animals being given away as fairground prizes. It comes after a national law was passed to allow jail sentences for people who abandon cats or dogs.

"It's good to do whatever we can for our animals, who in exchange for a little love fill our existence with their attention," said Monica Cirinna, the councilor behind the by-law.

Stockholm, Sweden

The electorate knows what it doesn't want, given good and hard by Swedish daily *The Local*:

When Feminist Initiative was founded six months ago, polls showed that a quarter of voters would consider supporting the party in elections next year because of rising domestic violence against women and higher salaries for men.

Encouraged by early support, the party, led by gender studies professor Tiina Rosenberg, produced a platform calling for the elimination of marriage and the institution of a "man tax" to cover the costs of domestic violence.

In new opinion polls only 1.3% of voters said they would vote for the feminist party. Party co-founder Gudrun Schyman said, "The reason for this campaign against [Rosenberg] is that she's a lesbian. The attacks against her are homophobic."

Lynnwood, Wash.

Novel theory of police ethics, from the *Seattle Times*:

Lynnwood police concede they engaged in "rarely used" tactics, which included officers having prostitutes masturbate them in exchange for cash, during an undercover investigation into a suspected prostitution ring.

Lynnwood police Cmdr. Paul Watkins said he spent a great deal of time justifying the officers' actions to prosecutors to prove that the officers themselves weren't breaking the law. "The officers didn't cross that line of engaging in intercourse or oral sex," Watkins said. "We have a very ethical police department. This does not violate the ethical standards of our department."

Diyarbakir, Turkey

Two letters that will not be sponsoring "Sesame Street" in Istanbul, from Polish paper *Rzeczpospolita*:

A court fined 20 persons for using the letters Q and W on placards at a Kurdish new year celebration, under a 1928 law banning characters not used in the Turkish alphabet.

Special thanks to Russell Garrard, Bryan Coupal, and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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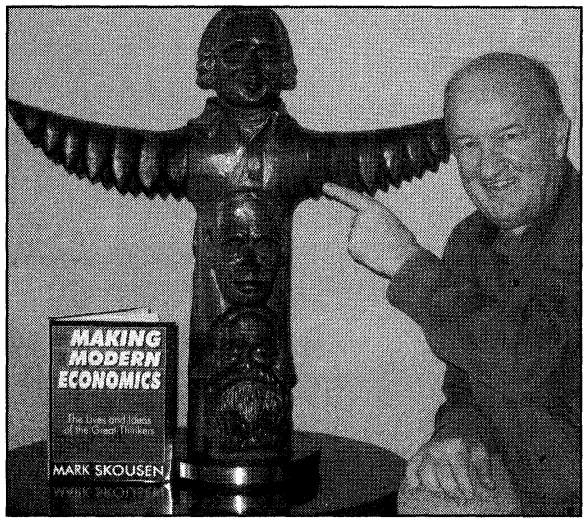

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Inside Liberty

February 2006
Volume 20, Number 2

4 **Letters** First in our pages, first in our hearts.

7 **Reflections** We vote down the Patriot Act, execute Tookie Williams, send 40,000 volts through flu sufferers, spoil the child, kill time, bail out pension funds, rescue Ayn Rand from Filipino Marxists, decide not to kill all the lawyers, and enjoy a little bit of good news.

Features

15 **From the Soviet Union to the European Union** Bulgaria has broken free of one empire, but now it's in an awful rush to join another. *Doug Casey* shows Bulgarians a better way forward.

18 **Why Do Houses Cost So Much?** *Randal O'Toole* examines the staggering price tag on the little place with the picket fence, and finds a danger to the world economy.

23 **Development by Democracy** Between fruit trees for the homeless and tunnels for toads, Davis, Calif. has it all — except votes for affordable housing. *Richard Fields* digs at the roots of green-friendly housing.

25 **The Opiate of Almost Everyone** Strict separation of church and state has become impossible, argues *Robert H. Nelson,* because the state has become a church.

36 **The Politics of Hatred** The Left harps on the persistence of hate in society, using it to justify speech codes and hate-crime legislation. But, as *Stephen Paul Foster* discovers, hate is too useful for the Left to abandon.

Reviews

39 **Weighing the Gilded Heroes** The "robber barons" were neither angels nor demons, but you wouldn't know that from most historical accounts of them. *Mark Skousen* strikes a balance between the muckrakers and the saintmakers.

41 **Jargon Good, Oil Bad** Big business, big oil, big government, corruption, terrorism, and torture are all present in "Syriana." *Jo Ann Skousen* wouldn't add "entertainment" to that list.

42 **Secondhand Gnostics** When is a lower-case "e" like a part of the female anatomy? *Andrew Ferguson* ponders a world in which university professors are paid to pose such questions, at length.

43 **Booknotes** Swords, guns, and insurrections.

45 **Medianotes** Lament for a departed band, and a movie lamenting a departed singer.

46 **Notes on Contributors** This month's chart-toppers.

47 **Terra Incognita** Full of sound and fury, signifying something.

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Letters

Government Still Necessary

David Friedman's article "Do We Need Government?" (December) made a convincing case for the private production of law, enforcement and adjudication.

My one area of disagreement has to do with his ideas on defense against external states. Historically, the rudiments of a state arose with tribal chiefs or kings which were primarily military offices, based on the need for defense from external enemies. I believe that the most important factor justifying governmental provision is that only government can provide a uniform command and military strategy essential for an effective defense.

For example, during the Vietnam War, the United States pondered two different strategies. The Marines, under General Krulak, proposed a "spreading inkblot strategy" of small unit patrols defending the coastal villages. His idea was that by securing ever larger areas of populated territory, the North Vietnamese army would be denied food, supplies, and recruits from the villages and wither. The Army under General Westmoreland preferred the "search and destroy" strategy of leaving the populated areas to the South Vietnamese and actively engaging the NVA in the hinterlands in a conventional large unit war of attrition.

Note that these strategies were mutually exclusive; you could implement only one or the other. In the chain of command the decision was made at the top, by the president and secretary of defense. Westmoreland's strategy was adopted because it was thought that the Marine strategy would take too much time.

Whether that decision was right or wrong, it had to be made. That decision had to be enforceable with punitive sanctions for disobedience. Once a strategy has been decided upon, all personnel must adhere to the decision by military law.

Friedman correctly states that "10,000 separate companies of 100 men each do not an army make." I have no doubt that volunteers and funding would come forth in a free society, yet there is no reason to believe as he does that a small cadre could become a commanding structure without the crucial ability to enforce a preferred military strategy for all personnel. This is essential for an effective defense. Although most defense companies might contract with the cadre for a command structure, there is no anarcho-capitalist institution that can enforce compliance from each and every company.

Under a stateless society a strong minority viewpoint in a military made up of companies that were not compelled to adhere to a command structure could subvert any effective policy. Effective military action would prove to be unworkable and rights could not be protected. This is borne out by the fact that even the decentralized Indian warriors and guerrillas have always had a strong unified command structure in war with severe penalties for desertion or disobedience. No other defense strategy can be permitted once a decision is made, and that means a government is

Letters to the Editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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necessary to coordinate military forces with a enforceable command structure.

Imagine a rescue mission, where one military group wants to utilize a small covert team, while another wants a large frontal assault. If both were tried, each would endanger the other and the chances are that neither would succeed. The private production of military strategies would prove disastrous. To allow such a situation to develop would endanger the rights of all citizens. At least in this crucial area a government is needed.

Philip Dinanzio, Jr.
Yonkers, N.Y.

Taney Still Wrong

James Harrold, Sr. (Letters, November) opined that "if ever there was a case that upheld original intent," it was *Scott* v. *Sandford*, claiming that Chief Justice Taney was correct in ruling that the Supreme Court (as well as lower federal courts) lacked jurisdiction. This alleged lack of jurisdiction was based on Dred Scott's non-citizenship status as well as there being no federal slave laws involved, all laws pertaining to slavery being state laws, according to Mr. Harrold.

That is a flawed analysis based on much misinformation about the case, usually put forth by progressives who want to use this case as an example of why a strict constructionist view (as they see it) is no friend of liberty — a problem to be remedied, they believe, only by the concept of the "living Constitution." The amendment process is considered to be too slow, or even unnecessary. The Dred Scott decision is, in fact, a prime example of the "living Constitution" concept, from the Missouri Supreme Court to the United States Supreme Court.

Let's take a quick look at the two claims made by Mr. Harrold:

1) Citizenship. If one is to believe Roger Taney, no blacks could be citizens of the United States, or of any state for that matter, although colonial and post-Revolution American laws clearly said otherwise. Dred Scott scholar Donald Fehrenbacher pointed out in his classic work "The Dred Scott Case — Its Significance in American Law and Politics" that the "general tendency was to regard state citizenship as primary, with United States citizenship deriving from it."

Taney himself argued in the 1849 Passenger Cases that a citizen of a state was also a citizen of the United States. And Taney, in his pre-Supreme Court justice days, occasionally argued as an attorney in front of the Supreme Court in cases involving black litigants, without ever making the point that the cases ought to be dismissed because of lack of citizenship of the other party. Clearly Taney dropped that view later on when it was "time" for a "living Constitution" to say something it didn't, namely, that no blacks could be U.S. citizens or have any rights "that a white man is bound to respect."

2) Jurisdiction. The claim that the Supreme Court had no jurisdiction over the case doesn't hold up, either. Since Dred Scott and his wife were taken by their Army officer master to live in federal territory (present day Minnesota), existing federal laws regarding slavery came into play. The case involved a federal question per the Judiciary Act of 1789 (based on Scott's two-time residency on free territory at Fort Snelling). Because of that residency, "the Scott case clearly involved a right claimed under the federal Constitution, and the Supreme Court could not justifiably refuse to hear it on jurisdictional grounds" (Fehrenbacher, p. 261).

Justice Scott of the Missouri Supreme Court stated that "changed circumstances dictated the overthrow of precedent" and, as Fehrenbacher points out, "turned a legal explication into a political tract" (264). Taney and other Supreme Court justices had the same mindset, and rubberstamped this ruling while adding additional nonsense of their own.

Bob Tiernan
Portland, Ore.

R.W. Bradford, founder of this journal, died at his home in Port Townsend, Washington, on December 8, 2005, after a gallant battle against cancer. He was 58.

A future issue of Liberty will commemorate Bill's life. Here it is important to say that he was more than the founder of this journal; he was its brain and soul and vital energy. He envisioned Liberty as an independent journal, bound to no party, sect, or ideological tendency, constrained by no editorial line, and existing solely for the purpose of serving individual freedom by publishing the best libertarian writing that can be found.

To that purpose he adhered unswervingly throughout the nineteen years of his editorship.

To that purpose Liberty will continue to adhere, in the memory of a great man and in allegiance to the high principles to which he devoted his life.

Stephen Cox
Editor

At last. A scholarly journal dedicated to the study of Ayn Rand's thought and influence.

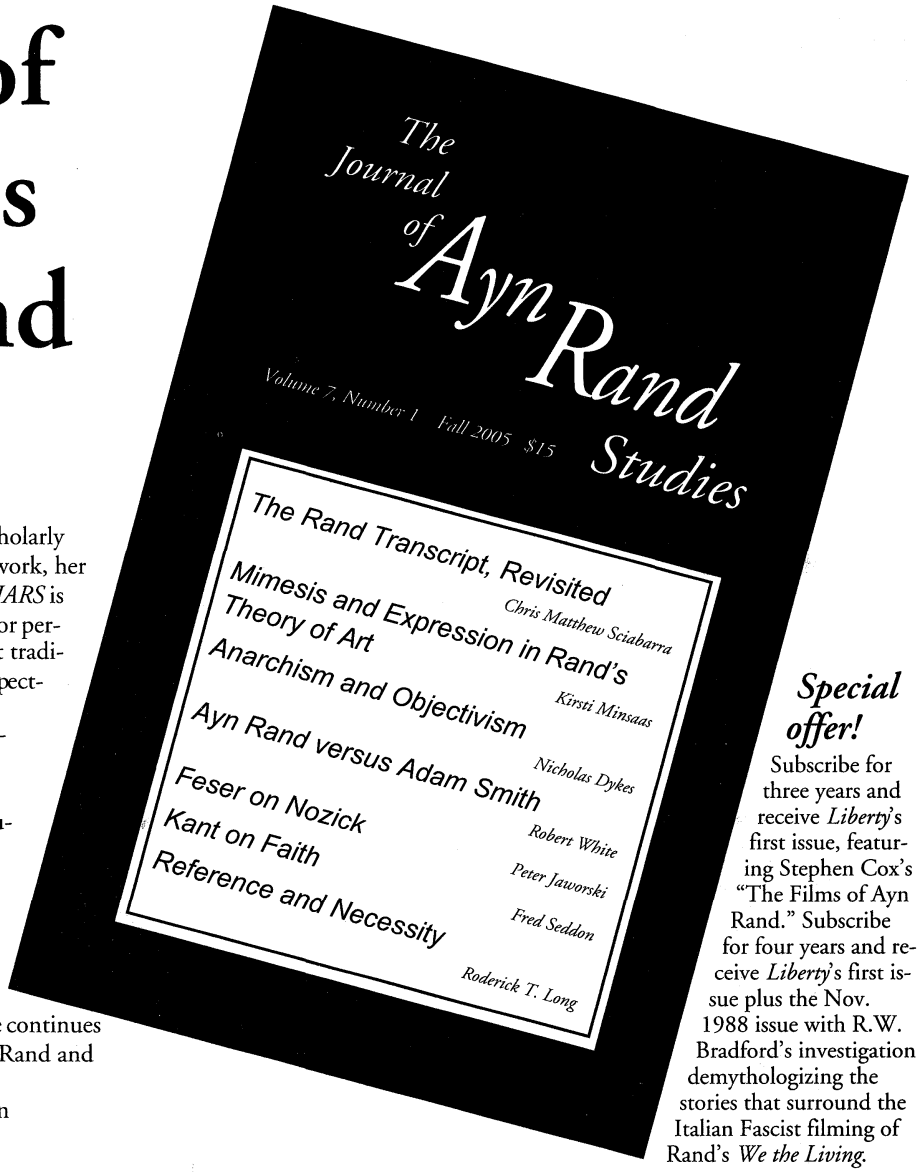

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Reflections

No good deed unpunished — Only 18 House Republicans voted against the reauthorization of the Patriot Act in December 2005, including two who had voted against the Iraq war resolution in 2002: Ron Paul of Texas and John Duncan of Tennessee. Another voting against the Patriot Act was Walter Jones of North Carolina, who has turned against the war.

It took boldness for this handful of Republicans to vote against their party, and some of them are now being challenged from within their own ranks. Jones has a primary opponent already: Greg Dority, who says he's running because Jones no longer backs the war. Ron Paul, the libertarian Republican who ran unopposed in the last election, is being challenged by Greg Roof, an economics professor at Alvin Community College, who notes that Paul does not support the war.

Paul also has a Democratic challenger, Shane Sklar — and a tough fight ahead, because the boundaries of his district have moved, and given him a more urban, and hence liberal, constituency. — Bruce Ramsey

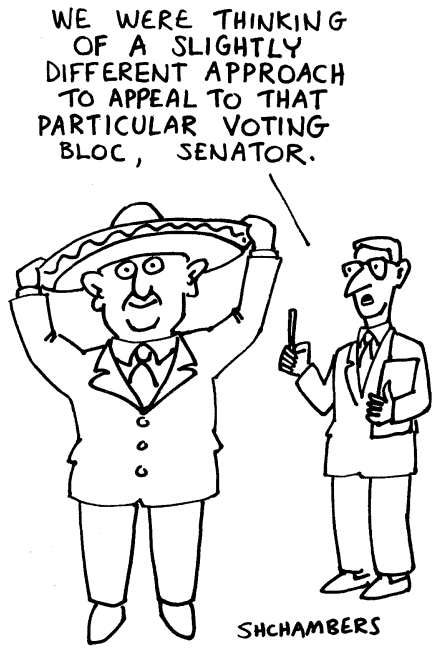

Now, the good news — Economies are booming in America and around the world. U.S. gross domestic product growth for the third quarter of 2005 was revised upward to over 4%, annualized. Productivity growth remains well over 4% annually. Much of the developed world is growing in the range of 2 to 3%. China, India, and other emerging industrial and developed countries are growing by as much as 6 to 10% per year.

More wealth is being created around the world than ever before. Gross world product is on track to double in the next 20 years.

The idea of free markets and free trade is prevailing. While many roadblocks and obstacles remain in the path toward a free society, progress is being made. Now is the time to continue to advance the libertarian agenda of deregulation, lower taxes, less government spending, and privatization of public services.

In the great economic prosperity we are now experiencing — greater prosperity than ever known before — new political possibilities will emerge. One thing the great libertarian thinkers and writers emphasize is that what was once politically impossible can become politically possible. Now is the time for new thinking and work on how to achieve the free society. — Lanny Ebenstein

This sickness unto death — Stanley "Tookie" Williams founded the Crips, a California street gang that, to put it mildly, has done a lot of bad stuff. He himself was sentenced to death and on December 13 was finally executed for the 1979 murders of four people. On death row, Williams became a cause celebre. He was nominated for the Nobel Peace Prize, and antideath penalty activists marched on his behalf, demanding that Gov. Schwarzenegger commute his sentence. Reporters noted that Tookie contemptuously rejected the traditional last meal offered by the state.

I couldn't help but contrast this with another death at the hands of the government in California.

Peter McWilliams didn't start a gang. In fact, he was a libertarian who deplored violence, including state violence.

He got in a heap of legal trouble for taking medicinal marijuana to continue his existence as a sufferer from a life-threatening disease. Few in the media rushed to his defense when the government raided his home and told him he couldn't take his medicine anymore, sentencing him to death without the benefit of the quarter-century of appeals that Tookie got.

I don't recall McWilliams being nominated for any Nobel prizes. And his last meal wasn't offered to him by the state. It was probably very small, and choked down in great discomfort. He vomited it up because he couldn't have his harmless, life-preserving antinausea medication, and he was too weak even to throw up right. He died alone, probably after several minutes of terrible suffering. But he died with honor.

Pardon me if the media's hand-wringing over Tookie makes me want to throw up, too. — Patrick Quealy

It's Taser time! — In Noblesville, Ind., a woman getting flu medicine from a corner store was accosted in the parking lot by two cops. They thought she was a drunk driver, and gave her roadside sobriety tests (which she

passed) and breath tests (which were inconclusive). They offered her a choice: take a blood test in the parking lot, or go to jail. She refused to make a choice until she could call her lawyer. When she pulled out her cell phone, the cops got agitated and held her over the hood of her car. Then they hit her with a Taser until she submitted — after one of them gloated, saying "That's it, Taser time!" You'll have to excuse his excitement; you see, he'd just been given the Taser and was obviously happy for the opportunity to try it out.

The department says that neither officer did anything wrong, except that it was "insensitive" to announce that it's "Taser time" — better to let flu-ridden citizens figure this out for themselves, once they're writhing on the ground, yelling "Oh my God!" Needless to say, neither cop will be disciplined, even though their squad car video (linked on the Indianapolis Star's website, see http://tinyurl.com/aoy8a) clearly shows them terrorizing a small, unarmed woman whose only resistance was trying to call her lawyer.

Neither cop will be disciplined, even though their squad car video clearly shows them terrorizing a small, unarmed woman whose only resistance was trying to call her lawyer.

That wasn't even the dumbest Taser incident in the past month. In Hamtramck, Mich., six-year veteran Ronald Dupuis was fired after using his Taser on his partner, Prema Graham. The two were headed back to HQ, and Dupuis wanted to stop for a soda. After Graham, who was driving, refused, Dupuis grabbed the wheel and tried to pull them into the store's parking lot. The two struggled — *with the vehicle still moving* — until Dupuis settled the argument with his Taser.

Every month brings more stupid Taser stories, and it's clear that many cops now think that "non-lethal weapon" means "toy." And why shouldn't they? Whenever they assault a civilian, they receive little if any punishment. As long as they don't jolt other cops, they're free to brandish their Tasers like street thugs flashing butterfly knives.

Enough, I say. If they're going to use their weapons in ways that would embarrass Barney Fife, they certainly shouldn't be considered more trustworthy than Mayberry's second finest. Give cops Taser batteries that only have enough juice for one shot, and make them carry the batteries in their shirt pockets. At least then they'll have to think for an extra second before shocking the hell out of some poor woman who only wanted some TheraFlu.

— Andrew Ferguson

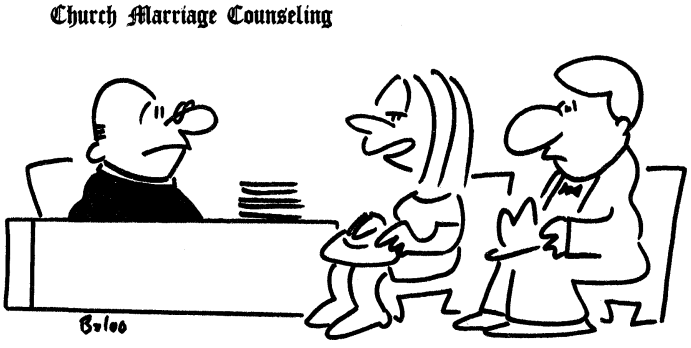

"He's slothful about his lust."

Spare the rod — I got to thinking about failed states recently, especially in Africa, what with the news that 12% of South Africans may be HIV positive, the massive debt relief negotiated by an Irish pop star, the continuing agony of Darfur, and brazen forays by Somali pirates.

For 50 or 60 years now, it seems as if a whole alphabet soup of governmental and nongovernmental charities (US AID, CARE, UNHCR and WHO) have been trying to wrest sub-Saharan Africa from the Four Horsemen of the Apocalypse.

In October 2001, we dropped a handful of Green Berets and a battalion of Army Rangers into Afghanistan. Two weeks later, bang, civilization returned. Granted, Kabul and Kandahar aren't yet likely to be mistaken for Beverly Hills or even Compton, but at least the police no longer whip you for shaving.

It makes me wonder if the governments of the poorest countries in the world might stand a little less hand-holding and a little more ass-kicking. — Brien Bartels

Bit by bit — Freedom is usually lost in steps, for individuals or entire nations. As Scottish philosopher David Hume observed, "It is seldom that liberty of any kind is lost all at once."

H.L. Mencken saw government gaining ground by way of scaring the bejeebers out of people. "The whole aim of practical politics," he explained, "is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary."

Sen. Rick Santorum (R-Pa.), for example, regularly sounds the warning bell about hobgoblins like Ellen DeGeneres, hoping that an alarmed populace will clamor for larger Republican majorities in order to provide a federal buttress for the allegedly endangered missionary position.

To Germans burdened by defeat in World War I and the associated reparations payments, Hitler offered Jews and communists as the hobgoblins who conspired to undermine the country's war effort. To a nation threatened by unemployment and hyperinflation, he offered the scapegoat of Jewish "exploiters" and the hobgoblin of "Jewish financiers."

In steps, for years, liberty in Germany was rolled back as the government expanded its edicts and regulations. On April 7, 1933, the Law for the Restoration of the Professional Civil Service was passed, banning Jews from government jobs. On April 22, 1933, the Law Against the Crowding of German Schools and Institutions of Higher Learning limited

the number of Jewish students by means of quotas: "In new admissions, care is to be taken that the number of Reich Germans who are of non-Aryan descent, out of the total attending each school and each faculty, does not exceed the proportion of non-Aryans within the Reich German population."

In May 1935, Jews were forbidden to join the German army. On Sept. 15, 1935, the Law for the Protection of German Blood and German Honor was adopted by unanimous vote in the Reichstag, decreeing the following. Section 1: "Marriages between Jews and nationals of German or kindred blood are forbidden." Section 2: "Relation outside marriage between Jews and nationals of German or kindred blood are forbidden." Section 3: "Jews will not be permitted to employ female nationals of German or kindred blood in their households." Section 4: "Jews are forbidden to hoist the Reich and national flag and to present the colors of the Reich. On the other hand, they are permitted to present the Jewish colors."

The final part of the law, Section 5, orders that a person acting contrary to Section 1 be "punished with hard labor" and orders that a person in violation of Section 2 be "punished with imprisonment or with hard labor," thereby providing an early flow of people to the Nazi labor camps, the forerunners of the extermination camps that would in due course produce the mass slaughter of millions.

In March 1936, Jews were banned from all professional jobs in Germany. On Sept. 30, 1936, it became unlawful for "Aryan" physicians to treat Jewish patients, a patient group that was already restricted in medical care by the fact that Jews were banned from becoming doctors.

Beginning in March 1938, government contracts in Germany could no longer be awarded to Jewish businesses. On November 9, 1938, Germany's Nazi leaders sent the SS on a rampage of destruction against the nation's Jews. With police and firemen standing idle, Jewish homes, cemeteries, hospitals, schools, and synagogues were looted and burned.

In steps, for years, liberty in Germany was rolled back as the government expanded its edicts and regulations.

In two days of government-directed mayhem, more than 1,000 synagogues were burned, dozens of Jews were murdered, and an estimated 7,000 Jewish businesses were trashed. The attack became known as Kristallnacht, the "Night of the Broken Glass," for the shattered windows of Jewish storefronts that covered the sidewalks and streets.

On November 11, an estimated 30,000 Jewish men in Germany were sent to concentration camps, Jewish children were expelled from the public schools, and the management of Jewish businesses was turned over to non-Jews.

And just to make sure that all went according to plan

News You May Have Missed

Unnamed Source: Secrecy Not a Problem

WASHINGTON — An unnamed Bush administration source, whispering over the phone from an undisclosed location, angrily rejected charges that the Bush White House has a secretive, conspiratorial operating style, as exemplified, according to critics, by the intrigue, duplicity, and innuendo surrounding the launching of the war in Iraq and the outing of CIA agent Valerie Plame. The official said that charges of excessive and deceptive secrecy are easily refuted by documents, only a few of which are forged, obtained by a clandestine, unofficial Defense Department intelligence-gathering operation, but unfortunately, he added, the records are sealed and he could not reveal their contents at the present time or any future time, and he vowed that the administration would fight any congressional inquiries and subpoenas aimed at making them public. He was backed by another unnamed White House source, who remarked, "The public has a right to know that it's better off not knowing what we know, and, more importantly, what we don't know, and we will make sure, in speeches given to carefully screened and vetted audiences from which members of the press are excluded, that we get that message out. That's the story in a nutshell," he concluded, passing an anonymous note contained in a nutshell to Washington Post editor Bob Woodward, who revealed that the official, whom he met in an undisclosed underground parking garage, was cleverly disguised as former New York Times staffer Judith Miller, herself often cleverly disguised in the past as a reporter.

Meanwhile President Bush sought to counter a December Newsweek cover story that said he was too isolated and depicted him trapped in a bubble. He told Brian Williams of NBC that the story was completely off base, admitting that he hadn't seen the issue or heard of the magazine, the name of which he apparently misunderstood. "Newsleak? Sounds pretty good to me," he said. "But I don't need to read any damn magazines or newspapers or other stuff because my staff tells me everything I need to know and they're doing one helluva job," the president claimed, adding that if there's any doubt in his mind about anything or about what he should do, "I get down on my knees and consult a higher authority, and usually Dick Cheney clears it up right away."

— Eric Kenning

without any significant detours, the Weapons Law of 1938 was passed. Stated Section 1: "Jews are prohibited from acquiring, possessing, and carrying firearms and ammunition, as well as truncheons or stabbing weapons. Those now possessing weapons and ammunition are at once to turn them over to the local police authority."

Long before the Third Reich, Thomas Jefferson warned of freedom being crushed, step by step, by an ever-expanding state. "The natural progress of things," he wrote in 1788, "is for liberty to yield and government to gain ground."

— Ralph R. Reiland

Still written by the winners — Each side in a political dispute settles on its own version of history. Each may see an event from the same media eyes, but what they remember will be determined by what they believe. I was reminded of that recently while listening to a local conservative on talk radio.

This was on the day after a man was shot at the Miami airport. The man had run down the aisle of an airplane shouting that he had a bomb. Sky marshals had yelled at him to get down, and when he reached into his bag instead, they had shot and killed him. Afterward it was found he had no bomb. The talk-show host related this story in a way that was sounding more and more familiar. The man was a perceived threat who turned out not to be an actual threat, but who was nonetheless dealt with through lethal preemptive force.

Well, the host said, wasn't it exactly the same as with Saddam Hussein? Saddam had been a perceived threat. Bush took him down. Like the bomb in the bag, Saddam's Weapons of Mass Destruction turned out not to be real, but Bush thought they were real, and acted. He was doing his job.

My problem was the history. The radio host said that in 2002 and 2003 Saddam Hussein was acting as if he had nuclear, biological or chemical weapons, and that "the whole world believed" he had them. I didn't remember it that way. I remembered Bush, Cheney, Rumsfeld, and Rice saying he had WMDs, and Saddam saying he didn't have them, and inviting inspectors to come and look for them. I remembered the inspector who went in, Hans Blix, saying he had looked and couldn't find any weapons of mass destruction, and asking Bush for time to look some more. And I remembered the previous inspector, Scott Ritter, saying that he had supervised the destruction of the chemical-weapons plants, and saying (in 2001) that he didn't believe Iraq had these weapons.

We remember different things. The talk-show host remembered that in the winter of 2002–2003 everyone thought Saddam Hussein had WMDs. I remembered the claim that he had them, the war party being challenged about that claim, and the war party falling back on the safer but weaker argument that Iraq had not accounted for the destruction of its WMDs. I remember the "accounted-for" argument immediately confusing weapons with paperwork about weapons, opening up the intriguing possibility that the United States would go to war over errors in accounting.

The talk-show host could not have had a discussion about it — at least not the sort of brief and to-the-point one in which he specializes. He and I didn't agree on a set of common facts. And there was nothing unusual in this. It happens all the time.

— Bruce Ramsey

Time, devourer of all things — One of the least noticed, let alone resisted, oppressions of contemporary life is the ruthless tyranny of time, our clock-police state. Everywhere Big Brother, in the form of alarm clocks, blinking digital displays, wristwatches, computer and radio proclamations, and timesheets, is watching us and giving us our marching orders, telling us what we had better do, if we know what's good for us, right this minute, and that means now. Time heals all wounds, except for the wounds time itself inflicts. We live too fast to notice we are living, eating our fast food, and consuming our instant messages and instant breakfasts, unaware that it is we who are being devoured.

The regime, ever more dictatorial and pervasive in its coerced acceleration of life, began quietly. Pocket watches came in during the 18th century, and in Swift's "Gulliver's Travels" the Lilliputians assume that Gulliver's watch is his god, because he consults it so often. Imagine, for a moment, the unhurried pre-modern world where no one knew what time it was most of the time, where time was measured in slow, stately rhythms, days and months and years and reigns and dynasties instead of minutes and seconds, kept by dawns and sundials and sunsets, by waxing and waning moons and slowly passing seasons, and after dark by town criers who customarily added "all is well." It was possible to enjoy what there was to be enjoyed. We are too conscious of time passing, even in our pleasures, to be really happy.

Being happy means that you have, for the moment, forgotten all about time. The more conscious you are of time passing, the clearer it is that you're bored or desperate or stressed. When life is really good, when conversation is

really good, when movies, plays, books, walks, and sex are really good, time always vanishes, leaving a taste of eternity. When they're bad you can hear the clock ticking. Hell is time the whole time and nothing but the time, like when you are lying in bed, unable to sleep, and you become a helpless appendage of the monotonous bedside clock that keeps you abreast of what you don't really want to know, that it's 4:07, 4:08, 4:09 a.m. Time is the enemy of calm. Serenity and freedom are places where time doesn't intrude, let alone rule. But even childhood, the last pocket of resistance, has become a mad dash through playdates and appointments and scheduled practices. Our whole culture has become like the two-minute drill in football, a battle against the clock, and whatever Pyrrhic victories are won, we can hardly savor them, because the struggle itself tends to defeat the purpose. Life is too short to be spent hurrying. We talk about killing time, but we don't take it literally enough. We need an assassin. What our culture has to do if some sense of individual freedom and leisurely civilized life is to survive is to figure out a way of overthrowing the tyrant. And we'd better get moving, we haven't got much time. — Eric Kenning

We talk about killing time, but we don't take it literally enough. We need an assassin.

Beggars can be choosers — California environmental groups and their allies in state government have imposed so many planning regulations that it is virtually impossible to build electric power plants in their state. As a result, according to The Wall Street Journal, California gets 25% of its power from other states.

Rather than humbly accept this gift, California's elites are exhibiting even more chutzpah (and imposing even more costs on their citizens). The latest demand is that any incoming electricity must come from a plant whose emissions of greenhouse gases are no higher than those of a natural-gas-fired utility. So, if the energy comes from a coal-fired plant, its emissions of carbon must be cut in half. About 20 coal-fueled plants are being planned around the West (none in California, of course), and this proposal could require the plant owners to remove carbon dioxide from the emissions and inject it into the ground — a technique that isn't available yet and might not be for a decade.

Is the California Energy Commission trying to bully other states? Not at all, says commission chairman Joseph Desmond. California just happens to be the biggest energy consumer in the West, and this is "an opportunity to shape what is built." — Jane S. Shaw

Bush vs. Patton — Administration figures are trying their hardest to fend off calls for a timetable for troop withdrawal:

• George W. Bush, November 2005: "Victory is the primary objective. We've sacrificed a lot. We've had, you know, some of the finest Americans die in Iraq, and one thing we're not going to do is let them die in vain."

• Dick Cheney, December 2005: "The only way the terrorists can win is if we lose our nerve and abandon our mission."

• Former Pentagon bureaucrat you've never heard of, November 2005: "This is a key battle ground in the War on Terrorism, and we've got to stay the course, and we've got to finish this job."

• Condoleezza Rice, December 2005: "If we withdraw now, we will be giving the terrorists exactly what they want."

Actually, by going into Iraq we have already given them exactly what they want: the opportunity to kill Americans by the Hummer-load. Also, because no one involved in the planning for Operation Iraqi Fiefdom allowed for the probability that more than 50% of Americans would start calling for the troops to come home after only three years, the no man's land dividing Red and Blue seems wider than it has seemed in 30 years.

For a strategic thinker like Osama bin Laden, or whatever Svengali holds him in thrall, the present situation is ideal. We're spending a lot of money we don't have, losing a bunch of troops, losing face in the world, and dividing our polity. And we cannot get out.

Practically, withdrawing from Iraq would probably result in chaos and the subsequent emergence of a terrorist-harboring failed state, an Afghanistan on the Euphrates. It would also mean abandoning those Iraqis who collaborated with us in the sincere hope of living in a free, sane, and prosperous society. Baghdad has many lampposts, and when our last helicopters take off from the Green Zone, we can expect our friends to dangle from them. (Well, the insincere collaborators — people like Ahmed Chalabi — would also twist slowly in the desert wind, but losing them would leave this world no poorer.)

In Iraq, we took the ground our enemies wanted us to have, and now we're letting them kill us.

But there are also other emotional reasons, the ones that Bush, Cheney, and Rice harp on daily: we must stay the course, we must protect America's image in the world, we must make sure our 2,000 war dead did not die in vain. Unfortunately for them, the cut-our-losses-and-run crowd (Rep. John Murtha, Sen. John Kerry, Michael Moore, the Screen Actors Guild, etc.) already hold the high ground when it comes to manipulating the emotions of the American public. It is doubtful our troops and engineers rebuilding the country will leave behind a stable republic, especially if the Republicans in Congress lose in '06 and '08.

Gen. George Patton had this to say about "cooperating" with the enemy in warfare, that is, getting him to cooperate

in his own destruction. "We'll let him have any ground he wants, as long as he lets us kill him." In Iraq, we took the ground our enemies wanted us to have, and now we're letting them kill us. — Brien Bartels

O, monstrous — It's conventional wisdom, for a very large number of unwise people, to claim Shakespeare was right when he wrote "The first thing we do, let's kill all the lawyers." The phrase appears approximately 94,200 times in a Google search, usually by people engaged in lawyer-bashing.

What these ignoramuses do not realize is that the line, from "King Henry VI," is uttered by a villain.

In the play, Cade, who plans to lead a rebellion, is making demagogic promises which are so illogical that they could only appeal to fools: "There shall be in England seven half-penny loaves sold for a penny; the three-hooped pot shall have ten hoops; and I shall make it a felony to drink small [weak] beer." In other words, he imagines that government can repeal the laws of economics.

"Dick the Butcher" — a fool and therefore an admirer of Cade — chimes in with the "let's kill all the lawyers" line.

Cade agrees, and then puts the campaign against lawyers in the context of hatred for literacy, as he complains "That parchment, being scribbl'd o'er, should undo a man." Cade also complains about being forced to live up to a contract which he had previously agreed to.

Then, a clerk (a prisoner of some of Cade's followers) is brought in. When Cade is told that the clerk "can read and write," Cade responds, "O, monstrous."

Thus, Shakespeare was mocking illiterate rabble-rousing "leaders." The rule of law — as the educated people of

Word Watch

by Stephen Cox

Woe is us! We live in a degenerate age. Nobody reads anymore; everybody just visits his favorite blogs. Nobody writes anymore either; everybody just sits at a computer, emitting emails.

How many times have you heard that? Well, it's not true, and even if it were, it wouldn't be as bad as it's made to appear — often by people diffusing such sentiments in emails, or posting them on their favorite blogs.

Believe it or not, people *are* still reading. Borders and Barnes & Noble aren't as successful as they are because Americans have stopped reading books and journals. Although many people use these places as surrogate churches, coffee houses, dating services, and public parks, I have actually seen people buying books in them. And the books aren't necessarily bad. We're going through a bad patch right now with novels, and a worse patch with poetry, but history, biography, natural history, and many other incitements to read are flourishing mightily, both in quantity and in quality.

And "reading" isn't confined to books, you know. When I read Emily Dickinson online, I am actually reading Emily Dickinson. The same goes for the Anglo-Saxon text of Beowulf or the Septuagint translation of the Hebrew Scriptures. And the same goes for current political discussion, which occurs in books and journals but also occurs online. The advantage of books and journals is that their texts tend to be much better considered, and their contents much more enduringly accessible, than the texts one sees on blogs or bulletin boards. They look, feel, and smell a lot better, too. But more real writing is going on now than ever before, and more writers have access to the tools of writing, because the new electronic media exist.

So what if people don't send letters anymore? They can write more messages, and write more urgent and responsive messages, if they write online. They can also write to an incomparably wider audience. A letter that you post on the Internet is still a letter, still a personal communication; but with luck it can become a letter written to millions.

I have visited blogs that are so horrible that, like the world's great poetry, they can never be evoked in any other terms than their own. Suffice it to say that I have visited blogs written by girls with screen names like Pixie, and guys with names that I don't like to repeat, even to myself. I have also visited blogs that publish articles and comments of great scholarly interest, great political insight, and great artistic merit. I have seen the way in which the web can organize spontaneous communities of intelligent individuals: not academics, not people who are paid to write, but people who want to write and who care about writing and whose writing has an immediacy and a capacity for development that one seldom sees anywhere else. (I wrote about some of these people in my article "The Truth Versus 'the Truth'" in the Sept.-October 2003 issue of Liberty, in an article that's *available online* at http://libertyunbound.com/archive/2003_10/cox-truth.html.)

I can't see that any of this destroys the market for books and journals, or furthers the process of literary debasement already so well begun by our public schools. Indeed, it demonstrates that even the public schools cannot completely kill people's hunger for intelligent and expressive writing.

I have to admit, of course, that the Internet has done some bad things to language. It promotes (as well as exposes) fads and frauds; it seldom reproves, even by example, the growth of subliterate locutions ("alot," "LOL"), and it positively encourages the habitual use of jargon that evokes its own ambience: "interface," "virtual," "flame," "firewall," etc. And, as we recently saw in the saga of the Bird and the Dominoes, it is a perfect agency by which vapid sentiments can institutionalize themselves.

In case you didn't hear the news that was all over the

Shakespeare's time well understood — was the greatest accomplishment of English civilization, and an essential restraint on the powers of the government.

Today, as in Shakespeare's time, persons who rail against lawyers and ignorantly repeat Dick the Butcher's foolish statement undermine the foundation of civilization. The alternative to lawyers and the rule of law is the rule of tyrants and knaves. — Dave Kopel

Congressional baggage — Once this issue of Liberty is sent off to the printer, I'll load a few days' worth of clothes into a wheeled suitcase, and a few days' worth of books into a backpack, and fly off to see family for Christmas. On recent flights I've noticed that most people are traveling as I do, with a suitcase and one other carry-on item: a messenger bag, or a purse, or a laptop case. Longer security lines mean longer waits at the airport, so many passengers are compensating by printing their boarding passes at home and skipping the checked-luggage line.

The Transportation Security Administration (TSA) is noticing too: baggage screeners are falling even further behind because they still have to rummage through all those bags for scissors and small tools. In testimony before the Senate Commerce Committee, Homeland Security underling Edmund Hawley said, "It's not about scissors, it's about bombs. Sorting through thousands of bags a day at two or three minutes apiece . . . does not help security. It hurts it." His solution? Let passengers carry them on board. Let screeners worry about the stuff that's actually capable of bringing down a plane.

Makes perfect sense — unless you're a senator. Committee chairman Ted Stevens (who seems to have a bet with Rep. Don Young and Sen. Lisa Murkowski to see which of them can embarrass Alaska most) found that logic "difficult to follow." Seems to him that it would be easier for everyone just to take one item onto a plane. Voila! Instantly, scanning time is cut in half.

Evidently others on Capitol Hill find simple cost-benefit analysis difficult to follow. A few House Democrats have sponsored a bill that would prohibit the TSA from removing anything from the "banned items" list. Of course, they would still be allowed to add new items. In the Senate, Hillary Clinton introduced a companion bill, which Stevens has offered to cosponsor — as long as it includes a provision to limit passengers to one carry-on bag.

Stevens and his colleagues are about to shoot down the only good idea the TSA has ever had, and somehow they've figured out a way to make air travel even more inconvenient in the process. Merry Christmas, from Congress to you.

— Andrew Ferguson

Pyramid, Ponzi, pension — A December 16 headline on MSNBC: "GM to stop paying into some workers' 401(k)s: Auto giant tells white-collar workers it will suspend matching contributions." The article continues, "The company . . . said that white-collar severance packages will limit payments to one month's base salary for each year of work up to 15 months." GM seems to be preparing the ground for massive but less expensive layoffs in the near future. Meanwhile, the Pension Reform Bill has been passed by the House and is wending its way toward enactment. Bush clearly wants to be seen as bolstering pension security for the approximately 44 million American workers and retirees who are hooked into that system.

I've tried to read the Reform Bill and — in its current incarnation — it seems to be a combination of getting tough (with car makers), cutting favors (with airlines), and making taxpayers liable (with the Pension Benefit Guaranty Corporation, the Fed's insurance fund, still picking up pensions upon a company's bankruptcy). But I can't work up enough enthusiasm to sift all the way through the bill and its implications. For one thing, key provisions are still under debate. Also, I don't think a law is going to prevent the coming pension collapse, which will be led by the auto companies; economic factors, including world trade, will play out and that will be that.

Meanwhile, pensions have become a scam: people with-

Internet, some company in Holland decided to beat the Guinness World's Record for the number of dominoes set off in a single chain reaction. So far, the story was appropriate to the world of print media. The placement of the four million dominoes was reported by newspapers; their successful flattening would be noted by one of the world's best-selling books. It was the advent of the sparrow that ushered the project into the domain of electronic writing.

A common house sparrow, a creature that is environmentally protected in the Netherlands because there are "only" one million nesting pairs of them, got into the room with the dominoes and, flitting about, succeeded in upsetting 23,000 of them. Before this demolition could go any farther, the sponsors of the event called in a guy with an air rifle, and he killed the bird. Big deal, right? Well, it's not a big deal to 99%, or more, of the world's population, but the remaining 1% can start looking really important when they all get on the Internet and start complaining. And that's what they did.

The bird had metamorphosed into Princess Di.

The result was that the sponsors of the event expressed their grief and consternation, television broadcasters provided a "commemoration" of the bird's demise, and a website was created on which people could record, I suppose for the benefit of remote generations, their own expressions of grief. Thousands of people did. The bird, in short, had metamorphosed into Princess Di.

This electronic monument to the death of a sparrow was a disturbing new feature of the European cultural landscape. Given the worldwide reach of the Internet, there is always the possibility that this kind of thing can spread to America. If it does, however, we are well prepared to meet the threat. The Internet is a great medium of nonsense, but it is also a great medium of satire.

out them are forced to pay for those who have them through the imposition of taxes and tariffs that make goods far more expensive than necessary. Thug-like unions still grip key industries which negotiated away their futures for short-term gains in the '60s and '70s; they entered labor and pension deals that are virtually impossible to honor. And even though I feel sorry for the little guy and gal caught up in the expanding pension bubble, I don't feel so sorry as to shift responsibility for their own economic well-being and choices onto the shoulders of a new generation . . . or onto anyone else.

— Wendy McElroy

Cicero and the Crimson Tide — "*O tempora, o mores,*" lamented a Roman kibitzer named Cicero about two millennia ago. Oh the times, oh the customs! He thought the "civilized" world was standing on its head.

I wonder if Cicero went to the games at the Colosseum. Wonder if he followed sports. I wonder what he'd say about Mike Shula and college sports today.

Mike Shula is the well-spoken, seemingly intelligent young man who coaches the University of Alabama football team. I say he's well-spoken because I note that his vocabulary is adequate and totally devoid of crudities. I have only his sound bites to evaluate, but at least he doesn't educate "his kids" with clever aphorisms such as "We gonna beat their butt" when talking about next week's opponents. (So spake the Mississippi State coach. Turns out that he was a better prognosticator than advertisement for a university education.)

I like Mike Shula, don't get me wrong. My problem is with his employer, the University of Alabama, who, rumor has it, yearns to give him a 5-year contract at $1.4 million a year. Let me correct the above statement; the coach's employer is me — Joe Taxpayer.

The university acts as a proxy in my dealings with Coach Shula. But I don't want to pay a football coach 1.4 mil, especially when the university president is taking home less than half that amount.

What's amazing here is that the prez, Dr. Robert Witt, concurs with this extravagance. Of course, it's my money, not his. And it could be that the good doctor feels that such generosity will eventually inflate his own paycheck.

Compared to carpentry, accounting, and engineering, coaching is a plum. Football is a game, not a science. Coaching a children's game has a Peter Pan aura about it, allowing my employee, Mr. Shula, to remain ever childlike and playful, enjoying plenty of the big, fresh, hearty outdoors. There's no great brain strain — as there might be if he were working, say, in the university physics department. And there are perks like sweatshirts and jerseys and free tickets to games and maybe a pair of Nikes now and then.

But one and four-tenths million dollars! That would probably buy you eight or nine really good economics professors who could think up a dozen reasons why an educational institution shouldn't be in a game that calls for a $1.4 million coach.

Don Corleone says to his lieutenants in "The Godfather": "Boys, we're bigger than General Motors." He could have said the same about this game we call college football. And Cicero would have muttered "*incredibilis*" under his breath.

— Ted Roberts

Grave accent — On a hillside in the midst of the giant Crown Hill Cemetery on the north side of Indianapolis, surrounded by nondescript foliage, not facing the road, dwarfed by the lofty monuments that line the crest of the hill above it, you will find a squat grey stone, about the size of a large chest of drawers. It marks the burial place of Benjamin Harrison, 23rd president of the United States. If you're passing through Indianapolis, as I recently was, you ought to go and see it.

I have visited 16 or 17 presidential grave sites. The monuments range from Woodrow Wilson's block of marble in the National Cathedral to the enormous pseudo-medieval tower, the largest of all presidential tombs, that rises in Lakeview Cemetery, Cleveland, dedicated to the memory of the martyred James A. Garfield. Most of them, however, are modest, village-graveyard memorials. The contrast with the trappings of the modern imperial presidency is emphatic. To watch a presidential interview and visit a presidential grave on the same day makes you feel like an ancient Roman, seeing the republic pass and the Caesars come to power.

Harrison wasn't much of a president, but he must have had some sensible friends. They didn't overplay their hand. The most prominent inscription on his monument, outside of his name, describes him merely as a "Lawyer and Publicist." Only later does the word "President" appear, as one item in the list of jobs that Harrison held. The short eulogy carved on the tomb begins with the words "Statesman, yet friend to truth." Somebody recognized that truth was ordinarily a

continued on page 22

Travel

From the USSR to the EU

by Doug Casey

The Balkan countries are modern enough to join the European Union — and foolish enough to want to.

My first trip to Bulgaria was in January of 1967 when, with two other penniless hippies, I alighted from the train in Sofia at about 4 a.m. Even to this day I don't remember being colder in my life than when I landed. Not that leaving the Orient Express meant leaving a pleasure dome; we had been riding in back, sitting on the floor with some Gypsies, who had brought along some sheep to help us keep warm.

Why, you might ask, would I want to return to such an obscure country? I might answer rhetorically: "Why not?" I've long believed, after all, that no matter where you go, there you are.

A more direct answer is that I was invited by my old friends Richard Harteis and William Meredith. Meredith is Poet Laureate Emeritus of the United States; Harteis also is a well-known poet and author. Both men were given Bulgarian citizenship some years ago in recognition of their achievements. Poetry is a surprisingly big thing in Bulgaria, and the boys were happy to introduce me to everyone from the president on down. On every level, in every market, the buzz was about Bulgaria's anticipated entry into the European Union in 2007.

European Union?

All the relatively backward countries of Eastern Europe want to join the EU, believing it will somehow guarantee prosperity. Everyone sees the advantages of membership, which boil down to more freedom to travel and work within the EU and an easier flow of goods across borders. It's true that their workers would be able to double or triple their wages by transplanting to the West. And it's true that it would become easier to export goods to other EU countries. These are excellent things. But they're offset by a long list of EU follies.

What these countries aren't considering is the extra costs that Brussels will impose with its regime of hyper-regulation. Rich countries can better afford sterile rule-making and other waste than poor ones can. And the Europeans are forgetting that they're not just competing with one another, but with the rest of the world (read: China and India). Bonding to your neighbors in a blanket of political Gunite is a disadvantage, not an advantage, in a competitive world.

My guess is that the EU itself won't last. To see why, look at its stated purposes: 1. Prevent wars by subverting nationalism and replacing it with transnationalism; 2. Promote prosperity and interdependence by lowering trade barriers. The EU will be a disaster on both counts.

After a century of war driven by nationalism, Europeans were eager to try anything to avoid more slaughter. One idea they bought was that citizens of a transnational union would forget that they're French, German, Lithuanian, or one of 25 other nationalities. The effect of union, however, is precisely the opposite. As you force people into a political cage where some groups are being subsidized by others, they become more sensitive to what their group is giving and getting, they feel greater solidarity with those who share their culture and history, and they get daily practice at blaming other groups for their disappointments. They become, in a word, more nationalistic.

As for promoting prosperity, the way to enhance the pay-

off from trade and travel (this will come as a shock to the politically oriented) is to eliminate taxes and regulations — and to do so unilaterally. When a government imposes duties, quotas, and other restrictions on foreigners who want to sell, it places those same burdens on its own citizens who want to buy. In effect, the government enforces a trade embargo against its own country. Why do governments do this? Usually to enrich some favored constituency (at the expense of everyone else), or to punish some other country, or just to look busy.

A government that wants to escape its self-embargo doesn't need to negotiate with anyone. It can cure the problem easily on its own. Requiring a treaty or a political merger to reduce tariffs and quotas is like waiting for permission to stop beating your head against a wall. As an aid to prosperity, then, the EU is a clumsy and unnecessary device at best. Add in its extra layers of taxes and regulation, and it's actually counterproductive.

It wasn't so long ago that everyone just assumed Europe was going to unite into something like a bigger, modern-day Roman Empire. People seemed to think this somehow would make Europe stronger. But does Krazy-Gluing together dozens of disparate countries, with conflicting interests and cultures, make for a stronger whole? No more than attaching to the Chinese government helped Hong Kong. What made Hong Kong great was its freedom; now it's just another city in China. Uniting disparate cultures only makes them stronger for one thing: waging war, whether it's a battle against an enemy outside the union, or a conflict exploiting the revitalized nationalism inside.

The idea that Europe is stronger because it's united is yet another idiotic notion from popular journalists like Thomas Friedman. He applauds union, and everyone claps along because he's a widely read celebrity. (His record is unblemished. Everything he's ever written, at least that I've read, is idiotic — but very stylishly done. Always confused, but always elegant.) Still, almost everyone supports the idea of union. But what is a union of disparate cultures under one government? An empire. And empires, more than other political structures, require centralized control — at the inevitable expense and with the inevitable resentment of the controlled. In the modern world, they're inherently unstable.

In fact, as information technology improves and allows more decentralization, and as wealth increases and the nastiest weapons become affordable for even small countries, there are likely to be more independent political entities, not fewer. Iraq, for example, is breaking into at least three states. And Chechnya is just one of a number of countries that will eventually separate from Russia. Scotland, Wales, and Northern Ireland could yet leave the United Kingdom. Spain and France still have breakaway movements in their provinces. I sincerely doubt that U.S. borders 100 years from now will much resemble today's. Separation, not union, is the megatrend.

Fortunately, the EU empire may never get the chance to coalesce, because the French and Dutch voted against ratifying the EU constitution — a fat, laughable hodgepodge of collectivist sentiments destined for the garbage heap of history. Rather than being a brief, easily read document that sets out how the government operates and what it can and can't do, the EU constitution runs 300 pages. No, I haven't read it. And I doubt there are a thousand Europeans outside government who have. But any political document put together by a huge committee drawn from vastly differing cultures can't help but be a tangle of incomprehensibilities and contradictions.

Doubts about the fate of the EU carry over to the euro. Notwithstanding its recent strength against the dollar, the euro will eventually reach its intrinsic value. Its holders will find that if the U.S. dollar is an "IOU Nothing" issued by a bankrupt government, the euro is a "Who Owes You Nothing."

Before the EU, every European government was accustomed to supplementing its revenues by creating currency out of thin air. With a transnational central bank in charge of the euro, this luxury is no longer available to these governments individually. Eventually one country will withdraw from the EU because of an ostensible need to control its own economy (i.e., defraud its own subjects through currency inflation). Then another will withdraw and reestablish its own currency, and another, and another. Who will be left holding all the euros? The same people who lose at Old Maid.

The EU is a marriage of convenience between people who will find they have very little in common except some mistaken economic and political theories. If I were the Bulgarians, or anybody else, I wouldn't join.

Of course, when I met with the president of Bulgaria, the question of his country joining the EU was only one of several we saw differently.

Me and the President

One of my hobbies is approaching government leaders with a radical, common-sense plan to liberate their econo-

mies. I never expect the plan to be accepted, but tales of the reactions I get from heads of state make for fun cocktail chatter.

I didn't have particularly high hopes in Bulgaria because, despite President Georgi Purvanov's youth (he's only in his forties), he impressed me as rather humorless. Europeans generally place a big premium on being "serious." And any idea or building less than a hundred years old risks being dismissed as "not serious" — which may be why so many Europeans seem as old as serious buildings. Of course this presented a problem for your correspondent, because I'm notorious for taking very, very few things seriously. I felt I'd already made a concession to seriousness by not wearing my Bart Simpson tie.

Does Krazy-Gluing together dozens of disparate countries, with conflicting interests and cultures, make for a stronger whole?

As you probably suspect, there's not much to tell about our meeting. I didn't even get thrown out. After the usual pleasantries, we turned from blah-blah to business.

I asked, "Have you been to Dubai?"

"Yes."

"How did you like it?"

"It's not a direction in which Bulgaria wishes to go."

The Prez appeared to have read my brochure on the topic and harbored some philosophical disagreements with me on the nature of Man and the State.

Then Mr. President said Bulgaria should have a "strong, effective, and working" government. Since I don't believe in government as an institution, we certainly couldn't agree on the necessity of a strong one. Since I think government is only rarely effective at anything worthwhile, that point was out. And since I don't believe government works, that left us three for three.

Philosophy aside, Purvanov's bias against change is understandable. Why should he rock the boat, and perhaps break a few rice bowls, by making the place more like Hong Kong or Dubai, however smart that might be? Stocks and property both have gone through the roof, and the conventional wisdom is that things can only get better. And that view, I believe, has merit: almost all the old Soviet bloc countries, including Bulgaria, have gone to a flat tax, ranging from just 13% in Russia, to about 33% in Lithuania. This is a big draw for many reasons. Now if only those governments would discard their VATs, which average around 20%, they'd be off to the races.

A Slice of Life

My experience in Bulgaria was overwhelmingly favorable because the circles I moved in were sophisticated — writers, artists, poets, businessmen, and ex-nomenklatura. Many evenings we'd stay up until all hours drinking, smoking cigars, and talking philosophy. But, truth be told, that's pretty much my experience everywhere, unless I've hopped a westbound freight with my hobo friends. A rootless cosmopolitan can easily delude himself that the world is a better place than it actually is, because he's surrounded with others like himself. It's easy to forget that the denizens of trailer parks in the boonies greatly outnumber owners of penthouses in the city.

So let me relate a bit of local color, to convey a more rounded view of the Balkans. You don't get the essence of a place by reading stuff published by the International Monetary Fund or by breathless travel mags.

While I was in Bulgaria, a cruel but rather comical scandal was unfolding in Romania, just across the Danube, involving a young orthodox priest. The Romanian Orthodox Church is still fairly strong throughout Eastern Europe and rabidly popular among hoi polloi, who still believe Dracula lurks in the mountains of Transylvania. This viewpoint is pretty much universal in that region.

Anyway, it seems a 29-year-old priest crucified a 23-year-old nun, in the presence of several other nuns, on the ground that she was possessed by the devil. Press reports indicate that the young woman was bound hand and foot and denied food and water for several days before her ritual execution. It's a nice touch that the bearded young priest who crucified her also said a mass for her soul afterward, saying, "God has performed a miracle for her. Finally Irina is delivered from evil." The serious young priest was further quoted as saying, after the mass, "Over there, in your world, the people must know that the devil exists. Personally I can find his work in the gestures and speech of possessed people, because man is often weak and lets himself be easily manipulated by the forces of evil. I don't understand why journalists are making such a fuss about this. Exorcism is a common practice in the heart of the Romanian Orthodox church, and my methods are not at all unknown to other priests."

It's going to take a while to overcome some of these cultural artifacts. And it's the culture, more than the lack of roads, electricity, and plumbing, that will keep Eastern Europe lagging behind the French Riviera, where therapeutic crucifixion is rare. □

"How about *arbitration*?"

Why Do Houses Cost So Much?

by Randal O'Toole

For decades, planners have worked at raising the price of housing. When prices go down, they may take the rest of the economy with them.

Housing prices have soared in most of the developed world over the past five years. Increased spending on homes and spending out of loans against the increased equity in homes have kept the world economy afloat despite slow growth in Europe, stagnation in Japan, and the dot-com and telecommunications crashes in the United States.

But the increased prices have also brought speculators into housing markets, creating numerous housing bubbles. When these bubbles deflate, it could result in a deep recession. "The whole world economy is at risk," claims The Economist, which estimates that "two-thirds (by economic weight) of the world . . . has a potential housing bubble."[1] "It is not going to be pretty," concludes the magazine-that-calls-itself-a-newspaper.[2]

If this happens, you can blame urban planners for creating the bubbles. Throughout the United States and much of the rest of the developed world, home prices are rising fastest where planners have imposed rules aimed at slowing or controlling growth. Planners call this *growth management*, of which *smart growth* is a recent variation. By preventing homebuilders from meeting the local demand for housing, growth management leads to sharply increased housing prices. This in turn attracts speculators who have shied away from the stock market. As a result, housing prices in many areas have risen far above the true value of the homes.

Though they pay lip service to "affordable housing," many planners actually welcome the run-up in land and housing costs that results from growth management. Smart-growth planners believe that more people should live in multifamily housing or in single-family homes on tiny lots. Large lots, they say, waste land and lead people to drive too much. High land prices encourage smaller lots and high housing prices encourage multifamily housing.

Planners count on the support of existing homeowners who see their house prices and apparent wealth dramatically increase. Homeowners could take advantage of their windfalls through home equity loans. But the real wealth gain is illusory because a family often cannot afford to sell a home and buy another unless they are moving to a region that does not have such rules. Moreover, planners fail to take into account the fact that their policies make housing prices more volatile — i.e., more subject to downward as well as upward swings. As a recent economic analysis of the housing market in Great Britain concludes, "By ignoring the role of supply in determining house prices, planners have created a system that has led not only to higher house prices but also to a highly volatile housing market."[3]

The effect a deflating housing bubble can have on an economy can be seen in Japan, which (at least since World War II) has strictly regulated land use to prevent urban encroachments on agricultural lands. The result was such a huge property bubble that downtown Tokyo was at one time supposedly worth more than all the private real estate in the United States. The bubble burst in 1991 and home values have since fallen to less than half their 1990 peak.[4] Since then, there have been 15 years of stagnation.

Imagine that you make a 25% down payment on a $400,000 house. But then home prices start falling. You try to wait it out, but when your house value falls to $200,000, you still owe $300,000. If someone offers you a higher paying job in another part of the country, you can't accept because you can't afford the $100,000 it would cost to sell your house. You can declare bankruptcy, but that just passes the problem onto someone else. When this happens to enough people, the result is a drastic slowdown of the economy.

Like Japan, most European countries have had strict land-use controls since World War II. The result is housing that is less affordable and prices that are more volatile than in the United States. This is one of the reasons Europe's economy has fallen so far behind the United States' in the last decade or so. No communities in the United States attempted to control or manage growth before 1970.

According to the 1970 Census, housing in 1969 was affordable everywhere in the United States except Hawaii and parts of the greater New York metropolitan area. The decennial census estimates the previous year's home prices and family incomes. Dividing median home values by median family income produces the price-to-income ratio, a useful measure of affordability. At a price-to-income ratio of 2, a family dedicating 25% of its income to a 5.5% mortgage would pay it off in eleven years, which is affordable. If the ratio climbs to 3, the period would be a marginally affordable 22 years, while at 4 it would be an unaffordable — because no lender will loan for that long — 55 years. In 1969, price-to-income ratios in Honolulu, which has very limited amounts of private land available for development, were just over 3, while they ranged from 2.4 to 3.1 in various parts of the New York area.

Throughout the United States and much of the rest of the developed world, home prices are rising fastest where planners have imposed rules aimed at slowing or controlling growth.

Today, residents of the San Francisco Bay Area are used to million-dollar ranch houses, half-million dollar condos, and, in general, some of the most unaffordable housing in the country. But in 1969, San Francisco and other California regions such as San Jose, San Diego, and Santa Barbara all had affordable price-to-income ratios of less than 2.3, which is less than the national average today. Nationwide in 1969, the average price-to-income ratio at less than 1.8 made homes very affordable.

By the year 2000, the average price-to-income ratio had pushed up to 2.2. Affordable housing could still be found in many fast-growing regions whose price-to-income ratios were less than 2. But the average was pushed up by a large increase in the ratios in a number of regions, most importantly in California, Massachusetts, Oregon, and Washington. By 2004, says the Census Bureau, the national average price-to-income ratio was 2.8, again mainly due to increases in those regions along with Florida and other states on the East Coast.

Liberal economist Paul Krugman divides the country into what he calls the "Zoned Zone," where "land-use restrictions" make it "hard to build new houses," and what he calls "Flatland," the parts of the country that may have zoning but do not have aggressive growth-management planning. Krugman observes that prices are rapidly increasing in the Zoned Zone but remain very affordable in Flatland. Moreover, a close look at price-to-income ratios and other home price indices over time shows that increases in various regions correlate closely with the imposition of land-use controls.

Planners fail to take into account the fact that their policies make housing prices more volatile — more subject to downward as well as upward swings.

When confronted with the unaffordable housing that results from their work, planners place the blame on growing demand. They even seem to take high housing prices as evidence that their growth limits are making regions more livable and thus more in demand as places to live. The reality is that housing is what economists call an inelastic good, meaning that small restrictions on supply can lead to large increases in price. Quite simply, people need a place to live and will pay what it takes to live there. Because of jobs, family, and other ties, few people are willing to move to another region where housing is more affordable.

Homebuilders are able to meet the demand for new housing, even in rapidly growing areas, unless something stands in their way. During the 1990s, the Atlanta, Dallas, Houston, and Phoenix urban areas were among the fastest-developing in America, all growing by 900,000 people or more. Houston has no zoning at all, and while the other cities have zoning, it is aimed strictly at protecting the status quo in existing neighborhoods, not at controlling new development. Homebuilders easily kept up with demand, and housing prices in these regions grew by about 3–4% per year, or slightly faster than the rate of inflation. By comparison, an urban-growth boundary, design codes, and other development restrictions caused home prices in slower-growing Portland, Ore. to increase faster than 7% per year in the 1990s.

American-style growth-management planning got its start in Ramapo, N. Y. In 1970, the city approved an "adequate public facilities" ordinance, saying that it would approve new developments only when all the capital improvements needed for these developments were fully financed.[5] Two years later, Petaluma, Calif. passed an ordinance allowing no more than 500 new residential building

permits per year.[6] Boulder, Colo. soon followed with an ordinance restricting annual building permits to a fixed percentage of the number of existing dwellings in the city. Boulder was also the first city in the United States to pass a tax dedicated to open space preservation, and the city and county of Boulder have since purchased a greenbelt around the city that is several times the land area of the city itself.[7]

Petaluma and Boulder set out to slow growth, but other growth-management policies claimed to seek only to control where growth would take place. In 1974, the city of San Jose and Santa Clara County agreed to draw an urban-growth boundary outside of which development could not take place. Inside the boundary growth could continue unabated, but growth outside would be strictly limited. East of San Jose are tens of thousands of acres of marginal agricultural land, and the growth boundary effectively placed these lands off limits to development. Since most other communities in the San Jose urban area are landlocked by San Jose or other cities, this boundary effectively constrained the entire San Jose urban area.

Taking after Ramapo, San Jose said it would add land to the growth boundary when financing could be assured for the urban services needed for new developments. But in 1978, California voters passed Proposition 13, which strictly limited the property taxes cities could collect for urban services. This made California cities dependent on sales taxes and therefore reluctant to devote more land to residential areas. As a result, San Jose has never expanded its urban-growth boundary.

Even before Proposition 13, cities throughout the San Francisco Bay Area had approved a variety of growth-management policies, including growth boundaries, density limits, and purchases of land for open space. While growth-management planning is supposedly aimed at protecting environmental quality, it is exceedingly vulnerable to manipulation by not-in-my-backyard (NIMBY) advocates whose hidden goal is to boost their property values by limiting the supply of housing for others. As MIT planning professor Bernard Frieden notes in his 1979 book, "The Environmental Protection Hustle," one important limit to growth was a public involvement process that made it so easy for people to challenge proposed developments that "even a lone boy scout doing an ecology project was able to bring construction to a halt on a 200-unit condominium project."[8]

Downtown Tokyo at one time supposedly was worth more than all the private real estate in the United States.

Berkeley planning professor David Dowall's 1984 book, "The Suburban Squeeze," points out that people living in a neighborhood of $200,000 homes fear that an adjacent development of $100,000 homes will bring down their property values, but they will welcome a development of $300,000 homes. When NIMBYs object to plans, developers respond by eliminating readily affordable housing and proposing to build only expensive houses. For example, one proposal to build 2,200 homes selling for $25,000 to $35,000 on 685 acres in Oakland was, due to public opposition, scaled back to a mere 150 homes that would sell for $175,000 to $200,000.[9]

Federal, state, county, city, and regional governments were able to tie up a huge amount of potential residential land in the Bay Area as open space. According to Dowall, by 1984 "over 15 percent of the region's total land supply [was] in permanent open space controlled by" various government agencies.[10] Ostensibly this was for environmental protection, but the hilltops that were reserved tended to have the lowest values for fisheries, wildlife, and streams. The main effect of such reservations was a significant boost of land prices throughout the region.

Proposition 13 spurred city governments to go farther than ever before in beggar-thy-neighbor efforts to force residential developments into adjacent cities while capturing retail developments, and the sales taxes they generated, for themselves. As one city put up barriers to growth, that growth would spill over into nearby cities, leading them to erect their own barriers. "Santa Clara County cities have become extremely combative," observed Dowall, "fighting back with a variety of growth-restricting mechanisms that have made each community a 'tight little island.'"[11]

When confronted with the unaffordable housing that results from their work, planners place the blame on growing demand.

As a result of these policies, California was the first state to suffer planner-induced housing bubbles. By the 1980 census, price-to-income ratios in many California regions, including Los Angeles, San Diego, San Francisco, and San Jose, ranged from 4 to 4.5, and Santa Barbara was a staggering 4.8. California was also the first state to suffer the bursting of a housing bubble: between 1989 and 1994, housing prices in most of these regions fell from 15–25%. Fortunately, other parts of the United States thrived, so the nation as a whole did not suffer a severe depression.

Meanwhile, Massachusetts set out to protect farmland from urban sprawl by using easements to create greenbelts around Boston and other cities, leading to significant declines in affordability. Oregon and Florida also passed growth-management laws in the 1970s, requiring all cities to have urban-growth boundaries, but these laws did not take effect until near the end of the decade. A recession in the early part of the 1980s kept Oregon housing prices low as the state actually lost population in 1982 and 1983. Most Florida communities treated urban-growth boundaries with generous flexibility, so housing in that state remained affordable until 2000 or so.

In 1993, Oregon had recovered and was growing rapidly. All the lands inside urban-growth boundaries in Oregon cov-

ered just 1.25% of the state, yet planners somehow convinced people that stricter rules were needed to preserve farms and open space. Homebuilders asked the legislature to force planners to keep an early promise to expand urban-growth boundaries to insure a 20-year land supply, but planners convinced the legislature to allow them to accommodate growth by rezoning existing neighborhoods to higher densities.

Many neighborhoods of single-family homes were therefore rezoned to multifamily standards. While past zoning had specified maximum densities — so that homes could be built on half-acre lots in an area zoned for quarter-acre minimum lot sizes — the new regime was minimum-density zoning, requiring that all development be at least 80% of the maximum density allowed by the zone. In some cases, this meant that if people's homes burned down, they would be required to replace them with apartments.

In San Francisco, it was so easy for people to challenge proposed developments that a lone boy scout doing an ecology project was able to bring construction to a halt on a 200-unit condominium project.

Developers did not immediately respond by replacing homes with apartments. In 1996, homebuilders told the Portland city council that people wanted to live in single-family homes, but the market for high-density housing was flat. The city responded by providing tens of millions of dollars of subsidies for the planners' preferred housing.[12] By 2005, planners were pleased to see that the urban-growth boundary had driven land prices high enough to reach a "tipping point" where builders would buy suburban homes and, without subsidies, replace them with high-density housing.[13]

Thanks to similar plans, land in the San Francisco Bay Area, San Diego, and other California urban areas had reached such a tipping point years before. While an acre of land suitable for residential development may cost $20,000 in Houston, it can cost $300,000 in Portland and several million dollars in San Jose.

Washington state passed a growth-management law in 1991. On the East Coast, Parris Glendening, then governor of Maryland, coined the term "smart growth" to refer to Portland-style planning that promotes high-density development. This term was useful because anyone who disagreed with the planners could be accused of favoring "dumb growth."[14] As president of the National Governors' Association, Glendening persuaded other governors, such as New Jersey's Christine Whitman and Utah's Michael Leavitt, to endorse smart growth. Denver, Minneapolis-St. Paul, and Salt Lake City began implementing smart-growth plans in the mid-1990s, but otherwise most growth-management planning was on the coasts.

Urban planning is not the only cause of rapidly rising prices. Hawaii has unaffordable housing because it has very little private land available for development. Las Vegas, the nation's fastest-growing urban area, has few restrictions on development. But the region, which is on a small island of private land in a sea of federal land, literally ran out of developable land in 2003, with the result that housing prices began increasing at 30–40% per year. But these are the exceptions that prove the rule: any restrictions on homebuilders can lead to rapid increases in prices.

The 2000 census revealed that during the 1990s Oregon had suffered the greatest decline in affordability of any state. In addition to California, Hawaii, and Oregon, price-to-income ratios had grown to 3 or higher in many Massachusetts, Utah, and Washington communities, and reached 2.7 or more in Denver and Salt Lake City. As of 2000, there were probably few housing bubbles outside of California. But both coasts of the country and a few interior regions were ripe for housing bubbles when low interest rates and the stock market bust encouraged people to put more money into real estate.

Marked by no-downpayment loans, no-interest loans, 40-year loans, and other high-risk mortgages that suggest many new owners are buying homes for their speculative value, the last five years have seen some of the fastest increases in housing prices in history. The Census Bureau estimates that price-to-income ratios in 16 states are now greater than 3. All these states are on the coasts except Colorado, Nevada, and Utah, and all of them except Nevada have some form of growth-management laws.

The difference in today's home prices among various urban areas is staggering. According to Coldwell Banker, in 2005 you could buy a four-bedroom, two-bath, 2,200-square-foot home with a two-car garage in Houston for less than $152,000. That same house would cost twice that amount in Portland and four times the amount in San Jose.

These high prices often cannot be supported by "fundamental" assessments of home values, notably rents. As The Economist noted in early 2005, in many places "it is now much cheaper to rent than to buy a house."[15] In many places

"When they're actually leaving the country, you can't just call it 'voter apathy' anymore."

the differences between home prices and rents is greater today than it was in California in 1989, so a correction could easily see home prices falling by more than the 15–25% they declined in California by 1994.

San Jose is the clearest case of a housing bubble. Between 2001 and 2004, the region's employment declined by 17% and office vacancies increased from 3% to 30%. Yet housing prices in the same period grew by more than 20%. Clearly there is no support for such increases other than the expectation that prices will continue to increase indefinitely.

When housing prices deflate, consumer spending will decline, banks will falter, and economic growth will slow or stop.

Of course, they won't. "The first law of bubbles is that they inflate for a lot longer than anybody expects," observes The Economist. "The second law is that they eventually burst."[16] Some markets, such as San Diego and southern Florida, already show signs of softening.

The bursting of a housing bubble does not result in a sudden crash, as sometimes happens in the stock market. "But," as The Economist notes, "it still hurts."[17] Housing prices deflate slowly, as they have in Japan and did in California in the early 1990s. When prices deflate, consumer spending will decline, banks will falter, and economic growth will slow or stop. The big problem with the current bubbles is they are nearly ubiquitous: The Economist estimates that housing is overpriced in Australia, New Zealand, South Africa, and most of western Europe, as well as in much of the United States and parts of China.

If the next recession really hurts, blame the urban planners. □

NOTES

1. "The sun also sets," The Economist, Sept. 9, 2004.
2. "After the fall," The Economist, June 16, 2005.
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4. "Going through the roof." The Economist
5. Ibid, p. 6.
6. Ibid; City of Petaluma, "Draft Petaluma General Plan 2025" (City of Petaluma, 2004), p. 57, cityofpetaluma.net/genplan/pdf/06growthmngmt10-11rsv2.pdf.
7. Peter Pollack, "Controlling Sprawl in Boulder: Benefits and Pitfalls," Proceedings of the 1998 National Planning Conference (AICP, 1999), www.asu.edu/caed/proceedings98/Pollock/pollock.html.
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9. David E. Dowall, "The Suburban Squeeze: Land Conservation and Regulation in the San Francisco Bay Area" (UC Press, 1984), p. 15.
10. Ibid, pp. 141–142.
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12. Portland City Council meeting of Oct. 23, 1996, transcribed from a videotape of that meeting made by the city of Portland.
13. Dana Times, "Land value 'tipping point' hits suburbs," The Oregonian, Oct. 20, 2005.
14. John W. Frece, "Lessons from Maryland's Smart Growth Initiative," Vermont Journal of Environmental Law, Vol. 6 (2004–2005), www.vjel.org/articles/articles/Frece11FIN.htm.
15. "Still want to buy?" The Economist, March 3, 2005.
16. "Homing in on the risks," The Economist, June 3, 2004.
17. "After the fall," The Economist, June 16, 2005.

Reflections, *from page 14*

long way from statesmanship, and was willing to say so, even on a ceremonial occasion. Imagine something like that on the tomb of . . . well, choose your own contemporary politician to fill in that blank. — Stephen Cox

Failing Marx — I just received word that Ayn Rand's novels, along with my book "The Making of Modern Economics," have been pulled from the shelves of the libraries at the University of the Philippines, a hotbed of Marxism. Here's the story.

In 2002, a UP student named Francisco (a pseudonym) read "The Making of Modern Economics" (ME Sharpe, 2001). One of the most controversial chapters is chapter 6, "Marx Madness Plunges Economics into a New Dark Age." The student was a member of a Communist front student organization at UP, but was so impressed with my critique of Marx that he typed the entire chapter into an email and sent it to all his Marxist friends and his sociology professor. As a result, they abandoned Marxism in favor of free-market economics.

So far, so good. But here is the latest email from my "friend in the Philippines": "Dear Mark: I donated a copy of 'The Making of Modern Economics' to the libraries of each of the four major universities here. Later, a friend of mine checked the library at the University of the Philippines and sure enough, it was there on the stacks. And had become a little dog-eared . . . meaning it had been read and read. Well, just yesterday she looked again — and it was gone! Also all Rand's books have disappeared (they were in both the main library and the library of the College of Arts and Letters — gone from both). Also, the copy of your book had been heavily highlighted by the librarian — complete with annotated comments disputing what you said. Especially in the chapter on Marx. For example, where you talked about Marx's theory of exploitation, 'exploitation' was crossed out with the comment: 'not true'. . . As good Marxists (UP is riddled with them) they use the term "superstructure" instead. Apparently, both you and Rand are too radical and revolutionary for tender young Filipino minds — at least, according to their Marxist minders! — Best . . . Francisco."

— Mark Skousen

Development by Democracy

by Richard Fields

Green space, solar panels, community centers — what more can voters possibly want?

When the gendarmes in Davis, California arrested a local citizen for breaking a noise ordinance by snoring too loudly, we chuckled. When the city council built a tunnel so that frogs could cross the newly constructed Pole Line Road overpass to get to a pond called Toad Hollow, we built a miniature Mr. Toad's village at one end of the tunnel. When former Mayor and city council member Julie Partansky advocated planting fruit trees in vacant lots so homeless people could "graze," limiting the output of streetlights to facilitate stargazing, and preserving potholes because of the historical significance of the building materials that used to be where the potholes are now, we just shrugged and went about our business. We one-upped California's antismoking laws by limiting smoking even outdoors. But in the special election on November 8, the denizens of Davis showed an uglier side when they voted against the construction of new housing.

The People's Republic of Davis, as it's known to its conservative detractors, is a modern liberal bastion in an already blue state. The town's primary employer is the University of California-Davis. Other employers include Moller International, which has had personal vertical takeoff and landing aircraft almost ready to go to market since 1983. Retail employment is pretty much limited to mom-and-pop shops in our oh-so-cute downtown — Davis would never allow construction of a Costco, Wal-Mart, or any other big-box retailer. If you aren't employed by the university, you probably commute to a job in nearby Sacramento. Davis elementary and primary schools are noted for producing students who score well on standardized tests. It's an open question whether that is because of the quality of the schools or because of the self-selecting pool of people attracted to the community and able to afford the housing.

Several years ago the voters of Davis passed Proposition J, which subjected any new housing development requiring annexation of land adjoining the city of Davis to a popular vote. The first test was this year's Proposition X. The development that voters were passing judgment on, Covell Village, was designed by Michael Corbett, who previously designed Village Homes in Davis. Village Homes, with its solar panels, organic community gardens, and street names from "The Lord of the Rings," is beloved by Greens in Davis and beyond. Covell Village was designed to have solar power installed on every home. It would have had ample green belts and parks. It would have had bike paths, school sites, an outdoor amphitheater, a Rotary Hall, a hospice, a nursery school, a fire station, a community recreation building, an 82-acre educational organic farm, a 124-acre wetland wildlife habitat, a 776-acre farmland buffer, and affordable housing subsidized by the more expensive homes. It got the endorsement of a who's who list of prominent local people in and out of politics. It had the endorsement of the local newspaper. It even had retail within walking distance, with the promise of a Trader Joe's, the only source of Two Buck

Chuck (drinkable wine for $2.00 a bottle, from the Charles Shaw winery). In short, it had everything a politically correct community like Davis could ask for.

Opposition to Prop X fell into two categories — environmental concerns, and concerns about sprawl. Environmentalists argued that the solar panels were a token measure, that part of the site lies in a flood plain, and that prime agricultural land would be "paved over." The anti-sprawl camp complained that not enough "affordable" housing was included, that traffic gridlock and air pollution would ensue, that crime would go up, and that the development would not carry its own weight in taxes versus services.

Let's take those arguments one at a time. First, that the proposed solar units are only a fraction of the size of the average solar unit already in Davis. Clearly that's just looking a gift horse in the mouth. Individual homeowners would be free to upgrade the size of the solar units on their own homes. Second, that the site is on a flood plain. Davis is essentially flat. The town is built in the flood plain of the Sacramento River. Before levees and dams were built, the Sacramento River was known to have spring floods a hundred miles wide, from the California coastal mountain range to the Sierra foothills. Age and neglect have made the levees likely to give way; most of the Central Valley has a flood risk greater than that of New Orleans right now. But that's another story; with proper grading, the Covell Village site has no more flood risk than anywhere else in Davis. Third, that agricultural land will be paved over. Every structure in the Central Valley is built on agricultural land. The market is a much better arbiter of the best use of land than bureaucrats or voters.

Property rights should not be subject to the whim of voters, whose own economic interests can conflict with the economic interests of others.

"I distinctly remember telling you to conquer *Austria!*"

Now to the anti-sprawl arguments. These are all essentially NIMBY (not in my back yard) in nature. There *is* a shortage of "affordable" housing in Davis and the rest of California, but that's thanks to the imbalance of supply and demand. The number of people living in California is not going down anytime soon. Demand for housing can only go up. Supply is restricted when new housing developments like Covell Village are voted down, ergo prices for "affordable housing" or any other kind of housing go up. Second, more people does mean more traffic, everything else being equal. However, everything else is not equal in this case. Many people who work or go to school in Davis commute from neighboring cities five to 50 miles away. Covell Village would reduce total traffic by letting people live closer to work and shopping. Third, that the development would lead to more crime. This is incomprehensible. Covell Village is modeled after Village Homes, which has lower crime rates than the rest of Davis. Finally, the argument that infrastructure costs of the development would exceed its tax revenues is, at best, speculation. The development's residents will certainly bring in more tax revenue than the frog tunnel.

Age and neglect have made the Sacramento River levees likely to give way; most of the Central Valley has a flood risk greater than that of New Orleans right now.

I am not convinced that voters made their decisions based on which arguments they found most persuasive. My guess is that voters rejected Covell Village (60% to 40%) to maximize future price appreciation of their own homes. I bought a new home in Davis in 1994 for $230,000. It is now worth north of $700,000, due in part to the restrictions on new housing. I believe a substantial number of Davis liberals were voting to promote their own economic interests and rationalizing their vote with the standard slow-growth green arguments. As a result, many of the "No on X" coalition's stated goals are, in the big picture, negated. Traffic will increase as people drive farther to get to work or college classes in Davis. Housing developments in other communities will not be nearly as environmentally friendly as Covell Village would have been. But property values in Davis will continue to go up, and people forced to commute from afar to get to work or school will pay the price.

This raises the subject of the proper limits on majority rule. As the old saw puts it, pure democracy is two wolves and a lamb voting on who should be dinner. At the other extreme, it is better to elect our president than have a tyrant foisted upon us. The Bill of Rights is designed to limit what a majority can do, whether that means censoring speech, dictating religious beliefs, or forcing us to testify against ourselves in a criminal trial. It's unfortunate that the Bill of Rights does not specifically limit majority assaults on property rights. □

The Opiate of Almost Everyone

by Robert H. Nelson

Marx famously said that religion was the opiate of the masses — while building a religion of the state. But the impulse to secular religion didn't stop with him.

Every day brings reminders of the importance of religion. The war on terrorism pits the United States against an adversary that grounds its doctrines — however implausibly — in Islam. The Iraq war is fought as a missionary crusade to spread "American religion" across the globe. Domestically, American politics features heated debates about abortion, stem cells, gay marriage, and other moral issues where positions are often determined by religious conviction.

Yet, there is no novelty to be found in a revival of religion per se. Rather, the newest element is the camouflaged resurgence of Judaism, Christianity, Islam, and other traditional faiths. For most of the 20th century, it looked as though the old-style religions might be disappearing. There were fierce religious struggles — such as the 40-year Cold War — but they involved secular religions, rather than the ancient faiths of Western civilization. World War II produced a struggle between national socialism in Germany and Marxist international socialism in the Soviet Union. Germany and the Soviet Union were in essence two vast and all-controlling national churches with their own theologies, inquisitions, and other accoutrements of religious expression.

The idea that secular religion played a central role in the history of the 20th century is nothing new. The religious elements of socialism, communism, American progressivism (the "gospel of efficiency"), and other secular creeds are rather obvious to anyone not specifically educated to believe otherwise. What is more recent is the growing understanding that secular religion and traditional religion are closely linked. The secular religions of the 20th century were much less novel than they once seemed. Indeed, one might say that Christianity reappeared in the 20th century with renewed vigor, but in disguise. The various secular religions are proving, on close study and with the perspective of a bit of history, to be derived from earlier branches of Christianity. Much like Protestants and Catholics, secular devotees sometimes hate and even kill one another. The world wars and other fierce conflicts of this century were a secular reenactment — if on a much more destructive scale, thanks to the "advances" of modern technology — of the European religious wars of the 16th and 17th centuries.

These themes are increasingly being explored in two bodies of literature that I will discuss below. Some authors — and I include myself in this category — operate more in a spirit of intellectual curiosity. Tracing the connections between traditional Jewish and Christian faiths and the secular religions of the modern age turns out to be fairly easy. Whether old or new, religion in the Western world has always been about salvation, about finding the correct path to heaven — in the hereafter or, more recently, on earth.

The other body of literature is found among the defenders of historic Jewish and Christian faiths. For them, secular religion has cleverly and falsely assumed the mantle of true religion. The 20th century offered the greatest field for heresy in the Western world since the Roman Empire. Unlike other investigators motivated more by historical interest, these critics of secular religion adhere to traditional faiths. For them, unmasking the false claims of secular religion is part of a wider agenda of restoring valid

Jewish and Christian religions to their proper place in the world.

Both fields of research devote themselves to the "theology" of secular religions. It is possible to focus on the assumptions and lines of reasoning of secular religions through critical analysis — what might be called "secular theology." Recent studies have employed such methods to explore the contents of "economic theology," "psychological religion," "Marxist eschatology," and the "constitutional faith" of America. All of the authors agree in one way or another that modern religion is really old religion disguised in superficially new — typically, scientific and economic — vocabularies and metaphors. The modern age, in mostly failing to see these connections, has engaged in a grand act of self-deception. Although this is hardly unprecedented in human history, it does belie the many claims since the Enlightenment of the arrival of a new era of human insight and self-awareness. Modern human beings are just as capable of acts of intellectual folly as any of their predecessors.

The religious elements of socialism, communism, American progressivism, and other secular creeds are rather obvious to anyone not specifically educated to believe otherwise.

The new literature of "secular theology" is often published by well-known university presses and has been respectfully received. It has not, however, had the effect on contemporary thought that I believe it deserves. This should not be a surprise. The modern university is itself a religious institution, one that rivals the Roman Catholic Church in its resistance to change. In the contemporary academy, secular religion is still commonly regarded as "value-neutral" and non-religious.

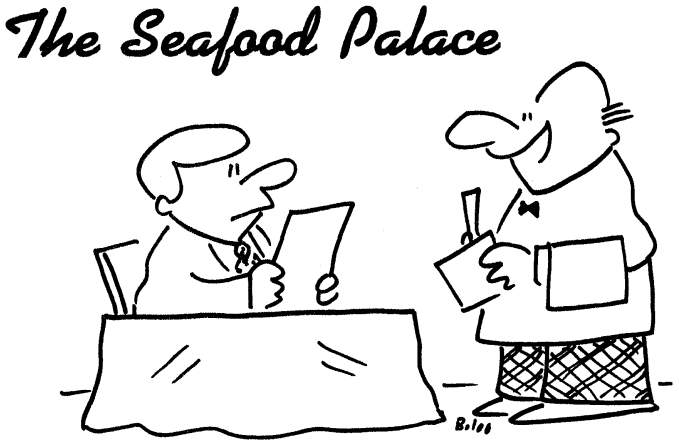

"Do you want the large, the extra large, or the 'Call Me Ishmael'?"

The truth is that, while now taking secular forms, America has official religious orthodoxies to guide its affairs of state no less than any previous society in history. Government officials vigorously employ the authority of the state to defend the national religious orthodoxy. Heretics are no longer burned at the stake in America, but in some cases, such as the war on drugs, heresy can expose an individual to a long prison sentence. More often, the penalty is a loss of job and livelihood.

There is only one avenue to the restoration of true religious freedom in the United States — a sharp decline in the powers of the state. A large part of what falls under the name of government "regulation" is in fact the exercise of religious control over the institutions of American society, grounded in the tenets of contemporary secular religion. A wilderness area is a cathedral of a secular faith no less than a parish church is a cathedral of the Roman Catholic variety.

To advocate a libertarian political philosophy is thus to advocate genuine religious freedom — getting rid of many state functions that are inescapably religious. This may sound "off the wall." If the books described below are taken seriously, however, this libertarian conclusion is difficult to escape.

America as a Religion

Sanford Levinson is the Charles Tilford McCormick professor of law at the University of Texas. He is well known and respected in American legal circles and has reached wider audiences through mainstream publications. In 1988, however, Levinson published a radically innovative and provocative book, describing his own efforts as those of a "legal theologian." In "Constitutional Faith," the U.S. Constitution is seen — literally, not just metaphorically — as the American equivalent of the Christian Bible. The Constitution is America's "sacred text" that represents the founding document of an American "civil theology." Quoting approvingly from a Stanford Law Review article on "The Constitution as Scripture," Levinson agrees that "America would have no national church . . . yet the worship of the Constitution would serve the unifying function of a national civil religion." The role of constitutional law is to provide "a public vocabulary absolutely essential to understanding the nature of political discourse within our society."

As America's ultimate adjudicators, the members of the Supreme Court not only dress and act like priests, but stand as confirmation that the nation has exchanged a "priesthood of lawyers for a pontifical Court." For Levinson, the contemporary legal debates about constitutional original intent versus a "living Constitution" re-enact much older theological disagreements between Roman Catholics and Protestants. The Catholic Church historically saw Christianity through the prism of centuries of church interpretation, papal encyclicals, Catholic theological writings, church councils, and other historic events. For Protestants, this was heresy, the arguments of flawed human beings seeking to substitute their own words for God's revealed truth; the real meaning of Christianity could be found in the teachings of the Bible alone. Today in American law, according to Levinson, there is a similar clash among "protestant" and "catholic" legal experts in which "the protestant position is that [the source

of doctrine] is the constitutional text alone, while the catholic position is that the source of doctrine is the text of the Constitution plus unwritten tradition."

In "Reaching for Heaven on Earth," I found a similar "Protestant tradition" and "Roman tradition" that had also long shaped economic understandings and interpretation. Like Levinson's portrayal of the law, some of the most important schools of economics could be traced back to the medieval scholastics and to the natural law teachings of the Catholic church; other schools saw the world in less rational and more individualistic — more "Protestant" — terms. The great success of Adam Smith was attributable to his ability to develop a persuasive synthesis of these two traditions central to the West, adapted to the scientific vocabulary coming to dominate the Enlightenment.

Richard Ely, a leading economist in early 20th century America, suggested that economics departments should be located in theology schools. For Ely, Christianity was about reaching heaven on this earth, and economic knowledge was central to such a Christian theology because it offered the key to salvation in this world. Levinson similarly suggests that "since law really does serve as the basis of our civil religion," it should be studied fundamentally as a secular system of theology. One option, favored by Levinson, would take a neutral position on the law's claims to truth, and thus follow a "model of the law school as a secular department of religion" — much as leading universities today treat religion as an object of historic interest. A different view, favored by many others in the legal community, regards the law school as a training ground in "the American creed," grounded in the constitutional faith, and thus a law school should be based on a model "of the law school as divinity school." Under the latter interpretation, agnostic law professors (those who do not believe in the constitutional faith) may properly teach in academic history departments but they should not be welcome in a law school that exists to prepare its students for a lifetime in the legal priesthood.

Throughout "Constitutional Faith," Levinson goes far beyond the common current use of "religion" to refer to almost any strongly held belief. When he writes about the law as a religious system, he means it literally. This reflects in part Levinson's view that "we cannot escape membership in some civil faith even if we wish to, for the alternative to organizing belief is chaos." Thus, except for a few complete nihilists, everyone has a religion, whether they know it or not, and whether it is traditional or secular. But in the modern age, Levinson says, traditional religion "has lost its power to structure reality for most Western intellectuals." Such people did not, however, give up religion altogether, thereby ending up believing in nothing at all. Rather, they turned to various "analogues [that] present themselves in the guise of various civil religions" and that in fact today offer the most powerful religious truths in American public life.

Guided by secular religion, the American nation-state became a modern kind of church, based on a founding belief in an American "Constitutionalism [that], like [traditional] religion, represents an attempt to render an otherwise chaotic order coherent, to supply a set of beliefs capable of channelling our conduct" in our personal lives and in the affairs of state. Five hundred years ago, as Levinson observes, "God's law" fulfilled this role; today, it is a secular system of law that originates in the Constitution. Most Americans have seen little tension between a deep belief in a Christian God and a deep belief in the Constitution. Matters are not so simple, however; as Levinson explains, for a fully committed Christian, the worship of the American Constitution really amounts to a "deification (or idolatry) of the nation-state (including its constitution)." Many Americans are really worshipping two gods of two religions at the same time — if in most cases unaware of the conflict.

America is not simply another ethical community gathered together within the boundaries of a nation. One hears frequently of "anti-Americanism" but never of "anti-Englishism," "anti-Germanism," or "anti-Chinaism." Harvard political scientist Samuel Huntington recently wrote in "Who Are We?" that "becoming an American" is a process "comparable to conversion to a new religion and with similar consequences." For citizens, the American flag becomes "the equivalent of the cross for Christians." In the American civil religion, "Washington becomes Moses, Lincoln becomes Christ," the savior who gave his life to redeem the world.

The modern university is a religious institution that rivals the Roman Catholic Church in its resistance to change.

As Huntington observes, America is unique in the ethnic and religious diversity of its population, the product of waves of immigration over several centuries. Hence, in America, the national bonding agent has to be a national religion. No traditional faith could hold together 290 million Americans of all races and backgrounds. This integrating force has had to be provided by "a nondenominational, national religion and, in its articulated form, not expressly a Christian religion." This civil religion "converts Americans from religious people of many denominations into a nation with the soul of a [single] church."

Much like Levinson, Huntington finds that American civic religion has older roots than most followers have comprehended. The common faith of America is secular only in its outward appearance; the reality, Huntington writes, is that the American civil religion is essentially Christian — and Protestant Christian, reflecting the origins of the nation. The American nation-state is in essence "a church that is profoundly Christian in its origins, symbolism, spirit, accoutrements, and, most importantly, its basic assumptions about the nature of man, history, right and wrong. The Christian Bible, Christian references, biblical allusions and metaphors, permeate expressions of the [American] civil religion."

It is not, to be sure, identical to Christianity. As Huntington notes, the American civil religion allows for the frequent use of the word "God," as on the nation's coins. However, "two words . . . do not appear in civil religion statements and ceremonies. They are 'Jesus Christ.'" This

omission is of course of great religious significance. Many religions believe in a "God," but only Christianity believes in the divinity of Christ. Again, though, the reality can be deceptive; as Huntington finds, even with little explicit mention "the American civil religion is Christianity without Christ."

Perhaps Americans simply have two alternative vocabularies, sets of stories, and bodies of saints for a single religious faith. It may be that they can speak interchangeably of worshipping a Biblical law or a constitutional law. Or — and I would say this is more plausible — it may be that Christian religion and the religion of America are really two different faiths, although sharing many common threads. Many devout Christians would admittedly find this difficult to accept, suggesting that they may have been drawn into a modern heresy. But one way or another, America is the church of a powerful shared national religion.

The Third Rome in Moscow

It has long been commonplace to observe that Marxism is a religion. This is often stated in a sociological sense — that the followers of Marx behave in ways characteristic of true believers. Some have been willing, for example, to die as martyrs for the cause. More recently, however, a few students of Marxism have begun to study it as a genuine form of religion, one that drew its central messages from Judeo-Christian sources.

This theological line of analysis was developed in 2000 with great clarity and force in "From Darkness to Light." The author, Igal Halfin, is an Israeli historian who not only studied the writings of leading communist intellectuals but scrutinized Russian archival documents that only became available in the 1990s. He concludes that the "eschatological" elements of Russian communism were powerful influences in molding the very categories of thought that shaped the Soviet government and economy in the 1920s and 1930s. It was not economics that determined religion but the opposite. Indeed, it would otherwise be difficult to explain why Russia embarked on such economically and politically self-destructive actions after the 1917 Revolution. Even when the results soon involved widespread death and destruction, the theological tenets of Russian communism continued to drive the day-to-day workings of the nation.

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Thus, Halfin states that the New Economic Plan of the early 1920s was significantly shaped by the tenets of "the Marxist eschatology." During this period, Soviet universities functioned as "a grand laboratory, designing techniques for the perfection of humanity." Lists of eligible students were purged to ensure that "only those capable of attaining messianic consciousness were to remain." The contents of "the Bolshevik identity narratives" worked to produce "a society that thought of itself in terms of class purity." Life in revolutionary Russia was everywhere a reflection of "messianic aspirations" as the teachings of Marxist religion "shaped the identity of the Soviet citizen; it did not just coerce preexisting, fully formed citizens to adjust to a Soviet reality that was somehow external to them," but for the communist faithful controlled the way they saw the world.

Except for a few complete nihilists, everyone has a religion, whether they know it or not, and whether it is traditional or secular.

As with America's civil religion, the categories of communist religion were ultimately derived from Christianity. Marx said that religion was the opiate of the masses, but this required one of the greatest acts of individual self-deception in the history of the world. Marxism was literally religion, and more specifically a variant of — or a heretical twist on — the Biblical faiths. It was this very feature that explained its extraordinary spread across the world and enormous influence on history. The communist gospel resonated in cultures already imbued with many of its main themes. As Halfin reports, "Marxists would doubtless have renounced notions such as good, evil, messiah, and salvation as baseless religious superstitions that had nothing to do with the revolutionary experience. Yet, these concepts, translated into a secular key, continued to animate Communist discourse" for several decades after the 1917 Revolution. Most Russian Communists were altogether blind to the reality, as Halfin puts it, of the close "affinity" of Russian communism "with Christian messianism." Yet, as described by Halfin, the parallels are obvious to us today:

> The Marxist concept of universal History was essentially inspired by the Judeo-Christian bracketing of historical time between the Fall of Adam and the Apocalypse. The Original Expropriation, at the beginning of time, represented a rupture in the timeless primitive Communism, which inaugurated History and set humanity on a course of self-alienation. The universal Revolution, an abrupt and absolute event, was to return humanity to itself in a fiery cataclysm. . . . Imbuing time with a historical teleology that gave meaning to events, Marxist eschatology described history as moral progression from the darkness of class society to the light of Communism.

When Marx described "alienation," it had almost the same meaning as "original sin" in Christianity. Both were the result of an original fall — for Marx with the beginning of the class struggle, for Christianity with the apple in the Garden of Eden. The economic laws of history were for Marx as omniscient and omnipotent as the God of Christianity. Indeed, economic history, shaping everything that happened in the world, was for all intents and purposes the new god of Marxism. In this and other respects, Halfin says, the main

corpus of Marxist thought consists of ideas historically "adopted by Christianity and transmitted to Marx."

There were of course some differences. The Marxist prophecy of a new heaven on earth looked to the economic powers of the modern age. With the end of economic scarcity, as Halfin quotes Engels, it becomes "possible to raise production up to such an extent that the abolition of class distinctions can be a real progress." Halfin describes the path to the "new man" of communism:

> The essence of man had to be embodied in real action. In the Marxist view, humans could not achieve consciousness through [intellectual] illumination alone. The path to freedom would open only once the real production system had been transformed so as to be able to generate a spiritualized producer. Only when laborers could change the circumstances of their lives through action could a "change of self" occur. Once a change in the real, which lay entirely within man's abilities, acquired the dimension of a spiritual breakthrough, the termination of history came to be within man's control.

This might be described as an "economic theology"; Marx replaces God with economics, and the workings of economics now predestine the salvation of mankind and the arrival of a new heaven on earth. What is most remarkable is that this modern variant of Christian eschatology became the state religion of a large and powerful nation, shaping the very terms of public discourse, the development of state policy, and in many cases even the inner thoughts of good communist citizens. As Russian communists sought to export their religion to the world, they created the Comintern and other state instruments for this purpose. Moscow would once again in the 20th century be "The Third Rome."

Social Science Priesthoods

In America, a new state religion was also shaping the detailed institutions of society and the very categories of thought in the early decades of the 20th century. This was the American progressive gospel that sought the efficient scientific management of society. As modern religions of progress, Russian communism and American progressivism had important similarities. Both, for example, regarded economic forces as the real determinants of history and looked to engineers and economists to save the world. There was a critical difference, however. In Christian terminology, Russian communism was a "premillennial" religion in which heaven arrives in a cataclysmic burst outside the previous workings of history. American progressivism, by contrast, is a postmillennial religion in which heaven has already been partially realized and its final fulfillment on earth will occur incrementally within the framework of ordinary historic events.

Thus, in place of the comrades of Russian communism devoted to fomenting a worldwide apocalypse — with the disastrous consequences of which we are now all too aware — American progressivism created a social science priesthood to oversee gradual but continual improvements in the practical workings of society. At first, all the social sciences were blended together, but separate fields of sociology, economics, and political science were emerging during the early part of the 20th century. In 1985, Arthur Vidich and Stanford Lyman authored "American Sociology: Worldly Rejections of Religion and Their Directions." It might just as accurately have been titled "Sociology as Religion." It did for American sociology what Levinson later did for American law: tracing the theological sources of professional values.

As Vidich and Lyman demonstrated, the religion of American sociology was yet another example of a secular creed suffused with longstanding Christian messages. The early American sociologist Lester Ward had "replaced God with science" and American sociology in general was a "new secular science of society." Beneath all the scientific language, sociologists offered a promise of "the fulfillment of a secular eschatology — perfectibility on this planet." The task of "reconstructing the world" required the extensive professional development of "positive scientific legislation, produced by sociologists conducting practical experiments, and passed quickly and easily by intelligent . . . legislatures, [that] would provide nothing less than the scientific 'organization of human happiness.'" Sociology would be the basis for a new American "politics in the image of the technocratic administrator," based on full scientific knowledge of the laws of society, as developed and disseminated by sociological research.

Many of the early American social scientists came from devout Protestant backgrounds and quite a few, such as Woodrow Wilson, had fathers who had been ministers.

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Vidich and Lyman show how the development of American sociology represented — with the social gospel as a transitional stage — a secularization of American Protestantism. Ward, like many other sociologists of the time, was "a product of a peculiar optimism about the capacity of applied science to overcome the problems of industrial society. . . . Its authority paralleled that of the colonial Puritan divines who claimed the right to guide the earlier New England communities." In Russia, communism resurrected a Christian message that was rapidly losing its influence in the face of Darwinism and other 19th century challenges. In America, as Vidich and Lyman similarly find, the new profession of sociology "provided grounds for the resurrection of appropriately disguised Protestant authority" and theology.

As part of the process of disguise, "all religious elements of social uplift, charity and philanthropy are manifestly eliminated [from sociology], and the research activity has taken on the quality of objective science and professional work." Science had by then replaced God for many Americans as the legitimate source of authority. The paradoxical result in sociology was a secular "salvational social science" that portrayed itself as entirely "rational" and "value-free." Professionally acceptable work for a sociologist "came to be equated with numerical measures, statistical surveys, and the ever-expanding use of quantitative measures." In the

process "the [Protestant] Social Gospel . . . was transformed into positive science." Beneath all the camouflage of 20th-century scientism, the real goal was little altered — "to secure the secular salvation of the United States." Many of the reformers who had enlisted in the social gospel movement had by now outwardly abandoned the Protestant clergy. Instead, they had joined a new religious brotherhood, "a secular and scientific priesthood" of professionals, albeit one no less committed to saving the world.

Theologically, it was possible for sociologists to have such grand aspirations because they shared an assumption widespread in the Western world since the Enlightenment. John Locke said that human beings were formed by their external environment. The ills of mankind — misleadingly seen as the products of original sin in old-fashioned Christianity — were in fact attributable to the influence of bad environments. It followed that good environments would produce better people and perfect environments perfect people. By the late 19th century, the vastly enhanced powers of science and economics to alter nature and transform the world were increasingly recognized. If these historically unprecedented powers could now be properly marshalled — and for this the social sciences were essential, and sociology had the widest scope among the social sciences — the perfection of human existence by human action would be possible. It required only that politicians and other men and women of affairs be persuaded to obey the commands of scientific truth, as revealed by sociology.

Marx said that religion was the opiate of the masses, but Marxism was a variant of — or a heretical twist on — the Biblical faiths.

As in revolutionary Russia, the commands of progressive secular religion shaped the very institutions of American society. As further elaborated in the New Deal, the Great Society, and other periods of 20th-century American history, the result was the welfare state. The university, for example, had been for most of its history in the United States a training ground for Protestant ministers. As progressive-era hopes for salvation shifted to this world, the university was drastically reorganized to fit a new religious mission. Departments of social science were everywhere created to advance the sciences of society. New schools of forestry, urban planning, and other social concerns were built to provide the requisite technical knowledge. Business schools would help to organize American corporations in the most efficient way. Schools of public administration would do the same for government.

The use of comprehensive scientific knowledge would ultimately have to be orchestrated by America's political leadership, acting in the best interest of society. As the progressive gospel became the religion of the American nation-state, Protestant, Catholic, Jewish, and other older religious bodies were increasingly marginalized. They did not disappear, but found their most important functions at funerals, marriages, bar mitzvahs, and other social rituals. The more essential tasks of religion took place within the new church of the welfare state. Two of the leading state temples, not only in their functions but in outward appearances, were the Supreme Court and the Federal Reserve.

In my 1991 book "Reaching for Heaven on Earth," I showed that the basic tenets of the welfare state owed more to the Roman Catholic side of Christianity. The welfare state took care of the poor, provided for the elderly, and served other welfare functions historically emphasized in the Catholic tradition. This may seem paradoxical because so many American progressives came from Protestant backgrounds. Even in the 19th century, however, the theology of American Protestantism was well removed from John Calvin's pessimistic views of an irremediably sinful humanity. Many American Protestants had come to agree with the historically more Catholic view that natural laws provided a rational ground for ordering the world and that salvation by good works was possible.

The welfare state now had its own social science priesthood. The president was the pope and Washington was itself a separate jurisdiction — much like the Vatican. By the end of the 20th century, the authority of the federal government for actions within its domain matched that of Rome in the worldwide body of the church. As Thomas Huxley once said, socialism — and this applied to American progressivism as well — was "Catholicism minus God." Yet, the heritage of old-style Protestantism did not altogether disappear — especially as found in the commitment to individual rights and to democratic rule. The history of the United States in the 20th century was significantly shaped by long-standing religious tensions within and among Americans, now resolved mostly in the secular religious domain.

The Rise of Economic Religion

In "Economics as Religion," I examined how professional economists gradually surpassed sociologists, experts in public administration, political scientists, and other social scientists in prestige and influence. By the second half of the 20th century, economists had become the highest priests of all, the only social science body with its own office in the White House: the Council of Economic Advisors, created in 1946. It was logical in a way that economists should have such a preeminent religious status because in secular gospels the salvation of the world commonly follows an economic path. Theologically speaking, economic scarcity is the original sin. People sin because they are driven to it by material necessity. It then follows that ever greater economic abundance will gradually eliminate sin in the world. It was not only

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Marxism but all the other religions of economic progress that saw the world this way. Hence, the responsibility for leading the way to heaven on earth would necessarily fall to the leading experts in economic progress. Economists were the ones who produced the most important scientific knowledge, capable of revealing the laws of the economic system by which society's resources could be employed with maximal efficiency, material production maximized, and the world thereby perfected.

When the American Economic Association was formed in 1885, its 50 founding members included 20 who were current or former practicing Protestant ministers. One of the leading economists involved, Richard Ely, was best known nationally at the time as a preacher in the social gospel movement. Ely believed that "Christianity is primarily concerned with this world, and it is the mission of Christianity to bring to pass here a kingdom of righteousness." He criticized fellow social gospellers, however, for their ambitious plans to cure all the ills of American society that were not grounded in any adequate foundation of economic knowledge. To understand and advance the mechanisms of economic progress, it would be necessary to turn to the scientific research of professional economists, which the American Economic Association would now facilitate.

John R. Commons, John Bates Clark, and a number of other early American economists were also linked to the social gospel movement. The role of economics, as Ely said, was to provide the scientific understanding to succeed in "a never-ceasing attack on every wrong institution, until the earth becomes a new earth, and all its cities, cities of God." Ely's attempt to incorporate economics as an element within Protestant theology soon foundered, however, on the pluralism of American life. There were important economists who were Catholics and Jews, for example, and rejected the close connections to Protestant religion. Henceforth, economics would have to be a secular religion of progress, suitably disguising the original Protestant values. By the early 20th century, professional economics thus became the secular discipline that it has since been.

Yet, the religious elements were still there, if buried deeper. Jewish by birth, Edwin Seligman was professor of economics at Columbia University and in 1903 served as president of the American Economic Association. His views were developed in his treatise on "The Economic Interpretation of History." Improving the moral condition of humanity was for him a matter of altering the economic circumstances. "The demand of the ethical reformer," Seligman considers, will be unavailing "unless the social conditions . . . are ripe for the change." Indeed, the existing aspirations for "international justice and universal peace" will depend on a continuation of "the economic changes now proceeding apace." As a result, "the real battle [to create a new world] will be fought by the main body of social forces, amid which the economic conditions are in last resort so often decisive." It was still the social gospel, now minus the Protestant vocabulary.

By most estimates the most influential economist of the 20th century was John Maynard Keynes. Editor of The Economic Journal for many years, much of Keynes' work concerned abstruse matters of economic theory. On some occasions, however, Keynes put his secular religious convictions on the line. In his 1930 essay, "Economic Possibilities for our Grandchildren," Keynes agreed with Marx (and the Jesus of the social gospellers) that capitalism — necessarily grounded in the desire for money and the competitive workings of self interest — is a "disgusting" system.

But Keynes also saw an escape in the economic forces in history. Keynes thus prophesies the birth of a new man: "[A]ll kinds of social customs and economic practices, affecting the distribution of wealth and of economic rewards and penalties, which we now maintain at all costs, however distasteful and unjust they may be in themselves, because they are tremendously useful in promoting the accumulation of capital, we shall then be free, at last, to discard." It will all come about, Keynes foretells, as a result of "the greatest change that has ever occurred in the material environment of life for human beings in the aggregate." The continued advance of economic progress would soon enough — perhaps within the next 100 years — "lead us out of the tunnel of economic necessity into daylight."

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Like Marx, Keynes not only studied but made history. Unlike Marx, in Keynes' case it was a history of social democracy and the welfare state in England, in the United States, and today in a significant portion of the world. In America, the most important Keynesian disciple in the second half of the 20th century was MIT economist Paul Samuelson. Samuelson authored the textbook "Economics," the bible of American economic religion. The vocabulary and categories of thought of Samuelson and other American economists shaped the political dialogue of much of American public life. Relying on economic facts and theory, the public could have confidence that the rapidly growing American welfare state would serve the public interest. Economists displaced good and evil with a new moral vocabulary of "efficient" and "inefficient." The real purpose of American education was to increase "human capital," thus advancing the economic productivity of the nation.

"He's *very* liberal — he owns trigger locks, but not guns."

Samuelson and his fellow economists never said anything about saving the world but the underlying progressive theology remained, even as the camouflage became thicker.

Modern-day economists are mostly silent when it comes to the ultimate purposes of their professional lives, beyond a good job and benefits. Some suggest that they merely enjoy it as an exciting intellectual game. Others argue that no grand mission is present or necessary — that simply maximizing total goods and services in a nation is a sufficient objective. If pressed, many economists would acknowledge that the precise methods of maximizing production — whether they enhance human freedom, whether they produce a just social distribution, the number of "losers" in economic progress who face large psychic costs, and so forth — can themselves significantly affect the total social welfare. But such considerations are left outside their professional purview; they are effectively dismissed in the work of most economists.

However, all this makes sense if economic progress really is about saving the world. Almost any short-run sacrifices for progress will then be overwhelmed by the prospect of long-run perfection. Indeed, metaphorically and theologically, that is what current economists are saying by the initial simplifying assumptions they make. The practice of professional economics resembles a scholastic mode of discourse where the most important content lies in the assumptions. What these assumptions say today is that the saving power of economic progress justifies ignoring potential complications that might stand in the way of progress. It would be an economic sin to prohibit usury, because interest rates are essential to the rational allocation of capital and maximal efficiency depends on this. Many other "irrational" impediments to economic efficiency and progress are put in the same modern sinful category.

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None of this should be taken to suggest that all secular religions are equal. Whatever its many deficiencies, I believe that contemporary economics is greatly superior to Marxist economics — not only technically, but morally. Government in the welfare state may accept too much responsibility for the well-being of the citizenry, requiring the creation of large and cumbersome administrative bodies, but there is still room for human freedom in both the market for goods and services and in the market for ideas.

The Religion of Psychology

Salvation in the religions of economic progress is ultimately social; individual actions play an important role, but in the end it is a whole society and its members that either does or does not reach heaven on earth. The social character of salvation in the welfare state is reflected in the writings of its economists, sociologists, political scientists, and other social scientists. There is one large exception, however: the field of psychology. Admittedly, psychological knowledge can be used to manipulate individual behavior as part of the collective scientific management of society. However, the main goal of American psychology has been the individual's scientific management of himself.

Many previous observers have commented that Freud was no less a messiah than Marx, if ultimately a less dangerous one. This analysis is extended by Paul Vitz to the full profession in "Psychology as Religion," an early example of "doing secular theology." Vitz is a professor of psychology at New York University who later in life became a Christian, and found increasing tension between his professional and his Christian lives. Indeed, he has come to see psychology and Christianity as religious competitors. Vitz argues that even many Christians actually "worry more about losing their self-esteem than losing their souls."

"Psychology as Religion" offers an early analysis of the religious contents of a leading contemporary social science. Vitz is aware that other social sciences besides psychology have challenged traditional religion. While secular religions typically attribute human sinfulness to the external environment, the traditional Christian view is that "the locus of sin . . . is in the will of us." Such Christian messages, he finds, have "been under relentless attack for many years by almost all advocates of social science, from traditional economics and sociology to Socialism and Communism."

This is true as well of "psychology [which] has become a religion: a secular cult of the self." He labels this secular creed as the modern faith of "selfism." In psychology, the guidance for achieving "self actualization, self-fulfillment, etc." ultimately serves to give order, intelligibility, and justification for individual actions. The ideal self-actualized type exhibits personal characteristics such as "acceptance of self and others," "an autonomous self independent of culture," "creativity," and "having 'peak' experiences." One might call the last being psychologically "born again." In the religion of psychology, one finds "standard explanations for the purpose of everything from college education to life itself."

Psychological religion, like other secular religions, poses as science. Yet, again like Marxism and other modern scientific faiths, it has the character of religion, something apparent to all but the truest believers. As Vitz explains, "clinical psychologists used to argue strenuously that their discipline was a bona fide science." However, among many outside observers, there is a clear recognition in "describing psychology" that its "categories [are] indistinguishable from those used for religious cures and conversions."

Vitz ventures into the realm of political philosophy when he asks how it can be justified that "tax money is used to support the cult of self worship," when government is not supposed to support any official establishment of religion? Indeed, a similar question could be asked with respect to strong government support of other secular religions. These religions are today widely proselytized in the public schools, even as traditional Christian faiths are excluded. Yet, if the separation of church and state is to be applied consistently and comprehensively, including to secular religions, little of government as we know it would survive.

Even though most psychologists, including Vitz, are hostile to the free market, psychological religion offers the strongest religious defense of individual rights within the social sciences. This is particularly true with respect to social libertarianism but also carries over to offer theological support for the acceptance of individual self-interest in economic realms. Like old fashioned Protestants were saved individually "by [their] faith alone," psychological salvation today is one individual at a time.

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The Environmental Gospel

The secular religions discussed to this point have had a strong belief in progress. With the partial exception of America's constitutional faith, they have claimed scientific status. However, the newest powerful secular religion in American life, the environmental gospel, often distrusts science and is hostile to economics. It sees the technological capacity of modern governments to manipulate and control nature as a danger. The Holocaust showed that even economically advanced nations could do horrible things — now more efficiently than ever before. The atom bomb raised the possibility that the products of modern science could create a new hell on earth, instead of the heaven so confidently expected only a few decades earlier. Environmentalism thus represents an important change in the direction of American secular religion.

Perhaps because they are ambivalent towards science, yet recognize the necessity for some source of moral authority and legitimacy, environmentalists have been less overtly hostile to religion, as compared with many followers in secular religions. Indeed, environmentalists now often argue that the protection of the environment requires new values in society and that religion will probably have to play a role in supplying these values. This does not necessarily mean Christian values, however, and few leading environmentalists are devout Christians. Indeed, any suggestion that the secular messages of American environmentalism are actually grounded in Christian doctrine meets wide resistance.

The appearance in 2004 of "Faith in Nature: Environmentalism as Religious Quest" is thus noteworthy. The author, Thomas Dunlap, is a historian at Texas A&M University. He is aware that many of his fellow environmentalists may be uncomfortable with his new line of analysis. Yet, he thinks intellectual honesty — and perhaps good long-term political strategy — requires seeing "environmentalism, its roots in the culture, its development as a movement in religious terms." To be sure, environmentalism "does not (necessarily) involve God (or gods) or devils, and afterlife, revelations from On High, prophets, or miracles." Nevertheless, environmentalism is very much a religion in helping its followers to "make (ultimate) sense of our lives in the context of the universe."

It is, moreover, a product of Christian religion — specifically Protestant Christianity — now expressed in a secular setting. Dunlap observes of John Muir, who in 1892 founded the Sierra Club, that "he began in conventional Protestantism, his father's Cambellite faith, . . . and ended [finding God] in nature." His prose was "steeped in Old Testament rhetoric. . . . Muir preached the Emersonian gospel of Nature as ultimate reality, refuge from society, and place of pilgrimage." A few years later, another early environmentalist, John Burroughs, preached a message that he had first encountered in "the iron discipline of his father's Calvinist faith." By the 1940s, Aldo Leopold had "moved from the Bible to ecology," offering an environmental religion that was still effectively grounded in Protestant understandings, if without any explicit mention of "Christian concepts and language."

Most recently, Dave Foreman, the founder of Earth First!, was "from an evangelical Protestant background, [and] looked at humans much as the Puritan divine Jonathan Edwards had — as a disease upon the earth — and found redemption in a pristine world of nature." All in all, as Dunlop concludes, for the past 150 years "Americans who failed to find God in church took terms and perspectives from Christian theology into their search for ecstatic experiences in nature. Environmentalism's rhetorical strategies, points of view, and ways of thought remain embedded in this evangelical Protestant heritage, which forms the unacknowledged background of many environmental attitudes and arguments." It is no mere coincidence that there are not many Jews — prominent in so many other areas of American intellectual life — among the leaders of the American environmental movement; Catholics are underrepresented as well.

It is no mere coincidence that there are not many Jews in the American environmental movement; Catholics are underrepresented as well.

Thus, even as environmentalism expresses new doubts about science and economics, it resembles other secular religions in offering a camouflaged revisiting of traditional Christian faith. Reflecting its roots, environmentalism embodies some of the same paradoxes and tensions of old-style Protestantism. Carried to the farthest extreme, the logic of Protestantism might be taken to deny any religious authority beyond the individual. Protestantism in fact eliminated the special privileges of the priesthood. When Protestants were a minority, they fiercely defended religious

freedom. But when Protestants became dominant, paradoxically, they were among the fiercest oppressors of those who dared disagree. Old-fashioned Protestantism had a fierceness and moral intensity that could easily turn to dogmatism.

Positively, Protestantism played a critical role in setting the world free from sterile orthodoxies, helping to set the stage for capitalism and modern science in Europe. Negatively, Protestantism, as a form of "free-market religion," spurred fierce internal divisions and civil wars. The English Puritans and their American cousins eventually played an important role in three civil wars — one in England (the rebels won and then lost), the American Revolution (the rebels won), and finally the American Civil War (the rebels lost). Protestant Germany became the center of conflict in Europe.

Separation of church and state does not exist in the United States, only separation of Christian (and Jewish) religion from the state.

Environmentalism now shows some of the same paradoxes. On the one hand, environmentalists have challenged the progressive scientific managers in Washington and often defeated their proposals for dams, synfuel plants, superhighways, and other — often pork barrel — projects. Skeptical of scientific claims to authority, environmentalists have often been among the harshest critics of federal government plans. Just like Protestantism, environmentalism, has a strong libertarian streak when it is a minority view. On the other hand, when environmentalists hold power, they show little restraint in its exercise. Environmentalists have shown a dogmatism and sharp intolerance of disagreement fully matching their Puritan forbearers.

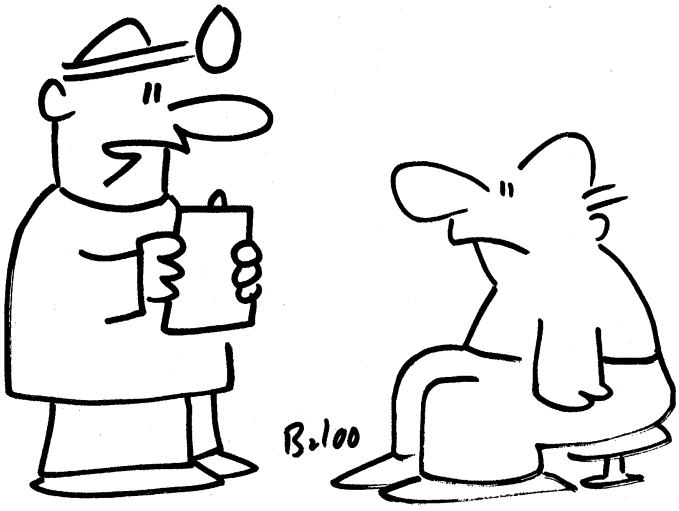

"I'm going to refer you to a doctor with a better sense of humor."

Opposing State Idolatry

Most devout Christians today have barely begun to explore the tensions between their worship of Christ and their simultaneous worship of the American creed and other secular religions. Most people today in any case are too busy to engage in deep theological reflection and mainstream American religion has not offered much help. There is at least one leading American Protestant theologian, however, who has confronted the tensions more directly. A nationally prominent professor of theology at Duke University Divinity School, Stanley Hauerwas in 2000–2001 delivered the Gifford Lectures in Scotland, the most prestigious world platform in Christian theology. In "Against the Nations," and in other writings, Hauerwas argued that too many Christians had sold their souls to the state, effectively turning away from a valid Christian faith. As he writes, "accounts of the Christian moral life have too long been accommodated to the needs of the nation-state, and in particular, to the nation-state we call the United States of America." If Christianity is to flourish again, it will require "a recovery of the independence of the church from its subservience to liberal culture and its corresponding agencies of the state."

Hauerwas finds that much of the problem lies in the devotion shown by many Christians to secular theologies. As he laments, too many Christians "have let the Gospel be identified with utopian fantasies." Many people have left traditional Christian churches and turned instead to secular faiths that derived their core messages from Christian sources but distorted and corrupted them. As Hauerwas thus complains, "the Christian substance is translated into Marxism, into secularised forms of biblical eschatology, existentialism, and psychology; and it develops themes from [Protestant] Reformation anthropology divorced from Reformation theology." Many adherents of secular religion have left institutional Christianity altogether (becoming what might be called "secular Christians") — but Hauerwas is equally disturbed by the invasion of Christian churches themselves by secular religion. He is critical of the many "attempts to interpret the Kingdom [of God] in terms of liberal presumptions about what constitutes human progress."

American progressives — both within and without the Christian churches — have believed that human existence can be perfected by human action alone, when the truth is that "the Kingdom [of heaven] is not to be established by men but by God alone." It is impossible even for human beings to know precisely the character of the final heavenly destination because "scripturally there seems to be no good grounds to associate the kingdom of God with any form of political organization and/or to assume that it is best characterized by any one set of ethical ideals such as love and justice." Partly because it is impossible to know God's actual design for the world, Hauerwas rejects the view that America offers an ethical and political model that must be followed everywhere, declaring that as Christians "it is not our task to make the 'world' the kingdom." When a Christian church "thinks and acts as if 'America has a peculiar place in God's promises and purposes,'" it is betraying

its proper role and losing its "ability to be a 'zone of truth-telling in a world of mendacity.'" A good Christian must remain vigilant to the "ways the democratic state remains a state that continues to wear the head of the beast."

Hauerwas is no libertarian and in fact has critical things to say about the individualism of the libertarian philosophy. Yet, he also argues that "no state will keep itself limited, no constitution or ideology is sufficient to that task, unless there is a body of people separated from the nation that is willing to say 'No' to the state's claims on their loyalties." Instead, many Americans have become worshippers in secular religions that have become official religions of the American state. Separation of church and state does not exist in the United States, only separation of Christian (and Jewish) religion from the state. For too many Christians, Hauerwas explains, American "democracy has in fact become an end in itself that captures our souls in subtle ways we hardly notice." The result is that, rather than independent religious voices, many Christian churches have "in fact become a captive to and in America." Their Christian religion has become subordinate to their American constitutional faith, a national mission to save the world, and other powerful, and for many intoxicating, elements of American national religion.

The rise of modern science posed a great challenge to traditional Christian religion. Since the Enlightenment, and partly as a product of this challenge, the Christian (and sometimes Jewish) message increasingly has been found in secular religions. By the 20th century, secular religions were more powerful over most of the western world than traditional Christian faiths. This development can be seen in several lights. The spread of secular religion might be seen as a new valid expression of Christianity — in the category of, say, the emergence of Protestantism during the Reformation. Or it might instead be seen as a great heresy which falsely distorts and caricatures the valid Christian message. Or it might be the development of a brand new religion, even if it borrows heavily from Christian sources — much like the emergence of Islam in the 7th century.

However one sees it, secular religion became the most powerful religious force in western Europe and the United States in the 20th century. The nation-states of the West saw the apparatus of the state become a state church. In some nations the punishments for heresy were no less severe in the 20th century than in the medieval Christian period, while in other nations heretics no longer feared for their lives, although they often paid other prices. Religion — in its new secular forms — was as central to the tasks of governance, the organization of society, the moral judgments of the populace, as it had ever been. Even though Marxism collapsed at the end of the century, and other progressive gospels came under increasing scrutiny, powerful new secular religions continued to arise, such as the environmental gospel.

If secular religion is taken seriously as a real form of religion — and it is difficult to see why it wouldn't be — certain political and religious questions must be answered. If Americans wish to maintain the traditional separation of church and state, much of the modern welfare state — which amounts to a new "secular church" — will have to be dismantled and privatized. Libertarians will find this a happy prospect, but it is perhaps equally likely that the principle of separation of church and state will be jettisoned.

That will, however, create its own large complications. What is the justification for religious coercion? When the state is a church, tax collections become coercive tithes. This problem could be ameliorated if the United States broke into a number of smaller sovereign jurisdictions. A state religion is less objectionable when the citizens of the state are religiously homogeneous. There is little need for religious coercion when you and I share the same faith. Perhaps an American principle of free secession will have to be enshrined. When a state becomes a church, secession becomes the practical means of asserting freedom of religion.

Heretics are no longer burned at the stake in America, but in some cases, such as the war on drugs, heresy can expose an individual to a long prison sentence.

Protestantism asserted this right 500 years ago with respect to the Roman Catholic Church; perhaps a similar new "protestant" movement against 20th century national state churches of secular religion is required.

It is time to take secular religion seriously. It is real religion. In the 20th century it showed greater religious energy, captured more converts, and had much more influence on the world than traditional Christian religion. Once this is accepted, the conventional pieties of our times will face some difficult challenges. The task of integrating Christian, American, economic, sociological, psychological, environmental, and other religious impulses into the full domain of world theology lies ahead: the books discussed here are all steps in the right direction. □

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The Politics of Hatred

by Stephen Paul Foster

There are two ways to campaign: either run on the issues, or demonize your opponents. For many people in our society, it's not a hard choice.

A recent visit to the "Politics & Government" section in a Borders bookstore put me before a deluge of books whose authors all evinced a feverish enthusiasm for exposing the innumerable shortcomings of our current commander in chief. Bush is a moron, a hypocrite, a lush, an illiterate, a draft dodger, a feckless rich kid, a fundamentalist cretin, a crazed militarist, a stooge of Big Oil, a toady for the Saudis, Karl Rove's puppet, and so on and so on.

Among these angry productions I contemplated a remarkable series, a collection of "I Hate" titles. Here was a deep reservoir of resentment into which loathers of Republicans could plunge: "The I Hate George W. Bush Reader," "The I Hate Republicans Reader," "The I Hate Dick Cheney, John Ashcroft, Donald Rumsfeld, Condi Rice . . . Reader: Behind the Bush Cabal's War on America," and "The I Hate Ann Coulter, Bill O'Reilly, Rush Limbaugh, Michael Savage, Sean Hannity . . . Reader: The Truth About America's Ugliest Conservatives." In vain I searched for the "I Hates" on the other side, e.g. "The I Hate Ted Kennedy, Al Gore, and Jesse Jackson Reader: The Truth about America's Most Bloated Leftists." Many books on these shelves denounced liberal Democrats, but they tended to be critical of ideas and policies rather than rely on ad persona attacks.

What irony, though, that these "hate" books come from the Left. It has been the Left in recent years that has striven both to criminalize hate and to tar Republicans as the party of hate. Democrats exude compassion and toleration. Republicans manufacture hate, and they hate just about everybody — blacks, gays, single mothers, non-Christians, etc. This calumny fits into a syllogism simple enough for the electorate. Hate is bad. Republicans hate. Ergo . . .

In the aftermath of the 1994 congressional elections, when the Republicans captured both Houses of Congress for the first time in 40 years, Democrats appeared shell-shocked and in disarray. From the beginning, the Clinton administration was a scandal machine in overdrive. Bill and Hillary proved to be even more inept in managing the White House than they had the governor's mansion in Little Rock. What, the Democrats must have been thinking, could be worse in the eyes of the electorate than incompetence and corruption? Hate. And what was the source? Angry right-wing talk radio hosts, egged on by mean-spirited Republicans. Rush Limbaugh and his ilk acquired an impressive following by poking fun at liberal Democrats and harping on their defects. "Politics ain't beanball," as they say, but Rush's ridicule-laden bloviations drew many listeners and rallied them around Republicans. Meanwhile, antigovernment paranoiacs had recently blown up the Federal building in Oklahoma City. Rush and other conservative Republicans deplored Big Government liberals.

So, from these two distantly related facts the Democrats, including President Clinton, conjured up and peddled the howler that the Republicans, in their disdain for Big Government liberals, had through the vehicle of talk radio established "a climate of hatred" that launched the antigovernment bombers into murderous action. Hate thus became a hefty political stick with which to beat Republicans. In the following elections Republicans were coupled with arsonists

of black churches, murderers of gays, and lynch mobs. During the 2000 presidential election, the NAACP put out a political ad that featured the grisly murder of James Byrd, Jr., in Jasper, Texas. The ad ran with a voiceover of Byrd's daughter, saying: "My father was killed. He was beaten, chained, and dragged three miles to his death, all because he was black. So when Governor George W. Bush refused to support hate-crimes legislation, it was like my father was killed all over again." Democratic nominee Al Gore seized on this issue to suggest that because Bush was against hate-crime legislation, he was soft on murderers inspired by racial hatred — even though Bush had signed the murderers' death warrants.

In vain I searched for the "I Hates" on the Left side, such as "The I Hate Ted Kennedy, Al Gore, and Jesse Jackson Reader: The Truth about America's Most Bloated Leftists."

The Left's recent smearing of its critics as haters replicates the Fascist-smear strategy developed by Comintern Stalinists in the late 1920s and '30s. During the Spanish Civil War, the Left perfected this smear and passed it on to its progeny. Today those on the Left routinely resort to the F-word or its equivalent to describe Republicans who displease them. Recently, NAACP Chairman Julian Bond compared Republicans to Nazis and the Taliban.

To put some history with this: the Stalinists developed the Fascist smear after the consolidation of Mussolini's dictatorship and Hitler's rise to power in the 1930s put Fascism into play as Communism's most formidable ideological rival. Fascism, of course, was an enemy of democratic, constitutional government — as was Communism — but the Stalinists adroitly positioned themselves as anti-Fascists and promiscuously attached the epithet of "Fascist" to almost all of their rivals.

In the years between 1928 and 1935, Moscow Bolsheviks anticipated the worldwide collapse of capitalism. They castigated the non-Communist Left as Fascists, including the reform-oriented Social Democrats, an especially powerful political force in Germany. They called them "Social Fascists" because even though they were Socialists, they participated in bourgeois politics, played by parliamentary rules, and eschewed violent revolution.

But as Hitler armed the Third Reich and Nazi Germany grew more menacing and formidable, the Stalinists concluded that they actually needed those "Fascist" allies on the Left. So in 1935, the Comintern made one of its notorious about-faces and embraced the former "Social Fascists" as partners in an anti-Fascist alliance that became known as the Popular Front.

The Second Spanish Republic elected a Popular Front government in 1936 that within six months found itself under siege by General Franco. In resisting Franco, Popular Front Communists, guided by Comintern propagandists, skillfully crafted a Manichean interpretation of the civil war in Spain, scripting the conflict as a struggle that pitted Francoist forces — whose victory would plunge Spain into a Fascist abyss — against the anti-Fascist, democracy-affirming, freedom-loving defenders of the Republic.

The truth was more complicated, and quite different. Franco was no doubt an enemy of freedom. However, the Popular Front government that fought him throughout the 32-month war was increasingly dominated by Communist operatives under orders from Moscow. They wanted for the Spanish people the same kind of freedom and democracy enjoyed by the helots in Stalin's workers' paradise.

The Fascist-smear tactic of the Comintern is the model for today's hate smear. The smear works like this. The accuser attaches to the opponent an opprobrious label (e.g., *Fascist* or *bigot*) while at the same assuming the mantle of the opposite virtue. The attack creates morally and politically dichotomous spaces occupied by the virtuous and the villainous. The morally opprobrious villain is then turned into a criminal. As a criminal, he deserves no consideration, and can be eliminated from competition. Stalin, during the Spanish Civil War, framed his old Bolshevik comrades, whom he had come to resent. He had them imprisoned and executed as traitors. N.I. Bukharin, who appeared as Rubashov in Arthur Koestler's great novel "Darkness at Noon," was the most notable. Stalin's agents in Spain also labeled their non-Stalinist Marxist rivals, such as Andrés Nin, as Fascist collaborators and executed them.

Similarly, the Left has moved to criminalize hate even as it has smeared Republicans as a party of hatred. In the 1990s, university administrators across the country came under the tutelage of neo-Marxists who read domination and exploitation into every facet of social life. They imposed hate speech codes that banned any kind of speech deemed "insensitive" to ethnic minorities, gays, or women. Since the self-esteem of victims groups was considered to be fragile, any less than congratulatory remarks from a dominant group member to a minority or woman victim could be construed as a hateful slur.

Sen. Kennedy's long history of efforts to advance the well-being of women is thoroughly documented.

Disapproval was rarely distinguished from hate. Violators were subjected to compulsory re-education programs, forced public apologies, and expulsion. Victims were institutionally immune from criticism and took advantage of that immunity to scorn, intimidate, and silence critics. Seldom then and seldom now do critics of the Left appear on college campuses. When they do, they are often shouted down and sometimes physically assaulted.

Many of the college speech codes failed court challenges and were thrown out. The war on hatred moved to Congress

and from the 1990s on there has been an explosion of hate-crime legislation at the federal level. Hate crimes, it was argued, were more nefarious than "regular" crimes and hence deserving of more vigorous punishment and enforcement. Congress passed the Hate Crimes Statistics Act of 1990 (28 U.S. Code 534); the Hate Crimes Sentencing Enhancement Act of 1994 (Section of the Violent Crime Control and Law Enforcement Act, Public Law 103–222); the Church Arson Prevention Act of 1996 (18 U.S. Code 247); the Campus Hate Crimes Right to Know Act of 1997 (H.R.3043); the Hate Crimes Prevention Act of 1999 (Amends 18 U.S. Code 245); and the Violence Against Women Act of 2000 (P.L. 106–386).

In 2001 Sen. Edward Kennedy introduced an amendment to existing law that would extend hate crime protection to more groups and add new offenses. In a Senate debate over this amendment in 2002, Kennedy, whose long history of efforts to advance the well-being of women is thoroughly documented, denounced Republicans for their lack of commitment to basic civil rights when they blocked action on the amendment. In 2004 the enhancements passed the Senate.

The Left has moved to criminalize hate, while smearing Republicans as the party of hatred.

Hate crimes remain problematic and controversial. They have a much larger scope in socialist countries like Canada where "hate speech" is a crime. The very concept churns up legitimate fears about the criminalization of thought and emotion and the concomitant erosion of freedom and expansion of state power. In 1999, Andrew Sullivan, a well known writer on gay rights, published a devastating critique of the hate-crime concept titled "What's So Bad about Hate?" Sullivan argued that hatred remains too complex, ambiguous, and primal an emotion to be unique to oppressor groups, or to be neatly categorized as either good or bad. Hatred, he noted, would likely be stronger among victims than oppressors because the victims frequently experience the injustice of the oppressor group. How then can hatred be unequivocally excoriated? Must we embrace the preposterous notion that some should hate and others should not? "Violence," Sullivan wrote, "can and should be stopped by the government. In a free society, hate can't and shouldn't be."

"I've got an epistle to the Corinthians, fifteen cents postage due."

Republicans, at least conservative ones, have tended to oppose hate-crime legislation because it confers differential status and special treatment based on group identity, and it criminalizes thought and emotion. But just as Communists in the 1930s and '40s denounced their critics as Fascists, so today's leftists, who build their power base on collectivist identity politics and race-baiting, denounce critics of hate-crime legislation as sympathetic with hate-motivated criminals. They assail the motives and character of the critics, not their arguments. And the hate smear is now standard operating procedure for the Left in combating Republicans. Just recently, Harlem Rep. Charles Rangel called President Bush, who has placed more blacks in positions of national leadership than any other president, "Our Bull Connor," linking Bush to the man whose name stands for the racial hatred and violence of the Jim Crow era.

But as hard as Rangel, Kennedy, Gore, and others try, they will likely never top CNN commentator Paul Begala's virtuoso performance in his commentary on the 2000 election:

> [I]f you look closely at [the electoral map distinguishing Republican red states versus Democratic blue states] . . . [y]ou see the state where James Byrd was lynched — dragged behind a pickup truck until his body came apart — it's red. You see the state where Matthew Shepard was crucified on a split-rail fence for the crime of being gay — it's red. You see the state where right-wing extremists blew up a federal office building and murdered scores of federal employees — it's red. The state where an Army private who was thought to be gay was bludgeoned to death with a baseball bat, and the state where neo-Nazi skinheads murdered two African-Americans because of their skin color, and the state where Bob Jones University spews its anti-Catholic bigotry; they're all red too.

There you have it — a sextuple hate smear, not from a fringe political hack but from a Georgetown University professor, nationally syndicated columnist, and adviser to our most recent Democratic president. This is not an argument but a malignant diatribe worthy of Stalin's show trial prosecutor, Andrei Vyshinski. This attack was intended to put the opposition beyond the pale, to taint Republicans as moral cretins, mindless haters, and vicious criminals. With his reference to neo-Nazi skinheads, Begala pulls off a twofer, a Fascist-smear and a hate-smear, all in one.

As the parties begin to position candidates for the 2008 presidential election, it appears likely that another Clinton will head the Democratic ticket. Given recent history, it's reasonable to expect that the party of compassion will once again rely heavily on hate as a weapon. □

Reviews

"The Tycoons: How Andrew Carnegie, John D. Rockefeller, Jay Gould, and J.P. Morgan Invented the American Supereconomy," by Charles R. Morris. Times Books, 2005, 382 pages.

Weighing the Gilded Heroes

Mark Skousen

Were the giants of the Gilded Age — John D. Rockefeller, Andrew Carnegie, Jay Gould, and J.P. Morgan — pious frauds who exploited and bilked the public on their way to achieving their ill-gotten millions? Or were they bold innovators and noble capitalists who established America as the richest, most productive country on the planet?

Was Balzac onto something when he claimed that "behind every great fortune is a crime"? Or was Carnegie more accurate when he observed that "great inequality and concentration of business are essential for the future progress of the race"?

In the past, historians have taken positions at opposite poles in this debate in American history, when railroads, oil, and steel transformed the world economy. On the one hand are the muckraker Ida Tarbell and Marxist historian Matthew Josephson. Ida Tarbell's "History of Standard Oil Company," based on her famous 19-part series that ran in McClure's Magazine from 1901 to 1903, is an expose of John D. Rockefeller. She has since been honored as one of the first female journalists, with the U.S. Post Office issuing a stamp in 2002. Her book hastened the breakup of Standard Oil in 1911. "They had never played fair, and that ruined their greatness for me," she wrote. Since then, her historical accuracy has been challenged. Charles Morris concludes, "The great power of Tarbell's prose conceals the holes in her argument." (p. 86) The railroad rebates Rockefeller engineered, which she described as "secret, unjust and illegal" were in fact neither secret, nor illegal, nor unjust. "There was no law against rebates, on either the federal or state level, and they were standard practice among all carriers," states Morris. (88) Despite complaints at the time, the Cleveland refiners who were pressured to sell to Rockefeller were offered a fair price, and those who accepted Standard Oil stock became quite wealthy.

Matthew Josephson's classic work, "The Robber Barons," was published in 1934, during the depths of the Great Depression. It is still in print, and widely considered "the classic account" of the captains of industry. Josephson's bias is apparent in his frequent citations of Thorstein Veblen, Charles A. Beard, and Karl Marx. Although written in an entertaining style, his history is cleverly prejudiced against the creators of industry. Witness its highlighting of their peculiar personal habits (for example, he claims that Rockefeller had a "queer habit of talking to his pillow") and their misdeeds and deceptions, while it religiously avoids references to their positive contributions. In his chapter on J.P. Morgan, Josephson emphasizes Morgan's imperial wizardry at 23 Wall Street, where he conspired to monopolize and unify the transportation business of Vanderbilt, Gould, Huntington, and Hill, and create the world's first billion-dollar company, U.S. Steel. Yet he conveniently leaves out any mention of Morgan's twice saving the U.S. Treasury from the gold drains and near bankruptcy of the 1890s, and his role as quasi-central banker in restoring order during the Panic of 1907. These omissions are a fatal flaw.

On the other extreme is Burt W. Folsom Jr.'s "Myth of the Robber Barons." Folsom teaches history at Hillsdale College and lectures regularly at student conferences sponsored by Young America's Foundation, which also published his book. He is in the vanguard of a revisionist movement reevaluating the genius of the barons of industry. Countering the standard textbook view that Com-

modore Vanderbilt's actions in the steamboat business were "immoral and in restraint of trade," he portrays Vanderbilt as an entrepreneur with "superior skills" in driving down prices and offering better services than his competitors. Unlike his rivals, Vanderbilt accomplished this feat without resorting to government subsidies. In his chapter on Rockefeller, Folsom shows how the oil magnate repeatedly slashed the price of oil and constantly expanded production, "refining oil for the poor man." He paid fair prices in buying out his competitors, and paid his employees higher than market wages. "Standard Oil was rarely hurt by strikes or labor unrest," states Folsom.

Josephson conveniently leaves out any mention of Morgan's twice saving the U.S. Treasury from the gold drains and near bankruptcy of the 1890s.

Folsom's book is strangely hit and miss, probably because it was written as a series of articles, not a complete history, and his focus is on industrial giants who succeeded without state favors. His railroad chapters cover Commodore Vanderbilt and James J. Hill, but omit Jay Cooke. His banking chapter highlights Andrew Mellon, while hardly mentioning J.P. Morgan. His steel chapters focus on the Scrantons and Charles Schwab, rather than kingpin Andrew Carnegie. And despite the title of his book, Folsom never mentions Matthew Josephson, nor does he review "The Robber Barons."

Just as Josephson typically ignores the beneficial actions of the 19th century tycoons, so Folsom turns a blind eye to their shortcomings. His chapter on Carnegie Steel (under the title, "Charles Schwab and the Steel Industry") ignores Carnegie's flaws. Here are three cases omitted in Folsom's book:

- In 1888 Carnegie wrote a letter to every railroad company in the United States, warning them that the new, cheaper steel process of his competitor Allegheny Bessemer was risky. He had no evidence for this accusation, but his complaint eventually forced Allegheny Bessemer to sell out to Carnegie Steel; afterwards, Carnegie adopted the new process.
- Carnegie had a policy of ruthlessly reducing costs, including wages, even while his company was making record profits. He offered bonuses and other incentives to managers, but the rank-and-file employees had to fight for every concession. Carnegie's refusal to honor the new eight-hour workday the Carnegie Steel workers had negotiated was a major cause of the Homestead Strike of 1892, one of the worst labor strikes in U.S. history. When Carnegie ordered workers to return to the twelve-hour shift, the workers not surprisingly staged a strike, which Carnegie, through his partner Henry Clay Frick, violently suppressed.
- The dispute between Carnegie and Frick in 1899, when Carnegie tried to expel Frick from the firm and pay him only book value for his shares, would have wiped out 80 percent, or $10 million, of the fair market value of Frick's holdings. Frick sued in court and won.*

This brings me to Charles R. Morris' "The Tycoons," which takes into account the latest economic research and analysis of the Gilded Age, and is not only comprehensive in its account of the major players in the early industrial age, but is even-handed. He credits all four main characters — Carnegie, Gould, Rockefeller, and Morgan — with dogged determinism and entrepreneurial genius in expanding output, cutting prices, and "turning luxuries into necessities" (Carnegie's description of capitalism).

Was Balzac onto something when he claimed that "behind every great fortune is a crime"?

As a result, America surpassed England in the late 19th century and rapidly became the dominant power in the global economy. But Morris doesn't ignore their flaws. To Morris, Carnegie — despite his humanitarian acts — was "the most irritating" and "repellently smarmy," a manager who issued pro-labor manifestos while he "steadily ratcheted up the demands on his workers and steadily cut their pay." Jay Gould created the national railroad map that prevails today, but was "always financially stretched" and had "a strange streak of self-destructiveness." Morgan was the last

*All three accounts are included in Les Standiford's recent history of Carnegie Steel entitled "Meet You In Hell: Andrew Carnegie, Henry Clay Frick, and the Bitter Partnership that Transformed America."

Calling All Economists!

There is a new idea according to which, taking from the rich to give to the poor does not reduce but increases inequality, and that would completely demolish the Left. But is it right or wrong, a golden opportunity for libertarianism, or a snare and a delusion?

A gold coin prize has been offered to anyone who could show that it was wrong. For the chance, not just to win the prize, but save us from economic error, or perhaps even demolish the Left,

see *Intellectually Incorrect* at intinc.org

of the great merchant bankers, engineering the first world class merger, U.S. Steel, but engaged in some questionable business dealings, and was in and out of bankruptcy for the rest of his days. Rockefeller comes off the best. "On balance," Morris concludes, "while there were skeletons aplenty in John Rockefeller's closet [Morris points to Rockefeller's once lying under oath], he was not a brigand, or embezzler, or stock manipulator in the manner of the early Jay Gould." (91) In depicting the Gilded Age's tycoons as neither the saints of Folsom's apology, nor the demons of Josephson's and Tarbell's rants, Morris himself has hit upon a fine balance. □

"Syriana," directed by Stephen Gaghan. Warner Bros, 2005, 126 minutes.

Jargon Good, Oil Bad

Jo Ann Skousen

"Syriana" is about big government and big business and oil deals and terrorism. It's about spies and counterspies and loyalty and betrayal. It's about suicide and sacrifice and accidental death. And yet — it is one of the most interminably boring movies I have seen in ages. Even the torture scene is a disappointment (you'll know it's coming because the soundtrack begins an ominous pounding beat, heralding the only bit of excitement in the first half of the film). Forget what you've been hearing about this movie being "important" and "Oscar-worthy" and in the style of "Traffic." The characters and locations are so scattered, the characterizations and motivations so weak, the action so lacking, that I found myself pleading, "Please! Just do something!"

Mostly these people talk. They talk in coffee shops, in lines, in cars, in offices, at parties, on boats, on TV. They speak glibly, and they use a lot of MBA jargon: "In a climate of falling prices" . . . "Let us problem-solve that for you" . . . "This merger is balance-positive." The women talk in the stern, no-nonsense voices of agency executives, while the men whine about having to get home for Johnny's birthday party or Susie's soccer game when asked to work late. They talk about each other but not to each other, and they seldom call one another by name, which makes it very difficult to keep everyone straight.

Here's an example: midway through the film a character reveals to another character who the bad guy, the villain behind the corruption, is (this is never really explained — I guess the fact that it involves an oil company is considered explanation enough). I kept trying to remember the face that belonged with the name. Was it Matt Damon? Christopher Plummer? The head of the oil company? The character is mentioned frequently but never appears on screen again. I finally had to go home and do a Google search of the cast and characters to figure out who he was. And even now, remembering him on screen, I would have to go back and watch the movie again to remember what he said or did. (Now *that* would be real torture.)

The biggest problem with this film is that it doesn't tell a compelling story. In a way, that's good; it avoids annoying stereotypes and acknowledges that there are no easy solutions

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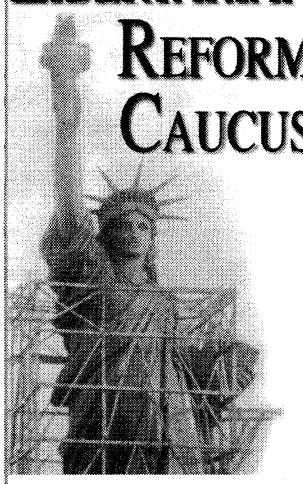

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or obvious villains. But the characters are so thinly drawn and so feebly connected to each other that it is difficult for the audience to create a vicarious bond. We just don't much care. I found myself identifying with the young Arab terrorists-in-training, simply because they were the only ones who seemed to bond with each other and struggle with their decisions.

As the credits rolled I overheard the man behind me say to his companion, "I want to see that again." She responded, "I didn't get it either." I'm not sure seeing it again would help all that much. □

"The Rape of the Masters," by Roger Kimball. Encounter Books, 2004, 186 pages.

Secondhand Gnostics

Andrew Ferguson

When is a lower-case e like a clitoris?

Unlike the Mad Hatter's "How is a raven like a writing desk?" chestnut, there is actually an answer, though it is as silly and unsatisfying as later generations' attempts at finishing off Lewis Carroll's riddle: when you're a tenured professor and you can write anything you want without fear of your colleagues mocking your blatant, fanciful misinterpretations.

The professor in question is David M. Lubin, the Charlotte C. Weber Professor of Art at Wake Forest University (which also continues to pay Maya Angelou six figures to use her Hallmark cards as class texts). The sphinx's question above is inspired by his bizarre analysis of "The Daughters of Edward Darley Boit" by portraitist John Singer Sargent. Lubin's narrative can't even be called tangential: he takes the name Boit; jumps to the French word *boîte* (meaning box); lingers on the phallically plunging î and its "circumcision" by the circumflex; detours into the differences between the straight, erect, capitalist E and the curvy, clitoral, lower-class e; and winds up saying that Boit is *boîte* minus E, which is of course Edward Darley Boit's penis. Therefore the Boit daughters are trapped in the "box" of femininity by culturally ascendant male-dominated capitalist society.

Lubin cheerfully admits that not a single one of those thoughts ever passed through Sargent's mind. But the professor excuses his attempts to shove them in there by asserting that "somehow a psychic transfer or transmutation occurs between the verbal part of the creative mind . . . and the visual part." At this point, he should be treated like anyone else who talks about psychic transfers and transmutations: mocked, pitied, and soon forgotten. Instead he's been praised, envied, and widely read.

He is not unique. In "The Rape of the Masters," New Criterion editor Roger Kimball presents eight paintings, along with an academic's ridiculous commentary on each. Others are equally as silly as Lubin's: visions of a Madonna with Child seen in three bands of Rothko color, or castration anxiety inserted into a Courbet hunting scene. But the silliness is a bonus; what's important is how far removed the commentaries are from the works they discuss: the paintings disappear from sight, and only academic digressions are left. Staple our pages to the canvas, say the critics, because without our words you'll never understand what's beneath.

This is an old heresy, perhaps the first: it answers to "gnosticism." Heresies have a way of coming back around; where once gnosticism concerned itself with saying people needed special secret knowledge to be saved, now it's saying people need special secret knowledge to understand art in a culturally conscious way. Of course, to these particular heretics, salvation and cultural consciousness are one and the same.

But all these billowy dons, these black-gowned conspiracy theorists, receive their gnosticism secondhand: it's manufactured by Marx and processed through Adorno or Foucault, before it gets squeezed out by David M. Lubin or any of a thousand like him. That intellectual regression is symptomatic of the gnostics: when Socrates says that knowledge leads one to a greater awareness of how much more there is to know, they take it as an invitation. They fiddle around with phallic punctuation, turn in the wordplay gyre, become ever more irrelevant and extreme.

Kimball acts as a kind of curator for an exhibit of stupidity.

What should be done about them? Not much, really. Many are already so loopy that they're only taken seriously by other professors; refuting them point-by-point would be as useless as trying to explain to a sociologist the flaws in the labor theory of value. But where one cannot lecture, one can point a finger and laugh, and it is ridicule that Kimball recommends. An old prescription, but an effective one: examples can be found in just about

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any literature that comments on the human condition (Ecclesiastes is a personal favorite). Indeed, many writers dear to libertarians have specialized in ridicule, from Voltaire to Mencken to O'Rourke.

Kimball can't match those luminaries; too often he makes direct appeals to the reader, like an amateur thespian winking at pals in the crowd. The best sections of "The Rape of the Masters" are those in which he acts as a kind of curator for an exhibit of stupidity: choosing excerpts with care, and using his words as gallery lights, to accentuate the phrases that best display the author's peculiar gifts. Curiously, this approach is not too far off from Duchamp's signing a urinal and entering it in an art competition, and the Dadaists earn a backhanded compliment in the introduction: "[T]hough impish, they are at least direct." (p. 11) Kimball puts the works of modern art critics on display, but only after he's drawn mustaches on the publicity photos of each and every one.

If the book were an actual exhibit, it would barely fill a small room: "The Rape of the Masters" is too short by half. While it's tough to fault Kimball for not subjecting himself to more art-circle gnosticism, his publishers could spare a few blushes for charging more than 15 cents for each page of large-print text. And if they wanted people to read the book in public, they certainly could have designed the book so the spine and dust jacket don't shout "RAPE MASTERS," as if the book were a tribute to the disciples of de Sade.

A more substantial problem is that Kimball views art as subject to some sort of Gresham's Law of criticism. But even though bad commentary has practically driven good out of the academy, Kimball's regular employment indicates that some sort of counterweight exists: as art critic for the Spectator of London and National Review, he reaches an audience many times that of the average tenured radical. Deranged musings on clitoral vowels are like hyperinflated deutschemarks: officially sanctioned but worthless, good only for carting around by the wheelbarrow. Outside the academy, though, is a vibrant black market, full of barter and intrigue; every day more people join it, abandoning the gnostics to their vacant wit and straining barrows. Like any hyperinflated system, there's no doubt that this one is headed for a crash; the only question is if anyone will notice. □

Booknotes

Straws in the wind — When you get right down to it, the United States is rapidly becoming just another country that doesn't represent anything more than a color on the map. Why should its citizens feel any special warmth towards its government? As the last two elections demonstrated, the U.S. may be becoming more polarized than at any time since the War for Southern Independence — and fiction is taking note of the nation's instability. I've read two novels in the past few months on the same topic: regime change in the United States, and how to induce it.

The first of these books is John Ross' "Unintended Consequences" (Accurate Press, 2005), a rather massive novel of 861 pages. It explains how an average law-abiding citizen winds up leading a movement to, more or less, overthrow the U.S. government. It traces the degeneration of American freedom from the viewpoint of a subculture that's still pretty large, but definitely on its way out: the gun culture. The insight it offers into the gun culture is a good part of what makes the book interesting as something other than pure entertainment. When I grew up in the '50s and '60s the gun subculture was still quite strong. Every kid wanted a BB gun, and many got the Red Ryder advertised in the back of comic books, as a first step to a .22, and then, if you wished, a mail-order 20mm antitank rifle (which ran about $125). Anyone could, and many did (including yours truly) transport weapons on planes without a second thought.

Another reason the book is interesting is that it can't be purchased in bookstores, or on Amazon. The reason is not that it doesn't sell (the book has apparently sold 70,000 copies — a big number for almost any novel, and an absolutely astounding number for a self-published novel, actually achieving cult status), but that it's a political hot potato, dealing with things like assassinating government agents. The idea of regime change in Washington, D.C., is a strong subtext throughout. In today's political and judicial climate, where publishers have been successfully sued for nonfiction books that allegedly, however unintentionally, instructed people on how to commit crimes, and where the FBI has actually investigated those who borrow books on Osama bin Laden from libraries (over 200 inquiries since Sept. 11, according to The Guardian), I suppose this reluctance is understandable. But the decision of retailers is an especially slippery slope. Tom Clancy's detailed techno-thrillers would certainly be banned, except for the fact he's a running dog of the military and a reflexive cheerleader for almost anything

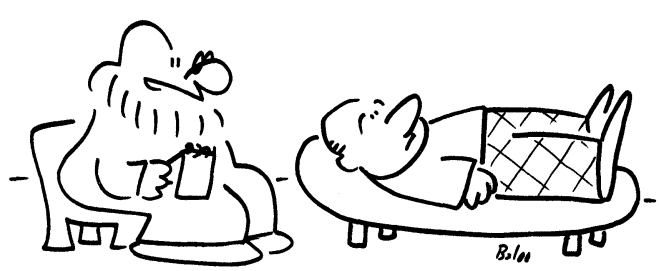

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Washington does. The only difference between "Unintended Consequences" and a Clancy book is its attitude towards the political status quo.

Despite the fact it's very hard to get and advertising is only by word of mouth, it's a big, continuing seller. The question is whether that would be the case if there weren't a huge number of really unhappy campers out there in The Homeland. Most of them are white, male, middle-aged, middle-class Bush supporters, and therefore quiescent at the moment. But, assuming we have an election in 2008, when Hillary gets in, there's a good chance their rallying cry will be "Sure, you can have my gun . . . when you pry it from my cold, dead fingers."

Think I'm kidding? Recall that social unrest tends to come (from different strata of society) either at economic troughs or peaks. The most recent serious trough was in the early '80s, when there were massive tax and regulation resistance movements. It's hard to predict exactly what will happen as the Greater Depression starts to evidence itself. But this book may be a straw in the wind.

Tom Clancy is a running dog of the military and a reflexive cheerleader for almost anything Washington does.

The same could be said of the second book: "Molon Labe," by Boston T. Party, just published last year by Javelin Press. (*Molon labe* is Greek for "come and take them," the answer the 300 Spartans at Thermopylae gave to the Persian army when asked to lay down their arms.) Boston is the nom de plume of an old friend of mine, Ken Royce, who has written a half-dozen other books as well, most of which I've read. There are broad similarities with the why (no secrets here) and how (very interesting) parts of both books. "Molon Labe," however, extrapolates the consequences of the nascent Free State Movement, whereby thousands of libertarian-leaning folks are migrating to the smallest counties of the thinly populated states of Wyoming and New Hampshire, with the objective of regaining some measure of control over their lives. In the novel, however, things go a bit farther . . .

I recommend both of these books, partly for the information they're loaded with, partly because they're good reads, and partly because they're straws in the wind. — Doug Casey

Heroism and hope — Evidence of the crumbling of collectivist thought is given in "Return of the Heroes: The Lord of the Rings, Star Wars, Harry Potter, and Social Conflict" (Cybereditions, 2003, 176 pages) documenting the continued resiliency of the "heroic" novel in a world where the intellectual elites have succumbed to mind-numbing nihilism. Hal G.P. Colebatch wrote the first version of this intriguing monograph many years ago (prior to the Harry Potter phenomenon) for the Australian Institute for Public Policy, an economic liberal group. His writings were prescient in that he saw, in the midst of the intellectuals' self-hatred, the seeds of rebirth. Despite the writings of the best and the brightest, the populace continued to find meaning and pleasure in novels of hope, of heroism.

Colebatch takes as his primary texts to develop his thesis the Lord of the Rings novels and the Star Wars movies, but enriches his discussion with frequent references to the works of C.S. Lewis, Arthur Ransome (the author of the "Swallows and Amazons" books of the early 19th century), and even Robert Heinlein. (There is much more that could be said about the idealism and morality of the Heinlein juvenile series — wonderful books for the moral education of youth.)

Colebatch argues that humanity cannot abide the doom and gloom of the modern intellectual, nor does it find compatible the arrogance of the earlier collectivist "heaven on earth" hubris. Mankind, he notes, has never responded well to the efforts of the mandarins to strip away history, tradition, and faith. He quotes some of these apostles of despair: "The race is to be freed from its crippling burden of good and evil."

As a devotee of the Lord of the Rings series, I will always remember the lines with which the wizard Gandalf confronts the defeatist Denethor, Steward of Gondor. Denethor, a Neville Chamberlain character, believes that defeat is inevitable, the West has proven too weak, Gondor will fall, and after that fall — he believes — there will be nothing left worth saving. Better to die now than live in that blackest of worlds. To that negativism, Gandalf responds: "Know too that I am a steward. And if, in the blackness that may occur, one flower survives in one remote vale in the mountains, I will not have totally failed in my charge."

The battle for liberty is never decisively won — and never foreordained to victory.

The battle for liberty is never decisively won — and never foreordained to victory. It requires each of us to fight and never surrender. Readers of Liberty should find this book worthy of their attention. — Fred L. Smith

Frontier gun control — The year is 1878. The place, Gold Creek — a mining town in the territory of New Mexico, not far from the Mexican border. The West is still young, but not so young that Gold Creek is without law and order. Society is based on responsibility and respect for individual rights. But after a stern gun law leaves Gold Creek defenseless, 17-year-old Blackie Sheffield and Gold Creek's former marshal Morgan must set off together on the trail of The Wolf, a Mexican desperado who has ransacked the town.

Morgan was deposed after a young boy playing in the streets was killed by a stray bullet, and a new "hotshot" was voted into office. This new marshal, Wiggins, persuades the townspeople to ban all guns within the town's limits — after all, no guns in town, no shooting of innocent bystanders; simple as that. The law was passed in spite of Morgan's warning that "the proposed law is dangerous. A citizen may never have to use his gun in self-defense; but if he should ever need it, it's his right to have it at hand." In response to the law, all guns in town were delivered to Wiggins for safekeeping.

When The Wolf and his band of outlaws learn that the town is essentially defenseless, they consider it an easy target. Early one morning, they shoot up the town, kill many people and wound many more — including Federal Marshal Wiggins — set buildings afire, kill all the horses they can't take with them, and escape with the bank's gold bullion and as many young girls as they could corral, including Blackie's resourceful sister, Dusty. The Wolf and his gang leave the town in shambles; buildings burning, windows broken, and the street strewn with the dead and wounded — men, women and children.

Blackie, who had been jailed by Wiggins for disrespect and "for violating the gun law," misses the excitement; he isn't found for several days because no one but Wiggins knew he was there. As soon as Blackie is released, he tries to organize a posse to go after the bandits. After failing to rouse the townspeople, he grabs his good friend Morgan, who had gone to work at an out-of-town ranch, and the two of them set out to track down the Mexican outlaws before they reach Mexico and safety — back then U.S. lawmen were prohibited from crossing the border into Mexico "in hot pursuit." Although The Wolf's band far outnumber their pursuers, the determination of the two men, their knowledge of the terrain, and their tracking skill eventually pay off.

"The Trail of the Wolf" (Clear Stream Communications, 2002, 299 pages) is extremely well-researched. W. Richard Trimble describes in detail the guns and bullets used by western settlers, and the geography of the region over which the story takes place. He describes the tenuous relationship between the United States and Mexico back when Arizona and New Mexico were still territories. The book offers a realistic account of life on the western frontier in 1878. And it is also a well-written, exciting story.

— Bettina Bien Greaves

Medianotes

Play it again — "Walk the Line" (20th Century Fox, 2005, 136 minutes), the recent biopic about Johnny Cash, walks a fine line between greatness and imitation. It's a terrific movie, but following closely on the heels of last year's phenomenal biopic "Ray," it feels unfortunately familiar. A young boy grows up in rural poverty, loses his beloved brother in a freak accident, feels lifelong guilt and responsibility for it, finds solace in creating music, falls under the spell of illicit drugs and groupie sex, and ultimately finds salvation through the love of a good woman. Great movies are made of great stories, and this one has it all. But it isn't receiving the acclaim it probably deserves, because "Ray" did it first and, I think, did it a little bit better.

Still, this is one of the best films of the year (admittedly in a year of disappointing movies). Joaquin Phoenix and Reese Witherspoon, who seems born to play the witty, homespun June Carter, deliver top-notch performances. In fact, the film is as much about June Carter as it is about Johnny Cash. I admit I cringed when I heard that Phoenix and Witherspoon would provide their own voices for the songs, but they both sing remarkably well — Phoenix manages Cash's deep bass bravado with aching emotion, and

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Witherspoon's southern accent is delightful without being corny. The theme of redemption is subtle but rings true; framed as a flashback during the concert Cash recorded at Folsom Prison, "Walk the Line" is about breaking free from one's own captivity, and finding redemption in a partnership with the woman one loves.

— Jo Ann Skousen

Chomsky's chamber music — The projectionist starts the reel. The members of Godspeed You Black Emperor! — all nine of them — walk to their seats, images of slums, bombs, and rubble flashing briefly across their faces as they find their chairs. The concert begins without introduction or ostentation: a guitar picks up a simple riff, then another chimes in; two basses complement them, one electric, one upright. A melancholy violin plays over all four, and a cello bows one note, again and again, each time with greater urgency. Two percussionists join in, one tapping out a military cadence on a snare, the other bashing cymbals on the downbeat; eight musicians crescendo together, instruments clashing with one another in what should be cacophony, but still the sound hangs together as a whole. The word "hope" splashes on the screen and is gone. At last the third guitarist enters, and hell breaks loose as his distorted growls twist every other note into something mutant and unrecognizable, until the club itself seems about to crumble around them.

Hell breaks loose as the distorted growls twist every other note into something mutant and unrecognizable.

Then: silence. "Hope" reappears; the projector rolls on. After a pause, the band does too, and from there swings between stillness and ferocity, crafting a two-hour soundtrack that Morricone would be proud to have scored.

Who was this band Godspeed? When they released their first album, "f#a# Infinity," (Kranky, 1998, 62 minutes) the musicians were credited only by first name, with no indication of which name went with which instrument. As they grew in fame and spun off into side projects, they became better known; but on stage they remained stubbornly anonymous, returning to the days when they were just a bunch of music students forming a collective in Montreal.

The shift in tense above is not an error: Godspeed are at present on extended hiatus. They may play together again (and I'll dip into my emergency travel funds if they do), but for now most of them seem happiest not sharing a stage. Many progressive *kibbutzim* flame out within a decade; add music to the mix and it's surprising Godspeed toured at all.

A shame, for when they did go on the road, they channeled that tension into unforgettable performances: protest music without the need for tendentious lyrics or rock-star spotlights. Whenever I attended a show of theirs, no matter what mood I started out in (even the time I went costumed as a Republican: cigar, blue blazer, and all) I left with the urge to throw monkey-wrenches into the secret machines of the world. The music is just that stirring.

Their bleak, Chomskyite view of the world always fades once I step outside the club, once I remember that the secret machines run by multinational corporations are less dangerous than the overt, obvious machines at the government's disposal. But the music stays with me, and I can't imagine it's left the members of the band. Perhaps a little time outside is all the Godspeed members will need before they recollect themselves and again make powerful music. There is always hope.

— Andrew Ferguson

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

Brien Bartels is a former assistant editor of Liberty.

Doug Casey is a contributing editor of Liberty.

Scott Chambers is a cartoonist living in California.

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Andrew Ferguson is managing editor of Liberty.

Richard Fields hosts a weekly cable access TV talk show in Sacramento called "The Libertarian Counterpoint."

Bettina Bien Greaves is co-compiler of *Mises: An Annotated Bibliography.*

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Eric Kenning is a freelance writer living in New York.

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Robert H. Nelson is a professor of public policy at the University of Maryland.

Randal O'Toole is senior economist with the Thoreau Institute.

Patrick Quealy can be seen in his natural habitat, a Seattle coffee shop.

Bruce Ramsey is a journalist in Seattle.

Ralph R. Reiland is the B. Kenneth Simon professor of free enterprise at Robert Morris University.

Ted Roberts is a freelance humorist living in Huntsville, Ala.

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Mark Skousen is the author of *The Making of Modern Economics.*

Fred L. Smith, Jr., is president of the Competitive Enterprise Institute.

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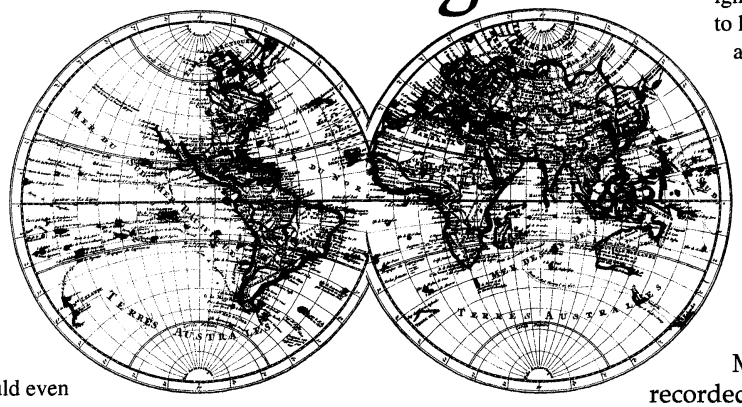

Elk Grove, Calif.

Musical note in the *Sacramento Bee*:

As he works on his two legal cases, atheist Michael Newdow is also rehearsing a one-man musical. "Our Coruscating Constitution" will feature Newdow playing guitar, singing about the "brilliance of our Constitution," and explaining his legal battles to remove the phrase "under God" from the Pledge of Allegiance.

Seattle

Advance in flying fish technology, from the *Seattle Times*:

Alaska Airlines has rolled out its new "Salmon-Thirty-Salmon," the world's most intricately designed jet. It took a crew of 30 almost a month to paint a giant chinook on both sides. It cost five times the standard rate. Greg Latimer, the airline's marketing director, said: "There is no way we could even entertain such a project if we had to incur the cost ourselves."

The paint job was paid for with a federal grant from the Alaska Fisheries Marketing Board, which has spent $29 million over the past two years to encourage people to eat Alaska salmon.

London

A new breed of spy, profiled in the *News Telegraph*:

Daniel Craig, the actor chosen to portray a tougher, grittier James Bond closer to the cold-blooded killer in Ian Fleming's novels, admits he is scared of guns. "I hate handguns. Handguns are used to shoot people and as long as they are around people will shoot each other. That's a simple fact," Craig said. "Bullets have a nasty habit of finding their target and that's what's scary about them."

Copenhagen, Denmark

The battle for equal treatment rages on, chronicled by the *Copenhagen Post*:

A disabled Danish man is fighting for the state to pay for him to have a prostitute visit him at home. Torben Hansen, who has cerebral palsy, which severely affects his mobility, believes his local authority should pay the extra charge he incurs when he hires a sex worker — because his disability means he cannot go to see them. "It's unfair to deny people with disabilities the right to a sex life," Hansen says.

Hansen started seeing a prostitute after attending a course at a social center. There, he and other disabled people were taught that if they had needs, they "could do something about it."

Graz, Austria

Curious way to shame one's hometown, reported in *Kleine Zeitung*:

A majority of members on the Graz City Council voted to rename the Arnold Schwarzenegger Football Stadium after the Austrian-born governor of California approved the execution of convicted multiple murderer Stanley "Tookie" Williams.

Montreal

Climatology takes to the streets, from the *Toronto Globe and Mail*:

Tens of thousands of people ignored frigid temperatures Saturday to lead a worldwide day of protest against global warming.

"Time is running out to deal with climate change," said Steven Guilbeault, the director of the Greenpeace movement for Quebec. "Global warming can mean colder, it can mean drier, it can mean wetter, that's what we're dealing with."

Des Moines, Iowa

Mutually beneficial exchange, recorded in the *Des Moines Register*:

Kathleen Carter, an 18-year veteran of the Des Moines Fire Department, was accused by a Des Moines businessman of using her position as a fire inspector to try to get a better deal on a lawnmower and snowblower she planned to purchase for herself.

Store owner Terry Janssen told police that when he arrived at the store Carter said to him, "We can work together. You need a permit. I need a mower."

In a written statement, Carter admitted her actions could have been misconstrued. "I was a customer, and then, after seeing the repair-garage operation not regulated, I also began to code enforce."

England

Hidden holiday peril, reported in the *Daily Mail*:

Sixty percent of British families end up fighting on Christmas Day because of what they eat, food scientists claim. Helen Conn, a fellow of the Institute of Food Science and Technology, said the turkey dinner contains high levels of salt and carbohydrates, which help make diners grumpy.

Atlanta

The thin blue line separating public transit from chaos, from the *Atlanta Journal-Constitution*:

Transit police handcuffed and cited Donald Pirone for selling a $1.75 subway token at face value to another rider who was having trouble with a token vending machine. Transit authority spokeswoman Jocelyn Baker said Friday that the officer "acted within the law."

As for the handcuffs, Baker said the officer felt they were necessary: "Our officers do that for their own safety."

Special thanks to Russell Garrard, Tom DiMaio, and Philip Todd for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

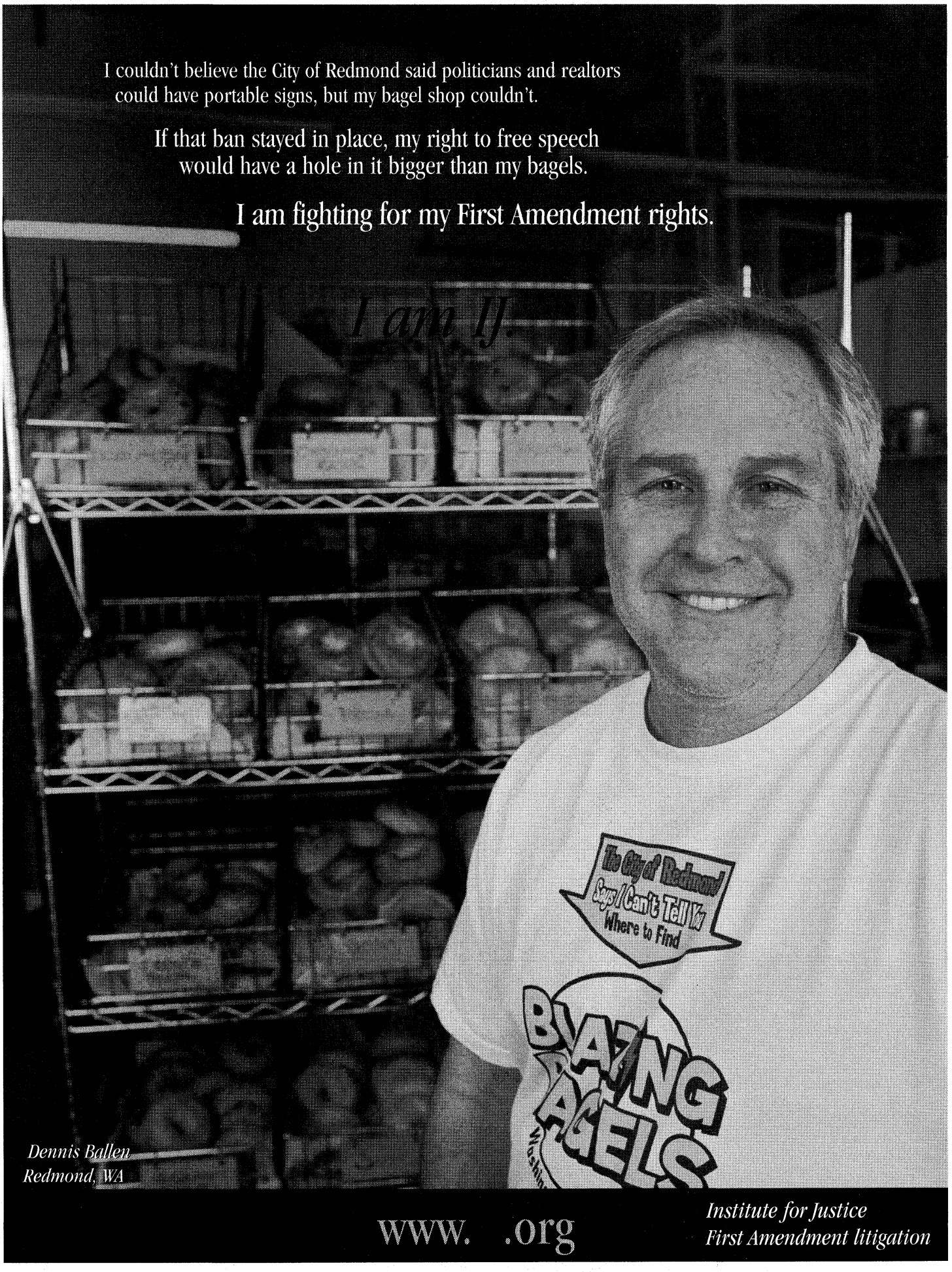
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by the Editors & Contributors

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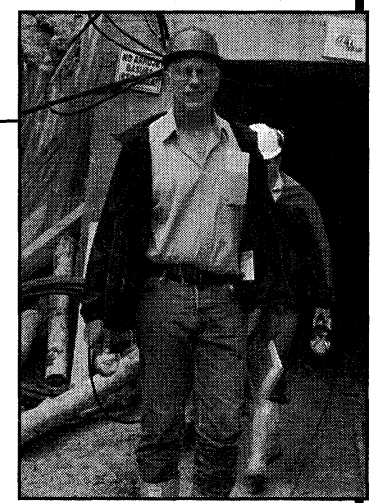

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Inside Liberty

March 2006
Volume 20, Number 3

4 Letters Our readers get the first word.

7 Reflections We get off the bus, gulp secondhand smoke, steal patents, tap wires, burn Paris, damn Europe, and take out a personal.

A Life in Liberty

Bill Bradford Remembered

18 The Conscience of a Libertarian *Ross Overbeek* recounts a friendship that began with Goldwater and ended with Liberty.

28 Ayn Rand and Coney Island *Chris Matthew Sciabarra* recalls a whirlwind intellectual tour.

29 Adios, Spike *Paul Rako* says goodbye as a fellow motorcyclist takes his last ride.

32 It Couldn't Have Been Anyone Else *Stephen Cox* explains why Bill Bradford will never truly die.

And other tributes by Liberty's editors and contributors.

Features

42 Debating the War on Drugs Bruce Ramsey shows that drug legalization is more complex than many Drug War critics think.

46 Guns, Rum, & Loot When governments license men to steal, *Jo Ann Skousen* finds, it's no surprise that many turn to outright piracy.

50 Kalmykia on My Mind Kirsan Ilyumzhinov is a Buddhist, a multi-millionaire, and president of the World Chess Federation — and leader of a unique post-Soviet state. *Doug Casey* tours Ilyumzhinov's HQ.

Reviews

53 Arguments from Absence *Michael Caldwell* seeks the true legacy of Thomas Paine.

57 The Ungoverned World *David Friedman* takes to the high seas, where commerce is anonymous, codes trump laws, and flags are for sale.

59 'Twas Beauty Killed the Beast *Jo Ann Skousen* shows that "good things never last" — except "King Kong."

60 Dada's on Its Way A new exhibit offers a lot of what you want to know about Dadaism, and *Richard Kostelanetz* supplies the rest.

61 Do Two Wrongs Make a Right? *Jo Ann Skousen* considers the case of "Munich."

62 Notes on Contributors Warrior-poets, philosopher-kings.

63 Terra Incognita Paving with good intentions.

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Letters

Something to Chew On

Here's a surprising story:

Democrats oppose a government program (flouridation of water), Tim Slagle (Reflections, December 2005) ridicules Democrats for doing so.

A libertarian should either be against this program on principle, or tell us why it is an exception to libertarian principles.

Bill Gasarch
College Park, Md.

Oh, Ye of Too Much Faith

It was wonderful to see Robert Nelson ("The Opiate of Almost Everyone,"February) saying what I've been actively preaching for over ten years, that the State has become a church. It was even good to read that which I have been loath to admit — that even good government inescapably has a religious basis, and that American government, grounded in the Constitution as Christianity is grounded in the New and Old Testaments, is inescapably a religion of its own. That is a good thing, because the First Amendment includes freedom of religion, and the First Amendment is the most sacred part of our Constitution in the hearts of the people. Once the pervasiveness of religion is admitted, it leads to Nelson's conclusion: "There is only one avenue to the restoration of true religious freedom in the United States — a sharp decline in the powers of the state."

The proper institutional roles of church and state are revealed by examining the nature of religion and force, the basis for each institution.

To put it simply, religion is what one believes is the truth and how one lives by it. This definition is a bit broader than the Supreme Court's current definition, which acknowledges atheism as religion, but confines constitutional protections to institutions with tenets and dogma.

If religion is what one believes is the truth, education — teaching the truth — is inherently religious and no business of the state. Charity is grounded in most major religions and the altruism they preach. That which is good or ill for body or soul, matters of health and holiness, are determined by personal beliefs and should never be written into law; bans of substances are just religious taboos like Jewish dietary restrictions or the Muslim prohibition of alcohol.

Education, charity, health, and holiness are functions of religion and therefore of churches. Government's proper function is determined by its monopoly on the use of force. The only proper use of force is to secure rights, therefore that is the only legitimate function of government. As it says in the Declaration of Independence, ". . . to secure these rights, Governments are instituted . . . " The boundaries of proper law are implied in the law of Alfred the Great, 1st King of England: "Do not do unto others what you would not have others do unto you."

There is a subtle and important difference between Alfred's law and the Golden Rule. "Do unto others . . . " is a positive admonition to help others. Alfred's law, on the other hand, contains no obligation to help, only the prohibition of harming others.

When one institution assumes the functions of another, it becomes that institution. When the state takes on the functions of a church, it becomes that dreaded hybrid, a state church. The phrase "bully pulpit," used to refer to the president's ability to command the attention of the media, perfectly embodies this obnoxious blend of piety with the threat of force.

Using force for anything other than

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securing rights can only violate rights, because force is never neutral. Everything a government does is paid for by the use of force, by taxes extorted from the unwilling, backed by guns. To keep government moral, it must be kept as small as possible. Indeed, if it would stick to its proper function, securing rights, it could be funded voluntarily, by lotteries and fundraisers.

Single-purpose institutions are able to fund themselves voluntarily. People who believe in or profit from a cause will contribute to it. In the case of government, all people have a stake in funding the rule of law to protect their rights. If enough of them feel that the law will protect rather than plunder, they will fund it with a glad heart. I can certainly see business leaders leading fundraisers for the county sheriff, the courts, and the feds.

Government has a major conflict of interest in funding anything but the punishment of crime. Who guards the guardian? When the state gives charity, who chooses the beneficiaries? One hand doesn't slap the other; it washes it. When money is collected by force and distributed at will, it is an open invitation to fraud and favoritism, which we all know is rife in government programs and rarely punished.

This conflict of interest is apart from the basic wrongs of forced charity, forced education, and forced holiness and healthiness. It's also a basic reason that state churches are always corrupt. The best of intentions cannot stand up under such a temptation.

Rycke Brown
Grants Pass, Ore.

Not the Same Old Schtick

I'm just old enough to have grown up in the same America in which Stephen Cox did ("Live from the Improv, it's Jimmy Carter," January.) For me however, it was a nightmare, because I belonged to a minority religion. I was Roman Catholic.

I was born in 1955, so my first years at school included daily Bible readings over the PA system and teacher-led recitations of the Lord's Prayer. I was precocious and really into that pre-Vatican II Catholicism, so when I noticed that certain Bible stories in school didn't run quite the way they did in church — and learned from a nun at Sunday school that the public schools used a Protestant Bible, named for someone named King James who was an evil man — I was quite disturbed. Ditto for the "extra" stanza ("for thine is the glory," etc.) that those blasphemous rebels against the True Church insisted on appending to the Lord's Prayer as Jesus had dictated it. Then there was the annual Christmas assembly, at which "Away in a Manger" was invariably performed to the wrong (that is, Protestant) melody.

You get the picture. I used to walk home from school scared shitless that a truck would jump the curb and kill me and I'd roast in hell because my soul was tainted by that Protestant contagion.

I suppose my background explains why I grew up so zealous about separation of church and state, why I ultimately became an atheist — and why I think I can see the flaw in Jimmy Carter's argument. (I suspect it's not quite what Cox thinks it is.)

What is separation of church and state? It is a division designed not only to protect religious minorities from oppression by the power of the state, but also (and perhaps more importantly) to protect the machinery of government from becoming entangled in the strife of sects.

What it might mean at any moment in history to implement church-state separation depends very much on the religious makeup of the body politic. To my mind, church-state separation settled into something approximating its current dynamic early in the 19th century. It can be summed up as follows: the level and kind of state-church separation appropriate to any particular time is that level and kind of separation which isolates the government from the religious debates most likely to erupt among the citizens of that day. Protection of government function, not protection of religious minorities, is the main goal (though protection of minorities tends to follow).

When public schools were founded in the 1830s, "Nondenominational" things that all large Protestant groups agreed on (King James Bible readings, the Lord's Prayer, the Ten Commandments) were all part of the school day. What was strictly off limits (in the sense of "this is a public school and we don't talk about such things here") was any issue that divided the Protestant sects of that day. Teacher-led prayer and Bible readings were fine, but debates over infant, childhood, or adult baptism (to cite one example) were strictly off limits.

Then came the Catholic immigrations of the 1840s, and the wheels

What is a libertarian?

Is it someone who reads nothing but public policy reports? Is it someone whose television viewing is confined to C-SPAN? Is it someone who wakes up angry every morning because of the price supports on sugar?

This issue of Liberty commemorates the life of a different kind of libertarian — the founder of this journal, R.W. Bradford. We at Liberty know that Bill Bradford's many friends, and all the readers who never had a chance to meet him, will be interested in the story of his life.

Bill died on December 8, having made provision for Liberty to survive and maintain its character as a lively forum for libertarian ideas and debates. We believe that the current issue continues the tradition he established.

For Liberty,

Stephen Cox
Editor

promptly came off the compromise that had served the preceding decade so well. Things that hadn't been controversial among sectarian Protestants (say, the King James Version) most certainly were controversial between Protestants and Catholics. "Controversial" is too weak a word; in 1844 most northeastern cities had riots over whether students would read from the Protestant or the Catholic Bible. In Philadelphia, several Catholics died. This crisis led to the formation of the Catholic parochial school system, which provided a safety valve that permitted KJV readings to remain the norm in many northeastern public schools. The status quo could stand because one party to an inevitable doctrinal argument (Catholics) unilaterally withdrew from public life — or at least, withdrew their kids from public schools.

So we can arrive at a rough and ready metric for church-state separation, and inversely for rights of religious expression in public venues. Whatever religious issues significant numbers of believers are likely to argue about, if church-state separation is at an appropriate level, all of those issues will be off limits to government. Public school teachers won't be allowed to deal with them, citizens will be restricted from making statements about those issues in public spaces, etc. To make a sound bite of it, the more religious diversity there is, the less religious expression — even by individuals — can be allowed in venues that government controls.

During the 20th century the religious makeup of America continued to change. The Jewish minority grew markedly, and irreligious persons became socially visible on a significant scale for the first time. Topics like the divinity of Jesus and the existence of God — things Protestants and Catholics would never argue about — were now controversial. Through the mid-20th century, schools began to develop sensitivity to Jewish concerns around the winter holidays; we saw the beginning of the "Happy Holidays" trend so controversial this past season. It began to be realized that simply having or expressing a religion at all in a public venue was now controversial.

The Supreme Court decisions of 1962 and 1963 represented a long overdue adjustment of church-state separation to reflect that demographic reality. Prior to those decisions, separation was badly out of sync with the makeup of the citizenry (hence the ability of a public school to torture my first-grade Catholic, um, soul); after them, separation was much more nearly in sync.

During the late '60s, all of the '70s, and into the early '80s a vast secularizing momentum gripped America. We seemed to be heading toward what priest-pundit Richard John Neuhaus condemned as "the naked public square," an America in which all forms of religious symbolism and expression would be barred from public venues, in which religion would essentially be banished to the private sphere.

Of course, that didn't happen. The fact that Americans would elect a born-again (albeit liberal) Christian to the presidency in 1976 signaled a change. With Reagan's election in 1980 the handwriting was on the wall. We were in for a period of reaction in which right-leaning ideologues would do their damnedest to reinstitute the church-state world that Cox and I grew up in.

When Jimmy Carter complains about the church-state separation of long ago being in danger, what I think he's really saying is that church-state separation and American demography are further out of sync today than they have been in a very long time. Allowing for the difficulty of comparing church-state matters pre-1820 to those after 1820, it may nonetheless be possible to establish that church-state separation has never, in the whole history of the Republic, been as far out of sync with demographic ground truth as it is today. Of course, he failed to articulate it in that way, and I suspect that this failure drives the disconnect in Carter's argument that Cox rightly perceives.

As you can imagine, I'm not an optimist about America's church-state future. A 2004 Pew Bliss survey determined that 16% of the body politic is religiously unaffiliated, and almost 11% is secular, atheist, or agnostic; but that's only the beginning. In addition to Judeo-Christians who are Christians, Judeo-Christians who are Jews, and former Judeo-Christians who've given up religion, there are also millions of Americans who are fervently devout but not Judeo-Christian at all: Muslims, Hindus, Buddhists, Sikhs, Baha'i — basically every religion on earth. That all these non-Judeo-Christian faiths are represented at significant levels is something fundamentally new in American demography, and so it's difficult to imagine anything more idiotic than what we see today, with our political leadership striving to restore the church-state balance of, oh, 1930, which was in fact out of sync even with the body politic of 1930, which consisted wholly of current and former Judeo-Christians!

I hate to say it, but I expect blood in the streets. The riots of 1844 will be trivial compared to what will break out when today's devout non-Judeo-Christians reach their Chayefsky point (you know, "I'm mad as hell and I'm not going to take it anymore") with "God bless America" and "Merry Christmas" and having the Christian savior forced down their childrens' throats each day in public schools.

People of Jimmy Carter's stature ought to be sounding the alarm about that.

Tom Flynn
Editor, Free Inquiry magazine

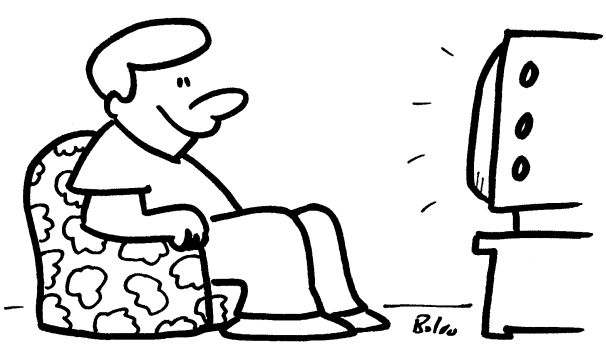

"Our regular programs will not be seen tonight, because our station manager is in the mood for some Three Stooges."

Letters to the Editor

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Reflections

I'm OK, You're OK — Judge Samuel Alito, responding to a question from Sen. Arlen Specter about whether courts should declare laws unconstitutional because of Congress' "method of reasoning," replied: "I think that Congress' ability to reason is fully equal to that of the judiciary."

We are in serious trouble. — Stephen Cox

Nothing has changed — "Now by the way, any time you hear the United States government talking about wiretap, it requires — a wiretap requires a court order. Nothing has changed, by the way." Who said that, and when? Why, President Bush did, at a Q & A forum in Buffalo, on April 20, 2004 — about two years after he signed an executive order (and presumably had renewed it numerous times, by the way, since the administration has said it requires review and renewal every 45 days) authorizing wiretaps on U.S. residents without a court order. — Alan W. Bock

Dog's day — The Kennedys have a history of putting their names on book covers, and now Teddy has joined in with "My Senator and Me: A Dog's-Eye View of Washington, D.C.," cowritten by his Portuguese Water Dog, Splash.

According to the publisher, Scholastic, the book "takes readers through a full day in the Senator's life," presenting the events from Splash's perspective. No word yet on what day Kennedy has chosen to depict, but surely we can all think of at least one where a Water Dog would've come in handy. — Andrew Ferguson

The liberal front — As I write, Samuel Alito appears to be on his way to confirmation to the U.S. Supreme Court. It is instructive to dissect the liberal arguments against this conservative nominee. To sum them up from what I've seen, read, and heard, they are two: first, that Alito believes the state may prohibit abortion; and, second, that he believes the president may make sweeping decisions during a state of undeclared war.

The first was expected: we have been talking about *Roe* v. *Wade* for years. But to the public, the case of *Youngstown Sheet & Tube* v. *Sawyer* is not so familiar. That was the 1952 case over President Truman's seizure of the steel mills to stop a strike during the Korean War.

Both of these cases turn on libertarian concerns: one on an individual's right to make a medical decision and another on a company's right not to have its property seized by presidential order. There were other objections to Alito, to be sure, but none as loud as these two, which are cases in which most libertarians agree with liberals.

What this hides is that committed left-liberals — that is, liberals who understand their own doctrine — favor an expansive state. They want to keep the New Deal interpretation of the commerce clause, which allows the federal government any quasi-economic regulation it can think of — which is why the liberal justices (Breyer, Souter, Stevens and Ginsburg) did not side with a long-suffering medical-marijuana patient in *Gonzales* v. *Raich*. Liberals don't like to talk about *Raich*. They don't like to talk about other exercises of federal power, such as gun control, in which conservatives are on the side of the individual and liberals are not. At least they don't like to talk about those things when a seat on the Supreme Court is up. Then they want to win, and they win by painting the appointee as an authoritarian — which maybe on these matters he is.

The selection of issues is revealing. There is a face of modern liberalism that stands for freedom, and that is the face they show in a great battle for public approval. — Bruce Ramsey

Dressed to shill — FrontPage Magazine has published an interesting interview with Phyllis Chesler, who has been a major force in pushing the gender feminist (GF) agenda for decades now. In her new book "The Death of Feminism: What's Next in the Struggle for Women's Freedom," she is turning around and lambasting her sister-GFs as being sell-outs to the lure of academic and leftist prestige, etc. I don't much sympathize with her "ringing the bell in the night" over how feminism has gone wrong since she is one of the reasons it went so many miles off course. Her media-proclaimed "brave" book that turns on GFs just as their movement is clearly dying raises my cynical hackles. For one thing . . . good timing! It is like buying a rising stock when it is low and then selling-short when you see an inevitable collapse. Of course, on Wall Street, Chesler would be arrested for insider trading, as she is in a position to influence the decline of the GF stock by publicly excoriating it. Her

interview (and book) are one more indication that gender feminism has lost its hold on society and will be fading fast in the next few years, leaving the rest of us to clean up the mess. Now its former leaders are trying to make a buck and preserve their prestige by distancing themselves from the failure that is their legacy.

Chesler's heart bleeds so profusely for Third World women that she is proposing "a feminist foreign policy." She criticizes GFs "because they refused to work with a Republican administration" and, so, shut themselves out of foreign policy. Aha . . . I begin to see where an enterprising ex-GF can make a new buck and acquire new prestige. I have a suggestion for Chesler: how about repairing the damage you have wrought to gender relations in your own society first? Oh, and when you express wrenching compassion for the poor and oppressed, may I suggest that your accompanying photograph not show you in a glistening evening dress with a glass of wine cradled in your hands? Actually, forget my last suggestion. It gives the reader important information.

— Wendy McElroy

When you express wrenching compassion for the poor and oppressed, may I suggest that your accompanying photograph not show you in a glistening evening dress?

If cigarettes are outlawed . . . — About a month ago, I took up a new habit: smoking. I don't like it — as a matter of fact, I hate it — but I can't seem to quit, because my smoking is all secondhand. Until a month ago, avoiding smoke was easy — virtually effortless. Most places are either partially or entirely non-smoking, and the few that aren't usually have adequate ventilation, at least in my experience. Washington state voters, however, seeing something that wasn't broke, decided to fix it. To protect people from the scourge of secondhand smoke, they've outlawed all smoking in all businesses, and even outdoor smoking within 25 feet of doors, windows, or vents. Restaurants, offices, bars, cigar shops — they're all smoke-free now. And since windows, vents, and doors are often within 50 feet of each other in retail districts, in certain parts of cities it's impossible for a smoker to legally light up.

The cost of complying with no-smoking areas has gone up, with the predictable result that compliance has gone down. Waiting for a ride outside Seattle's airport, within arm's reach of a no-smoking sign, I was engulfed in the fumes from half a dozen smokers. Entering a convenience store, I've had to wade through similar clouds. I didn't see this when legal smoking areas were reasonably accessible.

I don't want to overstate my case here — the clouds are still the exception rather than the rule, and in any case, breathing a bit of secondhand smoke isn't going to kill me any more than buying a lottery ticket is going to make me rich. I just wonder if the 64% of Washington voters who are clearly unacquainted with human nature find it shocking that smokers, given the choice to ignore the law or drastically curtail their smoking, sometimes choose to ignore the law.

— Mark Rand

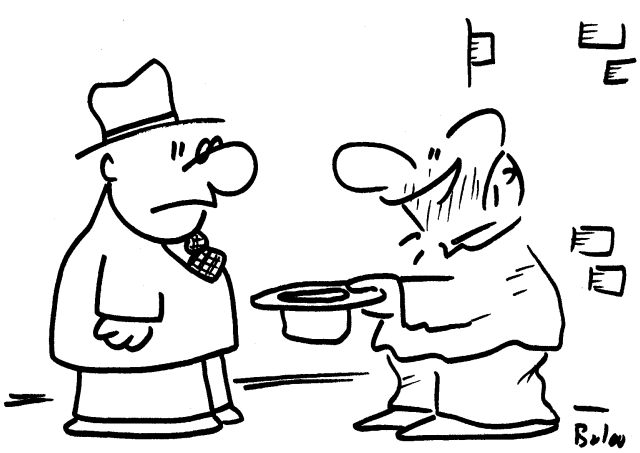

"If you make it a thousand, sir, you can take me as a dependent."

Blue-eyed blond seeks same — I regularly get our so-called "alternative newspaper" although it's really neither; it's more like a "yuppie infotainment events calendar." I remember not too long ago when these were called "underground" papers, a similarly self-important and bogus adjective. (Apparently when communism and apartheid were defeated, these papers safely emerged from the underground.) Why don't they just call themselves "weeklies" to distinguish themselves from the daily newspapers, which, after all, are also alternatives I could consider.

Posturing aside, their editorial positions are pretty similar and pretty conventional. As far as I can tell, what really distinguishes the alternative papers is the creepy politicization of personal ads. Half of them read like they could have been written by Hitler: "SWM, artist, music lover, vegetarian, nonsmoker, advocate for jobs, looking for someone to join me in a quest to make the world a better place." The other half read like they could have been written by Himmler: "SWM, pagan, politically aware, into S&M, Eastern travel, and the occult."

I guess it's an alternative to "If you like piña coladas and getting caught in the rain . . ."

— Tom Isenberg

Drug wars — On Dec. 5, three Democratic representatives wrote a letter supporting the importation and domestic sale of drugs manufactured under "compulsory license." Compulsory license is a recently invented rationalization that enables socialist governments to ignore pharmaceutical companies' intellectual property rights whenever they don't want to pay the market price for a drug. A belief common among the Left is that drug manufacturers are rich and greedy, don't need protection of their patents, and will still make plenty of money without them.

I wonder how many Hollywood leftists would agree with that premise if it were extended into their domain; i.e., consumers should be able to buy bootleg DVDs from Korea, if they feel the Hollywood distributors aren't charging reasonable prices.

Some might suggest that government funding of medical

research would give them part ownership of all medical patents. Since Garrison Keillor records "Prairie Home Companion" with the support of the federally funded Corporation for Public Broadcasting, does that mean we have a right to bootleg and sell broadcasts of his show? Since "Dances with Wolves" was partly filmed in national parks, does Kevin Costner forfeit his copyright on the movie?

Some might believe that pharmaceutical patents should have less protection because people's lives depend on medicines. I think if we are able to ignore any intellectual property protections, it should be the copyrights on movies and campy radio shows, because people's lives are *not* dependent on them. If it is possible to steal a patent from a pharmaceutical corporation in the event of a flu pandemic, then pharmaceutical companies are not going to invest resources into flu vaccines. Seems to me that if we're not going to protect something as important as medicine, there's no sense in protecting radio, motion picture, television, or performing artists either. Think pharmaceutical companies are evil, greedy, self interested, and overpaid? Not compared to performing artists. I mean really, why should we be using the awesome powers and financial reserves of the United States government just to protect something as worthless as a Barbra Streisand CD? Is anyone going to die if nobody makes another "Rocky" picture? Is protection of an artist's intellectual property really a valid expense for a government with a multi-trillion dollar mortgage?

Necessity does not equal entitlement. Just as some think that the pharmaceutical companies have excess profits, most Americans have an excess kidney. (You only need one!) Meanwhile, thousands of people are dying while waiting for a transplant. If the people with the extra kidneys refuse to donate them, perhaps we should just take them under compulsory license, and save people's lives. I think most leftists should agree that anyone opposed to excess kidney forfeiture while people are dying is either cruel or stupid. — Tim Slagle

Once and for all — As this issue goes to press, Sam Alito is being questioned by the Senate judiciary committee. Predictably, several senators have asked for the nominee's

News You May Have Missed

Pope In Quandary About Limbo

ROME — After 30 prominent theologians who met in the Vatican in December agreed that it's time for the Roman Catholic doctrine of limbo to be discarded, Church officials have stressed that the final decision rests with Pope Benedict XVI, who has not yet been able to make up his mind about it. "The pope thinks getting rid of limbo would be great, because it would simplify everything," said one official, "but on the other hand he also thinks it's nice to know that it's there, just in case, because you never know when you'll need the extra storage space. So right now, he's kind of in lim- . . . in a quandary about the whole thing."

In traditional Catholic doctrine, limbo has been the place reserved in the afterlife for unbaptized babies and, in some versions, for wise and virtuous ancient pagans, nice Jews, well-behaved Muslims, cute heretics, and adorable household pets. Also consigned to limbo, according to tradition, are fans of the Chicago Cubs, people standing in crowded restaurants who have been told that their table should be ready shortly, people who get put on hold after calling customer service, and anyone attending a performance of the Broadway musical "Mamma Mia."

Despite the conclusion of the December meeting in Rome that limbo itself should be relegated to limbo, the International Brotherhood of Hair-splitters, the powerful theologians' union, has come out against any narrowing of afterlife options, fearing it could result in substantial theological staff reductions. In response to these concerns, Vatican officials have suggested that instead of shutting down limbo altogether, they might consider just closing off the swimming pool area and getting rid of the game room, though they admitted that the ping-pong table would be sorely missed by residents who have already complained that even with regular high-stakes games of table tennis a stay in limbo can seem like an eternity. But the Church officials said that in compensation they might be willing to offer in-room movies for the first time, and the weekly rates, though certain to rise, would still be well under comparable off-season packages in Fort Lauderdale. Anyone who didn't like it, they added, could always go to hell.

Nevertheless, there were signs of growing international opposition to the proposed metaphysical makeover, including a noisy demonstration by unbaptized babies in Barcelona and a protest involving hundreds of ancient Greeks in Athens. In Paris, an angry mob of existentialists rioted for the third consecutive day, arguing that we are all already in limbo, and to abolish it would be bad faith, as it would be in effect to abolish the authentic human situation itself, which is in its essence but of course totally absurd, except for the *café au lait*, it is not so very bad, and the croissants, *mon dieu*, they are superb, and Jerry Lewis, he is a genius, no?

Simultaneously, in cities and small towns across the United States, there were also ongoing riots as tens of thousands of angry "dittoheads" protested the apparent abolition of radio talk show host Rush Limbaugh, but they quietly returned to their homes after police officers used bullhorns to explain that there were still many things to be furious about, but this wasn't one of them. Limbaugh himself was said to have resumed seething on a normal schedule after the unfortunate misunderstanding was cleared up.

— Eric Kenning

thoughts on abortion. It would be nice if we could settle the question of the constitutionality of abortion with a constitutional amendment. Post-*Roe* America has a moderate pro-choice consensus. America is ready.

I propose an amendment with unambiguous language that will settle the question once and for all. How about this: "Well-regulated reproduction being necessary to the health and safety of free women, the right of free people to procure abortions shall not be infringed."

This clear language permits no room for pro-lifers to weasel around the amendment's intent. It definitively states that abortion is a right enjoyed by individual women, not by "the state" on behalf of individual women. The right to abortion is not subject to abridgement merely because it offends anyone's ethical sensibilities. It "shall not be infringed," period. That'll work, right?

— Patrick Quealy

None aboard — One of the reasons I've heard for continuing the Amtrak subsidy is that passenger rail saves energy. Why does anyone think that running empty passenger trains back and forth across the country is saving energy? I have as much nostalgia for trains as anybody, and I probably use them more than most. But there comes a time to let the antiquities go, and accept progress. If Congress had subsidized stagecoach lines, you might still be able to take one across the country. But that doesn't mean it would be a good thing.

— Tim Slagle

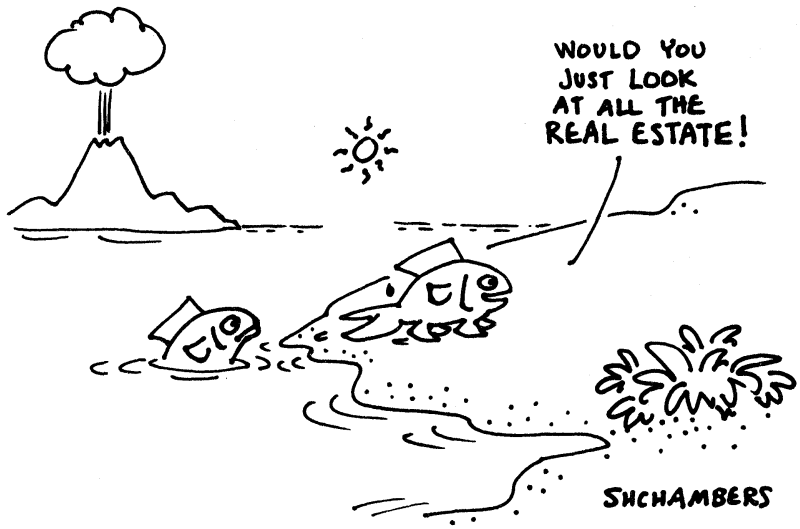

Unitarian creed — In signing the Defense Appropriations bill that contained the McCain antitorture amendment, the president proclaimed that "The executive branch shall construe . . . [the section of the Act] relating to detainees, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power . . ."

The only power that statement seemed to acknowledge as legitimately limited is the judicial power. Does that mean, since administration lawyers have argued in the past that the president's "plenary power" in an emergency includes the right to ignore treaties and acts of Congress, that the president will do whatever he pleases and the judiciary branch can go whistle, as some have suggested? Maybe not, but it's worth worrying about.

"Unitary executive power" has two meanings, one rather commonplace and the other more controversial and unsettled. The first is that since the Constitution gives the president the power to see that the laws are faithfully executed, he has the power to supervise the entire executive branch, including hiring and firing and setting policy, in a centralized, "unitary" manner. This power is limited by the Civil Service Act and there's some question as to whether it applies to "independent" regulatory agencies, but those are details.

The second meaning, regarding the scope of unitary presidential authority, is more controversial. Does a congressional authorization to use force (since we apparently don't believe in Congress declaring war anymore) expand power to, for example, order surveillance of Americans — even though Congress in 1978 set up a Foreign Intelligence Surveillance Court to supervise such surveillance — in a way that bypasses that court? If the president's "unitary executive" power allows him to enforce policy on the entire executive branch, perhaps it does.

This is made more complicated by the modern practice of presidents attaching signing statements to legislation, a practice Judge Alito, when serving in the Office of Legal Counsel during the Reagan administration, pioneered. President Bush has issued more signing statements (about 500) than any previous president, and about 100 have included the term "unitary executive" in a way that tends to strengthen executive power. The idea behind signing statements was to give the courts information beyond the legislative history to guide them when interpreting laws, but the courts have paid attention to them only sporadically.

Maybe it isn't quite time to worry about President Bush destroying the separation of powers and ruling as a monarch or dictator. But these and other signs show a persistent impulse to beef up executive-branch power at the expense of the legislative and judicial branches. The "unitarians" bear watching.

— Alan W. Bock

The winds have ears — Your cell phone records are available to anyone, online, for a fee! On Jan. 12, AmericaBlog had a post entitled "AmericaBlog just bought General Wesley Clark's cell phone records for $89.95." One company, LocateCell.com, advertises a basic service: for "$110 — Up to 100 outgoing calls with dates within the most recent billing cycle. Incoming calls on request if available with carrier. (Will not be indicated as incoming on results, if incoming must be indicated the charge is double the order) No guarantee incoming calls will be included in report as they are not available with all carriers." Special requests are extra.

Meanwhile, on Jan. 5, the Chicago Sun-Times ran an arti-

cle declaring, "Your phone records are for sale." So, with the practice receiving greater exposure, the government may soon be cracking down on it — which is considerably worse than the records being available for sale.

As a ham radio operator, I learned long ago to speak with discretion while broadcasting because many ears may be listening to my apparently one-on-one conversation. If I ever have something personal to communicate with another ham, I pick up a landline phone and use it. Indeed, I may be the last person in North America *not* to own a cell phone because I am too jealous of my privacy to throw personal conversations out into the ether. Correction, my husband and I may be the last *two* people . . . — Wendy McElroy

On the wrong track — I strongly support efficient urban transit systems, but transit officials seem intent on giving people more reasons not to ride transit:

• In Denver, a woman was handcuffed and arrested for refusing to show ID when the bus she was riding to work passed through a federal complex — even though she was not getting off the bus until after it left the complex. The transit agency made no effort to support people's right to ride its buses without being bullied by intrusive government agents.

• In Atlanta, a man was handcuffed and ticketed for selling a transit token to someone at face value when the ticket machine at that station failed to work. Apparently it is illegal for anyone but the transit agency to sell tokens.

• In New York, transit workers left transit-dependent people stranded when they went on strike. How many auto drivers would be stranded if highway workers went on strike?

• In Washington, D.C., the bus system is "outdated, unreliable, and inefficient," according to the Washington Post, because the Metro transit agency has neglected it in favor of the rail system. While the rail system is a favorite of tourists, the number of people using it to ride to work has actually declined in the past decade. Like so many other cities that cut bus service to build expensive rail lines — Los Angeles, San Jose, and St. Louis, to name a few — Washington would have been better off improving bus service than building rail.

People respond to these sorts of incentives. Two Denver transit buses were involved in fatal accidents in one day. At the time of the accidents, one of the buses was carrying three passengers, the other one two. Clearly, transit officials there have successfully convinced most people to find other methods of travel. — Randal O'Toole

Blood is thicker than honor — I'm always suspicious (disgusted, actually) when I see a large American corporation legally paying off politicians, or when politicians anticipate a legal payoff by lavishing contracts or monopoly benefits on corporations. Things were actually more straightforward in the days of brown paper bags stuffed with currency.

In November, America Online Inc. hired Mary Cheney, the 36-year-old daughter of Vice President Cheney, for an undisclosed salary, allegedly for her advice on building their Web businesses. I suppose the young Cheney must know something about computers, as do most in Generation X. But I'll bet she knows more about how to get rich through milking the military-industrial complex, having taken lessons from her old man who, after acting as secretary of defense under the elder Bush, retailed his connections to Halliburton for a $40 million payoff. Her previous "extensive business experience" (so described by AOL) was a job with Coors Brewing Co., a Colorado company whose principals are connected to her father. Then she was hired by her father and Bush's 2000 and 2004 campaigns. This set her up for a $1 million deal with Simon & Schuster to write her memoir as the first openly gay member of a vice president's family. But a million bucks doesn't mean much these days.

Bush's trips abroad only seem to inflame the locals and embarrass any American with more than a room temperature IQ.

Baby Bush, who'd never set foot outside the United States before becoming president, has turned into quite the globetrotter, although what useful purpose his peregrinations serve is a mystery to me. His visits only seem to inflame the locals and embarrass any American with more than a room temperature IQ. At least his outings are often comedic. On a recent jaunt to Brazil, when he looked at a map with President Luiz Inacio Lula da Silva, he said: "Wow. Brazil is big!" — Doug Casey

Fair trade — I'm a 93% libertarian and a 96% patriot. That's why I curse the Alabama legislature's proposal to mount cameras at traffic intersections, but view with calm equanimity the wiretapping of those suspected of wanting to blow up New York City, or poison Chicago's water supply, or otherwise harm me or my countrymen. Life, personal and political, is a trade-off.

A democracy only works if you vote your self-interest, and I have no murderous plans. So I'm not worried about a

"Look, I'm a busy man — stick out your *real* tongue."

few mistaken interrogations of terrorist candidates or their kinsmen. It's a trade-off: a small price for society to pay for a major life-saving bonus.

Those darn cameras, on the other hand, are as intrusive as pollen in springtime and pay off in pennies. Some impatient citizen (like me) busts the red light and is hit with a hundred-dollar fine. Many a late night I've sat at an empty intersection, gritting my teeth, expending energy, polluting our environment. Fuming, you might say. And once, maybe twice, I gunned through the red light. (OK, Maybe a half-dozen times.) I'm not only confessing but writing my state representative to vent my outrage at his camera concept.

Maybe that will make me suspicious. Maybe that will even put me on a list of wires to tap. But if it helps get the state out of my commuting life, that's a trade-off this 93% libertarian is willing to make. — Ted Roberts

Imperishable bliss — The headline was: "Issuing Rebuke, Judge Rejects Teaching of Intelligent Design." When New York Times readers saw it on Dec. 21, most of them probably smiled with a complacent sense of satisfaction — science has triumphed again. But I found it chilling. Why is a judge telling a school district what it can or cannot teach (in this case, whether it could read a statement that challenged evolution)? Can't a school district handle its own issues? Don't we have a federal system in which experiments are conducted and succeed or fail, and other districts learn from their examples? After all, long before the judge made his decision, the offending school board members in Dover, Pa., had been booted out of office.

Oh, and why do we have public schools anyway? Well, rather than pursue this track of libertarian outrage, I began to think about the case differently, as an illustration of a sturdy chunk of Americana that does not crumble or melt.

In no other country is there such a long-running conflict over evolution. It's a conflict that erupted (but did not start) with the famous *Scopes* trial in Dayton, Tenn. Yes, it is about religion. And it is not going to be settled any time soon. Let me explain.

In the 1950s, 1960s, and maybe even later, many Americans suffered anguish over religion (they called it "angst"). They no longer believed in God and sought out new faiths, such as Freudianism, technological progress, existentialism, anything but old-time religion. This anguish is illus-

Word Watch

by Stephen Cox

Every year, Lake Superior State University justifies its existence by issuing a Banished Words List — a list of "badly overused words and phrases" that, the people at LSSU suggest, should be retired from the language. Most of the time, the list is a public service. But the 2005 list leads me to think that the idea of hunting out overused phrases may itself be a bit overused.

To my mind, an expression is "badly overused" when (A) it is used so often as to have become predictable; (B) its meaning, if any, has been fully absorbed by any audience it is likely to find; and (C) no suitable alternative expression exists. The offense is aggravated when (D) a common expression advertises itself as uncommonly witty. Examples follow.

A.. When you open a card from one of those hapless people who feel obligated to remember your birthday, chances are very small that the note hastily scribbled on the inside of the card will *not* say, "Have a good one!" When you attend a "visitation" at a "funeral home," chances are even smaller that someone will *not* say, "Doesn't he look natural?" If you're like me, you say it yourself, just to get it over with.

B. There is no meaning that remains to be found and savored in "No harm, no fault!" There are no depths of undiscovered implication or poetic reference in "grinding poverty," "family values," "share your feelings," "dissed," "senseless crime," "bottom line," "close proximity," "step up to the plate," "greatest generation," "revisit the decision," "come to closure," "ramp up," "heads up," "she's all about herself," "it's the bomb," "go for the gold," "good to go," or the perennially disgusting "bring it to a head." Enough! Forgive — and forget.

C. Nobody *needs* to say "senior citizens." We already have "old people," "the elderly," "people over 65," "retired people," and many other choices. In this field, choices, like the poor, we have always with us.

D. Whoever first called New Orleans "the Big Easy" must have been just dying to say something witty, and succeeded about as well as the first little boy who exclaimed, "I'm a poet and don't know it." Nauseating? Yes. But the act of *repeating* such attempts at cuteness is a hundred times worse, especially when cuteness is allied with brow-wrinkling solemnity. "More and more Americans are wondering: Will the Big Easy ever be the same again?" Oh, maybe it won't. I'd just like to know whether the proper name "New Orleans" will ever be the same again.

There's nothing hard to understand about concepts A–D, but the experts at Lake Superior seem to be having a lot of trouble with them. Their new list of Banished Words rightly abuses "an accident that didn't have to happen," which is a witticism that certainly doesn't have to happen anymore. Try substituting the word "unnecessary," and the post-traumatic stress will vanish. But a lot of the other candidates for oblivion are just expressions that the critics don't like to hear — such as "97% fat free," which, as they inanely point out, means that the object in question still contains 3% fat; or "junk science," a phrase that they claim is used by people who "practice junk politics."

I believe there's more than a little unadmitted politics in Lake Superior's choice of offending words. But, "be that as it may," its list is flawed in other respects, too. Several of the examples are phrases for which there isn't an especially good

trated by "Sunday Morning," a poem by Wallace Stevens, one of the most admired poets of the time. "But in contentment I still feel / The need of some imperishable bliss," says the narrator, a woman struggling to accept her loss of religious faith.

Those days are long over, however. The uneasiness about religion expressed by intellectuals 40 years ago has ended. Many Americans don't darken the doors of a church or a synagogue or a mosque. Christians are not stigmatized if they don't attend church. Skiing, shopping, yoga, iPods, sex, and brunch fill up Sunday morning. The internal conflicts over belief in God have ended and the public face of our society is secular. Judge John E. Jones may have been constitutionally correct, given the history of Supreme Court decisions, to ferret out any taint of religion in the public schools. But for most individuals, secularism is not the whole story. The fact remains that, in their private lives, most Americans are religious. The 2001 American Religious Identification Survey found that 76% of Americans are Christian. More Americans go to church regularly than in any industrialized nation except Ireland, according to the Institute for Social Research at the University of Michigan. Across the country, social meetings start with prayer, families say grace, parents attend Bible classes, and children go to Sunday school. These Christians do not apologize for believing in God.

For some of them, Darwinian evolution is simply not compatible with their faith. Whether this is right or wrong is another subject (but famed Darwinian Richard Dawkins did say that Darwinism enabled him to be an "intellectually fulfilled atheist"). When these Christians feel they have to choose, they choose God. And, whether some judge in Pennsylvania rebukes and disparages them or not, they are going to continue to do so — as long as we have freedom of religion in this country. — Jane S. Shaw

Selective blacklisting — Having more than once objected in these pages to complaints about Hollywood (and other professional) blacklisting that regarded only sometime Communists as victims, I was gratified to find in Murray Friedman's informative new book, "The Neoconservative Revolution: Jewish Intellectuals and the Shaping of Public Policy" (Temple University, 2005), this information about Morrie Ryskind (1895–1985), who shared Academy Award nominations during the 1930s, whom I admire as the co-scenarist of the Marx Brothers' classics "Coconuts" (1929), "Animal Crackers" (1930), and "A Night at the Opera" (1935):

"In 1947, Ryskind told the House Committee on Un-American Activities what he knew about alleged communist infiltration of the film industry. For his outspoken testimony, he was denounced as a Wall Street lackey and Red-baiter. Fearful of adverse publicity, industry representatives urged Ryskind to tone down his attacks. Ryskind, who could earn $75,000 per script, balked. He was blacklisted and never wrote another script." A sometime lefty who became a nouveau conservative in the 1940s, Ryskind was later among the founding editors of the National Review.

As a veteran member of the Freedom to Read Committee at American PEN, may I suggest that the next time you read another book about Hollywood blacklisting, you look for Ryskind's name among those victimized. If it is not included, know that its author is probably advocating not Free Speech but something else — selective reparations for some people probably entwined with selective blacklisting of others.

— Richard Kostelanetz

Consumer confidence — Last year marked the consolidation of what has been a bipartisan consensus in the Imperial City in favor of big government and all its expenses and benefits for the politically connected. It had been preceded — under a Republican-controlled White House and Congress — by several years of the fastest increase in non-military domestic discretionary spending since LBJ. With the farm bill, the pork-laden energy bill, and the "bridge to nowhere" transportation bill, Republicans affirmed their allegiance to tax consumers rather than taxpayers — and the Democrats mainly complained that they were still too stingy.

Hurricane Katrina — which exposed the inability of a set of overgrown, sclerotic government agencies to respond quickly to real-world crises — compounded the inclination. Instead of introspection about the failure of government at every level, we got promises to make up for it with an endless supply of federal dollars, putting the entire Gulf Coast on welfare for decades.

A small backlash may be building. Toward the end of the

alternative, phrases that can hardly be regarded as strained attempts at cleverness. You may not like the prevalence of talking points among our political class, but "talking points" is the only name we have for that unhappy entity. You may not like surrealism, but there is no other word for it than "surreal." You may not like Lake Superior State University, but calling it Harvard College won't do very much good.

The language critics at LSSU have forgotten what clichés really are, and they've forgotten that there are linguistic phenomena that are worse than clichés — such as some of the things that people do with them.

My friend Liam and I have gotten a lot of laughs out of a student activist who, trying to be clever and outraged at the same time, complained that some action taken by the authorities at the University of California was "the straw that broke on the camel's back." He was the camel, I guess; and the straw was . . . Well, who cares, at that point? As Isabel Paterson said, there are some people who can't even write a cliché accurately.

Worse still are people who can't understand what a cliché means. When Jesus used the words "suffer the little children" (Mark 10:14), he didn't mean to provide a headline for every journalist who wants to discuss the lack of "health-care services" for "inner-city school kids." And when John Newton wrote "Amazing Grace," he had no idea that 20th-century sports writers would use his phrase in headlines about what athletes do with a basketball. "Oddly enough," he thought it was "all about" God.

But the most dispiriting thing about "overused words and phrases" is meeting people who have never even heard of the clichés — if that's what you want to call them — by which America used to live: "Congress shall make no law," "no entangling alliances," "damn the torpedoes," "mind your business," "that government is best which governs least. . . ." And those people are all around us.

year congressional Republicans squeezed out a tiny symbolic cut in projected future spending. The cut of $42 billion over ten years — less than half of 1% of projected government spending — hardly revived fiscal discipline, but it suggested a few guilty consciences. — Alan W. Bock

Manufacturing dissent — After returning from Paris, where I spent the weekend of November 4–6, I was frequently asked about the suburban "riots" there. In truth, I knew nothing more than Americans saw on CNN and Sky (a British television channel). Both tended to show the same intense, burning footage again and again, claiming that the vivid sample illustrated a larger problem. From my own travels that weekend around Paris proper I could see that life went on undisturbed. This time, unlike in 1968, students did not create sympathy protests — not even around the Sorbonne, where I was on Saturday night. An American friend, a filmmaking student resident in Paris for several years, told me that he went to film the suburban riots on Saturday night. However, taking public transportation and then walking only on foot, he couldn't find them. His conclusion was that he needed a car to find violence that occurred, not in whole neighborhoods, but on individual streets, while neighboring blocks were undisturbed.

By the end of the weekend the CNN and Sky television reporters discovered that similar riots, epitomized by the burning of cars, had broken out elsewhere, not only in France but in other parts of Europe, all of them supposedly reflecting similar social discontent among immigrants and their children. What the eager commentators apparently missed was a truth learned in America in 1967 — that whenever protests in distant places take the same form (this time car-burnings), the protesters are learning their strategies not from some central revolutionary agency but simply by watching television.

My hunch, which seems not to have occurred to the press, is that the Paris suburban riots were negligible until they were discovered by the media, which magnified events as they always do, creating out of their own need to entice an audience a greater story than there was, and thus the preconditions for greater problems that might in turn generate yet more vivid footage. Reporters with images on portable screens could then ask politicians to address a problem they had previously ignored.

The Paris riots were negligible until they were discovered by the media, which magnified events by showing the same intense, burning footage again and again.

When I was young, skeptics advised against believing "everything you read in the newspapers." To update the advice, consider that no one should believe every interpretation of televised images.

We hear the familiar litany about the alienation of immigrants' children and widespread unemployment among teenagers, reporters lamenting the "lack of jobs." The economic

Exiting the road to damnation — Libertarianism may not be setting the world of electoral politics alight, but it continues to be the source of tremendous intellectual vitality — a fact clearly evident at the Annual London Conference of the Libertarian Alliance and the Libertarian International on Nov. 19–20, 2005.

The finest speaker of the conference was, for me, Sir Alfred Sherman. This gentleman of 86 spoke with the vigor of a student radical, and the certitude of a man whose life had brought him from the International Brigades of the Spanish Civil War to a role in starting the free market Centre for Political Studies.

His speech was largely concerned with the failure of the social sciences to concentrate on humans: "Political science — a term whose legitimacy goes largely unquestioned — brings the methodology of the physical sciences to human affairs, and has thereby largely dehumanized their study."

There are those who treat humans as such, and those who treat them as tools for some allegedly benevolent end. The eternal dream of the perfectibility of man, and the terrible consequences of the misinterpretation of human action, became the central themes of the conference.

A case in point: the address of Sean Gabb, a conference co-organizer. Gabb outlined the obscene invasions of privacy committed by the British and EU governments. He listed recent attempts to enlarge the powers of the British government. The Proceeds of Crime Act has granted the British police tremendously invasive powers to spy on customers of the banking system. Nominal sums of money have now become "suspicious," thus calling for declarations by so-called "Money Laundering Reporting Officers." To Americans still concerned about the Constitution, this is reminiscent of the ongoing abuse of the Fourth Amendment through the War on Drugs. Then there's the Civil Contingencies Act, which provides any number of reasons to declare a state of emergency and thus to imprison people without trial, confiscate their property, and so on. Finally, in the recent affair of the attempted Terrorism Bill, Tony Blair lost a motion in the House of Commons to empower him to hold a suspect for 90 days without formal charges.

Nevertheless, Gabb believes that "it is not the laws of Parliament" that are most threatening to liberty: "These could be rescinded. These are merely symptoms." The problem, according to him, is the system that has governed Britain since Magna Carta. Unprotected by a written constitution, the British have benefited from a "web of associations." Those associations can be changed. Slowly, we lose old customs — customs such as trial by jury (how expensive and inefficient!) or protection against double jeopardy. The "immemorial antiquities" slip away; strands of the web are cut. No sweeping acts of abolition occur; all we see are seemingly trivial, modernizing alterations: writs becoming "claim forms," bailiffs becoming "court enforcers," judges no longer wearing wigs. . . .

But this is all just nitpicking, isn't it? No. We are talk-

ing about the past being forgotten, or misunderstood. Without a grasp of the ideas of the American Founding Fathers, or the natural rights enjoyed in Britain for centuries, one may easily imagine that legal documents from centuries past must be outdated. How could they encompass today's social situations? Doesn't it make sense not to wear wigs? By the same token, doesn't it make sense to try someone twice for the same crime, if some new evidence is found?

But once a system is rearranged, it becomes different; and once history is ignored or misunderstood, it becomes the basis of false deductions. "Subtle falsifications of events in the past," Gabb explained, are means by which the past itself is altered. Multiculturalism is a prime example. Past achievements are rewritten as exploitation of this class or that race; developments and discoveries are reconstructed as damaging to the environment and morally detrimental.

The legacy of the 20th century has been a severe misunderstanding of the role and powers of the state. According to Sherman, echoing several generations of libertarian philosophers, "the essence is that the state has grown at the expense of the civil society, weakening it. We look to the state to remedy evils or shortcomings; we ignore the price it is bound to exact . . . the more we turn to the state for remedies, which turn out poisonous."

This lack of appreciation for consequences was vividly illustrated by Mattias Bengston, president of the Centre for the New Europe, in his lecture on "Statism: The Swedish Model and Its Lessons." It would be difficult to find a worse understood system of government than the present "Swedish Model." Sweden is far from enjoying pure socialism. Sweden has:

- No minimum wage;
- A reformed state pension scheme, in which everyone makes free choices about investments;
- School vouchers;
- A strong shift toward privatization of hospitals and clinics;
- Mass privatization of banks, transport, and other major industries;
- Zero regulation for trading hours;
- Abolition of death taxes and gift taxes;
- No "competition authority" to "help" the market;
- Very little red tape in industry in general.

It wasn't always so. In the 1930s, the Social Democrats made a pact with businesses and the trade unions for the establishment of a corporatist industrial policy. Without participation in either world war, Sweden was able to maintain a comparatively luxurious welfare system . . . for a few decades. But by the end of the 1960s, the Swedish Model was in trouble. Taxes had soared; the marginal tax rate was around 100%. Initial income taxes — i.e., taxes before all the other taxes were added — rose to 35%. Inflation was in double digits. Labor unions were starting to demand more control of industry. The "Wage Earners' Fund" was conceived — a scheme for forcible acquisition of stock on behalf of workers. A gradual takeover of industry was imminent.

Then Sweden changed. In recognition of the fact that the unintended consequence of socialism was an economically moribund country, free market alterations were made. Today, the Swedish Model works — to the extent it does work — because of that recognition.

As yet, there has been no similar recognition in "European" politics. Syed Kamall, a British Tory and member of the European Parliament (MEP), described the inner workings of the "European Project." A consensus-based, rather than adversary-based, system, the Parliament brings new levels of confusion to democracy — Brussels-style.

First, voting takes place months after debates, enabling deal-making by interested parties. This also conveniently allows for the necessary confusion and amnesia to set in. Dr Kamall claims that many fellow-MEPs admit they don't know what they're voting about. This doesn't stop them from voting "yes."

The EU's Lisbon Summit: empty words covering up a desperately sinister descent into madness.

The health of the "European Social model" lies at the heart of the EU parliamentary ideal. Continuously generous social security, small demands for workers to contribute to such programs, protected labor laws . . . anyone reading this magazine will know the corollaries. But the idea that this social model is anything less than a marvel of sophisticated thinking simply has not entered the heads of most parliamentarians (let alone most of the delusional electorate).

Another problem of the European Project is the parliamentarians' distance from the voters, preventing any genuine representation. Coupled with that is a passion for the Project itself that blinds its adherents to any of its defects. So enthusiastic are they about their dreams that they have little interest in the obvious failures.

Kamall felt that Europe was on "the road to damnation." No "reform" is in the offing; there is no likelihood that Brussels can be made smaller and more accountable. The EU's Lisbon Summit in 2000, where "the EU embarked on a strategy to make Europe the most competitive knowledge based economy in the world by 2010," was, in Kamall's words, "empty words covering up a desperately sinister descent into madness."

More hopeful indications of the future were discerned by Sacha Kumaria, Director of Programs at the Stockholm Network, although he echoed the bitter truth, well known in libertarian circles: the universities and the mainstream press are lost. But the message is: don't mourn for them, organize! Organize your own institutions. As evidence for the validity of this idea, he cited the network of free-market think tanks and the remarkable penetration of the Internet by libertarians. The rebellion of the libertarians — another unintended consequence of world socialism — continues in good health.

— John Lalor

truth in modern societies, no less true in France than in the United States, is that a principal cause of unemployment among minority teenagers is a high minimum wage. Thomas Sowell has documented this for American blacks. Limited by minimum-wage laws, most employers will hire familiar people over unfamiliar and thus whites over blacks, locals over immigrants, and native French over Muslim teens, to no one's surprise. Small proprietors who can't afford to pay minimum wages will do low-level work themselves.

Nor it is surprising that teenagers unable to find work often get involved in underworld activities, which I heard French politicians (speaking English before the cameras) blame for the riots. A further exacerbating factor in teenage unemployment, more important in Europe than here, is laws making it difficult to terminate someone who is securely employed. These laws make most employers reluctant to hire anyone whom they might later feel was a mistake. The laws create anxieties comparable to those experienced in selecting a wife, rather than a lover. While the state can respond to the demand to "do something," the best path is not that commonly advocated.

The familiar complaint against a lower wage is that "no one can live on it," which is true. What is also true is that most teenagers are still living with their families, so that what a high minimum wage denies them is not just the advantages of job experience but their contributions to family finances.

I offered these observations to the op-ed department of the New York Times, which has published me in several Sunday sections for over four decades. Perhaps because my remarks implicated the press in social mischief, in the wake of its dissembling over Judith Miller's misreporting, there was no reply. — Richard Kostelanetz

W. Cleon Skousen, R.I.P. — My uncle, W. Cleon Skousen, died on Jan. 9, 2006, at the age of 92. He influenced millions of lives, especially out West, as a member of the anticommunist movement of the 1950s and 1960s. I always felt that men like Herb Philbrick, Walter Judd, Fred Schwarz, Thomas Dodd, and my uncle, among others, never got the credit they deserved for fighting the menace of communism in the early days of the Cold War, especially when the KGB files confirmed that "they were right," as one previously skeptical investigator said (See Richard Gid Powers, "Not Without Honor: The History of American Anticommunism"). Cleon wrote over 40 books on political and religious topics. He was an FBI special assistant under J. Edgar Hoover, and chief of police of Salt Lake City; he was founder of the National Center for Constitutional Studies and had a lifelong interest in defending the U.S. Constitution, which he regarded as an inspired document. At various investment conferences, the most frequent question I heard was "Are you related to Cleon Skousen?" I always proudly responded, "Yes, sir!" He was a great man — a giant in the West. — Mark Skousen

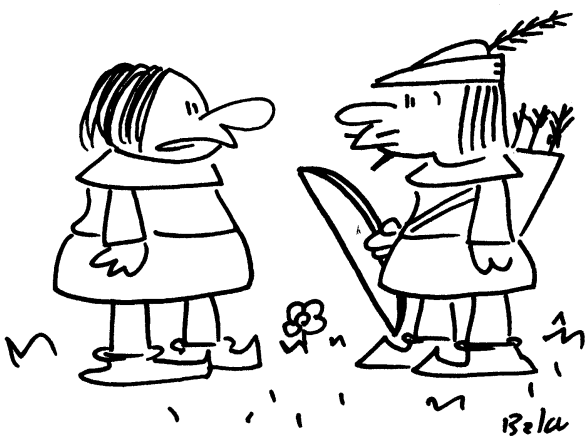

"'Rob from the rich and give it to the poor'? You don't know the first thing about economics, do you?"

Peter Drucker, R.I.P. — The world's foremost financial guru, Peter Drucker, died on Veterans' Day, Nov. 11, 2005, at the age of 94. I interviewed Drucker for Forbes in the early 1990s. When I arrived at his home in Claremont, Calif., I was surprised by his modesty. For a man who made millions consulting with CEOs of multinational corporations, I was shocked to see him living in a modest and unpretentious home. He had no secretary, and never did.

He could be unpredictable and cantankerous. When I asked him a question, he said, "Who cares? Ask me a better question!" Finally, I said, "Well, what do you want to talk about?" He then started talking about Japan and warned that the Japanese were headed for trouble and a long slump because they had become too bureaucratic and arrogant. He was right, as he was on many of his predictions. Investors who followed his advice wisely avoided Japan as an investment (until now — Japan is making a comeback after a 15-year slump). Drucker, an Austrian economist, was a big believer in entrepreneurship, innovation, and capital formation. He favored companies that took big risks and spent lots of capital on R&D. He hated companies that had nothing better to do than repurchase their stock, or pay out big dividends.

Drucker was born in Austria in 1909, and his roots stayed with him all his life. His favorite economist was fellow Austrian Joseph Schumpeter, a believer in entrepreneurship and a dynamic model of capitalism ("creative destruction"). A frugal Austrian, Drucker disliked big spenders, heavy borrowers, and governments that can't balance their budgets. He blamed Keynesian economics for an unhealthy anti-saving mythology, causing "undersaving on a massive scale" in the West, both by individuals and government. Government, he said, is only good at three things: inflation, taxation, and making war. He once bluntly told a U.S. president, "government is obese, muscle-bound, and senile."

Yet he wasn't against government per se. He wanted a strong, healthy, vigorous government. To accomplish this goal, he recommended privatization of many state services. In fact, he and Robert Poole (founder of Reason magazine) invented the term "privatization." He was a longtime supporter of privatizing pension plans, both by government and corporations (he preferred defined-contribution plans like 401ks and IRAs rather than defined-benefit plans such as Social Security and corporate pensions). Drucker was hopeful after the collapse of the Soviet Marxist model in the early 1990s, which encouraged developing countries to privatize, denationalize, and open up their domestic economies to foreign capital. He recommended investing in emerging market economies. In the U.S., he was a big supporter of tax cuts, especially tax breaks for capital investment and entrepreneurship. The corporate income tax, said Drucker, is

continued on page 41

A Life in Liberty

On December 8, 2005, R.W. Bradford, editor and founder of Liberty, died at his home in Port Townsend, Washington. Bill Bradford was Liberty. For many people, he was also the libertarian movement.

No one else enjoyed such a wide range of friendships among libertarians. Ours is, of course, a movement of individualists, and Bill was a supreme individualist. It's impossible to think of anyone whom he was like. To his friends, however, he embodied the adventurous, exuberant, thoughtful, and courageous qualities of libertarianism itself.

Raymond William Bradford — "Raymond" was never used — was born in Detroit, Michigan, on Sept. 20, 1947, the son of Raymond and Eleanor Ritter Bradford, and the third of four children. His father, the descendant of a *Mayflower* pilgrim, worked for the Internal Revenue Service, ultimately specializing in organized crime investigations. His employment seems to have exerted little influence on the development of Bill's political ideas. Mr. Bradford refused to talk politics, saying that civil servants shouldn't let their views be known.

In 1951, Bill's father was transferred to Traverse City, a small town in northern Michigan, and moved his family there. The provincial environment did nothing to limit Bill's intellectual development. In high school, he read Barry Goldwater's "The Conscience of a Conservative," then works by Ayn Rand and the libertarian economists Ludwig von Mises, Friedrich Hayek, and Murray Rothbard — advanced studies for a boy in high school. In this period of intellectual excitement, his ideas moved quickly from conservatism to libertarianism.

In 1965, Bill entered Grand Valley State College in Allendale, Mich., and was graduated in 1969 with an A.B. in philosophy. He was particularly interested, during his college career, in the study of logic and political theory. He also edited the student newspaper, the Valley View, and was active in student politics in support of such causes as the abolition of college housing regulations. In 1966, he became chairman of a regional chapter of the conservative Young Americans for Freedom, staged a libertarian revolt, and took his chapter out of YAF. He founded a tiny student organization (two members), the Agorian Society, and in 1967 briefly published a small, nationally circulated libertarian journal, Eleutherian Forum. The agora was the marketplace in ancient Athens; Zeus Eleutherius was the god of freedom.

While still in college, Bill began buying and selling precious metals. After graduation, he lived in a house trailer, saved money, invested it, and established his own coin business, with a store in East Lansing, Mich. His firm set an industry standard of expertise and honesty. His newsletter, "Analysis and

Outlook," provided an intellectual's view of the precious metals market, past, present, and future.

In 1970, Bill met the woman who would become his wife, Kathleen Armington, a native of Iowa and a graduate of the University of Iowa. For Bill, she was always "my best friend," his partner in all activities. In 1974, Bill and Kathy bought their first house, a comfortable old farm building in Okemos, a few miles from their coin store in East Lansing; but they soon tired of running a store and decided to seek a more interesting place to live. Acting in a typically libertarian manner, they did their own research on climate, population, housing, transportation, and other aspects of the environment and discovered that Port Townsend, Wash., was the best place for them. They packed their belongings and drove cross country with no place to live, but soon they found an old house on a hill above Port Townsend's picturesque harbor. They moved there in 1980.

Bill had long wanted to publish a "real" libertarian magazine. After careful planning, Liberty began publication with the August 1987 issue. At first, Liberty's work was done in a couple of rooms on the second floor of Bill and Kathy's house. Then, in 1997, they purchased the west half of a tall Victorian building on Water Street, downtown, and moved Liberty HQ there. Often the only lights that shone on Port Townsend's main street during the early morning hours were those of Bill's office, high in the Pioneer Building, where he was editing articles and conferring by phone with contributors and fellow-editors.

Whether by phone or by email or in person, Bill maintained contacts with libertarians throughout the country. He and Kathy enjoyed trips to Hawaii and motorcycle tours of the most challenging routes in outback America, but his daily life was devoted to Liberty. Often existing on only four or five hours of sleep, seldom leaving his home or office, he worried each issue through to publication. He commissioned articles by almost every prominent advocate of classical liberalism, and he discovered countless new writers whom he helped become prominent. His own articles in Liberty and other journals were notable for their deep background in history, their acute analysis of economic and electoral statistics, and their vivid and detailed reporting on the libertarian movement.

Bill had edited and published his magazine for over 17 years — a remarkable accomplishment for a journalist in any field — when, in late 2004, he began to be troubled by the symptoms of a mysterious illness. The crisis came in early April 2005, when he collapsed in intense pain and was rushed by helicopter to a Seattle hospital. An emergency operation revealed that one of his kidneys had been destroyed by a malignant tumor; subsequent tests showed that the malignancy had spread.

Back home in Port Townsend, Bill fought the cancer and doggedly continued editing Liberty. He looked forward with hope, but also with the practical realization that most people in his situation had less than a year to live. He was often in pain and almost always in great discomfort. He kept working.

Then, in early December, he was informed by his doctors that he had only a short time to live. He told a few close friends, made arrangements for the perpetuation of his journal, and died, very quietly, on the evening of December 8.

The Conscience of a Libertarian

by Ross Overbeek

I met Bill Bradford when I was in the ninth grade, and he was in the eleventh. We lived in a small town (about 18,000 people), Traverse City, Mich. It was 1963, and Barry Goldwater was leading a conservative movement to take control of the Republican Party. Bill and I had both read Goldwater's "Conscience of a Conservative" and were looking for ways to support him.

Those were heady days as Nelson Rockefeller and William Scranton fought Goldwater for control of the party. They were days when the entire culture believed strongly in modern liberalism, if not socialism. At least that is how Bill and I saw it.

I doubt that Bill's political philosophy was particularly well thought out; mine certainly wasn't. We had both read a number of widely available anticommunist books. Even then, Bill was devouring books voraciously. He was also reading William F. Buckley's National Review.

We met at a gathering of a local conservative club. The meeting was held in the basement of one of the local businesses. Bill, my brother, and I were the only people there who were less than 20 years old; it was natural that we struck up a conversation. Bill attended the public high school, while I was still in junior high. We discovered that we lived fairly close to one another, so we agreed to meet again to continue the discussion.

Over the coming months, I often met Bill at his home, and we discussed issues that ranged from religion to politics. These early discussions focused on anticommunism and con-

servatism. He had read quite a bit of Buckley, and I attempted to study Russell Kirk's "The Conservative Mind" (a mistake, to say the least). Bill gave me a copy of Whittaker Chambers' book "Witness," which we both thought was extremely well-written. Chambers was a communist who eventually changed sides and accused Alger Hiss, a man of great influence in the government, of being a member of the Communist Party. History has vindicated Chambers (at least on that point), but at the time feelings still ran very high on the issue. It seemed to us that the world split fairly clearly between people who believed that there was an active communist conspiracy and people who did not.

Neither Bill nor I understood economics in any meaningful sense of that phrase, and our notions of liberty were just beginning to form. But soon there was a group of five or six of us that met periodically, followed the Goldwater campaign, and participated when we could. We spent one Saturday hanging leaflets on doorknobs in Alpena, another little town in Northern Michigan; spent days manning a booth at the summer fair; and continually attempted to improve our understanding of the many subjects that interested us.

I have the belief (quite possibly an illusion) that we experienced a completely different type of event from the modern political campaign. At least for us, it was a clash of ideas rather than the slugfest hosted by two C students that the U.S. electorate recently witnessed. Fifteen years later we became friends with Karl Hess, who wrote many of Goldwater's speeches. We found Karl to be a wonderful, passionate advocate of freedom, and considered it significant that he also (a bit later) wrote speeches for the Black Panthers. How Karl could see a common thread between these wildly different perspectives was a topic that seemed important to us.

It was the campaign of 1963–1964 that brought us into contact with people and ideas we had not encountered before. Most factions within the Goldwater movement centered on anticommunism, but there were also many old-line conservatives, some classical liberals, and a very few people who might reasonably be called libertarians. Participating in this event exposed us to all kinds of ideas and books. A campaign worker from downstate Michigan (if I recall correctly, his name was Jerry Plaas) discussed numerous issues with

The assistant principal told Bill that if he didn't believe in public education, he should not be consuming public resources at the school.

Liberty lives! — Bill and I were about the same age. Regrettably, once you turn about 55, you start noticing friends disappearing. And the pace picks up as time goes by — assuming you're one of those still in a position to notice. Even now, his absence takes me by surprise.

I don't recall exactly when we met. The earliest contact I remember was when, by telephone, he told me he was thinking of starting Liberty and asked me to be a senior editor. I agreed, but without voicing my reservations about the project, figuring it was likely to be just another libertarian pipedream which, if it survived, would become a black hole for money. Well, I was wrong, because I didn't know Bill well enough to fully appreciate his abilities. The magazine has grown into what I consider one of the best intellectual journals in the country, and absolutely the best of those with a libertarian bent. I only regret that I never delivered the first article he asked me to do, on my adventures riding the rails as a yuppie hobo.

The time I recall best with Bill was spending a couple of days "in the wind" in the environs of Port Townsend, dodging logging trucks on our motorcycles. He may be remembered foremost as a great editor, but I'll remember him as an excellent rider.

Where is he now? Just returned to dust? Maybe. Floating incorporeally in the ether? Maybe. On his way to reincarnating? Maybe. Burning in the eternal fires of a neocon hell for not being an adequately righteous 'merkun? I think not; in my opinion, Bill was an exemplar of public and private virtue. Singing eternally with the angels in the choir invisible? Not his style.

I often talked practical, applied philosophy with Bill — meaning religion and politics, but mostly politics. His views on these things were empirical. He liked to see the evidence for a given view, although he would listen to even delusional takes on reality, simply because he was intellectually curious.

And intellectually honest. Although his values were as solidly libertarian as anyone's I can think of, he was, for instance, perfectly willing to pursue and expose what appeared to be irregularities in the Libertarian Party. Not because he wanted to, but because it was right.

One other thing. Bill was, unlike many libertarian intellectuals, financially successful. It always amused him that a class of people who, arguably, understand money and the economy better than any others (including most university professors and financial pundits), seemed to have less money than anyone else this side of the welfare lines. It was nice to see someone not only talk the talk but walk the walk.

It seems to me we conduct memorials more for the benefit of the living than for the benefit of the departed. And that's fine, in that it offers an opportunity for self assessment. Like almost everyone who knew Bill Bradford, I'm really sorry he's no longer here. He was a good guy. The fact is that most people live and die without leaving a trace. When some people are gone, the most appropriate, even charitable, thought is "Good riddance." Others, like Bill, leave a real void because they leave us so much good to remember. And along with the remembrance of a truly decent human being, which itself is something of value, he left us Liberty.

As an epitaph, I urge what he seemed to suggest in one of his last emails: Bradford dies. Liberty lives! — Doug Casey

us. He talked about Orval Watts, a free-market economist who was teaching at the Northwood Institute (a small college in Midland, Mich.). Plaas respected Watts and mentioned that his library included a number of books worth reading, including "The Constitution of Liberty," by Friedrich Hayek, a book valued highly by Watts. That is the only book I remember being explicitly mentioned, but I would guess that he also pointed Bill to the work of Ludwig von Mises.

I still remember the day the instructors required that everyone join in smashing a car with sledgehammers.

From that time Bill began seriously exploring classical liberalism, Austrian economics, and conservatism. Just as important, from my perspective, he discussed everything with a small group of us. This was not a formal club, but rather a group of teenagers seeking to understand. It was the midst of the Cold War, the Cuban missile crisis had just occurred, we were all just a few years away from being drafted, and life seemed quite serious.

I doubt that either conservatism or a desire to support the Republicans ever attracted Bill. I remember a delightful discussion in which we considered whether Goldwater might win, or whether it was even critical that he do so. Bill pointed out that Goldwater had addressed a gathering of farmers, stating that he would abolish farm subsidies, that he had told a group of old people that Social Security had to be rethought and should not be compulsory; and that he had recommended the abolition of the draft to an audience of conservatives. All these positions, Bill argued, would weaken his chances of winning; but he believed that Goldwater was right to have announced them in that way.

Goldwater did get the nomination, and in the acceptance speech he said, "I would remind you that extremism in the defense of liberty is no vice. Let me remind you also that moderation in the pursuit of justice is no virtue." Those were pretty powerful words, and I remember vividly the night the speech was made. I was not with Bill; I was with three successful businessmen (a Democrat, a Republican, and a

***Liberty for everyone*—** It's hard to write about Bill Bradford specifically, because Bill was always more interested in others than he was in himself. He was the consummate newsman, always after a story, always having something more to query or to add to a story someone else was writing. In the three years that I wrote for Liberty, he made me feel as though I was his favorite writer, and that whatever article I was working on was essential to the next issue.

After his death, as I read email stories about Bill that circulated among his friends, I realized that he had a knack for making everyone feel that way. Not because he was duplicitous in any way, but because he was sincerely interested in every story. Every article was essential to the next issue of Liberty. He couldn't do without us.

He was a kind but thorough editor. His queries were always cogent and his edits always made the article better. And his headlines! He was the master. "Splish Splash, I Was Taken to Jail" about my daughter's arrest for throwing water balloons, and "Hail Mary, Full of Smack" about a woman named Maria who smuggled heroin into the U.S. inside her stomach: those are two of my favorites. My brief experience with Stephen Cox tells me that he will be just as thorough and just as kind, but I will miss the long conversations with Bill as he made enthusiastic research suggestions or talked about obscure old movies and radio shows.

In 1991 I gave a talk at the Eris Society meetings in Aspen, Colo. Entitled "Confessions of an English Major," it was about my experience as a politically incorrect but morally erect graduate student at the University of Florida. Afterwards Bill talked to me enthusiastically about my speech, both the content and the delivery, and suggested I should run for president on the Libertarian ticket.

"We need someone like you," he said. "You're a woman, you're married, you go to church, you like raising your kids, and you're intelligent besides. We need you to demonstrate that Libertarians aren't just druggies and anarchists." I took it as a compliment but thought nothing more about it until the week before Labor Day, when Bill started calling me from the Libertarian Convention every few hours to say, "Get out here! We need to nominate you!"

I was in Utah, taking my firstborn to her college orientation, and wouldn't leave her. But I love being able to tell people, "The Libertarian Party wanted me to run for president, but I had to take my daughter to school!"

The fact that Bill was serious about nominating me says a lot about his attitude toward liberty. He knew that liberty isn't just for anarchists, or technocrats, or druggies, or men, although that is the impression the media seem to have of libertarians. Bill knew that libertarian principles are as relevant for religious stay-at-home moms as they are for pot-smoking single males. He also believed that a libertarian political victory was possible. His wasn't just the purist, out-of-the-ashes-of-anarchy libertarianism, but a workable, electable libertarian style of limited government.

That's why politics were so important to him, and why he cringed when libertarians began their talks by saying, "The first thing I would do as president is let all the prostitutes and drug dealers out of prison." The first thing Bill would have done is teach correct principles so

Marxist), who were all equally horrified by Goldwater's comments. Bill found the words inspiring, but I also suspect that they worried him on pragmatic grounds — he clearly saw Goldwater's defeat coming.

After that summer, and a few months before the election, I started Traverse City High School as a sophomore, while Bill was a senior. We spent one wonderful year together before he graduated. He introduced me to "The Exploitation Theory" by Eugen von Böhm-Bawerk, an extract from his major tome "Capital and Interest." That was the first time economics made any sense to me. I had read "Economics in One Lesson" by Henry Hazlitt, but both Bill and I felt terribly dissatisfied with that book. Hazlitt focuses on issues relating to the unintended consequences of economic decisions. In this he follows Frédéric Bastiat, who wrote entertaining essays on the topic. (Bill and I were especially delighted by his petition to the French Chamber of Deputies on behalf of candlestick makers: see http://bastiat.org/en/petition.html.) One can use this approach to establish that something is being overlooked, but it fails to convey the principles upon which economic reasoning should be based. To understand how it should be done, I would refer you to the early chapters of Murray Rothbard's "Man, Economy, and State." Bill would have referred you to Mises' "Human Action."

Anyway, when Bill ran across Böhm-Bawerk's attack on Marx, which allows a real glimpse at the underlying economic issues, he realized that he had found something we had to understand. We started studying the works of the Austrian free-market economists. I forget the order in which we started reading those works, but we found them intensely interesting. I was able to borrow a copy of "Man, Economy, and State" from the Knott's Berry Farm lending library, and we both read it. While many feel that efforts like that lending library seldom have much impact (and that may be true), to two kids in Traverse City, Mich., it was a very big deal. Rothbard wrote beautifully, and reading the first volume of his great book made Mises much more accessible. This was the first major intellectual step that we took that school year, and it set the stage for the second.

There grew in Bill a deep aversion to Rand's harsh reaction to opposing views and to Rothbard's notion of the "The Plumb Line" or absolute standard by which to judge people's ideology.

Bill found Ayn Rand at some point that year and gave me "Atlas Shrugged" soon after he had read it; we were both overwhelmed. We came into the experience with a basic understanding of Austrian economics and found the portrayal of the economic issues absolutely riveting. I was religious at the time, and there were a number of issues that I considered hugely problematic, but we moved quickly through all of Rand's novels. Her ideas rapidly became a focus of interest within our high school crowd of ten to fifteen people. To say that Bill led things would be incorrect; it was more as if he was at the center of things. Eventually, both of us were deeply influenced by Rand and her philosophy of Objectivism.

We were completely out of step with almost all the teachers in our school, although we were both studying constantly. I remember the assistant principal telling Bill that, in his opinion, if Bill didn't believe in public education, he should not be consuming public resources at the school. Our grades were fine, but we were absorbed in studying economics and political theory, and even attempting serious philosophy. In many ways, it was what college is supposed to be like, but certainly never was for me.

Bill graduated before I did. His parents moved that summer to Grand Rapids, and he spent the summer living at their cabin in near Interlochen, northern Michigan. He went downstate a couple of months later, lived with them, and began his studies at Grand Valley State College.

This may be a good point to summarize the intellectual path that Bill was traveling. He has described it in one of his Liberty observations (February 1999: http://www.libertysoft.com/

that people could govern themselves. Letting victimless criminals out of prison would naturally follow.

There was one thing Bill loved more than Liberty, and that was his wife Kathy. He even watched "Survivor" because he knew she enjoyed the show. Kathy understood the drive of a newsman, and her unwavering support made Liberty possible. I miss their Christmas letters that usually began, "We were too busy to do anything this year," then went on to chronicle a spectacular motorcycle ride from Washington to Colorado or a camping trip in Hawaii.

Bill knew that libertarian principles are as relevant for religious stay-at-home moms as they are for pot-smoking single males.

In recent years, they really were almost too busy to travel. The last time I saw Bill was at the Liberty Editors Conference at Freedom Fest in Las Vegas. Kathy was very ill that weekend, and I was touched by Bill's concern for her. He didn't care whether Liberty's booth was manned or not; he left the conference several times to check on her in their hotel room. I'm sure his last thoughts were not about the next issue of Liberty but about his dear wife. No tribute to Bill Bradford would be complete without a tribute to her as well.

— Jo Ann Skousen

liberty/features/70bradford1.html). I highly recommend this brief note, both because of its relevance to Bill and because it outlines a set of issues that troubled many libertarians of the period. I suspect that some current libertarians might not relate to it, but I find it a lovely summary of the intellectual paths we both wandered during those times.

As I see it, Bill's intellectual development went through five main stages:

1. In his early high school years, he focused on conservatism and anticommunism. He studied a huge number of fairly obscure works to try to arrive at an understanding of the communist movement.

2. This naturally led to a desire to understand economics. His early exposure was to Austrian economics — especially the works of Ludwig von Mises. This led him to read numerous non-Austrian treatises, but Mises remained at the center of much of his worldview.

3. Then he encountered Ayn Rand. His studies covered everything from her philosophy to her positions on art and psychology. He was deeply inspired by her. He took everything she wrote very seriously. This was a period of integration and firming up of basic beliefs. One point was especially significant — the "nonaggression principle." In this quotation from Bill's words (in the article cited above), I put the nonaggression principle in bold:

> Rand and Rothbard begin their political theory by arguing that people by their nature possess inalienable individual rights to life, liberty and property. From this, Rand quickly concluded that "**no man has the right to initiate the use of physical force against others**." For Rothbard, the very meaning of a right is the obligation it imposes on others not to initiate physical force.

4. The nonaggression principle as formulated by Rand is a powerful and elegant expression of the essence of libertarian thought, as seen by her. Its implications are profound, and they led Bill toward Rothbard's form of anarchism. As Bill put it,

> Rand never realized that the non-aggression imperative led rather quickly to the rejection of government entirely. She maintained a rather primitive faith in the American political system envisioned by the framers of the Constitution, calling for the complete separation of economy and state, but rejecting anarchism as a system incapable of functioning. Somehow she managed to claim that it was always wrong to initiate force, but tolerated tax-supported programs ranging from the maintaining of a multi-million volume library to the exploration of outer space, suggested that opponents of the Vietnam War ought to be dealt with harshly, and supported the presidency of Gerald Ford despite his broad intervention in the economy.

The modern libertarian movement emerged as Rand's readers realized, beginning in the early 1960s, that her categorical prohibition of initiated force led to a political theory much more radical than what she envisioned. By the mid-1960s, they were forming study groups and producing modest publications examining the implications of the nonaggression principle more closely. Many realized that the principle led ineluctably toward the very anarchism that Rand had denounced.

5. Finally, Bill began to be seriously skeptical about the nonaggression principle. Since this was the foundation of many of his beliefs, it was a major effort for him to reconstruct a coherent position. He moved to a position we often called classical liberalism. He described his shift in this way:

> By 1968, as other libertarians were becoming anarchists, I had rejected the notion of inalienable rights, replacing it with the notion that rights are valuable social constructs, but not absolute imperatives. I had embraced a libertarianism based on a rather complicated praxeological analysis of coercive action.

This is, of course, a somewhat oversimplified and artificial structuring of his development. It leaves out, most notably, his attitudes toward war. However, I do believe that his emphasis on tolerance grew out of these shifts. He clearly understood that he had held and defended positions that he now considered wrong. There grew in him a deep aversion to Rand's harsh reaction to opposing views and to Rothbard's notion of the "The Plumb Line" or absolute standard by which to judge people's ideology. I think that Bill's attitude was simply "Look, I got it wrong for a while after huge effort. I may still have it wrong. But I'm damned sure that you guys have made some pretty major errors of your own. Let's stop going nuclear over sincere differences of opinion and try to learn from one another." Those are my words, but I believe they capture the attitude that would lead him to found Liberty.

He ran for head of the Michigan Young Republicans on an anti-draft position, and got only a few votes out of hundreds. He then held a victory celebration because "every intelligent delegate voted for me."

We were not in much contact during the year after he moved. He wrote and distributed a newsletter that he called Eleutherian Forum. As I recall, he told me later that he had successfully gotten seven issues out before he ended it.

College Days

In 1966, I moved to Holland, Mich., where I attended Hope College. For me, it was a frantic year; I worked in a factory full time, got married, bought a motorcycle, and carried a full load in college. Even with all that going on, Bill and I started getting together again, since he now lived only 30 or 40 miles away. There were a few wonderful moments when we sat by the shores of Lake Michigan and continued our discussions about whether or not aggression was ever justified and how one might derive a solid position on the issue. He wrote a paper for a political science class on the proper role of government, and he remained proud of his position for the rest of his life.

Rand, Rothbard, and Mises had become the center of our discussions. We came to the conclusion that the nonaggression principle as formulated by Rand led to anarchism, and

we felt ourselves moving rather quickly in that direction. At this point in his life, I think that Bill had been deeply moved by Rand's novels and was seeking to understand her positions in depth. He was studying Aristotelian philosophy from one of the relatively few Aristotelians in academe (he read Henry Veatch's work under the direction of Professor Young of Grand Valley, who was, I believe, a student of Veatch's). He was inclining toward Rothbard's anarchism, but he was trying to work things out carefully.

It was also during the 1966–67 school year that Bill began seriously dealing in coins. He had wanted to leave his parents' home, and for $30 a month I agreed to let him unroll a sleeping bag behind the couch in the shabby apartment that my wife and I rented in Holland, Mich. As U.S. coins (half dollars, quarter dollars, and dimes) moved from silver to copper-nickel clad, Bill started visiting local banks, getting thousands of dollars of coins. He would sit at my kitchen table and sort the older, silver coins into one pile and the newer, clad coins into another. He would return the clad coins to another bank and sell the silver ones to investors. I found this a bit amusing. Later in life, Bill offered me a job dealing gold in Lebanon (not in response to any skills on my part — he just needed someone he trusted). There is a lesson here about the entrepreneurial spirit and what distinguished Bill from many of the rest of us.

I left Hope College and joined Bill at Grand Valley State College in 1967. These were strange times. The Vietnam War was always in the background. There was a constant fear of being drafted, life and death issues were the norm, and we were young and intrepid. GVSC eventually began the process of generating a new college within itself, which at the time was informally called "the second society."

There were no grades or classes. Students designed their own curricula, found instructors willing to teach them, and somehow progressed toward degrees. We both viewed it as a wonderful opportunity. Together we took classes in Aristotle, H.L. Mencken, and utopian societies. These courses were largely designed by Bill. He would select a proposed set of readings and describe a reasonable set of objectives; then we would find professors to oversee our efforts.

I was moving into computing, math, and physics, but Bill focused on philosophy and political science. The relatively unstructured framework suited us, but there is no doubt in my mind that carefully planned classes taught in a conventional manner are usually more productive. The extremely experimental framework sometimes led to instances of extreme silliness. Once a week, all students were expected to participate in a common discussion. I still remember the day the instructors required that everyone join in smashing a car with sledgehammers. They felt, I suppose, that it would be a liberating experience. Bill was amused. I was horrified.

One day we met and he described how he had run for head of the Michigan version of the Young Republicans. He ran on an anti-draft position (that was his only issue and all he talked about at their convention). When the big vote came, he got something like seven or eight votes out of hun-

Liberty Bill — Many people comment — and properly so — on both the intellectual balance and the political astuteness that Bill Bradford brought to the libertarian movement. I want to add more personal observations.

One of the aspects of a legacy that is most difficult to capture is the one-on-one influence created through sheer kindness, enthusiasm, charisma, and other matters of "personality" which cannot be passed down through the printed word. Bill inspired those around him to stay focused on principles, to remain dedicated to liberty, and to keep up their passion for just plain enjoying life. In this regard, he reminded me of Murray Rothbard. I get a twinge of regret every time I realize that modern scholars who study Rothbard's work will never truly understand his influence, which sprang largely from the energy that flooded each room he entered. So, too, with Bill. As impressive as his preserved words may be — and they are second to none — it is not possible to understand the void Bill leaves without knowing the personal power his presence exerted.

Let me provide merely two memories. On a personal note, Bill was once very kind to me during a difficult period of my life. His spontaneous emails and phone calls of friendship were never sentimental or intrusive; he simply let me know that I was connected to a larger community where I was valued and, perhaps, needed. People overlook the profound effect that such "small" acts of kindness can have on the lives of others. Bill's daily life was a series of small acts of kindness; I think kindness had become a habitual way of acting but it was easy to miss this under the matter-of-fact brusqueness that Bill presented in his role as a hard-nosed editor and political cynic. No wonder he inspired almost unconditional loyalty from a legion of friends.

On a professional note, I remember a Liberty conference at which I showed him a copy of his magazine's precursor, Benjamin Tucker's Liberty (1881–1908). I did so because I had noted a remarkable similarity in the font and format of the Liberty banners that he and Tucker had chosen. A gleam of childlike glee filled his eyes. His delight was palpable and infectious.

I believe that his capacity to enjoy life was the secret to one of the characteristics I admired most about Bill: he never burned out; he just burned brighter. Especially during the terrible months after 9/11, when prospects for freedom seemed so desperately dim, he never wavered. Liberty and Bill were there. No wonder his contributors affectionately called him "Liberty Bill" behind his back. His kindness may have been well known . . . but no one wanted to conflict with that acid wit and risk a nickname in return.

Bill Bradford never burned out; he just burned brighter.

— Wendy McElroy

R. W. Bradford: 1947–2005

A sense of life — I was 18 and beginning my sophomore year of college. I was still getting settled in my dorm room, so it was a mess. A copy of Liberty lay on the floor near the door. A passerby noticed it, poked his head in the door, and asked if I was a libertarian.

We talked politics well into the night. He accused me of "jibbering incoherently about autonomy," and I said he was a spineless centrist. Still we bonded over Liberty, of which we were both fans and subscribers. Bill had introduced me to the guy who would be my best friend for the rest of my college career, yet it would be years before I would meet Bill.

It was this capacity for forging friendships that distinguished Bill from many libertarians. In a movement brimming with tyrants and sycophants, he was a voice of reason and decency. He was able to separate devotion to his principles from personal relationships, and so was able to bring to the same table (or at least the same magazine pages) parties whose ideas would otherwise never meet.

This magazine steadily pushes outward the frontier of liberty, not through careful adherence to a party line, but by seeking the truth and having fun doing it. Liberty has the courage of Bill's conviction that freedom is right and good. He knew that the progress of liberty is neither retarded by heterodoxy nor helped by adherence to dogma. He knew liberty is most effectively advanced when people of common cause devote their energy to spirited dialogue and practical activism rather than internecine sniping.

In its optimistic, constructive, and inclusive outlook, Liberty is alone not only in the libertarian movement but in the wider culture. As a kid libertarian, Liberty was the only place I felt comfortable cutting my teeth on participation in politics. I knew from the very first issue I picked up that its writers and readers alike countenanced far-out ideas, middle-American values, and everything in between. And it was clear that the editorial voice and vision lent by Bill were overwhelmingly the reason this was so.

With Bill, what you saw was what you got. He could have had his staff screen his calls; it would have been sensible, as he always seemed to have 20 hours worth of work and only eight hours to do it in. But anybody could call the editorial offices and get Bill whenever he was around. If a letter to the editor claimed we'd made a mistake, he checked it out, scolded everyone for it (including himself), and had a correction prepared for the next issue. He was as good as his word and expected others to be the same. I shook hands on several things with him, but never signed a contract.

Most notable about him was his "sense of life": Rand would have approved. No matter how busy he was, he would take time to discuss, debate, reflect, or simply impress you with his vast knowledge of . . . *whatever*. One minute you'd be putting together a production schedule for the next issue; the next, with or without an evident segue, he'd be talking about the geography of the Pacific Northwest, or his last big motorcycle trip, or this really interesting guy he'd met in Hawaii a decade ago, or comparative numismatics in some island nation you'd never heard of. It didn't matter whether he'd just arrived at work or was deep into a long day; the intensity in his face and voice, and the zest with which he told the story, were the same. The staff went through about a pot of coffee an hour, all day, every day, just to keep up.

Liberty was an improbable experiment at best. Bill was able to create it and keep it going because he was able to see opportunity where others saw too many obstacles. To see him stay up all night, fighting with Liberty's aged computers to hammer out a statistics-laden article against a fast-approaching deadline, was a thing of wonder. I feel privileged to have seen it, and regret that I will not see it again. — Patrick Quealy

dreds. He responded by holding a victory celebration at a local steak house on the ground that "every intelligent delegate voted for me." Somehow, although I was not there and I may have the details wrong, the quixotic attitude that it reveals seems to me typical of Bill. He sincerely wanted to shift people's focus toward essential issues, and he was willing to spend a good deal of effort trying to do it, even if successive efforts produced few visible results.

It was during this period that Bill got his first motorcycle. I had ridden bikes since high school, and one day Bill decided that it looked like fun. We went shopping and got him a little, heavily used Ducati. The bike would only do about 45–50 mph, but Bill decided to ride it from Grand Rapids up to his parents' cottage near Traverse City. He had to ride at night to avoid traffic. That was his first major solo ride, and I must admit I was worried about him. In later years, our roles were completely reversed. Bill took me on rides throughout the West, and he became far more competent on a bike than I ever was.

I believe it was during the 1968–69 school year that Bill, together with some old friends from the high school crowd, rented a portion of one of the two Frank Lloyd Wright houses in Grand Rapids. I believe it's the one at 573 College Avenue. Bill occupied the sewing room. It was a large, beautiful home; and although it was in a part of the city that was definitely becoming run down, it seemed glorious that he could be so fortunate. My wife and I visited him frequently. It is true that one of the friends who were living there got mugged during that year, but it was a great place anyhow.

At this point, my memories are not complete. I know that when Bill graduated, he got a job teaching young children at a Catholic school just outside Flint, Mich. I also know that he spent a lot of time in Lansing, where his sister lived. It was there that he met Kathy, and they eventually got married. At some point they started a real coin business. We would visit each other from time to time. He would occasionally do a coin show in Grand Rapids (I fondly remember escorting him with a shotgun as he transferred coins from a mall to his car one night).

Then I moved to Pennsylvania for graduate school, and I would see him

only between semesters. We discussed the split between Nathaniel Branden and Rand, and our deepening disillusionment with the natural rights theory that we had believed in so passionately, and Bill's growing belief that almost all wars should be avoided. I was fairly shocked when he first asserted that the U.S. should have stayed out of World War II. Like almost everyone, I suppose, I found the Nazis' genocidal crimes good reason for the U.S. to join the war. Bill pointed out that the consequences had been that Stalin had been supported and went on to kill far more people than Hitler. This started a discussion to which we often returned during the succeeding decades. Bill gradually arrived at an isolationist view, arguing that every war since the American Revolution had damaged America more than it helped her.

Bill was harshly criticized by almost everyone for printing things that were "wrong" or "silly." I know — I accused him of this on several occasions.

I remember watching the 1968 Democratic convention on television in complete wonderment and talking with Bill about it afterwards. Young people today may well think that the Iraqi conflict is hugely distressing, and it certainly is taking a toll on civil liberties, but it is nothing like what was happening in the late 1960s.

I finished my graduate work in 1971 and started teaching computer science in DeKalb, Ill. I would visit Bill several times a year, but we were both deeply enmeshed in our own worlds. Bill's coin business was really prospering, I suppose because during the Carter years inflation reached double digits. It didn't take long for people to seek refuge in gold, and gold coins were a convenient way to invest. I became one of Bill's customers. Bill and Kathy were working extremely long hours with no vacations. To see them, I had to visit them at their shop. I remember one visit in which I bought a few coins and Bill gave me some old paper currency from Germany and Russia. At one point, that currency would have bought a house; now it was worth nothing. It didn't take a genius to see the point he was making. I recently gave these paper bills to some young friends of mine in hopes they might ponder the same issues I did.

The Move to Port Townsend

Bill and Kathy had been working nonstop for a number of years. I would occasionally stop by and ask them if it was really worth it. I gradually began to think that Bill simply had a huge need to work. As in many things, he proved me wrong. He decided that he had built up enough money for a while and it was time to start doing things he really wanted to do. He studied the climate and terrain of almost all the U.S. and settled on a handful of locations that seemed ideal. He then subscribed to the city newspapers from each of these spots and read them for months. Finally, he and Kathy decided on Port Townsend, Wash., as the spot to live. They went out there, looked it over, and bought a big house on a hill — to me, a stunning progression of events.

In 1980 the Libertarian Party ran Ed Clark for president, and Bill and I thought very highly of the campaign he ran. I tried to join the LP but could not because I wouldn't sign a statement asserting a belief in the nonaggression principle — an assertion required for membership. Bill somehow got into the party without signing it. We both felt it was counterproductive to limit the party to those who bought into the Rand-Rothbard position on nonaggression. Just for starters, the party would have had to exclude both Mises (who defended the draft) and Hayek (who defended public education).

Later, in the pages of Liberty, our concerns with such issues led to the "the Liberty Poll" (http://www.libertysoft.com/liberty/features/70libpoll.html). I remember spending evenings with Bill sharpening some of the questions he put to libertarians. For example, he posed the following question:

> Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she

Irreplaceable loss— I don't feel prepared so soon to judge Bill Bradford's overall contributions to the movement, except to state what I hope is obvious: he sacrificed a great deal of his time, attention, and peace to the cause of giving the movement a place to discuss its history, its strategy, its politics, and its books, and anyone who cares about the larger libertarian conversation owes him a great deal, whether or not they agree with every editorial decision he made. (I certainly didn't.)

As a man, I remember him as funny, brilliant, difficult, often unexpectedly kind, and often unexpectedly strange — an irreplaceable loss. He loved H.L. Mencken more than anyone else I knew. He had his own cataloguing system for his wonderful library, complete with stickers and individual identifying numbers. He invited me and encouraged me to borrow and read his books, and I did, I did. He taught me how to ride a motorcycle. He's the only person with whom I've ever had to go running toward a deer tossing rocks — they used to invade his yard and eat his plants, and that's how you got rid of them. He encouraged me, when I interned at Liberty, to have my personal mail sent to his home address. I think he just enjoyed confusing the state mail monopoly with the number of different names that got mail at the house. He was fun to be up 24 hours straight with, trying to get complicated tasks done — common in those days at Liberty when the real staff was just him, Tim Virkkala, and Kathy — always ready with a funny or out-of-left-field thought. He occasionally made me mad, but I wouldn't want not to have those stories to tell. I miss him.

— Brian Doherty

has no phone, so asking her to telephone for help is pointless). Which of the following statements reflects your beliefs?

1. You should force entrance, but in this case it would not constitute an act of aggression.

2. You should force entrance, even though it would be an act of aggression.

3. You should not attempt to enter the house.

Sixty-two percent of the respondents agreed with the second position, 16% with the first, and 22% with the third. Bill and I felt that a belief in the second position meant that the nonaggression principle could not be accepted as written, and that the second position was perfectly reasonable. This was a problem about which people of good will could disagree. In any event, it was clear that a majority of the people considering themselves libertarians could not (at least in my view) honestly sign any statement that they would be unwilling to initiate physically aggressive force under any circumstances.

In the early 1980s, I quit my job as a professor, took my retirement plan, and rented a house in Hawaii for six months. I was trying to figure out what was worth working on. Bill and Kathy visited, and from that point on Hawaii became one of our three basic excuses to get together (motorcycle trips and Eris Society meetings being the other two). For a number of years, we would fly into Maui, arriving about 4 p.m. After quickly buying some flip-flops, we would drive to the Seven Pools, one of the truly beautiful spots on earth. We would camp by the ocean, bathe under waterfalls, hike in a rain forest, and basically cook in the sun for three days. Then, we'd head for condos on the opposite side of the island, and spend a week there. We did this for years, and the memory of Bill sitting in the shade under a rock out in the ocean reading for hours will always be treasured.

Bill also started taking long motorcycle rides from his home in Port Townsend. He helped me buy an old bike and stash it there. Then, about every couple of years, we would go exploring. Bill would plan a ride to some interesting place, and we would take off. Usually, but not always, Kathy would join us. On two occasions, we ended up in Rajneesh Puram, Ore. It was quite a place. As Bill explained it to me, a group had started a thriving commune based on free love, a charismatic guru, and so forth. The people in the nearby town of Antelope became intolerant; they decided to force the kids into public schools and refused to issue some building permits. At the next election, the Rajneeshis, who outnumbered the preexisting citizens of Antelope, voted themselves into power. They painted the town purple and orange, as part of a general cleanup of the place. Evidently the whole state went ballistic, and the authorities finally got

The Rajneeshis, who outnumbered the preexisting citizens of Antelope, voted themselves into power. They painted the town purple and orange, as part of a general cleanup of the place.

A famous ride — My favorite recollection of Bill relates to something that happened at Aspen in 1996. I had gone there at Doug Casey's invitation to give a talk at his annual Eris Society get-together. Bill was there, too, along with an assortment of fascinating and borderline-bizarre characters. At dinner one evening at a restaurant in town, Bettina Bien Greaves, the esteemed Mises scholar and all-around grand lady, happened to mention that she had never ridden a motorcycle. Bill immediately offered to take her for a ride, and Bettina, though nearly 80 years old and rather frail, immediately agreed. Everybody thought this adventure was a splendid idea, because Bill had ridden astride his big machine for jillions of miles along most of the roads of the known world, and therefore nobody could possibly be better qualified to carry such a precious passenger on her first trip.

Bill cranked up his huge motorcycle, Bettina got onboard behind him, and the monstrous two-wheeler immediately fell over, spilling driver and passenger onto the pavement.

After the dinner party had returned to the hotel parking lot, Bill cranked up his huge motorcycle, Bettina got onboard behind him, and the monstrous two-wheeler immediately fell over, spilling driver and passenger onto the pavement. We onlookers rushed to see whether one of them, especially Bettina, had been hurt. Fortunately, neither had sustained so much as a scratch from the ugly fall. Bill was slightly shaken and more than a little crestfallen, but he righted the machine and got back on it; Bettina gamely climbed on again; and the two roared off.

Upon her return after a long ride, Bettina reported that she had loved it.

I have never known anybody like Bill. He was unique in admirable ways. His marvelous sense of humor, fed by an amazing reservoir of allusions, made Liberty's table of contents and its headlines a delight in their own right. On a more substantive front, I especially admired Bill's capacity to be fiercely dedicated to the cause yet sensible and balanced at the same time. He loved facts and knew a great many of them. His dedication to digging up facts that others had not known or had not sufficiently appreciated was a chief reason, I think, for the magazine's success. In his own writing, time and again, Bill demonstrated that libertarianism can remain firmly anchored in fundamental principles yet so closely connected to the real world and so well informed that no one can justifiably write if off as goofy. — Robert Higgs

the leaders of the group on tax evasion. When we visited, the place where 3,000 people had once lived was a ghost town. There was a library, an airport, hundreds of housing units, stores — all the trappings of a small town, just no people. It was unsettling to ride through the remnants of the place.

The Eris Society is a truly unusual group of interesting people, brought together by Doug Casey, that meets every year at Aspen, Colo. Eris was the goddess of discord, and the meetings encourage the expression of dissenting and "eccentric" views. Bill and I once rode bikes down from Washington to the annual meeting. Each night we would stop in little motels that charged $35–40 per night for the two of us. We would park the bikes, have dinner, and talk for a few hours. When we got to Aspen we ended up staying at Snowmass for $150 a night. Bill's comment was something like, "They gave us nice little chocolates on our pillows, but the showers weren't as good as the motels'."

Anyway, it was a wonderful meeting. Sonny Barger, the head of Hell's Angels, was there, and he and Bill talked about bikes for a bit. Our purpose in going to Eris, however, was basically to catch up with old friends, and we both looked forward to seeing the people we knew. The Eris group also pleased us by inviting interesting people to give talks. It was there that I got to hear a Breatharian speak about living off the nutrients in the air. One year Mark Skousen got an actor to masquerade as an anthropologist who had studied and even engaged in cannibalism. I was pretty much taken in (as were others), but Steve Cox immediately saw through it. He explained his reasons to me, and I had to reflect on how gullible I had been. I believe that Bill had been uncertain. It seemed a little shocking that, as a scientist, I had failed to exercise even a reasonable modicum of skepticism. Anyway, these were good, interesting gatherings that Bill enjoyed; and the trips to and from Aspen were a big source of pleasure.

And Then There Was Liberty

Bill started Liberty in 1987. He described the history of the magazine in detail in an article he wrote in 1992 (http://www.libertysoft.com/liberty/history/started.html).

What has always struck me was his desire to create a framework in which all variants of libertarian thought could be expressed. He emphatically did not want to express a single position and bless it as the position of the magazine. He sincerely believed that getting at the truth would be served by the clash of alternative views. As I see it, this position cost him dearly. He was harshly criticized by almost everyone for printing things that were "wrong" or "silly." I know — I accused him of this on several occasions. However, the wisdom of Bill's position seems very clear to me now. It was important that Liberty include criticisms of libertarian positions, and not just the positions that I considered terribly wrong. It was also important that Liberty criticize events related to the Libertarian Party, although doing so generated substantial hostility.

I played a very minor role at Liberty during its start, and my participation declined over the years. I became absorbed in my own world and saw Bill less frequently. It always seemed that there would be time to do the bikes and trips again in a few years.

When Bill told me last spring that he had cancer, I went out to visit. The realization that we would never be able to ride cycles again or visit Eris together was upsetting, but Bill's continual attempts to maintain good spirits cushioned the blow. We focused on mundane issues like cleaning up his garage, getting trash to the dump, and so forth. It was just a visit to re-establish contact that had slipped over the last few years.

My wife and I returned in August to visit Kathy and Bill for a couple of weeks. Bill had become frail, finding it hard to walk or even sit. We would take short walks, go to a restaurant for dinner, then watch a movie. There were a few moments of reflection on libertarian issues, but that wasn't the point. In a departure from his normal laissez-faire attitude, he took time to make a number of suggestions about things I needed to do. He berated me for not seeing a doctor more often, and then apologized for nagging. We tried to take a trip as in the past (this time by car), but he was just too sick to enjoy it.

We did have a number of discussions about the impact of regulation on the speed of medical advances. It was a remarkably good visit, almost entirely because of the bravery Bill exhibited. He realized that he was in pain and dying, but he didn't want to focus on that. I went home still hoping that he might make it another year, but doubting it.

When it was obvious that the end was near, I went back. With just days remaining, Bill wanted to talk about how to keep Liberty functioning properly after his death. He tried to

A living memorial — The two of us have noticed an odd thing, that after losing an irreplaceable friend the disease that killed them is forever after one that captures our attention as we read through our scientific journals. It is as though some part of our brains still wants to "cure" the disease, though it is far too late to help. Perhaps it serves in a way as a living memorial etched into our minds, that we celebrate advances against the diseases that took away these cherished friends.

Bill Bradford was a good friend, and he leaves behind a magazine he made unique. Liberty is by far the most enjoyable journal of libertarianism: wide-ranging and imaginative, with the personality, views, and writing style of each author coming through clearly. It has been a lot of fun writing for Liberty; there is nowhere else we could write articles about game theory and libertarianism.

To Stephen Cox, the new editor, first, our thanks for all the hard work that will be necessary for Liberty to continue. Second, our advice is to try to keep Liberty eclectic and full of the joy that can only be voiced by freedom seekers who have found some of what they value, and the delightfully acid-tongued comments of those who know exactly why diverse central planning fantasies will never work.

— Durk Pearson and Sandy Shaw

lay plans that would assure its future. As usual, he found my ideas well-intentioned but naive, while I found that his reflected huge experience but missed some points. It was like old times, but with a most poignant backdrop.

On December 8, sometime during the evening, Bill slipped gradually into unconsciousness in his chair in the family room and died. I was not there. I had gone back to my room early in the evening. When I came to see him, Kathy told me. I had expected that it might have happened, but even so the shock was real. All of a sudden one realizes all the things that should have been said and done, but weren't.

The day before Bill died, he wanted to have a small champagne celebration, and asked me to offer a toast. It was spontaneous and simple: "to Liberty, a great magazine and a great achievement." It was and is. ❑

Ayn Rand and Coney Island

by Chris Matthew Sciabarra

It was early September 1995. The ink had barely dried on my new book, "Ayn Rand: The Russian Radical," and Bill Bradford picked up the phone and asked me if I'd like to take a trip out to Tacoma to appear at the Liberty Editors Conference alongside Barbara Branden and John Hospers on a panel entitled "Ayn Rand: The Philosopher Behind the Myth."

I remember how much I enjoyed that conference. It was the very first time that I'd had the opportunity to discuss the newly published book before an audience, and Bill's support of my work in this context was simply invaluable. Unfortunately, right before I was to join the panel, I was compelled to go up to my hotel room to change out of my soaked suit and into a clean — and dry — T-shirt and a pair of shorts; I'd been sitting in the back of the room waiting for the panel to begin when, suddenly, a bucket filled with rainwater came crashing through the dropped ceiling, missing me by a couple of feet, but dousing me in what felt like all the water of Washington state. Bill was worried that I'd gotten hurt; in the end, however, we shared quite a chuckle over the near-catastrophe.

One time, we had an awful mix-up with a JARS cover that made me turn several shades of blue darker than that cover.

The panel discussion went almost as swimmingly as my bucket experience. When the conference was over, I remember being so deeply grateful to Bill for having provided us with such a wonderful forum, a brief respite for freedom-lovers to engage one another in meaningful discussion. But this was, after all, a mere extension of his magazine, Liberty, which remains the forum for such discussion in libertarian circles.

The conference was not the first time I'd met Bill and his wonderful wife Kathy. That meeting had come in May 1995. Bill had previously published one of my pieces in Liberty, but on this occasion he had made the trip to New York City to speak at Victor Niederhoffer's Junto on the "future of liberty." The real fun happened later, when Bill and Kathy took the trip out to my home, so that I could take them both on my world-famous tour of Brooklyn. It was a journey through parks, piers, and promenades, from the Boardwalk and Nathan's in Coney Island to the L&B Spumoni Gardens, from Bay Ridge and Sheepshead Bay to Park Slope and Brooklyn Heights. Bill told me that it was the best New York-related tour he'd ever experienced.

But none of this whirlwind touring compared to the adventure upon which we embarked when Bill came up with the idea of founding a new scholarly journal devoted to the life and work of Ayn Rand.

Back in the summer of 2003 on the occasion of the fourth anniversary of the first issue of The Journal of Ayn Rand Studies I revisited that founding. I wrote at the time:

> I had been working very hard to secure a copy of the ever elusive Ayn Rand college transcript from the University of St. Petersburg, an important postscript to my historical and archival work on Rand's beginnings as explored in "Ayn Rand: The Russian Radical" (Penn State Press, 1995). Bill Bradford, editor of Liberty magazine, had told me that he envisioned two articles that I would write: the first would tell the dramatic story of the struggle to locate the transcript — in the face of serious obstacles to my efforts; the second would present my findings. The first would be published in Liberty, said Bradford; the second would be published in a new journal of Rand scholarship that I would edit.

"Huh? A new journal? One that I'd edit? I'm too busy for this! Did you say, a journal of Rand scholarship? Did I hear you correctly? Are you crazy?"

Then, out loud, I said: "Okay."

With the publication of the premier issue of The Journal of Ayn Rand Studies (JARS) in September of 1999, Bradford, literature professor Stephen Cox, and I had cofounded the first academic periodical devoted to Rand scholarship.

Without Bill's financial support and publishing savvy, the journal would never have been born. One of the last things he ever said to me was that as long as I wished to continue editing the journal, there would be funding for its publication, even after his passing. The Journal of Ayn Rand Studies is here to stay: it was Bill Bradford's brainchild. And it's now a maturing academic periodical indexed by well over a dozen significant abstracting services in the humanities and social sciences.

None of this is to say that we didn't have our ups and downs. Bill took a laissez-faire attitude toward my editing of content, and I took a laissez-faire attitude toward his management of the business of JARS. Every so often, however, some decision on his part irked me. And there was one time when we had an awful mix-up with a JARS cover that made me turn several shades of blue darker than that cover.

But here was the entrepreneurial brilliance of Bill Bradford: when things got screwed up, even once, he took full responsibility for it. And he made every effort to correct the errors to make sure that they would never reappear. And reappear they didn't. He streamlined the publishing process and provided me with a blueprint for a seamless publication schedule that we've adhered to ever since.

My professional engagement with Bill remained secondary to our personal friendship. Bill knew that I suffered from a congenital intestinal condition, with vast complications, which made travel very difficult, if not impossible, for me. He always provided a word of support and encouragement. And I cherished our phone calls, where we talked about everything from politics to the newest gossip in the libertarian movement.

When he became ill, I'd like to think that he drew some strength from the fact that I had survived for 45 years with a congenital disease. But when it became clear that the cancer was consuming him, Bill was the picture of realism — and levity. He once remarked: "Your condition may have nearly killed you a few times, and I figure you've got to be thankful that you're living on borrowed time. Heck, you might survive, sick as a dog, till you're 90." And then he paused. "But this thing is going to kill me sooner than later."

But here was the entrepreneurial brilliance of Bill Bradford: When things got screwed up, even once, he took full responsibility for it, and made sure that the errors would never reappear.

My Greek and Sicilian roots shone through on that phone chat — I told him that I loved him dearly. And he said "thanks." I know he choked back tears. But he also signed his next email to me: "Love, Bill."

Bill Bradford was a dear and supportive friend. He was an energetic and principled man of liberty from whom I learned much and to whom I owe a great deal. I will miss him enormously. And I honor his memory. ❑

Adios, Spike

by Paul Rako

I called Bradford Spike.

We were in Las Vegas at the Freedom Fest, the big conference put on by Mark Skousen when he was running the Foundation for Economic Education. Bradford had arranged to have the Liberty Editors Conference at the same time. At the end of the conference I was lucky enough to be asked to dinner with Bill and several other contributors. I remember Durk Pearson and Sandy Shaw being there as well as Bruce Ramsey. Wendy McElroy was there. Stephen Cox was probably there, since I remember meeting him for the first time at that conference. During the dinner we got to talking about people's nicknames. I asked Bradford if he knew the biker etymology of the nickname "Spike." He said sure, it was what you called somebody who used drugs with a needle. Then I told him that I was going to call him Spike, not because he used a needle but because he spiked so many of the stories that I sent him. He looked really hurt and uncomfortable and I regretted putting him on the spot at a dinner party.

It is more than appropriate that the last email I got from Bradford was to inform me that he was spiking the latest piece I had sent in. His lovely wife Kathy had tentatively accepted it. Bradford had been in the hospital and Kathy had responded to a previous submission that it would help if all

the contributors would send in more stuff. She had mentioned he had had a kidney removed but did not tell me that he had cancer. I suspect this is because I had mentioned that my mother was in the hospital herself and the prognosis did not look good. The irony is that my 84-year-old mother has made a miraculous recovery and Bill has succumbed to the Reaper at such a young age. I wish I had known how sick he was, the tough old dog. I would have sent him a note telling how much he had taught me, how much my intellect had grown because of "Liberty" and how much I liked him and his wife and all those dedicated college kids he had working at the magazine.

I was amazed he knew that Spike was a nickname for a needle user. Then I remembered this was a guy with subscriptions to 200 magazines. When I expressed astonishment at this he looked at me with indignation and exclaimed, "You don't have to read the whole thing." I replied that I read "Liberty" from cover to cover. I still do. Bradford confided that the biggest complaint he was getting from readers was that the magazine was too long. I guess it was after the first Editors Conference that I ordered the complete set of back issues. There is a treasure of ideology and inquiry in those pages. I read every one of those issues from cover to cover as well.

That first conference in Tacoma was a wall of conversation; loud, earnest, and animated — like going back to the Midwest, only distilled to 200 proof.

Ahhh, the Liberty Editors Conference. That conference in Vegas where I called him Spike was the fourth Editors Conference I had been to. The first was in Tacoma; then came a couple in Port Townsend, and then the one in Vegas. The first time was special, as in most of the fundamentally enjoyable things in life. This was the first time I met Bradford in person. My brother had flown in from Jersey. We were astonished to learn that we could hobnob with people like John Hospers and Friedman the Younger. Not only that they would deign to talk with us, but they actually seemed to enjoy it. We have since called this concept the Cato Effect, after the ease with which we could converse with people as diverse as Hernando de Soto, Kurt Russell, and Steve Forbes at various libertarian functions.

My fondest memory of that first conference I went to in Tacoma was walking into the hospitality suite on the first night. As I stepped into the room I was almost pushed back by a wall of conversation — loud, earnest, and animated. This was not like those lame-assed California parties I had been to where a bunch of self-absorbed spoiled dilettantes sat around pouting with faces that almost demanded: "Entertain me." Heck, this was like going back to the Midwest, only it was distilled down to 200 proof.

The next two conferences I went to were just as fun, especially because they were in Port Townsend, home of the magazine. Bill was worried nobody would show up since it was such a long trek from the airport. He needn't have worried; they were both rousing successes. The last conference I was able to attend was the first one in Las Vegas. Since there were so many people there for Skousen's FEE gig it was a slam-dunk for the Liberty Editors Conference. If anything, I think Bill was just worn out by the scale of the event that year.

It was at that first Editors Conference that I saw Bill's moody side. It was about four in the morning and we had been kicked out of the last hospitality suite, the one that had an entire bathtub full of beer on ice. "Liberty" people know how to party, take it from me. Bill had snagged a full bottle of wine on the way out of the room. The hotel had a window at the end of the hallway and we went and sat on the floor. I think either Durk or Ramsey was there as well. Bill seemed down about the state of the world and libertarianism's slow

Hello, goodbye — I feel sorry for those of you who never had the experience of talking with, or perhaps listening to, Bill Bradford.

"Hello" and other such formalities were almost foreign to him; rather, Bill announced an impending conversation by stomping through the lobby between our offices, and entering with a gruff inquiry about an article, or a rant about some "absolute nightmare" (as when an old hard drive caught fire).

But that was just an opening volley; almost immediately expended: by the time I'd readied a response, he'd have moved on to, say, the latest antics of the Border Patrol (a particular bugbear of his). I'd find my footing as he talked through the finer points of maritime law, and their relation to the geography of the American West, only to find he'd suddenly veered into the tactics of 18th-century Hawaiian warfare. From there, he'd jump to another topic; with me, it was often baseball history and statistics, since I was one of the few Liberty staffers who cared about sports.

The tangents (or just as often, discontinuous leaps) between subjects seemed random, and perhaps they were. But he never lost track of where he was in a conversation: once he'd exhausted his artillery on the evils of the sacrifice bunt, he'd circle around to polish off Kamehameha, and batter down the idea of a wall stretching across the Mexican border — if not right away, then an hour or even a month later, as if all separate conversations with Bill were really just parts of a much larger one, a series of subjects nesting one inside another as far as the mind could stretch. Even when the cancer seized hold of him, when it stole his voice and ate his hip, Bill revelled in conversing, in finishing off topics he'd introduced long, long before.

His last words to me were characteristically blunt: "I need you to go up to the house and help set up a bed; the doctors are sending me home to die." From that point his decline was swift. I did not get to say goodbye.

— Andrew Ferguson

progress. In talking he mentioned that his dad used to be an IRS agent. Our companion commiserated but said that he was sure that his dad was a decent fellow. Bill looked up and with a guileless candor I have not seen from anyone before or since said: "No, he was a rotten person," or something to that effect. I felt bad for him and told him that despite the sins of the father, he was sure to have a place in libertarian history. I am sure that he does.

It's bad to drop your bike. It's really bad to drop your bike with a passenger on it. It is really really bad to drop your bike when your passenger is an octogenarian.

He had his own brilliant intellect as well as relationships with all the greats. Hospers, Bock, Childs, Greaves, Higgs, Boaz, Lomasky, Hess, McElroy, Kostelanetz, Casey, O'Toole, Shaw, Szasz, Ramsey, Rothbard, Durk and Sandy, the list stretches out of sight. Bill looked doubtful about his place in history that night but I for one am sure of it. His self-effacing and shy nature was a rare trait in the big-ego world of libertarian intellects and he will be sorely missed. One does not forget what one misses so badly.

I was walking through a street art fair here in Sunnyvale and I saw a fellow that had taken old Liberty silver coins and carefully cut around the image and lettering while leaving the entire serrated ring around the outside. He used a tiny jeweler's drill and a tiny coping saw. I immediately thought of the magazine and arranged for him to make me two coins for Bill and Kathy. I gave them the coins at one of the Editors Conferences. Years later I learned that Bill was not a dirt-poor libertarian magazine editor but had a regular day-job and had started the magazine out of passion. Among other things he had been a coin dealer once. Right about now I imagine Stephen Cox is worried I am going to say this was ironic. But Stephen has taught me enough to know that this was more of a coincidence than an unexpected outcome. Word usage tips are just another of the multitude of benefits that befall a "Liberty" reader. In any event Kathy wrote me a nice note thanking me, just like she did any time I gave her or Bill a gift. She is a lady in every sense of the word and I am glad that her vigil is over, even if I am also saddened at the loss of Bill.

A couple of years ago, right around the turn of the century, Bill used to call and ask if I was up for a motorcycle ride. We both loved motorbikes. An intern at the magazine noticed that motorcycle riders were very prevalent in libertarian circles. Back then I was in the Silicon Valley startup craze and it was just not possible to tear myself away from the several ventures I was involved in. Of course, all those ventures tanked. It seemed that Bill needed someone to commit since it often turned out he could not make it to the proposed ride himself. How I wish that I had taken Bill up on at least one of his offers. Motorcycle rides can define friendship and self-awareness like little else in this world.

It was in October of 2000 when Bill dropped his bike while riding his favorite Washington road, State Route 20. He sent me a picture. His head was bandaged and he had some severe cuts on his face. He also got the usual road-rash that happens pretty much any time you come off a bike at speed. He had dropped it on a steel bridge. Dropping your bike is a very complex topic between two bikers. At the very core is the fact that something bad happened and you are responsible. On another level is the fact that you want to tell your buddies to warn them and make them more careful so it doesn't happen to them. There is also an undeniable macho feeling — the fact that you survived a harrowing experience. Also involved is a feeling of inevitability, since if you ride a lot (and Bill rode a lot) you are going to drop it sooner or later. In some ways you feel relief since you know you are going to crash every five or ten years and if the crash does not kill you it can be thought of as a success.

Then there is the feeling of being really shaken up. When any biker brother tells you about dropping his bike there is always a hidden subtext running through the listener's mind: "I wonder how long before he gets back on the bike? I wonder if he will ever get back on his bike?" Bill was torn up pretty bad. This can be harder to endure because you wear your mistake on your face or body for all to see. Whatever the physical and emotional damage to Bill, he didn't let it keep him from riding. He was back on the bike within the week.

Once Bettina Bien Greaves had come to visit with Bill, perhaps it was over her Ludwig von Mises papers or maybe it was for a conference. They needed to get her to the train station to go home. Being a libertarian Bettina immediately accepted Bill's invitation to take her on a motorcycle. She is a great libertarian so that is no surprise but I believe she was well into her 80s at the time. Well, Bill gets her down the hill over all the tricky roads and it is only when he has to take a little off-camber turn into the station that he dumps the bike. It's bad to drop your bike. It's really bad to drop your bike with a passenger on it. It is really, really bad to drop your bike when your passenger is an octogenarian. Bill felt terrible but it was a very slow speed mishap. Perhaps Bettina shifted her weight or maybe there were some wet leaves that slid the front tire out. Bettina took the whole episode in stride and they both came out of it without a scratch. She thought Bill was far too concerned about the effect on her and their relationship. Hey, libertarians accept the consequences of their choices.

It caused Bill immense personal and professional pain to expose what many of us felt was improper behavior at the national LP headquarters.

One of the things that I remember troubling Bill the most was the way some libertarians would lash out at him after he wrote critical reports about the national party headquarters. People somehow interpreted Bill's scrupulous reporting of the facts as anti-Libertarian Party. Nothing was further from the truth. He always supported the party and only reported on all facets of the party because he had hopes it would provide yet another avenue to promote libertarian ideals. It caused him immense personal and professional pain to expose what many of us felt was improper behavior at the national headquarters. Bill never could understand why all us ultra-moral ultra-orthodox libertarians were not cheering him on and hailing his strict standards of conduct for the party. If I did not make it plain back then, I will say it now: Bravo Bill, Hail Bradford.

Now, like all entrepreneurs, Bill was a micromanager. I could see it in the way his employees would complain. I hope all past and present employees and interns will forgive Bill his meddling. He just loved his magazine so much because he wanted to see a vibrant living libertarianism, not a moribund cult that would spout bromides at every opportunity. In addition, like all entrepreneurs, he seemed a real tightwad. The owner of every small business must be in order to survive. This caused its own resentments among the staff. They figured he was being too cheap but he knew he had to make the magazine self-sufficient if it were to survive. Slick-paper magazines like Reason run at a loss, using donors' money to support them. Cato is completely donor supported. As to his everlasting frugality, well I think we can all see the reason for that now. He did not want the magazine to end up a rich person's plaything. He had a vision of a truly self-supporting magazine, a magazine staffed by young people with fresh, young ideas and the energy to promote them. Brien Bartels, Timothy Virkkala, Clark Stooksbury, Elizabeth Merritt, that German kid, was it Oliver, that was so happy when I gave him Rothbard's "History of Economics." If Bill was tight it was only because he wanted the magazine to be able to provide a living for its staff without a sugar-daddy to inject money every month. That way the magazine will be sure to live on now that he is gone. That is vision, and vision is something Bill had in abundance. God I loved that man. God I'll miss him.

Adios Spike.

Ride free. ❑

It Couldn't Have Been Anyone Else

by Stephen Cox

When Bill Bradford died, he took about half the memory of the libertarian movement with him. Bill probably knew more people of influence among libertarians than anyone else has ever known, and he knew more about them. I could always excuse the laziness of my own inquiries by thinking, "No problem; I'll just ask Bill." Now that option is closed. He's not around to tell me what I want to know about other people — but I can say some things about him.

I first met Bill in a windowless room with cement-block walls, in the basement of Seidman Hall, the student center at what was then called Grand Valley State College (now Grand Valley State University), 15 miles west of Grand Rapids, Mich. The institution consisted of a square mile of snow-swept prairie, a parking lot, four academic buildings, and Seidman Hall, which was about the size of a really large bungalow.

The encounter occurred just before Christmas break, in my freshman year. I had decided to attend Grand Valley because I was a shy kid who couldn't face the University of Michigan, and because Grand Valley was a new, "experimental" school, with course requirements that (paradoxically) emphasized classical literature and philosophy. Bill was attending Grand Valley because it was convenient to go there. He wasn't impressed by institutional arrangements; he wanted a place where he could think about fundamental problems of history and philosophy. What I wanted was a place where I could meet other young aesthetes like myself.

Young aesthetes, and politicos. I was a fervent leftist and pacifist, much preoccupied with "the peace movement." In this connection I wrote a letter opposing conscription and sent it to the editor of Grand Valley's student newspaper. (For the benefit of people who were not alive at that time, conscription was the government's policy of kidnaping young men and shipping them to the jungles of Southeast Asia to kill other young men, whose governments were following a similar policy.) My piece of propaganda immediately appeared in print. Just as immediately, I received a letter from the assistant editor, a guy named Bradford, telling me that he liked what I'd written and would also like to meet me. Would I be interested in doing any more writing?

Would I! You bet. I took the earliest opportunity of visiting the assistant editor in his office on the lower floor of Seidman Hall. I remember a room with vending machines and a bunch of cheap steel furniture, and a line of doors and

windows opening onto two or three little rooms, each appropriated to some vital bureaucratic function, such as the student council or the student paper. Here, if anywhere, the intellectual and political class of Grand Valley State College was to be seen, munching food and swilling coffee. On that day, however, there was only one person visible: a chunky young man wearing thick glasses and a sweatshirt with the sleeves cut off. He was pacing rapidly from one of the offices to one of the tables, carrying stacks of files and photos, which he was inspecting and sorting as he walked.

Bill never did believe in God, yet in later years he often spoke irritably about atheists who don't understand religion but behave as if they themselves were commissioned by God to destroy it.

"Hi," I said. "I'm Stephen Cox."

"Oh, hi," he said, barely glancing in my direction, as if I were an old friend whom he'd been expecting to drop in at that very moment; "I'm Bill Bradford." He shook hands, then focused his gaze at some point midway between my face and the piece of paper he'd just been peering at. "Want to work for the Valley View?"

During the next year or so I did a lot of work for the Valley View. The editor was a nice, intelligent, placid young woman who was rarely seen in Seidman Hall; Bill did all the work, buzzing about the campus with his camera and his note pad, taking pictures and doing interviews, then turning up at odd hours of the night to paste down the copy and send it to the printer. Lurking around the office, typing articles and reviews on the VV's cranky typewriter, chatting with the wanderers who drifted past the door, becoming assistant editor when Bill was promoted to editor, learning what it meant to meet a deadline and what it meant to twist a sentence a few hundred ways until it might conceivably make some sense to somebody else, but mainly talking and arguing with Bill — it was the kind of education that I never intended to get, and it was 90% of the education that I did get at Grand Valley State College.

Bill's attitudes were wholly individual. There was never any doubt that they were formed independently, on the basis of his own reading and reflection. My own attitudes, by contrast, were almost wholly predictable. Reared in a small rural community where I was always the smartest kid in school, eager to escape from an environment in which any show of eccentricity was duly punished, I automatically became an opponent of middle-American culture and an advocate of everything admired at that moment by The New Republic and The Village Voice. I found it difficult to get through the books they were always discussing — stuff by Erich Fromm and Susan Sontag and Jean-Paul Sartre. They were far too boring. Nevertheless, I felt certain that anyone who wasn't hip to such things must be an irremediable philistine. The "anyone," I am sorry to say, included Bill Bradford, no matter how much I liked him in other ways. I'm sure he sensed my silly bias, but he didn't let it matter; he just ignored it. Smart man.

Speaking of provincial attitudes, I was probably the last person in the world to have been converted to leftist ideas by Shaw's "Fabian Essays in Socialism" (1889). Knowing nothing about economics, little about politics, and precious little about history, I was an easy prey to the dullest and most conventional dogmas of the 20th century: political democracy is good, economic democracy is better; big business is inherently cruel and monopolistic; wealth must be

The Libertarian Who Dared — Sometimes the greatest challenge to the freedom movement seems to be open-mindedness and tolerance. Too many libertarians (and intellectuals in general) are so doctrinaire, dogmatic, and closed-minded that they feel the need to disfellowship and excommunicate, to deny dissenters a forum to publish or speak.

Bill Bradford looked like a wild-eyed libertarian with his bushy beard and talkative manner, but he was different in so many ways. Like any intelligent writer, he had his strong opinions, but it never stopped him from publishing writers with whom he disagreed. He opposed the war in Iraq, but gladly invited pro-war libertarians to contribute to Liberty. He was critical of the Libertarian Party, but welcomed a no-holds-barred open forum on the subject. Letters to the editor bristled with criticism and dissent. Consequently, Liberty magazine quickly became *the* outlet for libertarian thought. Bradford knew how to generate enthusiasm for controversial issues and push the hot button of debate, and his monthly magazine was always the first thing I read when it came in the mail. Bill put his heart and soul into every issue, and it showed.

In looking over the essays I wrote in Liberty since the late 1980s, I dare say few of them could have been published elsewhere. Liberty is the world's best alternative magazine. I've reprinted these essays on my personal website because, if Bill is to be faulted for anything, it is that he never got around to producing a website containing all the great past issues of Liberty. We owe Bill a debt of gratitude, and we should immediately raise the funds necessary to reprint Bill's and other great writings from past pages.

One of Bill's dreams was to organize an annual get-together of libertarians, where freedom lovers of all stripes could meet, socialize, debate, learn, and celebrate liberty. The result was the Liberty Editors Conference, a fun-filled three-day event. The last one was held in conjunction with FreedomFest in Las Vegas in 2004. Bill cosponsored FreedomFest, and with great energy put together the Liberty Editors sessions. They were the best attended of all the sessions, standing room only. Bill knew what was on the minds of libertarians. I hope we can continue to meet annually as Bill wished.

— Mark Skousen

redistributed; only modern liberals are kind and cultured; etc. etc. etc.

Because I was opposed to war, however, I was also opposed to all impositions of force on individuals — a position that clearly could not be squared with any of my socialist "ideals." I've put "ideals" in quotes because no one can be an idealist who refuses to explore the counterarguments to his alleged ideals. I was interested only in the counterarguments to *other* people's ideals. As a consequence, I was a very bad arguer; but I soon discovered that most other people were even worse. This was happiness, until I encountered Bill. He got me to confront facts and arguments that I had never dreamed existed.

He didn't do it in a determined, aggressive way — although I do remember some loud and heavy joking about certain ideas he didn't like. I remember his exclaiming, "You don't believe in *God*, do you?", to some hapless young woman sitting at one of those tables in that concrete basement. Remembering this is strange. Bill never did believe in God, yet in later years he often spoke irritably about atheists who don't understand religion but behave as if they themselves were commissioned by God to destroy it. Certainly he himself never schemed to "convert" anybody to anything, including libertarianism. He liked people and was happy to share ideas that he thought were true. If people were shocked, that was their problem, but he made no attempt to shock them, much less to worm his way into their sympathies. He was one of the most ingenuous people I have ever met.

In arguments with me — and we had many, many arguments — he smiled, he laughed, he asked a few questions, he mentioned a lot of facts, and he assumed that, given enough time, I would get over being "a crazy liberal." Somehow, by the end of each of our long, rambling, idle conversations, enough ideas, anecdotes, statistics, and historical references had tumbled out of him to fill several college classes.

The cops accosted Bill in the parking lot and demanded that he open the trunk. It was absolutely full of silver. They arrested Bill for a crime they could not name, and hauled him away.

He mentioned, as friends who needed no introduction, various famous but, to me, obscure or unknown people: Ayn Rand, Ludwig von Mises, Murray Rothbard, many others. The only one of those authors I read at Grand Valley was Ayn Rand, and then only her novel "Atlas Shrugged" and a few of her essays. It took me about four years to get around to reading the other people whom Bill brought up. But "Atlas" interested me very much, despite that awful speech in Part III. Bill's ideas, and the vast, rich history of America that he knew so well — these things interested me still more. By 1968, I was talking like a libertarian; by 1971, I'm sure that I was thinking like one.

I'm getting ahead of my story. Bill and I had a lot of fun on the Valley View. We intervened in student elections (I even won one of them); published a column called "The Vulture Speaks!", headed by an image of a grinning, gore-dripping raptor; and got in trouble with the administration by writing a parodic news story called "Pesthole of Pacifist Pinkos," depicting Grand Valley, at which agitation of any kind was practically unknown, as a hotbed of student revolt.

Then, in the middle of my sophomore year, I dropped out of school, bored with the little college I'd decided to attend. When I returned, a couple of years later, it was to the University of Michigan; after that, I went to UCLA for graduate school. Bill did better; he graduated from Grand Valley with a degree in philosophy and started a successful business. I remember the used house trailers that he and Kathy inhabited while they were getting started; I remember the telegram Bill sent me when he made his first "big" amount of money: "Who says a degree in philosophy isn't worth anything?"

And I remember the time Bill got arrested. This was when he was still in college. The government had started replacing silver coins with copper-nickel clad coins, and of course, no matter what the government decreed, the former were worth more than the latter. Bill had the idea of going to banks and asking for rolls of coins, then going home, sorting out the silver ones, and selling them for more than their face value. He went all over western Michigan, gathering coins. He paid his little sister to sort them. Well, one day Bill was leaving a bank in some two-bit town when a teller got suspicious. Why did that guy want all those quarters, anyway? So the teller called the cops, who showed up right away — the way they never do when an actual crime is being committed — accosted Bill in the parking lot, observed that the rear end of his car was sloping steeply toward the pavement, and demanded that he open the trunk. It was absolutely full of silver. The cops, who had no understanding of the nature and effects of bimetallism, arrested Bill for a crime they could not name, and hauled him away. It was a classic collision between the future publisher of Liberty and the environment from which he came.

Bill was an excellent businessman, but he was always far too bohemian to fit anybody's idea of what a businessman should be like. I can't remember his ever wearing a tie. He liked jeans and flannel shirts. He grew a beard and kept it. His coin store in Lansing had a big public room with display cases and so forth, and a back room containing Bill's remarkably messy desk. When Kathy or the people who worked for them had trouble with a tradesman or a customer in the public room, they'd go back to Bill's office and ask him to "come out and yell" at the offender, which he did. Then he'd return to his lair, hang his head, and talk about the act he'd just put on. He hated to yell at anybody.

He also hated to fire anybody. He'd put up with almost anything rather than do that. He'd talk about "the problem" for months, ask his friends for advice, outline alternative courses of action, then usually decide just to keep the status quo. Personal confrontations were embarrassing to him, unworthy of the people who engaged in them. He had as strong a personality as anyone I've known, and his staying

power was literally incredible. He could argue for hours; he could work for days at a time with practically no sleep. But he was wholly without the instinct for attack. I think that he was fundamentally a rather shy person, intent on his own thoughts, and brought out of them only by the intensity of his interest in his projects and his friends.

Nevertheless, Bill was anything but a mysterious personality. If you were around him at all, you'd find out right away what kind of human being he was. But there were contradictions that often amused and sometimes baffled me. He was so afraid of heights that when we were out hiking and we needed to use a log — even a short, fat log — to cross a stream, he'd get down on all fours and crawl across it. Yet he was always eager (a hundred times more eager than I was) to take on difficult terrain. Many times I've heard, "Come on, Steve, it's just a short climb," echoing down at me from a figure hoisting himself up through thick clumps of thorns to the top of a ridiculously steep, muddy hill. When he went to a libertarian conference at a ranch in Montana, he was induced to ride a horse only when they offered him an animal named Cupcake (or something like that), with a disposition to match; but he loved riding motorcycles, and when he did, he went really fast and stayed on the road far beyond the point where people usually collapse from exhaustion.

A few years before his death, he was crossing a bridge with a steel grid roadway, and the surface was wet. He lost the bike and skidded across the bridge on his face. He was so badly injured that if you didn't know who he was, you wouldn't recognize him. When he called to let me know, I took the occasion to advise him to be more careful. "What were you thinking," I asked, talking like a parent, "when you were lying there beside that bridge?" "I was thinking," he replied, "about how I'd like to ride the bike more often."

Bill could easily have stayed in the midwest, enjoying his prosperity. That didn't happen. In 1980 he and Kathy began the big adventure of transplanting themselves to a place that no one in Michigan had ever heard of, Port Townsend, Washington. PT is in many ways the end of the world, but Bill enjoyed being close to oceans and forests and "some really serious mountains." He also enjoyed PT's quirky history and its egalitarian social atmosphere. The place is getting gentrified now, but 20 years ago it was a down-at-the-heels blue-collar town. Bill read, hiked, coached some of the local kids in soccer, and thought about starting a libertarian journal.

He'd been talking to me about it for many years. In his mind, and I agreed, the magazine shouldn't intend to convert people to libertarianism (there already were magazines devoted to doing that), and it couldn't be the kind of thing that held to a party line. When he was at Grand Valley, Bill worked as a business representative for the Nathaniel Branden Institute, playing tapes of lectures on Ayn Rand's philosophy for people who paid money to listen. Despite his admiration for many of Rand's ideas, he was appalled by the dishonesty that some of her followers had to practice to make themselves believe that all the ideas were completely true. His journal would have to be a place where libertarians could express their differences of opinion.

He lacked even a vestigial organ of spite or vindictiveness, and he was the rare midwesterner who was without our famous "mean streak."

It should also be a place where they could discuss matters that had nothing to do with politics or economics but were simply the kind of things that free people might be interested in. One time Bill and I went to a conference that was supposed to be about "the culture of liberty." There were some lugubrious paintings hung up in one corner of the meeting room. "I guess that's the 'culture,'" he laughed, his face

The quietest of virtues — Bill Bradford's kindness to me, and his encouragement to my writing, were absolutely indispensable to my career, and I could never appreciate it often enough, or say enough just how I admire his bravery in fighting the cancer that finally claimed his life. He was more than just a dedicated editor; he was a mentor to me. Shortly after I graduated from college, Bill published my article "Anti-Jefferson, Left and Right," only the second article I'd ever published. Seeing my name in print encouraged me at one of the lowest times in my life. Over the years, he used a lighter and lighter editorial hand on my work, allowing me to keep my own voice, while still ensuring that I never got lazy. And he encouraged me in other ways. The only time I ever met him was at the FreedomFest in Las Vegas, where, thanks to him, I had the thrill of having lunch with John Hospers, Nathaniel Branden, and Tibor Machan. He introduced me to Gordon Tullock, whom I ended up representing before the Supreme Court in *Kelo* v. *New London*. But his kindness and encouragement — and his personal confidence in me, which became very clear in the last few days of his life — will always be a greater treasure. Our hours-long phone conversations about H.L. Mencken (one of his favorite subjects) will always be fond memories for me.

In my last letter to him — which, sadly, he did not live long enough to receive — I told him something I have learned all too well in the past couple years. That is, real bravery — I mean, the genuine and rare article of actual courage — is the quietest of all virtues. The really brave man is the man least likely to talk about what he has done; and the last to seek credit. Bill Bradford was an example of that. His one goal was to produce a magazine that people would read, for a movement that people would take seriously. In his last email to me, he wrote, "I would like — or, at least, I hope that one day it may become — Liberty to be a great magazine." He did his very best toward that end, even in times of what I'm sure was unbearable suffering. I will always admire and appreciate him. — Timothy Sandefur

crinkling and his eyelids snapping shut behind his thick glasses, the way they did when he was really amused (which happened about two hundred times a day). "That's all we've seen of it *this* weekend."

His plans for the journal sounded good — but there was no prospect of success, except for what Bill's energy and commitment and his enormously wide acquaintance among libertarians could bring to the venture. Knowing his character, however, I couldn't doubt that the thing would happen, or that it would be successful. He was a born editor and publisher. Everything else in his life — his reading, his friendships, his joy in observing the world and communicating his joy to others — had its fulfillment in the written word.

The first issue of Liberty is dated August 1987. The magazine emerged in that awkward period of the world when typewriters were obsolete but email wasn't yet available.

The power of rhetoric— Like many of Liberty's other editors, I am profoundly grateful to Bill Bradford. The opportunity he gave me to write for Liberty changed my life. Although I had been a professional writer and editor for many years when I began contributing articles in 1988, I had rarely written personal opinions or deviated from formal news writing. And I wasn't even a libertarian. But he welcomed my contributions.

At Bill's suggestion, I started off challenging an article by John Hospers that expressed what I regarded as excessive alarm about the state of the environment. I am embarrassed to say now that I didn't know who John Hospers was, only that he was a "prominent libertarian," which was how I described him in my rebuttal. For a while, my articles in Liberty were mostly about environmental issues — not a bad way to begin, because my property-rights perspective was somewhat new to, and compatible with, libertarian thought. Most of the time, however, I was merely restating the arguments that I had learned in my five years with PERC (the Property and Environment Research Center).

Then Bill commented that I didn't have to be just "Ms. Free Market Environmentalism"; I could write about anything I wished. And I did. As I look over past Reflections, I see that I compiled a memoir of life in a small, upscale town in Montana, especially the experience of bringing up a child there. My thoughts about the intrusion of the federal government into child care, the free market in preschools, the inanities of public schools — all are recorded on the pages of Liberty. Again, I am grateful.

Although I knew Bill for more than 15 years, most of our communication was by email and telephone, and I was always a little afraid of him — and always a bit guilty that I wasn't living up to my (unstated) obligations as a Liberty editor. I was especially uneasy phoning him, not knowing whether I would catch him in a deadline crisis (since I never knew what the real schedule of the magazine was). He seemed to work mostly late at night — till 6 a.m. or so — and not start again until the afternoon.

John Baden once commented that it was bizarre for a magazine about policy to be published from such a distant place as Port Townsend, Wash., by someone who was almost impossible to reach. Indeed, Bill compounded this impression of deliberate remoteness. If you happened to have the right telephone number and did reach him, he answered with a faint and tentative hello, as if it was the wrong number and you had interrupted someone who was unaccustomed to getting phone calls. Once he recognized you, though, he was like an old friend.

In justification, Liberty was never intended as a magazine about policy, as Bill pointed out more than once. He wanted to give libertarians an outlet for communication without having to cater to the prejudices or predilections of non-libertarians. When he started Liberty, with the support of Murray Rothbard, Bill may have expected the magazine to be mostly philosophical. He did publish plenty of philosophy (sometimes with a high ratio of words to ideas, I thought), but readers quickly revealed that they also liked the comments on real-world events.

Bill knew that libertarians are richly diverse, holding genuine differences about the role of the state, and he welcomed discussion of those differences. The disparities came across most clearly in commentaries on the various wars and international police actions that have occurred over the past 20 years. Bill never lost his aversion to war (I remember him pleading with his editors to send comments on the U.S. government's seizure of Noriega in Panama; he was puzzled at their silence on what he considered one of the most important issues of our time). But he never hesitated to publish thoughtful commentary that supported war.

Religion, too, was a frequent topic — and its treatment also nuanced. Most Liberty readers and editors are almost certainly atheists or agnostics, but Bill allowed me enormous scope to contemplate faith and freedom. In one article I incorporated allusions to F.A. Hayek, Stan Evans, and Charles Darwin, among others, to produce a personal exploration of the role of religion in history, one that evoked strongly sympathetic responses from several readers. In sum, because of Bill's intellectual catholicism, I was completely comfortable writing for Liberty even though I had never completed a book by Ayn Rand. (I confess I still haven't, even though two of her novels stare at me from my bookshelf.)

Given my somewhat glancing communications with Bill, I was initially under the impression that he was a workaholic. Soon, however, I realized that he was obsessively intense about everything he did, not just work. When he made a visit to Montana in 1991, for example, he commented that there were still two Montana counties (out of a total of 56) that he hadn't yet driven through on his motorcycle. (I don't know whether he ever reached them or not.)

Manuscripts and editorial correspondence went back and forth by U.S. mail, with revisions indicated in the old-fashioned way: in pencil. How we ever did it, I don't know. Bill and I spent a lot of time editing over the phone. Later, he sent me one of those tiny fax machines that use rolled up paper (I still have it), and we passed articles and annotations back and forth on that.

When new technology came, I was somewhat resistant to it; Bill never was. He bought the first video camera I ever saw in private hands, and I well remember what happened, one afternoon, when I was visiting Bill and Kathy and complaining about my primitive VCR, back home. "Here," he said, walking over to a big cardboard box that had just arrived at his house. "Have one of these." There were ten VCRs in the box. He'd gotten a bargain on them; and besides, "You can't have too many VCRs, can you?"

The technology on which Bill actually relied, however, was the intricate system of wires and gauges in his own personality. There was enough energy coursing through him to light a city the size of Indianapolis. The energy could be directed into a hundred separate channels (Bill was the world's greatest multitasker), or it could be intensely focused on one big challenge or inspiration. Wherever it went, there was always plenty to go around. Everybody associated with Liberty knows what it was like to get a phone call from Bill.

What really got to him, though, what upset him in a visceral way, was (first) war and (second) all those acts of aggression and injustice that governments visit on helpless citizens, even in daily, routine ways.

"Steve! This is Bill!" As if it could have been anybody else.

"Just a short question. You know that article we got about the situation in Madagascar."

"Madagascar? I can't remember any article about . . . "

"Well, the author thinks that Madagascar is a special example of some general principle. Aristotelian, you know. Well, I can't remember anything Aristotle ever said that has even the faintest connection with this guy's thesis. Do you?"

"Thesis? I can't remember . . . "

"Here's what I think. But first — you know, don't you, that up until the late 19th century Madagascar was, to all intents and purposes, one of the remotest locations on the face of the earth? I mean, the interior of Madagascar didn't even have *roads* until the French started occupying the place in 1885. And they had a terrible time doing it. As you know . . . "

"No, I . . . That's interesting. I had no . . . "

"By the way, have you seen this new book about the War of the Pacific?"

"You mean what they call the Guano War?"

"Well, guano was always important. But that's just the start of it. According to this book . . . "

An hour later, when Bill announced, "Well, neither here nor there. Thanks a million! Talk to you later," you may not have given any cogent advice about the Madagascar thesis, or who could review the guano book, but you certainly knew a lot more about world history than you'd known before. You couldn't have fun like that with anybody else.

I had thousands of these late-night conversations with Bill about every aspect of "the magazine," "the journal," "the

For Liberty readers, perhaps the most rewarding result of his intense concentration was his investigative reporting. One of the best examples was his continuing exposé of the Libertarian Party, written first under the name of Chester Alan Arthur and later under his own name. I remember his outlining in detail the party's abuses of financial reporting (to me this revealed that politics is politics, whatever its banner), but shortly thereafter he argued at length that the Libertarian Party is worth keeping around. He even came up with an imaginative (though probably utopian) idea for a party platform — decriminalization of drugs.

Another example of intensity was his coverage of the Senate confirmation hearings of Judge Clarence Thomas. To get the full story, Bill videotaped (or recorded) the entire hearing process. Such thoroughness was probably typical, but I happen to remember this time, perhaps because I was so repelled by the hearings that I barely listened even to snippets.

Because Bill lived in a small Washington town before the Internet became a valuable resource, his relentless investigations sometimes faced obstacles. I remember his frustration — and, I believe, surprise — at not being able to find the documents he needed from the Port Townsend Public Library.

The Port Townsend Public Library! His comment was probably what started me thinking that Bill had a slight resemblance to the wonderful characters in the cartoons by Baloo. Not the ones who make the comments, but the baffled ones who are simply stunned, such as the businessman who is told by the street beggar, "C'mon, sir — You don't want me sponging off the taxpayers, do you?" Or the man who says to his wife as he holds the telephone, "It's our marriage counselor — he wants to know if he can sleep on our couch tonight." For Baloo and for Bill, things were strangely amiss in this world — a lot of things.

Bill devoted the past two decades to diagnosing what was amiss and using the power of words, including factual information, humor, logical analysis, and even inspiring rhetoric to develop solutions. To help him, he enlisted the aid of an unusual mixture of people — many of whom didn't know they "had it in them" until Bill assured them they did. Through his own writing and by spurring others to contribute, he expanded the realm of libertarian thinking, increased the number of libertarian voices, and strengthened the arguments for liberty. We can all be grateful for that. — Jane S. Shaw

zine." They wandered a lot, that's for sure, but very brilliantly, whenever Bill was speaking. I remember a three-hour talk, starting about 11 p.m., about the place on earth from which you can see the longest distance. I can't remember what mountain it is, next to what ocean. I do know that there's a formula for calculating the distance from which you can see something such-and-such meters tall from such-and-such meters of elevation. Bill had forgotten the formula, and those were the days before the Internet, so we couldn't just go on the Web and look it up; therefore, he proceeded to *deduce* the formula. In fact, he deduced it in two versions — first his own, then his rediscovery of the "real" one. While doing so, he conducted a seminar on the best vantage points on the globe, their exact geographical location, the flora and fauna that surround them, the history and forms of government of adjoining countries, etc. etc. It was the kind of thing that ought to go on in a college, and never does.

One of the principal reasons why he became skeptical about the Objectivist movement was its benightedness about homosexuality, which was then considered "unnatural" in Objectivist circles.

I'd like to say that working with Bill was all sweetness and light — and basically it was. Any magazine editor can do a lot of damage to people he doesn't like, if he wants to and he's the least bit clever about doing it. Bill was wholly immune to that temptation. He lacked even a vestigial organ of spite or vindictiveness, and he was the rare midwesterner who was without our famous "mean streak." His incoming correspondence, like that of all other editors, but especially editors of journals that are politically inclined, was often filled with gross abuse, most of it from "friends." Very little of it made him lose his temper; none of it made him want to plot or scheme for revenge.

I think, indeed, that Bill was incapable of plotting. His whole life was devoted to writing, conversing, publishing; for him, a good story was what you reported, not what you cooked up. Bill had a very retentive memory, and he knew tons of anecdotes about people in the libertarian movement — many of them heroic, many of them hilariously ridiculous. If he had wanted to, he could have created saints and clowns by the hundreds. He didn't. I often saw him studiously repressing his feelings when he thought their expression might needlessly hurt someone, even someone he disliked. But I never saw him *plot* to use or withhold information, for some ulterior motive.

I also never saw him become angry because somebody disagreed with him. I disagreed with him frequently, sometimes for good reasons, sometimes for reasons that I now believe were sadly deficient; and we disagreed about things that were important to us both. But he expressed anger only once. Some problem had arisen about an article for "Liberty." I don't remember what it was, but I stated my view in a stubborn and snotty way. I faxed it in; then I waited for Bill to phone me as usual. He didn't, so finally I deigned to call him.

"What did you think about my fax?" I said.

"Not much" (grimly laconic).

"You disagree?"

(Long silence.) "I didn't like what you said."

"Really? Why not?"

Bridging the gap — I first met Bill Bradford close to 20 years ago at one of John Baden's Liberty Fund conferences held at a Montana dude ranch. Before the conference began, I found Bill sitting at a table with another libertarian he had just met.

Bill was saying that his magazine did a regular poll of libertarians that showed there had been a shift from people who considered themselves libertarian primarily for ideological reasons to those who were libertarian primarily for pragmatic reasons. The former were influenced by writers such as Ayn Rand and considered freedom an end in itself. The latter were influenced by observing government failure in action and considered freedom a means to an end.

I am not sure how much of this I understood at the time. But the other person at the table was an Ayn Rand libertarian, while I, who have never read Rand or even Hayek, was at the other extreme. To me, the other person was very strange (and he probably felt the same about me) and I recall thinking that there was an unbridgeable gap between us.

But there was a bridge, and his name was Bill Bradford. As I became familiar with Liberty magazine over the next few years, I realized that Liberty was the conscience of the libertarian movement. While Reason was the public face of the movement, it was much less likely to be introspective or to report on events within the movement. Only Liberty would review and critique the strategy and tactics of those who sought smaller government. From this point of view, Liberty was and is a great magazine.

Bill could be the bridge between different sorts of libertarians because, like any good reporter, he could make people feel he agreed with everything they said. I remember once submitting an article somewhat sheepishly, because I thought that it perfectly reflected Bill's viewpoint and I wondered if he hadn't already said the same thing in the magazine. He called me and said, "I want to print your article. Of course, I don't agree with anything in it, but you are saying things that need to be said." Bill's skill at making people feel comfortable must have been critical to the success of the magazine.

Though sometimes the cause of freedom and smaller government seemed to be losing ground every minute, Bill was one of the people who gave us hope and who made this world a wonderful place for libertarians. I will miss him a great deal. — Randal O'Toole

"Jesus, Steve, didn't you think about your *tone*?"

No, I didn't; but from then on I did, and not just with Bill but with other people too. And whatever success I've had in controlling my tone I credit mainly to that confrontation.

I have to admit that although I dislike hatred in the abstract, I find it easy to hate certain public figures. FDR. Jesse Jackson. The Clintons. I think it probable that Bill never hated anybody, although he was sorely tempted by President Bush and his friends. In his view, they were modern liberals of an especially pernicious kind: big spenders and military adventurists, both. But when I denounced FDR, Bill argued that under the circumstances, he'd done pretty well at not destroying the country; other politicians would have done far worse. Following his idol H.L. Mencken, he regarded virtually all "statesmen," including FDR, as little more than unusually clever mountebanks, but he could appreciate their good points, if they had any. Even Bill Clinton got credit for his free trade policies, and for refusing to be as flagrant a dope as his Democratic supporters pressured him to be. Bill was disgusted by the legal pursuit of General Pinochet and of the former rulers of Eastern European countries. "They're old men," he said. "Leave them alone." Using the law to punish political crimes, crimes that occurred many years before, seemed grotesque to him.

What really got to him, though, what upset him in a visceral way, was (first) war and (second) all those acts of aggression and injustice that governments visit on helpless citizens, even in daily, routine ways. The viciousness of petty officials depressed him, whether he saw it close up or at a distance. Waco, Ruby Ridge, the depredations of the war on drugs, even the petty violence of cities' attempts to make sure that the businesses they don't like are unable to operate within their bounds . . . Bill's indignation flared at those things, and at every such assault on the dignity of the individual.

Unlike some libertarians, he was also indignant about injustices that do not happen to be perpetrated by government. He was the first male I ever knew who was disturbed by the prejudicial or condescending way in which men treated women. He read Betty Friedan's "The Feminine Mystique" and praised her highly for insisting on the social and psychological equality of women. Before feminism became fashionable with virtually everyone, he appreciated the ways in which women's intellectual contributions had traditionally been slighted. The founding influence that women exerted on the libertarian movement always interested and delighted him.

In addition, he was the first straight man I ever knew who was concerned with the rights and dignity of gay people. Slurs and demeaning jokes against homosexuals particularly disgusted him. They were one of his principal reasons for despising certain segments of the conservative media, which he found physically repellent on that ground. One of the principal reasons why he became skeptical about the Objectivist movement, as he explained to me at length in 1969, was its benightedness about homosexuality, which was then considered "unnatural" in Objectivist circles. He was happy when Objectivists started to abandon that view; it was an important event for him.

I was never aware that Bill treated women or gay people a bit differently from the way he treated heterosexual men. He didn't know how to condescend to anyone, and he would dissent as forcefully from a woman's argument, or a homosexual's, as he would from a straight male's, when he saw some fault in it; but he was disturbed when anyone was ignored or rejected because of sexual identity, race, religion, or anything other than intellectual qualities.

Bill made a lot of enemies (and kept them) with his investigative reports on the Libertarian Party — by the reports that were critical, at any rate. Nobody got upset about the miles of columns he devoted to publicizing the things that Libertarians did right. In certain cases, I thought that his critical coverage could have been even more critical. My personal exposure to the arrogance of some of the people he criticized had a very bad effect on me. I was startled and angered by the behavior of libertarian "suits" toward the "working class" of the party, which very much included Bill. I thought that he should target the unlibertarian style that Libertarian apparatchiks often develop, but he was more interested in the substantive issue of why the national party got such small results in exchange for its donors' money. I guess he was right — but it didn't help him with the people who considered it wrong for any libertarian to "attack" other libertarians.

Bill was a convinced "utilitarian," believing that morality cannot be divorced from the pursuit of happiness. It was inconceivable to him that some moral principle could be justified despite its observed tendency to result in widespread unhappiness. He opposed the idea of "natural rights," believing that rights are not inherent to human life but are supremely useful inventions of the human mind. But he — like Ludwig von Mises, another distinguished "utilitarian" — was much too smart to believe that because something made you feel good right now, you should do it. "Utility" for him (as for Mises) embraced the whole field of moral, spiritual, and aesthetic pleasures and benefits.

Bill knew tons of anecdotes about people in the libertarian movement — many of them heroic, many of them hilariously ridiculous. If he had wanted to, he could have created saints and clowns by the hundreds.

I understood that; but I was always interested in the warmth with which he denounced invasions of rights and applauded moral virtues, as if virtues and rights were in fact absolute and self-justifying. On several occasions I had reason to ask him why he insisted on printing something at which most of our readers would probably take offense. "It won't do any good," I said. "They won't pay any attention; they'll just get mad." "Do you think," he responded, "that it isn't a good thing to tell the truth? I think it *is*, whether anything comes of it or not." He gave the same answer to ques-

R. W. Bradford: 1947–2005

Leading the revival — I first met Bill in May of 1999, at a Liberty Council event in Hawaii. He gave a very interesting talk about the realities of bulk mailing, and why the optimistic numbers of Project Archimedes, the Libertarian Party's idea of how to increase its membership, were simply impossible. Bill had a good understanding of exactly how much demand there was for libertarianism, since he had been trying to increase readership of Liberty for several years.

It was interesting to hear somebody who was as passionate about liberty as I was, but who seemed more grounded in reality. I wanted to live in a libertarian society just as much as the next fanatic, but I was starting to suspect that so many resources were being expended in wild schemes (like building an island!) that the dream of a true libertarian society always kept getting further away. Bill told me later that the reason why most libertarians go off on wild tangents is that they are overwhelmed with the rapture of the newly evangelized. Most people in the Libertarian Party have been exposed to libertarian ideas for the very first time, and they have become obsessed with the concepts.

After Bill saw me do my own shtick that weekend, he told me how impressed he was that someone billed as a "libertarian comedian" could actually be funny. Just as Christian Rock is an inferior substitute for its authentic Satanic counterpart, the "libertarian" modifier is usually applied to mediocre artists, writers, and entertainers as an apology from the booker for not being able to afford a real artist, writer, or entertainer. When he saw that I was a "libertarian" comedian, he naturally assumed that I would be awful. I privately suspected that his speculation about "libertarian" artists did apply to me as well, but I was flattered that he found me funny.

It was on that weekend that he invited me to start submitting reflections for Liberty. Some of my early submissions were quite "libertarian" but Bill personally took the time to edit them, so nobody would realize how lacking my writing skills were. Many times, he would insert a joke that I didn't write into one of my reflections or articles (which I believe is extraordinary editing license), but since my submissions were rudimentary, I never really minded. As I slowly got better at transposing my spoken style of satire into writing, Bill had to edit my submissions less, but he never got over his habit of sticking his own joke in here and there.

I remember fondly those Editors Conferences that Bill held at the old Coast Guard station on the end of the Port Townsend peninsula. In a crumbling government facility originally built to quarantine immigrants, and now more often used for cheap weddings and retirement parties, Bill hosted events that drew some of the greatest minds of the libertarian movement. I was always flattered to be a guest, and I left with my mind full of new and exciting ideas. I felt as if I had just left a revival — invigorated, excited, and ready to slay the Leviathan.

The last time I saw Bill, he asked me if I was religious. I told him sort of. He said he was surprised at how many libertarians were not atheists. But even Bill was a devout member of the Church of Liberty. Perhaps none of us are really atheists.

— Tim Slagle

tions about why the libertarian cause should be supported, at times when it seemed highly unlikely to win.

Bill knew a lot of truths; he also knew a lot of facts. His degree was in philosophy, and he understood the harder branches of that discipline, those closest to logic, very well. He had an encyclopedic knowledge of American history and politics, and an excellent taste in that field as well — the kind of taste that detected the deviousness and mental instability of such popular heroes as Lincoln and Theodore Roosevelt, and admired the nobility of Washington and of the unfairly neglected Cleveland, both great heroes of his. He also knew people. As I've said, no one in the libertarian movement knew, or understood, its people as well as he did; and probably no one ever will.

After his death, I was interviewed by a newspaper reporter who wanted to know, among other things, whether Bill was "one of those people who want to live off the grid." She evidently thought that all libertarians must be like that. What a laugh! Bill loved to meet people; he loved to find out what they were like, what they made of life. He had no attraction to religion — "no religious faculty," in Isabel Paterson's phrase — but he often said that he wished that libertarians had a "church," a place to go and meet one another, not to debate ideological questions but simply to enjoy one another's company.

Bill often said that he wished that libertarians had a "church," a place to go and meet one another, not to debate ideological questions but simply to enjoy one another's company.

I'm not sure that this idea of a church bears any relation to the real function of churches, but that was his attitude. His friends ranged from bikers to college professors, from crusading atheists to Christian missionaries, from prominent scientists and distinguished jurists to the "ordinary" people who are the real life of the libertarian movement. Himself the least pretentious of men, he treated everybody with the same informal, enthusiastic interest. If people didn't like him, he knew it; but he didn't let it affect his ability to find out what they thought.

Knowing his character, you could guess Bill's way of editing Liberty. He sought contributions from every kind of libertarian, and from many people who weren't libertarians but had something to say, nonetheless. Since Bill *was* Liberty, he constantly traveled from one role to another: publisher, business manager, complaint answerer, investigative reporter, editorialist, seeker of other people's expertise. He took full respon-

sibility for everything that happened; yet he was remarkably — I sometimes thought, absurdly — concerned with other people's ideas and approaches. It was not unusual for him to spend all day working on someone's article, trying to preserve the author's style but also to present the author, and his or her argument, in the best possible light, a light that perhaps had never dawned on the author in question; then he'd call me up, and ask me to comment on his edits — before returning to another round of worried meditations on paragraph 5, sentence 3.

I don't think I ever heard Bill "tell a joke," but his whimsical sense of humor made him more fun than any jokester I've ever met. One night, we were standing in his kitchen, chatting about the effects of finance on personal happiness, when he said, "I'm happy that I've finally got enough money to buy the things I've always wanted to buy." "Like what?" I asked. "Oh, like this stuff," he said, pulling open a drawer full of little plastic toys — average price, 79 cents. Most people, when they're trying out a new keyboard, type something like, "The quick brown fox jumps over the lazy dog." Bill typed, "Good news! The depression is over, and the banks are filling with money." When Bill got his first VCR, while he was living in Okemos, one of the first movies he acquired was "42nd Street," the greatest of musical comedies, and one of the greatest of films, but a film that no respectable intellectual would tolerate, at least in those days. He insisted that I watch it with him. Reluctantly, I watched, and was converted. I owe a lot to Bill for opening the big ballroom of beautiful, crazy, funny movies for me. "42nd Street," "Footlight Parade," the "Gold Diggers" of various years . . . "It's the song I love the melody of." Shortly before his death, Bill insisted that I watch "My Name Is Earl," "the best show on TV." It came pretty close to justifying that description, at least when it was watched in his company.

Bill's sense of humor gave him a way of reducing a philosophical argument to its essentials, and making it impossible to forget. Listing the moral virtues that Ayn Rand believed she had deduced from her unique philosophy of individualism — "honesty," "responsibility," "productivity," etc. — he asked, "When's the last time you heard a list like that? Sunday school, maybe? I mean, there's nothing *wrong* with those things, but what makes her think she's *original*?" Bill loved animals (except the deer that infested his back yard, eating everything in sight, and doing it with complete impunity), but he especially loved cats. He appreciated their individuality; he was entertained by their haughty displays of independence. "Anarchism would work," he said, "if there was a planet inhabited solely by cats."

His discussions of American political history always extended a childlike welcome to the absurd. He took delight in the gentleman who once conducted a front-porch campaign for governor of Georgia, running on a platform of opposition to "puttin' them hard plastic stickers on them squishy young tuhmaytuhs." He loved the pair of spoofers who were taken seriously when they proclaimed the creation of the National Hamiltonian Party, campaigning under the slogan, "Your people, sir, are a great beast!" Our late-night editorial conferences were enlivened by Bill's speculations about all the strange things we could print if we just wrote whatever we felt like writing.

At some convention that we attended we were invited to a reception in some important people's suite. We weren't looking forward to it. We suspected the hosts of being pretentious bores, and we were more interested in talking with the friends who were already with us than in drinking somebody else's expensive booze. Nevertheless, we considered it our duty to Liberty to go up to the 20th floor and be received in the splendor of the suite. We got off the elevator and trudged down the hallway, trailed by two or three of the people we'd rather be spending the evening with, like criminals marching toward their execution. We got to the door and knocked. Then Bill looked at me and I looked at him, and a second later we all started running down the corridor, escaping before the grown-ups could take us captive. "That was a close one!" Bill said, as we turned the corner — ecstatic that some part of life, which is precious, had returned to our control.

Then Bill looked at me and I looked at him, and a second later we started running down the corridor, escaping before the grown-ups could take us captive.

When, in December, Bill encountered the final boring, pretentious host, his approaching death, he sent a last message to his fellow editors of Liberty. After discussing the arrangements he'd made for the journal's continued publication, he made his ultimate editorial suggestion: "How about 'Bradford Dies, Libert" Reborn!' as a headline?"

It's a good headline, all right; but the first part still needs a bit of work. Bill Bradford could never really "die." ❑

Reflections, *from page 16*

the "most asinine of taxes" and should be abolished. Finally, he felt that the private sector — major corporations and nonprofit institutions — was the only "free, non-revolutionary way" to a stable, prosperous society. Business and private charities provided a superior alternative to socialism and big government. According to Drucker, only business could assume social responsibilities such as job security, training, and educational opportunities, and social benefits such as health care, retirement, paid vacations, etc. When he first suggested the private sector as the ideal "social institution" after World War II, he was considered a renegade. (Even General Motors thought he was nuts.) But once again he was proven right. For more, see "The Other Austrian," an article I wrote for the April 1993 issue of Liberty. — Mark Skousen

Debating the War on Drugs

by Bruce Ramsey

There's a lot more to legalizing drugs than just lighting up a joint.

"Exit Strategy for the War on Drugs." That was the name of the conference held in Seattle on Dec. 1 and 2, 2005. Washington is a "blue" state that approved a ballot initiative to allow marijuana to medical patients. Seattle is a deep-blue city that voted nearly 80% for John Kerry, and before him for Al Gore, and also voted, against the advice of its city attorney, to reduce marijuana possession to the lowest priority of police work. Seattle is a logical place to air the question: if not a war on drugs, then what?

The conference was put on by the King County Bar Association, which for several years has had a project to end the War on Drugs. In 2001 the Bar Association adopted four principles regarding currently banned recreational drugs. I summarize them:

1. Drug policy should create "no more harm than the use of the drugs themselves";
2. It should address "the underlying causes and the resulting harms" instead of using police and jails;
3. It "should regulate drugs in a manner that recognizes citizens' individual liberties while answering the need to preserve public health, public safety and public order, especially providing compassionate treatment to those in need"; and
4. It should not waste the taxpayers' money.

You can see the libertarian principle, and some fences around it.

It was not a conference of libertarians, but mainly of liberals; most of them knew the libertarian answer to drugs and mostly they found it unsatisfying. Kate Pflaumer, who was appointed by President Clinton to be U.S. Attorney in Seattle, was one of several who explicitly said the advocates had to get beyond the libertarian argument. "We have to deal with kids, expanded use, and social harms," she said.

We *do* have to deal with these things, at least if we are to be part of the discussion. It is not enough to imagine a responsible adult with the drug in hand — usually a drug that is not dangerous if used properly. That, generally, is what the libertarian imagines when he asks: What business is it of the state to forbid this adult from using this drug? By what right, and to what end, does the state force the user into a steel cage?

That way of putting the question is a neat way of illustrating a libertarian idea. But let's admit that it's a set-up, designed to reach a predetermined conclusion. It assumes we are dealing with an adult. It assumes some level of rationality and free choice. It may also assume some level of safety, if we care about safety (which people *do* care about). It also assumes the drug is in hand, and that it arrived there through some uninteresting process.

All of these assumptions are hazardous. Drug users are not all adults, and a regime of freedom for adults may not imply freedom for nonadults. Drug users start by making a free choice, but once certain choices are made, they may be difficult to unmake. Not impossible, but difficult. Some drugs are not too hazardous, and some are very hazardous.

Consider the question of how the drug arrives in the user's hand. Does he buy it from a lawful company — that is,

a company with an address, corporate officers, and publicly identifiable owners? A company with contracts, obligations, licensing agreements, commercial insurance, and legal liability? A company with employees, and a community image to maintain? A company subject to institutional oversight, governmental or otherwise? Can you imagine a pharmaceutical company producing commercial versions of today's illegal drugs? Marijuana? Cocaine? Heroin? LSD? Magic mushrooms? Ecstasy? Crack? Meth?

Half of the attendees at the conference were for price control on legal marijuana, and three-fourths were for profit controls.

"We need a legal framework for drugs," a man said, "because what we have on the street is lawlessness." Accept that. But what sort of framework? The one we use for OxyContin? Aspirin? Dill pickles?

During my time at the conference — and I attended about half of it, over two days — the suggested legal framework for heroin and drugs of similar potency was that they would be dispensed by the government. (For unique U.S. reasons, *state* government.) Government dispensing has been tried before. Britain has done it with heroin in a small way since the 1920s and Switzerland has done it recently.

Peter Reuter, professor of criminology at the University of Maryland, presented the Swiss example. It was of 1,000 heroin injectors. They were given up to three doses a day, and allowed to use heavy doses (500–600 mg/day), which they tended to do. One result was a sharp reduction in crime. Also, more injectors found work: the share of the enrolled addicts with jobs (presumably lawful jobs) increased from 14% to 32%. The mortality rate fell from 2–3% to about 1% per year. Most of the addicts stayed addicted, though some applied for a dry-out.

These were experiments — islands in a sea of prohibition. The Swiss made heroin available only to experienced injectors. So did the British. In each place there were others using the drugs illegally — in fact, many more others than were using them with permission.

Instead of cops and wardens, most in the group thought heroin should be handled by doctors and social workers. But government would still involve itself. It might require that drugs be packaged a certain way, with warning labels; that the drugs be of a certain dose and purity; that the users not be from out of state; that they sign forms and be registered; that they see a doctor beforehand; that their consumption be monitored by the government; and so on.

Said Roger Goodman, head of the King County Bar Association's Drug Policy Project, "We're talking about creating a *healthy society*."

Is heroin use healthy? Vancouver, B.C., has the most open drug scene in North America, with several thousand heroin addicts in the East End. The scene is probably less unhealthy than the same amount of heroin use entirely underground, but healthy it is not. Mark Haden, clinical supervisor at Vancouver Coastal Health, said the addicts are "an enormously sick population," with about one-third of the users infected with HIV and "almost universal hep-C."

I asked one of the Canadians about the feces problem. I had seen reports on a local weblog that Vancouver junkies had been crapping in public, creating a problems with sanitation. What's the cause of that? I asked.

"Vegetable matter," the Canadian said.

Huh?

"Food."

I stared at him.

"There are no public toilets. They have no place to go."

Oh. On one level, it was common sense. But, I thought, if the addicts make a mess, why do we have to conclude it's because they haven't been given enough free stuff? The public authorities are expected to supply them free heroin, free sterile needles, and free "safe injection sites" with polite, nonjudgmental government overseers — and then face the complaint that there are no free toilets.

At the conference, most of the talk of legalizing was about marijuana, and even in this anti-drug-war crowd the attitudes were not as permissive as you might expect.

Deborah Small, executive director of a group in New York called Break the Chains, Communities of Color and the War on Drugs, was one of the most left-wing of the speakers. Her first criticism of the drug laws was that they were biased against the poor and black. She is black. She was fearful of capitalism; her foremost thought about managing legal drugs, including marijuana, was not to let the corporations have them. "The idea of corporate control is troubling to me," she said.

"I personally agree with that," said Goodman of the King County Bar Association, adding that he thought it was a mistake to allow branded alcoholic drinks after Prohibition.

Jeff Haley of the Drug Policy Foundation of Washington said the problem with commercialism is that when money is being made, people have an incentive to sell. You could ban advertising — which most of the attendees, I think, assumed would be done with any legalized drug — but if the salesmen have a monetary incentive, they will sell. And that would still be bad. "People who are selling need to have no incentive to sell," Haley said. "The only way we could think of to do that is to make these people state employees."

Making wholesaling illegal and retailing legal makes no logical sense, but it works in the Netherlands.

There was a ripple of laughter at that.

I was thinking of the unhappy prospect of turning brewing into a government monopoly. In my college days a local brewery had put out generic beer — "BEER" brand, black lettering on a plain white label. That had been the closest

thing to government beer produced here, and it had tasted pretty bad. A Canadian in the audience stood up and told a similar story about marijuana. His government had produced it for the medical users, who found it "utterly unappealing." He warned the group not to design "a system of distributing things people won't want."

Kris Nyrop of Street Outreach Services in Seattle objected to the no-brands idea. "As a tobacco user, I like having choice in brands," he said. "I'm afraid that we're heading too close to paternalism in our conversation here."

Many of these people were not against paternalism, as such. They wanted paternalism with a human face, or at least a face that was not a policeman.

As for the worry about capitalism creating an incentive to push drugs, the Canadian reminded the audience that social programs had become an industry as well. Government has

American culture today is so different from 1914 that the social effect of legalization would be different.

an economic incentive to push interdiction, controls, jails — and social work, too. "Wherever there's money involved, and it is tied to jobs, it introduces an incentive," he said.

Rick Steves, a publisher of travel books who knows the scene in Amsterdam (and is also a board member of NORML, the National Organization for the Reform of Marijuana Laws), said he thought that for marijuana, "the viable thing for us will be capitalistic, with some regulatory stuff." I thought it was the most sensible proposal of the day, and noted that Steves was a businessman.

To most of the rest of the people there, profit — corporate profit — was bad. The moderator asked for a show of hands on various regulatory ideas for marijuana — price controls, profit controls, advertising prohibition, volume discount prohibition, etc. (The Washington State Liquor Control Board forbids any dispenser of alcohol, including beer, from offering two for the price of one.) Half of the attendees at the conference were for price control and three-fourths for profit controls. Profit is, of course, a residual, and "profit control" would have to mean some sort of confiscatory tax.

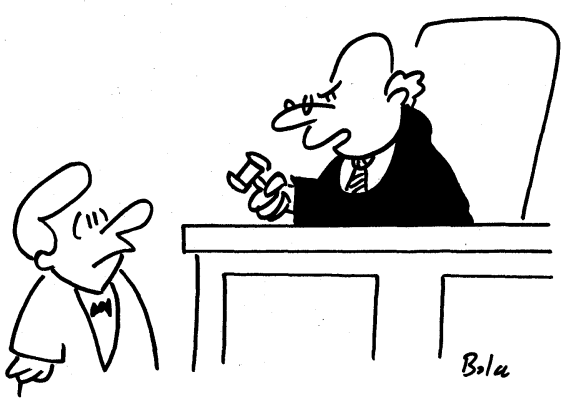

"'Not guilty'? — You some kind of expert in the law, are you?"

At one point, someone asked, "Are there profit controls on the liquor industry?"

"No," the moderator said. There was a silence.

One man who rose to comment was the chairman of the Washington State Liquor Control Board, which owns all the liquor stores in the state and controls all wholesaling of hard liquor. The state of Washington makes a net profit, including taxes, he said, of more than $200 million off gross sales of $600 million from its liquor monopoly. That's a profit margin of 33%, a level not generally found in private-sector retailing. (Wal-Mart's profit margin is 3% of sales.)

The profit margins of criminal drug gangs may be higher even than the state of Washington's, and indeed some attendees worried about what would happen to the entrepreneurs who now serve this market. Cliff Thornton, director of a program in Hartford, Conn., called Efficacy, and a board member of NORML, said, "Legalization without indemnification means nothing to me. We need a strong economic package to build up the inner cities."

Two blacks had said that — Thornton and Small — and the mostly white audience applauded. But there was also resistance. Ethan Nadelmann of the Drug Policy Alliance — probably the most prominent opponent of marijuana prohibition — said he didn't want "that condition placed on our thinking." Decriminalization would be a tough sell without tying it to a new spending program.

In all of this discussion a cord of tension ran between the logical and the possible, between an ideal world and one dimly visible. On the side of the possible was the Dutch experience with marijuana. Craig Reinarman, professor of sociology at the University of California at Santa Cruz, said 288 coffee shops in Amsterdam sold marijuana and hashish. The minimum age was 18. The maximum quantity of purchase was five grams; it had been higher, but the authorities had lowered it. Other drugs were sometimes sold in the cafes, but it was illegal, and cafe owners were liable to be shut down if caught.

Reinarman said the Netherlands had made retailing in these regulated places and amounts legal, but that import and wholesaling were still illegal. The corporations had been kept out of cannabis, and the smugglers still had it. Of course having wholesaling illegal and retailing legal made no logical sense, but it worked in the Netherlands.

Reinarman said drug use among Dutch youth was lower than in the United States or the United Kingdom. He cautioned against drawing conclusions. "The U.S. may be different," he said. "Conte t and culture are important."

That was a problem, I thought, with libertarians bringing up the America before 1914, when there were virtually no controls on drugs like heroin and cocaine. The culture of today is so different from 1914 that the social effect of legalization would be different. And, of course, there was a social effect then, because if there hadn't been, the drugs wouldn't have been banned. You have to care about the social effect.

One of the problems with the conference is that it was a gaggle of wonks. When most of them thought of drug users

they thought of serious and sober folk like themselves. Jonathan Wender, a criminologist at Simon Fraser University in Vancouver, reminded the audience that with many drugs the typical users were not people like themselves but "folks you don't want standing behind you at the ATM." And, he said, "meth and cocaine are not marijuana."

The conference speakers didn't talk about legal methamphetamine, at least when I was there. Two men behind me did. One was a judge. He was talking to the man next to him. "There's not an ounce of cocaine in all of Cowlitz County, but meth is everywhere," he said.

I don't know about meth, and I accept some humility when making pronouncements about it. I hear horrible stories about it — everything from irrational, criminal behavior to "meth mouth," which is what happens when the drug eats your teeth.

A few days after the conference I happened to talk to the state attorney general, Rob McKenna. I told him I had been to this drug-legalization conference and he said, "What did they say about meth? Did they want to legalize that?"

I hadn't heard anything about legalizing meth. That was notable, since it's the drug the politicians and prosecutors talk about most. In the King County Bar Association's materials, it said that any changes in the drug laws would have to "take place incrementally," one drug at a time, "probably beginning with cannabis and the opiates." Any program to deprohibit a drug would have to be evaluated afterward for "public order, public health and public costs," being always subject to modification or repeal. We are a long, long way from legalizing meth.

What would libertarians do about a drug like that?

Under commercial law, which applies to above-ground businesses with official addresses and visible owners, if you start selling products that kill people, addict them, wreck their health, "cause" them to commit crimes, or even to rot their teeth, you have a problem of liability. Imagine a company like Pfizer or Merck selling meth. Given the liability, could a manufacturer of such a product get insurance?

Imagine a company like Pfizer or Merck selling meth. Given the liability, could a manufacturer of such a product get insurance?

Could it get a bank loan? A letter of credit? Never mind the governmental stuff, like FDA approval of its manufacturing plant. Could it get a retail chain to stock its product? Maybe it would sell by mail-order, and advertise on cable TV. Maybe the cable TV company would have a visit from its insurance company. Maybe the drug would still be cooked up in shabby mobile homes in the woods, and sold by street peddlers.

Liberals are not going to allow any drug to be cooked up in shabby mobile homes and sold by street peddlers. Maybe libertarians would. Something to think about.

The King County Bar Association suggested in the handouts that there be "severe limits on advertising and promotion" of any legalized psychoactive drugs, "as strict as the law would allow within the constitutional protections of free speech." There was a suggestion that the state forbid branded drugs, so as to avoid switching on any inconvenient First Amendment rights. There was also a suggestion for a program of "aggressive, state-sponsored counter-advertising."

What would be the institutional framework in a libertarian society of drugs that addict people, cause them to act irrationally and in various ways destroy their health? Granted that people who chose to use these drugs would not be jailed on that account. But what, if anything, would happen to the manufacturer of a product that killed 2% of users every year? Or that enticed the user to quit his job and run his entire net worth up his nose? I knew somebody who did that: it can happen now, under prohibition. But under prohibition, you can't sue anybody for it.

Simply arguing that if you have a drug in your hand you should be allowed to take it is not answering the question.

I am not arguing in favor of prohibition. Clearly, it does not work well. The human costs of prohibition are very high. But with some of these drugs, it is not clear that complete freedom would work, either. And, yes, I know, there are libertarians who don't care about social effects, or who assume the optimal social effect will be reached through the intersection of supply, demand, and marginal pain — or some other mechanism. They are the inspiration of the joke: "How many libertarians does it take to screw in a light bulb?" Answer: "None. The market will take care of it."

Probably if prohibition ended, and government washed its hands of drug control, private institutions would arise to deal with the problems. Whether such institutions would deal with them more successfully than the state does now is a question worth asking. The conference I attended did not ask it, but libertarians should. Simply arguing that if you have a drug in your hand you should be allowed to take it is *not answering the question*. To advance liberty you have to think about liability and responsibility; about how the drug reaches you and what you expect of the manufacturer and distributor. You have to think about the kind of world you're creating and whether people could stand to live in it.

Probably we will have a very long time to think about these things, because the political momentum to repeal the drug laws is still weak. Only one state legislator attended the King County Bar Association's drug conference — State Sen. Adam Kline, Democrat, lawyer, at the outer edge of liberal. He told me his criticism of drug prohibition was not difficult for him, given his Seattle constituency. "It is difficult for a lot of my colleagues," he said, speaking for Democrats as well as Republicans. "We are dealing with something that some people feel is inherently criminal."

If not a crime, then a vice: still a problem. ❑

Guns, Rum, & Loot

by Jo Ann Skousen

The line between pirate and privateer is thin, dotted, and signed by the government.

Protection of personal property rights has always posed a problem: How does the owner of property persuade a non-owner to honor his right to that property? The gentlemanly phrase, "Pardon me, but that's mine," ought to be enough, but not all men are gentle. In a society where few people understand the concept of private property, a system of justice, backed by force, develops to protect one's property from marauders. In the Old West, there were "vigilance committees," but as Rose Wilder Lane observes wryly in "Discovery of Freedom," "The vigilance committee always began as a group of men who used force to stop robbers and murderers. It always became a group of men who robbed and murdered." Frederick Douglass observed a similar fact of human nature in his autobiography: "Slavery proved as injurious to [the slave owner] as it did to [the slave]. Under its influence, the tender heart became stone, and the lamblike disposition gave way to tiger-like fierceness." This principle also led to the golden age of piracy, as governments deputized respectable maritime merchants and turned them into murderous thieves.

Seafaring pirates, like highway robbers and midnight burglars, have been around since the beginning of time. The golden age of piracy, when the Madagascar pirates terrorized the Indian Ocean, lasted from 1690–1720 and was actually encouraged by the governments of Europe. Queen Elizabeth I, for example, issued "letters of marque" to private sea captains, commissioning them to attack any ship traveling under the flag of Spain or, later, of France. These were not naval vessels, mind you, but private merchant ships with a license to plunder. Sir Francis Drake was one of many well-known privateers who were considered heroes at home but criminals at sea. Americans also engaged in this form of military offense during the Revolutionary War, although Benjamin Franklin deplored the practice because it hurt his ability to negotiate alliances with the Crowns of Europe.

The chief role of the privateer was to raid the commerce of the enemy, interrupting the flow of supplies and drawing the enemy's navy away from war to defend its merchant ships. The system was defended as a legitimate form of warfare, and it was practiced by both sides, sanctioned by governments as a kind of private, unpaid militia. Although it was unpaid, it was not unlucrative. In many respects privateering represented the working-class sailor's only opportunity to rise out of poverty. Life at sea could be brutal, and a crewman's pay was abysmal. As a privateer, however, the potential reward was worth the risk. Typically, 10% of all "prizes" went to the Crown, 50% went to any backers who outfitted the ship, and 40% was divided equally among the captain and the crew. Even slaves who happened to be part of the crew shared in the booty. It was rather like being a repo man: all the adventure and excitement of being a thief, with a "Get out of Jail Free" card tucked into one's wallet.

Outright pirates sailed against all flags, but privateers were choosy, plundering only in the service of their sovereign — at least at first. But as usual, government had created a monster. The capriciousness of governments led to

instability and frustration in this unorthodox marketplace. A country might be at war with Spain one year, then reconciled by treaty the next; open to foreign trade for a while, then effectively closed by heavy tariffs. The introduction of the Navigation Acts, requiring British colonies to trade exclusively with the British, led ordinary colonists to feel justified in their own form of privateering, by purchasing foreign goods on the black market from pirate smugglers. Technically they violated the king's law, but they obeyed a higher law — that of supply and demand.

Out on the open seas, it was easy to ignore the technicalities. Add to these changing political loyalties the lack of basic human rights for ordinary sailors, the often tyrannical captains, and the lure of potential riches, and it's easy to see why many crews chose to mutiny, commandeer the ship, and head for the Indian Ocean when a well-meaning captain said, "Not this ship — it's one of ours." By the beginning of the 18th century, Madagascar, an island off the eastern coast of Africa, had become home to a nation of pirates. For many, the real lure was not money but freedom. It was the most democratic nation in the world, noted for its high regard for individual rights and its burning hatred of tyranny. Every crewman had a voice and a vote. A captain could be deposed by a majority vote. Piracy offered ordinary sailors the opportunity to live as free men with liberty, self respect, and the promise of enough wealth to make it worth the risk.

A loose form of government developed among the pirates of Madagascar. Everyone on board a ship, from captain to apprentice, was subject to the same duties and entitled to specific rights. No one was above or beneath the law. To seamen whose station in their own country precluded any social progress, this was a profound improvement. There were no special uniforms, ranks, or class distinctions, and everyone received an equal share of the booty (with the captain receiving a double share, to compensate his double role). This was particularly appealing to former slaves, who discovered that buying or earning their freedom meant nothing in a system where it was illegal for a black person to testify against a white or assert his property rights in a court of law. When a person has no recourse in the law, he has no choice but to resort to a life outside the law.

Kidd's tarred body hung in the harbor for years. Of course, the government officials who commissioned him as a pirate killer got off scot-free.

Were pirates as brutal as legend portrays them? Yes and no. Like organized crime syndicates, pirates often used the threat of physical violence and torture as an example, to encourage other merchant ships to give up without a fight. Pirates preferred terrorizing to actual fighting, which was a lot more work and tended to destroy both booty and crew. But it would be difficult to know how much was deliberate rumor and how much was fact. Rumor had it, for example, that when a Captain Sawbridge argued with pirates who had boarded his ship, they sewed his lips together with sailing twine and marooned him on a deserted island. When word of this got around, it naturally made other merchant captains more docile toward pirates.

Pirates came from all walks of life. Captain Kidd became one of the most notorious pirates of his time, but he didn't start out as a thug. In 1695 William Kidd was one of New York's most successful merchant captains, known for his plain speaking, courage, and simple integrity. Married at a young age to a beautiful, wealthy wife, he lived in a luxuriously furnished home overlooking New York harbor and was a pillar of church and community. That he was a privateer did not detract from his reputation; after all, it was legal. He had one unfulfilled desire: to become a captain in the Royal Navy.

As narcotics agents and RICO enforcers demonstrate today, once theft becomes legitimized, it's difficult to control.

During this time, piracy on the high seas was so prevalent that no British merchant ship was safe, yet the Royal Navy refused to help. The Earl of Bellomont, governor of New York and Massachusetts, hit upon a plan to rid the seas of pirates, enhance his own reputation, and line his pockets as well: commission a "pirate killer" to outpirate the pirates. Kidd was offered the commission, but he turned it down. He had always been an honest seaman, and wanted legitimate command of a Royal Man-of-War. Fellow New Yorker Robert Livingston convinced Kidd that commanding a pirate killer with a king's commission would be tantamount to a commission in the Royal Navy, and the governor hinted at virtual immunity if he were ever caught. Kidd still hesitated. But when the threat was added that if Kidd refused, he would never become part of the navy, Kidd was trapped.

Captain Kidd may have comforted himself with the thought that state-commissioned privateering was different from pirating. He may even have bought into the idea of the vital importance of the "pirate killers" as the king's most special envoy. But this was a distinction without a difference. As narcotics agents and RICO enforcers demonstrate today, once theft becomes legitimized, it's difficult to control. Although Kidd was commissioned as a kind of cop to stop pirating, the terms of Kidd's agreement virtually forced him to become a pirate himself. To outfit the ship, 80% of the cost was put up by backers (mostly Whig members of Parliament) and 1,500 pounds came from Kidd and Livingston. Ten percent of any prize money went to the Crown, 55% to the backers, 22.5% was divided among a crew of 150 men, and 12.5% was split between Kidd and Livingston. Moreover, if they acquired no booty, they would have to repay the backers from their own funds! Kidd would be under more pressure to bring in revenue than a traffic cop.

But Captain Kidd hadn't yet realized this when he set sail from London. He was in the king's service and felt self-important in his task. He also had a naive belief that his hand-picked crew would sense the nobility of their mission and behave as gentlemen. But they were plagued with failures from the start. The New York crew were a sorry, unskilled lot. Early on, the Royal Navy confiscated nearly half his crew and replaced them with rebels they had captured at sea. Many of his crew turned out to be privateers-turned-pirates. Moreover, no crewman wanted to serve for a mere 0.15% of the loot when, on other ships, they would be entitled to an equal share of the entire prize. Kidd had to agree to give them more money, though it ate into his own meager share.

Fifteen months into the journey, no ships had been encountered except those sailing under the British flag. The crew began to mutter piracy. Captain Kidd began to panic, convincing himself that they should attack Moorish and neutral ships as well as those sailing under French or pirate flags, as a matter of expediency. He believed his backers would exonerate him because of the circumstances. Yet he still considered himself to be a privateer, not a pirate, and allowed British ships to pass unharmed.

Eventually Lafitte was set free. His argument was priceless: "I was forced to break laws because the laws were bad. Now pardon me so I can fight for America."

The crew thought otherwise, however. When gunner William Moore complained loudly about Kidd's refusal to attack a British ship, Kidd snatched up an iron bucket and smashed it against Moore's head. Moore died from the blow, and Kidd was now a murderer.

Captain Kidd eventually returned to port laden with booty, expecting a war hero's welcome once he explained his circumstances. He still considered himself an honest man "forced" into "minor piracy." However, news of the plundering of neutral ships and Moore's violent death preceded him to England. He was thrown into prison, given a trial without the opportunity of cross-examination, and was hung as an example to other privateers who might be tempted to overstep the boundaries of their commission and become pirates as well. His tarred body hung in the harbor for years. Of course, the government officials who commissioned him as a pirate killer got off scot-free.

Meanwhile, the advantages of commissioning an unpaid navy to aid in waging war had not been lost on American observers. After Madagascar became a haven for pirates on the high seas, Jean Lafitte of New Orleans created his own pirate haven in Barataria Island off the coast of Texas. Lafitte was considered a Robin Hood character and had a popular following. He had no love for England, Spain, or even the U.S. government, although he ended up fighting with Andrew Jackson in the War of 1812. Although many of his followers were Americans, their loyalty was to Louisiana first and France second.

When it comes to running a business, the problem of creating a product and finding a market is simple compared to dealing with the government. In 18th and 19th century New Orleans, merchants were dealing with as many as four governments, all warring with one another, making alliances and then breaking them again. It was a privateer's dream come true. Two government edicts made New Orleans the center of pirating in the Gulf. First, the Spanish reimposed a customs tax, causing imported merchandise to rise significantly in price. A black market naturally developed as respectable merchants felt justified in purchasing smuggled goods. Men who had been honest fishermen and fur traders for 50 years turned to smuggling because it was so lucrative. In 1804, after the Louisiana Purchase, the Spanish tax was replaced by the U.S. tax, another distinction without a difference. Also in 1804, a new law banned the importation of slaves from Africa. But it did not ban slavery itself. Consequently, demand increased for domestic slaves, prices rose, and the slave trade became more profitable than ever. And easier! Instead of sailing all the way to Africa, merchants simply commandeered slave ships in the Caribbean.

Enter Jean Lafitte. Jean and his brother Pierre came to New Orleans from France by way of the West Indies. Jean was 14 during the Reign of Terror; Pierre had been a captain in the French Navy. Initially Jean became a merchant on the island of Santo Domingo, where he married a rich and beautiful wife. He decided to sell all his goods and return to Europe, but his ship was attacked by a Spanish man-of-war (probably with a letter of marque from the Spanish king authorizing the plunder). Left on a sandbar to die, Lafitte and his family and crew were picked up by an American schooner and taken to New Orleans. Lafitte's wife died from the ordeal, and Lafitte swore vengeance against Spain. He embraced the system, however, becoming a lifelong trafficker in plundered goods.

In New Orleans the Lafitte brothers owned and operated a blacksmith forge together. They were respected, hard-working gentlemen. They were also the city sales reps for smugglers. When confiscatory tariffs made smuggling the primary method of trade, the Lafitte brothers became middlemen. Pierre would deal with New Orleans merchants, taking orders and promising delivery. Jean dealt directly with the smugglers. Privateers bought letters of marque from the government giving them license to "burn, destroy, or sink any vessel belonging to Spain." They found a ready market for their loot in New Orleans. Eventually Lafitte decided to eliminate the middleman (himself) and become a privateer. The Lafitte brothers set up headquarters on Barataria Island. Fittingly, "barataria" means "breach of duty or fraud perpetrated toward the owner of a ship." Like Madagascar, Barataria developed into a community of over 1,000 smugglers, with markets throughout the Gulf of Mexico. The population of Barataria was cosmopolitan and democratic (or communistic, depending on your definition of equality). Sailors were Portuguese, Spanish, French,

continued on page 52

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Travel

Kalmykia on My Mind

by Doug Casey

What happens when a Russian satellite state is ruled by a chess-obsessed Buddhist multimillionaire?

Depending on what you'll accept as a "country," there are something like 225 of them in the world. I've visited about 175 — some many times — and have lived in ten. The problem is that now, even if I revisit a dozen a year, it's going to take 15 years to get back to all of them. And some are going to turn into more than one country as time goes on — a subject for discussion in the future.

My first visit to Russia was in 1977. The next time was in 1996, and the country had changed radically. In 1977, the only places open to foreigners were Moscow and Leningrad, which were, I assure you, as grim as anything Orwell ever imagined. By 1996 — just five years after the collapse of the USSR — those cities had been transformed. They were almost indistinguishable from any Western European metropolis. And today even the old factories along the river have been converted into fashionable lofts.

But outside of Moscow and St. Petersburg, which attracted all the money and talent, Russia in 1996 was still a depressing Third World country. On my recent trip, however, I visited the provincial capital of Astrakhan and found a feeling of relaxed elegance reminiscent of Savannah or Charleston. I'm increasingly convinced that development in Russia is more than just a Potemkin village in Moscow.

Prince Grigory Aleksandrovich Potemkin, who supposedly set up a string of phony, storefront villages to impress Empress Catherine on her tour of the Ukraine and Crimea in the late 18th century, seemed to set the example for the Soviets. Anybody, including myself, who visited the country in the old days could tell it was backward, with nothing going for it but a bloated military. Everybody, that is, except the CIA, whose estimates of the Soviet economy were based on fictional and nonsensical statistics published by the Soviets themselves and were detached from even the most rudimentary common sense.

My latest trip proved things have changed again. Moscow, when I was there in September, was fully up to European standards. I spent several days wandering around with my old friend Mark Gould, who's lived there for most of the last 15 years.

It's helpful to have a local show you around anywhere, of course. And whenever I don't have a good local contact, it never takes me longer than 24 hours to groove into a city. I simply set up appointments with lawyers, real estate agents, and art galleries. All of them are happy to make time for a well-heeled foreigner. And after a day of appointments, it never fails that I've found someone in each profession that I'll be socializing with. Within 48 hours, I typically know more people than I have time to call. Going to a place and doing the typical tourist thing is the height of travel idiocy. But since *boobus americanus* doesn't even travel abroad to start with, perhaps that makes him less than an idiot. No wonder *b. americanus* thought sending the military to Iraq was a good idea, even though he couldn't find the country on a map.

A friend of mine has always said he wouldn't put a nickel into Russia, based on his feeling that the place is simply too corrupt and is overrun by mafia gangs. I once concurred with that opinion, but increasingly I believe that — partly

because of better communications and transportation, partly an obviously increasing standard of living, and partly the Putin regime, Russia is becoming a normal country. It's past the stage where the main imports are stolen cars and the main exports are prostitutes.

I have mixed feelings about Putin, the ex-KGB spy. On the one hand, he's cut the income tax to a flat 13%, supports the Russian Central Bank at least doubling its gold reserves, and suppressed the mafia and kleptocratic oligarchs. On the other hand, he's strengthened the Russian state itself which, in the long run, is the biggest danger to everyone concerned. So far, however, I'm forced to say he's been a net positive.

Anyway, while a lot has changed in Moscow, the city still retains elements of Wild East charm, as when our taxi went a quarter mile past our freeway exit and then backed up against traffic to try again. But, then, Russian cabbies in New York have done worse.

Kalmykia

Kalmykia is one of those places that could be, and I'd say should be, and perhaps one day will be, an independent country. What purpose is served by sending revenues upstream to Moscow and getting regulations in return? As an autonomous republic with an elected president, it has far more independence than any of the Russian provinces, which are dominated by Moscow through appointed governors. But it's not exactly independent, even though it maintains an embassy in the Russian capital.

Kalmykia is an unusual place, located on the edge of a distinctly bad neighborhood. While it's nice to be on the western shore of the Caspian, the location abuts very troubled Dagestan, which is all that separates it from Chechnya. Although I haven't been to Dagestan or Chechnya, it's clear Kalmykia is about as different from them as can be. Kalmyks are Mongols, left over from the days when Genghis Khan overran Russia, and they're Buddhists, the only such population in Europe. And where Chechnya is mountainous, Kalmykia is wide open plains, steppes, and semi-desert. Wide-open spaces make for a totally different social ethos.

The President, Chess, and Buddhism

Kalmykia's president, Kirsan Ilyumzhinov, is as unusual as the country itself. Despite holding office continuously since 1993, he hasn't tried to turn himself into a dictator. He's the head of FIDE, the governing body of world chess. As a consequence of this and of his prominence as president, chess is a hobby of every school kid in the country. There's even a Palace of Chess, where the world championship match between Anatoly Karpov and Gata Kamsky was held in 1996.

Ilyumzhinov is also a friend of the Dalai Lama. Longtime readers know that I'm not a fan of religion in general, and especially not of religious leaders. But, despite the sordid history of Tibetan Lamas, who ran the country like the feudal kingdom it was before the Chinese invaded, the Dalai Lama seems like a pretty decent type. Although religion and politics (the two things you're never supposed to talk about in polite company) are his stock in trade, he still seems to get invited to all the more fashionable parties. I suspect that's partially because he's scientifically inclined and not a dogmatist. He's often said that if science proves that Buddhist scriptures are incorrect, the scriptures should be rejected. It's inconceivable that the pope or the Ayatollah or Pat Robertson or, for that matter, absolutely any other well-known preacher (all of whom would be terrible dinner guests, except for the curiosity factor) would allow such a thought.

The reason openness is so easy for the Dalai Lama is that Buddhism isn't so much a religion as an ethical system. It concerns itself more with figuring out the right thing to do than doing as you're told. Of course it has its share of atavisms and superstitions, but were a Martian to visit this planet and try to determine which, if any, religions have some value, he'd have to put Buddhism on the short list, if only because it never proselytizes, persecutes, or fights holy wars. I have no embarrassment wearing the bracelet the monks gave me when I visited their monastery outside the capital, Elista.

In any event, there's plenty of evidence it's better to have a Buddhist (even a serious one, or maybe, especially a serious one) running a country than a serious Christian or Muslim. And because many Buddhists tend to be overly detached and unworldly, it's worth noting that Ilyumzhinov is a self-made multimillionaire (as is Alexey Orlov, whose card reads "Russian Federation, Republic of Kalmykia, First Deputy of Prime Minister of the Government, Permanent Representative of the Republic of Kalmykia to the President of the Russian Federation," with whom I spent more time), apparently having done well in the construction business in Moscow.

The natural assumption (which is especially valid in the Third World) is that everyone in politics is either a thug or a thief, and the direction of their rule is determined by which it is. My impression — and I promise that I never give politicians the benefit of the doubt — is that these guys may be exceptions. If I'm right, Kalmykia is an area of Russia that

may do quite well. The place may even avoid ruination by the oil revenues it will soon be getting. (Oil is usually a curse to the country that has it.)

My visit was during "Indian summer" or as it's called here, grandmother's summer, or *babyaleto* — from the Russian words *babushka*, or grandmother, and *leto*, or summer. It's an excellent time to visit, unless you're the German Army. Kalmykia is only a couple hundred kilometers from Stalingrad (now called Volgograd), which was the site of the ugliest, as well as the most important, battle of World War II — or the Great Patriotic War, as Russians call it. The war was no fun for Kalmykians. The German Army occupied a good bit of the country. Then, after the Red Army reconquered it, Stalin, in a typical fit of megalomaniac paranoia, deported most of the native population to Siberia, for fear they'd join with the Germans. Half of the deported population died from the brutal conditions. And all their horses were stolen by the Red Army — a terrible affront for the descendants of Genghis Khan.

This turned my thoughts to what, if anything, really goes on in people's heads. How stupid were the Nazis, not taking advantage of the hatred everyone in the USSR (probably including most Russians) felt for Stalin? They managed to turn millions of potential allies into enemies. How stupid were the Reds, diverting huge resources from the war to transporting and slaughtering domestic populations? How stupid were the populations, allowing themselves to be rounded up like cattle? How stupid were the Americans, getting involved when they could have let the Nazis and Communists destroy each other? Einstein had it right when he reputedly said that, after hydrogen, stupidity is the most common thing in the universe. ❑

Guns, Rum, & Loot, *from page 48*

Italians, Africans, Indians, and American deserters. Each received an equal share of the loot. As "bos" Lafitte was entitled to a double share of the loot. (As Orwell would later observe, some are more equal than others.)

Incensed by the rising smuggling trade, Governor Claiborne offered a $500 reward for Lafitte's capture. No one tried very hard to find him, however, perhaps because Lafitte countered with a $1,500 reward for Claiborne's head! Even more galling, while Claiborne was working to have Lafitte beheaded, Lafitte was charming Claiborne's wife over dinner at the home of a mutual friend, using the alias, "M. Clement."

Smuggling activities continued uninterrupted, but Lafitte insisted he was a privateer, not a pirate. When one ship captain refused to leave American vessels alone, Lafitte drew his gun and shot him on the spot. The citizenry of New Orleans agreed with Lafitte's self-assessment, through this odd form of logic: since appearances reflect the inner man, no gentleman could be a pirate. By definition then, the charming and handsome Jean Lafitte could be no worse than a commissioned privateer.

Women cheered the tiny army, but carried daggers in their belts in case the Americans lost.

As tax evasion turned to total lawlessness, citizens who had previously turned their heads now turned to Governor Claiborne to suppress the pirates. Lafitte was captured, but remained nonplussed. While awaiting trial, he announced calmly that the public auction of smuggled goods would be held as usual. Scores of local merchants and planters came to bid and buy. Claiborne was furious. Eventually Lafitte was set free. His argument was priceless: "I was forced to break laws because the laws were bad. Now pardon me so I can fight for America." America was then engaged in the War of 1812. Lafitte offered valuable information about the British, as well as his stash of guns and ammunition, in exchange for amnesty. It worked. Claiborne, furious, responded by having Barataria destroyed.

A Frenchman living on American soil in a former Spanish territory, Lafitte chose to fight with Andrew Jackson to defend America's claim. (At one point the British offered Lafitte $30,000 to join forces with them. He must have laughed — he was sitting on over half a million dollars in loot!) Jackson's army was a true melting pot, made up of German settlers from the coast of Mississippi, French Canadians, Creoles, Africans, and Indians. Half had never seen battle. He had only 2,000 of these rag-tag troops to face 12,000 British troops arriving by sea. Women cheered the tiny army, but carried daggers in their belts in case the Americans lost. The Americans won, largely because of their "unfair" sneak attacks. Jackson said of Lafitte's battalion, "If I were ordered to storm the gates of hell, with these as my lieutenants, I would have no misgivings of the result!" Lafitte was a hero.

After the war, Lafitte returned to plundering Spanish ships. But now that Louisiana and Spain were friends, Lafitte was a pirate, not a privateer. He moved his operation to Galveston (then called Campeche) and began privateering for the Mexican revolutionaries. Eventually Lafitte encountered the same trouble controlling his men as Captain Kidd had. Plunder is plunder, legal or not, and it corrupts the person who does the plundering. Call it what you will — privateering, piracy, eminent domain, RICO statutes, taxation — taking the private property of others hardens a person, inevitably giving way to justification of looting, domestic robbery, and violence. The freewheeling lifestyle of Lafitte's domain attracted lawless opportunists, many of them vile and violent fugitives, who didn't recognize the fine line between privateering and piracy — if such a distinction even exists. Public opinion turned against Lafitte after the truce with Great Britain, possibly because they had commandeered silver and linen belonging to Creole women. Merchant ships began traveling in convoys of armed ships, making it harder for pirates to make a living, and the golden age of pirating dimmed. Some say Lafitte grew fat, gray, and ragged. The one-time New Orleans gentleman and American hero of the War of 1812 slipped away during a battle at Campeche and simply disappeared. ❑

Reviews

"Thomas Paine and the Promise of America," by Harvey J. Kaye. Hill and Wang, 2005, 326 pages.

Arguments from Absence

Michael Caldwell

I cannot remember how or why I came across it in graduate school, but I consider David Hackett Fischer's extraordinary "Historians' Fallacies" one of my most fortunate acquisitions. I like to think that the spectacle of Fischer skewering the giants of his profession had a salutary impact on my own writing; to the degree that it didn't, time and the black hole to which dissertations are, with good reason, consigned in university libraries has allowed me to draw a discreet curtain over youthful indiscretion. Since that time, I have often thought that all writers of dissertations should be frog-marched through Fischer's text, to raise their awareness about the kinds of intellectual errors that even good scholars can fall into.

One of those errors is the wish to compose a smooth narrative that accounts for all disparate, recalcitrant facts. It's an error fraught with much more peril than students are generally trained to expect. After reading Harvey J. Kaye's much-lauded "Thomas Paine and the Promise of America," I'm tempted to think we should extend a careful study of Fischer to full professors as well.

Paine's importance as a historical figure rests primarily upon his pamphlet "Common Sense," which can legitimately be described as having moved the majority of American colonists in 1776 from favoring reconciliation with Britain to favoring independence. Secondarily, his fame rests on "The Age of Reason" (1794, 1796), a deist attack on biblical inconsistencies that upholds rationalist conceptions of God. Between these two works, Paine wrote the serial "The American Crisis" (1776–1783) while serving in Washington's army, numerous tracts on taxation and public policy during the first years of the new nation, and "The Rights of Man" (1787), a reply to Edmund Burke's attack on the French Revolution. Paine even found time to serve in the revolutionary Assembly in France, before being jailed and marked for death when he opposed Louis XVI's execution.

Kaye's aim is two-fold. His first goal is to recount the basic facts of Paine's life for a general readership. His second, more controversial goal, is to reclaim Paine for the modern Left, to redress the "theft" of Paine by conservatives and libertarians. The book breaks into two parts, corresponding to its two major aims. The first half is a quick biography of Paine; the second, a chronicle of his rise and fall and rise in American intellectual history.

Most of what appears in the biographical chapters has been seen before. Kaye is not breaking new biographical ground so much as synthesizing materials from other modern historians, primarily John Keane ("Tom Paine: A Political Life"), as well as various contemporary or near-contemporary lives of Paine. The standard for narratives such as Kaye creates is (first) readability and (second) plausible reconsiderations of old facts. Kaye is a brisk, competent stylist, blessedly free of jargon. He combines his sources in a mostly productive manner. Because his book is in large measure a history of histories of Paine, he usefully clears away many canards about him, such as alcoholism and atheism, by tracing them to their sources among his less scrupulous political adversaries. Kaye's text will stand comfortably alongside other works of "Founder Lit" as pleasant and informative for the general reader.

Where he sticks to the known facts

*Reviewed by Stephen Cox in Liberty (December 2005), available at http://libertyunbound.com/archive/2005_12/cox-triumphs.html.

of Paine's life, Kaye does well. However, when he attempts to reconsider elements of Paine's life by speculating about what influenced him, Kaye's larger ambitions lead to the kind of errors that Fischer exhaustively investigated — errors that have worse effects in histories written for the general reader than in histories written for specialists, since the general audience is more likely to accept them as facts.

Kaye's controversial goal is to reclaim Paine for the modern Left.

While rooting out slanders against Paine, Kaye plants his own new seeds of misinterpretation. Nearly always, his misreadings stem from his political commitments, and thus fall into Fischer's category of "fallacies of reduction" or errors made when a prior social or philosophical position leads a writer to hasty conclusions.

Kaye reports, for example, that Paine said he took little interest in politics as a young man in London. Immediately after this, Kaye suggests that "the contradictions he encountered in the capital — the rich getting richer and proud talk of English liberties even as working people and the poor suffered destitution and state violence — apparently made deep impressions" (p. 24). Where to begin with this account of Paine's intellectual development?

Let's start with that phrase "state violence." Kaye never explains what he means by this. What could it refer to, in the context of the period? Paine's London days, roughly 1756–1758 in the passage under consideration, were not a time of extreme or unusual unrest. If Kaye is referring to the standard public exactions of justice in the city, those practices (public hangings, for instance) had continued for well over 100 years. Indeed, such events were frequently cause for public celebration and well attended by the masses. No evidence is offered that Paine's reaction would have been any different from that of his contemporaries.

What of the claim that the "rich" were "getting richer"? It sounds plausible. Yet again, no supporting evidence is advanced. And what does it mean to say that "the poor suffered destitution," apart from claiming that the poor were poor? I am not suggesting that London in 1756 was a particularly good place to be poor, or that there weren't many poor people living there; what I am suggesting is that the treatment of the poor in the city had not varied substantially in decades and there was nothing unusual or even strange about the poverty one encountered there in 1756.

If there was nothing unusual about it, why should it be "apparent" that it made a deep impression on Paine, except for the reason that it would certainly make a deep impression on a modern liberal in 2005? Why might it not be the case that such experiences in the city hardened Paine to the straits of the poor? It is simply not enough to say that poor people lived in London in 1756, that Paine lived there too, and that therefore his subsequent views must have been shaped by that experience. This is possible, maybe even likely, but absent any evidence, that is the best one can say.

But let's go a little deeper into the question of evidence, or lack of it. What support does Kaye offer for his characterization of London, a characterization that is actually better suited to Dickens' Victorian "wen" than to the mid-18th century metropolis? Kaye typically uses omnibus footnotes at the ends of paragraphs, where presumably all the evidence and support for various assertions in the paragraph appear. The paragraph in question cites Caroline Robbins' magisterial study "The Eighteenth-Century Commonwealthman" and John Dunn's influential "Political Thought of John Locke." Here, as often in his notes, he merely cites the text as a whole, without providing any citation of a page or passage.

Theodore Roosevelt famously called Paine "that filthy little atheist."

The Dunn citation is presumably meant to buttress the paragraph's later invocation of John Locke to discuss the ideas of "Real Whigs" (never mind that Whigs of all stripes, as well as Tories, laid claim to Locke). The Robbins citation is more revealing. Robbins brilliantly excavates the mindset of a class of thinkers who, in the late 17th and early 18th century, called upon the Whig party, then in power, to live up to its traditional ideals. The views of these thinkers mesh nicely with those that Paine evolved on his arrival in America in 1774 — yet by 1750, there weren't many such prominent opposition Whigs around. Indeed, if Paine had looked around him carefully in 1756, he would have seen a largely uni-

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fied government ruling nearly unopposed over a people not exactly up in arms in the struggle to enlarge their rights. The beginning of popular agitation for extending the franchise and reforming government is more properly located after the accession of George III in 1763.

It may seem that I am putting undue pressure on Kaye's word "apparently"; yet he resorts to such devices more than once in his biographical chapters. Paine was in London from 1765 to 1768, when Kaye tells us "he could not have failed to notice working peoples' nascent radicalism." Why not? Kaye himself notes that these were the years when Paine worked frantically to get himself reinstated as a customs officer after being dismissed in 1765. Perhaps he did have time for political observations amid his vocational struggles, but the burden is on Kaye to prove it, not merely to assert it, especially since Paine's own words tell us that he wasn't primarily a political animal at this time.

An historical figure can truly be said to have arrived when B-17s are named for him.

Additionally, Kaye sometimes uses variations on the *post hoc, ergo propter hoc* fallacy. A particularly clever example appears on page 25, where he mentions that Paine's first wife Mary died giving birth to a child (stillborn) in 1759: "In the ensuing years Paine would speak little of his losses. Yet he would forever despise regimes that accepted poverty as part of the natural order of things, and he developed a special sympathy for women and the subordination they suffered." Here Paine's silence over the death of his wife and child is silently shifted into hatred of poverty and espousal of the cause of women, as if to suggest that the one gave birth to the other. Absence of evidence becomes positive proof.

When he is not speculating in these ways, Kaye does a creditable job of presenting the salient details of Paine's life to a general readership. He is particularly good at conveying the excitement and radicalism of "Common Sense," Paine's most important and influential text. As I've said, Kaye's prose is always readable and clear, and when he is moved (as he is by Paine's stirring rhetoric in "Common Sense"), he can be compelling. The real meat of his book is in its second half, and it is there that he makes a lasting and solid contribution to Paine scholarship, even as his larger goal of claiming, or reclaiming, Paine for the Left escapes his grasp.

Chapters 5 through 9 tell the story of America's love-hate-love affair with Paine. In Kaye's hands this is a gripping story. Nevertheless, his urgency to demonstrate that Paine was everywhere in the air that radicals and democrats breathed throughout American history leads him to massage some of his sources and evidence. Had he simply stuck to the facts, his argument would be a great deal more compelling.

Chapter 5 is a useful place to examine the virtues and the defects of his approach. The central portion of the chapter traces the efforts of freethinking societies to keep Paine in favorable remembrance during the 19th century, despite the fact that his name had become a byword for "atheism." By the mid-1790s, New England clergy and Federalists had turned Paine into a whipping boy for the sins of the French Revolution. This trend continued in the first decades of the next century. So it is fascinating to read of the Moral Philanthropists, the Society of Deists, and the Society of Free Enquirers meeting in cities across America to celebrate Paine and "The Age of Reason," even as the second Great Awakening of religion surged into being. The tragicomic tale of deists' attempts to get a monument to Paine erected in New Rochelle is a vivid part of this picture. So is Kaye's account of Paine's influence on leaders of early workingmen's movements, an important early example of his legacy's being linked to socioeconomic causes. Chapter 5 also recounts Paine's importance to Thoreau, Whitman, and Melville, who named the ship from which Billy Budd was impressed *The Rights of Man*. Kaye does a good job of showing how nascent abolitionist movements took what they liked from Paine, while avoiding elements of his work that clashed with their religious sensibilities.

Given these passages where Kaye uses evidence well, it is painful to read him, in the same chapter, torturing logic and history to aggrandize Paine's influence and reputation. We learn that Lincoln, born in the same year in which Paine died, "arrived at Gettysburg . . . a revolutionary, and though he made no particular reference to Paine, it seems he too carried Paine's ideas with him" (119). How could one establish the truth of that assertion? On the next page, we learn that Lincoln read "The Age of Reason," yet felt threatened by attacks on his own "infidelity" during his 1846 race for Congress. The paragraph concludes by saying that Lincoln "would never join a church, but neither would he *ever again* speak publicly of deism or Paine. Of course, this does not mean Lincoln stopped thinking about them" (120, italics mine). Unless I missed it, Kaye never shows that Lincoln spoke in public even *once* about deism or Paine. Be that as it may, Kaye follows

"Well, Mr. Pincus — you have what we call the 'Pincus syndrome.'"

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his assertion with another argument from absence: just because Lincoln didn't mention Paine doesn't mean he wasn't thinking about him.

It gets worse. We learn that though Lincoln never quoted Paine, his famously exact memory "likely could recall exact lines from 'Common Sense'" (120). Even if it were true that Lincoln read "Common Sense" (Kaye cites one contemporary biographer who was told by people in Lincoln's one-time home, New Salem, Illinois, that Lincoln may have read the text), and even if it were true that he could recite vast passages of the work from memory (also never proven), that *still* wouldn't prove that his thought was profoundly shaped by Paine. Indeed, Lincoln's unwillingness to commit his love of Paine to speech or paper suggests that whatever affection he had for him, he managed to control.

We learn that "like Paine," Lincoln believed in "the liberating power of reason" and "the dignity of free labor" (121). So did Voltaire, Theodore Roosevelt (who famously called Paine "that filthy little atheist"), Ronald Reagan, and Chairman Mao. But that "like Paine" becomes a constant refrain in the second half of the book, marring the otherwise interesting use of historical sources. Kaye often says that such and such a liberal figure, "like Paine," assaulted the concentration of capital or the mistreatment of women. If anything, such a formulation shows likeness, not influence, and is misleading in a history written for a general audience.

And Kaye doesn't *need* to tie Paine to every liberal or radical strand in American history; there are plenty of writers and activists who worshiped him and brought his ideas wholesale into political discourse. Had Kaye stuck just to those persons, his text would be a great deal more convincing. As it is, it is convincing some of the time, and merely plausible the rest.

In chapter 6, Kaye tells the story of Robert Ingersoll, delivering the first Paine birthday address. This freethinking Republican speaker actually offered a $1,000 bounty to Paine's religious attackers to prove that, as they claimed, he died in mortal terror for his soul. This is fun stuff, and clearly shows an explicit link between Paine and a later political figure of some significance. But on the very next page, Kaye says that Henry George, author of "Progress and Poverty" (1879), "did not cite Paine in the work" but that his "plan to re-create American equality and democratic life descended directly from 'Agrarian Justice' [Paine's 1786 consideration of class inequality] and clearly reflected Paine's spirit" (169). Why? According to Keane's political biography of Paine, "subsequent interpreters of 'Agrarian Justice' were wrong . . . to see it as either a reforming . . . 'bourgeois liberal' or a protosocialist tract." Keane goes on to argue that the "anachronistic language of . . . 'capitalism or socialism' obscures Paine's concern to sketch and defend the democratic-republican principle of citizens' social rights. Paine favored the preservation of a private-property, market-driven economy" (427). Unlike Keane, Kaye is not only comfortable using the anachronistic language of socialism and capitalism to interpret

Elements of Paine's thought look right at home among libertarian as well as conservative positions.

Paine; he is so comfortable that he sees arguments for Paine as a protosocialist even where specific evidence is lacking.

Paine fell into deeper and deeper disfavor in the 19th century, largely because of malicious mischaracterizations of his religious views. Kaye gives an excellent account of his rehabilitation, primarily through socialists' rediscovery and promotion of him in the first half of the 20th century, as well as the direct and repeated public invocation of him by Franklin Roosevelt. Chapter 7, where Kaye accomplishes this task, is the strongest in the book. The circumlocutions and arguments from absence that mar otherwise decent passages in earlier chapters largely disappear. It is striking to learn that not only Eugene Debs, Socialist presidential candidate, but

also General "Black Jack" Pershing deliberately and positively invoked Paine at key moments of their careers. A historical figure can truly be said to have arrived when B-17s are named for him, and his words "Tyranny, like Hell, is not easily Conquered" appear on the fuselage. Details like this are the kind of things one longs for in a general history.

Chapter 8 is not so sensible. It begins with President Reagan's reference to Paine in his acceptance of the Republican nomination in 1980. For Kaye, this is a gauntlet thrown down, a red cape waved in the *corrida*. To be fair, Reagan's citation of "Common Sense" can be taken quite legitimately as an emblem for the revolution that Reagan wished to lead: "We have it in our power to begin the world over again." But Kaye insists that Reagan was "hijack[ing]" his hero, and that he was allowed to do so because "so much of the left had apparently lost contact with Paine" (226). What follows is a partisan history of the splintering of the old Left into student activism, radical chic, and "crazy distraction" (244).

The result of the Left's betrayal of Paine's memory was that "the nation's democratic impulse and aspiration survived, but increasingly the right, not the left, would mobilize it. While liberals and radicals failed to offer a progressive alternative to the recurring crises, conservatives gathered force. Funded by corporate interests, libertarians and traditionalists alike pursued grassroots campaigns among increasingly anxious and angry white middle-class and working-class people" (257). Kaye argues that this fractious coalition was inspired and held together by an old FDR democrat who had the temerity to invoke Paine at the key moment when he was poised to take power. What nonsense.

I should admit that as one of the humanities professors whom Kaye compliments for having added Paine to their course syllabi, I probably share many if not most of Kaye's political sympathies. But in the end, I have to report that I am unpersuaded by his attempt to deny Paine to the Right. Paine was anything but a systematic or consistent thinker; he published for the occasion and is best thought of as a propagandist or journalist rather than a political philosopher. He cannot be fit entirely into the modern ideologies of either the Left or the Right. His stubborn resistance to concentrated authority in favor of the masses can legitimately appear in efforts by leftists to use him as a stick to beat corporations *and* in efforts by conservatives or libertarians to deploy him against big government.

The fact is that Paine preferred governments to mirror as closely as possible the views of the masses. For this reason, he wanted large assemblies, frequent elections, and weakened executives. It is not a stretch to see him, then, as an enemy of big government, if by that term we mean a government with many supervening levels that distance power from the people or government that impinges on the individual's right to liberty and property. Thus Reagan's use of him, however disconcerting to liberals long accustomed to owning Paine, was not wholly anachronistic. (I always wondered why Reagan never quoted Paine's claim in "Common Sense" that "government, even in its best state, is but a necessary evil.")

We might fruitfully speculate that were Paine alive today, he might find inspiration and a real home among the more radically left-wing elements of the blogosphere, and recant some of the views that give comfort to modern conservatives. But Paine died in 1809. While it is true (I would argue) that many, if not most of Paine's views sit more comfortably with the contemporary Left, one cannot deny that elements of Paine's thought look right at home among modern-day libertarian as well as conservative positions in America. To the degree that Kaye's partisan history tries to erase these possibilities, it does a considerable disservice to the intellectual range and vigor of his hero. ❑

"The Outlaw Sea: A World of Freedom, Chaos and Crime," by William Langewiesche. North Point Press, 2004. 239 pages.

The Ungoverned World

David Friedman

Most of the earth's land is under the control of governments. Most of the ocean is not. The majority of the area of the globe is, legally speaking, a stateless territory.

Thanks to competition among governments, the ocean is stateless in fact as well as in law. A ship can fly the flag of any nation that will permit it — and there are a lot of nations. If some impose conditions on the use of their flag, there are always others willing to sell theirs with fewer conditions. The result is that the ships of the world are effectively without government regulation of any sort. That effect is reinforced by the nature of the sea itself — big enough and empty enough to make keeping track of what is happening on it difficult and expensive. It is hard to regulate what you cannot see.

"Panama is considered to be an old fashioned 'flag' because its consulates handle the paperwork and collect the registration fees, but 'Liberia' is run by a company in Virginia,

'Cambodia' by another in South Korea, and the proud and independent 'Bahamas' by a group in the City of London."

The author of "The Outlaw Sea" is more interested in describing than in judging; it is hard to tell to what degree he approves or disapproves of the stateless ocean. His first story — the book is mostly a series of linked stories — is of a merchant ship that sank as a result of being pushed too hard, too long, with insufficient repairs. The implication at that point seems to be that if only ships were subject to properly paternalistic regulation, such things would not happen, sailors would not drown, and the world would be a better place.

But would it be? The crew he describes knew the condition of the ship and the risks they were taking. They took them because the job, despite its risks, was more attractive than any alternative. To the economist reader, the outcome of the unregulated market looks efficient; the owners of the ship were taking risks that, considering all costs and benefits, were worth taking. At the end of the book, in a discussion of the Third-World wrecking yards where ships end up, Langewiesche appears to agree. The work is hard and dangerous, the environment is polluted, but it is better than the alternatives available to the people who work there; the European do-gooders who try to close down such operations are harming the people they claim to be helping.

The result is that the ships of the world are effectively without government regulation of any sort.

The advantages of an ungoverned ocean are less clear in two other contexts — liability and crime. Owners of a ship can and often do hide their ownership in a chain of paper corporations. As long as there is at least one country willing to register a ship without a clear link to its real owners — and there always will be at least one — that situation cannot be prevented. So when an oil tanker goes down, inflicting very large costs on the owners and users of nearby coasts, there is no guarantee that anyone can be found responsible and sued for the damages.

Crime too is a problem in an ungoverned world. The book gives a detailed account of the seizure by pirates of the *Alondra Rainbow*, a $10 million ship carrying another $10 million worth of aluminum. Fortunately, the pirates decided to set the crew adrift instead of killing them, and the crew got spotted before they died of hunger or thirst. By more good fortune, a month after the hijacking the Indian navy correctly identified the stolen ship and retook it. What was special about that case was that the happy ending made it possible to reconstruct the crime. More successful seizures of ships — followed by a name change, a new coat of paint, and a new registration under a different flag — occur with some frequency.

"Of 1,228 pirate attacks reported worldwide from 1998 through 2002, about a fourth were on ships under way, and of those about 68 were major, involving gangs of ten pirates or more. . . . Among them during the five years in question they hijacked perhaps twenty-five large ships."

It may occur to those skeptical about the virtues of government authority that crime occurs in areas controlled by states as well as those that are not — both private crime and state crime, on a considerably larger scale than piracy. The other problems the author introduces in the context of the ungoverned ocean appear elsewhere in the book in other contexts — leaving it unclear to what degree the real problems he describes would be solved by more government control over the oceans.

The European do-gooders who try to close down such operations are harming the people they claim to be helping.

Consider one of the worst naval catastrophes of recent times, the loss of the ferry *Estonia* in the Baltic in 1994. The ship was as far from stateless as a ship can be. It was owned by the Estonian government in partnership with a publicly traded Swedish company, with extensive support and regular inspection by Swedish authorities. For some reason — the author suspects poor design by its original German builders, although the question has been hotly debated — it sank, killing more than 800 passengers. Or consider the sinking of the *Exxon Valdez*. It was transporting oil from an American port

"He lost Schleswig-Holstein in the divorce settlement."

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to an American port and so was required by U.S. law to operate under the U.S. flag and conform to U.S. regulations.

What is interesting about the book is not the author's judgment, or mine, or even the reader's, as to whether the stateless nature of the ocean is a bug or a feature. What is interesting is the observation that a considerable part of the surface of the planet is and always has been, *de jure* and *de facto*, stateless — and human beings continue to live their lives, do business, transport goods, across it.

"There is unembarrassed talk in Washington of a future under control, in which sailors will undergo meaningful background checks and will be supplied with unforgeable, biometrically verifiable IDs by honest, appropriately equipped, and cooperative governments. Panama, for instance, will vouch for the integrity of, say, an Indonesian deckhand working on a ship operated by a Cayman Island company on behalf of an anonymous Greek. This is a vision so disconnected from reality that it might raise questions about the sanity of the United States." □

"King Kong," directed by Peter Jackson. Universal Studios, 2005, 187 minutes.

'Twas Beauty Killed the Beast

Jo Ann Skousen

Director Peter Jackson was just 9 years old when he saw Merian Cooper's 1933 "King Kong" on television in his native New Zealand. Fascinated by the mystery, adventure, and magic of filmmaking, he immediately began making clay models of his own and filming them with his parents' 8mm movie camera, vowing someday to remake "King Kong" with better technology and a greater emphasis on the love story of Kong and Ann Darrow. Along the way he made "The Lord of the Rings," earning several Oscars — enough Hollywood clout to make, finally, the film of his dreams.

Jackson's remake is true to the original story, down to the repetition of certain key lines. Filmmaker Carl Denham (Jack Black) is one step ahead of his creditors as he charters a ship and heads for the mysterious Skull Island, where he and the ship's crew will encounter ferocious dinosaurs, giant man-eating bugs, and a weird voodoo civilization making human sacrifices to a 50-foot ape. Before Denham and the crew leave for the island, he shanghais a screenwriter, Jack Driscoll (Adrien Brody), to complete a script for his movie en route. He also engages a beautiful out-of-work actress, Ann Darrow (Naomi Watts), to play the romantic lead. When Ann is captured by the villagers and sacrificed to Kong, Driscoll and Denham rescue her, capture Kong, and take him back to New York to display as the "eighth wonder of the world."

Jackson's new version expands the themes Cooper only hints at. For example, Cooper waits until the end to suggest the love angle between King Kong and Ann Darrow, giving the audience an "aha" moment when the beast's motivation becomes clear; only then do we feel chagrin for having been afraid of this beast who was merely trying to protect his woman and go back home. Jackson, however, develops the love story as it happens: Ann falls for Kong, the strong, macho hero who literally sweeps her off her feet in a thrilling scene as he battles three attacking T-rexes to protect her; meanwhile, Kong falls for the delicate beauty with a seductive sense of humor, who woos him with her vaudeville act.

It may sound implausible, but who wouldn't fall for a big lug who watches a whole sunset without reaching for the remote, and knows it's *his* job to kill the giant bugs that hang around the cave? Later, in New York, Jackson adds a scene of Kong and Ann frolicking on the ice pond at Central Park, a carefree romp reminiscent of romantic comedies of the '40s and '50s. For Jackson's King Kong, the relationship with Ann is no unrequited afterthought but a developing, two-way emotion based on humor, respect, and yes, animal magnetism.

That emotion is developed brilliantly by Andy Serkis (Gollum in Jackson's "Lord of the Rings"), who brings life to the computerized Kong, and by Naomi Watts as Ann. Although Watts receives top billing, she has very little dialogue, mostly reacting with animal emotion — hunger, survival, terror, sexuality. Hauntingly beautiful, with expressive eyes, Watts carries the role without becoming melodramatic. Her Ann is as animalistic and primitive as Serkis' Kong is human and thoughtful.

Ann, in this depiction, is drawn in by the primal urge for storytelling. Early in the film, as Denham describes his obsession to make his movie, her eyes tell us that she is captivated by the story. She already knows the story: she *is* the story. She anticipates its ending when she says, "Good things never last."

If this film has a flaw, it is that it lasts too long. At three hours and seven minutes, it needs trimming. I wouldn't remove any scenes, but each scene could be shorter. Trim ten seconds here, 30 seconds there, a minute or two from somewhere else, and the film could come in at a reasonable two hours and 20 minutes. But when you've asked the studio for an extra

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$20 million for computer graphics, and coughed up an additional $30 million of your own, it must be hard to say, "Sorry, I changed my mind."

Nevertheless, this "King Kong" delivers. Jackson has written an intelligent, literary script to go with his tensely drawn action sequences. He inserts multiple references to other literary works. A mysterious cabin boy reads Joseph Conrad's "Heart of Darkness," suggesting that the film will explore Conrad's themes of obsession, imperialism, and what it means to be human. Denham's obsession to press forward, his need to uncover the mysteries, echoes the doomed Oedipus. Jackson recalls Hemingway's "The Sun Also Rises" with a stampede of dinosaurs reminiscent of the running of the bulls at Pamplona. He subtly pays homage to the original Ann Darrow by having Denham refer to actress Fay Wray. And Kong's now iconic climb is no longer an escape to a rocky tower that he remembers from his island; it's a doomed lovers' rendezvous. Evidently, even before "An Affair to Remember" spawned "Sleepless in Seattle," Kong and Ann had headed for the most romantic spot in New York City — the top of the Empire State Building.

Perhaps the most significant, and the most subtle, literary echo is that of "Dr. Jekyll and Mr. Hyde." When writer Driscoll is tricked into sailing with the ship to Skull Island, there aren't enough cabins for him, so he beds down in an animal cage in the hold. Several scenes show him writing behind bars, while director Denham dictates what to write. Ann falls simultaneously for the writer inside the cage, who attracts her with words, and for the beast in the jungle, who attracts her with his unspoken manliness. Both Kong and Driscoll entertain her, rescue her, and seduce her, yet they never fight each other for her. When Kong dies, Driscoll is there to comfort her. Did Kong really exist, or is he merely the writer's alter ego?

In this new context, Denham's closing line, "'Twas Beauty killed the Beast," seems to suggest that the magnetic beastliness that attracts a woman to a man is, ironically, tamed out of existence through love. Although she feels safe in Driscoll's cerebral embrace, a part of her will always yearn for the beast. But the cerebral writer has been changed by the experience too — he has run with the bulls, faced down a giant gorilla, and proved that no mountain is high enough to keep him from getting to the woman he loves. Kong lives, after all. ❑

DADA Exhibition. Pompidou Museum, Paris.

Dada's on Its Way

Richard Kostelanetz

Of all the great movements in modern art, none was more essentially libertarian than Dada, most of whose founders were young men escaping from conscription into World War I, preternaturally recognizing the war, as we libertarians do now, as unnecessary, profoundly unnecessary, much like our own Civil War.

Even in its structure, the Dada was antiauthoritarian with people of similar sympathies scattered around the world, lacking a "leader" or spokesperson comparable to Andre Breton, who stood for Surrealism — the movement customarily regarded as a successor to Dada in most books about French art history, even though Surrealism, centered in Paris except during World War II, was profoundly authoritarian. More tightly organized, much like the Communism that engaged its dopes for an unfortunate spell, Surrealism always had better publicists and thus more exhibitions. As an artist with libertarian-anarchist politics, I have always considered Dada my modernism.

With this background in mind, I recently saw in Paris, occupying the entire top floor of the Pompidou, the mammoth DADA exhibition that will come this spring to both our National Gallery in Washington, D.C. (Feb. 18–May 14), and the Museum of Modern Art in New York (June 18–September 11). The most radical quality of the Paris show was the predominance of small-format items — magazines, books, exhibition announcements, even handwritten letters among the participants — that had never been seen before, certainly not in one place.

Indeed, perhaps the most profound theme of the show was that much major Modern Art is not big (BIG), like the stuff predominant in my 'hood of SoHo for the past few decades, but as small as this magazine. Middle-aged me needed to don my reading glasses and get "up close and personal," to recall a TV slogan, not only to read the captions but literally to "see" most of the Dada art. Since I personally prefer to read small words not standing up but sitting down, I wish the museum had provided high chairs, with backs.

The first fault noticed by this American was the slighting of New York Dada, which was confined to one section of the exhibit, amounting to perhaps 2% of the entire space. Dollars to croissants, can we bet that the representation of American Dada will be improved in the two installations here? Secondly, the exhibition was a disordered mess, lacking any order or, implicitly, any installation intelligence — reflecting an odd curatorial reluctance, if not an anarchic refusal, to decide, several decades later, that one object or one artist might be more important than another.

This principle of the *de facto* mess also informs the French exhibition cata-

log, 12" high and 9" wide, over a thousand pages in length, printed on thin paper, oddly feeling more like a telephone directory than the customary art-museum catalog. Not unlike other thick directories, this book is organized alphabetically, so that, say, the 54-page "Bibliographie" appears after a single page about "Berlin Club Dada" and before another single page (wholly in French) about The Blindman, a magazine whose two issues appeared in New York in 1917. Superficially complete though the whopping bibliography might seem, I found it messy too, typically acknowledging something of mine only slightly relevant but missing my 1968 essay on "Dada and the Future of Literature," which can be found not only in the bibliography on my website but in a routine Google search of "Richard Kostelanetz dada."

Again much like the exhibition, the most valuable quality of the catalog (40 euros in Paris, roughly $60 on the Internet) is the huge number of illustrations, mostly black and white, of art and literature not seen in one place before, beginning with choice pages from the Dada publications. However, what's missing from the captions, oddly, are measurements (no inches, no centimeters), so that I know only from seeing the exhibition itself that the issues of the legendary New York Art periodicals 291 and 391 were, to my surprise, almost the size of a newspaper tabloid.

For the American venues our National Gallery, bless 'em, has already published a different, more conventional Dada catalogue, likewise large and expensive ($65), illustratively subtitled "Zurich, Berlin, Hannover, Cologne, New York, Paris," wholly in English, on heavier paper, with the content, typical of the genre, of extended scholarly essays and many color illustrations mostly of visual art, implicitly demoting Dada, dammit, from Something Special into just another art episode.

The tour of this long-awaited exhibition is incidentally generating a wealth of new Dada publications. Among the more successful is Marc Dachy's short monograph, "Dada: La révolte de l'art" (Gallimard), which Abrams will reprint here in English translation, with (I hope) all the informative illustrations in the original. Though residing in Paris now, Dachy in his chapter on "Dada Diaspora" devotes more attention to Dada activities in Holland, Barcelona, Tokyo, and, yes, New York, than was so far evident in the big show, at least as witnessed in Paris. ❑

"Munich," directed by Steven Spielberg, Universal Pictures, 2005, 164 minutes.

Do Two Wrongs Make a Right?

Jo Ann Skousen

Several years ago, while attending a bat mitzvah with my daughter, I noticed a large ornate altar piece on the wall behind the pulpit. It proclaimed: "Never forgive, never forget." The motto was shocking to my Christian sensibility, which teaches "Ye are to forgive seventy times seven." Yet I understood the sentiment. Its reference to the Holocaust was a reminder that those who do not remember history are doomed to repeat it. Moreover, forgiving something as grievous as the Holocaust would be an unforgivable insult to those who had been tortured and killed by the Nazis. Thus, never forgive, and never forget.

Steven Spielberg's "Munich" seems to add a third branch to that dictum: "Never retaliate." The film tells the story of a young agent of Mossad (Israeli CIA) who is assigned to track down and kill the masterminds behind the kidnapping and murder of Israeli athletes at the Munich Olympics in 1972. The men assigned to the task are ordinary in their day jobs: a toy maker, an antiques dealer, a cook. One of them reminds me of an old friend of mine, an Idaho potato farmer, who used to break into embassies for the CIA with the greatest aplomb.

The protagonist, Avner (Eric Bana) is a family man whose wife is expecting a baby. We know he is moral, despite what he does for a living, because he remains faithful to his wife when a woman comes on to him in a bar. But he doesn't feel like a patriot. Killing is killing, no matter what the reason, and the job of an assassin gradually destroys him. He is motivated by memories of the athletes who were murdered, but it isn't enough to comfort his growing guilt.

Does violence justify violence? Spielberg's film vehemently says no. As the retaliation squad assassinates the men behind Black September, the group that invaded the Munich Olympic Village, attacks against Israel escalate. Those that the squad kills are replaced by leaders who are even more diabolical. Letter bombs, assassinations, and hijackings occur. The Frenchman who helps track down the terrorists calls himself "ideologically promiscuous; we can find anybody, as long as you don't work for a government." He encourages the members of the squad in their cause by saying, "You have been treated roughly; you are right to respond roughly." But he adds cynically, "and you pay well." Before long they are caught in the crossfire of conflicting hits, their informant willing to sell information about them as well as to them.

In justifying her decision to retaliate, Israeli prime minister Golda Meir (Lynn Cohen) says, "While the world

played games, Jews are dead in Germany, and nobody cares . . . Every civilization finds it necessary to negotiate compromises with its own values . . . They will learn that killing Jews will be an expensive proposition." Evidence over the past 30 years indicates that Meir was right, especially in her decision to go after the leaders who plan attacks, not just those who implement the plans. Israel's tough stance against terrorists has allowed it to exist in the middle of a hotbed of Arab hatred.

Spielberg gets away with visual effects that would be considered pornographic in other films.

However, the message of this film is simple: violence begets more violence. Find another way. Yet Spielberg has no problem with inflicting horrifyingly graphic scenes of violence on his audience.

Spielberg made his mark with action-packed entertainment, and that's where his true talent lies. With films like "Jaws" and the "Indiana Jones" trilogy he demonstrated that suspense can be created thrillingly through careful plotting, skillful music, and impeccable timing. But he yearns to be known as a "serious director," through films such as "The Color Purple," "Schindler's List," "Amistad," "Saving Private Ryan," and now "Munich." Because the topics are "important," he gets away with visual effects that would be considered pornographic in other films. Brutality, nudity, and gaping, pumping wounds earn R ratings that would garner an NC-17 in an action thriller or detective movie.

Unfortunately, these scenes are later cited by other filmmakers, with less substantial topics, as precedents to justify their own graphic violence, with the result that films have become painful to watch. It simply isn't necessary. I'm quite capable of imagining horror without having to see blood spurting from every artery. Make me care by making the story realistic, not the blood. The most suspenseful scene in the film involves a little girl, and it has no blood at all.

"Munich" is tense and compelling. Early scenes using actual footage of Jim McKay and Howard Cosell reporting on the hostage crisis are eerily familiar to those old enough to remember 1972, creating a personal connection with the story. It asks some important questions about warfare waged "off the books," and suggests controversial answers that only a Jewish film maker could get away with.

To be sure, it is a one-sided story, ignoring the important role of resistance in maintaining freedom; when Ben Franklin said "I have never seen a good war, or a bad peace," he hadn't seen "peace" in the Soviet Union. Still, in this new era when the threat of retaliation is no threat at all to a suicide bomber, Spielberg's film challenges us to look for new deterrents to terrorism. ☐

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"You are wrong AND I am right!"

Notes on Contributors

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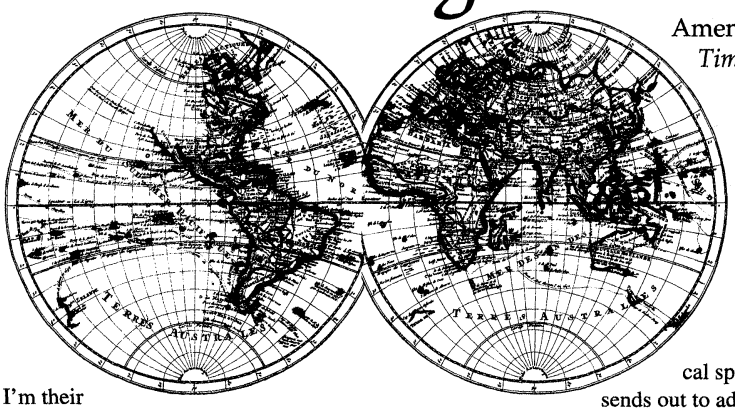

U.S.A.

Admirable commitment to low prices, from the U.S. Postal Service's "Frequently Asked Questions about the Rate Change":

Q. Why don't you make the price of a stamp an even $0.40?

A. No one should have to pay more than necessary.

Washington, D.C.

Innovation in performance review, reported in the *Washington Times:*

Former D.C. Mayor Marion Barry was robbed at gunpoint in his apartment by two young men.

Barry felt downhearted about being robbed in the Ward 8 neighborhood he represents on the D.C. Council."I was really kind of hurt," he said. "There's sort of an unwritten code in Washington among the underworld, the hustlers, and these other guys that I'm their friend."

Harrisville, N.H.

Democracy in action, noted in the *Concord Monitor:*

Rep. Peter Allen is helping his town's fourth-graders learn about government by sponsoring their bill to make the pumpkin the state fruit.

Boise, Idaho

Solution for the population boom out West, from the *Boise Spokesman-Review:*

With space scarce as the U.S. prison population grows, State Sen. Robert Geddes is proposing that inmates share beds by sleeping in shifts, a practice sometimes used by the U.S. military.

The issue arises as Idaho and other states stiffen penalties for drug-related crimes, putting a premium on prison space.

Portland, Ore.

Report from the front of the War on Drugs, filed in the *Willamette Week:*

Behind the counter of many convenience stores, a seemingly harmless item is stashed out of sight near the lottery scratch-off tickets and cigarettes. It is a common copper scrub pad, used in kitchens and homes everywhere.

But located near it is a box of short glass tubes capped by a small piece of cork, containing a small plastic flower.

The possible real-world uses for the glass tube, known as a rose pipe, seem limited — but put the tube and the scouring pad together, at a total cost of about $3, and you have the makings of a common crack pipe.

Culver City, Calif.

Inculcation of a proper educational mindset, reported in the *Culver City Times:*

At the only public middle school in Culver City, it is against school policy for students to touch on campus.

"We can't touch each other. We couldn't even do this," eighth-grader Brenda Esquivel said as she put her arm around a friend's shoulder.

During a recent lunch, various couples on campus were holding hands; most declined to talk to a reporter, fearing they would get in trouble.

Tallahassee, Fla.

Brave support for the First Amendment, from the *St. Petersburg Times:*

"Spam is an annoying, intrusive form of email that almost all of us receive but few of us want. Much of it is just clutter, but some of it can be downright offensive," declared Attorney General Charlie Crist in a May press release heralding his efforts to fight unwanted email.

Crist defends as "protected political speech" the unsolicited emails he sends out to advertise his gubernatorial campaign and solicit donations.

Philadelphia

Keeping our nation's airways safe, from the *Philadelphia Inquirer:*

After two separate field tests at Philadelphia International Airport showed that powder in Janet Lee's luggage contained opium and cocaine, Lee spent three weeks in prison. She was released when a lab test proved the substance was flour.

Jefferson City, Mo.

Democracy in action, redux, reported in the *Kansas City Star:*

Under a bill by Sen. Bill Alter, grocery and convenience stores would risk losing their liquor licenses if they sold beer colder than 60 degrees.

The idea came from a fifth-grade student participating in a program to teach students about state government.

Last year, a fourth-grade class submitted a proposal to make the American bullfrog the state amphibian. Alter said the jump from naming state animals to restricting how alcohol can be purchased didn't really surprise him.

Danbury, Conn.

Vigilance in the fight against intoxicated drivers, reported in the *Danbury News-Times:*

Over the course of a week, a sobriety checkpoint in Connecticut stopped more more than a thousand cars, issued 29 tickets, towed 15 cars, and made two arrests for drug possession. Ten police officers manned the roadblock.

They made one arrest for drunk driving.

Special thanks to Russell Garrard, Tom Isenberg, and Patrick Quealy for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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of America's largest city and won.

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and take people to work.

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I am IJ.

Hector Ricketts
New York, New York

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by Robert Higgs, Bruce Ramsey, Aeon Skoble, and Stephen Cox

Can Trains Be Saved?

by Randal O'Toole

The Best Films of 2005

by Jo Ann Skousen

Lifestyles of the Rich and Leftist

by Gary Jason

Also: *David Beito* struggles with Left and Right over academic freedom, *Bettina Bien Greaves* treks across four continents to find one T-shirt, *Chris Matthew Sciabarra* celebrates a milestone in Rand scholarship . . . plus other articles, reviews & humor.

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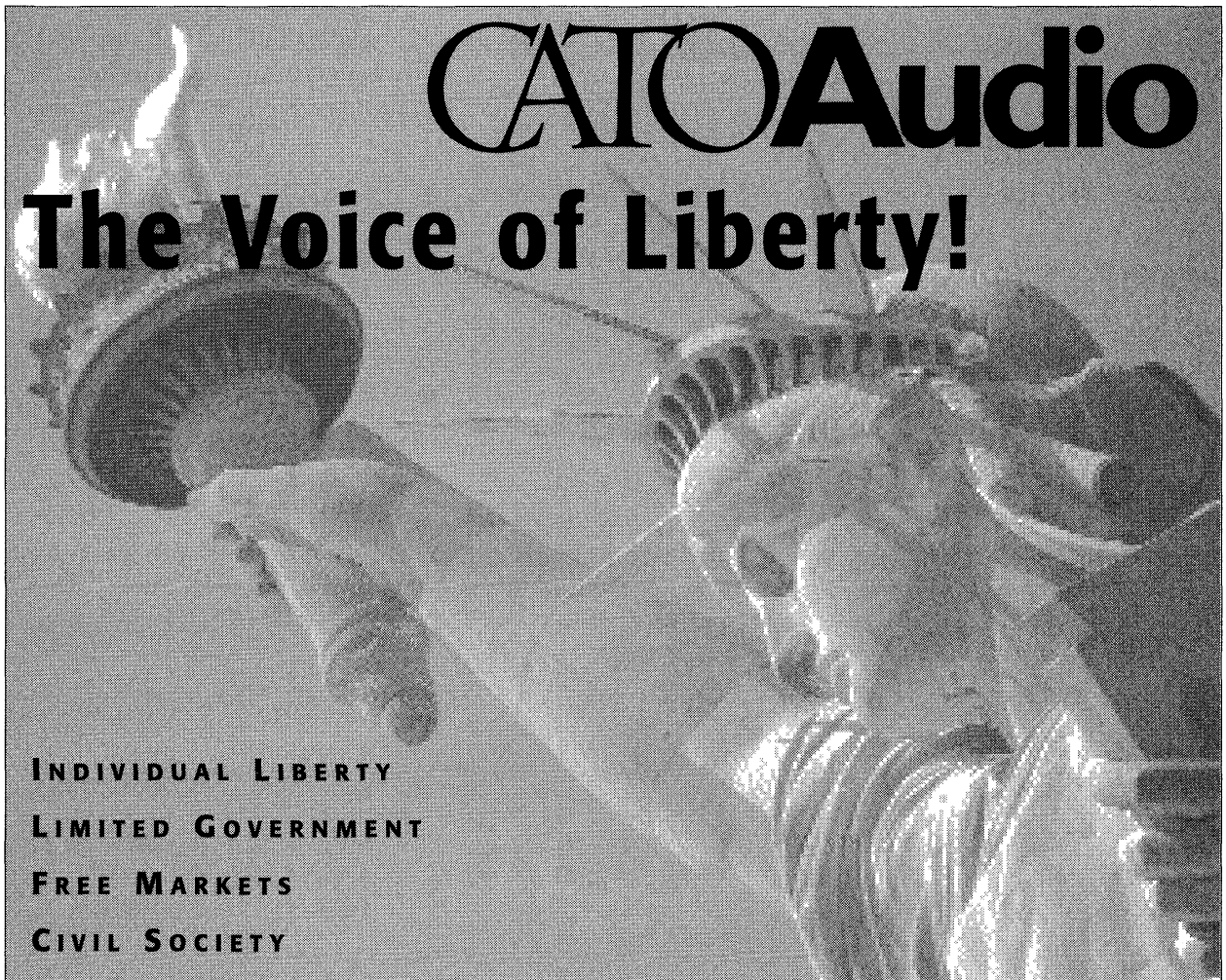

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Inside Liberty

April 2006
Volume 20, Number 4

4 Letters Our readers open up.

7 Reflections We spurn a goddess, spot a hunter on the grassy knoll, scam Oprah, cross Muhammad with Mapplethorpe, miss warning signs, mark our piglets, love Big Brother, savor the ridiculous, and bask in the January sun.

America's Wars
Who Won and Who Lost?

15 America Won, Americans Lost *Robert Higgs* wonders: when freedom always loses, how can anyone truly win?

22 Shooting Elephants *Bruce Ramsey* finds that being American means dealing with expectations other countries never have to face.

25 Winning the Moral War *Aeon Skoble* asks: is the idea of a just war still a winning concept?

29 Wins, Losses, and Libertarian Ideas *Stephen Cox* examines war's unintended consequences — both good and bad.

Features

36 The Fight for Freedom at AHA *David T. Beito* chronicles a more than merely academic battle among academics.

39 Can Trains Be Saved? *Randal O'Toole* presents a vision of Amtrak operated as if its passengers mattered.

Reviews

43 While San Francisco Burned Why do people rebuild after disasters instead of moving somewhere safer? *Timothy Sandefur* tours San Francisco in the hours after the 1906 Quake.

47 T-Shirt Safari *Bettina Bien Greaves* chases a T-shirt through a worldwide cultural odyssey.

49 Lifestyles of the Rich and Leftist Ralph Nader lives in a mansion. Michael Moore owns Halliburton stock. Nancy Pelosi is a real estate baron. *Gary Jason* wants to know how anyone can take these people seriously.

53 Neuroses and Nets Is it better to be lucky or good? *Jo Ann Skousen* casts a critical eye on Woody Allen's newest.

52 Notes on Contributors The belles of the ball.

54 Terra Incognita Beware the Jabberwock.

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Letters

Horse of a Different Color

Robert Nelson's excellent article "The Opiate of Almost Everyone" (February) has a fundamental flaw. The concept of politics, economics, etc. "as religion" is actually a premise rather than a relationship that is proved in the article. Parallels to religion are shown, but religion is quite different. For example, the U.S. Constitution may be advocated with zeal because it works to provide freedom and a high standard of living, but zeal for a political system is not religion.

Religion is primarily a faith that an other-worldly power exists. This may result in a code of behavior, but it differs from a political system because the latter is continually tested in the real world, while religion is founded on unprovable faith.

The essential aspect of religion is belief in a Supreme Being or force. The essential aspects of the U.S. Constitution and resultant political system are that each person owns himself and the product of his efforts. The result is that power resides primarily in the individual and private property is advocated. In religion, power resides in an other-worldly force and private property is irrelevant.

Allen Appell
Kentfield, Calif.

Robert Nelson replies: I readily acknowledge that, if you define religion as requiring a God in the hereafter, then most of my article is not about religion. However, most theologians have a wider understanding of religion. Some forms of Buddhism, for example, do not have a God — at least in any concrete sense familiar to Western understandings — and yet few would dispute that they are real religions. Similarly, there is wide agreement today that Marxism, the progressive gospel of efficiency, and other secular religions (which some people are now calling "implicit religions") have been powerful expressions of religious conviction that have had a great influence on the history of the past 200 years. Moreover, as my article points out, these secular religions often derive much of their belief systems from earlier Judaic and Christian sources, if now partially disguised, and so the use of the term religion is a helpful reminder in this respect.

Gilding the Guild

In Mark Skousen's enjoyable review "Weighing the Gilded Heroes" (February), he writes: "When Carnegie ordered workers to return to the twelve-hour shift, the workers not surprisingly staged a strike, which Carnegie . . . violently suppressed."

First, Carnegie's "order" is more accurately described as Carnegie setting the terms under which he would continue to offer employment. The workers were free to decline his terms, accept them, or attempt to negotiate (striking being a form of the latter).

"Meet You in Hell" author Les Standiford is certainly no apologist for capitalists or capitalism, but he thoroughly refutes the claim that the strike was "violently suppressed."

Briefly, Pinkerton agents were hired to protect the plant and river-barged to the site (to reduce the chance for violence). A mob representing a supposedly moderate union strove to prevent their landing, and a battle broke out. Both sides were armed, and there were multiple deaths on each side. The Pinkerton agents withdrew.

What followed was nothing more than a government doing the one thing that a government should do: enforce the law. The National Guard was brought in to restore order. Because it was based on mob rule, the strike fell apart, and the plant reopened. No further injury or death resulted.

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Opinions expressed in *Liberty* are those of the authors and not necessarily those of the Liberty Foundation.

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Obviously any claim that the union was "moderate" is bogus; it was moderate only so long as it got what it wanted. When it did not, it resorted to violence.

"Meet You in Hell" also reveals that the union, far from representing the "working man," was representing the highest-paid workers in an effort to protect their jobs and pay from competition. The laborers seemingly had no idea why they had to go on strike, other than the pressure (and, yes, coercion) from those who had already gained higher pay scales. Rank protectionism.

Why Frick, Carnegie, capitalists, or capitalism wear this particular crown of thorns is a wonder to me. It should be seen as a well "spun" appeal to mob rule and truly an embarrassment to "labor."

Ron LaDow
San Francisco, Calif.

Dredful Jurisdiction

This is in response to Bob Tiernan's letter (February) disagreeing with my letter (November), wherein I pointed out that the U.S. Supreme Court's *Dred Scott* v. *Sandford* decision of 1856 had upheld "original intent."

Mr. Tiernan views that decision as an example of a "living Constitution" because he believes the Supreme Court made the Constitution "say something it didn't, namely, that no blacks could be U.S. citizens or have any rights."

The U.S. Constitution didn't define "citizens" until 1868 (14th Amendment). The *Dred Scott* decision reviewed state constitutions and laws — not federal. They found no provision for any nonwhites to become citizens. To the contrary, they found many state laws that specifically prohibited it. That's the "original intent" the High Court documented in its 241-page historical review.

(Even in 1859, three years *after* the *Dred Scott* decision, Oregon was admitted to the Union with an "Exclusion Law" on the books, which barred nonwhites from even entering the state, and a "Lash Law" that required an annual beating of nonwhites already there, to encourage their leaving.)

Citizenship and federal court jurisdiction are constitutionally linked. *Dred Scott* v. *Sandford* was a suit between a non-citizen (Scott) and a citizen (Sandford) of the same State. Thus, it was outside federal-court jurisdiction — even if Scott were a citizen.

Mr. Tiernan's mention of the Judicial Act of 1789 is right on point. (It was the document whereby the just-created U.S. Congress established the federal court system.) It states that the Supreme Court shall have jurisdiction of "controversies of a civil nature, . . . except between a State and its citizens . . ."

Federal courts *never* had jurisdictional authority to hear cases "between a State and its citizens," which did not arise from "the laws of the United States." So, whether Scott was a citizen or not, no federal court could hear his case.

Thus, in *Scott*, Chief Justice Taney was correct in dismissing "for want of jurisdiction." Using Scott's lack of citizenship of Missouri as grounds was misleading. When courts find *any* grounds for dismissal, they rarely consider other grounds. So Taney didn't address the court's lack of jurisdiction even if Scott *were* a citizen.

Tiernan's argument that "federal laws regarding slavery came into play" is a stretch. Congress is empowered to make "rules and regulations respecting the territory" — not "laws." Such "rules and regulations" may not go beyond the constitutional bounds of federal power, and they vanish at statehood. Scott was taken to Illinois (a free state), and his attorneys argued that made him free, but that's a state matter, not federal.

Contrary to popular assumption, the U.S. Supreme Court does not have power to hear every controversy.

James Harrold, Sr.
Springdale, Ark.

Letters to the Editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. *Please include your address and phone number so that we can verify your identity.*

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In the February review of "Unintended Consequences" by John Ross, we indicated that the book is not available from most bookstores. This is no longer the case. It is available from amazon.com or any major bookstore.

This issue of Liberty has a special and (unfortunately) a timely focus: War.

Like most other matters, war is something on which libertarians have very diverse and individual views. Planning an issue about libertarian thoughts on war was interesting to me because it gave me the chance to watch truly independent minds at work. It was also a great excuse to invite contributions from some of the best writers I know: Robert Higgs, Bruce Ramsey, and Aeon Skoble. I think you'll love, hate, and be invigorated by their essays.

Meanwhile, this issue offers our editors' predictably unpredictable Reflections on human life, David Beito's account of politics among the historians, Timothy Sandefur's examination of everybody's favorite earthquake (San Francisco, 1906), and Randal O'Toole's ideas about my favorite government program (Amtrak): you won't see these thoughts elsewhere. Bettina Bien Greaves tells the tale of a T-shirt, Gary Jason unmasks modern liberal hypocrisy, and Jo Ann Skousen gives us her verdict on a new film — and her anti-elitist wisdom on the films of 2005.

As Liberty's still-wet-behind-the-ears editor in chief, I want to take this occasion to say how much fun it is to work with the people of Liberty: with Kathleen Bradford, who, in the spirit of our founder, R.W. Bradford, is the gracious host to this symposium of ideas and inspirations; with Mark Rand, our Assistant Editor, and Drew Ferguson, our Managing Editor, two very cool and clever guys; and with Patrick Quealy, whom we are welcoming back to Liberty in his new job as Publisher. Patrick is a young man who knows how to do everything that I don't, and that's a lot of things.

For Liberty,
Stephen Cox
Editor

At last. A scholarly journal dedicated to the study of Ayn Rand's thought and influence.

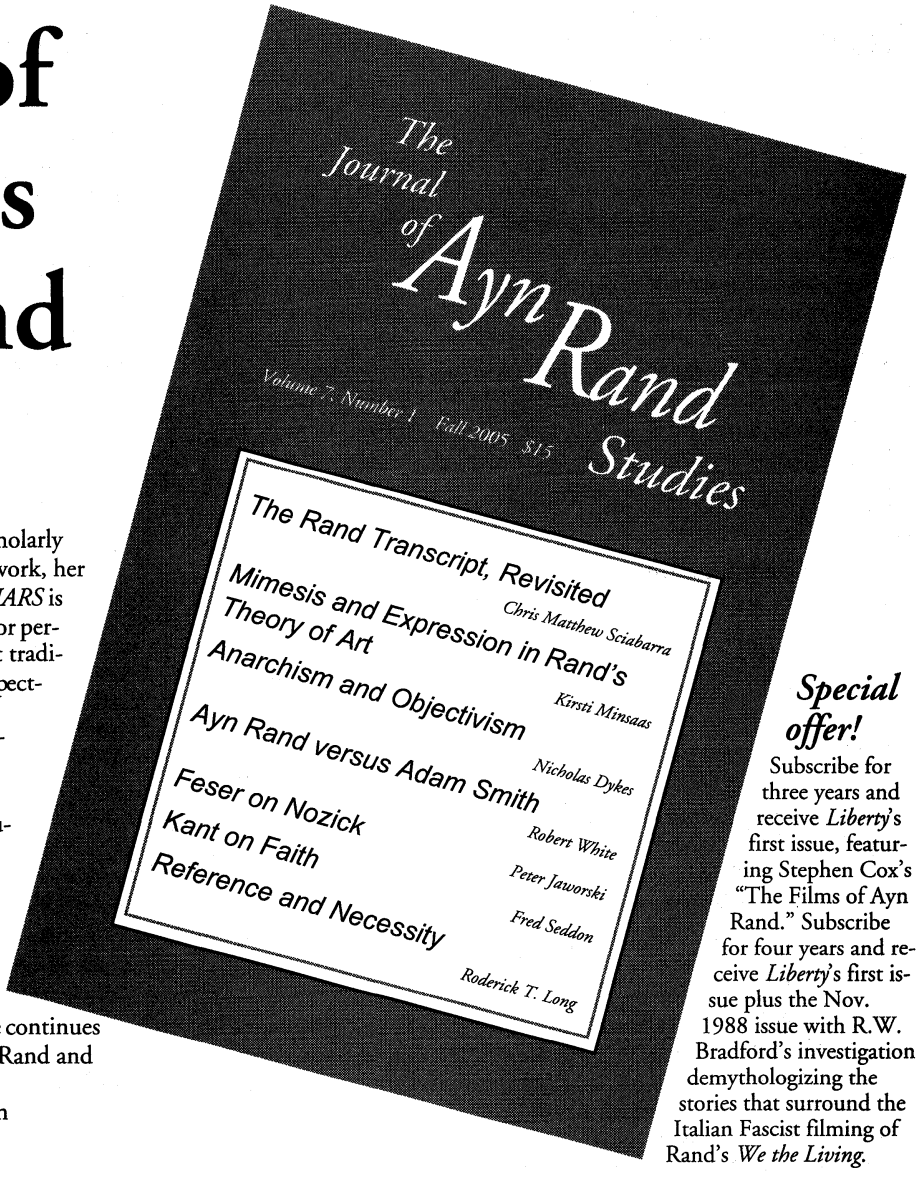

The Journal of Ayn Rand Studies is the first scholarly publication to examine Ayn Rand: her life, her work, her times. Welcoming essays from every discipline, *JARS* is not aligned with any advocacy group, institute, or person. It welcomes scholarly writing from different traditions and different perspectives, facilitating a respectful exchange of ideas on the legacy of one of the world's most enduring and controversial philosophers.

JARS is edited by R.W. Bradford, libertarian writer and publisher of *Liberty*; Stephen Cox, author of many books and articles on Ayn Rand, Isabel Paterson, and libertarianism; and Chris Matthew Sciabarra, characterized by *The Chronicle of Higher Education* as "Rand's most vocal champion in academe."

Our seventh year begins with new milestones for Rand scholarship. Our Fall 2005 issue continues our tradition of first-rate scholarly discussion of Rand and her work. Among its features:

- Chris Sciabarra on Rand's Russian education
- Kirsti Minsaas on Rand's aesthetics
- Roger Bissell on Langer, Camus, and Rand
- Roderick Long on Rand and Kripke
- Nicholas Dykes on Objectivism and Anarchism
- Robert White on Rand and Adam Smith
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Reflections

Buckshot blunder — It's typical of the behavior of this administration that when the Vice President managed to shoot somebody, it was by accident and it was a fellow Republican. — Stephen Cox

Democracy's a bitch — Turnout was high, the debates were free and open, and, when it was all over, Hamas won big. Democracy, long worshipped by Victor Davis Hanson and other pro-warriors, is proving to be a bitch goddess. — David T. Beito

Prosecutor, indict thyself! — In 18th century England, criminal cases were privately prosecuted, usually by the victim, although by law any Englishman could prosecute any crime. In an old article on that system, I suggested a possible reason. Over the previous century, England had gone through a civil war, a military dictatorship, and two successful coups. It may have occurred to people that, if the crown controlled prosecution, the king's friends could get away with murder.

Under the Foreign Intelligence Surveillance Act, intercepting communications in ways not permitted by the act, or using information obtained by such interceptions, is a criminal offense punishable by up to five years in prison and a fine of up to $10,000. It is a crime — but only the state can prosecute it.

Would anyone like to estimate the probability that either Bush, who by his own admission has been using information thus obtained, or the people who obtained it for him, end up facing criminal prosecution? — David Friedman

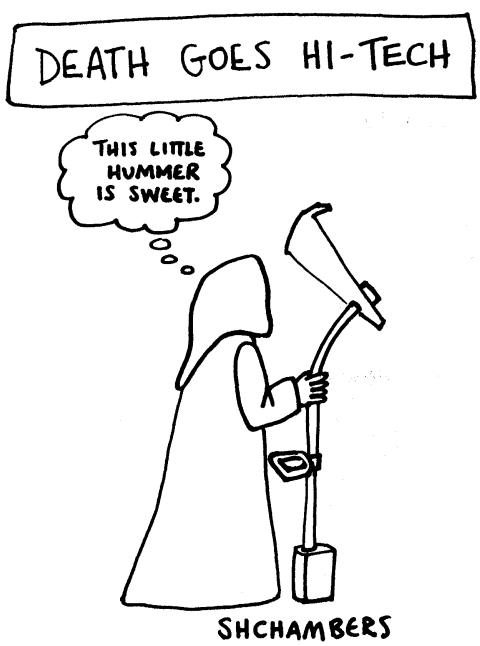

Shot through the heart — Rumor mills were abuzz in the nation's capital over the White House's 24-hour news blackout regarding the Cheney "hunting accident." Not since Richard Nixon's infamous 17 and a half minute tape gap has Washington engaged in such fevered speculation over a span of lost time at the highest levels of our government.

Adding to the mystery was the assertion by one unnamed Secret Service agent that he heard a second shot emanating from a location to the left of the Cheney hunting party. Was Dick Cheney the lone gunman? Ballistic experts are skeptical. Former ATF expert Shel Casing said, "The injured man's face was a patchwork quilt of lacerations. No single burst of buckshot could account for the extent of those injuries."

At the time this story was filed, various Mafioso crime figures with a potential axe to grind had not be reached for comment because they were either dead or in jail.

— Norman Ball

The Kelo clause — I signed a lease on a new apartment the other day and noticed a clause that wasn't in any of my previous, pre-*Kelo* v. *New London* leases. If the government takes my apartment complex through eminent domain, I agree that I'll immediately vacate, give up my interest in the lease, and not claim a right to a portion of the "just compensation" the management gets from the government.

It's a condemned new world.

— Patrick Quealy

The greatest game — Can I be alone in thinking that the plodding pace of the prosecution of Saddam Hussein, imprisoned for over two years now, reflects a reluctance to inspire the Iraqi violence that would follow his conviction and likely execution? Wouldn't a better solution be an invitation to go hunting with Dick Cheney? — Richard Kostelanetz

What's not done is done — The cartoon crisis brings out a blind spot in libertarians. The best example is Virginia Postrel's blog, with which I generally agree. But while embassies burned, Postrel posted the inflammatory caricature of Muhammad: "My response to this nonsense is to wonder why Muslims don't grow up. If your co-religionists are going to take political stands, and blow up innocent people in the name of Islam, political cartoonists are going to occasionally take satirical swipes at your religion. Those swipes may not be nuanced, but they're what you can expect when you live in a free society, where you, too, can hold views others find offensive. If you don't like it, move to Saudi Arabia."

I disagree. Liberty is about what the government does. I agree that the government should not enforce standards of religious blasphemy, but there is more to the cartoon calamity than that. There is an issue of decency and respect. In America, at least, you do not attack the other fellow's religion — at least, not unless he's signaled that he's open to it.

That is not the law, but it is the custom, and helps make freedom of religion work. An image of a bearded man in a turban, with a bomb on his head, is not objectionable as such; label it Muhammad and it is.

I worked for a Muslim managing editor once, and I learned that. The editors in Copenhagen knew the page of cartoons was, to Muslim eyes, blasphemous. Certainly the French and German papers who reprinted the cartoons knew it. They printed them anyway, as if to say, "Hey, look here. How ya like this, you silly believer?" We don't show images of Jesus with his pants down or the Pope embracing a prostitute, or — well, you can imagine a hundred things that are not done, whether you have a free press or not. In a world where there are Muslims, showing cartoons of the Prophet is one of them. That some Muslims are violent, and burn down buildings, or are fanatical and have failed states or believe in what you call "Islamofascism" is totally beside the point. The images don't single out those Muslims; they attack all Muslims, and that is *not done.* — Bruce Ramsey

In America, you do not attack the other fellow's religion, not unless he's signaled that he's open to it. It's not the law, but it is the custom, and helps make freedom of religion work.

Cindy descending — In Cindy Sheehan, my generation finally has its own Hanoi Jane. Whether in Crawford camping out in a ditch with a bunch of hippies, cozying up to Hugo Chavez, or getting thrown out of the State of the Union address, she's rapidly descending to Fonda-level. I can hardly wait to ridicule her first autobiography.

— Brien Bartels

Caveat lector — The implicit theme of the revelations about the fakery of authors J.T. LeRoy and James Frey is that publishers are easily deceived by stories they think will sell, as indeed they did. Though news, this is scarcely new. Doesn't anyone remember Clifford Irving, who sold McGraw-Hill "The Autobiography of Howard Hughes" a few decades ago? That time, it was Hughes himself who revealed Irving as a hoaxer before the book was officially published. (Later another house published the book as a sort of fascinating fiction, as indeed it is.) The truth is that, since bookselling is, fortunately, an unregulated industry, those purchasing books, especially those recently published, should always remember *caveat emptor* — buyer beware.

— Richard Kostelanetz

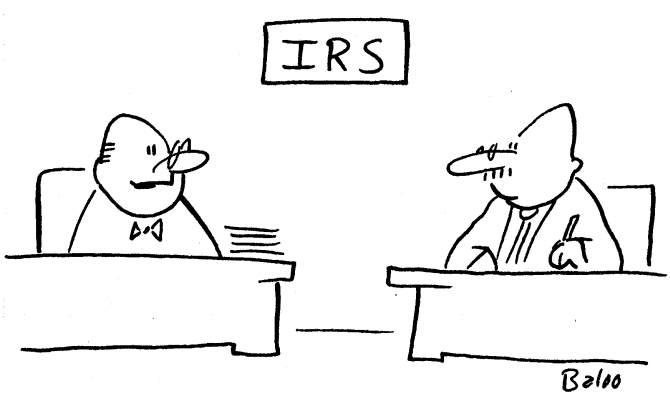

"Quiet day, isn't it? — Want to go out and snatch some purses?"

A national failure — According to the inspector general of the Department of Homeland Security, the federal government purchased 25,000 trailers at a cost of nearly $900 million as housing for Katrina victims. Most of them were never used, and thousands are rotting away because they were improperly stored.

The same day as this report came out, the GAO reported that many of the federal $2,000 emergency debit cards given to hurricane victims were used to buy such things as porno tapes, tattoos, weapons, and diamond rings.

Meanwhile, a Republican-dominated committee in the House plans to release a report saying that the federal response to Katrina was "a national failure, an abdication of the most solemn obligation to provide for the common welfare."

I'd like to ask the so-called Republicans who wrote this report: Did you ever consider the possibility that the federal government is simply too big and too clumsy to fulfill such an obligation? And isn't that exactly the reason why the Constitution leaves such activities to the states, not the federal government? And why President Cleveland once vetoed a bill providing relief to a drought-stricken area, saying "I find no warrant for such an appropriation in the Constitution and I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit"?

Apparently not even the Republicans in Washington consider a limited federal government an option anymore.

— Randal O'Toole

Pattern recognition — "I've asked why nobody saw it coming," explained Secretary of State Condoleezza Rice regarding the striking victory by the militant group Hamas in the recent Palestinian election.

Good question. It's not like Ms. Rice's department was blindsided by a surprise election in Botswana or some other place of no consequence in the administration's battle to neutralize the evildoers of this world. This was front-line territory grabbed by a top terrorist group.

Gallup could have probably called the election correctly to within a point or two with ten pollsters in the field for two days. The State Department, in contrast, couldn't see it coming with a $30 billion budget and 30,000 employees.

It was the same with Katrina. Three days after the storm hit, the official word from the White House was that the storm's horrendous damage was unexpected and unpredicted. "I don't think anybody anticipated the breach of the levees," President Bush said.

In fact, detailed warnings about Hurricane Katrina's probable impact, including forecasts of breached levees, mas-

sive flooding and major losses of life and property, were steadily flowing into the White House for 48 hours before the storm made landfall.

Go back to Aug. 6, 2001, five weeks prior to the Sept. 11 attack. President Bush received a "presidential daily brief" at his Crawford ranch that specifically pointed to the threat of al Qaeda hijacking airplanes within the United States.

In Senate testimony eight months after the attack, Secretary of State Rice declared, "I don't think anyone could have predicted that these people would take an airplane and slam it into the World Trade Center."

And who could have predicted that Hamas would win, or that the levees wouldn't hold? Anyone see a pattern?

— Ralph R. Reiland

Decriminalizing hatred — The riots throughout the world by Muslim fundamentalists irate over the publication of cartoons of the Prophet display an unintended consequence of creating new categories of crime. Violence has always been criminal, but now there are two kinds of violence: against those one likes (bad), and against those one doesn't like (worse). We're told that "hate speech" isn't to be tolerated, and the First Amendment is reinterpreted to say that political speech must be heavily restricted to protect democracy.

Europe has already gone far in this direction, and the inability of Europeans to respond to religious fanatics suggests the obvious result. The classical liberal belief that tolerance — not endorsement or respect — is both the minimum *and the maximum* society should strive for may finally gain a new hearing.

— Fred L. Smith, Jr.

A use for the NEA — Twelve cartoons of Muhammad published in a Danish magazine sent Muslim fundamentalists into a frenzy. It is blasphemous to make any drawing of Muhammad, even if it is flattering; even though some of the drawings were almost illegible, and others didn't even depict the Prophet, the cartoonists responsible were forced into hiding. Very few Americans ever saw the cartoons because the American media refused to reprint them. It was unclear if their refusal was based on fear or political correctness.

If we really want to fight terror in this country, we should stand up to those who terrorize artists as well.

Over in Moscow, a brave gallery owner has agreed to stage an exhibit of the original drawings. No word if the art show will ever find its way to the U.S. Not long ago, a clamor was raised here in America over National Endowment for the Arts (NEA) funding of Robert Mapplethorpe's erotic photos and Andres Serrano's urine-soaked crucifix. Despite the previous insistence of the arts community that controversial art is important in a free society, I doubt there will ever be an offer to host an exhibit of the Muhammad cartoons here in the States. Perhaps gallery owners in the former Soviet Union are more sensitive to censorship of the arts, and have a stronger will to stand up against their oppressors.

If we really want to fight terror in this country, we should stand up to those who terrorize artists as well. Although I

News You May Have Missed

Angry Muslims Call for "Death to Anger"

RANKOR, Angristan — Following widespread protests against irreverent cartoons of the prophet Muhammad published in a Danish newspaper, hundreds of thousands of angry, chanting Muslims took to the streets again here and throughout the Muslim world to protest something. "We are angry, angry, angry, and we swear by the beard of the Prophet that we will accept nothing less than the beheading of the people who are responsible for making us, like, totally angry!" shouted one protester. Asked what exactly he was protesting this time, the demonstrator said, "I forget. But whatever it is, it is making me so very, very angry, as you can see. And it has got to stop! I mean it! Right this minute!"

Meanwhile, angry, chanting demonstrators in Kaput, the strife-torn capital of neighboring Pistoffistan, also took to the streets, shaking their fists and burning their own flag to protest what they called "1,300 years of being absolutely furious," a state of affairs that had, they said, left them "speechless with rage . . . well, okay, maybe not speechless."

And in East Rabid, a strife-torn area of the small Persian Gulf sultanate of Insult, angry, shouting Muslim demonstrators called for the severe punishment of angry, shouting Muslims everywhere for giving Islam and the prophet Muhammad a bad image. "All this angry shouting is making us oh so very annoyed, because Islam is a religion of peace, and we Muslims are in fact practically always going to peaces, so we are just going to have to remain really, really angry until we stop getting so damn mad!" one protester shouted into the ear of whoever would listen. "According to the holy Koran," he added, "only Allah has the right to wax wroth on a daily basis, with no weekends off. The faithful should avoid waxing wroth as much as possible, because there's always the chance that Roth will wax the faithful, and that is such an old joke that I am right now feeling kind of angry about it."

— Eric Kenning

am normally opposed to any NEA funding, I think that it might be appropriate to provide an NEA grant to any gallery owner brave enough to host an exhibit of these drawings. Since defense of liberty has always been a legitimate function of government, defense of ideas from an encroaching new Dark Age should be a legitimate government expense.

— Tim Slagle

Congress' silk purse — During the Capitol Hill budget debates, many spectators must have found the use of the term "earmarking" somewhat strange. What does it have to do with budgeting?

The term refers to the practice of specifying that a portion of a generalized spending bill will be used for a certain purpose — for example, a bridge in Alaska. In theory, this practice reduces the power of the bureaucracy and requires Congress to become more accountable for spending decisions. In practice, the degree of specificity makes it easier to create alliances to increase overall spending. I'll back your bridge, if you back my convention center — on and on.

When I grew up in rural Louisiana, "earmarking" was something we did to our pigs. There wasn't a lot of money to purchase feed, so a few weeks after a sow delivered her litter, we'd cut a pattern in the ears of the piglets and release them into the woods. As in many tribal cultures, the woods were the commons, used by all for common pasturage (pigs are omnivores, eating roots, nuts, and almost anything else). A few years later, we and our neighbors would get our hog-hunting dogs and we'd all traipse out to the woods to round up the pigs. The "earmarks" would allow them to be sorted out.

That's the logic behind linking the term "earmark" to spending policies on Capitol Hill: everyone tosses pork in, and retrieves it once it's fat up enough to take home.

— Fred L. Smith, Jr.

Ain't that America? — James Carville said on talk radio that most Americans describe themselves as "socially liberal and economically conservative." If that's true, why isn't the Libertarian Party doing better? After all, we're socially *very* liberal and economically *very* conservative. Perhaps Carville, a political adviser with a history of success, has bestowed upon us a persuasive slogan.

— Richard Kostelanetz

The bell tolls still — The year was 1898. Uncle Sam wanted to fight a musical comedy war with Spain. Safe and short. A nobody-gets-hurt war. But in those years credit was not yet enthroned. You couldn't put the Army payroll on a credit card. So, first you got the money — *then* you fought the war.

Just like today, the government looked for pockets to pick. Ah — that newfangled instrument that jangled your nerves at suppertime — the telephone. Everyone who had one ought to pay a flat 3% tax, to cover the costs of the war. And so, the government legislated.

One hundred and eight years passed. The Spanish-American War now gathers dust in the annals of history; only one American in a hundred remembers the *Maine*. But we still pay the tax.

Now, after all those years, big outfits like Office Max and Honeywell International are fighting the phone tax in court. And they've won some preliminary cases. The Congressional Budget Office worries that by 2007, the IRS will lose the tax revenue on toll long distance calls.

Until then, check your phone bill and note that 108-year-old 3% fee. Then go look up the Spanish-American War on the Internet. May as well know what you're paying for. — Ted Roberts

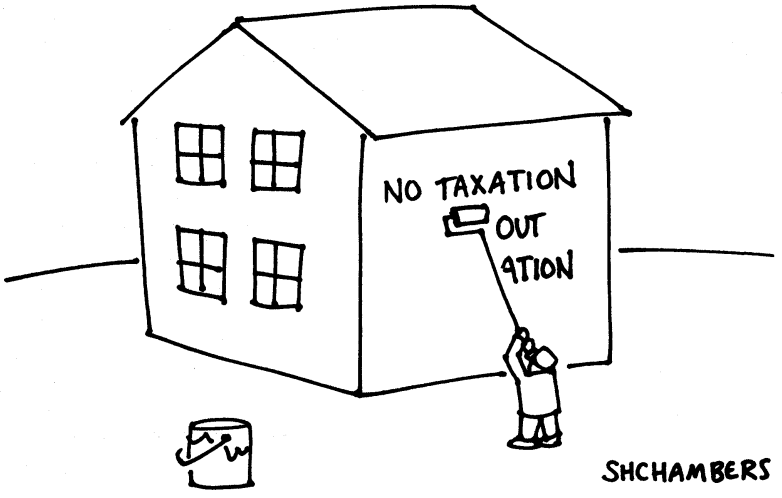

A day in the sun — This January in Chicago, the thermometer climbed to almost 60 degrees. The sun was out, and we had a beautiful, premature spring day. It was delightful to get outside in shirtsleeves and breathe some fresh, warm air before the snowstorms returned. On that day, I decided that hippies are completely insane.

While the rest of us were enjoying that rare January sunshine on our faces, the hippies were moping around, complaining about how humans have destroyed the planet. Although I don't believe the January warmth was engineered by humans, it was certainly an improvement over the miserable January days I've grown accustomed to. If it were truly a human achievement, it should have been applauded, and given an encore. — Tim Slagle

Meanwhile, back at Minitrue — The Internet offers a wealth of information, much of it bogus. Thoroughly reliable resources, such as snopes.com, devoted to verifying or debunking urban legends, or thesmokinggun.com, dedicated to posting documents obtained from government and law enforcement sources, are scarce and valuable.

One site that's building up a reputation for reliability is wikipedia.com. It's an online encyclopedia, much larger than

the Encyclopaedia Britannica — and, according to the science journal Nature, equally accurate. That's surprising, because Wikipedia is open-source, meaning *anyone* can add new articles, or edit existing ones. This seeming weakness is actually a strength: anyone can enter false information, but anyone else can take it back out again.

Some articles, such as the one on Abraham Lincoln, provoke spirited discussions on the "neutrality" of the content. Others, such as the one on George W. Bush, prove so tempting to anonymous vandals that the volunteers who run the site have to put them temporarily off-limits. Still, there are many other articles about many other subjects, including many other elected officials, open to all editors.

For several days, Wikipedia had to block all Capitol Hill computers from editing because so many of the changes made by them were inaccurate or inappropriate.

"All editors," of course, includes the paid staffers of those elected officials. Rep. Marty Meehan (D-Mass.) admitted to having his staff replace the biography in his Wikipedia entry with a new version, one that omitted (among other things) his broken term-limits pledge. Sen. Norm Coleman's (R-Minn.) staff took out references to his voting record. Sen. Tom Harkin's (D-Iowa) deleted a paragraph about combat missions in Vietnam that he'd made up. And the staffers didn't keep to their own bosses' pages, either: someone working off the Congressional computer network edited the entry on Sen. Tom Coburn (R-Okla.) to note that he had been voted the "most annoying Senator." For several days, Wikipedia volunteers had to block all Capitol Hill computers from editing because so many of the changes made by them were inaccurate or inappropriate.

In "Nineteen Eighty-four," Winston Smith spent his workdays at the Ministry of Truth altering historical records to match the Party's version of events. In trying to co-opt one of the Internet's few reliable resources, our elected officials have shown their resolve to do the same. — Andrew Ferguson

The freedom to discriminate — In late January the state of Washington passed a gay-rights bill banning discrimination against homosexuals in employment, housing, and accommodations. It was an odd issue: virtually all public voices were for it, except some conservative Christian ministers. In a place like Seattle, which has the greatest concentration of gays in the Pacific Northwest, people could not imagine a principled reason for opposing the bill. I saw this at a public forum with state legislators. A woman stood up and asked one of the Republicans, a party leader, why he opposed it. He deflected the question by interpreting it as a query about why his party opposed it, and then said he couldn't speak for the party on that issue.

A libertarian would oppose it, I think, because a libertarian believes in the freedom of association. Freedom implies a private right to discriminate. That doesn't mean the libertarian wants to discriminate, only that he thinks discrimination should not be criminalized. But that argument applies to all antidiscrimination law, and nobody wanted to extend it that far. Even the libertarians didn't make it — at least, not that I saw. Apart from a couple of suburban ministers chiefly concerned with sin, the opponents didn't say anything.

The bill passed the final chamber of the legislature when a Republican state senator from Seattle's suburbs changed his vote. The media praised him for voting his conscience, which maybe he was. About then the Seattle Times ran a news story about discrimination against gays. Seattle, Tacoma, and some other cities have had gay-rights ordinances for years — and it turns out there aren't many complaints. Even fewer cases have been won by complainants. The paper found one victory in Tacoma, involving two gay women who were denied a family membership at the YMCA. In Seattle, a city a good deal more liberal (and gay) than Tacoma, there was one victor under its longstanding gay-rights ordinance. He was one of a group of waiters who had been fired and replaced by young gay men. This waiter was a heterosexual man. He was awarded $5,000.

— Bruce Ramsey

The unhappy few — Stendhal famously said that he wrote for "the happy few." Meanwhile it's the unhappy few who have been causing most of the trouble since about the time he said it — nasty nationalists and militant militarists, Marxists, fascists, fundamentalists, fanatics of all stripes. These are people who aren't just unhappy, there are millions of those, but the much smaller minority of people who are incapable of being happy and who force others to be as incapable of it as they are. This is usually accomplished by imposing some kind of despotic moral or political surveillance state on everyone else and ruthlessly stamping out all signs that life is something that can sometimes be enjoyed. Which is why a personal incapacity for happiness so often translates into a personal obsession with power. And why politics is full of such people, as is religion, since these are the two fields where the lust for power and the abject worship of it (in the form of all-disposing dictators and Almighty God) are considered normal. So the best examples naturally come from politics when it turns into a kind of mad religion (Robespierre, Lenin, Hitler, Mao, Pol Pot), and religion when it turns into a kind of mad politics (Torquemada, the Taliban, the jihadists, and, closer to home and to farce, Pat Robertson). The unhappy few, incidentally, are almost always puritans in theory and (a little more sporadically) in practice. And it was Mencken who defined puritanism as

That's why a personal incapacity for happiness so often translates into a personal obsession with power — and why politics is full of such people.

"the haunting fear that someone, somewhere, may be happy." — Eric Kenning

Aiming for abstracts — The Journal of Ayn Rand Studies (JARS) just completed its seventh year of publication. When the journal was first published, we knew we had our work cut out for us. We were the first interdisciplinary scholarly periodical ever established as a forum for the critical discussion of Ayn Rand's ideas. But one of the most important achievements of any academic journal is its ability to be added to the indices of established abstracting services. This is a way of gaining "acceptance" in the scholarly marketplace, of bolstering a journal's reputation as an organ of serious discussion and contributing to the idea that its subject is worthy of such discussion.

In its first few years of operation, JARS was able to add over a dozen of these services in the social sciences and humanities. Coverage in such indices has facilitated the expansion of JARS citations, and, by consequence, Rand references, within the global marketplace of academic scholarship.

It has been an uphill battle to get JARS added to three of the most prestigious indices: the Arts & Humanities Citation Index (A&HCI), Current Contents/Arts & Humanities (CCA&H), and the Social Sciences Citation Index (SSCI). Some years ago, we approached those organizations (each of them a subsidiary of Thomson Scientific) with the requisite three consecutive issues in the hopes that they would add JARS to their lists of the world's leading journals. The first three-issue review failed; JARS was still too young to join the global ranks.

Another concern was expressed by some involved in classical liberal or libertarian scholarship: does SSCI operate

Word Watch

by Stephen Cox

People who don't like this column — and there *are* people who don't like this column — complain about its haughty tone, its arrogant desire to instruct, its guilt-inducing emphasis on rules and logic. Who appointed you, these people ask, to be judge over us?

These complaints are wholly without merit. But in the spirit of toleration and benevolence, even to miserable whiners, I will devote this column not to rules, and especially not to logic, but to pleasure, guilty pleasure. What interests me today is the linguistic free-for-all, the open-all-night funhouse, the constant, ridiculous denial of common sense that makes our life as speaking creatures such an inexhaustible source of merriment.

So, to paraphrase the "Divine Comedy": Abandon All Thought, Ye Who Enter Here.

Thought is always the enemy of fun. One of Richard Nixon's amusing campaign slogans was "America Can't Stand Pat." He meant to say that America shouldn't stay in one place; America had to progress. Fine. But think (as apparently Nixon never really did): his *wife's* name was Pat. It's a silly pleasure, taken on the sly, but almost anyone will enjoy a snigger at Dick's expense.

Or his opponents'. Who was it in the Kennedy camp who called his great new push for harmony with our southern neighbors "La Alianza para el Progreso"? The phrase means, "The Alliance for ['para'] Progress." It also means, "The Alliance Stops ['Para'] Progress."

Napoleon's first wife was a lady from the West Indies. When she was asked where she came from, she said, "Je suis d'Inde," which means, "I'm from the Indies." But it sounds exactly like "Je suis dinde": "I am a turkey." (Experts on the French language doubt that this story is true, but who cares? It ought to be. Besides, we speak English here.)

But speaking of names, how much forethought would it take, if your last name were Hogg, not to name your daughter "Ima"? However much that might be, it was too much for Governor James Hogg of Texas, who named his daughter that very thing. And his fellow Texans just can't leave it alone. One of the state's proud cultural institutions is the Ima Hogg Museum. Didn't they ever think of using just the last name?

Of course, many ridiculous expressions are the products of a *little* thought. A little thought, like a little learning, is a dangerous thing. Until recently there was an apartment house in my neighborhood called the "Cota Arms." Get it? Cota Arms: Coat of Arms. I believe it was owned by a man named Cota. It's possible that Mr. Cota's antic disposition was bequeathed to the owner of a building across the street — a three-story structure called the Hillcrest Towers. It's also possible that the builder of this "tower" was a student of philosophy who had automatically imbibed the relativism so characteristic of modern thinkers. Height, after all, is relative. Maybe someplace there's a one-story "tower."

I wouldn't change that name for anything. Nor would I change the name of Oblong, Ill. My family comes from a place near Oblong, and I'm reliably informed that "nobody knows why they call it by that funny name." I do know why Normal, Ill., is called what it's called. It was the seat of a "normal school," that is, of a teacher's college. But the great thing is the persistent legend that a down-home newspaper once ran the following headline: "Normal Man Weds Oblong Woman." I don't think anything like that happens in France or Russia — or their newspapers, either.

Neither do things like the phenomenon that anthropologist Louise Pound noticed in the 1920s, calling it "The Kraze for 'K'": Krazy Kat, Krispy Kreme, Ken's Kwikee Kleeners, and, not kwite so kute, the Invisible Empire of the Ku Klux Klan. Then there's the wonderful density of puns that certain American industries attract. I'm thinking right now of hair salons. You'd be disappointed, wouldn't you, if you walked by one of those places and found that it was *not* called "The Mane

according to a left-wing ideological bias? That was one of the points of a 2004 "Econ Journal Watch" essay by my friend and colleague Daniel B. Klein (with Eric Chiang). Klein found that of all the journals centering on classical liberal or libertarian scholarship, only "Critical Review" was indexed by SSCI. But, as Klein suggests, "Critical Review" publishes lots of material that is actually critical of classical liberalism; it is a core journal abstracted in "The Left Index."

Well, in retrospect, maybe that was one of the linchpins of the JARS strategy. Because JARS is a self-identified "non-partisan" scholarly periodical, because we have been willing to publish papers with both left- and right-wing perspectives on Rand, we too gained acceptance into the pages of "The Left Index" and even "Women's Studies International." I have no idea whether this helped us with the most recent rigorous Thomson Scientific review process, but JARS was indeed finally selected for full coverage in A&HCI and CCA&H. Abstracts of relevant journal articles centered on the social sciences (economics, political science, psychology, etc.) will also be selectively included in SSCI. I'm delighted that JARS is finally among the journals selected for coverage in these important indices, whatever their alleged ideological biases.

— Chris Matthew Sciabarra

Thing," "The Hairport," "The Clip Joint," or "The Cut Above." Ah, shear delight.

English seems to lend itself to strange effects. I've always thought it's charmingly ridiculous that in English we "drive" a car, as if we were shooing it down the road, like a horse or ox. But calling a supermarket the "Piggy Wiggly" or an RV emporium the "Pacific Home of Mobile World" is somewhat overdoing this poetic license. By the way, at Piggly Wiggly a "Smile Manager is here to do whatever it takes to make you happy."

Of course, merchants and advertisers know not what they do. But the English language is apparently so hard to nail down that even those masters of style and grace, American journalists, can never quite get the hang of it. You gotta love 'em all:

• The Fox News correspondent who was alarmed by the damage done to New York City's economy by the recent transit strike: "Scores of people stayed home."

• The pundits at the distinguished journal Science who selected "evolution" as "the breakthrough of 2005."

• The Yahoo headline writer who insisted that "Ex-EPA Chiefs Blame Bush on Climate Change." (Yes, that's our president — just another one of those monsters who are always crawling onto the beach whenever "something has happened, something very very bad" in the boiling seas just off Japan.)

It's worth a bet: in America, any earnest thought is likely to become a joke. In this context, of course, one naturally thinks of the inscription on Elvis's tomb: "He became a living legend in his own time." I don't know why the people who turn up at Graceland aren't all screaming with laughter. Maybe they are. A popular webpage, solemnly entitled "Evidence that Elvis Hoaxed His Own Death," observes that "the coffin weighed 900 pounds: Elvis is known to have been overweight at the time of his death . . . but not that much." Well, can you prove it? And can you prove you don't mean to be so funny?

"Brokeback Mountain" is an earnestly provocative film about a gay romance. How gratifying it is, therefore, to hear the radio ads invoking it in the warm, ripe tones associated with re-releases of "Dumbo" and "Snow White": "'Brokeback Mountain!': the phenomenon that is connected with the heart of America!" I don't say that this is gratifying because of some special meaning that I believe it has, but because it is absolutely and completely meaningless, in some inexplicably American manner. Let me put it to you this way: it's a phenomenon that is connected with the heart of America.

Hot air in Europe — Although the United States is often portrayed as an ecological villain for declining to sign the fabled Kyoto treaty, a British think tank reports that Britain and Sweden are the only countries in Europe that have met their commitment to cut greenhouse gas emissions. And Britain, despite placing restrictions on industry and cutting its rate of growth, is not even close to its 2012 Kyoto target.

France, Germany, and Greece haven't begun to reduce emissions, though they have some policies in place that theoretically are supposed to do the job. Ireland, Italy, and Spain haven't even adopted emissions-reduction policies.

Unfortunately, most European countries are unlikely to acknowledge, even as they violate its guidelines persistently, that the Kyoto treaty is a dud. But it is. As Patrick Michaels, Virginia's state climatologist, has written, meeting the Kyoto treaty's targets would require regressive and economically disastrous energy taxes. Even if all the targets are met, these draconian measures will reduce world temperature by only seven-tenths of a degree over 50 years.

European leaders probably know this, which may be why they have taken little action to reduce greenhouse gases. It would be nice if they came right out and said it.

— Alan W. Bock

Reform the reformers — On the Saturday Show (Jan. 21), NPR commentator John Ydstie, in a statement called "Lobbying Reform: Not Likely!", talked about the provisions of the various "reform" bills now being considered and noted that they weren't likely to work. Indeed, he noted that "short of public funding of election campaigns," nothing was likely to work.

Let me repeat — unless government controls the election process, corruption remains likely. To address a political scandal, the solution is . . . more politics! This is the brain-dead philosophy that led to McCain-Feingold and a host of other measures which have turned Congressional seats into tenured positions. Still, the reformers push on — if a bit of government intervention doesn't solve the problem, then go with more. If more government intervention doesn't work, take over the process entirely. Would-be reformers just can't grasp the idea that the most corrupting influence is government itself.

— Fred L. Smith, Jr.

My subsidy, your subsidy — When a challenge is made to the recipient of a subsidy, or the petitioner for one — "Why should you get a subsidy?" — the challenge is on the axis of fairness. "No special rules for you." The reply, almost always, is on the same axis: "Look at those people over there. They get a subsidy; I should have one too." This is the argument for subsidizing everything from export finance to light rail — and, in this case, biodiesel.

In my state an alliance of greens and farmers — not a

usual alliance — is clamoring for subsidies to start an industry to produce diesel fuel from oilseeds. It is technically possible to do this, without a subsidy, for about double the market price of petroleum diesel. On the surface, the argument for subsidy hangs on replacing foreign oil and creating a new industry, both of them attractive propositions. But challenge the idea of subsidy, and the reply you get is that petroleum is subsidized, too. The biodiesel industry has to "level the playing field."

This is asserted in a tone that suggests that if you disagree, maybe you work for Exxon. But poke it for particulars — what subsidy? — and you get the battleship argument. It is only to protect the sources and flow of oil that the United States has a great Navy, and Army, and has occupied Iraq, and all of these military expenditures really are subsidies that ought to be included on the social income statement of petroleum. We pay for them in the federal income tax, but really we should pay for them at the gas station.

Hearing that, I think there is some truth to it, but how would you know how much? How much of the Navy is necessary to protect trade, and how much is it for oil specifically, and what would it mean to start allocating and charging costs

continued on page 38

News You May Have Missed

Memoir Unfabricated, Author Confesses

NEW YORK — Just after author James Frey admitted that he had fabricated crucial elements of "A Million Little Pieces," his best-selling memoir of drugs, crime, and jail time, and got scolded by former fan Oprah on national television for it, the publishing world was sent reeling by a new memoir scandal, though it had to take several expensive reeling lessons before it was able to complete the maneuver.

This time, 26-year-old writer Pliny the Elder has confessed that while his name is totally fake, everything else about his new memoir, "A Million Little Boring Details," is accurate. The book, which chronicles his hopeless, lifelong addiction to memoir-writing, is numbingly truthful at every point, he now says, adding that his addiction prevented him from leading a normal memoirist's life of crime, drugs, and getting out of the house, and the experience probably adversely affected his memory, leaving it intact. The result is a memoir that is, from a publishing standpoint, seriously unflawed. The following excerpts were made available to the cleaning lady.

Chapter One: One by one all my classmates in the second grade were not only expelled from school for engaging in behavior tending to lead to lucrative publishing contracts, they were given lengthy prison sentences, so eventually I was the only one left in the class, but I hardly noticed, because I was too busy expanding my "What I Did Last Summer" essay into a much longer essay titled "The Same Thing I Am Doing Right Now."

Chapter Two: I remember once when I was about 13 my mom came into my room on a hot summer afternoon and said it was high time that we had incest, but I just told her to get lost — couldn't she see I was busy writing something? It was at this moment that I realized a profound spiritual truth, which is that it's hard to write a memoir when people keep interrupting you.

Chapter Three: I was already 16, and I hadn't even robbed a bank yet. What kind of memoirist was I? So I talked my friend Joey into going in on a bank robbery with me. But the bank was closed, because it was Sunday. Some people never catch a break. Also Joey didn't show up, because there was no Joey, not at that time. Joey came somewhat later. So I said to him, with a kind of weary sadness, "Joey, if you're not careful, I'm going to have to do something that I'll probably regret doing for the rest of my memoir. I'm going to have to put you in Chapter Three." I hated doing that to Joey, because Joey always wanted to be in Chapter Six.

Chapter Four: It was about this time that I became seriously anorexic between meals.

Chapter Five: I looked and I looked, but Lily, the love of the first draft of my life, seemed to have vanished into thin air, though I could have sworn it was right here that I last saw her, here in the place where we had always been so happy together, Chapter Nine. This *isn't* Chapter Nine? Oh. Sorry.

Chapter Six: I was going to go through absolute hell, but I guess I took a wrong turn somewhere and ended up spending the afternoon at the mall instead.

Chapter Seven: It was a crazy time in my life. I wasn't taking drugs, but I was taking notes, notes of all kinds, which I bought from note-dealers on street corners in the most dangerous part of town, the Book Publishing District. They were powerful notes, but as luck would have it, they were notes to a different chapter, in somebody else's memoir, a memoir about a wise talking horse. So I moved on, toward Chapter Eight, the chapter in which the illusions fall away, the excuses end, and the truth blazes forth, culminating in what can only be called redemption, or, as some might put it, a high-six-figure advance.

Chapter Nine: After my release from Tabula Rasa, the renowned New Mexico facility for recovering memoir-writers, I tried to stop trying to remember everything I had been trying to forget, or was it everything I had been trying to remember? I forget. Anyway, I started avoiding my old haunts: memoir, accessory and appliance shops, stenographer bars, used-memoir lots. But it was no use. I couldn't get the monkey off my back. The monkey finally got off at 14th Street to transfer to the Number 6 uptown local, and it was then that I realized that I was a victim, yes, but a survivor among victims, and a victim among survivors, and I gave up writing memoirs, wrote a memoir about it, and that's how I became rich and famous and lived happily ever after, to the best of my recollection. — Eric Kenning

America Won, Americans Lost

by Robert Higgs

War kills the innocent, strengthens the state, supports dictatorships, and stirs up hatred. How can anyone be considered a winner?

General Thomas Power, commander in chief of the Strategic Air Command from 1957 to 1964 and Director of the Joint Strategic Target Planning Staff from 1960 to 1964, ranked near the top of the U.S. Armed Forces waging the Cold War. An ardent warrior, he did not subscribe to the Aristotelian maxim of moderation in all things. In 1960, while being briefed on counterforce strategy, he reacted petulantly to the idea of exercising restraint in the conduct of nuclear war: "Restraint!" he retorted. "Why are you so concerned with saving *their* lives? The whole idea is to *kill* the bastards. . . . Look. At the end of the war, if there are two Americans and one Russian, we win!"[1] Everyone who knew Power seems to have thought that he was crazy.

Even the man he replaced as SAC commander, General Curtis LeMay, regarded him as unstable — and everybody knew that LeMay himself was, as "Dr. Strangelove's" Group Captain Lionel Mandrake would have put it, "as mad as a bloody March hare." After LeMay left his command at SAC, he became Vice Chief of Staff of the Air Force in 1957 and Chief of Staff in 1961. He is most often remembered as a tireless advocate of an all-out, nuclear first strike on the Soviet Union and its allies, and as the most likely inspiration for General Buck Turgidson in "Strangelove." Either Power or LeMay might have served as a model for the "Strangelove" character General Jack D. Ripper, whose own nuclear first strike on the Ruskies came straight out of the LeMay-Power playbook.

It is chilling to recall that such men once held — and may still hold — the fate of the world in their hot hands. In Power's day, heaven be thanked, the civilian leadership had slightly more sense than the military leadership, but in more recent times, that relationship seems to have been reversed, and now men such as Dick Cheney, Donald Rumsfeld, and their zealous, bloodthirsty subordinates vividly attest to F.A. Hayek's observation that "the worst get on top."

Winning

Whatever else one might say about our glorious leaders, it must be admitted that they have had, just as the current gang claims to have, a dedication to "winning" the wars they set out to fight. President George W. Bush characteristically declared on January 11 that he wants to bring the troops home from Iraq, but "I don't want them to come home without achieving the victory."[2] Indeed, winning a war strikes most people as a splendid idea until they stop to think about it.

Given an option to fight and win a war a la Thomas Power, however, with just two Americans and one Russian (Iraqi, Iranian, Chinese, or other foreign devil du jour) left alive at the end, sane people recoil. Such "winning" seems all too clearly absurd. As we back away from this reductio ad absurdum to consider less extreme conceptions of "winning the war," a great deal of the senselessness continues to cling

to the notion as long as we insist on an honest account of what actual war and actual winning involve.

The major reason for people's confusion on this account probably pertains to their reification or anthropomorphization of the collectives — whether they be clans, tribes, nation-states, or coalitions of such groups — whose violent conflict defines the war. Lost in the fog of war-related thought is the concrete, unique, individual person. Hardly anyone seems capable of talking about war except by linguistically marshalling such collectivistic globs as "we," "us," and "our," in opposition to "they," "them," and "their." These flights of fight-fancy always pit our glob against their glob, with ours invariably prettied up as the good against the bad, the free men against the enslavers, the believers against the infidels, and so forth — on one side God's chosen, on the other side the demons of hell.[3]

"Restraint!" Power retorted. "Why are you so concerned with saving their lives? The whole idea is to kill the bastards."

Of course, which is which depends entirely on the side that people happen to find themselves on, usually as a result of some morally irrelevant contingency, such as birthplace, family migration, or a line that distant diplomats once drew on a map.[4] More than 50 years ago, sociologist George A. Lundberg observed that despite "the cavalier fashion in which 'statesmen' revise boundaries, abolish existing nations, and establish new ones, . . . the demarcations thus arrived at thereupon become sacred boundaries, the violation of which constitutes 'aggression,' an infringement on people's 'freedom.'"[5] It's almost as if human beings clamored to slay one another on behalf of little more than historical accidents and persistent myths. French philosopher Ernest Renan aptly characterized a nation as "a group of people united by a mistaken view about the past and a hatred of their neighbors."[6]

A widespread inclination to think in terms of the group, rather than the distinct individuals who compose it, plays directly into the hands of violent, power-hungry leaders. Without that popular inclination, the leaders' capacity to wreak destruction would be reduced nearly to the vanishing point, but with it, the sky's the limit — or maybe it's not the limit, now that space-based weapons are all the rage in the military-industrial-congressional complex. Nothing promotes the sacrifice of the individual to the alleged "greater good of the whole" more than war does. On this ground, government leaders successfully levy confiscatory taxes, impose harsh regulations, seize private property, and even enslave their own country's citizens to serve as soldiers, to kill or be killed in hideous ways.

Sometimes, as in the aftermath of World War I, people have the wit to recognize, with the benefit of hindsight, that the alleged "greater good" for which so many individuals' lives have been sacrificed and so many individuals' wealth and well-being have been squandered actually consists of little more than their leaders' foolishness and vanity. On other occasions, however, people never come to that realization, preferring to live with a mythical justification of their losses. Even now, after 60 years have passed in which people have had ample opportunity to see through the official lies and cover-ups, the myth of World War II as "the good war" (in this country) or "the Great Patriotic War" (in Russia) remains robust.

Once memories of the War Between the States had faded, the mythologization of war came more easily to Americans because all our wars from the Spanish-American War on down to the current wars in Afghanistan and Iraq have been fought on other people's soil. No one can recall in sorrow and bitterness the wartime devastation of Philadelphia or Chicago because it never happened — devastation is what Americans dispense to Tokyo or Dresden or Fallujah. In an immensely important sense, our wars have long seemed to be, in their worst aspect, somebody else's problem, something that happens "over there."

If Ambrose Bierce could observe a century ago that "war is God's way of teaching Americans geography,"[7] one shudders to imagine what he might say today. Guadalcanal, Tarawa, Saipan, Peleliu, Iwo Jima, Okinawa — in 1940, probably not one American in a hundred had ever heard of these remote places where tens of thousands of young American men, and far more Japanese, would soon lose their lives. Our good fortune in this regard has been real and important, but it ought not to blind us to the great variety of genuine losses that we have sustained notwithstanding our capacity to make all our wars since 1865 — apart from the sporadic clashes between whites and Indians — take the form of "foreign wars."

Winning a war strikes most people as a splendid idea until they stop to think about it.

For one thing, many Americans have gone "over there" and done some definite dirty work — let's be honest, war is always dirty work, no matter how hyped up we might get about its seeming necessity. World War II, the so-called good war, might have been the dirtiest work of all. American forces abroad slaughtered not only multitudes of enemy soldiers but also hundreds of thousands (maybe more) of noncombatants — men, women, and children — most notably in the terror bombing of German and Japanese cities.

Curtis LeMay had a hand in this evil work, as commander of the B-29 forces that laid waste to scores of Japanese cities. Speaking of his flyers' devastation of Tokyo with incendiary bombs, LeMay declared: "We knew we were going to kill a lot of women and kids when we burned that

town. Had to be done."[8] Oh, did it really? Brigadier General Bonner Fellers, an aide to General Douglas MacArthur, called the March 10, 1945, raid on Tokyo "one of the most ruthless and barbaric killings of noncombatants in all history."[9] As a result of the U.S. air attacks on Japanese cities, by the end of July 1945, "civilian casualties exceeded 800,000, including 300,000 dead," and more than 8 million people had been left homeless.[10] Unsated by this orgy of savagery, the Americans went on, completely unnecessarily, to annihilate scores of thousands of the hapless residents of Hiroshima and Nagasaski with atomic bombs.

These events were not just losses for Germans and Japanese. The men who carried out these barbarous acts also sacrificed their decency and a vital part of their humanity. War brings many of its participants to that tragic end. Only a deranged man can live complacently with the knowledge that he has committed such heinous acts. In greater or lesser degree, however, every war encompasses an enormous mass of such indecencies. Soldiers may excuse themselves on the ground that they are "just following orders" or, if they are especially naive, that they are acting heroically in defense of all that is good and great about their own country. Kept in combat long enough, however, nearly everyone who is not a natural-born killer becomes either psychologically disabled or absolutely cynical in his single-minded quest to survive.

Government leaders and their blindly nationalistic followers invariably tolerate and even glorify many of the bestialities perpetrated during warfare and elevate the perpetrators to the status of heroes, but these ignoble rituals of apotheosis ring hollow when placed alongside the raw realities, not only of the conduct of warfare but of its typical outcome. A half century ago, looking back on 15 years of warfare and its aftermath, William Henry Chamberlin wrote, "It was absurd to believe that barbarous means would lead to civilized ends."[11] It is no less absurd today.

In the past century, in the United States, the two world wars required the greatest degree of mobilization, and therefore they entailed the heaviest losses for individuals both on the battlefield and on the home front, notwithstanding that this country is said to have "won" both wars.

World War I

Although American casualties in the Great War were very few in comparison with those of the major belligerents, their seriousness must have loomed a great deal larger to each of the 116,516 men who died as a result of their service, and to their wives and sweethearts, mothers and fathers, sisters and brothers, among others. In addition, 204,002 men sustained nonmortal wounds, and an undetermined number had their minds rearranged for the worse — "shell shock" was the common name for battle-induced psychic derangements in that war.[12] All these individuals, vaguely denominated "casualties" in military parlance, paid the heaviest price, but many other Americans — in some respects, all others — also bore substantial costs.

World War I changed the character of the American political economy for the worse in ways too numerous to list completely here. Before the war, federal revenues had never exceeded $762 million in a fiscal year; during the 1920s they were never less than $3,640 million. Before the war, federal expenditures had exceeded $747 million in a fiscal year only twice, in 1864 and 1865; during the 1920s they were never less than $2,857 million. Although part of the increase in the level of fiscal activities reflected price inflation, itself the product of the government's war finance, the bulk of it was real. The public debt ballooned from slightly more than $1 billion before the war to more than $25 billion at its end. Income-tax rates were pushed up enormously during the war, and although they were reduced somewhat in the 1920s, they never again returned to the prewar level or even close to it.[13]

WWI's consequences in fostering freedom-quashing, prosperity-destroying federal interventions in the economy have no equal in U.S. history.

Many aspects of the "wartime socialism" left enduring legacies. The War Food Administration became the model for the New Deal's agriculture program, which, despite countless changes to and fro over the subsequent decades, continues to plague consumers and taxpayers today. The Railway Administration gave way to a near-nationalization of the railroad industry in 1920. The Shipping Board inaugurated the government's regulation of shipping rates and routes and its direct participation in the ocean shipping industry, which have continued ever since 1916. After the war, the War Finance Corporation continued to operate until 1925, came back to life as the Reconstruction Finance Corporation in 1932, and transmogrified into the Small Business Administration in 1953, misallocating resources by means of its extensions of subsidized credit and other interventions at every step of the way.

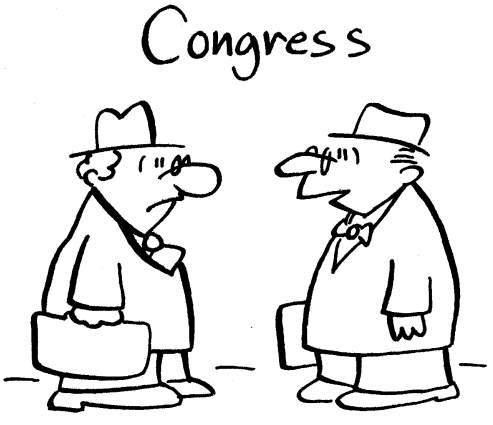

"You're quitting to rejoin the private sector? Good heavens, man . . . you're *accountable* out there!"

The War Industries Board roared back to life in 1933 as the disastrous National Recovery Administration, which unsettled the entire economy at the depths of the Great Depression with a muddleheaded program to cartelize every industry in the country, thereby making a mighty contribution to prolonging the depression. Although the Supreme Court struck down this loony experiment in 1935, the NRA in effect then fragmented into a variety of interventionist components, such as the National Labor Relations Board, that persisted for decades, some of them permanently.

Space does not permit me to continue this doleful recitation. Suffice it to say that the war's consequences in fostering freedom-quashing, prosperity-destroying federal interventions in the economy have no equal in U.S. history. People typically think that this sort of government policy began for the most part in the 1930s, but almost everything the New Dealers did along these lines amounted to a revival of some wartime precedent.

The war's constitutional legacies also took big bites out of American liberties. In virtually every case, the Court upheld the extraordinary powers that the government had exercised during the war. Highly significant was the blessing the Court gave to military conscription. Chief Justice Edward White could not take seriously the idea that the draft constituted involuntary servitude and was therefore proscribed by the 13th Amendment. He declared that the Court was "unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation as the result of a war declared by the great representative body of the people can be said to be the imposition of involuntary servitude."[14]

While the Court was smashing individual liberty under the iron heel of "the great representative body of the people" — the same gang that Mark Twain had described more accurately as "America's only native criminal class" — the justices did not hesitate to give their approval to the government's rampant wartime assaults on the freedoms of speech, press, and assembly, many of these outrages being the products of the Espionage Act (1917) and its notorious amendment, the Sedition Act (1918). The justices also validated the government's wartime takeovers of the railroads, telephone and telegraph lines, and oceanic cables. They sustained wartime rent controls. Everything, so far as the Court was concerned, was fair game. Said the chief justice, "[T]he complete and undivided character of the war power of the United States is not disputable."[15]

Worse than any economic control was the forced relocation of more than 110,000 persons of Japanese ancestry, who were herded at gunpoint into camps surrounded by barbed wire and guarded by armed troops.

In later times, Franklin D. Roosevelt and other presidents would boldly seek, gain, and exercise quasi-wartime powers triggered solely by their declaration of a national emergency, even when the country was not at war, thereby cloaking their crimes in a mantle of pseudo-legal legitimacy. Owing to the consolidation of the various war-spawned assaults on liberty, now codified in the National Emergencies Act (1976) and the International Emergency Economic Powers Act (1977), nearly all economic liberties in this country exist at the sufferance of the president. If he decides to take over the economy, he possesses ample statutory power to do so.

Perhaps equally disastrous in their implications for the future were the Great War's ideological legacies. Because the wartime economic management schemes did not have much time to operate during the short U.S. engagement as an active belligerent, they did not have time to reveal how badly they were working. When the war ended, their managers, not surprisingly, announced that the programs had been splendid successes, critically important in equipping the Allies to defeat the Hun. Bernard M. Baruch, the chairman of the War Industries Board and a wealthy gray eminence for many Democratic politicians, did much to promote this myth and incorporate it into received wisdom.

Hordes of businessmen who had played roles in the government's wartime economic planning emerged from the experience with, as a contemporary writer described it, "a sort of intellectual contempt [for] the huge hit-and-miss confusion of peace-time industry. . . . [and with] dreams of an ordered economic world."[16] In other words, they came away from the war with a bad case of what Hayek famously called "the fatal conceit," the fallacious idea that central planners can produce a better social outcome than the free market. These same misguided men would reappear in later crises to preside over additional assaults on liberty.

World War II

The Big One took a far greater human toll on Americans than had the previous world war. The 405,399 deaths loomed largest, for the deceased and for all those who cared about them as individuals. The seriously wounded amounted to 670,846, many of them suffering total disability for life.[17]

Approximately 25–30% of the casualties were psychological cases — victims of "combat fatigue," as it was dubbed this time around. In the fighting on Okinawa, for example, American mental casualties accumulated to 26,221 out of the total (65,641) dead and wounded.[18] In the entire war, more than a million men "suffered psychiatric symptoms serious enough to debilitate them for some period,"[19] and "by V-J Day, 504,000 Americans soldiers, enough for 50 divisions, had been lost to emotional collapse."[20] Some went raving mad for life. Others, seemingly having gone back to normal, endured mental tics and phobias for the rest of their lives, often treating their conditions with copious doses of alcohol or narcotics.

Some 75,000 men were listed as missing in action. Most of them, says historian Michael Adams, "had been blown into vapor."[21]

So repulsive were the sights, sounds, and smells of actual combat that the government heavily censored what the folks

at home were permitted to see or hear. If many of the soldiers, sailors, and airmen ultimately came home seeming fairly normal, chances are that they were among the great majority who, though serving in the armed forces, never got very close to harm's way or stayed there for long — laborers, clerks, technicians, mechanics, trainers, supply troops, and millions of others who constituted the big "tail" behind the relatively small fighting "tooth."

A minority of the men, most prominently the infantrymen and in a different way the bomber crews over Europe, bore the brunt of the sustained horror and paid the most awful price. Recognizing their position as sacrificial lambs, condemned to remain at terrible risk until they were killed or seriously wounded, or the war ended, the infantrymen came to despise their numerous comrades who stayed safely behind the lines as well as the people who remained back home in a regular job.

Thanks to the various war-spawned assaults on liberty, if the president decides to take over the economy, he possesses ample statutory power to do so.

On the home front, with World War I already in the books, the men who ran the political economy during World War II could not do much that was genuinely original, but they did almost everything on a vastly greater scale. The Wilson administration had built up military and naval forces of some 4 million men, including 2.7 million draftees, by the end of 1918. Roosevelt and his lieutenants commanded more than 12 million in 1945, and during the course of the war they drafted some 10 million of the 16 million who served at some time. In prosecuting the war, the government spent approximately ten times more (in dollars of roughly equivalent purchasing power) than it had spent on World War I, and it imposed much more comprehensive and longer-lasting economic controls.[22] Federal outlays increased from $9.5 billion in fiscal year 1940 to $92.7 billion in fiscal year 1945, at which time those outlays amounted to almost 44% of officially measured GNP. To get the wherewithal for this huge gush of spending, the government proceeded, as it had during 1917 and 1918, to impose new taxes, to increase the rates of existing taxes, and to lower the income thresholds above which people were required to pay income taxes. Annual excise-tax revenue more than trebled between 1940 and 1945. Employment-tax revenue more than doubled. The major sources of increased revenue, however, were individual and corporate income taxes. The latter zoomed from $1 billion in 1940 to $16.4 billion in 1945 (the greater part of that sum representing an "excess-profits" tax), while individual income taxes jumped from $1.1 billion to more than $18.4 billion.

Before the war, fewer than 15 million individuals had to file an income-tax return; in 1945, approximately 50 million had to do so. And not only did most income earners have to pay; they also had to pay at much higher rates: the bottom bracket rose from 4.4% on income in excess of $4,000 in 1940 to 23% on income in excess of $2,000 in 1945. The top rate became virtually confiscatory: 94% on income in excess of $200,000. In one mighty wartime push, the government had completed the transformation of the income tax from a "class tax" to a "mass tax," which it would remain ever afterward. Moreover, payroll withholding of income taxes, which the government imposed midway through the war, also remained an essential component of the great federal revenue-reaping machine. Notwithstanding the stupendous increase in taxation, the government's revenues amounted to less than half its outlays, and it had to borrow the rest. As a result, the national debt swelled from $54 billion in 1940 to $260 billion in 1945.

Entire volumes would be required just to summarize all the economic controls the government imposed: price, wage, and rent controls; materials allocations; shutdown orders, some of which applied to entire industries (e.g., civilian automobile production, gold mining); employment controls; allocations of transportation services; rationing of many consumer goods (e.g., shoes, clothing, meats, fats, canned goods, gasoline, tires); consumer credit controls; and countless others.

Vastly more outrageous than any economic control was the forced relocation of more than 110,000 persons of Japanese ancestry, two-thirds of them U.S. citizens, who were herded at gunpoint from their homes in the coastal regions of California, Oregon, and Washington into camps in desolate areas of the West, surrounded by barbed wire and guarded by armed troops. Although not one of these people received due process of law, the Supreme Court, dominated at that time by justices who saw no limits to FDR's war powers, could find nothing unconstitutional in the government's actions.

Business leaders took from World War II an appreciation that government could provide a bottomless reservoir of subsidies, cozy deals, and other benefits.

Nor could they bring themselves to strike down any of the government's arbitrary and capricious economic regulations. Of course, with the precedent of World War I decisions in their back pockets, the justices had no interest in hearing constitutional challenges to military conscription. This judicial stance was more than convenient for the government, because, as Justice Hugo Black wrote in a 1942 decision, employing the logic that would guide the Court throughout the war, "Congress can draft men for battle service. Its power to draft business organization to support the fighting men who risk their lives can be no less."[23] As presidential powers rose to unprecedented heights, Roosevelt's appointees on the Court only smiled approvingly.

Perhaps even more consequential than the war's constitutional legacies were its effects on the country's dominant ideology. The Big One produced a prominent move toward acquiescence in, and often demand for, collectivism, as World War I had done, only more so. Not only did the masses now look more expectantly to the federal government for salvation from life's troubles large and small, but the leadership of the business class also came finally to make a complete peace with the government it had long seen as a nuisance and a menace.

Since 1789, the only government on earth that has had the power to crush the American people's liberties across the board has been the government of the United States.

Although the war had brought countless regulations and demands for reports in octuplicate to the government's control agencies, it had also brought a deluge of government contracts, from whose fulfillment the typical contractor had earned extraordinary profits with little or no risk. Thousands of leading businessmen had served in the government as dollar-a-year men. From this experience they took away not so much an appreciation of the ponderous irrationalities of government bureaucratic action as an appreciation that government could provide a bottomless reservoir of subsidies, cozy deals, and other benefits. The experience, wrote Calvin Hoover, "conditioned them to accept a degree of governmental intervention and control after the war which they had deeply resented prior to it."[24] In short, the war had broken them to the yoke, either coercing them or co-opting them to comply with the government's schemes — indeed, holding out the prospect that they might have a hand in guiding those schemes, if they behaved themselves.

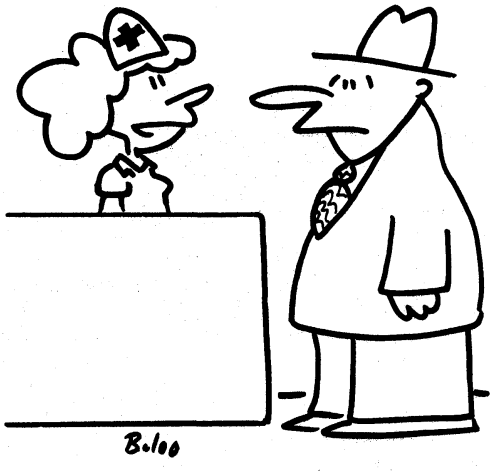

"The doctor isn't seeing any more patients this year — he's in too high a tax bracket."

Eventually, the old business-class hostility toward government faded into a pale semblance of its former self. As Herbert Stein observed in the 1980s, after having observed the process at close quarters for nearly half a century, businessmen "had learned to live with and accept most of the regulations [they] had strenuously opposed in the New Deal." Disturbed only by new and unfamiliar regulations, "they regard the regulations they are used to as being freedom."[25]

War Is the Mother of Tyranny

Stein's comment, which might aptly be applied far more generally, captures the essence of how the American people transformed their society from one in which, circa 1910, people enjoyed a great many freedoms to one in which, circa 1950, they had lost many of their former freedoms, perhaps irretrievably. Nothing propelled that process more powerfully than the two world wars — along with the New Deal, of course, but that crisis response itself involved little more than the revitalization, expansion, and elaboration of measures first taken during World War I, and therefore it must be understood as causally linked to the nation's participation in that war. Whenever the government went to war, whether the war was real or metaphorical, it necessarily went to war against the liberties of its own citizens.

Of course, it invariably justified these assaults on liberty by characterizing them as necessary, merely temporary means of preserving the people's liberties in the longer run — in General George C. Marshall's words, "sacrifices today in order that we may enjoy security and peace tomorrow."[26] That claim was either a mistake or a lie, because the U.S. government did not need to go to war, not even in the world wars, in order to preserve its people's essential liberties and way of life: neither Kaiser Wilhelm's forces nor Hitler's — and certainly not Japan's — had the capacity to deprive Americans of their liberties, "take over the country," "destroy our way of life," or do anything of the sort. This country has always contained persecuted minorities, and it still does; but since 1789, the only government on earth that has had the power to crush the American people's liberties across the board has been the government of the United States.

U.S. participation in World War I was the classic instance of a war whipped up by self-interested elites and carried into effect by a megalomaniacal president. As Walter Karp and other historians have shown, the upper-crust, Anglophile, northeastern movers and shakers — leading figures in what Murray Rothbard dubbed the Morgan ambit — maneuvered the psychically twisted, wannabe world saver Woodrow Wilson into seeking U.S. entry into the war.[27] Wilson, in turn, on completely spurious grounds, stampeded the overwhelmingly opposed populace into the war against its better judgment. Once war had been declared, the government used a combination of relentless propaganda and Draconian coercive measures to beat down active opponents and to stir up a generalized frenzy of chauvinism — One Hundred Percent Americanism, as its devotees called it.

Within a few years, most people came back to their senses, but by then the harm had been done. U.S. participa-

tion in the war had brought about many inauspicious, irreversible, politico-economic developments within the United States, as I've already indicated. More important, it had contributed decisively to the creation of a worldwide complex of interrelated ethnic, political, and economic disequilibria whose resolution would entail many of the great horrors of the following century, including World War II, communism's geopolitical triumphs, the Cold War, and endless troubles in the Middle East.[28] So obvious and poisonous were the war's fruits that soon after it ended, most Americans vowed never to take part in such an idiotic and destructive orgy again. Unfortunately, within a generation, they permitted themselves to be lured into an even more horrific charnel house.

Roosevelt idolaters and the jingoes of all parties have long maintained, of course, that the United States went to war altruistically to save the Jews of Europe from the monster Hitler and to stop Japan's horrible aggression in east Asia, especially in China. A fair reading of the evidence will not support either claim.

As for the European Jews, the U.S. government did not go to war to save them; once in the war, it did not conduct its military operations in a manner designed to save them; and, most importantly, it did not save them. Ultimately, some 80% of them were killed.[29]

The U.S. government can claim some credit for stopping Japan's aggression against the Chinese, of course, owing to its defeat and occupation of Japan, even though the same result might well have been achieved by peaceful means — "in the year before Pearl Harbor the Japanese were willing to abandon their expansionist program if they could be provided some face-saving formula, but this the United States persistently refused to grant."[30] In any event, however, one must bear in mind what came next. With Japan no longer acting as a powerful counterforce to the Chinese and Russian communists in east Asia, the North Koreans and the Chinese soon fell victim to communist totalitarianism — a far worse fate than integration into Japan's Greater East Asia Co-Prosperity Sphere would have been.

With regard to the idea that Japan launched an unprovoked "sneak attack" on the United States and thereby "started the war," I can only say that anyone who believes this simplistic contention needs to learn more about the Roosevelt administration's actions in the years leading up to the Japanese attack. Long before the bombs and torpedoes rained down on the Pacific fleet conveniently concentrated at Pearl Harbor, the United States had become an active, if undeclared, belligerent against Germany, cooperating closely with and providing enormous quantities of vital supplies to the British, the French (until late June 1940), and the Soviets (after late June 1941).

Moreover, the Roosevelt administration had imposed a series of increasingly stringent sanctions on Japan, culminating in joint American-British-Dutch economic embargoes that placed a stranglehold on the Japanese economy. Finally, the U.S. government presented an unnecessary and completely unacceptable ultimatum that "called for complete Japanese withdrawal from China and Indochina, for Japan to support only the Nationalist government of China, with which it had been in conflict for four years, and to interpret its pledges under the Tripartite [Germany, Italy, and Japan] Pact and the [Cordell] Hull program so that Japan would be bound to peace in the Pacific and to noninterference in Europe, while the United States should be free to intervene in Europe."[31]

No one can recall in sorrow and bitterness the wartime devastation of Philadelphia or Chicago because it never happened — devastation is what Americans dispense to Tokyo or Dresden or Fallujah.

By these measures, among many others, the U.S. government provoked (and, having broken the Japanese diplomatic and naval codes, knew full well that it was provoking) the desperate Japanese to attack U.S.-controlled islands in the Pacific as well as the Asian colonies of Roosevelt's European co-conspirators in these hostile actions.[32]

Whether the U.S. government's publicly pronounced rationales for entering the wars be viewed as self-serving falsehoods or as mere mistakes, however, the ultimate outcome of waging the wars was the same. As William Graham Sumner wisely wrote, "It is not possible to experiment with a society and just drop the experiment whenever we choose. The experiment enters into the life of the society and never can be got out again."[33] Thus, although the wars eventually ended, society never reverted fully to the relatively freer status quo antebellum.

Every year, on Veterans Day, orators declare that our leaders have gone to war to preserve our freedoms and that they have done so with glorious success, but the truth is just the opposite. In ways big and small, crude and subtle, direct and indirect, war — the quintessential government activity — has been the mother's milk for the nourishment of a growing tyranny in this country. It remains so today. ❑

NOTES

1. Power as quoted in Fred Kaplan, "The Wizards of Armageddon" (Stanford University Press, [1983] 1991), p. 246.

2. Deb Reichmann, "Bush Open to Hearings on Domestic Spying," Associated Press, Jan. 11, 2006, at http://news.yahoo.com/s/ap/20060111/apongoprwh/bush.

3. Vice President Henry A. Wallace, characterizing World War II as "a fight between a free world and a slave world," declared: "We shall cleanse the plague spot of Europe, which is Hitler's Germany, and with it the hellhole of Asia — Japan. No compromise with Satan is possible." One ought to bear in mind, however, that Wallace also said, "The object of this war is to make sure that everybody in the world has the privilege of drinking a quart of milk a day." Wallace as quoted in William Henry Chamberlin, "The Bankruptcy of a Policy," in "Perpetual War for Perpetual Peace: A Critical Examination of the Foreign Policy of Franklin Delano Roosevelt and Its Aftermath," ed. Harry Elmer Barnes (Caldwell, Id.: Caxton Printers, 1953), pp. 498–99.

continued on page 28

Shooting Elephants

by Bruce Ramsey

War may keep the state healthy, but that doesn't mean we can dispense with it.

Who won America's wars? The libertarian answer is that the state won them because, as Randolph Bourne said in World War I, "War is the health of the state." War made the state big. That is a piece of the answer that libertarians like to stress, and they should. But Bourne's answer is part of a larger picture.

America would not have been without war. War secured its independence from Britain and extended its territory to the Mississippi. Thomas Jefferson took advantage of another war, which he kept the United States out of, to buy the Louisiana Purchase from France. War with Mexico brought Texas, California, and the Southwest. Under the slogan, "54-40 or fight," presidential candidate James K. Polk threatened war with Britain in order to press a claim to the Pacific Northwest. And much of the country was made available for settlement by warring with Indian tribes.

From the perspective of nations, which is where this discussion mostly starts and ends, America won all its important wars. It was America that wrote the post-World War II constitution for Japan, and not Japan that wrote one for America. America won bases in Germany, Italy, and Japan, and not vice versa. America won a veto in the U.N. Security Council, and became a superpower, and the losers of World War II did not. America dethroned gold as the world's money and replaced it with the dollar, which it alone can print. Of all the sovereign states, only America emerged from World War I *and* World War II stronger than when it went in.

Let's not pretend America didn't win its most important wars. In the simplest and most obvious sense, it won them, and in the war that it had with itself, the side favoring union won.

Now look through an individualist lens. The people who died in wars lost. Also people who had their homes destroyed, workplaces wrecked, family members killed. But set them aside, and focus on deaths. The "Infoplease Almanac" lists America's battle deaths, in all wars, at 651,008, and non-battle war deaths at 539,254. All those individuals lost. Then consider the foreign dead from U.S. bullets and bombs. Some 2,000 American soldiers have died in battle in Iraq, but a civilian British study estimated total war-related deaths at 100,000 on the Iraqi side. The study used an expansive definition of war-related deaths, so the total is arguable. The U.S. estimate is closer to 30,000. In any case, many more foreigners have died in our wars than Americans, and they were losers, too.

Now consider economics. War depreciates currencies. That helps borrowers, including the #1 borrower during war, the government. It hurts savers. Buyers of U.S. war bonds came out of World War I all right because they were repayable in gold dollars. After World War II they were not, and they came out behind. Holders of Confederate paper money and bonds came out with nothing.

By wrecking things, war raises the value of the

unwrecked. War also raises hugely the demand for munitions, fuel, transport, and many other things, stimulating business. World War I pulled millions of men off the farm in Europe, and farm output there fell. Appetites remained, and as a result, the price of wheat in the United States rose tremendously, reaching $2.58 per bushel in 1919, the year after the war ended. That was in *gold dollars*, the equivalent of almost $25 per bushel today, about six times the current price.

War causes more ore to be mined, oil drilled, trees cut down, factories raised up. There is waste in it, and also profit. War is the reason a road was built to Alaska, and it is a useful road still. War stimulates invention. War created the atom bomb — and nuclear power. War brought us the computer, whose first use was the calculation of artillery trajectories. War caused the Germans to build the first jet aircraft.

Let's not pretend America didn't win its most important wars.

War creates a shortage of labor. In 1917 in my hometown, Seattle, skilled shipyard workers won a 31% pay increase, to $5.50 a day, in gold dollars. By late 1918 they were demanding another 45% increase, to $8 a day. In World War II, when government put cash wages under control, companies invented the employee medical benefit. Labor shortage also helps unions, as does the government's need to manage labor costs and labor peace. During World War I, union membership in Seattle quadrupled. The two high points of union membership in America were World War I and World War II, including the decade that followed it.

The Civil War freed the slaves. Every slave liberated was a winner. Some historians have argued that slavery might have been ended without a war, meaning that liberation could have come with fewer losers. Perhaps so, but the slaves were winners still. World War II liberated the Jews and other prisoners that survived in the Nazi camps, and increased the political freedom in Norway, Denmark, the Netherlands, Belgium, France, Italy, and Greece. It also brought the Communists to power in Eastern Europe for 40 years.

The Civil War, World War I, World War II, the Korean War, and the Vietnam War all came with conscription. Every citizen conscripted is, in that sense, a loser. He cannot choose whether to work in a shipyard or in a pillbox. The state chooses for him, and its choice may cost him his life.

War is a subspecies of tribalism. It exalts the nation at the expense of the provincial. The Civil War was about states' rights — and the states lost. Before it, all paper money in America was issued by state-chartered banks; after it, all paper money was issued by the Treasury or by national banks. War unifies and demands loyalty. Consider the Pledge of Allegiance. It was written in 1892, and languished for 25 years. It became part of the national pantheon in World War I. Early in World War II, the Supreme Court ruled that students who refused to say the Pledge could be expelled from government schools. The 8–1 opinion came in June 1940, when German tanks were rolling across northern France. It was written by Justice Felix Frankfurter, a Jewish emigre from Vienna who was particularly horrified by Nazi advances. The Court reversed that decision three years later, when the war was going our way and the Court could think twice about the persecution it had unleashed. Finally, it was during the Cold War with the officially atheistic Union of Soviet Socialist Republics that Congress added the now-contentious "under God."

World War I included disloyalty hunts, and was followed by the Red Scare, when Emma Goldman and others were deported to Russia. World War II was followed by a hunt for Reds who had infiltrated the government during the alliance with Stalin.

There is an egalitarian aspect to war. War disrupts and undermines civilian hierarchies. World War I leveled the aristocracies of Europe and replaced them with mass democracies — and dictatorships. World War II ended the production of private cars and brought the century's last large increase in the use of public transit. George Orwell noted that in Britain, war austerity had killed frivolity and style-consciousness. He was a socialist, and appreciated that. The labor shortage in World War II brought American blacks into high-paying factory jobs, many of them for the first time, and set the stage for the decision in the late 1940s to end racial segregation in the military.

War has a relation to the welfare state. In any given year the two are usually opposed, because they compete for resources, with the military interest represented by Republicans and the welfare interest by Democrats. Yet the first seed of the welfare state in America was veterans' pensions. The opening wedge of federal aid to education was the G.I. Bill. The two ideas go together: we fight for the state, and the state takes care of us.

The more our national politics turn on conflicts and threats abroad, the less the room for liberty.

War promotes sacrifice. Most obvious is its celebration of bravery, which has been the subject of endless propagandistic movies. But consider a film not often so labeled: "Casablanca," made in 1942. In it, the hero meets his lost love and unexpectedly has a second chance for happiness. At the movie's end he throws his happiness away to fight the Germans. He not only gives up the woman he loves but saddles her with a man she considers second-best. He sacrifices himself *and her*. At the human level, his decision is preposterous, but it is what war demands, and what we celebrate.

Now arrive at the libertarian point. A war may promote a

libertarian end in the long run and it may not; but in the short run it negates liberty. War makes private citizens into state employees, puts them into uniform, and requires that they kill people they don't know, for purposes chosen by the political authorities. War is a government program; you might think of it as the ultimate government program. It is entirely parasitic on the private sector, and essentially destructive. It spawns loyalty oaths, censorship, suppression of dissent, propaganda, and lies. Also spying, arrests, internment, and summary punishment. Some wars are worse than others, but all expand state power, including its nonmilitary respects. War allowed Woodrow Wilson to put Eugene Debs in prison and Franklin Roosevelt to put Japanese Americans into camps. It allowed Wilson to seize the railroads and Harry Truman to seize the steel mills. War allowed George W. Bush to order Jose Padilla taken from a civilian jail and put into a military brig. War allowed Abraham Lincoln to suspend habeas corpus and put the editors of Copperhead newspapers in jail.

Some politician may say he's making you safer when he's not. But you're also running a risk when some antiwar leader says a war is useless.

Most of these things end with the war, and sometimes the people say, "never again." In that sense there may be some profit in war, just as there is sometimes a blessing in defeat. Free speech is more secure today than it was under Wilson. The internment of an entire ethnic group, accepted with hardly a peep when Roosevelt ordered it, would not happen today. The Supreme Court told Harry Truman he could not seize the steel mills on his own authority. In 2004 the Supreme Court handed George W. Bush a partial defeat in the Yasser Hamdi case, and in late 2005 the threat of an adverse ruling caused him to release Padilla to the civilian courts.

But precedents go the other way, too. Woodrow Wilson's Trading with the Enemy Act was used by Franklin Roosevelt in his confiscation of private gold. The *Quirin* decision of 1942, in which the Supreme Court accepted the military trial and swift execution of would-be German saboteurs, was cited by the George W. Bush administration as reason for the extrajudicial internment of Hamdi and Padilla. The *Wickard* decision of 1942 allowing federal control of farming set the precedent for the *Raich* ruling of 2005, which allowed federal control of medical marijuana. And so on.

World War I raised the top rate of income tax from 7% to 70%; World War II raised it to 94%. It is back down to 35%, which is a big improvement, but it took a long time to get it there. And it has not gone back to 7%.

A century ago the federal government took 3% of the nation's economic output. Now it takes 20%. Defense and war amount to only about 4% of GDP, but for a long time it was more than that. War took the territory, and social welfare colonized it.

Consider war from another angle. In 1990, when I was working in Hong Kong, Iraq invaded Kuwait. The Americans in the office asked each other, "What should we do about this?" — meaning, of course, what should our government do. The Australians and Canadians wondered what our government was going to do, knowing that their governments would be asked to follow along. The Malaysians also asked what "we" were going to do, but not from any idea that their country would be a part of it. Their view of American motives was cynical, arguing that American moralistic pronouncements were fronts for economic interests. Then there were the Hong Kong Chinese. They were not interested enough in the moralistic pronouncements to be cynical about them. They were interested in how currencies would move, and how the war would affect their investments.

One day I looked out from my high-rise home, and warships were going by below my living room, the sailors lined up in white uniforms. They were American. I felt pride that my country could make this show of power. I also felt annoyance that it was *expected*, and that I was paying for it and my Canadian, Australian, and (British) Hong Kong colleagues were not.

I thought of an old essay by Orwell called "Shooting an Elephant." It was about an experience he had had as an imperial policeman in Burma. An elephant had been chained up because it was in heat, and had broken the chains and gone rampaging through the bazaar, knocking down bamboo stalls and upsetting a garbage truck. Orwell was sent after it, and soon discovered that it had trampled a man who had not been nimble enough to step aside. Orwell reached the elephant, which had calmed down. He did not think it necessary to kill it. But he had an elephant gun, and was surrounded by a crowd that expected him to use it. As an individual, he might decide not to shoot it. But he was acting as a representative of the British crown; he had a duty to act in the crown's interest, which meant acting like the Burmese expected an imperial policeman to act. It was his *job* to kill the elephant, and he killed it.

War has put America into the position of killing elephants. Not all of the elephants are harmless, and not all elephant kills are without self-interest. Still, the force of expectation is similar. A bad thing is done — Iraq invades Kuwait, Serbia unleashes "ethnic cleansing" on Albanian Kosovars, Rwandan Hutus start chopping Tutsis with machetes — and an expectation arises that the United States of America will act. In Kuwait and Kosovo it did; in Rwanda it did not, and we now have a movie, "Hotel Rwanda," to make us feel guilty about it. It is a fine movie. The viewer cannot fail to feel sympathy for the victims, to want them to survive, and to admire the heroic Rwandan hotel manager. And yet the company that owns the hotel, which has the clearest duty to get its people out, is Belgian. The former imperial connection, which may imply a duty and may not,

continued on page 35

Winning the Moral War

by Aeon Skoble

There's no such thing as a just war — but there may be just warriors.

I'm often asked by inquisitive colleagues who are familiar with my views, "So, what's the libertarian position on ____?" Since a question like that places me in the role of ambassador, I try to answer carefully.

In some matters, there is a "right answer," or at least a standard answer. What's the libertarian position on protective import tariffs? We don't like them. But in other cases, I cannot fulfill my ambassadorial role as easily. What's the libertarian position on abortion? Well, it's that definite article that causes the problem — there isn't one "official" libertarian position on abortion. Reasonable people with libertarian convictions can and do disagree over that issue. When my inquisitive colleagues ask that sort of question, I tell them that, and then if they're still interested, I talk about what my position is, and I note that others disagree. After the September 11 attacks and the ensuing military actions in Afghanistan and Iraq, my inquisitive colleagues came with "So, what's the libertarian position on the war?" In this case, there are two instances of the definite article, and therein lies our tale.

First of all, it should be obvious that, as with abortion, not all libertarians agree on war issues, and "hawkish libertarian" isn't oxymoronic in the way that "pro-censorship libertarian" or "protectionist libertarian" likely are. One reason for this is the second "the": some wars may be legitimate and others not. In what follows, I will outline some of the reasons why both definite articles are problematic, and why my colleagues sometimes end up talking to me for 30 minutes rather than the three they were hoping for.

Are all wars unjust? Actually, the very language of "just and unjust wars" is confusing.* Strictly speaking, a war itself cannot be either just or unjust; it is the actions of the participants that are the proper objects of those judgments. Consider first a microcosm: Smith starts punching Jones (say they had a disagreement about music), and Jones, defending himself, starts punching back. Is the fight just or unjust? The question makes no sense. The fight as a whole cannot be just or unjust. However, we can say that Smith's attack was unjust: it was wrong of Smith to attack Jones. Conversely, we can say of Jones that what he did (defending himself) was just. This reflects the moral distinction between the use of force to commit aggression and the use of force to repel or defend against aggression. While we might say that Smith had no right to strike Jones, Smith's aggression creates a right for Jones to strike Smith.

Similarly, say that the army of Bellicosia invades the country of Freedonia (the latter has desirable raw materials), and the Freedonian army mobilizes to repel the Bellicosians. Is this war just or unjust? Again, the question makes no

*But Michael Walzer's book of that title is not confusing, and worthwhile for anyone interested in these issues: "Just and Unjust Wars" (Basic Books, 1977).

sense. What does make sense is to say that it was unjust for the Bellicosians to invade, but just for the Freedonians to resist. The (aggressive) use of military force by Bellicosia was not legitimate, but the (defensive) use of military force by Freedonia was. So when talking about "just and unjust wars," we must keep in mind that we are talking about the justice or injustice of *one side or the other*. So, was World War II justified? Well, it wasn't just for the Germans to attempt to conquer Britain, but it was just for the British to fight back.

One might argue that the same is true with "winning": one side wins and another loses. But in some cases, of course, both sides could lose. Vietnam is often cited as an example of an American "loss," but of course the victory of communism there was a loss for the Vietnamese people. Korea also had no clear victor: the North was unsuccessful at assimilating the South, but neither was it dislodged, and it remains a dictatorship today. In some cases, to be sure, there are clear winners and losers: the Americans were the clear winners of the Revolutionary War, just as the Nazis were the clear losers of the Second World War. But we need to distinguish the people from their governments: while the Nazis lost World War II, the German people ultimately prospered as a result. So "winners" and "losers" are not always as clearly defined as we might like. The Confederate Army was the "loser" in the American Civil War, but many see the resulting expansion of federal power as a net loss for all Americans.

The idea that a free society has no business interfering in other societies' internal politics is, paradoxically, a holdover from the old monarchist mindset.

What then can we say about the justice of American involvement in World War II, or any other war, for that matter? There are a number of factors that need to be considered. One key consideration, especially for libertarians, is whether the purpose of the involvement is consistent with the ideal of liberty. If a war is about imperial expansion, a libertarian ought to oppose it, but if it's about protecting against legitimate threats to liberty, a libertarian might well support it. Another consideration is the issue of voluntary versus coerced support. I do think libertarianism entails the wrongness of conscription. The war must be fought by people who have agreed to be warriors. (A corollary issue is the funding of the war — more on that anon.) Thirdly, there are practical considerations: even if it would be morally justifiable to do something, there are sometimes countervailing pragmatic considerations. For example, I would argue that the Tibetans would be morally right to rebel against China, but this may be practically impossible. Another sort of pragmatic consideration is the phenomenon that Robert Higgs has identified: the tendency of governments to expand the scope of their powers in a wartime crisis and then never relinquish it, even when the crisis has abated.*

I think a clear case of the use of force by Americans which is morally justified and consistent with a libertarian view is the War of Independence. The Declaration of Independence has it exactly right when it states that the purpose of government is to secure rights that the people have by nature, and "that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it . . ." The colonists' rights were being routinely violated, and the British were responding to unrest and dissension with force. The colonists' taking up arms to secure independence was legitimate. By contrast, from a libertarian point of view, it's hard to see how America's actions in the Spanish-American war could be reconciled with a libertarian framework: American claims to rightful ownership of Cuba and the Philippines don't stand up to careful scrutiny.

In other cases, we see multiple rationales, some of which are legitimate and others of which are not. In the War of 1812, for instance, the British were actively aggressing (e.g., on the high seas), and the American military response seems plainly defensive, and hence justified, although some of the other reasons for the war had to do with conquest of British territory in Canada. These cases are a bit of a philosophical conundrum: if I have two reasons for my action, and one is a good reason and the other a bad one, am I justified? Say, for instance, that Smith is attacking Jones again. Jones fights back, partly because he is defending himself against Smith, and partly because he disapproves of Smith's religion. While punching Smith simply out of religious hatred would be unjustified, it's nevertheless the case that Smith is the aggressor and Jones' self-defense is legitimate.

While self-defense versus conquest is relatively straightforward, aid to third parties and interventionist wars present greater conceptual difficulties. To return to my earlier fictional example, given that it's just for the Freedonians to use force to repel the Bellicosians, imagine that Freedonia is far outmatched by Bellicosia. Since it's right for Freedonia to resist, it would be right also for a third party to come to Freedonia's assistance. Many libertarians argue that this may not be wise, either because such intervention would make an enemy of Bellicosia, or because it might ratchet up the scope of government power. In many cases, the intervening nation risks getting drawn into an entanglement that it really cannot control, the results of which may turn out to be much more complex than anticipated.

Saving one people from genocidal slaughter at the hands of another is not contradictory to libertarian principles.

*Robert Higgs, "Crisis and Leviathan" (Oxford University Press, 1987), another book that is a must for those concerned with these issues.

In other cases, intervention carries fewer risks and greater rewards. The United States did not intervene in Rwanda, but if it had, it's hard to see how it would have been unjustified: saving one people from genocidal slaughter at the hands of another is not contradictory to libertarian principles. Oppressed populations have the right to use force to resist the oppression (as we did in the Revolution) but may lack the power to do so and hence need assistance (as we did in the Revolution).

What, then, about the current war in Iraq? I think a case can be made that overthrowing a tyrant to liberate an oppressed people is legitimate, but in any event, the time has long since passed to conclude American involvement in Iraq. I had high hopes during the invasion that the Iraqis would embrace freedom and institute a pluralistic, democratic republic, but either they have been slow on the uptake, or the American presence during the transition has been poorly handled, or both. Ultimately, only Iraq can make a free Iraq, and regardless of what was the case in 2003, I think the best we can do now is exit. That is partly because the administration is not (on my view) making the most of the opportunity here, and partly because the Iraqis seem more interested in power struggles than constitutionalism. It's not because I think Saddam should not have been removed from power, or because I think that military force is always wrong. Neither of those ideas is true, and neither follows from libertarianism.

Here are some potential libertarian objections to the positions I've been explicating, and some reflections on (and possible responses to) them.

1. *Despite what you might say about any particular case, America should, as a general rule, strive for a less interventionist military policy. What we have now is a global-policeman mindset, which besides costing a fortune, gets us hopelessly entangled in ancient hatreds and makes many enemies. Wouldn't it be better if, for the most part, we kept to ourselves?*

Short answer: yes, where possible. But a lot hangs on that qualifier. What does "keeping to ourselves" mean? Does it mean forbidding U.S. companies from conducting business abroad? That's not consistent with libertarianism. Even without an adventurous foreign military presence, in today's global economy "keeping to oneself" is not a realistic option. The unfortunate reality is that we also make enemies by practicing capitalism.

2. *When there are problems requiring the use of force, we ought to go back to letters of marque and reprisal, in essence privatizing the use of force.*

I agree entirely! But sadly, this is currently illegal. Until we actually have a privatized military, "we should privatize it" cannot be an objection to using the one we have. That's like objecting to the New York City subway on the ground that it is a government program. Ideally, it ought to be privatized, but until it is, the people of New York need to get around. To paraphrase Dick Cheney, you go to work with the subway system you have, not with the one you wish you had. The "Lincoln Brigades" who, on their own dime, went off to Spain to fight against the fascists, would today be considered criminals. The suggestion that modern-day "privateers" ought to be the ones chasing after al Qaeda is good but moot.

3. *A free society has no business interfering in other societies' internal politics.*

This is ironically, or paradoxically, a holdover from the old monarchist mindset. The old order, on which traditional just war theory is based, and in which sovereignty is the paramount value in international relations, depends on a moral equivalence between states that is derived from a statist view, not an individualist one. On a non-statist, individualist view, *individuals* have rights, not states. States may have powers, but their just powers derive from the consent of the governed. The putative right of any state to sovereignty is thus a function of its protection of the rights of the people in its domain. So a free society may very well have some business "interfering" in tyrannical or genocidal states — namely, the business of protecting life and liberty. The very language — that this is "interference" in a state's own affairs — implies that the state has some right of action which is presumptively respected; again, this can only be justified by statist thinking, not by libertarian thinking. That doesn't mean that anyone necessarily has an obligation to interfere, only that people are permitted to do so, or that they do no wrong by doing so.

Since the state exists, and has a standing army, the only live issue right now is what guidelines should constrain the use of military force.

4. *Even if the troops are volunteers rather than conscripts, the funding for their operations is coercively obtained through taxation. Isn't that a violation of libertarian principles?*

This argument proves too much. It's true that the funding for any service provided by government was coercively obtained, and that's antilibertarian in general. But what's immoral is the government's coercively taking money; some of the activities the money gets spent on may be legitimate in and of themselves. Here's a good example: municipal fire departments. Firefighters aren't acting immorally when they jump in the truck, save lives, and extinguish fires. That's a *good* thing to do. The libertarian objection isn't to firefighting per se, it's to the government's imposed provision of the service. The argument that, as a matter of policy, the government ought to privatize a service is conceptually separable from an evaluation of the intrinsic morality of that service. If it is intrinsically legitimate to engage in firefighting, then the municipal firefighters are morally correct when doing their job, even if it's also true that the municipality ought not to monopolize that business.

To put this in another way, *everything* the state does entails some coercion by means of taxation. That is an argument in favor of anarcho-capitalism, but not an objection to the moral legitimacy of any particular thing the state does. Using the military to conquer the Philippines was unjust because it was aggressive, so it would fail to meet libertarian

standards regardless of whether it was the state's military or a private force doing the conquering.

5. *You still haven't offered a satisfactory reply to a Higgsian objection, that there's something especially pernicious about the state's use of the military to ratchet up the scope of its power by exploiting war crises.*

That's because I agree with it. For this reason, I believe that libertarians need to have a well-thought-out approach to military affairs that is neither dogmatic nor unprincipled. Since the state exists, and has a standing army, the only live issue right now is what guidelines should constrain the use of military force. Libertarians need to be at the forefront of such debates, making sure that, to as great an extent as possible, the military is used defensively and prudently, as consistently as possible with the ideal of individual liberty.

We must be vigilant about the exploitation by the state of war crises to erode liberty at home, and we must try to ensure that the military is not used for adventurism. But we cannot do that effectively by claiming to be above such minutiae. I once knew an anarcho-capitalist who answered every question that began "Do you think Congress should . . . " with "No" — because he thought that Congress shouldn't do *anything*. He denied the legitimacy of its power, but in a way that robbed him of a critical voice. His answer to "Do you think Congress should repeal the Patriot Act?" becomes indistinguishable from his answer to "Should Congress extend the Patriot Act?" There is a Congress, so we ought to be able to argue for guidelines constraining its power.

So also with the military. It is there, and it can be used for legitimate ends or abused and exploited. The best role for libertarians is to keep arguing for the priority of individual liberty, as a guideline for limits on state power at home and abroad. This would have the effect of keeping liberty in the forefront of popular thinking, reducing the appeal of other, less savory rationales for fighting. Also, elevating protection of individual liberty to the forefront of just war theory would help reinforce it as the paramount value in politics generally. Neither absolute pacifism nor neocon *realpolitik* is consistent with that vision. ❑

America Won, Americans Lost, *from page 21*

4. Anthony de Jasay, "Is National Rational?," The Independent Review 3 (Summer 1998): 77–89; and Laurie Calhoun, "Just War? Moral Soldiers?," The Independent Review 4 (Winter 2000): 325–45.

5. "American Foreign Policy in the Light of National Interest at the Mid-Century," in "Perpetual War for Perpetual Peace," p. 581.

6. Renan as quoted by Ethan Bronner in New York Times book review excerpted at "Roundup: Talking About History," at http://hnn.us/roundup/comments/3698.html.

7. Bierce quotation at http://en.wikiquote.org/wiki/Ambrose_Bierce.

8. LeMay as quoted in Sven Lindqvist, "A History of Bombing," (New Press, 2000), p. 109.

9. Fellers as quoted in Hiroaki Sato, "Great Tokyo Air Raid Was a War Crime," Japan Times, Sept. 30, 2002.

10. Stanley L. Falk, "Strategic Air Offensives," in "The Oxford Companion to World War II," ed. I.C.B. Dear and M.R.D. Foot (Oxford University Press, 1995), p. 1078.

11. Chamberlin, "Bankruptcy of a Policy," p. 519. Strange to say, Chamberlin later became a fanatical Cold Warrior. See Justin Raimondo, "An Enemy of the State: The Life of Murray N. Rothbard" (Prometheus Books, 2000), pp. 75–76.

12. Casualty data from U.S. Bureau of the Census, "Historical Statistics of the United States, Colonial Times to 1970" (U.S. Government Printing Office, 1975), p. 1140.

13. Unless otherwise noted, the factual information about World War I given in this paragraph and the remainder of the section is drawn from Robert Higgs, "Crisis and Leviathan: Critical Episodes in the Growth of American Government" (Oxford University Press, 1987), pp. 123–58, and the sources given there; and from Robert Higgs, "Government and the Economy: The World Wars," Independent Institute Working Paper Number 59, April 20, 2005, and the sources given there (available at http://www.independent.org/pdf/workingpapers/59government.pdf).

14. *Joseph F. Arver* v. *United States of America*, 245 U.S. 366 (1918), at 390.

15. *Northern Pacific Railway Company et al.* v. *State of North Dakota on the Relation of Langer, Attorney General*, 250 U.S. 135 (1919), at 149.

16. Grosvenor B. Clarkson, "Industrial America in the World War: The Strategy Behind the Line, 1917–1918" (Houghton Mifflin, 1923), p. 312.

17. Casualty data from U.S. Bureau of the Census, "Historical Statistics," p. 1140.

18. Michael C.C. Adams, "The Best War Ever: America and World War II" (Johns Hopkins University Press, 1994), p. 95.

19. George H. Roeder, Jr., "The Censored War: American Visual Experience During World War Two" (Yale University Press, 1993), p. 16.

20. Bruce Shapiro, "Lugging the Guts into the Next Room," Salon, July 30, 1998, at http://www.salon.com/media/1998/07/30media.html.

21. Adams, "The Best War Ever," p. 105.

22. Unless otherwise noted, the factual information about World War II given in this paragraph and the remainder of the section is drawn from Higgs, "Crisis and Leviathan," pp. 196–236, and the sources given there; and from Higgs, "Government and the Economy: The World Wars," and the sources given there.

23. *United States of America* v. *Bethlehem Steel Corporation*, 315 U.S. 289 (1942), at 305.

24. Calvin B. Hoover, "The Economy, Liberty, and the State" (Twentieth Century Fund, 1959), p. 212.

25. Herbert Stein, "Presidential Economics: The Making of Economic Policy from Roosevelt to Reagan and Beyond" (Simon and Schuster, 1984), p. 84.

26. Marshall as quoted in William L. Neumann, "Postscript: Some Notes for Future Historians on the Truman Foreign Policies," in "Perpetual War for Perpetual Peace," ed. Barnes, p. 549. (Marshall was speaking specifically in support of the European Recovery Program, which became known as the Marshall Plan.)

27. Walter Karp, "The Politics of War: The Story of Two Wars Which Altered Forever the Political Life of the American Republic (1890–1920)" (Harper & Row, 1979).

28. Jim Powell, "Wilson's War: How Woodrow Wilson's Great Blunder Led to Hitler, Lenin, Stalin, and World War II" (Crown Forum, 2005); Thomas Fleming, "The Illusion of Victory: America in World War I" (Basic Books, 2003).

29. Raul Hilberg, "The Destruction of the European Jews," as cited in Bruce M. Russett, "No Clear and Present Danger: A Skeptical View of the U.S. Entry into World War II" (Harper Torchbooks, 1972), p. 42.

30. Chamberlin, "Bankruptcy of a Policy," p. 516.

31. George Morgenstern, "The Actual Road to Pearl Harbor," in "Perpetual War for Perpetual Peace," ed. Barnes, p. 346.

32. Robert B. Stinnett, "Day of Deceit: The Truth about FDR and Pearl Harbor" (Free Press, 2000).

33. William Graham Sumner, "Essays of William Graham Sumner," ed. Albert G. Keller and Maurice R. Davie (Yale University Press, 1934), II, p. 473.

Wins, Losses, and Libertarian Ideas

by Stephen Cox

Separating the winners from the losers is harder than one might think.

Libertarian ideas are based in part on moral principles, in part on economic or "praxeological" principles — ideas about the nature of human choice and action ("praxis"). I've been wondering how America's wars would appear when viewed from the standpoint of the "praxeological" principles taught by Ludwig von Mises ("Human Action"), Friedrich Hayek ("The Road to Serfdom"), Murray Rothbard ("Man, Economy, and State"), and other authors in the libertarian tradition.

Five ideas seem especially relevant to the subject.

1. *"Wins" and "losses" aren't just material; they're psychological as well.*

That's one of the things that Isabel Paterson had in mind when she said that wars would cease when people stopped thinking they were fun. She didn't mean that everybody enjoys war — far from it. She knew that war was not a pleasure for the multitude of young soldiers who bled to death in the hellish heat of the cornfield at Antietam. But the majority of people who took part in the Civil War, America's bloodiest conflict, did not die that way. They lost a certain amount of their time, energy, and freedom, but many of them were richly recompensed by the challenge and adventure that war often brings, and by the sense of significance that even people on the losing side often derive from a brave and determined fight. Many Southerners who "lost" the war in a material sense "won" it in terms of psychic benefits — or the quasi-material benefits of social esteem and political power that come to men respected for their military prowess.

Of course, psychic gains can be as ephemeral as material ones. The veterans of the Great Patriotic War who, 50 years later, found themselves vending military mementos on the streets of Moscow no longer looked — or, presumably, felt — like the victors of World War II. Yet I well remember the groups of Great Patriotic War veterans I saw touring Prague in 1985: little old men with horrible teeth and miserable clothes, men who seemed, nevertheless, to be on top of the world, luxuriating in their awful communist hotel, gleefully rubbing their hands over their awful communist meals, and proudly displaying the medals that had earned them this largesse and grandeur. At that point, at least, these particular Russians were profiting mightily from their war.

A similar, though less dramatic, thing has happened to some American veterans, men who suffered unenthusiastically through World War II but have now become convinced, by flattering propaganda in the media, that their service makes them glorious constituents of The Greatest Generation. The human mind is a wonderful mechanism for turning misery into magnificence.

Who "won" the War of 1812? Most Americans think that "we" did, despite plentiful evidence on the other side: Washington put to the torch by a British raiding party; Michigan surrendered without a fight by a general later convicted of cowardice; the ignominious failure of American attempts to capture Canada. Yet the fact that America survived the war, and the fact that General Jackson managed to

beat the British at New Orleans (though only after peace had been concluded), and Americans' sheer ignorance of many other facts, have for the past two centuries created the impression that a glorious victory was somehow attained.

The impression of having won or lost can have large effects, not just on people's sense of their history, but also on subsequent historical events. The biggest losers of the War of 1812 were probably the Indians of the northwestern frontier, potent enemies of the United States who were backed and then abandoned by the British. Their loss of morale was overwhelming. Immediately after the war, white settlers poured into the states and territories of the Old Northwest, confident that the Indian threat was vanishing. Indeed it was; and soon after, so were the Indians. The land of Pontiac and Tecumseh suddenly became the heartland of the United States and the model of its culture. In this sense, every Average American is a winner of the War of 1812.

The human mind is a wonderful mechanism for turning misery into magnificence.

Morale matters. The greatest American casualty of the War of 1812 was the Federalist Party, the party of New England, which covered itself with shame by its association with the Hartford Convention, a gathering of antiwar politicians that implicitly threatened New England's secession from the union. The convention had no practical result, but the moral impact was enormous. The Federalists never recovered.

It would take a celestial mathematician to calculate the psychological effects of the Civil War: the pride of abolitionists in having ended slavery, the pride of many former slaves in the accomplishment of their freedom, the sickening disappointment of many others on the discovery that legal liberation offered no escape from grotesquely demeaning social discrimination. Who "won" the Civil War? There are as many answers as individuals, and individual psyches.

That's one way of putting it, anyway. At least this way of thinking makes a necessary qualification to the principle that Benjamin Franklin enunciated in a letter of 1773, where he told Josiah Quincy that "there never was a good war or a bad peace." That idea didn't keep Franklin from helping to start the Revolutionary War. Earlier in his career, it hadn't kept him from leading the effort to mobilize Pennsylvania for war against the French and Indians, in opposition to the many pacifists in Pennsylvania who took the idea literally and devoutly.

One reason why it's hard to make such general principles stick is the complex relationship between psychic and material harms and benefits — as Franklin's big war, the War of the Revolution, clearly shows.

The 13 American colonies could easily have remained part of the British imperial system, as did Canada, Florida, and the British possessions in the West Indies. Americans were hardly constrained to separate from the empire because of any great material damage it had done to them. Who can deny that the Revolution was motivated in large part by pride — by Americans' increasing pride in their own importance and by their increasingly frustrated pride in the British rights and privileges that they felt the home country appeared to be denying them? Their angry separation from the parent country entailed great material losses, not only among British loyalists, many of whom lost their possessions and were forced to flee the country, but also among leaders of the Patriot party.

It was no joke, in those days, to pledge your life, your fortune, and your sacred honor to either the revolutionary or the counter-revolutionary cause. Yet without this suffering, America would never have been born as the first nation whose fundamental documents squarely affirmed a libertarian idea of rights. Everyone who now invokes that idea is a winner of the American Revolution. From this intellectual benefit, material benefits have flowed in an unending stream.

Was it "worth it"? Were such benefits worth the expenditure of the 4,000 American lives that were lost in combat in the Revolutionary War, not counting all the other lives that were lost as a direct result of that war?

Before you answer, "Yes, of course; that's nothing compared with the 400,000 Americans who perished in World War II, or the 550,000 in the Civil War," consider another basic principle of "praxeological" analysis:

2. *Human values cannot be quantified.*

That's my way of putting the idea that when someone says that X is more valuable than Y, and that he therefore prefers X to Y, we have no way of *calculating* how *greatly* X is superior to Y, even from that person's point of view. We know only that when he needs to choose, he chooses X over Y. Even if he can state his reasons, and they're the real reasons, there is still no formula for *calculating* either his choices or his values. Reasons are real and important, but they are no more quantifiable than choices.

We can't calculate the threat of terrorism; we can't calculate the value of even one human life. We can only do the best job we can to define the results that ought to be preferred on moral or practical grounds.

If you think the Constitution was worth the expenditure of 4,000 American lives, would it have been worth the expenditure of 10,000? 20,000? 100,000? Would Congress' decision to go to war have been four times likelier to be right if the figure had been only 1,000? How shall one answer such questions — especially if one looks at each set of figures and adds, "including my own life"?

Piling up statistics about wars is useful in showing the scale of choice and preference, and in that sense it can be very

persuasive. Few people would object on practical grounds to any military adventure if they could be assured that only ten lives would be lost in it, and none of those lives would be their own. Few people would *fail* to object if they were assured that the cost would be hundreds of millions of lives.

But the values themselves cannot be calculated, and it's easy to think of statistics that do not persuade. If you knew you could prevent all future terrorist attacks on the United States by a military campaign that might kill up to 50,000 American soldiers — about the number lost in Vietnam — would you do it? Pacifists and hardened militarists know how to handle that question, because for them it's not really a question. They already know the answer. The rest of us will thank God that we can't conduct such a cruel calculus. We can't *calculate* the threat of terrorism; we can't *calculate* the value of even one human life. We can only do the best job we can of defining the results that ought to be preferred on moral or practical grounds and guessing what is likely to happen when one instrument or another is used to attain them.

It's a complicated job, because lives can be lost by not going to war as well as by going to war, and decisions must be based on both material and psychic, both practical and moral considerations. It becomes still more complicated when one considers yet another basic principle:

3. *Actions invariably have multiple effects.*

The fact that I have chosen to type this sentence means that I am not typing any other sentences. The fact that the Treasury disburses $5 billion to construct a Nimitz Class aircraft carrier means that it is not disbursing $5 billion dollars for some other purpose, which might conceivably contribute more to the national security, or returning $5 billion to the taxpayer, which might conceivably contribute still more.

Let's look at another of America's wars, the war with Spain. America's conquest of Cuba, Puerto Rico, and the Philippines resulted in an increase of material prosperity for many Cubans, for virtually all Puerto Ricans, and even for many Filipinos who fought against the American occupation of their country. Except in Cuba, American conquests in this war still return enormous dividends on the material side of the ledger, with some heavy offsets on the psychological and social side, especially as a result of the heavy dependence of Puerto Rico on American welfare programs.

But what were the effects of American victory on America itself? So far as I can tell, the material benefits were minuscule. The war was not especially costly; even the effort to put down the ensuing insurrection of part of the Filipino population was not a major event. The returns consisted mainly of an extension of American power into the danger zone of the Pacific, where it would, a generation later, engage the competing power of Japan, with hideous results.

So, who won the Spanish-American War? The American imperialist party, in the short run — and also, perhaps, the long run, if we think of the United States as an empire growing out of its engagement in the war with Japan and Germany. But to the list of winners we must add everyone in Puerto Rico, Cuba, and the Philippines who profited or continues to profit from America's involvement in his own country.

Who lost the Spanish-American War? In the short run, the old regime in Spain, which was hastened toward its end by its miserable defeat by a New World power; in the long run, the non-interventionist party in America, the fiscally conservative party in America, and, perhaps, the millions of Americans, Japanese, and Filipinos killed in World War II — assuming that America would not have become involved in that war, had it not become so heavily involved in Asia in 1898.

On the same assumption, our list of victors in the Spanish-American War and World War II should include the modern Japanese. To develop this point, I need to mention a fourth idea:

4. *Moral analysis must be distinguished from practical analysis.*

Suppose I write an article about a foreign nation that possesses a markedly illiberal character. Its monarch is worshiped as a god; its political parties function as masks of oligarchic interests; it has many of the attributes of a military dictatorship; its social system is remarkably anti-individualistic. But, I argue, I know the way to reform this nation. First you provoke it into attacking you by choking off its oil supplies. Then you firebomb its cities and, for good measure, annihilate two of them with atomic weapons. You occupy the country and execute as many of its leaders as you feel like executing, preserving its monarch as the figurehead of a new political and social system, dictated by yourself. Finally, you ally yourself with the country in such a way as to guarantee its continued military impotence and subservience to you.

Libertarians, like other good people, assume that bad decisions necessarily produce totally bad results — and that is an assumption that needs looking into.

"I can't believe you granted Attila the Hun a *visa!*"

How would my readers react to such a proposal?

Most would denounce it on moral grounds, and virtually all would tell me contemptuously that my scheme couldn't possibly work. I would be told that war never accomplishes good ends, that violence merely begets more violence, that you can never do good by doing evil; that you can never teach liberal values by imposing your will on others. I would be given many additional pieces of advice as well — most of them angry, and most of them correct. I would be read out of the libertarian movement. I would become a target of public scorn, a topic of discussion on CNN. But that's what actually happened in America's struggle with Japan.

I certainly do not recommend that we try this approach again. I'm bringing this episode up because libertarians, like other good people, ordinarily assume that bad decisions necessarily produce totally bad results — and that is an assumption that needs looking into.

You can't make moral choices on the assumption that bad decisions are likely to lead to good results. But we can all think of cases in which moral courage has led to destruction, and moral confusion has accomplished stupendously favorable ends. You may believe, as Abraham Lincoln did, that the Mexican War was morally wrong, but it doesn't follow that you think, or should think, that the territory ceded from Mexico as a result of that war should be given back to it. I don't. I live in California; I am one of the victors of the Mexican War.

How easy it is, if one believes that America has a moral responsibility to bring freedom to the rest of the globe, to be serenely confident that our interventions will always be met with practical success.

What I'm saying is that morality and practicality are not the same thing. They're related, surely; but there are many good moral reasons not to lie, cheat, or steal, no matter how good the anticipated results might be. And it's clear that moral failure doesn't always add up to practical failure. One reason lies in a fifth principle of human action, much discussed by libertarian theorists:

5. *Human choices commonly have unforeseen and unintended consequences.*

In no field of human action is this more obviously true than that of war. Every competent military strategist bears this in mind. Every pacifist does too, and for good reason; it's one of the best arguments for belief in nonviolence. Who can tell whether a "strictly limited" act of violence will not result in an ocean of blood, an overwhelming defeat, a deadly blow to one's way of life?

Unfortunately, however, many people have come to regard this important principle as if it meant, "*Political* choices commonly have unforeseen, unintended, and *unfortunate* consequences." These people expect the unintended effects of war to be uniformly *unfortunate,* which means that they must be uniformly foreseeable in some way.

Their view is wrong, but there is plenty of evidence to support it. War is so terrible a thing that one can never complete the list of its terrible effects. Any description of the hospitals of the Civil War or the battles in the Pacific theater of World War II can tempt one to endorse almost any expedient short of war, if only out of pity for the hideous things that war can do to human bodies. Any investigation of war's political entailments can tempt one to vote for the peace candidate, whoever it is.

Yet both the bad and the good effects of war are unforeseeable.

One of war's worst characteristics is its association with a large, intrusive, and literally murderous government. The conduct of war ordinarily demands centralized authority, and successful wars appear to vindicate the centralized authorities that managed them, legitimizing their powers and providing reasons for their continued existence. Wars, successful or unsuccessful, also generate debts, necessitate repairs, and solicit all kinds of after-the-fact payments for the people who fought them. In other words, they generate taxation, inflation, pensions, educational supplements, public welfare schemes, and hundreds of other functions of big government. The work of Robert Higgs, the great analyst of this cycle of war and waste, shows how it all happens. It's predictable.

But predictions of this kind are not infallible. During the 18th century, the British colonies in North America assisted the empire in winning a series of wars on their soil and near it, but no appreciable increase of either the military or the civilian establishment resulted. The colonies' refusal to support a serious military establishment was a principal reason for Britain's disgust with them. The War of the Revolution produced many of the worst features of big government: conscription, indebtedness, confiscation, monstrous inflation, and as much centralization of authority as could be achieved under the existing political system; yet the American armed forces melted away immediately after the war, and the bank that was created to manage the war debts was eventually liquidated also. Big government was hardly the obvious winner of the revolution.

Nor was it the winner of America's next declared war, the War of 1812. During that conflict, the capital of the United States was destroyed and much of its territory occupied by the enemy. One might have predicted that such events would produce demands for a large standing army, to prevent the same thing from happening again. If such demands were made, they fell on deaf ears. Again the army melted away. While the early republic remained warlike, its habits were much more adventurist than defensive. Its military involvements were many and diverse, but they entailed no large military establishment.

Besides declaring war on Britain in 1812, America fought France in the West Indies (1798–1800), raised an army in North Africa and enforced its will on the small states there (1801–1805), sent armies into parts of west Florida and seized them from Spain (1810, 1813), fought a second war in North Africa (1815), invaded east Florida and rendered Spanish

possession of it untenable (1816–1818), and took possession of Oregon (1818). From the 1820s to the 1850s American forces raided or occupied parts of Africa, Cuba, Puerto Rico, the Aegean, Sumatra, Fiji, Samoa, Nicaragua, Panama, Argentina, Peru, Uruguay, and China, attacking slave traders or protecting American interests in some way. America made such a threatening exhibition of its power against the empire of Japan (1853–1854) that the empire abandoned its policy of isolation and began trading with the rest of the world — an action that military historian Craig L. Symonds appropriately calls "the most successful example of American expeditionary warfare in the 19th century" ("Milestones Along the Path to World Power," Naval History [December 2005]. For the full, and very long, list of American engagements in the 19th century, see Ellen C. Collier, "Instances of Use of United States Forces Abroad," http://www.history.navy.mil/wars/foabroad.htm.) Yet this ample display of interventionism failed to produce any heavier engagement of the military in the counsels of the republic, or any significant expansion of government.

I live in California; I am one of the victors of the Mexican War.

Neither did the Indian wars in which Americans engaged for over 200 years, or the great war with Mexico (1846–1848). Many libertarians would have predicted that the latter conflict, successfully prosecuted on several fronts by a central government that emerged victorious over virtually incredible challenges of distance, supply, and strategy, would produce continual wars of intervention and conquest in Mexico, the Caribbean, the Pacific, and other areas of the world where Americans found desirable territory. It didn't. When, a few years after the war, Mexico sold southern Arizona and New Mexico to the United States, Congress spurned the offer of yet more land. At the conclusion of the Civil War, serious proposals were made for the United States to turn its massive army toward Mexico. That didn't happen, either. By 1870, there were only 50,000 men in the armed forces of the United States, one eighth of 1% of the population.

Of course, this identifies only part of the situation. The Civil War may have left the United States with a small army and a relatively small government, but it left it with a government that was potentially much more intrusive, on the home front, than it had been before the war. President Lincoln had authorized conscription on a massive scale, suspended habeas corpus, debased the currency, prevented the sitting of state legislatures, terrorized the Supreme Court, and provided virtually every bad precedent for big government he could come up with. His reason and excuse was war.

But certain kinds of eggs tend to come from certain kinds of chickens. The Republican Party, the biggest political winner in the Civil War, was the big-government party before the war started, and it naturally continued in that way. Like the Whig Party, its honored ancestor, it was the party of high tariffs and "internal improvements," especially of railroads subsidized with government money — the foundation of the 19th-century military-industrial complex. This is the kind of party that would willingly accept military "necessity." It was also the kind of party that would try mightily to continue wartime controls by creating dictatorial regimes in the postwar South. Plainly, what we see is a continuum from the prewar to the postwar period — a continuum of assumptions about the powers that government needs in order to get things done, either in war or in peace.

Unfortunately, these assumptions about government were not confined to the Republicans. While some important political figures still believed that federally financed internal improvements were unconstitutional, the battle for that position had been lost before the Civil War. Even Jefferson Davis, a proponent of states' rights if ever there was one, had urged federal construction of a railroad to the west coast when he served as secretary of war in 1855. Throughout the Western world, governments were awaking to new powers, either to manage industry or to dominate foreign states. It would have taken a miracle to keep statist assumptions from realizing themselves in American life. Eventually, and very naturally, such assumptions led the Republican Party into war with Spain. Eventually the consciousness of American power and the "moral responsibilities" attaching thereto led even the Democratic Party, once generally antiwar and anti-imperialist, into a second great national crusade, World War I.

Perhaps we should consider the possibility that it isn't war that produces permanent increases in the size and power of government; it's attitudes about government that increase its size and power and its tendency to make war. If big government were the inevitable winner of all wars, American history would be very different.

It isn't war that produces permanent increases in the size and power of government; it's attitudes about government that increase its size and power and its tendency to make war.

Consider what happened in America when the hideous and unnecessary World War I was over. The armed forces shrank dramatically: in 1920 they stood at one-third of 1% of the population, not much of an increase over the remarkable one-sixth of 1% in 1820, and a dramatic contrast to the 1.5% of 1970, when statist assumptions had had another 50 years to mature. (Today's figure is .5%. To put this in context: employees of state schools are about 3% of today's population.) Businesses that had been managed by the government returned to private control, despite the federal managers' grossly inflated reputation for having at last gotten the hang of "running" an economy.

The economic dislocations of the war remained — enor-

mous unpaid foreign debts, suddenly deflated prices of agricultural land and commodities, demands by farmers for protracted government intervention, a perceived necessity for the United States to support various injured European economies. These dislocations helped to produce the Great Depression, and the next world war. Yet there was nothing

An America that had not entered the Great War would probably have suffered the same economic dislocations. Similar assumptions, in similar minds, could easily have produced similar effects.

about America's involvement in World War I that required the federal government to prop up Germany, "help" the farmers, or manipulate the currency — nothing except the assumption that governments ought to do such things, just as they ought to fight wars for world democracy.

Some of the greatest political winners of the Great War were the men who accepted these assumptions, such men as Herbert Hoover and Franklin Roosevelt. But it is very possible that an America that had not entered the Great War would still have suffered virtually the same economic dislocations: the wartime boom and postwar bust in agriculture, the mismanagement of money by the Federal Reserve, and the carnival of European debts and revaluations to which the government of the United States happily bought every ticket being sold. Similar assumptions, in similar minds, could easily have produced similar effects.

By the same token, it is perfectly conceivable that a United States that had emerged victorious from World War II would have declined to make any longterm commitments in Europe, the Mideast, or Asia. It might have continued the policy of disengagement that was begun (against strong modern-liberal opposition) with the ending of rationing and continued with the (brief) dismantling of the draft. It might have sought disarmament in the same ways in which the Harding administration sought it after World War I. I'm not saying that this course would have been right or wrong. I'm noticing only that who "wins" a war is not necessarily determined by who wins the military conflict. There is also the question of who "wins the peace" — and that depends on the attitudes and assumptions that in one way or another dominate the political landscape after the war is over.

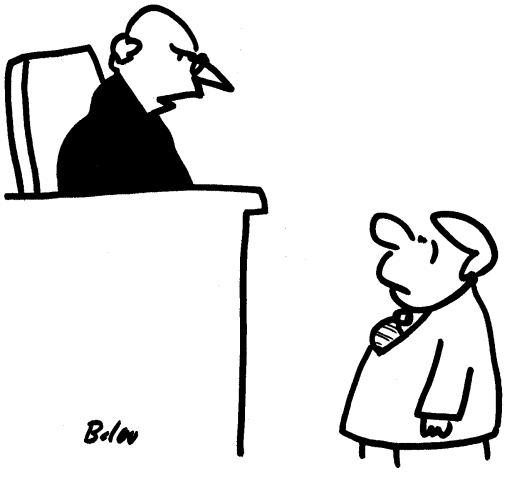

"If you're not guilty, then what were you doing on the news last night?"

Who won the military conflict in Vietnam? North Vietnam. Who won the peace thereafter? In America, the revulsion of public opinion against the war meant that the chief beneficiaries of Vietnam were the antiwar movement, the counter-culture, and most other opponents of the current military and political order — including libertarians. No longer were libertarians lonely academics or people uncomfortably affiliated with conservatism. They were members of a popular movement distinct from both the party of Johnson and the party of Nixon, a movement that benefited from the prestige of opposition movements generally. Politically speaking, war was a very good thing for libertarians — one of those weird and ironic exchanges of good and evil that help make war such an inexhaustible object of debate.

But certain conclusions can be drawn. One of them is this: if we confuse practical with moral arguments, or convince ourselves that we know very well what will happen if war takes place, we are likely to get ourselves into a good deal of trouble, practical as well as intellectual. This is advice that I commend to hawks as well as doves, because I believe that the two types of political fauna are equally likely to confuse causes and effects, principles and practicalities.

How easy it is, if one believes that America has a moral responsibility to bring freedom to the rest of the globe, to be serenely confident that our interventions will always be met with practical success. President Wilson thought that. So, apparently, does our current president. It's not a good thing to think.

But mistakes can be made on the other side, too. Very few modern liberal (or libertarian) pundits, opponents of war in general, believed that America could possibly conquer Afghanistan. Many believed that America would incur tens or hundreds of thousands of casualties in the first Gulf War, that America's invasion of Grenada would be fraught with the direst consequences, and so on. They were wrong; and in being wrong they made future warnings much less likely to be taken seriously.

How much better it would have been for them to have said, "I believe this action is a violation of principle. It may 'succeed,' in the practical sense of that word. Nevertheless, I believe it's wrong. Here's why." Instead, they played the role of seer, and seers are very easily discredited by the results of wars.

It's all so unnecessary. Most people believe that there are certain things that should not be done, no matter how much one may profit from them. You don't steal an old lady's pocketbook, even if you're sure you'll get away with it. You don't steal it, even if you're sure she's on her way to deliver a substantial donation to the American Nazi Party. You just

don't. In addition, most people believe that you don't bulldoze the neighborhood and fill the ruins with cops, in order to make sure that old ladies can walk the streets unmolested; that's just not practical. Most people take moral considerations seriously, and they know that morality is distinct from practicality, but they realize that the two are not entirely distinct, and that their relationship isn't always easy to define.

It's in this spirit that I believe libertarian argument about war should take place, and libertarian agitation against the aggressive power of the state should be carried on. Freely admitting that we don't know everything, anymore than the government does; that we can't foresee everything, anymore than the government can; that we haven't discovered any iron laws of history, anymore than Karl Marx did; and that we can't always understand, anymore than Sophocles could, exactly what choices should be made when morality and practicality appear to conflict, we can still offer the best suggestions we can, both moral and practical — and be listened to, because we're not screaming wildly, as everyone else in the debate seems to be. That's a strategy that might succeed, if only because nobody but us ever tried it. ❑

Shooting Elephants, *from page 24*

was with Belgium. In the movie the foreign military officer on the scene is a Canadian working for the United Nations. Yet the movie was made by Americans and has a message for Americans: *You should have been here.* At least that is the message many Americans have taken from it.

In the distant past, the expectation was that if Americans were not threatened by some foreign deviltry, their government would steer clear of it. Now if a friendly nation is threatened, or oil is involved, or aid workers are being killed, or American students threatened, or there is a hint of chemical or biological weapons, or a nuclear program, or a substantial economic interest, people think the Americans will go in. Maybe if there is a massacre entirely of locals, Americans will go in. Perhaps if there is a democracy to be created for geopolitical purposes, Americans will go in. Once we get used to war, and more comfortable with our duties regarding it, more reasons offer themselves.

The more our national politics turn on conflicts and threats abroad, the less the room for liberty. When your national security is at stake, or when you think it is, liberty will appear to be a liability. More voices will be heard wanting to limit it. Also, the Constitution places foreign affairs mostly in the hands of the president, and makes a virtual king of him. In the 1990s, the interregnum between communism and "Islamofascism," the Republican Party came to have a libertarian-conservative element, focused on such domestic issues as limiting welfare, preserving private health insurance, issuing school vouchers, privatizing Social Security, limiting government spending, and cutting taxes. But in foreign affairs the Republicans are America's nationalist party, and after the attacks of Sept. 11, 2001, they signed up for war, including one against Iraq. More Republicans began quoting Franklin D. Roosevelt, the war president. The Republicans still have some libertarian-like ideas, but none to implement during what they think of as a war on terrorism.

Orwell had a duty to act in the crown's interest, which meant acting like the Burmese expected an imperial policeman to act. It was his job to kill the elephant, and he killed it.

Some wars are good and some bad: the Revolutionary War was justified to create American independence, as was the War of 1812 to preserve it. But it is my belief that overall, wars have been a net loss for America, despite its victories in them. At the margin I have to admit that this is a faith-based argument. There is an argument the other way, that *Pax Americana* has made the world safer, that democracy and the rule of law have flowered under this umbrella of safety, and that it is all a net political and economic benefit to the United States.

That is also a faith-based argument. I'm suspicious of it, particularly when it's applied to wars that I think are started for myopic American reasons. And yet I cannot lay down a principle about the benefit from war. Security is not a question of principle; it is a question of fact. It involves judgments about tradeoffs. The immediate effect on the liberty of Americans is not the only consideration. You are better off giving up some of your liberty if it keeps you alive, and maybe even if it keeps you safer, depending on how much liberty and how much safer.

And yes, I know, some politician may *say* he's making you safer when he's not. We've seen it done. But you're also running a risk when some antiwar leader says the war is useless. Maybe he's wrong. Each time, you have to decide. Each time, people with their own reasons make arguments they think will fetch you, and their arguments may not be the ones they believe themselves.

Being an American is not like being a member of an ordinary, normal country. I saw that when I lived overseas. Malaysia was a normal country; it could decide what to do based on what it wanted. It didn't have a lot of capabilities, but it certainly had the freedom not to get involved. America had a lot of capabilities and was expected to use them. It had the shooting-an-elephant problem.

Who won America's wars is a question of hindsight. But with the next war, or the current one, there is a question of foresight about who *will* win and who *will* lose. In foresight also comes another question, which is not about who will win, but about whether it is morally proper to jump in or to stay out. On that question, the older I get the more I am inclined to tighten the qualifications, requiring an ever-stronger case before I sign on to the government's most dangerous and costly program. ❑

The Fight for Freedom at AHA

by David T. Beito

America's historians had a chance to make a stand against political inference in education — but settled for much less.

Do the letters AHA now stand (in the words of Robert Shibley) for American Hypocrites Association, rather than American Historical Association? Apparently they do. In January, the members rejected a resolution to oppose all attacks on academic freedom, whether from the Right or from the Left. Instead, they passed a weaker resolution that selectively condemned only threats coming from the Right. But it is not over yet. I participated in this controversy as part of a three-man libertarian, left, and right coalition for academic freedom. The other members of the coalition were Ralph Luker, the head of the Cliopatria blog at the History News Network, and Robert K.C. Johnson, a historian at Brooklyn College.

In this first foray in the fight for academic freedom, we made some valuable inroads. We may yet have the last word.

Our chances were slim and we knew it. Also, we had only a few weeks to prepare. Not until December did we learn that the AHA business meeting would consider a resolution to oppose David Horowitz's Academic Bill of Rights (ABOR). A leftist in the 1960s, Horowitz is now a militant activist for conservative causes. He founded the Center for the Study of Popular Culture in Los Angeles and publishes FrontPage Magazine. Many of the provisions of Horowitz's ABOR seem laudable, at least on first scrutiny. It seeks to prohibit faculty from being hired on the basis of their political or religious beliefs. It requires that faculty expose students to diverse perspectives and, according to Horowitz, prohibits raising political issues in class that are outside the course subject matter. This provision opens the door for a student to file a complaint by making a charge of "indoctrination."

Whatever the intentions of the drafters, the ABOR has already unleashed forces that seek to stifle free and open debate on campus. In Florida, for example, Rep. Dennis Baxley says that his version of the ABOR would enable students to sue professors who do not teach Intelligent Design (ID). Horowitz denies that the ABOR would have this effect, but in doing so he raises additional, troubling questions. His bill does not mandate ID, he says, because it reserves special protection only for ideas within "the spectrum of significant scholarly opinion." This rationale provides little reassurance to libertarians, especially if they are antiwar or anarchist, with views falling well outside that spectrum.

The most serious danger posed by the ABOR, however, is that it could snuff out all controversial discussion in the classroom. A campus governed by the ABOR would present professors with a dilemma: either play it safe or risk their jobs by saying something that might offend an overly sensitive student. As Jesse Walker of Reason has argued, the result is a "chilling effect" that makes the ABOR analogous to the now defunct Fairness Doctrine in broadcasting.

Equally striking are the parallels between the ABOR and

current campus speech codes, even though support for these codes comes overwhelmingly from the academic left. They exist on most campuses in the United States. If literally enforced, many would suppress nearly all controversial, and much noncontroversial, campus speech.

For example, Brown University prohibits "verbal behavior," whether "intentional or unintentional," that leads to "feelings of impotence, anger, or disenfranchisement." Colby College proscribes words that cause a "vague sense of danger" or threaten loss of "self-esteem." In 2004, the faculty senate of the University of Alabama proposed sweeping rules denying university funds for "any behavior which demeans or reduces an individual based on group affiliation or personal characteristics, or which promotes hate or discrimination, in any approved University program or activity." Would this all-inclusive language apply to Alabama fans who heckle Auburn players or students at football games? It is hard to see why it would not.

When campus administrators enforce speech codes and related rules, conservatives and libertarians often bear the brunt of the attack. In January 2003, for example, California Polytechnic State University (Cal Poly) subjected Steve Hinkle, the president of the College Republican Club, to a grueling seven-hour hearing after a student accused him of "offensive" speech. Hinkle had done nothing more than attempt to post a flier in the school's multicultural center advertising a speech by Mason Weaver, a black conservative and author of "It's OK to Leave the Plantation." Cal Poly pronounced Hinkle guilty of "disruption of a campus event" and commanded that he write a letter of apology.

A year before the Ward Churchill imbroglio, the University of Colorado banned an "affirmative action bake sale" by College Republicans who sold cookies at "suggested" lower prices to racial minorities. Even as the AHA met in its business meeting, the University of North Carolina at Greensboro was pursuing the charge of "violation of Respect" against two students for demonstrating outside a small limited "free speech zone." Ironically, the students were protesting against the university's policy of designated speech zones!

Rep. Baxley's version of the Academic Bill of Rights would enable students to sue professors who do not teach Intelligent Design.

Just as troubling is the case of Hans-Hermann Hoppe, a professor of economics at the University of Nevada at Las Vegas (UNLV). In 2004, a student complained that Hoppe's assertion in a lecture that homosexuals were more likely to have higher time preferences (that is, to favor present-day consumption over long-term savings and investment) constituted hate speech. In February 2005, UNLV Provost Raymond W. Alden III sent Hoppe a "letter of instruction" that announced a reprimand and suspension without pay for a week for creating a "hostile learning environment."

Alden stated that Hoppe's statements were improper because they "were not supported by peer reviewed academic literature" and "not qualified as opinions, theories without experimental/statistical support." The fallacies of such a standard are obvious, or at least should be obvious.

The bill would present professors with a dilemma: either play it safe or risk their jobs by saying something that might offend an overly sensitive student.

What professor can claim (at least with a straight face) that he has not violated this peer-review rule in lecture, not just once but many times?

While academic freedom eventually triumphed in most of these cases, it was only because outside organizations, especially the Foundation for Individual Rights in Education (FIRE), stirred up adverse publicity or threatened lawsuits. In the meantime, the college administrators in question had displayed to the world an appalling disdain for free speech, while all too many faculty, by not speaking out, showed either failure of nerve or outright complicity in injustice.

It is impossible to escape the conclusion that these attitudes can be traced, at least in part, to the fact that the victims of repression were often conservatives or libertarians. But the Right will probably prove no better at protecting liberty if it is ever given the same power. As long as so many continue to follow the credo of "free speech for me, but not for thee," prospects for academic freedom are bleak.

With all this in mind, we began our campaign to sway the AHA by making a principled private appeal to the sponsors of the anti-ABOR resolution. We urged them to add a friendly amendment condemning speech codes. We expected to be rebuffed but retained some hope. Because Luker and I are members of Historians Against the War (HAW), the chief group behind the anti-ABOR resolution, it was easier (or seemed easier) for us to make the case that a consistent stand would help the antiwar movement win support from conservatives and libertarians. We also warned that if HAW and the AHA remained silent on speech codes, the effect would give Horowitz an unintended victory by allowing him to triumphantly charge us with hypocrisy and selectivity. On the other hand, if the AHA upheld academic freedom for everyone, we predicted that Horowitz, not the members of the AHA, would be rendered speechless.

The sponsors were not buying it. They refused to compromise. Meanwhile, Horowitz began to criticize our resolution for fostering "complete anarchy" on campus, giving aid and comfort to Ward Churchill and others on the Left who try to indoctrinate. Now almost everything was going according to expectation. We were smoking out critics on both the Left and the Right and, to a limited extent, were making them confront uncomfortable truths. Also, FIRE, the

most consistent organizational champion of academic freedom today, was highly supportive of our cause and provided valuable publicity.

It was time to take it up a notch. The three of us drafted a substitute to the anti-ABOR resolution, proposing that the AHA oppose the ABOR and campus speech codes as "the two leading threats to academic freedom today."

Just prior to the final showdown, we pushed our substitute at the meeting of Historians Against the War. We lost overwhelmingly. The most favorable development was the failure of our opponents to defend speech codes per se. Their favorite retorts were almost entirely practical: "this is not the right time," "speech codes are an entirely different issue," "the ABOR presents a bigger threat," "your wording is not specific enough," etc. Some claimed that we were beating a dead horse because the courts had almost always struck down speech codes. This contention is misleading. While the courts have generally ruled against the codes, a visit to FIRE's website will confirm that they continue to present a clear threat to academic freedom.

As long as so many continue to follow the credo of "free speech for me, but not for thee," prospects for academic freedom are bleak.

The AHA business meeting was more of the same, although we did pick up a few allies. While the AHA officers bent over backwards to be fair to us, more than seven out of ten of the members voted down our substitute — despite the fact that, as in the HAW meeting, not a single opponent stood up to make the case for speech codes. When it was over, the AHA meeting unanimously approved the anti-ABOR resolution. Although we regarded that resolution as weak and overly selective, we voted with the majority.

Was it all worth it? It was not a pleasant experience to be beaten at every turn, but the answer is yes. While we have lost for the time being, we seem to be on the offensive in the arena of ideas. The failure of anyone at the convention to go on record in favor of speech codes was especially encouraging. Several of our opponents even came up to us after the meeting to promise their support for a resolution condemning the codes at AHA's next convention. We have our doubts but intend to take them up on their offer.

The most valuable lesson of this experience is that standing on principle can send a powerful message about the importance of academic freedom and win unanticipated friends for freedom's cause. □

Reflections, *from page 14*

of protection in the way this question suggests? If Americans reduced their use of foreign oil by 10% by substituting biodiesel, could the Navy be reduced by 10% on account of that? 5%? Any? Where does this line of thinking get us? I think where it gets us is to subsidized biodiesel, which was the intent. And the intent ends there. — Bruce Ramsey

Leaving the WTO behind — Increased flows of goods and people around the world can be disruptive to settled ways of operating, especially in poorer countries with poorly developed financial and service sectors and cozy political relationships. In the early stages, opening to foreign investment can mean sweatshops. Protecting locals from global competition, however, tends to keep countries in poverty and "protect" consumers from lower prices.

The anti-globalization protesters at the WTO meetings in Hong Kong late last year were fewer, less disruptive, and less influential than in years past — and a few in the media noticed they were mostly South Korean farmers who don't want to give up their privileged position in a highly subsidized sector. But the minimal agreement the WTO managed to squeeze out will have little effect on trade.

Fortunately globalization operates more through company-to-company deals than through governmental negotiations, and it increased nicely over the year. High-tech workers in India and farmers in Brazil have become world-competitive and are setting an example for others. The World Bank notes that two-thirds of recent tariff reductions in poorer countries have come unilaterally rather than as "concessions." Reducing more barriers worldwide would be helpful, but trade happens anyway. — Alan W. Bock

Arthur Seldon, RIP — The recent passing of Arthur Seldon merits more than summary notice. Seldon was one of the leading libertarian voices in the 20th century. Though hardly known in the United States, he was a key intellectual inspiration for the Thatcherite revolution in Great Britain.

Margaret Thatcher herself wrote Seldon in 1996: "At a time when free enterprise and the free market were unfashionable you championed their cause, laying the foundations for their revival in the 1970s. . . . You always refused to accept Britain's decline and through your visionary work and rigorous preparation, you inspired much of our success during the '80s."

Milton Friedman wrote Seldon the same year that he had "always been a very strong, very outspoken, very honest voice in the fight for human freedom. Your fellow fighters have benefited from your persistence and effectiveness."

Seldon was the editorial director of the London-based Institute for Economic Affairs for three decades, from the late 1950s to the mid-1980s. In this position, he published hundreds of articles, pamphlets, and books that helped to move Britain intellectually from a socialist to a capitalist view. Friedrich Hayek said of the Institute of Economic Affairs that, as a result of Seldon's work, it became "the most powerful maker of opinion in England."

Seldon died in England in October 2005. He was 89.

— Lanny Ebenstein

Can Trains Be Saved?

by Randal O'Toole

Amtrak is stupendously funded and scarcely ridden. Is there any future for passenger rail in America?

Like many libertarians attracted to transportation policy — Reason founder Robert Poole comes to mind — I love trains, especially passenger trains. So Amtrak is a particularly painful subject. On one hand, I know that government subsidies are wasteful and likely to be abused. On the other hand, I am thrilled by the idea of taking a train from Seattle to Los Angeles or Chicago to San Francisco (actually Oakland).

Joseph Vranich, who helped create Amtrak back in 1970 and later worked for a pro-Amtrak lobby group, gives train lovers some reason for hope. Working with the Amtrak bureaucracy for years has convinced Vranich that the best way to protect passenger trains is to get rid of Amtrak. His 1997 book, "Derailed: What Went Wrong and What to Do About America's Passenger Trains," argued that killing Amtrak would lead many railroads or other private entrepreneurs to get back into passenger service. His more recent book, "End of the Line: The Failure of Amtrak Reform," showed why Amtrak reforms approved by Congress in 1997 were never put into place.

Amtrak is truly a failure. After nearly $30 billion of public investments, Amtrak logged fewer passenger miles of travel last year than the railroads did in 1970, the last full year of private rail operation. From 1975 to 2000, airline passenger miles grew by 260% and highway passenger miles by 83%, but Amtrak passenger miles increased by less than 40%.

Amtrak cannot blame its failure on greater subsidies to competing modes of transportation. According to the U.S. Department of Transportation, subsidies to highways in 2000 averaged less than four-tenths of a penny per passenger mile, while subsidies to airlines were just one-tenth of a penny per passenger mile. At close to 20 cents per passenger mile, subsidies to Amtrak were 50 times highway subsidies and nearly 200 times airline subsidies. As the Washington Post wrote earlier this year, "every 10,000 miles that a train passenger traveled in 2002 cost federal taxpayers $200 in subsidies, compared with $6 for passenger jets and $4 for long-distance buses."

Yet I can't help feeling that it didn't have to be this way. If it had been properly designed from the start, Amtrak could have operated and possibly expanded passenger service without any operating subsidies. While it might have needed federal or state grants for capital purchases of new rail cars, it is even possible that passenger revenues could have paid for part or all of the cost of such new cars.

Was Amtrak doomed to fail from the start? Are passenger trains truly obsolete outside of a few busy corridors? Or was Amtrak's failure due to poor management, ill-advised business models, congressional meddling, or any other factor within our control? With a different history, could Amtrak have done better? And if so, can we still save it today?

Agreeing on the Mission

America's freight railroads have proven that rail transport is not dead. Between 1970 and 2000, railroads increased their freight movement (measured in tons carried times miles

traveled) by 92%. During this time, overall freight movement increased by only 71%, so rail's market share increased.

How was this gain accomplished? The simple answer is that Congress deregulated the railroads in 1979, allowing them to be much more responsive to their customers. The more complicated answer is that the railroads took advantage of deregulation to create a new business model that made more effective use of both labor and equipment.

Congressional deregulation of the airlines was also the key to their huge gain in passengers over the past two-and-a-half decades. It is especially worthwhile to compare Amtrak with Southwest Airlines, which, like Amtrak, began operating in 1971. After the airlines were deregulated, Southwest followed a different business model than its competitors, making far more effective use of its airplanes and workers.

Years of working with the Amtrak bureaucracy convinced Vranich that the best way to protect passenger trains is to get rid of Amtrak.

This model has made it the most profitable, most imitated, and, by some measures, the largest domestic airline in the nation.

By comparison, Amtrak followed the same tired business model for passenger rail that the railroads had used for decades. This model required high labor costs and high capital costs that made it unable to compete with highways and deregulated airlines.

Could a government entity such as Amtrak be as innovative as Southwest Airlines? Libertarians would say no. As Great Northern Railway builder James J. Hill once observed, government operation is "slow, cumbrous and costly." But for the sake of argument, let's assume we are in 1970 and Congress is writing legislation to take over the nation's private passenger trains. What would we include in that legislation?

The first thing government agencies need is a clearly defined mission. "Government will malperform if an agency is under pressure to satisfy different constituencies with different values and different demands," says management expert Peter Drucker. "Performance requires concentration on one goal."

At first glance, Amtrak's mission would seem to be simple: attract and carry passengers. But for many powerful members of Congress, that goal has been secondary to the mission of providing pork to their states and districts. West Virginia Sen. Robert Byrd, for example, was famous for diverting Amtrak's high-speed turbo trains to low-speed service through his state. For unions, the goal of carrying passengers has been secondary to keeping labor costs high. For many urban mayors, Amtrak's chief goal would seem to be to restore oversized, but little used, historical train stations. These and other side goals detract from the supposed chief mission of carrying passengers.

Perhaps it was this confusion over goals that led early Amtrak president Paul Reistrup to tell a rail-enthusiast magazine in the mid-1970s that "we can't afford to subsidize sightseeing." That might have been true if Amtrak's goal was to provide pork or support unions. But if Reistrup thought that Amtrak's goal was attracting passengers, he would have realized that sightseers were part of his core market and that sightseeing was Amtrak's main competitive advantage over the airlines.

Once everyone agrees that Amtrak's sole goal is to carry passengers efficiently, the company must be insulated from congressional pressure to do otherwise. Amtrak must be made as independent as possible, especially for operating costs.

Partnerships to Minimize Costs

The best way to lower operating costs is to create incentives to reduce costs so that minimal subsidies, and ideally no operating subsidies, are needed. The first step would be to rely on competition and private enterprise rather than government monopoly to carry out core passenger rail services: train operations, food services, interior cleaning, and railcar maintenance.

Urban transit agencies that contract out bus services to private operators spend 40–50% less per bus mile than agencies which operate buses themselves. The agencies purchase buses, then lease them to Laidlaw or other bus operators who maintain them and hire the drivers to run them. Transit agencies in Boston, Los Angeles, Ft. Lauderdale, and other cities also contract out their commuter rail operations to Herzog Transit Services and other companies.

Amtrak could start by contracting out dining car services. Many passenger trains have both a full-service diner and a grill car providing fast food. Rather than operate these services itself, Amtrak could accept bids from restaurants to provide them, in the same way that the Fred Harvey Company long provided meal services to passengers on the Santa Fe Railway. McDonalds, Wendy's, Pizza Hut, and Taco Bell might bid on the fast-food services. Chili's, Applebees, or other sit-down restaurant chains might bid on the dining car services. Operators would not have to be national chains, and local restaurants might be particularly interested in serving short-distance corridor trains that pass through their home cities.

With hundreds of daily trains, many different companies could provide meals on different trains. Such competition would encourage each operator to provide better service at lower costs. Ideally, Amtrak would require contractees to charge the same prices on the trains as they do in stationary restaurants. Except possibly on the busiest routes, private operators might not be able to provide Amtrak food services at a profit, but the bids they would submit would offer to provide those services at the lowest possible subsidy.

In the same way, Amtrak could experiment with contracting out first-class sleeping car operations to hotels, just as the railroads once contracted sleeping car service to the Pullman Company. For that matter, Amtrak could contract out actual train operations to private operators, possibly the railroads themselves. Railroads that had proven particularly friendly to passengers before 1971, such as the Santa Fe, might become the preferred operators even off of their own lines.

Contracting various rail services to different operators has been used with varying degrees of success in Britain

since that nation privatized most of its railroads. One result is that Britain is providing rail services as good as or better than those on the European continent at a much lower cost.

Maximize Labor Productivity

Amtrak can save even more on labor. The railroads' business model of large station crews, one attendant for each revenue car, huge dining car crews, plus a five-person train crew was unsustainable by 1970. Today, train crews have been reduced to three, but Amtrak still pays too many on-board attendants, station employees, and baggage handlers.

Americans who marvel at European trains should note that they use significantly fewer workers. Passengers handle their own baggage, there are no coach attendants, on-board crews are held to a minimum, and many stations have no ticket agents or other staff.

Three out of five dollars spent on Amtrak operations go to salaries, wages, and benefits. Cutting labor costs in half would eliminate Amtrak's operating deficit. Reducing labor costs would allow Amtrak to operate more trains, and the revenue from those trains would similarly reduce operating losses.

A revised business model could considerably reduce Amtrak labor requirements. First, ticketing should be handled mostly by travel agents or machines. Rather than employ ticket agents at every station, Amtrak could rent out part of its stations to travel agents who would sell all forms of travel including rail travel. Ticket machines and on-board sales by conductors would suffice to serve towns too small to support a travel agent.

For baggage handling, Amtrak could contract with UPS or another shipping company to move goods that wouldn't take up an entire train car. As a part of the contract, the company would also handle passengers' baggage. This might work only in larger cities that generate lots of business less than a carload. In smaller towns, Amtrak might offer no baggage service, but would encourage people bringing baggage that is too large to fit in overhead luggage racks to stow it in lockers provided for them on selected train cars.

Subsidies to Amtrak have been 50 times greater than highway subsidies and nearly 200 times airline subsidies.

The main reason Amtrak has an attendant in each car is to open the doors at stations and help passengers on and off the trains. Instead, Amtrak should equip all rail stations with high-level platforms and all passenger equipment with automatic doors that can be centrally controlled by the conductor. The labor savings would quickly repay the cost of these changes. At each stop, the conductor opens all the doors, people get on or off, the conductor closes the doors, and the train goes on. This virtually eliminates the need for coach attendants and greatly reduces the need for sleeping car attendants. This could also reduce station dwell time and thereby speed up timetables.

Sleeping car attendants might be completely eliminated by contracting for cleaning crews to clean coaches and sleeping cars on every train each day. Such cleanings, including the replacement of all linens in sleeping rooms that had been occupied the night before, might take place during long layovers or while the train is traveling between two cities. When the crew is done, they would get off the train and get on the next train back, cleaning that train while returning to their home city.

For many members of Congress, the goal of carrying passengers has been secondary to the mission of providing pork to their electorate.

Aside from the engine crew and food service workers employed by restaurant-contractees, the train crew effectively becomes no more than a conductor and a trainman, themselves perhaps employed by railroad-contractees. Ultimately, Amtrak itself might have no employees other than the managers who oversee all of the contractees.

Maximize Use of Equipment

Reinventing passenger rail service also means making more effective use of equipment. The old business model had trains travel for anywhere from several hours to two days, then sit for as long as 24 hours before making a return trip. The result was that cars would be in service for as little as 65–75% of the time. Eliminating this downtime would allow Amtrak to operate more trains with the same number of cars.

One of Amtrak's early discoveries was that a continuous Seattle-to-Los Angeles train was much more popular than the Seattle-to-Portland, Portland-to-Oakland, and Oakland-to-Los Angeles trains that the railroads had been running. Why not extend this lesson and run a train from, say, Florida to Chicago to Seattle to Los Angeles to New Orleans and back to Florida?

A more complex routing would have a train weave back-and-forth across the country for several weeks at a time. After three to four weeks, the train would be taken out of service for a day or two for major maintenance. Passengers from, say, Oakland to Albuquerque could make the trip without changing trains. The "weave" would also be designed so that popular routes, such as San Francisco-to-Los Angeles, would get more than one daily train.

Naturally, schedules would include padding to allow for late trains, including long layovers at "corner" cities such as Seattle and Los Angeles. But through passengers might appreciate these layovers as an opportunity to get a quick tour of the city. Even with such padding, Amtrak could get 90% use of its equipment instead of 70% or less, while the increased connectivity offered by such schedules might actually boost ridership.

Make Trains Interesting

In addition to cutting costs, Amtrak needs to attract passengers. Depending on the route, Amtrak serves three different markets. First are business travelers who appreciate high-speed downtown-to-downtown service. Second are stu-

dents and other low-income travelers who don't have a car but want to travel by something more comfortable than a bus. Finally there are vacationers who believe that getting there should be half the fun.

Amtrak can compete for business travelers in the Boston-to-Washington corridor based on speed and convenience. Elsewhere, Amtrak is often slower than driving for short-distance trips and certainly slower than flying for long-distance trips. To compete for passengers, especially on long-distance trains, Amtrak has to realize that it is really in the entertainment business. This means it has to make its trains interesting places to be.

To compete for passengers, especially on long-distance trains, Amtrak has to realize that it is really in the entertainment business.

Some of the railroads realized this in the closing years of private rail passenger operations. The Great Northern Empire Builder of the late 1950s, for example, had three non-revenue seats, in eight different locations, for every four revenue seats. The non-revenue seats were located in grill cars, diners, and various observation cars and lounges, and were for use by any ticketed passenger.

While Amtrak inherited the equipment of the Empire Builder and other fascinating trains, most of this equipment was near the end of its expected service life. When private bus companies were taken over by public transit agencies in the 1970s, the first thing the public agencies did was obtain federal grants to replace their aging fleets. But Amtrak made little effort to replace its long-distance passenger cars for several years, leading to a reputation for being unreliable. When it did replace the trains, the double-decker cars it purchased, known as Superliners, were a step backwards from the Santa Fe passenger cars that inspired them.

In contrast to the 1955 Empire Builder, Superliner non-revenue areas were limited to the diner, the Sightseer Lounge with its inexplicably small number of seats, and a cafe below the lounge. The non-revenue spaces were inadequate, and the revenue spaces were boring. Coaches combined the monotony of Greyhound buses with the discomfort of airline seating. With four different room configurations, sleeping cars were slightly better but were priced out of reach of most travelers.

Instead of developing its own unimaginative specifications, Amtrak should have invited railcar manufacturers to propose their own plans for medium- and long-distance train cars. Here is how I envision long-distance, double-decker Superliners.

Instead of a mid-train lounge car, I would put lounges at the beginning and end of every long-distance train. One half of each car would be covered with wraparound windows, giving passengers a tremendous view of the passing scenery.

These windows would face forward on the first car on the train and provide viewing for 30 to 40 theater-style seats. The back half of this car would be the train's fast-food or grill car. On the last car of the train the windows would face backwards, with 30 or so seats facing in different directions, parlor-car style. The front half of this car would have tables and seating for 40 to 50 dining car patrons. When demand was high enough, diners could also eat in the lounge.

Coaches would have two different configurations downstairs. One would have room for handicapped passengers or other riders who don't want to climb stairs to their seats. The other would have a large self-serve baggage area with lockers, ski racks, bicycle hooks, and other storage areas.

Upstairs, coaches would have seating in various configurations and might be divided into more than one compartment for variety's sake. Comfortable seats would face forward in some compartments, but seats in other compartments might face to the side or circle around tables. Long-distance trains would have a children's car with toys, games, and playsets. "Quiet cars" might serve business travelers by providing power outlets and wireless Internet. Of course, laptops and the Internet were not known in 1970, but the idea of keeping some cars quiet while encouraging noisy children to use another car is timeless.

Another style of coach could provide revenue seats in the off-season but quickly be converted into a mid-train feature car during high-demand seasons or on popular routes. The car could include a small stage for musicians and other family entertainers to perform on board in exchange for tips and travel discounts. Movies could be offered when no live entertainment was available. The lower section of the car might hold vending machines with snacks and beverages.

Sleeping cars would come in first-class and second-class configurations. Second-class sleepers would be divided into compartments with seats for four that fold down into two double bunks at night. The bunks would have mattresses but passengers would bring their own sleeping bags or linens, and parties of fewer than four people would expect to share compartments with other passengers. First-class sleepers would be private rooms similar to or better than those found on current Superliners.

Ultimately, Amtrak itself might have no employees other than the managers who oversee all of the contractees.

Amtrak's red-grey-and-blue pointless-arrow exteriors and Betsy-Ross Moderne interiors promised passengers a journey devoid of excitement. Each car should instead be individually decorated, with a strong regional emphasis. Exterior colors would give potential passengers a preview of the forests, fields, mountains, and streams they would see on their journeys. Interior decorations might include regional Native American art, scenic photographs, and, in the feature cars, the type of "found" decorations seen in many restaurants and bistros. Every train, and every car on the train, would offer passengers something new and exciting.

continued on page 53

Reviews

"The Great Earthquake and Firestorms of 1906: How San Francisco Nearly Destroyed Itself," by Philip Fradkin. University of California Press, 2005, 432 pages.
"A Crack in the Edge of the World: America and the Great California Earthquake of 1906," by Simon Winchester. HarperCollins, 2005, 480 pages.
"San Francisco Is Burning: The Untold Story of the 1906 Earthquake and Fires," by Dennis Smith. Viking, 2005, 384 pages.

While San Francisco Burned

Timothy Sandefur

A century before Hurricane Katrina hit the Gulf Coast, an earthquake measuring around 8.0 and lasting more than a full minute smashed into the city of San Francisco, overturning lamps and cracking gas lines. The fires that spread over the next three days reduced almost the entire city to smoldering piles of stone. The devastation of April 18–21, 1906, is hard to believe today: 508 square blocks were destroyed; 28,188 structures burned. It remains the largest peacetime urban conflagration in history, and modern estimates suggest that some 3,000 people lost their lives.

The story has some eerie parallels with this summer's hurricanes. Like New Orleans, San Francisco had been warned, but government agencies spent their money and attention on bossism and political favors instead of on public safety concerns. In both cities, the political structures proved just as rickety as the physical structures, and when the disaster came, the city fractured on racial lines while bureaucrats responded with a mixture of blundering and brutality. San Francisco's corrupt and incompetent mayor, Eugene Schmitz, gave the order to execute looters summarily, although the chaos made it impossible to tell looters from innocent civilians rescuing their own property. Nobody knows how many perished at the hands of trigger-happy soldiers who, led by the ruthlessly inept General Frederick Funston, assumed martial law — even though it was never declared.

Clumsy as he was at maintaining order, Funston was an even worse firefighter. He sent troops racing through the city to blow up buildings with dynamite and gunpowder to make firebreaks — but the soldiers didn't know how to use explosives, and the city's only demolition expert was drunk. Pulverized buildings only made more kindling, and flying gunpowder only started more fires. Civilians who tried to remain in their homes were dragged out at gunpoint, although those few who were allowed to make a stand were able to save their homes. Meanwhile, firemen rushed from fire to fire, finding most of the water pipes broken and most of the emergency cisterns dilapidated and empty. They were forced to use sand, and even sewage, to fight the flames. (There was enough wine in the city's warehouses to quench the fires, but nobody seems to have thought of it.) At one point, a tugboat in the harbor pumped water through a linkage of firehoses stretching over a mile in length, to help fight fires deep within the city.

The ships offered one of the few scenes of unambiguous heroism. Lieutenant Frederick "Frisky" Freeman, in command of the fire tug *Leslie*, directed the efforts to save the city's waterfront, which would prove essential to receiving relief supplies in the days to come. Freeman, oftentimes dodging General Funston's meddlesome commands, managed to save almost the entire Embarcadero from destruction.

The rest of the city, of course, was not so lucky. Hundreds of thousands were rendered homeless, and virtually the entire city was destroyed in the worst calamity in the history of the West Coast. But San Franciscans were

eager to dust themselves off and start anew. Within a decade, the "Phoenix City," as it called itself, had rebuilt, prouder and more ostentatious than before, in time to host the Panama-Pacific International Exposition, one of the great showpieces of a proud age.

Along with the rebuilding came reforms to the city's profoundly corrupt politics. For years, Mayor Schmitz had been ruled by political boss Abraham Reuf, who, from his office as city attorney, served as a middleman for bribing the state legislature, and commanded labor unrest whenever it would produce a profit. Just before the earthquake, former mayor James D. Phelan had started the process of ending Reuf's control over the city, and when the dust settled, he and sugar magnate Rudolph Spreckles financed an investigation that culminated in convictions and jail time for Schmitz and Reuf.

To many people, this sounds like a story of resilience testifying to the greatness — if also the recklessness — of the American spirit. But for Philip Fradkin, it's a story not of triumph, but of foolhardiness, exploitation, and greed, all of which is ultimately traceable to a sinister "oligarchy" of capitalist schemers. Although his book delivers outstanding new research, at the end of 400 pages of scattered and inelegant prose the reader is left with a timeworn caricature of early 20th century capitalism, complete with watch fobs, handlebar mustaches, and smoky back rooms. San Francisco, he tells us, was rebuilt because greedy industrialists concocted a vigorous PR campaign to purge all mention of the word "earthquake" and delude people into thinking the city was safe.

Fradkin seethes with contempt for American industrialism: he calls railroad employees "minions"; refers to looting as "liberating"; describes the architecture of San Francisco as "faux-European monstrosities of the silver and railroad barons." He even complains that the name firefighters gave to the "Ham and Eggs Fire" has "a working class connotation," when in fact it was based on the understandable folk tale that the fire began when someone cooked breakfast. Mayor Schmitz's order to shoot looters was not just rash, according to Fradkin, but part of a class war — proven, he says, by the fact that "price gouging" was not similarly punished. (Of course, contrary to Fradkin's characterization, a sudden increase in prices in a disaster area is not a "crime committed against the needy in times of crisis," but a natural, ultimately beneficial reaction which draws supplies to where they are needed most.)

Mayor Schmitz gave the order to execute looters summarily, but the chaos made it impossible to tell looters from innocent civilians rescuing their own property.

Business leaders simply could do nothing right, in his view. This leads him into some curious contradictions. He complains that free market institutions failed to give serious study to the possibility of a major earthquake — yet he admits that the insurance industry had been predicting catastrophe for San Francisco years beforehand. He claims the city's capitalists ignored the warnings of the 1868 quake — yet admits that the Palace Hotel was built with state-of-the-art earthquake and fire-proof technology. He depicts the 1900s as an era of heartless greed; of Snidely Whiplashes fantasizing about evicting poor widows. Yet he admits that the relief effort was the largest the nation has ever known to this day — $10 million in gold-backed 1906 dollars, almost all from private donations — and that the hated Southern Pacific railroad offered free passage to the refugees. He complains that businessmen blamed the city's destruction on the fire, rather than the earthquake, as part of a vast right-wing conspiracy to hypnotize the public into forgetting there even was an earthquake. Yet he admits that the fire was the major cause of destruction — at least 90% of it — and that the fire was spread mostly by incompetent government employees blowing up block after block with incendiaries. And if the "oligarchs," as Fradkin insists on calling them, thought they could make people forget about the danger of earthquakes, they were remarkably unsuccessful. A flood of books, magazines, and coin-operated stereopticons brought images of The Quake — as well as the word "earthquake" — to the attention of the country within months of the devastation.

Throughout all his contradictions, Fradkin's one constant is unrelenting negativity. Although one critic has hailed his book as a tale of "hubris and heroism," there are exactly four and a half pages of heroism in his book: his description of Lieutenant Freeman's efforts at the Embarcadero. The rest is a constant hissing at "the rich and powerful" who "manipulated" society and cruelly put "the rights of property owners" ahead of "the safety of the community." Fradkin seems to think

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea" with the gold coin prize for refuting it regularly offered here, and completely ignored by the masterminds of libertarianism, too busy to demolish the Left. They're irrelevant. The problem isn't figuring out the form a free market should take. It would figure that out for itself. The problem is getting to it. And the obstacle to it is not uncertainty over the feasibility of the market principle, for the majority wouldn't allow it even if it were feasible. It doesn't want non-aggression; it wants aggression, plunder, and redistribution, and could be dissuaded from it only by the demonstration that it didn't pay, that taking from the rich to give to the poor didn't reduce but increased inequality.

That is the only logical strategy, and the neophobic libertarians who can't be bothered with it are certainly not leaders in the fight for freedom but irrelevant to it. So, when you've had enough of their intellectual sideshows, and are ready to demolish the Left, see ***Intellectually Incorrect*** at intinc.org.

San Francisco should simply not exist at all, and that in a world free of corporate greed, it wouldn't. "It is a marvel," he writes, that San Franciscans "did not just give up and go away." But that marvel is not a source of admiration to him — it's a sign of weakness. Why Fradkin himself continues to live in the Bay Area, as he has for 30 years, he doesn't explain. Is he, too, a victim of the capitalist plot?

Simon Winchester, who studied geology at Oxford, approaches The Quake from a very different perspective, resulting in a book much broader and shallower than Fradkin's. He is interested in why the ground shook to begin with — and it doesn't start shaking until almost 250 pages into his book. His discussion of The Quake is over 130 pages later, and the rest is devoted to the nature and causes of earthquakes in general, mixed with his trademark amusing digressions. Although Winchester is the best writer of the three, "A Crack in the Edge of the World" is light on the history of the earthquake itself, relying much more on secondary sources and his personal trips to earthquake zones.

It's a relief that, possibly because of his broader perspective, Winchester resists diving into feeble sociological whining. Yes, he acknowledges, many business leaders tried to play down the effects of The Quake and the likelihood of another, "setting a tone of rather forced jollity." And they did so in part to prevent a flight of investors. But there were other reasons, too — for one thing, insurance companies were more likely to pay for fire than for earthquake damage. And in any case, the pro-business spin doctors were unable to prevent the presses from flooding the market with books like "The San Francisco Calamity by Earthquake and Fire," and ultimately making Los Angeles, farther from fault lines and relatively safer, into the new capital of California's economy. Ultimately, the "forced jollity" was less a capitalist conspiracy than a combination of can-do spirit, self-defensive whistling in the dark, and a conscious, understandable love of the places that we call home. As Winchester points out, Yellowstone Park "sits on top of a potential super-volcano, the eruption of which — at some unpredictable moment in the geological near term — will devastate nearly all of Western America." Yet people continue to live in the path of destruction, not because they are fools, but because they believe the risks are worth the rewards, and they refuse to cower before Nature's fickleness. "All that man does, and everywhere that man inhabits," writes Winchester, "is for the moment only — like the cherry blossoms in a Japanese springtime, exquisite simply because of their very impermanence."

Civilians who tried to remain in their homes were dragged out at gunpoint, although those few who were allowed to make a stand were able to save their homes.

But it's Dennis Smith who, in "San Francisco is Burning," directly challenges Philip Fradkin's approach. Smith's primary interest is in heroism, and particularly in Lieutenant Freeman, whose leadership and intelligence have never been adequately recognized. Even Smith's writing style is the opposite of Fradkin's. He writes like a pulp novelist, with unabashed enthusiasm for the might and perseverance required to fight fires without gasmasks, to carry hundreds of pounds of firehose without automobiles, or, in the fire's awful climax, to push an iron steam engine nine blocks up the hill toward Mission Dolores Park to link to the one "golden hydrant" that somehow still worked, and there to conquer the fire on April 21st.

Unfortunately, Smith is willing to rely on questionable sources, including the mass-market books published only months after The Quake — books Winchester describes as simply "fiction." He makes some outlandish statements (e.g., "San Franciscans were not prejudiced against the Irish . . . The city prided itself, then as now, on its liberal acceptance of all people"), and repeats unverifiable and even apocryphal stories, such as tales of policemen shooting people trapped in the rubble so as to put them out of their misery, or the story that the Ham and Eggs Fire started in the kitchen of "a woman living on Hayes Street" — which is about as reliable as the story of Mrs. O'Leary's cow. A reader is understandably skeptical about the rest of Smith's facts, and this suspicion is only deepened by the fact that he provides no footnotes, but merely a lame "author's note" assuring "that all information contained in the book may be relied upon as historically accurate."

Fradkin depicts the 1900s as an era of heartless greed; of Snidely Whiplashes fantasizing about evicting poor widows.

These flaws are fatal, and that's regrettable because the story Smith wants to tell very much deserves to be told. There was much heroism in San Francisco; it was an age of heroism. But while Smith excels in putting a personal face on the triumph and tragedy, his portrait is often just as shallow as Fradkin's. For Fradkin, Rudolph Spreckles and James D. Phelan were coldhearted moneygrubbers, on a dia-

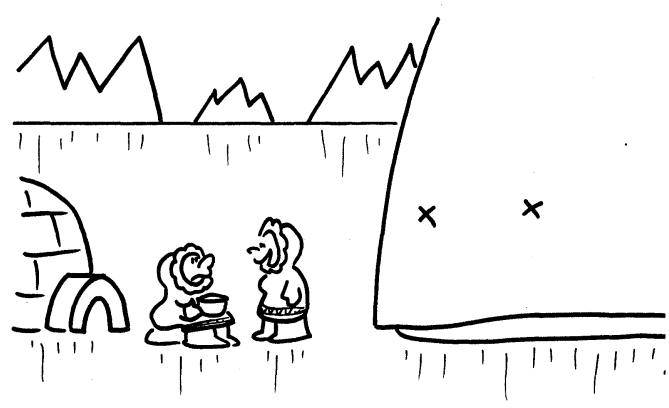

"Be sure to save room for dessert."

bolical mission to snatch the scepter from the persecuted Abe Reuf; for Smith, they were spotless paragons of civic virtue, fighting the lonely fight against Reuf the Archvillain. Fradkin skates over the undeniable fact that Reuf was engaged in shameless bribery; Smith ignores the illegal interrogations and corrupt trial procedures that convicted him.

A.P. Giannini, founder of the Bank of America, set up shop on a park bench amid the wreckage, lending small amounts to devastated workers so they could rebuild their lives.

But the difference between Smith's focus on heroism and Fradkin's obsession with greed is more than just a difference in perspective. It's symptomatic of a deepening cultural gulf that has serious implications for everyday life in America, and certainly for how we deal with great disasters. More than anything, the can-do spirit of San Francisco — what that age was proud to call being "indomitable" — was the spirit of enterprising individualism, which has in many ways been rejected by today's culture of entitlement and need. San Franciscans of 1906 saw that they had lived through an awful catastrophe, but they would not let it get the best of them. They rallied around ideals best exemplified by A.P. Giannini, the Italian capitalist who founded the Bank of America, and who set up shop on a park bench amid the wreckage of Union Square, lending small amounts to devastated workers so they could rebuild their lives. Today, a growing spirit of helplessness and servitude has inflicted upon society images of angry victims screaming demands into CNN cameras that the government come and help them. An older generation would have thought this undignified — not because they were exploited, but because they believed in taking pride in the hardiness of one's spirit. That kind of pride was the spiritual backbone of America's commercial republic, which built skyscrapers and spaceships, cured disease, and lit the nights. But it has weakened under a tide that idolizes the mundane and turns its back on "indomitability." This, combined with hysterical news media saturating the airwaves with manufactured crises and pitiful spectacle, has largely replaced the spirit of rugged individualism with one of grasping bitterness that John McWhorter has called "the victimology cult."

This is the psychological keystone of the welfare state, and its consequences are evident in the contrast between 1906 and 2005. Then as now, people suffered horrifying catastrophes, and those who came to their aid deserve all the gratitude possible. But today's relief efforts are tinged with a resentment that seems absent from the more self-reliant atmosphere of 1906. In 2002 alone, state and local governments in Louisiana spent $7,094,373 on social programs, not counting schools. That's seven times the amount spent on police and fire services combined. Such a vigorous welfare machine has enormous moral consequences: destabilized families; violent inner cities; ruined public schools. But worse than these is what even Franklin Roosevelt recognized as the moral decay that accompanies welfare addiction. "Continued dependence on relief," he admitted, "induces a spiritual and moral disintegration . . . To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit." The welfare state inculcates a sense of relaxation even in those who do not receive aid, loosening the demands of responsibility, and sapping the energies that might otherwise be devoted to enterprise and self-improvement. A person is never really on his own today; never wholly in charge of his destiny; never truly accountable. We are relieved of the danger of failing, at the price of never having to try with all our might. Thus we never discover what it means to succeed completely on our own. The result is a stifling of the moral imagination.

Time and Newsweek have seriously questioned whether New Orleans should even be rebuilt at all, a question that would have struck Americans of a century ago as absurd. But for writers like Philip Fradkin, for whom heroism, individualism, and achievement are trivial episodes in a tale of Dickensian woe, such questions are murmured in all seriousness. Interpreting the 1906 quake as an incident in the class struggle is of a piece with the modern static mindset that sees construction and reconstruction as an affront to community, or the environment, or other idols of the sensitive class. At bottom it is contempt for human achievement.

One contemporary observer of the earthquake recalled that in the days after the disaster many people considered moving elsewhere. But "it only required a moment's consideration" for them to choose to remain. San Francisco was the place where they were known and where there were still over 300,000 people to be fed, clothed, and housed. Here there was an adjacent country big enough for an empire, as rich in possibilities as any land on God's footstool, for which San Francisco was the bank and clearing house, the shipping point for the products, and the supply house for the needs. San Francisco was the place for them, for had not the commercial hand of the Orient and the islands been reaching out to this port, taking more and more of the things we grow and make, and returning to us things that the people of the Occident crave and need? San Francisco then was the place to renew business, where the conditions not only invited but demanded it, with the promise of great profit.

People choose to live in dangerous places — and to rebuild after disasters — because they believe in the possibility of an admittedly fleeting happiness.

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To the welfare-state mentality, these words reveal desperate need, which cruelly forced people to stay in a place they knew to be dangerous. But to the people themselves, the "promise of great profit" meant opportunity — an opportunity for a happy and successful life, which in the broader sense meant the opportunity to make a city and a home. People choose to live in dangerous places — and to rebuild after disasters — because they believe in the possibility of an admittedly fleeting happiness, and because they love these cities.

No city is more deserving of that love than San Francisco, the most charming city in America. Every land has its dangers — the North has blizzards, the Midwest has tornadoes, New Orleans has hurricanes, and San Francisco has earthquakes. But cities are more than just places to live; they are connotations, images, and meanings, built a day at a time by the people who choose to make their lives there. They're cultures. As comedian Steve Martin wrote in his screenplay for "L.A. Story": "It's a place where they've taken a desert, and turned it into their dreams."

Like the residents of San Francisco and Los Angeles, the people of New Orleans knew for years that a major hurricane would devastate their city. But they chose to stay for many reasons, not the least of which was its charm. Novelist Anne Rice recently wrote in the New York Times that the city where she was born "shaped who and what I am. Never have I experienced a place where people knew more about love, about family, about loyalty and about getting along than the people of New Orleans. It is perhaps their very gentleness that gives them their endurance." The people will rebuild, she wrote, "because it is where they have always lived, where their mothers and their fathers lived, where their churches were built by their ancestors, where their family graves carry names that go back 200 years. They will stay in New Orleans where they can enjoy a sweetness of family life that other communities lost long ago." This doesn't sound like a victim of exploitation; is there any reason to think differently of the people who rebuilt San Francisco? ❑

"The Travels of a T-Shirt in the Global Economy: An Economist Examines the Markets, Power, and Politics of World Trade," by Pietra Rivoli. John Wiley, 2005, 254 pages.

T-Shirt Safari

Bettina Bien Greaves

Pietra Rivoli, associate professor at Georgetown University's McDonough School of Business, got the idea for this book when a crowd of raucous students invaded the Georgetown campus in 1999 to protest evil corporations, globalization, the International Monetary Fund, and the World Trade Organization. One young woman seized the microphone and shouted "Who made your T-shirt? Was it a child in Vietnam chained to a sewing machine without food or water? Or a young girl from India earning 18 cents per hour and allowed to visit the bathroom only twice per day? Did you know that she lives 12 to a room? That she shares her bed and has only gruel to eat? That she is forced to work 90 hours each week, without overtime pay? . . . All in the name of [corporate] profits." How did the young woman know all this? Rivoli, a college professor, did not know about these things. But she determined to find out.

Her search began in Florida. She reached into a large bin of T-shirts ($5.99 each; 2 for $10) near the exit of a Walgreen's drugstore and pulled out a white shirt printed with a flamboyantly colored parrot. "You're it," she said; she would trace that particular shirt to its origin.

Rivoli's tale is delightful and informative. It covers the history of the U.S. cotton industry from cotton farming, to the development of the textile industry, to the globalization of trade in fabrics and clothing. Her conclusion, as she researches the background of her T-shirt, is that the production and marketing of cotton, cotton textiles, and cotton T-shirts have not been the result of free markets and free trade. Rather they have been supported, assisted, and subsidized from beginning to end by countless government interventions. She follows the trail of cotton production from pre-Civil War southern plantations to Industrial Revolution factories in England, from New England and the South to China and other Asian nations, and finally to secondhand markets in Africa.

At every step along the way, producers enjoyed the assistance of government. Thanks to slavery, the cotton planters of the South had at hand an ample supply of workers who were forced to pick cotton under the lash — they had no alternative. The textile factories in England benefited from the availability of many desperate and docile workers — paupers, children, and farmers who had been forced off the land by the enclosure movement. When Eli Whitney's cotton gin made it possible to separate the seeds from the fiber much faster and more easily than before, U.S. cotton farmers could expand production, thanks again to the inexpensive labor of slaves. Thus U.S. cotton farmers were able to keep up with the demand of the mechanized British textile factories. Although the British tried to prevent the export of textile machines and technological

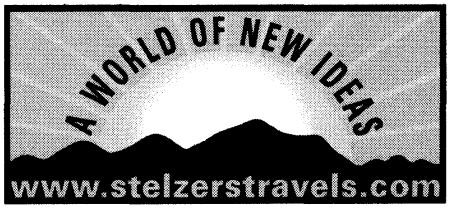

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know-how, the industry gradually shifted in the 19th century to the United States and New England, where new factories again found a ready supply of docile, desperate, hardy, uncomplaining workers — young women dissatisfied with life on the farm and willing to work at low wages.

The U.S. government has assisted cotton farmers in many ways. Department of Agriculture scientists helped them improve the quality of their crop. The FDA also developed new insecticides, new fertilizers, and new techniques for extracting oil from cotton seeds, as well as new uses for the oil. Government marketing specialists helped cotton farmers find markets and encouraged the creation of marketing cooperatives. Government irrigation and crop insurance guaranteed farmers that they could survive droughts without going bankrupt. As new machines were invented, cotton farming became a large scale business that no longer required big numbers of manual laborers to weed fields, spray pesticides, pick cotton, and clean cotton seeds. New technology and government red tape helped big operators by discouraging would-be competitors. Small, uneducated sharecroppers or tenant farmers, who couldn't afford big machines or read well enough to understand the instructions or the government regulations, dropped out of cotton farming, pushed off the soil by bureaucrats. Of course, government also subsidized cotton farmers directly. And now that textile manufacturing has largely shifted overseas, government protects domestic producers with a complicated system of quotas, tariffs, and import duties, depending on where the textiles were manufactured, where the fibers came from, and where the garments were cut, sewn, and assembled.

Tenant farmers, who couldn't afford big machines, dropped out of cotton farming, pushed off the soil by bureaucrats.

As Rivoli tells the story, the production, worldwide distribution, and sale of cotton T-shirts has not been a victory for free markets and competition, but rather for government assistance. She concludes that the only truly *free* market in the world is now in Africa, where secondhand clothing and T-shirts, cast off by well-to-do American consumers, find eager buyers.

It is true that the production and marketing of cotton, cotton textiles, and cotton T-shirts has had the support of countless government interventions at every stage in the process. But in my view Rivoli doesn't stress strongly enough the most important factor — that the market, even if not completely free, has operated all along. The market consists of individuals, dealing with one another, buying, selling, transporting and combining raw materials, producing goods, and supplying services. And that market, directed by entrepreneurs, has functioned. Cotton farmers were already growing cotton when government began offering subsidies, set up the FDA, the AAA (Agricultural Adjustment Administration) and other acronymic agencies. Factories were already operating when government enacted labor rules and regulations in an attempt to prevent employers from "exploiting" workers. Chinese factories were already producing textiles and manufacturing cotton T-shirts with inexpensive local workers, placing U.S. factories at a competitive disadvantage, when the government was asked to introduce tariffs and import quotas to protect U.S. manufacturers.

The entire textile industry owes its development, its pattern of production and trade, to the activities of energetic, innovative, industrious entrepreneurs, savers, and investors who at every stage of production were trying to cope with the situation as it actually existed, trying to satisfy the wants of consumers. They were always looking for ways to produce better, cheaper things that consumers wanted. Once slavery was abolished, no one was forced to work on a farm or in a factory unless she preferred that work to all other opportunities.

Entrepreneurs who are engaged in the production and trade of cotton textiles and manufactured goods do not

operate in a completely *free* market — nothing is perfect in this world of imperfect men. They operate in a *hampered market economy*, in which producers frequently seek special advantages from government for themselves and others in their industry. Entrepreneurs have been helped at times and hindered at others by government taxes, interventions, subsidies, tariffs, rules, and regulations. Such government interventions inevitably alter the patterns of production and trade. They influence the market. But the interventions — the laws, the government rules and regulations — are political, nonmarket phenomena. The entrepreneurs, not the interventions, are responsible for production. Entrepreneurs, not government interventionists, have been the prime movers in the hampered market economy in which cotton and cotton textile businesses have functioned since they began. ❑

"Do As I Say (Not As I Do): Profiles in Liberal Hypocrisy," by Peter Schweizer. Doubleday, 2005, 272 pages.

Lifestyles of the Rich and Leftist

Gary Jason

I have felt for a long time that it is as important to preach what you practice as it is to practice what you preach. This theme is well illustrated in Peter Schweizer's droll new book, "Do As I Say (Not As I Do): Profiles in Liberal Hypocrisy."

Schweizer looks at a number of contemporary icons of the American left, with an eye to detecting hypocrisy. Among his subjects are Noam Chomsky, Michael Moore, Al Franken, Ted Kennedy, Hillary Clinton, Ralph Nader, Nancy Pelosi, George Soros, Barbra Streisand, Gloria Steinem, and Cornel West. He finds in each case a private life markedly at variance with the public persona.

Now, one has to be careful when playing the *ad hominem* game. A person's intellectual claims are not disproved by his bad character. Commendably, Schweizer doesn't attempt to discredit these pestiferous statists by looking for sexual peccadilloes or substance abuse issues. Instead, he focuses on their financial lives, which seem to me fairer game. To hear John Kerry bash the "rich" for not paying their fair share in taxes, and then to find out that he and his wife (worth $700 million) pay less than 15% of their own income in taxes, or to hear Katrina vanden Heuval denounce efforts to end the inheritance tax, and then discover that she herself is a multimillionaire heiress, is to face a serious question. Granted, as a matter of logic, that their hypocrisy doesn't disprove the principles they espouse, still, which principle should the listener adopt, the one espoused or the one embodied in the speaker's life?

Consider the case of Nancy Pelosi, the ultimate San Francisco big-government liberal, and leader of the Democrats in the House of Representatives. She is the daughter of Big Tommy D'Alesandro, boss of the Baltimore Democrat political machine. She grew up in a household built around the use of political power for personal gain, under the banner of compassion. In her career in Congress, she has garnered the highest praise from the AFL-CIO, the Americans for Democratic Action, and the League of Conservation Voters. She is grotesquely pro-union and pro-regulation, and a fierce "environmentalist," of course. Her favorite pastime is attacking people on her political right — which is everyone to the right of, say, Mao Zedong — as enemies of clean air, clean water, the working man, or whatever. To her, we're all greedy, vile exploiters of the poor.

Actually, to be fair, her favorite pastime is enacting laws to increase the power of unions, trial lawyers, and the federal government. But Pelosi's private life is all capitalist. She and her husband have a net worth of over $50 million — not bad for champions of the poor. Much of their wealth comes from real estate ventures, such as the development of the Corde Valle Golf Club and Resort in Silicon Valley. Schweizer documents how the Pelosis' private partnership (Lions Gate Limited) managed to get approval to develop some raw land over the objections of environmentalists and other local groups, by contractually promising that the club would be primarily a public course and that the development would be ecologically friendly. But the developers stiffed the public. The golf course turned out to be primarily for the use of the ultrawealthy: the *hoi polloi* have to reserve three days in advance and pay $275 for a round of golf. A membership at the club costs $250,000! And Lions Gate failed to live up to the promised environmental

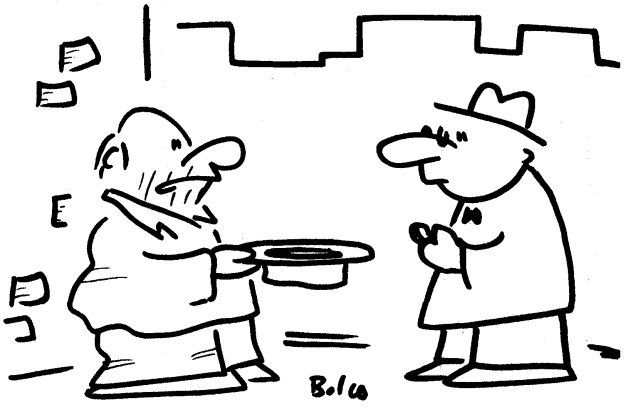

"It's a dollar minimum, sir — union rules."

guarantees. When the San Jose Planning Commission started thinking about looking into whether Lions Gate had made fraudulent representations to get the development approvals, the Pelosis simply hired some local, well-connected lobbyists, and the Planning Commission backed away like frightened kittens.

In a similar manner, Schweizer shows that Pelosi, winner of the Cesar Chavez Legacy Award, uses companies without United Farm Workers contracts to harvest grapes on her vineyard, and she sells those grapes to nonunion wineries. Again, this darling of the AFL-CIO (and recipient of a huge amount of its money for her campaigns) owns a big chunk of two lavish hotels and a chain of chi-chi restaurants that are all resolutely nonunion shops.

Next consider Ralph Nader, the ultimate corporation basher and perennial candidate for the presidency (not to mention sainthood). Nader's persona is that of the Spartan lefty, the "walk the walk not just talk the talk" opponent of the hideous corporate greed that dirties the soul of America. When he visited the Soviet Union back in the 1960s, he admired the lack of consumer products, and when he returned to Russia after the collapse of the Soviet system he was dismayed to hear people praising free market economics. To Nader, corporations are evil: they dominate governments, rig prices, sell dangerous and useless products, and generally hurt our standard of living.

Nancy Pelosi is worth more than $50 million — not bad for a champion of the poor.

But in his personal life, about which St. Ralph is very secretive, things are different. He lives well, using a D.C. mansion that he apparently owns (though the title is in his sister's name), earns millions from

The 2005 Mainstream Movie Awards

Hollywood's picks for the Oscars this year demonstrate the industry's utter disdain for the viewing public. Of the twelve films nominated in the top categories (Best Picture, Director, and Actor) nine opened only to limited release (fewer than 500 screens nationwide), five opened only in New York and Los Angeles, and three have earned less than $2 million at the box office; they are available only on DVD.

I love independent films, but I hate the art houses where they are often shown, with their broken seats and small screens, and the level floors that make it difficult to see if the theater is full. Moreover, most of the Oscar contenders are released in December and stay around for only a week or two. The average American is not going to tune into the Oscar show this year, when it is about films they haven't seen.

So here are my favorite mainstream films of 2005. All of them received wide release (over 2,000 screens) and all of them earned over $100 million. Perhaps you saw them too.

"Cinderella Man," directed by Ron Howard. Universal Studios, 144 minutes.

Many people boycotted this film after Russell Crowe's petulant treatment of a New York hotel clerk when his phone call wouldn't go through. It's a shame, because it's one of Ron Howard's best. James Braddock (Crowe), driven from a successful boxing career by injury, then into poverty by the stock market crash, goes back into the ring to face heavyweight champion Max Baer, risking injury and even death to keep his family together. Baer is a high-living lady's man fighting for a title, but Braddock is a simple dockman, fighting for his family. The result is a gripping film, full of brutal punches, unrelenting poverty, and tender emotion.

Critics say that the best direction does not draw attention to itself, but I have to give Ron Howard credit for actors who are emotional but not maudlin, lighting that creates atmosphere without being gimmicky, and powerfully effective editing techniques. Crowe delivers a knockout performance, with fine performances as well by Paul Giamatti ("Sideways") as Braddock's coach Joe Gould, who practically fights along with him in the ring; Craig Bierko, who plays Baer; and Paddy Considine ("In America") as Braddock's friend and fellow dock worker. Even Renee Zellweger is tolerable as Braddock's wife. Wynn Thomas, the production designer, also deserves praise for his recreation of 1930s New York.

"Charlie and the Chocolate Factory," directed by Tim Burton. Warner Bros., 115 minutes.

Ultimately, this is a standard morality tale in which the nice guy wins and the bad guys get punished. The story starts with a contest in which five golden tickets have been packaged inside chocolate bars produced in Willy Wonka's candy factory. The finders of the golden tickets are invited to tour Wonka's factory, where Wonka's contempt for the mostly obnoxious children and their parents leads to hilariously dark consequences for all but the last boy standing. The theme is the only thing standard about this film. Burton infuses it with bizarre humor and a whimsical set that gives new meaning to the phrase "eye candy."

The key to the film's success is Johnny Depp, the most versatile film actor since Dustin Hoffman, and

speaking and writing, and invests in — big, multinational corporations! He has net assets of about $4 million, most of it in corporate stock, such as the $1 million he owns in Cisco Systems, not to mention his stocks in major defense contractors such as GE and IBM. He controls nonprofit organizations and trusts, all secretly run, with his family members on the governing boards. His charitable foundations give away 4% of their assets every year, the lowest amount possible to keep their IRS tax-exempt status. The remaining assets are also in corporate stock, including telecom monopolies such as Verizon, BellSouth, and Qwest.

It is no surprise that his hidden ownership of these various entities involves conflicts of interest, as when he pushed hard in speeches and legal briefs to break up Microsoft, all the while standing to gain enormously should the breakup have occurred, or when he privately brought shares in Ford while hammering General Motors. (Remember the Corvair?) And, oh yeah, while he praises unions, he blocks unionization of his own organizations. All of this Schweizer documents in loving detail.

His book is an enjoyable read, and in places downright hilarious. Could a comedy writer ever come up with a joke as funny as Michael Moore's owning Halliburton stock? Schweizer's investigative research on these icons of the Left, these Learjet liberals and mink-draped Marxists, is good reporting — although the lack of any real social analysis is disappointing. After finishing the book, the reader knows that many activists who attack capitalism live quite well off it, but does not know the why of it all. What motivates people who have profited so much from our free market democracy to bash it so angrily?

This is a surprisingly subtle question, one that I don't really have a settled opinion about — it being rather out of my field (I'm a lowly philosopher, not an exalted sociologist or psychologist). But I'll hazard a few guesses, i.e., suggest a few psychological explanations of why wealthy people push leftist agendas. Different mechanisms can be found in different individuals, of course.

Nader's charitable foundations give away 4% of their assets every year, the lowest amount possible to keep their IRS tax-exempt status.

First, some people earn their money by manipulating the rules they help create. Consider a case that Schweizer surprisingly *doesn't* discuss, Jesse Jackson. As Ken Timmerman documents in his recent book, "Shakedown: Exposing the Real Jesse Jackson," Jackson has made himself and his family a bloody fortune shaking down corporations by threatening them with affirmative action lawsuits. Of course, he just happens to be one of the driving forces behind electing leftist politicians who push for laws expanding affirmative action. In one case, Jackson started a boycott against the Anheuser Busch beer company because (he alleged) they didn't have enough black distributors. He changed his tune after the company gave $10,000 to his "Citizenship Education Fund" and $500,000 to his Rainbow PUSH coalition, and set up a fund to help non-whites buy distributorships. After two of Jackson's children bought a distributorship guaran-

Freddie Highmore as Charlie, who performed with Depp in last year's stunning "Finding Neverland." Depp gives pathos to the quirky owner of the town's candy factory; we realize he is not merely egocentric but also agoraphobic, and while this takes the edge off his menacing treatment of the children, it also reminds us that he is just one step away from the mental asylum. As with Turkish delight in Narnia, we know we should get out, but we just can't resist the staying for more.

"Walk the Line," directed by James Mangold. 20th Century Fox, 136 minutes.

This is one film the Academy got right, nominating both leads. Joaquin Phoenix reveals the inner torment of Johnny Cash, and Reese Witherspoon seems born to play the witty, homespun June Carter. In fact, the film is as much about Carter as it is about Cash. Phoenix manages Cash's deep bass vibrato with aching emotion, and Witherspoon's southern accent is delightful without being corny.

The theme of redemption is subtle, but it rings true. Framed as a flashback during the concert Cash recorded at Folsom Prison, the film is about breaking free from one's own captivity and finding redemption in a partnership with the person one loves. It works for me.

"King Kong," directed by Peter Jackson. Universal Studios, 187 minutes.

Like all heroic tragedy, this film contains a fatal flaw: it's too long. But it's terrific nonetheless, with its classy, intellectual screenplay, its thrilling action scenes, and its romantic story between Beauty and the Beast, played luminescently by Naomi Watts and Andy Serkis, who brings life to the computerized Kong.

"Crash," directed by Paul Haggis. Lions Gate Films, 100 minutes.

A powerful film about isolation in crowds and interconnectedness despite indifference, "Crash" slams into you, midway through, with the unexpectedness of a rear-end collision. Just when you think you've had enough of this "why can't we all just get along" public-service announcement, it turns into something completely different and intensely compelling. Suddenly, you're hooked.

The film is rough, particularly the language, and while the concept of examining stereotypes is interesting, I was turned off by the preachiness of the dialogue in the first half hour. Then, midway, when the multiple stories begin to crash into each other, the film developed a breathtaking intensity. First-time director Haggis knows how to use a camera as well as how to tell a story, and this movie is best when he lets the story do the teaching. If the Academy offered a "Best Ensemble" Oscar (and it should) this film would win it.

teeing them millions, Jackson dropped support for the boycott.

Then again, there is what I would call "PR compassion." Entertainers and sports figures are typically instructed by their agents to affiliate themselves with some highly visible charity as part of their public relations presentation. A genuine altruist would anonymously donate large amounts of money to charity, but that wouldn't work as a public relations tool; it helps your career to look compassionate and caring, especially if your career is either just starting or rapidly fading. Think of all those "Live Aid" and "Farm Aid" worldwide telethon concerts, in which geriatric rock stars strut their stuff with walkers, and long-forgotten celebrities get to remind the public that they still exist.

I suspect that there is also a subtler phenomenon at work, one that I would call "warding off the evil eye." I suspect that some successful people — here I have in mind certain businessmen who have become enormously rich — fear that the envious lower classes will possibly do them harm. Considering the long history of class warfare politics, this is not an irrational fear. To ward off envy, these captains of industry make a conspicuous show of being kind and caring, setting up foundations that prominently feature their names.

Think of all those "Live Aid" and "Farm Aid" worldwide telethon concerts, in which geriatric rockers and long-forgotten celebrities get to remind the public that they still exist.

Finally, there is power envy. Nietzsche famously argued that slave morality, the morality of compassion, of altruism, was devised by the weak out of envy and fear of the power of the strong. This is doubtful, but there does seem to be a real envy of the powerful, harbored by such people as academics. They hold a Ph.D. in some subject or other, publish lots of articles, make tenure, but still exert no influence on society. This is galling to them. They despise people with power and do their best to bring them down. Perhaps this explains the attempts of many academics to indoctrinate their students. It may also explain the palpable bitterness of a Nader or a Moore: feeling that they are entitled to rule, they hate those who appear to do so. □

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Notes on Contributors

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"Match Point," directed by Woody Allen. DreamWorks LLC, 2006, 160 minutes.

Neuroses and Nets

Jo Ann Skousen

One of the reasons why Woody Allen movies have lost their box office appeal in recent years is his somewhat provincial focus on Manhattan, both as a location and as a source of character types. I love New York, but the self-absorbed quirkiness of his stock characters hasn't aged well. Perhaps the best thing to be said for his latest movie, "Match Point," is that it doesn't feel like a Woody Allen movie.

Yes, it explores familiar themes of infidelity, obsession, and class structure, and Allen can't resist occasional vintage Woodyisms, such as one character's observation about an off-screen couple, "They're so right for each other. Their neuroses match perfectly." But the move from Manhattan to London seems to have given him a new canvas and a new vision. The result is an engaging film with natural, subtle wit and a noir atmosphere that allows the audience to sink into the characters and savor the experience like a fine meal. It may be slow at times, but it's worth the wait.

Chris Wilton (Jonathan Rhys Meyers), a former tennis player, now a country club pro, might have had a great career except for the fact that the net balls too often fell back onto his side of the court. "I'd rather be lucky than good," he observes wryly as the film opens. Luck — both good and bad — figures prominently throughout this film. Chris is soon befriended by Tom, a wealthy member of the country club who shares his interest in opera. He eventually marries Tom's sister Chloe (Emily Mortimer) while falling hard for Tom's fiancee Nola (Scarlett Johansson). Who could blame him? Chloe is rich, intelligent, perky, and pretty. She gets him a job in one of daddy's companies and provides him a living to which he is delighted to become accustomed.

By contrast, Nola is sexy and aloof, with a sensuous mouth and a smoker's husky voice, an actress who never seems to pass the audition. It's a story as old as the hills, iconically presented in "Dr. Zhivago": how can one resist the forbidden and needy Lara, when Tonya is so safe and predictable? Nola and Chloe even look like "Dr. Zhivago's" Julie Christie and Geraldine Chaplin. In short, the guy is a despicable cad. But like Dr. Zhivago, he's such a charming cad. Doesn't he deserve to have what he wants?

This sense of privilege permeates the film. Chloe and Tom come from "the privileged class," but Chris has been raised with all the privileges of a professional athlete. Serious tennis players (or figure skaters or virtuosi or any other elite performers) often become stiflingly self-interested, surrounded as they are by devoted coaches, trainers, fans, and parents whose sole purpose is to help them succeed in their game. Chris no longer has his entourage, but he is totally self-absorbed, caring only about the fulfillment of his own desires. The film is presented entirely from his point of view; he appears in virtually every scene until the denouement. His obsession is despicable, yet he never wavers in his sense of entitlement.

The film's conclusion is wickedly satisfying, leaving several existential questions to linger over during dessert. Is one entitled to happiness? If so, at what cost? Is one justified in being completely, totally self-interested? What is justice, if net balls fall into one court or the other with no apparent reason? For Chris Wilton there is no question: He would rather be lucky than good. ❑

Can Trains Be Saved?, *from page 42*

Would It Work?

If this new business model had been implemented in 1971, would it have prevented the disaster that Amtrak has become? As previously noted, reducing Amtrak's operating costs by 30% would eliminate its operating deficit. If passenger revenues covered all operating costs, federal and state governments would be limited to providing capital grants for rail equipment. If better-designed trains further increase revenues and better-utilized equipment further reduces costs, Amtrak might even be able to cover some or all of those capital costs. Reducing Amtrak's financial dependence on taxpayers would protect it from pork-barrel Congressmen.

Amtrak would benefit by making such improvements today, though resistance to change is now greater and it will take several years for the benefits to be seen. The 1997 Amtrak Reform Act allowed Amtrak to contract out services and cave less often to unions. However, as Vranich detailed in "End of the Line," Amtrak failed to take advantage of this law.

Amtrak could start by contracting out dining car services, experimenting with through schedules that better utilize equipment, and refitting Superliners and other cars with automatic doors. Once most trains were refitted, Amtrak could build platforms at all stations on selected routes to see if it could reduce the size of on-board crews.

Would these changes allow Amtrak to become a significant player in American travel? Probably not. Despite billions in subsidies, European trains have a small and declining share of intercity travel. But a new business model that minimizes or eliminates subsidies would allow passenger rail to stay on the tracks in the United States without the periodic political threats and continuing fiscal crises that characterize it today. That would be enough for most everyone to call it a success. ❑

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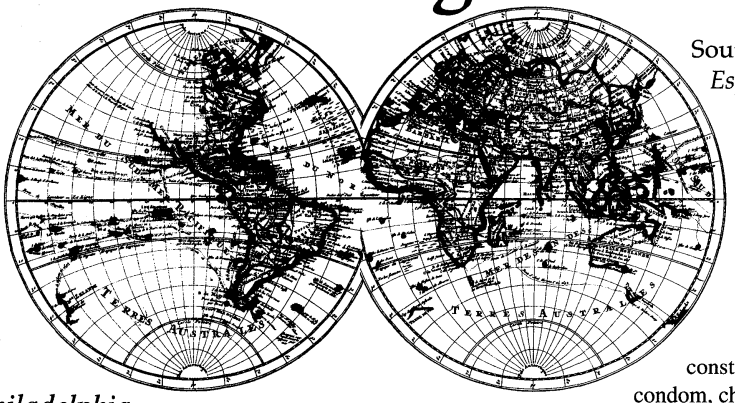

Washington, D.C.

Innovative criminal defense, noted by the *Washington Times:*

Gwendolyn M. Hemphill, a former Washington Teachers Union official who was convicted of stealing union dues, is seeking leniency because she thinks she's being stalked by a small person with a spear.

Port Townsend, Wash.

Rectification of an unfortunate oversight, from the *Peninsula Daily News:*

The Washington Environmental Council has filed petitions claiming Jefferson County's development code failed to use the best available science to determine development near rivers. The council claims that, although the code zones development 150 feet from rivers, it fails to incorporate past and future river channels.

Philadelphia

New methods in mass transit, reported in the *Philadelphia Inquirer:*

Bus driver Mario Edney was charged with aggravated assault, reckless endangerment, and making terroristic threats after an altercation on his Route 17 bus. After a passenger began an argument about Edney not stopping at her stop, he grabbed her by the hair and knocked her head into a pole.

Edney then opened the door and threw the passenger into traffic before continuing on his route.

Fort Leonard Wood, Mo.

Rigorous training in today's military, observed by the *Wall Street Journal:*

Troops traveling in an Iraq-style convoy were "hit" by a series of smoke-spewing roadside bombs. Enemy fighters, represented by pop-up targets, sprung from nearby prairie grass. A drill sergeant ordered a counterattack.

Instead of leaping off the back of a truck, as they would in actual combat, the privates waited about ten seconds for someone to walk to the back of the truck and place a ladder on its rear bumper. They climbed down the five-foot drop, one at a time.

Findlay, Ohio

Admirable generosity, lauded in the *Akron Beacon-Journal:*

Margaret Elizabeth Taylor, who died recently at age 98, has bequeathed her $1.1 million estate to the federal government and requested that it be used to help pay down the $8.1 trillion national debt.

Princeton, Minn.

Note from the campaign trail, in the *Princeton Union-Eagle:*

Self-described vampire and Minnesota gubernatorial candidate Jonathan "The Impaler" Sharkey has been arrested on charges of stalking and escape.

Sharkey gained the limelight earlier in January with his Friday the 13th announcement of his candidacy for governor under the Vampires, Witches and Pagans Party banner. Among his proposals was one that would use impalement to execute murderers, rapists, and terrorists.

Tulua, Colombia

A haven of enlightenment in the Southern Hemisphere, from *El Espectador:*

Tulua councilman William Pena wants to require everyone in town 14 or older to carry a condom to prevent pregnancy and disease. Those caught empty-pocketed would have to pay a fine of $180 or take a safe-sex course.

"Sexual relations are going on constantly," Pena said. "If you carry a condom, chances are yo''ll use it during the day. It's not going to be there forever."

Rome

A celestial harmony, recorded in *Il Gazzetta:*

Father Giuseppe Moscati of the Edizioni Musicali Terzo Millennio, which specializes in church music and organizes musical events at the Vatican, said his company had the rights to 24 of Pope John Paul's prayers and was assembling a group of international artists to set them to music.

Michael Jackson is believed to be among the artists interested in the project.

Baghdad

The costs of building a strong, free Iraq, reported in the *New York Times:*

An American soldier assigned as an assistant to the Iraqi Olympic boxing team was given huge amounts of cash for a trip to the Philippines, where he gambled away somewhere between $20,000 and $60,000. Exactly how much has not been determined, because no one kept track of how much money he received in the first place.

San Francisco

Getting guns off the street, from the *San Francisco Chronicle:*

In November, voters approved Proposition H, which bans all sales and transfers of firearms and ammunition within the city. The measure did not include an exemption for police officers, making it technically illegal for departments to issue handguns, or for officers to turn in handguns seized from suspects.

Special thanks to Russell Garrard, William Walker, and Josh Dunn for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked.

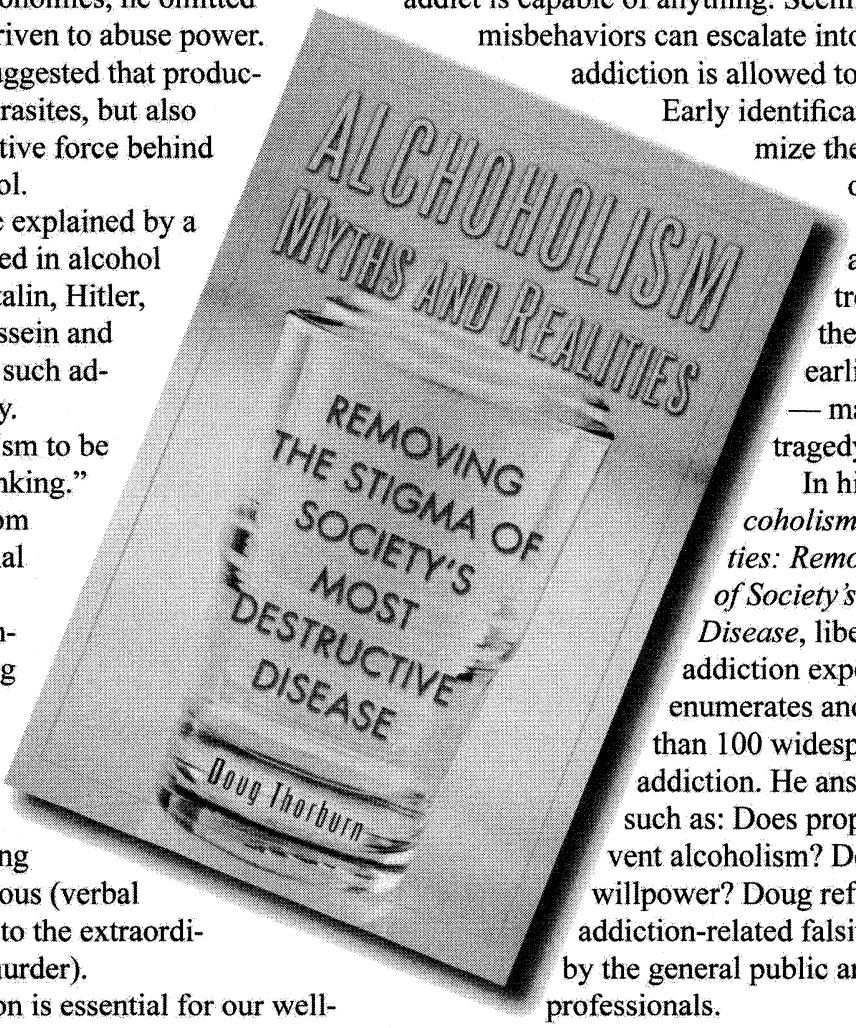

Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispells more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.

Alcoholism Myths and Realities is only $14.95 at finer bookstores.
For fastest service, call 1-800-482-9424 or visit www.GaltPublishing.com.

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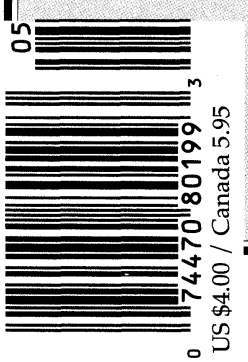

Also: *Jo Ann Skousen* mourns the decline of a great TV thriller, *Alan Ebenstein* writes a strategy for school reform, *Todd Skousen* gets down at "Dave Chappelle's Block Party" . . . plus other articles, reviews & humor.

"Dear is Country, but Liberty is dearer still." — Latin proverb

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Prague, Czech Republic – July 7-11, 2006

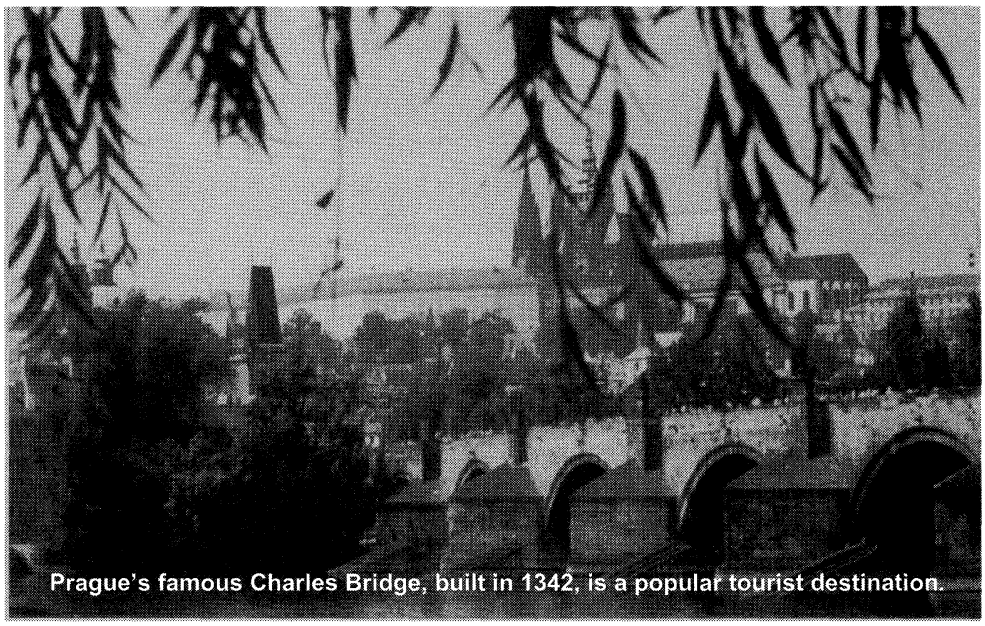

Prague's famous Charles Bridge, built in 1342, is a popular tourist destination.

This year's ISIL event, our 25th annual world conference, is being held in Prague, one of the jewels of Europe. We will focus on the power of networking and examine alternate political structures for the 21st century. Included will be leaders of thinktanks from throughout Europe and the former communist bloc – plus such luminaries as **Yuri Maltsev**, former high-level advisor to Michail Gorbachev and a member of the Peristroika team (he defected to the US in 1989) – and Prof. **Butler Shaffer** of the Southwestern Law School in Los Angeles.

Our friends at the Liberalni Institut, who run the economics department at the University at Prague and hold yearly seminars on Austrian Economics, are this year's host – indeed speaker and co-host **Josef Sima**, has translated not only ISIL Director Ken Schoolland's *The Adventures of Jonathan Gullible*, but Mises' *Human Action*, and Rothbard's *Man, Economy, and State* and *Power and Market* into Czech.

As in past years, we are providing scholarships to attend this event for large numbers of students and young activists from Central and Eastern Europe and the 3rd World (56 were sponsored to last year's conference). We are still building this fund so your (tax-deductible) donations would be most welcome.

Encouraging Developments in Africa. In recent years there have been growing levels of free market activity throughout Africa. We are just now confirming **Thompson Ayodele** of Nigeria's Initiative of Public Policy Analysis (IPPA) and ISIL's Rep **Agwu Amogu** – also **Franklin Cudjoe** of Ghana's Center for Humane Education (IMANI) and **James Shikwati** of Kenya's Inter-Regional Economic Network.

The conference will commence on Friday July 7th and run through July 10th with checkout in the morning of July 11th. There is an optional post-conference tour for those interested in seeing more of the Czech Republic. It will depart from the conference hotel in the AM of the 11th and run through the 14th with checkout in the AM of the 15th.

See ISIL website (www.isil.org) for updates– or if you would like to be on our mailing list for conference and post-tour updates, send us your address. Note: We have blocked a limited number of rooms at the rates noted. When these are gone the prices will rise substantially. Register early.

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Inside Liberty

May 2006
Volume 20, Number 5

4 Letters Serve and volley.

7 Reflections We tax the ugly, torch Colonel Sanders, criminalize stupidity, subsidize the rich, prefer domestic meth, pine for the aristocracy, match head to snout, remember Silent Cal, do the impossible, and shut our ears to criticism.

Liberty Around the World

Individual rights are universal, but they are not universally recognized. Four of Liberty's foreign agents investigate the progress of liberty abroad.

17 The Real India, Behind the Fog *Jayant Bhandari* notes that things are improving in India, but not as fast as people think.

22 The End of Soviet Poland While helping Poland through its transition to a market economy, *Michael Christian* found it easier to sidestep the remnants of communism than to get rid of them altogether.

25 A Bet on China *Bruce Ramsey* wagered against China once. He explains why he won't repeat that mistake.

29 The Danger in Spain *Luis A. Balcarce* wonders what sickness lurks behind the eternal smile of Spain's prime minister.

Features

33 Rethinking Vouchers It's time for voucher supporters to get past their failures. *Alan Ebenstein* plans for success at the polls.

35 Shadyside Fugue As ghosts flit around his hospital bed, *Ralph R. Reiland* ponders the single certainty in life.

Reviews

39 From Suspense to Soap The first two seasons of "24" were as taut and thrilling as any big-budget action movie. *Jo Ann Skousen* tries to figure out what went wrong.

40 How Smart Must Voters Be? How can democracy function when the voters are abysmally ignorant? *Jane S. Shaw* considers, and revises, a possible explanation.

42 The Other Side of Hip Hop The typical image of the rap star, gold-heavy and violent, is a disservice to talented musicians working outside the mainstream. *Todd Skousen* heads to a concert to see the best perform.

43 The French Cassandra *Mark Skousen* looks at the man who was both a leading French critic of the state and a socialist supporter of François Mitterand.

45 Refining Economics *Alan Ebenstein* follows the trail of economic thought from John Locke to Adam Smith, and on to John Stuart Mill.

46 Notes on Contributors Voices of reason.

47 Terra Incognita The fringe report.

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Letters

Peering Into Paine

Not having read the book Michael Caldwell reviewed (Harvey Kaye's "Thomas Paine and the Promise of America"), I have little to quibble about regarding his "Arguments from Absence" (March). Indeed, as a left-libertarian myself, I find it refreshing to know that the Left is anxious to claim Paine as one of its own, because in my view he represents a common ground for both Left and Right, merging the justice sought by lefties with the freedom prized by the Right.

How so? It has to do with the main error I found in Caldwell's review — his puzzlement over why Kaye saw a connection between Henry George's "Progress and Poverty" and Paine's "Agrarian Justice" (which, by the way, was published not in 1786 but 1795, and was not a "consideration of class injustice" but a philosophical treatise on man's natural right to land — errors which may help explain Caldwell's confusion).

Paine did indeed favor the preservation of private property, but wrote in "Agrarian Justice," "It is the value of the improvement only, and not the earth itself, that is individual property. Every proprietor, therefore, of cultivated land, owes to the community a ground rent for the land which he holds." Paine proposed to collect the rent nationally and distribute a small sum to everyone when they reached the age of 21, along with a yearly payment to those who had reached the age of 50, to cover their retirements.

He proposed this not as a matter of charity but of justice, which should serve as a poke in the ribs to most libertarians today, whom I think of as neo-libertarians, since they've deviated from the traditional libertarian principle of equal liberty for all, marked by common rights to land, to embrace the absolute and unrestricted freedom of a subset of individuals to own all land and natural resources, which amounts to an antilibertarian endorsement of privilege.

In any case, Kaye's view of Paine as a protosocialist is obviously not without evidence, as Caldwell avers.

Harold Kyriazi
Pittsburgh, Pa.

Mapplethorpe's Endowment

Having written critically and substantially, at times in Liberty, at length in "The Grants-Fix" (1987), on the National Endowment for the Arts, I was appalled to see Tim Slagle (Reflections, April) repeat the right-wing mantra that the NEA funded "Robert Mapplethorpe's erotic photos and Andres Serrano's urine-soaked crucifix." Both artists created their works with their own funds. In both cases, a provincial institution received funds for exhibitions including those controversial works. In the latter case, the exhibition money came, not directly from the NEA, but from an independent regranting institution.

Would Slagle or any other libertarian want to hold responsible for murder anyone who innocently gives a gun to a non-criminal who pulls the trigger that kills?

Incidentally, reading pious cri-

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tique of the NEA, I'm reminded that the companion endowment "for the Humanities" has been far more objectionable, if not Stalinist, in its operation, founded as it was to benefit members of the Academic Party, who have always controlled it. The reason why NEH-funded documentaries credit academic advisers, whose talking heads sometimes appear on screen, is that the NEH will not support an independent filmmaker, not even Ken Burns, who doesn't include payoffs to these academics, much as no documentary could have been made in East Germany that didn't include payoffs to party hacks. I have always thought that any critic of the NEA who misses the bigger problem at the NEH is politically blind. I still do.

Richard Kostelanetz
New York, N.Y.

Slagle responds: I would suggest that Kostelanetz's previous associations with the National Endowments has hypersensitized him to any criticism of those grants. I never said that the NEA gave money directly to those artists. I apologize if it read that way.

My suggestion was that the NEA should fund a gallery willing to display the twelve Muhammad cartoons. This is much the same way the NEA funded the Mapplethorpe and Serrano exhibitions. (However, I suspect that since these cartoonists are now in hiding, the U.S. will eventually be kicking in support — we were the ones who protected Rushdie.) Thank you for reminding me that the NEA isn't the only bureaucracy that still exists outside constitutional limits on government. I agree that the NEH is a Stalinist organization, and should probably be abolished along with the NEA, especially since my chosen profession of stand-up comedy is not considered a discipline worthy of endowment funding. I should be a prime candidate too, since national endowments exist only to fund things that nobody wants to pay for. Perhaps it makes me sound like a philistine, but I believe that if something has no value on the open market, it fits the textbook definition of "worthless." Why artists shouldn't have to answer to the same market forces that regulate the rest of society is a mystery to me, and everyone else outside of the arts community.

Erratum: The byline of the author of "The 2005 Mainstream Movie Awards" (Liberty, April, pp. 50–51) was inadvertently omitted. The author was our estimable reviewer, Jo Ann Skousen.

Licit and Illicit

Bruce Ramsey's report on the Seattle conference about drug policy was excellent. It is encouraging to know that such discussions are being held; rational public dialogue is our only hope for improving our pernicious current policy.

Drug policy should be designed and enforced in accordance with the Constitution. That is, the role of the government is to regulate and tax a trade, not to conduct such a trade. Despite the misgivings of some, there is no logical reason we cannot return to a pre-1914 scenario, with certain modern touches.

And why is it such esoteric information that legal versions of methamphetamine and cocaine, among others, are manufactured and sold? Pharmaceutical cocaine has several legitimate medical uses and is manufactured and sold by at least one drug company, Merck. Methamphetamine has been manufactured under the brand name Desoxyn for decades. I think that LSD and MDMA have also been manufactured and sold.

A tremendous overview of U.S. drug history and policy is available in the excellent book by Edward Brecher and the editors of Consumers Union. Entitled "Licit and Illicit Drugs," it has been out of print for quite some time now, but should be required reading for every member of Congress.

Richard Sinnott
Fort Pierce, Fla.

Imagine There's No Drug War

The conference that Bruce Ramsey attended ("Debating the War on Drugs," March) had at the head of its list of principles, "Drug policy should create 'no more harm than the use of the drugs themselves.'" Since those who would harm themselves or others through their drug use are already using them, the least harm would result if they and their families were no longer persecuted for their use. Sales should be no more regulated than for any other product, since if people have the right to possess and use something, they also have the right to trade it. Manufacture should be licensed to the extent it is potentially dangerous to the public.

I can imagine respectable pharma-

I don't think most Americans realize that the name of the colossal statue in New York Harbor isn't "The Statue of Liberty." It's "Liberty Enlightening the World." The statue was never intended to honor people coming from overseas to enjoy freedom and prosperity here; it was meant to proclaim the idea that the principles of liberty discovered here would become the property of people all over the world.

Libertarians, like other Americans, tend to be somewhat insular, focused on ourselves. For that reason, this month's Liberty places a special emphasis on "Liberty Around the World." I think you'll enjoy our tour of Non-America in the company of four well-informed and very individual writers: Jayant Bhandari (India), Bruce Ramsey (China), Luis Balcarce (Spain), and Michael Christian (Poland). These people know what they're talking about.

In addition, this month's Liberty features articles by Ralph R. Reiland on man's common enemy, death, and by Lanny Ebenstein on man's common necessity, education (which, under current circumstances, sometimes seems like death). It also features reflections and reviews by the same Lanny Ebenstein, by Jane Shaw, and by three people who obviously belong together: Jo Ann Skousen, Mark Skousen, and Todd Skousen. Yes, they're all in the same family. But since they all had something important to say, we couldn't see any reason why they shouldn't just come out and say it, all at once. One of them writes about rap, another about a TV series, yet another about French political philosophy . . . Well, we probably couldn't have kept them quiet, even if we'd wanted to. Which we didn't.

One more note. Unlike this issue of Liberty, the next issue will not have a special focus. It will just have a lot of good writing.

For Liberty,
Stephen Cox
Editor

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ceutical companies producing cocaine, heroin, hashish, LSD, Ecstasy, crack cocaine, and methamphetamine. Most of them have been produced in legal, commercial labs and some still are. As are their prescription alternatives, such as Oxycontin and Ritalin. That's where the production of chemical drugs with volatile, dangerous ingredients belongs, in commercial labs under license, not in our neighborhood kitchens.

Is this politically feasible? Get away from conferences of policy wonks, and hold a protest sign on the street for a few hours a week. People on the street are a lot more tired of the drug war than you might think.

Rycke Brown
Grants Pass, Ore.

'Twas Greed

With all due respect to Jo Ann Skousen ("Beauty Killed the Beast," March), at the end of "King Kong," when filmmaker Carl Denham (Jack Black) uttered the words, "'Twas beauty killed the beast," I wanted to stand up and yell, "No, you idiot; 'twas *greed!*" But then, who really was "the beast"? Kong was soothed by the beauty of a sunset; he was transformed by the love of a woman. Denham, on the other hand, was selfish; he lied and stole; and he destroyed lives and property all for fame and fortune. Denham was a beast unaffected by beauty. Jack Black played the part of the villain with verve. With those famous words, he conversely conveyed that the beast was still at large, and his greed was yet unsatiated.

Suzanne Ninichuck
Navajo Dam, N.M.

It's All About the Bike

Little did I think when Bill took me on my first motorcycle ride that it would be a ride that would live in history! (See "A Life in Liberty," March.) We had been at an Eris meeting in Aspen when Bill offered. The day was gorgeous and the scenery fantastic. We rode up a valley and were on the way back when it happened. Bill wanted to show me an old off-road prospector's cabin. To reach it he had to make a sharp V-turn onto a gravelly road. Bill slowed the bike to an almost complete stop, lost momentum, and the bike tilted. I don't remember falling, although I may have. But I really think we both simply put our feet on the ground and found ourselves astride the bike as it tipped over. Not scary, not frightening, no harm done, although Bill was chagrined. I think we drove around the old cabin and then back to Aspen. Thanks to Bill I had bike-riding to add to the list of my life's experiences.

Bettina Bien Greaves
Hickory, N.C.

Lifeboat Ethics

In the March tribute to R.W. Bradford, much was made — again — of Bradford's rejection of the libertarian non-aggression principle.

It might come as a surprise to many, but the truth is that every ethical theory breaks down in matters of life and death. To reject an ethical theory such as the non-aggression principle because of the action that it demands in a matter of life and death ultimately leads to the rejection of every ethical theory. But to suppose that someone can live a productive, thoughtful, virtuous life without any ethical guidance is surely ridiculous.

I am sure that Bradford thought that he was being quite reasonable in rejecting the libertarian non-aggression principle. I hope he found some other fundamental principle that he liked better.

Paul Thiel
Crescent Springs, Ky.

One Last Ride

Thank you for your moving tribute to Bill Bradford. I only spoke to him on the phone a few times when he was researching his article on the 2004 LP Convention, and never got a chance to meet him, but I wish I had, especially now that I know he was an avid motorcyclist. I have biked across 49 states and 10 Canadian provinces and territories, and if I had known then what I know now, I would have made a special point to get together with him and ride.

It is not surprising that such a great lover of liberty would be such an avid motorcyclist. Biking is the physical and spiritual manifestation of freedom.

I'd say "God Bless you Bill" but like him I am an atheist (and I'll bet he would remain one even in a foxhole), so all I can say is that Bill will live on in the memories of the lives he touched, and in the fabulous legacy he left behind: Liberty.

Lance Lamberton
Atlanta, Ga.

Reflections

Members of one body — It seems strange that Harry Browne's untimely death would follow Bill Bradford's so closely. Not long after the Libertarian Party lost its heart, it lost its face as well. — Tim Slagle

Plank in the eye — While Congress ran away from the Dubai Ports deal, Rep. Mike Oxley (R-Ohio) noted that "Congress does two things well: nothing and overreacting." True, and I think it's safe to assume he is aware that the Sarbanes-Oxley Act he cosponsored, which mandated onerous new accounting requirements for publicly traded companies, cannot possibly be regarded as "nothing." — Mark Rand

Outlook not so good — Inflation is rising. Real estate prices are falling. The Washington Times (March 14) reports that members of the business elite, "deeply concerned by what they see as reckless spending and needlessly aggressive foreign polices," are turning against the president, claiming he's "throwing money at complex problems and just doesn't care about the long term."

How has the president responded? By shutting his ears to their criticism, and leaning ever more on his own advisers. But this over-reliance on his inner circle has estranged his political colleagues: now they openly criticize his political appointments and sabotage his economic deals.

For now, the president still has the support of those who distrust the elite, those who voted him into office because he seemed like "one of them." But that common-man image can't hold out forever — will his patriotic boosters support him once they see how much his wild spending is taking out of their meager paychecks? Will they support him through a vast military campaign, even if it means the deaths of their children?

Yes, things are looking bleak for Mahmoud Ahmadinejad, president of Iran — oh, who did you think I meant?

— Andrew Ferguson

Ugly as sin tax — Nevada recently considered taxing prostitution, which would mean a change in rhetoric for those satirists who describe sex as the only tax-free vice left in America.

Meanwhile in Minnesota, state legislator Phyllis Kahn proposed a tax on hair transplants and Botox injections. She would also like to slap sales taxes on laser hair and scar removal, laser treatment of varicose veins, cosmetic dentistry, and cosmetic surgery such as nose jobs.

Essentially this amounts to a tax on the ugly, not greatly dissimilar from Nevada's tax on prostitution, which soaks those not attractive enough to acquire sexual favors without an exchange of cash. — Tim Slagle

The inmates and the asylum — Can we all agree that, though noble in its intent, the experiment of giving Americans of subnormal intelligence a president and Congress they can relate to has failed? — Ross Levatter

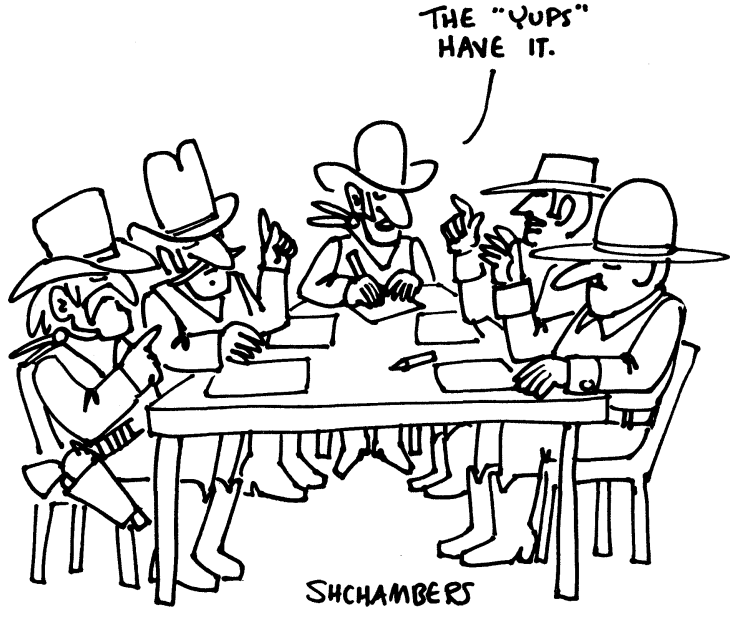

Red loan district — Franklin D. Roosevelt's administration can be blamed for many sins: a prolonged depression, the creation of a federal welfare state that fostered dependence, establishment of the imperial presidency in foreign policy, Japanese internment, retrograde civil rights policies, etc. Now, another FDR legacy can be added to this list.

In a carefully researched article for a recent issue of Social Science History, Amy E. Hillier describes how federal New Deal housing policies led to the creation of redlining — the practice of denying credit to certain neighborhoods because of their racial or ethnic composition.

The origin of the term can be traced to the color-coded "Residential Security Maps" of American cities produced by the Home Owners' Loan Corporation, a New Deal agency created in 1933. Each map had four classifications, ranging from most to least desirable: green, blue, yellow, and red.

Most desirable were the green areas. They were ethnically "homogeneous" and worthy of loans in "good times or bad." The second and third grade areas were blue and yellow. Least desirable were the red ones. According to the maps, they had "detrimental influences in a pronounced degree" and an "undesirable population [that is disproportionately black] or an infiltration of it."

The Federal Home Loan Bank Board used the maps as a basis for its loans, usually denying them to red areas; hence the term redlining. Federal policies also encouraged the pri-

vate sector to follow similar policies by providing the maps to banks and developers as guidance for their own loan ratings. The benefits of a centrally managed social welfare state.

— David T. Beito

Pontiff pension plan? — Those of us who recall exposés of the historic financial acumen of the Roman Catholic Church remain puzzled why it allowed a pope to stay in power whose retrograde policies were contributing to its entrepreneurial decline, especially in the Western countries that generated most of its wealth. In a corporation with an independent board of directors, a chief so inept would have been sent away with a golden parachute long before his demise.

— Richard Kostelanetz

Money pipeline — The United States, with only 4% of global petroleum reserves, uses fully 25% of the world's petroleum each year. That imbalance translates into approximately $250,000 per minute that U.S. consumers are sending overseas to buy foreign oil, $360 million per day, $131 *billion* a

Word Watch

by Stephen Cox

A friend of mine was an economist in the old Soviet Union. One day he received a call from the editor of an academic journal to which he had submitted an article. The editor was enthusiastic about his submission. "But comrade," he said, "there is one problem. Your typist has omitted a page."

"Omitted a *page*? Which one?"

"Page 2. The page where you cite the classics of Marxist-Leninist thought."

"Ah," said my friend. "I understand. I'll send that page over right away."

So he put a piece of paper in his typewriter, filled it with quotations from Marx and Lenin — quotations which, of course, had nothing to do with his subject — and sent the "missing" sheet to his editor. The article was printed without further delay.

Irrelevant but obligatory words — they're not confined to totalitarian societies, although they are, perhaps, a way in which societies become totalitarian. We have plenty of these words in America.

Some of them are mild-mannered and benevolent — in intention, at least. Whenever I write a letter suggesting that some other college professor be hired or promoted, I say that I "enthusiastically endorse the candidacy of blah blah blah." I could have said, well, this is a good person, and I recommend that you hire her. But that would be read as "code" for "she really isn't any good." In this way, irrelevant expressions (why should anybody care about my "enthusiasm," or lack of it?) become obligatory.

Irrelevant, yet tinged with dubious emotions. There is something about the current climate of discourse that demands dubious emotions, whether favorable or unfavorable, "enthusiastic" or filled with hate. The emotional clichés of the last generation were often clichés of laxness and flaccidity: "He's a *nice* person; I *kind of* like that guy." The clichés of this generation are mood spikers: "He's *definitely* an *awesome* dude. *Totally*."

Or, to jump to the opposite pole: just go on Google, type in "denounce," and see how many people are denouncing things. They don't just disagree; they denounce, and demand that others join them in denouncing. I recently went to Google's "news" category and turned up 11,300 items in which *outrage* played a part: outrage over court cases and police investigations, outrage over people being allowed to cross the U.S. border, outrage over people not being allowed to cross the U.S. border, outrage over "world conditions," outrage over the demolition of nesting sites for swans, outrage over money spent on signs that "twin" a town in one country with a town in some other country, outrage over the perceived scarcity of Asian-American males in pornographic videos — and, especially, outrage over the reputed neglect of outrage.

The evidence suggested that there are few people in this world who are capable of criticizing, deploring, arguing against, feeling irritated by, becoming depressed about, or even just getting angry over the things they don't like. Apparently all that people can do these days is express their *outrage*. And a personal expression of outrage is never enough; they must insist that everyone express the *same* outrage.

When Cindy Sheehan, the war protestor, was arrested at the State of the Union address in January, antiwar activists expressed their outrage over the fact that no one else seemed to be overwhelmed by the outrage they said they felt. Outrage was thought to be obligatory, despite its obviously routine character. Antiwar activists are always trying to get themselves arrested. It's hard to believe that anyone could feel sincerely outraged over one more episode in a way of life. As frequently happens, outrage is something that people are expected to express, not something that they actually experience. If it were, Jesse Jackson would have died of apoplexy decades ago.

Closely related to *outraged* is *offended*. "And I find that offensive" is now a predictable conclusion to almost any description of conduct that someone dislikes. It too has become obligatory. Rare is the radio preacher, African-American politician, educator, or Republican Party hack who isn't continually asked whether he isn't "outraged" or "offended" by the remarks of some other preacher, politician, educator, or hack who has chosen to make an off-the-cuff remark about killing Castro, electing Strom Thurmond, or decreasing the proportion of white people in the city of New Orleans. If he doesn't offer the obligatory, "Oh yes, certainly I am offended, deeply, deeply offended, whenever I hear such outrageous and offensive language," then he himself *becomes the issue*.

I find that offensive. There's a bill right now in the Arizona legislature that is designed to ensure that state colleges allow students to undertake "alternative coursework" whenever they find that their assigned course material is "personally offensive" to their "beliefs or practices in sex, morality or religion." This

year — money that's flowing in large part to the type of country I wouldn't trust to run our ports.

Former CIA director James Woolsey points to the clear danger: "Two-thirds of the world's oil reserves are in the Persian Gulf and as time goes on, the world is going to rely more on the Gulf, rather than less, and you can't bet on this part of the world making a smooth, easy path that will allow all of us to happily continue to drive our SUVs and use that part of the world as our filling station."

Worse, we can't bet that the billions of dollars we're sending to that part of the world for oil imports won't be used to develop an arsenal that will threaten much more than our SUVs. — Ralph R. Reiland

means, I suppose, that fundamentalist Christians will be allowed to sign up for a course on Plato's "Symposium" but read "Bambi" instead, that social-gospel Christians will be invited to study economics without reading anything about profits and investments (matters offensive to their beliefs), that scientific atheists will refuse to read either Homer or the Bible, and that radical Muslims will refuse to read anything except the Koran, in the original language. It's hard to say whether one should be more offended by the coursework ordinarily prescribed in government schools or by the notion that people have a right to be protected against viewing any coursework they regard as offensive.

Worse than anything else, however, is the whining tone that the *offended* and *outraged* parties always emit — the repulsive accents of the spoiled child. The modern age of whiners began with Anita Hill, a person of less than no significance who attracted the attention of the world by telling Congress how offended she was that her former boss — oh, horror! — had once possessed and even, perhaps, discussed pornography! It's safe to say that nobody felt any emotion about this whatever, even Miss Hill; but everyone, including the defenders of Judge Thomas, her boss, felt obliged to discuss it, for weeks, in the harrowing language of *outrage* and *offense* about the *shocking* things that some men do.

The tradition of whining has been carried to its logical conclusion in this year's bloody and cynical demonstrations against "offensive" cartoon treatments of Islam. Radical Muslims once tried to bring down America by flying planes into buildings. Now they try to bring it down by advertising their own hurt feelings. Even the relative moderates find the culture of offense irresistible. The leader of a west-coast American Islamic group has informed the press that he supports freedom of speech, "but the freedom has to stop somewhere. It cannot offend others. . . ." To put this more plainly: what *I* say is limited by what *you* feel. It's an interesting approach to the First Amendment and a still more interesting approach to verbal obligation. If I have to say what you want me to, do you have to say what I want you to? Or is *offense* just a one-way street?

No matter. So prevalent have hurt feelings (real or asserted) become as a basis of argument that it is now virtually impossible to get through a day without witnessing someone throwing a fit of *outrage*, usually over something that merits nothing stronger than a mild demur. Unfortunately, as with most verbal fashions, it's hard to avoid joining in. Before writing this column, I hastily checked my own recent publications to see how frequently I'd portrayed myself as *outraged* or *offended*. I didn't find any instances, but my research was not exhaustive. I didn't push it too far. I didn't want to be obliged to feel *outrage* over my own behavior.

Living in denial — A prominent historian, David Irving, has been arrested in Austria. He's an Englishman but they grabbed him as he happened to be passing through the Alps. His crime? He denies the Holocaust.

This should be shocking to lovers of liberty like us Jews. I mean on both counts: the denial and the arrest.

Religion has nothing to do with this injustice. It is frightening that any state can prosecute a man for his views. We humans are fallible. There are not enough jails in Hitler's Germany or Stalin's Gulag to hold all the dumb, malicious, ideologically incorrect, and just plain mistaken historians.

Now, I consider the venom Irving spews hateful and certainly anti-Semitic. But, it's no more criminal than believing that the Turks were justified in slaughtering a million Armenians, or that Stalin's murderous show trials were on the up and up, or that the rape of Nanking was phony, or that 6 million Kulaks were *not* starved to death by Stalin in the '20s — and so forth. A lot of warped people, many of whom we would call intellectuals, believed the above. Should we have jailed them, too? Mistaken beliefs should be addressed in the great free courtroom of ideas — not in criminal courtrooms.

Irving's stupidity or malice, whichever is the proper description, has been addressed in that venue and we can leave any lingering pleas to his maker — who can read the criminality of beliefs, motives, and attitudes far better than any human judge or jury. — Ted Roberts

Blame Canada — Michael Tannery, a Cato health care expert, writes: "Because cancer is a slow moving and expensive disease to treat, it is not cost-effective under socialized medicine to treat the disease too aggressively."

Moral: If you are unfortunate enough to contract cancer, don't go abroad looking for inexpensive treatment in a country with socialized medicine. Costly as U.S. medical care may be, it could still be a bargain; your chances of recovery will be much better. In the United States, with its complicated but still more or less private system, about 80% of men diagnosed with prostate cancer survive. But in England and France, both of which have "benefited" from almost all-inclusive socialized medicine for decades, only 43% of men survive prostate cancer. Many U.S. lawmakers look to the Canadian system of government medicine as a model — but two-thirds of Canada's provinces ship their colon cancer patients across the border for treatment. And in England a majority of cancer patients (60%) are not even allowed to see an oncologist. Under socialized medicine, the treatment of expensive diseases is often either avoided or denied. — Bettina Bien Greaves

Following the money — Recalling the statistic that the number of stockholders in America exceeds the number of employees (allowing for overlap), consider the great political achievement of Eliot Spitzer, attorney general of the state of New York: the discovery that aggrieved investors constitute an electoral constituency with more

clout than, say, aggrieved workers — and thus that the former's respect for him could make him not just the governor of my populous state but perhaps our first Jewish president.

— Richard Kostelanetz

Port ability — Following on the heels of Dubai Ports World's decision to divest itself of U.S. holdings, and not to seek ownership of a company that operates terminals in U.S. ports, some in Congress are questioning whether other sensitive national-security assets are in dangerous hands.

Intense opposition to the purchase from the American public led to a backlash among congressional Republicans and Democrats alike, who questioned the planned sale.

The attention focused on the narrowly averted acquisition by Ports World has caused the same legislators to question the propriety of American ownership of American security assets.

"Arabs were responsible for the 9/11 attacks, and we almost let them run our ports. Are we nuts?" asked a high-ranking Republican who asked not to be named. "But it doesn't stop there. White Americans were responsible for acts of war and genocide against Native Americans, and for the capture and enslavement of the forebears of African-Americans. Yet members of this group control industries vital to homeland security. You have to ask, is it a good idea for *those people* to have control over vulnerable parts of the defense sector?"

"The Democrats will be with us on this," he continued. "We're going after rich white guys, and they can't pass that up."

One vexing question is who will be left to run such industries, now that Arabs, a majority of Americans, and probably members of most other racial and ethnic groups, are disqualified. The Vatican is said to be forming a corporation in earnest to get into the U.S. ports business, and the Principality of Sealand (land area 6,000 square feet) has expressed interest.

— Patrick Quealy

No port in a storm — I had never heard of Dubai Ports World before February. But I knew a few things. There is a difference between a port and a terminal. And there is a difference between security, which is in the hands of Customs, and moving boxes around, which is in the hands of terminal operators. Dubai Ports World is a terminal operator.

Many are foreign-owned. In my hometown, which is a seaport, one terminal is operated by a Korean company and another by a Singaporean company. These operators are tenants. It looked to me like that's what Dubai Ports World was going to be in six U.S. ports.

The first news story I saw called it a deal to take over significant operations at those six U.S. ports. "Take over" is not obviously incorrect — one may take over a lease — but it has an aggressive aura to it. The pundits tended to simplify the rest into an Arab company taking over our ports.

Then, Dubai. One story said it had ties to terror. Others said it was linked to terrorism — "ties" and "links" being weasel words of those who cannot establish responsibility.

What were the ties and links?

In 2001, eleven of the Sept. 11 hijackers, all Saudis, had used the Dubai airport to travel to the United States. Several of the hijackers had bank accounts in Dubai and had transferred or received funds there. One of the hijackers lived in Dubai.

Bad people used Dubai's banks and airport before the attacks — so what? What does it prove about Dubai? In 2002, the suspected mastermind of the bombing of the U.S.S. Cole was arrested in Dubai: arrested by the Dubai government and turned over to the U.S. government.

Who owns Dubai Ports World? The Dubai government — the same one that provides docking rights for the U.S. Navy in Dubai.

Now, maybe there are security problems with a Dubai terminal operator. I don't know. The opponents didn't either. That was clear from the vacuity of their language. They tended to talk as if the danger were obvious, as if all you had to do was say "Arab" and "Middle Eastern" in order to prove it.

Early on, Bush said he would veto any bill blocking the deal. I had two thoughts. The first was that probably he wouldn't. The second was that maybe this was something Bush knew about, personally, and was willing to stand up for. That would shock people.

— Bruce Ramsey

Blue skies ahead — Will the economic boom continue?

Preliminary indications are that the first quarter of 2006 will experience 4% annualized economic growth or more. That's not too shabby.

Moreover, government growth indicators may understate economic growth because they overstate inflation. Many

economists believe that official inflation figures are exaggerated by something between half a percentage point and one percentage point, because they do not incorporate quality improvements, increased purchases in discount stores, and other factors. This means that economic growth may be understated by 10 to 20%. So real economic growth may now be in the range of 4.5 to 5%. That's sizzling.

Unemployment of less than 5% is effectively full employment for people who are seeking work and are employable. Individuals are much more likely to change jobs now than they were in the past, and the work force includes many who would not have been in it in the past. The unemployment rate among married heads of households is under 3%.

To thoughtful observers of the economy, the most concerning trend is, perhaps, the big increase in foreign debt in recent years. But at least two points are worth noting here.

First, the amount of interest that America receives from abroad is almost the same as the amount of interest America pays abroad.

Second, and perhaps more importantly, China and the other emerging Asian economic powers have rapidly expanding economies. For years if not decades to come, they will seek more financial economic reserves, including (and perhaps especially) dollars.

In short, there is no reason why the current U.S. foreign trade deficit is not sustainable for years to come. As long as foreigners are willing to invest in American securities, American interest rates will stay low, irrespective of what the Federal Reserve Board does — and the Fed seems likely to end its campaign to raise short-term interest rates in the next few months. Look for the American and world economic booms to continue and maybe even to accelerate. — Alan Ebenstein

Feel the burn — By order of Iran's confectioners union, any Danish pastries sold in Tehran, the nation's capital, must now be called "Roses of the Prophet Muhammad Pastries." One of the capital's most popular bakeries, Danish Pastries, has covered up the word "Danish" on its sign with a traditional symbol of mourning, a black banner saying "Oh Hussein," a reference to an Islamic martyr.

A gang of fired-up Pakistanis dragged Ronald McDonald into the street by his red wig and set him aflame in Lahore, the second largest city in Pakistan and the main commercial hub in the prosperous province of Punjab.

A few blocks away, Colonel Sanders met the same fate, being dragged from a KFC and set ablaze in the street. By the time the protest was over, several people were dead. AP reports estimated that 15,000 had joined in.

In a similar but smaller demonstration of rage, a band of some two dozen black-veiled women stormed a half dozen or so gift shops in Kashmir and set fire to the displays of Valentine's Day cards. "We will not let anyone sell these cards or celebrate Valentine's Day," proclaimed Asiva Andrabi, the group's leader, holding up a burning valentine for the cameras. The cards and chocolates, she said, were "Western gimmicks," aimed at pulling upright kids away from their "roots": Godiva and Cupid as risque imperialists, both too suggestive of sexual impropriety to escape the notice of the morality police. The dire father of Iran's revolution, the Ayatollah Khomeini, might well have looked kindly upon Andrabi's tirade; as he once declared, "There is no fun in Islam." No fun and no heart-shaped boxes of chocolate truffles.

And no Pepsi. As Maulana Invadullah memorably said a few days after the Sept. 11 attack, explaining why he thought radical Islam would inevitably defeat the United States, "The Americans love Pepsi Cola, we love death."

Invadullah, who fought in Afghanistan's guerrilla war against the Soviets, elaborated: "War is our best hobby. We cannot live without war. The Americans lead lavish lives and they are afraid of death. We are not afraid of death. The sound of guns firing is like music for us."

What's increasingly clear is that these latest staged uproars aren't about Cupid or Colonel Sanders, or even about Danish cartoons. Those are simply the groundwork for the larger battle, the fight by radical Islamists to inflame the masses and silence the moderate voices within their own societies.

The plan of attack from the radical Islamists, working all too well, is to intensify the vicious cycle, to stimulate riots about Ronald McDonald, to announce a $1 million prize for the heads of the Danish cartoonists, to threaten the annihila-

News You May Have Missed

Cheney Shoots Self in Foot; Foot Issues Apology

ARMSTRONG, Texas — Vice President Dick Cheney's foot apologized today for getting in his line of fire as he aimed at what he thought for sure was a quail, but turned out to be his other foot. The vice president was part of a hunting party that was driven in a caravan of SUVs to a heavily wooded area of the vast Armstrong Ranch, where phalanxes of illegal aliens carried them in curtained litters to a spot at which a dozen or so quail had earlier been released. The quail had been carefully weighted down with campaign contributions, so they could barely move, let alone fly. The hunting party then began shooting at anything that barely moved, which included both of Cheney's feet, but only the vice president himself actually succeeded in hitting one of them. The result, he said later, was "one of the worst days of my life," since the commotion caused all the quail to flee as best they could farther into the woods where the hunters, woozy from all the beer and pork they had consumed at lunch, couldn't go after them. "It was disappointing," Cheney said, "because we had expected the birds to greet us as liberators."

Nevertheless, he dismissed the significance of the accident, saying it would go down as a mere "footnote to history," unlike the Iraq War, where, he pointed out, the entire Bush administration had repeatedly shot itself in the foot in a much more spectacular and determined manner. "Our settled policy, both in Iraq and Texas, is to shoot first, ask questions later," the vice president said, "and then we suppress the answers to the questions." Cheney added that he would not stop hunting because of a minor mishap, and he vowed to "stay the course until I manage to shoot myself in the ass as well." — Eric Kenning

tion of Israel, to dare the police in their own societies to stop the mayhem, to burn and kill and push and push until the West is prodded into actions that can then be used to further escalate the paranoia and bloodshed, to attract more men and women like Invadullah and Andrabi to the cause, so that, in the end, like scorpions in a bottle, one side will be forced to beat the other into submission. — Ralph R. Reiland

Riches in the Treasure State — I recently reviewed a list on the Web that tallies all the federal spending that goes to my state, Montana. (The point was to examine the premise that Montanans receive more than they remit in taxes. This conventional yardstick has some validity if you assume that government spending is a net benefit.)

The list reminded me that there are a lot of federal programs — by my rough count, 642 separate sources of funding! They include various retirement and disability payments, of course, and then there are agriculture program payments (dairy indemnity programs, commodity loans and loan deficiency payments, wetlands reserves, conservation reserves, emergency conservation programs) and many others ranging from home investment partnerships to nutrition education. The list goes on for 15 pages.

In spite of their elegant names ("Indian rights protection," "emergency shelter grants programs"), most of these programs don't go toward the poor. Mostly they go to the well-off.

James Gwartney and Richard Stroup noted long ago (in a 1986 Cato Journal) that only 16% of government redistribution was directed toward the poor (that is, only 16% of the programs were means-tested). Far larger were programs such as Social Security, Medicare, unemployment compensation, and farm price supports.

And that's not the only distortion. To benefit substantially from many federal programs you have to be pretty successful already. Agricultural subsidies, for example, are usually based on how much you produced the previous year. Sterling Burnett of the National Center for Policy Analysis reports that the wealthiest 10% of U.S. farmers receive 72% of the subsidies. (The bottom 80% receive on average $64 per month from the government.) Similarly, subsidized flood and disaster insurance programs give the most benefit to those with sizeable properties.

As Gwartney and Stroup observed, "There is little reason to expect that the poor will possess relatively more of the communication and organizational skills that are rewarded handsomely by the political process. In fact, the entrepreneurs and managers in a politically dominated society are likely to be the same people who would excel under market organization." But don't think that our senators, Max Baucus and Conrad

Bill Bradford's death is an irreplaceable loss to the libertarian movement. But he maintained his usual good cheer to the end. Shortly before he died, he suggested as his epitaph:

"Bradford dies.

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Burns, are willing to sit by and simply let Montanans excel in the market arena. Politics rewards the rich, and that includes the politicians. — Jane S. Shaw

Muslims, meth, and Mexico — The latest version of the Patriot Act contains provisions for limiting the amount of cold medicine that a person can purchase at one time. Pseudoephedrine is a primary ingredient of cold medications, but it is also a key ingredient for the manufacture of methamphetamine, or meth, the latest drug scourge to sweep this nation.

In 1986, only 16% of government redistribution was directed toward the poor. The wealthiest 10% of U.S. farmers receive 72% of the subsidies.

I'm somewhat confused. Sure, I understand the nebulous link between other imported narcotics and terrorism; hashish, opium, and cocaine have funded guerrilla armies for years. But meth is mostly a domestic product. It's popular because it can be cooked up in a trailer with over-the-counter ingredients and simple appliances you can buy in any Wal-Mart. I doubt that there is any terrorist activity being funded by methamphetamine manufacture; people in the meth culture are more likely to be militia members than Muslims.

Meth's ease of manufacture guarantees that it stays dirt cheap. For a couple bucks, you can get enough to keep you high for a week. Most imported narcotics like cocaine and heroin are distributed by intricate organized networks that work much like liquor distributors. Since distribution of those drugs is severely limited by the DEA, the price is highly inflated.

Meth is quite common, and gaining in popularity. Libertarians who advocate legalization of all drugs should take a good long look at the meth culture before they say that legalization would eliminate social ills. Although meth is highly illegal, I think it has been a great experiment in what might happen if all narcotics were readily available. While I agree that anyone who wants to become a skinny toothless psychotic should have as much access to meth as he can afford, I think that those who say that legislation is the only problem with drugs are quite mistaken.

There is very little gang activity, organized crime, theft, or prostitution associated with meth. Instead, we see ether-filled trailers blowing up, meth labs with playpens, and pregnant women on three-week benders. Yes, there is a social problem, but through no stretch of the imagination is there a link between meth and terrorism.

Even before the Patriot Act limited the amount of Sudafed that could be purchased, state laws and voluntary regulations by national drug store chains were limiting the amount of cold medicine available for meth manufacture. These effects are already being noticed. On a recent trip to Arizona, I saw a local news broadcast on a major drug bust on the Mexican border. The contraband included a large amount of marijuana and methamphetamine. Availability of pharmaceuticals, great stretches of sparsely patrolled desert, and a police force that can be purchased by the highest bidder have all made Mexico an attractive candidate for meth lab outsourcing. Apparently whenever there is a demand, a supply will appear. Perhaps our drug czars and authors of future Patriot Acts need a refresher course in economics. — Tim Slagle

Why I fight — I have been practicing immigration law for five years. It is very taxing, but I carry on.

Clients speak little or no English, and insist on speaking Spanish and Haitian Creole quickly, despite my pleas: *"hable despaciamente y sencillamente"* or *"pale dousman et senp."* The clients and their families have little respect for attorneys. Their papers are often missing or in disrepair. Their personal hygiene is sometimes not up to my exacting standards. They move without telling me, and their telephones are cut off with alarming frequency.

The officials I deal with vary, but are often hostile or indifferent, because my immigrant clients do not vote (except in two states with unusual statutes), nor do their families vote. The judges of the Immigration Court (an administrative court within the Department of Justice which decides removal [deportation] cases) are better than the Department of Homeland Security officials. They generally apply the law fairly.

I did have to stop handling cases involving immigrants in prison. The rewards could be great. Some people I helped free were grateful. Others were not. But the families called frequently and wondered why their relative remained in jail when another immigrant in the same position had been freed. There was almost always some crucial difference in facts. The visits to Krome and other jails were too stressful for me.

But why continue in immigration law at all when I could make a handsome living chasing ambulances? I chose immigration for three reasons, and I stay for the same three reasons:

1. Freedom: Migration is a subset of freedom generally. I thought that I could help make the world a freer place by helping people enter and remain in the United States. My clients voted with their feet to come from Haiti, El Salvador, China, Kosovo, and other places where there is even less liberty than in the United States. So on average, the world is a freer place

"I've been *sent* to the Principal's office before, but this is the first time I've ever been *subpoenaed!*"

because of their movement to the United States. I help them stay here, making the world a freer place.

2. Economics: A productive labor force aids economic growth. Diversity creates innovation. Many of my clients are hard-working people. They do the gardening, farming, and restaurant work that many Americans will not. And I see many joining the middle class and starting new businesses. I help them stay here, making the United States a more prosperous place.

3. Family: Many of my relatives in Romania and Hungary were killed during World War II. I have wondered how many might have survived if the United States, Great Britain, and other potential havens had policies welcoming immigrants. Now I do a lot of asylum cases from Haiti and China. I have had two from Kosovo and one from Burma. I help them stay here, honoring the memory of my family.

So here I am, slogging through the trenches of immigration law. I spend much of my time preparing papers, driving, appearing in Immigration Court or before the Department of Homeland Security, and interviewing and preparing clients. It takes a strong motive, stronger than money, to continue. With my three *raisons de travail* I will keep at it.

— Martin M. Solomon

Taking responsibility

— About 15 years ago, I liked to do research at the Montana State University library, but I was unable to take my son, a toddler, with me. The reason was that the open Bauhaus-style stairways of the library had such widely spaced bars serving as bannisters that a small child could easily fall between them, perhaps even tumble two stories onto a hard floor. So I kept my son away. It always puzzled me that in an age of liability the university could get away with ignoring such an obvious peril.

It wasn't until a decade or so later that two small children did fall through the openings (in two separate accidents), and one was severely hurt. Suddenly, the library and university managers scrambled to put in plastic barriers along the stairway so it couldn't happen again. They had "discovered" a problem that had been obvious for years. This situation illustrates one way that accidents happen. For years, the university's failure to be responsible — perhaps because the decision-makers were not the owners? — had been countered by cautious parents who recognized the danger. But eventually, a couple of parents failed the responsibility test. Perhaps they reflect an age in which parents are less responsible than in the past.

Now, as I drive to my office in the technology park that is owned by the same university's alumni foundation, I notice another accident waiting to happen. The streets in this private park are narrow and winding. Although all office buildings are supposed to have off-street parking, there seems to have been a serious design flaw or miscalculation. Some buildings simply don't have enough parking spaces for their employees, so people park their cars, SUVs, and trucks in the street; there is no other place. This seriously obstructs drivers' vision.

No one in the technology park, apparently, feels the need to fix this flaw. So far people have driven cautiously — avoiding hitting the cars that suddenly come around the bend. One of these days, however, the lack of responsibility on the part of the park owners will not be canceled out by caution on the part of the driver. Two cars will go too fast; an accident will occur; people will be stunned; something will be done.

Who will be at fault? If a society is to be free (with minimal regulation), then organizations and individuals both must take responsibility — preferably before harm is done, not after. — Jane S. Shaw

Impossible is nothing

— Libertarians often hear "but that can't work" or "that's impossible" when seeking to promote our ideas for a freer world. I've found that I can be guilty of the same closed-mind thinking.

Recently, I was given a puzzle that consists of nine square cards, each with a picture of either the head or the tail of a wolf on each of its four sides. The goal is to arrange these nine cards into a 3x3 square in such a way that all sides join with their counterparts, i.e., heads with tails. Like most combinatorial problems, I find it fascinating. One can ponder various characteristics of the set (of the 36 sides in the nine-card set, 22 are tails and 14 are heads; there is only one card with four tails; and so on), and this provides some direction, but, for me at least, not enough to solve the puzzle.

So, like most individuals in our era, I went on the Internet and looked up information on solving the puzzle (that's how I got through "Lands of Lore," my one venture into quest games, in less than a lifetime). The site I found gave no intuitive solutions, no clever way of thinking about the problem that an individual might be able to use.

Instead, it described a computational algorithm for solv-

ing this type of problem, and explained the number of ways that nine cards, each with four sides, could be arranged in a 3x3 square. I forget the exact number, but it is calculated by multiplying four raised to the ninth power by 9! (that is, 9 factorial, or 9x8x7 . . . x2x1).That is a very big number. The web site noted that fact and then outlined various heuristic computer programs that simply went through all combinations to solve the problem. The discussion mentioned only one "shortcut" that the most efficient algorithms used — a "look-back" method. The program would place the pieces together until it came to a dead end and then it would go back a placement or so and restart. This was the only element of simplification mentioned — the rest was pure brute-force calculation. On a modern computer, the program took minutes to solve the problem. Since a computer can do millions of calculations a second, I decided this puzzle was not for me.

Being a rational person, I put the puzzle aside, a bit perplexed that my benign assessment of the marketplace had seemingly been contradicted. How sadistic to sell a puzzle that no human being had any practical chance of solving! It would be like winning PowerBall. I explained the puzzle's impossibility to several neighbors and my brother, who lives nearby. Johnny is a real estate agent who recently explained his success as stemming from persistence — his unwillingness to give up on a sale until the customer decides to withdraw or the sale is complete.

He took the puzzle and my "look-back" clue to his home. A few days later, he called to let me know that he'd done the "impossible" puzzle. I was shocked — I was the mathematician in the family, the logical whiz; what was going on? And then I realized that, like most people, I am susceptible to fatalism — the view that there's nothing that can be done. It is convenient to decide that a difficult task is impossible. We hear that all the time when we seek to advance economic liberty. But, in this case, I was quick to accept the views of an expert. I surely wouldn't do that in areas such as trade or environmental policy or regulation. But in this area, where I was "rationally ignorant," I fell into the same dead-end thinking. I accepted the status quo "you can't get there from here" view. Johnny didn't, and he solved the puzzle.

This was good lesson to learn. From now on, when people tell me that I'll never be able to reform this or that area of public policy, that "it's impossible," I'll simply work harder! — Fred L. Smith

Bring back Cal — My good friend Herb says that government is the only burglar that can steal a wage-earner's money without benefit of weapons or superior strength. Furthermore, its theft is fully supported by the police, the FBI, the National Guard, the U.S. Marines, and the Coast Guard, and backed by the legislative grandeur of the United States Congress. Herb hates taxes like a midnight toothache. "The last truly great U.S. president was Calvin Coolidge, whose favorite diatribe from the political pulpit was a one-worder that began with an 'N,' rhymed with 'whoa,' and related to taxes." My tax-obsessed friend swears that verbally parsimonious Cal could easily have been a glittering silent film star, making a lot more money than he made by wordlessly hanging around the White House.

News You May Have Missed

"Coalition of the Angry" to Challenge Middle East Anger Cartel

WASHINGTON — In a televised address to the nation last night, a visibly angry President Bush said that "the American people will not allow a bunch of Middle Eastern anticartoon goons to establish a monopoly on the vital resource of raw anger," vowing to develop the "deep domestic anger reserves of our own country."

The president, speaking before Congress and invited guests that included dozens of smoldering postal workers, fed-up New York Knicks fans, homicidal animal-rights activists, and the American Association of Apoplectic Hockey Parents, paused several times during his speech to acknowledge the prolonged hisses, muffled expletives, and full-throttled screams of rage of his appreciative audience. Calling for bipartisan support and a congressional resolution to authorize the use of spleen in the Middle East, the president proposed a "Coalition of the Angry" that could at a moment's notice launch a "shock and awe" campaign of precision vituperation against anyone or anything that annoyed the president, Dick Cheney, or Karl Rove, whether it be uncooperative foreign heads of state, White House correspondents who keep prying into things that don't concern them, democratic electorates who elect the wrong people, or facts.

He then made several dramatic proposals, including one that would enlist volunteers who have mastered the ancient American meditative technique known as Road Rage, in which practitioners, shutting out all other thoughts, and working toward the disembodied mystical state known as "losing it," concentrate on a single vehicle that is in front of them, and, chanting certain esoteric words and phrases, cause it to magically disappear, perhaps into a ditch. These volunteers would be sent to areas of the world where angry Muslim protesters have taken to the streets and, using the very same spiritual techniques, force them right back off the streets. Similarly, the president said Rush Limbaugh, Sean Hannity, Michael Savage, and Ann Coulter could be dropped from helicopters into the midst of chanting, rioting mobs throughout the Middle East to apply their tried-and-true methods of silencing people by misquoting them, interrupting them, shouting them down, and cutting them off mid-sentence.

But Bush's new anger agenda immediately ran into unexpected opposition from the Rev. Pat Robertson, who said that the deployment of tantrum-throwing personnel alone would not be enough to take out choleric Muslims, President Hugo Chavez of Venezuela, and local school boards that fail anti-Darwin purity tests. He reminded the president that fresh supplies of loopiness were urgently needed as well. — Eric Kenning

"But Herb," I replied, "Coolidge played poker and drank bourbon with his pals in the White House bar for four years — that's all he did. And Mrs. Coolidge, as hyperactive as a sloth with mono, only hung new curtains in the White House master bedroom. That was the extent of the Coolidge agenda."

"Yeah, my kinda prez. Note that in 1927, 98% of Americans paid no taxes." My friend paused to drink one of my beers. "Calvin Coolidge," continued Herb, "passed about as much legislation as an oak tree on the White House lawn — may his memory never fade."

Herb pines for the old days when the feudal aristocracy granted tax exemptions to whole towns and villages for acts of heroic loyalty: say, if a local saved the kingdom by pulling his liege lord out of the duck pond, or diverted the village cesspool into his liege lord's enemy's well, or stuck a sword in the hindquarters of his liege lord's enemy. It was a well-established tradition. Joan of Arc's hamlet of Domremy went tax-free because of her heroic feats. Naturally, as word got around, tax-oppressed peasants vacated the neighboring towns.

Calvin Coolidge passed about as much legislation as an oak tree on the White House lawn — may his memory never fade.

My friend had a dream, he tells me, where he, a mere citizen, was allowed to stipulate a few presidential qualifications:

1. If the candidate ever uses the term "sharing" (political lingo for stealing) in campaign oratory, he must spend a week as a bedpan orderly at City Hospital — in the gastrointestinal ward.

2. Calculus is not a prerequisite, but simple arithmetic is a must. Particularly subtraction. He must understand that if a citizen has ten dollars in his poke and the government takes three, only seven remain. The understanding of the principle of addition is not necessary, since government does nothing that involves addition.

3. The candidate must have made an honest living for at least ten consecutive years. Every year of lawyering counts as negative five years.

4. He must have prepared his own tax return without the benefit of professional tax accounting assistance for at least three consecutive years. Financial penalties or jail time are convertible to credits for requirement #3.

5. Before inauguration, he will spend six months studying "The Road to Serfdom" by Hayek and "Freedom and Capitalism" by Milton Friedman. There will be a test, and a minimum score of 90% is necessary before investiture.

Then my pal woke up and read the paper and wished he was in dreamland again. "What happened to the good old days?" he laments. Herb passionately believes that the president should go to funerals, run the Easter Egg Hunt on the White House lawn, and hold a press conference once a year to answer any charges about eggs hidden in abnormally high grass. And that's all.

"That's the way it was," says Herb. — Ted Roberts

Madeleine Pelner Cosman, R.I.P. — Madeleine Cosman (1937–2006) died in San Diego County, Calif., on March 2, of complications of scleroderma. She was a forceful spokesman for conservative and libertarian ideas, and a vivid personality, best known for her scholarship and activism in support of 2nd Amendment rights and the rights of doctors and patients.

She was a connoisseur of Renaissance art and, in the words of Robert Bidinotto of the Objectivist Center, "a Renaissance Woman. Her accomplishments and talents were legion. . . . An operatic singer. An actress. A wonderful pianist. A controversial and outspoken political activist. . . . Even an expert marksman." Her book "Fabulous Feasts" (1976), a study of medieval cookery, was nominated for a Pulitzer Prize.

She held a law degree but never practiced. Instead she taught medical law and history at the City College of New York. But that wasn't all. She also founded City College's Institute for Medieval and Renaissance Studies.

Cosman brought a dramatic style to everything she did. Even her home, a circular house on a mountaintop, was a dramatic self-expression, planned and directed, like all her public presentations, by an intelligent and sophisticated taste. Yet she was so bold a spokesman for her ideas that one of her last public appearances, as part of a panel discussing illegal immigration, was guarded by 150 policemen.

Cosman's impact was great, and her influence will continue. Her next book "Who Owns Your Body" (one of over a dozen) will be released later this year by Praeger.

— Stephen Cox

Harry Browne, R.I.P. — Harry Browne (1933–2006), twice presidential candidate of the Libertarian Party, died on March 1 at his home in Franklin, Tenn. He had fought Lou Gehrig's disease for many months.

Harry was an investment adviser who became a bestselling author with his book, "How You Can Profit from the Coming Devaluation" (1970), the first of a series of how-you-can-profit volumes. Through those books, his writings and speeches on public policy, and his work of 1973, "How I Found Freedom in an Unfree World," he spread libertarian ideas to a wide popular audience.

As a leader of the Libertarian Party, Harry was a vigorous exponent of a professionalized campaign style, emphasizing the respectability and rationality of libertarian public-policy proposals. Although his electoral performance was disappointing — 485,000 votes in 1996, 384,000 in 2000 — he was an articulate and persuasive spokesman for the party. He looked like a president, or like a president ought to look.

It is no secret that during the latter part of his political career Harry and Liberty magazine were often at odds over his management of Libertarian Party affairs. The history of these disagreements is written at large in the 1999–2004 issues of Liberty. But there was never any question that Harry was a talented and intelligent leader, determined to defend and extend individual freedom. — Stephen Cox

The Real India, Behind the Fog

by Jayant Bhandari

India boasts one of the world's fastest growing economies — but the wealth hasn't reached everyone yet.

Just over a decade ago, in the British university where I was studying, some students did not know where India was. Some thought that it was somewhere in Africa. (Admittedly, quite a lot of Indians who had emigrated to the UK had moved not from India, but from African countries.) Given the kind of television images they saw, a lot of them thought that all Indians did was throw dead bodies in the Ganges, burn widows on their husbands' funeral pyres, charm snakes, and ride on elephants. They thought there were more cows on the roads than people — if roads existed at all. They thought India's population was so large that people would soon need to sleep on top of each other, and that this was what they were doing anyway. Some thought it was a miracle if an Indian could add two and two.

Today the perception is completely different. Today India is a mammoth. Its GDP is tenth highest in the world, ahead of Singapore, Hong Kong, Finland, Austria, Sweden, Belgium, Switzerland, the Netherlands, and Australia. With the West's rate of growth at about 2% and India's at about 6.9%,[1] India is seen as a powerhouse and its inhabitants as supermen, achieving economic progress that could not occur in the wildest dreams of Westerners. People speculate about when, not whether, India and China are going to take over as *the* economic powers of the world. Indians are regarded as top-class doctors and engineers, men and women for whom nothing is now impossible.

Starting in May 2005, Canada's National Post, a generally anti-statist newspaper, ran a series of stories on the enormous successes of India's opening economy. On the first day of the series, most of the front page was occupied by a picture of an Indian rocket taking off. The story said that the Indian government was seriously contemplating a mission to the moon.

How much of this is truth, and how much of it is rhetoric, a false perception based on partial numbers and skewed analysis, catering to what people want to see instead of what they do see when their eyes are open?

Let's sort things out.

Yes, India's GDP is almost the same as that of Australia. But its population is more than 50 times bigger than Australia's. Each year, India adds to itself a population nearly equal to that of Australia. When you re-rank the two countries on a per capita basis, Australia goes to the 24th position, and India slips to almost the bottom, way behind Albania ($2,080), Swaziland ($1,660), Angola ($1,030), and the Congo ($770). With a per capita GDP of $620, India is slightly ahead of Pakistan ($600) and Mongolia ($590).[2]

In other words, an average Indian lives on about $1.70 a day. And how does India's glamorous growth appear from this perspective? Australia's growth in GDP (which is around 2%) will *add* about $600 to its per capita GDP, almost as much as India's total GDP per capita. Its 6.9% growth will give the average Indian about 11 cents extra for use each day, a year from now.

So here is the summary: India is not an economic power, and at this rate cannot be one for the better part of this century. Just add 11 cents to the average daily per capita income of an Indian for the next year, and another 13 cents next year* and so on, and you will quickly see the truth — and remem-

*Optimistic calculations — taking into account population growth, this actually drops to about 5.5%.

ber, these gains will be accomplished only if India manages to sustain 6.9% growth.

Here is the rest of the truth: India is developing fast, by Indian standards. For the average Indian living on $1.70 per day, an extra 11 cents next year will be a windfall. Despite their similar GDPs, the expenditure profiles of India and Australia are very different. The Indian will likely spend his 6.9% growth on food and accommodations, and will continue doing so for many decades to come. If Australia sent a mission to the moon for the ego satisfaction of its elites, it would be robbing the rich of their luxuries. If India sends its lunar mission,[3] it will be robbing the poor of their bread.

What an irony: capitalist Australia refuses to rob — at least in this case — even the rich, whereas so-called socialist India robs the poor. This, of course, is not a perception that Indian statists wish to encourage. The lobbyists whom the state of India has employed in North America[4] have done a good job. They have helped Indian politicians hijack credit for whatever economic development has taken place. It is mostly forgotten that India has done better in the last decade largely because a few people have managed to bypass the state, using the Internet to create a huge software and call-center industry. To the degree that India may be considered an economic "powerhouse" (and that is a very small degree), it is so despite the state.

The Real India, Then

In 1993, I returned to India after completing my business education in the UK. During the two years I spent in Britain, perceptions of India had started going through a complete transmutation — the snake-charmers were becoming software engineers. Working as country manager for a British company, I was among the first to exploit the opportunities that a newly opening economy presented to foreign companies. Soon, every self-respecting company *had* to do something in India.‡

I moved to Delhi. To my dismay, no one wanted to rent me a decent place to live in. The landlords mostly refused to talk

‡Moving among expatriate businessmen, I was amazed at how the boards of many big companies had decided to enter India solely on the basis of irrational emotions. The consultants worked backwards to justify what was already fated to be done.

One hundred percent poverty — I have said that more than half the country was unemployed in 1993. The "Economic Survey 2003–2004,"[5] a document published every year by the government of India, says that in 1993 unemployment was 5.99%; in 2004, 9.2%.[6] But figuring the rate of unemployment in India is almost impossible. The very fact that those living below the "poverty line" in 1993 were 36%[7] of the population, and those living below the "poverty line" in 2004 were 29%[8] of the population, shows that the official unemployment figures are anything but the truth. If only 5.99% were unemployed, why were 36% living below the "poverty line"?

The truth is that government data were, and still are, highly unreliable. In the case of unemployment numbers, the situation is worse, because the state, even if it wanted good data (a big "if"), would not know who was employed and who was not. Unlike other countries, India keeps no personal files on individuals, or social insurance numbers, or any other means of tracking or insuring the unemployed.* It makes no sense to tell the employment office† that you are unemployed.

Even in 2004, India had about 70% of the population living in rural areas, working mostly in agriculture. But how much work actually went on? As people have very ugly, cramped houses in the rural areas — as they do in the cities — you saw men out in the village square sitting and chatting with friends over a neverending cup of tea, or simply lying in the shade, resting. Once in a while you saw people doing real work, but mostly it was of an unproductive kind which provided minimal returns, such as walking half a day to bring a bucket of water from a remote location. Most of these people — like people elsewhere in the world — would have entered proper employment had they the freedom to do so. Most of them were effectively unemployed.

In the cities, employment was even more divorced from productive activity. Most people aspired to work for the state and the public sector. It was not uncommon for a public sector factory to employ 5,000 people when 100 would have sufficed. The public sector in India never, ever returned a profit; it survived on subsidies. Most of its work was disguised unemployment. Its losses rendered everyone engaged in it effectively unemployed, at best. The very small private sector dragged the huge public sector into such prosperity as there was.

Looking at the situation in another way, one might ask, What does unemployment mean in a country with a GDP of $300 per capita? That amount could almost be called the free gift of nature. The deliberate work that people did returned a net sum that was perilously close to zero. It could be said that *all* India was effectively unemployed.

Let me clarify why I put "poverty line" in quotation marks. Those living above the "poverty line" in India are defined as those having enough money to buy 2,100 calories per day per person in the cities, and 2,400 calories per day per person in the villages. Even rats are defined with greater dignity. There is no mention of any other basic needs, such as shelter, health, or balanced nutrients. If you consumed rotten rice, enough to meet the calorie requirements, and lived and slept on the streets, while your limbs rotted away, and if you defecated in the open,§ and your children died of minor ailments, you were above the "poverty line." This is an implicit acceptance that at least 29% of India, equivalent to more than the entire population of the United States, lives worse than rats, even today.

Here as everywhere, the Indian bureaucrat is staging the great Indian rope trick, while the gullible applaud. Alas, tricks never change reality.

*In no way am I advocating the introduction of such tags to India.

†I did not know that the employment office existed until I researched this article.

§A visit to India by train is highly recommended to understand that 60 years after independence, the majority of the Indian population still does not have basic sanitation facilities or a clean water supply.

to me, and had blatantly advertised their property as for foreigners only. Dogs and Indians were not allowed. I feigned an English accent and fooled a landlord about my nationality. It was the only way to get the (less than perfect) place I wanted — my skin-color was not white, and whiteness was a necessity for a really decent abode.*

After looking for a place for over a month, and spending a fortune staying in a hotel, I got an accommodation with a preinstalled telephone, the most highly prized commodity in India in those days. People who worked in public sector monopolies, which most industries were, made fortunes collecting bribes. On several occasions I was to see that they didn't even care about money — they wanted the sadistic enjoyment of making people grovel.

Despite its economic growth, India remains one of the world's poorest and most wretched countries. The proof is visible in all its nakedness barely a few miles outside the city limits.

But having a phone was not enough. It usually did not work, and when it did, I usually could not use my fax machine because of the "noise" that infested the communications network. For the next three years, I spent, on average, one day a month to keep my phone in operation by making personal visits to the telecommunication department. For the next three years I walked to the market four times a day, every day, to send and receive faxes for my British company.

One of the several laws I broke in those days was the law restricting the fax machine itself. I should have sought a license to use it; but getting it would have meant tens of visits to the telephone office, more hefty bribes, and the certainty that if I was refused a license, I would not have been able to communicate. This meant that the government employee responsible for keeping track of my telephone connection got a particularly heavy bribe. I was committing a criminal offense simply by trying to participate in a modern economy.

In addition, I spent the equivalent of one day a month depositing my telephone, electricity, and water payments. Completing a simple transaction at a bank could easily cost an hour. Sometimes I traveled by train, but according to the law only I could buy my ticket. The lines to buy tickets used to be so long that it took me a day to get to the train station, buy my ticket, and return. I decided not to honor that law. Instead, I engaged an "illegal" company to send someone to present himself as me and buy my ticket.

Getting money from the UK was another bureaucratic nightmare. The money came to the foreign currency department of a public sector bank. Once the bank got the money it would take about two months to give it to me — the check just traveled around and around inside their office. I had to go to the bank several times to see whether my money had arrived, something not easily accomplished, as you might imagine if you think about the motivation of the bank employees. Usually no one knew that any money of mine was lurking inside their piles of papers. Each visit to the bank consumed a day. The finance director of my UK company, who had never been outside the UK, thought I was completely stupid.

In a grudging and belated concession to avoid defaulting on its foreign currency commitments, the Indian government had recently started to allow foreign companies to invest in India. Thick books were available to help in interpreting the associated laws. Legally, I could create one of the following entities: a liaison office, a branch office, or a subsidiary, each encumbered with unrealistic limitations on what we could or could not do therein. We spent a fortune, and more than two years of hard labor, just to get the necessary approvals.

Otherwise I did, as did other Indians, what was necessary — growing a guilty conscience, suffering the moral corruption that results from dealing with a corrupt system, and eventually losing consciousness of what was a good law and what was a bad one. There is a generally accepted saying in India: "You can scoop out butter only with a crooked finger."

The company I worked for made high-technology equipment to measure gaseous emissions from chimneys. As we had no current installation in India, my company offered one installation to a (public sector) electricity generating company free of cost. The would-be installation site was about 38 miles from my place in Delhi — about five hours by taxi. The responsible person at the site, holding the fancy title of Deputy

One of the several laws I broke in those days was the law restricting the fax machine itself.

Imagine all the people — Freedom acquired by just one million people (the total of those employed in the entire IT and office-service industry of India) has brought the nation out of its vicious cycle and garnered the world's applause. Imagine what India and the world would be like if the rest of India's population of 1.1 billion received the same economic freedom.

You won't get the picture through simple multiplication, because people cannot add as much value in every other industry as they have in IT, but the possibilities for the future are interesting indeed. Those who are convinced that India is already an economic superpower have missed this fuller understanding: not only about where India is today, but also about how much more it can accomplish.

*It is easy to blame the landlords for this ugly racism perpetrated against their own kind, but it was legally impossible for a landlord to get rid of a tenant if the tenant was an Indian. I was to experience more overt and irrational racism from the public sector. See the transcript (http://tinyurl.com/lsxcb) of a speech that I recently gave at the Fraser Institute on how collectivism corrupts individuals morally.

General Manager (Operation & Maintenance), had too important a designation to meet me before I held protocol meetings with his secretary, a relatively uneducated person endowed with some of the ugliest manners I have ever encountered.

Landlords refused to talk to me and blatantly advertised their property as for foreigners only. I feigned an English accent and fooled a landlord about my nationality.

I was forced to meet with him several times before I could organize my first meeting with the boss. The secretary himself was too important to talk to me on the phone. A year was consumed before my first real meeting took place; two more years were wasted in bureaucratic dramas before I got the free installation running.

Since a good part of my day was spent in making sure that my telephone, electricity, and water were in operation, and the rest was spent dealing with bureaucracies, I worked almost 14 hours a day, every day of the year, and still lacked any real results (what the economists would call product or real value-addition) to show for it.

A year after I moved to Delhi, I employed a peon, a runner boy to take over the job of waiting in lines to make utility payments, visit banks, and do other non-productive administrative activities. I paid him a salary that was equivalent to about $40 a month. This was just above what the minimum wage laws asked for, and twice as much as the generally accepted minimum wage. Half the time, the peon didn't come to the office, but I accepted the situation and never blamed him. Like most Indians who take such jobs, he was fatalistic and unreliable. Who wouldn't be, in the system we lived in? If I had paid him more, I suspect, he would have reduced his visits until they were sufficient to earn the basic salary.

In those days, the Indian GDP hovered around $300 per capita — an average of less than a dollar a day per person. My education in economics in the UK had told me that with Western salaries almost a hundred times higher, jobs should flood into India. I had learned that minimum wage laws were the biggest reason for unemployment in the West. I wondered why, given the fact that there were (for all practical purposes) no minimum wages in India,* more than half the country was unemployed. My return to India showed me what government can do to achieve this result.

My company spent more than three years and a million dollars to achieve what would have taken just a couple of days of work in the West. This is my anecdotal experience of what made India so pathetically poor, what made its productivity close to zero, and usually negative, as reflected in its GDP. While I worked in Delhi, newly graduated university students were happy to work for me for free, just for the experience of working. But one of the most difficult things was to find people with decent work ethics — one of the primary victims of the collectivist system in which my associates had been reared. This is how India, despite its lack of an effectively implemented minimum wage, managed to have high unemployment: the marginal productivity of employing another Indian was zero, or even negative.

Human life, which should have been the nation's biggest asset, had been transformed into a liability by idiotic laws and customs. Free from legal encumbrances, the cow was, of course, more holy and productive.

The Real India, Now

In 1998 I moved to a self-sufficient gated community with its own electrical generating plant, water supply system, and private security — probably among the first such communities in India. Telephones had just started becoming private all over the country. A guy wearing a suit in the sweltering heat of Delhi came to install my new telephone. He made no pretensions of looking important and called me "sir" more often than he should have. Efficient private banks had opened everywhere. I could talk to them on the telephone, and they even delivered money to my place without charge.

The minimum wage laws are very strict, but most private employers simply ignore them.

GM and Ford had just been allowed entry into the country, and those who could afford them had decent cars. Private airline flights were frequent and reliable — it continued to be common for the public sector airline to complete an hour's flight in five, hopping to destinations not on its direct route. Cellular phones were cheaper and easier to get. Private electricity companies started to operate. They didn't waste time and resources the way the public sector did. Selling my company's equipment to them was peanuts compared to what I had experienced with the public sector.

Well-paid people like me were increasingly common. They

What a tangled West we weave — There is no reason for people in the West to feel smug. The situation with India is no special case — it is in the nature of statism. Like a frog in slowly boiling water (which provides initial warmth, then boils the frog to death), the West has increasingly lost itself to statism. The increasing size of the state in the West is bringing in a culture of irresponsibility, of lack of personal accountability, and as a consequence, a general feeling that life is out of control. The experience of India teaches that those who fail to run their own lives love to run others'. Statism will slowly generate worse and worse thugs in the West, and the webs they weave will not be easy to untangle.

*The minimum wage laws are very strict, but most private employers, apart from the very big ones, simply ignore them. Manufacturing is only for those who know how to bend the rules, which are the would-be killers of entrepreneurship.

were spending less and less time dealing with the bureaucracy and more and more time producing things that customers wanted. Industries catering to their needs started to appear. Life was starting to be easy. The best brains stopped working for the state and began working for the private sector, initially to deal with and circumvent legal restrictions, but later in productive activities that went beyond all that.*

By 2004, Indian GDP had grown to $620. Most of this growth was spearheaded by an emerging service industry related to software and telecommunications. It has therefore been restricted to the megacities, and even there to the relatively educated minority; the entire IT and office-service industry of India employs only about 1 million people.[9] To put this figure into perspective: the Indian population grows by more than a million every month! What the foreign business tourist saw in the megacities he soon considered characteristic of India as a whole. But despite its economic growth, India remains one of the world's poorest and most wretched countries. The proof is visible in all its nakedness barely a few miles outside the city limits.

The foreign and Indian companies that managed to succeed in the new India were in the industry that the bureaucrats, in their stupidity, didn't know how to regulate: telecommunications and business based on the Internet. Manufacturing, agriculture, and mining remain under the control of a profoundly corrupt state.† According to Transparency International, perceived levels of corruption haven't changed since 1998.[10]

Today, the poor are doing better than before because of the cascading effect of money generated in the service sector. For a developing country, India devotes a remarkable, indeed an anomalous, share of its economy to services: 51.8%. A big chunk of "industry" is "missing."

A lot of multinational corporations ignored India as a place for their so-called sweatshops, as the bureaucratic costs of doing business in India more than offset the cheap labor costs. These "sweatshops" would have provided much needed employment to the poor, covering a much broader base than a service-industry driven economy ever can. Ironically, several Indian companies have moved their manufacturing operations to China.[11]

When I lived in Delhi, I drove a good car, not because I wanted to show off, but because the car ensured that the police would not stop me all the time. In the capital city of Delhi, if you are poor, you have to go through a police verification to get a job — a practice, reminiscent of the old communist countries, that started in the mid-'90s.[12] If you are rich, you are fine. For India's poorest to do better, the restrictions on their lives and work have to be removed.

Fair trade — Indian traders have steadfastly continued to use (silver) coins of the British imperial times for religious rituals during the biggest Hindu festival of Diwali, despite the fact that the state has made their usage illegal. Perhaps it results from the traders' faint memory of the times when entrepreneurship was respected. Until his very last days, my grandfather had photographs of English officers and royalty on his office walls. This was his way of expressing respect for Western culture, which he considered as rooted in rationality and respect for the individual. One can only hope that youth in the West will not squander this most precious cultural treasure they have inherited. Their prosperity and, more importantly, their sense of being human depends on it.

The Future of India

India is finally growing, and that is great news. It is out of the vicious cycle, and the future is bright. But it can do a great deal better; it can go much faster; and it should.

Free marketers who read India wrong, who see in it a powerhouse and an economic miracle, risk glorifying its persistent statism. Sending a mission to the moon is not a victory for the individual Indian. He needs more self-esteem and self-reliance, but that can come only if he can succeed and grow on his own terms, and above all if he is allowed to strive for the best in himself. If anything, the idea of a moon mission testifies to India's entrenched statism and collectivist thinking.

Praise for the statist present is already harming the process of liberalization. Current benefits are enjoyed by people who can bypass the state — people in the software and telecommunication-based service industries. While "India" is praised for this mighty progress, the real India still lacks an emerging manufacturing sector, which could employ the poor. The meddling and corrupt politicians remain in power; and I have never met an honest politician or bureaucrat in India. Let us not glorify the enemy (the state) by calling it the savior; let us not believe that all is well in India just because we have seen the relative prosperity of Bangalore, a city that has less than 1% of India's population. The truth of the poor is terrible.

There is a generally accepted saying in India: "You can scoop out butter only with a crooked finger."

If there is one lesson I have learned, it is this: if government simply lets people get on with their lives, even the poorest and seemingly most stupid people can make their lives work fabulously well. Since this is happening in a small way in India, I see a future for that country, and for the billion people who suffer there from the horrors of statism. That is great news economically and morally. It is great news when people

continued on page 38

*I guarantee that most Indians would still find little value difference between time spent sorting out legal hassles, and time spent doing productive work.

†When I started working, a lot of public servants expected small bribes: cordless telephones, an expensive dinner, etc. When they saw money being generated by the private sector, they started to expect as gifts such things as foreign travel. In the early '90s, the best went to work for the state. Then they stopped, and the quality of those who remained with the state went down.

The End of Soviet Poland

by Michael Christian

In the communist system, it was a miracle that anything worked. In the capitalist system, it all became very natural.

Dwarfing their chairs and stools in the broad hallways of the Polish Ministry of Finance sat fat old women with moustaches. Each of them edged into the halls from the great office doors as though escaping in slow motion. They nibbled on little cakes, gently gossiped, and sipped sweet tea all day long.

They did nothing else. I mean no work at all, ever. They made no pretense.

It took me a long time to get used to them. It was best to pretend that they simply were not there. I once begged the secretary of a high-ranking bureaucrat to help me send a fax to the World Bank. I couldn't operate the fax machine, and it was an important communication. The finance minister himself cared about what I was doing. The secretary was friendly about it, but my request was risible. She laughed at me. She simply would not work.

I wondered how, in a country with so many comely young women, these old hallway fixtures managed to be so ugly.

Polish men told me (and my experience did not contradict them) that older Polish women were hideous and fat, with black hairs coming out of unlikely places. Young Polish women were blonde and beautiful. The men had a theory that these old and young women were of two different races; the young ones never had a chance to get old, because the old ones killed and ate them. And that's why the old ones got so fat. I suppose it did have *something* to do with their diet. But I digress.

When I moved temporarily from Paris to Warsaw in 1994, it was like moving backwards and sideways in time. Backwards because everything seemed to have been built before 1960. Sideways because all the old Polish buildings strove for a dated futurism. Communism had frozen Poland in the past, but it was a past that worshipped socialist progress and the socialist future. The government directed what little bit of energy, economic growth, and foreign aid the country could muster into futuristic projects. Its ideas about the future itself (at least as expressed in the buildings and trams) were stuck in the first half of the last century, in the form of socialist realism.

By the way, foreign aid that came to the East Bloc from capitalist countries, mostly the United States, helped sustain communism. According to my Polish friends, a lot of foreign aid came to Poland in the 1970s. The communists used it for big capital projects.

How disgusting that the Soviet rulers and their puppets, given the chance, decided what every city and building would look like! It's such a shame, because the Poles were not very good communists at heart. Maybe they wanted to make beautiful things that looked nothing like socialist realism. Maybe they are making such beautiful things now. But in 1994 they were saddled with nearly a half century of officially constructed blight, and they were just waking up from a long nightmare.

The place was dreary and gray. Everything seemed to be covered by a fine layer of oil. Smooth, old metal parts of heroic fabrication, lightly greased — that was the character of Warsaw. I was shocked to learn that Warsaw was termed the Little Paris of the East Bloc. In the communist years, wealthy Russians loved to vacation in Warsaw. It was, according to

my Polish friends, a great escape from the gloom of Russia. I was thinking, my God, how could anyone survive in a place gloomier than Warsaw, in a place so gloomy that *Warsaw* was the City of Light? Moscow must have really been hell.

The streets of the Polish capital were absurdly wide, and sooty buildings in disrepair squatted across whole blocks. I lived in one such building. Everything in my small, furnished apartment was old, cheap, and worn. The water was rusty. I was paying a fortune by Polish standards. This was Warsaw's version of upper-middle class living.

Powerful men walking around the Ministry carried their own rolls of toilet paper. Twenty-two year olds ran vast banking empires. High officials were unable to make simple, obvious decisions.

On a certain date in the late fall (practically a national holiday), the city turned on the heat, centrally supplied in the form of steam. That's right; they had some kind of central steam factory. When it broke or ran out of fuel, everyone froze. The city did not turn on the heat when winter arrived early and did not delay the heat when winter arrived late, or for warm spells. Once the heat was on, it was on until spring. It wasn't metered. Nobody paid for it directly. The radiators blasted their moist heat. Windows all over the city were wide open to moderate the temperature. But often, the first day of officially distributed heat was delayed — for financial reasons. People liked to grouse about that.

It's funny how central steam seems so absurd to me, but I rarely think twice about central electricity. If our own state were less socialistic, I suppose central electricity would also seem absurd. Each house or neighborhood would make its own electricity. One might buy it from competing companies. People get used to the absurdities of central control.

When I talk to friends about limited government, they often scoff and cite road building as an example of how my logic goes too far. They say in mocking tones, "I suppose you think private companies should build the *roads*." They think that they have reduced my arguments *ad absurdum*. Yet there is nothing absurd about private roads. They are common and are usually of excellent quality.

Near the top of a steep road that I often climb by bicycle, I always get a laugh. There's a sign that reads, "Caution: end of county-maintained road." The county wants to avoid any responsibility or liability for the private road beyond the sign. Yes, should you venture beyond this sign, you will see the horror, the abomination of a private road. In fact the county road is rough and cracked, and the private road smooth and beautiful. So I laugh every time.

The trams were a good example of Warsaw's greasy character. They were all of futuristic burnished metal, and oily. You could acquire a sad affection for the trams. They ran, slowly and cheaply. I took the tram to work at the Ministry of Finance.

I reported directly to the finance minister, who reported directly to the prime minister. All the work at the entire ministry was performed by about 25 people, although it employed hundreds. Communism and the command economy had led to this: out of 100 people, 100 had a job, and five worked.

Of the 25 who did anything in the Ministry of Finance, only two were over 25 years old. One of them was the minister himself. The post-communist government drew him from academia. He was like the professor, and all the 20-somethings were like his students.

The other older person who did any work was a crusty apparatchik who was ready for anything. I liked him. I think he liked me too, because he introduced me to his beautiful 16-year-old daughter. With a wink, he sent me off on lunch dates with her. She was formal and shy. But she certainly was eager to improve her English. "It is just for English," she would defensively say. We became friends once she realized that I was not going to court her at the behest of her father.

I asked some of the young workers about all the worthless employees, particularly the old ladies in the halls. They told me that most people, after working under the communist regime for more than seven or eight years, could not be reformed. They were hopeless and would have to be carried along for the duration. You couldn't fire them. That might be unfair and would certainly cause riots and strikes. Inflation would chip away at their incomes. They would become bitter and remain lazy.

From all I saw in Poland, I conclude that, after the great Solidarity movement and the fall of the Wall, there was a revolution affecting the people at the very top of major governmental and government-controlled institutions. They were largely replaced with newly minted college graduates. The rest of the hierarchy was a series of sinecures.

So these young men and women, fresh out of college, some of them just 19 years old, were remaking Poland. (I met the president of the biggest Polish bank. He looked to be about 22 years old.) I was supposed to help them by giving little courses on financial markets and by hanging about and lending a hand. By happy coincidence, they were gearing up to

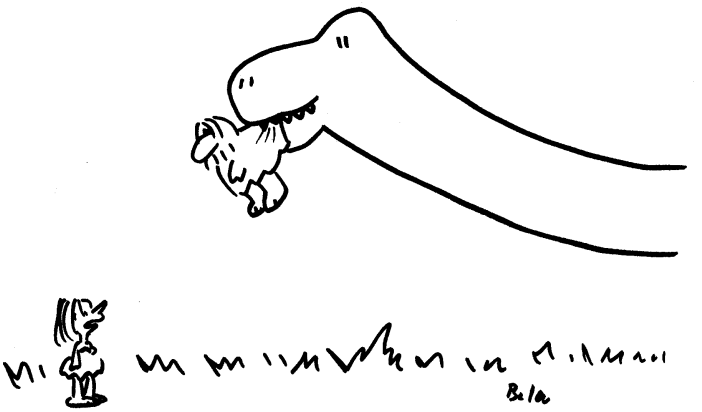

"Call *what* authorities?"

offer open-market government bonds for the first time since before World War II. I knew about bonds.

But the Poles were burdened not just by the legacy of their communist governments but by their new government too. The director of the international department, for whom I worked, was smart and hard-working. He was also paralyzed by political fear. In one of the first, big, post-communist privatizations, the government set the initial public offering price of a bank at a level that turned out to be less than one-tenth of what the market would have paid. It was a scandal causing some very highly placed heads to roll. I believe that the director was terrified. He did not want to make any decisions that might expose him to an accusation of corruption.

On a certain date in the late fall, the city turned on the centrally supplied heat. When it broke, everyone froze. Once the heat was on, it was on until spring.

The bond issue that I was helping with illustrated the point. Nobody wanted to choose the investment bank to underwrite the offering; the power to choose implied the power to accept bribes. So, unable to reject unlikely candidates, the ministry received and reviewed an excessive number of detailed proposals from investment banks to act as investment advisor and lead manager of the issue. Then the whole decision-making process rotted in a large selection committee with members from several areas of government, business, and academia. Nobody could decide anything, and nobody could be blamed for the eventual decision.

Even the simple, obvious, necessary decision to hire bond counsel to represent Poland proved almost impossible to make. I wrote memos strongly recommending this step. The U.S. Treasury Department, also assisting Poland, wrote extensive letters supporting my recommendation. The director just asked for more memoranda. He passed them up the chain of command (and it didn't go much higher). Consequently, when I left Poland, this essential but petty decision was sitting on the desk of the minister of finance, who objected that it was not a sufficiently important decision for him to make.

The bond issue made my lessons especially relevant to the bright young bureaucrats. They were used to thinking about capitalism and markets in abstract, academic terms. When they thought about financial markets in the real world, in Poland, it was too much even for their supple young minds. In particular, they could not believe that some concept called "the market" would set the prices for the bonds. They wanted to know who really set the prices. I would explain the market mechanism again and again. They would nod and agree. Yes, they told me. They understood all about it – supply and demand, market information incorporated in the price, allocation of resources efficiently made through the free choices of millions of people. But who really set the prices? Was it the SEC or the World Bank or maybe the European Community? Or would the Polish government have to set the prices? And who were the secret beneficiaries of the rigged bond issuances?

I feared for the Ministry of Finance. I feared for Poland.

My little report on what I did in the fall of 1994 is pretty dreary.

Command economies make for odd behavior: Old women paid to drink tea. Windows wide open, the heat on full blast. Powerful men in business suits walking around the Ministry carrying their own private rolls of toilet paper for the bathrooms. Twenty-two year olds running vast banking empires. High officials unable to make obvious, simple decisions.

Yet recent history has obviated my pessimism. I was wrong.

The bond issue was a big hit. And now for years, Poland has been the darling of the post-communist economies. It has experienced rapid, though sporadic, economic growth despite its government's failure to privatize very large state-owned companies. The growth, of course, has been in sectors where smaller companies were privatized, and in new sectors of activity.

Poland's total exports increased more than 30% in the first nine months of 2004.* From 1991 to 2005, its GDP grew an average 4% annually. Its rapid growth has been persistent. In 2005, for example, its industrial product grew 9.2%.† In 1999, Poland joined NATO.

From the CIA's fact book on Poland:‡ Life expectancy at birth is now above 74 years. The literacy rate is 99.8%. Exports to the EU are surging. GDP, adjusted for inflation, grew 3.3% in 2005. Unemployment is now high — which I consider to be a great achievement of liberalization and an ingredient of rapid economic growth. And I believe that someday, mature Polish women will be beautiful.

The obvious lessons from Poland are that some freedom and capitalism are better than none. The less obvious lesson is that very incomplete and corrupt liberalization can still make huge differences in lives and economies. The forces of freedom and capitalism are not hothouse flowers. They will grow in a little dirt between the cracks. They will flourish in a vacant lot. They will set up great forests in a land that demolishes most of its state structure. The Poles, like most humans, seem to be natural capitalists. God bless them. ❑

They wanted to know who really set the prices. I would explain the market mechanism. They would nod and agree. They understood all about it. But who really set the prices?

*The Economist, June 6, 2005.
†The Economist, Jan. 28, 2006
‡http://www.cia.gov/cia/publications/factbook/geos/pl.html

A Bet on China

by Bruce Ramsey

The Chinese are more likely to forget communism than Tiananmen Square.

I bet against China once. I came to regret it.

It was the first piece I wrote for Liberty, printed in the March 1990 issue. I had moved to Hong Kong the previous September, and was goggle-eyed at the place. It was an odd combination of laissez-faire economics and an absence of democracy. On top of this was the coming handover from Britain to China in 1997, which all the official Hong Kong voices assured us would go well. Because my wife was a private banker, I knew that many of the capitalists had foreign passports and assets abroad, and had sent their kids to study in U.S. and Canadian universities. And I thought: Hong Kong is a Potemkin village. The change of sovereignty is not going to turn out well.

The piece was reported on the scene. The logic was good. I can read it today and be convinced by it, if I put the past 16 years out of my mind. Because, of course, I was wrong. Hong Kong's eight and a half years under Chinese sovereignty have gone much, much better than I imagined.

In 1997, back in Seattle, a local investor gave a talk comparing the development of Russia and China. He was the most renowned international investor in the state of Washington, the CEO of an advisory company known on Wall Street. He had oodles of clients among the Fortune 500. He had led delegations of investors to China and Russia. This man made the startling statement that he thought Russia was a better bet than China. To be sure, China had had a ten-year head start down the capitalist road, and had gone further than the Russians had. But Russia had undertaken to embrace capitalism *and* democracy. China had had a chance for that in 1989, and had drawn back. Between economics and politics, China was unbalanced. Russia was balanced, and therefore a better bet.

Another logical argument. I presented it in a newspaper column, and at the end asserted my disagreement, based on a single flippant fact: I had seen lots of modern products made in China, but not one thing on an American store shelf that had been made in Russia.

I still haven't.

I have not been in China, apart from Hong Kong, since 1999. At that time I accompanied a translator to a university campus in Harbin, went to the student cafeteria, and started buttonholing students to talk politics. I never saw a policeman or an enforcer of any kind, and the students did not act afraid.

The editor of Liberty now asks me to write about the state of freedom in China. It's not an easy job. China is a big country. I start to read, cognizant that the foreign press covers Beijing, Shanghai, and little else. And the foreign press tends to cover the sorts of things that editors back in America find interesting.

Here is a story from Jan. 6, 2006, which the Seattle Times picked up from the Washington Post:

> BEIJING — A businessman who led thousands of investors in a campaign against the government seizure of valuable oil fields in northern China was convicted of organizing illegal protests and sentenced to three years in prison Thursday, relatives said.
>
> The ruling [was] against Feng Bingxian, 59. . . . Feng was one of about 60,000 private investors who developed oil wells

in Shaanxi with the blessing of local officials in the mid-1990s. But the officials confiscated the wells in 2003 after they began showing steady profits, and the investors filed a lawsuit against the government last year.

The fight over the wells, said to be worth as much as $850 million, attracted widespread coverage in state media, and Feng became known as an unofficial spokesman for the investors and one of the country's leading advocates of private-property rights.

Rights are not well defined in China. That is what everyone says. But note also that the man was *organizing a group of citizens against the government's policy*. He was a public spokesman for them. He got the attention of the Chinese press, and even the American press. This is one tough guy. And the government sentenced him to only *three years*.

China has opened itself to the world in order to become rich and powerful, and it is visibly on that road. The more that effort succeeds, the more it dooms the dictatorship.

That's not a free country. But it begins to look like a country where people stand up for themselves.

This, from the New York Times:

> SHANGHAI, Jan. 20 — Land grabs by officials eager to cash in on China's booming economy are provoking mass unrest in the countryside and amount to a "historic error" that could threaten national stability, Prime Minister Wen Jiabao said in comments published Friday.
>
> His message underscored the increasing urgency of the government's campaign to curb abuses against peasants and migrant workers, roughly two-thirds of China's 1.3 billion people, who have relatively little to show for one of the most spectacular economic expansions in history.

Why do they have little to show for it? Foreign investment and development have been mainly in the coastal cities. That is one reason. The Times identified another:

> Peasants are not allowed to own the land that they farm and have little say if the government decides to sell it for commercial development. Compensation is assessed according to complex formulas but rarely approaches the market value of the land.

It is notable that some of the most interesting human-rights stories out of China are about property rights. But not all of them. Here is another one, from the Associated Press, Jan. 18, 2006:

> BEIJING (AP) — China will start taping interrogations of suspects involved in work-related crimes to prevent confessions being extracted through torture, state media reported Thursday. Sound recording will start in March of this year, and video recording in October 2007, the official Xinhua News Agency said . . .

The move comes amid an unusually frank discussion by state-run media about the use of torture. Xinhua said that Chinese media had repeatedly exposed instances of police using torture to get a confession, which had sparked a public outcry.

A week after that story came one about the closure of Bing Dian ("Freezing Point"), a newspaper supplement, by its owners, the Communist Youth League. Bing Dian had written about lies in China's schoolbooks and corruption among government officials. It had also published a Taiwan author's explanation of the spread of democracy in Taiwan.

Chief editor Li Datong posted an essay on the Internet denouncing the closure. According to the Associated Press, he said, "As a professional journalist, stopping the publication of Bing Dian is something I cannot understand, something I cannot accept." The AP article said Li's stand was seconded by "Bing Dian fans, who bombarded the Internet with expressions of support for Li and condemnations of the crackdown."

Another guy with guts. But Bing Dian was reopened shortly after, without Li Datong in the editor's job.

Then there was the story that got the most attention in the United States: that Google had set up a Chinese website, Google.cn, that would do Internet searches except for certain terms, such as "Dalai Lama" and "human rights." This was right after Google had defied a U.S. government order for data on its users here. Thus Google extended the middle finger to Washington, D.C., but kowtowed to Beijing.

Google was thoroughly denounced, though not everyone who denounced it acknowledged that the company is not in quite the same legal position in China as it is in the United States. In its defense, Google said that in China every time a search was blocked the user was notified, and that even with the restrictions, the Internet "has been a powerful force for openness and reform in all countries, including China."

Microsoft Chairman Bill Gates, reached at the capitalists' conclave in Davos, Switzerland, said about the same thing regarding cooperation by his company with the government of China. It sounded like the crassest sort of corporate apology. But here is one more story, this from the Wall Street Journal of Feb. 13, 2006, titled:

> ***Great Firewall***
> Chinese Censors
> Of Internet Face
> 'Hacktivists' in U.S.
>
> Programs Like Freegate, Built
> By Expatriate Bill Xia,
> Keep the Web World-Wide
>
> Teenager Gets His Wikipedia

This was a story about the hacker underground that has taken on the Commies. Bill Xia, in North Carolina, has developed a program he calls his "red pill," after the pill of knowledge in the "Matrix" films. Xia's program, Freegate, allows people in China to bypass their own censors and reach such forbidden sites as Wikipedia. Wrote WSJ reporter Geoffrey Fowler:

> Even with this extensive censorship, Chinese are getting vast amounts of information electronically that they never would have found a decade ago. The growth of the Internet in China . . . was one reason the authorities, after a week's si-

lence, ultimately had to acknowledge a disastrous toxic spill in a river late last year.

So Bill Gates was right. Attempts at censorship are a story, and an important one, but the bigger story is how media-smart Chinese — and there are many, many of them — are getting around it.

What do the professional experts say about freedom in China? There are boatloads of experts, but I'll offer one in particular, Minxin Pei of the Carnegie Endowment for World Peace. I pick him because he is from China, he went to university there, he has a graduate degree from Harvard, and he is a recognized scholar who writes for Foreign Affairs and such. For these reasons, and because I sat next to him at a conference on China some years ago, with lots of smart people, and he was easily the smartest one in the room.

"Little Bun will not ride on an ox," grandpa declares. "Little Bun will ride on trains and planes, and life will get better all the time."

His work highlights the glass-half-empty, glass-half-full picture of the journalism above. In testimony to the U.S. Senate Foreign Relations Committee on June 7, 2005, Pei noted that many new laws have been passed in China, and that the ranks of lawyers have swelled to 100,000. But he said, "There is no sign to indicate that the Chinese Communist Party is genuinely committed to building a modern legal system."

The judges, he said, lack independence. Local government appoints them, pays them, and can sack them. If they rule against local authorities, the local authorities can ignore the rulings. Also, judges take bribes. The result of all these things is lack of respect for the written law.

"While a large number of Chinese laws have strong provisions for individual and property rights, in reality such provisions have little meaning because the government, especially local authorities, can ignore them with impunity," he said.

As for the democracy movement, Pei said in an article in the Financial Times, Jan. 18, 2005, that the government had "decapitated" it by driving most of the leading dissidents into exile. Inside China, the government has tried to co-opt wealth from the new export industries — ranging from clothing to hardware to consumer electronics — by inviting entrepreneurs into the Communist Party. Most have resisted it, but some 30% have joined.

As for the Party, Pei wrote in Foreign Policy, Jan.-Feb. 2005, that "regime insiders have effectively privatized the power of the state and use it to advance personal interests." In a piece in the March-April 2006 Foreign Policy, he is pessimistic about the near-term chances for political pluralism: "To most Western observers, China's economic success obscures the predatory characteristics of the neo-Leninist state." Some authoritarian countries — Indonesia, for example — have freed their politics when an economic crisis undermined the government. Writes Pei, "China hasn't experienced that crisis yet." His conclusion is that China's leaders are buying time by presiding over the world's most fantastic industrial boom. But the time will run out. You cannot say when, or whether the transition will be peaceful.

Economic development is a kind of anti-ideology, a joyful swigging at the bottle of life after the fetid pudding of Maoism. One of the fine statements on this is Zhang Yimou's film, "To Live," made in China in 1994, which I think of as China's "We the Living." It is the story of one family from the decadence of the late Nationalist era through the Mao years to the thaw under Deng Xiaoping. It is a long, colorful, sentimental movie whose theme is stated in two scenes, each involving the male lead and a small boy.

The first scene is in the 1950s, during Mao Zedong's Great Leap Forward. The man is carrying the boy, his son, on his back. The boy is tired, and needs to sleep, but his father is heading to a stupid political meeting. The father says to his son:

> Our family is like a little chicken.
> When it grows up, it becomes a goose.
> And that will turn into a sheep.
> And that will turn into an ox.

This is a traditional nursery rhyme, and he is reciting it in a very antitraditional period. The man pauses. One has to watch one's tongue.

"And the ox?" his son says.

"After the ox is communism," the father replies. "And then there will be dumplings and meat every day."

His son is killed by the excesses of stupidity and political fanaticism. But the boy has a sister, and before she dies a grandson is born. They call him Little Bun. At the film's end, the man and his wife, now elderly, are with Little Bun in their room. He has a box of fluffy chicks, and is told that they will all turn into chickens.

The grandpa's eyes light up. "And then the chickens will turn into geese," he says. "And the geese will turn into sheep. And the sheep will turn into oxen."

"And after the oxen?" the boy says.

Grandpa looks to grandma.

She says, "After the oxen, Little Bun will grow up."

"I want to ride on an ox's back," the boy says, happily.

"Little Bun will ride on an ox's back," grandma says.

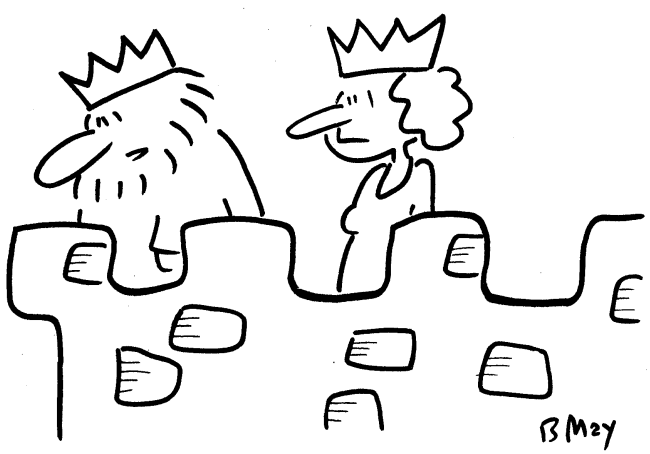

"Are you sure the peasants are starving? — I thought it was just a fitness craze."

Grandpa, who has been thinking on the theme of growing up, contradicts her:

"Little Bun will not ride on an ox," he declares. "Little Bun will ride on trains and planes, and life will get better all the time."

Those are the movie's final lines. Forget communism.

The film was made by China's most famous director twelve years ago, and though the movie was banned there, no doubt it has been shown on countless VCRs and DVD players. It expresses the political reality that communism as a belief is dead. What exists is simply the Chinese state. It still has a red flag, and Mao has been put on the paper money. The ruling party is still called the Chinese Communist Party. But in its mixture of authoritarian power and private wealth it is more like the Nationalist Party under Franco or — dare to say it — Chiang Kai-shek.

China is not a free country. Neither was Franco's Spain or Chiang's Taiwan. But they *became* free countries.

Some say the Chinese are so different from Westerners that they do not want political freedom. But the Chinese on Taiwan wanted it — and, in the 1990s, they got it. The seditious presence of Taiwan, and also of free Hong Kong, are omens for the future of China. Almost nine years after the handover, Hong Kong still has a free press and free elections by opposition parties. Unlike China, it tolerates the Falun Gong. It is still capitalist, and still has the law that the British left. All this, even though it is officially part of China and is garrisoned by mainland soldiers.

Where human-rights activists most want change it appears to be slow, but with other things change is fast. When I lived in Hong Kong in the early 1990s, some businessmen came there from China, but no tourists. The moneychangers did not accept the Chinese yuan. Now they do. During the Chinese New Year holidays in January of this year, so many tourists from China visited the new Disneyland Hong Kong that management shut the gates — and the mainlanders almost rioted to get access to Mickey Mouse. They were not the new rich but more ordinary people from Guangdong province who had scraped together enough money for a guided tour.

The route to the border was a narrow gravel road through the pines, but across the border was a white concrete ribbon laid out for several hundred miles to the metropolis. The contrast with Russia was stark.

When I wrote that first piece for Liberty, Hong Kong had just seen the birth of its first political party. The people of Hong Kong had never stood up against their government. In 1989 they had marched in support of the students at Tiananmen Square, but that was not exactly themselves. Now they have. Two years ago they took to the streets to protest an internal-security law that China wanted — and they stopped the law.

Just a few years ago, when southern China was hit by the new disease SARS, the bureaucracy tried to cover it up. China denied there was an epidemic. News leaked out to the Hong Kong papers anyway, and it was confirmed when a sick man crossed into the territory and checked himself into a hospital and died. Hong Kong jumped into action, as did Taiwan, Canada, and the United States. China was embarrassed. It had shown itself to be backward and stupid, the sort of place where health officials did not listen to physicians, and dangerously sick patients were driven around the capital in taxis to keep them out of the hospitals when the foreigners came. With the bird flu epidemic of 2005, information moved more freely.

Almost nine years after the handover, Hong Kong still has a free press and free elections. It is still capitalist, and still has the law that the British left.

It is not just information that moves. Citizens of the People's Republic now travel to foreign countries. Tens of thousands of Chinese students are studying in North America. Chinese have now discovered eBay, and are making their living off it.

Statistically, China is still poor. In 2005, the average income per person, according to the World Bank, was $1,290. Twenty years earlier, in the same currency, it was $280. In that time, China grew faster than any other country in Asia. It now has an economy larger than Britain's, though with many more people, and its central bank has foreign-exchange reserves second only to Japan's.

In June 1999 I entered China overland, from Russia. The crossing point was near Vladivostok, the former home of the Soviet Pacific fleet. Vladivostok was a congeries of shabby buildings, all becoming old. In the surrounding country were private dachas — small wooden cabins, lovingly tended but poor. In the whole place there was almost no visible fresh money, nothing new.

The route to the border was a narrow gravel road through the pines. Across the no-man's land began a new road, a white concrete ribbon that had been laid out for several hundred miles to the provincial metropolis, Harbin. The Chinese border station was new, and beyond this was a city, much of it new also. I passed a ten-story hotel with a glitzy entranceway, not in very good taste, I thought. It hadn't opened for business, but a sign in Chinese announced that the opening would be soon. Construction was going on everywhere. The place was messy; there were piles of construction junk, and dirty ponds, and the workers had shabby jackets and bad shoes, but they were at work. Stuff was happening. The contrast with Russia was stark.

Recently I looked at a photo of the skyline of Shanghai. I was there 16 years ago, that year when I wrote my first piece for Liberty. The place has been totally transformed. No American city has changed nearly as much in 16 years.

I remember the first thing I ever bought that was labeled

continued on page 32

The Silly Smile of José Luis Rodríguez Zapatero

by Luis A. Balcarce

From cozening terrorists to encouraging corruption, there's not much Spain's Socialist prime minister hasn't botched.

During the recent opening session of the modern and gigantic Terminal 4 of Barajas Airport in Madrid — which cost $7.2 billion — chance intervened and turned the event into a bizarre illustration of Prime Minister José Luis Rodríguez Zapatero's present-day Spain. While hundreds of passengers missed their flights because of the inaugural ceremonies, the authorities in charge had the brilliant idea of employing acrobats, musicians, and clowns on stilts to cover up the whole mess in a pathetic attempt to entertain the exhausted travelers. It was typical of a country where the ruling politicians try to lessen the calamities they have caused by resorting to "circus marketing" tactics.

Sickened by the organizational chaos they had to endure, many passengers interpreted the tumblers' show as a direct provocation, and accused the authorities of trying to make fun of them. Others, long accustomed to being mocked and neglected by public officials, simply resigned themselves to fate and kept silent. One passenger who chose to speak went as far as to compare Zapatero's Spain to the crazy aircraft in the film "Airplane!", left in the hands of an ever-smiling inflatable dummy pilot.

One shouldn't underestimate the Spanish prime minister's silly smile. His peaceful nature and good temper should not be trusted. His gestures as well as his words are full of trickery and deceit. Yet day by day his political strategy is becoming increasingly clear. It is a vindictive program, stained with the old hatreds left behind by the civil war of the 1930s, and aimed at rewriting Spain's history by burying the 25 years of exemplary democratic transition after Franco's death and the signing of the 1978 Constitution. "I am a Red," he confessed in a moment of weakness. And for once, the words he uttered should be believed.

Whenever a premier admits to a weakness for Mao and the flags and banners of Fidel Castro, it is definitely a bad sign for freedom. Whenever distinctions are drawn between "the Good Guys" (in this case, the Reds) and "the Bad Guys" (those who do not think like Zapatero), it is a terrible omen. Zapatero's vengeful strategy hinges on reaching agreements with any political group other than the leading opposition party, the conservative Popular Party (PP), for the sole purpose of isolating it politically. In other words, when Zapatero speaks about "the general interest" he is speaking about the interest that remains after excluding the opinions of 10 million center-right voters. This has allowed him to embark on an obstacle-free sectarian policy propelled by the old-fashioned sails of anti-Americanism, Latin-American populism, compliance with the wishes of Islamic nations and — on the domestic front — incautious alliances with provincial nationalists, and negotiations with the Basque separatist group ETA, at whatever price must be paid. In less than two years, the Spain of former Prime Minister José Maria Aznar, leader of the Popular Party, has become unrecognizable.

It all began on March 11, 2004.

M-11 and Its Aftermath

The terrorist attacks of that day, involving the explosion of ten of thirteen bombs placed on four trains in Madrid, took

the lives of 190 people. Three days later, the Popular Party — which had been in power for eight consecutive years and for which all polls predicted another clean sweep — lost the national election. In view of Zapatero's unexpected victory, the Wall Street Journal labeled him "Prime Minister by Accident."

Almost two years after "the accident," the Socialist government closed the investigation of the outrage, blaming Islamist terrorists as well as Spain's involvement in the Iraq war. Even though the authorities lacked hard evidence to confirm al Qaeda's participation, in Zapatero's quarters everybody knew at the time that if they implicated Islamic fundamentalism rather than ETA, they would win the general elections. The blame would fall on Aznar and his involvement in the Islamic-U.S. conflict. Hence, they pointed a recriminating finger at Aznar's government — which was pursuing the trial of ETA — accusing them of lying and withholding information, and succeeded in winning the elections.

Zapatero's Spain has been compared to the crazy aircraft in the film "Airplane!", left in the hands of an ever-smiling inflatable dummy pilot.

Much of the evidence that appeared hours after the attack concerning al Qaeda's involvement proved to be false and misleading. The investigation was full of incongruities and even today the unknown facts outweigh the known ones. The identity of the mastermind who engineered the terrorist attack is still a mystery, as is how it was planned and implemented and what explosives were used. The perpetrators — who supposedly blew themselves up when they were surrounded by security forces in the Leganés district of Madrid, under circumstances that are not clear at all — turned out to be common delinquents of Moroccan nationality. They had merely been paid to carry out the bloody deed. Today, only one person remains in jail for the M-11 attack — a poor devil used as a scapegoat who is expected to be released shortly.

Seasoned journalists who have been following the investigations of M-11 claim that this attack does not bear the al Qaeda stamp. M-11 had little in common with London's July 7, 2005 subway bombings and New York's Sept. 11, 2001 attacks. Whenever al Qaeda strikes, it does so with the objective of killing indiscriminately and causing as much damage as possible, regardless of any political calendar. The M-11 attack was aimed at exerting a decisive influence on the electoral results and removing Aznar's PP from power. Judging by existing police records, the Islamic link is very weak. Also, ordinary criminals keep cropping up in the case, as well as police informants and undercover cops. All this tends to suggest that the terrorist act entailed "non-fundamentalist logistics."

Al Qaeda tends to rely on suicidal terrorists, but those who placed the explosive rucksacks on M-11 were Moroccan mercenaries. They detonated the explosives by means of mobile phones and then — under rather shady circumstances, as has been previously stated — *apparently* committed suicide. Who hired them? Who was the brain behind the M-11 massacre? At this juncture it suits Zapatero's government that such questions remain unanswered.

Spain's Incoherent Foreign Policy

The early withdrawal of Spanish troops from Iraq, ordered by Zapatero shortly after reaching power, did not yield the political benefits he was expecting. The decision was consistent with his anti-Americanism and the Socialists' position when they were in the opposition. Surprisingly enough, however, Zapatero failed to win the support of the Franco-German axis (Chirac and Schroeder), on which he had placed heavy bets, because of the terrible blow the EU suffered when citizens rejected the European Constitution. The defeat of the constitution discredited the anti-American leaders of Europe.

Zapatero made a childish mistake when he prematurely declared his unconditional support for John Kerry during the American presidential elections. The Spanish premier believed that his defiance of the Bush administration would soon be forgotten after Kerry's victory — which would mark the beginning of a new relationship with the United States. But Bush's electoral triumph altered his plans and forced him to reconsider his foreign policy in the the Middle East. He abandoned the "Down with the War" banners and sent reinforcements to the Spanish contingents stationed in Afghanistan and Iraq — behind the back of public opinion. The death of 17 Spanish soldiers in Herat and the image of a Spanish frigate providing backup to an American aircraft carrier in Iraq were two scandals that contributed to the rapid erosion of his credibility.

In spite of his accommodating gestures towards Washington, it has been almost two years since either Bush or Condoleezza Rice has bothered to take his calls. During their latest European tours, neither Bush nor Rice accepted invitations to have their photograph taken with Zapatero. Moreover, the electoral victory of Germany's Angela Merkel — whom Zapatero had described as a "loser" — and the strengthening of the European leadership of Britain's Tony Blair — whom Spanish Defense Minister José Bono called an "asshole" — further isolated Zapatero, leaving him without any heavyweight EU partners. And explains why, during the latest European budgetary negotiations, Spain lost a substantial part of its economic funding.

The identity of the mastermind who engineered the Madrid terrorist attack is still a mystery, as is how it was planned and implemented and what explosives were used.

Ignored both by the United States and Europe, Zapatero turned to the leaders of the Muslim world, attempting to recover some of his lost prestige by advocating the so-called "Alliance of Civilizations." His premise is that the best possible way to combat Islamic terrorism is through dialogue and reasonable coexistence — the empty language of multicultural-

ism and pan-Arabic values. That emptiness was made clear by the violence that erupted after the publication of several caricatures of the prophet Muhammad in a Danish daily newspaper. Instead of solidly defending the principles of free speech and challenging fanaticism, Zapatero called for "dialogue" and demanded respect for the Muslims . . . closing ranks with the Turkish prime minister, Recep T. Erdogan, the very man who supported the shameful trial of opposition writer Orhan Pamuk for defending freedom of speech.

It has been almost two years since either Bush or Condoleezza Rice has bothered to take Zapatero's calls.

Such are the values for which Zapatero stands. While European consulates were going up in flames, the Spanish prime minister sided with Turkish Islamism. Deep down, that is what the Alliance of Civilizations amounts to: a renunciation of the principles of liberty on which the Western world rests. In his view, whenever one is threatened by aggression one must respond with appeasement. If confronted by opprobrium, the thing to do is to pull a stupid smile.

The other feature of Zapatero's erratic foreign policy is his friendly coexistence with Third World dictatorships. To him, Fidel Castro is an icon, a symbol of resistance in the face of a common enemy: liberal democracy. This is why the Spanish Minister of Foreign Affairs, Miguel Ángel Moratinos, tried to convince the EU to lift the sanctions imposed on Cuba for incarcerating 73 political dissidents. Once again, the Socialists placed their bets on appeasing the tyrant rather than supporting the victims. And in the same way, Zapatero has given political and economic support to the populist doctrines of Venezuela's Hugo Chávez, Argentina's Néstor Kirchner, and Bolivia's Evo Morales, so that the ideas of the Cuban dictator might successfully spread throughout South America.

Bowing Before Terrorists

In Spain, ETA's bombs can still be felt. The government congratulates itself because the terrorists no longer kill as many as they used to but misses the main point: they don't commit murder because they don't need to. ETA, which was close to extinction in 2000 after the Socialists and the Conservatives signed the "Agreement for Freedom and against Terrorism," has recovered its strength thanks to Zapatero and his logic of submission. The Basque terrorist band is now negotiating with the Spanish premier, a political prize in exchange for their bombs — the same ones that have killed over 800 people since the 1960s.

Each time one of ETA's bombs goes off, instead of vigorously condemning terrorism Zapatero requests patience and otherwise remains silent. Zapatero wants Spaniards to believe that peace is possible for free, when everybody knows that for ETA peace is only possible if the Basque country breaks away from Spain.

This policy of submission and surrender — repeatedly condemned by the families of the victims of Basque terrorism — is aimed at negotiating with ETA a "quick peace," basically in exchange for legalizing Batasuna, ETA's political arm, and reducing the prison sentences of the most sanguinary murderers in the history of the terrorist organization. The key to this negotiation process is the state's General Prosecutor, Cándido Conde-Pumpido, who instead of actively fighting terror by resorting to the judiciary has granted ETA all sorts of judicial prerogatives.

Thanks to this, ETA now has seven seats representing their interests in the Basque parliament. Conde-Pumpido was even prepared to allow a meeting to be held at the initiative of Batasuna, which had been declared an illegal party in 2002, until Fernando Grande-Marlaska — a judge who was immune to political pressure — decided to forbid it.

The Socialists' lack of patience with those who dare defy them is well known. Accordingly, Grande-Marlaska is now looked upon as an obstacle that should be removed, which is what happened to another victim of Zapatero's sectarian policy: Eduardo Fungairiño, the Senior Prosecutor of the National Audience, a major symbol in the antiterrorist fight against ETA. His resignation, brought about by his quarrels and disagreements with Conde-Pumpido, was an obvious sign that Zapatero's government is negotiating a truce with the Basque terrorist group and that to reach an agreement, all those *disobedient* prosecutors who refuse to give in to the terrorists' blackmail must be fired.

Fungairiño's expulsion was a devastating blow to Spanish civil society because it proved that Zapatero is "purging" the judiciary to make it more docile and malleable, in order to pave an obstacle-free way in his dealings with the terrorists. Instead of dogging terrorists, Spanish prosecutors shorten their prison sentences. Never before had the pro-ETA factions enjoyed so much indulgence from a democratic government, one that does not fight them, or plan to. Such a policy allows them to remain at large without having to resort to weapons.

The Catalan Dilemma

During the last few months, headlines in Spanish newspapers have concentrated on three subjects that are very much related: the Montilla case, Gas Natural's unfriendly takeover bid for Endesa, and negotiations about the Catalan Statute: a scandal revealing the links between political and economic power groups in Spain. La Caixa — Catalonia's biggest bank — cancelled a 7 million euro debt contracted by the Catalan Socialist Party (PSC) in the person of its secretary general, José Montilla, who is also minister of industry in Zapatero's cur-

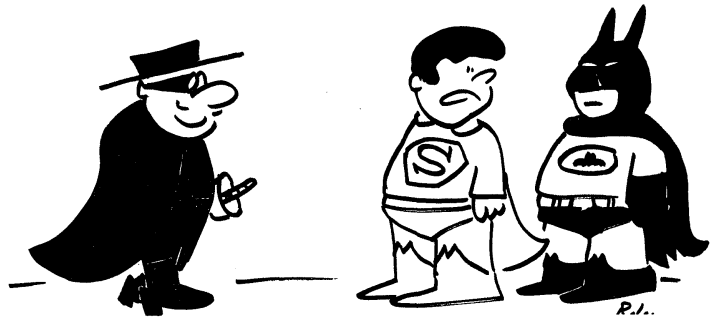

"Psst — cool it with the ethnic jokes."

rent government. The purpose of the operation was to assure the success of the largest takeover bid in the history of Spain, the prospective purchase of the electricity company Endesa by Gas Natural, whose majority shareholder happens to be La Caixa — a transaction in which Montilla, far from being a neutral referee, will undoubtedly wield considerable influence in his capacity as minister of industry.

The political background to this takeover bid is the Catalan Statute, a declaration of "nationhood" driven forward by the same nationalists who are trying to make even medical staff and their patients speak Catalan instead of Spanish (see my article "Damage to Catalonia" at http://www.tcsdaily.com/article.aspx?id=011906I). The political alliances that Zapatero has struck with the nationalists are the underlying reasons for his public support of Gas Natural's takeover bid. His backing is such that he went so far as secretly hiring a private plane to fly in the President of the European Commission, José Durao Barroso, in order to personally request that he allow the Spanish government a free hand to push the initiative through, unhampered. Just two days after the Spanish government approved the takeover bid, Zapatero had lunch at the residence of the chairman of La Caixa, together with "the *cream* of Catalan businessmen" — an unmistakable sign that the aggressive bid had to go through by hook or by crook. Zapatero's involvement in the operation signaled a new golden era for making quick money, for favoritism and corruption, identical to the flourishing conditions that prevailed under the socialist governments of Felipe González (1982–1996), when the biggest business contracts were signed in the offices of politicians.

Zapatero is purging the judiciary to make it more docile and malleable, firing prosecutors who refuse to give in to ETA's terrorist blackmail.

In the wake of the takeover, Zapatero closed a deal regarding the Statute with a Catalan political faction, a deal the exact contents of which the government refuses to make public.

Behind that silly little smile of Zapatero's dwells a sick mind suffering from political lycanthropy.

When the Popular Party objected to the Statute, on the ground that it would menace Spain's territorial integrity, Zapatero shut them out of the negotiations.

He thereby provided the Catalan nationalists with the necessary tools to squeeze through a Statute that demands special privileges and fiscal and political powers. Such concessions are a direct breach of the constitution that was agreed upon unanimously by the Spanish political parties in 1978.

After 25 years of democratic transition, advocates of regionalism have found in the person of Zapatero their best possible counterpart across the negotiating table. The success of the transition that followed after Franco's death was based on the reconciliation of the two Spanish sides that massacred each other during the Civil War. The negotiations over the Catalan Statute are not of that kind, and they have destroyed Zapatero's public image. According to the latest opinion polls, if presidential elections were to take place at this point, he would lose. He has fallen prey to his own incautiousness, negligence, and irresponsibility, making shameful alliances as well as twisted political agreements for the sole purpose of settling historical debts. Behind that silly little smile of his dwells a sick mind suffering from political lycanthropy. It is the mind of a man who has become an accomplice of terrorism, Islamism, and atavistic nationalism. ❑

A Bet on China, *from page 28*

"Made in China." It was a doormat, hand woven from reeds, and I bought it in about 1980. It was the handwork of peasants. Now see what comes from China.

The next thing will be cars.

The democracy movement that was crushed at and around Tiananmen Square on June 4, 1989, seems like a distant memory. So did the Hungarian Revolution of 1956 as the decades followed — but in 1989, when the liberalizing communist regime decided to pay respects to the murdered leader of that revolution and give him a proper burial, an immense crowd came out. And that was an important event in the transformation of Hungary.

Don't think the Chinese have forgotten what happened at Tiananmen Square.

They know about the use of information to create political change. At the first full moon in autumn they celebrate one such event. It is the Mid-Autumn Festival. Every child knows it. Centuries ago, the Mongols invaded China and occupied it. The Chinese fomented an insurrection by passing messages to one another in gooey pastries called mooncakes, which the Mongols would not eat. The signal for the rising was for every Chinese to hold up a lantern. They attacked and overthrew the government, and ever since they have celebrated it by eating mooncakes and holding out paper lanterns on the special night.

I believe a change is coming, not because China is so tightly bottled up, but rather the opposite. Tightly bottled-up societies, like Burma or North Korea or the German Democratic Republic, can stay stable for generations. China's vulnerability is that it is *not* tightly bottled up. It has opened itself to the world in order to become rich and powerful, and it is visibly on that road. The more that effort succeeds, the more it dooms the dictatorship. Information comes in over the net, over the phone, over faxes, in the mail, and in travelers' suitcases. People talk. When I was last in China in 1999, I was told, "Now we can say anything we want among our friends." What they can't do is publicly challenge the legitimacy of the government.

That will come. I'm betting on it. ❑

Rethinking Vouchers

by Alan Ebenstein

Vouchers would provide much-needed choice in education. Coupled with a reform movement, they might actually win.

In the half-century since the idea of vouchers in education was put forward, it has significantly influenced reform efforts in education and elsewhere. The essential idea of vouchers is simple: rather than government providing schools, government would provide credits to parents that allowed them to purchase their children's education. Voucher advocates believe that vouchers would lead to more competition in education and thus improve educational performance.

Despite the intrinsic appeal of vouchers, they have never been given a systemic try in the United States — that is, while voucher programs have been implemented in a few cities, and in aspects of public education programs here and there, no state has organized a comprehensive education system along the lines suggested by voucher advocates. Vouchers remain largely in the realm of theory, not practice.

Some good has come out of the voucher movement. First, the looming spectre of vouchers has encouraged a considerable amount of reform activity among public educators. The charter school movement is to some extent a public school equivalent of vouchers. While charter schools are directly funded by government, they are freer in their operations than other public schools.

Also, open transfer policies, both within and between school districts, have been aided by the vouchers concept. The essential idea of vouchers is choice in education, and choice through transfers is a move in that direction. While I do not possess national data in this area, my impression (based on my home community) is that transfers between schools have increased in recent decades. This is consistent with the voucher approach.

Even home schools, to the extent they provide a choice in education, may be said to be influenced by vouchers. Home schools are the ultimate decentralized school program.

Finally, vouchers have had considerable influence outside of education. Privatization of government functions — where government payment for services would remain but government provision of services would not — is now a policy option in many areas, not just in education.

Notwithstanding the success and influence of the voucher idea both in education and out, in its primary area of intended application — schools — it has not been tried. Typically, voucher proposals that make it to a statewide ballot get shot down by a two-to-one, or even greater, margin.

The essential political problems of voucher implementation are two: first, the impression that vouchers would harm the public schools that continue (at least in the short run) to educate the vast majority of students; second, that vouchers are seen, correctly I think, as a radical reform of public education. Because of these problems, voucher approaches have failed, and advocates of choice in education need to move beyond past failures. I wish to offer some suggestions.

Package Reform

It would be wise for voucher proponents to consider joining their efforts to other reform proposals. That is, there is no reason why a vouchers proposal must stand alone in an edu-

cation initiative — indeed, this is the course that has consistently resulted in failure at the ballot box. A better electoral strategy would be to make vouchers part of more comprehensive education reform.

For example, more days of school each year and more time at school each day both seem to result in better educational performance, particularly among poorer students. The school year could be extended up to 20 days each year, perhaps through summer school, and the school day up to an hour each day.

Voucher approaches have failed, and advocates of choice in education need to move beyond past failures.

In addition to more time, higher standards for graduation are important to ensure that a high school diploma signifies some standard of learning. So great are the discrepancies in student achievement at this time that creating real high school graduation requirements would likely mean having more than one level of graduation — attendance, honors, and high honors.

Another reform that would cost little, and which is certainly consistent with the idea of more freedom in education, is allowing schools more flexibility to hire as teachers those who have only undergraduate degrees. One of the great problems in secondary education is recruiting teachers with degrees in math or science, because many individuals with these degrees are not able to take a year or more off from other commitments (including graduate school) to enroll in a year-long, full-time teacher preparation program.

Take Advantage of Demographics

Fortunately for reform efforts, the United States is entering a period when school enrollment will stabilize and even decline over the next decade. Births in the United States peaked in the early 1990s and have since declined slightly, with a slight uptick in the past few years.

Until recently, enrollments went up year after year. In 1975, there were 3.14 million live births in the United States, and in 1990 there were 4.16 million, close to a one-third increase. At a lag of five years or so these births produced larger school enrollments.

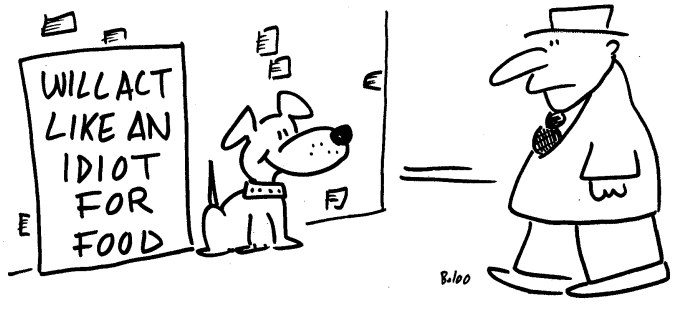

Births went down after the early 1990s, to 3.9 million in 1995, 4.06 million in 2000, and 4.03 million in 2001. Because enrollment will remain about the same over the next decade in America's schools, finances should become considerably easier for education, provided the economy remains buoyant. This should allow voucher proponents to put forward proposals that do not diminish funding for existing public schools, and thus have a higher chance of winning at the polls.

Concentrate on Urban Areas

It is likely, and there is some electoral evidence to indicate, that targeted voucher programs (i.e., restricted to some subset of students) do slightly better at the polls than those that would be universal (applicable to all students). Both liberals and conservatives agree that American education is weakest in urban areas. The suburbs usually have better school systems, or at least schools with which the residents are happier. Voucher proposals attempting to change the status quo often founder on the shoals of suburban resistance.

Accordingly, a good approach would be to focus on the inner cities. Adoption of some Schelling point (a figure on which people tend naturally to agree) of inadequate performance to trigger vouchers in a school district — say, average performance by students in a district at the 25th percentile or lower — would bring vouchers to many, possibly most, inner city school districts. Vouchers would at last have the chance their supporters have long sought.

One of the advantages of a voucher proposal focused on inner cities is the potential return of middle- and upper-class families to urban areas. Wealthier families have exited urban and inner city areas en masse in recent decades, in large part because of inadequate public schools. While consistent data on the socioeconomic status of families in cities and school districts are difficult to obtain, data on ethnicity are relatively accessible. In the early 1970s, the Los Angeles Unified School District had more than 250,000 Anglo students. Now, it has fewer than 50,000. Many other urban areas, for example, Boston, have seen similar declines. As a nation, America has moved from segregated schools to segregated school districts. By making it easier for parents to form schools in cities, some suburban families would return to them.

As a nation, America has moved from segregated schools to segregated school districts.

If school choice is going to move from the realm of theory to the realm of practice, something has to be done. The voucher movement can help. But it can attract majority support only if it changes strategy and becomes part of a larger movement for educational reform — a movement that would have effects far beyond the classroom. Until then, new thinking about how to improve the education our children receive can only be beneficial. ❑

Shadyside Fugue

by Ralph R. Reiland

Ghosts, snakes, and Nazi nurses: the mind goes strange when softened by morphine and surrounded by death.

The University of Pittsburgh Medical Center's Shadyside Hospital, where I spent some time last year being treated for pneumonia, gets five stars — the highest possible rating — from HealthGrades for the quality of its gastrointestinal and pulmonary care. My wife and some nurses thought I earned zero stars for patient behavior.

Besides being convinced early one morning that I was being clandestinely transported by two nurses to a nearby basement in Oakland so they could get information from me by injecting me with truth serum, things seemed to me to be relatively normal. I mean, after all, it's a high drama situation in there.

The basement thing started when I awoke at 5 a.m. and saw a tall nurse with a beehive standing at the foot of my bed holding a large hypodermic needle and asking for a blood sample in what sounded like a thick Nazi accent. I'd seen a hairdo like that a few months earlier on some woman in a movie about the last days in Hitler's bunker.

At 5 a.m., the room looked different — yellow had become gray, and gray white. The walls were a different color, a different configuration. I couldn't see my books or flowers. "Where am I?" I asked the Nazi nurse. "The doctor ordered the blood work," she replied like a good soldier. "You're in Shadyside. You were admitted yesterday with pneumonia."

"Right," I said to myself, knowing I'd been admitted more than a week earlier. "Shadyside the neighborhood, or Shadyside the hospital?" I asked suspiciously, sure I was onto something.

I could see shadows moving. I looked around and saw that the wall behind my bed had turned to glass. People were strolling back and forth behind the glass, like on a busy sidewalk. It hit me that they were all people who had died in my room.

What brought me back to reality, what showed me I was in the right room, were three Halloween drawings from my granddaughters hanging on the room's bulletin board — a big orange pumpkin by Grace, 3, and a colorful spider and an artistic witch's hat by Sarah, 9.

All of the above I can chalk up to a bag of pain medication hooked up to my body that allowed me to self-administer morphine. Afraid of the intense pain that might be coming, I hit the little doorbell-like button until I had used a whole night's supply in four hours.

Still, my wife says I can't blame everything on the drugs. In the emergency room, I demanded doctors who belonged to ethnic groups with the highest numbers of Nobel Prize winners in medicine — but that, too, might have been the drugs talking. The doctor inserting a chest tube into my lungs said he'd never seen someone so morphine-resistant.

Every day, I dressed like less than a good five-star patient. One nurse told my wife that I was trying to regain the control that I'd lost to my illness. I never wore one of those no-back hospital gowns invented by Seymour Butts. I shaved every morning and put on a golf shirt, pants, and tennis shoes before tuning into "Imus in the Morning."

"You always look like you're ready to leave," said one of my doctors. "You can't will your way out of here," said another. In the end, though, things got better fast enough so that

a more serious operation wasn't necessary, and when the time came, like a broken clock that's right twice a day, I was ready to go.

On the upside, the night before I left the hospital, astronaut Neil Armstrong stopped by in a dream and talked about how it wasn't right that birds are surgically cut for display in zoos, parks, and aviaries in a way that prevents them from ever flying again. I agreed. I thought we should work on getting that stopped: surgery should set us free.

During my worst days in the hospital I thought about what Marjorie Williams had written about her own mortality, about her family. Williams, a writer for the Washington Post and Vanity Fair, died of liver cancer at age 47. Her husband, Timothy Noah, a senior writer for Slate, put together her final writings into a book, "The Woman at the Washington Zoo: Writings on Politics, Family, and Fate."

In one of the essays in the book, "Hit by Lightning: A Cancer Memoir," Williams writes about her fears for her two young children — Will, 12, and Alice, 9. What would it be like for them after she's gone? "Who will talk to my darling girl when she gets her period? Will my son sustain that sweet enthusiasm that he seems to beam most often at me? There are days I can't look at them — literally, not a single time — without wondering what it would do to them to grow up without a mother."

I think, too, about how it would be different for my wife, my two sons, my two young granddaughters, without me — especially for my wife. I don't like to think of her growing old by herself. It would be better if she found someone new, but I don't trust him.

Williams recalls telling her husband, "I don't want to end my life in some hospital barfing in the name of science." A nurse told me once that no one got off the third floor where she worked. People were sent up there to die. I pictured them lined up in long rows of beds, unconscious, kept breathing and earning money for someone by way of machines and tubes.

It seems better when it ends at home, quickly, without warning, without all the pain and helplessness and contraptions. My grandmother died cooking her morning eggs. My mother died watching TV at home. But that might not be the easiest way for the surviving husband or wife. John Leonard, reviewing Joan Didion's "The Year of Magical Thinking" for the New York Review of Books, describes how life, as it was, ended for Didion: "Her 70-year-old husband, John Gregory Dunne, has dropped dead of a massive heart attack in their living room in New York City, one month short of their fortieth wedding anniversary. She can't erase his voice from the answering machine, and refuses to get rid of his shoes. Her 38-year-old daughter, Quintana Roo Dunne Michael, has only been married five months before she is out of one hospital into another, with a flu that somehow 'morphed' into pneumonia and was followed by a stroke. One morning in the ICU Didion is startled to see that the monitor above her daughter's head is dark, 'that her brain waves were gone.' Without telling Quintana's mother, the doctors have turned off her EEG. But 'I had grown used to watching her brain waves. It was a way of hearing her talk.'"

I awoke at 5 a.m. and saw a tall nurse standing at the foot of my bed holding a large hypodermic needle and asking for a blood sample in a thick Nazi accent.

Didion writes of death as an "unending absence," a vacant time that comes after a quick death or after the catheter lines and breathing tubes and readouts and hopelessness: "We have no way of knowing that the funeral itself will be anodyne, a kind of narcotic regression in which we are wrapped in the care of others and the gravity and meaning of the occasion. Nor can we know ahead of the fact (and here lies the heart of the difference between grief as we imagine it and grief as it is) the unending absence that follows, the void, the very opposite of meaning, the relentless succession of moments during which we will confront the experience of meaninglessness itself."

For her husband's body, Didion explains that she didn't authorize an organ harvest: "How could he come back if they took away his organs, how could he come back if he had no shoes?" Besides, "His blue eyes. His blue imperfect eyes."

She explains the craziness that follows, the dislodging of her talent and wisdom and happiness: "We might expect if the death is sudden to feel shock. We do not expect this shock to be obliterative, dislocating to both body and mind. We might expect that we will be prostrate, inconsolable, crazy with loss. We do not expect to be literally crazy, cool customers who believe that their husband is about to return and need his shoes."

Asks Leonard: "If Joan Didion went crazy, what are the chances for the rest of us? Not so good, except that we have her example to instruct us and sentences we can almost sing."

On my better days, I could walk the halls. The doors were open and some patients were crying in pain. Others were sleeping in bright lights with their mouths open. Posters on bulletin boards showed what else could go wrong — hips breaking, knees tearing, lungs deflating, hearts stopping — and in the rooms I saw the nuts and bolts and hoses and pumps that labored to keep patients going.

At night, a doctor was connecting two bees to my chest. The bees were attached to thin wires, about a foot long, so

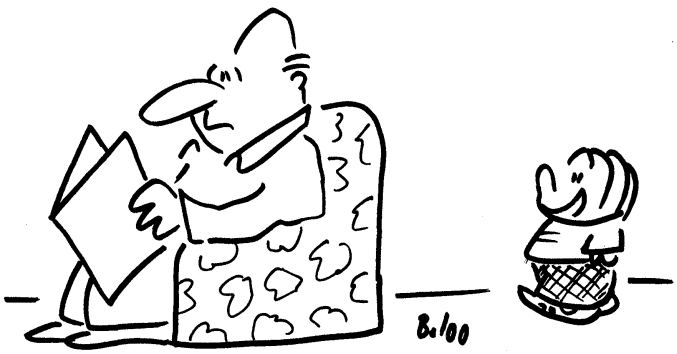

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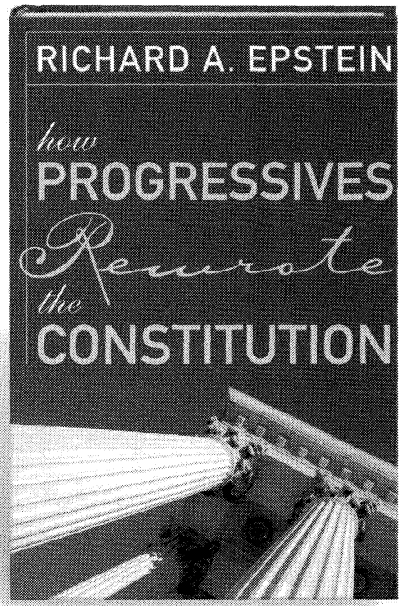

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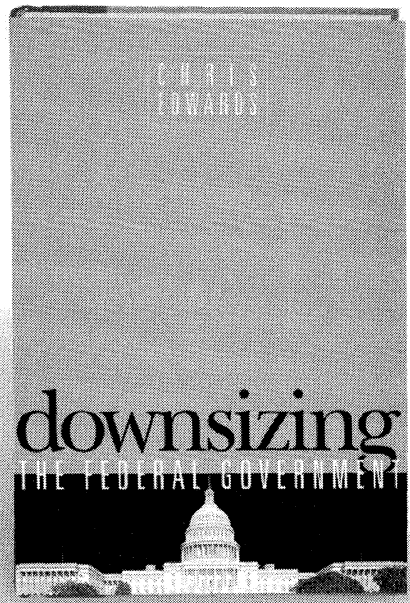

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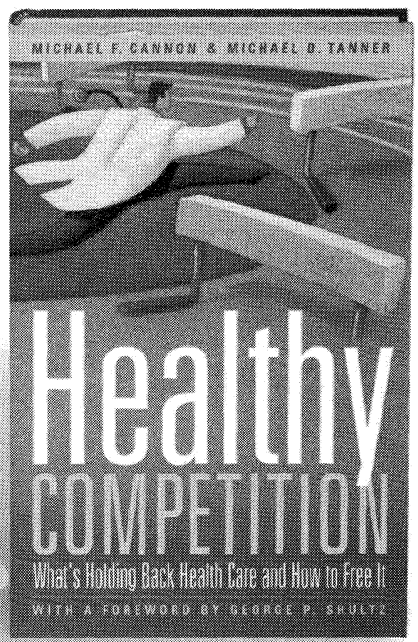

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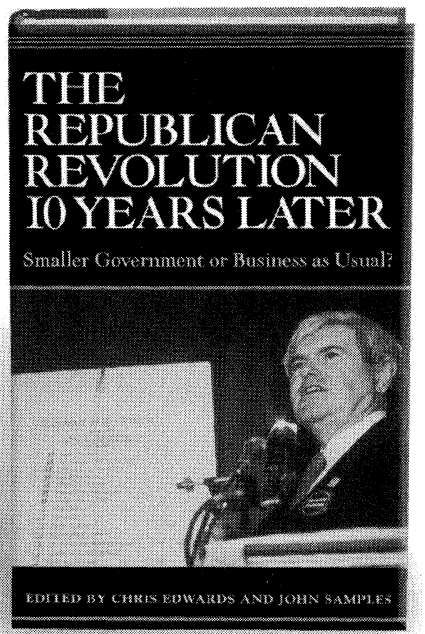

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they could take off and land but not get away. "These will do the job," he said. He explained that the old bees, the ones he had just removed, were too small. The room's TV was on, turned to news about an earthquake in Pakistan. There wasn't enough medical help. Ten thousand people might die. I felt lucky. I had 20 people working on me. The next day the estimate doubled to 20,000 dead, and then to 50,000. Finally it hit 76,000, about 20,000 more than the number of Americans killed in Vietnam in a decade.

I had a "procedure" scheduled for the next day — a hole that needed to be put in my side in order to drain fluids from around my lung. I didn't ask how big the hole would be. Knowing ahead of time was like knowing a day ahead that I was going to be stabbed.

I was in the car that night with my wife, driving down a long, steep hill. When we got to the bottom, there was water coming up, a swamp covering the road. We couldn't go any further. I turned the car around but now there was water covering the road back. We couldn't move, and coming straight for the car, right at our windshield, were giant snakes, larger than the car, twisting across the top of the water.

On March 27, 1997, just a few days before he died of liver cancer, Allen Ginsberg wrote in "Dream," one of his final poems:

> "There was a bulge in my right side, this dream recently — just now
> I realized I had a baby, full grown that came out of my right abdomen
> While I was in hospital . . .
> Worried and pleased since it was true I slowly woke, still thinking it'd happened, consciousness returned slowly
> 2:29 AM I was awake and there's no little mystic baby — naturally appeared, just disappeared . . ."

Three years earlier, in "Tuesday Morn" (Jan. 23, 1994), Ginsberg wrote on the struggle to record these "dreamlike yesterdays," making use of Lasix, Lanoxin, Vasotec, potassium supplements, Tibetan medical powders, blood sugar test strips, alcohol pads, reading glasses, and bifocals in the course of a morning. Noon finds him looking out on passers-by, aware that time is passing him by as well: "while noon bells ring, clock ticking on the kitchen wall above the toilet cabinet — pull chain, worked this morning, flushed a wobbly porcelain throne . . ."

People were strolling back and forth behind the glass, like on a busy sidewalk. It hit me that they were all people who had died in my room.

That's how it ends, more or less the same, for each of us. Not such a pretty picture. And, looking back at the last moment, it all seems like a flash, a drama that is over in an instant — appeared, just disappeared. ❑

The Real India, Behind the Fog, *from page 21*

can grow up in a liberal environment, free from dehumanizing bureaucracy. But for this to happen in India, the lesson to which I just referred must be learned, both by the opinion leaders of the West and, especially, by the opinion leaders of India itself.

Until the early '90s, India had no foreign companies of any significance. I did not know what Coke, Pepsi, or McDonald's were. We were abysmally poor, and although the poverty was all of our own making, we blamed the CIA, our scapegoat for all our problems. Now university students, like their brethren in the West, rally against exploitation by multinational corporations and the Indian private sector. They rally to stop a clean private electrical generating plant from opening in Delhi, while the state-owned plant spews black soot into the heart of the city. They complain that the bottled water marketed by multinational corporations fails to abide by European standards, while the tap water in India causes sickness and death. The facts are clear, but the young ignore them — perhaps because facing those facts might reflect poorly on India itself.

This, of course, is nonsense. What matters to the real India is the lives of individuals, and the truth — the history that future generations will read when they are trying to decide what made India a success: was it the state, or was it the free market? ❑

"If an election were being held today, where would you hide?"

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Reviews

"24." Created by Robert Cochran and Joel Surnow. Seasons 1–4 available on DVD. Season 5 on Fox, Mondays, 9 p.m.

From Suspense to Soap

Jo Ann Skousen

In late 2001 Fox launched a new series called "24," a daring experiment that became its biggest dramatic hit. The concept was intriguing: each episode would take place in "real time," twenty-four one-hour episodes representing 24 consecutive hours in the life of counter-terrorist agent Jack Bauer, played intensely by big-screen veteran Kiefer Sutherland.

The timing couldn't have been better, starting, as the series did, just after the terrorist attacks in New York and Washington. I watched the premiere episode and was hooked. Here was a small-screen series produced by a wannabe network that managed to match the quality of a big-budget studio thriller, with its tightly written story, heart-thumping music, big-screen camera work, multiple plot lines, and talented ensemble.

At the center of the story was Jack, a rogue agent ruthless in his tenacity and fierce in his loyalty, struggling to prevent the assassination of a presidential candidate while trying to rescue his kidnapped wife and daughter. Each episode was highlighted by dizzying plot twists, gasp-worthy endings, and Jack whispering urgently, "Trust me." I own the first season on DVD, and every person who has borrowed it from me has watched all 24 episodes nearly back to back. It's that good. Trust me.

Season two moved the story ahead three years. The candidate was now the president, and he had urged Jack out of retirement to help track down a new set of terrorists. The writers maintained the same "real time" concept, multiple story lines, and fast-paced suspense. The plot, about a nuclear bomb set to go off in Los Angeles, was even more intense and timely. I own that season on DVD as well, and my friends have gotten just as hooked on it. One of them pleaded, "Don't let me take it home until I have a whole weekend free to watch it!"

So what has happened to season five?

The best political thriller to hit television since "Mission Impossible" has become sappy, whiny, and beyond all suspension of disbelief. Part of the problem is that the writers haven't been given sufficient time between seasons to produce another tightly written script. In addition, whenever a TV show becomes a huge hit, management gets into the act, dictating story lines based on demographics and designed to appeal to that 18–34 year-old female who seems to buy everything in America today.

The show now feels more like a soap opera than a spy thriller. Jack takes calls from his former girlfriend to talk about "us" while he's being shot at by terrorists; at least once each week a power struggle erupts between management and employees, either at the counter-intelligence unit, the White House, or both, with management coming off as megalomaniacal buffoons; and the new president (who bears an uncanny resemblance to Richard Nixon) is a weakling who can't make a single decision by himself but shouts incessantly "I need results!" The writers seem to think that viewers are all powerless lackeys who gain vicarious satisfaction from watching nerdy underlings "stick it to The Man."

I'm incensed. There are plenty of soap operas on TV for those who want to watch talking heads gossip about the incompetent boss, the cheating husband, or the faithless friend. "24" was different, and there were more than enough viewers buying detergent and beer to have let it stay that way. Trust me.

Ironically, this heavy-handed interference from the demographers comes at a time when the traditional 60-second commercial message is becoming obsolete. I haven't watched a commercial in over three months, not since my son-in-law turned me onto TiVo. For an extra 15 bucks a month I can record up to 100 hours of programming through my cable box and watch it at my leisure, fast-forwarding through the commercials, rewinding if I didn't quite hear a line of dialogue, and pausing to answer the phone or pop some corn.

Product placement is the next step in

advertising, inserting sponsored items directly into the show. We see it already in the movies: a box of Dunkin' Donuts placed prominently on a desk, a can of Budweiser or Coca Cola held with the logo facing front. The first episode of season three of "24" was "brought to you by Ford without commercial interruption," but it began with a fast-paced ten-minute mini-thriller that focused on a racy Ford SUV and ended with a more traditional commercial lauding the features of Ford products. Since then, Fords seem to be the only cars driven by terrorists and Counter Terrorist Unit agents on "24." Reality shows like "The Apprentice" and "Survivor" feature their sponsors throughout each episode as part of the rewards and challenges. Viewers can't avoid the commercials without avoiding the show itself.

Let's hope that corporate America is smart enough to let the scriptwriters run the program, adapting their advertising to fit the show as Ford has done, instead of twisting the show to fit the product as the studio heads at Fox seem to be doing. ❑

"The Wisdom of Crowds," by James Surowiecki. Doubleday, 2004, 296 pages.

How Smart Must Voters Be?

Jane S. Shaw

James Surowiecki, who writes a column on finance for the New Yorker, has put together an engaging, well-documented book revealing the fact that decisions made by crowds are better than those made by individuals alone — at least under certain circumstances.

In this counterpoint to Charles McKay's famous book of 1841, "Extraordinary Popular Delusions and the Madness of Crowds," Surowiecki offers insight into free markets in particular but also into other means by which people interact, such as committees and corporations. He explains why committees don't usually work very well and why the cult of the CEO is largely a mistake. And he explains the periodic madness of crowds.

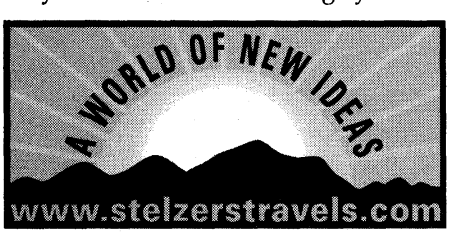

The book starts with a historical anecdote about the Victorian polymath Francis Galton, and how, in 1906, he studied the results of a contest at a county fair in Plymouth, England. A prize was offered for the person who most accurately guessed the weight of an ox on display. When the contest was over, Galton analyzed the 787 guesses, hoping to show that the average guess — the "wisdom of the crowd" — was faulty. He found just the opposite. The average guess was 1,197 pounds, and the actual weight was 1,198 pounds.

The Galton story is one of a rich stream of anecdotes from many academic disciplines and popular sources that illustrate the theme of the book: more information, if properly coordinated, leads to better choices.

Markets, of course, are the granddaddy of mechanisms that coordinate information, and Surowiecki spends a good deal of time exploring them. "Collective decisions," he writes, "are most likely to be good ones when they're made by people with diverse opinions reaching independent conclusions, relying primarily on their private information" (p. 57). Market results usually reflect this diversity. The madness of crowds, such as we see in booms and busts in the stock market, is excited when people stop deliberating on their own and simply buy or sell because others are buying or selling.

The NASA team failed to recognize the seriousness of the potential damage to the shuttle — or else chose to ignore its seriousness, on the ground that nothing could be done about it anyway.

Surowiecki draws on many kinds of research on decision making, including that of the free-market economists Vernon Smith, Ronald Coase, and Friedrich Hayek. (If you want to find where he discusses the work of these individuals, however, you will have trouble because there is no index. This is usually the sign of an unprofessional book, but perhaps the publisher wants us to use the "search inside" function that is available for this book on amazon.com.) And the author goes well beyond the study of traditional markets.

One of the interesting applications of market-based thought is the proposal made by members of the intelligence community after Sept. 11, 2001, for a Policy Analysis Market focused on the Middle East. The proposed market would be open to the public and would be patterned after the Iowa Electronic Market, which allows people to buy and sell futures contracts on the outcome of elections. This one, to be funded by the Defense Advanced Research Projects Agency, would have done the same for expectations about events in the Middle East. Unfortunately, it didn't pass the political palatability test; the proposal was dropped. As Surowiecki explains, "it seemed to offer the possibility of ordinary people profiting from terrible things happening" (80).

I am already a fan of voluntary de-

cision-making through markets, so for me the most valuable information in the book came elsewhere, in the chapter on committees. If more input is better, as Surowiecki argues, why do committees do such a bad job? To answer the question, he dissects the meetings of the NASA Mission Management Team (MMT) that supervised the ill-fated flight of the space shuttle Columbia in January 2003. He calls the committee's actions "an object lesson in how not to run a small group"(175).

The committee members knew that a large piece of foam had broken and hit the shuttle, but they didn't know how much damage had occurred. From the beginning, they failed to recognize the seriousness of the potential damage to the shuttle — or else chose to ignore its seriousness, on the ground that nothing could be done about it anyway. (The transcript of a key meeting suggests that both factors were involved.)

An ad hoc team of engineers studied the possible effect of what had happened, deliberating on the problem between Jan. 16, the day of the launch, and Jan. 21, when they reported their findings to a member of the MMT committee just before the committee met. Even though this was the first opportunity for the full committee to discuss what was known about the potential damage, the topic wasn't brought up until two-thirds of the meeting was over, and then it received cursory treatment.

The problem with the team, summarizes Surowiecki, was that it blocked crucial information. One technical adviser was outspoken in claiming that no damage had been done, and this influenced the committee. "[T]heir conviction that nothing was wrong limited discussion and made them discount evidence to the contrary," says Surowiecki (177). In addition, the head of the committee thought that if damage had occurred, nothing could be done about it. (Surowiecki questions this view.) The leader asked questions that had the answers "built into" them, and there was an "utter absence of debate and minority opinions" (181).

Surowiecki wants to show that democracy fits the requirements for good decisions. Yet he understands that voters are abysmally ignorant.

Perhaps the committee's biggest error was to turn down the request by the Damage Assessment Team to solicit the Department of Defense for pictures of the shuttle in orbit, to see whether there were signs of damage. One reason for rejecting the request, says Surowiecki, was that the committee thought "the resolution of the images would not be good enough to detect the small area where the foam struck." But no one on the team actually knew this for a fact: "[N]one of the managers had the necessary security clearances to know how good the resolution of the photos would be, nor did any of them ask the Department of Defense — which would have taken the pictures — about picture quality"(178). In sum, this example offers a lot of material illustrating the dangers of small groups.

Clearly, Surowiecki has a good grasp of the need for information, and a good sense of which coordination mechanisms work and which don't (markets, committees, and corporate structures having different degrees of success). He does slip up, however, when it comes to collective political decisions, which are the subject of his last chapter. Even though he cites the work of James Buchanan and Gordon Tullock, either he doesn't understand public choice theory, which analyzes political decision making in the way in which economics typically analyzes market decision making, or he doesn't want to give it much credence.

In fairness, perhaps fatigue took over. Surowiecki mentions that it was hard to write the book, and he observes that his editor at Doubleday has the "patience of Job." Whatever the reason, he fails to treat public choice with the care and attention that he gives to other approaches to decision making.

Surowiecki wants to show that democracy, with its decentralized information and coordination through elections, fits the requirements for good decisions. Yet he understands that voters are abysmally ignorant. (This fact is a fundamental tenet of public choice theory, which speaks of "rational ignorance.") For example, he cites a University of Maryland poll showing that voters believe that the United States government devotes 24% of its budget to foreign aid. The actual figure is under 1%.

In spite of such popular delusions, he still struggles to justify democracy. "It is not a way of solving cognition problems or a mechanism for revealing the public interest," he acknowledges.

What Surowiecki doesn't know, or is unwilling to state, is that democracy can be a good form of government only if the scope of government is narrow and limited.

"But it is a way of dealing with . . . the most fundamental problem of cooperation and coordination: How do we live together? How can living together work to our mutual benefit? Democracy helps people answer those questions because the democratic experience is an experience of not getting everything you want" (271).

To me, this is lame: vapid rhetoric, quite unlike most of the book. What Surowiecki doesn't know or is unwilling to state is that democracy can be a good form of government only if the scope of government is narrow and limited. Voters will always be ignorant of most political details because their periodic votes have virtually no effect on the outcome; this inevitable ignorance gives special interests — which do have a direct impact through campaign funds and contributions — extensive power, undermining many great hopes for democracy. But accepting the limitations of democracy is a conclusion that scares modern liberals. Perhaps it scared even this very intelligent and perceptive columnist for the New Yorker, weakening what is otherwise an extremely valuable and engrossing book. ❑

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"Dave Chappelle's Block Party," directed by Michel Gondry. Rogue Pictures, 2006, 100 minutes.

The Other Side of Hip Hop

Todd Skousen

At the 2006 Academy Awards presentation on March 5, the audience witnessed a shocking event, one that I thought could never happen: Three 6 Mafia, a crude Southern rap group, won the Oscar for their song, "It's Hard Out Here for a Pimp." The only question I had while watching their raucous acceptance speech was how long it would take before that Oscar was hanging from a gold chain around Three 6 member Juicy J's neck. Host Jon Stewart couldn't help but poke fun, pointing out Three 6 Mafia's lead over Martin Scorsese in number of Oscars won. Stewart's reaction, as well as my own, reflects the common misconception of the modern rap star: all bling and no talent.

Underneath the widespread image of violent, greedy, sexist, and "krunk" rap stars dominating the mainstream rap and hip hop industry lies an underground hip hop scene which combines intelligent lyrics with jazz, blues, and funk rhythms to deliver a constructive message for black culture. In his witty, upbeat documentary, "Dave Chappelle's Block Party," the host of Comedy Central's "Chappelle's Show" issues an open invitation to anyone who wants to witness the energetic performance of these lesser known hip hop stars. Leaving his racially driven sketch comedy behind (for the most part) Chappelle creates a casual atmosphere which relaxes the audience and allows the music to take hold.

Chappelle loves hip hop music and is not afraid to share it with anyone willing to listen. Throughout "Block Party," director Michel Gondry alternates between the two elements of the party: the live musical performances themselves and Chappelle's inviting the public to attend his free bash. Setting the tone for the later musical performances, Chappelle is clearly being himself when speaking to the public. Everything is impromptu, light, and free as he invites members of his Ohio community to board a charter bus to his party. This includes everyone from an all-black marching band to the 60-year-old white woman who sells him cigarettes. Despite Chappelle's willingness to invite people of all demographics, however, the audience at the show is almost exclusively black. Chappelle even comments on stage that he sees "five thousand black people . . . twelve white people peppered in the crowd . . . can anyone find a Mexican?"

The contrast between the audience's makeup and the high percentage of white people who purchase hip hop albums brings up the question: if white people love the albums, why aren't they coming to the concert? No matter the answer, one thing is certain: they missed a great show.

"All in favor of evolving, stand upright!"

An element of hip hop overlooked by the casual observer is that many hip hoppers actually possess musical talent. ?uestlove (pronounced "Questlove"), the afro-sporting drummer for hip hop group The Roots, arranged all the music for "Block Party" and plays drums throughout the film. ?uestlove assembles a racially integrated house band that fuses jazz influenced by the improvisation of Thelonius Monk, blues in the Chicago style of Muddy Waters, and funk a la James Brown to create a smooth, relaxing groove over which each emcee (vocalist) delivers his or her performance. Unfortunately, the innate problems of recording a live concert prevent the film audience from fully experiencing the energy of a hip hop concert; on film the songs tend to be vocally driven, whereas in person the music drives each song. Despite these problems, ?uestlove's house band provides excellent backup for the lyricists.

The lyrical content in "Block Party" is almost exclusively directed towards the black community, despite the different directions each emcee takes in presentation. One of the highlights of the concert is Mos Def's "Shine Your Light on the World," a song urging black people to rise above stereotypes and show others what they are capable of. This song's encouraging message is in stark contrast to the incendiary "Hip Hop" by Dead Prez, which places blame for racial injustice on both white society and the greedy rappers who would rather have "a Lexus than justice." Unfortunately, Dead Prez suffer from the same problem that plagued Bob Dylan: great lyrics, but unintelligible delivery.

If white people love hip hop albums, why aren't they coming to the concerts?

While rap and hip hop are usually thought of as disdainful toward women, this concert emphasizes the love that these particular artists have for their female counterparts. The musical numbers are marked by an emphasis on female participation. Erykah Badu and Jill Scott provide soulful additions to a male-dominated music scene,

while Lauryn Hill reunites with her old group, the Fugees, and finishes the Block Party with the beautiful and ethereal song "Killing Me Softly."

As "Block Party" comes to a close, director Michel Gondry cannot help but add some politics to this mostly fun movie. Wyclef Jean of the Fugees asks several of the black marching band members what they would do if they were president. The kids give back the usual answers of those who believe in an all-powerful government: scholarships to everyone who needs one and health care for all. All the other band members cheer for those answers. At first, I was disappointed that such a poorly thought out answer was being promoted, but then Wyclef gave these college students a more profound message. He said: every ghetto still has a library. If kids in the ghetto use their minds and stop blaming problems on others, they can rise above and still achieve great things.

"Block Party" is a different kind of hip hop than that which is reviled in the mainstream media. Intelligent, comical, and fun, it gives an all too rare look at the other side of hip hop. ❑

"Bertrand de Jouvenel," by Daniel J. Mahoney. ISI Books, 2005, 216 pages.

The French Cassandra

Mark Skousen

> "Liberty is in fact only a secondary need; the primary need is security."
>
> —Bertrand de Jouvenel[1]

My youthful education in the freedom movement began with the writings of Henry Hazlitt, James Burnham, Russell Kirk, and William F. Buckley, Jr., among others. But it wasn't long before I came across a challenging French writer, Bertrand de Jouvenel. His little book, "The Ethics of Redistribution," published originally in 1952, was an unforgettable indictment of the welfare state.

Bertrand de Jouvenel (1903–87) was a journalist, political philosopher, and economist, and a member of Friedrich Hayek's Mont Pelerin Society. Jouvenel's mother Sarah was the daughter of a wealthy industrialist. His father Henri, the son of a baron, was a member of the French senate, and, after divorcing Sarah, husband to the famous novelist Colette. Bertrand spent his life in the worlds of diplomacy, party politics, and letters. Before World War II, he was a journalist who interviewed such notables as Adolf Hitler and Winston Churchill. In the postwar period he wrote books and essays, and lectured at Oxford, Cambridge, Berkeley, Yale, and the University of Paris.

Jouvenel's economic essays, compiled in "Economics and the Good Life" (Transaction Publishers, 1999) and other works, are as pithy as his works on politics. I found "The Art of Conjecture" useful in my career as an economic forecaster. Though even the best econometric models involve some form of guessing, Jouvenel recognized the vital significance of anticipating future events ("A forecast is never so useful as when it warns man of a crisis,")[2] and believed that nothing is more worthless than a "war-excluded" economic forecast. An economic model that can't predict the next war, depression, or monetary crisis isn't worth much. Interestingly, Jouvenel made the ominous observation that those in power have "the least foresight."[3] You can't count on government officials to warn you of impending disaster.

I always found Jouvenel's writings compelling and persuasive, and wanted to read more, so I was pleased, last year, when Bill Bradford commissioned me to review the new political biography, "Bertrand de Jouvenel," by Daniel J. Mahoney, a professor of politics at Assumption College.

You can't count on government officials to warn you of impending disaster.

I began by rereading the classic essay, "The Ethics of Redistribution," which was based on two lectures Jouvenel gave in 1949. The first thing I noticed is that the title is misleading — Jouvenel says hardly anything about the ethics or morality of progressive taxation or the transference of wealth from the rich to the poor. Does the state have a right to confiscate property, or to tax incomes at different rates? He never says. But what he does say is profound. No matter what the justification, redistributive policies inevitably increase government authority. "The more distribution," he concludes, "the more power to the State."[4] Worse, when the wealth and income of the rich are taxed away, new burdens are imposed on government, which must now take over the activities of the rich, the "social responsibility and utility of surplus income": savings and investment, welfare for the needy, arts and culture, higher education. Heavy progressive taxation discourages entrepreneurship and creates a bloated welfare state. Jouvenel finds the results "disquieting." So do I.

This brings me to Jouvenel's most expansive work, "On Power," written in French in 1945 and published in English in 1948. It is a pessimistic book whose theme is the inexorable growth

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of state power. "The history of the West," he writes, "shows us an almost uninterrupted advance in the growth of government power."[5] The book is similar in tone to Hayek's bleak "Road to Serfdom." Political philosophers who lived through the first half of the 20th century — the Great Depression, sandwiched between two world wars — tend to be pessimists, and Jouvenel is no exception.

Jouvenel compares the state to the minotaur, the half-bull, half-man monster from Greek mythology. But unlike what happens in the myth, there is no heroic Theseus to slay this monster. It keeps on growing. Leaders, whether in a dictatorship or a democracy, are ambitious and greedy egotists. Even good men turn bad once they are elected and enjoy the "intoxicating pleasure" of power. They inevitably expand their authority through the growth of (a) war, (b) permanent armies and officials, and (c) universal taxation. The rule of law is replaced by the "arbitrary power" of men. Does this all sound familiar?

Democracy is no salvation, Jouvenel informs us. It can actually make things worse because the voters reflect the "general will," as Rousseau calls it. Universal suffrage, broad taxation, conscription, social security — all lead to totalitarianism, even if this be democratic. (Should you doubt the corrupting influence of democracy, just watch one season of "Survivor.")

Jouvenel compares the state to the minotaur. But, unlike the Greek myth, there is no heroic Theseus to slay this monster.

If there is one flaw in Jouvenel's study of state power, it's his failure to expand on the ways in which the minotaur can be tamed. To make his case for the inevitability of total war and total government, he analyzes three revolutions: the English Civil War (1642–51), the French Revolution of 1789, and the Russian Revolution of 1917. But strangely, he ignores the one revolution that worked — the American Revolution of 1776, followed by the establishment of the U.S. Constitution in 1787. Why did the American experiment succeed, while the others failed? I believe it is because the United States did a better job separating the functions and powers of competing groups, instituted a written bill of rights, and retained English common law rather than adopting administrative (e.g., Napoleonic) law.

In a sense, Jouvenel's work on state power is understandable as a tract for the times. The second half of the 20th century was much more susceptible to optimism than the first. Government grew, but the private sector grew even faster, and the size of government declined in most countries as a percentage of national output. Certainly Jouvenel would never have considered the possibility of a collapse of the Soviet model of socialism, nationalization, and central planning. He could never have imagined that an Index of Economic Freedom (such as those produced by the Fraser Institute and the Heritage Foundation) would show a trend toward economic liberalism.

Yet we must not casually dismiss Jouvenel's list of danger signs. The gradual progress in the world toward greater freedom may be short-lived in an era of terrorist activity, explosive wars, and natural disasters. The minotaur is wounded, but not killed.

One of the surprising things I learned from reading Mahoney's biography is that Jouvenel was far from a consistent proponent of liberty. He was a radical socialist in his youth and a critic of "scandalous" laissez-faire capitalism and the "evil of unemployment" during the Great Depression. But he broke with the socialists and the Parti Populaire Francaise over their refusal to oppose the Nazis and German militarism. Late in 1943, fearing arrest, he fled with his wife to Switzerland. After the war, he wrote "On Power" and "The Ethics of Redistribution," both of which endeared him to conservatives and libertarians. An economist by training, he rejected the command-and-control model of the Soviets and the "shackled" economy of the socialists. He favored a "social market" economy along the lines of Wilhelm Röpke's "Humane Economy" over the extreme individualism and materialism of the consumer society: a common framework (cf. Rousseau's "general will") of controlled growth, common-sense environmentalism, and the ideal society as a "garden" state. His essay, "A Better Life in an Affluent Society," is especially profound in making a modern case for Adam Smith's "system of natural liberty" and "explosive" wealth creation but warns of the potential neglect of the "good life" in a material world.[6]

Universal suffrage, broad taxation, conscription, social security — all lead to totalitarianism, even if this be democratic.

Mahoney offers a damning indict-

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ment of the later Jouvenel, who in the 1980s became disillusioned again with the liberal democratic order and drifted back to his socialist roots. He was friendly to Mitterand and the socialists,

Should you doubt the corrupting influence of democracy, just watch one season of "Survivor."

supporters of government redistribution schemes and nationalization. He wrote a shockingly affectionate and apologetic work on "Marx et Engels" (1983), which happily has not been translated. For Jouvenel, Marx was a "Samson" of revolutionary subversion who supported human emancipation yet opened the road to despotic regimes. Tragically, Jouvenel's son, Hugues, who edits Futuribles, his father's journal, is a typical French statist.

Notwithstanding these dizzy political oscillations , I would like to think of Bertrand de Jouvenel as the premier French critic of the state in the 20th century. His early works stand as a testament of this singular contribution. ❑

NOTES

1. Bertrand de Jouvenel, "On Power" (Liberty Fund, 1999 [1948]), p. 377. Here Jouvenel makes an unfavorable assessment of the democratic West, which desires government security more than liberty.
2. "The Art of Conjecture" (Basic Books, 1977), p. 126.
3. *Ibid.*, p. 151.
4. The Ethics of Redistribution (Liberty Fund, 1990 [1952]), p. 43.
5. *Ibid.*
6. "A Better Life in an Affluent Society," "Economics and the Good Life" (Transaction, 1999), pp. 97–118.

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"The Natural Origins of Economics," by Margaret Schabas. University of Chicago Press, 2005, 231 pages.

Refining Economics

Alan Ebenstein

Margaret Schabas, a professor at the University of British Columbia, is a historian of the philosophy of science who has previously written on the mathematization of economics by William Stanley Jevons. Her work is deep and profound. Her knowledge of the classical economists from David Hume and Adam Smith to John Stuart Mill is exceptional. And her familiarity with French and other continental European economists of the same era is unusual in a North American author.

"The Natural Origins of Economics" is an important work deserving of wide consideration, and readers who wish to learn more about the economic views of Hume, Smith, Mill, and other philosophers and economists will profit from reading it. Schabas' scholarship is wide-ranging, and her writing style attractive.

From the perspective of economic theory (as opposed to history), the most important chapter is the first, in which she discusses her thesis of a break in social discourse occurring about the middle of the 18th century. These were the decades not just of Hume and Smith, but of the French physiocrats, whom Smith so admired and from whom he learned much.

Schabas emphasizes that before the mid-18th century, the concept of "an economy" was not prevalent. While there were discussions of particular economic topics, including monetary policy and the charging of interest, the idea of a largely autonomous process of productive relationships has developed in the past few centuries, particularly the 20th.

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, regularly offered here, and duly ignored by the resident scholars and reigning eminences.

As Hayek put it, this was "the crucial issue on which the whole character of future society will depend," and "it would be disingenuous to avoid discussing" it. So there's no such thing as being above the challenge or too busy for it.

The economists who couldn't be bothered with the crucial issue of economics, and libertarians, with demolishing the Left, are economists and libertarians who couldn't be bothered with economics and libertarianism.

For the intellectual progress leaving them in its wake, the "new idea" that would completely demolish the Left, and its first line of defense, the disingenuous, self-defeating Right, see ***Intellectually Incorrect*** at intinc.org.

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Schabas does not believe the mathematization of economics has been fruitful, presenting this movement more from an elegiac than a triumphant perspective. This view is not shared by many economists, for whom the mathematization of economics is seen as a reflection of the increasing maturity of economic theory.

Schabas calls attention to the "natural" conception of wealth that the physiocrats and, to a lesser extent, Adam Smith held — hence the title of her work. The physiocrats' concept of wealth was largely agricultural, tied to the bounty of nature. By way of contrast, particularly starting with John Stuart Mill — whose influence on economics Schabas emphasizes — the notion became current that the economy is created by humans, that wealth derives from human activity, not nature's bounty.

Schabas' focus on Mill is appropriate. In politics, economics, and philosophy, he was the leading intellectual inspiration in Britain and its English-speaking colonies from about 1840 through perhaps the 1890s. Every instructor in economics read him. Very few economists from the 19th century — Marx is the preeminent example — are read today, though Marx and Mill are read mainly for their works in politics ("The Communist Manifesto" and "On Liberty") rather than their works in economics. Marx, moreover, did not acquire worldwide fame until after the Russian Revolution. Schabas sees Mill as redirecting economic thought from a natural to an artificial or invented perspective (in the best sense of the word "invented"). Though Mill did not share the mathematical and marginalist terminology of his successors, he did share the concept of the economy as mostly human-made and not primarily a product of nature. Mill was, in a sense, both the last and the greatest classical economist and the first modern economist.

Though Schabas mentions John Locke, she does not adequately acknowledge his accomplishments. Locke was a giant in so many areas of political and social discourse. The labor theory of value, ideas about revolution, and, perhaps most importantly, ideas about the justification of government all find well-used sources in Locke's work. A century and a half before Mill, (about the same length of time from his major work in the 1840s and 1850s to our time), Locke stressed in his "Second Treatise of Civil Government" (1690) that human ingenuity, not nature, creates virtually all worth. Speaking of the Native American tribes of his day, he wrote: "A king of a large and fruitful territory there, feeds, lodges, and is clad worse than a day-labourer in England."

Mill was, in a sense, both the last and the greatest classical economist and the first modern economist.

With the idea that the economy is mostly human-made has come the idea that the economy is largely subject to human control. Schabas' thesis is not that any form of economy is possible, but that humanity has considerable choice with respect to the economy it has. Starting with the "natural origins" of economics, Schabas ultimately points to the human choices that determine economic results. ❑

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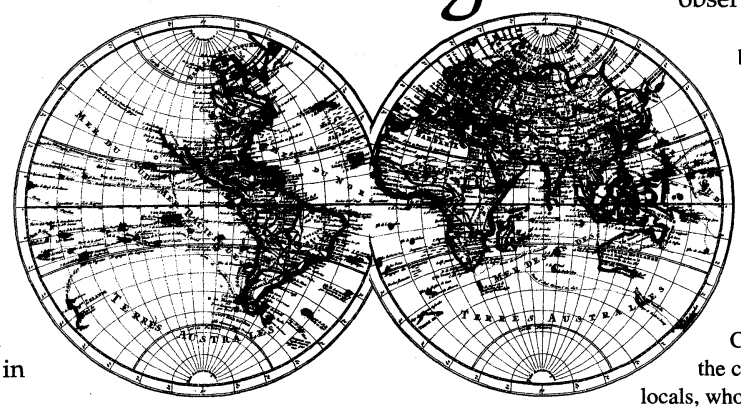

Valrico, Fla.

The martial prowess of our first president, detailed in the *Brandon* (Fla.) *Times*:

The Christians in Government class at Bell Shoals Baptist Church includes viewings of videotaped history lectures by David Barton, the vice chairman of the Texas Republican Party. Barton discusses the religious beliefs of the Founding Fathers, noting that, through prayer, George Washington made himself bulletproof during the French and Indian War.

Smyrna, Tenn.

Innovative anti-drug suggestion, reported in *The Tennessean*:

A mass mailing intended to warn young people about the dangers of methamphetamine inadvertently included a hotline number that rings to a telephone sex line.

Freehold, N.J.

An eye on school safety, from a dispatch in *USA Today*:

At Park Avenue Elementary, visitors and servicemen once had to ring a doorbell and wait for a secretary to buzz them in. But now they can skip the bell, thanks to the iris-scanning device purchased for the school with a $370,000 U.S. Justice Department grant. Secretary Sari Valenti concedes that the system is "maybe a little overkill for a small town." But she likes that people can "come and go now without feeling like, 'Oh, I've got to bother the ladies in the office.'"

Carter Lake, Iowa

Protecting our nation from the threat of Buddhist monks, written up in the *Tibet Post*:

Immigration officials dressed in riot gear and flanked by a SWAT team descended on a group of six Buddhist monks whose visas had expired without their knowledge. The monks' leader, Kharnang Vangtul Rinpoche, said the monks came to the United States on a church-sponsored mission, hoping to share the plight of the Tibetan people.

Newfane, Vt.

Yankee knowhow, gleaned by the *Burlington Herald*:

At their annual town meeting, Newfane residents voted 121–29 in favor of impeaching President Bush. Now that the motion has passed, the town will ask Rep. Bernie Sanders (I-Vt.) to file articles of impeachment.

The town remains divided on whether or not the cracks in a 100-year-old sidewalk should be repaired.

Stockholm, Sweden

The struggle to stay on the bike, from Swedish daily *Dagens Nyheter*:

The Stockholm chapter of the biker gang Hell's Angels is being investigated for fraud after police found 70% of members were certified as depressed and were getting state sickness benefits.

The government has estimated that as much as a fifth of the workforce is on long-term sick leave or early retirement due to sickness, often put down to "burn-out."

Berlin

The dawn of a new Reich, observed by *Der Spiegel*:

Nazi symbols and Hitler salutes are banned in Germany, yet the Finance Ministry — once Hermann Goering's Luftwaffe headquarters — was draped in huge red and black swastikas yesterday to recapture the atmosphere of Nazi Germany for a new comedy about Adolf Hitler.

The film-makers had to gain the permission of the Berlin City Council to display the swastikas. But the council failed to warn tourists and locals, who stared as the Nazis marched around. "It is my first visit to Berlin," noted Gertrude, a Bavarian tourist. "Things seem to have changed much less than I expected."

North Hills, N.Y.

The good of the many outweighs the good of the few, from the *New York Sun:*

Members of the Deepdale Country Club are rallying to save their 175-acre facility from being taken by village officials, filing lawsuits to fend off eminent domain proceedings.

Mayor Marvin Natiss has said that the village takeover would "increase property values" because of the cache of having a municipal golf course open to all 1,800 residents. "I only do what's in the best interest of village residents," the mayor said, adding a poll conducted several years ago found residents would favor a village golf course "as an amenity."

Concord, N.H.

Admirable resistance to statistics, reported in the *Boston Globe:*

Cosmetics executive Nadine Thompson is suing Southwest Airlines for discrimination, claiming they humiliated her and made her buy a second seat because she is black.

Under Southwest policy, a "customer of size" is required to buy an extra seat when he "can't sit in a seat without having the armrest raised and is sitting on part of the adjacent seat." Thompson, who is 5'8" and weighed between 300 and 330 pounds at the time, does not consider herself a customer of size.

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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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"Liberty is always unfinished business." — Anonymous

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

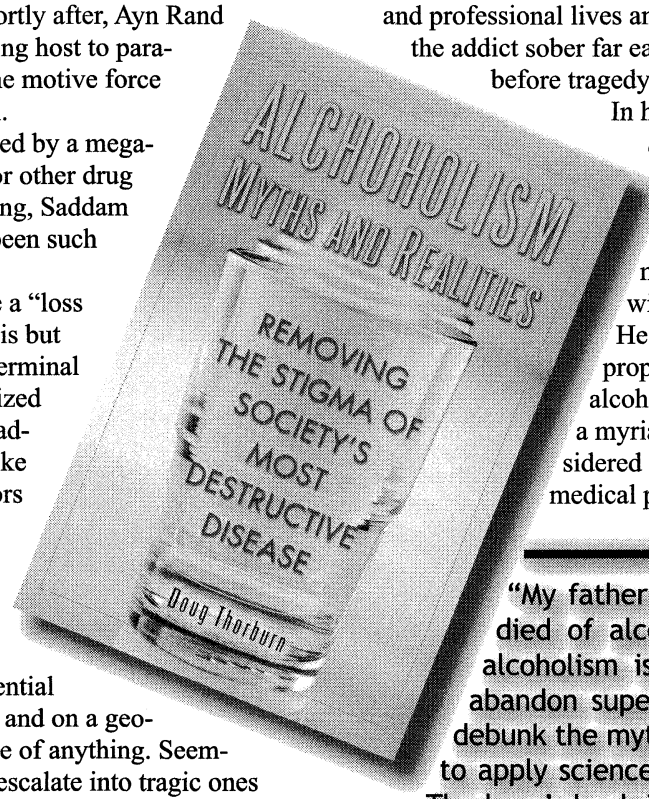

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispells more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.

"Every policymaker in America needs to read your book exposing the myths of chemical addiction.... Hopefully, your book will help educate those who write the laws so we, as a nation, can do what works – prevention and treatment! ... Excellent book."

– Congressman Jim Ramstad (MN), Member, Ways and Means Committee and Health Subcommittee

"My father died of alcoholism. His father died of alcoholism. Three generations of alcoholism is enough. Now is the time to abandon superstition and pseudoscience, to debunk the myths surrounding alcoholism, and to apply science to solving this problem. Doug Thorburn's book is a model example of how this should be done. Read it and be prepared to change your thinking on this important topic. When enough of us understand what is really going on with alcoholism, society can make the shift from treatment to prevention and early intervention."

– Michael Shermer, publisher of Skeptic *magazine, monthly columnist for* Scientific American, *and author of* Why People Believe Weird Things

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Inside Liberty

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4 Letters Our readers dot the i's and cross the t's.

7 Reflections We kill most of humanity, throw money away to save it, flash our badges at 14-year-olds, catch a coyote, rehabilitate Judas, refuse to apologize, arrest you while we still can, and discover that it's giant tortoises all the way down (to the foundations of liberty).

Features

17 Winning the Battle for Freedom and Prosperity *John Mackey* outlines a plan for selling freedom in an unfree world.

23 They're *Still* Coming for Your Land What happens when politicians respond to the people's outrage over invasions of property rights? Not much, as *Timothy Sandefur* reports.

28 Centennial of an Unnatural Disaster *Dale Gieringer* recounts the first shots fired in the War on Drugs.

35 The Notion that Caused the Great Depression *Richard Timberlake* lifts the lid on the single, subtle idea that brought down the financial house.

Reviews

43 V as in MCMLXXXIV There may be "no coincidences," but *Jo Ann Skousen* finds that the parallels of "V for Vendetta" and "1984" extend all the way to the casting.

44 V For Vicissitude *Ross Levatter* reviews the screen version of Alan Moore's anarchist tour de force: what it was, and what it could have been.

48 The End of Welfare As We Know It What would it be worth for America to be rid of the welfare state once and for all? *Lanny Ebenstein* audits Charles Murray's latest bold idea.

50 The South Will Fall Again Was Lincoln's victory inevitable? *Lance Lamberton* weighs in on the controversy.

52 "Goddamit, NO" *Bruce Ramsey* examines the life of Isabel Paterson, a remarkable libertarian writer who would sooner burn bridges than submit to an editor.

49 Notes on Contributors Catch 'em while you can.

55 Terra Incognita Waltzing through the danse macabre.

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Letters

The Call to Inaction

What Robert Higgs writes about the terrible consequences of war, both the foreseen and the unforeseen ("America Won, Americans Lost," April), is unfortunately all too true. Moreover, these consequences often destroy the lives and fortunes of both sides, the victors and the vanquished alike: the net benefit to the "victor" is zero, in spite of battles won. I do not know whether Higgs would be considered a "complete pacifist," but he provides no examples of wars that benefit the combatants. It would seem that his watchword in all cases would be "Don't enter the fray."

Yet there are occasions when the wisdom of this implicit motto is far from evident. At the end of World War II, most of Europe lay economically prostrate, yet many would claim that "the war was worth fighting," and that the defeat of the Nazis, even at this enormous cost, was worth accomplishing. This was perfectly obvious in the case of European Jewry, but evident also to millions of others who would have suffered intensely from a Nazi victory, or been extinguished entirely: the end doesn't always justify the means, but sometimes it does. Are we really to conclude that when attacked by the Nazis, the French should have surrendered without a whimper? Does war always produce more harm than good — even when among its consequences are the abolition of slavery or the restoration of a free society on the ashes of totalitarianism?

Let us assume that A is a powerful nation whose leaders, and the majority of its citizens as well, are only too happy to attack and conquer nation B, which is not warlike but is smaller and weaker than nation A. In time, B becomes A's reluctant ally, accepting the "realistic prospect" of together vanquishing nation C, which then in turn is defeated by the A-B coalition. Before long the combined A-B-C forces are virtually invulnerable.

"But such coalitions do not endure." Perhaps, but such combinations of forces have sometimes endured for generations. The Mongols came near to conquering both Asia and Europe, and were only defeated in the end by a "small historical accident." When such an opportunity arises to grasp victory from the jaws of defeat, are we still supposed to chant the same refrain, "No: the consequences are too horrible — don't try anything"? Stalin wouldn't have minded if all Russians, indeed all Europeans, had accepted that same call to action, or inaction.

John Hospers
Los Angeles, Calif.

Doing What They Know

I commend Randal O'Toole for his ingenious ideas for rejuvenating Amtrak ("Can Trains Be Saved?", April). If the changes he recommends had been adopted in 1971, we would have a small but well-functioning and admired passenger train system.

O'Toole errs, however, in his statement that Amtrak "is truly a failure." Yes, it is by his (and my) standards, but not by the standards of the world in which Amtrak operates. This is not the world of American consumers but of American politicians and labor unions. These two groups have effective control of Amtrak, without the accountability that owners have. No one in this world is failing. The government's continuing infusion of funds keeps the trains running as the politicians heroically "save" Amtrak while the employees retain their jobs.

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Eliminate Amtrak and we would probably see a private, small-scale passenger train system emerge — one that would satisfy rather than frustrate its customers. But the people who are preventing this from happening are content with things as they are. For them, Amtrak is a success.

Jane S. Shaw
Bozeman, Mont.

On War

Stephen Cox has written a thought-provoking piece ("Wins, Losses, and Libertarian Ideas," April) on wars and the implications for libertarians. There were nevertheless a few arguments that did not resonate with me.

1) "Wins and losses are not just material; they are psychological as well." While this assertion seems correct, if the implication is that the potential for psychological benefits should (all other things being equal) cause the citizen to be more supportive of a proposed war, I would heartily disagree. Certainly many a Roman spectator at the Coliseum derived enjoyment and satisfaction from the carnage that took place there, though this would hardly justify those "games." As noted later, morality must (at least normally) trump potential gain.

2) "Human values cannot be quantified." Surely it is impossible for a government to aggregate the (projected) costs and benefits to rationally evaluate a potential war. This problem could be mitigated, though not eliminated, by requiring war supporters to finance and fight the war, since they must at least subjectively consider the venture to be worthwhile. Even so, this arrangement would not justify a war of aggression.

3) "Moral analysis must be distinguished from practical analysis." The fact that Cox is not prepared to return California to Mexico does not mean that morality needs to be set aside, only that the passage of time sometimes makes it difficult or impossible to right certain wrongs. Sometimes the best we can do is learn from past mistakes and avoid repeating them in the future. But it is always possible to take moral actions today, as best as we can determine them.

4) "Human choices commonly have unforeseen and unintended consequences." On its face, this seems undeniable. Perhaps a drunk driver has a catastrophic car accident and goes on to have a much greater appreciation for life and even finds a new mission for what to do with his life. Nevertheless, no one would ever argue that we should encourage drunk driving because of its potential for life-affirming consequences. And while there is admittedly the potential for unexpected benefits to arise from a war, an honest assessment of the past would suggest that, generally speaking, government interventions of all kinds tend to turn out worse than their promoters would have you believe, not better.

D. Saul Weiner
New York, N.Y.

Piggybacking Vouchers

Lanny Ebenstein ("Rethinking Vouchers," May), apparently without embarrassment, uses the phrase "government would provide." Quite the concept for advancing freedom and personal responsibility, eh?

He makes pretty impressive claims for vouchers, given that the gist of his article is that they haven't been tried yet. Vouchers have supposedly encouraged reform — in an institution that has been reforming itself ever since the days of Horace Mann, and getting worse as a result.

Ebenstein now wants to piggyback vouchers on other reform efforts such as the one for a lengthened school year (now *there's* an advance in freedom for you). Apparently people don't care for vouchers straight up, so Ebenstein proposes to slip them in on the sly.

In the same issue, Michael Christian notes (in "The End of Soviet Poland") that "foreign aid that came to the East Bloc from capitalist countries, mostly the United States [the purported opponent of communism], helped sustain communism." Vouchers are the "foreign aid" of education, alleged to break union influence and improve children's learning, but really serving to prop up a tottering bureaucratic empire and damage its competitors.

Sixty-five years ago, at this season, libertarian philosopher Isabel Paterson wrote in her column in the New York Herald Tribune, "Last week we were startled to see the word liberty in a new novel. And it was spring again." Where there is liberty, it is always spring. I hope it is spring where you live.

This issue of Liberty offers a variety of articles and reviews on the history, culture, and current prospects of individual freedom — with reflections from our editors and contributors, who vigorously exercise their own freedom of speech.

And we have decided to bring up a topic that must have occurred to everyone who values a free society and a free economy: why aren't more capitalists outspoken advocates of the capitalist system?

I don't know. Maybe they're just not as cultured and intellectually curious as John Mackey, founder and CEO of Whole Foods. We're delighted to have John with us this issue, telling the story of himself, of Whole Foods, and of the libertarian movement. And he has some suggestions about what libertarians should do to attract more people to our side.

Now, any suggestion worth making is sure to infuriate somebody, and there's no doubt that John's ideas will get him in trouble with a lot of libertarians. I'm not sure that I like all his ideas, myself. No matter; John can stand the controversy. So can we. If we couldn't, why would we be libertarians, in the first place?

But, speaking of Isabel Paterson, you'll notice that toward the end of this issue, Bruce Ramsey reviews the biography I wrote of her; and I want to tell you something about his review. It was commissioned by Liberty's founder, Bill Bradford, about a year before his death. Bruce immediately wrote the review, but Bill wanted to write his own comments on Paterson, and make it a double review. I know he was going to express both agreement and disagreement with her ideas; and I know that his essay would have been a lot of fun to read. Sadly, during his last months, he was just too sick to write it. But because he didn't want Bruce's work (which is always excellent) to go to waste, we're publishing it now. I've never read it. I hope it's favorable.

In any event, it's spring!

For Liberty,

Stephen Cox
Editor

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The only reform that is worth a damn is pulling one's own kids out of the government schools.

Paul Bonneau
Hillsboro, Ore.

Ebenstein responds: I appreciate Paul Bonneau's sentiments, but cannot agree with them. Public schools will, for another generation, educate most children. Accordingly, individuals who are concerned with school reform must perforce be concerned with the reform of public education.

Voucher advocates have heretofore most often taken the position that the only thing that will improve schools is the availability of vouchers. I don't take this position, and, as I point out in my article, this approach has resulted in the defeat of proposals at the polls, usually by two-to-one margins.

With respect to use of the phrase "government would provide," this is entirely appropriate in a libertarian publication. Libertarians do not believe in the absence of government (that's anarchism), but in government with a small, strictly defined role.

More Thorn than Rose

Lanny Ebenstein's comments on the future course of our economy (Reflections, May) are optimistic. We are three years into a debt-fueled recovery following the smash-up of the speculative mania of the late 1990s. As a result of the mountain of new debt, we are more likely now to decline than prosper.

Ebenstein cites first-quarter 2006 GDP growth of nearly 4% and the current unemployment rate of "under 5%" as support for his rosy outlook. These measures can and sometimes do turn on a dime. They are not leading indicators. In the first quarter of 2000, GDP grew 4.1% while unemployment was 3.8%. The stock market, nonetheless, coincidentally began a 2.5 year slide and we experienced a recession.

Also, when the Federal Reserve ceases to raise short-term interest rates, the historical record shows stock prices are more likely to be down than up during the subsequent twelve months.

This year may well see the resumption of the decline which began six years ago with effects which will devastate the financial markets and economic ouput.

Edward Scherrer
Augusta, Wisc.

Ebenstein responds: Edward Scherrer's view of the economic future may prove more accurate than mine, but I do not think so. The world economy is growing faster now in absolute terms than at any previous point in history. Much of the developed world is growing in the range of 2–3% per year; the United States is growing in the range of 3–4% per year; many developing countries, particularly in Asia, are growing in the range of 6–9% per year. The world as a whole is on a course to double economic production in the next 20 or so years.

In the short term, as the Federal Reserve Board quits raising short-term interest rates, and as (and if) the price of oil continues to stabilize and perhaps declines, both short and long-term interest rates should resume their decline, resulting in continued strong economic growth.

Interest rates are largely tied to inflation. There is a very stable relationship existing for more than a century that interest rates are typically about 2.5 to 3 percentage points above the rate of inflation. If one believes, as I do, that the increase in inflation in the past couple of years is transitory, then interest rates should move lower in the future.

With respect to the stock market, its course is more difficult to project than the overall economy. My guess, nonetheless, is that the market is more likely to gain 500 to 1,000 points over the remainder of the year than lose this many.

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Reflections

Out with a whimper — I was annoyed when the Left kept bringing up Enron as if it were the emblematic capitalist company. Now I begin to accept it, at least in one respect: Enron is gone, or nearly so. It went into Chapter 11, and it's being sold off in parts. It acted badly and it died. It wasted resources and it will not get any more.

Imagine if it had been run by the government.

— Bruce Ramsey

Talking up teenyboppers — CNN reports that Brian J. Doyle, a deputy press secretary for the U.S. Department of Homeland Security, has been arrested on charges of using his computer in an attempt to seduce a child and transmitting harmful materials to a minor.

According to a police statement, Doyle contacted a computer crimes detective posing online as a 14-year-old girl and "initiated a sexually explicit conversation with her . . . Doyle knew that the 'girl' was 14 years old, and he told her who he was and that he worked for the U.S. Department of Homeland Security."

The things some people think impress 14-year-old girls . . .

— Ross Levatter

The icing — One of the topics being argued in the immigration reform debates is the net effect of immigrants on our country's economy. Ricardo's Law of Comparative Advantage suggests an influx of new labor would be beneficial. (Calculations based on viewing immigrants as "new labor" are extremely conservative, because people contribute to society and the economy in ways not rooted in physical toil.) Experience with previous waves of immigrants reinforces that conclusion.

As far as I'm concerned, it doesn't much matter. Yes, it would be a shame if it made us less wealthy, but even if that were the case, I don't believe it would justify preventing immigration. People deserve freedom, especially those who've had to chase it. The fact that immigrants make us more prosperous is just a bonus.

— Mark Rand

Migrant Messiah — Responding to the Republican House bill on immigration reform, Senator Hillary Clinton said that the bill, which penalizes not only illegal immigrants but also Americans who help them, "would literally criminalize the Good Samaritan and probably even Jesus himself."

This got me to thinking. Criminalize Jesus! At first that seems harsh, but after all, Christ is *not* an American, so he can be imprisoned without a trial. In fact, now that I think of it, wasn't he born . . . in the *Middle East*? And doesn't he come to us through the hearts of Christians, rather than through any secure government-sanctioned border crossing?

I'm thinking the authorities just might need to have a talk with this Mr. Messiah, if that *is* his name . . . — Ross Levatter

Always apologize, never explain — According to several news outlets, Rep. Cynthia McKinney "apologized" April 6 for assaulting a Capitol Hill police officer. The officer had detained her when she tried to enter a secure area without proper identification.

The "apology" consists of a couple of expressions of "regret," and ends: "I apologize." Not "I apologize *to* the police officer I demonized," not "I apologize *to* the American people for wasting valuable time in the people's House," not "I apologize *for* being wrong."

It reminds me of a little kid caught stealing a candy bar from a store, with his mother making him face the clerk, trying to pry an apology out of him: "I'm sorry." "Sorry for what?" "For stealing." "For stealing what?" I wish a member of the House had risen to do the same for McKinney: "You're sorry for what? Sorry for *hitting a cop?*"

— Patrick Quealy

Driving force — According to a Wall Street Journal editorial (April 1), the court's opinion on *Hamdan* v. *Rumsfield*, due in late June, as to whether or not the government can use military tribunals rather than civilian courts to try the former driver of Osama bin Laden, will be "a turning point on the war on terror."

I agree. Clearly, our enemy cannot function without chauffeurs.

— Ross Levatter

Bureaucracy, red in tooth and claw — A coyote was spotted in Central Park in Manhattan in late March, loping through the mini-wilderness of Hallet Sanctuary, a

wooded island at the south end of the park. He was promptly nicknamed "Hal" and became the biggest nonhuman celebrity and media sensation in New York since the hawk who was evicted from his nest on the facade of a top-drawer Fifth Avenue building ("Nature au naturel," Reflections, March 2005).

Dozens of cops, who you would think might have something better to do, like nothing, got involved in the pursuit of Hal, as he eluded his would-be captors by jumping into lakes, streaking past a film crew shooting some Hollywood epic in the park, and leaping high fences. Finally, after two days of thrilling escapes worthy of a dozen car-chase scenes, he was shot, for his own good, of course, with a tranquilizer dart amid the rocks and woods of a rugged area in the park a mile north of where he was first seen.

He had survived all sorts of hazards at that point. He must have wandered down from the hills of the Hudson Highlands, where coyotes commonly roam, some 50 miles to the north, dodging traffic and real-estate agents down through the Westchester County suburbs and the Bronx, crossing over a railroad trestle or swimming the Harlem River to get into Manhattan without having to pay the exorbitant bridge and tunnel tolls imposed on most visitors. The speculation was that he had kept to the edge of the Hudson River along the west side of Manhattan, then boldly headed east past a mile of pricey apartments and shops to get over to Central Park, where the piles of feathers he left behind indicated that he had eaten quite well (and the same dish, *canard frais au parc central avec pigeon gras*, would undoubtedly have run $50 or $60 as an entree at nearby restaurants).

Word Watch

by Stephen Cox

Professor Leland Yeager of Auburn University, a good friend of this column — and this column needs good friends — writes to issue a warning about "incredible" and "incredibly." His evidence indicates, however, that the warning may have arrived too late. The problem has already become, shall we say, incredibly serious. Professor Yeager has found someone who describes an excursion to Lake Tahoe in the following way: "The whole trip was incredible, but Emerald Bay was incredibly incredible."

Well, maybe so. "Incredible" means "impossible to credit; incapable of belief." Maybe if I took a trip up to Tahoe I would see something that staggered my own imagination, something I *saw* but could not *believe*. It might be a parking lot for flying saucers. Or a comedy club staffed by talent from the Ayn Rand Institute. Or the Lake Tahoe Monster. Surely the second-deepest lake in the United States must have a monster in it someplace.

But I'm pretty certain that's not what the author of "incredibly incredible" had in mind. As Professor Yeager comments, "'Incredibly' is usually just a pretentious way of saying 'very': 'Incredible,' the adjective, usually means something like 'possessing a high degree of whatever quality I'd have in mind if I bothered to figure out just what I wanted to say.' The reader or listener is expected to figure out just what the message is. The adjective and adverb are vague intensifiers."

I agree with everything he says, except for one thing. I would call such adjectives and adverbs *random* intensifiers. From the list of hot-sounding words, you just grab the first ones that come to mind, and from there on it's *all just so incredibly awesome. Definitely.* Every modifier is just one more word that could easily be replaced by something equally . . . appropriate. Compared with such words, "vague" expressions are tediously specific.

Yet the random intensifiers do have one specific effect: they sever any association with value judgments, at least as these are traditionally understood. "Incredible" and "awesome" aren't terms of value. Something that's "incredible" or "awesome" could be good or bad; the words are about the person who comes up with them, not about the object under discussion. The speaker (or, God help us, the writer) is awestruck at the sight of Lake Tahoe, a sight that gives him or her an *amazing, incredible* feeling. What's avoided is any assessment of the thing itself. The lake isn't *lovely, beautiful, picturesque.* Those words have too many stodgy old associations. A *beautiful* lake . . . a lake like a landscape by Corot, a lake like Beethoven's Pastoral Symphony, a lake reminiscent of that crucial passage in Watteau's "Embarkation" . . . Ah yes. Such words as *beautiful* must be avoided. They intimidate the ignorant and the insecure. Besides, they lead us too far from the speaker's momentary feelings. That can't be good for the speaker's self-esteem.

Random intensifiers short-circuit traditional assessments, interests, expectations, processes of comparative evaluation; in so doing, they destroy the possibility of any serious or thoughtful response, even to themselves. *You* think of a follow-up to "Emerald Bay was incredibly incredible." Go ahead; try. But the rhetorical effect can be very useful. If you want to monopolize the conversation, just keep talking that way.

You know people who always seem to think they're on the radio. They cannot tolerate dead air. They can't put up with any pauses, interjections, or unprogrammed remarks. Their patter must be brisk and constant. To prevent any distracting interruptions, they connect every outburst of real words with the musilage of "OK?", "y'know?", "I mean," "you hear what I'm sayin'?", and other random word-fill. When all else fails, they provide a steady stream of "uhs."

The same insecurity about the efficacy of the words one uses, the same well supported doubt about whether anyone else is paying any attention, the same unwillingness to attract attention by saying things that might actually be interesting, appears in writing loaded with the verbal stutters about which Professor Yeager complains. He mentions "incredible" and "incredible's" homely cousin, "unbelievable"; and "unbelievable" has many

But the ultimate hazard awaited the daring and handsome young (1-year-old) coyote. Bureaucracy and its Procedures. Good intentions abounded. He was, the announcement came, to be taken upstate and released somewhere in the Adirondack Mountains. How long could that take, for God's sake? You can drive up there from the city in five hours at most. Ten days later came the news that Hal had suddenly died in the custody of the state Department of Environmental Conservation, just as they were finally almost ready to get around to taking him upstate and setting him free. An expert's report was due, of course, but it was quickly revealed that the officials "caring for" the coyote had, according to the New York Post story, "aggressively hogtied the animal, wrapped his snout in tape and lassoed his neck because they feared being bitten. . . . Both his forelegs and hind legs were roped together . . . Workers [preparing to tag him] also held him in a noose using a 'catchpole' normally considered safe."

There was no indication whether the tape around his snout was red, but it was all clearly the equivalent of making him fill out forms, processing his application in triplicate, auditing him and certifying him, running a background and credit check, and looking into whether he had any unpaid parking tickets, while compelling him to wait, and to wait, and then wait some more for release from the bureaucrats' protocol-encumbered clutches.

Poor Hal. Having accomplished something heroic all by himself, he couldn't be left alone. No, he had to be seized hold of and protected by the state . . . and from *what*, exactly? What if he had simply been allowed to remain in the park, until he eventually got tired of New York and its frantic pace and decided to make his way back upstate again? Who was threatening him? Drug dealers? Tourists? Publishing agents looking for paperback and TV-movie rights? And aside from a few ducks and not exactly irreplaceable pigeons, no one was being threatened by him. But he was caged and bound until he died, maybe of stress, maybe of despair, since like the rest of us he may have realized that once in officialdom's smothering embrace it's all over, you're never really going to be allowed to be on your own again, you're hogtied, according to regulations, and for your own good, of course.

— Eric Kenning

accomplices, even in "formal" writing. How many words in the following sentence, which would be at home in virtually any political speech or op-ed essay, are anything more than pretentious forms of "uh"?: "*I find it simply unbelievable, and totally unacceptable, that* preschool education is not *fully* available to every *single* child *of preschool age in America*"?

Every expression in italics is a random intensifier. Every expression in italics is word-fill. Junk.

There's worse. Just as no celebrity feels secure without his bodyguard, so no string of random intensifiers is thought to be secure without some big dumb word like "literally." If you listen to the stories that "literally" tells, this bodyguard has had many *truly amazing and awesome* adventures: "She literally bit my head off." "He was literally hung out to dry." "My boss was crawling all over me — literally!" But, sad to say, some bodyguards aren't everything they claim to be. Beneath the black leather jacket and the prison-issue pecs may lurk the heart of a dandelion. If "literally's" employers understood what the word means — *actually, truly, non-metaphorically* — then "literally" would be out of a job.

There are other random intensifiers, currently clogging the spoken language, that are almost too horrible to mention. During most of the past decade, "Will and Grace" has been satirizing two things: the "Lifetime Channel" and the expression "oh my God!" (as in, "I wanteda buy it but oh my God it wuz really *really* expensive!"). The result is that reruns of "Will and Grace" are now being shown on the "Lifetime Channel" and "oh my God!" has become a chronic illness of American speech.

Can it be long before this random intensifer follows the road well traveled and becomes part of the written language? Can it be long before Harry Reid writes an op ed in which he says that "the Congress" (have you ever noticed how pompous people use "the" before "Congress," as if there were some confusion about which Congress they had in mind?) "has *really and truly* tried to compromise with the President but *oh my God,* it's so *incredible*, but he's still *literally* wedded to this *unbelievable* budget"? Can it be long before Mrs. Clinton's press agent releases a statement reporting that "the senator finds it *literally unbelievable and oh my God, totally unacceptable,* that there's *really just so* little money devoted to the public schools *in this totally great country of ours*"? Of course, she might have something there . . . bringing up the public schools . . .

Global warming — There is a tendency among libertarians to deny that the globe is warming or, more commonly now, that the warming is caused by human agency. I am not a scientist; I don't know the truth about why glaciers are melting, but the rise in atmospheric carbon dioxide is suggestive.

And if the theory is correct, it is a problem for libertarians, whose theory of public life is based upon individual cooperation and markets. The weakness of market theory is externalities, the costs that the participants shove onto others. Some externalities are easier to deal with than others. When there is one big polluter, you can sue him to make him pay, or you can pay him, Ronald Coase style, to restrain himself. The liberal state can use its police power to protect public health in the case of many little polluters, as in the late-20th-century story of car owners and leaded gasoline.

But human-caused global warming, if the theory is correct, is caused by all 6.7 billion humans. It cannot be solved by one airshed or one country alone, and there is no international institution designed to deal with it. For dealing with it in a decentralized way, the incentives are wrong. The greater people's economic success, the more combustion they tend to cause. The effects of warming are very slow, so there is an incentive to put off a solution to the next generation. Some people can be dragged by their social consciences to buy a Prius, but not most of them — and there is no guarantee that buying a Prius, riding the bus, using spiral light bulbs, recycling the garbage, etc., will actually do enough, or do anything measurable.

I don't have the answer, and I think when I see it I'm not going to like it.

— Bruce Ramsey

Adwaitya, R.I.P. — On March 22, the world's oldest conscious being, Adwaitya ("The One and Only"), an Al-

dabra Giant Tortoise, died of liver failure at the Calcutta Zoo. Adwaitya (1750[?]–2006) was regarded, with fair reliability, as approximately 260 years old, having appeared for the first time on the stage of history as a gift presented to Sir Robert Clive (1725–1774), the founder of British India.

Adwaitya was the last survivor of the 18th century, the century that, more than any other, created the modern world. Industrial capitalism, the representative republic, limited government, the idea of absolute individual rights — these things first appeared, in a recognizably modern form, in the 18th century. So did modern ideas of manners, modern ideas of scientific investigation, and modern ideas of relations between men and women, parents and children, self and society.

It was in the 18th century that America instituted the world's first firm separation between church and state. At the same time — and not by coincidence — America experienced the two great revivals of religious feeling that established its permanent character as the West's most religious nation. The 18th century was the age of Jefferson and Madison, Godwin and Wollstonecraft, Voltaire and Gibbon and Franklin and Talleyrand and Chesterfield, men and women of the world and of *this* world. It was also the age of Jane Austen and Hannah More and John Woolman, of William Blake and John Wesley, of religious visions and romantic poetry, of prison reform and the reform of social mores and the beginning of Christian agitation against slavery. It was the age of the "Messiah" and "Come, Thou Fount"; it was the age when Mozart used the same lovely tune in the Coronation Mass that he used in "The Marriage of Figaro." It was the age when Washington laid the cornerstone of the Capitol in a Freemasonic rite, when the Great Seal of the United States proclaimed, as it still proclaims, that God Has Favored Our Undertaking.

In 1858, Oliver Wendell Holmes published a comic poem called "The Deacon's Masterpiece; Or, the Wonderful One-Hoss Shay: A Logical Story." We know that mechanical devices usually break at their weakest point. That's "logic." In Holmes' story, a man constructs a carriage that can never break down, because every part is so much like the others, and every part is so perfect, that there *is* no weak point anywhere. That's his theory, anyhow.

According to the story, he builds the Wonderful One-Hoss Shay in 1755, at the heart of the Age of Reason, and it endures for a century with no apparent change. Then, on the first of November, 1855, the village parson takes the wonderful machine out for a drive; and suddenly . . . there is

> First a shiver, and then a thrill,
> Then something decidedly like a spill —
> And the parson was sitting upon a rock,
> At half past nine by the meet'n-house clock.

Well, what had happened?

> What do you think the parson found,
> When he got up and stared around?

He found himself surrounded by the ruins of the Wonderful One-Hoss Shay, lying shattered into bits all about him. He found that if something is so logically built that all its parts fit together perfectly and are perfect in themselves, it won't fall apart bit by bit — it will fall apart *all at once* — as the Old Regime in France fell apart in 1789, and the Bolshevik regime in Russia fell apart in 1991.

Holmes' poem has been regarded as an allegory of many things, including the collapse of the 18th-century Age of Reason, of the whole idea of an Age of Reason, and of the free institutions that have been built on the 18th century's ideas and theories. Well, if that's the truth about the poem, and if the poem itself is true, then libertarians should be dismayed when they consider the passage of time, because the roots of liberty are so embedded in the Age of Reason that they will never survive its final passing.

Many libertarians, indeed, regard liberty as a gift of pure logic, pure theory. They suppose that it cannot exist if its theory and practice are not complete and perfect in every part. Many opponents of liberty agree with them — in a way. They view individual liberty as merely a product of theory, a relic of an age of theories that, like all other products of human reason, are as weak and vulnerable as the One-Hoss Shay. Would you fight and die for Locke's theory of tacit consent? I don't think so. Or for Adam Smith's theory of economic value? No, definitely not. What about Jefferson's idea of an agrarian democracy? No again . . .

But that's not my view of individual liberty, or of the 18th century. To me, the Great Century is like Adwaitya the tortoise — huge, lumbering, armored for battle around and above, yet within, all tender with sensibility; individual, and possessing all the internal diversity and contradiction of individual life, but, like a real

News You May Have Missed

Bush Declares Holiday, Takes Day Off From Vacation to Relax

WASHINGTON, D.C. — As the third anniversary of his 2003 appearance on the U.S.S. Lincoln in front of a "Mission Accomplished" banner approaches, President Bush has declared the day, May 1, a national holiday, to be called Mission Accomplished Day, in which "Americans in all walks of life and all parts of the country will gather together, now and in future generations, to try and remember what the mission was and what it accomplished, because for the life of me I can't. Don't have a clue. You got me there."

Bush initially said that he planned to spend the new holiday taking a break from his vacation at his ranch in Crawford, Texas, to "do a little hunting with Dick Cheney," but press spokesman Scott McClellan quickly clarified the remark, saying that Bush would instead spend the holiday reporting to the National Guard in Alabama, as once again that seemed the safer option.

Bush went on to say that if the American people couldn't remember what exactly the "Mission Accomplished" banner was referring to any better than he could, he would appoint a special blue-ribbon commission to do a thorough investigation, and he revealed that he already had its two chairpersons picked out. "I'm sure Michael Brown and Jack Abramoff will do a heckuva job," he said, as a curtain behind him slowly rose to reveal a large banner proclaiming "Commission Accomplished."

— Eric Kenning

individual, always the One and Only. I take Adwaitya the tortoise, the 18th century's last literal survivor, as an image, not of the vulnerability or failure of the Age of Reason, but of its determination and ability to survive. Wherever the idea of the rights and significance of the individual — however difficult or cranky or slow or passionate or inconvenient to others that individual may be — survives and continues its slow, erratic, but persistent progress in the world, the 18th century is still alive. Yes, very much alive. — Stephen Cox

Don't cheer the Reaper — Scene: a rural hospital in the Congo. A man lies on a bed, vomiting, bleeding, dying. He is only the first: already three more with the same symptoms lie next to him in the quarantine ward. Tests confirm the doctors' fears: it's an outbreak of Ebola. But much, much worse news is to come. A lab in Kinshasa finds that the Ebola strain has mutated. Formerly it spread only through contact with infected blood; now it spreads through the air. Everyone in the rural hospital is as good as dead. There will be no one to bury them: once the virus spreads, via infected travelers and refugees, most of humanity (up to 90%) will die as well.

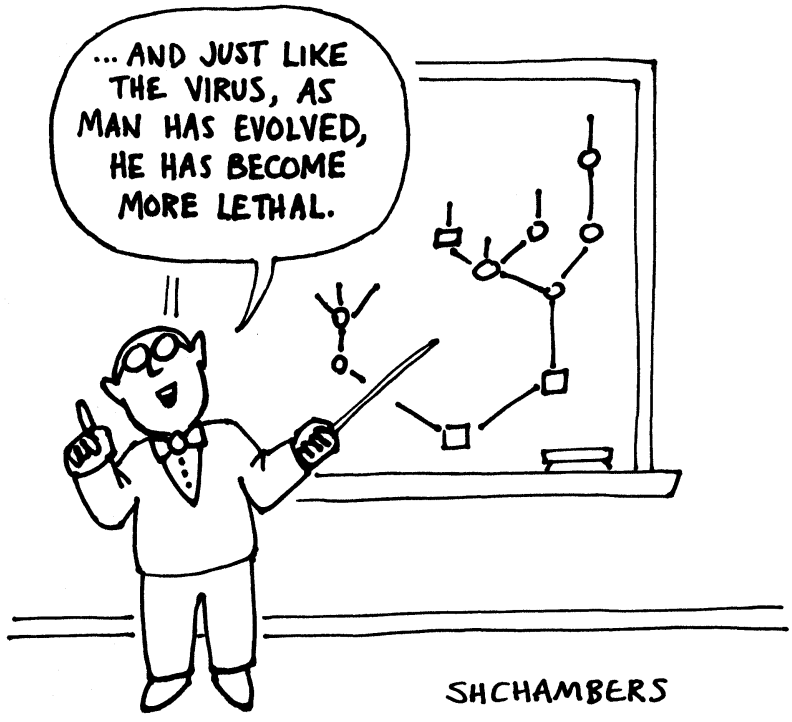

It's the kind of disaster scenario often presented in blockbuster movies and made-for-TV miniseries, an update of the nuclear-apocalypse drama popular during the Cold War. Actors like them because they get to show off their emotional range. Audiences like them, just as they've liked every iteration of the destruction of civilization story since the Mesopotamian flood.

At least one modern environmentalist likes them because he wants to see civilization destroyed, and 90% of humanity dead.

Dr. Eric Pianka is an evolutionary ecologist at the University of Texas, named by the Texas Academy of Science the 2006 Distinguished Texas Scientist. At a recent Academy meeting, Pianka spoke lovingly of the Ebola virus as a swift, efficient killer, lamenting only that the crucial mutation of his doomsday scenario had not yet come to pass — though he assured his audience that it was "only a matter of time." After his speech, the Academy members rose to their feet and gave him a resounding, jubilant ovation.

Why did they applaud him? Why didn't they censure the crackpot, and cast him from their midst? Simple: to most of the audience, he's no extremist. He's only taking their beliefs to logical conclusions.

The ecological movement has always had an "understanding" with death (after all, it was ecological protests that got DDT banned, and indirectly sent millions who subsequently contracted malaria to early graves). The perennially pernicious "Population Bomb" played off that partnership — one can't help thinking that even had Ehrlich and his ilk known how to win "the battle to feed all of humanity," they wouldn't have wanted to. To the population bombers, human life is, at best, a nuisance. At worst, humans are the planet's nemesis, doomed to destroy the planet that spawned them. It's not a long hike from there to Pianka's precipice of madness.

There are, of course, still many environmentalists who don't long for the deaths of 5 or 6 billion. For all their talk of "sustainable development," they do want humanity to be sustained, and continue to develop. And they are the ones best equipped to deal with Pianka, by simply laughing at him. Ridicule from capitalists and Catholics is expected, encouraging even; it's Pianka's colleagues alone who can laugh him into academic obscurity.

Perhaps some are laughing already. It's just too hard to hear them over all the applause. — Andrew Ferguson

All wet — Charles Murray has a new idea: abolish the welfare state and replace it with an annual cash grant of $10,000 to every American. He has a book about it which I haven't yet read, but I did read his long piece in the Wall Street Journal (March 26).

My first thought was, "of course this is not going to be done." Some of the recipients would take the $10,000 and rip through it in three days — down their gullets, up their noses, into their veins. A lot of people would do that. Of course Murray would say that was their affair, and I would agree with him. But people wouldn't accept that. What if it was a kid who should have used the money as school tuition? What if it was a wino with liver disease? Or a mother with a baby?

My second thought was, "This is an ingenious proposal." Of course it is not serious. It is illustrative. It shows how big the welfare state is, and how much it is costing us. And by imagining this proposal, and the irresponsibility its implementation would create, one is forced to contemplate how much irresponsibility there is now. One is forced to separate the questions of self-responsibility and money.

Still, it is a snare. I think of the wet apartments. This is the street name for a new public housing project about six blocks from where I work. It's for bums. It's open only to rolling-down drunks who will not stop drinking. The idea is that the chronic inebriates will drink in their rooms, not on park

benches, and will roll over in a warm bed rather than in the cold gutter. There will be fewer expensive calls to 911.

Actually there have been quite a number of 911 calls since the wet apartments opened — more than the proponents predicted — but they argue that it is costing the public less than before, when these sponges were out on the street.

So the public authorities provide the rooms, and the winos provide the wine. This is in Seattle. Vancouver, B.C., two and a half hours to the north, is more progressive. There it is proposed that the government provide the wine also, on the theory of harm reduction.

Ten thousand dollars each. Sounds cool. I am afraid, though, that when it is mentioned in the future, it will be like Milton Friedman's proposal, decades ago, for a "negative-income tax": it will be mentioned by supporters of the welfare state in arguments for more. They have many arguments. A typical claim is that a new program will save the public money. The wet apartments are supposed to do that. Probably the free wine in Canada is supposed to do that, too. — Bruce Ramsey

According to a poll cited in The Economist, three-quarters of young French people want to become civil servants. Such ambition!

Media masquerade — That supreme satirist William Schwenk Gilbert — of Gilbert and Sullivan fame — once remarked that "things are seldom what they seem — skim milk masquerades as cream." Gilbert understood that you ought to be skeptical of cream when it's defined by marketers of cream. Likewise, you shouldn't let a newspaper headline focus your world view. The priorities of most headline writers are — in descending order — sales, ideology, and finally the fluttering, illusive bird of truth.

Case in point: my hometown paper ran a story headlined "Winter of 2005–2006 is warmest on record for Canada." Bad news for the longevity of Antarctic glaciers, but great news for the National Popsicle Council, which prays for long, hot summers. And heated headlines for the eco-lobby.

I read the story and learned that temperatures have only been measured since 1948 (and 60 years of measurements is a blink of the climatological eye), and that Canada will spend the next *year* examining the data. Is it an aberration or evidence of a trend? Only a government or a similar stumbling bureaucracy could spend a year looking at 58 numbers to answer that question. I mean, how long can you juggle 58 numbers? They're either — to put it in scientific terms — sort of ascending, sort of descending, or sort of random.

That very same morning of March 14, the Wall Street Journal ran a story on the plight of shivering inhabitants of Beijing. The Chinese government, it seems, is in the utility business; and naturally it doesn't do a great job. Can you imagine the Commissar of Heating trying to decide how much of his limited hot water to pump into each of 12 million radiators? People are freezing. The Journal describes Beijingers wrapped in blankets, hugging lukewarm hot water pipes, even cuddling with each other (possibly illegal, since the state only allows one child per family). Anything to stay warm. The article also mentions that this March of 2006 has been "colder than usual."

A satanic editor attuned to global *cooling* (instead of warming) could have led off this article about government ineptitude with black climatic headlines. He could have presented it as a weather story.

Heating, cooling, we're at the mercy of the media and their passions. Things are seldom what they seem. Big black headlines always scream. — Ted Roberts

Les Faux Nouveaux Soixantehuitards — In Paris and Nantes, a student revolt simmered for months, then boiled over in May of 1968. Students and activists of that generation became known as the "soixantehuitards," or sixty-eighters. Think of them as French hippies with a hard, revolutionary edge.

On May 2, The French government closed Nantes University. On May 3, the activist student unions in Paris called meetings. Their professors called the police. Riots resulted, and instead of dispersing under attack from police using truncheons and tear gas, the students dug in. They constructed barricades of burning cars, ripped up the cobblestones, and fought back.

Other students, communists, and labor unionists pitched in across the country in support of the Paris and Nantes students. The government nearly fell. At one point, the French president, Charles de Gaulle (named after a busy, rundown airport), was hiding at an air force base in Germany, preparing to admit defeat.

The goals of the protesters were a mixed bag of communism and anarchy, and quite revolutionary. Their slogans included:

> *Nous ne voulons pas d'un monde où la certitude de ne pas mourir de faim s'échange contre le risque de mourir d'ennui.*
>
> We want nothing of a world where the certainty of not dying from hunger comes in exchange for the risk of dying from boredom.
>
> *Depuis 1936 j'ai lutté pour les augmentations de salaire. Mon père avant moi a lutté pour les augmentations de salaire. Maintenant j'ai une télé, un frigo, une VW. Et cependant j'ai vécu toujours la vie d'un con. Ne négociez pas avec les patrons. Abolissez-les.*
>
> Since 1936 I have fought for wage increases. My father before me fought for wage increases. Now I have a TV, a fridge, a Volkswagen. Yet my whole life I've been a chump. Don't negotiate with the bosses. Abolish them.

Now, in 2006, the students and unions and communists are protesting again. What set them off? Legislation designed to make it easier for French companies to hire and fire young people in a country where jobs are theoretically secure but unemployment is high.

The protesters think they are the nouveaux soixantehuitards, but they are not; they are faux nouveaux soixantehuitards. The soixantehuitards wanted radical reform, but today's wannabe revolutionaries cry for the status quo.

In fact, they feel that their "world where the certainty of not dying from hunger comes in exchange for the risk of dying from boredom" is slipping away or being swept away by the forces of international capitalism. They very much want a return to the life of a chump with "a TV, a fridge, and a Volkswagen." And they want to keep the bosses, as long as the bosses must hire but can't fire.

In one thing, however, these protesters and the great majority of French people resemble the soixantehuitards — they believe that all goods and ills come from the government and

the institutions that it controls directly or indirectly. Therefore, they love to petition the government. *"Il faut se manifester,"* they say. One must show oneself and protest. Middle-aged housewives repeat this as a reliable platitude. *"Tu vas à la manif?"* or "Are you going to the protest?" is heard in Paris as often as "Shall we have a cup of tea?" is heard in London. The French march on Paris by the hundreds of thousands in support of or against the pettiest of reforms.

And of course it's nice to *be* the hand that gives and takes. According to a poll cited in The Economist, three-quarters of young French people want to become civil servants. Such ambition!

Here in America, "civil servant," "bureaucrat," and "government man" are slurs. I love that about this country.

Unfortunately, we look to our government more and more for help. Think Katrina. Maybe someday when you ask your little ones what they want to be when they grow up, they will say, "A civil servant!" When that sad day comes, you can always blame the French concept of the state; it inspired Napoleon, Marx, and Stalin. It has infected the world for centuries.

— Michael Christian

Alien amnesty — Imagine, if you will, that tomorrow at noon, possession of marijuana is slated to become legal. Not just decriminalized, but made completely lawful. Should the police make as many busts as possible tonight and tomorrow morning, while they're still able? Should they continue their crackdown in the early afternoon, on the grounds that anyone who has pot that soon after legalization obviously had it before legalization? What of the people already serving sentences for simple possession — should they remain incarcerated until they've completed their sentences?

Now imagine that instead of marijuana possession, what has been made legal is entering the United States for gainful employment. One of the putative sticking points in the current immigration debate is whether, and on what terms, to grant amnesty to illegal aliens. Unless there's some reason that sneaking into this country to better provide for your family is more reprehensible than smoking a little pot, the dismissal of the punishment must be at least as complete. And no matter how it's gussied up, kicking someone out of the country (even if it's done in the name of "fairness for those who waited") is punishment.

— Mark Rand

Door price — While checking out of a hotel room the other day, I noticed that the room rate posted on the back of the door was way more than the price I paid. In fact, it was more than double.

I thought about how often I've looked at this rate in amusement, since it's never a reasonable price. Sometimes it is utterly ridiculous.

It occurred to me that the difference between the rate on the door, and the rate I paid, is the difference between a planned economy and the market. In many states, the posted rate is assessed by the state government, in an effort to protect consumers from price gouging. The state inspectors come into a hotel, look at the quality and amenities, and decide how much it should cost. On the other hand, the price a hotel actually charges is determined by the managers, who look at the vacancy rate, weather conditions, local events, and what other hotels in the area are charging. They set a price based on all these factors, trying to fill up the hotel at the best price they can get.

The difference in price is the difference between socialism and capitalism. If every hotel were run by the state, they would all charge the price on the back of the door. Travel would be way outside the budgets of most consumers, something done for necessity rather than leisure. Hotels would suffer from chronic vacancy, and the sparse revenue stream would make repairs and upgrades rare. Eventually they all would become musty and inhospitable.

This summer, when we all take to the road for our annual summer vacations, and check into the cheerful motor inns that freckle the nation's highways, it will be good to remember that these affordable, comfortable accommodations are just another blessing of capitalism; that it is the invisible hand turning down the sheets, and leaving the light on.

— Tim Slagle

Black speech — The world seems divided into those who regard such terms as *race* and *diversity* as important and those who blithely let them go by. Most of the former seem to be employed by nonprofit universities that are more effective than profit-making corporations at intimidating employee vocabulary. Having done my M.A. thesis some four decades ago on "Politics in the Negro Novel in America" (a thesis that subsequently appeared as a book with an adjectival epithet that was more up to date), I find myself having moved from the first universe to the second, thinking that the ultimate goal is the elimination of racial categories from American speech.

As soon as a word for any racial category appears under my eyes, I tend to skip ahead. Recognizing that bias, I now fear that some possible readers for my "Politics in the African-American Novel in America" (1991) might miss my elaborate analyses of fiction by Ralph Ellison and Richard Wright. Dammit.

Of the very few issues about which I've changed my mind over the past decades, this is perhaps the most serious.

— Richard Kostelanetz

Hillary's hermeneutic — Hillary Clinton's quick-out-of-the-gate start has put her way ahead of her fellow Democrats in "the hunt for the great American Catholic voter of 2008," writes New York Observer columnist E.J. Kessler.

While criticizing the Republican-passed bill in the House of Representatives that would make it a felony to be in the United States illegally, and make it a crime to aid an illegal im-

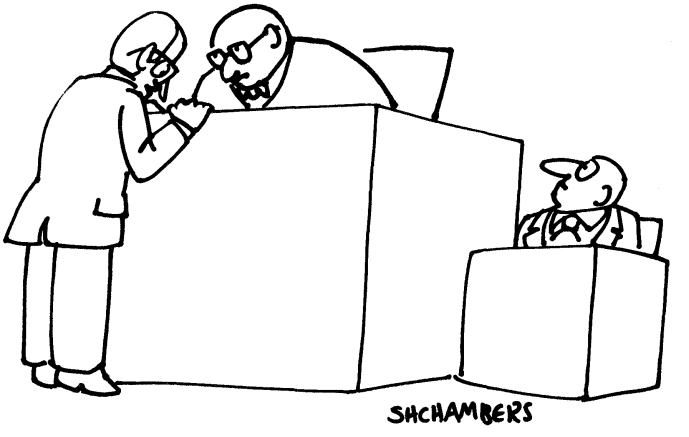

"Well, no wonder! You're using Constitution 4.2! That version is *so* outdated!"

migrant, Mrs. Clinton said, "It is certainly not in keeping with my understanding of the Scriptures, because the bill would literally criminalize the good Samaritan and probably even Jesus himself."

In 1994, of course, the Scriptures didn't stop Hillary from devising a health-care scheme that would "literally criminalize" the behavior of patients and physicians who dared to operate outside the dictates of her master plan, with fines up to $10,000 and prison terms up to ten years for each instance. A physician who ordered a few extra X-rays for a patient he considered to be particularly at risk, X-rays not authorized under Hillary's one-size-fits-all model, might well have found himself behind bars. Not exactly the way one would think a good Samaritan doctor should be treated for going a bit outside the lines to help a patient.

In any case, today's Mrs. Clinton, speaking more of salvation than incarceration, has aimed her faith-based arrows at Senate Majority Leader Bill Frist, a Tennessee Republican, and other GOP leaders, stating, "It is hard to believe that a Republican leadership that is constantly talking about values and about faith would put forth such a mean-spirited piece of legislation."

Seeking to build up her religious, "pro-family" credentials, Mrs. Clinton recently threw caution to the wind and got in bed with Sam Brownback and "man-on-dog" Rick Santorum, described by Kessler as "the Senate's two most conservative Catholics," to push for a bill that'll have the government delving into the evil effects of electronic media on kids.

True, the Oscar this year for best original song went to "It's Hard Out Here for a Pimp," a tune that understandably causes jitters in some circles. But there's something even scarier about Rick and Hillary teaming up to launch a government-directed investigation into which albums, TV shows, and movies are harmful to human development or insufficiently helpful in advancing the civic good.

That sounds too much like how things ended up in China, where for purity and the collective good the Maoists burned books and smashed records, destroying anything that didn't fit into the central plan. In the Maoist model, music, books, and the performing arts exist to increase productivity, downgrade individualism, and promote collectivism.

Nonetheless, Kessler sees Hillary hitting all the right notes: "Unlike most Democrats, she sounds sincere when she employs Jesus language." Even husband Bill, writes Kessler, can be employed to enhance Hillary's religiosity: "Once upon a time a follower of an evangelical denomination — a Baptist named Bill Clinton — begged her to marry him." Add some conciliatory and less-liberal language on abortion and gay marriage — plus some "pro-family" tinkering, like her bill to make cars safer for children — and Kessler views Mrs. Clinton, "one of the most overtly Christian politicians in the country," as the Democrats' best shot at recapturing the nation's so-called values voters. "Count on this: With Catholics and other faith-based voters, Hillary Clinton will be the Democrat best positioned to speak to their issues."

In other faith-based political news, Christian Coalition founder Ralph Reed may have joined the ranks of televangelists Jimmy Swaggart and Jim Bakker.

Reed's 1998 email to mega-lobbyist Jack Abramoff — including the phrase "I need to start humping in some corporate accounts," Salon's Michael Scherer reports — set the stage for Reed to rake in more than $4 million from Abramoff's clients, including casino-operating Indian tribes.

"Reed worked, as he put it in one e-mail, to get 'our pastors all riled up' — organizing his unwitting followers to oppose gambling regulations and new casinos that would have competed with Abramoff's clients," writes Scherer.

Explained Abramoff's partner Michael Scanlon to one Indian tribe: "We want to bring out the wackos to vote against

News You May Have Missed

Theologians Fed Up With Newly Discovered Gospels

AL-KHAZELTZER, Egypt — Theologians throughout the world, already complaining about the paperwork involved in changing reservations and itineraries in afterlife packages in response to the Vatican's effective abolition of Limbo last December, said that now they were going to have to start all over again because, as Dr. Heinz Hinterschmerz of the Tübingen Theological Seminary put it, "some idiot has discovered and translated a previously unknown gospel that makes Judas look good, and us look bad. What's next, a best-selling novel that convinces people that Mary Magdalene was married to Jesus and they had kids? — oh, wait, we've already got that."

But the normally sedate international theological community was thrown into even more turmoil yesterday after it was announced that a new trove of ancient manuscripts had been discovered in a cave near this small Egyptian village. Tentative early translations of the crumbling 2nd-century Coptic parchments suggest that the documents include the Gospel of Herod, the Gospel of Beelzebub, the Gospel of Baal, the Gospel of Nero, and the Gospel of Fast Eddie the Gadarene Grifter. As the news reached America, students and professors in university towns across the country could be seen streaming out of seminaries and divinity schools and heading for local bars. However, lawyers for Tom DeLay, Jack Abramoff, and Martha Stewart welcomed the news, pointing out that there was an excellent chance that in a couple thousand years documents will start turning up in caves that will make their clients look pretty good, too.

Meanwhile, theologians were also being asked to look into the possibility that the "manna" mentioned in the Bible was an early form of steroids or Human Growth Hormone, and that certain miraculous, record-breaking passages in the Good Book might have to have an asterisk placed next to them. Major League Baseball Commissioner Bud Selig, noting that San Francisco Giants slugger Barry Bonds had said, when asked what accounted for his record-breaking home run pace a few years ago, "Call God. Ask him," announced the formation of a special commission of eminent theologians who would do just that in the hopes of clearing up baseball's steroid allegations once and for all. — Eric Kenning

something. The wackos get their information through the Christian right, Christian radio, mail, the Internet and telephone trees."

The lesson, on all sides: Be very skeptical.

— Ralph R. Reiland

Tilting at windmills — I've heard a lot of environmental activists advocate a "New Manhattan Project" for finding an alternative to petroleum. It makes for a really tasty sound bite, which is why environmentalists like to swallow and regurgitate it.

But the parallel is fallacious. The original Manhattan Project had but one purpose: to build a nuclear bomb. It had already been proven on paper that such a bomb was possible; all that was missing was the technological initiative.

There is nothing on paper right now to indicate that there is any realistic substitute for petroleum. And there's more than one speculative substitute being considered, so it would be impossible to focus on a single solution in the same way. (A better parallel to a government-subsidized alternative fuel project would be the Pentagon project to build rayguns that can be used in the battlefield. After 40 years of research, and billions of dollars, they are no closer to making that idea work.)

All over the country, research is already being done on alternative fuels. Naming this research the "New Manhattan Project" will do absolutely nothing to further its progress. And if somebody actually discovers something, it will not need any government money, because the moneymaking potential of a workable petroleum substitute will draw investment capital faster than you can say "Internet bubble."

— Tim Slagle

The freedom to be — I came to Arizona in 1967 to fly for the Air Force at Williams Air Force Base, now called Williams Gateway. During the next five years I frequently had occasion to fly along the border with Mexico as I traveled back and forth between Williams and bases in southern California. It always seemed odd that the major populated areas that straddled the border had an obvious difference in appearance between the portion on the Mexican side and the portion on the United States side. The most obvious was the fact that the United States streets tended to be paved and the Mexican streets tended to be dirt or gravel. The housing and commercial properties on the Mexican side also seemed to be of poorer quality.

I often wondered why this would be so. The terrain was no different; the natural resources were no different; the people, for the most part, were no different. Why is there a clear economic division between the United States and Mexico? It was not until I began reading free-market philosophers like Ayn Rand and Milton Friedman that I figured out that the reason is that freedom works, and we have greater freedom in the United States. Conversely, systems of government oppression do not work, and there is greater government oppression in Mexico.

It then became clear to me how we can help the citizens of Mexico and reduce the immigration tensions: support and pursue more economic and political freedom for Mexicans. Then they will experience the same economic boom that citizens of the United States have. Mexican citizens will not have to face the huge personal and legal dangers inherent in crossing our borders to experience the benefits that freedom provides.

One might logically ask why we do not hear politicians and editorialists calling for more freedom for Mexicans. I contend that it is because it is much easier to focus on democracy instead of freedom, because democracy is easier to obtain, and because, even though we have democracy in the United States, our own march toward socialism is causing us to lose more of our freedoms.

We should not focus on democracy as the solution. We are making the same mistake in Iraq: we are more concerned about allowing the citizens of Iraq the right to vote than we are about ensuring their ability to own property and have private contracts enforced, and having their individual rights protected. If we can't help make these changes in a country that is right on our border, what makes us think we can accomplish this in a country 10,000 miles away that has a markedly different culture?

I suggest the solution to the immigration problem is to do everything we can to help Mexico move in the direction of protecting individual liberties and that, in order to avoid hypocrisy, we stop the erosion of individual rights in our own country.

— Roy Miller

The meek shall inherit the legal bills — Sectarian strife spilled over into the music industry March 20 when the Christian Music Trade Association (CMTA) fired a salvo at the generally unarmed God-fearing pirates of gospel music. The dilemma is this: aided and abetted by the digital age, gospel music, often cited as the fruits of divine inspiration, is being replicated at a velocity 1st-century disciples could never have dreamed of. Thus, while the ranks of believers are swelling, the industry itself is losing billions every year. The Good News is getting out there, all right. Trouble is, no one's making a damned dime off it.

Said a CMTA spokesman: "The early disciples were regarded as small-scale violators. As such, they were never confronted on copyright issues. But God's honest truth is that evangelism got a free ride for centuries."

The grand dame of the religion business, the Vatican, was quick to counter with its own press release, arguing that, on the contrary, free access to religious music has enlarged the market: "Over the millennia, we've found that tithing goes up when singing praise to the Lord was left in the public domain. So we never pressed the issue." Actually, this is not quite accurate as, in 467, Pope Odious XVIII attempted an "alms for Psalms" program, but was promptly run out of Rome into the arms of hordes of milling Visigoths, who preferred bluegrass.

Still, there can be no doubt the CMTA isn't turning any cheeks: "Our industry group feels the time has come to crack down. The message is clear: wherever you rejoice in the Lord with pirated music, we will hunt you down."

At the time of this reporting, God was still considering his legal options. But judging by the remarkable speed of the avian flu mutations, many heaven-watchers suspect impending biblical wrath. Indeed, the burning-bush rumor mill is aflame with the notion that God is contemplating "one really kick-ass flood that would submerge all private property disputes once and for all."

Meanwhile, Lucifer clicked his cloven hoofs and grinned, saying, "This is getting too easy."

— Norman Ball

Bill Bradford's death is an irreplaceable loss to the libertarian movement, but he maintained his usual good cheer to the end. Shortly before he died, he suggested as his epitaph: "Bradford dies. Liberty lives!"

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Winning the Battle for Freedom and Prosperity

by John Mackey

Contributing Editor's Note: On May 13, 2004, John Mackey, CEO of Whole Foods Market, spoke at FreedomFest in Las Vegas. His critique of the freedom movement created a controversy, so we obtained permission from Mr. Mackey to transcribe the talk and publish it, for the first time, in Liberty magazine. Mr. Mackey made small changes for the printed version of the talk and updated all relevant business numbers to the current day.

— Mark Skousen
Founder, FreedomFest

What I hope to accomplish tonight is to challenge your thinking about the modern freedom movement. I believe the freedom movement has been its own worst enemy by foolishly limiting its appeal and impact with an overly narrow interpretation about the meaning and purpose of freedom. From a business perspective, the freedom movement faces major marketing challenges, the result of its poor job of branding itself to the world.

Let me tell you a few brief things about myself as background. Before I started Whole Foods Market I attended two different universities, where I accumulated 130 hours of electives, primarily in philosophy and religion, and ended up with no degree. I never took a single business class. I actually think that has worked to my advantage in business. I spent my late teens and early twenties trying to discover the meaning and purpose of my own life.

My search for meaning and purpose led me into the counter-culture movement of the late 1960s and 1970s. I studied eastern philosophy and religion at the time, and still practice both yoga and meditation. I studied ecology. I became a vegetarian (I am currently a vegan), I lived in a commune, and I grew my hair and beard long. I'm one of those crunchy-granola types. Politically, I drifted to the Left and embraced the ideology that business and corporations were essentially evil because they selfishly sought profits. I believed that government was "good" (if the "right" people had control of it) because it altruistically worked for the public interest.

With that background, I felt well prepared to launch my business in 1978. My initial business, a natural foods market called Safer Way, was a small 3,000 square foot store that I opened with my girlfriend, with an initial $45,000 in capital. We were very idealistic, and we started the business because we thought it would be fun. We were right — we had a blast then, and we've continued to have a great time during the last 28 years. The time has passed quickly.

Along with the for-profit business, I also created a business of "heart" and I think I have been equally successful with that venture. After running Safer

Way for a couple of years, we decided to relocate to a much larger building and we opened Whole Foods Market in 1980. No pun intended, but we grew the business organically from there.

At the time I started my business, the Left had taught me that business and capitalism were based on exploitation: exploitation of consumers, workers, society, and the environment. I believed that "profit" was a necessary evil at best, and certainly not a desirable goal for society as a whole. However, becoming an entrepreneur completely changed my life. Everything I believed about business was proven to be wrong.

The most important thing I learned about business in my first year was that business wasn't based on exploitation or coercion at all. Instead I realized that business is based on voluntary cooperation. No one is forced to trade with a business; customers have competitive alternatives in the market place; employees have competitive alternatives for their labor; investors have different alternatives and places to invest their capital. Investors, labor, management, suppliers — they all need to cooperate to create value for their customers. If they do, then any realized profit can be divided amongst the creators of the value through competitive market dynamics.

In other words, business is not a zero-sum game with a winner and loser. It is a win, win, win, win game — and I *really* like that.

However, I discovered despite my idealism that our customers thought our prices were too high, our employees thought they were underpaid, the vendors would not give us large discounts, the community was forever clamoring for donations, and the government was slapping us with endless fees, licenses, fines, and taxes.

Were we profitable? Not at first. Safer Way managed to lose half of its capital in the first year — $23,000. Despite the loss, we were still accused of exploiting our customers with high prices and our employees with low wages. The investors weren't making a profit and we had no money to donate. Plus, with our losses, we paid no taxes. I had somehow joined the "dark side" — I was now one of the bad guys. According to the perspective of the Left, I had become a greedy and selfish businessman.

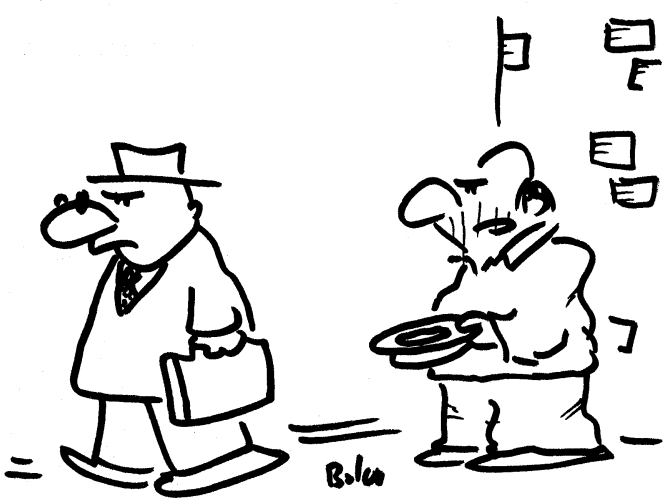

"Don't act so self-righteous — if it weren't for us consumers, you producers would be *nowhere!*"

At this point, I rationally chose to abandon the leftist philosophy of my youth, because it no longer adequately explained how the world really worked. With my l eftist interpretation of the world now shattered, I looked around for alternative explanations for making sense of the world.

I stumbled into reading Milton Friedman, Friedrich Hayek, Ludwig von Mises, Ayn Rand — I read all of them. I said to myself, "Wow, this all makes sense. This is how the world really works. This is incredible." Then I became Laissez Faire Books' best customer for the next five years. I think I read every book in their catalog. If any of you in the audience have written books, I have probably read them.

I identify myself as a Libertarian. I am one of those people who actually votes Libertarian. I have voted strictly Libertarian since 1980. You sometimes hear that argument, "Why do you vote Libertarian? You're just throwing your vote away." I always say, "Gosh, if everybody had that attitude toward their vote, then the Libertarian candidate would get elected."

What I love most about the freedom movement are the ideas of voluntary cooperation and spontaneous order when channeled through free markets, leading to the continuous evolution and progress of humanity. I believe that individual freedom in free markets, when combined with property rights through rule of law and ethical democratic government, results in societies that maximize prosperity and establish conditions that promote human happiness and well-being.

Unfortunately, despite all my enthusiasm and formidable debating skills, I have had little success converting people to the freedom movement. Has that been your experience as well? The freedom movement remains a small, relatively unimportant movement in the United States today. The question is: "Why?" I want the freedom movement to sweep the world. So how can we make the freedom movement a more vital and dominant intellectual and cultural movement in the United States?

I hope to do two things tonight. First, I will critique the freedom movement and highlight mistakes that have greatly lessened its impact and influence in the world. Second, I will challenge the movement to re-think its purpose and values. We need to evolve our paradigm along with the brand that we offer the world. As a businessman who knows something about marketing and branding, I can tell you the freedom movement is branding itself very poorly.

Let's start with the critique. How many of you have read Ayn Rand? How many of you have been influenced by her? "Atlas Shrugged" remains one of the five greatest novels I have ever read. Who can ever forget characters like Dagny Taggart, Hank Rearden, Francisco d'Anconia, from "Atlas Shrugged," as well as Howard Roark in "The Fountainhead"? These characters all demonstrated tremendous passions and drive, backed by high self-esteem. Each one inspired this young entrepreneur. I wanted to be just like those heroic characters in "Atlas Shrugged."

However, despite her literary greatness and many positive contributions to the freedom movement, I believe that Rand has also harmed the movement. How? She was overly provocative. The "virtue of selfishness" is an oxymoron. Selfishness is not a virtue. Now, I understand all the arguments — I've read all the books. I know that self-interest channeled to the social good, as expressed through Adam Smith's "invisible hand," is the single most brilliant insight about social

organization ever made in history. That being said, selfishness (as opposed to self-interest) is still not a virtue. It is something to be discouraged, and not something to be supported.

Similarly, I find insupportable the idea Ivan Boesky and Gordon Gekko made infamous, that "Greed is Good." Well, greed is not good. Greed is not a virtue. Excepting a few people on Wall Street and some people in the freedom movement, almost no one else in our greater society will support selfishness and greed as "good" when they see it. So my question to you is, why doesn't the freedom movement condemn selfishness and greed? If we don't, we are inappropriately seen as supporters of selfishness and greed. In my opinion, this is a major branding mistake that continues to undermine our movement.

Becoming an entrepreneur completely changed my life. Everything I believed about business was proven to be wrong.

How many people in the audience believe that the only social responsibility that business has is to maximize profits? Before I make my next point, let me boast about Whole Foods Market for a moment. In 2005, we did $4.7 billion in sales and realized $136 million in net profits. With our current growth rates, by 2010 we should do over $12 billion in sales. On a percentage basis Whole Foods Market is the most profitable public food retailing business in the United States, with the highest net profit percentage, sales growth, and sales per square foot. I make this boast to prove that (a) I believe in profit and (b) I am quite competent in producing it.

I love profit. Profit is good and it is socially necessary. However, some people in the freedom movement have long argued that the only social responsibility that business has is to maximize profits. I believe that profits are an essential purpose of business, but I would argue that they are not the sole, or even most important, purpose of business. Profit is the most important purpose to the business owners. But owners do not exist in a vacuum. I believe the best way to think about business is as an interdependent system of constituencies connected together in a "harmony of interests."

Is maximizing business profits a goal that customers have when they patronize a business? Are customers coming in thinking, "I'm so glad I'm in Whole Foods today because I want to help you maximize your profits"? What about the people who work for a business? "I took a job a Whole Foods because I was seeking to maximize the profits of the company." Or the community: "We're so glad you came to our community and we want you to maximize your profits." This is ludicrous, right?

Free-market economists, in their legitimate defense of the value of business profits, have often harmed the value of the larger brand of business in our society. These economists have not created a paradigm of business that will ever be fully accepted by society as "good." Business instead continues to play the role of the bad guy in our society. Selfishness, greed, worker exploitation, consumer ripoffs, and environmental destruction, all in the name of maximizing profits — this is the reality of the brand that business is burdened with in the world today.

I believe that business has a much greater purpose. Business, working through free markets, is possibly the greatest force for good on the planet today. When executed well, business increases prosperity, ends poverty, improves the quality of life, and promotes the health and longevity of the world population at an unprecedented rate. This audience understands these truths, but how many people in our greater society comprehend it? The freedom movement has also poorly defended the social legitimacy of both business and free markets. A new paradigm for business and the free market is necessary — one that accepts the importance of profits, of course, but also one that recognizes that business has legitimate social responsibilities that go far beyond merely maximizing profits.

How many people in the audience believe drugs should be legalized? What about pornography? How many of you believe that prostitution should be legal? I believe all three should be legalized — within certain parameters which protect children. Who among you believes that private ownership of guns should be made illegal? I certainly don't. Gun ownership is protected by the 2nd Amendment of the Constitution. It is an important right.

I believe, however, that all four of these issues are far less critical for improving our society than creating educational choice, privatizing Social Security, deregulating health care, and enacting meaningful tort reform. The legalization of drugs, pornography, prostitution, and guns, as issues, are all too closely associated with the freedom movement. Aligning ourselves with these issues has hurt our brand tremendously, by associating the freedom movement with cultural decadence. Parents don't want their children's lives ruined by drug experimentation, or their innocence prematurely lost to pornography and prostitution, or their lives ended with a bullet.

These four freedom issues need to be de-emphasized by the freedom movement if we hope to create a mass movement and continue to evolve our society in positive directions. How many of you believe that lessening the power of government over our lives is the most important goal of the freedom movement? I believe that the freedom movement's biggest mistake today is focusing primarily on freedom "from" government coercion as its primary goal. Obviously this is a very important goal, but I strongly believe it must be accompanied by an equally important goal: the freedom "to" take responsibility for our own lives; the freedom "to" take responsibility for our own communities and our planet.

Business is not a zero sum game with a winner and loser. It is a win, win, win, win game — and I really like that.

Freedom from government coercion is clearly a very, very important goal. But unless you live in a country like China, North Korea, Cuba, or Iran that lacks many personal liberties that we Westerners take largely for granted, freedom is not usually an important *goal*. American citizens mostly take their

liberties for granted. Unlike the people in this audience, most Americans forget that vigilance is the eternal price we have to pay for protecting liberties.

Once we are free, or relatively free, to live our lives in the manner we choose, we must answer the question, "How then shall we actually live our lives?" Will we live our lives as hedonists, indulging ourselves with various amusements, diversions, and pleasures? Or will we choose the more difficult path of personal development and acceptance of social responsibility?

The freedom movement needs to reposition itself and rebrand itself. *Personal freedom* may be the first goal we work towards — but we can't stop there; it isn't enough. There is so much more to life. Using our freedom to take on greater social responsibility, as well as striving to reach our fullest potential as humans, needs to be a goal we support just as much as freedom from government coercion.

When I was a naive (some people in the audience by this time probably think I'm still naive) and idealistic young man, I migrated to the Left for my value system. Why did I do that? Because the Left provided an idealistic vision of the way the world could be. However, the reality of the Left's vision proved to be terribly flawed. Its socialist economic system not only didn't work very well, but in its communist manifestation it justified monstrous governments directly responsible for the murders of over 100 million people in the 20th century. Despite the horrible track record of leftist ideology, millions of young Americans continue to migrate to an intellectually bankrupt Left because the Left still seems to be idealistic, and idealism is magnetic to the young. Idealism will always be magnetic to the intelligent and sensitive young people of the world.

How sad that the freedom movement often refuses to be idealistic. We usually don't even attempt to compete. We simply forfeit the field to the Left because we pride ourselves on our "realism" and "tough-mindedness." We talk about freedom and prosperity — and that is about it. We have no real theory of either the good life or the good society except the fundamental belief that if people have sufficient personal and economic liberties (as in Friedrich Hayek's spontaneous order) we will create a prosperous society.

If we are to win the allegiance of the young people of America, we must create a vision of the good life and the good society that is irresistible to them.

Freedom and prosperity are important goals, but they must be only the *beginning goals* for us. If we are to win the allegiance of the young people of America then we must dare to be more idealistic. We must create a vision of the good life and the good society that is irresistible to the young.

How many of you are familiar with Abraham Maslow's "Hierarchy of Needs"? For those of you who aren't, Maslow was a psychologist who did most of his work in 1950s and '60s. His theory is that we can understand human motivations with a simple model. There are various "need" levels and they arrange themselves basically in a hierarchy. At the bottom of the hierarchy are the physical needs, such as food, water, sex. Once those needs are relatively well met, you move up to the next level in the hierarchy: safety needs, such as security and physiological safety, take precedence. Next you move into needs for love and community: affiliation, acceptance, affection, community, and family. Once those needs are met, you tend to move to self-esteem needs: feeling competent, gaining approval and recognition from others, and garnering a sense that you are a worthwhile human being. The next level would be the attainment of aesthetic and cognitive needs which can be summarized as the pursuit of the good, the true, and the beautiful.

The freedom movement must advocate the ideal of self-responsibility for health. We own our own bodies, don't we? This is no minor thing.

Finally at the top of this hierarchy is self-actualization (and the Army's advertising firm must have read Maslow): "Be all you can be." This means reaching your fullest potential as a human being. I believe that one of life's purposes is fundamentally to learn and grow. If we move up Maslow's hierarchy and don't stagnate at lower levels, life becomes an adventure of learning, growing, loving, and rejoicing. If we are not growing as human beings, then we are diminishing.

The freedom movement, in my opinion, needs to embrace the ideal, not just of economic growth, but also of personal growth. If we use Maslow's hierarchy of needs as our criterion for evaluating the freedom movement, we see that it is primarily focused on the lower need levels: meeting the physical needs and safety needs through increased prosperity. To be perfectly blunt about it: the freedom movement is largely materialistic in its approach to life, stuck in the lower levels of Maslow's hierarchy. The higher need levels — love, self-esteem, the good, the true and the beautiful, and self-actualization — are either taken for granted or simply ignored.

Study after study shows that material prosperity, by itself, does not create happiness. We have higher needs, as expressed in Maslow's hierarchy, and the freedom movement *needs* to stop ignoring them. The freedom movement needs to consciously create a vision that addresses meeting the higher needs of Americans, beyond basic physical and safety needs.

That is the secret of the success of the Left, despite its bankrupt economic philosophy. The Left entices the young with promises of community, love, purpose, peace, health, compassion, caring, and environmental sustainability. The Left's vision of how to meet these higher needs in people is fundamentally flawed. But the idealism and the call to the higher need levels is magnetic and seductive, nonetheless. The irony of the situation, as I see it, is that the Left has idealistic visions of higher human potential and social responsibility but has no effective strategies to realize its vision. The freedom movement has strategies that could meet higher human potential and social responsibility but lacks the idealism and vision to implement these strategies. I assert that the freedom move-

ment can become a successful mass movement today if it will consciously adopt a more idealistic approach to its marketing, branding, and overall vision, and embrace a vision of meeting higher human potentials and greater social responsibility.

Now let us discuss some of the ideals and goals that I think we should embrace as a movement. Who among you believes that socialized medicine is the answer to the health care crisis in America? The Left believes this is the answer: equal access to the health care system for all Americans — no one denied for financial reasons, in a single-payer system. Socialized health care seems very idealistic, and as such, appeals to many people. However, as Milton Friedman taught us, there is no such thing as a free lunch — in health care or anywhere else. We know the single-payer system means health care rationing through queuing up in long lines for expensive treatments and denial of some services to many of the elderly as too expensive. We know that uncaring government bureaucrats will run a single-payer system and, without the discipline of competitive markets, won't provide quality customer and patient service. We know that health care innovation and progress will slow down tremendously, because much less money will be dedicated to medical research, since such research is long-term by nature and easily sacrificed to current budget limitations.

The United States continues its steady movement toward socialized health care partly because the freedom movement has not articulated an idealistic vision of what would be possible if we deregulated health care. We have fought a strictly defensive battle on this issue, and that strategy needs to change.

First of all, health is not merely the absence of disease. It is vitality and a sense of well-being. Health is partly about eating a healthy diet. Regular daily exercise and minimizing the poisons we take into our bodies, such as sugar, alcohol, nicotine, and caffeine, are also very important. Health is about getting adequate sleep, and also about having a sense of personal life purpose and maintaining an optimistic and positive attitude. Most importantly, our health and well-being are our own responsibilities. Our doctors cannot assume these responsibilities. Nor can the bureaucratic "experts" controlling a health care system.

The freedom movement must first advocate the ideal of self-responsibility for health. We own our own bodies, don't we? This is no minor thing, because the Left, by supporting socialized medicine, demonstrates a belief that common citizens are too stupid to take responsibility for our own health and therefore need the "experts" to step in and control things for our own good.

Next, we must advocate the ideal of free markets and competition in health care. The monopoly that medical doctors largely have in medical treatment must be broken. They should have to compete fully with other practitioners, such as chiropractors, acupuncturists, naturopaths — and yes, my skeptical friend, John Stossel, even homeopaths. Competition is beneficial in every market and it will be so in the health and wellness market as well. Doctors don't compete on quality or price right now. They don't post their prices, and it is almost impossible to get any real idea of the quality of their services except through trial and error. We don't currently have an efficient, competitive market in health care.

The final thing we must do in health care is to change the tax structure. Eliminating tax incentives for health care would change everything. Most companies (like Whole Foods) would stop offering free or subsidized health insurance if the benefit wasn't tax-deductible. Individuals would no longer receive "free" health care and would start spending their own money. The power of the markets would increase both the efficiency and effectiveness of our health care system enormously.

Try to imagine, for just a minute, how much we could improve the health of Americans if we embraced the ideals that I have outlined here: self-responsibility, competition, deregulation, and tax incentives. Let markets truly work in health care and I have little doubt that the health of Americans would improve immensely. I predict that we would see an increase in longevity to nearly 100 years within just a few decades — true freedom and innovation. Are good health and increased longevity worthy ideals for our movement to embrace? I think they are!

Peace. Why should the Left own the peace ideal? Why should the idealistic young turn to the Left to find peace? Global peace is within our reach for the first time in history. Let me quote from Johan Norberg's wonderful book, "In Defense of Global Capitalism":

> The number of wars has diminished by half during the last decade. Today, less than 1% of the world's population is directly affected by military conflicts. One reason is that democracies simply do not make war on each other. Another is that international exchange makes conflict less interesting. Cross ownership, multi-national corporations, and investment in privately owned resources make it hard to tell where one country really ends and another one begins.

Despite the war in Iraq, which looms large in our minds, the truth is that wars in the world are actually in decline. The majority of the world's nations are now committed to democratic governments and market economies. As this global network strengthens, peace will increasingly become the world norm.

The freedom movement should own the peace ideal; we do not own it now. Let us retrieve the peace ideal, because we know the truth: democracy + free markets = peace between nations who share these social, economic, and governmental structures.

Who in this room believes the United States has an excellent kindergarten through twelfth grade educational system? Who here believes that the way to improve education in the United States is to increase bureaucratic control by the government? Socialism doesn't work. This was proven beyond a doubt in the 20th century. Nation after nation tried to replace capitalism with socialism and without exception their efforts to improve the quality of their citizens' lives failed.

What would happen with true competition in school choice, with students and parents becoming truly empowered consumers instead of virtual prisoners and slaves? We would have an explosion in educational innovation.

Most Americans know that socialism doesn't work as an economic system. We allow competitive markets to produce our food, our housing, our clothing, our transportation, and most of the goods and services that we consume. Why then do so many people embrace socialism in health care and education? Because we have not created an idealistic vision of the way things could be if they were grounded in freedom instead of governmental control. What is the alternative to socialism in education? The free-market alternative is competition, innovation, and choice. The monopoly of the government over education needs to end. The domination of our children's education by the teachers' unions needs to stop.

What other reforms are needed? The following reforms are old news to people in the freedom movement: school choice through vouchers and tax credits, along with privatizing public schools and selling off their assets to the private sector. What would happen with true competition in school choice, with students and parents becoming truly empowered consumers instead of virtual prisoners and slaves, as they are in the socialized system that exists today? We would have an explosion in educational innovation, and unprecedented improvements as competition and choice systematically eliminated poor teachers and poor schools. In the marketplace, a series of successful educational organizations would grow and spread throughout the nation. We would see incredible diversity in types of schools and styles of education meeting the diverse needs and desires of students and parents, instead of the dictates of the educational bureaucracy and teachers' unions.

Educational empowerment is a noble ideal and one that I believe mainstream Americans will embrace, once parents understand how their own children will be the true beneficiaries of these reforms. Where the freedom movement has failed is in creating and articulating a vision to promote this ideal. We're too afraid to be seen as utopian or near-utopian in our thinking. There is so much cynicism in response. You have all heard "it's not realistic," and "it's a fantasy, you've got to be realistic." But for people to give up ideals like socialized education and medicine — equal access to schools and health care for everyone regardless of income — they need to believe the replacements are going to be substantial improvements. The way to lead them to support change is to create an idealistic vision of what is possible. Next, you need to evangelize this vision to create a sense of excitement. Then they will agree to travel down that road with you to create the necessary changes. If there is no exciting, idealistic vision of what is possible, most people won't bother to join the struggle. Life is simply too short and most people have better things to do.

"In other news, a Kurdish group today announced plans to send humanitarian aid to U.S. taxpayers. . . ."

Who among you has read Bjørn Lomborg's book, "The Skeptical Environmentalist"? I cannot recommend this great book to you more highly. It convincingly demonstrates that the doom-and-gloom, apocalyptic crowd has greatly exaggerated the decline of the global environment in many important areas such as air and water quality and the decline in natural resources. With that qualifier said, I still believe the freedom movement has erred strategically by letting the Left own the ideal of environmental sustainability.

The freedom movement must embrace the ideals of love, caring, and compassion, and return these words to their true meanings.

The ideal of environomental sustainability is certainly going to grow in importance over the next several years. It isn't going to fade away. I personally think it is the Achilles heel of the freedom movement, and until it is proactively embraced as an important ideal by members of the freedom movement, the movement will become less and less relevant to the idealistic young in American society.

My company currently employs over 39,000 people. I estimate that nearly 100% of them care greatly about environmental sustainability. I know that I personally do. At Whole Foods, Team Members drift to the Left primarily because of the environmental issues.

Maintaining environmental sustainability is in the collective best interest of everyone. No one will argue that premise. The real question is, "What are the best ways to do it?" What are the trade-offs we need to make? When the freedom movement ignores the issue of environmental sustainability, the Left will dominate the discussion of the issues. Remember that the Left's goal remains either to cripple or to destroy capitalism. The freedom movement must embrace the ideal of environmental sustainability but must bring to the debate its commitment to property rights, markets, and proper incentives to effectively resist the inevitable leftist arguments for more bureaucratic controls and regulations.

Why should the Left own the ideals (and it *does* own them right now) of love, caring, and compassion — especially with its track record? How can a movement that in its extreme form is responsible for the murders of more than 100 million people, slaughtered in the name of its ideals, own those three words? What the Left has done is create a world of victims and a cult of victimology. Then the Left accuses everyone who disagrees with it of lacking love, caring, and compassion. What a bunch of baloney! The freedom movement must embrace the ideals of love, caring, and compassion, and return these words to their true meanings. Love, caring, and compassion do not equate to guilt, and they do not mean pandering to the demands of the various victims of the world. Spreading freedom through the world is the most loving, caring, and compassionate thing we can do for people. True freedom allows people to

continued on page 27

They're *Still* Coming for Your Land

by Timothy Sandefur

When it ruled on eminent domain, the Supreme Court sparked a people's rebellion in favor of property rights. But the revolution is not going well.

Last summer, when the Supreme Court declared in *Kelo* v. *New London* that states may condemn private property and transfer it to developers and businesses for "economic development" projects, the nation reacted with outrage. The House of Representatives overwhelmingly denounced the decision, and immediately began considering ways to forbid local governments from paying for such projects with federal dollars. Meanwhile, state officials picked up on the Supreme Court's statement that "nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power," and 38 of the states began drafting such restrictions. Columnists and bloggers began talking of a "*Kelo* backlash."

Today, eight states have enacted new laws in response to the *Kelo* decision. But despite the optimism that the "backlash" has generated among defenders of property rights, few of these laws provide meaningful protection for property owners. In fact, with the exception of South Dakota's new law, bills in Pennsylvania, Indiana, and Michigan — which have not yet been enacted — and part of an otherwise illusory reform law passed in Texas, these measures are major disappointments to property rights defenders. In some cases, such as that of Ohio, the reforms are outright frauds. These laws offer important lessons for what other states ought to avoid if they want to provide meaningful protection from eminent domain abuse.

Alabama

Alabama became the first state to respond to *Kelo* when it passed a law during a special legislative session only two months after the decision was announced. S.B. 68A, which was signed by Governor Bob Riley on August 3, prohibited the use of eminent domain "for the purposes of private retail, office, commercial, industrial, or residential development; or primarily for enhancement of tax revenue; or for transfer to a person, nongovernmental entity, public-private partnership, corporation, or other business entity." Had this been the entire text of the bill, S.B. 68A would have meant significant protection for the property rights of Alabamans. Since at least the 1950s, the state's courts have upheld the kind of economic development projects that *Kelo* permitted. Alabama law allows local governments to condemn property for "urban renewal" or "redevelopment," each of which is described in a separate chapter of the state code.

Chapter 2, which covers redevelopment, explains that government may seize private property when it is in a "blighted area," which is defined as an area with buildings that suffer from "dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors." Once such property is seized, it can be sold or leased to a private company to build a store or a hotel or whatever project bureaucrats believe necessary to improve the economy. More, Chapter 2 allows officials to seize property to *prevent* blight, even if the blight has not yet occurred.

And the state supreme court has allowed seizures of nonblighted property if it is near property that is blighted: "the mere fact that some of the buildings in the area are standard

and substantial," the court has declared, "does not require that they be omitted from the operation of the project." Urban renewal is covered under Chapter 3, which allows bureaucrats to write an "urban renewal plan" and implement it by seizing property in the neighborhood. Like the redevelopment chapter, the urban renewal chapter lets the government condemn non-blighted, commercially viable property, if it stands in the way of a new shopping center, hotel, or restaurant.

The city was so enthusiastic for the condominium project that it defined "blight" as including any home that lacked a two-car garage or central air conditioning.

S.B. 68A does not alter these chapters in any way. In fact, immediately after prohibiting condemnations for purposes of economic development, the bill adds this sentence: "Provided, however, the provisions of this subsection shall not apply to the use of eminent domain by any municipality, housing authority, or other public entity based upon a finding of blight in an area covered by any redevelopment plan or urban renewal plan pursuant to Chapters 2 and 3 . . ." Thus economic development condemnations can continue in Alabama, so long as local officials first declare that their seizures of homes and businesses are necessary to alleviate "deleterious land use or obsolete layout" or other barriers to economic performance. Given the malleable definition of "blight" in Alabama law, it is not difficult for bureaucrats to target property by declaring it blighted before deciding to condemn it. When signing S.B. 68A, Governor Riley applauded himself for "leading" a "property rights revolt" that he claimed was "sweeping the nation." But S.B. 68A provides virtually no protection for the owners of homes and businesses in Alabama.

Texas

The same problem dogs Texas' S.B. 7B, which was signed into law on September 1. Like the Alabama measure, S.B. 7B prohibits any condemnation which "confers a private benefit on a particular private party through the use of the property" or which "is for a public use that is merely a pretext to confer a private benefit on a particular private party." While these prohibitions are laudable, they do not change the law in any way. *Kelo* itself declared that local governments are "forbidden from taking . . . land for the purpose of conferring a private benefit on a particular private party . . . [or from taking] property under the mere pretext of a public purpose, when its actual purpose was to bestow a private benefit."

What makes *Kelo* such a threat to property owners is not that it allowed condemnations for purely private benefits, but that it declared that condemnations which "create jobs" or "improve the economy," or even just raise tax revenue, *don't qualify as private benefits.* By expanding the definition of "public" to include the economic consequences of private transfers of land, the *Kelo* decision makes it virtually impossible for a court to recognize that a condemnation is really a private redistribution of wealth. *Kelo* does not allow private takings; it just allows virtually any taking to qualify as public. Thus, the first two prohibitions in the Texas statute do nothing to change the current law.

The third prohibition is also an illusion. Like the Alabama measure, S.B. 7B grants government a loophole that undoes most of the protection that legislators promised to provide: bureaucrats may not condemn property "for economic development purposes," the bill declares, "unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under . . . Chapter 373 or 374, Local Government Code."

These two chapters of the Local Government Code cover "community development" and "urban renewal," respectively, and they are unusually explicit in acknowledging the use of eminent domain to give property to private businesses.

Chapter 373 allows government to condemn property if it is "blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth"; if it "is appropriate for . . . the beautification of urban land"; "for the provision of recreational opportunities or the guidance of urban development"; or if the property "is to be used for . . . other improvements eligible for assistance under this chapter or is to be used for other public purposes." The law allows government to condemn property for the purpose of "assistance in and financing of . . . private acquisition of those properties for rehabilitation," and for "disposition, by sale, lease, donation, or otherwise, of real property acquired under this chapter." And it authorizes officials to use seized property for "activities that are conducted by . . . private entities if the activities are necessary or appropriate to meet the needs and objectives of the community development plan."

Chapter 374 allows government to seize homes or businesses and to give, lease, or sell the property to private entities to use for their own profit. It allows for the "public acquisition of real property" so as to "prevent the spread of" blight and for "the disposition of property acquired in affected areas and incidental to the purposes stated by this subsection," and it reiterates that "private enterprise [should] be encouraged to participate in accomplishing the objectives of urban renewal to the extent of its capacity and with governmental assistance as provided by this chapter" — a clear invitation to companies to join with government agencies in employing eminent domain for "economic development" projects. As if this weren't clear enough, the law goes on to permit "the disposition by the municipality of property [that has been condemned] . . . including the sale or initial lease of the property at its fair value." Both chapters are preserved unchanged under Texas'

Property rights, like other fundamental constitutional rights, are not supposed to be subject to political decisions in the first place.

eminent domain reform law.

Astonishingly, these loopholes were not enough for Texas legislators, who, at the last minute, amended S.B. 7B specifically to allow the Dallas Cowboys to continue seizing land to construct a football stadium.

There are some beneficial aspects to S.B. 7B. First, the law does limit economic development condemnations to two sections of the state's law. Before, there were a variety of other statutes giving officials the power to seize property; the new law closes off these additional sources of authority. But this protection is of little use, since virtually any property can still be condemned under Chapters 373 and 374.

Kelo does not allow private takings; it just allows virtually any taking to qualify as public.

Second, and more importantly, the new law clarifies that when the government decides to seize property, courts are allowed to review the decision independently. Although the courts have long claimed that power, in recent years they have adopted an increasingly deferential attitude toward local officials, declaring that condemnations will not be stopped except in extremely unusual circumstances. By creating more independence for the courts, S.B. 7B may possibly give property owners an opportunity to defend themselves in court. Still, that seems unlikely given the government's wide — and unchanged — power to use condemnation for "urban renewal" projects.

Wisconsin

Wisconsin's newly enacted A.B. 657 also provides weak protection for property owners. Although purporting to restrict the definition of "blight," the bill simply declares that government can seize property that is "detrimental to the public health, safety, or welfare" due to "dilapidation, deterioration, age or obsolescence," "faulty lot layout in relation to size, adequacy, accessibility, or usefulness," or other conditions — in the opinion of bureaucrats, of course.

Delaware

Vastly different from the Alabama, Texas, and Wisconsin measures is Delaware's newly enacted S.B. 217. Whereas the other laws claim to limit the eminent domain power, the Delaware law merely requires officials to tell property owners what they plan to do with land once they seize it. Bureaucrats must "describe" the "public use" for which property is to be taken "at least 6 months in advance of the institution of condemnation proceedings." The bill puts no limits on what sorts of things government may do with seized property, and does not try to define "public use." It merely requires the government to announce its plans six months in advance.

The idea, presumably, is to allow potential victims of condemnation time to rally with their neighbors and picket city hall. This may be a helpful idea; in some recent cases, political activism has stopped impending condemnations. Most notably, voters in Lakewood, Ohio, narrowly defeated a project that would have seized a tidy middle-class neighborhood for a condominium project. The city was so enthusiastic for that project that it defined "blight" as including any home that lacked a two-car garage or central air conditioning. After being featured on CBS' "60 Minutes," the redevelopment plan was voted down in a referendum.

But while it's gratifying to see property owners keep their homes, the Lakewood incident is not a sign of political health. Property rights, like other fundamental constitutional rights, are not supposed to be subject to political decision in the first place. As Supreme Court Justice Robert Jackson once explained, "the very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's rights to . . . property . . . may not be submitted to vote; they depend on the outcome of no elections." Citizens should not be forced to organize and protest to keep their homes or businesses free from government seizure. If their ownership depends on the political power they can muster on election day, then they do not have property *rights* at all, but merely *permissions*, which can be revoked at any time.

Ohio

The prize for the worst response to *Kelo* goes to Ohio. One of the worst abusers of eminent domain in the nation, the state seized more than 90 properties for private development in just five years. Nor were bureaucrats deterred by the debacle in Lakewood. In a case now before the state supreme court, city officials condemned non-blighted property to transfer it to a private developer who had lobbied the city council repeatedly to transfer the land to him. The city's excuse was that the seizure was necessary to prevent "deterioration" in an otherwise average middle-class neighborhood.

In response to public outcry over *Kelo*, Ohio lawmakers enacted S.B. 167, a bill which puts a one-year moratorium on certain condemnations. During this hiatus, a 25-member task force will write a report on the use of eminent domain. The legislature is not required to act on the report in any way, and the task force has been carefully designed to include several reliable advocates of redevelopment. Once the year is over, the government can return to its former practice without delay. What's more, the moratorium does not apply at all to property that has already been declared blighted. As the Cincinnati Enquirer noted, the moratorium "is expected to have minimal impact on development projects in Greater Cincinnati."

"Hello. I'm from the Galactic Bureau of Revenue, and your whole *planet* is delinquent!"

Perhaps it is no surprise that a state which regularly uses eminent domain for redevelopment projects would do nothing more than declare a one-year "time-out" — and not even apply that delay to most major condemnation projects in the state.

What Other States Should Avoid

If nothing else, the five laws I've reviewed are important examples of what property rights advocates must avoid if they are to accomplish meaningful eminent domain reform. In particular, reformers must avoid the temptation to allow government to continue engaging in economic development of "blighted" property.

Economic blight can be solved in far less intrusive ways — through tax cuts, better enforcement of property rights, and project plans that respect the rights of owners. Seattle recently completed a successful redevelopment project that involved no seizures of property, and there is no reason why this project could not serve as a model for other cities. If government does use eminent domain to combat "blight," however, then property owners must insist on a clear and narrow definition of that term, to ensure that cities are not allowed to continue condemning property virtually at will.

So far, only three states have enacted genuine protection for private property in response to *Kelo:* South Dakota, Indiana, and Georgia.

South Dakota

On Feb. 27, 2006, Gov. Mike Rounds signed H.B. 1080, which declares, in its entirety,

> Section 1. No county, municipality, or housing and redevelopment commission, as provided for in chapter 11-7, may acquire private property by use of eminent domain:
> (1) For transfer to any private person, nongovernmental entity, or other public-private business entity; or
> (2) Primarily for enhancement of tax revenue.
> Section 2. No county, municipality, or housing and redevelopment commission, as provided for in chapter 11-7, may transfer any fee interest in property acquired by the use or threat of eminent domain within seven years of acquisition to any private person, nongovernmental entity, or public-private business entity without first offering to sell such fee interest back to the person who originally owned the property, or such person's heirs or assigns, at current fair market value, whether the property has been improved or has remained unimproved during the interval, or at the original transfer value, whichever is less.

Unlike its predecessors, this law contains no exceptions allowing the condemnation of "blighted" property, or other similar loopholes. The law reflects South Dakota's tradition of respecting property rights; the state has no record of abusing eminent domain.

Indiana

Indiana has also enacted a powerful new law which restricts the use of eminent domain for redevelopment projects. H.B. 1010, signed on March 24, defines the term "public use" as "possession, occupation, and enjoyment of a parcel of real property by the general public or a public agency for the purpose of providing the general public with fundamental services, including the construction, maintenance, and reconstruction of highways, bridges, airports, ports," and other infrastructure. It also prohibits the use of eminent domain for "the public benefit of economic development, including an increase in a tax base, tax revenues, employment, or general economic health," and it carefully defines "blight" in a way that only allows the government to condemn property that is abandoned, vermin-infested, a fire-hazard, or in some similar way a danger to the community. It also guarantees attorneys fees for property owners who challenge condemnations, requiring the government to pay 125% of the value of seized property. The fact that Indiana has, in recent years, shown an increasing willingness to abuse its eminent domain powers makes H.B. 1010 the most significant advance for property rights since the *Kelo* decision.

Perhaps it is no surprise that a state which regularly uses eminent domain for redevelopment projects would do nothing more than declare a one-year "time-out."

Georgia

Georgia's H.B. 1313, signed into law on April 4, also significantly limits the term "blight," allowing government to seize property only when it is "conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity," and specifically barring officials from declaring property blighted "because of esthetic conditions." Although the new law still allows government too much leeway in condemning blighted property, the new protections ensure that Georgians will face far less danger from such condemnations than formerly.

Pennsylvania

An even more welcome change from the charlatanism of Alabama-style "reforms" is Pennsylvania's H.B. 2054 and S.B. 881. The Pennsylvania House and Senate bills — virtually identical measures that are now being worked into a single bill for the governor's signature — declare that property may not be taken for economic development at all. They allow condemnations for purposes of eradicating blight, but they define "blight" as actual dangers to public health and safety: for instance, "a structure which is a fire hazard or is otherwise dangerous to the safety of persons or property," or a vacant lot in a residential neighborhood which "by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin." In addition, the bills place a ten-year limit on the lifespan of any declaration of blight. This is a welcome improvement, given that current law allows cities to condemn property at any time after it has declared an area blighted, even when market forces have improved the neighborhood in the interim.

Michigan

Finally, the Michigan legislature has agreed to put before the voters an amendment to the state constitution that would prohibit "the taking of private property for transfer to a pri-

vate entity for the purpose of economic development or enhancement of tax revenues." More: the amendment would require the state to pay 125% of fair market value whenever it seizes a private residence. The proposal — called Senate Joint Resolution E — is the first proposed state constitutional amendment to reach the ballot box, making Michigan the leader of eminent domain reform in the nation. After all, it was Michigan's Supreme Court that prohibited redevelopment condemnations only months before the *Kelo* decision was announced. "If one's ownership of private property is forever subject to the government's determination that another private party would put one's land to better use," the court explained, "then the ownership of real property is perpetually threatened by the expansion plans of any large discount retailer, 'megastore,' or the like."

But it remains to be seen whether the Pennsylvania or Michigan bills will become law. On March 8, New Mexico Governor Bill Richardson vetoed H.B. 746, which had passed both houses of the state legislature by unanimous votes. The bill declared simply that "The state or a local public body shall not condemn private property if the taking is to promote private or commercial development and title to the property is transferred to another private entity within five years following condemnation of the property."

Richardson insisted, despite his veto, that he "take[s] a backseat to no one when it comes to protecting private property rights," and he promised to appoint a committee to examine the issue. But he complained that the bill would "stop public projects that encourage environmental conservation, mass transportation and smart urban development, simply because private entities play a role in the project." Nevertheless, the bill would not have restricted the state from condemning dangerous property. It would not have affected traditional public projects such as highway construction in any way. And nothing about environmental conservation requires the government to transfer title to property from one private owner to another.

Richardson's claims that conservation and transportation projects would have been obstructed by the bill were disingenuous. His reference to "smart urban development" reveals his real concerns. Contrary to his claims, his veto was simply an endorsement of *Kelo*-style takings.

One reason for the slow pace of reform so far has been that most state legislatures went out of session shortly after the *Kelo* decision was announced, and only returned with the new year. As lawmakers reconvene, there is hope that more meaningful reform, on the Indiana or Pennsylvania models, will soon follow. But if private property rights are to receive serious protection from the government, citizens will need to watch carefully that their representatives do not follow the lead of Alabama, Texas, Wisconsin, Delaware, and Ohio. Otherwise they will find that both their property rights and their faith in representative democracy are delusions. ❑

Texas legislators, at the last minute, amended the law specifically to allow the Dallas Cowboys to continue seizing land to construct a football stadium.

Winning the Battle for Freedom and Prosperity, *from page 22*

create prosperity and gives them the opportunity to move up Maslow's hierarchy of needs towards self-actualization. True freedom gives us the opportunity to take social responsibility and to work towards making the world a better place.

The freedom movement needs to support economic globalization. Globalization is the most caring and compassionate strategy we can implement to help the developing world lift itself out of poverty. This is the simple truth. But how many people understand this truth? The Left has convinced the idealistic young that globalization is harming the developing world — that it is a plot by greedy corporations to rule the world. The freedom movement has a responsibility to explain the wisdom of globalization and to hold it up as a noble ideal.

I began my talk tonight by telling you that I spent my late teens and early twenties searching for the meaning and purpose of my life. My strategy was really a very simple one: I decided to follow my heart wherever it took me. My heart has led me to distant places and to great worldly success. What I have learned on this journey is that in the core of my inner being there is endless creativity and there is limitless love. I believe if each of you look deep within your own inner being, you will likely also discover these two passions within yourself.

It is my belief that we should act in this world with open loving hearts, and that we need to channel our deepest creative impulses in a loving way toward other living beings. Do we really want to win the battle for freedom and prosperity in the world today? If we do, then let us bind these words together, as tightly as we can, with the words love, care, and compassion.

Freedom belongs with love. Prosperity belongs with compassion. This is the vision I hold for the future; this is the world I strive to create. I urge you to join me. Together we can create a world where people have lives full of purpose, love, adventure, a world of freedom, prosperity, and compassion.

Now, I have a brief commercial. Along with a few friends, I am starting a new initiative within the freedom movement. We call this initiative "FLOW", for Freedom Lights Our World. What we envision will bring into the freedom movement the idealistic young that are being lost systematically to the Left. Many of the ideas I've talked about tonight are core concepts of FLOW. If you're interested in learning a little more about FLOW, visit our web site: www.flowproject.org.

I am going to end with a quotation from Goethe. This sentiment should be memorized by every aspiring entrepreneur in the audience:

> Whatever you can do, or dream you can, begin it.
> Boldness has genius, power and magic. ❑

Centennial of an Unnatural Disaster

by Dale Gieringer

In 1906, an innocuous law started us down the slope that led to the War on Drugs.

"Was the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now [i.e., under the established church]. Thus in France the emetic was once forbidden as a medicine, and the potatoe as an article of food."
— Thomas Jefferson
Notes on the State of Virginia, Query XVII[1]

This year is a noteworthy landmark in U.S. history: the centennial of the first federal drug control laws. Americans have long forgotten that for the first half of the nation's history there were no illegal drugs. In my own grandparents' time, Americans could obtain any drug at the pharmacy — including so-called narcotics such as opium, morphine, cocaine, and cannabis — without criminal sanction. This began to change a hundred years ago, just after the great San Francisco earthquake, when Congress effected a seismic change in U.S. drug policy by enacting the first federal laws aimed at restricting sales of dangerous drugs.

The most celebrated of these was the Pure Food and Drugs Act, enacted on June 30, 1906, which outlawed the manufacture and sale of adulterated, misbranded, poisonous, or "deleterious" foods and drugs. While generally well intended, the law incidentally gave unprecedented power to federal bureaucrats to decide what kinds of drugs consumers could purchase, a power that would soon be abused to prohibit consumer access to otherwise harmless and even beneficial products.

Less well known, but more drastic in its implications, was the District of Columbia Pharmacy and Poisons Act, aimed at prohibiting the sale of habit-forming drugs to drug fiends. Enacted a few weeks earlier, on May 7, 1906, the act prohibited the sale of habit-forming drugs such as opium, morphine, cocaine, and chloral hydrate* without a doctor's prescription. Although the act applied only to the District, it was conceived as a model bill for the states, since Congress was still widely held to lack constitutional power to regulate drug sales outside the District (a doctrine long since abandoned by the courts). The act was the first in a succession of antinarcotics laws that would ultimately culminate in the first comprehensive national narcotics prohibition law, the Harrison Act of 1914, which would be passed in the guise of a tax bill so as to pass constitutional muster.

The 1906 legislation marked a watershed in U.S. drug policy. Until the 20th century, the national drug market was governed by a laissez-faire policy. The prevailing philosophy was that buyers and sellers should be free to engage in trade, unfettered by government regulations. The basis for nonintervention was set forth by the great antiprohibitionist and classical liberal economist John Stuart Mill in his famous treatise, "On Liberty": "That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."[2] From this, Mill argued against limitations on free trade in alcohol and opium as unjustified infringements on the rights of the buyer, though not the seller.[3] By the late 19th century, a num-

*Chloral hydrate, a sedative that is still on the market, has long lost its status as a drug of abuse. This aptly illustrates the transitory, contingent status of drugs of abuse. Conversely, the DCPPA neglected to restrict heroin, which was originally sold as cough syrup, but is now illegal even in medical use.

ber of states and cities had begun to reject this philosophy by experimenting with local prohibition laws regarding smoking opium and cocaine as well as alcohol. Nonetheless, it was still widely held that this was a matter for local, not federal, government. These restraints were cast off by the 1906 legislation, which gave the federal government a dominant role in determining which drugs Americans could consume.

Americans have long forgotten that for the first half of the nation's history there were no illegal drugs.

The intent of the Pure Food and Drugs Act, to prevent the sale of adulterated, misbranded, and often fraudulent products, was basically sound. It passed on a wave of popular revulsion against widespread abuses in the patent medicine industry, stirred up by the journalist Samuel Hopkins Adams in his exposé "The Great American Fraud" in Colliers magazine.[4]

One of the act's central provisions was to require that medicines bear warning labels if they contained habit-forming drugs such as alcohol, opiates, cocaine, cannabis, or chloral hydrate (plus the now-forgotten alpha- and beta-eucaine, chloroform, and acetanilide). It further required that the quantities of these drugs be specified on the label. In essence, this was a "truth in labeling" policy, which, being informative, not prohibitive, was altogether consistent with the principles of J.S. Mill. Contemporary observers credited the act with a substantial decline in the use of patent medicines with dangerous intoxicants.[5]

However, the act had a dark side as well, as it put the power to make decisions about what drugs could be sold into the hands of a new federal regulatory agency — the Department of Agriculture's Bureau of Chemistry, the predecessor of today's FDA. In specific, the Bureau was empowered to remove products that it found to be "adulterated" with substances "deleterious" to human health, and to ban the importation of any drug deemed "dangerous to the health of the people of the United States." The definition of such terms inevitably involved subjective value judgments, which under the act would be determined by federal bureaucrats instead of individual consumers and producers in the market. The dangers of this arrangement were aptly pointed out by Sen. Nelson Aldrich (grandfather of Gov. Nelson Aldrich Rockefeller, the eponymous author of New York's punitive drug law), who warned that "the liberty of all the people of the United States" would be undermined by "chemists of the Agriculture Department" with an interest in regulation.[6]

No doubt Sen. Aldrich's remarks were aimed at the Bureau's crusading director, Harvey Washington Wiley, who had championed the new law. An aggressive proponent of regulation, Wiley was a forerunner of today's consumer protectionists, highly averse to chemical additives, inclined to exaggerating scientific evidence about their dangers, and prohibitionist with regards to many substances, including alcohol. Taking an aggressive interpretation of the act's provisions regarding "adulteration," Wiley sought to have several popular ingredients banned from the food supply, among them saccharin, sodium benzoate, and caffeine. His efforts eventually got him canned by President Theodore Roosevelt, who remarked, "Anybody who says saccharin is injurious to health is an idiot."[7]

However, Wiley was more successful with cocaine, which enjoyed popularity as an ingredient in several tonics and beverages but had recently come into disrepute. Cocaine is derived from the coca leaf, used since time immemorial by South American Indians with no evident ill effects. It was first popularized in the form of relatively mild tonics such as the famous Vin Mariani — endorsed by Thomas Edison, Pope Leo XIII, and President McKinley — and the original Coca-Cola. Like the coca tea enjoyed in the Andes, these beverages contained low levels of cocaine, and produced no evident ill effects.

However, problems began to arise with the introduction of more potent cocaine in pure, powdered form following the announcement of its remarkable pharmaceutical properties by Carl Koller in 1884. A brief flurry of medical enthusiasm was soon dampened by disturbing reports of addiction, as previously normal patients became transformed into crazed "cocaine fiends." In the South, cocaine was blamed for inciting violent behavior in blacks. In the nation's capital, cocaine was seen as "one of the growing evils of the city among the lower classes," and became a motivating factor in the District Commissioners' push for the D.C. Pharmacy and Poisons Act.[8] By 1906, nearly half the states had laws prohibiting the sale of cocaine except on a doctor's prescription — essentially the model followed in the Harrison Act.

Although the Pure Food and Drugs Act was not *prima facie* a prohibition law, its provisions regarding food adulteration gave the Bureau leverage to intervene in the marketplace. In specific, the act defined adulterants to include any "deleterious ingredient" that might render the article "injurious to health."

Seizing on this provision, Wiley declared cocaine to be an "adulterant" and sued to have it removed from beverages. At no point did Wiley ever show that the low levels of cocaine in coca beverages were actually injurious to health. Indeed, coca beverages and leaf remain legal to this day in the Andean countries, where they are thought to help stave off fatigue, hunger, and diabetes. Nevertheless, Wiley succeeded in pressuring manufacturers to withdraw all cocaine from their beverages.

Although the Pure Food and Drugs Act applied only to D.C., it was conceived as a model bill for the states, since Congress was still widely held to lack constitutional power to regulate drug sales outside the District.

Ironically, that left only the more potent, addictive form of cocaine available on the market as a pharmaceutical drug. Although cocaine was ultimately restricted to prescription-only use under the Harrison Act, nothing could stop it from leaking

out into the nonmedical black market, eventually metastasizing into other countries and becoming one of the world's largest criminal enterprises. Wiley's ban on coca would eventually be incorporated into international law by the Single Convention Treaty (1961), at the insistence of U.S. drug bureaucrats. While criminalization of the coca trade has effectively "protected" American consumers from harmless coca beverages, it has left millions more exposed to illicit, high-potency cocaine. Meanwhile, it has inflamed a violent war in Latin America that has cost U.S. taxpayers billions of dollars, claimed thousands of casualties, and injected corruption, violence, gangsterism, and criminality into what was a peaceful and lawful business a century ago.

As time passed, the Pure Food and Drugs Act would be vastly expanded to encompass virtually every aspect of pharmaceutical choice. The FDA was given the power to decide what new drugs could be introduced by the 1938 Food, Drug and Cosmetic Act, which established the modern drug approval system. In time, the definition of new drugs would be stretched to include even familiar old ones like cannabis indica, known to medicine for centuries but presently banned as a presumably unsafe, unproven "new" product.

One consequence of the FDCA was to empower the FDA to enact a new labeling regulation making it illegal for prescription drugs to be sold over the counter, effectively repealing the right to self-medication. As a result, Americans are now substantially less free than their Mexican neighbors to purchase needed medicine.

Drug approval requirements were stiffened by the 1962 Amendments, which required that drugs be proven "effective" as well as safe. This greatly increased the time and cost of new drug development, depriving U.S. consumers of beneficial new medications that had already been approved in other countries, a phenomenon that became known as "drug lag." The FDA was also given sweeping powers to regulate unapproved, investigational drugs. By law, no such drug can be given to any human subject without prior FDA approval. Pursuant to these powers, the FDA has suppressed many drug studies entirely; patients with incurable diseases have been denied access to new, experimental treatments. Some have sought treatment abroad; others have broken the law to smuggle drugs back to the land of the free. Entering the 21st century, Americans are no more free to use unapproved medication than the colonists of Jefferson's day were to practice unestablished religion.

The "truth in labeling" policy, being informative, not prohibitive, was altogether consistent with the principles of J.S. Mill.

If the Pure Food and Drugs Act was the slippery slope to prohibition, the D.C. Pharmacy and Poisons Act was the step off the cliff. The DCPPA was explicitly intended to curb the "drug-habit evil" in the District by prohibiting the sale of narcotics without a prescription — a policy adopted by other antinarcotics laws of the era, including the Harrison Act. The DCPPA explicitly covered sales of opium, morphine, cocaine, and chloral hydrate. The act also prohibited physicians from prescribing narcotics to addicts, except for purposes of treating illness or curing addiction. This officially marked the abandonment of the 19th-century libertarian principles of John Stuart Mill and the embrace of 20th-century prohibitionism.

The DCPPA was the work of two rising forces in American politics: the waxing temperance movement, which would eventually succeed in imposing alcohol prohibition, and the turn-of-the-century progressive movement, which championed a more activist role for federal government in social regulation. The progressives were led by professional groups and incipient drug bureaucrats, with strong support from President Theodore Roosevelt.

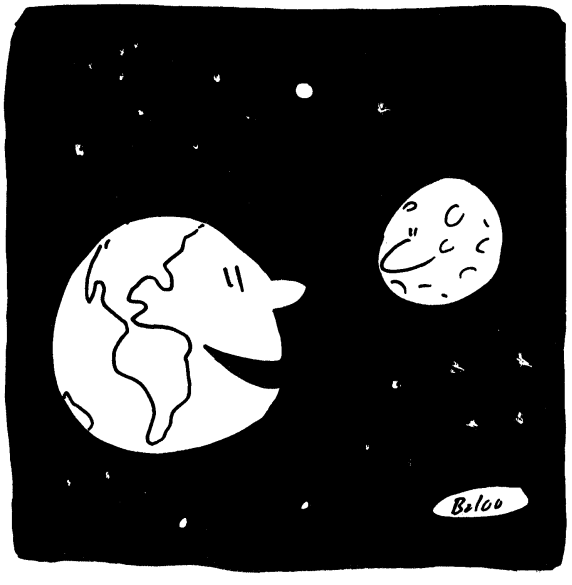

"I've felt a lot better ever since John D. Rockefeller started me on liposuction."

The moral groundwork for drug prohibition was laid by temperance groups such as the Women's Christian Temperance Union, which had been agitating against the use of intoxicants for a generation. While alcohol was far and away its leading concern, the WCTU also took an interest in narcotics, sponsoring an international petition against opium traffic and successfully lobbying for antinarcotics and antialcohol education in the schools.

Internationally, British opium traffic in China represented the Evil Empire for the antinarcotics crusade. As a result of its defeat in the Opium Wars, China had been forced to open its ports to free trade in opium from British-ruled India. In Britain, religious and moral reformers, predominantly from the Liberal party, formed the Society for Suppression of the Opium Trade in 1874.

For a generation, the society waged a futile fight against British imperial interests, which welcomed the revenues from the opium trade. The battle was joined by a network of Protestant missionaries in China and Asia, many of them Ameri-

can, who communicated through numerous publications and organizations. Among the most prominent were the Anti-Opium League, whose president, the Rev. Hampden Coit Du Bose, would be instrumental in drafting the Chinese Empress Dowager's 1906 edict prohibiting opium,[9] and the International Reform Bureau, founded by the Rev. Wilbur Crafts, which successfully lobbied Congress to pass the Gillett-Lodge Act (1902) prohibiting sales of firearms, liquor, and opium to aboriginal natives of the Pacific Islands.

In an era when opium was widely accepted as the most effective household analgesic (aspirin not being introduced until 1899, one year after heroin), the Chinese habit of smoking opium was looked down on as an alien and degrading vice. Chinese smoking opium was readily differentiable from household medical opium, since it was prepared in a different manner. It became the target of the very first local antidrug law in the United States, San Francisco's 1875 Opium Den Ordinance, which made it a misdemeanor to keep or frequent a den for the purpose of opium smoking. The San Francisco ordinance was passed at a time of intense anti-Chinese hysteria, and was quickly copied in other towns and states with Chinese settlements. By 1900, 22 states and territories had enacted statutes banning opium dens.[10] For the most part, these were not strictly speaking prohibition laws, since they did not actually ban the sale or use of opium, only the ownership of public premises for its consumption. The notable exception was Nevada, which in 1877 became the first state to enact a full-scale opium-control law, prohibiting its sale without a physician's prescription.

During the late 19th century, professional pharmacy and medical groups began to propose additional measures to address the proliferation of dangerous drugs. The period saw the development of newer, more potent agents such as morphine, cocaine, chloral hydrate, and heroin, along with better hypodermic syringes to deliver them. At the same time there grew a flourishing trade in patent medicines containing secret, often toxic ingredients. In this climate, poisonings, both accidental and malicious, became the leading drug problem of the day. (The Washington Post online archive lists 6,342 articles mentioning "poison" in the 30 years before 1907, versus 4,184 for all narcotics combined; from 1987 to the present, "poison" mentions total 6,725, versus 15,913 *for cocaine alone*.)

Wiley's efforts eventually got him canned by Theodore Roosevelt, who remarked, "Anybody who says saccharin is injurious to health is an idiot."

In response, states began to enact "poison laws" requiring warning labels and other precautions for listed poisons. Pharmacists, represented by influential lobbying organizations, promoted passage of these laws, which also conveniently restricted sales to licensed pharmacies.

Another important feature of the poison laws was the requirement that sales be recorded in a "poison register" listing the name of the purchaser, the name and quantity of the poison, and the purpose for which it was being used. The register was subject to inspection by the authorities. In addition to lethal agents like strychnine and arsenic, the listed poisons typically included narcotics such as opium, morphine, chloral hydrate, and cocaine, which were poisonous in overdose. In principle, the registration requirement was intended to discourage criminal misuse, not limit consumer choice. Hence poison laws were endorsed by John Stuart Mill himself as an appropriate precaution against accidents and criminal activity.[11]

The war on drugs began at the local level. State pharmacy boards pioneered the tactics of today's drug police state.

In practice, the poison laws had an incidental restraining effect on narcotics sales. This was partly due to the warning labels, which discouraged careless use. Yet even more significant may have been the "purpose of use" recorded in the register.

In general, the sale of drugs for nonmedical ("recreational") purposes was considered unethical by pharmacists, many of whom refused to sell cocaine or morphine to "fiends" lacking a doctor's prescription. In practice, fiends had to seek out the less scrupulous druggists and peddlers to supply their habits, creating what was described as a "shadow market" for recreational drugs.[12] In the District, the shadow market for cocaine was supplied by just four or five licensed pharmacies.[13]

More explicitly prohibitionist measures began to be proposed in the 1880s, when the modern phenomenon of the drug habit began to manifest itself. As medical science advanced, doctors became increasingly troubled by evidence of iatrogenic addiction resulting from overprescription of narcotic drugs. Just as troubling was the emergence of a new class of street addicts given to drug use without medical justification — a type characterized by ne'er do wells, criminals, gamblers, prostitutes, and other undesirables, plus the occasional gentleman addict.

In an era of growing temperance sentiment, such behavior faced increasing social hostility. In the late 1880s, a handful of venturesome localities attempted to tackle the problem by adopting pioneering narcotics prohibition laws similar to the D.C. Pharmacy Act. Among them was San Francisco, where the county medical society petitioned for narcotics legislation, deploring the "lamentable fact that opium smoking is becoming fearfully prevalent among certain classes of young men and women in our city."[14] In 1889, the city supervisors enacted a comprehensive ordinance forbidding the sale of morphine, opium, and cocaine except by a doctor's prescription. Ironically, for a city that would later become a Mecca for '60s drug culture, the ordinance also specifically disallowed prescriptions for the purpose of satisfying "curiosity or to experience any of the sensations produced thereby."[15]

The ordinance was naturally attractive to physicians, since it gave them a monopoly on the dispensation of narcotics. However, it was opposed by pharmacists, who objected, not unreasonably, to the "undue hardship" it would pose to "the

respectable portion of the community" in order to prevent "disreputable and criminal elements" from obtaining their drugs.[16]

With such opposition, enforcement of the ordinance proved spotty, and within a few years it was considered to be a dead letter. Comprehensive antinarcotics bills were also passed in Oregon (1887) and Montana (1889), two other states with a sizable Chinese opium-smoking minority, but these were the exceptions to the rule. Towards the end of the century, some states began to enact laws specifically against cocaine, beginning with Illinois and Colorado (1897). Still, at the national level, federal policy remained imperturbably laissez-faire, caveat emptor.

Cocaine was first popularized in the form of relatively mild tonics such as the famous Vin Mariani, endorsed by Thomas Edison, Pope Leo XIII, and President McKinley.

As the new century dawned, most Americans could legally obtain any drug with no more trouble than signing the poison register. Despite this, drug abuse was hardly a raging problem. By 1900, the use of opium had crested and begun to decline.[17] Newspapers of the day gave far more attention to alcohol and the growing temperance movement than to narcotics. As for drug crime, that pervasive scourge of modern civilization, it was virtually nonexistent in the absence of modern drug control laws (aside from the occasional opium den bust).[18] Despite their widespread availability, narcotics were such a minor issue in turn-of-the-century America that they rarely rate even a footnote in history texts.

Unlike alcohol prohibition, narcotics prohibition was not caused by any widespread public pressure or political campaign. Rather, it was the work of government insiders, led by progressive-era professional groups and anti-opium missionaries, with crucial support from President Theodore Roosevelt. The push for national drug legislation was consistent with the broader progressive agenda, which favored aggressive federal government action for social and moral betterment.

While progressives were united in supporting food and drug purity laws, they were divided on the moral question of alcohol prohibition. Many were drinkers themselves and did not regard moderate alcohol use as intrinsically evil. Though a fearless champion of progressivism, President Roosevelt was politically cautious on prohibition, distrusting temperance extremists, preferring to leave the matter to the states. Like many Americans, Roosevelt was familiar with social drinking and comfortable with moderate, responsible use. Narcotics were another matter, however; outside of the despised opium dens, social use of narcotics was unknown, and no respectable Americans would admit to their use except for medical purposes. Public opposition to narcotics controls was therefore nearly nonexistent, clearing the way for the prohibitionists.

It was foreign affairs that proved the crucial factor in winning Roosevelt's support for narcotics prohibition. Fittingly, the scales were tipped by events in the Philippines, which had been captured by the U.S. at Roosevelt's initiative when he was assistant secretary of the Navy during the Spanish-American War.

In acquiring the Philippines, the U.S. also acquired an opium problem. The islands' Chinese minority was given to the habit of smoking opium, as were Chinese settlements throughout the world. For many years, this population had been supplied through a state-licensed opium monopoly under the Spanish colonial government. Four years after taking over the Philippines, the American colonial government of William Howard Taft proposed reviving the monopoly, which had been an important source of taxes to the Spanish administration.

Taft's plan met fierce resistance from local missionaries, led by Manila's Episcopal bishop, Charles Brent, who protested sanctioning the opium evil. In May 1903, Brent collaborated with fellow Christian prohibitionists from the International Reform Bureau, headquartered in Washington, D.C., to deluge the White House with telegrams against the opium licensing plan. Impressed by this showing of moral outrage, Roosevelt ordered Taft to withdraw the plan, and a committee was appointed for further study. The committee, under Bishop Brent's direction, recommended a policy of "progressive prohibition," in which opium would initially be limited to confirmed addicts for three years, then banned entirely. On March 3, 1905, Congress passed a bill directing the Philippine government to "prohibit absolutely the importation or sale of opium" except for medical purposes by March 1, 1908. In this act, Congress first explicitly embraced a policy of narcotics prohibition.

Meanwhile, the pharmaceutical lobby had been brought around to the concept of prescription-only sales. In 1903, the American Pharmaceutical Association approved a model bill to ban nonmedical use of narcotics, including opiates, cocaine, and chloral hydrate. A revised version of the bill was adopted two years later by the National Wholesale Druggists Association, National Association of Retail Druggists, and the Proprietary Association of America.

In 1904, the first draft of the D.C. Pharmacy and Poisons Act was proposed to Congress. The bill encountered opposition in committee. Local druggists were of divided opinion. Some objected that self-destruction could not be stopped by law, and that mandatory prescriptions would pose an unfair burden on the poor. Others thought the law fully justified: "They can't make the law too stringent for me," one said. "It has been my rule since I went into business to refuse to sell morphine, cocaine or any of these drugs without a prescription."[19]

At no point did Wiley ever show that the low levels of cocaine in beverages like Coca-Cola were actually injurious to health.

The bill died because of opposition from patent medicine manufacturers, who objected that it would unduly restrict low-potency medicines with small amounts of opium. When the bill returned the next year, the patent medicine indus-

try dropped its opposition, having voluntarily lowered the potency of its products. The bill boasted support from the American Pharmaceutical Association, the National College of Pharmacy, the District Commissioners, and a conference of physicians and pharmacists.

There was no dispute about the basic intent or design of the bill. Advocates pointed out the need to restrict the cocaine habit. The sponsor, Rep. Joseph Babcock of Necedah, Wisc., invoked the ever-popular *argumentum ad infantes*, explaining, "I have come to my house, day and night, mothers, widows, and parents begging for some legislation that would prevent their children being able to buy cocaine. The cocaine habit has grown in Washington here in the last five years until it is a thousand times worse than the alcohol habit."[20] Rep. John Fitzgerald of Brooklyn expressed qualms that the bill's fees might not cover its enforcement costs. Rep. Thetus Sims of Tennessee pertly replied that if additional appropriations were required to "stop the wholesale poisoning and the making of lunatics and maniacs in this District," then so be it.[21] The bill passed with no discussion of whether its provisions might actually realize its goals, or whether there might be possible adverse effects from prohibition.

The Opium Den Ordinance in San Francisco was passed at a time of intense anti-Chinese hysteria, and was quickly copied in other towns and states with Chinese settlements.

The press did not mention the bill's passage. However, just two months later the Washington Post reported troubles enforcing the law:

"It has been a truism so trite as to be outlawed that prohibition never prohibits. . . . The same rule applies for the cocaine fiend. . . . [The laws] are broken continually in the city. In spite of the vigilance of the police, the dope fiends who have the requisite money can obtain supplies of the drug. Victims of this habit — among whom are frequently the panderers to the vice — are most secretive and cunning. No subterfuge is too base for either buyer or seller, nor is any trouble too great to take, provided it result in satisfaction to both sides, one getting the money and the other the poison. . . . The immoral women of the town, among whom the habit is strongly prevalent, are responsible for the distribution of much of the poison in the city. They make trips to Baltimore and Alexandria, and lay in a stock of poisons for themselves and their friends."[22]

Nonetheless, by this time the nation was firmly committed to a policy of drug prohibition. Other states quickly followed the District's example. By the time the Harrison Act was passed, more than 30 states had already enacted comprehensive antinarcotics laws.

Thus, the war on drugs began at the local level. State pharmacy boards pioneered the tactics of today's drug police state. Pharmacy boards sent out agents posing as addicts to try to wheedle drugs from unsuspecting pharmacists, then busted them, publicizing arrests in the local press. Drug agents swept down on Chinatowns, cleaning out the dens and burning their opium and paraphernalia in public bonfires.

While arrests soared, the problem persisted, leading authorities to seek further powers. Having first restricted only sales, legislators proceeded to outlaw possession as well. From that point on, America's drug users became a criminal class. Although it had initially been proposed that drug addicts be sent to state hospitals to be cured, funds for treatment languished, so addicts were sent to prison instead. As time progressed, penalties became increasingly harsher. While early laws made sales a misdemeanor, later laws would make mere possession a felony.

Under the Harrison Act, effective in 1915, narcotics prohibition became federal law. This was done by placing a tax on narcotics prescriptions, allowing the U.S. Treasury to regulate and restrict their use. Before long, federal courts and prisons were flooded with thousands of physicians, pharmacists, and addicts charged with illegal prescription, sale, and possession of narcotics.[23] As the government cracked down on the pharmaceutical companies that had traditionally supplied narcotics, the traffic was pushed into the hands of illicit black-market suppliers, creating an enormous and lucrative new field of criminal enterprise. The Harrison Act was eventually supplanted by more sweeping legislation that extended and strengthened federal power over drugs. Under the Controlled Substances Act, passed in 1970 and still in effect today, prohibition was expanded to countless more substances, to the point where even Indian hemp, a common crop at the turn of the century, is no longer legal for agriculture or medical use, state laws to the contrary.

The year 1906 proved fateful on the international front as well. In Britain, a landslide victory by the Liberal Party brought the anti-opiumists to power, ending the longstanding dominance of imperialist free traders. In July, the Chinese government, encouraged by U.S. missionaries, announced its intent to crack down on opium smoking, removing previous doubts about the commitment of the Chinese.

Roosevelt sensed the opportunity to improve U.S. relations with China, which had been badly frayed by American anti-immigration laws. At the urging of Bishop Brent, he proposed an international conference on the opium trade be held in Shanghai. In 1909, the Shanghai Commission issued recommendations aimed at suppressing the opium trade, while Congress passed the Opium Exclusion Act, prohibiting the importation of smoking opium altogether.

There followed another international conference at The Hague in 1912, which established the first multinational treaty

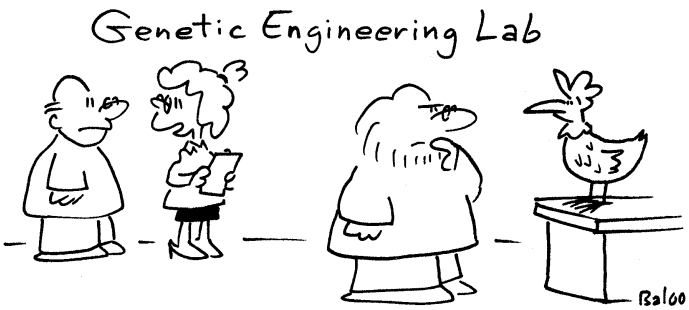

"He's trying to figure out how to install a snooze alarm."

to limit international trade in opium and cocaine. This became the first in a long line of treaties that eventually culminated in today's international drug prohibition scheme, set forth in the Single Convention Treaty of 1961 and its sequels. Pursuant to these treaties, the entire world now lives under a regime of global prohibition, not only of opium, morphine, and cocaine, but also of cannabis, coca leaves, and almost every other hallucinogenic or psychoactive substance of interest to human consciousness (except for alcohol, nicotine, and caffeine).

Looking back, the toll of the 1906 drug laws seems as fearsome as that of the great San Francisco earthquake itself. Over the past century, an entire criminal industry came to flourish; tens of millions were arrested for drug offenses; hundreds of billions of dollars were spent on drug enforcement; nearly half the U.S. population was implicated in drug crime; thousands were killed in drug war violence, and thousands more by overdoses from dangerous black market products.

But what about narcotics abuse — hasn't that abated?

The number of opium addicts in 1900 has been credibly estimated at around 200,000 to 400,000 — less than today's population of drug prisoners — or less than 0.5–1% of the adult population.[24] As of 2002, the number of Americans dependent on illicit drugs was estimated at 4,636,000, or over 1.5% of the population, according to the National Household Survey on Drug Use.[25]

To be fair, this figure is likely overstated because it includes cannabis, but the bottom line seems to be that the total drug addiction rate has been relatively stable at around 0.5–1% over the last century. What has not been stable is the rate of drug criminality. In 2004, some 1,740,570 Americans were arrested, and a half million imprisoned, for drug offenses that simply did not exist a century ago. In short, the drug laws have served as a giant crime-creation program, turning what had been addicts' private health problems into a major public crime problem, accounting for nearly one quarter of all criminal offenses.

As the 21st century begins, it is well to consider how to undo the damage of 1906. In retrospect, it is hard to escape the conclusion that the 19th-century system — a free market supervised by labeling and registration under the poison laws — worked better than ours. A strong case can be made for ending the prohibition of nonmedical use of drugs and allowing their sale in pharmacies with appropriate informed consent. Before this can happen, however, Americans need to recognize the historical failure of prohibition, to understand that the best protection from dangerous drugs comes from their own personal responsibility, and to once again assert the right to freedom of choice in medication they had in the days of Jefferson and Mill. ❑

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The Notion that Caused the Great Depression

by Richard H. Timberlake

Protecting the economy from the dangers of "speculation" seemed like a good idea at the time.

The Great Depression, 1929–1941, was two distinct periods in U.S. economic history. First came the Great Contraction, 1929–1933, during which prices fell 8% per year, the stock market crashed — declining much more than prices, the economy's stock of money fell 25%, real national income fell 30%, unemployment increased to a high of 25% of the work force, and business confidence fell to almost zero. No one knew what had happened, but everyone had a "theory" and a scapegoat.

Most people today think, as most thought then, that some kind of fatal and untreatable weakness in the private enterprise market economy suddenly manifested itself and had to run its course. Their key indicator is the horrendous decline in the stock market, an indicator that is right out in plain sight for every layman to analyze.

Since most of the collapse in the economy occurred during the administration of President Herbert Hoover, his administration and the Republican Congresses of that period have received everlasting popular condemnation for the debacle. While the policies of Hoover and his administration certainly did not help matters, neither did they have anything to do with the fundamental cause of the collapse, or its persistence.

The ensuing Great Depression, 1933–1941, coincided with the election and administration of Franklin Delano Roosevelt. Since the economy was already bottoming out when he took office in 1933, FDR's subsequent policies could not have caused the Great Contraction either.

The fundamental cause of the Great Contraction, the only event I discuss here, was the evolving monetary policy of the Federal Reserve Board and Federal Reserve Banks. Most interestingly, it was One Big Idea — a dogmatic belief guiding Fed policymakers — that caused the economic downturn in 1929, and continued the deflationary pressure for four long years. That policy dogma, and not a gold standard, nor any brand of political activism, nor the stock market collapse, nor a misguided tariff policy, nor any other popular scapegoat such as "big" corporations, powerful labor unions, international Jewish bankers, or "economic royalists," was the root cause of what happened.

The One Big Idea to which I refer was a policy norm that monetary economists label the Real Bills Doctrine. It is a theory of banking and banking policy that has been around for as long as fractional reserve commercial banks — about 300 years. As a principle for a commercial bank's lending operations, it is harmless; but as a theory for central bank monetary policy, it is disastrous. Unfortunately, in late 1928 and early 1929, the Real Bills Doctrine became the dominant and unconstrained principle of Federal Reserve policy.

The Gold Standard and the Real Bills Doctrine

The place to begin an examination of monetary affairs in the 20th century is with the functioning international gold standard that was in place before World War I. A gold standard provides for a supply of money in the economy. If the gold standard is international, it provides for supplies of money to all the countries committed to it.

A gold standard law typically describes a gold coin of some convenient denomination containing a weight of gold of

specific fineness, and rules that this coin is legal tender for all debt payments public and private. Mints, either public or private, then monetize any and all gold brought to them by coining it on the fixed terms that the law stipulates. In the United States, for example, Congress defined a ten-dollar gold Eagle as a coin weighing 247 grains (slightly less than half a troy ounce), and 0.900 fine (pure), as the standard.

Once the legislature puts the gold standard machinery in place, no additional law ever needs to limit, constrain, or promote gold coinage. The system works on the principles of *spontaneous order*. Nobody manages it. Rather, everyone who lives under it "manages" it within the rule-based framework. It is the money-market heart of a market system.

Under a gold standard banks hold gold reserves to redeem the checkbook accounts of depositors. On the basis of their gold reserves, the banks make loans to households and business firms, thereby generating deposit moneys that are their demand liabilities. The amount they create depends fundamentally on how much gold they hold as reserves.

By way of contrast, real bills — no, not those things that come at the end of the month, as one lady friend suggested to me — come into existence when banks make loans to businessmen who need credit to finance their prospective productions of goods and services. Borrowers and banks agree that such forthcoming productions serve as collateral for the dollar value of the loans. When the business borrower sells the new goods, he pays off the bank and thereby consummates the loan.

From such conventional and unexciting beginnings, many bankers and a goodly number of economists of the pre-1935 era took the next step. They argued that if bankers extend bank credit only on the basis of these loans — that is, on the money value of real bills — the dollar value of the new credit and bank money (checking deposits) will exactly equal the dollar value of the new goods and services. This twist is what makes ordinary harmless real bills into the real bills doctrine — an advised policy for gearing the creation of new money to the money value of new goods and services. What could be cooler than that?

However, bank monetization of real bills, unlike bank monetization of gold, cannot be done on fixed dollar terms. A bank loan to a borrower must always include the banker's estimate of the dollar value of the real goods or services that the borrower offers as collateral to secure the loan, as well as the likelihood of repayment. The interest rate the bank charges reflects this judgment. If bankers are too optimistic, they overextend credit, thereby oversupplying deposits. New loans and deposits exceed the market value of the goods and services that the borrowers can generate, and monetary inflation results. If bankers are overly pessimistic, creation of bank money is insufficient to maintain prices at their current level, and deflation follows. These rising and falling prices raise and lower the dollar value of the real bills collateral that constitutes the basis for the creation or destruction of bank money.

Most people think some kind of fatal and untreatable weakness in the private enterprise market economy suddenly manifested itself and had to run its course.

Once the legislature puts the gold standard machinery in place, the system works on the principles of spontaneous order. Nobody manages it.

Consequently, when the system is put into motion, it does not move toward equilibrium. Several economic studies have emphasized this dynamic instability (Mints, Humphrey, Girton).

Fortunately, a genuine gold standard, if it is in good working order, and if it is the dominant monetary institution, will not allow banks to generate too much or too little money for very long, no matter how much credence bankers attach to the real bills doctrine. The stock and rate of increase of monetary gold, under a true gold standard, determine the stock of common money, the price level, and the trends in both. If bank credit based on real bills tends to generate too little money relative to what the gold standard demands, bankers' reserves continue to be excessive, and banker pessimism moderates. If bankers allow too much bank credit, gold flows out of the monetary system, depleting bank reserves and bringing bank lending up short. The important principle here is that no matter how invalid the real bills doctrine is as a basis for creating the "right" quantity of money, the system's higher ranking commitment to an operational gold standard completely overrides any weaknesses in that doctrine (Schumpeter 721–722, Andrew 114–115).

Appearance of the Federal Reserve System

Both a gold standard and a real bills doctrine are means for supplying money to the economy. A central bank does likewise. So, let's see how a central bank, such as the Federal Reserve System, fits into the picture.

The Federal Reserve System, the central bank of the United States, came on the scene in 1912–1913. This new system consisted of twelve super-commercial banks that would hold the gold and other (legal tender) reserves for the national and qualified "member" commercial banks in their districts. Fed Banks were to be gold-standard reserve banks. Besides holding the gold reserves of their "member banks," they would occasionally provide additional bank credit and bank deposits as needed, in step with seasonal peaks and troughs in the productions of goods and services. Acting also as lenders of last resort, Fed Banks would supply extra reserves to their district member banks by making loans — conventionally called "discounts" or "rediscounts," from which interest charges are deducted up front when the loan is made — whenever the banks' depositors for any reason redeemed unusual amounts of checkbook balances into gold. Fed Banks rationed the supply of credit among the commercial banks they served by increasing or decreasing the interest (discount or rediscount) rate that they charged the banks to borrow. To expand bank loans and deposits, Fed Banks would lower their rates; to re-

strict lending due to anticipated inflation, they would raise rates. Each Fed Bank had charge of its own discount rate, but all Banks' policies were "subject to the review and determination" of the Fed Board in Washington.

To function properly, a Reserve Bank was supposed to limit its loans to "eligible paper," which the Federal Reserve Act defined as "notes, drafts, and bills of exchange arising out of actual commercial transactions . . . issued or drawn for agricultural, industrial, or commercial purposes" (1961, 43). "Eligible" also meant short-term and self-liquidating. "Eligible paper," therefore, was just another name for "real bills."

The Stable Price Level Policy After World War I

During World War I, the government's wartime fiscal needs forced Fed Banks to adjust their policies to the dictates of the Treasury. Not until 1921, three years after the end of the war, were Fed Banks able to shake themselves free of Treasury dominance.

Fed policy in the years from 1922 to 1928 operated independently of Treasury pressures, but also without the constraints of a gold standard. The original Act had stated that Fed Banks were "to furnish an elastic currency," which meant that they would discount commercial paper of member banks for gold, or other legal tender. By this means, Fed Banks would prevent undesirable reductions in the total quantity of money. Such action was also complementary to the notion in everyone's mind of Fed Banks serving as lenders of last resort for solvent but illiquid banks in a financial crisis, to prevent a collapse in the existing level of bank credit and deposits (Timberlake, 111). In accordance with these principles, Fed Banks would keep their discount rates higher than general market rates, so that they would become financially active only in a liquidity pinch, i.e., as lenders of last resort (Hepburn, 531–534).

The policies and reports of the Fed Banks and the Board of Governors during the 1920s, however, reflect anything but such a defensive role. Starting in 1922, the New York Fed, the largest and most important bank in the system, formed an Open Market Investment Committee (OMIC) with some of the other Fed Banks to coordinate purchases and sales of government securities in New York's financial market. By this means, the Fed as a federated central bank gained decisive control over the economy's stock of money.

The purpose of the OMIC was to make money tight or easy depending on what the OMIC managers thought the financial and productive sectors of the economy needed. Their unofficial indicator for stability was the general level of prices, which they wanted to keep close to constant. They also insisted that this policy was not official and would be terminated when political authorities in the trading world could re-establish a functioning international gold standard.

Fed Banks at this time, particularly the Fed Bank of New York, were inundated with gold reserves, which is why gold was not a constraint on their operations. Indeed, to prevent current gold monetization and gold inflation — yes, there is such a thing — and a subsequent deflation when the gold returned to European banking systems, Fed policymakers "sterilized" the gold that had come into the U.S. as a result of WWI financing. Instead of letting the additional gold become reserves for new money creation, Fed Banks sold off their holdings of government securities and the loans they had made to commercial member banks, and were thus able to sequester the redundant gold without monetizing it. Had they not done that, the additional gold would have inflated U.S. prices significantly. As it was, U.S. prices were remarkably stable between 1922 and 1928, and gold did not flow back to Europe. In short, the Fed as a central bank operating in lieu of a gold standard prevented the gold from being monetized into bank reserves, and then by the banking system into money. It thereby avoided what would have been a gold inflation in the United States. Consequently, throughout the 1920s the Fed Banks had a huge volume of excess gold reserves — more than double the amount that the Federal Reserve Act required of them — to back their outstanding Federal Reserve notes and the reserve-deposit accounts they held for their member banks.

The principal driving force behind Fed policy at this time was Benjamin Strong, governor of the New York Fed. Strong was instrumental in forming the OMIC; he was its chairman, and he particularly favored price level stabilization. Besides his practical experience as a banker who had witnessed private clearinghouse operations that stabilized the financial markets during the Panic of 1907, Strong had the counsel of several competent economists who recommended price stabilization by central bank control of the quantity of money. Strong once remarked, "[N]o influence upon prices is so great in the long run as is the influence of changes in the quantity of money" (Strong, 175). At the same time, he felt that a law requiring price level stabilization was inappropriate — that the gold standard was the only lawful institution to control the quantity of money, and that it was the proper means for preventing the government from assuming undesirable control over monetary policy. He and his associates anticipated the full restoration of an operational gold standard when the current period of instability had ended. Furthermore, Strong pointedly and emphatically rejected all aspects of the real bills doctrine as either a guide to or a norm for effective policy. His disavowal of that doctrine, however, did not speak for the opinions of the Fed Board and many of the Fed Bank governors (Chandler, ch. vi).

The Shift in Policy from Stability to Real Bills

By 1928, three operating methods and supporting arguments had appeared in Federal Reserve policy: the gold standard, in remission throughout the world since 1914, but still the ultimate norm in official discourse; price level stabiliza-

"Do you consider yourself a paleoconservative or a paleoliberal?"

tion by quantitative control of bank reserves through open-market operations; and the real bills doctrine that argued for credit control under the discretion of the Board of Governors and the Reserve Banks, using the Fed Banks' discount rate as the controlling mechanism. When Strong died of tuberculosis in October 1928, real bills policymakers within the system moved to take charge of the policy machinery. Unfortunately, they succeeded.

Both the administrations of the twelve Reserve Banks and the Federal Reserve Board, which was based in the U.S. Treasury Building in Washington, had policymaking powers. The Board operated as a supervisory-and-review body, and had a veto power over discount rates set by individual Reserve Banks. It also made the final determination of the "character of paper eligible for discount," and could set other regulations and limitations on discounting (Board of Governors, 1961, 44–48).

Besides its proscriptive powers over Fed Bank discount rates and the eligibility of commercial paper, the Board also had extensive emergency powers that it could use in a crisis. Most importantly, it could order the suspension of "*any* [gold] reserve requirements specified in this Act" for a period of 30 days, and it could renew such suspensions every 15 days thereafter for an indefinite period (Board of Governors, 1961, 34–35; emphasis added). This reasonable provision gave the Board the power to let the Reserve Banks use all their gold, if need be, to maintain gold payments for their paper currency as long as they had any gold. It emphasized that the Fed was designed to be a gold-standard central bank. If the Fed Banks had run out of gold, they could not have "failed." Their existence did not depend on their gold holdings. They simply would no longer have had decisive control over the quantity of money.

The Fed Board in Washington, however, had no tradition of active policy, and most of the other Reserve Banks were mainly concerned with local affairs. Most important was the theory under which both Board and Banks operated. With the exception of the New York Fed, all of them were steeped in the real bills doctrine — as the Federal Reserve Act suggested they should be.

An especially prominent member of the Board, who had served on it from the date of its establishment in 1914, was Adolph C. Miller, a conventional academic economist with a master's degree in political economy. Both Miller and another economist, H. Parker Willis, were instrumental in writing real bills norms into the Fed Act when it was passed. Both had been students of J. Laurence Laughlin, who began as a historian (Ph.D., Harvard, 1876), but osmosed into economics. By the time he became head of the economics department at the new University of Chicago in 1892, Laughlin was the most influential and dogmatic real bills proponent in the economics profession. He subsequently appointed both Miller and Willis as his colleagues in academic positions. Both shared Laughlin's real bills prejudices. Willis received his doctorate in economics (1898) under Laughlin, and contributed chapters to two of Laughlin's books. Miller managed to get appointed Assistant Secretary of the Interior in 1912, and then to the Fed Board by President Wilson in 1914.

Had Fed authorities allowed "their" gold reserves to run down, the monetary contraction would have been halted.

Another major player in real bills doctrine was Congressman Carter Glass from Virginia. When the Federal Reserve bill came before Congress in 1912–1913, Willis — who had taught economics to Glass' two sons at Washington and Lee University around 1910 — had become the resident expert in monetary policy for the congressman, who was Chairman of the House Banking and Currency Committee, and thereby the most influential voice in the formulation and passage of the Federal Reserve Act. The Real Bills Doctrine thus became the dominant theme of the Federal Reserve Act (Bornemann, 1940; White, 1983). At one point in time, 1918–1920, Miller was on the Fed Board; Glass was Secretary of the Treasury, and, therefore, Chairman of the Fed Board; Willis was Secretary to the Fed Board; and Laughlin was basking in retirement from his prestigious position at the University of Chicago. Real Billers were in the ascendancy!

As a member of the Fed Board, Miller was instrumental in writing the Board's Tenth Annual Report in 1923, which is virtually a prescription for real bills policy. Again, during Congress' Stabilization Hearings in 1928, Miller displayed his Real Bills dogma. "The total volume of money in circulation," he declared, "is determined by the [productive activity of the] community. The Federal reserve system has no appreciable control over that and no disposition to interfere with it." Miller was particularly opposed to the price level stabilization policies of Governor Strong, and was almost indiscreet in charging that Strong was one of those "amateur economists" who "constitute one of [the System's] dangerous elements." A few months after Strong's death, Miller, who had been on the Board since 1914, was able to establish his effective leadership over Fed policy.

Besides emphasizing that banks and central banks should buy only real bills, the real bills doctrine has an important negative aspect: it fundamentally opposes and prohibits several other forms of bank lending — long-term loans, mortgages, government bonds, and especially speculative loans that support real estate bubbles and stock market frenzies. Fed Board governors now in charge of monetary affairs were determined, under Miller's urging, to wage an active crusade against "speculation."

In accordance with the precedent Strong had unwittingly set in promoting a stable price level policy without heed to the Fed's gold assets, real bills proponents could proceed equally unconstrained in implementing their policy ideal, also without heed to the Fed's gold assets. System policy in 1928–29 consequently shifted from active price level stabilization to active antispeculation. "The" gold standard remained where it had been — nothing but official window dressing, waiting an opportune time to reappear.

The Real Bills Central Bank in Operation

Fortunately for the record, Miller had the temerity to write an article for the American Economic Review of February 1935, "Responsibility for Federal Reserve Policies, 1927–1929," in which he confirmed his assumption of leadership over Fed

policy in 1929 and the Board's subsequent directive of a massive antispeculation policy for the Fed Banks.

Miller noted critically that the district Fed Banks during 1927–1929 had taken no initiative to check the growing tide of speculation in the stock market. The leadership of the Fed Bank of New York under Strong, he charged, "proved to be unequal to the situation . . . in this period of optimism gone wild and cupidity gone drunk" (453).

No one blamed Federal Reserve managers and their operational emphasis on the real bills doctrine: only a scattered handful of economists and Fed officials knew how the monetary machinery functioned.

In 1929, with Strong no longer on the scene, Miller recounts that the Fed Board's "anxiety reached a point where it felt that it must itself assume the responsibility for intervening . . . in the speculative situation menacing the welfare of the country" (454). On Feb. 2, 1929, by which time Miller was controlling Board policy, the Board sent a letter to all Fed Banks stating that the Board had the "duty" to correct current financial conditions, "which in the immediate financial situation, means to restrain the use of federal reserve credit facilities in aid of the growth of speculative credit"(454). To do so, he continued, it ordered the Fed Banks to initiate "the policy of 'direct pressure,' [which] restricted borrowings from the federal reserve banks by those member banks which were increasingly disposed to lend funds for speculative purposes" (454).

Miller initiated "direct pressure." In 1929–1930, when Fed Banks already had in place higher than normal discount rates, "direct pressure" added a major hurdle to the discount rate. It enjoined the Fed Banks not to lend, even at a "high" discount rate, if the potential borrowing bank had brokers' loans or anything else in its portfolio that might have contributed to the "high" prices of stock market securities (Warburton, 320). *"It put the member bank,"* Miller argued, *"which was seeking federal reserve credit facilities in order to support or increase its extensions of credit for speculative uses, under pressure by obliging it to show that it was entitled to accommodation . . . [I]t was, a method of exercising a discriminating control over the extension of federal reserve credit such as the purely technical and impartial method of bank rate could not do"* (455–456, emphasis added).

Monetary historian Clark Warburton, writing some years later, emphasized the viciousness of the direct pressure tactics. In the early 1930s, Warburton wrote,

> Fed Banks . . . virtually stopped rediscounting or otherwise acquiring "eligible" paper. This [policy] was not due to any lack of eligible paper . . . Nor was this virtual stoppage . . . due to any forces outside the Federal Reserve System. It was due to "direct pressure" [from the Federal Reserve Board] so strong as to amount to virtual prohibition of rediscounting for banks which were making loans for security speculation, and a hard-boiled attitude towards banks in special need of rediscounts because of deposit withdrawals. . . . Federal Reserve authorities had discouraged discounting almost to the point of prohibition. (339–340)

"Direct pressure," under a Federal Reserve Board that did not know what it did not know even in the presence of the catastrophe it had created, was a means of making the Fed Banks' formal discount rate irrelevant. The true discount rate under "direct pressure" was whatever the central bank authority wanted it to be. If a bank seeking accommodation had a speculative taint, it could not borrow from the Fed Bank at any rate: the applicable discount rate was infinite.

Ironically, the policy of "direct pressure" violated the positive side of the real bills doctrine that had played such an important role in the writing of the Federal Reserve Act! The Fed Board's anti-speculative compulsion crowded out legitimate lending to needy banks that actually had "real bills" to discount, thereby causing the very condition that the Federal Reserve System was supposed to prevent.

Significantly, nothing in Miller's account refers to gold or the gold standard. That institution clearly was not viable as a policy issue, either in Miller's view or in anyone else's.

Miller made no bones about who was responsible for the new restrictive policy. "It is not without significance," he remarked proudly, "that . . . the five members of the Board who took the responsibility of formulating the attitude and policy for the federal reserve system were opposed by *a minority of their own membership, including the Secretary of the Treasury [Andrew Mellon], the governor and vice-governor of the Board, by the twelve federal reserve banks, the Federal Advisory Council, and by many of the largest member banks . . . Nonetheless, the Board adhered to its position [!]"* (456, emphasis added). Five members of the heroic Federal Reserve Board against the Sinful Speculative World!

Meanwhile, Fed Banks continued to pile up gold. Fed gold reserves peaked at $3.5 billion in 1931 (from $3.1 billion in 1929), an amount that was 81% of outstanding Fed demand liabilities, and much more than double the gold reserves required by the Federal Reserve Act (Timberlake, 270).

Even in March 1933, Fed Banks had almost $1 billion of excess gold reserves, which could have been accounted even higher by simple bookkeeping adjustments. As Friedman and Schwartz state: "The conclusion seems inescapable that a shortage of free gold did not in fact seriously limit the alternatives open to the System. The amount was ample at all times to support large open market purchases. . . . The 'problem' of free gold was largely an ex post justification for policies followed, not an ex ante reason for them" (Friedman & Schwartz, 406).

To say that neither the general public, nor government officials, nor many economists, nor soothsayers understood what had happened to the monetary system, and then to the economy, is an understatement.

Neither were the Fed's legally required reserves — never

mind the "free gold" — a line in the sand. As explained above, the Fed Board had the absolute power to suspend gold reserve requirements entirely, so that the Fed Banks could use all of their gold if necessary by lending to member banks, thereby providing the currency (Federal Reserve notes) and bank reserves that the situation required. People and institutions, including foreigners, would not necessarily have demanded the gold to redeem the money the Fed had created. If they had, however, the Fed Banks had 5,900 *tons* of gold to satisfy them.* Instead, the Fed Banks and Board sat on the gold, including the "excess," while the economy disintegrated. Fed Banks had more gold in early 1933 than they had in the fall of 1929! Had Fed authorities allowed "their" gold reserves to run down, not only would the monetary contraction have been halted, but the rest of the world's monetary systems would also have been able to expand as their central banks received the Fed's outgoing gold flows through trade and capital exchanges (Friedman & Schwartz, 412; Timberlake, 272).

General Misunderstanding and Innocence of the Gold Standard

To say that neither the general public, nor government officials, nor many economists, nor soothsayers understood what had happened to the monetary system, and then to the economy, is an understatement. Everyone had a favorite scapegoat or whipping boy. No one, however, blamed Federal Reserve managers and their operational emphasis on the real bills doctrine: only a scattered handful of economists and Fed officials knew how the monetary machinery functioned, and none of them realized how adherence to the antispeculative policy had propagated the current disaster. Moreover, all Fed officials had an obvious vested interest in blaming other factors. The make-believe-gold-standard-that-wasn't was one such factor. (See Higgs, "Crisis and Leviathan," and Powell, "FDR's Folly," for the wholesale misconceptions that appeared, and the Great Leap Forward to collectivist policies and institutions that characterized the 1930s and after.)

The authentic gold standard provided both to the United States and to the world a long-term stability unmatched by any other monetary system before or since.

Since the nightmare of the 1930s, some progress toward a proper understanding of the event has occurred.

First, most present-day economists agree that the Great Contraction was largely a failure of monetary policy and of institutional arrangements that allowed monetary policy to provoke such a disaster. Second, they agree that the Great Contraction initiated the Great Depression, and most deny that the capitalist free-market economy in any way caused the catastrophe.

Given these agreements, however, economists still record some major differences on just how monetary policy went awry, and just what was the crux of the problem. Somehow, the data omissions on gold stocks and the untreated role of the real bills doctrine have gone unnoticed, or at least unstressed. The profession is, therefore, working with some fundamentally flawed historical analysis, and the section of the general public that remembers the event is still misinformed and bewildered. One thing is certain: The gold standard should be exonerated forever from having any part in the disaster.

Gold imposes restrictions upon governments or bureaucracies that are much more powerful than parliamentary criticism. It is both the badge and the guarantee of bourgeois freedom.

Given the huge amount of Fed-controlled gold, even a seat-of-the-pants understanding of the situation in 1931–1933 should have convinced Fed Banks to carry out some degree of monetary expansion. Data from Friedman and Schwartz's Monetary History indicate that as of August 1932, the M2 money stock† was $34 billion and the monetary base $7.85 billion, giving a money-supply multiplier of 4.33 (Friedman & Schwartz, table A-1, 713). At the same time, the Fed Banks and Treasury held $2.91 billion in gold (Board of Governors, 1943, table 93, 347–349). If Fed Banks and Board had spent all their gold discounting paper for member banks, so that the monetary base had increased by this amount ($2.91 billion), the increase in the base would have expanded M2 to $46.6 billion, the amount of M2-money that the economy actually had in July 1929. Spending would have increased correspondingly.

Of course, Fed expansion never would have had to go that far, for a spending dynamic would have set in and restored all the major monetary vitals long before the Fed's gold had dissipated. Moreover, if expansion had occurred earlier, say, in 1930 before the banking crises and the great increase in the real demand for currency, the money supply multiplier would have been very much greater, and the Fed's expansion procedure would have been much more effectual.

The Real Culprit: the Real Bills Doctrine

Looking closely at the history of the Federal Reserve from the Fed's beginnings in 1914, it is clear that an operational gold standard, either in its pure form or in the mode intended by the Federal Reserve Act, virtually never constrained or determined Fed policies. During WWI, Treasury compulsions ruled the Fed's actions. In the 1920s, Strong's price level stabilization policies were dominant. After Strong's death, with A.C. Miller and other real bills central bankers in charge, the Great Contraction devastated both the monetary and economic systems. As the Great Contraction ended, Roosevelt became president, and the wild swings of the New Deal took center stage. Gold became a political football; Congress hyper-devalued the gold dollar; the Supreme Court allowed the abrogation of contracts in gold; and the Banking Act of 1935 left gold as a useless adornment on Treasury and Federal Reserve balance sheets. Today, the U.S. Treasury claims it has 8,125 tons of gold (15.4

*If the 5,900 tons of gold had been loaded into 590 ten-ton trucks, with 100 feet between the midpoint of each truck, the convoy would have stretched 11.2 miles.

†M2 is the sum of the currency outside banks plus checking account and time-deposit balances in commercial banks.

miles of 10-ton gold-loaded trucks with their midpoints 100 feet apart, or more than one ton of gold for every word in this article) sequestered in heavily guarded vaults. This gold has no functional relationship at all to the U.S. monetary system, and no other purpose than to furnish jobs for its government custodians.

The negotiations and machinations of the world's central bankers in the 1920s, as they tried to provide human design for the world's monetary systems in place of the gold standard, did not work. Their blueprint retained only the outward and visible signs remaining from the working gold standard of a previous era; it abandoned the inward and spiritual grace of that system. Central bank "management of the gold standard" simply denied that whatever was being managed was a gold standard.

The damage done both materially and ideologically was inestimable. Ignorant political reactions to the debacle resulted in vast expansions of counterproductive governmental powers and programs that no Supreme Court could stop. Even worse, the common misperception of a market system that had "failed" provoked a popular ethos of anti-free-market regulation and governmental intervention that have increased exponentially with no end in sight.

The present-day Federal Reserve System has no relationship to the real-bills central bank of 1929–1933. It has in later years come (part way) back to the stable price level norms of Benjamin Strong. But it may be too late. The huge unfunded liabilities of the federal government, as they come due, are going to require the U.S. Treasury to pay them. The Treasury will have to borrow the money to do so. It will ask the Fed for help in keeping interest rates down. Whereupon the Fed, unless it has a chairman made of steel, will buy those Treasury securities in the open market — yes, holding interest rates down temporarily, but thereby creating new money and initiating an ongoing central bank inflation that will see interest rates skyrocket. The German model of 1923 will be only too applicable.

The authentic gold standard within the context of a relatively free market system provided long-term stability both to the United States and to the world, a stability unmatched by any other monetary system before or since. Joseph Schumpeter stated the case most elegantly and convincingly. "An 'automatic' gold currency," he wrote,

> is part and parcel of a laissez-faire and free-trade economy. It links every nation's money rates and price levels with the money-rates and price levels of all the other nations that are "on gold." It is extremely sensitive to government expenditure and even to attitudes or policies that do not involve expenditure directly, for example, to foreign policy, to certain policies of taxation, and, in general, to precisely all those policies that violate the principles of [classical] liberalism. This is the reason why gold is so unpopular now [1950] and also why it was so popular in a bourgeois era. It imposes restrictions upon governments or bureaucracies that are much more powerful than parliamentary criticism. It is both the badge and the guarantee of bourgeois freedom — of freedom not simply of the bourgeois interest, but of freedom in the bourgeois sense. From this standpoint a man may quite rationally fight for it, even if fully convinced of the validity of all that has ever been urged against it on economic grounds. From the standpoint of *etatisme* and planning, a man may not less rationally condemn it, even if fully convinced of the validity of all that has ever been urged for it on economic grounds. (405–406) ❑

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This article began its career with Liberty over a year ago when I discussed it by phone and email with Liberty's founder, Bill Bradford. Bill saw both the justice and the necessity of exonerating both the free market system and the true gold standard from any culpability for the Great Depression, and explaining how the Federal Reserve Banks and Board bungled the monetary-banking system into a contraction that had no bottom. In the process, Bill offered some very useful suggestions that clarified the exposition. His was a voice for freedom that we will sorely miss. I dedicate this article to his memory.

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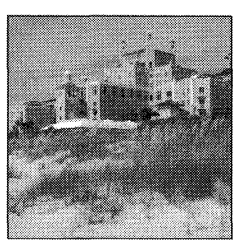

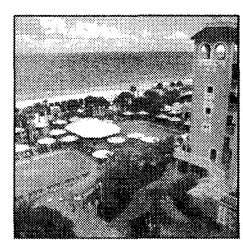

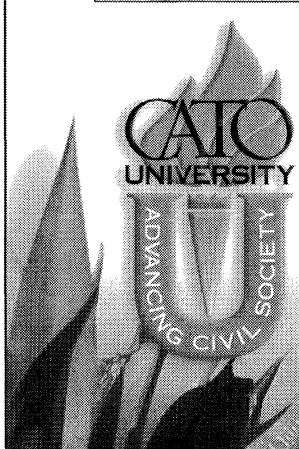

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Reviews

"V for Vendetta," directed by James McTeigue. Warner Bros., 2006, 132 minutes.

V as in MCMLXXXIV

Jo Ann Skousen

Turn their name upside down, because the Wachowski brothers are Men on a Mission, Moved by a Message, Movie Makers with Meaning. Like their Matrix trilogy, "V for Vendetta" presents a futuristic tale dripping with meaningful dialogue (much of it alliterative with a capital V) against big government, big business, and fear itself, "the ultimate tool of government." You could call it "M for Melodramatic."

The film is set in a dark Orwellian future where fascists are running Great Britain, "the former United States" has been destroyed by "godlessness," ordinary citizens are imprisoned for being out after curfew, and Big Brother orates from giant plasma TVs. Our hero, V, is a masked terrorist — er, I mean, freedom fighter — who wants to blow up Parliament as a way of uniting the common folk behind the idea of freedom. Like Zorro, he dresses in black, etches his initial on his opponents while sword fighting, and steals only from those in power: "Stealing implies ownership," he says. "I merely reclaim things from the government."

Who is this Masked Man, and why does he have such a vendetta against the government? Finding the answer leads us on an intriguing chase through Hitlerian science experiments, conspiratorial politics, Holocaustic detention camps, and Hollywood's obligatory pharmaceutical company connection. The plot is engrossing, with enough twists and thrilling fights to maintain suspense. Occasionally the film seems to teeter on the brink of corniness; can V be taken seriously when he speaks through a grinning Guy Fawkes mask reminiscent of the Joker in Batman, cooks breakfast wearing a frilly apron, and speaks in pretentious Shakespearean quotations full of alliterations on his own name? For the most part, however, it's an engaging and entertaining film — in part because Natalie Portman is so believable as V's reluctant protege, Evey.

The film is full of profound mini-statements like "Ideas are bulletproof," "Symbols are given power by the people," and "Every action changes the future." One newscaster wryly observes, "Our job is to report the news, not fabricate it. That's the government's job."

The film seems libertarian on the surface, but it offers no alternative to bad government except to blow up the Houses of Parliament.

But when all is said and done, there are no bulletproof ideas presented here. In fact, V sets himself up as a new kind of dictator, turning his troops (the TV-watching public) into bizarre robotic imitations of himself. They violate curfew, resist the police, and come out to watch the demolition of Parliament, but what do they know of freedom and how to use it?

Yes, the film seems libertarian on the surface, with its antigovernment tag line, "People should not be afraid of government; government should be afraid of the people." But it offers no alternative to bad government except to blow up a building I happen to love, the Houses of Parliament. The Wachowskis may want to associate Big Ben with dictatorship (the original graphic novel was written when Maggie Thatcher was in power, privatizing her way through Britain), but to me Big Ben represents Peter Pan and Chevy Chase, summer vacations and "our finest hour." I could no more cheer its demise than the demolition of ancient mosques or Tibetan temples.

The least expected message of this film results from a casting coincidence (although V intones more than once, "There are no coincidences"). The Chancellor is played by veteran actor John Hurt, selected for this film because he evokes a chillingly authentic Hitlerian Big Brother. But I couldn't help

remembering that Hurt 22 years ago played Winston Smith, the protagonist in the film version of George Orwell's "1984." Despite Winston's valiant attempt to resist totalitarianism, the book concludes with the words: "He loved Big Brother." In "V for Vendetta," Winston *is* Big Brother.

Perhaps this is the bulletproof idea of the movie: power corrupts. Che Guevara, Fidel Castro, Leon Trotsky, and Mao Zedong all began as freedom fighters wanting to overthrow a dictatorial government, then became mass murderers in order to maintain their big ideas. "Veni, vidi, vici" — V is for the vanquisher, not for peace. As true libertarians know, the only way to effect a lasting change is to teach the principles of self-reliance, personal responsibility, and respect for property rights, and that means annihilating the NEA, not Big Ben. Until that happens, Winston will continue to become Big Brother, and so-called Freedom Fighters will continue to destroy what we have without replacing it with something better. It will take more than an army wearing Guy Fawkes masks to make that happen. ❑

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V For Vicissitude

Ross Levatter

David Boaz praises "V for Vendetta" on his blog (March 29, 2006), saying, "the movie deals with some classic libertarian themes: the rapaciousness of the state; the state's hijacking of religion and use of scapegoats to justify its actions; its hostility to both high and popular culture; the willingness of most people to endure much loss of liberty; and the need for courageous individuals to stand up to tyranny."

A New Yorker review (March 20, 2006) pans it, calling it "a dunderheaded pop fantasia that celebrates terrorism and destruction."

Who's right? My take: both the conservative critics and libertarian lovers of "V for Vendetta" are a little off. It's a good movie, worth seeing. But it could easily have been a great movie, worth relishing and discussing, pondering and considering; a topic for debate, a classic. It wasn't that, but it could have been with only a few minor changes — changes to make it more true to Alan Moore's dystopian fantasy, on which the movie is based.

I read "V for Vendetta" when it was first released by DC Comics in 1988. I had been previously introduced to Moore's brilliant novelistic abilities (and quasi-cinematographic skills in panel layout) in the graphic novel "Watchmen" which, in its own way, is also a libertarian novel. Both stories deal with the danger of unlimited power, even (in the case of "Watchmen," especially) when wielded by those who think they know how to remake the world for the better.

I was blown away by "V," and recommended it to every libertarian I knew. I urged, successfully, that Laissez-Faire Books carry it, and wrote a review of it for their catalog.

So when I heard a movie was coming out, I was both eager to see it, and concerned, especially post-9/11, that the novel's theme would be watered down or lost. Having now seen the movie, I can confirm that it does not pay full tribute to the novel.

- The movie is an attack on fascism. The book is a defense of liberty.
- The movie is a call to revolt against criminal governments. The book is a call to revolt against power.
- The movie is a paean to democracy. The book is a cry for anarchy.

Hard to believe? Consider an introductory scene in both movie and book. V blows up the statue of Justice on top of the Old Bailey, England's iconic equivalent of the Supreme Court. In the movie, the "1812 Overture" plays on public loudspeakers, and V sets off fireworks to accompany the explosion. The fireworks occur in the novel as well, but the moviemakers leave out V's soliloquy as he speaks to, and for, Justice:

> "Hello dear lady. I thought that it was time we had a little chat, you and I. . . . I've been a fan of yours for quite some time. . . . I loved you . . . as an ideal.
>
> "That was a long time ago. I'm afraid there's someone else now. . . . [and it was] *your* infidelity that drove me to her arms! . . .
>
> "Her name is *Anarchy*. And she has taught me more as a mistress than *you* ever did! She has taught me that justice is meaningless without freedom. She is honest. She makes no promises and breaks none. Unlike you, Jezebel. I used to wonder why you could never look me in the eye [this, to a blindfolded statue!]. Now I know.
>
> "So goodbye, dear lady. I would be saddened by our parting even now, save that you are no longer the woman that I once loved. Here is a final gift. I leave it at your feet." (Book 1, Chapter 5, "Versions")

With that, V leaves at the feet of Lady Justice a heart-shaped, red-ribboned box, which explodes and destroys both the statue and Old Bailey.

V adds: "The flames of freedom. How lovely. How just. Ahh, my precious anarchy. 'O beauty, 'til now I never knew thee.'" [from Henry VIII, I.4]

I am not suggesting that a soliloquy with a statue is necessarily proper movie fare, nor do I think Galt-like explanatory speeches are what bring movie fans into the theaters. But I wanted to show the explicitness of this novel of ideas. Ask yourself in what follows how much or how little of these ideas makes it to the big screen.

Moore, who divorced himself from the movie, said the plot had contradictions one could drive a truck through.

Though one who has not read the novel doesn't know what he's missed, the movie takes several liberties with the plot that dampen the libertarian theme, none of which (granted, I'm not a movie producer) seem necessary to successfully convert the book into a movie.

Let me mention a few:

1. The movie creates an unrequited love story between V and Evey. Although in the novel Evey feels love developing for V, her mentor, there is only evidence of reciprocation on V's part as he dies. The book, instead, is a Pygmalion story, with V educating Evey in the ways of the state. The V of the novel would never, as the movie's V did near the end, confess to Evey that because of her he had reconsidered whether what he was doing was right.

At the novel's climax, Eve shouts at V's dead body that he had never explained to her just *what* he has been educating her for, what he's been training her to do. In the movie, it is not clear that V is training Evey to do anything: instead, a real question exists as to what Evey's role is. V saves her from being raped by government Fingermen, and subsequently tortures her himself to somehow teach her about freedom. Then he asks her to drop by his hideout next Guy Fawkes Day. She does, and when he dies she puts his body in a subway car filled with explosives and starts it off, as he had asked her to do.

Why? In the book, he's been training and educating her for a year. In the movie she's been on her own most of that time and just drops by to keep her promise to him. The book's motivations are clear and compelling; the movie's are cryptic at best.

2. In the novel, V is never seen. He hides not only his face, but his hands and body. In the Larkhill scene, when he escapes from a concentration camp building he has left in flames, the book shows him only in shadows.

The book and movie each have a scene in which V talks with Larkhill doctor Delia Surridge while she lies in bed dying, V having poisoned her in her sleep. But one part was cut in the movie: in the novel she asks to once more see his face, and he removes the mask — but the reader cannot see him. "You're so beautiful" she says as she dies. But in the movie it is clear that he is deformed, horribly burned.

This provides the viewer with a revenge motive. But one of the central themes of the book is that V is fighting, not against people, but against a principle: the belief that an imposed order is preferable to liberty. The movie makes his fight less pure, for no particular reason that I can see. One could easily argue that not seeing V at all is more suspenseful than seeing him horribly scarred.

3. The movie handles the death of Bishop Tony Lilliman in a subtly different way. In the movie's present, Lilliman is a respected figure in the church, working to keep his flock obedient to the government's creed, a collusion between church and state which anarchy cannot accept.

In his past, Lilliman had been the preacher looking after the prisoners at Larkhill, including V, keeping them in line while the state experimented on them. In killing Lilliman, V is enacting justice for the padre's actions at Larkhill, and also eliminating one of the few witnesses to know who V is. On another level, killing the preacher by feeding him a cyanide host speaks to the ritualized lies of the church. (In the book, the point could not be more explicit. V asks Lilliman to explain the Eucharist. Lilliman confirms the teaching that when the host is ingested, it literally becomes the body of Christ. V then commands him to eat the specially-prepared host. At the autopsy, Finch, the policeman, says, "And do you know what? When it reached his abdomen, it was still cyanide.")

All of this is captured in both book and movie, but there is one strange difference. In both, V asks Evey to help him, and Evey agrees. In the book, she does in fact help him, but is upset to find that V kills Lilliman and tells V that she will never help him kill again. This

One of the central themes of the book is that V is fighting not against people, but against the belief that an imposed order is preferable to liberty.

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, offered here, and ignored by the "experts," admitting defeat, that they couldn't refute it.

They miss the point. You don't need the majority to live in your pure free market any more than to shop in the same store with you. You just need the freedom to do so yourself, to live and let live. So the problem is not its unwillingness to live in it, but to let others do so, not the fear that it wouldn't work, but work too well, shielding them from its own predations; and, the task, then, not to show that the market could work, but that redistribution could not.

That is the only logical strategy, and the neophobic libertarians who can't be bothered with it are certainly not leaders in the fight for freedom but irrelevant to it. So, when you've had enough of their intellectual sideshows, and are ready to demolish the Left, see ***Intellectually Incorrect*** at intinc.org.

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sets up the distinction between anarchy as destroyer and anarchy as builder, which peaks at the novel's climax. But

The V of the novel would never confess to Evey that because of her he had reconsidered whether what he was doing was right.

in the movie, Evey betrays her mentor by telling Lilliman V is coming. Why?

The movie, in effect, has Evey agree to help V and then turn around and betray the man who had just saved her from rape and murder. No explanation is given. Why didn't she just tell V "no" if she didn't want to help him?

I can only surmise the producers thought that in modern America one can't have the heroine acting as if she thought it OK to off priests, even pedophile priests who lie to their flock about the state and its crimes. Instead, they simply choose to have Evey act incomprehensibly and have V ignore her selling him out. This is likely the sort of thing Moore, who divorced himself from the movie, meant when he said the movie plot had contradictions one could drive a truck through.

4. There is an apparently minor character not in the movie: Rosemary Almond. She was the wife of a government functionary — the head of the Finger, the government's enforcement arm — who was killed early in the novel by V. Her life then goes downhill through a series of events largely the result of government actions not directly aimed at her but nonetheless hurting her. When Evey dances with V in his Shadow Gallery hideout after he has shown her his rose garden (in both book and movie he leaves a large Violet Carson rose on his victims), she asks him: "Is there a rose here for the leader, Mr. Susan [the name of the dictator in the book, changed to Sutler in the movie]?"

"Oh, no. Not here," V replies. "For him, I have cultivated a most special Rose."

This clever pun, a Moore leitmotif, leads to the book's climax where Mr. Susan is shot to death by Rose Almond, a lone citizen who had simply had too much, who had seen her life destroyed by the government. In the movie, of course, Mr. Sutler is killed by corrupt government officials, his own underlings.

One can see how the producers might be concerned about sending the "wrong message." It's one thing to have a corrupt dictator killed by his own henchmen. It's another to suggest that a mere citizen can justifiably kill a head of state — even, it seems, a dictator — simply for destroying her life. Shame, that.

5. The novel's end — hauntingly lyrical in its writing, none of which is used as movie dialogue — is crucial to the book's theme. To calm growing public unrest and demonstrate they have maintained control, the government sends out word that V has been killed. In fact, he has been mortally wounded. He makes his way back to the Shadow Gallery and finds Evey waiting. (In the novel, she never left him.) Hours earlier, he had given her a tour of the entire gallery, much of which she had not seen before —telling her it was his will that she know all this. She now realizes he meant "will" in the legal, not psychological, sense — that he has left all this for her.

As he dies he tells her: "You must never look under the mask, but you must know who V is." Then: "Give me a Viking Funeral. The tracks are closed 'twixt Whitehall and St. James." "Ave atque vale," he says with his last breath.

Evey, in a very moving scene in the novel, finally realizes what V's dying riddle means: she is not to look under the mask because V is more than a human being, and knowing whichever human being he actually is will diminish what V stands for. V is an idea, a principle, which cannot die. The principle, as it happens, is one libertarians endorse: liberty is our birthright, and worth fighting for.

"And at last I know. I know who V must be," she says. She then wanders up to V's changing room, and sits in front of his vanity mirror. And looking into the mirror, you see Eve smile, a big smile, reminiscent of a Guy Fawkes mask . . .

Eve realizes at last what V trained and educated her for.

That night, a crowd has gathered in front of Parliament: if V doesn't make his promised appearance, they will know that the government is right, that V is dead.

Suddenly, on the rooftop, V's silhouette appears. "He" speaks to the crowd about their government:

> "Since mankind's dawn, a handful of oppressors have accepted the responsibility over our lives that we should have accepted for ourselves. By doing so, they took our power. By doing nothing, we gave it away.
>
> "We've seen where their way leads, through camps and wars, to the slaughterhouse. In anarchy, there is another way. With anarchy, from rubble comes new life. Hope reinstated. They say anarchy's dead, but see . . . reports of my death were . . . exaggerated.
>
> "Tomorrow, Downing Street will be destroyed . . . Tonight you must choose what comes next: lives of our own, or a return to chains. Choose carefully. And so, adieu."

The angry crowd turns on the police trying to keep order.

Eve then fulfills V's dying wish. She sends him out in a subway car, loaded with gelignite and lilies, and watches from the roof of the Shadow Gallery:

> "'Give me a Viking Funeral,' you said. That isn't much. That isn't much at all. Not after what you did. You came out of an abattoir unharmed, but not unchanged, and saw freedom's necessity: not just for you, but for us

"Von Krupt has a bill to hike taxes and cut Social Security — he calls it the 'Misery Compromise.'"

all. You saw, and seeing, dared to do.

"You're almost there now, speeding on your funeral barge along dry subterranean canals. Down through the dark towards your destination, where the line is blocked 'twixt Whitehall and St. James . . . Right under Downing Street." (Book 3, Chapter 10, "Volcano")

Eve takes off her mask as she says this, and one can detect in her facial features a resemblance to Joan of Arc, or a look without pain or fear or guilt. Off in the distance, there is a large explosion.

"Ave atque vale, V. I looked it up. Hail and farewell."

The movie handles this differently. I can understand blowing up Parliament rather than Downing Street (as the movie's climax; in the book V blows up Parliament as one of his first acts). Most Americans don't know that the Prime Minister of England lives at #10 Downing St. But in the movie Evey does not dress up as V. Eve as V does not affirm to the public that V's campaign, and ideas, live on. V simply dies and, when asked who he was, Eve says "my father, and my mother, my brother . . ." and all the others harmed by the government's actions.

In other words, the theme of the book, that liberty is a meme which lives beyond the individual, is transformed by the movie into the theme of V as Everyman. His actions in the book are justified by the importance of liberty; his actions in the movie are justified by the claim that he speaks for all of us — democracy. Given that Eve donning the V mask is visually compelling, I can see no reason to change this aspect of the plot beyond concern that liberty is less appealing than democracy to moviegoers in America's 3rd century.

6. The movie has a subplot not found in the book: government leaders, including some at Larkhill, are extremely wealthy as a result of ownership of stock in a company that made millions by protecting the citizens against a biochemical attack a decade earlier. Scandal! Turns out the government itself was responsible for the biochemical attack on its citizens. What is the point of this plot deviation?

V is more than a human being, and knowing which human being he actually is will diminish what V stands for.

V's actions in the book are justified by the importance of liberty; his actions in the movie are justified by the claim that he speaks for all of us — democracy.

First, it hits a typical anticapitalist chord: you only get rich by harming innocents. For all his sentiment for leftish politics, nothing like this is in Moore's novel.

Second, it tries to justify the terrorist actions of V by pointing out that this is a *corrupt* government, which kills its own citizens. Some think of graphic novels as "cartoons," but ironically it is the movie's depiction of the Leader as a poor man's Hitler, screaming and barking orders without any sense of humanity, which is cartoonish. In the novel, the Leader's party, Norsefire, rose to power because of a *real* crisis. Britain had escaped the worst of a limited nuclear exchange between the United States and the Soviet Union, but the panic and partial societal collapse, the food shortages and criminal gangs, "required" harsh measures. The Leader, Mr. Susan, is well aware of how he has limited his subjects' freedom—and his own as well. Order is more important than liberty. The battle between V and the Leader is a battle between liberty and power. Though Moore clearly favors liberty over power, neither side is made, in the novel, to look foolish. Consider Mr. Susan, alone in his thoughts:

"I believe in strength. I believe in unity. And if that strength, that unity of purpose, demands a uniformity of thought, word, and deed, then so be it. I will not hear talk of freedom. . . . The war put paid to freedom. The only freedom left to my people is the freedom to starve. The freedom to die. The freedom to live in a world of chaos. Should I allow them that freedom? I think not. I think not. Do I reserve to myself the freedom I deny to others? I do not. I sit here within my cage and I am but a servant. I, who am master of all I see . . . " (Book 1, Chapter 5)

Compared to this, a brief paragraph, the movie version is one-dimensional. It is said by some libertarians the movie speaks to freedom. But the movie speaks only of the right to fight back if you're oppressed by a Hitlerian lunatic. The book speaks of the right to take back your freedom even from those who sincerely believe what they do is correct. Which is the more daring claim in George Bush's America?

Are V's actions justified? In the book they are justified by the natural right of individuals to fight to preserve their liberty. The movie producers clearly felt this alone was insufficient. Forcibly opposing government coercion might be viewed as antisocial in a post-9/11 age. Best let the government be run by a cabal of poisoners; then committing terrorism becomes perfectly reasonable.

Furthermore, the producers, like Mr. Susan in the novel, perhaps felt all those restrictions on liberty were perfectly understandable if they arose as a reaction to outside forces; but in the movie version, V knows the outside forces were fabricated by the govern-

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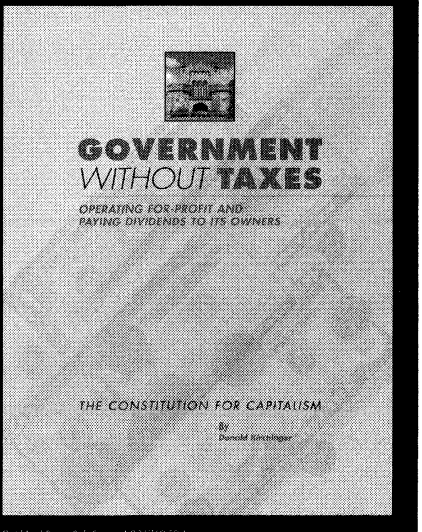

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ment. The screenwriters are saying, *in this case* all these restrictions on freedom were unnecessary. Again, this is simply an effort to "justify" V's actions for the audience because, goodness knows, one can't justify violent acts against the government simply on the grounds of individual liberty. Who does V think he is, anyway? Sam Adams?

Granted, a movie that argues one can take up arms against a corrupt government is better than most movies with political themes, but that is *not* the explicitly anarchistic theme of the book.

7. Another scene created for the movie is the mailing to thousands of Englishmen Guy Fawkes costumes and masks. This was a silly addition. For one thing, it's absurd to think the government in so regimented a society could not track down the source of such a major mailing.

Again, it seems like an effort to water down the view that one is entitled to fight for one's liberty. V's actions are not justified by the fact the government is crushing freedom, but by the fact that thousands of citizens demonstrate their agreement with that message by dressing up like him. Democracy: good; liberty: well, it depends. This conversion of V from a John Galt who claimed he would change the world and did, to a Robin Hood protecting the little man is thematically unsatisfying.

The movie speaks only of the right to fight back if you're oppressed by a Hitlerian lunatic.

"V for Vendetta" is packed with action, and offers a gripping plot and an unusual hero. I look forward to seeing it again. Unfortunately, it is not quite the statement of liberty I had hoped it would be, and in the case of changing the ending, inexplicably so. I need only close my eyes to see Natalie Portman puzzling over V's dying words, realizing what she must do, putting on her own Guy Fawkes mask, and telling the people that word of V's death was exaggerated. I believe a movie with *that* ending would have conveyed a more disturbing, yet more exciting message, and been a greater cinematic success. ❑

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"In Our Hands: A Plan to Replace the Welfare State," by Charles Murray. AEI Press, 2006, 214 pages.

The End of Welfare As We Know It

Lanny Ebenstein

In the 1960s, Milton Friedman put forward the idea of a negative income tax. Essentially, Friedman's proposal was that, rather than providing welfare, medical, retirement, housing, and job programs of all sorts, the federal government would simply send out checks to those whose income was below a certain level. In his newest book, "In Our Hands," Charles Murray seeks to revive Friedman's idea.

"In Our Hands" has two themes. The first is a conceptual presentation and description of a plan whereby every person in the United States over 21 would receive $10,000 per year from the federal government.

In exchange, most federal and some state programs would be eliminated: Social Security, Medicare, Medicaid, workers' compensation, unemployment insurance, Supplemental Security Income, Temporary Assistance for Needy Families (the replacement of Aid to Families with Dependent Children), the Earned Income Tax Credit, WIC (Women, Infants, and Children) vouchers, food stamps, school lunch assistance, Head Start, Pell Grants, low-income housing assistance (Section 8), low-rent public housing, agricultural price supports, community development block grants, and many others. Murray identifies 108 line items and about $1.4 trillion of government spending to be eliminated. The 17 line items listed here account for over $1.2 trillion of the payments and programs that would end.

The second theme of "In Our Hands" is a description of a new, or perhaps an old, social order that Murray would like to see come to pass. In this new order, government, especially the federal government, would play a much smaller role. Murray writes eloquently of a society in which private institutions would absorb many of the functions now performed by the welfare state.

From a libertarian perspective, the second theme of "In Our Hands" is more intriguing than the first. Would it be possible to scrap the welfare state, the panoply of programs and transfer payments enacted in the United States since the 1930s, and return the federal government to its pre-New Deal functions — primarily national defense?

Murray describes "In Our Hands" as a "thought experiment" (p. xv), and it is worthwhile to consider his concept of giving $10,000 (actually closer to $7,000 — Murray would require each person to purchase health insurance, which he estimates would cost $3,000 per year) to every adult before moving on to his vision of a society in which the federal government would play a far smaller

role in American domestic life. It is hard to see how this approach would be an improvement over the status quo. One circumstance Murray does not much consider is whether individuals would misuse the money they receive from the federal government. He acknowledges this possibility, but believes it would not be significant.

This view is open to question. Regrettably, for far too many of the poor in America today, the problem is not poverty per se, but the personal characteristics that lead to poverty — drug and alcohol abuse, lack of education, lack of work skills and responsibility.

Indeed, Murray's plan would likely make things worse. Giving many of the poor today — millions of people — a check for $583 per month (after deducting for health insurance) would simply provide them with the money to purchase more drugs or more alcohol and engage in socially destructive or nonconstructive activities. Also, many of the elderly, at least in the short run, would be worse off under Murray's proposal, as $10,000 per year would be less than the amount they now receive from Social Security and Medicare combined. Finally, many of those who are neither elderly nor poor, though they would receive new funds from the federal government, would be taxed more, with marginal tax rates reaching 60% for some income levels.

If Murray's specific plan is disadvantageous, what of his larger vision of a society in which government, particularly the federal government, would play a much smaller role? There is much to be said for his perspective, but there is also much to be said against it.

For far too many of the poor in American society today, the problem is not poverty per se, but the personal characteristics that lead to poverty.

Taxation and government spending at all levels have been relatively constant for decades in the United States at about 35% of GDP, with federal spending and taxing at about 20%, state at about 10%, and local at about 5% (all figures are generalized approximations and averages; actual figures vary year by year, and by state and locality). About two-fifths of federal spending is for defense, interest on debt, and other reasonably traditional functions of government. This leaves perhaps 12% of GDP at the federal level for the disputed areas that Murray would eliminate. About two-thirds of state and local government expenditures are for functions that are relatively unopposed (at least in concept), including schools, roads, police and fire departments, and jails. This leaves something just under a fifth or so of GDP for Social Security and Medicare for the elderly, health care for the poor, unemployment benefits, welfare to mothers with children, and the like — the welfare state as we know it. Is this an excessively high proportion of GDP to be dedicated to those who are not productive or not as productive as they could be?

Murray is of the view that if all the various government welfare and social safety-net programs were to end, they would be replaced by private charities and private insurance that would perform the same functions better and

Notes on Contributors

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more cheaply. He cites as evidence the private charities and insurance programs that existed before expansion of the welfare state.

It is an open question what would happen today. For this reason, gradualism and incrementalism are better approaches to reach libertarian ends than full-scale social reconstruction, which Friedrich Hayek termed constructivist rationalism.

What happens to those who become old, poor, uneducated, or disabled, notwithstanding that they, or their mothers, received $7,000?

Hayek himself advocated an extensive, continuing role for the state in domestic activity. In "The Constitution of Liberty," he argued that in industrial, urban society, demands exist on the part of the poor, the uneducated, the unintelligent, the unemployed and unemployable, the chronically ill, the mentally retarded and ill, the disabled, the young, and the old, among others — who, because of the greater impersonality of urban life, are less able to call on the assistance of others they know than are those in rural and agrarian communities.

Murray also unduly emphasizes the importance of pecuniary motivations on the part of welfare recipients. His view is that changing welfare benefits would strongly alter human behavior. Though he says: "Nothing is going to repeal the sexual revolution" (p. 108), he places too much hope in welfare policy changes alone, absent more fundamental behavioral change, to reduce the number of poor and uneducated people.

In any society in which the illegitimacy rate approaches one child in three, as is currently the case in the United States, there will be a great deal of poverty, particularly among children. There are two approaches — one can either emphasize mitigating the conditions that exist or emphasize preventing such conditions from emerging in the future. It is likely that libertarian reform that works toward the gradual reduction of government services, programs, and transfer payments would coincide with greater individual responsibility and greater social conservatism generally.

It is valuable for thinkers such as Murray to put forward bold and creative proposals for reform. Moreover, the incidental sidelights he offers and the information he gathers make his work always worth considering. But libertarians should learn from the Fabian Society, the great British late-19th and 20th-century political organization, that ideas are typically most successful through gradual permeation and infiltration. No one knows for certain what the future has in store, or what the consequences of policies will be.

Murray's vision of cash grants replacing the welfare state is wrong because the idea that individuals who are in some way needy should receive cash is a bad one. The idea that everyone (not just the needy) should receive cash is also bad. Moreover, what happens to all the people who become old, poor, uneducated, disabled, or unemployed anyway, notwithstanding that they, or their mothers, received $7,000? Somebody is going to have to take care of them, if there is to be a peaceful and stable society.

At the same time, the ideas that society should move toward less government, and that existing government functions could be handled more efficiently if they were privatized and made to compete, are good. "In Our Hands" is significant not because most people will agree with it — they won't — but because it will spur them to think about the vital and enduring question of the best way to organize and to order society. ❑

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"Never Call Retreat," by Newt Gingrich and William Forstchen. St. Martin's Press, 2005, 496 pages.

The South Will Fall Again

Lance Lamberton

Fictional histories have great potential to grip the imagination. Set against the backdrop of real events, they can demonstrate the way in which only one or two key decisions, made slightly differently, would have changed the course of history. Certainly that was the case in the Revolutionary War: a very few missteps, and we would all be speaking Canadian.

The War Between the States is another prime example, and has been the subject of more fictional histories than any other episode. Some of these histories are silly. In "The Guns of the South," a time warp is discovered by racist white South Africans, who use it to supply the Confederacy with AK-47s and win the day. There's another novel in which Grant dies in a freak riding accident shortly after taking command of the Army of the Potomac. As a rule, these "histories" have the South winning the war, because what would be the fun of changing a few key events, without changing the outcome?

Well, Gingrich and Forstchen have found a way of writing such a story — sort of. "Never Call Retreat" is the last in a trilogy starting with "Gettysburg" and followed by "Grant Comes East."

I must admit that up until this last installment, I was enthralled by what they wrote. The first two books set up a plausible scenario in which the South wins a decisive victory at Gettysburg, then follows with another victory that almost annihilates the Army of the Potomac. Then the question is: would that have led the South to win its independence?

The authors' hypothesis is No: the North was capable of raising another army from the victorious Union forces of the west, an army equal in size, higher in morale, and as well provisioned and outfitted as the vanquished Army of the Potomac. The authors, in other words, are clearly convinced that there was virtually no way the South could have won. So they put together a series of events purporting to show that the Confederacy was truly a lost cause, no matter what.

Problem is, this time the authors get sloppy. They appear to be in a hurry to get their work completed and get on with other projects, such as (Rand forbid) a Gingrich run for the presidency.

Here are a few examples of what I'm talking about. In real history, there was no need to constitute a new army from the west to take on the Army of Northern Virginia. The Army of the Potomac was in very good shape after Gettysburg. All it needed was a determined, competent leader, which it had in Grant. In the fictional history, the bulk of the western forces had to come east, thereby leaving behind a skeletal force to hold the territories won in the western campaigns. But it wouldn't have been long before the South took advantage of this new weakness and start retaking strategic territory previously lost to it, such as Vicksburg, Memphis, or perhaps even New Orleans.

The South didn't have to beat the North, it just had to avoid being beaten by the North.

Point number two. In real history, the victorious western forces coalesced behind Sherman. The fictional version would give Sherman's army far less force to bring to bear upon Atlanta: the crucial force would be up north, with Grant. In one of the sloppiest parts of the book, the authors have Sherman poised to take Atlanta in the early fall of 1863, nearly a year before the real event.

Gingrich and Forstchen purport to show that the Confederacy was truly a lost cause, no matter what.

Indeed, if "Never Call Retreat" took account of the dramatically weakened position in which it puts the North, it could hardly depict Sherman getting to Atlanta in 1864, or ever. And if Sherman couldn't have proceeded from Atlanta and marched to the sea, what would Lincoln's chances have been against a peace candidate in the election of 1864?

The authors of "Never Call Retreat" have Grant accomplishing in two months what it took him two years to do in real life. Moreover, he does it against an army which received 20,000 reinforcements that Lee never received in reality, and an army which was also far better provisioned and armed than the real one, thanks to its imaginary victories. Lee would likely have followed a path of slow, defensive retreat, checking out his adversary and waiting for him to make a mistake for Lee to pounce on. Lee would not have rushed into a fight with Grant until he was able to get a measure of the man. (I'm talking about Grant, not his vaunted reputation.) He would have wanted to impose some tests on his adversary before developing a strategy to defeat him, for that is exactly what Lee did with the five commanders he vanquished before him.

But for the sake of argument, let's say Lee decides to take Grant head on, as he does in this book, and gets annihilated. There still is that thorny issue of the west. Even a defeated Army of Northern Virginia would not have resulted in Southern surrender as long as the South had other armies in the field intact and ready to fight on. The ultimate result might have been the same, but not in the easy and simplistic way presented in this book. It is downright counterintuitive to think that after the South won at Gettysburg and all but destroyed the North's largest army in the field, taking its ordnance and heavy artillery, the war could have been concluded two years earlier than it was. If anything, it would have dragged on longer — ultimately, perhaps, to a Southern victory. After all, the South didn't have to beat the North, it just had to avoid being beaten by the North.

The second book offers an interesting sidebar: the emperor of France decides to intervene on the South's side, sending an expeditionary force into Texas from Mexico (which was occupied by France) and using French warships to wreak havoc on the Union blockade. A little follow-through on this important action would have been appropriate. Astonishingly, none of this is mentioned in "Never Call Retreat."

But to return: For all the reasons stated above, the authors fail to make a convincing case for inevitable Northern triumph, even with a Yankee defeat at Gettysburg (and, presumably, French intervention from Mexico). They do nothing to shake my own settled opinion that up until Gettysburg, the war could have gone either way. All the South really had to do was hold Atlanta, so Lincoln could be retired in the election of '64. If the South had won at Gettysburg, it could have accomplished just that. It could have won the war. ❑

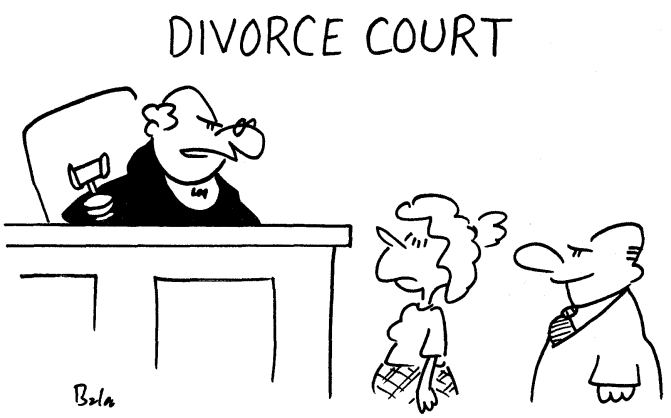

"You did *what* during his backswing?"

"The Woman and the Dynamo," by Stephen Cox. Transaction Publishers, 2004, 418 pages.

"Goddamit, NO"

Bruce Ramsey

Stephen Cox has pored over Isabel Paterson's weekly columns in the New York Herald Tribune. He has sifted her novels for autobiographical nuggets. He has tracked down her letters. There are still missing pieces — for example, we know almost nothing about her flighty husband — but about the brilliant and idiosyncratic writer herself, Cox's biography "The Woman and the Dynamo" is the definitive book.

Cox starts his story with her bold ascent to 5,000 feet in a Wright biplane. But this is mainly a book about boldness expressed on paper. Here was a woman who condemned Woodrow Wilson for "sacrificing the lives of millions on the altar of his self-conceit"; who called Herbert Hoover "the Fat Boy"; who declared that the first four years of Franklin Roosevelt were so bad that she was supporting the Republican Party "whether it likes it or not." In her column, "Turns with a Bookworm," she was the mistress of the snappy reply. Of the "lost generation" of the 1920s, she wrote, "We wish they'd stay lost. Nobody would go to look for them."

Isabel Paterson was such a strong believer in self-reliance that she refused to apply for Social Security.

Here was a woman who was such a strong believer in self-reliance that she refused to apply for Social Security, even though the amount it owed her was subtracted from the private pension she had earned through her newspaper work.

Commenting on her disdain for government-subsidized jobs, Cox writes, "The political principle was that nothing — certainly not the government — must be allowed to break the 'necessary connection' between real work and the individual. This principle, which was as much psychological as political, would provide the necessary connection between Paterson the personality and her libertarian philosophy."

Paterson, who lived from 1886 to 1960, grew up in the American and Canadian West at the end of the 19th century. Though she read hundreds of books, she seems to have absorbed her bedrock values from the milieu of that time. "To Paterson's way of thinking," Cox writes, "Western social equality was a subspecies of American individualism, a way of sizing people up for what they were as individuals and leaving it at that. A practical corollary was a laissez-faire attitude about other people's business." Quoting Paterson, Cox goes on to say, "Having 'lived in a shack' gave her an advantage over people who grew up in a better environment. It gave her 'good reason to know that such an environment doesn't occur in nature. It has to be earned and invented and made.'" She was for the self-made person and for capitalism.

A few others like her resisted the tides of progressivism and socialism that swept up their fellow intellectuals. Garet Garrett at the Saturday Evening Post was of the same generation, grew up in Iowa, and believed the same things. H.L. Mencken, another of that generation, did, too. All three were autodidacts who spent hardly any time in school and no time being homogenized at a university. All fashioned themselves into journalistic and literary figures of the 1920s, 1930s, and 1940s, with strong libertarian views and distinctive prose styles.

Though Paterson penned novels, some of which Cox says are good, all have been out of print for more than half a century. Most libertarians know just one Paterson book: "The God of the Machine."

Though I had read it before, "The Woman and the Dynamo" prompted me to read parts of it again. Afterward, one sentence in Cox's biography caught my attention: "Paterson's politics was deeply influenced by this essentially literary vision of America" (p. 139). Paterson was a literary person. She had some experience in the first decade of the 20th century working for bankers, real estate people, and the attorney for the Canadian Pacific Railroad, but she led a literary life after that. It was from that base she set out to describe the political theory of an industrial system.

I asked Cox: What did Paterson know about industry? "As much as most economists, who have never worked in it, either," he replied. "Sometimes a literary person has the perspective to see things that persons not immediately involved in the process don't see. . . . Part of this . . . is 'seeing' the capitalist system as a whole. Of course, no one can literally do that. But both socialists and individualists have exerted influence by giving people guiding images of the system. That's what Paterson does in 'The God of the Machine.'"

Much of her book is an analysis of the political underpinnings of a capitalist economy, explained in terms of engineering. Here is a sample:

"Personal liberty is the pre-condition of the release of energy. Private property is the inductor which initiates the flow. Real money is the transmission line; and the payment of debts comprises half the circuit. An empire is merely a long circuit energy-system. The possibility of a short circuit, ensuing leakage and breakdown or explosion, occurs in the hook-up of the political organization to the productive processes" (62).

This is an odd approach for a supporter of capitalism. Most supporters of capitalism speak the language of economics. Almost all writers who analyze the economy in terms of engineering — and most of these were the architects of Technocracy in the 1930s — have been socialists. And Paterson takes engineering seriously. Continuing the last quotation, she says, "This is not a figure of speech or analogy, but a specific physical description of what happens."

What did Paterson know about industry? As much as most economists, who have never worked in it, either.

Except that it really isn't. Ayn Rand, who recommended "The God of the Machine," pointed out the problem with Paterson's engineering theory: "To be fully demonstrated, such a theory would have to define the exact socio-political equivalents of the engineering concepts it uses. This, unfortunately, Mrs. Paterson has not done; she uses the literal terms of mechanical engineering in regard to political systems, thus creating the impression of a merely metaphorical discussion. But it is obviously not intended as a metaphor . . ." (The Objectivist Newsletter, October 1964, p. 42).

As metaphor, it is sometimes assigned more weight than it can hold. For example, in a chapter called "The Fatal Amendments," Paterson discusses the 17th Amendment, which took the elections of senators out of the hands of state legislatures. "Since then," Paterson writes, "the states have had no connection with the federal government; representation in both Houses of Congress rests only on a dislocated mass. The simultaneous abdication of both Houses in 1933 was the result. They were not thrust apart, they did not even fall apart, because they were no longer in any structural relation whatever, neither to mass nor to each other nor to the superstructure. They had simply ceased to function. The immediate appearance of an enormous bureaucracy was the natural phenomenon of the structureless nation" (161–162).

And that is all she says of it. It may be profound and it may be wrong. We don't know.

There is nothing wrong with metaphor as such, and some of Paterson's metaphor works well. When she writes of "the long circuit," she means exchange conducted across distance, among people who don't know each other, and through time, by use of finance. Other parts of the metaphor don't work as neatly, which she admits. On page 82, she writes, "In mechanical engineering, which is confined to material terms . . . every factor is capable of measurement . . . [But] physics has no name for the exact function which is delegated to government. It is something which does not exist in any manifestation of energy through inanimate material. It is peculiar to living creatures. . . ."

Why use engineering terms, then? Cox says she was doing this in her columns from the early 1930s, the time of the Technocracy fad. Paterson may have come up with her theory after arguing with the Technocrats.

"I think that Technocracy was a big influence." Cox says in correspondence. "She saw certain concepts that [Stuart] Chase and the other Technocrats were using, checked them out, turned them upside down, and developed them much farther than they did. But I would insist that she fully understood certain other economic ideas that they didn't, or that they didn't believe in: the subjective theory of value, the use of money and profits in directing investment, etc."

There is much else in "The God of the Machine." Notable is Paterson's argument for property, which begins with the statement, "Two bodies cannot occupy the same space at the same time" (180). Further, she writes, property is bound up in liberty. "Private property," she writes, "is the standing ground of the citizen" (131). In a collective society, "civil rights cannot exist because there is no place in which they can be exercised and no materials on which they can take effect" (184).

Scattered through the book like hard nuts of steel are Paterson's dismissals of common phrases and statements. Here are a few:

On the common good: "Is not sunlight a common good? No; persons do not enjoy the benefit by community, but singly. A blind man cannot see by community" (90).

On equality: "Equality in itself signifies nothing, implies no values; two zeros are equal. Liberty attaches value to it" (119).

On profit: "If profit is denounced, it must be assumed that running at a loss is admirable. . . . When any institution is not run for profit, it is necessarily at the cost of the producers" (221–222).

On production for use and not for profit: "As if there could be any profit if the product were not used; did Standard Oil pour its products down the sink?" (176).

What Cox calls Paterson's aphoristic style makes "The God of the Machine" one of libertarians' favorite and most underlined books. I open my copy and consider these statements, written 61 years ago:

"When racial groups are recognized in law, they can be discriminated against by law" (234).

"The phonetic alphabet is one of the greatest labor-saving devices ever invented" (254).

"If the primary objective of the philanthropist, his justification for living, is to help others, his ultimate goal requires that others shall be in want" (241).

There are times, however, when the literary Paterson misses an elementary fact. Criticizing public utilities, she says they "are not available to the public as owners. Any citizen who wishes to obtain electricity from a municipal plant must pay. . . . He is not the owner; an owner does not have to buy the product of his own property" (182). But a stockholder in a private utility is an owner, and the stockholder also has to pay.

Paterson rips into the wartime propaganda for "sacrifice": "When a motor truck is needed, one cannot ride around in a sacrifice" (270). It is a neat point, but she probably knew that if the people made certain sacrifices, like agreeing to rubber rationing and buying war bonds, it would be easier for the government to get the truck.

When racial groups are recognized in law, they can be discriminated against by law.

There are some big things she gets wrong. She thinks an advanced economy cannot exist without gold money. Not true so far.

She also believed the Soviet and Nazi economies could not sustain themselves after World War II. Writes Cox, "She had utter contempt for the Nazis and believed that both they and the Japanese imperialists would collapse soon after they had used up all they had acquired from 'the Western production circuit'" (250). In 1940 she said, "The machines are going to break up the German army." In "The God of the Machine" (1943) she says, "Machine production cannot be developed or sustained in any planned economy" (269).

There are some big things she gets wrong. She thinks an advanced economy cannot exist without gold money. Not true so far.

In the 1970s and 1980s the communist economies did visibly run down, and by the 1990s Cuba was a backwater and North Korea was in a famine. That would have surprised most of the intellectuals of the 1940s, but not Paterson. It might have surprised her, though, how long it took, and how little the decay seemed to affect the military. As for Nazi Germany, its industry produced the best artillery gun, the best tank, the first jet fighter, the first cruise missile, and the first ballistic missile of World War II.

Rose Wilder Lane made the same mistake of underestimation, telling Garet Garrett in 1939 that Germany could not sustain a war. Garrett had been a financial writer and had seen this argument disproved in World War I. He knew his subject, and warned Lane not to underestimate the enemy. He said, "Your thesis that Nazism will wreck itself by wrecking production at last may be sound, but if it is, it comes later." There is a difference between identifying a principle and having a sense of its strength and effects.

Similarly, Paterson argued that conscription makes an industrial country militarily weaker. It was an audacious argument when she made it, and probably not true, but it is true now for the advanced economies, and probably will remain true. Paterson saw the changes that would make it true but did not have a sense of their measure.

In her chapter on education, Paterson was right about phonics and reading decades before that argument was settled. Her bigger argument for the overthrow of state education, however, was impossibly radical then and remains radical today. However, there are many more supporters of it today than in 1943.

The final test of any book is survival. Publishing is a Darwinian business, with thousands of titles scattered each year like seeds in the forest. Most of the serious books published in the 1940s have decayed into dirt. But "The God of the Machine" lives. Putnam printed it in 1943, Caxton reprinted it in 1964, and Transaction reprinted it with Cox's introduction in 1995. Paterson's radical book has never been a bestseller, but it keeps sprouting back into print.

Her way of radicalism, however, inclined her to isolation. Unlike Mencken, who was merciless in print but a gentleman in the flesh, Paterson "was often accused of possessing no manners" (Cox, p. 89). She paid a price for that. Paterson broke with Ayn Rand in the 1940s, which might be dismissed because Rand was such a porcupine herself. But Paterson also broke with Lane, with humorist Will Cuppy, with public relations man H.M. Griffith, with conservative Russell Kirk, and with libertarians Leonard Read and John Chamberlain. A fascinating part of Cox's book is the importuning of Paterson by a young William F. Buckley, who was starting National Review and didn't want her to get all fussy with him.

"I admire you . . .," Buckley wrote. "I know all about your reservations, your conditions, your prejudices, your rights, your pride, and the rest of it, but I still want you to write for the magazine and am willing to pay the top rate for your copy. . . . Madame, I have had a very tough time among our pygmies. Please don't come back at me with a thousand conditions and qualifications. . . ." (345).

Paterson wrote several pieces for Buckley, including one on the political investigation of Robert Oppenheimer (Paterson hated the Bomb, and also the Reds), one on religion and author Lecomte du Noüy, and one on teaching children to read. But when she wrote a jeremiad on big-business supporters of capitalism in which she ridiculed DuPont executive Jasper Crane (whose correspondence with Rose Wilder Lane was made into "The Lady and the Tycoon"), Buckley wanted to take Crane's name out. Her answer to him was, "Goddamit, NO."

I used to admire that attitude. It was the attitude of Howard Roark in "The Fountainhead." He was saying, in effect, "Build my building exactly as I designed it, or I'll blow it up." It made for a fine story, but it is not a practical way to live. There is a place for intransigence, a place for compromise, and a place for letting things go. I am not going to burn my Social Security checks.

Paterson died a lonely woman, living in the home of her friend Muriel Welles Hall and, to the end, reading lots and lots of books. Cox contrasts this with the last years of Rose Wilder Lane, who, as an anarchist, was even more radical in her views than Paterson. Lane, he writes, "was friendly with Herbert Hoover; she was friendly with DuPont executives; she was friendly with counter-cultural activists of the 1960s. . . . [she] taught at Robert LeFevre's libertarian Freedom School in Colorado, where she was worshiped as a god, and was sent to Vietnam as a war correspondent for Woman's Day. She died in 1968, a reasonably happy woman" (286–7).

There is a place for intransigence, a place for compromise, and a place for letting things go. I am not going to burn my Social Security checks.

That is worth a lot. But then, Lane's opus, "The Discovery of Freedom," is unreadable. I have read "The God of the Machine" probably four times, and I have opened it so often the pages are falling out. ❑

Terra Incognita

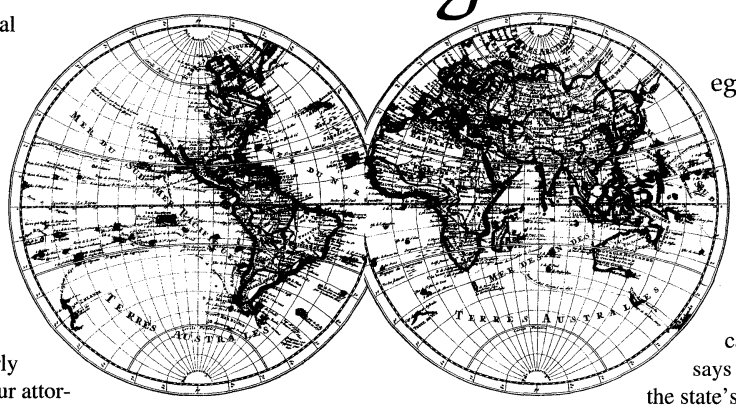

Athens, Ohio

Guerrilla marketing, reported in the *Columbus Dispatch:*

After a police officer noticed a sticker on a bicycle that said "this bike is a pipe bomb," authorities shut down four buildings at Ohio University until it was discovered that the message was the name of a punk rock band.

Tacoma, Wash.

Dental note, recorded in the *Tacoma News-Tribune:*

Government lawyers are trying to remove the gold-capped teeth known as "grills" from the mouths of Flenard T. Neal Jr. and Donald Jamar Lewis, who are facing drug charges.

The caps are permanently bonded to the drug defendants' teeth. Emily Langlie, a spokeswoman for the U.S. attorney's office in Seattle, said, "Asset forfeiture is a fairly routine procedure, and our attorneys were under the impression that these snapped out like a retainer."

Hamilton, New Zealand

Extremism in the defense of liberty is no vice — but it may be a hobby. From the *New Zealand Herald:*

A census-objector claimed he was cryogenically frozen and pronounced "legally dead" to avoid filling in his 2006 census form. This was just the latest census-avoiding stunt for Lair McGillicudy Graeme Cairns. In 1986, he claimed to be possessed by the spirit of an ancient ape, and thus not legally a person.

In 1991, he filled out his form in Latin and nailed it to a tree. In 1996 he hovered for the day in a hot air balloon and was deemed to be out of New Zealand's legal air space. (In 2001, he was in Australia, and thus genuinely absent.)

Cairns now has five years to prepare for the 2011 census, which he says could involve hypnosis, so he will believe himself a turnip, not a person.

Chicago

Plausible reason for the persistence of Braille on drive-up ATMs, noted by the *Chicago Tribune*:

Mayra Ramirez scored an A in driver's education this year, but sitting through the 10-week class felt like a bad joke to the Curie Metropolitan High School sophomore.

Ramirez is blind. She knows she's never going to drive. She can think of a lot of things she'd rather be studying than rules of the road, but she didn't have a choice: the Chicago Public School Board requires all sophomores to take the class and pass a written road-rules exam.

Bethesda, Md.

Protecting our nation from terrorist pornography, detailed in the *Washington Post*:

Two stern-looking uniformed men wearing baseball caps emblazoned with the words "Homeland Security" strolled into the main room of the Little Falls library and demanded the attention of all patrons using the computers. Then they made their announcement: the viewing of Internet pornography was forbidden.

Montgomery County's chief administrative officer, Bruce Romer, said the officers believed they were enforcing the county's sexual harassment policy.

Olympia, Wash.

Innovation in test-taking strategy, from the *Seattle Times:*

The state's education office has announced that making up facts is acceptable when writing nonfiction essays on the Washington Assessment of Student Learning (WASL) exam.

"Statistics in a WASL paper can be made up by you, the writer!" says a PowerPoint presentation made by the state's education department. "On the WASL, you can invent an important expert and have that person say something to bolster your opinion."

Peoria, Ill.

Novel interpretation of "innocent until proven guilty," in the *Peoria Journal-Star:*

The Peoria Police Department's website includes the mug shots and personal information of "johns," or those who have been arrested on solicitation of sex charges. The information is posted for one year, regardless of whether the johns are found guilty or not.

"If you are on our Web site, you approached an undercover officer and either offered money for sex, or sex for money," wrote Police Chief Stephen Settingsgaard. "Not being charged does not negate that you were arrested. Not being convicted does not negate your arrest."

Besides, "Leaving the photo with the indication that you were found not guilty informs the same public of your successful outcome."

Swansea, England

Food for a lifetime, from the *Sunday Times:*

A pilot scheme in Swansea is using experts from the Salmon and Trout Association to teach Muslim women and children to fish, part of a campaign the Environment Agency is embarking on to attract Asian women and other ethnic minorities to the sport.

"Angling does not discriminate against gender, race, age or athletic ability," notes an agency leaflet, which announces the government's interest in "angling in the context of social inclusion in deprived urban areas."

Special thanks to Russell Garrard, Janette Jaquish, and James Sanchez for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

In Maryland, only members of a State-protected cartel can own a funeral home.

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Charles Brown
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Letters

The Ego and the Idiots

Re "Winning the Battle for Freedom and Prosperity," by John Mackey (June): there are no irresistible arguments for freedom (or anything else). People can be unrelentingly stubborn or narrowminded. Also, Rand's "The Virtue of Selfishness" has a vital subtitle, "A New Concept of Egoism." And this concept is simply that a sound ethics has to be egoistic — it must provide one with action-guiding principles that promote one's life on earth, and help one flourish. There is nothing oxymoronic about this.

Tibor R. Machan
Silverado, Calif.

Dredlocked

James Harrold, Sr.'s second letter (April) regarding the *Dred Scott* decision of 1857 (not 1856) failed to accept the complexities of the case as well as the political circumstances that influenced the outcome. I stand by my view that Chief Justice Taney's opinion — that no blacks, free or slave, could become U.S. citizens or have any rights — was extrajudicial in the extreme and a prime example of the "living Constitution" doctrine.

There was *never* a racial division regarding these matters in the Constitution. *Never*.

I suggest that all interested readers pick up a copy of Donald Fehrenbacher's Pulitzer Prize-winning, 600-plus page classic work "The Dred Scott Case — Its Significance in American Law and Politics."

Keep in mind that when Taney wrote that one reason blacks were not citizens was because they'd be able "to keep and bear arms wherever

From the Editor

Some years ago, upset by the unworldly ideas of certain friends of liberty, I defined a "libertarian" as a person who believes that the answer to every question can be found in the library. Since then, I've begun to think that's not a bad thing.

Indulging the libertarian taste for books, this issue includes a special section of advice on summer reading. We've assembled Liberty's usual suspects — a highly idiosyncratic, opinionated, quirky, unrepresentative group of individuals — and we've given them our usual orders: "Go ahead. Say anything you want." You'll find the results on p. 15. I believe they'll surprise, annoy, delight, and enlighten you. At least that's the effect that 24 out of 25 of them had on me (I'm the one who brings up the rear, at no. 25).

The rest of this issue offers writing by much the same kind of people, because that's the kind of people we like, whether they're talking about books or films or the state of the world as we know it. The individual mind is a terrible thing to waste, and we don't plan to waste it here.

I hope you're having a good summer — reading books, fighting for freedom, or just watching the clouds go by.

For Liberty,

Stephen Cox
Editor

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Inside Liberty

July 2006
Volume 20, Number 7

2 **Letters** Our readers come out swinging.

5 **Reflections** We down some crazy pills, plow into the White House, battle for luggage, rig the lottery, patent our perpetual motion machine, complain about our miserly portions of poison, divvy up the oil money, fly a pencil, unleash the bears, and wait quite a while for a New Orleans bus.

Features

15 **The Books of Summer** Summer is the time to hang a hammock, mix a mai tai, and spend a long afternoon stretched out with a good book. Our editors and contributors offer a stack of suggestions.

29 **My Life As a Legislator** *The Hon. R. Kenneth Lindell* takes us to a place where libertarians have never trod before.

33 **The TIF That is Eating Portland** Americans may be catching on to eminent domain, but *Randal O'Toole* finds that central planners and urban renewers have a more sophisticated weapon to use.

36 **Down in Egypt Land** *Doug Casey* looks past the pharaohs and the pyramids, and sees a land perched on the edge of destruction.

39 **Freedom to Speak** Why would tens of thousands of people surrender their lunch breaks to make speeches to one another? *Jane S. Shaw* examines the thoroughly American world of Toastmasters.

Reviews

43 **Bound but Determined** *Jo Ann Skousen* assesses a literary work in which the motto is, "Obey, obey, obey, then do what you want."

45 **Of Mars and Mammoths** Telepathic computers, near-instant sex changes, and lunar butterflies: *Timothy Sandefur* delves into the work of a science fiction master.

47 **Do the Right Transition** Has Spike Lee finally set aside his racial rhetoric? *Jo Ann Skousen* investigates his newest film, "Inside Man."

50 **Spurning the Great Communicator** When the president's own party members attack his policies, *Martin Morse Wooster* sits up and takes notice.

51 **Booknotes** Redneck sociology, anarchic fantasy, lessons about war, and the rise of South Park Conservatives.

52 **Notes on Contributors** Catching waves and combing beaches.

54 **Terra Incognita** Stupidity, equality, fraternity.

they went," he was not stating why they *weren't* recognized as citizens, but why they *shouldn't* be. That's not "original intent"; it is an activist judiciary changing interpretations in order to produce a desired outcome — the "living Constitution" doctrine.

Bob Tiernan
Portland, Ore.

The Giant Sucking Sound

Martin Solomon's "Why I fight" (Reflections, May) on his reasons for sticking with immigration law makes me wonder just how long he reflected on the matter.

His first reason — the expansion of liberty — fails to take into account the steady, increasing drain on the U.S. economy from the federal and other entitlements either aimed at immigrants or not closed to immigrants. Eventually, the load on the nation's economy could destroy what remnants of liberty we now enjoy.

Solomon's second reason — the increase in productivity — is also suspect. U.S. citizens are happy to work at any job that entails fair pay and decent working conditions. Too many employers, however, are delighted to discover sufficient numbers of applicants either ignorant of the law, or resident in defiance of the law, who can be exploited as the employer desires. This draws down the price of labor in other parts of the economy — and inflates shareholders' dividends. This condition has the added defect of synthesizing demand for entitlements.

If Solomon wants to honor his family by supporting new immigrants' efforts at gaining legal status, I see no reason why he should feel any other need to practice immigration law — and he should just admit it without adding excuses.

Eric C. Sanders
Roseville, Mich.

Everything Is Under Control

For the most part I enjoyed John Mackey's article thoroughly. Viewing the pros of libertarianism through the lens of liberalism really hit home, considering I come from an entrepreneurial family with strong liberal values. We understand the importance of civil liberties and social justice, but also the importance of having a business free from government restraint.

However, I must disagree with his views on economic globalization. Mackey rightly rails against all forms of government coercion, economic and social, but then he applauds open markets, trade, and globalization as being beneficial to the world. I find this stance to be somewhat hypocritical for a few reasons: globalization hardly operates through a government free market; it is executed solely by government institutions. The tactics of the WTO, the World Bank, and NAFTA promote a global hegemony, and they are enforced by big government coercion.

His opinion on this matter shows that he still believes that there is a distinct separation between big business and big government. This is big business using big government institutions to expand global economic control, and a great deal of it is paid for by the taxpayers. This is not a good example of a prosperous ungoverned global market, it is more like the ugliest form of government-regulated economics. This is the redistribution of wealth from the bottom to the top. May I dare to say that this libertarian is sounding a bit like a state apologist?

Brandon Bitros
Philadelphia, Pa.

Back Mack

I greatly enjoyed John Mackey's article — his clarity, energy, ideas, and yes, idealism, were very appealing.

The Libertarian Party might put him up as a presidential candidate. We sorely need someone to articulate these good ideas.

Ken Green
Chino Hills, Calif.

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Reflections

Dynastic cycle — First it was Teddy, now his son Patrick . . . clearly, we should view the Kennedys' use of chauffeured limousines not as a perk, but as a precaution vital for public safety. — Ross Levatter

Onward to Golgotha — The Bushian short-sighted miscalculation has been tax cuts favoring the rich while running up deficits that will eventually need to be paid off not by poor people, who won't have enough money, but those rich who, given their access to media, will publicly crucify Dubya perhaps before his death. — Richard Kostelanetz

Jax v. LAX — On April 17th, Jesse Jackson was interviewed on CNN about the Duke lacrosse rape case. He claimed the case demonstrated the classic white male fantasy of having a black woman in sexual servitude, a fantasy that brings back the worst aspects of chattel slavery.

When informed no individual on the lacrosse team specifically requested a *black* stripper, Jackson nonetheless maintained, "that is what they got."

It seems to avoid Jackson's claim, the team would have had to specifically request a *white* stripper.

I wonder what Jackson's response would have been to that? — Ross Levatter

Drunknesse oblige — Patrick Kennedy drove his Ford Mustang into a White House barricade, creating a big media stir which lasted about a week. The strangest part of the story was that he was given a ride home and tucked into bed. A commoner would have been given a breath test and taken to a darkened basement at an undisclosed location for questioning by Homeland Security.

Kennedy's claim when he staggered out of the car was that he was rushing to a vote in the House of Representatives. At 2:45 in the morning. While most people think this is a humorous example of drunken disorientation, the truth is it is an indication that despite his drunkenness, he had the presence of mind to whip out his congressional "get out of jail free" card. Since congressmen "shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same," I would suggest that the "on my way to a vote" immunity is second only to franking in the category of often abused congressional privileges. I'm certain that the same line has been repeated for decades by drunk-driving congressmen coast to coast.

I wonder why people think that a family that has such a long record of crashing cars, crashing planes, and skiing into trees, is full of natural-born leaders. Perhaps that's why Kennedys tend towards a philosophy of government that takes personal decisions away from the individual.

— Tim Slagle

A Ray of sunshine — Only eight months after Hurricane Katrina, New Orleans Mayor Ray Nagin announced the city's evacuation plan in case a hurricane ever threatens the city. I am sure this will be a great relief to all of the local residents who were worried that a hurricane might cause one of the city's seawalls to fail.

Of course, New Orleans had an evacuation plan before Hurricane Katrina. David Brooks observed in the New York Times that this plan "must rank among the greatest emergency preparedness plans" ever written. The only problem was that no one bothered to carry it out.

The difference between the new plan and the old plan is that, under the new plan, when no one bothers to send buses to evacuate people who don't own cars, those people will be allowed to carry their pets in the buses that don't show up. Under the old plan, people were not allowed to bring their pets, so some of them decided not to go to the staging areas where the buses failed to show up.

Obviously, the new plan is far superior to the old one. I am sure that Mayor Nagin has high hopes that it will help him win reelection so he can remain in office to complain about FEMA when the next hurricane hits the Gulf Coast.

— Randal O'Toole

Don't drink the water — When the public school authority in my city discovered that water in some of the school drinking fountains contained from 11 to 18 parts per billion of arsenic, they shut down all the drinking fountains in all the schools and promised to test them all and fix every one

that needed it. The most common response, of course, was that they had no choice but to do this: the federal standard was 10 parts per billion, and in these schools the arsenic exceeded that standard.

No health problem among the students or staff prompted the test. It was made because water in some of the older schools showed rust, and while testing for iron oxide it was thought advisable to test for arsenic. That is how they found it.

Once they had discovered it, it would be difficult to imagine a public school board ignoring it. It was *arsenic!* And yet the other organizations in the city, including the newspapers and the radio and TV stations that raised the alarm about the public schools (but not the private ones), did not announce that they were testing *their* water. Nor did the public hospitals, the city jail, the state university test their water — at least, not that I know of. None of the restaurant chains announced that they had tested their water, and no private employer either. Did any of the parents who had denounced the public schools test the water in their homes? I bet not. Some buy bottled water, but many don't.

That tells me that few people thought it was *that* dangerous. Yet everyone had to pretend it was. — Bruce Ramsey

Power to the people — If government controls most of the wealth in a country, it is in the self-interest of the citizenry to kowtow to the government. If private citizens control most of the wealth, it is in the self-interest of the government to kowtow to the people.

Nowhere is this more starkly the case than in the oil industry. In the U.S. and other western countries, where corporations own the oil in the ground and control its production and marketing, stockholders (that is, citizens) have control of the wealth produced. And affluent citizens are better at getting the government to kowtow to them than are impoverished peasants — like those in third-world countries where oil and gas are nationalized. Like the Middle East. Like Iraq.

Borrowing from the approach of General MacArthur in post-WWII Japan, here is a simple proposal to end the strife in Iraq: create three or four integrated oil companies. Grant them rights to all the oil and gas reserves and production infrastructure in Iraq. Award equal ownership shares to all 26,783,383 men, women, and children in Iraq (all figures in this discussion come from the CIA "World Factbook"). With an annual production of 730 million barrels per year selling at $70 per barrel and costing $1.50 per barrel to find and lift, that works out to $1,867 per year in profit for every Sunni, Shiite, and Kurd in Iraq. Pay out half in dividends and reinvest the rest to bring oil production back to the 1.3 billion barrel per year production level reached in the early '90s — or higher. In Iraq, reserves are not a problem. Proven reserves are 115 billion barrels: enough for 88 years at the 1.3 billion barrels per year production level. Assuming no further discoveries. And not counting natural gas. At a price-earnings ratio of 10, the same as ExxonMobil's, each Iraqi's stock would be worth $18,670. Those who wanted to cash out and reinvest elsewhere would be free to do so.

In one bold stroke the U.S. would accomplish at least four things:

1. Lessen sectarian strife while marginalizing the insurgency. Even when the Sunnis controlled Iraq, the average Sunni got nowhere near $933.50 per year from oil. The Shiites and Kurds got next to nothing. It would immediately be in every Iraqi's self-interest to protect the infrastructure rather than bomb it.

2. Prove that lust for oil is not the reason the U.S. went to war in Iraq. Don't worry. We would still be Iraq's biggest customer. American companies would still be free to compete for contracts to explore and drill. And when you consider the lessening of our expenditure in blood and treasure, we would be paying less for oil than we are now.

3. Allow those Iraqis who cash out and reinvest to sow the seeds of an economic revival in the cradle of civilization. At least they would spend it more wisely than Saddam did. All he did was build more palaces for himself.

4. Add capitalism to democracy to make Iraq the shining beacon of freedom and general prosperity in the Middle East that the neocons are always dreaming about.

Once the government of Iraq starts kowtowing to its people, the allure of radical Islam, government corruption, and tribalism will decrease. Hope will replace hopelessness among the people. Pursuit of profit will replace shame as entrepreneurs invest their oil windfall in other ventures and diversify the economy. The U.S. and its coalition partners will be able to decrease investment in maintaining security in that part of the world. It's a win for everyone involved — except displaced autocrats everywhere. — Richard Fields

Perpetual refrain — The "Real Scotsman" fallacy is based on an old joke where MacGregor says to MacTavish, "Every Scotsman loves haggis."

MacTavish replies, " I can't stand the stuff."

"Well then," says MacGregor, "you're not a *real* Scotsman."

This fallacy always springs up when I try to talk to anyone in a Che Guevara t-shirt. Most modern communists refuse to accept that every time communism has been attempted, it has resulted in poverty, death, and despair. When you point this out they will always claim, "Well, that wasn't *real* communism."

The popular belief is that if a nation would hold true to the tenets of Marx, peace and prosperity would reign. But they won't acknowledge that once property rights are abolished, liberty and life always disappear shortly afterward.

There was a time when the U.S. patent office was swamped with applications for perpetual motion machines. These contraptions always worked well in the minds of their inventors, but could never be constructed, because a perpetual motion machine is prohibited by the laws of physics. The patent office's solution was to require that a working model be provided with any application submitted. The implementation of that rule has prevented any perpetual motion patents from being granted.

I suggest we implement the same rule for communists here. Until you can provide a working model, we don't want anything to do with it. — Tim Slagle

Where the wild things are secretly reintroduced — Before they got religiously green, the Western Europeans killed almost all their wolves and bears. What's left of their wildlife is pretty timid. In America, we have big, wild country and a population of mostly greenish

city slickers. That is the deadly combination that makes for animal attacks. The protected critters get bold, and people in any leafy area less urban than Central Park sometimes get et.

When I lived in France in the early 1990s, I began collecting news stories of animal attacks in America. Some of my French friends loved to hear these stories, because they flattered European notions of America as a wild place.

Not to be outdone, the French have now decided to release Slovenian bears in the Pyrenees. Two or three shepherds opposed and disrupted the first release. So the government released the second bear (named "Franska," or "Frenchy" in Slovenian) at a secret time and place. So, if all goes well, we will have stories from Europe of animal attacks within a few ursine generations. (It takes that long for animals to realize that we got religion and are no longer a threat to them.)

— Michael Christian

Freedom finger — I see in the Wall Street Journal, May 2, that the silvery skyscraper planned for the site of the Sept. 11 attacks in New York City may be filled in large part by federal security agencies, including Customs, Immigration, and the FBI. Why do government officials need to be in such a fancy building? They don't. But building it is a political decision, and it may take political support to fill enough of it to finance its construction.

The private sector is not so eager to fill it. One of the reasons now cited is that a lot of people don't want to be down the hall from the FBI, Customs, *et al.* That may be so — and it may also be easier to say that to a newspaper reporter than to say they don't want to get blown up.

There is a school of belligerent anti-terrorists, especially certain Objectivists, who are hot for replacing the Twin Towers with the tallest, starkest stainless-steel middle finger possible, to extend an unmistakable message to the enemies of civilization. That is what is being done: the building is to be called the "Freedom Tower" and it is to be 1,776 feet high. I think these folks are following their emotions rather than their reason, which ought to tell them that this building has a special risk attached to no other office building in New York City. And the flashier they make it, the more difficult it will be to underwrite life insurance on the tenants. *I* wouldn't rent space in that building, and I wouldn't invest in it either.

Private tenants can make that decision; they don't have to prove anything. The government does. — Bruce Ramsey

I'm sorry to interrupt you . . . — To all bishops of the Roman Catholic Church, country-club conservatives, Democratic Party activists, and libertarian political fundamentalists:

Ladies and Gentlemen,

I'm sorry to interrupt the celebration you're having for open borders and free immigration. I know that for the first time in history, you're really enjoying one another's company. I hate to distract you from the food and drink and the big hugs all around, but I'd like to ask you a few short questions. I hope you will try to answer them without reminding me that we are all immigrants, calling me a racist or a xenophobe, or reciting Emma Lazarus' poem about the Statue of Liberty.

Do you believe there are any limits to the number of immigrants that America should accept? If so, what are they? Or should anyone who can travel to America be allowed to live here permanently?

Do you believe there are any limits to "immigrants' rights" — including, as many of you insist, the right to government-provided education, government-provided welfare, government-provided health care, government-provided hiring and advancement quotas, and government-provided pensions, as well as the right to elect the government? Do immigrants gain these "rights" simply by existing here? If so, how long should they be required to do that? Ten years? One year? One month?

News You May Have Missed

Judas to Oprah: "I Did Not Make It Up"

CHICAGO — A nationwide book tour by cult author Judas Iscariot promoting his surprise runaway best-seller, "The Gospel of Judas," was disrupted this week when Oprah accused the writer of fabricating large parts of the controversial memoir. "You betrayed me and everybody else," she said on her nationally televised afternoon talk show as the beleaguered writer cowered on a couch next to her. "You just made stuff up, didn't you? I mean, with twelve apprentices, disciples, whatever, to choose from, we're supposed to believe that you were chosen as the go-to guy? Jesus was leaking all that top-secret material just to you? Come on." But Iscariot continued to vouch for its accuracy. "No, no, I swear, it's the gospel truth," he said of the short but sensational book, which waited an unusually long 2,000 years for the paperback edition.

As for the numerous passages in which Jesus unexpectedly breaks into laughter, Iscariot insisted that they were completely accurate. "Look, I was there, he had all of us in stitches, especially with the one about the rabbi, the camel, and the woman taken in adultery. Jesus was just a laugh-a-minute kind of guy, the first really great Jewish stand-up comedian," he said. "I just wish he had lived to play the Catskills."

Meanwhile, Iscariot's legal troubles mounted as rival author Dan Brown filed a lawsuit against him for stealing the essential idea and "the architecture" of his own best-seller, "The Da Vinci Code." Brown also bitterly complained that "The Gospel of Judas" "made the Roman Catholic Church look bad."

But Iscariot's contentious Oprah appearance ended on a note of reconciliation when he got up off the couch and, as the audience cheered and applauded, embraced her, though she was evidently not very comfortable with the unexpected gesture. "Wait a second, stop that, what do you think you're doing? Stop kissing me! Don't need no damn kisses," the popular talk-show host protested as she tried to push him away. She was reportedly later detained by authorities on unspecified charges and hasn't been heard from since.

— Eric Kenning

Word Watch

by Stephen Cox

There's a passage in Martin Luther King's essays that makes me wince. It's a passage where he's talking about Americans' "worship of bigness . . . big cities, big buildings, big corporations." He calls this phenomenon "jumboism."

First of all, he's chosen the wrong target. Americans don't want bigness; they want convenience. The tendency of American capitalism is to make consumer goods progressively cheaper, smaller, and handier. The tiny flash drive sticking out of my laptop has the power of thousands of gargantuan Univacs. Nobody wants a phonograph; everybody wants an iPod. Even SUVs are small, cheap, and handy, relative to the many things they're able to do. As for cities, buildings, and corporations: which do people think is classier, a vast cafeteria or an intimate café, a thousand-unit condo complex or a rustic hideaway? And I'm sure you've noted that when people want to say something bad about Starbucks, they say they don't want "another big *#&*! business in the neighborhood." It's the government, not the private consumer, that can never tolerate anything small. What government always wants is bigger programs, bigger payrolls, bigger concrete Facilities. I'm sorry to say that Dr. King, despite his noble courage and his fine insights into human psychology, had no gift for understanding the nature of big government. Besides, "jumboism" is a silly word.

But it's good for one thing: it's an excellent name for inflated language. Here the target is real: America never has its fill of verbal jumboism.

It used to take the form of tumescent oratory. Here's the start of the two-hour speech that Edward Everett delivered at Gettysburg:

> Standing beneath this serene sky, overlooking these broad fields now reposing from the labors of the waning year, the mighty Alleghenies dimly towering before us, the graves of our brethren beneath our feet, it is with hesitation that I raise my poor voice to break the eloquent silence of God and Nature. But the duty to which you have called me must be performed — grant me, I pray you, your indulgence and your sympathy.

Abraham Lincoln followed with his now-famous handful of words, and the audience is said to have been disappointed.

But don't laugh at the Victorians; we have our own flavors of gas, and our gas is often more dangerous, because it is more insidious. It isn't an inflation of rhetoric, it's an inflation of concepts, or those nameless mental movements that substitute for concepts.

How many times have you heard that "the legendary John Lennon" may have been "the greatest rock 'n' roll musician of all time"? I've heard that at least *a billion* times. Innocuous? Well, what picture of the world does it suggest? It's the picture of "all time" as 50 years long, the picture of pop-culture celebrity as equivalent to "legend," the picture of a man whose every snort and drivel has been publicized in every conceivable way as somehow equivalent in romance and mystery to the keepers of the Holy Grail. It's grotesque puffery, "jumboism" of the human spirit.

And like all bad money, it drives out good. Go to Google and type in "legendary story." (I know there's a redundancy there, since a legend *is* a story, but that's just another form of jumboism — always say things twice.) See what you come up with: "The Legendary Story of Sun Records," "the Legendary Story of the USA Women's Soccer Team," "the legendary quest for Kryptonite's new bicycle locks," "the story of the legendary Gil Dobie . . . the best football coach the University of Washington has ever had," and a headline from no less legendary an outlet than ABC News: "Legendary felon requests sentence to match Bird jersey." In other words, a guy in Oklahoma asked to be sentenced to 33 years in prison because "33" was the number on basketball star Larry Bird's uniform. So he's a "legendary felon."

Obviously, there's a lot of just plain daffiness about this kind of thing. Andy Hanlen of Cypress, Calif., one of the best readers of this column, notifies me that businesses in his neck of the woods are advertising their "ginormous" sales — events that are both *gigantic* and *enormous*, so big that a whole new *word* is needed to do them justice. The fact that they're advertising an *enormous* number of remarkably *small* prices just adds some unconscious irony to the verbal naiveté.

But jumboism is often far from innocent. The legal case of Michael Skakel, a person who killed his next-door neighbor and thought he could get away with it because he's related to the Kennedys, is said by Reuters to have "added to the aura of tragedy haunting America's most celebrated political family." Part of that is right; the Kennedys are the most celebrated political family in America (though they're also the most detested). But the idea that they are "haunted" by "tragedy" is no truer than the idea that your family or mine is "haunted" in that way.

The true meaning of "tragedy" I will leave for another installment of this column. The fact is, however, that members of large families (and we are all members of a very large family) often get shot, die of diseases, perish in plane wrecks, ski into trees, marry ugly men for their wealth, become addicted to drugs, accept prizes for plagiarized books, lobotomize their daughters, try to get the Catholic church to declare that their marriages never existed, drive off roads and cripple their passengers for life, drive off bridges and leave their passengers to drown, sleep with spies and gangsters' molls, or have other strange or unpleasant experiences — yet those families are not said to be "haunted by tragedy." And in truth they are not "haunted." Any "aura" is entirely an emanation of the media. Its insidious political effect is to confer emotional privilege where it is not deserved.

I'll mention one more example of political jumboism — and this one is much more ridiculous. Carl Isackson writes from San Francisco about an interview he saw with Harry Belafonte on C-Span 2. As a way of saying who this strange person was, the TV screen flashed the words "Singer and Humanitarian" under his name. Carl asks the right question: "Is Humanitarian a job?" Well, no, it's not; and it's not a personal identification, either, except when the electronic media have concluded that someone's moral qualities are so ginormous, so filled with aura, and of such a legendary nature, that no mundane title can be used. In other words, the gas has expanded to occupy all the available space.

One minute?

Are you making the same demands for open borders on Canada, Mexico, England, and Italy that you are on the United States?

I know you believe that the American economy derives untold benefits from the existence of a multitude of unskilled laborers in this country. If the economy benefits so much from, say, 10 million unskilled laborers, would it benefit still more from 50 million? 100 million? 500 million? Because I'm sure you could find that many people who would be willing to come here.

If you believed that a preponderance of immigrants from Canada, Mexico, Russia, Afghanistan, or any other country adhered to political or religious ideas that were inimical to the rights that American citizens now enjoy, would you seek to limit immigration from that country?

Here's a final question, just for the libertarians among you:

If you doubted that there was any realistic prospect that you could dismantle government schools, government welfare, government health care, government hiring and advancement quotas, government pensions, and the rest of this country's social-democratic political system *before* you proceeded to dismantle controls on immigration, would you still be in favor of dismantling those controls?

I'm not sure that I know the answers to all these questions. But tell me please: do you? And if you don't, are you willing to say that you don't?

I'll be interested to see whether anyone replies.

— Stephen Cox

China's crazy pills — So I was walking out of one of my consulting gigs today and I noticed some fat cat had not picked up his copy of the Wall Street Journal. As it was Friday night at 6 p.m. I figured it would be OK to repurpose the paper to provide me with some diversion while I ate my roast beef sandwich at the sub shop. The front page had a big article about how overheated China's economy was getting, what with "sizzling" growth rates of 10.2% last year. There was lots of verbiage about how it was bad for the Chinese economy to grow too fast.

"Too much economy" — what an image. Remember Will Ferrell in the movie "Zoolander"? It's toward the end, and he's standing on the runway with his pointy white hairdo, screaming: "Enough already . . . Doesn't anyone notice this? I feel like I'm taking crazy pills!"

How can there be too much economy? Are there too many hands shaking? Too many contracts being signed? Too many people getting new and better jobs? Too much high-quality, low-cost merchandise flooding the shelves? Have I lost my frigging mind? Am I taking crazy pills?

Buried deep in the article, there was a tiny sliver of reason. The writer alluded to capital formation and value creation that can be too chaotic and wasteful. But think about it. It's as if you built a road or a sea trawler all willy-nilly and then regretted it and had to repurpose it as the Derek Zoolander Center for Kids Who Can't Read Good. Well, that, as we technical people say, would be a second-order effect. Getting "economy" earlier in time is just as beneficial as having a career that pays you six figures right out of college. Sure, you might piss some of it away; but you and the world would be far better off than if the money had been dribbled out to you over decades so it could be "managed" by fat-cat opportunists trying to use political means to steer undeserved benefits to a privileged few.

No, the real reason the power elite want to slow down China's economy is so they can get all their deals lined up and their market power established and political pull installed, and then they can make sure to exclude those uppity people who didn't go to the right schools and are not the right color or religion. They hate speed, chaos, and efficiency, because they hate anything that might impede their keeping control and maintaining power.

If its boycott doesn't work, the American Family Association could ceremoniously set DVDs on fire. It describes itself as an organization for "people who are tired of cursing the darkness and who are ready to light a bonfire."

But it is obvious that they are as dumb as a bag of hammers if they think "economy" is bad, and it is obvious that they will be left behind and replaced by the *nouveaux riches*, that aristocracy of merit they so despise for being so elegantly able to outthink and outwork the stupid and lazy sons and daughters of America's old money.

I am so glad that Craig's List and other sites on the internet are putting the newspapers out of business. It's about time, if the newspapers think their readers are stupid enough to fall for such drivel. The Journal's track record on Big Policy is not so stellar. The last big idea it pushed was the unilateral attack on Iraq. Boy, that sure worked out swell. Maybe the Journal should stick to printing yesterday's ticker and leave the complex self-organizing behavior to the "economy."

Besides, all these wasteful copies of the Journal lying around unread in the reception rooms of corporate America make it obvious that the paper has grown too fast, all willy-nilly, and needs to have its growth limited, for its own good, you know, so there's less waste and stuff.

— Paul Rako

Always gay terrorists. Always — Lots of people are mad at Wal-Mart.

The AFL-CIO charges that Wal-Mart is using its lobbying power to derail security improvements at U.S. ports. "Wal-Mart, America's largest importer, is using its clout to block new port security measures," contends the labor federation in a recent report, "Unchecked: How Wal-Mart Uses Its Might to Block Port Security."

It's not that Wal-Mart is pro-terrorist. It's just that the company is opposed to beefing up inspections and making containers more secure because such safety measures could produce a drop in profits, according to the AFL-CIO.

New York City is going to die someday, one surmises, because Wal-Mart is too cheap — and because too many of us are trying to save a buck by buying Chinese-made blinking reindeers at Christmas.

Farther below the belt, the American Family Association charges that Wal-Mart is too gay. The accusation was leveled after Wal-Mart placed posters of Jake Gyllenhaal and Heath Ledger, the stars of "Brokeback Mountain," at the front of its stores to promote the film's DVD release.

Asserting that Wal-Mart is "trying to help normalize homosexuality," Randy Sharp, director of special projects for the 3 million member American Family Association, asked Wal-Mart's customers to demand that the DVD be removed from the store's shelves.

"It wasn't even a blockbuster movie, so if Wal-Mart isn't trying to push an agenda, why would they put it at the front door?" asked Sharp. "How many copies are they going to have to sell to recoup the losses of customers who they've offended and will no longer shop at Wal-Mart?"

If the boycott doesn't work, perhaps some DVDs could be ceremoniously set on fire. The American Family Association describes itself as an organization for "people who are tired of cursing the darkness and who are ready to light a bonfire."

But where does it stop? Remember when Jerry Falwell concluded that one of the Teletubbies was gay, i.e., Tinky Winky, the purple one with the handbag and a triangular antenna on his head? Falwell, outing Tinky, declared, "He's purple, the gay color, and his antenna is shaped like a triangle, the gay pride symbol." Plus the purse.

"Where they burn books, they end up burning human beings," wrote Heinrich Heine in his 1821 play "Almansor." Just over a century later, the Nazis did exactly as Heine had predicted, targeting, among others, those who might well prefer purple to brown when it comes to picking a national shirt color.

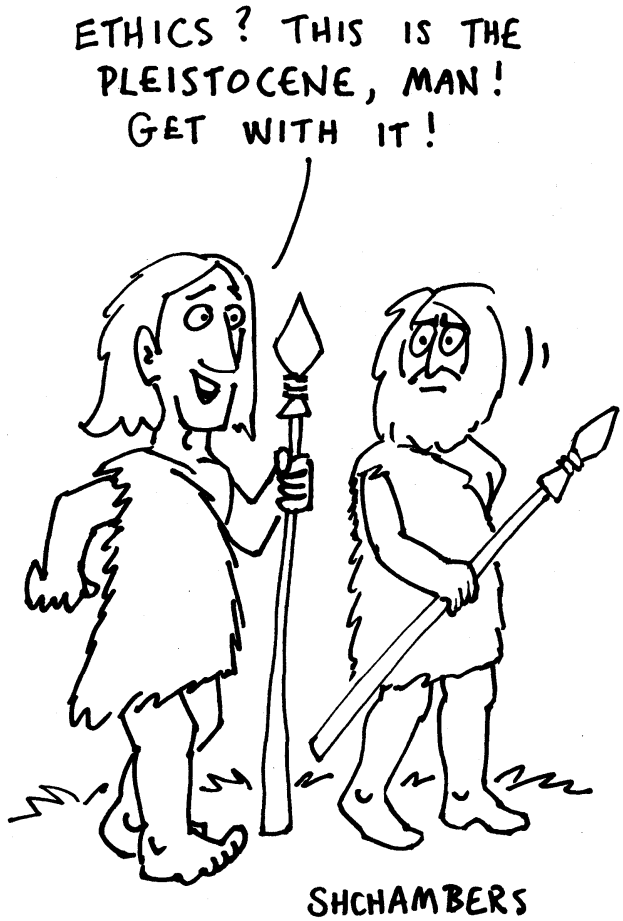

In any case, Wal-Mart spokeswoman Jolanda Stewart replied that the company wasn't pushing any specific lifestyles in its DVD department, just responding to consumer demand. "The fact that we are offering the movie," she explained, "is not an endorsement of the content of the movie or any specific belief."

In other words, a copy of "One Flew Over the Cuckoo's Nest" on the shelves at Wal-Mart doesn't mean the company is clandestinely pushing an agenda that favors bipolar rebellions.

A more widespread complaint against Wal-Mart charges that the giant retailer comes in and wipes out Main Street, putting an end to all those mom-'n-pops that sell everything from hammers to salmon.

The other side of the story is that salmon is no longer a high-end delicacy, beyond the reach of the average household. With fresh fillets selling for $4.50 a pound in Wal-Mart's display cases, the price for an 8-ounce dinner portion is 44 cents lower than the current price of a cheeseburger Happy Meal at McDonald's.

The end result is better nutrition in America, especially among lower-income households, and less poverty and unemployment in Wal-Mart's primary supply regions in southern Chile.

Altogether, Wal-Mart's prices, according to a study by MIT economist Jerry Hausman and USDA economist Ephraim Leibtag, are saving U.S. consumers more than $50 billion a year — money that's spent elsewhere, boosting volume at other businesses and creating new enterprises, including mom-'n-pops.

The net effect? The director of economic policy for the Kerry-Edwards campaign, NYU economist Jason Furman, contends that Wal-Mart is "a progressive success story." With Wal-Mart's prices ranging from 8% to 40% lower than people would pay elsewhere, the increase in buying power that Wal-Mart delivers, disproportionately to lower income families, more than offsets any reduction that the company has allegedly produced in the earnings of retail workers.

— Ralph R. Reiland

Pyrrhus on campus

— Here's a story that provides a cautionary tale for conservatives, like David Horowitz, who believe they can outwit their opponents on campus by fighting fire with fire.

In a classic Horowitz-style campaign, Michelle Malkin and other conservatives took up the cause of students who complained about an instructor at Bellevue Community College in Washington. The instructor had asked a math question which included these words: "Condoleezza holds a watermelon just over the edge of the roof of the 300-foot Federal Building, and tosses it up with a velocity of 20 feet per second." Outraged conservatives around the country bombarded the campus with phone calls and emails.

The conservatives won . . . but at what cost? Seizing on the controversy, like a typical entrepreneurial college administrator, President Jean Floten turned it into an opportunity to expand the power of the administration. While she sanctioned

the professor, even prompting him to request "cultural sensitivity training," her other changes will enable the campus diversity policemen to impose even more of their one-sided PC indoctrination on all students, staff, and faculty.

Promising to "redouble" the college's "efforts to improve racial and cultural sensitivity," Floten announced more diversity training and the hiring of new staff for this purpose. Most ominously, for those of us who believe in academic freedom, she said that Bellevue will add a diversity ("pluralism") component to "program review and employee evaluations." This looks like some sort of loyalty oath. Some victory!

— David Beito

Medical doubletalk — I was recently at a presentation given by a nationally active advocate for socialized medicine. Of course, that is not what the advocate called it; it was "affordable healthcare for all," or something like that.

She was arguing two things: first, that it was a shame that millions of Americans were not getting care when they needed it, and second, that if we gave them care it wouldn't necessarily cost any more, because it was costing us already when the uninsured went to emergency rooms.

It sounded to me like she was contradicting herself — that people were getting care and that they were not getting it — but I let it go. I was thinking about the cost. Wasn't it true, I said, that in the past when government promised new medical benefits, those benefits always ended up costing more — a lot more — than the advocates thought?

Yes, she said, it was so. But it was that way because people hadn't used the best science in determining what treatments to offer. If we used the best science, cost wouldn't be such a problem.

She also said the medical system should be made sensitive to the needs of individuals, not governments and employers. That sounded good. But to an individual, the "best science" is the technique with the best chance of getting him well. From the system's point of view, the "best science" may be the technique with the best results per dollar, measured statistically. It seemed, somehow, that this advocate was appealing to both ideas at once.

I came away with the feeling of having heard a something-for-nothing argument — and the worry that it had a fetching quality.

— Bruce Ramsey

John McCain is not a person — Some things in the news are just too funny to go unnoticed. There is a silly dust-up over in Greenwich Village at the New School because the administration has selected John McCain to give the commencement speech this year. The students are protesting because they see McCain as anti-gay, and I have to assume there is a sizable gay community in the student body.

Now we all have to remember that McCain is running for president, so the one thing that's assured is that no one will know his true beliefs on anything. Half the engineers at GM probably think their cars are crap, but that is not what they advertise.

So McCain is supposedly against gay marriage, which makes him no friend of mine. Marriage is a powerful institution that should be encouraged to promote a stable society. But the funny part of this whole Manhattan New School fracas is the comment by the student "leader" of the protest. He says: "In all of our classes we're taught the value of inclusion of all people," and "We're taught to question our leaders."

Am I the only one laughing at this remark? They are taught inclusion of all people. So I guess John McCain is not a person. I suspect they are *taught* to include all people, but the young students take away the self-righteous idea that they are only supposed to include "everyone" with the exact same values. Kinda like Ayn Rand only socializing with people who liked Strauss and tap dancing. Talk about narcissism dictating morality — this takes the cake.

And the second phrase is even funnier then the first. They are supposed to question leaders, says the leader of the student protest. Well yeah. Duh. But let's nobody question him.

This is as silly as when Mark Skousen got in trouble for booking Rudy Giuliani as a speaker. Jesus, people, is listening to someone you are not in complete, abject agreement with so distasteful you cannot bear it? Are we all so terrified of others' opinions that we put a wastebasket over our heads and bang it with a serving spoon like Bart Simpson?

Is this irony? Is this an unexpected outcome, that after four years of high-dollar education you end up a bigot? Is the term "liberal bigot" an oxymoron? And what is a tautology anyway?

— Paul Rako

E pluribus unum — The new Iraqi government faces a formidable task — to create a unified "nation" out of a state containing three disparate and widely divergent groups.

A state's borders are not engraved on the surface of the earth and fixed for eternity. Legal boundaries between countries are made by men, can be changed by men, and have been changed again and again over the years by men. For centuries the borders between states were fixed by kings, wars, invasions, and conquests. State boundaries shifted as rulers gained or lost ground. The occupants of the territory had no choice in the matter; they went with the land. The borders of present-day Iraq derive from that tradition; the country was carved out of the old Ottoman Empire after World War I. Embraced within its boundaries today are three distinct and disparate "national" groups — the Shiites, the Sunnis, and the Kurds.

With the rise of liberalism and individual rights in the 17th and 18th centuries, the idea gradually took root that peoples should have some say in their government and the state under whose jurisdiction they lived. Thus the concept of the "nation" developed. A state's borders were concrete and definite; the boundaries of a "nation" were not. A "nation," as opposed to a "state," was an intangible concept, based on ideology, culture, ethics, religion, language. Language was perhaps the most important, for it is through language that men communicate. But for a "nation" to endure it must be composed of persons who share a common bond and come together voluntarily. Its inhabitants must enjoy common ties and interests. Ideally the boundaries of a "nation" and borders of a "state" coincide.

Transforming several separate ideological units into a single harmonious Iraqi "nation" will not be easy. Witness, for instance, other attempts to form nations out of groups with widely different interests: British India, after gaining its independence, engaged in bloody conflicts and broke into three separate nations — India, Pakistan, and Bangladesh. In Nigeria, thousands were killed in conflicts among its various sections and with the Ibos of Biafra. And Sri Lanka and Yu-

goslavia both broke up and engaged in bloody and lengthy civil wars.

The idea of a "nation" as opposed to a "state" arose during the Renaissance and Reformation, alongside the concepts of freedom, limited government, individual rights, and classical liberalism. In the hope of achieving nationhood, revolutions against statist governments erupted all over 19th-century Europe — in France, Germany, Italy, and the Balkans. Woodrow Wilson's Fourteen Points reinforced the concept that governments should consider "self-determination" and "the interests of the population." As a result, after World War I, the many polyglot countries of Europe began to break up, each linguistic group seeking independence and autonomy as a "nation," and union with others speaking the same language.

The state of Iraq now consists of what are essentially three separate "nations," each a cultural, religious, linguistic entity. Conflict among them is bound to develop unless Iraqidom can become an ideal, a unifying factor under which the Sunnis, Shiites, and Kurds can all come together and live at peace with one another.

Accomplishing this will not be easy. As they form the new Iraqi government, today's Iraqi officials might well consider Ludwig von Mises' proposal, made during World War II, for the establishment of an Eastern Democratic Union comprising the many small nations lying between Germany and the U.S.S.R. To some extent the present Iraqi situation, with its three different and distinct ideological and cultural entities, parallels that of wartime eastern Europe, which was composed of many separate nations. Mises believed it would be to the mutual advantage of those many different and linguistically distinct nations to cooperate for their mutual defense against potential foreign threats. He proposed the establishment, under a newly-drawn constitution, of an impartial central government.

Each of the original "nations" would retain the forms of its previous nationality — flag, coins, stamps, songs, etc. — plus responsibility for local, economic, and interpersonal affairs. But legally they would become mere provinces under the central government. To prevent conflicts from arising there would be complete free trade and freedom of movement for all citizens within the state's borders, and absolutely no tariffs or economic interventions or special privileges. All schools would be private, lest government schools be turned into propaganda mills for one or several special interest groups. The central government would control finances, collect taxes, and distribute funds among the separate "nations" according to the population. All languages and all religions would be treated equally; disputes that could not be settled by the local authorities would be submitted to a court established by the overall government. The central government's role would be strictly limited to defense against inside and outside aggressors and to the support and defense of the freedom, individual rights, and private property of all citizens equally. Mises hoped that in this way conflicts could be avoided among the different "nations" within the borders of a single state, so that its citizens could live in harmony, and the state could be blended into a unified and cohesive "nation."

Perhaps a similar set-up in Iraq would allow the Sunnis, Shiites, and Kurds to resolve their differences and avoid internecine conflicts. In any case, creating a unified nation in a state consisting of three such distinct and separate "nations" as the Sunnis, Shiites, and Kurds will be a formidable task. Success will depend on finding a common bond, such as Iraqi patriotism, or dedication to freedom, on which they can all agree.

— Bettina Bien Greaves

What good is Zacarias Moussaoui? — I've written before that elements within the American government have sometimes defused a threatening minority by legally prosecuting unto death advocates who may or may not have been guilty of a capital crime. Though even now some still think either Nicola Sacco or Bartolomeo Vanzetti innocent, their execution certainly undermined Italian anarchism in America. Similarly, the trial and execution of Julius and Ethel Rosenberg defused Jewish communism, even though, in my considered opinion, the ill-fated couple were wannabe spies who had no serious secrets. Wanting to do something treasonous is not a capital crime, objectionable though it is.

More recently, the execution of Timothy McVeigh defused militias, though I've read serious critiques of how exploding a truck outside a building was less murderous than planting explosives within. The ulterior motive behind the incarceration, apparently for life, of Jonathan Pollard, was to frighten Jews employed by the American government away from collaborating with Israel.

The arrest of Dr. Wen Ho Lee was similarly meant to scare immigrant scientists, especially from Asia, from sending American atomic secrets back home; and even though Lee was finally exonerated, his arrest probably accomplished its ulterior motive. At least no other Asian scientist has been arrested with such fanfare since.

Into this tradition falls Zacarias Moussaoui, purportedly the 20th collaborator in the massacres

of Sept. 11, 2001, even though he was in an American jail at the time. Whether he was actually a conspirator, rather than a friend or a wannabe, is not entirely clear; certainly he was not a participant.

What became clear once he testified, purportedly on his own behalf, contrary to his attorneys' wishes, is that Moussaoui understood what his role in American history is supposed to be: that only in death will his life have a political meaning comparable to that accorded Sacco and Vanzetti, the Rosenbergs, and Timothy McVeigh; that only in his death will he be remembered as vividly as the other martyrs are.

Since the jury gave him a life sentence, he's more likely to be a Jonathan Pollard than a Rosenberg. His incarceration establishes the opportunity to swap him for an alien's country's future American hostage. On the other hand, may I question whether his incarceration, rather than execution, will defuse Muslim-Islamic radicalism within America?

— Richard Kostelanetz

World tour — Chicago-based Boeing, challenged by Europe's Airbus to produce a new plane to carry more passengers at lower prices, is planning a sleek new 787 Dreamliner, which will carry 250 to 330 at passengers nearly the speed of sound. To produce this plane, materials and parts will have to be assembled from all over the world. The center, aft, and forward fuselages, engine pylons, nacelles, and vertical tail will be produced in the U.S., the engines will come from the U.S. (GE) and England (Rolls Royce), the horizontal stabilizer will come from Italy, and the passenger doors and landing gear from France. The cargo and access doors will be made in Sweden; the fuselage wheel well, wingbox, and fixed trailing edge in Japan; the wingtips in South Korea; and the movable trailing edge in Australia. Boeing will be able to coordinate these parts plus all others needed, hopefully in such a way as to compete with Airbus, serve consumers, and earn a profit for its shareholders.

It takes producers in several different countries to create "Topper the Trick Terrier," a robotic dog that can talk and stand on its head. The motor for its legs, the speaker for its voice, and its transistors and wiring are made in China. Its plastic body comes from Malaysia. Koreans make the microfiber fabric for its coat. Its plastic legs and integrated circuit chips come from Taiwan. Its voice-recognition requirements are produced in San Francisco, and it is packaged in Hong Kong. Yet a toy store in the United States can offer it for only $29.99.

Forty miles north of Frankfurt, skillful German artisans assemble the 1,500 parts of the M7 35mm viewfinder Leica the old-fashioned way. The Leica factory boasts that its new digital camera, with 8.4 million pixels of precision, is "handcrafted." That may be true, the cameras may be assembled by hand, but their 1,500 parts are certainly not produced by hand in the quaint town of Solms: the Leica factory outsources the production of parts.

The miracle of the market — outsourcing, insourcing, and in-between sourcing. It's the only way entrepreneurs can expect to anticipate the wants of consumers and offer them cheaper, better goods and services. — Bettina Bien Greaves

Trolling for luggage — Why do people crowd shoulder-to-shoulder around baggage carousels to watch for their luggage? They stand right next to the conveyer belt, even craning their necks and bodies over the belt to see what's coming, often with those large self-serve carts gangling behind them. I always stand back, wait for my suitcase to actually appear out of the chute, and then come forward to claim it. Invariably, I must push my way through carts and passengers, saying "Excuse me" as I snake a hand between two people who refuse to back up and often glare at me as though I am trying to take their place in line. They still don't move as I hook my suitcase by the handle, yank it up, and then reel it in over someone else's unclaimed bag, landing it onshore like a flailing grouper before reaching back through the crowd to snag the next one.

Wouldn't it make much more sense if we all stood behind a yellow line, perhaps three feet away from the conveyer belt? All passengers would then have a good view of the luggage as it comes around the belt, and could step forward calmly when they see their own bags, instead of fighting their way between two carts, three grannies, and four kids sitting on the floor listening to their iPods. I'm not saying there oughta be a law; I'm just saying there oughta be some common sense and courtesy. — Jo Ann Skousen

The price is right — One thing all economists agree upon is the law of supply and demand. The larger the supply of any good or service, the lower the value on the market of a single unit; as economists like to say, *ceteris paribus*, i.e., all other conditions being equal.

Of course, conditions in an economy are never static — they do not remain the same. Prices do not rise or fall in unison. The price of any good or service is affected by many factors. Some prices change suddenly, as gasoline prices spiked when refineries were destroyed by Katrina. Others change seasonally. And some are affected by fads in fashion. New technology and more rapid communications may lead to lower prices of many products, as when computers enable stores to improve their record keeping, reduce inventories, and adopt just-in-time delivery systems. The prices of flatscreen TVs are now dropping sharply thanks to new production techniques, while the price of the gold used in jewelry and electronic devices is rising. The law of supply and demand applies across the board, to anything and everything.

The law of supply and demand even applies to U.S. dollars. If the number of dollars in circulation increases, as it has for decades, this increase imposes pressure on prices — all prices — pushing them above what they would otherwise have been. As a result, the dollar's purchasing power lessens. In other words, when the stock of dollars is increased, each dollar becomes less valuable and it takes more dollars to buy things than before; the market prices of most goods and services rise.

The Federal Reserve reports the quantity of money as M2, i.e., the money actually in circulation (currency, traveler's checks, demand deposits and other checkbook deposits, plus retail money market funds). M2 figures over recent decades show a steady, continual increase. At the start of Reagan's administration in 1981, M2 was $1,606.9 billion. By the summer of 1987, when Reagan appointed Alan Greenspan Federal Reserve Chairman, M2 had been increased to $2,792.3 billion — an increase of $1,185.4 billion. The quantity of money has since been increased still further, throughout the Reagan, Bush

I, Clinton, and Bush II administrations, by means of deficit financing, credit expansion, and monetization of the U.S. debt. By January 31, 2006, when Greenspan retired, M2 had reached $6,736.9 billion!

This monetary expansion itself *is* inflation. The higher prices it has contributed to are only the most visible consequence of that inflation. Other still more serious consequences of the Fed's monetary policy should not be overlooked — government expansion, the transfer of the power of the purse from taxpayers and voters (through Congress) to government bureaucrats, distortion of economic calculation, shifts in patterns of wealth and income, the destruction of savings, the beginnings of the boom-bust cycle. But higher prices themselves are disruptive. And these higher prices derive directly from the Fed's inflationary monetary policy and the operation of the law of supply and demand on the stock of U.S. dollars.

— Bettina Bien Greaves

Ask the local gentry — Remembering Paul Goodman's declaration that the state should not be in the business of licensing sex (i.e., "marriage"), let me suggest that it also shouldn't be in the business of unlicensing sex, which is to say divorce, where the state can function far more dangerously. Marriage should strictly be a religious vow or a business deal done, as well as undone, by holy people or professional negotiators.

Need I add that we should also abolish all those stupid laws that become false incentives to marriage, beginning with tax advantages and visitation rights in a hospital?

— Richard Kostelanetz

Running the numbers — The other night was a rarity: I actually learned something from TV. The History Channel was recounting a lottery scandal of some years back in Pennsylvania. Not surprisingly, lottery officials had been bribed so that three specific numbers would show up: three numbers that would reward the clairvoyants who chose them. Such are the foundations of the game we call the lottery.

Corruption in such games is an old story. But what was surprising about the History Channel show was the revelation that, alongside the state's game, the historic Mafia-sponsored numbers racket hummed on as efficiently as ever. It persisted.

But who would play the mob's game when you could play with the clean-cut minions of the state? Why didn't the hoods

continued on page 42

The message is the medium — As the American government has swelled, it has become increasingly difficult for the men at the top to make sure their underlings are staying "on message."

First, there are simply way too many underlings to keep track of, and they're overseeing all sorts of things that are at best tangential to the major missions the government is undertaking. Second, the speed of modern communication means that any single unguarded, unscripted comment an underling makes will be on everyone's lips within an hour (and faster if it's particularly foolish or vicious).

Obviously, there is only one solution to such a quandary: micromanagement. The prudent executive will thus dictate everything his underlings say, and use a stick-and-carrot approach to guarantee their dedication to the message.

Take, for instance, the Bush administration. The primary message it wishes to convey is that "President Bush has a clear strategy for victory in Iraq structured along three tracks — political, economic and security — to assist Iraqis in establishing a government that provides for and is accountable to its people." By micromanaging effectively, Bush can ensure that any one of his underlings includes this core message even when speaking to an audience, such as a group of farmers in Kansas, or a crowd of food stamp recipients in New Orleans, that might not think much about Iraq in an average day.

Here's an excerpt from a Department of Agriculture memo, showing an example of the strategy in action:

> I'm looking forward to walking through the exhibit hall after our breakfast this morning, and seeing all of your agricultural products and services displayed in such abundance. American agriculture had a great year in 2005, as events like this demonstrate.
>
> But before I begin discussing the productivity of American agriculture, I'd like to take a moment to talk about a nation that is just now beginning to rebuild its own agricultural production. Iraq is part of the 'fertile crescent' of Mesopotamia. It is there, in around 8,500 to 8,000 BC, that mankind first domesticated wheat, there that agriculture was born.

See how easy that was? Half the globe and 10,000 years, bridged over so quickly that the farmers can't help but follow.

Let's see another:

> I'm here to talk about civil rights, which is one of the fundamental tenets of a democracy. In the United States, a democracy that has been evolving for 230 years, we are still conscious of our shortcomings, and still working to become a more perfect union, with true equality for all of our citizens.
>
> So before I begin talking about the civil rights climate at USDA, I'd like to address the situation in another nation that is just now forging the path to democracy.
>
> The citizens of Iraq have a long road ahead. . . .

Now, sometimes an underling might be faced with an audience that tries to drive him off message with a series of irrelevant questions. For these annoying situations, the memo allows for a more direct approach:

> Several topics I'd like to talk about today — Farm Bill, trade with Japan, WTO, avian flu, animal ID — but before I do, let me touch on a subject people always ask about: progress in Iraq.

Yes, the message is clear: "President Bush has a clear strategy for victory in Iraq structured along three tracks — political, economic and security. . . ."

What's that? A question in the back, asking what this has to do with crops? Well, you see,

> the Iraqis have also discussed specific products, like tomatoes, which they are anxious to export into the world community. And President Bush has a clear strategy. . . .

— Andrew Ferguson

The Books of Summer

Summer is a time for reading what you don't *have* to read.
Here's some interesting advice from 25 interesting people.

If you put a lot of marbles in a jar, then ask a thousand passers-by to estimate the number of marbles, the answers will vary tremendously, from ridiculously low to ridiculously high. The extraordinary fact is that if you then average all those thousand answers, the result will be very close to the correct number — usually closer than any single individual answer.

This finding is the basis of James Surowiecki's "The Wisdom of Crowds," now out in paperback (Doubleday). Surowiecki looks at some of the implications of the principle and its limitations. (If you had averaged Americans' responses, four years ago, to the question "How many weapons of mass destruction has Saddam Hussein?", you would have gotten a wildly inaccurate result, but if you'd asked me, I'd have given you the precisely correct answer.) Almost despite himself, the author's conclusions are gently free-market. He's a capable writer and the book is filled with entertaining insights and anecdotes.

What's the explanation for the extraordinary fact itself? Surowiecki makes some stabs at this, but I feel that the puzzle remains. If there's an elegant theoretical answer, it may amount to a Copernican revolution in social science.

Are we witnessing a new trend for action-packed thrillers passionately propounding ideological heresies? "The Da Vinci Code" presented a history of 1st-century Christianity even more implausible than the orthodox Christian one — and that takes some doing. A more recent, more accomplished example is Michael Crichton's "State of Fear" (HarperCollins), which uses a yarn about ecoterrorists to make the case against global warming hysteria.

Who would suppose that you might have fun reading an adventure story in which the characters' conversation is liberally sprinkled with *graphs*? They didn't slow me down, but I suspected others might be discouraged, so I asked around. People who've read the book tell me they enjoyed the arguments about the environment, graphs and all, just as much as they enjoyed the murders and the cyberbabble. "State of Fear" has sold less well than some of Crichton's earlier tales, but that seems to be due to the predictable hostility of environmentalist bigots. The book has a factual appendix; and since it came out, Crichton has given many presentations challenging environmentalist follies.

Nearly all Crichton's novels have been made into films, though some of these would have been better if they'd followed the books more closely. This one presents a special problem. In Hollywood's eyes questioning global warming is morally equivalent to promoting the therapeutic benefits of rape. I guess we must look forward to a movie in which the good guys constantly agonize over the fact that the terrorists are also good guys, albeit wedded to tactless methods.

A book to read at least once every ten years is "Witness," by Whittaker Chambers (Regnery), which, among other things, testifies to the great writer Chambers was and the greater writer he might have become if he had not gotten himself mixed up with a Communist spy ring. This true story, unfolded with prodigious novelistic skill, becomes all the more enthralling if you also read "Whittaker Chambers: A Biography," by Sam Tanenhaus (Modern Library, 1998, slightly revised edition of Random House, 1997), which for me was full of little surprises, including the fact that Chambers became

completely disillusioned with Joseph McCarthy.

Chambers was a brave man, an intelligent man, and above all a good man, pilloried by the sheeplike intelligentsia and media with their cult of "anti-anti-communism." This doesn't mean we ought to swallow his political worldview, which was naively apocalyptic and mystical. Yes, there was a Communist conspiracy, and yes, it was a far greater menace to our freedom than "McCarthyism." However, Chambers enlarged it in his imagination by a factor of 20. I hope it doesn't sound like a bad joke, but Chambers' thinking is strikingly un-American. He would have seen eye to eye with Solzhenitsyn.

"Elegy for a Soprano" is about the circle of people who surround great a singer, and what they are willing to put up with to be in the presence of greatness. Smith said it was the closest she would come to writing about Ayn Rand.

L.P. Hartley is one of the outstanding novelists of the 20th century (his acknowledged masterpiece is "The Go-Between" [New York Review Books Classics]). He was also a classical liberal, a fact which you would be likely to guess from only one of his books, "Facial Justice" (1960; currently out of print but easily available used online, or in libraries). This is the story of a post-nuclear world ruled by pursuit of "Good E" (equality) and fear of "Bad E" (envy). Envy is caused by the envied, so women are given standardized face transplants. And, just as you would expect, this makes them feel *much* better. What could possibly go wrong?

David Ramsay Steele is author of "From Marx to Mises," co-author (with Michael Edelstein) of "Three Minute Therapy," and a contributor to "The New Encyclopedia of Unbelief."

I recommended plenty of libertarian books in "Libertarianism: A Primer" and "The Libertarian Reader," so I'll venture a little further afield here.

Does anyone still read Robert Heinlein? At the founding convention of the Libertarian Party, 16% of the delegates called themselves Heinleinian (or so I've heard), but I don't hear his name much these days. "The Moon Is a Harsh Mistress" (Orion) is his most explicitly libertarian novel, a rollicking story of a thinking computer, a polygamous marriage (truly polygamous, neither polygynous nor polyandrous), and a revolution of the moon against the earth.

Kay Nolte Smith was an actress and a member of Ayn Rand's inner circle. Like most of Rand's associates, she didn't start writing until she left that world. And then, in the far-too-short time between breaking with Rand and her untimely death, she wrote seven wonderful novels. The first, "The Watcher" (Pulpless.com), was the most deeply Randian. In the second, "Catching Fire" (Coward McCann), the intense Randianism is gone; what remains are the Objectivist principles that values are important, and that one's choices will have consequences. In "Elegy for a Soprano" (PaperJacks) she wrote about the circle of people who surround a great and greatly difficult singer, and what they were willing to put up with to be in the presence of greatness; Smith said it was the closest she would come to writing about Rand. These and her other novels are all terrific reading.

Tom Wolfe is a staunch conservative and a great writer. He writes huge sprawling novels about modern America — about sex and money and real estate and prison and character. Although he has a bit of trouble wrapping up his multiple plotlines, the books are totally engaging. I also recommend his collection of essays "Hooking Up" (Picador), especially "My Three Stooges," his response to his critics John Updike, Norman Mailer, and John Irving; and "Two Young Men Who Went West," about the parallels between Congregationalist minister Josiah Grinnell and microchip inventor Robert Noyce.

Fran Lebowitz was the Dorothy Parker of the '70s. Perhaps she'd be the Dorothy Parker of the '00s if she ever seemed to write anything. For now, we must console ourselves with her essays collected in two thin books (or one fat one) and with collecting her aphorisms — like "In real life, I assure you, there is no such thing as algebra," and "The outdoors is what you must pass through in order to get from your apartment into a taxicab."

"Fahrenheit 451" (Del Rey), by Ray Bradbury, is a classic novel about censorship, about a society in which firemen burn books and about the people who memorize books in order to save the world's knowledge. Be sure to buy an edition with Bradbury's "Coda" — about how, over the years, his publisher had secretly censored this very book in response to various pressure groups.

Read these books, and you'll have a great summer.

David Boaz is the author of "Libertarianism: A Primer" and editor of "The Libertarian Reader." He blogs at the Guardian's "Comment is free" site and at Cato@Liberty.

It's hard to know how to respond to an invitation to make suggestions for summer reading, since one wants neither to be clichéd (e.g., I think you ought to read Thucydides) nor overly idiosyncratic (e.g., I think you ought to read Neil Gaiman's twelve-volume graphic novel "The Sandman"). One also wants to be somewhat current: if I recommend Neal Stephenson's "The Baroque Cycle," I run the risk of ridicule, as this was the hot pick two years ago. (Alan Moore and David Lloyd's "V for Vendetta" is well worth your time also, but that's even less current!)

But since my field is political philosophy, perhaps I won't get in too much trouble recommending a recent book in political philosophy. "Norms of Liberty" (Penn State University Press), by Douglas Rasmussen and Douglas Den Uyl, is the best philosophical defense of classical-liberal principles available. By best, I not only mean persuasive and reasonable, but also comprehensive, in that the authors respond specifically to a wide variety of prospective criticisms, both from the Left and from the Right. They use a neo-Aristotelian framework, which means that they have a coherent and effective way of combining pluralism with objectivity. They derive a compelling justification for a liberty-protecting political and legal order.

"But why," you ask, "do you think that I, as a reader of

this magazine, need a philosophical defense of a principle I already hold?" The question is fair enough. One answer is that if you're like most readers of this magazine, you're in a minority among your friends and co-workers, and find yourself needing to justify your positions. A good philosophical rationale will go a long way toward cementing your understanding of liberty and its value, and toward enhancing your ability to persuade others. You could use this book as effectively with your lefty-welfarist friends as with your natural-law theocon friends. And what better way to spend your summer than by arguing about political philosophy?

Aeon J. Skoble is Chair of the Philosophy Department at Bridgewater State College in Massachusetts. He is the author of the forthcoming "Freedom, Authority, and Social Order" (Open Court), and also writes widely on philosophy and popular culture, most recently contributing to "The Philosophy of Film Noir" (Kentucky).

This year I've been fortunate enough to encounter a number of entertaining and enlightening books. I'll start with Steven Pinker's bold and masterly "The Blank Slate: The Modern Denial of Human Nature" (Penguin). Pinker, a leading cognitive scientist, surveys the mountain of evidence against the theory that we are born malleable, with our identities (our genders and personalities) formed by our cultural upbringing. He urges that the nature versus nurture debate is over, and nature beats nurture all hollow — to the immense distress of feminists and social reformers everywhere. Also masterly — and accessible — is Mark Skousen's "The Making of Modern Economics: The Lives and Ideas of the Great Thinkers" (M.E. Sharpe). Skousen deftly explains arcane economic concepts and manages to make it all entertaining. He is archly Whiggish: the classical liberals are the good guys, and triumph in the end.

Another fascinating book is Bjørn Lomborg's "The Skeptical Environmentalist: Measuring the Real State of the World" (Cambridge University Press), a work as controversial as it is comprehensive. Lomborg was a devout member of the High Church of Environmentalism, when he came across the writings of the rogue economist Julian Simon. (Those unfamiliar with Simon's work might want to read his autobiography, "A Life Against the Grain" [Transaction Publishers], which I reviewed in the Sept. 2004 issue of Liberty). Simon's research sharply challenged environmentalist dogmas (that the earth is being overpopulated, that the ecosystem is being destroyed, and so forth), and Lomborg set out to refute him. He was eventually forced to admit that Simon was mainly correct. Lomborg provides a wealth of data to buttress his views.

Finally, following the theme of intellectual honesty (a somewhat uncommon quality in the academic worlds I've inhabited), there is Jeffrey Meyers' superb biography, "Orwell: Wintry Conscience of a Generation" (Norton). You might think it odd that a libertarian should admire Orwell, a socialist, but I do: his writings played a key role in discrediting communism, and I admire his genuine journalistic commitment. When he wrote about being down and out, living the homeless life, he wasn't some callow lefty pup, recently graduated from Columbia J-school and writing from the Olympian heights; he lived on the margins for a couple of years to learn what it was really like. The same holds for his description of the lives of British coal miners; he lived among them too, and his real-life experiences shortened his life considerably. This sort of autobiographically tinged, socially critical writing is rare these days, because contemporary writers' lives are so often bereft of any interesting life experience.

Gary Jason is a writer, businessman, and philosophy instructor. He lives in San Clemente, Calif.

These recommendations feel very personal to me. I want to introduce you to two books that have touched and affected me profoundly. They are among the handful of books that I reread every few years or sooner. They have enriched my life, and I hope they will enrich yours.

The first is "The Gadfly," by E.L. Voynich (Kessinger Publishing).

Bertrand Russell said of this extraordinarily dramatic, fiery, and thoughtful book, "It is still one of the most exciting novels I have read in the English language." First published in Europe in 1897, where it has sold more than 12 million copies, and translated into more than 30 languages, "The Gadfly" has been described by Harrison Salisbury as "a story of revolutionaries and conspiracies, of an effort to overthrow an established order and to destroy the grip of a powerful State and Church." It is that, and it is more than that.

At its heart, this novel is a love story, but not of the usual kind. It is the story of the incorruptible love between Arthur, the passionate, courageous revolutionary who is the Gadfly of the title, and the young English girl who is his co-revolutionary. It tells of Arthur's equally incorruptible love for Italy, his country, and of the danger and agony into which that love propels him. It tells of the devotion to his Church of Cardinal Montanelli, Arthur's mentor, who holds locked within himself the secret of Arthur's birth. But most of all, this novel is the story of the desperate love and the equally desperate antagonism between two men of heroic stature, the atheist Arthur and the God-intoxicated Cardinal. Love and antagonism reach their climax in the novel's final chapters, chapters of such power and drama as to be almost unbearably intense.

When I first read this magnificent novel many years ago, I raced through it, half-skipping passages because the excitement of the events led me on to discover what happened next. I then immediately reread it, slowly and carefully; its intel-

"This new religion sounds neat — what kind of fertility rites does it have?"

lectual drama made me want to savor every page, to think about it, to shake my head in wonder at its climax. This is a philosophical novel of the highest order.

"My Name is Asher Lev," by Chaim Potok (Anchor) is my second remarkable book.

Asher Lev was born with a gift: the gift of experiencing the world in the manner of a painter, through line and color and shape and texture and composition; the gift of finding his spirit's expression through the medium of paint on canvas. "What color is feeling cold?" the young boy asks his mother. From early childhood, he is a member of the religion called painting.

Asher Lev, the son of devout Hasidic Jews, was born with a curse: the curse of loving the father who sees in the boy's choice of a painter's life the abandonment of his sacred heritage, and who turns from his only son; the curse of loving the intense and narrow world of the Hasid, its rituals and beliefs and passionate concerns, a world that turns against him as he follows the path of his gift.

He must learn to be true to himself, the young Asher knows. But which self?

This powerful novel, written with great beauty and subtlety, and exquisite simplicity, follows the destiny of the young man torn between art and religion, and we, the readers, follow the growth of a prodigy. But only on one level is it the story of a conflict between art and religion. More profoundly, it is the story of a young man who must make a wrenching choice between two passionate loves.

It is said that a man approached Somerset Maugham and said: "I would give ten thousand pounds not to have read 'Of Human Bondage.'" As Maugham bristled angrily, the man added: "So that I could have the pleasure of once again reading it for the first time." I think that is how you will feel when you turn the final pages of these two novels.

Barbara Branden is the author of "The Passion of Ayn Rand." She writes occasionally at the "Objectivist Living" site.

Shelby Steele explains the American neurosis over race better than any other writer I have encountered. "White Guilt" (HarperCollins) is his latest. The book is only 180 pages long, and is presented as thoughts on a road trip up the California coast from Los Angeles to Monterey. He starts with a radio announcer's comment about Eisenhower, then is off on a thought-voyage about race, moral authority, and guilt.

"White guilt," he says, "makes the moral authority of whites and the legitimacy of American institutions *contingent* on proving a negative: that they are not racist. The great power of white guilt comes from the fact that it functions by stigma, like racism itself. Whites and American institutions are stigmatized as racist until they prove otherwise." If it puzzles you why big corporations and universities are so insistent on preserving racial preferences, read this book. It explains the whole thing.

For all the fans of war history, this year's selection has to be "Ivan's War" (Metropolitan Books, 2006). If there was ever an army you'd rather read about than be a member of, it was the Soviet army in World War II. The author, British historian Catherine Merridale, has put together a colorful account, drawing on contemporary statements, diaries, intelligence reports from both sides, and interviews with wrinkled veterans. There are terrifying stories here, including tales of Russian defenders who retreated into caves and never came out, of Russian villagers who confronted their own army with pitchforks, and of Russian soldiers who turned rapist when they crossed the border into Germany.

This is the story of a politically correct Stalinist army that shattered in 1941 and was built back through bloody-mindedness into a killer force in 1944–45. It's fine history, and it will blast any idea that the Soviets won mainly because of aid from the United States.

For those who savor obscure books, here's one: "The Pallid Giant" (Fleming H. Revell), a science-fiction novel published in 1927 that is one of the first fictional depictions of a nuclear holocaust. The author, Pierrepont Noyes, was an official of the U.S. occupation of the Rhineland after World War I, and begins his novel at the Paris peace talks of 1919. It quickly turns to weird archaeology, a lost race, and a fantastic tale. It was written before the doctrine of Mutually Assured Destruction and

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assumes that any weapon that is effective will be used, if only in fearful preemption. The book was reissued after the dropping of the first atomic bombs, though it is forgotten today — and hard to find.

Those who need a fat book to occupy themselves while crossing the Pacific or fishing where there are no fish might consider "Life and Death in Shanghai" (various editions), Nien Cheng's story of her imprisonment by Mao's China during the Cultural Revolution. It is a classic of prison literature, and the best of its genre to come out of China. Don't start reading it when you have only a short time to read, because you'll be fighting a tendency to curl up with it until you're done.

Bruce Ramsey is a journalist in Seattle and author, recently, of three collections of the works of an earlier libertarian journalist, Garet Garrett, the latest of which is "Insatiable Government."

Have I got a book for you! "The Greek World," a 1996 Rizzoli publication edited by leading Italian archeologist G. Publiese Carratelli, is heavy going only in the sense that it weighs in at roughly four pounds. Its purpose was to celebrate an exhibition at Venice's Palazzo Grassi, a presentation of "the most detailed, wide-ranging study ever made of the Greek civilization in the ancient world."

Why might a libertarian care about the 8th century B.C.? In two words: shared values. In an era of exceptional development, Magna Graecia — new Greek settlements — sprang up along the west coast of Italy, from the Bay of Naples to Sicily. Art, architecture, literature, politics, religion, science — all of it flourished because of a "dynamic fusion" of Greek and Italian cultures that marked the beginning of "an age of immense creativity." In "The Greek World," essays by 60 scholars, combined with over 1,600 captivating photographs (sculpture, ceramics, jewelry), explore every aspect of these Italian colonies, chronologically tracing the Greek influence on myriad subjects, from the Greek alphabet to the revolutionary thoughts of the first philosophers.

I couldn't agree more with the jacket copy assessment that here is "essential [reading] for anyone interested in the classical world that laid the foundations for our own cultural identity and artistic inheritance."

But should photographs, no matter how magnificent, of the marble statue of the winged Nike from Delos or a detail of a palace fresco — bluebird amidst bronze-gold flowers — put you in the mood to "create" your own inner photographs, there's no better way to serve your purpose than to pick up a superlatively written novel, one that allows you to fill in some blanks even as plot, characterization, and graphic style pull you into spine-chilling escapism.

Scottish novelist Val McDermid's mostly British police procedurals — a four-book (so far) series — are addictive. The author manages to wed serial-killer detection, a sense of place that's both poetic and rings true, and a suspenseful ride through the twists and gut-wrenching turns of some diabolically clever killer's mind — pitted against the combined talents of imaginative detective inspector Carol Jordan and brilliant, troubled criminal profiler, Tony Hill. *Forewarning*: read in order: "The Mermaids Singing," "The Wire in the Blood," "The Last Temptation" (St. Martin's Minotaur Mysteries), and "The Torment of Others" (HarperCollins).

If sun, sand, and beach blanket dream-spinning is your preference . . . and if a smidgeon of that dream shapes up as "someday I'd like to write a novel," hit Amazon to find out how I turned those very words into reality, trading a legal career for writing publishable fiction, thanks to Ayn Rand, my fiction-writing teacher — which happens to be the title of my new book, "Ayn Rand: My Fiction-Writing Teacher" (Madison Press).

"The Pallid Giant" was written before the doctrine of Mutually Assured Destruction and assumes that any weapon that is effective will be used. The book was reissued after the dropping of the first atomic bombs.

Or maybe you just want to satisfy your curiosity about some writing principles that went into the creation of "Atlas Shrugged." Or much later, into my own novels. Or what it was like being Rand's protégé. Or whether she was a good teacher. Or what pitfalls await every aspiring novelist and how to confront or avoid them.

Relax; this book is a lighthearted, good-natured affair. It has nothing to do with politics, nothing to do with political philosophy. Depending on your mindset, it can be as much fun to read as it was for me to write.

Erika Holzer is a novelist living in Southern California. She is the author of "Double Crossing" and "Eye for an Eye."

Black history is not usually standard summer reading fare for libertarians. This is surprising because few other topics offer a more compelling case for the destructive role of government intervention.

On slavery, Roger G. Kennedy's provocative "Mr. Jefferson's Lost Cause: Land, Farmers, Slavery, and the Louisiana Purchase" (Oxford University Press) deserves a prominent place. Kennedy highlights the contradiction between Thomas Jefferson's actual policies and his stated vision for populating newly acquired lands with yeoman farmers. Jefferson fumbled golden opportunities to stop the spread of slavery. During his administration, the federal government used the debts of individual Indians as a pretext to get control of tribal lands and then sell them at a discount to planters. The result was to smother in the womb promising efforts to fill the South with independent black, white, and Indian farmers.

Probably the best source for the post-slavery period has been surprisingly overlooked by libertarians: David E. Bernstein's "Only One Place of Redress: African Americans, Labor Regulations and the Courts from Reconstruction to the New Deal" (Duke University Press). Bernstein shows how local, state, and federal regulations put roadblocks in the way of blacks' advancement. Often their only protection came from the courts, which struck down regulations for violating property rights and freedom of contract.

"America in Black and White: One Nation, Indivisible" (Simon & Schuster), by Stephen and Abigail Thernstrom, combines a superb summary of black history with a wealth of data on economic progress, which began long before the Civil Rights Act of 1964, and changes in black and white attitudes. This book is a devastating retort to those claiming that the racial situation has not dramatically improved since the 1950s.

The most prominent libertarian-oriented black figure in the 1930s and 1940s was Zora Neale Hurston, a novelist, folklorist, and veteran of the Harlem Renaissance. Like Rose Wilder Lane and Isabel Paterson, she zealously held true to the principles of liberty and responsibility. "Zora Neale Hurston: A Life in Letters" (Doubleday) has every available letter she wrote from the 1920s to 1950s. They display her contempt for Roosevelt's wartime and domestic polices and her support for Robert Taft. The editor, Carla Kaplan, puts each phase of Hurston's life into context with richly illustrated and fair-minded background essays.

Skip the shabby plots and overheated prose on the bestseller racks, and pick up a book you remember enjoying in a childhood summer, however long ago.

On civil rights, a good starting point is Charles M. Payne's "I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle" (University of California Press). Payne explores the movement in Mississippi before the advent of Martin Luther King, Jr. The core leaders were entrepreneurs, who had achieved earlier success through thrift, self-help, and initiative. They also relied heavily on armed self-defense to advance these goals. The final section, on the post-1960s period, has depressing object lessons about how the achievement of political power can corrupt even the most admirable of idealists.

David T. Beito teaches history at the University of Alabama and belongs to the Liberty and Power Group Blog (www.libertyandpower.com) at the History News Network. His books include "From Mutual Aid to the Welfare State: Fraternal Societies and Social Services, 1890–1967."

For the convenience of people who are interested in libertarian ideas, I thought it might be a good idea to offer a list of the classics — all of them widely available, in various editions and formats.

John Locke's "Second Treatise of Civil Government" and John Stuart Mill's "On Liberty" are essential reading. Of 20th-century writings, Friedrich Hayek's "The Road to Serfdom" and Milton Friedman's "Capitalism and Freedom" are the leading works, in my opinion. Other personal favorites in the same genre, though not as explicitly libertarian, include Mill's "Utilitarianism" and "Principles of Political Economy" and Jeremy Bentham's "Introduction to the Principles of Morals and Legislation."

I should also note Hayek's other invaluable work: "Individualism and Economic Order," "The Constitution of Liberty," "Law, Legislation and Liberty," and "The Fatal Conceit." In addition to the very influential "Capitalism and Freedom," Friedman's key works include "The Methodology of Positive Economics" in "Essays in Positive Economics," and his and Anna Schwartz's "A Monetary History of the United States, 1867–1960."

For those of a more literary bent, Ayn Rand's novels "Atlas Shrugged" and "The Fountainhead" are thought-provoking and enjoyable. George Orwell's "Animal Farm" and "1984" are vital, and Arthur Koestler's "Darkness at Noon" provides much insight.

Lanny Ebenstein is a Cato Institute adjunct scholar and has written the first biography in English of Friedrich Hayek. He is currently at work on the first biography of Milton Friedman.

"Summer books," as advertised by the big-box bookstores, are usually the dumbest, laziest books of the year. Blatant mysteries, oily romances, neurotic thrillers: these are the books I'm supposed to take with me to the hammock? I want to feel relaxed, not lobotomized.

My suggestion is to skip the shabby plots and overheated prose on the bestseller racks, and pick up a book you remember enjoying in a childhood summer, however long ago. A simple pleasure, perhaps, but isn't that what summer is for? Consider, then:

"The Westing Game," by Ellen Raskin (Puffin). Paper tycoon Sam Westing turns up dead, and his bizarre will names 16 heirs — one of whom, he writes in the document, took his life. His entire fortune will go to the heir who puzzles out the culprit. Every character harbors secrets, and the central mystery is by no means the only one, or even the most important. Well worth reading and rereading, it's packed with subtle clues, many of which stay hidden the first time through.

"Archer's Goon," by Diana Wynne Jones (HarperTrophy). This tale of a pleasantly eccentric family and the querulous wizards who secretly run their town features enough identity changes and hidden motives to keep Chesterton entertained. All those who have read the Harry Potter series (and almost everyone should, even if only to spite Harold Bloom) ought to give Jones a try. "Archer's Goon" is the best introduction to her complex magical worlds.

"Danny, the Champion of the World," by Roald Dahl (Knopf). When a wealthy beer baron tries to push Danny and his widower father ("the most marvelous and exciting father any boy ever had") off their land, they fight back by targeting the brewer's prized possession: a flock of pheasants he maintains for society shoots. Though quite different from the wild-eyed looniness of the "Charlie" books, and much gentler than Dahl's savage short stories, this idyllic comedy is still one of his strongest works.

"The Phantom Tollbooth," by Norton Juster (Knopf). Milo is a boy who doesn't know what to do with himself until he discovers a miniature tollbooth left mysteriously in his room. On the other side of the booth are the Lands Beyond, where figures of speech live in the flesh. Allegorically, the book itself is the tollbooth, and on the other side are the fields of the mind: all it takes to get there is the toll of a little spare time.

In the perfect summers of youth, time is something that can always be spared. Perhaps it can be spared right now, as well.

Before becoming an editor at Liberty, Andrew Ferguson spent many summers indoors, selling summer books.

I'd like to recommend some books that were crucial to me.

Works from ancient times that have most influenced me are Plato's "Theatetus," Aristotle's "Poetics" and "Nicomachean Ethics," and Marcus Aurelius' "Meditations."

All the writings of David Hume are crisp and clear and full of philosophical bite, but the one that proved a lifesaver for me as I was approaching philosophical maturity was his "Dialogues concerning Natural Religion." Also very influential were John Stuart Mill's "On Liberty" and "Three Essays on Religion."

In our own time, of course I was greatly influenced by "Atlas Shrugged," though it didn't come on the scene until I was almost 40 years old, and I came to know Ayn Rand personally shortly thereafter. By that time I had been influenced by Hayek's "Road to Serfdom" (in later years I taught his "Constitution of Liberty" to graduate classes at USC) and by Henry Hazlitt's "Economics in One Lesson" (Fox & Wilkes), recommended to me early on by Ayn Rand, followed by his "Foundations of Morality" (Foundation for Economic Education), after which we became personally acquainted. Many books in the Objectivist-libertarian tradition also influenced me, such as Isabel Paterson's "God of the Machine" (Transaction), also recommended to me by Rand; Rose Wilder Lane's "Discovery of Freedom" (Fox & Wilkes); and Edmund Contoski's "Makers and Takers" (American Liberty Publishers).

The 20th-century person I would most like to have known is Aleksandr Solzhenitsyn. I was greatly influenced by his novels and, when they appeared in translation, the three volumes of his magnum opus, "The Gulag Archipelago," one of the crowning literary achievements of the century. Today, even years later, whenever I learn of some catastrophic turn of events in international relations, or of some example of political blindness or malevolence which could all too quickly turn the tide between war and peace, I turn again to Solzhenitsyn's descriptions of actions which have brought suffering and death to millions of people, and ask, "What is there to keep it from happening all over again?" I wonder which of these two Russians, Rand or Solzhenitsyn, will in the end be the more influential in delivering the world from such a fate.

John Hospers is a philosopher and author of "Human Conduct: Problems of Ethics," "Meaning and Truth in the Arts," "Libertarianism," and other books. He was the presidential candidate of the Libertarian Party in 1972 and finished third in the Electoral College.

For good summer reading, you could try any of the novels of Mario Vargas Llosa. Or you could make a journey into the distant past.

Our classical liberal forebears took it for granted that the ancient Anglo-Saxons marked a significant episode in the history of liberty. Among his many other accomplishments, Jefferson should be given credit for almost single-handedly reviving the study of the Anglo-Saxon language, Old English. He was at first "obliged to that source for explanation of a multitude of law terms" and later, like David Hume, saw the Anglo-Saxon period as a foundation for his political philosophy: "The difference between the Whig and the Tory of England is that the Whig deduces his rights from the Anglo-Saxon source and the Tory from the Norman." Eventually Jefferson suggested the study of Anglo-Saxon in its own right and even established a curriculum at the University of Virginia to further that end.

Today, more than at any other time in history, there is a wealth of interesting literature and scholarship about the Anglo-Saxons. It extends well beyond the popular and wildly overrated verse translation of the "Beowulf" poem by Irish poet Seamus Heaney. An excellent place to start is Kevin Crossley-Holland's "Anglo-Saxon World" (available in a cheap Oxford paperback), which includes a complete translation of "Beowulf" along with "The Battle of Maldon" and other important poems, excerpts from the "Anglo-Saxon Chronicle" (where we find much about their law and politics), and key charters and wills.

"Beowulf" is widely known as the greatest literary work of Old English (not Middle English, as the writers of "West Wing" would have us believe). Preserved in a single manuscript in the British Library, it remained unpublished until 1815 and was probably unknown to Jefferson. Some people may be acquainted, from their undergraduate days, with the very decent prose translation by E. Talbot Donaldson, first published in 1966. A good recent verse translation is by Alan Sullivan and Timothy Murphy (Longman). For those interested in checking out the original, "Beowulf: An Edition" (Blackwell), by Bruce Mitchell and Fred C. Robinson, is an exemplary work of scholarship, complete with a glossary and many other aids. Tolkien fans will want to read his essay "'Beowulf': The Monsters and the Critics" (HarperCollins). It's still the most important work on the Anglo-Saxon epic.

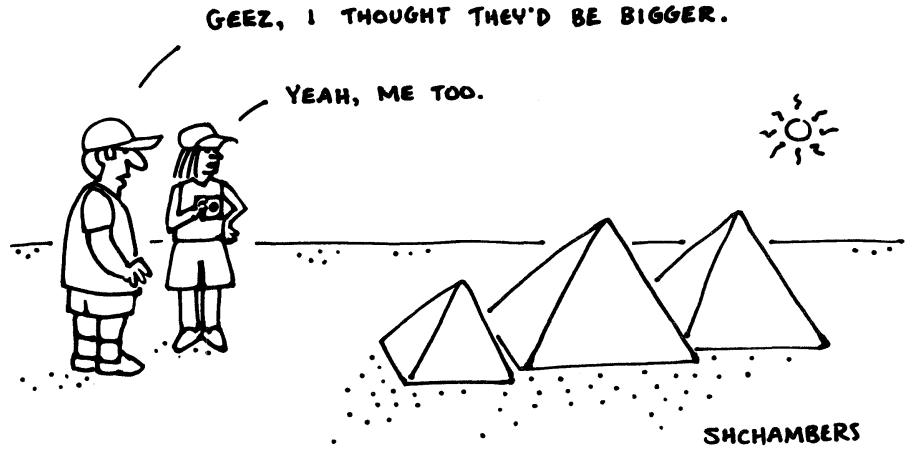

Dorothy Whitelock's "The Beginnings of English Society" (Penguin) is the best and liveliest short introduction to Anglo-Saxon England. A fuller, authoritative account is Frank M. Stenton's "Anglo-Saxon England" (Oxford University Press). Another book, which is hard to find but considerably more fun than Stenton's, is R.I. Page's "Life in Anglo-Saxon England" (Putnam). And the best overall introduction to the literature and language of the period is Peter Baker's robust and very recent "Introduction to Old English" (Blackwell).

The Anglo-Saxons, as removed from us today as their language, are still with us in our songs of heroism, our struggle for freedom, and what "Beowulf" calls our "eagerness for fame."

Garrett Brown is an acquiring editor in the book division at the National Geographic Society.

Almost a decade back, in New Delhi, I went to a speech on "freedom" by Andrew Cohen, an American spiritual teacher. The speech was about how our worldviews imprison us. He challenged us to recognize that despite the way we talk about freedom, somewhere in our minds we do not want to be free. That we so closely identify ourselves with our material possessions and social prestige and our pathological need for external validation that we make ourselves puppets of other people's agendas. That by covering our insecurities in drama, we manipulate others to serve our ulterior purposes, and eventually wind our minds into knots. That as a result, we have a complicated society where everyone wants to be free, but everyone also wants to control others.

I had gone to the speech to learn something about personality development that could enable me to conduct myself better at work, and in society in general. I walked out with a completely different perspective, but something immensely more valuable and fundamental. Others can have this experience if they read Cohen's "Living Enlightenment" (What Is Enlightenment Press).

One of Cohen's friends is Ken Wilber, who is a prodigious writer. His fiction, "Boomeritis: A Novel That Will Set You Free" (Shambhala), has had a tremendous influence in helping me understand myself, other people, and the world around me. I found it difficult to follow the story, but his philosophy is enthralling. His discussion of Don Beck's "spiral of development" as a blueprint for evolution provides a structure for understanding the worldviews that people hold, and why people who hold different worldviews cannot understand one another's ways of life. He does not say that all these views are fine, as a multiculturalist would say — they exist in a hierarchy, one more enlightened than the other.

A few years earlier, in Vancouver, I was invited to join a discussion group of people interested in Cohen's philosophy. They were extremely wealthy, and all worked in top positions in big companies. One day we talked about public policy. They talked, quite hypocritically, about how the developed world was exploiting the poor, how multinational companies were getting away with paying dirt cheap salaries in the poor world, etc. They wanted me to contribute some sob stories. I disagreed. Developed countries and multinational companies are hardly saints (although coming from where I do, I often see them that way), but the poverty of the poor countries is of the poor countries' own making: it results from their worldviews, and from the corruption and conflicts that are built into their hearts, minds, and cultures. I told the group that, from a certain perspective, Nike and Adidas were heroes. I was virtually thrown out of the meeting!

Cohen's teachings might put off some people, as this group in Vancouver put me off. And I'm not sure what Cohen would think about what the group believed. Either way, both Andrew Cohen and Ken Wilber have remarkable insights about the human mind. Both are politically incorrect, and refuse to accept cultural rationalizations for human stupidities.

Jayant Bhandari is a business analyst in Vancouver. He wrote "The Real India, Behind the Fog" for the May issue of Liberty and blogs at www.jayantbhandari.com.

". . . And then she turned in all my old love letters and they got me for mail fraud!"

Some people must wake up in the morning and jump out of bed and say, "Hello new day! What can I do with you?" Not I. I have the hardest time reconciling myself simply to arising. But those other people fascinate me. They not only *desire* to create; they have the compulsion, persistence, and pure cussedness to see that creativity through. Because it is, perhaps, the most valuable of human traits, I want to recommend three books about creativity.

The first, and most obvious, choice is "Creators," by Paul Johnson (HarperCollins). In many ways this is an answer to his previous work, "Intellectuals." While "Intellectuals" is a frolicking look at many of the "greatest minds" of the past three centuries (with their hypocrisies and wickedness joyfully detailed), "Creators" takes a much more respectful approach. Here are admiring portraits of artistic innovation — in Chaucer and Shakespeare, in painters and architects, in fashion designers and lyric poets. Do not fear; Johnson's trademark wit is not on hiatus. He can't resist a juicy anecdote, particularly if it involves his own encounters with such persons as Dylan Thomas, T.S. Eliot, and C.S. Lewis. My one quarrel with this book is that it is limited to creativity in the cultural arts.

If you're looking for a story of creative vision (not to mention creative perseverance) in a field outside of art, it's hard to find anything more interesting than "The Professor and the Madman: A Tale of Murder, Insanity, and the Making of the

Oxford English Dictionary," by Simon Winchester (Harper Perennial). While many people contributed to the OED, two had key roles, and their intertwined stories are fascinating. Imagine, if you will, Dr. James Murray of the London Philological Society. He has been approached by Oxford to coordinate an enormous academic venture: an exhaustive compilation and categorization of the English language. As the submissions for this project pour in from across England, one contributor stands apart in his accumulation of word definitions culled from innumerable texts. Curious, Dr. Murray seeks out this erudite fellow and learns that he is not a man at liberty for casual get-togethers. He is W.C. Minor, an American Civil War veteran and surgeon whose permanent residence is Broadmoor Criminal Lunatic Asylum, where he has been incarcerated for murder. The story is remarkable; its telling is highly readable; what is more, the book is a fine introduction to the marvel of the OED.

These wealthy people talked about how multinational companies were exploiting the poor. They wanted me to contribute some sob stories. I told them that Nike and Adidas were heroes. I was virtually thrown out of the meeting!

Among the three studies of creativity I want to recommend, my favorite is probably "The Devil in the White City: Murder, Magic, and Madness at the Fair that Changed America," by Erik Larson (Vintage). Here is everything that makes for a rousing, disturbing, and inspirational tale — ambition, innovation, determination, deception, depravity, and, above all, drama. Whose tale is more compelling: that of the brilliant architect, Daniel H. Burnham, who raised a shining beaux-arts dream out of the squalor and swamps of late-19th-century Chicago, or that of the serial killer, Dr. H.H. Holmes, who used the chaos and anonymity of the young city to lure, murder, and dispose of his victims? It's a coin toss. Both narratives are spellbinding. The irony is that both men show the same peculiar strand of compulsive genius, which can manifest itself in darkness or light but is always of magnetic interest.

Justine Olawsky explores literary and cultural issues in her popular blog: www.sadiebugsmom.blogspot.com.

Here are some books that I've spent time with over the last year. I think that other people will like them, too.

First, "The State," by Anthony de Jasay (Liberty Fund). "The State" is an encyclopedic look at the many problems with that singularly problematic institution. Since the time of Thomas Hobbes' "Leviathan" most people have (tacitly) assumed that almost any government is preferable to life in the state of nature. Not so fast, Tom, says de Jasay. Maybe it's not such a deal after all. He writes: "It is not hard to interpret history in a way which should make me prefer the harm *people* do to my interest, to the harm *people organized into a state* and capable of coercing me, can do to my interest." After all, "The state . . . has got all the guns. Those who armed it by disarming themselves, are at its mercy." Thanks, Tom, but no thanks. De Jasay shows that it is the advocates of *limited government*, not the anarchists, who are the wild-eyed utopians. Expecting a state to limit itself is like expecting a wolf to choose dandelions over lamb at lunchtime. And no, a constitution is no solution.

Second, "Our Enemy the State," by Albert Jay Nock (Fox & Wilkes). Speaking of constitutions . . . Nock is one of the godfathers of the modern libertarian movement, but who's read this book lately? Its substance and tone are different from standard libertarian fare. Except for Jefferson, Nock has no time for the "Founding Fathers," who were intent on leaving the British Empire so they could start their own exploitative "Merchant-state." The Constitution was the result of a "coup d'etat" in Philadelphia, where men who were supposed to make only marginal adjustments to the Articles of Confederation opted for a whole new system featuring a strong tax-collecting central government. Thus was born America's Corporate State. Yet, for reasons that escape Nock, constitutional sentimentalism lives — even among libertarians. Go figure.

Third, "Studies in Mutualist Political Economy," by Kevin Carson (self-published; see www.mutualist.org/id47.html). The author is a self-proclaimed "free-market anti-capitalist," a fan of the 19th-century American individualist anarchist Benjamin Tucker. I disagree with some of what Carson has to say, but he is dead on when he writes that libertarians "use the term 'free market' in an equivocal sense: they seem to have trouble remembering, from one moment to the next, whether they're defending actually existing capitalism or free market principles." As a result, the people he calls "vulgar libertarians" defend the reigning property distribution and the dominant corporations as though they had arisen under laissez faire. He throws down the gauntlet to libertarians: either stop apologizing for the corporate elite or stop complaining about government intervention in the economy.

Fourth, "Faith in Freedom: Libertarian Principles and Psychiatric Practices" (Transaction Publishers), by Thomas Szasz. One of the latest books by one of my favorite people, "Faith in Freedom" examines the writings of a slew of classical liberals and libertarians, and finds that in most cases, they are inexplicably nonchalant about the systematic violation of the rights of people branded "mentally ill" by the pseudomedical specialty called psychiatry. It's another case of libertarians needing to wake up.

De Jasay shows that it is the advocates of limited government, not the anarchists, who are the wild-eyed utopians. Expecting a state to limit itself is like expecting a wolf to choose dandelions over lamb at lunchtime.

Sheldon Richman is editor of "The Freeman" and proprietor of the blog "Free Association" (www.sheldonrichman.com).

When Jeannette Walls was a student at Barnard College, a professor asked the class to discuss what might be done for the homeless. Walls responded, "If some of them were willing to work hard and make compromises, they might not have ideal lives, but they could make ends meet." The professor shook with outrage at this seeming callousness. "What do you know about the lives of the underprivileged?" he demanded. "What do you know about the hardships and obstacles that the underclass faces?"

As it turns out, quite a lot. Jeannette's parents were living on the streets of New York City at that very moment, homeless by choice. As a child Walls had lived in a trailer, a tent, the family car, a converted railroad depot, and eventually a tiny house in West Virginia with no heat or electricity, but plenty of running water pouring through the roof. But in that Barnard classroom, Jeannette wasn't ready to reveal her past. "You have a point," she meekly responded.

Now a reporter for MSNBC, Walls is ready to tell her story, through an astounding memoir called "The Glass Castle" (Scribner). Raised by brilliant, educated parents who would not settle down or hold jobs, at times she was so hungry she ate food from the school trash can. If anyone had an excuse to whine and complain, she did. But the tone of her memoir is uplifting and triumphant, capturing the adventure of a life lived on the fly, outside the normal rules. "We heard Mom and Dad talking about buying us kids real beds," she writes, "but we said they shouldn't do it. We liked our boxes. They made going to bed seem like an adventure."

CALIFORNIA GYPSY

S.H. Chambers

Walls makes her whole childhood seem like an adventure. Instead of sniveling about the absence of Santa Claus, she describes the wonder of sitting in the desert with her father on Christmas Eve, being allowed to choose a star for her very own. Once she wanted to transplant a tiny Joshua tree closer to the house they were staying in, where it could be protected from the wind. Her mother stopped her. "You'd be destroying what makes it special," she said. "It's the Joshua tree's struggle that gives it its beauty."

That seems to be the controlling metaphor for this memoir. Witty, honest, sometimes joyful and sometimes shocking, her story is not an invitation to attend a pity party, but a description of the struggle that brought beauty to her life. Walls is proud of who she has become, and understanding of the parents who built "glass castles" for her to dream on. Her memoir will bewitch you.

Jo Ann Skousen teaches English literature and writing at Mercy College in Dobbs Ferry, N.Y. Her film reviews are a regular feature in Liberty.

Thomas Sowell's "Black Rednecks and White Liberals" (Encounter Books) is a stunning collection of lengthy essays about race. The principal essay identifies the surprising genesis of redneck culture in America, and its devastating effect on black culture; and it puts the blame exactly where it belongs: on white liberals. Other essays are equally informative and provocative. Sowell's chapter "Black Education: Achievements, Myths and Tragedies" is at once revealing and heartbreaking. He writes that "[r]acial discrimination barriers kept educated blacks out of some . . . occupations but, until perhaps the middle of the 20th century, there were relatively few [educated] blacks to be kept out by such barriers."

If there were two major issues that divided this nation in the 20th century, race being one, the other certainly was radicalism. And there is no better exegesis of the radical experience, personally, politically, and culturally, than that provided by David Horowitz. He rejected the radicalism of his Communist parents and embraced the principles of national security and individual rights that are today the cornerstone of American conservatism. Horowitz's "Radical Son: A Generational Odyssey" (Free Press) is the compelling story of his time on the battlefields of the political and cultural wars that were fought in America from the 1940s to the end of the 20th century. In prose often rising to the poetic, he unsparingly bares his personal, psychological, and political soul. In the end, he openly admits that "[i]f I knew at the beginning what I have learned, I would not have given my life to the socialist fantasy, or the Panther cause, or marriage to a woman addicted to an illusion. But I would not now give up the impulse to love or dream that brought me these travails, either. Or the passion for justice. Or the will to make myself better. If ever I were tempted to give up hope, I would only have to look at how far I have come."

The wars over race and radicalism are, in the end, disputes about the fundamental issue of the nature of this country and the scope of individual rights. Accordingly, and at the risk of being accused of self-promotion, I make a third choice for summer reading: "The Keeper of the Flame" (written by me and available at booklocker.com), an examination and analysis of Justice Clarence Thomas' opinions during his 14 terms on the Supreme Court. These opinions show that Thomas understands the appropriate role of a Supreme Court justice. They also show his methodology for proper decision-making and his position on fundamental constitutional questions, among them federalism, separation of powers, judicial review, and such Bill of Rights issues as abortion, affirmative action, the death penalty, and the alleged rights of prisoners. (As such,

"Keeper of the Flame" is also a primer for the major areas of modern American constitutional law.) Justice Thomas' opinions prove that his originalist jurisprudence is rooted in the Founding, and thus aims at preservation of the constitutional fabric and the individual rights it was designed to protect.

Henry Mark Holzer, a constitutional lawyer, is Professor Emeritus at Brooklyn Law School. He is the author of "Sweet Land of Liberty?", "Speaking Freely," "Why Not Call It Treason?", and other books.

Reading lists are as fun as they are arbitrary; no real book lover can list just one book, or a dozen, as Best, or Favorite, or Most Important. And of course, Liberty's readers are already familiar with the classics of libertarianism. So I will pick four books that I suspect few libertarians have read but that are worth their while. I write this list in the faith that books exist not only to tell us what we want to hear, but to bang on our doors and shout through our windows and give us questions as well as answers.

"America's Constitution: A Biography" (Random House), by Akhil Reed Amar. I know of no writer who understands the Constitution — including such subtle matters as divided sovereignty and the legal significance of the preamble — better than Akhil Amar. Given the alarming number of libertarians willing to humiliate themselves with such concoctions as the "right to secede," it would be a real relief to see more of them sober themselves with this brilliant book. Like his last book, 1998's "Bill of Rights: Creation and Reconstruction" (Yale University Press), Amar's "Biography" combines meticulous precision and encyclopedic knowledge to explain how the Constitution works as a complete structure — an approach that allows him to be simultaneously original and faithful to the Constitution's original meaning. Like the document itself, this book is within the reach of the layman but also a work of profound wisdom.

"The Tyranny of History: The Roots of China's Crisis," by W.J.F. Jenner (Penguin). This little-known commentary on Chinese culture, first published in 1992, is aging quickly, but its insights are still extraordinarily enlightening. Chinese culture, Jenner writes, is suffering from "the rule that thou shalt commit no novelty," a hex that could portend catastrophe in the new century, and that casts a shadow over the optimism with which many libertarians view China today. Fans of Virginia Postrel's "The Future and Its Enemies" will especially enjoy Jenner's analysis of the ultimate static society.

"The John Varley Reader" (Ace). Varley — my very favorite writer (see "Libs in Space," Liberty, August 2003, or "Of Mars and Mammoths" on p. 45) — makes writing seem so easy. But what he accomplishes is the hardest task of all: no matter how outlandish his premise, he carries you into a world of absolute realism. And Varley's science fiction has some of the most bizarre premises of all. His characters can change sex at will, store their memories in case of death, and sculpt atmospheric storms as artworks. More than imagination and narrative skill qualifies Varley for this list, however. His stories reveal a dynamism — an acceptance of the inevitable pluses and minuses of progress, and a basic confidence in humanity — that mark him as a true "free spirit."

"The Metaphysical Club," by Louis Menand (Farrar, Straus). Well deserving of the 2001 Pulitzer Prize, Menand's book tells the story of the modern age, and especially of progressivism, the philosophical revolution that created the regulatory welfare state (see my "Curse of the Progressives," Liberty, August 2004). Menand, though sympathetic to progressivism, is honest enough to acknowledge its shortcomings. More important, he tells the story in memorable, endlessly compelling terms. The richness of his story is a refreshing counterweight to the boring morality plays pervading so many books on political history. Not that there weren't any bad guys; Oliver Wendell Holmes was nothing short of a monster. But how he got that way is an awful philosophical tragedy. This is must reading for understanding how we got to where we are.

Timothy Sandefur is a staff attorney at the Pacific Legal Foundation.

The recent passing of Jane Jacobs makes me recall that the great, underacknowledged theme of her popular classic, "The Death and Life of Great American Cities" (Modern Library), was that successful urban life cannot be centrally planned. It results, instead, from individuals acting harmoniously. This was the view that set her in opposition to New York's master builder Robert Moses and his intellectual sidekick Lewis Mumford, who both believed that Higher Intelligences could be wiser than public tastes.

Another Jacobs theme was that life on the street was a greater measure of the quality of a neighborhood's life than, say, its architecture. While the latter can be photographed, the former must be felt to be understood. Her model was the western precincts of Manhattan's Greenwich Village, where she lived, where people walk sooner than drive, where many homes are owned rather than rented, where she successfully resisted Moses' plan to bulldoze residential housing to make way for a freeway, much as he had done in the Bronx in a disgusting episode documented in Marshall Berman's "All That Is Solid Melts into Air" (Penguin).

Need I add that Jacobs' bias influenced my own "SoHo: The Rise and Fall of an Artists' Colony" (Routledge), whose libertarian theme holds that no central authority planned the transformation of an industrial slum into a fertile artists' colony with renovated "lofts" in the 1970s and 1980s and, by the 21st century, into an informal shopping mall — developments that, may I repeat, were not centrally planned but simply resulted from many individuals acting freely and harmoniously. Indeed, because the industrial slum was so decrepit, it was simply a white space on planners' maps. I'm now trying to relocate to the Rockaways, which is New York City's

Books exist not only to tell us what we want to hear, but to bang on our doors and shout through our windows and give us questions as well as answers.

beach town on the Atlantic Ocean, where the Mosesmen in the late 1960s bulldozed three miles of friendly summer housing in the name of "urban renewal" that still has not happened. Imagine: oceanfront property in New York City that has been empty for over three decades!

May I also recommend Jacobs' classic to people who have spent their lives in suburbs and rural territories, as a means of explaining how city folk and urban neighborhoods thrive. That's a good reason for reading my book as well.

Way back in 1980, having earlier relocated to Toronto (so that her teenage sons would not be drafted during the Vietnam War), Jacobs published a book sympathetic to Quebeçois separatism, which I still think would be a good idea, not just for the Francophones but also for English Canadians. Had she stayed in New York in the 21st century, she might have joined me in advocating the secession of my hometown, if not the entire eastern seaboard, which would be good not just for us sophisticates but also for Yahooland. But that's my fantasy for the life that Jane Jacobs, a sympathetic polemicist and sensible activist, might have led, had she lived here rather than there.

Richard Kostelanetz is an artist/writer living in New York. He is the author of "Alternative Views" (Autonomedia) and of other new books, appearing under "Examples" on www.richardkostelanetz.com.

So many books, so little space. Now that I've retired from Laissez Faire Books, summer books are all I read. I should have known I'd have to submit a book report.

Two of my favorites are "Iron and Silk" by Mark Salzman (Vintage), and "The Left Hand of Darkness" by Ursula LeGuin (Ace). Salzman's book is a memoir that recalls his time in the early 1980s teaching English in the Hunan province of China. With a delightful knack for describing his students and coworkers, the petty rules of bureaucratic China, and the exacting demands of Pan, his famous *wushu* (martial arts) teacher, he draws the reader ever more deeply into an exotic world. Salzman remains a stranger in a strange land, but his curiosity to understand the Chinese people is infectious, and his determination to excel in his chosen sport is inspiring.

Even more exotic are the people and places of LeGuin's science fiction novel. "Few foreigners are so foreign as I," explains Genly (or sometimes Genry), the narrator of the piece. Genly might seem very usual and knowable to us, but on the world to which he is the emissary he is indeed "foreign," considered to be a sexual "pervert." You see, on the planet Winter, normal folks are all androgynous until they reach *kemmer*, at which point they (and the persons to whom they are attracted) select a gender and have a relationship, perhaps a child. This choice of gender isn't permanent. And the ability to switch sexes isn't necessarily the most interesting thing about the inhabitants of Winter, either. LeGuin gives us an abundance of persuasive, fascinating detail about her lushly imagined world and its people.

It's that same attention to detail that lifts "Iron and Silk" out of the newly-disgraced category of the memoir. To prepare for my book report, I'd planned to just flip through these volumes and quickly refresh my memories of them. But I found myself ensnared anew, compelled to read each from cover to cover. These are books to love, to treasure, to visit again and again — as different as could be, but equally exhilarating.

Since a few words remain of my allotment, I'd like also to mention "Heretic: Confessions of an Ex-Catholic Rebel," by Jerome Tuccille (iUniverse), a prequel to Tuccille's notorious cult-favorite "It Usually Begins with Ayn Rand" (Fox & Wilkes). "Heretic" is just as outrageous, just as fun, and just as serious in its underlying questions.

Plus, if you order quickly from Laissez Faire Books, you might still snag an autographed copy of "Ego & Hubris" (Ballantine), Harvey Pekar's graphic and graphically illustrated account of the outlandish life-so-far of Michael Malice, a Randian who interned at the Cato Institute. Liberty readers will likely feel a kinship.

Whew! I've written my book report and even managed to sneak in a plug for LFB.com, so now I can go back to watching the anarcho-brigand science fiction series "Firefly" for the umpteenth time. Then I'm going to read a book . . .

Andrea Millen Rich ran Laissez Faire Books for 22 years. She is now exploring her next career.

"Where is human nature so weak as in a bookstore?"
— Henry Ward Beecher

My favorite pastime is to drift into a used bookstore during a lazy summer afternoon, and discover a new world. I figure that 80% of used books can't be found in a new bookstore like Barnes & Noble or Borders, but oh, what treasures they are. You'll discover novels, biographies, and words of wisdom that have somehow been lost in today's busybody world. I well remember the day I sauntered into a bookstore in the small college town of Durango, Colo., and discovered the Chinese-American philosopher Lin Yutang and a first edition of his masterfully wise and entertaining "The Importance of Living" (John Day). I've read it many times, and have memorized and repeated his musings and missives on American life — his listing of the "three American vices," and his old Chinese counsel to venerate the old, enjoy the conversation of the female voice, and "lie on a plot of grass under tall beautiful trees of an idle afternoon and just do nothing."

So "The Importance of Living" is my first recommendation. Buy it in a used bookstore if you can, and on Amazon if you must (you probably won't find it in most new bookstores, even though Little, Brown has issued a new printing).

For those inclined toward pecuniary gain, may I suggest that you avoid Donald J. Trump's ramshackle "How to Get Rich" and focus your attention on a real classic published originally in Playboy — "How to Be Rich," by J. Paul Getty, America's first billionaire. (Note the difference between the verbs in those two titles.) What a tale of enterprise, intrigue, and obsession! The first chapter, "How I Made My First Billion" is a hoot, and the chapter on "The Wall Street Investor" is the most profound twelve pages ever written on the subject. Although the book was published in 1965, every page rings true today. Pick up a hardback first edition, or if you can't find one, try the 1983 Penguin Jove edition in paperback.

My third recommendation is a math book. No, not a boring textbook on algebra or calculus, but a delightful and captivating work on the beauty and magic of numbers. It's "Mathematical Mysteries," by Calvin C. Clawson. You'll be

mesmerized by Euler's Theorem, the Golden Ratio, Fibonacci numbers, and the magnificent harmonic series. Clawson also tells the unbelievable stories of famous mathematicians such as Gauss and Ramanujan. Published ten years ago by Perseus Books, "Mathematical Mysteries" is both entertainment and education.

There is no doubt in my mind that if you read any of these three books on the beach, you will be surrounded by admirers in no time. *Buen provecho.*

Mark Skousen is the author of "The Making of Modern Economics."

At the top of my recommended summer reading list is a book by Erika Holzer: "Ayn Rand: My Fiction-Writing Teacher" (Madison Press). I love this book. Rand was Erika's mentor and friend for many years; this book is part memoir and part style guide. As a literary autobiography, it highlights the relationship between Rand and Holzer with stories that are both poignant and humorous. As a literary guide, it extends Rand's aesthetics, exploring the implications of "The Romantic Manifesto" and the many applications of Rand's lectures on writing fiction.

Erika's husband Henry Mark Holzer also offers a great addition to summer reading: a new book that analyzes in great detail all the majority, concurring, and dissenting Supreme Court opinions of Justice Clarence Thomas. "The Keeper of the Flame" (Madison Press) is a remarkable book on many levels; even if you're not a fan of Thomas, Hank Holzer presents a case that is methodical, logical, and historical. He makes a thought-provoking argument for regarding Thomas as a defender of constitutional principles.

For the philosophically inclined, let me suggest a new book by Douglas B. Rasmussen and Douglas J. Den Uyl: "Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics" (Penn State University Press). The book continues the Rasmussen-Den Uyl project of providing a neo-Aristotelian foundation for political liberalism. The authors give us a well-reasoned and principled argument in support of individualism and a libertarian politics.

Finally, for a change of pace, get thee to an online bookstore specializing in used books and order a copy of Miklos Rozsa's autobiography, "Double Life" (Hippocrene Books). The book was published in the '80s, but I can't think of a better way to prepare yourself for the Rozsa Centenary, which is almost upon us (April 2007). Rozsa was one of the finest composers of his generation, and he wrote some of the greatest cinematic scores. But his celebrated work for epic and film noir genres is only half the story; his compositions for the concert hall remain a remarkable, though largely unheralded, achievement. This book will help you understand how a unique creator masterfully navigated his way through two worlds of music.

Chris Matthew Sciabarra is editor of The Journal of Ayn Rand Studies and the author of "Total Freedom: Toward a Dialectical Libertarianism."

I'm not sure how summer reading differs from other reading, but if you're stuck on the tarmac in an airplane that is going nowhere, it would be great to have with you a Sue Grafton or a Jane Austen, and this summer I'll probably be reading Jane Jacobs as well.

Grafton writes the "ABC" series of mysteries, starting with "A is for Alibi" (Crimeline). She has reached "S is for Silence" (Putnam), the only one I haven't read yet. In my view, Grafton is the best writer about female detectives; her Kinsey Milhone is wiry and tough and intensely serious about her investigations. Grafton's writing has some of the spareness of Robert Parker's Spencer novels, but the plots are more intricate and satisfying, and Kinsey is much more appealing than anyone in those books. She rejects social commitments — her strongest emotional ties are with her octogenarian landlord, Henry Pitts — and we respect her while feeling the pain that she doesn't quite admit to. An oddity of the series stems from the fact that the investigation in each book follows quickly on the previous one. The first book was published in 1982, so even after 18 volumes the year is probably 1990. No cell phones or iPods.

Part of Kinsey's charm is that she can't bear society. Elizabeth Bennet, the heroine of one of the best novels ever written, also seeks freedom from society — in her case, from the stifling corset of life among the English gentry in the early 19th century. What makes "Pride and Prejudice" eternally exhilarating is that Elizabeth doesn't merely escape the bounds of society but triumphs over them — morally, emotionally, and financially. Her complex courtship with Darcy is breathtaking every time you read it. Unfortunately, explaining Jane Austen's genius is like trying to explain the excitement of golf to a nonplayer, so I won't try.

As for nonfiction, my first thought was any book by Thomas Sowell, but I'm switching my choice to Jane Jacobs. Her recent death at the age of 89 reminded me of the wealth of insights she has given us. I'd like to consider them anew, not through the lens of the urbanists (planners and anti-planners) who have beatified her, but through my own. ("The Death and Life of Great American Cities" [Modern Library] is the urbanists' Bible and the Devil quotes it as well as anyone.)

Not only was Jacobs an autodidact (I learned that word through a somewhat sneering review of one of her later books), but she moved, as interest led her, through disciplines from sociology to economics. Nor did she stop at just a few ideas, even though many of her acolytes did. So I'll probably

"You may speak freely, Frobisher — I intend to let you go by the end of the month anyway."

look back at the surprising "Economy of Cities" (Vintage), in which she introduced the idea that cities preceded agriculture. Then maybe I'll search to see if her hypothesis has gained any traction in academic anthropology departments. Oh, but then I'll need to search the internet, and you can't do that on the airplane . . .

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I'd like to recommend four books that make thinking about complex issues fun, and a fifth that offers a very personal statement by a remarkable man.

"The Undercover Economist: Exposing Why the Rich Are Rich, the Poor Are Poor — And Why You Can Never Buy a Decent Used Car!" by Tim Hartford (Oxford University Press). This lengthily entitled book is an attempt by a writer for the "Financial Times" to introduce people to how economists see the world. It works: Hartford's comments on a wide range of topics, from the price of coffee to the question of why poor countries are poor, are both interesting and completely accessible to readers with no background in economics.

"5000 B.C. and Other Philosophical Fantasies" by Raymond Smullyan (St. Martin's). As the title suggests, Smullyan's book can be described as playful philosophy. The author deals with central ideas, but does so in amusing puzzles and anecdotes. He is the best writer I know at condensing complex issues. Almost hidden among the games and stories is the most elegant depiction of the issues raised by the celebrated Kurt Gödel that I have ever seen — and a lovely discussion of the ontological argument for the existence of God. Neither topic is easy, but Smullyan makes them look that way.

"The Pleasure of Finding Things Out," by Richard Feynman (Basic Books). Feynman was a hero to a generation of scientists. He was a Nobel laureate who resigned from the National Academy of Science because "that was another organization most of whose time was spent in choosing who was illustrious enough to join." He worked on the Manhattan Project, wrote the minority report for the Challenger inquiry (a report included in this book), and inspired many scientists simply to do what scientists ought to do — pursue understanding. All his books are worth reading. This one offers 13 short pieces, among them a thoughtful attempt to discuss the conflict between religion and science, and two discussions that set the stage for nanotechnology.

"The Singularity Is Near: When Humans Transcend Biology" by Ray Kurzweil (Viking). This interesting book should be read as a cross between science and science fiction. The author is a highly respected inventor and a successful businessman. He conceives of himself as writing "the story of the destiny of the human-machine civilization, a destiny we have come to refer to as the Singularity." He believes we are at the point of creating a man-machine intelligence of enormous power: "by the end of this century the nonbiological portion of our intelligence will be trillions of trillions of times more powerful than the unaided human intelligence." In a few areas in which I believe I am competent to judge, I found his positions far too optimistic. But there is much of value in his arguments, and he has made a laudable effort to make them comprehensible. Read this for entertainment. If it strikes a chord, the references are there for you to pursue.

"Dear America," by Karl Hess. The book was published by Morrow in 1975 and is long out of print, but I was able to get a used copy from Abebooks (www.abebooks.com) for under $5, plus shipping. If you knew Karl, as many people in the libertarian movement did, or only know *of* him, you will enjoy his summary of a remarkable life. After all, he did write speeches for both Barry Goldwater and the Black Panthers, and he did run guns to Cuba. His attempts to explain why corporations are dehumanizing can be questioned, but his sincerity and wisdom should not.

Ross Overbeek has been a professor at Northern Illinois and a senior scientist at Argonne National Laboratory. Most of his past research was in computer science, but in 1989 he met Carl Woese and has since focused on understanding microbial life. He most recently was a founder of the Fellowship for Interpretation of Genomes.

Surveys usually show that people prefer long books to short ones. Anyway, summer is the natural habitat of long books. So have you read all the great long books?

"Paradise Lost": Nobody who has got through the first two pages has ever put it down — although, as Samuel Johnson said, nobody ever wished it longer.

"War and Peace": The plot is formless, the philosophy is ridiculous and obtrusive, the characters are almost wholly unsympathetic, as are the reasons that are supposed to make you like them. The measure of the novel's greatness is that despite all that, the book is irresistible; its vitality carries all before it. Besides reading the book, you should check out the DVD of the film version (Russia, 1967) in its complete, eight-hour, newly re-released edition.

"Mansfield Park": The Jane Austen novel that you're not supposed to like is actually her greatest achievement. Its "conservatism" is actually a harrowing vision of good and evil, deception and redemption — a fascinating literary accomplishment.

But literary adventures cannot be measured by number of words or complexity of artistic devices. If I were going to suggest just one book for everyone to read, it would be "Paddle-to-the-Sea," Holling Clancy Holling's illustrated tale for children, first published in 1941 but readily available in a good reprint by Houghton Mifflin. It's the story of an Indian boy who carves a model boat and places it on a snowbank above a tributary of Lake Superior, knowing that when spring comes it will float away from him: "You will go with the water and you will have adventures that I would like to have." And so it is. The tiny vessel, freed by the sun, traverses the Great Lakes, "witnessing" much of the landscape of America and receiving the friendly assistance of various types of people, who repair it and help it on its pilgrimage to the great salt sea. The pictures are beautiful, the text is truly educational, and the message is unforgettable. It comes at the end, in the final picture, at the conclusion of part 27; you'll get to it; and you'll enjoy every stage of the journey.

Stephen Cox is editor of Liberty. His most recent books are "The Woman and the Dynamo: Isabel Paterson and the Idea of America" and "The New Testament and Literature."

My Life As a Legislator

by R. Kenneth Lindell

Getting elected as a libertarian is not easy. Making a difference in office is harder still.

I am a libertarian. I am also a Republican freshman member of the Maine House of Representatives. Some would say that being a libertarian legislator is like being a fish out of water; I would say it's more like a fish learning to ride a bike. But anything is possible with enough determination.

Like most libertarians I am a convert to the movement. I grew up in a Republican family. I was five years old when my father worked for Richard Nixon's reelection. I was an active college Republican during the Reagan era. I thought that Reagan was a great leader, but rather old-fashioned and out of touch with my generation on many social issues. I learned about the libertarian movement in 1988 when I read an article in the Wall Street Journal about Ron Paul's campaign for president under the banner of the Libertarian Party. I was intrigued. My views were far more in line with his than with those of George H.W. Bush. On a whim I voted for Ron Paul that year, and I didn't feel as if I had wasted my vote. Two years later — after President Bush (the elder) and John McKernan, the Republican governor of Maine, had both raised taxes — I joined the Libertarian Party.

The libertarian movement is driven by the fundamental principles of individual liberty and self-sufficiency so well encapsulated in the non-aggression principle. The libertarian economist Murray Rothbard best described that principle, in his essay "War, Peace, and the State":

> The fundamental axiom of libertarian theory is that no one may threaten or commit violence ("aggress") against another man's person or property. Violence may be employed only against the man who commits such violence; that is, only defensively against the aggressive violence of another. In short, no violence may be employed against a nonaggressor. Here is the fundamental rule from which can be deduced the entire corpus of libertarian theory.

How does a libertarian state legislator hold true to such a principle while participating in the formulation of public policy? After all, every law must be enforced by means of aggression, or at least the threat of aggression.

The answer came to me well before I ever had to ask the question of myself. It came at a rally I attended in Boston in 1996, a fundraiser for Harry Browne's first presidential campaign. The speaker was the late David Brudnoy, who for more than a quarter century was the voice of Boston evening talk radio. Brudnoy spoke of an allegorical "freedom train" making a journey to the perfect libertarian society — Galt's Gulch perhaps? The train has far to travel from the statist society we live in. Many of us may want to get off before the train arrives at its final destination, but anyone who wants greater freedom needs to get aboard right here.

This message resonated with me because even then I was uncomfortable with the anarchist fringe of the libertarian movement. Nevertheless I remained active in the Libertarian Party until 2000 because I believed that libertarian ideas could have an influence on mainstream politics. I also thought that the LP was the most effective means of bringing that influence to bear. It took less than a year on the Libertarian National Committee to disabuse me of that notion. It astounded me how much infighting and jockeying for position could exist in an utterly powerless political organization. The LP should

have been focusing on how it might actually get more libertarians elected, but it squabbled instead over who should attend its conventions or what staff members should be hired or fired. In 2001 I resigned from the LNC and quit the Libertarian Party.

I stayed away from politics for the next few years, focusing instead on building a new business. But in 2004, redrawing of the 151 districts from which Maine state representatives are elected presented the opportunity of an open seat that included my home town of Frankfort, Maine. I decided it was time to throw my hat in the ring and filed papers for the Republican nomination.

I ran a pretty traditional Republican campaign. I first contacted and joined the Republican Liberty Caucus and signed the Liberty Compact, a statement of conscience by candidates running with the endorsement of that caucus. It stipulates that the candidate will work to

> Restore liberty, not restrict it; shrink government, not expand it; reduce taxes, not raise them; abolish programs, not create them; promote the freedom and independence of citizens, not the interference of government in their lives; and observe the limited, enumerated powers of our Constitution, not ignore them.

I was running as a Republican, but also as a libertarian. I campaigned for lower taxes, a friendly business climate, and better education. I had one primary opponent, who dropped out early. My Democratic opponent was the well-connected chairman of the Hancock County Democratic Party. Two of the six towns in the district are in Hancock County, the other four — including Frankfort — in Waldo County. In the end I won by a margin of just 32 votes. I polled less than 35% of the vote in the Hancock County side of the district but won almost 70% in three towns in Waldo County. It was mainly parochial concerns that won the day for me. Few people were put off by my libertarianism, though much was made of it during the campaign.

The 122nd Maine Legislature, to which I was elected, is controlled by the Democrats. In the Senate, Democrats have a three-seat majority (of 36 seats). In the House, they have 74 seats (of 151) but control the chamber with the support of one Green and two Independents. Republicans hold 73 seats and caucus with a third Independent (first elected as a Democrat). In such a closely divided chamber every vote counts, and that affords a great deal of influence to every member — but only if the influence is wisely and carefully used.

I thought that the LP was the most effective means of spreading libertarian ideas. It took less than a year on the Libertarian National Committee to disabuse me of that notion.

Once I was sworn in I had to decide on a strategy: how to be an effective legislator, being true to my principles but without simply saying "no" to everything. I had to learn quickly how to deal with the thousands of bills that would come before us. I developed three approaches to any philosophically difficult piece of legislation (and there have been many): defer action, take a stand, or try to make a difference.

Taking a stand, of course, is the most dramatic alternative. It is what I have done on issues that are either too important, or too well advertised, to be ignored. Taking a stand often means accepting that a particularly onerous piece of legislation is destined to become law — raising taxes, curtailing freedoms, or creating new government agencies — yet still acting to oppose it. This might mean standing as a lone voice against a unanimous report from a committee that has not considered the impact that certain legislation can have on individual liberty.

It astounded me how much infighting and jockeying for position could exist in an utterly powerless political organization.

Early in the first session a bill came to the floor prohibiting the furnishing or use of inhaled alcohol. A unanimous report came from a committee, recommending that the bill "ought to pass." The bill aimed at creating a new crime — ingesting alcohol in vaporized form from a nebulizer. (Apparently this is quite a fad in some British "oxygen bars" and among the spring break crowd in Daytona Beach.) Nobody testified against the bill during the public hearings.

I did some research and found that there are no establishments in Maine that furnish vaporized alcohol, a fact that may have accounted for the lack of opposition. I also found that British health authorities had studied nebulizers and found that their use is no more harmful than traditional methods of consuming alcohol.

So I took a stand. I objected to the measure and requested a roll call, stating my objections to the bill. The response from the rest of the chamber was overwhelming support of the measure. I garnered only 10 out of 151 votes. Licking my wounds, I came back on second reading with an amendment to delay the implementation of the law for a year and direct the Bureau of Health to study the safety of vaporized alcohol. The amendment received 64 votes.

I took quite a bit of flack from my colleagues for "championing" vaporized alcohol. But I was vindicated when, a week after the bill was signed by the governor, Time magazine ran an article entitled "No buzz, not filling." The writer pointed out that it takes an hour to inhale an ounce of vodka, and that a bar in New Jersey had installed an alcohol vaporizer but sent it back because nobody could get a buzz from it.

Sometimes a state legislator is faced with the choice of standing on principle and risking his reputation, or sitting silent for the sake of political expedience.

On June 10, 2005, the Maine House of Representatives overwhelmingly approved a supplemental budget, known in Augusta-speak as the Part 2 Budget. Part 2 is a fraction of the size of the Part 1 Budget, which in 2005 contained most of the $2 billion to be spent by the state over the following two years. Part 2 is meant to fund special items that don't make up

the bulk of day-to-day government operations. Part 2 is also much less controversial and contentious than Part 1. Last year it was crafted as a compromise bringing together Republicans and Democrats in a unanimous recommendation by the Joint Committee on Appropriations and Financial Affairs.

I had voted against the Part 1 Budget and the mammoth $450 million in borrowing it contained. I voted for Part 2 because it returned some of the money owed to our local hospitals by the state's Medicaid system, and also because I couldn't bear to think about how awful the alternative might have been without the compromise.

The moment of truth for me came in the budget debate when Rep. John Eder, a Green Independent representative from Portland, proposed an amendment. The Eder amendment sought to halt a proposed doubling of the fine for simple marijuana possession from $250 to $500, an effort intended to restore funding for the Maine Drug Enforcement Agency. But this was not a question about the wisdom of the war on drugs.

For the last 20 years state policy has been to treat the simple possession of less than one ounce of marijuana as a civil violation, punishable by fine. The new idea was to increase the resources available to pursue drug traffickers and the users of more dangerous drugs, such as crystal methamphetamine. But doubling the fine might send a message to drug enforcement officers that the funding for their jobs relied on fines from pot possession, increasing the possibility that their attention would be diverted from criminal drug gangs to pot smokers.

My choice was either to sit silent while a misguided policy was enacted, or speak up and risk being labeled as a pro-pot legislator. Almost every representative spoke against the Eder amendment, failing to realize what a foolish policy shift was occurring. Finally I chose to speak, too. My speech raised the issues I've laid out here. The amendment was defeated, with support coming from only 19 members. I guess few others wanted to be labeled pro-pot. Several thought well enough of my principles to send notes to my desk rolled up like joints.

I can take the ribbing. My regret is that after drug enforcement officers have busied themselves ticketing pot smokers, the next complaint will be that the state needs more cops to go after meth labs.

On at least one occasion taking a stand has achieved more than making a statement. During the first session, a bill to establish an insurance fraud unit came before the Insurance and Financial Services Committee — the committee to which I am appointed. It was a perennial bill supported by private investigators who want to require the insurance industry and the State Bureau of Insurance to hire them to investigate fraud. The bill was opposed by insurance lobbyists and the Superintendent of Insurance. But since the Speaker of the House was the bill's sponsor, the committee did not have the nerve to kill it. Instead we created a study commission to report back to the committee in the second session.

During the summer the insurance lobby and the Superintendent of Insurance hatched a plan. The problem they wanted to address wasn't necessarily insurance fraud. The Bureau of Insurance is funded by fees paid by the insurance industry; the revenues, however, far exceed the funds needed to run the bureau. So the legislature routinely sweeps the excess funds from the bureau to the general fund to pay for all sorts of other programs. Meanwhile, the companies rely on their own fraud investigation units, which routinely refer cases to local district attorneys for prosecution. The state attorney general's office also has a financial crimes unit that investigates and prosecutes fraud. Now, however, the superintendent and the insurance industry proposed to employ the excess fees to create five new positions within the Bureau of Insurance for investigators and prosecutors of insurance fraud.

Private investigators were completely cut out of the deal, but when the parties came back to the committee they were all in agreement. The private investigators were nowhere to be found. There were only two opponents of the bill reported to committee by the commission: the Maine People's Alliance (MPA) — a leftist coalition of social activists — and the Trial Lawyer's Association. The MPA opposed the bill as corporate welfare. The trial lawyers objected to some of the police powers given to the proposed fraud unit. I had a different take on the issue; I saw it as an unnecessary expansion of government bureaucracy and power.

The bill came to the floor of the House with a 12–1 "ought to pass" report. I was the sole dissenter on the committee, but I decided to continue taking a stand. I found an ally on the other side of the aisle. A former district attorney who had prosecuted insurance fraud, she immediately recognized the scheme for what it was. We each pitched our cases before our caucuses. This bill had something for both conservatives and liberals to dislike. For conservatives it was an unnecessary expansion of government. For liberals it was an example of the power of big insurance carriers to push through legislation that benefits only them.

The bill failed passage in a 53 to 82 bipartisan vote. Unfortunately, the Senate approved it the next day by a 20–15 margin, almost completely along party lines. Democrats sided with the insurance industry, while all but one Republican sided with consumers and taxpayers. Since the Senate had passed the bill in non-concurrence with the House, it went back to the House to be reconsidered. The Democratic committee chair was so embarrassed about being forced into the posture of defending an industry bill in her own caucus that she made a motion to adhere to our previous action — killing the bill. By taking a stand, I had also helped to make a difference.

My view is that an elected representative has a duty to represent his district first and his personal philosophy second. The people who elected me would be sure not to send me back if I failed to honor this maxim. On some issues, however, my constituents' opinions are, or seem to be, in such conflict with my own principles that I cannot force myself to participate. One bill brought before the legislature would have required women to be subjected to graphic photos of aborted fetuses before undergoing an abortion procedure. I represent a social-

The bill aimed at creating a new crime — ingesting alcohol in vaporized form from a nebulizer. I found out that no establishment in Maine sold vaporized alcohol.

ly conservative district and had promised to be respectful of issues important to the evangelical Christians in my district. I voted for a bill requiring parental notification when a minor receives an abortion. But I just couldn't support the "abortion education" measure, even though the bill had no chance of passing, and I could have voted for it without affecting the outcome. I chose not to be in the chamber for the debate or the subsequent vote.

I voted against a "gay rights" bill because it did not respect the right of free association, regarding a bill prohibiting an employer from firing someone who lives as a transsexual as an infringement on the employer's right to associate with whomever he wished and to regulate behavior in his work place. It should also be the right of a property owner to prohibit sexual behavior that he finds offensive on his property. Many of my constituents are offended by homosexuality. I am not, but I voted against the bill out of deference to the rights of those who do — and, indeed, in defense of the right of association of all people, gay or straight.

Nevertheless, I spent much less of my time taking a stand than trying to make a difference. Taking a stand can sometimes feel as fulfilling as merely deferring action: it feels empty. Seldom is anything accomplished by either of those two strategies. But trying to make a difference can actually work. It involves negotiation and compromise, but compromise need not imply a compromise of principle. To return to David Brudnoy's analogy: it is about getting more people on the train and moving it closer to the libertarian ideal, or at least stopping the train from slipping too far backwards.

Committee work is where any legislator has the most influence and is most likely to be able to make a difference. Maine's legislature has joint standing committees, each with three senators and ten representatives. As I've said, I serve on the Insurance and Financial Services Committee. This is the committee that oversees Governor Baldacci's Dirigo Choice Health initiative. Dirigo is a state-run, state-subsidized health insurance plan that has so far spent over 113 million dollars to insure about 9,000 people, only 2,000 of whom were previously uninsured. Republicans have fought this plan for most of the 122nd Legislature (although many voted for it in the 121st). But Republicans are in a minority.

On Nov. 16, 2005, I unveiled to the Committee my proposal to add a third option to Dirigo. The proposal, which involved a combination of low-cost catastrophic insurance policies and employee-owned health savings accounts (HSAs), promised to expand the appeal of Dirigo Choice by offering a consumer-driven option in addition to the two more traditional insurance plans now available. In my press release I announced:

> I think this could actually save Dirigo Choice. It has become clear that employers and employees are both turned off by the plan as it stands. Premiums are too high, benefits are too stingy, and the structure too inflexible.

My plan keeps the subsidies for low-income individuals, but directs most of those subsidies to consumer-owned HSAs. Through the HSAs, people with low incomes would receive up to $1,500 per year to spend on basic preventive and routine care, and families would receive up to $5,250 per year. The catastrophic insurance plan would cover all medical expenses once the deductible of $5,000 per individual or $10,000 per family was met. If the HSA's balance was not spent it could be rolled over and added to the following year's contribution.

I guess few others wanted to be labeled propot. Several thought well enough of my principles to send notes to my desk rolled up like joints.

As I explained the details of my plan to my colleagues on committee, I explained how health savings accounts work and how they are a benefit to consumers. Maine was one of a handful of states that still taxed HSA contributions. Although my proposal was killed by the Democrats, I was able to convince enough of them of the benefits of HSAs to get a letter sent to the Appropriations Committee supporting inclusion of an HSA deduction in the 2006 supplemental budget. In March of 2006 we enacted a supplemental budget that implements the HSA deduction in 2006. I had indeed made a difference.

My legislative experience has given me a reputation as a principled, articulate, and thoughtful representative. I tend to stand up and talk too much on the floor, although I have learned not to stand if I don't have anything to add to the debate. The problem is that my perspective is so uncommon in the chamber that I often find I do have something to add. After I spoke in favor of a bill that would have criminalized vandalism intended to ruin a person's business or reputation (a bill meant to deter environmental terrorism), I received a note from a Democrat that read, "I will support the ONTP [ought not to pass] motion, but your motive/behavior distinction is precisely my line of thinking. Glad you expressed it." The bill was passed. I like to think my speech had something to do with it.

At the end of the last session a Republican colleague approached me and said something to the effect that "at first I thought you were a flake, but as I got to know you I have come to respect your point of view." He later said, "I think of you as one of them . . . I forget what you call it." The next day he came up to me and said, "The word I was looking for was 'libertarian.' Yeah, you're one of them libertarians." I told him I considered that a compliment. ❑

"Yeah, but I was innocent *until* I was proven guilty."

The TIF That is Eating Portland

by Randal O'Toole

It swallows neighborhoods whole, leaving only parking lots and rubble — yet it's so sneaky that only planners know it's there.

In November 1998, Metro — the regional government for my hometown of Portland, Oregon — asked voters to increase their property taxes so Metro could double the size of Portland's convention center. The voters resoundingly rejected the idea. So Metro doubled the size of the convention center anyway. As Forbes magazine later noted, the result was that convention center occupancy fell from 71% to 43%.

But after voters rejected the tax increase, how did Metro pay for the expansion?

TIF.

In the same election, Portland's transit agency, Tri-Met, asked voters to increase property taxes to build more light-rail lines. The voters resoundingly rejected the idea. So Tri-Met is building the rail lines anyway. Since the first segment opened, it has carried fewer riders than the buses it replaced.

But, given the fact that the voters rejected the property tax measure, how did Tri-Met pay for the rail construction?

Partly with TIF.

TIF, or tax-increment financing, is a government-finance tool that is much loved by planners and city councils across the country.

TIF is most commonly used by urban-renewal or redevelopment agencies. These agencies have been in the news recently because they frequently use eminent domain to take land from one set of private owners so they can give it or sell it to another set of private owners.

While many people find that outrageous, TIF is more insidious and ought to be more upsetting. It takes money from taxpayers without their knowledge or permission and spends it on things that they probably would not support. Moreover, TIF often provides the financing for eminent domain.

Here's how TIF works. Your city has an urban-renewal agency (or redevelopment agency, depending on the state). The board that runs the agency may be identical to your city council, or the council may appoint a separate board.

The board has the power to draw a line around a piece of vacant land, or perhaps a run-down business district or neighborhood of dilapidated homes, or even a not-so-run-down area, and declare the land inside that line an urban-renewal or redevelopment district. Most, but not all, states require that it declare the area *blighted*, but except as a legal matter, that is unimportant for TIF to work. The property in the district might have a collective value of, say, $1 million, and the property owners pay taxes on that value.

Planners now imagine that this district will be redeveloped and the new developments will have an assessed value of, say, $10 million. That will generate ten times more property taxes. Normally, those taxes would go to schools, police, fire, libraries, and other purposes. But for the next 15 years or more, depending on the state, all the *incremental* taxes in an urban-renewal district — that is, all the taxes paid over-and-above the taxes that are now being paid — go to the urban-renewal agency.

Most states allow urban-renewal agencies to collect those taxes for 10 to 20 years. After that, the taxes go back to the schools, police, and other agencies that normally are funded by them.

Having projected this huge stream of tax revenues, the urban-renewal district sells bonds that will be repaid by taxes. It uses the bonds to subsidize developers to redevelop the properties in the district. The agency will use eminent domain if it thinks the existing owners won't be interested in redevelopment or do not have the resources to undertake it. But often the agency will just negotiate with the existing owners to do the redevelopment.

In effect, developers get to use the property taxes they pay on their developments to help pay for part of their work. Better still, they get the capital value of those taxes, at tax-free municipal bond rates, and they can often leverage that capital to raise more capital.

Imagine getting to use the capital value of 15 years' worth of the property taxes to subsidize the construction of your new home. Depending on your tax rate, you might be able to build a home that is 25–50% larger than you could otherwise afford.

New developments, of course, consume fire, police, sewer, water, and other urban services that are normally paid for out of their property taxes. If they include housing, their residents probably use libraries. If the residents have children, they probably go to public schools. Since the taxes on these properties are not going to a fire, police, water, sewer, library, or school district, other people's taxes must cover those costs. If enough taxes are diverted to TIF, the city schools or libraries will soon suffer a funding crisis, requiring voters to approve tax increases to support them. But the higher taxes are really supporting the TIF-financed developments.

Of course, planners' projections of future tax revenues may be optimistic. In that case, the city urban-renewal agency defaults on its bonds. This may make it difficult for the city to do more urban-renewal projects for a time, but it has no effect on the developer's credit rating or on the bond rating for other city projects. In fact, the city might be able to create a new urban-renewal district somewhere else and start the whole process over.

TIF is extremely popular in California. Former Fullerton city councilor Chris Norby says that the share of all property taxes collected in the state going to redevelopment agencies has increased from less than 1% in 1960 to more than 10% today. As of 2003, says Norby, redevelopment agencies issued $56 billion worth of bonds to finance urban-renewal projects.[1]

The voters resoundingly rejected the idea. So Portland's transit board did it anyway.

At least one state, Colorado, has a sales-tax analog to TIF, known as a public-improvement fee or PIF. Like TIF for property taxes, PIF means that sales taxes collected from retail shops in a redeveloped property go to pay off urban-renewal bonds that subsidized the development, rather than going wherever sales taxes usually go.

TIF was originally developed to fund urban-renewal projects in the 1950s. In those days, urban renewal usually meant downtown revitalization. As "Edge City" author Joel Garreau observes, America built downtowns for only about a century, from the advent of industrialization in the early 19th century until the early 20th century when the decentralizing forces of the automobile, telephone, and electricity rendered downtown densities unnecessary. By the 1950s, many downtowns had declined. They were often populated only by the very poor, with retail stores increasingly threatened by suburban shopping malls, and offices mainly occupied by banks, insurance companies, and other financial firms.

TIF-financed urban renewal cleared the "tenement" housing of poor people, often replacing it with high-rise luxury apartments or civic centers. Planners often botched the job, leaving at best sterile urban monuments and at worst bombed-out districts cleared of low-cost housing but replaced only with parking lots and rubble.

Jane Jacobs discredited this sort of downtown renewal in her book "The Death and Life of Great American Cities" (1961). She argued that many of the so-called slums that planners wanted to clear were in fact living, vital neighborhoods. She claimed that downtown mixtures of housing and retail shops were not a sign of decay, as planners thought, but a usable neighborhood model enjoyed by many working class families.

Jacobs may have demolished the case for slum clearances and urban planning in general, but she did not stop urban renewal for one simple reason: the money never stopped. No state legislature that had granted TIF authority to cities ever considered taking it away. As long as the money was there, it was too tempting for cities to ignore. So cities kept on doing urban renewals of one sort or another.

Of course, it is not necessary for planners to have any logical foundation for their proposals. Planners who suggested that downtowns be revitalized would get strong support from downtown property owners, who welcomed more business and did not mind getting subsidies to attract it. In 1989, MIT planner Bernard Frieden noted that TIF was "one of the leading downtown strategies" because it allows planners to "shield their own ventures from budget review and voter approval." Frieden observed that such programs "are troublesome to people who value accountability based on the informed consent of the governed."[2]

One big problem with TIF is that it creates a moral hazard for developers. Denver-area cities have used TIF to support so many shopping malls that it is doubtful anyone will build a new retail development in the region without TIF support.

While defenders would say that TIF-supported developments create jobs and new businesses, they are at best a zero-sum game. Those jobs and businesses were going to be somewhere in the urban area; all TIF did was transfer them from one location to another. At worst, and ordinarily, TIF is a negative-sum game: the TIF money is taken from schools and other public services, whose quality either declines or is held steady by increases in everyone else's taxes.

Several studies have documented the unfavorable effect of TIF on the cities that use it. Two Illinois researchers found that "cities that adopt TIF grow more slowly than those that do not."[3] A report issued by a left-wing group called the Developing Neighborhood Alternatives Project, in cooperation with the more libertarian Heartland Institute, found that "TIF does not tend to produce a net increase in economic activity;

favors large businesses over small businesses; often excludes local businesses and residents from the planning process; and operates in a manner that contradicts conventional notions of justice and fairness."[4] TIF survives such challenges because it concentrates large benefits on a few, at a relatively small and largely hidden cost to the many.

By 1990, planners had gone beyond merely transferring funds to rent-seeking downtown property owners. Instead, they wanted to change suburban lifestyles. As the fastest growing parts of America, suburbs do not need revitalization, but in planners' eyes they do need redevelopment. The suburbs were too "auto-dependent," planners said. Their solution was New Urbanism.

As long as the money was there, it was too tempting for cities to ignore. So cities kept on doing urban renewals of one sort or another.

Ironically, the planners' "New Urban" model for suburban redevelopment was the high-density, mixed-use downtown neighborhood that Jane Jacobs had defended from an earlier generation of planners. She made her case too well: in arguing that such neighborhoods harbored a valid lifestyle, she convinced a new generation of planners that these neighborhoods were the *only* valid lifestyle. The planners managed to ignore all the pages in the book that criticized both their profession and the very idea of government planning.

So planners set out to redevelop suburban neighborhoods into high-density, mixed-use neighborhoods. Denver used $93 million of TIF money to redevelop old Stapleton Airport into a New Urban neighborhood. Lakewood, a Denver suburb, used $57 million of TIF and PIF money to subsidize the redevelopment of Villa Italia, once the region's largest shopping mall, into Belmar, a mixed-use retail and residential community.

Private developers would have gladly redeveloped both the airport and the shopping mall without any public support. But they would have turned the airport into a conventional low-density suburb and the mall into an updated but still auto-dependent shopping center. Planners used TIF not to spur redevelopment of blighted areas but to socially engineer the region's population to higher densities, densities that they believed were morally superior to those in normal suburbs.

There were few local objections to these projects because neither Stapleton nor Villa Italia had been a residential area. But planners who proposed to redevelop residential areas to higher densities quickly encountered rabid opposition from the people who lived in them. And this is where rail transit comes in.

To get federal funding for rail transit, cities must show that rail lines will be cost-effective. To be cost-effective, they have to attract a lot of riders. So, wishing to boost ridership projections, planners assumed that low-density neighborhoods along the rails would be replaced by high-density developments whose residents would be less auto-dependent and more likely to ride a train. Then, when the rail lines were under construction, the planners told suburban residents that the federal government required that the neighborhoods near the lines be redeveloped into mixed-use, transit-oriented developments. It is one thing to oppose a local plan, quite another to challenge a federal mandate.

Today, Denver and its suburbs plan to use TIF to support the redevelopment of dozens of neighborhoods along existing and proposed light-rail lines. Portland, Los Angeles, San Jose, and other cities with new rail transit lines have done the same.

TIF's most insidious feature is that it is so well hidden that few people are aware of it. As a result, it escaped all the tax revolts that have swept the states in recent years.

- California's Proposition 13, which greatly limited property taxes in 1978, did nothing to slow TIF and only increased the share of taxes that went into it.
- Oregon's Measure 47, passed by voters in 1996, both limited property taxes and required that all increases in taxes and user fees be submitted to the voters. In a compromise approved by the legislature the following year, TIF was the only tax exempted from the requirement that tax increases receive voter approval.
- Colorado's Taxpayer Bill of Rights, or TABOR, approved by voters in 1992, limited the growth of state and municipal spending to the rate of inflation plus the rate of population growth. Although TABOR does not mention TIF, cities in Colorado treat TIF as if were outside the purview of TABOR, and no one has successfully challenged this presumed exemption in the courts.

Tax activists in many states have proposed TABOR-like amendments to their own state constitutions. But if they want to curb municipal spending and social engineering, they had better specifically include TIF in those amendments. They should require that no TIF bonding be allowed without a vote of the people in the cities and districts that will be affected by TIF and PIF diversions of taxes into redevelopment.

Recent public attention to the Supreme Court's *Kelo* decision on eminent domain has been a boon for property rights activists. But merely restricting local use of eminent domain will not solve the greater problem of abuse of government power. Without TIF, there would often be no funds for eminent domain for urban redevelopment. But without eminent domain, cities free to use TIF will still waste taxpayers' money on futile social engineering programs. People campaigning to curb abuse of eminent domain should consider restricting TIF as well.

Planners often botched urban renewal, leaving at best sterile urban monuments and at worst bombed-out districts of parking lots and rubble.

The big issue in Portland today is an aerial tramway that

continued on page 42

Down in Egypt Land

by Doug Casey

Treacherous traffic, concrete-bound bureaucracies, and nuclear geopolitics: it's enough to make you wonder how people survive.

Last December, I was in Egypt for a few days during their elections, which predictably reinstalled Hosni Mubarak, age 77, as president. It will be his fifth six-year term, the first having begun in 1981, when he took over from his assassinated predecessor, Anwar Sadat.

Cairo and its environs were pleasant in December. It had been about 30 years, practically a lifetime ago, since I'd been there. Little had changed. Which was surprising, on the one hand, and to be expected — since this is the Muslim world — on the other. One difference, though, was the traffic: it's horrible now, with a lot more cars than 30 years ago, but nonetheless better than it was.

I say that as an involuntary connoisseur of Third World traffic accidents. On a previous visit, I rode a taxi on an expressway from downtown Cairo to Giza. Cars and trucks were weaving as fast as they could between the slower donkey carts, tractors, and bicycles headed in more or less the same direction — all while mobs of pedestrians tried to cross the expressway's eight lanes. I well remember a young woman, carrying a bundle on her head, who got whacked by a taxi a few yards ahead of mine; it was bloody mess, but I don't think she was killed. The passenger in that cab, another woman, jumped out and seeing that I, too, was a Westerner, asked if she could get in. We drove on. I've always wondered what happened to the victim. But I can tell you, being a poor cripple in a poor country is an unpleasant fate. Then again, nobody, not even billionaires, gets out of this world alive. Anyway, the donkey carts are gone now, and today there are pedestrian overpasses at intervals.

The first time I was there, Cairo impressed me as one of the most dirty, crowded, and chaotic cities in the world. But even though its population, and that of Egypt, has more than doubled in the interim, it seemed a much mellower place this time. Perhaps the government's economic growth figures of about 5% per annum are more truth than fiction. Or maybe high oil prices have brought the place a veneer of prosperity. Or maybe some of the $2 billion or so per year with which U.S. taxpayers have been subsidizing the country for the last generation (as a reward for maintaining cordial relations with Israel) have actually gone into the local economy, rather than into various ministers' Swiss bank accounts. Part of the answer is probably that, *mirabile dictu*, the world actually does tend to become better over time because of improvements in technology and the natural inclination of people to work and save. And, like most Islamic countries, Egypt has a stock market.

The Cairo exchange has a fairly long (since 1903) and volatile history. In the '40s, when the extravagant and outrageous King Farouk ran the show, it was the fifth-largest exchange in the world. Then he was deposed by Gamal Abdel Nasser in 1952, who nationalized almost everything in his search for the Egyptian path to socialism. The exchange was dormant from 1961 to 1991. Then desperation forced a modicum of liberalization on the government. So there is some reason for optimism, with the government now privatizing many state companies. But I'm not a believer in a rosy future for the land of the pharaohs.

Egyptian Economics — Such As They Are

You've got to ask yourself about any place, but especially about a country like this: how do the people (80 million, in this case) survive? What do they produce? Guesstimates are that

in ancient times Egypt supported a population of about 6 million, and rather comfortably for the era. In those days almost everyone was a farmer, and the annual flooding of the Nile ensured both water and nutrients for crops that made Egypt the breadbasket of the ancient world.

There are still plenty of farmers in Egypt, but since the Aswan High Dam was built by the Russians in the '60s, the Nile doesn't flood anymore. Today the dam generates about 12% of the country's electricity, but it's silting up with the estimated 4 million tons per year of alluvial fertilizer that flows down from the highlands of Ethiopia and Uganda. Now Egyptians have to buy a million tons of chemical fertilizer per year. Of course, a gigantic river that floods everything annually doesn't fit well with an industrial society. When 95% of the country's people live within twelve miles of the river, it's one thing for them all to get wet if they're dirt farmers walking behind oxen, but another thing if most of them are living in apartments.

So the Aswan Dam is a mixed blessing in many ways. Although philosophically I'm of the "pave the planet" school, since I believe mankind's ultimate destiny is in the stars and that the Earth is an insignificant mote in the cosmic scheme of things, I'm naturally suspicious of megaprojects built by economically illiterate socialist governments. They may wind up destroying enough capital to keep people trapped on this planet, like serfs in a medieval village. Militarily, the dam is a boon for Israel. One small nuke and Egypt will be washed into the Mediterranean. Literally.

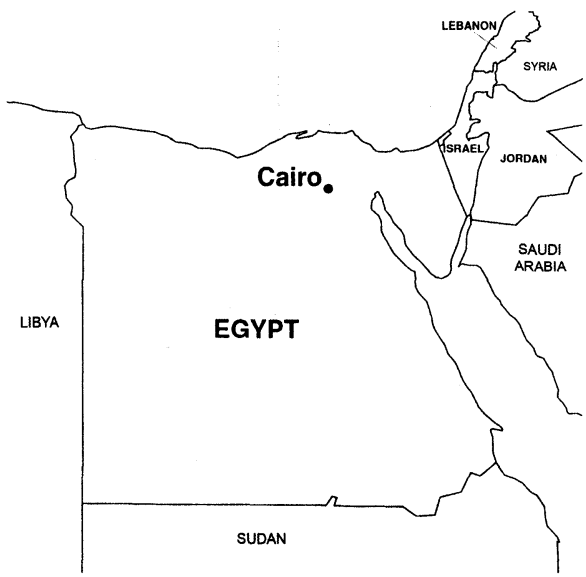

But farming and the dam, while important, don't bring money into the country. There are basically five things that keep the place going:

1. Tourism. Roughly 5% of GDP. In Egypt, this means foreigners taking pictures of monuments built largely between 3,000 and 4,500 years ago, capital provided by the locals' distant ancestors. And it means other foreigners lying on Red Sea beaches, provided by nature. The tourists keep coming, but every few years they're scared away when a hotel is bombed or a tour bus is machine-gunned.

2. Remittances. Egypt's most reliable export is workers, who send money home to their families.

3. Oil. Net exports ran at roughly 300,000 barrels per day during the last couple of decades, but now the fields are in steep decline, and net exports are down to only 100,000 barrels per day, on the way to zero by the end of the decade.

4. The Suez Canal. Built in the 1860s courtesy of Europeans, it is becoming less important as ships get larger (too large to use the Canal) and air transport grows.

5. Foreign aid.

Unfortunately, none of these things is a sound foundation for prosperity. They're not economic pillars, they're reeds.

For the time being, however, Egypt's balance of payments (which takes into account remittances, investments, and aid) is positive. But the balance of trade (which is much more important because it's a better indicator of what Egyptians produce that other people want) is in the red by $5 billion a year. And there's $25 billion in foreign debt. That's a lot for a country with an $81.5 billion GDP.

No one with any sense has much confidence in government figures, certainly not those from struggling Third World countries. But, to use an old saw from this part of the world, it's not hard to read the writing on the wall, and it's scary. The population is growing at something like 3.5% per year. And unemployment is about 25%, which means that the ranks of young, unemployed, unmarried males — unquestionably the most dangerous creatures ever to have walked the Earth — are swelling. Meanwhile, when you look at the five income sources listed above, you can see that Egypt is relying on nothing but accidents of history and nature, and the kindness of strangers.

From a strictly economic perspective, Egypt is a disaster waiting to happen. But the same is more or less true of all the Islamic countries (with the minor exceptions of the Emirates and Malaysia). All of them, like Egypt, produce little that can be traded. Economically, all are saddled with gigantic, entrenched, concrete-bound bureaucracies that serve no useful purpose, but stop anything productive from happening. Politically, they're all basically authoritarian, one-party states. Sociologically, they're all highly traditional, conservative, and, outside major cities, tribal. Technologically, there's zero innovation; practically everything more recent than 18th-century products either is imported or made under license and with foreign capital.

Why might this be the plight of a huge swath of humanity? What do these countries have in common that might account for their striking similarities?

There's only one thing I can think of: religion.

Clash of Civilizations

Islamic societies are so much poorer and generally more backward than the West mainly because of their religion and the worldview it's engendered. Islam still has a fixed worldview, basically stuck in the 7th century, when the Prophet composed the Koran. The West would be in the same sorry state today had it not broken with religion. That's never happened in Islam. And until it does — and especially after the oil runs out — Muslim parts of the world will remain backwaters.

In a 1993 paper in Foreign Affairs, Samuel P. Huntington proposed that the next step in mass human conflict wouldn't be between princes or countries or ideologies so much as between civilizations. That makes sense to me — a lot more than Francis Fukuyama's foolish "End of History" notion, which surfaced at about the same time. Fukuyama actually posited that "What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government."

Although democracy is today's secular god, it's really just

mob rule in a coat and tie. As such, democracy has little to do with personal freedom, free minds, or free markets. In any event, before the French Revolution, many wars just amounted to conflicts between rulers, who used the lands and people they controlled as chess pieces. The pawns had no passion for the game. Then the paradigm became wars between nation-states supported by considerable public enthusiasm — the French vs. the Germans vs. the English, etc. Then, after the Russian Revolution, it became a battle of ideologies — capitalists vs. communists vs. fascists.

The ranks of young, unemployed, unmarried males — unquestionably the most dangerous creatures ever to have walked the Earth — are swelling.

With the collapse of the USSR, we entered a fourth stage of conflict, between civilizations. And here there are four serious players — the Western, the Chinese, the Islamic, and the Hindu. They're very different in their values and in the ways they see the world. And none appreciates impingement by a different civilization.

That's why stationing Western soldiers in Islamic countries is such a disastrous policy. Whether we feel they have reason to be there or not, Islam — representing well over a billion people — is feeling mightily provoked. The reason is not so much the insinuation of Western culture through movies, music, and McDonald's franchises; Islamic traditionalists don't like these things, but they can insulate themselves. The big problem, as Osama bin Laden has said (but nobody in the West seems to have listened), is threefold: 1. They don't want foreign troops in their countries. 2. They don't want foreign interference in their politics, especially the installation and maintenance of puppet regimes. 3. They don't like America's one-sided support of the state of Israel, which is viewed as a violent and illegal occupier of Palestine.

These actually are reasonable complaints. The U.S. has bases in well over 100 countries, is constantly meddling and fomenting "regime change," and for years has been propping up repressive quisling dictators everywhere — the Shah, Saddam, Mubarak, the Saudi royals, the Kuwaiti royals, Musharraf, Suharto, a bunch of new penny-ante thugs in Central Asia, etc. That is how the current conflict between the U.S. and Islam began and what it's all about.

The conflict escalated with the U.S. invasions of Afghanistan and Iraq. But now the situation seems about to get totally out of control. If the U.S. or Israel (it doesn't matter which) bombs Iran, the pot is likely to boil over.

It seems to me we're facing the most serious crisis since the Cuban missile showdown 42 years ago. The Iranians believe they have a right to their own nuclear program and their own nuclear weapons — like Pakistan, India, China, Israel, and North Korea. They certainly can argue that nukes have kept Israel from being invaded by its neighbors and protected North Korea from being invaded by the U.S.

Israel and the United States say it's unacceptable for the Iranians to have nuclear capability and have threatened to bomb their facilities — which apparently they'll have to do in the next few months or risk spreading radioactive material everywhere. Indications are that this can't be a simple strike, such as the one the Israelis made on Iraq's Osirak nuclear reactor in 1981. Further, the Iranians have said they won't take it lying down.

What to expect? Forget about oil coming out of the Persian Gulf. Expect a massive escalation in Iraq, perhaps including an Iranian counterinvasion to liberate the country from the Crusaders, and serious anti-American violence all over the world. Perhaps these events would trigger the long overdue overthrow of the Saudi rulers.

It's a trainwreck of historic proportions in the making.

What To Do?

One of the interesting aspects of a war is that, with few exceptions, "the other guy" is always the one responsible for the conflict. I'm sorry to say that, in the War Against Islam, the finger points at us. It didn't start with 9/11. We have to look back a lot further. And even after 9/11, attacking Iraq was like bombing Peking because the Japanese attacked Pearl Harbor. Rather than Iraq, a bigger danger is Pakistan, which still will have nukes after the fundamentalists overthrow Musharraf — but that's another story.

Idiotically, the U.S. is committed to expanding its War on Terror, even though "terrorism" is just a concept, a tactic — like cavalry charges, frontal assaults, or artillery barrages. It's a tactic used by people who feel threatened but are conventionally (militarily) powerless. There is no defense against terror tactics but to remove the reasons people want to use them.

For amusement, let's look at what Bush should do. My suggestions are fourfold, in answer to Islam's threefold complaint.

1. Withdraw U.S. soldiers from foreign bases everywhere. Not only will the natives like and respect it, withdrawal will go a long way toward staving off U.S. bankruptcy.

2. Stop meddling directly or indirectly in other countries. As a bonus, that will allow the abolition of incredibly costly and dangerous agencies like the NSA and CIA.

3. Treat Israel like any other of the 200-plus countries in the world. And discontinue all foreign aid to everyone.

4. Apologize, sincerely, for having interfered in the past, and promise we won't do it again. (Bush isn't very good at apologies, but it's something he could do and gain respect for doing.) Welcome the friendship of all people — including Muslims — and try to be like the America everyone used to love.

Although philosophically I'm of the "pave the planet" school, since I believe mankind's ultimate destiny is in the stars, I'm naturally suspicious of megaprojects built by economically illiterate socialist governments.

I believe that would end the War on Terror, avoid the impending War on Islam, and allow us once again to wear shoes in any airport. Will it happen? Fuhgedaboudit. ❑

Freedom to Speak

by Jane S. Shaw

What are these people doing, giving speeches to one another? They are showing what happens in a free society.

The name is quaint, the materials are lowbrow, the technology is simple, the venue is plebeian. But Toastmasters embodies the time-honored American traditions of voluntary interaction and self-reliance. And it gave me one of the most rewarding experiences of my professional life.

At noon once a week, between 20 and 30 of us crowd around tables in a basement conference room of a bank here in Bozeman, Mont. During the next hour, the toastmaster of the day offers some amusing or inspirational words; two or three of us give short speeches; and others evaluate, monitor, and write friendly notes of encouragement. (We're allowed to bring lunches but most people are too busy listening and writing to eat.) We vote on the best speech, the best evaluation, and the best impromptu "table topics" presentation.

The members are mostly professional people, but our ages, jobs, and interests vary widely. We have a public figure who once ran for governor (and came close to winning), a radio talk show host, an award-winning author of Christian novels, a professional environmentalist, a retired pediatrician. A contestant for Miss Rodeo Montana joined to improve her chances of winning (and she did). Several members are affiliated with Montana State University; one runs a motel; and one recently sold a business and isn't quite sure what he's going to do.

For virtually everyone who sticks with it, Toastmasters brings remarkable improvements. Toastmasters (as all members are called) give ten original speeches, working through a manual that introduces an aspect of public speaking with each presentation, an aspect such as "vocal variety," "your body speaks," and "visual aids." Shortly after the first speech the "uhs" disappear. People who tremble visibly during their first "icebreaker" speech learn to be calm, poised, and articulate, thanks in part to friendly evaluations by other members after each speech. By the tenth speech most toastmasters have discarded their notes and many have found that they have talents — the ability to be funny, perhaps — they never realized they had. For me, nearly every meeting brings a new insight into how to communicate or how to run a meeting.

In the course of these speeches we learn a lot about one another. Material is usually drawn from personal experiences — a seriocomic memory of a painful Little League event, a humorous description of menopause, an introduction to yoga. Occasionally speeches are clunkers, but that is pretty rare — and most of the speeches are only five to seven minutes long, anyway. Every speech is applauded (in fact, nearly every statement is applauded!), and there is a feeling of camaraderie that is almost joyful.

Yes, there is something old-fashioned about the organization. Although one of the ten manual speeches is about visual aids, the advice is mostly about handling physical props. PowerPoint is rarely mentioned (in my nearly two years with the group, I think that only one person other than me has used it). The club has a website, but members work from a variety of printed, low-priced manuals filled with encouraging advice and bearing a slightly outdated visual style. Members also re-

ceive the magazine Toastmaster, a similarly cheery four-color publication with chatty articles, many written by members of Toastmasters. (In style it resembles Home & Away, the magazine of the American Automobile Association until its recent replacement by the trendier Via; in fact, the organization as a whole reminds me of AAA.) The manuals may not be sophisticated works, but we soak up everything we can learn from them. And we read every issue of Toastmaster — members sometimes allude to recent issues at the meetings.

Toastmasters illustrates a lot about America — especially Americans' fondness for voluntary associations and our continual urge for self-help. The roots of Toastmasters are midwestern and Christian (which may be why we start our meetings with a prayer and the Pledge of Allegiance). Officially founded in 1924 (but with its first meeting in 1905), the organization parallels the nation's transition from rural to urban life and the concurrent transition of its people from "rubes" to "gentlemen." One clue to its origins is the fact that each chapter still has a "grammarian." Undoubtedly correcting poor grammar was once a key responsibility, but now the grammarian mostly counts "uhs" (which is why "uhs" rapidly disappear).

Ralph C. Smedley, then educational director of the Young Men's Christian Association in Bloomington, Ill., founded the first Toastmasters Club in 1905. As he wrote in his reminiscences (published in 1959), he saw a need for public speaking skills among the "boys and young men" in the YMCA. So he started a club in which the boys gave short speeches and the "older men" (he was two years out of college at the time) offered criticism. Smedley chose the name "Toastmasters" to convey "a suggestion of a pleasant, social atmosphere, free from anything like work or study."

Even Smedley's name evokes the American Midwest. A frequently reproduced photo of Smedley at a podium (probably from the 1940s) gives him the look of a small-town businessman, with unfashionable glasses and a suit that may have been a little large. According to a Toastmaster who heard him speak in 1951, Smedley wasn't actually that great a speaker. Perhaps that endeared him to audiences — he wrote that one of his goals was to assure businessmen that they could speak in a conversational style, rather than the "formal rhetorical style" of oratory that was still popular early in the century.

By the tenth speech most toastmasters have discarded their notes and many have found that they have talents — the ability to be funny, perhaps — they never realized they had.

The organization did not take off until Smedley settled in Santa Ana, Calif. (in Orange County, a region full of transplanted midwesterners). Even in California, he wrote, "I observed a tendency among my fellow secretaries at the Y.M.C.A. to regard the Toastmasters Club as a sort of peculiarity — an idiosyncrasy of Smedley's." But once a federation of clubs was formed, Toastmasters experienced solid growth. Today, Toastmasters International, headquartered in Rancho Santa Margarita, Calif., claims to have 9,300 clubs in 78 countries.

Smedley, who was involved with Toastmasters until his death in 1965, insisted that the organization be nonprofit. "I have been pronounced various kinds of fool for not making a fortune out of it," he wrote in 1959, "but my reply has been that I would rather be rich in friendship than in money." In fact, he signed over the copyright to the Toastmasters name only with a provision that if it became a profit-making entity the profits would go to him or to his estate. Smedley seems to have been a humble man; his reminiscences are heavily sprinkled with acknowledgments to others for their roles in developing Toastmasters.

Toastmasters parallels the nation's transition from rural to urban life and the concurrent transition of its people from "rubes" to "gentlemen."

The nonprofit nature of Toastmasters probably explains its old-fashioned quality. Without profits, there is little incentive for innovation, especially since there is a complex governing structure (with representatives from areas, districts, and divisions) that gives the federation some inertia. At the same time, the underlying framework is sound, and the organization's continuing growth shows that it is meeting members' needs.

In one of my Toastmasters speeches I tried to explain the market by using Toastmasters as an analogy. Here I want to turn that around and explain the success of Toastmasters by reference to its market-like qualities.

Many voluntary associations are founded with a narrow goal in mind — to build a library, say, or to preserve hiking trails. Such organizations naturally fit a governmental or even military mold. The purpose is clear, and the job is to marshal the membership to carry out the task efficiently. And the task itself is ordinarily something that promises broadly diffused public benefits, bestowed on everyone in a broadly defined class of people.

Toastmasters is a different kind of voluntary association. Even though everyone at Toastmasters has the goal of better public speaking, the specific aims of members are diverse and individual. In our club, for example, one woman wanted to be ready to chair a large meeting of a national charity; another is hoping to speak confidently before the City Commission; many want to improve their job performance. One man is actually in the business of public speaking; others have simply discovered the pleasure of self-expression and stay for fun. In other words, each person is self-interested. All come together to pursue their interests through exchange — making presentations and receiving the responses of individual people in their audience.

What makes this work so well is the existence of rules (think "rule of law"). Although there is little need for parliamentary debate in Toastmasters, Robert's Rules of Order get great respect. (Smedley wrote a biography of Henry Martyn Robert, whom he much admired.) The Toastmasters meeting is organized according to a predictable plan that incorporates

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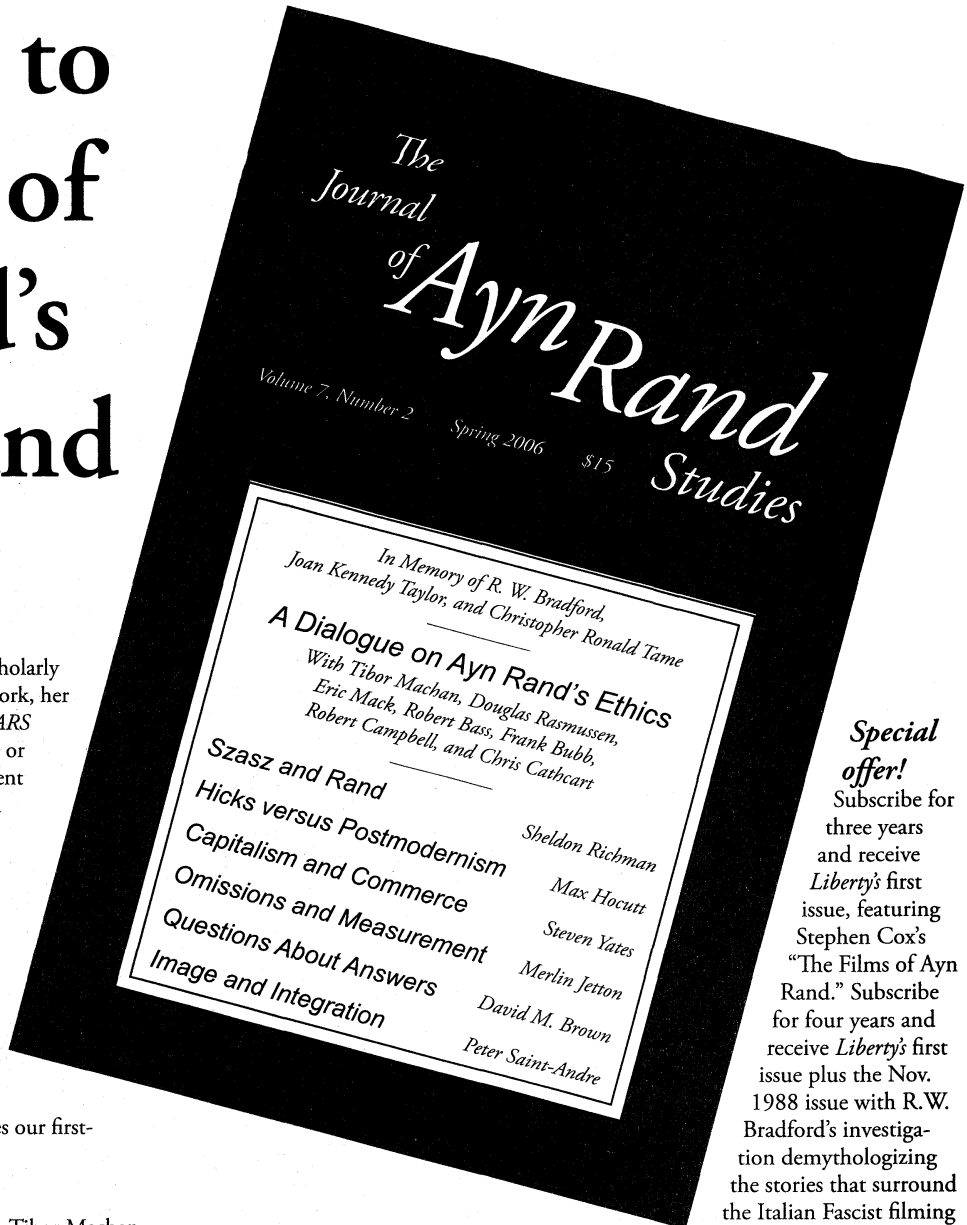

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impromptu remarks by the Toastmaster, formal and informal speeches, and evaluations and observations. These provide a framework for the diversity that each member brings.

This framework evolved spontaneously over the years as Smedley and his associates adopted techniques that made the clubs more effective, such as moving from dinner meetings to noontime meetings, introducing manuals that explained not just how to speak but how to evaluate, inventing "table topics," and originating contests. In spite of this evolution, meetings today are not all that different from meetings early in the 20th century. In 1932, the federation published 15 statements ("the famous 15 points," Smedley called them) indicating the purpose of the organization. Each one — whether "to promote the growth and establishment of Toastmasters Clubs around the world" or "to make the name Toastmaster a mark of distinction and of recognized ability in public speaking" — could have been written yesterday, except that there is no longer an official liaison with the YMCA.

Today, in scores of countries, as people move from agriculture into urban life, Toastmasters is providing the same kind of aid that Ralph Smedley gave to the young men in Bloomington. And, as my experience confirms, even in our educated and urban society, Toastmasters continues to play an important role. Few Americans naturally feel comfortable about speaking in public, but many have found an effective way to help themselves. Through Toastmasters, individuals motivated by self-interest and operating under simple, straightforward rules are led as if by an invisible hand to promote and achieve not only their own interests but also those of one another — while having a very good time. ❑

The TIF That is Eating Portland, *from page 35*

is under construction between a group of hospitals and a planned residential-office complex on the South Waterfront. The initial estimate for the tramway's cost was $15 million, but after construction began the estimate increased to $30, then $45, and now $55 million. It turned out that the people who made the initial $15 million estimate had no previous experience with a tram and sort of just made the number up.

Meanwhile, the anticipated cost of street improvements, parks, and other publicly funded parts of the South Waterfront District — known to its detractors as the So What district — have at least doubled, from $50 million to $100 million. The city has also promised to fund construction of low-income housing, but no one knows how much that will cost. Much of the money for these projects is supposed to come out of TIF. As long as TIF provides a nearly unlimited source of funds, there is no need for accuracy or accountability — which is exactly why TIF should be outlawed. ❑

NOTES

1. Chris Norby, "Redevelopment: The Unknown Government" (Municipal Officials for Redevelopment Reform, 2005) 8, 12.
2. Bernard Frieden, "Downtown Inc.: How America Rebuilds Cities" (MIT Press, 1989) 251.
3. Richard Dye and David Merriman, "The Effects of Tax Increment Financing on Economic Development," Journal of Urban Economics 47: 306–28.
4. Developing Neighborhoods Alternatives Project, "The Right Tool for the Job?" (DNAP, 2003).

Reflections, *from page 14*

close up shop when betting on those three little numbers became as respectable as laying a tenner on the church collection plate? The answer was staring me in the face: the crooks paid better than the state!

Yes. You got a better deal from the guys with bulging shoulder holsters than from those with bulging briefcases full of your money. Didn't Bastiat say the state was best at plunder? — Ted Roberts

Jane Jacobs, R.I.P. — Jane Jacobs, who died on April 25 at the age of 89, revolutionized intellectual ideas about cities with her 1961 book, "The Death and Life of Great American Cities." She had two messages: first, that the inner-city districts that urban planners had been clearing away were often not blighted slums but living, vital neighborhoods; and second, that urban planners really had no idea about how cities worked, so most of their plans did more harm than good.

While many praised her book, sociologist Herbert Gans warned that it would attract "the support of those who profit from the status quo, of the nostalgic who want to bring back the city and the society of the 18th and 19th centuries, and of the ultra-right-wing groups who oppose planning — and all government action — whether good or bad." This is exactly what has happened.

Today, a new generation of planners read the first message in her book and become determined to impose the high-density, mixed-use, inner-city neighborhoods Jacobs favored on suburbs and small towns. One of her obituaries stated that she "questioned the sprawling suburbs that characterized urban planning, saying it was killing inner cities and discouraging the economic vitality that springs organically from neighborhoods."

Meanwhile, libertarians embraced Jacobs for her dislike of planners, who she called "know-it-alls who have visions of how to transform the world and proceed to try to do it." In retrospect, it is hard to decide whether Jacobs is a libertarian hero or a planning saint. She wrote eloquently in defense of a lifestyle that government planners were trying to destroy. But she also castigated, with much less personal knowledge, the suburbs and suburban lifestyles that today's planners are trying to destroy.

In truth, Jacobs was simply an urban activist who received a lot of attention for being one of the first to say that the urban-renewal emperor had no clothes. Though covered in terms such as "New Urbanism" and "smart growth," it still has no clothes today. — Randal O'Toole

Reviews

"Snow Flower and the Secret Fan," by Lisa See. Random House, 2005, 258 pages.

Bound but Determined

Jo Ann Skousen

In "Snow Flower and the Secret Fan," Lisa See creates a convincing memoir of an intimate friendship between two women, Lily and Snow Flower, raised in the harsh patriarchal structure of traditional China in the 19th century. Living in different villages and unable to visit each other frequently, they communicate through a secret women's language called *nu shu,* a language that could be hidden in the embroidery of a handkerchief or in the decoration of a fan. See's narrator, Lily, writes, "The true purpose of our secret writing was . . . to give us a voice . . . a way to write the truth of our lives." The fan that passes between them becomes a secret record of their lives, allowing us a glimpse into their private thoughts as they grow through childhood, betrothal, marriage, motherhood, war, and betrayal.

For nearly a thousand years, women's lives in China were dominated by their feet — or more precisely, by what happened to their feet when they were mere children, younger than six. At that tender age, while the growing foot is still malleable enough to be reformed, the gruesome process of footbinding began. See writes: "A perfect foot should be shaped like the bud of a lotus. It should be full and round at the heel, come to a point at the front, with all weight borne by the big toe alone. . . . The toes and arch of the foot must be broken and bent under to meet the heel."

X-rays of bound feet show the four small toes folded tightly under the foot to form a point, the rest of the foot scrunched back and accordioned up like a three-car collision. Think Clarabelle Cow jammed into heels. The little girls were forced to pace endlessly in order to break the toes, lift the arch, and form the foot into a perfect "golden lily." It took over two years of repeated binding and excruciating walking before a girl's foot became completely folded. Rare photographs indicate that the result looked more like pig's hooves than lilies, but the shape and size of a girl's feet would determine her marriageability. If the feet were particularly tiny, her whole family might benefit from the match.

Footbinding served several purposes. It was a tether, keeping a woman in her home for life — teetering on three-inch feet, she could go nowhere on her own, even down the street. Lily writes, "Except for three terrible months in the fifth year of Emperor Xian-feng's reign, I have spent my life in upstairs women's rooms . . . embroidering, weaving and cooking."

Footbinding was considered a precursor of a woman's personality as a wife. How she bore the pain revealed her obedience, self-control, endurance, childbearing potential, familial loyalty, and reverence for culture and tradition. It also indicated her strength and healthiness, as many girls died of gangrene during the process. Footbinding also led to a bizarre sexual fetish, fueled by the belief of Chinese men that the mincing walk developed the vaginal muscles and increased a man's marital pleasure. Finally, footbinding reinforced the cultural belief that the needs of the individual must be restrained in favor of the needs of the group.

Why would a woman force her daughters to go through this ordeal, knowing firsthand the lifetime horror of it? See explains that the masculine Chinese word for "mother love" is *teng ai,* written by combining the words for "pain" and "love." Lily discovers that this characterization does not refer just to the pain of childbirth. A mother experiences pain as she inflicts pain while teaching her daughters to endure pain.

We in the West may consider ourselves above such cruel and foolish torture in the name of fashion, but think of how corsets crushed Victorian rib cages, leading to weakened lungs and death in childbirth; how Hollywood stars have ground down their natural

teeth to replace them with caps and veneers; how women (and men) inject themselves with toxins and carcinogenic implants; and how pointed stiletto heels mimic the tiny footprint and unnatural arch of the bound foot (and produce painful bunions). Cinderella's prince was willing to marry any girl whose foot fit inside the glass slipper, and her stepsisters were urged by their mother to cut off a toe and a heel in order to squeeze into it and marry the prince. Not very charming, is it?

Little girls were forced to pace endlessly in order to break the toes, lift the arch, and form the foot into a perfect "golden lily."

Within the strict Chinese social structure, where little girls were unable to run, play, or even walk downstairs for several years, normal friendships were impossible. Instead, formal agreements were established with other girls in the village, either as "sworn sisters" (girls of similar ages who would serve as confidantes and bridesmaids until they were married) or as *laotongs* in a lifelong pairing between special girls whose circumstances were a close match. While marriage had "only one purpose: to make sons," a *laotong* was a relationship "made by choice for the purpose of emotional companionship and eternal fidelity." "Snow Flower and the Secret Fan" is the story of two such friends, matched at the age of six to become lifelong friends.

Most interesting to me is See's discovery that two written languages developed, representing masculine and feminine cultures, using the same words but not speaking the same language. Lily writes, "Men's writing is bold, with each character easily contained within a square, while our nu shu looks like mosquito legs or bird prints in dust." Men's language was straightforward and literal, because theirs was the language of the dominant culture. Women's language was nuanced, and relied heavily on metaphor to communicate emotion and carry on relationships while concealing their most intimate thoughts.

It's likely that men were aware of the women's writing, but ignored it as a silly feminine fancy. After all, men spent years of study memorizing the more than 50,000 Chinese characters, each representing a separate word, while the phonetic language of *nu shu* encompassed perhaps 600 characters. But those 600 characters could be used to create thousands of words and concepts. See indicates in her epilogue that *nu shu* was written in the 5-7-5 syllabic structure familiar to us as haiku, adding yet another layer of complexity to the women's writing. Ironically, the "weaker" culture mastered a vastly more complex system of language, filled with symbols and multilayered meanings requiring contextual analysis and understanding, despite its users lacking any formal education.

Subversive language often develops among oppressed people. *Nu shu* was a secret language, yet it was out in the open, embroidered on shoes, jackets, and handkerchiefs or painted on fans, teacups, and vases. African-American slaves developed two languages side by side, both using the same English vocabulary but ascribing different meanings to those words. This double language allowed slaves the self-preservation that came with saying the "right" words to their masters, while maintaining the satisfaction and self-respect that came from knowing the secret signification of those words. A complex system of puns, homonyms, and reversed structural contexts gave them the satisfaction of having the last laugh.

Similarly, 16th-century Incas, using the language of iconic art, subversively painted images of their own nature gods into the religious paintings and icons of the churches they were forced to build, allowing them to worship their own gods while pretending to worship the god of their new masters. Their mastery of language gave them a voice and an inner freedom. As Lily's mother-in-law taught her: "Obey, obey, obey, then do what you want."

For nearly a thousand years, women's lives in China were dominated by what happened to their feet when they were children.

During the Chinese Cultural Revolution, most examples of *nu shu* were destroyed, but recently the People's Republic reversed its stance and recognized it as an important example of the struggle against oppression. Lisa See traveled to remote villages in China to learn more about this poetic language and the culture that spawned it. Her carefully researched and beautifully written novel ensures that the language, and the women who created it, will not be forgotten. ❑

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, offered here, and ignored by the "experts," admitting defeat, that they couldn't refute it.

They miss the point. You don't need the majority to live in your pure free market any more than to shop in the same store with you. You just need the freedom to do so yourself, to live and let live. So the problem is not its unwillingness to live in it, but to let others do so, not the fear that it wouldn't work, but work too well, shielding minorities from its own predations; and, the task, then, not to show that the market could work, but that the predations could not.

That is the only logical strategy, and the neophobic libertarians who can't be bothered with it are certainly not leaders in the fight for freedom but irrelevant to it. So, when you've had enough of their intellectual sideshows, and are ready to demolish the Left, see ***Intellectually Incorrect*** at intinc.org.

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"Mammoth," by John Varley. Berkeley, 2005, 364 pages.
"The John Varley Reader: Thirty Years of Short Fiction," by John Varley. Penguin, 2005, 532 pages.
"Red Lightning," by John Varley. Tor, 2006, 330 pages.

Of Mars and Mammoths

Timothy Sandefur

John Varley writes with startling creativity, and a priceless gift for authenticity. When he arrived in the mid-1970s with a flurry of hard science fiction short stories, he was immediately compared to some of the great names, particularly Robert Heinlein. He has proudly embraced that link, most recently in his novels "Red Thunder" (see "Libs in Space," August 2003) and "Red Lightning," but also in subtler ways. In the 1980s, the stories abruptly stopped because, as he explains in an essay in "The John Varley Reader," he had Gone Hollywood, or at least enlisted: moving to an office on the MGM lot and writing screenplays that were never produced, including a screenplay for Heinlein's "Have Spacesuit, Will Travel." The only tangible results of that decade were the novel "Millennium" (which expanded his short story "Air Raid") and the movie of the same name, starring Kris Kristofferson and Cheryl Ladd. The novel was brilliant, the movie less so (although not as bad as Varley thinks), and he quit films. All the better for science fiction; in 1997, he returned with his finest novel, "Steel Beach," and has been steadily publishing since.

I reserve my highest recommendation for John Varley. I know of no writer in any genre, then or since, who has a better sense of dramatic timing, imagery, and realism, or who writes with such smooth, seemingly effortless grace. He's capable of devising the strangest scenarios — the climax of his novel "Demon," for example, is a battle against an insane goddess manifesting Herself as a 50-foot facsimile of Marilyn Monroe — that he can make the reader absolutely *believe*. His characters are strong, credible, imperfect but admirable; personalities able to stand up to worlds of bizarre and fascinating complexity.

The "Reader" collects some of his very best short stories, including "Air Raid," "The Phantom of Kansas," "Beatnik Bayou," and "Overdrawn at the Memory Bank" (also the victim of an atrocious movie sometime in the '80s). It's too bad most of these stories are already easily available in "The Persistence of Vision" (1978). The only less familiar works here are "Just Another Perfect Day," a brilliant story which anticipated the critically-acclaimed movie "Memento" by 20 years; "The Flying Dutchman," a first-rate Twilight Zone-style story of eternal entrapment; "The Bellman," a less satisfying tale which sat on an editor's shelf for decades, and seems to have gathered dust during that time; and "Good Intentions," which is embarrassingly bad. (Brilliant writers are entitled to their mistakes, but they ought not reprint them.) It would have been more gratifying to see some of his more obscure works compiled, like "Scoreboard," "A Choice of Enemies," or (one of my personal favorites) "Goodbye Robinson Crusoe."

But the "Reader" does include "The Pusher," "The Persistence of Vision," and "Press Enter" — all winners of the Hugo, the Nebula, or both — as well as many of his "Eight Worlds" stories. These are stories set in a future universe in which mankind, having been evicted from the Earth by a mysterious, invincible alien race, survives on the moon and other planets. It's always puzzled me that Varley never won an award for these. They are his very best, since the setting gives his imagination free range. Among the innovations man lives with in this future are the technologies of biological engineering and memory-recording, which allow for a crude kind of immortality: record your mind and store it, and if anything should happen, a new "you" can be built from a clone, filled with your stored thoughts. Varley uses this to explore questions about personal identity, sexuality, and individualism. In "The Phantom of Kansas," the same person keeps being murdered over and over again, much to the frustration of detectives. In "Overdrawn at the Memory Bank," people take vacations by putting their minds into the brains of wild animals for a weekend.

The "Eight Worlds" future is dynamic, with great technological advantages and great burdens, and in some ways free of government — except for the many things run by an all-powerful Central Computer. Subcultures proliferate, and awesome achievements coincide with miserable prejudices. Varley relishes the various and doubtful rather than the static and uniform; for him, innovation is attractive because of its unpredictability. But, unlike more generic science fiction, Varley rarely buries himself in the technical aspects of

Varley is capable of devising the strangest scenarios, which he can make the reader absolutely believe.

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his stories at the expense of the people who inhabit them. "I was never much interested in writing about revolutions, warfare, or any of the great social upheavals of politics and violence," he recently told an interviewer, "except from a person's-eye view. . . . My main interest in writing is people, the awful and grand things that happen to them, and how they deal with it." The best science fiction has always remembered that technical marvels aren't just for dazzling or preaching; they're for exploring humanity. Varley recognizes this: it's what makes his stories so severe and so real, and what earned him the 1999 Prometheus Award from the Libertarian Futurist Society.

The story combines Katrina, 9/11, the Christmas Tsunami, Martian exploration, the Department of Homeland Security, and gun control into a smart 330 pages.

Take "Options," for instance. This "Eight Worlds" story, published in 1974, has relatively little space-fantasy pizzazz. It's a simple story about a family — Jules, Cleo, and their three children — living on the moon a century after the invasion. But in this world, sex changes are almost as easy as changing clothes, and Cleo begins to desire to try life as a man. The resulting family tension is the source of the story's power, and Varley tells it believably, honestly, movingly. Just as the three-minute single is the hardest test for a rock musician, the short story is the most demanding form of science fiction writing, and "Options" is simply a masterpiece — one among many in the "Reader." Of course, in the years since 1974, the politics and sociology of sex roles has changed a good deal, and, in Varley's view, for the better. But the point of the story isn't to illustrate a viewpoint in the nature-versus-nurture debate; it's to explore Cleo and Jules and the complications of their marriage.

Unfortunately, he seems to have lost sight of this lesson in "Mammoth." When supertycoon Howard Christian finds the frozen remains of a mammoth in a Canadian tundra, he decides to clone it for an amusement park, Michael Crichton-style. But any similarity to "Jurassic Park" dissolves when archaeologists also turn up the remains of a caveman wearing a wristwatch, and Christian devises a plan to retrieve mammoths through time-travel instead. He hires supergenius Matt Wright to handle the physics, and elephant expert Susan Morgan to handle the retrieved mammoths. But Susan becomes convinced that the circus is no place for a mammoth, and she and Wright hatch a rescue plot that goes haywire. The novel feels very cinematic: fast-paced, with little elaboration. The action tries to distract readers from weaknesses in the mundane structural features that any work of fiction must have — weaknesses shared in some respects with another recent novel, "Red Thunder." But where that book succeeded by building technical plausibility, and following through with an electrifying climax, the characters here are sketched rather than drawn, handicapping an otherwise exciting conclusion.

Varley is at his best when describing the distant future. Closer to home, he is not only constrained by real events; he also spends less time developing the background that gives his stories their vitality. In "Steel Beach," his best book, the reader is prepared to believe in telepathic computers, force-field spacesuits, and microengineered butterflies skimming over the surface of the moon. But in "Mammoth," which is set within the next few years, the reader has a hard time buying Howard Christian's skyscraper penthouse, let alone his Batman-style ray gun, which wreaks vengeance on evildoers in downtown Los Angeles. And the love story that develops between Susan and Matt is cold and unengaging: Matt's devotion to her has all the charm of a desperate nerd who falls for the first girl who comes along.

The best science fiction has always remembered that technical marvels aren't just for dazzling or preaching; they're for exploring humanity.

Howard Christian's romance is even less authentic.

None of these flaws would stand out in a novel by a lesser writer. But at his best Varley can convey the kind of energy and passion that very few writers can muster, and he does it in a style that sweeps the reader effortlessly across the page and into the world he has conjured. Take, for example, a passage from his latest novel, "Red Lightning":

> We'd sit together, watch the sunset. Martian sunsets are pretty, if you like pink. No, we didn't get it on, nobody's figured out how to do that in a pressure suit. It was *night*, you understand, and basically, Martians don't go out at night unless it's an emergency. What you do if you *have* to go out after dark is put on an insulated oversuit, stay in groups of three or four, and get back inside as soon as you can. And you still get cold.
>
> What we'd do those summer evenings was sit on electric pads, lean back against our airpacks, hold hands, and watch the stars come out. Watch Phobos move across the sky, see the blazing exhausts of ships blasting for Earth or the outer planets. Watch for meteorites burning up. Sometimes we talked about anything and everything under the sun, sometimes we hardly said anything. We'd stay out there until our feet and hands started getting cold, then we'd hurry inside and down to my room and jump under the covers until we'd generated some heat.

The love story, the adventure, and everything else about "Red Lightning" is believable, authentic, and rendered with an understated style that focuses only on the details needed to create a compelling illusion. That is the highest virtue in science fiction.

"Red Thunder" introduced us to Manny Garcia, who, along with his friends, a retired astronaut and an idiot-savant inventor, uses a miraculous new technology to reach Mars in his own private spaceship. Now, in "Red Lightning," Manny's son Ramon lives on the new world, and Varley takes us gracefully into the life of a Martian high school graduate, with just the right mixture of the alien and the mundane. Enjoying his waning teenage years, Ramon is stunned by a catastrophic tidal wave that strikes Florida, where his grandmother lives. He and his family travel to Earth to rescue her, and after their return, watch in horror as earthside governments collapse. Meanwhile, their brilliant inventor friend disappears, chased by mysterious government thugs who soon come after Ramon, his family, and his girlfriend. Being set farther in the future, the sequel gives Varley more room to be himself, and the result is naturally superior. The first novel was hampered by sometimes tedious explanations of spiffy new technology that detracted from the dramatic flow. None of that here. The love story is believable, the conflicts are realistic, and the story manages somehow to combine Hurricane Katrina, September 11, the Christmas Tsunami, Martian exploration, the Department of Homeland Security, and gun control into a smart 330 pages. Fast-paced, light-hearted, dramatic, and eminently plausible, "Red Lightning" is Varley's best work since "Steel Beach." If only all science fiction were written this way. ❑

"Inside Man," directed by Spike Lee. Universal Pictures, 2006, 129 minutes.

Do the Right Transition

Jo Ann Skousen

With "Inside Man," Spike Lee successfully makes the transition from "black film director" to simply "film director," creating a tense and entertaining bank robbery movie in the tradition of "Die Hard" and "Heist." As the police detective in charge of the investigation, Denzel Washington only happens to be black; his race is not essential to his character, nor is African-American culture highlighted or stereotyped. Multiple cultures are acknowledged — in the driving Indian music of the opening soundtrack, in the outrage of a Sikh witness forced to remove his turban, in the odd politeness of the bank robbers to a rabbi who has become one of their hostages. As if to emphasize his transition to colorblind filmmaking, Lee dresses most of the actors (bank robbers and hostages) exactly alike, even covering their faces and hands.

Lee tells the story in non-linear time, using a washed-out film development technique to indicate that interviews with released hostages are taking place in the future — a technique that works well. The surreal lighting of the overwash adds to the tension of the story. As with all good cops-and-robbers narratives, figuring out "why" and "how" the heist is committed is just as important as figuring out "who" did it, and the story has enough twists and turns to maintain suspense from start to finish.

Lee's direction is subtle but effective, eliciting from his Big Star actors a different kind of character from the ones they normally play. Gone are the knowing nod and pensive "okay" that seem to have become Washington's signature in recent films. Jodie Foster, whose only romantic role was "Sommersby" (1993), is positively flirty with both Washington and Christopher Plummer, who plays the bank's founder. I'm not sure I like her as a coquette, but I'm impressed that Lee drew that character out of her. Clive Owen plays the head bank robber with an eerie coolness and enigmatic motivation, commanding the audience to "Pay attention. I'm only going to say this once."

One aspect of the film that seems to hark back to Lee's roots as a black film director is his overuse of profanity, early in the film. The bank robbers bombard their hostages — and the audience

Liberty founder Bill Bradford's death is an irreplaceable loss to the end. Shortly before he passed away, he suggested

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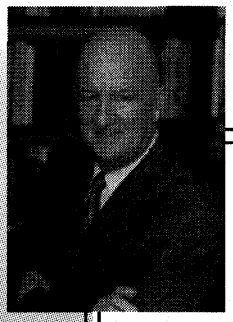

Mark Skousen

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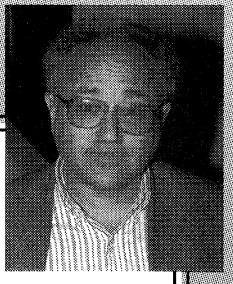

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Jo Ann Skousen
Writer, critic, speaker, and instructor in English literature and writing at Mercy College, Dobbs Ferry, N.Y.

Randal O'Toole
Senior economist with the Thoreau Institute, prominent critic of "smart growth," and author of "The Best Laid Plans: The Case Against Government Planning"

Neal Levine
Campaign manager, Committee to Regulate and Control Marijuana — the group behind the Nevada initiative to decriminalize marijuana. (Patrick Killen, communications director, may substitute.)

libertarian movement, but he maintained his usual good cheer to the as his epitaph: "Bradford dies. Liberty lives!"

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— with the F-word. As profanity flies like bullets from a machine gun, I myself feel physically assaulted. Why can't an intelligent director tap into a wider and more effective vocabulary?

Yet this is precisely Lee's point. The robbers use profanity as a deliberate form of control over their hostages, instilling fear and submission in their captives as effectively as if they were literally beating them. In a previous Jodie Foster film, "Panic Room," the character playing her daughter counsels her, "Use the F-word!" when Foster is trying to frighten away some intruders. The girl instinctively understands that using certain words aggressively can be a form of violence and power. There's a reason it's called "strong language." My point is that such language should be reserved for situations that call for violence, not used indiscriminately, in ordinary conversation. Hearing it presented honestly in this film, as an *intentional* act of violence, makes it almost worth enduring.

If you have never seen a Spike Lee movie because you don't like "that kind of film," this one may change your mind. "Inside Man" is worth the price of a ticket and popcorn. ❑

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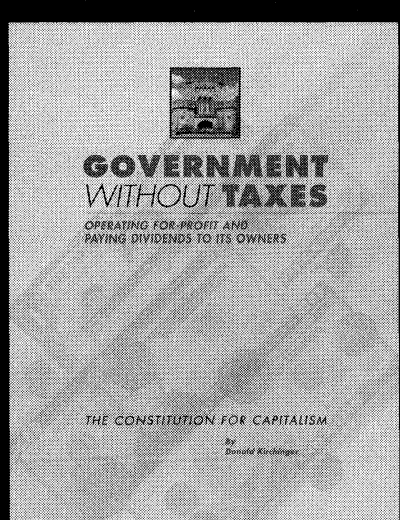

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"Impostor: How George W. Bush Bankrupted America and Betrayed the Reagan Legacy," by Bruce Bartlett. Doubleday, 2006, 210 pages.

Spurning the Great Communicator

Martin Morse Wooster

For those of us who are committed to limited government, the Bush administration has been a major disappointment. It isn't just the huge deficits or the massive spending for the "war on terror" that's the problem; it's the fact that this nominally conservative president has refused to veto anything and has doubled the budget of the Department of Education.

President Bush has gotten a good deal of pummeling, much of it justified, from the Left. But this is the most significant attack on the Bush presidency from the free-market Right. Bartlett comes to the project with impeccable credentials, including years of experience on Capitol Hill as well as service in the Treasury Department during the Reagan and George H.W. Bush administrations.

Moreover, this is a very brave book, as Bartlett was sacked from a cushy position as a fellow at the National Center for Policy Analysis for writing it. Think-tank fellows lose their jobs for many reasons, but I can't recall another case in which one was fired from a right-wing think tank for advocating free-market ideas, even if that meant attacking a Republican administration. Bartlett's courage in maintaining his commitment to liberty even at the cost of his job is admirable.

Most of the cheers for "Impostor" have come from the Left, who are happy to see a veteran Republican join the pile-on-the-president crowd. Libertarians might well be suspicious of this book, given that its endorsers include liberal Washington Post columnist E.J. Dionne and Jonathan Chait, a Los Angeles Times columnist who is also the most left-wing editor at the New Republic. But many liberals haven't been quite sure what to make of this book. The reviewer for the Post provided a typical response, saying that while he was happy to see anybody attack the president, what he *really* wanted was a book on Bush's foreign policy, and since there was nothing about foreign policy in the book, it was a disappointment.

Well, Bartlett isn't a foreign policy expert, and anyone wanting to read a book about the problems of neoconservative imperialism will need to read another book (such as Leon Hadar's "Sandstorm"). What Bartlett is best at is sober, cogent, economic analysis.

In chapter after chapter, Bartlett shows that the administration is more committed to buying votes than helping the ordinary taxpayer. Take the Medicare prescription drug subsidy passed in 2004. This subsidy is the biggest expansion of the welfare state since Medicare's passage in 1965; it ultimately could, according to Medicare's actuaries, cost taxpayers up to $16 trillion. But

Republicans are at their worst when they are dime-store New Dealers.

there's no evidence that the prescription drug plan bought any votes or indeed had any effect the 2004 elections. Bartlett sees the prescription drug saga as evidence that the Bush administration is more interested in pandering to big business (which saved billions in pension expenses) than in maintaining budget discipline.

I can't recall another case in which a fellow was fired from a right-wing think tank for advocating free-market ideas.

In another chapter, Bartlett offers a revisionist view of the Clinton administration — it wasn't that bad! Yes, Clinton had his zipper problems, but government was relatively restrained during his time in office and budget deficits shrank. As the Wall Street Journal reports, the federal government grew by a rate of 2.5% per year during the Clinton administration — and has grown 8.2% each year for the entire Bush administration. Moreover, with the passage of welfare reform in 1996, President Clinton actually cut the welfare state, something President Bush is unable or unwilling to do.

Bartlett offers a grim conclusion. "The Republican Party needs to start a dialogue that will get it back on track as the party of small government before it loses what is left of its principles, reputation, and heritage," he writes. "If the American people conclude that it stands for nothing except for payoffs for those on its team, it will have lost something precious that, like one's virtue or good name, is awfully hard to get back once lost."

If the 2008 presidential contest turns into a tussle between a robust Democratic statist and a flabby Republican statist, the Democrat will win. Republicans, as history shows, are at their worst when they are dime-store New Dealers. But Bartlett reminds us that in times like these, the task for libertarians is to sharpen our arguments and continue to make the case that the Bush administration and its big-government conservative allies are wrong when they bloat the state. ❑

Booknotes

The redneck and the black

— Thomas Sowell must be read to be believed. Merely to characterize him as a "black conservative," as many people do, both to recommend and to dismiss, inadequately encapsulates his originality and complexity. Though I find myself repeatedly recommending his books over his syndicated newspaper columns (which tend to lack complexity and originality), I find that nothing said by me or anyone else persuades people of his value as well as actually reading his books. The great ones deal critically with affirmative action, minority history, and cultural diffusion. For those needing an introduction to his provocative writing and knockout intellectual style, a good place to start is the six long essays collected in "Black Rednecks and White Liberals" (Encounter, 2005, 372 pages).

It seems to me that the animating question informing Sowell's criticism is why Africans (whose ancestors came here before 1875) haven't prospered as well in America as other immigrant groups. Noticing that black West Indians and recent African immigrants generally do as well economically as white Americans (though the former likewise descend from 19th-century slaves), Sowell concludes that African-Americans have been hurt by inferior culture often aggravated by lousy leadership. Thus he unfashionably blames black people as well as white for the predicament of most American blacks.

Why? Why? That's the question haunting Sowell. The theme that is new for him is blaming white people — but differently. He finds that southern U.S. "redneck" culture, out of which most African-Americans came, was always inferior economically and socially, in part because southern states were settled by people from the English hinterlands, rather than more propitious sources in London and Scotland. The stereotypes attributed nowadays to blacks (e.g., laziness, shiftlessness, immorality) have long characterized redneck whites, while to Sowell even "black English" reflects provincial British. Other backward practices indigenous to the American South include lynching, which, Sowell reminds us, was practiced more often against whites than blacks, simply because there were more wayward whites who could be lynched. (This last truth is so obvious that you wonder why so many have missed it.)

One of Sowell's richest digressions documents how, contrary to academic myth, "radical" W.E.B. DuBois was during his writing life respectful of Booker T. Washington, who is still customarily regarded as accommodating white power. Having done an M.A. thesis partly on DuBois 40 years ago, I found this a persuasive revelation.

The other essays in the collection deal with Jews, Germans, the better black high schools destroyed by forced integration (such as Dunbar in D.C.), and "The Real History of Slavery." Here Sowell repeats the obvious truths that slavery was not just an American phenomenon and that American slavery was less arduous than it might have been, precisely because slaves were more valuable in a country that had forbidden further importation than they were in countries that had not. The contrast is with Brazil, where slaves were cheap, and which had a better reputation on this issue when I first read about slavery 40 years ago. "Economic considerations alone," Sowell the economist reminds us, "would prevent a slave-owner from lynching his own slave."

Laziness, shiftlessness, and other stereotypes attributed to blacks have long characterized redneck whites, while to Sowell even "black English" reflects provincial British.

Those of us who have been reading Sowell for a long time tend to regard him as a national treasure. This book is

a good introduction to why we think so highly of him. — Richard Kostelanetz

Hark for Harald — David Friedman's contributor's note in Liberty simply declares him "a professor of law at Santa Clara," but that barely scratches the surface. His website links to articles he's written on subjects as diverse as game theory, Icelandic anarchism, and medieval spices: clearly, he is a man of wide-ranging curiosity.

He draws on his many fields of study in "Harald," his debut novel (Baen, 2006, 304 pages). The name of the title character betrays a kinship to the Icelanders, and the society Harald "leads" is similar to ancient Iceland's: rugged, heroic, and individualistic, with one man exercising political power over another only in emergencies, and then by consent. Harald prefers a quiet life tending his own land, but he proves a capable, indeed extraordinary, general when called to war — shades of Cincinnatus, perhaps.

It wouldn't be much of a novel if Harald were allowed to live in peace; thus there are threats to his land throughout. He must see off an upstart king and repel several sallies from an overreaching Empire, the last one led by the Emperor himself. I don't think it will ruin the suspense to reveal that Harald comes out victorious: though the enemies increase in guile and military might, none is ever going to be a match for him.

This relative lack of tension is offset by the sheer ingenuity of the military maneuvers, as well as Friedman's keen eye for everyday detail, as his characters, commanders and commoners alike, confront the same problems that once confronted actual medieval societies. As this is, in Friedman's words, "historical fiction in an invented context," he is able to present a number of quite different societies (imperial, monarchist, anarchist, nomadic), all dealing with their troubles and with each other.

Friedman has also described "Harald" as "fantasy without magic." That description must have been given to the cover artist, who produced a generic (albeit competently executed) fantasy painting, with no magical element anywhere in sight. I fear the book will miss those readers who enjoy military or medieval fiction but won't pick up anything that looks like boilerplate fantasy.

"Harald" is not boilerplate fantasy. It's also not for everyone. But, if you share any of David Friedman's many interests, it may be for you.

— Andrew Ferguson

Lessons from a great dissenter — "Resurgence of the Warfare State: The Crisis Since 9/11 (Independent Institute, 205, 268 pages), by the distinguished historian (and contributing editor of Liberty) Robert Higgs, is really two books. One is the author's arguments against the Iraq War; the other is the history of his involvement in making those arguments. It is a compilation of his interviews, public papers, and essays, starting in the immediate aftermath of 9/11 and running up to the end of 2004.

Higgs is a renowed writer and researcher, who richly merits his renown. He is fully qualified to study the evidence, and his prose style puts him at the top of the list among arguers in this

Notes on Contributors

David T. Beito is associate professor of history at the University of Alabama, and author of *Taxpayers in Revolt* and *From Mutual Aid to the Welfare State.*

Doug Casey is a contributing edtor of *Liberty.*

Michael Christian is in early semi-retirement in a semi-paradisaical corner of California.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Woman and the Dynamo: Isabel Paterson and the Idea of America.*

Andrew Ferguson is managing editor of *Liberty.*

Richard Fields hosts a weekly cable access TV talk show in Sacramento called *The Libertarian Counterpoint.*

Bettina Bien Greaves is co-compiler of *Mises: An Annotated Bibliography.*

Gary Jason is a writer, businessman, and philosophy instructor living in San Clemente, Calif.

Eric Kenning is a freelance writer living in New York.

Richard Kostelanetz has written many books about contemporary art and literature.

Ross Levatter is a physician in Phoenix.

The Honorable R. Kenneth Lindell is a state legislator in Maine.

Randal O'Toole is senior economist with the Thoreau Institute.

Bruce Ramsey is a journalist in Seattle.

Ralph R. Reiland is the B. Kenneth Simon professor of free enterprise at Robert Morris University.

Paul Rako is a consultant living in Sunnyvale, Calif.

Ted Roberts is a freelance humorist living in Huntsville, Ala.

Timothy Sandefur is a staff attorney at the Pacific Legal Foundation and was a Lincoln Fellow at the Claremont Institute in 2002.

Jane S. Shaw is a senior fellow with PERC (the Property and Environment Research Center) in Bozeman, Mont.

Jo Ann Skousen is a writer and critic who lives in New York.

Mark Skousen is the author of *The Making of Modern Economics.*

Tim Slagle is a stand-up comedian living in Chicago whose website is www.timslagle.com.

Martin Morse Wooster is a writer living in Silver Spring, Md.

field. The result is a book that pro-war Americans will find distinctly uncomfortable and anti-war Americans will find a new and powerful source of ammunition.

Higgs takes a very tough approach toward all who have planned, operated, or supported the war in Iraq. The intensity of his opposition to the war will, I fear, lessen the book's persuasiveness with mildly pro-war readers, who constitute the majority of Americans — although it might be argued that intensity and moral purpose ought never to be separated. How does that saying go . . . "extremism in the defense of liberty . . . "? And war is ordinarily a foe of liberty.

Friedman is able to present a number of quite different societies (imperial, monarchist, anarchist, nomadic), all dealing with their troubles and with each other.

Perhaps somewhat more to the point, Higgs's arguments might profit from more extensive development than is possible in the format of the present book, with its short, punchy, sometimes single-issue chapters. His position is at its most vulnerable, I believe, when he argues that "the whole concept of wiping out terrorism is completely misguided. It simply can't be done. Terrorism is a simple act for any determined adult to perpetrate no matter what kind of security measures are taken. . . . [U.S. government attacks] will only inspire new acts of terrorism . . . " (6). Does this mean that the government should do nothing about murder, because any determined adult can commit it? Or that the government should simply let terrorists do what they will, convinced that nothing can be done to stop them? No, because Higgs also says that "if the government were really serious about diminishing the amount of effective terrorist acts, it would set about creating a global corps of truly unsavory informants on the ground" (6–7). But this argument is not filled in.

Occasionally, also, Higgs seems to have been overtaken by events, as when he argues that Islamic terrorists are motivated only by opposition to our foreign policy, not by the West's "existence as free nations" (119–20). I refer, of course, to the bloody attacks on Denmark and other western countries for the crime of permitting freedom of the press.

But enough of my dissent from the great dissenter. Libertarians will be especially interested in his answer to the question "Are Pro-war Libertarians Right?" (167–70), in such down-home public-policy sleuthing as "The Pretense of Airport Security" (37–40), and in such Twainian or Menckenian essays as "Nation Trembles as Congress Reassembles" (63–65). Higgs is a very entertaining writer. He is also one of the libertarian movement's best historical writers, a judgment supported by such essays as "Free Enterprise and War, a Dangerous Liaison" (73–77). Agree with him or not, there is always something to be learned by reading him.

— Stephen Cox

Killing the liberal media (You bastards!) — Brian Anderson is a widely published author, currently a senior editor of the Manhattan Institute's City Journal, with extensive experience in both print and electronic journalism. Now he's written "South Park Conservatives: The Revolt Against Liberal Media Bias" (Regnery, 2005, 256 pages), a popular book about the rapid shift from mainstream media (MSM) to alternative media (AM). The book is enjoyable if not altogether persuasive.

His thesis is that the MSM is overwhelmingly dominated by the Left, that its leftist bias systematically distorts the news, and that leftist dominated cultural and academic institutions often work to suppress any thought that deviates from leftist orthodoxy. He illustrates this argument with numerous examples. Most of the book, however, nicely chronicles the rise of the AM in reaction to leftist domination.

Anderson covers the rise of political talk radio, now dominated by rightwing commentators, after the ending of the Fairness Doctrine in the late 1980s. He discusses the development of alternative cable news, driven by the phenomenal success of the Fox News Channel and C-SPAN, and of politically incorrect comedy cable shows, especially "South Park" — a program hilarious at lampooning leftist shibboleths, but raunchy enough to draw fire from some conservatives.

In addition, Anderson surveys the "blogosphere," the collection of internet sites devoted to political punditry. There are political sites of every hue and stripe, but again the most visited ones are right of center: the Drudge Report, FrontPageMagazine, NewsMax, OpinionJournal, PowerLine, NRO, and so on. Anderson grasps the real power of the internet: the massive parallel processing power of hundreds of individuals, many educated far better than the average journalist, to examine a story from every angle.

The book concludes with a discussion of rightist publishing houses and anti-leftist sentiment and organization on college campuses. Surprisingly, Anderson only briefly mentions rightwing think tanks, which are crucial in providing information to the bloggers, talk show hosts, and so forth.

Again, this is a fun read, but at times Anderson is just whistling past the graveyard. The dominance of the Left in the MSM, the academy, and the centers of American culture is still increasing, and the amount of funding given to leftist think tanks and other organizations dwarfs that given to rightist ones. Yes, the audience for Fox News is growing, but it is still less than that for the major network news shows. And the people who read blogs are still far fewer than those who read newspapers and magazines. There may be a revolution under way, but it has only feebly begun.

— Gary Jason

Terra Incognita

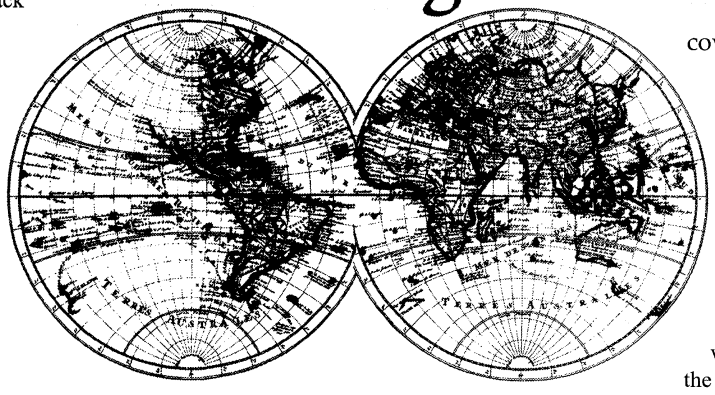

New York

Note on the arts, from a statement issued by the Capla Kesting Fine Art gallery:

"Monument to Pro-Life: The Birth of Sean Preston" is an idealized depiction of Britney [Spears] in delivery. Natural aspects of Spears' pregnancy, like lactiferous breasts and protruding navel, compliment a posterior view that depicts widened hips for birthing and reveals the crowning of baby Sean's head.

The monument also acknowledges the pop-diva's pin-up past by showing Spears seductively posed on all fours atop a bearskin rug with back arched, pelvis thrust upward, as she clutches the bear's ears with water-retentive hands.

Manila

Shameful discrimination in a former American commonwealth, reported in the *Manila Standard Today*:

Philippine judge Florentino Floro, who has claimed he can see into the future, inflict pain by energy transfer, and prevent pains on Fridays, has asked for his job back after being fired by the country's Supreme Court. "They should not have dismissed me for what I believed," Floro told reporters after filing his appeal.

The judge has also admitted to consulting imaginary mystic dwarfs.

Inglewood, Calif.

The "nuclear option" redefined, in the *Los Angeles Times*:

As students from neighboring schools walked out of class to protest immigration legislation, Worthington Elementary principal Angie Marquez imposed a lockdown so severe that some students were barred from using the restroom. Instead, they used buckets placed in classroom corners or behind teachers' desks.

Marquez apparently misread the district handbook and ordered the most restrictive lockdown — one reserved for nuclear attacks.

La Crosse, Wisc.

Return to uniformity in the Badger State, from the *La Crosse Tribune*:

Viroqua High School officials chose to cancel Diversity Day activities following protests that some viewpoints were being unconstitutionally excluded.

The school had scheduled sessions for students to present viewpoints of Hmong, Jews, Muslims, American Indians, Blacks, homosexuals, Buddhists, the physically handicapped, and the economically disadvantaged, but not Christians or former homosexuals.

Woodinville, Wash.

Renaissance in sanitation management, seen in the *Seattle Times*:

King County has officially broken ground on the Brightwater Treatment System, a medium-sized sewage plant that will have a conference center with classrooms, a lending library, and a gift shop. It will also have trails and areas for picnicking, more than $4 million in art, and a "passive-contemplative zone." The project is set to cost an estimated $1.6 billion.

Washington, D.C.

Novel way to blow one's cover, from the *Baltimore Sun*:

Lee Paige, the DEA agent notorious for shooting himself in the foot immediately after telling a classroom full of children, "I'm the only one in the room professional enough . . . to carry a Glock .40," has sued his employer, blaming the drug agency for releasing the videotape of his ill-fated weapon safety lesson. Paige says the tape, which has been widely viewed online, has made him the "target of jokes, derision, ridicule, and disparaging comments," ruining his career as an undercover agent and motivational speaker.

The Middle East

Maneuver in the 21st century's Great Game, noted by the *London Telegraph:*

Calls by Iran's president, Mahmoud Ahmadinejad, for Israel to be "wiped from the map" have increased tensions between the two countries.

Rochester, Wash.

Classified advertisement petitioning the Government for a redress of grievances, found in the *Tacoma News-Tribune:*

Announcements: WANTED — Have you also been raped by our U.S. Government? If so, join our Class Action lawsuit which will put a stop to their illegal biotech, biochip, microbot project.

Washington, D.C.

Bipartisan solution to our nation's disaster planning difficulties, reported in the *Washington Post:*

Senators Ted Stevens (R-Alaska) and Frank Lautenberg (D-N.J.) have introduced the Pets Evacuation and Transportation Standards Act of 2006, a measure to increase the safety of pets in emergencies. The legislation requires state and local authorities to include evacuation procedures for household pets and service animals in their emergency preparedness plans.

Special thanks to Russell Garrard, Brien Bartels, and Philip Todd for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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BY MARXISTS, KEYNESIANS AND AUSTRIANS

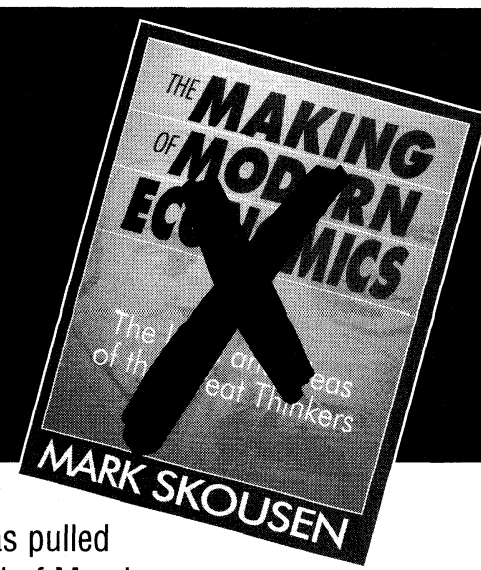

Why would a history of economics create so much controversy? Dr. Mark Skousen's book, *The Making of Modern Economics*, was pulled from the library shelves of the University of Philippines, a hotbed of Marxism.... censored by Keynesians at Columbia University....and blacklisted at the Mises Institute.

Skousen's "tell all" history doesn't pull any punches. Nobody's favorite pet economist — whether Marx, Keynes, Mises, or Friedman — escapes unscathed (although one economist is rated #1 for his "system of natural liberty" and becomes the heroic figure of the book).

What caused the Marxists on UP campus to ban Skousen's book? His chapter on "Marx Madness" provides a devastating critique of Marx's theories of capitalism, labor, imperialism and exploitation, and why most of his predictions have utterly failed. Plus it reveals Marx as a dismal failure in family, finance, and politics. This chapter alone has converted many Marxists into free-market advocates. (In Communist China, this chapter was translated into Chinese from "Marx Madness Plunges Economics into a New Dark Age" to "Marx and Classical Economics"!)

Why has Skousen been censored by Keynesian professors at Columbia? They don't want students to read his chapter on Keynes and Samuelson, what one economist has called "the most devastating critique of Keynesian economics ever written."

Why does the Mises Institute refuse to list Skousen on its recommended list of free-market authors? Despite the fact that his book is the only one-volume history written by a free-market advocate with 3 chapters on Austrians, it has been censored due to two favorable chapters on the Chicago school and how they have dominated the profession.....words they don't want their students to hear. (Plus they dislike what he says about Murray Rothbard, their patron saint.)

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"This book stinks! A shallow polemic of an extreme laissez-faire proponent."
— Anonymous reviewer on Amazon

"Skousen gets the story 'right' and does it in an entertaining fashion without dogmatic rantings." — Peter Boettke, George Mason University

"One of the most readable 'tell-all' histories ever written."
— Richard Ebeling, President, FEE

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— Steven Kates, chief economist, Australian Chamber of Commerce

"The most fascinating, entertaining and readable history I have ever seen. My students love it." — Ken Schoolland, Hawaii Pacific University

"Mark's book is fun to read on every page. I have read it twice, and listened to it on audio tape on my summer hike. I love this book and have recommended it to dozens of my friends."
— John Mackey, CEO/President, Whole Foods Market

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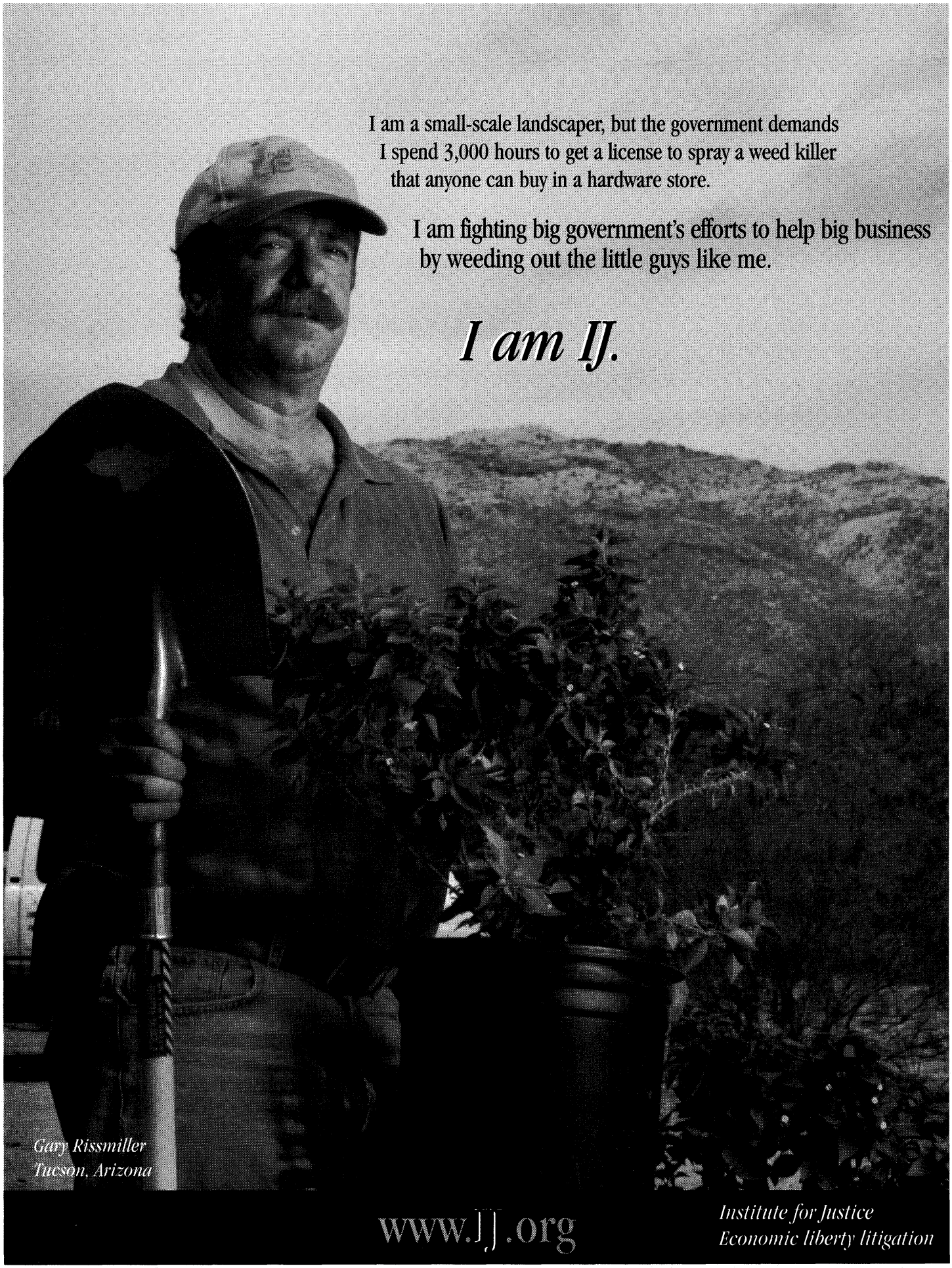
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Letters

Bullseye

On April 9, Dr. Eric Pianka, the professor from the University of Texas who stirred up great debate in two speeches in March by noting that 90% of human beings deserve to die by the Ebola virus because we have mismanaged the earth (see "Don't cheer the reaper," Reflections, July), was nearly gored to death by one of the bison he raises.

One has to wonder, what was he thinking as this bull, interestingly named Lucifer, was bearing down on him? Was he elated to be an exemplary sacrifice on the altar of Gaia, attended by a magnificent high priest, a 2,600-pound symbol of the human destruction of the American prairie and the Native American? Did he have visions of being revered forever as the icon of anti-anthropocentrism? Or did he think such honors should be reserved for the stupid humans who live in trailers and let their lizard-killing cats run free?

As he was being airlifted to a nearby hospital, did he disdain all the technology that was saving his life because it exploited natural resources and emitted pollutants, or did he appreciate all the human brilliance that has generated such compassionate uses of technology that have saved millions of human and animal lives?

Or did he, perhaps, achieve a sudden clarity on the sanctity of human life?

Amanda Bohm
Austin, Texas

Where Was TR?

Dale Gieringer presents an interesting history of drug legislation ("Centennial of an Unnatural Disaster," June), marred only by a curious error. He refers to "the Philippines, which had been captured by the U.S. at [Theodore] Roosevelt's initiative when he was assistant secretary of the Navy during the Spanish-American War."

The timeline of relevant events is as follows:

April 25, 1898: Congress declares war on Spain, effective April 21; Theodore Roosevelt promptly *resigns* as assistant secretary of the Navy and begins to recruit a volunteer infantry regiment.

May 1, 1898: Adm. George Dewey defeats the Spanish fleet in Manila Bay.

July 1, 1898: A U.S. expeditionary force storms the heights of San Juan and El Caney, Cuba, involving the "Rough Riders," led by Lt. Col. Theodore Roosevelt.

July 14, 1898: Santiago, Cuba, surrenders to Gen. Nelson A. Miles; troops begin to demobilize.

Aug. 13, 1898: Manila is invested by Gen. Wesley Merritt, ending war in the Philippines.

Fall 1898: Roosevelt runs for and is elected governor of New York.

Feb. 6, 1899: The Senate ratifies the Treaty of Paris, in which Spain cedes the Philippines to the United States.

Fall 1900: Roosevelt runs for and is elected vice president of the United States.

July 4, 1901: William H. Taft becomes the first U.S. civil governor of the Philippines.

Sept. 14, 1901: Roosevelt becomes president of the United States upon the death of President William McKinley.

It is difficult to understand how, after Roosevelt had resigned his post as assistant secretary of the Navy, the Philippines could be captured at his "initiative" — especially when he was at the time fighting an expeditionary campaign as an Army officer halfway around the world, or otherwise being a private individual and holding office as governor of New York.

Gieringer doubtless can explain his mistaken account, but it bothers the reader to think that a) this anecdote is

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Inside Liberty

August 2006
Volume 20, Number 8

2 **Letters** Our readers kick things off.

5 **Reflections** We freeze our assets, plot against Canada, rediscover Jimmy Carter, bring Maoism to North Carolina, open the border, close the border, tax the obese, segregate graduations, count corpses, and challenge Google with two cups and a string.

Features

15 **George Bush: Darling of the Liberals** Why won't the Left lay off President Bush? After all, *Jon Harrison* finds, he's giving them everything they want.

19 **Remembrance of Things Past** *John Hospers* looks back on his friendship with Ayn Rand, and a wealth of fascinating ideas and debates.

23 **Of Meat and Myth** Upton Sinclair's libels on American industry have become "facts." *Lawrence W. Reed* sets the record straight.

27 **Blue Jeans and Belarus** *Jayant Bhandari* hops a plane to the ex-Soviet satellite and wonders why the people are so eager to reelect their dictator.

32 **Portland Derailed** The city's "light-rail Mafia" plunges off the tracks. *Randal O'Toole* surveys the wreckage.

Reviews

37 **Jesus' Baby Mama Drama** Conspiracy, history, theology, and a lot of flapdoodle: *Eric Kenning* examines the elements of "The Da Vinci Code."

39 **Let's Roll** *Jo Ann Skousen* bristles at the claim that it's "too soon" for "United 93."

40 **The Cylons' Makeover** "Battlestar Galactica" is back, and without clownish robots. *Timothy Sandefur* joins the search for the planet called Earth.

42 **Blood in the Water** In the remake of "The Poseidon Adventure," there isn't a single likable character or moment of personal growth. But, *Travis Stewart* notes, the actors do have nice tans.

44 **The Water and the Blood** *Jo Ann Skousen* remembers the days when action movies could afford a bit of allusion.

43 **Notes on Contributors** Agitators, instigators, and explicators.

46 **Terra Incognita** We only wish we were making these up.

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stylistically deployed mainly to strike a cut at Theodore Roosevelt, and b) there may be other historical errors undermining his article at large.

Michael J. Dunn
Federal Way, Wash.

Gieringer responds: Mr. Dunn's letter raises an interesting question about TR's role in seizing the Philippines. While Dunn's timeline is accurate, Roosevelt played a crucial role in planning to attack the Philippines before an actual declaration of war. The story is told in Morrison and Commager's "Growth of the American Republic," as follows:

"Two months before the actual declaration of war, Theodore Roosevelt, then Assistant Secretary of the Navy, had cabled to Commodore Dewey in command of the Asiatic Squadron: 'Secret and confidential. Order squadron to Hong Kong. Keep full of coal. In the event of declaration of war on Spain, your duty will be to see that the Spanish squadron does not leave the Asiatic coast, and then offensive operations in the Philippine Islands.'"

Note that Roosevelt was just the assistant secretary of the Navy, but took the initiative to issue this directive one afternoon while his boss, John Long, was out of the office visiting the doctor.

No Stockholders We

What a delightful surprise awaited me with "The Books of Summer" (July). It was like walking into a bookstore knowing it only contained excellent books. Paraphrasing Beecher: I never knew my human nature was so weak. 'Fess up — you own Amazon stock! (I've just kicked it up a bit.)

I'm hoping for a future installment.

Ken Green
Chino Hills, Calif.

Misleading Indicators

I'm reluctant to dispute economic questions with the author of a book on

continued on page 18

A reader of Liberty sent me a message the other day, indicating her strong disagreement with something I'd written in our last issue. She also commented on what a varied group libertarians are.

I was glad to hear from her, on both counts. The curse of writers is the fact that they rarely hear from the people who read them. Those people are out there, someplace, agreeing or disagreeing, but they keep it quiet. They don't let you know. Or maybe they never read what you wrote in the first place. That's the besetting fear. So please remember: Liberty likes to hear from you. Love us or hate us, our Letters columns are open to you.

That's the first thing that made me feel good — the reader's expression of disagreement. The second was her celebration of our variety. The fact that people who believe in individual liberty can disagree about nearly everything on the face of the earth is good for our combative spirit. It's also good for the cause of truth: people who debate with one another are more likely to find the good arguments and the important facts than people who are determined to agree.

Something should also be said about sheer curiosity. I didn't think there was anything more to learn about many of the subjects that appear in this issue of Liberty, until I read the articles we're running about them. I've known John Hospers for a long time, and I've done research on Ayn Rand, but a lot of what he says in his article about his friendship with her came as news to me. And I had no idea that the "Poseidon" tales were worth talking about, until I read Travis Stewart's and Jo Ann Skousen's contributions to our Reviews section. The "Da Vinci Code," one of the subjects on which I think I know almost everything (see page 13), benefits greatly from Eric Kenning's perspective (page 37). And it's possible that I will learn something even from Mark Rand's *shocking* rebuttal (page 5) of my ideas on immigration.

It doesn't take much curiosity to be a modern conservative or a modern liberal. Being a libertarian is another matter. If you weren't curious, you would never have wanted something more in your intellectual life. You would never have wanted to find out what "liberty" really means. So if you're still curious . . . read on.

For Liberty,

Stephen Cox
Editor

Reflections

The more things change . . . — With congressional elections just around the corner, let's turn to Rep. Jim Moran, (D-Va.), speaking before the Arlington County Democratic Committee, to see what's at stake: "When I become chairman [of a House appropriations subcommittee], I'm going to earmark the shit out of it."

So, nothing, really. — Andrew Ferguson

Illiquidity claptrap — It always astounds me when people without money claim to know what is profitable. It further astounds me when they think people who do have money have no idea how to invest it properly. It is this unwarranted conceit that allows socialist ideas to prosper, especially on college campuses, where youthful idealism far exceeds most students' liquidity. It never occurs to them that, quite often, the people who have more money than them have it because they're smarter. — Tim Slagle

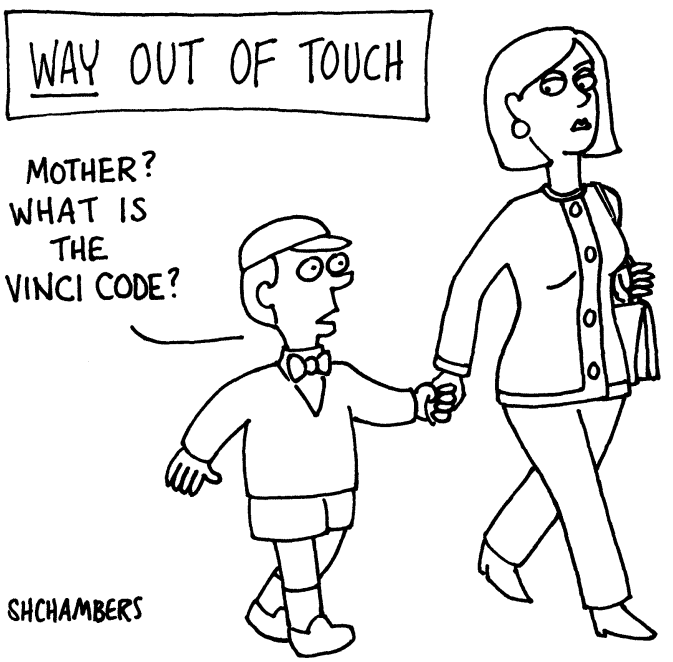

Carter II — Much as Jimmy Carter's administration is now remembered for gross incompetence, not only politically but economically, so shall Dubya's be — both suffering from an internal, yes, spiritual arrogance that kept them from correcting policies that failed in the real world. The principal difference between them is that Dubya got himself reelected, mostly because the Democrats couldn't develop a candidate as attractive to American voters as Ronald Reagan.

— Richard Kostelanetz

Allowing dissent — An AP headline reads, "McCain Says Americans Can Disagree on War."

How wonderful. Sen. McCain no doubt went on to explain that we'll still be forced to pay for the war through taxation, and we won't be able to do anything to prevent our soldiers from dying in the war until Bush & Co. are good and ready to end it at a time of their own choosing. But we *can* — this being America, after all — still disagree on the war . . . though prudence suggests we no longer do so while on the telephone.

— Ross Levatter

Why they hate us — It's strange. Canadians have nationalized health care, a generous welfare system, and few Fortune 500 corporations. They refused to support the war in Iraq. I don't think Canada gives any aid to Israel. And yet, fundamentalist Muslims *still* wanted to attack the country.

I hope this is a wake-up call for the "why do they hate us" crowd. What angers fundamentalist Muslims about the U.S. isn't our foreign policy, or our loathing of socialism, or our election of President Bush. It's that the American and Canadian governments refuse to force women into burqas, or men to kneel down on rugs five times a day. In America and Canada, we allow people to worship any god they choose, and publish any book, no matter how blasphemous.

The war against the Western infidels is not against capitalism, corporations, Israel, or the military-industrial complex. It is a war against basic freedoms — the same ones that the "why do they hate us" crowd claim to cherish so much. — Tim Slagle

He's not heavy, he's my ally — Since the costly "War on Drugs" has been lost, while that in Iraq has stalled at great continuing expense, may I predict that the feds will soon publicize their War on Overweight, which obviously takes more lives prematurely than either recreational drugs or war (not to mention automobiles). Though victory here might be similarly elusive, two charms of the War on Overweight are that it would be a lot less costly (unless those laid off at the DEA become the Obese Police) and that failure here might discourage our government from declaring further wars, all wars. — Richard Kostelanetz

Open the borders — In a reflection in last month's Liberty ("I'm sorry to interrupt you . . ."), Stephen Cox raised some interesting questions regarding immigration policy. I will cede the point that a sufficiently large influx of immigrants would cause problems. The problems can be separated into two groups — those stemming from the welfare state, and those stemming solely from scarcity. Let's consider the latter group first.

When the demand for a good increases, so will its price, *ceteris paribus*. When the demand for workers increases, wages rise. When the demand for jobs increases, wages fall. (The "good" here is the wage, and the price paid is the labor.) *Ceteris paribus*. But *do* other things remain the same? They do not. An influx of new labor comes with an increase in new consumers,

Liberty founder Bill Bradford's death is an irreplaceable loss to the end. Shortly before he passed away, he suggested

Liberty

The 2006 Liberty Editors Conference in Las Vegas

Mark Skousen

Professor, investment adviser, and author of *The Making of Modern Economics.*

Randy Barnett

Carmack Waterhouse Professor of Legal Theory at Georgetown University Law Center. He appeared before the U.S. Supreme Court to argue the medical cannabis case of *Gonzales* v. *Raich.*

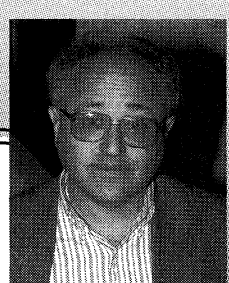

David Friedman

Economist, professor at Santa Clara University School of Law, author of *The Machinery of Freedom,* and Bill's favorite anarchist scholar.

Tim Slagle

Renowned political satirist and libertarian comic.

Stephen Cox
Editor of Liberty, author of *The Woman and the Dynamo,* and professor of literature at the University of California San Diego

Charles Murray
W.H. Brady Scholar at the American Enterprise Institute and author of *In Our Hands, Losing Ground,* and *The Bell Curve*

John Pugsley
Acclaimed speaker, chairman of the Sovereign Society, author of *Common Sense Economics,* and founder of the Bio-Rational Institute

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Rick Rule
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Jo Ann Skousen
Writer, critic, speaker, and instructor in English literature and writing at Mercy College, Dobbs Ferry, N.Y.

Bruce Ramsey
Journalist, senior editor of Liberty, and editor of *Insatiable Government and Other Old-Right Commentaries, 1923–1950*

Randal O'Toole
Senior economist with the Thoreau Institute, prominent critic of "smart growth," and author of *The Best Laid Plans: The Case Against Government Planning*

Neal Levine
Campaign manager for Committee to Regulate and Control Marijuana, the group behind the Nevada initiative to decriminalize marijuana. (Patrick Killen, communications director, may substitute.)

libertarian movement, but he maintained his usual good cheer to the as his epitaph: "Bradford dies. Liberty lives!"

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which means businesses will increase their output, which of course means their need for labor grows to meet the supply. There is ample evidence supporting this argument — immigration does not, in fact, depress wages.

What if the number of immigrants doubles? Or triples? What if it increases ten- or twentyfold? The same argument applies, and again, there is ample supporting evidence. One, whenever we import products, we've effectively imported labor, and despite the anguished cries from every industry that faces foreign competition, imports aren't depressing our average wages. (Quite the contrary, in fact.) Two, domestic industries that can profitably utilize immigrant labor move to (or expand in) areas with large immigrant populations. Native workers may see their options change (and who wants to have to deal with that?), but there will still be options — the pie continues to grow, in both absolute and relative terms.

The other group of problems — those caused by the welfare state — are more intractable. Ideally, we dismantle the welfare state, have a beer, and call it a day. What if we fail to *completely* dismantle it before sundown? I still think we should open our borders to everyone who a) hasn't committed any non-consensual acts that would in this country be felonies, and b) swears (in any language) to uphold the U.S. Constitution. I can't offer any evidence that this wouldn't lead to economic turmoil, but I don't *think* it would. For one thing, the overwhelming majority of immigrants I've met have been much harder working and more self-sufficient than the average native-born U.S. citizen. Is this because INS does a stellar job winnowing out the dross of the applicants? Please. More likely it's because the land of opportunity beckons most enticingly to the most ambitious. Moreover, if a huge influx of immigrants begins to disrupt a local economy, that locality will tend to become less accommodating and hence less attractive to future immigrants, who will search out greener pastures.

Perhaps I'm wrong. My experiences with immigrants may be atypical. An open-border policy may precipitate a surge of immigrants eager to live on the dole in the land of milk and honey. But right now, we're telling millions of people — living, breathing, dreaming, hard-working human beings — that because they weren't born here, and because *we* can't control *our* democratic institutions, *they* must continue to endure poverty and oppression. And no perhaps on this one — that's *wrong*.

— Mark Rand

Body count — Consider the number 12.

That is the ratio of the Iraqi population (25 million) to the U.S. population (300 million) at the start of the war.

Why is that important? Because, depending on one's purposes, it provides the factor by which one should multiply Iraqi deaths, like those at Abu Ghraib, at Haditha, at Fallujah, etc. to accurately convey the effect.

If one is looking to cast moral blame, the exact number of deaths is a reasonable thing to look at. Thirty thousand Iraqi civilian deaths, says our president. In the moral calculus, that's still just 30,000.

But in terms of the effect — of Iraqis who have lost loved ones, had friends caught in crossfire, had acquaintances tortured by American forces, etc. — better to look at the percentages of the population. Better to multiply by twelve.

So let's take 30,000 civilian deaths. If that sort of thing happened in America, it would amount to an invading power — "We're from the EU, and we're here to help you" — inadvertently killing (collateral damage) 360,000 Americans on American soil. Six times more than the number of Americans who died in Vietnam (over a much longer time period). More than a hundred times those who died on 9/11, which was sufficient to push so many Americans into supporting an attack. And if the president is wrong — hard to believe that a president of the United States could lie to his citizens during a war! — and the estimates of 100,000 made by many others are correct, then the number to compare to is 1.2 million Americans dead: twice the number of Americans killed in the bloodiest American conflict, the Civil War.

I think it's numbers like this that tell the true story of this

News You May Have Missed

Nothing Here to Worry About, New Yorkers Agree

NEW YORK — Amid the uproar surrounding the decision by Homeland Security Secretary Michael Chertoff to cut antiterrorism funds to New York City by 40% on the grounds that there are no important monuments in New York to protect, a survey finds that many people in the city agree with Chertoff. "He is good man," said Abdul Ali Akbar, 28, who said he was a student currently studying both photography and chemistry. "No monuments here, none, none," he insisted. When asked about the Brooklyn Bridge, which he was photographing from numerous angles when a reporter approached him, he remarked, somewhat cryptically, "No, no, I am telling you, no monuments, or soon, soon."

On Liberty Island in New York Harbor, Starkrav Ingmad, 37, a bearded Krapistan-born artist dressed in a colorful camouflage outfit who was busy making sketches and elaborate diagrams, was asked whether Chertoff's assertion might be contradicted by the famous sight looming before him. "Statue?" he said. "What statue?" Chertoff, he added, "makes a very good point, Allah willing."

Meanwhile, Homeland Security officials defended the simultaneous increase of antiterror funds for places like Nebraska and Kansas, citing the grave danger posed by Islamic fundamentalists "determined to attack our nation's vital reserves of empty space."

But after New York politicians of both parties angrily protested the decision, the Bush administration finally relented, earmarking $423 million in federal funding for the city to erect suitable monuments worth protecting, such as 200-foot-high nude marble statues of Michael Chertoff, Harriet Miers, L. Paul Bremer, and George W. Bush, to be placed in the middle of Central Park, plus an additional $13.8 billion to give them the 24-hour protection they would need from what the Department of Homeland Security estimates as 7.9 million potential terrorists residing in New York City who would be constantly attempting to blow them up. — Eric Kenning

war and its aftermath: a war of terror continually fueled by the victims of our intervention, a war that will never end.

What would *you* do if over a million of your countrymen were killed by outside forces, even if they came saying they wanted to help? — Ross Levatter

What War? — A newspaper columnist in my hometown summed up the social effect of the Iraq occupation in an interview with a soldier who had just returned. This soldier reported that none of his friends and acquaintances seemed interested in what he had seen and done, or what he thought about those things. It was not that they didn't support the occupation; he expected that some wouldn't. But he wasn't finding opposition. He was finding indifference.

I see some of myself in those people, and am not particularly happy about it. There was a time when I thought a lot about the impending war. I opposed it. I made my opposition known in the public prints and spoke at a public meeting against it, months before it was begun. I wrote about it afterward. I read several books on it. Now I find myself in the position of this man's friends.

I saw the headlines about the killing of civilians at Haditha, allegedly by U.S. Marines. Yeah, I thought, this is the sort of thing occupying forces do. I turned on the car radio to hear right-wing populist Michael Savage stating the opposite assumption: that the good American Marines would not do that. Savage was suggesting that the dead Iraqi civilians videotaped by the perfidious Sunnis were probably shot after they died, to make it look as if the Marines had done it. And I thought, naw, they probably did it. But I didn't know, and Savage didn't either. He was outraging an audience and I was driving down a road, and we were both fueled by our assumptions.

What would it take to really know, and what difference would it make? I think: a lot, and none. Would I change my view of the occupation if I could see that Savage was right? No. Would Savage, in the same position, change his? No.

— Bruce Ramsey

To be perfectly frank — It's been a rough year for Jacques Chirac, president of France. The French public spurned his pleas to ratify the EU Constitution, his unemployment reforms went up in smoke, and in poor Parisian suburbs more than a few Peugeots went up in flames. Also, his hand-picked prime minister, Dominique de Villepin, is accused of ordering secret investigations on chief political rival Nicholas Sarkozy; and, though as president, Chirac is immune to prosecution, his dealings as mayor of Paris could land him in prison once he is out of office.

But Chirac has a brilliant idea for raising both himself and his country out of the political gutter, a solution so elegant only government could have thought of it. He will cause to be built . . . a search engine.

Never mind that the funding is minuscule compared to the amounts Google and Yahoo! can call on. Never mind that the engine, Quaero (Latin for "I search"), will already be obsolete the day it goes live. What's important is that it's French! state-funded! technology!

With a combination like that, what can go wrong?

— Andrew Ferguson

A bodyguard of lies — Nestled among news about Pittsburgh Councilwoman Twanda Carlisle giving $28,795 in tax money to a family friend for what was basically a cut-and-paste "health study," the ongoing public anger across Pennsylvania about the post-midnight 16% to 54% legislative pay grab in Harrisburg, and news that FBI agents found $90,000 in cash hidden in U.S. Rep. William Jefferson's freezer, comes the publication of "Good and Bad Government: The Ideals and Betrayals of Government," a new book by Geoff Mulgan.

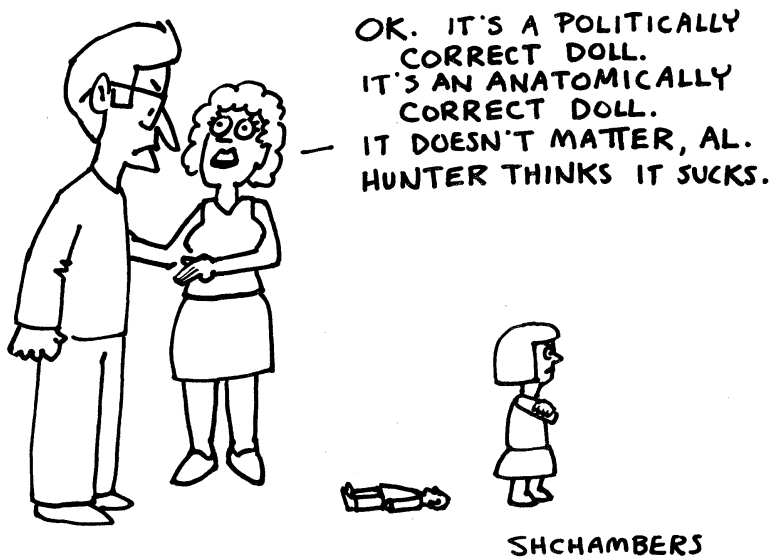

Summarizing his long look backward, Mulgan, a former senior adviser to Tony Blair, writes that he found consistent vices in government over many thousands of years. He quotes the reply from Russian historian Nikolai Karamzin, when asked to sum up the business of government in a word. *"Voruiut,"* replied Karamzin ("They steal").

What's "timeless" across the ages, contended Karamzin, is that "bureaucrats over the millennia have proved equally adept at manipulating public power for their own ends."

What's equally timeless is that politicians have proved to be similarly adept in attempting to manipulate the truth for their own ends. "In wartime," stated Winston Churchill during World War II, "truth is so precious that she must be attended by a bodyguard of lies."

The idea is that strategic deception and lying play a key role in safeguarding military operations, i.e., loose lips sink ships.

Nonetheless, time and again, we've seen that bad policies can also sink ships, and that politicians see the truth about their blunders in military actions as so damning that it "must be attended by a bodyguard of lies."

In wartime, governments lie sometimes to bury information that could "rouse negative public opinion," and "sometimes to save lives and sometimes to make the killing easier," writes Thomas R. Lansner, adjunct associate professor of international affairs at Columbia. "Imputing the literally diabolical to one's nemesis allows moral justification and sometimes

spiritual comfort for those who will be called upon to kill, as well as for those in whose name killing will be done."

In a moral crusade, in short, we're painted as "The Great Satan" and they're the "Axis of Evil." The job of the spinmasters at the top, on both sides, is to manufacture the public's consent. In the offices of central planning, the notion that the public should receive complete and candid information to evaluate a war and employ their democratic rights to change policies if a conflict has been misrepresented or mismanaged is seen as both menacing and useless.

"For one school of thought, none of this matters much," Mulgan writes in a recent issue of The Spectator. "According to this view, government is just a sideshow to real life in the age of iPod and global markets, a soap opera that is occasionally entertaining and often exasperating, but of limited significance.

"Living in an individualistic age, we prefer to ascribe our successes to our own virtues, not to the actions of bureaucrats and politicians."

The evidence suggests that this stance of standing apart is profoundly mistaken. It matters when our tax dollars are being squandered by a city council; it matters when politicians mismanage health care, education, and war; and it matters when a congressman has more hundred-dollar bills than ice cubes in his freezer.

Rep. Jefferson (D-La.), caught on videotape in a Ritz-Carlton accepting $100,000 in $100 bills from an FBI informant, allegedly planned to use the money to bribe a top-ranking Nigerian government official in order to grease the skids of a business deal from which Jefferson's children would get a cut of the revenues.

The serial numbers on the cash in the freezer, found wrapped in foil in plastic food containers in packs of $10,000, reportedly match the serial numbers of the bills supplied in a briefcase to Rep. Jefferson by the FBI at the hotel.

Jefferson's lawyer, Robert Trout, contends that the videotape and cold cash are just "part of a public relations agenda and an attempt to embarrass the congressman."

What doesn't work to fix any of the above is apathy and detachment, Mulgan maintains. "Democracy," he writes, "has decisively enhanced the virtues of government and constrained the vices by making governments more afraid of citizens than vice versa."

Warning of the dangers of public passivity, Mulgan quotes French philosopher and economist Bertrand de Jouvenel: "A society of sheep must in time beget a government of wolves."

— Ralph R. Reiland

A Pirate's life — David Maraniss (author of bios of Clinton, Gore, and Vince Lombardi, among others) was on the radio the other day promoting his new book "Clemente." The interview brought up the issue of humanitarianism, and its ability to obliterate everything else from the consciousness of Americans.

If you're not familiar with him, Roberto Clemente was one of baseball's first Latin superstars. Playing in small-market Pittsburgh on some bad Pirate teams, Clemente was pretty much ignored nationally until the Bucs won the pennant and World Series in 1960. Although he hit safely in all seven games of the series and was probably the best player on the team, the series is remembered for only three things; Pirate player Bill Mazeroski's last inning homer to win Game 7; a bad-hop, double-play grounder that hit Yankee shortstop Tony Kubek in the throat, sparking a rally that gave Maz his big chance later on; and the Yankees' utter demolition of the Pirates in the three games they won: 10–0, 12–0, and 16–3.

Clemente went on to win four batting titles and an MVP in the '60s, yet still played in the shadow of Mays, Aaron, and Frank Robinson. And properly so. As great as Clemente was, those three players were better. When fans got around to mentioning Clemente, it would be either because of his unbelievable throwing ability (he had, arguably, the best outfield arm in major league history) or because of his being one of the game's biggest hypochondriacs.

Finally, in 1971, again on the national stage, Clemente received his due. He put on one of the greatest World Series performances ever, fielding spectacularly and again hitting safely in all seven games to lead the Pirates to another World Championship. He was chosen the Series MVP. He'd go on to have another fine season in 1972, finishing the year with exactly 3,000 hits for his career.

On Dec. 31, 1972, Clemente was killed in a plane crash on a "mercy mission" for the Managua earthquake victims. His body was never recovered from the ocean.

Back to the radio interview. I'd say that 25 of the 30 minutes were spent on Clemente's humanitarian efforts, which as far as the interview was concerned, consisted chiefly of boarding a criminally overloaded plane with a drowsy pilot and crashing and dying. This is undoubtedly tragic and I give Clemente all the credit in the world for trying to help. He appears to have enjoyed doing work for charity. And it should be pointed out that for his efforts he's held in great reverence throughout Latin America (he was from Puerto Rico). Still, it's always disturbed me that this tragedy now defines his life even in the United States, and his stellar Hall-of-Fame baseball career is all but forgotten.

Let's face it, it's only because he was a baseball superstar that his "humanitarian" efforts are remembered at all. I dunno, maybe he'd prefer being remembered only for his final attempt at good works. But it's as though his accidental death had assigned him a new job title . . . "humanitarian." And erased "baseball player" from his resume. — Carl Isackson

Vote FCSLP! — Richard Kostelanetz ("Ain't that America," Reflections, April) asked why the Libertarian Party isn't doing better if, as James Carville said on talk radio, most Americans describe themselves as "socially liberal and economically conservative."

The months that followed brought examples of how the media rarely associate that common political posture with being libertarian. The May Atlantic Monthly had an article about Mark Warner, the Democratic former governor of Virginia and possible presidential candidate. It called him "a fiscal conservative, and a social-issues libertarian," as if "libertarian" did not also describe a fiscal conservative! The Atlantic's June cover story described some "suburban Republican women" as "fiscally conservative and socially liberal."

Just today, a Houston public radio (KUHF) report on the memorial service for Lloyd Bentsen, 1988 Democratic vice-presidential candidate, lauded him as a politician "who united social liberalism and fiscal conservatism."

In the June Reason, a book review referred to being "fiscally conservative and socially liberal" as "truly libertarian."

How many voters realize that? I seriously suggest that the Libertarian Party could immediately double its vote count by changing its name to the Fiscally Conservative and Socially Liberal Party. — Thomas Giesberg

The election of 666 — In the June 6 election, voters in San Diego's suburban North County went to the polls to replace Randy ("Duke") Cunningham, the Republican congressman who recently went to jail for taking bribes. It's a Republican district, but the Democratic nominee, one Francine Busby, a school board member who looks exactly like her name, got very far by campaigning against the corruption of the Republicans. She also got a lot of national Democratic money and other campaign help, since her district was the Democrats' no. 1 target in the spring elections.

Her opponent, a middle-of-the-road Republican named Brian Bilbray, ran against illegal immigration and succeeded, with strong assistance from the inane Ms. Busby, in putting her on the bad side of that issue. He ran ads showing a speech in which she ranted against the innocuous congressional effort to make English the country's official language. He made a good case that she was in favor of "amnesty." And then the disaster really happened. Someone in a friendly crowd asked Busby (in Spanish), how he could help her out. "I want to help," he said, "but I don't have papers." This remark having been translated, Busby replied, "Everybody can help, yeah, absolutely, you can all help. You don't need papers for voting, you don't need to be a registered voter to help."

Very unfortunately for Busby, her comment was recorded and played on the radio, and she started issuing statements saying that her tongue had slipped and she had never meant to encourage electoral participation by anyone who is in America illegally, that she just wanted to turn out people who are legally eligible to vote, or perhaps just underage . . .

It didn't work. Busby lost, 44% to 49%. She thinks she'll win when she faces Bilbray in the regular election in November, but I don't think so. Bilbray may have gotten only 49%, but the rest of the vote went largely to a candidate who made opposition to illegal immigration his main, perhaps his sole, political cause. His votes aren't going to Busby.

What does this mean for libertarians? Of course, it's yet another sign, if you can read the signs, that open borders are popular with very few people in America, that even the Democratic Party runs away from the idea, once it's publicly forced to face the consequences. Libertarians — at least the minority of libertarians who favor open borders — also need to face those consequences. If everybody in the world has the right to cross the border and take up residence in America, then everybody in the world will have the right to vote in America, too. And these mass, low-income, welfare-state voters won't be electing libertarians. They will be the long arm of big government.

It's sadly worth noting that in the Busby-Bilbray race, a wasteland where neither charisma nor even good feeling gathered around the major party candidates, the Libertarian still got only 2%. — Stephen Cox

The Cultural Revolution in Chapel Hill — Forty years ago, state-supported bullies in China publicly humiliated dissenters by having them wear signs around their necks expressing shame for their "incorrect thoughts." Although China remained Communist, the government eventually apologized to the victims.

These methods, long since rejected as barbaric in China,

News You May Have Missed

Bush Scores Goose Egg in New Polls

WASHINGTON — President Bush's job approval rating has dropped to zero, an all-time low, according to new polls, which found that his last enthusiastic unindicted supporter, former FEMA director Michael Brown, has suddenly changed his mind.

Brown had given Bush a ringing endorsement as recently as last week, when he was begging for spare change just outside the White House grounds and Bush, out riding his bike for the afternoon, ran into him. After panting Secret Service agents assigned to follow the president on foot and extricate him from any quagmires he might steer himself into disentangled both men from the twisted bicycle spokes and handlebars, Bush slipped a $20 bill into Brown's paper cup, which prompted Brown to say, "Bushie, you're doing a heckuva job."

But Brown said he had second thoughts when he got home and found that the twenty had a portrait of Karl Rove instead of Andrew Jackson on it. Investigators believe that it was one of the new bills issued by Halliburton, which was recently given a contract by the White House to print its own money.

Asked at a press briefing about the incident, White House spokesman Tony Snow said that given the fact that Beijing now owns the U.S. Treasury, "Michael Brown is lucky that the $20 bill didn't have a picture of President Hu, of the People's Republic of China, on it instead."

Experts say that the recent erosion of the president's conservative base may be even more drastic than previously recognized, since the president himself no longer expresses approval of his own performance, confusedly asking a pollster who called at 8:15 p.m., just before his bedtime, whether Zogby would do anything for attention-deficit disorder and whether his new prescription-drug plan would cover it.

Administration officials have denied rumors that if the president's standing in the polls falls any lower, to below zero (this can happen when annoyed respondents force polltakers to eat their data), his job would be outsourced to someone who would be able to perform it more competently, and for less money. But in Bombay, India, Bahjaree Ramarandra, a 20-year-old customer service representative for an American cellphone company, said that she would be "more than happy" to serve as the new American president "for, let's start with a ballpark figure, around let's say $6.85 an hour." She stressed that she spoke English fluently, having studied it for months, and that she understood this would now be a requirement for the position. She added that she was also used to getting angry, threatening phone calls all day and telling people to please calm down, so, she said, "I'm sure I can handle the neoconservatives." — Eric Kenning

are now standard practice in the government schools of Chapel Hill, N.C. During a mandatory workshop on diversity, teachers and staff take a survey of 26 questions asking their responses to situations involving affirmative action and other issues. When the results are tallied, the organizers put signs around the necks of each participant showing a numerical score. The organizers then line them up from highest to lowest. Of course, those whose answers are deemed incorrect are made to feel as uncomfortable as possible.

The man responsible for this exercise is Glenn Singleton of the Pacific Educational Group. His "courageous conversations" program is spreading rapidly. In addition to Chapel Hill, the profit centers of Singleton's expanding diversity empire include the Cherry Creek school district in Colorado (which is paying his firm six figures), Bellevue Community College in Washington, and many others.

This is all extremely depressing for people who value education and academic freedom. The worst part of it, however, is the groveling readiness of so many faculty to subject themselves to public degradation under the abusive eyes of Singleton's associates. Meanwhile, the government schools and colleges that are wasting funds and time on this kind of nonsense continue to dumb down standards and preside over the tyranny of low expectations for all students, black and white.

— David Beito

Always bet on red — The Democrats are selling global warming pretty hard this summer. Not only is Al Gore flying his entourage around the world in CO_2-belching private jets, but Barbra Streisand is considering going back on the road to make the case for burning less petroleum.

I'm not certain that I believe their dire predictions. Pardon my lack of faith, but leftists have proved to be very unreliable prophets. Not only were they saying the superiority of Marxism would make the Soviet Union an economic superpower, they have been quite unreliable at predicting elections for the last decade. If I remember, they all were pretty damn certain that Gore would kick Bush's ass at the polls, and then they were sure that Bush would be a one-term president. Democrats are already so certain of their prognosticating that they're making congressional plans for 2007.

Me, I'm taking bets. I'm going to channel all this unwarranted optimism into big profits for myself. I guarantee that on the morning of November 8th, leftist bloggers will be sitting at their desks, still staring at the results in disbelief. And by that afternoon, they'll have concocted some outlandish conspiracy theory about how the election was stolen from them . . . *again!*

— Tim Slagle

Incumbent upon them — Several cities and states have passed or are considering "clean money" campaign finance reforms. Portland, Ore., passed such a law for its city council campaigns. Under this law, anyone who collects signatures and $5 contributions from 1,000 people is eligible for $150,000 in public funds to run for the city council. If an opponent who relies on private funds spends more than $150,000, then the public funds are increased to match.

The law received its first test in the May primary election. Four candidates turned in signatures, including the incumbent who wrote the law. While all were given money, a close look at the petitions revealed that, on two of the petitions, many of the signatures appeared to be faked: the same handwriting was used for many names, people whose names were on the petitions say they never signed them, etc. At least one of the candidates was ordered to repay the money (but probably does not have much to repay).

The clean money law was supposed to bring new faces into politics. But that did not happen. Two incumbents were up for reelection, one of whom chose to rely on private donations. Both won.

As Portland blogger Jack Bogdanski points out, "You can't beat an incumbent without outspending him or her. And under the new system, you will never be able to do that." If the challenger takes public money, he can never do better than match the incumbent's funds. If the challenger relies on private money, an incumbent will always be able to get enough public money to match the challenger's campaign. So "clean money" is really just another incumbent protection scheme.

— Randal O'Toole

Any color you like — Recently, Superior Court Judge Robert Freedman suspended the California high school exit exam, holding that withholding diplomas somehow violated the rights of those who flunked the test. Here is the ideology of compassion in action: because we feel sorry for those who fail, we desire to cover up that failure by handing out diplomas to everyone. In our fantasy compassion world, all children are winners, so all must have prizes. And although a higher court has stayed Judge Freedman's order, it seems likely that the compassion ideologues will win eventually.

The free market may offer a solution. One of the purposes for issuing

continued on page 31

Word Watch

by Stephen Cox

Of course, the Vatican should never have protested against the "Da Vinci Code" movie. It was silly to give publicity to a thing like that.

Not that the church was spreading any kind of news. A year or so ago, I asked a class of 200 students how many of them had read the book, and 70% raised their hands. I might add that almost all of them were grinning ironically. They understood that the book was junk. When I said, "You know that it's junk, don't you?", almost everyone laughed and applauded. (The others probably hadn't been listening to the question.) But I'm sure that most of these students have seen the movie by now. All that the Vatican accomplished by denouncing it was to inspire a few extra people into seeing it out of spite.

Yet media coverage of the Vatican protest had its own value and interest. It showed how little you need to know — how few *words* you need to know — to report hot news from the religion front, where "immaculate conception" is always misunderstood as a synonym for "virgin birth," and "papal infallibility" is almost always interpreted to mean that the pope thinks he can't take the wrong corridor on his way to dinner.

Most of the "Da Vinci" coverage made the trite point that I just made, the "why do they want to give the movie publicity" point. After the film was released, and the entertainment pages filled with stories of crowds staggering out of theaters in profound states of coma, the point was amended to "why give publicity to such a rotten movie." (But please visit our Reviews section for Eric Kenning's somewhat different perspective on this *succès d'ennui.*) The film, it appeared, was without the "excitement" of the novel.

No one seemed to be asking the obvious question: Why were so many people looking for that kind of excitement in the first place? I mean, what's so mesmerizing about the idea that Jesus had sex with Mary Magdalene? What's so "exciting" about the alleged "bloodlines" of the Merovingian kings? Clearly, nobody would care about any of that, if it weren't for the continuing power of the great opposing idea, that Jesus was God, and that his kingdom was, in the most literal sense, what he said it was: "not of this world."

The excitement of the "Da Vinci" idea comes entirely from its denial of the traditional one. If the traditional conception didn't continue to occupy the commanding heights of Western culture, the denial wouldn't stand a chance of commercial success. The fact that the denial takes an adolescent form (the sniggering focus on sex, the tree-house preoccupation with codes and maps and treasures) demonstrates the daunting force of the original — a conception of the world that somehow manages to reduce its opponents to the emotional condition of 3rd-graders.

I didn't see anyone in the media bothering to interview "Da Vinci" fans to determine why they got so excited over that particular book. The media contented themselves with lamenting the lack of excitement in the movie. But the real revelation of the intellectual level to which discussions of religion have now devolved appears in a Yahoo News "Top Story": "Vatican Tries to Break 'Da Vinci Code.'" Notice that the headline relies on a meaningless pun ("break" = uncode; "break" = destroy). Now read the first sentence of the article: "The Vatican has stepped up its denouncement of the hotly anticipated movie, upgrading its disapproval of the book's supposedly anti-Christian theories from pulpit-spewing rants to full-blown boycott."

Obviously, religion news at Yahoo is assigned to the room where they keep the monkeys and the typewriters. "Denouncement" is exactly the kind of "word" that a monkey would type. Because simians don't read, or at least read much, they wouldn't encounter the real word, "denunciation"; so they'd have to make up their own, which would, of course, be "denouncement." And "upgrading its disapproval" is exactly the kind of unvisualizable image that a monkey would create, by jamming together two unrelated words. "I'm sorry, sir; we are unable to upgrade your own ticket, but we're letting your disapproval sit in first class." As for "full-blown boycott": if, like Robert Burns, you claim that your love is "a red, red rose," I can picture what you mean; but if you tell me that people's refusal to see a movie is like a flower in full bloom ("full blown"), I'm sorry; I don't know what I can say to you.

All that stuff is meaningless verbiage, basic illiteracy. But some of the Top Story's other words do have meaning, and the meaning implies something just as shocking about the type of mentality that is now reporting on religion. To this mentality, what's shocking is the idea that a traditional institution — in this case, a church — should actually struggle against its adversaries. To this mentality, any reader is assumed to be naturally on the side of those adversaries. They are acquitted in advance: their theories are only "supposedly anti-Christian"; it's unfair to make them the targets of "pulpit-spewing rants." Here the monkeys are at work again: we're supposed to imagine a preacher "ranting" so furiously as to "spew" out his "pulpit."

Later, we're told that the movie is "ticking off an entire religion," as if religion were a choleric geezer who is always getting "ticked off" about something. We are also informed that the "Da Vinci" theories are "viciously opposed by the Church's teachings," as if the teachings had been prophetically invented, thousands of years ago, for the single purpose of stomping on a poor little modern book. And no, "viciously" isn't really just another word for "vigorously": "viciously" means "in a vicious, immoral, or criminal way." The church's "offensive" is "strident" — unlike the offensive of "The Da Vinci Code," which merely insists that the Catholic church is an institution based wholly on lies, mayhem, and murder.

In popular "intellectual" culture, there are two ways of viewing religion. On the one hand, it's a lurking psychological threat, a dark survival from the days of old, the scowling old man in the Victorian

mansion that the kids throw stones at, before running away. On the other hand, it's irrelevant; it's the maiden aunt who's always been a little bit "funny." There's no reason to care what she says, or what you say about her to other people.

It must be admitted that Christians have done a lot to get their religion into this fix. For several generations Christian intellectuals have been complaining about the silly, illiterate things that their coreligionists always seem to be saying, and they've been right to complain. Compared to a lot of Christian propaganda, "The Da Vinci Code" is a masterpiece of theological acumen. And the bad stuff just keeps coming. In the 1920s it was Bruce Barton's "The Man Nobody Knows," a book that attained colossal popularity by arguing that Jesus was not an "effeminate," unworldly saint but the world's greatest advertising man. In the 1960s, it was "The Shoes of the Fisherman," both book and movie, the story of a pope who agitates for world peace by selling off the Vatican's art treasures. ("What?" you ask. But it's too silly to explain.) Then it was "The Passover Plot," again both book and movie, presenting the "scholary" thesis that Jesus planned his crucifixion and his revival afterwards, but something went wrong with the plan. Now it's those awful "Left Behind" books.

None of this is worth any more consideration than the crackpot anti-Christian literature of the 20th century — e.g., D.H. Lawrence's "The Man Who Died" and George Moore's "The Brook Kerith," both stories of a Jesus who survived his crucifixion and lived to repudiate Christianity. But popular silliness has a way of seeping into intellectual culture: witness the curious achievements of Lawrence himself. And there are times when the seepage is all one sees. The popular press is the pipeline. It will let almost anything through.

After the 2004 election, I was interviewed by a nice reporter for a Southern California newspaper who wanted "expert" opinions about religious influences on voting. One of his questions was, "Do you think Christianity can continue to exist in an increasingly democratic society?" I asked him what he meant, imagining that he was working up some theory about the fate of old authorities in this new age of social equality, or something like that.

"Oh," he said, "I mean about how the Bible teaches that in heaven, there are all kinds of different social classes."

"Huh?" I said. "Where does the Bible say that?"

"I'm not sure, but I know it does. It's the part that tells how some people will have more stars in their crowns than other people."

I had to tell him that there is no such passage in the Bible, any more than there's a passage that says that cleanliness is next to godliness. Revelation 12:1 pictures Jesus' mother wearing a crown of stars. Then, getting closer to the probable source, there's an old gospel song, "Will There Be Any Stars in My Crown?" (1897), in which the author, Eliza Hewitt, asks whether she will be remembered for winning any souls ("stars") for Christ. If I remember right, a song in "O Brother Where Art Thou?" (2000) included a similar line: "Who shall wear the starry crown"? There was also a movie, "Stars in My Crown" (1950), that was something about a Christian minister. That's it. Somehow, the echoes of these sources had combined into a theology that the reporter confidently attributed to the Christian church. I could see that he didn't believe me, when I told him it wasn't really Christian.

In the media, "immaculate conception" is misunderstood as a synonym for "virgin birth," and "papal infallibility" is interpreted to mean the pope thinks he can't take the wrong corridor on his way to dinner.

Whenever I give a literary talk that has anything to do with the New Testament, the first question I am asked is, "What do you think about 'The Da Vinci Code'?" The next question is, "What do you think about the Gospel of Judas?" My answer is, not much. That "gospel" exists in a manuscript dating from the 3rd or the 4th century, although it is possible that the text was composed in the late 2nd century. In any event, it originated several generations after all or almost all of the New Testament was written. It was without apparent influence in antiquity, notably unlike the four standard and canonical gospels, which were composed in the 1st century and accepted by the consensus of local churches. The media ballyhoo about the Gospel of Judas is meant to suggest, however, that it is at least as reliable a witness to early Christianity as anything in the New Testament, and that its discovery is a crucial moment in intellectual history.

Silly? Yup. But those questions about the Gospel of Judas keep coming — because the headlines about its emergence from the obscurity of 1,700 years proclaim that scholars have now "AUTHENTICATED" it. This, to almost anyone, means that the story the document tells is true, or that it was written under circumstances that might make it true. But in this context, that's not what "authenticated" means. It means that the *manuscript* was authenticated as an *ancient* document, not a modern forgery; that scientific tests indicated that the *manuscript* was produced in the 3rd or 4th century — in other words, at about the same distance from Jesus' time that we stand from the time of Sir Isaac Newton.

If you aren't interested in religion, or intellectual history, your reaction to all this will undoubtedly be, "Who cares?" Yet the same silliness can be seen in every field where facts and knowledge are subjected to revision by the monkeys with the typewriters. Is it necessary to mention what happens to the United States Constitution, or the history of the presidency, or the history of the Civil War, or any other war, once the monkeys get hold of it? And junk religion and junk history are the *authentic* relatives of junk science, junk economics, and junk politics. The common element is junk writing. ❑

"No, anything not specifically prohibited is *not* necessarily okay!"

George Bush: Darling of the Liberals

by Jon Harrison

"President [George W.] Bush has presided over the largest overall increase in federal spending since Lyndon B. Johnson. Even after excluding spending on defense and homeland security, Bush is still the biggest-spending president in 30 years."[1]

Liberal politicians — Howard Dean and John Kerry come immediately to mind — profess disdain for President Bush and his cohorts.* But is this ideologically based contempt justified? Have the actions of the president and his party gone against the liberal grain?

Even to ask such questions may appear bizarre. Yet the record of the past five years shows that they need to be asked — and answered with a resounding "No." If they care about their liberal agenda, Howard Dean and his friends should be rejoicing, because the president and his party have willingly implemented a very large part of it. Consider:

1) Spending. Total government spending rose by 33% during Bush's first term. The federal budget as a share of gross domestic product grew from 18.5% on the last day of the Clinton administration to 20.3% at the end of Bush's first term.[2]

2) The "No Child Left Behind Act" of 2001, a 670-page federal assault on local control over public schools. This pet project of the Republican president, made into law with the help of Sen. Ted Kennedy and other Democrats, is the direct descendant (technically a re-authorization) of Lyndon Johnson's Elementary and Secondary Education Act of 1965, a linchpin of the Great Society legislative program.

3) The Medicare Part D prescription drug benefit. Covering millions of mostly elderly Americans, this new entitlement is projected to cost as much as $1.2 *trillion* over its first ten years.[3] A classic New Deal, Great Society approach to health care, it was originally part of President Clinton's abortive Health Security Act of 1993. Despite having been proposed by a Democratic president, and rejected even when the Democrats held majorities in both houses of Congress, this new entitlement became law at the urging of President Bush in 2003.

4) The war on drugs. Bush has eagerly continued the bipartisan folly that started in 1914 with the Harrison Act, prohibiting the possession of narcotics for nonmedical purposes. We should note that in 1914 there were an estimated 200,000 users of narcotics in the United States, out of a population of slightly over 90 million. According to information available online from the White House Office of National Drug Control Policy, in 1998 there were an estimated 3.3 million "hardcore" users of heroin and cocaine. In other words, there has been a more than *sixteenfold* increase in the number of narcotics users since the beginning of federal regulation, while population during the same period has only tripled. And the sixteenfold increase reflects only those "hardcore" users of heroin and cocaine. Not included in the 3.3 million figure are untold numbers of

*For the purposes of this essay the term *liberal* is used to describe the followers of modern, big-government liberalism (i.e., the majority movement in the Democratic Party since Franklin Roosevelt), in distinction to the classical liberalism espoused by the disciples of John Locke, Adam Smith, and Milton Friedman.

casual heroin and cocaine users, methamphetamine users, and marijuana smokers.

That the federal government should continue its campaign to curb the national appetite for drugs, despite the obvious failure of this campaign, and its colossal expense to society, is perhaps understandable from a political point of view. Regrettably, however, Bush has pushed the costs even higher. He has escalated the war on drugs by bringing the U.S. military increasingly to the forefront, combating so-called narco-terrorists, ferreting out smugglers, and harassing growers in Colombia and other places.[4] Thus are employed the forces that won the battles of Normandy and Iwo Jima. Is this not a solution worse than the problem, a perversion of government power such as only big-government liberalism could conceive? Like his fellow liberals, the president has no compunction about the use of force to impose morality. Which brings us to:

5) The war in Iraq. As we have come to know, President Bush believes that 9/11 justified a crusade to remake the Arab world in our image. To a classical liberal (or, for that matter, a traditional conservative) the proper response to the terror attacks of 2001 was a military operation designed to smash the terrorists and their supporters in their bases in Afghanistan. The president, to his credit, ordered just such an operation (using local forces and a limited U.S. ground presence — sound tactics that worked). But he followed Afghanistan with Iraq. There he has given us a Vietnam in the desert, a folly to match LBJ's foray in the jungle.

Even the rhetoric used to justify the cost in blood and money is the same (just substitute weapons of mass destruction for the domino theory). While there is no evidence that a President Al Gore, lacking the Oedipal baggage of George W. Bush, would have taken us more deeply into Iraq than Bill Clinton did, there can be no doubt that the war in Iraq epitomizes the type of war that world-improving liberal Democrats love to start. It is, indeed, a war that one might believe only a Wilsonian Democrat was capable of starting. But it was not Woodrow Wilson or Lyndon Johnson who ordered the march on Baghdad; it was President Bush, who had previously proclaimed his contempt for "nation-building" in foreign places, only to embark on one of this country's greatest nation-building crusades.

6) NSA spying on American citizens. The mind of a classical liberal recoils at the spectacle of a supposedly strict-constructionist administration asserting its right to spy on Americans without obtaining warrants. To use the government's intelligence-gathering capability in this way is, in a word, Nixonian. Again, we cannot say that Gore would have done the same after 9/11, but the action itself is typical of modern liberalism. Of the four presidents prior to George W. Bush who are known to have indulged in illegal wiretapping, three (FDR, JFK, and LBJ) were liberal Democrats, while the fourth, Richard Nixon, might just as well have been.[5] Tellingly, no Democrat opposed the Bush policy (beyond a mild, private expression of doubt from Sen. Jay Rockefeller) until the New York Times made the spying program public.

The war in Iraq epitomizes the type of war that world-improving liberal Democrats love to start.

One could continue this list. Whether Bush is playing with our freedoms[6] or our money — over $40 billion spent so far on ineffective Star Wars technology, $120 billion proposed for travel to Mars and bases on the moon — he never fails to display his instinctive allegiance to modern liberalism, to his conviction that big (indeed, massive) government has the solution to whatever problems may beset us.

Of the four presidents prior to George W. Bush who are known to have indulged in illegal wiretapping, three were liberal Democrats, while the fourth might just as well have been.

Other people have made the point that the Republican Party under George W. Bush is a party of big government.[7] Their construct holds that Republicans want a different *kind* of big government from the Democrats. Essentially, this means that Republicans prefer more defense spending and corporate welfare, while Democrats want to expand social programs. But is even this perceived difference between the two parties significant, or for that matter, real? Given the growth in spending and entitlements under the current president (with Republican majorities in both houses of Congress), one cannot help but see the gap between Republicans and Democrats narrowing, almost to the vanishing point. We live today in a country supposedly dominated by conservative (if not quite classically liberal) *principles,* where the *practices* of modern, big-government liberalism prevail. Perhaps this should not surprise us. When great issues divide nations, principles actually mean something. They mean something because the energies of individuals are behind them. But when great issues disappear (the collapse of Soviet power, which carried the Cold War with it) or seem to be settled (the general agreement that government will have a large role in American life), those energies dissipate. Then there is nothing left but the cutting of the cake. How will the national product be divided? How will parties and politicians obtain the money necessary to win and keep power?

These are purely practical matters that shelter behind the rhetoric of policy and principle. It is no cause for astonishment that attempts to reform lobbying or the financing of political campaigns fail again and again, that somehow money always finds new channels to its recipients. The exposure of a Jack Abramoff or a Duke Cunningham changes nothing, *for now only money matters.* Politicians exhaust themselves raising the money they require to win the elections that determine who controls the money that government collects and then distributes, the collection and distribution of money having become government's principal reason for existence. And those who benefit from government largesse are, naturally, quite willing

to return a small portion of the money they receive to the campaign kitty (or the congressman's pocket) in order to keep the game going. Naive idealists, like Sen. John McCain, believe this vicious cycle can be broken by legislative tinkering. They have, repeatedly, been proven wrong.

Money has always meant power. But today money is all-powerful; ideas and principles are mere window-dressing. This is not cynicism. It is the reality of American politics and government in the early 21st century. The 1994 "Contract With America" election was the last to be fought (even partly) over ideas and principles. Since 1994 it has all been about the money.

Only when the money that government dispenses starts to dry up, and government of necessity shrinks, can there be real change. The prospect of national bankruptcy, visible though still distant, *may* one day be enough to cause Congress and the executive to reduce, voluntarily and in a significant way, the flow of money that cycles from government to beneficiary, then back again. But given what we have witnessed since 1994, and especially since 2000, it will probably require actual insolvency to bring an end to the game.

As we look back, how meaningless seems the thunderous Republican applause that greeted Bill Clinton's announcement in 1995 that "the era of big government is over." Certainly President Bush and the Republican leadership in Congress have shown themselves, through their actions if not always their words, to be very comfortable with the liberal status quo. We can truthfully say that George W. Bush is, or at least ought to be, the darling of the liberals. For he has done their work for them. And the Republican Party has followed him every step of the way.

What Is to Be Done?

George W. Bush, the "compassionate conservative" ultimately responsible for most of the errors and follies of the past five years, will soon exit the political scene. We can say with confidence that his policies will one day find their rightful place in the wastebasket of history. But even the most superficial analysis reveals that our problems go deeper than Mr. Bush. We must admit that the root problem is not this president but the American people themselves, together with the political class that they have, with their votes, created.

The people as well as the politicians have been corrupted by the culture of big government bequeathed to them by Franklin Roosevelt and Lyndon Johnson. The New Deal-Great Society "consensus" that government is the answer to virtually all our problems remains largely intact, despite the Republican electoral landslides of 1980, 1984, and 1994. It is difficult to see how either people or politicians can be weaned off the debilitating drug that is modern, big-government liberalism. A financial meltdown, brought on by the cavalier fiscal policies of the federal government, will be the most likely instrument of change.

In the meantime, with an optimism that I confess is somewhat forced, I will offer a couple of very modest proposals.

Don't rush out and vote Republican. The Republicans took the mandates given to them in the 1980s, and again in 1994, and used them, after brief bursts of reform, to reinforce the condition of things as they are. I personally have stopped voting in federal elections. As a wag once said, "Why encourage them?"

Maine State Representative R. Kenneth Lindell

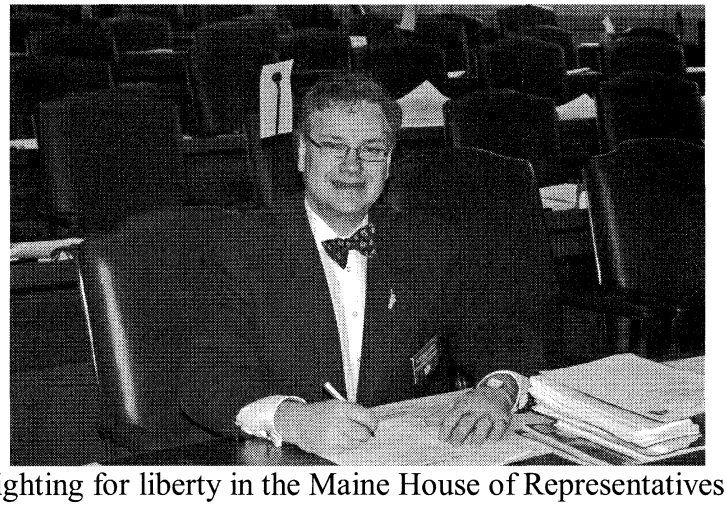

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Think nationally, act locally. At the state, and above all at the local level, possibilities still exist for direct citizen action. Citizens must be encouraged to start taking back power, beginning with the public schools. It is scandalous, and tragic, how local control over education has been usurped by education bureaucrats in state capitals and Washington, D.C. Parents and taxpayers, not distant government functionaries, should control the education of our children. As new government education mandates grow ever more expensive, one can only hope that an education revolt akin to the tax revolts of the 1970s and '80s will develop.

The root problem is not this president but the American people themselves, together with the political class that they have, with their votes, created.

This may be no more than tilting at windmills. But it can serve as practice for the day when real power will again be thrust upon the citizenry. Modern, big-government liberalism will someday collapse of its own weight. One hopes that the collapse will be peaceful, like that of the Berlin Wall. Perhaps it will come with a crash, like the conclusion of Humpty Dumpty. In any case, we must be ready to pick up the pieces. ❑

Endnotes

1. Stephen Slivinski, "The Grand Old Spending Party: How Republicans Became Big Spenders," Cato Institute Policy Analysis, No. 543 (May 3, 2005), p. 1.
2. *Ibid.*
3. "Medicare Drug Benefit May Cost 1.2 Trillion," Washington Post (Feb. 9, 2005).
4. There is an extensive literature on the U.S. military's role in the war on drugs. For recent examples see Robert D. Kaplan, "Imperial Grunts" (Random House, 2005) and Peter Dale Scott, "Drugs, Oil, And War" (Rowman & Littlefield, 2003).
5. Why *did* liberal Democrats hate Nixon so passionately? He presided over the consolidation of the Great Society domestic agenda. He eventually extricated us from the war in Vietnam (begun by liberal Democrats, then protested mightily by them). He initiated rapprochement with the Soviets and Chinese Communists. He even imposed national wage and price controls, proclaiming, as he did so, "I am a Keynesian." So what was there for liberal Democrats not to like? Perhaps when they looked at Nixon, and then in the mirror, the resemblance was more than they could bear.
6. Possibly even more chilling than the warrantless spying by the NSA is the trickle-down effect of Bush's proclivity to snoop. We now have local police departments all around the country investigating quite innocuous individuals and groups. On this see "Spies Among Us: Local Police Surveil Ordinary Americans," U.S. News & World Report (May 8, 2006) 40–49. Apparently, according to this article, even vegans may be considered a potential threat to homeland security.
7. Slivinski, pp. 13–14.

Letters, *from page 4*

Hayek, but much of Alan Ebenstein's argument for blue skies ahead (Reflections, May) is based on factual assertions that appear to be wrong. Contrary to his statement, government numbers are tickled to adjust for product improvements (the so-called "hedonic" adjustment). As a result, inflation arguably is understated (today's computer being so much better than 1996's) and GDP growth is literally marked up (a dollar spent on an improved computer being worth, to the government's statisticians, some amount more than a dollar). Inflation is also understated by contrivances such as the use of "owner equivalent rent" to compute housing costs, which saved the CPI from reflecting the inflationary effects of the housing price bubble. One could go on. As Paul Volcker quipped recently, there's no inflation unless you have to buy something.

Ebenstein's celebration of employment stats likewise ignores their dubious composition, which relies heavily on government *estimates* of job creation.

The weakest link in his case, however, is his contention that foreigners will continue to accept dollars for goods (presumably he means at a somewhat steady exchange rate). The bearish trend of the dollar against other currencies and commodities, including gold, hardly supports his optimism.

John C. Boland
Baltimore, Md.

Ebenstein responds: I appreciate John C. Boland's comments, but do not agree with them. Revised figures for GDP growth are now available for the first quarter of 2006, and real GDP grew at an annual rate of 5.3%. You can't get skies much bluer than that.

Notwithstanding what Mr. Boland says, many economists, including Alan Greenspan, believe that current CPI measures understate inflation. In addition to issues with respect to product improvement, the current CPI measure may not adequately reflect increased purchases at discount stores.

Furthermore, imports are a subtraction in the calculation of GDP. As imports to the United States have increased, internal economic growth has actually been higher than reflected in GDP statistics. It is impossible to say with certainty what the future has in store, and it is possible there will be shocks to the economy from external sources. Lacking these, however, the most likely scenario appears to be continued strong economic growth, low inflation, and high employment.

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Remembrance of Things Past

by John Hospers

When one great libertarian thinker met another, the conversations were bound to be interesting.

As time threatens to dim the memories of one's experience, it seems more important than ever to retain them in all their original vividness. Some years ago, Liberty published an article on my conversations with the novelist and philosopher Ayn Rand during the 1960s ("Conversations with Ayn Rand," July 1990, September 1990), as did Full Context and others. But many of our discussions remain (as far as I know) unrecorded.

In view of various misinterpretations of what she said, it seems fitting that I should attempt, under a Proustian title, to summarize some of these conversations as I remember them, so that they can be published, most for the first time, before the remembrance dims.

I met Ayn Rand in the spring of 1960. I attended a talk she gave at Brooklyn College on "Faith and Force: The Destroyers of the Modern World," which was fascinating but left me with a multitude of questions and comments. I asked her, a bit hesitatingly, whether we could have lunch there in the college cafeteria. She said she would give me one hour. Five hours later we were still seated at the table. We discussed everything from animal rights to assisting people in distress. Some of the points we discussed were summarized in my 1990 Liberty article, and I will not repeat them here.

A week or two later I was invited to a lecture at the Nathaniel Branden Institute (an organization devoted to disseminating her thought), and then to discussions alone with her at her apartment. We usually met twice a month, and our discussions often went till 4 or 5 a.m.

It would be impossible to give a brief description of our friendship, but little touches, here and there, may evoke its feeling. As she got to know me she became warmer, less skeptical about controversial things I said. She was obviously pleased to see me, as I was her, and when we said goodbye in the early morning hours she would stand at the elevator and blow me a kiss, saying not "Good night," as anyone else would do, but "Good premises."

In those days, I was teaching philosophy at Brooklyn College, and one night when I came to see her I was carrying the completed manuscript of "Human Conduct," my book on ethics, ready to deposit it the next morning at the Harcourt Brace offices a few blocks away. At 8 a.m. she prepared a breakfast for me (coffee, eggs, and toast); then I walked to Harcourt and left the manuscript in their hands. I was quite ecstatic as I drove to Brooklyn to meet my 10 o'clock class. When the book came out, some months later, she told me that she thought the chapter on Aristotle's ethics was very good. (I suspect it was the only chapter she read; at any rate it was the only one she ever mentioned to me.)

When Ayn's husband Frank O'Connor was ill for some weeks, I took her out several times — once to a Chinese dinner (I doubt that she really enjoyed it much), and once to the Martha Graham dance troupe. Like me, she didn't care for the music but did enjoy the performance. She was very solicitous of Frank, doing her best to ensure his comfort both before and after our dinner outings, but as always she was eager to discuss philosophy. I confess that I couldn't give as much attention to Aristotle on universals as she could, while I was trying to park my car on Manhattan streets.

One of the things we were discussing during that period was the plot of her novel "Atlas Shrugged." Over a period of weeks we discussed the organization of details, the plotting, the characterization, and, increasingly, various aspects of the underlying philosophy, especially as it came out through speeches by Francisco, remarks by Lillian Rearden, and dialogue with Rearden himself. We spent at least three of our long discussion meetings on various aspects of "Atlas." These discussions, exclusively devoted to her most cherished work, cemented good relations between us and paved the way for future, and more controversy-laden, discussions.

I praised the suspense she achieved in her narrative, actually reading aloud to her certain passages, such as the chapter on Wyatt's torch, and she listened intently to my rather spirited reading. I hadn't fully realized that while she received many comments on "Atlas," most were either uncomprehendingly critical (the magazine critics) or uncomprehendingly flattering (some of her fans). "Intelligent comment" was what she wanted, and what I tried to give her. I think, for example, that she appreciated my praising her for using the word "shrug" only once in the entire novel — when referring to the god who gave the book its name. "Here," she said, taking my paperback copy, full of marginal comments, out of my hands and replacing it with a new, inscribed copy, which I have cherished ever since.

Questions of Principle

"Without property rights, no other rights are possible." Rand repeatedly said this, orally and in print. There were occasions when I questioned it, or merely wanted an explication in a specific context. She held that all property should be privately owned; and when I mentioned national parks, which I thought should be enjoyed by everyone who wished to do so, she responded that scenic parks in Europe were often privately owned and more efficiently run than American national parks. I wasn't sure that being "more efficiently run" was the definitive answer to a question of rights, and with her usual energy she agreed enthusiastically, in an endeavor to "set me straight" (it was still early in our acquaintance).

Her argument went in this way: if I have cultivated the land and grown crops on it and erected buildings where there was only wilderness before, the land is mine; if someone invaded it or forcibly took it from me, this would be a violation of my right to property. Without the right of ownership you could make no plans for it, since these plans would be subject to endless violations by others, stifling your creative enterprise at every step. If you lived in the Soviet Union, you would have no property, except perhaps the clothes on your back, because the government "in the name of the people" would take whatever it (the government) wanted to loot. Eminent domain is the forcible taking of private property by government against the wishes of the owners.

When we said goodbye in the early morning hours she would stand at the elevator and blow me a kiss, saying not "Good night," as anyone else would do, but "Good premises."

Though usually in agreement with the general principles she enunciated, I was always on the lookout for cases that might refute or constitute exceptions to them. I didn't agree with her ideas about property in the case of roads, since roads, like oceans, are not places where people live but simply their means of transit to other places. Still, she said, roads should be privately owned. If you lived in an area where the government wanted to build a road, perhaps to connect two areas resulting in the saving of many miles of travel and countless dollars by motorists, but some "lone holdout" refused, preferring to spend his remaining years on the property he had occupied for decades, "then offer him a price he can't refuse." But if he is not interested in the money as much as he is in his own comfort, then, said Ayn, it would be a violation of his rights to build such a road.

Rand arrived (intuitively or by a process of reasoning) at general principles, and once they were clear in her mind she resisted any attempt to "play around with" them.

Well, what if it's a mountainous area where only one road can connect points A and B? Then we do without that road, she said; the eminent domain principle remains secure.

I didn't think to ask her at the time whether a motorist driving his car for miles would need to have the permission of every property owner along the route, or whether some other arrangement could be worked out. And it still didn't seem sensible to me that buildings devoted to government functions, such as courthouses, jails, and halls of legislature, should be privately owned, and possibly subject to eviction for nonpayment of rent.

We never got back to just this point in later discussions, but one evening when I was accompanied to Ayn's apartment by my friend and fellow professor at Brooklyn College, Martin Lean, he put the following question to her: suppose you have a rich neighbor who buys all the land around your land so that you have no way of getting out — what defense do you have if he owns all the property? Maybe you could just fly out of it by helicopter or airplane, but then there should be some law or general agreement about how far above his property you may fly. If I'm allowed to fly 20 feet above him, that would be an annoyance, of course; but planes fly much higher than that — are they then violating his property rights? Or suppose that people burrow underground: how far down must they go to avoid a violation? Is there any rule about this, and if so, what is the justification of the rule?

"Of course you shouldn't be surrounded," Ayn said. "You have to have an easement."

"What if he doesn't want to provide one? Is it a voluntary matter?"

"No, he has to provide it. By law."

This seemed quite sensible to me, but Martin was curious.

Wasn't he being forced to give up a piece of property that was his?

But he was the one who did the surrounding, she reminded us. And there was a decisive tone in her voice that told us that the discussion of the matter was ended.

Martin and I met with her together only twice, but certain differences in approach soon emerged. He and I were both suspicious of general principles because of what we believed were exceptions or qualifiers, and we both tended to emphasize these modifications. She, on the other hand, arrived (intuitively or by a process of reasoning) at general principles, and once they were clear in her mind she resisted any attempt to "play around with" them.

This tendency was apparent in discussions of ethics. "Never deceive others" was for her, or so it seemed, an inviolable general rule, though I had no trouble concocting real and imaginary circumstances (such as emergencies) in which it would not apply. She maintained, for example, that the use of torture was never justified: "The tortured will tell you only what you want to hear, so as to end the torture." But was this the reason for condemning torture? Sometimes the torture does not end until the torturer has good evidence that what was exacted is the truth (not just something pleasant for him to hear). And if an enemy knew the location of a secret weapon that, if used, would destroy an entire city, might torture not be justified to save many thousands of lives? If torture is ever justified, wouldn't it be justified in a case like that? But she denied that there were situations in which the rule against torture might be violated. As the most extreme form of coercion, torture was never to be tolerated.

National Defense

The United States was attacked at Pearl Harbor. Japan declared war on us on Dec. 7, 1941, and Germany did so a day or two later. Their forces were prepared and superior in numbers. With the forces we had that December, we would have lost the war. But, I said, we had an ace in the hole: the military draft. In the ensuing months our military came to number more than 10 million men; even so, we almost lost it. In both Atlantic and Pacific theaters we lost battle after battle; but the legal ability to draft these millions was a principal factor in enabling us to be victorious by 1945. I don't think we could have done it, I said, without a military draft. In the end it was the drafted armies of America, storming the Normandy beaches and Okinawa, that triumphed over the drafted armies of Germany and Japan.

"But the draft is immoral," she said. "It is coerced action, it is slavery. You do not build a moral victory on an immoral base. Not even if the enemy employs that same immoral base."

"But then that enemy will win," I said.

"Yes," she said, "and if a nation cannot summon up enough willing soldiers to achieve victory, then that nation does not deserve to win."

I was nonplussed. How can you speak of a nation, or any group, "deserving to win"? Isn't it individuals who deserve or don't deserve? Would a citizen of the United States deserve death or enslavement by Nazis just because the Nazis were more prepared and had more troops? I mentioned to her the people I knew who had volunteered in 1939, vastly outnumbered, and were immensely relieved when drafted armies came to stem the tide, because, they said, "We're all in it together now," and our soldiers shouldn't have to be killed or wounded just because "there aren't enough volunteers."

And so we left it. I thought that the most important goal in the war was the defeat of the Axis; she thought that the most important feature, the one that conferred morality on our cause, was the presence of individual choice. How many such choices, I inquired, would we have had if the Nazis had won, and celebrated their victory by killing all the Jews in America? She was Jewish herself, but we never resolved that issue to our mutual satisfaction.

The Problem of Tenure

It's customary for college professors, after some trial years, to receive tenure from their university — that is, they may not be dismissed except for extreme causes such as "gross immorality" or the endangerment of the nation. She did not believe in tenure. A professor, she thought, should be hired or fired on a yearly (or almost yearly) basis. If he has become a discredit to the university, he should be dismissed.

I defended tenure: if I were to go out into the world and teach Randian philosophy, I said to her, especially while it is comparatively unknown and not easy to reconcile with other academic tenets such as liberalism and the welfare state, I would doubtless be dismissed after the first year, and my new views might never receive a hearing. Why should a "review of merit" have to take place every academic year, anyway? It's not like being a clerk in a supermarket, fairly easily dispensed with. Besides, the deans or presidents who confer tenure could well be incompetent, or worse.

Well, like many other conversations, this one was never concluded. I mentioned quite incidentally a newspaper article in which a professor referred to his daughter as a ripening

This previously unpublished photograph of Ayn Rand and Frank O'Connor was taken by Dr. Hospers in Rand's apartment in late 1961.

biological organism who would do well to have some premarital sexual experience. This so shocked Ayn that she declared to me that a man who referred to his daughter in that way should be dismissed even if he did have tenure. This remark, uttered with considerable indignation, sufficed to silence me, at least for that occasion.

A Telephone Conversation

Before I took a vacation trip to my parental home in Iowa, she asked for my phone number there, and I gave it to her. One day as my father and his sister (my aunt, who had lived with him since my mother's death) and I sat at lunch, the phone rang, and it was Ayn. Among the topics she brought up was religion, which we had never discussed before except momentarily the last time she and I had had a discussion in New York. I had told her that I no longer adhered to the Calvinistic beliefs in which I had been brought up in my parents' home. She wanted assurance that I would tell my family members, as she thought I should have done before, that I no longer believed that the entire Bible was divinely inspired, or that God created Adam and Eve, or that Jesus was the son of God (what did "son" mean if not "biological offspring," I had asked her). "If you say it in the right way they will tolerate what you say," she told me.

I replied that this was simply not true; my father didn't particularly care but other family members would be deeply hurt if they thought I had abandoned a belief that was necessary for my salvation. I saw no point in hurting them unnecessarily, and in any case it would be impossible, after years of indoctrination, to change their beliefs. "Just do not lie to them," she said. I made no promises.

Lunch was long over before I returned to the table. It had been an hour-long conversation. My family wondered why I hadn't told her that I would phone her later. They didn't realize that the person I had on the phone was an internationally famous author, a person to whom one did not say no. I told Ayn this after my return to New York. "At least I taught them a lesson," she said. She did not specify what it was that she had taught them, and I did not ask.

Driving across Brooklyn Bridge on that morning when I turned in the manuscript of "Human Conduct," I had said to myself, "What a lucky bastard you turned out to be. From being a country boy in Iowa you get a scholarship to go to Columbia University; then you get to meet Ayn Rand, and even develop a friendship with her. She makes breakfast for you on the same day that you deliver your manuscript, amounting to two years of your life, to a distinguished publisher. What else can you ask for?"

At the end of "Tess of the D'Urbervilles," Thomas Hardy wrote, "The President of the Immortals had had his sport with Tess." Little did I suspect who or what would have his sport with me. I was unaware of any warning signal in Ayn's behavior, though others had mentioned it as a possibility. But of course I should have been aware.

The Final Chapter

As program chairman for the American Society for Aesthetics, I was empowered to select someone outside the membership to give a talk at the annual national convention, which in 1962 was to meet in Boston. I asked Ayn, and she consented at once, with the proviso that I give the commentary that is usual after such talks. Her address was on "Art and Sense of Life" — the first time, I believe, that she aired this concept publicly. The audience was sympathetic but not entirely comprehending, never having heard the phrase "sense of life" before.

In academia, a commentator on a speech cannot merely say "Yea, hurrah," but is expected to make criticisms or at least suggest points for further development. I asked whether a work of art could have not only a good or a bad sense of life, but *more or less* sense of life, and whether expository textbooks could also have it or only works of art, and how one would endeavor to settle arguments about a novel's sense of life — and so on.

I was unaware of any warning signal in Ayn's behavior, though others had mentioned it as a possibility. But of course I should have been aware.

To my surprise, there was anger in her voice when she responded. She apparently took criticism from a friend as an insult, convinced that I had betrayed her. Some members thought I had dealt too gently with her, but she was clearly offended and indignant. She would not speak to me afterward, nor would any of her fans who were gathered around her. I tried to start a conversation with her and others, but apparently the word had got round — I was to be snubbed. Finally, lacking any Randians to converse with, I went to my hotel room and tried to digest the situation.

Only a few hours before, Ayn and a few others who had flown in from New York had sat in the restaurant of this Boston hotel and exchanged remarks on the developing Cuban missile crisis. We were all anxious about the prospect of war in a few days' time. "Don't give in to the Soviets," Ayn had said at dinner.

Now all was suddenly changed; there would be no exchanges, on this or any other topic. I had been subjected to the same treatment she had given others. I still couldn't entirely understand why. If there was a difference of opinion, couldn't we as rational human beings have discussed it with each other? Apparently not; and the sense of disappointment and shock, as well as hurt, stayed with me for a long time. Even now I miss her, and deeply regret that we had no more conversations.

I never saw her again.

A few months later, after I had accepted a visiting professorship at UCLA, a phone call came from Nathaniel Branden: "I want you to speak to a mutual friend." And there was Ayn's voice, clearly audible. She wondered how I was, and whether I ever mentioned her philosophy in my classes. I said yes indeed I did, and she seemed pleased. After a few more questions she returned the receiver to Nathan. And that was the last time I heard her voice. ❑

Of Meat and Myth

by Lawrence W. Reed

How propaganda turns into literature, truth, and progress: a page from American history.

One hundred years ago, a great and enduring myth was born. Muckraking novelist Upton Sinclair wrote a novel entitled "The Jungle" — a tale of greed and abuse that still reverberates as a case against a free economy. Sinclair's "jungle" was unregulated enterprise; his example was the meat-packing industry; his purpose was government regulation. The culmination of his work was the passage in 1906 of the Meat Inspection Act, enshrined in history, or at least in history *books*, as a sacred cow (excuse the pun) of the interventionist state.

A century later, American schoolchildren are still being taught a simplistic and romanticized version of this history. For many young people, "The Jungle" is required reading in high-school classes, where they are led to believe that unscrupulous capitalists were routinely tainting our meat, and that moral crusader Upton Sinclair rallied the public and forced government to shift from pusillanimous bystander to heroic do-gooder, bravely disciplining the marketplace to protect its millions of victims.

But this is a triumph of myth over reality, of ulterior motives over good intentions. Reading "The Jungle" and assuming it's a credible news source is like watching "The Blair Witch Project" because you think it's a documentary.

Given the book's favorable publicity, it's not surprising that it has duped a lot of people. Ironically, Sinclair himself, as a founder of the Intercollegiate Socialist Society in 1905, was personally suckered by more than a few intellectual charlatans of his day. One of them was fellow "investigative journalist" Lincoln Steffens, best known for returning from the Soviet Union in 1921 and saying, "I have seen the future, and it works."[1]

In any event, there is much about "The Jungle" that Americans just don't learn from conventional history texts.

"The Jungle" was, first and foremost, a novel. As is indicated by the fact that the book originally appeared as a serialization in the socialist journal "Appeal to Reason," it was intended to be a polemic — a diatribe, if you will — not a well-researched and dispassionate documentary. Sinclair relied heavily both on his own imagination and on the hearsay of others. He did not even pretend that he had actually witnessed the horrendous conditions he ascribed to Chicago packinghouses, nor to have verified them, nor to have derived them from any official records.

Sinclair hoped the book would ignite a powerful socialist movement on behalf of America's workers. The public's attention focused instead on his fewer than a dozen pages of supposed descriptions of unsanitary conditions in the meat-packing plants. "I aimed at the public's heart," he later wrote, "and by accident I hit it in the stomach."[2]

Though his novelized and sensational accusations prompted congressional investigations of the industry, the investigators themselves expressed skepticism about Sinclair's integrity and credibility as a source of information. In July 1906, President Theodore Roosevelt stated his opinion of Sinclair in a letter to journalist William Allen White: "I have an utter contempt for him. He is hysterical, unbalanced,

and untruthful. Three-fourths of the things he said were absolute falsehoods. For some of the remainder there was only a basis of truth."[3]

Sinclair's fellow writer and philosophical intimate, Jack London, wrote this announcement of "The Jungle," a promo that was approved by Sinclair himself:

> Dear Comrades: . . . The book we have been waiting for these many years! It will open countless ears that have been deaf to Socialism. It will make thousands of converts to our cause. It depicts what our country really is, the home of oppression and injustice, a nightmare of misery, an inferno of suffering, a human hell, a jungle of wild beasts.
>
> And take notice and remember, comrades, this book is straight proletarian. It is written by an intellectual proletarian, for the proletarian. It is to be published by a proletarian publishing house. It is to be read by the proletariat. What "Uncle Tom's Cabin" did for the black slaves "The Jungle" has a large chance to do for the white slaves of today.[4]

The fictitious characters of Sinclair's novel tell of men falling into tanks in meat-packing plants and being ground up with animal parts, then made into "Durham's Pure Leaf Lard." Historian Stewart H. Holbrook writes, "The grunts, the groans, the agonized squeals of animals being butchered, the rivers of blood, the steaming masses of intestines, the various stenches . . . were displayed along with the corruption of government inspectors"[5] and, of course, the callous greed of the ruthless packers.

Most Americans would be surprised to know that government meat inspection did not begin in 1906. The inspectors Holbrook cites as being mentioned in Sinclair's book were among *hundreds* employed by federal, state, and local governments for more than a decade. Indeed, Congressman E.D. Crumpacker of Indiana noted in testimony before the House Agriculture Committee in June 1906 that *not even one* of those officials "ever registered any complaint or [gave] any public information with respect to the manner of the slaughtering or preparation of meat or food products."[6]

To Crumpacker and other contemporary skeptics, "Either the Government officials in Chicago (were) woefully derelict in their duty, or the situation over there (had been) outrageously overstated to the country."[7] If the packing plants were as bad as alleged in "The Jungle," surely the government inspectors who never said so must be judged as guilty of neglect as the packers were of abuse.

If the packing plants were as bad as alleged in "The Jungle," surely the government inspectors who never said so must be judged as guilty of neglect as the packers were of abuse.

Some 2 million visitors came to tour the stockyards and packinghouses of Chicago every year. Thousands of people worked in both. Why is it that it took a novel written by an anticapitalist ideologue who spent but a few weeks in the city to unveil the real conditions to the American public?

All the big Chicago packers combined accounted for less than 50% of the meat products produced in the United States, but few if any charges were ever made against the sanitary conditions of the packinghouses of other cities. If the Chicago packers were guilty of anything like the terribly unsanitary conditions suggested by Sinclair, wouldn't they be foolishly exposing themselves to devastating losses of market share?

Sinclair did not even pretend that he had actually witnessed the horrendous conditions he ascribed to Chicago packinghouses, nor to have verified them, nor to have derived them from any official records.

In this connection, historians with an ideological axe to grind against the market usually ignore an authoritative 1906 report of the Department of Agriculture's Bureau of Animal Husbandry. Its investigators provided a point-by-point refutation of the worst of Sinclair's allegations, some of which they labeled as "willful and deliberate misrepresentations of fact," "atrocious exaggeration," and "not at all characteristic."[8]

Instead, some of these same historians dwell on the Neill-Reynolds Report of the same year because it at least tentatively supported Sinclair. It turns out that neither Neill nor Reynolds had any experience in the meat-packing business and spent a grand total of two and a half weeks in the spring of 1906 investigating and preparing what turned out to be a carelessly written report with predetermined conclusions. Gabriel Kolko, a socialist but nonetheless a historian with a respect for facts, dismisses Sinclair as a propagandist and assails Neill and Reynolds as "two inexperienced Washington bureaucrats who freely admitted they knew nothing"[9] of the meat-packing process. Their own subsequent testimony revealed that they had gone to Chicago with the intention of finding fault with industry practices so as to get a new inspection law passed.[10]

According to the popular myth, there were no government inspectors before Congress acted in response to "The Jungle," and the greedy meat packers fought federal inspection all the way. The truth is that not only did government inspection exist, but meat packers themselves supported it and were in the forefront of the effort to extend it so as to ensnare their smaller, unregulated competitors.

When the sensational accusations of "The Jungle" became worldwide news, foreign purchases of American meat were cut in half and the meat packers looked for new regulations to give their markets a calming sense of security. The only congressional hearings on what ultimately became the Meat Inspection Act of 1906 were held by Congressman James Wadsworth's Agriculture Committee between June 6 and 11. A careful reading of the deliberations of the Wadsworth

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked.

Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispells more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.

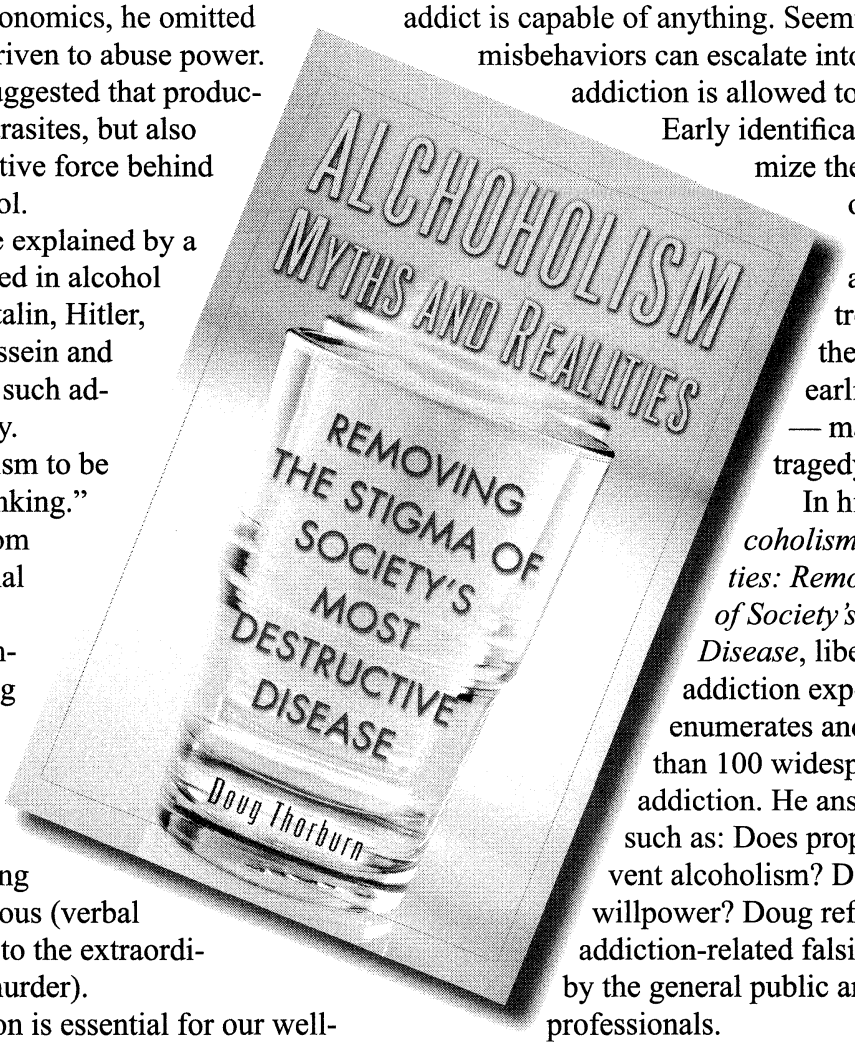

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committee and the subsequent floor debate leads inexorably to one conclusion: knowing that a new law would allay public fears fanned by "The Jungle," bring smaller rivals under controls, and put a newly laundered government seal of approval on their products, the major meat packers strongly endorsed the proposed act and only quibbled over who should pay for it.

Meat packers themselves supported government regulation and were in the forefront of the effort to extend it so as to ensnare their smaller, unregulated competitors.

In the end, Americans got a new federal meat inspection law, the big packers got the taxpayers to pick up the entire $3 million price tag for its implementation, as well as new regulations on the competition, and another myth entered the annals of antimarket dogma.

To his credit, Sinclair actually opposed the law because he saw it for what it really was — a boon for the big meat packers.[11] He had been a fool and a sucker who ended up being used by the very industry he hated. But then, there may not have been an industry that he didn't hate.

Sinclair published more than 90 books before he died (at the age of 90) in 1968 — "King Coal," "Oil!", "The Profits of Religion," "The Flivver King," "Money Writes!", "The Moneychangers," "The Goose-Step: A Study of American Education," "The Goslings: A Study of the American Schools," et cetera — but none came anywhere close to the fame of "The Jungle." One ("Dragon's Teeth"), about the Nazi rise to power, earned him a Pulitzer in 1942, but almost all the others were little-noticed and even poorly-written class warfare screeds and shabby "exposés" of one industry or another. Many were commercial flops. Friend and fellow writer Sinclair Lewis took Sinclair to task for his numerous errors in a letter written to him in January 1928:

> I did not want to say these unpleasant things, but you have written to me, asking my opinion, and I give it to you, flat. If you would get over two ideas — first that anyone who criticizes you is an evil and capitalist-controlled spy, and second that you have only to spend a few weeks on any subject to become a master of it — you might yet regain your now totally lost position as the leader of American socialistic journalism.[12]

On three occasions, Sinclair's radical socialism led him into electoral politics. Running on the Socialist Party ticket for a congressional seat in New Jersey in 1906, he captured a measly 3% of the vote. He didn't fare much better as the Socialist candidate for governor of California in 1926. In 1934, however, he secured the nomination of the Democratic Party for the California governorship and shook up the political establishment with a program he called EPIC ("End Poverty in California"). With unemployment in excess of 20% and the state seething in discontent, most Californians still couldn't stomach Sinclair's penchant for goofy boondoggles and snake oil promises. Nonetheless, he garnered a very respectable 38% against the incumbent Republican Frank Merriman.

The EPIC platform is worth a mention, if only to underscore Sinclair's lifelong, unshakeable fascination with crackpot central-planning contrivances. It called for a massive tax increase on corporations and utilities, huge public employment programs (he wanted to put the unemployed to work on farms seized by the state for failure to pay taxes), and the issuance of money-like "scrip" based on goods produced by state-employed workers. He thought the Depression was probably a permanent affliction of capitalism and seemed utterly unaware of the endless state interventions that had brought it on in the first place (see my "Great Myths of the Great Depression" at www.mackinac.org/4013).

Was Upton Sinclair a nincompoop? You decide. This much is clear: early in the 20th century, he cooked up a work of fiction as a device to help in his agitation for an economic system (socialism) that doesn't work and that was already known not to work. For the next six decades he learned little if anything about economics, but he never relented in his support for discredited schemes to put big government in charge of other people's lives.

Myths survive their makers. What you've just read about Sinclair and his myth is not at all "politically correct." But defending the market from historical attack begins with explaining what really happened in our history. Those who persist in the shallow claim that "The Jungle" stands as a compelling indictment of the market should take a look at the history surrounding this honored novel. Upon inspection, there seems to be an unpleasant odor hovering over it. ❑

A shorter version of this essay was first published in the November 1994 issue of the Foundation for Economic Education's journal, "The Freeman."

Endnotes

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Blue Jeans & Belarus

by Jayant Bhandari

In this former Soviet satellite, the voters know what they want — and they get it, good and hard.

In testimony before the U.S. Senate in January 2005, Secretary of State Condoleezza Rice named the nation of Belarus an "outpost of tyranny" along with Iran, North Korea, Cuba, Zimbabwe, and Myanmar — places to which the U.S. must help bring freedom. On another occasion, she called Belarus "the last remaining true dictatorship in the heart of Europe."

Since achieving its independence in 1991, Belarus has maintained very close relations with Russia. The state retains a stifling control over the economy. Since 1994, President Alexander Lukashenka has held dictatorial power. He won the election of March 19, 2006, an election marred by fraud, with 83% of the votes.

I went to Belarus to witness the aftermath of that event. This is what I saw and heard.

It was almost a foregone conclusion that Lukashenka would win, by hook or by crook. The media in Canada, where I live, had given me the feeling that a revolution was inevitable, and I wanted to see this country, which had stayed in a Soviet-era time capsule, before it was too late. I brought my jeans with me, as I had learned that in Belarus wearing jeans was a nonaggressive way to express opposition.

I grew up in India, where despite a nonviolent facade coercion is a constant feature of life. There I had seen *absolutely everyone* in authority abusing it to the fullest. Most of the industry until not very long ago was under state control. Whether you were in the market for bread or milk, the state could not be avoided. You had to grovel to get anything done, even when you were bleeding to death, sometimes literally. It has taken me years to get over the dreadful dreams at night, the constant feeling of insecurity, and the clouded mind that refused to see the truth and reality but saw everything from the standpoint of defending and preserving myself, and gaining some self-respect.

Any participation in generating liberty around the world had to be good. But, most importantly, a visit to a totalitarian country offers an extraordinary education in human behavior. Depending on the kind of totalitarianism it suffers, every such society offers a special perspective on this ugliest of human evils.

V for Velarus

According to the western media, Belarus was boiling; people were fighting for democracy and freedom. The country was pervaded by an appearance of brotherhood. TV screens showed countless brave, disciplined youths spending winter nights outside, protesting the regime, in constant terror of the omnipresent and omnipotent KGB. Some said that what was shown in "V for Vendetta" was what Belarus was like. Yet stray thoughts in the corners of my mind told me that I was being caught in rhetoric, refusing to look at the fuller picture, at some of the immutable laws of human nature.

The voices were saying: collective actions in totalitarian societies have different motives from what they seek to present; potency and the state are a contradiction; the more totalitarian

a state is, the more spineless, stupid, mindless, and gullible are its agents; whether it is a democracy or a dictatorship, the state does not exist in isolation from the general population; totalitarianism does not go away with a flip of a switch; the state in whatever form is a reflection of the worldviews of the people: for these reasons political revolutions do not work, and the only hope for something lasting is an *ideological revolution.*

I had met some amazing young people from Belarus while teaching at a camp of the Language of Liberty Institute in Lithuania a couple of years before. The students had great insights about human nature, and an understanding of the evils of totalitarianism that people brought up in a free society often lack the ability to comprehend. I developed immense respect for them. I wondered if they represented the general population of Belarus. I meant to find out.

Despite the proud talk, a young person learns that, in such a diseased society, no one gives a damn about anyone else. His conduct is driven by the need to look good rather than to be good.

First Impressions

I flew into Minsk on the cold evening of March 26, on an aircraft from Vienna carrying mostly Russian-speaking passengers. The airport was huge and futuristic, like a sophisticated spaceship ready to take off, but the arrival hall was anticlimactic, to say the least: it was dark and devoid of heat. The men in uniform were very different from those smart looking, well-trained officers seen in "V for Vendetta" and other films. They were dull and bored, as you would expect people engaged in mind-dulling bureaucratic work to be. The mystically potent KGB had to be a figment of the imagination of the Western media.

When they looked at my Indian passport and I told them I was a tourist, they had no clue about what to do with me. Why would anybody go to Belarus for something so strange as tourism? In fact, I was not to see any tourist at any point in my visit. One after another, five or six officers looked over my passport. They were pacing around, making a show of trying to sort something out. They spoke no English, and I spoke no Russian. Several telephone calls and about an hour later, they allowed me to proceed. Apart from being brain-dead, they were reasonably friendly. No one pointed a gun at me or was even heavy-handed.

Minsk is about 25 miles from the airport. No taxis appeared; only a lone bus waited to take me through the frozen landscape. The whole country was covered in snow; the rivers and lakes were frozen. I saw almost no streetlights or traffic on the road. It was as deserted as the outback of Australia.

The city center created a different impression. Every building was indistinguishable from every other — all products of Stalinist art. The residential buildings were ugly matchbox structures. There were hardly any cars on the roads. Those that were there were in bad shape — most had one or both headlights out. People looked at me wherever I went. I was clearly someone out of the ordinary in Belarus.

National Pride

Belarus has national rivers, national bread, national artists, national animals, national everything. Adding the word "national" adds some kind of mystical value to what Belarusians want to say. Use of the words "Belarus" and "Belarusians" is usually preceded by "our" or "we." If I said that I liked something Belarusian, people often asked with a contemptuous expression if that product did not exist in Canada.

Belarus presents no normal history. Its tourist attractions and parks have statues of Lenin and of indefatigable soldiers who fought during World War II. Immense quantities of concrete and metal have been used to prove this. Belarusians are proud of their army, something that to me has no reason for existence except as an arm of dictatorship. The guns of the Belarusian army, I heard, are world famous. They can fire shots without explosives — a clever mechanical action sends cannon shots tens of miles away.

Because of their pride in having fought the fascists, Stalin is a hero, almost a demigod, for Belarusians. After the war, Germans humbly accepted that their nation did terrible things. Belarusians have not even started that journey. If they talked about "the army," it was projected as a marvel. If they talked about "Lukashenka," the army was the enemy. If they talked abstractly about the free market, they wanted privatization. If they talked concretely about markets, they took pride in Belarusian bread and other state manufactured products. Far too often, I was asked if I found Belarusians special.

Democracy allows society to justify its ugly totalitarian acts.

Most of the people I met described Americans as idiots. I realized that I should not single Belarusians out for blame for holding views that most of the world holds, including educated Western Europeans; but I found it infuriating that these views were coming from people who were utterly impoverished and weak. I told them that America did not become rich without any reason — there had to be an ideological superiority in that country. Their answer was that material prosperity

Keep Belarus Beautiful — Sometimes you see good things in the most unusual places. People everywhere, and especially people in totalitarian countries, tend to lack respect for public property. Yet Belarusians are unusually caring towards the public infrastructure. Quite often, I saw train passengers nicely folding sheets that they had used to sleep on during the night. Once while waiting for a train, I was eating peanuts, and a few scraps of skin fell to the ground. Within no time, an old lady was there with her broom. Quite a few people in Belarus remember where the empty beer bottles and cigarette butts should go. I wonder where this mindset comes from.

was not a reflection of higher human ideals. Most of them, however, would gladly emigrate to the U.S. if they had an opportunity; partly for money, as they confessed, but mostly, it appeared, to enlighten the Americans.

When we talked about world leaders, I found that despite everything, they were very proud of Lukashenka. I heard stories about how the world stood in applause when Lukashenka spoke at some UN meeting. But when I talked favorably about Lukashenka, which I did during my last days there, they said bad things about him.

I was bored and frustrated — not so much for lack of opportunities for distraction, but for the lack of intellectual interaction and challenge. I found it sickening that most discussions proceeded from the sole motive of scoring points.

When I told them I was a tourist, they had no clue about what to do with me. Why would anybody go to Belarus for something so strange as tourism?

Usually, people took positions opposite from mine, then did a turnaround if I agreed to their own point of view. Although a couple of friends provided some sanity, I found in most of my new acquaintances a terrible lack of intellectual honesty, as well as laziness about seeking the truth.

Isolated, I started to become defensive. I started to feel that I had to demonstrate the superiority of Canada and the United States, despite the fact that North America and Belarus were, quite literally, beyond comparison. The marginal utility of staying on in Belarus was close to zero, but my travel arrangements made it hard to leave. So I traveled around, visiting all the major towns and sleeping most nights on the train.

Once I met an old man, a communist fan of Lukashenka. He was so happy that I gave him a patient hearing that he bought me a mega-peg of vodka. Most of the people I met claimed to believe in liberty, but I wondered whether it was liberty that they really wanted. Their obsessive national pride, a pride devoid of essence, was nothing but fodder for a totalitarian state. By the end of my visit, the most respect I had was for that communist old man — he was the least confused.

The Recent Events

I arrived in Minsk soon after the disputed election, but during my stay, I saw no protests; I saw no passion for liberty. I was frustrated to see how ambivalent people could be toward something so fundamental.

This is what I heard about the immediate post-election events. Out of the population of over 10 million, a maximum of 10,000 managed to make it to Minsk city square for a day or two. The popular media did a superb job of making this look out of proportion to the real event.

Among those who attended the protests, as I understood, most were complaining that their lives were not working. It is unlikely that they were asking to take over responsibility for their lives; it is unlikely that they were seeking liberty. Some of them were bored young people, the kind who protest irrespective of what the system is. Quite a few were varying kinds of power-grabbers, the kind of operators who think they know better about how others should live: socialists, Marxists, communists. Some were apparently paid by the opposition. Some drunks were paid by Lukashenka.

And the truth is that Lukashenka is a popular leader, and would certainly have won, even if he had not manipulated the voting. I spoke with hushed voice about Lukashenka, but the people I talked to found this strange. They openly discussed him with strangers, in public spaces. Not once did I hear anything about the atrocities of the KGB. If the KGB was mentioned at all, it was in generalized terms, with no reference to any sufferer who was known to the people I talked with. I can recount far more experiences of police atrocities in India.

I'm convinced that Lukashenka is an evil, but so what? If, because of western pressure, he leaves the scene, what will happen? Are Belarusians ready for a better leader? Perhaps if he goes they will end up with a worse one. The example of this possibility is in the nation they are closest to: Russia.

People in Belarus think — as people do in poor, totalitarian countries — that the panacea for their problems is some better kind of democracy, some way of looking more western while continuing to demean the West as culturally inferior. Then change can happen, as if by a magic wand. Clearly, it won't. There has to be a revolution in ideas before any fundamental change in politics takes place.

The Fashion Parade

It is my obsession to get to the roots of what makes people and countries either poor or rich. How can some people afford to eat a single meal that costs as much as what other people earn in a year? I do not conform to the fashion of the day; I do not abhor this inequality. But I do want to understand it. I want to understand what it is in the worldviews of those who create abundance that allows them to do so, and what it is in the worldviews of those who create misery, hardship, pain, and suffering that allows them to perform their sinister role.

Belarusians are white, and quite often blond. Some of them look so sleek that on Fifth Avenue in New York they would be unremarkable. But their accommodations are worse than those found in ghettoes.

I had a relatively conservative upbringing. I do not think that wearing western clothes is a sign of modernity or a liberal outlook. I do not think that women become modern when they put on close to nothing. This may, instead, be a desperate, almost pathological, plea for affirmation from others — not a sign of liberation at all. I could not understand the need for

"They're demonstrating against the famine, dummy! Don't walk out there eating that ice cream cone!"

such fashionable nakedness when it was freezing in Belarus, even inside the buildings. But as in other Eastern European countries, the streets of Belarus are devoted to the fashion parade. Women try hilariously hard to outdo each other. In dress, as in the nation's politics, cosmetics have taken the place of substance, obscuring the possibility of any increase in real sophistication.

The Belarusian waits for some divine inspiration that will, without effort, lead him to prosperity and fame. The people of this so-called classless society never want to do small things. Individuals compete aggressively simply to look better, spending the little money they have with obscene abandon. They seem intoxicated by western consumerism. Hard work, thrift, wholesome ideas and responsibility, which are the cornerstone of western prosperity, appear to be missing. Lofty talk, the opium of the masses, is what interests them. They meekly follow the West, but at every opportunity demean its achievements.

This paradox is demonstrated when people grow up living by rules, when individualism is subdued. It is in man's nature to express himself creatively, through his hands and his mind. When this way of expression is subdued, as it is in a totalitarian society, it is not destroyed; it shows itself in corrupt forms, and the first is the corruption of the individual. He grows up with a lack of self-confidence; he looks for cues from others. But how can he assert his individuality in this way? If he had gratitude, he would show it for those who taught him. But the weak minds that coercion creates have no capacity for gratitude or humility, only a capacity for arrogance. Despite the proud talk, a young person learns that, in such a diseased society, no one gives a damn about anyone else. His conduct is driven by the need to look good rather than to be good. Generosity and honesty become a farce, with others and even with himself. What you have at the end are muddled minds and a dysfunctional society.

On my last day in Belarus, I was at the state university in Minsk with a bunch of very smart-looking girls. I wanted to know what they thought about gypsies. A few days earlier, I had been warned not to look into the eyes of gypsy women. They are believed to have the power of witches. People are known to have awoken hours after gazing upon those eyes, and found all their money gone. I had not heard such sweepingly racist comments since the time I left India. I asked the girls what they thought about gypsies. They unanimously agreed that gypsy women were witches. That was when I lost my last remnant of respect for Belarusians. They get what they deserve, I thought, and that is Lukashenka.

Alas, what I experienced in Belarus was nothing new to me. In this "last dictatorship in Europe," a person from "the biggest democracy in the world" felt at home.

Democracy and Totalitarianism

Democracy is to the West what Islam is to the Middle East.* In each place, it is taboo for people to challenge their religion. Instead, they will do anything to force-feed it to others.

The GNI per capita of Belarus is $2,120. Russia's is $3,210. India's is $620.† The World Bank's GDP ranking shows that some of the poorest countries in the world are not (ex-)communist but democratic.

If Belarus were the first country I had visited after I left India, I would have called it a developed country. It is far less totalitarian than India. Consequently, the people are nicer, friendlier, and much more honest. They are far less superstitious, and far more reliable. Public servants are less heavy-handed and more respectful to the citizens. Public spaces are much better organized than they are in democratic India.

Belarus has national rivers, national bread, national artists, national animals, national everything. Adding the word "national" adds some kind of mystical value to what Belarusians want to say.

Not only has democracy failed to bring prosperity and freedom to the developing world, it has sustained poverty and maintained the heavy-handed regimes of insecure leaders. Worse, it habitually cloaks the wolf in sheep's clothing, making it difficult to call the democrats "totalitarians," even when they behave as such.

Democracy allows society to justify its ugly totalitarian acts. The West has failed to learn that by forcing democracy, which did not lie in the natural order of the developing countries' growth, it has created many trouble-spots: Iran, Afghanistan, Iraq, and so forth. In many places, after providing an initial catharsis, democracy is attacking liberty with a vengeance: in Iran, in Bolivia, in the rest of the less-developed Americas. And while the media has grown tired of reporting it, immeasurable human tragedies continue to happen under African dictators, who started their journeys as democratically elected leaders.

Interestingly, the western governments have vehemently opposed the recent democratic developments in Palestine. And they have very quietly stopped talking about the need to make Pakistan democratic. In the West, where politicians

The revolution starts here — Many organizations and individuals are doing a superb job of bringing an ideological revolution to Belarus. The Language of Liberty Institute (www.languageofliberty.org) is one such organization. It runs camps to bring together students from former communist countries for English lessons, with an associated aim of imparting a deeper understanding of the free market. One outstanding person associated with this organization is Jaroslav Romanchuk, who is a senior political leader in Belarus. I went to see him in Minsk, and was extremely impressed with how well he was able to preserve his sanity despite the fact that the police had just confiscated his money and computer. He taught me a lesson or two about life.

*Although repetitive, "Democracy: The God That Failed," by Hans-Hermann Hoppe (Transaction Publishers, 2001), provides an excellent discourse on the flaws of democracy.

†GNI per capita 2004, World Development Indicators database, World Bank, July 15, 2005.

have not killed the golden goose, democracy may look benevolent. In poor countries, where the masses are uneducated and superstitious and have grown up with muddled minds, democracies are certain to be led by spineless, insecure, pathetic leaders.

Democracy can be a consequence of liberty, but not vice versa.* Even in a liberated society, democracy has an assertive element of authoritarianism. Those who participate in democracy are groups of special interests, who operate with a clear intention of stealing the fruits of others' efforts by legitimizing theft. The state has an inherent tendency to grow and has everywhere in the world failed to limit itself to maintaining the rule of law.

Challenging the Individual

One day, coming out of a theater in Minsk, I saw a huge, well-lit cube-shaped building. I asked my companion what it was. It was the Stalinist palace of Lukashenka. I joked about the possibility of using Mr. bin Laden's services to take care of it. Of course, symbols are symbols. You can destroy one, and another comes into being. My friend quickly responded that even he would not blow up that building. He had not gone to any of the protest meetings, he said; it was not his fight.

He was correct. The revolution can only take place in the hearts and minds of people. When that happens, you can be sure that the worst of the dictators will vanish in no time.

I never wore my jeans in Belarus. The place turned out to be too distant for me. In a way, my interest in it was academic. I would be dishonest if I said anything else. It wasn't my fight. I don't think it's right for Westerners to get involved in others' internal affairs.

The economy of Belarus is currently growing at about 8% a year. There is no significant civil conflict. The people are in touch with the rest of Europe. Lukashenka makes travel difficult, but he does not stop it. The internet is uncensored. I have no doubt that if the pace of liberalization is artificially hastened, the economy will be hijacked by pseudo-capitalists, as in Russia. That would delay development of a truly free market, but I do not think that there are any shortcuts.

Perhaps most of the growth is taking place because Belarus is making more money from oil, which is becoming more expensive. And perhaps, as I hear, it is becoming increasingly difficult to open a business in Belarus. I do not know whether that is true. But I believe strongly that Western governments should stay out of Belarusian affairs.

Liberty is what the human spirit seeks and is to me the ultimate ideal for every human being. The conscious expression of liberty can be short-circuited by emotional insecurities and cultural conditioning but Western pressure cannot restore the connection. Neither can democracy nor a Western cultural facade. They merely create confusions of ideas and corrupt the process of evolution.

Each of us and each society has to evolve at an individual pace. So far, Western governments have mostly refrained from actively involving themselves in the internal affairs of Belarus, and they are well advised to keep it that way. Any attempt to forcefully hasten the process of democracy in Belarus from outside will only kill the possibility of generating intellectual discourse within that society and maintaining true liberty. An animal that is fed in a zoo loses its capacity to hunt.

Apart from being brain-dead, the officers were reasonably friendly. No one pointed a gun at me or was even heavy-handed.

If we really want to help Belarus, it can only be through helping individual Belarusians participate in an ideological revolution. This will mean challenging the individual, his beliefs, and his mental constructs. In the end, it will mean challenging the culture of Belarus. But the least we can do is not to support the Belarusians as they try to transfer all blame for their problems onto their government. Alas, this might be too much for the new breed of multiculturalist and politically correct youth of the West. ❑

*Fred McMahon, "First Build the Institutions for Democracy in Iraq," Fraser Institute Forum, May 2003.

Reflections, *from page 12*

high school diplomas is to convey information to potential employers that a graduate has mastered crucial verbal and quantitative skills at the 12th-grade level. But like any other pricing mechanism or currency, this one can be rendered useless by inflation. The whole reason the exit exam was mandated in the first place is precisely that rampant grade inflation made possession of a high school diploma increasingly less informative about whether a graduate had mastered the core competencies. Stories of students who had graduated yet were unable to read their diplomas were dramatic illustrations of the general problem.

Since the judge, either because he's blinded by compassion or is himself a product of grade-inflated schools, has commanded that all high school graduates get diplomas, I suggest that we color-code the documents.

A red diploma would be given to any student who graduated from high school but couldn't pass the exit exam. It might also be given a different name, perhaps a "certificate of mere course completion." This would inform potential employers that the student has done enough to graduate — mainly, has "passed" enough classes without killing any teachers or burning any schools — but cannot read, write, or compute at the severely minimal level that is required by the existing exam.

Those who graduate and pass the exit exam would be given yellow certificates, which would still be called "diplomas." These would enable employers to tell at a glance that an applicant possessed a certain level of educational attainment. They would have the additional benefit of allowing any student who, despite this attainment, still cannot read his diploma to figure out what it means by simply observing the color code.

Then let the market decide. For some jobs — say, purely manual labor or working in a government bureaucracy — a red diploma might be all an employer would require. For most other jobs, the prospective employer would likely require a yellow one. The difference would show up in the wages paid. (Yellow diploma jobs would obviously pay higher wages.)

continued on page 45

Portland Derailed

by Randal O'Toole

Portland's leaders divert millions of tax dollars from schools and fire departments, spend millions more on jails they can't afford to use, and waste billions on foolish transportation projects. Even the voters are beginning to notice.

For years, my hometown of Portland, Oregon has been held up as a shining example of government planning. The region's urban-growth boundary is creating a denser, more compact community. Light-rail and streetcar lines give people alternatives to driving. Downtown businesses are thriving. City officials, planners, and reporters from all over the world visit Portland to find out how they can improve their cities.

Critics such as myself point out, however, that people don't really want to live in the high-density communities Portland is building. Nor is light rail getting a significant number of commuters off the road; instead, highway congestion is rapidly increasing. And Portland's downtown, like many downtowns across the country, is doing well because of local entrepreneurs, not because of government planning.

It was never very clear that Portland residents solidly supported the region's plans. Planning advocates persuaded voters to create Metro, a powerful regional planning agency, by telling them it would keep Portland from becoming like Los Angeles. But almost as soon as it was created, Metro planners admitted in an internal document that their real goal was to "replicate" Los Angeles in Portland — that is, to make it so congested that some people would stop driving. In fact, Portland's entire planning process was driven by a probably futile goal of reducing per capita driving by 10%.

Polls showed that the region's residents were split about 50–50 over whether the region should "build up" (i.e., increase the density of existing neighborhoods) or "build out" (i.e., spread more low-density development across the landscape). If residents realized that all of the cities, towns, and unincorporated urban areas in Oregon — all the way down to the remote town of Greenhorn, whose official population is zero — covered only about 1% of the state, even fewer would have been enthusiastic about the growth boundaries.

Although the voters were ambivalent, the region's leaders were not. Mayors, city councilors, county commissioners, editorial writers, and other opinion leaders solidly believed in the region's planning programs. But that consensus is disintegrating in a miasma of sex scandals, embarrassing cost overruns, and growing fiscal crises in Portland's schools, fire and police departments, and other traditional public services.

The story goes back to the mid-1970s, when Portland Mayor Neil Goldschmidt, who was elected on a reform platform, convinced the city council to cancel a planned interstate highway that was going to connect downtown Portland with its eastern suburbs. Federal law at that time allowed cities that cancelled such freeways to use the funds for transit capital improvements instead. But the freeway money would buy far more buses than the region's transit agency, known as Tri-Met, could afford to operate.

The situation called for a transit project with high capital costs, but also with operating costs not significantly greater than buses. Goldschmidt decided on light rail, a sort of updated streetcar. The cost of building the rail line would easily consume all of the freeway dollars (and, as it turned out, much more). In other words, Portland decided to build light rail not because it was efficient but precisely because it was expensive.

For imposing this boondoggle on the city of Portland, Goldschmidt was rewarded by being appointed Secretary of Transportation by President Jimmy Carter — just as Denver's Mayor Peña would later be elevated to the same office for inflicting a massively expensive airport on that city. After Carter left office, Goldschmidt came home and in 1986 was elected governor of Oregon. Though he was popular, he mysteriously left office after one term.

Meanwhile, Portland drew an urban-growth boundary around itself and its suburbs in 1979. About a third of the land inside the boundary was vacant, which was supposed to be enough to allow for two decades of growth. Planners promised to expand the boundary as the land was developed so as not to slow growth.

Oregon's system of urban-growth boundaries around every incorporated city — including Greenhorn — imposed severe burdens on rural landowners who were subjected to increasingly restrictive rules designed to prevent urban sprawl. To prevent "lawyers, doctors, and others not really farming" from becoming "hobby farmers," planners put 95% of the state off limits to home construction unless people owned 160 acres and actually earned $40,000 to $80,000 a year farming those acres. While rural residents were outraged by these restrictions of their property rights, they only made up about 30% of the state's residents and their efforts to overturn the rules in the legislature and at the ballot box always failed.

In 1989, a powerful planning advocacy group called 1000 Friends of Oregon decided to take the next step. Portland was growing rapidly, and rather than expand urban-growth boundaries to accommodate the state's rising population, the group promoted a "zero option" policy of keeping the boundaries where they were and redeveloping cities and neighborhoods inside the boundaries to higher densities. The group argued that higher densities would reduce people's need to drive and thus actually reduce congestion.

In fact, the group's own numbers showed that every 1% increase in density resulted in much less than a 1% drop in per capita driving, so higher densities would increase congestion. Nevertheless, the group wanted to put all of the region's capital funds into transit, not highways.

By 1993, growth had filled most of the vacant land inside the boundary, and builders reported that the cost of an acre of land suitable for residential use had increased from $20,000 to nearly $200,000. They asked the legislature to require Metro to expand the boundary to make room for new development. But Metro, with the help of 1000 Friends, convinced the legislature to allow for increased densities inside the boundary instead.

Metro gave population targets to the two dozen cities and three counties inside Portland's boundary and required them to rezone existing neighborhoods to higher densities to meet those targets. The city councils were mostly happy to do so because they anticipated that higher densities would mean higher tax revenues. Nearly all of the neighborhoods targeted for redevelopment fiercely resisted the rezoning, but only one — which happened to be the neighborhood where I lived at the time — succeeded in preventing it.

Metro planners observed that about two-thirds of the region's residents lived in single-family homes and that the lot size of new homes averaged 9,000 square feet. Planners said their goal was to reduce the share of families who lived in single-family homes to only 60% and to reduce the average size of lots for new homes to only 6,000 square feet.

The only problem was that few people wanted to live that way. Prices for single-family homes with yards were rapidly rising, but developers told Portland's city council that there was no market for high-density housing. Existing apartments and condominiums had long saturated the demand for dense housing, and while single-family housing prices were rapidly climbing, multi-family rental rates were flat.

Portland solved this problem with a variety of subsidies. Along light-rail lines, property taxes for high-density developments were waived for ten years. In urban renewal districts, tax-increment financing diverted property taxes from schools and other services into subsidies for developers (see "The TIF That Is Eating Portland," July). While cities charged impact fees for low-density development, they made numerous and costly infrastructure improvements for high-density developers free of charge. Other developments received direct grants or were built on formerly public land that had

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been sold to developers at well below market value.

Soon, four- and five-story "New Urban" developments mushroomed up all over the city. Streets once dominated by single-family detached homes soon saw the rise of narrow, connected townhouses. Old warehouses near downtown Portland were turned into trendy, but heavily subsidized, lofts.

Most absurd was the construction of hundreds of "skinny houses," 15-foot-wide homes on 25-foot-wide lots. The urban-growth boundary continued to push up land prices so that, by 2005, planners were elated to report that, even without subsidies, developers were tearing down suburban homes on quarter-acre lots and replacing them with four skinny houses.

Densification and subsidies to high-density housing led to a dramatic drop in public support for Metro's plans. It was one thing to deny property rights to a few rural landowners; quite another to impose undesired changes on dozens of urban neighborhoods.

Planners hoped the Metro planning system would offer them plausible deniability. Metro set density targets for the cities, and the cities imposed those targets on the neighborhoods. When people complained to the cities, city officials replied that they had no choice: Metro was making them do it. When people complained to Metro, Metro replied that the cities asked for the high-density targets because they wanted to increase their tax bases. With everyone pointing fingers at someone else, planners assumed that voters would be unable to stop the plans.

Yet voters found other ways to challenge the process. Angry over densification, one Portland suburb recalled its mayor and most of its city council from office. Metro was briefly stunned, but planners relaxed when no other city followed suit.

Instead, voters turned to light rail, which they recognized was as much a land-use planning tool as a transportation mode. As Metro's top transportation planner once told an out-of-state newspaper, light rail "is not worth the cost if you are just looking at transit. It's a way to develop your community at higher densities." This led to a steady drop in voter support for rail transit.

In 1990, before Metro, 75% of the region's voters approved a property-tax increase to build a light-rail line from downtown to western suburbs. In 1994, only 65% of the region's voters approved another tax increase to build a light-rail line from Vancouver, Wash., north of Portland, to suburbs south of the city. This vote, however, was conditional upon getting matching funds from the states of Oregon and Washington.

Portland decided to build light rail not because it was efficient but precisely because it was expensive.

In 1995, Vancouver voters rejected a tax to pay their share of funding. In 1996, when Oregon voters also rejected a proposal to fund their share of the light rail, the measure received support from only 55% of Portland-area voters.

In 1998, the region's leaders asked voters to use the property tax they had already approved to build light rail without the state matching funds. But 53% of the voters said no. In just eight years, support for light rail had dropped from 75% to 47%, in large part because of public opposition to the densification associated with rail. Rail advocates were not helped by a steady stream of news reports indicating that the rail lines were popular with drug dealers and burglars.

Urban dissatisfaction with planning gave rural activists another opportunity to challenge the state's planning system. In 2000, Oregonians in Action, a group representing rural interests, put Measure 7 on the ballot, requiring cities and counties to either compensate anyone whose property values had been reduced by planning restrictions or to waive those restrictions for that property. Some 53% of Oregon voters agreed with the group that such compensation was only fair. Measure 7 would never have passed before Portland embarked on its density campaign.

The urban-growth boundary pushed land prices so high that developers were tearing down suburban homes on quarter-acre lots and replacing them with four 15-foot-wide "skinny houses."

In 2002, Oregonians in Action put another measure on the ballot that would prohibit Metro from forcing higher densities on any more neighborhoods. Metro responded with its own measure, which allowed densification only after 2015. This measure passed overwhelmingly, which led both sides to declare victory.

In reality, support for planning was continuing to erode. When Measure 7 was thrown out on a technicality, Oregonians in Action put it back on the ballot, with the technical problem fixed, in 2004. Planning advocates spent $5 opposing this new Measure 37 for every dollar Oregonians in Action could muster in its support. Groups like 1000 Friends of Oregon frantically warned that Measure 37 would destroy Oregon's planning system, but this simply gave residents of dense urban neighborhoods one more reason to vote for it. Voter support for property rights increased from 53% in 2000 to 61% in 2004. Measure 37 was supported by a majority of voters in every county in the Portland area, and all but one of Oregon's 36 counties.

Despite voter dissatisfaction, Portland political leaders, editorial writers, and other members of the region's elite continued to support planning. Despite not getting the property tax increase it counted on, Portland built two new light-rail lines. One to the airport was built by means of a suspicious no-bid contract awarded to the Bechtel Corporation, with local funding coming from airport landing fees. Another was built from downtown Portland towards Vancouver using federal funds appropriated by members of Congress, who reasoned that, if Portland admitted light rail was a failure, they would have a harder time directing light-rail monies to cities

in their states and districts. Neither of Portland's new lines carry many passengers; in fact, the line aiming at Vancouver carries fewer riders than the bus lines it replaced.

The consensus among Portland's elite began to unravel in 2004, even before the Measure 37 vote. In May of that year, Portland's left-leaning Willamette Week newspaper revealed that Neil Goldschmidt, father of the light rail lines and much else about Portland's planning, had a three-year relationship with his children's babysitter when he was mayor of the city, beginning when she was 14. This revelation of statutory rape won Willamette Week a Pulitzer Prize and sent shockwaves throughout the city.

Among other things, this solved the mystery of why Goldschmidt was a one-term governor. During his term in office, the woman, who had ended up on drugs and in various other troubles, asked Goldschmidt for a $200,000 trust fund, which he provided. He then stepped out of the public limelight for fear the relationship might be made public.

While the news did not cause the consensus to immediately fall apart, it did make it more respectable for people to criticize the planning cabal. Suddenly, instead of writing about Portland as a light-rail utopia, the region's newspapers were writing about Goldschmidt's "light-rail mafia." Goldschmidt, it turned out, had arranged (and profited by) Bechtel's no-bid contract for the airport line.

Goldschmidt also helped his friend Tom Walsh, a homebuilder, get the job of running Portland's transit agency. While there, Walsh promoted federal, state, and local subsidies for transit-oriented developments. Not coincidentally, many of these subsidized developments were built by Walsh Construction Company.

In the mid-1990s, Goldschmidt worked as a consultant for Homer Williams, another builder of transit-oriented developments, including Portland's famous Pearl District. Goldschmidt helped Williams steer millions of dollars of federal money to the Pearl District, which consists of hundreds of expensive condominiums that pay practically no property taxes thanks to other tax breaks. Williams bristles at the idea that Portland is "unfriendly" to business; after all, with the help of Goldschmidt and numerous subsidies, his business has thrived.

Everyone affiliated with Goldschmidt, and by extension with light rail, was now suspect — especially if they were among the dozens of Oregonians that Willamette Week found had known about the statutory rape before its public revelation. The Oregonian lost credibility when it tried to downplay Goldschmidt's deeds as "an affair"; the Willamette Week later learned that Oregonian reporters had known of the scandal but the paper elected not to publish.

Metro planners admitted in an internal document that their real goal was to "replicate" Los Angeles in Portland — to make it so congested that some people would stop driving.

The Goldschmidt scandal nearly killed Portland's grandest high-density housing project yet. The wealthy owners of a former scrapyard on the Willamette River waterfront south of downtown, Goldschmidt clients, wanted to put in a housing development. Oregon Health & Science University (OHSU), on whose board Goldschmidt sat, was located on a hill above the waterfront and needed new office space. Goldschmidt proposed a series of 20-story office and apartment buildings on the waterfront, many of which would be built by Goldschmidt client Homer Williams, each connected to the hospital by an aerial tramway that could quickly transport doctors and patients between the hospital and clinics below.

Williams bristles at the idea that Portland is "unfriendly" to business; after all, with the help of Goldschmidt and numerous subsidies, his business has thrived.

Residents of the area furiously protested that their views would be blocked by the high rises and aerial tram. In 1998, Goldschmidt personally lobbied Portland's mayor to ignore the protests and support the tram and the development. The city, always eager for density, agreed to put up a whopping quarter of a billion dollars in tax-increment financing for the $2 billion project.

By 2006, however, the South Waterfront (or "So What" project, as its detractors called it) had become a major embarrassment. The costs of streets and other improvements needed for the project turned out to be more than double the original estimates. Most important, the cost of the controversial tram had increased from $15 million to $55 million, and most people expected it to go higher.

It turned out that the tram's original cost estimate had been made by OHSU and city planners who had no real idea of what it cost to build a tram. By the time they presented their estimate to the city council, they already knew it was way too low, but they didn't bother to tell the council, which approved the plan. When costs started rising, OHSU agreed to pay for part of the cost overrun, but demanded that the city pay a share of the overrun as well. Three members of Portland's five-member council vowed to vote against the tram, but at the last minute one of them switched his vote, so tram construction continues.

The tram scandal, and Goldschmidt's involvement, crystallized opposition to Portland's entire planning system. While fiscal conservatives represented by the Cascade Policy Institute have always opposed the plans, they are too few in number to make much of a difference in the city of Portland. Instead, opposition is coming from the public employees' unions and other liberals. They see that, between property tax waivers and tax-increment financing, the taxes from hundreds of millions of dollars worth of property that would ordinarily go to schools, libraries, and fire and police departments are instead diverted to trams, rail transit, and high-density hous-

ing subsidies.

Because planning-induced housing shortages have so driven up Portland housing costs that families with children are fleeing to more affordable suburbs, the Portland Public School District is closing four to six schools every year. Yet the district still projects a $57 million shortfall in its 2007 budget. Portland's mayor proposed a citywide income tax to cover the shortfall, but early polling revealed intense opposition driven by the tram scandal. As Portland blogger (and Lewis & Clark Law School professor) Jack Bogdanski told the mayor, "If you want to save the schools, first you'll have to kill the tram."

Meanwhile, Multnomah County (which contains 95% of Portland) spent $58 million building a new jail in 2004, including $600,000 or "1% for art." But the county doesn't have enough money to open the jail, forcing the sheriff to give early release to 5,000 prisoners a year. Still, the county has plenty of money to subsidize high-density housing projects.

Opponents realize the tram is only the tip of the iceberg. Also under fire is a plan to run light rail through the downtown Fifth and Sixth Avenue bus malls. Closing the mall to autos in the late 1970s immediately killed many of the businesses on those streets. Other downtown businesses have told the city they support light rail as long as it is not on their streets. Since the businesses on Fifth and Sixth Avenues are already gone, those are the only streets where a new rail line would not generate downtown opposition. The problem is that there is no room for both the existing buses and rail, so hundreds of buses will have to be rerouted to other streets, thus destroying the mall's sole advantage of providing a central place for people to transfer from one bus to another.

Enough Portlanders are questioning planners' love for density that last October the city council rejected a previously routine request for a ten-year tax waiver on a high-density housing project in the SoWhat District. The council then put a moratorium on further high-density tax waivers.

More Portlanders are also attacking the region's "traffic calming" (read: congestion-building) program, which removes lanes from major boulevards and puts barriers in streets to slow down traffic. This is part of Portland's program to make the city more "pedestrian-friendly," but many of the proposed changes actually make streets more dangerous, not to mention waste people's time. As blogger Bogdanski says, "You'll come for the tram . . . you'll stay because there's no way to get out of here in a car with all the traffic."

"Oh, he's quite a district attorney, all right — three of the *jurors* confessed."

All of these controversies are providing normally left-leaning Portlanders with valuable lessons about political economy. "You have a bunch of politicians making decisions about private businesses but they don't face any business consequences," says writer Bill McDonald. "The marketplace does not apply to them, so they are free to inflict their visions, no matter how awful they turn out to be."

Voters had an opportunity to decide these issues in a May 2006 city commission election that focused on the tram controversy, but the decision was mixed. Commissioner Eric Sten, who had opposed the aerial tram, managed to hold off a challenge from a Goldschmidt associate. But Commissioner Dan Saltzman, the one who switched his vote on the tram at the last minute, also survived a challenge from an anti-tram activist.

Still, rumblings from the business community suggest that the battle is not over. Business leaders were shocked in 2000 when Columbia Sportswear, the largest company headquartered in Portland, moved out of town. The rapidly growing company had picked an inner-city site for a new headquarters and received tentative approval from the city. But it was stymied when Tri-Met, the region's transit agency, told Columbia that the company could not have any surface parking next to the headquarters because it was near a light-rail station.

In fact, there was no light-rail station nearby, only a plan to build one. What plan? The plan the voters rejected in 1998. Yet Tri-Met said the parking rule was "non-negotiable." The company president, Tim Boyle, simply packed up and moved to the suburbs, meanwhile blasting the city for its "anti-business climate."

Other business leaders are concerned about the region's growing congestion. Metro's plans call for alleviating congestion only in industrial areas, but it turns out that freight is delivered throughout the region. The Portland Business Alliance commissioned a study that found many area companies are "prisoners of congestion" that would cost them close to $1 billion a year by 2020.

"It used to be our trucks could make six to ten deliveries a day in the Portland area," reports the representative of a building supply company. "But over the past three years, that dropped to only five to eight deliveries a day because of increased congestion. The only way to keep our customers stocked was to buy two more trucks and hire two more drivers."

It is clear that the "comprehensive plans" that Metro wrote are far less comprehensive than promised. In their single-minded effort to reduce per capita driving, planners ignored the effects of congestion on businesses, the effects of light rail on crime, and the effects of tax waivers and tax-increment financing on schools and other public services, among many other things.

The only question left is whether Portlanders can repair the damage planners have done to their region. The next time you hear a reporter or city official talk about how wonderful Portland is and how they want to do the same in your city, tell them the truth: Portlanders are revolting against those visionary plans and the whole system is imploding. ❑

Reviews

"The Da Vinci Code," directed by Ron Howard. Columbia Pictures, 2006, 149 minutes.

Jesus' Baby Mama Drama

Eric Kenning

"I have to get to a library fast!" isn't a line you often hear in Hollywood thrillers. It sums up the combination of pulp esotericism (ANCIENT MYSTERIES REVEALED!) and formulaic suspense that turned Dan Brown's "The Da Vinci Code" into a perfect cultural storm and turns the movie version by director Ron Howard into a mad, occasionally exhilarating rush to nowhere in particular. In what isn't its only anticlimax, Tom Hanks' character, Professor Robert Langdon, never actually gets to a library (which he does in the book). At least Humphrey Bogart, who had to get to a bookstore fast in "The Big Sleep," actually made it to one and had a tryst with the sexy (when she took off her glasses and undid her hair) bookstore clerk besides. There are no trysts, no sexual sparks, between Hanks and his co-star, the fetching French actress Audrey Tautou, or between anyone and anyone in the movie, including Jesus and Mary Magdalene, despite the plot-engine suggestion that they were a 1st-century item. But the movie isn't trying to generate sexual sparks, just pseudo-intellectual ones — it works by creating the impression that it's giving you something to think about while not giving you any time to think, much less get to a library.

What made the book unique among thrillers and, with 40 million copies sold worldwide, the publishing equivalent of breaking into Fort Knox, was not, of course, the contrived plot in which cardboard characters make hairbreadth escapes from villainous clichés while on an unbelievable quest for something preposterous. It was the cramming into its 400-plus pages large heaps of theological and historical exposition, conjecture, legend, and flapdoodle.

To read the novel is to learn a great many facts, several of them true. And to be coaxed into feeling that you're in on a really big ancient conspiracy, solving puzzles and cracking codes and seeing through the subterfuges of the oldest institution on earth, the Roman Catholic church, along the way. Pagan symbolism incorporated into Christian images and holy days, early controversies about the divinity of Christ, Church councils, weird heresies, unheard-of gospels, the sacred feminine, the ambiguous story of Mary Magdalene, the demoting of women in the early church, cryptic details in the paintings of Leonardo da Vinci . . . all this was news to many of the book's readers, and some of it was news to scholars working in the fields.

Much of this material is just about as interesting when conveyed in Brown's breathless, if not exactly deathless, prose as it is when Elaine Pagels or one of his other scholarly sources is talking about it. The problem is that the revelations that set the plot in motion, such as the existence of a venerable secret society called the Priory of Sion that included Leonardo da Vinci and Isaac Newton, the premise that the medieval Knights Templar had been created to protect its secrets, Mary Magdalene's flight to France and the birth of her child there, and a royal line of descendants, were all derived from a hoax perpetrated in the 1950s by a Frenchman named Pierre Plantard and a 1980s "nonfiction" best-seller, "Holy Blood, Holy Grail," written by an unholy trinity of Englishmen.

The movie eliminates all but a few shreds of the book's real (if sometimes distorted) history, leaving the counterfeit currency. But it has to be said that it serves up its fast-food fabulism in a rich sauce of authentic locations and stunning architecture, plus competent acting that puts some flesh on the two-dimensional characters of the book. (It made $224 million worldwide on its first weekend, setting records in Italy and Spain.)

If you aren't one of the 40 million-plus initiates who have read the book, the plot of both book and movie begins with the murder of an elderly curator at the Louvre. After having been fatally wounded by a gunshot, he somehow has time to undress, draw cryptic symbols and write coded messages with a

marker on and around his naked body while arranging it in the spread-eagled posture of da Vinci's universal man. He was to have met Robert Langdon, "Professor of Religious Symbology" at Harvard, that night, and the tenacious police captain assigned to the case has reason to think the American professor committed the murder. The captain is a member of Opus Dei, the conservative Catholic lay organization. It turns out that members of Opus Dei, including a fanatically devout albino monk named Silas, are involved with a suave Portuguese bishop and a mysterious "Teacher" in an elaborate plot to track down and kill the leadership of the clandestine Priory of Sion, which is harboring the secret that would overturn two millennia of history and threaten the existence of the church.

The screenwriter wasn't about to tamper with a text sacred to millions (the Dan Brown novel, that is, not the Bible).

Langdon is saved from imminent arrest at the Louvre by the intervention of a police cryptologist, Sophie Neveu, who turns out to have been raised by the murdered curator. Together they flee, with both cops and Silas in pursuit, first to a bank to obtain a cryptex (a cylinder containing documents that can be opened only by knowing the right code) kept by the Priory in a safe deposit box, then to visit an eccentric aristocratic Englishman named Sir Leigh Teabing at his estate outside Paris, where, armed with books and audiovisual devices, he runs through a two-minute drill about the Council of Nicaea, the Crusades, witch hunts, da Vinci's "Last Supper," and the ancient legend of the Holy Grail, and then on to London, pursuers still pursuing, to solve the Grail mysteries once and for all.

Playing Langdon, the unlikely professorial hero, Hanks strikes a balance between a somewhat unconvincing aura of scholarly knowledge plus flashes of Sherlock Holmes-caliber deductive brilliance and his more typical wry, modest, not-sure-what-he's-getting-into persona. Tautou, as Sophie, who in the novel gets to solve many of the puzzles, has little to do here but look puzzled, though she also drives a vehicle backward through Paris traffic and sidewalk cafes with a supernatural dexterity that might descend directly from the miracles of the New Testament, except that Jesus didn't have a smart car.

The veteran French actor Jean Reno is very good indeed as Bezu Fache, the tenacious Paris police captain whose traps Langdon and Neveu keep escaping. Ian McKellen gives the somber movie a lift into something momentarily close to comedy-of-manners levity as Sir Leigh. And as the albino ascetic Silas, Paul Bettany doesn't have much to do but grimace and flagellate himself, but he does get to speak Latin with the scheming bishop (Alfred Molina), and he's convincingly pale.

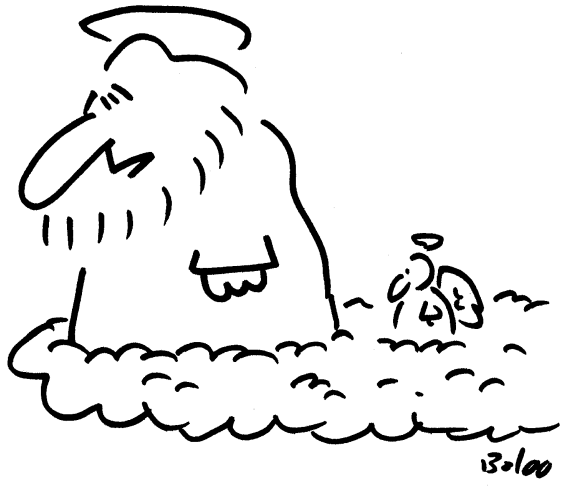

"Science *versus* religion?"

The screenwriter, Akiva Goldsman, who won an Oscar collaborating with Howard on "A Beautiful Mind," wasn't about to tamper with a text sacred to millions (the Dan Brown novel, that is, not the Bible). The movie just speed-dials the book at every point. The narrow escapes are as implausible as the conspiratorial history, but they all go by so fast that they hardly matter, and you can actually enjoy yourself, and the ecclesiastical architecture, on your way to a conclusion that is (in both book and movie) placid and anticlimactic, given the apocalyptic tremors that preceded it.

As for heresy, the movie is a bit of a disappointment. A gnostic gospel or two is quoted, but the imaginative, paradox-loving heresy itself doesn't get into the screen version. The film doesn't really earn burning at the stake or other forms of theological refutation. It does imply that Jesus was only a man, "an extraordinary teacher," as Langdon puts it, but a mortal man. But the point is blurred amid all the nonsense, and it simply isn't worth protesting, as some Christian groups have done, or hedging, as Goldsman and Howard have done by having Hanks deliver a little speech: "Why is it always human or divine? Maybe human is divine . . . What really matters is what you believe," etc. Nobody is going to walk into this movie an orthodox Christian and walk out an Arian or gnostic or monophysite.

Maybe Jesus was married during those unaccounted-for years before he began his ministry. Any devout Jewish man of the time would have been. Maybe Mary Magdalene, who wasn't a redeemed prostitute (a fable made up in the 6th century), was among Jesus' closest disciples, and the early church was uncomfortable with that fact and almost wrote her out of the story. But I wouldn't bet the farm, or Dan Brown's royalties, on her making her way from Jerusalem to France with a bun in the oven, or on the royal and conspiratorial consequences thereof. The basic premise of the book and the movie is such hokum that you can't take even their seriousness seriously. And this isn't to knock hokum. It has its place, and its place is Hollywood (though unfortunately, despite the best efforts of the major studios, religion and politics still

At least Humphrey Bogart, who had to get to a bookstore fast in "The Big Sleep," actually made it to one, and had a tryst with the sexy bookstore clerk besides.

dominate the hokum field). You need a large infusion of hokum to make your escapist formulas work, and mainstream movies are always going to be about escape, which includes escape from the coercive hokum of religion and politics. You might as well relax and enjoy "The Da Vinci Code" for what it is, and for what it isn't. It isn't the gospel truth, not even the Gnostic gospel truth. It's a couple of hours of release from the truth, from reality. It's Dan Brown multiplied by Hollywood. It's extravagant nonsense on expensive stilts. ❑

"United 93," directed by Paul Greengrass. Universal Pictures, 2006, 111 minutes.

Let's Roll

Jo Ann Skousen

"Too soon!" some moviegoers complained when previews for "United 93" began making the rounds. "Too exploitative!" said others when the movie opened. "They ought to be ashamed!" still others said, about those of us who went to see it.

I suspect that none of these self-righteous critics had actually seen the movie. The film is neither exploitative nor shameful. "Too soon" is itself insensitive, implying that those who suffered losses on September 11, 2001, will someday manage to get over it. And I have no patience with people who criticize a film they haven't seen. Stay home if you want, but keep your ungrounded opinions to yourself.

What sets this film apart from the typical disaster film is that it is part movie, part documentary. Unlike James Cameron, who created a fictional love story for his telling of "Titanic," the writers of "United 93" avoided creating stock characters to enhance the drama. The film is based on firsthand accounts given by ground personnel and actual phone calls made from the plane. I was impressed by the fact that no single passenger or crew member is made to stand out as a hero, and no big actors are used in the cast. Except for the flight attendants, no names are even mentioned during the flight. These are strangers on a plane, united by a horrifying fate and a determination not to go down without a fight. They share cell phones, give comfort, and come up with a plan to protect the nation's capitol. It's a story that needs no fictional enhancement.

Another unique aspect of this film is that the main air traffic controllers and military personnel are played by themselves, recreating what they did, said, and felt that day. It was a risky decision by the casting director that pays off powerfully in the film. Yes, a couple of them are a little stilted in the opening scenes, before the first airplane disappears from the air controller's screen. But once the towers are hit, these first-time actors seem to step back in time, reliving their reactions and emotions with an honesty that may have been impossible for anyone else to achieve. Ask them if the film is exploitative. It seemed more cathartic to me.

At times this movie is hard to watch. The passengers' phone calls to their family and friends are overwhelmingly poignant, delivered with an honesty and simplicity that avoids melodrama even when the topic is horrifyingly sad. Some of the crew and passengers were brutally killed as the attack began, and that is portrayed on the screen. There is an odd moment when the editor juxtaposes the prayers of the passengers with the prayers of the terrorists, almost as though Greengrass wants to say that the God who sends terrorists on suicide murder missions is interchangeable with the God who comforts the dying. The scene is artistically interesting but emotionally disturbing and confusing.

"Too soon" is itself insensitive, implying that those who suffered losses on September 11, 2001, will someday manage to get over it.

But while it may be hard to watch, "United 93" is definitely worth watching. It's a powerful film, bringing powerful memories back to the surface. We don't need an Oliver Stone conspiracy theory, or a Jack and Rose love story, or even the sight of a gigantic rogue wave to evoke emotions. The tender, desperate goodbye of a daughter to her mother was enough for me. ❑

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"Battlestar Galactica," by Jeffrey A. Carver, based on a screenplay by Ronald A. Moore and Christopher Eric James. Tor, 2005, 320 pages.

"The Cylons' Secret," by Craig Shaw Gardner. Tor, 2006, 302 pages.

The Cylons' Makeover

Timothy Sandefur

There is no substitute for good writing. Nowhere is that more true than in science fiction, which, like free verse poetry, attracts a thousand incompetent scribblers for every Whitman. This is because it looks so easy when it's done well. But it isn't easy. Science fiction requires a writer to combine his already heavy burden — creating believable, interesting characters and gripping plots — with the added danger of becoming intoxicated by the wildness of the premise. The bookshelves are littered with the remains of those who tried to climb this peak, became disoriented, and fell into obscurity or plain blandness.

Along with "Firefly," the SciFi Channel's remake of "Battlestar Galactica" is the most exciting thing to happen to science fiction in a decade. It's original, dramatic, searching, profound, and solidly acted. It proves the continuing vitality of the science fiction artform, and it reveals the preoccupations of today's generation of writers.

Beginning in 2003, former "Star Trek" writer Ronald Moore "reimagined" the classic 1970s "Battlestar" devised by Glen Larson, which had tapped the enormous popularity of "Star Wars" through sophisticated special effects and an imagined universe of great diversity. Larson produced a novel based on his pilot screenplay, which easily ranks among the worst novels ever published, and the series suffered from weaknesses that brought it to an early demise. Although "Battlestar" was accompanied by a massive merchandising campaign, and was one of the most expensive shows ever produced, it lasted for only two seasons.

Yet it remained a cult classic, largely because of its unique premise: a distant race of humans are chased from their home worlds after losing a war with the Cylons, scary-looking robots who (in the original) were the soldiers of a hostile race of alien reptiles. The remaining humans gathered together in an armada of ships and headed for the refuge of Earth, the planet of their ancestry, even though they do not know where Earth is, or if it exists at all. Larson's original scheme featured many references to ancient cultures, thanks to the popular 1970s SF premise that Earth had been colonized by ancient spacemen. Led by Commander Adama (Lorne Greene), the human fleet struggled to survive through its hopeless search. Although this premise was much darker than that offered by other SF shows, Universal Studios ensured that it would be safe for younger viewers by insisting that Larson minimize human casualties and make the Cylons as clumsy as clowns. The result was corny and stagnant.

Moore's remake is far more compelling. To heighten the drama, he abandoned much of the original's futuristic look, choosing instead a world of heavy, sometimes primitive detail. There are no aliens, no laser guns, not even face-to-face communications. The sappiest elements of the original are gone, and the Cylons are no longer bumbling polished tin men — now they look like humans — or proxies for space-age lizards. Moore's Cylons are not aliens, but descendants of manmade machines, who have somehow adopted a monotheistic religion they believe superior to the polytheism of their human parents.

Humanity is reduced to only 50,000 individuals, overwhelmingly outnumbered by virtually indestructible enemies. And while Adama was once the military dictator of all humanity, Moore's version adds a civilian president of questionable legitimacy, whose conflicts with Adama (now played by Edward James Olmos) lend the show some of its most compelling moments. This"Battlestar" is paranoid, claustrophobic, and ambiguous. Combined with great acting, Moore's writing has found energy in Larson's premise that the first series was never able to exploit.

Carver's novelization follows Moore's pilot screenplay very closely, but fails to capture its force. This is because novelizations are supposed to add to the film experience by mixing in some original ideas and exploring elements that the novel is uniquely qualified to reveal: the inner worlds of the characters. Vonda McIntyre's outstanding novelization of "Star Trek IV" is an example: McIntyre adds her own inventions to the screenplay, fleshing out moments that are left unclear in the film, and making the book an experience in itself. Carver, on the other hand, parrots the screenplay to such a degree as to even follow the film's editing. This disrupts the narrative flow without adding anything to the experience. For example, in one battle scene, combat pilot Kara "Starbuck" Thrace tries to stop a Cylon fighter which is racing toward the *Galactica*:

> As she swung herself around, trying and failing to turn fast enough

Humanity is reduced to only 50,000 individuals, overwhelmingly outnumbered by virtually indestructible enemies.

to shoot at a Cylon passing close by overhead, she nevertheless got a good look at its underside. The exposed rack of missiles she saw sent chills down her spine . . .

In the command center, Dualla turned and called a warning to the commander. "Radiological alarm!" A beeper was sounding the same warning.

Beside Adama, Tigh stood close and said in a quiet, steely voice, "He's got nukes."

In quick succession, three missiles streaked away from the Cylon. Kara saw it and reacted in fury . . .

It's true that in the film, the director chose to cut away from Starbuck's observation, to the bridge of the *Galactica*, and then back to Starbuck. But there's no reason for Carver to do the same, and the whole incident suffers when he does. The tension would have been heightened by continuing the battle from her point of view, and then later switching the focus to the command center.

These flaws aside, Carver's book is a competent retelling of an excellent story. The same cannot be said of Craig Shaw Gardner's "The Cylons' Secret." Gardner, a hack writer known for novelizations of such films as "Batman" and the second and third "Back to The Future" films, seems to have little or no familiarity with the modern "Battlestar Galactica." His Cylons, for example, shoot lasers — which Moore specifically excluded from his story, explaining in an interview that "We just felt that [lasers] had been done to death, it wasn't as interesting, and it wasn't realistic" — and the *Galactica* now sports an *Enterprise*-like bridge viewscreen which Moore also chose not to include on his show. Along with these errors of inclusion are errors of exclusion: there is no reference to the Cylons' religion — which is perhaps their most striking characteristic. Without it, the Cylons are boring robots. The other characters also lack the compelling realism that Moore's drama has painstakingly developed. The novel could easily be made into a "Star Trek" novel, using a search-and-replace feature to substitute Captain Kirk for Adama and Spock for Colonel Tigh. Aside from some references to Tigh's alcoholism, and the weird use of Tom Zarek as a major player in a story that has nothing whatever to do with the character depicted on the show, there is little to bind the novel to the universe that Moore and his fellow writers have created.

While Gardner fails to mention the Cylons' god, his novel features at least three deities *ex machinae*: for instance, in one scene, a character who's been lost in the woods is easily tracked down by the suddenly-revealed fact that she has homing devices implanted in her shoes. The characters deliver lines like "No one gets the better of Nadu!" and "Death to Cylons!" There are dozens of single-sentence paragraphs such as "Tom Zarek would find a way." And in one climactic moment, the identity of a mysterious spaceship is revealed, not by the characters, but by the narrator himself, who spends four or five paragraphs telling us all that we need to know. The Cylons' secret, like Victoria's, is simply laid out for all to see — when the real fun ought to be the unveiling.

The Cylons' secret, like Victoria's, is simply laid out for all to see — when the real fun ought to be the unveiling.

The story lacks any foreshadowing, so that we're told only on page 251 that Tigh has been on board a Cylon ship similar to one that has just been revealed. And on page 278, when Adama hears an allegedly scary voice, he suddenly "knew who was speaking, even though he hadn't seen him in close to thirty years." The reader, of course, has never seen him *at all*, or even heard of him before now, and certainly has no reason to care about, or identify with, this character and his plight. Had Tigh mentioned his purportedly horrifying experience on the Cylon ship, or had Adama ever mentioned his buddy Chief Nedder, at, say, page 50 or 100, these later revelations might be more believable. As it is, the story has the washed-out feeling of a joke told by my grandmother, who forgets to tell the setup until after telling the punch line.

In fact, even the punch line gets lost sometimes. The story opens on a pirate ship called the *Lightning*, commanded by the mad Captain Nadu, whose combative temperament and B-movie appearance wrestle with Gardner for mastery over the book. Eventually, the character overcomes the writer's feeble attempts to be serious, and at the climax of the novel he barges in to attack the Cylons, crying fiercely, "You never expected this, you Cylon scum!" And then, he and his ship simply disappear. They are not destroyed, they do not flee — they are simply never mentioned again in the book; they abruptly cease to exist in the writer's imagination. It hardly matters by this time, since the reader has long ago stopped caring.

Writing bad science fiction is enormously easy; I myself have done it many times. Nor is it particularly blameworthy. There is an audience for low-quality paperbacks that can be read and tossed in a day. But it's upsetting to see something as powerful

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, regularly offered here, and apparently beneath the notice of the Chicago and Austrian Schools.

In fact, Walter Block had agreed and Murray Rothbard disagreed with it. Rothbard had also disagreed with his own reason for disagreeing with it, and with Larry White, Tom Hazlett, and David Friedman's reason for disagreeing with it. Leonard Read agreed with it, Henry Hazlitt allowed that "it may be right," Jack High thought it "interesting and provocative," Israel Kirzner "found it written with keen intelligence," and Arthur Laffer that it "provides keen insight into the weaknesses of redistributionist policies."

But, that was all behind closed doors, never out in the open. So, it wasn't beneath their notice, but unfit for public consumption. For the "new idea," and threat to their authority, you're not supposed to know about, see intinc.org.

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and sincere as the new "Battlestar Galactica" subjected to such treatment. Moore's work on the show is largely motivated by his intense dislike for the clichés the genre has developed in the wake of "Star Trek's" incarnations. And his focus, like that of such science fiction masters as John Varley and Robert Heinlein, is resolutely on the people, and not on the gadgets. "We wanted the audience to see this story and these events through the prism of their own world rather than dress it up in 'otherworldly' designs," Moore explained in a 2003 interview. "This goes to the heart of the entire approach — to make this feel real and true by building a reality close to our own rather than create a fantasy world. It's anti-escapism being married to a genre that typically lives and dies by its escapist trappings and you could call that both risk-taking and adventurous."

The show has backed up this promise with an intensity and sophistication rarely seen in any literary genre today. In the finale episode of season two, for example, it is revealed that the noble President Roslin has tried to steal an election with fraudulent ballots. Adama reprimands her, and informs the traitor Gaius Baltar that he has actually won the election. It would be easy, in such circumstances, for Moore to depict Roslin as the bad guy, and to write a sappy and predictable paean to the values of democracy. Instead, the consequences of the election are harsh in the extreme — including the possible enslavement of the few humans left. The viewer is left with the tough and inescapable choice between values that lies at the heart of tragedy. But Gardner's work mars all this effort with a juvenile storyline and a watery, unserious style.

The viewer is left with the tough and inescapable choice between values that lies at the heart of tragedy.

Libertarian science fiction writer L. Neil Smith has written that "science fiction is the only *literature* of ideas remaining in our civilization, and it's revealing that whenever writers from other fields, non-fiction or so-called 'mainstream,' decide it's time to say something really important — George Orwell, Aldous Huxley, B.F. Skinner, Margaret Atwood — they turn, almost reflexively, to science fiction." Ronald Moore has important things to say, or at least important questions to ask, and he has chosen to do so in a serious, but immensely entertaining way. Now that Peter David — the well-respected writer of such novels as "Imzadi" — has been announced as the author of the third "Battlestar" novel ("The Long, Dark Winter," due in September), there is hope that the show will receive the sort of respect that it deserves. ❑

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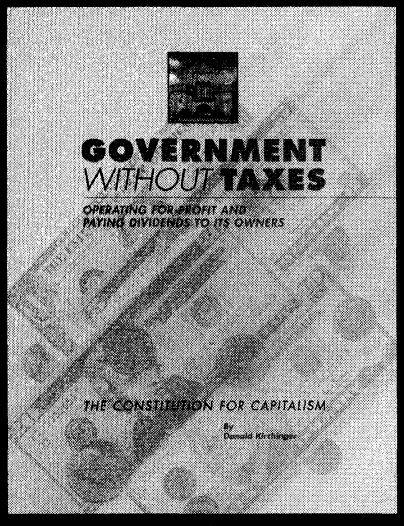

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"Poseidon," directed by Wolfgang Petersen. Warner Bros., 2006, 99 minutes.

Blood in the Water

Travis Stewart

Let's get one thing straight: "Poseidon" is not a remake of the 1972 film "The Poseidon Adventure." The only thing the two movies have in common is the portrayal of a luxury liner capsizing, compelling a group of passengers to make a dangerous climb to the upturned hull. If that is all that constitutes a remake, then all westerns are a remake of "Gunfight at the OK Corral."

The other thing I must confess is that your reviewer is biased. I am a member of that rabid cult of "Poseidon Adventure" freaks who watch the film on an annual basis, with the reverence and regularity that some bestow on Christmas (make that New Year's Eve).

Most of the critics who've trashed Wolfgang Petersen's mislabeled remake have been fairly (or unfairly) dismissive of the original: an unfortunate lapse, because in every area where "Poseidon" fails, "The Poseidon Adventure" succeeds. There is no better way to talk about the poverty of contemporary Hollywood filmmaking — or of American culture in general — than to look at how low this ship has sunk in the intervening 34 years.

First, while it may be pulp, the film, like a lot of science fiction, or the work of Ayn Rand (here comes the hate mail), is pulp that contains ideas.

That's the quality that I think inspires such irrational devotion from its followers. A powerful metaphor is at work. A group of ordinary people are thrust into the unknown. Everything they've ever known has literally been turned upside-down. Either they can stay where they are, cling to the past, and die . . . or they can make the difficult and painful climb up to life, which "always matters very much." The terrain of their many-layered journey resembles Dante's Inferno in reverse.

Furthermore, they are led by a vaguely mephistophelean preacher (Gene Hackman) who spouts Christian heresies that most libertarians would recognize as equal parts Walt Whitman, Ayn Rand, and Friedrich Nietzsche. "Don't pray to God," he says at one point, "Pray to that part of God within *you*." Unlike a Catholic priest (Arthur O'Connell) who elects to remain behind to die with the dead, the wounded, and the weak-willed majority, Hackman's credo is a variation of Poor Richard's: "The Lord Helps Those Who Help Themselves."

What makes him very American, and what makes the film inspirational, is that Hackman's preacher (unlike, say, a Rand character) doesn't just want to save his own neck. He makes it a point of pride — a mania, really — to convince as many people as possible to join him. Then he proceeds to kick their asses, morally, spiritually, and physically; in a word, *inspiring* them to save themselves. It is a victory of reason over blind faith and a most generous, humane application of "selfishness." Hackman's character is a Christ-like anti-Christ, whose greatest sorrow is the loss of a fat old lady (Shelley Winters) whom he helped transform from a whining lump into the highest type of heroine. In retrospect, I'm certain that the philosophy of this Darwinian preacher character, whispered into my impressionable 6-year-old ear during a Saturday matinee, was my first step on the journey to libertarianism.

The main characters are no more important to us than the hundreds of extras who are ritually drowned, crushed, shattered, burned, and electrocuted in this mildly violent ballet of death.

So: the original "Poseidon Adventure" is an inspirational, emotionally affecting suspense picture. Now let's look at "Poseidon." As we know from "Das Boot" and "The Perfect Storm," Wolfgang Petersen is an expert at photographing sinking tubs and the people

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Mark Rand is an assistant editor of *Liberty.*

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Ralph R. Reiland is the B. Kenneth Simon professor of free enterprise at Robert Morris University.

Timothy Sandefur is a staff attorney at the Pacific Legal Foundation and the author of *Cornerstone of Liberty: Property Rights in 21st Century America.*

Jo Ann Skousen is a writer and critic who lives in New York.

Tim Slagle is a standup comedian living in Chicago. His website is timslagle.com.

Travis Stewart is a playwright, performer, and cultural critic in New York City.

who drown in them. Unlike those more successful outings, however, this time Petersen forgot to put any people on the boat.

If you made a silent movie about rats trapped in an upside down model sailboat (say, Stuart Little's) and the rats managed to scramble somehow to the top of the boat, the results would be exactly like "Poseidon." It is as though Petersen decided to take the last five minutes of "A Perfect Storm" and expand it to two hours. Petersen may have done his science homework; a capsized ocean liner may only have minutes before it goes down. That would be all very well and good in a documentary. But a fiction film needs air pockets if we're to form any attachment to the characters . . . and we ought to form attachments to the characters if the film is going to have any meaning . . . and a film should have meaning, shouldn't it?

Modern Hollywood repeatedly makes the mistake of thinking we want to root for invulnerable people, and I hope to God they're wrong because the technical name for that philosophy is fascism.

"Poseidon" is a large-screen video game, less important to us than the accompanying popcorn. We neither know nor care anything about the little band of anonymous ciphers who inhabit this story beyond their names and occupational and familial titles. They are no more important to us than the hundreds of extras who are ritually drowned, crushed, shattered, burned, and electrocuted in this mildly violent ballet of death.

And the little we know, we don't like. Josh Lucas is a cynical gambler and former Navy SEAL who resembles a catalog model. Kurt Russell is a former mayor of New York and former New York fireman with a really good tan. Emmy Rossum is his pretty daughter who resembles a fashion model. There's another six or eight like this but it hardly matters; none of them are members of the human race as you or I know it. The original film was about a group of highly imperfect people, people you might not peg as survivors or team players, summoning the strength and the character to go on. They were played by such sex symbols as Shelley Winters, Jack Albertson, Red Buttons, and Ernest Borgnine ("Marty," for God's sake). Along the way, you got to know these vulnerable people, like them, and consequently, root for them.

Modern Hollywood repeatedly makes the mistake of thinking we want to root for invulnerable people, and I hope to God they're wrong because the technical name for that philosophy is fascism. The modern hero is a vigilante on steroids dispatching dozens of bad guys with an AK-47 (or, in the case of "Poseidon," Josh Lucas leaping 100 feet through a burning oil slick into the water beneath, in order to rig a special rescue device with a fire hose). But in my book, if the hero is Superman, the stakes are zero.

And why on earth is Kurt Russell a former New York mayor? It is as though the creators, perceiving that they could not write any characters we could like, opted to replace them with symbolic shorthand for concepts with high Q factor. It scans more like a football playbook than what you would call a script.

Contrary to popular belief, you need a script. Without one, all sorts of moral questions go unasked. Stay or go? Live or die? Help the hopeless or save myself? At one point in "Poseidon," Richard Dreyfuss, as a gay millionaire, is forced to shake off a man who is clinging to his legs for dear life over a burning precipice. Once accomplished, this action, which would be traumatic for any person with a conscience, is never referred to in the film again.

This is not good. In these treacherous times, the cinema — all culture — has a role to play in helping us process new realities, and in helping us as citizens of a nominally democratic nation to think and decide the questions of the day, questions with life-and-death implications for all of us. In light of this, the question on everyone's lips should not be, "Are we ready for 'Flight 93?'" (we undoubtedly are), but "Are we still able to stomach 'Poseidon?'" Me, I was puking over the rail. ❑

"The Poseidon Adventure," directed by Ronald Neame. 20th Century Fox, 1972 (DVD re-release, 2006), 117 minutes.

The Water and The Blood

Jo Ann Skousen

"The Poseidon Adventure" (1972) was one of the best of the disaster flicks made in the 1970s. So why make it over again? "Poseidon, the remake," may have the advantage of computer-generated special effects, but it misses the point thematically. The original epic was not merely about a ship turned upside down; it was an allegory about the journey through life.

Gene Hackman plays a liberal minister whose faith has been challenged by secular skepticism. When their world turns upside down (literally), a small band of survivors turn to him as their leader. They begin their journey, symbolically, by climbing a giant Christmas tree that had decorated the ship's ballroom. As they follow the minister toward what had been the bottom of the ship, they pass a doctor leading people in the opposite direction. He urges them to come with him. The refu-

gees must choose to follow the man of science in the direction that seems logically correct (the top of the ship) or the man of faith in the direction that seems to make no sense at all: the bottom. Paul tells us that this is the essence of faith: "the substance of things hoped for, the evidence [test] of things not seen." Faith is the opposite of knowledge not because it isn't true, but because it isn't yet proved. It has survival value: by inspiring hope, it motivates one to continue trying. This — and here I take my own direction from Travis Stewart's interesting review of the new "Poseidon" and the old — is not a Christian heresy; it's mainstream Christianity.

As the minister leads his congregation toward safety, he comes to a final test. Safety is on the other side of the wall, but the group cannot reach it because the way is blocked by deadly steam. The spigot that could turn off the steam is visible, but it hangs over an abyss. One might be able to reach it, and even close the vent, but there is no way to return. Hackman looks up to heaven and pleads in agony, "How much more do you want from me?" Then, knowing there is no other way, he leaps toward the spigot, catches on, and turns. The steam scorches his hands, but he doesn't let go until he is finished. Blood trickles down his wrists, subtly confirming that in this allegory, he is intended to be a figure of Christ. The steam vent closes; the minister drops away into the brimstone below; and his disciples find their way to safety. The allegory is completed by the leader's heroic act.

The new "Poseidon" contains a similar act of sacrifice, but it is more reminiscent of Bruce Willis in "Armageddon" than of Christ in the Garden of Gethsemane. I miss films that can be viewed on many levels, as (for example) both escapist entertainment and significant allegory. The original "Poseidon" proved that such films are possible; the new "Poseidon" willfully denies that proof. ❑

The refugees must choose to follow the man of science in the direction that seems logically correct, or the man of faith in the direction that seems to make no sense at all.

Reflections, *from page 31*

Students could decide for themselves about the extra effort needed to pass the exit exam. Pay your penny and take your choice: do the work and get a higher-paying job, or refuse to improve your skills and accept a lower income. Just don't snivel, or sue over a simple test.

This color-coding could be taken farther. The current high school exit exam is actually geared to the 10th-grade level; truth be told, it should be characterized as being set at the 9th-grade level, or even (in math) at the 8th-grade level. Perhaps we ought to structure the exam so it can discriminate between those who have reached the ostensible grade level for graduation (which is the 12th grade, of course) and those whose education really stands at a lower grade. We could give the authentically 12th-grade students a green or "grade level" diploma. This traffic-light color scheme would be maximally informative to employers and parents, and to the students themselves. Perhaps even judges who are mentally disabled by compassionate emotions could grasp the rudiments of the system. — Gary Jason

How to berate with statistics — Fascism and communism are two sides of the same coin. Under one system, corporations become the government; in the other, the government becomes the corporations. Both are pretty ugly, and anyone who supports one over the other is seriously delusional.

Do you think that the victims of the Ukrainian genocide were relieved to know that they were being starved for something more noble than fascism? Do you think the Cambodians being slaughtered in the killing fields comforted themselves by saying "Well, at least we control the means of production!"?

It always cracks me up when I hear some kid in a Che T-shirt railing against the "fascist" United States, bringing up some Chomskyite statistic such as: "Cuba has a lower infant mortality rate than America."

That's because the Cuban government compiles that statistic, kid. If you search a little deeper, you'll find that Cuba also has a 100% literacy rate, a well-fed population that vigorously supports their beloved leader, and no crime whatsoever. In fact, the prisons have all been closed because they were completely empty. The medical facilities rival the best in the world, the workers are all happy, and the GNP is higher than it has ever been. That's why the Yanquis want to get rid of Fidel, because they are embarrassed about the great successes of communism in Cuba. — Tim Slagle

The exception — Because so many free market pundits have lined up behind George Bush's foreign policy, I was pleasantly surprised to read that John Stossel holds to a different view.

"I'm a libertarian," Stossel declared at recent gathering of the Fraser Institute in Canada. "I hold beliefs conservatives abhor." He added that he does not object to gay marriage and thinks that sending troops to Iraq "wasn't a good idea." — David Beito

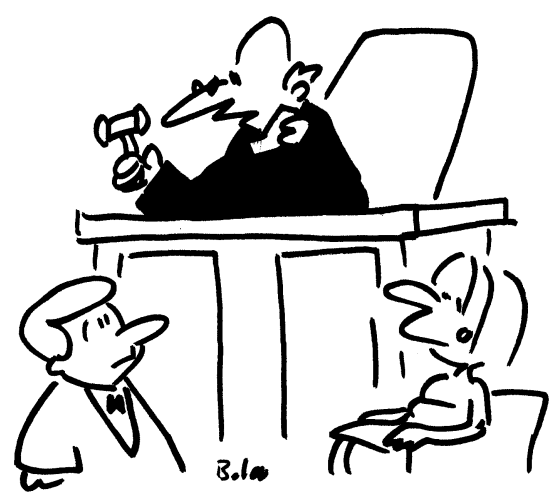

"Can I call you back, dear? — I'm right in the middle of something."

Terra Incognita

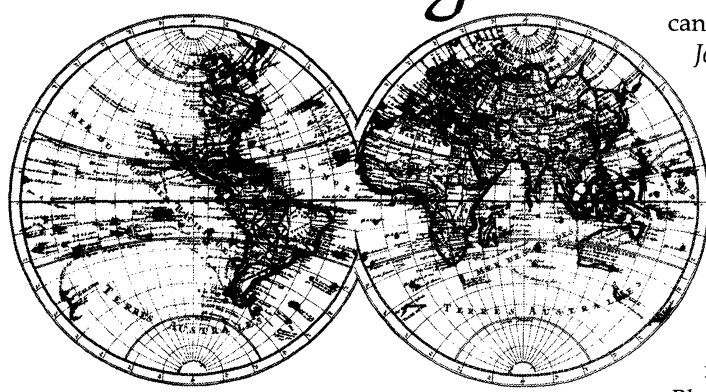

Baltimore

The thin blue line separating society from chaos, from the *Baltimore Sun:*

Upon leaving a baseball game at Camden Yards, Joshua Kelly and Llara Brook missed the turn to I-95 and, after several more wrong turns, were relieved to see a police cruiser. They pulled over to ask Officer Natalie Preston for directions.

Preston replied, "You found your own way in here, you can find your own way out." She then prevented the couple from asking another policeman further up the road for directions, and arrested them for trespassing.

After Kelly and Brook were released without being charged, they found their car unlocked in the impound lot, with $500 in merchandise missing.

East Manatee, Fla.

The battle between man and nature rages on, as reported in the *Sarasota Herald-Tribune:*

When an alligator came through the doggie-door of her home and attacked her golden retriever, Candy Frey grabbed a shotgun and blazed away. The alligator escaped with a flesh wound. The neighbors heard shots and called police, who promptly cited Frey for hunting without a license.

Amsterdam

The making of a party platform, detailed by Dutch paper *Algemeen Dagblad:*

The Charity, Freedom, and Diversity (NVD) party announced its impending official registration, proclaiming: "We are going to shake The Hague awake!"

The party said it wanted to cut the legal age for sexual relations to 12 and eventually scrap the limit altogether. It also supports allowing pornography to be broadcast on daytime television, with only violent pornography limited to the late evening.

The NVD also said everybody should be allowed to go naked in public and promotes legalizing all soft and hard drugs and free train travel for all.

Clarkston, Idaho

Tip-off from an anonymous ursine informant, from the *Lewiston Tribune:*

Kim and Gladys Bedwell are behind bars after a bear chase led police to an alleged pot-growing operation in their backyard.

A black bear being chased by law enforcement officers jumped a fence and landed in the Bedwells' backyard. During the commotion, Kim Bedwell allegedly tried to stash some freshly uprooted marijuana plants under a vehicle in his garage. After he was spotted by police and told to stop, he allegedly ran out of his garage and tossed a plant over a fence.

Clarkston police officer Scott Wohl was pursuing the bear when a large marijuana plant sailed over the fence and landed on him, police said.

Vladivostok, Russia

Culinary note, in *Asia Times Online:*

Cafe Pyongyang, a front company designed to funnel money to the cash-strapped North Korean dictatorship, has become one of Vladivostok's most popular eateries. It is so popular, in fact, that there are plans to build a new restaurant in the shape of a North Korean peasant's hut, similar to the one where the late leader Kim Il Sung was born in 1912. Here, gracefully clothed North Korean women serve up traditional Korean fare, while patrons sing popular Korean tunes.

Quito, Ecuador

Free enterprise, South American-style, noted by the *Wall Street Journal:*

Ecuadorean officials said the cancellation of U.S.-based Occidental Petroleum Corp.'s contract and the seizure of the company's assets didn't mean the Andean nation is nationalizing its oil industry.

Denton, Texas

A plot against our nation's currency foiled, in the *Plano Star-Courier:*

Secret Service agents threatened evangelist Darrel Rudus with arrest for counterfeiting and seized 8,300 gospel tracts designed as "million-dollar bills."

When reached for comment, Rudus offered his opinion that it was impossible to counterfeit something that wasn't real.

Little Rock, Ark.

Extension of the "living Constitution" doctrine, reported in the *Fort Smith Times-Record:*

Following upon the adoption of a statewide workplace smoking ban, Arkansas state Rep. Bob Mathis addressed his fellow lawmakers on the risks to children born to smokers, questioning whether it was constitutional for a mother to smoke while pregnant.

Fairfax, Va.

Creation of the world's largest plastic cup, from the *Washington Post:*

The Bush administration, hoping to someday broaden the government's knowledge of illegal drug use, is probing the mysteries of Fairfax's sewage for a clearer picture. The county has agreed to participate in a White House pilot program to analyze wastewater from communities throughout the Potomac River Basin for the urinary byproducts of cocaine.

U.S.A.

Erratum corrected by the conscientious editors at *Newsweek:*

In the article "Cut, Thrust, and Christ," we misquoted Jerry Falwell as using the words "assault ministry." In fact, Falwell was referring to "a salt ministry," a reference to Matthew 5:13 where Jesus says "ye are the salt of the earth."

Special thanks to Russell Garrard, John Wenders, and Philip Todd for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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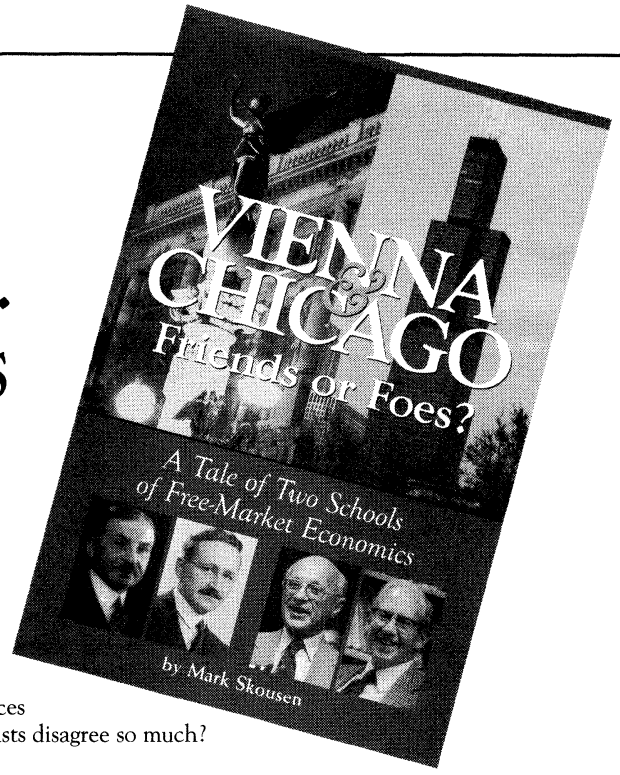

"You're all a bunch of socialists!"
— Ludwig von Mises (Vienna)

"We are friends and foes!"
— Milton Friedman (Chicago)

Austrian and Chicago economists have battled Keynesians, Marxists and socialists alike, but they often fight each other as well. What are the differences between the Austrian and Chicago schools, and why do free-market economists disagree so much?

After years of research and interviews in both camps, Columbia Professor Mark Skousen has uncovered the strengths and weaknesses of each, and determines who's right and who's wrong at the end of each chapter by declaring either "Advantage, Vienna" or "Advantage, Chicago." He ends with a chapter on how they could reconcile on major issues.

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Highlights.....

- Whose methodology is more controversial—Mises or Friedman?
- A debate that the Austrians have clearly won.
- Why Chicago economists have won more Nobel Prizes than the Austrians.
- Why did Israel Kirzner call George Stigler's essay on politics "bizarre, disturbing, unfortunate, and an affront to common sense"?
- Emotional fights at the Mont Pelerin Society, Foundation for Economic Education, and other freedom organizations.
- Why Friedman and Mises admire Adam Smith, and Murray Rothbard despises him.
- Why some Austrians call Friedman a "Keynesian" and "a statist" while Friedman calls Mises and Ayn Rand "intolerant" and "extremist."
- Major differences between Mises and Hayek..... and between Stigler and Friedman.
- The "fortress" mentality: Why the Mises Institute doesn't advertise, or appear on TV.
- Amazing similarities between Austrians and Marxists, and between Chicagoans and Keynesians.
- Why Mises refused to use graphs and charts in his books.
- How Friedman shocked the audience when asked "Who is the better economist, Keynes or Mises?"
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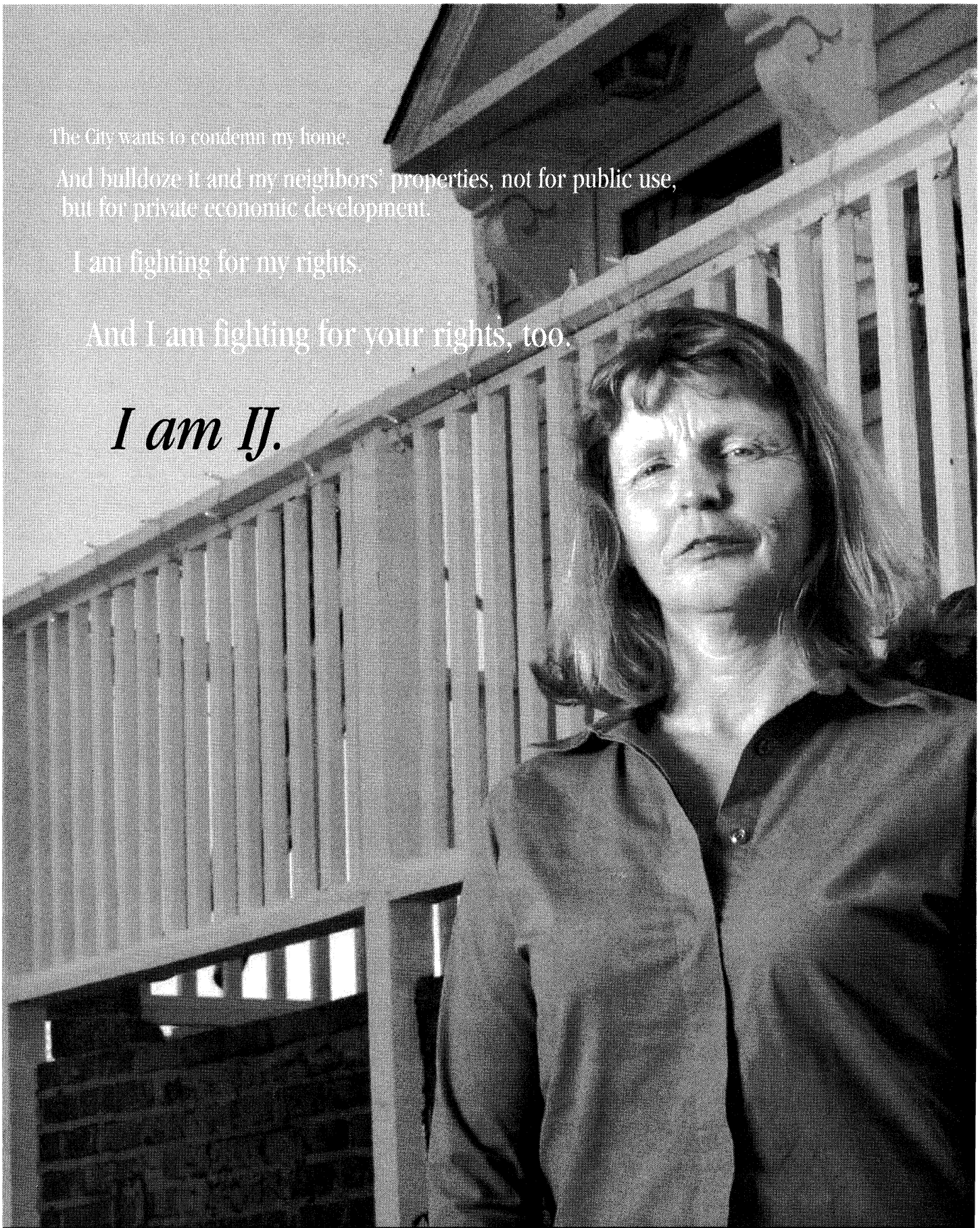

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Letters

Hate Magic

Jon Harrison ("George Bush: Darling of the Liberals," July) is doubtless right that the true source of Dems' hatred of the free-spending Bush is that he took their turf. Tax dollars no longer flow solely through their hands. However, they can't admit this, even to themselves, and so magical thought is required to facilitate anti-Bush sentiment. They blamed Bush following Katrina, much as 17th-century colonists blamed witches after storms.

There's no hatred like magically derived hatred (consider racism, for example). This will make for fireworks should Dems retake the House in '06.

Russell B. Garrard
Bellevue, Wash.

Lindell AWOL?

While I applaud R. Kenneth Lindell's efforts on behalf of liberty in Maine ("My Life As a Legislator," July), I take issue with his dismissal of the LP. Specifically with his portrayal of the Libertarian National Convention.

Lindell and I were the candidates for regional representative to the LNC from the Northeast region (all of New England, New York, and New Jersey) at the Anaheim LP Convention in July 2000. Lindell received more votes than I did, so he became the regional representative and I was the alternate. At the conclusion of the convention, the new LNC met. Lindell was not in attendance, though I was there and sat in on the meeting. At the next full (weekend) meeting of the LNC, later that year, in the D.C. area, Ken was again absent, though I attended the entire meeting. In fact, during the entirety of his term as regional representative, Lindell never attended a single minute of any LNC meeting, even though he insisted during his contest with me at the regional caucus that his status as a pilot virtually assured that he would be able to attend all the LNC meetings. That assurance might have swayed some votes; the final tally was quite close.

So how he can characterize the LNC as dominated by "infighting and jockeying for position" utterly escapes me. Yes, he served less than a year: by the end of 2000, realizing perhaps that his nonattendance didn't serve him or his region's constituents, Lindell had resigned. In fact, numerous attempts to contact him during the half-year that he nominally served proved quite fruitless. I argue that he never gave the LNC a chance, and certainly never learned enough first-hand to assert that "infighting and jockeying for position" so characterize the LNC that he was driven from the organization.

Dan Karlan
Waldwick, N.J.

Rep. Lindell responds: Mr. Karlan misses the point. I was not writing about my contributions during my brief stint on the LNC. My point was that the LNC has proved so ineffective at electing libertarians to office that I sought other avenues for my political activity. Indeed I am hard pressed to name one LP candidate elected to a state legislature without also running on a major party ticket. New Hampshire's legendary libertarian members all ran as Republicans. I would not have stood any chance being elected to the Maine House of Representatives on the Libertarian Party ticket — but, I was elected on my first run as a libertarian Republican. I am very proud of my 99% attendance record in the first session of Maine's 122nd legislature, and my 100% attendance record during the second session. I think my constituents are also pleased about how I have set my priorities.

Besides, I have also never been a

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Inside Liberty

September 2006
Volume 20, Number 9

2 **Letters** Our readers get the ball rolling.

7 **Reflections** We dodge a meteor, worry about Iraqi soccer, hide candy from customs, uncover the pot pandemic, take up smoking, gain Canadian citizenship, requisition more illegals, separate Huck and Jim, fail to embarrass Congressmen, and set the controls for the heart of the sun.

Features

21 **Ten Great Books of Liberty** The 20th century was a bad era for liberty but a great era for libertarian thought. Liberty's editors and contributors celebrate ten intellectual achievements that helped to produce the modern libertarian movement.

35 **Germany Invites the World** Italy may have taken home the trophy, but the World Cup was about more than the results of a few games of soccer. *Andrew Ferguson* takes in the biggest spectacle on earth.

39 **A Party in Search of Itself** How can a small, ideological party hope to affect U.S. politics? *Patrick Quealy* and *Mark Rand* report from the national convention of the Libertarian Party.

Reviews

47 **Blinded by Belief** *Gary Jason* wonders why malice is so often attributed when hatred, lust, envy, or stupidity will suffice.

49 **Baby, You Can Drive My Car** A kids' movie in which the government is the villain? *Jo Ann Skousen* can't quite believe her eyes.

51 **Resisting the Reich** The Allied nations weren't the only ones fighting the Nazis. *Chris Baker* examines the life of a defiant young martyr.

52 **Sanity on Trial** What is the dividing line between eccentricity and madness? *Andrew Scull* looks back on a time when the question was answered by the Masters in Sanity.

50 **Notes on Contributors** Our rogues' gallery.

54 **Terra Incognita** Lord, what fools these mortals be!

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pilot, nor claimed to be one. Perhaps Mr. Karlan has me confused with somebody else.

Question Time

While I'm not sure I fall into any of the categories Stephen Cox addresses, I am intrigued by his questions ("I'm sorry to interrupt you . . . ," Reflections, July), which I will condense to save myself a lot of typing.

Do you believe there are any limits to the number of immigrants that America should accept?

No. I cannot write an essay on economics here, so that answer will have to stand. I do favor trying to exclude actual enemies of the United States, but I do not expect great results from that effort, for a reason I discuss below.

Do you believe there are any limits to "immigrants' rights"? How do immigrants gain these rights?

Government-provided education, etc., are not rights at all, so they cannot be immigrants' rights. Of course the right to vote is another matter. Historically, five years residence, followed by naturalization, has been required for this. Before it was put under the control of the bureaucracy, naturalization was a straightforward process, yielding generally satisfactory results.

Are you making the same demands for open borders on Canada, etc., as on the United States?

Immigration into Canada is not my problem. It occurs to me, however, that if Canada's immigration policies make it relatively underpopulated, it may have trouble keeping its independence — which also is not my problem.

If the economy benefits from, say, 10 million unskilled laborers, would it benefit still more from 50 million, 100 million, or 500 million?

Of course; it escapes me how this is a hard question. But Cox adds, in the tone of a threat: "Because I'm sure you could find that many people who would be willing to come here." A question of my own: if that were true, who or what could stop them from coming?

If you believed that most immigrants from a country held ideas inimical to our rights, would you seek to limit immigration from that country?

Why bother? It would do us no particular good, because the majority of Americans hold just such ideas. If that were not so, none of the foregoing would be a problem.

If you could not dismantle the entire social-democratic political system before *dismantling controls on immigration, would you still favor doing the latter?*

Yes, emphatically. The point of demanding one thing before the other is to prevent any enfranchisement at all — a strategy of unite and conquer. I refuse to fall into that trap.

Let me also point out the obvious, which is that aliens did not establish

I don't say this enough — because nobody could say it enough — but the people who make this magazine possible are Kathleen Bradford, Mark Rand, Andrew Ferguson, and Patrick Quealy, the wonderful staff of Liberty. No editor ever had more intelligent and perceptive colleagues, or colleagues who were so much fun.

It gives me great pleasure to welcome Jo Ann Skousen to this group, as Liberty's Entertainment Editor. Jo Ann's articles and reviews have made her familiar to all our readers, and we thought it was time to exploit her even more cruelly than we have before. Jo Ann knows what she's doing. We're fortunate to have her with us.

In this issue we are running a special feature, long planned by R.W. Bradford, our founder: a symposium on ten great libertarian books of the 20th century. The life of books — unlike the life of political speeches, opinion polls, television "news analysis," and the vast majority of the courses that people take in school — is real life. To quote an old poem, it is books that "rouse and rule the world." It is books, thoughtful, serious, courageous, and always deeply individual books, that created the modern libertarian movement. It is books that will keep it alive.

I hope you'll enjoy what our ten writers say about those ten great books. And I hope you'll read the books.

For Liberty,

Stephen Cox
Editor

the social-democratic system, as Cox calls it. *We* did.

Michael Underwood
Arlington, Va.

Boom and Bust

Richard Timberlake makes a point ("The Notion that Caused the Great Depression," June), and a very important one. The true explanation of the Great Depression rests on the Fed's Real Bills Doctrine.

Granted, the monetary contraction of 1929–1931 was the spark that precipitated the crash. But as Richard Timberlake says, the Real Bills Doctrine was to blame. Actually, the true cause of the Great Depression was not the contraction but the preceding monetary expansion.

The Fed was established in 1913 in the hope of improving economic conditions by furnishing "an elastic currency." Its goal was not only to prevent the quantity of money from declining but also to make it relatively easier and cheaper for businesses to borrow. The Real Bills Doctrine was developed to make it possible to expand loans to business. The result was, in effect, a lowering of the rate of interest. As most businessmen, economists, and politicians do not realize that the interest rate is a real market phenomenon that cannot be manipulated without peril, they considered the reduction in interest rates an essential goal of economic policy. Therefore, few voices were raised in opposition to the development of easier money. Yet the monetary expansion (not to mention the distortions in the pattern of investment and production that ensued) continued to build throughout the 1920s until, finally, the boom was brought down by the crash.

If the United States had clung to the gold standard all along there would have been little or no monetary expansion in the 1920s. With little or no monetary expansion, there would have been no cause for monetary contraction. But it was the expansion of money and credit, not the contraction, that was the real cause of the Great Depression. The monetary contraction was merely the spark that lit the fuse.

Bettina Bien Greaves
Hickory, N.C.

Fractured Reserve

I agree completely with Richard Timberlake's defense of the free market system and a gold standard for banking from the charge that these were the cause of the Great Depression. But I think this point is much stronger made from the standpoint of fractional reserve banking rather than the Real Bills Doctrine. Timberlake mentions fractional reserve banking just once, on his first page, but even there, it is not the subject of his sentence; nor is it defined nor ever referred to again.

The Real Bills Doctrine originated as a defense (a poor one, as Timberlake brings out) against the charge that banks cause inflation. They do. The doctrine simply claimed that the inflation which banks do cause when they lend money under fractional reserve banking is wiped out when the loan is repaid, usually within a few months or a year. Originally, loans were to be made only on actual bills of exchange; i.e. contracts to buy something from someone at some future date, all spelled out in writing; hence the term "Real Bills." As such, bills of exchange are the best possible collateral for a loan.

However, over the years and with the rise of home mortgages and car loans and credit cards, the Real Bills Doctrine in this, its original form, is moot. The name, however, is used today to refer to the philosophy that the economy needs more money during good times than it does during times of recession and that this expansion of bank credit, inflation, will not get out of hand if the central bank sets the proper interest rate for borrowing money.

This has a certain unfortunate appeal to libertarians because of a (false) analogy with the law of supply and demand. The fallacy is that money is not produced in order to be consumed. Economists do not speak of a *supply* of money, but of a *stock* of money. Unfortunately, they sometimes use the other expression, *demand* for money. However, this has no meaningful parallel to a demand for consumer goods. On the contrary, it is the scarcity of money which gives it its value.

The Real Bills Doctrine actually works moderately well during prosperous times. Expansion of the money stock can be limited by the Fed raising the rediscount rate, the rate at which the central bank will rediscount the loans of its member banks and make new money available to them. But during hard times, when it is most important that banks not fail, low interest rates can only encourage borrowing; you can't *force* individuals to borrow. We have seen interest rates go almost to zero without stimulating much of a recovery.

Timberlake says, quite correctly, that the Real Bills Doctrine is disastrous as the policy of a central bank. But the Real Bills Doctrine never had the force of law behind it which fractional reserve banking does.

So today, Real Bills is simply the theory or philosophy behind letting the money stock be determined by the marketplace and interest rates; but fractional reserve bookkeeping is the mechanism by which the new money is created. It is the legal privilege which most central banks, including our Fed, have which permits them to lend out about 90% of the deposits to checking accounts. Note that this does not pertain to savings deposits, which are specifically intended to be lent by the bank and which are not spendable by the savings depositor.

Besides, the paper trail is more easily interpreted via the fractional reserve model than it is via the Real Bills Doctrine. Before the Crash, in 1929, the narrow money aggregate, M1, was $26.64 billion. This was composed of $3.9 billion in cash and currency outside of banks plus $22.74 billion in checkable deposits. By 1933 cash had grown to $5.09 billion; no one destroys dollar bills or coins. But checkable deposits had fallen to $14.82 billion, or 65% of its former value. And this was happening at a time when the country desperately needed more money. The Fed lowered its rediscount rate to 1.5%, but even this was not low enough nor was it done in time to bring forth borrowers who would have created money by borrowing from the banks.

Under fractional reserve banking, banks are required to keep only about 10% reserves behind their checking accounts. They can lend a checking deposit to nine other persons! This has been a reliable recipe for bank failures

AdamKnott.com
Libertarian Social Theory

since the Bank of England first allowed it in 1694 and went belly up in 1696. Since then central banks have gone broke about every 15 years until the Federal Reserve System was created in 1913 in order to finance World War I. The phenomenon came to be known as the business cycle.

Fractional reserve banking is dishonest, but that is not the worst of it. The worst of it is that having ten people spending the same money is unstable. Sooner or later, there will come a time when the bank cannot honor the checks of all accounts. You don't have to be a rocket scientist to see that giving ten people title to the same money is not going to get you a passing grade in Banking 101.

One of the uses of money, indeed, a definition of money, is to be a store of future value. Traditionally, there are two places to do this: mattresses and banks. Under 100% reserves, banks would be the preferred place to keep money for future use. But fractional reserve banking defeats this purpose, leaving mattresses as the better place, underneath, not on top.

Money is not just printed by the treasury and then spent by the government. It is created first as a loan from a bank, a checking account that doesn't have any deposit behind it; i.e., bank credit. Then, as checks are cashed against these accounts, the banks run low on cash and buy new bills and coins from the treasury, paying for them by check, as you can imagine. So the first owners of new money are mostly banks with a small amount benefiting those who take out loans at slightly lower rates than they would otherwise pay.

Note that if banks lent out only the money in savings accounts, none of this could happen. When a savings depositor gives a bank some of his money to loan, he relinquishes, temporarily, the ability to spend this money himself. The bank loans this money to someone else who will spend it. The total amount of money in circulation remains the same. Money in bank vaults is not considered "in circulation"; it is not counted in M1, M2, or M3. This is because the money in bank vaults will not be from savings deposits; that money has been lent out. Money in bank vaults should be from the deposits to checking accounts. This money is already counted in the money aggregates M1, M2, and M3. It would be counted twice if it were counted again as money in bank vaults.

Theoretically, the amount of money in circulation should be in proportion to the population using the money; the amount of money per capita should be constant. A difficulty with implementing this criterion is knowing the population that is using the money. Once you have created a good money, other people will wish to use it. Anyone who has traveled overseas knows that street vendors in foreign countries accept, and can make change in, U.S. dollars. It has been estimated that half or more of the money our treasury has printed and coined is out of the country. (See John Mueller, "Most of Our Money Is Missing, Again," Durell Journal of Money and Banking, Winter 1994–5; and also in the same issue, "America's Most Ignored Export," by Lawrence B. Lindsay.)

In place of a population standard, Milton Friedman has proposed a fixed rule-of-law expansion, about 3% per year. Another way is to look at the inflation rate of consumer prices. The European central banks try to do this.

Gold has many natural qualities to be used as money. And a strong gold standard — that is, a convertible one in which individuals and businesses are allowed to keep gold in any amount and in any form; i.e., coins or bullion or jewelry — would offer some limitation to the creation of bank credit and inflation. However, experience has shown that even a gold standard is not an effective limitation on the expansion of money under fractional reserve banking.

I applaud Liberty for publishing Timberlake's article. A free society must have sound money and honest banking, which are complicated issues requiring an astute and informed electorate.

Robert J. O'Donnell
San Rafael, Calif.

Timberlake responds: Greaves' response to my article in Liberty contradicts virtually my whole thesis. In a few paragraphs she (1) denies the actual data on money and prices that show a stable price level during the 1920s, (2) claims that the Fed promoted an inflation, (3) makes a completely incorrect assertion about the gold standard, and (4) attempts to reargue the origins of the Federal Reserve System. She is

continued on page 46

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Reflections

The trouble with command economies — On June 26, Iran, the world's fourth largest producer of oil, announced that it will have to start rationing gas.

— Tim Slagle

Cosmically close call — I am looking at a news article entitled, "Killer Asteroid Headed Towards Earth." This is an opportunity to see what "science" reporting is like today.

The asteroid, "measuring a half-mile in diameter," has in fact never been measured. It may be as small as a quarter mile in diameter, or as large as a half mile. On July 3, this "massive asteroid" passed about as close to the earth as the distance between the earth and the moon.

OH MY GOD IN HEAVEN! WE ALMOST CRASHED.

Or, as the international news report — produced, apparently, by the oracle of Apollo at Delphi — described the forthcoming event, "Even though the chances of it hitting Earth are nil, by cosmic standards, the asteroid will pass alarmingly close to our beloved blue orb next week."

The implication is that earth standards would produce a much more frightening assessment than would be rendered by "cosmic standards." So let's put it in earth language. Suppose you were driving down the street, and you learned that two blocks away there was another object hurtling along, an object one-twelfth to one-sixth the size of one of the periods on this piece of paper. That, in earth proportions, is what happened on July 3.

OH MY GOD IN HEAVEN! WE ALMOST CRASHED.

— Stephen Cox

Submitted for your approval — The Mexico-U.S. border is 1,254 miles long. That's about 6.6 million feet. Working three eight-hour shifts per day, placing guards one and a half feet apart, we'd need about 12 million people to adequately police the border.

We have about 12 million illegal aliens in America, taking jobs from Americans.

To stop the invasion of illegal aliens into our country we need a strong, committed work force that can anticipate the moves illegals use to enter our land.

We need to do something with the illegals already here so they get off welfare and start paying their fair share of taxes.

Isn't the answer obvious? — Ross Levatter

Steer crazy — An Oklahoma woman purchased a motor home from Winnebago and on her first trip put the cruise control at 70 mph, then went back to the kitchen to make herself a sandwich. After the RV left the freeway and overturned, she sued Winnebago for not advising customers in the instruction manual that cruise control meant they still had to stick around and steer. The jury awarded $1.75 million and a new motor home. That made her the winner — all right, the runaway winner — of this year's Stella Award, named for the woman who sued McDonald's after spilling hot coffee on herself.

— Alan W. Bock

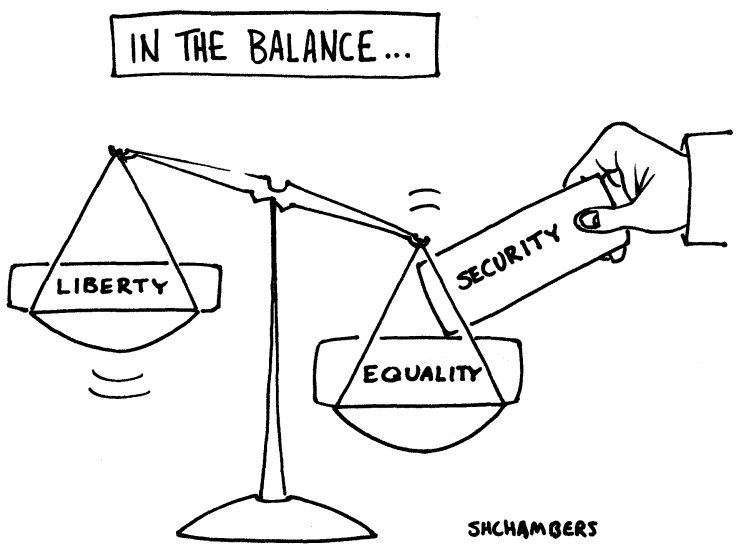

Midnight soccer in Iraq — During the Clinton administration, nearly all conservatives and libertarians belittled a federal scheme to fund midnight basketball as just another paternalistic boondoggle and waste of taxpayers' money.

That was then. Over at the libertarian-conservative Volokh Conspiracy, a blog that generally skirts the Iraq issue, David Post puts forward a revised version of the same concept: "A hundred million dollars to build up Iraq's soccer team would do more for nation-building than any other damned thing we could possibly do — why nobody sees this is totally beyond me." — David Beito

It's no longer the economy, stupid — One idea that seems to have died is that the president of the United States runs the economy and is personally responsible for it.

The U.S. economy is doing well, but George W. Bush is not getting credit. The Bush folk have tried to say the tax cuts did it, but their argument falls flat.

Likewise, Bill Clinton didn't get much political mileage for his boom. Nor did Al Gore. In the 2000 campaign some academic had an historical model that predicted Gore would win handily because of the economy. Part of the reason he didn't was his own personality and ideas, but another part was that people no longer looked to the president as a kind of economic Rambo.

It used to be that when the economy fell into recession, the

Liberty founder Bill Bradford's death is an irreplaceable loss to the end. Shortly before he passed away, he suggested

Liberty

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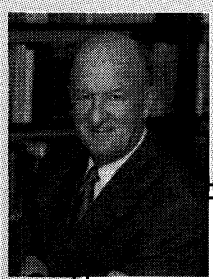

Mark Skousen

Professor, investment adviser, and author of *The Making of Modern Economics.*

Randy Barnett

Carmack Waterhouse Professor of Legal Theory at Georgetown University Law Center. He appeared before the U.S. Supreme Court to argue the medical cannabis case of *Gonzales* v. *Raich.*

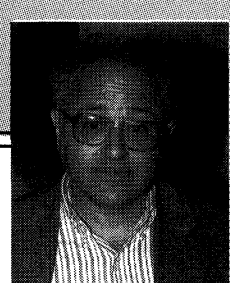

David Friedman

Economist, professor at Santa Clara University School of Law, author of *The Machinery of Freedom,* and Bill's favorite anarchist scholar.

Tim Slagle

Renowned political satirist and libertarian comic.

Stephen Cox
Editor of Liberty, author of *The Woman and the Dynamo,* and professor of literature at the University of California San Diego

Charles Murray
W.H. Brady Scholar at the American Enterprise Institute and author of *In Our Hands, Losing Ground,* and *The Bell Curve*

John Pugsley
Acclaimed speaker, chairman of the Sovereign Society, author of *Common Sense Economics,* and founder of the Bio-Rational Institute

Terry Easton
Private investor, entrepreneur, and adjunct professor at San Jose State University

Rick Rule
President, Global Resource Investments

Jo Ann Skousen
Writer, critic, speaker, and instructor in English literature and writing at Mercy College, Dobbs Ferry, N.Y.

Bruce Ramsey
Journalist, senior editor of Liberty, and editor of *Insatiable Government and Other Old-Right Commentaries, 1923–1950*

Randal O'Toole
Senior economist with the Thoreau Institute, prominent critic of "smart growth," and author of *The Best Laid Plans: The Case Against Government Planning*

Neal Levine
Campaign manager for Committee to Regulate and Control Marijuana, the group behind the Nevada initiative to decriminalize marijuana. (Patrick Killen, communications director, may substitute.)

libertarian movement, but he maintained his usual good cheer to the as his epitaph: "Bradford dies. Liberty lives!"

Lives!

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president was expected to offer a "recovery package." Bush did push through his tax cuts, which had a quick pay-out provision, so this idea is not entirely dead. But the clamor for it was less intense in the last recession than it was a generation before. Basically, people knew the recession wouldn't be that bad and that the politicians couldn't do much about it.

A third of a century ago, inflation rose and President Nixon imposed wage and price controls. He did this not because he was convinced they would work, but because, politically, he had to do something. This imperative was the legacy of the New Deal and World War II.

I was in journalism school in the mid-1970s, and remember covering a speech by Rep. Henry Reuss, chairman of the House Banking Committee, in which the Wisconsin Democrat proposed comprehensive federal wage, price, and credit controls. No mainline Democrat would propose that today. Reuss' proposal fitted not only the ideology of the time but the personal history of Reuss: he had been counsel for Franklin Roosevelt's Office of Price Administration in 1941–42, and chief of price control in the military government of Germany in 1945. People forgot the same story about the influential modern-liberal economist John Kenneth Galbraith: he had been a price controller during World War II. It stained his view for life.

That institutional memory for the New Deal is almost completely gone. There are many things that the U.S. government tries to control, but there are actually some things that it used to control that it has let go of. Part of this change came under Reagan, but much of it was simply that the war generation retired. As it did, political assumptions shifted. — Bruce Ramsey

Propoganda up in smoke — The Centers for Disease Control has discovered that teen smoking is on the rise for the first time since 1997. From 2004 to 2005, teen smoking increased by 10%. Speculations as to the reason run the gamut of paternalistic talking points, from "cigarettes are not taxed enough" to "insufficient funding for education."

The real reason might never be known, but my speculation is that teenagers, a species known for its natural cynicism, have seen through the corny thetruth.com ads, and can recognize brainwashing when they see it. — Tim Slagle

Where credit's deserved — I hate to say anything good about politicians, but I do want to compliment the managers of the U.S. Senate for their good conduct in regard to the proposed flag-burning amendment to the Constitution.

There are few people in the world whom I detest more than people who desecrate the U.S. flag. But there are few greater political dangers, in my opinion, than the desire to amend the Constitution. Once you start amending it for reasons like this, who knows where you're going to end up? What's next — a Howard Stern Anti-Porn Amendment? An amendment to ensure that Social Security benefits increase by at least 5% a year?

For once, I believe that the Senate agreed with my view about something. Its defeat of the flag-burning amendment by one vote means one thing to me: the Democrat and Republican management decided to let the crazed fanatics vote as they pleased, on one side or the other; they extended the same privilege to the few people who might conceivably lose left-wing or right-wing money, and conceivably lose an election, if they voted "wrong," on one side or the other; but they made sure that there would always

News You May Have Missed

Coulter to Wed Kim Jong Il

PYONGYANG, North Korea — In another blow to her sweet, innocent public image, coming soon after the coarse vituperation she directed at 9/11 widows and the evidence that she has committed plagiarism, syndicated columnist and self-described "old-fashioned girl" Ann Coulter will marry North Korean dictator Kim Jong Il next June or just before he blows up the world, whichever comes first, the official North Korean press agency has announced. Coulter, who has in the past called for the bombing and strafing of anyone or anything insufficiently enthusiastic about American world supremacy, including Belgium, Fiji, the Upper West Side of Manhattan, the Upper East Side of Michael Moore's stomach, Harvard Law School, the editorial board of the New York Times, and all 16 of Jupiter's moons, was not expected to fall in love with a man who has repeatedly described Americans as "gangsters," as "imperialist hyenas," and as "shameless consumers of mediocre breakfast foods," but she said that "Illie," as she calls him, was "just the kind of traditional manly man a womanly woman like me is looking for. And besides, I love the haircut."

The primly dressed Coulter, known for her unparalleled collections of early Victorian tea cozies and antimacassars, said over a cup of Darjeeling during a break in an afternoon meeting of the Georgetown Cameo Brooch Society that as a shy, genteel, delicate flower of a woman devoted to decorous traditional values, she wanted a man who isn't afraid to show his strength, a man willing to tell her what to wear and where to go and what she can do to herself, and, above all, a man willing to live in the same house with her. "I finally found someone who's the perfect match for me, someone who will protect me and pamper me, someone who will let me melt in his arms, including his nuclear arms," the blushing bride-to-be said, admitting she had previously been turned down by rap star 50 Cent, Hulk Hogan, Lyndon LaRouche, Louis Farrakhan, Hugo Chavez, Mike Tyson, Robert Blake, O.J. Simpson, Florida shock jock Bubba the Love Sponge, and the entire Fresno chapter of Hell's Angels.

Some foreign policy experts believe that the only reason Kim is willing to marry Coulter is that he can then threaten to launch her in a trajectory that would take her directly over Japan, forcing the international community to make drastic concessions to him, such as a new iPod, while others contend that he merely wants to establish beyond a shadow of a doubt that he's really crazy and capable of doing anything, even if it means his own utter destruction.

— Eric Kenning

be that one lone vote to keep the thing from happening.

Ladies and gentlemen, managers of the Senate: I salute you.

— Stephen Cox

What war is good for — Both the Senate and the House votes on the war on Iraq, perhaps the most important issue of the day, were instigated as a way to gain partisan advantage and dominated by shallow partisan talking points rather than anything remotely resembling substantive debate. Really restores your faith in the ability of these august deliberative bodies to make wise policy, doesn't it?

— Alan W. Bock

Boomers, Latinos, and Islamofascists — The current debate over illegal immigration has become very emotional and heated, I suspect in part because nobody has coherently addressed the issue. In my view, there are three main strands to the opposition, three arguments against allowing the free flow of immigrants into our country: the national security argument, the cultural argument, and the economic argument.

The security argument seems to me to have merit. We are a target for Islamofascist terrorism. Allowing *any* illegal immigration in the face of that aggression is foolish, so to the degree that more border agents and even a wall can mitigate the problem, well and good. That seems to me a bare minimum to protect ourselves, and no threat to our liberties. But this argument can extend only to stopping illegal immigration, not copious legal immigration, while allowing those who are here illegally now to apply for green cards.

The cultural argument, driven by the fact that the current wave of immigration is predominantly Latino (and to a lesser degree, Asian), seems to me without merit. It is quite frankly neo-nativism. Now, I will confess my bias here: I am the son and grandson of Central European immigrants, and the same arguments were used in the 1920s to end immigration by people like my forebears. The nativists halted immigration by Central and Southern Europeans and Jews, arguing that they were not of the right religion, didn't speak English, formed gangs, etc. Well, all those immigrants assimilated just fine, and contributed to this country enormously. I think the Latinos and Asians are assimilating as well.

The trickiest argument is the economic one. The classical liberal position is that there should be free flow of people, as there should be of capital and trade. But the wrinkle is that immigrants have access to our welfare state programs, so with them the country incurs costs it didn't with earlier immigrants. This is a tricky issue, with economists coming down on both sides, and with protectionism always lurking in the shadows. But let me point out a wrinkle not much noticed: the coming Boomer demographic disaster.

Our current population is about 300 million, of which 79 million or so are baby boomers. Boomers, something like 27% of our population, will be retiring *en masse* over the next decade, and croaking *en masse* not long after. Boomers bore fewer children than earlier generations. This raises a number of questions: Who will be replacing that huge drop in the workforce? Who will take care of all those geezers who didn't have children? And — given that geriatrics make crummy soldiers — who will serve in the armed forces?

Those who feel that we don't really need a large, continuing flow of immigrants ought to think through those questions.

— Gary Jason

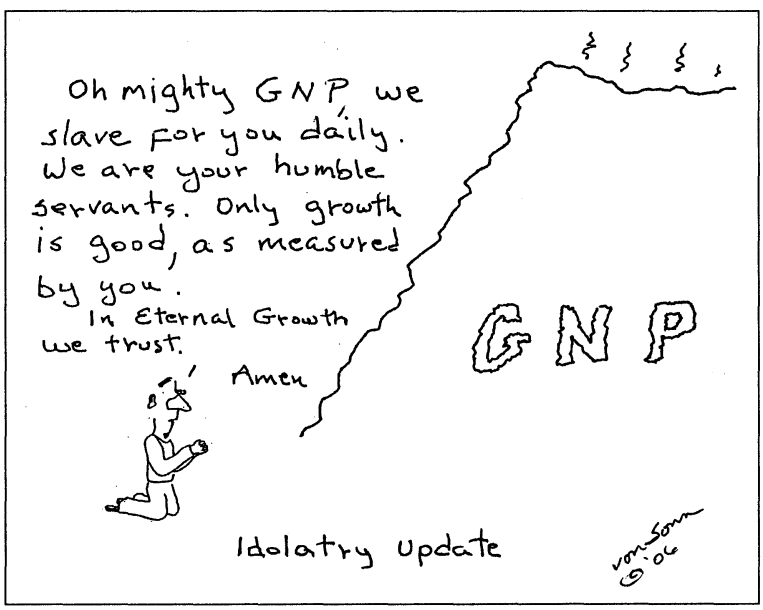

Nasty as she wants to be — Ann Coulter is all over TV promoting her book about "godless liberals." The other night she was on "Scarborough Country" bragging that her book has ended the political participation of the 9/11 widows whom she calls the "Jersey Girls," and who she says have enriched themselves over their husbands' corpses. These "broads," as she terms them, are enjoying their husbands' deaths. Then, godly woman that she purports to be, Coulter asks rhetorically, "How do we know their husbands weren't planning to divorce these harpies?"

Asked by a Pittsburgh newspaper editor which of her book quotes she'd prefer to have spotlighted now that everyone's heard her attacks on the 9/11 widows, Coulter replied that she'd like people to see the following: "Our book is Genesis and [the liberals'] book is Rachel Carson's 'Silent Spring,' the original environmental hoax. Carson brainwashed an entire generation into imagining a world without birds, killed by DDT. Nazi concentration camp victims were bathed in DDT when they were rescued to save their lives."

What's her point? When we're finished pondering the images of Jews being bathed in DDT, are we supposed to clamor for its return?

No one ever said, as Coulter claims, that the 9/11 widows or Gold Star Mothers were above the political fray, but war widows and Gold Star moms have always been honored as a matter of personal conscience. I remember the special honor and respect given to Gold Star Mothers by both sides during the Vietnam War. No one in the pro- or anti-war movement would have savaged them the way Coulter does.

Coulter serves as a green light for GOP political operatives who want no standards of civil behavior or restraints on their own viciousness in the upcoming political season. Crashing through the lines of civil discourse, Coulter has once more coarsened the culture and made a run for the bottom. She is not attacking the "Jersey Girls'" ideas or arguments, but their

Word Watch

by Stephen Cox

It started several years ago. Strange messages came to me. They came at night, in my inbox. Somewhere, out in the darkness, there were beings who wanted to communicate with me. They knew what I wanted. What I needed. Silently, invisibly, they were letting me know.

First it was penis extension. Then it was hot dates with local singles. Then it was . . . other things. Things still more private and intimate. Diet supplements. Degrees from top-rated universities. Aluminum siding — cheap! Really comfortable shoes. A time-share in Bakersfield. All the things I'd been ashamed to admit I desired.

The beings were friendly. They were trying to help. Every morning Sharon wrote to say, "Thinking of you!" I wondered, Was that the Sharon Applesmith I knew in fifth grade? If so, how kind of her to think of me, after all these years. And Marcie, dear Marcie Greenlow! Always thanking me for my messages, even the messages I hadn't sent. "Got your message — wow!"

True, I needed to work on my relationship with Stacie Kinch. Stacie kept reminding me, "Hmmm . . . haven't heard from you in a long time." She was right! Compared to her, I was a terrible correspondent. But I was happy that she still wanted to work on our relationship. And Robert Rivers — who could forget Bob Rivers? He's the one who was thoughtful enough to tell me, "We found company ready to EXPLODE!!!" Whoa, dude! Git outta the way! But I was glad to receive his confidential advice. If only I'd had any cash to invest . . .

Even total strangers like Tracy Gupta — but wait, was that the woman I met at that Liberty Fund conference, back in '91? — were anxious to advise me. Beneath my confident discussions of the principle of marginal utility and the Randian theory of concept-formation, Tracy had found a more sensitive, more vulnerable me. She'd zoned in on my darker side. She cared enough to write and say, "Depression can be serious, beware!" Well, it wasn't totally clear which kind of depression she had in mind, the psychological or the financial type; but it was a really sweet thought, anyway!

Other people sent me thoughtful messages. The Laptop Alert Division was considerate enough to advise me to "Burn Rubber on the Information Superhighway!" That was true: my laptop never burned any rubber at all. But I've got to give credit where credit is due; nobody cared for me more than the business community of West Africa. Nobody appreciated my good qualities like those fine gentlemen who chose me, out of all the people in the world, to deal with the 37 million pounds left in trust by the late Mr. Joseph Omdaleya, Minister of State and Executive in Charge of the Progress Petroleum Bank of Labos (just an excited misspelling of "Lagos," I assume). They were kind enough to say that the money could be converted to dollars only with the aid of my "superior fiscal oversight and fiduciary acumen" — besides, of course, my checking account, my date of birth, and my mother's maiden name. I was a bit confused by the fact that they kept addressing me as "Very Dear Sir or Madam," but their fervent wishes for God's blessings upon my every undertaking truly warmed my heart.

Then something happened. Something turned sour. Something went south. The messages were no longer so friendly. Some of them developed an edge of satire, a snort of laughter at my expense. Sheena Suggs and Aline Sapp came up with the same sarcastic question (I was about to say the same pregnant question): "Pretty baby and no erection?" It wasn't the sort of question I was used to being asked. And in some of the messages, there was an undertone of violence. Wilhelmina Giralda (that strange woman I met in Chula Vista?) wrote me message after message: "Hi, hit me!" Why should I want to hit you, Wilhelmina? (Though you do have a strange and repellent name.)

A lot of my mail turned positively threatening. Companies I'd never heard of warned me it was time to "cooperate" if I wanted to "retain all services." Banks announced that they were closing my accounts — closing them before I'd even had a chance to open them. And why? Simply because they'd somehow misplaced my Social Security number. Is that a reason? At least they could have let me know how much money I had in those accounts.

I *had* heard of eBay, and consequently I'd heard of Paypal, too; so it was even more upsetting to be informed, ten or twenty times a day, that "Ebay Account Management" or the "Paypal Compliance Team" had "identified some unusual activity" and was fixing to "suspend" my "account." One time eBay actually did suspend my account, apparently because Tracy or Stacie or Sharon or Mr. Joseph Omdaleya or that sexy Pius Barber who kept emailing me the word "Nighttime" was using my address to sell things on my behalf. That's what happens when you have too many friends. But the "unusual activity" creeped me out.

The messages were getting spooky. The subject lines were full of words like "Fraud" and "Crime" and "Violation," but when I read the messages, they *looked* like nothing more than ads for "investment opportunities" and "pleasure aids." The owls were not what they seemed. I couldn't figure out why anyone would want to send me a message about "enlisting in the ongoing corporate structure" and title it "Boor!" Was he talking about *me?* And exactly what "structure" did he have in mind? And what did Rodney Edmonds mean by "Your cash, mole drain"? Have you ever seen a mole? Ugh!

Some of the messages were more on the spiritual side, but there were weird things going on with them, too. Thomas Kelly sent me a lot of mail about "Gemini porch." What did that mean? I pictured the stars in Gemini. Then I pictured a porch. I pictured a constellation with a porch. The image hovered on the margin of consciousness, shimmering with intention . . . just out of range. It was trying to tell me . . . what? I remembered that little poem in Cocteau's "Orphée": "The bird sings with its fingers, / Three times." It's the message that guides the hero to the underworld. Would "Gemini porch" do the same for me? I hoped not. But maybe it wasn't about death at all. Maybe "Gemini porch" was somewhere close to the "Daylight shrubbery" that Theobald Hanna wrote me about. At least I could picture "daylight shrubbery" — though it still didn't seem to *mean* anything. That was its spiritual quality.

But now the messages were coming in too quickly for me even to try decoding. Morgan Fuentes commanded me (or perhaps he was just stating a fact): "Platonic vilify." Sure, I thought, I'll vilify, if you believe I'm Platonic enough for the job. An idle boast — no sooner had I resolved my issues with Morgan than Esther Werner started writing about "Misery bowling," and I knew there was nothing I could do to keep up with that. I had failed, and the ether immediately communicated my failure to Maggie Puckett, who responded with those eight hopeless, dismissive letters: "Bitterly." Ah, what a tale they told, to those who could understand it.

You know how it is when you're challenged beyond the limits of your intelligence. Maybe you pick up an article about postcolonialist reinterrogations of postmodernism. Maybe you're surfing through the channels and you land on an interview with a football coach. Or maybe you're just watching a speech by the president. Suddenly, you just don't know what to think. You don't know how to interpret it. That's the way I felt when those subject lines ganged up on me. "Parity surrender," said Virginia Riggs. "Pantheism tiresome," replied Aubrey Gallegos. "Hi, oatlike bent grass," whispered Bruce Maurer.

So it was a relief to discover that there were still some messages that made sense to me, that there were still some emails that could cheer my heart, even if I didn't have access to a decoding machine. How happy I was, this morning, to get the latest message from the Cooking Career Center: "Learn your way around the kitchen as a cook." That's simple. That makes sense. That can be applied. I know that it's a hell of a lot better learning your way around the kitchen as a cook than learning your way around the kitchen as a ferret.

Still more consoling was the latest message from Becky Anderson (Becky? Becky? Becky? I am *sure* I once knew a girl named Becky), who has decided to tell me that I'm a "Lamb." That's all she put in her subject line, but I'm sure she meant it to refer to me. And I've just received my daily message from Deborah Horn. Her subject line announces, very simply, "Genius." Deborah represents "a holding company that specializes in consolidating revenue-generating enterprises," so obviously, she ought to know about things like that.

A Lamb and a Genius. That's me. Thank God, the messages keep coming.

widowhood, the state of their marriages, their right to activism based on their 9/11 experiences — things that decent people and most liberals, godless or not, wouldn't do.

"I don't particularly care if liberals believe in God," says Coulter. "In fact, I would be crestfallen to discover any liberals in heaven." Well, she may be in for a big surprise. Whether or not liberals are "godless," as the title of her book proclaims, they usually have higher moral and ethical standards than she does. She is living proof that professed godliness is no guarantee of goodness.

— Sarah McCarthy

Trickle-down charity — The Giving USA foundation just released a report showing that needs created by the tsunami, Katrina, and Pakistani earthquake disasters pushed charitable giving in 2005 up 6.1% over the previous year. The report shows that there would have been a year-to-year increase of gifts from individuals and corporations even without the disasters. It also notes that charitable giving has steadily tracked increases in national wealth as measured by GDP. So attacks on wealth turn out to be attacks on charitable giving? A bit ironic.

— Alan W. Bock

The Curious Incident of the Dog in the Baggage Line — Rush Limbaugh isn't the only one being sniffed out for carrying innocent (though embarrassing) substances while flying back to the United States. On my recent return from London I noticed a cute little dog jumping up on a passenger who was waiting at the baggage belt. This dog wasn't just wagging his tail to say hello — he was fingering the passenger for carrying contraband items into the country. The woman's offense? She had half a turkey and cheese sandwich left over from the plane's lunch box in her bag. The customs agent spoke sternly to the woman and confiscated the sandwich.

The next woman to be sniffed out was younger than the first and didn't get off so easily. The agent not only looked through the book bag Fido was happily pawing, but he insisted that the woman open her suitcase right there next to the baggage belt, exposing her dirty linen and who knows what else to the traveling public.

Here was my dilemma: I was carrying a bag full of Cadbury chocolates for my children. Packaged candy is perfectly legal to bring into the States, but the dog wouldn't know that. If the mutt sniffed out my bag and wagged his tail, I would be ordered to open my suitcase. I wasn't carrying anything illegal, but I would have to refuse, as a matter of principle. I would then be dragged off to a private examination room, adding an hour or two to my already too-long travel day. So I kept an eye on the progress of the dog and his master as they worked their way around the hall, and whenever they came close I strode purposefully to the other side of the belt, as though I had just seen my bag. My warning to Liberty readers: beware of friendly dogs in customs halls. And leave your half-eaten sandwich on the plane.

— Jo Ann Skousen

Taking one for the Teamsters — The American, Canadian, and Mexican governments are planning to revamp existing interstates and highways to create a ten-lane superhighway running from Mexico to Canada.

One of the primary motivations for this project is to circumvent the Teamsters union by routing containers originating overseas through Mexico. Just goes to show what a stranglehold the unions have on this country. It's easier to slap together 2,000 miles of ten-lane highway than it is to negotiate a fair labor contract with the Teamsters. It also indicates that the U.S. government believes the kickbacks that are normally paid to do business in Mexico are less than those normally paid to U.S. dock bosses. — Tim Slagle

Reefer madness, redux — Karl Marx, building on Hegel, noted that history repeats itself first as tragedy, and then as farce. Had he foreseen the War Against Pot, perhaps he would have added, "but often both at the same time."

The UN Office on Drugs and Crime has had manufactured a scientific study confirming that there is, in the measured language we've come to expect from such studies, a "cannabis pandemic" threatening the health and sanity of the world's population. As usual, this finding rests on the enormous number of citizens consigned to "treatment" for their supposed marijuana dependence. Which, given that most people caught holding a single joint are forced to choose between "treatment" and prison, really puts the *statist* in *statistic*.

But trust the UN not to leave it at mere tragedy: UN Drugs 'n Crime director Antonio Maria Costa had to toss in his own scientifically unfounded assertions about how today's cannibis is "considerably more potent" than the pot everyone at the UN was smoking a few decades ago, "no longer that different from other plant-based drugs such as cocaine or heroin."

This is asinine, even apart from the fact that there's never been a single documented "marijuana overdose" (it's not clear whether such would even be possible). Put simply, people smoke pot *in order to get high*. Once high, people either stop smoking, sit back, and relax; or they keep smoking, and fall asleep. With very few exceptions, pot smokers aren't going to wreck the house, beat the kids, or take the car out for a joyride. (They're not even going to accidentally set the bed aflame, because unlike tobacco, pot must be relit for each toke.) At worst, they'll down a couple bags of chips or a box of Twinkies (though the nascent War on Obesity may soon make that its own crime). If anything, the UN drug crew should be *lauding* potent pot, because it allows smokers to get high with fewer puffs, and thus endure fewer lungfuls of smoke.

Costa had but one sensible thing to say, though of course he didn't understand it as such: "Policy reversals leave young people confused as to just how dangerous cannabis is." His overestimation of that danger is farcical; his ability to craft UN policy based on that overestimation, tragic.

— Andrew Ferguson

It's a fair cop — It is always wise to be cautious in commenting on a trial that one has not attended from start to finish. But from everything I have heard and read, the federal jury in Alexandria acted appropriately when it decided that Zacarias Moussaoui, the so-called 20th hijacker, should spend his life in prison rather than be executed.

As he left the courthouse, Moussaoui shouted, "America, you lost . . . I won." Like most of his jejune mock-provocative comments through this trial, this was mere bravado, and inaccurate to boot.

Insofar as a significant aspect of what America is about is the rule of law, America won in this case. The prosecution, having secured a guilty plea, was aggressive in seeking the death sentence. The defense was aggressive in trying to prevent it. An episode in which a government lawyer apparently tried to coach scheduled witnesses in violation of the judge's orders was handled fairly. The jury returned a verdict that will disappoint some people but seems consistent with the known facts.

To justify the death penalty the government had to show that Moussaoui was responsible for people dying. Since he was arrested before the Sept. 11 attacks of which he said he was supposed to be a part, the contention was that by lying and not exposing the plot while being interrogated, he was responsible for its "success," which led to 3,000 Americans being killed.

The government may have been hampered by not being able to call witnesses who had been tainted. But the argument was always something of a stretch. And given what has been learned about how the FBI and other agencies stumbled in bureaucratic rigor mortis before 9/11, it is by no means certain they would have prevented the plot even if Moussaoui had told everything he knew.

Prof. John Eastman of Chapman University's law school was not pleased. "If a terrorist involved in the most heinous attack in U.S. history doesn't deserve the death penalty, who does?" he told me. But Eastman would have preferred to see Moussaoui tried under the laws of war in a military court. In a civilian court this verdict was justifiable.

One consolation: serving a life term in what is likely to be solitary confinement, Moussaoui will not be able to claim the status of a martyr for the holy cause of jihad against modernism. It would be appropriate for him to disappear from the news and appear years later as a minor footnote in our history. — Alan W. Bock

Warped freedom — In 1990, I wanted to go from India to America for postgraduate studies. A few days before my visit to the U.S. consulate in Mumbai for a student visa, India had refused refueling facilities to U.S. military aircraft participating in the Gulf War. In retribution, as I came to find out, the U.S. had reduced the number of visas granted to Indians. I was one of the casualties.

I never got around to understanding what *I* had done wrong. The two years of extremely hard work that I had put into preparing for my entrance examinations and writing tens of applications went wasted.

Years later, in 1998, when I was standing in a lineup for a U.S. visa at the consulate in New Delhi, a person a bit ahead of me had his incomplete application thrown to the floor by an abusive officer. I handed over my own application with sweaty palms.

In 2003, I went to the Dutch embassy in New Delhi for a Schengen visa (a document commonly used for visits to several West European countries). In sweltering heat, I had to line up outside the unshaded gate for hours. (Summer temperature in Delhi can reach as high as 118 degrees.) I was finally ushered into a claustrophobic room with five other people. Behind thick glass windows, bureaucrats sat comfortably.

In the post-9/11 environment, they wanted me to justify my visit by providing an invitation from a Dutch friend — an invitation that had to be notarized in Holland. I refused to carry out such a humiliating request, particularly because I had, by then, done my postgraduate studies in the U.K. and had

In the wake of the storm — "Greed is not the product of one particular economic system, but something that all economic, political, and social systems have to cope with one way or the other," writes economist Thomas Sowell, the Rose and Milton Friedman Senior Fellow on Public Policy at the Hoover Institution at Stanford University.

The private sector's "greed" in a capitalist system, it was once said, would inescapably deliver a lower level of overall well-being — economically, morally, and politically — than a collectivized "people's" system with nobler and more elevated goals than crass acquisitiveness, gross profit-making, and mere individualism.

Instead, as was demonstrated in the Soviet Union and elsewhere, we've seen that "greed" for political power can be substantially more harmful to a population's well-being — economically, morally, and politically — than the "greed" a worker might have for more income or the "greed" that an entrepreneur might have for a larger market share.

In fact, either system, capitalism or socialism, can be corrupted and degraded by an overall weakening of the ethics of its general population.

"The market is as moral or immoral as the people in it," Sowell observes. It's the same with the government. Neither sector, private nor public, has a monopoly on good or bad behavior, and neither sector is structurally inoculated against immorality and dishonesty if its members are immoral and dishonest.

As a case in point, recent disclosures about the level of corruption and fraud related to the Hurricane Katrina relief efforts show a wide-ranging pattern of dishonesty and "greed" among all sectors, business, government, and the general population. "Breathtaking" is the word that the New York Times used in a recent front page, headlining an account of the fraud and mismanagement that's been uncovered.

Among the Times' examples:

- An estimated 1,100 prison inmates collected in excess of $10 million in rental assistance and disaster-relief money. Crime pays! In addition, FEMA distributed millions of tax dollars in hurricane relief payments to people who used the names and Social Security numbers of state and federal prisoners.
- Government-ordered renovations of a shelter for Katrina victims at a former Army base in Alabama cost approximately $416,000 per evacuee. Free houses would have been cheaper.
- Government bureaucrats spent nearly $500 million in tax dollars for mobile homes that are still sitting empty. Almost a year after Hurricane Katrina hit the Gulf Coast, FEMA is paying $250,000 a month to store nearly half the unused mobile homes (about 10,000 units) at an airfield in Hope, Arkansas. As a footnote, mobile homes are at the bottom of the list of housing types recommended for a hurricane zone.
- A hotel owner in Sugar Land, Texas, has been charged with submitting $232,000 in invoices for evacuees who never stayed at his hotel. He allegedly billed FEMA for empty rooms or rooms occupied by paying guests or hotel employees. At least the rooms were someplace near a hurricane. But . . .
- Stretching the moral and geographical limits of Katrina's damage, an Illinois woman who was living in Illinois at the time of the storm sought relief by claiming that she had watched her two daughters drown in the flood waters of New Orleans. Fortunately, these children never existed.
- Neither did the hurricane debris that two men, one a representative of the Army Corps of Engineers, approved payments for removing; they have pleaded guilty to taking kickbacks. In a less mystical turn of events, a councilman in St. Tammany Parish, Louisiana, has been charged with attempting to extort $100,000 from a contractor who actually removed debris.
- The appropriately named Wayne Lawless, a Department of Labor employee in Louisiana, has been charged with handing out nearly 100 falsified disaster unemployment benefit cards in exchange for kickbacks of up to $300 per card.
- In New Orleans, two FEMA officials have pleaded guilty to pocketing $20,000 in bribes in exchange for inflating the number of meals a contractor served to relief workers.
- With the $2,000 debit cards distributed by FEMA for disaster relief, an estimated 5,000 people have double dipped, receiving both the $2,000 plastic card and a second $2,000 by check or electronic transmission. That's 10 million extra dollars.
- One creative scam artist collected 26 federal disaster relief checks totaling $139,000 by using 13 Social Security numbers and fake claims of damage at bogus addresses. Others collected and pocketed hurricane relief donations by posing as Red Cross workers.

All told, reports the Times, Katrina relief represents "one of the most extraordinary displays of scams, schemes and stupefying bureaucratic bungles in modern history, costing taxpayers up to $2 billion."

And that $2 billion estimate might well be just the proverbial tip of the iceberg. Commenting on the extent of fraud and waste in FEMA's response to Katrina, Gregory D. Kutz, a director of audits at the General Accounting Office, stated: "I still don't think they fully understand the depth of the problem."

By the time the Katrina accounting is over, it won't be surprising if the fraud and boondoggles are found to cost $5 billion. The question: How high does the price of ineptitude and corruption have to go before we begin to understand the nature of the problem?

— Ralph R. Reiland

visited Europe on business scores of times. After a few hours' wait, they asked me to return with a bank-issued demand draft to make the payment for my visa. I repeated the process of the lineup again.

With the exception of the British embassy, which provided humane facilities and interaction, my experiences of applying for visas at western embassies in New Delhi were not very different, and I have been to most of them. Be prepared to waste a lot of time and be humiliated and demeaned. But in a way, I am not really complaining. After all, the Indian state treats its own citizens as if they were insects and forcibly keeps hundreds of millions in perpetual hunger and misery.

The State is invariably coercive and therefore demeaning. I now live as an immigrant in Vancouver, B.C. One famous Canadian anti-statist once asked me why I had moved from one socialist country to another. Such an argument lacks the perspective that some states are patronizing, some thieves, some murderers, and some mass murderers — all coercive indeed, but in widely varying degrees.

Therefore, despite my lack of attachment to the state and its symbols, I am looking forward to the day in July 2006 when I can apply for my Canadian citizenship. I will be celebrating some kind of warped freedom. — Jayant Bhandari

Give us your upwardly mobile, your hard-working masses — Mayor Bloomberg of New York shocked many by saying that not only shouldn't we deport 11 million illegal immigrants but we need millions more of them. He said he has 500,000 illegals in New York City, and without them the city's economy, and the entire U.S. economy, would collapse.

The owner of a blueberry farm in Hammonton, N.J., was on TV the next night explaining that his farm would go out of business without his Mexican work force. American workers, he said, just don't show up to pick blueberries.

A growing percentage of the U.S. agricultural workforce is composed of illegals, as well as a large portion of the workforce in nursing homes. My doctor told me that Americans don't want to do the hard work of being doctors — all the schooling, the responsibility, the lawsuits, etc. — so the jobs are going to Indians, and others.

Ask around; don't believe me. Look up the numbers on the nursing shortage. Or try to get a construction guy at the shore! We've been waiting in Jersey for three years for someone to show up and give us a price on new decking. It's not about money. It's a labor shortage.

Last year, a new beach house next door to us was built entirely by Mexicans. For all we knew, these guys could have been illegals, or former blueberry pickers on their way up the economic ladder. I have no idea what they were being paid, but with one American overseeing them, by themselves, they built a $4 million house. They learned a skill. Maybe next year they'll start their own construction company.

The issue of illegal immigration has many sides, but for once I'd like to see our government try to solve a problem with incentives, with carrots and creativity, instead of with ugly sticks.

The thing I dislike about the U.S. is the punitiveness, the meanness that our legal system, our government, and Republicans too often bring to a problem. Too many are looking around for the next person to punish. Some want to punish the illegals, others want to jail the employers who hire them. These days, it's how too many Americans look at life.

Immigration is a problem that needs to be solved with respect for all concerned, and with a little more compassion. But forget the old leftist solutions of mandating a "living wage," health insurance, pensions and golden parachutes, plus lawsuits and fines, for the business sector, so that immigrants aren't "slaves." That will simply cause more American enterprises to end up like General Motors, with big union wages and pensions, unable to compete.

Despite the leftist cries about how immigrants are exploited by corporate greed, the illegals think they're doing well. They vote with their feet. And in the United States, we're benefiting from their hard work by way of lower prices and an improved economy. Those who complain are looking a gift horse in the mouth. — Sarah McCarthy

"I'm afraid you're in serious trouble, sir — Your luggage accidentally went to Iran, and they found dirty pictures in it."

Pay raise on autopilot — While hardly anybody was paying attention, Congress voted to give itself a pay raise. Or to be more specific, voted against voting on the subject and therefore got an automatic pay raise, up to $168,000.

You see, in 1989 Congress passed a bill providing for an automatic "cost of living" increase to its own pay every year unless there's a specific vote to cancel it. For the past six years Rep. Jim Matheson (D-Utah) has introduced an amendment to require a separate up-or-down vote on the annual raise. Each time he has been defeated. This year the margin was 249–167.

The general lack of outrage (notable exception: Citizens Against Government Waste) shows that the 1989 move to make raises automatic without a vote was shrewd. Somehow a vote not to vote doesn't get as much attention as an actual vote on raising one's own pay. — Alan W. Bock

New School, old tricks — Students went into protest mode at The New School in New York City when the university's president, Bob Kerrey, former governor of Nebraska and a former United States senator, invited Sen. John McCain to address the graduates at this year's commence-

ment ceremony.

Fuming that someone from a different political perspective would be speaking, students circulated a petition to get McCain's invitation revoked. "Senator McCain's crime appears to be that he is a conservative," reported Niall Stanage in the New York Observer. "The protesters' absurd rationale is that having the Senator at the ceremony is not compatible with the institution's commitment to freethinking."

Defined in undiluted Orwellian terms by those seeking to bar McCain from campus, "freethinking" means that everyone's free to think in the same way, free to become all the same, ideologically, adhering to a groupthink straightjacket that can't tolerate hearing from a semi-conservative politician for half an hour.

Finding it "extremely distasteful and hypocritical to allow McCain to speak," Brittany Charlton, the vice chairman of the University Student Senate, told the New York Times that McCain was "someone who does not value the ideals we have consistently been taught in our education."

One wonders how many students at The New School ever had a good classroom discussion about the declaration famously attributed to Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it." Did these students ever talk about what Salman Rushdie meant when he said, "Free speech is life itself"? Do they know that a fatwa ordering Rushdie's execution and the killing of his publishers was proclaimed in 1989 on Radio Tehran by Ayatollah Khomeini, the leader of Iran at the time, as punishment for his writing a "blasphemous" novel?

McCain ran into the same problem at Columbia University, with students circulating petitions to keep him off campus because he'd given the graduation address at Jerry Falwell's Liberty University, thereby, according to the protesters, flashing a sign of approval to Falwell's brand of politics. With any consistency in thinking, these aggrieved Columbia students might well have concluded that McCain, by agreeing to speak at Columbia, was flashing a sign of approval to their school's particular brand of politics, except for the fact that Columbia and Liberty University are poles apart politically and McCain spoke at both.

The easy answer, one that the upset students at Columbia appear to have missed, is that McCain, who is likely to be making a run for the White House in the next presidential election, was simply looking for some free exposure during commencement season. Worrying that he has theocracy up his sleeve because he spoke at Liberty University makes about as much sense as worrying that he's got a secret plan in the works to outlaw meat if he ever shows up to give the keynote address at the American Vegan Society.

In any case, what's disquieting about these efforts to silence a speaker isn't the lack of rational argument among the students, or their inconsistencies in making their case.

What's worse is that they seem not to have learned, after spending years in higher education, that censorship is far more dangerous than free speech, that we're more likely to find the truth through freedom of expression and open-mindedness, through free inquiry and an uncensored exchange of ideas, than through the suppression of ideas and the repression of free speech.

The idea that people should be silenced so that they won't be able to say anything that might be "offensive" to someone else, the concept that the individual must submit to a groupthink orthodoxy, the idea that the individual must submit to what's best for everyone else, for the collective, represent direct strikes at the heart of American democracy and individual liberty.

"Without free speech no search for truth is possible," wrote 19th-century British social reformer Charles Bradlaugh. "Better a thousandfold abuse of free speech than denial of free speech. The abuse dies in a day, but the denial slays the life of the people."

— Ralph R. Reiland

The ignoble lie — Alexander Pope said that "priests of all religions are the same." This can also be said of politicians.

A stock in trade of American politicians is the cynical lie about history; as:

"This Watergate scandal is the worst political crisis since the Civil War."

"Reagan is the most ignorant man ever to enter the White House."

"Hurricane Katrina is the worst disaster ever to strike the American nation."

There is ample proof that foreign politicians are the same. The first thing that occurs to them is simply to lie in some grossly obvious way. A strange man named Andrés Manuel López Obrador, a leftist demagogue who almost won Mexico's presidential election, has explained his defeat by claiming that his opponents, the National Action Party (PAN), cheated him out of his victory by engaging in the most fraudulent election practices ever seen in Mexico.

First try to imagine what could be more fraudulent than a traditional Mexican election. Then remember that within the lifetime of every middle-aged citizen of Mexico, candidates and supporters of the PAN were not only cheated at the polls but also, wherever possible, *arrested* for campaigning against the ruling political party.

Obrador, like virtually all politicians, is banking on the idea that the voters have a lot of imagination, but no memory at all. And he's traveled a long way on that idea.

— Stephen Cox

If it hadn't been for that meddling West — Seventeen Canadians, most of them from immigrant families, have recently been arrested on charges of scheming to create a Canadian 9/11. They allegedly planned, among other things, to behead the Canadian prime minister, Stephen Harper.

What they wanted to do is the height of stupidity. They, or their parents, or both, had left their native countries to escape tyranny and poverty. But once in the prosperous West, they soon started romanticizing what had been left behind. They somehow fooled themselves into believing that they were unhappy because of the West. If they really did not like the West, why didn't they peacefully return to their holy lands instead?

The reality is that the imperatives of their totalitarian religion and culture made them impervious to ordinary human feelings. They were deeply unhappy and envious. Years of social conditioning made them want to blow themselves up. Violence was an admission that they could not break their mental slavery. Their acts expressed their resignation toward life.

But, really, it is not just the Islamic world that is this violent. Violence is the reality of everyday life in most countries outside the West. They all inflict heavy sufferings on their own

citizens, although *occasionally* the Islamic world, because of its beliefs about "infidels," manages to inflict pain outside its borders. These people live in dysfunctional and abusive societies. There are deep-rooted discords and hypocrisies in their cultures. No wonder they are mostly pathetically poor, despite tremendous opportunities to end poverty and desperation in today's technically advanced world.

Coming back to the Islamic terrorists, it is often rationalized that they attack American citizens because of America's worldwide meddling. But why would they attack Canada? By most standards, the Canadian state has been reasonably benign; it has been soft on Islamic activities, even to the chagrin of its mighty neighbor.

The reality is that Islamic attacks on the West have nothing to do with American meddling. The 9/11 kind of suicide-bombers have lived in such a mental and social chaos that they are impervious to the real meaning of "meddling" — not to mention "self-respect," "integrity," and "pride." Abuses are everywhere in their cultures, and are accepted as a natural part of life, as much as the existence of the sun and moon. When their minds start understanding what "meddling" truly means, they will resist or, better still, ignore diktats from their fundamentalist leaders and dismantle their corrupt cultures, which give the individual no personal space.

Rightly or wrongly, Western meddling, not democracy, has introduced some sanity into the conduct of the Eastern rulers. Just a few years back, a Hindu fanatic, the chief minister of the Indian province of Gujarat, Narendra Modi, started a pogrom against the minority Muslims. It was not Indians or Indians' so-called democracy that eventually stopped the killings, but Western meddling.

Bush and his gang, like other Western politicians and bureaucrats, are reprehensible characters, but let us be fair; you cannot blame them for everything. — Jayant Bhandari

Tread on us — On the Fourth of July, 2006, we celebrated the 230th anniversary of the signing of the Declaration of Independence, drafted in protest among other things against the taxation of the colonies without representation. The colonists fought a revolution and gained their independence, thus putting an end to that particular complaint. But it would seem that the time is now long overdue for drafting a new "declaration of independence" to protest our present government's practice of continuing to tax us, its citizens, without representation.

During the last two years, for instance, the U.S. government has taken from individuals in this country roughly the equivalent of $500 billion. (According to Federal Reserve M2 statistics, the money stock of $6,288.6 billion in June 2004 was increased to $6,796.6 billion by May 2006. That means the number of dollars had been expanded during those particular two years by $508 billion. This two-year increase in M2 is by no means exceptional. The number of dollars is circulation has been increased fairly steadily and continually over the last six or seven decades.) In doing so, it did not ask the approval of the people or even of their representatives in Congress. The process by which these dollars were extracted from the people was in effect "taxation without representation."

It is true that this $500 billion was not levied directly, as taxes. Individuals did not have to actually forward this $500 billion to Washington — but they might as well have had to, for they lost purchasing power in that amount. As the increased number of dollars made each dollar in existence relatively less valuable, every dollar lost purchasing power and everyone with dollars in their wallets, bank deposits, and savings became poorer.

Goodness knows how these billions were spent. We can know only that they were used to fund projects for which the people, the taxpayers and voters, had no say; projects which the representatives of the people in Congress were unwilling to finance directly through taxes; projects which the government could not otherwise have been able to afford. As far as the government spenders were concerned, they were "free" dollars, created by monetary manipulation through the "magic" of the Federal Reserve's system of credit expansion and/or monetization of U.S. government debt. But as far as the people were concerned, they constituted taxation without representation.

As long ago as 1913, the Federal Reserve System was set up to make the currency "flexible," that is expandable. Inflation and credit expansion now enjoy the almost unanimous support of everybody, not only of today's establishment economists, Keynesians and Chicago School Monetarists, but also of politicians who are under constant pressure to spend, and of run-of-the-mill businessmen who rely on being able to borrow "easy money." Monetary expansion is now firmly entrenched and rising prices are equated with prosperity. It seems more likely that hell will freeze over before a stop will be put to inflating and thus to extracting value from every dollar in circulation. "Taxation" without representation will undoubtedly continue into the foreseeable future. — Bettina Bien Greaves

The dangers of space pork — It was hidden deep inside a ten-page statement, but Senate testimony from NASA administrator Michael Griffin made it clear that earmarks — the practice (better known as "pork") of congresspersons' adding "special projects" that benefit their districts or donors — actually harm NASA's ability to do its job rather than bring in extra money: "The growth of these congressional directions is eroding NASA's ability to carry out its mission of space exploration."

To be sure, what is really eroding NASA's ability is probably its status as a government agency rather than a private enterprise. But most government agencies (one or two of which may have a legitimate purpose) probably feel the same way about the micromanaging "earmarks" from Congress. If they all said so and if the media reported on their complaints, perhaps the honorables in Congress would at least be a bit embarrassed — assuming they are capable of embarrassment.

— Alan W. Bock

Profiling courage — I have written more than once here about Glenn Singleton, a self-described diversity expert who typically gets six figures from school districts and colleges for "training" educators in his "Courageous Conversations on Race." The reality of what goes on in these thought reform sessions appears to have little, if anything, to do with either courage or genuine conversation.

The standard operating procedure is to have hapless educators and staff line up with individual signs, each showing numerical scores of their alleged unconscious racism.

I shudder to think that they might also have to listen to Singleton's theories on American literature. Haven't they suffered enough? He has the following to say, for example, about

Mark Twain: "I remember sitting back in middle school and saying to myself, 'I don't think Twain is a satirist, I think he's a racist. I don't think Huck and Jim are having this great relationship. I can't really understand why Jim keeps talking to Huck. I would think if I just got out of this period of slavery — with no freedom — I wouldn't want to spend all my time on a raft with a white boy answering questions.'"

I know that, given a choice, I'd rather have Huck than Singleton as my raft mate. Wouldn't nearly everyone? Luckily for Jim, he was able to choose his own company. Unfortunately, this is not always the case for participants in Singleton's "Courageous Conversations." — David Beito

Ethics for everyone — I was recently offered the opportunity to teach a course in business ethics by the department chair. I declined, being a logic and critical thinking kind of guy. But it led me to muse . . . business ethics has become a hugely successful area of philosophic inquiry — lots of papers and textbooks published, lots of courses offered. Having been in biz myself for many a year, I won't gainsay the idea that many business people need ethics. But, curiously, you don't see *any* "applied ethics" courses offered by academics in other areas, areas that seem even more in need of ethical edification.

How about, say, courses in consumer ethics — teaching consumers not to lie to salespeople, or not to welsh on their credit cards, or not to demand government services for which they refuse to pay with *their own* taxes. You know, that kind of stuff. And how about courses in government ethics, teaching those intending to work for government (soon to be almost everyone, I reckon) not to take bribes, not to trample people's rights, not to overtax, not to run Ponzi schemes (like Social Security), not to set up concentration camps?

Indeed, should the academic philosophers ever reach the pinnacle of self-realization — something I expect to see about the time businessmen reach the pinnacle of morality — they might start offering courses in academic ethics. Academic ethics would teach those who intend a career in academe not to take hefty salaries for teaching while refusing to teach, or not to publish bogus and jargon-ridden scholarship, or not to be a grant-whore, or not to foist your asinine freaking opinions upon hapless students . . .

Yeah, fat chance we'll see *that*. — Gary Jason

Oil and wine — Warren Buffett's enormous gift to the Gates Foundation recalled an unhappy memory for me.

Once, when I lived in Delhi, a heavily pregnant woman suddenly appeared and started to live in the corner of a market. I called up many charity institutions (including Mother Teresa's) to get them to take her to a place of safety. None was interested. Some completely ignored what I had called them for and asked me if I would be interested in contributing some money to them. I said I would give them money for this particular woman's upkeep, and some extra. But they still weren't interested. I was very willing to take the part of the Good Samaritan, but they weren't even willing to play the innkeeper whom the Good Samaritan pays to care for the injured man. What they cared about was their own institutions.

I could have picked up the woman myself and taken her to some organization, but it is very likely that if I had done that, the state would have swung into immediate action. I suspect that the police would have tried to arrest me either for raping her or for human trafficking, so they could fleece some money out of me. If I managed to avoid immediate arrest, the heartless institutions would probably have refused to accept her. Just in case they didn't ignore me, they would have interrogated me to death, and I might have spent many days in the ugly alleys of the Indian bureaucracy. Society would certainly have assumed that I was a culprit who managed to escape by paying bribes.

The woman gave birth in the market to a child with a crooked leg. A couple of years later, having given birth to another child, a product of entertainment, I am sure, that she was forced into providing to taxi drivers and the police, she disappeared as suddenly as she had appeared. All she needed was the oil and wine of the biblical story, which cost very little even by Indian standards, and a compassionate society — not billions of dollars in social programs.

There are some great people and great charity organizations in India, and elsewhere. But large amounts of money convert charity into an ugly business, as the money soon becomes disassociated from the intended "product" of charity. Somehow I have more respect for corrupt and evil people than for those who sugarcoat their evil or mere laziness in institutionalized "social causes." At least the former have some spine. They don't create a moral morass.

I wonder what Gates and Buffett are like. Are they just ignorant about what will happen with their money? Or is their true intention to look saintly even if it means harming society? — Jayant Bhandari

Absentee agency — A Government Accountability Office report finds that the Occupational Safety and Health Administration, which is notorious for harassing private employers for dubious reasons, hasn't been exactly diligent when it comes to federal agencies. Although it is supposedly required to review safety programs throughout the federal government every year, it hasn't conducted evaluations for federal agencies since 2000.

The report should also cast doubt on whether OSHA evalu-

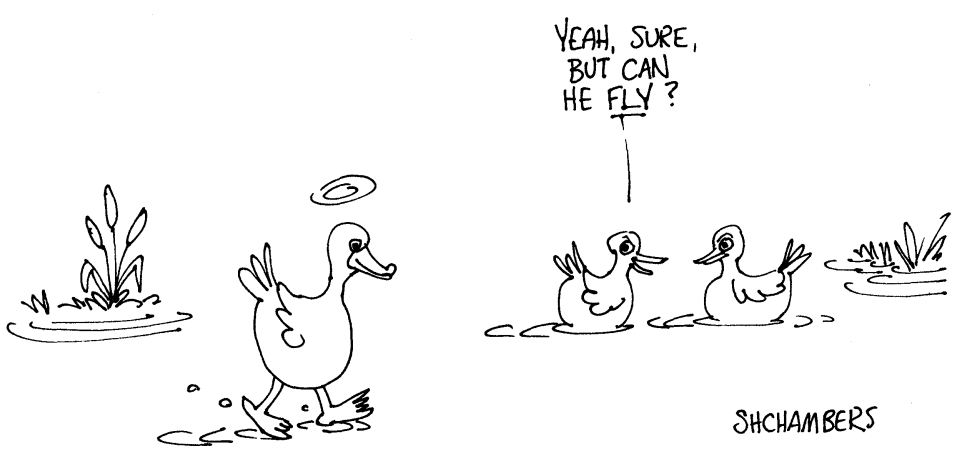

ations would have made much difference. Although the federal workforce increased by 6% over the past decade, workers' compensation costs remained steady. Claims involving traumatic injuries decreased from 1995 through 2004, as did claims for non-traumatic injuries. So benign neglect from the Occupational Safety and Health Administration led to reduced workplace injuries? Maybe they should apply the same policy to the private sector. — Alan W. Bock

An industry in search of robber barons — The Commission on the Future of Higher Education, appointed by Secretary of Education Margaret Spellings, issued a draft report in June that comes down pretty hard on the state of college and university education today. Finding "equal parts meritocracy and mediocrity," the report says that higher education is "increasingly risk-averse, frequently self-satisfied, and unduly expensive." Many of its graduates "are not prepared to work, lacking the critical thinking, writing, and problem-solving skills needed in today's workplaces." And a lot of students don't even graduate.

In 1983, the Reagan administration issued a far more devastating report on the public school system, "A Nation at Risk," which evoked enormous controversy but did not improve our public school system. Its ultimate progeny, George Bush's "No Child Left Behind Act," managed to bring in even more federal intrusion.

Will this report do better — improve education and still allow freedom? It might. American higher education is far different from the government-run K-12 system.

True, accountability is poor; the majority of students go to government-run universities, and most of the other schools are nonprofits — there are no profit signals, and the price signals are distorted by federal aid, which fosters higher tuition and (like third-party payments in health care) blunts wise shopping. Colleges have an amazing ability to avoid scrutiny. The most powerful monitoring mechanism is the annual rankings of U.S. News and World Report, which are based on the caliber of students who attend (not on what they learn when they get there) and on schools' reputations in the opinion of competing administrators!

Even so, the system has a saving grace: It is competitive. And competition is growing, thanks to profit-making universities like the University of Phoenix, online courses, and company training and certification of skills. Although the Commission report falls far short of libertarian recommendations, it does have some good ideas. Its message is that higher education could find itself a dying industry akin to railroads and steel manufacturers. Smart administrators will take the advice to heart. — Jane S. Shaw

Context clues — One has to wonder about a press that only recently figured out — apparently because of a paper published in the journal Psychopharmacology — that some people like psychedelic mushrooms and use them to mediate mystical experiences.

One especially has to wonder about a press that reports these revelations on the same day it reports the death of Syd Barrett. — Patrick Quealy

Syd Barrett, R.I.P. — Now that it is complete, the life of Roger "Syd" Barrett can stand as rebuttal to the punk-rock cliché that "it's better to burn out than it is to rust."

As the creative leader behind The Pink Floyd, Barrett's combination of sing-song lyrical innocence and full-blown psychedelic experience (captured on the album "Piper at the Gates of Dawn") became the emblematic sound of the mid-'60s London Underground music scene. Unlike many of his contemporaries, Barrett was less interested in showing his chops or swaggering than in seeing how far he could stretch the idea of "lead guitar." His experiments in sound, including sliding a Zippo lighter along the fretboard, or rolling ball bearings down the strings, created the ethereal, alien sound that Pink Floyd would continue to be associated with decades later.

But Barrett was uncomfortable with the sudden fame, and the pressure that came with it. Increasingly, he escaped his surroundings through large doses of LSD, putting cracks in a psyche that was already dangerously fragile. As his behavior became more erratic — during some shows he would play one chord, over and over, for a stretch of ten minutes or longer — his band members were eventually forced to replace him with an old schoolmate, David Gilmour.

Pink Floyd (no "the") went on to become perhaps the biggest rock band in the world; after Barrett released a couple of emotionally-fraught solo albums, he disappeared from the music scene altogether. He moved in with his mother and took up painting abstracts; the last time he met with his former bandmates in the studio, in 1975, they did not recognize him. Strangely enough, they were then in the middle of recording "Shine on You Crazy Diamond," a track dedicated to Syd's memory.

Roger Barrett died July 7, 2006, from complications related to diabetes. — Andrew Ferguson

Earl Woods, R.I.P. — According to a 1997 biography, "Tiger" (written by John Strege, a sportswriter at my paper), Tiger Woods fell in love with golf at the ripe old age of six months. His father Earl, retired from the Army, had taken up golf at 42 and was working hard to improve his game. He built a makeshift driving range in his Cypress, Calif., garage, consisting of a piece of carpet and a net, and faithfully thwacked ball after ball.

Tiger was entranced. He would rather watch his father hit golf balls than eat. At nine months, he crawled out of his high chair, placed a ball on the carpet and, using a club his father had cut down for him, executed a carbon copy of Earl's swing, placing the ball squarely in the center of the net.

"I was flabbergasted," Earl said. "I almost fell off my chair. It was the most frightening thing I had ever seen."

He quickly overcame his fright to begin training the child who has become this generation's premier golfer, in the process shattering barriers of racial prejudice.

As a few select parents down through the generations could tell you, dealing with a child prodigy is a minefield. Beethoven's father trained his son but at the same time brutalized him. Mozart's father did remarkably well so long as Wolfgang was young, but couldn't handle it when the boy grew older and sought a modicum of independence.

Earl Woods probably made some mistakes along the way, but on the evidence to date he seems to have handled the difficult task as well as anybody. He helped his son focus on his talent, live a reasonably normal childhood, and mature into a

continued on page 33

Ten Great Books of Liberty

One of the last projects begun by R.W. Bradford, founding editor of Liberty, was a special feature on the great libertarian books of the 20th century. After extensive surveys of libertarian opinion, he identified ten books of special influence and esteem, and began to invite essays about them.

He didn't ask the writers to adopt any single approach or method. Nor did he demand that they avoid critical remarks. He wanted ten individual responses to ten individual achievements of libertarian writing.

The first writer to be invited, and the first to honor Liberty with his participation, was Dr. Milton Friedman, the recipient of the Nobel Prize in Economics, and himself one of the greatest writers in the tradition of libertarian thought.

Bill Bradford died in December 2005. In this issue of Liberty, we bring his project to completion.

— Stephen Cox

F.A. Hayek wrote this book during World War II. It was published in Britain in March 1944 and in the United States in September 1944, while the war was still raging. It was dedicated to "THE SOCIALISTS OF ALL PARTIES."

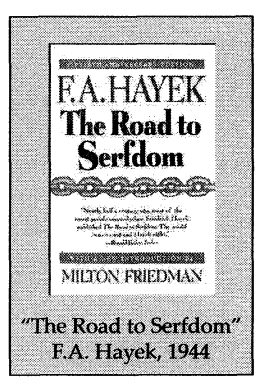

"The Road to Serfdom"
F.A. Hayek, 1944

In both countries it created something of a sensation and was subject to a barrage of hostile reviews. It was a best seller though wartime paper shortages limited the number of copies that could be printed. The Reader's Digest published a condensation in April 1945, and more than 600,000 copies of the condensed version were subsequently distributed by the Book of the Month Club.

The 21st-century libertarian may well wonder what all the fuss was about. To him, Hayek's thesis will seem self-evident: that central economic planning is incompatible with human freedom and, if carried far, will lead to a totalitarian state — serfdom. But when it appeared, it was anything but self-evident. In both Britain and the United States, the intellectual community was dominantly socialist. The disillusionment with free enterprise produced by the Depression plus the wartime resort to extensive government planning had produced a general expectation that detailed central planning was the wave of the future; that Nazi Germany and Soviet Russia were the models to follow.

One indication of the prevailing sentiment is that three publishers turned the book down before it was accepted by the University of Chicago Press — one, because they considered it "unfit for publication by a reputable house."

On rereading this book before writing this note, I was again impressed by what a magnificent book it is — subtle and closely reasoned yet lucid and clear, philosophical and abstract yet also concrete and realistic, analytical and rational yet animated by high ideals and a vivid sense of mission.

Socialism, in its traditional meaning of ownership and operation of the means of production, is no longer the danger that it was to Hayek. Experience with central planning and the collapse of the Soviet Union have seen to that. But the threat to individual freedom is greater today than it was then. Government has become larger and far more intrusive than it was in the immediate post-war period as it has shifted its emphasis from directing industry to distributing the product of industry and controlling the behavior of individuals. As a result, though we have more wealth, we have far less personal freedom today than we did in 1950.

Talk is one thing, practice something else. Today, in both Britain and the United States, it is only a mild exaggeration to say that we preach individualism and competitive capitalism and practice socialism. Hayek's message is needed as much today as when it first appeared. In his words, "a policy of freedom for the individual is the only truly progressive policy."

— Milton Friedman

Two words: numbers and passion.

First, the numbers. Has any libertarian book ever sold more copies than "Atlas Shrugged"? Maybe if you count Thomas Jefferson's Declaration of Independence, but that's not really a book. Almost 50 years after it was published, "Atlas" is still selling more than 100,000 copies a year. And how many other libertarian books do you actually see people reading — the guy taking tickets at the Williams College cafeteria, a young woman in a Washington coffee shop, airplane passengers? Ayn Rand has brought more people to libertarian ideas than any other person of our time.

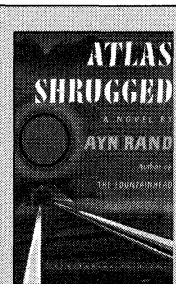

"Atlas Shrugged"
Ayn Rand, 1957

Second, the passion. The people who read Ayn Rand and got the point didn't just become aware of costs and benefits, incentives and trade-offs. They became passionate advocates of liberty. They believed in reason and individualism and individual rights and justice. Their passion sometimes got the better of them; I suspect that the hostile attitudes toward libertarianism found in academia are partly because the typical libertarian encountered by a professor is a 19-year-old male who's just read "Atlas Shrugged." He thinks he's the only rational person on campus, and he wants you to know that. But most of them grow out of it and become stalwarts of the libertarian movement (not to mention the fact that they were a good part of the Goldwater-Reagan movement).

It's fashionable even among libertarians to disdain Rand, to prefer the subtlety of Hayek or the positivist rigor of Friedman. And it's even more fashionable among the literati to sneer at Rand, with her "massive books" and "purple prose." The highbrow reviewers would rather we read books about which no one would ever say, "I couldn't put it down." Well, I guess I'm the prototypical Philistine: I don't know much about literature, but I know what I like. I picked up "Atlas Shrugged" during spring break of my senior year in high school, and read its 1,168 pages in four days. (OK, I skimmed The Speech; so did Hayek.) It was the most fascinating thing I'd ever read. It had plot and characters and narrative force, along with powerful ideas.

Today, there are no ad campaigns for "Atlas Shrugged" and few summer reading lists recommending it. Forty-nine years after its publication, it's still selling big by word of mouth. Just today, searching in vain for libertarian books in a Barnes & Noble, I walked by the fiction section and saw an entire shelf of Rand novels just waiting for new generations of smart high-school and college students to buy them, read them, recommend them to their friends, and become passionate libertarians.

— David Boaz

Everyone interested in ideas has surely had the following experience. You become curious about a certain topic. You start with periodicals, read a bit more deeply, become engaged more broadly, and start to buy and check out book after book. Pretty soon you have a good-sized library developing. You speak the language. You know the players. You apply the ideas to understanding the world. But there are still gaps, and you dig and dig to fill them.

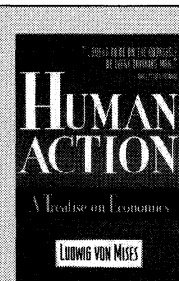

"Human Action"
Ludwig von Mises, 1949

Then one day you run across something completely different: a book that not only incorporates all that you learned so far, but surpasses them all in breadth and depth. You marvel at how much time and energy you might have saved had you run across this earlier. The mind behind the book is so impressive that it makes all the other authors seem like bit players.

What's more, the author makes available to you something you sought but could never find and didn't even know existed: a rigorously defended theoretical structure that turns scattered bits of knowledge into a bulletproof edifice of thought.

If the topic in question is economics, the book that puts it all together is "Human Action" by Ludwig von Mises. What is it like to encounter the book for the first time after years of reading in economics? Imagine yourself in a large mansion that is dark but for the nightlights along the wall. You stumble from switch to switch, feeling your way around. Then someone comes along and throws on a switch that illuminates the whole building, inside and out, including the grounds outside. This is what "Human Action" does.

It has all the features of the best treatises that came before,

such as J.B. Say's and Frank Fetter's — a thorough explanation that takes the reader step by step — but goes far beyond them all in providing a massive methodological structure that shows how to go about thinking of economics and its relationship to social and natural science. It offers a theory of theory, a theory itself, applications to the real world, and plenty of historical illustration along the way.

It's a wonder that the book exists at all, and you can only stand in awe of the mind that created it. But the marvel is even more poignant when you consider the historical context.

Mises had to leave his home. His seminar broke up. Indeed, the whole intellectual firmament that had created the first generation of Misesians was being destroyed.

Mises had been a famous economist in the early interwar period on the Continent. In 1912, he had written about money and changed the way economists understand the topic.

In 1922, he wrote a book that crushed socialism as a theoretical structure and started a debate that lasted for decades. He had put together a theory of the business cycle that anticipated the cause of the Great Depression and the solution to it.

There had been other books: one on economic reform after World War I, one on liberalism as a political ideology, and another on interventionism. There were methodological essays and there was a burgeoning seminar that met regularly.

The big theoretical book had not yet appeared, and not even Mises' closest associates knew that one was coming. But then tragedy came. Precisely as Mises anticipated, unresolved conflicts left over from the Great War, combined with bad economic policy and a change of ideology, led to the rise of two competing forms of totalitarianism. Mises was the sworn enemy of both.

Mises had to leave his home. His seminar broke up. Indeed, the whole intellectual firmament that had created the first generation of Misesians was being destroyed. Mises found a position, a sanctuary, in Geneva, Switzerland, a country that he knew was most likely to maintain neutrality in the coming war. He left Austria in 1934 and took up residence at the Graduate Institute of International Studies.

He used his time extraordinarily well. Despite all the horrors developing in Europe and around the world, his grand treatise appeared in 1940. It was called *Nationalökonomie*. It was in German. Think of what you know about history, and imagine how well a book on economic science, from a free-market perspective, written in German and published in Geneva, would do if published at the start of one of history's great calamities. Mises' book died on the date it was published.

Then Mises left Europe and came to the United States. He had no money. His papers in Austria were confiscated by the German armies; his apartment was ransacked. He was 60 years old and was starting over. His spoken English wasn't great. He had no academic position. But he refused to give in. He forged ahead, and his publishing schedule started anew in the U.S., thanks to a friendly editor at Yale University Press and some other disciples in influential positions.

He was asked by Yale to work on a translation of his 1940 work. A daunting task! But he got to work. He not only translated it; he expanded it, strengthening the methodological sections and added inspiring material on the future of economics. Everyone who has read both "Human Action" and its German predecessor says that "Human Action" is even better.

The book was immense: 900 pages. Yale was reluctant to commit to it. Who could believe it would become a publishing sensation? But it did. To read the internal memos among the publisher's staff — they expressed shock and amazement at the sales — is amusing indeed.

"Human Action" became the essential thread that wove together the fabric of free-market economics in the postwar period in America. Everyone who made a difference later — Murray Rothbard, Ayn Rand, Henry Hazlitt, Hans Sennholz, and hundreds more — read it and was permanently influenced by it. So large does this book loom that we cannot even imagine how the structure of libertarian ideas would look today without it.

People write often about the postwar emergence of the "conservative movement" (a phrase that I've come to loathe). As important as F.A. Hayek, Richard Weaver, Russell Kirk, and all the rest were, it was Mises' book that saved free-market thought in the United States. But it didn't stop there. His book became one for the ages.

Even without knowing any of this history, a student can pick up the book today and experience precisely what generations of readers have experienced: that overwhelming sense of intellectual enlightenment, that sense of having found the missing piece that makes the puzzle of the world suddenly come together.

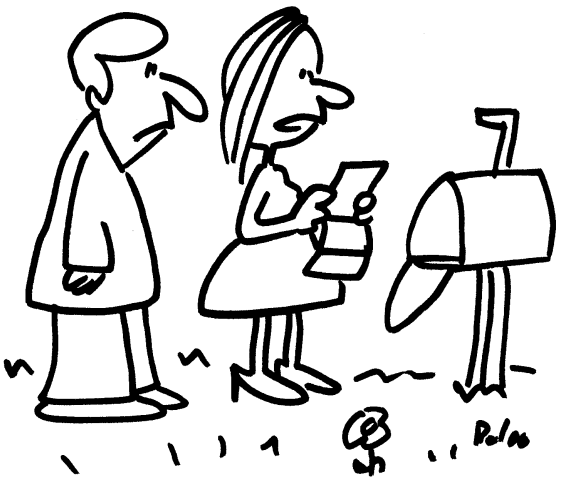

"The insurance company says they can't insure the car until you scrape the Ralph Nader stickers off."

As anyone who knows the book well can report, it stands up to two, three, or even a dozen readings. Each time, you find more in it. Over the years at the Mises Institute, we've conducted many reading groups about "Human Action." We have taken as little as one week — students are completely exhausted at the end — and as long as a semester. But it is never enough time. The book is not only a complete economics education on its own; it is a supremely fertile ground for extensions, applications, and advancement in every direction.

As important as F.A. Hayek, Richard Weaver, Russell Kirk, and all the rest were, it was Mises' "Human Action" that saved free-market thought in the United States.

What is the main contribution of the book? It is the establishment of economics as a science of a special sort: one that investigates the logical implications of the fact of action to elucidate fixed laws of cause and effect. This is important because people tend to make two errors regarding economics. They believe it is either not a science because it deals with human beings, or it is a science requiring positivist methods that do not account for the irreducibly human ability to choose among economic alternatives. Neither is tenable, but the third option is not generally known: to see the task of economics as discovering, explaining, and applying the economic laws that dictate the limits of the intellectual and political imagination while making full allowance for the reality of individual choice.

I'll not continue with my explanation here. But I would like to say something about the Scholar's Edition of "Human Action" published by the Mises Institute. The idea came to us when we first found some writings from the 1940s in which Mises strongly opposed conscription. The mystery is that "Human Action" famously defends conscription. Later investigation revealed that it was only the 1963 and 1966 editions in which Mises added his comments on this issue. We looked for other changes between the original edition and those that appeared years later. Much had been left out and much added.

The changes weren't entirely objectionable, and, in any case, they expressed Mises' attitudes at the time. But regardless of what you think of later editions, these changes were added in the heat of the political moment, whereas the great merit of the 1949 edition is precisely that he wrote a book for the ages in a time of great political upheaval. His book was light, not heat. Clearly, this original edition needed to be in print, just as anyone would be interested in the first edition of "The Wealth of Nations" or Say's "Principles." There is also the issue of citation: the first edition remains the most cited. So the Scholar's Edition took the first edition, added a marvelous index that had been published separately in 1954, plus a long introduction explaining the differences among all the editions. We used the best materials available, and spared no expense on the binding.

One final recommendation. If you are reading the book for the first time, and do not yet have the patience for detailed methodological argument, you can begin on page 200, while saving the material you skipped for the end. This is a profitable approach for many people.

Mises believed that ideas are our best weapon in the struggle for liberty. In this case, "Human Action" is our stockpile. It is a towering achievement, a nearly miraculous legacy that this great man left the world. It will continue to be read for many generations, and be widely seen as a great achievement of the 20th century. — Llewellyn H. Rockwell, Jr.

Summing up the backgrounds of libertarians, Jerome Tuccille wrote that "it usually begins with Ayn Rand." He was probably right, at least for people my age. The overwhelming majority of young libertarians I met in the 1970s came to their views by way of Rand's novels. But there were exceptions, even then. For me, it all began with Milton Friedman. The crisp and compelling prose of "Capitalism and Freedom" sparked my passion for the free market, and a love of liberty for its own sake.

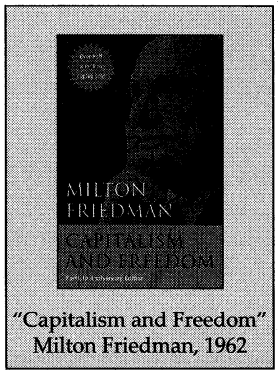

"Capitalism and Freedom"
Milton Friedman, 1962

My background made me an unlikely convert. The world of libertarianism was foreign to my parents, though they certainly understood the values of hard work and thrift. They had struggled through the Depression in a predominantly Norwegian farming area in western Minnesota. They voted for the candidates of the populist-leftist Farmer Labor Party and revered Franklin Delano Roosevelt. They were proud of our fellow Minnesotan, Vice President Hubert H. Humphrey, who, in their eyes, could do no wrong. But first in my pantheon of heroes was the martyred John F. Kennedy. One of my most treasured possessions was an LP of his speeches, made scratchy through constant replaying of such lines as, "Ask not what your country can do for you — ask what you can do for your country." Of course, Humphrey was all right with me too. I still have a picture somewhere of myself posing with an "HHH for President" poster.

I was in disbelief when the political hack with the five o'clock shadow defeated the joyful champion of the common man. But I soon warmed to Nixon's policies, in particular his fight against the Communists in Vietnam and his implementation of wage and price controls. How wonderfully simple and bold! With the stroke of a pen, he had ended inflation and set the economy on a straight path. Or so I thought. As a budding Cold War Republican, I began to devour each issue of "National Review" and (my favorite) "Human Events." Somewhere in it I saw a reference to "Capitalism and Freedom." Fortunately, a

copy was in the library of the Armstrong Senior High School in Plymouth, Minn.

I was never the same after reading it. "Capitalism and Freedom" laid a battering ram to my cherished beliefs. The first paragraph toppled my childhood hero from his pedestal. Friedman effortlessly revealed the ugly underside of JFK's call to arms: "The paternalistic 'what your country can do for you' implies that government is the patron, and the citizen the ward"; "'what you can do for your country' implies that government is the master or the deity, the citizen, the servant or the votary."

Yet there was a Kennedyesque quality (in the very best sense) about "Capitalism and Freedom." Despite Friedman's acknowledged debt to Jeremy Bentham and utilitarianism, he was at his best when he emphasized liberty as an inspiring moral ideal, not just a more efficient way of organizing human affairs. It was Friedman who introduced me to the story of the flourishing of liberalism during the enlightenment. He explained how state power had pushed aside and corrupted this dream; and like Hayek, he urged us to recapture the term "liberal" in its original meaning. "Conservative" was a poor substitute. "The nineteenth-century liberal," he wrote, "was a radical, both in the etymological sense of going to the root of the matter, and in the political sense of favoring major changes in social institutions. So too must be his modern heir."

"Capitalism and Freedom" left in tatters all vestiges of my lingering support for regulations such as wage and price controls. Friedman brilliantly exposed government intervention in the market as an illiberal use of coercion that was counterproductive, even on its own terms. And all the while, as I was pleased to see, he resisted the economist's temptation to rest too much of his argument on demand curves and statistics.

"Capitalism and Freedom" was not a "safe" defense of the free market. It had a radical edge. To cite one instance, it included a chapter advocating the repeal of licensing laws, even for doctors. Friedman didn't hold back from attacking a profession that seemed to have allied itself with him in opposing "socialized medicine" and free choice for patients. He chronicled the ways in which organized medicine had suppressed competition, limited consumers' choices, and established a cozy monopoly.

My most lasting memory of "Capitalism and Freedom" is its focus on the link between civil and economic liberties. This was no small point in 1962. Few on the Right, not even Barry Goldwater, said much about the importance of civil liberty.

"Capitalism and Freedom" laid a battering ram to my cherished beliefs. The first paragraph toppled my childhood hero from his pedestal.

Many still had a soft spot for the recent domestic anti-Communist crusades. Not Friedman. He praised the final breakdown of the Hollywood "blacklist" in 1959 as a textbook example of how competition ultimately frustrates cartels, including those against civil liberty. He noted that it "didn't work precisely because the market made it costly for people to preserve the blacklist." Self-interest gave entrepreneurs an incentive to protect "the freedom of the individuals who were blacklisted by providing them with an alternative form of employment." In plain and logical language (which no one has equaled), he explained how even Communists needed the tools of the market to spread their views.

My reading of "Capitalism and Freedom" prompted me to sample other libertarian authors, such as Ayn Rand, Murray Rothbard, Garet Garrett, and Henry Hazlitt. In later years, I became more critical of Friedman's views on the Cold War, vouchers, the negative income tax, and other issues. These differences now seem trivial. Seen from the vantage of three decades, "Capitalism and Freedom" stands as a milestone in the development of the modern libertarian movement. It certainly was a milestone for me. — David Beito

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Hayek's "Constitution of Liberty" appeared in 1960, and it did not at first make quite the splash of his "Road to Serfdom" of 16 years earlier. "The Road to Serfdom" is one of the great pamphlets of all time, rivaling "Areopagitica," "The Crisis," or "The Communist Manifesto" in its timeliness and eloquence and outshining them in its penetration and cogency.

"The Constitution of Liberty" is longer, more elaborate, and more ambitious. It sets out to develop a new, politically realistic presentation of classical liberalism, then still tentatively emerging from its hundred-year eclipse. Hayek makes a case for limited government, the rule of law, freedom of contract, private property, and the necessity of substantially free markets, and he attempts to do so in a way which would seem relevant to influential opinion-formers, would be a practical guide to policy-making, and would remedy some of the weaknesses of earlier theories of liberalism.

In all this, he succeeds brilliantly. The book formulates many arguments classical liberals have always known, in a manner which has seemed more plausible and more contemporary to several succeeding generations, and it offers some new arguments which are a great improvement on John Stuart Mill or Herbert Spencer. Thousands of newcomers to these ideas have read it and continue to read it, and thereby become acquainted with the essentials of the liberal tradition, essentials which otherwise could have remained invisible under a thick coating of misrepresentation. Various subsequent landmark works, such as Nozick's "Anarchy, State, and Utopia" (1974) could hardly have been written if the ground had not been plowed and seeded by "The Constitution of Liberty."

Many recent readers of the book are surprised to notice its publication date. Because of his international contacts, especially his work with Milton Friedman, Frank Knight, Ludwig von Mises, and others in the libertarian Mont Pèlerin Society,

Hayek had gained a secure grasp on the actual movement of intellectual opinion throughout the world. As he says (p. 254 of the 1978 paperback edition), intellectual developments viewed from within each national culture might seem to be local and temporary aberrations, but someone aware of all of them can recognize that they are no such thing.

Hayek had spent some of his earlier years criticizing socialism, but "The Constitution of Liberty" is explicitly addressed to a post-socialist, and indeed, a post-Soviet world. Socialism is finished, and as far as decisive influence on intellectual life is concerned, the Soviet Union is already finished. "Marxism was killed in the Western world by the example of Russia" (254–55). Hayek completed the book three years after Khrushchev's Secret Speech and the crushing of the Hungarian uprising.

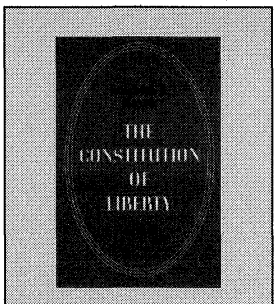

"The Constitution of Liberty," F.A. Hayek, 1960

It was, however, an earlier argument about socialism that supplied one of the main themes of the new work. Mises had claimed in 1920 that socialism, defined as a nonmarket society that continued to maintain an advanced industrial structure, was not practically feasible, because of the "intellectual division of labor" afforded by market prices, or in other words, the informational role of prices in enabling producers to adjust their efforts to the whole constellation of industrial data. Hayek's three articles on economic calculation, reproduced in his "Individualism and Economic Order" (1948), are more carefully thought through and more illuminating than Mises' pioneering contributions. Other articles in that collection ("The Use of Knowledge in Society" and "The Meaning of Competition") show Hayek extending the insights he had voiced in the economic calculation debate to a reconsideration of the way we should look at the economic theory of the market.

Hayek explains why it is impossible to centralize all the knowledge which we need to draw upon continually, and why it is impossible to design the future of civilization. The social order is incessantly modified by innumerable inputs of new knowledge, much of which is scattered in the minds of millions of people and affects the social whole only through their individual behaviors. Unfortunately, after 1960, Hayek began to advance an evolutionary scenario of culture in terms of group selection — a model of adaptation which was wrong in biology and even more inappropriate in the realm of human culture — and to employ rhetoric insinuating that we ought to refrain from rational criticism in the face of unconscious cultural forces. But in "The Constitution of Liberty," this cluster of errors had barely begun to show itself.

Hayek explains why it is impossible to centralize all the knowledge which we need to draw upon continually, and why it is impossible to design the future of civilization.

Libertarians in the 1960s and 1970s, their heads full of Rand and Rothbard, often thought poorly of "The Constitution of Liberty" because it does not define liberty in terms of a robust concept of individual rights. Hayek's approach, in which liberty is seen as absence or minimization of coercion, and coercion is viewed as manipulating people's options so that they choose to do what the coercer wants, is certainly full of holes. But his basic notions, that liberty has something to do with other people not imposing on us, and that "liberty" — and of course "coercion" — must be defined independently of any attribution of rights, are surely on the right track.

The work has also been justly criticized because it countenances many government encroachments on the free market, including a state welfare system, control of the money supply, enforcement of building codes, compulsory schooling, and tax-funded provision of parks and nature reservations. However, Hayek (perhaps emboldened by the surge of opinion in his direction late in his life) subsequently became far more outspokenly libertarian on some of these issues, notably in calling for "the denationalization of money" and competing currencies.

In the book's famous postscript, "Why I Am Not a Conservative," Hayek explains that, while he might dislike some of the interventionist policies and might vote against them, "I know of no general principles to which I could appeal to persuade those of a different view that those measures are not permissible in the general kind of society which we both desire" (402). This has often been taken to mean that Hayek cannot think of any principles rendering such policies impermissible. A better interpretation is that Hayek reckons those people he hopes to make into political allies will not find any such principles palatable. Hayek is convinced that the majority of people will probably never become intellectually converted to a truly liberal outlook, and this leads him to suppose that realistic prospects for liberty must depend on libertarians making common cause with other groups, especially those groups currently most frustrated by whatever government assaults on freedom happen to be in vogue.

Hayek lived to acknowledge that his judgment of likely ideological developments had been unduly pessimistic. I think he would have readily admitted that the principles advocated in "The Constitution of Liberty" — especially adherence to abstract rules and freedom from the arbitrary whims of officials — rule out some obnoxious policies while letting in others no less obnoxious. He would not have regarded this as a weakness. He is not offering us the framework for his ideal social order, but a tentative framework which could protect us from some of the most horrible evils, at the same time commanding assent from a broad and quite ideologically diverse public. This deliberate modesty of aim is in harmony with his disdain for the hubris of presuming to design a future for humankind. His personal regret at some of his concessions to statism is quite palpable in the text.

Times change; the unthinkable becomes commonplace.

Hayek offered imperfect but fecund arguments against some types of government meddling. His approach does not prevent other libertarians from pursuing new tactics of resistance to other types of intervention. Or, as Hayek might have put it, real advances can be achieved only by improvisation within a spontaneous order.

— David Ramsay Steele

"The Fountainhead" was one of three books written by an American woman, and published in 1943, that had a major impact on the development of individualist and libertarian ideas in the 20th century. Unlike Rose Wilder Lane's "The Discovery of Freedom" and Isabel Paterson's "The God of the Machine," however, Rand's book presented individualist ideas in fiction. "The Fountainhead" is the story of a heroic architect named Howard Roark. A trader, entrepreneur, and visionary, Roark is a man of integrity who struggles mightily against the collectivist culture and statist politics of the age.

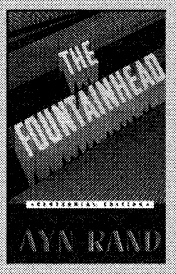

"The Fountainhead"
Ayn Rand, 1943

"The Fountainhead" was the first Rand novel I read, and it was deeply inspiring. But it was not the first Rand book I'd ever read. I was one of those very rare students of Rand's work who came to her ideas first through her nonfiction. In fact, I had read every nonfiction book Rand had written before picking up a single work of fiction. It was "Capitalism: The Unknown Ideal" that provided me with my very first Rand encounter. I was profoundly impressed with the blazing clarity of its ethical and political defense of the free society.

"The Fountainhead" offered subtler lessons. Granted, subtlety is not something with which Rand is often associated; indeed, in "The Fountainhead," the protagonist goes on trial for the very unsubtle act of blowing up a public housing project — uninhabited, of course. (How does that happen? If you've read the novel, you don't need to be told. If you haven't, I won't spoil the plot.) But what stands out more, for me, is Roark's quiet dignity in the face of those who despise and seek to destroy him.

Rand's novels are known for their portraits of apocalyptic battles between Good and Evil. But a fiery apocalypse is not on display when, about halfway through "The Fountainhead," Howard Roark confronts his archenemy, Ellsworth Toohey. Toohey, an intellectual with influence, has worked in the shadows to close the doors of opportunity to Roark. If Roark were from Brooklyn, he might have slugged Toohey in the face at this juncture. But it becomes clear that Toohey is trying to corrupt Roark's soul through the process of engaging him in discourse: "Mr. Roark, we're alone here. Why don't you tell me what you think of me? In any words you wish. No one will hear us." Roark resists the demonic temptation to denounce, repudiate, eviscerate, or slug his enemy. His answer is quite simple: "But I don't think of you."

In this single phrase, Rand demonstrates the radical dependence of evil upon good. Toohey's victories are numerous, and very public, but they are small and hollow. Roark wins by remaining uninfected by his opponent's toxicity. He refuses to grant him the significance he craves. There is something revolutionary in withdrawing that "sanction of the victim."

Rand portrays a principle of equal power in her understanding of the complex role of fear in our lives — how it nourishes and is nourished by anger, dependency, malevolence, and suffering. My favorite passage in the novel is the one in which Roark stands before a jury of his peers, prepared to defend himself. Rand writes:

> He stood by the steps of the witness stand. The audience looked at him. They felt he had no chance. They could drop the nameless resentment, the sense of insecurity which he aroused in most people. And so, for the first time, they could see him as he was: a man totally innocent of fear. The fear of which they thought was not the normal kind, not a response to a tangible danger, but the chronic, unconfessed fear in which they all lived. They remembered the misery of the moments when, in loneliness, a man thinks of the bright words he could have said, but had not found, and hates those who robbed him of his courage. The misery of knowing how strong and able one is in one's own mind, the radiant picture never to be made real. Dreams? Self-delusion? Or a murdered reality, unborn, killed by that corroding emotion without name — fear — need — dependence — hatred? Roark stood before them as each man stands in the innocence of his own mind.

Rand then specifies the principle of her own novel: individualism, once seen, can become contagious:

> Each asked himself: do I need anyone's approval? — does it matter? — am I tied? And for that instant, each man was free — free enough to feel benevolence for every other man in the room.

Rand's defense of the free society is not a purely ethical, cultural, or political one. It is a defense that appreciates the liberating role of the individual human mind, not only in its capacity for creativity, but also in its capacity to triumph over crippling fear. It is Rand's paean to individual authenticity that uplifts.

Free minds nurture free markets — and vice versa.

— Chris Matthew Sciabarra

"A raise? A *raise?* — And start the inflationary cycle all over again?"

"Anarchy, State, and Utopia" is in large part, although not entirely, a book written by an academic philosopher for academic philosophers; it is the book that put libertarian philosophy on the map, academically speaking. It is also a book substantial parts of which many readers, including many libertarians, will not find worth reading — because they consist of detailed analysis of multiple threads of multiple arguments of a sort that interests almost nobody save academic philosophers and Talmudic scholars.

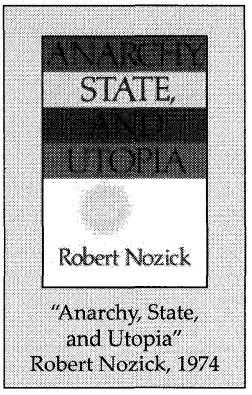

"Anarchy, State, and Utopia"
Robert Nozick, 1974

Those who want a taste of Nozick are advised to begin, not at the beginning, but at Chapter 7. Starting with the observation that things come into the world morally attached to the people who made them, Nozick sketches out a moral theory in which the question is not "who deserves what" or "what is a just distribution" but instead "was this property legitimately acquired." He contrasts that with end state theories — "To each according to . . . " — pointing out that the latter imply drastic restrictions on individual freedom. Once the just distribution is achieved, any act that changes it — say a voluntary transfer from A to B — must be forbidden. It is entertaining as well as educational to watch a first-rate philosopher arguing for moral views congenial to most libertarians, intuitive to many people, and rejected by most modern political thinkers.

After reading Chapter 7, those willing to dare deeper water can go back to the beginning of the book and follow Nozick through his attempt to derive a minimal state via a morally proper series of moves. Starting with an anarchic society whose members attempt to act justly, he deduces a system of private protection agencies along anarcho-capitalist lines. He then argues that such a system will lead to monopoly either because a single agency will become dominant or because the arrangements between agencies necessary for peaceful resolution of disputes will link them into something functionally equivalent to a single organization.

The dominant agency, although it has no more rights than anyone else, does have the power to guarantee that its interpretation of disputed issues, in particular questions of how guilt and innocence are to be judged, is enforced on its competitors. It will therefore suppress — in Nozick's view justly — any procedures it considers unreasonably likely to violate the rights of its customers, making itself what Nozick defines as an ultraminimal state, one that enforces a de facto monopoly over authorizing the use of force.

Suppressing competing agencies whose procedures the dominant agency disapproves of disadvantages their customers in a way which Nozick argues, after a long discourse on when people may be forbidden from imposing risks on others, obliges the dominant agency to compensate those customers by offering them protection. He thus ends with a minimal state, one that not only claims final authority over the use of force but also offers protection, in some circumstances subsidized protection, to all who desire it.

This is a brief sketch of a long argument much of which I disagree with. I do not think a system of private enforcement agencies will necessarily lead to single dominant agency,* nor do I think a group of firms linked by a network of contractual agreements is equivalent to a single firm — if it were, food provision in the U.S. would be a de facto monopoly.† I have other objections to other links in Nozick's logical chain. But anyone seriously interested in the argument, especially the moral argument, over anarchy vs. limited government ought to read these chapters, which provide an intelligent, detailed, and thoughtful attempt to rebut the anarchist case, and one that shows many of the issues to be a great deal more difficult than many libertarians assume.

A further reason to read Nozick is that he digresses in a lot of interesting ways. Consider, for instance, his discussion of the experience machine, a hypothetical device that attaches to your brain and lets you spend the rest of your life in a happy illusion, complete with virtual family, virtual accomplishments, virtual triumphs. If life is judged subjectively, by our experiences, how is that inferior to the real thing? It is a question raised for me anew every time I emerge from World of Warcraft, see what time it is, and consider what else I could have done with the past several hours.

It is entertaining as well as educational to watch a first-rate philosopher arguing for moral views congenial to most libertarians, intuitive to many people, and rejected by most modern political thinkers.

"Anarchy, State, and Utopia" is an interesting and important book, only parts of which I have had space to describe here. Although I cannot recommend all of it to everyone, I think the value of reading it will, for many, far exceed the cost.

— David Friedman

"Don't lie to him — you have *to* had things handed to you on a silver platter!"

*Some of my reasons are discussed in a piece webbed at http://tinyurl.com/hu4zk, under the subtitle "The Stability Problem."

†D. Friedman, "Law as a Private Good," Economics and Philosophy 10 (1994), 319–327, webbed at http://www.daviddfriedman.com/Academic/Law_as_a_private_good/Law_as_a_private_good.html.

Two things may have delayed the influence of Mises' "Socialism." First, although it appeared in German in 1922, it was not translated into English until 1936.* Second, the book strikes this reader, anyway, as discursive. Its central message gets buried amidst digressions — insightful, to be sure — into sociology and history and the philosophy of history, general philosophy and ethics, utopian visions, the psychological appeal of socialism, misinterpretations of Darwinism, doctrines of racism and class struggle, and even such matters as socialist attitudes toward sex and the family.

An author is entitled to set the scope of his own book, and Mises evidently wanted to write a comprehensive assessment of socialism in its various versions and contexts. Still, this reader cannot help regretting that the crucial message, about the problem of economic calculation and the problem of knowledge, got rather diluted.

The Issue of Economic Calculation

Mises showed the vital role of economic calculation in the debate about socialism versus capitalism. He demonstrated why a collectivist economy can never fulfill its advocates' dreams of prosperity and efficiency.

An economic system requires interlocking decisions. In a free economy, resources go under the control of whoever will pay the most. In bidding for them, businesses estimate how much a resource can contribute, however indirectly, to producing goods and services that consumers will pay for. Its contribution depends not only on the physical facts of production but also on the selling price of each of the possible final products. These prices depend in turn on consumer demands and on opportunities to produce the product in other ways. Wheat grown on cheaper land elsewhere would cause losses for anyone growing wheat on city land. The economically efficient answer even to a relatively simple question of land use — or of how to provide a city's public transportation — depends on unimaginably wide ranges of information, much of it conveyed in prices.

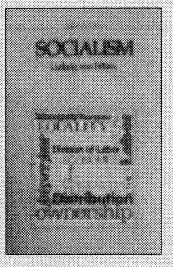

"Socialism"
Ludwig von Mises, 1922

Ideally, under competition, the price of each product measures not only how much consumers value additional units of it but also the total of the prices of the additional resources necessary to produce an additional unit. These prices measure, in turn, what those resources contribute to values of additional outputs in their various uses and so measure the values of other outputs sacrificed by withholding resources from them. When prices bring these necessary choices to his attention, each consumer tries to get maximum satisfaction from the way he allocates his money among rival purchases.

In this sense consumers choose the patterns of production and resource use they prefer. Ideally, their bidding ensures that no unit of a resource goes to satisfy a less rather than a more intense market demand. Not only natural resources but also capital, labor, and entrepreneurial ability move into lines of production where they contribute most to satisfying consumer needs and wants as measured by what consumers can and will pay.

Influential segments of the academic world were unwilling to recognize that Mises had been right until the collapse of the Soviet Union finally vindicated him.

Correct economic calculation requires more than running farms and factories in a technically efficient way. It requires more than the meshing of activities as portrayed by a physically self-consistent table of inputs and outputs of interlocking industries, such as socialist economic planners might try to construct. Even this mere meshing is almost impossible to achieve without genuine markets and prices, as Soviet experience illustrates — tractors idle for lack of spare parts and food rotting for lack of transport. Besides taking innumerable production possibilities and consumer valuations into account, correct economic calculation even takes into account, through the terms on which people are willing to work, how agreeable they consider different kinds of jobs and working conditions. Ideally, economic calculation results in a state of affairs from which no further rearrangement of production and resources could achieve increased value from any particular good or activity at the cost of sacrificing only lesser value from some other. Resources do not go into particular uses when they could have been used more advantageously elsewhere.

These ideal conditions of a market economy are never fully satisfied, but entrepreneurs have incentives to correct gross deviations from them. They see profit opportunities in inconsistencies among various prices and in unmet demands of consumers and business firms. They adopt new and improved products and production methods and launch new methods of marketing and distribution. It is the free market, not socialist attempts at planning, that allows the essential calculations to be made, and acted upon.

So Mises argued. He concluded that socialist planners could never approach the accuracy of economic calculation in a market economy. In that sense he deemed socialism "impossible."

The Issue of Knowledge

One might wish that Mises had argued more clearly than he did; but as Hayek said in his foreword to the 1981 edition

*"Socialism: An Economic and Sociological Analysis," translated by J. Kahane from the second edition, 1932, of "Die Gemeinwirtschaft," 1922 (J. Cape,1936). Reprinted with a new foreword by F.A. Hayek: Liberty Classics, 1981. Even its predecessor article of 1920–21 did not appear until 1935: Ludwig von Mises, "Economic Calculation in the Socialist Commonwealth," trans. by S. Adler from "Die Wirtschaftsrechnung im sozialistischen Gemeinwesen," Archiv fur Sozialwissenschaften 47 (1920–21), in F.A. Hayek, ed., "Collectivist Economic Planning: Critical Studies on the Possibilities of Socialism" (Routledge, 1935) 87–130. Reprinted with new forward, introduction, and postscript: Ludwig von Mises Institute, 1990.

of "Socialism," Mises was breaking new ground in the debate over socialism and could hardly foresee all misunderstandings. By the problem of economic calculation he surely meant more than an inability of socialist planners to do complicated arithmetic. He meant their inability to know what they needed to know in order to construct their plans.

Try to imagine everything that a central planning board would need to know — the quantities and supply functions of all productive resources at all locations, all production functions in actual or potential use, and the still more complicated information about the needs and personal preferences of every consumer and producer. Mises never conceded that the planners might conceivably assemble all this unimaginably detailed information, including what Hayek would later (in a classic article of 1945) call "knowledge of the particular circumstances of time and place."

Mises wasn't just balking at the challenge of dumping all these facts and figures, somehow centrally gathered, into a computer and performing a vast exercise in programming. His argument didn't boil down to a contention about arithmetic. He knew that the planners could not even arrive at the threshold of such a massive exercise in arithmetic, let alone carry its results into practice.

Admittedly he does seem to say in one particular passage of "Human Action,"* a passage that some have taken out of context, that even with all relevant information assembled in huge piles on their desks and with numerous experts and specialists to consult, socialist planners still could not plan rationally. Here, however, he is referring to information of the kinds that *can* be piled up and centrally digested. Those piles could not include subjective, nonquantifiable information about consumers' vague and changeable tastes and their notions of complementarity and substitutability among different goods and services, as well as similar ineffable information about production processes and factor supplies. They could include only sketchy knowledge, at best, of temporary and local circumstances. The imaginary piles of information would necessarily lack meaningful numbers of the kinds that — in the capitalist system — *do* transmit such dispersed, ineffable information in the form of prices formed in the marketplace.

Mises' central message is an explanation of why a central planning authority could not accomplish its task and why the task must be accomplished, if at all, by decentralized yet coordinated decisions. Mises explains the indispensable role of genuine prices established on genuine markets where traders exchange privately owned goods and services, notably including privately owned capital goods and other productive resources. The capitalist market process mobilizes, articulates, and quantifies knowledge that socialism simply could not acquire or replace.

Influential segments of the academic world were unwilling to recognize that Mises had been right until the collapse of the Soviet Union finally vindicated him. But why didn't that collapse come sooner? Well, Mises had not denied that some people could remain alive under socialism, although they would (and did) suffer unnecessary deprivations. And Soviet socialism was never complete, for much unauthorized market activity took place. Furthermore, Soviet planners had the advantage, as Mises himself noted, of observing meaningful prices and up-to-date technology in the outside world.

Mises' critique of socialism was so trenchant that a socialist economist, Oskar Lange, proposed erecting a statue of Mises in the future great hall of the planning ministry in honor of his prodding the socialists into perfecting their system (into a congeries of imitation markets). The system, as Mises had shown, could not be perfected. But the importance of his book did not depend only on its critique of collectivism. Mises used the defects of socialism to provide a deeper understanding, by contrast, of how a genuine market economy works. That profound understanding is his book's great gift.

— Leland Yeager

*Ludwig von Mises, "Human Action," 3rd ed., 1966 (Fox & Wilkes, n.d.) 696.

"The Machinery of Freedom" is a collection of essays written in defense of the anarcho-capitalist school of libertarianism. Although most libertarians favor minimal government rather than anarchy, anarchist ideas have often been influential in the history of libertarian thought. I first read Friedman's book because I was curious about the subject and had been told that his was the best work in the field. It lived up to its reputation — often thought-provoking and funny, never dull, and above all both intellectually honest and remarkably lucid.

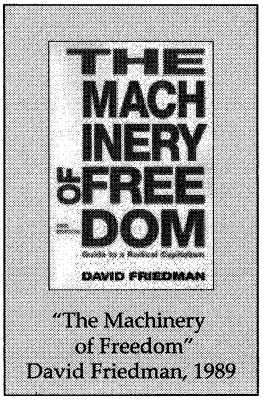

"The Machinery of Freedom"
David Friedman, 1989

Having read it, I remained a believer in the necessity and desirability of limited government. Yet I found the book well worth my study, particularly for its discussion of (among many other things) the hard problems of foreign policy, national defense, and law and order in the absence of any government. From a review of the opinions of G.K. Chesterton to an extended defense of private property institutions, "The Machinery of Freedom" includes something for almost anyone with real intellectual curiosity.

Friedman does not consider himself a utilitarian, but he does discuss utilitarianism at some length and, in the course of the book, couches most of his arguments for anarcho-capitalist institutions in utilitarian terms, rather than arguing to similar ends but from principles of natural rights. His arguments, particularly those having to do with the economic analysis of law, are interesting and provocative.

While most libertarians will concur with him about certain areas in which government can be diminished or eliminated, they will typically draw the line at law enforcement and national defense. Just how would the private sphere handle these critical services? Friedman provides a number of original and practical ideas — and he is refreshingly candid about the difficulties involved in a private national

defense system. Rather than glossing them over, he acknowledges and tries to solve them. His efforts are creative, even where they are, as he candidly admits, imperfect. He is just optimistic enough to write that "these arguments suggest that it may be possible to defend against foreign nations by voluntary means. They do not prove that it will be; I am only balancing one imperfect system against another and trying to guess which will work better."

One illustration of the extent of Friedman's erudition, which is very large, and of the appeal of his book, is his brief study of medieval Iceland and its private institutions of law and order. His portrait of Icelandic society is charming as well as accurate. In its legal system, he says, medieval Iceland "comes closer than any other well-recorded historical society that I know of to being a real-world example of the sort of anarcho-capitalist system described." Iceland is a good example, but it is also one of those things that Friedman throws in that show he has a touch of humor and a becoming eccentricity.

That he is even aware of this chapter in Iceland's curious history, in which the absence of any executive branch left law enforcement in private hands, is a testament both to his learning and to his ability as a writer. He knows how to identify a pungent historical problem, and he knows how to dramatize it. One may not always agree with him, but one cannot accuse him of being either dull or shallow.

As if all this were not enough to make "The Machinery of Freedom" an important contribution, Friedman includes a long appendix about his "competition" — other books that bear on his many topics, ranging from science fiction stories to sober works of history, economics, public policy, and libertarian theory. He also recommends a number of libertarian magazines (such as this one), and organizations and institutes with a libertarian bent. "Competition": yes, it's a valuable thing — and how many scholarly books include as well as honor it?

Friedman is refreshingly candid about the difficulties involved in a private national defense system. Rather than glossing them over, he acknowledges and tries to solve them.

— Liam Vavasour

"The God of the Machine" is undoubtedly one of the greatest libertarian books of the 20th century. I would not, however, give it to a left-liberal and say, "Here, this is what libertarians think." There are too many strange statements in it. Years ago, because of them, I even threw my copy out. But I came to miss it. When its fifth publisher, Transaction, offered an edition with a long introduction by Stephen Cox, I bought it back. It was partly to read the introduction, but only partly. I missed the book.

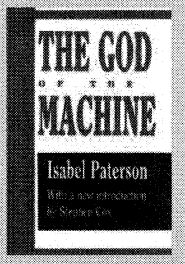

"The God of the Machine"
Isabel Paterson, 1943

I had been a teenage fan of Ayn Rand, and originally bought "The God of the Machine" because Rand recommended it. Paterson, like Rand, thought in principles, and the result was a hard and appealing confidence. "A man can think and work effectively only for himself," she declares. This woman was not about to bow to the kitchen gods of conventional thought. Of Alfred Thayer Mahan's celebrated book, "The Influence of Sea Power Upon History," she says, "He might as well have called his book 'The Influence of History Upon Sea Power.'" I hadn't read Admiral Mahan's book, but I admired the way she torpedoed it. I liked her attitude. I wanted an attitude like that.

Paterson describes "The God of the Machine" as "a study of the flow of energy and the nature of government as mechanism." Probably this aspect of her analysis appeals to the same corner of the soul as Technocracy or Scientific Socialism: each is trying to do the same *kind* of thing, world-explaining and system-building. When libertarians do this, it is almost always with economics — society as a marketplace — and if not that, then biology, society as an organism. Paterson offers society as a *machine*, although a machine that cannot be run without its unpredictable, literally incalculable "god," the individual creative mind.

In the end the treatment of government as a problem in engineering does not work, and for a reason Paterson identifies and put into italics: *"Physics has no name for the exact function which is delegated to government."* That's another way of saying that, because of the individuality of human beings, human government is too different from a machine to be treated as a problem in mechanics. I didn't catch the full import of that when I first read the book, as a junior in high school in 1968. I did see Rand's review, in which she said it was a brilliant book, but that the engineering part worked only as metaphor.

Sometimes it is fine metaphor, as when she says, "The voyage of Columbus was like the leap of an electric spark across an arc." But sometimes you don't know whether you're reading hard science fiction or fantasy. Early in the book, she says of Rome: "The structure of the republic was vertical and its source of energy internal. It collapsed from the horizontal drive of an overwhelming current of energy from without." It was passages like this that brought me to throw the book out. Yet other passages cut through the mechanical noise with a quiet note of perception. To wit:

> "Whatever elements in motion compose a stream of energy, enough must go through to complete the circuit and renew production . . . In the later Roman empire, the bureaucrats took such a large cut, at length scarcely anything went through the complete circuit." (This reminds me of what I read about the more corrupt places in Africa.)

Or, in another passage discussing Rome:

> "When unlimited supplies are voted automatically in unapportioned lump sums . . . the citizens as such, the people, *have no representatives at all.* Their presumed delegates actually represent the spenders . . . " This was done during the New Deal.

Or, in a third passage:

> "Trade and money . . . inevitably wash away the enclosing walls of a society of status. They seep below the foundations and penetrate every crevice."

I was thinking of today's China.

The whole book is like this. For libertarians, it must be one of the favorite underline books:

> "What is everybody's business is nobody's business."

> "Whenever and wherever it is made a crime to move about or to buy and sell, the type of society there has defined itself; it is a static society."

> "The Society of Status claimed to derive its moral sanction from the family, extended by analogy in political organization; but this hypothesis ignores the prime fact that everyone in due course becomes adult."

> Collective thought is "not thinking at all."

Much of the early part of the book is about imperial Rome, about a period the average American, and maybe even the average libertarian, knows mostly from sword-and-sandal movies. I knew "Spartacus" and "Ben-Hur." I would have given up on the book had it not been for the connections to the present. For example, when discussing the serf of the middle ages, she notes that when he died, the lord took a share of his property, called the heriot. Then she says, "The reintroduction of death duties, estate taxes, is a reversion to the medieval heriot."

In the middle of the book she jumps directly from Magna Carta to the United States. That was a relief. I was on familiar territory — or thought so. She characterizes the U.S. Constitution as "an architectural mechanical drawing," which is nothing I ever heard it called before. In discussing it, she focuses much attention on the treason clause, which no teacher had ever pointed out to me. It says, "The Congress shall have the Power to declare the Punishment of Treason, except that no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted." In Paterson's hands this becomes the Founders' powerful statement that guilt is personal and property is individual.

That was clear to me, but other things were not. Paterson believed that land ownership should be widely dispersed, and that it should be part of the qualification for the vote because it offers a solid territorial basis for government. She said: "The ownership and residence of a slab shack with a potato patch is a *sound* qualification for the vote, while ownership of every share of stock in the Standard Oil Company is not." This was a riposte to the egalitarians, who would argue that a property qualification would restrict the franchise to the rich. But that is not the main issue, which is why *land* ownership should be required for a vote. This has something to do with the balancing power of local and state governments, as against the federal government; but she doesn't argue sufficiently for her dictum.

Toward the end of the book Paterson directly engages in the controversies of her day. The Left had made an argument to abolish inheritances. This, says Paterson, is simply a proposal for government to seize all the property a person has, upon his death. But why should the government get it? She also makes a clever argument for respect of profit-making enterprise (there is still much flaunting by the nonprofits of their superior moral status). Suppose you planted parts of one potato, and grew many potatoes, the new potatoes being your profit. Were they stolen from anyone? Would it be morally superior to bury one potato and dig it up the next day and eat it? That would truly be profitless farming. But the farmer who did that "must starve, *or someone else must feed him.*"

Production comes first. A person "cannot give away his subsistence without becoming dependent himself." That was a lesson I learned from one of my aunts, speaking of her altruistic sister. This sister, a hairdresser, was known as a soft touch. She would give away her last dollar to a poor gal, and loved to be praised for it. My aunt did not approve. In her eyes no respectable person had any business giving away his last dollar. And this, in turn, relates to another point made by Paterson, that "it cannot be supposed that the producer exists for the sake of the non-producer, the well for the sake of the ill, the competent for the sake of the incompetent."

That production comes first — first over distribution, first over war and national security, first over need — is a central message of "The God of the Machine." The application of the principle does not need to be as pure as Paterson makes it, but as a general statement it is correct — and, internalized, it will change how the reader thinks about a lot of things.

Toward the end of the book come some very controversial and radical chapters. A favorite of many libertarians is "The Humanitarian with the Guillotine," which argues that humanitarianism leads to tyranny. It is intriguing but overstated. Humanitarianism *can* do that, and when it does the result is particularly horrible. I remember that the book was published in 1943, the middle of World War II, and I excuse some of its

overstatements.

The chapter on war is itself an overstatement; it is simply not true that "only when personal freedom and private property are unimpaired can general production increase during wartime." War production peaked in Nazi Germany in 1944, the last full year of war. In the Soviet Union it increased all during the war, and it is demonstrably not true that in 1943 American economic output was the "only effective force" supplying Russia. A more moderate statement that war depends on production, and that capitalist states ordinarily outproduce socialist ones, is correct. She may have been early when she said that a capitalist economy makes conscription impracticable, but her general statement that conscription does not suit an advanced economy has turned out to be right. America has no military draft today only partly because the people would not want it. The military itself does not want it; American business does not want it.

Paterson's attack on the public schools remains impossibly radical: no public figure in my left-liberal city, which voted 80% for John Kerry, would dare advocate the privatization of schools, or even get close to it. Yet some 30% of the students in my city are in private schools.

As a whole, "The God of the Machine" is like a forbidden text, a book of pronouncements and predictions that dazzle and infuriate. This is a book by a literary person who was deeply read — she was a professional critic and novelist — and who thought in principles. Thinking this much in principles is exhilarating, and dangerous. Of all the serious books on my shelf, this one has more raw material for someone who would make it sound crazy. I have quoted a few of those things here, and there are others. But there are so very many good ones, too:

> "The modern cliché, 'This is a democracy, I am the government,' is nonsensical. Even as an agency, the government is a formal organization with an authorized personnel, of which the private citizen is not a member."
>
> A boundary is "a spatial restriction on political power . . . The rise of 'internationalism' always connotes a corresponding encroachment on personal liberty; but it really does so by leaving no sovereignty anywhere."
>
> "When politics are notably corrupt, it is an infallible indication that there is too much political power."
>
> Private property in land "goes back to the fact that the human body is a solid object," and "two bodies cannot occupy the same space at the same time." Public property works for a road because "the use of a road is to traverse it." But "where all property is 'public,' as under Communism . . . the public exists perpetually in the condition of passengers on a road, having no right to remain in any one spot or to use any object; all the activities of the members of the public must be by permission or compulsion."

"The God of the Machine" came out at a time when the philosophy of classical liberalism was at its lowest point in the 20th century. That was also the year of "The Discovery of Freedom" by Rose Wilder Lane and "The Fountainhead" by Ayn Rand. Much has been made of the three radical women who started the libertarian movement. A year later came "The Road to Serfdom" by F.A. Hayek.

"The God of the Machine" is a book to read, underline, argue with, reread, and occasionally toss aside in a spasm of pragmatism.

Hayek's book was a bestseller, as was Rand's. Each has been credited with reigniting classical liberalism in America. Hayek went on to found the Mont Pèlerin Society and, many years later, achieve both policy influence and a Nobel Prize. Paterson was not successful in this way. More than 40 years after her death there is, finally, a biography of her, Stephen Cox's "The Woman and the Dynamo." Also, more than 40 years after her death, her book is still in print. But still no book *like* that book has ever crossed my desk.

I am reminded of a final passage. Disputing the Marxist theory that people's lives and thought are determined by the machines they use, Paterson wrote, "It is difficult for an American to ride in a motor car as a mere passenger; mentally he drives it." Here Paterson is talking about herself. *She* is driving. She also reminds us of her (adopted) nationality. Though she was hardly in the mainstream of the American thought of her time, her views are distinctly and characteristically American.

There are a number of books in defense of individualism. Hers is an *individualistic book*. Each page is redolent of unhomogenized personality, the flavor of a soul who has not been squeezed through high school or university, private or public, and who has undertaken to educate herself, self-supervised and self-corrected. An autodidact. There were few like that in her day, and there are none in ours.

Though "The God of the Machine" is one of the most quotable libertarian books, I almost never see it quoted, maybe because the people who would quote many of its passages are uncomfortable with some of the others. It's a shame, really. This is a book to read, underline, argue with, reread, and occasionally toss aside in a spasm of pragmatism. I don't recommend discarding it. I did that once, and had to buy it all over again.

— Bruce Ramsey

Reflections, *from page 20*

young man who combines passion for nurturing and improving his talent with being both a fierce competitor and a thoroughly decent human being.

Nice job.

Earl went on to write three books and become a driving force behind the Tiger Woods Foundation, devoted to inspiring young people to dream big dreams in many fields of endeavor and take steps toward realizing them. He died recently in the family's Cypress home at 74, after a long bout with prostate cancer.

Tiger is not the only person who will miss him badly.

— Alan W. Bock

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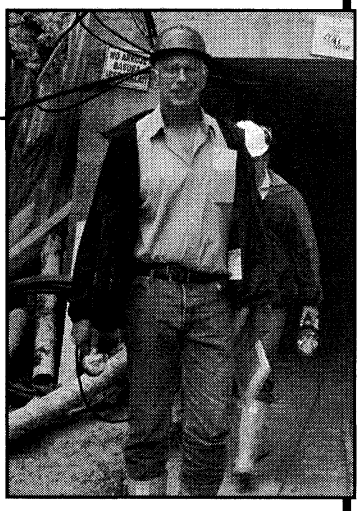

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Sport

Germany Invites The World

by Andrew Ferguson

Hooligans, globalism, civil war, and the future of Europe — there's more to the World Cup than just "twenty-two foreigners in funny shorts."

With an audience of three billion, the World Cup is the biggest spectacle on earth, a grand stage upon which 32 nations have a minimum of three games each to present themselves to the world.

Some teams are out to distract attention from the strife going on in their homelands; others try to call attention to it, as a cathartic form of activism; most are thrilled just to be involved, and devote themselves to enjoying every moment of the experience. In many small countries, the day following qualification for the World Cup is declared a national holiday. When the national team plays, the nation shuts down, as the population gathers around whatever TV is most convenient — the corner pub's plasma screen or the bush village's hand-cranked black-and-white. Presidential elections, civil wars, nuclear crises: anything can be put off when a game is on; yet any aspect of national character can be seen in the way a nation relates to the game.

In Jorge Luis Borges' story, the Aleph was a miraculous object into which one could look to see everything else in the world. The World Cup is like that: it is an event that contains all other events — or at the very least, it offers a point from which to view every other event. Many observers concentrated on Italy's victory in the final, or on French star Zinedine Zidane's dismissal for headbutting Italian defender Marco Materazzi; but many other facets of the world were on display at Deutschland '06.

Germany has worked for eight years solid on this World Cup: first, preparing the bribes necessary to host any event with a worldwide governing body; next, building new stadiums and repairing the old, in order to limit the number of crowd-crush asphyxiations; then, preparing the provisions, the police, and the prostitutes needed to accommodate tourists from every country on earth, while trying to remember which countries hate which others and why; finally and most importantly, figuring out how to brand and market the damn thing.

Of course, for an ad campaign of this scale, with so many taboos to work around, the highest praise possible is "inoffensive." By that standard, Germany's World Cup must go down as a success. Often, the branding was so aggressively inoffensive that it risked coming off as euphemism. The official World Cup logo bears the slogan "Friends invite the world" (*Die Welt zu Gast bei Freunden*), or much more loosely, "Time to make friends." These are words that could as easily be forced through the lips of Major Toht (the Nazi sadist from "Raiders of the Lost Ark") as roll off the tongue of a busty Oktoberfestive barmaid. The tenor of European history in the coming decades may depend on which image prevails.

Though Germany (as opposed to Prussia, Saxony, and so forth) has been a "nation" for only 130 years or so, it has col-

lected names for millennia. The name we Anglophones use came from the Celts: most sources trace it back to "shout" (*gar*) or "battle cry" (*gairm*), though some hold out for the less noisy "neighbor" (*gair*). The Finns use *Saksa*, from the same root as our "Saxon," or "swordsman." The Slavs have their own views on the matter, calling the German people various names based on *nemoy*, or "mute" — that is, a barbarian, someone who can't speak properly.

Germany refers to itself as *Deutschland*, the "land of the people." It's a name of ill omen given their past century's experiments with one Volk, one Reich — experiments that a small but growing group of Germans are eager to resume. It should be no surprise that these neo-Nazis, resurgent in German culture and politics, resplendent in Iron Crosses and imperial eagles — not to mention smuggled swastikas — are drawn to an event where flags are waved and the nation's pride is at stake. Because these neo-Nazis are resurgent, and because the nation's pride is at stake, the German government is desperate to live up to another of the country's names: *Alemania* (or *Allemagne, s'il vous plait)*, "all men": a confederation of many groups. Hosting the World Cup gave Germany a chance to show off its new identity, to demonstrate its shift from the militarized racial mythology of the Aryan thugs to the peaceful, global mythology of the marketplace.

Thus, the opening ceremony that must be endured before any large-scale sporting event can begin was organized around the theme of "Germany! But not *that* Germany!" The Germans dug their lederhosen out of mothballs, and danced around slapping their heels, even though there were no tubas to be heard. They dug even deeper into their shallow reservoir of inoffensive native stereotypes to explain the presence of the giant hive-shaped papier-mâché bells dangling from the arena roof: apparently, Germans once used bells to drive their flocks down the Alpine slopes to market.

Before the audience had time to linger long on thoughts of creatures being led to the slaughter, the Germans pulled attention back to their newfound sense of humor, and new-lost sense of order, by parading representatives of all 32 nations in whatever traditional garb each was willing to pretend its residents still wear. With that many costumes in one place, the field was only a drag queen and a dwarf away from a Mexican game show.

The World Cup is an event that contains all other events — or at the very least, it offers a point from which to view every other event.

London Times columnist Simon Barnes, understandably confused by the proceedings, did his best to sum up the madness: "Let's assume that a small boy had a dream about football and then world peace broke out." Or, from the German perspective, let's assume that the world had a dream about war, and after a hundred years or so a game of football broke out.

Or was scheduled to, anyway. Ten minutes from the start of the first game, the field was still covered with hundreds of people, a three-tiered stage, and a stadium-size red carpet. It appeared that delay was inevitable — but leave it to the Germans to wipe from their soil all evidence that other cultures had ever been there: the game started precisely on time.

The one other nation allowed to remain on the field was Costa Rica, Germany's opposition — and opposed in more ways than just facing them on the soccer field. Well before Bismarck incorporated Germany with an eye toward controlling Europe, Costa Rica found it had broken off from the necrotic Spanish Empire; so remote from the center of power were Costa Ricans, it took them six weeks to be told they were independent. While Germans busied themselves with military prowess and regalia, Costa Ricans disbanded their army, becoming the first democratic republic to function without one. Thus the omens were good, the entrails in order: the only thing left was for the German team to show that they'd been transformed too. They did not disappoint.

Germany set out to demonstrate its shift from a militarized racial mythology to the peaceful mythology of the marketplace. Thus, the opening ceremony was organized around the theme of "Germany! But not that Germany!"

German soccer teams have always been known for strong defense, for discipline, for machine-like efficiency — which is to say, for having no soul. But how different they were in this game: free-flowing and spirited, attacking not like methodical Panzers but like exhilarated cavalrymen, slashing across the middle and charging up the flanks at every opportunity, even though it meant leaving themselves open to counterattacks. The excitement generated by this freewheeling 4–2 win was astounding: the German populace, who had until this evening been skeptical of their team's chances of success, began painting their faces, sticking flags on their cars, and generally flaunting the kind of goofy patriotism for which they routinely mock Americans. It was as if they'd realized all of a sudden that loving Germany didn't necessitate hating any other country or people — a critical rediscovery for a nation that, given France's precipitous decline (and the continued absence of a Habsburg monarch), is again Europe's natural leader.

Selection as one of a dozen host cities for World Cup games is only the second good thing to happen to Gelsenkirchen in six decades (the first was hosting World Cup games in 1974). It was once "the city of a thousand fires," the biggest coal-mining town in Europe. As such, it made a convenient target for Allied bombers, which flattened three-fourths of the city; though the collieries struggled on, by 2000 they had all been

forced to close. Which left Gelsenkirchen without a sense of itself as a city: imagine a Detroit without cars, or better, a Newcastle suddenly without productive mines, so that carrying coals there would be a sensible business proposition.

Cities in transition are well advised to stick with what they know. Since Gelsenkirchen knew energy, the obvious choice for industrial leadership was its oil refineries, which are now among the biggest and most advanced in the world. But the German Green streak runs deep: *oil* and *leadership* are only allowed to share a sentence when they're being used to unveil international conspiracies. Needing an energy industry that was both Green-friendly and potentially lucrative, Gelsenkirchen doled out heavy subsidies to solar power plants.

But as solar power has proved inadequate as a replacement for fossil fuels, so also has it failed to rejuvenate the city, which still has the highest unemployment rate in western Germany. And now hundreds of TV crews would be turning their attention to the droves of young unemployed men, ideally catching them in the act of burning cars or breaking open each other's skulls. Stir into this mixture of idleness and television a sizable Polish minority riled up by "professional" Polish hooligans entering Germany surreptitiously, and suddenly a game involving two countries with no history between them — Poland and Ecuador — had the potential to spark a riot.

The day of the game saw embattled protests by aggressive racists and equally aggressive antiracists — though more tomatoes were thrown than punches. In Gelsenkirchen these displays are commonplace, mere ritual; word was that the real violence, the spark that would again light the city's thousand fires, would strike after the game.

Yet it wasn't to be, not that night. The Polish team lacked fire, and one goal in each half for the Ecuadoreans stole the fire from the crowd as well. Such a dispirited performance wasn't a loss the spectators could even get properly angry about, just properly drunk, before going home to sleep and forget. Was it a near miss? Had it all been an exaggerated threat? There wouldn't be much of a wait to find out: five days later, Poland was set to play Germany in Dortmund, and fears were that old battles would flare up in the streets.

The police, taking no chances, deployed officers in riot gear to monitor the city center and other gathering places. This strategy of preventive (or proactive) policing is a bugbear for libertarians: on the one hand, it seems to assume guilt on the part of the targeted group, thus violating the suspects' rights; on the other hand, it seems to aim at provoking said suspects into committing the crimes they're assumed to be guilty of. Yet by any empirical measure, the preventive police offensive in Dortmund was a success: there weren't any deaths; there weren't even any serious injuries. Why did it work so well here (and elsewhere: during the tournament about 1,500 people were preemptively jailed, including 600 belligerent Brits), when it has so often failed at preventing anything other than the exercise of due process?

Three reasons:

1) The operation had a clearly defined goal. The object wasn't to stop hooliganism — or, for that matter, any other ism — in the abstract. It was to prevent actual hooligans from committing specific acts of violence.

2) The various agencies cooperated fully with one another. In the rush to claim credit for arrests, law enforcement agencies often view themselves as competitors rather than partners, and blunders predictably result. Here, German officials relied on the expertise of Polish police to identify and arrest 40 Polish hooligan leaders — many of whom were carrying switchblades or other street-fighting knives. (And note: it wasn't the knives that got the hooligans detained; it was their reputations for using knives, or rocks, or boots, to injure others.)

3) The police set a schedule and stuck to it. In all, about 300 Poles and 150 Germans were taken into custody; 48 hours later, with the game over and the flashpoint passed, all but three (one who punched a cameraman, and two who hit cops with bottles) had been released.

The restraint of the German police turned a would-be riot into a localized brawl that one official described as "less serious than those before an average German league game." In the end, the only losers in Dortmund were those hard-luck Polish fans who came not to raise Cain, but to support their team: they had their hearts ripped out when the Germans scored in the game's final minute to win 1–0, denying them even the moral victory of a stalemate on German soil. They would have to content themselves with the less immediately inspirational feat of finding their way safely back to their hotels, and returning to a Poland that is free, after half a century of struggle, from collectivist ideology. It's a smaller fire, more suited to a hearth than a factory, but perhaps it will warm a few hearts.

In one of the strange juxtapositions that globalization seems to foster, during their game with England the Paraguayan players spoke not in their usual Spanish, but in Guarani, a Mesoamerican language rarely if ever heard in Europe — even in Frankfurt, busy Frankfurt, with its city-sized airport through which seemingly every international traveler must pass.

A few years ago, English captain and media icon David Beckham was sold by his very wealthy team, Manchester United, to an even wealthier Spanish side, Real Madrid. (This kind of big-money, big-publicity transfer was once rare; with the EU easing work permit requirements, it's now a staple of the soccer season, as the world's richest clubs seek to gather the world's best players, regardless of their countries of origin.) While in Spain, Beckham picked up the local lingo, or at least enough of it to communicate with his colleagues. The

German soccer teams have always been known for strong defense, for discipline, for machinelike efficiency — which is to say, for having no soul.

Paraguayans, wanting to keep their on-field banter private from Beckham and thus from the rest of the English team, switched to their nation's other official language.

But the strategy backfired: the game's lone goal was scored after only four minutes, when a Paraguayan defender, misunderstanding his teammates' directions, headed the ball into his own goal while trying to get rid of a long pass from Beckham. Even though England played poorly, the team never looked like losing the game, especially after being given the lead.

Critics of globalization are badly mistaken about the economics of world trade, but their criticisms, if applied to a game like this one, would have some validity: the whole affair was blunt and boring, and the less developed country simply could not compete on a "level playing field."

The World Cup sparks strange alliances. This year, Scotland, whose national team again missed out on a major tournament, rallied around Trinidad and Tobago, primarily because there's a player on the T&T roster named Jason Scotland (it also didn't hurt that T&T would be playing the Auld Enemy, England).

So also did Ireland muster to support the Ivory Coast (whose team is nicknamed the "Elephants," with a touch of the wry humor that pervades Africa), because the two nations' flags use the same color stripes.

Côte d'Ivoire needs all the support it can get. Its entire history as a nation was aptly, if unintentionally, summarized by a "Facts About the Ivory Coast" graphic on ESPN2: "World's largest producer of cocoa. Currently in state of civil war."

It was a cocoa farmer, Félix Houphouët-Boigny, who set Côte d'Ivoire on the road to independence, and it was this same farmer who for two decades steered his country clear of the nationalistic coups and wars that savaged the surrounding nations. In the late '70s, it was Houphouët-Boigny who bravely stood before his fellow African leaders and chastised them for being every bit as racist as the colonial overseers they'd overthrown.

Sadly, his legacy was not limited to the UNESCO Peace Prize bearing his name. As one might guess from the fact that his name also adorns the nation's biggest stadium and airport, as well as his own personal presidential palace, Houphouët-Boigny turned out to be as adept at shuffling money as any career politician this side of Robert Byrd. For a man of H-B's talents, the state-run cacao and coffee plantations were as lucrative as oil fields or diamond mines. While embezzlement ranks rather lower than genocide and cannibalism on the list of atrocities perpetrated by African dictators, H-B's graft was sufficient to leave the country's already-mismanaged industries teetering, and the nation's economy faded along with his health.

The entire history of Côte d'Ivoire was aptly, if unintentionally, summarized by a graphic on ESPN2: "World's largest producer of cocoa. Currently in state of civil war."

After his death in 1993, the Ivorian elite quickly realized that the impoverished country had been held together by the old man's heart and brain alone. Lacking both, new president Henri Bédié tried to unite Côte d'Ivoire around the concept of *Ivoirité,* or shared cultural heritage. It took less than five years for this nationalistic abstraction to morph into a blood test barring from the presidency anyone not of "pure Ivorian" stock, effectively excluding from the political process everyone in the Muslim-tinged north. The descent into civil war was swift and all but inevitable.

It took three years of killing, three years of broken cease-fires and children's legs blown off by landmines, for a potential source of unity to emerge — and it was soccer, not culture or politics or blood.

It took three years of killing, three years of broken cease-fires and children's legs blown off by landmines, for a potential source of unity to emerge — and it was soccer, not culture or politics or blood. Former Liverpool manager Bill Shankly once said: "Some people believe football is a matter of life and death. I'm very disappointed with that attitude. I can assure you it is much, much more important than that." His is a sentiment shared by many Ivorians, almost of necessity: soccer alone offers a temporary release from the cycle of murder and retribution. When the Côte d'Ivoire team, featuring players from both north and south, qualified for its first ever World Cup, people all over the country put off killing one another and celebrated. Here was courage; here was pride; here, at last, was *Ivoirité.*

The real problem with stories, wrote Neil Gaiman in "The Sandman," is that if you keep them going long enough, they always end in death. The story of the Elephants' visit to the World Cup was a great one, and it ended pleasantly, if abruptly: the team earned rave reviews for its spirit and skill, but try as they might, the players could not get past traditional powers Argentina and Holland. The team returned to Côte d'Ivoire to be honored for its valiant representation of the country. But history keeps going: it won't be long until the jeeps that bore the team in its celebratory parade will again be laden with machine guns and stuffed with swaggering pubescent soldiers, valiantly representing their country by trying to kill the other half of it. The rift is too deep; try as they might, the Elephants could not get their homeland past its quarrels. As with the 1914 Christmas Truce, soccer could never be more than a brief reprieve from combat.

The World Cup sparks strange alliances, indeed. In 2006, the strangest may have been the alliance of Côte d'Ivoire with itself. ❑

A Party in Search of Itself

by Patrick Quealy

The Libertarian Party tries to be true to itself, while also hunting for voters.

"No cruising allowed," the sign warned in large, red letters. As I drew near the intersection in downtown Portland, I looked around for a house of ill repute. In smaller text, the sign explained that "Driving a vehicle through this traffic congestion thoroughfare more than two times shall be a violation of city code. . . ." I had violated a city code just trying to find a parking space. Sweet!

Oregonians try to guarantee full employment for underworked 16-year-olds, at well above the market-clearing wage, by requiring that only station attendants may pump gas. The one time I allowed this to be done to my car, the Pumping Technician dumped gasoline on the side of my car before managing to get a little into the tank. Oregon seemed a funny place for libertarians to gather.

The Libertarian Party national convention met in Portland, Ore., on July 1 and 2, 2006. Libertarians hold midterm conventions. They don't nominate presidential candidates there; they convene in preseidential election years to do that, as the major parties do. In the "off" years, Libertarians undertake other important tasks, such as throwing out most of the platform so that their candidates will have little or nothing upon which to run. (Or so that their candidates have the freedom to run winning campaigns, depending on your point of view. More on this later.)

Mark Rand and I, the observers from Liberty, arrived on the morning of Saturday the first. I assumed that the parliamentary business of Thursday and Friday would be mostly uninteresting except to devotees of LP inside politics. LP Communications Director Stephen Gordon diplomatically confirmed this supposition.

Liberty's past experiences with the usually trivial task of getting credentialed were less than inspiring.* I'm happy to say that this year was different. A call to Gordon's cell phone brought him hurrying by, breathing heavily and obviously doing the work of ten men, but still happy to help us out.

When we finally got in, Congressman Bob Barr (R-Ga.) had just finished speaking. I know many libertarians regard him as a friend of liberty, and on plenty of issues, he is. Maybe the delivery made the address, which I am about to quote, strange little dots and all, from the text he released. But get this: "To be a true and meaningful protector of liberty as a political party, an organization must be . . . organized . . . prioritized . . . committed . . . serious . . . it cannot spend its time and resources nibbling at the edges of the fundamental problem facing America today — the loss of liberty at the very hands of government — but must instead truly join the battle; lead the fight." Drop the decorative verbiage, and this becomes: "To protect liberty, you must be bold." I assume the implication was that the Libertarian Party should stop elevating opposition to the War on Drugs as a centerpiece of its political program. But wouldn't that be "nibbling at the edges" instead of showing leadership?

*See "Crossroads in Indianapolis" and "Fear of the Press," September 2002; and "Welcome to the LP Convention!", August 2004, p. 37.

The first speech we heard was by Michael Badnarik, the LP's 2004 presidential candidate. It was very — Badnarik. I don't think I'll ever shake my first impressions of him, which were formed when I visited his campaign website after his nomination. One of the first things I read, under the headline "Gun Control Means Being Able to Hit Your Target," was: "If I have a 'hot button' issue, this is definitely it." That was in boldface, followed by, "Don't even THINK about taking my guns! My rights are not negotiable, and I am totally unwilling to compromise when it comes to the Second Amendment."

I thought there were ways to express that notion and still have the support of some soccer moms and NASCAR dads. I was pretty sure that Badnarik's way wasn't one of them. Measured on that barometer, his tone this year was measured, and his speech more circumspect, than anyone would have supposed they might be.

The theme of the convention was "uniting voters." The name badges worn by delegates bore the same slogan. Badnarik explained that the party's plan was to unite libertarians, then unite the voters. The first ten minutes of his speech were a call to unity. "I really love to sing in the shower," he said. "Most of you are going to have to take my word for that." He enjoys singing in a choir more than singing in the shower, even though singing in a choir means shutting up sometimes, he said. That would be unity.

Badnarik kicked around a few buzzwords that made me cringe, though admittedly they might be true: long term unity builds synergy, and "long term synergy builds success, and success breeds success." He defined synergy as meaning "two plus two equals more than four." After talking about party unity for a while, he asked the delegates to show their unity by shaking the hands of those seated near them. They complied, in high spirits. This was a little too touchy-feely for Mark and me; I was reminded of the handshake of peace in the Roman Catholic services with which I was brought up. It's the part of the Mass you dread, because you know the emphysemic guy in front of you and the snotty kid next to you, both of whom have been coughing loudly into their hands for an hour, will want to shake your hand just before you go to receive the Eucharist.

"I really love to sing in the shower," Badnarik said. "Most of you are going to have to take my word for that."

But I digress. Mark whispered to me, "At least he didn't ask us all to hug each oth—" Badnarik interrupted. "I was originally planning to ask for a group hug and two rounds of 'Kumbaya.'" Luckily, that was a joke. Badnarik was impressive. He said he'd already raised $300,000 for his congressional race in Texas District 10. He certainly has more authenticity in a pinky finger than is to be found, combined, in the candidates the major parties offer in most elections at any level. The Texas LP must have its act together: it's running 170 candidates.

Badnarik said that, thanks to his presidential campaign, "70 million people heard about the libertarian message who hadn't heard about it before." I don't know where that number comes from. I hope it isn't accurate, because it means that 23% of the population, and presumably a substantially larger portion of the voting population, had heard the message and ignored it at the polls.

His current campaign, Badnarik explained, has a "secret strategy" for winning. This publicly secret strategy, unsurprising from a Libertarian, is a contract. "Wouldn't it be nice," Badnarik asked, "if we could put limitations on individual legislators?" He intends to write a binding contract with voters, allowing them to turn him out at the next election if he's found in violation. In effect, he proposes to term-limit himself. His contract will list goals to be met while in office. If any voter charges that he has not kept to it, the matter goes to an arbitration board; if the board agrees with the challenge, Badnarik will be ineligible for reelection. A cool notion, if not flawless. Dorks like me and some other libertarians will be interested, although I don't think you win a congressional election by winning the dork vote. Perhaps to forestall such skepticism as mine, a reprint was made available of a story from National Review Online that pitches the idea. There are impressive statistics to back it up, naturally.

These aren't necessarily complaints. Badnarik knows the Constitution well. That alone makes him worthier of the public trust than the great majority of politicians. And he knows the game he is playing. He was decent when he was a dark horse for the nomination in 2004, and I think he's markedly better now. After his speech, a small group of media surrounded him and asked some questions. (I didn't see many media types wandering the halls; perhaps six or eight people wore press badges.) One was a producer involved in local radio. He was trying to get some airtime for the party's ideas. There were a couple of local print reporters, including the publisher of the Northwest Meridian, a free, alternative paper claiming a biweekly print run of 14,000. It appears to have a free-market bent — surprising, since every free, alternative paper I've seen has been leftist, centrist, or apolitical — and this one is published in Oregon of all places. There were a few freelancers and independents, and Liberty. That was it. I guess this is the norm for LP conventions, at least in the midterm years.

The gentleman from the radio station asked something; I don't remember what it was, but it had nothing to do with the war on drugs. Badnarik answered by talking about the war on drugs. He did so with a smile that made me feel as if he had answered the question. I followed it with a softball, just

Liberté, fraternité, ennui — The announced theme for this year's LP convention is "Unity." Unity is universally acclaimed — no one has anything but praise for it. Ideological purists speak of the wisdom of uniting as an ideologically pure party, the pragmatists extol the virtues of uniting as a more practical party, and every single-issue libertarian explains that freedom will be ours if only we unite behind his favorite issue. The focus on the theme lasts an hour or two, after which I don't hear "theme" or "unity" again, although to my relief as a small "L" libertarian, and my chagrin as a bored conference attendee, I see nothing but amicable and mostly optimistic debate. — Mark Rand

to break the silence and to see how he would answer. Libertarian presidential candidates could talk about national issues, I said, but congressional candidates would have to cater to local interests. Which did he find easier? He replied that his job was to find out, before an event or speaking engagement, what was important to me — and then explain why I should vote Libertarian.

I liked that answer. It's the practical answer I'd expect from someone who'd been groomed to win elections, and properly understood, it didn't have to mean budging an inch on any issue of import. It wasn't a hard answer to produce, but until one has tried to answer questions on the campaign trail, months on end, without stuttering or starting to sound insincere, one doesn't realize how challenging it is to open one's mouth during a campaign without swallowing a lot of foot.

Still, color me skeptical. A plan to get elected to Congress this year, as a Libertarian? A legally actionable contract with voters? I have trouble enthusiastically saying that I believe in this. Badnarik emphasized "putting a *declared* Libertarian in Congress." If I understand him, he fully expects to win. He asked the delegates whether they thought he would. Many of them, who appeared to constitute an enthusiastic majority, raised their hands.

I got bitten by the LP bug when I was even younger and more naive than I am now. After the disappointing results of the 2000 election, in terms both of electoral success and of party growth, I felt like a kid who'd been promised a Red Ryder BB gun for Christmas and received only socks and sweaters. I'm leery of libertarian candidates making huge promises — or just *weird* promises — that they can't or won't deliver on. So when Badnarik says that people are in a frame of mind that hasn't existed in America "since Lexington and Concord," and suggests a unique opportunity exists now that "Congress has an approval rating of 18%," I can't muster much enthusiasm. The convention delegates could and did.

Peter McWilliams once called the LP "political Viagra" that "helps you get it up for liberty." That's great, but you can overdose on the stuff. Political priapism leads to tipping-point fatigue among the faithful. It's a tough balancing act — keeping scrupulously honest while keeping the base energized — but it has got to be performed.

A Credentials Committee report followed Badnarik's talk. I stepped out and visited the information booths down the hall. I was surprised, though I shouldn't have been, to see a representative of the ACLU, who was being congenially challenged about the ACLU's selective concern for civil liberties.

Rob Kampia represented the Marijuana Policy Project. This seemed like preaching to the faithful until I realized that he was also there as a delegate. (The next day, he endorsed Tony Ryan, an ex-cop who was running for Vice Chair of the National Committee. The endorsement got a lot of cheers from the delegates. Nevertheless, Ryan lost on the first ballot.) Nearby were the emissaries of the Liberty Pledge Club, the LP's monthly pledge program. They had a cute gimmick to get people to sign up: two lucky signers would receive an iPod, decorated with Libertarian Party art.

Political priapism leads to tipping-point fatigue among the faithful.

I was happy to see the Outright Libertarians represented, a happy gaggle of gay people who are welcomed by their party and love its platform. Contrast this with the Log Cabin Republicans, who — forgive me, I'm sure they're very nice people — ought to have their pictures in the dictionary next to the entry for schizophrenia. And no convention report would be complete without a mention of another phenomenon that makes Libertarians easily differentiable from Republicans: Starchild.

The Republicans wouldn't let Starchild in. The Democrats wouldn't either. Possibly Chuck E. Cheese wouldn't let him in. But the Libertarians do. Starchild, for the uninitiated, is a libertarian from San Francisco. Most of what I know is from anecdotes and a couple of Google searches, but three things seem clear: he's a fixture at LP gatherings, is widely known among libertarians for flamboyance, and is widely respected

The platform of the Libertarian Party before and after the 2006 convention

1. Individual Rights And Civil Order
   - Freedom And Responsibility
   - Crime
   - *Victimless Crimes**
   - The War On Drugs*
   - Safeguards For The Criminally Accused
   - Justice For The Individual
   - Juries
   - Individual Sovereignty
   - Government And Mental Health
   - Freedom Of Communication
   - Freedom Of Religion
   - Property Rights*
   - The Right To Privacy
   - Government Secrecy
   - Internal Security
   - The Right To Keep And Bear Arms
   - *Conscription**
   - *Immigration**
   - Freedom Of Association And Government Discrimination
   - Women's Rights And Abortion
   - Families And Children
   - Sexual Rights
   - Reproductive Rights
   - Sexuality and Gender
   - American Indian Rights
2. Trade And The Economy
   - The Economy
   - Taxation
   - Inflation And Depression
   - Finance And Capital Investment
   - *Government Debt*
   - Monopolies
   - Subsidies
   - Corporate Welfare, Monopolies, and Subsidies
   - Trade Barriers
   - Public Utilities
   - Public Services
   - Unions And Collective Bargaining
3. Domestic Ills
   - Energy
   - Pollution
   - Consumer Protection
   - Education
   - Population
   - Transportation
   - Poverty And Unemployment
   - Health Care
   - Resource Use
   - Agriculture
   - Occupational Safety And Health Act
   - Social Security
   - Postal Service
   - Civil Service
   - Election Laws
   - Secession
4. Foreign Affairs
   - A. Diplomatic Policy
     - Negotiations
     - International Travel And Foreign Investments
     - Human Rights
     - World Government
   - B. Military
     - Military Policy
     - Presidential War Powers
   - C. Economic Policy
     - Foreign Aid
     - International Money
     - Unowned Resources
   - D. International Relations
     - Colonialism
     - Foreign Intervention
     - Space Exploration
5. Omissions

*Renamed or moved to new sections

Source: lp.org accessed July 13, 2006, and as cached at archive.org, Nov. 19, 2004

Retained
Substantially updated
Eliminated or consolidated into other planks

among libertarians for his intelligence and activism. At this convention, Starchild sported a tasteful blue-grey toga, an "I Miss America" sash, a Lady Liberty headpiece, and a plastic torch held aloft at all times. "In what I'm guessing is an appeal to the more socially conservative wing of the party," Communications Director Gordon noted in the Hammer of Truth blog, Starchild completed his ensemble "with a relatively small set of falsies." (The full entry, along with a priceless photograph of Starchild with Bob Barr, is at http://tinyurl.com/jp4ts.)

The Free State Project was there, and man, are they cool. Varrin Swearingen, the president, chatted Mark and me up about the project. We each walked away five bucks poorer, with a Free State T-shirt, and looking forward to their caucus that afternoon.

Back in the main hall, five minutes had been allotted, from 9:55–10:00, for "Retention of Planks from the Previous Platform." I expected this to be a formality (as did whoever made up the agenda). However, expecting Libertarians to do the expected is seldom a good idea. They took those five minutes to throw out most of the party platform. More accurately, they failed to renew most planks, which they're required to do at every convention to keep them in the platform.

Out of 61 planks adopted in 2004, only four were retained outright in Saturday's vote. For all intents and purposes, it appeared the platform was scrapped. The Bylaws Committee Report distributed in the morning had included a proposal to alter the mechanics of the platform retention vote, noting among other reasons that "no one on the committee can recall any instance where a plank was deleted through this process." Live and learn. The rejection of the vast majority of planks could mean the moderates were out in force, intent on starting from scratch to build a more marketable platform. Or it could mean the purists were upset with all this talk of unity and wanted to quash it. Knowing Libertarians, I assumed the latter.

There were several afternoon speakers. The first, Megan Dickson, was outstanding. She was polished and passionate, didn't hesitate once — and she's an eighth grader. Following Megan was the first woman to receive a vote in the Electoral College, 1972 LP vice-presidential candidate Tonie Nathan. I ducked out near the end of Nathan's talk to get some coffee, which I would need to make it through the rest of the afternoon, and managed to miss the Starchild drama.

Starchild asked to be accepted as a late-arriving delegate, and the convention refused to accept him. Joe Magyer, a delegate and officer of the Georgia LP, kept a convention diary at thirdpartywatch.com. He wrote of the incident:

> Okay, we just had to do a standing vote for someone named Starchild dressed like the Statue of Liberty. Jesus. We literally just had to count each "aye" vote for Starchild. What a ridiculous waste of everyone's time. It is now known that Starchild has been rejected as a delegate.

Yeah, Libertarian drama! Give me that old-time religion!

I returned as the platform debate was getting underway. The Platform Committee Report had consolidated several previous planks; then many old planks had been unexpectedly

Dammit, Jim, I'm a libertarian, not a gun grabber — Most of the exhibitors' booths — and there aren't many, maybe a dozen — are from the type of group you'd expect to find at a libertarian gathering: Advocates for Self-Government, the Free State Project, Americans for Fair Taxation, Outright Libertarians, Students for Saving Social Security, the Cascade Policy Institute. There are a couple of unmanned tables with flyers promoting various candidates for government office or Libertarian Party positions. And somewhat to my surprise, the ACLU has a booth.

It looks as though the ACLU booth is getting a slightly wider berth than any of the other booths — people are looking at the literature on display without getting close enough to pick it up or be engaged in conversation. I step closer and one of the staffers (Associate Director and Chief Legislative Counsel of the ACLU's Washington Legislative Office Gregory T. Nojeim, who'd been one of two speakers at Saturday's "ticket only" breakfast) asks the other, "Do they know they can take the literature?" With that, he excuses himself and leaves, smiling but clearly somewhat frustrated.

The ACLU board views gun ownership as a collective right. A delegate points out that the overwhelming consensus of historians contradicts this view. Jim counters that historians view history as whatever they want it to be.

The ACLU literature on display all relates to the Patriot Act. I ask the ACLU guy (whose name for the purposes of this section is now Jim, with my apologies for neglecting to read his large and prominent name tag) what kind of response he's gotten. He says it's been quiet all morning. I suggest that maybe people are unable to decide whether to laud the ACLU's free speech work or upbraid its stances on affirmative action, Title IX, or any of the other areas in which our groups are at odds, and Jim expresses some surprise. His work relates mostly to the Patriot Act, and he's not prepared to discuss other areas in any detail, although he's quite willing to give me contact information for people who are. Much as I'd love to spend the next 20 minutes or so agreeing with him about the horrors of the Patriot Act, I decide my time would be better spent almost anywhere else, thank him for his time, and start to leave.

As luck would have it, though, one of the Washington state delegates picks that moment to approach. He mentions that he regularly responds to ACLU surveys about which issues are important to him, and he wants to know why the 2nd Amendment never receives any ACLU support. Again, this isn't Jim's area, but he does know that the ACLU board views gun ownership as a collective, not an individual, right. The Washington delegate points out that the overwhelming consensus of historians contradicts this view, and Jim, who mentions that he studied history in college, counters that historians view history as whatever they want it to be. Realizing they're at an impasse, the delegate asks how the board is elected, and Jim offers him his card, explaining that he doesn't know, but he'll be happy to find out.

With that resolved, I return to the convention proper.

— Mark Rand

tossed out in the retention vote. Up for discussion now were revisions to five planks.

The sexuality and gender plank said "marriage and other personal relationships" should be treated as "personal contracts." Someone thought this was too clinical and moved to change "contracts" to "matters." The motion failed. Someone else moved to change "personal relationships" to "civil unions." A representative of the committee explained that the language was intended to remove government from the equation as much as possible. "Personal relationships" would cover traditional marriage, line marriage, civil unions, simple cohabitation, whatever. That motion also failed.

Unsurprisingly, the immigration plank was the most contentious. The language was still essentially open-borders, as before, but it was a solid step toward a plank that wouldn't alienate everybody south of the tippy-top of the Nolan Chart, while remaining principled. The committee arrived at new language starting, naturally enough, with the principle that immigration "is as much a property rights issue as anything else."

There was a minority report that stayed closer to the original language. Badnarik's campaign manager spoke in favor of the majority report. The staff of libertarian congressman Ron Paul (R-Texas) had told him recently that, of 2,500 people recently arrested coming across the Mexican border, not one was a Mexican. "I encourage you to stop thinking this is about Mexicans," he said. "I urge you to stop thinking that immigration and national security are the same issue." It was an intriguing dichotomy, and one that surely merits consideration, though I have several Californian friends who would be skeptical about the distinction. "If you want to be theorists for the rest of your life . . . that's great, I'm all for integrity. But I'll tell you what. . . . I'm trying to elect somebody." That won some applause.

Steve Dasbach, former LP chair and then national director, said that the majority report better reflected the LP's sense of where its members are on the issue. The statement was characteristic of a pattern of moderation that the party evinced throughout the weekend. I call it growing up. I guess the purists call it regression.

The party moved on to passage of a new plank on taxation. On this issue, the old plank read, "No tax can ever be fair, simple or neutral to the free market"; and, "Default is preferable to raising taxes or perpetual refinancing of growing public debt." The new plank called for collection only of "taxes that do not invade individual privacy or self-ownership" and for elimination of "all taxation on individual incomes" and "ranking the effect of various taxes" before imposing them.

The new wording of the plank on government debt would have allowed Congress to borrow money in emergencies with a supermajority vote in Congress. Of course, legislatures see emergencies anywhere they must in order to comply with the letter of the law while spending money with abandon. A delegate noted this, and moved to have the emergency appropriation measure stricken. The motion passed.

Finally, the conscription plank came up for debate. The new plank was shorter, more focused, and notably no longer called for repeal of the Uniform Code of Military Justice. Why the Platform Committee changed the language in this way is unclear, but it fitted with the palpable desire to mainstream the party that permeated much of the convention. Opposition to the UCMJ is a fairly left-wing notion, and as one delegate noted during debate, there are good reasons for its existence apart from the laws governing civilians. Language was kept from the 2004 platform which supported (though perhaps too vaguely) the right of high school kids, conned by recruiters into military service with the promise that they wouldn't see combat, not to be punished for desertion. Agree or disagree with the idea, the LP was ahead of the Democrats on this one. The Democrats waited for the Iraq war and Cindy Sheehan to get in on the act.

Starchild wore a tasteful blue-grey toga, an "I Miss America" sash, a Lady Liberty headpiece, and a plastic torch held aloft at all times.

Besides debating these five platform planks, the convention debated the committee's attempt to change the party's statement of principles. If this passed, or even came close, it would be a sign of a new tone and a new sheriff in town. The proposal was to change the denunciation of "the cult of the omnipotent state" to denunciation of "the idea of unlimited government." This proposed change lent credence to the possibility that moderates were determined to bring the platform down to earth. The slightly altered statement of principles would have the same meaning as the original, without eviscerating candidates' chances of winning. That was the thought. On the other hand, it didn't sound nearly as exciting — and if you take everything too seriously, it's hard to be a libertarian. There was a motion to postpone debate on this until Sunday morning; it passed.

We ended the evening by sitting in on the Free State Project's caucus. The room was packed, and the hour-and-a-half presentation kept my attention the whole time. Swearingen

Impractical pragmatists — A Gallup poll just found that two thirds of all Americans support withdrawal of U.S. troops from Iraq. Nearly one third want to leave immediately, a position more extreme than that of Howard Dean. The poll also revealed that a pitifully small 2% of Americans want to send in more troops.

Meanwhile, the Libertarian Party, acting in the name of pragmatic reform, has dumped antiwar and anti-intervention planks from the platform. The result, of course, is to cut the LP off from this growing American antiwar majority.

It is hard to imagine how such an isolating decision can be justified as a practical reform to reach more potential voters. Even so, that is what the Portland reformers claim they are doing.

It is natural to wonder to what extent "pragmatism" is just a pretext by pro-war elements to advance a purely ideological position that fewer Americans than ever now hold. If this is the case, why are antiwar libertarians so quick to concede their opponents' claims to be non-ideological? Shouldn't they instead insist that it is they, not the Portland reformers, who are doing the most to hold aloft the flags not only of principle but also of pragmatism?

— David Beito

introduced himself as a commercial pilot, a Christian, and a libertarian (the last two need not conflict, he emphasized). He later mentioned casually that he was an unpaid volunteer. I was floored. I figured they at least paid him a stipend to do what amounts to a second full-time job. Given his eagerness, you'd think they did.

The project's aim is to get 20,000 activists to move to New Hampshire and make it a "free state." The idea is that in a small enough state, if most of the people who move are *activists* who vote and work to change government, 20,000 people can make enough difference to produce a libertarian society within that state. Swearingen described the possibilities presented by New Hampshire-style direct democracy: one can attend a town meeting, question line items on a budget, and have them removed. The few FSP members who've already made the move are doing this stuff and seeing results.

I think these guys are here to stay; I think they're going to reach their goal someday. The "free state" may not look exactly the way they expect it to, but then they don't seem to have a fixed goal in mind. They know freedom when they see it, and avail themselves of the opportunities when possible. These are idealists doing something pragmatic, patient enough to wait a few years, but impatient enough to want liberty in their lifetimes. I haven't signed their pledge to move, but at some point during the weekend, the Spirit moved me: I decided that I'm going to find an excuse to visit the Northeast in the next year or two, and check out New Hampshire. More than once, Swearingen said he was embarrassed or ashamed that America couldn't produce 20,000 people willing to cross state lines for freedom, and that hit home.

What I think is cool is that they've succeeded by breaking the rules. (Most success stories seem to work like that, but most movements still follow the rules. I don't get it.) Swearingen does not gloss over failures. He named some victories for freedom in New Hampshire politics. Here, a couple hundred thousand dollars saved for taxpayers, directly attributable to political activism by Free Staters. There, a bad law that didn't get passed. The FSP couldn't claim full credit, but it had helped.

Sunday's opening speaker was Pat Dixon, chair of the Texas LP (not to be confused with Michael Dixon, the national chair), who spoke in grave and serious tones. Jesus Christ is his role model, he said. He mentioned Crispus Attucks, and talked about martyrdom, and how martyrdom emboldens the martyr's followers: "We refuse to concede. . . . We will continue to fight for liberty despite being outnumbered." The delegates got a little restless. They may have wondered, as I did, exactly what Dixon was calling for. But the speech was reasonably well received, and contributed positively to the attempt to "unify" the party. It's always nice when a whole roomful of libertarians can listen to a religious libertarian without one of them jumping from his seat to utter imprecations about people who are anti-mind and anti-life.

The immigration plank was the most contentious of the platform debate. The committee arrived at new language starting with the principle that immigration "is as much a property rights issue as anything else."

It was announced that there were 299 credentialed delegates and 12 alternates, for a total of 311. Someone from the Washington delegation had told me in the hall that this was unusually low. I think there was "room" under the bylaws for 700 more delegates. Don't quote me on that: I had not yet had my morning coffee, and I don't understand the complex formula that determines the total number of delegates, and how many may come from each state.

A delegate from the Nevada delegation was recognized and angrily decried the decision — "at best petty, at worst bigoted" — to refuse to seat Starchild on Saturday. He "demanded" on behalf of the Nevadans that Starchild be credentialed as part of their delegation. Chairman Michael Dixon asked the "nay" votes to stand; I did not see a single person rise. Much applause was rendered, and Starchild was credentialed in time for the voting.

In this tense moment, as throughout the weekend, Dixon ran the meeting well. He smoothed over rough spots, maintained good humor, and provided cues to delegates to help them move business along as needed. Everyone seemed impressed.

There was a little more talk about the platform, no less confusing than on Saturday. Some planks had been put before the convention in their verbatim 2004 forms. Some were consolidated from previous planks and put before the convention for approval. (This was done with the issue of gays in the military, for example, which was moved from the conscription plank to the sexual freedom plank.) The taxation plank, labeled "retained via debate" on the overhead screens, would have been a third class of plank; then there was a challenge from the floor regarding how that plank was handled, and Dixon ruled the challenge correct. My eyes glazed over.

Next, the business of the "cult of the omnipotent state" had to be addressed, again. A delegate claimed that even LP founder David Nolan opposed the "cult" language, having

Time out of mind — On several occasions, I approach a delegate who's stepped out for a cigarette. Most of them are willing to talk, but only off the record. Hoping to learn something, I agree to that restriction, and end most of the conversations wondering why people with nothing controversial to say insist that they not be quoted on issues they're not discussing. I also wonder why the senatorial candidate who promises universal health care, an end to the "rich-poor divide," and (by some unspecified magic) "no more global warming or Katrinas" imagines he'll appeal to libertarians. I wonder the same thing about another (presidential) candidate who pledges to "make everyone meet a weight requirement to earn their individual tax deduction," and to subsidize organic fruit and vegetable farming, except for corn and wheat, which "are used to make fattening foods." This man, incidentally, needs campaign contributions, which he notes are *not* tax deductible. Not even if I meet my weight requirement? — Mark Rand

called it "off-putting to the average voter." (You think?) An amendment was offered to delete only "cult of the," leaving "omnipotent state" intact. I thought this was a brilliant compromise. Naturally, it didn't pass.

Under the bylaws, a seven-eighths vote of *all* delegates (not just a quorum) is needed to change the statement of principles. If a few delegates go home early and a few more are in the bathroom when the vote comes up, the change can't be made. Wow.

Dixon opted to count the "nay" votes, saying that 38 would be needed to defeat the motion. A few people stood up: clearly, this year's delegates were not hard-line. Easily three-quarters supported the change in language, probably more. But Dixon ruled that more than 38 voted nay, and the motion failed. The LP still opposes the cult of the omnipotent state.

When the platform business was over, I was unsure what state the platform was in, and not for want of attention. It was ten days after the convention when party staff could finally confirm what the new platform said or how many planks it had. There are now 15 planks, less than a quarter of the previous number.

The new conscription plank, as earlier noted, no longer calls for repeal of the UCMJ. The plank on government debt reads less like an excerpt from a John Galt soliloquy. The planks regarding the War on Drugs, privacy rights, and gun rights were among the handful that survived unscathed.

The immigration platform in 2004 called for "the elimination of all restrictions on immigration, the abolition of the Immigration and Naturalization Service and the Border Patrol, and a declaration of full amnesty for all people who have entered the country illegally." It now calls for "free entry to those who have demonstrated compliance with certain requirements," allowing for "screening for criminal background and threats to public health and national security." Somewhere between 2004 and 2006, the LP recognized a fine distinction between building a wall to keep Mexicans out vs. trying to keep tabs on who enters the country. This can only be to the good.

What should one read into the changes to the platform? Says LP executive director Shane Cory in a July 12 press release: "Consider it a move that we would love the federal government to make. We've reduced our own party bureaucracy to allow our candidates to express their own viewpoints while holding true to our statement of principles." That is a fair statement of what happened, and it probably accords with the reason many delegates voted the way they did. However, it belies the extent to which LP leadership was taken off guard by the drastic change.

It may be a good sign for the LP; it may be that longtime party functionaries aren't accustomed to useful things happening quickly, because infighting so often prevents it, and that was the reason they seemed unprepared for this revolution in an off-year convention. On the other hand, the new platform seems anemic even by third-party or small-government standards. The party would do well to fill out the platform at the 2008 convention.

Anchors away — At the moment, a proposal to amend the wording of one of the platform planks is being debated. The plank refers to the national debt as "an anchor that will burden future generations"; the proposed amendment will change that to "an anchor that will haunt future generations." Several delegates speak in favor of the proposed change; then one delegate opposes it for the simple reason that "anchors don't haunt." I salute that delegate. — Mark Rand

Soon after the platform business, nomination speeches began for LNC officer positions. Bill Redpath was the favorite for chair, and he won. Chuck Moulton won vice chair on the second ballot with 59% of the vote, defeating M Carlton. Apparently M is his name, not his initial. There were seven candidates for five at-large seats. One of the winners was Admiral Michael C. Colley, who, according to one of his nominators, commanded a nuclear submarine. That's got to look pretty good on LP letterhead.

One of the most interesting talks I heard was the lunchtime speech by John Buttrick, a Superior Court judge in Arizona. His talk was engaging and informative, so I don't know why many delegates felt obliged to talk loudly throughout it. He discussed the recent hit the "knock and announce" doctrine took from the Supreme Court; the *Kelo* v. *New London* decision; the lack of progress on jury nullification and "mere possession" and ballot access laws; Congress' error in granting the president carte blanche to invade Iraq, which is a "non-delegable duty"; the detentions at Guantanamo; and, naturally enough, the implications for federalism of the Anna Nicole Smith case. The case involved a question of competing jurisdictions between a federal bankruptcy court and a state court, and Judge Buttrick believes the decision in favor of the federal court has unfavorable implications for future full faith and credit cases — for example, a gay couple married in Massachusetts seeking a divorce in a different state.

Attendees needed to ride down a couple of escalators to get to the convention hall. I had earlier encountered a little girl in a "Taxation Is Slavery" T-shirt, standing at the top of one of the "up" escalators, mischievously walking down a few steps and riding back up. She saw me coming toward her and, when any other kid might have run away, kept right on flouting the system as only a Libertarian's kid would do. It reminded me of the title of a Liberty article on the 2000 convention: "Up the Down Escalator." What goes around, comes around.

Right now, "unity" seems like a slogan, but in a couple of years it may be a new philosophy. Or maybe the pendulum will swing, and the party will be proposing the death penalty for IRS agents and their families, down to the seventh generation. Who knows? Badnarik said in his opening remarks, "The Founding Fathers were not gods. They were ordinary people doing extraordinary things." For the LP, reaching out to mainstream voters, with something in between the pandering of the major parties and the LP's typical "principle or nothing" stance, would be an extraordinary thing. I'll be interested to see whether it is an aberration or the beginning of a movement. At the moment, I don't know what to think.

The weekend reminded me of my high school graduation: my classmates and I knew there were years ahead of hard work, of missteps, of still being treated like children. While we wouldn't yet pass for adults, neither did we any longer approach the world in the unnuanced way of children. It was, more than anything, a time of wistfulness, confusion, and big decisions. That, I think, is where the LP stands today. ❑

Letters, *from page 6*

fundamentally wrong on all points.

My article discusses only the Great Contraction (GC), 1929–1933, and the events leading up to it in the 1920s. The rest of the Great Depression, 1933–1941, was primarily fallout from what happened in the preceding four years. (Readers who wish to pursue the matter further may read my book on the subject, "Monetary Policy in the U.S.," Milton Friedman and Anna Schwartz's "Monetary History," or Allen Meltzer's "History of the Federal Reserve." We are all very much in agreement.)

The GC was not "the spark that precipitated the crash." It *was* the crash. I should emphasize that during the 1920s there was *no* inflation. Prior to the GC that began in 1929, prices were as stable as they have ever been before or since. In fact, the Fed's stable price level policy actually resulted in a mild *contraction* of prices, not an expansion. Prices in 1922, as measured by the Wholesale Price Index (1926=100), were 97, reached a "high" of 104 in 1925, then declined slowly but steadily to 95 by the end of 1928. The Consumer Price Index at the same time "increased" from 71.6 in 1922 to 73.3 in 1929, an "increase" over seven years of 2.3%. So where is the "inflation"?

If we are to analyze economic phenomena, we must use words meaningfully. We cannot accept the Red Queen's dictum that words will mean just what we want them to mean. "Inflation" means "a sustained increase in the level of money prices." It says nothing about the quantity of money. The inversion of such an index, albeit imperfect, is the only means we have for measuring the value of the dollar.

I should also emphasize that the measured price index data are very much subject to an "inflationary bias." The indexes cannot fully account for quality changes, and reduced sticker prices due to special sales and discounts. Consequently, even had price indexes increased slightly (which they didn't) the real value of the bundle of goods priced for a given sum of dollars *could* have increased anyway! One way to compare the real values of the bundles of goods and services would have been to buy the $1,000 bundle in 1922 and to buy the "same" — it could only be *similar* — $1,000 bundle in 1929. Which bundle would be superior? The answer is virtually certain. The new car you bought in each year for $500 would have had four-wheel brakes in 1929 instead of two-wheel brakes, and many other manufactured goods would have had similar improvements without price increases.

All historical and media accounts of Fed policy during this time, especially the monetary data and the anecdotal accounts of Benjamin Strong and other contemporaries, clearly reflect anti-inflationary tendencies. The Fed-supplied "share" of the economy's money stock was the volume of bills and other securities Fed Banks discounted (bought). In 1927, the year that Fed Banks were most "expansive," total Fed contributions to the monetary base were $1.26 billion to a base of $7.24 billion, or 17.5% of the total. The rest of the base was accounted from gold, silver currency, and fiat Treasury currency, such as greenbacks.

More important with respect to the inflation-that-wasn't, the Fed Banks held gold reserves of $3.17 billion in 1927. Of this amount, $1.66 billion was *"excess"* — the amount over and above Fed Banks' legal reserve requirements. Consequently, if Fed managers had expanded their earning assets to the amount allowed by the Federal Reserve Act on the Fed Banks' existing gold reserves, the money stock and prices would have increased by a significant fraction — probably 20 to 40%. This course was what the Bank of England desired, because a Fed monetary expansion would have triggered a price-specie-flow dynamic that would have wrung a fair amount of the gold out of Fed Banks. Some of the gold would have gone into the English banking system, raising prices, and making it easier for the British to achieve pre-war parity of the pound sterling. But Benjamin Strong would not allow it. He felt that European recovery would proceed quickly enough without Fed inflation. So U.S. gold in Fed Banks stayed "sterilized." In retrospect, we may question Strong's judgment: perhaps the world would have been better off if the Fed banks had acted like a Gold Standard Central Bank and inflated, disbursing much of their gold to Europe in the process. But that is another story. Strong's actual policy was decidedly anti-inflationary.

The data on gold and commercial bank reserve ratios also show that if the Fed-held gold had been in commercial banks without any Fed Banks as intermediaries — that is a working gold standard with no central bank, prices would have risen significantly as the commercial banks expanded loans and deposits, again triggering a U.S. price level increase and a price-specie-flow event. As I pointed out in my article, an authentic gold standard is no guarantee of a stable price level. It all depends on how much gold is produced and available for monetization.

The M1 money stock, which includes bank deposit-checking accounts plus the public's holdings of currency, increased from $21.6 billion in 1922 to $26.2 billion in 1929, an increase of 21% over seven years, or 3% per year. The M2 money stock, which includes M1 plus time deposits in commercial banks, increased by 38%, or 5.4% per year. This "expansion of money and credit" proved to be just enough to finance the value of additional goods and services produced in the 1920s with no deterioration in the value of money.

I should add a few comments about the stock market boom of the 1920s, because so many people already have this event as their scapegoat for the Great Depression, and they want to send it into the wilderness with the sins of somebody or something whispered in its ear. The stock market bogeyman neglects completely Benjamin Strong's actual practices and his rationale for monetary policy. Strong observed pointedly that a central bank can only provide money for the general economy. It emphatically cannot guide the money into or away from specific channels. It cannot counteract a real estate bubble, such as the Florida speculation of 1925, nor a decline in agricultural prices as occurred then, nor foreign exchange rates, nor, especially, any kind of stock market speculation. He made these remarks as an answer to the charge that Fed Banks should lend only on 'eligible paper' (real bills). As if to confirm what Strong said, the Real

continued on page 53

Reviews

"Intellectual Morons: How Ideology Makes Smart People Fall for Stupid Ideas," by Daniel J. Flynn. Crown Forum, 2004, 202 pages.

Blinded by Belief

Gary Jason

Daniel Flynn, author of "Why the Left Hates America," has written an entertaining new book about a number of influential intellectuals who, he believes, were led by ideology to say and do moronic things. His thesis — not necessarily a shocking one — is that ideologues subordinate common sense and observation to their worldviews. As he puts it:

> It doesn't matter how smart you are if you don't use your mind. Ideologues forego independent judgment in favor of having their views handed to them. To succumb to ideology is to put your brain on autopilot. Ideology preordains your reaction to issues, ideas, and people, your view of politics, philosophy, economics, and history. For the true believer, ideology is the Rosetta Stone of everything. It provides stock answers, conditions responses, and delivers one-size-fits-all explanations for complex political and cultural questions. (p. 1)

Excessive devotion to ideology is bad, whether it is leftist or rightist ideology.

Flynn's view of true believers clearly owes much to the social theorist Eric Hoffer (1902–1983), whom he briefly discusses. The people he skewers are a wide variety of ideological gurus, including Herbert Marcuse, Alfred Kinsey, Paul Ehrlich, Peter Singer, Rigoberta Menchú, Howard Zinn, Noam Chomsky, Gore Vidal, Leo Strauss, Margaret Sanger, W.E.B. Du Bois, Alger Hiss, Ayn Rand, Betty Friedan, and the postmodernist icons Jacques Derrida and Michel Foucault. His critiques represent a mélange of intellectual approaches: analyses of ideas, reviews of historical consequences, and (it must be said) *ad hominem* considerations of lives and lifestyles. The results are mixed.

An example of broadly effective criticism is the discussion of Herbert Marcuse. Marcuse (1898–1979) was originally a member of the Frankfurt School of social theorists, a group of leftist German intellectuals associated with the Institute of Social Research established in 1923 (during the Weimar Republic). These thinkers were heavily influenced by Marx and Freud, developing a kind of unorthodox cultural Marxism, but they still tended to remain loyal to the Communist Party. In 1934, Marcuse fled from Germany to Columbia University. He worked for the U.S. government from 1941 to the early 1950s, when he returned to academia, staying at Brandeis from 1954 until 1965, and then moving to the University of California, San Diego, for the rest of his career.

His 1955 book "Eros and Civilization" sketched his vision of utopia, a non-repressive civilization of polymorphous love and work freed from all alienation — an environment in which, as he thought, creativity was bound to flourish. His 1964 work "One-Dimensional Man" criticized advanced capitalist society (read: the United States, i.e., the very country in which he himself had taken refuge). These books made him a guru of the sixties counterculture generally and the New Left specifically. Marcuse (and the New Left) rejected Soviet Communism, but held onto Marxism as a tool to attack the U.S. system. Marcuse's writings of the '60s and '70s elaborated the New Left ideology.

Marcuse and his New Left followers — alas, many of them now tenured professors — rejected free-market economics, even in the face of the manifest prosperity of capitalist countries (including their working classes), and the manifest poverty of communist countries (ditto). They exalted the Viet Cong and other "liberation" movements, which oppressed and butchered millions. They denigrated work, marriage, and other such "repressive" features of society. They rejected freedom of speech and

tolerance for anyone and any ideas that lay to the right of them politically. They pined for revolution by some kind of disaffected "victimized" group, in the face of the clear identification of the working class with American society. (When the New Left students marched, their most antagonistic opponents were the hard hats.) To the end, Marcuse and the New Left remained true worshipers in the High Church of Marxism.

I very much doubt that either Bush or Cheney or Rumsfeld ever heard of Leo Strauss, much less has been given to gnostic impulses of any kind.

Flynn's treatment of Marcuse is convincing, because he shows how an ideology can dictate absurd views. Marcuse, along with so many others, became a devout Marxist early in his life. Upon coming to America, he saw things that clearly refuted the classical Marxist analysis of capitalism. What he had learned about the Soviet Union refuted Marxist predictions about a workers' paradise. Now, the theory of cognitive dissonance (put forward by the psychologist Leon Festinger in the mid-1950s and well confirmed ever since) tells us that when faced with a contradiction between what he sees and his basic beliefs, a person will respond in one of two ways. He may just drop the inconsistent beliefs: thus, many people abandoned Marxism as they saw its results. But he may try to resolve the inconsistency by recharacterizing or discounting what he sees in order to make it square with his cherished beliefs. Thus Marcuse denigrated the tremendous freedom and prosperity he saw, so that he could reconcile "reality" with his Marxist faith. How horrible to be a true believer in Marxism, forced to live in La Jolla!

An example of ineffective criticism in Flynn's book is his discussion of Margaret Sanger. Sanger (1879–1966), neé Higgins, was born into a large and poor Irish Catholic family, with a socialist father and a devoutly Christian mother. She chose her father's faith and became, with her husband, William Sanger, a committed labor activist. A nurse, she published articles advocating birth control; when the government banned the articles, she started her own newspaper, The Woman Rebel, then (in 1916) the first birth-control clinic, and another journal, The Birth Control Review. She later founded Planned Parenthood.

Sanger came to advocate very radical ideas, from terrorizing the ultra-wealthy to forced sterilization for eugenic purposes. By the mid-1930s, she viewed eugenics as an essential part of the birth-control movement. Indeed, she wanted to segregate "dysgenic" groups (the chronically poor, the retarded, drug addicts, criminals, and even epileptics) on government farms. And she apparently had a racist side, writing that aboriginal Australians were barely superior to chimps and that Jews and Italians were prone to insanity and feeble-mindedness. She had a peculiar passion for the practice of birth control by blacks. To all this Flynn hastens to add details of her adulterous private life and neglectful parenting.

But none of this analysis is compelling. He admits that Sanger genuinely believed in making contraception legal — though curiously, he doesn't say much about the laws against it. And it seems clear that her commitment to legal and readily available contraception — the belief for which she is honored today — grew more out of her personal history than out of her socialist or other ideology. Actually, it is hard to see what ideology, as opposed to visceral values and prejudices, she consistently held. Now, Flynn makes it clear that he opposes all abortion; but most people in this country favor at least some form of it. Are they socialists or protofascists, too?

This brings up several problems with Flynn's book. First, some of his analyses are strained. Consider his take on Leo Strauss (1899–1973), whom he ties to the current war in Iraq. From the perspective of academic philosophy, I think it's fair to say that Strauss is a minor figure. And while he seems to have influenced some political philosophers and other scholars, some of whom became "neoconservatives," including a few advisors to the current Bush administration, I see scant evidence that Straussian ideology played a major role in the decision to attack Iraq.

How do we know when it is a person's ideology that is driving his actions, as opposed to simple but powerful emotions such as envy, hatred, lust, or pity?

I'm not entirely clear what Flynn thinks Strauss' ideology was — apparently some kind of secular gnosticism, in which people in the know see beneath the surface meaning of classical writings

Calling All Economists!

"How could you observe the Invisible Hand? Economics is not what can be observed but the reasoning that cannot. Without it, empirical data is a meaning-less jumble. There is economics without the jumble, but not without the reason-ing, and without the Chicago School altogether, but not without the Austrian.

Friedman's anecdotes without logic are no different from those of ballplayers not changing their socks so long as they keep getting hits, except that, in the one case we call it blind faith and superstition, and in the other technical economics.

There is no such thing, just economics and non-economics; and, distinction in 'technical economics,' for slinging the bull around with the best of them.

Is economics a professional or amateur science? By equating the profession with the science, Skousen begs the question. The profession is a trade union, catering to its lowest common denominator, at the expense of the science."

For *Observing the Invisible Hand,* a review of Mark Skousen's Tale of Two Schools of Free Market Economics, see **Intellectually Incorrect** at intinc.org.

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and apprehend the "true" meanings. But here Flynn seems to fall victim to ideological tendencies of his own: he is apparently so opposed to the war (perhaps rightly, perhaps not) that he maintains the unlikely position that the primary decision-makers (Bush, Cheney, and Rumsfeld) somehow misread the evidence because of a Straussian desire to find hidden meanings contrary to the surface ones. I very much doubt that either Bush or Cheney or Rumsfeld has ever heard of Strauss, much less has been given to gnostic impulses of any kind. It seems obvious that they viewed Iraq as a threat, in great part because of WMDs. You might think they were deluded, foolish, or trigger-happy, because of a hidden agenda (say, Cheney's ties to Halliburton, or Bush's hatred of Saddam, arising from Saddam's attempt to kill Bush the elder); or you might agree with them — but they clearly were convinced that Saddam had WMDs, as were most of the world's intelligence agencies, along with all the major figures in the Clinton administration, not to mention Mubarak, Putin, and so on. There are plenty of reasons to criticize the war without dragging poor old Leo Strauss into it.

Most people in this country favor keeping abortion available in at least some form. Are they socialists or protofascists, too?

The case of Ayn Rand (1905–1982) brings up a second problem, namely, lack of proportionality. The harm done to freedom of speech by the noxious notions of Marcuse (such as "repressive tolerance") is considerable, as any student or untenured professor who has been victimized by the ubiquitous campus PC police can attest. But even if Rand were (as Flynn alleges) an egotistical adulteress, so what? Have Randian true believers attempted to silence people on campus or anywhere else? Have Randians fought to establish or support totalitarian states? Moreover, even if we assume that it was Rand's ideology (which I take to be a kind of hyperbolic ethical egoism) as opposed to common lust that led her to have an affair with an associate, the degree of harm pales beside the harm caused by the eugenics movement supported so vociferously by Margaret Sanger.

And here's the biggest problem with Flynn's book. Since he nowhere precisely analyzes what an "ideology" is, I take him to hold the common view that an ideology is a set of beliefs that underlies a political, economic, or other system. The problem is, Flynn doesn't clearly distinguish the influence of ideology from the influence of other mental causes. How do we know when it is a person's ideology that is driving his actions, as opposed to simple but powerful emotions such as envy, hatred, lust, or pity? Are Gore Vidal's continuing attacks on America (its people, values, dominant religion, leaders, etc.) really a product of some socioeconomic ideology, or simply a product of hatred?

Again, how can we tell the difference between actions arising from ideology and actions arising from mere self-interest? It seems quite possible that Rigoberta Menchú was agitated as much by a desire for fame as she was by a revolutionary agenda, when she fabricated much of her autobiography. Indeed, how does ideology differ from shtick, outrageous actions, and hyperbolic rhetoric performed for the sake of notoriety? A Noam Chomsky (on the Left) and an Ann Coulter (on the Right) sell enormous numbers of books and collect enormous speaking fees precisely because they are provocative.

Flynn would have done well to remember the Great Shtickmeister Nietzsche's idea that we are all very limited in the discernment of real motives. It is hard for a person to tell whether he acts out of a real commitment to eternal verities, or merely out of his unconscious lust and greed. It is even harder for him to discern the true motives of another. ❑

"Cars," directed by John Lasseter. Buena Vista Pictures, 2006, 117 minutes.

Baby, You Can Drive My Car

Jo Ann Skousen

One of the many advantages of having a child in one's life is that it provides an excuse for going to kidflicks. So on a recent Saturday morning, armed with popcorn, nachos, KitKat Bites, an assortment of Matchbox cars with names like "Chick Hicks" and "Tow Mater," and that all-important toddler, I went to a viewing of "Cars," the seventh straight hit for Pixar entertainment ("Toy Story," "Monsters, Inc.," "The Incredibles," etc.).

This is one of the sassiest in the Pixar collection, with Luke Wilson's wry delivery as the voice of race car Lightning McQueen (affectionately named for the late Steve McQueen) leading a cast of hilarious car characters voiced by Cheech Marin, Larry the Cable Guy, George Carlin, and even the great Paul Newman. Like the best kidflicks, "Cars" entertains on several levels, fun for my young companion but full of inside jokes and witty enough for me to enjoy it, too.

The soundtrack, featuring rock hits like Chuck Berry's "Route 66" and Rascal Flatts' "Life is a Highway," introduces a sentimental new Randy Newman song, "Our Town," sung by James

Taylor and sure to be given an Oscar nod next spring, though it is unlikely to win. (Randy Newman's music has been nominated 15 times in the past two decades, but he has received only one Oscar.)

Best of all, "Cars" avoids that bane of kidflicks, the evil corporate bad guy. Well, okay, McQueen's nemesis, Chick Hicks, is sponsored by HTB (Hostile Takeover Bank), but that's as far as it goes. In every other respect, commerce is presented in a favorable light, considered necessary for the growth and well-being of a town. Corporate sponsors finance the races and provide living expenses for the competitors in exchange for advertising. The real bad guy in this movie is, believe it or not, the government, in the form of the Federal Highway Administration.

On his way to California for a big race, McQueen falls out of his transport truck and ends up in Radiator Springs, a once-thriving town that dried up when the new federal highway passed it by. All the shop owners (played as cars, of course) suffer, from Flo, the vintage Cadillac who runs the diner; to Luigi, the Italian sports car who sells tires; to Ramone, the low-rider who runs the paint shop. McQueen helps repair the road and clean up the storefronts, but it is his business decision to move his racing headquarters to Radiator Springs that eventually attracts a steady flow of new customers, stimulating the economy, and saving the town.

The real bad guy in "Cars" is, believe it or not, the government, in the form of the Federal Highway Administration.

Even Sally, the Porsche who left life in the fast lane to return to her home town of Radiator Springs, acknowledges that customers and commerce are vital. "Things won't be the same," she says, when the town perks up to receive new customers, but she realizes that the town can thrive without destroying the environment. That's quite a concession from a movie today, considering how many Hollywood activists want to force everyone else's environment to remain stagnant, just so they can enjoy the view.

During a summer when Al Gore's "An Inconvenient Truth" (91% approval from the critics, a mere $9 million in box office sales) claims that cars and big business are destroying the planet, it's nice to see a movie called "Cars" ($156 million in its first three weeks) leaving it in the dust.

Find a kid, buy some popcorn, and strap yourselves in for a fun ride. ❑

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Leland B. Yeager is Ludwig von Mises Professor Emeritus of Economics at Auburn University. His most recent book is *Ethics as Social Science* (Elgar, 2001).

"Sophie Scholl: The Last Days," directed by Marc Rothemund. Zeitgeist Films, 2005, 117 minutes.

Resisting the Reich

Chris Baker

During World War II, a group of students at the University of Munich calling themselves the White Rose began to protest Nazi atrocities. At night, they wrote "Down with Hitler" on buildings and in bathrooms. They also printed and distributed six one-page "leaves" calling on their fellow students to rise in revolt. Along with her brother Hans and their friend Christoph Probst, Sophie Scholl was a leading member of the White Rose. "Sophie Scholl: The Last Days" chronicles their story. Made in Germany and only recently released in American theaters, the film received an Oscar nomination for best foreign film earlier this year.

Over the years, I have become increasingly distrustful of Hollywood's biographical and historical movies. However, when I started looking for websites to learn more about this important story, I discovered that director Marc Rothemund took extraordinary care to make the film as accurate as possible. Many scenes were shot on location where the events happened, and he found actors who closely resemble the people they portray. Rothemund even consulted weather records to add to the film's authenticity. Most importantly, the script is based on recently discovered transcripts of Sophie's interrogation, so the dialogue is reliable. All of this contributes to the power and intensity of the film.

The film begins on Feb. 17, 1943, the night before Sophie and Hans distribute the sixth leaf, and ends with her execution on Feb. 22. When Hans and Sophie make the somewhat reckless decision to leave copies of the leaves in the hallways of one of the university's buildings "in broad daylight," a janitor notices them and that leads to their arrest.

Most impressive is the contrast between the Nazis, who just go through the motions of their jobs, and Sophie, who is a passionate and deeply spiritual 21-year-old. Like most freedom fighters, she sincerely believes in the eventual triumph of good over evil, but she is an individual with human concerns as well. When she realizes that her fate has been decided, her concern turns toward the welfare of her own family and her friend Christoph, a father of three. She worries about her fiancé, who was fighting at Stalingrad, which had just been lost after the deadliest battle in history.

Hollywood probably would have added violence just for the sake of an R rating, but Rothemund wisely allows the story itself to be violence enough. The Nazis always seem calm and cool; they never hit, slap, shove, or strike the defendants during their confinement. This allows the single moment of violence at the end of the film to be all the more powerful, and even that is handled with great restraint.

The trial is especially memorable. Judge Roland Freisler (Andre Hennicke, a perfect "body double" for Freisler) exemplifies the Nazi fanatic so well that even the Nazis seem to regard his courtroom theatrics as an embarrassment. He rants and raves, describing the actions of the defendants as "terrorist." While previous political prisoners had been given 99 days before execution, Freisler orders that Hans, Sophie, and Christoph be killed immediately. As they leave the courtroom, Sophie tells the judge, "You will stand here . . . " courageously implying that her cause would continue. (Freisler would actually die in an air raid in 1945.)

The movie offers many important lessons. The first is that patriotism can be the "refuge of scoundrels," as Samuel Johnson said many years earlier. Another is that an unfree society becomes a nation of tattletales — where "good citizens" report on the actions of everyone else and anyone can make arrests. It also indicates that the Holocaust was little known by the local Germans and that people rarely know what their leaders are really up to. Finally, it shows that honest German citizens were woefully unarmed and that

"You want my support for your reform bill, eh? — What's it *worth* to you?

all tyrants consider private gun ownership a crime.

Attitudes in Germany have changed. Today, that same university in Munich is home to the Scholl Siblings Institute for Political Science and contains a monument to the heroes of the White Rose. Julia Jentsch, who won the German equivalent of the Oscar for her performance as Sophie, called playing the role "an honor." Sophie Scholl is now remembered as a heroine, a true patriot, and a martyr.

An unfree society becomes a nation of tattletales — where "good citizens" report on the actions of everyone else and anyone can make arrests.

One disappointment with this movie is that some details are left out. We do not learn the fate of her fiancé, the rest of the Scholl and Probst families, the janitor who snitched on them, or the other Gestapo agents who were involved. This is what drove me to the internet, where I learned more about the heroes of the White Rose. I discovered the little-known fact that the resistance actually did overthrow the Nazis in Munich toward the end of the war, after Hitler had ordered the destruction of the city. One key member of the White Rose, Jürgen Wittenstein, survived the war; his recollections of his heroic friends can be found on several websites.

The film is mostly playing in art house theaters. Information on the upcoming DVD release is at sophieschollmovie.com. ❑

"Madness at Home: The Psychiatrist, the Patient, and the Family in England, 1820–1860," by Akihito Suzuki. University of California Press, 2006, 272 pages.

Sanity on Trial

Andrew Scull

Historians of 19th-century psychiatry have mostly focused their attention on the Victorian mausoleums that entombed tens of thousands of the insane, physically and symbolically cutting them off from any sustained intercourse with the society from which they had been expelled. The madhouse, however, enjoyed a dubious reputation from its first appearance on the social scene in the 18th century, and the rich, who had the means to fund alternative coping mechanisms, more often than not sought to avoid confining their disturbed relations in such stigmatized and stigmatizing social spaces.

Yet madness at home, managed within the confines of the household, has remained all but invisible. The well-to-do families that sought to hide what was seen as a source of shame and social disgrace did so with remarkable effectiveness, shielding what went on, not just from their contemporaries, but also from those who in our own age make a living from recreating the past. Akihito Suzuki, a brilliant Japanese historian trained in Britain, has now succeeded in penetrating this secret world, and has produced a vivid recreation of the roles of the family in the identification, the treatment, and sometimes even the reintegration of the insane into the larger society.

Crucial to his ability to do so has been the survival of accounts of a most peculiar English legal proceeding, the lunacy inquisition, conducted at great expense for much of the 19th century in front of a nicely named set of officials, "Masters in Lunacy." What prompted these elaborate hearings, replete with family tensions and costly, bewigged barristers, was the threat, on the one hand, to the liberty of the alleged rich or aristocratic lunatic, and on the other, to the property that the madman might dissipate.

By turns wrenching, dramatic, disturbing, and humorous, the records of these high-stakes dramas provide the raw materials for a subtle and revealing, yet thoroughly entertaining analysis of the colliding worlds of reason and unreason. Suzuki's book opens with a bang. In February 1823, the near relations of the Earl of Portsmouth, seeking to annul his marriage to his lawyer's daughter, Mary Anne Hanson, launched a lunacy inquisition. Legally essential if these people were to secure his property, the proceedings ripped the veil off his lordship's hijinks. Morbidly fond of brutality, blood, and death, the Earl whipped horses and servants with an equal lack of mercy, rejoiced at the funerals of strangers, frequented slaughterhouses where he gleefully killed animals with a specially designed axe, and, most scandalously of all, though impotent himself, lay on his bed while his wife and his lover engaged in "criminal conversation," periodically encouraging them to break off to beat and abuse him.

Not all the materials Suzuki examines are so titillating. Taken together, however, and placed in the hands of someone who displays a remarkable sensitivity to social nuance, coupled with an extraordinary ability to tease out the implications embedded in his evidence, they form the basis of a profoundly original and compelling piece of social history. ❑

Letters, *from page 46*

Bills Rascals, who took over monetary policy in 1929, showed the world just what happens when central bankers fanatically try to promote monetary moralities. The Rascals stopped "speculation," all right, but left the world in a financial shambles. My paper was written to reveal the details of this lesson, which is just as applicable today in the United States and other industrial nations with central banks, as it was then. Today's Fed should take heed.

Greaves' exposition on the origins of the Fed is also flawed. But I did not discuss that subject, and I do not want to take the space here to correct it.

To answer Robert O'Donnell completely, I would need much more space in Liberty than I am entitled to. So I will just try to respond to his most important assertions.

First, O'Donnell implies yet another scapegoat for the Great Contraction: the possible instability inherent in a banking system in which banks hold only fractional reserves of gold, silver, or other legal tender — usually about 10% — to cover, redeem, and manage their note or checking account obligations. He claims that because of their fractional reserve status, banks also generate inflation.

This claim is erroneous. Commercial banks do not initiate inflation any more than do automobile mechanics or school teachers. They are simply vehicles for what the central bank (or gold standard) does. Central banks have the three "I's": they *Initiate* the creation of money; they *Intend* to do so; and they have *Infinite* resources to carry out their policies. To function, they must monetize something. In this world that "something" is almost always government securities that the government's treasury has previously sold in financial markets. It is clear that central bank monetization of outstanding government securities is almost the same thing as the government printing money and spending it into circulation directly. It is just not as . . . unseemly.

Commercial banks are unwitting vehicles in the creation of money. They are not aware that they create money; they do not "wish" to do so; and the resources they have for doing so must be furnished by the central bank or the gold standard, if that institution is functioning. (If commercial banks could create money, obviously they would have done so between 1929 and 1933.)

Commercial banks have "always" and "naturally" used fractional reserves in their banking operations as a defense against unusual and unexpected withdrawals. But so have insurance companies, and other forms of business enterprise. Since no other businesses create money, and banks only do so unintentionally as a byproduct of their lending operations, and since no one can "see" or understand what central banks do, commercial banks have frequently borne the brunt of criticism for inflation or other undesirable monetary developments.

Ordinarily, banks working in a truly free-enterprise banking environment would be able to complement their reserves for meeting emergencies with other defense strategies. For example, they might offer depositors withdrawing cash post-notes at interest, which promise the holders a return after a short time for not demanding liquidity right now. Or they might supplement their reserves in one branch with reserves from another branch of the same banking corporation. Or they might use their reserves until they are all gone, and then get clearinghouse loan certificates from their local clearinghouse to cover shortages of reserves. If banks operated as unregulated and unrestricted competitive private enterprises, the fact that they maintain fractional reserves would never be a problem. Their role as ongoing cost-recovering firms to make profits would force them to be providential about means to redeem notes and deposits. (See my "Monetary Policy" for examples of problems they faced and their efforts to cope with them.)

The historical problem with banking has been the State — all the states and the federal state. All these governments have regulated and legally restricted commercial banks to the nth degree, including the following:

(1) Specified legal reserve minima, so that in a crisis banks had to keep reserves in their vaults to meet the reserve minima and could not use them to pay off depositors; (2) prohibited branch banking, both intrastate and interstate; (3) prohibited issuance of any form of due bills or post-notes that allowed banks to postpone immediate demands for redemption; (4) prohibited banks from providing other services that would diversify their product; (5) prohibited private coinage of any kind. In short, fractional reserves are only a "problem" because governments have prohibited or restricted all the other means that banks ordinarily would use to defend their reserve positions.

The result has been a banking industry made up of small unstable enterprises. The number of banks in the United States has reflected this weakness. In 1920, there were 30,000-plus banks(!) in the United States, reflecting an industry of minifirms that could never realize economies of scale. By 1929, this number was down to 25,000, or an average of 520 banks per state. The Great Contraction reduced this number to 14,200 by 1933; that is, 9,000 banks failed between 1929 and 1933, due to the anti-speculative fundamentalism of the Federal Reserve Board. Meanwhile in Canada during this period, the number of banks was about a dozen, and *none* of them failed. It is obvious in today's world that the optimal size of a bank, in a system not hamstrung by government, is huge; e.g., Japan.

O'Donnell correctly notes a very important fact in today's world of nation-states that employ central banks to create money: the currency that the U.S. Federal Reserve produces is accepted everywhere. His report that perhaps half of total Federal Reserve notes outstanding is in foreign hands is a good approximation. This fact reflects the relative stability of the dollar under current Fed policy (since 1988), and also emphasizes the disastrous consequences that would follow, as I noted in my article, any future Fed deviation from a relatively stable price level policy.

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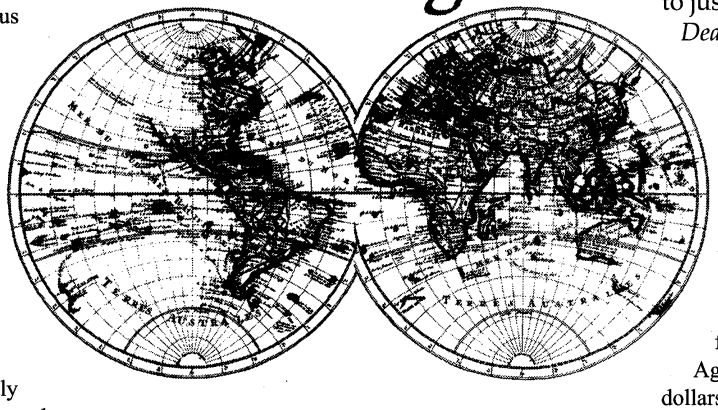

Berlin

The refutation of Bishop Berkeley continues thus, from the Reuters World Cup wire:

Police in Berlin arrested two men on suspicion of placing cement-filled soccer balls around the city and inviting people to kick them.

At least two people injured themselves by kicking the balls, which were chained to lampposts and trees alongside the spray-painted message: "Can you kick it?"

Police said they had identified a 26-year-old and a 29-year-old and had found a workshop in their apartment where they made the balls. The two are accused of causing serious physical injury, dangerous obstruction of traffic and causing injury through negligence.

St. Johnsbury, Vt.

New trend in paraphernalia, spotted by the *Burlington Free Press:*

A Vermont teenager has been sentenced to prison for breaking into a tomb and cutting the head off a corpse.

Nickolas Buckalew reportedly told friends that he planned to leave the head outside to dry and would then bleach it, a police affidavit said. The witnesses said his plan was to turn the skull into a bong.

Bremerton, Wash.

Reimagination of the Zacchaeus story, from the *Kitsap Sun:*

A man who climbed high up a fig tree and remained there for several hours talking to himself was accidentally shot in the leg by a police deputy who meant to reach for his Taser instead.

Witness David Blakeslee described the man's reaction to getting shot. "He said, 'Ow, that hurt, I'm coming down, I'm coming down.'"

Blakeslee had made the original call to 911 after noticing the man had climbed the tree. "They talked to him for a good hour and a half," he said. "It's unfortunate he got shot."

Raleigh, N.C.

Bipartisan election strategy in the Tarheel State, from the *Durham Herald-Sun:*

The leaders of the state's Democratic and Republican parties have asked voters not to cast ballots for state Supreme Court candidate Rachel Lea Hunter, whose fiery rhetoric in recent weeks has included comparing the actions of a black Republican congressional candidate to that of a "good slave returning to the plantation."

The party leaders' comments came after Hunter, a former Republican running as a Democrat, used the title "Der Fuhrer" when referring to state Democratic party chief Jerry Meek.

In another setback for Hunter, the state Board of Elections has ruled against her request to appear on the ballot with the nickname "Madame Justice."

Salt Lake City

Loophole in campaign finance laws, noted in the *Salt Lake Tribune:*

Republican congressional hopeful John Jacob believes the devil is impeding his efforts to unseat five-term Rep. Chris Cannon.

Jacob says that since he decided to run for Congress, Satan has disrupted his business deals, preventing him from putting as much money into the race as he had hoped.

Mount Hope, Ohio

A sting brings a lawbreaker to justice, from the *Cleveland Plain Dealer:*

When a man asking for milk approached Arnie Stutzman's weathered, two-story farmhouse, located in a pastoral region in northeast Ohio that has the world's largest Amish settlement, Stutzman was leery, but agreed to fill up the man's plastic container. The man, an undercover agent from the Ohio Department of Agriculture, gave Stutzman two dollars and left.

Soon after, the department revoked Stutzman's dairy license. "You can't just give milk away to someone other than yourself. It's a violation of the law," said LeeAnne Mizer, department spokeswoman.

Tehran, Iran

Cartographic note from a former empire, in the *Jerusalem Post:*

Iran has banned The Economist magazine for describing the Persian Gulf as merely "the Gulf" in a map published in the latest edition.

It is the second time in two years that Iran has prohibited a publication for failing to use the term "Persian Gulf" in its maps. In November 2004, it banned the National Geographic atlas when a new edition appeared with the term "Arabian Gulf" in parentheses beside the more commonly used Persian Gulf.

Monroe, Mich.

Serving and protecting a town of 22,000, from a bulletin in the *Monroe News:*

Area police are continuing their search for a submachine gun and other SWAT team gear stolen from a Monroe County sheriff's deputy's personal vehicle.

Sgt. Frank Atkinson, head of the department's Special Response Team, said the the deputy probably was planning to clean his gear and weapon after an SRT team training session. However, he left his pickup door unlocked.

Sgt. Atkinson did not believe the vehicle was targeted for the weapons. "I'm sure [the thieves] didn't open the door and expect to see a machine gun in there. They probably thought it was a laptop."

Special thanks to Russell Garrard, Fletcher Farmer, and Greg Cymbalski for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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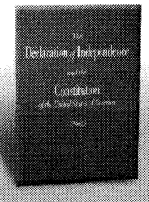

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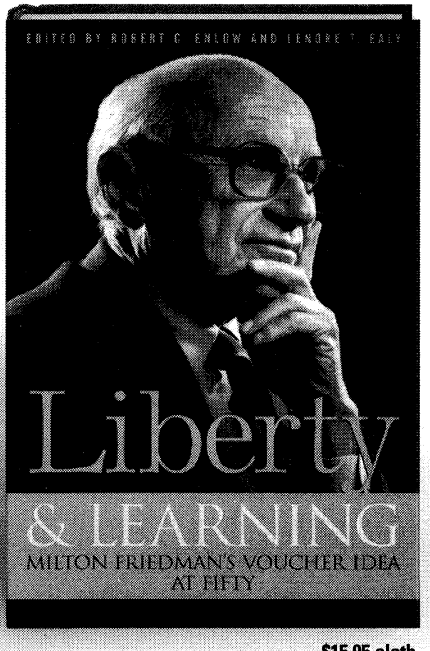

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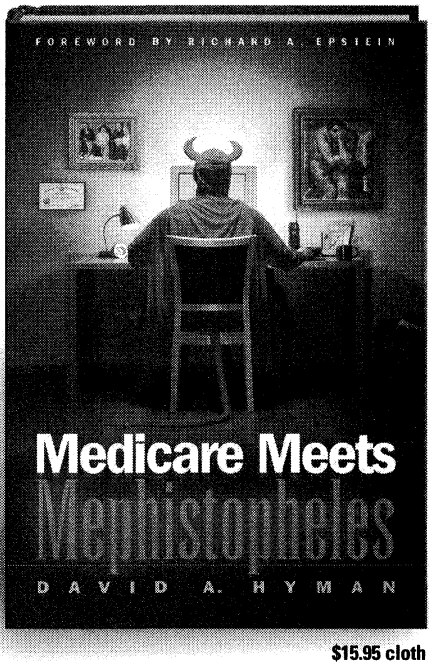

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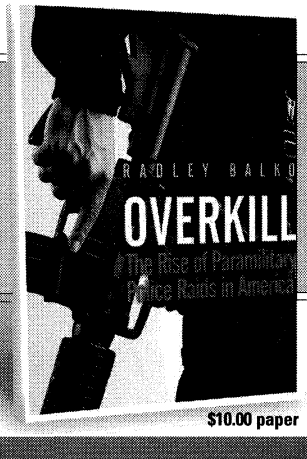

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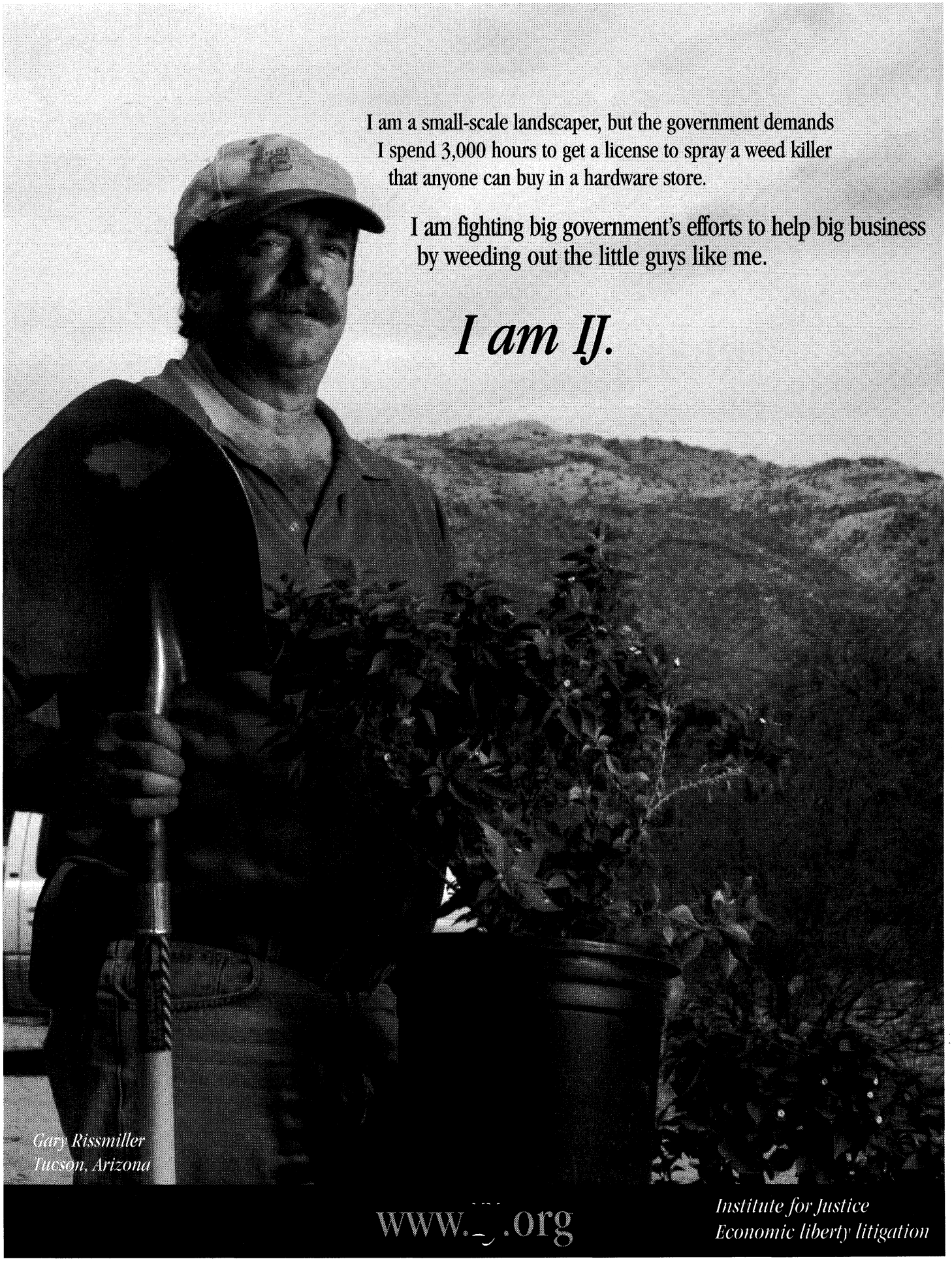
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Also: *Timothy Sandefur* follows Dr. King's final campaign, *Michael Christian* bikes through Caesar's Europe, *Randal O'Toole* explores Ike's open roads . . . plus other articles, reviews & humor.

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"I prefer Liberty with danger to peace with slavery." — Jean-Jacques Rosseau

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

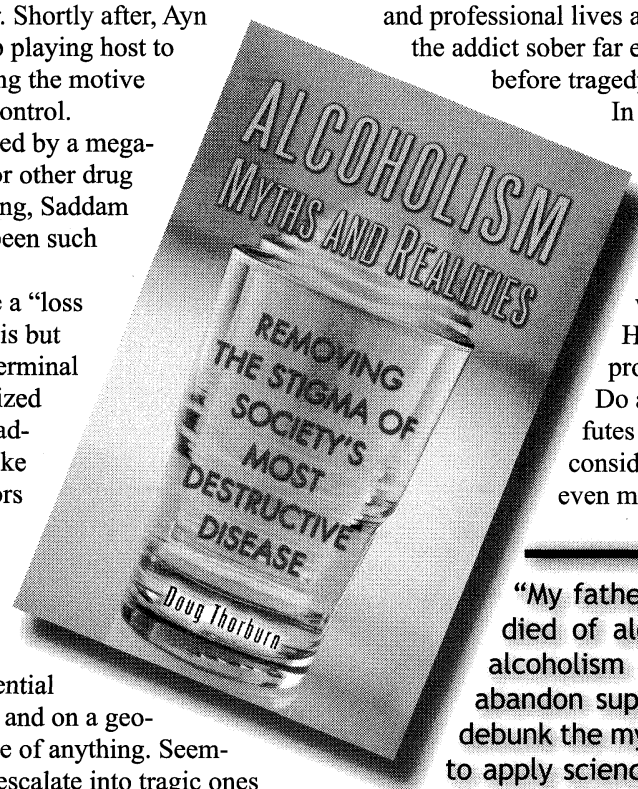

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispells more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.

"Every policymaker in America needs to read your book exposing the myths of chemical addiction.... Hopefully, your book will help educate those who write the laws so we, as a nation, can do what works — prevention and treatment! ... Excellent book."

— *Congressman Jim Ramstad (MN), Member, Ways and Means Committee and Health Subcommittee*

"My father died of alcoholism. His father died of alcoholism. Three generations of alcoholism is enough. Now is the time to abandon superstition and pseudoscience, to debunk the myths surrounding alcoholism, and to apply science to solving this problem. Doug Thorburn's book is a model example of how this should be done. Read it and be prepared to change your thinking on this important topic. When enough of us understand what is really going on with alcoholism, society can make the shift from treatment to prevention and early intervention."

— *Michael Shermer, publisher of* Skeptic *magazine, monthly columnist for* Scientific American, *and author of* Why People Believe Weird Things

Special offer — Get Doug's new book, *Alcoholism Myths and Realities,* along with:

- *Drunks, Drugs & Debits;*
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Inside Liberty

October 2006
Volume 20, Number 10

4 Letters Our readers sort us out.

7 Reflections We tunnel out from under Boston, dumpster-dive for the day's news, write Castro's memoirs, chug terrorist Gatorade, lob rockets at infidels, agree with a Keynesian, further freedom through folk songs, prop up pensions, build a greener mousetrap, and stagger home stone sober.

Immigration
Yes, No, and Maybe

Three of Liberty's writers come in with three very different takes on what is perhaps the most contentious issue facing American libertarians today.

23 The Land of Opportunity Once it was King George who "endeavored to prevent the Population of these States." *Richard Fields* wonders why so many free-marketeers are so eager to join him.

26 The Fallacy of Open Immigration *Stephen Cox* warns that if some libertarians get what they say they want, they aren't going to be happy with the results.

32 To Filter the People For those who wish to enter the U.S., *Bruce Ramsey* is willing to keep the door open — but only halfway.

Features

35 Roman Virtues Whether they were building bridges or assembling books, *Michael Christian* finds, the Romans meant their creations to last.

38 Paving the 50 States President Eisenhower's signature brought the interstate highway system into being, and 50 years later, it's still not complete. *Randal O'Toole* surveys the history of a government program that's a little better than most.

41 Objectivism, Alive and Well How does one build community spirit in a community notorious for bitter disputation? *Lance Lamberton* reports from the summer conference of big-tent Objectivism.

43 Only a Mother Could Love Light brown hair, fair skin, and golden eyes — there could be no question about it, her baby was a freak.

Reviews

45 Seeking the Promised Land *Timothy Sandefur* recounts the final, troubled days of Martin Luther King's civil rights movement.

48 From the Ashes With films such as "JFK" on his résumé, how will Oliver Stone handle the political catastrophe of 9/11? *Jo Ann Skousen* watches, and squirms in her seat.

49 Who Was Shakespeare, After All? Seems as if everyone has an idea about who really wrote those plays. *Justine Olawsky* investigates the evidence, and its significance.

52 Inconvenient, Indeed Melting glaciers, global warming, and a lot of hot air: *Thomas Oakeson* takes in Al Gore's "feels like we're fixin' to die" rag.

51 Notes on Contributors Our theory and leisure class.

54 Terra Incognita The ingenuity of complete fools.

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Letters

Less Than Stella

Alan W. Bock's "Steer crazy" (Reflections, September), about the Oklahoma woman who put her Winnebago on cruise control, then went back to the kitchen to make a sandwich, then sued Winnebego and was awarded $1.75 million by a jury, should not have been published. The story isn't true, but is often repeated by "tort deform" advocates whose biases are stronger than their intellectual honesty.

Searches for news stories or the actual legal cases in support of such anecdotes turn up nothing. Even StellaAwards.com concedes that many of the internet stories are fabricated. Among the imaginary cases:

- A woman who supposedly sued a furniture store after tripping over her own son. No such case or plaintiff exists.
- A woman who sued a restaurant after she threw a drink on her boyfriend and slipped on the floor. Again, there is no record of any such lawsuit.
- A woman sued a nightclub after falling through a bathroom window and knocking out her teeth while trying to sneak into the club without paying a cover charge. Neither the case nor the plaintiff is real.

Mean-spirited tall tales of this sort don't belong in Liberty. Urban myths like the "Stella Awards" aren't just cute or harmless jabs at trial lawyers. They clearly are part of a disinformation campaign designed to undermine Americans' confidence in our legal system and to benefit powerful corporate interests at the expense of average people harmed by corporate wrongdoing and indifference.

R.C. Platte
Bellingham, Wash.

The editors respond: Mr. Platte is, of course, correct, as we should have discovered in fact-checking. We apologize for our mistake, and thank everyone who wrote in to set us straight.

Immigrant Song

Some of your contributors (see for instance "Open the borders" by Mark Rand, Reflections, August) seem to think it's funny that the illegal immigration situation seems to be causing some consternation in the United States. Maybe a dose of reality will allow you to get a clearer view of the situation. According to the 2006 First Quarter INS/FBI Statistical Report on Undocumented Immigration:

Seventy-five percent of people on the most wanted list in Los Angeles, Phoenix, and Albuquerque are illegal aliens;

More than 66% of all births in California are to illegal alien Mexicans on Medi-Cal whose births were paid for by taxpayers;

More than 43% of all food stamps issued are to illegal aliens;

Fifty-eight percent of all welfare payments in the United States are issued to illegal aliens;

Fourteen stations in L.A., 16 in Phoenix, and 15 in Albuquerque are Spanish-only. Twenty-one radio stations in L.A., and 17 each in Phoenix and Albuquerque, are Spanish-only;

The cost of immigration to the American taxpayer in 1997 was a *net* (after subtracting taxes immigrants pay) $70 *billion* a year, [Professor Donald Huddle, Rice University];

The estimated profit to U.S. corporations and businesses employing illegal aliens in 2005 was more than $2.36 *trillion* dollars.

Remember: these people were educated in a socialist-communist society and the chance of turning them to the

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libertarian approach to government is nil. Look what they're getting for free!

Harold Shull
Phoenix, Ariz.

Rand responds: First, let me note that if I found this issue "funny" I might be content to cite wildly implausible internet-derived statistics without checking their accuracy. I don't find this issue funny, so despite the self-evident falsity of your numbers, I did some research.

I spoke with representatives of the police departments of the cities you name. None of them makes any attempt at determining the immigration status of people not in their custody. Los Angeles doesn't even know the names of many of its most wanted, let alone their immigration status. On the off chance that your source refers to a city-by-city breakdown of the FBI's most wanted list (which is national, not city-by-city), I checked that, too. Unfortunately for your claim, at least 90% of the men on the list have never been illegal aliens — they're all either U.S. citizens, or men who have never illegally entered our country.

In 2001, the most recent year for which I've found actual data, just under half of the babies born in California were Hispanic. In Los Angeles, slightly less than 63% of the babies born were Hispanic. I should not have to point this out, but not all Hispanics in California are "illegal alien Mexicans on Medi-Cal."

In 2004 (again the most recent year for which I've found actual data), 93.6% of food stamps went to U.S.-born citizens. Over half the remaining 6.4% went to naturalized citizens or refugees. The claim of 58% is also completely unfounded, regardless of which programs you include under the blanket heading "welfare."

You may be correct about the number of Spanish-only radio and television stations in the cities you selected. Your numbers are at least close to correct for Los Angeles radio stations. I didn't check this in detail, because if anything, it undermines the economic basis (such as it is) of your complaint. These stations earn their revenue by selling advertising to businesses which in turn derive revenue from the stations' audiences. How, exactly, do you claim this impoverishes you?

You may object that my data is not as current as yours. There is a reason for that — my data is actual data. As for your source: neither the INS nor the FBI compiles statistics on most of the things you cite. The INS and the FBI do not, and never have, jointly published a statistical report. The INS was renamed and reorganized several years ago, and no longer puts out anything under the name INS. Nor does its successor agency gather or publish the statistics you cite. Many of the specific claims in your letter have been made for several years with minor variations, such as changing the period the data supposedly describes.

Professor Huddle's study actually does exist, although it does not include the estimated profit claim you seem to be associating with it, nor does it come up with a net cost of $70 billion per year. His study did conclude that immigrants are a net drain on the economy; however, Huddle made several assumptions that I would describe as dubious at best. Most studies since then provide evidence that immigration confers either no significant effect or a slight net gain to our economy.

So, at your behest, let's look at what immigrants are getting for free. Opportunity?

Taxing Times

In response to Jon Harrison's August article, "George Bush: Darling of the Liberals," I would like to explain the obvious fact that Bush is not the liberals' darling. Bush cut taxes for the rich. By one estimate 41% of Bush's tax cuts have gone to the richest 1% of the country. These tax cuts have changed the large Clinton budget surplus into an even larger Bush deficit.

In an era when gross income is becoming increasingly unequal, the President's tax policies flatten the income tax. When economic growth increasingly goes to profits rather than pay raises, Bush shifts the tax load from capital to labor.

Contrary to Republican and libertarian dogma, tax cuts cause budget deficits. With deficit spending the government borrows money from the rich Americans it should be taxing heavily.

John Engelman
Wilmington, Del.

It's always good to get comments about Liberty, no matter how puzzling they are.

One of the most puzzling kinds of comment is also one of the most frequent. People say, "I'm glad to see that Liberty has come out in favor of such and such"; or, "It grieves me to my heart that Liberty has seen fit to denounce such and such"; or, "I know that it's Liberty's editorial policy to favor (or denounce) such and such, even though . . . . "

These comments are puzzling because, in its two-decade history, Liberty has never made an editorial decision to favor or oppose anything, except to favor freedom and oppose tyranny. Liberty's *authors* certainly do a lot of favoring and opposing, but I'm in a good position to tell you that they make no attempt to consult any editorial line. They speak for themselves.

And this is no editorial evasion, either. It's pretty clear that people speak for themselves much better than they can be told to speak. Besides, we wouldn't have any writers if we tried that stunt.

When R.W. Bradford founded Liberty, he envisioned an arena of debate, not a shrine of oracular utterance. Since then, Liberty has always done its best to present widely differing views of the most controversial topics. This year, we've courted everyone's wrath by wading in several directions at once into the muddy waters of war and peace, and by giving a great deal of unsolicited and divergent advice to the libertarian movement.

In this issue, we take on the contentious issue of immigration; and on this issue, I'm one of the people who decided to speak for themselves. I enjoy doing that, and I'm sure that my colleagues in this debate do too. But I don't think our vigorous disagreements will stop people from commenting, "I'm glad to see that Liberty has come out in favor of (or opposed to) immigration."

Autumn is a beautiful season, blending, as it does, our thoughts about ends and beginnings, the purposes and the joys of life. We're happy that you're sharing the season with us.

Yours for Liberty,

Stephen Cox
Editor

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Harrison responds: Of course I did not say that Bush is in fact the liberals' darling. What I said was that he ought to be, based on his policies. In a few areas, like tax cuts, he has indeed gone against liberal dogma (as did John F. Kennedy when he proposed a tax cut that led to increased federal revenues).

I quite agree that Bush and the Republicans are largely to blame for the mushrooming federal deficit. However, it is out-of-control spending that has got us into this lamentable state of affairs. The point I sought to make is that money has trumped ideology across the political spectrum. There are virtually no true conservatives, much less libertarians, in power today. We live under a virtual spoils system that has metastasized since at least the days of LBJ's Great Society.

As for righting our affairs, we need less taxing and spending, not more converting of private property into public largesse.

Partners in Debt

"George Bush: Darling of the Liberals" should be no surprise to anyone. Recent news from Washington that our national debt ceiling has been raised to $9 trillion is a sad commentary on the bipartisan lack of leadership and fiscal discipline in Washington.

President Bush and the Republican-controlled Congress have failed to control either spending or deficits. Under their watch, the national debt has increased by nearly $3 trillion, making Democratic big spenders like LBJ look like pikers in comparison. Both liberal Democrats and conservative Republicans have given up balancing the budget, and have morphed into one inside-the-Beltway party dedicated to staying in power regardless of the cost to taxpayers.

How ironic that, after winning the Cold War against the Evil Empire of Communism, it may be mismanagement of our economy that defeats us in the end.

Larry Penner
Great Neck, N.Y.

Vote None of the Above

I'm afraid I must take exception to Thomas Giesberg's proposed characterization of libertarianism as "fiscally conservative and socially liberal" ("Vote FCSLP!", Reflections, August). This has never been a particularly satisfactory model for understanding libertarian principles, and it is less so now than it was 30 years ago.

A "fiscal conservative," after all, still believes it is okay for the government to take your money by force. He just promises to take less of it. And I am not at all sure what a "social liberal" actually believes, but I suspect that no small number of them think it is perfectly fine for the government to interfere with my personal life in certain respects — for my own good, of course.

Come to think of it, maybe we would be better off defining ourselves as the movement which is neither liberal nor conservative. Might do more than just double our vote-getting chances.

Luther Jett
Washington Grove, Md.

Burqas and Battalions

Regarding Tim Slagle's reflection ("Why they hate us," August), besides the no-burqas policy, I suspect one reason for the hatred toward Canada by fundamentalist Muslims is the presence of Canadian troops in Afghanistan.

Jim Cox
Clarkston, Ga.

Till the Cows Come Home

Stephen Cox ("Word Watch," August) makes a few assertions in his evaluation of the gospel of Judas that are mistaken or at the least need to be put in context.

Cox points out that the gospel of Judas manuscript was written in the 3rd or 4th century and might have been composed in the late 2nd. (This is actually to say that scholars can only guess at when it was composed and don't know for sure.) Cox further says, without any qualification, that the four canonical gospels (Matthew, Mark, Luke, and John) "were composed in the 1st century and accepted by the consensus of local churches."

Putting these last two assertions

continued on page 37

Erratum: In Richard Timberlake's September response (Letters), the rate of increase in the Consumer Price Index from 1922–1929 was given as 2.3%. The increase was in fact 1.7%.

Letters to the editor: Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or send email to letters@libertyunbound.com.

Reflections

Political mentor — Over lunch recently, a friend announced, "American politicians could learn a lot from Ariel Sharon." "You mean they could be even more aggressive and militaristic than they are now?" I responded in wonder. "No," he said, "they could have the decency to step down when they become brain-dead." — Ross Levatter

Freedom in China — What this means, as I discovered in a recent visit, is the freedom to smoke in an ordinary hotel room or restaurant; the freedom to park a car on the sidewalk; the freedom to ride a bicycle or motorcycle without a helmet; the freedom to order your 15-year-old kid a beer; the freedom to spit on the sidewalk; the freedom to say anything about any person, group, or social problem in the United States. — Bruce Ramsey

A steady diet — We are used to encountering garbage that is labeled "news," but sometimes even the hardened troller for information is astonished by the smell. On August 3, the online version of the Guardian newspaper "reported" on the situation in Cuba: "Signs of the damage done to the economy by the embargo put in place by the U.S. in 1961 are not hard to find. Cubans are wearily used to shortages. Essential foods are rationed and in short supply," etc., etc., through the usual litany of hardships that, strangely, did not exist when Cuba was being ruthlessly exploited by U.S. capitalism.

The embargo may not be the best political and economic idea, but it did not impoverish Cuba. Communism impoverished Cuba. Nothing else could prevent an island full of energetic people, long the recipient of massive foreign aid, trading freely with all the world except the United States, and favored by nature as a region for *agriculture,* from being able to feed its own people.

Exactly what was it, however, that impoverished the minds of "journalists"? — Stephen Cox

A statesman's legacy — This unbelievable paragraph appeared in the New York Times, online:

"With his bushy beard and his booming anti-American rhetoric, Mr. Castro, who turns 80 next Sunday, will linger in the Cuban imagination far into the future as a double image — one, the romantic revolutionary of 1958, promising Cuba equality, prosperity and independence; the other, the prisoner of a half-century of confrontation with the United States that kept Cuba from evolving in a way that could deliver on the promises."

You may choose between hero and frustrated hero. — Michael Christian

Semper Fidel — Now that Fidel Castro has ceded power to his younger brother Raul, we realize the tragedy that he never got to write his memoirs about an experience unique in history — surviving as a dictator for nearly half a century. How did he do it? What vices did he indulge? What tricks of his trade would he want to share with aspiring dictators? (The subject is so rich that I predict someone else will write this book as a "fiction.")

Remember that Hitler and Stalin and many others survived only a fraction of Castro's time. A good book agent would have gotten an American publisher to offer an advance greater than the $8 million awarded Bill Clinton. Then Castro could have died with unrivaled success at both communism and capitalism — a true Hero for Our Time. — Richard Kostelanetz

What's past is prologue — Sen. Ted Kennedy shepherded the Big Dig, Boston's multi-billion dollar boondoggle, through Congress. Now that Kennedy boondoggle has killed a woman in a car. Gee, where have I heard that before? — Chris Henderson

Pat-down to the people — On August 10, British police foiled a terrorist plot that apparently aimed to smuggle liquid explosives disguised as sports drinks onto aircraft and activate them by means of disposable cameras, thus blowing up six to ten planes en route to the U.S.

What a silly plot: "Someone stop him! He's taking a picture of that Gatorade!" That sort of thing wouldn't fly on a made-for-TV movie. Even the bumbling shoe bomber had more style.

A silly plot deserves an equally silly crackdown and, indeed, all bottles of liquid — water, coffee, shampoo, contact

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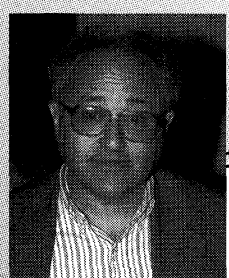

David Friedman

Economist, professor at Santa Clara University School of Law, author of *The Machinery of Freedom,* and Bill's favorite anarchist scholar.

Randy Barnett

Carmack Waterhouse Professor of Legal Theory at Georgetown University Law Center. He appeared before the U.S. Supreme Court to argue the medical cannabis case of *Gonzales* v. *Raich.*

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Questions about the conference, as well as suggestions for ways to remember Bill at the reception, may be e-mailed to:

conf2006@libertyunbound.com

Not all suggestions can be used, but all are deeply appreciated.

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Stephen Cox
Editor of *Liberty*, author of *The Woman and the Dynamo*, and professor of literature at the University of California San Diego

Charles Murray
W.H. Brady Scholar at the American Enterprise Institute and author of *In Our Hands, Losing Ground*, and *The Bell Curve*

Mark Skousen
Professor, investment adviser, and author of *The Making of Modern Economics* and *Vienna and Chicago*

John Pugsley
Acclaimed speaker, chairman of the Sovereign Society, author of *Common Sense Economics*, and founder of the Bio-Rational Institute

Terry Easton
Private investor, entrepreneur, and adjunct professor at San Jose State University

Rick Rule
President, Global Resource Investments

Jo Ann Skousen
Writer, critic, speaker, and instructor in English literature and writing at Mercy College, Dobbs Ferry, N.Y.

Bruce Ramsey
Journalist, senior editor of *Liberty*, and editor of *Insatiable Government and Other Old-Right Commentaries, 1923–1950*

Randal O'Toole
Senior economist with the Thoreau Institute, prominent critic of "smart growth," and author of *The Best Laid Plans: The Case Against Government Planning*

Neal Levine
Campaign manager for CRCM, the group behind the Nevada initiative to decriminalize marijuana — just days before the initiative is voted upon! (Patrick Killen, communications director, may substitute.)

And meet Liberty's staff: Kathleen Bradford, Andrew Ferguson, Patrick Quealy, and Mark Rand.

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solution, duty-free liquor — were immediately placed on the forbidden list. It was even worse in Britain, where all carry-on luggage was banned, bar the barest hygienic necessities (and I suppose even those could be at risk: imagine if a terrorist smuggled in a "tampon bomb").

The biggest surprise of the whole drama has been the response of the public. They're *pissed* — and not, for the most part, at Muslims. For five years now the body politic has spread itself for invasion, and finally it's fed up at the prohibitions and the pat-downs, the pokes and the prods. It beggars belief that there is not yet a system in place to speed along the average traveler and his luggage, and with every tortuous line and torturous inspection it becomes clearer to that average traveler that such a system is nowhere near implementation.

Now Republican leaders are competing to see who can come up with the most outlandish link between the Pakistani bottle bombers and the war in Iraq, and Democratic insiders are whining about how none of this would have happened

Word Watch

by Stephen Cox

This column ordinarily proceeds in a calm and orderly way, dispatching problems of language one at a time. But there comes a moment in the life of every column when the problems pile up — on the desk, on the shelves, on the floor, out the door — and some of them have to be addressed right *now*. Our readers write to Liberty, expecting justice to be rendered for linguistic crimes. They can't wait forever. They have the right to see speedy and public retribution. So here goes. Whether felons or misdemeanants, bring the culprits into court.

Case No. 1: Retailing False Concepts

The prisoner at the bar is United States Representative Jim Ramstad, Republican of Minnesota, who with Rep. Patrick Kennedy, Democrat of Rhode Island, acts as co-chair of something called the House Addiction Caucus. That language is bad enough, but Ramstad has compounded his crime by rebuking fellow GOPers for attacking his friend Kennedy's record of substance abuse. Ramstad says that criticism of Kennedy "shows a total lack of understanding of the disease of addiction." As a number of Liberty's readers have pointed out, the real "disease" is the disease metaphor, now endemic to this country. Smallpox is a disease; influenza is a disease; "addiction" is not a disease. For spreading this diseased metaphor, Ramstad is hereby sentenced to 90 days without the use of words. Call it "therapy."

Case No. 2: Redundancy in the First Degree

The offender in this case is the central California minister, who, according to an informant of this column who must remain anonymous because his relatives are involved, recently preached a wedding sermon that "brought to our attention the significance of the 'circular round roundness' of the wedding band." The pontificating padre is hereby remanded to a year's course of Bible reading, during which he will discover much about language that he failed to learn in seminary.

A comment from the bench: This case is not without its charm. It recalls the days of Liberty's founding, 20 years ago. We received a travel article — a good one, too — from an author who had recently toured the Soviet Union. He had discovered, among other things, that the Russians had vending machines that dispensed individual drinks of water — very convenient, except for the fact that everyone had to drink out of a common glass, which was chained to the machine to prevent people from stealing it. Fine. The literary problem was that the author called this glass a "glass glass." Bill Bradford, our editor, sent him a corrected version of the article, reducing "glass glass" to a single "glass." The author objected mightily: maybe someone would think he was describing a *plastic* glass! "Maybe someone will think we're *idiots*," Bill said; and published the article with only one "glass" in it. I don't think we ever heard from our author again.

Case No. 3: Reckless Use of Pronoun Case (a Misdemeanor), and Corruption of the Young (a Felony)

The two offenses were perpetrated, respectively, by the author of an online ad and by the schoolteachers who put him up to it. The evidence was provided by Mehmet Karayel, who lately discovered an apartment ad including these words: "Has a washer/dryer, your own parking spot, pool/jacuzzi, and basically all the ammenities which you need. This is ideal for a student whom is looking for a place to live over the summer, who is taking summer school."

"Ammenities," of course, is a misspelling; and "pool/jacuzzi" is . . . . well, the Court will address that issue at some other time. What worried Mehmet was "whom." There's obviously something wrong with that. The give away is the lack of parallelism between "whom is looking" and "who is taking." What happened here?

A basic law of the Indo-European languages is that a pronoun's case depends on the role the pronoun plays in the clause that includes it. That's why we say, "She bought the book" rather than "Her bought the book": in that clause, the verb is "bought," and "she" is the subject, not the object, of the verb; so the subject takes the nominative case ("she") rather than the objective case ("her"). Now what, in Mehmet's example, is the clause that includes the word "whom"? Well, "is looking" is the verb, and "whom" is supposed to be the subject. But "whom" is in the objective case, not the nominative. "Whom" is wrong. The right word is "who."

Let's see. It took me about a hundred words to explain this basic law of grammar. And however badly I've explained it, my explanation is virtually certain to be an improvement on anything you heard in school — which was *nothing*. What's going on in the schools — anything?

if only men like hawkish milquetoast Joe Lieberman were in charge. Neither have anything but scorn for the voices in their own parties, like Sen. Chuck Hagel (R-Neb.) and Rep. Tim Murtha (D-Penn.), who say that, after five years of documented failure, it's time to try another way. But more and more Americans are prepared to listen to that message, and perhaps even to act on it — witness Democratic Connecticut voters rejecting Lieberman as their standard bearer. Frustration is becoming more potent than fear and, if the mood holds, those politicians who pay attention to the people rather than each other will profit come November. — Andrew Ferguson

But it's time to pass sentence. The ad writer is released with a warning; he's suffered enough, just trying to put those sentences together. His teachers, if found, are condemned to ten years at hard labor (sentence-diagramming).

Case No. 4: Public Nuisance; Solicitation of False and Coerced Testimony

The defendants are members of organized gangs now terrorizing the nation by seizing innocent people and demanding that they reveal their secrets. Readers throughout the country report that they order coffee at their local Moonstrucks, give over their money, then face interrogation from a man dressed in gang colors who will not surrender the item purchased until satisfactory answers are returned.

"How's your night goin' for yuh?" the "barista" demands. "Goin' well for yuh? Eh? Seein' a movie tonight? Eh? Out clubbin' tonight? How's the parties goin' for yuh tonight? Eh?"

You can't tell him the truth, any more than you can tell a stick-up man that you left your cash at home. You can't tell the guy behind the counter, "My dog died today." "I've lost my job, and my wife spent the afternoon with the UPS guy." "It's Saturday night and I'm in Moonstrucks by myself. How the hell do you *think* I'm doin'? Eh?" You can't say those things. So you stand there, waiting in polite silence for him to give you your God damned coffee and leave you alone. But silence is not enough. The moron won't stop.

"I said, are you havin' a good time tonight? Just wonderin' how yer weekend's been goin' for yuh? Eh?" He won't stop till you tell him where the gold is buried. So you lie. "Fine. Great. Fantastic. I'm having the most wonderful evening of my life. I just saw the world premiere of 'Citizen Kane,' and I am on my way to Mrs. Astor's ball. I am absolutely and completely on top of the world. How about you? Eh?"

Any politely humorous attempt to deflect the impertinent inquiry ("Sorry, that's privileged information"; "No one will ever know") will not be understood. They may force the release of your coffee, but they will not make your captor happy. They will merely identify you as a "weirdo," an antisocial creature whose coffee will be slammed on the counter with maximum spillage, and whose chair space will soon be invaded by several men with enormous brooms who are "just cleanin' up, dude."

All service personnel who have been apprehended in the commission of this crime, together with all corporate trainers who have solicited its commission, are hereby banished for life to the penal colony hitherto reserved for the salesmen who call, precisely at dinner time, to shout things like, "Hi, Steve! This is Denny. Denny Snodgrass! How yuh doin' tonight? Eh? Yuh gettin' along OK, Steve? Everything OK with you there? Eh?"

I trust that Representative Ramstad will not insist that these people's antisocial actions are the products of disease.

The money pit — Nobody "keeps" money. Money is worthless unless it is spent, and that's what billionaires do. They try and spend it all. Often they spend it obscenely, on enormous vacation homes built by working class laborers, private jets built by union mechanics, or luxury yachts built by tradesmen. What they don't spend, they put into banks and markets, where it becomes available capital for building more homes and businesses. It is no coincidence that the more billionaires a nation has, the lower the unemployment rate is.

People who think billionaires keep every dime they ever made, and have big rooms full of money where they go to roll around in it, have been watching too many Scrooge McDuck cartoons. — Tim Slagle

El tigre sin cojones — Paul Sarbanes (D-Md.), the Tiger of the Senate, who so fiercely attacked corporate corruption, has suddenly lost his testicles. Sarbanes, you will recall, was the driving force behind Sarbanes-Oxley, the law that has saddled all American corporations with onerous accounting rules, and executives with personal liability for bogus accounting. This law was an attempt to harass companies (such as WorldCom), which were already in the process of being held to account under existing laws. *Muy macho! Qué cojones tan grandes!*

Ah, but bad news, amigos. The tiger has blocked a crackdown on the federally backed corporations Fannie Mae and Freddie Mac. These agencies have racked up $1.5 trillion in debt, i.e., portfolios of "aggressive" (read: likely to default in a housing crash) loans, which the taxpayer has an "implied" obligation to cover. Sarbanes has decided to be totally unhelpful about reforming the scandalous accounting and business practices of these government-backed mortgage agencies.

And the agencies need reform. They stink of corruption. The managers — mainly, it turns out, liberal Democrats like Sarbanes — set policies that helped boost their personal bonuses, leading Franklin Raines, Timothy Howard, Daniel Mudd, and Jamie Gorelick to pocket tens of millions of dollars in just a few years. Not surprisingly, both Fannie Mae and Freddie Mac (along with the private companies that are tied to them) dump tons of cash into political campaigns — again, not surprisingly, mainly to elect liberal Democrats.

When the government sets up and runs corporations to do what private industry should do, this is what you get: corruption without *any* government policing.

— Gary Jason

A fistful of nickels — Economists like Paul Krugman love to talk about the desperate lot of those who somehow can't board the carousel of capitalism. No brass rings for them. And according to Paul and his pals, these faceless uncountables are multiplying. Every day the hoard of the rich grows and grows while the poor have less and less dough. Furthermore, say Paul and his Chicken Little friends, the rift between the rich and the poor is now a chasm.

I thought of Dr. Krugman when I went to the grocery last week. There's a clunky machine by the door. You throw

in your change and it somehow magically counts it and pays you in green currency — real money. That way you don't have to count a pound of coins — a tedious job — and roll 'em up into coin wrappers.

Remember how it used to be? Mom or Pop sitting at the dining room table wrapping pennies and nickels, dimes and quarters. And happy to do it. Hey, that ashtray full of coins — look at all the quarters — must be holding five or six bucks.

Now we've got a machine. But even machines don't work for free. He won't complain about his working environment and he'll never sue for gender harassment, but he will charge you 8%. That's when I thought of Paul. Middle-class patrons of a neighborhood grocery store are willing to pay 8% to avoid the tedium of coin counting. The carousel of capitalism is rolling merrily along. Jump on, there's room for all.

— Ted Roberts

Provocations — The traditional Israeli response to, say, the assassination of its Olympic team or the kidnapping of a soldier has been selective retaliation by its intelligence agency, called the Mossad. Its operatives would take out killers anywhere in the world (including Arab countries), send soldiers along with an airplane to rescue Israelis detained in Africa, or take a hostage that could be bartered for a kidnapped soldier, with a finesse and respect for noncombatants that customarily won respect from the rest of the world.

Why didn't that happen recently? Has the Mossad become less intelligent? Does Ariel Sharon's successor have less respect for its competence? What isn't yet known? Instead, the new Israeli premier has bombed a country, killing civilians along with putative perpetrators. That move reflects not traditional Israeli moxie but, dammit, the strategy of George W. Bush! And Israel's action is not likely to win the world's approval or be more successful than Dubya's.

It is also distressing to realize that Israel has fallen for a provocation, which has traditionally been an Israeli strategy. When Ariel Sharon and his troops in 1990 peacefully marched into the Arab quarter of Jerusalem's Old City, the move provoked violent Palestinian responses, an intifada, that in turn persuaded the Israeli public to give Sharon's party enough votes to make him premier again. Only he, they thought, would be tough on violence within Israel. Had the Jerusalem Palestinians not fallen for the provocation, Sharon would have probably remained a farmer.

My suspicion now is that Hezbollah knew in advance that kidnapping an Israeli soldier would provoke an Israeli response that would in turn warrant Hez's unleashing its arsenal of previously hidden missiles directly at Israeli cities. Why didn't the Mossad know and warn this would happen?

— Richard Kostelanetz

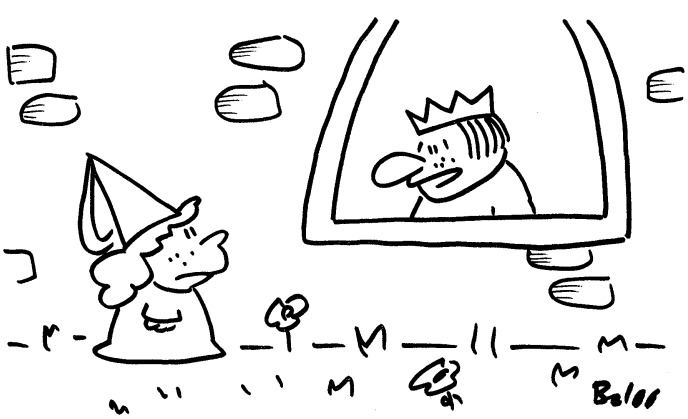

"I can't play — My dad got impeached, and I have to run the country."

The births of a nation — President Bush was disingenuous, to say the least, in inviting babies born from embryos fertilized in vitro to the White House to watch him veto the bill that would have permitted some federal funding of such research. Given the present state of in vitro fertilization, one such embryo is not created alone but in the company of many others. The many embryos are fertilized and cultivated by the reproductive endocrinologist so she may select one or several for implantation. There are many more of them than can realistically be implanted in women's uteri to germinate and develop into human beings.

A human being does not begin when a human egg is fertilized. Such a fertilized egg may have the potential of becoming a human being, but it is no more a human being than a seed is a plant. Both need the proper environment to achieve their potential — a human embryo must find a fertile uterus, a seed needs fertile soil. Otherwise they are useless, superfluous, destined for the dustbin.

Bush's veto does not prevent all embryonic stem cell research, only federally funded research. However, as the National Institutes of Health finance much if not most scientific research, that control is extensive. One more example of government's reach expanding more and more invasively throughout the economy, beyond its original well-intentioned, small-scale intervention. He who pays the piper calls the tune.

— Bettina Bien Greaves

Fire and rain — Religious fanatics have been using natural phenomena to frighten the ignorant into submission since the dawn of time. Primitives used things like eclipses as an excuse to throw virgins into volcanoes; Catholic clergy in the Middle Ages used the little ice age to justify torturing and burning women for witchcraft.

Today, leftists are using weather as a means to gain political control, as are followers of Pat Robertson. The Left believes that last year's strong hurricane season was caused by SUVs, and Pat Robertson recently claimed it was caused by sodomy. It's always funny watching zealots arguing over which is the true god.

Since the global warming myth has been enormously successful for the Left, you really can't blame Pat for using a variant of that tactic to strengthen his own support. And there's as much evidence connecting hurricanes to sin as there is connecting them to petroleum. But environmentalists can't see that their apocalyptic predictions are just as silly as Pat Robertson's. I guess it's really hard to look in the mirror. — Tim Slagle

Good golly, Ms. Mollies — More evidence of a brain dearth at the L.A. Times surfaced in a July 27 article written by not one, but *two* Mollies: Molly Selvin and Molly Hennessy-Fiske. They report an astounding discovery by the

Census Bureau: more and more California businesses are using contract or temporary workers — contracting out tasks formerly done by in-house employees, and becoming what the Mollies disparagingly label "nonemployers," with independent contractors instead of employees. The number of California "nonemployers" grew by almost 20% just during the period 2000–2004; growth was especially notable in the real estate, healthcare, and engineering industries.

The Mollies report that employers are replacing employees with independent contractors because it lowers expenses such as workman's comp, paid leave, state taxes, and health insurance — all grotesquely high in the socialist paradise of California. However, many of those costs are built into the contractors' fees, so that doesn't seem to be the driving factor in the acceleration of contracting out. And while some employers seek to evade matching federal taxes by misclassifying employees as contractors, as the Mollies note, the IRS is very aggressive about crushing such businesses.

The Mollies omit to mention what is undeniably a major factor: the massive regulation and litigation caused by groups the Times dearly loves: various "civil rights" and environmentalist agencies, and the trial attorneys allied with them. Consider the enormous machinery devoted to civil rights and disability regulation. No employer can hire, fire, promote, or demote without being investigated by various government agencies for possible discrimination. Allied with the victim bureaucracies is an army of trial attorneys, eager to sue about wrongful termination, discrimination, disability provisions, and so on.

Now consider the state apparatus devoted to environmental regulation. Any company that wants to build new plants, dump waste materials, develop property, or do almost anything else with "the environment" faces a morass of regulations and enforcement agencies. And again there is a legion of attorneys who make a fabulous living suing companies to death for any infractions, real or imagined — witness the endless asbestos litigation.

If the Mollies really want to understand why employers are rushing to contract out jobs rather than hire employees, they ought to talk to the nearest trial attorney.

— Gary Jason

Faith and rockets — Given the theocratic passions of our day, with the so-called Party of God lobbing rockets into Israel and the ongoing battles here at home over the Christianization or secularization of public policies, it might be beneficial to think about some of the things the Founding Fathers said about the mixing of religion and politics.

James Madison, frequently referred to as the "Father of the Constitution," argued in 1785 against a bill introduced in the Virginia General Assembly that would have assessed taxes on all citizens for the financial support of "teachers of the Christian religion."

"What influence in fact have ecclesiastical establishments had on civil society?" he asked. "In some instances they have been seen to erect a spiritual tyranny on the ruins of the Civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people."

After two years of debate, Virginia passed a groundbreaking law that unraveled the ties between church and state, declaring that "all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capabilities."

Regarding assessments and coercion, the statute stated that "no man shall be compelled to frequent or support any religious worship, place, or ministry whatever, nor shall be forced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or beliefs."

In her book "Freethinkers," Susan Jacoby writes that the Virginia law, establishing legal equality for citizens of all religions, and of no religion, and separating government from ecclesiastical control, was "hailed by secularists as a model for the new national government and denounced by those who favored the semi-theocratic systems still prevailing in most states."

Thomas Jefferson, praising the Virginia law, observed that "it is comfortable to see the standard of reason at length erected, after so many ages, during which the human mind has been held in vassalage by kings, priests, and nobles, and it is honorable for us, to have produced the first legislature who had the courage to declare, that the reason of man may be trusted with the formation of his own opinions."

When Connecticut disestablished the Congregationalist Church, Jefferson expressed satisfaction that "this den of the priesthood is at last broken up, and that a protestant popedom is no longer to disgrace the American history and character."

Jefferson's writings on religion were used against him in the 1800 presidential campaign. In his "Notes on Virginia" (1784), he wrote: "The legitimate powers of government ex-

News You May Have Missed

New Gibson Film to Clear Up Misunderstandings

HOLLYWOOD — In an effort to repair relations with the Jewish community after the anti-Semitic diatribe he let loose during his recent arrest for drunk driving, actor Mel Gibson has announced that he will produce, direct, and star in a new movie called "How Green Was My Protocol" based loosely on "The Protocols of the Learned Elders of Zion," a perennially popular late-19th-century Russian work of fiction. Gibson said he picked up the book by accident while browsing in a used-screed store in Riyadh, Saudi Arabia, and found it "a real page-turner." The book, he added, "kept me on the edge of my seat, as did the pink elephants."

In the movie, Gibson will play a sensitive, conflicted Learned Elder who has second thoughts about participating in the conspiracy to take over the world and opens a delicatessen instead. Gibson also said that he's studying linguistic theory so that the next time he's arrested for drunk driving he can engage in a less offensive anti-semiotic diatribe.

— Eric Kenning

tend only to such acts as are injurious to others. But it does me no injury for my neighbor to say there are 20 gods, or no God. It neither picks my pocket nor breaks my leg."

Defending the concepts of individual freedom, religious liberty, and diversity in opinion, Jefferson wrote: "Is uniformity attainable? Millions of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that is inhabited by a thousand millions of people. That these profess probably a thousand different systems of religion. That ours is but one of that thousand."

Thomas Paine, in a letter to Samuel Adams in 1803, pointed to the all too common link between religion, persecution, and war: "The case, my friend, is that the world has been overrun with fable and creeds of human invention, with sectaries of whole nations against all other nations, and sectaries of those sectaries in each of them against each other. Every sectary, except the Quakers, has been a persecutor. Those who fled from persecution persecuted in their turn, and it is this confusion of creeds that has filled the world with persecution and deluged it with blood."

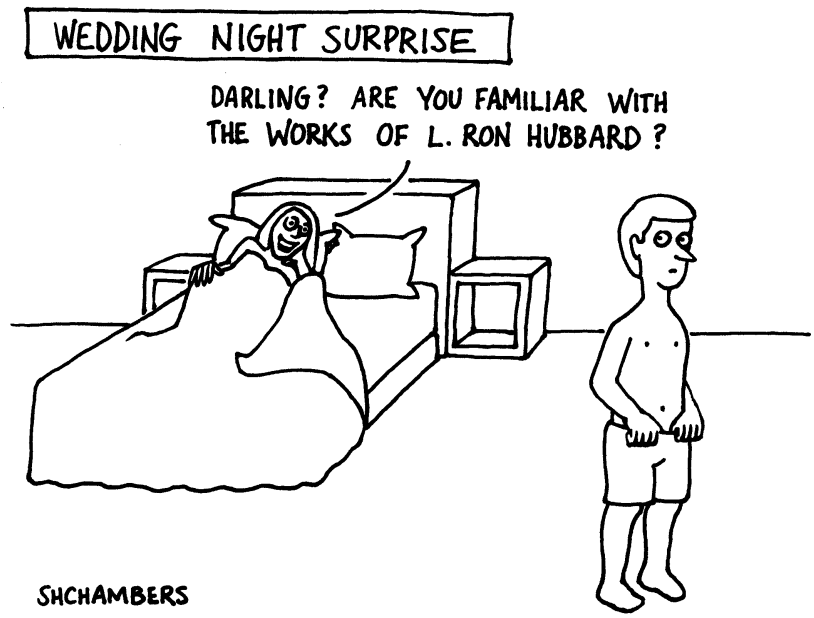

Unfortunately, Israel doesn't have even-tempered Quakers on its northern border. And more broadly, the world's technical advancements in the art of war seem to be matched by a growth in faith-based extremism and violence.

Sam Harris, author of "The End of Faith," poses a troubling question: "What will we do if an Islamist regime, which grows dewy-eyed at the mere mention of paradise, ever acquires long-range nuclear weaponry?" — Ralph Reiland

Outrageous Fortune — Ellsworth Toohey, the villain in Ayn Rand's famous novel, "The Fountainhead," is an intellectual foe of individualism. One of his ideas is that people need to be protected from having too many choices.

Unfortunately, Toohey's question-begging rhetoric is now being followed by people who may never have heard of him. Marc Gunther, writing on July 12 for the online version of Fortune (of all places) suggests that "the explosion of choice has left us poorer"; our original sin of choosing has taken over our souls, diminishing the power and influence of the mainstream media, which formerly held a monopoly of the news, and denying consumers a collective experience.

Apparently, if you can't name "the biggest star in prime-time television," or "a star created by the Internet" (trick question: there isn't one, and there probably never will be, according to Gunther), or "a great advertising slogan created in this decade," then you are culturally poorer.

Don't ask for the definition of "great" or "culture"; this is an article for Fortune, after all, where requests for the definition of key terms are simply proof that you are culturally impoverished. That means you, not writers for the mainstream media. You should already know this, just as you should know that "public" means "anyone but you" and "unselfishness" means "contributing to any self except your own."

Gunther's worries about increased choice make me wonder whether he *chose* to write his article, or just let himself be coerced by some benevolent force. But there is a consistency in his presentation: no discussion link. People could actually make dangerous choices if they were allowed to comment on anything from the mainstream media. Fortune's website preserved what's left of the richness of our one-culture souls by enforcing the moderate and responsible no-comments-allowed rule.

"Big stars, hit TV shows and even commercials help knit a society together. Think of the feeling that comes a few times a year — the morning after the Super Bowl or the Oscars — when tens of millions of Americans share a common experience." I never knew so many hangovers and Oscar-gawkings could be the key to bliss.

— Roger Wasson

Not deceived — It was the theme of Paul Weaver's book, "News and the Culture of Lying" (1994), that journalism too often leaves out the good stuff because of the formulas of reporting. I thought of this while watching a Beijing news conference on Hong Kong television.

Presiding was Ouyang Song, vice minister of the Organization Department of the Communist Party of China. He was a youngish man, no gray hairs, and not about to make a political mistake. He cited the statistic that a survey of Party members found that 97% of them are happy with how the Party is doing.

By and by came the questions. Shai Oster of the Wall Street Journal began his question by congratulating the Party for the 97% approval, saying that in the United States the Republicans and the Democrats would be very happy to have such ratings.

He said it in all seriousness, though of course what it meant was, "I am not deceived by your bullshit statistics."

Ouyang replied, "I would like to thank you for your congratulations." He said it in all seriousness, though of course what it meant was, "I am not deceived by the polite form of

your snide remark."

Oster's story ran in the Asian Wall Street Journal, July 14–16, at the bottom of Page 8. "China Communists Target Private Sector Role," the headline said. It was a dull story, reflective of its topic. There was nothing in it about the exchange above, which, by the conventions of journalism, was not news.

— Bruce Ramsey

Mission Accomplished? — In his article in the July issue of Vanity Fair, "The War They Wanted, the Lies They Needed," Craig Unger, author of "House of Saud," writes that it has been widely reported that the U.S. invaded Iraq because of intelligence failures. "But in fact," he states, "it is far more likely that the war in Iraq started because of an extraordinary intelligence success — specifically, an astoundingly effective campaign of disinformation, or black propaganda, which led the White House, the Pentagon, Britain's M.I.6 intelligence service, and thousands of outlets in the American media to promote the falsehood that Saddam Hussein's nuclear-weapons program posed a grave risk to the United States."

Referring to the robbery of the Niger embassy in Rome on Jan. 2, 2001, Unger contends that the consequences of the robbery "were so great that the Watergate break-in pales in comparison," and that the robbery was the beginning of a covert operation to deceive the American public into war with Iraq by fabricating false information about Saddam Hussein's alleged attempt to buy hundreds of tons of yellowcake from Niger.

Shortly after the robbery, forged dossiers began popping up in intelligence agencies all over the world, reports Unger, a development that led eventually to the inclusion of the 16-word reference to the alleged threat of nuclear weapons from Saddam that appeared in George W. Bush's State of the Union address.

Even after information in the dossiers was repeatedly rejected by the CIA and the State Department, writes Unger,

> hawkish neocons managed to circumvent seasoned intelligence analysts and insert the Niger claims into Bush's State of the Union address.
>
> By the time the U.S. invaded Iraq, in March 2003, this apparent black-propaganda operation had helped convince more than 90 percent of the American people that a brutal dictator was developing W.M.D. — and had led us into war.

Unger cites nine former military and intelligence analysts who maintain that the Niger documents "were part of a covert operation to deliberately mislead the American public," as well as at least 14 instances prior to the State of the Union in which CIA analysts, the State Department, and other governmental agencies "had examined the Niger documents or reports about them [and] raised serious doubts about their legitimacy — only to be rebuffed by Bush administration officials who wanted to use the material."

"'They were just relentless,'" explained Col. Larry Wilkerson, former chief of staff to Secretary of State Colin Powell, who later prepared Powell's call to war before the United Nations General Assembly. "You would take it out and they would stick it back in. That was their favorite bureaucratic technique — ruthless relentlessness." It's common knowledge that the neocons in and around the Bush Administration had been advocating regime change in Iraq for years, some of them long saying that they needed another Pearl Harbor to mobilize the United States against Saddam Hussein. "Now it had taken place," writes Unger, and after 9/11 "the Niger operation went into overdrive."

— Sarah J. McCarthy

The plight of the worker — Paul Samuelson, strong Keynesian, 1970 Nobel Prize Laureate in economics, and author of the enormously successful college textbook, "Economics," was right, once. Commenting in 1970 on a proposal to raise the minimum wage to $2.00, he wrote: "What good does it do a black youth to know that an employer must pay him $2.00 an hour if the fact that he must be paid that amount is what keeps him from getting a job?"

And the New York Times, then recognized worldwide as the newspaper of record, headlined an editorial on Jan. 14, 1987, "The Right Minimum Wage: $0.00." The editorial then stated "There's a virtual consensus among economists that the minimum wage is an idea whose time has passed. Raising the minimum wage by a substantial amount would price working poor people out of the job market." (Both passages quoted in "If Only Most Americans Understood" by David R. Henderson, in the Aug. 1 Wall Street Journal.)

How can any politician, or anyone else for that matter, be so stupid as to believe that it will help workers to make it more expensive to hire them?

Samuelson's remark is also a sad commentary on the state of the U.S. dollar, which has deteriorated so much in value since 1970 that the proposed increase in the minimum wage ($2.10, raising the minimum from $5.15 to $7.25) is more than the entire minimum wage was in 1970.

— Bettina Bien Greaves

Make songs, not films — One theme of Ron Radosh's "Red Star Over Hollywood" (Encounter, 2005), among other recent books, is that scribbling warriors in the Communist-inspired Popular Front of the 1940s have had an insidious influence upon popular filmmaking. No doubt they tried, but they were ultimately foiled, not only because of unfortunate blacklisting during the 1950s but, equally unfortunately, by the commercial designs of their bosses.

The Popular Front has had more influence on folksongs. Initiated by a few during the 1940s, mostly centered on Pete Seeger (whose father Charles was the czar for Communist classical music during the 1930s), PF ditties spread during the 1950s in groups like the Weavers and then the Kingston Trio, in the '60s with Joan Baez and Bob Dylan, and in rock groups like the Byrds (whose lead singer David Crosby was a Red Diaper baby, as we now call them). PF songs are heard today in the work of Bruce Springsteen, who recently recorded an album of Pete Seeger songs (sung ineptly, alas), and in a recent NET feature on Woody Guthrie, whose masterly "This Land Is Your Land" has survived better than any Popular Front film.

May I wager that every reader of this magazine knows at least one of these songs, while the reddish movies are forgotten? Since Radosh was, like me, at Camp Woodland in 1951, where PF folk music was disseminated prolifically, I am surprised that he, now a late anti-Communist, didn't notice this. (We also performed that summer a cantata, "Boney Quillan," by Herbert Haufrecht, a composer who descended from Charles Seeger's influence; but it has not survived.) But why has PF folk music survived better than PF film? It was produced with less censorship and thus less compromise, not only political but also economic. Shorter and more pointed, the best songs were better pop art. And nobody wrote books about

them reflecting a Communist conspiracy that, needless to say, eventually moved beyond the control of Communists.

I can recall, four decades ago, a Red Diaper baby named Kathie Amatniek telling me that she wanted to make political films that would have the influence of folk songs. This didn't happen for her or anyone else like her at the time. (Instead, Kathie became the founder of the radical feminists called Redstockings, as she took the name Kathie Sarachild.) It couldn't happen because filmmaking is a much tougher, more expensive business.

Graduates of the Bronx High School of Science include seven Nobel Prize-winning physicists. With vouchers, many more such schools would sprout.

Libertarians who tried to make politically engaged films should have thought about writing songs instead. With examples from Woody Guthrie in mind, consider writing a classic merely entitled "Liberty." — Richard Kostelanetz

Free to choose — Perhaps I'm a dreamer, but I believe that the obvious merits of free choice in K-12 education (often labeled "vouchers") will eventually defeat the anti-choice propaganda funded by the teachers' unions. When free choice for K-12 has been tried (such as in Florida and in Milwaukee), parents rush to embrace it.

The merits of free choice in K-12 schooling include efficiency, of course. Competition works in every other area of economic life to increase quality and lower cost, so why wouldn't it work in the educational service sector? Those who think that competition wouldn't work in K-12 should remember that it works in higher education — the Pell Grant and the GI Bill of Rights programs are just vouchers by different names.

But there is another advantage of choice in education: consumer choice inevitably creates more options, and this increases student interest. That thought occurs to me every weekday morning when I drop my daughter off at the Orange County High School of the Arts, a large charter school devoted to arts-oriented education. The students who attend OCHSA chose to be there — indeed, competed to get in. The result is a palpable spirit akin to that of a private school. When parents and students choose a school that matches their interests, they're more motivated than students who are forced to attend a school they didn't choose.

What makes students attend a charter or private school is the school's orientation — to art, or science, or a faith, or an elite course of study. One reason for the widespread boredom and high dropout rates in public schools is that the vast majority of them derive from a single, basic model: the general prep school, where all students take basically the same courses, with some AP and elective courses thrown in. Moving toward free choice will promote the development of more types of schools, just as consumer choice in the restaurant industry has given consumers a dazzling variety of restaurants.

The general prep school is good for students who don't have a clear, strong orientation for any field of endeavor, or a commitment to higher education. But there are other kinds of school. Elite prep schools are great for kids who are unusually studious and plan to pursue college study, especially in the humanities and social sciences. Plenty of these schools exist already, mainly private schools and schools in university towns, but most are available only to the wealthier families. Vouchers would expand the number of elite prep schools and allow children from poorer families to attend.

There are some arts schools for students interested in drama, music, writing, cinema, painting, or dance. And there are a few schools for students with a particular interest in science, math and engineering — most famously the Bronx High School of Science, whose graduates include seven Nobel Prize-winning physicists. With vouchers, many more such schools would sprout.

Again, military schools are useful for students who intend to follow careers in the armed forces or in law enforcement; they have often been able to transform undisciplined or disruptive boys into decent men. Vocational schools have trained generations of young people in the still vital skilled trades. Vouchers would increase the number and availability of these schools as well. But that's not all. The consumer power of vouchers would create even more types of schools. We could have schools oriented toward business and economics, medical science schools for students who plan to work in the healthcare industries, and even schools for students interested in becoming lawyers, paralegals, or . . . (dare I say it?) politicians.

Perhaps we might even get to see the emergence of some intelligent, well-educated politicians, politicians who understand the importance of a free and competitive society. It's certain, however, that innovation always flourishes with consumer freedom. — Gary Jason

Do the evolution — It's hard to believe that the debate over evolution is still taking place in Kansas. Evolution is pretty much a fact that only a small segment of Christians dispute anymore. The crux of the debate today is whether evolution was intentional or accidental.

Many of those on the accidental side of the argument are using science to disguise their real agenda: teaching atheism in public schools. Much like the communist predecessors who forged their doctrines, the American Left wants all children taught that there is no Creator, and no higher authority beyond the state.

Other than that, what could the Left be fighting for? It's not really about education. Let's say that the entire state of Kansas teaches all their children that evolution is a farce, for a full twelve years of public schooling. Are those children really going to be disadvantaged? Except for a handful of jobs, in a few branches of science, that ignorance will never affect their lives. Perhaps they'll be mocked at Manhattan cocktail parties (which happens to people from Kansas anyway), but other than that, those kids will all move on to live happy, productive lives. — Tim Slagle

What went wrong — Robert McNamara had been president of Ford Motor Co. for only seven weeks when President-elect Kennedy asked him to become secretary of defense. "I am not qualified," McNamara remembers telling Kennedy.

"Who is?" Kennedy asked. "He rejected the claim that I was not qualified," McNamara reports, "pointing out dryly that there were no schools for defense secretaries, as far as he knew, and no schools for presidents either." So McNamara accepted, acknowledging that he "entered the Pentagon with a limited grasp of military affairs and even less grasp of covert operations."

McNamara provides this account in his highly controversial memoir on American policy-making in Vietnam, "In Retrospect: The Tragedy and Lessons of Vietnam." Faced with a complex and escalating crisis in Southeast Asia, the new administration, according to McNamara, lacked the knowledge to handle it: "I had never visited Indochina, nor did I understand or appreciate its history, language, culture, or values. The same must be said, to varying degrees, about President Kennedy, Secretary of State Dean Rusk, National Security Adviser McGeorge Bundy, military adviser Maxwell Taylor, and many others." The administration, in short, was flying blindly into a war that would claim the lives of 3 million Vietnamese and produce 58,191 American combat deaths. "When it came to Vietnam, we found ourselves setting policy for a region that was terra incognita. Worse, our government lacked experts for us to consult to compensate for our ignorance."

With all the other things on the government's plate, from Cuba to Pentagon budgeting to Soviet belligerence in Berlin, McNamara asserts that there wasn't ample time for correct analysis and planning: "Simply put, we faced a blizzard of problems, there were only 24 hours in a day, and we often did not have time to think straight."

One of "the best and the brightest," as David Halberstam called the dramatis personae of the Kennedy administration, McNamara wasn't unintelligent, at least by his own account — he points out that he placed in the upper "one-hundredth percentile for his ability to reason and think" on the battery of intelligence and achievement tests he took at Ford. What he lacked was knowledge and experience. Listing the major causes of the American failure in Vietnam, he cites the following:

"We underestimated the power of nationalism to motivate a people to fight and die for their beliefs and values — and we continue to do so today in many parts of the world."

"We failed then — and we have since — to recognize the limitation of modern, high-technology military equipment, forces and doctrine in confronting unconventional, highly motivated people's movements."

"We failed as well to adapt our military tactics to winning the hearts and minds of people from a totally different culture."

"We did not hold to the principle that U.S. military action — other than in response to direct threats to our security — should be carried out only in conjunction with multinational forces supported fully (and not merely cosmetically) by the international community."

"We failed to adhere to the fundamental principle that, in the final analysis, if the South Vietnamese were to be saved, they had to win the war themselves. External military force cannot substitute for the political order and stability that must be forged by a people for themselves."

In August 1963, McNamara says, "the United States set in motion a military coup" to topple Ngo Dinh Diem, leader of South Vietnam. In retrospect, McNamara acknowledges that Diem's killing produced only a succession of weaker leaders in South Vietnam.

Now, here's the contemporary significance of what McNamara has to say. South Vietnam, as he describes it, was not unlike today's Iraq: "South Vietnam lacked any tradition of national unity. It was besieged by religious animosities, political factionalism, corrupt police, and, not the least, a growing guerrilla insurgency."

"Political stability did not exist and was unlikely to ever be achieved," he writes, "and the South Vietnamese, even with our training assistance and logistical support, were incapable of defending themselves." The intentions of the U.S. were right, he contends. "Yet we were wrong, terribly wrong. We owe it to future generations to explain why."

As Santayana wrote, "Those who cannot remember the past are condemned to repeat it." — Ralph Reiland

The deflationary menace — Forgive me for furtively grinning when I learned that the people of Mexico (still considered a third-world country) spend more money per year on books than the French do — $3.6 billion compared with $3.4 billion. True, on a per capita basis, France did a little better than Mexico, coming in 18th compared with Mexico's 21st. Even so, the proximity of the two on the list should poke a little arrogance out of the French, even if their arrogance is mostly scarecrow stuffing by now.

The source of my information is the Economist's "World in Figures" (2006 pocket edition), and I have to admit that the sources are somewhat vague. But this little book has other balloon-pricking statistics, too. One is a reminder that our oft-patronizing neighbors, the Canadians, use more energy per capita than we do (7,973 kg of oil-equivalent per person for Canada, 7,943 kg per person for the U.S.). The two countries rank seventh and eighth in the world on this scale. And in spite of the fact that oil production supposedly peaked in the U.S. years ago, our country still produces the most energy, followed by China, Russia, and Saudi Arabia.

Lots of the book's other statistical revelations are worth meditating upon, and laughing at. But, darn it, France is still the No. 1 tourism country in the world by a long shot, bringing in more than 75 million visitors a year. The runners-up are Spain (52 million) and the United States (41 million). Let's see,

"Let me through, please — I'm a meddlesome government bureaucrat."

though . . . what does this really mean? Which people have the money, and the curiosity, to fly across the ocean and visit other cultures? Apparently, it's the Americans again!

— Jane S. Shaw

A vote against war in Vietnam — To the extent a religious right of any kind existed in 1964, Eugene Siler easily qualified as a platinum card member. In his nine years in the U.S. House, he was unrivaled in his zeal to implement "Christianism and Americanism." Yet, 42 years ago this month, he did something that would be extremely rare for a modern counterpart on the religious right. He dissented from a president's urgent request to authorize military action in a foreign war. It was Siler who cast the lone vote in the U.S. House against the Gulf of Tonkin Resolution. Because he "paired against" the bill (meaning he was absent during the vote), however, most historical accounts do not mention him.

A self-described "Kentucky hillbilly," Siler was born in 1900 in Williamsburg, a town nestled in the mountains in the southeastern part of the state. Unlike most Kentuckians, he, like his neighbors, was a rock-ribbed Republican. The people of this impoverished area had backed the Union during the Civil War and had stood by the GOP in good times and bad ever since. Siler served in the Navy in World War I and two decades later as an Army captain during World War II. His experiences with the realities of war left him cold to most proposals to send American troops into harm's way.

After graduating from Columbia University, Siler returned to Williamsburg to be a small-town lawyer. A devout Baptist, he gained local renown as a lay preacher, eventually serving as moderator of the General Association of Baptists in Kentucky. He abstained from alcohol, tobacco, and profanity. As a lawyer, he turned away all clients seeking divorces or who were accused of whiskey-related crimes.

He began service as an elected judge of the Court of Appeals of Kentucky in 1945 and promptly refused his regular monthly allotment of $150 for expenses. Instead, he gave the money to a special fund he set up for scholarships. Not surprisingly, Siler often quoted the scriptures from the bench. He did the same in his speeches as the unsuccessful Republican candidate for governor in 1951, earning him a statewide reputation as a "Bible Crusader."

Siler consistently stressed social conservatism during his tenure in the U.S. House, which began in 1955. He sponsored a bill to ban liquor and beer advertising in all interstate media. He said that permitting these ads was akin to allowing the "harsh hussy" to advertise in "the open door of her place of business for the allurement of our school children." Of course, he was "100 percent for Bible reading and the Lord's Prayer in our public schools."

Like his good friend and fellow Republican, Iowa Rep. H.R. Gross, Siler considered himself to be a fiscal watchdog. He disdained all junkets and railed against government debt and high spending. Siler made exceptions for the homefolks, however, by supporting flood control and other federal measures that aided his district.

As with Gross, Siler was a Robert A. Taft Republican who was averse to entangling alliances and foreign quagmires. A consistent opponent of foreign aid, he was one of only two congressmen to vote against Kennedy's call-up of reserves during the Berlin crisis. He favored Goldwater in 1964, but never shared his hawkish views. The people back home did not seem to mind. Sometimes, the Democrats failed to even put up a candidate.

Siler was an early, and prescient, critic of U.S. involvement in Vietnam. In June 1964, shortly after deciding not to run again, he quipped, half in jest, that he was running for president as an antiwar candidate. He pledged to resign after one day in office, staying just long enough to bring the troops home. He characterized the Gulf of Tonkin Resolution, which authorized Johnson to take "all necessary steps" in Vietnam as a "buck-passing" pretext to "seal the lips of Congress against future criticism."

The worsening situation in Vietnam prompted Siler to come out of retirement in 1968 to run for the U.S. Senate nomination on a platform calling for withdrawal of all U.S. troops by Christmas. Ernest Gruening of Alaska and Wayne Morse of Oregon, the only two U.S. senators who voted against the Gulf of Tonkin Resolution, also went down to defeat that year.

Although Siler lived on until 1987, few remembered his early stand against the Vietnam War. It is doubtful that this particularly bothered him. He knew that his reputation was secure among the plain Baptist Republican mountain folk of southeastern Kentucky who had sent him to Congress for nearly a decade. — David T. Beito and Linda Royster Beito

Resurrecting Upton Sinclair — I received Professor Kevin Mattson's new "Upton Sinclair and the Other American Century" (Wiley, 2006) as I read Lawrence W. Reed's legitimate demolition of Sinclair's "The Jungle" (1906) in the August Liberty, where he repeats the familiar academic opinion that Sinc was out of sync for the rest of his literary life. Not so, brother Reed. One of the most important books in my professional history was Sinclair's "The Cup of Fury" (1956), which I read while still a teenager, taking it out of the public library soon after publication.

Its theme is that the best writers of his generation were ruined — yes, ruined — by excessive drinking: Sinclair Lewis, F. Scott Fitzgerald, Hart Crane, Stephen Crane, Edna St. Vincent Millay, Sherwood Anderson, Eugene O'Neill, Jack London, Theodore Dreiser, George Sterling, et al.; even Isadora Duncan, who wrote a marvelous book in addition to her revolutionary concert dance. Oddly in retrospect, Sinclair missed William Faulkner and Ernest Hemingway, perhaps because they were both still alive in the late 1950s and might have felt libeled. Both would soon be dead in their early 60s.

Published when Sinclair was nearly 80, "The Cup of Fury" is an older writer's efficient polemic that I have purchased many times if only to give away to an aspiring writer who needs to know a certain truth. If a better book on the alcoholism of the literati exists, it's not come to my attention in the past 50 years.

With Mattson's new book I wanted an occasion to honor "The Cup of Fury" among the One Hundred Most Important Books in My Life and so went first to his index. Not finding that book among the several dozen Sinclair titles, I gave the new book away and, instead, honor Sinclair's classic here and now.

"The Cup of Fury" scared this aspiring writer so profoundly that I avoided alcohol during my years at a college where it was plentiful (Brown U.) and have since drunk "not socially, only privately, mostly after midnight," as I like to say. The book might also have scared me away from psychotropic

drugs, as I never fell for the myth that anything other than my own nuttiness could fuel my imagination. Taking responsibility for my own head was finally a political move.

I know of at least one other writer my age who has told me that "The Cup of Fury" had a similarly chilling effect on him, and, like me, Samuel R. Delany is still productive and sober in his mid-60s. — Richard Kostelanetz

Pension pains — Well, surprise, surprise! The Pension Benefit Guaranty Corporation has gone from a $10 billion surplus in 2000 to a $23 billion deficit in 2005, and is on the hook for corporate pension liabilities of easily $450 billion. What do you expect from a government program (backed, naturally, by both unions and corporations) that allows unions to demand exorbitant pensions from companies that can't possibly pay them, and allows the companies just to toss those pension plans onto the back of the taxpayer whenever they file for bankruptcy? Can we spell "rent-seeking," kids?

The major airlines are only the first group of companies to dump their pension obligations on the rest of us. Some of the biggest American corporations have huge pension liabilities backed by little if any assets: GM, Ford, SBC/ATT, Verizon, IBM, Delphi, Lucent, DuPont, Altria, Exelon, Qwest, Dow, Hewlett-Packard — the list is long and growing. This mess looks as if it will make the S&L crisis of the '80s appear positively piddling.

At a bare minimum, the feds ought to demand full funding from all participants in the program, and stick to that demand. Better yet, we should just tell all unions and workers that going forward, contracts between unions and corporations will be considered just that — contracts between private entities for which the taxpayer should not be held liable. In other words, just kill the whole program while the killing is good, i.e., before the big bust happens. — Gary Jason

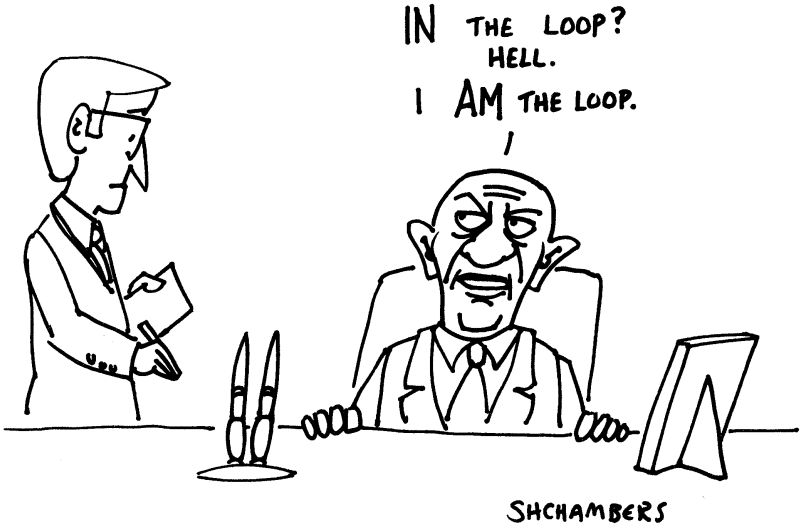

Just deserts — In an effort to show the merits of free-market capitalism, there are some who point out how vital to the existence of wealth are the productive efforts of human beings. With the exception, perhaps, of air (and that no longer so), nothing comes without the need for people to transform it so as to make it useful. So, the argument goes, these producers and creators ought to own what they have made.

One must be careful, however, not to exaggerate. There are assets and resources one may own that have nothing to do with having produced them, let alone with having earned them — for example, one's good health, good looks, good genes, high IQ, talents, etc. Yes, most of these assets could lie dormant, but once they become apparent, those who possess them may find themselves far wealthier than those who lack them. And they own these assets. They have a right to them and what wealth derives from them — for example, the money paid for having their beautiful faces photographed and placed on the cover of Vogue or GQ.

Such assets and resources are, in fact, a feature of one's personal identity, if you will. Whatever wealth derives from them is no more available to others without one's permission than is wealth arising from what one has produced or created anew. To claim that these aspects of oneself are available for others to expropriate is to endorse slavery, plain and simple.

It matters not a whit that such expropriation results from a democratic decision. No group, however large, is authorized to raid one's wealth, one's resources and assets, no matter how great an idea it may have for what to do with them. The institution of slavery is an abomination even if the slaves are coerced into serving some undeniably worthy, even necessary purpose.

This recalls for me a pet peeve — all the praise that's heaped upon those magnificent buildings, throughout the world, that were produced by slaves and serfs for tyrants, albeit with some artistic merit accompanying the cruelty involved. So many people who travel and take these in — or just see them on TV — forget how they came into being. Meanwhile, there is an inordinate amount of hand-wringing about companies that take advantage of cheap labor abroad, despite the fact that in most cases that labor has been provided voluntarily.

This hand-wringing is especially disturbing in light of the fact that there are today some very prestigious thinkers who believe that slavery is quite all right (though they would never use that term). Following the Canadian philosopher Charles Taylor and the American sociologist Amitai Etzioni, they hold that everyone belongs to his group or community, and thus that the community — which in reality means the community's bunch of self-appointed spokespeople — is authorized to expropriate the resources that are attached to anyone, especially the advantages gained from being lucky.

The most famous political theorist of the 20th century, the late John Rawls, contended that since nearly all that one has came without personal effort — for he believed that one's productivity and creativity are inherited or inculcated proclivities and do not confer any desert upon the creator or producer — "society" may simply take and distribute as much of it as "society" deems fair. This idea was rendered morally credible mostly through the denial that one has the right to any assets unless one has earned them.

This trap, of course, will not survive close scrutiny. My lungs, kidneys, eyes, hair — and I still have a fair amount of it,

though it is all white now — were not earned by me, yet they are a part of me. Others would be treating me as an impersonal natural resource if they were to expropriate them. That is what slavery is: making use of another, of all that he or she is and has, regardless of his or her consent.

So let's not tie the right to private property too closely to desert. One is fully entitled to assets that are part of oneself, desert or no desert. — Tibor Machan

Preemptive liberation — It may sound sexist but, as most people know, women drivers are laggards when it comes to starting their cars. A male driver will be outside the parking lot well before the woman he walked out with starts the engine. That is not because women are putting on makeup or checking their nails; they are most often fishing through their purses for their keys. Women's clothes are not designed to carry chunky metal objects, as men's are.

But a marketing gimmick has changed that. My new car allows me to open locked doors just by drawing near the car, and it starts with the push of a button inside, as long as the keys are in the vicinity.

The advantage of this automatic feature isn't simply to let me scoot out a few seconds faster than someone else. It also makes me safer. Now women can avoid standing in the dark before a locked car, searching for our keys. If trouble is brewing we can zip out of trouble right away.

I don't know whether this feature was designed for safety or even if it is aimed at women. But markets have a way of solving problems that no single person has yet identified.

In the 1950s, long before the advent of "women's lib," manufacturers were pushing new technology that in the aggregate had an enormous effect. In his book "The Hidden Persuaders" (1957), Vance Packard ridiculed motivational researchers for trying to find out why dishwashers and vacuum cleaners weren't selling well. Apparently they learned that (in Packard's words) the 1950s housewife was "feeling guilty about the fact that she is not working as hard as her mother." Modern appliances just added to her guilt. So the researchers came up with more acceptable reasons for buying appliances: they would give women more time to spend with their children, for example.

New appliances did sell, to Packard's chagrin and to the chagrin of all who disparage advertising. They made it increasingly easy for a person to maintain a clean, comfortable home, and they set the stage for large-scale liberation of women from housework. Without the technological progress forced by the industry's search for consumers, the feminist movement might never have been successfully launched. I am a beneficiary of that market change, just as I am one of a growing number of women who feel more secure because they can open their locked car door and start the engine with the push of a button, with who knows what results from that new freedom.

— Jane S. Shaw

Helmet, or cellmate — I am so proud of my state, Alabama. Our governor has a click it or ticket ad on TV wherein he officially urges us to buckle up. He does more than plead, he threatens. "It's the law — click it or ticket." It's no longer the Bible Belt, but the Buckle-up Belt.

My governor, and his fellow governors, are getting $32 million in federal grants for seat-belt enforcement programs. If somebody gave me $32 mil, I guess I'd talk up seat belts too (unless I lived in brave little New Hampshire, the only state with no seat-belt laws for adults). But I think I'd ruminate over the cost; every time a law officer mans a checkpoint he's *not* around to deter a robbery, a rape, a homicide. And every time they run that seat belt ad they don't run an ad about the penalties of robbing a convenience store. If they're going to televise speeches to lawbreakers, I would prefer the convenience store lecture, focusing on the immoral and dangerous — not the buckle-up speech focusing on the foolish and careless.

I don't like the idea of penalizing those whose perilous behavior affects only their own mortal bodies. If the government has the right to spy on and invade my car, what logical impediment bars their intrusion in my home? It's a small step from my Mercury Marquis to my den, which contains a buckleless recliner, towering two feet over the parqueted den floor.

Next thing you know the state will demand we wear bike safety helmets on any car trips beyond our own driveway. Armed officers will monitor and patrol the roads. Burglary, rape, and murder will flourish. What police department would have the time to fight that bloody stuff? Besides, it's dangerous. If I'm John Law, I'd rather harass motorists. — Ted Roberts

Drinking problem — In Washington state, where I live, the law prohibits a barkeep from serving alcohol to a person who appears to be intoxicated. It may therefore be assumed that all persons entering, occupying, or leaving a 21-and-over establishment are sober. Even if "the last drink" put someone slightly over the point of inebriation, he still would be in control of his faculties and not drunk.

Curiously, state law also forbids the carrying of firearms, even by concealed-carry permit holders, in places legally zoned off-limits to those under 21 — i.e., bars. Why limit concealed carry in this manner? It can't be for fear that intoxicated people will misuse deadly force. You wouldn't find a drunk person in a bar, any more than you would find someone going over 60 miles an hour in the fast lane. It's illegal.

The state should permit licensed patrons stumbling out of bars at closing time — all sober, of course — to carry loaded guns. Or, I suppose, the state could give up the idiotic pretense of prohibiting drunkenness in places where people go to drink. — Patrick Quealy

Fuel transition supervisor — Whenever some cantankerous critic knocks the governance of New Jersey, no matter his size or musculature, I always stand up and defend the Garden State. I remind him that no, it's not suffocating under a blanket of smokestack emissions, even if past governors spewed thick clouds of verbal smoke into the sky overhead. There are gardens galore, naturally, in the Garden State; and horse farms and reedy dunes that conjure up visions of Cape Cod. But sadly, the political environment doesn't match the scenery.

They do have some horrid legislation, however, that's like fingernails on the slate of the libertarian soul. How about this: self-service at the gas station is legally verboten. An attendant who probably left State University with a major in "Fuel Transition" is required. I figured out that this scientist majored

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in Fuel Transition, not English, after a ten-minute discussion about which of three octane levels I desired. Such was his intellect that I was surprised he didn't insert the pump in the open window.

But after all, how could you expect me, Joe Consumer, bereft of Fuel Transition 301, to handle the complex pump, hose, and trigger mechanism that feeds highly flammable fuel into the tank of the car? How could Joe or Jill Consumer even find the tank of the car without at least auditing the course? Unlike your average sloppy filler-upper, this guy is a professional.

Serendipitously, this piece of legislation also provides maybe 10,000 unnecessary jobs that placid Jerseyites pay for in the price of their gas — Jerseyites who obviously never took Government Intrusion 101. — Ted Roberts

Back to the drawing board — I'm tired of environmentalists who say we can easily reduce our nation's energy consumption, but have no idea how to do it. I guarantee that if it was possible to build a car that was safe, large, and comfortable, and also got 100 miles per gallon, it would be the hottest vehicle on the market. The inventor of that vehicle would become a billionaire overnight. Hence, millions of minds have been obsessing over such designs for at least 30 years. The fact that it doesn't exist is evidence that it isn't yet possible. That's just how economics works.

Alternative fuels cost more than petroleum, and cars today are just about as efficient as the laws of thermodynamics allow. Those are the simple facts, and new legislation, or President Bush's impeachment, will not change them.

Come on, you brilliant environmentalists! Design that car, invent that fuel, and the world will beat a path to your door. — Tim Slagle

Govindappa Venkataswamy, R.I.P. — In his "Wealth of Nations," Adam Smith memorably described the advantages wrought by specialization and the division of labor in the "very trifling manufacture" of pins. He showed that by dividing the work into several different branches, output could be dramatically increased. If each worker performed a different function, one straightening the wire, others cutting, pointing, and grinding it at the top to receive the head, etc., then ten persons working on the project could "make among them upwards of forty-eight thousand pins in a day . . . But if they had all wrought separately and independently, and without any of them having been educated to this peculiar business, they certainly could not each of them have made twenty, perhaps not one pin in a day." In this same way, the advantages of specialization and the division of labor can be demonstrated in almost any field.

Dr. Govindappa Venkataswamy joined the Indian Army in 1945 and soon came down with rheumatoid arthritis, threatening his dreams of a medical career. Through long and grueling therapy, he trained his gnarled fingers to hold a surgeon's scalpel and then went into ophthalmology.

India is a large country, with a large population and large problems to match. Rural blindness was almost epidemic, with an estimated 20 million blind eyes, 80% of them due to curable cataracts. Dr. V researched Vitamin A deficiency and began organizing rural fairs where peasants gathered for eye treatment.

In 1976, at age 58, he started an eleven-bed clinic, the Aravind Eye Hospital in southern India. Dr. V began his operations with two other doctors, his sister and her husband, both eye surgeons. His intention was to cater to rich and poor alike, but largely to the poor in southern India. He asked only $40 for cataract surgery, or nothing if a patient couldn't afford that; he believed that the volume of paying customers would support the rest. Banks wouldn't lend for such a venture, so he mortgaged his own home. Within a year, the clinic quadrupled in size. By 1981, a 250-bed hospital was complete. Aravind has now become a five-hospital system.

Venkataswamy's business model has revolutionized eye surgery. The advantages of the division of labor are apparent especially in the Aravind operating room. In a beautifully appointed modern operating room with state-of-the-art equipment, several surgeons are at work. Each works two tables, one for a patient having surgery, the other for a patient being prepped. Operating microscopes swivel between two tables. One surgeon, working a 12-hour day, can perform 2,000 surgeries annually, nearly ten times the Indian national average.

He was inspired by McDonald's assembly line model, after attending McDonald's Hamburger University in Oak Brook, Ill. He even investigated the possibility of franchising his operations, along the lines of McDonald's and Burger King, and actually laid the groundwork for such operations. Several hospitals in India have followed his assembly line method, and teams from Aravind have advised hospitals in East Africa and the Far East. Dr. Venkataswamy also went into the manufacture of low-cost lenses, producing 6–7% of the low-cost lenses sold worldwide in 2002 — though not in the U.S., because of the obstacle imposed by FDA regulations.

Dr. V died July 7, 2006 at the age of 87. Management of Aravind is still largely with his family. In the course of his operations, Dr. V's Aravind Eye Care System has served 2.4 million through its efficient, effective assembly-line system. Adam Smith must be turning over in his grave with pride at seeing Dr. V's spectacular success in demonstrating the advantages of the division of labor. — Bettina Bien Greaves

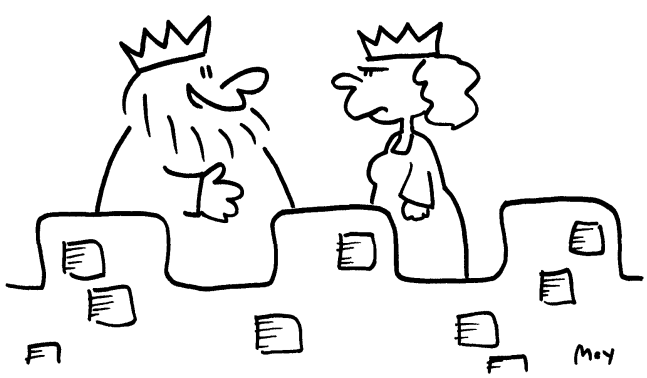

"It's all part of my plan, dear — Lady Godiva distracts the UN observers."

Immigration is one of the most contentious issues for America, and for American libertarians. If you doubt that, read on.

The Land of Opportunity

by Richard Fields

To listen to the hue and cry of conservative talk radio or the U.S. House of Representatives, one would think that the country is being overridden by hordes of alien invaders. This appeal to nativism, along with conservative chestnuts like gay marriage and flag burning, is part of a desperate attempt by Republicans to retain power in the 2008 elections. It seems that invoking the specter of Speaker of the House Nancy Pelosi is not effectively inspiring the faithful in a time of record budget deficits, so Republicans are resurrecting the tactics of former California governor Pete Wilson, the GOP's most cynical political operator since Richard Nixon.

At one of a series of town hall meetings, GOP Rep. James Sensenbrenner of Wisconsin responded to audience questions about immigration with such inflammatory statements as: "Eighty-five percent of the drugs in Chicago come from south of the border," and "The next bunch of terrorists won't have their passports stamped. They will come in through the south or the Canadian border." Pennsylvania's GOP Senator Rick Santorum is running a TV ad that accuses his Democratic challenger of giving illegals "preference over American workers." In Colorado, GOP gubernatorial candidate Bob Beauprez is basing his campaign on his Democratic opponent's ostensible support of state benefits for illegal immigrants (even though Beauprez's opponent in the primary accused him of doing the same during his time in Congress). Syndicated conservative columnist Kathleen Parker has written that "the loyalties of those people [Hispanics] are for their countries back home . . . rather than to the United States. And because they are not assimilating, they're not learning English."

How is the Democratic leadership responding? With more nativist appeals: in an interview with the Rockford (Ill.) Register Star, Senate Democratic Whip Dick Durbin said, "I would oppose just opening the borders at this point. We now have between 400,000 and 800,000 coming across our southern border illegally each year. That number would increase. It would become the venue for anyone coming into the U.S. right now. It's not just Mexicans; it's Central Americans, South Americans, many others, Caribbean natives, come through Mexico into the U.S. The first thing we have to do is bring the border under control. That means not only border enforcement, but also workplace enforcement. What draws them here is jobs." Hordes of aliens! Coming to take our jobs!

Or they simply blather. House Minority Leader Nancy Pelosi recently said, "Democrats propose a new direction on immigration. We believe it is long past time to focus on tough laws, actually implement them, hold the administration accountable for enforcing them, and pass comprehensive immigration reform." Exactly how is that different from Republican talking points?

Libertarians should provide the moral and rational reasons for welcoming immigrants. The issue of immigration can be reduced to property rights. If Jorge from Oaxaca gets a job from Linda in Long Beach and buys a house from Owen in Oceanside, no one's

rights are violated and it's an economic win for everyone involved. If those economic transactions are prohibited by law, everyone's property rights are violated. Jorge doesn't get the job and is stuck in Mexico working for less. Linda, deprived of a willing worker, may have to pay more for labor from an artificially diminished labor pool, may have to automate the job, or may have to close up shop for want of employees willing to work for the wage she's able to pay. And Owen will have one less bidder for his house and probably will have to sell it for less.

Our country had no quantitative immigration laws until 1921. We had no qualitative laws until 1875 when convicts and prostitutes were barred.

We expect progressives and nativists to disrespect property rights. They will very explicitly argue that Americans should not have to compete with foreigners for jobs either in this country through immigration or abroad through outsourcing. What is troubling is to hear so-called defenders of free markets decry immigration under the rubric of the "rule of law," the welfare state, or national security.

The rule of law referred to is, of course, the limitations on immigration which explicitly violate the property rights of immigrants and U.S. citizens alike. The United States was founded largely as a rebellion against laws the colonists considered to be unjust. One of the complaints against King George in the Declaration of Independence is that "He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for the Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither." Our country had no quantitative immigration laws until 1921. We had no qualitative laws until 1875 when convicts and prostitutes were barred. "Mental defectives" and Chinese were barred in 1882. The U.S. economy suffered not at all from our acceptance of the huddled masses. To argue against immigration because we have made it illegal only illustrates that we have reverted to the unjust laws of King George.

What's more, the quotas set by present-day immigration law are ridiculously low. According to the American Immigration Law Foundation, visas for permanent immigration tailored to less-skilled workers are capped at 5,000 per year. H2A (seasonal agricultural) and H2B (other temporary work) visas are limited to 66,000 per year. There is demand for more high-skilled immigrant workers, and a ready supply of them, but not enough visas are issued to allow the workers to be employed. Demographically, the growing population of Mexico and other developing countries, combined with the overall aging of the U.S. population, produce a pull of labor market demand from the U.S. and a push of labor market supply from Mexico and elsewhere in the developing world. Every year in the 1990s, 290,000 less-skilled workers arrived from Mexico alone, and a lot more from other countries. Free-marketeers, above all, should realize that we cannot repeal the laws of supply and demand, in labor markets or anywhere else.

The conservative argument that a welfare state and open immigration cannot coexist sounds logical. But the problem is obviously not immigration. It's the welfare state. Our century of unlimited immigration did not present any significant economic problems. But then, it is argued, we did not have a welfare state. Conservatives, in essence, take the defeatist approach of throwing up their hands and saying "Do you really believe we can get rid of the welfare state?"

Both conservatives and progressives tend, by nature, to be pessimists. We libertarians tend to be optimists. We need to make the optimistic case that we can indeed reform the welfare state — see the proposal of Cato's Michael Tanner for one approach that could work.

A first step was taken in 1996, when President Clinton signed a welfare reform act written by a Republican Congress. (Oh, how we long for divided government!) As a result of that legislation, the only public programs from which illegal immigrants may legally benefit are emergency room care and K-12 education. Meanwhile, approximately two thirds of immigrants pay income, Medicare, and Social Security taxes. And that understates the tax contributions of illegals. The labor force participation rate of illegal immigrant men is 94%. That compares with rates of under 50% for American men without high school diplomas. The discrepancy between the 94% labor force participation rate and the 67% paying payroll taxes is due in large part to the higher entrepreneurial predilections of immigrants. Even if the Mexicans who clean your house and mow your lawn don't pay payroll taxes, they still pay sales taxes and property taxes directly or indirectly through their rent.

A large part of the immigration debate centers on the net cost or gain to taxpayers when all these taxes and benefits are taken into account. Both sides have trotted out studies supporting their side of the argument. Of course, they conflict. A synthesis of all the research suggests that immigrants are either a net positive or a net wash in terms of costs and benefits to taxpayers in the current welfare state. The problem is that the benefits accrue at the federal level and the costs accrue at the state and local level. Most undocumented employees pay into Social Security and Medicare, but usually with phony Social Security numbers. They pay in but they will not collect, resulting in a net benefit at the federal level. Given the

It's not the slackers who have the initiative to emigrate from their native countries to the U.S. One does not ordinarily encounter Latino panhandlers in this country.

upcoming scarcity of workers relative to retirees, AARP will probably soon become the biggest cheerleader for immigration.

Since undocumented workers are usually low-income, they do not pay as much in local and state property and sales taxes as the rest of us, but they do still avail themselves of the emergency rooms and public schools they are allowed under the 1996 reform legislation. In this respect they are not materially different from our native-born poor. How they are different is in the probability that, over time, they will better themselves economically. One does not ordinarily encounter Latino panhandlers in this country. One does in Mexico. It's not the slackers who have the initiative to emigrate from their native countries to the U.S. It's the ambitious. A clearly defined path to legal employment and citizenship will accelerate that process.

That we still have bilingual education is a testament to the political power of the National Education Association, not to the preferences of Latino parents or children.

This is one issue — one of the only ones — where President Bush has it right. Properly legislated, the opportunity to work legally right now, combined with a place at the end of the line to acquire citizenship in the future, accomplishes two things. First, it retains the prohibitions of the 1996 law against immigrants receiving most welfare benefits upon arrival in the U.S. Second, it provides time for an immigrant to become established in a vocation before gaining citizenship and becoming eligible for the full panoply of welfare-state benefits. The upshot is that by the time this new citizen is eligible for benefits, he will probably no longer need them.

The most nefarious of the Republican arguments is the conflation of immigration with national security. No one proposing that we can lock down the borders against anyone entering the country illegally should be taken seriously. Even in an age of electronic surveillance, lockdown is precluded by fake IDs, ladders, tunnels, airplanes, submarines, backpackers, and boats. Securing the thousands of miles of land and sea borders of the United States is a practical impossibility; determined people breached the Berlin Wall and it was only a few miles long.

Those who argue that increased border security (whether in the form of a wall, or heavily increased patrols) will prevent terrorists from entering the country are demagogic or hopelessly naive, or worse, exploiting nativist sentiment to beef up the surveillance state for their own purposes. Besides, all of the 9/11 hijackers entered the U.S. legally; how then would extra restrictions against illegal immigrants have protected the country?

The argument made by trade unionists and populists (they're coming to take our jobs!) is simply protectionism at its worst. The implicit premise is that Americans should not have to compete for jobs. It is in our long-term interest to respect the rights of all people to live and work where they can find mutual agreements with home sellers or lessors and employers. Prosperity is fostered by free trade in labor as well as in commodities and manufactured goods. Other countries have that same interest, and we should encourage them to act according to it. But if they don't, that just means we benefit more from talented immigrants than they do.

Immigration laws are really just import restrictions on labor. Unilateral reduction of trade barriers always works in the long-term interest of the country reducing the barriers. If we open our borders we will reap the economic benefits that will occur. At some point foreign governments will realize they need to change their ways and free up their economies in order to increase incomes for their citizens, or continue to lose more of their best and brightest. That will reduce the push factor of immigrant labor supply. Also, at some point U.S. labor markets will offer wages closer to those in countries where immigrants are coming from. That will reduce the pull factor of labor demand. Thanks to free trade there is generally one global market price for oil and other commodities. Why shouldn't there be one global price for a given skill level of labor? To argue against a global market rate for labor is to argue that residents in one country are somehow entitled to a higher income than residents of another country. What is the justification for that?

Meanwhile, the allegations of cultural conservatives like Kathleen Parker that latter-day immigrants won't assimilate and learn the language are unfounded. By the third generation, the primary language of 78% of descendants of Latino immigrants is English; 22% are bilingual. Next to none retain Spanish as their primary language. When Spanish-speaking immigrant parents are polled on their preference for English immersion versus bilingual education, English immersion wins hands down. That we still have bilingual Spanish-English education is a testament to the political power of the National Education Association, not to the preferences of Latino parents or children.

"'Tomatoes,' you say? — You know, I'll bet these would go *great* with pasta!"

The fear that immigrants will bring to our shores cultural beliefs antithetical to our values and thus overpower us is equally unfounded. To use an example, those emigrating from Afghanistan are likely to be those Afghans not particularly fond of *shariah*. Those who prefer fundamentalist Islamic law would be more apt to stay. If the economic lure of the United States proves greater than the desire to avoid infidels, and a bunch of Islamofascists move here, I'll bet that after a few years of gradual adaptation, they'll prove no more dangerous to the American way of life than any other special-interest group — and probably less dangerous than the same number of customs officials given additional powers by Congress.

Securing the thousands of miles of borders of the United States is a practical impossibility; determined people breached the Berlin Wall and it was only a few miles long.

Actually, one of the biggest obstacles keeping immigrants from blending even faster into American society is the federal government itself. At any given time, the United States keeps at least 25,000 illegal immigrants in federal prison. They are not eligible for bail. Their choice is to sit in jail while attempting to obtain legal entry, or to return to their country of origin. If they choose deportation and return to the U.S. illegally they could be sentenced to 20 years in federal prison. Legislation pending in Congress would further criminalize attempts by people to better their lives and the lives of their families.

Immigrants should have the same rights as natural-born citizens, rights limited to "negative" rights such as those enshrined in the first ten amendments of the Constitution. We all have the right to free ourselves from oppression, including unfettered ownership of rightfully obtained property. No one has the "positive" right to the possessions or labor of others.

Immigration to the United States is not a problem. It is a phenomenon. The only way the United States can stop this phenomenon is by destroying the capitalist economy that draws immigrants here. We need to move in the direction of more open immigration, not in the direction of militarized borders fit only for a police state.

Though it's been obscured by layers of cynical campaign rhetoric, the issue of immigration comes down to whether we want to restrict individual liberty to native-born Americans or offer it to everyone. If freedom works for us — and it does — what possible moral reason do we have to offer it to those born in San Diego, and deny it to those born inches away in Tijuana? ❑

The Fallacy of Open Immigration

by Stephen Cox

Nothing is more common than for well-intentioned people to believe that if everybody just does what is right (as they see it), nothing but good can possibly result.

Libertarians have always been skeptical about that assumption. They know, for example, that wars have always been fought for causes believed to be right. The vast fabric of the modern welfare state was created to ensure proper care for the poor and needy. Yet very terrible things have resulted from the impulse to assert the right through warfare and to create the right through social engineering. This, more than anything else, has caused thinking men and women to look for ways of limiting, rather than increasing, the power of the state and, with it, the bad effects of good intentions.

But libertarians themselves have not always succeeded in resisting the allure of good intentions, the assumption that there will be no unfortunate consequences of our good ideas. The best example I know is the attempt by some libertarians (not a majority, but a sizable and vocal minority) to ignore any bad effects that may result from open immigration — a policy that they favor on moral grounds, considering it an obvious expression of our faith in individual liberty. Many libertarians who speak and write about this issue scorn the view that immigration could be anything other than a stimulation to the economy and a vindication of universal human rights.

I deny that it is either one. I believe that under current circumstances the bad effects of open, or even large-scale, immigration vastly outnumber its good effects. Further, I dispute the proposi-

tion that anyone has a right to claim membership in a body politic simply by moving into the space it occupies.

I'm going to outline my reasons. But first I want to observe that there are certain debates in which practically nobody, on either side, can conceive of any sincere opposition to his or her own views. Immigration is one of those debates. Opponents of open borders are routinely amazed and angered to discover the existence of arguments against their view. Proponents of open borders react in the same way. Neither group shows any remarkable ability to focus on what the other group is saying. Both prefer to restate their own opinions and call their opponents names.

The name that supporters of open immigration most frequently call their opponents is "racist" — as if every country that has more restrictive immigration laws than the United States (and almost all of them do) were manifestly "racist" in its intentions. If you are a supporter of open immigration, I can't demand that you keep your temper and refrain from calling me a word like that. But I hope you do. Then maybe something like a real discussion can emerge.

Let's Talk Economics

Libertarian arguments for open borders fall into two groups: economic and moral. I'll consider the economic arguments first, despite the fact that they almost always function as supplements to the underlying moral arguments.

Few people want to keep foreign doctors, engineers, computer scientists, and financial magnates out of the United States. Most of the economic arguments for immigration are therefore defenses of immigration by poor and unskilled persons. Proponents of open borders insist that unskilled foreign workers contribute vastly more to the American economy than they cost, resting their case on the idea that "immigrants work hard and create wealth." Some also point out that a large supply of cheap labor makes the prices of certain other commodities cheaper, thereby making more money available for consumers to invest on other things, to the benefit of the whole economy. Others try to avoid that argument, for fear of alienating American workers who don't want their own wages to decline. These proponents bring forth a third argument: "Immigrants do work that Americans refuse to do."

Remember this argument the next time you watch your garbage being collected. Americans are perfectly willing to collect garbage. They are also perfectly willing to cook meals, prune flowers, or harvest vegetables — so long as someone is willing to pay them enough. If all immigration suddenly became legal, immigrants would enjoy the same wage scales as native-born workers. They would compete for the same jobs, join the same labor unions, and be subject to the same labor laws and the same rates of taxation as everybody else. In short, their wages would rise, and there would no longer be any work that "Americans won't do."

It is true, of course, that the existence of a large and growing supply of unskilled workers tends to reduce prices — especially the price of lawn mowing, Tyson's chicken, and certain kinds of fruits and vegetables. But if you think that the more unskilled laborers we have, the larger and more dynamic the economy will be, you have a strange idea about the production of wealth. When I have my car washed, some of the work is done by unskilled labor, but as much as possible is done by machines. If more human squirters and swabbers were available, I'm sure that the price of their labor would go down, and at some point the machines would be completely replaced by muscles. The same might be said about, say, the sweeping of streets or the growing of crops. I don't believe, however, that a low-wage, labor-intensive economy is preferable in any way to a machine economy, paying high wages to well-educated people. If you believe that, you belong in the pre-industrial age.

Recently the mayor of Los Angeles, trying to speak to America on behalf of all Mexican immigrants, shouted triumphantly to a rally of open-immigration supporters: "We [sic] cook your food! We [sic] clean your toilets!" People like the mayor are the last supporters of the labor theory of value. They think that wealth results automatically from toil. It doesn't. And great increases in wealth never do. They result from the kind of work that is done by people who are highly skilled and, ordinarily, highly paid. Our immigration policy should target the entrepreneurs, the professionals, the wealth producers, and make it easy for them to come to America — supposing, as I do, that doctors and software engineers do something more for the economy than the guys behind the counter of the local 7-11.

Do we have to choose the kind of workers who should be invited in? Yes, we do. I will return to that theme. Before doing so, I want to examine another issue that proponents of open borders usually don't want to think about: the *net* contributions of unskilled laborers to the *actual* American economy. Despite all the talk about the economic contributions of unskilled labor, few unskilled immigrants contribute anything equal to what they extract from the unwilling taxpayer.

I'm not saying this simply because illegal immigrants generally avoid paying income taxes. Imagine an unskilled laborer who has come here legally, just as proponents of open borders wish that all unskilled laborers could do. Let's say he makes $15,000 a year — an income that is above the minimum wage, an income that is quite good enough to draw millions of people here from almost anywhere in the world, provided we had open borders. And let's say that his wife works too (part time, because of the kids) and makes $10,000 a year. That $25,000 is the value they contribute to the American economy. Out of it, they pay maybe $1,200 in sales taxes, $500 in the property taxes that are included in their rent, $1,900 in Social Security payments, and zip in income taxes. (Whatever taxes are extracted from their checks, they get back in refunds. Actually, because of tax subsi-

Which do you think is likelier to reduce the risk of terrorist penetration of America — making it easier to get into the country, or harder?

dies to poor people, they will probably get back a good deal more than they pay in, but to be extra-fair I won't pause to calculate that.)

Of course, the Social Security contributions are not invested and will never earn enough to pay the total cost of the couple's retirement benefits; other taxpayers will have to do that. In this respect, the couple is already a serious economic loss. The scale of that loss will appear when they retire. Other losses are happening right now. Because of their low income, man and wife are eligible for innumerable welfare programs — from subsidized housing to medical assistance (if they don't have adequate private insurance, which they won't) to free legal aid to disaster aid if a storm comes through. Any physical disability may result in hundreds of thousands of dollars in bills to other taxpayers. Whenever the couple have a child, that's $10,000 at the county hospital. Afterwards, it's probably $5,000 a year for a government-financed preschool, then $10,000 a year (the approximate national average) in government funds for K-12 education.

Let's not even think about the public bills for their children's college education. Or — to look at the other side of the coin — for the social problems of a population in which relatively few people qualify for a college education. Some of those problems were pointed out by Heather Mac Donald in an article in the Summer 2006 City Journal. She noted that in 2002 half the Hispanic children born in the United States were born out of wedlock. Further, "The illegitimacy rate in Mexico is 38 percent; in El Salvador, it is 72 percent." Immigration from these countries currently seems to select for "social choices" that are detrimental to society.

In a way, it's silly to argue against the "right" to immigrate. Very few open-borders people actually believe in it.

But to return. Suppose that our unskilled couple has three children. This family is putting $25,000 into the economy, taking $30,000 out of it, *just for K-12 education* ($54,000, if they live in Los Angeles), and paying only about $3,600 in taxes. Oh, but there are other things. Dwellers in the city of Los Angeles sop up about $2,500 per year, per capita, in city and county expenditures for . . . this and that. Now the five-member family, if located in Los Angeles or some other large city, is putting $25,000 into the economy and extracting $42,500 (and more, much more, that I haven't tried to quantify). Net cost to other taxpayers, once the family's own tax contribution is figured in: $38,900.

I haven't even mentioned the cost of new highways, airports, and rapid transit, or anything else constructed by state and federal governments to minister to America's burgeoning population. Shall I add the increased cost of car insurance resulting from an influx of people who are too poor to buy it for themselves? Or the increasing expenditures for security guards and other crime-protection devices in neighborhoods inundated by unskilled, unassimilated poor folk? Or the rising costs of homes in the places to which former residents of those neighborhoods flee? Or the increased costs of controlling the formerly obscure diseases now coursing across our frontiers from every economically backward area of the world?

But the best part is yet to come. Poor people, and ethnically self-identified recent immigrants vote overwhelmingly for modern-liberal candidates, and modern-liberal candidates, once elected, take as the whole duty of life the effort to raise taxes and expand government programs and entitlements. They seek to bless their constituency with affirmative action programs, ethnic quotas, foreign-language maintenance programs, socialist and race-conscious school curricula, and every other modern-liberal institution that has any potential for transforming the United States into the Canadian or Mexican version of a progressive country.

The expectation of political support explains why modern-liberal politicians are such vigorous proponents of immigration, why they are, even now, trying to enlist illegal immigrants in the electoral process (see "The Election of 666," Reflections, August 2006 — a commentary that prompted a nice little flurry of hate mail). The same goes for labor unions. They used to be the biggest opponents of immigration. No more. Now most of them are endorsing every open-borders proposal that comes along. Why? Because they too have identified their natural constituency: unskilled, politically unsophisticated workers, just waiting to be organized in support of higher minimum wage laws, universal social welfare, and whatever other political demands the unions want to make.

Is it possible that politicians and labor leaders know a few things that libertarian theorists don't? Is it possible that they have correctly identified the current immigration from third-world countries as the ultimate weapon in the attack on limited government?

Nor is this mere politics, without any economic implications. Suppose, as frequently happens, that an election in the state of California results in a modest increase of one billion dollars in state expenditures, and that the election is won by a margin of 100,000 votes. Every voter within that margin has just cost the taxpayers one billion dollars, or $10,000 per left-wing voter. One would think that libertarians would do everything they could to decrease that margin. Instead, many libertarians, even candidates of the Libertarian Party, join with labor unions, Mexican nationalists, the hierarchy of the Roman Catholic church, professional advocates of the welfare state, and Bushite conservatives, hustling for any vote they think they can get, in attempting to *increase* the number of voters who are likely to approve the largest possible extension of the welfare state.

This would be funny, if it were happening on some other planet.

But thus far, we've been considering only the people who cross America's borders with the honorable intention of working and supporting themselves, whether they actually manage to do so or not. This is the only group that open-border advocates want to notice. Yet there are other immigrants — lots of them. There are (1) the tens of millions

of nonworking relatives of the already-immigrated, tens of millions of people whom a liberalized immigration policy would bring to this country under the aegis of "family unification"; (2) the criminal class that is already migrated here in enormous numbers; and (3) quite simply, terrorists.

No one can say how many people are included in the first group, though the number is certainly stupendous. As for the second group, testimony submitted in 2005 to a committee of the House of Representatives by Richard Stana, Director of Homeland Security, reveals that at the end of 2004 there were 49,000 criminal aliens in federal prisons (15% more than at the end of 2001). Stana — with every sign of unwillingness, employed as he is by the Bush administration — also revealed the existence of 215,000 other criminal aliens for whose incarceration the federal government reimbursed state and local governments during fiscal year 2002 ("data represent only a portion of the population"). Those, of course, are the few people who got caught. Let's make a conservative estimate of the costs of their imprisonment (not of their crimes), and put the bill at about $13,000,000,000. That is one of the small, ancillary, foot-notable costs of uncontrolled immigration.

Terrorism can also be an economic problem. A single terrorist attack can easily cost this country tens or even hundreds of billions of dollars. Which do you think is likelier to reduce the risk of terrorist penetration of America — making it easier to get into the country, or harder?

We do not know how many intended terrorists have been turned back at our borders. We do know that every one of the 9/11 terrorists was an alien, and that several of them were illegal aliens. And evidence of bad intentions never ceases to appear. Last month an example appeared in the government's special green-card program for religious workers. The Boston Globe — not exactly an anti-immigrant venue — obtained a copy of Homeland Security's hitherto secret study of the program. It showed that one-third of visa applications were fraudulent, and "instances of fraud were particularly high among applicants from predominantly Muslim countries." Clearly, it is not in the interest of the people of the United States to permit unlimited immigration of clerics from Arabia or unemployed young men from Egypt, no matter how much money they bring with them. But under the principle of open immigration, in they come.

In my experience, proponents of open immigration rarely stay to listen to arguments like the ones I've just tried to outline. If they do, they ordinarily drop their own economic argument and turn to the moral argument about human rights. So . . .

Let's Talk Human Rights

In a way, it's silly to argue against the "right" to immigrate. Very few open-borders people actually believe in it. When questioned about who should be allowed to take up residence here, they almost always say, "Oh, everyone — everyone, that is, who will swear to support the Constitution," or "Everyone — everyone, that is, who is willing to work for a living," or even, with President Bush, "Everyone — everyone, that is, who . . . who is a . . . who is a decent person and . . . uh . . . wants, who wants to learn English." Thus they admit that the "right" to immigrate is no right at all.

My right to freedom of speech is in no way contingent on the language I speak, on my possession of a job, or on my willingness to give a political oath. A right is absolute. It is conditioned by nothing. It depends on no action of mine. It is endowed by my Creator. It is inalienable. But advocates of the "right" to immigrate see this "right" as far from absolute, unconditioned, or inalienable. They make it dependent on something else. They call it a right, but they don't believe that it is one, any more than I do.

If you say that any country in the world that wants to get rid of its convicts and insane asylum inmates can send them to the United States, as Cuba did in 1980, and the United States is morally obliged to take them in, because they have a right to be here, then I will admit that you are talking about people's *right* to immigrate.

If you say that you welcome the idea of a hundred thousand Wahhabi missionaries being allowed to land in America, with no attempt to check or approve them in any way, and with no regard to their political affiliations or intentions, then I will admit that you are talking about people's *right* to immigrate.

No one has the right to move to a free country and destroy its freedom.

If you say that any nutball political or religious group has the right to import its adherents, by the tens or hundreds of thousands, with the intention of supporting them on public welfare until such time as they are ready to bomb Wal-Marts all over Kansas and Missouri, then I will admit that you believe in people's *right* to immigrate.

But if you say that you welcome the idea of ten million more unskilled laborers arriving from Mexico, because that is their right, *except* that they should not be permitted to live here unless they get a job, learn English, and swear to support the Constitution, then you're not talking about a right at all. You're just talking about something that you want to happen.

So much, I might conclude, for the issue of rights. Even the proponents of immigration "rights" don't really take them seriously. But why do people think they do? That's a more interesting question. In my view, it's because of an understandable confusion between the right to immigrate and the right to emigrate.

How many times have you heard somebody bewail the perfectly practical idea of building a fence or "wall" along our frontiers? "It's just like the Berlin Wall!" they cry. Now, before you say, "That's the silliest analogy I've ever heard — the Berlin Wall was meant to keep people *in* their own country, not *out* of somebody else's!", you should grant the fact that immigration and emigration are, from a purely factual or photographic point of view, the same thing. Every act of immigration is necessarily an act of emigration. If you took

a picture of Osama bin Laden leaving Quebec, it would be the same picture as one of Osama bin Laden entering New Hampshire.

But the philosophical as well as the practical difference is immense. Jason quarrels with Joanna and walks out of their house. Jason has a perfect right to leave. But he does not have a right to leave for *my house*, despite the fact that his leaving her and his coming to me are, to all appearances, the same act. Someone's right to leave East Germany did not entail that person's right to turn up in the United States, Bulgaria, Burundi, or even West Germany. It was simply the right to leave East Germany. If your house burns down, and I am next door to you, you do not have a *right* to come and live in my house. I may let you live there. More likely, I will let you visit. This might be a good idea, but it's up to me. It's not *your right*.

Well . . . but . . . is a nation really like a house? Can the people living in a nation properly decide to keep other people out of it, as a householder might decide to keep strangers out of his bungalow? Yes it is, and yes they can.

A nation's laws and customs are the framework in which its people live their lives. Life involves enormous investment of time and effort. It requires a framework. It requires stability. It requires a certain amount of predictability. It requires the ability to say, Well, I will buy a home in Hillcrest — without worrying about the possibility that Hillcrest may soon be overwhelmed by immigrants from some Islamic country who decide to ban homosexuality, pork, the Episcopal Church, and slacks on women.

Human life also requires freedom as well as stability — and the more the better, so far as I'm concerned. A real nation is not a prison; but it isn't a tent, either. It isn't something that is constantly being changed and moved. To build a decent house, to make sure that it doesn't collapse like a tent or constrain like a prison, requires an even greater investment than the other projects of human life. It requires an investment in cooperation, self-restraint, commitment to constitutional order, long-continued belief in first principles. A house whose door is always open, a house where everybody has the right to enter, have a good meal, do a little work around the place, and by virtue of his residence, or mere visitation, start remodeling the structure, regardless of its original plan — that is no longer a house. At best, it's a squatters' camp, where anything may happen, as in the squatters' camps that illegal immigrants have erected all over the American Southwest, defying property owners to do anything about it.

To the degree that a nation is like a house, and requires the security of a house, its inhabitants must have the ability to decide whom they wish to invite inside, whom they wish to enjoy the many investments already made in it. If the house is designed to protect individual liberty, its maintenance requires the exclusion of people whose ill-advised decisions might endanger liberty's protective mechanisms.

No one has the right to move to a free country and destroy its freedom. But this is precisely what happens when people who are unused to the political culture of individual liberty, or who disapprove of it, swing the balance of national decisions.

"*That's* not going to fool anybody!"

Many libertarians imagine that all economic and political problems will be solved if only the proper economic and political framework is established: free enterprise, limited government, clear recognition of individual rights. But the question is, How can such a framework, such a "house," be preserved? It can't be preserved if people must continually be convinced, by the tens of millions, that liberty is a good idea, better than the welfare state or some structure of political repression and intolerance. It can be preserved only by a culture in which the vast majority of people assume that individual liberty and responsibility are the ultimate political good. Not every culture makes these assumptions.

There is no foreign army occupying Mexico, Canada, or Saudi Arabia. The political systems, the political errors, of these countries are the result of their own political cultures, just as America's political errors result from its own political culture. An essentially libertarian political system must be supported by essentially libertarian cultural assumptions, by a culture in which virtually no one sees a cartoon satirizing a religious figure and immediately concludes, "Somebody should be punished for this."

Yet that is the automatic assumption of many, perhaps most, of the people in this world. In most political cultures, practically no one assumes that there is any difference between "what is right" and "what ought to be enforced by law." In most of the remaining cultures, a majority of people assume that the welfare of individuals is the responsibility of the state. Both sets of assumptions are inimical to a free society; and while some immigrants from the cultures that harbor them come to America in order to escape from them, the majority are inspired by other reasons. The fact that they desire to possess the economic benefits of America does not mean they appreciate the social conditions that allow those benefits to exist, or that they will work to maintain them.

Consider the following sequence of events: the employees of a state government demand a raise, and the government refuses, claiming it is out of money. How do the employees react? In one of this continent's many political cultures,

they react by arming themselves with machetes and other weapons, occupying the center of the capital city, seizing government offices, blockading roads, burning buses, and doing everything they can to prevent their opponents from demonstrating against them, until such time as their demands are met. And the employees in question are . . . schoolteachers! Bizarre? Yes, but that's what happened this summer in Oaxaca, Mexico. I'm sorry to be crass, but do you want such teachers migrating to Los Angeles or Des Moines, where they can teach both Spanish and revolutionary tactics?

It would not be difficult for a few million representative citizens of, say, the Arab countries to take up residence in the United States and seriously disrupt or even destroy the American political economy. The cost of immigration is now the lowest in history. For just a few hundred dollars, you can get to the United States from any country in the world. If you already have an uncle or a cousin in the States — something that is very likely — you may find it easy to take up residence and get a job. If not, welfare assistance will not be hard to obtain; no one starves in America. And suppose that you are, indeed, one of the great majority of immigrants who want a job and work hard when they get it. What then? Does this mean that the political and social attitudes to which you have been accustomed will simply disappear? I don't think that they will. I think you will probably keep most of those attitudes. I think that the longer you stay in America, the more self-confidence you gain, and the more you and your children are exposed to modern multicultural propaganda, the more likely you will be to insist that America conform to your own cultural assumptions.

That happened to some degree during the heyday of immigration to America in the late 19th and early 20th centuries, which was also the heyday of political bossism in American cities — and of the importation of European socialist ideologies into American political life. And those developments were benign, compared to the impact of current immigration on today's liberal cultures. America might learn a lesson from the turmoil in Holland, where fewer than 10% of the population is Islamic but where maiming and murder are the weapons of choice of Islamic settlers convinced that a liberal society is their enemy, and that they have the right to exploit and destroy it.

Ideally, immigration to America would be restricted to people who understand and support the American constitutional system and the American idea of limited government. But such ideological monitoring is impossible. Most native-born Americans have only a slender hold on the concept of limited government (a good reason not to render the system even more fragile by increasing the numbers of people like them). They will never approve any useful test of ideological sympathies. An oath to support the Constitution is useless. Every president takes such an oath, and you see where that has led us.

The best we can do is to admit immigrants sparingly, not by the tens of millions; to judge their economic fitness by their skills and education, not by their mere presence, and to be especially restrictive about immigration from cultures that do not prepare people for life in a libertarian society. Individual refugees from regions dominated by Islamic fundamentalists should certainly be admitted, but it would be suicide to permit any large or indiscriminate migration. Meanwhile, immigration of professionals or other skilled workers from politically favorable countries should be freed from the ridiculous bureaucratic processes that currently torture and demean people who are trying to immigrate legally, while unskilled illegals continue flooding in.

Parodies of Ourselves?

I know that by this time, the patience of my friends on the other side of the immigration debate has long been exhausted. Modern liberals are gnashing their teeth over my attempt to deny them their best hope of electoral victory, the support of millions of immigrant voters. Economists are shaking their heads over the suggestion that anything could possibly be bad about a cheap source of labor. Church people are outraged by the inhuman suggestion that Americans need not welcome every single person who wants to cross the border. Libertarian dogmatists are demanding to know why *I* should call myself a libertarian. And all these people are deploring the hypocrisy of suggesting that "a nation of immigrants" could possibly refuse to admit unlimited numbers of future immigrants.

Individual refugees from regions dominated by Islamic fundamentalists should be admitted, but it would be suicide to permit any large or indiscriminate migration.

Well, I'm sorry; I'm not being hypocritical. I'm not saying that I have a right to live in Mexico or France or Saudi Arabia, while denying the right of Mexicans, Frenchmen, or Saudi Arabians to migrate here. As for the "nation of immigrants" cliche: what are we to deduce from that? Every nation is a nation of immigrants. No nation sprang spontaneously out of the soil it currently occupies. The fact that your grandmother, or great-grandmother, or you yourself, originated in some foreign clime . . . what exactly is this supposed to establish — that there should be unlimited immigration for all time to come? When I moved into my present neighborhood, the population was scant and prices were low; that's why I moved in. Then the population increased, prices went up, and it became very difficult for people like me to do what I did in 1986. Is that a moral problem? Should I try to pass a law guaranteeing that people like me should always be able to move in here?

Let's talk sense. The real problem is the price that must be paid for the immigration policy I advocate. Part of the price is greater security at the borders, less fraud-friendly driver's licenses and Social Security cards, and (imagine!) an expectation that public officials will do what they are paid to do — enforce the law. But there is a much heavier price. It

is the denial of entrance into the United States of people whose "crime" isn't any defect of individual character but simply their lack of job skills, or their origin in a culture that is inimical to liberty. This is a bad thing, as bad (for example) as the fate of the many young people who would fail to get a higher education if, as libertarians suggest, education were privatized. Ideas have consequences, not all of them good.

It doesn't please me to make that admission. Honesty compels it. Having made it, I turn to my open-borders friends, hoping that they will admit the unfavorable consequences of their own ideas. But if experience is any guide, the response they are dying to make is this: "Don't you understand? None of the problems you mention are problems of *open immigration*. They are all problems of *the coercive state*. If there were no minimum wage laws, no labor laws, no Social Security, no welfare programs, no affirmative action programs, no progressive income tax, no government schools, no government entitlements in general; if only people who possessed significant property were allowed to vote; if the populace were fully determined to support all constitutional guarantees of individual freedom; *then there would be no problem with immigration*. No amount of immigration could disrupt the constitutional order, and no one would come and stay in this country if he weren't contributing to it economically."

That's what libertarian political candidates and spokesmen for libertarian think-tanks say when they're questioned about the amount of tax money that unskilled immigrants and their families take out of the economy because of the welfare state that is now in place: "Certainly, these government programs need to be reformed. But that has nothing to do with *immigration*." They make the same kind of response when they're questioned about the issue of political culture: "Certainly, there are some problems with Mexico's (or Nigeria's, or Saudi Arabia's) political culture. But they're for Mexico (or Nigeria, or Saudi Arabia) to solve. That has nothing to do with *immigration*."

When I hear that, I wonder whether these intelligent people understand how foolish they sound, or how much damage they do to the libertarian movement. Interviewers ordinarily laugh them off as irrelevant — not surprisingly, because their response has nothing to do with the political, economic, and cultural problems that are evident to almost everybody else. Does anyone believe that the vast array of government interventions in society and the economy is about to vanish? Does anyone believe that Social Security is about to go away, that the public schools are about to become private, that property qualifications are about to be instituted for voting? Yet action is being demanded to open the gates of immigration *now*. And every day brings us still more new immigrants, illegal but permanent, who will vote to strengthen the very aspects of our political life that libertarians want to change.

Alexander Pope once parodied authors who had no sense of reality, authors who wrote things like:

> Ye Gods! annihilate but Space and Time,
> And make two lovers happy.

The libertarian equivalent would be:

> Ye Gods! annihilate but the facts of life,
> And make our dogmas triumph.

But mere dogmas won't triumph. And they won't help the cause of liberty. It's time to stop believing that they will. ❑

To Filter the People

by Bruce Ramsey

I favor immigration. America is defined not by ethnicity but by a set of political ideas, and if others will embrace those ideas, I welcome them. I have helped people immigrate here, and they have made good Americans. I married an immigrant.

But I also realize that the very culture that embraces immigrants has certain historical roots and depends on a critical mass of support, much of which has to do with the ability to live a good life here. In today's world of global TV and cheap and easy transport, to throw the doors of America wide open, as they were a century ago, would invite a swamping of American values. It would destroy the market floor on wages, bringing back servants and Hoovervilles. It would tend to create large blocks of foreign-born people who thought and voted and married in ethnic unity, all of which would undermine the carefully nurtured ethic of antiracism. For these reasons, and others, I have argued against unrestricted

immigration twice in Liberty, in February 1993 ("The Half-Open Door") and in February 2002 ("The Limits of the Melting Pot").

I am not arguing that immigration needs to be further restricted, though maybe it does. Maybe it needs to be differently restricted. I don't know. My argument here is that the absorptive power of any culture is limited, and that if you're dedicated to the political survival of liberty inside America (such as it is), you will have to manage access to America in some way. In doing so you will have to make some uncomfortable concessions to state power — and the closer you look at these concessions the uglier they appear.

I saw the ugliness up close in 1980. I was a freelancer, and I went to McNeil Island Federal Penitentiary to cover the arrival of the *Marielitos*. In a jolly gift to Jimmy Carter, Fidel Castro had emptied his prisons, put the convicts on boats and pushed them off toward Florida. The Coast Guard intercepted them, and here they were, penned up on a chilly island in Puget Sound.

Legally, they had not been admitted to the United States. Each had to appear at the gray and forbidding Immigration and Naturalization Service building in Seattle to petition a federal employee for admission. I attended a couple of these hearings. One of the Cubans said he had been imprisoned for stealing a shirt. The official didn't believe it — and why should he? As soon as the Cubans arrived at McNeil, they made homemade knives, as convicts typically do. This Cuban could have been a murderer or a rapist. The official — a sort of a judge — denied the application.

I went home and the Cuban went back to McNeil. I thought, the INS (now broken into several parts of the Department of Homeland Security), is one powerful outfit. Native-born Americans have no idea how powerful it is. And yet, would I have admitted those Cubans to the United States? Would I have allowed Cuba, and every other country in the world, to offload its convicts on me?

No.

The open-borders folks would have to say Yes.

But that means I am siding with federal authority. And it can be a very discretionary authority, as I saw with the *Marielitos*.

Consider the view from China. The U.S. government maintains an embassy or consulate in four cities. To get a visa to enter the United States, Chinese have to apply in person (which Americans do not have to do, to go to China). This may mean traveling to a distant city and standing in line for hours. Applicants have only a couple of minutes with the overworked State Department employee, who is instructed not to admit any person likely to stay in America illegally. It is a judgment call, and over his decision there is no appeal.

The open-borders folks would say: get rid of the visa. Jettison the State Department employee. I would not, though that employee's exercise of raw authority bothers me.

It is the same with the border fence with Mexico. Intellectually, I am not against it. If you don't control your borders you cannot keep anyone out. This is not the Berlin Wall, which was designed to hold people *in*. Still, it *looks like* the Berlin Wall. It does not feel good.

Libertarians might concede to barriers at the border, or at foreign consulates, or keeping out foreign prisoners, but immigration control requires more than this. It requires controls *inside* the country.

The current system in America is that the federal government tries to control the borders, and undoubtedly blocks many people from entering. But some do enter illegally. Much of the attempt to catch and deport them relates to employment. The last time I changed jobs, in 2000, I had to show my birth certificate to prove that I was a legal resident. Obviously not every business requires this, or if it does, the certificates may easily be forged, because businesses are raided by federal immigration police. As I write, the orchard owners are complaining of a shortage of labor caused by immigration enforcement.

My modern-liberal friends blame the failure of enforcement on the greed of private employers. They advocate giving more power to the federal government. In Congress there are bills about database systems and such, and one very quickly gets to the idea of a national ID card. I am not opposed to ID cards ("Privacy Unbound?", Liberty, July 1999) but I want to limit how often I would have to show one, and for what.

Where I live, the Mexican consulate issues ID cards to Mexicans, some of them here illegally. The city of Seattle accepts these ID cards, and has forbidden police to ask for proof of citizenship. The idea is that such requests will be racially and ethnically discriminatory — that is, that the police will demand papers of people who look like Mexicans. Well, yes. That is what would happen, and in this city that is not tolerable. We don't want to have a class of persons who are afraid to call the police. We don't want people who refuse to send their kids to public school, or refuse to go to the public hospital, or refuse to check out a book from the public library, for fear of the *federales*. Everywhere the local government touches the people, where I live it has chosen *not* to enforce the immigration laws.

To throw the doors of America wide open, as they were a century ago, would destroy the market floor on wages, bringing back servants and Hoovervilles.

If you squeeze private employers more, some of them may be put out of business. My state produces more apples than any other, and almost every apple is picked by a person of Mexican ethnicity, illegal or not. Picking quickly without bruising the fruit is a skill, and also hard work. I suppose my state's apples do not have to be picked by Mexicans; several years ago when I crossed the 49th parallel into the Okanagan Valley, I saw that the apples were being picked by previously unemployed French Canadians. I was told that the Quebec government paid their airfare to British Columbia in order to get them off the dole. The Americans believe their industry would be dead without Mexicans, and

I cannot prove they are wrong.

The U.S. farm organizations want any tightening of immigration rules to come with a migrant-labor program, which would allow Mexicans to harvest crops and return to Mexico. Probably this is necessary for the continued farming of crops harvested with hand labor. I suppose Americans could live without such crops: recently the last asparagus processor has left my state, replaced by imports from Peru. Probably the former asparagus land is being used for some other crop, and the former asparagus pickers are doing something else. Yet I do not want to be too eager to consign whole industries to the wastebasket of history.

The border fence with Mexico is not the Berlin Wall, which was designed to hold people in. Still, it looks like the Berlin Wall. It does not feel good.

Suppose, then, a migrant-labor program. Having a new group of people with restricted rights raises a new set of issues. Can they change jobs? Can they organize under federal labor laws? Can they eventually become citizens? What if they quit and walk into the sunset? How *enforceable* is the system?

Americans are not competing with Mexican farm workers, so labor's voice hasn't been heard much. But illegals from Mexico do not stick to farm work. In my area, many roofing crews and drywall subcontractors are all Mexican, as are the employees of all Mexican restaurants and many KFCs, Jack in the Boxes, and McDonalds. Who is legal and who is not I do not know, but some are not legal. It's difficult to prove it, but logic tells you they are depressing the wage rate. Open the immigration doors, and this would happen much more. Ordinary Americans would have servants. It would be a new world, and a lot of people would not like it.

Politically it is more acceptable to have foreign competition at the top of the wage scale. In my area this includes the software writers at Microsoft. Its policy is to hire the smartest software people in the world. It employs them in Dublin, Tel Aviv, Beijing, and Madras, but it wants some of the best of them in Redmond, Wash. There is value to America in that, and in offering them citizenship: these are *very* smart people. They are an asset to the economy — and also the gene pool. But having an employment-based visa system also requires discretionary federal power and employer involvement with the state.

The employers have a business quota. Much larger are the country quotas, which are designed to spread out immigration so that it is not dominated by one country. Immigration from many sources is better for the Melting Pot. And yet if you look at the totals of immigration, it is not that spread out. Mexico is the original home of 10.8 million residents of the United States. China, including Hong Kong and Taiwan, comes in at 1.8 million; the Philippines, 1.5 million; India, 1.4 million; El Salvador, 1.1 million; and Vietnam, 1 million. The country quotas regulate the inflow, but imperfectly. Still they *do* matter: I know people who waited ten years to immigrate because they were in a place with many more applicants than allowed by the annual quota.

Currently, much of the quota is filled by family members. It works this way: one person gets in, perhaps as a foreign student who is hired by a U.S. company that sponsors him. He files for his brothers and sisters, and their spouses and children, and perhaps his parents. Once his in-laws are in, they may file for *their* brothers and sisters, etc. This may take years, and not all the brothers and sisters, etc., will want to come, but still it amounts to much of the immigration to the United States.

This system is popular with its beneficiaries. That is even more the case with refugees and political asylees. With asylees, you may have persons who are extremely grateful to be admitted to the United States, and who are more dedicated to liberty than the people here. I have met those, and was glad the government admitted them.

Sentiment is a tricky thing. There are good people everywhere in the world. Any system of immigration control will slam the door in the faces of some of them.

Finally, there are the illegals already here. Some of them have been here ten or twenty years. Many are upstanding people, even business owners who have provided a livelihood for others. They have had children, and according to the 14th Amendment, as interpreted by the courts, those children are American citizens. The parents are illegal and the kids are legal. Then what? Deport the parents and leave the kids? What of the kids who are illegal, because their parents brought them across the border when they were 2 years old? Are they to be denied entrance to the state university, even though they speak English, have graduated from high school, and show every sign of fitting in?

And thus we arrive at the idea of amnesty, which appears to be a humane, workable compromise at the moment, but undermines the system in the long run.

For all these questions I offer only some answers, all of them subject to challenge. Controlled immigration — the half-open door — is a messy position. It means setting up a system of filters run by the state. To call them "filters" brings to mind the filtering of dirt in engine oil, or of bacteria in drinking water. These are *people*.

The Americans believe their industry would be dead without Mexicans, and I cannot prove they are wrong.

The whole idea of it makes me uncomfortable, but I am resigned to the necessity of doing it. ❑

Roman Virtues

by Michael Christian

Rome was no libertarian paradise, but many of its contributions to the happiness of the individual are still in use today.

In the summer of 1992 or 1993, while cycling in western Europe, I had the opportunity to read what Caesar wrote almost two millennia ago about the same place. I learned how closely some characteristics of the ancient world resembled those of the modern world.

This summer, when I toured Italy, the writings of another Roman, Pliny, showed me how intimately I could identify with the ancients themselves, and with some of their ideas about government.

Gaius Plinius Caecilius Secundus was a 1st- and 2nd-century Roman better known to us as Pliny the Younger. He's the fellow who wrote a couple of famous letters describing the explosion of Vesuvius. Apparently intending to reveal himself to posterity, Pliny made a careful selection of his letters and published most of them before he died. He achieved his goal. Although he died nearly 2,000 years ago, if you read his slim volume of correspondence, you will end up knowing him much better than you know most of your own acquaintances.

I'm no classicist, but during that trip I took in the early 1990s I learned to love reading the ancients and seeing their works in stone. I cycled with friends through Spain and France. We rode for more than two weeks with heavy saddlebags, going by easy stages similar in length to those of a Roman army on the march. More than once we rode over Roman roads and Roman bridges.

Descending from the Pyrenees into France, we stumbled across a Roman aqueduct and contemplated the genius of Roman engineering. There were no crowds of tourists. There were no signs, just a little dot on our Michelin map indicating some kind of archaeological site. Another dot represented the village where we spent the night. In the morning, we went looking for the site, expecting to find a small heap of stones. Instead we found a structure spanning a stream at a height of 75 feet, supported by eight round, unadorned arches of various heights but equal width.

It was a small aqueduct, as these things go, but it obviously would have required tremendous labor to build, the landscape being broken and steep. Momentarily I wondered why the Romans would go to such trouble to move water around when there was a stream, flowing in high summer, right beneath the structure. A bit of exploration made the answer obvious, even to modern city dwellers who thought of water mostly as something that comes out of a tap.

The stream itself, lying below the banks where plants could grow, was useless; water does not flow uphill, and without irrigation, the banks of the canyon were a desert. Therefore, the Romans captured water from a small tributary, well upstream from the aqueduct. They channeled it in an imperceptibly sloping canal parallel to the canyon. The canyon slopes more steeply than the canal, so that, by the time the canal reaches the site of the aqueduct, it sits eight stories above the canyon floor.

At that point, the Romans had half of what they wanted: a source of water, flowing well above the land that they wanted to irrigate, on the near side of the canyon. The other half of what they wanted was the same thing on the far side. That's why they built the aqueduct.

I know all this with certainty, because the aqueduct is still working, still carrying water from far upstream to the apricot orchards that grow today on the terraced banks of the canyon. Exploring that scene made me want to know the Romans better. I admired their planning and investment and the beauty and durability of their works. That's when I borrowed Caesar and read his book, "The Conquest of Gaul," which describes his successful military campaign in what is now mostly France.

You may think that a little African village in the bush has no government. In fact, it is all government, all the time.

A few years before, I had lived in Africa. There, particularly in the villages near the Sahel, I saw what really ancient, traditional societies are like. They are terribly foreign to me and mostly disagreeable. They are, to use a highly colored word, "uncivilized," at least by my cultural standards.

You may think that a little African village in the bush has no government. In fact, it is all government, all the time. It is a collective that dominates the lives of its members and permits no competing institutions. In a sub-Saharan community, the individual appears to count for nothing. The family, the village, and the tribe are all. There is no privacy and little room for private life. Also, there are no aqueducts, and no roads or bridges built to last forever. There is no plumbing, and there are no Plinies.

I believe that the primitive motivations of family and tribe are the roots of tyranny.

This is a truth to which Rousseau was blind. His free and noble savage never existed. Man always had family and tribe to restrain him. Rousseau thought that man's natural nobility was assaulted and debased by competition and strife among men in society. Competition and strife had to be severely restrained by law, enforced by government. By submitting completely to the authority of a democratic collective, the individual could gain protection from his fellow man. Rousseau believed that his ideal government was legitimate and beneficent, because it would emerge from collective consent (as opposed to divine rights, royal rights, or rights established by tradition). The government would do good. It would do the will of the people. It would constrain and educate the individual.

To me, this "social contract" is just a philosophized and aggrandized version of my African village. In it, the individual has no natural rights and "good government" replaces property rights and competition. Rousseau's vision of government as the expression of a collective will is the perfect playground for the tyrannical urges of familial and tribal man. Power-hungry men want to be chiefs of tribes and fathers of nations. (In Africa, where the tribal affiliation of the current tyrant can determine one's lot in society, the power-hungry men are sometimes both chiefs of tribes and fathers of nations.) Instead of the noble savage tamed in Rousseau's controlled society, one sees the emergence of the ignoble savagery of familial and tribal man reproducing his primitive oppression on a bigger scale.

How fitting, I saw, that Rousseau's ideas should have become part of the architecture of socialist thought.

But Rome transcended the family and the tribe. Rome did not respect all rights, but it protected many rights, including rights of property, at least in Pliny's time. Rome two thousand years ago was more like America today than is today's West Africa.

From a cold, objective point of view that struck me as modern, Caesar contrasted Roman civilization with that of the Celts. Caesar wrote about people, landscapes, politics, and strategies in terms I understood. He seemed a lot less foreign to me than the people I had known in Africa.

Roman civilization was organized on a grand scale. Roman institutions — cities, armies, political classes — were so big that they necessarily dissolved the tribal bonds that inhibited the Celts, and they left a lot of room for individuals to express themselves. The Roman Empire made the world a smaller place. At the full moon of empire, you could put your feet on a Roman road in southern Italy and walk to the western extremes of Europe; essentially, you could walk to the end of the earth, just as you can travel to the end of the earth from any point in America today.

So there I was in the early 1990s, part of an unmotorized army of three, crossing the old Roman Empire on Roman roads and Roman bridges, and reading a Roman general's account of his conquest of those very lands. Reading Caesar under those circumstances was like traveling through time to observe its great events from a distance that was close, but safe.

Then, this year, Pliny brought me closer still to the Roman world. He took me right into a Roman citizen's courthouse, parlor, bathroom, and bedroom. He took me into his private thoughts. In his letters, Pliny paints himself bit by bit, until you see the whole of him. He reminds you of people you know. You can easily imagine what it would be like to converse with him for hours on many topics.

He was an upper-class Roman, but he was from the provinces, not the city, and he improved his social standing dramatically, just as a self-made man might do in our own society. A complex society had a place for his particular talents. He worked hard and traded favors. He developed deep expertise in the fields of law and public administration. He was the cream that rose to the top of a society that had room for individual merit.

The primitive motivations of family and tribe are the roots of tyranny. This is a truth to which Rousseau was blind. His free and noble savage never existed.

I know that Rome was no libertarian paradise. It was in

many ways a police state; it was sometimes ruled by tyrants. It wallowed in racism, class distinctions, and slavery. But there's no denying that it made room for many good men like Pliny to improve themselves relentlessly, to thrive, and to exercise freedom.

In my African village, Pliny would surely have been frustrated for life. His talent and competence would have received little reward. His love of letters could never have emerged. I wonder how many Plinies, and how many other great individuals, are suffering and going to waste in Africa and North Korea and Iran and Cuba today.

I was wondering that when I came to Pliny's letter on public versus private ownership (Book 7, Letter 18).

Caninius Rufus asked his friend Pliny for advice on how to give his native town the legacy of an annual feast. In his answer, Pliny tells Rufus that he could endow the town with the necessary capital but notes that "there is a danger of its being dissipated." Then he says that Rufus could give land to the town so that the income might pay for the annual feast, "but it would be neglected as public property always is."

Finally Pliny comes up with a complicated scheme just to keep the necessary assets in private hands for as long as possible. The scheme is to convey the property to the city, which will then convey it back to the donor charged or burdened with an annual rent sufficient to pay for the annual feast. In other words, after the reconveyance, the town will have a claim on the first fruits of the property equal to a fixed annual rent, and dedicated to the charitable purpose specified by the donor.

Pliny concludes that only by his scheme, keeping the assets that benefit the town away from ownership by the town, can Rufus be certain that the town will actually profit: "The principal is secured for the town, the interest is certain, and the property will always find a tenant to cultivate it because its value greatly exceeds the rent charged."

The recommendation is complicated, ingenious, and thoroughly motivated by Pliny's well-grounded suspicion of government. And the notion that government will waste or misuse property seems to be uncontroversial; Pliny treats government waste as a given. Though he is a very thorough advocate (and a famous, experienced lawyer and orator), he provides no support for the assumption that government is a poor manager. He knows that nobody will dispute the assumption.

Of course, Pliny is advising Rufus to adopt an endowment structure that would reduce the value of his property, because the property would be burdened with a sub-market-value lease in perpetuity. He recognizes the drawback. "I am well aware," he says, "that I appear to have paid out more than the sum I have given, seeing that the fixed rent charge has reduced the market value of a fine property." But he finds it necessary, and he sympathizes with Rufus' aspiration to benefit the public: "One ought to make personal and temporary interests give place to public and permanent advantages, and consider the security of a benefaction more than one's own gains." The only way to do that is to keep the government from owning the property in question. Government would manage the endowment so poorly that Rufus would be better off underselling a leasehold interest than giving any principal or property directly to the local authorities.

Yet there is another important thought in this letter. It suggests a great virtue of Roman government. For all its failures, that government protected real property rights so well that Pliny and Rufus could have confidence in the maintenance of elaborate title and leasehold rights far beyond the grave. It would be folly to let the government manage your bequest, but the government did, at least, keep and enforce a good land registry.

All the collectivists and statists — the socialists, the communists, the fascists, the populists, the Democrats, and the Republicans — will tell you that good government means doing right. I think that good government means doing less.

Good government is the smallest government you can get away with. This is the essential insight that Rousseau never had. It was perceived by some of our founding fathers. But they were a bit less original than I thought. Thanks to Pliny, I now know that bad governments have been demonstrating this truth for at least two thousand years, and that Pliny knew it too. ❑

Letters, *from page 6*

together in one sentence is like saying that after the ratification of the United States Constitution there was a Civil War. True, but an awful lot happened between those milestones. That is without quibbling over whether there was a "consensus of local churches." In the last half of the 2nd century Tatian (c. 173), implicitly, and Irenaeus (c. 185), explicitly, emphasized the four gospels. That Irenaeus lived in western Europe while Tatian lived in the Middle East means that a consensus about the four was widespread by that time, but this is not the same as saying that everyone agreed. After all, Irenaeus' position that there are only the four was stated so vigorously precisely because he was doing combat in an environment where there were many different opinions.

We do not have exemplars — not even fragments — of the canonical gospels from the 1st century, so we only infer their existence before AD 125. To be sure, this is a fair inference because Christian writers in the early 2nd century do speak of gospels as if they had been around before their time, but this inference is also a double-edged sword because if the gospels existed during a period when we have no exemplars at all — the 1st century — as well as when we have only a few fragments — the 2nd century — then they existed for a long period during which we can't know whether or how much they differed from later versions of them.

From the beginning of the 3rd century, substantial but incomplete portions of the gospels have survived, and from the 4th century, a couple of complete New Testaments have survived. The gospel of Judas seems to come so late in history only until we realize that, regardless of when it was composed, to have survived from the 3rd or 4th century as a complete or nearly complete text means that it has fared as well as or better than most of the standard gospels.

Consensus about the gospels, part and parcel with the question of who was a "real" or orthodox Christian and

continued on page 53

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Paving the 50 States

by Randal O'Toole

The interstate highway system ran more than two decades and $100 billion past projections, but by the standards of government programs, it's been a smashing success.

Fifty years ago, President Eisenhower signed the bill creating the Interstate Highway System, one of the most successful federal programs ever. Interstates opened up the country to the average family that could not afford plane or train fares; they enabled rapid, low-cost movement of freight; and they greatly increased highway safety. But they also took far longer to complete than originally projected and many of the routes, particularly in cities, were subject to acrimonious conflict.

Here are just a few indicators of the success of the Interstate Highway System:

- Interstate highways make up less than 1.2% of the mileage of all roads in the U.S., yet they carry nearly half of all heavy truck traffic and nearly a quarter of all passenger traffic — that's roughly a trillion passenger miles and more than half a trillion ton-miles of freight per year.
- Since the Interstate Highway System was created, per capita miles of driving have tripled without any rise in the share of personal incomes spent on driving.
- When combined with freight containers — which, coincidentally, were also developed in 1956 (or 1955, depending on which history you read[1]) — the Interstate Highway System greatly contributed to the 90% reduction in shipping costs during the 20th century.
- As the safest roads in America, the interstates played a major role in the 76% reduction in auto fatality rates (from 60.5 to 14.5 fatalities per billion vehicle miles) over the last 50 years. A decade ago, Wendell Cox estimated that interstates save more than 6,000 lives per year.[2]

The Interstate Highway System was the classic product of the Progressive-era ideal of scientific managers running publicly owned programs in the public interest. Most Progressive programs began with a high level of esprit de corps that sooner or later descended into bureaucratic infighting, budget maximizing, and political pork-barreling.

Because of the way it was designed, the Interstate Highway System remained above the fray for longer than most such programs. Yet federal transportation policy ultimately succumbed to pork-barrel politics, so it is worth reviewing just why the highway system succeeded while federal transportation spending today is mired in earmarks and inane rail projects.

What Made the System So Successful?

Three factors made the Interstate Highway System work: decentralization, the engineering mindset, and incentives. Although it was a federal program, the Interstate Highway System was actually planned, designed, built, and maintained by state highway departments. The Bureau of Public Roads (later the Federal Highway Administration) enforced minimum standards, such as lane width and curvature — most of which had been developed by the state engineers — but otherwise was really little more than a pass-through funding agency.

The state highway agencies were historically independent

of politics, having their own sources of funds in the form of state gas taxes and other highway user fees. Most states had highway commissioners appointed by their governors, but decisions on the ground were made by the civil engineers who worked for the highway bureaus. As highway historian Bruce Seely says, the engineers were the policy makers, at least from the 1920s through the early 1970s.

Planners traded away safe and efficient transportation in order to increase congestion and transfer highway money to expensive transit projects.

Engineers were exactly the type of scientific managers the Progressives had in mind when they advocated public ownership of roads, dams, and other resources. Engineers concentrated on things they could quantify, like safety, efficiency, and durability. They established two clear goals for transportation improvements: safety and the efficient movement of passenger and freight traffic. Interstate highways were the highest expression of these goals.

Initially, incentives reinforced the engineering view. With their funding coming from gas taxes and other user fees, highway engineers had an incentive to build roads in places where they would be used. They resisted pork-barrel attempts to build "roads to nowhere" because such roads would not generate enough usage to pay for themselves.

Congress added to this incentive with a formula distributing federal gas taxes to the states based on state populations and road miles. While Congress tinkered with the formula when reauthorizing the gas tax every six years, once the formula was in place each state knew almost exactly how much federal funding it would get and would have an incentive to spend this money as effectively as possible.

Given congressional politics, such a formula seems sensible. Yet Congress failed to create a similar formula when it started funding mass transit in 1964. Nor did it impose a formula when it started distributing a share of gas tax revenues to public transit agencies in 1981. With no formula in the law, the default transit formula became "first-come, first-served," leading transit agencies to seek the most-expensive transit solutions they could find in order to get "their share" of federal transit funding.

Why Did Federal Transportation Policy Fail?

When Congress was debating the Federal-Aid Highway Act in 1955, engineers estimated they could build the entire system in twelve years for $23 billion. In fact, the system was not declared complete until 35 years later at a total cost of $129 billion. Even today, some short sections remain unfinished.

After the system was more or less complete, the money kept pouring in. With no firm goal for the money, it might not be surprising that Congress turned highway funds into pork. The truth is a bit more subtle and involves the transfer of policy-making and planning power from engineers to urban planners. One reason for this transfer was the inflation of the 1960s and 1970s.

Induced by the Vietnam War, this inflation was largely responsible for both the delays and the increased construction costs. Inflation revealed that gasoline taxes were a poor method of funding highways because a cents-per-gallon tax could not keep up with rising construction, fuel, and other costs.

Things might have been better if the taxes had been charged on a percentage basis, rather than in cents per gallon. But even that would have proven inadequate in the 1970s, when Americans responded to higher gas prices by buying more fuel-efficient cars. Between 1973 and 1983, total driving increased by more than 25%, yet the fuel consumed went up by only 5%.

Congress and the state legislatures raised gas taxes, of course. But increases failed to keep up with inflation and improved fuel efficiency. When you fill your gas tank today, you only pay half as much tax for every mile you drive as your parents paid in 1960. To make matters worse, inflation in construction costs has been greater than the general rate of inflation.

Tolls are an obvious supplement to gas taxes. But, with the exception of routes that had been tolled prior to 1956, Congress forbade the use of tolls on interstate highways. With a shortfall in funds, construction slowed, but the growth in driving did not. Environmental studies required after passage of the National Environmental Policy Act delayed construction and drove up costs still further. When new urban interstates finally opened, they were quickly clogged by the previous growth in driving, leading to the myths that new roads induced driving and that cities "can't build their way out of congestion."

Today, many people believe that neighborhood-destroying interstates were imposed on cities by heartless engineers. The truth is that the engineers' original plan called for the interstates to bypass cities. It was only the intervention of big-city mayors and downtown interests that led Congress to amend the bill in 1956 to route interstates through cities, not around them. The mayors and downtowns were supported by urban planners of the day who saw interstates as a way to clear slums that they believed were blighting the inner cities.

Would cities have been better off without freeways penetrating into the hearts of downtowns? Answering that question could take an entire book, but the short answer appears to be "no." The freeways did nothing to accelerate residential suburbanization, which began long before 1956. The freeways may actually have protected some jobs in downtown areas

Although it was a federal program, the Interstate Highway System was actually planned, designed, built, and maintained by state highway departments.

by reducing inner-city congestion, but they encouraged the growth of other jobs in suburban areas at the intersections of beltline roads and radial roads.

In any case, controversies over freeway locations, increased costs, and the apparent failure of freeways to reduce congestion caused engineers to fall out of favor. Urban planners promised they could do better than the engineers at accounting for the "public interest," such as the effects of transportation on land uses, air pollution, watersheds, neighborhoods, and other resources.

Unlike the engineering standards of safety, speed, and durability, however, planners had no scientific way of measuring the public interest. Back in 1950, in a book published by the Bureau of Public Roads to promote the idea of an interstate highway system, an economist named Shorey Peterson argued that it was best to stick to readily quantifiable engineering standards. Attempting to account for "the public interest," Peterson noted, would lead to "the wildest and most irreconcilable differences of opinion" and make transportation funds "peculiarly subject to 'pork barrel' political grabbing."

Peterson's prediction came true. Prior to 1980, Congress left road location decisions to state engineers. In 1982, however, it included a handful of earmarks, or pork-barrel projects, in its transportation bill. These steadily grew to some 7,000 earmarks in the 2005 bill. By placing politics above efficiency, these earmarks reduce the effectiveness of federal transportation spending.

Earmarks in Highway Reauthorization Bills[3]

Year	Earmarks
1982	10
1987	152
1991	538
1998	1,850
2005	7,000 (approx.)

Meanwhile, with no scientific basis for the comprehensive planning they had promised, many planners decided their role was simply to get people to drive less. They traded away safe and efficient transportation in order to increase congestion and transfer highway money to expensive transit projects — ideas that gained them the support of transit agencies and rail construction companies.

Despite the problems, Congress ratified the takeover by urban planners when it imposed a comprehensive planning process on state and regional transportation agencies in 1991 and allowed metropolitan areas to spend "flexible funds" on either roads or transit. At the same time, Congress allowed states to start tolling federally funded roads. Although experiments in such tolling began slowly, new tolled interstates can now be found in Colorado, Minnesota, Texas, and other states.

What Should Congress Do Next?

Congress will reauthorize the gasoline tax in about four years and debate has already begun about what new policies should be included in this law. Some people think Congress should turn at least 15 cents of the 18-cent federal gas tax over to the states.[4] Others think Congress should develop a grandiose, 21st-century version of the Interstate Highway System.[5] Between these two extremes, here are a few things that should be considered based on the lessons of the last 50 years:

1. Congress should repeal all of the long-range transportation planning requirements it has imposed on states and regions. At best, these requirements have delayed congestion relief; at worst, they have created opportunities for special interest groups to control regional transportation policy to the detriment of the residents of those regions.

Engineers were exactly the type of scientific managers the Progressives had in mind when they advocated public ownership of roads, dams, and other resources.

2. Instead of long-range planning, Congress should emphasize that the number one priority of federal transportation funding is safety and the number two priority is the efficient movement of passengers and freight.

3. Congress should also repeal the legal ties between federal transportation funding and air pollution. The evidence clearly shows that pollution is reduced by controlling emissions at the tailpipe, not by attempting to control how much people drive.

4. To restore decentralized decision-making, Congress should resist the admittedly powerful temptation to earmark the next transportation bill. Earmarks are only necessary to override local judgments about the best way to spend funds, and local judgments are likely to be better than the opinions of politicians and central planners, especially if the local judges base their decisions on quantitative crtieria such as safety and efficiency rather than the subjective beliefs that transit is morally superior to autos or that highways reduce people's sense of community.

5. Congress should eliminate flexible funds and distribute federal transit funds based on the populations and annual number of transit riders in each metropolitan area. Including transit ridership in the formula will give transit agencies incentives to fund cost-effective projects.

6. Congress should consider replacing the 90–10 formula under which federal gas taxes pay for 90% of interstate highway construction. A 50–50 formula would spread federal funds to more roads and give more states incentives to consider innovative ways of providing the local match, such as tolls.

These steps would increase the effectiveness of federal dollars, restore control of transportation decisions to engineers, and reduce the incentive to treat highway user fees as a pork barrel. ❑

Endnotes

1. http://drgw.free.fr/WP&YR/History/Fifties/Modernisation_en.htm
2. http://www.publicpurpose.com/freeway1.htm#safety
3. http://www.heritage.org/research/budget/bg1924.cfm
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Report

Objectivism, Alive and Well

by Lance Lamberton

There's only one place to find Objectivist yoga, both Brandens, and a filmable "Atlas Shrugged" screenplay. Come to Orange County.

Jeff Foxworthy has made an indelible mark on the American lexicon with the phrase: "You might be a redneck if . . ." In the same spirit, minus the self-deprecating humor, you just might be a libertarian if you are reading this issue of Liberty. And once upon a time it was almost unheard of to become a libertarian without passing through the portals of Ayn Rand's philosophy of Objectivism.

Ahh yes. Those were the days. The late '60s, when the modern libertarian movement was born. Now, chances are that when you meet a libertarian, he has not read anything Rand has written. However, the wide dissemination of her ideas, largely through her novels "The Fountainhead" (1943) and "Atlas Shrugged" (1957), during the late '50s and '60s, gave birth to the movement as a popular force, and explains, whether you know it or not, why you are holding this publication in your hands right now. Bottom line: Rand is very, very important to libertarianism's past, present, and future.

Since her death in 1982, organizations have formed to spread her ideas through the wider culture and protect her philosophy from misrepresentation and heresy, especially from those who claim to be her adherents.

A good example of an organization in pursuit of the latter purpose is the Ayn Rand Institute (ARI), founded in 1985 by Ayn Rand's "official" heir, Dr. Leonard Peikoff. Affiliated in the early days of ARI was the founder of what is now The Objectivist Center (TOC), Dr. David Kelley. In a nutshell, ARI represents the "orthodox" wing of Objectivism, whereas TOC represents the "reform" wing.

According to Kelley, the genesis of the schism was the 1986 publication of Barbara Branden's biography, "The Passion of Ayn Rand." While the biography paid tribute to the ideas and influence of Rand, it also chronicled the dogmatism, intolerance, purges, and excommunications that were rife within the inner circles of Rand's cult-like following. Even worse, from the ARI perspective, was the revelation of Rand's affair and subsequent break with Barbara's husband, Nathaniel Branden, whom Rand once regarded as her key disciple and the person best suited to carry forth her philosophy upon her death.

Kelley likened the ARI response to Barbara's biography to a circling of the wagons: an "us" versus "them" mentality pervaded ARI and its adherents. Into this maelstrom, TOC was born, and just this past July, TOC held its 17th annual weeklong conference in Orange, Calif.

It did not disappoint. Originally, the focus of the conference was to engage scholars in the finer points of Objectivist philosophy. While this is still important, the conference has since branched out to engage participants not only in philosophy but also in politics and culture, aesthetics and application. So if philosophy is your thing, Tibor Machan's lecture on Wittgenstein or Shawn Klein's lecture on "Empiricism Without Skepticism" would be just what you went to hear. Prime examples of application would be Molly Johnson's lecture on "Homemaking" or Jay Friedenberg's "Yoga Practice for Ob-

jectivists." Topics on aesthetics were largely scheduled in the evening, and sometimes included musical performances, such as "Romantic and Jazz Music" performed with commentary by Roger Bissell and Ben DiTosti.

For libertarian-Objectivist attendees the sessions on politics and culture held the most appeal and indeed the most "star power." Both Barbara and Nathaniel Branden presented lectures, and they appeared together in a forum for the first time in 35 years.

Both Barbara and Nathaniel Branden presented lectures, and they appeared together in a forum for the first time in 35 years.

I was especially impressed with Barbara's talk "Rage and Objectivism." Undoubtedly drawing on her own bitter experiences, Barbara described the destructive behavior of orthodox Objectivists, some of whom brand anyone who disagrees with them as "evil," claiming that ideas, in and of themselves, as opposed to actions, can be evil: what one thinks determines what one is.

This approach, Barbara warns, is a major turn-off to those new to the philosophy, and creates the phenomenon of "recovering Objectivists." Objectivists cannot hope to bring others to virtue by condemning them as evil simply because they might have some mistaken ideas. The approach squares with TOC's emphasis on an honest explication of ideas within a community of shared interests. TOC's executive director, Ed Hudgins, put it well when he said that the group is "more open to vetting controversy. Therefore, our approach is to ask does it square with Rand or with reality?"

Having said that, one would be hard pressed to overestimate the animus between various groups of Objectivists. James Valliant, author of "The Passion of Ayn Rand's Critics," a book critical of the Brandens, held a rival book-signing nearby during the conference. Now that's passion, albeit misdirected. It's dispiriting when people within the Objectivist movement (and the libertarian movement as well) exert more energy attacking kindred spirits than taking on the real enemies of liberty, statists of the left and right. To quote Robert Bidinotto, editor of TOC's magazine, The New Individualist: "When we agree on 95 percent of the issues, we don't need to conduct jihads over the five percent where we disagree."

For me the highlight of the week was the pair of guest speakers who are not Objectivists: Howard and Karen Baldwin. It is their company, the Baldwin Entertainment Group, which plans to turn "Atlas Shrugged" into a movie. This has been a cherished dream of Objectivists for years, but I am convinced, after listening to their plans, that the dream is soon to become a reality. Here are the particulars:

- The Baldwins already have an impressive track record of success; their company was behind two recent and highly successful movies: "Ray" and "Sahara."
- The movie will be a trilogy, similar in length and scope to "The Lord of the Rings."
- The first draft of Part I has already been written by a very talented screenwriter who "respects and embraces the book." According to David Kelley, who has seen the script, "it is true to the philosophical spirit" of the book.
- Lions Gate is lined up for distribution and marketing.
- They are looking for a big name to play the heroine, Dagny Taggart, so that the movie can get into international markets. Nicole Kidman's name has been mentioned.
- They have aggressively scheduled the start of filming for April 2007.
- Their budget, for Part I alone, is $40–45 million.

The driving force behind the film is John Aglialoro, a TOC trustee, and the chairman and CEO of UM Holdings (the company that makes Cybex exercise equipment). He purchased the rights to the movie from Peikoff in 1992 and has been tireless in his determination to make this dream come true. The next big step in the project is to pick a director.

As the conference was drawing to a close, I had an opportunity to visit with Kelley and ask him what TOC hopes to accomplish by holding these conferences. His answer was wide-ranging. He said they were opportunities to explore and develop the philosophy further. He cited as an example the groundbreaking work being done in the field of cognitive science, which was the subject of Dr. Jay Friedenberg's lectures on the subject. Kelley also emphasized the desire to forge an Objectivist community, where attendees renew their interest in the philosophy and carry their enthusiasm and ideas to their friends, families, and the larger culture. Kelley sees this as an "inreach" program.

The film version of "Atlas Shrugged" will be a trilogy, similar in length and scope to "The Lord of the Rings."

As of this writing, the dates and location for next year's conference have not been set, although TOC likes to alternate locations from east to west coast, so as to maximize participation. Rand willing, I hope to take in the whole conference next year. Objectively speaking, and based on my first exposure, it should be great. ❑

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Only a Mother Could Love

by Tamara Wilhite

"What's wrong with it?"

Shania went cold. The nurses rushed about, taking her squalling child out so quickly that she couldn't see it. Her partner's dark face was even darker with worry. He'd seen it. And he said nothing as the doctor focused on taking care of her.

The specialists talked to each other, but not to the parents themselves. Shania's partner disappeared. She hoped it was to go home and sleep, and not somewhere else. She dared not wonder if he'd be back.

An Indian in a white lab coat finally paid attention to her. "Ms. Merrill?"

"Yeah. That's me."

"I am Dr. Singh. I am the resident geneticist with the hospital. I'm here to discuss your child."

"Is it okay?" Shania asked.

"Yes. Your son is fi — alive. I came to ask you a few questions. Do you have any European ancestry?"

"I don't think there's any more than the average African-American."

"And the child's biological father. Do you know his genetic history?"

"The biological father is my partner."

"Ah. Good. We have his genetic history on file. Is there any history of albinism in your family?"

"Any what?" The doctor explained the condition. "No. None of that." Albinism? Had her partner said it was too pale to be his? Were they accusing her of cheating, or of bad genes? "What's wrong with the baby?"

"The child was born with unusually fair coloring. We are trying to track down the cause of the problem."

"What can I tell you that the medical computers can't?"

"Did you ever have genetic alteration procedures done while you were pregnant?"

Shania felt the room close in. "No. Absolutely not. I don't believe in that sort of thing." Shania would have considered it — if someone else had paid for it. She wouldn't spend her money on a fancy illegal procedure that might or might not help her kid in the long run.

"Were either of your genetic parents altered?" Was he trying to give her a way out of something she didn't do?

"No."

"Did you have any kind of protein manipulation done in the past nine months — "

"No. No fancy medical stuff. Just the regular pregnancy visits." She'd

skipped the recommended pre-pregnancy planning visits, to save money for indulgences before getting pregnant. Was that the cause of whatever was wrong with her baby?

"Your hair is brown, as is the child's. If it is not a genetic alteration, did you dye it?"

"No way! Hair dye can cause birth defects, even before conception. I had a PT treatment." That had been one of the indulgences. Dr. Singh looked puzzled; he must not watch fashion vids. "PT is for Perfect Tresses. It's also for protein transmission — the proteins that affect hair color, produced by the body. Well, you can have anti-proteins made. They used anti-proteins that turn my black hair to brown. I could have been blonde, but that required another injection." And that cost money she didn't have, even after cutting corners.

The doctor asked quietly. "Did you have this done while you were pregnant?"

"No way! I had it done beforehand."

"How long is this supposed to last?"

"I don't remember."

"Your hair is still coming in brown. The anti-proteins must have been in your bloodstream throughout the pregnancy, and affected your son during his development."

"It only affects hair color."

"Was it injected directly into your scalp?"

"Into my arm. I wouldn't let anybody come near my head with a needle."

"Where was this done?" Shania rolled up her sleeve. "No. I meant, where was the procedure done." Shania rattled off the name of her beautician. The doctor hurried out the door.

Shania settled back into the bed and wondered if she'd ever see her partner again.

Two days later, Dr. Singh came back, wheeling her son in on a bassinet. Her partner was a few steps behind, practically dragged in by an attendant.

The light brown hair and pale skin made her think the baby was white. Was that the only problem? If it was something really bad, he would've been put to sleep already. Her son, with his broad nose and pronounced chin, looked a lot like his father. But when the baby boy opened his eyes, they were gold: not brown, not even hazel, but a yellowish gray that might have been blue in anyone else. "How did this happen?"

"The hair coloring treatment you received appears to be a long-lasting anti-sense protein. It is manufactured to exactly counteract the body's natural coloring protein so as to produce an intermediate coloring, in your case, brown. The anti-sense protein you received has remained in your system, affecting your hair and affecting your son."

If it was something really bad, the baby would've been put to sleep already.

Shania's partner looked relieved. It wasn't his fault. Shania self-consciously ran a hand through her hair. Who would have thought a no-maintenance hair coloring would cause something like *this?* "Will he look normal after the stuff wears off?" Shania asked.

"No."

"Why not?" her baby's father asked.

"In adults, the coloring genes are set at conception unless genetically altered. In your son's case, the anti-sense protein turned off his body's natural coloring genes while he was developing in the uterus. Once a gene is turned off, it is rather difficult to turn on."

When the baby boy opened his eyes, they were gold: not brown, not even hazel, but a yellowish gray that might have been blue in anyone else.

"So give him a coloring gene," her partner demanded.

"Do the melanin thing they do for white people on vacation," Shania asked.

"Any treatment would be as temporary as your wife's hair treatment. It would last 18 months at most. He would require repeated treatments for life." Dr. Singh realized his transgression. "I'm sorry. Your partner's hair treatment. Furthermore, it would not affect his eye color. It would not be the permanent solution you are seeking."

Shania stared at the squirming newborn. Her son. Paler than people she'd made fun of in school for being melanin-challenged. He had her partner's face. Her son looked nothing like her except for having the same hair. *Her* hair. *Her* fault.

"Damn, Shania, didn't you get any kind of warning that this might happen? Didn't they have a 'Don't use if pregnant or might become pregnant' warning?"

Shania spat back, "No! They didn't. And they should've, shouldn't they?" As she stared at the pale baby, a ghost of an idea formed in her mind.

Dr. Singh interjected, "If you are unable to accept the child, we can find an adoptive home rather quickly. Lighter skinned children are easy to place — "

"No. I'm keeping him." Her former partner stormed out. "Talk to other doctors about what we can do to make him look more normal, more like me. And a lawyer. We need to talk to a lawyer."

Dr. Singh nodded vigorously. "Your partner seems determined to abandon you and the child due to the . . . obvious condition. Would you like to speak to a counselor as well?"

"Just get me a lawyer first." *Her* fault. *Her* son. *Her* problem to resolve. If he was so strange that he had only his mother, he'd still have his mother's love. And if she had full custody of the baby, she'd get to control the whole settlement of the lawsuit looming in her mind.

Her baby was starting to look precious indeed. ❑

Reviews

"At Canaan's Edge," by Taylor Branch. Simon and Schuster, 2006, 1,039 pages.

Seeking the Promised Land

Timothy Sandefur

Branch's "America in the King Years" trilogy began with the 1988 Pulitzer Prize winner "Parting the Waters," which covered the period leading up to the Kennedy assassination. It continued in 1998 with "Pillar of Fire," which ended with the killing of Malcolm X. Now, Branch concludes the trilogy with a book about the years from 1965 to 1968, when Martin Luther King Jr. was assassinated on a Memphis hotel balcony. "At Canaan's Edge" is not only a monument of research but a moving drama. It reads like an ancient tragedy — scintillating, cruel, inevitable — as we witness King and his fellow travelers gradually descend into the deepening violence and cynicism of the Vietnam era. The whole thing has the foreboding of a smoke cloud.

In some places, Branch gradually boils up tension from a mixture of nostalgia, betrayal, indignation, and fate, as in chapter 23, which may be the best thing ever written about the 1960s. Identity politics dawns with the legal controversies over defining "race," then rises through layers of meaning in the life of an Alabama bishop whose grandfather tried to end slavery by preaching, but who could not bring himself to stand against segregation a century later. Meanwhile, in Rome, Hanoi, and Washington, old class hatreds begin to calm and new ones begin to swell; the Catholic Church moves toward dropping its hostility toward the Jews, and the American government begins to drop century-old immigration restrictions on Asians. Yet bombings in Mississippi and murders in Alabama plague civil rights workers, and the conflict in Vietnam leads disturbed pacifists to set themselves on fire in front of the Pentagon and the U.N. building in New York. The first word of this chapter is "ferment," and it is well chosen.

Elsewhere, Branch reveals the savagery of institutionalized racism in sickening flashes of lightning, as when he describes a grand jury hearing conducted on Sept. 13, 1966. Seeking indictment of Klansman Tom Coleman, for blasting with a shotgun two preachers who dared register Alabama sharecroppers to vote, the state's moderate segregationist attorney general called Rev. Richard Morrisroe to the stand. Morrisroe had been severely injured, and his friend Rev. Jonathan Daniels had been killed, while other friends ran for cover in an eerily vacant town square. The attorney general asked Morrisroe to remove his shirt to reveal his scars.

> By exhibiting a priest on the witness stand in dramatically torn flesh, [the attorney general] intended to shame Tom Coleman's claim of self defense.
>
> A grand juror broke the charged silence. "Father, may I ask a question?" he said. When Flowers nodded approval, he continued abruptly, "Did you kiss that nigger girl in the mouth?"
>
> Morrisroe shuddered. "Sir, I've never embraced a woman in my life," he said. Scattered giggles punctuated further speculations of prurient interest in Ruby Sales and Gloria Larry, ignoring testimony that they had turned to flee with Jonathan Daniels the instant Coleman surprised them.

It has been a long time since a book moved me to a physical reaction, but I felt nauseated as I read this passage.

Meanwhile, among civil rights activists we see an astonishing, inexorable tale of mounting despair, well symbolized by Stokely Carmichael, under whose leadership the Student Nonviolent Coordinating Committee (SNCC) drifted toward the racist violence of the Black Panthers. The best word for the trend, if not for the book itself, is *disintegration,* a word that became literal in 1967, when SNCC finally voted to exclude its white members. Loyal Bob Zellner and his wife walked sadly away, saying to themselves, "I will not accept any sort of restrictions or special categories because of race." But by that time, King's movement for brotherhood was being called passé by posses

of swaggering semi-intellectuals who emulated Che Guevara and posed for photos with shotguns and berets.

"I have learned to hate," boasted one. Even those who began by speaking only of equality and freedom found themselves demanding racial preferences and increased government control over private lives. As Clint Bolick has written, the civil rights establishment lost its moral bearings in the late 1960s, a tendency that led to "a profound transformation of the concept of civil rights" in which "equality of opportunity [was] replaced by equality of results, colorblindness by race-consciousness, individual liberty by group reparations." The three years covered by this book are when the change took place.

"At Canaan's Edge" reads like an ancient tragedy — scintillating, cruel, inevitable.

As with all tragedies, there is a sense of destiny about it all. At the end, the tragic hero usually pauses and wonders where it all went wrong. "There must have been a moment, at the beginning, when we could have said — no," says a character in a Tom Stoppard play. "But somehow we missed it." Maybe that moment came for King on March 9, 1965, when, after two violent failures and several days of negotiations, he once more led marchers over the Pettus Bridge in Selma, Alabama.

He had violated a federal court order to come this far. On the other side stood a seething crowd of cops and national guardsmen. But halfway across, the troopers withdrew, and King faced a breathless moment. "If he stepped ahead," Branch writes, "the thrill of heroic redemption . . . could give way to any number of reversals . . . all with marchers compromised as flagrant transgressors of the federal order. If he stepped back he could lose or divide the movement under a cloud of timidity. If he hesitated or failed, at least some of the marchers would surge through the corridor of blue uniforms toward their goal."

King chose to turn around. Things were never the same again. His idealistic young allies in SNCC sarcastically sang "Ain't Gonna Let Nobody Turn Me 'Round" as they headed back to their church meeting place. And although King immediately flew into negotiations that culminated in a successful march across the bridge, some of his most valued allies felt so sharp a sting of betrayal that they never trusted him again.

It's the sort of conflict an idealist often faces: confronted with the seemingly "realistic" need to put aside a worthy goal, he must choose: will he back off and try to navigate the murky waters of compromise, or will he demand, and thus risk losing, everything? It is along such weak points that coalitions fracture, often leaving a cynical debris of disappointed idealists and burned out compromisers.

It is tempting to see King's decision to use diplomacy at the Pettus Bridge, rather than to march through hostile troops, as the moment when he ceased to think of himself as a citizen and began identifying himself with the political establishment — indeed, the moment when the Civil Rights Establishment was born. Yet that instant symbolized, and did not spark, the disintegration of the Civil Rights Era from a movement for liberty into a movement for privilege and entitlement.

As King and his allies drifted away from freedom and toward "democracy," away from equality and toward race balancing, away from the Declaration of Independence and toward the Great Society and the War on Poverty, there were other moments that stood out: Lyndon Johnson's speech at Howard University three months after Pettus Bridge, when he told the crowd that "freedom is not enough" and that he would seek "not just equality as a right and a theory, but equality as a fact and as a result"; King's decision to speak out against the Vietnam War, which alienated moderate supporters and distracted the public from the civil rights agenda; James Meredith's March to Mississippi in June 1966, when King and Stokely Carmichael shared their idealism for the last time, and Carmichael took up the call of "Black Power" instead. In history, there is no one moment "when it all went wrong"; there is only the gradual falling of the leaves.

In history, there is no one moment "when it all went wrong." There is only the gradual falling of the leaves.

But there is a fundamental cause for this failure: the lack of a coherent theory of freedom and equality that could resist both corrosion by collectivist hangers-on and the disillusionment of idealists. King's belief that America would "rise up and live out the true meaning of its creed" needed to rest on a clear understanding of that creed, yet that was precisely what he lacked. He led the single most successful reaction ever seen against the progressivist ideology that held that society should be controlled by experts entitled to restrict individual liberty in the service of the collective good. Yet his own understanding of the relationship of the individual to society was tragically tainted by that same ideology. His belief in the principles of equality and liberty could not resist the

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collectivists pulling at him.

This becomes most obvious in the bitter irony of his position on Vietnam. While he was leading a massive and heroic resistance to the oppression of southern people by their own state governments, he simultaneously embraced the view that Vietnamese communists had the "right" to oppress southern Vietnamese people in the name of "national self-determination." His entire domestic project was to illustrate that the supposed right to "self-determination" could *not* be grounded on violating individual rights, and that no government that sought to enslave its people could lay claim to legitimacy — yet he devoted his energies to defending a regime that did precisely that in Southeast Asia.

The Vietnam War, he claimed, "put us against the self-determination of a vast majority of the Vietnamese people." Yet southern racists accused King of the same meddling when they defended segregation. The same King who began by chiding modern liberalism for being "so bent on seeing all sides that it fails to become committed to either side . . . so objectively analytical that it is not subjectively committed," and who insisted that liberalism must "be thoroughly committed to the ideal of racial justice and . . . not be deterred by the propaganda and subtle words of those who say, 'Slow up for a while; you are pushing too fast'" — ended by defending the power of communists to impose tyranny on a defenseless people. It is not that King was wrong to oppose America's involvement in Vietnam, but his position on the issue lacked the philosophical integrity necessary to preserve a vision through the pressures of such trying times.

Branch, alas, says little about such paradoxes, and in fact seems to share some of King's philosophical blind spots. While he is perceptive enough to respect the nuances of the whole spectrum of ideas within the civil rights movement, his attitude toward the Republican Party is tainted with something very much like prejudice. He is absolutely convinced, for example, that Ronald Reagan was a racist, even calling him an "anti-civil rights governor" like the gun-toting Lester Maddox of Georgia, or Lurleen Wallace of Alabama, who stood in for her rabidly segregationist husband George.

Branch appears incapable of believing that one could have nonracist reasons for opposing the Great Society. He says, for example, that Reagan thought "government was bad . . . at least when aimed toward the purposes of the civil rights era," ignoring the fact that Reagan at the time consistently opposed government interference in everything from environmental policy to health care to mining for copper on the ocean floor. Notably, Branch cannot cite a single instance of Reagan's making even a trivially racist remark; he twice quotes a Reagan campaign commercial describing riots and crime with the sentence, "our city streets are jungle paths after dark," because that is the closest thing to racism he can find in a politician who was simply devoid of the flaw.

Branch then quotes someone as writing, "In Irving Kristol's famous apothegm, 'a neoconservative is a liberal who has been mugged by reality,' it's not difficult to guess what color the mugger was." This is simply a childish smear aimed at Reagan's perfectly valid concern with the growing welfare state — an institution, by the way, that has profoundly regressive effects on blacks. For a writer who can follow the evolution of so confused a thinker as James Bevel — who went from serving as King's right-hand man to running for vice president under Lyndon La Rouche — Branch shows an embarrassing will to portray the Republicans as a monochrome collection of reactionaries and racists.

Reagan's support for Proposition 14, for example, which repealed California's Fair Housing Act, had nothing to do with racism; it had to do with his legitimate concern that the law interfered with the rights of private property owners. The same is true of Goldwater's qualms about the 1964 Civil Rights Act. Branch ignores these points, regarding interference with property rights as irrelevant to what he sees as the expansion of freedom. That such expansion comes at the expense of the freedom of property owners, black as well as white, matters little to him.

Branch appears incapable of believing that one could have nonracist reasons for opposing the Great Society.

Such matters aside, "At Canaan's Edge" is everything that the conclusion of Branch's trilogy ought to be: a sweeping, tragic, moving, and definitive chronicle of an awesome and disillusioning age. The Bible tells that God warned Moses not only that he would die before reaching the promised land, but also that when the Israelites did arrive, they would find there a plague of leprosy in a house, and that they would have to cleanse, and if necessary, dismantle the house. As Branch reveals, the civil rights movement set out in pursuit of a land of dreams, only to be

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"How could you observe the Invisible Hand? Economics is not what can be observed but the reasoning that cannot. Without it, empirical data is a meaningless jumble. There is economics without the jumble, but not without the reasoning, and without the Chicago School altogether, but not without the Austrian.

Friedman's anecdotes without logic are no different from those of ballplayers not changing their socks so long as they keep getting hits, except that, in the one case we call it blind faith and superstition, and in the other technical economics.

There is no such thing, just economics and non-economics; and, distinction in 'technical economics,' for slinging the bull around with the best of them.

Is economics a professional or amateur science? By equating the profession with the science, Skousen begs the question. The profession is a trade union, catering to its lowest common denominator, at the expense of the science."

For *Observing the Invisible Hand*, a review of Mark Skousen's Tale of Two Schools of Free Market Economics, see ***Intellectually Incorrect*** at intinc.org.

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contaminated by collectivist theories of racial balancing and paternalistic government. The dreamers of today should cleanse the house, and set it on its proper foundation in equality and individual rights. ❑

"World Trade Center," directed by Oliver Stone. Paramount Pictures, 2006, 125 minutes.

From the Ashes

Jo Ann Skousen

Oliver Stone's "World Trade Center" is the second in what will undoubtedly be a long line of box-office films about the terrorist attacks of Sept. 11, 2001. The first of those films, "United 93," was an ensemble piece, with no single standout character, no back stories, no celebrity actors, and several real-life air controllers reenacting the events they experienced that day. The result was a taut, real-time documentary, portraying the terror of the passengers but ending just before the plane crashed.

By contrast, "World Trade Center" is a more intimate look at the event, following the story of two Port Authority police officers, John McLoughlin (Nicholas Cage) and Will Jimeno (Michael Pena), who were trapped in the elevator shaft of the shopping concourse between the two towers when the first tower collapsed. Watching the despair of the doomed passengers on "United 93" was horrifying, but watching these policemen become buried in the rubble of the collapsing towers was almost unbearable. I've walked out of films in the past that were simply too vulgar or too dumb to endure, but I have never before felt the panic I did in this theater, wanting to get out of my seat and away from the emotions I was experiencing. There may indeed be some fates worse than death, and being buried alive is one of them.

One reason for my visceral reaction is that the memories of that day are still fresh. Our family had just arrived in New York five days earlier. All day long we heard fire engines racing down Broadway, right outside the house, and all night we heard the military jets and helicopters overhead. We could see the smoke billowing from the towers when we walked down to the Hudson River. It was a day of confusion and crisis that no one will forget.

Some critics and reviewers have billed "World Trade Center" as a "feel good" movie with a happy ending, simply because it ends in a rescue. But the ending is far from happy. It comes as a relief, yes, and with an overwhelming respect for the men and women who risked their lives to search for survivors. Thousands of people were evacuated that day, and 20 were rescued from the rubble. But 2,749 people died in the attack, and hundreds more suffered terrible injuries. Stone never loses sight of that grim fact, even while demonstrating the joy of two families.

A friend of mine, a doctor, rushed to St. Vincent's Hospital that day, just a few blocks from the towers, anticipating a long grueling week of treating survivors. The more gruesome reality is that he had very little to do. In a scene reminiscent of the song "Empty Chairs and Empty Tables" in "Les Miserables," Stone films an empty commuter train at the end of the movie to emphasize the enormity of the losses.

Stone virtually ignores the official organized rescue efforts in order to focus on the two trapped men and their families' vigils. He highlights two unofficial rescuers, one a former Marine and the other a former paramedic. Both seem to have slid off track in their lives, but participating in the rescue helped them regain their focus and self-respect. If there is a happy ending at all, it is in the connectedness, compassion, and good will that erupted in the aftermath of the attack. As John McLoughlin explains, "We are people taking care of each other because it's the right thing to do."

Castigated in the past for playing loose with the facts and for his heavy-handed politics in such films as "JFK" and "Nixon," Stone leaves politics out of this one. He tells his story the way it happened, using as his consultants the people to whom it happened. Even when demonstrating the confusion and conflicting reports that plagued the initial rescue efforts, he casts no blame. Some may consider his silence itself to be political, but I consider it respectful. The result is a tight, emotional, engrossing film that feels accurate, regardless of how you may feel about who or what caused the attack and how it should have been handled afterward. Painful to see, it is nevertheless worth seeing. ❑

I have never before felt the panic I did in this theater, wanting to get out of my seat and away from the emotions I was experiencing.

AdamKnott.com

Libertarian Social Theory

"The Case for Shakespeare: The End to the Authorship Question," by Scott McCrea. Praeger, 2005, 280 pages.

"A Year in the Life of William Shakespeare: 1599," by James Shapiro. HarperCollins, 2005. 394 pages.

Who Was Shakespeare, After All?

Justine Olawsky

If what Evelyn Waugh wrote is true — "personal experiences are a novelist's capital, to be hoarded, and spent only with prudent avarice" — one may wonder what he thought of the canon — the plays and poems — of William Shakespeare. Would he have viewed with suspicion the life experiences of a fairly provincial man of middle-class roots and habits, whose family only recently had entered the gentry, an actor of little distinction whose only known travels encompassed the limited circuit of London and the surrounding counties? Or would he have seen the potential for the greatest works of English theater flowing from an individual genius who transcended his narrowness of exposure?

If he doubted that the William Shakespeare of Stratford-on-Avon was the William Shakespeare who authored "Hamlet," Waugh would have found good company during the past 200 years. As far back as the middle of the 19th century, previously murmured rumors of the Authorship Question came into their own, as academics and laymen alike started smelling something rotten in the state of English literature. Once the gates of doubt cracked open, a flood of speculation poured forth. Deception, conspiracy, and cover-up were the bywords of the people who are called the anti-Stratfordians — and everyone had a favorite suspect for the true authorship. But fortunately, William Shakespeare has his supporters still.

Two of the best recent arguments for his authorship come from very different sources. The first is "The Case for Shakespeare: The End to the Authorship Question" by Scott McCrea. This may be the most fun you can have in the frustrating world of conspiracy-mongering and conspiracy-countering. The author knows how to take an intimidating subject and render it lively and accessible. McCrea delights in thrusting the rapier of logic, crying out to the doubters, "If you quarrel, I am for you. I stand as good a man as you!" Many readers will say, as I do, "Yes, and better."

The book is constructed as a defense, its first part asserting the claims of William Shakespeare's authorship; the second demolishing the rival claims. McCrea starts with the arguments of the detractors. He is fearless in confronting the difficult questions. What of Shakespeare's meager education? What of his wildly divergent signatures? What of his less-than-eloquent last will and testament? Why did his will not bequeath his books and papers? What of the doggerel adorning his grave marker?

To these problems, McCrea provides reasonable and well-researched solutions, using each one to make his case for Shakespeare stronger and more plausible. For instance, anti-Stratfordians find in Shakespeare's will a dearth of poetry and expression that seems unreasonable for such a great poet. McCrea answers this doubt by examining other wills that were executed by Francis Collins, the man who prepared the will for Shakespeare. He finds that "its lack of emotion, which kindles the doubts of the anti-Stratfordians, might be significant if such a lack were unusual, but a quick glance at other Collins-prepared wills shows us that it's not. . . . Like his modern counterparts, Collins must have discouraged (or simply ignored) any of his testator's sentimental adjectives or clauses; these, he knew, could lead to lawsuits and wrangling among beneficiaries. Then as now, verbal artistry was hazardous in legal documents" (p. 48).

Addressing the claim that a great author could not have failed to bequeath any books or papers, McCrea does the research and provides a nimble answer: books were not usually bequeathed separately from other goods, unless there was a positive need to bestow them apart from the rest of the estate; and manuscripts were usually kept in the property of the acting troupe for which the playwright wrote. In fact, "[m]anuscripts and books are missing from the wills of playwrights Samuel Daniel, John Marston, and James Shirley, and there are no books mentioned in the testaments of writers Thomas Campion, Reginald Scot, and even Sir Francis Bacon" (48).

One by one, McCrea thrusts his blade into the fallacious flesh of doubters, and draws red blood. My favorite part of the book begins when McCrea turns his attention to the canon itself and examines what it can tell us about the author.

Anti-Stratfordians love to transform him into a man of extensive learning and expansive travels, and they point to the writings to prove their points. McCrea points to the writings to prove the opposite. One assertion of the heretics

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is that the author was a well-educated man — a university scholar, considering his command of language. But there is nothing in Shakespeare's background to indicate that he studied at a university; from what we know of his timeline, this is highly improbable; therefore, the author cannot be Shakespeare.

McCrea says, essentially: OK, let's make it a given that the author was a university man. Greek was a required subject at both Cambridge and Oxford. Surely, then, the author must have known Greek. Ah, but what does the canon show us? Is it rife with classical allusions? As a comparison, McCrea considers the work of John Taylor, "the poet and watertaxi-driver, who 'avowed his failure to get through the Latin accidence, and his ignorance of all languages but his own,' [yet who] has a greater number of classical allusions in his small body of work than occur in all the Shakespeare plays" (66). Furthermore, when Greek authors and philosophers are quoted by Shakespeare, he is evidently using texts that were translated into Latin or English, rather than those in the original language. As McCrea says, "He had small French, less Italian, good Latin, and little if any Greek. His plots he took from sources, and his dialogue he often contrived by re-writing others' passages. He was a man of superior imagination and observation, not extraordinary experience" (221).

The second half of the book continues in the same light-hearted yet serious manner. McCrea reviews the claims of the various people who have been suspected of writing Shakespeare's plays, identifying the few in this long parade who are worthy of more than cursory attention. Then he zeros in on the darling of the modern heretics: Edward de Vere, 16th Earl of Oxford. Here is an erudite fellow who appears to have all the experience that Waugh could desire. De Vere was well-traveled, learned, fluent in French, knowledgeable in history, a patron of the theater, and, most importantly, a nobleman well acquainted with the language and manners of the highest classes. McCrea is not intimidated by this formidable fellow; he shows, indeed, that de Vere's very accomplishments put him out of the running for the authorship.

One by one, McCrea thrusts his blade into the fallacious flesh of doubters, and draws red blood.

A man who had traveled the Continent as extensively as the earl, especially a man who had spent as much time in Italy, would never have made the mistakes in geography that Shakespeare consistently makes. He is very vague in his descriptions of Venice, Florence, Verona, and other distinctive locations, using adjectives like "fair," "old," and "sweet," and omitting reference to such landmarks as the canals of Venice, the Ponte Vecchio of Florence, or the impressive gates of Verona (73). McCrea asks incredulously, "Are we to believe that a writer — any writer — who had been to Venice could set two plays there without mentioning canals?" (74). The author had a knack for giving seacoasts to landlocked cities like Padua and Milan, and putting mountains in the way of flatland routes, like the one from Mantua to Milan. The truth is, Elizabethan audiences clamored for Italian settings and costumes and storylines, so that is what the author gave them, to the best of his ability.

"You'll have to get the kids to explain it to you — it's something called the 'internet.'"

McCrea's evidence seems conclusive. But wait! There's another book, the fascinating "A Year in the Life of William Shakespeare: 1599," by James Shapiro. He also makes a good case for Shakespeare's authorship of the canon, though that doesn't seem to have been his main intent. "A Year in the Life" is one of those really nifty books that can be enjoyed by both Shakespeare scholars (my dad) and Shakespeare novices (me). Shapiro weaves a tale, part history, part speculative biography, of an extraordinary year in both Elizabethan England and Shakespeare's body of work. He packs the narrative so full of historical facts and literary lessons that you feel you are seated at the proverbial feast of fat things. I love this kind of book, and Shapiro's craft with the written word makes him worthy of the genre — and his subject.

The book begins with men on a winter's night in 1598, men armed with tools and moving in secrecy, using hands red and rough with the frost of a particularly unkind December to tear down a theater — *The* Theatre, the home of the acting troupe, the Chamberlain's Men. This is Shakespeare's group, the group to which he belongs as both an ensemble player and, more importantly, a playwright. They are tearing the building down because of a dispute with the leaseholder, and they will move its materials across London to the site of what will become The Globe. That is the inauspicious start of a pivotal year in the life of the Bard; a year in which, as Shapiro writes, "[A]t age thirty-five, Shakespeare went from being an exceptionally talented writer to one of the greatest who ever lived. Put it another way: how, in the course of little over a year, did he go from writing 'The Merry Wives of Windsor' to writing a play as inspired as 'Hamlet'?" (xvii).

This book makes the case for Shakespeare as author by showing him actually working as an author, month by month, season by season. Shakespeare the playwright comes alive; his plays are shown to be intimately involved with the turbulent times and the middle-class environment in which he lived. We see him eating, sleeping, trav-

eling, doing business, keeping current on new publications and abreast of current events. Of even greater interest, we glimpse his creativity and hard work. The chapter about the writing of "Hamlet" will erase any fancies you may have harbored about Shakespeare never blotting a word. The "official" version of "Hamlet" is as long as it is — and it is mighty long — because he reworked it so often, and his literary heirs included every word of every draft, lest they lose something precious. It was never meant to be a four-hour play.

Equally compelling is the history of the times, especially when Shapiro relates the events of 1599 so well to passages of the plays that were written that year. How was the composition of "Henry V" affected by the Irish campaign and Elizabethan censorship? Did that ill-fated Irish adventure and the uncertainty of a possible Spanish invasion that became known as the "Invisible Armada" influence the tone of "Julius Caesar"? What of the perennial conflict between Catholicism and Protestantism, heightened in tension by an aging and heirless Queen — was that struggle reflected in the plays? Was the anxiety that Shakespeare saw in his travels between London and Stratford over consecutive years of poor harvests translated peripherally into his comedy, "As You Like It"? Did the rise of a new literary format called the "essay" lead Shakespeare to experiment with the device most famously associated with him, the soliloquy? These fascinating questions are explored and answered in "A Year in the Life of Shakespeare" — putting the man and the author in the context of his times, and restoring his credibility. Such a man could indeed write such plays and sonnets.

As far back as the middle of the 19th century, academics and laymen alike started smelling something rotten in the state of English literature.

Is it human nature to build up a man to heroic dimensions in one generation, and then tear him down in the next? Unfortunately, yes. The legend of William Shakespeare, the Bard of Avon, grew exponentially from his death up through the 18th century. He was given mythological abilities, prodigious attributes; he seemed, from the vantage of less-than-scrutinizing scholars, to have sprung fully-formed from the brow of deity. With a setup like this, it's not difficult to foresee the coming fall.

But neither the lionizers nor the detractors are fair to the man who was William Shakespeare. He was a man of deep genius and powerful talents, true. Yet he was also a craftsman who worked

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Jo Ann Skousen is entertainment editor of *Liberty.* She lives in New York.

Tim Slagle is a standup comedian living in Chicago. His website is timslagle.com.

Roger Wasson is an inventor, business owner, and verbot programmer living in Austin Texas.

Tamara Wilhite is the author of the short story anthology *Humanity's Edge,* available through amazon.com.

diligently at his trade and drew sweet waters from the wellspring of middle-class Elizabethan life. How sharper than a serpent's tooth Shakespeare might have found the thankless anti-Stratfordians who, having been nourished by those waters, now call the well bitter and shallow! As McCrea writes, "A man who has given us so much deserves, at the very least, recognition for his accomplishments" (xiv). Both of these Shakespearean histories will contribute to defanging that serpent and restoring the reputation so richly deserved by this singular contributor to English literature. ❑

"An Inconvenient Truth," directed by Davis Guggenheim. Paramount Classics, 2006, 100 minutes.

Inconvenient, Indeed

Thomas Oakeson

Midway through my viewing of "An Inconvenient Truth," this summer's highly touted movie about global warming, I realized that I'd just paid $7 to attend a *lecture* — given by *Al Gore!* Drawn to the theater by the film's media hype and fawning critics, I was expecting to see a high quality documentary with cool science and nice graphics, at least as good as those on PBS Nova. After all, the film had a decent budget and a 90% approval rating by the critics, so it ought to be pretty good, right?

Well, not so fast. I did get a *little* of what I expected, but not without a whole lot of Al Gore thrown in. Included were boyhood stories, a review of the 2000 Florida election recount, and video footage from his days as the "hip" senator crusading for global warming awareness. (I couldn't help but recall the more "unhip" part of his Senate legacy as the crusading advocate for the PMRC — Parents Music Resource Center — who sought to control the contents of pop music with a ratings system even John Denver opposed. This inconvenient episode of his Senate history has been conveniently buried.)

These personal stories attempt to segue into the film's main issues, with a political style worthy of, well — Al Gore. For example, he tells a drawn-out story of almost losing his son in an auto accident, then uses it to make the non sequitur argument, "What we take for granted might not be here for our children."

He also tells the story of his sixth-grade science teacher who, when asked if the continents of South America and Africa ever once fit together like "puzzle pieces," responded, "No, they did not." Gore can't resist another jab at the Bush administration with this story, claiming that this teacher is now a science adviser to the Bush administration, while the student who astutely asked the question is now a drug-addicted bum.

The film can be visually convincing when Gore lets the pictures speak for themselves. We are shown several before and after pictures of glaciers that have shrunk over time; we see coastal glaciers in Greenland falling into the ocean and are led to agree with Gore's hypothesis. But the film overlooks the possibility that an increase in Greenland's intracoastal ice could be forcing the coastal glaciers out into the sea, the result of *expansion*, not rising temperatures.

Gore bases much of his campaign against Big Warming on the consensus of 928 articles written for scientific journals between 1993 and 2003, claiming they all share his views. But this "consensus" of scientists may not exist. MIT atmospheric science professor Richard S. Lindzen, in his July 2, 2006 op-ed for the Wall Street Journal Online, cites the research of Benny Peiser, who checked the work of the source Gore used and found that only 13 of the articles "explicitly endorsed the so-called consensus view."* Lindzen takes issue with roughly a dozen different claims Gore makes in the film and questions his credibility altogether.

When one considers the power of nature itself, it begins to seem rather hubristic to blame man for the recent fluctuations of global temperatures. Volcanoes, for example, are particularly harmful to the atmosphere, injecting into it a number of greenhouse gases, among them carbon dioxide. The explosive force of the eruption of Mount St. Helens in 1980 was equivalent to that resulting from the detonation of 27,000 Hiroshima-size atomic bombs — an event worse for the atmosphere, in one day, than the manmade damage done to our atmosphere during Earth's entire existence. In short, while greenhouse gases, and particularly carbon dioxide, do present a problem, they are not the only problem. The earth's climate fluctuates, with or without man's contribution.

The eruption of Mount St. Helens in 1980 was worse for the atmosphere in one day than the manmade damage done to our atmosphere during Earth's entire existence.

It also helps to understand the role of water in regulating the earth's temperatures. The earth's rotation is not perfectly smooth. The axis of rotation wobbles slightly. This and other factors can disrupt the circulation of the

*Peiser found 1,247 articles when he searched the ISI database using Oreske's (Gore's source) parameters. These 13 were taken from the 1,117 articles with abstracts (neither Peiser nor Oreske assessed the other articles).

oceans and the heat distribution of the planet. The oceans' dynamics influence the weather, and the circulation of the ocean's water is key to understanding how earth regulates its heat — especially important since water covers 70% of the earth's surface.

Despite its obvious weaknesses, the film is worth seeing, if only for the amazingly beautiful views of earth taken from satellites, particularly the time-resolved pictures showing a complete rotation of the earth. It is an earth worth saving, from whatever may endanger it. But Gore's alarmist evangelism and suspicious motives prevent the serious, nonpolitical viewer from taking his evidence seriously. ❑

Letters, *from page 37*

who was a heretic, was a long, messy argument that was not finally sorted out until the 4th century when the most organized, hierarchical faction got hold of state power, declared what was orthodox, and suppressed heterodox opinions. While we do not know that the community that produced the gospel of Judas ever had local or wider influence, we do know that, if they did, this would have been officially and deliberately forgotten.

To say, as Cox does, that it "was without apparent influence in antiquity" is as perverse as observing that Christianity and classical liberal ideas were without apparent influence in Stalinist Russia when nobody was allowed to talk or write about them. This raises several intriguing questions: who preserved the gospel of Judas and why, especially after it became a serious offense simply to possess it? Did they read it and, if so, to whom? Why did the book matter to them?

Still, as Cox says, the book's existence cannot prove that its story is true, and, in and of itself, it doesn't demonstrate that its doctrine belongs to 1st century Christians; yet what neither the nattering press nor, apparently, Cox realize is that the thesis of the gospel of Judas — that Judas did not betray Jesus but helped him turn himself in so that the authorities would not harm his flock — is not original but is, rather, a confirmation of this very thesis as found in other ancient sources, namely Matthew, Mark, Luke, and perhaps especially John. I won't go into the whole argument here, but key to it is the recognition that while the Greek word *paradídomi* (*para* = up; *dídomi* = to give) is translated 51 times in the New Revised Standard Version of the New Testament either as "to hand over" or "to give up" (also, four times as "to entrust" and twice as "to arrest"), it is translated as "to betray" only in reference to Judas (37 times) even though there is another word, *prodótes,* which more properly suggests treachery.

Curiously, the Church never bothered to change the word in the Greek text from "give up" to "betray," saving the opportunity to commit that sin for the translators. Translations in every language from Latin to English use an equivalent of "betray" where the Greek says "give up." The texts of the canonical gospels, of course, include other suggestions of betrayal such as "The devil had already put it into the heart of Judas son of Simon Iscariot to betray him." Even here (John 13:2) the word is actually "give up" not "betray." Besides, such comments sound too much like an editor-narrator clumsily interpolating his opinion into the text, nudging us in the ribs so we get the new party line on Judas. (An awful lot of John is narrated from a suspiciously abstract and distant perspective.) It is interesting that while some of the Pauline epistles seem to refer to a betrayal, others, such as Ephesians 5:2 and Romans 8:32, say that Jesus gave himself up — translating the verb *paradídomi;* it is a good thing that translators have not been consistent or else they would have made Paul say that Jesus betrayed himself.

Early Christian scholars ignored the discrepancy, probably sensing that it would not be good for their health to question it. By now, Bible publishers get away with it because it has become tradition and, besides, most people stopped reading Greek long ago; so you can be assured that the monkeys with the typewriters don't know anything about this.

Miles N. Fowler
Charlottesville, Va.

Cox responds: Mr. Fowler makes the literary history of the New Testament more mysterious than it is. No 1st-century manuscripts of the NT have come down to us, but this is hardly suspicious. Very few ancient authors are represented by manuscripts that come within 500 years of their originals. A fragment of a copy of John's gospel has been reliably dated to the early 2nd century, indicating that the original was produced in the 1st century. This gospel is commonly, and with good reason, regarded as intentionally supplementary to the other gospels, which came before it. Papias, a figure of the early 2nd century, says that the gospel of Mark, on which the gospels of Matthew and Luke were partially based, was itself based on the preaching of Peter (died c. AD 65). It is noteworthy that the NT never mentions the destruction of Jerusalem (AD 70) as something that has already taken place.

To question the four canonical gospels and exalt such alternatives as the so-called gospel of Judas, Mr. Fowler relies on evidence that does not exist. He suggests that earlier versions of the canonical gospels may have been different, and that the gospels we have today may have been produced by sinister editorial processes — even though, since no such earlier versions exist, "we can't know" anything about them. He suggests that a large and authoritative nonstandard tradition may have been suppressed without a trace by a church possessing the omnipotence of a modern totalitarian state. But there is no evidence that the gospel of Judas had any influence in antiquity, or even that it was produced by a "community" or that it "mattered" to anyone — except, perhaps, its author. There is strong evidence, coming from modern statistical study of ancient manuscripts (David Trobisch, "The First Edition of the New Testament" [Oxford, 2000]), that an edition of the NT existed in the 2nd century, and that it resulted from a consensus of local churches. As Mr. Fowler says, consensus doesn't imply unanimity. But "curiously," to use his term, none but the "standard" NT documents ever attained anything like a consensus in its favor.

As for *paradídomi,* it's a Greek verb of many uses, which must be translated in various ways, depending on its various contexts; it's used by Xenophon and others to mean "betray"; and in the NT it's properly translated as "betray" both where Judas is concerned and where he's not (see Matthew 24:10 in both the NRSV and the King James Version). But you can interrogate Greek verbs till the cows come home; the canonical gospels still have nothing good to say about Judas. Just read them.

Terra Incognita

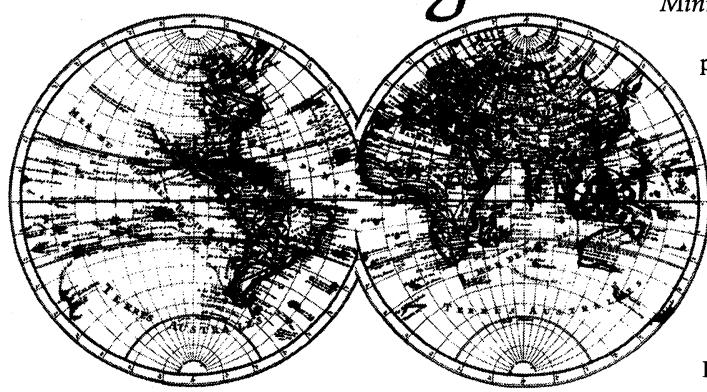

Columbus, Ohio

Another strike against Big Tobacco, from the *Akron Beacon-Journal:*

Lawyers for a man sentenced to death in the slaying of his ex-girlfriend want the conviction thrown out because the judge barred jurors from smoking during deliberations, making them antsy and overly eager to finish the case.

The Licking County jury deliberated for six hours before convicting Philip Elmore of aggravated murder and other charges in the death of Pamela Annarino. A week after the guilty verdict the jury needed three hours to recommend the death sentence.

Gloucester, England

If Klingon knives are criminalized, only criminal Klingons will have knives, notes the *London Daily Mail:*

Gloucester police kicked off a five-week "knife amnesty," during which now-illegal knives may be turned in without penalty, by displaying a number of weapons seized from house raids, among them a five-foot stainless steel replica of a sword carried by Klingons in the "Star Trek" series, known as a *bat'leth.*

Inspector Mac McGarry wielded the sword, which he said had been sharpened to kill, saying, "It is a particularly nasty weapon that can, literally, take someone's head off. We are very glad it is off the streets."

Dublin

Advice from the Almighty, conveyed by the *Irish Times:*

After the National Museum of Ireland revealed that a thousand-year-old prayer book discovered in a bog was found open to Psalm 83, supporters of Israel in its current attack on Lebanon sought to invoke the book's discovery as a divine message of support because the psalm is a plea to God not to allow Israel's enemies to destroy it.

However, museum officials issued a clarification that the psalm referring to Israel is in modern times numbered as Psalm 84. The one dating from medieval times instead referred to a "vale of tears."

Alton, England

Putting the fun in fundamentalism, from the *Yorkshire Post:*

Alton Towers, Britain's biggest theme park, was to open on September 17 for "National Muslim Fun Day" — with halal food, a strict dress code, and prayer areas.

Music, gambling, and alcohol were to be banned for the day and theme park rides such as "Ripsaw," "Corkscrew," and "Charlie and the Chocolate Factory" all segregated by sex.

But the event's organizers, Islamic Leisure, have called off the event, citing lack of interest.

Newport, Ind.

Protecting our nation's local fundraisers from poor attendance, from the *Martinsville Reporter-Times:*

State homeland security officials have told Vermillion County to stop using electronic emergency message boards, paid for with a $300,000 grant from the Department of Homeland Security, to advertise fish fries, spaghetti dinners, and elementary school carnivals.

Minneapolis

The right of the people peaceably to assemble, reviewed by the *Minneapolis Star Tribune:*

Participants in a "zombie dance party," in which a group of young friends dress in sometimes outlandish attire and congregate in public places to dance to music from portable stereos carried in bags on their backs, were taken into custody under suspicion of "simulating a weapon of mass destruction."

Police inspector Janee Harteau said the group refused to provide their names and intimidated passersby with their "ghoulish" makeup, adding, "Given the circumstance of them being uncooperative . . . why would you have those [bags] if not to intimidate people?"

Coopertown, Tenn.

Among the achievements in office of Coopertown Mayor Danny Crosby, alleged in *State of Tennessee* v. *Crosby:*

Harboring a dislike of blacks, and claiming that "everyone should own one," he swore in a new officer on Martin Luther King Jr. Day with the words "Happy James Earl Ray Day," and has referred to blacks driving with their stereos playing as "those goddamn jungle-bunnies bumping their bugaboo music."

He instructed police to arrest Gloria Swanson, a critic of his policies, for DWI, even if it meant planting a liquor bottle in her car. Of Swanson, Crosby has said that she "operates a lemonade stand in her backyard and gives blowjobs," and that he would like to stick a Taser in each of her ears and give her his "green Georgia donkey dick."

Crosby attempted to get a police report concerning suspected domestic abuse of his wife to "disappear" from official records and databases.

Boulder, Colo.

Obstacle to the revival of an old trade, reported in the *Denver Post:*

Robert Hibbs was arrested after demanding money and attacking an off-duty deputy with a golf club. Police said that Hibbs insisted he was a troll and owned the park bridge the deputy was trying to cross. Witnesses said that Hibbs was demanding $1 from joggers and bikers who attempted to cross the bridge.

Special thanks to Russell Garrard and Oisin O'Connell for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

BANNED

BY MARXISTS, KEYNESIANS AND AUSTRIANS

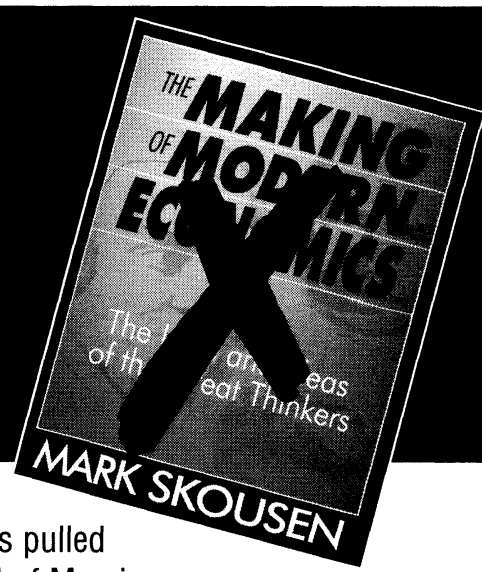

Why would a history of economics create so much controversy? Dr. Mark Skousen's book, *The Making of Modern Economics*, was pulled from the library shelves of the University of Philippines, a hotbed of Marxism.... censored by Keynesians at Columbia University....and blacklisted at the Mises Institute.

Skousen's "tell all" history doesn't pull any punches. Nobody's favorite pet economist — whether Marx, Keynes, Mises, or Friedman — escapes unscathed (although one economist is rated #1 for his "system of natural liberty" and becomes the heroic figure of the book).

What caused the Marxists on UP campus to ban Skousen's book? His chapter on "Marx Madness" provides a devastating critique of Marx's theories of capitalism, labor, imperialism and exploitation, and why most of his predictions have utterly failed. Plus it reveals Marx as a dismal failure in family, finance, and politics. This chapter alone has converted many Marxists into free-market advocates. (In Communist China, this chapter was translated into Chinese from "Marx Madness Plunges Economics into a New Dark Age" to "Marx and Classical Economics"!)

Why has Skousen been censored by Keynesian professors at Columbia? They don't want students to read his chapter on Keynes and Samuelson, what one economist has called "the most devastating critique of Keynesian economics ever written."

Why does the Mises Institute refuse to list Skousen on its recommended list of free-market authors? Despite the fact that his book is the only one-volume history written by a free-market advocate with 3 chapters on Austrians, it has been censored due to two favorable chapters on the Chicago school and how they have dominated the profession.....words they don't want their students to hear. (Plus they dislike what he says about Murray Rothbard, their patron saint.)

How to Order this Book

The Making of Modern Economics is a 501-page quality paperback, fully illustrated, and available from the publisher (www.mesharpe.com), Laissez Faire Books (www.lfb.com), or from Eagle Publishing (address below). It sells for $31.95, but Liberty subscribers pay only $24.95, plus $4 postage & handling. (Hardback copies are also available for only $39.95, plus P&H.)

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— Anonymous reviewer on Amazon

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"Mark's book is fun to read on every page. I have read it twice, and listened to it on audio tape on my summer hike. I love this book and have recommended it to dozens of my friends."
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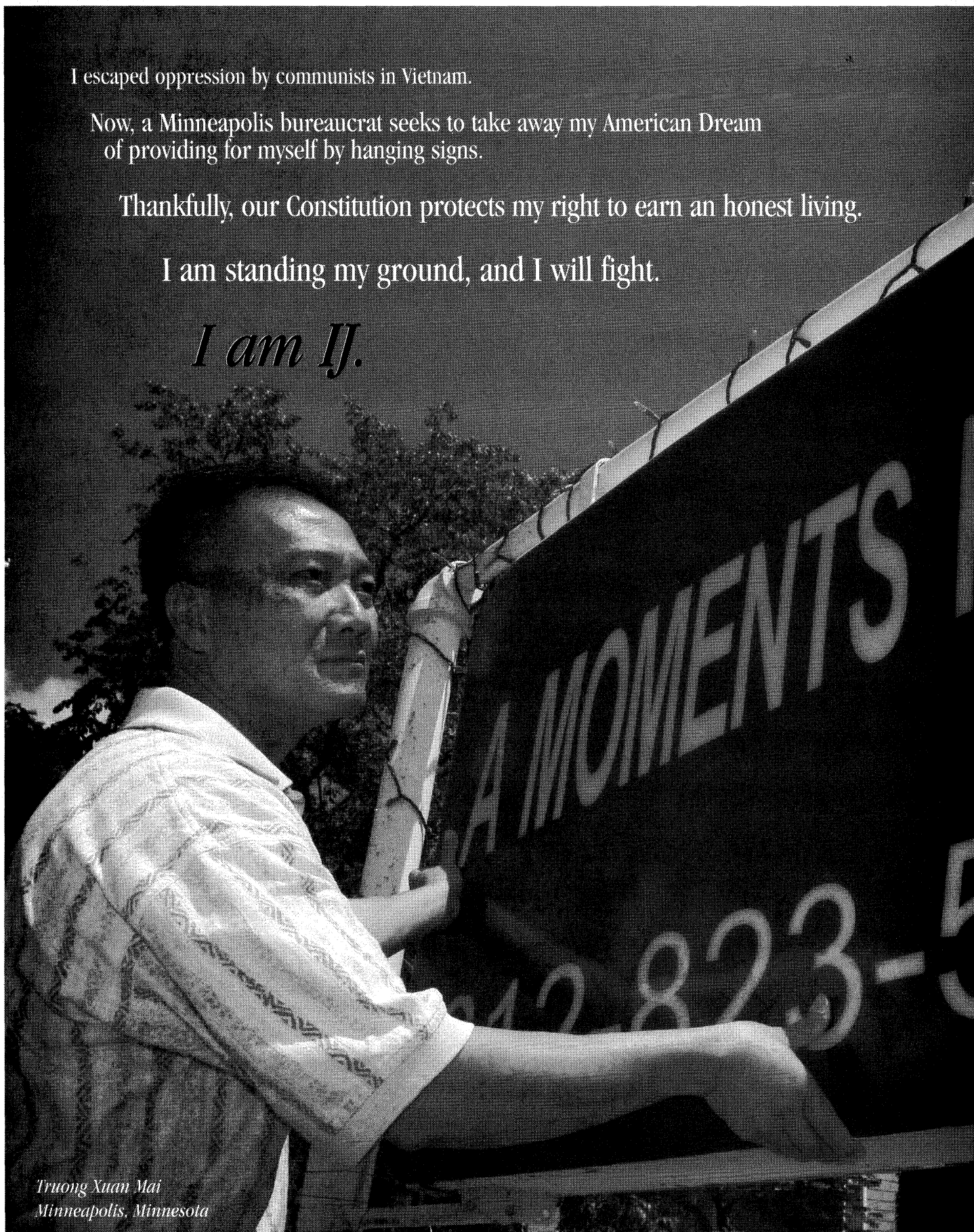

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Letters

The Missing Ingredient

Patrick Quealy, some of the reformers, and other so-called libertarian "moderates" consider the gutting of the platform "growing up" ("A Party in Search of Itself," September). Capitulation to mainstream political preferences, an unwillingness to stand by deeply held principles, and an inability to successfully communicate orthodox libertarianism to ordinary people are actually the hallmarks of those unwilling to take any adult responsibility for the Libertarian Party's "failures."

Abandoning the platform isn't the solution. Growing a pair of balls might be.

Angela Keaton
West Hollywood, Calif.

Success at the Polls

In the September issue (Letters), Maine legislator Ken Lindell writes, "I am hard pressed to name one LP candidate elected to a state legislature without also running on a major party ticket."

There have been five Libertarian Party nominees elected to a state legislature even though they weren't also major party nominees: 1978, Alaska, Dick Randolph; 1980, Alaska, Dick Randolph and Ken Fanning; 1984, Alaska, Andre Marrou; 2000, New Hampshire, Steve Vaillancourt.

In its entire history, there have only been three instances of the Green Party electing a state legislator: California 1999, Maine 2002, and Maine 2004. The Constitution Party has never elected one.

Richard Winger
San Francisco, Calif.

Inside Job

Patrick Quealy's article on the Libertarian Party allows us to see why Libertarians have so far failed to achieve power. Eccentricity makes the average voter nervous, as does the taking of extreme positions on issues like drugs and immigration. The "moderation" displayed by Libertarians at their recent convention did not go far enough to allay the average voter's concerns.

A party unwilling to compromise on some of its beliefs is a party that will never gain power. The only exception to be found in history is the Bolsheviks, and we all know what became of them.

Without Perot-like pockets it is virtually impossible to break the two-party monopoly of power in the U.S. But there is another way for Libertarians. The Republican Party is facing heavy losses in the upcoming fall elections. The current Republican administration has chosen to identify itself with the socially conservative, evangelical Christian wing of the party, to the exclusion of economic and social libertarians. If this administration is repudiated at the polls, an opportunity will exist for those with libertarian views to shape the party's future.

Libertarians should, therefore, enter the Republican ranks, and seek to take over the party from within, just as the evangelical Christians have done. With the apparatus and financial resources of a major party at their disposal, Libertarians could actually achieve many of their policy goals.

The alternative is for Libertarianism to remain a fringe movement for the indefinite future.

Jon Harrison
Poultney, Vt.

Great Communicators

I'd like to thank Jane Shaw for her complimentary article on Toastmasters ("Freedom to Speak," July). I joined during my 1989 campaign for governor of New Jersey (I came in third in a field of six), and quickly learned its benefits. Since then, whenever I'm asked by fellow LP members what is the single most effective thing they can do to promote liberty, I reply, "Join Toastmasters."

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Inside Liberty

November 2006
Volume 20, Number 11

2 Letters Our readers know the score.

5 Reflections We restore furniture, desegregate "Survivor," click the spy button, boot Pluto, run as Incumbents, chase away the middle class, tyrannize the police, dive the Great New Orleans Reef, turn our bodily functions over to the TSA, labor in vain, throw the first stone, and ask if a doctor's in the house.

Features

15 Health Care: Three Fantasies Thanks to genetic research, humans may soon be living dramatically longer, healthier, and more productive lives. But *Ross Overbeek* warns that caution could get the best of us.

18 Charity? Humbug! What could be better than using one's fortune to help the poor and struggling? *Doug Casey* has a few ideas.

21 Why Libertarians Should Call Themselves Socialists First the nationalists called themselves "federalists," then the statists dubbed themselves "liberals." *David G. Danielson* strikes back against the label thieves.

23 The Crimes of War *Jon Harrison* surveys the modern battlefield and mulls over the vexed issue of atrocities.

26 The Catechism of the Revolution Well before the American Revolution, the message of liberty rang forth from the pulpit. *David Kopel* introduces the preacher who coined the phrase "no taxation without representation."

Reviews

29 The Rise of the Compassionate Class Class analysis was a growth industry even before the proletariat was taught to distinguish itself from the bourgeoisie. *Gary Jason* considers two recent analyses, and counters with one of his own.

38 AIDS Reconsidered *Richard Kostelanetz* reviews what decades of AIDS research have taught us: AIDS researchers are not necessarily to be trusted.

40 Curtain Call Behind the rhetoric and the razzmatazz of the vaudeville stage, *Jo Ann Skousen* spies the free market and good ol' entrepreneurship.

41 Filmnotes Drugs, music, magic, and a little girl with glasses.

35 Notes on Contributors The salt of the earth.

47 Terra Incognita Turning and turning in the widening gyre.

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I note that the Toastmasters program, while originally and formally constituted to address the simple fact that more people fear speaking in public than fear death, has become much more. For example, because every meeting role and officer position in every club is a voluntary position, learning how to perform as a vital member of a team is a secondary but hardly incidental benefit. The basic program stresses communication, not speaking, reflecting the simple fact that communication involves three vital skills: listening, thinking, and speaking — and Toastmasters is a tremendous vehicle for improving all three, not just speaking. My own experience is typical: the more confident and comfortable I became at speaking, the more effective a communicator I became, and the better a thinker and listener I became. The program reinforces itself.

One point needs to be made, however. Each club is quite autonomous, and different clubs exhibit a variety of climates. Shaw's club, for example, includes a prayer; my home club does not. We do have the Pledge of Allegiance at each meeting, but everybody in my club respects my opting out of that exercise (though I do stand during the ceremony out of respect for the other members), to the extent that when I am assigned the role of Invocator — which also includes leading the Pledge — another member picks up where I refuse to lead. There's no issue made of this indulgence of my personal stance. And our club does not include a grammarian or ah-counter; responsibility for those functions is left to the evaluators of the individual speakers. But those are minor wrinkles.

Dan Karlan
Waldwick, N.J.

Still Workin' on That

A few weeks ago, I did something in a restaurant that made me half ashamed. Now that I've read Stephen Cox's October Word Watch column, I'm half proud too.

After being harassed at least an honest four or five times by waitresses and busboys who wanted to know, "How's yer meal goin'?" and "How's everything?", and the awkward "How's dinner tasting?", the very owner of the restaurant came up, put his hand on my shoulder and asked, "How's your dining experience?" I replied, "Don't touch me!" He said "Okay" and removed his hand. Then I said, "The food is okay; that's all."

He left. My wife and friends looked silently at their plates. Was that wrong? Probably. I guess Cox and I are both offended by words that are nowadays, sadly, perfectly good etiquette.

Michael Christian
San Diego, Calif.

Letters to the editor: Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or send email to:
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As Liberty goes to press, America is preparing for another bout with the ballot box. Many friends of individual freedom believe that it doesn't make any difference which party holds the House and Senate: "There's not a dime's worth of difference . . . " I won't go that far. I believe that, once in control of the legislative apparatus, each of the major parties has a tremendous ability to hurt individual Americans, and that there are big differences in the ways in which they can hurt us.

Yet I also believe that one thing should be kept in mind, no matter what happens in any particular election.

Liberty is the right idea. It will always be the right idea. Like a full moon riding the November clouds, it will always return to announce itself, even at the most unexpected times. The culture of liberty, which is the culture of free men and women everywhere, will also survive — rich, strong, and various, serious and charming and funny, too — continuously reproduced by free minds and free hearts.

That is the culture we celebrate here. I think you'll find it strongly represented on every page of this, our November issue.

For Liberty,

Stephen Cox
Editor

Reflections

Moving day — There is growing talk now about whether or not Sen. Hillary Clinton will run for the presidency in 2008. I have one question about this. If she runs and if she wins, will she be required, upon moving back to the White House, to return all that furniture she took with her when last she left?

— Ross Levatter

Dropping bombs — It won't be long before Semtex is surgically implanted in Achmed's body or the bad guys board planes with perfectly formed Semtex turds planted in their colons, ready for airborne extrusion. Technology can only do so much. The contest is one of imagination and will. There's no smarter smart bomb than a human being willing to die for a cause.

— Paul Rako

This is CBS? — On Sept. 5, 2006, a milestone in history was reached: a TV network allowed a brave, trailblazing woman to present the evening news all by herself. And if you think that sounds patronizing, google for some of the gush over Katie Couric's debut as CBS news anchor.

Using "anchor" for the lead newsreader, of course, implies that the nightly news is a voyage, traveling with reporters to all corners of the globe, and then returning to the harbor of the main news desk. The role requires enough intelligence to pretend you can find Chechnya on a map and a voice that doesn't sound like Care Bears mating, and to this point Couric has demonstrated neither.

With her recent refusal to travel to Lebanon, she has also demonstrated an unwillingness to relocate with the main desk when certain events, such as an impending war or gathering storm, warrant. I can only guess that CBS execs, having never seen an anchor outside the context of museum decor, have assumed that, like a paperweight, it's merely a heavy lump that holds things down.

I didn't think it possible, but Couric made me long for the days of Dan Rather and Connie Chung. At least they could deliver the network's simplistic, skewed takes on the day's events with an air of dignity — and faced with the instant-response reportage on the internet, and the endless analysis of minutiae on cable TV, dignity is really all that network news has to offer.

The American people are almost always willing to give novelties a hearing. The first week of ratings, dropping from 9.1 to 4.9, suggest Couric had hers — and she was promptly tuned out.

— Andrew Ferguson

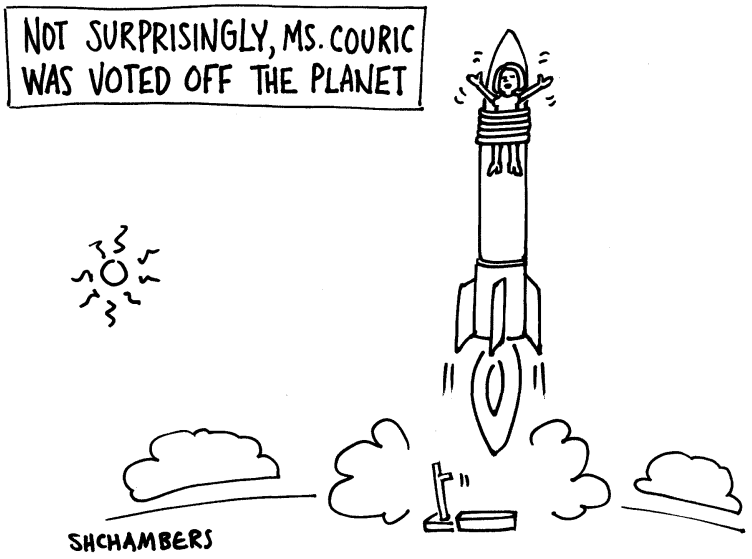

"Conversations" on Race — Jim Crow is alive and well at CBS. The network has announced that contestants in the next "Survivor" will be divided into ethnic "tribes" including a black team, a white team, a Hispanic team, and an Asian team.

Defenders of the change argue that it will stimulate a "conversation on race." No doubt. This scenario certainly raises some intriguing questions to start off this conversation. What will be done about people of mixed black and white ancestry? Will the producers of "Survivor" assign them to the black team on the basis of the "one-drop" rule as used in the Homer Plessy case of 1896? Will the segregation be extended to separate drinking fountains and restrooms? Will contestants who quit be considered "traitors to their races?"

— David Beito

Just a click away — Users of Microsoft's instant-messaging services can now click a "Report Abuse" button to alert law-enforcement officials to a conversation with a child predator. A news release by the UK's Child Exploitation and Online Protection Centre says that, with this button, "users from anywhere in the world can access the Virtual Global Taskforce — an international alliance of law enforcement agencies."

Just what I wanted: a feature in a chat client to invite more government surveillance of my communications. How about a "Report spying by some NSA asshole" button?

— Patrick Quealy

Labor in vain — The nation has again "celebrated" Labor Day. But what about replacing it with a truly festive occasion? Call it Entrepreneurs' Day.

Of the four factors of production studied in Economics 101 — labor, capital, land (natural resources), and entrepreneurship — the only one that makes us different from the commie countries is entrepreneurship.

The Soviets built trucks with labor, capital, and land, and used the state as the coordinator of resources, but what made

the trucks not run right was the lack of individual entrepreneurship; i.e., the lack of the competitiveness, individualism, and innovation that are inherent in a free enterprise system.

Labor by itself is drudgery and oppression. It's entrepreneurship that makes it productive, interesting, and fulfilling. So let's throw an annual party for the real guest of honor. The first Monday of next September would be a good time to start. — Ralph Reiland

Permanent evacuees — I acknowledge that some refugees from flooded New Orleans were sick or elderly, and they didn't want to flee their homes; however, nearly a year after Hurricane Katrina, isn't it time for the special entitlements to end? The Houston Chronicle (Aug. 4) reported that in early August "leaders of nonprofit housing organizations discussed strategies to obtain more than $1 billion in new federal aid for evacuees who still will need help when their emergency rent payments end in a few months."

Meanwhile, millions of non-citizens who don't speak English sneak across the Mexican border each year. No one gives them housing assistance. They find jobs and pay rent. And they are hiding from the federal government, not petitioning it for continuing handouts. — Thomas Giesberg

School daze — This country's schools have effectively been nationalized. Officially, there is still competition between school districts, and among public schools, private schools, and home schools, but in effect we now have, after a century of consolidation, a national educational system, with a national Department of Education, federal aid to the schools, many government rules and regulations controlling public schools' operations and curricula, together with substantial power ceded to nationwide unions to license teachers and influence instruction. As a result, competition in the field of ideas and education has been severely restricted, the very opposite of what the situation would be if there were complete freedom of entry to anyone and everyone who sought to teach children.

So far, at least, the nationalized schools have not been used to promote frankly nationalistic propaganda. Nor does the government openly censor school curricula. But it has

News You May Have Missed

Space Aliens Land, Demand Recount

NEW YORK — The earth was invaded by space aliens last week as thousands of angry Plutonians arrived in a fleet of spaceships to protest a vote by the International Astronomical Union at a meeting in Prague that demoted their home planet, Pluto, to a new "dwarf planet" status. Joining the angry space aliens in the protests were hundreds of equally angry dwarves.

Dwarf planets, while not nearly as large as the eight major planets that orbit the Sun, nevertheless have to be large enough to assume a spherical shape and have their own center of gravity, a definition that would encompass not only Pluto but an asteroid named Ceres, a remote, recently discovered ball of ice and rock named Xena, and millions of overweight Americans.

Since the Plutonians do not have the smooth, hairless, white oval heads and large, black, slanted eyes that are now considered *de rigueur* for all self-respecting space aliens, they were not recognized as such and, despite being purple, eight feet tall, and shaped like tubes of hair gel, they passed unnoticed through airport security.

The Plutonians were said to be determined to study other planets in the hope of qualifying for full planet status at the next meeting of the Astronomical Union, and the first thing they did after arriving was to join the line of Midwesterners waiting to get into Planet Hollywood in midtown Manhattan. Later they tried to meet with Vice President Dick Cheney in Washington, having heard that whatever planet the Bush Administration is on has also not yet been officially recognized by the Astronomical Union. The startled Cheney aimed a shotgun at them and, loudly insisting that the Plutonian resistance was now in its last throes, succeeded in wounding 14 nearby lawyers.

Some members of the Astronomical Union said that the decision on Pluto was not so much based on science as on a desire to shorten the union members' work week. "Now we're down to eight planets," said Dr. Frothwell Beamish of the Mt. Wilson Observatory in Pasadena. "Subtract earth because that's where the YOU ARE HERE arrow on our solar system map points, and Uranus because you can't talk about Uranus without getting laughs, and that leaves only six planets to keep track of and bet on in the office pool about which one gets voted off the solar system next. We're starting to think Mercury might not really be a full-fledged planet either because somebody was eating a bagel while looking through the telescope and quite possibly what we've been seeing is a sesame seed that fell onto the lens. What all this means is that we get to leave early on Fridays."

The protests, taking place in New York as well as other cities around the globe, were said to be peaceful, partly because Plutonians communicate in high-frequency sounds that can't be detected by the human ear, though dogs in the vicinity filed complaints, and also because the number of protesters gradually dwindled as groups of them went off to do some serious shopping while in town as well as to take in "The Phantom of the Opera," since Andrew Lloyd Webber is considered a musical genius on Pluto.

In fact many of the technologically advanced Plutonians were said to be initially inclined to remain on earth rather than return to a minor-league, provincial-backwater "dwarf planet," but they changed their tune when they discovered it would mean having to try to figure out things like IRS forms and the significance of Jessica Simpson. Aside from some missing towels at their hotel, there were no reported ill effects from the aliens' brief invasion.

— Eric Kenning

slowed down and in many ways restricted the ideas taught and the shape of competition in the field of education. This can be clearly seen in the production of textbooks, which usually promote prevailing opinions and rarely oppose the national government's views on various issues. Generally speaking, the textbooks now being produced and used in the public schools tend to toe the line.

Intense competition among publishers for especially lucrative sales means that the most populous states (including California, Texas, and Florida), as well as big urban school districts such as New York City and Miami-Dade County, all with a centralized process for textbook selection, exert disproportionate influence. To avoid antagonizing any single group, publishers try to reflect diversity of population, to be politically correct in every respect. To avoid racial stereotypes, white suburban kids, Asian-American laundry owners or math students, and Mexican men wearing ponchos and wide-brimmed hats are déclassé. The texts tend to understate whites and overstate minorities.

Some publishers have established guidelines for elementary and high school texts. McGraw-Hill specifies that 40% of the people depicted should be white, 30% Hispanic, 20% African-American, 7% Asian and 3% Native American. California, Texas, and Florida require publishers to reflect diversity but don't specify percentages for particular groups. To keep diversity proportional to a textbook's market, publishers count the pages devoted in various editions to illustrations of different racial groups. In a California edition, 35% of illustrations are of Hispanics and 7% are of African-Americans. In North Carolina, 6% are of Hispanics and 22% are of African-Americans.

Publishers don't have numerical targets for religious affiliation, but are wary of slighting any religious faith. A picture of a pig walking down a street was removed from the cover of a 2005 first-grade reader, lest it offend Jews or Muslims who don't eat pork. Photographers seeking to portray disabled youngsters in the lavishly illustrated textbooks often find it difficult to locate enough truly disabled children with muscular dystrophy, cerebral palsy, or Down syndrome available to model, so they sometimes give a fully mobile child crutches or place him in a wheelchair. Photos of President Roosevelt in his wheelchair have become popular. Substitutions are sometimes made of one racial type for another "lookalike" type — a Southeast Asian for a native Mexican or a Chicano for a southwestern Native American. Publishers, though well-intentioned, have replaced one artificial vision of reality with another. Textbooks have become a veritable exercise in hypocrisy.

Modern textbooks are pretty well homogenized. Factual information has been watered down. Today's school books include more pictures and proportionally less reading material than yesterday's texts. As illustrations proliferate, intellectual content suffers. As the years go by, there is more history for students to cover, so accounts of the past must be shortened and some facts must be dropped. But the judgment of McGraw-Hill to include a profile and photo of Bessie Coleman, the first African-American woman pilot, in the 2002 Texas edition of "The American Republic Since 1877," without even mentioning aviation pioneers Orville and Wilbur Wright, certainly seems a stretch.

The persons responsible over the years for introducing government programs to help public school students have had the best of intentions. They have provided federal funds to help pay for school construction, integration, textbooks, compulsory school attendance, school library books, busing, school lunches, merit pay for teachers, standardized testing, special education for the handicapped, etc. In the process they have unwittingly produced, step by step, a "national" public school system. Moreover, in spite of their best intentions to improve the quality of public-school teaching and to assure "no child left behind," requiring teachers to satisfy government-imposed rules and regulations hampers their ability to teach. Political goals have been accomplished at the expense of quality public-school teaching. As the late Professor Ludwig von Mises wrote in 1927: "[T]he school is a political prize of the highest importance. It cannot be deprived of its political character as long as it remains a political and compulsory institution." And the compulsory U.S. public schools are increasingly politicized. — Bettina Bien Greaves

Don't take "No" for an answer — Longtime members of the Libertarian Party — and even more so, former members of the LP who long ago dropped out — know that third parties in America face enormous obstacles.

- They don't have the name recognition or automatic respect granted to the two major parties.
- Fundraising is onerous and burdened by restrictive regulations that are designed by the incumbents for their benefit.
- Third party candidates, like all nonincumbents, have none of the perks of office, such as franking privilege, that make reelection easier.
- As a third party, one has to fight against the entrenched interests of both other parties.

But now I realize there is *one* party that could routinely run and win, facing none of these obstacles. And it seems to be forming. It's called the Incumbent Party.

Its major candidate this year will be formerly Democratic Sen. Joseph Lieberman. Although losing by four percentage points in the Democratic primary, Senator Lieberman — given his name recognition, incumbent status, and appeal to Republicans — is already ahead in Connecticut polls by 12% in a three-way race (Quinnipiac opinion poll, Aug. 17).

As an incumbent, he has all the perks of office at his disposal, even running as an independent. Because all incumbents find it generally in their interest to support incumbent reelection, the national Republican Party is not supporting the Republican candidate for Connecticut's senate race. And I expect that national Democratic figures will back Lieberman, even campaign for him, against the official Democratic candidate in the state, Ned Lamont.

The Incumbent Party avoids almost all of the problems that face traditional third parties. They have name recognition and the respect automatically granted to officeholders. Raising money is much easier for an incumbent. As of July 19, Lieberman had coffers of almost $3.5 million and Lamont only $350,000.

All of the perks of the Senate are available to Lieberman, including friendly fellow senators making campaign pitches for him. President Bush has indicated he won't take sides in a race between Lieberman and a Republican, which admittedly is the least he could do after publicly bussing him on the lips.

Members of the Incumbent Party don't have to fight against the entrenched interests of the major parties. They *embrace* the entrenched interests of the major parties.

It seems the Incumbent Party has all the benefits that traditional third parties fail to achieve. The only thing it lacks is the desire to change the system in any way whatsoever.

— Ross Levatter

Choosing for you — Washington was one of seven states that allowed the sale of the "Plan B" antipregnancy drug before the FDA legalized it nationwide. In that state the question has arisen: should pharmacists who morally object to Plan B be required to sell it anyway?

What was notable about the debate was how the libertarian way of thinking was entirely absent from it. In that view, a person or company in the business of selling — that is, as an owner — could decide not to sell certain merchandise for whatever reason or for no reason, because commerce should be voluntary. The pharmacists' claim, however, was not stated that way. It was stated that a pharmacist, as a pharmacist, should have the right not to dispense drugs if he did not approve of the customer's using them.

That most pharmacists work for drugstore chains was not mentioned. It was highly unlikely that a chain would allow employees to refuse to sell company inventory because of some beliefs they had. Really this whole issue was about a handful of pharmacist-owners, probably most of them in small towns. But the claim was not made that way.

The loud and insistent reply from urban progressives was that the moralistic pharmacist was denying the woman's access to the drug, and that it was none of his business to police her that way. And so, after initially ruling for the pharmacists, the state pharmacy board, under pressure from the state's (female) governor, ruled the other way. In Washington, pharmacists are required to sell Plan B to a legally qualified buyer if they have it in stock.

I can't see how that rule will affect me in the slightest. I'm a city guy, and probably if I were a pharmacist I would have the same sales policy as Walgreens. But I would also resent the state's usurpation of my decision about it, and the corresponding loss of liberty.

— Bruce Ramsey

Plame game — For three years now, the major news media have been bashing Bush with the allegation that he, or Cheney, or Rove, or someone else in his administration, deliberately "outed" Valerie Plame, the wife of Joe Wilson, in retaliation for Wilson's pushing the story that Bush had lied in his 2003 State of the Union address, in which he repeated the British allegation that Saddam Hussein had sought to buy uranium from Niger. The media were shocked, *shocked*, that leaking was going on! and demanded the appointment of a special prosecutor. They got what they wanted. Patrick Fitzgerald was anointed, and over the past three years has spent a ton of taxpayer money investigating everybody but managing only to get an indictment of Scooter Libby, Cheney's chief of staff.

With the admission by Richard Armitage, Colin Powell's deputy, that he was the source of the leak, the whole story has been shown to be a pack of lies. Wilson's allegations were long ago debunked, of course. But the story lingered on, with the media hoping to bring down Rove. But now we know that Bush, Cheney, Rove, and Libby were innocent all along, and that Armitage, and Powell, and Patrick Fitzgerald *knew it* all along. The silliness of the major news media is nothing particularly surprising. The treachery of Armitage (and Powell, for that matter) is harder to explain: how do you watch innocent men get attacked and indicted, when you know that they are innocent, because you committed the "crime"?

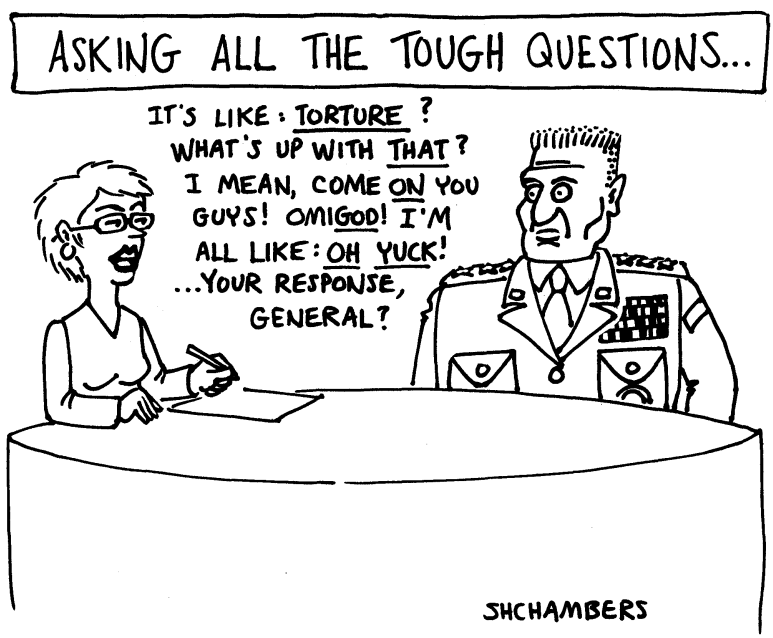

But the big lesson here is the inherently abusive nature of the office of special prosecutor. You give a person unlimited time and money to get indictments for any crime he can find, and eventually you will get some indictments. But you will also get injustice. In this particular affair, there never was a crime. Plame was not an undercover agent at the time her name was leaked, nor had she been one for a long time before the leak, and Fitzgerald knew it, which is why he never even tried to get an indictment of anybody for *that* bogus offense. No, he pulled the old prosecutorial trick of forcing people to testify to investigators and grand juries repeatedly, over months and years, until somebody trips up and contradicts himself — in which case you've "got him" for perjury. After the millions of bucks wasted, we've got Libby for perjury even though we know he had absolutely nothing to do with the leak.

When will we learn that special prosecutors are worthless as instruments of justice? You would think that the Democrats in particular would have learned that lesson after the Clinton-Lewinsky debacle, but no, they were behind the current pseudo-scandal, hoping to nail their archenemy Rove, and it has now blown up in their faces.

Just kill the whole concept. If you don't like a president — be it Nixon, or Reagan, or Clinton, or Bush — just vote against

him. If you hate his guts, then vote against him and donate a ton of money to his opponent. But quit using special prosecutors to do your political work. — Gary Jason

One size doesn't fit all — When Medicare was enacted 40 years ago, it was intended to ensure vital medical care for those 65 and over. But things aren't working out precisely as planned. Members of the Boomer Generation, now thinking of retirement, are having difficulty finding doctors to care for them. In many places, medical costs have risen above the limits set by Medicare so that the fees doctors are allowed to charge for treating the elderly are not enough to cover their costs. As a result, some doctors are leaving the field and many others are reluctant or unwilling to accept new Medicare patients. But don't blame the doctors; blame the program.

Medicare was set up in 1966 to help persons on Social Security pay some of their medical bills. Unsurprisingly, this help came with strings attached — as any entitlement program must. No government agency can give out money indiscriminately. Congress would have been completely irresponsible if it had not imposed rules and regulations to protect taxpayers by keeping costs from mushrooming, and to see that the program was carried out as intended. To protect the elderly from being exploited, and to prevent waste, graft, and corruption, Congress defined the services it would pay for and in many cases placed limits on what doctors and hospitals could charge. As least Congress tried!

The result? Medicare spending has ballooned beyond all expectations. And in spite of attempts to control waste, graft, and corruption, many have succeeded in gaming the system for illicit gains. As a result, taxpayers have suffered. It must be admitted that many elderly have benefited; they have received needed medical care at less than they otherwise would have had to pay out of pocket. But those costs are all past, finished, and done for. Some costs are still to be paid in the future. Fewer persons are being attracted to medical careers. Many who envisioned a life of helping others by becoming doctors have become disillusioned, discouraged by the prospect of years of coping with government rules and bureaucratic red tape, and have given up the study of medicine. Moreover, because of Medicare's restrictions, fewer doctors are choosing geriatrics as their specialty. This is the lesson the Baby Boomers are now learning. And unless things change drastically to lessen the heavy burden of Medicare's controls and costs and open up medicine to the free market, with its freedom of entry and flexible pricing, Generation Xers will face prospects still more dire. — Bettina Bien Greaves

The legendary lost city New Orleans — According to Al Gore's "Inconvenient Truth," If we don't drastically cut our fossil fuel consumption within the next decade, the Earth will suffer irreversible damage. I'm not certain why global warming is cited as such an immediate crisis. It's not happening overnight. The worst estimate is around a seven degree rise in temperature and a foot rise in ocean levels over the next hundred years. That's plenty of time to move inland and northward.

Not many people are moving back to New Orleans. If the Army Corps of Engineers cannot control the water, the next several subsequent floods will force everyone inland for good. It's very possible that New Orleans will be a ghost town in a hundred years, and perhaps even a really cool dive site. Meanwhile the great majority of the residents, along with the Cajun and Creole cultures, will survive.

There's an ancient Roman city under water in Egypt, yet there are descendants of both those civilizations living today. There are descendants of migrant farmers living in California, whose grandparents' farms in Oklahoma are as dry as an Al Gore sideshow.

Why do the environmentalists have to be so apocalyptic? Is it perhaps that the real "inconvenient truth" is that the planet will warm slightly over the next couple hundred years, and people will adapt? Unfortunately, that doesn't fit into the leftist plan to scare everyone so much that they'll accept a Gore presidency. — Tim Slagle

This "compliance" stuff is expensive — The 2006 ballot in Washington state will include Initiative 933. If it passes, the state government will be required to "consider and document" the adverse consequences of "any ordinance, regulation, or rule which may damage the use or value of private property."

The opposition campaign notes the problems with the initiative. It will cost government time and will cost taxpayers money. There will be less money to spend on current budget items, because the state will have to spend money tediously documenting the process by which some decisions are made. The "No on 933" website complains the initiative is "written so irresponsibly that it leaves voters guessing and doesn't say where the money will come from" to cover compliance costs.

I'm glad the Left is figuring out that complying with stupid laws costs time and money. Business owners have been trying to tell them that for years. Maybe the knowledge will spread beyond our state's borders this November. — Patrick Quealy

Middle-class shrinkage — A recent article by Nancy Cleeland in the Los Angeles Times (Aug. 23), lachrymosely headlined "Rich, Poor Live Poles Apart in L.A. as Middle Class Keeps Shrinking," sets a new standard for blindness to the obvious. If there were an award for this sort of ideologically myopic journalism, Nancy Clueless would win it hands down.

Her article is part of an endless stream of L.A. Times (and N.Y. Times) propaganda intended to show that our economy is in another Great Depression caused by the evil Bush tax cuts that benefit only the rich. The Times — lovingly called "Pravda West" by the locals — wants to help elect leftists who will "restore prosperity" by jacking up taxes.

She cites "experts" who aver that L.A. is losing its middle-class neighborhoods and moving toward a two-class society, with poor folks (such as recent low-skilled immigrants) huddling in wretched communities while the rich (such as entertainers) luxuriate in splendiferous ones. She laments this change, noting that in the post-WWII era there were plenty of high-paying manufacturing jobs in aerospace, but with the collapse of aerospace in the 1990s, those workers left. Her preferred solution is for local government to impose regulations requiring real estate developers to build more affordable housing for the poor, or else for the voters to pass massive bonds to subsidize such housing, eventually to be paid by property taxes — this in a state whose structural deficit is already massive.

Word Watch

by Stephen Cox

According to an old gospel song, "There's a dark and a troubled side of life; / There's a bright and a sunny side too." That could be said as well of the American language. There is the plain, clear, colorful tongue of people who know what they're talking about. Then there's the silly, confused, unendurably drab language of people who are trying to put something over on us. They usually start by putting it over on themselves.

I thought of this when I read the remarks of the Reverend Katharine Jefferts Schorri, the newly elected presiding bishop of the Episcopal Church in the United States. Bishop Schorri considers it her principal job to sell modern liberalism, and like other salesmen who are cursed with a bad product, she does her best to obscure what she's saying — from herself, I suspect, as well as from everyone else. In her case, naturally, the obscurantism is performed with phony biblical language.

Responding to the liberal vs. conservative warfare that is tearing her church apart, she immediately advised her coreligionists to "[l]ay down our narrow self-interest and heal the hurting and fill the hungry and set the prisoners free." She was echoing, sort of, the language of Psalm 146 (or perhaps, more impiously, that of Luke 4:18). But what, literally, did she *mean*? Was she contemplating a raid on the county jail? Was she writing a check from her own account, or, recognizing that her election was a principal cause of the divisions in her church, laying down her own "narrow self-interest" in the form of her job? No, of course not.

Some clue to what she actually meant emerged in other portentous words: "We children of Jesus can continue to squabble over our inheritance or we can claim our name and heritage as God's beloveds, and share that name beloved with the whole world."

There is much in those words that illustrates the dark side of the American language. In "God's beloveds" we hear the funeral director's smarm. Dead people are always "the loved one," "your beloved," "Mom Jones" and "Dad Jones." "We children of Jesus" projects the familial imagery that is indispensable to most creepy and dishonest speech in America — religious, political, or commercial. To the president and his friends, we are "the American family." If you want to pass a bond issue, make sure you say that it's "For the *Children*." To many conservative religionists, "family values" are the summation of all morality, and perhaps theology. One of the leading conservative Christian radio syndicates is actually called Family Radio. As for commerce, the last member of this unholy linguistic trinity, how many times have you been sickened by that sell-job from the Olive Garden: "When you're here, you're family"? No thanks. I've been kicked out of better families than that.

"Children of Jesus" takes us still deeper into the dark side of the force. It isn't a biblical phrase, any more than "family values" is. And unless you believe in the literal truth of "The Da Vinci Code," which for all I know Bishop Schorri does, the phrase has no referent in the physical world. It's one more way of selling the currently fashionable gendered view of life, of using every sentence to assert the value of gender sensitivity and sexual identification, or any of the thousands of other New Age notions that lead people to think that what is *really* important in our lives is making certain that every sentence includes the magical locution "he/she."

No, you usually don't think about Jesus' having children, do you? But maybe that's just because you don't feel his maternal qualities, as Bishop Schorri does. Here's how she explains it: "That sweaty, bloody, tearstained labor of a cross bears new life. Our mother Jesus gives birth to a new creation and you and I are his children."

I'll *share something with you*. I look with astonished respect at any woman who has given birth. The fact that my mother endured that kind of pain to give me life always makes me feel exquisitely guilty about any disagreement that I had with her — whenever I have the heart to recall that important fact. But the idea that crucifixion by Roman soldiers was something like . . . labor pains! is bizarre and repulsive, as well as smarmy and stupid. It's an attempt to use agony, of both kinds, to recommend the weird proposition that at every moment women need to be assured that they are important. How insulting can you get?

The bishop didn't think she was insulting anyone, certainly. But a chief characteristic of foolish people is the habit of substituting words for thoughts. She was simply following the common verbal formula: put as much gender stuff in your sentences as possible. I'm sure she thought she had wowed her audience when she mixed the masculines up with the feminines in that last sentence, talking about Jesus as a "mother" with "his children." This is the painfully dull cutting edge of the new theology. Don't worry: it's all just words; no real image is created, not even that of Mary Baker Eddy's "Father-Mother God," which carried the full weight of her large and startling vision of the world. Curiously enough, considering the clumsiness of the words themselves, words are what people like Schorri worship.

There are many people like that in America: the people who believe that "Huckleberry Finn" is the worst book in the world, because it uses the word "nigger," although it would be the best book in the world, if some other word were only substituted; the people who "have problems" with "affirmative action" but are completely satisfied, once it's renamed "diversity"; the people who believe that saying, "I know where you're comin' from, man," will solve the problems of whomever they come in contact with; the people who assume that talking like a convict gives you "street cred" (particularly if you're an insurance broker or a financial analyst); the people who, like the president, believe that progress will take place simply because you say that "progress is taking place"; and, not to omit my own professional brand of smarm, the people who appear to think that just because they write a monthly column about words, they themselves are the Lord's "beloveds."

She never even once mentions the obvious reasons for the flight of the middle class from L.A. (and California generally). Yes, aerospace was cut (her buddy Clinton cut defense spending by 40%, of course). But for decades California has waged a vicious war on both business and the middle class. The state workers' comp rates are among the highest in the nation, virtually doubling labor costs in construction, which is a major cause of the ridiculously high price of housing.

California has an embarrassment of environmentalist regulations, making construction difficult, which again results in high home costs, and keeping the state from constructing new highways, which results in extremely long commute times for working people. The state is tort lawyer heaven, enabling parasitic attorneys to sue businesses for trivial violations of disability laws and other codes, even when those attorneys don't actually have an injured client.

The state has insanely high taxes: an income tax of nearly 10% on even modest incomes; steep gasoline taxes (even as the state moves toward more toll roads); sales taxes near 9%; a car tax; and user fees on a variety of services too numerous to mention. All this taxation goes to support the most generous welfare state in the country, with the possible exception of New York. California has a notorious, labyrinthine mass of business and labor regulations that has driven manufacturing and other industries from the state.

Add to all this a teacher-union-run school system that ranks among the worst in the country, and is it any wonder the middle class is fleeing in massive numbers to states like Texas and Florida, which have no state income taxes and a welcoming business climate? Only someone with a severe case of left-wing blindness could be so oblivious to the obvious.

— Gary Jason

Iraq and a hard place — President Bush warned in his American Legion speech of August 31 and on other occasions that withdrawing from Iraq now would hand victory to America's worst enemies, increasing the danger from terrorism. Tragically, Bush is probably right: we have blundered into a predicament from which no plausible or safe exit seems available. But how did we make this blunder? If nothing else, we should at least salvage lessons from it.

We must carry on from where we are now. We should seek a correct diagnosis and response; we should not squander resources on ineffective protections against terrorists. But can we trust the strategy — if any — of leaders whose wishful thinking and faulty intelligence got us into this predicament and who persist in denying their errors? Can we trust the judgment of those who unrealistically prate about bringing democracy to the Middle East and who see great significance in an election or two? Can we trust a president who seeks political advantage from being the wartime "commander-in-chief"?

Rush Limbaugh and especially Sean Hannity mount a rhetorical defense of Bush and crowd, practically accusing those who disagree with them on Iraq and on antiterrorism policy of being unpatriotic, of wishing for their own country's defeat to punish Bush. Regrettably, those accusations may indeed apply to a minority of left-wing Democrats. Other Americans wish for an honorable and victorious exit from Iraq (somehow). We do "support the troops"; we do admire their sacrifices and want them to have adequate strength and excellent equipment, as well as fair treatment regarding repeated battlefield tours and extended enlistment periods. We agree that we must "stay the course," not "cut and run." The quoted slogans must not be mistaken, though, for reasoning or for strategy.

As for Sean Hannity, I sometimes, while driving home, hear his call-in program on the station that my car radio is always tuned to. His poor grammar and deficient vocabulary are irritating enough, but what really bores and repels me is his interrupting callers who do not see things his way and his impugning their patriotism. How can he and similar conservatives expect to make converts with such behavior? With friends like him . . .

Sometimes, driving home later, I escape Hannity and instead hear Paul Feinbaum's call-in program about sports. Mercifully, it is no mere compendium of actual and predicted scores of games: it deals mostly in assessments of and gossip about coaches, players, and other personalities. This kind of talk is much more bearable than Hannity's smears.

Which major party do voters support to rebuke Bush and crowd without encouraging left-liberal demagogy and policy? This dilemma — this jumbling of issues — again illustrates the inaccuracy of democracy (as of alternative government decision processes).

— Leland B. Yeager

Don't Buck the state — In a press conference held after the Sept. 8 capture of suspected cop-killer Ralph "Buck" Phillips, New York State Police Superintendent Wayne Bennett emphasized that those who attack the police will be hunted down at any cost. As opposed to, say, someone who merely shoots an optometrist in Virginia. "You're not gonna shoot one of *our* people and get away with it."

Is this an example of further encroachment of a police state? Not really — it's always been standard operating procedure. But isn't granting agents of the state special powers and protections a small step towards tyranny? Exactly the opposite, according to Superintendent Bennett. "Shooting at the people who protect society . . . that can never be tolerated, *that's* tyranny."

— Mark Rand

When they came for the Holocaust deniers — David Irving is back in the news. Austria's highest court has rejected the historian's appeal and upheld his conviction for denial of the Holocaust.

Amazing! It wasn't that long ago in Austria that an unpopular politicial opinion would have the Gestapo at your door. Today, it again brings the policeman. The civilized world gaped at repressive Nazi Germany and Soviet Russia, and now 65 years later we relive that mistake. You would think we had learned better.

In the case of Irving, even a confession of error and ignorance did him no good. "I made a mistake when I said there were no gas chambers at the Auschwitz concentration camps," he testified. Too late.

The Austrian hate law applies to those who deny, play down, approve of, or excuse Nazi crimes. This language can be used to lock up anybody with a mouth and an opinion. What entity of free men would arrogate such power to the state? As a kinsman of many who died in the camps, I find such laws repulsive. And as a reader of history I must reluctantly admit that Irving is a world class historian. I have read his books; surprisingly, he tells of the slaughter of Jews — no denial there. In "Hitler's War" he speaks of the "unfolding persecution and

liquidation of the European Jews." No mincing of words — "liquidation." (But he did minimize it later.) There is, however, an unpopular theme regarding the role of Hitler. Irving sees him as a provocateur, neither manager nor implementer of the SS murders.

It is with regard to the camps that Irving disagrees with the eyes of thousands who viewed the killing apparatuses and the ashes of their aftermath. It is his thesis that typhus, not Zyklon B, did the dirty work. An error? An oversight? A faulty source? A plain lie? No matter. The state has defined his crime and decreed his punishment. — Ted Roberts

Diapers and dynamite — I flew on a plane a couple of weeks after the ban on liquids went into effect. I have chronically dry hands, and when traveling I used to keep a small tube of lotion to slather on them every couple of hours. No longer: lotion is an instrument of jihad, and is not allowed through security.

I was reading a book while waiting at my gate for the plane to arrive. As I flipped a page of the book I was reading — with some difficulty, given my dry hands — a small, unruly child ran past me in a shirt and a diaper, her mother in pursuit.

Excuse my indelicacy, but this was patently unfair. The crumb-cruncher probably had some baby lotion and diaper-rash cream slathered on her that morning. The kid was sure going to be wet by the time our six-hour flight was over. And disposable diapers are designed to hold moisture by wicking it into a gel.

This little jihadist-in-training was in possession of up to four banned substances, and they let her right through security.

I'm not being flip. If the goal is to keep religious extremists from blowing up airplanes, and we know they routinely strap bombs onto children, there is every reason to believe terrorists will pack their explosives on a child's rump rather than in Gatorade bottles and toothpaste tubes, if that's what it'll take to get through security. Babies and incontinent Arabs are a new danger.

A guy tries to ignite a shoe, they start X-raying shoes. Some people supposedly plot to ignite liquids, they ban liquids. This can't go on much longer. Either the reactive security paradigm will have to change, or civilian air travel will be a practical impossibility within a decade. — Patrick Quealy

Pay the cost to have the Boss — George Steinbrenner has always ranked among the most hated New Yorkers. I can recall decades ago watching a weeknight Yankee game on television when the audience suddenly cheered mysteriously. The TV announcers were puzzled until they realized that the radio broadcasters must have scooped them with the news that George had been banned from baseball for an indefinite period for some infraction and that this message had spread like "the wave" among the Yankee faithful. What other major-league owner could be so reviled?

As a sports-club owner, Steinbrenner has been a spectacular success, getting New York City to renovate his classic stadium several years ago, running up the price of his tickets, and winning the richest contracts from broadcasters, in part because his only competition in the largest market is a newer team (i.e., the Mets).

Thanks to this largesse, Steinbrenner and his minor partners have run up the largest annual payroll in baseball based upon these principles: buy the contracts of older stars and assume their lucrative salaries. Since older players are more likely to get injured or decline than newcomers, buy yet more replacements for those fallen away, even if only temporarily. Given so many stars, as well as a competent manager, one might think they'd win every World Series, but they don't. Given the competitive leverages of major-league baseball, no strategy is infallible.

Steinbrenner's latest discreditable scheme is getting the city to give him the open sports fields adjacent to venerable Yankee Stadium to construct, albeit with Yankee funds, a replacement edifice that will have more luxury boxes and fewer seats. Since many Yankees games nowadays sell out, this will enable Steinbrenner to raise prices once competitive with a first-run movie to a level comparable, say, to the Metropolitan Opera. (As I've written in these pages, raising the prices drove away dark-skinned faces even in a borough, the Bronx, where Caucasians are a minority.) At the televised groundbreaking for the new edifice, Steinbrenner announced that he was constructing the new ballpark for the "benefit of the fans." Bullchips, many must have joined me in screaming. Which fans? Not this one, who goes to see his favorite team (for over 50 years now) only when offered a senior discount of five bucks.

The Libertarian candidate for New York state governor a few years ago had the slogan of "Separation of Sport and State." Though he didn't get many votes, may I suggest that his slogan should be revived? — Richard Kostelanetz

Faith-based organizations — "I left because I didn't feel safe anymore as a Christian," a woman from Lebanon told me recently at dinner, explaining why she and her husband and three children moved to the United States in 2002.

"The religious hostility was getting worse," her husband explained. "You become discriminated against for what you believe about God. You're separated into camps. Muslim, West Beirut; Christian, East Beirut."

Memories aren't short in this part of the world. It's like the 11th century was yesterday and Pope Urban II had just declared a Holy Crusade to seize Jerusalem from the Arabs.

The "Protocols of the Elders of Zion," a 19th-century fabrication purporting to describe a secret plan by the Jews to achieve global domination, runs as a miniseries on Iranian and Egyptian television, and the book continues to top the "nonfiction" bestseller lists in Syria and Lebanon.

Iranian writer Ali Baqeri explains that the alleged Jewish conspiracy for world domination outlined in the "Protocols" is only part of a much larger out-of-this-world Zionist plot: "The ultimate goal of the Jews, after conquering the globe, is to extract from the hands of the Lord many stars and galaxies."

The year after the aforementioned family fled Lebanon, The New Yorker published "In the Party of God" by reporter Jeffrey Goldberg. Penetrating the underground world of extremist Middle Eastern politics, Goldberg's article provides insight into the fear this family felt as well some background to the current crisis in Lebanon.

Rather than advertising cars or concerts, posters and billboards in the village of Ras al-Ein, situated in the Bekaa Valley of Lebanon, celebrated bloodshed and martyrdom. Posters of Ayatollah Khomeini, the political leader of the 1979 Iranian

Revolution, were especially popular.

The political and military control of Ras al-Ein at the time of Goldberg's visit fell under the Islamic Revolutionary Guard Corps, the Syrian Army, and Hezbollah, "the Party of God," a name that comes from a passage in the Quran: "Verily the party of God shall be victorious."

On his way to a meeting with the leader of a local Hezbollah faction, Goldberg saw no flags of Lebanon flying anywhere in Ras al-Ein. Instead, the flag of Hezbollah, with its spiritual quotes and AK-47s, was everywhere. "Like the rest of the town, the park was crowded with ferocious Hezbollah art. One poster showed an American flag whose field of stars had been replaced by a single Star of David," i.e., the Great Satan and the Little Satan, united.

Another poster showed a pile of dead soldiers whose uniforms were marked with Stars of David. Another portrayed Jerusalem being gripped by a figure with a grotesquely hooked nose.

Goldberg's taxi driver, a Christian, was hesitant about the destination for the meeting in Ras al-Ein. "Lebanon's Christian minority is fearful of Shiite gunmen," explained Goldberg.

A meeting with Hezbollah spokesman Hassan Ezzeddin provided Goldberg with an introduction to faith-based terrorism. "To us, there is real life after death," explained Ezzeddin. "Reaching the afterlife is the goal of life. Once you have in mind the goal of dying, you stop fearing the Jews."

Ezzeddin, not satisfied with the withdrawal of Israeli forces in 2000 from southern Lebanon, told Goldberg that the goal was to liberate the 1948 borders of Palestine. The Jews, he said, "can go back to Germany, or wherever they came from."

At Beaufort, a 12th-century castle in Lebanon that served as a platform for rocket attacks on Israeli towns before Israel's 1982 invasion, Goldberg's guide was a Hezbollah guerrilla in his early 20s named Na'im. "The Jews are sons of pigs and apes," Na'im said. It's the kind of talk that comes easily to people who belong to groups with names such as the Movement of the Deprived and the Organization of the Oppressed on Earth.

At a Hezbollah position on the Lebanese-Israeli border, buses brought tourists to a spot that overlooks a concrete Israeli fortress called Tziporen. Israeli soldiers were only a few feet away. One Kuwaiti tourist, excited, yelled "Jews!" Others took out video cameras to film the enemy.

"Rock throwing from a comfortable distance was encouraged, and the Palestinians aimed for the roof of the fort," reported Goldberg. "On weekends, when the crowds are thicker, villagers drive in tractors, full of rocks to supply the tourists."

— Ralph R. Reiland

Boomtown, U.S.A. — Preliminary second quarter GDP figures are now available, and it is estimated the economy grew at a 2.5% clip in the second quarter, following the revised 5.6% figure for the first quarter. Growth for the whole first half of the year averaged a nifty 4%.

It is likely the second quarter figure will subsequently be adjusted, perhaps by the time this reflection is published. I would not be surprised if, like the first quarter figure, it is subsequently revised upward, though change in either direction is possible.

The American and world economies continue to boom. At a recent Cato Institute conference on "Monetary Institutions and Economic Development," Mickey Levy presented important data on world consumer price index inflation. The most fascinating aspect of these data is the extent to which inflation has declined around the world in recent years.

For the world as a whole, annual inflation averaged 22.3% in the years from 1990 to 1994, 8.3% in the years from 1995 to 1999, and 3.8% from 2000 to 2004. It is true there has been a slight uptick in inflation in the United States in the past year or so, but this is likely to prove temporary. U.S. monetary growth over the past year makes unlikely a continuation of the current rate of inflation into the future.

The worldwide decline in inflation is particularly pronounced in developing countries, where inflation declined from an average annual rate of 56% in the 1990 to 1994 period to 6% in the 2000 to 2004 period. Stable world prices are a vital component of increased economic production. As there is less inflationary change in prices, more international trade becomes possible, to the benefit of all economies.

Moreover, with respect to the United States in particular, the significant decline in the federal budget deficit for the current fiscal year, from an original projection of over $400 billion to a current projection of under $300 billion, gives an idea of the underlying strength of the economy. Watch for further declines in the deficit in the future. While problems remain, the overall economic picture appears bright. — Lanny Ebenstein

From Cape May to Hezbollah — The Lobster House, started in 1936 in Cape May, is the largest independent (non-chain) restaurant in New Jersey, the 18th largest independent in the United States. Equipped with its own fleet of boats, the restaurant ships millions of pounds a year of fresh seafood, including tuna, shark, and oysters, throughout the United States. The harbor in Cape May is home to an annual shark-fishing contest, pulling fishermen from around the world to compete for a $228,000 purse for the biggest makos and threshers, plus a $50,000 Monster Prize for the heaviest shark.

As a sign of the times, Mexican immigrants seemed to be the majority labor force on the Lobster House's fishing boats

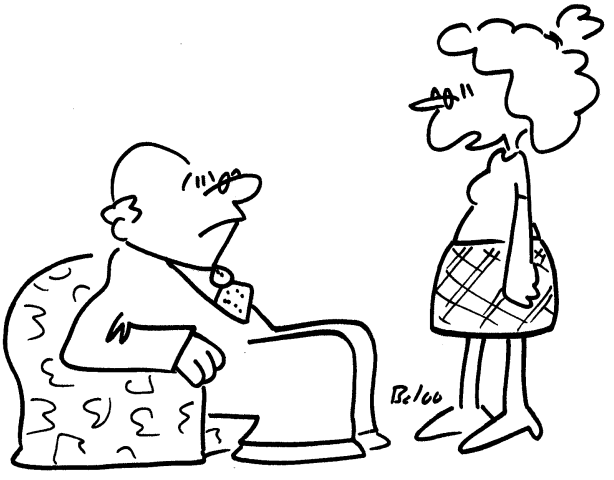

"You're retired now, Harold — You don't *have* to be a Republican anymore."

this year, just as they're becoming a major factor in South Jersey agriculture, landscaping, and construction. Our waitress explained that though the Mexicans are hurting summer jobs for Cape May's kids, they're more reliable than the town's own high school and college summer workforce. As another sign of the times, the waitress said that last year she averaged $200 in tips for her three-hour lunch shift, but this year it was down to $100.

Up the beach in Sea Isle, the largest realtor in town said this year's rentals weren't keeping up with the supply of houses. At Trump's Marina in Atlantic City, there's seating for probably 200 at the outside bar and dock, but at 1 p.m. during peak season on a sunny Friday our table of five was the only occupied table or bar stool in the place. Our waitress said she averaged $200 at lunch last year, but her tips this year had dropped to $40. The bartender for what should have been a lunch rush explained that he's worked at Trump's for 11 years and this was the worst. "We've never seen it like this. Inside too, at night in the restaurants, there's nothing."

Yachts and small boats were sitting silent in the harbor, whereas last year the big story was a megayacht that got a fill-up for $54,000 before heading to Europe. This year, the same fill-up would be closer to $80,000.

Most attribute the lackluster summer season to the price of gas. "Workers are feeling the gasoline pinch and are adjusting their leisure activities to compensate," writes J.W. Elphinstone of the Associated Press, referring to a recent consumer survey. "Almost 65 percent of respondents are reducing their entertainment and hobby expenditures because of higher fuel costs. More than half are cutting back on summer travel, while 29 percent are canceling summer travel plans altogether."

If that's the economic downside at $3 per gallon, one wonders what the effect on the U.S. economy would be at $5 or $10 per gallon. In Germany, the price in U.S. dollars of gasoline at the end of July was $6.56 per gallon, and that's without the lid blowing off the Middle East. In Belgium, the price was $6.76.

A month after the attacks of September 11, Harvard economics professor Martin Feldstein, chairman of the Council of Economic Advisers from 1982 through 1984 and President Ronald Reagan's chief economic adviser, issued a warning about the direct links between America's oil dependency, anti-Americanism throughout the Middle East, and national security. "Saudi Arabia, Kuwait, Iraq and the United Arab Emirates have more than half the world's reserves of oil," he wrote, "while the United States has only 2 percent of the total." The National Energy Development Group estimates that by 2020 the Gulf area will be producing two-thirds of the world's oil. U.S. dependence on imported oil was at 42% of consumption in 1974. By 2000, imports had increased to 52% of total U.S. oil consumption.

Feldstein saw no reversal in the trend, even with fewer government restrictions on drilling and rising oil prices effecting an increase in domestic production: "Experts now predict that the oil imports of the U.S. will rise to 70 percent of our consumption by 2020."

Increases on the supply side won't fix the problem, he argued. What's required are decreases in demand. It takes 40% more oil to produce $100,000 in income or output in the U.S. than in France or Germany.

The fix isn't so hard. For starters, the Toyota Prius Liftback gets 51 mpg on the highway, 60 mpg in the city — enough to get the Lobster House waitress back to $200 and keep billions from sloshing around the Middle East and finding its way into the hands of Hezbollah. — Ralph R. Reiland

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Stephen Dresch, R.I.P. — Dr. Stephen Dresch (1943–2006), a Yale-educated economist who served one term (1991–92) in Michigan's House of Representatives, died Aug. 6. Dresch won public office as a libertarian Republican in a Democratic Party enclave — the rugged, Alaska-like 110th District that stretches along Lake Superior in Michigan's Upper Peninsula.

"Stephen Dresch," according to a memorial read in the House after his death, "exemplified the independent spirit and the stalwart soul of the Upper Peninsula." Dresch was elected after questioning spending practices at Michigan Technological University, where he served as dean of the School of Business and Economics. He made an unsuccessful bid in 1992 for the Republican nomination in Michigan's 1st Congressional District. That fall he toured the U.P. with Libertarian Party presidential candidate Andre Marrou. Dresch stood for office again in an April 1994 special election in the 110th. Political observers closely followed the race. A Dresch win would have given advocates of liberty more balance-of-power in Michigan's House, equally divided at the time between 55 Democrats and Republicans. Alas, Dresch lost the special election by the razor-thin margin of two-tenths of 1%, ending his political career.

Any libertarian who encountered this fearless man has a special memory. Mine is of Dec. 3, 1992. The occasion was Dresch's "Farewell," his part in a tradition afforded every retiring Michigan House member. I was a newly elected House member, and I sat transfixed as Dresch described his policy victories, including defeat of a legislative pay raise; and the personal price he paid for questioning government spending practices. "I have paid a high price," Dresch told his colleagues, "for the honor and satisfaction of serving as a member of this body and for the 'whistle-blowing' which began my 'long march' in these halls. That price is measured not only, nor most importantly, in dollars but in the disruption, to a significant extent permanent, of a career to which I was devoted and of a life in a community which I had come to love. Many of the bridges which I crossed in that long march, many more than I anticipated, were destroyed behind me."

Fortunately for the movement, Dresch built more bridges, specializing in forensic intelligence. Detroit Free Press political columnist Dawson Bell noted that Dresch investigated a New York City corruption case that led to the March indictment of a former FBI agent accused of helping a mob informant commit murder. Stephen Dresch leaves behind a unique legacy. Advocates of liberty can learn from him that they can effect real change, but they will pay a personal price. — Greg Kaza

Health Care: Three Fantasies

by Ross Overbeek

Are the government's health care preferences worth dying for?

Health care and the technologies that support it are of growing concern to most Americans. Until recently, I was something of an exception. I lead a fairly sheltered existence; I seldom think about the issues one encounters in the media. I have focused instead on my research: first in the field of computing; then, since 1990, in some of the fundamental issues of biology. During most of that time I've felt that I had nothing of special importance to say about medical issues.

Now, however, I strongly believe that the rate of progress in the field of medicine is much slower than it needs to be, and that this lag affects all of us profoundly. Many wonderful advances have been made. Yet I am disturbed by the discoveries that have not happened, or have happened but have not yet been allowed to reach the market. We must discuss the forces that constrain and retard possible breakthroughs in medical treatment, especially at this point in time, when we are on the verge of profound shifts in medicine driven by advances in technology.

One could expend a great deal of effort on detailed arguments about regulation, innovation, and desirable goals, but most of the detail would miss the essential point: *we are all affected, and many of us are dying, because the system optimizes the wrong set of goals.* A group of powerful people have established professional goals for medicine that seem appropriate to them and, in fact, to most Americans; yet the very selection of these aims — minimizing medical accidents, for example, or reducing the distribution of ineffective cures — has had a host of unintended, unfortunate consequences. These consequences must be discussed.

To this end, I invite you to consider three fantasies, three visions of a world in which alternative approaches to science and technology were taken. These fantasies have to do with (1) the impact of government regulation, (2) the cost of risk aversion, and (3) the choices that people make about the treatment of the terminally ill. In other words, these are fantasies about real things, and I will be making some real-world observations about them.

Fantasy 1: The Speed of Innovation

I began my career in computing in 1967. It is hard to convey how rapidly the field developed. This is how Chris Evans summarized it in 1979:

> [S]uppose for a moment that the automobile industry had developed at the same rate as computers and over the same time period: how much cheaper and more efficient would the current models be? If you have not already heard the analog the answer is shattering. Today you would be able

> to buy a Rolls-Royce for $2.75, it would do three million miles to the gallon, and it would deliver enough power to drive the *Queen Elizabeth II.*

That was written just as the micro revolution was beginning. Since then, computers have affected the world in ways that were, and remain, almost unimaginable.

Now, fantasize for a moment about what would have happened if the following arguments had been successfully advanced back in the 1970s and 1980s:

1. Computers will inevitably perform central functions in many products, and the issue of their reliability is too critical to be left to the marketplace. Indeed, we will see computers exercising critical functions in airplanes, spacecraft, coordination of rail traffic, maintenance of nuclear reactors, and an almost unlimited number of other settings. Failures in either hardware or software can cause inconvenience, injury, or even death. Therefore, the new Federal Computer Authority (FCA) will be responsible for licensing computer products. This agency will be assigned the task of certifying the reliability of each new product.

2. Because computers will play a crucial role in every consumer's life, the software used to control them must be developed by professionals who have been certified as capable of delivering state-of-the-art products. Therefore, only certified graduates of a limited number of licensed institutions will be allowed to produce software for commercial uses, and people trained in foreign institutions will be required to pass strict examinations guaranteeing their familiarity with the best current practices.

3. Normal consumers are obviously not qualified to make judgments about whether or not the software they purchase will live up to expectations. The FCA must therefore have the power to determine the efficacy of programs before they are marketed. Products that are considered critical will be sold only through licensed outlets, where certified professionals can prescribe products that they consider necessary to address consumers' needs, products that have been tested and approved for these applications. For relatively noncritical applications, we will allow mass-marketing outlets to handle the appropriate products.

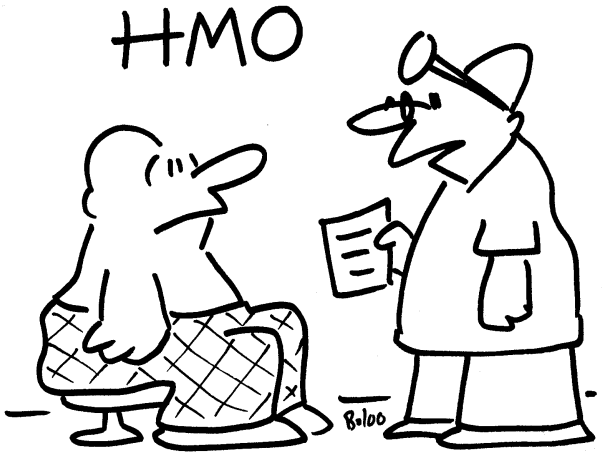

"Your feet hurt? — I'm afraid that 'feet' are a pre-existing condition."

How would things develop from that point? At first, the FCA would probably take a pragmatic course, attempting to weed out the truly bad software and hardware while minimally constraining forward progress. The product development cycle would certainly become longer. But the really important, and unfortunate, result would be the enshrinement of the idea that the FCA was responsible for minimizing or even eliminating serious product failures.

Once the FCA acquired responsibility for preventing accidents, incentives would exist for it to make increasingly cautious judgments. As the agency became more risk-averse, the population would draw greater and greater solace from media reports of its careful regulation and quality-control. Some of the reports might be false; corruption might set in within the FCA. Because it would effectively control the release of all new technology, its approval would be something worth paying for. But if the FCA was doing its job, the product cycle would continue to lengthen, product development would become steadily more expensive, and the number of new products would be kept to a decent and approved minimum.

Now, it is precisely this fantasy situation, this kind of regulatory environment, that currently exists in the health care industry. As a result, health care technology is progressing at only a fraction of the pace that might be achievable.

In the case of computing we see what can be accomplished with minimal regulation. In the case of health care we observe the outcome of a highly regulated process. Most cost-benefit analyses of regulatory protocols consider the trade-off between prevention of accidents and delay of the products that reach the market. But if you reflect on the computing industry, you will realize that the effect of regulation is the simple *nonexistence* of many products that could have reached the market, but did not. In such cases, you cannot quantify the effect of regulation, because the advances just cease to occur; the innovations just cease to happen. The delay of events that do eventually occur is certainly important, but the dramatic reduction in innovation is far more so.

Right now, reduction of innovation is an issue of grave importance. We have reached the stage in our understanding of the human genome where a dramatic acceleration of medical technology is possible. Let me explain.

Within the cells of every person's body is a collection of DNA that determines many of the details that support life. This collection of DNA, called a *genome*, acts as blueprint for processes that allow a living cell to begin, grow, and divide. We can now gain access to the information stored in a genome through a process called sequencing. The cost of sequencing a person's genome is dropping rapidly, and it is the information learned in this process that will drive much of modern medicine. The basic vision goes like this:

1. Many, if not most, drugs have a favorable effect on a small percentage of the population but a neutral or unfavorable effect on other people. If we can, through the sequencing of genomes, predict which individuals will react favorably to a specific drug, the usefulness of drugs will be dramatically increased.

2. We will be sequencing a large number of diverse human genomes. We will then look at them and see how they differ. We have tabulated specific spots that reflect differences, even

though we cannot now identify the effect of each difference. Let us call such a difference an SNP (this happens to stand for "single-nucleotide polymorphism," a fact that you need not remember). We will determine a set of, say, a million SNPs; then we will check them against specific human beings, creating an SNP profile for each person.

We are all affected, and many of us are dying, because the health care system optimizes the wrong set of goals.

3. When we have accumulated thousands, eventually millions, of SNP profiles, we will correlate them with the ways in which people react to specific drugs. In this way, we will be able to predict, with gradually improving accuracy, which people can benefit from those drugs. The generation and use of these SNP profiles has the potential for revolutionizing modern medicine. It may result in the saving of millions of lives.

This is only one of many technologies that will grow out of our ability to sequence large numbers of genomes at rapidly decreasing costs. Such innovations are likely to occur, however, only in the regulation-free environment that has characterized computer technology.

Fantasy 2: The Price of Risk Aversion

This second fantasy involves anticancer drugs. Suppose that two such drugs are available. Further suppose that each of them has the following properties:

- The drug is a total cure for exactly 50% of the population.
- The drug is lethal for the other 50% of the population.

And let us suppose that the two drugs are complementary — together they could cure all members of the population, assuming that a sick person could know which of the two drugs to take — and that the use of SNP profiles will eventually allow prediction of benefits with 100% accuracy. In other words, suppose we can foresee a time when we will be able to make an entirely accurate prediction of the efficacy of these drugs, though right now our ability to predict is pretty poor.

This is clearly a contrived fantasy, but I believe it captures the essence of the current situation. We do have many drugs that offer dramatic therapeutic benefits to one or another subpopulation, but potentially lethal damage to other subpopulations. We do have an emerging technology (SNPs) that will increase the predictability of benefits.

How might this field of investigation progress, in the absence of regulation? Here is how I fantasize the course of events involving the two complementary drugs:

1. At first the manufacturers of each drug would offer it to individuals who willingly risk a 50% chance of death in order to gain a real chance of being cured, given that, absent the use of either drug, they would almost certainly die soon. These potential consumers would be informed of the risks; some would accept them; and 50% would be cured — while 50% would die.

2. Because the value of the drugs would be directly related to the chance of curing the patients, strong incentives would exist to improve the odds of success. This would encourage efforts to characterize SNPs for all the patients who took the drugs. Long before the cause of success or failure could be accurately determined, it would be possible to identify subpopulations that exhibited much higher and much lower success rates for each drug.

3. The odds of predicting which of the two drugs would work for any specific patient would begin to improve. This would lead to more patients taking the risk of ingesting one or the other of the drugs, which would lead in turn to a rapidly growing body of statistics that could support more accurate analysis of correlations between SNPs and therapeutic outcomes. A positive feedback loop would be established, quickly leading to vastly improved outcomes.

Now the question I wish to pose is this: is there any way this can happen, given existing principles of regulation?

Under current law, a drug may not be brought to market unless it is judged both safe and effective. Consider what would happen if a drug showed up in a lab, it looked promising, and a doctor gave it (probably illegally) to two friends who were dying from cancer, one of whom died, while the other was totally cured. If the story became known, I suspect the doctor would face prosecution, even if both his friends had been fully informed of all the data he possessed, and both had elected to take the risk. In my view, a well-informed adult should have the right to take potentially fatal risks. But that is yet another fantasy, because this right is wholly unrecognized in the present medical environment.

To summarize: the normal progression of events in an unregulated, risk-friendly environment would have every possibility of producing a 100% cure rate, while the existing, regulated, risk-averse environment would bar any progress toward using the full therapeutic properties of either of the two drugs in question. This alone constitutes grounds for rethinking the priorities of the existing system.

Fantasy 3: The Purpose of Saving Lives

In my last fantasy, I want you to think of yourself as a person who runs a government agency with a substantial budget, an agency that is responsible for saving the lives of as many people as possible who have been diagnosed with cancer and have a probable life expectancy of less than a year. The lives of thousands of these people depend on your judgment. (Remember, every day 1,500 people die from cancer in America.) Your job is to make decisions that can save their lives. The U.S. government alone spends about $5 billion a year just on cancer research. Let us suppose that you have a serious

The effect of regulation is the simple nonexistence of many products that could have reached the market, but did not.

continued on page 46

Charity? Humbug!

by Doug Casey

If Warren Buffett really wanted to be charitable with his billions, he would have concentrated on making billions more.

Simply put, I don't believe in philanthropy or charitable giving — at least not the ordinary kind.

Charitable giving and the concept of charity itself are among the stupidest and most destructive humbugs stalking Americans of good will today. Warren Buffett's bequest of $31 billion to the Bill and Melinda Gates Foundation provides an excellent opportunity to discuss the harm done in the name of charity and the confusion that surrounds the topic.

If you have the money to invest, you'll almost certainly die with some assets; maybe a lot. But how should you dispose of them? This is definitely a "hot button" subject, combining aberrations from the very topics that are most susceptible to irrational thought: money, family, politics, and religion.

I wasn't surprised to hear of Buffett's bequest. He's said for years that he would only leave a comparatively token sum to his family. But in my view, this cements him in the "Idiot Savant" roll call of rich guys, although not as solidly as the intellectually brain-dead, ethically vacant, and unintentionally comical Ted Turner, he of the billion dollar bequest to the United Nations. And although I haven't included Bill Gates on that list in the past, he definitely belongs there for his huge bequest to his own foundation. (And also for the spineless way he responded to the government's antitrust suit against Microsoft back in 1998. If it had been my company, I would have transplanted it to a friendlier clime — and paid for the move with just a couple of years' tax savings.)

My guess is that despite his intelligence, expertise, and generally affable, self-deprecating manner, Buffett is profoundly misanthropic. Like Gates, Buffett has a classic anticapitalistic, limousine-liberal mentality toward money. He says imbecilic things like, "The market system has not worked in terms of poor people" (on a recent "Charlie Rose" show). That matches Bill's incredibly hackneyed and politically correct press conference statement: "We really owe it to society to give back." No, you idiot savant, society — which is largely composed of nonentities who produce no more than they need to survive personally (if that) — owes you a huge debt for your work with computers. I'm just sorry you're not actually worthy.

Many people of great wealth seem uncomfortable with money, a feeling which perhaps underlies their pathological urge to hand it over to the undeserving. Andrew Carnegie was another sufferer: "A man who dies wealthy, dies disgraced." Discomfort with wealth is among the many reasons the Orient will overwhelm the West in the next few generations. Buffett's and Gates' grandchildren may be working as maids and houseboys for the Chinese. A rich Chinese wouldn't dream of leaving his money to a charity, to be dissipated by the do-gooders, world-improvers, socialites, and socialists who almost invariably infest the board of charities.

A Chinese billionaire in Hong Kong will leave his entire fortune, tax free, to his kids. Unless he plans early and well, an American billionaire will leave his children only half, after taxes. Or much less after our sick ethos of giving draws off a

large portion to politically correct charity. So the next generation of Chinese will start out with perhaps three or four times the capital of their American counterparts whose parents had the same assets. And unburdened by either income taxes or idiotic American attitudes towards money, they will make it grow much, much faster.

But it goes far beyond that. Accumulation itself is benefaction. The accumulation of capital, no matter who owns it, adds to the demand for everyone's labor, and so enriches everyone who can get out of bed. Giving, on the other hand, is a tricky business. It can easily result in waste or in actual harm. From mankind's point of view, if not from Tiny Tim's, Scrooge was a more efficient benefactor before the ghostly visits than after.

Buffett says he doesn't want to reinforce the power of those who are simply "members of the lucky sperm club." But the solution is not to exclude people from the lucky sperm club by perversely disinheriting them, but to help enrich society by making ever more people members of it.

I deplore Buffett's intellectual dishonesty. While tax avoidance is one reason he likes to hold investments "forever," he's philosophically a great believer in taxes. It's hard to respect his hypocrisy. But I do respect his ability to recognize his own mortality. I also respect that he's obviously not attached to his wealth, and that he's actively chosen its recipient. He sees that Bill and Melinda will likely outlive him by 20 years or more, and knows that, at least while they're alive, his money probably won't be frittered on the embarrassing and dishonest hornswoggles initiated mainly for the aggrandizement of foundation trustees — the fate of almost all left-to-charity fortunes great and small. Instead, his money will be blown on nonproductive Band-Aids applied to people who will just get used to having Band-Aids provided for them.

That's partly because the Gates Foundation seems to have a concentration in health programs for the Third World. On the face of it, who can argue with alleviating disability and disease? But building clinics, training doctors, and passing out antibiotics won't alleviate disability and disease. Spending money that way treats the symptom and neglects the cause. It may relieve the pain of some people, but, laudable as that might be, it does nothing toward solving the problem. The reason these people and millions of others live in chronic misery is solely and exclusively political. In fact, the Band-Aid money — just like the rest of the trillions squandered in "aid" by the West over the last 60 years — serves mostly to sustain the criminal governments ruling the places where most people are poor. And despite whatever measures Gates may take, his Band-Aid gifts will hugely fatten the rulers' offshore bank accounts and add to the army of impoverished mouths to feed. If he showed even a little imagination and economic sense, he'd invest the money as venture capital in the shares of biotech companies. Or, perhaps, follow the excellent example set by Grameen Bank, which provides micro loans to poor people. The bank gives borrowers the capital to earn a decent living and then gets the capital back, with interest, to repeat the process.

From mankind's point of view, if not from Tiny Tim's, Scrooge was a more efficient benefactor before the ghostly visits than after.

It may come as a surprise to these misanthropic philanthropists, but people actually don't like being the object of someone else's charity; it's degrading, and they resent it. It's much like the comments made by an Iraqi on seeing a GI (who undoubtedly thought he was being a good guy and making friends) passing out candy to the kids in the neighborhood: "These Americans treat our children, and us, like animals in a zoo, throwing sweets to us, to make themselves feel good."

A question came up from an unsympathetic audience member. "Miss Rand, what would you do about the poor?" Her answer: "Make sure you're not one of them."

Confused Phonies Love Charity

Aspen, a town where I spend some time in the Northern Hemisphere's summer, offers an excellent microcosm of what 99.44% of charity is really about: rich people feeling self-righteous and showing off their wealth with large donations. Almost all the "must go to and be seen at" parties in this town (as with those in New York, L.A., and every other center of wealth) are charity fundraisers. Does anybody care a whit about where their money is going? Not really. That's got nothing to do with why they're making the donation. Charity is done for the psychological and social benefit of the giver, far more than for the welfare of the recipient. Will I pony up a few grand for one of these things, feeling as I do? Sure. I view it as a ticket to a spectacle. But there's a big difference between paying for a party and giving billions to create a bureaucracy that can corrupt society for generations. I really don't care if it's for an efficiently run good cause, either.

Why not? First, most charity injures both the donor and the recipient. The donor, who presumably had the ability to earn the capital, is poorer, and the recipient is degraded by the receipt of an unearned, and likely undeserved, good.

If you really want to make a kind gesture to someone, for some category of people or for mankind in general, charity, even under the best of circumstances, is the least effective approach. Under the worst circumstances, such as government welfare programs, it destroys both the giver (through taxation) and especially the recipient (by habituating him to receive stolen goods and lodging him psychologically and economically at the bottom of society). It's perverse and shameful.

But what's wrong with, say, giving a community a hospital? Plenty. If you want to see a hospital go up, then by all means build one — with the intention of making a profit. A hospital (or anything else) that is "nonprofit" is inevitably a boondoggle that soaks up capital. The project usually depends on further donations to stay above water, partly be-

cause the staff who run it have no direct interest in controlling costs, and partly because they have no honest way beyond their salaries to benefit from delivering a good product. Indeed, management usually welcomes ballooning expenses because the process builds satrapies that provide good cover for inflated salaries.

A for-profit hospital, on the other hand, breeds more capital — for expansion, improvement, and even dividends — because shareholders will get rid of any management that fails to do so. It's self-sustaining and gives consumers what they want.

A hospital run like a charity should be closed and sold to the highest bidder. The same is true of nonprofit libraries, universities, and research centers: it would make as much sense to have homebuilders, auto dealers, and department stores run as charities. But if they were, there'd be no capital to give to charities in the first place.

Ethics?

The whole idea of helping the poor — supposedly a major focus of philanthropy — is a slippery slope, usually bottoming in a dismal ethical swamp.

In a rich country, why are poor people poor? Sometimes, it's true, bad luck can strike, and a person may need help. But that's what friends and neighbors are for. And if a person doesn't have any friends, and his neighbors won't help him, chances are he's not worthy of help. Over a lifetime, most people get what they deserve. The fact is that most people who experience perennial bad luck simply have bad habits. They drink too much, they don't care for themselves, they're ignorant, they're lazy, or they have other vices. In a free society, someone who's poor almost certainly deserves his fate. To hell with him. And to hell with charities that encourage him to stay that way.

Sometimes, of course, a person may sincerely wish to improve the world because of a generous if unfocused impulse, rather than because it improves his standing with witless people who care about such things. My first suggestion for him would be to make sure he's not just a busybody. Do the people of Iraq really need democracy? Do the folks in Afghanistan really need to learn about Jesus? Do the natives in the Brazilian jungle really need western medicine? I don't know. Do Americans need an Iraqi to tell them why they need an authoritarian ruler to give U.S. citizens proper direction, purpose, and discipline — things many feel Americans lack? Do the folks in America really need to learn about Muhammad? Should Brazilian natives expel America's pharmaceutical companies and substitute their herbal remedies, which many believe are sometimes safer and more efficacious? Frankly, sticking your nose into somebody else's business, even if you think it's for his own good — something charities and governments specialize in — is generally a very bad idea. And, I'd say, usually unethical.

"... And when I saw that I was going to turn out to be a useless bum, I decided to become the *best* useless bum I could possibly be."

What should you do with your money if you really want to improve the world? Earn more of it. Money (unless it's gained through force or fraud) is evidence that its owner has created wealth — and that's only done by providing other people with things they want. Making money and getting wealthy is therefore the greatest act of benevolence you can provide the world.

And there's no altruism required. Altruism, viewed as a virtue by *Boobus americanus,* is actually a debilitating vice. The modern zeitgeist is perverted on the topic of altruism. It sees gifts to the natural objects of affection — family, friends, purposes that excite the giver — as hardly gifts at all. True gifts, in the modern view, are gifts to strangers. Make a gift to a family member and you are subject to gift tax. Make a gift to a 501(c)(3) organization that plans to feed Martians if any hungry ones show up and you get a tax deduction. It's possible that someday Buffett's and Gates' children will face a life-or-death problem that could be managed — if they had a billion dollars. If that happens, will Dad look like a charity pervert?

In any event, altruism means sacrificing your own values and welfare for those of someone else, which is always a bad idea. A sacrifice means giving up a greater for a lesser good — otherwise it wouldn't be a sacrifice but a price paid for a greater value. So making a sacrifice should be morally repugnant to any self-respecting individual. Don't confuse concepts like economy, or trading the pleasure of the moment for something better later on, with a sacrifice.

One person with a sound view on this was the late Ayn Rand. I remember being in an audience in November 1981, when she gave what I believe was her last speech. A question came up from an unsympathetic audience member. "Miss Rand, what would you do about the poor?" Her answer was, in my view, about the best one-liner conceivable: "Make sure you're not one of them." What, you might ask, happened to Rand's not inconsiderable estate when she shed this mortal coil? It appears she left it to one of her acolytes in the obvious hope that he'd continue her work. Regrettably, he seems to have been a better sycophant than philosopher, someone you might have thought Rand herself would have seen as a second-hander who'd only sink into deserved obscurity as the figurehead of a minor secular cult. Which proves that there's risk no matter whom or what you leave your estate to.

What To Do?

This brings us to the problem of where, exactly, you should bequeath your money. And it should be a specific person, not a foundation, committee, or charity of any type. Most people think of their children as the first candidates, which is reasonable and proper. After all, since you brought them up

continued on page 46

Why Libertarians Should Call Themselves Socialists

by David G. Danielson

What's in a name? Enough to make it worth stealing.

There's a tactic that has been very effective for activists in the past, and I'm wondering if it might be successfully employed by friends of liberty in America today. It's the tactic of commandeering the label of one's opponents. Mind you, at the moment, I'm not saying we *ought* to try it. I'm just introducing the idea for discussion.

Who Were the "Federalists," Anyway?

For evidence that the tactic works, consider the sad fate of the federalists. I'm referring to the *real* federalists — not the persons you likely think of when you hear that label.

In textbooks, American revolutionary Richard Henry Lee is described as an "antifederalist." That's the label we've been taught to apply to those, such as Lee, who opposed the Constitution. Why, then, did Lee sign himself "A Federal Farmer" in the newspaper letters he wrote? While we call him antifederal, he apparently regarded himself as a man of "federal" leanings. Why is the label we use for him the exact opposite of the label he used for himself?

Here's what happened. In the aftermath of America's war for independence, a dispute arose. Those on one side — the side that included Lee — initially called themselves federalists, which made sense, since they wanted the United States to be a federation of 13 independent republics. Understandably, they regarded the other side's members as "nationalists" or "consolidators," since that side wanted the United States to be consolidated into one big nation. So the dispute began as a disagreement between the federalists (who wanted a federation) and the nationalists (who wanted a nation).

Then the nationalists pulled a fast one. They started calling themselves federalists.

How, asks Herbert J. Storing, did the Constitution's "opponents come to be called Anti-Federalists? They usually denied, in fact, that the name was either apt or just, and seldom used it themselves. Some of them seemed to think that their proper name had been filched, while their backs were turned as it were, by the pro-Constitution party, which refused to give it back" ("What the Anti-Federalists Were For" [University of Chicago Press, 1981] 9).

"In a clever political ploy," writes John K. Alexander, "supporters of the proposed Constitution of 1787, who were in fact nationalists, adopted the name 'Federalist' and hung the undesirable label 'Antifederalist' on their opponents. Despite the misleading nature of these terms, their use is [now] long established" ("The Selling of the Constitutional Convention: A History of News Coverage" [Madison House, 1990] 39).

The immediate effect was confusion. Lee and the other *original* federalists were paralyzed. They didn't know what to do. Some hesitated even to call themselves federalists, since it might be thought that they were advocating what their opponents were advocating. Some tried to reacquire the label and clarify the nomenclature, but managed only to make everything muddier. Here's how one advocate of a "federal" system — i.e., an opponent of a "national" system — tried to

straighten it all out in Boston's American Herald, Dec. 10, 1787: "A FEDERALIST is a Friend to a Federal Government — an ANTI-FEDERALIST is an Enemy to a Confederation. Therefore, the FRIENDS to the New Plan of CONSOLIDATION are Anti-Federal, and its Opposers are firm Federal Patriots." Got that?

What are the current socialists going to do? Accuse us of "stealing" their name? Like it's their "private property" or something?

To make matters worse, as Storing and Alexander point out, those nationalists who were now calling themselves "federalists" were labeling anyone who disagreed with them an "antifederalist." Thoroughly confused, the general public no longer had the foggiest idea what the people currently calling themselves "federalists" were for, but at least they seemed to be for *something* and, therefore, seemed worthy of support. Their opponents, it appeared, were a bunch of nihilists with nothing constructive to offer, since they were just "*anti*federalists."

"The attachment to them [the original federalists] of a word which denotes the reverse of their true beliefs, and which moreover implies that they were mere obstructionists, without any positive plan to offer . . . was a nice piece of misdirection," observes Jackson Turner Main ("The Antifederalists" [Norton, 1961] viii). "The Antifederalists," he writes, "indignantly rejected the name, insisting that the proponents of the Constitution really deserved the appellation, and they tried to recover for themselves the more accurate designation of 'Federalists'" (ix). But it was hopeless. There was simply no way to stop the nationalists from calling themselves federalists, if they wished, nor any way to stop them from calling their opponents antifederalists.

Modern-day disputants seem very aware of the public-relations danger of being labeled "anti"-something. Both sides of the abortion issue, for instance, take great pains to be known as pro-something, be it "pro-choice" or "pro-life." But back in the 18th century, the bewildering experience of suddenly finding themselves labeled "antifederalist" caught the original federalists utterly unprepared and rendered them rhetorically helpless. The nationalists prevailed — and since the winners write the history books, we nowadays illogically call the nationalists "federalists" and the *real* federalists "antifederalists."

Label maker — For years I've been searching for a political label we can all like. "Classical liberal" was too long and hard to explain. "Conservative" did not reflect the need for change to pro-market policies. "Libertarian" was too libertine. And I hated to see how the social Democrats and socialist pro-big government types had stolen our word "liberal."

Now I see in a New York Times column on Joe Stiglitz that the columnist (a guy named Stephen Kotkin) is constantly using the term "neoliberal" to describe the economists in favor of globalization, open markets, free trade, etc. . . . That's us. We have our new word: Neoliberal. Let's use it! (And those opposed to free minds and free markets? Illiberals!) Remember: "Those who control the labels win." — Mark Skousen

Who Is a "Liberal"?

Fast-forward to the late 19th century. At this time, we find the advocates of individual liberty calling themselves liberals. Alas, by the mid-20th century, their opponents — the advocates of extensive government interference in people's lives — had commandeered the label.

Freedom's friends have made a desperate attempt to retain the appellation "liberal." Some — among them, Liberty's own Stephen Cox — have tried using the prefix "classical," as if *that* would make it clear to the public that they weren't advocating what others likewise calling themselves liberals were advocating. This defense has been as sad and ineffective as any attempt by the original federalists to retain their label by calling themselves "classical federalists."

Just as confusion arose when both the opponents and the proponents of nationalism called themselves "federalists," it has now become anybody's guess what hodgepodge of ideas any people calling themselves "liberals" are for.

But, clearly, "liberals" must be bold, innovative individuals, willing to entertain new ideas. After all, their opponents are called "conservatives," suggesting that they are timid, overly cautious sorts, comparable to the "conservative investor" who puts his or her savings into bonds guaranteed by the government rather than risking it by starting up a business. The pathetic label "conservative" has been nearly as devastating as "antifederalist" was.

Meet the New "Socialists"

In view of what happened to the original federalists and the original liberals, I have no doubt that thoroughgoing statists in due course — probably within my lifetime — will be widely calling themselves libertarians. Clinton, you may recall, decreed that the era of big government was over, thus taking a few baby steps toward wrapping himself in something of a "libertarian" cloak. How long before he actually starts using the very label?

But maybe — just maybe — we can beat the statists to the punch. Perhaps this time we can turn the tables on them, give them a taste of their own medicine, show them that two can play the same game.

In conversations with friends and letters to the editor I'm going to go right on advocating the elimination of taxes and regulations, but I may just call what I'm advocating *socialism*. Let the prior "socialists" squirm. Let them holler that what I'm advocating isn't "real" socialism. Let them try frantically to cling to their label by calling themselves "classical socialists."

When a capitalist calls himself a socialist, several benefits can accrue. For one thing, people who might not have been willing to listen to him when he was calling himself a capitalist might now give him a hearing. A few of them might just find that he makes a lot of sense. Moreover, despite the abysmal failure of socialism around the globe, many people still get warm and pleasant feelings when they hear the label. A capitalist who adopts the label can capture that warmth while advocating ideas that are actually reasonable.

A third potential benefit of this nomenclature is that it allows the enemies of freedom to save face while capitulating — and this makes it more likely that they will in fact capitulate.

continued on page 45

The Crimes of War

by Jon Harrison

War is hell. That doesn't mean that there shouldn't be rules.

In Iraq several apparent atrocities, alleged to have been committed by U.S. forces, have recently come to light. The purpose of this article is not to determine the guilt or innocence of any individuals accused in these incidents. That can only be done by the judicial process as it unfolds in each case. My purpose is, rather, to examine the nature of war crimes or atrocities generally, and the effect such events have on both the military and society as a whole.

For clarity's sake, we should begin by distinguishing between war crimes or atrocities and what are often called, euphemistically, "aggravations of war." By that phrase I mean actions that, while illegal, are often the unavoidable sequels to combat — for example, the killing of enemy combatants who attempt to surrender just as a bitter battle goes against them, or the killing of prisoners who cannot, through force of circumstance, be conveyed back to their captors' lines. Such actions, while technically illegal under the laws of war,[1] are rarely if ever brought to light or punished.

Strict adherence to the laws of war is at times simply impossible under the extreme conditions of combat, especially on the modern battlefield. To believe otherwise is the preserve of the idealist who has never seen battle.[2] Quite simply, there is a world that many of us like to pretend exists, and then there is the world as it really is. My subject here is the world as it is.

What, then, is an atrocity or war crime within the context of a conflict like Iraq? It appears that the rules of engagement for U.S. forces *permit* our troops to fire on adult males in civilian clothes who happen to flee from the scene of a roadside bombing.[3] This is probably justifiable, given that the enemy in Iraq wears no uniform and obeys none of the rules of war. In urban fighting under such conditions, stricter rules of engagement would no doubt be an absurdity. The combat effectiveness of U.S. forces fighting against urban guerrillas in a place like Iraq would swiftly diminish (along with their morale) if they were not given a very wide latitude for action. I don't mean to imply that U.S. forces in Iraq should have the right to undertake reprisals in the form of the deliberate killing of civilians. I am merely pointing out that the nature of the Iraq conflict often makes it difficult for U.S. forces to tell the difference between a civilian and an insurgent, and that as a result our troops probably should be given almost every benefit of the doubt. (I will leave aside for the moment the question of whether our troops should actually be in Iraq at all.)

Because our troops in Iraq are fighting an *irregular* enemy force — a force that wears no proper uniform, obeys no internationally recognized leadership, and adheres to none of the rules of war — a quite narrow definition of atrocities or war crimes is called for. This having been said, however,

it seems indisputable that the torture, rape, or deliberate murder of civilians, especially women, children, the elderly, and the infirm, are war crimes. Such behavior is always and without exception illegal, immoral, and barbarous, and if proved to have occurred must be punished severely. From a purely practical standpoint, soldiers (at least in modern armies) cannot be allowed to carry out such atrocities unchecked and unpunished, lest they eventually degenerate into an armed mob, lacking discipline and effectiveness in the field.[4] And obviously there is also the moral aspect, quite unclouded by the complexities of "aggravations of war." The stresses of combat, even in an urban guerrilla campaign, cannot excuse rape or the deliberate murder of noncombatants. To maintain otherwise is, surely, to plunge into an abyss.

Many of the best shy away from military service when a war like Iraq is on, and who can blame them? Why choose to serve in a messy, indecisive conflict with no clear goal and no end in sight?

No doubt there are people (some of them, I suspect, readers of Liberty) who would maintain that all's fair in war, that victory alone matters, and that therefore absolutely no rules of war should exist. In response I would point to professional opinion. The professional soldiers I know want the conduct of war to be governed by some rules. They may disagree with this or that aspect of the Geneva Conventions or the War Crimes Act,[5] but war without rules is not something they like to contemplate. So far as I have been able to determine, there is unanimity on this point throughout the professional ranks.

Some of us in the U.S. no doubt suffer from complacency brought on by the fact that we have not been invaded or even attacked (excepting Pearl Harbor and the Twin Towers) for nearly 200 years. Had we in this country undergone the ordeal of Belgium in 1914, or Russia in 1941, or Germany in 1945, *all* of us would, I think, welcome rules governing warfare — the more the better, I daresay.

As of this writing, no fewer than five possible incidents of war crimes involving U.S. troops in Iraq are being investigated by U.S. authorities.[6] The most notorious of these are the incidents at Haditha in November 2005, and at Mahmudiya in March 2006.

At Haditha it is alleged that U.S. Marines murdered, execution-style, some 24 Iraqi civilians, including women, children, and an elderly man in a wheelchair.[7] The event that is said to have precipitated the massacre was the killing of one Marine in a roadside bombing. If the massacre indeed occurred as described, it unquestionably constitutes a war crime. (It bears repeating here that all individuals accused remain innocent until proven guilty.)

The events that allegedly occurred at Mahmudiya are even more shocking. According to U.S. federal court documents, four U.S. Army soldiers left their unit and entered the home of a 14-year-old Iraqi girl and her family, where they allegedly murdered the girl's father, mother, and 7-year-old sister. It is further alleged that two or possibly three of the soldiers then raped the girl before killing her. They are then alleged to have burned her body in an attempt to destroy evidence.[8]

Unfortunately, we have been here before. From Wounded Knee to My Lai, U.S. troops have been guilty of atrocities. This is not to say that our record is worse than that of other nations. I would argue the opposite. But we should be clear that American exceptionalism, in this area, is an illusion. Even though the U.S. armed forces are arguably the most humane in the world, we are still confronted with events like My Lai and Mahmudiya. What conclusions should we draw from this apparent contradiction?

It is too facile to say, with Gen. William Tecumseh Sherman, that war is hell, and that therefore it must be avoided at all costs. War is and will remain an instrument of policy so long as the nation-state, and indeed the human race, continue to exist. Once again, let's deal with the world as it is, not as we would like it to be. War is not going to go away, at least not any time soon. How then do we try to prevent crimes like My Lai, or Haditha and Mahmudiya (assuming that in these latter two cases the worst proves to be true)?

Clearly, we need to attract the very best people we can to our armed forces. It was not America's best and brightest that perpetrated the My Lai massacre. By "best and brightest" I do not mean young college professors or software programmers in uniform. What I do mean is people who possess *character,* that is, moral strength, together with intelligence and physical courage. At the very, very least, we need to keep petty criminals and the emotionally unstable *out* of the ranks.[9]

How do we get the best in uniform? From a classical liberal point of view, conscription, absent a threat to our very existence as a nation, is anathema.[10] Furthermore, in the past (particularly during most of the Vietnam period) conscription was weighted *against* achieving the highest possible standards in the military — as illustrated by the deferments granted to college students, which guaranteed that most would never serve. We must search for the answer within the context of a voluntary system.

Had we in this country undergone the ordeal of Belgium in 1914, or Russia in 1941, or Germany in 1945, all of us would welcome rules governing warfare — the more the better.

During the post-Vietnam era of voluntary service, and especially in the 1980s and '90s, the military was successful in recruiting high-caliber people. Some of these cadres still serve today. They are the "super soldiers" who form the backbone of a force that remains the best trained, the most

efficient, and probably the most humane in the world. In the weeks and months immediately following 9/11, an influx of dedicated patriots further invigorated the force.[11]

In rural America, where I now live, there are many young men and women who enter the military not because they view it as a job, or a ticket to see the world, but out of patriotism and a real desire to soldier. In cities and suburbs, where I used to live, there are young people like this, too. The best are out there.

But many of the best shy away from military service when a war like Iraq is on, and who can blame them? Why choose to serve in a messy, indecisive conflict with no clear goal and no end in sight? Why choose to serve in a conflict that involves, not the nation's survival, but the whims of its political leadership?[12]

As the Iraq war drags on, the Army has had to reduce standards for enlistment in order to maintain its force levels.[13] We should never permit this to happen, short of our national survival being at stake. If, in order to uphold high military standards, the force must shrink, and with it our commitments around the world, so be it. Why, after all, do we still maintain 30,000 troops on the Korean peninsula, when the nation that we are supposedly protecting, South Korea, has twice the population and an economy 30 times the size of its enemy, North Korea? Why do we fight Israel's battles in the Middle East (as we have twice done in Iraq), when that nation's military is more than a match for those of all the Arab states put together — and when Israel, alone in the Middle East, disposes of a nuclear arsenal that is primed and ready for delivery?[14]

Empires that overextend themselves are ripe for bankruptcy, both materially and morally.[15] Who can deny that the United States is overextended in the world today? The time has come to draw back from the brink. This is *not* a call for isolationism, but for realism. We need a smaller but better military — not one, perhaps, that can police the whole world, but one that is powerful enough to protect the nation and its truly vital interests (*our* interests, not South Korea's, or Israel's, or Taiwan's). I envision a military composed *only* of our best and brightest men and women, those who can embody the warrior ethos without losing their humanity. If we are to achieve this, we must resolve as a nation never again to wage unnecessary wars, wars that can only injure and degrade us, wars like Vietnam and Iraq. Let's save our best and brightest for battles against real enemies, when these do appear. ❑

We need a smaller but better military — not one, perhaps, that can police the whole world, but one that is powerful enough to protect the nation and its truly vital interests.

Notes

1. For the laws of war see Adam Roberts and Richard Guelff ed., "Documents on the Laws of War," 3rd ed. (Oxford University Press, 2000).

2. There are innumerable references to illustrate this point. For examples see Robert Graves, "Goodbye To All That" (Anchor Books, 1998), pp. 131 and 182–185; and Charles A. Lindbergh, "The Wartime Journals of Charles A. Lindbergh" (Harcourt Brace Jovanovich, 1970), pp. 996–998.

3. Or so a Marine NCO involved in the November 2005 Haditha incident (in which U.S. troops are alleged to have murdered civilians) maintains. See "Marine Says Rules Were Followed," Washington Post (June 11, 2006). The rules of engagement for U.S. troops in Iraq vary, and are also classified, to keep the Iraqi insurgents off balance. On this point see "Shootings by U.S. at Iraqi Checkpoints Questioned," Washington Post (March 7, 2005).

4. While a modern army may on occasion indulge in wanton murder and rapine without losing its combat effectiveness, it cannot persist in such behavior without having its fighting ability degraded. Witness the effect on the Russian Army of the license to rape and loot during the invasion of Germany in 1945. Eventually Russian commanders had to intervene forcefully to restore order, so that the offensive against the Reich could proceed. German soldiers were allowed to sack Louvain in Belgium in 1914, but after a few days their officers stepped in to restore discipline — not for humanitarian reasons, but because fighting efficiency would otherwise have suffered.

5. Passed by the U.S. Congress in 1996, the War Crimes Act criminalized violations of the Geneva Conventions. See "War Crimes Act Changes Would Reduce Threat of Prosecution," Washington Post (Aug. 9, 2006).

6. "U.S. Military Braces for Flurry of Criminal Cases in Iraq," New York Times (July 9, 2006).

7. "In Haditha, Memories of a Massacre," Washington Post (May 27, 2006).

8. On Mahmudiya, consult articles in the New York Times for July 1, 4, 5, 7, 9, and 14 (2006), and "U.S. Soldier's Confession Described in Rape, Murder Trial," Washington Post (Aug. 7, 2006).

9. See for example, "Accused G.I. Was Troubled Long Before Iraq," New York Times (July 14, 2006).

10. The basic classical liberal statement on conscription is in Milton Friedman, "Capitalism and Freedom" (University of Chicago Press, 1982 reissue), p. 36. I would go even farther than the view expressed by Dr. Friedman.

11. The best known example is of course Pat Tillman, the NFL player who gave up a multimillion-dollar contract to serve in the Army Rangers. He was killed by friendly fire in Afghanistan in 2004. Another is Lance Corporal Dimitrios Gavriel of Haverhill, Mass., who after 9/11 gave up a very high-paying job as a Wall Street analyst to join the Marines. He was killed in the Battle of Fallujah in November 2004.

12. See "Waiting to Get Blown Up," Washington Post (July 27, 2006).

13. See for example, "The Dumbing-Down of the U.S. Army," Slate (Oct. 4, 2005).

14. On the question of Israel see the seminal paper by John J. Mearsheimer and Stephen M. Walt, "The Israel Lobby And U.S. Foreign Policy," London Review of Books, Vol. 28, No. 6 (March 23, 2006). The recent outbreak of conflict in Lebanon is lamentable, to be sure, but should we spend our blood or treasure in an effort to sort out the mess there? I think not.

15. On this I would refer the reader to Edward Gibbon. Someone once said that just having "The Decline and Fall of the Roman Empire" on one's library shelves was the equivalent of a liberal education. Better, though, to have actually read it.

The Catechism of The Revolution

by David Kopel

For Jonathan Mayhew, resisting tyranny wasn't just a civic duty; it was a sacred obligation.

"The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations." So wrote John Adams, looking back on the American Revolution from the perspective of 1818. The date when the revolution of hearts and minds began was Jan. 30, 1750, and the leader of the incipient revolt was Jonathan Mayhew, the minister who preached what was perhaps the most important sermon in American history. That sermon was only one highlight of a life dedicated to human rights.

Like most New Englanders, Mayhew (1720–1766) was a Congregationalist, an intellectual descendant of the English puritans. Because Congregationalists held that God's word, as contained in the Bible, is the supreme authority, they believed that a balance of powers within human government is essential, so that misuse of power can never interfere with the preaching of God's word. In their view, separation of church and state was critical, in the sense that the church must be free of control by the state.

In the rival Church of England, the state church, priests were under the authority of bishops, who were under the authority of the king and Parliament. By contrast, individual Congregational churches were accountable to no higher human power, not even an assembly of their fellow churches. Within a Congregational church there was a careful balance of power between the minister and the congregation, so that neither could dominate the other. The congregants knew the Bible very well, and could discipline ministers who misused it.

Three years after graduating from Harvard, the premier training ground for the Congregational clergy, Jonathan Mayhew was called to the pulpit by the congregation of the Old West Church in Boston. Right from the start, he was a theological liberal. Congregationalists had always emphasized the importance of the individual in religion. In "Seven Sermons," preached in 1748 and published thereafter, Mayhew took Congregational principles to their logical conclusion, arguing that everyone has the right and duty to make personal judgments in matters of religion and conscience.

Congregationalists were among the many intellectual heirs of John Calvin, the Protestant reformer of the 16th century who argued that a person's salvation or damnation was predestined by God, with salvation based solely on the person's God-given faith. Calvin agreed with the orthodox Roman Catholic theory of original sin — that man was inherently depraved.

Mayhew rejected these Calvinist principles in favor of modern, Enlightenment views. Indeed, he even rejected the orthodox Christian doctrine of the Trinity (that the Godhead is composed of three persons — Father, Son, and Holy Spirit). Mayhew contended that God was One — which implied that Jesus was not God, but instead was simply mankind's mediator and advocate with God. He was one of the most influential forerunners of Unitarianism in America. Yet he always considered himself a Congregationalist, as did the members of the Old West Church, which could have dismissed him if they chose. They didn't. And Harvard was so impressed with Mayhew that he was named a lecturer in 1765. His insistence on

the importance of the individual conscience became not only a Unitarian doctrine but also a cornerstone of broader American cultural beliefs about religious freedom.

Mayhew is most famous, however, for preaching the principles of political freedom. His preaching appealed to theological conservatives as well as theological liberals — indeed, to persons of all religious persuasions, all over America, and abroad.

January 30, 1750, was the centennial of the execution of Charles I of England, condemned by Parliament for treason and other crimes. He had repeatedly and infamously abused the rights of Englishmen, had attempted to destroy the checks and balances of England's government, and had claimed a divine right to rule with near-absolute powers.

Charles' son was later restored to power, and Charles was proclaimed a martyr by the Church of England. Although a second son was overthrown in the Glorious Revolution of 1688, in Mayhew's time the Church of England still promoted the cult of Charles with a major feast day every January 30. Each year, priests of the Church of England venerated Charles' martyrdom and propounded the duty of submission to government. The New England Congregationalist ministers — whose Puritan ancestors had helped to execute Charles I — generally tried to ignore this topic in their own January 30 sermons.

Mayhew did not. He took the pulpit and preached "A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers." The historian Bernard Bailyn declared this the "most famous sermon preached in pre-Revolutionary America." John Adams called it his personal "Catechism" of revolution. Adams remembered, "It was read by everybody; celebrated by friends, and abused by enemies. . . . It spread an universal alarm against the authority of Parliament. It excited a general and just apprehension, that bishops, and dioceses, and churches, and priests, and tithes, were to be imposed on us by Parliament."

According to Mayhew, God had created hierarchical authorities, and people were expected, under ordinary circumstances, to obey the government, just as children were expected to obey their parents — for their own good. On the other hand, if a father lost his mind and tried to slit his children's throats, the children should not obey him. A tyrannical government was like a father trying to murder his children, and must not be obeyed.

Mayhew expounded the natural law theory of government: "God himself does not govern in an absolute arbitrary and despotic manner. The Power of this almighty King is limited by law — by the eternal laws of truth, wisdom, and equity, and the everlasting tables of right reason." Because God is no arbitrary tyrant, no human tyranny can comport with his eternal laws. Therefore, "disobedience is not only lawful but glorious" if it is against rulers who "enjoin things that are inconsistent with the demands of God."

The "Discourse Concerning Unlimited Submission" presented a popularly accessible form of John Locke's analysis of Paul's epistle to the Romans. Its central idea is that the Christian duty to submit to governments that govern justly creates a correlative duty to resist and overthrow governments that are tyrannical, since unjust government is the very antithesis of true Christian government. Like most other Congregationalist ministers, Mayhew had studied Locke at Harvard, and considered him a Christian intellectual ally.

Particularly among adherents of the Church of England, there were some Christian authoritarians who warned that a person who resisted tyranny would be damned. To the contrary, Mayhew announced, a people must use the means "which God has put into their power, for mutual and self-defense. And it would be highly criminal in them, not to make use of this means. It would be stupid tameness, and unaccountable folly. . . . " It would "be more rational to suppose that they that did NOT *resist*, than that they who did, would *receive to themselves damnation*."

In sum, to resist a just government was "rebellion" against God. To resist tyranny was "self-defense," which was required by God, because tyranny was not real government. This was a premise for revolution.

In 18th-century America, notable sermons were often printed and sold all over the colonies, and overseas. The publication of Mayhew's January 30 sermon added to his already significant international prestige. As Adams recalled, Mayhew "had raised a great reputation both in Europe and America, by the publication of a volume of seven sermons in the reign of King George the Second, 1749, and by many other writings, particularly a sermon in 1750, on the 30th of January."

In Adams' opinion, the January sermon deserved its fame; it was "seasoned with wit and satire superior to any in Swift or Franklin." He believed that in the period 1760–1766, the person most influential in arousing the American spirit of liberty was "James Otis; next to him was Oxenbridge Thacher; next to him, Samuel Adams; next to him, John Hancock; then Dr. Mayhew. . . . This transcendent genius threw all the weight of his great fame into the scale of his country in 1761, and maintained it there with zeal and ardor till his death." It was in 1760 that the British government began a serious attempt to "rais[e] a national revenue from America by parliamentary taxation."

Mayhew was alive to that threat. Five years later, he was a staunch advocate for American interests during the Stamp Act crisis. It was then that he coined the phrase "no taxation without representation." He was also active in a closely related political crisis: the threat of the appointment of an Anglican (that is, Church of England) bishop for America.

Although most American Anglicans (who comprised most of the American ruling elite) lacked the protesting spirit of the Congregationalists and the Presbyterians, the Church of England had never exported its hierarchy to America. As a result, local Anglican churches tended to be controlled by wealthy landowners, who enjoyed their independence from British oversight. Fears that the king was preparing to send bishops to America, to administer the Anglican church and interfere with other Protestant churches, sent Americans into an ecumenical rage. Adams said that no issue was more important in making common people question the authority of Parliament than the controversy over American bishops.

To Mayhew, a tyrannical government was like a father trying to murder his children, and must not be obeyed.

As he explained, "The objection was not merely to the of-

fice of a bishop, even though that was to be dreaded, but to the authority of Parliament, on which it could be founded." If Parliament had the authority to appoint a bishop for America, Parliament would also have the authority to "introduce the whole hierarchy, establish tithes, forbid marriages and funerals, establish religions, forbid dissenters, make schism heresy. . . . " Americans who favored the appointment of a bishop for America promised that this official would exercise power only on spiritual matters, not temporal ones. But the promise had little credibility, because bishops in England exercised extensive temporal power and were plainly agents of the government.

On May 23, 1766, Mayhew celebrated the repeal of the Stamp Act by preaching a sermon ("The Snare Broken. A Thanksgiving Discourse Preached at the Desire of the West Church in Boston") that recalled American fears that Stamp Act revenues were "partly intended to maintain a standing army of bishops, and other ecclesiastics." Fear of oppressive standing armies was part of the right-to-bear-arms ideology, and would eventually become one of the ideological foundations of the 2nd Amendment. Mayhew borrowed the proto-2nd Amendment philosophy to make a point about freedom of religion that would later become part of the 1st Amendment: a government-controlled corps of bishops and their minions could trample the freedom of the people, just as a government-controlled corps of professional soldiers could. A standing army of soldiers and a standing army of bishops threatened liberty in the same way, by centralizing and monopolizing power.

"The Snare Broken" is one of many examples of the way in which pre-revolutionary Americans identified connections between religious rights and other rights. It is not a coincidence that the constitutional amendment guaranteeing freedom of religion was placed adjacent to the constitutional amendment guaranteeing the right to bear arms.

In gratitude for repeal of the Stamp Act, Mayhew praised King George and extolled William Pitt, the British Prime Minister who had urged a policy of moderation and conciliation with America. He warned, however, that Americans would always need to be vigilant about their liberties, for "Power is of a grasping, encroaching nature . . . Power aims at extending itself, and operating according to mere will, where-ever it meets with no balance, check, controul, or opposition of any kind." Americans must "oppose the first encroachments" on liberty, because "after a while, it will be too late." He reminded his congregation of Jesus' parable: "The kingdom of heaven is like to a man that soweth good seed, but while he slept, his enemy cometh, and soweth tares among the wheat" (Matthew 13:24–25). Because the man had slept, it was impossible to uproot the tares without also uprooting the wheat.

A standing army of soldiers and a standing army of bishops threatened liberty in the same way, by centralizing and monopolizing power.

To Mayhew, it was obvious that the kingdom of heaven was a kingdom of rights and liberty. He recalled that in his youth he had studied Plato, Demosthenes, Cicero, and other ancients, and among the moderns, had liked Algernon Sidney, John Milton, and John Locke, all advocates of individual freedom. The Bible taught Mayhew that the Israelites angered God when they asked for a king, and that "the Son of God came down from heaven, to make us 'free indeed'." Mayhew's own father taught him "the love of liberty" with "a chaste and virtuous passion." In middle age, he was proud to say that he was unable "to relinquish the fair object of my youthful affections, liberty; whose charms, instead of decaying with time in my eyes, have daily captivated me more and more."

To resist tyranny was "self-defense," which was required by God, because tyranny was not real government. This was a premise for revolution.

Mayhew had grieved at the promulgation of the Stamp Act, when liberty "seemed about to take her final departure from America, and to leave that ugly hag slavery, the deformed child of Satan, in her room." Now, however, he was "filled with a proportionable degree of joy in God, on occasion of her speedy return, with new smiles on her face, with augmented beauty and splendor. Once more then, Hail! Celestial maid, the daughter of God, and, excepting his Son, the first-born of heaven!" Liberty was "the delight of the wise, good and brave; the protectress of innocence from wrongs and oppression, the patroness of learning, arts, eloquence, virtue, rational loyalty, religion!"

Mayhew's scripturally influenced view of history was optimistic. Although the Stamp Act had been dreadful, "God often bringeth good out of evil," just as Joseph's enslavement in Egypt led to his rescue of his family. American liberties were like an oak tree that grows stronger roots and broader branches after being buffeted by "storms and tempests." "And who knows," he said, "our liberties being thus established, but that on some future occasion, when the kingdoms of the earth are moved, and roughly dashed one against another . . . we, or our posterity may even have the great felicity and honor to 'save much people alive' and keep Britain herself from ruin."

"The Snare Broken" was Mayhew's last great sermon. He died six weeks later, at the age of 46, an inspired and devoted servant of liberty. ❑

Further reading

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Nathan O. Hatch, "The Sacred Cause of Liberty: Republican Thought and the Millennium in Revolutionary New England" (Yale University Press, 1977).

Jonathan Mayhew, "Sermons," ed. Edwin S. Gaustad (Arno Press, 1969).

Jonathan Mayhew, "A Discourse Concerning Unlimited Submission . . . " http://tinyurl.com/n89q9.

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Reviews

"The Uncivil War: How a New Elite Is Destroying Our Democracy," by David Lebedoff. Taylor Trade Publishing, 2004, 189 pages.

"The New New Left: How American Politics Works Today," by Steven Malanga. Ivan R. Dee, 2006, 157 pages.

The Rise of the Compassionate Class

Gary Jason

Since the days of Marx at least, scholars of various kinds have tried to delineate socioeconomic classes and use this class analysis to explicate political and cultural phenomena. The two books under review certainly attempt new class analyses, and while I am not persuaded that they have adequately addressed the issue, I am persuaded that there is indeed a new class ascending. I call this the Compassionate Class. Exactly who this class is and where it is headed are matters of some complexity.

David Lebedoff defends the thesis that our political system has become sickened by the rise of a new, antidemocratic elite. He first sketched this thesis in a 1978 article in Esquire entitled "The Dangerous Arrogance of the New Elite," based upon his experience while working for the Democratic-Farmer-Labor Party in the 1960s. He saw the party being taken over by activists who felt entitled to impose their will on everyone else, because they considered themselves smarter than everyone else. This new class he called the New Elite; the rest of us he called the Left Behinds. He elaborated this thesis in his 1981 book "The New Elite," and has greatly expanded his analysis in "The Uncivil War."

He begins his description of this New Elite by harkening back to the election of the year 2000. He views Gore as the New Elite candidate, with Bush representing the Left Behinds. Yes, both Bush and Gore were born into politically powerful families, educated at elite prep schools and Yale. But while Bush hated the high-SAT gradegrinds who took over Yale while he was there, Gore positively adored these *wunderkinden*. In fact, Bush outscored Gore on the SAT, but Lebedoff says that what matters is one's commitment to the new class. As he puts it:

> The most important thing to know about the New Elite is that it is self-selected. It's the values you choose to side with. If you perceive, as [Franklin] Foer puts it, "merit not as brainpower but as 'character,'" then, like Bush, you're a Left Behind. If your central value is brainpower itself, above all else, you are a member of the New Elite, the club to which Gore chose to belong. (6)

The New Elite is more focused on books than on feeling, more focused on values policy-wonk verbal ability than character.

Lebedoff believes that Bush and Rove knew the campaign was about the struggle between this New Elite and the Left Behinds, and that is what won the election for Dubya.

On Lebedoff's view, through most of human history, up to the modern age, intelligence was distributed randomly in the population, not selected for in marriage. People generally chose a mate without regard for the mate's intelligence. But this has changed in the modern era, and now, "For the first time in history, intelligence is neither randomly distributed nor randomly transmitted" (13). This is because people have more mobility (so can meet more potential mates), they are routinely educated and tested (so others can more clearly see their intelligence), and, most importantly, intellectual ability is now rewarded more than ever. Our economy is knowledge-based, and people have access to higher education based upon talent rather than socioeconomic class. More and more, high IQ marries high IQ. Equality of opportunity has led to stratification of IQ, education, and

therefore income. In America, the rise of a new class was greatly accelerated by the G.I. Bill of Rights, which flooded colleges with students after WWII.

Behold the New Elite — the high IQ meritocracy. Their wealth and prestige are owed to their demonstrable, measurable academic scores, and they know it. Besides marrying among themselves, they tend to self-segregate in other ways, living in enclaves built around colleges and high-tech business parks, and in upscale urban areas. (The Left Behinds become rusticated in traditional suburbs, rural areas, and blue-collar urban areas.) The new class has developed its own culture, morals, and mores. It strives to exhibit modest prosperity, not opulence. Its members are "the managers of society: teachers, commentators, planners, officials, and executives — the articulators of thoughts and standards" (21). This gives the New Elite power beyond its numbers.

The New Elite desires to impose its preferences even when it knows they are minority opinions, in the smug quasi-religious belief that its morals are superior.

Members of the New Elite differ both from ordinary workers, many of whom earn close to what New Elitists typically earn, and from businesspeople, who earn more, by a self-identity based upon measured intelligence. The formation of this new class had to wait until recently because

> [s]everal preconditions had to be met: an industrial society so far advanced that its economy could justify a major allocation of resources to management, research, and explication; many new jobs that could be filled not merely by members of a preexistent economic or social elite but by those to whom this new employment represented an improved standard of living with which they would want to identify, rather than seeing it as the extension of a previous caste; a social arrangement that identified the testable skills of its citizens and made it inevitable that most of those with certain skills would identify with — and marry — one another; a clustering, a segregation, of these skilled workers by neighborhood, by employment, by lifestyle, and above all, by family unit. Finally, there had to be the sense — necessary to the formation of any class — that what these people had in common could be handed down to their succeeding generations. (37)

Class awareness for the New Elite resides in its rejection of traditional values-frameworks and its extreme valuation of testable intelligence. The New Elite fervently believe that there is a thing called "general intelligence" and that IQ tests measure it. (It is unclear to me how Lebedoff would explain the fact that the attack on IQ testing comes predominantly from left-wing professors, and its defense predominantly from a few conservative scholars.) This confidence in intellectual superiority produces another feature of the New Elite: their rejection of the view that matters of social policy (such as the appropriate level of taxation) should be determined by majority consent. No, since the New Elitists view themselves as intellectually superior, they are the ones who should decide for society what policies to adopt.

Two major political issues originally split the New Elite from the Left Behinds: the civil rights movement and the peace movement arising out of the Vietnam War. The New Elite supported civil rights and opposed Vietnam, while the Left Behinds tended to do the reverse. The New Elite came away with a sense of rightness, and often disdained the Left Behinds as stupid and selfish. This reinforced the anti-democratic mindset. Since the New Elite desires and feels entitled to control the country's direction, and since it isn't anywhere near a majority, it uses undemocratic strategies to subvert democracy when it needs to. These tactics include appointing themselves as spokesmen for various minority groups and then imposing their own agenda on the groups. So you have New Elites who claim to speak for all consumers, all women, all those concerned about the environment, all those who love the Bill of Rights, and so on. Another tactic is "negative consent": unless someone (say, a student) explicitly requests not to be represented by some activist group, he or she is presumed to have consented. (Perhaps because he's an old-time pro-union Democrat, Lebedoff doesn't mention that labor unions typically employ the same pernicious tactic.)

The New Elite has obtained still more of its power by developing arcane party caucus rules, rules perfectly suited to advance its candidates and agendas. This has led to what Lebedoff calls the death of politics — an end to the traditional political system. The old political system encouraged ordinary people to become party regulars — donors, volunteers, precinct workers, candidates for lower as well as higher offices, convention delegates, etc. These regulars were the ones who chose candidates, put forward nominees for appointments (especially judicial ones), and channeled funding to candidates. The New Elite felt it was entitled to per-

Calling All Economists!

The new libertarianism of Nozick and Friedman is a waste of time. We don't have to figure out how a pure free market would work, for it would figure that out for itself; nor convince the majority to live in it, but, to live and let live.

The problem is its fear, not that the non-aggression principle wouldn't work, but work too well, against its own aggression, plunder, and redistribution. And since it is a call for self-denial, the purely moral argument against it is an economic argument for it. But the idea that it doesn't pay, that taking from the rich to give to the poor doesn't reduce but increases inequality, is both an economic and moral argument against it, and the strongest possible, that it is immoral, as well as uneconomic, by the majority's own standards.

That is the "new idea" here that the "new libertarians" can't be bothered with, for they'd rather go on dreaming about the free market than actually get to it.

For the intellectual progress leaving them in its wake, the new idea they don't want, and gold coin prize for refuting it they couldn't win, that would demolish the Left, and the new Right with it, see ***Intellectually Incorrect*** at intinc.org.

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form these functions, so it systematically changed the rules so as to castrate party regulars and assume their power.

After taking over, the New Elite pushed primaries (as opposed to caucuses) and opposed the "winner take all" rules that tended to make it hard for candidates with small but committed bases of support. The elaborate new rules for determining proportional representation of delegates to national and county conventions allowed well-educated party members (such as teachers and lawyers) to manipulate the system much better than traditional party regulars (workers, small business owners, homemakers, etc.). The use of "citizen panels" to nominate judges empowered the New Elite, since they were more apt to be on those panels and were more ideologically driven. And the New Elite favored campaign limits, so that people who in their view were dumber but richer wouldn't get as much of a political voice as they once did. (How Sen. McCain fits in here is uncertain — he doesn't fit Lebedoff's description of the New Elitists, yet he's the major advocate of campaign spending limits.)

The tactics have varied, but the central goals have remained and intensified: the New Elite desires to impose its preferences even when it knows they are minority opinions, in the smug quasi-religious belief that its morals are superior. Lebedoff believes that this kind of deliberate antimajoritarianism is something new in American history: in the past, people with minority views would try to convince the majority by cool persuasion, hot agitation, or even civil disobedience — accompanied by a willingness to accept the consequences. The New Elite just wants to impose its views, and accepts no risk:

Pop culture is controlled by New Elite college graduates, and its quality is at an all-time low. Lebedoff attributes this to the New Elite's contempt for the taste of the audience.

> All the strange new activity of the decades since Kennedy has shown how the efforts of the New Elite could deny the democratic process. The vilification of political parties; the ascendancy of image over issues; the disrespect for law (which is the codification of majority will); the substitution of stridency for debate, of rallies for elections, and of rigidity for compromise; the shifting of power from Congress to the courts; the growth of interest groups that bypass and disdain the political process; the self-appointment of spokespersons; the denigration and corruption of popular culture; the rejection of traditional values; the enthronement of the "expert"; the enactment of rules that limit political participation in the name of extending it — all these things are rooted in the new belief that the majority does not, cannot, know what's best, that there exists a group that is measurably superior to everyone else, and that not statute or habit or procedure must be allowed to stand between that group and dominance. (29)

Lebedoff devotes a good deal of his book to addressing the influence of the new class on contemporary culture and politics. Some of his views are plausible, some not. His view is that in the 1930s and 1940s (which he seems to regard as the pinnacle of popular culture in the United States — and I would agree), literature, films, and music were aimed at a higher moral and intellectual level than they are now, despite the fact that culture was often produced and cultural industries were often controlled by immigrants and children of immigrants, who typically were not college educated. Now pop culture is controlled by New Elite college graduates, and its quality is at an all-time low. Lebedoff attributes this to the New Elite's contempt for the taste of the audience, a contempt completely absent in the early movie moguls and other cultural leaders, who understood the "average" people because they had lived among them. The New Elite doesn't respect the intellectual and aesthetic potential of the public because it doesn't know the public. This rings true: the controllers of our culture are younger, less familiar with ordinary life, and more callow generally than is the public as a whole.

Lebedoff less plausibly tries to tie the Enron scandal to the New Elite, suggesting that the Enron scandal would never have happened if the New Elite had done its job. The SEC lawyers, the accountants, the management consultants, the representatives of the shareholders — they were all high academic achievers, and they were all morally obtuse. The New Elite generation has been taught moral subjectivism, the ability to suspend traditional moral judgment. Moreover, he claims, the New Elite hates risk, because "Risk is for the marketplace, and the New Elite hates the marketplace" as an arena in which dumb people can get rich rewards (97). He belabors the point that high test scores don't indicate high moral sensibility, as if anybody ever supposed they did. This is very unpersuasive. Business scandals have occurred regularly as long as business has been around, and is there any evidence that the scandals are worsening? Granting, for the sake of argument, that those who allowed the Enron scandal to grow unchecked are members of the New Elite, the same applies to those responsible for monitoring the multitude of companies that have *not* been scandalous.

When in human history wouldn't a woman prefer to marry a smart man rather than a dumb one?

Even less plausible is Lebedoff's discussion of the failure of America to deliver egalitarian public education. He notes that upper-class people often send their kids to private schools, that many schools track students into different classes, and that public schools in some suburban districts are highly funded and performing as well as private prep schools, while inner city districts (allegedly) receive less money and perform less well. This is only persuasive if one accepts the old liberal cliche that funding determines educational quality, an idea I for one (jaded as I am from decades of teaching freshmen) reject. Poor Catholic schools do a better job of educating poor kids than public school districts (such as Los Angeles and Washington, D.C.) that are flooded with money.

But the least persuasive feature of

Lebedoff's book is his analysis of presidential elections: Carter ran as a farmer and a common man, but governed as a New Elitist, and lost when people saw that; Reagan became popular by appealing to Left Behind values; Bush Senior lost when he seemed to have been captured by his party's undemocratic religious wing; Clinton won because he seemed more moderate, lost popularity when he seemed to be succumbing to the antidemocratic elite, but became popular again when he appointed David Gergen and appeared majoritarian. There is a much simpler explanation: people were reacting to actual political policies. Carter was a failure at defending the country and at managing the economy. Reagan was unpopular during the recession in his first term, but recovered when his policies appeared to revive the economy and stymie Soviet expansionism. Bush Senior fell victim to a recession — and lost in a three-way race, when a third-party candidate, with rival policy suggestions, split the Republican base. Clinton ran as a moderate, but tried to govern as a hard leftist (remember Hillary Care) and lost the Congress as a result; when his politics (welfare reform, budget balancing) became more centrist, he got the credit.

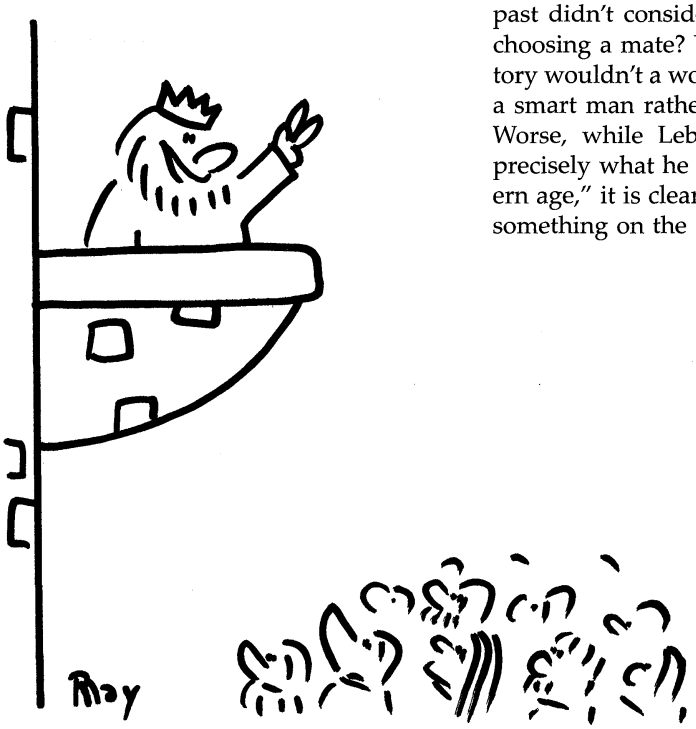

"The bad news is that we lost the war — the good news is that the king of France has agreed to make it best two out of three!"

Putting all that aside, how shall we assess Lebedoff's fundamental contribution?

First, we should recognize that his analysis is similar in many ways to that of the late Christopher Lasch. In "The Revolt of the Elites," Lasch argued that there is a rising cognitive elite of people who make their living by manipulating symbols (words, numbers, computer code). He estimated that this "talking class" is about 20% of the population, and he saw it as a threat to democracy, because it tends to live in separate communities, sends its kids to private schools, and (because it makes its living off international assets) thinks globally rather than locally or nationally. He also felt that the cognitive elite is beginning to rule in place of the citizenry.

Second, we should recognize that Lebedoff as well as Lasch describes a genuine, recent phenomenon: the rise and growth of a large group of people who disdain American democracy, and want to push their ideological vision on to our society whether it agrees or not.

Third, we should notice the basic problems with Lebedoff's analysis, beginning with its biological account of how the new class came to be. What reason is there to suppose that people in the past didn't consider intelligence when choosing a mate? When in human history wouldn't a woman prefer to marry a smart man rather than a dumb one? Worse, while Lebedoff never defines precisely what he means by "the modern age," it is clear that he has in mind something on the scale of a few centuries, which seems far too short a time for any major change in human populations to occur.

I proceed to the problem of testing. Lebedoff is downright inconsistent in his treatment of IQ tests and SAT scores. Sometimes he rejects them as real tests of intelligence; at other times he accepts the idea that they indicate real intelligence but continues to assume that intelligence shouldn't give anyone more power than anyone else in a democracy. He briefly mentions Herrnstein's and Murray's work, "The Bell Curve," which offers a similar view of high-IQ types intermarrying, self-segregating, and moving up the socioeconomic ladder. His response is this:

> The exceptionally controversial book, *The Bell Curve* . . . speaks approvingly of a new IQ class, which the authors call the "Cognitive Elite." It is a class virtually identical to the New Elite described in this book, though Herrnstein and Murray spend most of their time "proving" that the Cognitive Elite is really smarter and scarcely discusses the social and political ramifications of the new class. (160)

Lebedoff doesn't clearly say whether the high-IQ types *are* smarter — the scare-quotes indicate doubt. He might do well to consider a third alternative: there are different types of intelligence, with different distributions. A high IQ may be the ticket to success in science or math, but what has been called a high "EQ" (emotional quotient, a measure of how much you understand the emotions and intentions of other people) may lead to success in business or literature. He might even consider a fourth alternative: in a meritorian society, it is not IQ or symbol-manipulating intelligence that gets rewarded, but moral virtue. What it takes to run a small business is, yes, a normal IQ, but more importantly the ability to understand what customers want, to work incredibly hard, to motivate employees and so on — virtues such as prudence, empathy, and perseverance.

Moreover, Lebedoff's analysis of the kind of people who make up the New Elite is equivocal. Is it people of high intelligence (as indicated by high test scores, which is a dicey claim to make), or people with a certain profession, or a certain lifestyle, or a certain cultural identity, or simply a certain manner of self-perception?

As to high scores or grades defining this new class, Lebedoff's examples undercut his own thesis. John Kerry, Al Gore, and Bill Bradley are all members of the New Elite, while George Bush isn't. But all four of these politicians

had mediocre SAT scores and college grades; indeed, Kerry's transcripts from his Yale days show that he received lower grades than Bush (Kerry averaged 76%, Bush 77%). Moreover, Kerry received four D's in his freshman year alone, while Dubya got only one D in his whole time at Yale. And Dubya went on to earn an MBA from Harvard. So it is hard to see how Lebedoff can characterize Bush as a Left Behind and Kerry et al. as members of the New Elite.

By the year 2000, more New Yorkers worked in social services than on Wall Street.

At times, Lebedoff addresses this glaring anomaly by saying that what determines whether a person is a member of the new class is a matter of self-image, or self-selection: "One need not have attended college to be a member of the New Elite; a privileged dropout qualifies. A professor of philosophy at Princeton could easily be one of the Left Behinds if his or her basic identity is with a traditional social or economic or ethnic group" (19). But he also characterizes the New Elite not so much by identity as by economic role: "Its members are the managers of society — teachers, commentators, planners, officials, and executives — the articulators of thought and standards" (21). Then again, he characterizes the New Elite by values: "The point of the example is this: membership in the New Elite is not determined so much by IQ or education as it is by rejection of traditional values" (36).

Yet clearly these diverse criteria don't point to anything like coextensive classes.

The book is analytically weak. Lebedoff says there is only "some" correlation between the New Elite-Left Behind and Democrat-Republican dichotomies. As he puts it,

> The New Elite was "liberal" at its inception, and its efforts to dismantle our majoritarian structures were originally confined to the Democratic Party. But aha! A virus so virulent soon spreads. Now both parties are on life support, the valves guarded by extremists.
>
> The real battle that has turned this country into opposing and very hostile camps is not between conservatives and liberals. It is between those who believe in majority rule and those who believe in rule by experts. It is between those who rely primarily on experience and those who rely primarily on theories.
>
> Yes, there is some correlation between the political parties — enough to make the red and blue of recent election maps a recognizable metaphor for our subject.
>
> But our subject is not really political — or at least not partisan. The division of America is not between liberal programs and conservative programs, or big government and small government. The New Elite has no program. Its only real policy goal is that all policy be made by members of the New Elite. (x–xi)

One would be hard pressed to name many New Elite figures who are Republicans. For example, it is the Democrats these days, not the Republicans, who want rule by the judiciary. This prompts the question, why? I will return to this point shortly.

Lebedoff's analysis is simply not fine-grained enough. Consider SAT scores for graduating high school students by intended college major (table at right).

These figures just don't seem to fit Lebedoff's analysis. Sure, some majors that seem to fall into the category of Left Behinds have low scores (agriculture, home economics, and vo-tech), but so do some that seem to be paradigmatically New Elite (architecture and environmental design, education, public affairs and services). The middle range of scores is split between those majors generally considered Left Behind (such as business, commerce, and military science) and those generally considered New Elite (such as arts, communications, social science, and library science). At the higher end are majors that are clearly New Elite (philosophy, language and literature, and foreign and classical language), but among the highest are some that don't jump out as New Elite, such as math and engineering.

In sum, while Lebedoff does identify what seems to me to be an interesting sociopolitical phenomenon, I don't think his new-class analysis explains it. He is correct in thinking that there is a large, elitist group of Americans who wield great political power and have a profound contempt for democracy. And he is right, for reasons I will explain later, to think that their numbers are increasing. But he is off the mark in his own explanation. In particular, this new class has nothing to do with IQ or breeding. And, despite his denial of this obvious truth, the New Elite is very much an ideologically leftist class. This is a complex phenomenon better explicable by economic, psychological, and ideological factors than by evolutionary or biological ones.

We can get a better handle on all of this if we recall Milovan Djilas' classic "The New Class." Djilas was one of the founders of the Yugoslav Communist Party, and he fought with other Yugoslav nationalists against the Nazis. After the war, he became vice president

2003 Profile of College Bound Seniors

Intended College Major	SAT Score*
Agriculture/Natural Resources	966
Architecture/Environmental Design	991
Arts (Visual & Performing)	1,014
Biological Sciences	1,096
Business & Commerce	1,001
Communications	1,030
Computer & Information Sciences	1,038
Education	965
Engineering	1,099
Foreign or Classical Languages	1,109
Health and Allied Services	987
Home Economics	924
Language & Literature	1,153
Library & Archival Science	1,084
Mathematics	1,171
Military Science	1,029
Philosophy, Religion, Theology	1,106
Physical Sciences	1,151
Public Affairs & Services	920
Social Sciences & History	1,045
Technical & Vocational	891

* Total SAT I Score (mean verbal + mean math). Figures taken from the College Board website.

in Tito's government, and was widely thought to be in line to succeed Tito. But in 1953 he started writing dissident articles, essentially arguing for socialism with a human face, i.e., more democratic socialism, long before others did. He was kicked out of the government and resigned from the party. In his book he argued that the Communist Party (by then ruling Eastern Europe as well as the Soviet Union) was not the party of egalitarian justice that it pretended to be, but was instead a vehicle for fulfilling the greedy aims of the elite higher party bureaucracy. Not surprisingly, he was imprisoned for his writings. The important insight here is that groups often employ ideology to mask self-interest. This is a truth that Lebedoff doesn't see as clearly as either Djilas or Steven Malanga.

Perhaps because he's an old-time pro-union Democrat, Lebedoff doesn't mention that labor unions typically employ "negative consent."

Malanga is a fellow at the Manhattan Institute and a contributing editor of its publication City Journal. His thesis, which is the product of another new-class analysis, is sure to alarm anyone with even modestly libertarian sensibilities, and he states it right off (p. 9):

> Politics in America today is not a contest between left and right. A new political dynamic has slowly been emerging over the past 40 years, a face-off between those who benefit from an expanding government and those who must pay for it — the tax eaters versus the tax payers. The vast expansion of the public sector is finally reaching a tipping point, giving tax eaters the upper hand, especially in American cities. There, coalitions of public employees, staffers at publicly funded social-services programs, and the recipients of government aid have emerged as effective new political forces.

Malanga's claim recalls Thomas Paine: "There are two distinct classes of men in the nation, those who pay taxes, and those who receive and live upon the taxes." But Malanga feels that the tax-eating class has moved into dominance, and he has a wealth of new illustrations of this thesis.

He dates the rise of this New New Left to the formation of government employee unions. These unions not only bargain for higher wages (from government representatives who typically face no bottom line of profitability to keep them in check) but are major forces in electing politicians who advance their agenda, and in defeating initiatives that don't. AFSCME was formed in the 1950s and won the right to bargain collectively in 1958. In the 1960s the AFT started using strikes to gain bargaining power. Membership in public employee unions grew exponentially in the '60s and '70s as the Great Society programs kicked in. Malanga illustrates this with a variety of statistics. For example, between 1975 and 2000 the number of New York social services employees increased from 52,000 to 183,000, which meant that by the year 2000, more New Yorkers worked in social services than on Wall Street. The coalition of public employee unions, social services employees, and health-care unions has systematically turned the nation's cities into Democratic havens, even within Republican states.

Along with unions, the New New Left is driven by social activist "advocacy" organizations such as ACORN (Association for Community Reform Now) and Public Citizen, Ralph Nader's group. These activist groups channel money from union contributions into voter registration drives, ad campaigns, and so on. Add to this the leftist "Labor Studies" programs at public universities and liberal-leftist institutions such as the Tides Foundation and the Ford Foundation, and you have a potent political force.

The power of the New New Left shows in the increasing number of cities passing "living wage" ordinances. About a hundred cities nationwide have these ordinances, which jack up the minimum wage required for any firm doing municipal business. This of course decreases the total number of jobs and increases the amount a city has to pay for contracted services, which in turn raises the taxes that citizens have to pay. But these costs are largely invisible to the taxpayers, who are told by activists that only corporations have to pay the bill. Any community activist who wants to push a living wage ordinance can follow a manual produced by ACORN's National Living Wage Center and get funding from a multitude of leftist foundations. The ACORN manual embodies the tactics of 1960s radical Saul Alinsky: build coalitions, mask your real agenda, demonize your opponents, organize demonstrations, and proceed from there.

On some college campuses, "labor" programs function as agitprop generators, radicalizing students, training new and ever more leftist union leaders, and spewing out biased research intended to provide propaganda for labor's political campaigns. "Labor interns" are indoctrinated at summer programs run and funded by unions, then lead protests on campus against cuts in college budgets and the outsourcing of manufacturing. Even more egregious is the fact that some students receive academic credit for participating in these demonstrations. Professors are often willing allies in organized labor's continuing fight to increase redistributive taxes, stop privatization, halt free trade, and generally oppose free markets and corporate capitalism. Labor programs are often housed in interdisciplinary social science and urban studies departments, where standards of scholarship are typically much lower than in (say) economics

"The New New Left" warns about what might be happening — New York as an apocalyptic vision of what the rest of the country could become.

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departments. The result is a steady stream of anti-American and anti-free market propaganda, supported naturally by leftist unions and foundations, but also funded by the taxpayers who pay the professors' salaries.

Of course, besides professors of Labor Studies, there are legions of scribblers, on campus and off, who are devoted to propagandizing the leftist creed. Malanga focuses on three writers of very popular books: David Shipler, Richard Florida, and Barbara Ehrenreich, who has made a fortune on book sales and college speaking fees from her tendentious tomes. Malanga devotes several chapters to reviewing their works in detail, exposing the shoddiness of their work. He also discusses in detail the coordinated attack by the New New Left on Wal-Mart, incidentally showing how beneficial the company has actually been to society.

In sum, Malanga's book is a reasonably well-documented warning about the dangers of various activist organizations. He is right in believing that they are pushing an ideological agenda of ever-increasing growth of welfare-state programs, out of collective self-interest. But he doesn't establish his initial claim that this New New Left, this tax-eating class, has come to dominate our society, or even that some kind of "tipping point" has been reached. To do that, he would have to address a number of interesting questions: has the percentage of aggregate national government spending (at all levels) gone up dramatically, decade by decade, over the past few decades, in absolute terms and as a percentage of GDP? How has the number of employees in U.S. welfare-state programs grown during the same period, in absolute terms and as a percentage of all workers? What about the recipients of these services: how much has their number grown nationally, in absolute terms and as a percentage of the population? And what is the actual voting behavior of these groups?

Unfortunately, instead of answering these fairly obvious questions, Malanga spends a good deal of time on what seem to me to be tangential issues, such as why Wal-Mart is a good company or why Richard Florida's economic nostrums are silly. When he does talk about the growth of the tax-eating class, he confines his discussion to New York City, which may not be typical of the country as a whole. Because he doesn't address the relevant national issues, his book amounts to a warning about what might be happening — New York as an apocalyptic vision of what the rest of the country could become. That's frightening, indeed, but as valuable as the warning might be, it leaves the reader unsatisfied about the original and motivating issues.

Notes on Contributors

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If Lebedoff characterizes what I call the new class too broadly, including high scholastic achievers who clearly don't belong, Malanga takes too contracted a view, focusing too narrowly on organized labor and allied advocacy groups. A better approach would be to define the class, not by its grades or its IQ scores, but by its values.

Journalists scored higher in the need for power, fear of power, and narcissism, while businessmen scored higher on the need for achievement and the capacity for intimacy.

Because the activists of this class speak constantly of the value of "compassion," I would name it the Compassionate Class. This class certainly has interests and values that are tied (directly or indirectly) to the "social functions" of the modern state — education, health care, welfare, housing, and so on, as opposed to "defense functions" such as policing and military defense. Accordingly, the economic values of the Compassionate Class are classically leftist ones: redistributive taxation to support ever-increasing social spending; systematic shrinkage of defense spending in favor of social spending; ever-increasing regulation of private enterprise; desire for social insurance programs that seem to give people security; and deep opposition to the privatization of such social functions as education. The non-economic values are again classically leftist ones: strident secularism; multiculturalism; hostility toward patriotism; antagonism toward the police and military; aversion to historical tradition; opposition to traditional social structures, especially the "patriarchal" family; sympathy for deviancy (criminal and otherwise); egalitarianism (i.e., more desire for equality than for merit); a profound desire for security and a profound antipathy toward competition. These values account for who is a part of the Compassionate Class, and why it is so antidemocratic.

Let's begin with which professions constitute the new class. Lebedoff is right: our modern knowledge-based economy has resulted in a permanent move toward a more book-learned workforce, not just in this country but worldwide. The shift has accelerated with the dramatic advance of computerization. But not every knowledge worker is a leftist. There is a big difference between educated workers who aren't tied to the social-welfare state and those who are. Health care professionals who are in private practice, private and corporate accountants, officers in the armed forces, teachers at private and parochial schools, entrepreneurs, corporate and business lawyers, and defense-industry engineers — these are some of the people who, unlike public school teachers, government-employed health care professionals, journalists, IRS and other governmentally employed accountants, trial and defense lawyers, union managers, and government bureaucrats, tend *not* to be in the Compassionate Class.

The difference is the organizations they work for. The educated professionals in the Compassionate Class all earn their money directly or indirectly from the welfare state, so it's no surprise that they are statists. (Remember, professors at private institutions — and certainly the institutions themselves — generally derive income from government grants and other forms of state assistance.) But the Compassionate Class also includes people who are not highly educated: welfare recipients, service employees who work for the government, farmers who derive their income from government subsidies instead of farming, etc.

The split is clear in voting behavior. Consider just two segments of the Compassionate Class, journalists and academics. It has been evident for decades that the media elite are markedly more left of center than the country at large. S. Robert Lichter, Stanley Rothman, and Linda Lichter studied that group back in the 1980s, presenting their results in the classic book "The Media Elite." Over the 16-year period they studied, less than 20% of the media elite voted Republican even once in a presidential race. During that period, students at the Columbia School of Journalism (now middle-aged and presumably influential practicers of what they learned) rated Fidel Castro more favorably than Ronald Reagan. A visit to the Media Research Center's website (www.mrc.org) shows that media bias has not diminished. In the 1992 presidential race, 89% of Washington-based reporters voted for Clinton, while only 7% voted for Bush. The follow-up research by Lichter et al. also confirms the continuing bias.

Similar research shows a large and growing disparity in the academic world. Seymour Martin Lipset and his various collaborators have documented this disparity in voting behavior for the last 35 years. A recent paper by Daniel Klein and Charlotta Stern (http://www.ratio.se/pdf/wp/dk_ls_diverse.pdf) reviews survey evidence from various fields. In one of their surveys of anthropologists, economists, historians, political scientists, philosophers, and sociologists, 80.47% voted Democrat, 7.87% Republican, 1.55% Green, and 1.17% Libertarian. They provide other statistics, all to the same point.

Lichter et al. reviewed results of personality tests that showed that "the journalists scored higher in the need for power, fear of power, and narcissism, while the businessmen scored higher on the need for achievement and the capacity for intimacy" (97) — an interesting commentary on the values of the Compassionate Class. Anecdotally, as a professor and a businessman, I haven't noticed much difference in intelligence between people in the two professions, but I *have* noticed huge personality differences. People in private enterprise tend to be risk-tolerant and money-ori-

The takeover of the Democratic Party by the Compassionate Class is a classic case of a revolution devouring its young, the earliest revolutionaries.

ented; those in the public realm tend to be risk-averse (think "tenure" here) and approval-oriented. Women who want to raise a family are less likely to become law professors than are women who can do without the traditional family. Other things being equal, men who are patriotic and are comfortable with the use of force are undoubtedly more likely to become soldiers or policemen than teachers of philosophy or sociology. Boys who play with mechanical toys may be more likely to become engineers than interior design mavens. My point is not to show disdain for any particular profession: the world needs all kinds. My point is that economic opportunity and relatively unrestricted social mobility now permit a closer matching of psychological kinds and economic occupations.

The New Elite doesn't respect the intellectual and aesthetic potential of the public because it doesn't know the public.

The Compassionate Class is growing, for several reasons. First, the social welfare state has itself been growing over the decades since WWII, in some decades explosively. Second, the Compassionate Class has become dominant in public education, especially in higher education, as well as in the media, and it has grown ever more aggressive in pushing its ideology. Third, the number of students enrolled in programs related to the welfare state (e.g., social science, social welfare, law, education) has been growing much more quickly than the number enrolling in non-welfare-related programs (e.g., engineering, natural science, business). Finally — and this is a point hammered home by Malanga — workers for the welfare state have been extremely successful at unionizing, and forcing ever increasing spending for social welfare projects.

Fortunately, however, the Compassionate Class is still a minority. The rest of society has numbers on its side. But the Compassionate Class has great ability to manipulate both laws and minds. This accounts for its political behavior, which is indeed antidemocratic. If you want to, say, enact affirmative action, trying to correct historical wrongs by discriminating against people who did not have a hand in causing those wrongs, you won't do it by openly passing laws — so greatly is popular sentiment against it. No, you will exploit the court system, getting life-tenured judges to order the quotas and set-asides.

I think that what perturbs Lebedoff, a traditionalist liberal Democrat, is the takeover of the Democratic Party by the Compassionate Class, though he doesn't quite understand the nature of that takeover. It is a classic case of a revolution devouring its young, the earliest revolutionaries. Traditionalist Democrats were pro-defense, proudly patriotic, and family-oriented; they wanted to increase government social welfare to "help the needy." Now the cultural Left has taken charge of the party, and the traditionalists are clinging to mere tatters of power. You can see the split in traditional labor: among non-governmental workers, the percentage of unionization has dropped to about 15%, and even among union members, the number of workers voting Republican hits 40% in many elections. The top contributors to the Democratic Party in most elections are trial attorneys, followed closely by unions, especially *government employee* unions. As the Left takes control, non-economic values come out: hatred of the military, contempt for the traditional family, multiculturalism, and so on. The traditional Democrats who spawned this brood now find that it has marginalized them.

The salient question is whether the Compassionate Class will continue to grow, or whether it will be checked, and if so, by what. My sense is that what will check it will be the collapse of the welfare state, which by my reckoning is about 15 years out. The Baby Boomers, so disproportionately members of the Compassionate Class, are likely to be the instruments of destruction for the Glorious American Progressive Square Deal, New Deal, Fair Deal, Great Society candy-apple metastasizing welfare machine, as they overwhelm the Social Security "insurance" system. And the dissolution of the welfare dream will be the dissolution of the Compassionate Class — an ironic outcome, indeed. ❑

Further Reading

"The New Class: An Analysis of the Communist System" by Milovan Djilas. Harcourt Trade Publishers, 1982, 224 pages.

"The Revolt of the Elites and the Betrayal of Democracy" by Christopher Lasch. W.W. Norton, 1995, 276 pages.

"The Media Elite: America's New Power Brokers" by S. Robert Lichter, Stanley Rothman, and Linda Lichter. Adler & Adler, 1986, 342 pages.

"The Bell Curve: Intelligence and Class Structure in American Life" by Richard J. Herrnstein and Charles Murray. The Free Press, 1994, 845 pages.

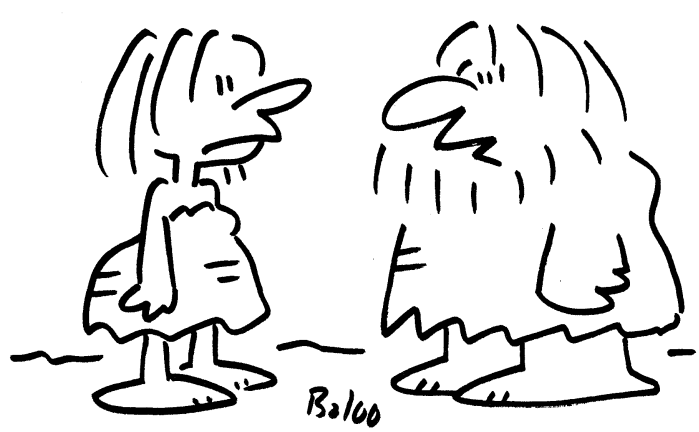

"It was a *very* depressing class reunion — I was the only one there walking upright."

"Age of AIDS," by Renate Simone and William Cran. Frontline (WGBH-NET), 2006, 240 minutes.

"Serious Adverse Events: An Uncensored History of AIDS," by Celia Farber. Melville House, 2006, 300 pages.

AIDS Reconsidered

Richard Kostelanetz

Since WGBH-NET's Frontline gained its reputation as the most serious American documentary producer on airwave television, precisely by going beyond conventional understandings, I was disappointed by the recent program, four hours in length, about the rise and dissemination of the deadly disease called AIDS, which has prematurely taken friends of mine — people I miss. As Frontline's claim of "political indifference" about the epidemic is demonstrably untrue, I suspiciously wondered why the producers had not directly addressed several major issues.

First, how vulnerable in the U.S. were (and are) straight males who don't use intravenous drugs? In these pages* I suggested more than a decade ago that they scarcely were, for an obvious reason: as they eschew receiving anal sex, they are not as vulnerable to semen-to-blood invasion. During the late 1980s, the NYC Department of Health employed a woman surnamed Lekatsas whose job was investigating those claiming No Identifiable Risk (NIR). In nearly all cases she found that claimants had indeed done something risky with needles or anal sex. (Reports of her research can be found on the internet.)

However, publicists desiring government funding for AIDS problems figured that few would care about the afflictions of gays and druggies. Deciding that all of America had to be scared of AIDS, they suppressed facts about who was really vulnerable. Once the NYC Department of Health changed its own accounting procedures, around 1993, this statistic about NIRs simply vanished. Even today, to say that NIRs don't get AIDS is to risk dismissal as politically incorrect.

This deception, designed to drain government aid, remains among the most dishonest intellectual episodes in recent memory and makes me forever doubt AIDS "activists." Whether, in retrospect, the result of government intervention was worth the lie is a reasonable question. Libertarians know that asking the government to "solve" a problem is usually an egregious mistake.

Second, the Frontline producers didn't seriously question the familiar scenario that a recently identified retrovirus called HIV principally causes AIDS, which does not itself kill but makes the sufferer more vulnerable to deadly opportunistic infections. Another element in the familiar scenario holds that pharmaceuticals "save lives." Even though the existence of HIV has never been fully proved (according to Robert Koch's traditionally accepted elaborate postulates), Frontline routinely dismisses critics of this scenario as "denialist," an epithet that vulgarly exploits the low reputation of those who deny the Nazi extermination of Jews and Gypsies during WWII.

Among those thus discredited in the Frontline feature are not just the Berkeley biologist Peter Duesberg, who appears only in a sight-bite, but also the current president of South Africa, Thabo Mbeki, who appears saying "Does a virus cause a syndrome? It can't." Indeed, precisely because AIDS itself does not kill, becoming instead the purported precondition for deadly diseases, that concept as well could be considered a convenient fiction.

Around the same time when the Frontline broadcast was first aired, Melville House, a small New Jersey publisher, issued Celia Farber's "Serious Adverse Events," which I recommend to one and all as a courageous corrective. Basing her ideas upon articles published over the last two decades, Farber suggests that the conviction that this recently discovered retrovirus called HIV causes AIDS has scarcely been proved, citing medical results and respected authorities suggesting otherwise. Many AIDS patients lack evidence of HIV. Even the discoverers of HIV, Robert Gallo and Luc Montagnier, have separately realized that it alone might not be sufficiently lethal, proposing other contributing causal agents. As more than one of the virologists trumpeting HIV had previously been involved with the failed effort to discover a virus causing cancer, they feasted upon AIDS as a new terrain for their expertise.

(Farber, let me not forget, is the daughter of Barry F., a pioneer in New York talk radio — a highly verbal southern Jew who actually read the books of the writers he interviewed, and spoke many languages, especially when he campaigned now and then for political office as a Republican. His unique voice remains in my head.)

Immunity deficiency, Farber adds, could be caused by extrinsic chemistry, such as excessive use of amyl nitrites to increase sexual pleasure. Post-Stonewall promiscuity per se, epitomized by the bathhouse culture, exposed many gays to minor infections that, routinely treated with progressively stronger antibiotics, could diminish an individual's immunity. Drugs merchandized to alleviate HIV, such as AZT, also worked to destroy immunity, never saving lives, scarcely extending them.

While the Frontline narrator intones, "So far, the virus had developed resistance to every known drug, like AZT,"

*"Me and AIDS," a review of "Misinformation and Manipulation" by Joe Peacott, Liberty, Sept. 1990.

why not consider the question of why AZT and other drugs have been ineffective? Farber quotes a scientist declaring that the causes of immunodeficiency are not fully understood; her own conclusion, however, is that American "AIDS is a multifactorial syndrome, but straight people can't bring themselves to talk about what these factors are and gay people don't want to."

Frontline's claim of "political indifference" about the epidemic is demonstrably untrue.

About the question of African AIDS, which is customarily raised to refute the contention that non-IV-drug-using straights are scarcely vulnerable to AIDS, consider first my earlier contention and then Farber's. If a disease with a specific name afflicts different groups in different populations — say, children in one place and adults in another; homosexuals in one place and straights in another — isn't the conclusion that one epithet is really a convenient catch-all for two or more conditions, or, more specifically, that American AIDS and AIDS in Africa may be different diseases? While calling whatever kills people in Africa "AIDS" might be useful for publicity in the West and thus fundraising (and drug-peddling), it is intellectually dishonest to brandish the same name. While the producers of Frontline's AIDS report introduce this problem by citing on camera an assistant secretary for health early in the Reagan administration, the issue gets dropped. Nonetheless, having identified one intellectual deceit about AIDS, some skeptics would be prepared to spot another.

Farber goes further in exposing the myth of African AIDS. She documents how AIDS has become the most popular identification for any and all deaths that previously lacked an explanation, as many do, particularly in poor countries with less sophisticated pathologists (and insufficient funds to test blood for any viral chemicals), and more particularly at a time when AIDS fundraising groups have needed higher figures for their own mercenary purposes. The further truth is that Africans (and South Asians), both male and female, die younger, because of malnutrition, poor sanitation, tuberculosis, mysterious diseases, and inadequate medicine, all reflecting poverty and exploitative governments. (Any American ever traveling to those countries might recall the medicines he was advised to take along.)

Providing a specific example, Farber exposes how an individual African's death from malaria was chalked up to AIDS. Another anecdote tells how a Kenyan killed in an auto accident was publicized as "an AIDS suicide."

A further contributing factor in African AIDS deaths could be the dissemination of deadly drugs. This accounts for why, as the Frontline narrator reports, "On the advice of the denialists, President Mbeki banned AZT and the entire triple cocktail from government hospitals, claiming the drugs were too toxic."

The gross figures about African AIDS were extrapolated to heavy degrees of exaggeration from small samples, thanks to interested publicists consciously running up the score. At a time (1980–2000) when AIDS was portrayed as decimating Africa, the population was actually increasing from 378 million to 652 million. Remember as well that people don't die of AIDS per se but of other diseases attacking individuals made vulnerable by immune deficiencies whose principal cause, universally, is not HIV but nothing more mysterious than poor living conditions. The more selective precondition of AIDS can thus be posthumously assigned, presumptively. One implicit truth evading the Frontline reporters, not to mention others, is that publicists for any disease can, with enough media effort, accompanied by statistics that cannot be easily verified, cook up the illusion of a rampaging epidemic. Caveat spectator.

The deepest scandals exposed by Farber involve the way in which pharmaceutical companies have exploited not only nation states but also the United Nations to do corrupted tests (often giving false positives because of, say, pregnancy), to revive drugs previously discarded, to destroy previously healthy people, to force drugs on unwitting children, and to disseminate false information in the course of peddling highly deleterious drugs. Once AZT was discredited because it was so toxic that it speedily killed nearly everyone taking it, another protease-inhibiting "cocktail" took its place, called HAART (Highly Active Antiretroviral Therapy), and sometimes including other notoriously toxic chemicals. "In the end," Farber writes, "everybody who is [currently] taking protease inhibitors is contributing to one big medical experiment and no one knows what the outcome will be." Often among the more visible effects are physical deformations, such as a thickened neck that by itself would usually be a symptom of something gone wrong.

Farber documents how voracious drug companies have compromised the National Institute of Health (NIH) and the Federal Drug Administration (FDA), traditionally independent government agencies, in addition to funding AIDS organizations both large and small so that none of them dares bite the dirty hands that feed them. Frontline quotes Donna Shalala recalling on camera how she, along with Vice President Al Gore, failed to persuade Mbeki to reconsider his ban on AZT. ("Political indifference" this isn't, neither in the U.S. nor in Africa!) Nonetheless, in spite of all the American government money poured into AIDS research, there's been no vaccine and too many dead people, perhaps because of insufficient understandings, mistakenly focused efforts, and opportunistic operators.

Government didn't cure this problem. Instead, it authorized the HIV hypothesis and approved deadly drugs through its "health" agencies. When will people learn that a government imprimatur is no guarantee of truth?

Even the discoverers of HIV, Robert Gallo and Luc Montagnier, have separately realized that it alone might not be sufficiently lethal.

Indeed, let me raise a question for

future historians of AIDS: had governments not been involved, would fewer people have died prematurely? (I pose this question recalling Hannah Arendt's provocative suggestion in her classic "Eichmann in Jerusalem" [1963] that fewer Jews would have died in concentration camps during WWII had Jewish communities not been so well organized. To that I've always added that fewer Jews would have died had they possessed stronger personal weapons.) Government aggravation of AIDS is a critique that only a gay libertarian (not I) could write. Given the evidence already known, may I wager that someone will?

Magic Johnson claims he no longer has the HIV virus that forced his early retirement from basketball 15 years ago.

My major criticism of Farber is that she portrays herself as the lone writer correcting the general public about these deceptions, thus ignoring "The Myth of Heterosexual AIDS" (New Republic-Basic, 1990) by the great medical journalist Michael Fumento, and "AIDS: A Second Opinion" (Seven Stories, 2002), a mammoth critical examination of the literature by the nutrition broadcaster Gary Null, in collaboration with my friend James Feast. As Null and Feast often quote Farber, but never Fumento, I'm reminded of some sad ancient history. Gay activists successfully blocked many booksellers from stocking Fumento's book, soon after its publication, as threatening their agenda to enlist a wholly scared public and thus governments. (Feast tells me that his and Null's book went unreviewed.)

The last questions ignored by Frontline should have dealt with how certain people have survived an HIV-positive diagnosis for so long without drugs — whether, indeed, the condition can be overcome. In the second respect, consider that Magic Johnson claims he no longer has the HIV virus that forced his early retirement from basketball 15 years ago. Is this true? The face of AIDS medicine, Dr. David Ho, suggests not and never. Nonetheless, Johnson's wife and their three children are HIV-free, thus undermining the myth of the condition's rampant contagiousness through unprotected heterosexual intercourse.

In the former respect, consider that Frontline repeatedly introduced on camera people "living with AIDS" without asking the questions of how long they've had the diagnosis and, if for long, why. The most visible survivor in my reading is the writer Edmund White, a lower Manhattan neighbor whom I've not met, HIV-positive for decades now, who said recently that his affliction is slow and so he eschews medicines. Is he just lucky? Or is he living in such a way that AIDS no longer threatens him? Could it be that he'll live long enough to die from another condition that is more deadly for gays and everyone else, such as heart disease? To him the Frontline vision is blind.

By ignoring these major questions, "Age of AIDS" in its four hours scarcely got beyond the conventional wisdom, alas, and made me realize that too often other Frontline programs likewise suffer from this fault of not just preaching to the converted but piously informing the pre-informed.

As for AIDS, may I offer the radical hypothesis (which I bet you've not heard before) that like racism it will continue to be the subject of reams of good-hearted talk that, because of misconceptions, will perpetuate the problem it purports to cure, thus setting the precondition for yet more well-intentioned chatter, to the smug delight of all except those who suffer needlessly? ❑

"No Applause — Just Throw Money: The Book That Made Vaudeville Famous," by Trav S. D. Faber and Faber, 2005, 328 pages.

Curtain Call

Jo Ann Skousen

With its tongue-in-cheek subtitle and clever cover art, "No Applause — Just Throw Money: The Book that Made Vaudeville Famous" by Trav S.D. promises a farcical romp through the heyday of vaudeville. Even the author's pseudonym — say it quickly — suggests a taste of his sense of humor.

But Trav tries a little too hard to please the critics when he should be warming up the audience. His writing style, particularly in the introductory chapters, is often pretentious and precious, with overwritten phrases that draw attention to themselves rather than to their topic. He also seems to have included every erudite note and esoteric sidelight he discovered while researching the book, often overloading rather than enlightening the reader.

Like a vaudeville juggler, he tries to keep all his topics in the air at one time. Will his theme be the role transportation played in the rise and demise of vaudeville? The role vaudeville played in addressing and breaking down racial prejudice? Vaudeville's roots in pagan worship? The Christian church's role in demonizing the theater? Alcohol and

prostitution in the theater, from ancient Greece to the present? Seemingly reluctant to cut any of the act, he introduces his topic again and again from all these angles in the "Overture" of his book, while the audience becomes more and more restless for the real show to start.

Don't wait for consumers to tell you what they want; create something useful and convince them that they want it.

But start it finally does. The middle chapters present a fascinating history of American vaudeville, often from a business perspective. "Vaudeville circuits," he writes, "were among the world's first corporate chains." Entertainers were not just artists, they were entrepreneurs, and in vaudeville, where each act stood on its own, "the principle of every man (or every act) for himself works just fine." As show business became big business, the "new competitive spirit" saw "each of the major managers shaking off his own complacency and racing to discover and debut the next superlative act." In other words, competition led to better quality, higher salaries, lower prices, and larger profits. Under a free and competitive market, everybody gains.

Trav argues that entertainers responded to market demand, giving the customers what they wanted, from the prudish "good clean fun" of the Victorian age to the more sexually explicit entertainment of the 20th century. But I would argue that the entertainment market, like all other markets, is supply driven, not demand driven: people don't know what they want until it is offered to them. Did consumers band together five years ago and demand a portable device that could hold 10,000 songs? No. But when an entrepreneur developed and supplied one, suddenly half of America demanded to have it. Did Americans demand a museum full of freaks and oddities because they thought of it themselves? No. But they rushed to buy tickets after P. T. Barnum supplied it in his "dime museums."

As Trav rightly explains in a different section of the book, demand for the new family-friendly entertainment was created by Barnum's masterly use of advertising. This may seem like a small difference, but it's a significant lesson for anyone who desires to be an entrepreneur: don't wait for consumers to tell you what they want; create something useful and convince them that they want it.

Competition eventually led to vaudeville's demise, as entrepreneurs developed new technologies. Faster rail service made it easier to bring live entertainment to more markets, but the invention of the phonograph, the radio, the silver screen, and the boob tube made it possible for ordinary people to enjoy the stars without actually going to the theater. Vaudeville impresarios had introduced the world to silent films in their theaters as one of several acts, but the talkies would eventually change the demand of the fickle public. Fortunately for those who love comedy, the entrepreneurs of vaudeville followed the money to Hollywood, starring in classic films that we still watch nearly a hundred years later.

Can you judge a book by its cover? The cover and jacket blurbs of "No Applause — Just Throw Money" promise a book full of light, entertaining anecdotes. But inside, for much of the book, he lectures. Yes, it's interesting to know that the word *vaudeville* came from the French *val de vire* (or perhaps *voixe de ville*); that the tradition of the theater traces back to the Bacchanals of ancient Greece; that traveling minstrels took advantage of the Erie Canal. I'm sure many readers will chuckle at Trav's jabs at religion and other satiric asides. But slapstick it ain't. It took me three attempts to get past the opening chapters; in vaudeville, I think he would have gotten "the hook" after chapter one.

But an audience that walks out before Act Two of this book will miss out on a fascinating, witty, impressive history of a remarkable legacy, one that continues to influence entertainment today. Like many good books, this one is hard to get into, but it's worth the effort. Drop the juggling act at the beginning, and I'd say Trav S.D. is ready for the big time. ❑

Filmnotes

Attitude — Many of us who grew up in the 1970s and 1980s (the post-Baby Boom, pre-Gen X generation) became politically aware through the music of punk rock — and libertarianism (which is after all no more than being politically and economically aware) and punk music go hand-in-hand.

Punk was a rebellion. In the U.S. it was an artistic rebellion against a staid and monopolistic music industry and an overtaxed and urban-decayed "downtown scene" in New York City in the mid-1970s. When punk was picked up in the UK a year or so later, it combined the New York do-it-yourself entrepreneurial aesthetic with rebellion against life on the dole in the English cities. The kids wanted to make something of themselves and for themselves, and grouping together around energetic, fun, lyrically-challenging music was one way to escape the growing welfare state.

"Punk: Attitude" (Fremantle Home Entertainment, 2005, 89 minutes) is the latest film by Don Letts, a black British DJ and filmmaker whose London flat was a hangout space for a group of UK kids who, influenced by the reggae music Letts spun, went on to form politically aware punk-rock bands. The film intersperses interviews of musicians, photographers, filmmakers, and journalists with live concert footage and still photography, taking the viewer through 35 years of the "punk" subculture with its various twists and turns and offshoots, its setbacks and small victories.

The chronology starts with 1960s garage rock bands in the U.S.: the Velvet Underground, the New York Dolls, and the Ramones, all the way through to Blondie, Television, and the Talking

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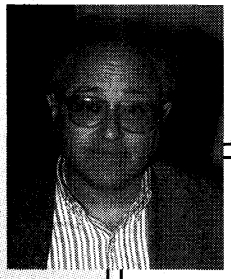

David Friedman

Economist, professor at Santa Clara University School of Law, author of *The Machinery of Freedom,* and Bill's favorite anarchist scholar.

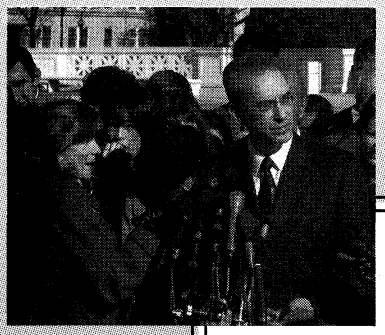

Randy Barnett

Carmack Waterhouse Professor of Legal Theory at Georgetown University Law Center. He appeared before the U.S. Supreme Court to argue the medical cannabis case of *Gonzales* v. *Raich*.

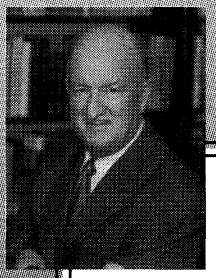

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Heads, then on to England for the Sex Pistols and the Clash. Next comes the second generation in Los Angeles, with the band X (strangely absent from Letts' film, even though X has proved to be the most popular American group from this generation), the Germs, and Black Flag; and in San Francisco with the Avengers (also absent, even though they were the best American political punk band, singing, "Ask not what you can do for your country, but what your country is doing to you") and the Dead Kennedys. Washington had the all-black Bad Brains, who came from ultra-poor southeast D.C., and the straight-edge (no drugs or drinking) Minor Threat, from ultra-wealthy northwest D.C. Then the third generation arrives, with the grunge of Nirvana and the avant-punk of Sonic Youth. The now-popular Green Day are maybe the fourth or fifth generation, depending on who's counting.

What I like best about punk is that it is inclusive. There were women who formed and played in important bands: Chrissie Hynde of the Pretenders, Siouxsie of Siouxsie and the Banshees, Kim Gordon of Sonic Youth, and the all-girl Slits (whose lead singer, Ari Up, is one of the film's most engaging interviewees). Gays were punk and punks were gay, with Jayne (Wayne) County and the Electric Chairs and the Tom Robinson Band the most renowned. One of punk's offshoots, the mixed-race British ska of the late 1970s (unfortunately also missing from the film), explicitly embraced the idea of black and white people living together in the "urban jungle," and asked that people put aside their prejudices and pursue harmony.

Over time, the punk movement has become diluted and formulaic, and some subgenres are now unfortunately exclusionary, pessimistic, and self-righteous (a bit like free-market economics). But punk's beginnings make for a story worth hearing — and, in the case of "Punk: Attitude," worth seeing, too. — Cameron Weber

Sunshine daydream — Young Olive Hoover (Abigail Breslin) isn't your typical beauty pageant contestant. She's a little pudgy, her teeth are crooked, she wears big glasses (even on stage), and she doesn't own a can of hairspray. In fact, she only entered the local "Little Miss Sunshine" pageant because she was visiting her aunt, and she only qualified for the national competition because the winner got sick.

But participating in the contest has become her dream, so when the call comes for the runner-up to step up, the whole family piles into a 20-year-old VW bus and heads to California. Along for the ride: her father (Greg Kinnear), a goal-setting motivational speaker who can't motivate a dozen people to attend his workshops; her uncle (Steve Carrell), who can't be left alone because he just attempted suicide; her grandfather (Alan Arkin), who reads girlie magazines and drops the F-bomb in every sentence; her teenage brother (Paul Dano), who hasn't spoken a word in nine months; and her mother (Toni Collette), who is just trying to hold it all together.

A hit at Sundance, "Little Miss Sunshine" (FoxSearchlight, 2006, 102 minutes) embodies the best characteristics of indie films: talented cast, quirky script, tight editing, economical camera work, hilarious situations, and a human quality that lifts it above the typical ensemble road comedy. If you can handle Arkin's foul mouth, this film is a home run. — Jo Ann Skousen

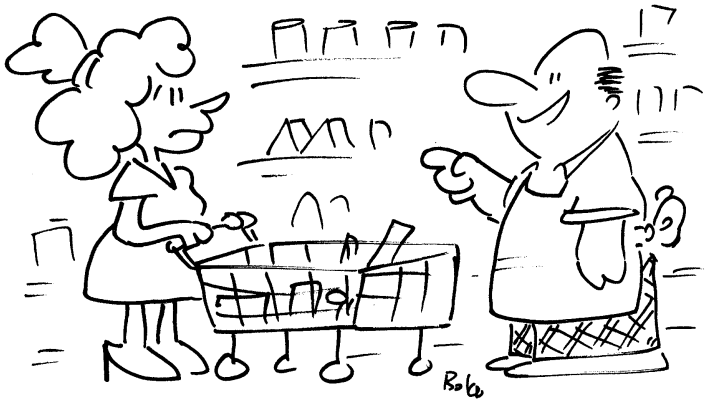

"Kix? Yes, ma'am — You can get your Kix in aisle 66."

Abracadaver — "The Illusionist" (Yari Film Group, 2006, 110 minutes), an atmospheric costume drama set in 19th-century Vienna, has all the makings of a great film. It's a hot pick at rottentomatoes.com, with a 73% approval rating from the critics. It sports two undersung talents in the lead roles: Ed Norton ("Fight Club," "25th Hour," "The Italian Job") as a lovesick magician who conjures the dead, and Paul Giamatti ("Sideways," "Cinderella Man") as the police chief trying to prove he's a fraud. (For the talented Giamatti, this is strike two for the year.) It also stars Jessica Biel ("Seventh Heaven") as the aristocratic beauty who loves the magician.

Opening with a lush score by Phillip Glass, "The Illusionist" is an indie film with the sound of a blockbuster — when it is audible. But too much of the film is oddly, noticeably quiet. I had to stop chewing my popcorn for fear of bothering my neighbors. And it's slow. Ponderously slow. And cold. For what is supposed to be a passionate love story, it is cadaverously cold. And predictable. It wasn't just the ghosts who were transparent.

So let me save you some time and money. "The Illusionist" is sadly disillusioning. — Jo Ann Skousen

Facing consequences — "A Scanner Darkly" (Warner Independent, 2006, 100 minutes), Richard Linklater's adaptation of Philip K. Dick's 1977 novel, is a sleek, ultramodern comic book brought to life through computerized manipulation of live-action filming. The technique allows Linklater to simulate the drug-addled paranoia of the characters, with images that constantly morph and blur. The simulated animation, while cool and interesting, distances the audience from the characters, however. I kept wanting to see the real Winona Ryder, the real Robert Downey, Jr., the real Keanu Reeves, instead of their pseudo-animated copies.

But that distancing from the characters is one of the main points of the story: in a world where everyone is doing drugs, no one is real. The film's title comes from Paul's letter to the Corinthians: "When I was a child, I understood

as a child. . . . Now we see through a glass, darkly."

Keanu Reeves plays an undercover narcotics agent called "Fred," who wears a "body scrambler" that prevents even his coworkers from knowing his true identity. He is actually a small-time drug user named Bob Arctor, who lives in a run down house with several rundown friends. At one point he says of the house, which he used to share with a wife and daughters before drugs ruined his brain, "They ought to confiscate it and put it to better use."

The film emphasizes the hypocrisy of a system in which agents must take drugs in order to catch people who are taking drugs, and in which a program designed to rehabilitate drug users must rely on a continuing stream of users in order to remain in business. When one of Arctor's closest friends (played with hilarious frenzy by Downey) turns him in to the drug authorities, "Fred" is assigned to keep himself under surveillance. Already brain damaged by "Substance D," Fred/Bob's schizophrenic breakdown is inevitable.

Philip K. Dick faced his own demons as a drug user, and the film, like the book, is dedicated to a long list of Dick's actual friends who died or whose brains were permanently damaged through drug use. When one character chooses to die with a copy of Ayn Rand's "Fountainhead" on his chest, the message is subtle but clear: yes, you have the right to choose your own actions, but no philosophy of Objectivism or personal freedom has the power to free you from the natural consequences of those actions. And the natural consequence of drug use, according to PKD and this film, is misery, paranoia, betrayal, and death. — Jo Ann Skousen

Why Libertarians Should Call Themselves Socialists, *from page 22*

There is a growing entrepreneurial class in China, and these entrepreneurs are helping their nation gradually become more capitalistic. They are foxy — like the 18th-century American nationalists who called themselves federalists and the 20th-century American statists who called themselves liberals. These entrepreneurs are promoting capitalism, but they wisely aren't calling it that. If they did, the authorities would crack down. But by using such bizarre labels as "market socialism," they can get the authorities to look the other way, to capitulate, while pretending to themselves that no "betrayal of socialism" is occurring on their watch.

Despite the abysmal failure of socialism around the globe, many people still get warm and pleasant feelings when they hear the label.

According to a recent article in Barron's (July 31, 2006, p. 23), "China saved communism by embracing capitalism." That, of course, is absurd. One doesn't and one can't save tyranny by embracing freedom. In the same article, we are told that the output of state-owned companies in China "now accounts for about 30% of GDP, versus 70% 10 years ago," and that in China today one can find "factories, real estate and other assets owned by companies based in Japan, Korea, Taiwan, the U.S. and other lands." Does *that* sound like "saving communism"? China isn't saving communism by embracing capitalism. What's happening is that China's entrepreneurs are steering the country toward capitalism by embracing the label of capitalism's opponents — advocating capitalism while calling it communism.

I'll gladly abandon my label and adopt my opponent's, if it encourages him to abandon his ideas and adopt mine. I'd rather reside in a capitalist country that calls itself socialist, than reside in a socialist country that calls itself capitalist. Or to put it another way:

> I'd rather be a freeman who is erroneously called a slave, than be a slave who is erroneously labeled a freeman.

Over the years, freedom's friends have tried an extensive array of handles, including libertarian, individualist, capitalist, laissez-faire capitalist, liberal, classical liberal, anarcho-capitalist, and voluntaryist. It doesn't seem to me that we've made much progress with any of these. Maybe it's time to try something completely different — something that at first glance seems off the wall. Maybe it's time to pick a label our opponents would never expect us to select. *Theirs.*

Hey, it's a free country, right? A freedom-lover ought to be free to call himself whatever the hell he pleases. What are the current socialists going to do? Accuse us of "stealing" their name? Like it's their "private property" or something?

By swiping the label "federalist," the nationalists got what they wanted: the United States became one big nation with a heavy-handed central government. By swiping the label "liberal," the advocates of more taxes and more regulations got what *they* wanted. Commandeering the label of one's opponents seems to work.

So what do you think? Shall we give it a try? Might the quickest, most efficient way to turn America into a freer society be for freedom's advocates to adopt the label of their opponents? If the tactic succeeds, perhaps it won't be long before a few dictionaries actually define socialism as "a form of society in which people are encouraged to be sociable by interacting consensually."

Fighting "socialism" is for folks who've learned nothing from history. It's wiser simply to advocate a sounder version of "socialism." Just ask the original federalists and the original liberals.

The last time an essay of mine appeared in Liberty, the publisher sent me several copies of that issue of the magazine. I gave those copies to my friends. This time, I think I'll take my contributor's copies to the University of Wisconsin campus and hand them out to students. "Here, give this a read! It's the very best *socialist* magazine you'll ever come across!" ❑

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Health Care: Three Fantasies, *from page 17*

portion of that budget to spend. What will you do?

Take some time and think about it. I don't believe that the answer is completely obvious, but I would guess that if people think seriously about this fantasy, they will identify a number of ideas that clearly should be tried. I believe that if hundreds of highly qualified scientists, doctors, and entrepreneurs were asked to describe how they would proceed, many useful options and insights would emerge. I have performed this exercise a number of times myself. No matter how often I reconsider the issue, I just do not see people arriving at something like this:

> I have it; I see the key principle. What we need to do first is to make it impossible for anyone to take a drug that might kill him. That is where we should start. Then we need to construct a list of cures that have been proposed but probably won't work. We will make sure to prevent such scams.

The idea that sensible people might come to such conclusions strikes me as completely preposterous. Yet as you know, these are the policies that are now in place, supported and mandated by government and the health care establishment. The result is predictable: our ability to provide medical technology to patients in need is dramatically constrained, and the cost-benefit analyses that underlie all business decisions, and should underlie all practical decisions about health care, are heavily skewed to reflect the costs of conforming to regulatory requirements.

It is clear that most Americans sincerely believe there is nothing but goodwill behind this system. I have no doubt, however, that your own fantasy of what you might do to help the terminally ill will stand in judgment of things as they are.

I have used three fantasies to argue that the current health care industry in the United States is crippled by regulation and risk aversion. The effect has been to constrain product development and innovation.

What is truly upsetting about this situation is that we are commonly confronted with arguments in which the U.S. health care system is designated as "private" and contrasted with the "public" systems of other countries. This distinction focuses on the delivery of the existing technology of health care. Instead, the focus should be on the set of industries that advance the technology of medicine and medical procedures. In that context the critical issue is the degree of regulation, which in turn affects the rate of innovation.

Medicine, like computing, is entering a period in which extremely rapid innovation is possible, most notably advances relating to the availability of genomic data. I believe the advances that will inevitably occur will be so stunning that we will lose sight of how paltry they are — compared with what might have been, if innovation had been unconstrained. ❑

Charity? Humbug!, *from page 20*

and you've known them all their lives, you'd think they'd be ideal recipients. Certainly, we're all genetically predisposed to see our children in the best possible light. Not leaving your money to your children is tantamount to admitting that you either brought them up badly, or that they were just bad raw material. Marcus Aurelius, the most philosophically inclined of the Roman emperors, left the empire to his son Commodus — a man who should make Americans see a distant mirror when they watch Baby Bush. Both Marcus and the elder Bush could have done much better had they adopted someone with character and intelligence.

The Romans had a big advantage, in that they typically didn't put the kind of store we do in genetically related children. Caesar, for instance, adopted Augustus. Adoption for the purpose of inheritance was quite common, and it makes a lot of sense. Why not choose the best person to benefit from your wealth and power, to make them grow, instead of leaving your estate to someone who might have no merit except, as Buffett observed, membership in the lucky sperm club? Leaving a million (or ten, or a hundred) to the right young person might give him a huge head start on turning it into a billion. Which would benefit all mankind, because that billion represents real wealth that, unless it's frittered away by a charity, a government, or a wastrel — the three enemies of prosperity — will continue to exist even after the heir dies.

That being the case, let me reemphasize that the good Buffett and Gates have done for humanity lies in creating the capital in question, not in giving it away. Of course, they have a perfect right to convert their assets into $100 bills, throw them in a huge pile, and put a match to their fortune. But that would be stupid: since the currency is a liability of the U.S. Government, the government would be the only beneficiary.

I'm sure you're thinking of lots of objections to what I've been saying; philanthropy is accepted as automatically as . . . shudder . . . democracy for being an unalloyed good thing. The usual straw men beg to be set up: "What about the blind baby that's thrown into a trash can?" and such. My answer is that most people would want to see the baby rescued. And the richer the world is, the more likely it is that people will try to do so. In poor countries babies in trash cans are hardly noted; here they make headlines simply because they're so exceptional. Are we more moral than poor Third Worlders? No. We're just richer.

So what would I do with Buffett's billions? With that kind of money one could literally buy a country. The place could be made devoid of taxes, regulations, and legislatures. It could make the progress of places like Hong Kong and Dubai seem retarded by comparison. And it would actually and sustainably do what the lame-brained Gates Foundation says it hopes to do.

Do I give to charity now? Sure, but strictly on a person-to-person basis. Notwithstanding my reservations, it would seem that humans are almost programmed to do it. But I'm extremely discriminating, even if somewhat mercurial and eclectic.

What will I do with my money at some point in the future? I think I've spelled out the theory and the alternatives. One thing I can promise is that a charity won't see any of it. Nor, hopefully, any wastrels. Nor, absolutely, any government. ❑

Terra Incognita

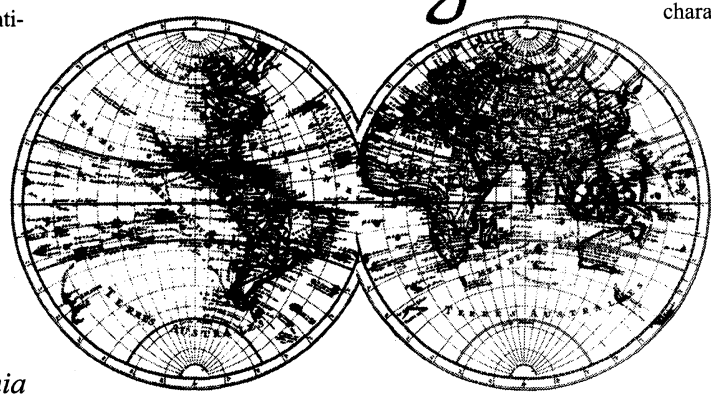

Las Vegas

Temporary advance in zoning, noted in the *Las Vegas Review-Journal:*

City officials have made it illegal to sleep within 500 feet of urine or feces, but city attorney Brad Jerbic says the new law was passed by mistake and won't be enforced.

Columbus, Ohio

Innocent until someone asks otherwise, from the *Toledo Blade:*

An Ohio legislative panel rubber-stamped a process that would allow sex offenders to be publicly identified and tracked even if they've never been charged with a crime.

The law allows county prosecutors, the state attorney general, or, as a last resort, alleged victims to ask judges to civilly declare someone to be a sex offender even when there has been no criminal verdict or successful lawsuit.

Celje, Slovenia

Consternation among anti-Semitic entomologists, noted in *National Geographic Deutschland:*

A blind beetle named after Adolf Hitler is under threat of extinction because of the demand for it within neo-Nazi circles.

Anophtalmus hitleri, or "eyeless Hitler," is being hunted in large numbers in its natural habitat in a single cave in Slovenia and specimens are selling for as much as $1,200. The beetle was named by Oscar Scheibel, a Zagreb entomologist and Nazi supporter who discovered it in the 1930s.

Donghai, China

Lamentable renewal of the Cultural Revolution, passed on by *Xinhua:*

The leaders of five striptease troupes have been detained in China for performing send-offs at funerals. The once-common events are held to boost the number of mourners, as large crowds are seen as a mark of honor.

Local officials say funeral plans now must be submitted in advance.

Columbus, N.M.

Protecting our nation from illicit *queso,* reported in the *Houston Chronicle:*

After an X-ray machine showed the outline of 16 bulky packages in a secret compartment behind the seat of a pickup crossing from Mexico, border police thought they had found a drug smuggler. "Generally if you see something you expect it to be narcotics," said spokesman Roger Maier. "But this time it turned out to be cheese."

The officers arrested the driver, seized 88 pounds of cheese, and confiscated the truck.

Olympia, Wash.

A new threat stalks Ecotopia, ripped from the headlines of the *Tacoma News-Tribune:*

Psycho Killer Raccoons Terrorize Olympia

U.S.A.

Movable type's logical conclusion, announced by the *MyFonts* newsletter:

"Catholic School Girls" is totally inspired by the handwriting of, like, teenage girls. You'll note that the [ ] keys are actually little hearts! Totally rad! This font includes enough European characters to fill a loose-leaf binder.

Hixton, Wisc.

The thin blue line separating society from chaos, from the *Milwaukee Journal Sentinel:*

Sheriff's deputy Michael Haldeman earned the nickname Sgt. Pepper after opening fire with pepper spray on a Fourth of July parade float after one child threw water at him.

Some of the children, seeing Haldeman spraying in their direction, shot back with their squirt guns, thinking he was playing along. They found out otherwise and had to flush their eyes with water.

Lincoln, Mont.

The dehumanizing effect of technology, from the *San Francisco Chronicle:*

By a judge's order, items belonging to Theodore Kaczynski, the convicted Unabomber, will be sold in an Internet auction. The proceeds will go toward his $15 million restitution debt.

Sacramento, Calif.

Legislative rebuke, recorded in the *San Jose Mercury:*

Miffed that his fellow legislators had again failed to deal with the tough issue of redistricting reform, Assemblyman Keith Richman was curious to see what they would rally around. So he circulated House Resolution 36, condemning the "mean-spirited" International Astronomical Union's decision to strip Pluto of its planetary status:

"WHEREAS, Pluto, named after the Roman God of the underworld and affectionately sharing the name of California's most famous animated dog, has a special connection to California history and culture; and

"WHEREAS, downgrading Pluto's status will cause psychological harm to some Californians who question their place in the universe . . . "

"WHEREAS, the deletion of Pluto renders millions of textbooks, museum displays and children's refrigerator art projects obsolete, and represents a substantial unfunded mandate that must be paid by dwindling Proposition 98 education funds . . . "

Fifty-three Assembly members signed on to HR 36 as co-sponsors.

Special thanks to K. Bolka, Russell Garrard, Thomas Giesberg, and Patrick T. Peterson for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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Inside Liberty

December 2006
Volume 20, Number 12

4 Letters Our readers take arms.

9 Reflections We pimp out port-a-potties, water down Bonfire Night, send assassins through time, diagnose Foley's folly, twist workers' arms (for their own good, of course), uncover the most rockin' conspiracy ever, and brace ourselves for the 110th Congress.

Features

19 Our Allies, the Conservatives On his way to the polls, *Bruce Ramsey* refuses to abandon the "leave us alone" coalition.

23 The End in Iraq As President Bush sneaks in and out of the Middle East, Jon Harrison wonders what happened to the hero's welcome that the neocons predicted.

26 The New Civic Religion On the first anniversary of his death, we revisit *R.W. Bradford's* timeless commentary on the modern-day sacrament of voting. *Bruce Ramsey* shares his memories of Bill Bradford as a colleague and as a friend.

33 Franklin and His Critics *Mark Skousen* pores over Benjamin Franklin's papers, and finds in him one of America's greatest champions of liberty — despite what many libertarians think.

38 I Take the Bar Three days of questions and a 61% rate of failure: *Bart Kosko* sits down to one of the most intimidating exams in the world.

Reviews

41 God and Mr. Mencken Though H.L. Mencken is often remembered for his irreverent soundbites, he was more than a simple blasphemer. *Garin K. Hovannisian* examines the great journalist's tempestuous relationship with religion.

45 Out of the Past *Eric Kenning* longs for the days of tough-talking loners and dangerous dames, when people didn't apologize for being themselves.

46 We Ain't All Alike *Jo Ann Skousen* re-views the individualism and sadism of "From Here to Eternity": it's more than just sex on the beach.

48 George Washington, "Infidel" Washington never took communion and declined to invite priests to his deathbed. But if he wasn't a Christian, asks *Jonathan W. Rowe*, then what was he?

52 Lost Classic *Gary Jason* lifts a Cuban epic from its early and undeserved obscurity.

50 Notes on Contributors The people in the neighborhood.

54 Terra Incognita Beware! Beware! His flashing eyes, his floating hair!

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Letters

Wage Hike

Bruce Ramsey ("To Filter the People," September) says that immigrants are "depressing the wage rate."

He's thinking in terms only of the nominal rather than real wage rate, the money in your pocket rather than what it can buy. The more immigrant labor, the lower the costs of production, the lower the prices in the supermarket, and the more Americans can buy, and the higher their real wages.

Whatever you may say against immigrant labor, it is raising the average level of real wages in this country.

D.G. Lesvic
Pacoima, Calif.

The Fallacy of Open Helmet Laws

In opposing open immigration ("The Fallacy of Open Immigration," September), Stephen Cox to some extent anticipates the objections he is likely to receive. Nevertheless, let me paraphrase his argument with a much shorter example:

"Some libertarians claim that it's no business of the government whether a motorcyclist wears a helmet, saying that this is the personal decision of a free individual. However, the truth of the matter is that, if a cyclist is hurt and is not wearing a helmet, society picks up the tab: hospitals are required to accept as emergency patients even those who do not have sufficient means to pay their bills, and as a result, other patients and taxpayers suffer. Therefore, however libertarian our proclivities, we must accept mandatory helmet laws."

This is in essence Cox's argument against open immigration, and he derides anyone who would argue anything other than what might be called a "reality based" calculation of any given change in policy.

It strikes me that, according to this line of reasoning, we might as well give up all hope of attaining a society that respects liberty. All the intrusions of government are intimately bound with all the others, and every attempt to crack the nut of statism will disrupt something in a way that can be pointed to as an example of why libertarianism can never work.

I would prefer to oppose helmet laws even knowing that I'll pay more in taxes, because that knowledge increases the pressure to end the forced sharing of medical bills. To merely give in and support helmet laws is an admission of perpetual defeat.

Similarly, to give in to Cox's argument against open immigration is a tacit assertion that we will never live in a libertarian society. This I cannot and will not accept.

John A. deLaubenfels
Longmont, Colo.

Gresham's Law of Culture

Libertarianism, no matter what variety of it we may profess, is entirely a phenomenon of western civilization. For that and other reasons, my allegiance is to western civilization. Now, the immigration problem deals with precisely that — western civilization being entered by people *not* of western civilization. This is happening in the United States and throughout Europe and Australia — the turf of the West. Do these people become a part of the West? A few do, but most do not. The U.S., France, the UK, Germany, Austria, Spain, Italy, Canada — all are in the process of changing their character and becoming third-world nations. To think that any shred of libertarian thinking can survive such a change is outrageously naive.

As libertarians, we should be at the vanguard of defense of western civilization. The Democrats and Republicans all agree that western civilization isn't

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worth preserving, and advocate wholesale admission of nonwestern people to consolidate their own power. The press, controlled by the Democrats and Republicans here, and their feckless counterparts in the rest of the West, minimize or ignore the disruption that mass foreign immigration leads to.

Anatolia was once Greek. Now it's Turkish. The Turks didn't become Hellenized. It doesn't work that way. Culture is like money — bad drives out good.

Rex May
Bellvue, Colo.

A Vote for Conscience

Cox's article is a breath of fresh air. I had almost left libertarianism for my old "Republican ticket" based upon the issue of border patrol. I believe that the borders must be sealed. I had felt that I had to be the only libertarian who holds that view.

We libertarians who believe in some sort of border patrol (I do prefer privatized or at the state level) may be in the minority in the libertarian community; so be it. Inasmuch as I do not believe that either major party will do anything about the illegal immigrant issue anyway, I now refuse to even consider turning my back on voting my conscience in the upcoming elections. My vote will be for the libertarians who wish to return these United States to what they once were, before the forced evolution of the national government into a strong centralized entity.

David Lee Henderson
Howe, Texas

Secret Formula

I didn't know we could improve our economy by letting literature professors centrally plan it. Since Professor Cox seems to know just how many unskilled workers we can let into our country without depressing wages or putting labor-saving machines out of business, can he tell us his formula, or do we need to put him in charge? Before his enlightened article, most libertarians would have been content to let the market decide.

Dan Fernandes
La Verne, Calif.

Sauce for the Goose

Cox reveals the problem when masses of foreign people are allowed to come into the U.S. carrying their political culture with them: they expect to live their political culture here, and they think the U.S. is obligated to protect their cultural norms even if those cultural norms are anti-American.

But I take issue with his assumption that skilled immigrants still ought to be welcomed without reservation by libertarians. It is the daughters of immigrant doctors, lawyers, scientists, and university professors who are being forced into female circumcision, polygamy, and slavery on U.S. soil. What is good for the libertarian gander is not always good for the libertarian goose.

Janice Miller
Oldsmar, Fla.

One Man's Plank

"The Fallacy of Open Immigration" is the most brilliant, well-written, concise, comprehensive refutation of the suicidal antilibertarian "open borders" policy which I have ever read. It should be reprinted by the thousands, especially for members of the Libertarian Party. It would also be excellent outreach material for recruitment.

The American Indians practiced an "open borders" immigration policy, voluntarily at first. I don't think that anyone could view the results as satisfactory for them. I hope that you will devote further time and effort to condense and reformat it so that it can become our new immigration plank.

David Macko
Solon, Ohio

Price of Passage

Why not try an economic solution? According to the results of a very brief Web search, government fees (not including any attorney fees, of course) to immigrate are in the neighborhood of $500. I propose that the government charge a substantial fee, something like $5,000 or $10,000, for each and every individual — of any age — who wants to move here. Absolutely anyone without a criminal or terrorist background could buy a green card. Liberal do-gooders could volunteer to pay the way for refugees. New immigrants would be barred from voting or making any welfare-type claims for at least five years, though they could send their children to school, as long as they were working and paying taxes. New babies born in the United States to illegal immigrants would no longer be citizens, so this fee would ap-

The other day, while driving to my office, I reached the point on I-5 where there always seems to be a traffic jam. That day, the mess was tremendous. Creeping forward at 2 mph, unable either to pull off the highway or just space out and relax, I relived for the ten thousandth time the reality of America's great communist institution, the government highway system — a place where everybody pays the greatest possible amount of money, time, and tension for the state's "free" gift. I was bored with all the CDs I had in the car, and there was nothing on the radio except talk-show babble, NPR's news from nowhere, and the religious station's constant plea for either God or me to send in money.

Then I had a good idea. This would be a perfect time to call some friends. I'd get Paul's forecast about the next election, quarrel with Michael's concept of human rights, hear Mehmet's reviews of current movies, or ask Liam to analyze the latest events in the Middle East. I reached for my cell phone — but it wasn't there. Some weird break in consciousness had made me leave without it.

Dude, I was toadly screwed. All I could do was sit there in "traffic," trapped in a mob of uniformly uninteresting vehicles that was enlivened only by the useless intrusion of motorcycle cops.

It occurred to me that Liberty magazine is something like that. Not like the traffic jam, but like the not-to-be-forgotten phone. For libertarians, this journal is a way of calling home. It's a way of hearing news and ideas that are interesting to us. It's a way of picking fights about things we really care about. It's a way of knowing that the long line of vehicles crawling on the concrete road is just one feature of our landscape. It's a way of getting off the freeway and enjoying the pleasures of freedom. Just take the next exit, friends . . .

For Liberty,

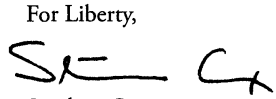

Stephen Cox
Editor

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ply to them as well. The total proceeds of this program would go to offset immigration-related costs, including the costs of indigent health care to hospitals. Individuals committing serious crimes (including incitement to violence like "kill the infidels") would be deported and forfeit their fees. Finally, we'd need to back this program with a constitutional amendment, so that federal judges could not overturn it.

Vaughn Treude
Glendale, Ariz.

Trickle-Down Reform

Stephen Cox's brilliant treatise on immigration omitted the criminal colonization of Australia and the misfits of the Mariel boatlift. Even when the worst of one society come to another land, good can still come of it. Just as crime prevention is better than criminal justice, getting marginal people to participate in society is more worthwhile than trying to separate the good from the bad.

The problem with current immigration law is that it's asinine. I could write with perfect reason and the law would not change. However, today I will come into contact with people who are on the margins of society. I will try to help them gain from trade. That's small and effective immigration reform. From this, prosperity grows.

Ned Roscoe
Benicia, Calif.

Inalienable Rights

My support for open immigration (and emigration, of course) is based on the moral principle articulated best in the Declaration of Independence: that all men are created equal and that they are endowed by their Creator with inalienable rights to life, liberty, and the pursuit of happiness. Notice: "all men," not "all Americans" or "all persons having particular skills that are thought to be in short supply currently in the U.S. by INS bureaucrats." If one believes in an "inalienable" right to liberty and pursuit of happiness, one must be an advocate of open borders. I would go further to say that one cannot truly be a libertarian, a lover of genuine liberty, without believing in the free movement of people to wherever they want to live. What but government force is going to *keep* people away from where they would otherwise be? And what kind of libertarian advocates more government force?

Cox's arguments amount to a practicality test for open borders. In other words, his main points are that open borders would be a security risk, a political risk, and a monetary risk.

Security: Advocates for open borders have to acknowledge that "security risk" type people would be able to get into the country. However, does anyone think there's any way to keep the truly committed out of the country, even if "official" immigration is reduced to zero? Consider Israel's success rate in preventing access to terrorists despite turning itself into an armed camp. Fences won't keep out the "thousands of Wahhabi missionaries" apparently slavering at the opportunity to get to us. Those clever fiends (if they actually exist) always find a gap. Instead of government force, I would rather trust private citizens to keep their own property safe and secure.

Political: Cox frets that we'll all be drowned by waves of socialists and others from "cultures inimical to liberty," destroying our current small-government way of life. As a child of immigrants, let me point out that by the very fact that they've left all they know to search for a better life, immigrants show more entrepreneurial spirit than most "native" Americans. If you want to see advocates for more government and less freedom, visit the native-born residents of our inner cities (welfare and gun control) and "the heartland" (farm and military welfare). If you visit the immigrant-heavy communities of New York, Los Angeles, and my own Silicon Valley, you'll see a love for freedom and entrepreneurship that is unsurpassed — for heaven's sake, that's why they moved here! By the way, probably half of the people hereabouts are immigrants or their children; yet we seem to have little trouble maintaining our status as "Americans" and getting along with the "natives." I don't know; maybe Indians, Guatemalans, Chinese, Cubans, Arabs, Vietnamese, Iranians, Mexicans, etc. are special and it's those other nationalities that Cox meant.

The example of the man being free to emigrate out of his house but not immigrate to another's was particularly poor. The only reason he can't enter your house is that it's your private property. Whose private property is the artificial creation known as the United States? If it's all of ours, where's my share? I want

to cash it in and buy a real house!

Monetary: Immigrants cost more to support than they generate? Firstly, as Cox himself states, it is not the immigrants' fault that we insist on government funded this, that, and the other; those rules are set by the "natives." Secondly, he cites the case of a couple making $25,000 per year but consuming much more. I hope by this he isn't implying that their entire contribution to society would be measured by the value of their current earnings. To give just one example, the child that this couple will have (which Cox states will cost the taxpayers $10,000) could be the next Carnegie (immigrant from Scotland) or Einstein (immigrant from Germany) with untold value to the community. Individuality, what a concept!

Finally, Cox states that open immigration advocates look foolish because they do not admit that the "vast array of government interventions in society and the economy is [not] about to vanish." And that therefore, we can't even talk about open immigration now, let alone do anything about it. By this I assume he means that *if* we had a perfectly libertarian society, *then* open immigration might be contemplated; but since we don't, it's not practical.

My dear fellow, don't you know that all of the ideas you mentioned sound foolish and impractical to the powers that be? Libertarians are nothing if we are not principled; and the principle here is a person's ability to choose where to be so long as it doesn't impinge on another's legitimate private property. Open immigration *is* the libertarian position!

Afshin Rouhani
San Jose, Calif.

Delinquent Houseguests

I want to thank Stephen Cox for articulating the most coherent arguments against open borders that make use of libertarian principles. I have been making the analogy of a house for some time, and, having grown up behind the Iron Curtain, I have been most irritated by comparisons of the Berlin Wall to a wall to keep people out.

There are circumstances under which it is reasonable to shoot an intruder in your home; I think most libertarians would agree. Now imagine shooting someone for trying to leave your home! This is precisely what has been done at the Iron Curtain to thousands of people. I believe that even immigration advocates have doors and locks on their house designed to keep intruders out. It is their right to keep people out, it is their home. Houses with doors and locks designed to keep people in do exist, they are called prisons. Is it so difficult to understand that difference?

The best analogy to a country is a shared house. Let's say that five guys each have one bedroom (private space) and they share the living room and kitchen (public space). Who would argue that anyone has the right to come in off the street and use the kitchen and living room? Of course, guests are normally allowed, but not for extended periods, even if they live in one of the bedrooms with their friend. The details of such arrangements are not obvious and can be messy, just like immigration policy, but certainly, no roommate has the right to impose his guests on his housemates. If the other housemates do not want such guests, that is their right to decide that, and they do not need to give a reason. The fact that the guest helps out with dishes or yard work is irrelevant. If they don't want more crowding and traffic, that is their decision to make.

One more point: the immigration debate has largely focused on the U.S. as the recipient and Mexico as the donor. The pro-immigration argument says that they will assimilate, they will not overwhelm us culturally, there are not enough of them come to cause a problem, etc. Let's consider Switzerland, with a population of a little over 7 million. How many immigrants would it take to dramatically increase crowding, overwhelm public resources and change the culture radically? Do 10 million Chinese, Arabs, Mexicans, or any other nationality have a right to immigrate to Switzerland, or any other small, prosperous country?

Michal Staninec
Sausalito, Calif.

Rational Bombing

There is one important fact that Lance Lamberton left out of his October essay ("Objectivism, Alive and Well"). Perhaps he simply isn't as troubled by it as I am.

If you are an Objectivist who believes in peace, you have nowhere to go. Since the 9/11 attacks, the Objectivist movement has been hijacked by war hawks. I never imagined that the Objectivist movement could or would sink to such low levels. Some of these people actually express admiration for the likes of Ann Coulter. Many voices of reason have left, and the few that remain simply don't want to fight anymore.

Back in 1997, I made a comment critical of Israel in an online discussion group. It was barely noticed. If I did that today, a bunch of people would tell me how "heroic" and "democratic" Israel is.

In some respects, the Atlas Society (of which The Objectivist Center is the core program division) is a worse offender than the Ayn Rand Institute. Atlas' current director is Ed Hudgins, who used to work for Dick Armey, one of Israel's biggest apologists during his tenure in the House. They have even included links to National Review articles on their website — apparently forgetting that in her Playboy interview, Rand had called National Review "the worst and most dangerous magazine in America."

I first read Rand in 1992. If I had seen this kind of garbage back then, I doubt that I would have read Rand at all. The Objectivist movement has been trying to commit suicide since the 1960s. With the eternal war in the Middle East, it may have finally found the lethal poison that will consign the movement to the dustbin of failed revolutionary movements. If that does happen, they will have nobody to blame but themselves.

Chris Baker
Austin, Texas

Party and Porcupine

While reading about the Libertarian Party convention ("A Party in Search of Itself," September), I was intrigued by the Free State Project. A couple of potentially significant results of this project that were not mentioned in the article include: 1) it would not take many libertarian voters in New Hampshire to implement libertarian policies within that state and turn it into an example of

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the success of libertarian policies; and 2) those same libertarian voters could take advantage of the New Hampshire presidential primary to boost the candidacies of presidential candidates who most closely represent libertarian goals. This project has immense potential, and will be very interesting to monitor over the next few years. Thanks to Liberty for making me aware of it.

David Childs
Dallas, Texas

Interstate Hate Song

New Urbanism critic Randal O'Toole found a government program he likes; no surprise, it's the Interstate Highway System. Two aspects of his argument make sense. Yes, development of the interstates benefited from a surprising decentralization in the authority-loving decades right after World War II, in that it was implemented largely at the state, not the federal, level. And yes, the program's most direct violence against inner cities, urban beltways, had not been intended by its early planners. That was less the work of highway engineers than of the social engineers who bear blame for disasters like urban renewal. Still, O'Toole's contention that the interstates represent a public works colossus libertarians should love overlooks crucial facts.

Let's begin with the founding vision of the interstate system as a national highway grid that would bypass cities. For O'Toole this merely proves that its early planners never meant to rape inner cities. But that overlooks a larger truth. The Interstate Highway System was an unprecedented move by government to redirect travel patterns, creating from thin air a dominant transport system divorced from population centers. This was never rooted in market demand, only in a former general's judgment that it would optimally facilitate movement of soldiers and military materiel to ports for speedy deployment to foreign war zones. That hardly seems something that libertarians should applaud!

Even if early planners can't be blamed for urban beltways, the interstate system did much to devastate inner cities and facilitate sprawl. Just by being there, interstates distorted the economics of postwar development. Great tracts of previously remote rural land were suddenly accessible, therefore cheap. Interstates skewed the economics of green-field development in rural areas vs. redevelopment in urban cores. This is obvious to anyone over 50 who remembers empty farmland sprouting a Holiday Inn and a Stuckey's around a new cloverleaf, and later becoming the locus of big-box retail development or tracts of McMansions.

Far from being a rare example of a benign government program, the Interstate Highway System is just one more big-government boondoggle that blighted the second half of the 20th century. Its consequences were as perverse as they were unintended. That's a combination that should shock no one who grasps the dangers of bold centrally planned public works projects — even in cases, like that of the interstates, where implementation of the plan was strongly decentralized.

Tom Flynn
Buffalo, N.Y.

O'Toole responds: I never argued that the Interstate Highway System was a program that "libertarians should love." Instead, I said it was an example of a successful Progressive-era program that relied on scientific management. Like all Progressive programs, its success was eventually undermined by politics.

Ideally, the federal government should get out of the transportation business. But we don't live in an ideal world. Pragmatically, we should at least insist that Congress learn from history and apply the successful aspects of the Interstate Highway System to other transportation programs, particularly urban transit.

Neither Heliocentrists Nor Holocaust Deniers

If there is ever going to be an end to the controversy about who wrote the works of Shakespeare, it will take more compelling arguments than Justine Olawsky presents in her review of Scott McCrea's book on the subject ("Who Was Shakespeare, After All?", October). For example, Olawsky, citing McCrea, argues that the author of Shakespeare's works did not know Greek because, among other reasons, the works of Elizabethan writer John Taylor, who was ignorant of other languages than English, have more classical allusions than Shakespeare's. But if a person who knows no Greek at all can cram his writings with classical references, there must not be any necessary correlation between knowing Greek and the number of classical allusions in one's works. Perhaps the author of Shakespeare's works had other goals when writing than showing off his knowledge of classical literature.

I teach a law school course on Shakespeare and the law, and I have studied all sides of the authorship question. I believe that the authorship evidence is inconclusive enough that it is still an open question who wrote the works of Shakespeare. Academia may be beginning to recognize this, as Brunel University in England has recently announced plans to offer a masters degree in authorship studies, beginning in 2007. Concordia University in Oregon has established a Shakespeare Authorship Research Centre. Perhaps continued research will produce more definitive evidence, but until it does, proclaiming an "end to the authorship question," as McCrea does, is a bit premature.

What I find most objectionable in McCrea's book and Olawsky's review of it is the attempt to caricature all anti-Stratfordians as having some pernicious mindset. I have met and communicated with a great many anti-Stratfordians and have found most to be moderate, reasonable people who are sincerely interested in finding the truth. Yet McCrea's book invidiously compares anti-Stratfordians to Holocaust deniers. This is a fallacious analogy because every non-mainstream theory involves its own set of evidence, and just because one unorthodox view is wrong does not mean that the next one is also wrong.

Anti-Stratfordians, in their own defense, can, and sometimes do, compare their views to the once-heretical but now fully accepted theory that the earth revolves around the sun. While this may score a rhetorical point, it does not prove the anti-Stratfordians right any more than McCrea's analogy to Holocaust deniers proves them wrong. Olawsky, for her part, chides anti-Stratfordians for being ungrateful to Shakespeare. On the contrary, anti-Stratfordians are quite appreciative of Shakespeare; they simply have reasonable doubts about who he really was. I encourage both sides to stop the ad hominem attacks, address the evidence in a collegial way, and continue to search for new evidence; perhaps someday we will resolve this question.

Tom Regnier
Miami, Fla.

Reflections

Study Herod, madam, study Herod — Perpetual protester Cindy Sheehan, who opposes preemptive war, has stated she has fantasized about going back in time and killing George W. Bush when he was a baby. Wouldn't that be a preemptive strike? — Chris Henderson

Tapping the Tower of Babel — From the strategic point of view, I'm not totally opposed to government wiretapping in the United States, as the truth of terrorism is that the most dangerous enemies are not whole countries but everywhere, including among us. However, since most potential terrorists speak languages other than English — indeed, languages known to few Americans — the wiretappers will inevitably take the easier way out by listening mostly to English-speakers, dammit. Why is it that so much post-9/11 strategy becomes misdirected?

— Richard Kostelanetz

What next — On Oct. 2, The Wall Street Journal ran a scathing editorial taking the Republicans to task for failing to deliver on their promises:

"The 109th Congress has gone home to fight for re-election, and the best testament to its accomplishments is that very few Republicans are running on them . . . too many Republicans now believe their purpose in Washington is keeping power for its own sake. The reform impulse that won the House in 1994 has given way to incumbent protection. This is the root of the earmarking epidemic, which now mars every spending bill and has become a vast new opportunity for Member corruption. . . . Even amid all of this scandal, many Republicans still refuse to acknowledge any problem . . . "

But nowhere in the entire editorial did the WSJ mention the absolutely worst thing about the 109th Congress: the utter certainty that it will be followed by the 110th. — Ross Levatter

IQ of canines may be overrated — Sometimes the gullibility of American news dogs appalls me. In the wake of the arrests of putative Pakistani-Brit terrorists at Heathrow Airport, I heard some Pakistani publicist declare that terrorism threats wouldn't end until the conflict between Israel and Palestinians was settled. Huh? Does the reporter imagine that Pakistani terrorists care any more about Palestinians than Palestinian terrorists care about Pakistani claims upon Kashmir? And did the news dog think nobody would notice? — Richard Kostelanetz

Going about their business — Seattle progressives had long been concerned that bums had no place to go to the toilet, and were doing it in doorways and planting strips. By longstanding city ordinance, every business serving food for consumption on the premises must have a toilet, but it can be for patrons only, and this was deemed deeply inadequate and also privileging to the rich. In 2004, after much debate, the city council opted to provide the public streets with five enclosed commodes. These were no ordinary outhouses. After use, a machine would spray and dry the seat. The doors would stay closed for no more than 15 minutes, giving a warning at the 14th minute that one's time was almost up.

All this had worked well in Europe, the salesmen said. It was to cost the taxpayers nothing so long as the toilet company could put advertising on its wares, and on some bus stops. But ads were unacceptable to the Seattle City Council, which instead signed a contract to lease five toilets for nearly $700,000 a year.

There were some farsighted cynics. One council member, who was outvoted, said there had been problems in other cities. Seattle's "alternative" weekly, The Stranger, issued a spoof press release from the mayor's office, which began: "Seattle Mayor Greg Nickels announced today that Seattle has opened its first safe-injection site, located on Broadway Avenue. . . . The site, a free high-tech kiosk complete with sink and toilet, is designed to allow the avenue's large and previously underserved population of addicts to commit furtive sex acts for money and bang dope in much-needed comfort and privacy."

The Stranger got it right. In a front-page story in October, the Seattle Post-Intelligencer said that the city's five commodes had been monopolized by crackheads, sometimes half a dozen at a time, and that derelicts were afraid to go in them. As for sanitation, the paper said, the seats were self-cleaning

but some patrons used the floor.

The city's response was to announce that it would install a camera outside one of the toilets to deter criminals. Said the P-I: "It also plans to pass a rule barring more than one person from being inside a toilet at the same time, unless helping a child or a handicapped person."

Forgive me: I pay taxes to these people. — Bruce Ramsey

Conspiracy of dunces — Despite an instinctive skepticism about all official explanations and reports, I don't believe a word of the extravagant 9/11 conspiracy theories currently breeding and mutating all over the Internet. The controlled demolitions. The missile instead of the plane hitting the Pentagon. The secret command center at 7 WTC that guided the planes into the towers and was later blown up with the whole building to destroy the evidence. The 19 Arab hijacker impersonators who are still alive someplace. And so forth. Refuting each conspiratorial point in detail is coals to Newcastle, since they are all being thrashed out on dozens of websites and they are all open to a general objection. They assume a mastery of elaborate planning and split-second timing, plus an ability to keep quiet about it, on the part of the Bush administration, which has otherwise been distinguished by its eminent incompetence, an almost uncanny ability to shoot itself in the foot.

In all such fantasies, including those of Noam Chomsky, high-level government officials, or at least the shadowy masterminds who are secretly calling the shots, are incapable of

Word Watch

by Stephen Cox

A letter has arrived from Dr. Henry E. Heatherly, of Lafayette, La. Dr. Heatherly speaks for millions when he analyzes what passes for the "news" on television:

> I am of the opinion that sloppy use of language and careless thinking often are closely connected. And this often goes along with not knowing much about what one is talking about. This can be seen almost nightly on the television news. It seems it is too much to ask for highly paid national TV news reporters to know much of anything about the subject of their report, or to even understand basic terminology. In regard to the latter, this week I heard a CNN reporter say, "The range of the missile had been increased to 125 miles per hour." The distinction between speed and distance was too much for her to handle.

Yes, and that's probably not all she had trouble with. Anyone who actually listens to the "news" can find plenty of evidence that the people who produce, write, and try to read it on TV are thinking more about the size of their hiring bonuses than they are about the words they're weaving. Consider a few of the most obvious substitutes for thought and literacy:

Whatchamacallit. How many times have you heard a news report that begins: "They're calling it . . . " Yes, they're calling it the biggest snowstorm of the century. They're calling it the biggest breakthrough in the war on terror. They're calling it the biggest rodent since Mickey Mouse. Well, *was* it the biggest rodent? Who knows? Who cares? Why should any "news" providers bother to look it up? Why should they bother to confirm whatever facts may lie behind the alleged impressions of their alleged informants? They should just say whatever comes to mind, and pretend that somebody else "is saying" it.

Might makes right. "The streets of Washington were jammed today as thousands of welfare-rights advocates presented their demands to Congress." *Thousands*, eh? Was that more or fewer thousands than the thousands who turned up on the same day at the city softball tournament? Was that more or fewer thousands than the Jehovah's Witnesses had at their last convention? But "thousands" has such a weighty sound to it. Was it 2,000, or 999,000? No matter. "Sponsors are calling the demonstration a great success." Well, of course they are.

We got a real good ball club here. This is one we've been hearing since the Lancastrians and the Yorkists were interviewed about how the Wars of the Roses were going. The way to get through a half-hour news report is to line up all the biggest partisans you can find, then siphon out all the predictable remarks you can get from them. Ask a Democratic spokesman to discuss his party's electoral prospects; then ask a Republican spokesman, ditto. In that way, you'll enable your audience to benefit from not one but two *expert opinions.*

Lessons from history. Did H.L. Mencken really call the romance of Edward VIII and Mrs. Simpson "the greatest story since the Resurrection"? If so, there was a twinkle in his eye. But there is no discernible twinkle in the eyes of the television news reporters who speak so solemnly about shrinking ice caps, impending financial collapse, the visitations of "the flesh-eating virus," and those asteroids that they are clearly hoping will land on New York City. To these people, each bullet on the teleprompter is really, truly the greatest story since the Resurrection (whatever that was).

We wish to welcome you to Cliché Town. If, when you listen to the nightly news, you have the strange sense that you've heard it all before, it's because you actually have heard it all before. In the television news business, all accidents are *tragic*, all statistics are *sobering*, and all truths are *uncomfortable* (though not, very evidently, to the smiling people who read the news). Lately, all statements seem to *beg the question* — a phrase that no longer means "to commit a logical fallacy" but has acquired the more useful meaning: "to create another opportunity for some jackass to represent his ignorant opinions as the laws of God." But doubtless my remarks are *inappropriate.* I don't want to be *seen as divisive.* I don't mean to *create a backlash.*

Grammar? WhazZAT? It's perfectly all right to bill your

miscalculation, self-deception, and blundering. There's never a false step in the hegemonic master plan put together by our omniscient, omnipotent behind-the-scenes Svengalis. It's really a kind of inverted patriotic self-congratulation. Our American ruling class is, like, *so totally awesome*. All the other imperial juggernauts, in the whole of human history, suck by comparison. Nobody's as good at bad stuff as we are. We're number one! USA rules!

But American foreign policy is what it's always been, a mix of compulsive meddling, oblivious idealism, hallucination, hypocrisy, clumsy scheming and lurching, impatience and inertia. In the months before Sept. 11, 2001, Bush, Cheney, Rice, et al. were warned repeatedly by France, Russia, Jordan, and other foreign intelligence services, along with alert agents in the CIA and FBI, that al Qaeda was up to something, something big was about to happen, and they did nothing. Were they distracted, dismissive, deluded, dumb? Probably. Were they secretly hoping that something might happen, thinking it wouldn't be nearly as bad as it turned out to be (but just as useful)? Possibly. (There's the arguable precedent of FDR and Pearl Harbor.) Once the attacks occurred, did a zealous pro-war faction in the Bush administration make cynical and conspiratorial use of them to accomplish its own pre-existing agenda? Definitely. Was the pre-existing agenda (invasion and occupation of Iraq) then carried out with characteristic self-sabotaging cluelessness? Absolutely. And has the Bush regime's whole Middle Eastern policy manifested a relentless simpleminded idiocy completely incompatible with the subtle, intricate conspiratorial genius attributed to it? Sure looks that way.

Conspiracy theories satisfy basic human cravings. Everyone likes to solve bafflingly complex puzzles and mysteries, picking up overlooked clues, noticing discrepancies, studying blurred photographs, outwitting the inept cops whose case is full of holes and who probably fingered the wrong suspect. That's why detective novels are popular, and on Planet of the Conspiracies everybody gets to be the hero of one. Everybody equipped with a magnifying glass, a collection of newspaper clippings, and an obsession. So just when it looks to all concerned like the butler (or the jihadist) did it, you announce the gasp-inducing solution.

And every time history takes another wrong turn, it's reassuring to think that some purely evil comic-book villain (or cabal of villains) is steering it. Conspiracy theories, labyrinthine in form, are simple in substance. Both the 9/11 conspiracy cranks and the Bush administration axis-of-evil neocon cranks illustrate the point. It's like the mad Emperor Caligula wishing that all his rivals and enemies had one head, so he could just chop it off. The cranks try to grab hold of history hoping to slice off its head, but like the Hydra it just grows a couple more. History isn't the movie that all the popcorn-eating conspiracy buffs want it to be. It isn't a conspiracy suitable for unraveling. But it does contain a lot of unraveling conspiracy theories. — Eric Kenning

top story as, "Wave of rocket attacks kill eight in Israel."

I'm OK, you're OK. Television is the kingdom where nobody dies. Once you manage to get on the TV news, you will never be exposed to public ridicule. You can say that the moon is made out of Morgan dollars, and your interviewer will politely ask, "And who was this Morgan that everybody talks about?" — meanwhile smiling to show that *he* knows very well who Morgan was. At the end of the segment, you will be thanked enthusiastically, and a cab will take you to your next network news interview, where you will be welcomed in the same way. Since everyone now has your name on file, you can look forward to giving uncrossexamined expert testimony for the next 30 or 40 years. Along these lines, a good rule for news people is to . . .

Question "authority," but never authorities. If an expert on economics wants to use your network to announce that Congress is bankrupting the country by its stubborn refusal to raise taxes, nod gravely, as if that had been your thought, too, but you wanted it to be confirmed by expert testimony. If you are interviewing a Christian minister who complains that secularism is taking over our society, never mention the fact that he's on your show because he's the head of a 5,000-member church with a $50 million building plan. If your guest is a communist who maintains that "because of this country's lack of a humane social policy, opportunities for advancement are growing less and less available for women and minorities," do not pause to notice that your five-member news team consists of two white women, one Asian American male, one African American male, and one Hispanic American gay male. Such facts are irrelevant.

Statistics never lie. You've heard that the best way of telling a lie is by statistics. Well, statistics are also the best way of telling the truth. Like this: "Next year, as many as 10 million people will die of secondhand smoke." That's bound to be true, even if *nobody* dies. "If current trends continue, everyone in the world will die of AIDS." And that was true, too — in 1985. The fact that a trend may not continue, and that anybody with brains should know that it won't, is irrelevant. "Experts fear an earthquake of biblical proportions." Sure, they fear it. But their greatest fear is that their research grants won't be renewed. No expert on disasters ever says things like, "Earthquakes are seldom very severe."

But if you're a news producer, you shouldn't let any of this bother you. Just remember that *as many as one* network news personality may be fired this year — but if you keep smiling, it won't be you.

Hydrogen balm — The good news out of Munich is that BMW has come up with something that could do a better job than the CIA at defunding al Qaeda. The BMW Hydrogen 7, available next year in a limited series of a few hundred cars in the United States and other countries, runs on either gasoline or liquefied hydrogen. "Running in the hydrogen mode, the BMW Hydrogen 7 essentially emits nothing but odorless vapor," reports The Auto Channel. "And unlike fossil fuels, hydrogen is available in virtually infinite supply."

A BMW engineer took off his glasses for the press and held them a few inches from the car's exhaust pipe. "See, I can even clean my lenses," he said, wiping the warm steam off with a felt cloth. The aim, says BMW, is to "create a sustainable future for individual mobility independent of fossil fuels" by way of a technology that "does not in any way mean giving up the dynamics and

performance typical of BMW." The Hydrogen 7, with a top speed limited electronically to 143 miles per hour, accelerates from 0 to 62 mph in 9.5 seconds. Quicker yet, with a top speed of 185 miles per hour and going 0–60 mph in 6.0 seconds, is BMW's hydrogen-powered H2R, unveiled two years ago at the Paris Auto Show.

Two days after BMW's Hydrogen 7 announcement, General Motors said its hydrogen fuel cell-powered cars should be on the roads as early as 2011. "This is to re-establish our technological credentials with the American public and the American media," said GM Vice Chairman Bob Lutz, speaking at the Camp Pendleton military base as the company delivered a hydrogen concept car that will be test-driven by Marines. In July, Ford began production of a hydrogen engine that will be used in the E-450 shuttle bus in Florida. In January, Ford's F-250 Super Chief, a concept truck that runs on gasoline, E85 ethanol, or hydrogen, was introduced at the 2006 Detroit Auto Show. In addition to having the potential of boosting U.S. incomes in the corn belt and cutting the flow of dollars to Hamas, the F-250 delivers what Ford calls a supercharged package of "rugged elegance" — a "full-glass roof bisected by a leather-wrapped grid of American walnut," a pair of "automated ottomans" for rear-seat passengers, a front end designed to look like the American Super Chief locomotive, and an engine that runs 500 miles between fill-ups when operating on hydrogen.

Given the competitive drive within capitalism to be first with the best, it's a safe bet that the pace of development of the aforementioned technologies will only become more rapid. Equally predictable is the effect on the economies of the Islamic Middle East. "According to a World Bank estimate, the total exports of the Arab world other than fossil fuels amount to less than those of Finland, a country of five million inhabitants," writes Bernard Lewis in his book, "What Went Wrong: The Clash Between Islam and Modernity in the Middle East." "In the course of the twentieth century it became abundantly clear in the Middle East and indeed all over the lands of Islam that things had indeed gone badly wrong," he adds. "The quest for prosperity through development brought, in some countries, impoverished and corrupt economies in recurring need of external aid, in others an unhealthy dependence on a single resource — fossil fuels. And even these were discovered, extracted and put to use by Western ingenuity and industry, and doomed, sooner or later, to be exhausted or superseded."

Worse than the economic failures in the world of Islam is the political result: "The long quest for freedom has left a string of shabby tyrannies, ranging from traditional autocracies to new-style dictatorships, modern only in their apparatus of repression and indoctrination." One might say we've ended up with two worlds. On the one side, BMW engineers. On the other, suicide bombers. On the one side, scientific advances, reason, and individual liberty. On the other, never-ending grievances and boundless victimhood, a downward spiral of rage, self-righteousness, envy, and self-pity.

As a way out of its malfunction, Lewis recommends that the Muslim world, rather than continuing to blame a series of scapegoats, ask not, "Who did this to us?" but rather, "Where did we go wrong?"

— Ralph R. Reiland

Spoonerism — At first blush, the views advanced by the American Association of Retired Persons (AARP) and Lysander Spooner could not be more at odds.

The leaders of the AARP are consistent cheerleaders for a bigger welfare state, especially on matters related to Social Security and Medicare. By contrast, Spooner (1808–1887) was a radical libertarian who fought the expansion of state power at every turn.

Yet Spooner's ghost must be smiling at the AARP's current "don't vote" campaign. In his later writings, he also advocated a "don't vote" position. He urged Americans to boycott elections, arguing that the secret ballot "proves that there is among us a secret band of robbers, tyrants, and murderers, whose purpose is to rob, enslave, and, so far as necessary to accomplish their purposes, murder, the rest of the people."

The AARP campaign doesn't go this far, of course. It adds the stipulation "Don't vote . . . until you know where the candidates stand on the issues." Still, the implications are delightfully Spooneresque, even if unintentionally so. For the first time, a major mainstream organization has diverged from the premise, which forms the basis of endless "Rock the Vote" commercials, that every American has an unqualified "duty" to vote, and damn the consequences. — David T. Beito

The two theaters of politics — At a 1990 conference among Liberty editors, I suggested that the most appropriate literary mode for libertarianism was comedy, because both are concerned with what might happen, while tragedy was the mode for conservatism, which emphasizes what cannot happen. Though I thought I was saying something profound, I don't recall anyone except Steve Cox, now Liberty's editor, bless him, understanding what I was talking

about. And so I repeat the theme here, wondering, alas, if I might try to fly it once again in 2022, 16 years from now (providing, of course, that at age 82 I'll remember it).

— Richard Kostelanetz

Gunpowder treason should ever be forgot — America has OSHA, Britain has the Health and Safety Executive. Different countries, same idiotic ideology. Except sometimes I wonder. For all its faults, America falls a long way short of Britain when it comes to the Nanny State.

Richard Littlejohn reported in Britain's Daily Mail (Oct. 3) that Watford council in London has concentrated its efforts on having a smoke-free town. Sounds like a reasonable goal, right? But Watford council has gone so far as to announce that it is banning the town's traditional bonfire on Guy Fawkes' Night, November 5. Dave Cobb, Watford council's "service manager," explains why: "It takes significant staff resources to build and steward the fire and reinstate the area afterwards. It is extremely difficult to put out, in the case of overcrowding or crowd surges."

Of course, the social climate in Britain makes Cobb's logic quite reasonable. It only makes sense — in a society that has accepted the premise that the state must govern, approve, and regulate all such behavior. Furthermore, with a state-run National Health Service, and the state authorizing the legal system by which lucrative compensation is paid for even the most idiotically self-induced injury, who could blame Cobb, or his superiors in Westminister? The people asked the state for a free ride from responsibility, and, boy, they're getting it!

— John Lalor

Sex shocker! Dems caught in church orgy! — Unlike the Democratic Party leadership, I am not surprised to discover that congresspersons sometimes run after young men. For some reason, however, I believe it's my duty to comment on a few things that the Great Foley Sex Scandal seems to have revealed about our two major parties.

First, the Republican Party, long denounced by Democrats as antigay, antisex, etc., etc., is now being denounced by Democrats as culpably lax in sexual morality.

Second, it's clear that the Republican leadership, whether "lax" or not, was in no hurry to crucify Congressman Foley when it learned that he was "over-friendly" to congressional pages. In fact, Republican leaders appear to have done exactly what Democratic leaders would have done, and doubtless have done, when confronted with similar evidence. They told Foley to mind his manners, not make a fool of himself, and refrain from disgracing his office. Then they forgot about this thousandth piece of evidence that congressmen are bigger on ego than on ethics. They had no interest whatever in using the incident to commence a witch-hunt or purge, or even in convincing morons like Foley that it would be good for their health to stand down from the next election.

Third, it's clear that the Democrats, in their relentless, infuriated demands that the Speaker of the House resign for his "laxity" in the Foley affair, are doing more or less what Senator McCarthy tried to do to the old Democratic leadership. Because communists had worked in the Democratic administration, and the Dems hadn't succeeded in rooting them all out (though they had tried a lot harder than anybody tried with Foley, or any other gay Republican honcho who comes to mind), McCarthy thought that the Democrats themselves must be rooted out. You see the analogy with the current Democratic campaign for morality in public office. And the spirit is very similar. Every day, Democratic activists use the internet to unmask Republican leaders, activists, and media personalities as (allegedly) homosexual; and the attitude is precisely what one associates with a McCarthyite or Stalinist smear campaign.

Fourth, the Democrats, who are silly enough to believe their own propaganda about the Republicans' having won the last election by opposing gay marriage, thus attracting enough church voters to swing the electoral balance, are now trying to perform the stunt themselves. Their indignation about Foley is aimed at one audience, and one audience only: evangelical voters, whom they hope to keep away from the polls by advertising the idea that the Republican Party is an outpost of Sodom.

Well, of course it is, just as the Democratic Party is; and that's why I expect few voters to be swayed by the Democrats' calls for resignations, criminal investigations, and a general resurrection of the Bloody Assizes. If the Republicans go down in the fall election, as may well happen, it won't be because of this, no matter what the pundits say.

There's a more interesting issue. The public perception

News You May Have Missed

Foley, Jackson, Priests To Form New Party

WASHINGTON — Former Congressman Mark Foley, former pop star Michael Jackson, and 4,367 former Catholic priests have announced the formation of a new national political party. At a press conference, Foley, who resigned his Florida congressional seat at the end of September and has since left the Republican Party, spoke briefly, saying that the new party would cross traditional party lines as well as many other lines besides. It would thus be a fitting way, he said, to bring together people of different backgrounds, including a former Sunbelt Republican like himself, a former Massachusetts Democrat like Studds, a former black person like Jackson, and "prominent, headlines-making religious leaders." The party, to be called The Way Past Your Bedtime Party, will campaign on the slogans "Our Youth Is Our Future" and "What Are You Wearing?"

Jackson, who recently moved to Washington, buying a house across the street from a dormitory used for interns and other young government employees, promised that anyone would be welcome to join the party, "except maybe girls," and that no IDs would be checked at the door. He added that while he and "Mark and Gerry and Father Shanley and the other guys" might have "sharply differing views" on foreign and domestic affairs as well as how to arrange them, "despite those differences, I can assure you that we're all basically on the same page."

— Eric Kenning

of the two parties, assiduously inculcated by the Democratic leadership, is: Republicans = pointy-hatted witch-hunters; Democrats = kindly friends of all "diversity." I wonder. Will the facts change this perception? — Stephen Cox

The pervasive bourgeoisie — Class distinctions do not really exist anymore. That notion might have been somewhat valid in 1850s Europe when Marx penned his manifesto, but today, by our own admission, we are all middle class. Back then and there, the descendants of peasants were kept separate from the descendants of nobility, who occasionally mingled with the royalty that still existed.

America has come closer to the Marxist dream of a classless society than any of the Socialist Republics that were based on Marx's ideas. I am certain that Marx would find it strange that we were able to homogenize society without equalizing wealth. Compared to the time of Marx, there are now very few cultural barriers preventing mobility between the classes. People can travel through the classes in a single generation.

Today the classes are defined by income, which doesn't give a good picture of social standing. How can you say that the classes still exist when a few hundred dollars is sometimes the difference between somebody being in the lower or middle class, and a mere thousand can push someone on the cusp into the upper class? Class lines are completely arbitrary. Depending on which think tank or government office you are talking to, the representative incomes of each bracket vary greatly.

So why do we stick to the notion of three classes? Because it gives leftists the opportunity to rally one segment against the other; by shrinking the artificial limits that define the middle class, the Left can claim, "The middle class is shrinking!" Since most Americans identify themselves as middle-class, this is guaranteed to generate concern.

The economy can also be made to appear worse than it is, simply by raising the arbitrary poverty line, insuring that a greater percentage of Americans fall under it. Right now the poverty line is so high that people living in "poverty" have air conditioners, cable TV, and late-model cars. Fifty percent of Americans living in "poverty" today own their own homes.

Describing America as a nation broken into three classes is a political tactic, plain and simple. It's time to abandon Marx's yardstick, like the rest of the world has abandoned the man who invented it. — Tim Slagle

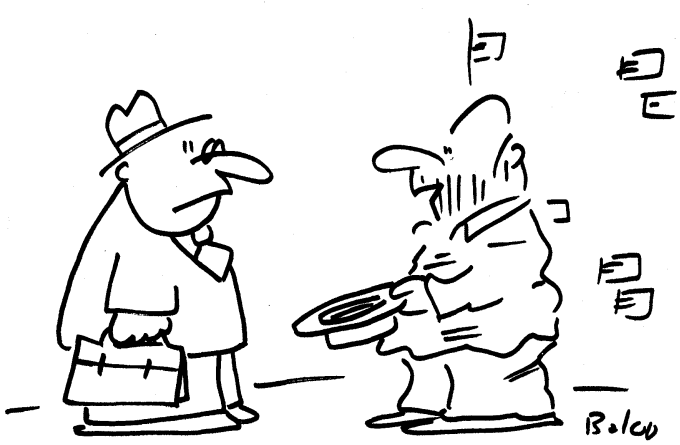

"A job? — Thank you, sir, but that's not the image I want."

Modern manners — I live on a short street ending in a cul-de-sac. The road is not particularly wide, and when people park in the street it inconveniences everyone else. Several months back, one of my neighbors held a wedding party for her child: large crowd, valet parking, guest cars taking up much of the street and filling the cul-de-sac.

First I heard about it was a few days before the event. The woman — the home owner — had placed in my mailbox (and I assume the mailboxes of everyone else along the street) a lovely calligraphic letter mentioning the upcoming event, apologizing for the inconvenience to her neighbors, and saying, "Enjoy some popcorn and a movie on me." Included with the letter was a bag of microwave popcorn and a card redeemable for one free movie rental at the local Blockbuster Video. I thought that rather sweet, an example of true neighborliness.

I thought about it again a few weeks ago when the same woman threw another party. Again the street was filled with cars, inconveniencing the neighbors. But this was a fundraiser for a district congressman running for November election. And there was no letter of apology, no offer to make up for the inconvenience in any way. Presumably my inconvenience was justified by the common good my neighbor thought she was advancing through her support of her favored candidate. She didn't ask who my choice was.

What a perfect demonstration, I thought, of the difference between private and public activity, and their associated moralities. In private action, you are clearly seen as working to benefit yourself, and therefore you must take pains to avoid harming others if you wish to maintain a tolerable reputation in the community. In public action, you are putatively seen as working to benefit the community as a whole, and therefore you need not trouble yourself with the tangible harms you do to other individuals, who are presumed also desirous of making a sacrifice to the commonweal.

Manners are civilization's answer to private externalities. They are not necessary, it seems, when the externality is public in nature. — Ross Levatter

Let's make this clear — Certain recent events indicate that Congress may finally be discovering the virtues of transparency. First, Rep. John Boehner has gotten the House of Representatives to adopt a new rule that requires all Congress members to sign off publicly on "earmarked" projects, i.e., pork-barrel projects. More dramatically, President Bush has just signed the "Federal Transparency Act," Sen. Tom Coburn's shrewd and helpful bill, which establishes a publicly accessible database of over a trillion dollars in federal contracts, loans, and grants.

These structural changes will act as a deterrent to pork-barrel spending: the public and press will be better able to find out who is behind many if not all pork projects approved. This will certainly be a deterrent, because most congressmen and all senators now rely on contributions from people outside their states; a record of pork that may please the voters in your district will cost you support elsewhere.

Ralph Nader, in a recent letter printed in The Wall Street

Foley's folly — Twenty-six years ago, in October 1980, then Maryland Congressman Robert Bauman, staunch Catholic crusader against moral decay and homosexuality, a person who received a perfect 100 on the Christian Voice "Morality Rating," was busted for soliciting sex from a 16-year-old prostitute. The resulting stress allegedly caused him to become an alcoholic.

Now we see another congressman — Mark Foley of Florida — desperately scrambling to avoid responsibility for his misbehavior, hiding behind the disease concept of alcoholism. Foley was busted in October for writing dirty emails to a 16-year-old page. A few days later, he entered treatment for the "disease" called alcoholism.

Alcoholism is only metaphorically a disease. It is not a literal disease. Diseases have signs (objective, physical characteristics revealed through scientific tests) and symptoms (subjective complaints).

All literal diseases can be asymptomatic: they can be found by their signs in your body, even though you manifest no symptoms. Metaphorical diseases such as alcoholism depend on symptoms alone. There are no signs of alcoholism. Just as there is no such thing as asymptomatic depression, so there is no such thing as asymptomatic alcoholism, demonstrating that these conditions are not literal diseases.

Diseases are cellular abnormalities, pathologies, things that people have. Behaviors are modes of conduct, deportments, things that people do. Behaviors are always voluntary; there's no such thing as an involuntary behavior. Diseases are always involuntary; there's no such thing as a voluntary disease — one cannot will the onset of a disease, just as one cannot will a disease away.

While behaviors may increase the probability of acquiring diseases, behaviors and diseases are as different as night and day. People obscure the difference between behavior and disease in order to escape legal and moral culpability for socially unacceptable behaviors. They also obscure the difference to get paid for treating metaphorical diseases, and researching the causes of metaphorical diseases.

How is the disease concept of alcoholism used to avoid responsibility for one's own chosen behavior? The "my-alcoholism-made-me-do-it excuse" goes like this: If we are to believe that alcoholism is a disease, then we must consider what the signs and symptoms of alcoholism are. In this case, criminal, immoral, or unethical acts become the signs and symptoms of alcoholism disease.

In the criminal law, the disease model argument was used in a famous Supreme Court case entitled *Powell* v. *Texas* (1968; cf. http://tinyurl.com/ycv32f). The argument failed in that case because Leroy Powell was not considered an alcoholic by tiebreaker Justice Byron White. White did not believe Powell's alcoholism was severe enough to render his behavior involuntary. Four of the justices bought the disease model argument then, and four did not. Byron White's opinion was crucial.

Justice White's opinion was also crucial in a later and related case, that of *Traynor* v. *Turnage* (1988). In that case, involving a Maryland plaintiff blaming alcoholism for willful misconduct, White, writing for the majority, stated that the "District of Columbia Circuit accurately characterized . . . 'a substantial body of medical literature that even contests the proposition that alcoholism is a disease, much less that it is a disease for which the victim bears no responsibility.' 253 U.S. App. D.C., at 132–133, 792 F.2d, at 200–201. Indeed, even among many who consider alcoholism a 'disease' to which its victims are genetically predisposed, the consumption of alcohol is not regarded as wholly involuntary."

Much of the present frequent recourse to the disease defense stems from a famous Supreme Court case in 1962: *Robinson* v. *California*. In that case, the Supreme Court called heroin addiction a disease and overturned a California misdemeanor conviction as cruel and unusual punishment. Being a heroin addict, wrote the court, was a disease, and thus involuntary. Punishing someone for an involuntary disease was cruel and unusual. *Robinson* had nothing to do with buying, selling, or using addiction as an excuse to commit illegal acts. Simply the status of being an addict was considered criminal in California. Later on, people began to use *Robinson* to say that acts stemming from addiction status were equally involuntary. Status and acts were considered by many to be inseparable.

Since the disease of alcoholism is asserted as involuntary — quite consistently, since all diseases are involuntary — then the products or symptoms of the disease of alcoholism (in Congressman Foley's case, allegedly writing lascivious emails to 16-year-old pages) must also be involuntary. The products of alcoholism are viewed as inseparable from its disease status, just as the signs and symptoms of a disease are considered inseparable from a disease itself. Since the disease of alcoholism is involuntary, writing dirty emails is not a choice.

We must expect Foley's lawyers to try to convince the courts and the public that he didn't *choose* to write those dirty emails; his alcoholism made him do it. They might also argue that suppressing his homosexuality caused him to develop the disease of alcoholism, which in turn caused him to write dirty emails, which in turn reinforced his homosexuality, which he had to suppress, and so on. Who knows where and if pedophilia may fit in? That issue rests on whether a person 16 years old is considered a minor.

Even if Foley does not use a disease defense against criminal responsibility, there is much to be gained when it comes to moral absolution, particularly in the court of public opinion. In order to be guilty of a criminal act, two ingredients are necessary — *actus reus*, meaning the criminal act, and *mens rea*, meaning guilty mind or intent. If alcoholism, or what philosopher Herbert Fingarette prefers to call "heavy drinking," is a disease characterized by loss of control or involuntariness — the legal corollary of "loss of control" — then one thing follows another: "Presto change-o," there's no *mens rea*. What Congressman Foley could argue is that he had no *mens rea*; thus, he should not be held accountable for the consequences of his behavior.

It doesn't take a legal scholar or a psychologist to recognize the bogus quality of such patent nonsense. Pedophilia or moral turpitude? Paging Officer Krupke: "This boy don't need a doctor . . . "

— Jeffrey A. Schaler

Journal, has suggested a good further step. Nader, a man for whom I usually have little respect, has proposed that we require that the full text of *all* federal contracts (suitably redacted to remove sensitive information) likewise be posted in a publicly accessible database. The public and the press would then be in a better position to look for patterns of corruption in government procurement.

I would take these excellent proposals one step further. Why not require that the same publicly accessible database be set up for the UN? We could head off future financial fiascos such as the infamous Oil for Food program. We could also see whether the voting behavior of member states is being swayed by their corrupt business dealings. Put all the data online for the public and press to scrutinize. As the old saw has it, sunlight is the best disinfectant. — Gary Jason

Anything you can do I can do better — Regarding the recent spate of school shootings: why is it that the media are (or pretend to be) the last to understand copycat crimes that are "caused" less by social conditions or psychosis than by watching or reading the media? Simply, when a certain crime takes the same form in disparate places, the perpetrators are learning from the same source. This was true of the Newark riots of 1967, the riots in the wake of the assassination of Martin Luther King in 1968, and too much since. Only when readers wise up will the media folk do likewise.

— Richard Kostelanetz

Union Newspeak — Organized labor is pulling out all stops to win back Congress for the Democrats. And it has a nasty little surprise for us if its preferred party wins: a piece of legislation with the Orwellian name of the "Employee Free Choice Act."

Under the Wagner Act of 1935, there are a number of steps a union must take to organize a company. It must first get 30% of the employees to petition to organize, and hold open debate on the issue. Then the workers must decide by secret ballot, administered by the NLRB. Union organizers are not winning many of these battles — I suspect because most workers view unions as anachronistic, corrupt, job-killing machines — and private-sector union membership is now less than 8%.

Faced with the fact that it is losing the battle for the hearts and minds of workers, organized labor could ask itself why it is so unappealing, and maybe correct its deficiencies. But no, it is so much easier to resort to state coercion. Enter the rabidly pro-union Democrats Sen. Ted Kennedy and Rep. George Miller to put forward the insidious "Free Choice Act," which would completely eliminate secret ballots. Union organizers would only need to convince workers to sign cards saying that they wanted a union, and if more than half signed, the company would be unionized.

Of course, the unions' goal is to enable organizers to use strongarm tactics to get their way. "Yeah, buddy, you're free not to sign this card, and our boys are free to do to your family what they did to Hoffa!"

Let's hope they don't get their way. — Gary Jason

Fitter, happier, more productive — Capitalists are often accused of placing profit over planet. If they do, it's only because poverty is a much more certain killer than climate. Global warming apocalyptists tell us that if we don't stop burning fossil fuels there *might* be consequences a hundred years from now. Capitalists know that if we stop burning fossil fuels, the economy *will* go into an immediate recession. It's all about priorities.

Big profits lead to a prosperous nation. A prosperous nation leads to less hunger, better working conditions, and longer, better, happier lives. It is no accident that most modern famines and sweatshops are in nations based on the writings of Karl Marx.

The planet is a much nicer place because of oil companies. I'd hate to live in a time without central heating and air conditioning. Thanks to petrochemistry and gas-fueled farm equipment, the world is better fed than anytime before in history. Thanks to the airlines and the automobile industry, I can see more of the Earth in a month than most medieval explorers got to see in their whole lives. I like that.

Prosperity also leads to less pollution: the richer the nation, the cleaner the environment. Only the wealthiest people can afford luxuries like waste treatment plants and catalytic converters. If you really want to see people swimming in their own excrement, all you need to do is travel to one of the few remaining "People's Republics."

The legislation most environmentalists request the government to impose will affect my ability to travel, and eat, and afford the things I need. Right now I have a choice to burn petroleum or not. The environmentalists of the world want to limit that. It is not the environment I oppose, but the infringements on my freedom. If you count the casualties over the past century, you'll find that Marxism is more deadly than nuclear power. Nuke plants count their casualties in hundreds; Marx counts his in the millions. — Tim Slagle

SOX it to the government — In 2002, a period of high-profile corporate financial scandals, Congress enacted the Sarbanes-Oxley Act ("SOX"), a no-nonsense law intended to crack down on bogus corporate accounting. A key provision of SOX is that the top officers of a corporation must sign off on key public financial statements, essentially opening themselves up for criminal prosecution if those statements prove fraudulent.

Now, I'm a philosopher, not an economist, so I can't speak to the economic merits or defects of SOX. But I am struck by a severe ethical lapse. SOX applies to a narrow range of fraudulent accounting, namely, that done by publicly traded corporations. Yet it is a basic axiom of moral philosophy that valid ethical principles are universalizable, that is, that they apply, not only to a few arbitrary cases, but to all cases that are similar in relevant respects.

What brings all this to mind is the appalling public employee pension scandals that surround us. San Diego is just the most notorious case: until a whistleblower brought the scam to public attention, city officials had cheerfully looted

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at a special holiday price! See page 49.

the municipal workers' pension for years to pay for ongoing municipal services, resulting in a $1.4 billion deficit in the fund. But similar problems are now rife in cities and states throughout the nation, with Illinois, Colorado, and New Jersey recently making the news. For instance, New Jersey's state employee pension fund now has a deficit of $18 billion.

Indeed, a recent New York Times article cites one estimate that the *unfunded* liabilities of state, county, and municipal employee pension plans total $375 billion, and Barclays Global Investments reckons that if we use the accounting practices that corporations must follow, the true figure is more like $800 billion. Instead of properly funding the promised pensions, governments have routinely used the money for other projects, leaving the taxpayer to pick up the eventual tab.

This is just one of many huge frauds that have been perpetrated by governments at all levels. Whether it is the unfunded government employee pension liabilities, the Pension Benefit Guaranty Corporation's growing deficit, the scandals surrounding dicey Fannie Mae and Freddie Mac accounting, or the granddaddy of them all, the Social Security Ponzi scheme, we see deliberate frauds perpetrated by elected officials — frauds for which private corporate leaders would pay with big-time jail time — being completely unpunished, nay, even rewarded. And the combined frauds of business add up to only a tiny fraction of the governmental ones.

The problem is at base a moral one: the failure of government to universalize, to do unto itself what it does to private corporations. If governments hold corporate officers to standards, government officials should be held to the same standards. In fact, I would argue that government officials should be held to even higher standards, because while people by nature distrust corporations, rightly viewing them as inherently self-interested entities, people have unfortunately been conditioned to see government as interested only in the public good — a view long since debunked by economists working in Public Choice Theory.

To turn the public employee pension fund scandals around, we ought to at a minimum require public employee pension plans to be governed by the same laws that govern private pensions, such as the Employee Retirement Income Security Act. And we need to modify the SEC charter to make it responsible for the review of all public pension funds.

But I would go even further. Under SOX, corporate CEOs and CFOs must personally certify their companies' financial reports, and face long jail time for willfully misstating financial reports. Let's extend SOX to government. Let's demand that the legislators who enact budgets that fund pension schemes, and the executive-branch politicians who supposedly administer them, be required to sign financial statements that disclose how sound those funds are. If the pension plans later prove to be underfunded, put those politicians in the same jail where we put corporate miscreants. — Gary Jason

Siding with supply — The economic numbers that followed the Bush tax cuts of 2003 aren't something that Democrat politicians are likely to talk much about prior to the November election. "The net worth of American households has increased by some $6 trillion since May 2003," reports Stephen Moore in The Wall Street Journal. "Virtually all of the wealth losses from the end of the Clinton era have been recaptured. The median household has increased its wealth by almost $20,000 in real terms since the supply-side tax cuts took effect."

The idea underlying supply-side economics is that high levels of taxation, litigation, and regulation weaken incentives to work, save, and invest, thereby holding back increases in productivity, economic expansion, job creation, and income growth. Conversely, according to this view, lower income taxes that increase after-tax wages will encourage more work; lower taxes on interest income will encourage more saving; and lower taxes on income from capital will stimulate more investment.

The result, in this supply-side analysis, is higher productivity by way of increased spending on better machinery and equipment, increased American competitiveness in the global economy, and more economic growth, which in turn keeps unemployment low and inflation in line. According to supply-sider Arthur Laffer, tax cuts need not produce lower revenues in the government's coffers. In fact, arguing that higher taxes discourage economic activity, Laffer maintains that lower tax rates might well have the result of increasing government revenues and lowering the deficit.

That's supply-side economic theory in a nutshell, and it pretty much describes what has taken place over the past three years. The Department of Labor reports that labor productivity last year was up by a record-breaking 5%. "The 2005 gain was the highest single-year increase ever recorded," Moore says. This is the highest increase since the government began measuring productivity in the 1950s. "Over the past four years, manufacturing productivity has increased by the largest amount ever in such a stretch of time."

That means that the U.S. is more competitive in the world economy, an unmistakable plus in terms of American workers' future job security and income growth. And the results are already showing up. Moore reports that "real compensation," i.e., compensation adjusted for inflation, "is up 7% since 2001, with the biggest gain this year."

On taxes, according to government numbers reported in July, "federal revenues have increased by more than $520 billion. That is the largest real increase in tax revenues over a two-year period in American history." The largest jump in government revenues has come from increased tax payments on capital gains and dividends. Just as high taxes on cigarettes discourage smoking, high taxes on dividends and capital gains discouraged investment. The 2003 Bush tax cut reduced the dividend tax rate and the capital gains tax to 15%. And the change in government revenues, with lower tax rates? "The latest data from the Congressional Budget Office," Moore says, "finds a 70% increase in capital gains receipts and a 31% hike in dividend payments since 2003." Further, with profits up, federal tax receipts from corporate income taxes increased by 40% over the past three years.

None of the above is intended to suggest that everything's rosy. The number of Americans living in poverty isn't down. The number of people without health coverage is up. Wage increases for millions of workers haven't kept pace with inflation. Adjusted for higher prices, the buying power of the minimum wage is lower than it was in the 1950s. And on international trade, flawed policies continue to place U.S. companies and workers on the downside of an uneven playing field.

The solution to these remaining problems, however, is not a rollback of the Bush tax cuts. Reductions in poverty and increases in workers' income will most likely come from continued economic growth, from increased American innovation and investment, and from improved American competitiveness in the global economy.

The facts show that expansions in investment, innovation, productivity, economic growth, and overall income growth are directly correlated with low tax rates. The path to prosperity isn't by way of boundless government. Simply stated, incentives matter. The Democrats, if they're serious about making a dent in our remaining economic problems, will have to come up with something better than demonizing Wal-Mart and raising taxes. — Ralph Reiland

Triangulating sprawl — Moving from a small town in Montana to Raleigh, N.C., evoked some predictable reactions in me, such as shock at the traffic congestion and amazement at the number of malls — but also, perhaps, one genuine insight. I see how sprawl and density can work together.

Raleigh sprawls; no doubt about it. It is one of three conjoined cities called the "Triangle," composed of Raleigh (population 354,000), Durham (202,000), and Chapel Hill (152,000). And the area's population is much larger than these numbers suggest, perhaps 1.5 million, and growing. In fact, Raleigh has its own 110,000-person bedroom community, Cary. Each Triangle city features a major research university: North Carolina State in Raleigh, Duke in Durham, and the University of North Carolina at Chapel Hill (the three are intense rivals). The region, which also includes a well-known government-industrial complex, Research Triangle Park, is said by Wikipedia to have more Ph.D.'s per capita than any comparable area.

In spite of the surrounding sprawl, Raleigh's downtown is a pleasant place to be (I work there and live nearby). Even though Raleigh is the state capital, burdened by the big government buildings that often deaden a city, it is comfortably busy, both day and evening. It has good restaurants, some on a "strip" but others scattered, a municipal auditorium (now showing "The Lion King" and hosting the North Carolina Symphony), and plenty of office buildings. A number of luxury condominiums were recently built downtown, and several residential communities skirt the area.

My theory is that Raleigh's downtown is doing well because there are at least three downtowns in the region. With three major centers, the Triangle doesn't fit the traditional hub-and-spoke design. Three downtowns compete to provide urban amenities, and competition is almost always good. But, more specifically, it means that not all the 1.5 million people consider Raleigh "their" downtown and therefore not too many people head there at once. As a result, it's relatively easy to get around in downtown Raleigh, a fact that makes people more likely to go there more often. Downtown Raleigh is not a distant destination one travels to on rare occasions.

Now, a planner might not like Raleigh's downtown. It's not all that dense. There probably isn't enough "urban streetscape"; some buildings are empty (and others just ugly); streets are wide; there aren't that many skyscrapers; cars can whiz through downtown without stopping (traffic is not calmed); and parking is not a major problem. The place looks kind of unfinished, as if awaiting more in-fill.

But this may be as good as it gets. In "The Death and Life of Great American Cities," Jane Jacobs identified the automobile as the fundamental challenge to downtowns. Municipal governments try to accommodate the automobile by widening streets and building more of them. But by making room for the automobile, they break up the dense interconnectedness that makes the city so vital, destroying the streetscape. It's a tug-of-war.

For the most part, it's a game that nobody wins. But maybe there is an answer, at least in environments such as this one. There may be a point — a level of density — that allows a lot of cars to enter and exit but still leaves some "city" to attract their drivers. Because the demand for car space is not overwhelming, the loss of the urban space is not too great.

Such an equilibrium will not satisfy planners, who want more density and the charm and sophistication that it brings. But citizens may not be so demanding. They want to be able to zip in and out of downtown and park when they're there. When they can do that, they will support restaurants and concerts and theaters and businesses. And that's what seems to be happening in Raleigh. — Jane S. Shaw

"I call it 'Harry Potter.'"

Vote Plutocrat — The reigns of New York Mayor Michael Bloomberg and New Jersey Governor Jon Corzine so far suggest a political truth most of us would be justifiably reluctant to accept — that rich guys, especially self-made rich guys, make incorruptible public officials. Self-proclaimed do-gooders, by contrast, are too easily flummoxed.

I recall Wayne Barrett, the veteran city investigative reporter at the Village Voice, noting that the fulltime lobbyists now hang around New York's City Hall with nothing to do — still paid, one assumes, to be prepared for the next administration. Poor Barrett, the scourge of both Ed Koch and Rudy Giuliani, has lost his subject and thus his journalistic clout.

If corruption is a major issue in your hood, whether locally or nationally, consider recruiting and then electing people who became rich outside of politics. By contrast, guys who got rich while serving in public office were probably corrupt.

The unintended result of recent campaign reform was favoring candidates rich enough to finance their own campaigns.

continued on page 53

Our Allies, the Conservatives

by Bruce Ramsey

Want to see freedom advance in your lifetime? Then it's time to build some bridges.

I once had a meal with a man who had been a Republican operative. He was lamenting the factionalism within that party, and as an example told the story of some Christian evangelicals. They had come to him offering to support his candidate providing the candidate agreed with them on 15 points.

"In politics, you don't get all 15 points," he said. "Maybe you get eight of them. You have to be satisfied with that. These people didn't understand that." To them, each of the 15 was connected to Truth, and was not negotiable. There was no agreement, and no progress.

In politics, a lot of libertarians act like those evangelicals. Their badge is their purity. Politics, however, is not about demonstrating one's purity. It is about getting 51% of a group to agree on something. Once in a while you can do that by standing up for purity, but usually not.

Some people don't care about affecting the outcome of current political battles. They have their eyes on the distant future. But if they want to have an influence now, they have to accept the influence of others on a shared position. Their view is that half a loaf — or a quarter, or a slice — is better than none. And this is the reality of politics.

The utopians picture compromise solutions as sellouts, but it is not necessarily so. The fights over two such positions — Social Security reform and school vouchers — are probably far more important than any purely libertarian issue.

Take vouchers. They were invented by a libertarian, Milton Friedman, and over many years became part of the mainstream conservative program. Vouchers are denounced by utopians because they retain the state as funder of education. Indeed, in a community like mine, where 30% of the kids are in private school, a successful voucher system would probably increase the demand for school money from taxes.

Still, vouchers would create a way to privatize the *provision* of education. With a voucher system, parents would have to approach their kids' schooling as customers, just like private-school parents. They would have to search for what they wanted rather than beseeching the government for it, and soon enough they would not bother with the government anymore. Their ideas and expectations would have changed because their institutions had changed.

All of this amounts to a kind of stealth libertarianism, which makes the realist smile. The utopian frowns at the halfwayness of it. He wants to sell people first on the *rightness* of his ideal. If he can do that, he says, we won't need a halfway measure like vouchers. The problem is that he cannot make a sale. He needs a 51% solution, and he doesn't have one of those.

In the state where I live, vouchers have been rejected by the voters, as have charter schools. They are dead, dead, dead. But in other places they are being tried — and that is the key. Whether they prevail will depend not on how many people are convinced to be libertarians, but on how well parents like

voucher schools and what the test scores show.

Now consider the proposal for Social Security private accounts. It came out of the Cato Institute, a libertarian think tank that started pushing it more than 25 years ago. It made it into political contention for two reasons. First, Social Security was going broke. The proposal would not have been considered except for that. Second, it offered an idea that was neither a tax increase nor a benefit cut, and sounded a whole lot better than either one. Thus a libertarian-born idea became, in the late 1990s, doctrine of the Republican Party.

On civil liberties and the war I have common ground with progressive liberals, but it is common only if we do not discuss it past the first drink.

This was more stealth libertarianism. Its inventors wanted a way to prod Americans to take personal responsibility for the 12.6% of wages the government was extracting from every paycheck. It was not politically possible to do this by taking away Social Security benefits and telling them, "Take care of yourself." But the tax had increased, making Social Security a worse and worse deal. Demographics made inevitable a further tax increase or benefit cut that would push the rate of return below zero for a high-earning worker. Private accounts offered the hope of a richer retirement.

The sales pitch for private accounts was more about money than freedom — and the money issue was not a slam-dunk. High earners would get more benefit from keeping their money than low earners, because the system had favored low earners. Private accounts did offer the chance of much greater returns, but also the chance of small returns. Private accounts shifted risk from the government to individuals. For a halfway competent investor, this risk was well worth taking, but it was real and opponents pointed it out. And the demographic problem — that a higher proportion of the population would be retired and living off a smaller proportion of workers — was only disguised. Demographics would affect private-account holders through the price of assets: more people would be wanting to sell, and fewer would be wanting to buy.

Private accounts also required collective transition costs. In the new system each generation would pay its own retirement rather than its parents'. That was an improvement; it would let workers use the power of compound interest, which is very powerful over a lifetime. But that seemed to suggest that one generation would have to pay twice — once for its parents, who had not paid for themselves, and once for itself. To soften the blow, the system would have to borrow a large sum, perhaps a trillion dollars over 40 years. The Cato people argued that this didn't matter, but obviously it did.

The Left charged that Social Security privatization was a Wall Street scheme motivated by greed. It was not; Wall Streeters don't make long-term investments in political ideas. The Cato people had made one, with the goal of promoting liberty; but the politicians who took over the idea sold it only partly for that reason. George W. Bush tried. A different president could have done better, but probably Congress was not ready for it. (Yet how do you get people ready for it? Maybe you try and fail, and try again.)

There is still hope for Social Security private accounts. When the Democrats come to solving this problem they will offer a tax increase. They will have to. The Republicans will reach for an alternative, and what can they find that is better than private accounts?

Those two proposals — school vouchers and Social Security private accounts — are libertarian ideas. It was conservatives who tried to implement them. It was also conservatives who pushed time limits on welfare. That measure was signed by Bill Clinton over the opposition of left-liberals. It was a conservative project passed with mostly Republican votes. In a decade it has cut the federal welfare rolls about in half.

Still another bit of stealth libertarianism: medical savings accounts. These were invented by a free-market conservative, J. Patrick Rooney, then CEO of the Golden Rule Insurance Co., as an alternative to low-deductible medical insurance. The tax deductibility of these accounts was passed into law by the Republican Congress under George W. Bush. Like school vouchers, they exist at the margins. The versions available are not always ideal, but they are better than nothing. Also like vouchers, they are aimed at one of the really big, expensive things the modern welfare state does — in this case, medicine, the one big part of the American economy in which the state is trying to supplant private industry. I have my doubts whether Americans will cotton to medical savings accounts, because everyone I know who has full coverage prefers it. But in the fight for private medicine this is the best new idea on the shelf.

Four ideas: vouchers, Social Security private accounts, welfare time limits, and medical savings accounts. All are gradualist but powerful ideas to increase individual choice and responsibility. All strengthen an individualist culture. All are projects of conservatives.

But libertarians have long been uneasy with conservatives, especially since 9/11, when the conservatives raised the banner of soldiers, spies, prosecutors, and cops. I understand the feeling about that. If I want to be agreeable in a group of progressive liberals, which most of my neighbors are, I grumble about civil liberties and the war. There I have common ground with them, but it is common only if we do not discuss it past the first drink.

The left-liberal idea of foreign policy is internationalism — that the United States shall refrain from global assertiveness without permission of the United Nations, or at least of NATO. Modern liberals are not against war, if it's dressed in humanitarian garb. They still revere Woodrow Wilson, who got us into World War I, and they brook no criticism of Franklin Roosevelt or Harry Truman. Most of them applauded when Clinton ordered the bombing of Serbia, a country that obviously posed no threat to the United States. Most of them want the American military to go into Darfur. Their principal criticism of the Bush foreign policy is not that it kills people but that it has alienated our allies, meaning particularly the Canadians, Germans, and French.

The libertarian's idea of foreign policy is more about

America minding its own business. The libertarian who objects to the Bush foreign policy will probably not object to the "lone cowboy" aspect. Probably he likes that part. Maybe it reminds him of Robert Heinlein. A libertarian cowboy will be more respectful of other people than a neocon cowboy, but he will not want to be permanently assigned to a posse of humanitarians.

Domestically, the left-liberal believes in freedom, or believes he believes in it. But it is an abridged freedom. He may have a government like the one in my city, which tells me I have to have a license to cut down a tree of more than six inches in diameter, or to have a cat in my house, or a business. If it is a business, the sign can be only eight inches square and have nothing on it but my name. I violate the law if I burn scrap lumber in my back yard or put one sheet of paper in my garbage can. Or one plastic bottle. Or one glass bottle. I am forbidden to ride a bicycle without a helmet or a car without a seatbelt, or decline to pay union dues if some stranger has signed a labor contract that demands I pay them. I cannot smoke in a cafe or bar or buy a medical insurance policy that doesn't cover naturopathy, a craft I consider quackery. My public school district wants to assign kids to my neighborhood high school based on race, even though the state constitution specifically forbids it, and the matter is about to be decided by the U.S. Supreme Court. I pay taxes for a baseball stadium named for an insurance company, a football stadium named for a telephone company, and a basketball stadium named for a bank. I pay taxes for a stadium that was blown up by the government. I pay taxes for the new city hall, which has a grass roof.

To the liberal, freedom concerns none of these things. Apart from freedom of expression, the liberal's idea of freedom is mainly about *privacy*. It is about a place for whoopee, and for not being held to account or morally judged afterward. In many ways his idea of freedom is the 15-year-old's: Stay out of my room. Show me respect. And hey, when's dinner?

The liberal says, "I'm for choice." The libertarian wants to know which one: School choice? Social Security choice? Drug choice? Union-membership choice? Alas, the liberal is "pro-choice" only to avoid being labeled "pro-abortion." He is not pro-choice. He is pro-privacy. (And legally the right of abortion rests on an argument for *marital privacy*.)

The libertarian believes in property, and that gets him most of the same privacy the liberal wants. It also gets him standing ground to do bigger things than the liberal would allow, and collectively provides the private sector with a place to resist the state. The liberal thinks all this talk of resisting the therapeutic state is antisocial and right-wing. His conception allows for a state of German dimensions, a state that takes half his income and controls his land, buildings, investments, business, job, and labor representation. His state may socially engineer him into public schools, public transit, public housing, public employment, public clinics, and public pensions. All this is acceptable provided only that he can vote and fornicate; the cops do not rifle his desk; and no one, private or public, "discriminates" against him.

Politics is not about demonstrating one's purity. It is about getting 51% of a group to agree on something.

Consider the two sides, liberal and conservative, as represented in the current Democratic and Republican party platforms in my state. There is an important caveat: in each case, the platforms are more radical than any of the party's senior elected officials. Still, they display what the core of each party believes.

The libertarian believes in property, and that gets him most of the same privacy the liberal wants.

Here are the Democrats: "Our platform rests on the principles that there should be security for all citizens; education, jobs and economic opportunity for all; accessible and affordable health care for all Americans; a rebuilding of our reputation in the world as a cooperative and just country; a reversal of the erosion of civil liberties in our country; a recognition that diversity strengthens our nation; [and] a recognition that we are responsible for our ethical, economic, environmental and educational legacy."

Now the Republicans: "Republicans believe that good government is based on the individual and family, that each person's ability, dignity, freedom and responsibility must be honored and recognized. Our basic freedom, the value that makes our country unique in the world is rooted in Free Enterprise and the basic right to Private Property. The role of Government is to preserve and defend our ability to live in a free and peaceful society."

The Democrats are for "security for all citizens," and by this they do not mean physical security. They go on to say, "We believe . . . food, shelter, medical care, education and jobs are basic human rights." They are for a single-payer, nonprofit "healthcare" system.

The Republicans say, "Health care" — two words for them — "is a personal issue, and informed individuals can make better decisions about their own care than government."

The Republicans are for "providing the highest quality education through offering a broad selection of choices, whether public, private, charter or home school; appropriate funding of public schools, and tax credits and vouchers for other choices; [and] the right of parents to direct the education of their children."

The Democrats are for public schools, period. They are opposed to charter schools and vouchers, and say nothing about the rights of parents. Regarding corporations, the Democrats oppose "corporation rights as persons under our constitution and their associated constitutional rights, including the First Amendment right to make political contributions in the corporate capacity." They say, "We believe multinational corpo-

rations are not legal persons entitled to equal protection under the 14th Amendment to the U.S. constitution."

The Republicans have nothing like this.

Regarding the news media, the Democrats say: "We believe the public owns the broadcast airwaves and the Internet, which should be managed to serve the public interest. We support using diversity of ownership as the centermost principle of broadcast licensing; strengthening media ownership regulations to avoid corporate domination of our airwaves; encouraging minority and community media ownership; ensuring that media license holders provide diverse programming; increased funding for public broadcasting including documentary films and noncommercial news programs; establishing a system for community-level, non-profit, and noncommercial radio and TV nationwide."

For all their complaints about the liberal media, the Republicans make no proposals to regulate it or supplant it. They are for "campaign finance law that in no way prohibits free expression." The Democrats want political campaigns to be financed by the government. They would also force broadcasters to provide air time free to political candidates.

Regarding race, the Democrats are for "diversity" and the Republicans are against "the use of quotas or preferences to favor one person or group over another." Regarding religion, neither platform says much. The Democrats are for the separation of church and state, and the Republicans say, "Individuals' first amendment right of religious expression in our public schools does not conflict with the Establishment Clause." The Republicans are also for "under God" in the Pledge of Allegiance.

The two platforms use language differently. Each uses the word "responsibility" about the same number of times. The Republicans mostly use it to mean the responsibility of individuals or families. The Democrats mostly use it to mean the responsibility of business, government, or society. An exception is when the Democrats speak of a woman's responsibility for her reproductive choices.

In all these things the Republicans are pretty close to libertarians. In some other ways they are not. They are dead-set against abortion and gay marriage. They say, "We are at war, and we support President Bush in all aspects of this War on Terrorism, including the government's responsibility to monitor the communications of terrorists and their allies." They are for restrictions on immigration, which some libertarians are for and some not. (The only part of the Republican platform that made the local newspapers was its statement that the 14th Amendment was not meant to grant citizenship "to the babies of illegal aliens.")

In many ways the liberal's idea of freedom is the 15-year-old's: Stay out of my room. Show me respect. And hey, when's dinner?

The hardcore libertarians do not want to be with either Republicans or Democrats. They are their own church, and a small church it is: their presidential candidate gets half of 1% of the vote. The party has been raising money and fighting ballot-access battles for 35 years. A huge amount of effort has been expended and no territory taken.

Before he died, Liberty editor Bill Bradford told me that the Libertarian Party was mainly a business to raise money to employ libertarians. It was not a political party really. A political party is an organization to elect its members to office, and apart from a handful of state legislators, the Libertarians had never elected anyone who even began to matter. Not one capital-L Libertarian, running as the candidate of that party, has been elected to Congress or ever will be.

Libertarians are different from religious conservatives and militaristic nationalists, but they should accept that in the larger culture they are part of the Right.

There are, however, small-L libertarians in Congress. All of them are Republicans. The official label has been pasted on only one, Ron Paul of Texas, who once ran for president as a Libertarian. The Republican Liberty Caucus, run by economics professor Clifford Thies, says it has been tougher to find Republicans who are strong on personal liberty since 9/11, but he names five congressmen as pro-economic-liberty and pro-personal-liberty: Jeff Flake of Arizona, Dana Rohrabacher of California, John Duncan of Tennessee, John Shadegg of Arizona, and Ron Paul of Texas. Some others almost make the cut: Jeb Hensarling of Texas, Chuck Otter of Idaho, Tom Feeny of Florida, Ed Royce of California, and Scott Garrett of New Jersey.

The list is arguable; I note that only two of the five who are labeled libertarian, Duncan and Paul, voted in October 2002 against the Iraq war. To me that is a defining vote. The Republican majority leader, Dick Armey of Texas, a former economics professor, *almost* voted against the war. In the summer of 2002 he came out against the war, but by October Dick Cheney had snookered him into it. Maybe I am sniffing gasoline here, but if there had been 15 or 20 other Republicans standing with Duncan and Paul, ready to back up Armey, maybe the majority leader would have held his ground. *That* would have been noticed.

As much as I hate the war, I'm not one of those who says that no supporter of it can be a libertarian. To me, a libertarian is a person whose most important value is liberty. We can argue about the details, including the war. But if someone's most important value is liberty, he's on my side, and I'm not going to cast him out.

In fact, there are politicians whose most important value is liberty (somewhat narrowly defined), and the ones I know of are Republicans. In my state, the legislative district in a high-tech suburb sends to the legislature a man who years ago in another state ran as a Libertarian and, of course, lost. Having

continued on page 32

The End in Iraq

by Jon Harrison

We won't be defeated militarily, but we can lose nonetheless.

Last June, more than three years after declaring "mission accomplished" in Iraq, President Bush made a secret flight to Baghdad to meet the new Iraqi prime minister, Nouri al-Maliki. That his visit was both surreptitious and brief spoke volumes about the level of security in the Iraqi capital. Despite the blitzkrieg victory of 2003, and occasional tactical successes since (the battle of Fallujah in 2004, and the killing of Abu Musab al-Zarqawi, the head of al Qaeda in Iraq, at the time Bush met al-Maliki), the most powerful man in the world was forced to travel in and out of Iraq virtually incognito. This image and the reality behind it are troubling, and revealing.

Since June, attempts by the Bush Administration and the al-Maliki government to improve security in Baghdad and throughout Iraq have fallen flat. A new program to clean up the situation in Baghdad was announced by al-Maliki at the time of the Bush visit, and additional U.S. forces were brought in to reinforce the effort. It is palpable that this effort to secure Baghdad has failed.[1]

Even so, the administration and its supporters continue to urge more of the same. In a Washington Post op-ed piece on Sept. 12, Bill Kristol, editor of the Weekly Standard, and Rich Lowry, editor of National Review, called for yet more U.S. troops to be deployed to Baghdad. They were, however, unable to adduce any real evidence that such a policy would be effective. Additionally, they ignored the fact that our forces are already woefully overstretched around the world, making a further concentration on Baghdad problematic, to say the least.[2]

Elsewhere in Iraq, outside of the Kurdish area, deterioration continues apace. A Marine Corps intelligence assessment, dated Aug. 16, 2006, declared al-Anbar province, the vast Sunni area to the west of Baghdad, for all intents and purposes lost.[3] In the Shiite south, militias like Muqtada al-Sadr's Mahdi Army, backed by Iran, hold sway. Iraq is falling apart before our eyes, and there appears to be nothing we can do about it.[4]

My home state, Vermont, leads all states in per capita soldier deaths in Iraq. We Vermonters, as much as anyone, want to see the light at the end of the Iraq tunnel. But, as in Vietnam, it simply isn't there.

The parallels with Vietnam are by no means exact. South Vietnam in the 1960s and Iraq today are different in important ways — geographically, ethnically, and culturally. The level of U.S. involvement in Iraq falls well short of our commitment to South Vietnam, where we deployed over 500,000 troops and suffered some 58,000 Americans killed — many times the current total in Iraq. Civilian casualties in Iraq, horrific as they are, cannot (at least not yet) be compared to the hundreds of thousands of casualties suffered by the Vietnamese civilian population between 1965 and 1975. There is no U.S. air campaign against those supporting the insurgency from outside

the country our troops are fighting in, as there was against North Vietnam. This having been said, there remain striking similarities between Vietnam then and Iraq now.

Both South Vietnam and Iraq are artificial constructions, pseudo-nations as opposed to organic nation-states. Each was created by one or more of the great powers during the waning years of western world domination. In the case of South Vietnam, a unitary state (i.e., Vietnam) was arbitrarily split in two by the great powers at the Geneva Conference that followed the French defeat at Dien Bien Phu (1954). Iraq, conversely, never made sense as a unitary state. It was cobbled together by the British out of distinct Shiite, Sunni, and Kurdish territories following the collapse of the Ottoman Empire in World War I.

Despite the blitzkrieg victory of 2003, and occasional tactical successes since, the most powerful man in the world was forced to travel in and out of Iraq virtually incognito.

The differences in their individual creation stories are, however, essentially irrelevant. The key thing to realize is that both South Vietnam and Iraq were neocolonial enterprises that could be maintained only by force. Recall that once South Vietnam lost U.S. support, it fell almost immediately to the North (the North Vietnamese Communists, whether we like to admit it or not, were, for all their brutality, the embodiment of Vietnamese nationalism). Iraq has been kept in existence first by British power, then by the iron fist wielded by Saddam Hussein, and now by American boots on the ground. When those boots depart, centrifugal pressures will cause the Iraqi body politic, already rent by ethnic and religious differences, finally to fall apart. When we are gone (and we will have to leave at some point) the pseudo-nation Iraq will vanish from the map, just as South Vietnam did. The result, so far as the U.S. is concerned, will be the same as in Vietnam: failure to achieve our objectives, leaving a situation worse than the one that existed before we intervened.

What future can anyone seriously envision for an Iraq on its own, other than sectarian strife and de facto or de jure partition, with Iran, patron of the Iraqi Shiites, the great gainer? When U.S. troops leave, Sunni and Shiite and Kurd will not lie down together, except in death. The hope for western-style pluralism and democracy is just that, a hope. What basis anyone had for expecting democratic pluralism to take hold in Iraq, I have been unable to discover. Nation-building must fail where there is no national foundation to build on.

There are definite, almost eerie parallels between U.S. policy in South Vietnam during the 1960's, and Iraq since 2002–2003. Let's start with deception. While it remains unclear to this day why Lyndon Johnson, resoundingly elected president in 1964 as a peace candidate, went to war immediately following his inauguration, we do at least know that the reasons he stated for our intervention — the domino theory, etc. — were false, and known by both Johnson and his advisers to be false.[5] Thus was born the infamous "credibility gap" which just kept yawning wider and wider right up until the day Johnson left office.

Forty years later, it is likewise uncertain why George W. Bush launched Gulf War II. Bad intelligence about weapons of mass destruction or links between Saddam and al Qaeda now seem unlikely to have precipitated his action, while imperial hubris or Oedipal impulses remain possibilities. Few serious people now doubt that deception was employed, at least by some (I am thinking in particular of a man powerful in *both* Bush administrations, and his minions), to get us into this war. No sentient being could possibly doubt that deception about the state of the war and its prospects is ongoing. The credibility gap of 2006 is as great as, or greater than, that of 1966.

In both Vietnam and Iraq we opted for a military as opposed to a political solution. Yet neither Vietnam nor Iraq represented an area of vital interest to the United States. As regards Vietnam, this is not only apparent in retrospect, but was recognized by many thoughtful people at the time — people like Walter Lippmann, George Kennan, and Matthew Ridgeway.[6] But there were countervailing forces at work in the mid-1960s that helped to drag our nation into war (I am thinking, for example, of the China Lobby and its mouthpiece, Joseph Alsop, and the Luce Press).

Iraq, and indeed the entire Middle East, is of strategic importance to the United States only because of its petroleum resources.[7] There has never been any evidence to show that any Arab or Muslim country possessing oil will refuse to sell it to us as long as we can pay for it — except, that is, when Israel is included in the equation. And thus is revealed the true strategic purpose behind the neoconservative agenda to remake the Middle East: *not* primarily to secure U.S. access to the region's oil resources, but rather to preserve and protect the state of Israel — the state that is in fact the one true impediment to our unhindered access to that oil.

It is well known that in 1996 Richard Perle, Douglas Feith, and David Wurmser, all of whom worked assiduously for years to provoke an American war against Saddam Hussein, authored a paper (best known by its shorthand title, "Securing the Realm") addressed to then Israeli Prime Minister Benjamin Netanyahu, which advocated very strong steps to strengthen Israel's security.[8] In the minds of these men — and others, like Paul Wolfowitz, Lewis "Scooter" Libby, and Bill Kristol — Israeli and American interests are coterminous. And therein lay the true motive behind the Iraq war of 2003.

Nation-building must fail where there is no national foundation to build on.

In both Vietnam and Iraq, then, we went to war not because the national interest demanded it, but *in large part* (I do not say entirely) because pressure groups succeeded in goading the U.S. government into armed intervention.[9]

Tactically, American hamhandedness in both Vietnam

and Iraq cannot be denied.[10] In Vietnam we chose to seek out the enemy and kill him with massive firepower, despite the unfavorable terrain and the enormous "collateral damage," i.e., civilian casualties, that resulted. The proper course, if we were going to fight a limited war (as opposed to "bombing them back to the stone age") would have been to secure the population through pacification, while letting most of the enemy forces rot in the jungles and mountains, away from the people.[11]

Our initial tactics in Iraq, during the blitz campaign of March-April 2003, were admittedly deft and effective, rather than hamhanded. But by the late summer of 2003, if not sooner, it had become clear that something was very wrong with the post-blitzkrieg planning. We (or rather, Secretary of Defense Donald Rumsfeld) had chosen to fight the war on the cheap, using only one-third the force originally recommended by the Army Chief of Staff. This was enough to take Baghdad and topple Saddam Hussein, but not nearly enough to secure the country and prevent the cancerous growth of guerrilla groups, militias, terrorists, and criminals that have made Iraq an ungovernable, living hell. Both civilians and the military were slow to recognize the cancer once it appeared, so slow that they lost any chance of cutting it out before it spread.[12] Today, more than three years after the fall of Baghdad, only the presence of U.S. troops prevents Iraq from disintegrating completely. The litany of errors (both of omission and commission), false hopes, broken promises, and outright lies in our Iraq policy will no doubt baffle historians of the distant future, as they try to discern why the most powerful nation in history failed to secure the victory in a secondary theater.[13]

When the Iraq war opened in March 2003, just as our armored spearheads were debouching from Kuwait, I told the president of the company I then worked for, an American-educated Turkish national (the son of a Muslim father and a Christian mother), that our forces would take Baghdad no later than April 15. He was skeptical; but I was right: they took Baghdad on April 9. At the same time, I was telling other friends that after the fall of Baghdad there would still be plenty of Iraqis with automatic weapons and no love for the United States, that we would have to contend with them, and that if we weren't careful we would be in for a long and possibly unwinnable urban guerrilla war, a much bigger Somalia. They too were skeptical, but events have shown that I was more right than not.

I can remember, as a very small boy, sitting at my mother's knee and watching wounded American soldiers being interviewed on television. It was February 1965, and the soldiers had been wounded in the Viet Cong attack on Pleiku in South Vietnam, an event that precipitated our full-scale intervention in that conflict. My mother, who though an educated person was no geopolitical expert, suddenly blurted out (in the voice of the Pythoness, I almost want to say): "We ought to get out of there, and get out fast." The wisdom of her words needs no further explication.

I will close with another prediction. Although the U.S. can never be defeated militarily in Iraq, we will eventually grow tired, as in Vietnam, of the cost in blood and money. And the day will come when helicopters will lift off from the rooftop of the American embassy in Baghdad, carrying the last Americans in Iraq to an ignominious safety. ❑

Notes

1. The Baghdad morgue recorded 3,390 violent deaths in July and August, according to the New York Times (Sept. 7, 2006). See also "Violence Grows, Killing 52 Iraqis, in Face of Security Plan," New York Times (Aug. 31, 2006), "Iraqi Casualties Are Up Sharply, Study Finds," New York Times (Sept. 2, 2006), "New Wave of Violence Flares Across Baghdad," New York Times (Sept. 13, 2006), and "Nearly 100 Killed in Baghdad Over 24 Brutal Hours," Washington Post (Sept. 14, 2006).

2. For Kristol's and Lowry's view see "Reinforce Baghdad," Washington Post (Sept. 12, 2006). Their case is more than answered by Lawrence J. Korb and Peter Ogden, "Why We Can't Send More Troops," Washington Post (Sept. 14, 2006). Korb and Ogden point out that putting more troops into Baghdad would be simply, in their words, "reinforcing failure."

3. See "Situation Called Dire in West Iraq," Washington Post (Sept. 11, 2006).

4. Two books published in July of this year elucidate the failures of U.S. policy in Iraq since the fall of Saddam Hussein. See Peter W. Galbraith, "The End of Iraq" (Simon & Schuster, 2006), and Thomas E. Ricks, "Fiasco" (Penguin, 2006). On the Shiites generally see Vali Nasr, "The Shia Revival" (Norton, 2006).

5. An analysis would be out of place here, but the reader may compare Johnson's well known Johns Hopkins speech of April 7, 1965 (the text of which is available online) to the annex to Assistant Secretary of Defense John McNaughton's memo to his boss, Robert McNamara, a fortnight earlier. The McNaughton memo can be found in the Senator Gravel edition of "The Pentagon Papers" (Beacon Press, 1971), vol. 3, pp. 694–702. The annex opens with a statement of U.S. policy goals in Vietnam, with its notorious breakdown by percentages ("70% to avoid a humiliating U.S. defeat . . ."). Concerning the domino theory specifically, the Pentagon Papers make it quite clear that while the Johnson Administration expected the fall of South Vietnam to be followed by that of Laos and Cambodia, they had no reason to believe Communism would sweep westward to India and eastward to the Philippines, as the theory's proponents had argued. As a purely practical matter, the North Vietnamese, and indeed the Red Chinese, lacked the means to advance successfully beyond Indochina. The logistical requirements for this were beyond their capabilities at the time.

6. Not to mention President Eisenhower, who refused to intervene with combat troops at the time of Dien Bien Phu.

7. Kristol and Lowry, in the op-ed piece mentioned above, assert (without mentioning oil) the overarching strategic importance of Iraq. To back up this assertion they quote not one of the heavyweights of the U.S. foreign policy establishment, but a relatively obscure professor from Harvard Law School.

8. The text of this paper (the full title of which is: "A Clean Break: A New Strategy for Securing the Realm") is obtainable online by simply googling "securing the realm."

9. On the Israel Lobby see John J. Mearsheimer and Stephen M. Walt, "The Israel Lobby and U.S. Foreign Policy," London Review of Books 28.6 (March 23, 2006).

10. The initial U.S. buildup in Vietnam during 1965 was a logistical marvel. The March-April (2003) blitz campaign in Iraq was reminiscent of Patton or Rommel. But after these promising beginnings, the record is pretty dismal, excepting only the outstanding bravery displayed again and again by most of our troops in both conflicts.

11. Pacification was a catchword during the Vietnam War, but it was never actually given a wholehearted trial. The Army abandoned pacification in favor of search-and-destroy from late 1965. The Marines had some success with pacification in the northern part of South Vietnam, but the follow-through was inadequate. This is not to say that had we followed such tactics, victory would have been ours. More likely than not the logic of events would have dictated, at some point, a unification of Vietnam by the North. The U.S., once it chose to fight a limited war, was condemned to a holding action in South Vietnam.

12. Remarkably, the Army and Marine Corps seemed to have completely forgotten the lessons of counterinsurgency warfare that they had so painfully learned in Vietnam, just as in 1965 they had forgotten the same lessons learned in earlier guerrilla campaigns, such as the Indian wars and the Philippine Insurrection of 1899–1902. It was only in the fall of 2004 that the Army issued a new manual on counterinsurgency warfare, replacing one that had been prepared in 1965. On the failure of institutional memory in Vietnam see Cincinnatus [Cecil B. Currey], "Self-Destruction" (Norton, 1981) 12–17.

13. The terrorists and thugs who make up the enemy in Iraq are in no way comparable to the North Vietnamese regulars or even the Viet Cong we fought in Indochina. The NVA in particular were *soldiers* — the best infantry in Asia. The Iraqi insurgents, on the other hand, are little more than gangsters.

The New Civic Religion

by R. W. Bradford

This issue of Liberty marks the first anniversary of the death of our founder, R.W. Bradford, on December 8, 2005.

Bill Bradford was a remarkable writer. He had the rare ability to transform reporting on current events into essays of permanent interest and value — rich and vigorous and fully individual contributions to the literature of liberty. The accompanying article, "The New Civic Religion," appeared in our February 1993 issue. It was written in immediate response to the election of Bill Clinton, but it is just as relevant to the politics of 2006 as it was to the politics of the early '90s.

Bill wasn't merely a remarkable writer; he was also a remarkable human being. (Many writers aren't.) As Bruce Ramsey shows in relating his memories of Bill, once you met him, you would never be able to forget him. — *Stephen Cox*

Now that the election is past, the press has moved its focus from why Bill Clinton should be elected to what a wonderful human being he is and what a swell president he will be. So far as I can determine, Jacob Weisberg is the only Clinton-fawner who has had even the vaguest of second thoughts. The overwhelming majority of other newsfolk remain enamored of their man, and act more like public relations flacks than reporters.

What else is new? I recall after the Reagan victory in 1980, many in the press turned away from dumping on Reagan and began to fawn over Ronnie as though he were a movie star. I remember Dan Rather groveling before Pat Robertson after Robertson's surprise victory in the Iowa caucuses in 1988. Who can forget the "Kennedy-mania" that gripped the press (and the country) after JFK's hair's breadth victory over Nixon in 1960? Or the "Trudeau-mania" that swept Canada after loony Pierre's election in 1968?

Part of this swooning is simply success-worship, a characteristic trait of *Homo americanus.* Just as Americans conclude that money-making is evidence of intelligence in a businessman, so they conclude that electoral success is evidence of wisdom and moral virtue in a politician. Another element is simple bootlicking: the president has many jobs to hand out, and some members of the press corps hope to follow in the heroic footsteps of John Chancellor, Ron Nessen, and Pierre Salinger. And the president has favors to dispense to reporters, ranging from granting private interviews to calling on a reporter at a press conference.

But there is more to this swooning, I am convinced. It is a natural element in the civic religion that has replaced Christianity as America's faith. This religion has many tenets, and though they are generally not stated baldly, they underlie much of public life in America. Among those dogmas are several that go a long way toward explaining the mysteries of the electoral and postelectoral process.

Each of our votes really makes a difference. This belief underlies the repeated exhortation to "get out and vote," and the whole array of variations on the argument, "If you care about the future of your country (or your own future), you should vote." The proposition that each of our votes makes a difference is absurd, even on the face of it. Once in a great while an election, invari-

ably at the local level, is tied or won by a single vote. When this happens, the proponents of voting publicize it far and wide, citing it as evidence that "every vote counts." In reality, the extreme rarity of such cases illustrates the fact that your vote really doesn't make a difference. If you doubt this, ask yourself how many times you have voted and how many of the elections involved would have had different outcomes if you hadn't voted. The answer for virtually all Americans is the same: in a lifetime of voting, their vote has never swung an election.

A corollary to this proposition underlies the two-party monopoly: *don't waste your vote* by voting for an independent or third-party candidate. Your vote is a valuable possession because it really makes a difference, but you waste it if you don't vote for a candidate with a chance of victory (i.e. a major-party candidate). Of course, this makes even less sense than the original proposition that your vote makes a difference. In the overwhelming majority of elections, one of the two contending major party candidates has no more chance of winning than minor party candidates. Why, for example, would any proponent of the "don't-waste-your-vote" argument vote for Bush? By election morning, his chance of victory was the same as Ross Perot's or Andre Marrou's: virtually none at all.

Voting is a virtue in and of itself. "At least he voted," people will say. The Advertising Council produces "get-out-the-vote" advertisements imploring people to vote even if they are so ill-informed, indifferent, or unmotivated that they have no opinion. Some of these ads even suggest making up one's mind while in the voting booth.

Of course, this makes no sense. Is it really virtuous to go to the polls to vote your own narrowly defined self-interest, which may be completely contrary to the common good? Is it virtuous to cast unreflective, thoughtless, ignorant votes? Apparently most Americans think so, else why would people respond favorably when someone says, "I didn't know who I was going to vote for until I got in the voting booth, but I voted."

Winning an election confers a mandate upon the victor, thanks to its demonstration that Americans have a consensus on the important public issues they face. Virtually every election is followed by earnest explanations that the election constituted a "mandate for change" or a "mandate to stay the course," not to mention platitudes like, "the people have spoken."

This is idiotic. For one thing, very seldom is an election won with any substantial margin. Of the 42 presidential elections held under the current electoral system, 15 were won without a majority of voters. Two were won by candidates who finished second in the popular vote. Obviously there were no mandates in these cases.

But it is difficult to perceive a mandate even in the most lopsided victories. Consider the two presidential elections in which the winner amassed the largest victory.

Lyndon Johnson captured 61.2% of the vote in 1964. Naturally, Johnson claimed the people had granted him a mandate for substantial policy changes. Yet in 1960, when Johnson ran for vice president with Kennedy on substantially the same platform, the ticket received only 49.7% of the vote and in 1968, Johnson was so unpopular that he felt obliged to drop out of the presidential race. When Johnson's vice president tried to carry on the LBJ program, he managed to capture only 42.8% of the vote.

Did the American voters change their minds twice within that eight-year period about what direction they wanted the country to go? Or was Johnson's huge majority in 1964 the product of other factors — say, sympathy for the martyred JFK, a desire to stabilize government in the wake of the assassination, and a panicky fear of Barry Goldwater, who had been portrayed in the press as a lunatic?

In 1972, Richard Nixon captured 60.7% of the vote. Yet four years earlier, he was elected with only 43.4% of the vote. Two years after his landslide victory, he was forced to resign from office, and in the subsequent election his party's nominee (and his hand-picked vice president) captured only 48.8% of the vote. Did the voters intend a mandate to enact Nixon's program in 1972? Or did they vote for him for other reasons — for example, gratitude at his having wound down the Vietnam war, a fear of the widely perceived radical leftism of the opposing candidate, or a desire for stability after the chaos of the 1960s?

"Let the word go forth, from this day and hour, that a new generation of Americans . . ." intoned Jack Kennedy upon his election. Yet fewer than half of Americans voted and fewer than half of those voting cast their ballots for Kennedy; he outpolled his opponent by a margin of about 0.15% (i.e., one vote out of every 600 cast), at least according to official figures, which probably reflect significant vote fraud. Meanwhile, the opposition party made major gains in the Congress.

Of course, there are some electoral victories that do constitute mandates for change. A careful examination of electoral history reveals three "mandate" elections: 1980 (Ronald Reagan), 1936 (Franklin Roosevelt), and 1920 (Warren Harding). Reagan wrested the presidency from an elected incumbent by a substantial margin, brought numerous members of his party into Congress, and was reelected by an even larger margin. And he did so running on a platform that differed from current and recent past policies, and was very well known to voters.

Roosevelt had ousted an incumbent in 1932, but that year he ran on a platform of smaller government, lower taxes, the gold standard, and a balanced budget. Upon his election, he immediately abandoned this platform and adopted policies diametrically opposed to much of it. The fact that FDR promised one program and delivered another without upsetting the voters supports the hypothesis that in 1932 the voters were primarily rejecting Herbert Hoover, not issuing a mandate for the radical program that Roosevelt eventually

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enacted. By 1936, Roosevelt's program was partially enacted, and voters knew what he was about; he was reelected with an even larger majority.

In 1920, Harding captured the White House from the opposition with 60.5% of the popular vote, on a platform calling for a return to isolationism, tax reduction, and smaller government. He died in office before having a chance to run for reelection, but not before his program was largely enacted.

If you doubt that your vote doesn't make a difference, ask yourself how many times you have voted and how many of the elections involved would have had different outcomes if you hadn't voted.

His successor was reelected with 54% of the vote, despite the entrance into the race of one of the most credible third-party challengers of this century. (Robert LaFollette captured 17% of the vote.)

But that's it. Try as I might, I cannot see that any other presidential election qualifies as a "mandate for change." That's three elections out of 42, or one election every 84 years, wherein the voters demonstrated anything resembling a mandate for change. In most elections, the electorate splits its votes pretty evenly between two candidates whose programs are very similar. The voters intend no mandate at all.

Armed with our mandate, our leader is able to solve our problems. When Nazism was in flower, Americans liked to make fun of the *Führerprinzip*, or "leadership principle." Yet in our own country, we observe it with religious fervor. If we elect the right person president, he will solve our problems. In times of crisis, the right man comes to the fore, takes charge, and America continues to fulfill its destiny as the greatest country on earth.

I think it is safe to say that the United States has only faced two great crises in its history: the unraveling of the Union that culminated in the Civil War, and the Great Depression that seemed to threaten revolution. In the first case, the winner of the critical election won with less than 40% of the popular vote, the smallest vote to elect any president since political parties took hold. Lincoln's election itself precipitated the Civil War, which resulted in the loss of over 620,000 lives, the destruction of billions of dollars of property, suspension of the Constitution, and the imposition on the nation of conscription, income taxes, and inflationary paper money. In the second case, the nation elected as its president a man who enacted and imposed a political program hardly different from that of Mussolini or Hitler (aside from Hitler's racism), and from which the U.S. still suffers.

Of course, both Lincoln and Roosevelt the Younger are remembered today as great men who saved their nation. These were cases of self-fulfilling prophesies: whoever is leader of any nation during any crisis will be remembered as a great man if the nation prevails. Since Americans are enamored with the *Führerprinzip*, they are inclined to give credit to their leaders when they prevail in a crisis. In fact, the United States prevailed and prospered despite the actions and policies of Messrs Lincoln and Roosevelt. They were not great men; they had greatness thrust upon them. And greatness would have been thrust upon anyone else elected in 1860 or 1932.

How well does the electoral process work? Look at the results. In the half century since World War II ended, we have used this electoral process to select:

- a power-hungry career politician, who had never had a job outside politics;
- a second-rate clubman, incapable of uttering a coherent sentence;
- a modestly successful actor who turned to politics when his movie career faltered;
- a peanut farmer, dependent for his living on a government-granted license guaranteeing a substantial income;
- a career politician, who used the power of his office to undermine the electoral process;
- a megalomaniac who made himself a multimillionaire while in elected office, raised taxes repeatedly and got us into a war that cost billions of dollars and tens of thousands of American lives;
- a playboy pushed into office by his ambitious father;
- a retired military leader;
- a failed haberdasher, who advanced in politics as the agent of a corrupt political machine.

Can you imagine any of them achieving anything in any other field? Which of these men, if he hadn't pursued politics, could have been a successful scientist? a successful writer? a successful anything? Sure, the clubman made some money in business as a young man, before he began to pursue power on a full-time basis. Yeah, the military man was a bigshot in World War II, but this was a case of greatness thrust upon the man. Sure, the playboy "won" a Pulitzer Prize, but his book was written by a hireling and the prize was awarded only after his father spent a fortune campaigning for it. Only the actor had anything resembling a successful career outside politics.

Indeed, the two presidential contenders during this same period who demonstrated genuine character were soundly defeated. I refer, of course, to Barry Goldwater and Eugene McCarthy, both men of conviction, and considerable decency and honor. Goldwater won his party's nomination, only to face humiliating defeat in the voting booth. McCarthy managed to unseat the incumbent president of his own party, but failed to come close to capturing its nomination.

USA Today's headline the morning after the election was "LANDSLIDE." Yet Clinton got a smaller percentage of the vote than Dukakis got when Bush clobbered him in 1988.

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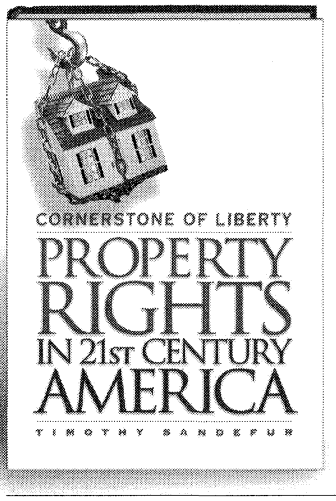

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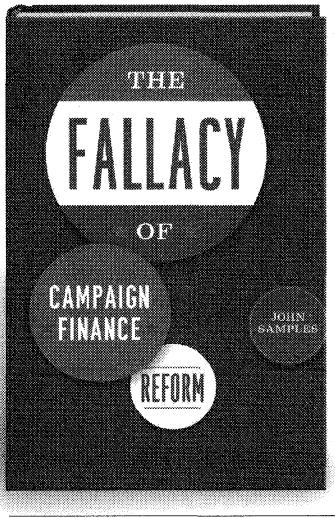

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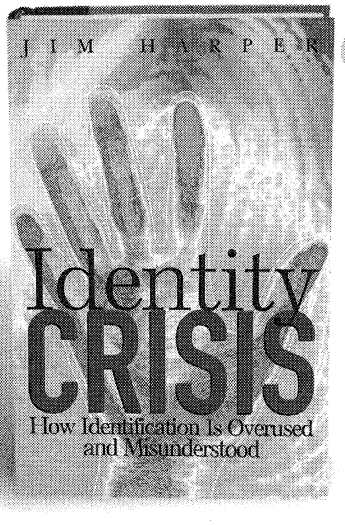

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Once the people have spoken, we must unite behind our leader. This is a corollary of the last two principles. We give our leader a mandate and he solves our problems. But if we perversely refuse to unite behind our leader, then his hands are tied, and our problems may get worse.

The commentator on ABC who exhorted us to unity behind our new leader, and excoriated Sen. Bob Dole for saying that he expected his party to provide critical oversight on Clinton, based his beliefs on the *Führerprinzip.* (He stopped short of accusing Dole of treason, barely.)

The desire for a mandate and for unity takes many amusing forms. My own favorite example was USA Today's headline the morning after the election: "LANDSLIDE." This was an enthusiastic characterization, to say the least, considering that Clinton got a smaller percentage of the popular vote than Michael Dukakis got when Bush clobbered him in 1988.

In fact, since our current electoral method has been in place, only two presidents have ever been elected with a smaller portion of the popular vote than Clinton's. In 1912, Woodrow Wilson took advantage of a split in the Republican Party to sneak into the presidency. Wilson's administration brought us the income tax, World War I, the effective abolition of freedom of speech, and national prohibition. In 1860, Republican Abraham Lincoln was elected with 39.6% of the vote, thanks to a split in the Democratic Party. His election brought us the Civil War and all its attendant horrors. Let's hope Clinton's administration will be better than these.

The Civic Religion has many other doctrines, equally unexamined, equally idiotic, but all serving a critical function. They are lies on which our civic life is based. ❑

Fascinating to the End

by Bruce Ramsey

I last saw Bill Bradford on Dec. 7, 2005, the night before he died. I had not seen him since May, when he had come to Seattle for treatment of a cancer he thought was not terminal. By late July I could tell from his description over the telephone that it probably was. I didn't say so and neither did he, though he talked about the future of the magazine *if* he didn't make it. We talked several times more on the phone, but I did not take the half-day needed to go over to his place in Port Townsend. It was never urgent. Then suddenly, it was.

The Bill I visited on December 7 was pale and skinny, and had aged 30 years in so many weeks. He had had the aid and comfort of his wife Kathy, and of the Virginia Mason Clinic in Seattle, but the cancer had got him. He was slumped in an easy chair, his neck no longer willing to hold up his head. He spoke only occasionally, as if he were at the bottom of a mineshaft. I sat next to him and talked. By and by I asked if he was following me.

"Yes," he whispered. *"Keep talking . . . Fascinating."*

He had used that word on the phone a month before. *Fascinating*. Bill had lost the energy to do much more than listen, but the world still fascinated him. It could even annoy him; at one point someone was talking about the sluggish service in the local restaurants, and Bill broke in with that ominous whisper: *"Port Townsend . . . Get used to it."*

Pretty soon I emptied out, Bill's sister Barbara took over, and Ross Overbeek and I went for some Thai food. We returned with boxes of padang beef and chicken krapao, and all present tucked into the victuals except Bill. I began thinking of the man — not the ghost across from me but that other Bill, the one I remembered.

In February 2003 I had gone to see him, crossing Puget Sound by ferry, and Hood Canal, which is not a canal, by pontoon bridge. I arrived at Port Townsend, the home of Bill and Kathy and Liberty.

Bill and Kathy had been born in the Midwest. They had moved to the Evergreen State in the '80s, partly because it

was one of the handful of states without an income tax. They had stayed away from the urban agglomeration of Seattle and had chosen Port Townsend, an antique town on the northeast corner of the Olympic Peninsula. It had a pulp mill, a ferry to Whidbey Island, and shops for the tourists. It is the sort of town that holds writers' workshops and votes Democrat.

In the late 19th century Port Townsend had been an actual port for sailing ships to stop at customs. The town promoters had envisioned an important city, but they had put it on the wrong side of Puget Sound for rail connections to the East, and in the Crash of 1893 its exciting future had gone extinct. In the 1990s Bill and Kathy bought a red brick office building that been held by Jefferson County 70 years for nonpayment of taxes.

The building's main door was unmarked. Up a wooden stairway was a second unmarked door, behind which was Liberty. Bill was not community-minded and did not want to be bothered by boosters. He did not like the local government. He told me of a run-in with the Port Townsend Historical Commission, which had authority over his officially historic building. He wanted to build a shed on the roof, and the officious commissioners did not want him to build a shed on the roof. Well, God rest his soul, Bill did not like public servants.

That night I had stayed up with him until 1 a.m., talking — about the bureaucrats, libertarian foundations, Republicans, Libertarians, fundraising letters, the gold standard, national bank notes, the newspaper business, editing, various Liberty editors, and so on. Then I went off to sleep and Bill went to work, editing copy until 6 a.m. At night, nobody called him on the telephone. Bill loved good talk — ideas, arguments, political gossip — and he had to seclude himself in order to get his work done.

Sunday morning I was in Liberty's offices alone. They were an archaic arrangement of space, with an open stairwell between the second floor and the third, where there were odd small rooms. In one of the large rooms was a library, where I poked around among the high shelves of unfashionable books. Bill had bought books from the estate of Isabel Paterson, and hundreds of other volumes. He had everything from Mencken and Mises to Faustino Ballve — titles I knew by reputation and ones I had not seen in 20 years.

I could have spent the whole morning prowling among Bill's books, but the sunlight slanting through the high, wood-edged windows told me it was time to do some work. The previous evening I had wrestled some magazine copy to the point of dismemberment. One libertarian author was responding to another libertarian author, and not well. Several times I stopped and wondered if Bill had really meant it when he'd told me to do whatever it needed to make it read well. I decided he did, and mumbled my apologies to the writer's ghost.

Bill tromped up the steps around noon. He was not interested in working. He wanted to show me his land, so we fled the antique stores and world-savers of Port Townsend and went toward the logger country at the edge of the Olympic Mountains.

Bill turned onto a dirt road off U.S. 101, through a locked gate, past a shuttered campground and some hermits' cabins posted No Trespassing. I'm a city guy, and I envisioned some survivalist popping up with a shotgun and demanding to know who the hell we were. Bill didn't worry about it. From the crest of a hill we looked down on a wild river that tumbled out of the Olympic National Park, and a roiling expanse of trees. "That's my property over there," he said. All green.

We had to get to it another way. Bill lurched his truck down a slope toward the river. Here we were on his property but could nowhere see the whole of it. A previous owner had built a cabin, but nothing was left but a tangle of rusted steel and a derelict bathtub. Around it were rain-loving maples and the redwood-like western red cedar, not too thick because the soil was rocky, but thick enough to filter the sun. Toward the river were patches of boulders, and you could see where the river had run over its banks. Bill's property looked lush from a distance, but close up it was rough, its only natural bounty being the salmonberry, edible but not tasty. The place would be gloomy when it rained, which would be often. It was secluded, though; you might see an eagle there, or a bear. It was just the sort of place where you could step off your front porch and pop off a few rounds, which you could not do in Port Townsend.

There was always something provisional and experimental that made Bill's radicalism down to earth. He tolerated my pragmatic streak.

Bill told me Kathy was not sold on his idea of building and moving there. I could see why. Anyway, there was the magazine. In the woods, he would have freedom but be too far from Liberty.

I once had breakfast with a former employee of Bill's who said Bill was a fine writer and editor but not disciplined with his time. "Bill bites off more than he can chew. It's an old habit." The magazine was often late, the web page was years out of date and a subscription mailing was long overdue. Bill was *always* busy, but not always busy on things of commercial importance. He was the boss — one could not imagine R.W. Bradford as an employee — but just as clearly he needed to be managed. I imagined Kathy did a fair share of it, but I could see that Bill was not altogether manageable. Well, he was a libertarian.

He was 55 years old that weekend I spent with him. He told me he had diabetes and said his doctor had told him to lose 20 pounds. He said he'd been good about his diet, and he knew a great place to have a burger and curly fries. We had them. We were both having a good time. Bill needed an excuse to get out of the office; he looked ragged, with more gray in his hair than I remembered from the last Editors Conference. He said he wondered how many years he would be able to keep going at the magazine, and that Kathy worried about his health. She was right about that, more than we knew.

Before he died, Bill told Kathy to scatter his ashes on their river property. She told me recently she had not done it because the state wants the land for a park. Bill would not want his ashes on government property.

I first dealt with Bill almost a third of a century ago, entirely over the phone, during the silver and gold boom of the 1970s. He was in Michigan then, in the coin business. In my journal of Jan. 16, 1974, I wrote: "I bought the bag of Canadian silver, at the equivalent of $3.34 an ounce, or $1,985 for $1,000 in coins."

Bill shipped me a bag of 10,000 dimes. It was not so big, but remarkably heavy. I dumped it out on a Persian rug with a KA-*whoosh*, and started counting it. My hands turned gray with silver. I compared the small stacks of dimes I had counted with the uncounted heap and gave up, scooped my hoard back in the bag, and buried it under the house. Four months later I dug it up and sold it back to Bill. In 1987, when I contacted him in Port Townsend about his new magazine, I told him I had been one of his coin customers. He had one question: "Did you make money?" I told him I had made $850. "Good," he said.

Bill loved good talk — ideas, arguments, political gossip — and he had to seclude himself in order to get his work done.

Bill launched Liberty at a time when I was not much interested in libertarianism, and he managed to rekindle an affection for it. I have always liked to write arguments; for most of the 1980s I had written a business column for the Seattle Post-Intelligencer. But by the early 1990s I had a job for Asiaweek, a Hong Kong newsmagazine for which my writing was non-argumentative and my identity invisible. I chafed under that. I was forbidden to write freelance, so I wrote for Liberty under a pseudonym, R.K. Lamb, with the first article, about Hong Kong, appearing in March 1990. There followed another in 1992, and I have been in the magazine every year since — and, after 1993, under my real name.

Sometimes my friends would say, "Why are you writing for Liberty? You could do better." Well, I liked Liberty. And the biggest reason was that I liked Bill. I liked his mind. He was more radical in his beliefs than I was, but was not a hedgehog about them. He once said, "You know, Liberty is a radical magazine," and I thought, yes, I suppose it is, but there was always something provisional and experimental that made Bill's radicalism down to earth. He tolerated my pragmatic streak. Once he even let me write an article defending fiat money, a stand he thought was terrible.

Bill was also a businessman. Most libertarians are pro-business but not worth a damn *doing* business. Bill had a mind for it. He was not interested enough to establish a big, efficient enterprise, but with Kathy's help he did establish Liberty as a going concern, keep it alive for nearly 20 years and make arrangements to keep it going after he died. He didn't float it on corporate donations, either. He was appalled at how much certain libertarian enterprises spent and was proud that he had accomplished so much with so little.

I left Bill that December 7, telling him that he was a fine man and an important influence on my life. He nodded and waved a hand. I drove back to Seattle in the dark.

Bill was an admirer and defender of Henry Mencken, a man who once said he judged people by whether they kept their commitments. Bill kept his commitments to me. He paid his way in the world, including the medical expenses of his terminal cancer, which he bore without insurance. He created the libertarian movement's principal inreach magazine, and kept it lively, a bit eccentric, and out of the clutches of any faction. He once told me he had the only magazine that undertook to cover the Libertarian Party in every national campaign, and the only one to which the party had ever denied press credentials. He encouraged me to write things I would not have written otherwise and got them into print. He helped resurrect my interest in things libertarian, and spurred me to write pieces I am fairly proud of. He did not demonize his opponents. He had a vision of a world different from this one, but he found this one fascinating to the end. I liked Bill, and I miss him a lot. ❑

Our Allies, the Conservatives, *from page 22*

won here as a Republican, he has done several good things — among them, an objection to his fellow legislators' declaring emergencies more than 100 times a year, in order to sidestep part of the state constitution.* He has not ended this practice, but he has helped to embarrass them into limiting it.

Considering state-level politics also clarifies the argument I am making here. At the state level the Republicans cannot do anything about war and foreign policy, or much about abortion. There is much jawing about gay marriage, and I don't share the abhorrence of it. But mainly the battles in my state are about money. Every year the Democrats want to spend more and the Republicans less. That pattern is consistent and predictable: Democrats more, Republicans less.

Over the years, the cumulative outcome of these battles determines whether you will live in a high-tax state or a low-tax state, a high-regulation state or a low-regulation state. And that will make a difference to you of several thousand dollars a year and whether you can smoke in a tavern or burn some pizza boxes in your backyard.

Want to affect the outcome of that? You have to *take sides*.

Libertarians are different from religious conservatives and militaristic nationalists, but they should accept that in the larger culture they are part of the Right, as Economist correspondents John Micklethwait and Adrian Wooldridge documented in "The Right Nation" (2004). "The American Right exhibits a far deeper hostility toward the state than any other modern conservative party," they wrote. "How many European conservatives would display bumper stickers saying, 'I love my country but I hate my government'? How many would argue that we need to make government so small that it can be drowned in a bathtub?"

It was Grover Norquist who said that last remark — the conservative who describes his allies as the "leave-us-alone coalition." Libertarians are part of that coalition. How could they not be a part of it?

The core value of libertarians is self-reliance. Their core objective is to constrain the state. Historically the small state demanded strong families, strong companies, and strong fraternal and civic organizations, including strong churches. All these are celebrated by conservatives. Liberalism has tended to drain them, leaving the field to the therapeutic and administrative state, with its tax eaters and permit czars and behavior facilitators, and the individual with his private room. I like that private room, but it is not enough. ❑

*See "Referendum Runaround," Liberty, November 2005.

Franklin and His Critics

by Mark Skousen

"Let all men know thee, but no man know thee thoroughly."
— *Poor Richard's Almanac*

Was Benjamin Franklin an indispensable public servant, or a cunning chameleon? A believer, or a heretic? A hard-headed entrepreneur, or an opportunistic privateer? A devoted family man, or a salacious womanizer? An important scientist and inventor, or a hoaxer and self-promoter? The first civilized American, or the most dangerous man in America?

Probably, he was all of the above. But no matter where you come down on this debate, one thing is clear: Franklin's stature has increased dramatically since his death in 1790.

A recent AOL poll ranked him after Washington as America's most admired founder. None of the others (Jefferson, Adams, Madison) even came close. This year, the nation celebrates Franklin's 300th birthday with fanfare: two commemorative coins by the U.S. Mint, four stamps by the U.S. Postal Service, and a national exhibit that is making its way around the country. A bevy of biographies has been published, and most of the books are laudatory. H.W. Brands identifies Franklin as "the first American . . . who is perhaps the most beloved and celebrated American of his age, or indeed of any age."[1] Michael Hart ranks him as "the most versatile genius in all of history" — the most multi-dimensional of the founders as businessman, scientist, writer, and politician.[2] Joyce Chaplin identifies Franklin as one of only two scientists in the world who have achieved "international icon" status (the other is Einstein).[3]

Many consider Franklin the cultural father of American capitalism, because of his emphasis on self-education, industry, and thrift. And Gordon Wood argues that Franklin was second only to Washington as America's "necessary man," the man who single-handedly raised 34 million livres (equivalent to $14 billion in today's money) to finance the war of the revolution. Washington won the war at home, but Franklin won the war abroad: "He was the greatest diplomat America has ever had."[4]

I was privileged to be part of the Franklin celebration when, last April, I was invited to speak at the First Day Issue Ceremony in Philadelphia for the four commemorative stamps honoring Franklin as a printer, scientist, postmaster, and statesman. I've been an admirer of this versatile genius since reading his "Autobiography," which is rightly regarded as America's first "how to" self-improvement book, championing the virtues of industry, thrift, and prudence. Over the years I've collected dozens of other books on him, including the voluminous edition of his "Papers" compiled and edited by Yale University Press. It was while reading through the "Papers," now approaching 38 volumes, that I came up with the idea of completing the "Autobiography." These memoirs end abruptly in 1757, just as Franklin is about to embark on his career as an international political figure. He lived another 33 years as colonial agent, revolutionary, signer of the Declaration of Independence, America's first ambassador, and delegate to the Constitutional Convention. In going over the "Papers," I realized that it might be possible to gather together

the autobiographical passages from his letters, journals, and essays, and complete his story, all in his own words. The result was "The Compleated Autobiography by Benjamin Franklin," published this year by Regnery.

Yet I have sometimes wondered whether my admiration of Franklin was misplaced, and how, if at all, his ideas could be defended.

Among libertarians, there is a great deal of animosity toward wise ol' Dr. Franklin. Just last month, for example, I came across an article called "Benjamin Franklin Was All Wet on Economics," written by a college student for the Mises Institute website. The author focused on Franklin's labor theory of value and his support of paper money.

No doubt the philosopher was seriously misguided on a number of important issues. Yet, if we are willing to take a broad view of his economics, a case can be made that even in this area he was a sound thinker. Actively involved in the creation of the three major documents of American government (the Declaration of Independence, the Articles of Confederation, and the Constitution), Franklin was an advocate of a limited central government. "A virtuous and laborious people may be cheaply governed," he declared. He was a disciple of Adam Smith and free trade, and was enamored of the laissez-faire policies recommended by the French physiocrats (Turgot, Condorcet, et al.). His are the admirable sayings: "*Laissez nous faire*: Let us alone. . . . *Pas trop gouverner*: Not to govern too strictly."[5]

Franklin was certainly no Keynesian. He defended the rich and worried about how incentives for the poor would be affected if the state adopted a welfare system. He was no Malthusian, either. He opposed a minimum wage law and wrote in favor of free immigration and fast population growth. He rejected any form of state religion or mandatory religious oaths and demanded that slavery be abolished in the new nation — in 1789. And he learned by sad experience (through the careers of his son and grandson) that public service is less rewarding than private business. His ideas on foreign policy anticipated George Washington's farewell address by nearly 20 years. In 1778 he stipulated that "the system of America is to have commerce with all, and war with none."[6]

Granted, he was no anarchist. In economics, he did favor paper money and a "real bills" doctrine of expanding the money supply beyond specie, though "no more than commerce requires."[7] He believed that easy money would facilitate trade. During the American revolution he justified the runaway inflation of paper "Continentals" as an indirect way for all Americans to pay for the war, although he begged Congress to improve the creditworthiness of the United States by paying interest in hard currency. He was a strong supporter of Hamiltonian-style central banking and an investor in the Bank of North America. His likeness on the $100 bill — the highest denomination of an irredeemable American paper currency — would greatly please his vanity.

Franklin single-handedly raised the equivalent of $14 billion in today's money to finance the revolution. Washington won the war at home, but Franklin won the war abroad.

He argued that the state should be actively engaged in the free education of youth and other public services, and in dispelling the ignorance represented by public fads and superstitions. From several sources, it appears that he was in league with Jefferson in emphasizing "life, liberty, and the pursuit of happiness" as the goal of government, downplaying John Locke's inalienable right to property. Property, he wrote, is purely a "creature of society" and can be legitimately taxed to pay for civil society. He was quite critical of Americans who were unwilling to pay their share of society's "dues."[8]

None of this is likely to endear Franklin to libertarian theorists, and it hasn't. Among them, the leading detractor has been Murray Rothbard, who in his four-volume history "Conceived in Liberty" describes Franklin as "perhaps the most over inflated [leader] of the entire colonial period in America." At every turn in the history of the American revolution, Rothbard deprecates Franklin's achievements and accentuates his peccadilloes. He finds in the sly Dr. Franklin "a sinister, subversive devil . . . an opportunist par excellence . . . cunning . . . fawning . . . meddling . . . opportunistic hedonist . . . "[9]

According to Rothbard, Franklin was a warmonger, a Tory imperialist, and a speculator with his "cronies" who engaged in a "pattern of plunder of the American taxpayer" during the war. His Albany Plan was far more than an innocent way to unify the nation; it was a deliberate attempt to create a "central super government." Franklin comes off almost as badly as the "deep-dyed conservative" Washington, who is characterized as a fumbling, inept general who sought to "crush liberty and individualism" among his soldiers and impose a "statist" army.[10]

Rothbard would have preferred as American commander "the forgotten hero," the "brilliant, gifted" Charles Lee, champion of "liberty and guerrilla war." And instead of Franklin as envoy to France, Rothbard would have selected the "estimable liberal" Dr. Arthur Lee.[11] Never mind the fact that other historians uniformly describe Arthur Lee as a "bilious" and "cantankerous" patriot who hated America's French allies and accomplished little himself. Rothbard also likes Thomas Paine, promoter extraordinaire of the American cause — while ignoring the fact that Paine's mentor was none other than Benjamin Franklin, and that Franklin was a lifelong supporter of Paine's ideas. What did Paine see that Rothbard couldn't?

Rothbard never explains the way in which somehow, by July 1776, the "Tory imperialist" suddenly became the "radical revolutionary" and co-conspirator of John Adams and Thomas Jefferson. Indeed, Franklin was one of the first of the founders to call for independence. As early as 1771, he observed that the "seeds are sown of total disunion" between England and her colonies. In 1775, he drafted a resolution to Congress to dissolve "all ties of allegiance" with a country that had failed to "protect the lives and property of [its] subjects," adding: "It has always been my opinion that it is the natural right of men to quit, when they please, the society or state, and the country in which they were born, and either join with another or form a new one as they think proper."[12]

Furthermore, Franklin (like Rothbard) appears to have been an advocate of natural rights: "I am a mortal enemy to arbitrary government and unlimited power. I am naturally very zealous for the rights and liberties of my country, and the least encroachment of those invaluable privileges is apt to make my blood boil."[13] No modern libertarian could have said it better. It is surprising that modern libertarians should fail to give Franklin credit for the "radical" and "libertarian" Pennsylvania Constitution written in 1776 and endorsed by him throughout his lifetime. And what about his critical role in raising military and financial aid in France? This is what we receive from Rothbard's witty but poisoned pen: "The wily old tactician Franklin proved to be a master at the intricacies of lying, bamboozling, and intriguing that form the warp and woof of diplomacy. Moreover, the old rogue was a huge hit with the French, who saw him as the embodiment of reason, the natural man, and *bonhomie*."[14] Rothbard is deadly silent about Franklin's thrill of victory and Arthur Lee's agony of defeat when it came to fundraising for the American cause.

Unfortunately, the only biography that Rothbard recommends is Cecil B. Currey's "Code Number 72: Ben Franklin: Patriot or Spy?", which accuses Franklin of being a double agent for the British. (Carl Van Doren's "Benjamin Franklin" [1938] is the most comprehensive work in the field, and quite different in its conclusions from Currey.) Currey is a tough-minded researcher but ignores the evidence that doesn't fit his agenda. "I have not . . . pretended to write a 'balanced' picture of Franklin (for I have focused on his shadows)."[15] Currey put together a sizeable amount of circumstantial evidence that while Franklin was ambassador to France he played both sides of the conflict. "The story involved treason, breaches of security, lackadaisical administration, privateering, misplaced truth, war profiteering, clandestine operations, spy apparatus, intrigue, double-dealing." Today we know that Franklin and Adams were surrounded by spies, including one of their secretaries, Edward Bancroft. "A cell of British Intelligence was located at Franklin's headquarters in France, and Benjamin Franklin — covertly perhaps, tacitly at least, and possibly deliberately — cooperated with and protected this spy cell operating out of his home in France from shortly after his arrival in that country until the end of the war."[16]

It is true that Franklin loved England before he loved France. He lived in London for nearly 20 years and considered it home, more even than Philadelphia. His son William was so enamored with the British Empire that he remained a loyalist throughout the war, thus giving rise to the rumor that his father was a double agent. In France, Franklin met with British agents and listened to their offers of honors, emoluments, and bribes. He did little to hide his activities and papers from alleged spies, whether French or British. And, yes, he was identified clandestinely as "Number 72."

But it is also clear that Franklin broke with his son and was so bitter about being deserted "in a cause where my good fame, fortune and life were all at stake" that they never reconciled. Currey is correct that the British had a code number for Franklin, but the French also had a code for him ("Prométhée," the Greek god who brought fire from heaven). The British had code numbers for almost everyone, including Washington ("Number 206"). And British and French spies were so common that Franklin simply ignored them.

Again, it's important to look at the big picture. If indeed Franklin was playing both sides of the war, would he have worked so enthusiastically to obtain essential aid from France? If you buy Currey's argument, you could just as easily make the argument that Arthur Lee and even John Adams were traitors, because both seemed to make every effort to insult the French and sabotage Franklin and his fundraising efforts. Practically every historian today agrees that without Franklin, the French would not have given the financial and military support necessary to win the war at Yorktown.

Franklin defended the rich, opposed a minimum wage law, and worried about how incentives for the poor would be affected if the state adopted a welfare system.

Nevertheless — and this demonstrates the influence of Rothbard in libertarian circles — when Gary North devoted the 1976 bicentennial edition of his "Reconstructionist" journal to a symposium on Christianity and the American Revolution, he chose only one historian to write "The Franklin Legend," Cecil Currey. Today Currey's book is out of print, and for good reason. Franklin clearly switched from loving the British Isles to hating the Crown and its ministers. He considered the War for Independence "the greatest revolution the world has ever seen" and a "miracle in human affairs."[17]

But let's consider some other historians' attacks on Franklin. Tom Tucker wrote an entire book ("Bolt of Fate" [2003]) contending that Franklin's famous kite experiment was faked, that it was one of Franklin's hoaxes. His evidence? Franklin didn't write about the kite story for years, and the only detailed account was written by his friend Joseph Priestley, some 15 years after the event. Yet according to Priestley, Franklin dreaded the ridicule of performing an unsuccessful experiment in public, so he used his son William as his only witness — and William never denied the kite test, even after he and his father had become estranged.

Another assault on Franklin is embodied in "Runaway America" (2004), by David Waldstreicher, who argues that Franklin masked his true feelings about slavery, and that he was a slave trader and slave owner in an age of supposed freedom and equality. Here again the author ignores or downplays contrary evidence, such as the fact that in 1763 Franklin visited the Negro School of Philadelphia, which he helped establish, examined the students, and discovered "a higher opinion of the natural capacities of the black race . . . Their apprehension seems as quick, their memory as strong, and their docility in every respect equal to that of white children."[18] Franklin was never much of a slaveholder — compared, for example, to Washington or Jefferson — and the few slaves he held as servants were freed in London before he returned to America in 1775. Two years before he died, he became president of the Philadelphia Society for the Abolition of Slavery and helped introduce legislation in Congress to abolish slavery once and for all.

Franklin has been blamed for abandoning his devoted wife, Deborah, and becoming a lecher in London and France. There is plenty of evidence to support a charge like this. He wrote several risqué bagatelles, such as "Advice to a Young Man on the Choice of a Mistress," and "The Speech of Miss Polly Baker," which defends a single mother who was prosecuted for the fifth time for having an illegitimate child. Franklin himself had a "natural" son, William. In his "Autobiography" he confessed that, as a young man, his "hard-to-govern'd passion of youth" led him into "intrigues with low women." (This paragraph was censored in grade schools until the early 20th century, when, presumably, it was realized that children no longer understood what this usage of "intrigues" might mean.) Carl Van Doren says that "he went to women hungrily, secretly, and briefly."[19]

In 1730, Franklin entered into a common-law marriage with Deborah Read, whose husband abandoned her without a divorce. Together they raised William and had two children of their own: Franky, who died of smallpox at age four, and Sally, who cared for Franklin in his final years. Despite all the rumors, there is no hard evidence that Franklin sired any other illegitimate children. He settled into a faithful relationship with his wife in Philadelphia and focused on his printing business.

The relationship changed in the last 18 years of their marriage, when they lived separate lives. But he did not by any means abandon her. When he was made a colonial agent in 1757 and moved to London, he begged her to come with him, but she had a mortal fear of crossing the ocean and repeatedly refused. "I have a thousand times wished my wife with me, and my little Sally," he wrote from London. Over time, they drifted apart emotionally, corresponding largely about mundane household matters and local gossip. Claude-Anne Lopez, a Franklin expert, notes that "it strains credulity to imagine that so vigorous a man was never unfaithful in all that time."[20]

Deborah died in late 1774, when Franklin was still in London. Two years later, as a widower, he was back in Europe. The French lionized the American ambassador, who developed a considerable friendship and correspondence with several beautiful French women, including Madame Brillon, who was an artist and musician, and the wife of a diplomat. Their relationship supposedly never went beyond friendship, although Franklin admitted to a friend, "I sometimes suspected my heart of wanting to go further."[21] Their letters are intimate and flirtatious, and fun to read. (See chapter 6 of "The Compleated Autobiography.") He considered flirtation a legitimate "amusement" and refuge from a grueling schedule of diplomacy. Gossip spread about him and Madame Brillon. Her husband once found them kissing; they played a game of chess in her bathroom; she sat on his lap at a dinner party attended by John and Abigail Adams, puritans who were "disgusted" by Franklin's behavior. Jefferson observed that "in the company of women . . . he loses all power over himself and becomes almost frenzied."[22] One of his critics wrote this ditty:

> Franklin, though plagued with fumbling age,
> Needs nothing to excite him,
> But is too ready to engage,
> When younger arms invite him.[23]

Franklin considered flirtation a legitimate "amusement" and refuge from a grueling schedule of diplomacy.

The old doctor was 70 years of age when he arrived in France in 1776. During his long stay he suffered severely from gout and kidney stones. Sometimes he could hardly walk. It is doubtful that he fulfilled his sexual fantasies in any meaningful way. As historian Robert Middlekauff suggests, "Reading his correspondence of this period and remembering what we know of his physical condition, we might conclude that Franklin's sex life was very much like Jane Austen's novels — all talk and no action."[24]

Franklin was often criticized by contemporary Christians for his heretical religious views. He was not a churchgoer, and had doubts about the divinity of Jesus. But he believed in God. A deist for most of his life, he supported a pragmatic religion that favored good works and charity more than simple faith and hope. And by "good works," he said, "I mean real good works, works of kindness, charity, mercy, and public spirit; not holiday-keeping, sermon-reading or hearing, performing church ceremonies, or making long prayers, filled with flatteries and compliments, despised even by wise men, and much less capable of pleasing the Deity."[25] Franklin is justly famous for engaging in innumerable civic and charitable causes throughout his adult life — and into the afterlife, by means of his perpetual fund, established in his will, for the benefit of young tradesmen in Boston.

But to return to the heart of libertarian concerns about Franklin, it can be said that, in many ways, he was America's first champion of free enterprise. Economists of the "Austrian" school, who have been so influential on modern libertarian thought, would be pleased with his emphasis on entrepreneurship, industry, and thrift. Eugen Böhm-Bawerk and Max Weber recognized his genius, and so did American capitalists Andrew Carnegie and Thomas Mellon, who were deeply influenced by the "Autobiography." Franklin anticipated the incredible material and technological progress that America has made in the centuries since its founding. An incurable optimist, he was always bullish on America, and life in general. At the end of the War for Independence, he predicted, "America will, with God's blessing, become a great and happy country." The United States, he said, is "an immense territory, favored by nature with all advantages of climate, soil, great navigable rivers and lakes . . . [and] destined to become a great country, populous and mighty." More importantly, he told potential immigrants that the country "affords to strangers . . . good laws, just and *cheap* government, with all the liberties, civil and religious, that reasonable men can wish for." (He underlined the word "cheap.")[26]

What were his politics? Franklin was opposed to a strong central executive. In his original draft of the Articles of Confederation, he proposed twelve members of the executive instead of one president, to disperse political power. He opposed

public "offices of profit." As Bernard Fay concludes, "They [Congress] were directly opposed to Franklin's philosophical tendency, which might be summed up in this formula: the least government possible is the greatest possible good."[27]

Certainly he was no social libertarian, despite his image as a libertine and free thinker. While he is famous for reading books in the nude, frequenting the salacious Hell-Fire Club in London, and flirting with French ladies in Paris, he wrote stern letters to his daughter Sally chastising her for wanting to wear the latest fashions while a war was going on, and he refused to buy his grandson Benny a gold watch while in France. He dressed plainly and constantly preached economy. He always promoted frugality and industry in both public and private life. Readers might be surprised by his attack on the growth of taverns in Philadelphia upon his return from England in 1762. Though a defender of free speech, he railed against scurrilous newspaper reports.[28]

There is nothing special about this side of Franklin. His distinctive contribution is not found in his lectures on the more conventional virtues but in his openness to the new, entrepreneurial, can-do spirit. He lambasted privileged public offices and aristocracies of birth, and told European immigrants that "in America, people do not inquire concerning a stranger, *What is he?* but *What can he do?*"[29]

He illustrated what an individual could do by doing it himself, helping to finance good causes with his own business profits. He was civil-minded early in his career, involving himself with the nation's first fire company; the nation's oldest property insurance company; and Philadelphia's own hospital, library, and militia. All were created with mostly private funds. "America's first entrepreneur may well be our finest one," concludes John Bogle, founder of the Vanguard family of mutual funds.[30]

Like all the founders, he had his share of foibles. How should one weigh his mammoth achievements against his inscrutable flaws? Before you make up your mind, I suggest you spend a few days reading Franklin's own accounts of his life. You may see a different Franklin from the man his critics and I have described.

Libertarians are not used to winning. They prefer being in the minority. They figure that if they are victorious, they must be compromising their principles. That may be what galled Murray Rothbard: Franklin was so damned successful as a scientist, businessman, and diplomat. To libertarians, it may help to know that he wasn't always successful. He had his share — and perhaps more than his share — of enemies. Here's his philosophy about his critics: "As to the abuses I have met with, I number them among my honors. . . . The best men have always had their share of this treatment . . . and a man has therefore some reason to be ashamed when he meets with none of it. Enemies do a man some good by fortifying his character. I call to mind what my friend good Rev. Whitefield [the famous evangelist] said to me once: 'I read the libels writ against you, when I was in a remote province, where I could not be informed of the truth of the facts; but they rather gave me this good opinion of you, that you continued to be useful to the public: for when I am on the road, and see boys in a field at a distance, pelting a tree, though I am too far off to know what tree it is, I conclude it has fruit on it."[31]

That may be what galled Murray Rothbard: Franklin was so damned successful as a scientist, businessman, and diplomat.

Now that's a saying that all libertarians can appreciate. ❑

Notes

1. H.W. Brands, "The First American: The Life and Times of Benjamin Franklin" (Doubleday, 2000), jacket.
2. Michael H. Hart, "The 100: A Ranking of the Most Influential Persons in History," 2nd ed. (Kensington, 1992) 516–17.
3. Joyce E. Chaplin, "The First Scientific American: Benjamin Franklin and the Pursuit of Genius" (Basic Books, 2006) 1.
4. Gordon Wood, "The Americanization of Benjamin Franklin" (Penguin, 2004) 196.
5. "The Compleated Autobiography, by Benjamin Franklin," compiled and edited by Mark Skousen (Regnery, 2006) 189, 300.
6. "Compleated Autobiography" 148.
7. "Compleated Autobiography" 357.
8. "Compleated Autobiography" 298–99.
9. Murray N. Rothbard, "Conceived in Liberty" (Arlington House, 1975) 2.64, 67, 172; 3.273; 4.358. My disagreement with Murray Rothbard on his assessment of Franklin, as well as Adam Smith, does not diminish my admiration of Rothbard's tremendous contributions to economics, including "America's Great Depression," "Man, Economy, and State," "Power and Market," and "What Has the Government Done to Our Money?"
10. Rothbard, "Conceived in Liberty" 4.359, 4.43–44.
11. Rothbard, "Conceived in Liberty" 3.218, 4.34–35.
12. "Compleated Autobiography" 65, 120.
13. "Compleated Autobiography" 80.
14. Rothbard, "Conceived in Liberty" 4.232–33.
15. Cecil B. Currey, "The Franklin Legend," Journal of Christian Reconstruction (Summer 1976) 143.
16. Cecil B. Currey, "Code Number 72: Ben Franklin, Patriot or Spy?" (Prentice Hall, 1972) 12, 266.
17. "Compleated Autobiography" 130–32.
18. "Compleated Autobiography" 26. Waldstreicher ignores this passage.
19. Carl Van Doren, "Benjamin Franklin" (Viking Press, 1938) 91.
20. Claude-Anne Lopez and Eugenia W. Herbert, "The Private Franklin: The Man and His Family" (Norton, 1975) 26–27.
21. "Compleated Autobiography" 162.
22. Quoted in "Benjamin Franklin: The Autobiography and Other Writings," ed. Kenneth Silverman (Penguin, 1986) 206.
23. Hugh Williamson, "What Is Sauce for a Goose Is Also Sauce for a Gander" (1764).
24. Robert Middlekauff, "Benjamin Franklin and His Enemies" (University of California Press, 1996) 115–16.
25. "Compleated Autobiography" 387.
26. "Compleated Autobiography" 290.
27. Bernard Fay, "Franklin, Apostle of Modern Times" (Little, Brown, 1929) 504.
28. Some libertarians are critical of Franklin for opposing the notorious "outlaw" John Wilkes, a defender of free speech who was imprisoned for libeling the king of England in 1768, and the "drunken mad mobs" supporting "Wilkes and Liberty." This is another case of Franklin's social conservatism before the American Revolution. Interestingly, after the war, Wilkes' sister and mother came over to America and stayed at Franklin's home in Philadelphia. See "The Compleated Autobiography" 59–62, 349.
29. "Compleated Autobiography" 292.
30. John Bogle, Introduction, "Benjamin Franklin: America's First Entrepreneur," by Blaine McCormick (Dallas: Entrepreneurial Press, 2005).
31. "Compleated Autobiography" 44–45.

I Take the Bar Exam

by Bart Kosko

Look to your left and then to your right. Only one of you three will pass this exam.

I sat for the California bar exam on February 21. The three-day exam is the most difficult law exam in the country. The Los Angeles Times ran a cover story on the first day of the bar with the title "A High Bar for Lawyers." The article opened with these words of discouragement: "Today 5,260 people begin taking the state licensing exam. More than half will fail. And keep failing. Just ask the mayor of Los Angeles." Mayor Antonio Villaraigosa gave up after failing four times. Former California governor Pete Wilson passed on his fourth attempt while Jerry Brown passed on his second. Former Stanford law dean Kathleen Sullivan had just failed on her first attempt and was taking it again. The Times article was right: 61% of bar candidates failed the bar in February.

I arrived with my laptop at the Ontario Convention Center about 20 minutes before the exam started at 9 a.m. That was enough time to find my assigned seat in the large conference room that housed hundreds of test takers and several elderly proctors. I brought a cheap analog watch because the bar examiners don't provide a wall clock and because they ban digital watches such as my dive watch. I made sure the special bar-approved ExamSoft software worked on my laptop. I would likely fail the bar if the software failed because then I would have to handwrite the exam with a damaged right hand. The result would not be legible. The software failed for two people I knew who had taken the previous bar exam in July. One of them still managed to pass. But so far the software appeared to work properly. I had only to type "begin" to start the exam.

The hall grew quiet at 8:59 as all the test takers waited for the old and very stooped proctor at the lectern to tell us to begin. We would have exactly three hours to complete three essays on any of 14 legal categories that ranged from criminal law and trusts to corporations and evidence. An exam booklet and scratch paper lay on the tabletop before each of us. I sat near the front of the hall at the end of the first section of tables. I turned around to get a good long look at the hundreds of other bar applicants who sat behind me. A sea of faces and eyes turned in varying degrees to return my gaze. The look on their faces was roughly the same: raw fear. Everyone was alone now as he prepared for the moment of truth. Many of them no doubt had jobs on the line or student loans on the order of $80,000 to $100,000 dollars. Here there were no friends or mentors or bar-prep instructors. There was no grade inflation or affirmative action. There were only your legal skills and your ability to manage the time pressure. I just wished that I had been able to get more than two hours sleep.

The proctor said to begin.

The room exploded in activity as the examinees tore into the instructions and the three essay exams. That quickly gave way to hurried handwritten outlines of the first essay. Then

came the asynchronous and sustained tapping at hundreds of keyboards. It produced a soft background noise that both masked other sounds and helped energize my own thinking as soft background music tends to do.

The first exam was in the torts subfield of product liability. A young girl had gotten hurt when the car her father was driving hit an embankment. The airbag inflated and smacked the girl. Could the manufacturer have installed feasible safety devices to prevent such harmful airbag inflations? The exam was an homage to Benjamin Cardozo and his theory that a manufacturer could foresee the harm that its products *might* cause when it released those products into the stream of commerce — and so injured plaintiffs could hold the manufacturer liable in negligence. Cardozo unleashed this genie of foreseeability in the 1916 case of *MacPherson* v. *Buick*: "foresight of the consequences involved the creation of a duty." Thus began the shift from *caveat emptor* to *caveat vendor*. The examiners also wanted you to discuss the doctrine of strict liability in tort that came from the pen of California Judge Roger Traynor in the 1963 case of *Greenman* v. *Yuba Products* and that ended the swift shift to *caveat vendor*: "The purpose of such liability is to insure that the costs of injuries resulting from defective products are borne by the manufacturers that put such products on the market rather than by the injured persons who are powerless to protect themselves." Never mind the moral hazard that this creates for the careless consumer. A passing grade required a further discussion of theories of express and implied warranties as well as all relevant defenses to all causes of action.

A sea of faces and eyes turned in varying degrees to return my gaze. The look on their faces was roughly the same: raw fear.

The second exam dealt with wills and community property. The law here was exclusively California law. California is a code state with a long constitution and 29 codes. The California Probate Code dictates most of the statutory law of wills and trusts in California. The California Family Code likewise dictates most of the statutory law of divorce and community property. The bar candidate still has to know a few famous California court cases that interpret key statutes and that often underlie them. The rest of the bar assumes nationwide common law or federal law. The codes reflect California's 10th-Amendment reserved powers at work. California could outlaw wills and trusts without running afoul of the U.S. Constitution. There were no such weighty issues here.

The problem involved a dubious prenuptial agreement and a testator who leaves all his property to his previous wife — who has since had a child by him. The task was to distribute the dead man's estate to the survivors. The writing was straightforward if you knew the California rules.

The third exam was an especially nasty property exam that dealt with leases and covenants and the doctrine of tenant waste. It had a third part on zoning variances that crossed into constitutional law and the usual suspects of equal protection and government takings. Richard Epstein would have devoured it. You had to tell the bar masters what they wanted to hear. They specifically expect you to know that government intrusion into the economy gets less "equal protection" than do matters of race or intrastate travel or procreation. This was no place to launch into a discussion of natural rights or even the utilitarian merits of allowing the state to regulate with relative impunity. You just had to tell the graders that you knew the legal rules and then try to find facts that fit or contravened the rules. I finished with only a few seconds to spare when the proctor called time and we broke for lunch.

The afternoon was a three-hour performance test that focused on professional responsibility. Lawyers have to pass a separate multiple-choice exam on legal ethics to get licensed in California or in most other states. I took and passed it two years ago. This performance test required that the examinee write a persuasive court brief in accord with an instruction set from a mock law partner. The brief could count as much as two of the morning essays. You would likely fail the test if you misread the instructions in the heat of battle. The California bar exam is full of land mines large and small. Your brief had to use the materials in two files. The first was a multipage fact file that contained a variety of memos and transcripts and other documents. The second was a multipage law file that contained statutes and case law from the fictional state of Columbia. The issue was whether your law firm had improperly contacted two witnesses in ongoing litigation. You had to argue that it had not done so given that the other side would argue the opposite on the same facts. Lack of sleep caught up with me. I spent too much time outlining the argument section and then writing the fact summary. I had barely started writing the first of my three arguments when the proctor announced that only a half hour remained. The last 30 minutes flew by in an adrenaline-fed blur of high-speed typing. I got to my prewritten conclusion with again only seconds to spare. But at least I had finished. And the first day of the marathon was over.

You would likely fail the test if you misread the instructions in the heat of battle. The California bar exam is full of land mines large and small.

I went back to my hotel room and processed emails and phone calls. None of my engineering colleagues or students at USC knew that I was taking the bar. I had worked the week before and would be back lecturing in statistics all afternoon on Friday. My editor at Viking/Penguin thought I was go-

ing over the corrections for my new book "Noise." My friend Mitch and I took our wives to a steak dinner at our hotel next to the convention center. Our wives were managing things for us during the bar. Then I chewed some melatonin tablets and went back to my room and finally got some sleep.

The second day was all multiple-choice questions. There were 100 problems in the three-hour morning session and 100 in the afternoon session. That comes to an average of 1.8 minutes per question. Each question had a tricky "fact pattern" that could run into paragraphs. The subject could be any one of seven legal categories. The hardest were property and contracts. Almost all would-be lawyers around the country had to take the same 200-question test on that Wednesday. That's why they call it the MBE or the multi-state bar exam. Each state creates its own written exam for the second day. California extends it to three days with the two half-day performance tests. Most examinees find the MBE the hardest part of the bar. I had prepared for it for quite a long time: I had worked over 40,000 timed multiple-choice problems and still have the answer sheets to prove it. So I finished early and almost enjoyed the experience. A lot of bar candidates don't finish the MBE and just mark the answer "C" in the last five minutes. My only problem was that there was no background keyboard noise that day. So there were more annoying sounds than on the first day and it was often harder to concentrate.

The third day had the same form as the first. There were three essays in the morning and a performance test in the afternoon. The first essay was the hardest. It was a typical civil-procedure affair that combined the ever-testable issue of a state court's personal jurisdiction over a defendant with the thorny final-adjudication issues of *res judicata* and collateral estoppel. The second essay was an ambiguous contracts problem that involved the buying and selling of widgets. The last part crossed over into professional responsibility because a lawyer had been dealing in widgets with his client. The third essay was a cops-and-robbers problem in criminal procedure. It dealt with a search and potential Miranda violations as well as a suspect lineup and jury instructions. I worked last summer as a bar-certified law clerk for the Los Angeles District Attorney's Office and prosecuted similar cases in felony preliminary hearings. So I found it the easiest essay exam of all. The final three-hour performance test required the bar candidate to write an appellate mediation brief to help a widowed client overturn her wealthy husband's will and get a large portion of his estate. There was again a thick fact file and thick law file. But I finished this one with enough time to run the spell-check software.

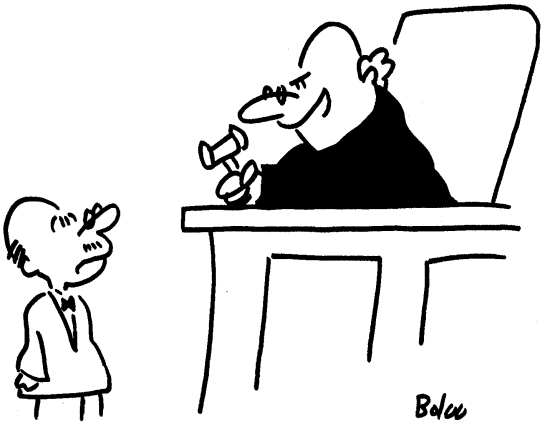

"'Not guilty'? — Oh, a *tough guy,* eh?"

The old proctor read a final set of post-exam instructions and then dismissed us. The large hall erupted in applause. The great dreaded ordeal was over at last.

The old proctor read a final set of post-exam instructions and then dismissed us. The large hall erupted in applause. The great dreaded ordeal was over at last. Mitch and I went to the parking lot where we stood and drank canned beer as if we were teenagers skipping school.

Then came the long wait — and daily bar practice and mounting self-doubt. You have to assume that you will fail such an exam given the low pass rate and given the subjective nature of how teams of lawyers grade the essays and performance tests. Examinees also argue online and elsewhere over which issues they think the examiners wanted you to raise and how to answer them. Everyone sees issues that they missed or argued the wrong way. It's worse than that because it is hard to remember what you wrote during so many hours of high-pressure examination. It gets worse still when the examiners publish the questions about a month later. They don't publish sample student answers until after they announce the results on judgment day. Those who fail get the written portions of their exams back. Those who pass never do — they just know that they passed the bar.

The examiners published the results online at exactly 6 p.m. on May 19. The special bar web site had on that day an hour-by-hour countdown that served as a drum roll. It became a minute-by-minute countdown in the final hour. I joined thousands of other bar candidates and tried to log on at 6 p.m. We jammed the site. I finally got through at 6:07. I typed in my ID number and then there was my name. Below it was the long-awaited legalese: "The name above appears on the pass list for the February 2006 California Bar Examination." I entered my ID again just to make sure. Yes: I had passed the bar. I would not have to sit for it again in July or ever. It was finally and exquisitely over. I soon got my paperwork from the bar examiners and went to Maui with my wife for three weeks of open-ocean snorkeling and the consumption of spirits atop warm golden sand. A local judge swore me in when I got back. I was admitted to the federal court a short time later.

Now I am licensed to sue. The odd thing is that each day I still do a little bar practice. ❑

Reviews

"H.L. Mencken on Religion," edited by S.T. Joshi. Prometheus, 2002, 330 pages.

God and Mr. Mencken

Garin K. Hovannisian

As Gore Vidal wrote his foreword to "The Impossible H.L. Mencken," he was visited by a temptress — the beckoning spirit of Mencken himself. Did Vidal really believe he could match Mencken's "Ku Klux Klergy" with his own "United States of Amnesia"? Did he think that his outlandish description of Calvin Coolidge (of all people) as a "gorgeous clown" would convince us that he himself was Mencken reborn? Any fresh reading of Mencken makes the impulse to play with words near irresistible, but lacking his ability, one really ought to resist.

Still, even stern and sober men have been caught in the act. In their reviews of Mencken, we find strange eruptions of words like "pishposh" and "boobs." These are Mencken's words, and it takes a certain type of personality to pull them off; impersonations of him are consistently sloppy and awkward.

But the fact that they are attempted is remarkable in itself, if we consider that Mencken was a pundit — a glorious one, to be sure, but a pundit nevertheless, a writer for his age, America in the first four decades of the 20th century. The quacks he exposed and the events he covered doubtless seemed epic at the time, but they have since slipped from America's consciousness into the used book stores. And yet, in several compartments of literature, of which the grandest is calumny, Mencken's footprints are unmistakable. It's always worth returning to the scene of the crime, even if the perpetrator has been dead for 50 years (and even if the current collection of his writings has already been with us for four). One always feels that other people need to know about him.

Jacques Barzun, the great literary scholar, has fluently observed that Mencken's style "reveals its subject and conceals its art." This proclamation (like many that Mencken made himself) is so good that it almost excuses its flaw: his art, far from being concealed, is the main attraction, illumined by fireworks. It is an art that charms the plebeian and makes an ape of the pontificator.

The art is, quite simply, the transmission of personality. Its power is in the personality it transmits: H.L. Mencken's. Long after we forget the context and contents of his observations on American life, we still feel that we know — and know intimately — this Mencken fellow. We know his buttons and his appetites and the rocking of his temper. We have a loud, pulsating personality in our midst, a personality whose significance goes far beyond the subjects he reveals. He's here, the great libertarian journalist, a cigar clenched between his teeth, roaring and dangerous.

The 71 articles in "H.L. Mencken on Religion," edited and introduced by S.T. Joshi, give us the chance to rediscover this personality at the crest of its vibrancy, in 300 pages of commentary drawn from the Baltimore Evening Sun, Smart Set, the American Mercury, and other sources.

Between the covers, we find the Holy Terror in eminent mischief. He blasphemes the gods, and curses the pope and the pulpit. He argues that the common cockroach has more dignity than the human being. He takes in a liturgy at St. Peter's, revels in its "sensuous delight," then tells us that he prefers a Brahms symphony. He proposes that Christians issue an affidavit of belief and expects it to look something like this: "I, John Doe, being duly sworn do say that . . . for the high crime and misdemeanor of having kissed my sister-in-law behind the door, with evil intent, I shall be boiled in molten sulphur for one billion calendar years."

If, as Chesterton wrote, "the test of a good religion [is] whether you can joke about it," then Mencken was Christianity's Holy Proctor. Mencken seems to content himself most with sacrilege. And he gives us sacrilege with all the flourish of a master of diverse genres

— parody, sarcasm, irony, and (most famously) downright condemnation.

His side may not always be the right side, but it is the winning side. Like Ayn Rand, Mencken is a tremendous argument from authority. When challenged, he is capable of erupting and ridiculing the petty objectors, until everyone is forced to laugh. We laugh when he says of the fundamentalist William Jennings Bryan that he "was a peasant come home to the dung-pile." We can be assured that Mr. Bryan did not laugh. In his position, we wouldn't either. But everyone else has.

His commonsense libertarianism — rooted in skepticism and nourished by everyday observation — is, even now, as good as it gets.

It was safer, by all accounts, not to disturb Mencken, and it is therefore natural that the pundits of both his age and ours have claimed him as their ally. Too often, however, as in Vidal's case, these are alliances that endure only because Mencken is too dead to riot.

This is particularly the case with nonbelievers or, as Mencken affectionately called them, infidels. Pick up an atheist reader or quotationary published in the last half-century and there you'll find Mencken in the company of disbelievers who, as Orwell wrote, do "not so much disbelieve in God as personally dislike him." You'll find Vidal, whose own lines ("Christianity is such a silly religion"), if uttered by a civilian without celebrity, would be considered puerile balderdash. And there you'll find Mencken, ironically defined by association and robbed of context.

Yet you'll certainly encounter this: "Faith may be defined briefly as an illogical belief in the occurrence of the improbable." And possibly this: "We must respect the other fellow's religion, but only in the same sense and to the same extent that we respect his theory that his wife is beautiful and his children smart."

The irreverence is charming, despite the fact that it's sure to work only if we recognize (and many don't) that Mencken's personality has bested his ideas, that the spirit of his words has possessed and outshone their meaning. This hardly sounds like the man who, when asked what he would say if he found himself, after death, before the apostles' thrones, replied, "I would simply say, 'Gentlemen, I was mistaken.'"

We cannot fall into the trap of calling Mencken a cynic, a misanthrope, or even a pessimist. We must not find in Mencken the loveless creature described in St. Paul's first epistle to the Corinthians: "If I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal." His gongs clash and his cymbals clang — his words can move mountains, but we are not dealing with a man without love or "charity." He might define romantic love as "the delusion that one woman differs from another," but behind that persona lives a mama's boy who proposed to a bedridden, dying woman.

We must allow him the cynicism — cynicism is highly fashionable among the literati — but we must be sure to separate the fashion from the fact. We must allow him the certainty — certainty is indispensable for the pundit — but we must search for the doubts, too. Even in regard to religion, which Mencken seemingly detested, the old curmudgeon had a soft spot. One moment, he might deliver a few thumps to Christendom; but soon, after he had earned himself the right to indulge his happier senses, he lavished it with resurrecting flattery.

The volume's atheist editor is honorable enough to include these warmer attitudes. In Joshi's selection, we have Mencken's hearty defense of a fundamentalist scholar, J. Gresham Machen, who "if he is wrong, then the science of logic is a hollow vanity, signifying nothing." We read also what are perhaps the most hospitable lines uttered by a heretic:

> True or not, this faith is beautiful. More, it is useful — more useful, perhaps, than any imaginable truth. Its effect is to slow down and ameliorate the struggle for existence. It urges men to forget themselves now and then, and to think of others. It succors the weak and protects the friendless. It preaches charity, pity, mercy. Let philosophers dispute its premises if they will, but let no fool sneer at its magnificent conclusions. As a body of scientific fact it may be dubious, but it remains the most beautiful poetry that man has yet produced on this earth.

The editor's reliable selection paints for us a character who is far from the deicidal crusader he appears to be on the blogs of his posthumous friends. He is a reasonable man — when we consider the body of his work in full — and by his own description, "a neutral in theology."

Yet "reasonable" is a word one hesitates to apply; God knows what fate would befall us were we to hurl the accusation in person. Let us content ourselves with the observation that in reading Mencken, we get the sense, beyond the ache or joy he causes us, that we are reading the words of an honest man. There is the unmistakable impression that Mencken writes exactly what he feels. There is no ideological machinery upstairs; no little-minded hobgoblin filters his thoughts. He has actually read the Bible and admires its poetics, especially "the fresh beauties in 1 Timothy 5:23," the cheekiness of which we would miss had we not memorized the verse: "Drink no longer water, but use a little wine for thy stomach's sake and thine often infirmities." Through his many tones and styles of humor, his reasoning and motivations remain unguarded.

His art, far from being concealed, is the main attraction, illumined by fireworks. It is an art that charms the plebeian and makes an ape of the pontificator.

Mencken's views were clearly inspired by a hatred of superstition, prudery, and prohibition, especially when

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they smothered science and rational politics. Concerning the latter, Hume's reflection that "the errors in religion are dangerous; those in philosophy only ridiculous" seems to be Mencken's central axiom. Christianity in its most contaminated forms — fundamentalism, Protestantism, Christian Science, and Calvinism — might be damaging to the human psychology, Mencken believed, but when they affect the state, they threaten society. In his own time, the passage of the 18th Amendment, banning alcohol, showed the damage that religion could do. Mencken didn't much concern himself with the causes of religion: if you needed religion to rationalize your inevitable death, Mencken wouldn't object. But if your religion trespassed beyond the boundaries of your cranium, it had gone too far.

It was safer, by all accounts, not to disturb Mencken, and it is therefore natural that the pundits of both his age and ours have claimed him as their ally.

The libertarian position on religion is perfected in this passage from Mencken's "On Christian Science":

> The effort to put down Christian Science by law is one of the craziest enterprises upon which medical men waste their energies. It is based upon a superstition even sillier than that behind the Christian Science itself: to wit, the superstition that, when an evil shows itself, all that is needed to dispose of it is to pass a law against it. This notion is fast making a burlesque of American legislation. It is responsible for an endless series of idiotic enactments, from Prohibition amendments to laws against card playing. One and all they are ineffective and ludicrous. One and all they foster an evil ten times worse than the evils they are aimed at.

By now, the argument may seem tired. Between its publication and the present, libertarianism developed through Mises, Hayek, Friedman, Rand, Paterson, and legions of others. Mencken was not the beneficiary of an ever-sophisticating libertarian movement. But his commonsense libertarianism — rooted in skepticism and nourished by everyday observation — is, even now, as good as it gets.

Mencken often deals with cliches — or what have since become cliches — but his personality seems always to rejuvenate them. His remarks on religion, for example, regularly rehash timeworn outlooks and arguments, from Nietzsche (by whom Mencken was so impressed that he set his own projects aside to translate the philosopher's seminal book) to Robert Ingersoll to Thomas Huxley. Mencken writes that he does not fear — that, indeed, he welcomes — death; that immortality, even in the Shakespearean "as long as men can breathe" sense, is an illusion; that the many gods once worshipped are now forlorn ashes of memory; that religion and science are incompatible . . . these are all parroting jobs, uncreative in substance and unoriginal in content. Yet we feel that we are reading it all for the first time — because, really, we are.

Mencken is positively at his worst when he ventures into serious religious philosophy. His essay on Nietzsche is hardly more than a faithful summary of the anti-Christ's speculations — in essence, that men devise a set of goods and evils in accord with their times and attribute them to deities; then, when the goods and evils change with the times, they refuse to surrender the gods that they have made. But in the case of Christianity, which evolved not to celebrate 1st-century Judaea but to revolutionize it, the analysis seems remarkably off-base. As does Mencken's observation that "Christianity will survive because it appeals to [man's] sense of poetry," which proves primitive and counterintuitive, if we consider that the village dunces who, Mencken believed, sustain the faith have no sense of poetry at all.

Mencken is at his best when he reports immediately from Americana. His personality remains, but now the uniqueness of his observations (not just the manner in which he puts them) shines forth; his art and his subject are revealed simultaneously. In his essay "The Schooling of a Theologian," Mencken recalls the Sunday School of his youth, where his father sent him to make time for afternoon naps. (Elsewhere, he defined Sunday School as "a prison in which children do penance for the evil conscience of their parents," a rendering that matches any entry in the "Devil's Dictionary" of Ambrose Bierce.) We are invited to imagine the child skeptic working through his very first doubts, as he sings along with Methodist tunes like "Are You Ready for the Judgment Day?" "It left me an infidel," Mencken writes, "as [my father] was, and his father had been before him."

Joshi's compilation includes the 17 articles Mencken produced in coverage of the 1925 Scopes affair. The trial, which ostensibly pitted evolution against creationism, was covered by more than a hundred reporters — Marquis James of the New Yorker and Philip Kinsley of the Chicago Tribune among them — but only one emerged as immortal. The immortality was cemented by the 1960 film "Inherit the Wind" (and the 1955 Broadway play that preceded it) which features the Mencken-inspired character E.K. Hornbeck, although Hornbeck, like most of the rest of the film, has little to do with reality. Of the 2 million words telegraphed from Dayton, Tenn., to the nation's newspapers,

What better gift could you give friends and family than the gift of

Liberty

See page 49 for special holiday rates!

only Mencken's 25,000 have kept their prominence. No other author had the inimitable personality, the infectious sense of life, the transmittable sensibilities of H.L. Mencken.

We journey with him, because we think of ourselves as the first and closest outlet of his impressions. At the beginning of the trial, Mencken observes that "the Evolutionists and anti-Evolutionists seem to be on the best of terms, and it is hard in a group to distinguish one from another." But Mencken's spirits wane and plummet to this remark a few installments later: "The Fundamentalist mind, running in a single rut for fifty years, is now quite unable to comprehend dissent from its basic superstitions, or to grant any common honesty, or even any decency, to those who reject them." We are sharers in this plummet. Often, it seems as if we were in correspondence with Mencken; that the articles are, in fact, private letters and we are the recipients. It agitates our prejudices to know that someone can be so honest, not just about what he thinks, but about who he is. When we are offended by his rudeness, we are simultaneously enchanted by his honesty.

The honesty is encouraged, it seems, by the fact that Mencken is a master and practitioner of assertion, not persuasion. His specialty is to flog, slam, and blast — not to decorate reasons with reasonability. Ironically, Mencken's actual private letters contain more philosophical and convincing (and painfully sober) discussions of religion. To a lady friend on the frontier of Christian Science, he wrote: "The God business is really quite simple. No sane man denies that the universe presents phenomena quite beyond human understanding, and so it is a fair assumption that they are directed by some understanding that is superhuman. But that is as far as sound thought can go. All religions pretend to go further." This is Mencken as persuader (perhaps the real Mencken) — the Mencken wary of his threatening personality. We are pleased to find that in this anthology, Mencken exercises no such caution or temperance.

In his autobiography "Heathen Days," Mencken playfully describes his own reporting on Scopes as "somewhat displeasing to local susceptibilities." We read the damning indictments of the "yokels" of Tennessee's "ninth-rate country town" with eyes agaze. Mencken writes:

> They believe, on Bryan's word, that they know more than all the men of science and Christendom. They believe, on the authority of Genesis, that the earth is flat and that witches still infest it. They believe, finally and especially, that all who doubt these great facts of revelation will go to hell. So they are consoled.

But beyond the impish reporter, we glimpse the real-life prankster in Mencken. We are taken by his monkey business, which sent Dayton's residents into spasms over his counterfeit story about a herd of bolsheviki on their way to kidnap the southern hero Bryan. The prank, ultimately, may be played on us — in the golden age of Hearst newspapers, the scoop was more important than the fait accompli — and Mencken has, in his memoirs, taken much credit for cooked-up stories.

But at Dayton, the scene was fantastic enough. The epic battle between Bryan and Clarence Darrow was carried on with the vitality of a cosmic circus. On Bryan's side, ignorant, vulgar peasants. On Darrow's, the civilized world. So Mencken thought. He battled diligently for the second and visited some of the harshest words ever penned in the English language on the first. On July 27, 1925, the day after Bryan's death, the New York Times ran an article entitled "Bryan is eulogized, even by his opponents." On the same day, the Baltimore Evening Sun headlined Mencken's obituary — the most demoralizing, dehumanizing postmortem one could imagine:

> Bryan was a vulgar and common man, a cad undiluted. He was ignorant, bigoted, self-seeking, blatant and dishonest. His career brought him into contact with the first men of his time; he preferred the company of rustic ignoramuses. . . . Imagine a gentleman, and you have imagined everything he was not.

Mencken's gongs clash and his cymbals clang. His words can move mountains, but we are not dealing with a man without love or "charity."

Mencken assumed that "condemnation through silence" is merely an excuse of critics too inept to ridicule and too cowardly to make enemies. Silence had no home in his personality; he wrote always, and loudly. He wrote on religion, sometimes with admiration, often with spite, but always in assertive honesty. He asserted both his conviction and his character. More than any other writer he lingers, at least for now, through the distinctive self he stuffed into his words. Read this volume and you will discover Mencken again, snoring thunderously, well into his afterlife. ❑

Calling All Economists!

According to the Wall Street Journal, Global View, August 29, 2006, "income inequality" is the "biggest domestic campaign issue in Japan."

But the libertarians won't touch that hot potato with a ten-foot pole. They're too busy with the "anarcho" world of their dreams for the biggest issue in the real one. Can you imagine "private protection agencies" or "morality in a life boat" being the biggest campaign issue in Japan or anywhere? It's the economy, stupid, and redistribution! But neither a gold coin prize nor wild horses could draw or drag them to the "new idea" of it, that taking from the rich to give to the poor does not reduce but increases inequality, and would demolish the Left.

Those who won't even question the essential assumption of the Left concede it, and, disdaining the strongest argument against it, are its first line of defense.

The anarcho-irrelevantarians complain that the world won't pay any attention to them. Why should it when they won't pay any to its biggest concerns?

For the biggest, in Japan or anywhere else, see the **Open Forum** at intinc.org.

Advertisement

"The Black Dahlia," directed by Brian De Palma. Universal, 2006, 121 minutes.

"Hollywoodland," directed by Allen Coulter. Focus Features, 2006, 126 minutes.

Out of the Past

Eric Kenning

Nobody in America identified "film noir" as a distinct genre when those dark, crime-centered movies, dense with fatalism and cynicism, were actually being turned out by Hollywood in the 1940s and '50s. But now film noir has been excavated and labeled and theorized and homaged to the point that it's like the Museum of Modern Low Life, something you tiptoe through in a reverent hush. It has almost been forgotten that the actual film noirs, many of them marketed as B-movies, introduced some new and disreputable things into American movies, including moral ambiguity; obsessive and perverse eroticism; marginal, antiheroic heroes; and American (not foreign) women who were slinky, treacherous *femmes fatales*. In film noir American movies lost their innocence, or at least a large slice of it.

Some of the darkness was imported. Influenced in both its lighting and its sense of pervasive menace by German Expressionist films, film noir was nurtured by directors with European backgrounds — Fritz Lang ("Scarlet Street," "The Big Heat"), Robert Siodmak ("The Killers," "Criss Cross"), Billy Wilder ("Double Indemnity"), and Otto Preminger ("Laura"). And it was the French critics, sensing an existentialist aura in its trademark loneliness and alienation, who noticed and named it.

But film noir was also as American as apple pie, washed down with bourbon. The movie that's usually taken as the first example of it, John Huston's "The Maltese Falcon" (1941), may have introduced its unforgettable pair of cosmopolitan villains (Sydney Greenstreet and Peter Lorre), but Humphrey Bogart as Sam Spade was an already familiar American archetype, the tough-guy private eye. And the dialogue of film noir — curt, sardonic, slangy, and racy — had been incubated in Hemingway's stories and nurtured by masters of the hardboiled detective novel like Dashiell Hammett ("The Maltese Falcon") and Raymond Chandler, whose "The Big Sleep" and "Farewell, My Lovely" (adapted as "Murder, My Sweet") were turned into two of the best noirs. Chandler also teamed up with Billy Wilder to write the seductive, menacing, wisecracking exchanges between Barbara Stanwyck and Fred MacMurray in "Double Indemnity."

Nobody can write dialogue like that now, maybe because nothing like it is spoken now, as it was then on the waterfront and in the roadside diners and precinct houses. Film noir reflected a time of bitter, last-ditch individualism in American life. You could mouth off, you could see through the lies of corrupt political machines and sadistic cops, you could refuse to swallow the canned optimism of conventional American culture, but if you did, you ended up on the margins of society. You were probably doomed, or you at least got beat up for your trouble, but it was worth it because you were on your own. Today almost nobody wants to risk acting or talking like a thorny individualist. It might affect your credit rating. The FDA wouldn't approve. The federal, state, and local sensitivity police wouldn't like it. You apologize frequently while trying not to offend anyone, anywhere.

Two new movies set in the shadow of Hollywood of the 1940s and '50s, "The Black Dahlia" and "Hollywoodland," opened within a week of each other in September and seemed headed into prime film noir territory. A notorious real-life unsolved murder, and a notorious real-life suicide that just might have been an unsolved murder. Go-it-alone investigators, one an honest cop, the other a seedy but decent private eye; both getting beat up amid period-L.A. corruption and sleaze.

As it turns out, "The Black Dahlia" overshoots the mark badly, winding up somewhere along the coast of parody, and "Hollywoodland" goes quietly off in a different direction, making it by far the better of the two movies. But neither film is going to satisfy anyone's caffeine-fix craving for strong black neo-noir. For that you'll have to go back to Roman Polanski's "Chinatown" (1976) and Curtis Hanson's "L.A. Confidential" (1997).

Brian De Palma may seem an ideal director for neo-noir. In movies like "Dressed to Kill," "Scarface," and "The Untouchables," he's known for an allusive, homage-paying style that usually involves sensational visuals and sensational violence. "The Black Dahlia" has its share of both, including a long tracking shot over a roof and into an empty lot, where the slashed, cut-in-half body of a young black-haired actress named Elizabeth Short (Mia Kirshner) is discovered. Short, a real murder victim in 1947, was quickly dubbed "the Black Dahlia" in the papers, an allusion to Alan Ladd's hit film, "The Blue Dahlia," — a film noir, in fact. Adding icing to the neo-noir cake, the script, written by Josh Friedman, is based on the novel by James Ellroy, who also wrote "L.A. Confidential."

Film noir was as American as apple pie, washed down with bourbon.

"The Black Dahlia" does in fact have everything a neo-noir could possibly need, and then some, and that's

the problem. It keeps gilding the lily, or rather the dahlia. It has a polar-opposites pair of police detectives, nicknamed Fire and Ice (Aaron Eckhart and Josh Hartnett), who even go at each other in a boxing match set up by a publicity-hungry assistant DA. It has a blond bombshell ex-hooker with scarlet lipstick played by Scarlett Johansson. It has an elegant, sex-hungry *femme fatale* (Hilary Swank), first spotted in an improbably swank lesbian bar (complete with floor show), who lives in a mansion with her twisted family. And the twisted family money comes, of course, from long-ago corrupt L.A. real-estate deals.

But the movie is all style, laid on thick over a shapeless pile of stock characters and period props and a confusing plot. It's noir atmospherics from a spray can. Yes, the original film noirs were stylized and full of melodramatic exaggeration. Yes, the plots could be hard to follow and harder to believe. (It was said that not even the director, Howard Hawks, could figure out the plot of "The Big Sleep," and when he asked Chandler, who had written the novel, about one puzzling development, Chandler didn't know either.) But the best noir films still had a gritty sense of reality. "The Black Dahlia" never gets near it.

Except for Kirshner, the performances are slightly off. Hartnett isn't bad as the cool-headed cop who solves the case while fielding the come-ons of his fiery partner's sultry girlfriend (Johansson) and sleeping with the slippery bisexual rich girl (Swank), but he's too boyish to be a 1940s L.A. police detective. Johansson gives the same sulky performance she's already given in several other movies. But Kirshner brings out Short's naive desperation as she is glimpsed briefly in screen tests and a cheesy skin flick she made while trying to break into the movies.

"Hollywoodland," instead of overdosing on film noir, just casts a flirtatious glance in its direction. Nobody is going to mistake fragile-looking Adrien Brody (who won an Oscar in 2003 for "The Pianist") for a noir detective like Bogart or Mitchum, but as Louis Simo he does come across as the kind of breezy, gum-chewing loser who might actually be a small-time private eye in 1950s L.A., staking out a plain middle-aged woman because her paranoid husband thinks she's having an affair. Then Simo stumbles onto the case of George Reeves, who played Superman on TV and committed suicide in 1959 under slightly mysterious circumstances.

The movie flashes back and forth between Simo, who has to deal with an ex-wife, their young son, and a girlfriend while investigating the suicide that may be a murder, and the private life of Reeves (Ben Affleck), a handsome but bland actor who never soared beyond the flying superhero to the career he expected.

Reeves had fallen into an affair with Toni Mannix (Diane Lane), an aging, sassy, former beauty queen who's the wife of a Neanderthal studio executive (Bob Hoskins). Did Reeves, whose only brushes with movie fame consisted of walk-on parts in "Gone with the Wind" and "From Here to Eternity," really kill himself out of frustration over the unshakeable Superman persona? Or was he murdered on the orders of Eddie Mannix, the ruthless studio boss who tolerated his wife's affair but may have sought revenge when Reeves casually dumped her for a younger woman? Or could the younger woman, Leonore Lemmon (Robin Tunney), an embittered gold digger, have pulled the trigger?

"Hollywoodland" leaves the mystery unresolved, letting the movie gravitate instead toward the desperation and disappointment that the Hollywood hothouse breeds like giant orchids. A lot depends on subtle performances by Affleck and Lane, and, along with Brody, they're just right. It's too bad the movie (the debut of director Allen Coulter, written by Paul Bernbaum) didn't get as much of an audience as it deserves. It isn't really a neo-noir, but it works as an affecting, melancholy character study.

In the best film noirs, like "Out of the Past" (Jacques Tourneur, 1947), characters are haunted by their past, by secrets, by might-have-beens. It's not surprising that we seem haunted by the past represented by film noir. We miss those brazen blondes and those tough-talking flatfoots and hoods. We miss their edgy individualism. But we can't even do a good imitation of them, which is why most neo-noirs turn out to be might-have-beens. ❑

"From Here to Eternity," directed by Fred Zinnemann. Columbia Pictures, 1953, 118 minutes.

We Ain't All Alike

Jo Ann Skousen

When George Reeves first appeared onscreen as Sergeant Maylon Stark in early viewings of "From Here to Eternity," the audience laughed and gasped, "Look! It's Superman!" I sheepishly confess that, when I watched the film a few months ago, I had the same reaction. Reeves, who made 55 films in the dozen years before landing the television role that launched him up up up into the sky and down into our living rooms, is remembered for only two of them, "Gone with the Wind" and "From Here to Eternity." And the films are not watched for his small performances. Sadly, his appearance in any of his films today is greeted with those same regrettable words: "Look, it's Superman."

Why couldn't he rise above the persona? The fact is, Reeves was not a great actor. He played every role with

the same sardonic smile of patient superiority. Sean Connery could step out of James Bond's shadow because he is a first-rate actor; Reeves could not transcend the Superman role because he was simply a studio contract player.

Prewitt never complains about his punishments, recognizing them as the price he pays for asserting his individuality.

The release of "Hollywoodland" in September (see Eric Kenning's review above) prompted me to return to "From Here to Eternity." Remembered mostly in parodies of the sexually charged waves crashing over Burt Lancaster and Deborah Kerr as they make love on the beach, I discovered that, 50 years later, the film is still fresh and timely, and worth a review.

The Army seems an odd place to look for an idealistic individualist, but that's what we find at the center of "From Here to Eternity," the Best Picture of 1953 and winner of seven other Academy Awards, including supporting Oscars for Frank Sinatra and Donna Reed. Based on the book by James Jones, the story takes place at Schofield Military Base in Hawaii during the days leading up to the attack on Pearl Harbor.

Robert E. Lee Prewitt (Montgomery Clift) is a "30-year man in for the whole ride." But he's not really an Army man. He's a soldier who doesn't want to fight, a bugler who doesn't want to bugle, unless he can do it his own way. When his sergeant tells him "in the Army it's not the individual that counts," he responds, "A man who don't go his own way is nothing."

What sets Prewitt apart from the usual insubordinate maverick who challenges authority, questions orders, and expects to get away with it, is that Prewitt calmly accepts the punishments meted out for his disobedience. Even as he is digging ditches and refilling them, pulling triple KP duty, and marching tours with full packs, he is fully in control. He knows that he has the power to stop the brutal treatment at any time, simply by agreeing to join the boxing team, and that power gives him freedom. Prewitt never complains about his punishments, recognizing them as the price he pays for asserting his individuality.

Set against this idealistic individualism is the company commander, Captain Holmes (Philip Ober), who also asserts his individual goals and desires. He wants to field a championship boxing team, and he needs Prewitt, famed for his skill as a middleweight boxer, to complete his team and secure his trophy. When Prewitt calmly refuses to box, Holmes resorts to unfair punishment and even enlists the boxing team — soldiers all — to tyrannize Prewitt. Such corrupt self-interest, trampling on the rights and personal liberty of another, costs Holmes the respect and allegiance of the men he is commissioned to lead. They do what he tells them, but only because the orders come through his first sergeant, Milt Warden (Burt Lancaster).

Warden is the pragmatist, balancing the two extremes represented by Prewitt and Holmes. He too is motivated by self-interest; he goes along with Holmes because it's best for his own career. He obeys Holmes' orders only after skillfully manipulating the captain to order what Warden thinks is best. As Warden tells another soldier, "He'll sign any paper I put in front of him," and Warden uses that sloppy confidence to run the company his own way.

When the Japanese attack, Warden takes charge. The men respond to him because, even though he is a noncom, he has demonstrated "the first duty of an officer — to take care of his men." The idiocy of Army rules is demonstrated best when the men, following Warden's orders, run to grab some guns and start defending the base. With Japanese planes strafing them from above, the sergeant in charge of munitions adamantly refuses to open the magazine, asserting, "No orders, no ammo. I gotta obey my orders." Warden quickly ignores the rules and opens the magazine to distribute the guns.

Two women are also important to the story. Director Zinnemann employs traditional symbols of black and white to represent them as iconic contrasts of one another. Karen Holmes (Deborah Kerr), the captain's wife and Warden's lover, is a blonde who dresses in white, while Lorene (Donna Reed), a hostess at the local gentlemen's club, is a brunette who dresses in black. Yet neither woman is truly black or white, good or evil. As the captain's wife, Karen has status and class, but she's a bleached blonde who sleeps with soldiers and officers at every base. Lorene serves the servicemen at the New Congress Club (a brothel in Jones' book, cleaned up as a dance hall and social club in the movie) but her hair is dyed unnaturally black and her name is really Alma ("soul" in Spanish). She's a sweet girl with her heart set on just one man.

In this film the leaders lead the way in breaking the rules. Everyone knows that Captain Holmes delegates his duties to his first sergeant, cheats on his wife, and cares only about boxing, but everyone covers for him. Everyone knows that "Fatso" (Ernest Borgnine) runs the stockade with sadistic brutality, but no one does anything to stop him. Prewitt is determined to be the lone wolf who can serve his country and still maintain his right to choose his own actions, but in the end that idealism is crushed. To the men, Warden is "the best soldier. He'll draw himself a line he thinks is fair and he won't come over it." He breaks the rules, but he doesn't break the men's trust. Maybe

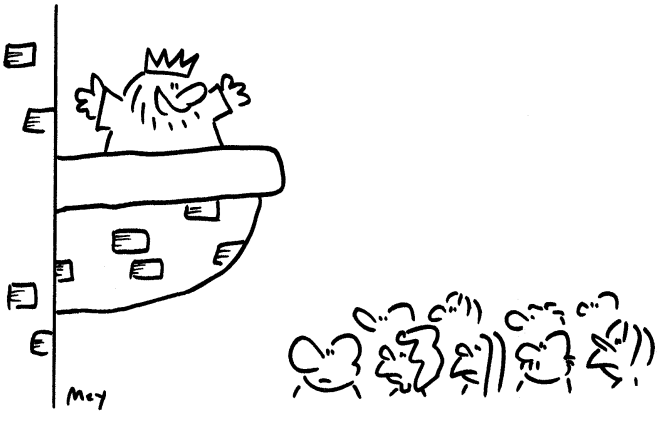

"The era of big government is over! — I've lost 15 pounds!"

that's all we can ask of the Army.

As dark as the film is, Zinnemann had to sanitize the screenplay in order to gain permission to film at Schofield. James Jones' book is an even bleaker indictment of the dehumanizing nature of the armed services. Personal freedom and the Army just don't mix. As General Patton said, "All this talk about individuality in the Army is a bunch of crap." But Prewitt says it best, "We may seem all alike, but we ain't all alike." ❑

"Washington's God," by Michael Novak and Jana Novak. Basic Books, 2006, 256 pages.

George Washington, "Infidel"

Jonathan W. Rowe

In "Washington's God," Michael and Jana Novak attempt to overturn the conventional wisdom that Washington was a deist. Rather, they argue, he was a Christian. They succeed in the former attempt, but not in the latter.

They fall prey to a common but flawed method of trying to understand the Founders' religious beliefs — asking the question: *were they Christians or were they deists?* In fact, their religious beliefs fit neatly into neither box, strict deism or orthodox Christianity.

While there were many orthodox Christians among them (such as Patrick Henry, Elias Boudinot, John Jay, Samuel Adams, and John Witherspoon), and a few strict deists (such as Thomas Paine and Ethan Allen), the key Founders, the ones who played the most important roles in declaring independence, constructing the Constitution, and then leading the newly-formed country (Washington, Adams, Jefferson, Madison, Franklin, and a few others), were somewhere between the two camps.

By analyzing Washington's words line by line, the Novaks effectively show that he wasn't a strict deist. A deist, after all, is supposed to believe in a cold, impersonal watchmaker God who doesn't intervene in man's affairs. And Washington's words indisputably show that he believed in a warm, intervening Providence. Yet the authors fail to consider seriously how Washington's beliefs may, like strict deism, conflict with the tenets of orthodox Christianity. Little if anything that Washington said about God, publicly or privately, could not also have been said by Franklin or Jefferson. But wait . . . weren't they deists? No. Or at least, like Washington, not in the strict sense of the term. They too, like Washington, believed in an active, personal God.

Consider the words of Franklin, at the Constitutional Convention: "The longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of man." Or Jefferson, in his "Notes on the State of Virginia":

> And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever . . .

Thus, the Novaks are entirely off track when they write:

> [Jefferson's] providence was usually consistent with the deist idea of god — simply a governor of all things, like the designer of the spring and the wheels of a watch. Washington's idea is much closer to that of the Greeks and Romans, but enlarged by the biblical sense of creation and history, whereas Jefferson's seems closer to the mechanics of the European Enlightenment.

The Novaks do none of the line-by-line analysis of Jefferson's statements on God that they do of Washington's. Had they done so, they would have seen that both men commonly invoked a warm, intervening Providence, and made allusions to biblical narratives. Yet, both men almost always spoke of God in a generic sense, eschewing the specific language of orthodox trinitarian Christianity.

Attempting to prove that Washington's God was the biblical God, the authors constantly refer to his letter to the Hebrew Congregation of Savannah, where he stated:

> May the same wonder-working Deity, who long since delivered the Hebrews from their Egyptian oppressors, planted them in a promised land, whose providential agency has lately been conspicuous in establishing these United States as an independent nation, still continue to water them with the dews of heaven and make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is Jehovah.

Out of this, the Novaks conclude that the proper name for Washington's God is "Jehovah." Yet we see Jefferson, in his Second Inaugural Address, saying something remarkably similar: "I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and

Washington's behavior in church showed he wasn't an orthodox believer: he consistently refused to take Communion.

"Give me Liberty or Give Me Death."

—Patrick Henry, 1776

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comforts of life . . . "

The Novaks also fail to appreciate the context of the letter to the Hebrew Congregation. Washington was not indicating that he believed exclusively in the "biblical" or "Judeo-Christian" God. Rather, when Washington, Jefferson, and the other key Founders addressed a particular community, they customarily referred to God in terms used by the addressees. The only time Washington ever referred to God as "Jehovah" was in his address to the Hebrew Congregation. When he addressed his fellow Freemasons, he referred to God as "The Great Architect of the Universe." When addressing the Cherokees, he referred to God as "the Great Spirit," as they did. In fact, he crossed out the word "God" in one of his speeches prepared for Indians and substituted "the Great Spirit." When Madison and Jefferson addressed American Indians, they too consistently referred to God as "the Great Spirit."

This practice sheds light on one of the Founders' heterodox religious tenets: they believed, contra orthodox Christianity, that most if not all religions were valid ways to God. Their concept of God was universalistic, and though it encompassed the "Judeo-Christian" tradition, it extended beyond such systems. Here, perhaps, we see the influence of Freemasonry, which is also universalistic. In the words of Thomas Paine, Freemasonry "transcends the bounds of Christian and Western civilization; it includes the Moslem, the Hindoo, the Buddhist, and the Jew." Orthodox Christianity, on the other hand, believes there is just one way to God.

The Novaks have a chapter entitled "A Christian Pro and Con," in which, after reviewing both sides of the argument, they conclude that a preponderance of the evidence points to Washington's belief in orthodox Christianity. A fair review of the evidence, however, unmistakably indicates that he believed in the same system as Adams, Jefferson, Madison, and Franklin, which is neither strict deism nor orthodox Christianity.

Scholars disagree on what to call this belief system. It is a form of theological unitarianism, which Gregg Frazer, in a comprehensive study of the key Founders' religious beliefs ("The Political Theology of the American Founding," doctoral dissertation), has dubbed "theistic rationalism." This system has certain basic tenets that distinguish it: 1) that there is a warm, intervening Providence whom men ought to worship and invoke; 2) that Jesus was not

The only time Washington ever referred to God as "Jehovah" was in his address to the Hebrew Congregation.

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God, but rather a great moral teacher; 3) that most, perhaps all, religions contain the same basic truth as Christianity and are thus valid ways to God; 4) that salvation is universal, that good people go to Heaven when they die, and bad people are punished temporarily; 5) that although some revelation is legitimate, some is not; in other words, that the Bible is errant; and 6) that man's reason supersedes biblical revelation and determines what revelation is legitimately from God.

Washington's death was entirely stoic. He asked for no ministers and said no prayers.

While this religion is not strict deism, the orthodox Christians of the day still dubbed it "heresy" or "infidelity." And Washington likely believed in this system of ideas, not orthodox Christianity. Here is why. His church membership was no indicator of orthodoxy, as many church members, such as Jefferson and Madison, disbelieved the official creeds. Washington was a vestryman in the Episcopal church, but so was Jefferson. Even some ministers of orthodox Christian churches adhered to principles of "infidelity." In Massachusetts, many Congregational churches were taken over by unitarian ministers and thus transformed from Puritan to Unitarian congregations. This had happened to John Adams' church by 1750. Madison followed an Anglican minister named Samuel Clarke who was nearly defrocked for promulgating his unitarian beliefs. Thus, a prominent founding-era bishop, discussing Madison's religious beliefs, noted that "[h]is political associations with those of infidel principles, of whom there were many in his day, if they did not actually change his creed, yet subjected him to a general suspicion of it."

Because "infidels" were so common among the elite Virginia Anglican Whigs, anyone who ran in such circles might be accused of being a deist or a unitarian. Patrick Henry was so accused, although he explicitly denied his infidelity and asserted his belief in traditional Christianity. A group of ministers likewise tried to corner Washington into admitting his orthodoxy. But he, unlike Henry, refused to affirm his personal belief in Christianity. Here is Jefferson, recounting the incident:

> Dr. Rush tells me that he had it from Asa Green that when the clergy addressed Genl. Washington on his departure from the govmt, it was observed in their consultation that he had never on any occasion said a word to the public which showed a belief in the Xn religion and they tho[ugh]t they should so pen their address as to force him at length to declare publicly whether he was a Christian or not. They did so. However he observed the old fox was too cunning for them. He answered every article of their address particularly except that, which he passed over without notice.

Jefferson then gives Gouverneur Morris' apparent opinion of Washington's orthodoxy:

> I know that Gouverneur Morris, who pretended to be in his secrets & believed himself to be so, has often told me that Genl. Washington believed no more of that system than he himself did.

Indeed, in over 20,000 pages of Washington's known writings, he rarely if ever uses the words "Jesus Christ" and never otherwise professes his personal belief in the Christian faith. When speaking about "Christians" he invariably refers to them in the third person. The following is typical: "I am disposed to indulge the professors of Christianity in the church, that road to Heaven, which to them shall seem the most direct, plainest, easiest, and least liable to exception."

While generous, in this way, to others, Washington was more than just "reticent" to discuss his personal faith. As Paul F. Boller has noted, "When it came to religion, GW was, if anything, more reserved than he was about anything else pertaining to his life." While he had nothing to lose by publicly professing Christian beliefs, if he denied them he would have damaged his reputation with many of his fellow citizens. Few "infidels" wore their beliefs on their sleeves. Paine did so and was publicly ruined. Jefferson was almost ruined for things he wrote in "Notes on the State of Virginia," which were tamer than what we see in his private correspondence. Most of Jefferson's and Adams' bitterest ridicules of orthodox Christian doctrines were written in their private correspondence. In a letter to a prominent orthodox Christian, Franklin politely notes that he doubts the doctrine of the Trinity, and at the end of the letter asks that its contents remain a secret. In short, having religious secrets during the founding era was a telltale sign that one privately held to "infidel" principles.

Washington's death was entirely stoic. He asked for no ministers and said no prayers. His final words were "'tis well." The Rev. Samuel Miller, a founding era figure, asked: "How was it possible . . . for a true Christian, in the full exercise of his mental faculties, to die without one expression of distinctive belief, or Christian hope?" One answer can be found in Washington's history of church attendance. Though he attended regularly (about once a month), his behavior in church showed he wasn't an orthodox believer. He consistently refused to take Communion.

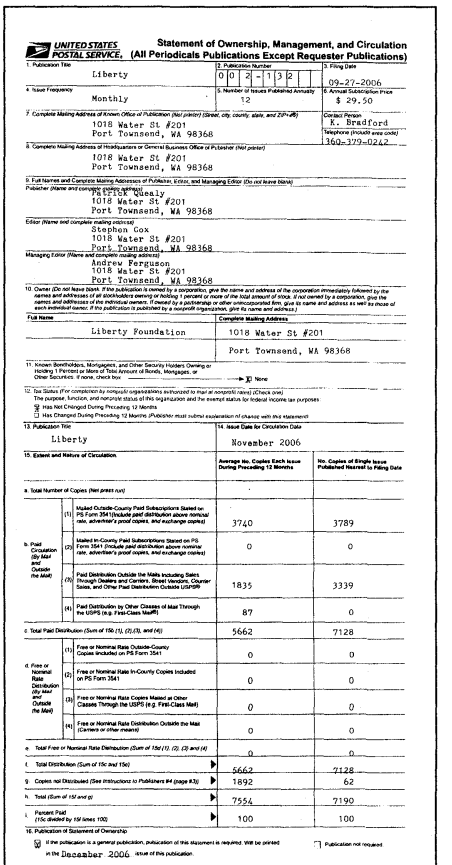

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As the Novaks observe, he wasn't alone in this regard; the behavior was quite common. It was the kind of behavior, I would add, that one would expect from deists and unitarians in the church.

Washington's own Episcopal priests didn't consider him a "real Christian," but rather a deist or a unitarian. Here is one of them, Dr. James Abercrombie: "I cannot consider any man as a real Christian who uniformly disregards an ordinance so solemnly enjoined by the divine Author of our holy religion, and considered as a channel of divine grace."

In 1963, Boller comprehensively reviewed Washington's religious beliefs in a book ("George Washington and Religion") that is still the authoritative work of scholarship on the matter. The Novaks uncover nothing to refute Bollers' summation of Washington's orthodoxy:

> [I]f to believe in the divinity and resurrection of Christ and his atonement for the sins of man and to participate in the sacrament of the Lord's Supper are requisites for the Christian faith, then Washington, on the evidence which we have examined, can hardly be considered a Christian, except in the most nominal sense.

If not orthodox Christianity, then what was Washington's creed? Clearly, he believed in a warm, intervening Providence; he was thus not a "deist." He was silent on the rest of the details. Yet his words and deeds were entirely consistent with those of his fellow Whig Founders — Jefferson, Adams, Madison, and Franklin — who were not so silent in their private writings. The preponderance of the evidence thus demonstrates that Washington privately believed in the same "infidel principles" that they did. ❑

"The Lost City," directed by Andy Garcia. Crescent Drive Pictures, 2005, 143 minutes.

Lost Classic

Gary Jason

There are lousy movies, okay movies, and good movies. And then there are classics. In my view, a classic movie is one that works well on the three levels upon which movies can work: the philosophic, the literary, and the aesthetic.

The philosophic level is the level of ideas: does the movie ask questions and convey some substantive ideas about history, philosophy, political theory, or other intellectual matters? Classic movies instruct us. The literary level is the level of plot, character, and dramatic dialogue. Classic movies compel. Finally, the aesthetic level is that of specifically cinematic characteristics, most importantly cinematography, music scored for film, and acting. Classic movies entrance us.

To cite one example, David Lean's "Lawrence of Arabia" is a classic. At the philosophic level, it addresses the nature of war, the attraction of war, and the logic of big power conflicts. At the literary level, the character study of T.E. Lawrence is brilliant, and the plot that develops it is arresting. At the aesthetic level, the cinematography is magnificent, with sweeping desert views and powerful scenes of warfare, accompanied by an incredible score and superb acting.

Last year a movie came out that I thought would be widely hailed as a new classic; but, for reasons I will discuss in a moment, it quickly disappeared from the few theaters that ran it. It is now available for rental or purchase, and if you didn't see it during its brief theatrical run, do so now.

Fidel is portrayed as the totalitarian tyrant he is, and Che as the vicious thug he was.

Andy Garcia directed and starred in the film, his tribute to his native city — Havana, Cuba. Based on a brilliant script by the Cuban novelist Guillermo Cabrera Infante, the action takes place in Havana in 1958 and 1959, when the Batista regime was in its last days, and various democratic and revolutionary forces were contending.

In a literary device that nicely concentrates the drama and its various effects, the story is built around one family, the Felloves. The group is headed by a democratically inclined father, an esteemed professor who has three sons and two daughters-in-law. Andy Garcia plays the oldest brother, Fico, a nightclub owner and musician. Both younger brothers get caught up in the revolution. One joins Fidel and Che; the other joins a smaller group, and is killed in an attack on Batista. His widow and Fico then fall in love — a literary device that allows us to see the results of the Castro revolution in microcosm, as it affects the two lovers (the device is reminiscent of the Bogart-Bergman romance that forms the center of another classic, "Casablanca"). Garcia looked long for an actress to play the widow (who, personifying Cuba, eventually gets seduced by Fidel's ideology), and he found the perfect one in the beautiful Spanish actress Ines Sastre.

But most impressive are the cinematography, a gift of love to a beautiful city and country, and the music, with

Cuban dancing and singing given a central role throughout. The main cast gives an excellent performance, as does Bill Murray, a kind of comic Greek chorus, commenting upon the action taking place around Fico, and Dustin Hoffman, who plays the gangster Meyer Lansky, deeply involved in building gambling in Havana and paying off Batista.

At the time of this film's release, I wondered why such an excellent movie wasn't released more widely, and I suspect that it has to do with the dominant mindset in Hollywood. In this film, Fidel is portrayed as the totalitarian tyrant he is, and Che as the vicious thug he was — not as the hero seen in "The Motorcycle Diaries." Hollywood is predominantly leftist, and still worships Fidel (who, we dare to hope, may soon finally die). I think of another David Lean classic, "Dr. Zhivago," snubbed at Oscar time because of its frank portrayal of the evils of Russian Communism. ❑

Reflections, *from page 18*

One inadvertent result of that might be diminishing the influence of lobbyists. — Richard Kostelanetz

Burning the candle at both ends — I didn't track this scientifically, but it seems that George Bush has taken far less vacation time in 2006 than in, say, 2001. I wonder if he took to heart the constant badgering from the likes of Michael Moore, who say he takes too much time off from his presidential duties. (Of course the likes of Michael Moore say in the next breath that Cheney really runs the whole scam, which appears to be true, so what is the problem if Bush is out of town?) As a result Dubya has been touring the post-Katrina dead zone and giving speeches on Iraq, even though every time he opens his mouth on either subject his approval rating drops again.

There's nothing new about criticism of presidents who take a more relaxed and traditional approach to what is just another government job. Reagan was always sneeringly referred to as a "9 to 5" president. In contrast Clinton was admired for sleeping only two or three hours a night and micromanaging every aspect of his continuing effort to sabotage himself. And I guess with his "youthful vigah" Kennedy was presumed to be on call 24 hours a day, like a PT boat skipper. Realistically, of course, both Clinton and Kennedy were probably prowling the White House in the middle of the night looking for secretaries to schtupp. — Brien Bartels

Migratory workers — Granted, the U.S. government has the *right* to decide who may and may not immigrate. But it certainly doesn't seem to have the *power* to keep foreigners from entering this country illegally. Thousands cross the border from Mexico every month. Building a high impenetrable wall thousands of miles long will not only be costly but likely also ineffective.

Instead of trying to strengthen the U.S. borders by hiring more border patrols and building longer and higher fences, why not increase immigration quotas many times over? Spend the patrol and fence money instead to establish additional consulates to process immigration applications. The consuls should try to screen out criminals, terrorists, and persons with communicable diseases, as immigration authorities have always done. But they should also try to screen applicants for honesty, reliability, and individual responsibility — and for an understanding of the U.S. Constitution, as required for citizenship. Personally, I should like to make them all study Austrian economics so that they would gain an understanding of the importance of private property. But I know that is not realistic.

To some extent, potential immigrants will screen themselves; the effort it takes to migrate will eliminate most who lack drive, ambition, energy, reliability, and responsibility. The consuls will inevitably make some errors in judgment, but they should err on the side of admitting rather than prohibiting entry. Increasing immigration quotas legally will not only come closer to the libertarian ideals of free and open borders, increased division of labor, and cross-border trade and exchange, but it will also help to relieve the U.S. demand for workers and reduce economic pressures in Mexico.

In the past, official guest worker programs have helped both U.S. employers and Mexican employees. Similar programs could alleviate the problem of illegals in the future. Before 1964, there was the Bracero program for farmhands. The Simpson-Rodino Immigration Reform and Control Act of 1986 granted amnesty to 2.7 million undocumented workers. "Rodinos" were offered a chance at green cards and permanent-resident status. Subidos, guest workers with green cards who are skilled at continuous-pour construction, for instance, are recruited for big U.S. construction jobs and travel back and forth between Mexico and the United States. They pay state, local, and federal taxes and contribute to workers' comp insurance and so are covered for injuries on the job. They maintain their homes and family in Mexico and so make no call on schools and welfare agencies.

As far as the millions of illegal immigrants now in the country are concerned, some arrangement must be made to allow those who are self-supporting to remain, if they choose to do so, to acquire legal status and, in time, to earn citizenship. The present illegals must be required to pay a substantial price to gain that legitimacy, so that this amnesty will not be interpreted as disrespect for the law. But they should be offered that opportunity. — Bettina Bien Greaves

"It's sweet of you to offer, Stephen, but I've decided just to rent some Mel Gibson movies instead."

Terra Incognita

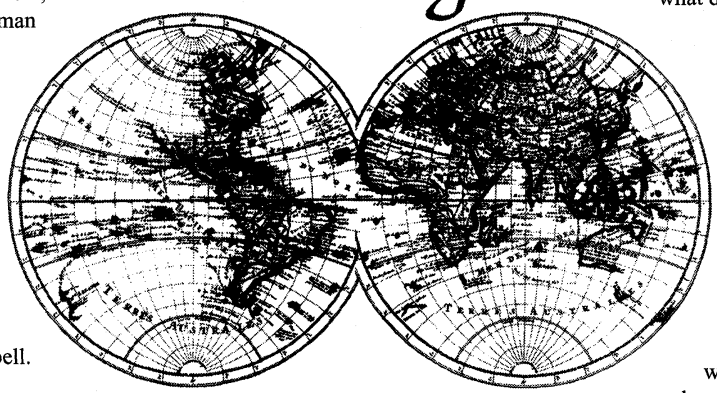

U.S.A.

Novel approach to improving nutrition in schools, conveyed by the *Washington Post:*

"It's like eating an elephant," said Brenda Greene, the National School Board Association's director of school health programs. "You need to do it one bite at a time."

London

Ringing the bells of London Town, from the *Sunday Telegraph:*

The Labour Party plans to bring in new laws requiring every bicycle to have a bell and every cyclist to use it to alert pedestrians to their presence. In a message to Parliament, transport minister Stephen Ladyman noted that "[This is] a sensible moment to review our current policies on cycle construction, including the question of bells."

George W. Bush might have been in trouble had such a law been in force last year, when he crashed his bike into a policeman during the G8 summit at Gleneagles. It is not known whether he sounded his bell.

Montevideo, Uruguay

Condolences in a time of hardship, passed on by the *Guardian:*

Former Portsmouth striker Dario Silva has undergone emergency surgery to amputate his right leg after crashing his car into a column of street lights in Uruguay.

Silva played 49 matches for the Uruguayan national team, including the 2002 World Cup in Korea and Japan. He is currently without a club after leaving Portsmouth in February. A statement on the club's website read: "Portsmouth would like to wish him a full and speedy recovery."

Chicago

Foot-in-mouth campaigning, noted by the *Financial Times:*

During an election debate in the outskirts of Chicago, Peter Roskam, the Republican candidate for Illinois' sixth district, trotted out the familiar line that his Democratic opponent wanted America to "cut and run" from Iraq.

His opponent is Tammy Duckworth, a former National Guard pilot who lost both her legs in Iraq last year when her helicopter was shot down by a rocket-propelled grenade.

Rotherfield, East Sussex, England

Laudable commitment to sensitivity in policing, from the *Daily Telegraph:*

The Sussex police force admitted it had sent officers to "diversity training" at an Islamic school that Anti-Terrorist Branch police from London searched as part of a crackdown on jihadist recruiters and trainers. Officers visited the school as many as 15 times to improve their awareness of Muslim culture.

Budapest, Hungary

Transparency in government, from the blog of Hungarian prime minister Ferenc Gyurcsany:

"We screwed up. Not a little, a lot. No European country has done something as boneheaded as we have. . . . We lied in the morning, we lied in the evening. . . . Evidently, we lied throughout the last year-and-a-half, two years. It was totally clear that what we are saying is not true.

"You cannot quote any significant government measure we can be proud of, other than at the end we managed to bring the government back from the brink. Nothing. If we have to give account to the country about what we did for four years, then what do we say?"

Blaine, Wash.

Advance in workplace rights, from the *Vancouver Sun:*

A warning from U.S. authorities that an armed man wanted for murder might be heading to Canada caused guards at all four major British Columbia border crossings to walk off the job, creating traffic chaos for thousands of travelers.

The problem began around 2 p.m., when a notice was given to border guards that an "armed and dangerous" Californian wanted on a homicide warrant might try to enter the country. At 2:15 p.m., ten guards at Huntingdon crossing walked off the job, citing their right to refuse dangerous work under the federal Labour Code.

A vehicle with California plates ran through the Peace Arch crossing heading northbound around 4 p.m. Customs Excise Union vice-president George Scott said staff at the crossing were unable to determine if the driver was the wanted man.

"There's no way of knowing that," he said. "It could be."

Afghanistan

Chemical warfare in the Middle East, from the *Washington Post:*

Canadian troops fighting Taliban militants in Afghanistan have stumbled across an unexpected and potent enemy — almost impenetrable forests of ten foot high marijuana plants.

General Rick Hillier, chief of the Canadian defense staff, said that Taliban fighters were using the forests as cover. "We tried burning them with white phosphorous — it didn't work. We tried burning them with diesel — it didn't work. The plants are so full of water right now . . . that we simply couldn't burn them," he said.

Even successful incineration had its drawbacks. "A couple of brown plants on the edges of some of those [forests] did catch on fire. But a section of soldiers that was downwind from that had some ill effects and decided that was probably not the right course of action."

One soldier told him later: "Sir, three years ago, before I joined the army, I never thought I'd say 'That damn marijuana.'"

Special thanks to Thomas DiMaio, Russell Garrard, and Sarah McCarthy for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked.

Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispells more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.

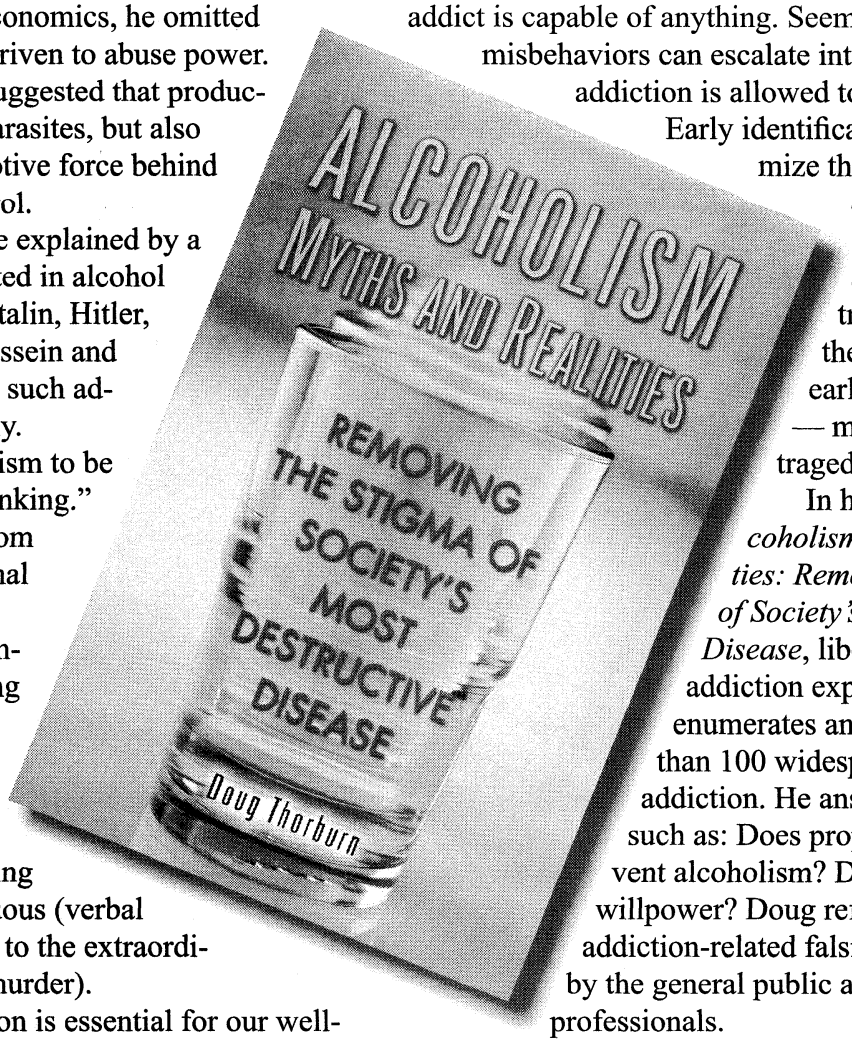

Alcoholism Myths and Realities is only $14.95 at finer bookstores.
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Special offer — Get Doug's new book, *Alcoholism Myths and Realities,* along with:

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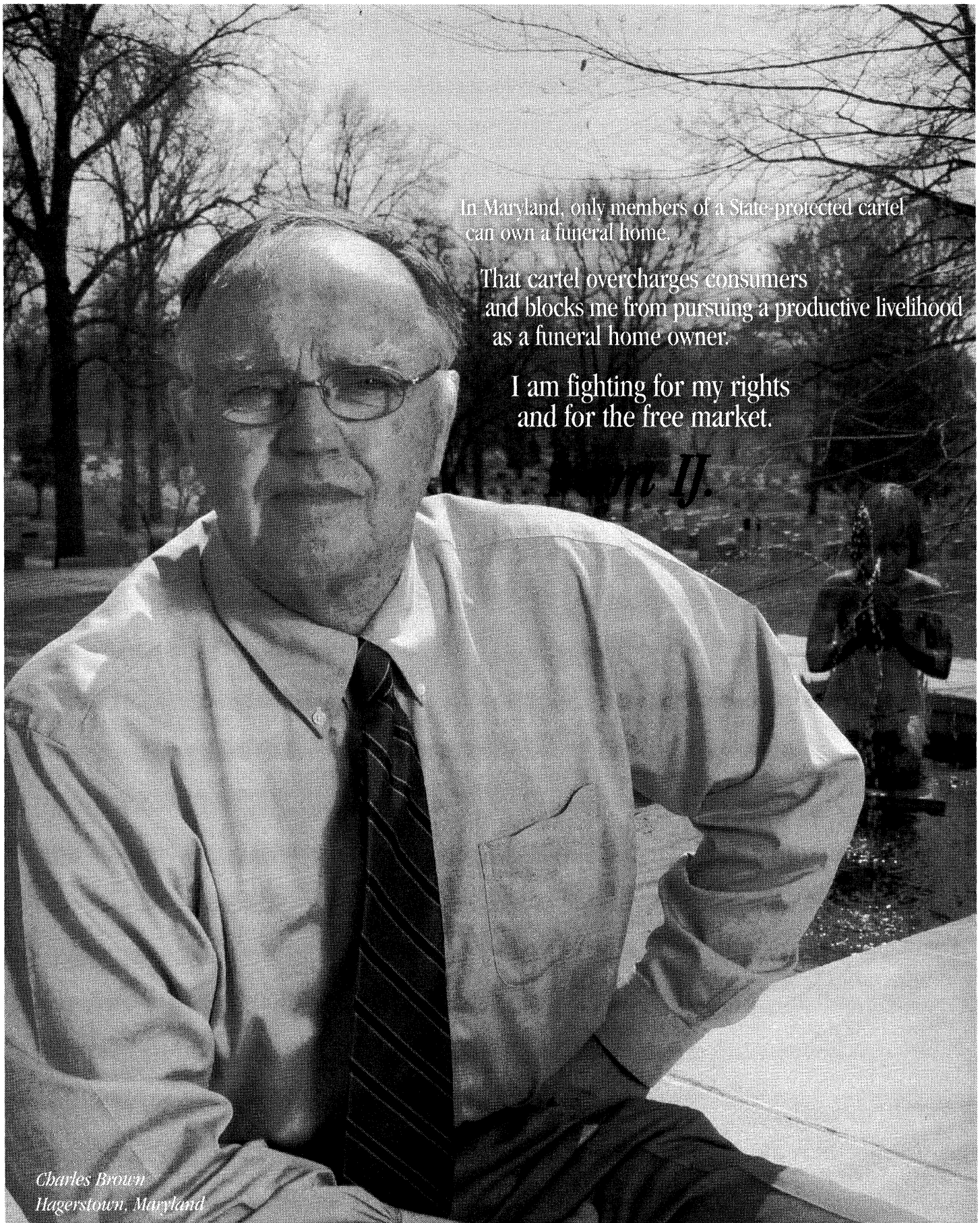

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Inside Liberty

January 2007
Volume 21, Number 1

4 Letters Our readers share and share alike.

7 Reflections We donate blood, pop pills, circulate hundreds, silence spring, fling candy in costume, boost the wedding industry, take pointers from Sweden, follow French fauna, avoid Irish otters, revisit Soviet economics, and mourn the loss of an intellectual giant.

Features

17 Election 2006: The Blue Tide Sound and fury, signifying — something. *Bruce Ramsey,* assisted by Liberty's editors and contributors, reports on our national sport.

35 Election in Miniature The glories of American democracy, reproduced on the campus level: *Garin K. Hovannisian* fights in the war, and reports from it.

37 Fight Terrorism: Legalize Heroin Poppy fields mean big profits for enemies of the United States. *Scott McPherson* wants to know why we shouldn't be the ones to benefit from Afghanistan's most lucrative crop.

40 Tattered Groves of Academe *Jane Shaw* finds the problem with colleges in the United States isn't their lack of success — it's the fact that they've altogether forgotten what success really means.

43 Nukes and NIMBY Nuclear reactors are safe, green, and more than capable of keeping our economy running. Trouble is, nobody wants one next door. *Gary Jason* knows how to change their minds.

46 Digital Welfare Incompetence, greed, and Mafia schemes: *Vince Vasquez* examines the strange history of your telephone.

Reviews

51 Bringing the Boys Back Home Clint Eastwood had to go to Iceland to replicate Iwo Jima. *Jo Ann Skousen* follows him there.

53 The Hour is Late *Andre Zantonavitch* reads Europe's future on a Swedish Muslim's T-shirt: "2030 — Then we take over."

54 Fame and Flackery There's plenty of both in Andy Warhol's wake. *Richard Kostelanetz* sorts through the artist's reputation.

55 Conserving Conservatism Is there anything for libertarians in the latest stance athwart history? *Martin Morse Wooster* weighs Andrew Sullivan's "conservatism of doubt."

58 Road Trip US and A *Andrew Ferguson* charts the cross-country trek of Kazakhstan's fourth most famous person: Borat Sagdiyev.

59 Booknotes Whole stories of clones and dragons, and half the story of the conservative movement in America.

56 Notes on Contributors The bold and the beautiful.

62 Terra Incognita As above, so below.

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Letters

Their Money, Their Business

Using as his examples two of the wealthiest men in the world, both multibillionaires, Doug Casey ("Charity? Humbug!", November) has the hubris to tell us that they don't know the "proper" thing to do with all that wealth, using a tone of disdain to make his point.

I thought libertarianism was about doing whatever one wanted to, so long as it did not harm another. Given that, I suggest that what Bill Gates and Warren Buffett do with their money is none of our business, and is not open to any criticism from a libertarian. If they choose to flush their wealth down the loo, that is their business.

One need only look at what Paris Hilton is doing with the wealth that she did nothing to earn to know that wealth acquired without toil is something less than a godsend. Gates and Buffett have chosen to teach their progeny the value of *earning* wealth, as opposed to simply having it handed to them. Those so taught will either become embittered or they will learn their lesson well. Either way, that is Gates' and Buffett's prerogative, not Casey's.

Marilyn Burge
Portland, Ore.

The Tao of Now

I can already hear the wailing and gnashing of teeth coming from readers of Doug Casey's article:

"He's just reinforcing the stereotype of the miserly libertarian capitalist who cares about nothing but himself and money."

"This article is a disgrace. He wants us to be more like Scrooge!"

I'd remind such readers that Doug is merely echoing the ancient Chinese wisdom of the Tao Te Ching, passage 18 (from the R.L. Wing translation):

> When the great Tao is forgotten,
> Philanthropy and morality appear.
> Intelligent strategies are produced,
> And great hypocrisies emerge.

If ancient Chinese wisdom doesn't move them as it does the people of Hong Kong, perhaps wisdom from about 600 years later might:

> Beware of practicing your righteousness before men to be noticed by them; otherwise you have no reward with your Father who is in heaven. So when you give to the poor, do not sound a trumpet before you, as the hypocrites do in the synagogues and in the streets, so that they may be honored by men. Truly I say to you, they have their reward in full. But when you give to the poor, do not let your left hand know what your right hand is doing, so that your giving will be in secret; and your Father who sees what is done in secret will reward you. (Matthew 6:1–4)

Add another 600 years to the timeline and you get the meticulously computed and rigorously enforced Zakat alms required of every Muslim.

Add another 1,400 years or so and you get the Welfare States of America.

Bravo, Doug. Charity that flows from guilt or coercion is ostentatious hypocrisy, not charity.

W. Earl Allen
Broomfield, Colo.

Charitable Living

Doug Casey makes some darn good points about the charitable activities of people like Ted Turner and Bill Gates. Turner giving $1 billion to the U.N., of all places, is certainly enough to make one gag. And Casey is right that the Gates Foundation attacks the symptoms rather than causes of Third World problems.

But Casey, I think, goes too far. As I travel around rural America, I see many "Carnegie libraries" — libraries that could never have been built but for the

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charity of Andrew Carnegie. It seems to me a worthwhile use of one's money to provide a library to a community that otherwise can't afford one.

Investment and economic growth are obviously vital if a society is to prosper. But doesn't using one's millions or billions *solely* for the purpose of creating more millions and billions amount to rank philistinism? Or have I been misinformed — does man, in fact, live by bread alone? Surely there is room for the rich to donate some of their wealth to, for example, the arts. Better Andrew Carnegie or Bill Gates than the National Endowment for the Humanities! Let's remember that some of the greatest works of art and literature would never have come to fruition but for the patronage of the wealthy.

Lastly, I must take Casey to task for his statement: "In a free society, someone who's poor almost certainly deserves his fate. To hell with him." One doesn't have to be a bleeding-heart liberal, or a social worker, to take issue with that statement. But of course to believe it relieves one of any feelings of responsibility for one's fellow human beings. Even libertarians, I would assert (as Ayn Rand starts to spin in her grave), have a duty of compassion, and, heretical though it may seem, charity.

Jon Harrison
Poultney, Vt.

The Order of Hospitallers

It is unfortunate that, in an otherwise cogent piece on institutional charity, Doug Casey is so demonstrably wrong about the value of nonprofit vs. for-profit hospitals. In the southern California market, the best hospitals are nonprofit: Hoag Memorial Presbyterian Hospital, Mission and St. Joseph's Hospitals, CedarsSinai, Scripps, etc. UCSD and UCLA Medical Center are outstanding, but also major public institutions.

Meanwhile, USC's partnership with Tenet for their university hospital has been so disastrous that the university is suing to remove Tenet's name.

The purpose of the hospital is to provide good medical care. Patients do not care if the hospital is dependent on donations or self-sufficient; they define a good hospital as one they leave in better shape than they entered. In my experience, hospitals run like charities provide the best care. Additionally, I see almost as much effort at cost containment at the nonprofit hospital where I now work, as I saw in the for-profit where I used to work; albeit in different areas. I see no evidence that my present management welcomes ballooning expenses.

Medicine as a whole does indeed have many problems that should interest libertarians. An obvious issue to discuss is why, at least in southern California, for-profit hospitals underperform.

Douglas C. Cable
Newport Beach, Calif.

The Rules of Engagement

Some of the initial assertions in Jon Harrison's article "The Crimes of War" (November) are highly questionable. Harrison appears to be knowledgeable in military history and his view is valid that many of the terrible acts committed in war are not atrocities. However, his comments on the killing of prisoners and the "impossibility" of strict observance of the laws of war have that ring of misguided machismo which is sometimes affected by military buffs. He supports those remarks by citing one book about World War I and one about World War II (conventional wars). He then draws conclusions from those remarks about the nature of atrocities in Iraq, calling for a narrow definition of atrocities and loose rules of engagement since the insurgents are not uniformed and do not obey any rules.

These recommendations are a prescription for disaster. It is precisely because this *is* a counterinsurgency that we must have stricter rules of engagement. I know it has been a long time since the Vietnam War, but we must recall the basics of such warfare. If we frequently shoot innocent bystanders we are likely to turn the whole population actively against us. If that happens, we will lose.

Therefore if the rules of engagement Harrison cites really do permit our troops to fire on adult males in civilian clothes who happen to flee from the scene of a roadside bombing, then the commander promulgating those rules should be relieved for professional incompetence. If a bomb goes off, of course everyone is going to flee, particularly if the crazy Americans are liable to shoot everybody. Now, it might be permissible (after thoroughly informing the public) to shoot at *armed* persons out of uniform who flee after an

The Liberty Editors Conference took place on the weekend of October 20. Afterwards, traveling home, I continued to feel the special enthusiasm you get from spending time with friendly, smart, interesting people. That weekend was a vacation on another world — the brighter, more rational planet on which libertarians find themselves when they get together.

Then I realized: America is about to have an election. And the sky grew dark.

The world of American electoral politics has the same history, and many of the same problems and concerns, as the world of American libertarians. Intellectually, however, the former is a disappointing shadow of the latter. At the Editors Conference, when I heard David Friedman's keynote speech, I didn't think, "He's great, for a political speaker." No, he actually *is* great. I didn't think, "Bruce Ramsey makes a lot of sense, for a journalist"; "Randy Barnett understands the Constitution pretty well, for a professor"; or "Tim Slagle's pretty funny, for a political comedian." No: like David, Bruce and Tim and Randy are actually great, great in absolute terms. And I'm using just a few examples. There wasn't a speaker or a participant in the conference who didn't make me feel proud to be where I was.

Libertarians sometimes regard themselves as living in the shadow of the great political and intellectual movements of our time. I think it's exactly the other way around. I think we're living in the sunshine.

A lot of this issue of Liberty is devoted to the fall elections — a study of the dark planet, viewed from the sunlit one. The view itself may not be lovely, but the observatory has a good deal to recommend it.

For Liberty,

Stephen Cox
Editor

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attack (thereby restricting the weapons in the hands of so many Iraqis to use in defense of the home, keeping them off the street). Whether an armed person is an insurgent, an ethnic militiaman, or whatever, he presents a continuing threat if he is not officially sanctioned by uniformed status as an Iraqi policeman and soldier.

Making these critical distinctions and following the rules of counterinsurgency warfare are both realistic and necessary for effectiveness, but they are not easy. Counterinsurgency is tougher in some ways than conventional war, and demands well-trained and disciplined troops to wage it successfully. This brings into question the wisdom of using National Guardsmen and active-duty support troops to perform combat duties in Iraq; their training and discipline may not be adequate, regardless of their devotion to duty. We use them only because we are so short of troops.

So please, let us have no more talk about loosening the rules of war in Iraq. Loosening rules has already landed us in trouble (and rightly so) in many areas of this conflict. Whether insurgents are good guys or bad guys is not the issue. What is at issue is the people who are *not* insurgents (yet). If Harrison's understanding of the current rules of engagement is correct (I suspect some details were missing) then those who claim that keeping our troops in Iraq is creating more enemies than it destroys are probably right.

Anthony Teague
Marshall, Va.

Harrison responds: I would remind Teague that my article states that it *appears* that the rules of engagement in Iraq allow our troops to fire on unarmed civilians who flee from roadside bombings. As footnote 3 of the article explains, the rules of engagement in Iraq "vary, and are also classified, to keep the Iraqi insurgents off balance. . . . " Teague's suspicion that "some details were left out" as regards the rules of engagement is, therefore, correct but superfluous. We may learn more when the Marines involved in the Haditha incident come to trial.

I don't think "machismo" was involved in my conclusions about the killing of prisoners. I merely observe. As I mentioned, there are innumerable references concerning this matter; I could have cited two hundred rather than two. It is not that I condone the killing of prisoners — it simply happens in war. To think such unfortunate things can somehow be eliminated from warfare is contrary to the evidence, and naive in the extreme.

I did not at any point in my article argue for the loosening of the rules of war in Iraq. A closer reading might have revealed this. As to Teague's prescriptions for conducting the Iraq campaign, I fear they are the typical musings of untutored opinion.

The Marketeer Club

David G. Danielson ("Why Libertarians Should Call Themselves Socialists," November) makes a good point that our opponents co-opted the most highly desirable label ("liberal") for our philosophical approach to life.

I have long thought that we need a new label. But I dislike the idea of calling myself a socialist. For one thing, "socialist" has been in use for a very long time. Long-established habits are hard to change.

I think Americans, in general, detest the word "socialist." I have had many discussions with friends, enemies, and acquaintances, most of whom I consider to be socialists of varying degrees. When confronted with my classification of their beliefs as "socialist" or "socialist-leaning," they reacted almost violently. They promptly and vehemently informed me *they* were *not* socialist!

I like Mark Skousen's suggestion, "neo-liberal," but I think we might have trouble getting out from under the "liberal" part of the concatenation. I would like to see a different word or a new word that can be interpreted using common sense and common meanings without having to have a Ph.D. in political economy or philology to get the drift.

Perhaps a new word, such as "free-marketeer"? It contains the word "free"; it contains the root word "market." The -eer suffix implies that this is a person who participates and believes in free markets and *all the underlying principles.* Also, it sort of reminds me of West Virginia's state motto: *Montani semper liberi* ("Mountaineers are always free").

David Michael Myers
Martinsburg, W.Va.

The Way Forward

Danielson's proposal is informative and thought-provoking, but as he

continued on page 61

Reflections

The Nick at Nite ticket — After John Kerry embarrassed himself with a crack about the soldiers in Iraq, many remembered how grateful they were the day he lost his bid for the White House. Of course, if it weren't for his awkwardness in front of the camera, he'd still be the perfect candidate for the TV generation: he looks like Herman Munster, talks like Thurston Howell III, and has a military record like Corporal Klinger's. — Tim Slagle

A fine balance — The Wall Street Journal (Nov. 11) reports that there are more Asian students on our college campuses than are warranted by the percentage of Asians in the general population. At the same time there is a less publicized but equally disturbing imbalance in our penal institutions, because of the sparsity of Asian prisoners. Obviously these affronts to diversity point to societal prejudice against whites, blacks, Hispanics, and Native Americans that demand redress. Fortunately, in this case, the statistics speak for themselves. To establish the required equity, we have merely to imprison enough Asian students.

In anticipation of the inevitable carping from civil libertarians that accompanies every constructive measure of this sort, it should be added that the selection of the students to be transferred need not involve any injustice. Properly handled, the process would be conducted by a blind lottery, ensuring an entirely random, open process — the very epitome of fairness. — Dan Hurwitz

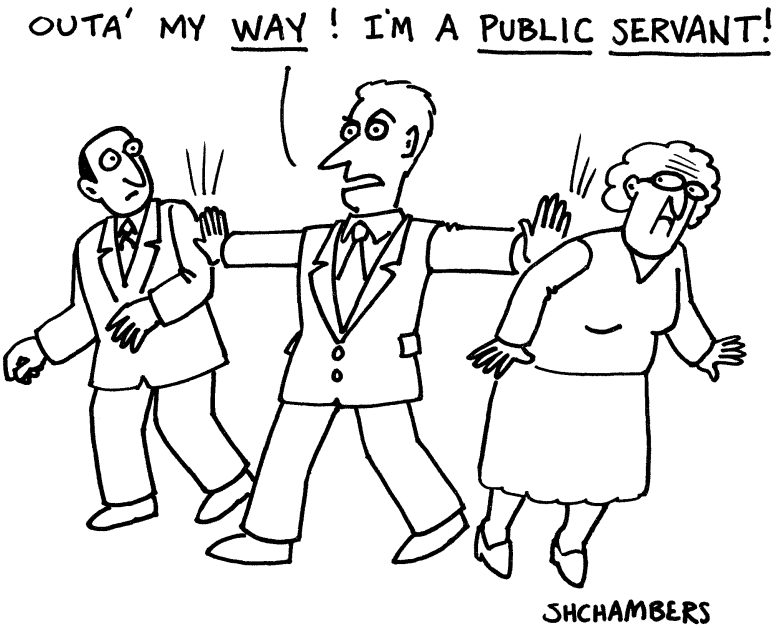

A wonderful Grinchy idea — Opponents of the welfare state (i.e., libertarians and conservatives) are typically viewed as uncompassionate by its proponents. But a recent piece by Arthur C. Brooks, a professor at Syracuse University doing research into American charity, has nicely debunked that stereotype. He looked at patterns of blood donation, using data that neatly rule out such confounding variables as income (rich people have more money to give, but everyone has roughly the same amount of blood), tax planning (you can't deduct contributions of blood), and church affiliation (your money may help your church, but your blood won't). He found that people who generally favor government spending on poverty programs donate *less* blood on average than do those who generally oppose government spending on poverty programs — and by a large margin.

So who are the real Grinches? — Gary Jason

Night of the voting dead — In late October, an analysis of statewide records by the Poughkeepsie Journal revealed that 77,000 dead people remain on election rolls in New York state, and some 2,600 may have managed to vote after they had died.

There is a fascinating sociological take to this. The economics literature makes clear that it is not "rational" to vote — the expected costs of voting far exceed the expected utility (see Steve Landsburg's discussion at slate.com/id/2107240) — yet the social pressure to vote is so great that even the dead get to the polls. — Ross Levatter

Kiss of death — According to Bob Woodward's new book, "State of Denial," Henry Kissinger has an ongoing advisory role with Bush and Cheney on Iraq. Not just that, but he has been telling them to "stay the course" no matter what. Just what we need — the octogenarian ex-secretary of state, one of the slipperiest eels ever to slither through the corridors of power, telling the administration to fight on in an unwinnable conflict, killing young Americans to no purpose.

When Nixon and Kissinger took office in 1969, they were certainly faced with a difficult situation in Vietnam — one, moreover, that was not of their making. Still, in January 1969 we were at 37,000 dead. Under Kissinger we lost over 20,000 more. Immediate withdrawal would have been preferable to losing those lives, while the blame for losing Vietnam could still have been laid at the door of LBJ and the Democrats.

Kissinger out of office did all he could to blunt the Reagan policy of confronting the USSR, the policy that in fact led to Communism's demise. One does not have to agree with the opinion of the late CIA counterintelligence chief, James Jesus Angleton (admittedly a paranoid alcoholic), that Kissinger was actually a KGB agent, to reach the conclusion that Kissinger

has done much harm to this country — even beyond the blood that continues to stain his hands.

And this man still wields influence today? It's a national disgrace.

— Jon Harrison

In Memoriam, USSR — In 1959, Soviet Premier Nikita Khrushchev and American Vice President Richard Nixon walked through a replica of a six-room ranch house that was on display at the American National Exhibition in Moscow.

As the two superpower leaders entered the kitchen area, Nixon pointed to the dishwasher and said, "In America, we like to make life easier for women." Instead of pointing out the inherent sexism in Nixon's statement — i.e., the assumption that dirty pots are women's work — Khrushchev responded with knee-jerk Marxist sophistry: "Your capitalist attitude toward women does not occur under communism."

Checking out the newfangled gadgets in the kitchen, Khrushchev saw nothing more than a capitalist scheme of planned obsolescence. "Your American houses are built to last only 20 years so builders could sell new houses at the end," he told Nixon. "We build firmly. We build for our children and grandchildren."

The Soviet premier additionally complained that the American exhibit wasn't complete: "It's clear to me that the construction workers didn't manage to finish their work and the exhibit is not put in order. This is what America is capable of, and how long has she existed? Three hundred years? One hundred and fifty years of independence and this is her level?"

Sticking with his view of collectivist superiority, Khrushchev told Nixon he felt sorry for Americans: "If you want to live under capitalism, go ahead, and that's your question, an internal matter. It doesn't concern us. We can feel sorry for you, but really, you wouldn't understand." He then delivered a flawed forecast to Nixon, a picture of the Soviet Union as a new and dynamic enterprise, a young and scientifically planned system fully capable of burying the ineptness and disorganization of American capitalism, then on its last legs: "We haven't quite reached 42 years, and in another seven years we'll be at the level of America, and after that we'll go farther. As we pass you by, we'll wave 'hi' to you, and then if you want, we'll stop and say, 'Please come along behind us.'"

By December of 1991, the collapse of the Soviet Union was complete.

What Khrushchev didn't understand is that a system of brute force that demanded individual servitude to the state was no match for a nation that combined democratic freedoms with the vitality of capitalism.

Explaining the monumental failure of the Soviet system and empire, Gen. Dmitri Volkogonov, a former official Soviet military historian, stressed that "the roots of the catastrophe lay in the ideology itself, in Leninism." All told, the "catastrophe" of attempting to impose a Marxist-Leninist utopia in the Soviet Union resulted in the deaths of as many as 25 million people, according to recently released and hitherto inaccessible Soviet archives — a death toll that was the direct consequence of centrally planned massacres, mass deportations, labor camps, torture, and famine.

Many of the grisly details behind this colossal slaughter are recorded in "The Black Book of Communism," an 800-page summary by a team of scholars that documents the violence and terror that Soviet leaders employed against their own people. Within months of his rise to power, Lenin provided the definition of "revolutionary justice" to a workers' assembly: "If the masses do not rise up spontaneously, none of this will lead to anything. For as long as we fail to treat speculators the way they deserve — with a bullet in the head — we will not get anywhere."

The targets of this "justice" included shopkeepers, landlords, non-Bolshevik newspapers, non-Bolshevik political parties, the clergy, "counter-revolutionary" civil servants, intellectuals, "aristocrats," industrial strikers, malingering "pseudoworkers," entrepreneurs, gun owners, craftsmen, "bourgeois specialists," landowners, and, most especially, "money grubbing" kulaks, i.e., better-off peasants. Simply stated, Lenin's "bullet in the head" form of "justice" was the officially prescribed punishment for any person "belonging to a hostile social class."

On Aug. 10, 1918, Lenin telegrammed instructions for dealing with

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kulaks who were expressing opposition to having their harvests confiscated by the government: "You must make an example of these people: (1) Hang (I mean hang publicly, so that people see it) at least 100 kulaks, rich bastards, and known bloodsuckers. (2) Publish their names. (3) Seize all their grain. P.S. Find tougher people."

By the time it ended, the Soviet Union's "tougher" enforcers had killed millions through forced collectivization and harvest seizures, work camps, gulag colonies, prisons, and political executions. But the Soviet Union did end, 15 years ago, on Dec. 25, 1991, while American kitchens prepared enormous banquets of cheap and plentiful holiday food, freely produced and freely consumed. — Ralph Reiland

Sweet revenge — Don't assume all public school students are ignorant of economics. There is, for example, the Candyman, who has become an institution at Ingraham High School in Seattle. In 2005 the city's left-wing school board banned the sale of candy, which wrecked the finances of PTAs and caused the board to be very unpopular among the kids. By early 2006, an anonymous senior had gone into business for himself as the Candyman. According to a story about him on the front page of the Seattle Times, the Candyman appeared at last spring's pep assembly in a mask, with a red-and-blue spandex costume displaying the big letters CM. To the delight of the crowd, he threw candy into the air and made a quick exit.

The Candyman is breaking the school district's regulations, but he says he donates his considerable profits to charity. Ingraham's principal, in an act of disobedient tolerance, has let him get away with it. When asked about his activities by Times reporter Emily Heffter, the Candyman said: "Just like Prohibition in the twenties, when demand is high and supply is cut off, there are going to emerge black, parallel markets." — Bruce Ramsey

Lessons from Sweden — We classical liberals tend to think of the welfare-state economies — Sweden, France, Germany, Denmark, New Zealand, and others — as moribund. And there is evidence for that judgment. They tend to have much higher personal tax rates than the United States, and not surprisingly have unemployment rates dramatically higher and growth rates markedly lower than ours.

However, many of them still manage to maintain generally favorable growth rates, because they have adopted classical liberal policies that are helping their economies. Some of the reforms adopted are nothing short of amazing.

Consider Sweden, that poster child for the welfare state. Sweden has adopted a number of classical liberal reforms. Start with vouchers. The concept, first devised by Milton Friedman, has been around for decades. Teachers' unions in America have stymied implementation, but Sweden has a full-blown voucher system. It was first introduced in 1992, and it gives full pro rata vouchers to all kids, regardless of income. (Contrast with Milwaukee's voucher system, described in "Peer pressured," p. 15.) The Swedish system has been so suc-

News You May Have Missed

Kim Jong Il Solidifies Fruitcake Image for Holidays

PYONGYANG, North Korea — Just two months after his underground nuclear test sparked an international crisis, erratic North Korean leader Kim Jong Il has launched a series of aggressive moves that experts say are aimed at producing disruptions of the Western holiday season even more chaotic and traumatic than those caused by visiting relatives.

In early December Kim, dressed for the occasion in an ill-fitting red suit trimmed with white fur and sporting a moth-eaten fake white beard, announced that his nation would henceforth be known as "North Pole" instead of "North Korea." Millions of letters from children around the world, rerouted to Pyongyang, would then be shredded and turned into gigantic papier-mâché statues of Kim in time for the synchronized mass demonstration commemorating the tenth anniversary of "Dr. Kim's Diet Revolution," the miracle weight-loss regimen imposed on the entire country during the late 1990s in an ambitious attempt to overtake the West in the development of emaciated, hollow-cheeked models.

The children who had inadvertently sent him their Christmas lists would be mailed North Korean-manufactured "Dear Leader" dolls that, when a button in the back is pushed, will denounce the youngsters as "low-lying imperialist gangster hyenas."

Kim also revealed that North Korean scientists, working in secret underground facilities, had perfected a haircut even more dangerously weird than his own, and that its blueprints would be placed in the hands of terrorist barbers who would quickly infiltrate hair salons throughout the United States, making it virtually impossible for millions of American men to get a date on New Year's Eve.

Kim seemed unafraid of alienating nearby Asian countries as well. Last Sunday night he refused to pay for a takeout order of Shredded Pork with Dried Bean Curd in Spicy Garlic Sauce from neighboring China, denouncing the accompanying fortune cookie as a "bandit provocation." It read: "He who have clunky shoes will not go far, and neither will his medium-range missiles."

Experts predict that the behavior of the North Korean dictator is very likely to continue to be unpredictable. They cited his recent unscheduled appearance on "Oprah," where he jumped frantically up and down on the couch while confessing that his controversial memoir, "A Million Little Marxist-Leninist Tracts," was largely fabricated. Despite his insistence in the book that he has been a central figure in the most significant historical events of modern times, he admitted to Oprah that he had not really been with Jon-Benet Ramsey the night she died, that it wasn't him in the sex tape with Paris Hilton, and that he had never actually exchanged instant messages with former Congressman Mark Foley. — Eric Kenning

cessful that even the leftist party now accepts it (although the communist party still hates it). Denmark and New Zealand have also adopted voucher systems.

Next, look at taxation and Social Security. While the U.S. Congress has repeatedly tried to kill the estate tax, and repeatedly failed, Sweden has eliminated it entirely. Similarly, while Bush hit a stone wall in his efforts to get even a tiny measure of privatization allowed in Social Security, the Swedes got partial privatization through.

Moreover, look at divestiture of assets. I have argued elsewhere that the federal government ought to start selling off its huge holdings of land and other assets to pay off those who want to opt out of the Social Security system. But while the feds just sit on all those assets, even in the face of a large federal debt, Sweden is planning to sell off tens of billions of dollars worth of state-owned assets. These include very large ownership positions in TeliaSonera (a telecom company), Nordea (a banking company), SAS (an airline company), and Vin & Sprit (a booze company!). Just which of these will be sold is still to be finalized, but the plan shows a commitment to putting state assets in the hands of private individuals that I wish the United States had the foresight to follow. Privatization brings in money that can be used to pay down debt, and leads to the private investment and development that spur job growth.

Yes, our economy is still freer than Sweden's, but we would do well to adopt some of its ideas. More broadly, we might emulate some other ideas being practiced abroad, such as the flat tax (common now among Eastern European countries) and the "loser pays" tort system that virtually all of Europe follows. We might even consider emulating New Zealand, which ended all farm subsidies back in the mid-1980s.

— Gary Jason

All about the benjamins — In the world of the blind, the one-eyed man is king. Similarly, in a world in which almost all nations are inflating their currencies, the currency of a country that inflates less than others is "king." Thus U.S. paper money is the worldwide "king" of currencies. It is popular among foreigners, especially in $100 bills. And according to The Wall Street Journal (Nov. 2), "Roughly 75% of the 5.5 billion $100 bills in print are circulating abroad."

Foreigners who hang onto these $100 bills are doing U.S. consumers a favor. They are helping to keep U.S. prices lower than they would otherwise be. If those billions of bills were all to return to the States, the prices of things people want to buy in this country would tend to rise even higher than they are now.

— Bettina Bien Greaves

Liberty, fraternity, efficiency? — In terms of the ratio of energy consumed to dollar of GDP produced, America is the least efficient nation on earth. The Left likes to point this out, since it supports the argument that American capitalism is inefficient, that when people are free to make their own decisions, they don't pay attention to how much energy they're wasting. Leftists will even note, without irony, that historically the Germans have a better record of energy efficiency.

Americans do have bigger homes and bigger yards, and also more leisure craft, vacation homes, refrigerators, and air conditioners. We also travel more. All that takes extra energy — energy that isn't being used for economic production.

But so what? It makes America a great place to live, the envy of the world. I'm not interested in forcing Americans to live a more spartan lifestyle just to bring our BTU per GDP stat down.

National efficiency is a noble goal only for fascists. If it was our only concern, we could save the energy wasted on transporting clothes all the way from China by issuing uniforms to everybody. We could build military barracks to function as energy-efficient residences, and call for a national blackout after 9 p.m. The government could close all the newspapers and print its own national paper every day; seize all those energy-wasting computers, televisions, and radios; commission all private boats and aircraft for military duty, commandeer cars, and force everybody onto trains. (How come fascists always love their trains?)

Freedom is not synonymous with efficiency. He who would sacrifice freedom for efficiency is either evil, or moronic.

— Tim Slagle

Otter be a law — An Taisce, the National Trust for Ireland, has voiced concern at the effect a proposed greyhound stadium near Limerick city could have on otters in the River Shannon.

Forget about the fact that the new complex, which includes a three-story office building, will employ 100 people. Forget about the regional benefits of the development, which will include betting facilities, two restaurants, and four bars with a dance floor. And don't even bother mentioning that the anticipated annual turnover, in relation to the development, is between $10 and 12.5 million. Otters are protected under the EU Habitats Directive, and that's that. Brussels says "jump," and Ireland says "how high?"

An Taisce's slogan — "A champion for quality of life" — makes you wonder: whose life, ours, or otters'? — John Lalor

A correction, with enthusiasm — In the last issue of Liberty we ran an ad for the FreedomFest conference in Las Vegas (July 5–7, 2007), in which the subject of Nathaniel Branden's talk was listed as: "I've Changed My Philosophy of Self-Esteem." I am happy to report that Dr. Branden has not changed his philosophy (although he is always coming up with new and interesting applications and corollaries).

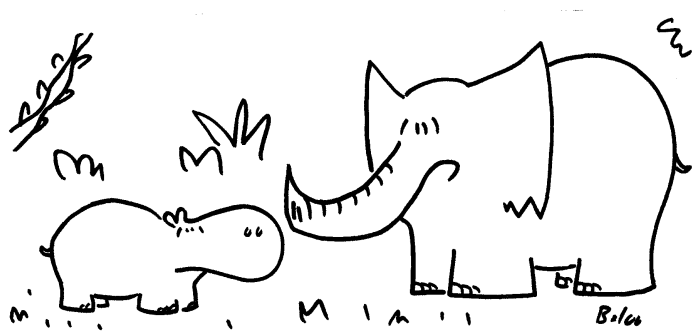

"Yeah, me too — I gained it all back during the holidays."

His scheduled address will be entitled "Self-Esteem and Its Enemies."
— Stephen Cox

Bear watch — This year, the French government released five brown bears from Slovenia in the French Pyrenees, where bears were once common. Some Pyreneean shepherds, an endangered species, got angry. As I reported in an earlier reflection ("Where the wild things are secretly reintroduced," July), the French government was forced to release the bears at secret times and places to avoid disruption.

Battle lines have been drawn. According to Reuters, pro- and anti-bear graffiti are a common sight along roadsides in the Pyrenees. In August, hikers found Palouma, one of the Slovenian bears, dead at the foot of a cliff. A wide-ranging

Word Watch

by Stephen Cox

Don't tax you,
Don't tax me —
Tax that fella
Behind the tree.

So runs the poetic satire of a process that has been delicately entitled "government funding" or "ways and means."

I can't think of a better example of the art of making distinctions. Nothing is clearer, in this poem, than the difference between happy tax-evaders and hapless tax-payers — nothing, that is, except the distinction, implicit but obvious, between the moral cynicism of the poem itself and the moral indignation with which it is supposed to be read. Everybody who reads it *has* to be on the side of that fella behind the tree.

I only wish that all political speech were as clear, as clever, and as honest, as that little poem.

Here's a passage from a recent speech by Felipe Calderón, president-elect of Mexico: "Humanity committed a grave error by constructing the Berlin Wall, and I am sure that today the United States is committing a grave error in constructing a wall along our northern border." The passage shows that abuse of language, as manifested particularly in the failure to make appropriate comparisons and distinctions, is one commodity that is truly international.

You may believe, as Sr. Calderón does, that a fence designed to keep people out of the United States is a lot like a wall designed to keep people inside East Germany. I don't believe it; nevertheless, his comparison is clear. I understand what he meant. But what about his distinction between "the United States," which is erecting the fence (a.k.a. "wall"), and "humanity," which allegedly erected the barrier in Berlin?

Did he mean to say that all humanity actually built that wall? Did he think that everyone in the world was responsible for pouring the concrete, stringing the barbed wire, and manning the guard towers? Or was he using "humanity" to make a moral distinction, a distinction expressed by the shift in tone between "United States," the fiercely embattled citadel of imperialism, and the mildly beneficent "humanity" embodied in the former communist state? I don't know, but I suppose he was trying to convey as much of that latter idea as he thought he could get away with.

The Mexican political regime subsists in large part on baseless comparisons and spurious distinctions. And the same can be said of the American political regime.

What is the difference between "pork-barrel legislation" and "investments in our national infrastructure"? Nothing.

What is the difference between a "tax" and a "contribution," as in "Social Security contribution"? Again, nothing.

What is the difference between a "moderate" justice of the Supreme Court and a jurist who regularly votes to follow the most radical precedents of the recent past? Nothing. Nothing at all.

What is the difference between an "ideologue" and the kind of "statesman" who happens to vote for 95% of his party's measures? Five percent — and a different noun.

What is the difference between a congressional liberal and a real liberal, a country-club conservative and a real conservative, a political "progressive" and someone who actually has some new ideas? Everything. In each case, the same noun is used for both, so that the former can claim the prestige of the latter.

Obscuring a difference is just as useful as inventing one, and a good way of obscuring a difference is simply to omit any hint of agency — any idea of who did what. Thus, the president frequently claims that "we are solving" this or that problem, without ever identifying the people who created it. Maybe he knows those people too well. In the same way, congressmen usually agree that "taxes are too high," at least for "the middle class," but omit to mention that they voted for those taxes. Police chiefs decry the latest "rise in crime," not mentioning that they failed to prevent it. Preachers in inner-city congregations lament the "moral crisis" in their neighborhoods, without speculating on any possible failure of their own moral leadership. (I note that this religious phenomenon is not limited to the inner city.)

The refusal to distinguish who did what isn't just bad for politics; it gets into people's larger worldviews, darkening and dampening them. When I was in graduate school, my dissertation director was nearly driven crazy by students who tried to account for every historical change by noting that "the middle class was rising," which is about the dullest thing you could possibly say on any occasion. Finally he cut somebody's historical "explanation" short. "The 'middle class' is *always*

investigation into her death has begun. Here are some of the headlines translated from the French press:

- Death of Slovenian bear Palouma probably accidental
- Palouma's death resuscitates debate over Pyreneean bears
- Death of Palouma: "No possibility excluded"
- Pyrenees: the death of a bear
- Palouma, will she be replaced?
- Palouma's autopsy: Nothing suspicious found
- Palouma, fallen for France

A representative of a green party in France says that if Palouma was chased off the cliff, then "it's murder, pure and simple."

Speaking of murder, I was surprised to learn that the tiny number of beleaguered brown bears in France kill about 300 sheep and cattle per year. But wait! Not so fast! These official statistics are wrong, says AVES France (the Association de Protection des Espèces Menacées). According to AVES, whenever a herder claims that a lamb, kid, or calf was killed by a bear, the government gives him the benefit of the doubt and pays an indemnity, hence the inflated statistics.

Senior French songster Renaud just released a musical homage to Palouma entitled "Rouge Sang" ("Red Blood"). (Yes, he's one of those one-name guys. And no, I'm not making this up.)

Passions among the shepherds have not cooled, either. Following a violent demonstration, some of them were recently convicted of crimes and given suspended prison sentences of as long as four months.

As the French say, *"A suivre . . . "* — Michael Christian

'rising,'" he observed, with the friendly smile he developed when he was fully exasperated. "Now tell me why the English novel was invented in the middle part of the 18th century, rather than a hundred years before or a hundred years after. Surely there was some more *particular* cause than the rise of the middle class?"

Of course, he might also have demanded to know whether there was some *particular* cause of the middle class itself, together with its strange propensity to levitation. Could it be the specific actions of specific individuals, the kind of individuals who, generation after generation, try to free themselves from the dead hand of government? An interesting question. But it can't even occur to people as long as they fail to distinguish between things that *happen* and specific human *actions*.

One of the commonest products of this failure of appropriate distinction is the "pendulum" theory of history, which has become so much a part of people's basic political assumptions that it will probably never be removed. It's the idea that once history screws itself up in one way, it will soon (thank God) start screwing itself up in the opposite way. Is that too bald a formulation of this venerable theory? Maybe. So try this: it's the theory that President Hoover took the country too far to the right; then President Roosevelt took it too far to the left; then President Truman put it back in the moderate center; and this is what we call a "pendulum."

Actually, that second formulation sounds almost as silly as the first. While it emphasizes the previously omitted distinction between "history" and individual people, by naming all those presidents, it still implies that individual actions and historical rhythms are pretty much the same. It refuses to identify the particular acts that produced the general effects.

Let's face it. President Hoover tried to control the economy. He failed. President Roosevelt tried even harder. He failed too. At the end of the Second World War, the Democratic Party wanted to continue in the same way, but its insistence on retaining wartime economic controls produced a number of problems, including the total absence of meat from the marketplace. The "moderate" or "centrist" President Truman wanted to send soldiers out to the Midwest to seize the food supposedly being "hoarded" there, but he didn't dare to do it. (He also wanted to draft striking railroad workers into the army.) Then the Republicans won a congressional election, economic controls were lifted, peace returned to the grocery stores, the nuttiest members of the Roosevelt mythocracy formed their own, hopelessly incompetent political party, and Truman managed to win a narrow victory in the next presidential election.

Those events were a lot less orderly, and a lot more interesting, than the swing of any pendulum. But still, the middle class kept rising . . .

Knives out — The TSA reports that in the four years after Sept. 11, 2001, security scanners have picked up the following items (among others) at Phoenix's Sky Harbor International Airport:

- 33,554 knives with blades less than 3 inches long
- 82,164 lighters
- 813 tools
- 23 replica weapons

What, I wonder, should the American people be more thankful for? That the TSA is separating Americans from their tools, or their toys? From their Zippos, Dunhills, and Bics, or from their Swiss Army purchases? — Ross Levatter

Good for business — For many years, Americans have been making economic arguments on questions that are not about economics at all.

An example is a press release sent Oct. 9, claiming that gay marriage is good for business. It says that the Williams Institute at UCLA has determined that allowing gays to wed would boost the weddings industry by $2 billion. Also it says that the added costs of providing employee benefits to same-sex partners would be offset by increased productivity, because gay employees would be happier and therefore would do more work.

Hearing these arguments reminded me of some research I did on the arguments for a Prohibition measure in 1914. Closing the saloons, it was said, would increase business for all other merchants.

This was an economic argument to ban the saloon. But the saloon was a *moral* issue. It was the most controversial issue of its day, and it was not about economics. It was about whether banning liquor would make people good, and whether banning it was *right*.

It is the same with gay marriage. It is an issue of values and beliefs, feelings and fairness. Not one person in a hundred cares whether it benefits the weddings industry.

I also doubt whether enrolling a new group of beneficiaries would be offset by increased productivity. But imagine that it would. How many minds would that change about same-sex marriage?

So why do people make economic arguments on noneconomic questions? It is not because the arguments are convincing; it is because the arguments are safe. — Bruce Ramsey

Off the beaten label — On the "Today" show (Oct. 26), Matt Lauer had a piece on the dangers of "off-label" drugs. These are drugs designed for one indication and yet prescribed (perfectly legally) by physicians for other indications that have not been "approved" by the FDA. It seems some antidepressant and antiseizure medications cause weight loss as a side effect and are being prescribed by some doctors who specialize in weight loss. Lauer, schizophrenically, is upset both that drugs are ever used off-label and that insurance companies refuse to pay for off-label use.

Without commenting on weight loss specifically, off-label use is routine and commonplace in medicine, something one would never have guessed after hearing Lauer interview his hand-picked physician from the University of Pittsburgh. It likely has something to do with the facts that 1) doctors are legally allowed to prescribe medication for whatever indication they feel appropriate — imagine the enormous bureaucracy if it were otherwise! — and 2) having spent tens of millions of dollars to get FDA approval for one indication, pharmaceutical companies have no economic incentive to spend additional millions to apply a label for alternative uses that physicians were already made aware of in their peer-reviewed professional literature.

Immediately following Lauer's diatribe on off-label drug use, Today ran a fashion story discussing a new trend: women wearing apparel designed for men. No discussion there of off-label use . . . — Ross Levatter

Icelandic Saga — Iceland was composed by God in his surrealist phase. On my way home from a European excursion last summer I spent some time there, and I've never seen a more disorienting landscape. One moment you're in Ireland or the Scottish Highlands, among sweeping, treeless, green hills grazed by sheep and shaggy horses; a few miles later you're in one of the stark, barren, high deserts of the American West, except that the skies are cloudy all day. Then you might as well be on one of the more obscure moons of Saturn, with vast expanses of black, jigsaw-shaped lava-rock hummocks out of a Yves Tanguy painting covered with lichens of unearthly green. Most of the island, especially once you venture onto the one-track dirt roads that take you deep into the interior, is a caveman landscape of strangely colored rock monoliths and volcanic cones, looming glaciers and steaming fissures and unexpected waterfalls. The earth seems to be speaking its original geological language while you struggle to understand a word or two.

"The evening news was bad enough, but now he's dozing off during the 'Today' show!"

Iceland once spoke a libertarian political language that can hardly be understood today, too. For over three centuries after the first Norse settlers arrived in the late 9th century, what is known to historians as the free state of Iceland was virtually state-free. The Althing, the world's first parliament, where eminent Icelandic men periodically convened in a dramatic interior valley, had only legislative and judical functions. There were no permanent executive governmental institutions at all. As the American scholar Jesse Byock points out in "Viking Age Iceland," in many ways the island was a "headless and stateless society."

Icelanders, living on small, isolated, mostly self-sufficient farms, managed to do without the standard medieval throttling and meddling of earls, barons, and archbishops, sheriffs and soldiers, taxes and tax farmers, corvées and serfdom, though there were slaves, most of them captives seized in Viking raids on the British Isles, until roughly the end of the 11th century. Laws were often elaborate, but enforcing them was left to private individuals. Feuds and disputes were resolved, when they were peacefully resolved, through arbitration, usually by the clan chieftains and richer farmers, who exercised only an informal authority. A lawbreaker was subject to various degrees of outlawry, meaning that others could seize his property and in the more drastic cases kill him without penalty. (It was because Erik the Red was outlawed for killing someone in a feud that he sailed off to discover Greenland, from which his son Leif Eriksson made his way to North America.) As historians have pointed out, Iceland, without towns or even villages, was like a large, dispersed village, and the Icelandic sagas were village gossip. Troublemakers were punished by the neighbors, even if the neighbors had to ride over the mountain and around the fjord three days to get there. The farmers thus "denied would-be elites the crucial state function of monopolizing force," Byock writes.

Even within the clan system there was room for individuality and choice, as an Icelandic poet and translator whom I had known in New York pointed out when we had dinner in Reykjavik. (His encyclopedia article on medieval Iceland, written some 30 years ago, is still being quoted in internet anarchist arguments.) Until late in the period, clan chieftains didn't rule over specific territories. You could choose and change clans. You could fall in love with a pretty girl from another clan, marry her, and switch over to her clan without any ensuing Romeo-and-Juliet scenario — at least most of the time.

Life in Iceland a thousand years ago was often harsh, pre-

carious, and violent, and no doubt remote, in its saga tales of honor and vengeance and its rural self-sufficiency, from all modern political possibilities and theories, but it still constitutes a kind of libertarian revery and perhaps a parable. What put an end to the state-free free state? The standard high-octane fuel of history and lethal poison for liberty: the lust for power. Some chieftains started biting off more than they could chew. By the mid-13th century a few of them controlled most of the country and were contending for supremacy, with bands of mercenaries fighting and plundering for them while they tried to coax the Norwegian King Hakon into intervening on their side. He shrewdly played them off against each other, until Icelanders eventually opted for Norwegian sovereignty as an alternative to overbearing local strongmen and civil war. After that most of the old freedoms gradually disappeared, as church and state imposed their authority and their taxes. Iceland's history was wrapped up in Scandinavian history, complicated by climate change (it got a lot colder after the 14th century), oppressive trade restrictions and monopolies after the Danish kings inherited both Norway and Iceland, population decline, soil erosion, and the abandonment of many farms.

But Iceland was never invaded (despite some kidnapping raids by Algerian pirates in the 17th century and a brief Nazi bombing during World War II). It has never invaded anyone, either. The 300,000 Icelanders, free from Danish oversight

Peer pressured — I have sympathy and admiration for that group of brave souls called "independent scholars," i.e., people who do academic work bereft of a stable academic position. I suspect such scholars are often able to do novel research precisely because they are not vested in an institutional setting with a shared paradigm to defend. It is easier to think outside the box when you are outside the box to begin with.

One such scholar, who is doing fascinating research on the psychology of personality development, is Judith Harris, a prolific author whose recent books "The Nurture Assumption" and "No Two Alike" address the perennial question: What makes people the way they are? Is it nature, our genes only, or nurture in the family, our community, or the broader culture?

Her work argues that when you separate out the clear and large genetic component of personality and behavior, the features that remain don't seem to owe much to the influence of parents or family, or the broad community, or cultural influences such as TV and music. The predominant factor molding the non-genetic portion of a child's personality seems to be the peer group the child falls in with. She notes, for example, that a child of immigrants will learn the language and accent of his peers, and use it rather than the language of his parents, even if he still speaks the parents' language at home. Another example: poor African-American kids raised in poor neighborhoods are more apt to be highly aggressive that those raised in middle-class neighborhoods — which supports the idea that kids adopt the norms of their peers.

This has the ring of truth to me, no matter how much it deflates my fatherly feelings of importance. Parents are reluctant to admit that their influence on kids is less than that of the kids in the peer group. But of note here is how Harris' theory helps make sense of two otherwise puzzling things about educational vouchers.

The first is how popular vouchers are, even when — because of the vile machinations of teachers' unions out to sabotage the program — they are far less than what a fair share of the public-school budget would dictate. In Milwaukee, for example, parents desperately try to get one of the meager and pathetically few $2,500 vouchers to send their kids to private school, even though the city public schools spend an average of over $10,000 in tax dollars per child per year. A full pro rata $10,000 voucher would enable poor parents to send their children to elite private schools, with the latest computer and lab equipment, lots of teachers, and teachers with advanced degrees. But the partial voucher — again, less than one-fourth of what it should be — is still highly prized, even though it will cover only the tuition of a small, poorly appointed parochial school, with little equipment, fewer teachers, and perhaps no teachers with advanced degrees.

Harris' theory explains why: if I am poor, and cannot afford a good private school for my kid, I'd much rather send him to a poorly funded parochial school where his peers will be more inclined to be self-disciplined, respectful, and moral, than send him to a fully funded public school where his peers won't be so inclined. The presence of better lab equipment (as if basic education required that), or more teachers (as if anyone still believed the debunked myth that smaller class sizes improve instruction), or more teachers with M.Ed. degrees (as if an M.Ed. degree were worth a rat's posterior) would be irrelevant to me.

The second interesting phenomenon about vouchers is the reluctance of upper-middle-class and wealthy parents to support them. You would think that such parents, many of whom are devout worshippers at the altar of modern liberalism, would want poor folk to have the same freedom of choice that the wealthy have. After all, middle-class and wealthy parents almost always either send their kids to elite private prep schools, or move to school districts where the public schools are demonstrably superior. And the more poor people who move up the ladder, the less taxes the wealthy will have to pay, and the less street crime they will have to endure. So why don't wealthy people overwhelmingly endorse vouchers?

One cynical explanation is that the parents of students at superior public schools and elite prep schools oppose vouchers out of naked egoism — leaving the children of the poor to rot in lousy public schools will ensure that their own kids will face less competition for good colleges. But Harris' theory affords a better explanation: what wealthier parents may fear is an influx of students with bad moral traits, who will form alternative peer groups that will screw up their own kids. This is a concern that voucher proponents may well want to address.

— Gary Jason

since 1944, still exhibit in many ways a tough, go-to-hell independence, and despite typical Scandinavian welfare-state red-tape rules and laws and taxes (now further complicated by the country's associate status with the EU), libertarians can still instinctively feel at home there. It's just now going through an entrepreneurial boom, but above all the vast empty and unfenced spaces, and their haunting, surreal beauty, give you a sense of untrammeled freedom. Iceland just finished on top of a survey measuring the percentage of people in dozens of countries who reported being happy. — Eric Kenning

Think globally, spray locally — Environmentalist ideologues have been rebuked again. One of the founders of the movement, Rachel Carson, targeted the pesticide DDT in her 1960s screed "Silent Spring," alleging that it caused cancer and ecological disaster. The book became one of the enviros' bibles, and they managed to convince the EPA to ban the use of DDT in the United States in 1972. Eventually, most countries followed suit.

Birkenstock Boomers rejoiced, as did the mosquitoes that carry malaria. The result was a depressingly predictable explosion of a disease that DDT had dramatically reduced. Because the alternatives to DDT are so ineffective, malaria now infects hundreds of millions of people a year, killing a million a year — especially very young children with weak immune systems.

This is the same old story: enviros push their agenda of "Earth First, People Last!" using whatever junk science they can find. This is easy to do, given that junk science is as common as bird crap. The consequence is that children suffer and die — not the children of the enviros, of course, but the children of sub-Saharan Africa. But then, enviros have always had much more compassion toward wolves than toward third-world children, perhaps because Disney makes more movies about cute animals than about dying children.

However, a ray of rational hope has appeared. The World Health Organization has announced that it will encourage the spraying of DDT indoors. It had earlier put DDT on the "allowed" list, but now will begin pushing its use, and push for funding for that purpose. If DDT becomes widely used again, some estimates are that it will lower the incidence of malaria by 75%. This is welcome news, indeed — though it's a tad too late for the nearly 30 million people already dead, killed by malaria and the equally pernicious enviro ideology.

— Gary Jason

Pension pinching — GM and Ford are now in financial trouble. One of their problems is the commitments they made years ago to pay pensions to retirees. Their government-backed unionized workers had threatened to strike. What should the company officials have done? The companies really had no choice at that time. They could have paid the (then) present cost of a strike in the form of halted production and possible bankruptcy. Or they could have postponed paying that price by promising pensions and benefits in the future. Economics teaches that present goods are necessarily always valued more highly than future goods. Therefore, the companies chose present goods — in this case labor peace and continuous production — over the less highly valued freedom from having to pay pensions and benefits in the future. They were in effect extorted.

Leaving aside the problems GM and Ford have faced from competing with other car manufacturers, government bears considerable responsibility for their present predicament. In the first place, collective bargaining as imposed by the National Labor Relations Act added clout to the labor unions' strike threats by compelling GM and Ford to deal with the representatives of recognized unions chosen by a majority of their workers in any category. And secondly, the existence of the Pension Benefit Guaranty Corporation allowed GM and Ford to make more generous promises than they would have if there had been no possibility of shifting to the taxpayers the burden of future pensions and retiree benefits.

— Bettina Bien Greaves

The favorite game — I finally figured out what must be happening behind and under the counter at my neighborhood lower Manhattan post office. The problem is not just that the slowness of the few clerks creates a long line within a crowded space, itself reminding me of the more popular retail outlets in East Berlin, but that the clerks, I imagine, must be collecting a daily pool of money that goes to whoever infuriates the most customers during the working day.

While they're putzing around, each is keeping score on himself and on the others. Whoever abuses the most, measured simply by getting customers to raise their voices, takes all. Customer screaming for more than 15 seconds earns the clerk two points; 30 seconds, three points; physical abuse, five points; and so on. No matter that most of the clerks, at least in Manhattan, belong to "minorities" claiming a history of victimization in America.

But what else can be expected from a retailer that has conned the government into prosecuting competitors? Didn't Thomas Sowell write that the only segment of our society in which union membership is expanding is public employment — not only because higher wages won't bankrupt publicly funded employers but also because most "civil servants" can't easily be fired? It is unfortunate that canny investors can't sell the USPS short. — Richard Kostelanetz

Milton Friedman, RIP — Word of Milton Friedman's death was received as this issue of Liberty was going to press. Clearly, a long time will be required to adjust to a world of which Dr. Friedman is no longer a part.

Friedman (1912–2006) was the last of the great libertarian thinkers of the 20th century, and perhaps the most influential. The academic influence of his "Monetary History of the United States" (with Anna Schwartz, 1963) and of his determined attacks on Keynesian economics was very large. Larger still was his influence as an adviser of the political leadership of every part of the globe (he shared his wisdom with any who would listen). Largest of all was his influence on popular ideas

continued on page 34

This holiday season, give the gift of

Liberty

at a special holiday price! See page 57.

The Blue Tide — The Wreckage and The Lifeboats

by Bruce Ramsey and the Editors and Contributors of Liberty

On the Tuesday following the first Monday of November, Americans went to the polls to select a new batch of . . . well . . . statesmen to lead the nation through 2008.

As is the custom at Liberty, our contributors diagnose the election, seeking to discover how serious the wounds were, and how likely it is that individual freedom will survive.

On November 7, 2006, a blue tide swept Democrats back into power in the U.S. Senate and House of Representatives. It was no surprise; indeed, it had been a long time coming. In the 20th century there had always been a tide contrary to a government that entangled the nation in a serious war. In 1918, 1946, 1952, and 1966 it had been a Republican tide and in 1992 a Democratic tide. In 2006 it was a Democratic tide again.

There was no mistaking its meaning — and President Bush acknowledged it by sacking his secretary of defense, Donald Rumsfeld. More than anything else, the election was about the Iraq war — or, more accurately, the occupation of Iraq. It was not that the American people agreed with the Left that it was about contracts for Halliburton or "blood for oil," or that it was a neocon venture in imperial globe-management. Some said those things, but for most Americans it was simply a business that had gone on too long and was getting nowhere and was costing too much. They were in a mind simply to say the hell with it.

The Democrats had not run under any ideological banner. The core Democrats do have an ideology, social democracy; their medium-term aims include state medical insurance for all children and a more generous state provision of old people's pills. In the safe districts candidates talked about that, but the warriors who did battle in the swing districts kept that stuff in the box. They talked about Bush, Bush, Bush. Very often, it was a winning strategy.

The election of Nov. 7, 2006, put libertarians in an odd political position. Radical libertarians may vote for the Libertarian Party or not at all, but if "libertarian" is defined as the word is used in general discourse, meaning someone who favors markets and free trade, individual responsibility and social tolerance, most libertarians vote Republican most of the time. But not always — and this was one of the years in which it was difficult to do that.

In October, David Boaz and David Kirby argued in a Cato Institute paper, "The Libertarian Vote," that by a mainstream definition — social liberalism and economic conservatism — 9% to 13% of American voters are libertarians. In 2000, 72% of these people voted for Bush; in 2004, 59% of them did. The reason for the decline, according to Boaz and Kirby, was "Republican overspending,

social intolerance, civil liberties infringements and the floundering war in Iraq."

The decline in libertarian support for Republicans continued. Colin McNickle, editorial page editor of the Pittsburgh Tribune-Review and a libertarian-leaning conservative, wrote on Oct. 22, "I, for one, refuse to yet again enter my polling place, [and] vote for the usual GOP suspects."

During the campaign, the Cato Institute held a forum on whether libertarians should vote Democrat. Some libertarians said they would do that to restore divided government and put brakes on an imperial presidency. Reason magazine posted a blog entry on how its staff intended to vote; the answers included Democrats but no Republicans. The war and civil liberties were their main reasons.

In another part of the ideological landscape, Ayn Rand's heir, Leonard Peikoff, found another reason: Christianity. The Christian religion, he declared, had become a greater threat to the body politic than socialism. He linked Christianity to the Republicans and socialism to the Democrats. "The most urgent political task now," he wrote, "is to topple the Republicans from power."

A Libertarian Ponies Up

There was, of course, the Party of Principle, the Libertarian Party, which has been on the national scene for a third of a century. The Libertarians were hopeful that a number of their standard-bearers might climb out of the single-digit well. On the congressional level their best hope was Bill Smither, who ran for the Texas seat recently vacated by Tom DeLay. The district was dependably conservative, the kind of bailiwick where DeLay's Republican replacement had a good chance to win as a write-in candidate. But the Democrat won, the Republican write-in came in second (perhaps because of her difficult name), and Smither came in third, with only 6% of the vote.

Across the country lots of Libertarians ran, and almost all languished in the low single digits. A handful not identified on the ballot as Libertarians got elected, including one to the Hardeeville City Council, in South Carolina; one to the Rapides Island Water Board, in Louisiana; and another reelected to the Juneau Assembly (a borough legislative body) in Alaska.

In my home state, Washington, the Libertarians ran Bruce Guthrie, a former professor of management at Western Washington University, for U.S. Senate. He challenged Maria Cantwell, a Clinton Democrat who had been elected in 2000. Guthrie did not attack the welfare state: on Social Security he said, "We can maintain full benefits if we get our priorities straight." The centerpiece of his campaign was immediate withdrawal from Iraq, a position in contrast to Cantwell's, which was "find a way not to lose." Cantwell had long disappointed her party's left, which Guthrie set out to woo — though he was no leftist.

Guthrie ran three TV ads, low-budget but cute, showing paper-bag puppets being interviewed about Sen. Cantwell. Each admitted disappointment in her, but each still intended to vote for her. In one ad the puppet intoned, "I vote for the Democratic Party always." Then the message: *"Don't be a party puppet! Vote Bruce Guthrie for Senate!"*

Cantwell's Republican challenger was former Safeco Insurance CEO Mike McGavick, who years earlier had been a Republican operative. He was a skillful candidate, and Cantwell allowed him only one debate in western Washington. The sponsor, KING-TV, announced that it would allow into

Mandate, anyone? — "Pelosi characterized the Democrats' winning control of the House of Representatives as a clear mandate from the American people" (San Francisco Chronicle, Nov. 8, 2006).

Yeah, sure.

For many years, this journal has been satirizing the superstition that whenever one party wins a national election, it receives some kind of "mandate" from the American people. Our founder, R.W. Bradford, made hash of this idea in his classic essay, "The New Civic Religion" (February 1993, reprinted, as a warning, in our 2006 pre-election issue). I followed with "Politics vs. Ideology: How Elections Are Won" (February 2005). The fact is that very few American elections involve large swings of the electorate. Most are decided by narrow margins. This results from the nature of a free society, in which people are encouraged to develop multiple identities and exercise their choice about multiple issues.

If America were rigidly divided between partisans of Bush and deplorers of Bush, the November election would have thrown 70% of congressional seats to the Democrats, instead of the paltry 55% they won. The reality is that a deplorer of Bush may be an evangelical Christian who is loath to vote against a party that has sometimes identified itself with evangelical Christian ideas; a gay business owner who dislikes Bush's opinions about gay marriage but is much more concerned about whether his boyfriend will have to pay inheritance taxes if the Democrats bring back the death duties; or a working mother who feels serious class antagonism toward rich-bitch Nancy Pelosi.

Whoever the deplorer may be, he or she has many competing identities. The total mass of he's and she's is very unlikely to land, all at once, on the helpless stomach of either party.

Just before Pelosi gave her silly speech, I participated in a press conference, arranged by Matt Lauer of the "Today" show, in which an able Republican pollster and an able Democratic pollster told what they had learned about the election of 2006. There was no question about the election producing a "mandate." The great majority of seats that were lost by Republicans were lost by very small percentages. And supposedly single-issue voters did not respond particularly well to single issues. In the last national election, 78% of white evangelical voters supported the Republicans; in this election, 71% did so. The decline was small, and well within the normal range of opinion shifts in the general population. Was it the Mark Foley affair that did it? Was it the rest of the "morals issue"? Or was it disgust with the war, which evangeli-

the debate any candidate who had raised $1.2 million in campaign funds. Dipping into his net worth, Guthrie slapped that much on the table. He had not committed to *spend* it all, but it got him in. The Green Party candidate, former Black Panther Aaron Dixon, was omitted. He tried to crash the debate and was dragged away by police. Guthrie did all right in the debate; he got his view out to thousands of TV viewers.

Toward the end of October, McGavick, who was lagging behind, ran an unusual TV ad. It began by showing campaign signs for his Green and Libertarian opponents, with a graphic saying: "Guthrie, Dixon: Pull out Now." McGavick walked on screen and said, "On Iraq, Bruce Guthrie and Aaron Dixon have the guts to say what they think. They say, let's get the troops out now." Then a sign with Cantwell's photo appeared, and a graphic saying, "FOR THE WAR." (Cantwell had voted for the Iraq war resolution in 2002.) McGavick said: "But Maria Cantwell? It's just politics. First she voted for the war and to stay the course for three years. And, now suddenly, she's become vague." (This was true. She *had* become vague.) McGavick went on to say that he supported victory — but the clear message of the ad was that if you didn't support victory, if you would have America leave Iraq, you should vote for the Green or the Libertarian — *not* the Democrat.

Cantwell won easily, and Guthrie received just over 1% of the vote.

Inside the Elephant

In the Republican Party there is a libertarian faction, defined and supported by the Republican Liberty Caucus. The RLC (www.rlc.org) is a small group trying to build influence by setting out a platform, says chairman Bill Westmiller, of "individual rights, limited government, and private enterprise rather than new cultural constraints, big spending, or corporate subsidies." The caucus favors tolerance on social issues and genuine toughness on spending.

Writes Westmiller, "While RLC has not taken an official position on the Iraq War, we are not apologists for the President or failed policies. We favor a defensive military posture and oppose all nation-building." Most of the candidates supported by the RLC were for the war, but tended not to talk about it.

The candidates with the highest RLC ratings were Rep. Butch Otter of Idaho, running for governor; senators Craig Thomas of Wyoming, John Ensign of Nevada, Jon Kyl of Arizona, James Talent of Missouri, and George Allen of Virginia; and representatives Ed Royce and Dana Rohrabacher of California, John Shadegg, J.D. Hayworth, and Jeff Flake of Arizona, Paul Ryan of Wisconsin, Steve Chabot of Ohio, and Ron Paul of Texas. In the Republican wipeout of 2006, Talent, Allen, and Hayworth lost their seats.

Westmiller noted that Talent and Allen had "run to the right" on social issues and that Hayworth, whose district is on the Mexican border, had run as a critic of immigration. "We favor the administration proposals for guest workers and an easy path to citizenship," Westmiller said.

Libertarians' favorite Republican is Ron Paul, 72, who ran for president as a Libertarian in 1988. Before that, he represented the Texas coast around Galveston. In 1998 he won the seat back. In 2003 it was redistricted and became somewhat more urban, which worried him.

Paul is not a standard Republican. Wrote Joe Stinebaker of the Houston Chronicle, "Despite Paul's nine terms in Congress as a Republican, the national GOP has never fully embraced him. Paul gets little money from the GOP's large

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cals probably feel as strongly as other people? Perhaps it was concern with the budget. Perhaps it was . . . you fill in the blank. Use as many words as you want, to cover all of Americans' competing concerns.

No, Ms. Pelosi and Mr. Reid do not have a mandate. What they do have is the politician's normal penchant for lying.

What the Democratic leaders exhibit, besides, is a peculiarly unfortunate — though veracious — way of presenting themselves. Pelosi acts like a spoiled child, which she is. Reid acts like the peevish grandpop who takes the young 'uns out to the barn an' whups 'em. These people are a satirist's delight. It is certain that they will make the Democratic Party look like something that Daffy Duck would scorn to join.

It is entirely possible that one of the best things that ever happened to the Republican Party was the election of Ought Six. During the next two years, the Democrats will never miss a chance to make fools of themselves, and the GOP will enjoy the best excuse in the world to purge its incompetent leadership. (Jeeze . . . Denny Hastert? How the hell did he get in? And I've never seen any plausible evidence of the alleged Satanic brilliancy of Karl Rove.) The Republicans have the opportunity to recur to the conservative principles (which are often libertarian principles) that have tended to win them elections, and abandon the country-club "conservatism" of the Bushians (which is ordinarily a short-term success and a long-term disaster). Meanwhile, the Democratic leadership will create a paradise of mirth for people like me, as they try to live up to their illusory "mandate."

The only problem is . . . you can do a lot of harm, even if you don't have a mandate. Watch for the new congressional leadership to (1) try to keep Bush from extricating *himself* (and therefore, incidentally, the rest of the country) from Iraq; (2) do its best to raise taxes, especially by bringing back the accursed death tax; (3) work to make voters and welfare clients out of as many of the Democrats' presumed supporters, the illegal immigrants, as it possibly can; (4) make sure that appointees to judgeships and regulatory commissions will deprive Americans of as much liberty and fairness as even the editors of the New York Times could dream of doing.

Whether the Democrats will (5) scheme to impeach Bush and hound his chief advisers into prison remains to be seen. But whatever the winning party does, it will certainly claim that it is irresistibly prompted by its "mandate."

— Stephen Cox

traditional donors, but benefits from individual conservative and Libertarian donors outside Texas."

On the National Taxpayers' Union list of taxpayers' friends, Paul is ranked second out of 435. (Jeff Flake is first). On CNET's ranking of representatives, based on their support for technology, Paul is at the absolute top. He is famously for the gold standard and a strict interpretation of the Constitution, and was one of only six Republicans in the House who voted against the Iraq war resolution of 2002. (Another of the six, John Hostettler of Indiana, found that his stance did not help him against the Democrats. He lost his seat on Nov. 7, leaving only Paul, centrist Jim Leach of Iowa, and libertarian-leaning John Duncan of Tennessee.)

Paul had a Republican challenger who used the Iraq war vote against him. Paul beat him, then faced Democrat Shane Sklar, 30, an officer of the Independent Cattlemen's Association of Texas. Sklar ran a TV ad that said, "Ron Paul is a libertarian. Against Medicare. Against funding port security. Ineffective. Ignored." He attacked Paul for bringing home too little pork. "If these dollars aren't coming back to the 14th congressional district, they're going somewhere," he said. "Just not here."

Sklar also said he would have voted for the war. Paul countered with a TV commercial of a war veteran praising him for help in securing his benefits.

Paul won 60% of the vote.

Racial Neutrality

A case can be made that libertarians who enjoy politics should work for ballot measures rather than candidates. Not all states have such measures, but in 2006 some offered a feast of them, many with a libertarian flavor.

One of the most fascinating contests was the one involving Proposal 2, the Michigan Civil Rights Initiative (MCRI), which was written to ban racial and gender preferences in state employment, contracting, and education. It won 58% of the vote, and libertarians were heavily involved in campaigning for it.

Similar measures were passed in the 1990s in California (55% of the vote) and Washington (58%), with the help of Ward Connerly, a former regent of the University of California. Connerly also sponsored MCRI. He is the most famous American crusader for race neutrality. He has taken a lot of abuse for it, particularly because he is, by American reckoning, black, though when I met him in 1996 he noted that he was part African, part European, and part American Indian. He

Thirteen paths to paradise — The California ballot offered 13 propositions for the voter's choice. Seven passed. One of them was a proposition that the state go into debt by $10 billion to fund "safe drinking water." (But why not just buy 10 billion quarts of Arrowhead and start passing 'em out?) Six other propositions represented Arnold Schwarzenegger's attempt to gratify his Cheops Complex by selling $42 billion worth of bonds to finance improvements in roads and schools, and to turn all the jails in the state into granaries.

No, I was lying about the jails. Schwarzenegger's propositions promised to do such things as synchronize the traffic lights on LA streets. As if LA couldn't have performed this miracle with its own money.

The last proposal that passed was an initiative designed to deny convicted sex offenders the ability to live or work in most areas of the state. This populist bill of attainder passed everywhere except in sex-sensitive San Francisco County.

The six defeated propositions were:

A provision requiring that the parents or guardians of minor children be notified 48 hours in advance of an abortion. This perished, 54% to 46%, at the hands of a "right to choose" campaign.

A provision requiring an enormous increase in cigarette taxes that would have generated revenues for (among other things) hospital treatment of illegal aliens. Went down on a bare 52% to 48% vote — an indication of the extent of antismoking hysteria in the state of California, and the degree to which it always threatens to top all other issues. In this instance, it was the illegals that killed it, barely.

A crackpot scheme to levy a big tax on oil producers in order to reduce the consumption of oil. Quaint features of this proposal included the idea that it would reduce oil consumption by 25%, and the stipulation that the costs of the increased taxes could not be passed on to the consumer. Subjected to a withering ad campaign, it died by a vote of 55% to 45%. For more information, see Bruce Ramsey's adjacent report.

Another crackpot proposal, placed on the ballot by a wealthy individual, to levy a special tax of $50 on every piece of real property in the state except, of course, property held by "certain elderly and disabled homeowners," the proceeds to go to the public schools, which in every state are always considered miserably underfunded at election time. When early polls showed that, surprisingly, this particular proposal had no public support, its inciters decided not to put any more money into puffing it, and the scheme was voted down by an ignominious 77% to 23%. Well, it pays to advertise.

An attempt at public funding of political campaigns, a sell-job sponsored primarily by the nurses' union, defeated 75% to 25%. Unions were, of course, granted exemption from the proposal's spending caps and other controls, but the California Teachers Association thought that the proposal would interfere with Teachers in some way, and so opposed it. The true cause of death, however, seems to have been starvation. The public was simply uninterested in the public funding of politicians. Praise God.

A proposal to deal with the problem of eminent domain by preventing government from condemning properties in order to devote them to private uses. This proposition was defeated 52 to 48, apparently because of its complex and allegedly mysterious effects. Again, see Ramsey's report.

And from this circus, draw whatever moral (or entertainment) you wish.

— Stephen Cox

thinks that the whole practice of dividing a melting-pot nation into racial tribes is reactionary.

This time I emailed him and asked him to compare his opponents in Michigan in 2006 with those in the earlier efforts. He replied: "Our opponents in Michigan are less civil, meaner, less respectful of those with whom they disagree, more prone to lie (BIG LIES) and distort, and less willing to genuinely engage about the issue. The element of 'white guilt' is significantly more prevalent in Michigan than in California and Washington. It is for these reasons that Michigan will be one of the last states in our nation to come to terms with the issue of 'race.' Frankly, I believe there are many in Michigan (black and white) who, for institutional and financial reasons, don't want to come to terms with the issue. They are very content with de facto segregation in Michigan and all of the other accouterments of race. Race-based 'affirmative action' is just one way for each of the major 'races' to get their respective shares of the pie."

The other public spokesperson was Jennifer Gratz, who was denied entrance to the University of Michigan's main campus in Ann Arbor for the 1995–96 term because she was white, and whose case in 2003 became *Gratz* v. *Bollinger*, at the U.S. Supreme Court. (Gratz won, but the other plaintiff, Barbara Grutter, lost when the Court sided with "diversity.") Gratz had long since graduated from UM's less prestigious Dearborn campus, and had been working in the computer industry.

As they had done in California and Washington, the opponents said that the initiative was misleading because it called itself a civil-rights initiative, and that people had signed the petition not knowing what it meant. This was not true: racial neutrality is a simple idea and most people quickly understand what it means. In any case the Michigan organizers had collected 508,000 signatures, 60% more than they needed.

Arrayed against them was a leftist group calling itself By Any Means Necessary. This group says on its website, "BAMN will employ whatever means are necessary to oppose and defeat these attacks on the democratic and egalitarian aspirations and struggles of our people." One of their means was dumping over the tables of the state canvassing board, intimidating its members. Another was cursing and spitting at Jennifer Gratz. BAMN also sued to have the initiative kept off the ballot; it took the case to the Michigan Supreme Court and lost. However, Michigan's secretary of state insisted on adding the term "affirmative action" to the ballot description, which hadn't included it.

In several university and beach towns, voters were offered the choice to make enforcement of marijuana laws the lowest police priority. All these measures passed.

The Detroit News, which opposed Proposal 2, reported that the measure was opposed by "virtually every religious, political, civic, business and labor group in the state." Into the umbrella opposition group, One United Michigan, poured money from businesses, including $100,000 each from General Motors, Ford, Daimler Chrysler, and Toyota. The measure was opposed both by Democratic Gov. Jennifer Granholm, as you might expect, and by her Republican challenger, Amway heir Richard DeVos (who lost his own election).

The campaign against the Michigan Civil Rights Initiative outspent Connerly and Gratz 10 to 1. It did not argue mainly that the measure would hurt blacks and Hispanics. Instead, it "tried to portray the measure as anti-woman," wrote Detroit News columnist Thomas Bray. A TV ad said the initiative would cut out math and science programs for girls and medical screening for cervical and breast cancer. Another ad said the initiative had been "brought to Michigan by a secret group of Californians."

Gridlocked days are here again — The recent election holds much optimism for those of us on the side of limited government. It seems that the electorate rejected Republicans for abandoning their commitment to that idea. The new century found Republicans supporting record deficits and the infamous Alaskan "Bridge to Nowhere." Speaker Dennis Hastert claimed the FBI had no right to search William Jefferson's office, and kept silent during the Cunningham and Foley scandals.

These and other incidents convinced most Americans that there was very little difference between Republicans and Democrats. Enter Rahm Emanuel with his merry band of pro-life, pro-gun, fiscally responsible Democrats, and conservative voters found little reason to go out to the polls.

However, the Democrats are about to make a big mistake: they will believe the nation has moved leftward and act accordingly. In truth, since most of the liberal Republicans were replaced with conservative Democrats, there is a good chance that Congress will be more conservative in January than it is today.

America certainly is conservative, if the election results are an indication. Amendments against gay marriage passed in eight states, protections for property rights passed in seven, and affirmative action lost in one. In truth, the Democrats won a slimmer majority in the House than the Republicans hold today, and they won back roughly the same portion of the Senate they had in 2001. I'm dying to see what happens when incoming Speaker Nancy Pelosi tries to raise taxes.

The GOP made a similar mistake in '94. Thinking the nation had moved right, Gingrich tried to implement the Contract with America immediately, and the Republicans paid dearly for it in '96. I can't foresee Democrats getting anything passed other than the minimum-wage increase. They might get immigrant amnesty too, although the unions won't like it much.

Gridlock has always been my favorite condition of Congress, and that's exactly how it's going to stay for the next two years. Sometimes, democracy works. — Tim Slagle

The race-neutrality side ran a calm, low-key TV commercial with Connerly saying, "We all know that affirmative action has been corrupt and unfair" and that "equal treatment is your civil right." It ran a radio ad by a woman supporting Granholm for governor, saying of the initiative, "I read it. I understand it. I signed it." Another radio ad had

The city appraiser admitted that he "may have been on the wrong property when he made his assessment."

Jennifer's father, Brad Gratz, saying that Proposal 2 would have given his daughter "an equal chance to compete based on merit, not skin color or gender."

The calm, low-key approach worked, and the Michigan Civil Rights Initiative won big. Look for more race-neutrality measures in 2008.

Limiting the Tax Man

Taxes were at the center of political battle in many states. Nationwide, the most dramatic figure in tax initiatives was Howard Rich, chairman of Americans for Limited Government. The Wall Street Journal reported that through that and other groups Rich donated more than $15 million for state ballot measures to limit taxes, curb abuse of eminent domain, and require payment for regulatory takings.

For all this he was demonized; as Mr. Rich, he had the perfect name for it.

The left-wing Ballot Initiative Strategy Center put up a web page, www.howierichexposed.com, with the headline, "How a real estate tycoon is secretly trying to influence your state government." It identified Rich as a director of the Club for Growth and the Cato Institute, president of U.S. Term Limits, a Libertarian Party activist, and husband of Andrea Millen Rich, former proprietor of Laissez Faire Books. It called him a "multi-millionaire real estate developer from New York, with no stake in the real priorities of the states he has targeted." Of course, if Rich had had a stake, they would have said he was doing it for the money.

In Montana, the public school teachers' union sued, and on Sept. 13 convinced a state judge to throw three of Rich's initiatives off the ballot. One set up a mechanism for recalling judges — probably the judge didn't like that one — another limited state spending, and another required payment for regulatory takings. On Oct. 2 a poll by the Lee Newspapers found the regulatory takings measure with 51% in favor and 21% against, but it was off the ballot nevertheless.

In Missouri, Secretary of State Robin Carnahan, a Democrat, refused to count petition signatures for a Taxpayers' Bill of Rights because the petition pages were not sequentially numbered by county, as was required.

In Nevada, a judge removed part of a Rich-backed

Losing battles, winning wars — The Libertarian Party may win an occasional political election, but there is no way on God's green earth that it can win big time. Nor can *any* extremist political party. Political wins will always go to parties that reflect mainstream thinking. Two major political parties, like the Republicans and Democrats in the United States today, may emphasize different issues, but they become and remain *major* political parties only because they are within the mainstream of public opinion.

The most important thing the Libertarian Party could possibly accomplish is to help shift the mainstream by nominating candidates for public office who will present the Libertarian position while campaigning. They should talk, debate, argue, and maybe even kiss babies if that is called for. But they shouldn't worry when they don't win. Socialist Norman Thomas ran for the presidency six times, in every election from 1928 to 1948. He didn't win, but his socialist ideas did.

The Libertarian Party should stick to its principles. No compromising! Only in that way can it hope to have any real influence. As Ludwig von Mises wrote: "He who wants to improve conditions must propagate a new mentality, not merely a new institution."

— Bettina Bien Greaves

She who slaps last — The Libertarian Party figured prominently in the race for Wyoming's single seat in the House of Representatives. This seat had been held for a dozen years by Barbara Cubin, a Republican. That should have been more than enough to decide the contest in heavily Republican Wyoming, but Cubin, who is not known as a charming personality, ran *only* 13 points ahead of the Democrat in the last election. This year, she also had a primary challenger. Then there was the strange affair of Thomas Rankin, the Libertarian Party candidate.

Rankin suffers from multiple sclerosis and uses a wheelchair — a fact that was to attract much more attention than his political program. In late October, he joined the two major-party candidates in a debate, during which he questioned Cubin's acceptance of $22,000 in campaign funds from an organization run by Tom DeLay, who has been indicted for alleged sins against the campaign finance laws. (Cubin had said that she would return the money, but only if DeLay were convicted.) Then, after the debate . . . Rankin said that his objections to Cubin's attitude toward campaign finance riled her so much that she told him, "If you weren't sitting in that chair, I'd slap you across the face." According to Cubin, he replied, "Barbara, if you feel the need to slap me, go right ahead" — an affirmation of egalitarianism, if ever there was one.

Cubin's statement, assiduously publicized, initially made Rankin rise a few points in the polls, at the expense of both the Democratic and the Republican candidate.

Then he settled back to the 5% he was polling before the debate, and his Democratic rival, Gary Trauner, rose a few points, enough to get within striking range of Cubin.

Two days after election day, Cubin finally emerged as the winner. She and Trauner had each won 48% of the votes, but Cubin had won a few more, leaving the Libertarian with 4%, up only 1% from the Libertarian showing in 2004. Had the Libertarian Party gained the balance of power? Doubtful, since there is no way to tell where that 1% came from — the Dems, the GOP, or independents who otherwise would not have voted. Of course, Rankin's dispute with Cubin probably weakened her already weak candidacy, putting her in plain sight of the river Styx. Whether that constituted a victory for libertarianism is somewhat doubtful. — Stephen Cox

Change with the times — Because polls are open different hours in different election districts and because time zones differ, the results of voting are known in some parts of the country well before others. When the polls in the eastern states close, the polls in the western states are still open. Every election year, unsuccessful attempts are made to prevent reports of eastern election returns from reaching western polls which are still open, when they may still influence western voters.

Many years ago when polling districts set their voting hours, they had to open early enough and stay open late enough in each time zone to accommodate farmers, as well as day-shift and night-shift employees on their way to and from work. With so many enterprises now open 24/7, that schedule is long since outdated. The electoral officials should get with it; they should move into the 21st century; they should standardize election polling times.

Election officials should select a certain 24-hour period as the official polling time in all 50 states, the lower 48 as well as in Alaska and Hawaii. That 24-hour period would be long enough to accommodate people going to and coming from work in all 50 states. All polling places would open and close at the same minute. As no official voting returns would be released before others, there would be no fear that early results in the East would affect voting in the West. There would, of course, be "exit polls," as eager reporters questioned voters personally as they left their voting places. These could, of course, influence late voters. But these would not be official. And no one can ever guarantee that what a voter says after voting is an accurate report of the way he actually voted.

Back in 1916 when the fastest communication was by telegraph, the election results giving Woodrow Wilson a second term in the White House did not reach the far west immediately and many Americans went to bed election night believing that Charles Evans Hughes, the Republican candidate, had won. With today's almost instantaneous communication — cellphones, email, and blogs — there is no way on God's green earth to keep what happens in New York and Miami from being known almost instantly in San Francisco, Honolulu, or Juneau.

It wasn't so long ago that the emergency services — hospital, fire, ambulance, etc. — all cooperated in choosing 911 as the emergency phone call number nationwide. Why can't this country's election officials also get together and agree on keeping the polling places open for the same 24-hour period all the way from the eastern seaboard to Hawaii and Alaska in the west? That way, with no early releases, no leaks! — Bettina Bien Greaves

License and registration — According to the new Ohio voter identification law, a driver's license or ID card has to be "current." That means a license which expired on November 6 should not be accepted for voting on November 7.

Do you lose your citizenship when your license expires? Is your identity only guaranteed for four years, but after that it might radically change?

In Arizona, driver's licenses are valid for as long as 44 years (issued at 21, valid to age 65.) Apparently, in comparison, Ohioans are protean.

As a practical matter (with possible discriminatory undertones), people renew driver's licenses but state ID card holders typically don't, since expiration doesn't prevent the ID card from functioning. Indeed, I suspect most poll workers on election day forget to check. (To be fair, Ohio law allows votes to be cast with a multitude of different documents or, if all else fails, an affirmation of identity.)

Nevertheless, this is the type of worrisome trend that people who get upset about ID cards cite. Mandatory identification cards can create situations in which a person isn't a "person" unless he's got a card in hand — essentially, state permission to exist. Our constitutional republic was based on a philosophy of the citizen as master and the government as servant. ID cards can reverse this relationship — the citizen is required to apply for the card and without it the citizen has no rights. There are countries today where human rights violations occur as a result of an entity taking away an ID card. The result is nothing short of emasculation.

If the point of Ohio's voter identification law is to prevent voter fraud, then expired ID cards should be happily accepted. (After all, the Bureau of Motor Vehicles will take an expired ID card as proof of identity to issue a new ID card. Its ability to identify is not in question.) But the fact that the card must be unexpired is a curious hang-up. Voting is, at best, a ceremonial function, but the ceremony of reminding the government who is in charge is essential. The fact that the government thinks nothing of rejecting participation in the ceremony because your driver's license expired the day before is worrying indeed. — James Moyer

property-rights measure but left the other part.

Some of Rich's Taxpayers' Bills of Rights did, however, make it to the ballot in three states. These measures would have modified state constitutions to impose a spending limit based on population plus inflation, leaving the legislature free to lift the lid with a two-thirds vote, confirmed by a vote of the electorate.

All the proposals failed. In Oregon, where the Portland paper called Measure 48 "far and away the worst, most potentially damaging initiative on the ballot," it went down, 71% "no." (All the vote percentages in this article are provisional, as reported shortly after the election.) In Nebraska, where the Omaha World-Herald called Measure 423 "the wrong way to try to do a much needed thing," it went down, 70% "no." In Maine, Question 1 was rejected with a vote of 54% "no."

In Washington, voters rejected a locally sponsored measure to repeal the state estate tax, which has a top marginal rate of 19%. The campaign pitted two Washington business figures against each other: Frank Blethen, publisher of the family-controlled Seattle Times, and Bill Gates, Sr., father of the founder of Microsoft. Blethen, who wants to keep the paper in the family, favored repeal; Gates, whose son has put

Sometimes you get the bar — As politics and alcohol go hand in hand, it is only natural that political events inspire quite a few drinking games. These range from the complex (every time a Kennedy's liver threatens to go on strike, take a number of shots inversely proportional to his rank in committee . . . oh, you get the idea) to the simple (think about politics and, man, you need a drink).

The complex games require a group of people dedicated to following the game until they're too smashed to care, and are thus perfect for State of the Union addresses: "OK, that's two *nukyulars*, one *ownership society*, and one patronizing callout to the military amputee . . . six shots, everyone!" But on Election Day, simplicity is to be preferred: just as you're alone in the booth, so should you be alone in the bottle.

My simple scheme for November 7 was this: every time a hateful incumbent was ousted, I took a drink. I started when Sen. Mike DeWine crashed to defeat in Ohio, taking with him his panoptical ideas for building a better surveillance state. Then I toasted Pennsylvania voters for ridding themselves of Sen. Rick Santorum and his thirst for holy war in Iran.

I'd built up a pretty good buzz off the losses in the Northeast, relishing especially those of prescription drug bill author Nancy Johnson in Connecticut and dim bulb Lincoln Chafee in Rhode Island, when the results started pouring in from the red states. By the time I'd caught up with them (and moreover, by the time they'd caught up with me), it was almost the end of the night, and the Dems had taken the House and were threatening the Senate.

After six years of expensive, invasive one-party dominance, divided government was finally back. I prepared a final cheerful libation, something to send me to a gentle sleep with pleasant dreams of government gridlock — then made the mistake of flipping on C-Span at the exact moment that Nancy Pelosi was giving Harry Reid the sort of introduction usually reserved for carpenters riding donkeys. It occurred to me that, come 2009, this pair might be penning bills for a Great Society true-believer president to sign into law.

That thought was like black coffee, fresh air, and a cold shower combined, and it taught me an important lesson: next election, I'll only drink when a hateful incumbent is returned to office. The effect on the country will be the same, but at least I won't go to bed sober.

— Andrew Ferguson

Chasing the dream — If the richly deserved GOP defeat is any guide, the presidential "dream candidate" for 2008 will have the following profile: opposed to war in Iraq, vaguely socially liberal, economically conservative. Democrats have discovered, almost by default, how following this dream candidate formula can work wonders for races in the red states. Two of their election night superstars, Jon Tester of Montana and James Webb of Virginia, rode to victory by not only opposing the war but also taking unorthodox stands on issues such as gun control and taxes. It is unlikely, however, that the Democrats will repeat this success at the presidential level. Even if a socially liberal, antiwar, fiscally conservative dream candidate emerged, the party's statist establishment would probably stand in the way.

On the surface, the prospects are slightly better for the Republicans. Of those now in the presidential race, Senator Chuck Hagel of Nebraska comes closest to fitting the dream candidate profile. A Vietnam veteran and pioneer in the cellular phone industry, Hagel has long been a thoughtful Iraq war skeptic. His credentials on trade, regulation, gun rights, and taxes are pro-small government (at least for a Republican), and they positively shine when compared to the pro-war big three: Rudy Giuliani, John McCain, and Mitt "Government-mandated insurance" Romney. (Hagel is less impressive on civil liberties.)

But Hagel faces an almost impossible uphill battle to win the nomination. Though the GOP's conservative activists may be despondent right now, they seem too emotionally invested in the war to make such a radical break.

This leaves the Libertarians. Can the LP seize this opening and run a dream candidate? Possibly. But right now the signs are not too promising. In a pre-election appeal to libertarian voters, party chair William Redpath said nothing at all about the war, much less about Bush's use of the War on Terror as a pretext to assault civil liberties. Instead, when most ordinary Americans listed the war as their main concern, the hopelessly out-of-touch Redpath highlighted "electoral reform. — David T. Beito

much of his assets into a foundation, favored the tax.

The repealers argued that the "death tax" was a killer of locally owned family business. Their opponents argued that the tax was good because only the wealthy paid it, and because the money went to public schools. Repeal failed, 61% voting "no."

Kelo, and Pay or Waive

Howard Rich bankrolled two sets of measures protective of private property. The first forbade the seizure of private property for resale to private parties. These were meant to nullify the Supreme Court's *Kelo* decision, which allows state and local governments to seize and pay for private property for purposes of "economic development." The second set of measures mostly included anti-*Kelo* provisions plus a requirement that governments pay for regulatory takings.

The pure anti-*Kelo* measures appealed not only to conservatives, but also to liberals who detested the idea of private homes being taken for a Costco or a Wal-Mart. The measures passed overwhelmingly in all eight states where they were offered:

State	"Yes" vote
Nevada	63%
Oregon	67%
North Dakota	67%
Florida	69%
Michigan	80%
Georgia	82%
New Hampshire	86%
South Carolina	86%

(In the September primary, Louisiana also passed such a measure, by 55% "yes.") Except in Oregon and Arizona, these were constitutional amendments.

Dana Berliner, attorney at the Institute for Justice, said the results "highlight the nation's complete rejection of eminent domain for private development." Some 35 states have restricted eminent domain since the *Kelo* ruling.

The second type of measure passed only in Arizona, where the vote was 65% "yes." It failed in California, with 52% voting "no," in Washington with 58% voting "no," and in Idaho with a stunning 75% voting "no." Typically these regulatory takings measures allowed government a free hand to regulate for human health or safety, or to abate a nuisance. But if the regulation was for the benefit of wildlife, aesthetics, or some planners' project, and it resulted in the value of the property going down, the government would have to pay for the lost value.

The move to offer such proposals began in Oregon. That state had been an early and zealous adopter of statewide land-use planning. Under Oregon's rules, to build a house on farmland you had to have at least $40,000 or $80,000 of agricultural income from that farm, depending on the fertility of the soil. Oregon won nationwide praise for this stuff, but voters thought otherwise and in 2000 passed an initiative demanding payment for regulatory takings. The Oregon Supreme Court struck the initiative down, but the sponsors wrote a tighter bill, Measure 37, and in 2004, 61% of voters supported it. Says Liberty contributing editor Randal O'Toole, "Oregon voters have a habit of passing measures that they previously supported, usually by larger margins than originally."

Measure 37, which has been upheld by the Oregon Supreme Court, is a "pay or waive" law. The government can enforce a land-use rule and pay the owner for the loss in value, or it can issue a waiver that leaves the owner free to ignore the rule.

In nearby states, supporters of regulation raised an alarm about Oregon. Landowners' claims were in the *billions*! That was true, though not one cent had been paid. Until October 2006, all the approved claims had been granted waivers. When government has to pay for what it takes, it doesn't take so much.

About a week before the November election, Prineville in central Oregon offered to pay a Measure 37 claim. The town is ringed by rim rock, a piece of which had been owned by Grover Pailin, 80, and his wife Edith, 78, since 1963. For years they had wanted to build a house up there, but in 1978 the zoning tightened, and in the '90s it tightened again, and the new rule forbade a house within 200 feet of the rim. The sole purpose of the rule was not to spoil the view from the town center.

Measure 37 has a retroactive provision that is, in fact, quite radical. A landowner can petition to develop land under the rules in effect when the land came into his or his family's possession. The Pailins came forward with plans for their dream house that satisfied the zoning code of 1963. "We don't have many years left," said Edith Pailin to the Portland Oregonian. "We want to get up there and enjoy it."

The city offered the Pailins $47,500 in compensation. This sum was based on the city appraiser's calculation that the lot was worth $60,000. The Pailins hired a private appraiser, who set the value at $200,000. The city appraiser then admitted to

"Our jobs would be a lot easier if the taxpayers and the voters weren't the same darn people!"

the Prineville Central Oregonian that he "may have been on the wrong property when he made his assessment." At press time the matter was not settled.

Meanwhile, the fight had spread north and east and south of Oregon. In Washington the fight was over Initiative 933, a measure that covered all regulatory takings since Jan. 1, 1996, making it the most radical of the four measures on the ballot. Initiative 933 was a project of the Washington State Farm Bureau and was written by a Bellevue, Wash., law firm known for defending property rights. A member of that firm, John Groen, had run against the chief justice of the Washington Supreme Court and lost in the primary election of Sept. 19.

The Democrats offered no program. They won not by being leftists but by being not-Republicans.

Unfortunately, Groen's campaign had soaked up a lot of the property-rights money, particularly from builders. The realtors remained neutral. So did the state chamber of commerce. Several organizations told the Farm Bureau they didn't want to get the government mad at them, and stayed out. The Bureau had few allies — partly because its measure was fairly radical.

Oregon's Measure 37 had won in 2004 with a TV ad about a 91-year old woman named Dorothy English, who had been prevented from subdividing her land. In Washington there was Edwina Johnston, 71, retired but with no pension. In the 1970s she had bought forested land in the foothills of the Cascades as her retirement investment. King County (Seattle) had imposed "buffers" around two trickles of water, making it impossible to develop part of her land, and thereby devaluing it. An outside group did make an ad with Johnston, but they included two other property owners, and each just had a few seconds of explanation, no personal details and not much emotion. But it was too late in the campaign, and the ad didn't have the same punch.

By Nov. 1, the Farm Bureau had spent only $220,000 on media, and could afford only cable TV. Opponents, bankrolled by Microsoft CEO Bill Gates, his old partner Paul Allen, the Nature Conservancy and others, spent 10 times as much and had lots of ads on broadcast TV. Its ads variously claimed that I-933 would pave over the farmlands and cost taxpayers $8 billion — the cost, presumably, of *not* paving over the farmlands. Before the anti-933 ads hit, 933 was polling at 55%. Just before election day, support had dropped to 39%. In the election, it went down.

In Idaho, a state more conservative than Washington, voters were offered Proposition 2, a compensation-for-regulatory-takings measure with no retroactivity. This more moderate measure failed even more miserably.

Prop. 2 was not sponsored by a group with an image as benign as the Farm Bureau, but by Laird Maxwell, the feisty chairman of Idahoans for Tax Reform. Maxwell is not popular in the Idaho establishment, and he had the further stigma of accepting money from Mr. Rich of New York. Citing this support from Rich, the president of the Idaho Realtors called Prop. 2 "a New York solution in search of an Idaho problem."

Idaho's Republican governor, Jim Risch, did a TV commercial opposing Prop. 2. The Nature Conservancy and other green groups supplied the cash for TV ads, one of which claimed hyperbolically that requiring government to pay for regulatory takings "could turn any Idaho property, including farmland, into junkyards, power plants, and high rises."

Milton Williams, a Boise citizen, wrote in a letter to the editor: "We've been swamped by TV and press ads claiming that a wealthy New Yorker is funding Proposition 2 for greedy purposes . . . I have yet to see any TV or press commer-

Here goes nothing — The August issue of Liberty reported on the summer election in California's 50th congressional district, an election called to select a temporary successor to the longtime Republican congressman Randy ("Duke") Cunningham, currently imprisoned for taking bribes. The big issue in the 50th district was illegal immigration, and it remained that way in November, when voters ordained a permanent congressperson.

In the summer election, Republican Brian Bilbray beat Democrat Francine Busby, who had been recorded telling a person who asked her, in Spanish, how he could help her campaign, despite the fact that he didn't "have papers": "You don't need papers for voting, you don't need to be a registered voter to help." This soon became the most famous thing that was ever said in San Diego County.

The Libertarian candidate in both the summer and the fall elections was Paul King. King's approach to the immigration issue was to blame the government of Mexico for creating conditions favorable to emigration, and to claim (in the profile that appeared on the national LP website) that "illegal immigration will continue to be a problem . . . as long as government continues to give away social services, health care and public education." This message was certain to please neither the anti-immigration nor the pro-immigration crowd. King got 2% of the vote in the summer.

Meanwhile, Art Olivier, former mayor of a medium-sized suburb of Los Angeles, mounted a serious campaign for governor of California on the Libertarian ticket. Olivier is a vigorous, articulate, persuasive advocate of libertarian ideas. And he didn't waffle or temporize or merely theorize on the immigration issue. He made himself the anti-illegal-immigration candidate. His stance on this issue won him valuable endorsements from conservative politicians and talk-show hosts, and such right-wing heroes as members of the Minutemen, the volunteer border monitors.

On August 26, Olivier attended an anti-illegal-immigration rally in Maywood, where pro-immigration protestors beat up one of his female

cials supporting Proposition 2." Maxwell's group unveiled its first ad Oct. 31, a week before the election. It was too little and way too late.

In California, where an anti-*Kelo* plus regulatory takings proposal had no retroactivity, it carried the "red" interior but lost in the "blue" coastal cities. Opponents outspent it on advertising 11 to 1. Spokesman for Prop. 90 Kevin Spillane said that "a number of potential financial supporters who were skeptical of Prop. 90's chances decided not to become involved." He promised another try in 2008.

In Arizona the story was different. As in Idaho and California, the measure, Proposition 207, was prospective only, with no retroactivity. Arizona also had a longer list of exemptions, including traffic control, pollution, morals, and all measures not directly regulating land. Arizona has a more favorable political climate than the other three states. Arizona's main business organizations endorsed 207 — and it passed easily.

Assuming it passes muster in the courts, Prop. 207 brings to two the number of states that require compensation for regulatory takings: Oregon and Arizona.

Stem Cells, Abortion, Marriage

Stem cells have been a high-profit investment for liberals, because the issue paints social conservatives as anti-science.

In Missouri, voters were offered Amendment 2, which would embed in the state constitution a right to harvest stem cells from embryos a few days old. Amendment 2 was bankrolled with more than $29 million from Jim and Virginia Stowers, cancer survivors who founded the Stowers Institute for Medical Research in Kansas City. Said the St. Louis Post Dispatch, which endorsed Amendment 2, "If we are to remain on the cutting edge, scientists must be free to pursue the most promising avenues of inquiry."

Across the country lots of Libertarians ran, and almost all languished in the low single digits.

Actor Michael J. Fox made national news when he spoke goggle-eyed in a TV ad, swaying uncontrollably from the effects of Parkinson's disease. "What you do in Missouri," he said, "matters to millions of Americans — Americans like me." His ad was for the Democratic candidate for Senate, Claire McCaskill, but it also spoke for the stem-cell measure.

Against the measure were the Catholics and Baptists, who

staffers; then tore the American flag from the post office and replaced it with the Mexican flag. He vigorously publicized the incident, giving his campaign an even sharper edge.

In the November election, neither King nor Olivier was vulnerable to the argument that if you vote Libertarian you are merely helping the worse of the two major-party candidates to win. There was no question that Republican Congressman Bilbray and Republican Governor Schwarzenegger would win their elections — the former because of his opposition to illegal immigration, the latter because of his peculiar mixture of modern-liberal and conservative positions, and the fact that the Democratic candidate was not only very far to the left but also an exceptionally stupid campaigner. And the two Republicans did win — Bilbray by 10 percentage points, Schwarzenegger by 16.

But how did the two Libertarians do? Well, Olivier got only 1.3% of the vote, and King got only 1.9%. Nothing worked.

California has 53 congressional districts. The Libertarian Party ran candidates in 24 of them. In 20 of those races there was both a Republican and a Democratic candidate — one of whom, typically, won a massive gerrymandered victory. The predictability of those elections invited any citizen who really identified with the Libertarian Party to go ahead and vote for it, without fear of the lesser of the two evils winning. That person would win anyway. But the average LP vote in those 20 districts was only 2.8%.

In four districts in which there was no Republican candidate, the Libertarian did much better. The LP percentages in those districts were 7.8, 16.2, 17.0, and 17.5 (the last in the 37th congressional district, southern LA County, where the LP candidate had scored only 4.7% in 2004, a year when there was a Republican as well as a Democratic candidate). But the LP candidate may have swung the balance in only one district — California 4. There the Republican incumbent pulled it out with 49.3% of the vote; his Democratic challenger got 45.7%, and the Libertarian got 5%. This candidate, Dan Warren, combined an aggressive approach to illegal immigration (recommending that employers who hire illegals be fined $5,000 per employee) with an exemplary approach to energy conservation, boasting that he commuted on his bicycle over 4,000 miles a year and used only about $30 of electricity a month. Apparently voters liked this. Although the Republican was clearly in a heap of trouble, fighting for his life in 2006 after sailing to victory in 2004 with a 65–35% majority, people were still willing to vote for Dan Warren, despite the possibility of throwing the election to someone they regarded as the greater of the two evils.

This remains one race out of 24. California's 4th district lies in the far northeastern part of the state, a place that's as different as the moon from the populous areas of California. I remember the old joke about electoral geography, generated by the election of 1936, when the Republican presidential candidate carried only two states: "As Maine goes, so goes Vermont." Unfortunately, the analogue for this year would have to be: "As the 4th goes, so goes . . . nothing." — Stephen Cox

don't generally work together. Social conservative Alan Keyes said against the measure that it represented "the culture of death" and would pass "at the cost of our souls." Opponents included Sen. Jim Talent, the Republican rated as a libertarian by the RLC. The Libertarian candidate, Frank Gilmour, supported Amendment 2 — which won with 51% of the vote. The result of the Senate race was McCaskill, 49.5%, Talent 47.4%, and Gilmour 2.2%.

In South Dakota, Referred Law 6 would have banned abortion except to save the life of the mother. The legislature had passed the ban early in 2006 to set up a case to test *Roe* v. *Wade* in the new Roberts and Alito Supreme Court. Opponents used a petition to put the ban on the ballot, and voters rejected it, voting 56% "no."

In Oregon (54%) and California (54%), voters voted down a law that would have required parental notification for a minor to receive an abortion — a restriction already in place in most states. The most liberal states regarding abortion for minors are now Hawaii, Washington, Oregon, Vermont, and Connecticut.

A measure to allow same-sex civil unions failed in Colorado with 47% of the vote. Constitutional amendments to ban same-sex marriage passed in seven states:

State	"Yes" vote
South Dakota	52%
Wisconsin	55%
Colorado	56%
Virginia	58%
Idaho	65%
South Carolina	78%
Tennessee	83%

Twenty-three states now have such bans. For the first time, however, a same-sex marriage ban failed, winning only 49% of the vote in supposedly conservative Arizona. (It was Barry Goldwater's state, after all.)

Still, this may be misleading: since same-sex marriage as such was banned in Arizona in 1996, many saw the new bill as an attack on public employees' domestic-partner benefits. When opponents of the bill ran ads picturing those who would lose their benefits as a result of passage, the pictures included young heterosexuals, retirees, and children — but not a single gay couple.

Marijuana Depenalization

Medical marijuana was already permitted in eight states: Alaska, Washington, Oregon, California, Nevada, Montana,

I'll be your father figure — This election illustrated a stark difference between the Right and the Left. You don't see the Republicans in that same dark funk that enveloped Democrats after the past three elections. You won't see them complaining that the election was stolen, or sending armies of attorneys to challenge ballots. They won't spend the next six years claiming that Nancy Pelosi is an illegitimate, unelected leader, despite countless irregularities and close elections. You won't see books about how the Left manipulated the Diebold machines and registered thousands of dead people.

Constitutionalists believe the process is more important than the power, and it is vital to cede graciously, rather than threaten the delicate mechanism that allows our self-governance.

I think leftists have the propensity to take elections more seriously than others. It is a legacy from their affiliation with Karl Marx, who advocated that religion be replaced with a love of the state. For many on the left side of the aisle, it has been.

To the Left, government is the highest authority. It is also their source of charitable work and their mechanism for passing values down to the next generation through public education. Their opinion on gay marriage is telling. Whereas those on the Right look at the church marriage as the true ceremony, and the state license as mere formality, the Left believes exactly the opposite.

This is why they are so adamant about getting the state to recognize gay marriages. They ascribe emotions and feelings to government. When the government isn't run in accordance with their political views, they feel as if they are living under an angry god, and behave like teenagers rebelling against a disciplinarian father figure. — Tim Slagle

Getting theirs — In Oregon's race for governor, both major candidates ran in the shadow of former Gov. Neil Goldschmidt, Portland's godfather of light rail. Goldschmidt was considered the most powerful man in the state until 2004, when it was revealed that when he was 35 and mayor of Portland, he had had an "affair" with a 14-year-old girl.

Oregon's incumbent governor, Democrat Ted Kulongoski, was a friend of Goldschmidt's, and people have long speculated whether Kulongoski knew about Goldschmidt's secret at the time. A few days before the election, a former Goldschmidt speechwriter said he had told Kulongoski about the affair in 1994, when Kulongoski was attorney general, and the future governor did nothing about it.

The Republican challenger, Ron Saxton, had also worked closely with Goldschmidt. When Saxton chaired Portland's school board, he hired Goldschmidt's brother Steve as a consultant for $221,000 a year. Saxton also participated with Goldschmidt in an attempted takeover of Portland's largest electric company, a deal that could have made them both millions. Conservatives charged that Saxton was a "RINO" (Republican In Name Only), as he had given money to the Democratic Party and various Democrats.

Some Oregon cynics said it boiled down to Goldschmidt-D versus Goldschmidt-R. Given the natural advantages of incumbency, Kulongoski, the Democrat, won. Portland blogger and law professor Jack Bogdanski wrote that whatever the outcome, it meant "four more years of West Hills Portland Big Money getting theirs" in the form of subsidies for construction projects.

— Randal O'Toole

Colorado, and Maine — though users in those states may still be brought up on federal charges. This year, activists attempted to inhale a little deeper. They failed, but they made a mark.

In Colorado, which penalizes marijuana possession with a $100 fine, Amendment 44 would have legalized adult possession of up to one ounce. It followed a similar measure passed in 2005 in Denver with 54% of the vote. That measure was ignored by police because marijuana possession was still illegal under state law — hence Amendment 44, which was essentially the same measure at the state level.

The campaign was run by what Cannabis News called "a pudgy, clean-shaven 24 year old" named Mason Tvert. He called his organization Safer Alternatives For Enjoyable Recreation (SAFER). His argument was that marijuana ought to be permitted because it is safer than alcohol. He called his proposal the Colorado Alcohol-Marijuana Equalization Initiative.

That's marketing.

Tvert had some out-of-state money, which cut both ways. Federal drug czar John Walters, director of the Office of National Drug Control Policy, went to Colorado three times to campaign against the measure, which he said was "a social experiment" being conducted on Coloradans by out-of-state

Democracy in Chicago — John Stroger, president of the Cook County Board, had a massive stroke about a week before the June primary. Even though most people assumed it was severe — rumors were that he was in a coma — his aides told everybody that he was recovering nicely. Nobody was allowed to talk with him. There were no pictures of him.

Stroger continued to issue orders from a closed room through his aides, who were playing "Weekend at Bernie's" with the board president. It was found out later that they had hired 1,300 of their cronies in the days after he had the stroke. He handily won the Democratic primary.

Cook County, which encompasses Chicago and many surrounding suburbs, has an annual budget of $3 billion, which means that there is more money running through the office than the entire GDP of Liberia. With such a large budget, corruption swarms the county like loose women around a rock star. In order to maintain the empire, only persons loyal to the machine are allowed to govern it.

Unfortunately for the machine, some of the defeated candidates demanded a meeting with Stroger. His aides realized the jig was up, and announced in June that he had decided to resign. His resignation was not actually signed; it was scribbled all over the page, like a kid's crayon drawing on the kitchen table. When Chicago news outlets ran pictures of the signature, aides rushed back into his hospital room and emerged with a new signature, much improved.

The party appointed his son Todd, who has been a beneficiary of nepotistic appointments his whole life, to run in his place. Opponents liked to point out his striking resemblance to Steve Urkel from "Family Matters," a TV show that was never as funny as Todd Stroger's promise to clean the corruption out of Cook County.

Until the election Todd Stroger was polling behind Tony Peraica, his Republican contender. But when the Chicago votes were counted, Stroger was ahead. Unfortunately, the ballot count in the suburbs, where Tony Peraica was expected to do much better, was halted because of a "glitch." The ballots were loaded onto unescorted moving vans and transported into Chicago, where they would be counted at the Cook County Administration Building.

Over at Peraica HQ, Tony demanded an answer to what had happened to the suburban count. He suggested that they all go down to the county building and find out what the problem was. His people took to the streets, without the traditional torches and pitchforks but with Peraica himself in the lead, and walked a few blocks over to the county building.

Peraica and his supporters stormed the building and pounded on the windows until they were let in. One supporter forced his way up a freight elevator, breaking it in the process. Eventually the near-riot was quelled by Chicago Police, the count was completed, and Stroger was declared the winner with 54% of the vote. Peraica conceded eleven hours later.

— Tim Slagle

The LP and the booboisie — Loretta Nall, the Libertarian Party's candidate for governor of Alabama, ran a write-in campaign because the party couldn't get the 40,000 signatures required to get on the ballot.

Nall, a young woman who is liberally endowed, got media coverage by distributing T-shirts carrying pictures of herself, with cleavage visible, above pictures of her opponents. The slogan said, "More of these BOOBS!! And less of these BOOBS!!"

She was also quoted as saying, regarding what she considered favorable public reception of her plan to withdraw the Alabama National Guard from the war in Iraq, "When people in Alabama get tired of kicking the ass of brown people, it's time to get out."

At press time, the number of write-in votes was unavailable, but it is probable that Nall lost. — Stephen Cox

Department of Public Assistance

"I'm afraid you don't qualify for welfare benefits, but if you were to run for Congress, you could probably get public campaign financing."

billionaires. Of course, he was representing an out-of-state trillionaire: the federal government.

In Nevada, which already allows marijuana for medical reasons but punishes nonmedical possession with a $600 fine, voters were offered a bill legalizing it for use in the home. This was Question 7, which was put on the ballot with 86,000 signatures. It would have licensed people to cultivate, package, and sell marijuana in special stores that required patrons to be 21 to enter. Patrick Killen, spokesman for Yes on 7, said it would allow the use of marijuana in the home, but not in public or in casinos or any places that sold alcoholic drinks. Also, the state would tax it.

For most Americans the war was simply a business that had gone on too long and was getting nowhere and was costing too much. They were in a mind simply to say the hell with it.

The Bush administration sent its drug czar to Nevada to campaign against the initiative. Police, prosecutors, and business opponents organized as The Committee to Keep Nevada Respectable, and argued that the measure was backed by out-of-state interests — which it was. It had money from the Marijuana Policy Project, an organization backed by Peter Lewis, a retired auto-insurance entrepreneur from Cleveland.

The pro-legalization side, calling itself the Committee to Regulate and Control Marijuana, ran a tough, professional campaign. It sued public officials in Clark County (Las Vegas) for illegally using public money to oppose a ballot initiative. It ran seven different TV ads, including one showing the drug czar and saying, "Washington, D.C., bureaucrats need to stop dumping their bad ideas on Nevada." The anti-marijuana side ran no TV ads.

Yes on 7 won the support of a group of church leaders, one of whom told the Associated Press, "Our current marijuana laws appear to be moral, but it is a cosmetic morality." Yes on 7 also personalized its campaign by running a commercial featuring Cynthia Walling, who announced calmly that she had terminal breast cancer. "If Question 7 passed, I would be able to *get* medicinal marijuana," she said. "High school kids can find it at the high schools, but sick people like me can't find it anywhere."

The Las Vegas Review-Journal, the largest paper in the state, endorsed Question 7, and wrote, "Arguing that in order to protect kids we must limit the rights of adults to make their own personal choices is to advocate the creation of an infantocracy and a return to alcohol Prohibition. In fact, many of this nation's drug policies have long been expensive failures. Let's try something new . . . "

The voters weren't quite ready. On Nov. 7 only 44% voted "yes."

In South Dakota, 52% voted "no" on Initiated Measure 4, which would have permitted possession of six plants and one ounce of marijuana for people certified by their physicians as needing it.

In several university and beach towns, voters were offered the choice taken by Seattle in 2003: to make enforcement of the marijuana laws the lowest police priority. All these measures passed: in Santa Barbara, Calif., by 65%; Santa Cruz and Santa Monica, Calif., by 63%; Missoula, Mont., by 53%; and Eureka Springs, Ark., by 64%.

Though the main marijuana battles were lost, there is much sentiment, especially in the West, to ease up on marijuana prohibition. It is not so with the current drug of official worry, methamphetamine. Arizonans, who voted to allow medical marijuana a few years ago, voted Nov. 7 (58% "yes") to deny probation for meth violators.

Windmills and Biodiesel

One of the most dangerous proposals on the ballot was California's Proposition 87. Hollywood producer Stephen L. Bing, who inherited $600 million and invested in the children's fantasy "The Polar Express," was reported to have poured $50 million into Prop. 87. Other support came from venture capitalist Vinod Khosla. Khosla's firm, according to the San Franciso Chronicle, "includes a half-dozen startups that all deal with ethanol."

The oil companies and other opponents contributed $90 million to kill the proposition, though not even Chevron put in as much money as Bing. The detractors had effective ads, and on Nov. 7, 55% of Californians voted "no."

Prop. 87 would have established a special-purpose agency called the California Energy Alternatives Program Authority, given it an unelected board, juiced it up with a flow of several hundred million dollars in tax money not controlled by the legislature, and set it free to bring about "energy independence" in California.

These days, "energy independence" is a fetching idea. "If Brazil can do it, so can California," said Bill Clinton in one of the

When religion turns violent — Kentucky poll worker Jeffery Steitz was apparently shocked to see a nonpartisan judicial race left blank on one voter's ballot — so shocked that he confronted the voter about the omission. When the voter responded that he didn't want to vote in that race because he didn't know enough about the candidates, Steitz allegedly choked him and threw him out of the polling station. The voter tried to re-enter, but the vigilant Steitz chucked him out again.

R.W. Bradford's classic article (reprinted in December) laid out the dogmas of America's civic religion. An incident such as this may be an early indication that the religion is shifting from "get out the vote" evangelism to "vote or get out" coercion. Or it may be an outlier. Either way, it should serve to remind us of the importance of distinguishing between a right and a duty.

— Andrew Ferguson

Win some, lose some — Apart from the immigration iniatives, ballot measures in Arizona ranged from the ridiculous to the sublime. On the one hand, the measure to create a $1 million lottery, in which everyone who voted would have one entry (It will increase the percentage of people who vote! And that's good for democracy! Now we'll have the deadbeat vote!) failed 2 to 1 (66.4% against). On the other hand, the country's strongest anti-eminent-domain reform passed by over 65%. This was the only successful property rights ballot in the country that included compensation for regulatory takings, such that if the government passes regulations that lower the value of your property (property you still nominally own), you must be compensated.

Two smoking related ballot initiatives were voted on by Arizonans, both bad. Prop. 203 passed (52.6%), raising cigarette taxes 80 cents to $1.98 a pack. The money will be used (and of course it will never be squandered or misused: it says so right in the enacting document) to help establish an Early Childhood Development and Health Fund to create "programs and grants that increase the quality of and access to early childhood development and health services for children up to five years of age and their families."

Well, who could be against that? Certainly not the bureaucrats, doctors, administrators, researchers, et al., who stand to make some money. Will there be a sunset on this fund such that if no measurable improvement in the health of children five or under in Arizona occurs, the fund will be scrapped and the tax eliminated? Of course not.

Fortunately, Prop. 201, which sought to eliminate smoking in private establishments open to the public, failed 54% to 46%.

Proposition 101 was designed to place limits on property taxes. Known as the "2006 Taxpayer Protection Act," it would amend the Arizona constitution to remove unused taxing capacity and reset each taxing entity's limit to the actual tax levy of that county, city, town, or community college district in 2005. Beginning in 2007, the new levy limit would increase by 2% per year, plus any new construction. Even though the secretary of state's office received *no* arguments *against* 101, the tax limitation amendment passed only by a 50.5–49.5% vote.

Arizona was also one of many states this year with a state minimum wage ballot initiative, Prop. 202. It passed 66% to 33%, raising wages from $5.15 to $6.75 for those who still have jobs. I'm contemplating a state amendment restricting the right to vote to those who have completed a course in basic economics.

Proposition 302, which would have raised the pay of state legislators, failed, but only by six percentage points. The Drug War held strong with Proposition 301, which bans probation for methamphetamine convictions, passing 58% to 42%. Although Arizona easily passed a referendum a few years ago to allow medicinal use of marijuana, it seems drug warriors need only run a few scary ads before voters will gladly throw people in jail for indulging in their drugs of choice. The busybody state remains strong as well, with Prop. 204, which bans the use of "small" cages for storing or transporting pigs and calves — apparently pigs going to slaughter should be comfortable during the trip — passing 61.5% to 38.5%.

Speaking of pigs to slaughter, I'm happy to report that J.D. Hayworth (R) lost to Harry Michaels (D). Hayworth, a former local sportscaster, was swept into office back in 1994 during the Republican Revolution, spouting off about the values of limited government and free markets. He supported the Contract with America, though did not personally, six elections ago, agree to term-limit himself. Now it appears his constituents have term-limited him and he'll be leaving Washington, albeit a much more powerful and spendthrift Washington — thanks in part to J.D.'s votes — than the one he entered twelve years ago.

Arizona was a mixed bag, limiting taxes, prohibiting property takings, not amending the constitution to turn votes into lottery tickets, but losing in the drug war and to the nanny state. And President Bush lost one of his biggest supporters, knocked off in what used to be an easy state for Republicans. — Ross Levatter

Whither America — The Republican loss of both the House and the Senate was unexpected by many observers, including this one. At the same time, it is possible to read too much into these results. The change of a few thousand votes in Montana and Virginia would have left the Senate in Republican hands. The Mark Foley and other Republican ethics scandals undoubtedly cost the Republicans five to ten seats in the House and perhaps the Montana and Virginia Senate seats (if not more).

In the 20th century it was typically the case that in its sixth year in office the party in the presidency lost seats in Congress. Today, the margin of Democratic majorities in the Senate and House is not great. It is possible that either or both houses of Congress will flip back to the Republicans in 2008. For this reason, Democrats may be a bit restrained in their efforts to embarrass the Republican Party. It is likely that there will be some bipartisan legislation in the next session of Congress (whether for good or ill), particularly on immigration and education.

Both caucuses of Congress are now more conservative. Republicans lost many of their most moderate members, and Democrats picked up many of what will be their most moderate to conservative members. At the same time, the larger shift leftward signaled by the election appears to dwarf any intra-party countermoves.

As for Iraq, the United States will likely begin a phased withdrawal in 2007. This will probably have unpleasant side effects, but not necessarily. Presuming that Saddam Hussein is executed early in 2007, it may be possible for the United States to leave Iraq with its head high — the dictator eliminated, no WMD program in Iraq now or for the foreseeable future, and the country started on the road to some semblance of democracy.

The economy should continue to boom in 2007. GDP growth for the whole of 2006 will likely be in the range of 3.5% to 4%. Unemployment is very low. Inflation is low. The stock market is reaching new highs. The price of oil and interest rates are stable or declining. The federal budget deficit and trade deficit are declining.

In retrospect, it may appear that the Democrats' victory in 2006 was more the Battle of the Bulge than the raising of the flag on Iwo Jima. — Lanny Ebenstein

campaign's TV ads. In another ad, Al Gore said, "The sooner we do it, the safer we'll be." A third TV ad began with the image of a helicopter gunship in Iraq. "With one vote we can send George Bush a message," it said. "Vote for energy independence."

And how was independence from *foreign oil* to be achieved? By setting up a tax on *California oil.* That made no sense at all, and many said so.

The proponents talked much about "making the oil companies pay." They showed not a snifter of skepticism toward the Authority they were going to set up. The pro-87 statement in the official voter's guide shamelessly promised, in all capital letters, *"NO NEW BUREAUCRACY."* It was a lie. You just had to read the boring words in the guide. Section 5 gave the Authority the sole power to determine how many employees to hire. Section 4 gave the Authority control of the money from the oil tax. Section 3 allowed the Authority to provide "grants, loans, loan guarantees, buydowns, and credits to universities, community colleges, research institutions, individuals, companies, associations, partnerships, and corporations." (That's why the venture capitalists liked it.) Section 11 gave the Authority the power to sell bonds backed by revenues from the tax, and Section 15 said that as long as the bonds were outstanding, "neither the Legislature nor the people may reduce or eliminate" the tax.

The proponents said that the new agency would be "accountable." How? By being audited and by issuing reports. It would, however, have been independent of voter control, or the legislature's control, until it had disbursed $4 billion and paid off its debts, which might have taken as long as 25 years.

Prop. 87 passed only in Los Angeles, the Lake Tahoe area, and the counties along the northern California coast, and that wasn't enough. Thank God.

Mexicans, Minimums, Taxes, Tobacco, and Talk

Four measures in Arizona concerned illegal aliens. The first, approved by 78% of voters, amended the state constitution to prohibit bail for illegals accused of a felony. The argument was that it was too easy for a Mexican released on bail

The Loss, and the Future

— As a proud member of such organizations as the Club for Growth and the Republican Liberty Caucus, I was not pleased with the loss of Congress to the Democrats, but neither was I surprised. I have a few thoughts on what brought about the loss, and what the future holds for the Republican Party.

Some of the factors that led to the defeat are obvious, some not. First, there was the Iraq war, widely and incessantly portrayed by the mainstream media as a complete failure. I think that portrayal is inaccurate, but President Bush's lack of articulation allowed the mainstream-media story to become the received wisdom.

Second, some Republican candidates were financially or morally corrupt. Of course, so are some Democrats, but that was downplayed by the mainstream media.

Third, some Republicans ran campaigns that were amateurish, if not downright buffoonish. The campaign of Virginia Sen. Allen, for instance, was complete macaca, so to say.

Fourth, there is the historical reality: off-year congressional elections almost always result in gains from the opposing party, especially in the third congressional election of a two-term presidency.

Less salient, but arguably as important, are three other factors.

First, there's the continuing absolute Democratic bias of the mainstream media and other cultural institutions. It has been continuously documented from the mid-1980s to the present that the percentage of Democrats in the news media, the entertainment industry, and the academic world approaches 100%. In this election, some media research organizations did content-analysis studies showing that unfavorable stories about Republican congressional candidates outnumbered unfavorable stories about Democratic candidates ten to one in the mainstream media. It is easy to get the public to view Republicans as corrupt if you run ten major stories about, say, Rep. Foley's salacious emails for every story about, say, Sen. Reid's shady transfers of property from one entity to another.

Second, the Republican base has split. All actual politics — as opposed to masturbatory politics, i.e., the politics of personal fantasy — is perforce coalitional. You advance your agenda by working with others who don't fully share it, or may share it but for different reasons, or may even disagree with parts of it. That can be done within a broad party, which is historically the case in America. Or it can be done by having a group of narrow, ideologically pure parties form a majority government, historically the case in some European countries.

The Republican Party is a coalition of five partially overlapping groups: national security conservatives, social conservatives, religious conservatives, business conservatives, and libertarian conservatives. Each group is rightly called conservative, in the current standard American English meaning of a group that wants to preserve a major feature of American society. Libertarian conservatives, for instance, want to conserve the uniquely large and diverse welter of liberties that America has enjoyed.

When a coalition is healthy, there are strong overlaps among its various parts; there are shared goals and mutual respect. A coalition becomes unhealthy when elements within it refuse to work together or to compromise. The factions become so devoted to furthering their own agendas that they transgress the agendas of others — the factions become too factious. This is especially apt to happen when the party controls the legislative and executive branches: because the coalition has power, some or all of its factions come to believe that they should be given everything in their agenda.

So it was in this last election: the spirit of compromise disappeared on key issues. Clearly, for instance, libertarian conservatives like me accomplished little of our agenda of smaller govern-

to return to Mexico — which is where the proponents want him to be, generally. The second, passing with 74% of the vote, amended the state constitution to prohibit illegals from being awarded punitive damages.

The third measure, passing with 72%, prohibited illegals from using the state education system. The fourth, with 74%, made English the official language.

Libertarians have differing views on immigration, and many voted for these propositions. It was all too much for Liberty's regular contributor in Arizona, Ross Levatter, who wrote:

"Clearly, many Arizonans feel burdened by immigration, even while hiring immigrants to clean their homes, watch their children, cook their meals, build their houses, manage their landscapes, and generally perform other tasks, often menial, for less money than it would take to have Americans do the same thing. Politicians have been very good for several years at whipping up nativist sentiments, and this is the result."

There were other things on the ballot, too.

Tax increases

In California, voters rejected Proposition 88, which would have levied a tax of $50 on every parcel of land to fund public schools (77% against); and Proposition 89, which would have increased the corporate income tax by two-tenths of a percentage point to fund a new campaign-finance system (74% against).

In California, Proposition 86 would have raised the tax on cigarettes from 87 cents a pack to $3.47 — the highest in the country — and dedicated the money to hospitals and an anti-smoking campaign. Gov. Arnold Schwarzenegger opposed it, more than $55 million was raised to fight it, and it went down, with 52% against.

Arizona voted 53% "yes" on a measure to raise the tax on cigarettes from $1.18 a pack to $1.98 and dedicate the money to preschools. South Dakota voted 61% "yes" to increase the tax from 53 cents a pack to $1.53. But in Missouri a proposal to increase the tax from 17 cents to 97 cents received only 49% of the vote, and failed.

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ment, and the failure of the Republican Congress to rein in spending clearly cost it a large amount of libertarian and independent support.

On the issue of immigration, the failure to compromise cost the party even more. The fact is that for almost 20 years — since the time when Reagan amnestied illegal aliens, and continuing under Bush the elder, then Clinton — large numbers of primarily Latino immigrants have come in illegally, drawn by the ready availability of work and the chance of a better future for their children. This is a problem with many facets, each of which is crucially important to some element of the Republican coalition, some of which view immigration favorably, some unfavorably. Bush tried to work a compromise. He failed, in large part because a lot of social conservatives, whipped into a fury by socially conservative talk show hosts, flooded their congressmen with demands to seal the border and expel the Latino illegal immigrants. (Social conservatives are worried that the Latinos are not assimilating and will not do so — in my view an ill-founded fear but one that is historically recurring.) The congressmen foolishly assumed that because the calls were all on one side, everyone agreed, and were surprised on election day to find that they were deluded.

This failure to compromise brought about a third seldom-noticed reason for the Republican loss: the alienation of the Latino vote. Republicans received 37% of the congressional vote in 2002. Bush actively courted Latino voters, and received about 46% of their vote in 2004. But after the very divisive debate on immigration, the percentage dropped to a risible 26%. This factor was decisive in many contests.

What does this analysis portend for the future of the Republican Party? Not disaster, but not skittles and beer either.

The corruption and Iraq issues work both ways. Now that the Democrats control Congress, the corruption scandals will continue but under new management, and will cut the other way. Ditto overspending: there is no chance that the Democrats are going to reduce social spending; indeed, they will likely increase it, and there is not much else to cut, so they will reclaim the mantle of the big spenders. Regarding Iraq, the Democrats face the same three options that the Republicans face: withdraw our forces, or keep them at roughly the same level until the government stabilizes, or increase the forces (including projecting power against Syria and Iran, which are fomenting the violence now). None of the alternatives is a political winner, and now the Democrats are saddled with the issue. If they force a withdrawal, precipitating chaos from which a terrorist state emerges, they'll be blamed. If they stay the course, they will be seen as no different from Bush and will fracture their base. And if they move to increase the scope of the war, they will fracture their base even faster. Welcome to the real world.

Regarding the large bias in the mainstream media, Brian Anderson (whose book on this subject I recently reviewed for Liberty) is partly right in thinking that it is changing, with the rise of alternative media, Fox News, conservative and libertarian think tanks, and so on. But for the foreseeable future, I take it as obvious that the Republicans will start every race facing a formidable propaganda machine devoted to advancing the progressive agenda *du jour.*

On the question of restoring health to the Republicans' split coalition, well, I've seen precious little awareness that it is needed, much less any indication that it will happen. Listening to talk radio, all I've heard from the socially conservative hosts who helped cause the debacle is that "true" conservatives — i.e., social and religious conservatives — were stabbed in the back by turncoats.

Most problematic is the alienated Latino vote. If the Latinos become a permanent Democratic constituency, the event will be devastating for the Republicans, devastating for the Latinos, and devastating for the future of the country. — Gary Jason

Smoking bans

In Nevada, antismoking forces put on the ballot a ban on smoking in all restaurants, bars, hotels, and motels. The casinos and hotels countered with a ban on smoking in these places except where children were not allowed. The stricter ban passed with 54%. The casinos' measure received 48%.

Two smoking bans were also on the ballot in Arizona. The most restrictive measure, which bans it in restaurants and bars, received 54% of the vote, and won. The restaurant-only ban received 43%. The same pattern held in Ohio, where the more restrictive ban won 58% of the vote, and the less restrictive measure only 36%.

Minimum wage

Already 20 states had minimums above the federal minimum of $5.15 per hour, led by Washington ($7.63 in 2006), Oregon ($7.50), California ($7.40), and Vermont ($7.25). Before November, only in Washington, Oregon, Vermont, and Florida were the minimums indexed to inflation.

New minimum wage laws were on the ballot in six states and passed in all of them: Arizona ($6.75), Colorado ($6.85), Missouri ($6.50), Montana ($6.15), Nevada ($6.15 if no health benefits), and Ohio ($6.85). All indexed their minimums to inflation, with Nevada also indexing to the federal minimum.

Political speech

In a refutation of the thesis that the public is rational, voters in Oregon voted 53% in favor of Measure 47, to ban corporate and union contributions to political races, and to limit donations by individuals and spending by independent groups. A similar law had been thrown out by the Oregon Supreme Court in 1997 as a violation of free speech, but the ballot had a fix for that: Measure 46, which would have changed the constitution. On that, they voted 60% "no." The Portland lawyer who had shot down the earlier law announced that he intended to bag this one as well, and Oregon's director of elections said he did not know what to do.

Voters are, of course, sometimes brilliant. Consider Oklahoma's Question 733. This was an amendment to the state constitution that would allow package stores to sell liquor on election day. On Nov. 7, 2006, voters of Oklahoma had an uncontrollable spasm of sobriety and passed it.

All in All

It wasn't such a bad election for liberty. The Republicans, who had more complete control over the federal government than at any other time in the last 50 years, used their power to start an unnecessary war, violate civil liberties, and ramp up federal spending. Their power has been checked. The people did this out of weariness and unease, which are mere feelings, but the feelings are healthy ones.

The Democrats offered no program. There is grumbling about rising medical costs and some other things, but there is no strong sentiment in the country for a major expansion of the welfare state, or for any further gifts of authority to the federal government. The Democrats won not by being leftists but by being not-Republicans.

Nor did they win large majorities. In the Senate, where it takes 60 votes to do anything significant, Democrats have 51 votes. Their power is further limited by Bush's veto, if he cares to use it, though he has used it only once in six years.

The crucial thing for liberty is how the major parties define themselves: how socialistic the Democrats want to be and how nationalistic the Republicans want to be. If the Republicans can purge the neocons and go back to a realist foreign policy, it would be a relief; if they can keep the evangelicals in their tent without turning the party into a revival meeting, it would be a blessing. If the Democrats can offer Clintonism (but not Goreism), they will do well.

As for the initiatives: racial neutrality has been rejuvenated. It will be a big fight, and libertarians will help themselves and liberty by being in it. The revival of property rights has been checked but not stopped, and if advocates learn, they will win. Marijuana is playing offense and tobacco, defense. Same-sex marriage looks almost dead, but I don't think it is.

Nor is liberty. Here and there it gives ground, but here and there it also gains. There is no trend against it, and there may even be a trend in its favor. ❑

Reflections, *from page 16*

in English-speaking countries, an influence exerted in countless interviews and articles, in such books as "Capitalism and Freedom" (1982) and "Free to Choose" (with Rose Friedman, 1980), and in the television series based on the latter book.

No one ever recommended radical ideas in a more persuasive way. Witty and charming, and with all his learning, wholly unpretentious, Friedman developed the logic of his ideas as if they were the most natural positions in the world. Of his fellow intellectuals, he said, "They're moving slowly and taking each step as though they were exploring a virgin continent. But it's not dangerous. Some of us have lived here quite comfortably all along." Unlike many of his fellow economists, he knew, and constantly emphasized, the fact that economic freedom is inseparable from other freedoms. He was a champion of human liberty in the broadest and deepest sense of the word.

Friedman had known poverty, and he had known scorn for his ideas. He knew what it was to be part of an embattled intellectual minority. As a public figure, he often knew the disappointment of seeing his ideas mangled by the people he had influenced. But he was as far from bitterness as he was from surrender. He saw himself as one who kept "ideas open until the time came when they could be accepted." In the last year of his life, he was still giving interviews to the New York press — and also to Saturday afternoon talk shows, on provincial radio stations.

One of Friedman's last publications was a tribute to another great libertarian economist, Friedrich Hayek, in the September issue of Liberty: a last, gracious salute from one giant to another. Like Hayek, he will never be forgotten; he will be honored wherever people search for freedom, and achieve it.

— Stephen Cox

Election in Miniature

by Garin K. Hovannisian

The prudes yelled "Temperance!" The drunks yelled "Freedom!" The student body may have slept through it all.

Last year, a few weeks before UCLA's student government elections — the wakeup call for a campus in coma — a dozen maverick souls gathered at my apartment for drinks and sabotage.

News was leaking out about the student council candidates' various positions. Students First! would run an all-minority group on a platform built on anti-imperialism and leftist revolution. Bruins United, the unholy, now bastardized child of the Bruin Republicans and Bruin Democrats (allies against the revolution), would run a fluff campaign on "diversity," "dialogue," and a cross-campus sprint in underwear. And a single independent candidate inhabiting the chubby form of an older black man named Troy — whose qualifications I've just noted — revealed, through an endearing gap between his teeth, his telltale maxim: "This is about *all* of us!"

Under normal circumstances, the mavericks would be inclined to let the cabaret continue. But, as it happens, the laughs were on our tab — student government was financed (still is) by a $120 fee paid by every student, willing or not. The single goal of our group, which we called Slate Refund, was to give this money back to the students. The single reason: individual students know better how to spend their money than an elite council. And, what's more, the cabaret is dull.

This message, which in the world outside would be identified and dismissed as forthright libertarianism, inspired a truly diverse campaign war room. On one end, there was Julien, a clownish frat boy with chaotic hair, awkward scruff, and an outstanding beer belly. On the other, there was David, tall and graceless, who would bore you to death with Cliff's Notes philosophy and, if you weren't persuaded, moralize you out of your conscience. In between: Republicans, Democrats, Greens, Reds, hippies, and anarchists. Slate Refund was Barry Goldwater reared in South Park.

It fell to me to make us seem homogeneous, to squeeze and sell some method from our madness. Until then, I had thrown my name around campus principally through journalism — first as a weekly opinion columnist for the main campus daily, then as the breakaway founder of an "alternative" (i.e., subversive) publication. Now I found myself a thinker forced into *la résistance*, a folding-chair patriot pushed out onto the field. Once there, I had trouble determining what game it was that I was supposed to play — tackle football, or croquet. I'd always preferred chess.

In the post-midnight hours of our first group meeting, a neighbor paid an unexpected visit. Thor, the slate widget of Bruins United, has the sense and suavity of a teenage punk stuffed into the body of a 10-year-old. His voice has a sleazy calm to it, but sleaze of a pathetically unsuccessful kind. He's the guy whose grandmother generously died 14 times in high school to accommodate as many trips to Disneyland.

He walked into the room, picked up a beer, and, as though totally oblivious to the meeting he'd interrupted, started some mindless chitchat with intent to ease (but in effect to aggravate) our defenses. This is as far as it would go. Within a half hour, the poor fellow had intoxicated himself, wrecked his strategy, broken down, and confessed to having been sent up as a spy.

Stalin often served alcohol to his inner circle so he could read their intentions — but was any mole stupid enough to ask for another shot? "I don't mix friendship and politics," Thor said, eyeing the door hopefully. Betrayal might be a drink made stiff, he learned, but it should be served when sober.

Julien D'Avanzo, our vice presidential candidate, knew his drink well. At fraternity parties, it had carried him to thrilling heights and rescued a few mindnumbing conversations. On April 27, it pushed him off the balcony of a third-story dorm room. Thus ended the candidacy and the life of our friend, and one genuine wit of a human being. You found Julien either with arms open or with middle finger raised high. He lived in extremes and throve in them. We mourned him.

At the same time, there was no doubt that the campaign would continue. We did not sober things up in his memory — indeed, a Slate Refund candidate's crossdressing probably honored it most — but in ways we did not discuss, it placed the fast-unfolding events into a context too raw for comfort. The tragedy was lost on — or even welcomed by — the other camps. There is always some jerk who laughs during a moment of silence. On Julien's memorial signboard, an unknown student wrote, "Hahaha!"

Meanwhile, a tattletale culture germinated in the election mud. Campaigners dropped their leaflets and walked around with camera phones to snap opponents in the act of Election Code violations. Rumors — interesting, though false — developed from kernels of wishful thinking: Bruins United had decided, without so much as a memo to Justice Roberts, that a student fee refund was unconstitutional.

The campus — or in hindsight, perhaps 10% of the campus — was alive in four colors. Red for Students First! Blue for Bruins United. Yellow for Troy. And a distinctive, assertively flamboyant pink for Slate Refund.

People didn't quite know what to make of us. When they called us a joke slate, we lectured them on free choice. When they took us seriously, we listed our campaign promises: caress diversity, stimulate dialogue, mount awareness. And just when they labeled ours a hopeless effort, we secured the endorsement of a couple of UCLA basketball players.

We were a third party, and we had neither the ability nor the will to hide it. We hailed from a royal lineage of candidates — Teddy Roosevelt, Robert LaFollette, and John Bell among them — who exuded a rare pride in principle. (We cannot forget Liberty's own John Hospers, who garnered the Libertarian Party's first electoral vote in 1972.) On campus as at our capital, the two dominant parties are careful not to believe in anything. But you can be certain that the third-party candidate at least believes in his own platform. Otherwise, there would be no point in running.

Just as if nothing had happened, they proceeded to run around the student store in underwear, showing solidarity with the plight of UCLA students.

But what we called pride in principle (and often dressed in revolutionary couture), some called perilous arrogance. The few conservatives of Bruins United scheduled private meetings with us. "Let's do lunch" or "Let's grab some beers," they said. The informality was supposed to mask the fact that they were asking us to drop out of the race. They said that we were sabotaging the entire conservative movement on campus and that, because of our little game, the leftists were going to win. As Ross Perot spoiled Bush Sr.'s second bid, so would we spoil Bruins United's.

I found myself a thinker forced into la résistance, a folding-chair patriot pushed out onto the field.

What we told them was: (a) for stealing our money, they're just as bad as the revolutionaries; and (b) UCLA elections, unlike national ones, have a runoff system, so if Slate Refund loses, Bruins United would have a clean contest with Students First! It would be as if we never ran at all. Somewhat comforted by this reminder, they vouchsafed private best wishes, saying that if we had any chance of winning, they'd certainly be with us, but, you know, you've got to pick your battles and you've really got to start living in the real world sometime.

Then, just as if nothing had happened, they proceeded to run around the student store in underwear, showing solidarity with the plight of UCLA students. (The administration had denied us the time-honored route of the Undie Run, a thrice-yearly event where thousands of students strip to their unmentionables and run through the streets of Westwood.) When Students First! rebels sneered at the bourgeois circus, someone should've quoted Che Guevara: "It is not just a simple game. It is a weapon of the revolution."

With our sights set high and our nose to the ground, we headed for elections. Requisite optimism aside, we knew we weren't going to win. To begin with, we were grossly outspent. We expended $200; the social underdog Troy went through $7,000. What's more, our campaign message — to refund student fees and, consequently, to defund the student government's radical causes and subsidized groups — was a direct attack on the few people who usually vote in student elections — people who are, by and large, affiliates of radical causes and subsidized groups. Our only hope, if we ever had one, was to make activists out of the 70% of students who usually don't vote — students who either haven't heard of student government or are totally unaffected by it.

Even the biggest campaign issue of all time — a potential on-campus bar — couldn't arouse their spirits. The totalitarian prudes yelled "Temperance!"; the drunks yelled "Freedom!" The student body slept through it all.

continued on page 39

Fight Terrorism: Legalize Heroin

by Scott McPherson

If you can't beat 'em, undersell 'em.

Government officials find it difficult to admit when they're wrong. Perhaps, like people in general, they see such an admission as a sign of weakness, and prefer to rationalize their failure rather than change their approach. This inevitably leads to calls for a "strengthening" of current policy and an expansion of the program in question.

The war on drugs is a perfect example. The U.S. government has been fighting intensely to rid the country of "dangerous drugs" for about 40 years now — much longer, some would argue — and year after year the war's failures mount.

We citizens are regularly assured that the "tide is turning," usually after some recent antidrug operation has yielded the "largest ever" bust in history, and thus we must "stay the course" in our antidrug efforts. Somehow the drug warriors never seem to realize that "largest ever" is an admission of failure. How can we possibly be winning this war if larger and larger shipments of drugs are being smuggled across our borders?

Americans are using drugs today just as they were last year, and the year before that, and the year before that, fueling the demand that keeps dealers in business — despite the desperate attempts of the United States and other governments to stifle drug production and exportation around the world. On Aug. 24, 2006, Agence France-Presse reported that the British government, which is now in charge of antidrug operations in Afghanistan, "is aiming for a 70 percent reduction in the next five years and elimination within 10 years" of Afghanistan's opium trade. Governments just love those Five-Year Plans.

Why this sense of urgency? According to an Associated Press report in the Sept. 3 New Hampshire Union-Leader, "Afghanistan's world-leading opium cultivation rose a 'staggering' 60 percent this year, the UN anti-drugs chief announced." *Sixty percent!*

For years, Republicans have been talking up the need to reduce opium production in Afghanistan. House Speaker Dennis Hastert said in 2001 that "the illegal drug trade is the financial engine that fuels many terrorist organizations around the world, including Osama Bin Laden," and in October 2003, the Washington Times reported that "the Bush administration has talked publicly of ridding Afghanistan of its lucrative poppy crop that provides 70 percent of the world's heroin." "Ridding" is an unequivocal term — like "largest ever."

Obviously things haven't turned out quite the way those in charge planned. A June 7 article on the Radio Free Europe/Radio Liberty website reported that Afghanistan's southern Helmand Province is expected to yield a "bumper crop" of opium this year. Ditto other parts of the country, pushing what was already the world's largest opium producer even higher up the ladder, to about 76% of world opium production. AFP claims that "Between 70 and 90 percent of heroin used in Europe originates in Afghanistan."

International efforts to control opium production in Afghanistan aren't failing from a lack of resolve. In early 2001 the United States government allocated $43 million in

humanitarian aid to help wean opium growers off their cash crop. After Sept. 11, 2001, the American and European governments seized an estimated $24 million in assets linked to al Qaeda, which is widely believed to fund its activities through opium and heroin sales.

Today NATO troops occupy the country — a strategic scenario that U.S. drug warriors can only salivate at replicating stateside — and Afghan President Hamid Karzai has a firm antiopium policy, creating a Counternarcotics Ministry in his government and outdoing the rest of the world by declaring not just a war but a "holy war" on narcotics. Congress earmarked $774 million for antinarcotics activities in Afghanistan in 2005, and allocated another $510 million for 2006–2007.

Alongside U.S. and NATO efforts are those of the British, with the Labour government's antidrug minister, Bill Rammel, promising a "dismantling" of the "opium economy." In his shadow lies waiting the Conservative opposition minister, who, employing the "me too" line of attack typical of opportunistic politicians, has criticized Labour's efforts as insufficient "with the level of forces [in Afghanistan] that we've got."

The full force of many governments is unmistakably behind this endeavor, with even more resources promised. Despite this, the AP reported (Sept. 3) that opium production is actually "outstripping the demand of the world's heroin users by a third." The U.S. State Department fears that Afghanistan is becoming a "narcotics state."

All of which could lead a discerning individual to a threefold conclusion: opium growing on net is unaffected by eradication efforts, heroin demand around the world is on the rise (the UN Office of Drugs and Crime reports an increase in addiction in Central Asia, Russia, and Eastern Europe), and producers are not the least bit afraid of the international antidrug movement.

None of this bodes well for the future of Afghanistan, or the war on drugs. The U.S. government launched military operations against the Taliban immediately after the terrorist attacks of Sept. 11, 2001, installing a government friendly to the United States and hostile to terrorist groups like al Qaeda that are believed to traffic in narcotics to fund their attacks. Sadly, the U.S. government didn't take into account certain conditions that would undermine its objectives. For example, the opium trade makes up between 35% and 50% of the economy in Afghanistan, "where gross income [from heroin sales] was around 1.2 billion dollars last year" (AFP). Asking an Afghan peasant to give up poppy growing would be like asking a dairy farmer to surrender his cows.

Today NATO troops occupy Afghanistan — a strategic scenario that U.S. drug warriors can only salivate at replicating stateside.

Add to this the fact that Taliban and al Qaeda forces still operating in the hinterlands of the Wild Wild East are in a position, irrespective of the western military presence, to demand and reward loyalty from local farmers. It's no surprise, then, that there's a ready supply of opium growers with no love for those who would take away their livelihood, preferring instead those who spend their profits killing westerners. Not exactly a promising set of circumstances.

Most important, however, is the economics of drug dealing itself. Legislators and military strategists may decree what they like, but the laws of supply and demand cannot be ignored for long: Afghan farmers grow opium because increasing numbers of Americans, Canadians, Europeans, and Asians want to use heroin. This demand drives supply, providing every incentive for those who grow opium to continue doing so. Any short-term "success" in limiting supply — such as the UN's claim that its policies have reduced the amount of land under opium cultivation by 21% — will only backfire in the long term: all things remaining equal, any reduction in supply merely drives up prices, boosting profits and creating incentives to expand the trade. Hence a 60% increase in opium cultivation despite years of effort to reverse the trend — and more money for the terrorists.

World leaders are right to see legalization as an admission of failure, but admitting one is wrong and learning from a mistake is a signal of strength, not weakness.

With stubbornness characteristic of government officials, Antonio Maria Costa, the UN's version of a drug czar, wants to "crack down" on Afghan opium farming. What exactly does he think has been going on for the last five years?

One Five-Year Plan begets another, ensuring another half-decade of failed policies and another billion-plus dollars down the drain. And the same flawed logic that views "largest ever" seizures of drugs as a signal of drug war success is apparently prompting U.S., UN, and NATO leaders to see a spike in opium production, heroin sales, and heroin addiction as a sign to "stay the course" in the fight for eradication — no doubt with expanded wherewithal and renewed determination. This is all sounding very familiar.

A wiser course would be to take the profits from heroin sales out of the pockets of terrorists through legalization. Though long the dream of "kooky" libertarians, this idea might be edging its way into the mainstream. Emmanuel Reinert, executive director of the Senlis Council, an international policy thinktank with offices in Kabul, London, Paris, and Brussels, told Radio Free Europe/Radio Liberty (June 7) that:

> [Legalization] would be a way for the central government [of Afghanistan] to collaborate with local communities, and not to alienate them or antagonize them, as is currently the case with the eradication policy.

Further, he said that such a move would "develop sustainable economic activities for Afghanistan, but on top of that

you will bring the rule of law and good governance in the provinces."

Anyone familiar with the war on drugs in the United States can see the wisdom in Reinert's words. Making something in high demand illegal merely drives the production and sale of that particular item into the hands of black-marketeers, thus undermining the rule of law. Quite the contrary of "good governance," prohibition puts the government in the position of harassing, intimidating, and ultimately bringing the full force of the law to bear against people who are merely satisfying the demand of willing buyers.

In Afghanistan this alienates and antagonizes those communities that make their living from growing poppies and, by encouraging people to thwart the law, makes a mockery of the law and turns government into a bully that destroys their livelihood. Antiopium laws only drive a wedge between Afghan citizens and their government that can easily be exploited by people with murderous designs.

Legalization would surely end all that, and turn an outlawed practice into a "sustainable economic activity" with considerable benefits. The 21st Amendment repealed the prohibition on alcohol in the United States, and took alcohol production, sales, and distribution (and profits from same) out of the hands of organized crime bosses and put it in the hands of free-market businessmen. It also led to improved quality and a lower risk of alcohol poisoning.

If opium production were legalized, pharmaceutical companies rather than al Qaeda terrorists would be running the opium show in the Helmand Province, creating booming local economies and raising the living standards of Afghan peasants. Then Bayer or Dowpharma or Sandoz rather than Osama bin Laden would be profiting from the $11 billion Americans spend on heroin each year. Note that none of those companies currently sells heroin, and terrorists don't manufacture headache tablets, despite the enormous profit potential in both businesses.

With the government working alongside international pharmaceutical giants, the agricultural economy would be protected, and very likely expand, offering more jobs to locals. Instead of arresting local officials, spraying poppy fields with dangerous chemicals, and sending Special Forces operatives to kick down doors, a collaborative, mutually beneficial relationship could be developed between poor peasants and the new government in Kabul that would undermine al Qaeda and Taliban insurgents.

The worst thing that could happen to narcoterrorists is legalization of their trade. Unfortunately, there's no reason to expect a much-needed radical shift in policy. The United Nations blames heavy rainfall for the spike in opium production; Karzai blames a lack of support from western governments; Britain's opposition Conservative Party blames low troop levels; and the U.S. government blames Karzai.

Legislators and military strategists may decree what they like, but the laws of supply and demand cannot be ignored for long.

Legalization is the last thing on their minds. Just as there is big money for terrorists in the drug trade, there is big money, power, and prestige for government officials in continuing to fight this unwinnable war on drugs. While they rationalize failures, point fingers, call for more funding, and declare yet another "crackdown," the poppies are in full bloom and terrorists are using the profits to plan murders.

A common definition of insanity is repeating the same mistake over and over again, all the while expecting different results. The international war on drugs is a perfect example. World leaders are right to see legalization as an admission of failure, but admitting one is wrong and learning from a mistake is a signal of strength and good sense, not weakness.

Drug war opponents have long noted that prohibition undermines the rule of law, encourages the corruption of government officials, tears at the social fabric, strains relations between police and citizenry, destroys communities, and emboldens the criminal element. These costs are already high enough. Add to them the additional consequence of enriching terrorists, and we have the crowning reason to legalize opium manufacturing in Afghanistan and heroin around the world. ❑

Election in Miniature, *from page 36*

In the end, the election results split the council between Students First! and Bruins United. Slate Refund candidates stole between 10 to 30% of the vote in their various constituencies. And though Troy didn't win, he doubled yours truly in the presidential race.

President-elect Marwa of Bruins United, the type of person who bakes muffins for middle school elections, delivered the inaugural address. "Some people think I'm crazy for wanting to be president, for putting in a billion hours a week in the office, for giving up sleep and study time. Well, maybe I *am* a little bit crazy. Crazy for *you*." Meanwhile, Students First! formed a Kumbaya circle. In the moonlight, they looked like a tribal cult. One of them yelled, "The white man's oppression is bigger than student government! It goes on every day and it hurts all of our brothers and sisters." This was answered by cries of "*Sí se puede!* Fuck them motha' fuckas!"

Call it dunce rhetoric on the one side and poisonous propaganda on the other. But realize that on our campus and most others, the two are consistent with voter sensibilities. The prohibitionists of the '20s hadn't understood: supply is born from demand. The drunkard doesn't fall far from the bottle.

And there were a lot of bottles on election night. After the rousing speeches, the election parade headed to the parties and hit the drinks — which, after all was said and nothing done, was the last remaining common denominator. Alcohol was the thing and the theme of the 2006 elections at UCLA. It enlivened the festivities. It succored the losers. It proved to be, as Homer Simpson said, "the cause of and solution to all of life's problems."

I wonder: could his remark be relevant to the 2006 elections in the 50 states? I'm thinking about the "cause," of course. I don't know what the solution might be. ❑

Tattered Groves of Academe

by Jane S. Shaw

America's colleges have traded teaching and intellect for radicalism and "fun." Are their glories gone for good?

Serious doubts are surfacing about the quality of higher education in the United States — not just among conservatives who have long deplored "politically correct" inanities, but also among such liberals as former Harvard president Derek Bok and John Merrow of the Public Broadcasting System. Books with names like "Going Broke by Degree," "Our Underachieving Colleges," and "Faulty Towers" are pinpointing flaws in the system.

Topping off the criticism is the new report, issued in August, by the Bush administration's Commission on the Future of Higher Education, which accuses the higher education establishment of complacency. The U.S. "may still have more than our share of the world's best universities," it concedes. "But a lot of others have followed our lead, *and they are now educating more of their citizens to more advanced levels than we are*" (emphasis in the original). The only member who didn't sign the report was the representative of the American Council of Education, an organization representing 1,800 universities and colleges; he objected to what he viewed as "one-size-fits-all" recommendations.

A growing number of critics see postsecondary education as nearing a crisis — not yet mired in one, as our public K-12 schools are, but wandering far from the glories of the past. Or, to vary the metaphor: "Higher education, long viewed as the crown jewel of American education, is tarnished." So write Richard H. Hersh and John Merrow, editors of "Declining by Degrees," published last year in conjunction with a PBS documentary. The system, they believe, has been allowed to "drift in a sea of mediocrity."

I myself am immersed in this topic because I am taking a new job as head of a center that intends to improve higher education. Like others, I have watched university conflicts over the years. "If you want to see what the 1960s were like, go to a faculty meeting," said a well-known conservative as far back as the 1980s. Today, the 1960s are even more entrenched in the universities. Many students are expected to take courses that devalue traditional Western literature and concepts such as limited government and private property, and many colleges champion Marxism, feminism, and ethnic diversity while belittling intellectual debate and advancing environmental commitment over environmental science. Brilliant visitors such as Thomas Sowell are rejected or taunted, and not too long ago the president of Harvard was forced to resign, ostensibly for some casual remarks that offended feminist activists.

Yet many of us have minimized these problems because the American postsecondary school system is, after all, competitive — unlike most higher education systems in the world. Our public universities are mostly state-based, not national; they compete with private universities as well as with one another and with community colleges, technical schools, online courses, and even private companies. Financial aid is available for students who need it; there is little doubt that any competent student who wants to learn can learn.

On the other hand, it doesn't take an economist to know that a system primarily composed of government entities and nonprofits will be rife with inefficiency. And when federal and state governments pour massive amounts of money into educational institutions, as they have since the Second World War, special interests are likely to take hold. What we are seeing now may be a growing recognition that students, especially undergraduate students, are being shortchanged.

Parents are frantic about getting their son or daughter into a school at the top of the U.S. News rankings, but once the student is accepted, they lose interest.

Let me take you through some of the complaints.

What's Gone Wrong?

First, a lot of students enter college poorly prepared (thanks to the public K-12 system), forcing universities to devote substantial resources to getting them up to speed. And it's not clear that they succeed. Employers complain that college graduates can't write decently or do adequate math. Whether so many students should be pursuing an education beyond high school is a big, unanswered question. In 2000, says Richard Vedder (author of "Going Broke by Degree"), 14.8 million students were enrolled in higher education, compared with 3.6 million in 1960. The total population is two-thirds larger; the college population is four times larger. One reason to doubt that so many students should be in college is the fact that many do not complete their degrees — in North Carolina, for example, only 48% of the students who enter college actually graduate.

At the other end of the talent spectrum, an elite group of students spends its high school years in relentless competition to enter a relative handful of prestigious schools (each of which now costs its students over $40,000 per year). The experts seem stumped about whether these schools are as good as they are alleged to be. They are ranked as elite, especially by the intensely watched U.S. News & World Report annual listing, but they score high because of the difficulty of getting into them and their reputations among academics and administrators — reasons that dance in a circle with their U.S. News rankings. But I see a growing interest in finding out whether these schools really add value sufficient to justify their expense.

Even in elite schools, students attend some classes that pack hundreds into a single room and, often, are taught by graduate students or part-time faculty. And it's beginning to bother critics like Derek Bok (author of "Our Underachieving Colleges") that most classes are taught in the way they were a hundred years ago — by lecture. There is strong evidence that students must be engaged in smaller group discussions and in writing and problem-solving in order to learn well. In big universities, selective "honors" colleges give a few students the engagement with faculty that the advertising brochures imply for all.

Then there are the parties. In his book "Beer and Circus," Murray Sperber surveys the impact of sports on the nation's large universities, especially schools in Division I of the National Collegiate Athletic Association. Sports have not only swallowed enormous resources in these universities (he insists that the big athletic departments are a financial drain, not an asset); they have also magnified a "collegiate culture" that mingles sports, drinking, sex, and seemingly mindless behavior.

There has always been a "collegiate culture," of course (Sperber's terminology goes back to a study by sociologists Burton Clark and Martin Trow in the 1960s), but the growth of college attendance means a vast increase in the percentage of students more attracted to collegiate culture than to traditional learning. This means that the party side of college increasingly dominates college itself. Sperber also discusses the tragic effect of sports programs on the star athletes who learn virtually nothing academic and whose graduation rates are pitifully low.

He contends that many students, and not just athletes, have a "nonaggression pact" with faculty. They don't try to excel in their course work (after all, they aren't much interested in academics), but they make it easy on the faculty — not expecting much personal attention or help and concentrating instead on sports and parties. Oh, they do want one thing, and they seem to be getting it: inflated grades. Sperber and others think that the faculty go along with the desire for debased currency in order to keep the students out of their hair, so they can conduct their preferred research or, possibly, just enjoy more leisure.

Along with the "collegiate culture," today's system emphasizes vocationalism or credentialism, getting a college degree in order to get a job. The critics seem divided on the extent to which this tendency ought to be deplored. Surely, a degree can be a legitimate device for screening job applicants; no one objects to asking prospective engineers to get a degree in engineering. But vocationalism seems to be squeezing out the Western tradition of "liberal" education (now blandly called "general education"), with its assumption that education should improve the entire person, creating a better citizen and fostering a more cultivated life.

When students, like health-care consumers, pay less than the full cost for the services they receive, they have less incentive to do a good job of monitoring the tradeoffs among time costs, money costs, and quality.

Faculty preferences may be contributing to the decline in general education. In some schools, faculty insist that students

take large numbers of credits in their major fields, boosting enrollment in the specialists' own courses but leaving little time for broad or divergent interests. Faculty often design introductory courses to lay a foundation for the major discipline, not to introduce an undecided student or non-major to a general field of knowledge. Thus, students lack the time to explore a variety of fields, and when they try, they get trapped in narrow, technical courses. According to one manager of a general-education curriculum at a major university, the biggest reason for the decline in offerings of broad and fundamental courses is that "the faculty doesn't want to teach them. Professors want to teach courses directly related to their research, because it's their research that earns them promotions."

Historical Roots

Although I have painted with a broad brush, the complaints I've listed do seem to add up to neglect of serious undergraduate education. How did it happen?

Historian John Thelin (in "A History of American Higher Education") puts some blame on the new kind of university that emerged after the Second World War as the federal government poured money into scientific research. At many of the better universities, the emphasis on research and specialization in graduate school demoted undergraduate education to second-class status. Initially channeled to the top universities, the federal largesse inspired others to mimic them; they too would become "research universities."

Federal funding affected universities in another way: by providing students with grants and loans. "In the 1999–2000 school year," Vedder says, "nearly 58 percent of full-time undergraduate students in American universities were receiving some form of federal assistance." More than 82% received some form of aid from sources other than their families — from government, employers, or other organizations.

This funding has merit, of course. It has enabled many students to go to the schools they want. But third-party payments have also created problems like those afflicting American health care. When students, like health-care consumers, pay less than the full cost for the services they receive, they have less incentive to do a good job of monitoring the tradeoffs among time costs, money costs, and quality.

As in health care, additional dollars fuel higher prices. College tuition rose faster than the Consumer Price Index every year from 1981 to 2003, offsetting much of the benefit of scholarships while increasing the education industry's constant pressure for more federal funding. Indeed, the high cost, the reliance on third-party loans, and a suspicion that all the expense may not be worth it after all may be inspiring much of the new criticism of higher education.

Structural Characteristics

In addition to these historical factors, the fact that the university system is not (by and large) a profit-making business helps explain its mounting problems. Two economists, Ryan Amacher and Roger Meiners, focus on economic structure in their book "Faulty Towers." Because universities are nonprofit organizations — and often government organizations — they lack the profit goals that discipline firms and corporations.

For-profit companies aim at maximizing profits over the long run; if they don't, shareholders who have their fortunes at stake will force management changes or takeovers or simply sell off their stock, perhaps threatening bankruptcy. But most universities don't face that level of market discipline. A university must cover its costs (often with lots of government help), but it faces little pressure to be efficient.

Without powerful market pressures, say Amacher and Meiners, trustees and administrators become passive and timid and bend with the political winds. Unmotivated by the rewards and penalties of the market, people often find it hard to summon the will to make unpopular decisions.

In higher education, many of these decisions should be made by the faculty, although I have not discovered a consensus on what role the faculty plays in the apparent decline. One does get a consistent picture of university faculty, however — an image of well-paid, well-housed, full-time professors supported by a growing minority of low-paid, untenured adjuncts who sometimes wander from school to school.

Tenure, a tradition that protects (but does not ensure) lifetime employment for a faculty member, seems to be a nearly universal characteristic of American colleges. According to Vedder, about 62% of full-time faculty are tenured. Again, one does not have to be an economist to know something of economic reality: secure employment has efficiency ramifications; one can't help comparing tenure to, say, the lifetime promise of a job that many General Motors workers enjoy. Surely, waste and inefficiency are a result.

Critics treat tenure gingerly, however. Bok hardly uses the word (it is not in the index of his book). But he frequently cites the incentives of faculty to explain why education isn't better: "However much professors care about their teaching, nothing forces them or their academic leaders to go beyond normal conscientiousness in fulfilling their classroom duties."

Vedder believes that as a faculty member who has taken unpopular positions, he has benefited from the academic freedom allowed by tenure — but he still criticizes the practice. Tenure "makes university administration difficult, less efficient, and more expensive, and slows needed changes in curriculum and academic direction."

Amacher and Meiners don't deny that tenure imposes costs, but they conclude that it cannot be blamed for protecting incompetent faculty. Reviewing relevant court cases over the past decade or so, they find that the courts almost always support universities that fire faculty: "As long as a college follows its procedures properly, it is quite free to establish whatever competency standards it wishes for its faculty and to enforce those standards." In their view, the more important factor is the failure of university administrators to take action. Administrators lack the strong incentives that a for-profit institution would provide.

What Comes Next?

The biggest obstacle to correcting the deficiencies I have discussed may be the absence of a sense of crisis. Two factors have let colleges and universities off easy.

Their first reprieve is the public's general unawareness of the problem — or indifference to it. Tom Wolfe, author of "I Am Charlotte Simmons," a novel that dissects life in a top university, wrote in the foreword to "Declining by Degrees": "I have never heard a single parent speculate about what value might be added by those four undergraduate years, other than the bachelor's degree itself." He notes that parents are frantic

continued on page 45

Nukes and NIMBY

by Gary Jason

When even the environmentalists want more nuclear reactors, it's clearly time to build some. But where?

The pragmatic libertarian, in my view, is one who has libertarian goals but is mindful of realities. One such practical reality is that in the battle of ideas, you cannot battle something with nothing. Rather than, say, merely showing the defects of some big-government approach to a given social problem, one should put forward a libertarian alternative. This is nowhere more important than in the energy crisis America currently faces.

By now it is surely obvious to everyone that our national decision to stop building nuclear power plants was a profound mistake, a mistake that has cost us dearly in money and lives. In the late 1970s, we essentially put a moratorium on nuclear power. The cause was an accident at Three Mile Island that killed nobody, and a relentless campaign by the true believers of the environmentalist religion — a propaganda blitz that would have made Joseph Goebbels proud.

Since then, we have sent hundreds of billions of dollars to repressive countries for their oil, empowering them to maintain their tyrannies and in many cases to fund terrorists who want to kill us. To protect our energy sources, we projected military power at a cost of thousands of soldiers' lives and billions of taxpayer dollars. And we have burned untold amounts of fossil fuels, a practice that the high priests of the environmentalist faith now assure us is causing a global warming that may kill or sadly discomfort us all. There is also the steady loss of hundreds of people a year through mining and oil-industry accidents and industrial illnesses, although these losses never seem to merit much notice by the media elite.

But a counter-movement toward common sense now seems to be underway. Political polling shows majority public support for building more nuclear plants, and there is increasing recognition by politicians such as Tony Blair that Kyoto-type attempts to choke off the use of fossil fuels without a workable alternative will result in massive economic recession. Over the past couple of years, President Bush has been trying to reopen the issue of nuclear power.

Most strikingly, there are hints of a grudging acceptance of the need for nuclear power by prominent enviro-mavens, including James Lovelock, originator of the Gaia Hypothesis, and Patrick Moore, founder of Greenpeace. In London's Independent, Lovelock urged that:

> Opposition to nuclear energy is based on irrational fear fed by Hollywood-style fiction, the Green lobbies, and the media. . . . Even if they were right about its dangers — and they are not — its worldwide use as our main source of energy would pose an insignificant threat compared with the dangers of intolerable and lethal heat waves and sea levels rising to drown every coastal city in the world. We have not time to experiment with visionary energy sources; civilization is in imminent danger and has to use nuclear, the one safe, available energy source, now, or suffer the pain soon to be inflicted by our outraged planet.

Last year, Moore testified before the Subcommittee on Energy and Resources of the U.S. House of Representatives as follows:

> I want to conclude by emphasizing that nuclear energy — combined with the use of renewable energy sources like wind, geothermal, and hydro — remains the only practical, safe, and environmentally friendly means of reducing greenhouse gas emissions and addressing energy security.

These dramatic shifts in political sentiment are, I am sure, driven by a growing recognition of several important facts.

First, the people of this planet simply will not accept the mass unemployment and privation that severe energy shortages would bring (although, let's face it, these seem to be what some environmental extremists really want). A dramatic increase in the costs that consumers have to pay for transportation and home heating and cooling would seem likely to lower what they can spend on consumer goods, and would also affect the prices of everything else the consumer buys.

We have sent hundreds of billions of dollars to repressive countries for their oil, empowering them to maintain their tyrannies and in many cases to fund terrorists who want to kill us.

Second, the alternatives to nuclear power (fossil fuels and "renewable energy sources") often have bad environmental effects, or simply aren't yet feasible. Fossil fuels pollute; windmills massed over a large area are as ugly as a strip mine and are just fabulous at shredding birds; and hydro power manages to drown massive amounts of flora and fauna. On the other hand, hydrogen, ethanol, and solar power haven't been shown to be useful on the large scale needed to sustain our economy. Moreover, economically feasible fusion power remains an elusive dream. (Long ago, when I was a physics student at UCLA, the professors would brag that fusion power was just around the corner. It has proven to be a mighty long corner.)

Third, our 103 existing "nukes," along with the hundreds owned by other free-market countries, have operated safely for hundreds of thousands of man-hours. This is in stark contrast to the coal mining industry. While American deaths in coal mines have been declining for decades, from about 1,550 men per year in the late 1930s down to about 100 per year in the 1990s (according to the Mine Safety and Health Administration), that is still a hundred brave souls dying each year, compared to *zero* deaths in the nuclear power industry. That is just in America — Wan Ping, in the Epoch Times, estimates that the death rate in Chinese coal mines is a hundred times as high!

The fact that 60 people died at Chernobyl is irrelevant here: neither the U.S. nor western Europe has ever had the screwy design for nuclear reactors that the Soviets did. The Chernobyl reactor was dangerous at low power levels, and had coolant rods that when inserted actually sped up the reaction at first. Moreover, our industry (as well as the Western European industries) had and have far better trained and supervised workers — indeed, the Chernobyl crew was not qualified on that model, didn't know about its design flaws, and violated its operating procedures (for example, by having less than the minimum number of control rods). Add to this a lack of communication between safety officers and the workers conducting the test that led to the explosion, and you have dangers of historic size — and no probability of occurring at an American site.

Fourth, our existing nuclear plants have already stopped 3.4 million tons of sulfur dioxide and 1.2 million tons of nitrogen oxide from entering the atmosphere (according to the Nuclear Energy Institute). Those pollutants would have created lots of smog and acid rain. If you multiply the figures by four, you get what the nukes of the world have saved us.

Those Americans — such as Supreme Court justices — who look to more enlightened countries for guidance should note that nuclear power has been widely embraced abroad. In the past 25 years, while this country has built no nukes, France (which everyone — at least at the New York Times — knows is the repository of the world's wisdom and culture) has built 58 of them. As Jean-Francois Cope, France's current budget minister, noted in a recent Wall Street Journal editorial, France derives almost 80% of its electricity from nuclear energy, at competitive rates, and is now 50% energy-independent. France is not alone. Japan is generating about a third of its electricity from nuclear power, and that percentage is rising rapidly. China has announced plans to build 30 large new reactors, just to start, with some experts predicting that it will be building as many as 200 by the year 2050. (The Chinese are working on the most promising design idea, pebble-bed reactors, which are meltdown-proof, because the fissionable material is embedded in inert briquettes.) Many other countries have built nuclear plants as well.

So how can we move ahead with nuclear plant construction? For starters, the administration — from the president on down — needs to make the case for nuclear power, clearly and continuously, in every available forum. To Bush's credit, he has pushed the issue more forcefully than any of his recent predecessors; but much more needs to be done.

The most important thing is to address people's legitimate security concerns, one of which is that nuclear power plants are attractive targets for terrorists. My suggestion here, for the short term, would be for the federal government to allow private companies to build nuclear power plants on military bases, where security would be assured. The 103 existing American nukes produce about 20% of our electricity, and some of these plants are aging. We will need perhaps 100 new nuclear plants if we want to raise nuclear power to 40%, and maybe

The fact that 60 people died at Chernobyl is irrelevant here: neither the U.S. nor western Europe has ever had the screwy design for nuclear reactors that the Soviets did.

200 if we want it to reach 60%. As it happens, we have over 200 military bases in the U.S. within which they could be located.

In the longer term, we need to develop our own pebble-bed technology, which will give us plants virtually immune to terrorist attack. A side benefit would be that we could start shifting the use of natural gas, growing ever more costly, from heating homes to powering vehicles, especially buses. But all this will remain a pipe-dream unless we successfully take on that formidable force, nimby.

"NIMBY" ("Not In My Back Yard") is a natural reaction based on self-interest. People want the benefits of power plants, refineries, freeways, mental institutions, prisons, and so on, but they don't want them located near their homes. They will fight to keep them out, and fights of this kind are ordinarily successful.

But there is a way to combat nimby. It is mimpy — MIMBP — "Money In My Back Pocket."

We should reward people who are willing to tolerate nuclear plants in their communities. Start with the troops: every soldier on a base where a nuclear power plant is located could be paid a substantial fee (generated by the sale of power that plant produces) for every month the solider is stationed there. We might consider giving the citizens of the state in which the plant is located a cash payment, or at least charging them less for power than citizens of other states. And we certainly ought to offer to build nuclear plants on bases that are slated to be closed. To a community worried about the loss of revenue from the closing of its local base, we can say, "All right — we'll keep it open, if you will let us put a nuclear power plant on it." If the community agrees, it will not only maintain its revenue stream, but (because the service personnel will be paid for the presence of the plant) actually enhance its revenue. The community's cash income will be higher, and its power bills will be lower.

The amount of nuclear waste would increase: a reactor produces roughly one cubic yard of waste per year. For this reason we need to apply the mimpy approach to the citizens of Nevada, where the Yucca Mountain storage facility is located. In exchange for seeing an increased flow of waste, every resident of Nevada, all two and a half million of them, could be paid, say, $2,000 a year. Five billion dollars would be a small price to pay for their forbearance in our nation's quest to become energy independent, once and for all.

Alaska is a model for what I have in mind. The people of Alaska strongly favor the energy development of ANWR (the Arctic National Wildlife Reserve); their elected representatives fight for it ferociously. But why are they so willing to see oil exploration and drilling? Well, of course it does bring jobs, and the state receives large revenues from lease royalties and fees from the oil reserves exploited. It uses these revenues for various programs and infrastructure projects. But a big reason for the popular support of energy exploitation is the hefty dividend check each citizen receives from the Alaska Permanent Fund, created in 1976 to set aside a quarter of all revenue the state receives from oil. That check is now over $2,000 per year, and will increase if Congress finally opens ANWR up.

A dramatic shift towards nuclear power would, I believe, have broad appeal. Libertarians tired of funding foreign tyrants and risking American lives to protect energy supplies should support the move. Protectionist conservatives and liberals who are worried (foolishly, in my view) about jobs being "exported" abroad should also support it. Mercantilist conservatives worried about our large trade deficit (again, foolishly) should support it. And Greens who are worried (even more foolishly) about global warming should welcome it. This is an issue upon which pragmatic libertarians can align with others to further a useful approach to an important policy issue.

Many libertarians dislike the fact that nukes have traditionally received federal subsidies. But we need to keep in mind that the oil, gas, hydropower, and coal industries have received (and continue to receive) federal subsidies as well, as have solar, ethanol, wind, and other non-fossil energy sources. Subsidies are inherently bad, we all agree. But if we are in the habit of subsidizing energy industries, why not the one that is proven to work, can't be accused of contributing to global warming, and allows us not to have to subsidize totalitarian, terrorist-promoting states?* ❑

*Readers interested in learning more about current trends in nuclear power might start by logging on to the Nuclear Energy Institute's website (www.nei.org) or that of the Uranium Information Centre (www.uic.com). John McCarthy, professor emeritus of computer science at Stanford, also has a nice website on nuclear at www-formal.stanford.edu/jmc/progress/nuclear-faq.html.

Tattered Groves of Academe, *from page 42*

about getting their son or daughter into a school at the top of the U.S. News rankings, but once the student is accepted, they lose interest. As a result, few colleges have come up with measures showing, with any persuasiveness, that four years of study actually increase a student's human capital.

The second finger in the dike is the enormous appeal of the aforesaid "collegiate life," even though it frequently squelches true education. Fanned by the American fondness for sports, collegiate life is what many alumni remember most about their university experience. Everywhere among the population of large universities, collegiate life is the drug of choice. "This very night," write Hersh and Merrow, "we are filming at a campus bar on the day of the week known on this campus as 'Boozeday,' which the rest of us know as Tuesday."

That commitment to "fun" should sober us about the chances of broad reform. Still, the American public is not unintelligent, and the rising costs of mediocre education may well press students and their families to consider alternatives. Competition remains the key.

Perhaps the most important goal for the higher education community — including the schools themselves but also the many groups concerned about declining quality — is to develop convincing ways of identifying and measuring genuine educational success. If these emerge, competition will take the next step, as students and their families demand and search out higher educational quality, corresponding to their individual goals and circumstances. In today's environment, high-caliber undergraduate education seems elusive, but the obstacles may turn out to be far less overwhelming than they currently appear. ❑

Digital Welfare

by Vince Vasquez

In trying to make phone service affordable for everyone, the federal government reached out and put the touch on millions of someones.

For more than 20 years, the United States government has operated a program designed to ensure "affordable" telephone service for every American. Phone service? Yes, phone service. Yet this modest-seeming program has become a giant technology management and subsidy scheme, costing billions of dollars a year, entailing enormous amounts of waste and fraud, and producing untold damage to America's communications system.

This is the story of the Universal Service Fund, better known, to those who have heard of it, as "America's digital welfare system."

How Phone Service Became "Universal"

The original concept of universal service is widely attributed to Theodore Vail, former president of AT&T. In the early 20th century, many telephone service providers did not interconnect their networks with those of their competitors, thus preventing consumers served by different companies from communicating with one another. In 1907, Vail created the concept of "one policy, one system, universal service," as a way of fostering a cohesive interconnection policy in America. AT&T's attempt to implement this vision by buying out rival telephone companies ruffled the feathers of the federal government.

In a letter that was later known as the "Kingsbury Commitment," AT&T assured the U.S. attorney general that, among other things, it would stop purchasing additional competitors and would voluntarily provide long-distance connections to independent phone companies. The federal government tacitly agreed to tolerate AT&T's vast network of subsidiaries, the "Bell System." The result was a government-endorsed national telephone monopoly, granted with the belief that a single service provider could efficiently build out a landline network to provide all consumers with affordable, high-quality service. By using universal service doctrine to establish a noncompetitive relationship among telephone companies, Vail successfully entrenched Ma Bell's dominant market position, which would endure for more than half a century.[1]

The Communications Act of 1934 later codified universal service as a national goal of providing, "so far as possible," efficient radio and wire-based communications at reasonable rates; but it did not explicitly enlist corporate subsidies to achieve this goal.[2] AT&T instead sought private, noncompulsory ways of producing universal service, thus escaping additional regulatory requirements from the government. The decision paid off. In less than 50 years after the signing of the Communications Act, more than 90% of American households owned a telephone.

AT&T had achieved the goal of universal service by voluntarily signing cooperative service agreements with small rural competitors, and by leveraging its network assets to facilitate new investment. Through a practice of "cross-subsidization," AT&T raised rates for businesses and urban consumers, enabling it to lower rates in poorer, less developed regions.

In the 1980s, the government broke up AT&T. This event, and the consequent volatility of the telephone market, threatened to disrupt decades of progress for ubiquitous access.

With the elimination of AT&T's vice-like grip on the telephone market, the private agreements and internal rate controls used to reach universal service goals also disappeared. In an effort to prevent rural and low-income consumers from losing their artificially low rates for phone service, the Federal Communications Commission (FCC) stepped in to create the Universal Service Fund.

The Fund was a national subsidy system that supported independent phone companies and others that had once enjoyed private rate-stabilization agreements with AT&T. It was, essentially, a welfare scheme for the companies and their clients.

To finance this scheme, the FCC initially levied fees on AT&T and other long-distance calling companies. But the relatively narrow scope of this government effort soon ballooned into a massive bureaucracy. Then came the Telecommunications Act of 1996.

How "Universal" Became Unlimited

In the 60 years that followed the Communications Act of 1934, the telecommunications market had experienced a series of radical changes. The industry had moved from monopoly toward competition. Cellular telephony had emerged, and the World Wide Web. Cable television had become almost universal. Congress decided to address these developments, and other major policy concerns, in a single act.[3] The Telco Act of 1996 set the stage for an unprecedented increase in public spending and government growth in the universal service system. It expanded the funding base of the USF, created additional program priorities, and increased the role of government in broadband deployment and telecom connectivity.

Before the act, only long-distance phone companies paid into the Universal Service Fund. This, of course, limited the money available for bureaucratic spending. Now, however, in 1996 Congress required that "all providers of telecommunications services" make contributions to the universal service system.[4] The FCC later interpreted this mandate as requiring all carriers that provide interstate and international service to pay a percentage of their long-distance calling revenue into USF.[5]

In one swift stroke, the FCC levied a revenue fee on nearly all landline and wireless phone companies, payphone providers, and paging service companies. (More recently, the FCC decided to tax Voice over Internet Protocol, or VoIP, for the aid of Universal Service.) At the behest of rural congressional legislators and education advocates, the Telco Act pledged universal service support to a broad array of schools, public libraries, and rural health-care providers.[6]

This modest-seeming program costs billions of dollars a year, entails enormous amounts of waste and fraud, and produces untold damage to America's communications system.

This program naturally provided for its own expansion. Congress authorized the creation of a new board of regulators to make recommendations for future universal service procedures, directing this new government body, as well as the FCC, to craft policy suggestions based on seven new expansionary principles. Everything should be done that was deemed "necessary and appropriate for the protection of the public interest."[7]

Less than 50 years after the signing of the Communications Act, more than 90% of American households owned a telephone.

The Telco Act was designed to foster industry competition and technological ubiquity in America. What it delivered was disastrous results for both businesses and consumers. By changing the legal definition of universal service to "an evolving level of telecommunications services" deemed "essential" by bureaucratic regulators, the act opened the doors for unlimited government programming and unlimited public spending.

Universal Service Today

With advice from Congress and other sources, the FCC created four main funding mechanisms within the Universal Service Fund — Low Income, High Cost, Schools and Libraries, and Rural Health Care.[8]

The Low Income division aims to ensure "affordable" telephone service for qualifying "low-income" consumers through three sub-programs — underwriting monthly phone bills, hook-up fees, and toll limitation services. The High Cost program is a collection of corporate subsidies for phone service providers that operate mainly in remote, rural areas. Schools and Libraries, also known as "E-Rate," provides discounts of up to 90% of the costs for phone service, internal connection, and broadband access for qualifying schools and libraries. Finally, under Rural Health Care, small-town medical providers such as hospitals and clinics receive low-cost internet access and telephone service, in an effort to "equalize" telecom service rates between rural and urban areas.

As previously noted, the FCC has ordered all long-distance calling revenue to be subject to the Universal Service Fund. The rate of corporate payment is determined through a mechanism known as the Contribution Factor, reassessed each quarter by the FCC, and based on changing program demand. That's the theory. In practice this is an unbridled telecom tax, raking in billions of dollars for subsidies at the will of unelected bureaucrats and nonprofit administrators.

The arrangements have proven precarious. Aside from the economic distortions created by universal service taxes, one of the biggest problems with the system is the management of the fund itself.

To handle corporate billing and distribution of USF funds, the FCC appointed in 1998 a private non-profit corporation, the Universal Service Administration Company (USAC). The scope of USAC's duties made even some in Congress uneasy.

Acknowledging concerns about a nongovernment entity disbursing billions in public funds and possibly setting future policy, the FCC directed early on that the USAC "may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress."[9] However, as recently as August 2004, the FCC asked USAC to "identify any USAC administrative procedures that should be codified in our rules to facilitate program oversight,"[10] a deferential order that raised doubts about how involved the FCC actually is with universal service management.

Auditors found that more than one-third of reviewed recipients were noncompliant with government guidelines.

Originally, the FCC intended to review USAC's management performance one year after it was given the reins of the universal service system.[11] That review never took place. USAC is now controlled by a 19-member board of directors composed of individuals representing groups eager for a piece of the USF pie — education advocates, telecom industry executives, and state regulators.[12] As directors review the budgets for programs that may benefit their myriad interest groups, there is a free-for-all with public funds.

Regulators wield power like a teenager with a credit card, recklessly spending money without consequence. Because the FCC largely pegs the Contribution Factor by how much money the USAC commits to recipients, and the FCC has added E-Rate and Rural Health Care to the USF payroll, the telecom tax has soared.[13] USAC has tripled the size of program disbursements since 1998. The FCC has followed suit, tripling the telecom tax rate, which has culminated in more than $48 *billion* in USF disbursements.[14]

Some proponents of universal service have argued that the rapid growth in funding demands has mainly resulted from shrinking profits in the long-distance market. Government analysts, however, have concluded that it is mainly caused by voracious USAC spending practices.[15]

With open-ended congressional expansion of universal service, and out-of-control spending by unaccountable bureaucrats, the beneficiaries and profiteers of USF programs have become a national embarrassment, a constantly recurring source of splashy headlines about government fraud, abuse, and waste.[16] The carte blanche attitudes of universal service regulators are matched only by their ineptitude at managing the actual programs.

Please Be Honest: Would You Like Affordable Service?

One of the dubious government policies that beset the Low Income program was a "self-certification" system that allowed consumers to receive financial support by simply telling their telephone service carrier that they participate in a qualifying means-tested public assistance program, or met a qualifying income level.[17] Unfortunately, there has been no system to verify these personal testimonies. It's not surprising that USF's Low Income division has seen incredible growth in the number of recipients.

Since 1990, administrators have added nearly six million more Americans to the Link Up and Lifeline programs[18] — peculiar results, considering that most of the recipient growth occurred during a period of economic expansion that created more than 22 million new jobs, and saw unemployment reach a 30-year low.[19] The failure of government to acknowledge this contradiction, and to demand transparency for the murky universal service program, remains troubling. So do ongoing problems in USF High Cost operations.

In 1986, about $55 million was disbursed for High Cost support through USF. Now, more than 60% of the total USF budget — $4 billion — is earmarked for the High Cost funding mechanism, a staggering figure that's doubled since 1999. Evidence suggests that High Cost funds are more in the category of corporate welfare than consumer welfare. As one economic study of the High Cost program estimated, USF funds are subsidizing rural carriers at twice the level necessary for efficient operation, with more than half a billion dollars wasted each year.[20]

The High Cost funding mechanism deters prudent corporate consolidation and cost-cutting, because it awards the smallest rural phone companies quadruple the subsidy rate received by larger, presumably more efficient carriers.[21] In the category of weird results, consider the fact that California has nearly twice as many telephone lines as any other state (23 million), but in 2005 California received less High Cost funding than the island of Puerto Rico (which has one million lines).[22]

Because High Cost funding insulates rural carriers from market forces, and does little to require effective business practices, some of the recipient companies have become masters at exploiting the vulnerable system. One example is Big Bend Telephone, a company that serves 6,000 customers in the town of Alpine, Texas. It reported that more than 95% of its revenue — $13 million — came from universal service subsidies, leaving consumer sales to shore up the meager rest.[23] XIT Rural Telephone Collective, a tiny utility serving 1,500 residents in the Texas panhandle, did so well under government largesse that it paid out an average of $375 in dividend payments to its shareholding customers, an amount more than the average $202 they paid for actual phone service that year.

As for the E-Rate program, it too is a basket of ugly issues. The rules governing E-Rate disbursements do nothing to prohibit "gold-plating," the overprocurement of goods and services, beyond the needs of recipients. This regulatory loophole, along with the ineptitude of federal officials to crack down on abuse, has led to rampant waste.

In late 2004, the FCC Inspector General issued a damaging report that revealed the results of more than a hundred audits of USF-recipient schools and libraries.[24] FCC Inspector General H. Walker Feaster III stated that he had "numerous concerns" about E-Rate and believed that the program was subject to a high risk of fraud, waste, and abuse through noncompliance and program weakness. The report uncovered numerous scams — bid rigging, false reporting, misappropriation, kickbacks. Auditors found that more than one-third of reviewed recipients were noncompliant with government

guidelines. USAC had mismanaged at least $17 million through E-Rate.[25]

Other revelations have also dogged USAC officials, demonstrating incompetence and an inability to curb system abuse. FCC audits found that Virginia schools were able to use E-Rate subsidies to purchase 85 cell phones and 195 pagers, despite the fact that cell phones and pagers aren't approved for subsidies.[26] In 2003, five people were charged with diverting more than $1 million in E-Rate funds from schools in Illinois and Wisconsin, using the money to buy automobiles and a home, and to wire more than $600,000 to Pakistan.[27] In 2005, a congressional inquiry determined that although USAC had disbursed more than $100 million over three years to connect Puerto Rico's 1,540 schools with broadband access, few computers were connected, and more than $23 million of telecom equipment was sitting in unopened boxes in a warehouse.[28] The same investigative body found that in 2000 USAC approved a "plainly fraudulent application" for more than $48 million in E-Rate subsidies for the San Francisco Unified School District. This followed on the heels of an alleged scheme by the Gambino crime family to use a Missouri-based E-Rate service provider to defraud the program of nearly $22 million.[29]

With more than 8.5 million individual recipients, and a growing budget of $7.1 billion, universal service now rivals the basic cash assistance program of the federal welfare program.[30] Universal service has devolved into a *digital welfare system,* repeating institutional mistakes that have plagued the nation's general welfare system for decades.

Prospects for Reform?

In summer 2005, the FCC opened a broad investigation into USAC management, asking for public comments on improving the public administration of USF institutions, programs, and disbursements.[31] Responding to criticisms of Low-Income self-certification, the FCC modified its rules to improve the effectiveness of program enrollment, and asked that all states establish procedures to verify the continued eligibility of local recipients.[32] As a result of the Inspector General's damning E-Rate audit report, the USAC Administrator planned to conduct 700 audits of universal service recipients in 2005 to target fraud and abusive practices, including 250 audits of schools and libraries.[33] In addition, USAC hired a firm to conduct 1,000 site visits to inspect E-Rate recipient locations.

One may wonder why no one did this before. Any possible answer to that question will make one skeptical that internal audits and reviews will achieve any meaningful reform. As the Government Accountability Office (GAO) noted in an April 2005 report, the "FCC has been slow . . . to use audit findings to make programmatic changes. For example, several important audit findings from the 1998 program year were only recently resolved by an FCC rulemaking in August 2004."[34]

Expecting public officials to reorganize effectively, restrain spending habits, and cede authority ignores the enormous strength of the government culture to protect and expand jurisdiction at all costs. Policy makers handling universal service funds retain an unhealthy political interest in expanding programs and available financial resources, regardless of the consequences for consumers, for businesses, or for industry innovation.

Though some would suggest that the benefits of a (dysfunctional) universal service system for schools and low-income Americans outweigh the costs to the telecom industry and average consumers, a broader perspective of what stands at risk must be taken into account.

Short-sighted laws have the power to turn consumer markets into stagnant pools. The Telecom Act and the demands for revenue under universal service have stalled the deployment of technologies like DSL and Broadband over Power Lines, as investors choose not to waste their money on overregulated enterprises. Wireless calling companies have also found difficulty making a business case for entering regions where government-picked winners are insulated by subsidies and have no incentive to make business operations more efficient.

For too long, lawmakers have propped up landline telephony with billions of industry dollars through the USF system that could be otherwise invested elsewhere. This has skewed the business decisions of service providers and placed power in the hands of inexpert regulators. As a result of harmful provisions in industry laws, the U.S. has been left in the dust when it comes to deployment of advanced communications methods — many of which were developed here in our own country.

In April 2005, the International Telecommunication Union (ITU) announced that the United States had dropped from 13th to 16th place in global broadband penetration, lagging behind such countries as Canada, Israel, and Norway.[35] The Organization for Economic Cooperative Development (OECD) found similar results, with the U.S. tumbling from 4th place in 2001 to 12th in December 2005.[36] The international laurels once accorded the United States for superior market-driven policies and technological innovation have been revoked, and will continue out of reach so long as the voices of regulators and lobbyists drown out the real needs of consumers and the national economy.

Just End It

After years of legal rewrites, the "universal service system" is a combination of a public entitlement program and an old-fashioned pork barrel, predictably plagued by abuse, fraud, and waste. As President Reagan once said, "Government does not solve problems, it subsidizes them." Real consumer needs can be better served through market forces, rather than the self-serving whims of unaccountable bureaucrats. The USF confirms the axiom that it is much easier to start a government program than to end it. Nevertheless, the time has come to tear down this digital wall, and set consumers and innovators free. ❑

In one swift stroke, the FCC levied a revenue fee on nearly all landline and wireless phone companies, payphone providers, and paging service companies

Notes

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19. "The Clinton Presidency: Historic Economic Growth." 2005. The White House. Nov. 16, 2005. (http://clinton5.nara.gov/textonly/WH/Accomplishments/eightyears-03.html).

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21. Ibid., p. v.

22. It's worthwhile to note that in late 2005, the Puerto Rico Telephone Company convinced the FCC to tentatively adopt a new "non-rural insular support mechanism" to supplement High Cost funding to the Commonwealth of Puerto Rico, adding to the headaches of growth and bureaucracy in the Universal Service Fund.

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Reviews

"Flags of Our Fathers," directed by Clint Eastwood. Dreamworks, 2006, 137 minutes.
"Ghost Soldiers," by Hampton Sides. Anchor Books, 2002, 344 pages.

Bringing the Boys Back Home

Jo Ann Skousen

Much of what I know about World War II I learned from movies. Our freedom was secured nobly by handsome, courageous, wisecracking heroes and the gracious, long-suffering women who supported them. They were smart, they were virtuous, and they were in Europe. During the war, Hollywood was almost a fifth branch of the armed services, providing feel-good movies that gave the folks back home a sense of honor and purpose. But they were about the war against Germany, not Japan.

I first began thinking about this a few months ago, while reading Hampton Sides' excellent book "Ghost Soldiers" (2002), which recounts the daring rescue of British and American prisoners of war in the Philippines. But the book is far from triumphant. While telling the story of the Rangers' heroic march to the rescue, Sides also tells the back stories of these young — so young! — men who had been captured early in the war, starved, beaten, and massacred, and all but forgotten until early 1945, when the Americans finally began to overpower the Japanese. But they were still mostly forgotten. Where were the Japanese war movies?

One difficulty in making movies about the war in the Pacific was practical: Hollywood was populated by actors of European descent who could easily step into roles as Germans and Italians. It was more difficult to make a movie about the Japanese, when most Japanese-Americans weren't at liberty to work anywhere, let alone in the movies.

But there is a deeper reason that might explain the lack of movies about the Pacific theater: we weren't winning the war there. Pearl Harbor wasn't the only American base attacked by the Japanese in December 1941; bases all over the Pacific were destroyed, severely crippling the American fleet before the war even began. With no backup on the way, tens of thousands of U.S. soldiers and sailors were forced to surrender. It simply wasn't a story the folks back home wanted to see. There is nothing to cheer about the Death March of Bataan.

That's why Joe Rosenthal's Pulitzer Prize-winning photograph of the flag being raised above Iwo Jima was so important. As James Bradley, author of "Flags of Our Fathers" (2000) and son of one of the flag raisers, explains, "War is a complicated thing. To make sense of it we need an easy-to-understand truth — and as few words as possible." By 1945 people were becoming tired and cynical about war, and money was lagging. A flag being raised by six exhausted Marines (well, five Marines and a Navy Corpsman) is about as easy to understand as symbols come. It was a truth people wanted to believe in.

The war department saw the fundraising possibilities immediately, and brought the flag-raisers home to begin a nationwide bond-selling campaign. Trouble was, these young men didn't feel like heroes. Not for raising the flag, anyway. They had seen and experienced too much of the reality of war, and it wasn't something to crow about. In fact, it must have been agony for them, forced to relive the horror again and again, night after night, for the fawning, voyeuristic satisfaction of the donors back home.

"Flags of Our Fathers," Clint Eastwood's film of Bradley's book, captures that mental anguish effectively as it moves back and forth between the battle scenes, the fundraising

tour, and Bradley's interviews in the 1990s of the men who had been in his father's platoon. Eastwood uses subtle lighting techniques to demonstrate the changing time periods: somber, undersaturated processing that looks almost like black and white for the war scenes in the men's memories; vivid, Technicolor lighting for the fundraising campaigns; and heavy shadows for Bradley's interviews with the elderly soldiers, when memories had dimmed. Some critics have complained that the film doesn't make clear which soldiers are being interviewed in these scenes, but I think the ambiguity is deliberate, given the misidentification of the flag raisers at the time the photograph was published. They were treated interchangeably then, and Eastwood makes them interchangeable now.

The campaign was a financial success (they raised an amazing $42 *billion*), but after the war, few of the soldiers could speak of their experiences. In the film, Rene Gagnon, one of the raisers, says to another, "Back home, the ones who didn't go, it's hard to even talk to them." Like Krebs in Hemingway's poignant "A Soldier's Story," even those who came home didn't make it out alive. "The things I did weren't things to be proud of," another raiser, Ira Hayes, tries to explain. Eastwood shows the gruesomeness of battle, but he also leaves much to the imagination, demonstrating that some scenes simply can't be shown, or even described.

"Flags of our Fathers" is certainly not pro-war, but it isn't exactly anti-war either. Eastwood does not attempt to justify the American position, but neither does he vilify it. He simply doesn't discuss the reasons for the war at all. The fact that he simultaneously directed a film from the Japanese point of view (to be released in February under the title "Letters from Iwo Jima") reveals his desire to present the human story rather than the political one. At the end of the film Bradley urges, "Remember them how they really were." Not heroes, but heroic. Of the Americans, Bradley says, "They fought for their country, but they died for their friends." It will be interesting to see whether the Japanese are portrayed as having the same priorities in the sister film.

Does this film present them "how they really were"? As the final credits roll, Eastwood runs photos that were taken by Rosenthal and other official photographers during the battle. It's as though the soldiers in Eastwood's film walked right out of Rosenthal's photographs. Even the scrub grass and rock faces match the photos — which is amazing, considering that Eastwood had to go to Iceland to reproduce the black volcanic sands of Iwo Jima. No one can know what they thought and felt, but Eastwood manages to show us what they saw. (I happened to be in Iceland at the time it was filmed, staying at the same hotel as Eastwood — alas, our paths never crossed.)

And what about those imprisoned soldiers and sailors whose stories are told in "Ghost Soldiers"; were they given a hero's welcome? Well, sort of. While the Marines were preparing to storm Iwo Jima, the Army Rangers were preparing a different raid in the Philippines: the rescue of the remaining American prisoners of war.

The young men didn't feel like heroes. They had seen and experienced too much of the reality of war, and it wasn't something to crow about.

By January 1945 the war had begun to turn in the Pacific. Rather than allow prisoners to be repatriated, the Japanese began shipping the healthier ones to Japan and massacring the weaker ones by the thousands. These liberated prisoners were as emaciated as the Holocaust victims, many of them crippled and even blinded by malnourishment. The Rangers who staged the "audacious enterprise," as they called it, "felt a glow of satisfaction that in the midst of the fighting we had participated in a life-saving operation."

Sides writes, "The story carried immense symbolic importance; here was a story of redemption, the first definitive reversal of fortune in an otherwise desperately bleak chain of events that had begun with the fall of Bataan." The rescued soldiers were cleaned up, fattened up, and shipped home for fundraising victory tours at almost the same time as the Iwo Jima heroes. But there wasn't the same thrill of vicarious victory in the story of men beaten, tortured, and starved. Sides reports, "After the initial flurry of press attention, the raid was quickly eclipsed by other developments in the war — Iwo Jima, Okinawa, Hiroshima . . . and largely faded from the public consciousness."

The men received their medals, but the parades ended. Maybe the War Department worried that if we knew how badly our men were treated, we wouldn't be as quick to send them off to war.

Maybe that's why Eastwood made this movie. ❑

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, regularly offered here, and simply ignored by the "experts," afraid to stick their necks out.

With real economists, new ideas come first. But, with the pusillanimous panjandrums of the Chicago and Austrian Schools, they don't even come last.

But the ultimate onus is upon the sycophantic libertarians letting them get away with it. For, with all their lip service to Questioning Authority, they worship it blindly, idolizing "fearless, fighting champions" who won't fight, but are "above" it, defending their titles only in the record book, never the ring.

If sports were like this, John L. Sullivan would still be heavyweight champion.

For the real economists, and champions, see the **Open Forum** at intinc.org.

Advertisement

"While Europe Slept: How Radical Islam Is Destroying the West From Within," by Bruce Bawer. Doubleday, 2006, 237 pages.

The Hour is Late

Andre Zantonavitch

This stunner of a book about Continental Islam has two main themes. The first is that Europe has a simply incredible Muslim immigration and reproduction problem. Evidently the Muslim population is vigorously expanding, and it is not being assimilated or integrated into European culture. This radically new and explosive demographic, according to the author, is not being converted to western liberalism or adopting western styles of life.

"While Europe Slept" argues that while Europe is currently only about 8–10% Islamic — vs. 2% for America — if present trends continue it will take only a generation or two for Muslims to become the majority. The Continent will become what intellectual fellow-traveler Bat Ye'or in 2005 called "Eurabia." The claim by Bruce Bawer is that well before 2050, most of Europe is likely to become an outpost of Islamdom governed by Shariah law. Europe will be alien to western culture and an enemy of western civilization.

His second theme is that Europe today is a hellhole of leftist multiculturalism, far worse than anything in America, and far worse than almost anyone in America suspects. American expatriate Bawer — who has lived the past ten years in various European countries, mostly Holland and Norway — is almost uniformly alarmed by every country he lives in or visits. According to him, political correctness and multiculturalism are "a habit of thought that in America is an annoyance but in Europe is a veritable religion."

Bawer excoriates his European friends for their propensity to display phony "respect" and "understanding" of the various foreigners in their midst, especially Muslims. He blasts their cult-like belief in the mantra of multiculturalism and their unlimited "belief in peace and reconciliation through dialog," even when militant Islamists emphatically reject peace, reconciliation, and dialogue as methodologies or ideals. "While Europe Slept" makes the interesting observation that there is virtually no American-style "religious right" to oppose growing Muslim power. Virtually the whole Continent is atheist or de facto atheist, he claims. Thus in Europe the religious right is Muslim. (Such an extreme claim is perhaps valid for the Low Countries and Scandinavia, but much less so in the Catholic-dominated south.)

The somewhat novel form of European left and right leads to some odd political terminology and alliances. Bawer consistently champions what he calls "the liberal resistance," but he doesn't seem to know where to find it or even how to describe it. Though he tries to be optimistic, and he does offer suggestions to ameliorate the demographic onslaught that he predicts, he describes in appalling detail the means by which the multicultural left protects the Islamic religious right, and he concludes that "Europe is steadily committing suicide, and perhaps all we can do is look on in horror." Bawer essentially writes off Europe (which seems a little harsh), arguing that America is the last hope for western civilization and the whole world.

This book is an easy, if horrifying, read. Despite the speed with which its mere three chapters can be consumed, it has plenty of documentation for its claims, from almost every nation in Europe. Bawer, who is also a translator, speaks Dutch and Norwegian fluently and is conversant in several other European languages as well. His insider's perspective helps him find quotations, incidents, and stories from all over the Continent — many based on his personal experience.

Possibly the most terrifying part of the book is the way some European Muslims are confidently planning to rule Europe. A popular Swedish T-shirt reads simply "2030 — then we take over." With France still only 12% Muslim, the leading Parisian newspaper Le Monde seems to have surrendered already. In 2004 it praised France for its oneness of mind with Islamic nations on almost all issues and "the fact of its having and accepting the role of the first Muslim country of Europe."

How did Europe ever reach such a seeming dead end? The problem began rather recently, in the late '60s and '70s, with a temporary labor shortage and subsequent special "guest worker" programs. But the shortage is long gone and the Muslims are still there. And as Bawer points out repeatedly, they aren't being integrated into the various populations, as they tend to be in America. Almost all Muslims live in suburban ghettos and are often rejected by the native and slightly nativist whites.

Europe today is a hellhole of leftist multiculturalism, far worse than anything in America, and far worse than almost anyone in America suspects.

Most Islamists, in turn, utterly reject their new country and its western liberal ideology. The vast majority — even second generation kids — aren't fluent in the local European tongues.

This growing cultural threat is exacerbated by a custom called "fetching" marriages. Males from Europe use "family unification" laws to bring in illiterate females they've never met from their former country, and then marry them — usually as uneducated teenagers. The young girls are kept at home, in a virtual prison, where they quickly begin to bear children. Bawer observes that "already in most of western Europe, 16 to 20 percent of children are Muslim." These new citizens rarely learn the local languages or customs but they do qualify for vast welfare benefits and quickly produce more Islamist-oriented males and slavelike females. Then the process starts all over again.

The effect of all these Muslims on the life of Europe is remarkable. Homophobia is way up, as is opposition to abortion and divorce. "Honor" killings are disturbingly common, along with female genital mutilation. In many parts of Europe all women must wear scarves covering their faces lest they be deemed whores and "for everyone." In such places, any Muslim or Muslim gang can rape any uncovered girl. Afterwards, the girl may be killed by relatives to end the "shame" of her family.

Now, not all European Muslims agree with this, naturally; but they face immense pressure from Islamists and multiculturalists to eschew any cultural criticisms. The rapists, unfortunately, almost always go unpunished. And because native Europeans disdain this practice, most unwesternized Muslims think of white men as weak and effeminate, scorning them for not being able to control their women. They think of normally dressed western women as lowlifes without honor and as unloved harlots, valuable principally for group violation and subsequent termination.

Some European Muslims are confidently planning to rule Europe. A popular Swedish T-shirt reads simply "2030 — then we take over."

Among the nightmarish statistics cited by the book are these: 80% of the women in Oslo's shelter system are Muslims fleeing abusive families, husbands, and boyfriends. Danish Muslims make up 5% of the population but 40% of the welfare rolls. Refugee-friendly Switzerland is already 20% Muslim. The world's most wonderful city (in my view), Amsterdam, is now close to majority Muslim. Seventy percent of all French convicts are Muslim. The four London bombers who killed 56 in July 2005 had received almost a million dollars in welfare benefits.

And the bad news just keeps coming! "While Europe Slept" is relentless at relating it, and at discounting the possibility of a revival of the still-noble European Enlightenment liberal spirit.

Bawer's book has been praised by many on the political Right, but a note on his own politics seems in order. He previously edited a book slamming America's multicultural left called "Beyond Queer: Challenging Gay Left Orthodoxy" (1996). Yet he's also written a book called "Stealing Jesus: How Fundamentalism Betrays Christianity" (1998), which trashes America's religious right. In the end, he calls himself a part-time "libertarian" and is essentially a strong western or classical liberal. ❑

The four London bombers who killed 56 in July of 2005 had received almost a million dollars in welfare benefits.

"Andy Warhol," directed by Ric Burns. PBS, 2006, 240 minutes.

Fame and Flackery

Richard Kostelanetz

Not unlike others involved in the art world I viewed attentively from beginning to end Ric Burns' four-hour public-television feature about Andy Warhol, admiring it initially for excerpts of 16mm films not seen in decades (especially "Chelsea Girls," which is Warhol's masterpiece), and then for insightful commentary by the critics Stephen Koch, Wayne Koestenbaum, and Dave Hickey.

Another virtue of the film is its definitive establishment, not only of the intelligence of an artist who often appeared stupid, but also of the striving calculation of a slight homely swish child of Ruthenian immigrants. The film shows how Warhol moved from lower class Pittsburgh, where he was ignorant of even bourgeois American life, to become a major cultural celebrity within only two decades of his arrival in New York. This alone is a unique and improbable story which could happen only in America.

Often seen in the film is the writer Ronald Tavel, whom I knew during the mid-1960s when he was Warhol's scriptwriter. I admired him both for his plays, which epitomized "the theatre of the ridiculous," and for his novel "Street of Stairs" (1968), which appeared from Olympia Press (more prominent then

than now), only in an abridged version, so he claimed. Sitting in my living room around 1967 he told how Warhol's Factory was bestowing success on him. Though I was not gay, Ronnie gave me the impression that I could join the train. As a native New Yorker familiar with shaky celebrity, I feared that he was consumed by a balloon that would burst on him, as indeed it did. As the film makes clear, the Warholies, perhaps every single one, were cast aside. This sort of professional ride was not for me, I realized then, and smugly congratulate myself now.

What mars Burns' work are puerile, inflated comments, first from the artist Laurie Anderson, who was recruited to act as the pretentious narrator, but mostly from art dealers and other promoters. One of them closes the film with the outrageous claim that Warhol stands for the late part of the 20th century as monumentally as Pablo Picasso did for the earlier part! The art hucksters' extended and repeated appearances raised questions in my mind about the critical intelligence of the filmmaker. Though the film includes a clip of the highly voluble art dealer Ivan Karp in 1968, why doesn't he appear now, and say something less predictable? Don't be surprised if some of the flackery disappears when (and if) the film or DVD goes into general release.

Reading the credits, as I normally do with such films (partly to look for the names of friends), I discovered that the "executive producers" include the art collector Peter Brandt, who owns lots of Warhols, and the hugely successful art dealer Larry Gagosian, whose specialty has been not the discovery of new artists but the more successful exhibition of figures already established. Precisely because public television denies explicit extended commercials, it becomes receptive to highfalutin donors with pecuniary interests. In his "Myths, Lies, and Downright Stupidity" (2006), John Stossel, the ABC commentator who began his television career by exposing product frauds on commercial stations, notes that "PBS carries almost no consumer reporting, probably because the bureaucrats who run it are too nervous about offending anyone." Conversely, cultural institutions afraid of offending anyone are vulnerable to donations from everyone.

Another peculiarity of the Burns film is the lack of any footage from Warhol's residences, beginning with the townhouse he shared with his mother until her death. His last house, reportedly 90% storage, was filled with the objects he collected in the final two decades of his life — not only art but bric-a-brac reflecting a taste at once high class and low (but not bourgeois), serviced by unlimited funds.

Burns' Warhol reminded me of a certain economic truth. The great tragedy of the art market is that you can't sell short — you can't sell what you don't own, buying it back in the future; betting, in effect, that the value of an overinflated artist's work will decline, leaving his collectors holding unwanted bags. Perhaps those currently owning lesser Warhols, which must number several thousand (prints included), will come to resemble the fans of Pavel Tchelitchew or Ben Shahn, from a previous generation, Kenny Scharf more recently, or Eugene Speicher, whom Esquire magazine identified in 1936 as "America's most important living painter." Had a speculator been able to short these Warhols a decade ago, he or she might now be under water, as stock shorts would say; but as I watched the Burns film, I sensed that underlying some of the extravagant claims made for his art was the desperate fear that Warhol shorts might eventually be right. ❑

"The Conservative Soul: How We Lost It, How to Get It Back," by Andrew Sullivan. HarperCollins, 2006, 280 pages.

Conserving Conservatism

Martin Morse Wooster

Study the history of the conservative movement and you'll find that periods of false consensus are followed by furious conflicts between various factions. If you looked at the pages of National Review in 1986, for example, you would find editorial after editorial announcing that conservatives agreed on everything. Shortly thereafter, the paleoconservatives and the neoconservatives began a bitter war that continues to erupt from time to time.

Conservatives today live in an age of false consensus. The statist faith of Sean Hannity and Laura Ingraham is simple: *shut up and obey*. President Bush is always right. If you knew what he knew, you'd follow orders and do what you're told. Government only acts for the best. Disagree with the president and you're a dupe of the mainstream media. If you're a Democratic presidential candidate, Osama bin Laden is your running mate and Ayman al-Zawahiri your secretary of defense.

Because of the ineptitude of the Republican-controlled Congress and the debacle in Iraq, this flaccid statism is coming under attack. Into the fray steps Andrew Sullivan. Though best known as a blogger, pundit, and gay activist, he has a doctorate in political philosophy, and "The Conservative Soul" is his attempt to write a serious book about what conservatism means.

Sullivan is almost a libertarian; his ideas for the most part intertwine with and strengthen libertarian arguments. He disagrees with us about public

schools, and supports the war on terrorism more than most libertarians would like. But in his view, "the great and constant dream of the conservative is to be left alone by his own government, and by his fellow humans, as much as is possible." Sullivan argues his case for liberty-minded conservatism with force and power. This is a very good book with one unfortunate aspect.

Drawing on the thought of the great political philosopher Michael Oakeshott, Sullivan promotes a "conservatism of doubt." Conservatives, he argues, should know that they don't know everything. Government, in his view, should establish the rule of law and provide basic police protection to ensure a free and stable society. This society would then enable its citizens to be free: to live, love, play, even goof off, without government ninnies telling them how to run their lives.

Sullivan forcefully argues that the Bush administration's political beliefs are far removed from his form of conservatism. In this century, he contends, "America went from being a constitutional republic, under the law, to an imperium of one man, answerable only to an election every four years, empowered to break any law and violate any moral law if he believes it necessary for national security."

But how did America become such an imperium? Sullivan blames "theo-conservatives," men such as Robert P. George, a Princeton political scientist; Father Richard John Neuhaus, editor of First Things; and Sen. Rick Santorum (R-Pa.), who has said "I don't want a government that is neutral between virtue and vice."

Sullivan provides many quotations to show that these people would like to crack down on gays and prostitutes. But there have always been authoritarians in the conservative movement. (Does anyone remember Ernest van den Haag?) What have these bad guys *done* to make government an enforcer of virtue? How successful have they been?

Here Sullivan punts. He argues that in one session of Congress, Santorum introduced 150 bills to make America more moral. Did any of these bills pass? Sullivan doesn't say. In fact, he doesn't point to a single bill or policy that theo-cons have successfully introduced into law. Compare this to liberal prohibitionists, who are successfully banning smoking and starting to ban fatty foods on the "scientific" basis of "improving

Conservatives today live in an age of false consensus. The statist faith of Sean Hannity and Laura Ingraham is simple: shut up and obey.

Notes on Contributors

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Individual entries on *Richard Kostelanetz* appear in distinguished references from *Contemporary Poets* to *Baker's Biographical Dictionary of Musicians* to the *Encyclopedia Britannica.*

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"Give me Liberty or Give Me Death."

—Patrick Henry, 1776

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the public health," and you'll see that in public policy debates the "theocons" are relatively ineffective.

Of course the notions of theoconservatives should be vigorously debated. But we shouldn't skew the debate by investing the theocons with power that they don't have.

Overall, Sullivan's heart is in the right place. His foes are our foes. "In the modern world," he writes, "conservatism often means repealing laws, abolishing unnecessary institutions, getting rid of needless government departments in order to let people make their own choices."

For libertarians, Sullivan's "conservatism of doubt" allows us to frame our arguments in new ways. Sullivan reminds us that the burden of proof for expanding government should always be on the statist. We should repeatedly ask: "What gives you the right to control us?" ❑

"Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan," directed by Larry Charles. 20th Century Fox, 2006, 84 minutes.

Road Trip US and A

Andrew Ferguson

It's a rare comedian who manages to spark an international incident, but then there are few comedians quite like Sacha Baron Cohen. The Brit garnered critical acclaim for "Da Ali G Show," which brought unwitting semi-prominent public figures into the studio to be interviewed by Ali G, an idiot gangsta wannabe. Freed from the social graces that dampen the interview format, Baron Cohen as Ali G peppers his interview subjects with blunt, bizarre non sequiturs, often outright telling the emperor that he's naked (first question to the chairman of the Arts Council of England: "Why is everything you fund so crap?"). Faced with seemingly irremediable stupidity, the increasingly frustrated interview subjects often reveal aspects of their personalities that they'd rather keep off camera, particularly the dread *-isms:* racism, sexism, elitism.

Baron Cohen raises the stakes with "Ali G Show" spinoff character Borat Sagdiyev, an affable, leering television presenter from Kazakhstan, or at least a version of Kazakhstan that boasts of its prostitutes as "the second cleanest in the region," where towns belabor horned, hook-nosed papier-mâché mascots each year during the "Running of the Jew." Now, the Kazakh government was none too happy with this and, by way of proving that Kazakhstan is now an enlightened modern country, pulled the plug on Borat's website (borat.kz) and threatened to take Baron Cohen to court if he continued his portrayal.

Sued by Kazakhstan? Who could dream of such publicity? But Baron Cohen (who, as you might have guessed from his name, is Jewish) wasn't about to let them off that easy. Soon after, Borat hosted the MTV Europe Movie Awards, and there vehemently denied any connection between himself and Baron Cohen; in fact, he "fully supported" his government's decision to "sue that Jew!" After that and other humiliations (e.g., a four-page ad in the New York Times praising the liberality of the country dismissed by Borat as "lying propaganda from assholes Uzbekistan"), the Kazakhs sat on their hands and waited to see how bad they'd catch it in the movie.

They catch it pretty bad, all right — Baron Cohen tweaked their noses by having his fictional Kazakh government commission Borat to make a documentary in "US and A" — but the ones who will be wincing most are the people Borat meets and films on his trip across the country, New York to Los Angeles, by way of the Deep South. He flummoxes a gaggle of feminists, butchers the Star-Spangled Banner in front of a rodeo crowd, crashes a fancy Southern dinner party (held on Secession Lane), and ensures that a group of Midwestern marketers will never forget their convention.

Borat's antics are hilarious, obscene, and offensive beyond belief (seriously, if right now you're thinking "It can't really be *that* bad," this is not the movie for you), but Baron Cohen's improvisatory skill is such that every utterance of his character, no matter how callous or outlandish — he brings with him to America "a jar full of gypsy tears to prevent AIDS" — seems less a product of deliberate cruelty than of innocent cultural misunderstanding.

The movie's oblivious co-stars certainly swallowed the schtick: a few even filed suit once the deception was revealed — though they'd signed waivers allowing footage featuring them to appear in the "documentary." A pair of misogynist frat boys (parting advice to Borat: "Never! let a woman! define who you are!") now claim they said what they said, and signed the release, only because the film crew got them drunk first. As the target audience of the "Girls Gone Wild" series (unofficial motto: *In vino veritas*), you'd think they'd have learned a thing or two about the combination of alcohol, cameras, and binding contracts. Instead, they're left to ponder the concept of shame for perhaps the first time.

The lawsuit, of course, will only serve to embarrass them further (just ask the Kazakhs) and rack up another

testament to Baron Cohen's greatest comedic gift, one that he shares with Trey Parker and Matt Stone of "South Park": he forces the world to meet him on his terms. Another example: the scenes in Borat's hometown were filmed not in Kazakhstan, with its endless steppe, but in a poor mountain village in Romania. The villagers, disputing the movie's portrayal of them as incestuous Jew-baiting drinkers of horse urine, are gathering together their meager livelihoods so they too can sue Baron Cohen — prompting this remark from a local official: "They got paid so I am sure they are happy. These gypsies will even kill their own father for money."

Exactly the sort of comment Borat would make, or maneuver someone else into making. Truth is funnier than fiction.

Which actually points to the movie's one failing: though it made me laugh as hard as any movie I've seen in the theater — up there with "The Big Lebowski," "Clerks," and "South Park: Bigger, Longer, and Uncut" — it doesn't offer much in the way of replay value. Some will of course watch it hundreds of times: those types who quote reflexively from "Monty Python" or "The Simpsons" will find plenty of catchphrase fodder and visual gags (there's a lovely Abbott and Costello tribute) to keep them obsessed. But Baron Cohen isn't the type to wait around for a second viewing: there are awards shows to host, interviewers to bamboozle, governments to humiliate.

Borat's antics are hilarious, obscene, and offensive beyond belief. If you're thinking "It can't really be that bad," this is not the movie for you.

"Borat" is excellent as a provocation, but with all due respect to the stone-faced crew that made it believable, it's ultimately no more than a temporary receptacle for a creation of true genius: the character of Borat Sagdiyev, Kazakh provocateur. ❑

Booknotes

Dragon lib — The background of Naomi Novik's novels ("His Majesty's Dragon," "Throne of Jade," and "Black Powder War"; Del Rey; 2006; 384, 432, and 400 pages) is the British navy during the Napoleonic wars, a setting familiar to readers of C.S. Forester's Hornblower novels, Patrick O'Brien's Aubrey-Maturin novels, and, source for them all, the 19th-century novels of Captain Frederick Marryat, who actually fought in the Napoleonic wars. Novik's setting differs in only one small detail from the others: dragons — large, intelligent, and capable of speech. Some of them are domesticated, providing the British military with its aerial corps.

Like O'Brien, Novik has two protagonists. We first meet the human protagonist, Captain Will Laurence, as the ship under his command is accepting the surrender of a badly battered French frigate. Inspecting his prize, he discovers why the enemy put up such a desperate fight. On board the French ship is a dragon egg.

The good news is that the egg is worth a fortune in prize money. The bad news is that it is about to hatch. A newly hatched dragon imprints on a human being, who then becomes the dragon's captain and life companion. Whoever on the ship ends up in this role will be forced to abandon his life in the navy and start a new life in the aerial corps, a much less respectable career. The ship's officers draw lots to decide which of them must face that unfortunate fate.

At which point the second protagonist arrives — more precisely, hatches — and takes things into his own quite capable claws, ignoring human plans for his fate and imprinting on Captain Laurence. At hatching Temeraire is about human size and very hungry. By the time he approaches his full growth, he is the size of a small ship; the battles of the aerial corps involve not only dragons but also crews of humans riding them, with occasional boarding actions.

Novik is an able story teller, and Temeraire and Captain Laurence make a team as interesting, in its way, as O'Brien's Jack Aubrey and Stephen Maturin. Laurence is an intelligent and honest man who, like most of us, takes the institutions of his own society — including its treatment of dragons — for granted. Temeraire, to whose inquiring mind everything is new, does not. Thus Laurence finds himself faced with questions he is unable to answer: why humans get paid and dragons do not; why dragons are treated, by everyone except the humans of the aerial corps, as beasts that talk rather than very large people. Through the series these questions become increasingly central, providing an intriguing and sophisticated intellectual and moral counterpoint to the entertainingly done military fiction.

They are very good books, and I eagerly await the next one.

— David Friedman

Malign neglect — The most provocative blurb on the back dustjacket of "American Conservatism: An Encyclopedia" (edited by Bruce Frohnen, Jeremy Beer, and Jeffrey O. Nelson; ISI Books, 2006, 1,004 pages) comes from Paul Buhle, who acknowledges it as the mirror image of his own "Encyclopedia of the American Left," as indeed it is (and was in fact commissioned to be). AC has articles of comparable lengths in a book of comparable length (979 large pages for AC; 928 for EAL, both double-columned). As most of the articles in both books reflect labors of love, they are largely written by nonacademics.

For me, one measure of both these books is how well they treat their libertarian fringes. While the "Libertarian" article by David Boaz is agreeable, that

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on Murray Rothbard fails to acknowledge why this early contributor to National Review stopped appearing in its pages. The reason was that Rothbard couldn't accept the Cold War as an excuse for big government. In the article on American conservatism, Reason and The Freeman are recognized, but Liberty is not. Karl Hess, perhaps the most prominent conservative to become a libertarian, gets no entry. Nor does Benjamin Tucker, the publisher of the first Liberty (1881–1908); nor Paul Goodman, whose last book was subtitled "Notes of a Neolithic Conservative"; nor Wendy McElroy, whom I consider the most legitimate heir(ess) to Emma Goldman as a major independent feminist; nor David Friedman, though his father Milton is honored.

The neglect of libertarian figures by writers waving banners of either left or right is a recurring problem in scholarship of all kinds. For instance, in Cary Nelson's resuscitation of radical American poetry, "Repression and Recovery: Modern American Poetry and the Politics of Cultural Memory, 1910–1945" (1989), communist writers are featured while anarchists aren't mentioned at all.

By making communism the central experience of the American Left the Buhle anthology earned an unfavorable review in the periodical Anarchy. The comparable problem in its successor is making National Review the central development in American conservatism. Both encyclopedias thus diminish competitive strains that have finally been more influential — in the former case, democratic socialism (which Karl Hess once joked had conquered America without ever winning a major election) and in the latter, neo-conservatism.

What is necessary now is a comparable comprehensive encyclopedia of American anarchism and libertarianism, which, as I've repeatedly argued in these pages, have more in common with each other than either has with the canonical Left or the canonical Right. This projected book surely wouldn't be as thick, nor (I hope) as problematic.

— Richard Kostelanetz

Gut feeling — Kazuo Ishiguro challenges the placid acceptance of one's "place in society" in "Never Let Me Go" (Knopf, 2005, 304 pages), a science fiction story set in Britain at the close of the 20th century. Like his award-winning 1990 novel "Remains of the Day," which also examines the stoic acceptance of class structure, "Never Let Me Go" is written as a memoir, tinged in sadness and steeped in unfulfilled yearning, as the narrator, Kathy H., reminisces about her best friends, Tommy R. and Ruth S.

Its premise becomes apparent early in the book, so I am not giving away a major plot twist by revealing that the three main characters are alumni of a school for unparented children who have been cloned as spare parts for "real" humans — the kind conceived in the traditional manner. Like the butler, Stevens, in "Remains of the Day," the cloned characters never challenge their assigned roles. They will grow until their organs have matured, serve as "carers" for other donors until they are called upon to begin service, and then provide "donations" until they have "completed" — that is, run out of viable organs and died. In the meantime they are free to study, socialize, travel (to approved locations), and have sex — as long as it is safe sex. Mustn't damage those organs.

Cloning is simply the setting of the book, not its agenda. Yes, there are political issues to consider in a book about a group of people created solely for the purpose of serving others. Ishiguro

Anarchism and libertarianism have more in common with each other than either has with the canonical Left or the canonical Right.

writes in a style that encourages reflection, and it is impossible for a reader not to consider these issues while reading the book. Class system, animal rights, abortion, and slavery are among them. But the book does not make a case for or against the idea of farming humans.

Instead, Ishiguro's story remains focused on the characters and their unrealized ambitions. Ishiguro's characters drift through a life of missed opportunities and then accept the loss with a stoic shrug of the shoulders, resettling the burden without letting it go. Learn from this, he seems to say. Don't let time and opportunities pass you by. Carpe diem!

While the book does not directly discuss the ethics of cloning, it does encourage the reader to consider what makes a person human. Is it the miraculous infusion of a soul at the moment of traditional, egg-and-sperm conception? Or is it a more abstract "conception" — the ability to "create a concept" through poetry and art? Does the ability to love make us human? And what difference does it make anyway — should humans be entitled to preferential treatment?

Like Stevens in "Remains of the Day," the characters in "Never Let Me Go" are not heroic. No one charges the ramparts, commandeers a boat, or even vows to go down fighting. The possibility of escape or of changing the system never occurs to them, even when they are looking at a boat that has washed up on the shore. Ultimately, this lack of superhuman heroics could be what makes these cloned characters most human, and gives the greatest pause for reflection at the conclusion of a finely written book.

— Jo Ann Skousen

"You're going to have to trust me on this one, okay?"

Letters, *from page 6*

acknowledges, he's not actually suggesting we try it. Well, here's a label that's both apt and more likely to be politically effective: "progressive."

"Liberal" and "socialist" have too much baggage. Socialism is deeply associated with Marxism and, contrary to Danielson's view, gives bad vibes to Americans everywhere except in places like San Francisco and Madison. Liberal, though highly accurate, is on the tip of every dittohead's tongue, ready to be spat out like an unwelcome gnat.

"Progressive" is a better choice. First, who's not in favor of progress? That's why the Left likes the word, just as it likes "affirmative action." Second, *progressive* is a rough synonym for *liberal,* but without the baggage: the Left doesn't yet have a monopoly on the word, and it's hardly on the radar screen of the average conservative.

Stealing the socialist label won't fool anyone, but any libertarian can preface his letter to the editor with "As a progressive . . . " and keep a straight face.

David R. Snyder
Cary, N.C.

Antisocial Behavior

Yes! Let us embrace the label of socialism, wrap ourselves in it, and call the opponents of liberty "antisocialists"! When you think about it, this is pretty antisocial: to force other people to support your pet charities; to tell people that they aren't allowed to possess, or manufacture, or use certain substances; to force other people's children into your schools, and force others to pay for them; to tell other people how to run their businesses; to make people ask and pay for permission to drive, or marry, or conduct business; all at the point of a gun, with the threats of kidnapping, fines, captivity, and slavery.

People have too long confused "society" with "government." "Society" is the realm of voluntary social interaction; "government" is the realm of force. Where government expands, society withers, and vice versa. We, who want government to wither, thereby want to expand the role of society, of social interaction: we are the true socialists. From now on, I will call myself a socialist.

While we're at it, there is a particular kind of antisocialist that deserves their own additional label: Pharisees. These are the people who are totally concerned with making others obey the Law — all laws, no matter how idiotic or obscure — and have no concern for justice, or mercy, or the love of God or the supreme law of the land: the Constitutions, state and "federal." They use the Law as a hammer against other people but ignore it when it's inconvenient — which is one reason Jesus called them hypocrites.

This puts us socialists on the side of Jesus and those antisocialist leaders among his enemies — and puts them on the defensive, trying to prove that they aren't Pharisees, even though they patently act like Pharisees, from their public PC pieties, to their living off of guilt and taxes, to their use of the law to persecute people who have harmed nobody. Anybody with more than a passing acquaintance with the Gospels can see it. It also points out the religious persecution involved in antisocial law, persecution directed against those who obey the laws of Jesus rather than the Law of man.

This "socialist" rhetoric comes easily to the tongue and the fingers. This can work.

Rycke Brown
Grants Pass, Ore.

Wonderlust

While Danielson makes a number of valid and interesting points, his proposal to steal the "socialism" label for freedom-lovers isn't practical. Freedom-lovers of many political stripes are brave and smart enough to resist the "socialist" tag, even at the risk of being called "antisocial" and worse. Danielson lacks imagination and doesn't go far enough. We freedom-lovers need to call ourselves "wonderfullists," since we all sincerely believe that a free society would be a wonderful thing. Our opponents would flounder, defending themselves against accusations of being anti-wonderfullists. Wouldn't that just be wonderful?

Titus Stauffer
Houston, Texas

To the Five Boroughs

Gary Jason's "Middle-class shrinkage" (Reflections, November) reminded me how much Los Angeles and New York City have in common. In the Big Apple, between rent control, zoning, NIMBY, ULURP (Urban Land Use Review Procedures), local community planning boards, and prevailing union wages for construction workers, along with the usual excessive regulations and taxation, there is no incentive for the private sector to build affordable new housing stock for the middle class. As a result, not only in the borough of Manhattan, but in many surrounding neighborhoods in the outer boroughs of Brooklyn, Queens, and the Bronx, middle-class people can no longer afford to buy or rent. Our last bastion for middle-class housing is Staten Island. I fear that both Los Angeles and New York City will soon be home only to the very rich and the very poor, while middle class residents will simply be commuters from the suburbs traveling to and from work, looking out the window at neighborhoods they can only dream about living in.

Larry Penner
Great Neck, N.Y.

Letters to the editor

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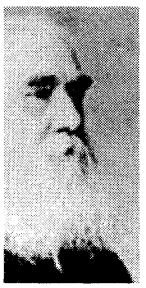

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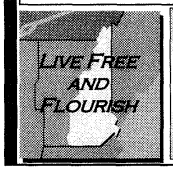

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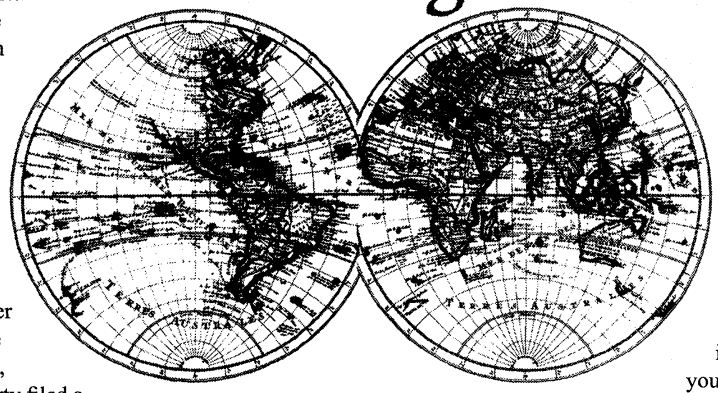

Gretna, Va.

A modern-day Renaissance man, written up in the *Washington Post:*

Shaquille O'Neal was present during a botched child pornography raid while working in Virginia as a reserve sheriff's deputy. The Miami Heat center, who pursues his interest in law enforcement during the offseason, denied yesterday taking part in serving the search warrant at the wrong house Sept. 23. However, Bedford County Sheriff's Lt. Michael Harmony confirmed that O'Neal was there.

A.J. Nuckols, who said his family has filed formal complaints, wrote in a letter published in the Chatham *Star-Tribune* that the raid at his home "scared beyond description" him and his family.

Eastside, Wash.

Sterling preparation for office, noted by the *Seattle Times:*

After legislative candidate Deb Eddy had campaign volunteers pull up a large number of opposition yard signs that she said were illegal and misleading, the King County Republican Party filed a complaint with police.

Eddy, an attorney, said she did not commit theft under state law because she told the Republicans she took the signs and had no intent to deprive them of their property.

Isseluku, Nigeria

Cain invokes the insanity defense, from the *Lagos Champion:*

A murder suspect accused of killing his brother with an axe told police investigators he actually attacked a goat, which was only later magically transformed into his sibling's corpse.

Spirits have been blamed before for causing violence. In 2001, eight people were burned to death after one person in their group was accused of making a bystander's penis magically disappear.

Weymouth, England

Striking fear into the hearts of criminals, from the *London Daily Mail:*

Two policemen dressed as Batman and Robin captured a suspected drugs offender. Sgt. Tony Smith and PC Mike Holman pretended to be drunks looking for a fancy dress party and knocked on the door of the suspect's home.

Those inside refused to answer the door to the loud, comically dressed visitors — which was what the officers wanted. Batman and Robin then went around the back, while seven uniformed officers went to the front door.

Those inside the house were pleased to see the policemen and complained to them about the fancy dress drunks. They then invited the officers in. However, one of the men inside the house ran out of the back door on seeing the policemen — to where the superheroes were waiting. Batman gave chase, jumped over a fence, and arrested him.

Moscow, Idaho

Keeping art relevant in the Gem State:

The Kenworthy Performing Arts Centre presents a staged reading of "The Oldest Profession," a comedy by Paula Vogel, [which] focuses on the lives of five older prostitutes working in New York and facing the problems of an aging clientele, competition from younger street walkers, rising rent prices . . . and all without the safety net of social security or health insurance. The play is set in the eighties, just before Reagan is elected, and so is relevant to today — a backdrop of the upcoming elections, trickle-down economics, rising gas prices, high rents, social security, etc. There's even a reference to strip mining.

Perrysburg, Ohio

Unintentional meme, captured by *The Wall Street Journal:*

Universal Tube & Rollform Equipment Corp. said the cost of hosting its Web site — utube.com — has grown significantly. "We've had to move our site five times in an effort to stay ahead of the youtube.com visitors," said Ralph Girkins, president of Universal Tube, which sells used machines that make tubes.

The company, with just 17 employees, got 68 million hits on its site in August, making it one of the most popular manufacturing websites.

Los Angeles

The battlefield of ideas, surveyed by the *Daily Trojan:*

A lecture by an Ayn Rand Institute speaker ended in the throwing of meat and condoms as about a dozen protesters from the LaRouche Youth Movement interrupted the speech.

The USC Objectivist Club hosted Andrew Bernstein of Marist University as its speaker for a lecture titled, "Global Capitalism: The Solution to World Poverty and Oppression." Witnesses said that as Bernstein spoke, an LYM member unwrapped a raw steak and slammed it onto Bernstein's notes on the podium.

"I believe he said, 'On behalf of the LaRouche campaign, we dedicate this raw meat to you for supporting a philosophy that results in the death of millions of children,'" said Blake Adams, a freshman member of the Objectivist Club. A purple-robed protester also interrupted the lecture, claimed that he was Ayn Rand, and threw condoms with Vice President Dick Cheney's and other political figures' faces on them at the audience.

South Portland, Maine

The career arc of a public figure, in the *Portland Press Herald:*

Former gubernatorial candidate Tom Connolly was charged with criminal threatening after he stood at a site visible to commuters on Interstate 295 while wearing an Osama bin Laden mask and carrying a fake assault rifle. Days before the 2000 election, Connolly divulged George W. Bush's past drunken-driving arrest.

Special thanks to Russell Garrard, Tom Isenberg, and Starchild for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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- **Eamonn Butler**, Adam Smith Institute: "Why the House of Lords and the Monarchy are Libertarian."
- **Jack Pugsley,** The Sovereign Society: "The Case *Against* Free-Market Think Tanks."
- **Marshall Langer**, foremost international tax attorney: "Yes, You Can Still Live and Invest Abroad Tax Free."
- **Michael Denton**, M. D., microbiologist, University of Otago: "Evolution, Yes; Darwin, No!"
- **Lanny Ebenstein**, philosopher: "History's Most Dangerous Philosopher: Karl (but Not Marx)."
- **Nelson Hulberg**, America for a Free Republic: "How Ayn Rand and Murray Rothbard Took Liberty Down the Wrong Road."
- **Brian Doherty**, *Reason* Magazine: "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement."

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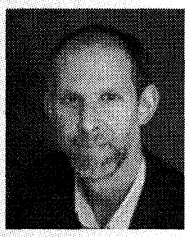

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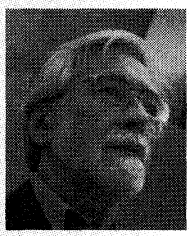

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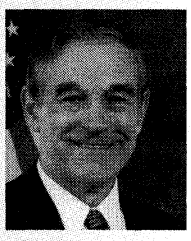

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Inside Liberty

February 2007
Volume 21, Number 2

4 Letters Our readers kick it up a notch.

7 Reflections We hitch up the mule, vote with the dead, laud our nation's slayer of hurricanes, examine blood, probe hypotheticals, turn Montana blue, give congressional bodies to science, discipline parents, find a new use for the alphabet, and work through our remaining Issues.

Features

15 The California Crack-up Since the *Kelo* decision enraged the nation, state after state has enacted restrictions on eminent domain. How did California manage to bungle its chance? *Timothy Sandefur* shows how.

Remembering Milton Friedman

20 The Rational, The Relentless To the world, Milton Friedman was a Nobel laureate and adviser of presidents and potentates. To libertarians, he was One of Ours. *Bruce Ramsey* assesses his place in the story of human liberty.

25 A Most Civil Adversary When you came to know Milton Friedman, as *Tibor Machan* discovered, you learned something new about intellectual controversy. You also learned something new about intellectual decency.

27 Friendly Fights With Dr. Friedman What happens when you take a twenty-dollar bill from a great economist, and tear it up? *Mark Skousen* found out.

31 A Libertarian Heaven on Earth *Richard Kostelanetz* invites you to ignore the petty rules and regulations (after all, the natives do) and see New York City as it really is.

Reviews

35 The Once and Future Bond Can the flagging 007 franchise be revived by going back to its beginnings? *Jo Ann Skousen* weighs the merits of the new, blond Bond.

37 Flowcharting Stupidity In his new book, John Stossel sets out to bury "myths and lies." *Gary Jason* appreciates the effort, but wishes the graves hadn't been dug so shallow.

40 Filmnotes An unusual collaboration, a failure to communicate, and something already seen.

42 Governing on Margin If the Roosevelt regime didn't "save capitalism," what did? *Bruce Ramsey* scrutinizes a new take on the New Deal.

43 Notes on Contributors Root, root, root for the home team.

46 Terra Incognita What hath science wrought?

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Letters

Lobbying for Liberty

I agree wholeheartedly with Bruce Ramsey's assertion that libertarians' best hopes lie within the ranks of the Republican party ("Our Allies, the Conservatives," December). Face it, folks, we've got a two party system! I would like to see the "Liberty Lobby" have as much pull in the GOP as NARAL has with the Dems; for that matter, as much pull as the gun lobby has in the GOP.

Clearly, this "Libertarian Party" thing is not working. No matter how noble the goal of running as a third-party candidate may be, it invariably results in the election of your mortal enemy: Greens elect Republicans (ask Ralph Nader); Libertarians elect Democrats (ask Harry Reid!).

Ramsey also mentions the Left's love of privacy (this divined "right," after all, is the cornerstone of *Roe* v. *Wade*). I'm wondering, in a post-*Kelo* world, can there be a "right to privacy" when our property is only ours in theory?

Jon Lindquist
Las Vegas, Nev.

Actions Speak Louder

Bruce Ramsey may be right about conservatives if he only looks at the conservative platform. But one must look at their actions before jumping to any conclusions regarding whether or not the conservatives are on our side.

Look at the record for the last six years, then judge for yourself. Under the Bush regime, the so-called conservative president has used his veto just once so far, and that was to pander to the Religious Right in order to keep them marking the right boxes in the midterm election. (And we all know how that turned out.)

Under a conservative administration and Congress, pandering to lobbyists has increased, and the lobbyists have actually written legislation that the legislative and executive branches couldn't put into law fast enough. The number of earmarks enacted into law has been greater than under any other administration by many times over. It was a conservative Congress that spent time debating what to do about a woman who had no functioning brain.

Habeas corpus is dead and buried, now that the president can strip a person of rights simply by uttering the words "You are an enemy combatant." Our sons and daughters are sent off to a war that was started under verifiably false pretenses, when the actual reason probably had more to do with the president's neurotic need to show his father that he could "do it right" than it ever had to do with national security.

Pretty words mean nothing. As we were raised to say in my youth, actions speak louder than words. In many respects, there are banana republics that are better run with despots at the helm and no legislative branch at all.

Marilyn Burge
Portland, Ore.

State Schools

The thesis of Bettina Bien Greaves' "School Daze" reflection (November) is that "The country's schools have effectively been nationalized." However, her factual basis relates mostly to state actions.

Only the federal Department of Education and the No Child Left Behind program (NCLB) relate in large measure to the federal government, while federal school aid is filtered, strings attached, through state law. Yet the great majority of rules and regulations are the states'. It is the states that have ceded substantial power to the unions to license teachers and influence instruction. Excluding state and federal court decisions, state, not federal, government slowed and restricted ideas taught, through state control of curricula, methods, schools

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of education, teachers, and textbooks. Without state interference, any school district could influence and control these factors.

The major damage done to our public schools is the result of union contributions to the Democratic Party, aided by schools of education, with the blessing of state legislatures, actively recruiting students from among the least academically able on campus. It is the unions, in conspiracy with state governments, which foster the hiring and prevent the firing of bad teachers. It is the unions' insistence on equal pay in accordance with level of education rather than classroom results that drives able people away from teaching careers, and causes good teachers to remain in good school districts, or to leave teaching altogether.

Obviously, the quality of public-school teaching has been degrading. NCLB is simply the federal government's effort to get states to change their evil ways. California, for example, realizing that bad teachers preclude student improvement, has recently prevented the practice of dumping bad teachers on lower-class schools, rescuing some poorer students from academic ruination. It is the states, in association with the unions, that have allowed such practices to arrive; it is the states that will have to act if more students are to be rescued.

Raymond J. Rostan
Parker, Colo.

Greaves responds: I agree with Rostan that the states, the teachers' unions, and the schools of education have had a powerful and detrimental influence on our public schools. Rostan blames this largely on the states and dismisses the influence of the national government. He mentions the Department of Education, established in 1979, and George W. Bush's No Child Left Behind legislation as if they were the only and principal national programs concerned with this country's public schools. However, the federal government's intervention in the schools began much sooner and is much more pervasive than that would suggest.

Washington did not "nationalize" the schools on purpose. The problem stems from the fact that the schools are government-operated; their "nationalization" is the result of a step-by-step "carrot and stick" process, rewarding compliance and penalizing noncompliance. For example, the carrot of federal aid to "impacted" school districts (1950) compensated localities which had lost tax income because private property had been taken over for federal projects. The National Defense Education Act of 1958 (NDEA) offered the carrot of federal support for "defense-related education" to counteract the supposed "threat" of Russian superiority in scientific and military development evidenced by the U.S.S.R.'s 1957 launch of *Sputnik*. The Elementary and Secondary Education Act of 1965 offered additional carrots to public schools that helped to shape local school systems according to national guidelines. After *Brown* v. *Board of Education* (1954), and the passage of the Civil Rights Act of 1964, public school integration replaced the earlier "separate but equal" policy and became in effect mandatory when it was held that no federal money could be distributed to any institution that discriminated on the basis of race. The states had some leeway in deciding how this mandate would be implemented but a government stick forced them to comply if they were to share in any of the federal handouts.

Over the years the national govern-

Letters to the editor

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The other day I bought a new sofa, which meant that I also had to arrange for my old sofa to be carted away. Before making my purchase, I measured and remeasured the new piece of furniture, determining that there was a reasonable chance that it could be put into the elevator in my building, lifted to the third floor, maneuvered through a tricky set of connecting passages, and installed in my living room. What bothered me — what woke me up in the middle of the night — was the problem of removing the old piece of furniture.

It was long, wide, and very heavy, containing, as it did, a fold-out bed, together with all the steel contraptions that are necessary to the existence of such a thing. Granted, the sofa had gotten into my place (somehow), so it could, theoretically, be gotten out. But I pitied the guys who had to do it, and I feared that awful, seemingly inevitable moment when their strength would weaken and the sofa would plunge over a railing and smash to pieces on the concrete floor below. I pictured myself trying to move that sofa. I shuddered. That would be impossible.

Then, on the day appointed, two short, cheerful men showed up at my door, grabbed the sofa by each of its ugly ends, twisted it through my door, ran with it to the elevator, stuffed it inside, and the object was seen no more. As the first guy picked up his end, he smiled and said to me, "Oh, this is an easy one."

It is this kind of secular miracle that comes to mind when I remember the life of Milton Friedman, the principal subject of this issue of Liberty. In the 1950s, when Dr. Friedman appeared at America's door, the place was absolutely loaded with the ugly, cumbersome, hopelessly antiquated furniture of collectivist ideas. Almost nobody was comfortable with it; almost nobody dreamed that it could be gotten rid of. People had tried to move it out in pieces, but somehow they couldn't take it apart. It had to be lifted out bodily, by a person of unusual strength and even more unusual skill.

Dr. Friedman lifted it up, twisted it around, and moved it out. And he smiled while he did it, as if he were saying, "Oh, this is an easy one."

I have a similar thought whenever an issue of Liberty goes to press. I don't know just how our authors — and my fellow editors — do their job. I know that I couldn't do it. But that's the secret of liberty: give people freedom, and they will find the job that only they can do. With miraculous results.

For Liberty,

Stephen Cox
Editor

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ment has offered schools many other carrots to assure compliance and sticks to penalize noncompliance. It has used the carrot of federal money to help finance textbooks, school libraries, busing of handicapped children to special schools, school lunches, etc. Even the power of teachers' unions stems from the national government-granted carrot of monopoly to the union selected by a majority of its members to serve as their sole bargaining agent.

The federal government has also wielded sticks to deny federal money for religious instruction and sexually segregated classes. In the drive to separate state and religion, religion in any shape or form has been effectively outlawed from government schools.

As far as the schools of education are concerned, I do not believe, as Rostan writes, that they "actively recruit students from among the least academically able on campus." Rather, because the curricula of schools of education are not particularly demanding, they tend to attract students who are not particularly intellectually inclined. Their courses are known as "Mickey Mouse" courses, although I have never figured out exactly what that means. In any event, few brainy nerds or scientific geniuses apply.

Even though the implementation of federal laws respecting the schools is usually left to local or state authorities, as more laws are passed, and as government grants and government "strings" proliferate, the tendency is for the schools to be guided by the carrots and sticks included in the laws. The U.S. public schools have come to conform step by step with national policy. Thus they have in effect been "nationalized."

Arabian Stallion

In "Freedom Blossoms in the Desert" (July 2006), Doug Casey detailed some of Dubai's many wonders, from the manmade islands to the world's only seven-star hotel. I'm not sure if he mentioned the indoor ski slope complete with snow.

He wrote about the place, but I want to write about the man most responsible for this, its ruler, who reminds me of a cross between an Ayn Rand and James Clavell character, a sort of Hank Rearden-Dirk Struan-like "tai pan of an Arab noble house."

HH Sheikh Mohammed bin Rashid al Maktoum succeeded his brother Maktoum to become emir when the latter died earlier in January of this year. Time magazine (May 8, 2006) listed Sheikh Mohammed as one of the "100 People Who Shape the World," for continuing the work of his father, Rashid, in making Dubai the Hong Kong of the Arab world.

Sheikh Mohammed and his family are the same people that Michael Savage, Sean Hannity, and Charles Schumer railed against earlier this year when Dubai Ports World tried to buy a British company to run some of the ports in the United States. But he's no anti-Western jihadist. He walks a fine line: like many Arabs, he gave financial aid to some of the Lebanese bombing victims from this summer's war, but he does not support Hezbollah. It is rumored that several years ago Osama bin Laden was allowed to be operated on during a brief hospital stay in Dubai, yet at the same time the sheikh allows the U.S. Navy to use his drydocks to retrofit ships.

Before the port-security flap, the sheikh was best known in America as the owner of the Godolphin Stable, which has dominated European horseracing for years and is becoming even more successful in the United States. While everyone was following the travails of Kentucky Derby winner Barbaro, who broke his right hind leg and suffered from a disease of the hoof, laminitis, in his left, Godolphin's Bernardini won the Preakness in Baltimore in May. After taking several stakes in Saratoga, Bernardini was odds-on to win the Breeders Cup Classic in Churchill Downs, but lost to Invasor, owned by none other than Sheikh Mohammed's brother, Sheikh Hamdan.

For over 20 years, Sheikh Mohammed and his family have been trying to win the Kentucky Derby and have spent over a billion dollars on the best bloodstock they could find, particularly at the Keeneland yearling sales in Lexington, Ky. Just this past September they paid a record $11.7 million for a yearling there, and spent a total of $34.4 million on 25 horses. By the way, on Sept. 11, 2001, Sheikh Mohammed and crew were also

continued on page 14

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Reflections

The last laugh — Unusually long lines at the polls? Pumped up voters? Apparently not so much. The typical election-day media fanfare may lead people to believe that Americans were flocking to the polls, but the United States Elections Project reports otherwise. In one of the most neglected stories of the last few weeks, it finds that slightly fewer than 39.3% of eligible voters turned out in 2006, compared to 39.51% in the 2002 midterm. — David T. Beito

Unequally yoked — Brink Lindsey of the Cato Institute argued on the New Republic's web page Dec. 4 that libertarians could drop their electoral alignment with conservatives and have "a new fusionist alliance" with progressives. This would not be just on drugs, civil liberties, presidential power — the easy stuff — but on economic policy as well.

Lindsey allowed that it would be difficult, but said it could be done. He proposed, as an example, that in exchange for private accounts within Social Security, libertarians would accept unemployment insurance, Medicaid, and welfare. This could be done, he said, if there were "some kind of reconciliation between Hayek and Rawls" performed "at the philosophical level."

And I thought: You're going to get left-liberals to accept Social Security private accounts? I wonder what they have to say about that? There were several dozen replies on the blog. No progressives agreed to Social Security private accounts. And why would they? On Nov. 7, they won. Said a blogger under the handle "spoonman": "There aren't very many people who vote libertarian, so there's little reason to form a coalition with you people." Said another, posting as "jet": "Mr. Lindsey looks like he's looking for a wagon to hitch his horses to now that his conservative comrades-in-arms won't be in power for a while." Yes, that is what it looked like.

— Bruce Ramsey

The ties that blind — No quality of Dubya is more extraordinary to me than his continued public loyalty to sometime colleagues who get him into trouble, deep trouble, beginning with Donald Rumsfeld and including Paul Wolfowitz and the jerk who headed FEMA during the New Orleans disaster. Just because he once imagined them "with him" he can't understand how they operated against him.

Most leaders, even those as stubborn as Dubya, would have gotten angry at his dumb buddies, publicly angry, if only to save their own skins. You rightly wonder if he realizes now that these guys, so devoted to their own agendas, undermined his administration and killed his reputation forever. They were subversive not only to him but to the Republican Party. Is he so stupid?

Loyalty is one of those qualities that seem admirable in life but detrimental in politics. Harry Truman was undone by old friends, most of whom he had known before he entered politics, some of whom were revealed to be crooks. Warren Harding had old friends whom he brought to Washington. American friends that Bill Clinton made at Yale Law and Oxford, rather than Georgetown, joined him in Washington. What makes Bush's loyalties different is his attachment to new friends, most of them veteran D.C. operatives, whom he didn't know in Texas (Harriet Miers and Roberto Gonzales excepted). Some of these rotten eggs he inherited, so to speak, as his father's friends, appointed because he didn't know where else to find a secretary of defense, et al.

S.H. Chambers

In dealing with people, Dubya is not an opportunist and apparently not a buttkisser either (unlike his father, who built his resume impressing his elders in D.C.). But now that Dubya is so clearly recognized as a Man Who Shouldn't Have Been President, may I predict that, unlike Clinton or Carter, Ford or Reagan, he'll be depressed to the point of paralysis for the rest of his life? — Richard Kostelanetz

Shut up, they reasoned — I confess that I am not an atmospheric scientist, but I am skeptical of the theory of global warming. This theory says that because of man's use of fossil fuels, the earth is warming, and this will lead to an ecological and economic catastrophe. Well, yes, it seems clear that the earth has warmed slightly over the last century. What is less clear to me is how much of that was caused by man's burning of fossil fuels, as opposed to, say, increased solar radiation.

Even less obvious is the notion that global warming will

be catastrophic. That is an economic-cum-moral claim, quite outside the field of expertise of atmospheric scientists. For example, it takes an economist to decide whether there would be a net economic gain or loss if, over two centuries, the tip of Florida became inundated, but a huge swath of northern Canada and Siberia became cultivable and habitable. It then takes a *moral* judgment to decide if the price is worth paying.

But what really has aroused my skeptical suspicions is the tactics that proponents of global warming employ against their critics. A common warning sign of pseudoscience is the use of threats and political reprisals, in lieu of objective empirical evidence, to get a theory accepted. Such behavior indicates that the proponents realize that the evidence for their theory isn't epistemologically compelling, so they try to compel by force.

Word Watch

by Stephen Cox

All right, I've had it. That's it. I have issues. Or maybe I should say, I have issues with "issues."

What finally did it was a headline about a basketball team that is said to be "Dealing with Anger Issues." At first I thought that the "issues" were simply the need for the team's dramatis personae to control their anger so they wouldn't get kicked out of the arena. But no. The problem was their purported need to tone their emotions *up*, to "play with controlled anger," as one of them said, so they wouldn't lose any more games. "Issues," apparently, were to be carefully conserved. And *issues*, obviously, is a very volatile word.

Here are a few of the more familiar uses of "issue" and "issues," and an attempt to translate what they seem to mean:

You're bringing up an important issue. = All right, I guess I'm willing to talk about what you just said.

I want to take issue with that. = I disagree with what you just said.

I want to take issue with you. = I dislike what you just said, and I have always disliked you.

I have serious issues with that. = I dislike you because you are a racist, sexist pig.

I haven't studied this particular issue, but if that's your proposal, then I have some serious issues about it. = You are a racist, sexist pig, and nothing you might ever say could possibly convince me otherwise.

Our committee is working on issues around equality and diversity. = We are trying to figure out a way to fire everyone who disagrees with us.

Tommy's a good kid. He just has issues right now. = My son is a neo-Nazi thug.

Dad is just, like, totally insensitive to my issues. = My father objects when I hit my mother.

She has issues. = She's insane.

We all have issues. = You're insane.

I'm working on my issues. = I'm constructing a list of all the ways you screwed me up.

And I'm attempting to resolve those issues. = And I'm investigating a way to sue you.

Clearly, "issue" and "issues" started out as neutral terms. From their association with politics ("that was an issue in the last election"), they acquired an increasingly strong emotional charge ("she was an issue in the last election"). "Issues" began to be equated with emotions ("I have issues"). Then, with the dawn of identity politics, all hell broke loose ("Why can't you *address MY ISSUES?*").

Politics — whether the politics of the family or the politics of the nation — now centered on the question of who *I* am and how *I* feel about who *I* am. If there was something wrong with my feelings, if I wasn't really *comfortable* about some emotional something, then *I had issues.* Oddly, however, those issues (unlike everything else in this world) weren't actually *about* me. To think that they were might imply that there was something wrong with the essential *me*, which would be impossible. So they had to be about someone else. Someone like you. Yes, you! If you disagree with me, any resulting unpleasantness is a property of *you*. The same if I disagree with myself: someone must be the source of these issues I *have*, and it couldn't be *me*. No, it couldn't.

My God, it's such a burden, *dealing with other people's issues*, especially when the other people insist on saying things like, "Why are you angry? There's no reason to be angry"; or "Can't you see that I'm trying to help you?", or even, "I'm sorry that I hurt your feelings; please forgive me." That's just more evidence that they're not *really listening*.

Admittedly, there's always something mysterious about issues. They're just so hard to understand, these things that come out of *you* and get inside of *me*. Maybe that's why people keep saying that they're trying to *define* their issues, or they're having discussions about issues *around* such and such a problem. It's like that big lump of fruitcake that somebody gives you at Christmas, then you give it to somebody else, and that person gives it to somebody else again, so that next Christmas, you'll be certain to see a fruitcake turn up at your house. It just keeps going *around*. Is it the same fruitcake or not? It's hard to tell. Nevertheless, the important thing is to *deal with* the fruitcake. In other words, get it out of your house, and into somebody else's.

The process isn't new. Back in Genesis, the snake had issues with God, then Eve had issues with God, then Adam had issues with Eve, then Eve had issues with the snake, then God had issues with all of them. Later, Cain had a lot of issues with Abel. In fact, he rose up against Abel and slew him with some heavy object. That was his way of working on his issues. The more modern way is to let the *issues* wreak their own vengeance.

The latest example of compulsion comes from the U.S. Senate. Exxon Mobil funds research that probes the theory of global warming, for obvious reasons: if the government decides to tax fossil fuels heavily, or put heavy restrictions on their use, Exxon will lose big. The reason Exxon has to fund research critical of the global warming theory is that, since the days of Al Gore, the federal government has systematically cut off funding for such research. Two prominent liberal senators, Jay Rockefeller and Olympia Snowe, have written a letter to the CEO of Exxon, saying that his company shouldn't be funding "global warming deniers," and ominously comparing him to those wicked leaders of the big tobacco companies who dared deny that cigarettes are addictive. Notice the loaded phrasing: global warming "deniers," which sounds like "holocaust deniers."

Really, this is an outrage. The senators are threatening to crush Exxon (which our government certainly has the power to do) for simply trying to provide a little intellectual diversity — the one sort of diversity our liberal senators appear to hate. And it certainly makes the global warming advocates look like Lysenkoists. — Gary Jason

Kind of blue — "Stan Jones, a Montana libertarian widely known for his peculiar blue skin, can arguably be said to have recast the political complexion of the U.S. Senate, turning it from Republican red to the same color as his face," reported the Washington Post after the fall election.

Running as the most antigovernment candidate in the field in the race for the U.S. Senate, Libertarian Party candidate Jones received 10,324 votes, while Republican candidate Conrad Burns lost to Democrat Jon Tester by only 2,565 votes.

Based on the theory that real libertarian candidates pull more votes away from libertarian-talking Republicans than from high-taxing, income-redistributing Democrats, Mr. Burns would still have his job and the Republicans wouldn't have lost the Senate if Stan Jones hadn't tossed his hat into the ring.

That's an assumption that seems to be especially valid with Jones, "a quirkily conservative kind of libertarian," as the Post describes him, "opposed to abortion and same-sex marriage" — positions that play well with wide segments of the GOP.

During the senatorial debate on Oct. 9, Jones warned that "the secret organizations of the world power elite" are leading the United States into a "one-world communist government" where we'll have "a new constitution modeled after the Soviet Union's constitution." Again, that's a position that rings true with certain elements in the Republican Party.

As far as the blue face, a shade described by Washington Post reporter Blaine Harden as "an ashen blue-gray, more suited to the undertaker's slab than the politician's stump," the change in complexion came about as Jones "accidentally turned his skin blue by drinking a homemade antibiotic laced with silver."

Jones blames his move from Seattle to Bozeman for turning his skin blue. He says he had no trouble when he was using Seattle's tap water to make his "colloidal silver" antibiotic by sending an electrical charge into two silver wires in a glass of tap water. He started doing that in 1999, because he was afraid that antibiotics would become unavailable after the Y2K computer crash. Bozeman's tap water, unfortunately, has a different chemical content from Seattle's. The brew that Jones concocted gave him argyria, a rare condition that permanently stained his skin.

Now, blue or not, Jones is happy, referring to himself as "the guy who changed the country." There appears to be no guilt about being the spoiler, the guy who put the traditionally big-government, non-libertarian politicians back in power. "Republicans spend and borrow, Democrats tax and spend," he says. "Whoever is in there — the government grows and grows."

He's got that right. The national debt was about $4 trillion when the "Republican revolution" started in 1994. By the time of Bush's first inauguration in 2001, after six years of Republicans running the spending in Congress, the national debt had climbed to nearly $6 trillion. By the time of Bush's second inauguration (2005), the national debt had increased to $7.6 trillion. On the day of this year's midterm elections, it was up to $8.6 trillion.

Ron Paul warns that current trends aren't sustainable: "If present trends continue, by 2040 the entire federal budget will be consumed by Social Security and Medicare. The only options for balancing the budget would be cutting total federal spending by about 60% or doubling federal taxes."

By then, tons of people will be sticking wires in their water. — Ralph R. Reiland

Rangeling the military — Rep. Charles Rangel, soon to be the head of some important House committees, has once again pushed his proposal for a military draft. His argument, bluntly put, is that the armed forces are now getting only the dregs of society — only losers who couldn't get into college — and that we need to start drafting lots of rich, smart college kids to fill the ranks of a military now starved for recruits. These remarks come on the heels of Sen. Kerry's "joke" to an audience of college students that if they don't study hard and get a college education, they'll get stuck in Iraq.

Let's put aside the obvious observation that neither Rangel nor Kerry is exactly an intellectual powerhouse. After catching flak about his wretched joke, Kerry tried to claim that he was referring to Bush — although Kerry's grades at Yale were even worse than the president's. Bush got his undergrad degree at Yale and an MBA from Harvard, so it is difficult to grant any credibility to Kerry's defense. The point is that Rangel's (and Kerry's) claims are obviously false.

Regarding enlistments, in fiscal year 2006, all the branches of the armed forces met or exceeded their active-duty recruitment goals. And re-enlistments greatly exceeded their goals. All this during a prolonged war and a booming economy — hardly evidence that the Pentagon needs to consider conscripting young people who don't wish to join. Not that the Pentagon is in favor of the draft: the generals and admirals have made it repeatedly and abundantly clear that they want recruits who are committed to serving, not unmotivated, resentful kids.

The quality of enlistments is high. Ninety-seven percent of enlistees over the last few years have high school diplomas, compared to 80% for civilians. And the percentage of recruits who score above the 50th percentile on the Armed Forces

Qualifying Test has increased dramatically over the period from 2001 to last year.

Moreover, the evidence belies the glib charge that it is minorities or the poor who wind up having to serve. The percentage of recruits from the poorest 20% of American neighborhoods dropped from 18% in 1999 to 13.7% last year. In 2004, the percentage of white recruits was 73%, not far below the 76% of the general population that is white. Blacks, at about 12% of the general population, made up 14% of the recruits in 2004 and 13% last year.

The real reason why Rangel has pushed the draft is that he misses the days when millions of college students, scared witless by the prospect of being drafted into the Vietnam War, fueled the antiwar movement, and just incidentally voted for the Democrats. But he and his fellow Democrats now own the House and the Senate, so instead of continuing to bash our troops with the canard that they are losers and morons, maybe old Charlie will strap on a pair and get his Myrmidons to vote to end funding for the war. We will see. — Gary Jason

News You May Have Missed

Judith Regan Has Some More Ideas

NEW YORK — Publisher Judith Regan, who had to admit defeat on her pet project, O.J. Simpson's "If I Did It," when both the book and a related two-part interview she had taped with Simpson for Fox were cancelled after an angry public outcry, said she would be moving on to some exciting new projects in 2007. She added that the new projects would help restore her reputation as a serious, high-minded book publisher.

Early in the year she will bring out a book by Michael Richards, best known before recent controversies as Kramer on "Seinfeld," titled "If I Yelled It." A few weeks after that she'll put the finishing touches on Mel Gibson's "If I Meant What I Drunk, I Mean, Drunk What I Said, About Those Evil Jews."

Later in the year, she will broadcast a two-part interview with President George W. Bush in connection with his forthcoming book "If I Lost It," which will speculate on how Iraq might have looked if the war he launched there in 2003 had gone badly.

Regan admitted that it might take a little longer before she saw the completion of the book she just signed Britney Spears to write, tentatively titled "If I'm Like So Totally Not Writing This Book Right Now Cuz I'm Hangin' Out in Clubs All the Time with Paris and Doing Like Tons of Coke."

Also on Regan's busy agenda for 2007 is her boss Rupert Murdoch's new book, "If I Let Her Do These Stupid Fucking Things," the Australian media baron's hypothetical attempt to imagine the embarrassment and bad press that could have followed if he had ever given initial approval to any of Regan's projects, and Regan's own book "If I Could Land a Multimillion-Dollar Book Deal With Osama bin Laden," her account of what it might be like to be more greedy and clueless than she already is.

None of this will stop her, she added, from trying again with O.J. Simpson, whose sequel to the now-shredded "If I Did It" is to be called "If I've Still Got the Knife, You're Next, Judy." — Eric Kenning

Some guy named Scooter — In political life, you have to filter out the stuff that isn't important even though other people think it is. An example that comes to mind is the hoo-ha in 2005 about Joseph Wilson, Valerie Plame, and Scooter Libby. My daily newspaper has run 132 stories in the past two years with the words "Plame" and "Libby." I don't think I've read more than five of them. I just can't get into it.

I recall that John Derbyshire, the only columnist worth reading in National Review, repeated the same sentiment more than a year ago. He wrote: "I have asked people . . . why I should give a hoot about any of this stuff." The answer he got, and dismissed, was that it settled the question of whether Bush had lied to get us into war. I don't see how one could settle that conclusively without a witness to Bush's confession of it. At the time, I wrote, "Imagine yourself 20 years in the future, writing a history. Do you include this or not? So far, I would not." A year later, I have almost forgotten it.

— Bruce Ramsey

Don't look at us — Why hasn't the media grasped yet that Iraq is no longer America's problem?

And it hasn't been since we routed the army of Saddam Hussein. Remember those dreaded elite Republican Guards? Funny, the TV pundits who lauded their ferocity don't recall them at all now — nor do they remember their predictions of steely resistance to U.S. forces. They never remember such things. Why don't we keep score on the CNN notables, whose batting average hangs around .150? They're about as accurate as my local weatherlady who sees cyclones and tornadoes in spring zephyrs.

Instead the media — and, I must add, the administration — debates the presence of a civil war. Nomenclature is everything, but death by any name is just as terminal. Civil war or tribal warfare — call it what you will. Sunnis and Shiites are clearly in the wholesale killing business. They are formidable terminators continuing a 1,300-year-old quarrel for Islamic succession. They kill each other efficiently and in bunches, much more effectively than they kill U.S. troops in Baghdad, Hindus in India (at least 100,000 since 1948), and Jews in Israel.

Sadly, the removal of Saddam Hussein is analogous to the departure of the controlling colonial powers in Africa. The lid is off. The death rate has skyrocketed.

If 50 raggedy-ass Sunni assassins blow up a Shiite religious shrine, schoolroom, or hospital — and then vice versa — guess what they'd do to real enemies they have a territorial quarrel with. The Balkans, Israel, India, and semi-legitimate rulers of Middle Eastern lands quake in fearful expectation.

Can you believe that in the Balkan wars, U.S. bombers blew large holes in Belgrade to protect Islamic Serbs? How soon they forget!

The bloodshed in Iraq has signaled even to the Arab world (note the shrill convocations in Jordan, Egypt, even Iran) that

some form of bloody anarchy is descending upon the Middle East. It is no longer an American problem. — Ted Roberts

Dubya the Hurricane Slayer — The great American philosopher Charles Peirce characterized logic as the ethics of belief. His subtle insight was that just as we should be prepared to allow others to act as we do, so we should allow others to argue or reason as we do. If you really believe that you've proven someone's views on (say) foreign policy to be wrong by attacking their personal failings, then you ought to be willing to see the same reasoning applied to you.

I think of this when I reflect on the media attacks on President Bush back in the hurricane season of 2005. We experienced a large number of hurricanes, several hitting the U.S. with devastating effect. Led by the ever tedious Al Gore, liberal commentators blamed Bush for the hurricanes: if he had only gotten the Senate to ratify the Kyoto treaty, we would have been spared Katrina! (Gore conveniently forgot to mention that when his president Clinton was in office, he likewise never sent the treaty over for confirmation.)

Well, the 2006 hurricane season has ended, without any disasters. The National Oceanic and Atmospheric Administration hysterically predicted "13–16 named storms, 8–10 hurricanes, and 4–6 major hurricanes." But what we got was a measly nine named storms, five pathetic hurricanes, and only two silly "major" hurricanes, neither of which hit us. Ecofreaks desperate for more disasters were visibly disappointed.

Now, since the Gore-ites blamed Bush for the bad storms of 2005, by parity of reasoning they should give him credit for this season's lack of damage. If they had any intellectual honesty, they would hail him as the Great Hurricane Slayer and Glorious Protector of the Environment. Somehow, though, I doubt that we'll see that. So far the liberal media has failed even to mention the mild storm season just past. It seems their *post hoc* reasoning works only in one direction — to bash people with whom they disagree. — Gary Jason

The conservative crisis — So what happened to conservatism, or to conservatism as it's been practiced by the current crop of D.C. Republicans? Was too much spending the problem — or not enough? Would more billions in pork for more bridges to nowhere have bought enough votes to prevent a Republican defeat? Are we that much for sale, that self-seeking and irrational?

Were tax cuts the problem, or not enough tax cuts? Would more cuts aimed at the bottom and middle have kept the Reagan Democrats from going home? Or was it the war, or not enough war? Would Sen. Rick Santorum of Pennsylvania still have a job if Bush had nuked Baghdad? Or might the "San Fransicko" strategy have worked its magic if Rev. Haggard and Rep. Foley had stayed in the closet for a few more weeks? Was too much theocracy the problem, or not enough?

There's no shortage of rumblings from the religious right about how America's "values voters" weren't so enthusiastic this time about getting the church buses rolling to the polls. The Republicans didn't much deliver on the faith-based agenda. Darwin's still in the libraries, not every kid is in abstinence-only classes, condoms and abortion are still legal, and not every transgendered Democrat has been signed up for one of those change-your-orientation camps.

Conservative pundit Ramesh Ponnuru, a senior editor at National Review, doesn't deny that conservatism is in trouble. "Conservatism is in crisis," he writes in a recent cover article. "Everyone is saying so, and everyone is right. But the nature of the crisis, its causes and possible solution, is badly misunderstood." Rather than seeing conservatism as an ideology that's in trouble, Ponnuru asserts that it's the Bush administration's mismanagement that caused the Republican defeat — Katrina, Iraq, the scandals.

He has a point. Perhaps more than a philosophical swing away from conservatism, voters were looking at the nuts and bolts of Katrina, seeing bodies floating in a river for five days in a major American city, and watching the same inept administration start a war through deceit and lose it through incompetence.

Voters had also seen the scandals and the subsequent cover-ups, the explosion of earmarks, the Abramoff payoffs, the hypocritical sanctimony of the Mark Foley types, and the mocking politics of dissection that sought to win by carving up a nation into incongruent and antagonistic camps of believers and unbelievers, straights and gays, immigrants and native-borns, modernists and fundamentalists, patriots and wimps, pragmatists and true believers, givers and takers.

Ponnuru offers a policy prescription that's sure not to sit too well with those who support freedom, both economic and social. "Social conservatism is an asset to Republicans," he writes, "and economic conservatism a liability." That sounds like a call for more faith-based tax hikes, perhaps for more wars, because, as the president has explained, God wants men to be free. And domestically, that sounds like a call for more government flashlights in the bedroom and fewer dollars in our wallets.

Looking back, Ponnuru, a summa cum laude graduate from Princeton's history department, says that "winning Republican candidates have owed their elections to social conservatives over the last generation." Ponnuru cites (and dismisses) a recent Cato Institute article, "The Libertarian Vote," by David Kirby and David Boaz. Defining libertar-

The Stigma of Politics

At a World AIDS Day conference in California next month, two potential 2008 presidential rivals — Sens. Barack Obama, D-Ill., and Sam Brownback, R-Kan. — will each take an HIV test and encourage others to do the same. To reduce stigma around the test and publicize its value, "I'm happy to offer my body for science," Brownback said.

— Associated Press report, Nov. 18, 2006

It's always amusing to see how much less the political class knows than the rest of us do. Here are a couple of senators who think they are going to remove the stigma of AIDS — somewhat like Queen Anne, in the old days, healing people of scrofula — and it's never occurred to them that they bear a worse stigma than any AIDS patient, being almost universally regarded as blowhards, crooks, dopes, and fools.

As for giving his body to "science," I guess that's something like what I do whenever I send my old computer stuff out to the dump: nobody else will take it.

— Stephen Cox

ians as those who "oppose government intrusion into both the economy and personal freedoms," Kirby and Boaz report that their research shows 15% of U.S. voters to be libertarian, rather than liberal or conservative. Gallup regularly puts the number five points higher, at 20%.

"In a closely divided electorate," write Kirby and Boaz, "that's clearly enough to swing elections." Citing Bush's record on "excessive federal spending, expansion of entitlements, the federal marriage amendment, government spying and the war in Iraq," Kirby and Boaz report that the "libertarian vote for Bush dropped from 72 to 59 percent" from 2000 to 2004," while the libertarian vote for the Democratic nominee almost doubled."

Ponnuru isn't convinced: "If over the last generation the Republicans had not absorbed the statist social conservatives at the price of losing some libertarians, it would have remained a minority party." So the answer is to dump libertarians and impose a statist social conservatism? Theocracy, anyone? — Ralph Reiland

Fighting words — After Michael Richards became famous for using a forbidden word, there is talk from Jesse Jackson about a law banning that word from the English language entirely. Once again, the power of legislation is greatly overestimated. People assume that a simple law is all it takes to rid society of something unpleasant.

But a law never stops unwanted behavior; it only gives society the ability to segregate people who engage in it. If you are prone to taking things that don't belong to you, we put you in a place where you can't take our things. Most rational people don't assume that locking up thieves will stop theft. Prisons are built to contain unacceptable behavior, not alter it.

But let's say that Jesse is successful, and the word is outlawed. Has he even considered the logistics of prosecuting language crimes? How is it possible for somebody to go on trial for using a word that cannot be spoken? Certainly anybody testifying against the defendant would be required to repeat the word. Will people in court be given an exemption from the law?

The standard practice now is to denote the word by only using the first letter. This practice, once used by parents in front of children, is now used by journalists with similar condescension. Most reports of Michael Richards' slur referred to it as "the N-word."

The benefit of referring to a forbidden word by its first letter is that the government should only be able to ban 26 words; and a few are already taken. For some letters, such as P, there are already several interpretations of what the dirty word might be, so we might have to use subscript numbers. Under that system, you would have the P_1-word, the P_2-word, and the P_3-word. Banning any derogatory slurs against citizens of Polish descent might require the addition of a P_4-word.

Using letters to footnote would not work, since "P sub A" actually sounds like a dirty phrase. Using the first two letters might help clarify, although with most dirty words, you can only get up to four before you've spelled out the entire word. In some cases, the first three letters of a dirty word are sufficient to generate offense, especially with the N-word.

What a language law will do is create a brand new type

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of correctional institution, a place full of people who cannot be trusted to speak in society for fear of their uttering something illegal. Perhaps, rather than incarceration, we might be able to devise a home detention program. We could just forbid convicted language felons from speaking for six months. There are dog collars that give a mild electrical shock every time a dog barks that could perhaps be used on humans. Of course it would be impossible for anyone wearing such a collar to comfortably attend any noisy event, like a rock concert or a Fourth of July celebration. We could just stitch shut offenders' mouths — although most accomplished profanity addicts are quite adept at swearing with their mouths closed. I guess we'd have to stitch their fingers together as well.

And while I'm at it, who gets to decide which words are offensive? Will other groups hold conferences and lobby to ban other offensive words? I know that women would be second in line, to outlaw one particular unspeakable word. After that, every minority would line up to claim a letter of the alphabet. Homosexuals would probably need more than one letter, since there are probably more epithets for them than for any other group. However, some gay slurs could never be banned, since they also have legitimate purposes, especially words like "backhoe," "pipe fitter," and "dirt farmer."

As a straight white male, I feel kind of left out, since there are no words that are supposed to offend me. Almost every other group has at least one word that it cannot tolerate. Certainly, if we are living in a society where every citizen is granted equal protection under the law, we should be granted the ability to pick a word as well. We should have the power to ensure that at least one word is never spoken again; a word so vile that it would improve society if nobody ever heard it again. I think, like most guys, I would choose to ban that one word most offensive to all straight white men: that loathsome "V" word, "Valentines." — Tim Slagle

Schooling parents — Seattle voters routinely approve in referenda, by large margins, taxes to fund social goals of dubious value. Often the taxes are "for the children," ostensibly used to decrease class sizes or enhance special-ed programs. (Other parts of the country accomplish such tasks with a curious device called a "budget.")

I am aware of only two sacred limits on Seattlites' willingness to sacrifice for their public schools. One was expressed in the headline of a Sept. 18, 2003 Seattle Times story: "Latte Tax Creamed," it proclaimed — even though the proposed tax on coffee was to fund schools. The other is evinced in a story in the Dec. 4 Wall Street Journal, regarding a case heard that day by the U.S. Supreme Court.

A group of parents, mostly white, who sent their kids to public schools were not able to send them to the school of their choice, which was mostly white. They were told they had to send their kids to a different school, mostly nonwhite and, in the parents' estimation, of lower quality. However, "the school district quietly backed down when the parents started sending their children to private or suburban schools instead of the struggling, majority-black school to which they'd been assigned."

This is how the district's assistant general counsel, Shannon McMinimee, responds: "It is disappointing that some families choose to expend their efforts in finding ways around the assignment system based on perception, instead of working with the district to improve all schools." If I understand the school district's lawyer correctly, its position is that:

- It is immoral for parents to seek the best opportunities for their children. They ought to send their kids where a bureaucrat tells them to, because the bureaucrat's long-term social plan is more important than the child's well-being.
- Parents should do the politicians' and school administrators' jobs for them, by acting without remuneration and in some undefined way to "improve all schools." What exactly this leaves the politicians and administrators to do is not specified.
- The "perception" that one school is inferior to another is an unreliable determinant. Some better means should be employed to distinguish one school from another — transcendental meditation, perhaps, or a reimagining of reality through postmodern narrative. Of course, what her coded language means is that the white parents are racists.

The district's representatives sound like Marxists even when they're speaking formally through a lawyer. God only knows what goes on in the classrooms. Is it any surprise parents don't want their kids under the district's tutelage?

— Patrick Quealy

That which does not kill us funds our health care — For Liberty's midterm election coverage, I passed along the information that a ballot initiative in Arizona, Proposition 203, which would impose a new tax on cigarettes to fund a health care bureaucracy "for the children" passed easily, and also that a mandate to prohibit smoking in *most* public areas, Proposition 206, went down to defeat, 57% to 43%.

What I missed is that there was yet another prohibition mandate on the ballot, even more draconian than Prop 206. Prop 201, which would prohibit smoking in *virtually all* public areas, passed 55% to 45%.

"Hey, if you deduct the costs of taxation, regulation, and malpractice insurance, this visit only cost you a buck fifty-seven!"

So what I interpreted as a blow for individual freedom was instead a victory for the nanny state — with the added irony of the voters making it nearly impossible to smoke legally in Arizona, while at the same time hoping that smokers will, through sin taxes, pay for Arizona's new health care bureaucracy. — Ross Levatter

The poverty of poverty stats — One of the subjects I normally cover in my critical thinking courses is the nature of pseudo-science, that is, the difference between quality and junk science. I sketch a number of warning signs of pseudo-science — for example, whether the "research" is tendentious or agenda-driven. Tendentiousness seems to me a major reason why the quality of research in the social sciences is generally inferior to that in the natural sciences. Whether (say) gravitons exist or not is a matter that has no governmental policy implications, so few physicists have an axe to grind in their research on the issue. But whether (say) charter schools outperform public schools has enormous implications — and threatens a lot of unionized workers. So much of the research on that subject is gamed accordingly.

This problem is nowhere better illustrated than in poverty statistics. Nicholas Eberstadt has written a long and masterly critique of the most widely used measure of poverty, the "official poverty rate" (OPR), in the August-September issue of Policy Review. The statistic, first devised in 1965, was used by the War on Poverty's new agency — the Office of Economic Opportunity — as its major tracking indicator. This jury-rigged stat was intended to measure the absolute level of poverty over time by measuring the percentage of households in a large number of categories with pretax incomes that fell below a certain threshold, indexed by the CPI to adjust for inflation.

Eberstadt notes an anomaly: according to the OPR, the percentage of American households with incomes below poverty level has remained essentially static or even increased over the past 30 years. (This has led many commentators to lament that America is failing in the war on poverty, and so of course needs to jack up taxes and spend even more on welfare programs.) He also notes, however, that a wide array of other indicators shows that this is simply not the case.

For example, the OPR was 11.1% in 1973 and 11.7% in 2001. But during the same period, per capita income rose from $14,291 to $22,970 (inflation adjusted), the unemployment rate dropped from 4.9% to 4.7%, the percentage of people with a high-school degree rose from 59.8 to 84.1, and government spending on nonmedical means-tested programs rose from $109 billion to $230 billion (inflation adjusted). Again, when you look at what families spend (as opposed to their stated income), real expenditures per household for all households rose 65% from 1960 to 2002, and real expenditures for the poorest fifth of households rose 77%. (And Eberstadt argues that this wasn't a matter of increasing debt, because net household wealth of the poor didn't decrease.)

Finally, if you look at material indicators, such as food, housing, transportation, and health, it is again clear that absolute poverty is diminishing. For instance, between the early 1960s and 2000, the proportion of adults assessed as underweight dropped from 4.0% to 1.9%, while obesity soared; and the percentage of low-income underweight children dropped from 8% in 1973 to 5% in 2003. The rate of overcrowding in poor households dropped from 27% in 1970 to 6% in 2001. The prevalence of conveniences in poor households has likewise dramatically increased: for example, by 2001 more than half of them had cable TV — and more than one TV set, too. The percentage of poor households owning cars rose from only about 40% in 1972 to about 60% in 2003, with 21% owning two or more cars or trucks. And, turning to the most important health indicator, infant mortality dropped from 20 to 7 per 1,000 live births between 1970 and 2002.

In sum, the OPR is incredibly bad at measuring what it was designed to measure: absolute poverty. Eberstadt advocates the sane idea of replacing it with a basket of more accurate measures, and he feels that people who favor more poverty programs should welcome more such more precise measures. In this, I think he is very naive. Professional poverty warriors don't want things to be shown getting better. They derive considerable power and income from the claim that poverty hasn't diminished in three decades, so even more trillions of dollars need to be redistributed. Thus, they continue to recycle the same junk science. — Gary Jason

Letters, *from page 6*

at Keeneland, in the peaceful business of buying horses.

In today's political climate, sometimes we might wonder if there are any Arab leaders who are not crazy, malevolent, or obsessed with war. Sheikh Mohammed bin Rashid al Maktoum is a trader, a creator, a builder, earning his wealth primarily through commercial enterprise and not oil revenues. I hope that some day he achieves his goal of winning the Kentucky Derby.

Randolph C. Allen
Littleton, Colo.

Re-reconsidering AIDS

As a board-certified specialist in infectious diseases who has been taking care of people with AIDS and HIV infection since, in retrospect, 1981, I was astonished to read Richard Kostelanetz's profoundly ignorant review ("AIDS Reconsidered," November). No serious scientist or physician doubts that HIV is the cause of AIDS. Cofactors such as amyl nitrites were excluded many years ago. Dr. Luc Montagnier did hypothesize another infectious cofactor in the early 1990s, mycoplasma incognitus. This too was discarded long ago.

HIV kills by destroying a pivotal cell in the immune system. Patients do usually die of opportunistic infections. When we prophylaxed against the common ones (pneumocystis, cytomegalovirus, cryptococcus, mycobacterium avium-intracellulare), then patients died of more obscure and difficult to treat infections and cancers. The HIV virus itself can be fatal on its own, by destroying the brain, intestines, and heart.

The real evidence that it is HIV that causes AIDS is that since triple-antiviral combinations came into use in the mid 1990s, the death rate has plummeted. AZT was developed by government anticancer research in the 1960s and shelved because it was not effective against cancer. It is not the strongest anti-HIV medication, and not effective by itself, but remains an important part of modern combinations. It was initially used in too large a dose but is minimally toxic at the present dose. All medications are potentially toxic but

continued on page 34

The California Crack-up

by Timothy Sandefur

Support for eminent domain reform seemed overwhelming — yet somehow property-rights advocates managed to lose the day.

On June 23, 2005, the United States Supreme Court held 5–4 that government can seize private property and transfer it to developers to boost local economies. In the ensuing furor over the Court's decision in *Kelo* v. *New London,* several state legislatures began considering new ways to protect property owners from eminent domain abuse. But in California, something went terribly wrong.

Shortly after the Court's decision was announced, California state Sen. Tom McClintock began working on a measure to amend the state constitution to prohibit this kind of abuse of eminent domain. McClintock, the only prominent Reaganite conservative left in Golden State politics, called me and other attorneys at the Pacific Legal Foundation for legal advice on drafting a bill.

It was an ambitious project, given the fact that California is a major abuser of eminent domain. In the five years between 1998 and 2003, the state's bureaucrats seized property for "redevelopment" some 223 times — eight times as many seizures as in Connecticut, the state where Susette Kelo's home was condemned, giving rise to the Supreme Court case. Redevelopment has become a considerable industry in a state where a seemingly infinite demand for property has run up against increasingly burdensome land use regulations and the truly infinite ambitions of bureaucrats.

Private developers and city politicians have come together to form the redevelopment business, in which politicians sell the power of eminent domain to developers in exchange for political success. Political leaders prosper not only through campaign contributions but also through construction projects that make them look like visionaries in their hometowns. Developers receive cheap land and tax breaks. Overseen by an industry organization called the California Redevelopment Association, this trade has become a significant part of the state's economy. A 1998 report by the Public Policy Institute of California found that the state's redevelopment agencies spent $3.5 billion, and displaced more than 500 households, in only a single year. Redevelopment agencies were even declaring vacant land to be "blighted" so as to qualify for subsidies and government-initiated development. Meanwhile, two-thirds of the state's redevelopment projects were losing tax dollars at the rate of about $1 million per project area per year.

McClintock and others hoped that fixing California's eminent domain laws might become a bipartisan effort. Outrage over *Kelo* crossed party lines, and even radically leftist Congresswoman Maxine Waters railed against the decision, recognizing that "redevelopment" usually ends up seizing property from the poor and politically uninfluential citizens she represents. Democratic Assemblywoman Martha Escutia's staff contacted me the same week that Sen. McClintock did, seeking advice on fixing the problem. Unfortunately, her staff never returned my call, and it was not long before partisan divisions re-emerged.

On Nov. 17, 2005, a joint committee of the legislature held an "informational hearing" about eminent domain abuse. The committee was chaired by Democratic state Sen. Christine Kehoe — an uncomfortable choice. Kehoe is a former city councilwoman from San Diego, a city notorious for its violations of property rights. There was little consensus among those testifying that day, but the hearings produced a report collecting some important reform ideas, including proposals to refine the state's ambiguous definition of "blight," and to put a time limit on redevelopment plans.

Redevelopment agencies were even declaring vacant land to be "blighted" so as to qualify for subsidies and government-initiated development.

Yet defenders of redevelopment were already working hard to spin the *Kelo* decision. A representative of the California Redevelopment Association told the committee that *Kelo* made no difference to California because under state law, only "blighted" property could be condemned (not true, since any property *in a blighted neighborhood* can be condemned, and state law defines "blight" so broadly that virtually anything can qualify). Others testified that "California isn't Connecticut," and that "eminent domain is only a last resort" — slippery sound bites that proved popular with the media throughout the next year.

After consulting with attorneys from the Pacific Legal Foundation, the Howard Jarvis Taxpayers Association, the Claremont Institute, and others, McClintock prepared Senate Constitutional Amendment 15, which would have prohibited the government from leasing, selling, or giving condemned property to any private party. The proposal would not have cured all the problems with the state's eminent domain laws, but it would have curtailed the lobbying and profit-making that generates most abuses. Regardless, the bill had no realistic chance in a legislature made up of 73 Democrats and 46 Republicans, most of them enemies of the archconservative McClintock. It was dumped in the Senate Judiciary Committee, where the Sierra Club testified against it, and where state Sen. Sheila Kuehl loudly defended eminent domain abuse as crucial to the state's economic health. The bill received an unfavorable report and was quickly devoured by the Senate.

But Democrats recognized that even their constituents were demanding changes, and they started searching for ways to placate them without actually imposing limits on eminent domain. Sen. Tom Torlakson was first, with a cleverly worded proposal to amend the constitution to forbid the taking of "owner occupied residential property for private use." As he knew, the *Kelo* decision itself prohibits the taking of property for "private use": its problem lies in its broad interpretation of the term "*public* use," which allows almost anything to qualify as "public." Since it didn't address that interpretive problem, Torlakson's proposal would have had no legal effect at all.

What's more, "owner occupied residences" are rarely targeted for redevelopment anyway. Residences are found in residential areas, and redevelopment generally takes place in business areas. The most common victims of takings are therefore small businesses. But Torlakson saw that much of the outrage over *Kelo* centered on the emotional force of Susette Kelo's home being taken. By limiting reform to "owner occupied residences," he hoped to dull the case's sharpest emotional edge while leaving the state's redevelopment industry untouched. At the same time, Sen. Kehoe proposed a two-year moratorium on redevelopment condemnations — also limited to "owner occupied residences" — and the formation of a bureaucratic commission to write a report. This was an obvious ploy designed to buy time till the furor over *Kelo* faded.

As the astute Sacramento Bee columnist Dan Walters remarked, Torlakson, Kehoe, and other Democrats were "pretend[ing] to do something about eminent domain without actually doing anything to upset the apple cart." Yet even though their proposals would have done absolutely nothing to fix the problem, these bills, like McClintock's proposal, failed to emerge from committee. Lobbyists for the redevelopment industry were exerting a powerful, if surreptitious, pull on the state legislature. Highly organized and politically experienced, the industry found little trouble in blocking legislative reform — sometimes without even having to appear in public hearings. Instead, reliable leftist allies, including environmentalists and public employee unions, sent representatives to defend eminent domain as a "necessary tool" for "cleaning up neighborhoods."

With the failure of McClintock's bill, property rights groups could only plan for a ballot initiative. In December, representatives of most of the state's conservative organizations met in a Sacramento hotel to examine the results of a poll underwritten by some of the state's apartment owners. The data showed that Californians supported meaningful eminent domain reform by a margin of three to one. But the results also suggested that voters would support requiring government to compensate property owners for restricting their rights through regulation. This was very surprising: the issue of "regulatory takings" is usually controversial, since it affects far more government programs than does eminent domain. The state's leading expert on political polling, who was present at the meeting, immediately objected. The data were unreliable, he pointed out, because the questions people was asked were biased and misleading. "The question doesn't

When I replied that I thought consumers ought to decide what businesses are appropriate for a community, the Republican assemblyman snickered and said, "Well, that's very libertarian of you."

use the phrase 'rent control,'" he explained. "It's true that if you ask people about government regulation, people will say that they support paying for regulatory takings. But if you use the words 'rent control,' people will turn against you. People respond positively to that phrase. And you can bet the opposition will use the phrase 'rent control.'"

The lone Democrat in attendance strongly agreed. "Democrats will stick with you if you limit reform to just eminent domain," she said. "But if you put regulatory takings issues in there, you will lose the Democrats and particularly the environmentalists." Others concurred, and the meeting ended with a unanimous decision to limit any initiative to eminent domain, leaving more controversial regulatory matters for another day. It was a wise decision, considering California's reputation as a blue state, and the lack of real evidence that more ambitious plans would succeed. Yet as they gathered their things to leave, the conservatives were already showing signs of hubris, teasing the Democrat attendee for her liberal views and forgetting the fact that most Californians shared her mixed emotions about property rights.

Within an hour, the consensus had evaporated. One prominent attorney returned to his office and immediately began drafting an initiative that would not only limit eminent domain, but would require compensation for regulatory takings. Meanwhile, Sen. McClintock's staff began drafting its own initiative. After months of technical scribbling, four ballot propositions emerged in April on the website of the California Secretary of State, where all proposed initiatives must be posted before being circulated for signatures. The first two — drafted by Sen. McClintock and the Howard Jarvis Taxpayers Association, with a few suggestions by me — differed little from each other. Both limited the use of eminent domain for private development, required government to offer property back to the original owners when the government no longer needed it, and provided for attorneys' fees whenever a property owner successfully sued the government over the taking of property. A third initiative, proposed by a citizens' group in San Jose, was extremely brief: following a model provided by the Institute for Justice, the "people's initiative" carefully followed the consensus of the December meeting by limiting reform solely to the issue of eminent domain. Months later, versions of this initiative would be approved by overwhelming majorities in several other states.

Nobody knew what to make of the fourth initiative. Called the "Anderson Initiative" because its cover letter was signed by Anita S. Anderson — whom, to this day, nobody in Sacramento knows — it was modeled on an initiative that had already been proposed in Nevada, with some features culled from McClintock's abandoned SCA 15. No one seemed to know who had written it. None of the state's conservative or libertarian organizations — the Pacific Legal Foundation, the Reason Foundation, the Claremont Institute, the Pacific Research Institute, or any other — was consulted by its drafters.

Of the four initiatives, this was the clumsiest. It was filled with vague, confusing, and in many places literally unintelligible language. Although it prohibited the use of eminent domain for redevelopment, it also required compensation for regulations that "substantially" decreased the value of land, unless they were written to protect the public's health and safety. This meant that laws which advanced only public "welfare" (such as animal cruelty laws, minimum wages, or age requirements at adult businesses), if they decreased the value of the land, would require compensation. Few Californians could be expected to approve of such a requirement. In fact, the language could have been read so as to allow property owners to sue whenever neighbors were granted building permits. The initiative redefined "just compensation" as "that sum of money necessary to place the property owner in the same position monetarily, without any governmental offsets, as if the property had never been taken," a literally nonsensical phrase: it is impossible to place a person "in the same position monetarily" without taking into account any "governmental offsets" that might have reduced the property owner's injury. The initiative voided any unpublished judicial "opinions or orders," even though courts virtually never publish their orders, and California trial courts have no power to publish their opinions at all. These flaws, and others, presented serious, if not insurmountable, problems for advocates of eminent domain reform.

The committee invited a single proponent of the measure, who was given only two minutes to speak; it also invited two neutrals and six opponents. No victims of eminent domain were invited.

Yet in February 2006, it was announced that of the four proposals, only the Anderson Initiative would be circulated for signatures.

The reason quickly became obvious: although the other three initiatives were far more likely to be approved by voters, because they avoided thorny regulatory takings issues, they were also the least likely to provide any financial returns to supporters. Unlike eminent domain reform, regulatory takings reform has a constituency willing to invest in political activism, because property owners whose rights are strangled by regulatory excesses hope that victory at the ballot box will bring them some kind of relief. Only the Anderson Initiative could attract donations sufficient to hire the necessary signature gatherers.

The small community of property rights experts in Sacramento, including Sen. McClintock, was reluctant to back the Anderson Initiative, given its many weaknesses. But the initiative did promise serious eminent domain reform, and there was always the possibility of amending it later, if it should be approved. After all, Proposition 13 — the state's extraordinarily popular limitation on property taxes — was enacted in 1978 despite its serious flaws, only to be amended in ways that make it a feasible control on politicians' appetites. Thus McClintock, the Jarvis Taxpayers Association, and others endorsed the Anderson Initiative in the summer of 2006. Almost overnight, signature gatherers appeared in park-

ing lots throughout the state, armed with signs proclaiming "Hands Off My Home!" After a rocky start, they gathered over one million signatures, almost twice the number needed for placement on the ballot.

Bureaucrats and leftists were becoming nervous. The California Redevelopment Association circulated a report warning that the initiative would lead to regulatory chaos and would hurt taxpayers by requiring government to compensate property owners for the state's many infringements of their rights. Environmental groups flew into hysterics over an initiative that would, according to them, destroy the environment. They pointed to Oregon's Measure 37, which requires compensation for many limitations on property rights, claiming that it had bankrupted the state. (In fact, Measure 37 has not significantly affected Oregon taxpayers, and the Anderson Initiative would have grandfathered in all previously enacted state laws, something Measure 37 did not do.)

When the Anderson Initiative obtained the needed signatures and became Proposition 90, the campaign ran into serious opposition from Republican politicians. Moderates complained that the initiative went too far. At one meeting that I attended, a Republican assemblyman warned that it would limit bureaucrats' ability to "decide what businesses are appropriate for a community." When I replied that I thought *consumers* ought to decide what businesses are appropriate for a community, the assemblyman snickered and said, "Well, that's very libertarian of you." Ultimately, it became clear that only a handful of California Republicans were willing to speak out in defense of the initiative. Led by Assemblywoman Mimi Walters, the campaign pleaded with moderate Republicans not to oppose it publicly.

At its August convention in Los Angeles, the state GOP reluctantly endorsed Prop 90, seeing it as the only hope for reform. But Republican Governor Schwarzenegger remained silent. As the few remaining legislative proposals dwindled before committees, Schwarzenegger's staff agreed to meet with Sen. McClintock and Assemblyman Doug La Malfa, the two legislators whose reform bills were still pending — but indefinitely postponed the meetings. They were never held, and to this day, Governor Schwarzenegger has refused to discuss the *Kelo* decision in public, mentioning eminent domain only once: when he signed five virtually meaningless reform bills into law in October.

The bill was dumped in the Senate Judiciary Committee, where state Sen. Sheila Kuehl loudly defended eminent domain abuse as crucial to the state's economic health.

This reluctance to speak on an overwhelmingly popular issue is inexplicable. Only the year before, the governor's package of desperately needed reform proposals had been obliterated in a special election, the victim of poor management by naive political deputies. His abject 2006 state of the state address had a humiliated tone. "I have absorbed my defeat," he told a triumphal audience of special interest pawns, "and I have learned my lesson." Eminent domain reform could quickly have restored his shaken popularity, but he chose to knuckle under to the interest groups he had promised to combat.

An opposition billboard appeared proclaiming that Prop 90 was "not about eminent domain; it's about higher taxes" — an outright lie that elicited no complaint from the initiative's supporters.

As summer turned into fall, liberal organizations began pulling out all the stops. The media reported incessantly that Prop 90 was backed by a wealthy New York developer who supported similar proposals in other states — as if that discredited the initiative. The media also insisted that the initiative was a "Trojan horse," using eminent domain to sneak the issue of regulatory takings past unwary voters. One reporter even claimed that the whole conspiracy had been cooked up by a young Reason Foundation analyst named Leonard Gilroy, whose paper "Statewide Regulatory Takings Reform: Exporting Oregon's Measure 37 to Other States," was supposed to have originated the idea of fooling voters into regulations takings reform. Gilroy's article was published *after* Prop 90 was written, but still the Vast Right Wing Conspiracy charge was repeated endlessly in the media and on blogs.

In early October, as some polls suggested that Prop 90 was running ahead, panicked opponents in the legislature called another "informational hearing," allegedly to inform voters about the impact the initiative would have. The committee invited a single proponent of the measure, who was given only two minutes to speak; it also invited two neutrals, including me, and six opponents. In addition, the committee gave ten minutes to a Berkeley law professor and 20 minutes to an attorney from Best, Best, and Krieger — a firm that donated tens of thousands of dollars to the opposition campaign — so they could provide a nonpartisan review of the measure. No victims of eminent domain were invited. The kangaroo court dissolved amid tales of the dire consequences for land-use regulations, should Proposition 90 pass.

But the main theme of the opposition campaign was not that land-use controls were a good thing and needed to be preserved, or even that wealthy insiders were manipulating voters. Rather, opponents argued that Prop 90 would hurt taxpayers, because the state imposes so many costs on property owners that compensating them would require tax increases. This strategy had worked well in opposition to a regulatory takings measure in Arizona in 1994; and Douglas

Kendall, an attorney for the collectivist Community Rights Council, had argued in a 2001 paper that opponents of property rights should not try to defend land-use regulations but should concentrate on the message that compensation for regulations "would mean more taxes, more bureaucracy and less protection of public health and safety." Opponents of Prop 90 accordingly adopted the slogan "It's a taxpayer trap," and it was enormously successful. It amounted to the argument that "we can't afford it — therefore we shouldn't have to pay," but many conservative voters were confused by the idea that protecting property rights might also increase their taxes.

Meanwhile, the Natural Resources Defense Council sent out dire emails warning of environmental disaster if Prop 90 were to pass, and the Sierra Club, the Nature Conservancy, and other environmental organizations joined with League of Women Voters, trial lawyers, and even the Lutheran Office of Public Policy to oppose the initiative. In the end, the opposition campaign mobilized more than $12 million against Prop 90.

Proponents of Prop 90 remained strangely silent. During the entire election season, not a single rally, billboard, T-shirt, or television ad supporting the initiative appeared. Although at least two commercials were filmed, none was aired, in part because the campaign — which only gathered $3 million to promote the initiative — couldn't afford to buy the air time. As is often the case in California, a worthy initiative's proponents spent their money and energy collecting signatures, leaving little for the actual campaign. Throughout the late summer of 2006, voters were bombarded with television advertising against the "taxpayer trap," without any but the weakest response from an almost nonexistent "Yes" campaign.

This silence lent credence to the opponents' charge that the initiative was a Trojan horse constructed by a shady outsider. An opposition billboard appeared proclaiming that Prop 90 was "not about eminent domain; it's about higher taxes" — an outright lie that elicited no complaint from the initiative's supporters. Finally, only weeks before the election, Governor Schwarzenegger — whose re-election was now comfortably assured — announced his opposition to the measure, on the ground that it might endanger his plan for improving the state's highways. Given the proposition's vague language, the charge was understandable. But Schwarzenegger still carefully avoided any mention of *Kelo*, or of the need for reforming eminent domain.

The only surprise on election night was how close Prop 90 came to passing. In early returns it was running ahead, but by the end of the night it had collapsed, with a close but convincing 52% opposed. A similar initiative in Idaho failed by a much greater margin, and a proposition requiring compensation for regulatory takings — but not mentioning eminent domain at all — failed in Washington state. Only Arizona passed an initiative combining eminent domain and regulatory takings reform. In nine other states, where reform efforts focused simply on eminent domain, propositions passed by landslide margins, sometimes exceeding 80%.

While the failure of Prop 90 was predictable, it is no doubt frustrating to the state's home and business owners. Conditions in 2006 were ripe for true reform. Yet the Prop 90 campaign ignored the advice of the state's leading property rights activists and addressed both eminent domain and regulatory takings — an extremely difficult undertaking in a state as populist as California. Moreover, the regulatory takings provision was worded in a way that would have required compensation for most government regulations that went beyond merely protecting individual rights: the state would have been free to regulate to protect public health and safety, but regulations that advanced the public "welfare" were not exempt from compensation. This feature of the proposition, however gratifying to libertarians, would have significantly altered the state's longstanding police power traditions. Taking on all three issues simultaneously was simply too much to ask of many of the state's voters. Worst of all, the initiative was riddled with serious flaws, such as its self-contradicting definition of compensation and its unnecessary ban on unpublished decisions, that embarrassed even its proponents.

Still, the campaign might have succeeded, if it had done the needed work. The victory of Measure 37 in Oregon proved that a well-written regulatory takings measure can succeed with voters in the right circumstances. Yet Prop 90's supporters did no reliable polling and almost no campaigning. Contrary to the media's insistence that the initiative was being promoted by a sneaky carpetbagger, the campaign was a genuine grassroots effort, up against a legion of well-entrenched, politically experienced insiders with a deep devotion to the status quo and the will to spend $12 million. Such opposition requires a significant investment of time and money if an initiative is going to succeed. Without the will — or the money — reformers can rarely hope for serious change.

Advocates of Prop 90 have already announced that they will try again in 2008. But if they make the attempt, they should learn from the advice they ignored in 2006: focus on eminent domain and leave regulatory takings for another day; write a measure without the profound legal errors so glaring in Prop 90; and run a serious campaign with advertisements planned well in advance.

California has long proclaimed itself a bellwether of political change. Certainly it has a powerful populist cast to its politics. That Californians should lack eminent domain reform at the end of a campaign that saw reforms succeed in places like North Dakota, South Carolina, and New Hampshire is absurd and embarrassing. A little practical wisdom, and a little less gamesmanship, could see property rights vindicated the next time around. ❑

As is often the case in California, a worthy initiative's proponents spent their money and energy collecting signatures, leaving little for the actual campaign.

Milton Friedman: The Rational, The Relentless

by Bruce Ramsey

Being on the cover of Time gave Friedman standing. So did being on PBS. So did being an adviser to Goldwater, Nixon, and Reagan. So did the Nobel Prize. He climbed, and he was never brought down.

Milton Friedman was, to educated Americans, Mr. Free Market. Nobody else was.

There were other possibilities. Investment people knew Alan Greenspan as a fan of the market, but his influence was over interest rates and Federal Reserve policy, not political ideas. Intellectuals knew Friedrich Hayek — well, some of them did — but Hayek was not Mr. Free Market to the American public.

Friedman was. He talked to Americans in ordinary language that intelligent people could understand. He did not demonize his opponents. Even when he attacked their ideas, it was always to promote capitalism and freedom — and, anyway, most of the times he debated it was not about their proposals but his. He was cheerful, polite, rational — and relentless.

Those who don't recall the 1960s won't appreciate the impact he had. Government was a success then. It had cured the Depression. It had won World War II. It was launching a war on poverty and was going to win that one, too. It was going to end racism, go to the moon, have a war in Vietnam, and keep the economy running at the same time. "Guns and butter," the promise was.

The good news for government had been brought in the 1930s by an Englishman named John Maynard Keynes. He and his disciples had marketed the happy theory that depressions could be kept away with state spending, paid for by the sale of bonds. If too much of this was done there would be inflation; if not enough, unemployment. The proper tradeoff could be calculated by smart economists from Harvard, so that there would be no more than the tiniest amount of inflation and lots and lots of growth.

On Dec. 31, 1965, Time put the late Keynes, with his horse face and brushy

mustache, on its cover. Keynes was It.

Against these theories Milton Friedman waged guerrilla warfare, in academia and in his fortnightly Newsweek column. Friedman didn't believe the economy needed a Harvard priesthood for direction. It had a natural rate of unemployment, and it would tend toward that rate if labor markets were left alone. It had a natural rate of investment, and of growth, and of other things the Keynesians did not understand. Like a car, there was a gas pedal and a brake, which was the supply of money. Government could hit the brakes or step on the gas, but this was hazardous, Friedman said, because the effect wouldn't come for six months, or maybe a year. There was a great risk of running into the ditch, which had been what had happened in the Great Depression. It was better to give the economy a small bit of gas all the time and otherwise let it alone.

The Keynesians were not letting it alone. The way they were going about it, Friedman said, the economy might have rising unemployment and rising inflation at the same time. The Keynesians said that was impossible, but it happened in the late 1960s and into the 1970s.

At the same time that Friedman was undermining the Keynesians' macroeconomic theory, he was applying classical economics to microeconomic problems. In his Newsweek column, he would hammer on rent control or the minimum wage law or farm subsidies. He also argued against the system of pegged currencies, which in many countries meant currencies were not freely tradeable. Back then, all major currencies were pegged to the dollar, and the dollar was pegged to gold, though you weren't allowed to own any monetary gold. Only foreign central banks could demand gold for greenbacks, and the government was asking them to please, please not do it. The result was recurring foreign-exchange "crises." Friedman argued that these financial spasms would all go away if currencies were allowed to float in the market.

People said it would be chaos. Businessmen wouldn't be able to plan. Friedman didn't think so. Markets are mostly orderly. The market offered no guarantee of future value, of course — no *free* guarantee, though if people wanted to set up a futures market in foreign exchange, you might be able to buy one.

America had taken on the task of policing much of the planet, and abolishing the draft sounded very radical. Friedman stuck to his guns. Kill it, he said.

He was right about floating rates, and his public advocacy played a role in bringing them about. He was also right about the risk of inflation and unemployment at the same time, the importance of the money supply, and the difficulties in "fine tuning" economic growth. The industrial countries have had fairly low inflation for the past 20 years. Much of the improvement came when the Federal Reserve started targeting the supply of money, preventing it from growing as fast as it had. The Fed never did it quite the way Friedman said to do it, but it did it, and this did slow the inflation in prices. The collapse in the gold price in the 1980s was one result.

Even when he attacked his opponents' ideas, it was always to promote capitalism and freedom — and, anyway, most of the times he debated it was not about their proposals but his.

Friedman's influence wasn't just economic. He argued against the draft, which had existed for almost the entire time since 1940. Since then, America had taken on the task of policing much of the planet, and abolishing the draft sounded very radical. Friedman stuck to his guns. Kill it, he said.

The story of Friedman and the draft is told by David R. Henderson of the Naval Postgraduate School, in the August 2005 Econ Journal Watch, and by Gary North on LewRockwell.com, Dec. 20, 2003.* In December 1966, when the Vietnam War still had the strong support of the American public, the University of Chicago held a conference on the draft. There were 74 participants. Friedman was there, and spoke against the draft, as did economist Walter Oi. Several politicians were there too, including Senator Edward Kennedy and a young Republican congressman named Donald Rumsfeld. Also anthropologist Margaret Mead, who favored the draft. In his and his wife Rose's autobiography, "Two Lucky People," Friedman wrote:

> I have attended many conferences. I have never attended any other that had so dramatic an effect on the participants. A straw poll taken at the outset of the conference recorded two-thirds of the participants in favor of the draft; a similar poll at the end, two-thirds opposed. I believe that this conference was the key event that started the ball rolling decisively toward ending the draft.

One of the ball-rollers was Martin Anderson, who had written "The Federal Bulldozer," an attack on the federal urban renewal program. In 1968, Anderson was an adviser to Richard Nixon in his campaign for president against Vice President Hubert Humphrey, a New Deal Democrat committed to welfare, warfare, and conscription. Anderson pro-

*http://www.lewrockwell.com/north/north235.html

posed to Nixon that he come out for a volunteer army; it would get him votes. Nixon did, in a radio address on Oct. 17, 1968.

After the election, Nixon appointed a commission to consider a volunteer military. It was chaired by Thomas Gates, who had been secretary of defense under Eisenhower, and it included several generals. Altogether it had 15 members, and, according to Friedman, who was one of them, only five began as opponents of the draft; five favored it and five were undecided. Yet when they handed in their recommendation, 14 wanted to end it. (One had dropped out.)

Libertarians who denounce working within the status quo, and in government, and with Republicans, should ponder that story. In such a group of people — about the size of a jury — a smart, relentless person can change minds and history. Friedman did. Probably it was not all him, but I'll bet most of it was.

Friedman not only solidified the verdict against the draft; he vigorously defended it in congressional testimony. He had a famous confrontation with Gen. William Westmoreland, commander of the forces in Vietnam. Friedman tells it in "Two Lucky People":

> In the course of his testimony, he made the statement that he did not want to command an army of mercenaries. I stopped him and said, "General, would you rather command an army of slaves?" He drew himself up and said, "I don't like to hear our patriotic draftees referred to as slaves." I said, "I don't like to hear our patriotic volunteers referred to as mercenaries." But I went on to say, "If they are mercenaries, then I, sir, am a mercenary professor, and you, sir, are a mercenary general; we are served by mercenary physicians, we use a mercenary lawyer, and we get our meat from a mercenary butcher." That was the last that we heard from the general about mercenaries.

It was a classic Friedman riposte. He called the general a mercenary, and called himself one, too, damning an idea without damning the person.

Nixon ignored his commission on marijuana. He might have ignored the Gates commission, too — he was no principled defender of freedom — but for the political feeling against the war. It was dragging his administration down.

In a group of people about the size of a jury, a smart, relentless person can change minds and history. Milton Friedman did.

When the draft was changed to a lottery, millions of young men knew from their lottery numbers that they were safe, and political tension eased. Probably Nixon took counsel from that. In any case Nixon and the Democratic Congress let the draft expire in 1973 — and we haven't had it since.

Sometime when you're politically depressed, remind yourself of that. No draft — *for one-third of a century!* And now, whenever some humanitarian like Rep. Charlie Rangel runs conscription up the flagpole, *military officers* come out against it. They don't want it. Friedman, who wrote a book called "The Tyranny of the Status Quo," would smile.

In an interview with Brian Doherty of Reason, published in June 1995, Friedman said, "In the realm of policy, I regard eliminating the draft as my most important accomplishment."

That tells you what his values were.

I recently had an email from a Liberty contributing editor who asked how I could call Friedman a libertarian when he had proposed, in "Capitalism and Freedom," a "negative income tax" (which became the Earned Income Credit in the tax code today) and had helped devise income-tax withholding during World War II. This libertarian went on to say that Friedman was a classical liberal, and that his son David, an anarchocapitalist, is the libertarian.

Friedman once said, "I'd rather use the term 'liberal' than 'libertarian.'" But "liberal" is what people called the emblematic American Keynesian, John Kenneth Galbraith, and even these days, when the soft Left has adopted the label "progressive," "liberal" still denotes a leftward lean. If we are talking among ourselves, we can make words mean whatever we want, but if we are in the public square, we should minimize the use of a private language. Friedman knew that, and he called himself a libertarian.

He did hang out with Republicans, being an adviser to Sen. Barry Goldwater in 1964, briefly to Nixon, and then to Ronald Reagan. To Reason he said: "I am a Republican with a capital 'R' and a libertarian with a small 'l.' I have a party membership as a Republican, not because they have any principles, but because that's the way I am the most useful and have most influence. My philosophy is clearly libertarian."

Dragging out his work for the Treasury 60 years ago is a bit harsh. When Friedman helped devise tax withholding, he was a government employee and there was a war on. A real one. The choice was taxes or inflation (or, rather, how much of each). It was better to have taxes. He did not apologize for it, though the New York Times noted in his obituary that he said that Rose "has never forgiven me for the part I played in devising and developing withholding for the income tax."

Much of the difference between Friedman and his libertarian critics is over proposals to get partway to a private solution. Libertarian polemicist Murray Rothbard attacked Friedman for supporting tax-funded school vouchers. In 1991, in The Individualist magazine, he wrote that Friedman was "the Establishment's Court Libertarian" and a "statist." Rothbard attacked a lot of people; it was his way. It wasn't Friedman's, who would explain patiently and politely that his aim was to dismantle the education monopoly, an action that would help millions of people. They could worry later about state financing. "I would like to see the government out of the education business entirely," he told Reason, but

government had been in education so long that the only way to remove it would be in steps. Vouchers were a big step and — in contrast with abolition — a *possible* step.

Friedman's critics at LewRockwell.com would reply that he was too trusting of the state. Vouchers are dangerous because with state money comes regulation, and instead of saving us from the public schools they might end up wrecking the private ones. Friedman acknowledged that that was a possibility. A voucher system could easily be corrupted. His answer was: don't let it be.

When Friedman helped devise tax withholding, he was a government employee and there was a war on. The choice was taxes or inflation, and it was better to have taxes.

Vouchers have taken root in a number of places, thanks partly to the Milton and Rose D. Friedman Foundation for School Choice. We shall see whether they work well or not.

The monetary standard was another issue that divided Friedman from his critics. They were for gold money managed by the invisible hand and he was for paper money managed by a central authority. Expand the supply of dollars by 3% per year, he suggested, to accommodate the increase in population and business, and let it go at that. You could do it with gold, but it took a lot of manpower and energy to dig that much gold out of the ground each year for the sole purpose of limiting the supply of dollars. Just limit the dollars.

Later he came closer to the gold advocates. He granted that central bankers had done a lot of damage by printing money too liberally. That damage, plus the institutions that a fiat-money world needed to hedge against more damage — futures markets, etc. — probably cost more than mining, refining, and managing the gold.

These were meaningful issues for libertarians, but not for the public. In the public view, Friedman was always the radical, always arguing for some new thing like the flat tax, marijuana legalization, or the volunteer army.

His public-policy involvement started in 1947, when Hayek invited some thinkers of like mind to a meeting in Switzerland of the group that became the Mont Pelerin Society. The Volker Fund, a libertarian seed fund that had financed Hayek, Ludwig von Mises, Garet Garrett, and others, paid the way of the American participants, including Friedman. There he met intellectually sympathetic people.

One of the consequences of that meeting was a summer seminar for academics in the mid-1950s, financed by the Volker Fund. Friedman spoke and Rose transcribed the tapes. They became "Capitalism and Freedom," which was published in 1962. It was a popular book, and it stated the case for a volunteer army, floating exchange rates, the abolition of medical licensing, and a new idea called the school voucher.

Four years later, Friedman took over the Newsweek economics column from Henry Hazlitt, who had held it since 1946, the year he published the famous "Economics in One Lesson." Friedman held that column until 1983. It ranged widely: the May 1, 1972, column, for example, was "Prohibition and Drugs."

In 1976 Friedman won the Nobel Memorial Prize in Economics "for his achievements in the fields of consumption analysis, monetary history and theory and for his demonstration of the complexity of stabilization policy." The prize gave him an immediate cachet. A year later a public-TV producer, Bob Chitester, came to Friedman and proposed a series on capitalism. Interest from TV was unusual, and this was coming from state television. But PBS had run a series on Galbraith, and there was need of balance.

Chitester's ten-part series, filmed around the world, was called "Free to Choose." Chitester remembered: "Milton refused to write a script in advance of filming. Points to be made in each scene were agreed upon but his commentary was extemporaneous." Most people don't have the neuron count to do it that way; Friedman did. As with "Capitalism and Freedom," the transcripts became the raw material for a popular book. This one was "Free to Choose," published by Harcourt Brace Jovanovich in 1980. It was a bestseller and has been translated into at least 14 languages.

By this time Friedman had international influence. Most controversial was his influence in Chile. In 1970, a Marxist, Salvador Allende, had won the presidency with 36% of the vote in a three-way election. After Allende had plunged the country into triple-digit inflation, he was ousted in a bloody coup by Gen. Augusto Pinochet, who set up a military junta. That Friedman would give advice to a junta proved to the Left that he was a proto-fascist, and they made a big deal of it.

Recalled Harvard professor Greg Mankiw, on his blog: "Friedman was — and is — unrepentant. Of course, he did not endorse the dictatorship. But, he wrote, 'I do not regard it evil for an economist to render technical economic advice to the Chilean government to help end the plague of inflation, any more than I would regard it as evil for a physician to give technical medical advice to the Chilean government to end a medical plague.'"

It was a classic Friedman riposte. He called the general a mercenary, and called himself one, too, damning an idea without damning the person.

No similar protests were made when Friedman met in

1988 with Zhao Ziyang, who was general secretary of the Communist Party of China — a government fully as authoritarian as the one in Chile. Zhao was the economic modernizer among China's leaders, and might have done great things, but he was deposed the next year for excessive sympathy with the students in Tiananmen Square.

China followed much of Friedman's advice, and benefited from it. But the Asians who appreciated Friedman the most were the Hong Kong Chinese, who, he said, had the purest and most successful form of capitalism on earth. After that, anybody who criticized how they did things got an earful of Milton Friedman.

His praise of Hong Kong came at a time when the colony had no political parties and the people couldn't vote. That rubbed some the wrong way. In my first piece in Liberty ("Capitalism Without Democracy, Hong Kong Without Hope," March 1990), an article written when I lived in Hong Kong, I criticized the people of that place for accepting a system that had been given to them, without understanding its political underpinnings or undertaking to defend it politically. I ended the piece by saying that the Hong Kong people had been "too busy in Mr. Friedman's capitalist paradise, making money."

A friend later took me to task for the dig at Friedman. Later Friedman himself spoke about some of the political issues I had raised, and I regretted using his name that way. He knew full well about the political underpinnings of the market.

And he kept an eye on Hong Kong until the end. A month before he died, The Wall Street Journal (Oct. 6, 2006) ran a piece by him attacking Hong Kong's appointed governor, Donald Tsang, who had subsidized Hong Kong Disneyland and talked of having a "pro-active" economic policy to fix "imperfections" in the market.

Friedman wrote: "Mr. Tsang insists that he only wants the government to act 'when there are obvious imperfections in the operation of the market mechanism.' That ignores the reality that if there are any 'obvious imperfections,' the market will eliminate them long before Mr. Tsang gets around to it. Much more important are the 'imperfections' — obvious and not so obvious — that will be introduced by overactive government." Friedman's statements were news in Hong Kong, and Tsang had to answer them.

Friedman had other overseas successes, big and small. Wikipedia credits him with influencing the Independence Party of Iceland, "including Davíd Oddsson, who became Prime Minister in 1991 and began a radical program of monetary and fiscal stabilization, ambitious privatization, reduction of taxes (e.g. the corporate income tax from 50% to 18%), the definition of exclusive use rights in the fisheries, abolition of various government funds for aiding loss-making enterprises and liberalization of currency transfers and capital markets."

In all these things, Friedman had *stature*.

When Reason's Doherty said in 1995 that Friedman had "a respectability and presence that most people and organizations labeled libertarian don't have," the economist replied: "That's because of one thing only: I won the Nobel Prize. What, are you kidding yourself?"

But it was Friedman who was kidding himself, at least partly. He had been on the cover of Time, Dec. 19, 1969, seven years before winning the Nobel Prize. Earlier in 1969 (Jan. 10), Time had run a long article about Friedman that began with this paragraph:

> For years, the maverick views of Milton Friedman, the towering iconoclast of U.S. economics, attracted just about as much ridicule as respect. A monetary theorist, the bald and somewhat cherubic University of Chicago professor maintains that the U.S. and many other major nations mismanage their economies. They do so, he argues, by manipulating taxes, federal spending and money supply — techniques that were formulated by Britain's John Maynard Keynes. "Keynesian economics doesn't work," says Friedman. "But nothing is harder for men than to face facts that threaten to undermine strongly held beliefs."

Time wrote about Friedman — even though he was Newsweek's columnist — for several reasons. First, he had institutional standing (the University of Chicago) and was respected in his field, standing on ground that he had won and defended in intellectual combat. Second, he had made a relentless, public attack on Keynesian economics, predicting certain Keynesian policies would cause inflation and recession, and those predictions had begun to come true. Third, in doing all this, Friedman and his "Chicago School" threatened to supplant the Keynesians — and that made him interesting. And the Chicagoans *did* supplant them — at UCLA, and at my alma mater, the University of Washington, and at many other places. That was important, too.

Being on the cover of Time gave Friedman standing. So did the Nobel Prize. So did being on PBS. So did being an adviser to Goldwater, Nixon, and Reagan. So did the fact that there was never any time when Friedman had been publicly and obviously wrong in a big way. He climbed, and he was never brought down.

It was important to Friedman that the power didn't go to his head. In the interview with Doherty, he said: "If you really want to engage in policy activity, don't make that your vocation. Make it your avocation. Get a job. Get a secure base of income. Otherwise, you're going to get corrupted and destroyed."

Doherty's new history of the libertarian movement, "Radicals for Capitalism" (Public Affairs, 2007), says that Friedman "has done more to make more people understand and respect the general tenets and thrusts of libertarian ideas than any other libertarian advocate."

Milton Friedman was not just a figure in the libertarian movement. And though The Economist called him one of the two greatest economic thinkers of the 20th century — the other was the Englishman with the brushy mustache — he was not just a figure in the world of economics. He was, to Americans generally, a figure emblematic of freedom. ❑

A Most Civil Adversary

by Tibor Machan

When Milton Friedman, the Nobel Laureate economist, leader of the Chicago school of economics, husband to Rose, devoted father of their two children, and friend of VIPs as well as not-so-VIPs, died this November, I couldn't find my voice. How little I could say! I wasn't a close associate or an intimate friend. I was only someone who now and then enjoyed the privilege of having Uncle Miltie in my life, sometimes as a mentor, sometimes as a celebrity intellectual, and sometimes as a critic — and a severe one. What I want to talk about here is his style of intellectual exchange, which was certainly one of the great contributions that this wonderful man made to our culture.

I began my involvement with the libertarian movement in America by reading Ayn Rand. I then quickly discovered that others were making significant contributions to the study of a free society. One of them was Milton Friedman, who was, among other things, a founder of the Mont Pelerin Society, the international association of classical liberal intellectuals established in the late 1940s as an antidote to the massive left-wing academic, intellectual, and literary movement that was then asserting its power throughout the West.

Ludwig von Mises, F.A. Hayek, James Buchanan, and Fritz Machlup were just a few of the learned people who felt the need to go on the philosophical offensive against that fantasy, the socialist ideal. Younger enlistees, such as I, had to immerse themselves in the works of these and many other defenders of individual liberty and the free-market society. We quickly realized, especially those of us who early in our lives had socialism and would-be communism shoved down our throats behind the Iron Curtain, that the political values and aspirations of the mass of intellectuals were seriously askew.

In time I tried to make some contribution to the literature of liberty. I helped found Reason magazine as a serious, dependable monthly containing accessible yet in-depth analyses from the libertarian perspective. One of the magazine's features was lengthy interviews with important thinkers: Nathaniel Branden, Thomas Szasz, Yale Brozen, Bill Niskanen, Bill Buckley, Nicholas von Hoffman, Sidney Hook, F.A. Hayek . . . and Milton Friedman.

In February 1974 I was teaching at a small place in western New York when I drove to Chicago to interview Dr. Friedman at his apartment. I had along with me Professor Ralph Raico, and we were joined by one of Dr. Friedman's students, Joe Cobb. The interview lasted for several hours. When it was over, we were exhausted from the exhilarating exchange with the intellectually agile, superbly educated scholar.

We argued a good deal, exploring various approaches that one might take to understanding human affairs. We were in broad agreement, but had our differences. I had a very intense discussion with our interviewee on the topic of whether it is possible for people to know what is right or

wrong ethical conduct. One of Friedman's most memorable points was this: "I think that the crucial question that anybody who believes in freedom has to ask himself is whether to let another man be free to sin. If you really know what sin is, if you could be absolutely certain that you had the revealed truth, then you could not let another man sin. You have to stop him" (Reason, December 1974, p. 5). He, of course, held that no man could know when another sinned. I disagreed with this, and we fought a few rounds over it.

The interview lasted for several hours. When it was over, we were exhausted from the exhilarating exchange with the intellectually agile, superbly educated scholar.

When teaching business ethics, I have always presented my students with one of Friedman's essays of 1961, addressing the topic of corporate moral responsibility. The essay is an uncompromising defense of economic liberty. It rejects the notion popularized by Ralph Nader and John Kenneth Galbraith, among others, that businesses must serve social purposes and not the goals of those who own them. Although here, too, I was in only partial agreement with him, Dr. Friedman held that managers must serve no other goals at all but those that the owners designate — which is mostly to pursue the prosperity of the enterprise, or profit. To do otherwise would be to betray a trust the owners extend to managers who voluntarily come to work for them. (Some years ago, when Dr. Friedman came to Chapman University for the unveiling of a bust in his likeness on the campus promenade, he told me and some others that, oddly enough, this essay of his had brought him more royalties than any other piece he had written in his long career.)

A few years later I had the good fortune of spending a year at the Hoover Institution at Stanford University, where Dr. Friedman had just started as a senior fellow. I was working on a project about government regulation of business. My approach focused on ethical concerns — in particular, on the way in which regulation violates due process by imposing burdens on people who haven't been proven to have done anything wrong. My way of looking at the practice didn't please him at all. He preferred straightforward, ethically neutral economic studies, nothing involving moral or even political evaluations, which he thought could not be well-grounded. He firmly rebuked my writing, and the project was eventually published without his support.

Yet he seemed to find some of my contributions to the struggle against statism worthwhile, so from time to time he and I would exchange views, in person or by mail or at some conference. I remember especially a conference he directed at the Silverado Ranch in Napa Valley, with the support of the Fraser Institute, a Canadian free-market thinktank. We spent three days discussing aspects of the free society. We also revisited our earlier debates. Things became quite agitated when I again argued that moral knowledge is possible for human beings. He disagreed, calling this a view that lacks humility. When I noted that his claim was itself pregnant with moral overtones, he became quite upset. But very soon after the conference I received a copy of the Hungarian translation of one of his books, a work on price theory, with a wonderful note saying that despite our differences, what mattered most was keeping up the good fight.

Of course, these were minor encounters in his intellectual career. What they taught me, and poignantly, is how important it is to keep one's disputations civilized, to keep one's emotions in check as one examines even the most emotional topics. Not only in my rare encounters with him but in all his writing and public appearances — in his many Newsweek columns, in his appearances on "Meet the Press," in the PBS broadcasts of his wonderful series "Free to Choose," and everywhere else — there was exemplary conduct on display, the kind of conduct that too many who take part in public disputation cast aside in favor of character assassination, speculation about personal motivations, and imputation of ill will.

When Dr. Friedman produced "Free to Choose," something important emerged in the design of the show, particularly as compared with that of the show that John Kenneth Galbraith had done a little earlier, "The Age of Uncertainty" (1977). Both programs focused on economics. Both prominently featured the views of their hosts. But while Friedman ended each installment with a half hour of debate, inviting several adversaries to challenge him and leaving the ultimate resolution of the dispute to the audience, Galbraith pointedly did not. He simply closed with yet another reiteration of his views. The episode reminded me of a conversation I once had with a prominent neo-Marxist sociologist at UC Santa Barbara. I asked him why those on the Left had the tendency to use their classroom as a pulpit, and he answered, "Well, we are revolutionaries, and for us teaching is always something in the service of the revolution."

Friedman's style of intellectual exchange was one of the great contributions that this wonderful man made to our culture.

I do not believe that many public intellectuals and academics reach the level of decency attained by Milton Friedman. Luckily for us, he left a large paper and media trail. Millions in the United States and abroad will be able to learn from it, and perhaps improve the quality of intellectual life everywhere. ❑

Friendly Fights With Dr. Friedman

by Mark Skousen

"To keep the fish that they carried on long journeys lively and fresh, sea captains used to introduce an eel into the barrel. In the economics profession, Milton Friedman is that eel."
— Paul A. Samuelson

Milton Friedman, the intellectual architect of the free-market reforms of the post-World War II era, was a dear but prickly friend. We constantly argued over a variety of issues, but remained friends throughout. I was probably the last person to go out to lunch with him before he died of a heart attack on Nov. 16, 2006.

It was a privilege to know him, despite our policy differences. The triumph of free-market reforms introduced by Thatcher, Reagan, and other leaders in the post-Berlin Wall era (reforms such as lower taxes, deregulation, and privatization that showed the collapse of the Keynesian and Marxist paradigm) can be laid at the feet of a single giant figure: Milton Friedman. Other free-market economists made their mark, but Friedman was the most influential.

Founder of the modern-day Chicago school of economics, Milton Friedman was the force behind many new and exciting ideas: policies such as monetarism, privatization of Social Security, school choice, and futures markets in currencies, and also scholarly pursuits that transformed the economics profession from the "dismal science" to the "imperial science" of today. He was the first economist to counter effectively the Keynesian monolith and its myths: that capitalism is inherently unstable, that money does not matter, that there is a trade-off between inflation and unemployment. Friedman debunked them all. He demonstrated that money mattered a lot: "Inflation is always and everywhere a monetary phenomenon."

His most important work is his 1963 magnum opus, "A Monetary History of the United States, 1867–1960," with co-author Anna J. Schwartz. This book carefully demonstrates a close correlation between monetary policy and economic activity. Friedman and Schwartz demonstrated beyond doubt that ineptitude by a government body, not free-enterprise capitalism, caused the Great Depression, when the Fed allowed the money supply to contract by over a third. This book marked the beginning of a counterrevolution, away from the Keynesian view that big government and the welfare state were beneficial. Now government was seen as the cause of our problems, not the cure, as Reagan used to say. Textbooks replaced *market failure* with *government failure.* And Friedman made it happen.

He was able to succeed where other free-market economists failed because he had impeccable credentials within the

economics profession — earning his Ph.D. from Columbia University, becoming president of the American Economic Association, being published by Princeton University Press, teaching at the University of Chicago, and winning the Nobel Prize in Economics (in 1976, appropriately on the 200th anniversary of America's Declaration of Independence).

After establishing himself as a top-ranked economist, he wrote for the general public, especially in "Capitalism and Freedom" (1962) and "Free to Choose" (1980), co-authored by his wife and fellow economist, Rose Friedman. (Rose was his beloved companion in life — they traveled and worked together, reared two children, and wrote the memoir "Two Lucky People.") Milton told me that he always regarded "Capitalism and Freedom" as his best book for the intelligent layman. I recommend it as an ideal libertarian document.

On a personal level, Milton was unique. He had an "open door" policy toward people of all walks of life. Always intelligent and demanding of evidence, he kept his secretary busy with a huge correspondence with friends and strangers. When I met him in the early 1980s, he didn't know me from Adam, but he was willing to talk with me and answered my questions seriously. I kept up our friendship by letters, emails, telephone calls, dinners, and lunches over the past dozen years. In 1988, he invited me to my first meeting of the Mont Pelerin Society, and through his influence, I became a member in 2002. He generously wrote blurbs for my recent books and was a big fan of FreedomFest, my annual gathering of freedom lovers. When I had the opportunity to teach at Columbia Business School, he wrote a favorable letter to the dean, which helped me win the position.

Friedman loved to debate, and took on all comers. Unlike many erudite libertarians, he suffered fools gladly and, to my knowledge, never excommunicated anyone over intellectual disagreements. He disagreed sharply with Keynesian economists such as Paul Samuelson and John Kenneth Galbraith, yet he remained friends with both. At times, my own disputes with him were so intense that I thought our relationship was threatened, but my friendship with this happy warrior continued to the end.

Friedman and I were friend and foe on many issues, to the point where I was criticized for being both too sympathetic and too critical. In 2001, at my first board meeting as president of the Foundation for Economic Education, I was approached privately by Bettina Greaves, a long-time FEE employee and devotee of Misesian ("Austrian") economics. She said, "Mark, I support you in every way as the new president of FEE, but please be *more* critical of Milton Friedman." I thanked her for the suggestion. Then, half an hour later, another board member, Muso Ayau, past president of the Mont Pelerin Society and founder of the Universidad Francisco Marroquin in Guatemala, pulled me aside to give me some advice. He whispered, "I support you in every way, but could you do me a favor? Please stop being so critical of Milton Friedman!" When I told Milton this story, he had a belly laugh.

I first met Milton Friedman at the San Francisco Money Show. I approached him with a question about Murray Rothbard's book, "America's Great Depression," and he willingly engaged me. At the time, I was quite enamored with Rothbard's Austrian-school explanation of the depression — his argument that it was caused by an inflationary boom in the 1920s that had to collapse, and that the 1930s was actually a good cleaning for a defective financial system. Friedman quickly disparaged Rothbard's scholarly work, saying that the Fed's policies during the 1920s were not the problem and that Rothbard had artificially inflated the money supply figures to justify his Austrian position. "The Great Depression was caused by inept Fed policy in the 1930s, not the 1920s," he told me.

Afterwards, we continued our correspondence by mail, arguing largely about Austrian vs. Chicago economics. This correspondence eventually culminated in my book, "Vienna and Chicago, Friends or Foes?" (2005). When I asked Milton about the title of this book, he answered, "We're both friends *and* foes!" Once I made the mistake of referring to

Friedman's Less Familiar Quotations

Milton Friedman was not only a great economist, but a memorable quotesmith. Besides the standard-bearers, such as "Inflation is always and everywhere a monetary phenomenon" and "There's no such thing as a free lunch" (which he popularized), here are some others less well known:

"If a tax cut increases government revenues, you haven't cut taxes enough."

"I favor tax reductions under any circumstances, for any excuse, for any reason, at any time."

"A society that puts equality ahead of freedom will end up with neither equality nor freedom."

"Competition is a tough weed" (George Stigler). "Freedom is a rare and delicate flower" (Milton Friedman).

"Nothing is so permanent as a temporary government program."

"Inflation is taxation without legislation."

"The economy and the stock market are two different things."

"If government is to exercise power, better in the county than in the state, better in the state than in Washington."

"The great advances of civilization, whether in architecture or painting, in science or in literature, in industry or agriculture, have never come from centralized government."

"The minimum wage law is one of the most, if not the most, anti-black laws on the statute books."

"Nobody spends somebody else's money as carefully as he spends his own."

"The government solution to a problem is usually as bad as the problem." — Mark Skousen

Anna Schwartz, co-author of "Monetary History," as his "researcher," and he blew up. He accused me of being "narrow-minded" and "intolerant" in a way he termed "typical of Austrian economists." He urged me to look at the background papers and letters dealing with "Monetary History" at the Hoover Institution, where I would quickly realize that Schwartz was clearly a bona fide "co-author" and not just a "researcher." This letter is still burning in my files. Funnily enough, a month later, I saw a picture of Anna Schwartz in the American Economic Review, and the short summary of her professional career listed the terms "researcher" and "research" seven times! But I dared not write him back with this comment for fear of retaliation.

A few years after the Money Show I was back in California for a meeting of political conservatives where Friedman was a speaker. I called his hotel room and invited him to lunch, just the two of us. He agreed, and we had a delightful two-hour luncheon overlooking the California coastline. I showed him a chart of M1, the narrowly defined money supply, noting that it had declined sharply in the mid-1980s. I interpreted this to mean that another economic collapse was imminent. He disputed my interpretation. "You can't rely on M1 anymore — it's out of date due to the deregulation of the banking system. If you look at M2, which includes money market funds, the money supply is growing. There isn't going to be any collapse." He was right. The Reagan era was booming.

When the lunch was over, the bill came and I insisted on paying. As I was signing the credit card bill, I turned to him and said, "Dr. Friedman, one of your favorite sayings is 'There's no such thing as a free lunch.' Well, I'm here to disprove it today because I'm paying for yours." Quick as a flash, he retorted, "Oh, no, no, Mark, that wasn't a free lunch. I had to listen to *you* for two hours!"

When my book "Economics on Trial" (1991) was published, I prepared an advertisement with the headline: "Japan and Germany Win World War III," followed by these words: "Their formula multiplies wealth so rapidly that they will achieve their goal of world domination by the year 2000." In the ad, I referenced the sound economic model that had transformed war-torn Germany and Japan into economic powerhouses and strengthened their stock markets in one generation. The principles were high savings rates, low taxes on capital and investment, low inflation, balanced budgets, and free markets.

I sent a copy of my ad to Friedman, and he took no time debunking it. "This prediction is a bunch of nonsense," he scribbled over the ad copy. "I will not live long enough to see it falsified, but you will. In the year 2000, the U.S. standard of living will be higher than the Japanese." He was, of course, proven right.

Friedman's anger flared again in the late 1990s, when we gathered in Vancouver for a Mont Pelerin Society meeting. Milton and Rose Friedman were in charge of the conference program. Its title was "Can Creeping Socialism Be Stopped?" In one of the breakout sessions I asked Friedman about his easy-money solution to Japan's economic problems. I held up an article he published in The Wall Street Journal, "Rx for Japan," in which he advocated a massive printing of yen to jumpstart the Japanese economy, while ignoring such free-market solutions as cutting taxes, deregulating, or opening up the Japanese economy. "Isn't printing more money another example of creeping socialism?" I asked. He was not amused, and noted that, historically, increasing the money supply has stimulated economic recovery, and that fast monetary growth was necessary, given Japan's fragile condition. I countered, "Ah, so there is a free lunch, after all, Dr. Friedman?" "A free disaster!" he interjected with high emotion. Afterward, Professor Jim Gwartney came up to me and said, "You attacked God today!" Indeed. Yet even free-market icons can make mistakes.

Quick as a flash, he retorted, "Oh, no, no, Mark, that wasn't a free lunch. I had to listen to you for two hours!"

A year later, Milton and Rose were invited to speak at the New Orleans Gold Conference, an annual gathering of hard-money investors. After Milton spoke, he took questions from the audience. I tempted him with the question, "Who's the better economist, Ludwig von Mises or John Maynard Keynes?" I knew Milton would answer straight; he didn't care what gold bugs thought. "Keynes," he proclaimed to a shocked audience. When asked who was the greatest economist ever, he didn't say Adam Smith, but settled on Alfred Marshall, the British economist who invented supply and demand curves.

Rose dissented. I had never seen her disagree with her husband in public, but she stood up and said that Marshall was infamous for treating his wife poorly and refusing to support her professional career as an economist. In all my private meetings with the Friedmans, Rose was always graciously reserved and seldom if ever argued with her husband. I had heard a rumor that she differed with Milton on Austrian capital theory, and one time I asked her if this was true. She simply smiled and winked.

My most embarrassing moment with the Friedmans came later that evening when I invited them to dinner at the best restaurant in New Orleans, Commander's Palace, along with two friends, Gary North and Van Simmons. After we ordered and exchanged greetings, Milton turned to me and asked in a serious tone, "Mark, why are gold bugs so passionate about gold?" It was a perfect opportunity to talk about the importance of "honest money," a theme that Ludwig von Mises, Henry Hazlitt, and other Austrian economists have taught for years. I pulled out of my jacket pocket a large oversized $20 banknote, a "gold certificate" issued in the 1920s. Together we read the words spelled out on it: "This certifies that there has been deposited in the Treasury of the United States of America TWENTY DOLLARS IN GOLD COIN payable to the bearer on demand." I then explained, "Milton, we're passion-

ate about gold because under the gold standard, there's a contract between the government and its citizens. For every gold certificate issued, the government had to back it up with a $20 gold coin. Under a genuine gold standard, the Treasury can't just print up money to pay their bills. It's honest money."

All along, I felt that Friedman was simply playing along, since after all, he was the world's foremost monetary historian. I went on, "So, what kind of contract exists today between the government and its citizens? Milton, do you have a $20 bill?" He reached into his pocket and handed over a $20 bill. "See, the contract has completely disappeared. Now it only says 'Federal Reserve Note.' And the Fed doesn't even pay interest!" I paused and said, "Milton, this $20 bill isn't worth the paper it's printed on." And I tore it up! I ripped Milton Friedman's $20 Federal Reserve Note into a half-dozen pieces.

I ripped Milton Friedman's $20 Federal Reserve Note into a half-dozen pieces.

Suddenly, the atmosphere changed. He turned to me and said angrily, "Mark, you had no right to destroy my property!" Rose chimed in, "Yes, Mark, you shouldn't have done that. That was Milton's private property." Gary North and Van Simmons stared in horror and didn't say a word. Milton's voice rose, and other dinner guests looked over at us and could see emotions rising. At this point, I was worried. My relationship with the Friedmans seemed to be ending that very night. Finally, I said, "Well, I suppose you want your money back?"

They assented heartily. So I reached into my pocket and pulled out a $20 St. Gaudens Double Eagle gold coin, handed it to Milton, and said, "Okay, here's your $20!"

He looked startled and stared at the coin. I thought he would be pleased, but I was wrong. Suddenly, he handed it back to me. "I don't want it!"

I gulped, struggling for words. "But Milton, it's a gift. Here, take it. It's a $20 gold coin, worth a lot more than a $20 Federal Reserve Note."

"No," he repeated emphatically. "I don't want it."

After an agonizingly pregnant pause, I finally figured out a solution. Setting the coin aside, I reached into my pocket, pulled out a fresh new $20 paper note, and handed it to him. "There, okay, will this help?"

He calmed down and took the $20 bill. Gathering up some courage, I brought out the gold coin again. "Look," I said, as I handed it over to him, "look at the date." He examined the coin again. "Oh, 1912 — my birth year!" He laughed haltingly. Rose looked on and smiled.

I explained that the entire evening was a set-up, an opportunity for me to give him a St. Gaudens Double Eagle gold coin minted in the year he was born. The coin was in a PCGS certificated plastic container with the words, "To the Golden Milton Friedman." I told Milton and Rose that my friend across the table, Van Simmons, was a coin dealer and had gone to great lengths to find a 1912 Double Eagle, which was rare. Van added that it had been shipped overnight from Switzerland and had arrived only an hour before dinner. I think that only then did the Friedmans recognize what was going on. The next morning they came up and thanked me for the coin and my gesture of appreciation.

Throughout the evening Gary North — a well-known economic historian and gold bug — said nothing. But in the morning, he came up to me at the conference and said something profound. "Mark, I've thought all night about what happened at dinner at Commander's Palace. You and I have an ideology of gold. And Milton has an ideology of paper money. Mark, last night you attacked *his* ideology!"

Milton and I never discussed the coin incident again. (I keep his torn-up $20 bill in my wallet as a keepsake.) We met on many other occasions, but I shall never forget our last lunch together in San Francisco. There for the Money Show, I took the opportunity to call him. We met at his favorite Italian restaurant, the North Beach. For the past few years he had walked with a cane and traveled only on cruises or in private jets. At age 94, he had weak legs, a serious heart condition (after two open heart surgeries in the 1980s), and was losing his eyesight. Yet his mind was still sharp.

We discussed the latest Nobel laureates in economics. "We're running out of good names," he said. I showed him a Photoshopped picture I had created of him standing next to the 6 foot 10 inch John Kenneth Galbraith, the premier Keynesian and welfare statist of the 20th century. Galbraith towered over the diminutive Friedman. Beneath the picture* was a funny line from economist George Stigler: "All great economists are tall. There are two exceptions: John Kenneth Galbraith and Milton Friedman." Milton was so pleased with the photo and caption that he sent it to all his friends.

As we left, I asked him, "Do you think you'll live to be 100?" He answered quickly, "I hope not!" But he was almost always upbeat about life, even to the end. He was not a religious man, but he expressed interest in religious topics near the end of his life. His favorite poem was Keats' "Ode on a Grecian Urn" which ends, "'Beauty is truth, truth beauty' — that is all / Ye know on earth, and all ye need to know." He discovered both in a full and complete life. I consider it a privilege and honor that I knew him. ❑

Unlike many erudite libertarians, Friedman suffered fools gladly, and never excommunicated anyone over intellectual disagreements.

*http://www.mskousen.com/sknews.php?id=202

New York City as a Libertarian Heaven on Earth

by Richard Kostelanetz

A little over a decade ago R.W. Bradford asked me to write in these pages about Libertarian New York City. I wrote an article that appeared as "I'll Take Manhattan" (Liberty, January 1995). It was later reprinted in my Political Essays (Autonomedia, 1999). Recently, Stephen Cox, his friend and successor as editor of Liberty, asked me to write about the state of liberty in New York today.

Initially doubting that I had anything fresh to say about the subject, I reconsidered the earlier essay, keeping only those parts that are still valid, and adding updated commentary. The dedication reflects Murray Rothbard's yet earlier observation, in these pages, that he differed from most libertarians (and most anarchists as well) in preferring man-made environments, beginning with cities, to Mama Nature. Truth be known, I loved Murray more for his culture than for his leadership as an economist and political thinker (whose changing politics I found problematic). For cultural and social liberty, New York City can't be beat; in my experience, the only American city approaching it is Las Vegas — which is, incidentally, the place where Murray spent most of each year during the last decade of his life, as a chaired professor at the University of Nevada, Las Vegas.

Remembering Murray Rothbard

When a fellow libertarian asked me a while back to identify my choice for the most libertarian place in America, the first thing I noticed was that his criteria were so rural-centric. How the hell would I know about laws governing "seatbelt use"? As a native New Yorker I don't own a car and never have. I ride in private cars, as distinct from taxis, much less than once a month. I do know that whenever my driver asks that I fasten my belt (which I do out of deference to my host), my initial response is "Bleep Ralph Nader." Motorcycle helmets? I haven't ridden a motorcycle in over two dozen years. Most bicyclists here don't have helmets, regardless of what the law might say. I do know that helmets or seatbelts are not required to ride the subway or a New York City taxi, let alone to walk the streets, where, incidentally, tolls are never charged.

I don't think that my mobility suffers for lack of a car. Thanks to our city-wide subway system, I can get to my seat in Yankee Stadium in less than 45 minutes, incidentally joining my fellow fans in our mutual pleasure of going en masse to a major league game, and I can get to a good ocean beach in less than an hour, in both trips reading most of the way, with no worry about traffic jams or finding a parking space. One genuine amenity unique to New York, in contrast to London or Paris or Berlin, is subways that operate all night — that's right, from sunset to dawn — implicitly meaning that we poor need not get home by midnight. You can tell that New York City subways must be safe, contrary to myths heard elsewhere, because you can see people riding them at all hours of the day and night. The obvious truth, likewise applicable to city streets, is that, if they weren't safe, nobody would use them.

Ever since Rudolph Giuliani became mayor, the streets and subways have been safer, not only because of preventive policing but because many New Yorkers carry visible cell telephones with which they can dial 911 as quickly as they can scream. Need I add that nothing, but nothing, scares this city boy as much as any venue completely devoid of people?

My fear of untethered creatures, including dogs, begins with the fact that they don't speak English or any other language. Don't tell me that any venue containing "wild animals" offers me more freedom than my city. No way.

I can purchase beer (though not hard liquor) in any of several all-night grocery stores within walking distance of my home. When one of my libertarian colleagues tells me he wouldn't live in a state with an income tax, my response is that I won't live anyplace where I might need to use a seatbelt, which is to say own a car. One advantage of living in SoHo, a former industrial slum, for more than three decades now is that I can walk to most places where I want to go — many cultural institutions, several bookstores, Tower Records (and the annex for cut-outs), photocopy shops, two medium-sized swimming pools, any of three post offices, a DVD rental open all night, my favorite restaurants and bars, and, often, my girlfriend's place. For many years guys sold recreational drugs around the clock in Washington Square, only a few blocks away; perhaps they still do. As even my chronically sore feet are more reliable than any machine, I need not worry about whether my car may have failed. If personal, physical mobility is a measure of liberty, as it should be, there is no doubt that my life in New York City is very, very free.

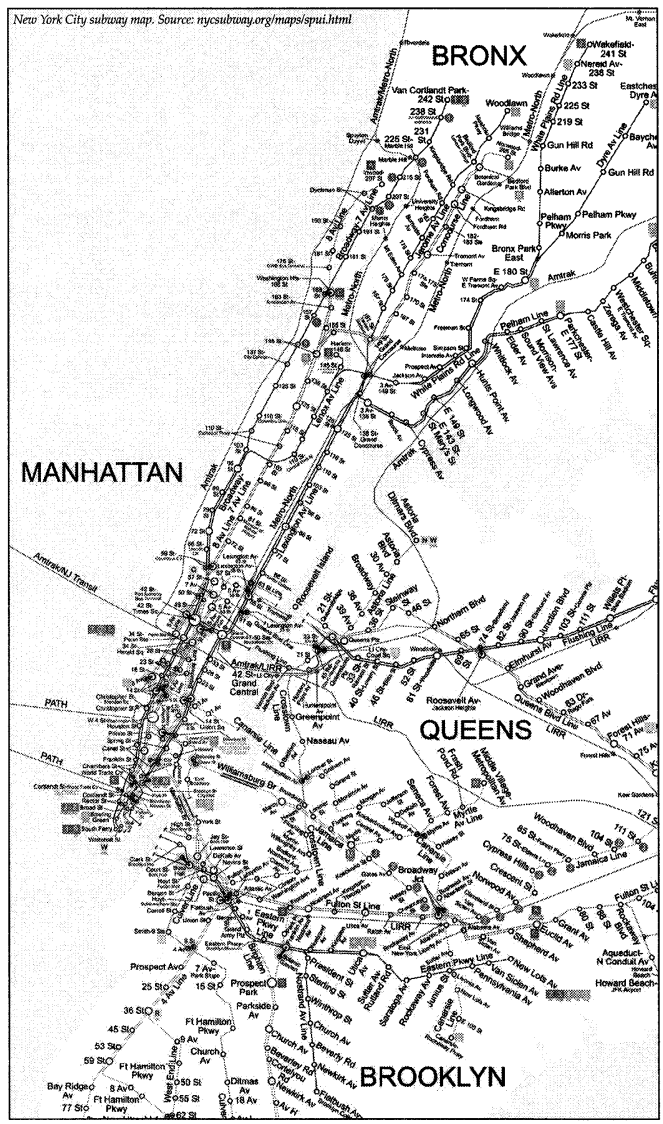

New York City subway map. Source: nycsubway.org/maps/spui.html

Licensing restrictions? Doesn't Hernando de Soto in "The Other Path" (1989) hold up New York as a healthy contrast, in respect to entrepreneurial opportunity, to his native Peru? To open a biz here you need only get a d/b/a (doing business as) certificate, unless you plan to use your own name, and a sales tax exemption, which lets you purchase without paying the tax, in return for requiring you to collect 8.25% on sales. You don't need to be a citizen or even a legal immigrant. Most street vendors wear some kind of city-authorized badge, but many don't (and don't collect sales taxes either). Street booksellers and visual artists don't need licensing at all, because of a liberal interpretation of the First Amendment. Real estate taxes? Though they support a bloated city bureaucracy, they are much lower here than those in the suburbs, which lack commercial operations to tax; but since I don't pay real estate taxes directly, I don't "feel" them, perhaps naively.

Recreational opportunities? I mentioned the proximity of both Yankee Stadium and the ocean beaches, but more important is my living once in and now near a neighborhood filled with art galleries that regularly have "openings," which is to say libation-oiled parties where friendships are refreshed, new lovers can be met, and you can be reminded, as I often am, even in this purported "expensive" metropolis, that many of the best things in life are free. Indeed, whenever I see a psychotic performing on the subway, I congratulate myself on the experience of "free theater." Another hidden benefit of living here is the variety and quality of free radio broadcasting, with two stations playing classical music most of the time and university stations playing it (and much else esoteric) some of the time.

Quality of schools? New York City has had a tradition of specialized "public" high schools that provide the best applicants, in reportedly honest competitions, with the most advanced educations known. You may recall the pop movie "Fame" (1980), where teenagers receive a theatrical education elsewhere reserved for adults. My recollection is that, when I was a freshman at an Ivy League college, the best prepared — the guys and gals who knew how to write long papers and take tests — had gone to one of only six schools: Andover, Exeter, Bronx Science, Stuyvesant, Boston Latin, and Hunter, three of them "public" in New York City. When I got to my Ivy college I remember being awed by these academic athletes — awed and annoyed, because I had gone to a suburban high school that billed itself as "one of the best in the country." That was just a real estate ploy, because the parents with whom we lived in the 1950s wouldn't have permitted the amount of work required at those six schools — wouldn't have tolerated it at all. Some of the private New York City high schools are reputedly top-rate as well, beginning with those (still) run by the Society of Jesus. Cathedral for women is nearly as tough as Hunter.

Cultural choice? That's what we New Yorkers have more of than people anywhere else, whether it's choice in schooling, lovers, merchandise, friends, concerts, or exhibitions. I remember that when I went to college in Providence there would be occasional cultural events of a quality that could not be missed. In New York, every week there are several events of comparable quality, few of which I ever get to see, though I'm glad they are happening here.

Sexual freedom? Freedom of speech? Freedom of drug use? Pornography? Social tolerance? Are you joking, to ask these questions of New Yorkers? Remember our motto: "None of your business." I know a European woman, well over six feet tall, who finds New York a relief from the rest of the world, because "people don't stare at me." Indeed, with so much competing for your attention on a normal NYC street, it's hard for anything to monopolize everyone's view. (I remember being on St. Marks Place four decades ago; it was then a kind of alternative parade ground, and I noticed that no one could make eyes turn, not even scantily clad women, until I saw the exception — four West Point cadets in military costume!) Hookers of various genders, at various prices, can be found at any time of the day or night. Call some telephone numbers and they'll come to your house around the clock.

Whenever I see a psychotic performing on the subway, I congratulate myself on the experience of "free theater."

Three decades ago I taught for a year at John Jay College, whose students were mostly policemen. It was they who told me that any NYC cop making a marijuana bust would be ridiculed by his colleagues as a de facto goof-off. It was they who told me that the only "cure" for our putative drug problem is decriminalization. Since some of the police were black or Hispanic, we teachers used to joke that whenever the class seemed to be falling asleep, you should just mention the "r" word, "racism." That would wake everyone up for a debate. All were opposed to it, of course, but differently opposed.

Don't forget that a sure measure of social tolerance in a community is the visible presence of homeless people. Anyone found undomiciled within a hundred miles from here, without a family nearby, is allegedly put on a bus to New York, because, as one backwoods official once told me, "They know how to deal with such people there." Or not deal with them, to be more precise. Now that we have a construction awning in front of our SoHo building, where apartments are worth roughly a million bucks apiece, a few of those people regularly spend their nights on our stoops.

A friend of mine lives in a mostly black neighborhood of middle-class homeowners in the north Bronx. "No homeless," he reminds me as we come out of the subway onto his street. What he is really telling me is that, since his neighbors wouldn't give money to street beggars (and are generally inhospitable), those independent street entrepreneurs have taken the subways to elsewhere in the City. That's why SoHo, where I live, must be a nicer neighborhood — during the daytimes we have a beggar on every block.

Sales taxes? We got 'em up the wazoo, but we also have such a competitive retail environment that, even after the surplus gouge, common merchandise is much cheaper here. Since I purchase so much for so much less, I don't mind paying the additional sales tax. For some purchases I show the exemption certificate, mentioned before, that I obtained for selling my art. I assume that this retail competition keeps out the tacky chains that fill suburban-exurban malls. We still have no Costcos, no Wal-Marts, and few Red Lobsters. In part because you can survive without a car, it is possible to live here for far less than, say, in the suburbs. That (along with proximity to the international airports) provides the reason why 40% of New York is foreign-born. (Oddly, the surest way the federal government could kill NYC's economy would be to limit immigration rigorously.)

Climate? To each his own. I live here because I like changes in the seasons. I don't mind the summers as much as I might if I had to take the subway to work every day, or the winters as much as I might if I didn't work at home. Given my tastes for the ballgames and the beach, it is not surprising that I get a lot more literary work done in the winter. Our airports are funnels aimed at Florida and Puerto Rico, with so many flights each day you need not fear getting stuck "waiting for the next plane out."

Scenery? The great New York City painter Ad Reinhardt inherited enough money, 50 years ago, to take a trip around the world. He shot pictures of whatever caught his eye. His slides, which I've seen, represent a wealth of verticals and horizontals, which is to say that everywhere he went Reinhardt captured a "nature" parallel to ours. I too prefer our urban landscape to any collection of trees. To my professionally aestheticized sensibility there are few views in the world equal to that of the New York City skyline that, incidentally, I can see from the rooftop of our eight-story apartment building. The filmmaker Woody Allen once complained that whenever he visited his companion Mia Farrow in the country he couldn't go out at night to look at people on the street. To him, as to me, that is compelling "scenery." Indeed, I routinely refuse all invitations to do a weekend to the country, in winter as well as summer, often to the consternation of hosts who think their bucolic hospitality irresistible.

The real estate situation here is more screwed up than outsiders know. Rent control means not only that ownership of certain kinds of rental housing is an unnecessarily bad business but, more consequently, that people don't move unless their income suddenly increases. Likewise if you own your own domicile. Happily, my SoHo co-op loft is now worth many multiples of what I paid for it three decades ago; but as the rest of New York has become so much more expensive as well, I can't afford to move elsewhere in Manhattan or Brooklyn.

Sexual freedom? Freedom of speech? Freedom of drug use? Pornography? Social tolerance? Remember our motto: "None of your business."

Colleagues everywhere innocently wonder why their NYC friends never change their addresses. The explanation is

that almost everyone residing long here got "a good deal," as did Murray & Joey Rothbard, who kept their rent-controlled apartment on the Upper West Side even after he became a professor in Las Vegas, returning home during academic vacations, when I would dine or see opera with them. Murray called Vegas "an all-night town, like New York."

My SoHo colleagues "retire" to New Mexico or Florida and, as artists, are rarely heard from again. Aspiring painters and sculptors of the kind who came with me to SoHo three decades ago went to the Lower East Side two decades ago, and to Williamsburg in Brooklyn a decade ago. As those neighborhoods became too popular and thus too expensive for youngsters, people like me are now likely to begin their New York careers in Jersey City or Union City on the other side of the Hudson. Ambitious artists come to New York, don't forget, because the place offers liberties, epitomized by opportunities and communities, unavailable anywhere else. That goes for homosexuals too, unless they go to San Francisco or South Florida. The kinds of people who might object to someone being long-haired, artistic, or gay in some provincial burg customarily keep their mouths shut in most of New York.

Level of pollution? A friend in medical school told me that he could distinguish New York City cadavers from those from elsewhere by the amount of "black junk in their lungs." Likewise for smokers. But since I've lived here nearly all my life (and never smoked), let me say that I don't feel a thing, yet. My father, who lived here most of his life and smoked for perhaps half of it, survived to 94, so you can't persuade me that excess pollution alone "kills."

Outsiders suspect that New York life has become less free in the wake of 9/11 (which happened less than two miles south of my home), but this is scarcely true. What has changed is that I can't bring a bag into Yankee Stadium, most large buildings employ people to inspect your bags at the entrance, and I can't drop off stamped packages weighing more than one pound at the post office — they must, instead, be presented to a clerk who does no more than look at them. In the 2005 mayoral campaign, during the primaries as well as the election itself, candidates rarely mentioned 9/11 or national security, even though they were effective tokens for Dubya only a year before. Either New Yorkers were shell-shocked, which I doubt, or wiser.

While Mayor Michael Bloomberg, as the wealthiest man in the City by all latest calculations, wants a climate favorable to entrepreneurs both large and small, he's also fanatically opposed to tobacco-smoking, initiating laws that forbid it in restaurants, thus driving smokers into staying home, decreasing restaurant business. Or the smokers step outside, where, especially in neighborhoods with many watering holes, such as Greenwich Village, they befoul the narrow streets. And smoking is forbidden in Yankee Stadium, which, need I say, is outdoors! What domain might be next on Bloomberg's agenda? Central Park? The Coney Island boardwalk? Though I no longer teach police, I doubt that many of them currently have much enthusiasm for arresting smokers.

I would be remiss if I did not say something about the anti-authoritarian instincts of my fellow New Yorkers. More than a half century ago the parallel street between Seventh Avenue and Fifth was officially renamed "Avenue of the Americas," and even though all official signs on the thoroughfare are emblazoned with that name, New Yorkers still instinctively call it "Sixth Avenue." Bless 'em. Use of the other epithet defines a hick. A Berlin friend, coming to New York for the first time, told the taxi driver to take her to a certain number on Sixth Avenue, which he did. As she emerged from the cab, she protested that the street sign read "Avenue of the Americas," hick that she was.

What I'm trying to tell you, political comrades, is that rural-centric criteria discount the possibility of my urban libertarian heaven. You guys who love nature can take your tents and camp in the rain, but for cultural freedom I'll take my SoHo loft, several floors below the solid roof. ❑

Letters, *from page 14*

the goal is to prevent a fatal illness. I used to see young men die regularly of AIDS in the 1980s and early 1990s. Now I seldom see it except for those who do not take antivirals. HIV-deniers are surely complicit in such deaths.

There is also no doubt that American heterosexual men can acquire the infection from unprotected sex with women. I have several in my practice. Claims to the contrary increase risky sexual behavior and infection rates.

Approximately 5% of people with HIV infection do not progress to AIDS. Many of these have a genetic mutation in a chemokine receptor CCR5. Others have an unusual HLA allele. They are genetically lucky, but do not disprove the HIV etiology of AIDS.

Africa does have many problems but AIDS patients in demonstration projects on antivirals are doing well. The medications are expensive.

One has to question the agenda of the HIV deniers. It comes across as misanthropic.

Douglas C. Cable, M.D.
Newport Beach, Calif.

Kostelanetz responds: "Misanthropic" I'm surely not, and I have never been so identified by friends nor enemies. Even after reading Dr. Cable's letter, skeptical about the familiar myth of AIDS I remain.

What makes me skeptical about him is the claim that "no serious scientist or physician doubts that HIV is the cause of AIDS," which is not true, unless one claims that all AIDS skeptics, including veteran biology professors such as Peter Duesberg and Harvey Bialy, are *ipso facto* not "serious" simply because they likewise doubt. Behind the doctor's declaration is not debate but authoritarian aims more sinister that are incidentally exposed in Celia Farber's book, "Serious Adverse Events," which this reply gives me reason to once again recommend.

I hope that the doctor writes sometime soon about the "several" straight male patients (I assume residing in the U.S. at present) who, he says, got AIDS from unprotected sex with women. Such literature is scarce in my reading.

Since this magazine is edited by libertarians for libertarians, may I also wonder why he didn't address my doubts about getting governments involved, especially since this appears to be the same Dr. Cable who disputed my fellow contributor Doug Casey's assertion that for-profit hospitals generally perform better than nonprofits. Libertarians unlibertarian in their own lives remind me of American Communists I knew long ago who made their money as landlords.

Reviews

"Casino Royale," by Ian Fleming. Macmillan, 1953, 218 pages.
"Casino Royale," directed by Martin Campbell. MGM, 2006, 144 minutes.

The Once and Future Bond

Jo Ann Skousen

"Casino Royale," Ian Fleming's first novel, introduced James Bond as a simple entry in the well-established genre of men's adventure stories. Like their female counterpart, the sentimental novel, these stories had a strong sexual undercurrent, as suggested in the opening description of the Casino Royale, with its "brass rail which surrounded breast high the top table" and the cashier's shelves "on a level . . . with your groin." Bond is a manly man who breakfasts on "three scrambled eggs and bacon and a double portion of coffee without sugar" followed by his "first cigarette [of 70 a day], a Balkan and Turkish blend made for him by Morlands of Grosvenor Street" — no whole wheat muffin and Starbucks grande soy chai latte for him! He tends his 4.5 liter Bentley "with jealous care" and drives it "hard and well with an almost sensual pleasure." (All quotations are taken from the book.)

And yet — there is something just a little bit off about this original James Bond. He's supposed to be undercover, but he registers at the hotel using his real name. He goes through an elaborate scheme to check whether his room has been compromised while he was out, but doesn't realize that spies are listening from the room upstairs through a bug they planted in the fireplace. A cable from his "controller" uses a carefully coded message about Havana cigars to throw counterspies off Bond's trail, but then draws attention to the secret part by emphasizing "ten million REPEAT ten million" in the middle of the message.

Outside the hotel Bond notices two suspicious looking men, but continues walking toward them and nearly gets blown up. When he and Vesper ("the girl") are captured and tied up by LeChiffre ("the bad guy"), he looks at her "with scorn. Damn fool girl getting herself trussed up like a chicken," when in fact he is trussed up like a chicken as well. These examples are scattered subtly throughout the book, so it isn't immediately apparent that Bond is less than perfect. In short, the original Bond was a lot like the men who read men's adventure novels — living in a fantasy world where he is, as the joke goes, a legend in his own mind. Fleming cagily created a spy his readers could admire and still aspire to emulate, a Bond who recognizes himself as "an actor and spectator [who] takes part in other men's dramas and decisions."

Perhaps most telling of all is the torture scene near the end of the book. Bond films often include a mildly erotic torture scene; who can forget the elegantly tuxedoed Sean Connery spread eagled on an operating table with a laser beam creeping toward his crotch? But in the latest version of "Casino Royale" the torture scene seems both bizarre and inappropriate — Bond is stripped naked, seated in a bottomless chair, and whipped with a knotted rope from beneath. This scene is lifted almost directly from the book, except that in the book LeChiffre uses a carpet beater underneath the chair instead of a whip — in short, in both versions Bond is being spanked.

During this spanking Bond recalls having been told by survivors of German and Japanese torture that "towards the end there came a wonderful period of warmth and languor

leading into a sort of sexual twilight where pain turned to pleasure and where hatred and fear of the tortures turned to masochistic infatuation." But

There is something just a little bit off about the original Bond. He's supposed to be undercover, but he registers at the hotel using his real name.

Bond is spanked for about one hour — hardly enough time to be turned into a sadomasochist gaining pleasure from pain! More to the point, Fleming's readers might have received a "period of warmth and languor" while reading the passage from the comfort of their own well-stuffed chairs, a subtle eroticism that is the staple of both masculine adventure novels and sentimental romances.

So when did Bond become the master spy, cool, detached, and flawless, engaging in athletically impossible chase scenes? Some critics believe it was a deliberate change made in deference to President Kennedy, who read the book eagerly and praised it publicly. When Fleming saw that Kennedy missed the irony and took his spy seriously, rather than embarrass the president he accepted the characterization, and a modern icon was born.

In the 1967 film version of "Casino Royale" Peter Sellers tried to play Bond the way he was originally written: supremely confident and oblivious to his faults, while stumbling his way through the caper. But Sellers went over the top, more Inspector Clouseau from "The Pink Panther" than James Bond. The film was nominated for three Oscars, including Best Picture, and won the Best Song award for Burt Bacharach's "Look of Love," but true Bond aficionados hate the film.

For all of these reasons I was skeptical about the newest James Bond movie, a return to "Casino Royale." Knowing the book as well as I do, I wondered whether the new screenwriters could be true to Bond's original fallibility without turning him into a buffoon. On top of that, a controversial new actor was stepping into the role, the relatively unknown Daniel Craig, a blond who would not sport Bond's "lock of black hair that subsided to form a thick comma above his right eyebrow." Brown-haired Roger Moore only just managed to succeed during his stint as Bond, and all others have been tall, dark, and handsome.

I shouldn't have worried. The new "Casino Royale" is one of the best, perfect for the 21st century. Daniel Craig seems to be channeling Steve McQueen with his piercing blue eyes and modest "gotta go save the world" approach, and I didn't miss the black curl one bit. This Bond makes mistakes during the course of the caper, but they are honest and reasonable mistakes, the kind members of the audience would make and thus can forgive. The torture scene is a bit bizarre and out of place for fans of the film series alone, but fans of the book would have settled for nothing less than that bottomless cane chair. Most importantly, the film is thrilling and captivating from start to finish.

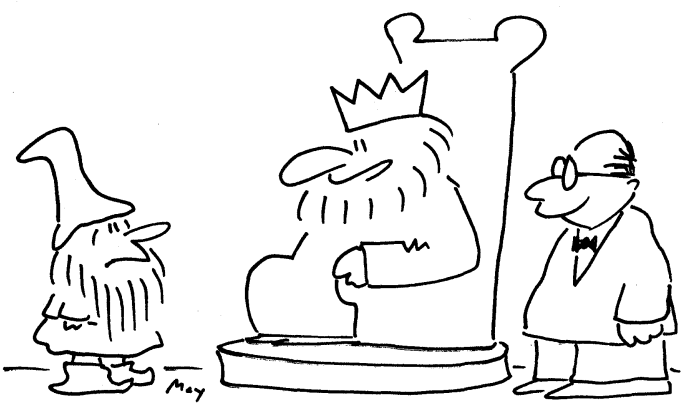

"Sorry, Rumpelstiltskin, but I'm replacing you with Alan Greenspan."

With the end of the Cold War against the Soviets and a war in the Middle East that Hollywood does not want to acknowledge, finding an acceptable bad guy poses a problem for the modern spy flick. Fleming's original story solves this problem nicely, offering a caper that focuses on money laundering and high finance instead of politics. Bond's target (now spelled Le Chiffre) is the banker for a terrorist group that has ordered him to invest its money in a safe, conservative portfolio. Le Chiffre tries to make some extra money on the side by investing the funds in a stock scheme and skimming the profits off the top. But when Bond thwarts Le Chiffre's attempt to manipulate the stock market, the banker's only hope is to "follow the example of most other desperate till-robbers and make good the deficit by gambling," as Fleming writes in the original novel. Enter Bond, the cool, steady gambler whose job is to bankrupt Le Chiffre and then leave him for his underworld employers to finish off.

This Bond makes mistakes, but they are honest and reasonable mistakes, the kind members of the audience would make.

Pierce Brosnan's farewell performance as Bond in "Die Another Day" (2002), with its memorial nod to nearly every icon in the series, signaled a farewell also to the promiscuous, manly Bond of Cubby Broccoli, who produced the first 16 Bond films. I loved the Bond films of the 20th century, but it's time to move forward. And as this film demonstrates, the best way to move forward may be to move back — back to the Bond whom Fleming originally created. ❑

"Myths, Lies and Downright Stupidity: Get Out the Shovel — Why Everything You Know Is Wrong," by John Stossel. Hyperion, 2006, 304 pages.

Flowcharting Stupidity

Gary Jason

John Stossel, popular speaker and TV reporter (one of the hosts of "20/20" on ABC), has written a new book that libertarians in particular will find entertaining, if not particularly revelatory. Stossel has the distinction of being the only openly libertarian figure on TV. He is also distinguished by having won a phenomenal 19 Emmy awards and being cited five times by the National Press Club for excellence in investigative reporting.

His book debunks dozens of myths of various sorts (many of which he has explored on "20/20"). In the first chapter he examines myths about the news media, such as the outlandish idea that the media present the objective truth. No, reporters are often scientifically illiterate, and often push bogus scare stories. Reviewing these media-driven stories, he challenges the idea that pesticides, food irradiation, and chemical pollution are major sources of disease; that schools are violent and full of teachers who molest kids; that the world is fast running out of oil; that we are drowning in our own garbage; that population growth is a bomb that is going to destroy us. . . . That's a pretty full chapter.

Then Stossel takes up various myths about gender differences. He argues that the EEOC bureaucracy and feminist lawyers are not making America less sexist, just screwing people and enriching themselves. He debunks some other gender-related myths, such as the notions that men and women are basically the same emotionally and cognitively, that women earn less than men for the same work, and that women are worse drivers than men. He takes up the worrisome issue of whether size really matters to women. In a move unlikely to win the support of social conservatives, he claims that women are not hurt by polygamy.

Two chapters are about myths surrounding business. Chapter 3 defends the free enterprise system, making the point (which is obvious to classical liberals, anyway) that most businesses are legitimate, and that government regulation tends to do more harm than good. He addresses the related, bogus beliefs that price controls benefit consumers, that drug companies gouge the public, that a high minimum wage helps workers, that outsourcing costs American jobs, that "sweatshops" are evil, and that the jobs being created today are lousy jobs. Again, none of his ideas is new to classical liberals, but his point that businesses typically fail to support free markets, preferring to get the government to stop competition, is too often forgotten by those who otherwise have a decent grasp of economic reality.

Chapter 3 is nicely balanced by chapter 6, where Stossel reviews a number of consumer cons. He argues that brand-name products are generally no better than generics and that bottled water, expensive coffee, and premium dog food are all a total waste of money. Oh yes, and funeral parlors push overpriced caskets, and diamonds are a racket. Yet he notes that the competition of the marketplace keeps businesses in line — unlike government, which nothing keeps in line, as he shows in several chapters.

Chapter 4 looks at government itself, showing (to nobody's surprise) that it wastes an enormous amount of money, and (perhaps to somebody's surprise) that Republicans are just as pork-prone as Democrats. He discusses some egregious types of waste, such as farm subsidies, public broadcasting, and welfare-state programs (e.g., Medicare and Medicaid programs that subsidize erectile dysfunction drugs). His interview with Fred and Larry Starrh — two "family farmers" growing cotton in California and pocketing millions in tax dollars to do it — is worth the price of the book.

But chapter 5 is probably the best. Here his example of governmental inefficiency is our scandalous public school system. He begins by reminding us how generally ignorant our kids are. At age 10, American kids score in the top ten in international tests, but by age 15 they drop to 25th, outranked by poor countries like Poland and Slovakia. He rightly attributes this to government schools, where poorly motivated teachers reward mediocrity rather than excellence, promoting kids through each grade even when they aren't anywhere near grade level

The Industrial Radical

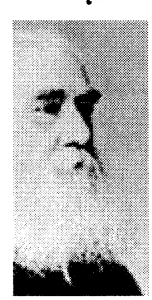

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in proficiency. Stossel refutes a series of educational clichés: public schools are underfunded, teachers need teaching certificates to teach well, Catholic schools succeed only because they won't take problem kids, public school teachers are underpaid, and homeschooled students are poorly adjusted religious nuts. He makes the case for vouchers succinctly and well. Perhaps the gem of the book is his four-page flowchart showing what it takes to fire a New York teacher.

The fault, dear John, lies not in our representatives, but in ourselves.

Chapter 7 considers lawsuit abuse. Stossel confesses that when he was a consumer reporter, he relied on personal-injury attorneys for much of his information. He has come to see that he was part of the problem rather than part of the solution. For every person helped by personal-injury attorneys, many are hurt — not only defendants, who are often innocent but are put through living hell, but also the general public. In discussing "defective-product" lawsuits, he uses Bastiat's distinction between the seen and the unseen. The visible benefit of such suits is that they constitute some deterrent to careless behavior on the part of manufacturers and service providers (although the result is often merely to make these people move their operations abroad). But there is an invisible cost: beneficial and even life-saving products and services are often delayed or denied because innovation is discouraged. He cites the more egregious cases: the annihilation of the American vaccine industry by trial attorneys, the needless asbestos lawsuits that stopped safer alternatives from being introduced, the silicone-implant lawsuits that killed Dow and plenty of good jobs, and the useful drugs that have been pulled off the market by frightened manufacturers. Stossel argues that the lawyers in this field operate strictly out of self-interest (as if that weren't already self-evident).

The last five chapters cover a mélange of issues. Stossel debunks various claims by *soi disant* experts — people who claim they can cure homosexuality or pick stocks that outperform the market indices over the long term. He argues that chiropractors can't cure diseases, that video games don't cause cancer, and that marriage between cousins is not a genetic disaster. In another chapter he critiques astrology, voodoo, psychic vision, homeopathy, and hypnotism. His skepticism about global warming is worth describing in more detail, if only to avoid the kind of misunderstanding I saw him subjected to at a recent Skeptics Society meeting at which he spoke. Stossel believes that it is established fact that the world is warming (by about 0.6 degrees Celsius over the 20th century), and that this may well be attributable to human use of fossil fuels, although that is less clear, because half the increase occurred in the first half of the century, while much more fossil fuel was burned in the second half. But he doubts that the global warming will cause floods, dramatic climate shifts, or generally the end of the world, and he scoffs at the Kyoto Treaty. He touches on a point I think worth amplifying: global warming science is both heavily funded and highly politicized — a prescription for junk science. Basically, the government guarantees confirmation bias: those who find evidence of human-caused and ecologically disastrous warming are rewarded by more grants; those who don't find such evidence (or worse, find contrary evidence) get punished.

Stossel lampoons a number of health-related myths: being exposed to the cold causes colds; margarine is better than butter; eating at home is safer than eating out; chocolate is bad for you; reading in poor light is harmful to your eyesight; and a number of others. In a chapter on myths of parenting, his points are sometimes obvious, sometimes surprising. His research leads him to say that corporal punishment is more harmful than helpful, that children should be taught to think rather than blindly obey, that having kids often puts a strain on marriage, that boys and girls should not be raised identically, and that teens still need their parents.

Once more, in his chapter regarding happiness, some things that he says are more arresting than others: money doesn't buy long-term happiness, happiness is in part genetic, religious people are happier than nonreligious people, personal relationships and fulfilling work foster happiness, and the young are happier than the old. He makes a point I think libertarians ought to dwell on: research shows that feelings of power, of being in control, are important to happiness. This has enormous social implications, only a couple of which he notes: workplaces that allow employees some say in the operations of the company are apt to have happier employees; giving children more choices tends to make them happier; self-anointed minority leaders who work to convince people that they are "victims" are in fact working to make those people unhappy (even

Calling All Economists!

Amidst Milton Friedman's notable achievements was a glaring failure. The great empiricist could never explain how you observed the Invisible Hand.

His disparagement of the apriorist, Mises, was as though the kayoed Schmeling had belittled Louis. Max, have you seen the film; Milton, have you read *Human Action?* I hate to tell you this, but you were slaughtered.

The dispute between them was not simply whether economics was an apriori or empirical but amateur or professional science. For without empirical data, there was nothing to calculate, and no mathematical, "technical" barrier to outsiders, no closed shop and profession of economics. It was still the simple, wide-open science of its amateur founders and pioneers. And since a field open to everyone was closed to specialists, all that was open to them in economics was bastardization of it, anti-economics in the name of economics.

"All professions conspire against humanity," and all professional economists against economics. For the Invisible Hand, and always and ineluctably amateur science of economics, see ***Intellectually Incorrect*** at intinc.org.

Advertisement

Why *do* the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

Understanding addiction is essential for our well-being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked. Early identification can help minimize the effect it has on our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

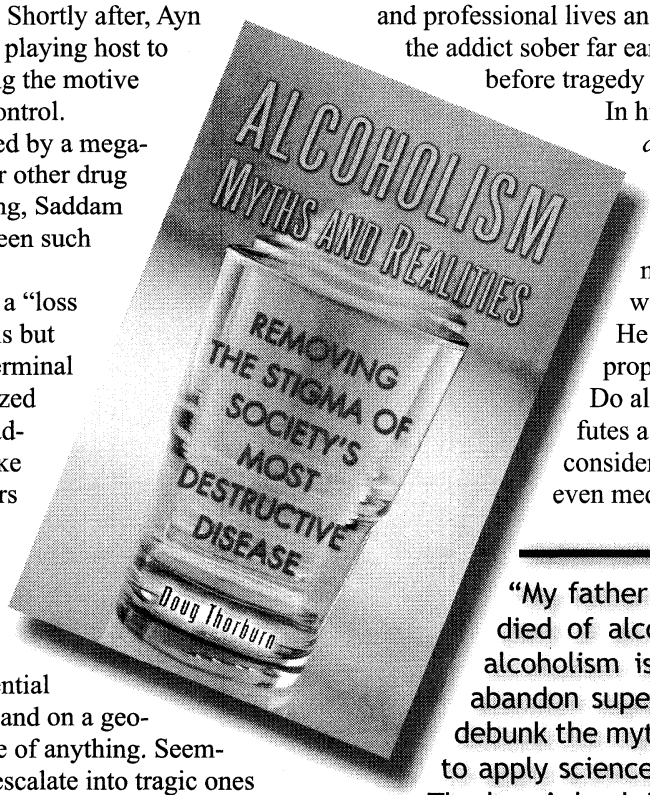

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispells more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.

"Every policymaker in America needs to read your book exposing the myths of chemical addiction.... Hopefully, your book will help educate those who write the laws so we, as a nation, can do what works – prevention and treatment! ... Excellent book."

– *Congressman Jim Ramstad (MN), Member, Ways and Means Committee and Health Subcommittee*

"My father died of alcoholism. His father died of alcoholism. Three generations of alcoholism is enough. Now is the time to abandon superstition and pseudoscience, to debunk the myths surrounding alcoholism, and to apply science to solving this problem. Doug Thorburn's book is a model example of how this should be done. Read it and be prepared to change your thinking on this important topic. When enough of us understand what is really going on with alcoholism, society can make the shift from treatment to prevention and early intervention."

– *Michael Shermer, publisher of* Skeptic *magazine, monthly columnist for* Scientific American, *and author of* Why People Believe Weird Things

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if they do get welfare and affirmative action); and people in free societies are apt to be happier.

Stossel doesn't explain why this is so. May I suggest that we start with the theory of cognitive dissonance, which is pretty well confirmed after 60 years of research? Simply put, it holds that we are all made uncomfortable by inconsistencies in action and belief. When we are forced in any way to do things at variance with our beliefs or goals, this is by nature psychologically unpleasant. But I will return to what I consider the loose ends of Stossel's book. He finishes it by taking pains to notice that he is a libertarian, not one of those yucky conservatives he is too often accused of being — thus recalling Hayek's classic essay, "Why I Am Not a Conservative." He does note that conservatives have been far more willing to discuss his ideas than liberals, though he doesn't seem to know why.

Filmnotes

by Jo Ann Skousen

No grassy knoll in Morocco — The story of Babel appears in the Bible right after the story of Noah and the flood. Years have passed since the deluge, and the earth is repopulated. Remembering the flood, the people decide to "build a city and a tower, whose top may reach unto heaven," a tower that could, perhaps, protect them from a future flood. God, seeing their plan, decides to "confound their language, that they may not understand one another's language," and the people are then scattered across the face of the earth, presumably grouping themselves by language.

I admit I've been a bit troubled by this story. Shouldn't God's goal be to encourage our communication with each other, rather than thwart it? Wouldn't war and mistrust be less prevalent if we all understood each other better? Alejandro Gonzalez Inarritu ("21 Grams," "Amores Perros") explores some of these same questions in his film "Babel" (Paramount Classics, 2006, 142 minutes).

Two young Moroccan brothers deal with the boredom of herding goats by seeing how far their rifle can shoot, unintentionally beginning a chain of events that reaches around the world, with three interlocking stories that affect several families. Filmed on location in Morocco, Mexico, and Japan, and presented in at least six languages with subtitles, "Babel" will probably win an Oscar for Best Foreign Film come March.

Like last year's Best Picture, "Crash," "Babel" is almost preachy in its exploration of human interconnectedness and the limitation of language as a form of communication, but it delivers its message with powerful, raw emotion. The music in all three sections is particularly evocative.

The film has its flaws, however, especially in the Japanese section, in which nudity is used as a metaphor for alienation and yearning. Inarritu wants to demonstrate the role of vulnerability and self-exposure in true communication, but I think he goes too far. There is also a major mistake in the trajectory of a bullet fired at a woman — the woman is leaning against a window on the left side of the bus, but the boys shoot from a hillside high above the road on the right. For at least an hour I waited for a second gunman to appear and save the day, but it was just a director's mistake. There is no grassy knoll in Morocco.

As the stories unfold, Inarritu makes it clear that language is not the only way, nor is it the best way, to communicate. A group of deaf friends communicate with their hands; streetwalkers communicate with their clothing and their strut; teenagers communicate through music; an angry woman communicates with an upraised middle finger; a distraught husband communicates his despair by cursing; a man tries to communicate his gratitude by giving someone all his money, while the would-be recipient communicates just as much by his refusal to accept it. A couple unable to talk because of their grief for a lost child communicate through the tenderness of holding hands; a brother communicates his love through sacrifice.

In short, the film demonstrates the inadequacy of language to convey our deepest emotions, and the need to communicate through touch and shared feeling. Perhaps that's the message of the original Babel as well — one can't reach God by building a tower. If God is love, then one can only find God through shared emotion, spiritual connection, open vulnerability, and true understanding.

Time after time — I'm a sucker for time travel movies and government intrusion movies. My favorites in each genre are "Frequency" (2000, Dennis Quaid and Jim Caviezel) and "Enemy of the State" (1998, Will Smith and Gene Hackman). "Déjà Vu" (directed by Tony Scott; Touchstone Pictures, 2006, 128 minutes) combines both of these genres in a tightly written, crisply directed, and well-acted film starring Denzel Washington and, again, Jim Caviezel.

The film opens as a New Orleans ferry boat explodes, killing hundreds of passengers, including school children on field trips, sailors on leave, and families on outings. Washington plays the government investigator called in to figure out who did it. The government has discovered a new surveillance technique that allows them to create a streaming video of the past by synthesizing all the satellite images and surveillance

This is one appearance of what I see as the book's major problem: its lack of depth. While Stossel supports some claims with good evidence, others seem to be mere *obiter dicta*. One example: he might have cited more of the scholarly work that backs up his claim that men and women are quite different emotionally and cognitively — the work, among others, of Doreen Kimura. He might at least have recommended Anne and Bill Moir's recent survey "Why Men Don't Iron: The Fascinating and Unalterable Differences Between Men and Women." Another example: he alludes to the fact that Title IX has had a bad effect on men's sports; but if you read Jessica Gavora's recent masterly book "Tilting the Playing Field: Schools, Sports, Sex and Title IX," you get a much more substantial exploration of the same point. A third example: he might have looked at evidence of the success of vouchers, by considering, say, Sweden's surprising adoption of the voucher system, which has turned out rather well (see "Lessons from Sweden," Reflections, January).

Lack of depth is especially disappointing when Stossel floats some of his more striking social proposals. Consider legalizing polygamy — to be clear, not just allowing men to have relations with numerous women simultaneously and sire offspring by the dozens, which is already legal and common in inner cities across the nation, but sanctioning this officially. Stossel quotes a few wives of polygamists who say they are happy (though he doesn't interview the underage women who are forced into such arrangements). But this is pretty meager evidence to justify a major change in marriage law. Where are the extensive studies of the children of polygamous unions that demonstrate that there is little psychological cost to them? Where are the cross-cultural studies exploring the effect of polygamy on society as a whole? If Sheik Yerbouti marries 500 women, perforce 499 men will have no chance at those stable unions that Stossel himself says conduce to happiness. Repeating the mantra "The state has no right to dictate morality" is a feeble justification, because we are talking here of a state-sanctioned institution, not merely a matter of private morals.

Another sign of shallowness is the inappropriately balanced coverage of topics. Stossel devotes as much time to proving the trivial claim that chocolate isn't harmful as he does to the important fact that control over your life is crucial to happiness. More broadly, he might have inquired into the causes of some of the phenomena he discusses, and some possible remedies for them. Think about the never-ending problem of pork-barrel spending. Stossel might have talked just a bit about public choice theory, which gives some economic explanation for the behavior of both Republicans and Democrats in this realm. The theory explains that politicians naturally vote their self-interest: they know that pork-barrel projects

tapes taken in an area. The catch: they have to decide ahead of time where to look, because the technique can be focused only on one spot at a time, and once that moment is passed, they can't go back and look again. Since they don't know exactly where the bomber was in the days and hours leading up to the attack, Washington must figure out where to look.

In the process Washington becomes infatuated with a woman who was probably killed by the bomber before the ferry blew up. While watching her movements in the days leading up to the attack in hopes of seeing her attacker, he begins to hope there is a way to change the past and save her. The resulting story is fast-paced, suspenseful, and has enough surprises that even when you think you know what is going to happen, you still feel deliciously off balance.

Pathetic characters — This is another film with a promising premise: what if an author's characters are truly alive somewhere in an alternate universe? I teach my students to talk about literature in the present tense because, as I tell them, "those characters are always inside the story, always performing this very act." Othello is always suffocating Desdemona; Rhett is always telling Scarlet he doesn't give a damn; Lassie is always coming home. What if those characters could actually communicate with their authors?

In "Stranger Than Fiction" (Sony Pictures, 2006, 113 minutes) we follow an author's protagonist (Will Ferrell) who has begun hearing his author as she narrates his story. It's a delightful idea, with all kinds of possibilities. Who is really in charge? Will the character begin to take control of the story, moving and acting in ways that surprise even the author? Most novelists will tell you that this actually happens while they are writing. Will the two fight over how he gets the girl, explore different scenarios, argue about the ending?

Sadly, none of this occurs. The film plods along, its action as sterile as the oddly sterile background of the film. I kept trying to imagine what it might have been like with tighter editing to close up the dead spaces, with a more expressive actor than Will Ferrell so I would actually care that the author was trying to kill him, and with better direction. Dustin Hoffman, one of my favorite actors, is forced to be absolutely disgusting throughout the film, eating open-mouthed, peeing during conversation, and wandering around his office barefoot. (Oh, wait, I'm barefoot right now. Maybe that's not so disgusting.) Queen Latifah also plays against type with an overly subdued portrayal of the assistant sent by the publisher to help the author get through her writer's block. Latifah seems almost to be on Valium as she uncharacteristically sleepwalks through the role. Emma Thompson plays the psychologically fragile author brilliantly, but she isn't able to save the film.

I went to this movie with high hopes, expecting a script as wonderful as Thompson's Oscar-winning adaptation of "Sense and Sensibility." But alas, Thompson is not the author here; she just plays one in the movie. Director Marc Forester was magical in "Finding Neverland" (2004), but "Stranger Than Fiction" simply never lands. Perhaps the producers should find a way to meet up with Denzel Washington's character in "Déjà Vu" and start over with a new director and a new script.

(i.e., projects perceived as beneficial to the district, while the costs are borne by the rest of the country) are politically popular and buy them votes. So, pace Stossel, even if we vote in Libertarians, they will likely provide pork for their districts out of the same self-interest. The fault, dear John, lies not in our representatives, but in ourselves.

Then Stossel might have looked at a few of the suggested ways to control pork-barrel spending. The president recently signed a law setting up a publicly accessible database of a trillion(!) dollars in federal grants, loans, and contracts, a database that will allow scrutiny of the ways in which some of these programs have originated. The law could — and should — be extended to cover the congressmen and senators who "earmark" spending projects (Rep. Boehner has gotten a modest start on that). More radically, as I have suggested elsewhere, we could put all major spending programs on a system like the one that handles military base closings. Instead of letting Congress directly draw up the list of specific projects in the yearly transportation bill (for instance), we could require that it stipulate only the total spending figure, leaving an independent commission of people not up for election to make the actual list of projects and submit it to Congress and the president to accept or reject as a whole — no additions allowed.

To introduce another example: Stossel might have brought in the concept of rent-seeking to explain why trial-attorney lobbyists continue to make suing people so easy. As a solution to the problem he might have explored "loser-pay" systems, under which people who lose a lawsuit have to pay the legal expenses of the other side. This is in fact the predominant tort system around the world.

His interview with "family farmers" growing cotton in California, and pocketing millions in tax dollars to do it, is worth the price of the book.

All this having been said, "Myths, Lies and Downright Stupidity" is a good book. It is full of sound, practical thinking, and it is written with humor and panache. It offers a nice survey of libertarian attitudes toward specific problems, and it would make an especially suitable gift for college-age students. ❑

"Depression, War, and Cold War: Studies in Political Economy," by Robert Higgs. Oxford University Press, 2006, 221 pages.

Governing on Margin

Bruce Ramsey

In 1997 Robert Higgs of the Independent Institute published a notable essay in The Independent Review called "Regime Uncertainty: Why the Great Depression Lasted So Long and Why Prosperity Resumed After the War." In it, Higgs argued that the 1930s depression lasted so long because investors were spooked by the New Deal. That paper, updated, is the anchor essay in this new book.

The dominant view, which is that Franklin Roosevelt saved capitalism, argues that the Depression lasted so long because there wasn't enough of the New Deal. It asserts that Roosevelt didn't tax, borrow, spend, and regulate boldly enough until World War II — the implication being that if he had done less of these things, business would have been in a complete coma.

The opposite view — Higgs' view — is seldom heard today but was common at the time. In 1935, Garet Garrett wrote in the Saturday Evening Post, "Wealth is looking for holes in which to hide itself; it is running to and fro in the world, seeking places of asylum, and willing to pay for them." Many businessmen *hated* the New Deal and felt, accurately, that the New Deal resented them. (Read FDR's 1936 State of the Union address.) Many felt they were under a government that was leading them toward the same sort of society that existed in Germany, Italy, or Russia. And in the 1930s, spokesmen for business blamed the economic slack on a "lack of confidence."

"Confidence" is a businessman's word, and the social scientists, with their fetish for measurable quantities, have had little use for it. Higgs has recast lack of confidence as "regime uncertainty," meaning a fear that America was sliding toward the kind of rule that would not protect property and contractual rights.

In defense of this thesis, he might have searched the letters and memoirs of businessmen to see how these views affected their investment decisions. Take, for example, the two most important businesses in my state in the 1930s: the Weyerhaeuser Company and the Boeing Company. Roosevelt's government jumped on Boeing, which had bought United Airlines, and forced a divestiture. Congress, controlled by New Dealers, interrogated founder and CEO William Boeing, a kind of Randian figure who quit his job and retired early from the world of business. At the time (the mid-1930s) Boeing had also been

upstaged by Douglas Aircraft's DC-3; the company shrank down to almost nothing until World War II.

At Weyerhaeuser, the board of directors faced a decision about whether to pay property taxes on logged-over company land or let county governments seize it. It appeared to be cheaper to let them seize it. To keep the land was to bet that 50 to 75 years hence the timber harvest would pay for the cost of holding and managing the property, and it didn't pencil out. Growing timber had never been a paying proposition. Add to this the antibusiness push from the Roosevelt administration — CEO Phil Weyerhaeuser detested FDR — and the push from the New Dealers toward state forestry. Phil Weyerhaeuser decided that if private forestry were to survive at all, someone would have to make a leap of faith. In 1936 he made a historic decision to pay the taxes on 200,000 acres of the company's better-quality land and keep it. In 1941 the company planted America's first tree farm. Weyerhaeuser's decision was done in fear of the New Deal, and also in the belief and hope that the New Deal would not last forever.

Many New Deal era businessmen felt the government was leading them toward the sort of society that existed in Germany, Italy, or Russia.

There must be many stories like this, and one could write a book about them. But they are anecdotal, and economists don't do anecdotes, they do data. Higgs has attempted to gauge confidence from such data as exist. The result is short of proof, and it does not rule out other, complementary explanations, but it is intriguing.

His first data are from polls. For example, in May 1939 Fortune asked business executives to choose between two statements: "(1) The policies of the administration have so affected the confidence of businessmen that recovery has seriously been held back. (2) Businessmen generally have been unjustly blaming the administration for their troubles." With the first statement, 65% agreed; with the second, 26%.

There are a number of other polls that support this one, and there is no doubt that people in business believed in the statement that the majority chose. Particularly intriguing is the Fortune poll taken just days before the attack on Pearl Harbor. Executives were given four statements about the economic system in America after the war. Only 7% said that America would have "a system of free enterprise restored very much along the prewar lines." Thirty-seven percent said it would become "a semi-socialized society in which there will be very little room for the profit system to operate."

In my view, such beliefs as this do affect investment, production, and jobs. But we have gone from anecdotes about what people said to data about

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what people said, which is still not quite science. Higgs moves on to "evidence from financial markets," making a case from the structure of interest rates. From 1935 to 1941, a large gap opened between long-term and short-term interest rates. Higgs argues that this happened because the New Deal destroyed investors' confidence in the long-term safety of their investments.

What Higgs really shows is that the war economy was state-directed and fed on state investments, and was not comparable to a civilian economy.

One thing that happened which Higgs does not stress was FDR's repudiation of gold clauses in bonds, an action approved by the Supreme Court at the beginning of this interest-rate gap. The regime protecting long-term bonds was fundamentally changed from gold to fiat money, and it would be no surprise to see uncertainty reflected in bond prices.

No doubt there is truth here, but also an inconvenient fact: the gap that Higgs makes so much of was mainly created by a drop in short-term rates, not a rise in long-term rates. And such a drop, creating a steep yield curve, is normal during the recovery from a slump. In George W. Bush's first term, interest rates fell to 0.8% on some money-market funds, and the yield curve looked much like the one in the mid-1930s. But there was no regime uncertainty.

That does not falsify Higgs's theory. I think the theory does explain part of the story of the 1930s — but I am a journalist, and what I think validates the theory is the anecdotal evidence.

This could all be a piece of a larger theory. I read a paper several years ago by economists Harold Cole and Lee Ohanian: "The Great Depression in the United States from a Neoclassical Perspective" (Quarterly Review, Minneapolis Fed, Winter 1999). That paper used a series of data to argue that the reason why the Depression lingered was that wages were pushed up too high. It is an interesting case, and it makes just as much sense as Higgs's. Nor do the two explanations contradict: the sit-down strikes of 1937 created above-market wages and regime uncertainty, and neither was good for the confidence of investors.

The second essay of particular interest in this book is, "Wartime Prosperity? A Reassessment of the U.S. Economy in the 1940s." Here Higgs takes issue with the dominant view that World War II pulled the United States out of the Depression. I think it's clear that the war *did* pull the United States out of the Depression, in the sense that it ran the economic machinery all-out and put everyone to work (though many of them in the military). What Higgs really shows is that the war economy was state-directed and fed on state investments, and was not comparable to a civilian economy. It was not a normal economy with a bigger dose of New Dealism, thereby validating deficit financing. It was a forced economy and provides little guidance for normal times.

Higgs makes the further point that virtually all the added production during the war went to the government, and that the statistics that show an increased standard of living are wrong. Some groups, particularly southern blacks, increased their standard of living by moving from sharecropping to industrial work, but others moved from industrial work to a life in uniform. The figures that show a general increase are wrong because they are measuring in dollars: dollars existing in a price-controlled, goods-rationed world in which unspent cash piled up in war bonds.

Higgs argues that the real recovery of the private economy came from mid-1945 to mid-1947. Most of the controls came off then. Roosevelt had died in April 1945, and was replaced by a safer man, Harry Truman. Then, in November 1946, the Republicans took the House and Senate. The New Deal was definitely over, and "regime uncertainty" faded away.

There are other essays in this book, including one on wartime socialization of investment and one on the return to a private economy from 1945 to 1947. But these are the two that define this as a pathbreaking book. ❑

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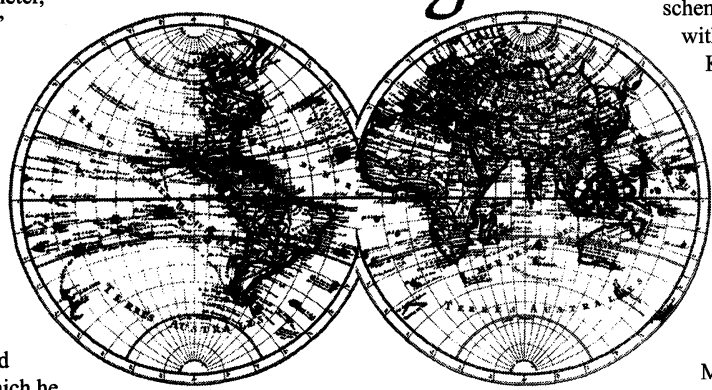

Crickhowell, Wales

Crackdown on misleading product information, from the *Guardian*:

A spicy sausage known as the Welsh Dragon will have to be renamed after trading standards' officers warned manufacturers that they could face prosecution because it does not contain dragon.

The sausages will now have to be labeled Welsh Dragon Pork Sausages to avoid any confusion among customers.

Denver

The Good Samaritan absconds again, reports the *Denver Post:*

After Stanley Yaffe put a quarter in a stranger's expired parking meter, a Denver "vehicle control agent" (VCA) told him, "I could have you arrested. You are interfering with the collection of city revenue. I could call the police right now." Yaffe managed to leave without a fine.

City Attorney Cole Finegan could find no crime described as "interfering in the collection of city revenue" in the municipal code, and Denver mayor John Hickenlooper starred in a campaign commercial in which he fed an expired meter as an actor playing a VCA started to write a ticket.

Waukee, Iowa

Evidence of a generous retirement package, provided by the *Des Moines Register:*

An intoxicated school bus driver for Dallas Center-Grimes High School allegedly ran a stop sign and almost hit another vehicle while driving the high school girls' volleyball team from a tournament in Waukee. The driver, Michael Rolow, had a blood-alcohol level more than twice the legal limit, and a bottle of Hawkeye Vodka was found on the bus under the driver's seat. Police said Rolow was not driving when they arrived on the scene, so a drunken driving charge was not filed.

Rolow was chief of the Windsor Heights Police Department before retiring in 2002 after 23 years of service.

Pyongyang, North Korea

Anarchy in the DPRK, from the Seoul division of Agence France-Presse:

A pro-North Korean organization says it is inviting American and other Western musicians to perform at an unprecedented rock concert next May in Pyongyang — as long as they avoid sexy or violent lyrics.

Songs should not contain "admiration for war, sex, violence, murder, drug, rape, non-governmental society, imperialism, colonialism, racism and anti-socialism," organiser Voice of Korea said in a statement on its website. "We welcome every musician as long as they are purely music-based without political intentions."

Berlin

Holiday shopping in the shadow of the Reichstag, from the Reuters wire:

A German chain of shops has removed miniature wooden Santa Claus figures from its shelves and destroyed them after customers complained it looked like they were giving the stiff-armed Hitler salute that is outlawed. The figures depicted Father Christmas with his right arm stiffly upright toward the sky and holding a sack in his left hand.

London

Breakthrough in hazmat cleanup, from the *London Times:*

Madonna has been lobbying the government and nuclear industry over a scheme to clean up radioactive waste with a magic Kabbalah fluid. The Kabbalah Center, which is based in California, believes water is a uniquely important substance that can be given magic healing powers through "meditations and the consciousness of sharing."

"According to science we aren't going to have a planet in about 50 years at the rate we're going with nuclear waste," Madonna has said. "I can write the greatest songs and make the most fabulous films and be a fashion icon and conquer the world, but if there isn't a world to conquer, what's the point?"

Patna, India

Novel form of castration anxiety, described in *The Times of India:*

In India's largely informal cash economy the job of tax collection has always been a struggle. But the city of Patna, in the country's poorest state of Bihar, has devised a formula that may just work: public humiliation.

Castrated men, hermaphrodites, and transsexuals, caked in cheap make-up and wearing garish saris, are being paid to stand outside the homes and shops of repeat offenders and loudly sing ditties such as "Your reputation will be tarnished, fame would be malice, if you do not pay your tax your house would be auctioned."

"Most civilized defaulters are ashamed to find eunuchs at their doorstep with drums and other musical instruments to collect tax," said an officer for the Patna Municipal Corporation, who did not want to be named.

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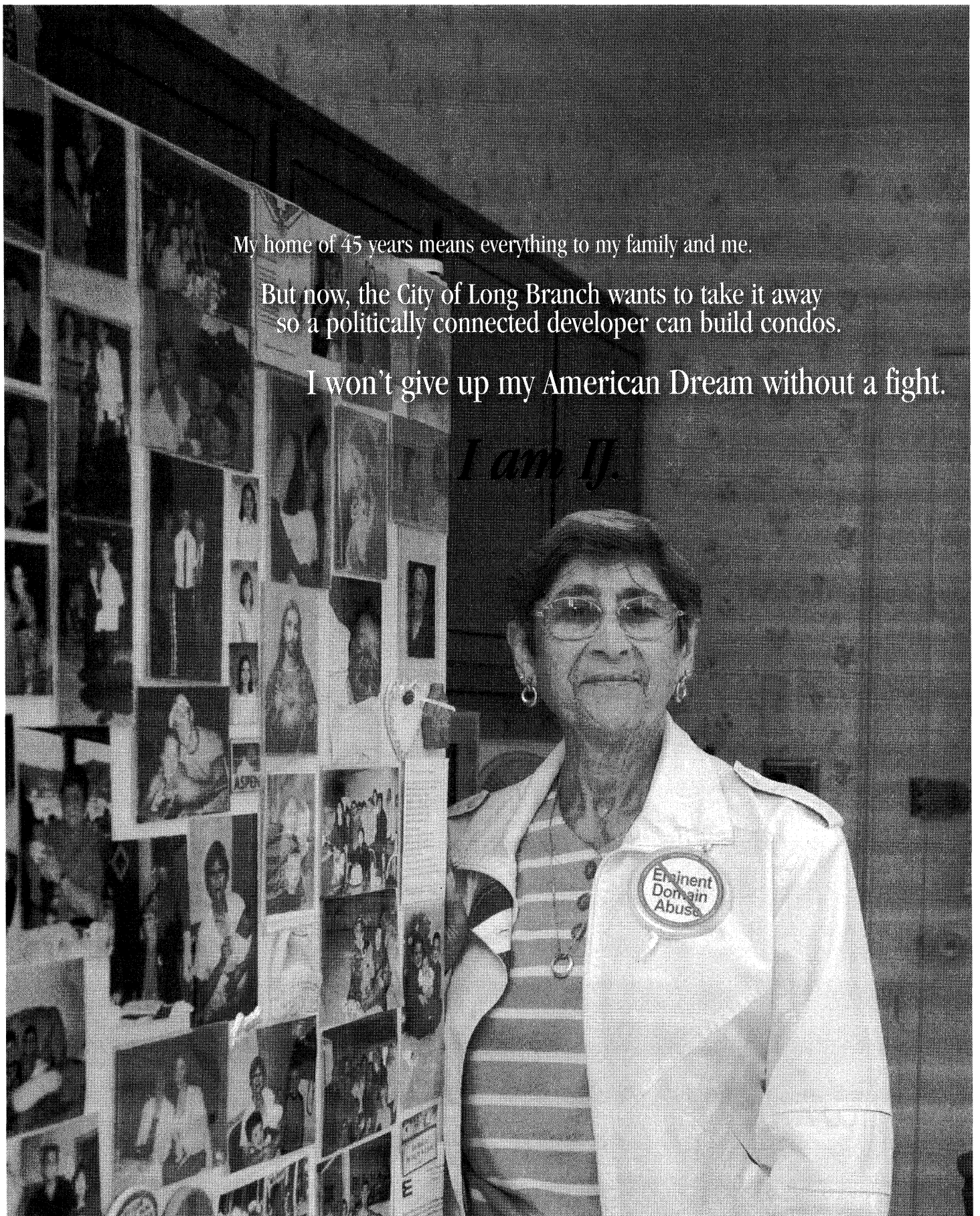

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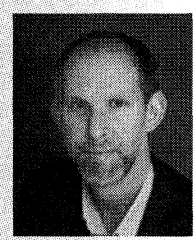

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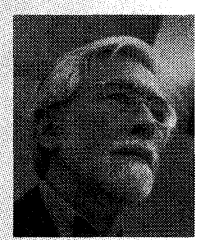

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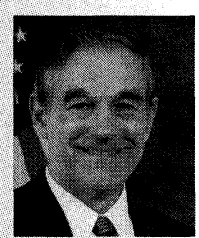

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Inside Liberty

March 2007
Volume 21, Number 3

4 Letters The customer is always opinionated.

7 Reflections We give Congress a raise, swoon like a Spice Girl, buy a country, recruit stoners, sue labor unions, pull a lion out of a hat, bomb the children (for the children!), watch idiots vote, make condoms disappear, and disband the Libertarian Party.

Features

23 A Way Out of Iraq Progress in the Middle East, *Jon Harrison* argues, requires a new perspective.

27 The French Occupation of America *David G. Danielson* tells what American history would have been like if the French had been thinking like George W. Bush.

31 The Empty Breadbasket *Doug Casey* sees how to destroy a country in less than a decade.

33 Twenty Observations on Liberty and Society *Jayant Bhandari* warns that totalitarian government is only a symptom of the real enemy: totalitarian culture.

38 The Art of Letting Go Mark Skousen lauds a Chinese philosopher who drove away a third of the students in a class at Columbia Business School.

Reviews

43 What Causes Terrorism? When it comes to the culture war, *Robert VerBruggen* points out, there's more than enough responsibility to go around.

45 American Dictator There are times, *Bruce Ramsey* shows, when there is something to be said for assassins.

47 The Best Movies of 2006 *Jo Ann Skousen* fills out your Netflix queue.

48 The Importance of "Happyness" The new Will Smith movie is a hit with libertarians. *David T. Beito* and *Gary Jason* were there when the curtain went up.

50 Topping the Charts *Jo Ann Skousen* watches the Supremes bio-pic that has America falling in love all over again.

51 Medianotes Merchants of death, dangerous professors, gay stoners with guns, and a boy's inadequate dragons.

52 Notes on Contributors Book 'em, Danno.

54 Terra Incognita All the world is strange but thee and we.

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Letters

Literal Vittles

I was intrigued to read in February's Terra Incognita that overindustrious British nanny statists have forced the relabeling of Welsh Dragon sausage because it "did not contain any dragon meat."

One shudders to consider the import of this ruling on traditional favorites such as toad in the hole and spotted dick.

C.D. Tavares
Morristown, Ariz.

Glamour Science

In "Think globally, spray locally" (January, Reflections) Gary Jason saves the children with DDT after "enviros push their agenda . . . using junk science." But the glamorization of DDT is "junk science."

I found over 200 scientific papers between 1947 and 1960 (mostly in Mosquito News) documenting the evolution of resistance to DDT in one mosquito population after another. There's probably another 200 papers, or more, between the end of my study and the DDT ban more than a decade later.

DDT isn't worthless. If malaria can be wiped out in the human population before the mosquitoes come back (two years), then there's no malaria for the DDT-resistant mosquitoes to spread. But usually someone with malaria was missed or came from outside; then the "cure" was lost. DDT is some help but it's not the panacea conservatives would have it be.

Enviros aren't the only ones pushing agendas using junk science. We should be very careful taking science from conservatives too.

Tom Porter
Reseda, Calif.

Jason replies: I thank Mr. Porter for his feedback. For the record, I don't want to "glamorize" DDT . . . I just think that it was demonized by people in the "environmentalist" movement, and that demonizing cost many lives needlessly. And the organization that has recently urged the use of DDT in indoor spraying to control malaria (and which occasioned my reflection) is the World Health Organization, for Pete's sake, hardly a "conservative" organization.

As to mosquitoes developing resistance to DDT, what's the surprise there? Evolution has been an accepted biological fact for 150 years now. That doesn't mean that DDT isn't still a valuable tool. Penicillin has been used for decades, and has saved countless lives. Does the fact that there are now a number of strains of penicillin-resistant bacteria mean that penicillin is useless? Hardly. It only means that we have to keep looking for new antibiotics.

Can we then agree that we should resume the use of DDT with caution, while developing other pesticides? And keep the process free from junk science and politicization — from all sides?

Now Abideth Charity

Doug Casey's article "Charity? Humbug!" (November 2006) bears the subtitle: "If Warren Buffett really wanted to be charitable with his billions, he would have concentrated on making billions more." Is Casey suggesting that Buffett must work until the instant of his death at making money, that he isn't allowed to retire and rest? I doubt that is what Casey meant. But if we do allow Mr. Buffett the freedom to stop producing wealth, he is then left with the question of what to do with the wealth he has personally accumulated so far. And given that it's his money he is perfectly free to choose the route of private, voluntary charity, leaving less for the government's forced charity when he dies. Private charities and foundations actually have an interest in

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maintaining or increasing their wealth, and are strongly driven to make sure their disbursements are to worthy recipients. Do you find that concern for accountability in government charity?

Casey mentions the freedom the Chinese billionaire in Hong Kong has to avoid estate taxes that his American counterpart lacks. But that is obviously not a question of charity. It is a political difference, one that might not persist, and the situation with Hong Kong is unique. Lumping government largesse with taxpayer funds into the same moral and psychological pot as private voluntary charity only muddies the logical waters, seeming to make criticism of the government's bungling and corruption of a piece with criticism of private charities.

In his article, Casey specifically cites Dickens' famous character Ebenezer Scrooge: "From mankind's point of view, if not from Tiny Tim's, Scrooge was a more efficient benefactor before the ghostly visits than after." But Scrooge was decidedly unhappy — miserable, in fact — and the transformation improved his level of personal well-being dramatically. Furthermore, Dickens makes it clear that the transformation didn't cost Scrooge his business or its profitability, that Scrooge's charity actually added to the net total of happiness in the world. Most people in the world actually like to see their generosity benefit other people. This does not make them busybodies, or psychologically flawed.

Dan Karlan
Waldwick, N.J.

Editors' note: The "subtitle" is an abstract of sorts, prepared by Liberty staff, that appears in front of most articles. It was not written by Doug Casey.

Step Three: Profit

In an enthusiastic Reflection ("Hydrogen Balm," December 2006), Ralph Reiland notes recent developments in hydrogen and other new motor fuel technologies and suggests that they may reduce our need for oil from the Middle East. I surely agree with Mr. Reiland that capitalism tends to produce "the first with the best" in new technologies. However, I fear he has fallen for a common fallacy — that hydrogen is an alternative source of energy. It is not. It is a way to store energy. Hydrogen, whether burned to produce mechanical energy or used in fuel cells to produce electricity, takes a lot of energy to produce. The energy to produce hydrogen usually comes from hydrocarbons (oil, natural gas, coal).

Michael Christian
San Diego, Calif.

Whatever That Was

In "Word Watch" (Reflections, December 2006), Stephen Cox engages in the very same behavior that he condems in that column. Early in the column, Cox sarcastically asks why news reporters should bother to look up the facts. Later, he writes about the news reporters who hype all of their stories to the point that each one "is really, truly the greatest story since the Resurrection" then adds the parenthetical comment "whatever that was."

Perhaps if Cox had taken his own advice and looked up the facts, he would know what "that" was. In this case, these facts are found in the Bible.

Lately I've been reading Macaulay's "History of England" — 2,500 pages of magnificent prose, and libertarian prose, besides. The other day I reached the place in Macaulay's book where he discusses education in the 17th century. Even the best teachers, he says, were bent on instilling conformity. They had "discovered the precise point to which intellectual culture can be carried without risk of intellectual emancipation."

That point has also been discovered — in a stumbling, bumbling way — by the education systems of the modern world. It takes a lot of "intellectual culture," if you want to call it that, to run a modern society. To make it work, a lot of people have to know a lot about computers and CT scans and the procedures of the Human Resources Department. But I wonder whether America has ever had less "intellectual emancipation" than we see today.

Granted, people can think and even say pretty much what they want. Here in South Park, nobody really cares whether you get a tattoo, join a bondage club, practice devil worship, or even vote Republican. But don't ask whether anybody is able to make an independent assessment of life in this world. You get credit for boldness simply by becoming a credulous advocate of some party line.

That's the situation that Liberty is meant to fix. Our readers have more formal education than . . . well, than the readers of almost any other journal of opinion. But somehow, their education wasn't just an education in conformity. Somehow, they've taught themselves something about real life. They welcome the joys — and the risks — of intellectual emancipation. They know that nothing is worth publishing unless somebody gets angry about it, and for good reason, too. They want real debate, not just a pretense at it.

That's what our readers have demanded, these past 20 years. And that's what Liberty has delivered. It's in this issue, too.

For Liberty,

Stephen Cox
Editor

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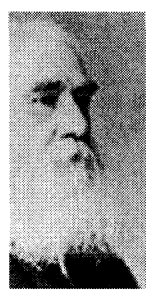

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The story of the Resurrection is told toward the end of each of the four Gospels, with slight variations owing to the different perspectives of the writers. To summarize, Jesus of Nazareth was put to death by crucifixion, buried, then rose from the dead a few days later. This is an event that millions of people the world over, including many readers of Liberty, believe happened exactly as it is told in the Bible. Now, hopefully Cox knows what "that" was.

Paul L. Booth
Boonsboro, Md.

Cox responds: Mr. Booth neglects the possibility that my sarcasm might have been consistently directed at ignorant people, including people who are unclear about what the Resurrection was. For further information on that subject, Mr. Booth is welcome to read my book, "The New Testament and Literature" (Open Court, 2006, 406 pages).

Rights and Liberties

In "Benjamin Franklin and His Critics" (December 2006), Mark Skousen says that Franklin appeared to believe in natural rights, because Franklin stated, "I am a mortal enemy to arbitrary government and unlimited power. I am naturally very zealous for the rights and liberties of my country, and the least encroachment of those invaluable privileges is apt to make my blood boil." This quotation reveals nothing about natural rights. Any libertarian who does not believe in natural rights could agree with these sentiments. In fact, any supporter of democracy would agree with these sentiments, regardless of his political ideology.

David Hoscheidt
Bloomington, Ill.

Volcanic Disruption

Thomas Oakeson, the reviewer of Al Gore's movie, is out of his depth in claiming that "the eruption of Mount St. Helens in 1980 was . . . worse for the atmosphere, in one day, than the manmade damage done to our atmosphere during Earth's entire existence" ("Inconvenient, Indeed," October).

The mountain actually emitted 1.5 million tons of sulphur dioxide in one day, an eventual total of 2 megatons, compared to the human emitted SO_2 of up to 90 million tons per year estimated in 1990. The carbon dioxide emitted was barely noticed in the "Annual Mean Growth Rate Global Average" at NOAA's "Trends in Atmospheric Carbon Dioxide" (http://www.cmdl.noaa.gov/ccgg/trends).

Bob Maginnis
Portland, Ore.

Cui Bono?

In "The End in Iraq" (December 2006), Jon Harrison repeats the familiar fiction that the 2003 American invasion of Iraq was meant to "preserve and protect the state of Israel." Though we've heard this before and will probably hear it again, it isn't true and would have been foolish even if true, for a very simple reason. Hugely outnumbered by its Arab neighbors, Israel benefits from their disunity. Fight each other Arabs have always done; even the charismatic Lawrence of Arabia failed to unite them.

What Israelis rightly fear is any superpower move that would overcome the Arab predisposition to internecine conflict, such as occupation by an outside force, which nearly all Arab countries could agree to oppose. (Israel is likewise prone to fissure, but, as Amos Elon pointed out long ago, the threat of Arab takeover keeps fractious Israel from splintering apart. Conversely, the absence of any Israeli designs on Damascus or Cairo keeps the Arab countries splintered. To Arabs other than Palestinians, Israelis occupying, say, Bethlehem, doesn't count.)

Second, the suggestion that Republicans might be courting American Jewish voters is utter fantasy, nothing more, as even Karl Rove knows that over 80% of American Jews vote Democratic. As James Baker once allegedly declared, "Fuck the Jews — they don't vote for us anyway."

Third, given the option of America's invading one "I" country or the other

continued on page 26

Letters to the editor

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Reflections

Booboisie watch — The New Jersey legislature moved to amend their constitution, removing historic language forbidding idiots from voting. (Although the history of New Jersey politics suggests the ban wasn't being enforced too strictly.) Meanwhile, Barack Hussein Obama, at present the Democratic frontrunner for 2008, was displaying his most notable qualification for the presidency: looking good for the camera while his shirt is off.

Perhaps the framers of the New Jersey constitution were wise far beyond modern understanding. — Tim Slagle

Easy, easy, easy — Even as a lifelong registered Republican I have to admit that I like most of Speaker Nancy Pelosi's proposals for the new Congress . . . except for one: I wish she would not ask representatives to work more. The Speaker wants the House to work five days per week (at present they only work three or four days). But since most of what Congress does is harmful, citizens are actually better off if congressmen work less.

If Congress would stick to its proper and very limited role of protecting our liberty, they would really only need to be in session for a few weeks each year. However, given Congress' tendency to do mostly harm, I would even be willing to raise their salary if they would take a few more vacations. — Roy Miller

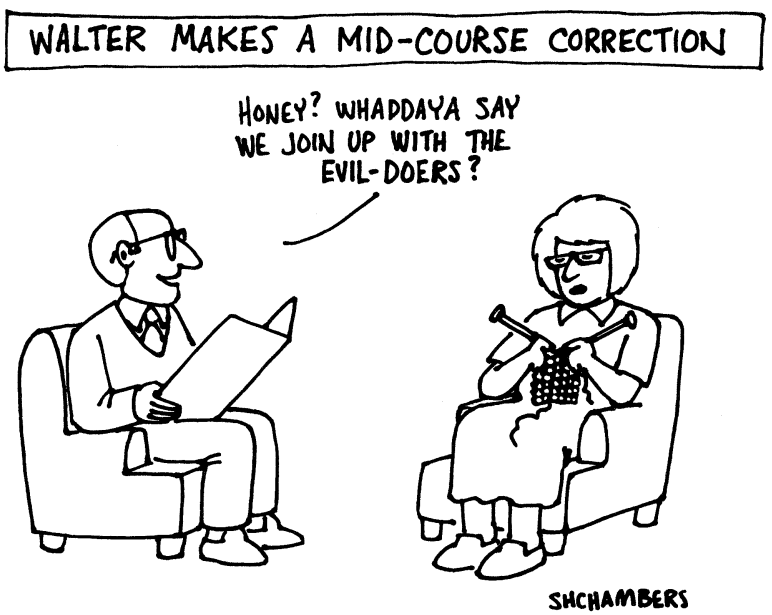

Who waxes the watchmen? — As the crimes and constitutional abuses of the Clinton administration recede further into the memory, one event still stands out to me as being particularly odious: Clinton's ill-timed, ill-targeted bombing of a Somali "nerve-gas factory" that turned out to be a pharmaceutical plant. I'm not enough of a conspiracy theorist to believe that Clinton ordered the bombing solely, or even primarily, to distract attention from the Lewinsky affair. But it certainly seems as though he snatched at a chance to bomb whatever was next on the CIA's hit list, and thus made it more likely that our bombs would kill an old night watchman rather than bioterrorists.

But as with health care, domestic surveillance, and so many other areas, President Bush has topped Clinton's abuses yet again. I'm not enough of a conspiracy theorist to believe that Bush ordered the bombing solely, or even primarily, to distract attention from his counterproductive "surge" into Iraq. But it certainly seems as though President Bush (at a time when the United States' role in the Ethiopian invasion of Somalia was already under question) snatched at a chance to make headlines by killing al Qaeda members, and thus made it more likely that our bombs would kill children rather than murderers. — Andrew Ferguson

Minions of mirth — If you're a regular watcher of The McLaughlin Group, you're aware that at show's end, each panelist offers a political prediction. On the 2006 year-end edition, John McLaughlin predicted that authoritarianism is on its way out, and libertarian thinking is on its way in. John translated this into a coming groundswell of support for moderates and liberals, who, as we know, can be just as apt to frustrate the advance of liberty as anyone else.

Perhaps needing to laugh at his own logic, McLaughlin strangely coupled this prediction with the coming of a "mirth revolution" and a call for "unadulterated exuberance." Maybe in John's case, rationality is out, and senility is in. — Carl Isackson

Becks' bucks — British soccer star David Beckham has signed a five-year contract with the Los Angeles Galaxy for $250 million. At first, it seems strange that the soccer world's biggest celebrity can make more money in America than anywhere else, considering most Americans regard soccer as a girly sport.

But it should be no surprise that this star of the "world's most popular sport" has ended up in a country that has no idea who he is. The United States is the world capital of pop culture, and if you really want to make the big bucks, it's where you have to go. While American-born celebrities like Sean Penn and Michael Moore wish this nation was more like Canada, Canadian artists want to come to America. Here, they get their shot at becoming one of the richest, most famous people on Earth. Remaining in Canada, they can only sink like Gordon Lightfoot into that big lake called "obscurity."

We love our Canadian superstars. Rich Little, Wayne

Gretzky, Peter Jennings, William Shatner, Jim Carrey, Mike Myers, and Alanis Morrissette were all born in Canada, but made America their home. Their proper use of English, and the pale, effeminate good looks that Canadians are famous for, make them a natural fit in American show business. And since the IRS taxes far more gently than the Canada Revenue Agency, those stars can afford a more comfortable lifestyle. All this, and lower heating bills to boot!

In the same spirit, let's send a big Statue of Liberty welcome torch out to our newly arrived celebrity David Beckham. His rugged good looks, and marriage to a Spice Girl, should ensure that his magazine picture hangs in the locker of every soccer player in America, covered with bubblegum-flavored kisses. — Tim Slagle

Prophylactic shock — I was in line at my pharmacy when the guy in front of me began complaining to the cashier.

It seems the birth control pills he was picking up for his wife weren't free . . . that is, weren't covered by his health insurance policy. "I just don't get it," he said. "They won't pay for the birth control pills, but they'll pay for having a baby!" he snarled, clearly thinking he had found in his health insurance coverage a logical flaw the size of those in Bush's Iraq policy.

I could have explained the seeming discrepancy to him. His policy paid for childbirth because it is a political mandate. It did not pay for birth control because avoiding pregnancy while engaging in sex is not a disease that comes to us unbidden, but a choice we make or don't make, according to our preferences.

As a result of the political mandate, this man's policy will pay for childbirth, even if he and his wife choose, as it seems they have, not to have any more children. So does my policy, even though I'm a single male. So does the nun's policy. Of course, covered services are not free, even if not used. So his policy, my policy, and the nun's policy are all more expensive, since we pay for a service we'll not be taking advantage of, it not being an option we could choose to pass up.

Health insurance, back in the day, covered the costs of unexpected diseases, just as home insurance covers the costs of unexpected calamities such as fire and flood. Yet there is nothing *more* expected and predictable than the costs of taking a pill one knows one has to take daily. The idea that shifting costs from the cash register to the health insurance premium payment makes them disappear is both infantile and near universal. As is the insatiable human desire to get something for nothing.

I didn't want to be the one to break it to him, but I doubt his policy paid for condoms either. — Ross Levatter

Military-industrial messiah complex — "Weapons of Mass Destruction" was the centerpiece of the official argument for the Iraq war. But a new history of the causes of the Iraq invasion, Christian Afonsi's "Circle in the Sand" (Doubleday, 2006), asks readers not to forget that other justification for recent wars: the humanitarian motive.

We forget what a role it played in the first Gulf War. After Iraq had invaded Kuwait on Aug. 1, 1990, President George H.W. Bush demanded that Iraq withdraw. He began shipping tanks and troops to defend Saudi Arabia. The decision to attack came later. One event that hardened the American public's attitude, and Bush's, was congressional hearings on atrocities. Some of the stories were true, but the most lurid one was false. This was the story of Iraqis entering a hospital maternity ward, taking the incubators, and dumping the babies on the floor. The 15-year-old girl who told this story did not give her family name, supposedly for protection. But she was the daughter of the Kuwaiti ambassador, and a member of the royal family, the al-Sabahs.

Her testimony had come, Alfonsi writes, because public relations research, which the Kuwait royal family had paid for, had shown that Americans were much more willing to go to war to stop atrocities than to restore the al-Sabah family's power. And so, it turned out, was George H.W. Bush. The stories hardened his attitude. The testimony had come on Oct.

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Word Watch

by Stephen Cox

The recent holiday season saw neither progress nor regress in our nation's long pilgrimage toward total illiteracy. Oh, there was some shuffling around, some hesitant steps this way and that, during the festal months now stretching from Hallowe'en-in-Prep in early October to the Superbowl in whatever month it's in, but nothing lifted us from our slough of literary despond, and nothing put us much further down the road to that inglorious state, so long foretold, where neither Roget nor Webster will be remembered, nor come into mind.

The only hint that we may not, someday, arrive at the New Philistia was the big retailers' decision to stop forcing their employees to mutter a politically correct "Happy holidays" in place of the quasi-Christian "Merry Christmas" that used to be considered obligatory around, oh, Christmas time. Good usage is always honest usage. To obscure the fact that the "holiday" in question is something called Christmas is about as dishonest as you can get. To force people, most of them Christians, to do such things is worse than dishonest. It's mean, and it's cowardly. (Mean people are usually cowards, aren't they?) In order to prevent themselves from being criticized by the Kwanzaa Krowd, the professional "humanists," and the lawyers for militant mosques, Wal-Mart and the other poor little rich boys got tough with their clerks and stockboys. An edifying spectacle.

Then came the great religious conversion. A Wal-Mart spokesman said, "We've learned our lesson. This year, we're not afraid to say 'Merry Christmas.'" Oh, the terror of receiving embittered letters from people who believe that hearing those four potent syllables will instantly deprive them of their inherent rights. Thank God for the courage of our corporate executives.

There is, however, another explanation for their conduct, and I find it more credible. The Chicago Tribune quotes Lynn Bartholome, a college professor who is into the analysis of "popular culture," as suggesting that the people at Wal-Mart "are going to do whatever they have to do to make money." Maybe Professor Bartholome wouldn't agree, but I think it's fine if they're trying to make a profit. I hold with Samuel Johnson: "There are few ways in which a man can be more innocently employed than in getting money." Trying to get money by allowing your employees to wish people a merry Christmas may not be very high on the scale of moral innocence, but it's higher than showing contempt for 90% of your customers so you can appear tolerant to the remaining 10%, the vast majority of whom couldn't care less about "Merry Christmas," one way or the other.

But speaking of money, one of the season's linguistic disappointments was a new and ugly name for the biggest sales day of the year, the day after Thanksgiving (I'm sorry: "Turkey Day"). Suddenly, on radio, TV, the internet, and, for all I know, the Arab street, that day was "Black Friday." No one knows what hole the phrase crept out of. There are confused speculations that its origin had something to do with retailers' hopes of finding themselves "in the black" (i.e., making a profit), or with the black misery you feel when you're trapped in a crowd of frenzied shoppers dragging their loot to the checkout stand.

These explanations seem a little forced to me. I believe, though I cannot prove, that "Black Friday" is an illiterate reproduction of the language commonly applied to any day on which something really bad happens on the stock exchange. Some headline writer or internet jockey found the phrase lurking someplace in the vast dark vault of the sayings he had heard but never understood, picked it up, dusted it off, looked it in its beady eyes, and sent it scurrying out over the web. The rest, as he would say, is history.

So now that funny day after Thanksgiving has its very own title, just like the days of the week before Easter. (You know that the Thursday before Easter is "Maundy Thursday," and the Wednesday is "Spy Wednesday." No? Then you're not up on cultural obscurities.) But unfortunately, "Black Friday" isn't a quaint, attractive, or remotely descriptive label, and its instant ubiquity is frightening. By noon on Friday, November 24, I had received about 30 calls and messages from bewildered readers, all over the world, each of them wondering what this new phrase meant, where it came from, and how we could get rid of it. "Black Friday" was like the boll weevil in the old song:

> First time I saw him,
> He was sittin' on the square.
> Next time I saw him,
> He was sittin' everywhere.

And no pesticide has ever completely eradicated the boll weevil.

American holidays are full of linguistic pests. Every December has at least one heartwarming new Christmas movie; and if it's a movie about modern life, the most common word in the script will be "Santa," followed closely by "gosh!" If the film is supposed to be biblical, no one will be able to identify the most common word, because the actors will all be speaking in that thick though unidentifiable foreign accent that is considered singularly appropriate to such occasions. I used to believe that this holiday custom would die out, that Hollywood would eventually decide that American audiences no longer needed to be informed that Mary and Joseph weren't really from Ohio. But I was wrong. In this year's Bible opus, "The Nativity Story," the characters were still saying things like "Zis BAYbee vill zerve ooMAHNeetay."

One of the worst Christmas pests is the obsession with "peace." Yes, yes, I know . . . but surely one should be able to find a Christmas card that conveys something more than a jejune "Peace," "Peace to You," "Peace to You This Year," "May You Have Peace," "Holiday Peace," "Peace to You and Yours

Throughout This Holiday Season," and similar suggestions that the recipient needs to take a pill, right now, and hit the sack till January 2. Can it be that modern Americans are so edgy, so anxious, so likely, even at Christmastide, to turn on their friends and slay them, that the only appropriate message is, "Hey, be cool, man! Peace out"?

This obsession with pacifying the populace has nothing to do with Iraq or even with the homogenizing effects of political correctness. It started a long time ago. I'm sure you're familiar with that song, "Do You Hear What I Hear?", which has unfortunately become part of the standard religious and commercial repertoire at Christmas. It was composed in 1962, reputedly in reaction to the Cuban Missile Crisis. In its last, preposterous stanza, "the mighty king" responds to the birth of Christ by urging "people everywhere" to "pray for peace." This mighty king is, presumably, King Herod, whose connection with Jesus consisted of an attempt to kill him by slaughtering every child in Bethlehem of a similar age.

Well, we can't all be Eleanor Roosevelt — but you would think that someone would protest the song's bizarre historical revisionism. Naturally, nobody does. People actually like this babble, and even mistake it for religion. There is a mystery of origins here too, but part of the explanation may lie in the fact that "peace" has become a surrogate for belief in God. Again, this has been going on for quite a while. In the 1950s and early 1960s, "Pray for Peace" was one of the post office's most common cancellation marks. Notice: don't pray for freedom, prosperity, or any other kind of blessing — just pray for "peace," the one thing that our national religion is sure about. Another explanation may be the current, sorry state of America's literary expectations. Surely no people has ever expected less of its popular literature than Americans do now.

Contrast the expectations of the 19th century. In 1849, when Edmund Sears wrote "It Came Upon the Midnight Clear," people wanted, and got, a good deal more than a cold salad of "peace." The word "peace" appears in that Christmas song, but it isn't expected to carry the thing on its own. "Peace" is introduced by a glorious fanfare of Old Testament vision and classical myth, and it's made to look like a celebration, not a call to take out your blanket and settle down for a nice long nap. Sears makes no attempt to engage the lowest common denominator. He's after the intelligent people in the audience, or at least the people who have read a book. And if you're not intelligent, you should pretend to be. Now stop your sniveling and sing along:

> For lo! the days are hastening on
> By prophet bards foretold,
> When with the ever-circling years
> Comes round the age of gold;
> When peace shall over all the earth
> Its ancient splendors fling,
> And the whole world give back the song
> Which now the angels sing.

That's not the "peace" that greets you like a limp handshake in the "holiday" cards. Sears' version of peace rides the years, flings its splendors, shouts back at the angels. I pray for *that* kind of peace.

10, 1990; by October 15 he had begun comparing Saddam Hussein to Hitler.

The humanitarian motive was also crucial to the U.S. involvement in Bosnia. Bush was insistent on America's standing aside as Yugoslavia fissioned, and America did stand aside for a while. But on July 3, 1992, the New York Times reported the Serb militia's campaign of "ethnic cleansing," and the public reaction changed the policy. It was also a humanitarian motive that got the U.S. military into Mogadishu — and might have done the same in Rwanda, except that time the memories of Mogadishu were too fresh.

Looking at what our government does, people tend to explain actions with reasons of power politics or money or oil. Sometimes it's not mainly those things. Ninety years ago, apocryphal atrocity stories about the Germans in Belgium, and righteous anger about the sinking of the *Lusitania,* had much to do with America's enlistment in World War I. Not all of it, but a lot. War is a political act, and politics is about sentiment. Stopping atrocities, or punishing the perpetrators, is an idea that moves people. It is also a motive that is easily manipulated, and one we may see in the next presidential administration, which is likely to be Democratic.

— Bruce Ramsey

Fighting Big Oil — Now that smokers in many parts of the U.S. are forbidden from smoking in public buildings, the sight of smokers congregating around doorways, shivering, sucking down their cancer sticks before going back inside with the civilized people has the health Nazis rubbing their hands with glee. But they're not resting on their laurels: their new craze is a ban on "trans fats." It started in Chicago, but it won't stop until McDonald's motto is "Food, Folks, and Frisée."

However, the trans-fat warriors may not have given any thought to what will replace hydrogenated oils, which are responsible for most trans fats consumed in restaurants. To remove trans fats from some of its food, Kentucky Fried Chicken is switching to oil made from a soybean produced by Monsanto — the multinational corporate producer of genetically modified seeds. And as any health Nazi knows, genetically modified crops cause people to sprout a third eye and emit a pale green glow.

Maybe they'll ban soybeans next — but then, there goes tofu! Protecting public health is a complicated business.

— Patrick Quealy

Spotty logic — Some recent developments in ornithology made The Wall Street Journal. Yes, ornithology can be interesting politically, at least when it concerns the famous spotted owl.

The owl achieved notoriety when it was used as a tool to crush the logging industry in the American Northwest. Under the egregious 1973 Endangered Species Act, the government was given the power to close down businesses it deemed to be hurting "endangered" species. Now, something like 98% of all species that have ever evolved on this planet went extinct before mankind ever arose, but this asinine law pretty much assumes that any species that is going extinct must be doing so because of man's deleterious actions.

The feds decided that a particular rodent predator, the spotted owl, was being killed off by logging, so (under President Clinton) they cut logging by 80% in the Northwest, killing off more than 130,000 jobs, with the predictable result that small towns died, families broke up, alcoholism shot up, and some ex-loggers committed suicide.

Now it turns out that the science used to justify this war on a whole industry was likely bogus. It appears that what has caused the decline of the spotted owl was not evil hominids or vile technology, but *another freakin' rodent eater.* Yes, it seems that another owl — the larger and meaner barred owl (so named, I suppose, because it has bars instead of spots) — has been killing and otherwise displacing the wimpy spotted owls.

Biologists are apparently surprised to learn that the fittest survive. The role of the barred owl was suspected in the early 1990s, even as the Clinton enviro-axe fell upon the hapless loggers' heads, but many scientists swept doubts aside, claiming that "the best science" put the fault on logging. Now that we know they were wrong, will these green activists admit their error and apologize to the hundreds of thousands of victims of their misguided policy? No, they don't give a hoot. This is the same old story: when big business screws up, Congress holds hearings and the country witnesses the sad and daily testimony of the victims of heartless capitalism. Corporate chiefs go to jail. But when government screws up, *nothing is said, and nobody gets punished.*

At a bare minimum, we need to demand that the scientists who testify that a given industry is the cause of a given environmental problem be required to assume, in writing, *personal responsibility* for their reports. Then, if innocent people are harmed by governmental actions based on junk science, those victims have some ability to recover damages.

— Gary Jason

With enemies like these — On the first episode of his Sunday night Fox News show, Sean Hannity followed the example of the declining Roman Empire and announced that each week he would declare someone to be an "Enemy of the State."

Two questions: 1) Whatever happened to the days when conservatives would have worn such a label with pride? 2) If you're going to use that label, which in imperial times meant that Caesar had placed a bounty on the recipient's head, couldn't you find someone a bit more imposing than Sean Penn?

— Andrew Ferguson

Pension envy — Recently, both the New York Times and the Los Angeles Times — the garrisons of leftist lunacy — ran articles about the rapidly building crisis in pensions for public employees.

The N.Y. Times bemoaned the fact that state and local governments, responding to taxpayer pressure and fiscal reality, are beginning to challenge public employee pensions, once considered politically and legally sacrosanct. For example, voters recently rebelled in Houston, after learning that some city employees were able to retire in their 40s, and others were getting lump-sum payouts of a million bucks or more *in addition to* their regular pensions. A few years back, citizens in Milwaukee County booted out seven county supervisors who had inflated public employee pensions, conveniently including their own. But of course, the public employee unions are furiously fighting these moves.

The L.A. Times came up with a novel explanation for taxpayers' outrage at the sight of bloated public employee pensions: neurosis! Yes, according to the ever fatuous Times writer Molly Hennessy-Fiske, what lies behind taxpayer anger is a mental syndrome she calls "pension envy," which I suppose is like penis envy, but men are susceptible to it as well. You see, because only 20% of workers for the evil private sector have pensions, they suffer from a gnawing envy of state and local government workers, 90% of whom have pensions. (It should be noted that Hennessy-Fiske is referring to traditional pensions, which are defined benefit plans, and omitting 401(k)s and other defined contribution plans, which are actuarially sounder and are becoming the norm in private industry.)

Anyway, I'm no shrink, but I think there are a few more obvious explanations for the increasing anger. First, private sector employees understand that they're the ones who have to pay for puffed-up public pensions. If I am retired and living on a fixed 401(k) income, and the state increases my taxes to pay for public employee pensions, this in effect takes my retirement income and gives it to them. They live well at my expense. That is obviously unjust.

Second, taxpayers are aware of just how enormous the amounts involved are getting. Articles are beginning to appear with alarming frequency about public employee pension and health care costs, and their effect on budget deficits. For example, just recently the L.A. Times published an article about Governor Schwarzenegger's new commission to study the problem of underfunding of public employee retirement costs. The article mentions that the state has pension and health care obligations that are now, by some estimates, upward of one hundred *billion* dollars more than anticipated revenues.

Finally, taxpayers are becoming more aware of the degree to which they have been screwed by public employee unions, who have gamed the system to get generous benefits for themselves. These unions have donated mega-millions in political campaign contributions almost exclusively to elect statists at all levels of government. Teachers' unions run their own slates of school board candidates, and fund them obscenely well. This all ensures that when such unions sit down to "collective bargaining," the people sitting on the other side of the desk will be on their side after all. It guarantees that taxpayers will get the shaft, and they are beginning to realize it.

— Gary Jason

Neutering the N-word — The time has come to defuse the N-word once and for all, as only white people can. Recently we had two stand-up comics, Michael Richards of "Seinfeld" fame and Andy Dick of "News Radio" fame, issuing press releases within days of each other apologizing for using the N-word in the course of their professional duties.

Whether accusations (or even desperate confessions) of racism are really merited here is beside the point. And it does no good to complain of hypocrisy, either. The reason the same audience applauds Chris Rock using the N-word and boos Richards is that, as much as Americans love to laugh, tragedy trumps comedy (at least in public).

Because the N-word is so explosive, whites have a historical responsibility (if such a thing exists) to defuse it. After all, whites created this weapon of mass distraction. I modestly propose that henceforth, whites start calling each other (and only each other) "nigger." Oh no I didn't? Oh yes I did. Just like we've co-opted "dude," "bro," "bitch," and who knows what else in the last decade. Let's render the N-word as obsolete as all the other slang white folks have stolen from black folks over the years. It would be "outta sight." And soon it would be out of mind. — Tom Isenberg

The new intelligence — As the Democrats resume their traditional control of Washington, we get to see anew the partisan tilt of the mainstream media. Consider new Speaker of the House Nancy Pelosi's recent selection of one Silvestre Reyes, a Texas Democrat, to lead the House Intelligence Committee. When he was interviewed by a reporter for Congressional Quarterly soon after his selection, Reyes couldn't answer even the simplest questions on intelligence issues. For example, when asked whether al Qaeda is predominantly a Shiite or a Sunni organization, Reyes guessed (wrongly) that it is Shiite. This, five years after 9/11.

Of course, it could have been worse. Pelosi's first choice for chair of the committee was Alcee Hastings — a glorious man who was once a federal judge, until he was impeached (by a Democrat-controlled Congress!) for soliciting bribes. Just the fellow to head a sensitive and confidential committee. Incidentally, Pelosi voted for the impeachment.

Now, when Dubya was a presidential candidate back in 2000, a sly reporter asked him to name the heads of state for a number of countries, which Dubya couldn't do (I think he got perhaps two out of six or seven questions right). For weeks this was trumpeted as clear evidence of abysmal ignorance and stupidity. But the same media that were so eager to discredit Bush have passed over in silence Reyes' much more dangerous ignorance of security matters. — Gary Jason

Act locally — On Dec. 19, syndicated columnist Bruce Bartlett attacked the Libertarian Party as a drain of activist libertarians away from the major parties, and from other political actions, toward vote-getting that is forever frustrated. He wrote:

> My conclusion is that for libertarian ideas to advance, the Libertarian Party must go completely out of business. It must cease to exist, period. No more candidates, no more wasted votes and no more disillusioned libertarian activists.
>
> In place of the party, there should arise a new libertarian interest group organized like the National Rifle Association or the various pro- and anti-abortion groups. This new group, whatever it is called, would hire lobbyists, run advertisements and make political contributions to candidates supporting libertarian ideas. It will work with both major parties. It can magnify its influence by creating temporary coalitions on particular issues and being willing to work with elected officials who may hold libertarian positions on only one or a handful of issues. They need not hold libertarian views on every single issue, as the Libertarian Party now demands of those it supports.
>
> I believe that this new organization would be vastly more influential than the party and give libertarian ideas far more potency than they now have.

News You May Have Missed

Cheney Sustained by Deeply Held Faith

WASHINGTON — Keith Ellison, a Democrat from Minnesota, was sworn in as the nation's first Muslim member of Congress in early January, but he is not the highest-ranking Muslim official in the United States. That honor belongs to Vice President Dick Cheney, who during one of his many trips to Saudi Arabia in the 1990s on behalf of Halliburton secretly converted to Wahhabi Islam, a rigorous fundamentalist version of the faith. In 1997, according to sources in Riyadh, Cheney visited the dusty provincial town of Bakh-Asward, a Wahhabi stronghold, where he realized he had found exactly what he was looking for, a religion that was grim, rancorous, authoritarian, and violent, and yet, on the other hand, insane.

Since that time, Cheney has been working tirelessly to restore the medieval Islamic empire, or caliphate, in the Middle East and has actually been toying with the idea of naming himself caliph, or at least running the show behind the scenes as vice caliph. The centerpiece of this secret strategy has been the carefully planned and executed war in Iraq, which has done so much to raise the prestige and power of jihadists in that country and elsewhere. That's why Jihadtime, a weekly published in a cave somewhere between the lawless Pakistani border region of Waziristan and the lawless Afghan border region of Wazooistan, sent Cheney a copy of its year-end issue with a mirror on the cover, which proclaimed that "Our annual 'Person of the Year' is you — yes, you, plus all the other Bush administration drooling wingnuts out there."

Cheney has kept his faith a private matter, choosing not to reveal it to President Bush, a sincere Christian who has vowed to read the entire Bible someday, just as soon as he finishes "My Pet Goat." But it has led to considerable tension in the Cheney household, where the devout veep unrolls a prayer rug and prays five times a day facing toward an oil well just outside Mecca. In particular, his conversion to Wahhabi Islam has led to bitter arguments with his daughter Mary, who converted to a different sect, Wasabi Islam, while having dinner at a fusion sushi and shish-kebab restaurant in Georgetown last month with her partner Heather Poe. The heated exchanges between father and daughter have been further complicated by the fact that Cheney's wife, Lynne, is a devotee of the ancient Egyptian snake goddess Edna.

Cheney's strict adherence to militant Islam has also caused problems with his fellow neoconservatives, most of whom belong to a similarly fanatical, but rival religion, militant Bedlam. — Eric Kenning

Resisting the enemies of freedom — It is late November, and my parents and I find ourselves in the picturesque surroundings of the Liberty Club in Whitehall, London. It is the weekend of the Libertarian Alliance (LA) and Libertarian International Conference, hosted by Tim Evans and Sean Gabb. The weekend begins with a tribute to Chris Tame, founder and president of the LA, who passed away four months after Liberty's R.W. Bradford.

Saturday's first event is "The Nation State, the EU and Globalization: Libertarian Perspectives," chaired by Boudwijn Boukert (Nova Civitas, Belgium), Syed Kamall (Member of the European Parliament), and Wolfgang Muller (IUF, Germany).

Boukert explains that libertarianism is weak in politics proper; indeed, it represents the paradox of small-governmentalists vying for state power, so as to reduce it. Boukert goes on to detail the various types of power. We have moved (evolved?) from tribal societies to theocratic polities; city republics to city leagues; city leagues to empire states and territorial nation-states.

Boukert cites John Locke, who accepted the territorial nation-state of Britain as a platform for institutionalized liberty. Britain, Locke believed, could rely on "proto-liberal" traditions: feudal reciprocity, local autonomy, and common law. Meanwhile, in continental Europe, states were carved out of empires: so, what territorial borders existed? Emphasis was therefore placed on the *volk* — and liberal nationalism moved to nationalism as such. Boukert warns that nationalism, as evil as it often was, could now be replaced by creeping superstatehood.

Muller emphasizes national cooperation, taking his cue from Ludwig von Mises: the division of labor creates dependencies among our fellow men, and economic cooperation is dependent on liberty and security. No one is in a position to live independently. Whenever governments have drawn imaginary lines, people have crossed them. In Europe, Catholics and Protestants put differences aside to profit from each other. Indeed, as Voltaire said, "go to the London Stock Exchange," where people of different creeds and colors cooperate for the benefit of mankind.

Kamall asks whether the European Union is liberal, in the classical sense of being good for liberty. He maintains an optimistic view: sound political policies will win out. However, for the time being, the EU is more often than not a contradiction: it wants to open its internal markets — such as markets in energy — but it also wants to harmonize nations as one.

Next, Eamonn Butler of the Adam Smith Institute discusses tax simplification and reduction. Estonian Prime Minister Mart Laar, the father of Eastern Europe's flat tax movement, took power in 1992, when inflation was running at 1,000%, the economy was shrinking, and the nation was dependent on Russia for 90% of its foreign trade. Laar (who would serve until 1994, then from 1999 to 2002) started by abolishing tariffs on imports, and then put his flat tax in place, ensuring that no Estonian would lose more than 26% of his income. The neighbors took note. Lithuania now has a flat tax of 33%; Latvia of 25%; Slovakia of 19%. These nations have since lowered taxes because of external competition — Russia's flat tax of 13%. And guess what: all these countries' tax revenues *rose*.

Brian Micklethwait of the Centre for a New Europe, Samizdata.net, and the Globalization Institute discusses free speech in an age of political correctness. He explains that political correctness had its origin in the idea that once all power was placed in the hands of central planers, people would automatically begin to behave well. But to ensure the smooth transformation from a capitalistic society to a socialist one, something gently non-revolutionary was needed. Enter political correctness. The cruelty and intolerance of the 19th-century capitalist economies could not be allowed to hamper progress, so people had to be taught how to think in a way conducive to the new manner of life.

This was all interesting. But for me, the highlight of the conference was Claire Fox's talk, "Culture War: Radical Islam, Ideological Struggle and Lessons from the Cold War." Fox, a left-libertarian and director of the Institute of Ideas, explained that the West is disoriented. While most of us knew where to stand in the communism-freedom debate in previous decades, we are now backing down from the fight — the fight for civilization, for ideas, and for the promotion of our way of life.

The advancements made by Western science frighten many people. Environmentalism has become the new religion, and collective, artificial "human rights" are substituted for genuine ones. When Western planners see growth — such as in India and China — they try to hang the stone of "sustained development" around the necks of the people who are starting to prosper. There is disorientation within the ruling elite, who lack a mission and genuine, principled policies.

Moral relativism is rife, and nowhere do we see it better than in our response to Islamic terrorism. The events of 9/11 might have allowed the West to define its ideas. The opposite occurred. In this age of the politics of fear, the political class itself is fearful — largely because of its own intellectual uncertainty; its own lack of a *raison d'être*. Meanwhile, the West's culture of "rights," its grievance-mongering, and its desperate desire to be offended on behalf of all minorities have strengthened the resolve of Islamic extremists. Hatred of the West and its values of capitalism, freedom of speech, commercialism, and tolerance started from within, long before enemies outside our borders caught on. Every concession of principle that a culture makes to its internal critics gives these external forces another avenue of attack.

On that uplifting note, I am looking forward to the Libertarian International conference in Poland in May.

— John Lalor

Bartlett is a libertarian conservative who once worked for Rep. Ron Paul, the 1988 presidential candidate of the Libertarian Party, and for Ronald Reagan, and who was fired by the National Center for Policy Analysis in 2005 for criticizing President George W. Bush. He is a friend of libertarians — and on this issue he is right.

The LP people I've met are all well-meaning, but they are going in circles. They are pretending that if they keep running candidates for office, they will eventually win. In reality, they will eventually give up. Then fresh libertarians will take their place, and they will follow in the same circle. This has been going on for 35 years, and it is nuts.

If you want to campaign, do it for a ballot issue. Do it for a major-party candidate whose views are close enough to your own. Or help start the organization that Bartlett imagines. Anything but this. — Bruce Ramsey

What price Saddam? — By an odd coincidence, the 3,000th U.S. soldier to die in Iraq met his end within hours of the hanging of Saddam Hussein. Almost four years, 3,000 U.S. deaths, and $350 billion spent to polish off a degenerate dictator — was it worth the price?

Pretty hard to answer that question in the affirmative, is it not? Saddam, our erstwhile friend (in U.S. good graces until he invaded Kuwait in 1990), possessed no weapons of mass destruction, had no definite links to terrorists, and was being well contained by the sanctions and other measures in force since the end of Gulf War I. But George W. Bush, Dick Cheney, and the neocons knew better.

Not that I'm not glad Saddam is dead. Although I have my doubts about the death penalty in general (innocent men and women have been executed by the state), in some cases it is so richly deserved (Saddam, Timothy McVeigh) that my doubts are overcome. But it would have been much easier, after Saddam's capture in December 2003, just to hand the bastard over to the Kurds for summary execution. Then we could have declared victory and gone home, and thousands of young Americans could have gone on to live their lives in full.

The death of Hitler may have been worth all the sacrifices we made in the Second World War, but 3,000 young men and women killed in a hellhole like Iraq, and $350 billion in taxpayer money spent to get this guy? Please. What were the Bushites thinking? What are they still thinking now, as we head toward 4,000 deaths and beyond? — Jon Harrison

Cosmological constant — Cosmological philosophers and theoretical physicists usually accept as a truism that in a hypothetical universe of infinite duration, anything that is even remotely possible must happen sometime and happen infinitely often. In other words, given an infinite amount of time — the truism goes — anything that can happen will happen. But is this alleged "truism" true?

Let's assume, as a thought experiment, the following three premises: (1) the universe will endure forever; (2) George W. Bush is immortal; (3) Bush possesses free will and, therefore, could someday admit that the military occupation of Iraq was a monumentally stupid thing to do.

If you would, philosophers and physicists, please explain how it follows from these premises that he necessarily will make that admission sometime, and make it infinitely often.

It seems to me that there's no contradiction in simultaneously holding these two hypothetical propositions: (a) we have an infinite amount of time with which to work; (b) some things that could happen, never do. Bush's telling the truth about Iraq is one example. While it's something that could happen, I don't think it ever will, no matter how much time we are talking about. — David G. Danielson

Dynamite kids — As if things weren't crazy enough already in the Middle East, here's the officially sanctioned message in Palestinian textbooks for 11- and 12-year-old kids: "The noble soul has two goals: death and the desire for it."

The goal isn't to build magnificent skyscrapers or write brilliant novels or work on cures for the world's most lethal diseases. The noble goal for the noble soul is as simple as strapping on a dynamite belt and blowing oneself into a million pieces in an Israeli pizza shop.

This "death and the desire for it" line is from a poem by Abd al-Rahim Mahmoud. Along with other writings that glorify child martyrs, the quotation is included in "Our Beautiful Language," a standard text for sixth-graders after the Palestinian Liberation Organization took control over education in the Palestinian territories.

As officially stated, the underlying ethos of the Palestinian curriculum is "built on the principle of breeding the individual on the basis of serving society as a whole." Translated, that means breeding kids who believe that suicide and murder are noble, who believe it's noble to create a society where the individual reaches his highest stage of development by extinguishing his own individualism, his own existence. It's Jonestown, writ large, a cult of suicide for the collective, for Palestine.

A 16-year-old suicide bomber, Amar al-Far, outfitted for self-destruction by the Popular Front for the Liberation of Palestine, killed three people in an open-air food market in Tel Aviv. Said the boy's mother: "Why did they choose my son? He was just a child. It's immoral to send someone so young. They should have sent an adult who understands the meaning of his deeds." The boy's father told of his last encounter with his

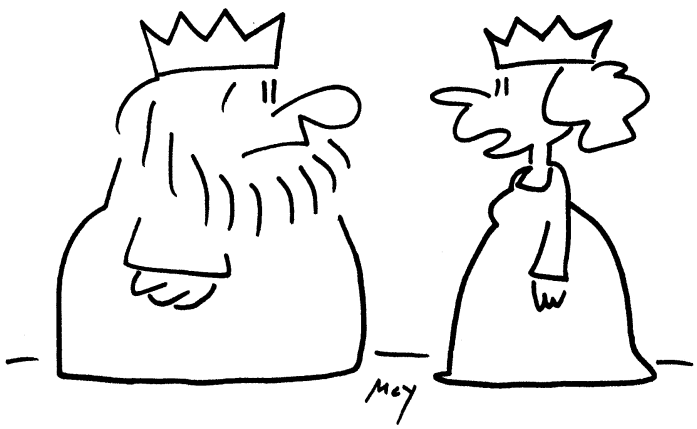

"If you want Most Favored Nation status, you'd better do something about that beard."

son: "I was asleep when Amar woke me up. He kissed me and asked for two shekels, 45 cents. He left the house and I went back to sleep."

An article in Rolling Stone, "The Unending Torture of Omar Khadr," tells the story of a 15-year-old captured by U.S. troops in Afghanistan after he killed an American Special Forces soldier with a grenade. "Born into a fundamentalist Muslim family in Toronto," Omar Khadr "had been prepared for jihad since he was a small boy," reports Jeff Tietz. "His parents, who were Egyptian and Palestinian, had raised him to believe that religious martyrdom was the highest achievement he could aspire to. In the Khadr family, suicide bombers were spoken of with great respect."

Before he turned 12, Omar had formal military training in bombmaking, assault-rifle marksmanship, combat strategy, and sniper tactics. "Omar and his father and brothers had fought with the Taliban against American and Northern Alliance forces in Afghanistan," writes Tietz. "Before that, they had been living in Jalalabad with Osama bin Laden. Omar spent much of his adolescence in al-Qaida compounds." When Omar and his brothers were very young, their father told them, "If you love me, pray that I will get martyred." To bring honor to the family, the father, rather than blowing himself to smithereens, asked Omar's older brother Abduraham to be a suicide bomber. After Abduraham refused, his father, suspecting a weakening of faith, told him, "If you ever betray Islam, I will be the one to kill you."

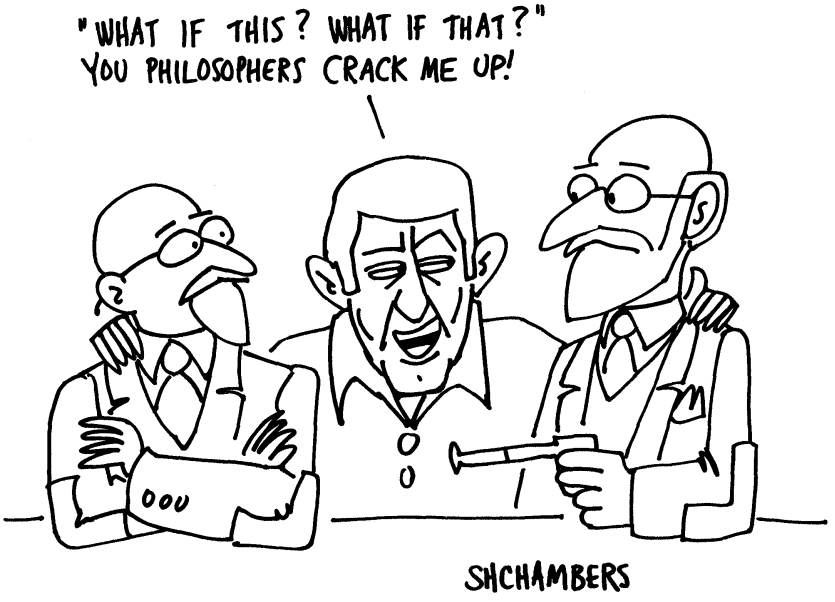

In "For the New Intellectual," Ayn Rand warns against "death-worshipping mystics" who control and humiliate through the use of guilt and fear, preaching that a man's pursuit of happiness here on earth is evidence of depravity. "There is no way to make a human being accept the role of a sacrificial animal," she writes, "except by destroying his self-esteem." — Ralph R. Reiland

Few men are an island — Prince Roy of Sealand is 85 years old. He's getting too old to govern and intends to abdicate sovereignty over his island principality. Prince Regent Michael, Roy's son and Sealand's head of state, is accepting monetary offers from prospective successor regimes.

The asking price is high. Michael hopes to fetch eight or nine figures in pounds sterling for the micronation, a man-made structure sunk into a sandbar about six miles off the coast of England. Its land area is 1% that of the Vatican. While Sealand is nowhere recognized as a bona fide state, it has resisted challenges to its autonomy for four decades, some in courts and some involving exchanges of gunfire.

It is an attractive location for would-be online gambling concerns and illegal file-swapping services. A Swedish group called The Pirate Bay has expressed interest in "buying" Sealand and hosting The Pirate Bay's internet filesharing service there, apparently undeterred by the lackluster performance of HavenCo, a company that similarly tried several years ago to create a Sealand "data haven" but met with limited success due to differences with the "royal family."

If you've got an insatiable thirst for pirated music and £100 million burning a hole in your pocket, here's your chance to do something about it. —Patrick Quealy

The great heist — Federal Reserve chairmen are the closest things that modern America has to prophets, so we attend to their words devoutly. And they tend to have their own oracular styles. Alan Greenspan was inscrutable; current Fed head Ben Bernanke is sententious. He said recently that "reform of our unsustainable entitlement programs" is urgent, because "the fiscal consequences of these trends are large and unavoidable." Gee, ya think?

But the point he is getting at is perfectly sound. The United States is facing the perfect demographic storm, a tsunami of retirees that will simultaneously push private pensions ("guaranteed" by the Pension Benefit Guaranty Corporation), public employee pensions and medical plans ("guaranteed" by city and state taxes), Social Security ("guaranteed" by the bogus Social Security trust fund), and Medicare and Medicaid (both "guaranteed" by payroll taxes) to the wall, and through it.

The amount of unfunded liability is breathtaking. The PBGC, supposedly reformed of late, has up to $450 billion in liabilities not covered by assets, and is currently running a $27 billion deficit. The Wall Street Journal recently put the unfunded liability of public employee pensions and medical programs at over $2 trillion (and the data are only now coming in). Of course, Social Security, Medicare, and Medicaid underfunding is astronomical — some estimates range up to $70 trillion or more.

Meanwhile, the United States is looking at a wave of 79 million Boomers — 28% of the entire population — whose aging will result in the ratio of people in the 25–60 group to those they have to assist, the over-65 group, dropping from the current 5 to 1 down to about 2.5 to 1 by 2050.

To keep paying out the promised level of benefits for just

Social Security and Medicare alone will drive spending on these programs from the current 7% of total GDP to 15% by 2050. If you add in likely federal bailouts of private pensions (thanks to the foolishly designed PBGC), and the state bailouts of bankrupt city and county pensions and health care plans, God alone knows where this will drive taxes. With a third of the population in retirement, the remaining workers will be looking at confiscatory taxation for sure, or slashing all other government spending (including defense spending) down to next to nothing. But confiscatory taxes wind up deterring people from working, so are ultimately self-defeating, and the world of 2050 is apt to be just as hostile to the U.S. as is the present world, if not more so.

I have argued elsewhere that state assets should systematically be sold to pay for Social Security obligations, but I know that chances are slim that the feds will be that responsible. No, in reality, I think that the likely consequence of these out-of-control programs will be means-testing. I suspect that within ten years, the federal government will hysterically announce that it cannot sustain these programs, and it will proclaim that anyone who has a certain level of wealth — probably in the upper tenth of the population — will simply lose his Social Security and Medicare benefits. Indeed, this has already started — in January, richer Medicare recipients will start paying higher premiums.

Of course, this move will be accompanied by a lot of class warfare rhetoric: "Look at those rich, greedy geezers! These millionaires should be ashamed of accepting benefits designed to help the little guy!" You already hear some liberal Democrats saying this, conveniently overlooking the fact that they themselves pitched the programs as annuities: people supposedly pay in to them during their working years, then withdraw the principle and interest during their retirement years.

Of course, these programs are anything but annuities: they are classic Ponzi schemes, in which present investors make handsome payoffs to earlier investors, in hopes that they, too, will be taken care of. The schemes collapse when the number of new investors cannot support the load of the older ones. Then people get burned. The victims of a Ponzi scheme are never the initial investors, who are paid well and become great boosters of the con. It's the later ones who suffer.

Means-testing will be the greatest financial crime of all time. Millions of people who contributed to the system for decades, believing the government's claim that it was saving the money for their retirement, will be brazenly told that, no, it was just a welfare scheme all along — a scheme, in fact, to advance other people's welfare. And in truth, it was also a vote-buying scheme, all along.

The number of victims of the government's imminent Great Means-Test Robbery will dwarf into insignificance the victims of all the business frauds ever perpetuated — up to and including Enron, WorldCom, and the other headline-making scams. Of course, when a business rips people off we call it fraud; when the government does it, we call it social justice.

— Gary Jason

Greener Mountain State — While Vermont is by no means consistently libertarian in outlook (in terms of economics, for example, it's sometimes only a little to the right of Castro's Cuba), the Green Mountain State can be very forward-looking when it comes to certain individual freedoms. Witness its first-in-the-nation recognition of civil unions back in the year 2000.

Now some members of the state's officialdom have come out and proposed an end to the senseless war on illegal drugs. As first reported by the Rutland Herald on Nov. 30, 2006, Windsor County State's Attorney Robert Sands has broken ranks with his fellow prosecutors and called for legalization. "I don't want criminals controlling the distribution of dangerous substances. I'd rather have a regulated marketplace," the Dec. 4 Herald quotes Sands as saying.

Cold Mountains — As I write this, the search has been given up for the Mount Hood climbers. One has been found dead and the other two are presumed dead. Three confident, virile young men, convinced they could dash to the top of Mt. Hood in the middle of December, all dead.

The sadness, the folly and pointlessness reminds me of Iraq. There too, men with more testosterone than sense felt that 10,000 years of history could be ignored and they could dash a conquering army into Mesopotamia, set up a puppet government, and pump out the oil, all to the applause of the world community. Like the Mt. Hood climbers, they found that the dash to the top was the easy part. Getting back was harder.

I have friends who have said that the climbers got what they deserved and that no one should be risking his life to look for them. There are others who share that view about President Bush and his cabal. The incompetence of both the Mt. Hood expedition and the Iraq war has been staggering. Bad strategy, bad tactics, bad worldview. I call this fractal incompetence. Like fractal math, it scales from the smallest detail to the biggest idea.

As a consultant I have seen many similar examples of deeply flawed judgments. They are a common problem with over-educated managers who think they know how the world works when they really have no idea whatsoever. They live in a self-congratulatory Platonic netherworld where the earth is a merely phenomenal place. They live in the land of forms, where just desperately wishing for something to be true gets them 80% there. After they con themselves and then the people around them, their Platonic truth becomes immutable. This is very handy since nothing that happens after that can be blamed on them. It is just "shoddy execution of the vision," as they might say.

There is one important distinction between the two events. The "idea men" behind the Iraq war will not die a horrible death in the cold. They will not die a horrible death in the sweltering desert either. They will go on to cushy sinecures at major think-tanks, military contracting outfits, or high-toned law firms. Unlike the Mt. Hood climbers, they will die no wiser.

— Paul Rako

Sands' counterpart for Windham County, Dan Davis, offered a milder proposal. According to the Herald, Davis favors making the possession of small amounts of marijuana (currently a misdemeanor) a civil offense. Compared to Sands' call for complete legalization, this would be no more than a baby step, but it still looks good when compared to the knee-jerk reactions that law enforcement typically has to the idea of legalization.

Speaking of knee-jerk reactions, Sands' call for legalization prompted one from Vermont's public safety commissioner, Kerry Sleeper. "We're forgetting about protecting the people," said Sleeper. Of course, any official whose paycheck depends on "protecting" the public will first protect his or her own turf, and damn the consequences. (Said consequences in this case being unnecessary and unjust restrictions on individual freedom, increased violence and property crime, and lives ruined by the stigma of a drug conviction.) It should come as no surprise that just as he was deprecating Sands' bold stand, Sleeper was accepting a $1.75 million federal grant to fund Vermont's Drug Task Force.

According to the Herald, Sleeper went on to predict that legalization would lead to a tenfold increase in the number of addicts. Unfortunately, the Herald neglected to ask Sleeper what evidence he had to back up his prediction. As is well known, the number of addicts has soared *since criminalization took effect,* far outpacing the rate of increase of the population as a whole. Current levels of drug use are so high that it is difficult to imagine just who might be out there waiting for legalization before choosing to indulge. Sleeper's warning of a tenfold increase in addicts is simply without any basis in fact.

On the other hand, some veterans of the drug war, speaking from long experience, have endorsed Sands' proposal. James Dean, for 21 years a federal probation officer at the U.S. District Court in Burlington, Vt., commended Sands for his "intellectual integrity and political courage." And in a commentary written for the Rutland Herald on Dec. 6, Peter Christ, a retired police captain from Tonawanda, N.Y., wholeheartedly endorsed Sands' view, calling for "an end to this madness, America's longest war."

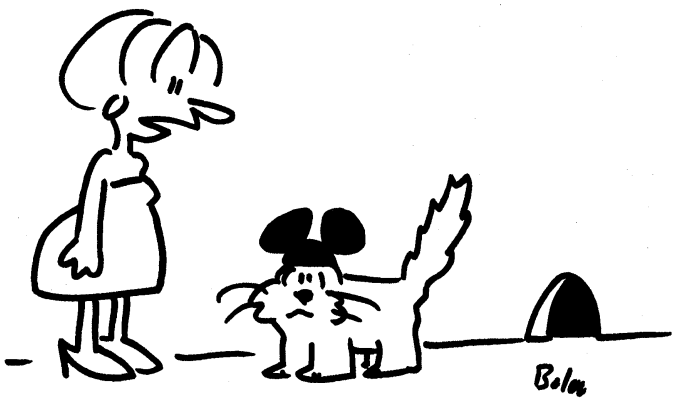

"You dozed off again, didn't you?"

Retired captain Christ is a founder of LEAP — Law Enforcement Against Prohibition — an organization that stands for the repeal of federal and state drug laws. LEAP has 6,500 members, including police and judges as well as average citizens. Only five years old, LEAP may be the vanguard of a movement that will sweep away the awful legal tyranny that is America's War on Drugs. We can but hope. — Jon Harrison

Privatizing antiterrorism — The only sure way to defeat terrorism is to limit the terrorists, mostly by imposing obstacles upon what they can do (initially through infiltration and surveillance) and then by eliminating them.

My assumption is that since al Qaeda and its allies are crazies who are going to die early anyway, the smartest opposing strategy would channel their efforts so that they would do the least possible damage. Need only libertarians suggest that such efforts are best privatized? And that invasions of whole countries, purportedly in pursuit of terrorists, is a counterproductive waste of money and, yes, young American lives?

— Richard Kostelanetz

Their geriatric majesties request — The Rolling Stones concert on Nov. 17 in Atlantic City was three weeks late, a replacement for a sold out Oct. 27 concert that was canceled four hours before show time. The show's rescheduling, according to the publicist for the band, was prompted by a doctor's advice that Mick Jagger should rest a sore throat.

Rosalie Druyan, wife of attorney Martin Druyan and a ticket holder from Brooklyn, the same litigious place where some girls sued McDonald's because they gained too much weight after downing an abundance of Quarter Pounders, promptly filed a $51 million class-action lawsuit, accusing Jagger and the Stones of fraud and of acting in bad faith because the concert wasn't canceled early enough for fans to cancel flights and hotel reservations.

Fans from Europe, some just disembarking from 14-hour flights, were carrying on that they had just spent a small fortune on flights, nonrefundable rooms, and things like kennel fees. There was a lot of swearing at the front desk of the Borgata, the casino hotel where many of the fans were staying.

"I won't even repeat what they were saying," a reservationist at the Borgata told me. Just leave out the swear words, I suggested, looking for some quotes for this Reflection. "I can't," she said. "Everything was a swear word."

"Gert Kuiyer and Willem Nootenboom left Amsterdam in the Netherlands at 6 a.m. Friday with hopes of seeing their 51st Stones show," reported The Press of Atlantic City. "After a grueling day of travel by plane and rental car, they arrived at a fan club party at Atlantic Bar & Grill on Pacific Avenue only to discover the show had been canceled."

Similarly with Ingeborg Bannier, flying in from Berlin to see the show." Bannier, a 52-year-old German psychotherapist, grew up in East Berlin, where as a teen she secretly recorded Rolling Stones songs that aired on West Berlin radio stations," reported The Press. "She's seen 43 Rolling Stones concerts throughout the world."

Quipped Mrs. Druyan's husband, Martin, who is representing his wife in the case, "Talk about no satisfaction."

But one wonders what would have happened to Judy

Garland if the Druyans had been around in the '50s and '60s. Would her fans have gone for the jackpot each time Ms. Garland appeared to be less than fully sober during a performance, or sued each time she canceled with insufficient lead time?

Unlike the litigious Mr. and Mrs. Druyan, a more philosophical Stones fan, probably in her late 60s, gave me a more relaxed reaction to the show's cancellation. "It's okay," she said. "He's only human. The rest of us get to retire at 65. When you're an old-timer like me, you've seen it all."

And seeing it all, I think, has much to do with what's so engaging to so many people about a Stones concert, engaging enough to get people to fly from Europe to see Mick give a live performance of "Paint It Black" for the 51st time.

For a crowd that's old enough to have dodged a few bullets of its own, there's an admiration for the longevity of the Stones, an appreciation of their spirit and energy after 44 years on the road.

Keith, as always, started his solos by telling the crowd, "It's good to be here. It's good to be anywhere." In April, he'd fallen out of a coconut tree in Fiji. Neurosurgeons drilled small holes in his skull to relieve pressure and remove blood clots, a procedure known as a craniotomy. Mick's father had died the Saturday before the concert. Ron Woods was mourning the recent death of his brother. And Charlie Watts was there at the drums, a survivor of a 2004 bout with throat cancer.

As the Boston Globe commented, reviewing a Stones concert earlier in the tour, "The Stones' vitality remains undimmed, their signature chemistry and DNA a rock life force undiluted." — Ralph R. Reiland

At second glance — In the January 2007 Liberty, this reflector opined ("Whither America") that the Republican loss of the House and Senate might not be so significant because the party in the presidency usually loses seats in the sixth year of a presidency, and because the Republicans might reclaim the House and Senate in 2008. Now that I've had a few more weeks to reflect on the 2006 election, this analysis no longer seems as accurate as it did then.

First, given that modern districts are drawn with computer-aided precision, and that incumbents of both parties have had extremely high re-election rates in recent years, the fact that six incumbent Republican senators and 22 incumbent Republican House members went down to defeat is nothing short of political slaughter. (Republicans also lost 20 of the 36 governorships being decided.)

Second, it is an open question whether most of the lost Republican House seats will ever come back. To be sure, a few of them, particularly the several lost by Republican representatives plagued with ethical problems, are likely to be regained. But this is, at most, about five seats. Even if the Republicans regain five "easy pickings" House seats in 2008, that would leave them with only 207 seats, eleven short of a majority.

Moreover, these eleven seats will be hard to pick up in future years. Republican House losses were disproportionately concentrated in the Northeast and Midwest. Now, in these centrist districts, Democrats will be running as incumbents and Republican primary voters will be likely to nominate conservatives (formerly, many of the lost Republican House seats in the Midwest and Northeast were held by moderates). It will be hard for Republicans to take back the House, and any margin of majority there would likely be small.

While prospects are better in the Senate, the loss of six incumbent Republican senators running for reelection — Santorum (Pennsylvania), DeWine (Ohio), Chafee (Rhode Island), Talent (Missouri), Burns (Montana), and Allen (Virginia) — was a blowout. The Republican Party is in danger of being relegated electorally to southern, plains, and Rocky Mountain states. This is, indeed, almost the situation in which the party now finds itself.

The year 2008 is a long way off. It is uncertain who each party's presidential nominee will be. Some terrorist or international event could change the domestic political situation. The economy seems strong. If Iraq yet turns out satisfactorily, America may continue to have a two-party system in which Republicans are the majority party much of the time. — Lanny Ebenstein

Overdue for change — With the new year comes new hope. As one of those saps compelled to contribute union dues that are then used to fund political causes I despise, my eyes turn hopefully to the Supremes for liberation. In January the U.S. Supreme Court took on appeal a ruling by the Supreme Court of the State of Washington in a case that will be crucial in determining whether *Beck* worker rights will be implemented.

The case arose from a 1992 initiative passed by the voters of Washington. The initiative was a paycheck protection act, passed overwhelmingly in that generally blue state, to stop unions from using a worker's compulsory dues for political purposes without written authorization from that worker. This initiative was meant to start enforcement of the U.S. Supreme Court's 1988 *Beck* ruling, which meant essentially the same thing, but was and is widely disregarded by unions. Naturally, the Washington Education Association (the state's biggest teachers' union) sued to block the initiative from taking effect and convinced the state's highest court that the law was unconstitutional, because it would be too hard and costly for the unions to comply with, and thus would interfere with the *unions'* free speech rights.

The way unions have used their members' dues is nothing short of dictatorial. Unions spend 60% and more of member dues on lobbying, political donations, and other political activities. And 90% of the political donations they make go to Democrats, even though up to 40% of union members vote Republican in any given election. Indeed, when Colorado and Utah passed paycheck protection laws, union dues collections dropped 70–90%.

In most states, workers can be forced to join a union as a condition of employment. Let's hope the Supreme Court does the right thing and reverses the Washington decision — or even better, finally mandates that all unions put into effect the rights granted their members by *Beck*. — Gary Jason

Congo's counterfeits — Milton Friedman secured his place in history when he established the fact that inflation is a monetary phenomenon. When a government prints too much money, the value of the currency is diluted.

It's a lesson that the president of the Democratic Republic of the Congo, Joseph Kabila, seemed to understand, especially after the rampant inflation of the Mobutu years. Kabila, who

was just re-elected, won international plaudits for imposing macroeconomic stability on a country that is more an outline on a map than a reality.

But the recent elections have strained the public purse and, as The Economist reports, "Strapped for cash, the government seems, once again, to be cranking up the currency presses: diplomats allege that in the past five months the central bank has counterfeited its own money, by duplicating fresh bills."

Perhaps Congo's central bank reasons that fake currency produces only fake inflation? — Robert H. Miller

Arts counsel — One common theme implicit in conservative and libertarian dismissals of the National Endowment for the Arts is a reluctance, if not failure, to understand arts patronage. Because much of the best art has not survived (and still does not survive) in the marketplace, moneyed patrons have thought support of arts, composers, and sometimes writers worth their while. To no surprise, sophisticated patrons compete with each other to capture the best.

One of Tom Wolfe's best insights in his book "The Painted Word" is that once rich people no longer earned social and psychological credit for supporting the poor, who had become wards of the state, some of the wealthy turned to collecting eccentric visual art, a few amassing impressive holdings entirely with their own funds. Their collections could then appear in magazines publishing photographs, individual

The History of Money

by Aaron Anderson

A long time ago, when the world was young, people didn't have money. They bartered for things they needed. If you had a billy goat you wanted to get rid of because he kept sneaking into the house at night, you could swap him off with a neighbor for, let's say, a sack of figs. No money changed hands. No bill of sale. No credit checks. No monthly statements. No nothing. If it turned out that the figs were largely rotten, you marched right over to your neighbor and knocked his teeth out. Things were simple then.

Major inventions, such as the wheel and, later, the claw hammer, allowed civilization to advance. Bartering became much too cumbersome. If you wanted a pyramid of your very own, for instance, and all you had to swap for it was a bunch of chickens, you'd be up to your armpits in leghorns before the transaction was complete. Something had to be done to simplify things. It was then that money was invented to facilitate the flow of goods, and the world has not been the same since.

At first people only used coins. They were generally made of copper, silver, or gold, representing various values, and became known as cash after their inventor, Joshua Ezekiel Cash, a distant relative of Johnny. Coins went over extremely well, particularly with a man named Charley Gamble, who at the time was working on a new game he called pinball.

The Indians of North America developed the best monetary system. They used clamshells as a medium of exchange. There was only one thing wrong with this system: during the high tides of winter, many Indians went broke and had to go on welfare.

The flow of commerce increased, and it wasn't long before coins were no longer adequate to handle it. They were just too heavy. People started getting stoop-shouldered carrying all those coins in their pockets. It was a sad sight to see, whole towns full of people going around all bent over and unable to shake hands with each other.

To correct this serious situation, paper money was invented. People straightened up right away, but paper money had its drawbacks. There was just so much of it floating around that people became confused. People then invented banks, and the world has not been the same since.

History is a little vague as to who started the first banks. It is believed to have been an energetic gentleman by the name of Pierpont Morgan. He started it all by agreeing to keep cash for a friend who was gone for a few days in search of more concubines for his harem. Morgan put the cash in a cigar box for safekeeping. Word of the arrangement got around, and other people availed themselves of Morgan's generosity. Soon his little home was full of cigar boxes with money in them.

One day Morgan said to himself, "Morgan, you fool! Here you are keeping all that money for your friends, and you're not getting a thin dime for yourself!" (Actually, dimes were not so thin in those days; it was just an expression people used.) From then on Morgan charged his friends a small amount for keeping their money in a safe place.

Not long after that, Morgan had another idea: "Morgan, you fool!" he said to himself again, "here you got all this money lying around cluttering your place and you're not doing anything with it! Why not use it for some investments? Why, you could buy up all those shacks poor people live in down by the river and convert them into condominiums!"

Just to make sure that he would have no problems with his depositors, Morgan agreed to pay them a few pennies for the use of their money. When everyone heartily agreed, Morgan knew he was on to something. That was the beginning of interest payments, and the world has not been the same since.

Morgan made sure that the amount of money paid to him by his depositors for keeping their money was considerably higher than the amount he paid them for his use of same. As a result of this clever move, Morgan was able to expand his business, opening several branch

objects could be lent for exhibitions crediting the collectors' names, and whole collections could be shown. In my hometown some of these pioneering collectors in turn used their own money to found the Whitney Museum of American Art, the Guggenheim Museum, and the Museum of Modern Art, each beginning with a mandate setting it apart from the others.

Other patrons support libertarian activities, not only with their earned income but also with the unearned income that comes from savings on tax deductions. Since Ludwig von Mises' salary was paid not by New York University but by an individual fan, he too had a patron repairing a default in the free market. I sense that too many critics of government cultural patronage don't at all understand any kind of patronage.

Why have states supported art? Not only to benefit the public but to earn favorable credit with their publics. That's why not just the Medicis but even worse despots have patronized artists. This last truth became most apparent to me in West Berlin, whose DAAD Kunstlerprogramm invited me in the 1980s to spend a year in residence there, along with other prominent avant-garde figures. With comparatively little West German money, the Berliners were supporting our work to sustain the pre-WWII myth of their city as an artistic hothouse. Nearly the entire budget of the West Berlin opera came from public funds, simply because Germans regard the quality of its opera as one sure measure of a great city.

As the West German government wanted research facilities

offices along the river. They became known as the Banks of the Nile.

It wasn't long before Morgan became quite prosperous. As a matter of fact, he became filthy rich. People came to him for advice, something they had never done when he was poor. Morgan built an elegant home on a hill where he could overlook the rest of the people. He bought a gold chain to string across his vest and a sundial watch so he knew when happy hour began down at the club. In no time Morgan began to look like a typical banker, although no one knew then what a typical banker was supposed to look like.

Morgan's banks were not without problems, though. For one thing, people began withdrawing their money early, before Morgan had a chance to fiddle with it. Morgan woke up one morning from his sleep with the answer: "I'll slap a penalty on those guys if they withdraw their money before a designated time." He went back to sleep with a satisfied smile on his face. The next day people began noticing huge signs strung high across the street and tacked up against buildings. The signs bore the bank's logo and proclaimed, "SUBSTANTIAL PENALTY FOR EARLY WITHDRAWAL."

The reaction was immediate. People became terribly frightened. They huddled in small groups excitedly discussing the edict. There were rumors that early withdrawal of savings could lead to dire consequences — a broken leg, a smashed skull. . . . Morgan was no dummy. He realized he might have gone too far. He called the people together in the town square and told them the penalty for early withdrawal would not be as severe as they imagined. But the damage had already been done. Before the penalty went into effect, many of the depositors withdrew their money and put it in cigar boxes at home. Something had to be done.

That's when Morgan came up with his best idea yet. He told his depositors that if they left their money in the bank or opened new accounts, he would give them something. He had a lot of slightly cracked dishes in the back room, and he decided he would start with those. The giveaway went over well. However, Morgan wasn't through yet. When he ran out of dishes to give away, Morgan came up with an even better deal. He gave away plates made of reflective metal. Customers were instructed to place a piece of bread on the metal and then put the metal in the direct rays of the sun. The intense heat made the bread leap right up into the air. Although Morgan didn't realize it at the time, his giveaway promotions represented the birth of public relations. The world has not been the same since.

Morgan continued to innovate. He removed the iron bars from around the tellers' cages (thought incorrectly by some to have been named after Anthony J. Teller of Damascus, who had become the darling of the financial world for having worked 27 years without a raise in pay). For the first time, too, tellers were smiling. They also sang out "Have a nice day!" to customers who deposited over one hundred dollars. Morgan even left little dishes around filled with dinner mints (the cost of which was deducted from the assistant manager's pay).

Morgan was aging, but he never let that get in the way of his passion for money and banking. One morning, after awakening from a deep sleep, Morgan conceived what he thought would surely be his greatest contribution to banking. He envisioned something like tiny insects, which he would name "digits." These little bugs would be able to move themselves up and down the river at lightning quick speeds. By turning dollars into data, Morgan would no longer have to struggle with finding places to put all the cigar boxes. He even saw the potential for opening data banks and charging his customers additional fees for storing their own data in his data banks.

Alas, Morgan met his end still pondering the problem of how his customers could access their data conveniently from his data banks anywhere on the river. It wasn't until years later that plastic was invented, and a man named Alavar Credit invented the credit card. And the world has not been the same since.

Yes, money has had a colorful career. Today, of course, it is much more versatile. Banks today often loan poor countries millions of dollars to straighten out their economies. When the countries cannot pay back the loans, the banks loan them more money. That's versatility.

There are going to be big changes in the future, too, what with computers and all. There's even talk now that some banks may remove those little chains connected to ballpoint pens. Surely the world will never be the same.

and companies with educated employees to locate in Berlin, at that time an island isolated in the middle of East Germany, it was smart public policy to support such incentives as a first-rank opera, a world-class symphony, and, oh yes, some artists and writers imported from abroad. Some of us made works that wouldn't otherwise have happened, works that are still remembered there — in my case several films about the Great Jewish Cemetery of Berlin as a representation of pre-WWII Berlin and a '60s audio composition about the sound of the language of prayer in Berlin. The famed Berlin

continued on page 42

Gerald Ford, R.I.P.

Gerald Ford was not a great president. He had been a congressman, a leader of the Republicans in a chamber dominated by Democrats. He never had the ambition to be president, and if he had, he would never have been nominated from his seat in the House of Representatives. Richard Nixon elevated him to vice-president to replace Spiro Agnew, who had been exposed as a crook. Nixon chose Ford because he was clean and had enough Democratic friends to get ratified. Everyone liked Jerry Ford. And when Nixon flew away to California, there was Gerald R. Ford, President of the United States.

Ford looked like a football player, which he was — corn-fed, with a dumb grin. The man was not as calculating as Nixon, nor as devious, and the press made fun of him for stumbling. National Lampoon put him on its cover, shoving an ice cream cone into his forehead. But Ford was not stupid, and he was physically and emotionally healthy. He was *normal.* His wife was normal, too. People liked Betty Ford. When she revealed her struggle with the bottle, they liked her more — and felt safer with him.

Ford pardoned Nixon, which was a big thing at the time. He kept Henry Kissinger in the administration and signed the Helsinki accords with the Russians. He had an economic program called "Whip Inflation Now" — WIN — which didn't. He failed to convince Congress to continue aid to South Vietnam, and he watched it go down. He sent the military to rescue the crew of the freighter *Mayaguez,* held captive by communists, and he got them back.

More important is what he didn't do. He didn't worm America into a war, as Johnson had, or prolong one, as Nixon had, or play nuclear roulette, as Kennedy had. He fought no war at all, and — for the first time since Herbert Hoover — there was no military draft during any part of his term. Facing a serious recession, he started no new social programs or economic controls. He vetoed 56 pieces of legislation passed by the Democratic Congress and made 44 of his vetoes stick.

Ford was no Ronald Reagan, promising to shrink government. But he was no George W. Bush, either. At this point in history, I'm inclined to remember our accidental president very fondly. — Bruce Ramsey

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My favorite president died on Dec. 26. During his short tenure, from August 1974 to January 1977, Gerald Ford was viewed as a do-nothing president. In fact, he did what presidents should do: he attempted to restrict the growth of government rather than abet it.

Ford vetoed more bills than any other president since Dwight D. Eisenhower, many of them big spending bills pushed by the Democratic majority in Congress. His anti-inflation program, Whip Inflation Now, with its memorable "WIN" buttons, was harmless, unlike most government programs. And although he was a congressman for 25 years, he never wrote a major bill.

Ford lost the 1976 election because he pardoned Richard Nixon, a courageous act that today even Ted Kennedy and the New York Times acknowledge as good policy.

The media didn't "get" Gerald Ford, so they ridiculed him for being clumsy and intellectually weak. (It was said about him that he couldn't walk and chew gum at the same time.) Yet Ford was physically adroit and intelligent. He had been a star football player at the University of Michigan (with contract offers from the Green Bay Packers and the Detroit Lions upon graduation), and he went to Yale Law School. There, he not only graduated in the top third of his class but served as assistant coach for the football team and head coach for the boxing team.

When Ford assumed office upon Richard Nixon's resignation, he told Americans that "our long national nightmare is over." He was referring to the Watergate scandal, but for many Americans, the nightmare was the Vietnam War, and it ended on his watch. Posthumously, he has been praised for bringing decency back to the office of the president and normalcy to the country. The media are right about that.

The last year of his term, 1976, was the bicentennial of the signing of the Declaration of Independence. Many people remember the celebration, which featured tall ships elegantly sailing through New York harbor. My memory is more prosaic.

At a leafy green public park in Chicago, I attended my first "old-fashioned Fourth of July picnic," complete with orator. The sun shone, the birds chirped, families unpacked their picnic baskets on the grounds, children ran about and shouted, and the speaker praised liberty. For the first time in a decade I was proud to be an American. Thank you, President Ford. — Jane S. Shaw

Engage Iran: A Way Out of Iraq

by Jon Harrison

The U.S. should anticipate events rather than await them.

American policy in the Middle East is at an impasse. The Iraq Study Group, also known as the Baker-Hamilton commission, has labored — and brought forth a mouse. Its amorphous recommendations, amounting to more of the same with a bit of self-projected light at the end of the tunnel, seem designed to dodge the issues rather than resolve them. Since there is so much blame for Iraq to go around, and no one — not a single politician or soldier — is willing to take any of it, this is perhaps understandable. Victory has a thousand fathers . . .

Few Americans realize how dangerous the U.S. global strategic position is today. The troops and equipment of the Army and Marine Corps are being ground down by repeated deployments to Afghanistan and Iraq. The situation on the ground in both these countries is deteriorating. The frontier provinces of Pakistan, which feed the revitalized Taliban insurgency in Afghanistan, may be on the brink of an explosion.[1] In East Asia, we are just one mad impulse of Kim Jong Il away from disaster on the Korean peninsula.[2]

In Iraq the supply routes for our forces, not to mention the avenues of exit when we finally do leave, are within range of Iranian guns. Admittedly, it would be suicidal for Iran to fire those guns. But less direct means exist for the Iranians to wreak havoc on American forces in Iraq.

Stretching from just south of Baghdad to the Persian Gulf is the Shiite portion of Iraq. This area is swarming with militias capable of unleashing guerrilla warfare against our troops and supply columns moving between Iraq and Kuwait. The militias are very much under the influence of Shiite Iran.[3] Imagine our forces attempting to withdraw in the face of opposition from thousands of urban guerrillas in Najaf, Amara, Naseriya, Basra — each a potential Mogadishu. That our troops could eventually cut their way through is certain. That casualties would be very heavy is equally certain.

It seems a long time ago that the Bush administration and the media were seriously contemplating a campaign against Iran. Yet it was only late last summer that the drumbeat for war against Iran reached its crescendo, at least in the media. At the same time the Bush administration, no doubt taking into account how bad the situation in Iraq had become, was actually moving *away* from a confrontation with Iran. The administration had already issued a visa for former Iranian president Seyyed Muhammad Khatami to travel to the United States. Then in early October, comments by former Secretary of State James Baker, head of the commission seeking to pull Bush's chestnuts out of the fire in Iraq, left the impression that a war against Iran was no longer in the cards. This impression became a certainty once the November election results were tallied.

The Baker-Hamilton commission's major positive recommendation is that the U.S. should talk to Iran — which is indeed the key to getting the United States out of Iraq relatively quickly and cleanly. Additionally, it can be the route

for maintaining a predominant U.S. influence in the Middle East, in the face of competition from Russia, China, and the European Union.[4]

So long as the U.S. economy is dependent on fossil fuels, the Middle East and its oil and gas fields will remain important to us. No amount of drilling in the Arctic National Wildlife Refuge or anywhere else will make America independent of foreign oil. The petroleum resources available outside the Middle East are not sufficient to allow us to ignore the world's greatest repository of oil. Becoming more dependent on non-Middle Eastern suppliers such as Venezuela, Mexico, and Nigeria, with their hostile or unstable governments, would not be a sound policy. Finally, it should be recognized that in the absence of a major U.S. role in the Middle East, Russia and China will seek to fill the vacuum. A Russian or Chinese stranglehold on the Western world's primary source of energy is not a situation we could live with.

The simple fact is that the United States is not going to leave the Middle East.

I know that many readers of Liberty would prefer that the U.S. simply withdraw from the Middle East. I sympathize with their views, and I truly wish I could be an advocate for those views here. But the simple fact is that the United States is not going to leave the Middle East. Bearing that in mind, I am trying to point the way toward the best possible policy for the United States to follow — not my ideal policy, and perhaps not yours, but the most effective and least costly one that might actually be implemented.

If we accept the idea that a predominant U.S. influence in the Middle East is necessary, the question then becomes: why is engagement with Iran important? American policy in the Middle East rests on three pillars: Israel, Egypt, and Saudi Arabia (there is a fourth — the Hashemite kingdom of Jordan — that provides support for the U.S. presence in the Middle East, but it is of relatively little importance). All three are long-term liabilities for the United States.

The special relationship with Israel unquestionably complicates our relations with the Islamic world, threatening the uninterrupted flow of Middle Eastern oil to Ameircan industry and consumers. This U.S.-Israeli special relationship will, however, continue. The one forward step the United States could take would be to put considerably more pressure on Israel to reach a settlement with the Palestinians. It is beyond the scope of this article to discuss the Israeli problem in greater detail.

In the Arab world the U.S. has placed its bets on Saudi Arabia and Egypt, with good returns up to now. But both these states represent wasting assets. Egypt and Saudi Arabia are in effect the personal fiefdoms of the Mubarak and Saud families, respectively. As such, their existence is based on bribery and repression, rather than popular support. In time, it is likely that these ruling families will come to grief at the hands of their own people, replaying the end of the Shah of Iran.

As a concomitant to our support for these dictatorships, the U.S. has become deeply unpopular among the Egyptian and Saudi masses. Recall where almost all of the 9/11 hijackers, not to mention thousands of other al Qaeda recruits, came from. And it is estimated that two-thirds of the suicide bombers in Iraq were Saudis. Our Egyptian and Saudi friends constitute a small minority floating uneasily on a sea of anti-Americanism. If a political tsunami were to sweep them away, the American position in the Arab world would be lost as well.

The United States should anticipate events rather than await them. That means engaging Iran. Iran, much more than any Arab state, is a true nation. While the Arabs will almost certainly sink back into obscurity once their oil fields run dry, the Iranians are a people to be reckoned with. There is substance to Iran that one does not find in any Arab state, not even Egypt.[5] Iran has an ethnic and cultural continuity that Egypt lacks; it has also absorbed Western ideas and techniques far more readily, and to better advantage, than any of the Arab states.[6] With a long and storied history, a population of nearly 70 million able and energetic souls, and the world's second-largest proven oil and gas reserves, Iran represents the biggest prize in the Middle East, and is recognized as such by American rivals Russia and China.

As an emerging regional power, and the country to which Shiite Islam looks for leadership, Iran is clearly the rising nation in the Middle East, and one with which the United States *must* engage. Many advantages would accrue to the U.S. from a rapprochement with Iran, beginning with a resolution to the Iraq problem.

Given a U.S.-Iranian understanding, that problem simply disappears. The U.S. could acknowledge the fact that Iraq has devolved into three separate entities, the most important one of which is Shiite-dominated and looks to Iran for guidance. We could then withdraw our forces, leaving the Shiite-dominated Iraqi state, with Iranian assistance, to crush the Sunni insurgents (Baathists and al Qaeda) in Baghdad and al-Anbar province. If the Iraqis and Iranians are successful in this, it would eliminate the possibility of an al Qaeda terrorist state emerging on Iraqi soil. Even if the Iraqis and Iranians failed to suppress the insurgency completely (a result not necessarily unfavorable to our long-term interests[7]), the terrorists would be far too busy fighting for survival to mount operations against us.

In Iraq the supply routes for our forces, not to mention the avenues of exit when we finally do leave, are within range of Iranian guns.

Immediately after the November elections the Saudi king, Abdullah, summoned Vice President Cheney to Riyadh. It is said that Cheney was told the Saudis would intervene in Iraq to support the Sunnis, were the U.S. to side with the Shiites or

withdraw. Given both the internal situation in Saudi Arabia and the fighting ability of the Saudi armed forces, this must be seen as a bluff. The Saudis have no chance of standing up to Iran. They could send money into Iraq, and volunteers willing to blow themselves up, but these could not bring about a fundamental shift in the Sunnis' fortunes. The Saudis could threaten to cut us off from their oil, but if the U.S. had forged a relationship with both Iraq and Iran, that threat would be hollow.

We should *not* withdraw from Kurdish territory in Iraq. The Kurds have established an autonomous republic within Iraq, and are champing at the bit to declare complete independence. They are friendly to the United States and would welcome a U.S. presence in their country.

An American presence in Kurdistan[8] could only add weight to our influence in the region. The U.S. would be well-placed to restrain Kurdish irredentism and the regional disruption it could cause. (Turkey, Syria, and Iran all have Kurdish minority populations.) Kurdistan could also serve as a *point d'appui* for U.S. forces if al Qaeda got out of hand in al-Anbar. Turkish anti-Americanism, already on the increase, would admittedly receive further impetus from any U.S. backing for the Kurds. But Turkish parliamentarians voted in 2003 to prevent the use of their territory for operations against Saddam Hussein's Iraq. Standing by the Kurds is the least we can do to repay our erstwhile Turkish friends for their perfidy.

Engaging Iran has been advocated by thinkers as diverse as Thomas P.M. Barnett and Jim Lobe.[9] Barnett has made the point that the United States, having disposed of Iran's two most troublesome neighbors (that is, the Taliban in Afghanistan and Saddam Hussein in Iraq), has chips to call in.[10] But these chips are useless if the U.S. refuses to play the game. It should be remembered that no less a strategic thinker than Richard Nixon selected Iran (albeit under the Shah) as the stand-in for British power in the Gulf, once Britain had decided to abandon its position east of Suez.

Can Iran be engaged? This certainly would have been easier between 1997 and 2005, when the moderate cleric Muhammad Khatami held the Iranian presidency. Democrats and Republicans alike have much to answer for in failing to take advantage of the possibilities on offer during Khatami's time in office.[11]

In May 2003, in the wake of the entry of U.S. troops into Baghdad, Iran offered to settle its outstanding differences with the U.S. on very favorable terms. The Bush administration, apparently triumphant in Iraq, did not deign to reply to this overture. Now Iranian officials feel confident enough to trumpet their preconditions for any U.S.-Iranian talks, including a definite timetable for the withdrawal of American forces from Iraq. We will simply have to ignore both the preconditions and the insolence behind their enunciation as we try to engage the Iranians. The strategic advantages to be gained from engagement are too important for us to stand too much on our dignity. Diplomatic finesse will be required to bring the Iranians to both their senses and the table. Whether the national security team of Bush, Cheney, Rice, Hadley, and Gates (second-stringers all) is capable of accomplishing this is by no means certain. Nor do we yet know if they will even try.

One of our Iranian interlocutors would be President Mahmoud Ahmadinejad, a man who manages to give the impression of being a pipsqueak and a villain at the same time. Ahmadinejad's doubts about the Holocaust and his call to relocate Israel to Europe do not bode well for any fruitful engagement. Indeed, watching this man greet David Duke at a recent gathering of Holocaust-deniers in Tehran was enough to turn one's stomach. But there is more to present-day Iran than Ahmadinejad and his ilk. For example, in local elections held in December, reformers and moderate conservatives outpolled supporters of Ahmadinejad.

Iran can be an American stalking-horse in the essential task the U.S. must set for itself over the next generation — the diminution, or perhaps dissolution, of the Chinese empire.

Although anyone reading or listening to the American media would never know it, the Iranian revolution and the Islamic Republic it spawned have actually run out of steam.[12] The germ of a European-style democracy (admittedly with a religious component) is there, if the Western nations will but help it to flower. This opportunity exists *now.* It is in both the short and long term interest of the U.S. to seize it.

As a first step, the United States should approach Iran concerning mutual apologies and reconciliation over the events of 1953 (when the U.S. overthrew the democratically elected Iranian government of Muhammad Mossadeq)[13] and 1979 (when the Iranians seized the U.S. Embassy and hostages). Once a blank slate has been established, cultural exchanges, economic ties, and political and security talks should follow. In short order it would be seen that U.S. and Iranian interests, rather than being in opposition, in fact dovetail.

What does Iran stand to gain from a rapprochement with the U.S.? First, it no longer faces the danger of a U.S. attack. Second, it wins recognition of its regional status and influence from the world's greatest power. Third, it obtains economic and technical assistance (particularly in the energy field) that no country other than America, not even Russia or China, can provide.

What does the U.S. stand to gain? As already discussed, rapprochement with Iran would provide a way out of the Iraq mess. It would also relieve pressure on Israel's northern frontier (Hezbollah in Lebanon). And it would give the U.S. leverage on the nuclear issue. The problem of Iran's nuclear program will be solved, if ever, only by U.S.-Iranian engagement. It will not be solved while the two countries remain in opposition.[14]

Going even beyond this, a relationship with Iran opens up the prospect of far-reaching advantages for the United States. Iran can serve as a fulcrum for U.S. world power, presenting us with opportunities hitherto undreamed of. A U.S.-Iranian condominium over the "Black Crescent,"[15] especially in light of growing instability in Saudi Arabia, would guarantee U.S.

energy supplies far into the future. Iran also presents a perfect pivot-point for the extension and consolidation of U.S. influence in the former Soviet republics of Central Asia, with their important mineral and natural gas resources. Last but by no means least, Iran, operating under the flag of pan-Islamism, can be an American stalking-horse in the essential task the U.S. must set for itself over the next generation — the diminution, or perhaps dissolution, of the Chinese empire.[16]

The possible fruits of a U.S.-Iranian rapprochement, as outlined above, go far beyond the puerile initiatives of the Bush administration in the Middle East — its pettifogging ideas about democratizing the Arab world, and its foolish little war in Iraq. Admittedly, even a friendly Iran would not necessarily be amenable to some U.S. policy objectives, and would be capable of playing a double game against us. Be that as it may, engagement should be tried. The U.S. will always retain the *ultima ratio* of war, should engagement fail. It would be irresponsible to choose war without giving engagement a chance.

There are people who abhor the thought of talking to Iran, period. There are others, like George W. Bush, who would do so only if the Iranians agree to onerous preconditions set by the United States. Beyond the fact that the U.S. is currently in no position to set terms, I would remind these people of Lord Palmerston's dictum: "England has no friends, only interests." The same holds true for 21st-century America. ❑

Notes

1. See "In Pakistan, Recent Attacks Shred Hopes for Regional Peace Model," Washington Post, Nov. 11, 2006.

2. The North Koreans are reported to have 10,000 artillery pieces aimed at Seoul. Should war break out in Korea, we have insufficient ground forces available to defeat the North Koreans, and would have to employ massive airpower, possibly even tactical nuclear weapons. Unbeknownst to most Americans, we may be closer today to pulling the nuclear trigger than at any time since the Cuban Missile Crisis in 1962. Those who doubt this must have great confidence in the rationality of the North Korean dictator.

3. Muqtada al-Sadr's Mahdi Army, the most capable indigenous fighting force in Iraq, relies on Iran for weapons and, to some extent, guidance, as does the Badr Brigade, which was created and trained by Iranian Revolutionary Guards. For Iran's standing among the Iraqi Shiites, see Vali Nasr, "The Shia Revival" (Norton, 2006), pp. 185–210, and especially 199–200.

4. See for example Flynt Leverett, "The Race for Iran," New York Times (June 20, 2006).

5. No fewer than four important books about Iran have been published in just the last few months. See Ray Takeyh, "Hidden Iran" (Henry Holt, 2006), Jason Elliot, "Mirrors of the Unseen" (St. Martin's, 2006), Vali Nasr and Ali Gheissari, "Democracy in Iran" (Oxford University Press, 2006), and Ali M. Ansari, "Confronting Iran" (Basic Books, 2006). On Egypt see Mary Anne Weaver, "A Portrait of Egypt" (Farrar, Straus and Giroux, 1999).

6. On this see Nasr, "The Shia Revival," pp. 211–26.

7. It is imperative that we avoid a united Islamic front (Shiite-Sunni) forming against the West. This was Ayatollah Ruhollah Khomeini's vision in the 1980s (see Nasr, "The Shia Revival," pp. 137–138). The realization of such an alliance would spell the collapse of U.S. influence in the Middle East, with dire implications both regionally and globally. The question of Israel's survival would at that point undoubtedly take center stage.

8. This would be a force of brigade strength, with enough equipment pre-positioned so that two divisions could be rapidly deployed there once the troops were flown in. The idea of stationing a small U.S. force in Kurdistan was first put forward by Peter W. Galbraith. See his "Our Corner of Iraq," New York Times (July 25, 2006). The risk in leaving U.S. troops in a landlocked country in a volatile region is by no means negligible. They could, however, be evacuated by air in an emergency.

9. Barnett, a former student of Samuel Huntington's at Harvard and the author of "The Pentagon's New Map" (Penguin, 2004), is familiar to many from his appearances on C-SPAN. Though an advocate of a level of U.S. interventionism around the world that is unsustainable both fiscally and in terms of public support, he clearly understands the motivations and power relationships of the actors in the Middle East. Lobe, the astute Washington bureau chief for Inter Press Service, is an authority on the neoconservatives, and has lectured on them to audiences as far away as China. Although a Zionist, he is opposed to Israeli expansionism beyond the pre-1967 borders, and has offered trenchant critiques of Israeli and American policies in the region.

10. Former Iranian president Khatami, during his recent visit to the U.S., made a point of mentioning shared U.S.-Iranian interests in Iraq and Afghanistan. See "U.S., Iran share interests in Iraq, Khatami says," USA Today (Sept. 4, 2006). In fighting the Sunni insurgents in Iraq, we are doing Iran's work for her. That American soldiers are dying on behalf of a state that President Bush has labeled a pariah is ironic, to say the least.

11. Khatami, in a Sept. 3, 2006 interview with the Financial Times, indicated a willingness to support a two-state solution in Palestine.

12. See for example Nasr, "The Shia Revival," p. 212 et seq.

13. For an accessible account of this CIA-directed coup ("Operation Ajax") see Stephen Kinzer, "All the Shah's Men" (John Wiley & Sons, 2003). During the Clinton administration Secretary of State Madeleine Albright expressed regret for the CIA's action.

14. For an interesting discussion see Noah Feldman, "Islam, Terror and the Second Nuclear Age," New York Times Magazine (Oct. 29, 2006).

15. This coinage refers to the oil-rich swath of land that wraps around the Persian Gulf from the Eastern Province of Saudi Arabia through southern Iraq to the Iranian side of the Strait of Hormuz. From the point of view of energy supplies it represents the most valuable real estate on the planet. The population throughout (including the Saudi Eastern Province) is majority Shiite.

16. This is a subject for another essay, but suffice it to say that the fixed policy of the English-speaking nations since Elizabethan times, namely, that no single power should be allowed to wax too great, remains as valid today as it was 400 years ago.

Letters, *from page 6*

"I" country, Israelis would have preferred Iran, which was and still is more of a threat to Israel than Iraq.

Fourth, just because some strategists behind the Iraq invasion are Jewish does not mean they're working to benefit Israel. Not at all. Many American Jews have opposed Israel from its founding to the present day. (Indeed, American Jews are no more unanimously pro-Israel than Catholics are pro-Vatican.)

Fifth, the principal mission of the so-called Israel lobby, AIPAC, is ensuring that Congress approves generous foreign aid for Israel. Its operatives know as well as everyone else that American foreign policy in the Middle East most of all appeases countries producing oil, especially Saudi Arabia, which rightly fears Islamic fundamentalism even more than Israel. (Indeed, the great Israeli economic tragedy has been the failure so far to invent a successful energy substitute for oil. May we hope that Jewish geniuses are still working on it.) Got it? Israel needed an American invasion of Iraq like a *loch en kopf*, which is Yiddish for a hole in the head.

Indeed, may I suggest a thought

continued on page 42

"We Must Stay the Course"

by David G. Danielson

"The Americans are far too divided to govern themselves right now. They need our help. If we were to cut and run, there would be civil war!"

PHILADELPHIA, October 14, 1785 — The Comte de Rochambeau, commander of French forces in North America, graciously consented to be interviewed on the third anniversary of the French military occupation of the fledgling United States.

François Louvet, a correspondent for the twice-weekly *Le Courrier* and a man known for his aggressive investigative reporting, perched on the edge of his chair and hurled the first of his questions. "General, four years ago, this very month, the British general Cornwallis surrendered to you at Yorktown, Virginia. You had six thousand French soldiers under your command on that occasion. Today, you have *eighteen* thousand. The people of France want to know: is an end in sight? When will our soldiers be able to come home?"

Rochambeau smiled benignly but wagged a finger in the air. "First, Monsieur Louvet, I must correct you. The British did not surrender *to me* at Yorktown but to General Washington and the American forces. It was an American victory, not a French one."

Louvet raised an eyebrow. "The people of France may see it differently, General. After six years of defeats, the American army was clearly on its last legs. Lord Cornwallis had captured the cities of Richmond and Charleston. The Americans were powerless against him. Then *you* landed with six thousand of our brave soldiers and marched against Cornwallis, trapping his forces in the port city of Yorktown. He and his troops would have escaped by sea, but our magnificent Admiral de Grasse arrived in the Chesapeake Bay with 32 warships — including his 120-gun flagship, *Ville de France*, the largest warship in the world. Our admiral defeated the British fleet, preventing the evacuation of Cornwallis' troops."

Rochambeau, a man of the world, acknowledged the truth of this recitation with a slight bow. "It was a brilliant victory," he said. "But I fail to see . . . "

Louvet interrupted him. "You were, of course, under orders from our government to let the American general, Washington, enter the city first. It was to be, *officially*, an 'American victory' — as you say. But Lord Cornwallis knew who had really defeated him. And the French people knew it, too. What the French people do *not* know, and what they are eager to learn, is *when* will the American army be capable of standing on its own? It's been four years since the war ended! Surely you know there is a growing demand by the

French public to bring our troops home *now*. What do you say to that demand?"*

Rochambeau was not smiling now; his expression was stern. "What I say is that it would be insane to withdraw just yet. It would be the most inhumane thing we could possibly do! It would be the height of folly! The American army is becoming stronger. But it's not yet strong enough to deal with the many violent factions within America. There is, for example, a group adamantly opposed to the United States becoming one large nation. This faction calls itself 'the Republicans,' because it wants America to be a confederation of thirteen independent *republics*, rather than a single nation."

"Certainly," Louvet said. "These are well known facts. My question, however—"

But there was no interrupting Rochambeau, once he had begun an instructive lecture. "The Republicans," he continued, "are the most violent of the antifederalist groups. Yet I am pleased to report that we are making headway against them. Last month, in Virginia, our forces — along with the American federal troops, of course — managed to corner and exterminate one of this group's most influential incendiaries. We surrounded insurgent leader Patrick Henry and several of his followers. In a fierce battle — in which, I might add, the American forces performed very professionally — the ruthless Henry was killed. As more of their leaders are found and either arrested or killed, the Republican insurgents will gradually lose the will to fight. There is more tough fighting ahead, but we must stay the course."

"Surely, you are aware that—"

Rochambeau waved him into silence. "Let me point out to your readers, Monsieur Louvet, that this Republican — this Henry — was a slaveholder! So was his predecessor, George . . . George Mason. As is another of the insurgency's leaders, the terrorist Thomas Jefferson. We are on *his* trail. We will find him, and when we do . . . "

"Ah, Jefferson! It's said that he's the Republicans' new leader. And isn't that precisely the problem, General? Killing George Mason accomplished nothing. Patrick Henry simply took his place. Killing Henry accomplished nothing. Jefferson has taken his place. Kill Jefferson and another will take *his* place. And surely you aren't trying to give our readers the impression that *all* antifederalists are slaveholders?"

"Most are, Monsieur, most are. Why only yesterday . . ."

"What of this rebel leader Adams, Samuel Adams? He's no slaveholder, nor one of the Republicans, yet he's not at all sympathetic to the idea of forming a central government. He prefers the idea of a confederation of independent states. As for those particular antifederalists who call themselves 'the Republicans,' it's true that they have their own militias and do a lot of military drilling — but there are experts—"

"Experts, Monsieur! Experts can be engaged to say anything."

"There are experts who say that it's *our* presence here that keeps them from becoming part of the system. We are a divisive element. Had we left immediately, following Cornwallis' defeat, the Republicans might have joined the national dialogue and become a legitimate political party. We've made them into a terrorist group by our ongoing occupation of their country."†

Rochambeau waved his hands more fretfully now. "Well of course we can never know how things *would* have gone had France *not* occupied the United States following the British defeat! Perhaps, as you speculate, the Republicans might have become a legally recognized political party, although I think that's very improbable. And by no means am I suggesting that *all* of those impeding the formation of a central government are slaveholders. But the fact is that many of the insurgents *are* slaveholders and we must curtail their influence — otherwise the Americans are likely to create a nation in which slavery

*In real life, Cornwallis had, indeed, captured Richmond and Charleston, and unbiased historians are likely to agree with our fictional journalist Louvet that the French military was more responsible than the Americans for the successful siege of Yorktown. Certainly General Cornwallis saw it that way. He declined to participate in the surrender ceremony, ordering General O'Hara to take his place. O'Hara tried to present Cornwallis' sword to Rochambeau, in recognition that it was really the French who had beaten Cornwallis. But the French general refused the sword and directed that it be presented to General Washington. Annoyed that Cornwallis himself was not participating, Washington declined to accept Cornwallis' sword. So the British officer gave it to Washington's subordinate, General Lincoln.

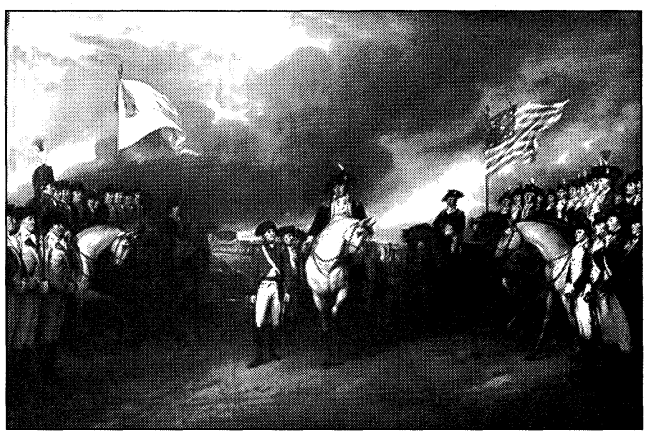

"Surrender of Lord Cornwallis" by John Trumbull

†In real life, the 18th-century Republican Party did indeed have a military wing. Republican militias paraded in public and practiced military drills. Republicans were outraged over the policies of President Washington's successor, John Adams — whom the Republicans derided as "King Adams." One of their grievances was that President Adams had journalists arrested and imprisoned for the "crime" of criticizing the Adams administration. The Republican Party's candidate for president in the election of 1800, Thomas Jefferson, promised that if elected he would immediately pardon these journalists, effectively nullifying the Sedition Act of 1798. The military arm of the Republican Party made it clear that it was prepared to launch a second violent revolution, if King Adams, a member of the Federalist Party, succeeded in gaining a second term. As it turned out, Jefferson was elected, and he kept his promise to free the imprisoned journalists, so we shall never know whether the Republican militias would have kept their pledge to overthrow the central government if King Adams had remained in power.

would continue to be permitted. And it will be the fault of France! Because we left *too soon*! Surely we do not want such a thing on our conscience."

He looked at Louvet as one looks at someone without a conscience. But this did not seem to impress Louvet. So Rochambeau continued, in a more persuasive tone.

"I'm simply pointing out, Monsieur Louvet, how radically divided these Americans are. There are the federalists against the antifederalists. There are the northerners against the southerners. There are factions within factions. The Americans are far too divided to govern themselves right now. They *need* our help. If we were to cut and run, as some of our misguided countrymen would have us do, there would be chaos here. There would be civil war!"

"But, General, there are those who say a civil war will happen anyway. Whether French occupation forces withdraw immediately, or a year from now, or ten years from now, the divisions among the Americans will lead them eventually to a civil war. The *only* difference is that the longer we stay, the more the French treasury will be drained and the more French soldiers will be killed. And let's be frank, General. We both know you face many more problems than just the northerners against the southerners, and the federalists against the antifederalists. You also have to contend with warlords in the tribal areas."

"Many of whom, Monsieur, are our allies."

"Yes, but you have the Delawares, the Shawnees, the Hurons, the Chippewas, the Iroquois alliance — to name a few. Here is what our people are saying. They say: 'Even if King Louis and General Rochambeau succeed in creating a puppet government for the Americans, that government will forever be at war. Internally, it will be at war with the Republicans. Externally, it will be at war with the Indian nations. We cannot *force* all these groups to get along with one another, *no matter how long we stay*.'"

There was the slightest of all pauses. Then the general replied: "I understand that view, Monsieur Louvet, but I do not agree with it. France has a moral obligation to continue its military assistance to the United States until it establishes a peaceful, stable society."*

The reporter frowned. "But General, that's another way of saying we shall *never* leave." ❑

*In real life, as the reader knows, the French didn't stick around and occupy the U.S. for four years, trying to "help" the Americans form a government. As an American, and therefore an inferior creature in the eyes of today's French media, it pains me to say it, but the French were wiser in regard to America than the United States has been in regard to Iraq. After helping the Americans get out from under the thumb of King George III, the French did the intelligent thing and left us to our own devices. Yes, slavery endured for a while. Yes, there were violent clashes between the U.S. and the Indians. Yes, the divisions between U.S. citizens led ultimately to a civil war. But had the French remained and tried to prevent all of that by running our country for us, what a nightmare the French would have been bringing upon themselves. America's history, I believe, would have been no less bloody than it was in fact. We've done the Sunnis, the Shias, and the Kurds the same favor the French did us: we've dethroned a despot for them. Now it's time — indeed, it's way past time — to do the second thing the French did for us: go home.

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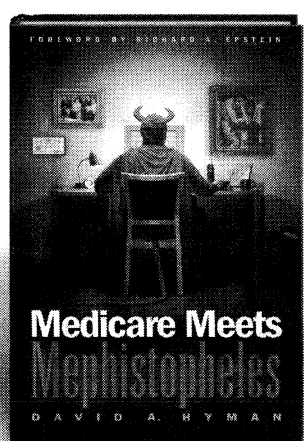

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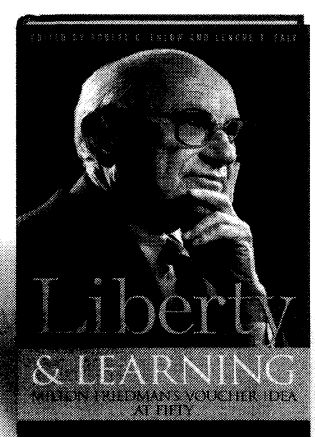

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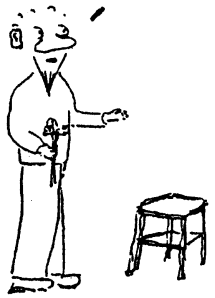

like from corporations or a national sales tax or whatever. Giving people freedom over their hard earned money is empowering. The current system is emasculating. Cooperatives and alternative exchange systems would flourish.

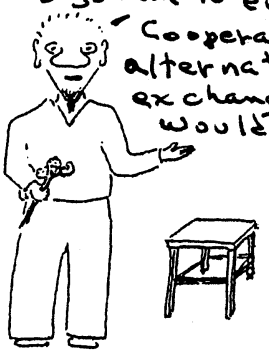

Given the potential of computers and the genius of man/woman unleashed, people could regain a feeling of having a hand in their destiny.

So people would be free to work real hard and be able to keep the fruits of their labor - whether it be in federal reserve notes or credit in some alternative exchange system.

They could spend their "money" any way they want. People who want the simpler life could choose it without being all caught up in the personal income tax paradigm.

And on the Constitutional side - what's with allowing a tax on personal income in a nation designed to keep government out of peoples faces. The whole personal income tax thing automatically gives government all kinds of reasons to jump into your life. Experientially we see this to be true. We are living in a nation who has forgotten the promise of the Declaration of Independence.

And keeping the fruits of your labor is a right that has gone without respect for too long. If it doesn't happen above ground then it will happen underground. It's about survival.

Oh yeah - about the flowers - you never know when you might meet a babe in one of these strips.

von Sonn ©

After driving through Botswana . . .

I Continued On To Zimbabwe

by Doug Casey

I've been to Zimbabwe quite a few times since the mid-'70s. Earlier, of course, the war between the ruling white government and the ZANU-ZAPU rebels was going full tilt. When you flew into Salisbury at night on an old Air Rhodesia 707, the plane would be blacked out to reduce the risk from antiaircraft fire. If you flew during the day, the plane would come in very low, with a different approach each time, for the same reason. Bus rides in Zimbabwe were never eventful for me, but they always had the potential to prove most exciting.

I don't necessarily recommend visiting war zones, but it has its advantages. Absolutely everywhere I went — the Zimbabwe ruins, Lake Kariba, Victoria Falls — I was the only person there. In fact, the first time I saw Vic Falls, totally alone, it was only a week after a white woman had been killed by a sniper (who was apparently a hell of a shot) from across the Zambezi, in Zambia.

In the subsequent 30(!) years, I've seen lots of ups and downs for the former Rhodesia. In the '80s and early '90s, it looked quite good for a while, even as neighbor Zambia was still a backward people's republic treading an African road to socialism. Now the roles are completely reversed, with Zambia actually rather vibrant, but Zimbabwe hitting bottom. In Africa, the long trend is down; you do well to sell during periods of optimism and only think of buying when there's a resource boom and local conditions look as if they couldn't possibly get worse.

You've probably followed the current disaster, at least out of the corner of your eye. Things really started falling apart in 1998, when President Robert Mugabe decided to involve Zimbabwe's army in the Congo's civil war, for reasons which even then made no sense to anyone. By the time the army pulled out in 2002, the hundreds of millions of dollars that adventure cost effectively bankrupted Zimbabwe.

The Congo disaster may have been the catalyst for Mugabe's land redistribution plan in 2000, supposedly intended to compensate veterans. The plan's actual result was roving mobs of thugs attacking white-owned farms all over the country: destroying machinery, burning buildings, and stealing everything that wasn't nailed down. Many farms were simply handed to government ministers and other thugs loyal to Crazy Bob. In any event, redistribution prompted a final white exodus. During the Rhodesia days,

whites, most of them born in the country, numbered over 250,000. Current guesstimates are about 5,000. Commercial agriculture, which once made the country the breadbasket of Africa, is now in ruins. No capital, no management, no labor. Nothing.

Partly as a result of the disaster in farming, tens of thousands of blacks moved to Harare and Bulawayo, looking for work. Most were hostile to Mugabe, for obvious reasons. So in 2005 Mugabe initiated Operation Murambatsvina, which translates as "Take out the trash." The army bulldozed the homes and businesses of an estimated 750,000 people in the hope of forcing them back to the bush, where they'd disperse and be unable to organize a resistance — although the official reason was "urban renewal and slum clearance."

When I bought gas, 50 gallons of diesel cost about $100, which equated to a stack of Zimbabwean currency roughly two feet tall. We had to carry the bills in a small backpack.

That brings us up to the present, with the Zimbabwe dollar suffering runaway inflation. When I was there, before they knocked off three zeroes in a moronic and pointless effort to "fight inflation," the official exchange rate was about 100,000 Zimbabwe dollars to one U.S. dollar, although the street rate was near 600,000 to 1. When they exorcised the three zeroes on Aug. 1, they gave citizens 21 days to exchange their old money for new. Of course many of the really poor people living out in the bush either didn't hear about the change or couldn't afford to get to a city to make the swap. And the army set up roadblocks to confiscate any sums above the equivalent of about US$400 (all they could steal of any amount, in fact) on suspicion of money laundering.

When I bought gas, 50 gallons of diesel cost about US$100 at the conveniently and idiotically price-controlled level, which equated to a stack of bills roughly two feet tall. We had to carry them in a small backpack. Merchants inspected currency visually, then ran it through a mechanical counter; nobody could count that many bills manually in any reasonable amount of time for a transaction.

My South African friends were leery of going through Zimbabwe, feeling we might encounter serious problems. I won the day, however, arguing that most fear in today's world is media-engendered hysteria. Sure, there are places where you have to be careful, and for some places that's more true than others. But my thought was that if it were really dangerous, there wouldn't have been trucks lined up for several miles trying to get into the country, many just transiting Zimbabwe to South Africa. There are, in any event, few things as chaotic as an African border crossing in the dead of night. Interestingly, traveling by car, we were waved to the front of the line. Then, customs again moved us, as the only whites, in front of the others. Did we have any trouble? None whatsoever. Customs tore apart the pitiful belongings of fellow Africans, looking for contraband and bribes; we were waved through.

The roads were in excellent repair, although cars were exceedingly rare. But I loathe going where all the tourists are going. What do they know? Nothing. A word to the wise: if you're looking for a vacation spot, don't ask your travel agent. Go to the U.S. State Department website and pick out a place with one of their hysteria-based "travel advisories." Be prepared for friendly people happy to see a foreigner, hotels eager for a visitor, low prices, and unusual experiences.

One lesson Zimbabwe teaches is that even during an economic catastrophe of the first magnitude, life somehow goes on. Restaurants are still open (notwithstanding food shortages), hotels provide service (despite almost no guests), merchants buy and sell (despite the fact that toilet paper is more prized than the currency), and people still go about their lives in an orderly way. Zimbabwe has a great climate, is mostly a very pretty country, and, now that there's a dearth of white people, the European will no longer be seen as a threat or oppressor. He'll be viewed as a source of capital and expertise, a resource to be cultivated.

That said, other than on a strictly individual basis, the white man is basically toast in Africa. Despite the good things that Europeans brought to Africa (actually, there are only two: capital and technology), the way they did it, colonialism, set the continent back massively. The capital and technology could have, and would have, arrived through trade. The wars of conquest, forced colonization, forced imposition of all manner of European beliefs and customs, and establishment of artificial borders blind to tribal realities are what caused the political disaster that Africa has become. And, I predict, will remain. No, it's likely to get worse.

That's because of one additional wild card: the Chinese. They're making a determined effort all over Africa to buy resources, and governments (read: ministers who will see very large sums deposited in their offshore accounts) are happy to sell. That certainly includes mining properties in Zimbabwe. There may be something like a recolonization of the continent over the next few generations by the Chinese, an event that is likely to be just as problematic as the long visit by the Europeans. Could we one day see the Chinese sending large numbers of troops to Africa to defend their property and nationals? And the U.S. counterintervening to impose "democracy," or some such flavor-of-the-month nonsense? I wouldn't bet against it. ❑

I don't necessarily recommend visiting war zones, but it has its advantages.

Twenty Observations on Liberty and Society

by Jayant Bhandari

He who would have his country be free must first address the statism in the hearts of its people.

Who thought that getting rid of the Taliban in Afghanistan, or Saddam Hussein in Iraq, would put these societies on the path towards peace and prosperity?

Who thinks that when Bin Laden is finally captured or killed, the world will be a safer place?

Who thinks that without Mugabe, Zimbabwe will choose the right path? That tinkering with the state in Palestine and Saudi Arabia will set those peoples free? That Nepal will swiftly progress, now that "democracy" has subdued "monarchy"?

Those who did or do live in a fools' paradise.

1. There is a Hindu parable in which Lord Shiva was asked to kill a devil who had been on a rampage. Shiva went and beheaded him. But to his surprise, Shiva found that each drop of the devil's blood falling upon the earth gave birth to a devil clone. Shiva went around killing all the new devils; to his dismay, this only made his problem worse.

You cannot kill evil just by addressing its symptoms. In fact, removing the symptoms without addressing the underlying issues makes the problem worse, because symptoms provide an essential sensory feedback. Symptoms show what is wrong.

The state is usually just a symptom.

2. Our mental constructs create our personal environment. Our collective mental constructs create our heroes and leaders, our culture and religions and other institutions, including the state.

The state is certainly the single biggest evil, but it is merely an expression of the collective statism and barbarism in minds of the individuals in society.

3. In September 1991, I left India for the first time, to study in the UK. When I arrived, I had to take a train from the airport to Manchester. A line of people waited in front of the ticket counter at the train station. The ticket seller gave me sufficient time to explain my route. Those standing behind me were patient enough to let him finish his business with me. No one pushed me, spoke behind me, or hurried me. When the train arrived, people waited to let the passengers get off before they themselves went in.

This was all grossly alien to me.

The train was surprisingly comfortable and clean, or at least that is what I thought then. What I saw outside the train window disturbed me. My eyes had never seen with the clarity they had now — there was no pollution compared to what existed where I came from. My nose felt different.

I woke up very early the next day and walked out into Manchester. I had a big map of the city in my hands and I was

peering at it when a well-dressed person crossed the street, came up to me, and asked if he could help. When I went to the bank to open my account, not only was the process quick, but more importantly the people were patient and treated me nicely. The university accommodation office was just as helpful. I had financial problems and had no difficulty meeting the director of the school. He was supportive, treated me as his equal, and did not expect me to grovel at his feet. He talked straight without creating complexities, without showing what a favor he was doing for me, and I was out of his office within a few minutes.

Cultures persist. You can install the best of the capitalist system, but if the people have a totalitarian culture, their polity will soon follow.

I achieved in a single morning what would have taken me weeks, or months, or even forever in India, and would have required dehumanizations, dramas, posturings, manipulations, and lies. And each time I was treated neither as an animal nor as a child. Not only this; I also saw that people treated animals and children respectfully.

I no longer take much notice of things like this. But that morning, as a young man of 24, I went to my room and cried. I had never experienced generosity and openness.

I lived in a poor area in Manchester. I used to work at the university until late at night. I could not afford a taxi, so I walked back home. On several occasions, the police followed me with their car lights switched off, as they probably suspected me; but because they had no evidence, they had no right to stop me for questioning. Not once in my years of visiting the UK was I asked for my ID card. I could check into and out of hotels without it. No one ever asked me for an ID card when I took internal flights or entered nightclubs. I treasured the feeling of personal liberty. The state kept its hands off me. The society mostly trusted me.

I have been to the UK scores of times, and usually found the immigration people acting courteously. Not that they always had pleasant thoughts about me, more that they had limited options to hassle me; the code of social conduct ensured that they showed respect toward me as an individual.

During the first few days after my arrival in Manchester, I started to feel depressed and lonely for the first time in my life. I was experiencing life without hassles or complexities. There were no assaults on my senses, or on my emotions. I did not know how to deal with such quietness. I did not know how to concentrate, since there was nothing to distract me. I was addicted to adrenaline, and I was hyperactive. I did not know what peace was, besides catharsis. That was what I experienced when I drank or smoked too much. The next two years were going to teach me to start living for the first time.

My body, my eyes had started to change. My mind could think more clearly. I could start to understand what enjoyment and peace meant. Fifteen years later, I still very often meet people in the West whose honesty, morality, spirituality, and strength of character amaze me.

4. Society in India, as in a lot of the non-western world, instinctively likes to have perpetual problems, as if life would be lonely and time difficult to pass, were there no problems to occupy it.

Cultures persist. You can install the best of the capitalist system, but if the people have a totalitarian culture, their polity will soon follow. Even if they individually do not like the state, their collective conduct will be such that a powerful state will emerge. They want freedom for themselves, but they also want to enslave others. The constitution and laws will be reinterpreted to suit their convenience. Judges and politicians will happily wag their tails. As Hayek would say, you cannot force institutions on a society.

5. A distant relative of mine in India habitually bribes the traffic police, so that when he passes them on the road the police salute him. When I worked in India, one of my biggest customers kept his clients waiting outside his office for days before giving them a few minutes. He once told me that he enjoyed life only when his whiskey was of better quality than other people's.

I grew up in a characterless society. So deeply imbued with dishonesty is India that people are usually not even aware of it. During the more than ten years that I worked there, I met hundreds of very senior politicians and bureaucrats. I never met one honest, responsible, proud public servant. In this respect, the political culture differed little from the rest of society. In the society, I saw very little respect for life, children, women, or the poor. Lack of a civil sense was palpable. Chaos ruled.

6. My earliest memory as a child is not of playing with toys or with my friends, but of the tyranny and authoritarian behavior I faced from my teachers and society. Everyone told me what to do. I had to smile when authority wanted me to. I had to stop crying when I was instructed to. My teachers never encouraged questions. Playing and talking with other children was looked down upon. I was asked to be nice to everyone.

Not once in my years of visiting the UK was I asked for my ID card. I treasured the feeling of personal liberty. The state kept its hands off me. The society mostly trusted me.

I was supposed to look good to society. The welfare of the nation was to be my top priority. I grew up as a stiff man, unemotional and unexpressive, socially incompetent — and I was among the privileged. We could not work with others. We had problems with relationships.

This is how collectivist society indoctrinates from the very beginning. And this is where collectivism fails in its declared primary tenet of equality. Everyone thinks he knows how everyone else should live. Everyone abuses others and rationalizes it by saying he is doing good to them. From childhood, this mindset permeates every life. There is no equality; there are only hierarchies. And of course subconsciously we know what is happening, so no one trusts anyone else.

We lived by rules. When we got into a dilemma, we looked in the rulebook. We did not know how to connect with our consciences. I did not know what I wanted. Not that everyone in a free society knows that kind of thing, but our desires were buried deep in concrete. We were taught to disengage from our consciousness. If we enjoyed studying or helping others, our teachers and the other elements of society ensured that we did not continue to enjoy it. How could anything be worthwhile if we enjoyed it? And how could the society control me if it did not control my happiness?

As a teenager, while my counterparts in the West were dating and partying, I was listening to patriotic songs, and was deeply religious. I loved India and was ready to die for it, though silently I hated Indians. For me, and most others, India was the seat of civilization. After independence, it made long strides in material progress. We were proud to be one of the very few countries that had the capability to send rockets into space. In the mid-1980s, when India and Pakistan were close to war, I considered joining the army as a volunteer.

7. I went to a university in a Vancouver-sized city called Indore. Not very far from my place of residence was a police station. The policemen regularly tied the hands of the people they arrested to a strong branch of a tree, in such a way that the prisoners either had to keep standing on their toes or let the string painfully pull their wrists. Hundreds of cars, including those of judges and intellectuals, passed by every day; but no one complained. The educated among us told me that this is how criminals should be treated.

8. I received a five-year engineering degree. The first two years were about general engineering; after that, the university decided who did civil, who did mechanical, and who did electrical engineering. We were clay that the authorities could mold into any structure they wanted. Everyone had grown to accept this as normal.

In Indian universities, there is a tradition of "ragging," or abusing, new students. When you enter the university, you become the personal property of the senior students for the first year. They emotionally and sexually abuse you. The junior students are asked to masturbate in front of others, or to urinate on live electric wires. This is believed to create social cohesion and remove inhibitions. The junior students hate it. Some try suicide. Some lose their hearing from the beatings they get.

I thought that those who were abused would not perpetuate the custom. But that's not how it works. To accept such torture, you have to switch off your humanity. When the next year came, those who were the most abused the year before were exactly the people who abused the most.

9. During my last year at the university, some men I knew decided they wanted to pay a woman to entertain them. So they negotiated a price with a prostitute and took her to a hotel. Unfortunately, in the "spiritual" country of India, prostitution is a crime. The police came and arrested everyone. The men paid a hefty bribe and went home. The girl stayed at the police station for the night. My friends told me that the otherwise healthy girl could not walk straight the next morning. The judge conveniently ignored her state. Men and women of so-called decent background have no interest in such women. In their opinion, these women are loose and deserve what they get.

Western libertarians think that the state is the root of all our problems. The state is indeed the icon of evil, but it is not its root.

One year, I had to renew my passport, and as is the custom, an intelligence officer came to visit me. I refused to offer him a bribe, something considered very normal. So he did not process my application. I was adamant. I went to meet the top intelligence officer in that part of Delhi. In a quick minute, he told me that I was rude, that he was not going to process my application, and he pretty much threw me out of his office. I wrote to the top officials at the Ministry of Foreign Affairs to report the matter. Nothing happened.

A relative had an accident and was taken to a government hospital. He had a bad leg injury. The doctor wanted a bribe to help him decide whether he would fix the leg or amputate it.

I worked for a British company for five years and for a Swiss company for about two years in India. When the company officials visited me there, it was a horrifying time. In various ways, I faced blatant racism from people my own color. Several times we held formal negotiations at the head office of a public-sector company. While we sat at the conference table, the servants would bring us tea. Of course, they could not see from our backs which of us were white or Indian. So they would lean forward to look at each person's face. If he was white, he would be offered tea in china cups; if not, in plastic cups. I can tell you many variations of this kind of racism.

Here is a recent story. On June 6, 2005, a married Muslim woman, Imrana, was allegedly raped by her father-in-law. The mindless Muslim clerics decided to separate her from her husband and insisted that she marry the rapist. Mulayam Prasad Yadav, the former defense minister of India, and now the chief minister of the state of Uttar Pradesh, where this incident took place, declared: "The decision taken by Muslim religious leaders in the Imrana case must have been taken after a lot of thought. . . . The leaders after all are very learned."

10. At one time, it was my hobby to spend plane flights thinking about why India was so pathetically poor, so miserable. I often wondered if we were an inherently inferior people, something that a lot of people from poor countries are convinced of.

I loved to travel and went to different parts of the world,

both for business and for time to contemplate this question. I saw repeatedly that many East Europeans, particularly Russians, behaved badly. Those from the Gulf countries and from most parts of Africa behaved much worse than Indians did.

I do not believe that the liberal activists of the West are warmhearted but misguided people. I see criminal and hypocritical minds behind the compassionate garb.

Again and again, I have seen only one thing that differentiates people. It is not where they come from, what their race is, or what their history is. What differentiates people is the level of coercion in their societies.

11. I presented a different version of these thoughts in October 2005 at the Fraser Institute in Vancouver, in March 2006 at the Mises Institute in Auburn, and in June 2006 at the Libertarian Party of British Columbia in Vancouver. I must confess that in my first paper, I called the state "the fountainhead of all ills." Having spent months thinking about it, I no longer think that is true. Our polity reinforces our culture and vice versa. When the state fails in a totalitarian society, we can rejoice that statism has come to an end. Such an "end" of statism, however, never lasts — just look around in Africa and Asia. A new and more corrupt state usually emerges. By the same token, you can make Saddam Hussein the prime minister of Canada, and be assured that he won't last an hour.

12. If your experience tells you that people from the collectivist countries, in general, lack conscience and integrity, do not think for themselves, are either rude or servile (depending on how they were collectivized), and are unhappy, you are right. They live a life burdened by moral and psychological debts — by karmas. These are the karmas that western youth are slowly building up.

Western libertarians think that the state is the root of all our problems. The state is indeed the icon of evil, but it is not its root. The totalitarians — better known as liberals in North America — know better what the roots are and have therefore done a marvelous job of achieving their ends.

Over the course of a century, using the nice-sounding projects of egalitarianism — social welfare, affirmative action, free education, free health care, and sustainable development — they have been tweaking the root, which is the culture.

Their work is insidious and is slowly taking the West where the totalitarian societies of the East have gone. Really, it is no wonder that the liberals find the East so spiritual, an affinity they discover over nonstop tokes of weed on the banks of the Ganges.

There are others who have discovered a different kind of enlightenment while sitting on the banks of the Ganges: the enlightenment of accepting responsibility for their lives and actions, of respecting other people's property, of not being bigoted towards black or white or rich or poor, of not camouflaging ill deeds in the name of religion law. Such people are not necessarily perfect, but when they steal, they call themselves thieves. Such people are not to be found shouting slogans on the streets of New York.

In the West, on many occasions, I have been asked why poor people and women in India have to be told that they own their bodies. I tell them that this is not very alien. They should ask themselves why the wealth generators in the West have to be told that they own their own wealth.

13. Each new socially coercive situation sets the stage for the development of the next level of totalitarianism.

In the West, I have hardly met anyone who does not say that our environment is getting worse and worse. I ask the aged if they remember what London or Newcastle or Manchester or New York was like 50 years back, and to compare it with what they see now. The answer is invariably that the environment is worse. I have seen the old pictures and films and they tell me a completely different story.

14. Many westerners tell me how sorry they feel for those in Africa who live off less than a dollar a day, and that western countries should do something about it. I argue that they should start by reducing their own lifestyles to a dollar a day, and send the rest of their money to Africa. I quickly lose their attention.

I have seen the hypocrisy of U2's singer Bono, who wants Canada to give 0.7% of its GDP as international aid. I wonder why he and his supporters never consider reducing their household budgets to Canada's per capita GDP, thus freeing themselves from all that unnecessary wealth.

Although it looks benign, a foundation for dishonesty, lack of integrity, and hypocrisy has been laid in the West. And perceived karmic debts have a natural tendency to build up in the human mind.

People in the West generally believe that it is all right to tax the rich heavily. For them robbing the rich is no longer an ethical issue. And those earning six-figure salaries in big companies have no moral scruples about using their shareholders' money for all kinds of antishareholder activities, including financing antibusiness organizations.

I do not believe, as many western libertarians do, that the liberal activists of the West are warmhearted but misguided people. I see criminal and hypocritical minds behind the compassionate garb. Ask a conventional criminal why he does what he does; he too will likely give you a heartwarming story.

15. Common courtesies, those customs that have been the bedrock of western civilization, should have taught western society that what the modern liberals are doing is violent and wrong. Any human heart should cringe when they advocate violence, subtle or direct, to steal some people's money in order to steal the independence of other people, meanwhile giving themselves arbitrary power.

Sixteen years ago, when I started to travel, I was impressed with the confidence I saw in westerners. I saw officials showing respect to travelers. I saw free-minded westerners objecting to infringements of their rights. I saw audiences rewarding them with encouraging nods. That is history. Now people are

more than happy to strip off their clothes at the slightest raise of a finger from an uncivil staff member at an airport. If someone objects, his fellow travelers will likely see him as a troublemaker. What the officers do is now culturally acceptable.

16. A young Indian tennis star, Sania Mirza, a Muslim girl, was recently issued a fatwa by some clerics, because she wears short skirts. Just a decade back, the Indian government was honoring such fatwas "to maintain law and order." Not too long ago, the police constantly harassed young couples. My parents' generation had to carry marriage certificates with them when they went out late at night. No law has changed since then, just an interpretation.

In the mid-1980s, the Indian public outside the big cities started to see TV for the first time. They watched what was happening in the West. People's expectations about their government and their lives started to change. Under pressure, the state of India started to interfere less in people's personal lives.

Barely a few months back, couples in a park in Meerut, a city near Delhi, were publicly beaten by the police for holding hands and being together. On this occasion, the state invited TV cameras to shame them. Several Hindu fundamentalist organizations and political parties across the spectrum supported the actions of the state — but when society in general condemned what had happened, the state and the fundamentalist organizations beat a hasty retreat.

Enlightened parents in big cities are insisting that their children no longer be beaten in school. Teachers can now go to jail. The economy has progressed, but more importantly, so has morality, now that there is less oppression. The generosities that I experienced for the first time in the UK are no longer unknown in India. People are asserting their humanity. They are more creative and open-minded.

When Indians interacted with the world, amazing things started to happen. Indians lived in and visited the West, and went back to India feeling that they were misfits in a coercive system. (After a couple of beers, quite a few Indians — and people of other nationalities — agree with this.) They realized that the West was not just about James Bond, his guns, and his promiscuity, but about a culture that respected the individual.

Involuntary collectivism, in whatever form it may take, is not spiritual, either in ideals or in practice, but is evil in every way.

Snobbish and authoritarian behavior started to be seen as less cool. Compassion and respect started to become appropriate behavior. A small bit of globalization arrived, brought in by people from the West who did not honor the collectivism of India. They shook hands with servants as often as they did with political bosses. When the managing director of my UK company visited us in Delhi, he shook hands with our office servant. It was a gesture the servant had never experienced. He perspired and was uncomfortable. During the next two years he worked for us, he gained confidence as a human being. For the first time, lower-caste people could enter restaurants (run by multinational companies) and expect a welcome, even if it was only superficial courtesy.

17. Let us not romanticize what is happening in India. My description of events exaggerates the changes that have taken place. In India, you are still harassed at every moment.

The bigoted, once openly racist, now humanitarian, still regard Africans as subhuman; they cannot believe that Africans can survive without western help.

But changing expectations from society have been a force for change in the conduct of the state. All this despite the fact that the general character of Indian politicians and bureaucrats is getting worse, not better.

Much the same might be said of the politicians of the West. But what about its culture?

18. During my education in the UK, I was constantly told that there were no good or bad cultures. What nonsense! The liberals of the West have an ideology that is making the West morally blind. The only way to stop it is to understand that involuntary collectivism, whatever form it may take, is not spiritual, either in ideals or in practice, but is evil in every way.

When I was a child, my spirit resisted when I was asked to control others; it rebelled when someone tried controlling me. The knowledge of freedom is *a priori*, and does not require any understanding of economics or public policy. The morality associated with this knowledge should destroy all forms of involuntary collectivism, and should never allow them to be restored — but that is what is now happening in the West.

19. People in the West increasingly think that they have rights over other people's property. Bigotry against wealth-creators is increasingly acceptable. Companies bribe communities to be allowed to operate, something that psychologically corrupts everyone. In the name of social security, beggars demand alms as their birthright. The bigoted, once openly racist, now humanitarian, still regard Africans as subhuman; they cannot believe that Africans can survive without western help. They want the benign intervention of the West in "trouble spots" around the world.

Most of the people who shouted on New York streets for America to intervene in Darfur would now have a problem recalling what and where it is. They have already migrated to trendier affairs. But while hypocrisy is always available to provide an emotional release, it adds another layer to cultural and political corruption. Honoring the social mood,

continued on page 53

The Art of Letting Go

by Mark Skousen

"How many a man has dated a new era in his life from the reading of a book."
— Henry David Thoreau, *Walden*

Would you do me a favor? Find an easy chair, or better yet, go outside to a secluded spot and read this essay at your leisure.

Ever since my family and I lived in the Bahamas for two years,[1] I've had an interest in leisure, the lure of breaking away from business and just relaxing, wandering, and letting my mind go. It seems like a very libertarian thing to do. Along with a photo of my family in the Bahamas, I have on my bookshelf a whole list of titles to remind me to walk away from work: "The Idle Thoughts of an Idle Fellow"; "Leisure: The Basis of Culture"; and Bertrand Russell's "In Praise of Idleness."

But before I go on, would you mind indulging me? As I write this, it's a beautiful sunny day here in New York, and my wife has just beckoned me to join her at the swimming pool along the Hudson River. I'll be back in a not so New York minute . . . (While you wait, go ahead and read the rest of this issue of Liberty, or just listen to the birds sing.) There's nothing like an opportunity to think, meditate, and relax with friends on a balmy summer day.

In my travels, I make a point of wandering aimlessly around the city or neighborhood I'm visiting, and usually end up at some used-book store. In the mid-'80s, I happened to be in Durango, Colo., a small college town, and came across a first edition of a book called "The Importance of Living" by Lin Yutang. I'd tried to read Chinese philosophers before, but never found them appealing until this book came along. What makes Lin Yutang so different from Confucius, Mencius, and Lao Tzu? He lived in both the East and the West, and consequently does an extraordinary job of contrasting the cultures. His book was so refreshing and shocking, so charming and witty, that I found myself underlining something on practically every page. And though Lin wrote in 1937, he sounds very modern.

Lin was a 20th-century Taoist known for his philosophy of leisure and "letting go." He was also a libertarian who despised all forms of government control, especially Marxism-Leninism and Maoism in Red China. Born in southeastern China in 1895 to Christian missionaries, he learned English at St. John's University in Shanghai and pursued a doctoral degree at Harvard University. He left Harvard early and went to France and then Germany, where he earned a Ph.D. at the University of Leipzig. After 1928, he lived most of his life in New York, where he translated Chinese texts and wrote prolifically. His objective was to bridge the gap between East and West, teaching Westerners about the old Chinese culture in such bestsellers as "My Country and My People" (1935) and "The Importance of Living" (1937). Refused permission to return to China by the Communists, Lin moved to Taipei, Taiwan, where he died in 1976.

The Age of Busy-ness

To understand Lin's Chinese philosophy, I begin by quoting his most famous line, a line that mystifies workaholic Americans: "Those who are wise won't be busy, and those

who are too busy can't be wise."

I made the mistake of writing this statement on the blackboard on my first day of class as a professor at Columbia Business School. A third of the students immediately left, and dropped the class. (Fortunately, the majority had an open mind about pursuing interests other than a 24/7 lifestyle, and later rated my class highly.)

In the new China, the roads are straight, the houses are perfect, and everything works. It's a paradise lost.

Yet there is wisdom in Lin's statement. If you are too busy in your work, you don't have time to learn new ideas, to discover new truths, to enjoy life's little pleasures, or perhaps to pick a winning stock! Beating the market requires you to look down untrodden paths, and you need the free time to do it.

Lin Yutang criticizes most Americans for being too busy, and therefore slaves to the business culture and the old ways. They worry themselves to death. In another startling statement, Lin writes, "The three American *vices* seem to be efficiency, punctuality and the desire for achievement and success. They are the things that make the Americans so unhappy and so nervous."[2] Gee, I thought they were American virtues!

Life in the West, according to Lin, is "too complex, too serious, too somber, and too involved." He would agree with Henry David Thoreau: "Our life is frittered away by detail. Simplify, simplify." Following Taoist philosophy, Lin warned against "over doing, over achieving, over action . . . of being too prominent, too useful, and too serviceable." The "perfectly square" house, the "perfectly clean" room, and the "perfectly straight" road rankle in him. He goes on to say, "O wise humanity, terribly wise humanity! How inscrutable is the civilization where men toil and work and worry their hair gray to get a living and forget to play!"

The Art of Loafing

Lin says not to worry: "The Chinese philosoph[er] . . . is seldom disillusioned because he has no illusions, and seldom disappointed because he never had extravagant hopes. In this way his spirit is emancipated."

Culture, says Lin, is essentially a product of leisure. "The art of culture is therefore essentially the art of loafing. From the Chinese point of view, the man who is wisely idle is the most cultured man." He likes a messy room, a crooked road, and a leaky faucet!

Lin offers the secret to success for the businessman (busy man?) in this statement: "Actually, many business men who pride themselves on rushing about in the morning and afternoon and keeping three desk telephones busy all the time on their desk, never realize that they could make twice the amount of money, if they would give themselves one hour's solitude awake in bed, at one o'clock in the morning or even at seven. There, comfortably free, the real business head can think, he can ponder over his achievements and his mistakes of yesterday and single out the important from the trivial in the day's program ahead of him."

But the West won the cultural war. Today, 70 years after Lin's critique of the three American vices, it is the Japanese, the Chinese, the Koreans, and the Indians who dress in Western business suits and spout the Western philosophy of efficiency, punctuality, and goal-setting, and who work 14-hour days and forget to play. In the new China, the roads are straight, the houses are perfect, and everything works. I suspect Lin Yutang would not like the new Asia, especially the regimented Singapore. It's a paradise lost.

The Individual and the State

Lin Yutang is a champion of the individual and "its unreasonableness, its inveterate prejudices, and its waywardness and unpredictability." But in today's society, warns Lin, the individual free thinker is being replaced by the soldier as the ideal. "Instead of wayward, incalculable, unpredictable free individuals, we are going to have rationalized, disciplined, regimented and uniformed, patriotic coolies, so efficiently controlled and organized that a nation of fifty or sixty millions can believe in the same creed, think the same thoughts, and like the same food." Lin goes on to warn, "Clearly two opposite views of human dignity are possible: the one believing that a person who retains his freedom and individuality is the noblest type, and the other believing that a person who has completely lost independent judgment and surrendered all rights to private beliefs and opinions to the ruler or the state is the best and noblest being."

I daresay which of the two applies to Liberty readers! Lin dislikes the popular trend of sorting people into groups and classes. "We no longer think of a man as a man, but as a cog in a wheel, a member of a union or a class, a 'capitalist' to be denounced, or a 'worker' to be regarded as a comrade. . . . We are no longer individuals, no longer men, but only classes."

Lin Yutang experienced the brutality of Chinese communism and the heavy-handed bureaucracy of Washington during the New Deal era. Needless to say, he had a low opinion of government: "I hate censors and all agencies and forms of government that try to control our thoughts."

Favoring persuasion over force, Lin distrusts laws and law enforcement. Quoting Lao Tzu, Lin says government regula-

"Serenity, calmness, peace, nirvana, enlightenment . . . I just can't take the *pressure* any more!"

tion "represents a symptom of weakness." Lin adds, "the great art of government is to leave the people alone." Quoting Confucius, Lin suggests that if you regulate people by law, "people will try to keep out of jail, but will have no sense of honor." But if you regulate the people by moral teaching, "the people will have a sense of honor and will reach out toward the good." War is never ideal, even when your side is right. Again Lin quotes Lao Tzu: "Where armies are, thorns and brambles grow."

Lin opposed Mao and the Communists because they placed society above the individual. The Soviet model was "disastrous" and Maoism "the worst and most terroristic regime." Lin favored a "silent revolution, of social reform based on individual reform and on education, of self-cultivation."[3]

He also questioned the establishment economist and forecaster:

> Perhaps I don't understand economics, but economics does not understand me, either. The sad thing about economics is that it is no science if it stops at commodities and does not go beyond human motives . . . It remains true that the stock exchange cannot, with the best assemblage of world economic data, scientifically predict the rise and fall of gold or silver or commodities, as the weather bureau can forecast the weather. The reason clearly lies in the fact that there is a human element in it, and when too many people are selling out, some will start buying in. . . . This is merely an illustration of the incalculableness and waywardness of human behavior, which is true not only in the hard and matter-of-fact dealings of business, but also in the shape of the course of history.

He was probably unfamiliar with the one school of economics that does take into account human behavior: the Austrian school of Ludwig von Mises and Friedrich Hayek. Undoubtedly Lin would like the title of Mises' magnum opus "Human Action."

Lin Yutang has many more things to say about our culture and how to live a happy and fulfilling life: about growing old gracefully ("The East and West take exactly opposite points of view. In China, the first question they ask is, 'What is your glorious age?' "); the need for women at dinner ("the soul of conversation"); the evils of Western wear ("inhuman"); the only way to travel ("buy a one-way ticket"); and his controversial views on smoking ("one of the greatest pleasures of mankind"). I've only scratched the surface of this brilliant Chinese philosopher.

Lin says, "The great art of government is to leave the people alone."

On Buddhism and Christianity

For Lin, Buddhism's outlook ("life is suffering") was too pessimistic and its path to happiness ("suppress one's desires") too austere. In a chapter called "Why I am a Pagan" in "The Importance of Living," Lin renounced his parents' Christianity, which in his age forbade enjoying sex, dancing, food, smoking, drinking, and the good life, in favor of an ascetic lifestyle that suppressed all sinful pleasures to obtain salvation.

Although Lin approved of the Christian emphasis on technology and education, and its banishment of foot binding and drug use in China, he rejected the austerity and social isolationism. "Chinese Christians virtually excommunicated themselves from the Chinese community," he wrote. While at college, Lin discovered "the vast world of pagan wisdom." His personal philosophy: "If I had to make a choice between contemplating sin exclusively in some dark, cavernous corner of my soul, and eating bananas with a half-naked girl in Tahiti, entirely unconscious of sin, I would choose the latter."

If you are too busy in your work, you don't have time to learn new ideas, to discover new truths, to enjoy life's little pleasures, or perhaps to pick a winning stock!

Yet in the 1950s, he returned to his Christian roots, although it was a liberal, tolerant, forgiving Christianity. What reconverted him? Not the catechism, but Christian charity, the showing of love, kindness, and good works toward his fellow man as Jesus proclaimed in the Sermon on the Mount. "Once this original emphasis is restored and Christians 'bear fruit' in their lives, nothing can withstand the power of Christianity."[4]

But for now, it is Lin Yutang and his works that are bearing fruit. There is a growing hunger for leisure in a speedy world and for individualism in a conformist globalization. As if speaking today, Lin states, "I am quite sure that amidst the hustle and bustle of American life, there is a great deal of wistfulness, of the divine desire to lie in a plot of grass under tall beautiful trees of an idle afternoon and just do nothing."

While enjoying that idle afternoon, may I suggest you take along a copy of Lin Yutang's "The Importance of Living"? In the United States, a Little, Brown edition came out in 2003, although I'm disappointed that it is without Chinese art on the cover or running heads inside the book. Lin would not approve of such an austere edition! A Singapore edition by Cultured Lotus recaptures the beauty of the original and is far superior. Yet I personally prefer the 1937 edition by John Day Company, available by wandering through any dusty, dank, disorganized bookstore. ❑

Notes

1. See "Easy Living: My Two Years in the Bahamas" (Liberty, December 1987).
2. Lin Yutang, "The Importance of Living" (John Day and Company, 1937), p. 150.
3. Lin Yutang, "From Pagan to Christian" (World Publishing, 1959), p. 78.
4. "From Pagan to Christian," p. 236.

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"...As it has always done, somehow Government, like some monster from the past, has again outwitted the freedom-loving masses and has convinced them that they don't need protection from Government, but from everything else. And so the age-old beast our founding fathers had tamed is once more banging at our door." — page 145

"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

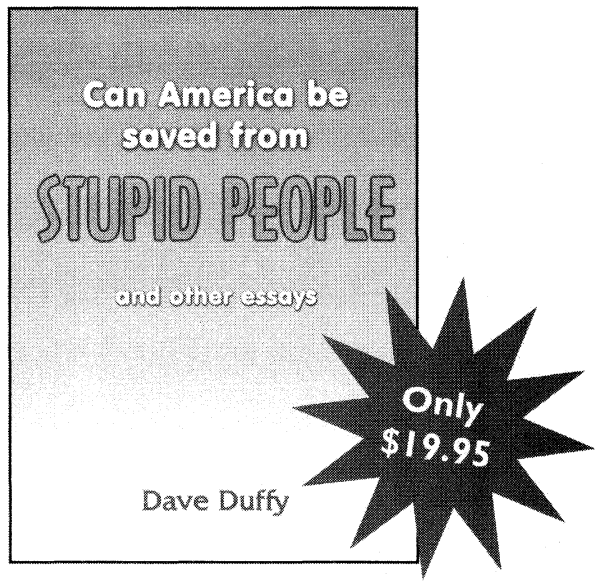

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Reflections, *from page 22*

Film Festival was initiated by the CIA, which may have also funded in its first stages (through the Ford Foundation) the program inviting me.

Given that the East Germans were subsidizing their cultural institutions on the other side of the notorious wall, West Berlin arts investment, don't we agree, had a beneficial political function in the Cold War (remember it?). Arts funding also stimulates tourism and other business. One politician who understands the economic benefits of supporting the arts is New York's "Republican" mayor Michael Bloomberg, who reportedly backed Christo and his wife Jeanne-Claude's long-dormant proposal to put magnificent Gates in Central Park. (And they were indeed magnificent.)

One trouble with our National Endowment for the Arts, which has never cost the public much, has been funding too much that "has no value in the open market," to quote one critic's felicitous phrase, and no value in anyone's market, ever. Awards from the NEA have suffered from a lack of not just artistic smarts but political moxie, a lack that wouldn't happen, say, in Germany or Canada, to mention two places where cultural funding is more intelligent. Subsidizing weak art, even on behalf of a social minority's claims, does no one any good, least of all weak artists who shouldn't be advised to quit their day jobs.

The failure of the companion National Endowment for the Humanities results from its ruling that only professors with doctorates are worth supporting, notwithstanding individual accomplishment in scholarship. Nearly all recipients of federal cultural money are academics or those who agree to pay academic advisers to lend their names to proposals. That's why they appear, invariably lighted solemnly, in all documentaries funded by the NEH. (Think most familiarly of those by Ken Burns.) I've compared our NEH to the cultural agencies of the former Eastern Bloc in that they rewarded primarily members of the Correct Party — in their case, the Communist Party; in our federal culture agency, the academic party. (To shoot footage in East Berlin some two decades ago, we had to hire "a translator," who was really a minder when she wasn't sleeping while we worked.)

The major continuing problem with our NEA as an arts patron has been a lack of intelligent leadership. Though the current chief, Dana Gioia, has been a smart poet and poetry critic (and a sometime libertarian), his NEA enthusiasms have been at once classical (Shakespeare) and populist (cowboy poetry), in both respects defusing previous critics of the NEA but wasting public money, in my considered opinion. Private patrons who need to warehouse the art they buy can't afford to be so dumb. Nor could Germans, for whom arts patronage reflects social policy.

Don't forget that one common measure of the difference between a first-world country and one belonging to the second or third world is intelligent cultural support for new art. In the 21st century, the U.S. isn't that far away from the rest of the world. — Richard Kostelanetz

State of war — President Bush has just announced that America's winning in Iraq requires a surge of additional troops. This will allegedly allow American forces to work with Iraqi forces to stop the escalating civil war.

Personally, I think the solution is simpler and requires no additional troops. Bush simply needs to follow the principles of federalism in which he once claimed to believe.

He should simply declare Iraq America's 51st state. Then the civil war becomes an entirely intrastate matter, one with virtually no risk of spreading to the other 50 states, and principles of federalism allow him to withdraw U.S. troops as a matter of adherence to Posse Comitatus.

But who would believe Bush was considering an action as a matter of adhering to principle? — Ross Levatter

Chris Hayward, R.I.P. — Something should be said about the passing of television writer Chris Hayward, whose death on Nov. 20 has recently been announced. Hayward, who died of cancer at the age of 81, was partly responsible for two of my childhood heroes, Rocky and Bullwinkle. I never missed a show and was proud that the main characters lived in my home state, as residents of Frostbite Falls, Minnesota.

As I grew older, my affection for the duo grew even stronger when I came to understand the subversive nature of the show. I vaguely remember one episode that featured a visit by creatures from outer space. As the creatures made their rounds, the camera repeatedly cut away to a U.S. senator who declared to the press that their visit was "a Communist plot." After hearing this several times, Bullwinkle finally asked, "Why do you think that this is a Communist plot?" Without missing a beat, the senator responded, "I think that everything is a Communist plot." — David T. Beito

Letters, *from page 26*

rarely heard — that nothing now should benefit Israel more than American failure in Iraq. The withdrawal of our troops would leave the Iraqi factions to quarrel with each other, rather than attacking us or our ally Israel, probably resulting in the division of a country that would then be less threatening not only to Israel but to Iran. (Need I say that this is a lesser reason for my favoring our troops returning home.)

The fear then is that Iran will again try to annex Iraq; may I predict that such an effort would either suffer the same guerrilla resistance that has stymied American troops, or divide Iraq, in both respects making both Iraq and Iran less problematic to any neighbors. So whenever you hear about Bush's purported subservience to the Israeli lobby, remember this truth: American military failure in Iraq would probably benefit Israel more than American success.

If you want to posit a real conspiracy about insidious Jewish influence, consider that cunning people within the Dubya administration might have sabotaged American military efforts in order to benefit Israel; but that paranoid anti-Semitic hypothesis has crossed my mind but not yet my eyes.

Richard Kostelanetz
New York, N.Y.

Reviews

"The Enemy at Home: The Cultural Left and Its Responsibility for 9/11," by Dinesh D'Souza. Doubleday, 2007, 352 pages.

What Causes Terrorism?

Robert VerBruggen

Since Sept. 11, 2001, pundits left and right have been rushing to tie al Qaeda's anger to their favorite political causes. For religious conservatives such as Jerry Falwell, it was America's sins that got Osama seeing red. For neocons, it was Clinton's intervention-happy but weak-willed foreign policy. For pacifists and historical grievance-mongers, it was the history of Western domination of the Middle East — going back to the Crusades. For the "social justice" types it was "poverty." And so on.

Political scientists have put together data on terrorists, looking at their stated goals, economic status, and countries of origin. They've even found a few correlations that shed light on the "root causes" of terrorism.

It's too bad that Dinesh D'Souza didn't take any of this research to heart before writing "The Enemy at Home." He'd soon have realized that his central thesis, that cultural leftism is "responsible" for 9/11, doesn't stand up to scrutiny. It's doubly a shame because three-quarters of the book teems with important insights, analyses, and observations.

But first, to refute the thesis. D'Souza's view, as explained best in the third chapter's subtitle, is that "foreign policy is not the main problem." Rather, the problem is that American cultural decadence enrages traditional people. Those who get particularly mad become terrorists, and others often provide tacit support.

One might expect, then, that the Muslim societies that have imported the most Western culture — D'Souza mentions Malaysia and Turkey — would have exported the most terrorists. Whatever else sets these three countries apart, the supposed driving force of the phenomenon is most pronounced there. The traditionalists should be stark raving mad and disproportionately inclined to blow things up.

But in a different section of the book D'Souza summarizes an analysis of foreign insurgents caught in Iraq. Out of about 300, "78 were Egyptian, 66 Syrian, and 41 from the Sudan. Only 32 were Saudis [despite most of the 9/11 hijackers coming from Saudi Arabia]. The rest came from Jordan, Iran, Tunisia, Algeria, and the West Bank." If Western culture is the main temptation into terrorism, people from Malaysia and Turkey must be good at resisting it, because they are able to live near discos without strapping bombs to their chests.

Scholarly analyses have reached conclusions that make more sense, even if they too can't provide a complete explanation. Researchers have found that terrorists come from countries where (a) they cannot participate in government and (b) anger at foreign involvement gives them an alternative outlet.

Alan B. Krueger and Jitka Maleckova have argued for the former principle. They find that, statistically, "apart from population — larger countries tend to have more terrorists — the only variable that was consistently associated with the number of terrorists was the Freedom House index of political rights and civil liberties."

From this they argue that terrorism is actually a form of political expression. When there is no legitimate way for angry citizens to make themselves heard, some of them seek other means. This is consistent with the fact that terrorists tend to be educated and well-off, because these are the kinds of people who care most about politics.

Alberto Abadie came to similar conclusions, adding the nuance that the relationship doesn't hold in cases

of extreme authoritarianism — some countries are so repressive they actually squelch terrorism.

One might say that if a lack of rights is the problem, America should spread rights, through force if necessary. But there are tradeoffs to this approach as well.

The Defense Science Board noticed a historical link between intervention and terrorism in 1997, and the Cato Institute followed with a detailed report the next year. More recently journalist Afshin Molavi pointed out that the more a regime caters to U.S. interference, the more anti-American the regime's country becomes. Iran has one of the most pro-America populations in the Middle East.

Statistical work by Robert Pape found the same trend. In "Dying to Win," he looked at 315 suicide attacks between 1980 and 2003. About 95% were linked to political objectives, and he argued that foreign occupation was terrorism's primary cause.

This shouldn't shock anyone. A terrorist does not choose the United States, halfway around the globe, by throwing darts at a map. American leaders know (or should) that wedging themselves into a country's affairs is bound to create a backlash.

A plausible supporter of intervention will make the case that the benefits outweigh the costs, not that war has no costs and liberals are to blame for the problem. Democracies are less likely to breed terrorism, and it's arguably worth war to try to establish a democracy in the Middle East. Even National Review columnist Jonah Goldberg conceded the point about costs and benefits when a National Intelligence Estimate found that the Iraq invasion increased terrorism: "Confrontation tends to increase the chances of violence in the short term but decreases its likelihood in the long term. Any hunter will tell you that the most dangerous moment is when you've cornered an animal, and any cop will tell you that standing up to muggers puts you in danger."

Of course, no factor or even group of factors can explain 100% of terrorist activity. In "The Moral Logic and Growth of Suicide Terrorism," Robert Atlan criticized Pape's work by pointing out the role of Muslim fanaticism — including martyrdom's place in some interpretations of Islam — and the fact that some terrorist groups strike merely to compete with other terrorist groups for support. A Muslim-world Pew survey found a link between pro-terrorist beliefs and the notion that Islam is under threat.

So there's plenty of room for one more factor, and D'Souza does a good job of showing that the cultural Left did play some small role in 9/11, even if "responsibility" is too strong a word. He also demonstrates that popular foreign policies, both of the Left and of the Right, can hurt American interests.

D'Souza argues that left-wing values, when taken into the Muslim world against those societies' wishes, give terrorists a rallying cry. This runs contrary to D'Souza's idea that the cultural Left causes terrorism in and of itself (especially when he comes right out and says, "As they see it, if we in America want to wreck our families and ruin the lives of our children, that is our choice"), but it's convincing nonetheless.

Liberal activists have taken on an international crusade that many mainstream Americans, to say nothing of devout Muslims, object to. Planned Parenthood has handed out "contraceptives to unmarried young girls in traditional cultures." Women's Link Worldwide opposes Muslim divorce and abortion laws in the interest of "human rights." These efforts may not directly cause terrorist attacks, but it's not unreasonable to point out that they've been great for recruiting.

D'Souza does show that the cultural Left did play some small role in 9/11, even if "responsibility" is too strong a word.

Even Middle East objectives that most Americans applaud are problematic. Both the Left and the Right tend to support foreign leaders with Western values — the Left because of civil liberties and the like, and the Right because it thinks that having such leaders in the Middle East is in our best interest. Activists across the spectrum support invasions that stop human rights abuses.

Pro-American leaders can help fight the War on Terror by sending troops and policing terrorism (a program that D'Souza chooses not to explore), but with the tradeoff that radical Muslims in those countries will hate America more.

Musharraf in Pakistan, Mubarak in Egypt, and Abdullah in Jordan comprise D'Souza's trinity of "Little Satans." He says that "[t]hese dictators typically restrict or even eliminate Islamic laws and rules, replacing them with Western laws and institutions." Iran's Ayatollah Khomeini and bin Laden himself have publicly protested this phenomenon. Paradoxically, pro-America leaders have an anti-American effect.

And even if bashing Democrat-style foreign policy has been done to death, D'Souza impressively shows how poorly run, humanitarian-themed interventions can embolden terrorists. Jimmy Carter helped bring down the Shah of Iran because the foreign leader wasn't liberal enough, and he ended up with Khomeini instead. Bill Clinton invaded

Somalia in 1993 despite his unwillingness to deal with a backlash that killed 18 soldiers. Terrorists saw these events and found that hitting America brought no consequences.

Bin Laden himself noted on a recruiting tape that the "paper tigers" "fled [Somalia] in the dark as fast as they could." D'Souza takes all this to mean we should invade and follow through, but he provides all the facts needed to argue we should stay out altogether.

After imparting this wisdom, though, D'Souza returns to his suggestions for solving the problem. His main points here are that (a) the War on Terror must go on, with assurances to traditional Muslims that we're trying to become a more moral people, and (b) conservatives don't link liberals to Osama bin Laden often enough.

The problem with the first assertion is not so much that it's wrong on its face — though the evidence continues to mount that it is, at least in Iraq — but that it is insufficiently argued. D'Souza makes a half-hearted case that the war is going better than the media let on. It is true the United States has built schools, held elections, etc. It's also true that civilian deaths might have been higher if Saddam were still in power, tossing dissidents into mass graves at will. What's needed, though, is a cost-benefit analysis that pits the war's accomplishments against its price in American soldiers' lives, increased terrorism, money, and injured U.S. world standing. There is none.

The second recommendation is by far the book's most shocking. D'Souza notes that both Osama bin Laden and the American Left would like the U.S. out of the Middle East (here and throughout his book he ignores "Old Right"-style anti-interventionists). He argues that the Right should point this out at every opportunity. But the biggest problem is that D'Souza's own recommendations are often consistent with bin Laden's objectives. For example, the pundit and the terrorist leader would both like to see a more wholesome America; indeed, the point of "The Enemy at Home" is to encourage such a cultural shift. D'Souza spends an inordinate amount of space arguing that "Will and Grace," Eminem, and Howard Stern endorse despicable values, and that if these folks toned it down, traditional Muslims would be less inclined to quietly support terror.

The biggest problem is that D'Souza's own recommendations are often consistent with bin Laden's objectives.

So liberals are not alone in espousing a "give them what they want and they'll leave us alone" strategy. Those on the Left simply choose a different avenue of appeasement. Also, Americans have been known to see these kinds of attacks as cheap shots. See the comments of Sen. Dick Durbin (D-Ill.) comparing Guantanamo Bay to Nazi concentration camps and the Soviet gulag, and his apology for having done so.

Despite its often severe flaws, "The Enemy at Home" is a worthwhile read. Sandwiched between an empirically false thesis and questionable policy recommendations are some terrific facts and arguments about the Middle East and its culture. ❑

"Kingfish: The Reign of Huey P. Long," by Richard D. White, Jr. Random House, 2006, 359 pages.

American Dictator

Bruce Ramsey

Those who grumble at the incoordination of government might consider this story. Huey Long (1893–1935) coordinated the government of Louisiana. A hollering, sweating, foul man who proclaimed "every man a king" rewired an American state government of ordinary powers and authorities into a bayou dictatorship.

The story has been told before, but Richard White, a professor of public administration, tells it for a new generation. He does not take Long's leftist ideology seriously, and spends little time on it. That is the book's most obvious lack. But this is a story that extracts a strong statement from the plain facts.

Long arose from rural Louisiana, and was always disliked in the cities. He was a rural populist whose first target was Standard Oil. He got elected governor in January 1928 on a program of free school textbooks and good roads — and he provided them. He also set about leveling rival centers of power.

An early sign of this was the Louisiana delegation to the 1928 Democratic National Convention. Usually, the party's central committee made up the delegation. Long called a special meeting, stacked it with his supporters, and elected a slate that was entirely controlled by him. Next he took on the state legislature. Writes Smith: "Abandoning protocol and any separation of powers, he stomped through committee rooms and scattered committees with a nod of his head or a crooking of a finger." When a senator cited the state constitution, and threw a copy at his head, Long replied, "I'm the constitution just now."

Not too long after that Long was impeached and brought to trial in the

state senate for abuses of power. He bought off some senators and set about destroying the careers of those who had opposed him. From then on, the legislature was his — and so was the rest of state government, from the highway commission and the game department to the tax authorities and the cops. To a friend he said, "Give me the militia and they can have all the laws they want."

When a senator cited the state constitution, and threw a copy at his head, Long replied, "I'm the constitution just now."

Long pumped up Louisiana State University (where the author teaches) and demanded its loyalty. When an English professor published a saucy book called "Cane Juice," Long had him fired. Later, when the student newspaper printed a letter attacking Long, he sent state police to the print shop to destroy 4,000 copies of the paper.

As for business interests, White writes, "His bureaucrats prescribed licenses, permits, property assessments and other commercial transactions not by necessity but often by political loyalty. They taxed misbehaving corporations into extinction and heaped contracts and largesse upon the businesses of their friends. Bank examiners stifled credit from opponents' businesses, and state dock inspectors banned fruit, vegetables and other cargo belonging to anti-Long shippers from being stored on state-owned wharfs."

The Depression came, and Louisiana was hit hard. Long "hired extra game wardens, bridge tenders, [and] state policemen, and added thousands of jobs with his huge road building program." He expected every state employee to contribute to his political fund. Because the New Orleans newspapers opposed him, he started his own paper and ordered every state employee to subscribe to it.

He ordered the state to build a new governor's mansion and a new state capitol — a towering thing with a skyscraper instead of a dome. To pay for his excessive government, he increased taxes on business and sold Louisiana bonds until Wall Street refused to buy any more.

Early on, he began to have national ambitions. With the government of Louisiana in his pocket, he ran for U.S. Senate in 1930, and won. He could not be governor and senator at the same time, so he put off accepting his Senate seat while he arranged for a lackey with the initials "O.K." to become governor. In 1932 he went off to Washington to get a national audience by attacking the rich. In his first speech in the Senate he proposed a law to confiscate fortunes above $100 million and divide up the money among the poor.

That year Long supported Franklin Roosevelt for president, and he began the New Deal as an ardent supporter. But the two men did not get along. Roosevelt was not left-wing enough, nor populist enough, nor compliant enough for Huey Long. Long began setting up Share Our Wealth clubs across the United States. To run them he hired the anti-Semitic Rev. Gerald L.K. Smith, whom H.L. Mencken described as the "gustiest and goriest, the deadliest and damnedest orator ever heard on this or other earth." Long was quite the orator himself.

By 1935, the New Deal was injured, its chief instruments declared unconstitutional by the Supreme Court. And yet in the land was a leftist belief that those remedies had not been strong enough. In California, Upton Sinclair had just run for governor as a socialist Democrat, and Dr. Francis Townsend and Father Charles Coughlin were filling the radio waves with socialistic nostrums. Into this cauldron bubbled Huey Long, a man who had led more fools more effectively than any of them.

When the LSU student newspaper printed a letter attacking Long, he sent state police to the print shop to destroy 4,000 copies of the paper.

He intended to challenge Roosevelt for the Democratic nomination of 1936. Probably he would have failed, because FDR had the wealth of the U.S. Treasury to hand out, and because Long's crudity hurt him in states of greater average education than Louisiana. But we will never know. In 1935, Huey Long was assassinated by a member of one of the many families he had wronged. The exact thinking of the assassin cannot be determined, because Long's bodyguards pumped his body full of bullets.

There is something to be said for assassins, at least some of the time. There is something, too, to be said for the normal incoordination of government. ❑

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea" with the gold coin for refuting it regularly offered here.

The coin is still here, and so is the idea. Rothbard couldn't refute it, Kirzner couldn't, the Friedmans couldn't, nor, apparently, any of the other economists in these pages, who would certainly have done so by now, had they been able to.

Stephen Cox described the speakers at the recent Liberty Editors Conference as "great, great in absolute terms," and libertarians as "living in the sunshine."

But so far none of his Sunshine Boys has faced this challenge out in the open.

For the sunlight they can't stand, the intellectual progress leaving them in its wake, the "new idea" that would demolish the Left, and their positions within the Right, see ***Intellectually Incorrect*** at intinc.org.

Advertisement

My Picks for '06

by Jo Ann Skousen

It's that time of year when every newspaper, magazine, and entertainment news show is making its list and checking it twice — not for Christmas gifts, but for Oscar picks. Below are my 2006 favorites in several categories. These are not my predictions for who will win the Oscars this year, but simply the films or performances that moved me in some way. Many of them have been reviewed in Liberty this year; others are mentioned only here. I hope you will add them to your Netflix list, if you haven't seen them already.

Best Picture

My favorite films this year were not necessarily blockbusters, but movies with good stories performed by believable actors.

"United 93." The fifth anniversary of the attack on the World Trade Center seemed to mark the go-ahead signal for several films and documentaries to be made for television and the wide screen. "United 93," with its real-time story line, real traffic controllers, unknown actors, and script based on real cell phone calls, was the best. Moving, suspenseful, and cathartic.

"Déjà Vu." The always reliable Denzel Washington stars in a thriller that mixes multiverse time travel with high-tech government snooping and an old-fashioned love story. Not likely to win an Oscar nod, but a great night out at the movies.

"Little Miss Sunshine." One of the funniest movies I have seen in ages, its humor comes from the divine human comedy, not from schtick or slapstick. Marred (for me) by Grandpa's foul mouth, but a delight in every other way. Run! Jump in! Can't stop!

"The Prestige." Set in Victorian England, two rival magicians, once best friends, will stop at nothing to uncover each other's secrets. The acting is first-rate, and the plot kept me guessing till the very end, unlike the more critically acclaimed "The Illusionist."

"Dreamgirls." I loved everything about it. See my review on page 50.

"The Pursuit of Happyness." Some people will think of this as a lightweight "chick flick for guys," hardly worthy of an Oscar, but it's a remarkable story. No whining, no groveling, no giving up, just a determined father who will stop at nothing to get the job done for himself and his son. That's a happy-ness worth pursuing. (See reviews on page 48.)

Best Actor

Johnny Depp, "Pirates of the Caribbean." The film itself didn't make my list because of its "stay tuned" ending (I think a film should stand on its own, even when it's part of a trilogy), but as an actor, Depp is in a class by himself. He could do a remake of "Lassie Come Home" and make it wonderfully innovative.

Will Smith, "The Pursuit of Happyness." I have a little list of "perfect movie moments." It contains such magical scenes as Emma Thompson's gasping, cathartic yelp of joy at the end of "Sense and Sensibility"; Chris Cooper's arm reaching slowly and tentatively for his son's shoulder in a long-awaited embrace of approval in "October Sky"; and now, Will Smith's eyes almost, but not quite, brimming over as he rushes to find the one person whose hug will make his happy-ness complete — his son.

Best Actress

Emma Thompson, "Stranger Than Fiction." One of the most disappointing films of the year, but that's not her fault. As a writer on the verge of a nervous breakdown, Thompson is stunning. Watch what she does with her eyes, her mouth, her cigarettes. Amazing!

Helen Mirren, "The Queen." I first discovered Helen Mirren in "Calendar Girls" (2003) (a film I highly recommend for your Netflix list) and "Gosford Park" (2001). She's a wonderfully versatile actress who is unfortunately overshadowed by the "dame of England," Judi Dench. Portraying Queen Elizabeth during the week after Diana's death, Mirren brings life and insight to England's boring monarch. The usually beautiful Mirren is so perfectly dumpy, she even develops cankles. Watch for how she dismisses Tony Blair (Michael Sheen) with an eyebrow, a barely tightened lip, an almost limp wrist.

Best Supporting Actor

Eddie Murphy, "Dreamgirls." As James Thunder Early, a James Brownesque soul singer, Murphy is instructed to tone down his style to appeal more to white audiences. Murphy's restrained frustration offstage and unrestrained soul onstage reminds us what the music world has lost by its insistence on keeping the pop scene light. His best character since Axel Foley.

Best Supporting Actress

Toni Collette, "Little Miss Sunshine." Like Johnny Depp, Toni Collette transforms herself for every role. She can be an unattractive, haggard, clinically depressed mother ("About a Boy"), a glamorous blonde ("The Hours"), or a plain Jane who becomes beautiful ("In Her Shoes"). In "Little Miss Sunshine" she is the only sane member of a delightfully screwy family.

"The Pursuit of Happyness," directed by Gabriele Muccino. Columbia Pictures, 2006, 116 minutes.

The Importance of "Happyness"

Gary Jason

Hollywood hasn't produced many pictures celebrating the American dream and success in business (recently, at least). But occasionally a film sneaks through that reminds us that we can win if we work hard enough. "The Pursuit of Happyness" does that, and much more.

The story is true. It is based on the autobiography of Chris Gardner, a black man who became a successful investor. The film, which is set in the San Francisco of 1981, follows the period of Gardner's life when he struggled to make his way. The story begins with Gardner, portrayed superbly by Will Smith, trying to earn a living selling medical equipment, while his wife (played well by Thandie Newton) is working double shifts at a menial job, and both are trying to raise their son. In a brilliant piece of casting, the son is played by Jaden Smith, Will's son in real life. This gives a special depth to the scenes of father and son.

The film moves rapidly. Equipment sales are rough; Gardner can't pay his bills. Passing by a Dean Witter stock brokerage, he is struck by the smiles on the employees' faces and the Ferrari the manager drives, and he decides that he wants to intern there and move into that line of work. He impresses an executive in a cab (by solving a Rubik's Cube puzzle), is invited for an interview, and manages to talk his way into a slot as an intern — only to find that he will earn no pay for the long training period, and only one of the trainees will eventually be hired as a broker. But he decides to take a shot.

The rest of the movie shows the effort he puts into it. His wife leaves, he goes broke (when the IRS seizes his bank account for trivial back taxes), and he and his son become homeless for a while. The scenes here are very affecting, as he tries to keep his son's spirits up against an incredible string of rough luck. One scene in particular — an episode in which he and his boy are forced to spend the night in a public restroom in a train station — is especially moving.

The humanity and reality of the characters are remarkable. The departing wife is shown as desperate, not bad. The businessmen are hard-driving salesmen, not mean or racist. The only villains are the IRS and the hippies who kept stealing Gardner's medical equipment. The movie depicts a man who is deeply committed to looking after his child, while trying to make it in a tough world.

I will be surprised if Smith doesn't get an Academy Award nomination for his performance, if not the award itself. The portrayal of a black man fighting hard and fighting smart to raise his son and achieve his dreams in a society that allows people to succeed is a deeply satisfying formula. And while the story could easily have become melodramatic, especially given the politically charged problem of homelessness, the director keeps it quick, focused, honest, and leavened with humor. ❑

David T. Beito

"The Pursuit of Happyness" is a compelling, energetic, and unabashed celebration of free markets, individual responsibility, and old-fashioned pluck — and it's based on a true story, to boot. Will Smith plays Chris Gardner, a man who never lets up in pursuing his dream of becoming a stockbroker, despite his lack of a college education and the responsibilities of rearing a young son by himself. Against all odds, even homelessness, he manages to land an internship with Dean Witter, study for his SEC exams, and cultivate clients, while feeding his son in soup kitchens and lining up for beds in a homeless shelter each night. As he contemplates the rights set forth by Jefferson's Declaration of Independence, Gardner realizes, "Some people don't get to achieve happiness. They only get to pursue it." Still, he never gives up in his pursuit.

While the critics have generally praised the film, it rubbed some of them the wrong way. Jeffrey M. Anderson sees a "disturbing . . . depression era attitude toward the class system. Here, the wealthy are mainly kind, generous folk and the poor are angry and vin-

dictive. Gardner's ambition is admirable, but the movie dimly believes that great wealth is the final answer to all his problems."

Another critic, Peter Sobczynski, cites the film's inattention to "racism, on institutional or individual levels" as an unforgivable lapse. And John Beifuss' summary of the film's message is misleading but equally illustrative of this mindset: "With Reagan hovering in the background as a sort of patron saint of economic self-determination and Captain America as the son's superhero of choice, the movie segregates its characters into two categories: Guitar-strumming hippie chicks, homeless nutcases, Chinese-speaking day care operators and non-Smith black folks — bad; rich white stock brokers with box seats at 49ers games — good."

The film promotes the idea that the poor can succeed through their own efforts, and that the rich do not accumulate their wealth through exploitation.

Frankly, I found it refreshing that the filmmakers chose not to make this a film about racism, but a film about opportunity. True, there is a hint of racism in the fact that Gardner appears to be the only black man in the internship program, and the only intern who is ordered to fetch coffee and donuts for the internship director, Frank (Dan Castellaneta — dig the irony of the voice of Homer Simpson sending out for donuts). But if Gardner suspects he is singled out because of his skin color, he never mentions it. He never whines to his employers about being a single father, either. One of the great points of this story is that, when you are struggling to get ahead, you simply don't have time for whining. Just get the job done, and let someone else worry about saving the world.

A more significant juxtaposition is not between white employers and black employees, but between Gardner and his wife. Both seem to have the same goal: pay the rent, put food on the table, pick their son up from day care. But Linda's solution to their financial woes is to cut back and double up. After dinner she automatically pours their unfinished iced tea back into a shared pitcher before heading to her second shift washing linens in a hotel laundry. Eventually she cracks, unable to see any escape from this never ending cycle of double shifts and recycled tea, and she leaves.

By contrast, Chris knows he will never get out of poverty by working a salaried job for someone else. Gardner is reminiscent of another great black character, Walter Lee Younger of Lorraine Hansberry's "A Raisin in the Sun." Both men recognize that entrepreneurship is the true path out of the ghetto. Both men fail initially — Gardner spends his family's savings to buy medical equipment that he schlepps from office to office, and Younger risks his family's fortune on a liquor store scheme — but both have the right idea. Find something you feel passionate about, and pursue it relentlessly. Business ownership is the key to financial success, and whether critic Jeffrey Anderson likes it or not, wealth is the solution to poverty.

"The Pursuit of Happyness" is about ideas, and refreshingly subversive ones at that, given the do-gooder philosophy inherent in Hollywood. It promotes the value of individual responsibility and initiative, the idea that the poor can succeed through their own efforts, and that the rich do not accumulate their wealth through exploitation, destructive greed, and racism. It even identifies taxation and inflation as enemies of the common man.

Underlying this free-market philosophy, however, is a film that is unabashedly moving, demonstrating that true happiness does not lie in the accumulation of property alone, but in having someone to share the joy of good fortune. Without someone to tell, someone to care, good fortune is just a pile of paper. ❑

Jennifer Hudson, "Dreamgirls." Wow!

Best Ensemble

"Little Miss Sunshine." Greg Kinnear, Toni Collette, Alan Arkin, Steve Carell, Abigail Breslin, and Paul Dano. They're all in the van, and they all deserve equal accolades. The Academy really needs to create an "Ensemble" category.

Best Cinematography

Sophia Coppola, "Marie Antoinette." With Kirsten Dunst in the title role, this film had little chance of being more than a caricature of the doomed French queen. But Coppola has a fantastic eye for camera shots. Her backgrounds and lighting, especially in the outdoor scenes, are gorgeous.

Best Music

Philip Glass, "The Illusionist." From the opening note of the opening credits, Glass' soundtrack sets the mood for what should have been a richly atmospheric period piece. The story itself is transparent, the acting cold, and the film disappointing. But Glass' music created such a lush illusion that many critics put "The Illusionist" at the top of their lists, probably not even realizing that it was the music, not the story, that caught their emotions.

Gustavo Santaolalla, "Babel." The theme of this movie is communication without language, and music is one of the most powerful forms of communication in the movie. Santaolalla creates three different musical motifs to portray three different cultures: Middle Eastern, Mexican, and Japanese. The ending of the Japanese section simply would not have worked without his music. With it, the film becomes a masterpiece (almost).

Randy Newman, "Cars." Much of the soundtrack is made up of previously released songs appropriate to the race car theme: Rascal Flatts' "Life is a Highway," Chuck Berry's "Route 66," Sheryl Crow's "Real Gone," and Hank Williams' "My Heart Would Know" are among the most popular. But Newman's original score is great, and his plaintive ballad about the beauty of one's home town, "Our Town," sung by James Taylor, is sure to win a nomination, if not an Oscar. ❑

"Dreamgirls," directed by Bill Condon. Dreamworks, 2006, 125 minutes.

Topping the Charts

Jo Ann Skousen

What do Pete Best and Florence Ballard have in common? Both were founding members of singing groups that gave them the shaft and went on to superstardom without them. Pete Best, of course, was the original drummer for the Beatles; Flo Ballard was the original lead singer and one of the founders, along with her friends Diane Ross and Mary Wilson, of the Supremes. When Motown producer Berry Gordy decided that Ross' gentler soprano would be more pleasing to white audiences than Ballard's soulful contralto, Ballard was dumped, Diane's name was changed, and "Diana Ross and the Supremes" was born.

As a business maneuver, Gordy was probably right. The Supremes successfully made the crossover to pop music, releasing ten number-one hits between 1964 and 1967. Their bittersweet lyrics of unrequited love ("Where did our love go?", "Stop in the name of love", "My world is empty without you"), sung with doo-wop choreography and shiny costumes, appealed to young teens going through their first heartbreaks. I was in junior high at the time, and it seemed that every time a new romance broke up (about every two months!), there was Diana Ross, singing about my loss.

But as a personal maneuver, it was a dirty trick. Ballard had founded the group. She was a talented singer with a powerhouse voice (it is said that Ballard stood 17 feet away from the microphone during recording sessions to balance the rest of the trio). No matter. Gordy felt Cindy Birdsong would provide better backup, and Ballard was out. While Diana, Mary, and Cindy went on to stardom, Flo fell into a depression. She attempted a solo career and tried to make a comeback, but lived most of her life in poverty.

Florence Ballard's story comes to life in a formidable performance by newcomer Jennifer Hudson in Bill Condon's "Dreamgirls," based on the 1981 Broadway show of the same name. The Broadway version only hints at the Supremes, but this version allows no doubts, matching hairstyles and costumes easily remembered from the Supremes' album covers and even bringing out a "Jackson Five" lookalike group for one of the concerts. Although the character's name is Effie White, this is Flo's story, and Hudson leaves no doubt that this is her movie.

I grew up watching film versions of Broadway musicals, but I haven't been a big fan of recent musical fiascos like "Phantom of the Opera" and "Rent." "Chicago" may have won the Oscar, but I was turned off by the quick edits and dance-like poses designed to camouflage the actresses' inability to dance, and the voiceover to cover Renee Zellweger's thin, reedy voice.

"Dreamgirls," by contrast, melds the characteristics of film and stage, highlighting the best of both forms. Director Bill Condon takes advantage of film's capacity for scene changes and flashbacks in order to tell a complete story, while maintaining the integrity and feel of a Broadway show. In fact, the audience at the screening I attended erupted in spontaneous applause at the end of several showstopping numbers, even though there was no actress on stage to receive the accolades. You just can't help but clap at certain points in this show.

The singing is phenomenal, especially from Hudson, who in the past three years has grown from a gawky, awkward "American Idol" contestant with a dynamite voice and no stage presence to a credible actress, full of passion and pathos. It would have been easy for her simply to display over-the-top attitude in this role, but she maintains the vulnerability of her character even as she projects her raw anger. Say what you want about "American Idol," but even if five seasons of auditions have uncovered only this one talent, it will have been worth it. I hope the film leads to a revival of "Dreamgirls" on Broadway, with Hudson in the lead.

Beyonce Knowles, known for her beauty, her voice, and her often mediocre acting, is beautiful and believable as Deana Jones (aka Diana Ross). In fact, I simply forgot that she was Beyonce. Eddie Murphy, also struggling as an actor to overcome his reputation for B-grade movies after his initial success with "Beverly Hills Cop," puts in a restrained but powerful performance as Jimmy Thunder Early, a soul singer frustrated by Curtis Taylor Jr.'s (Jamie Foxx, as a thinly disguised Berry Gordy) insistence that he "sing white." He tries, but he just can't quite succeed in leaving soul behind, to the betterment of the film.

Even if five seasons of "American Idol" have uncovered only this one talent, it will have been worth it.

"Dreamgirls" is possibly my favorite movie of 2006. Great music, great story, great dance numbers, great acting, great nostalgia. Don't miss it. ❑

Medianotes

Where there's smoke — What would have happened at Waco if the Branch Davidians had not held their unpopular religious beliefs, but merely been peaceful pot smokers? What if they were nothing more than productively employed pillars of the community who happened to be cannabis activists? The cynical answer is that the feds wouldn't have done anything differently: they still would have leveled accusations of child abuse, trumped up some firearms law violations, and laid siege to the compound. And in Dean Kuipers' "Burning Rainbow Farm" (Bloomsbury, 2006, 304 pages), there's evidence that the cynical answer may be correct.

Kuipers writes from Los Angeles, but he grew up in Michigan, where the events in the book take place. Just like Waco, it began with people who wanted to be left alone; just like Waco, it ended with the torching of a community's gathering place and a fatal shootout with federal agents.

There are a lot of characters, but the big players are Tom Crosslin, the prosecutor who went after him, and the cops who eventually forced his hand. Tom and his lover Rollie Rohm founded Rainbow Farm, a campground in Vandalia, Mich., as a haven for cannabis activists and a cultural center for anyone willing to live and let live. The government wasn't about to let that stand.

Most people haven't heard about "the Michigan Waco" because it happened just days before 9/11. Obviously, news of what happened in Vandalia got preempted. But there's another reason. With a little imagination, anyone who has kids, owns property, and blew a couple of spliffs in college can put himself in these men's shoes. They were neighborly guys, not religious nuts with an apocalyptic vision. The locals knew them, and many liked them. Thinking too hard about Tom and Rollie's last stand would be too much cognitive dissonance for the Boomers.

Kuipers' writing is nothing special; it would have profited from a bit more care in editing, but it is solid enough to move the story along. No one is made to be all good guy or bad guy: the author is sympathetic toward the people of Rainbow Farm, but he also quotes extensively from his conversations with the man who started the whole mess, prosecutor Scott Teter. He is not made out to be a monster — just a prosecutor in 21st-century America, which is no high praise.

Nor are Tom and Rollie's pasts whitewashed. Tom once assaulted a woman in a bar over a political disagreement, and he could be belligerent even with close friends. Rollie kept smoking pot even when he was being tested for it and custody of his son was on the line. It's not certain that the men ever actually fired a weapon at anyone, but early on they did have ties with the Michigan Militia. The Militia provided "security" for Rainbow Farm — armed with cameras, instead of guns, to document abuses by the police — demonstrating that Tom didn't mind being viewed as a troublemaker.

These things are not grudgingly admitted, but dutifully noted, which makes the book better than a one-sided apologia would be — in other words, better than the kind of book an ideologically libertarian journalist might have written. Libertarianism seems to be a new, obscure concept for Kuipers, and his fairness and clarity in summarizing Crosslin's libertarian ideas are noteworthy in a time when it is difficult to get most journalists to distinguish between "libertarian" and "right-wing."

Tom and Rollie were pot-friendly. They had a lot of land and money. They were a sweet target; it was only a matter of time before the government tried to take Rainbow Farm by asset forfeiture. When Rollie's son Robert was taken from them and put into foster care, it proved too much. Tom and Rollie torched the community they had built, and the dreams it represented, rather than let the feds get their paws on the place. It was a Howard Roark moment, except that Roark didn't get gunned down by FBI agents. Tom and Rollie did. "Burning Rainbow Farm" is their story. — Patrick Quealy

Cancer merchant — Jason Reitman's comedy "Thank You for Smoking" (Fox Searchlight, 2006, 91 minutes), based upon Christopher Buckley's 1994 novel of the same name, was only modestly successful at the box office in 2006. Which surprised me, given that it succeeds at the main goal of any comedy: it makes you laugh. Hard. Would that more so-called comedies did that.

In this send-up of Washington lobbyists and congressional investigations, protagonist Nick Naylor (played to great smirky effect by Aaron Eckhart) has the difficult task of lobbying on behalf of Big Tobacco. Naylor's main antagonist, a senator (played to great smarmy effect by William H. Macy), is holding hearings with the aim of pass-

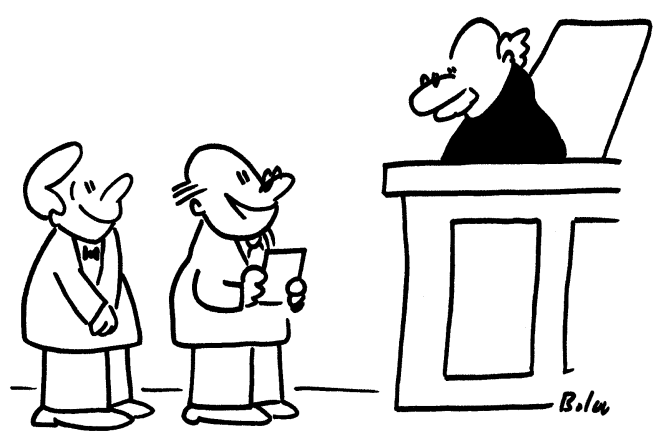

"In his defense, Your Honor, my client would like to sing 'Why Can't We Be Friends?'"

ing a law to replace the standard health warning label on cigarette packs with a label bearing a skull and crossbones. Naylor's close associates are a gun-industry lobbyist and alcohol-industry lobbyist whom he routinely meets for lunch (calling themselves the MOD squad — for "merchants of death").

The film has a tremendous supporting cast. As it progresses, we meet a Hollywood agent (played brilliantly by Rob Lowe), a cowboy model for the cigarette industry who is dying of lung cancer (the always superb Sam Elliott), a tobacco kingpin (another fine actor, Robert Duvall), and a treacherous reporter (a sexy Katie Holmes). The boy who portrays Nick's young son (Cameron Bright) puts in an excellent performance as well. All these characters form a circle of cynics that does justice to the real charlatans who inhabit much of government and industry, especially the entertainment and news business.

One indication of the brilliance of Reitman's directing can be seen in the "deleted scenes" feature on the DVD. All of them are funny, but they would have detracted from the film — as clearly explained by Reitman in a voiceover. In particular, I was struck by one scene that Reitman dropped for exactly the right reason. Nick and his son are standing on the steps outside Congress, and his son pulls out a pack of cigarettes and puts one to his mouth. Nick sees this, reaches over, and knocks it out of his son's lips. Reitman notes that the scene is tonally inconsistent with the movie's theme of personal responsibility.

Consistency of tone is a virtue that all too many films lack. I recall a "comedy" a few years ago in which the lead characters — who were supposed to amuse us — were hitmen. One of them mutilates a victim onscreen. The comedy flopped, despite a big-name cast, because of the complete tonal inconsistency: an audience doesn't readily laugh at someone presented as viciously evil.

Unfortunately, however, the theme of taking responsibility for personal choices, the moral theme that should make this movie especially enjoyable to readers of Liberty, may have made it distinctly less enjoyable to much of the American public, which has been infantilized by decades of rule by the Great Nanny State. Some of the material in "Thank You for Smoking" may be unsettling to young children, not to mention bleeding-heart adults. Otherwise, the film is not to be missed. — Gary Jason

Dangerous minds — David Horowitz's "The Professors" (Regnery, 2006, 450 pages) has a certain perverse charm that comes from bestowing a few pages of transient fame on "The 101 Most Dangerous Academics in America." Most of its characterizations identify objectionable people, largely tenured, the vast majority of them unfamiliar to me before, because they are lightweights not only on the world stage but within their own universities. (Three exceptions in this last respect are the linguist Noam Chomsky, the literary whatever Frederic Jameson, and the historian Eric Foner.)

Otherwise, this book is limited. One repeated piety holds that objecting to

Notes on Contributors

Aaron Anderson is a businessman living in Hawaii.

Baloo is a *nom de plume* of Rex F. May.

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Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Woman and the Dynamo: Isabel Paterson and the Idea of America.*

David G. Danielson is the co-founder of Frugal Muse Books, a small chain of used bookstores. He lives in Madison, Wisc.

James Durham is a passionate, lifelong science fiction and fantasy aficionado.

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Richard Kostelanetz has written many books about contemporary art and literature.

John Lalor writes for the *Jerusalem Post* and Ireland's *Sunday Independent.*

Ross Levatter is a physician in Phoenix.

Robert H. Miller is a builder, outdoor adventure guide, and author of "Kayaking the Inside Passage: A Paddler's Guide from Olympia, Washington to Muir Glacier, Alaska."

Roy Miller is a management consultant, a native Minnesotan, a retired Air Force Reservist, and, in his free time, a lifelong defender of liberty.

Patrick Quealy can be seen in his natural habitat, a Seattle coffee shop.

Paul Rako is a consultant living in Sunnyvale, Calif.

Bruce Ramsey is a journalist in Seattle.

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Mark Skousen is editor of *Forecasts & Strategies,* and producer of FreedomFest.

Tim Slagle is a standup comedian living in Chicago. His website is timslagle.com.

Robert VerBruggen is an apprentice editor at The National Interest.

Andy von Sonn, a former linebacker for the Los Angeles Rams, is an attorney in Hawaii.

the American invasion of Iraq earns a black mark. Horowitz customarily puts this exposé at the end of each portrait as a kind of additional bullet, so that, as soon as readers see it coming yet again, they know to skip to the next chapter. Doesn't Horowitz the neocon know that many traditional conservatives, most prominently Pat Buchanan, opposed the Iraq invasion from the beginning?

A second, more peculiar problem, reflecting sloppy publishing, is that the book lacks a list of the notorious profs. You can't find all the names in a single place. They're not on the dust-jacket or on pages behind the interior title. Perhaps the omission reflects the author's or publisher's embarrassing discovery that the 101 subjects' names are indeed largely unknown. Only by turning the book's pages from beginning to end can the reader discover who the 101 are, albeit in alphabetical order. The arrangement demonstrates laziness, especially in any critical collection, such as this or any anthology.

How embarrassing it is to find that an exposé of boneheadism should suffer from bonehead publishing.

— Richard Kostelanetz

Sputtering flame — Let's get right to the point about "Eragon" (20th Century Fox, 2006, 104 minutes): there is little magic in this wisp of dragon smoke, let alone in the book upon which it is based, except perhaps for 8- to 12-year-old boys who have never read any good fantasy novels before. The only fairytale event in this fantasy movie is the story of its author, young Christopher Paolini, who wrote the book when he was a teenager (it was published in 2002 by his parents and later in 2003 by Knopf).

That part is very inspiring, and fueled the marketing buildup to the movie's release. How the book then sold millions of copies and was made into a $100 million movie still baffles me, however, so much so that I think Paolini does indeed have magical powers. He managed to cast a spell so profound, upon so many people, that even Gandalf would have been impressed.

Somehow in 2003, the chemistry, timing, and market forces were just right for this manuscript to jump the line of the really great fantasy works it emulates and garner a massive big-screen budget. Perhaps the fantasy neophytes involved with "Eragon" dreamed of the same type of success that "The Lord of the Rings" achieved, but they made a qualitative mistake. They should have been trying to get the rights to real masterpieces like those written by Peter S. Beagle, Ursula K. Le Guin, Fritz Leiber, Lois McMaster Bujold, and one of my personal favorites, Darrell Schweitzer, all of which were far more deserving of their attention. Even average Tolkienesque epics from Terry Brooks, David Eddings, or Raymond E. Feist would have been far better.

To be totally fair, there is a touch of innocence in the book that does (barely) make it into the movie. Paolini is no writer, but the topic and character of his novel perfectly fit a young man's worldview; his book evokes the sense of adolescent wonder that a boy might feel when dreaming of becoming a heroic dragon rider and saving the world. But there the grace ends, and what lies beyond it is not worth the journey. I frowned at the inept dialogue and grimaced at the liberal misappropriation of story elements, making a mental list of dozens of other superior works of fantasy that merited being turned into big-budget blockbusters before this one.

Once you get over the "Gee whiz, a teenager wrote this" element and take the speck of childlike wonder out of the equation, "Eragon" is revealed for what it really is: a steaming pile of dragon droppings. The story is a derivative, unoriginal tale: one part "Star Wars" and many parts other writers' better fantasy novels. Every cliche is there, including setups for the sequels. Some of the dragon sequences are fun to watch, thanks to the healthy computer graphics budget, but the film is incorrigibly marred by its poor adaptation of trite source material.

Edward Speleers acquits himself adequately as Eragon, but Jeremy Irons is, sadly, left to his own random outbursts, and a depressed John Malkovich is utterly wasted. Each time I saw Malkovich, his facial expressions seemed to ask, "Why am I here?" He must have signed on without reading the screenplay or book, or perhaps he was deluded into thinking that the sequels would provide some stability for his retirement years. A pleasant surprise, however, was Robert Carlyle as Durza, whom I enjoyed in several scenes.

Kudos to Paolini as a teenager following his dream and writing a book. And congratulations to his parents, managers, agents, and lawyers for shepherding the project to the big screen. But I think I'd rather they had made a movie about Paolini writing the book, rather than adapting the book itself. These filmmakers and their collaborators have unleashed a whole dragonfire blast of mediocrity on the fantasy world, damaging its reputation and likely setting back its progress at least a decade. One can only hope now that New Line Cinema and Peter Jackson can work out their differences so they can bring "The Hobbit" to life and show us again how fantasy should be brought to the screen. Meanwhile, let this "Eragon" herald an "era gone."

— James Durham

Twenty Observations, *from page 37*

American government, having performed some half-baked intervention, moves on, leaving things worse than they were at the start.

Once you give them the tools, politicians and bureaucrats will find more and more areas to control. But who should get the blame?

Environmentalism shows how clouded the thought processes of westerners have become. People are horrified if someone provides an alternative view; no rational discussion of the issue is possible. It provides a moral rationalization for envy, pessimism, and an inability to participate productively in society. But again, who or what should get the blame — bureaucrats and elected officials, or the culture that promotes them?

Only a few decades back, this state of affairs would have made westerners cringe. The cringing has stopped.

20. Every little bit of totalitarianism in our minds, however benign it may appear, helps to produce a complexly corrupt and coercive society, endlessly mirroring itself in the workings of the state. People should learn to see this connection. Libertarians should learn to see it. They should learn that the seedbed of oppression is not the state but the culture. ❑

Terra Incognita

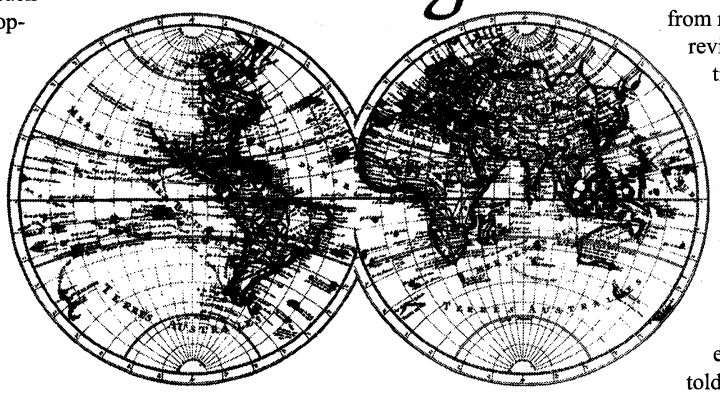

England

Defending against the threat of overefficient health care, in the *Telegraph:*

Hospitals across the country are imposing minimum waiting times — delaying the treatment of thousands of patients.

After years of government targets pushing them to cut waiting lists, staff are now being warned against "over-performing" by treating patients too quickly. Patricia Hewitt, the Secretary of State for Health, expressed concern that some hospitals were so productive "they actually got ahead of what the NHS could afford."

Fayetteville, Ark.

Pedagogical note, from the *Northwest Arkansas Morning News:*

An educational program to teach kids how to spot building and property code violations — complete with colorful characters such as "Curbside Carla" and "Trashy Tina" — will be in the hands of local children soon, thanks to Fayetteville city officials.

The officials expect kids to take their cues from characters like "Willie Weeds," a peace-sign-flashing, Birkenstock-wearing collector of crabgrass and other filthy foliage.

Hartford, Conn.

Piracy on the Blue Tide, in the *Stamford Advocate:*

The minor party U.S. Sen. Joseph Lieberman used as a vehicle to gain a fourth term has been successfully hijacked by an outspoken critic of the senator.

Connecticut Secretary of State Susan Bysiewicz has recognized Fairfield University professor John Orman's takeover of the Connecticut for Lieberman Party, and recognized bylaws limiting membership to critics of the senator and anyone named Lieberman.

U.S.A.

Valuable guidance for the upcoming tax season, from MSN Money:

Illegal income. Illegal income, such as money from dealing illegal drugs, must be included in your income on Form 1040, line 21, or on Schedule C or Schedule C-EZ (Form 1040) if from your self-employment activity. . . .

Stolen property. If you steal property, you must report its fair market value in your income in the year you steal it unless, in the same year, you return it to its rightful owner.

Washington

Timely check against the coming canine obesity epidemic, according to the *Washington Post:*

The government approved the first drug for obese canines on Friday. Called Slentrol, the Pfizer drug is aimed at helping fat Fidos shed extra pounds.

"This is a welcome addition to animal therapies, because dog obesity appears to be increasing," said Stephen Sundlof, director of the Center for Veterinary Medicine at the Food and Drug Administration.

Uppsala, Sweden

Bureaucratic object lesson, noted in *The Local* of Sweden:

At least nine people are thought to have suffered food poisoning from a buffet at a staff training day at the National Food Administration.

"We still don't know what caused these nine people to fall ill," said Peter Brådenmark, head of the Food Administration's supervision department.

Hartford, Conn.

Proof that another one is born every minute, from the *UConn Advance:*

When researchers in the Neag School of Education asked 25 seventh-graders from middle schools across the state to review a website devoted to a fictitious endangered species, the Pacific Northwest Tree Octopus, the results troubled them.

All 25 students fell for the Internet hoax; all but one of the 25 rated the site as "very credible"; most struggled when asked to produce proof — or even clues — that the website was false, even after the UConn researchers told them it was; and some of the students still insisted vehemently that the Pacific Northwest Tree Octopus really exists.

Helsinki, Finland

Cultural note, from the BBC desk in Helsinki:

Dr. Jukka Ammondt, an academic whose twin passions march in lock-step, is singing in the corner of the room. "The legend of Elvis Presley lives forever, and it's of course very important to sing Elvis Presley's songs in the Latin language, because Latin is the eternal language," he says. His setlist:

Nunc aeternitatis — Surrender
Cor ligneum — Wooden Heart
Nunc hic aut numquam — It's Now Or Never
Tenere me ama — Love Me Tender
Non adamare non possum — Can't Help Falling In Love

Orlando, Fla.

Being there with bells on, from the *Orlando Sentinel:*

Over the holidays, the Orange County Sheriff's Office launched Operation ELF: Enforcing Limits and Fining speeders. Here's how it works: a sheriff's deputy dressed as an elf clocks cars using a radar gun then dispatches a motorcycle deputy to pull them over and issue the driver a ticket.

Some people said using a holiday icon to enforce the law didn't seem right. "That's specifically why we didn't use Santa Claus," Ken Wyne of the Orange County Sheriff's Office said. "We didn't choose a nativity scene. We chose an elf. An elf is known for their impish behavior. If you're going to speed in Orange County, you never know who's going to be on the street corner."

Special thanks to Russell Garrard and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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- **John Mackey**, Whole Foods Market: "My Personal Philosophy of Self-Actualization: How I Turned a Money Loser Into a $9 Billion-Dollar Company."
- **Eamonn Butler**, Adam Smith Institute: "Why the House of Lords and the Monarchy are Libertarian."
- **Jack Pugsley,** The Sovereign Society: "The Case *Against* Free-Market Think Tanks."
- **Marshall Langer**, foremost international tax attorney: "Yes, You Can Still Live and Invest Abroad Tax Free."
- **Michael Denton**, M. D., microbiologist, University of Otago: "Evolution, Yes; Darwin, No!"
- **Lanny Ebenstein**, philosopher: "History's Most Dangerous Philosopher: Karl (but Not Marx)."
- **Nelson Hulberg**, America for a Free Republic: "How Ayn Rand and Murray Rothbard Took Liberty Down the Wrong Road."
- **Brian Doherty**, *Reason* Magazine: "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement."

Plus other top speakers: **Steve Moore** (Wall Street Journal), **Dinesh D'Souza** (Hoover Institution), **Jerome Tuccille** ("It Usually Begins with Ayn Rand"), **Ted Nicholas** (marketing guru), **Tom DiLorenzo** (Loyola College), **Mark Tier** (Hong Kong/Philippines), **Mario Livio** (astrophysicist/mathematician), **James O'Toole** (Aspen Institute), **Greg Lukianoff** (FIRE), **James Marsh** (University of Hawaii), **Bill Westmiller** (Republican Liberty Caucus), and **Mark Skousen** (producer, FreedomFest).....More speakers added daily at www.freedomfest.com.

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To help us celebrate, **John Rolfe** (of Pocahontas fame) – aka Dick Cheatham – will kick off the ceremonies – as will a welcoming delegation of local Indians in colorful ceremonial garb. And as a special treat we will have an opportunity to meet other visitors from the past: **Thomas Jefferson** (aka Bill Barker) and other patriots of the American Revolution, who will be circulating at the conference. You will also meet libertarian activists from around the world.

The Refounding

Let's face it folks, America has strayed far from its roots. At this conference we will address solutions to dramatically failed policies and institutions that are tearing this great country apart – like the war on drugs, socialized medicine, social security, the welfare state in general, and more. We will also spend some time on thinking "outside the box" on alternative systems of social organization.

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An optional 3-day post-conference tour will feature visits to libertarian "shrines" like Jefferson's Monticello in Charlottesville and sites made famous by Patrick Henry and other famous American patriots. Price TBA

Speakers Include

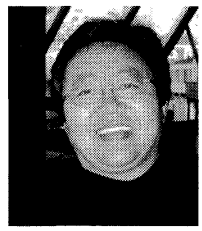

Elbegdorj Tsakhia, former Prime Minister of Mongolia, has been described as Mongolia's "Thomas Jefferson". He was responsible for the ousting of the communists in his country and led a massive liberalization. He is the front-runner in the 2008 elections.

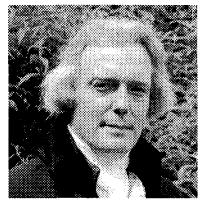

Bill Barker, the consummate "Thomas Jefferson" is a historian and actor who will transport you back in time to feel and hear what it would be like to experience Mr. Jefferson.

Dick Cheatham, conference host, and president of Living History Associates, will perform as John Rolfe (of Pokahontas fame). Also, as a graduate of Virginia Military Institute he will address the subject of military defense in a free society.

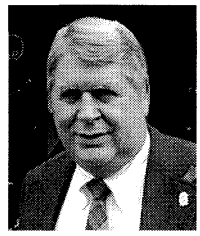

Jerry Cameron, a former high-energy drug warrior, is now a director of Law Enforcement Against Prohibition (LEAP). This 5000+ strong police organization takes a hardcore, no-compromise libertarian position on ending the War on Drugs.

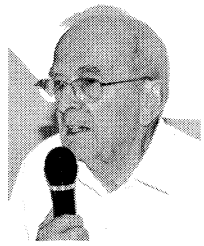

Jacques de Guenin, is founder of Le Cercle Frédéric Bastiat in Les Landes, France. There have been some ups and downs in the 250-year Franco-American friendship. Jacques will survey the contributions to American liberty by French liberals like Lafayette, de Tocqueville, etc.

Other speakers just now being confirmed are: Prof. Butler Shaffer, Laissez Faire Books co-founder Prof. Sharon Presley, Jarret Wollstein, former Reagan advisor John McClaughry, Franklin Cudjoe (Ghana), Mary Ruwart, Paata Sheshelidze (former Soviet Georgia), plus many more. Watch the ISIL website for announcements.

For detailed information on the conference and post-tour go to: www.isil.org/conference

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Inside Liberty

April 2007
Volume 21, Number 4

4 Letters First things first.

7 Reflections We remember King Solomon, run dolphin-free sweatshops, rip biometric IDs, cast a vote for Hillary, card cartoon characters, advocate alcoholism, dip into the change fund, debate the aesthetics of '70s hairstyles, and introduce Swiss hospitality to the Middle East.

Features

19 Why the Surge Will Fail *Jon Harrison* scrutinizes the president's plan to see if it's anything more than sand and mirrors.

22 Waiting for Fidel When Castro took Cuba, the struggle for human dignity began. *Robert H. Miller* remembers.

27 Losing My Religion Over "Handy Manny" Mexican handymen, black obstetricians, and fewer Jewish doctors than one might expect: *Scott Stein* follows a thread left dangling in our popular culture.

31 To Your Tents, O Israel *David Kopel* finds biblical roots for the right to keep and bear arms.

Reviews

39 Gray in Tooth and Claw *Andrew Ferguson* investigates the first of undoubtedly many histories of the worldwide zombie pandemic.

War

What Is It Filmed For?

by John Hospers, Gary Jason, and Jo Ann Skousen

43 Fascists and Fairy Tales A young girl uses enchantment and imagination to escape from Franco's Spain.

44 Hearts of Darkness A callow doctor contracts a degenerative political disease.

47 Christmas in the Trenches French and German troops commit the crime of learning each other's names.

48 Ein Volk, Ein Führer The power of film aids Hitler's rise.

52 Do the Right Thing Whatever the battlefield, some principles should never change.

46 Notes on Contributors The lilies of our field.

54 Terra Incognita Goo goo g'joob.

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Letters

Of Black Fridays Past

Regarding Stephen Cox's "Word Watch" on "Black Friday": although the expression may have only reached the general public and the media this year, the term has been around for at least ten years, if not longer. I have a good friend who worked in retail for several years and can remember her referring to the day after Thanksgiving as "Black Friday" from the time she started working in that field until she left. As I understand it, the term refers to the dreaded chaos of hordes of early Christmas shoppers invading retail establishments on that day, to the delight of the accountants and the dismay of the managers and sales clerks in the front lines.

Bob Williams
Stafford, Va.

The Pacific Theater

I started to read Jo Ann Skousen's review of "Flags of Our Fathers" ("Bringing the Boys Back Home," January), but was stopped after a few paragraphs by her amazing ignorance of the history of the war in the Pacific, the films about it, and the attitude of the folks at home. Where did she get that pile of rubbish? Is that what the lame-brained liberals are teaching in our state schools? As someone who grew up on the home front during that war, let me set her straight on a few things.

In the first place, there were many movies about the war in the Pacific, with, perhaps, Chinese or other Asian actors playing the "Japs." Although these films portrayed our military in a favorable light (as they so justly deserved), not all were showing us as victorious. Three of these stand out in memory: "Wake Island" (1942), "Bataan" (1943), and "Corregidor" (1943), each of which showed American heroism in the face of defeat. "They Were Expendable" (1945) told the story of the PT Boats in the days when the Philippines were falling. But we came back.

"Thirty Seconds Over Tokyo" (1944) was about the Doolittle Raid on the Japanese homeland on April 18, 1942. "Guadalcanal Diary" (1943) told the story of the taking of Guadalcanal in the Solomon Islands only a few short months after Pearl Harbor. This was accompanied by our Navy's victory in the Battle of the Coral Sea (early May 1942), where, in the first battle between aircraft carrier fleets, we turned back the Japanese navy and the invasion of New Guinea. Not long after came the Battle of Midway (June 4, 1942), which destroyed four of Japan's frontline carriers and was a turning point in the war. From that time on we were on the road to final victory.

And win we did, in the Solomon Islands, the Gilbert Islands (Tarawa and Makin), the Marshall Islands (Kwajalein), the Caroline Islands — where we took out the large Japanese Naval base at Truk — then on to Saipan and Tinian, Iwo Jima and Okinawa, and finally the *coup de grace* at Hiroshima and Nagasaki.

"We weren't winning the war there"? Bull! The Japanese had us on the run for a few short months, and then we took over and did nothing but win from then on! And the folks at home loved it! I couldn't wait to grow up enough to take part, but was not quite 13 when the war ended. It was only after I grew up that I came to realize that war is a horrible thing that should be avoided if possible. However, when dealing with those who consider force to be the best way to gain their ends,

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it is necessary to meet violence with violence or the real threat of greater violence in order to stop them.

Pitt Kinsolving
Mar Vista, Calif.

Skousen responds: Mr. Kinsolving certainly knows his Japanese war movies — I'm impressed! But the fact that he can list many of the films made about the war in the Pacific seems to prove my point: there were far more films made about the war in Europe, and they continue to be shown on the American Movie Channel and Turner Classic Movies much more frequently than films about the war against Japan. But I should have used a qualifier: "One reason [more] movies weren't made about the war in the Pacific . . . "

As to my "amazing ignorance," I began my review: "Much of what I know about World War Two I learned in movies." My ignorance was my point. Liberal or conservative, in my history classes we always ran out of time before we reached World War II, so I've relied on filmmakers for what little I know. There is no reason for him to be astonished or rude.

Although I don't have the personal knowledge of public reaction during the war that Kinsolving has, I stand behind my statement that we started out at a disadvantage in the Pacific, and people didn't want to know about it. Much of our fleet was destroyed in December 1941 — not only at Pearl Harbor, but all over the Pacific. As we rebuilt our arsenal, our new planes, ships, and weapons were technically superior to anything that had previously been built. Obviously we overpowered the Japanese and won the war. But in the meantime, thousands of our troops were incarcerated as POWs, and most of them died before they could be liberated. Kinsolving's youthful enthusiasm notwithstanding, "Flags of Our Fathers" details the flagging public interest in the war, and the need to rebuild enthusiasm by having the flag-raising "heroes" go out on fundraising trips.

Small Town U.S.A.

In the February Liberty ("A Libertarian Heaven on Earth"), Richard Kostelanetz advises libertarians to consider urban settings like New York or Las Vegas for the pursuit of happiness.

Good advice. I share his dismay at the suggestion that liberty is to be found in rural areas. I have no demographic data to support the claim, but I believe most libertarians to be urban rather than rural types. For certain, capitalism is a system that has evolved in cities rather than rural areas. As Hayek noticed, this extended order evolved in direct opposition to the values of agrarian culture. Enemies of liberty from Dickens to Marx have ranted against the evils of cities and lamented the loss of agrarian values.

I live in a semi-rural area. In my experience with small towns, I've found them to be havens for authoritarian mentalities. These people, repelled by the New Yorker's "none of your business" philosophy and the freedom of lifestyles it generates, have fled to the rural village where everyone's business is everyone's business, and deviants are quickly pressured to conform.

So, if this old libertarian ever decides to pull up his roots again, it won't be to settle in Boise, Fargo, or the open

From the Editor

In my view, the best movie of 2006 was "The Queen," the movie about Queen Elizabeth II starring Helen Mirren. It was remarkable that Mirren played Elizabeth as accurately as she played the utterly different protagonist of "The Passion of Ayn Rand" (1999). The other members of the cast were almost as remarkable. A friend of mine said that the movie "somehow managed to show the members of the royal family as human beings, while preserving the mystery involved in their being royalty." He was right about that.

The mystery emerged in the surprises of the film's plot and imagery, so if you haven't seen it, I don't want to spoil the experience by trying to analyze it now. But here's the point I want to make: mystery isn't the exclusive possession of royalty. It's a property of all human beings who really think and feel.

Libertarians are the inheritors of a great historical tradition. Its ideas go back to Milton Friedman and Friedrich Hayek, Ayn Rand and Isabel Paterson, Thomas Jefferson and George Washington, John Milton and John Locke, and people long before them, too. Yet it's a tradition full of individuals, individuals who are continually coming out with something fresh and unpredictable — and therefore mysterious.

This issue of Liberty wasn't planned to focus on problems of war and violence, but that's what most of our authors turned out to be interested in — each in his or her own way. And there was no possibility of predicting what they would say, once they found their subject. Even if they wanted to discuss the same political topic or the same current film, there wasn't the smallest chance that they'd adopt the same approach. You'll see what I mean. Individuality is a wonderful thing.

For Liberty,

Stephen Cox

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prairie. No, I'm thinking metropolis. A place like, say, Miami, which has a cosmopolitan lifestyle, with millions of foreign visitors each year; a thriving international trade and financial center; the South Beach nightlife; a few hundred thousand neighbors that moved there from a Communist state and appreciate my need for liberty; and, of course, a slew of hard bodies I can ogle at the beach.

Kostelanetz definitely has it right about cities.

Clinton Harris
Genoa, Nev.

An Effective Spokesman, A Brilliant Popularizer

What I said about Milton Friedman to Mark Skousen at his first FEE board meeting as FEE's president ("Friendly Fights with Dr. Friedman," February) is now long gone from my memory. But I may well have reminded Skousen that Friedman was an inflationist. And an inflationist is dangerous because paper-money inflation is always disruptive and a threat to the economy.

Milton Friedman was smart, articulate, charismatic, likable, and an effective spokesman in many respects for free markets. There can be little doubt but that he helped tremendously to make free market ideas respectable and discussable. He was a brilliant debater, as Bruce Ramsey shows in describing Friedman's exchange with Gen. Westmoreland during the congressional hearings on conscription ("The Rational, the Relentless," also February).

Letters to the editor

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Friedman was also a brilliant popularizer, but most of his political recommendations concerned how to make government interventions work better — tax withholding, school vouchers, a negative income tax to help the poor, and his most dangerous recommendation, limiting the increase in the quantity of money to a steady rate per year.

Thanks to Richard Ebeling, I have learned now that even Friedman came to recognize the danger of his inflationist proposal, which contained the threat — in time — of "runaway inflation." In 1986 Friedman finally realized that it was unrealistic to expect any government official to adhere to a preset rule for monetary expansion; sooner or later, he would be tempted to expand in response to political pressures to accommodate government spenders However, Friedman did not believe any government today would tolerate the restraints of a gold standard, none would be "willing to surrender control over its domestic monetary policy." Thus Friedman considered the situation pretty hopeless. However, he came close to recognizing that, if things were different, an economy might flourish and prosper with a classic gold monetary standard.

Bettina Bien Greaves
Hickory, N.C.

Keep 'Em Circulating

I wish to comment on the views of Bruce Bartlett and Bruce Ramsey concerning the value of the Libertarian Party (Reflections, March). LP candidates may win very few elections, and some of the folks involved with the party may indeed be more effective working with the major parties. But one function of the LP is difficult to produce without it: getting libertarian ideas circulating in a great variety of media wherein candidates are profiled, interviewed, included in debates, etc.

Working with the major parties tends to silence the libertarianism of libertarians and thus impedes an important educational function I believe we need, among many other things, in the struggle for liberty.

Tibor R. Machan
Silverado, Calif.

Reflections

Bring me a sword — As we go to press, the biggest question weighing on the nation's mind seems to be not the continuing debacle in Iraq, nor the potential advance in talks with North Korea, nor the game of chicken our leaders are playing with Iran, nor even the latest version of Bush's bloated budget; no, it's the paternity of poor dead Anna Nicole Smith's baby, and the disposition of her fortune.

The easiest solution, of course, is the ancient one: offer to divide the baby, and the fortune, into as many portions as there are legitimate claimants — the only problem being the unlikelihood that any of the putative fathers would decline.

— Andrew Ferguson

Pelosi and the rockers are fly — It's no wonder House Speaker Nancy Pelosi has a trademark crooked smile, as she is quite adept at talking out of both sides of her mouth. She recently told a House hearing that we need to cut global greenhouse gas emissions roughly in half. She said this the same week that her request for a private 737 jet became public. Apparently, she "needs" a 737 so she can bring the whole family back and forth as she commutes from her home in San Francisco, without having to stop for gas on the trip home.

In an environmentally perfect world, apparently only congresswomen and rock stars would be allowed to fly. A worldwide rock event called SOS is being organized to promote "awareness" of global warming. Bands from all over the world will fly to different destinations including London, Washington D.C., Capetown, Kyoto, and Rio de Janeiro, to perform simultaneous concerts. Of course they expect fans to fly out and join them. I hope they all enjoy their trips, because it could be their last. One of the stated goals of the concerts is to "request personal pledges to reduce emissions . . . by using energy efficient equipment or flying less."

— Tim Slagle

2006 election, revisited — Nothing pleases my gut more than seeing wiseguys finally get their comeuppance (to recall two great English words with different provenance). Karl Rove and his ilk thought they could win by scaring enough of the electorate to vote against their selfish interests. With fear of legalized gay marriage or a repeat of 9/11 (a fear typically directed to voters not where the invasion occurred but far outside New York City), several identifiable minority groups could be mobilized to support Dubya. But the truth, as always, is that wiseguys succeed only for a while.

— Richard Kostelanetz

Hagelian dialectic — For a while, I had high hopes for Sen. Chuck Hagel. He looked like a dream candidate for opponents of the Iraq War who, at the same time, yearn for a candidate who supports limited government at home. Hagel has not only beaten the drum against war but has consistently voted in favor of the 2nd Amendment and tax cuts. He also opposed John McCain's campaign finance reform bill and Bush's prescription drug plan. An additional plus is his high, though not exceptionally high, rating from the National Taxpayers Union.

For this reason, Hagel's recent behavior is especially disappointing. Although few senators had done more to push a resolution opposing the troop surge, he appeared to lose heart at zero hour. When the clerk read the roll, Hagel backed the administration and voted against the resolution he had previously supported.

Could critics be right when they castigate Hagel as a loose cannon and a grandstander?

Come to mention it, Hagel's views on other military and foreign issues deserve greater scrutiny from conservative and libertarian friends of a non-interventionist foreign policy. Unlike most conservatives, for example, he backed Clinton's bombing of Kosovo in the late 1990s and, as recently as 2003, spoke in favor of bringing back the draft.

Unless Hagel can somehow explain his strange vote, he will not be deserving of support. Ron Paul's campaign for president is looking better all the time.

— David T. Beito

Getting REAL — On Jan. 25, the 123rd Maine legislature voted overwhelmingly to approve a resolution rejecting the federal REAL ID Act and urging Congress to repeal the law altogether. The vote was 31–0 in the state Senate and 137–4 in the House.

As a former state legislator and the chairman of the Maine Republican Liberty Caucus I have been working hard to gain support from Republicans for the fight against REAL ID. The act is an unfunded federal mandate requiring states to issue, by 2008, new driver's licenses that contain machine-readable personal information to be shared in a federal database. If the REAL ID Act is fully implemented, you will have to show a compliant form of identification in order to board a plane, train, or bus; to enter any federal building; or to receive any federal services. That ID will be linked to a central database run by Homeland Security which will contain all of your personal data, including but not limited to your Social Security number, driving records, security clearance level, biometrics info, FBI files, and passport scans.

REAL ID was rejected by the previous Congress, but eventually passed when it was added to a bill providing funding for the Iraq war and tsunami relief. It is an ill-conceived and hurried policy that threatens the privacy of every one of us. It also promises to be a nightmare to enact, imposing huge costs and burdens on every citizen. In order to obtain the new ID each individual will have to provide numerous documents proving identity, including original birth certificates. Despite this, nothing in the REAL ID act prevents issuance of the new ID to terrorists or illegal immigrants.

I am particularly proud of Republicans who looked beyond political alliances in order to vote for the resolution, and I am thankful to Democrats who did not succumb to the temptation of making it a political issue. But while passage of the non-binding resolution is a huge victory, it is only the first step in the fight. The next step will be to pass a bill introduced at my request by state Rep. Scott Lansley. The bill, "An ACT to prohibit State agencies from implementing the Federal REAL ID act," would prohibit the expenditure of any state funds to implement REAL ID. The Maine Civil Liberties Union, the Cato Institute, and members of the legislature will all participate in panel discussions on the dangers of REAL ID to help better inform the public about this issue.

The fight continues. — R. Kenneth Lindell

Jerry, we hardly knew ye — I never cared much for Gerald Ford. Unelected, uninspiring, and unable (despite his real athleticism) to stop himself tripping or bumping his head while under the media's gaze, he was largely a figure of mirth to me. A man, one might say, whose maximum ambition ought to have been not the leadership of the free world but comfortable retirement on a federal pension (something he did in fact achieve).

Whether it was the *Mayaguez*, or the WIN buttons, or his liberation of Poland during the 1976 presidential debates, Ford just never seemed to get it right. An accidental president prone to accidents, he lacked the lucky touch. Nor did he make up for this with an excess of brains or character. While in Congress he served as a flack for J. Edgar Hoover (it is said the FBI taped an adulterous encounter of Ford's in Washington's Sheraton-Carlton Hotel), and thence in the dubious role of Hoover's man on the Warren Commission.

But it seems there was more to the man. Two days after Ford's death in December, the ubiquitous Bob Woodward released the contents of interviews he had conducted with Ford in the latter's last years. Though one should treat any information emanating from Woodward with caution, Ford's words here have the ring of truth. Among other things, Ford told Woodward:

- That he disagreed with George W. Bush's decision to invade Iraq, and would have "tried to find another answer" to the problem of Saddam Hussein.
- That Vice President Dick Cheney had developed a "fever" about the threat of terrorism and Iraq.
- That the United States should not be in the business of starting wars to spread democracy, "unless it is directly related to our own national security."

Ford also had some choice words for Henry Kissinger, or at least Kissinger's character, though still describing him as a "dear friend" and "first class secretary of state."

Ford may not have been a great president or a great man, but if we compare him to the current occupant of the White House, we can only wax nostalgic. Jerry, we hardly knew ye.

— Jon Harrison

You heard it here first — The Feb. 5 issue of the Weekly Standard ran an article about privatizing the CIA. In the Reflections section of last month's issue of Liberty, Richard Kostelanetz had already broached the idea, asking whether only libertarians suggest that antiterrorist efforts be privatized. Apparently, the current answer is No — but you read about it first in Liberty. — Stephen Cox

Ambushing reform — George Bush started his presidency with a disappointing capitulation. To deal with our pathetic, dysfunctional public school system, he proposed a dramatic increase in federal spending — while requiring accountability testing and giving vouchers to children in failing schools, so they could leave them. But the Democrats, in control of the Senate, forced him to abandon vouchers. The compromise was great for the teachers' unions: they got the increased spending, and the students got the shaft. Why didn't Bush just veto the damned bill, and keep vetoing it until the voucher provision was reinstituted? The answer is beyond my feeble ken.

Anyway, it appears that he's going to finish his presidency with another capitulation. He advocated a compromise package for Social Security reform that would have allowed people to put part of their "contributions" into private accounts in exchange for possibly higher taxes. This got nowhere, even though the Republicans controlled the Congress. Now the Democrats are in control again, and they have flatly ruled out allowing people to control even a nickel of their Social Security money.

The administration's response? Treasury Secretary Hank Paulson just announced that everything is on the table, including raising or eliminating the present cap on Social Security taxes (which currently apply only to the first $94,000 in salaries and wages). It looks as if the Democrats will get another great deal: they will be able to soak the rich without giving anything of substance in return. Social Security will degenerate completely into a massive income-redistribution scheme.

If this capitulation occurs, the country's economic growth will take a huge hit. Our economy is dependent on entrepreneurs, typically incorporated small businesses. Such people pay double payroll taxes, i.e., both the employer's and the employee's contribution (a total of 12.4%). Raising (or even

worse, eliminating) the cap would devastate millions of such people.

I hope Bush summons the guts to veto any Social Security revision that doesn't include private savings accounts for those who want them. But given his history with educational reform, I wouldn't make book on it. — Gary Jason

Teenybopper Information Awareness — John McCain has introduced legislation requiring internet access providers to notify the government when they encounter illegal images of minors. (Were McCain considering a presidential bid, a cynic might see this as an appeal to the Right on social issues.)

The law would require ISPs to report indecent images of minors even if they are clothed but in a "lascivious" pose, and even if they are *cartoons*. Nude 18-year-old cartoon characters: legal. Nude 17-year-old cartoon characters: illegal, to the tune of a $300,000 fine each time an ISP fails to report them.

The obvious question is how the age of the cartoon characters will be determined. Even the artist may not know, if he failed to card his characters after drawing them and before putting their images online. For that matter, how does one discover the age of the subject of a photograph of unknown origin? John McCain's obscene image of a 16-year-old girl may be another man's image of a fetching 18-year-old woman.

Supreme Court Justice Potter Stewart's famous standard for determining what constituted "hard-core pornography" was, "I know it when I see it." I hope John McCain can see the difference between a cartoon character who is 18 years old and one that has only achieved the age of 17 years and 364 days. I don't think anyone else can.

This is a bill "for the children," which gives any proposal, no matter how moronic, a good chance of becoming law. The best hope for relief may lie in the World Trade Organization. Enough successful prosecutions would constitute an unfair trade barrier with Japan. — Patrick Quealy

Cavalier treatment — In 2006 the solons of Massachusetts — Republican Gov. Mitt Romney and the Democrat-dominated state house and senate — decided to compel all Massachusetts residents to buy health insurance. By July 1, 2007, everybody in the state is supposed to have it. The state will serve as a provider of last resort for citizens unable to afford private insurance.

The goal is laudable: let's get everybody covered. The means, on the other hand, are highly objectionable to those of us who embrace libertarian views. Government, we believe, may compel us to obey certain rules that make for a civilized society. But beyond that limited mandate, we don't want politicians telling us how to live our lives.

The penalties for failing to comply with the law are financial: there are tax consequences for people who don't buy insurance. At least the pols aren't going to put violators in prison — not yet, anyway. What may happen if there is widespread disregard for the law remains to be seen. If enough people were to refuse to buy insurance, the government would no doubt get very angry. There is nothing government dislikes more than being disobeyed, even if that disobedience flows from the supposedly sovereign people. Just ask any person who's ever gotten involved with the IRS.

But I predict the vast majority of Massachusetts citizens will comply with the law, buying health insurance from the state if they don't already have private coverage. The rates are reasonable, and to the uninsured (except, perhaps, the young and healthy) it must appear a bargain. The principle involved will stir nary a Bay Stater, I believe.

I can see two possible justifications for this law. First is that Massachusetts taxpayers ought not to pay the hospital bills of

The Flag

By Elena Fattakova

It has never been more red,
those circles, arrows, rivulets
against the black
square of history.
Where did it all start—
on the golden century's
pink lacquered stages,
chandeliers, brooches, duchesses,
at the sight of players
and the midnight sun
dancing into the ballroom,
before the orange of morning
turned an unfortunate star
the wrong way
and hammered all the others out?

Or did it end
when the sickle sliced the day
into scarves, necks, shoulders, and sleeves,
with crosses sold
at reasonable prices?

Nyet. It's much too incriminating to erase,
memory's not a black hole,
or conscience a trap.

My brother was a great calligrapher
who dragged the flag
onto the couch to cover
the pallid chest of the icon.
He thought it was a mask,
or one of those
widows' eyes, laughing
at the pillar of his solar night.

I don't believe in the past anyway,
but in what I trust . . .
It takes longer
to count the light in the mirror
than the stars.

the cavalier 25-year-old who declines to insure himself (because he is young and healthy and feels invulnerable to life's vicissitudes), then breaks his leg skiing and skips out on the bills. Such cases certainly do arise. Surely, however, there are better ways to solve the problem — putting a lien on any property he may possess, garnishing his wages, etc. The Massachusetts way is to make us all suffer for his foolishness and irresponsibility. I call that socialism.

The second possible justification is the protection of children. Children have no means to provide for their own health care. While I object strongly to people bringing children into the world that they can't afford to raise properly, I am not prepared to make the children themselves suffer for it.

But — the politicians of Massachusetts, in their wisdom, did not make coverage of children compulsory! As the law is written, minor children, alone among the denizens of the Bay State, aren't required to have health insurance. See the Boston Globe's article "Coverage of children not required in health law" published on Oct. 15, 2006. The article is subtitled: "State hoping to fix omission"!

The Globe quotes a Democratic representative, one Patricia Walrath, as saying: "Normally parents insure their kids before they insure themselves, so it didn't seem to be at the time one of those big issues we needed to address."

Normally, parents will indeed insure their children before they insure themselves. But it does cost more to insure the kids — considerably more, as the Globe article points out. So then, the most at-risk children, the children of irresponsible or criminal parents (who are most unlikely to spend money on insurance if they don't have to) are left out.

That's your government at work, Massachusetts. And some people wonder why libertarians are wary of government intrusions in our lives. — Jon Harrison

Asking Y — According to a recent Pew Research Center poll, members of Generation Y prefer wealth and fame. Wow! Such insights from a poll. It seems 81% of those aged 18–25 list "getting rich" as their first or second goal in life. Fifty-one percent also list "becoming famous."

Comparing poll answers from 1967 and 2005, those who consider it "essential" or "very important" to "be very well off financially" rose from 42% to 74.5%, while "developing a meaningful philosophy of life" was essential or very important to only 45% today, compared to 86% in 1967. The irony,

Word Watch

by Stephen Cox

There are some expressions that are just plain creepy. You can find a reason why they're wrong, but the emotional impact goes far beyond their wrongness.

I'll give you an example. There is a real and important difference between "disinterested" and "uninterested." When I see that difference ignored, especially by intelligent and otherwise literate people, I get upset. But I don't feel creepy. The creepy feeling comes when somebody asks me for my "input," as if I were a plastic plug that's about to be stuck into a computer port.

Mehmet Karayel reports that he feels creepy when he hears the word "mentee." You know: "Every senior employee will be scheduled to work with a junior employee as his/her mentee." Maybe Mehmet dislikes the word because of his own experiences with being "mentored," but I don't think that's the whole story. I think he's disturbed by the kind of associations that radiate from any word that sounds like something your oral surgeon needs to cut out of you.

Maybe he's also thinking about the fact that "mentee" (noun) assumes the existence of "menter" (verb) — although the "verb," such as it is, is "mentor," which is a theft from the noun "mentor," which is an allusion to Mentor, a person whose form the goddess Athena assumes, in Homer's *Odyssey*, so she can hand out good advice to us mere mortals. Now, imagine that somebody wrote a novel in which there was a good cook named Fillmore, so people started saying, "We want someone to filmore these apprentice cooks," and young culinary artists were thenceforth labeled "filmees." Creepy? Yes. So is "mentee."

A lot of creepy stuff comes out when people say things that don't refer to any actual thought or image in their minds (any sensible thought or image, at least). The father of a friend of mine used to make comments like, "Religion is a good thing. People ought to go to church more often." When I noticed that this man never, ever came near a place of worship, his son told me, "Oh, my dad doesn't mean anything when he says that. It's just a bunch of words he likes." That made my flesh crawl — though not as badly as it crawled during the recent obsequies of President Ford, when the tendency to use words that have an insufficient reference to things was strikingly evident.

I'm not thinking just about the constant efforts to portray Ford as a great president, or about the related attempts to find something that was actually great about him. Naturally, once the National Cathedral was involved, people couldn't just say he was a decent guy, and let it go at that. They had to make him into a great football players, a great minority leader (do I smell an oxymoron?), and, of course, a great hand at issuing presidential pardons.

Journalistic disclosure: I think Ford was right to pardon Nixon. I'm just not sure that the act amounted to greatness. But three or four days of funeral narration can do much more remarkable things to the language. Try this, from CNN Headline News: "An elaborate state funeral for Gerald Ford has

of course, is that those answering the questions in 1967 are, today, far more likely to be very well off financially than to have developed anything close to a meaningful philosophy of life.

Sadly, economist Robert Frank of Cornell University has bad news for Gen Yers: "Young people today may earn more in dollars than their parents did, but their money buys less, which may make them feel poorer and means a lot less economic security."

Professor Frank is absolutely right! Why, in terms of hours worked, it takes much longer today to afford a combined cell-phone-PDA-mp3 player that slips into your pocket, than it did a generation ago. Certainly downloading movie streams onto your wireless laptop computer is, relatively speaking, much more expensive today than in the 1970s and '80s. And cars today, with GPS mapping, built-in backseat DVD players for the kids, often with direct wireless remote connection to car service centers in event of accident or emergency, are much more expensive in real terms than the Ford Pintos of yesteryear.

And consider vacations. It's clearly more expensive to spend a week in Las Vegas today than it was in the 1970s. Even more so than in the 1940s. Perhaps the reader might note other differences besides price.

With such important insights on offer, one can only hope the Nobel Committee is keeping up with Dr. Frank's work.

— Ross Levatter

Taking their cut — It's called "salami slicing": the practice of stealing small amounts of money in the hopes that the theft will go unnoticed. Though most familiar as a plot device in "The Moon Is a Harsh Mistress," or such cinematic classics as "Superman 3," "Hackers," and "Office Space," the technique is really the provenance of the state. Here in Raleigh, not a winter solstice goes by without some member of the North Carolina legislature or the Wake County revenue board having suggested a temporary raise in the sales tax, usually of a tenth of a cent, to take advantage of the holiday shopping rush. The funds thus raised are always earmarked for that cloudy noun "education" (this, of course, on top of the regular sales and income and property taxes that fund schools, as well as the revenue and sales tax from sales at the state-owned liquor stores, and the revenue from the state lottery . . .) and the governing body in question never quite gets around to repealing

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just wrapped up a few minutes ago at Washington's National Cathedral." Yup, game's over, and they're wrappin' it up, down there at the cathedral.

"Say, Phil, I thought the mourners turned in a particularly good performance today, out on the nave."

"Yeah, Bill; as you know, the fear was, they'd lost some of their hustle since the Reagan funeral, but we saw a lotta fine plays today."

"That's right, Phil. A lotta the ol' hands thought this might be Kissinger's last season, but the way he's goin', I think he's gonna be there for the Carter funeral, and maybe for Big Coach Bush, too."

"Right, Bill. Hank's still in the game, all right. Well, the limos are leaving the lot, and we'd better start wrappin' it up too. So, on behalf of all the funeral fans here at ESPN . . ."

Many things were said about Betty Ford, also, but none so creepy as the comment I heard on Fox News (which is almost as illiterate as CNN, when you take Brit Hume out of the equation): "Betty Ford was a great advocate for breast cancer and alcoholism." Yes, that's what Betty's been doing these past 30 years: trying to get women drunk and afflict them with breast cancer. No, I realize that's not what the reporter *meant*, but that is literally what she *said*: Betty Ford *advocated* cancer and alcoholism.

This kind of creepiness has a political history, one that's more disconcerting than the ignorant statement just quoted. In days of old (about 20 years ago), to speak in favor of some cause was to be an advocate *of* that cause. Hired spokesmen for one side or the other in a legal dispute were advocates *for* that side: "In the case of *Brackman* v. *Standard Oil,* Helen Hastings appeared as advocate for Standard Oil." Working as an "advocate for" was a professional job.

The '60s generation expanded this concept of advocacy to include more than legal representation. Now one could present oneself as a professional "advocate for" simply by attending demonstrations, signing petitions, and becoming a nuisance to one's neighbors. Hollywood stars described their leisure activity as "advocating for" the poor, the homeless, the environment, or the Democratic Party. (No, that's a joke; they never said "Democratic Party"; they said "progressive politics." I'm talking about euphemisms here.)

Then another funny thing happened. The poor and the homeless and the egrets and the polar bears sort of dropped out of the picture. After all, they were just individual entities; it was the cause that mattered, in the most abstract way. None of the *advocates for* had ever cared anything about the individual or the particular, anyway. So what they now said they were *advocating for* was "homelessness," or "poverty," or "drug addiction," or "product defects," or whatever else their little hearts desired.

Now, picture advocating for, say, homelessness. Maybe it's an honest picture, in its way. What these *advocates for*, otherwise known as "busybodies," really want is a continuation of what they're *advocating for*, because that is the sole source of their importance, real or imagined. So bring it on! More poverty, more homelessness, more addiction! They will then have *issues* to *deal with*. Probably a lot of them, too — because the kind of *programs* that they *speak out for* usually help to sustain the conditions that the advocates claim to resent.

But this is where poor Betty Ford comes in. There were other things she could have done with her life besides discussing her problems with alcohol, or emphasizing her bout with breast cancer. But she had some important personal experience, and she formed some sensible ideas. She acted on them. She encouraged other people to recognize and address their own problems with cancer and alcoholism. She had enormous success at doing so — largely because she was never in the position of "advocating for" (in fact) the conditions that she attacked (in theory). She was never a Genius; she was never a Leader; but there was never anything creepy about her.

the tax once the holiday season has passed. But hey, it's just a tenth of a cent, right? Who'll notice?

But North Carolina — a hog-farming state, after all — tends only to go after the fattest targets. The state lacks a truly dedicated salami-slicer such as Fred Kessler, distinguished member of the Wisconsin state legislature from Milwaukee. It's electronic gift cards that have set Rep. Kessler's mouth to watering: to him, it seems unfair that the balances of unused gift cards revert to the company that issued them instead of dropping into the state treasury to fund (of course) schools. And it's just a few bucks, right? Who'll notice?

As Kessler said, "I'd rather have people spend the money and use the gift card, but if they aren't, I'd rather the state get the money." Maybe next he can do something about all those coins that fall into people's sofas. I mean, we'd rather have people spend that money, but if they don't, I'm sure we could put it towards education . . . — Andrew Ferguson

Consensual science — The recently released Intergovernmental Panel on Climate Change report claims that there is scientific consensus on global warming. Much like jumbo shrimp or a comfortable suit, scientific consensus is an oxymoron. When you refer to the "majority" of scientists, you are talking politics, rather than science. A majority opinion has little relevance in science. Just because there is a consensus doesn't make it true, nor does it mean that they won't have all changed their minds in another ten or twenty years. It just means that right now, they're all drinking out of the same pitcher.

Remember, the majority of scientists believed in Newton's Law of Gravitation when a young turk named Einstein presented his theory of general relativity. The majority of geologists believed the continents were stationary when Alfred Wegener proposed his continental drift theory in 1912. (Incidentally, continental drift did not attain to "scientific consensus" until years after his death in the late 1950s.)

In the modern world politicians are masquerading as scientists. And it is those politicians that most people listen to. Look at Al Gore. There is no evidence that he ever took a science class above the 100 level, much less passed one. Yet he is the nation's foremost "expert" on anthropogenic global warming. The IPCC is nothing more than a political body, bent on global socialism, which arrived at its "consensus" solely by dismissing any contrary opinions. Science, like religion, can be twisted to suit the political ambitions of a despot.

Governments based on science have not had a good track record over the past century. I know that probably sounds ignorant to all the "intellectuals" who worship at the altar of science, but the American way of limited government has proven itself superior to all other social experiments over the past two centuries; caution dictates that we proceed slowly. In the 1930s, "scientific consensus" held that darker races were inferior to the white race. The human suffering caused by laws based on that "consensus" was immeasurable. Just as we must have a nation where religion is separate from state, science must be kept at a distance.

The scientific consensus mocked those who said that the Kyoto Accord would be impossible to comply with, and that it wouldn't make a bit of difference anyway. Now ten years later, everyone realizes that it is impossible to comply with Kyoto, and that it hasn't made a bit of difference.

Here's a point of "scientific consensus" that is often ignored: the worst-case scenarios indicate only a couple degrees of warming over the next hundred years, and a rise in the oceans of less than a foot. A hundred years is plenty of time for everyone to move northward and inland. There is no crisis. We can wait.

So why the rush? Is there broad "consensus" that if we don't act within the next year or so, that the damage will be irreversible? No. That opinion is only held by a couple of nutballs like Al Gore. The truth is, the push to take immediate action is being coordinated by politicians, who realize that this brief moment of "scientific consensus" is going to evaporate within the next decade, and want legislation passed before it does. — Tim Slagle

Failure breeds success — From a Russian woman who immigrated here around 1980, I learned that nearly all Russian humor picks on one or another ethnic group — Jews, Chechens, Asians, Georgians, Armenians, et al. As an artist descending from the old aristocracy, she found this distasteful. Thus, she dismissed nearly all Russian movies as "heavy" and pointed me, instead, to Buster Keaton, Harold Lloyd, and the Three Stooges, whose films she could appreciate in spite of her limited English. But recalling her intelligence, may I suggest that Sasha Baron Cohen's "Borat" is best understood as a Russian comedy in English, now channeled not through Moscow but through Hollywood, implicitly testifying to the successful infiltration of (non-Communist) Russian culture in America. In "Borat," everyone is mocked, usually for stupidity, and always with a heavy hand — not only Kazakhs and Jews but even American evangelicals and frat boys. Yes, to Russians we're another two-bit comic entity. Just as a free-enterprise economy has conquered Vietnam, so perhaps are Russian sensibilities now taking over America, demonstrating the comic truth that after a war has ended the losers can still win. Is America ready for the Iraqis? — Richard Kostelanetz

Neoconsternation — The January issue of Vanity Fair contains a stunning piece of pure insolence — David Rose's article "Neo Culpa." There in glossy format are the neocons, virtually every man and woman of them, deflecting blame for the war they strove so hard to instigate.

That the piece has provoked no outrage (at least as far as I know) is not surprising. For who are Vanity Fair's readers? Urban sophisticates with precious little connection to the men and women who bleed and die every day in Iraq. People little different from the neocons themselves, except ideologically (I've not done a poll, but I'm confident the average VF reader tends to the left).

Almost all the usual suspects are present, from Richard Perle (a.k.a. "The Prince of Darkness") to former CIA director James Woolsey. Only Paul Wolfowitz and Scooter Libby fail to make appearances, the former no doubt because of his position as head of the World Bank, the latter because he is under indictment.

I used the word "insolence" a moment ago, and insolence, whether intentional or not, is the overwhelming trait on display here. Sprinkled throughout the piece are photos of the neocons, well-dressed and coiffed, and for the most part *smirking* at the camera (a notable exception is David Frum, who strikes a pose peculiarly revolting to the eye). Have they no shame?

Even worse than the visuals are the words that author Rose coaxes from the neocons' mouths. They admit not a scintilla of responsibility for the mess in Iraq. The blame, according to them, lies with the *implementers* of Iraq policy (i.e., the president and his national security team). Yet the neocons were very familiar with the men and women who made up the Bush team, had worked and socialized with them for years. Surely they knew the mettle of those they goaded into battle. Not at all, they now claim. Ken Adelman tells VF that he once considered the Bushites "the most competent national-security team since Truman." But "they turned out to be among the most incompetent teams in the postwar era." What does this say about Adelman's ability to judge matters of importance?

Diane Pletka of the American Enterprise Institute, described by VF as an original "true believer" in the Iraq war, states that Bush's "freedom agenda" for places like Iraq is finished. She adds, "It turns out we stink at it" (i.e., bringing freedom to others). Why is she surprised? Pletka looks old enough to remember Vietnam. Why did she need another lesson in the futility of nation-building? Despite the neocons' efforts to evade all responsibility for Iraq, they are simply hoist by their own petard.

The neocons, like the Bob MacNamaras and McGeorge Bundys of the Vietnam era, should be thankful they live in America. In other places, at other times, those with far less responsibility for national calamities have come to bad ends. Some were brought to justice. Some received vigilante justice. The neocons will get off with their reputations tarnished — nothing more. Given that, they should count their blessings, crawl back into their holes, and shut up. — Jon Harrison

Moonland security — As someone possessed of both a problem with authority and a taste for the surreal, I feel pretty confident in saying that the rest of 2007 will not offer anything to top the Boston Mooninite saga as the most satisfying news cycle of the year.

It began with the largely unappreciated feat of two starving-artist types, Peter Berdovsky and Sean Stevens, making a grand circuit of a tundra-cold Boston, crawling and climbing as needed to install little flashing ads about as electronically sophisticated as a Lite Brite. The entire content of the ad was a picture of a Mooninite, a recurring character in the Adult Swim (late-night Cartoon Network) show "Aqua Teen Hunger Force," a program every bit as odd as its title would suggest. As there was no other message or text, the ad served primarily to bring a little bit of surreality into everyone's lives: a quick chuckle for those in the know, a moment of bemusement for those who weren't.

The signs stayed up for more than two weeks, until a panicky transit passenger noticed one of the ads and called police to report it (an act later described by a Boston official as a "perfect example of our passengers taking part in Homeland Security"). At which point Boston freaked out: bomb squads were deployed; highways and rail lines were shut down; downtown turned into a ghost zone. Once Adult Swim, through TimeWarner, stepped forward to claim responsibility, and the pair of artists turned themselves in, every fresh pronouncement from a hysterical official or media personality only added to the fun. The police chief promised sentences of two to five years for each device; Boston's mayor called for Adult Swim to lose its broadcasting license; Boston Herald columnists agitated for the deportation of Berdovsky, an immigant from Belarus.

After Berdovsky and Stevens spent a night in lock-up and were bailed out by some kind and less-starving friends, they called a press conference, which the media took for an opportunity to make sure the 20-somethings had a chance (imagine here the appropriate nanny tones) *to think about what they had done.* But the reporters were denied what would have been an immensely satisfying finger-wag session; once in front of the mics, the artists announced that they were there to talk about the vitally important problem of '70s hairstyles, and they brushed aside all other inquiries with the response, "I'm sorry, but that's not a hair question."*

Of course, Boston continues to call the ads "hoax incendiary devices," because that designation is what allowed them to dun up TimeWarner for a few million to cover the costs of the city's feverish, counterproductive overreaction. But it's not as if Boston officials would ever actually admit they'd been stupid, or set about improving their disaster preparedness programs so that a real emergency wouldn't lock up the entire city. They're constrained by genre: such a response would be suited only for a comedy, while American counterterrorism remains a product of the theater of the absurd.

— Andrew Ferguson

The case for incompetence — Presidential candidate Mitt Romney is quite proud of the universal healthcare plan he brought to Massachusetts; if elected president, he would probably try and implement some portion of it nationwide. Personally I don't see any aspects of his mandatory insurance scheme that could possibly be beneficial. The whole thing is intrusive, expensive, and destined to fail; already it's costing the Commonwealth of Massachusetts around $150 million per year more than what was budgeted.

With Romney in office, we might as well be living in Canada. I'll vote for Hillary before I vote for him. Both write pretty bad legislation, but at least I know that Hillary is incompetent, and won't be able to get hers passed. An inept communist is far less frightening than a competent socialist.

I'm tired of pandering to the Left. We're right for the nation, we're the true majority, and it's time we started acting that way! Give me liberty, or give me a shrill megalomaniac with thick ankles! — Tim Slagle

Nancy the Tuna — The first 100 hours of Democratic control of the House of Representatives have come to an end, with a flurry of bills being crammed through, almost all of them of dubious value, or none. The orgy of legislation was trumpeted in the mainstream media as a glorious sign that the Democrats were keeping the promises they made to the voters.

Well, in jacking up the minimum wage to $7.25 an hour, yes, Pelosi and her Myrmidons were keeping a minor promise — one they could have easily fulfilled in the last Congress, but then the Republicans would have gotten the credit. But they are already breaking two major ones.

First, the Democrats, when they were in the minority, bitterly complained that they were "shut out of the process" by

*I despair of doing justice to this fine bit of theater: go to http://tinyurl.com/33qeyy to see it for yourself.

Divided they stand — Thus far the effort to bring Iraq under the control of a strong central government seems to be falling far short of the mark, despite the exhortations coming out of the White House and the Green Zone. Sunni and Shia extremists have been successful at creating chaos in many parts of the country and the average Iraqi caught in the middle has lost faith in the present administration to restore order. Creating a functional government under such circumstances, with or without additional U.S. troops, will be an uphill battle.

The failure of a "United Iraq" solution has led some to propose the division of the country into three ethnically oriented zones: Shiite, Sunni, and Kurd. Unfortunately this alternate strategy poses many problems of its own, including disputed boundary lines, the dilemma of minorities trapped within the "wrong" area, the unequal distribution of oil resources, and the susceptibility of the Shia-designated area to Iranian influence.

It would seem, then, that a third alternative is worth considering. What if Iraq were to model its new government not on the representative democracy of the United States, nor the parliamentary democracy of Great Britain, but rather the direct democracy of Switzerland? Despite the obvious physical differences of the two countries, they do share a common characteristic: both are composed of fiercely independent, culturally diverse local communities. And yet this European country has managed to achieve a stable, peaceful, and prosperous society. It would seem worthwhile, therefore, to look at how the Swiss have managed to accommodate the different cultures within their borders and consider which, if any, of their policies are applicable to their violent and destitute near-eastern counterparts.

The Swiss system is probably the most democratic on earth. It consists of a federal government and 26 semi-independent cantons (or states). The federal government — more properly called a confederation — provides a political umbrella guaranteeing individual rights, safeguarding property, and overseeing functions that are inherently national in scope, such as defense, public works, freedom of movement, and economic matters. The president and vice president of the Swiss Confederation enjoy only ceremonial duties. Real executive authority is exercised by a seven-member Swiss Federal Council composed of representatives of the major political parties.

As a practical matter, the daily life of the average Swiss citizen is more directly affected by the policies of his or her particular canton, for vested there are such matters as education, the choice of a common language, support of religious denominations, business regulation, and law enforcement.

Under normal circumstances, then, the Swiss have managed to insulate much of their private lives against interference by their national government. If, however, the national government is seen to have overstepped its powers or otherwise acted unwisely, the people have the power to take corrective action. For example, were the federal government to try to force an onerous tax law upon the country, the Swiss could override it by a simple majority vote provided they mustered 50,000 signatures on a petition within 100 days of the law's passage. Another "people friendly" mechanism allows for a referendum to initiate changes to the federal constitution itself.

In Iraq, such an arrangement could assuage the seemingly intractable problems that plague their current government. Imagine that the country, roughly four times as populous as Switzerland, were to be broken up into, say, 100 jurisdictions — let's call them "departments" — and made subject to a constitution comparable to that of Switzerland's. (Swiss cantons vary in size from about 15,000 to 1,200,000 inhabitants.) Assuming the populations of the departments were relatively homogenous, most Iraqis would feel comfortable under their particular administration. As most departments would likely end up being broken up along religious lines, *national* sectarian conflicts would be diffused, thus paving the way for a return to the tolerant treatment of minorities that had existed in mixed Iraqi neighborhoods for centuries.

Further imagine that the Iraqi central government likewise followed the Swiss model by investing executive authority in an elected seven-member council. Assuming that all the major sects were represented on the council, the various segments of the populace would be bound to trust it more than the single Shiite president they have now. Furthermore, because of its narrowed range of activities, the council could better focus on those functions over which it retained control, for example: protecting individual civil rights, guaranteeing freedom of movement, and ensuring free commerce between departments.

Implicit in the scheme is a reduction in violence. It is hard to imagine that anyone — at least anyone in his right mind — could invent an excuse to harm another under such a pluralistic, evenhanded arrangement.

Methods of enlisting police forces would, of course, vary from one department to the next, but the most direct approach would be to co-opt whatever armed gangs and militia already roamed the streets. Besides the dramatic savings in arms and ammunition, it would seem more practical to put such groups on the payroll than to try to subdue them by force. No doubt trouble spots between departments would emerge that required intervention by the national government, but these localized affairs could be readily handled by the kind of overwhelming force that an army could bring to bear.

In addition to enveloping the Iraqi landscape in greater tranquility, the Swiss model would, in time, lead to greater prosperity (and hopefully greater liberalism) through competition. Were one department to relax its business regulations, for example, then commercial activity would naturally gravitate towards it, and its resultant prosperity would act to stimulate commerce elsewhere. Eventually, all 100 departments would be vying with one another to attract money and people — a far prettier picture than trying to corral a restless population into a system in which many bitterly refuse to participate.

— Dan Hurwitz

the wicked Republicans. They assured the voters that if they were only entrusted with power, they would govern in a true, love-thy-neighbor, bipartisan way. But no sooner did Grandma Pelosi — what nickname better fits a woman who so conspicuously surrounded herself with her grandchildren for her swearing-in? — pick up the gavel than she completely shut the Republicans out of all discussions on the bills she intended to ram home. *That's* wielding the gavel to good effect! Especially amusing was the hearing in which überliberal Rep. Barney Frank became hysterical when pesky Republicans kept trying to amend a bill. He was unhinged with rage.

The second major promise already broken by the Democrats is their vow to end corruption. In getting through the minimum wage increase, Pelosi managed to tack on an exemption for American Samoa, because the big tuna-canning companies StarKist and Del Monte (which pay Samoans $3.26 per hour) screamed that they would be hammered by the new wage standard. Of course, many other businesses voiced the same complaint, but Grandma didn't listen to those children. StarKist, by the way, happens to have its corporate headquarters in her home district.

Even worse, from the standpoint of honesty and integrity, was the move by the new Democratic House majority to give voting rights to delegates from the District of Columbia and the territories (American Samoa, Guam, Puerto Rico, and the Virgin Islands) whenever the House sits as a "Committee of the Whole," which is most of the time. So now the delegate from Samoa, who represents 58,000 people, *none of whom pay federal income taxes*, gets the same power as the representative from Montana, who represents 944,000 people, who do. Amazingly, the representatives of the territories and D.C. are almost always . . . Democrats! Of course, this trashes the constitutional requirement that representatives be elected by citizens of the *states*. (Indeed, Puerto Rico has repeatedly voted against statehood.) But who cares about "the process" as mandated by the Constitution?

Exempting fat cats who headquarter in your district, and gaming the system to increase your voting power. Yep, that's "restoring integrity."

— Gary Jason

Running for cover — Why is Joe Biden considered a serious candidate for president, given all the blots on his copybook? His chairmanship of the Clarence Thomas hearings in 1991 was a fiasco (anyone recall Ted Kennedy congratulating Biden at the finish on a job well done?). His first quest for the presidency collapsed in 1988 when it was revealed, first, that he had plagiarized a speech from (of all people) British labourite Neil Kinnock, and then, that he had flunked a law school course 20 years earlier by plagiarizing (in that case, improperly footnoting) a legal article. (Other peccadilloes, such as "borrowing" from some of Robert F. Kennedy's speeches, and inflating his own academic record, also came out.)

Biden never did learn to shut his mouth, and now it seems he can't help but stick his foot in it. Kicking off yet another presidential run at the end of January, Biden told journalists during a conference call that rival Barack Obama was "the first mainstream African-American who is articulate and bright and clean and a nice-looking guy."

It may not have been as egregious as Michael Richards screaming the N-word in a Los Angeles comedy club, but it was pretty bad. This man is a politician, right? He's supposedly somewhat intelligent, right? So why is he doing this stuff? And how many times can he get away with it before he becomes a permanent national laughingstock?

A serial plagiarist cum racially insensitive motormouth is a serious candidate for president. O Mencken, O Twain, O Bierce and Will Rogers! Would that at least one of you were here!

— Jon Harrison

American geisha — In case you don't know, Hooters is a saloon chain that purveys cold beer and hires pretty girls to bring it to your table. It's a southern chain, based in steamy Atlanta, so these girls are sensibly dressed for comfort. Less is better, you might say. And besides being climatically correct, they radiate southern hospitality. They smile a lot. A Hooters girl might even plop down next to you and chat about inflation and deflation, or the Fed funds rate, or the rise of the euro. Stuff like that.

Actually, Hooters, in an age of globalization, has imported a Japanese concept without paying a single penny for import duties. It's called the geisha model — a simple truth established by Japanese saloonologists sometime well before the Meiji dynasty. It postulated that Japanese guys drinking beer liked to watch pretty Japanese girls smiling at them. Consequently, male Japanese beer drinkers would prefer an establishment employing young lotus blossoms to one employing sumo wrestlers dripping belly sweat into the beer. Now, Hooters has discovered — no surprise — that American guys *also* prefer the companionship of curvy cuties to sumo wrestlers or even 100% American truck drivers.

Hooters is a thoughtful, intellectual bower where you can sip a Miller Lite, work the kinks out of your imperfect mind, and observe the lilies in the garden of life. In addition, this organization is *not* an equal opportunity employer. Miss Alabama and her sorority sisters will be signed to an employment contract well before they interview your sister-in-law.

But believe it or not, this paradisiacal concept was attacked by the U.S. government and a group of wannabe employees — all males. And though not endowed by their creator with certain inalienable sights, they sued this corporation that offers a gift-wrapped package of beer, snacks, and beauty. The government equal opportunity folks cheered and contributed a corps of lawyers to the contest. The male plaintiffs — who looked clownish in orange tights and thin, white tops — shouted, "We too wanna bring beer to the thirsty multitudes."

The plaintiff's point — agriculturally stated — was that Hooters should plant their garden with some crabgrass. The Hooters legal team made the point that their product line was beauty, and crabgrass doesn't belong in a garden. The actual legal arguments are a bit complicated, but it's sort of like a buyer suing General Motors because there wasn't a pair of roller skates in the trunk of his new car, and General Motors replying that its product is speedy transportation, which obviates the use of skates. (It's rumored that part of the legal compromise that settled the Hooters issue was the disproportionate employment of crabgrass — uh, I mean guys — in the kitchen.)

Like I say, you can learn a lot at Hooters. For example — visit before last — I noticed that one of the lilies that decorated the garden never brought you beer. She was just there. Like Venus at dusk, like sunrise over Bali, like my backyard tulip tree in late March. As radiant as spring, she was.

Strange, she took orders, but never delivered the goods. Even though two lite beers had dulled my analytic capability, still I sensed some bureaucratic artificiality at work. I called over the manager and courteously requested an explanation. "Oh, state law prohibits her from carrying beer." She's old enough to work, and even to pour the beer that brightens a customer's day. But she better not carry it. That is against the law. Ah, the subtle logic of the governmental mind!

— Ted Roberts

The Iceberg Cometh — A recent article in the Los Angeles Daily News (Jan. 15, 2007) reports the conclusions of a study performed on California public employee pensions by the Center for Government Analysis. It found that in the fiscal year 2003–04, taxpayers had to cough up $10 billion to cover deficits in public employee pension funds caused by declines in the stock market. In that year, total government outlays for public employee pensions totaled $20 billion.

With many public safety employees able to retire at age 50, and with the average pension in the California Teachers' Retirement System now an astonishing $45,800 per year ($10,000 more than the average per capita state income), it is clear that the next time the stock market dips significantly the state will be in a massive fiscal crisis.

In the past decade, California has seen a million middle-class citizens flee to lower tax states, such as Nevada, Texas, and Florida. The process is sure to accelerate as the Baby Boom retirement tsunami hits over the next decade. Indeed, last year saw more people move out of California than moved in. In a supreme irony, many of those moving out to avoid the tax plague are . . . retired public employees! It is common for rats to leave a sinking ship, but in this case it is the rats that scuttled the ship.

— Gary Jason

Babies having fewer babies — Occasionally a bit of good news surfaces in the miasma of data surrounding family trends in the United States. The federal government has released figures on births in the United States in 2005, and the percentage of births out of wedlock reached an all-time high, 36.8%. To be clear, this isn't the good news.

What used to be called the illegitimacy rate continued to rise in 2005, from about 33% in 1994 and 19% in 1980. The proportion of white births out of wedlock was about one-quarter, that of Latinos about one-half, and that of African Americans more than two-thirds. None of this is good news, either.

By way of contrast, in 1960, the white illegitimacy rate was 2.3% and the black rate was 21.6%. In 1950, the corresponding rates were 1.7% and 16.8%. What could possibly be good news after this litany of statistics?

The good news is that mothers in the United States are increasingly becoming older. Since 1990, the percentage of teenagers giving birth has declined about one-third. The birth rate to women in their 20s has decreased by about one-tenth.

On the other hand, the birth rate among women in their 30s has increased about 15%, and the rate of birth to mothers in their 40s has increased about two-thirds. Whereas in 1990, the ratio of births to mothers in their teens to births to mothers in their 40s was about eleven to one, the ratio now is a little more than four to one. Moreover, whereas in 1990 the ratio of childbirth among mothers in their 20s to childbirth among mothers in their 30s was about two to one, now it is a little more than one-and-a-half to one. It is a favorable trend that mothers are becoming older. Even more favorable is the marked decline of births to females in their teens.

What these data likely indicate, in part, is that there is an increasing number of births to unmarried couples — to men and women living together, or in other types of relationships, who are not married. While this is a social issue on its own, it is not as significant as the paradigmatic historical circumstance of out-of-wedlock births to young unmarried women not in relationships.

I believe that the rate of out-of-wedlock births has just about peaked in the United States and will now begin a long decline. Older mothers will increasingly choose married instead of unmarried relationships with the fathers of their children. All children will benefit from more mature mothers. The future is brighter than many think.

— Lanny Ebenstein

The world of tomorrow — Some four decades ago I edited a series of anthologies whose theme was that a new politics should be focused upon the future and technological development: "Beyond Left & Right" (Morrow, 1968), "Human Alternatives" (Morrow, 1971), "Social Speculations" (Morrow, 1971), and "The Edge of Adaptation" (Prentice Hall, 1973). Among the authors featured then were Buckminster Fuller, Herman Kahn, Simon Ramo, Edward T. Hall, John Eberhard, Oliver L. Reiser, Karl Deutsch, Thomas Szasz, and Paul Goodman.

Though these books didn't have much influence at the time, publishers' support notwithstanding, I'm pleased to hear their theme revived by sometime Gov. Mark Warner from Virginia, who incidentally made his fortune as the founder of Nextel. To my mind, what was true then is still true now.

Not until recently did I discover that the great Murray Rothbard co-edited around this time a periodical titled Left & Right, so unnecessarily unawares of protolibertarianism was I at the time; but once I got to know Murray, I learned that he didn't know about my project either.

The truth is that technology, like libertarianism, is neither Left nor Right; so that whether you hear either of those last two epithets mentioned, whether favorably or unfavorably, you know the publicists ain't talking about us.

— Richard Kostelanetz

Freedom? Fat chance! — Harper's reports that Americans burn an extra 938 million gallons of gasoline each year because we're too fat. That estimate of how much the nation's chubbiness is wasting in gas comes from a study by Sheldon Jacobson, professor of computer science at the University of Illinois and director of the school's simulation and optimization laboratory. "The key finding," reports Dr. Jacobson, "is that nearly 1 billion gallons of fuel are consumed each year because of the average weight gain of people living in the United States since 1960 — nearly three times the total amount of fuel consumed by all passenger vehicles each day based on current driving habits."

On average, we're up in weight since 1960 by 24 pounds per capita, the size of a nice Thanksgiving turkey. Officially, the federal government says that 62% of us are "overweight" (and probably 99% of us would say the government is, so we're more than even). It's fat city, all over. At the pump, the extra fat is costing $7.7 million a day, or $2.8 billion a year, according to a University of Illinois news release, noting that these increased gas expenses are "linked directly to the extra drain of body weight on fuel economy."

Dr. Jacobson didn't skip those tubby kids in the back seat with their M&Ms. In tying the number of pounds of fat to poor mileage, he counted passengers as well as drivers. What he didn't count in his 938-million-gallon estimate was the effect of the two million drivers who operate America's heavy trucks and tractor-trailers, those guys on the turnpike with a bucket of KFC extra-crispy on the seat and a two-foot hoagie from Pizza Village. Jacobson's study, funded by the National Science Foundation, considered only the effect of blimpos in cars and light trucks used for noncommercial purposes.

Its estimate of the social cost of fat in gallons of oil may also have underestimated the size of the problem in a couple of other areas. I don't see anything in his study about how bigger people may buy bigger cars, cars that go fewer miles per gallon no matter what the weight of their occupants. Just on anecdotal evidence, I don't see a lot of supersized people stuffed into those environmentally friendly Mini Coopers.

There's also no estimate in the study about how food addicts might drive more, heading off at midnight to Dunkin' Donuts for a quick fix while their skinny neighbors are tucked under the covers, or driving to Foodland more times than their scrawny neighbors because they're always running out of food.

In any case, nearly a billion gallons a year is bad enough. "Beyond public health," explains Jacobson, "being overweight has many other socioeconomic implications." It's the public's business, in other words, if you're too fat. A generously proportioned physique equals less gas mileage, more oil imports, more money exported to al Qaeda. With socioeconomic factors on the table, there's nothing on one's table that isn't everybody's business, nothing that's beyond the reach of the planners, the regulators, and the socioeconomic administrators.

George Washington University law professor John Banzhaf III, for instance, argues that plump patients should consider suits against doctors who didn't provide sufficient warnings about the downside of obesity, and that parents of fat kids could well be fair game at the courthouse if they didn't curb their trips to Dairy Queen. Or food companies can be made the target, as when the two teenage girls in Brooklyn — combined weight, 440 pounds — sued McDonald's, claiming that the company made them fat. Or we could make 7-11's close at 2 a.m., like bars, so no one could sneak out for a Snickers in the middle of the night.

Arguing that it's time we "get away from these arguments about personal responsibility," Yale University's Kelly Brownell recommends a 7 to 10% "Twinkie tax," a fat tax on calorie-dense foods. With even less red tape, instead of the government's measuring the sugar and nutrient content of every cheeseburger and every type of nacho dip, the IRS could just weigh taxpayers and charge them by the pound.

Charge a 300-pounder making $50,000 twice as much as a 150-pounder with the same income, and he'll have plenty of incentive to shed some pounds and expand America's fuel efficiency.

— Ralph R. Reiland

Population bombs — When I was a college student back in the 1970s, the received wisdom was that the world faced a population explosion destined to doom us utterly: we would run out of resources and die screaming in pain from starvation and air pollution. Like all apocalyptic visions, this one was religiously based — on the secularist religion of leftist neo-romanticism.

And like so many other visions, it has proven delusional. The planet's population is stabilizing — and would do so more quickly if Africa and other less-developed regions would adopt free markets and achieve a large middle class. It will peak at roughly 10 to 11 billion late in the century. But now a new demographic specter is haunting Europe. Virtually all European nations have birthrates below replacement level (2.1 children per woman). Estonia may lose almost half of its population by 2050; Russia and Italy will lose over 22% of theirs. European governments are finding that there are no easy solutions.

One approach that some countries are pursuing is paying women to have extra children. In Estonia, working women who have a child receive up to $1,560 monthly for up to 15 months to take care of the baby; non-working mothers get $200 per month. In Russia, President Putin, alarmed at the demographic collapse and the security implications it has for keeping Siberia in Russian hands, has offered monthly payments of about $111 and a lump sum of $9,260 for mothers giving birth to a second child. France and the Nordic countries are also using such incentives.

It is not clear that they will work. Yes, Estonia saw its birthrate come up slightly, but it is still nowhere near replacement level. For one thing, there is no way to tell whether such financial inducements really encourage women to have more children than they would have had otherwise, or merely have them earlier. Worse, large-scale family support programs increase taxes, and high taxes are part of what drives many

women to keep working rather than take time off for children. While France has seen its birthrate come up to 1.94 children per woman, high taxation helps cause the nearly 10% unemployment rate and slows economic growth.

A second approach, more consistent with low taxes and high economic growth, is to encourage immigration. The current champion of this approach is not the United States, but Ireland. The Irish economy, thanks to low corporate taxes and a favorable business climate, is booming. Their unemployment rate is 4.3% — lower even than ours, and less than half the average for the rest of the European Union. More people now emigrate from America to Ireland than the other way around — the Irish, once famous for huge emigration, are advertising for immigrants.

The Irish government gives preference to immigrants with skills, especially health-care workers, but allows plenty of blue-collar and unskilled immigrants, especially from within the European Union. The influx lately has come mainly from Central Europe, but many African and Philippine immigrants are to be found as well. The Irish immigration rate per 1,000 workers is said to be almost four times what ours is. Non-nationals are now almost 9% of the population, and the percentage of foreign-born is about that high. Some estimate that by 2020 that the population will have grown from 4.1 million to 5.3 million, with immigrants accounting for 19% of the total.

America staves off population decline primarily through immigration. Legal and illegal immigrants and their children account for 55% of our population growth. But even with the help of immigration, we are only at 2.01 children per woman, which is still below replacement level. The changing demographics of America have led to calls for choking off immigration and jacking up taxation in order to bribe existing citizens to have more children. The result would almost surely be a static economy and eventual high unemployment, neither of them a desirable effect. — Gary Jason

Scholastic Aptitude Tosh — One of the benefits of not having children is exemption from certain madnesses, such as parents' obsession with measuring schools and evaluating teachers by how high their students score on certain tests. Two recurring problems are that numbers are easily corrupted, never downwards, and that certain people are simply more adept or experienced at taking tests — the problem of the "test athlete" (an epithet I first heard from the anarchist writer Paul Goodman, incidentally valedictorian of my father's high-school class). I'm told that the obsession was invented and publicized by politicians and educators, rather than guys and gals in the classrooms.

A deeper problem is that tests measure only one thing for sure — how well the student did on that test. As for predicting anything else, they can be unreliable. I know from my own experience. In my junior year of high school, my math score on the venerable SAT was 200 points higher than my score on the verbal test. In my senior year, the difference was 100 points. Deceived by the purported authority of such numbers, I took calculus, received a C, and never took any math again (to my misfortune, we'd now agree). Four years later, when I took the GRE, my math score was again 100 points higher.

At least there was consistency in the tests, I remember thinking at the time, even if the scores had no connection to my career then or later. Since I majored in American civilization and did graduate work in American history before becoming a writer, the scores were mistaken at predicting my competence not just in school but in life. Wise I was, we'd also agree, to trust my instincts over outside advice. Had I lived in a more regimented state, I probably would have been pushed into math until I flunked.

Since many of us have had similar experiences with predictive exams, you can't convince me that these tests measure anything more than how well a student did that day on that particular test.

Thomas Sowell somewhere suggests that IQ scores are fairly reliable at predicting income, especially high income; but, having known some multimillionaires, may I suggest that a better indicator is the desire to make a lot of money. That accounts for why millionaires who go bust, as some of my friends have, often become millionaires again.

Disqualifying someone in advance from making a million because of a low IQ would be foolish. Indeed, in my experience one of the great mysteries of art is that smart people often produce stupid work, while people of evidently limited intelligence, such as Jackson Pollock or Robert Rauschenberg, often produce brilliant art. This happens, I've suggested, when they passionately exploit alternative ideas that have their own intelligence, such as dripping paint in Pollock's case or freedom with images and materials in Rauschenberg's. Through a comparable mastery of external forms, it's also possible for a skilled actor of limited intelligence to play the role of someone much smarter than he is.

Let me further suggest that school itself is no more reliable at predicting success in life, even intellectual life, that "good schools" are no more reliable than weaker ones, and thus that a student's "academic record" measures nothing more than how well he did in a particular group of courses. Those of us professionally involved with the life of the mind all know geniuses who went to lesser colleges, and Ivy League dunces. Likewise in sports, guys highly touted in high school or college often become washouts in the pros. The only sure test for competence in life, any strain of life, is life itself. Everything else is minor league. — Richard Kostelanetz

The struggles of the overclass — You'd think it's a perfect day. I'm sitting on a fancy leather couch in the lounge area of a luxury car dealership. The cafe mocha is fresh, brewed by the cup, and free. The $78,000 car on the showroom floor parks itself. On TV, the stock channel is reporting that the market has hit a new high. I pick up Forbes and ForbesLife Magazine from the end table. In between the ads for $5,200 quilts "hand-quilted by the Amish," and an "utterly practical" $4,100 bomber jacket with "masculine quintessentials," I see an article about how tough it is being rich, how the wealthy have become victims, sort of like being in the wrong tribe in Darfur.

What's wrong, writes British historian Paul Johnson in a Forbes article entitled "Envy Is Bad Economics," is that people in Britain are bellyaching about how much money their CEOs are making. "In London the media have been foaming at the mouth over the fact that the average chief executive in Britain's top 100 companies is paid 127 times more than the average wage earner," he writes. "Such high pay has been widely

continued on page 38

The Surge in Iraq: Why It Will Fail

by Jon Harrison

Bush's new plan for Iraq was doomed before the troops touched down.

Four years after it apparently won an easy victory in Iraq, the American military finds itself bogged down there. Civil war between Shiite and Sunni Muslims is roiling Baghdad and other parts of the country. Al Qaeda and diehard Baathists continue to hold out in al-Anbar province. Violence is unremitting, and U.S. casualties are mounting. We are in a stalemate.

Enter President Bush. In a nationally televised speech on Jan. 10, he announced the dispatch of an additional 21,500 troops — five army brigades and 4,000 Marines — to Iraq. At the same time he nominated a new commander, Gen. David Petraeus, to lead our troops into battle.

This essay aims to take a hard look at the president's Iraq "surge" (the term "escalation" has been studiously avoided by the administration — no echoes of Vietnam, please) and its prospects for success. Five main points require discussion.

1. When is a surge not a surge?

U.S. troop strength in Iraq peaked at about 165,000 in late 2005. The additional 21,500 troops ordered to Iraq by President Bush will bring the force back up to approximately 153,000 men and women. We are, therefore, seeking to obtain a decisive success with *fewer* troops than we have previously deployed. Moreover, the additional forces will arrive in increments — a few are already in-country, while the last will not arrive before May.[1] We are thus depriving ourselves of the maximum punch that even this relatively small number of troops can provide. And we will remain far short of the several hundred thousand troops that the former Army Chief of Staff, Gen. Eric Shinseki, told the administration would be required for victory back in 2003.[2]

2. The surge as a military operation

Of the 21,500 new troops, 4,000 Marines will go to fight the Sunni insurgents in al-Anbar province. While it is unlikely that a few thousand Marines will make much of a difference in a territory the size of Louisiana, they will at least be operating on terrain that is for the most part conducive to open warfare. Not so the other 17,500 troops, who will be going to Baghdad.

Baghdad is a city of 6 million people. It is the scene of ongoing sectarian conflict and daily terrorist bombings. To inject a few thousand additional U.S. troops into that setting, and expect them either to defeat or to overawe and disarm thousands of well-armed religious fanatics, is sheer fantasy.

The task makes Stalingrad look easy. In the street fighting there, the Germans employed up to eight divisions at a time without obtaining decisive success.[3] We are proposing to bring

peace and security to a major city teeming with armed fighters by employing only 32,000 American troops (the fresh 17,500 plus about 15,000 currently assigned to Baghdad) — their numbers the equivalent of less than two divisions.

To use U.S. forces for prolonged urban fighting is to play against their strengths. The superiority of U.S. ground forces lies in their training, firepower, and mobility. These factors, particularly the latter two, are at a discount in close combat on an urban battlefield. The courage of our troops saw them through to victory in the Battle of Fallujah. But Fallujah involved winkling out a relatively small number of insurgents from a relatively small area. A much greater scale of operations is required to clear a place like Baghdad. We have neither the stomach for the casualties that this would entail nor the political will to turn a deaf ear to world opinion while we destroy the city in order to "save" it.

The enemy wins by merely surviving. After all, we have to go home eventually. He lives there.

The 50,000 Iraqis with whom our troops will be brigaded are, with the exception of the Kurds, useless. Some of them might even end up siding with their tribal and religious brethren against us. Shiite will fight Sunni, and vice versa. Some of both are probably willing to fight *us*, but neither will raise a hand against their own. The "correct" ratio of troops to population called for by counterinsurgency doctrine is achievable only with the participation of large numbers of Iraqi troops. And these troops must be effective — that is, willing to fight whomever they are ordered to take on. Troops such as these are not to be found anywhere in Iraq, except among the Kurds. And the Kurds are too few.

It may be that the enemy won't fight. He could go to ground, bury his weapons, and wait us out, using the odd sniper and suicide bomber to inflict casualties and wear on our troops' nerves. Under such conditions, "incidents" involving the civilian population, such as those that occurred in Haditha and Mahmudiya,[4] are near certainties. They would severely undercut the political objectives of the Baghdad operation, to say the least, and might force the Iraqi government to choose between the U.S. connection and its own continued existence. In any case, the enemy wins by merely surviving. After all, we have to go home eventually. He lives there.

I predict that the enemy will neither stand and fight nor go to ground. To stand and fight is an all-or-nothing proposition: one side wins, the other loses. The enemy, with time on his side, has no need to gamble in this way. But he probably cannot remain purely passive, giving the Americans time to win hearts and minds. The rebuilding and public works initiatives that Bush announced in tandem with his troop surge must not, from the enemy's point of view, be allowed to succeed, lest the population be won over even at this late date by the Americans. Therefore, the enemy will seek to perpetuate anarchy by killing Iraqis who cooperate with us, by attacking infrastructure, and by taking on our forces whenever he thinks he has an advantage (in numbers, for example) or believes he can inflict major casualties. Over time, this is a strategy that will bring him victory.

3. Just who is the enemy, anyway?

That is of course the central problem. We are currently fighting on behalf of a unitary Iraq that has a Shiite-dominated government. The Sunni insurgents (ex-Baathists and al-Qaeda) want no part of this particular Iraq. So they are the enemy, right? Well, yes, but then there is the problem of the Shiite militias, which are carrying out sectarian cleansing against Sunnis in Baghdad and elsewhere while the current government (or at least its Shiite members) turns a blind eye. We have stated that in the name of a unified, democratic Iraq, these militias must be curbed. They must disarm or face the consequences of our disapproval. So they too are the enemy.

The most formidable of the militias, Muqtada al-Sadr's Mahdi Army, is a major prop of Prime Minister Nouri al-Maliki's government. We have made it plain to al-Maliki that al-Sadr's forces must disarm and take up the arts of peace. Al-Maliki has in the past paid lip service to similar demands on our part, and he will no doubt do so again. Al-Sadr may bide his time and make a show of beating swords into plowshares, but he is surely not about to give up the weapon he has forged. To do so would leave him at the mercy of, on the one hand, the U.S., and on the other, the hated (and hate-filled) Sunnis.

Al-Sadr is no fool. We will have to take him on if we are going to have any prospect of winning the fight for Baghdad.[5] I predict that we will *not* do so, at least not in any serious way. The heavy casualties we would have to take will deter us. We will instead restrain the tempo of our operations against the Sadrists, while hoping that a Sunni assassin or suicide bomber gets close enough to kill the radical cleric.

4. General Petraeus

Gen. David Petraeus will take command of a force operating in an environment where its major strengths are at a discount, in alliance with Iraqi forces that contain few dedicated fighters but many potential turncoats, and in the service of an Iraqi government that is at best indifferent to our objectives. Nothing more Catch-22 could be imagined. But the general, like the president, regards these facts with equanimity. "The way ahead will be neither quick nor easy, and undoubtedly there will be tough days," he told the Senate Armed Services Committee. Such was the extent of his foreboding.

The 50,000 Iraqis with whom our troops will be brigaded are, with the exception of the Kurds, useless.

His command will require both military genius and highly developed political skills. Petraeus' military talents remain open to question. In the march to Baghdad he commanded the

101st Airborne Division. He gathered no laurels then, though it should be said that the 101st was placed in a supporting role.[6]

Much has been made of Petraeus' role in authoring current U.S. counterinsurgency doctrine. That doctrine will be put to the test in Baghdad. The general's supporters are quick to say that while he was America's proconsul in Mosul, the insurgency there was quiescent. The facts are somewhat different. No insurgency existed when Petraeus got to Mosul.[7] Resentment against the Americans grew during his time there, flaring into violence immediately after his departure. One could make a case that his tenure *caused* the insurgency, which remains unsubdued to this day. As to Baghdad, well, we shall see.

The general's political skills are yet to be revealed. Before the Armed Services Committee he made the mistake of entering into partisan debate, voicing support for some senators' attacks on proposed antisurge resolutions. Sen. John Warner had to remonstrate with him, cautioning him not to become entrapped by "some responses that you might later regret." One awaits the reports of how bedazzled Iraqi politicians and clerics are by General Petraeus' penetrating mind and diplomatic skill. One awaits the reports — without holding one's breath.

5. The Commander-in-Chief

Iraq is etched on the president's face, as Vietnam was on LBJ's. Compare pictures of Bush from 2003 and today — the effect is shocking. And now the president, never very adept at stringing thoughts together, appears at times almost *non compos mentis*.[8] Hence we see Vice President Cheney, the Edgar Bergen of the administration, acting more and more as his own Charlie McCarthy — a role he once reserved exclusively for the president.[9]

The president appears trapped by his previous mistakes and lies.[10] While he continues to receive the support of most of his party, as well as that of a few Democrats on Capitol Hill (most notably the sanctimonious Sen. Lieberman), his support among the citizenry has continued to decline. Some have speculated that the surge is a fig leaf, a cover for a plan to get us out of Iraq before the next election cycle really gets under way. I doubt it. I expect, if the surge fails, that even more absurd plans for victory will be put forward.[11]

George Will, in a Washington Post op-ed piece on Jan. 14, likened Bush's surge to Gen. Ferdinand Foch's desperate counterattack at the First Battle of the Marne.[12] Foch, facing defeat, gave the order to "Attack, whatever happens! Victory will come to the side that outlasts the other." Foch was grasping at straws, but he had no choice. The Germans were a day's march from Paris. In Foch's favor was the fact that the Germans were tired, stretched to the limit after weeks of hard fighting. In Iraq, it is we who are stretched, 6,000 miles from home and fighting with troops and equipment that are far from fresh.

In this regard I am reminded of another World War I general, Max von Gallwitz (1852–1937). A highly successful soldier,[13] Gallwitz in 1916 was given command of a sector at Verdun, where a terrible battle of attrition was raging. After surveying the job before him, he wrote in his diary, "Too great a task, undertaken with inadequate reserves."[14]

Too great a task, undertaken with inadequate reserves. That's Bush's surge in a nutshell. And that's why it will fail. ❑

Notes

1. Gen. Petraeus indicated, in testimony before the Senate Armed Services Committee, that he preferred to speed up the deployments. Defense Secretary Gates responded by saying he would try to comply with Petraeus' wish. Whether the logistical hurdles involved in a more rapid deployment can be overcome remains to be seen. See "Gates Working to Accelerate Deployment," Washington Post (Jan. 27, 2007).

2. See "New Strategy Vindicates Ex-Army Chief Shinseki," New York Times (Jan. 12, 2007). As should be apparent to anyone who takes the time to study the man, Gen. Shinseki, in addition to having been right about Iraq, is a man of honor. A model of soldierly self-effacement (a characteristic that some of his peers, notably Gen. Tommy Franks, would have done well to emulate), he stands head and shoulders above his former bosses at the Pentagon, who scoffed at his well-reasoned projections. The next chief executive should award Shinseki the Presidential Medal of Freedom. At the same time he would do well to cast World Bank President Paul Wolfowitz, a chief scoffer in 2003, into the outer darkness.

3. The Stalingrad battlefield stretched for 25 miles along the banks of the Volga; Baghdad comprises a rather more concentrated area. Eight American divisions might find it hard to maneuver there without getting in each other's way. Nevertheless, the forces we plan to commit are inadequate to pacify a city of Baghdad's size.

4. In both cases it is alleged that U.S. troops murdered Iraqi civilians. See my essay "The Crimes of War" in the November 2006 issue of Liberty.

5. The failure of U.S. forces to eliminate al-Sadr in the spring of 2004, when they had him on the ropes, probably represented a last, missed chance to solve the Iraq problem along the lines desired by the Bush administration. It is highly unlikely that al-Sadr can be placed in so vulnerable a position again. In the meantime his forces have been greatly strengthened, thanks in large part to Iranian assistance.

6. This may in itself say something about the opinion that Petraeus' superiors held of his military skill. One does not generally place one's best commander in a support role.

7. Not surprisingly, there was chaos in Mosul in the wake of the Hussein regime's collapse. Petraeus was successful in bringing order out of that chaos. But no insurgency existed at the time. The insurgency emerged once he left, and had doubtless been building during his time as proconsul.

8. See for example, "President's Portrayal of 'The Enemy' Often Flawed," Washington Post (Jan. 24, 2007). I also recommend the essay "Bush and the Psychology of Incompetent Decisions" by John P. Briggs, M.D., and J.P. Briggs II, Ph.D, posted on truthout.org (Jan. 18, 2007). The elder Briggs was for 23 years a member of the faculty in psychiatry at Columbia Presbyterian Medical Center in New York.

9. The vice president's own mental balance seems increasingly threatened by the bad news swirling about him. His bizarre expostulations on CNN's "Situation Room" with Wolf Blitzer indicated as much. Those who missed it live may consult the Washington Post of Jan. 25, 2007 ("Defending Iraq War, Defiant Cheney Cites 'Enormous Successes'").

10. For an interesting discussion of presidential lying see Carl Cannon, "Untruth and Consequences," The Atlantic (Jan.-Feb. 2007).

11. Such have already begun to appear, perhaps in expectation that the surge will fail. See Bing West, "Do or Die in Iraq," National Review (Jan. 29, 2007). West's piece calls for the deployment of handheld identification devices to "fingerprint all military-age males [i.e., in Iraq] and deprive the insurgents of the ability to move about and blend in with the population." Just how, I wonder, will we get "all military-age males" to line up for fingerprinting?

12. "Bush's Hail-Mary Pass," Washington Post (Jan. 14, 2007).

13. As an army commander in 1915, von Gallwitz first took Warsaw from the Russians, then conquered Serbia in a six weeks' campaign.

14. Quoted in Alistair Horne, "The Price of Glory" (St. Martin's, 1963), p. 165.

Waiting for Fidel

by Robert H. Miller

"Fidel does not have cancer. I'm very well informed. . . .
Nobody knows when Fidel is going to die."
— Hugo Chávez, President of Venezuela

My mother, Ana María, died on July 14, 2000, at 78 years of age. For 40 years, ever since our flight from Cuba in 1960, she'd clung to the hope of outliving Fidel Castro Ruz, a man four years her junior.

Almost more galling than having Castro outlive her was having her saint's day fall on the 26th of July, the anniversary and official title of Fidel Castro's revolutionary movement. To a Cuban, one's saint's day — the birth date of the saint after whom one is named, in this case Santa Ana — is a personal holiday second only to one's birthday. After our flight following the revolution, first to Mexico and then to the U.S., my mother never again celebrated anything on that day.

My family has deep roots in Cuba. My maternal grandmother, also Ana María, was a third generation Canary Islands émigré. John Maurice, my maternal grandfather, was a contractor in Aguascalientes, Mexico, when the Mexican Revolution erupted in 1910. He fled for Havana, where prospects for life seemed better. Both of my grandparents were stern and imposing figures; how they met and courted I can't imagine. Nonetheless, it must have been love, for they married in 1914.

John Maurice was a massive man, a rigid disciplinarian, and a heavy drinker and gambler, with a streak of willfulness that could turn violent. He soon worked his way into Cuba's biggest construction projects as a primary subcontractor. His first big commission, the capitol building in Havana, with rotunda and wings modeled on the U.S. Capitol, was completed in a scant three years. Begun in 1926 by the Purdy Henderson Co., it required the work of 8,000 men to complete it by 1929.

He then joined the big push to complete the Carretera Central, Cuba's main trans-island artery, which was also built all at one go, between 1927 and 1931, by a consortium of the Associated Cuban Contractors, Inc. and the Warren Brothers Co. of Boston. The highway touches the coast at only three places: Havana, Matanzas, and Santiago de Cuba. It is an engineering marvel: it straddles the island's spine — what is, in effect, the north-south watershed divide — thereby requiring an absolute minimum of bridge crossings. The entire roadway, 705.6 miles long and 20.66 feet wide, is asphalt-topped concrete.

My grandfather's third big project, the Carcel Modelo, was the federal penitentiary on the Isle of Pines (the comma-shaped island off the southeast coast of Cuba). The design features four six-story round silos, later nicknamed the *circulares*, with 93 cells, designed for single or double occupancy, circling each floor. It was a new approach to an idea originally developed by British philosopher Jeremy Bentham and applied on a smaller scale in Stateville Penitentiary in Illinois. Under President Fulgencio Batista, the *circulares* housed only common criminals; political prisoners were kept in separate small apartments where many privileges, including conjugal visits, were allowed. Fidel Castro, captured after his abortive

Moncada Army Barracks attack on July 26, 1953, spent time there — as did my cousin, Armandito, after the failure of the U.S.-backed Bay of Pigs invasion.

Following the 1959 revolution, the Castro government — perhaps because it anticipated a decline in prisoners, since the regime was dedicated to social justice, or perhaps because it wanted to make a stay in prison more memorable — removed all but one toilet per floor in each *circular* and donated them for ballast on a Russian cargo vessel. Later, after the Bay of Pigs invasion and the prisoner-for-medicine exchange with the Kennedy administration, the prison was closed and the island was rechristened the Isla de la Juventud, the Isle of Youth, so as to eliminate any vestige of the prison's infamy.

When my mother turned 13 she was shipped off to a Louisiana convent to learn English. Back in Cuba, she put her new skills to use as a bilingual telephone operator. Sometimes she'd field long-distance calls from Ernest Hemingway, whom she always, after the first few calls, recognized by his unintelligible Spanish and his references to himself as "Papa." Now, "Papa," in Spanish, means "potato." My mother, initially, had no idea who "potato" was. He insisted on using Spanish anyway. When my mother counter-insisted that he speak English so she could understand him, he showered her with profanity. With time these outbursts became more frequent. It seemed — to her anyway — that her imperious prudishness egged him on.

During World War II Ana María worked for the U.S. Office of Censorship in Miami. After the war she returned to Havana and got a job with the newly founded American International Company (now AIG). The Havana AIG branch was established by my father, Howard Wesley Miller, who had been a principal in the founding of C.V. Starr & Co., the parent company of AIG in New York. In need of a bilingual secretary, Howard was assigned Ana María. A trusting man of few words and a forced smile, he found her regal reticence attractive — not to mention, as they say in Cuba, that she was *"más bella que pesetas,"* more gorgeous than dollars. So he immediately fired her. Already married, he didn't quite trust himself. When his wife unexpectedly died, Ana María was rehired. They were married in 1948.

Howard and Ana María settled in Alturas del Vedado, one of Havana's poshest neighborhoods. They bought the mayor's residence, and he built himself an even bigger house on the empty lot next door. Second in power only to the president, the mayor of Havana was also one of Cuba's richest men. Nicolás Castellanos controlled the most lucrative sources of illegal income on the island. As a child, I'd often hang out at the Castellanos' home, playing with whatever children of the large extended family were present. When the mayor's daughter, Irma, got married at one of Havana's colonial cathedrals, I was the ringbearer at the ceremony. Castellanos, head of the Nationalist Party, had been the principal power broker in the jostling for the presidency at the run-up to the 1952 election.

Government troops were switching sides. People of all sorts were welcoming the rebels with open arms. The steamroller was unstoppable.

Cuban elections had always been relatively free — free, that is, when compared with elections in countries such as Mexico or Guatemala. Nonetheless, the most ambitious party could always find ways of digging up dependable votes: union leaders controlled their workers; businessmen squeezed their employees; ministries rewarded civil servants with illegal bonuses. A large percentage of voting cards lacked the requisite photographs; they could be used by anyone — and were. The system had produced only one laudable administration, the first one after independence, that of Arturo Estrada Palma; and only his first term was laudable. By his second term, he'd been soured by the lack of reciprocal idealism and turned vengeful, venal, greedy, and mad for power.

Under the guise of going on vacation, my father, my mother, and we three kids left for Mérida, Yucatán, Mexico, each carrying one suitcase.

The 1952 election started out no differently from any other: in Cuban-cigar-smoke-filled rooms with Mayor Castellanos cajoling together a grand coalition of anyone and everyone who had a claim to a piece of the action. Together they would apportion power and spoils uncontroversially and multipartisanly. But this time Fulgencio Batista, one of the primary contenders, didn't want to share.

Batista was a tragic figure. He was nicknamed "the okie from Banes" (*el guajiro de Banes*, a provincial backwater from an Habanero's point of view) and *"el negro"* because of his modest education, lack of sophistication, and dark complexion. According to the scuttlebutt of the time, he was one of the last surviving mixed-blood, indigenous Carib Indians — a noteworthy claim, because the Spanish conquistadores had virtually annihilated Cuba's entire aboriginal population. The Cuban people were now European, African, or mulatto. When Batista stepped into history in 1933, he had only risen to the rank of sergeant. In that year he led a popular, behind-the-scenes, intra-army "Sergeants' Coup" that wrested power from the commissioned officers and, in an absurd reversal of the traditional logic of the chain of command, conferred it on the lower, noncommissioned ranks — the sergeants themselves.

Before this coup, the army had been kept out of politics through a spoils-sharing program in which politicians secured the loyalty of the higher officers by paying them off. The sergeants wanted a redistribution of the loot, and got it. Batista turned the government's loyalty-buying racket into an overt army-extortion racket that benefited all ranks. Now that he

ruled the armed forces, he promoted himself to colonel, then to general. Behind the scenes, he ruled Cuba. In 1940 he ran for president, won, and ruled more or less competently, by the standards of the time. By the end of his term in 1944 he had become immeasurably rich.

But his marriage was falling apart, his popularity was at an all-time low, and he still hadn't been asked to join the exclusive Havana Country Club. More importantly, his party lost the next election. In the midst of a midlife crisis, the okie from Banes divorced his wife of many years, married a young socialite, and fled into retirement abroad, determined to enjoy his wealth and his newfound connubial bliss. In 1952, restless, ambitious, and more popular than ever in his own mind, he returned to Cuba to contest the 1952 elections.

Sometimes my mother would field long distance calls from Ernest Hemingway. She recognized him by his unintelligible Spanish and his references to himself as "Papa."

Nicolás Castellano's coalition could easily have defeated him; but, not one to cavil, the ex-sergeant launched a second military coup and named himself president of Cuba. The coup cost Castellanos the mayoralty of Havana. More importantly, it was the event that launched Castro on the road to the revolution that rules Cuba to this day.

On July 26, 1953, Fidel Castro — precipitately, without preparation, and armed with a handful of loose cannons (literal and figurative) — attacked the Moncada Army Barracks in the province of Oriente. Some of his contingent even traveled to the event by public bus. They were quickly defeated and brutally rounded up. Most were shot on the spot. Castro escaped with his life because he had married into the family of one of Batista's ministers. Imprisoned for life in the Carcel Modelo, he declared that "history" would "absolve" him.

When my father retired from AIG in 1955 because of failing health, he was 57 years old, but his dreams were still unfulfilled. He was a social democrat, one of those successful capitalists with a strong sense of *noblesse oblige* — he wanted to do good while doing well. So he introduced to Cuba the 1950s version of the Model T Ford: the Volkswagen. When the bug took root — and with the urgency of a man stalked by death — he then launched Cuba's first big paper products factory, trying to give the de facto monopoly of Dixie's or Lilly's (I don't remember which) a run for its money. Optimistic about Castro, he later contributed money and property to the revolution, both before and immediately after its victory, as many others did, including our next-door neighbor Castellanos.

Batista, to improve his poll ratings, decided to amnesty all political prisoners. On May 15, 1955, Castro was released. In June he flew to Mexico to lick his wounds, reorganize, and plan an invasion of Cuba. On Nov. 24, 1956, he sailed for Cuba with 82 men aboard the critically overloaded yacht *Granma*. A week later they landed on the southern coast of Cuba. Only a dozen survived or evaded capture. Those twelve men made their way into the Sierra Maestra mountains, regrouped, and rebuilt a force that became a thorn in the government's side. The infection of that thorn slowly spread throughout the island. As Christmas 1958 approached, the rebels' two-pronged advance out of the Sierras up the Carretera Central to Havana was succeeding beyond anyone's imagination. Government troops were not only surrendering without a fight; they were switching sides. People of all sorts were welcoming the rebels with open arms. The steamroller was unstoppable.

When Batista fled the country on New Year's Eve 1958, Havana erupted into an orgy of celebration. The metropolitan police, technically members of the old regime, kept a low profile. We children weren't allowed to get near the windows, much less leave the house. My sister Nani remembers one passing car peppering our living room with bullets. My mother, ever cautious, concocted an arsenal of Molotov cocktails "just in case." Days later, when Castro's tanks rolled into the city, mobs lionized the long-haired, bearded rebels. Contingents of the olive-clad, Thompson submachine gun-wielding soldiers ringed all the embassies to prevent enemies of the people from escaping. With the Mexican ambassador's residence only a block from our house, I couldn't keep away. Armed with my pellet gun — for solidarity — I'd hang out for hours with the militiamen, target-shooting at birds and passing the time. For a 10-year old kid, it just didn't get any better. As I'd later say when I learned English in Mississippi, "I was shitting in tall cotton."

Ana María's cousin and best friend, Tita, is still a contender for outliving Fidel. The two women shared the dream of witnessing Castro's demise — a tiny but immensely satisfying symbolic victory over the 20th century's deadliest ideology.

A flirtatious ball of energy, and a Bette Midler look-alike, Tita makes everyone her instant friend, and she can reduce you to stomach-cramping laughter within minutes of meeting you. Though she is three years older than Castro, she could still run circles around his hospital bed, with or without her cane. For her, outliving Castro is an intensely personal goal. She and her brother Bebo attended the University of Havana with Fidel in the late 1940s.

Bebo studied law with Fidel. Both remember him as a pistol-wielding political gangster type (a common phenomenon of the times), with an emphasis on action rather than ideology. What little there was of the latter came from José Antonio Primo de Rivera, the founder of Spanish Falangism, with a dollop of Benito Mussolini thrown in for broader appeal. While Tita got her doctorate in Philosophy and Letters, Bebo and Castro became lawyers.

In Cuba everyone is connected by four degrees of separation, instead of the proverbial six. While at the university, Castro married into the Batista political family and into the George W. Bush administration, too. Mirta Díaz Balart, his first wife, was the daughter of Rafael Díaz Balart, a prominent

Batista cabinet minister; and the sister of Rafael Díaz Balart (junior), another cabinet minister in the Batista administration. It was Castro's in-laws who saved his butt after the abortive Moncada attack. The junior Rafael Díaz Balart was the father of Lincoln and Mario Díaz Balart, today Florida Republican Representatives for the 21st and 25th Congressional Districts respectively.

Tita's uncle, Maríano Faget, also worked in the Batista administration. A law enforcement professional, he was in charge of the important-sounding Foreign Counter-Espionage Activities Department. Not that Cuba had any foreign enemies. Having been a loyal, albeit minor, member of the Allied contingent in World War II, Cuba became a dutiful cold warrior in the 1950s, refusing diplomatic relations with the USSR and establishing the Departamento de Actividades Enemigas to exercise solidarity with the rest of the free world. Maríano was a conscientious bureaucrat but, like the Maytag repairman, had little to do.

When Castro triumphed, Maríano, reading the handwriting on the wall, hitchhiked out of Cuba on the plane that flew Batista into exile. His secretary, a man by the name of Castaño and a strictly career civil servant, wasn't so lucky. Castaño landed in La Cabaña, the jail adjacent to Morro Castle in Havana. Pulling every long-distance string available, Maríano got the U.S. ambassador to intervene. The ambassador extracted a promise from Ernesto "Che" Guevara to release the hapless secretary for immediate flight out of the country. The next morning, when the ambassador showed up to take charge of his charge, there was a scene straight out of Andy García's "Lost City" (see Gary Jason's review in Liberty, December 2006). Guevara declared that an enemy of the people had been liquidated. According to Tita, Guevara bragged that he himself had pulled the trigger.

Just before the Easter holidays of 1960, my father arrived at his paper factory to be welcomed by big red graffiti on the yellow walls urging "Miller al Paredón!" (to the firing squad wall). He knew it hadn't been painted by his workers; he knew them all too well and shared trust and affection with them. It looked more like Fidel's handwriting — a much more ominous interpretation. Two days later, under the guise of going on vacation, my father, my mother, and we three kids left for Mérida, Yucatán, Mexico, each carrying one suitcase.

By December of that year most of my immediate family had fled. My grandmother Ana María stayed. She was too old and too Cuban to leave, and too parsimonious to abandon our grand mayoral residence to the clutches of Castro,

In Cuba everyone is connected by four degrees of separation, instead of the proverbial six.

as the new revolutionary laws required. In a vain attempt to salvage some of his business interests, my father flew back to Havana in the fall but didn't even leave the airport. An associate who met him there warned him to depart immediately, as there was a warrant out for his arrest. Later, my father successfully lobbied the Kennedy administration to pass legislation to allow the deduction of Cuban property losses through the federal income tax.

Exile was a huge shock. Hot Mexican food, to a Cuban about as strange as eating turnips and mud, was the first tremor. Montezuma's revenge laid me up for two weeks. Working our way up to the U.S., we settled temporarily in

A large percentage of voting cards lacked the requisite photographs; they could be used by anyone — and were.

Louisiana, where we discovered peanut butter. Thinking it was a dairy product, we refused to try it. Assured that it wasn't, we soon couldn't get enough of it. Later, when hordes of Cuban refugees flooded Florida, peanut butter was one of the staples handed out as assistance to tide over refugee families in their transition. It was just as strange to them. My aunt Marta had shelves full of #10 cans (creamy style) hoarded in her garage. She scorned the stuff but knew it was valuable and refused to part with the cans.

The Deep South of the early '60s was in turmoil over civil rights. Perhaps it was the racial conflicts or the strange new foods or maybe the English-language school system, but I soon ballooned to morbid obesity. By the time I was 14, I weighed over 200 pounds. But the events in our life took a much more serious toll on my father. Already in bad health, he deteriorated rapidly and died in 1967.

Meanwhile, by the end of 1960 my extended family had gotten more caught up in events in Cuba. Cousin Eddy, an old-line commie, stayed. Tita shipped her 15-year old son, Armandito, off to the U.S., to save him from himself. A hot-headed, idealistic naif, Armandito dreamed of joining the counter-revolutionary movements already inchoate in the Escambray Mountains. Tita also stayed, to care for her mother, who was too sick to travel. So did her sister Cuca, whose husband still hoped that things might not turn out as badly as it seems they have.

Armandito was already deeper in the resistance than she realized. Counter-revolutionaries had been landing armaments on isolated beaches outside Havana, and he had been helping them. It had been up to him to locate the caches and transfer them to a secure location. He hadn't wanted to leave Cuba. Once in Miami, he tried to join the resistance-in-exile but was rebuffed because of his age. So his family sent him to New York, as far from rebel activity as they could manage. There he worked odd jobs, acquired a Social Security number, and networked with whatever counter-revolutionaries he met.

Restless, he was soon back in Miami forging documents to get him into the MIRR (Movimiento Insurreccional de Recuperación Revolucionaria), the main resistance group

at the time. One month after turning 17, he shipped off to Guatemala for military training of Cuban exiles by U.S. military personnel on loan to the CIA for an invasion of Cuba's soft underbelly, the Bay of Pigs. At first he was scared and lonely, but he soon found older classmates and acquaintances from Cuba who made the rigors of training more bearable. He was fortunate. After enduring nearly four months of hardships, he was better prepared than most volunteers for the upcoming operation, despite being the youngest among them.

In April 1961, Armandito landed at Playa Girón, one of approximately 1,300 men on two Cuban beaches. One hundred one of them died in the invasion. For many reasons, all too long and convoluted to review here, the enterprise was a complete disaster. The men fought until their ammunition gave out. Wandering aimlessly in the Cienega de Zapata brine marshes, Armandito and his comrades were soon out of food and water. Totally dehydrated, they resorted to drinking their own piss. Then they were captured.

They were lucky to be alive. Castro's troops weren't disposed to generosity in victory. Not all the captives survived the overcrowded and asphyxiating eight-hour ride to Havana's Palace of Sports. Osmani Cienfuegos, the lieutenant in charge of the transportation, ordered a contingent of 149 men packed into one truck, then had it hermetically sealed. When someone warned him that people might die, Armandito heard him comment that then "there'd be fewer worms to deal with." Nine of these "worms" perished. The lives of the remaining captives were probably saved when their usefulness as victory propaganda became apparent.

They were processed at the El Principe prison in central Havana. They were stripped naked and ordered to lie face down on the concrete while militiamen searched their clothes. Armandito carried three photographs and a letter, all of which were ripped up except for the photo of his girlfriend, which was dismissively tossed aside. When he reflexively reached for it, boots and fists landed on him. It was a lesson that would serve him well throughout his incarceration: morale was the most important survival tool; and morale didn't come from things like photographs; it came from within.

Armandito, being the youngest, adapted well to captivity. The vat of cornmeal mush that was their main nourishment usually included a Cracker Jack-type surprise, usually some live cockroaches or scorpions, or even a rat. To the older men, this was an almost unbearable indignity; to Armandito, it was a celebration of fresh protein. Armandito's upbeat attitude didn't go over well with the militiamen. He was rewarded with a spell in solitary confinement. In Cuba, penal authorities had taken a truly novel and creative approach to the concept, vividly depicted in the movie "Before Night Falls." The isolation cells were tiny concrete holes below the general concrete floor, roofed by storm drains through which all sorts of indignities could be poured. The cells weren't large enough for a person to stretch out in. Hinged bars provided ingress and egress. Still, the air, light, and general prison hubbub — right above your head — made the experience more bearable. To Armandito, his week-and-a-half stint was no big deal, but his voice breaks when he relates how some men spent three months curled up in the holes.

Tita, still in Havana, had no idea that her son was in El Principe, much less that he'd been involved in the Bay of Pigs invasion. She found out when the roster of captives' names came out in the newspaper. At the prison, the tail (in Spanish, a line is quite descriptively called a tail) of women lining up in desperation encircled the building. It would be a month before *a* wife, *a* daughter, *a* mother, *a* grandmother or *a* sister was allowed to visit.

All visitors were strip-searched. Militiawomen seemed titillated at making old women with radical mastectomies remove their bras, and would comment crassly to one and all. Tita had the routine so well choreographed that shame had no time to affect her. All manner of food, clothing, and other presents were welcome, but little got to the prisoners. Tita would stop at one of the city's ubiquitous pushcart sandwich vendors and buy Armandito a *medianoche*, known in English as a Cuban sandwich: a piece of French bread with roasted pork, ham, and Swiss cheese topped with anything else that strikes your fancy. Armandito would cut it into bite-sized bits and share it with his comrades.

At the time, it wasn't healthy to be related to a Bay of Pigs prisoner. So Cuca, Tita's sister, left Cuba in August 1961. Cuca's husband Pillo was due to leave in November but had to delay his departure when the health of his elderly parents took a turn for the worse. Pillo was arrested in February 1962. No reason was given either to him, Tita, or Cuca, who was now in the U.S. He remained imprisoned for eight months, then he was suddenly released, again without any evident reason, days before the Cuban Missile Crisis. He made it to the U.S. just before all commercial flights were grounded in anticipation of war.

When Armandito was transferred to Carcel Modelo on the Isle of Pines, visitation became almost impossible. Lucky for him, Castro was trying to ransom off the 1,180 captives of the Bay of Pigs. By December 1962, he and Kennedy had settled on a price of $60 million worth of food, medicine, and machinery. Armandito soon found himself in Miami.

But Tita stayed. She stayed to care for her parents, Pillo's parents, my grandmother, and countless other poor or elderly relatives, shirt-tail relatives, ex-employees, and friends. She stayed until 1965, when she finally came to the U.S., settled in Puerto Rico, and took charge of the Peace Corps' Spanish language immersion program.

Today, she and Cuca live in Little Havana, Miami, close to their large extended family. Armandito owns and runs "El Viejo Malecón" café in San Juan, Puerto Rico. If you're ever there, stop by, say hi, and eat some great Cuban-Puerto Rican food — without a rat anywhere around.

Two years ago, a cigar aficionado friend of the family, we'll call him John, traveled illegally to Cuba via Cancún, Mexico. We asked him, among other things, to drop by our old home and take some pictures. He did. The house, looking quite a bit smaller — as adult realities always look compared to childhood memories — was noticeably run down and was ringed by a concrete block wall that inelegantly severed the arching driveway in front. Being a pushy, libertarian sort of guy, he walked up to the front door.

continued on page 53

Losing My Religion Over "Handy Manny"

by Scott Stein

Whether minorities on TV are role models, or vehicles for portraying the struggles of the lower class, there's just no pleasing everyone.

Sometimes I write on the board in large chalk letters, all caps: F-O-C-U-S. I'm a shaman, repeating in rhythm, "Focus, focus, focus," tapping the board with chalk each time as punctuation. My students must think I'm nuts. Maybe I am, but I've read enough college freshman essays to justify my mad chant — it often seems that supernatural forces are required to get beginning writers to develop a coherent essay with a specific thesis statement. "Focus, focus, focus."

It is difficult for a writer — even an experienced one — to discard a perfectly good paragraph, one containing sharp prose and insight or a touch of humor, but that is precisely what writers must learn to do if their essays are to lead somewhere and say something. Too many students hand in papers that are all over the place. "Yes," I dutifully tell them, "that *is* interesting. Well written, too. But what does it have to do with your thesis?" Then, a mystic devoted to coherent essays, I resume my chant: "Focus, focus, focus."

Sadly, however, even the most fervent believer can have doubts and come to reject his faith. Sometimes, the spirit world grows angry and presents material that seduces the usually disciplined writer and makes focus impossible. The demon-temptress might be small, even insignificant, and about practically nothing, but still it intermittently taunts the writer for months with its varied possibilities, until finally he's climbing trees, finding snakes and apples everywhere. Such was the case for me with a review in the Sept. 8, 2006 issue of Entertainment Weekly. Eileen Clarke reviewed "Handy Manny," a new cartoon show on the Disney Channel, intended for children ages 3 to 7. A look at the complete review[1] will help the reader understand my recent, and perhaps irrevocable, loss of religion:

> The travails of a Latino handyman, voiced with unusual restraint by "That '70s Show's" Wilmer Valderrama, and his feuding tools (Turner the flathead screwdriver vs. Felipe the Phillips) make for a pleasant-enough Bob the Builder clone. But it's clear that a sensitivity chip is missing when creators make a Latino character blue-collar, throw in a few *palabras*, and serve it up as a multicult treat. Would they have had Dr. Huxtable hauling trash? One bright spot: Los Lobos' theme song. B-

Focus, focus, focus. But on what? I suppose that this essay could very well be about the problem with reviewers today. Rather than explain to the reader why "Handy Manny" is "pleasant enough," perhaps by providing a telling example, Clarke uses half of her space to editorialize. Why give the information that readers need in order to evaluate the show when it's so much more fun to write about sensitivity? Yet parents are not reading to get the reviewer's insights about the

importance of favorable ethnic representation on television. Parents want to know if a show is any good, and why. "Handy Manny" is pleasant enough . . . for some reason readers can only guess.

There's nothing wrong with editorializing, of course — in editorials. If critics want to write about the representation of minorities and think "Handy Manny" is a good illustration of their point, they should go right ahead. They just shouldn't pretend that they're writing a review and then give the work a grade based on its conformity to their ideology, whatever it might be. And their editors shouldn't publish the editorial and call it a review, in a magazine about entertainment.

One might construct an entire essay on this point, broadening it to take on the general lack of interest by reviewers in the works they're reviewing. The New York Times Book Review could be highlighted, for its custom of hiring reviewers who have a stake in the issue and even a personal animosity toward the author of the work being reviewed. Many reviews are really just essays on some issue or another, dear to the reviewer's heart, and deal with the work being reviewed as an afterthought, if at all. This is of little value to the reader trying to determine what movie to see or what book to read. By contrast, Frank Wilson, book editor for the Philadelphia Inquirer, sees it as his responsibility to "accurately and precisely describe" what he experiences as a reader and to "report on the books [he] review[s]." I could conclude an essay about non-reviews, exemplified by Clarke's treatment of "Handy Manny," with Wilson's wise advice: "I think that people want to read the review to find out what the hell the book is about, and if you tell them that, they'll know whether they'll be interested in reading it."[2]

That would be a focused essay, and maybe I could write it if Clarke didn't tempt me by mentioning "The Cosby Show." To highlight the ethnic insensitivity of the creators of "Handy Manny," and in an attempt at cleverness, Clarke asks, "Would they have had Dr. Huxtable hauling trash?" The answer, of course, is no, because Dr. Huxtable was not a trash collector — he was an obstetrician. It's funny that she chooses this example, since one of the most respected playwrights dealing with race in the last century, August Wilson, wrote a little play called "Fences," which does happen to center on the life of a trash collector, Troy Maxson. Maxson, a black man, was physically imposing and an athlete, had served time in jail, had a violent temper, got drunk regularly, and was unfaithful to his wife. In some ways he was a walking stereotype, and an unfavorable one, and he certainly would have failed the ethnic-role-model standard to which Clarke seems to hold fictional characters. When not admiring his two Pulitzer Prizes, Wilson, a black man, might be surprised (were he still alive), to learn that by having his character haul trash, he was being insensitive to black people.

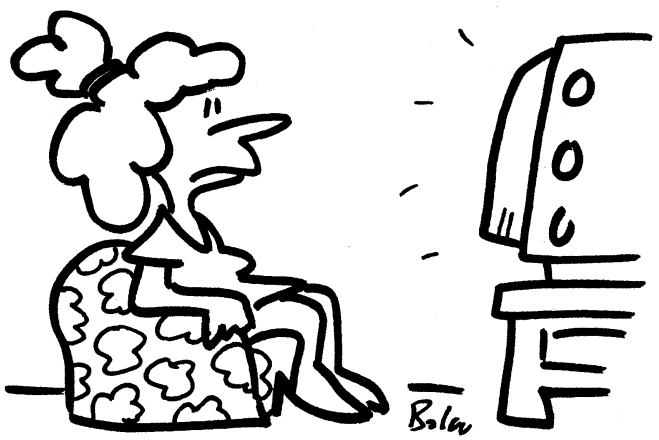

"We'll return to the evening news right after this message from the Three Stooges. . . ."

We could extend Clarke's logic to other writers whose ethnic characters are portrayed in demeaning roles. Perhaps Alex Haley was being insensitive in making his black characters slaves. It would have been far better, and more sensitive, if he had provided young people with examples of successful, upwardly mobile black characters. With some clever rewriting, "Roots" could have been about a black dentist who defies the odds and develops a new technique for root canal. A truly inspiring story, to be sure, and the very thought inspires me to abandon my religion still further. I want to change focus to the problem that Clarke's logic creates for fiction writers and storytellers of every kind.

When critics view characters as representations of ethnicity, as role models, rather than as individual characters, they put authors in a difficult position. Authors — whether of novels, television shows, plays, or movies — have to make choices about the ethnicities and other aspects of their characters. Often, these choices are virtually dictated by plot and setting, but they can be crucial to a work, as in the case of "Fences." In other instances, the ethnicity, gender, or religion of a character may not be particularly important. In all instances, one would hope that the choices are made with what is best for the work as a whole in mind. Whatever makes the story seem real to the audience, whatever makes the drama most powerful — in any genre, whatever makes the work, well, *work* — is what the author should choose. Insisting that all characters must be career role models for their ethnic groups robs these characters of their individuality. It also leads authors — if they take the pressure of criticism seriously — to make all sorts of odd decisions that distort reality and undermine the plausibility of their creative work.

Whether the pressure comes from critics, the culture at large, or an author's own agenda, the blatant transformation of ethnic characters into role models can cause the disbelief that audiences willfully suspend to unsuspend in a hurry. On the television medical drama-romance "Grey's Anatomy," it is glaring that a major metropolitan hospital has three prominent black doctors in leadership positions, including the chief of medicine and the superstar surgeon, but no prominent Jews (unless you count the Korean doctor, who for some reason is Jewish). Of course, there are Jewish doctors working at the hospital (there would have to be), but none is featured in the show. Executive producer Mark Gordon said that what makes his show "even more contemporary" than "Friends" is that "Grey's" features a "cross-section of racial and ethnic characters — it's culturally diverse."[3] "Grey's Anatomy" is certainly an inclusive show. Unless, of course, you're one of those rare doctors who happens to be Jewish.

(The reader, I trust, sees what I'm doing here — just apply-

ing some pressure on the writers to increase representation of a particular ethnic group. We can't have the television-viewing world starting to think that there aren't any Jewish doctors. Bad for business. I kid. But seriously, look at "ER" while you're at it.)

Fortunately, Gordon also says that what makes creator Shonda Rhimes' "character[s] so special, particularly the women, is that they're real. They're not a type."[4] Even a show that is proud of its cultural diversity recognizes that individual characters are what viewers connect to. The point of all of this blasphemous, unfocused rambling is that writers risk losing their audience and weakening the quality of their work when they make decisions to satisfy the ethnic expectations of sensitivity hawks.

This doesn't mean that a show or other dramatic work is doomed if it doesn't reflect the proportional reality of ethnic representation. The popularity of "Grey's Anatomy" demonstrates that this isn't true. I suggest that the success of "Grey's" is not related to its creators' conscious effort to be diverse and show black characters in uplifting, socially valued roles. (It probably *is* related to the good-looking doctors frequently having sex in the hospital.) There's an entire essay in here somewhere about various efforts by writers to improve society by showing minorities in favorable roles. *That* essay could contain numerous examples of dramatic work suffering as a result of the writer's imposing a role-model message where it doesn't belong. Such an essay would certainly mention that even when a show like "Grey's Anatomy" does everything it can to put minority characters into prominent, respected positions, the writer can't please everyone. Devon Carbado at blackprof.com makes this clear:

> My sense is that few people would quarrel with the claim that Grey's Anatomy is reasonably diverse. One aspect of the show is that people of color just happen to be in leadership positions. No one comments on it; no one is surprised by it; no one seems the least bit bothered by it. There are no explicit racial bonds, no explicit racial monitoring, no comments about having to work twice as hard to get ahead. As one newspaper article on the show puts it, "multiculturalism is a casual fact of life." . . . I don't think the show is colorblind at all. It is color conscious in a particular way — namely, it presents non-white actors in roles that do not explicitly invoke race. That is neither colorblind nor race neutral. This brings me to the second question. Is this kind of representation a good thing? I really like the show — I think it is funny and clever and does not take itself too seriously. Still, I wonder whether one could say that this show is successful because it is racially palatable. Recall that this claim was made of the Cosby Show . . . [5]

Talk about a revelation. Here I am, going on about "Grey's Anatomy," far afield from Clarke's review, pretty sure that the religion of focus is lost to me forever, and then with an intervention from the heavens (otherwise known as Google), we're back to "The Cosby Show" and "Fences" and Clarke's review. Maybe faith and focus still stand a chance, if I can somehow bring all these things together.

The reader might think that it doesn't matter that a reviewer for an entertainment magazine is unfamiliar with the most famous work of one of America's most famous recent playwrights. One might expect that Clarke, interested in the plight and representation of ethnic minorities, would have heard of "Fences" and not made the reference to hauling trash. That might be asking too much. But it should not be asking too much of a reviewer of *television shows* to be familiar with the critical response to *television shows*, particularly the very famous shows to which the reviewer is referring. Clarke apparently does not recall, but some people were critical of "The Cosby Show" because they believed that it misrepresented the black experience. One need not be a world-class researcher to learn this. A simple Google search for "Cosby Show" offers, on its first page, a link to the Museum of Broadcast Communications, which sums up the critics:

With some clever rewriting, "Roots" could have been about a black dentist who defies the odds and develops a new technique for root canal.

> The Huxtables' affluence, they argued, worked to obscure persistent inequalities in America — especially those faced by blacks and other minority groups — and validate the myth of the American Dream. One audience study suggests that the show "strikes a deal" with white viewers, that it absolves them of responsibility for racial inequality in the United States in exchange for inviting the Huxtables into their living room. Meanwhile, the same study found that black viewers tend to embrace the show for its positive portrayals of blackness, but express misgivings about the Huxtables' failure to regularly interact with less affluent blacks.[6]

Just a little more searching would have connected Clarke to some of the critics themselves. In 1989, an obscure publication called The New York Times published a lengthy, front-of-the-section, full-page article by an obscure scholar named Henry Louis Gates, Jr., an essay entitled "TV's Black World Turns — But Stays Unreal." Gates was critical of the representation of blacks on television in general, and on "The Cosby Show" in particular, writing that "[t]here is very little connection between the social status of black Americans and the fabricated images of black people that Americans consume each day."[7] In 1992, a book called "Enlightened Racism: The Cosby Show, Audiences, and the Myth of the American Dream," noted that "critics have begun to accuse ["The Cosby Show"] of presenting a misleadingly cozy picture, a sugar candy world unfettered by racism, crime, and economic deprivation."[8] One of the critics' main concerns was that Americans would not take seriously the calls for policies to help minorities if television shows implied that minorities were able to reach the middle class on their own.

Fighting the temptation to challenge the presumed economic and social policy assumptions and preferences of these critics, I can, with a little residual faith, maintain focus and note that none of the above squares very well with Clarke's dismay at the insensitive decision to make a Latino character a handyman. It does suggest that the real insensitivity is that

of people who, like Clarke, would prefer to make the Latino character a wealthy brain surgeon in defiance of statistical likelihood, because it would convince the rest of us that all Latinos are wealthy brain surgeons, and we would then unfairly blame any non-brain-surgeon Latino for his station in life. Clarke's position seems to be that all characters who are members of a historically disadvantaged ethnic group must be portrayed only as the highest members of society, because otherwise the rest of us will think that all members of that group are menial workers.

To be fair, the audience for the Disney Channel is young and impressionable, and it can be argued that children are capable of drawing generalizations about ethnic groups from a show. I believe this argument seriously overstates the power of media to influence, rather than reflect, reality, and seriously understates the media savvy of even young viewers. But if it's true, it only means that kids will be likely to think that all Spanish-speaking girls own talking maps and helpful monkeys and are always going on adventures and singing songs designed to give their parents a nervous twitch. We can probably agree that children don't draw such generalizations from watching "Dora the Explorer," which perhaps says something about their ability to focus on individual characters rather than ethnic identities.

Though Clarke clearly was unaware of the criticism lobbed at "The Cosby Show," Gates ended up supporting her, in a way, when he wrote that "the early 70's ghetto sitcoms ('Good Times' and 'Sanford') were no more realistic than 'Cosby' is. In fact, their success made the idea of ghetto life palatable for most Americans . . . "[9] It isn't a good choice to show a minority character living in a slum if that depiction robs it "of its reality as a place of exile, a place of rage, and frustration, and death."[10] The problem, as Gates sees it, is that characters who should be miserable are not. Maybe we can bring Gates to Clarke's defense by applying this logic to "Handy Manny." You see, Manny isn't bitter that he spends his time fixing things for other people. In fact, he seems to enjoy helping others. So do his tools. And that's the problem. By making characters in these environments likable and happy, writers are hiding the horror of their circumstances from the audience.

Of course, to improve the sensitivity of the decision to make Manny a handyman, all the writers need to do is make him surly. He should curse, complain about the Man, be harassed by the police. But whatever one expects from Gates, he doesn't make that suggestion. He acknowledges that sitcoms are not good agents of social change, and suggests that blacks should not look to television for their "social liberation."[11] It's a wise acknowledgment, because "exile, rage, frustration, and death" don't usually make for hilarious comedy. And they make for even worse children's television.

Why give the information that readers need in order to evaluate the show when it's so much more fun to write about sensitivity?

Obviously, Clarke doesn't contemplate making "Handy Manny" a screed about social injustice, designed to effect political change. She knows it's a kids' show. Yet her review never mentions the fact that Manny is competent, conscientious, and respected. He helps people, and they appreciate his work. He regularly saves the day for them when something breaks. How can a character that is this skilled and valued be interpreted as insensitive toward Latinos? There's even a white shopkeeper who regularly tries to do projects without Manny's help and who regularly looks like a buffoon when he fails.

The problem, as Gates sees it, is that characters who should be miserable are not.

It seems that Clarke's basic view is simply that we shouldn't show any ethnic minority doing physical labor. It's fine for Bob the Builder to do it, because children will not stereotype white people as a result. But minorities shouldn't be demeaned by showing them doing any actual work or using tools. I see that I'm changing focus yet again. Nevertheless, it's true. Clarke talks of "blue-collar" as if it's an insult. When did it become shameful to have a blue-collar job, to work with one's hands and fix things? After all, not everyone can write for an entertainment magazine. And, by the way, I'm pretty sure that my plumber makes more money than I do, and has fewer student loans to repay. Even if he doesn't, that would be no reason to look down on him or anyone else who does an honest job and provides value to his customers.

There's probably an entire essay to be had here on the topic of elitism and snobbery directed at the pickup truck crowd, and maybe another essay on how society's looking down on hard physical work affects *the children* and their expectations about life and work (it always comes back to the children, after all). But, rejecting my religion altogether, I'd like to shift focus dramatically, even theatrically, and ask my readers to imagine the meeting that led to "Handy Manny's" concept. You just know that someone said, "Hey, let's combine 'Dora the Explorer' and 'Bob the Builder.'" Both are successful shows — because kids love tools and construction and building things, and because parents think that if their kids hear a Spanish word once in a while it will help them get into Harvard. (Though if this sort of thing actually helps kids learn a language — which is very doubtful — what we really need is a show called "Handy Chung," with a Chinese-speaking repairman. Perhaps I digress.) The point, of course, is that "handyman" and "Spanish-speaking" were probably a package deal dreamed up by a marketing department.

Clarke's critique is counterproductive, because ethnic insensitivity is the very last thing that anyone at the Disney Channel or any other media company wants to be accused of, and what she says could influence future decisions. Because of it, the next show may feature a Latino brain surgeon or

continued on page 38

To Your Tents, O Israel

by David Kopel

When the Founding Fathers debated how best to defend against tyranny, it wasn't just England that was weighing on their minds.

Is a nation more secure with a standing army than with a militia? Is a strong central government better than a loose confederation? Is violent resistance to tyranny morally justifiable? What respect should be paid to the people's right to keep and bear arms?

When the founders of the American republic grappled with these questions, one of their most important sources of wisdom was the Old Testament's history of the nation of Israel. In our times, when Bible literacy (especially knowledge of the historical books of the Old Testament) is much more limited than it was in the 18th century, there are still important lessons to be learned from the Bible's accounts of an ancient people. These lessons — in the dynamics of military action and the complexities of political process — transcend both the age of the Bible narratives and the question of their literal truth.

Judges and Weapons Control

According to the Old Testament's central narrative, the twelve tribes of Israel escaped from slavery in Egypt and conquered most of the Promised Land of Canaan, after which they continued to associate themselves in a loose confederation. They defended themselves with a militia rather than a professional army. The book of Judges details a history of several hundred years in which the tribes often had to fight to resist or throw off foreign domination.

Soon after the Israelites began their invasion of Canaan by crossing the Jordan River from the east, Canaan came under assault from the west as well. The seafaring Philistines, who may have been a Greek-speaking people, had failed in an attempt to conquer Egypt. So they set their sights on Canaan. Technologically superior to the Israelites, the Philistines were outstanding smiths who equipped their soldiers with high-quality iron weapons. They established secure control over the territory of Gaza.

By the beginning of the history related in the first book of Samuel, the Philistines had captured extensive territories from the disunited Israelite tribes. After conquering Judah (the largest tribe), which controlled the southern part of modern-day Israel, they imposed one of the first weapons-control laws in recorded history: "Now there was no smith found throughout the land of Israel: for the Philistines said, Lest the Hebrews make them swords or spears . . . " (1 Samuel 13:19. I quote from the King James Version, the most influential translation in 18th-century America, and today.) Even to sharpen a plow, the Israelites had to pay a Philistine ironsmith (1 Samuel 13:20–21).

Because of the iron-control laws, the Israelites had few good weapons to use against the Philistines, although a future leader named Saul and his son Jonathan apparently possessed some of their own: "So it came to pass on the day of battle, that there was neither sword nor spear found in the hand of any of the people that were with Saul and Jonathan: but with Saul and with Jonathan his son was there found" (1 Samuel 13:22).

As this passage shows, governments intending to prevent subjects from possessing arms must do more than outlaw arms; they must also find a way to prevent people from making their own. The Philistine ban on ironsmithing appears to have been largely effective in accomplishing its goal. Similarly, during the Tokugawa period in Japan, starting in the 17th century, the government imposed very restrictive controls on the small number of gunsmiths in the nation, thereby ensuring the almost total prohibition of firearms.

In the reign of King David, there were strict laws about children and weapons: children had to learn to use them well.

In the United States, the prohibition group known as the Brady Campaign (formerly Handgun Control, Inc., and before that the National Council to Control Handguns) has proposed similar legislation. In 1994, the group began promoting the "Brady II" bill to control firearms parts and repair. Anyone owning an "arsenal" of 20 or more guns would be subject to three unannounced government inspections of his home every year. For purposes of establishing the existence of an "arsenal," all firearms, some spare parts of firearms, and all ammunition magazines would count as a "firearm." Thus, a person with four real guns, plus a normal-sized collection of spare parts and magazines, would be considered the proprietor of an "arsenal."

If Brady II became law, ordinary gun-owners would be encouraged to eliminate their supplies of spare parts, so as not to be subject to the special searches imposed on "arsenal" owners. As spare parts collections were diminished, practical knowledge of elementary gunsmithing (such as how to replace a worn-out barrel) would likewise diminish.

In countries such as the Philippines and Afghanistan that have long traditions of cottage gunsmithing, dictatorships have found it hard to disarm the populace. The Ferdinand Marcos dictatorship in the Philippines tried and failed to prohibit civilian gun ownership. The Taliban dictatorship in Afghanistan likewise outlawed gun ownership for everyone except Taliban supporters, yet did not succeed in disarming the country.

But let us return to the methods of political control that Israel itself possessed. Unifying leadership was provided by charismatic leaders, "judges," who told the Israelites what God wanted them to do. To speak in secular terms, these figures seem to have been selected for leadership by the consensus of the community, in recognition of their personal qualities. Samson was a judge. Deborah was a judge (the office was not restricted to males). Judges rendered legal decisions; they also led military resistance to foreign conquerors.

The last man to rule Israel as a judge was Samuel. Although the position was not hereditary, Samuel attempted to arrange for his sons to succeed him, even though they were notoriously corrupt and dishonest (1 Samuel 8:1–3). That was a failure. Samuel also seems to have failed as a military leader. The Philistines defeated Israel at the battle of Ebenezer, captured the Ark of the Covenant, and destroyed God's sanctuary at Shiloh (1 Samuel 4:1–11; Psalm 78:60–64; Jeremiah 7:12).

Understandably, the Israelites tired of the system of judges. They asked Samuel to ask God to appoint a king to rule over them (1 Samuel 8:6). Samuel replied by delivering a warning from God about the dangers of abusive government. One of the dangers was a standing army; another was conscription:

> He will take your sons and appoint them for himself, for his chariots, and to be his horsemen; some shall run before his chariots. And he will appoint him captains over thousands, and captains over fifties; and will set them to ear [plow] his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots. (1 Samuel 8:11–12)

In other words, military conscription for a standing army would lead to labor conscription, with Israelites forced to work for the king and his military.

Further, the prediction that the king would have chariots meant that as a monarchy Israel would abandon its policy of not developing a cavalry. The confederated Israel described in Judges did not use cavalry. Cavalry was expensive. It was better suited to wide-ranging wars of imperial conquest than to defending the hill country that was the core of Israelite settlement. Moreover, a cavalry force might — as in the case of imperial Rome, or the knights of the Middle Ages — turn itself into a social overclass, destroying an egalitarian militia system and enforcing a new system of political dominance.

Samuel issued more prophetic warnings. Besides the conscription of men, there would be conscription of women, and there would be taxes and confiscations. Women would be forced to serve as the king's cooks and bakers. The king would "take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants." He would take a tenth of the people's earnings, a tenth of the young men and servants, and a tenth of the sheep. "And ye shall be his servants. And ye shall cry out in that day because of your king which ye shall have chosen" (1 Samuel 8:13–18). Subsequent Bible history is full of examples of the truth of this prophecy. For example, wicked Queen Jezebel ordered that a farmer named Naboth be killed so that she and her husband could take his vineyard (1 Kings 21).

Samuel delivered a warning from God about the dangers of abusive government. One of the dangers was a standing army; another was conscription.

"Nevertheless the people refused to obey the voice of Samuel and they said, Nay; but we will have a king over us; that we also may be like other nations; and that our king may judge us, and go out before us, and fight our battles" (1 Samuel 8:19–20). So Samuel chose Saul as the first King of Israel, and the people ratified that choice.

Centuries later, political theorists were still debating the implications of the way in which Saul became king. In the famous book of 1644, "Lex Rex," which justified Scottish Presbyterian resistance to the English king, Samuel Rutherford examined Saul's ascension to the throne, using it to argue that all lawful monarchies were founded on a consensual covenant between the king and the people. If the king violated the covenant, the people could remove him (by force, if necessary) and choose a new government. The king was the people's delegate for enforcement of the law, but the people always retained the sovereignty. Such ideas about the nature of human government are an important link between biblical narrative and the English and American tradition of resistance to arbitrary political authority.

The Israelites had needed a strong, unified government to shake off Philistine rule. But just as Samuel had foretold, within a few generations their government became so strong that it took away the liberties and property of the Israelites themselves.

King Saul

Saul was at first a successful and popular king. He mobilized the Israelites and led them on a series of campaigns against the Amorites and the Ammonites. Although militia comprised the bulk of the Israelite forces, Saul created the first Israelite standing army — a cadre of about 3,000 full-time professional soldiers. Unlike militia, the soldiers in the standing army did not return to farming, trade, or other civilian occupations when a campaign was over.

But when they fought the Philistines at the battle of Michmash, the Israelites were once again greatly outnumbered. Saul's eldest son Jonathan and his shield bearer left the main force, sneaked up on a Philistine garrison, and caused it to panic and flee. As the panicked soldiers rushed toward a larger Philistine camp, they were mistaken for charging Israelites; Saul took advantage of their terror and confusion to rout them. Surprise and audacity carried the day — as they would again in Israel's 20th-century wars.

Later, 1 Samuel reports, Saul's young soldier David defeated the Philistine giant Goliath in single combat. Regardless of whether the story was literally true, it became a symbol of a small, resourceful nation — skilled in arms and trusting in God — that defeated much larger, more arrogant foes. It became a symbol for America in its war against the world's strongest power, Great Britain.

But the incident also illustrated the instability of a political regime deriving its legitimacy from military leadership. As was the custom whenever an enemy army was defeated, "the women came out of all the cities of Israel, singing and dancing, to meet king Saul." But the women sang, "Saul hath slain his thousands, and David his *ten* thousands" (1 Samuel 18:6–7; emphasis added). Saul became worried that David's sudden military fame would allow him to make a bid for the kingship. Indeed, unbeknownst to Saul, Samuel had already secretly anointed David as king (1 Samuel 16:12–13). Religion still played an important role in the state. Military success was important, but it was not the only thing that mattered.

After Samuel turned against Saul, Saul's fortunes declined. Abandoned by David and his followers, and, according to the Bible narrative, abandoned also by God, Saul was defeated at the Battle of Mount Gilboa, overwhelmed by Philistine chariots and archers (1 Samuel 31). Rather than be captured by the Philistines, Saul fell on his own sword. David assumed leadership of the Israelite military effort.

King David

During a long reign, David led Israel on enormously successful campaigns. He established direct rule in all the traditional territories of the twelve tribes — encompassing the 1948 borders of Israel, as well as the West Bank territories of Judaea and Samaria. He also conquered Damascus, and through vassal states established Israelite hegemony all the way to the northern tributaries of the Euphrates.

Under the "Brady II" bill, a person with four real guns, plus a normal-sized collection of spare parts and magazines, would be considered the proprietor of an "arsenal."

While the Israelites remained primarily an infantry force, King David encouraged the tribes to develop various specialties. The tribe of Naphtali were spearmen (1 Chronicles 12:34). The tribe of Issachar became expert in military intelligence (1 Chronicles 12:32). The Benjamites were already adept with slings, and became experts with bows and arrows (Judges 20:15–16; 1 Chronicles 12:2).

There were strict laws about children and weapons: children had to learn to use them well. Military training was universal and began early. As Mordechai Gichon and former Israeli President Chaim Herzog write in "Battles of the Bible," "The tribal chiefs continued to train the young in the use of arms special to their clan, as well as in the maintenance of personal weapons." King David mandated that Judaean children be taught archery (2 Samuel 1:18).

The bulk of Israel's military was still the militia, including an active force for which each tribe contributed men to serve one month out of twelve. Settlements in border or contested regions were especially dependent on a home guard.

King David ordered a census, which the Bible describes as sinful. The Israelites probably feared a census as the first step towards centralized taxation and conscription into a standing army (2 Samuel 24; 1 Chronicles 21:1). Similar fears have been raised about censuses in other nations, and legitimately so. During World War I, for example, records from the 1910 U.S. census were used to track down young American men who had not registered for the draft.

King David continued to strengthen the standing army. The military elite was built around two groups of 30 men each. Herzog and Gichon explain that these groups of 30 gave the Israelite army a strong foundation in unorthodox warfare against larger and technologically superior foes. Similarly, the modern Israeli Defense Forces were built on the foundation of the Hagganah, which led the guerilla resistance to British occupation in the 1940s. The IDF continues to excel in unorthodox and daring tactics against numerically superior foes.

The capture of Jerusalem was an especially important strategic success for David. Recognizing that its terrain provided a very secure defensive position, he moved his capital there. The city, which had not historically belonged to any tribe, was a sign of national unity. But although David greatly centralized government power, the militia system remained intact. National consent was still required for most offensive wars (an exception was made for wars involving the eight nations or tribal groups that scripture regarded as permanent enemies).

King Solomon — and the Crackup

David was succeeded by his son Solomon, under whose reign Israel achieved its greatest territorial and economic power. Solomon built a series of frontier fortifications, useful for offense as well as defense. He also built the first significant Israeli mobile force, composed of war chariots (1 Kings 10:26–29). And he became fabulously rich. Some of his military equipment was, like his throne and his drinking cups, literally made of gold: "And king Solomon made two hundred targets of beaten gold; six hundred shekels of gold went to one target. And he made three hundred shields of beaten gold" (1 Kings 10:16–18). It is likely that this equipment was more useful for ostentation than for war.

Although Solomon used his power to collect tribute from various vassal states, big government proved very burdensome to the Israelites. Empires and standing armies are expensive. Productive men were removed from the economy to serve in the armed forces and civil service, and other men had to be taxed to support them. The creation of an expensive corps of war chariots exacerbated the problem.

Significantly, the cabinets of King David and King Solomon each came to include a minister in charge of forced labor (2 Samuel 20:4, 23–26; 1 Kings 4:1–6), an office that was not present in David's original cabinet (2 Samuel 8:16–18). Some of the forced laborers may have been foreign captives from the imperial wars. One passage claims that non-Jews in Israel were conscripted into forced labor (1 Kings 9:20–22). Other passages suggest that the Israelites themselves were conscripted into Solomon's building projects (1 Kings 5:13, 11:28, 12:10–11).

As Samuel had warned, a large share of Israel's labor was being consumed by the monarchy. The heavy cost of government stretched the limits of Israel's ability to pay. The need for revenue led to an expansionist and imperialist policy, as Israel sought tribute from other nations to maintain its high-priced government. The cost of maintaining the empire then became an additional financial burden.

The rallying cry of the rebellion was, "To your tents, O Israel." It was the cry of a society that still recalled the time when government was small and localities were the foundation of political society.

Far from being a recipe for security, Solomon's centralized and militarized big government was the recipe for revolution. The event waited only for the appearance of a very bad politician, Solomon's son and successor Rehoboam.

The people petitioned Rehoboam for tax relief. His older advisors suggested that he lie to the public, but he followed the advice of his younger ones: "And the king answered the people roughly . . . saying, My father made your yoke heavy, and I will add to your yoke: my father also chastised you with whips, but I will chastise you with scorpions." (1 Kings 12:13–14).

Some people naively claim that as long as their favorite right is protected, American liberty will always be secure. The experience of ancient Israel shows the folly of such claims.

Incited by the prophet Ahijah (the spiritual and ideological entanglements of politics never went away), the ten northern tribes of Israel revolted and created an independent state of Israel. Their king was Jeroboam, who had previously failed in a revolt against King Solomon. The rallying cry of the rebellion was, "To your tents, O Israel" (1 Kings 12:16). It was the cry of a society that still recalled the time when government was small and localities were the foundation of political society. The rebels remembered the days before a centralizing government consolidated religious power by building the temple at Jerusalem. They remembered the days before the government, allied with a priestly hierarchy dedicated to religious uniformity, attempted to consolidate its economic power with high taxes and its military power with a standing army. They remembered the days when the Israelites said that their only king was God.

The divided kingdoms (Israel in the north, Judah in the south) won some wars in subsequent years, especially when they were allied with each other. But they usually failed to make an alliance. There were many domestic problems as well, especially those centering on their rival religious establishments. The policy of imperialism meant that Jewish royal families frequently took foreign wives (such as Jezebel) to cement alliances; the foreign wives and their local allies often supported nature religions (which included human sacrifice) in competition with Judaism.

It is interesting, however, that although the religious conflicts within Israel and Judah were of the highest magnitude, involving, according to their partisans, a literal struggle for the nation's soul, there are no records of any faction, while in the ascendancy, ever attempting to disarm an opposing faction. Perhaps the memory of weapons prohibition under Philistine rule was just too strong.

Keeping arms in the hands of the people did help prevent government from sliding into absolute despotism. Checks and balances were often provided, especially in the northern kingdom, by people who knew how to use weapons to displace

unruly kings. Religion acted as another check, especially when prophets arose to rebuke the king and his court.

So Israel under the monarchy always had an armed population (as the 2nd Amendment envisions for the United States). It also had powerful dissidents, the prophets, who were not afraid to use their freedom of speech to rebuke the government (as the 1st Amendment provides). Yet even though ancient Israel might be said to have protected both 1st Amendment and 2nd Amendment rights, these were not sufficient to protect the full scope of liberty and prevent serious abuses by government. The concentration of national political power continued to have terrible consequences.

Today, some people naively claim that as long as their favorite right (free speech, for instance, or the right to arms) is protected, American liberty will always be secure. The experience of ancient Israel shows the folly of such claims. The 1st and 2nd Amendments make great contributions to safeguarding freedom, but they are not strong enough by themselves to shoulder the whole burden of protecting liberty from a government that consolidates too much political and economic power.

Israelite Americans

The first two generations of New Englanders saw themselves as Israel in the Wilderness (the 40-year period when the tribes wandered around the Sinai Peninsula, before entering the Promised Land). Around 1690, as increased population and the growth of towns made the Wilderness parallel untenable, the new ideology emphasized "Israel's constitution." The model of good government was Israel's unwritten constitution, which required that society be run according to published laws and fair and orderly procedures. New England's laws and customs should ensure that power could not be abused, as some kings of the Hebrews had abused their power, and should especially ensure that government would not suppress religion, as some Israelite monarchs had attempted to suppress or weaken the worship of Yahweh, while promoting nature religions.

Still later, as New England sought to convince the other colonies to revolt against George III, the dominant story of Israel became the story of what historian Harry Stout calls "the Jewish Republic." Israel had governed itself during the period of the judges, but had sinned against God by becoming a monarchy. America needed to throw off the monarchy and return to the only system of government that God approved: self-government.

To cite one example: Harvard College President Samuel Langdon's 1775 election sermon was built on Isaiah 1:26: "And I will restore thy judges as at the first, and thy counsellors as at the beginning; afterward thou shalt be called the city of Righteousness, the faithful city." Important sermons had a much broader audience than just the people who were in attendance when the minister spoke. Sermons were often reprinted and distributed throughout the colonies. By 1776, New England Congregationalist ministers were preaching at a record pace, over 2,000 sermons a week, and the number of Congregationalist pamphlets from New England exceeded the number of secular pamphlets from all the other colonies, combined, by a ratio of more than four to one.

Peter Whitney, in a 1776 sermon titled "American Independence Vindicated," summed up the attitudes of the New England Congregationalist ministers. He argued that

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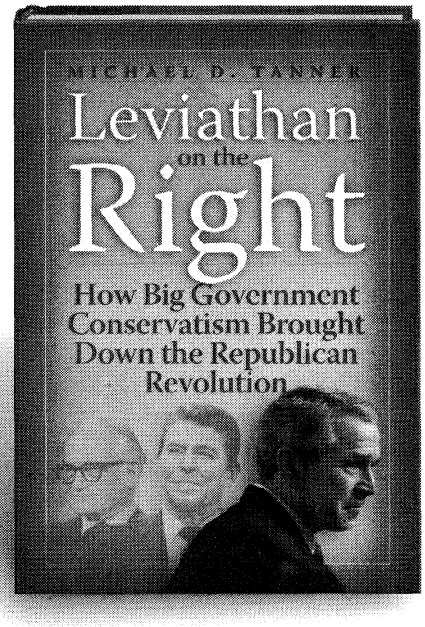

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the 13 "tribes" of Americans had been patient in their suffering under oppression, like the ten tribes of Israel under King Rehoboam, until they had no choice but to revolt. The form of government of an independent United States was uncertain, but the model should be premonarchic republican Israel.

Back in 1765, Stephen Johnson's sermon in Newport, Rhode Island, had pointed to Israel throwing off Rehoboam as analogous to Holland's throwing off the Spanish yoke in the late 16th and early 17th centuries, and he suggested that both rebellions provided good examples for Americans. In 1780, during the war of independence, Simeon Howard preached a sermon to the Massachusetts legislators, reminding them that "the Jews always exercised this right of choosing their own rulers."

Even Thomas Paine, in "Common Sense," argued that monarchy was inherently sinful, because the Israelites had rejected God when they asked for a king.

Even the deist Thomas Paine took up the theme in "Common Sense," arguing that monarchy was inherently sinful, because the Israelites had rejected God when they asked for a king. Monarchs usurped prerogatives that belonged solely to God. A person could believe in the Bible or in kings, but not in both: "These portions of scripture are direct and positive. They admit of no equivocation. That the Almighty hath here entered his protest against monarchical government, is true, or the scripture is false."

Although the details changed with time, the intensity of New England's self-identification with Israel did not. In April 1776, when George Washington had just forced the British out of Boston, Samuel Cooper took the pulpit at the newly liberated First Church of Boston for a sermon that the congregation knew would be of great historical importance. Cooper explained that there was a "very striking Resemblance between the Condition of our Country from the beginning and that of antient Israel, so many Passages in holy writ referring to their particular Circumstances as a People, may with peculiar Propriety be adopted by us." Like the Israelites, the Americans were given their land by God, and would always possess it, as long as they stayed faithful to God.

In the famous 1780 "A Sermon on the Day of the Commencement of the Constitution," Cooper returned to the theme, pointing to "a striking resemblance between our own circumstances and those of the ancient Israelites." If Americans were virtuous, then they would build the New Jerusalem that is promised in the penultimate chapter of the last book of the New Testament: "Thus will our country resemble the new city which St. John saw 'coming down from God out of heaven, adorned as a bride for her husband.'"

Good Americans, like good Jews, needed to be ready to fight. Ministers warned of the ancient Israelite city of Laish, which was destroyed because it neglected to prepare defensively (Judges 18:27–28). "Curse ye Meroz," thundered the ministers, recalling the curse of Judge Deborah against a city that failed to arm itself and sat on the sidelines during her war of national liberation against a foreign king.

And good Americans, like good Jews, needed to be ready to overthrow tyrannical rulers. In the early 1770s, the most-read sermon was "An Oration Upon the Beauties of Liberty," delivered in 1772 by the Baptist John Allen, who cited the Israelite revolution against Rehoboam as justification for American resistance to England. He warned:

> [T]he Americans will not submit to be SLAVES, they know the use of the gun, and the military art . . . and where his Majesty has one soldier, who art in general the refuse of the earth, America can produce fifty, free men, and all volunteers, and raise a more potent army of men in three weeks, than England can in three years.

The problem was — and remains — the challenge of maintaining a society that is strong enough to resist foreign enemies, yet whose government does not infringe domestic freedom. It is one thing to justify a revolution; it is another thing to maintain a system of limited government.

The writers of the Constitution knew how Israel changed from a decentralized militia society with a small government into a centralized, expensive monarchy with a large standing army. The story of Israel was consistent with what they had learned about England, France, Rome, and other great powers: centralism, monarchy, and standing armies created a vicious cycle of excessive growth and expensive government.

Yet as the founders also recognized, a decentralized, low-tax, militia-reliant society was difficult to sustain. During the era of the judges, the Hebrews had found the problem insurmountable: in times of peril, some tribes would sit out the conflict, leaving the fighting to others. Tribes might battle one another rather than working together against external dangers. So the Constitution tried to balance the centralization necessary to national defense with the decentralization necessary to liberty.

Has it worked? Any answer is likely to be as complicated as the problems to which the Constitution, like the biblical history of Israel, responded. ❑

Further reading on ancient Israel

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Norman Podhoretz, "The Prophets: Who They Were, What They Are" (Free Press, 2002).

Further reading on religion in early America

Alice M. Baldwin, "The New England Clergy and the American Revolution" (Frederick Ungar, 1958; first published 1928).

Dale S. Kuehne, "Massachusetts Congregationalist Political Thought 1760–1790" (University of Missouri Press. 1996).

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Robert E. Shalhope, "The Ideological Origins of the Second Amendment," Journal of American History, 69 (August 1982).

Harry S. Stout, "The New England Soul: Preaching and Religious Culture in Colonial New England" (Oxford University Press, 1986).

John Wingate Thornton, ed., "The Pulpit of the American Revolution or, the Political Sermons of the Period of 1776" (Burt Franklin, 1970; first published 1860).

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- **Eamonn Butler**, Adam Smith Institute: "Why the House of Lords and the Monarchy are Libertarian."
- **Jack Pugsley,** The Sovereign Society: "The Case *Against* Free-Market Think Tanks."
- **Marshall Langer**, foremost international tax attorney: "Yes, You Can Still Live and Invest Abroad Tax Free."
- **Michael Denton**, M. D., microbiologist, University of Otago: "Evolution, Yes; Darwin, No!"
- **Lanny Ebenstein**, philosopher: "History's Most Dangerous Philosopher: Karl (but Not Marx)."
- **Nelson Hultberg**, America for a Free Republic: "How Ayn Rand and Murray Rothbard Took Liberty Down the Wrong Road."
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Reflections, *from page 18*

denounced as 'excessive,' with business leaders joining in the hue and cry. Such indignation is misconceived and pointless."

It's bad to beat up on the rich, asserts Johnson, because inequality is nothing new, and the current gap between the rich and everyone else isn't so bad by historical standards. "In England the Domesday survey of 1086 was the first ever taken of individual assets in a country," he explains. "It reveals a bottomless gap between the nobles, bishops and abbots (about 100 men) at the top of society and the serfs at the bottom. The ratio was probably 1,000-to-1 or more." In short, Brits today are better off than medieval serfs.

But there have always been "hidden disadvantages to being really wealthy." Johnson highlights several of the current woes at the top: "In my observation great wealth brings more worries than happiness: several different homes to maintain and protect from thieves, squabbles with servants, the terror of a litigious divorce and fights with demanding children, as well as the fear of the wealth and all its trappings vanishing like fairy gold."

Nevertheless, to ease the pain, there's a ForbesLife article about how "fine art photography" is being made more "affordable." Instead of paying "anywhere from $5,000 to $40,000" for a nice photo (the picture shown is an up-close view of the face of a sad-looking rhinoceros), larger runs of photos by a Berlin-based gallery are resulting in "dramatically reduced prices." It's like apples in August — art is cheaper because supply is up. But "dramatically" cheaper still means $500 for a half-decent photo of a rhino.

For Wall Streeters having a tough time thinking about how to spend their year-end bonuses (averaging $622,000 per employee last year at the Goldman Sachs Group) and needing a little lift on the way home, ForbesLife also included an article about the Brandy Library in lower Manhattan. With not a book in the place, the library-style shelves in the upscale wood-paneled room, which resemble "a gentleman's private library," are stocked with serious liquors, "arranged by region." A glass of 1900 Lagarde Armagnac is $380. A quick shot of 1914 Pierre Ferrand is $230; grab it before your bus comes. Or if there's no bus, a full-page ad in Forbes spotlights the Rolls-Royce Phantom. "Consider it your MVP award," says the ad. "In your own way, you've climbed Mount Everest, batted 1.000." The rear doors feature pop-out umbrellas. The price: $328,750.

I think Sophie Tucker had it righter than Paul Johnson. She said: "I've been rich and I've been poor — rich is better."

— Ralph R. Reiland

Losing My Religion, *from page 30*

condominium developer, but since little kids like talking tools more than they like scenes of bloody surgery or dull real estate transactions, it is more likely that the next character who fixes things will simply be a white person. It's the safer choice. The cost is one less minority character on television (if you're at home keeping count, as Gates is).[12] While many readers might not particularly care about racial representation on television, it is clear that Clarke does. Yet it seems perfectly plausible that some minority actors will be out of work if more critics and the viewing public express attitudes like hers.

In that environment, no sane casting director would hire a black actor to portray any kind of criminal on any of the 18 versions of "CSI" and "Law and Order." And what else is on TV these days? Add to this the many other television and movie roles that Clarke would apparently find unacceptable for minorities (from supervillains to that wife-murdering Othello to any ordinary worker driving a pickup truck), and you have a lot of unemployed minority actors. Not that actual people matter when a television reviewer has the world to save.

That pretty much brings us full circle. Maybe not a *circle*, but some nameless shape that loops around in random directions and only barely connects at the end. You might have noticed in this essay an almost imperceptible failure to follow a straight line. But here we are at the conclusion, and despite my sins, there's still a chance to show that this really is one essay with a general point, a thesis, maybe. Perhaps a restoration of faith is imminent. Could it be, even salvation? A conclusion should sum up and bring together the major points. What were they?

There was something about the proper way to write reviews, and reviewers not knowing about famous plays, and the critical response to "The Cosby Show," and a bit of nonsense about "Grey's Anatomy" and Jewish doctors, and a request for a show with a Chinese handyman so my son could learn the language for free, and a cheap shot at my expensive plumber, and a thing about writers and the choices they make, and half of an implication that someone will be offended no matter what authors do with their characters, and a crumb of a notion that artists can't satisfy the competing interests of political correctness and shouldn't even try, and maybe a hint of commentary about the way some people make everything about race, and a completely inappropriate mix of source-based analysis and giddy sarcasm, and a half-hearted reliance on "losing the religion of focused essays" to connect the whole thing. Perhaps there's even a lesson for writers in this very conclusion — subtle, of course — about the importance of having a clear thesis, and yes, focus, and at least a modicum of discipline. Got that? See my point? Good.

Amen. ❑

Notes

1. Entertainment Weekly #895/896 (September 8, 2006) 167.
2. Liz Lopatto, "An Interview with Frank Wilson, Part I," The Kenyon Review (Dec. 2, 2006), http://kenyonreview.org/blog/?p=223
3. "Shonda Rhimes, creator of 'Grey's Anatomy' and a Chicagoan of the Year," Chicago Tribune, posted on December 21, 2005 by Maureen Ryan, The Watcher. A Chicago Tribune Web Log, http://featuresblogs.chicagotribune.com/entertainment_tv/2005/12/shonda_rhimes_a.html
4. *Ibid.*
5. Devon Carbado, "The Racial Anatomy of Grey's Anatomy," Blackprof.com (Sept. 27, 2006), http://www.blackprof.com/archives/2006/09/the_racial_anatomy_of_greys_an.html
6. Museum of Broadcast Communications, http://www.museum.tv/archives/etv/C/htmlC/cosbyshowt/cosbyshowt.htm"
7. Henry Louis Gates, Jr. "TV's Black World Turns — But Stays Unreal," New York Times (Nov. 12, 1989) H1.
8. Sut Jhally and Justin Lewis, "Enlightened Racism: The Cosby Show, Audiences, and the Myth of the American Dream," (Westview Press, 1992) 2–3.
9. Gates, H1.
10. Gates, H1.
11. Gates, H1.
12. Gates writes: "Blacks retain their fascination with black characters on TV: Many of us buy Jet magazine primarily to read its weekly television feature, which lists *every* black character (major or minor) to be seen on the screen that week" (H1).

Reviews

"World War Z: An Oral History of the Zombie War," by Max Brooks. Crown, 2006, 342 pages.

Gray in Tooth and Claw

Andrew Ferguson

Science fiction, according to the critic Brian Aldiss, is "hubris clobbered by nemesis": endless riffs on the theme of humanity unleashing forces it cannot ultimately control. Until the late 1960s, the zombie tale fit comfortably into that definition: some mad priest or scientist uses arcane rituals or forbidden science to reanimate corpses, which invariably go on a rampage. After the zombies (or ghouls, or revenants, or whatever name they go by in the story) are brought back under control, the hero will inevitably discover the madman's body and proclaim, "He should never have tampered in God's domain."

The films of George A. Romero changed all that. As is the case with many groundbreaking works of art, it's difficult now to appreciate his first zombie movie, "Night of the Living Dead," because every element of the film has been so thoroughly picked over by the imitators that trailed behind. But look past the low-budget production, the lower-budget cast, and the smorgasbord of cultural cliches. Imagine yourself in the audience in 1968, an audience composed almost entirely of adolescents and teenagers (then as now the target market for B-movie horror), an audience accustomed to giant creatures and Karo syrup. As Roger Ebert wrote back then:

> The movie had stopped being delightfully scary about halfway through, and had become unexpectedly terrifying. There was a little girl across the aisle from me, maybe nine years old, who was sitting very still in her seat and crying.
>
> I don't think the younger kids really knew what hit them. . . . they'd seen some horror movies before, sure, but this was something else. This was ghouls eating people up — and you could actually see what they were eating. This was little girls killing their mothers. This was being set on fire. . . .
>
> I felt real terror in that neighborhood theater . . . I saw kids who had no resources they could draw upon to protect themselves from the dread and fear they felt.

A couple of minutes into the movie, the zombies appear without cause or explanation, and at the end of the movie there is still no reason given for their existence beyond blind, dumb misfortune. There is no tampering, and this domain is not God's; there isn't even a madman's corpse to declaim over. Instead, the body is the hero's, gunned down by a militiaman who mistook him for a ghoul.

Or perhaps it isn't a mistake: in Romero's movies, there is ultimately no difference between the living and the undead. His humans are by turns catatonic, belligerent, and all-consuming; they need no nemesis because they do a fine job clobbering themselves. By the time the third movie rolls around, zombies have all but overrun the earth, and the last representatives of humanity (as they suppose) are spending their final hours squabbling in an army base. The descent into despair is complete: there is but one philosophical problem left, and that is suicide.

Fast forward a few decades, and Romero's vision has become pervasive, infecting not only the innumerable zombie-apocalypse tributes and ripoffs, but also genres as disparate as urban legends and news coverage (for a hand in hand example, see the lurid tales of Superdome ghouls after Hurricane Katrina). The "zombie" as cultural metaphor is almost unspeakably trite, and even the idea of our species becoming extinct by means not of our making is a bit passé. Last year a tenured professor in Texas basked in the adulation of his peers after

speaking fondly of the extermination by Ebola of the bulk of humanity; the rapturous applause from his audience

Brooks departs from Romero's zombie narrative, asserting that there is a difference between humanity and the "living dead," after all.

proved that the acceptance of the proposition "mankind=zombies" is not limited to horror buffs and sociopaths.

What is limited is the ability to follow the trail that led Romero to his bleak conclusion. The zombie tale that he reacted against is another form of the "Two Peoples" class myth, dividing humanity into the leisure class and the working class, which in science fiction found its purest formulation in the Eloi and Morlocks of H.G. Wells' "The Time Machine." In the older, mad-scientist version, the zombie story is a political cautionary tale: the scientist exploits the zombies by ordering them to do his bidding; ultimately, they rebel against him and bring down the society he represents. Wells and his fellows at the Fabian Society believed that such a revolution was neither necessary nor desirable, that social justice could arise through education and legislative reforms.

But by 1968, the tenor had changed. The Great Society — a social program the Fabians could barely have dreamed of achieving — was floundering, its inevitable bankruptcy hastened by a continually escalating war. While American troops and treasury bled for no discernible goal, the heirs of the socialist tradition busied themselves in squabbles over ever smaller pieces of political turf. With both education and legislative reform failing to produce the requisite social justice, the Morlocks felt the need and desire for a revolution — but the best they could manage was to "occupy" various places, or perhaps mill about in a mildly threatening way. Some critics point to Vietnam as the ultimate inspiration for "Night of the Living Dead," but would Romero really need to look any farther than that year's Democratic National Convention in Chicago for an example of a bloody conflict altogether devoid of human intellect?

No surprise then that he portrayed consciousness as something its possessors are either unable or unwilling to save, nor that his successors accept that portrayal without thought, and grapple with nothing save each other. They're proud of their lives in a post-conscious world, producing mindless entertainment for the zombie masses, wish-fulfillment fantasies for a collective with nothing left to wish for. So what if their works all shamble towards no particular destination, moaning without communicating, gnawing at great gouts of flesh with no thought of sating their hunger? Isn't that the way it's always been?

With its gritty, blood-spattered cover art and apocalyptic jacket-flap prose — "The Zombie War came unthinkably close to eradicating humanity" — one could be forgiven for thinking that Max Brooks' "World War Z" is just a new costume for the old corpse. But read on: "[T]he book captures with haunting immediacy the human dimension of this epochal event. . . . And in the end, isn't the human factor the only true difference between us and the enemy we now refer to as 'the living dead'?" The words after the ellipsis are excerpted from the introduction, in which Brooks marks his departure from Romero's zombie narrative by a) having humanity survive its conflict with the "living dead," and b) asserting that there is a difference, after all.

The form of the novel is well chosen to underscore that distinction. As the subtitle indicates, "World War Z" is an oral history, owing much to the works of Studs Terkel (in particular "The Good War," about the survivors of World War II). The narrative emerges over the course of a series of interviews that Brooks as interviewer conducts all over the globe. The array of individuals Brooks presents, each speaking in his own voice (and the difficulty of writing in that many voices should not be underestimated), allows him a constant contrast between the variety and adaptability of human beings and the gray uniformity of the undead hordes.

The story begins in China with the doctor called into a remote village to investigate a young boy later known as "Patient Zero," supposedly the epidemiological starting point for the zombie outbreak. Within an hour of his report, agents of the Chinese government swoop in to quarantine the town — but too late: already the boy has bitten others.

As the infection spreads throughout the countryside, everyone who can leave, does — including many who are already infected, but do not succumb to the virus until they are already en route. From this migration the infection spreads throughout the world; however, since the Chinese government refuses to acknowledge what has happened on their watch (more on that later), the nature and extent of the threat is largely unknown until it has become a pandemic, and it is clear that humanity must fight to survive.

It seems mankind is about to give in to despair, when up pops a mad scientist with a plan to save humanity by tampering in God's domain.

Unfortunately, those in control of the machines of war are believers in Romero's vision — and is that any real surprise? Over the decades they have become accustomed to regarding their men as zombies; naturally, their plan to deal with the zombie "army" is to overwhelm it through superior firepower, the same way our military has

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defeated human armies for the past few decades (then, it's been the peace that's proven impossible to hold). This strategy leads to disaster at the Battle of Yonkers,* where the U.S. Army, burdened with unnecessary equipment and unreliable information, is smothered by the mass of walking dead that was once the population of New York City. Says one veteran of Yonkers, "The fact that we couldn't shock and awe [the zombies] boomeranged right back in our faces and actually allowed [them] to shock and awe us!"

The shock of the defeat reverberates around the world, and it seems as if mankind is about to give in to despair — when up pops a mad (social) scientist, with a plan to save humanity by tampering in God's domain. The madman is Paul Redeker, formerly disaster manager for South Africa's apartheid regime; the tampering involves deciding who lives and who dies, by determining which areas of the country are still defensible given the resources at hand — with everyone outside those areas left to fend for themselves. The Redeker Plan is dispassionate, cold, and absolutely the last hope for victory. With the approval of no less a statesman than Nelson Mandela, it is put into effect, and soon copied by every other nation that hadn't, like Israel or North Korea (albeit in very different ways), already sealed itself off.

From there the story splits to follow those inside the protective zones, seeking to regroup and then reclaim territory, and those outside, seeking to survive long enough to be reclaimed.†

By the time the two threads are one again, the war is all but over: a few smaller landmasses remain fully infested, and there are zombies still wandering the sea floor, along with a few thousand above the frost line thawing out each spring. But the threat of extinction has been averted; the greatest danger left is complacency — one slip in concentration and the zombie menace will return.

After finishing "World War Z," I worried that, for all his remarks about vigilance, Brooks may have let his attention slip towards the end. A number of questions still needed answering, the two most important being: where did the zombie virus come from in the first place? And, if the young boy truly was Patient Zero, how did the Chinese government operatives know exactly what to expect when they arrived?

Brooks does provide answers; however, they're only hinted at in his oral history (which as an impressionistic form is better suited to showing the outline of an idea than the idea itself). For the full picture we must turn to his previous book on zombies, a seeming parody of the "Worst Case Scenario" handbooks called "The Zombie Survival Guide." Inside are information on zombie physiology and behavior, tips on how to stay alive during zombie infestations (whether local or global), as well as a short survey of suspected and verified zombie outbreaks throughout history.

Putting together the pieces of the survey reveals that the zombie virus is nothing new; it's a sporadic threat that humans have dealt with for at least three or four thousand years: the Egyptians removed the brain during mummification after incidents of mummies "coming back to life"; Hadrian built his wall in Britain to keep out hordes of soldiers with blue-tinted skin; the colony of Roanoke was put to the ban after an outbreak, by an Indian tribe that had seen that sort of thing before — by technology and taboo, humanity had kept zombies at bay for millennia. Why then the pandemic at the beginning of the 21st century?

Two reasons: first, increased traffic in people and their parts — the speed of modern travel means that carriers

*In the choice of battlefield, I can't help but hear an echo of "The Battle of Dorking," the 1871 short story by George Tomkyns Chesney that inaugurated and encapuslated the genre of "invasion literature," in which a country unprepared for battle is suddenly overrun. In Chesney's story, the residents of the small town of Dorking attempt to use Napoleonic-era tactics to repel a German attack on British soil. Fifty years later, England still hadn't recovered from the shock of the defeat.

†Among those on the outside is Queen Elizabeth, who spurns the safety of the Isle of Man to remain in the besieged Windsor Castle; Brooks' portrayal of her shows an appreciation for *noblesse oblige* that I thought I'd never see from a contemporary American author.

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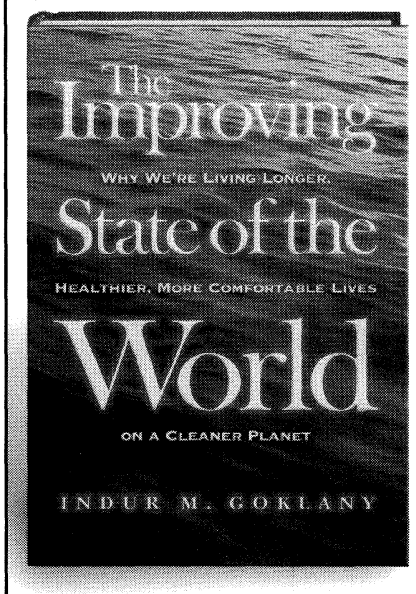

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can travel to uninfested corners of the globe while the virus is still incubating, and technologies such as blood transfusions and organ transplants allow for infections without any bites at all. Second, the breakdown of taboos amid the ever-widening scope of warfare — if zombies did exist, how long would it take, in an age of firebombs, mustard gas, and nukes, for a modern government to try using them as weapons?

As Brooks tells it, the first military power to undertake military research on zombies was imperial Japan, but out of the 50 specimens they developed (mostly former political dissidents), only one made it to the battlefield — and that one was captured at the orders of Mao and delivered to the Great Leader himself. From there, further Chinese research seems inevitable, perhaps aided by the prior Soviet capture of a Japanese zombie research facility in Manchukuo. Knowing as we do the sort of tactics Mao was prepared to use to accomplish his revolution, it is reasonable to assume that in Brooks' world, zombies would be dispatched to infect troublesome villages, which would in turn be cleared by specially trained security forces — similar to those that would, several decades later, respond to the report on Patient Zero.

Thus, though the zombie virus itself is a natural phenomenon on the order of influenza or the bubonic plague, the responsibility for its metastasis should be attributed primarily to those governments which experimented on their populations,* and secondarily to those which continued to spread misinformation about the virus and deny its existence. As Brooks writes in the conclusion to his "Zombie Survival Guide":

> At this rate, attacks will only increase, culminating in one of two possibilities. The first is that world governments will have to acknowledge, privately and publicly, the existence of the living dead, creating special organizations to deal with the threat. In this scenario, zombies will become an accepted part of daily life — marginalized, easily contained, perhaps even vaccinated against. A second, more ominous scenario would result in an all-out war between the living and the dead: a war you are now ready for.

The subsequent publication of "World War Z" indicates which of the two he believes more likely. Nemesis has returned to the zombie tale, and its name is *government.*

How endangered are we by the zombies that inhabit certain parts of our society? Will we know when it is time to enact our own Redeker Plan, and cut loose, say, the public school system? It is easy to look at the institutions around us, as Romero did, and despair of ever again seeing any sign of intellect at work.* Much more difficult to distinguish between what we can save, and what we must for the time being relinquish to the mindless hordes — with no guarantee of any reward for our efforts beyond an infectious bite, or a bullet to the head. ❑

*The U.S. government, of course, is not exempt from this category; Brooks records an outbreak in Los Angeles that was initially put down after the zombies were caught between two rival gangs fighting for turf, but from later, smaller incidents in the city's underground, it's likely that some of them survived, and were sealed off in unused tunnels for later study. Meanwhile, the gang members who saved a great many lives by shooting zombies for a few hours rather than each other were, of course, sent away for life in prison.

*Beginning with his third "Dead" movie, Romero did open up the possibility of intelligence returning to the world, in the form of zombies capable of using tools and eventually of organizing other zombies against the last bastions of humanity — a curious return to the "Two Peoples" society; apparently he decided some zombies are more equal than others.

Liberty Goes to War

When America goes to war, Hollywood goes along to fictionalize it. The 1940s gave us films that ennobled the American soldier; films of the 1960s sympathized with the soldier while protesting war itself. Now that America is at war again, so is Hollywood.

This month Liberty goes to war with a collection of reviews of movies and DVDs set in war zones from Africa to Asia, and from Germany to L.A. Two of them, "Triumph of the Will" and "The Last King of Scotland," demonstrate the rise of dictators, propelled into power by rousing music, charismatic speeches, government benefits, and hatred for a common enemy. John Hospers' review of "Joyeux Noel" suggests that a general's greatest fear is not the enemy, but that his soldiers might "come to know the names of soldiers on the other side," a situation "not to be tolerated if the combatants were expected to continue killing each other."

"Letters from Iwo Jima" and "Freedom Writers" make a similar point: the more we focus on what we have in common, the more likely we are to see each other as individuals with similar values and goals, and the less likely we are to kill each other. "Do what is right, because it is right" trumps "My country, right or wrong."

— *Jo Ann Skousen*

"Pan's Labyrinth," directed by Guillermo del Toro. Picturehouse, 2006, 114 minutes.

Fascists and Fairy Tales

Jo Ann Skousen

Fairy tales are more than fanciful stories about enchanted princesses, wicked stepmothers, and big bad wolves; they provide a way to make sense of a senseless world. In "The Child's Need for Magic," psychologist Bruno Bettelheim suggests that fairy tales help children find solutions to unsolvable questions: What is the world really like? How am I to find my place in it?

Fairy tales also address many of the fears children commonly face: fears of abandonment, hunger, being orphaned, and failing to measure up, to name a few. To allay such fears, these tales offer several coping principles: the youngest and smallest is often the most successful; evil can be overcome by completing a series of tasks; the most unexpected creatures can be helpers; and, perhaps most important, there is a place for living happily ever after.

"Pan's Labyrinth" is a modern fairy tale that adds war to the list of commonly held fears. Set in the years following the Spanish Civil War when rebel guerrillas are still fighting the fascists, it is one of the most remarkable films of the year. Ofelia (12-year-old Ivana Baquero) enters a fantasy world as she faces the horror of a wicked stepfather, the fear that her mother might die, and the danger of rebels who lurk in the woods. Balancing this fearful uncertainty is her newfound belief that she is actually an enchanted princess who can save her mother and regain her throne by completing three tasks before the next full moon, a frightening quest assigned to her by a grotesque faun (Pan) and a creepy fairy, who look nothing like Peter and Tinkerbell.

The film is not a Disney fairy tale by any means; it is dark, scary, and sometimes gruesome, especially in the realistic scenes between the army and the rebel villagers. But the film is enchanting all the same, providing a sense of hope within a hopeless situation. Its many allusions to previous tales, particularly "Rumpelstiltskin," "Rapunzel," "Alice in Wonderland" and "The Wizard of Oz," are also dark. Ofelia wears a pinafore like Alice's, but it is raven black, not sky blue. As she peers into the fantasy world she is about to enter, Ofelia seems giant one moment, and Lilliputian the next.

The film is not a Disney fairy tale by any means; it is dark, scary, and sometimes gruesome.

When she finally goes home, she is wearing ruby red shoes, but they are army boots, not slippers.

The film is a masterpiece in many ways: the acting is superb, especially from the women who play Ofelia (Baquero); her mother, Carmen (Ariadna Gil); and the housekeeper, Mercedes (Maribel Verdu). The special effects seem effortless and real, the music and photography create adrenaline-pumping suspense, and the intertwining of the real world with the fantasy world is seamless. The underlying philosophy is sound, too: when the sadistic, fascist captain barks, "Why do you question my orders?" a rebel replies: "To obey without questioning is something that only people like you can understand."

"Question authority" and "live happily ever after." Not a bad philosophy for the age we live in today. ❑

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea" with the gold coin for refuting it regularly offered here.

The coin is still here, and so is the idea. Rothbard couldn't refute it, Kirzner couldn't, Milton Friedman couldn't, David Friedman couldn't, nor, apparently, any of the other economists in these pages, who would certainly have done so by now, had they been able to, and out in the open, not behind closed doors.

Their indifference is an admission of defeat. There's no such thing as being above the challenge. Exposing economic error and instructing the unlearned is what economists do, and, when they don't, it is only because they can't.

To practice what every economist and libertarian preaches, to simply do your job, face the issue, refute the idea or be honest enough to admit that you can't, and perhaps even demolish the Left, see ***Intellectually Incorrect*** at intinc.org.

Advertisement

"The Last King of Scotland," directed by Kevin Macdonald. Fox Searchlight Pictures, 2006, 121 minutes.

Hearts of Darkness

Gary Jason

As a classical liberal, I find dictators repugnant, but I confess I am also curious. What makes someone a vicious autocrat, and why do such people find supporters? "The Last King of Scotland," recently re-released into general distribution, has much to say on that score, and on other scores as well.

The movie recounts the takeover of Uganda by the psychopathic thug Idi Amin, and its rapid descent into a hell of barbarism and slaughter. Amin, who killed 300,000 of his fellow citizens, is vividly portrayed by Forest Whitaker, whose performance won him Screen Actors' Guild and Golden Globe awards for best actor, along with a nomination for an Oscar. That's what led to the movie — originally released in limited circulation (i.e., to art houses) — being re-released. Whitaker well deserves his accolades; his performance is superb.

The story is built around a fictional character (a composite of several real people), Nicholas Garrigan, a young Scottish doctor beautifully played by James McAvoy (the faun in "The Lion, the Witch, and the Wardrobe"). We meet Garrigan as a newly-minted M.D., the son of a very upright doctor who expects his son to join him in practice. Garrigan decides to flee the situation, choosing Uganda more or less randomly.

There he joins a small clinic serving the poor, run by a British physician and his wife, a nurse. After only a short time (partly spent in attempting to seduce the doctor's wife), he has a chance meeting with Amin, who is touring the country after seizing power. Garrigan is impressed by this charismatic (if crude) orator. In turn, Garrigan impresses Amin, who has a fascination with Scotland. The dictator invites him to become his personal physician (and, it turns out, his close adviser). Amin is shown to have a charming side, a characteristic that has often enabled would-be dictators to garner support. I'm reminded of another recent depiction of a vicious tyrant — the German film "Downfall," which recreates the final days of Hitler. Again, an attempt is made to show how even the most evil person can appear charming when it suits his purpose.

Garrigan moves to Amin's compound, gets caught up in the corruption, and only slowly realizes the depths of Amin's paranoia and wickedness. After seducing one of Amin's wives, he gets her pregnant, and her betrayal is discovered by Amin. The doctor views the woman's butchered body; he decides to kill Amin; he clumsily fails. The denouement takes place at the Entebbe airport, as Amin is holding hostage the Jewish passengers of a hijacked plane, all the while planning a gruesome death for Garrigan.

More than anything, this story is a tale about seduction: the seduction of a morally shallow man by the temptations of charismatic demagoguery, sex, flattery, political power, and — perhaps most irresistible — the desire to be of charitable help. Perhaps it also represents the temptation of Europeans by Africa.

The film is very fast paced, with fine performances all round. The cinematography is first rate, if rather tough to watch — no punches are pulled in showing torture and violence. This is Kevin Macdonald's first feature film, and it's good. ❑

Jo Ann Skousen

First, the truth: notwithstanding the opening credit claiming "inspired by true events," "The Last King of Scotland," a film about Idi Amin's rise to power, is purely historical fiction. The story is compelling, shocking, even humorous at times, but the main character, a young Scottish doctor who comes to Uganda to work as a medical missionary and ends up being Amin's personal physician and "closest advisor," is entirely made up.

Truth notwithstanding, the juxtaposition of the two main characters, Amin and the boyish Dr. Garrigan, provides an intriguing study of amorality. Garrigan is seduced from his medical practice by the lure of a soft mattress, tea poured by a butler, and a Mercedes convertible; Amin is seduced by the adoration of crowds and the delusion that he is rescuing his country from evil. Both make bloody coups look fun — I found myself thinking of Wordsworth's "Prelude": "Bliss was it in that dawn to be alive, but to be young [enough to fight in the war] was very heaven!" as they all but high-fived each other.

Like many despots, Amin came into power with the promise of "new schools, new laws, new houses." He is portrayed as affable and smiling, "one of the people" despite his military uniform and bodyguards. It's an age-old story: Hitler, Castro, Che, the Perons, even Saddam Hussein came to power making promises that brought cheers

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"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

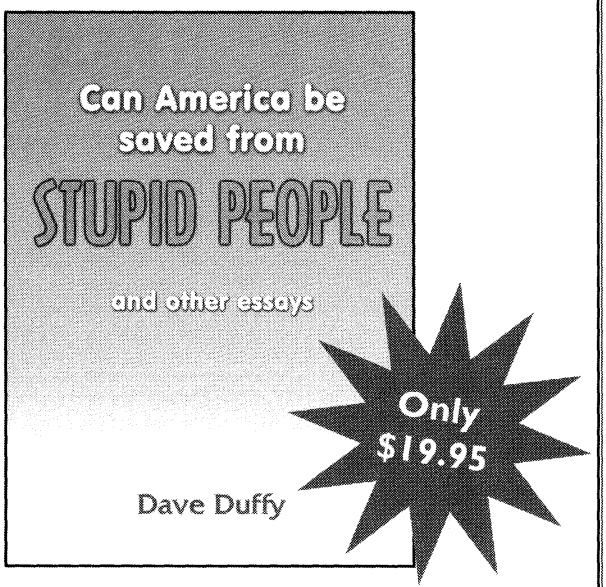

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from the adoring crowds. But power corrupts, and brutality follows.

The film itself is a metaphor for the way Amin is portrayed. At first it is lighthearted, goodnatured, and humorous, punctuated by sudden moments of intense, violent sex or brutality. Midway through, however, the brutality escalates and the film assails the audience with grisly scenes of torture and maiming. By the end I just had to close my eyes and hope for it to be over, not unlike the characters on the screen.

The real attraction (and only redeeming feature) of this film is Forest Whitaker, who adopts the swagger, the accent, the lunacy, and the unexpected humor of Idi Amin. Jovial and hospitable one moment, brutal and demanding the next, one eye bulging out of its socket while the other remains veiled, Whitaker creates a despotic madman who is completely believable. Doomed for most of his career to playing the burly sidekick ("Fast Times at Ridgemont High") or the burly cop ("The Phone Booth," TV's "The Shield") or the burly bad guy with a soft heart ("Panic Room"), Whitaker turns Idi Amin into the role of a lifetime, and he deserves all the awards he earned for it.

However, although the acting is superb, I don't recommend the film. "Last King" offers little to think about politically, historically, or philosophically. British colonialism gets a nod of blame, but so does African communism. Moreover, it is one of the vilest of the films in the genre of African civil war. Corpses pile up predictably, but so brutally that it is difficult to feel anything but horror.

If you want to see a great film about African civil war and genocide, rent "Hotel Rwanda" instead, the story of Paul Rusesabagina (Don Cheadle), a hotel manager who housed over a thousand Tutsi refugees during their struggle against the Hutu militia in Rwanda.

The characters are more compelling, the acting even better, and Rusesabagina served as an onsite consultant to the filmmakers. It also portrays capitalism in a good light: while the UN forces stand idly by, ordered not to engage in battle even to protect the terrorized Tutsis, their safety and protection comes as a byproduct of the hoteliers' self interest. ❑

Amin has a charming side, a characteristic that has often enabled would-be dictators to garner support.

Notes on Contributors

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Now on DVD

"Joyeux Noel," directed by Christian Carion. Sony, 2005, 116 minutes.

Christmas in the Trenches

John Hospers

There had been no general European conflict since the end of the Napoleonic wars in 1815; it had been a century of relative peace. When World War I broke out in 1914, war was an unfamiliar phenomenon in the daily lives of most Europeans.

On Christmas Eve, 1914, the war had been going on for barely four months. Even so, an event occurred that was unusual even for that relatively peaceful time. Some German soldiers at the trenches in France began to sing carols as they had done in peacetime. For the most part these were familiar songs: who, after all, was unfamiliar with "Silent Night"? Gradually the soldiers on the French side of the trenches took up the refrain, moving from one song to another until there was a unified band of soldier-carolers on both sides of the Western Front.

Seeing where this fraternal display would lead, generals on both sides put a stop to it as soon as the evening's singing was over. By that time some of the German and French soldiers had come to know the names of soldiers on the other side, and had become curious about their individual lives and aspirations — something not to be tolerated if the combatants were expected to continue killing each other.

The French film "Joyeux Noel" is about this "Happy Christmas" of 1914. The movie was produced in 2005 and has been acclaimed in both Europe and the United States but has thus far not been shown to large theatrical audiences in this country. Fortunately, it is now available on DVD. The story it tells is substantially true. The incidents shown really did occur at Christmas 1914 on the Western Front — though as usual some fictional scenes are included for dramatic effect. One of these scenes may be the episode in which a girl, betrothed to a German soldier, is smuggled into a French fortification overnight. She appeals to her lover, "You must get out of this war. We can escape to Holland; we're only a hundred miles from the border." But he says no, he must stick with his troops. She is allowed to flee the trenches, but without him. If the incident is not historically true, it is at least true to the nature of war.

The attitude of the filmmakers is quite clear: they believe that the entire war was a tragic series of blunders and mistakes, which could and should have been prevented entirely. In truth, the soldiers of 1914 rallied to the colors with mixed feelings and expectations. Of course, they had no way of knowing that they were about to be involved in the bloodiest and costliest war in the history of civilization. On their enlistment, some regarded the war as a great adventure, but most were well aware that if they did not enlist they would be drafted anyway.

France, though victorious in 1918, was bled so thoroughly that it lost its appetite for more military action. Yet when France was invaded by Germany in 1940, patriotism revived and many willingly enlisted in the underground opposition to the German occupiers. Much has changed since 1940. Today's filmmakers no longer share the fierce patriotism of World War II, and they deplore virtually all aspects of the 1914 war. It has become easy to condemn those who participate in war, despite the fact that without an Allied victory in World War II, France would doubtless have been condemned to generations of Nazi rule.

In the film, we see priests offering prayers, between the carols, for the wellbeing of the troops. But which troops, the filmmakers hardly dared to ask. Are they the enemy troops as well as their own? Presumably the filmmakers of 2005 want peace for both sides, but they do not reveal whether they want peace at the price of surrender. Many a French priest in 1940 would pray for the destruction of the enemy, with the hearty approval of the French people whose lives and wellbeing were then at stake.

They had no way of knowing that they were about to be involved in the bloodiest and costliest war in the history of civilization.

Is it all relative, then? Is an action acceptable at one time or place but not

at another? Not exactly. It is not, or not only, the moral beliefs that were different. The conditions were also different. In 1940 it would have been acceptable to kill the Nazi soldiers because they constituted a threat to Frenchmen and to France itself. And in later years, many Germans regretted their own Nazi past. But in 1914 neither Germany nor France posed a threat to its enemy's very existence.

What then of 2007? Here opinions remain sharply divided. Some believe that the war against Islamofascism is as important for the world's well-being as any war in recorded history, and many books allege that this is so. Their writers believe that the triumph of Islamofascism would be even worse than the victory of Nazism after 1945. On the other hand, many believe that such a war would be simply a waste of human lives, as they believe was the case in 1914. If so, they would do well to encourage others to see "Joyeux Noel."

You are not likely to be riveted with suspense or excitement during this film. It proceeds at its own steady pace, and the viewer may not immediately grasp the full implications of its message, though only when this is grasped will the movie seem unforgettable or even very exciting.

It is rare for film to convey an inescapable sense of moral conflict — but viewers can hardly escape the inner turmoil evoked in "Joyeux Noel" by the priest who offers a prayer audible to the troops on both sides of the trenches, a prayer that reduces even the hardiest of alleged enemies to bewilderment or tears.

People who have been brought up on war films will miss the usual scenes of shooting and slaughter, scenes that are underemphasized in this production, so that the moral conflict can sink in. "Joyeux Noel" is so far from a shoot-'em-up that a viewer who is not attuned to moral distinctions may find it a bit slow and lacking in action. This would, to understate the case, be a serious mistake. While some of the film audience craves only more and more suspense, "Joyeux Noel" is, as we say, "aiming at higher things." ❑

"Triumph of the Will," directed by Leni Riefenstahl. NSDAP Reischpropagandaleitung Hauptabt Film, 1935, 120 minutes.

Ein Volk, Ein Führer

Gary Jason

The question is sometimes posed whether motion pictures have the same power as books to change history. The answer, *prima facie*, seems clearly to be "No." Just consider the influence that the Bible or the Koran has had on world history. In justice, we might note that movies, especially widely distributed movies with sound, have existed for only a fraction of the time that books have existed. But factoring that in, just how historically powerful *are* movies?

I can think of no better place to start answering this question than with an old film now available on DVD. Synapse Films has released a newly packaged version of arguably the most powerful propaganda film ever made, "Triumph of the Will," filmed in 1934 but digitally remastered just last year. This film was brought to my mind by the recent election, which featured some artful propaganda commercials that clearly influenced several races. None of the offerings on the little box, however, could have the forcefulness of "Triumph of the Will."

In 1934, Hitler asked the young but already acclaimed German actress and director Leni Riefenstahl to film the big rally of his followers to be held in Nuremberg. It was a pivotal year for Hitler. With the recent death of President von Hindenburg, he was able to take the power of the German state fully into his hands. This film would be his way of presenting himself vividly and memorably to the German public. Riefenstahl took an immense amount of footage, and spent nearly a year editing it, producing a film that (much to the injury of her later reputation) did indeed help to cement support for Hitler.

There are two especially good things about the DVD. First, it has incredible picture quality — it is sharp, not grainy in the ways that tapes tend to be. Second, it has optional features, including a version with a voiceover by historian Professor Anthony Santoro. I suggest watching the film once without his narration, then once with it. You will find it a classic of effective propaganda.

A sketch of some of the scenes may convey its persuasive power. At the opening, the subtitles tell the viewer that this movie is to be an historical document, i.e., a historically accurate recording of a momentous event. Then

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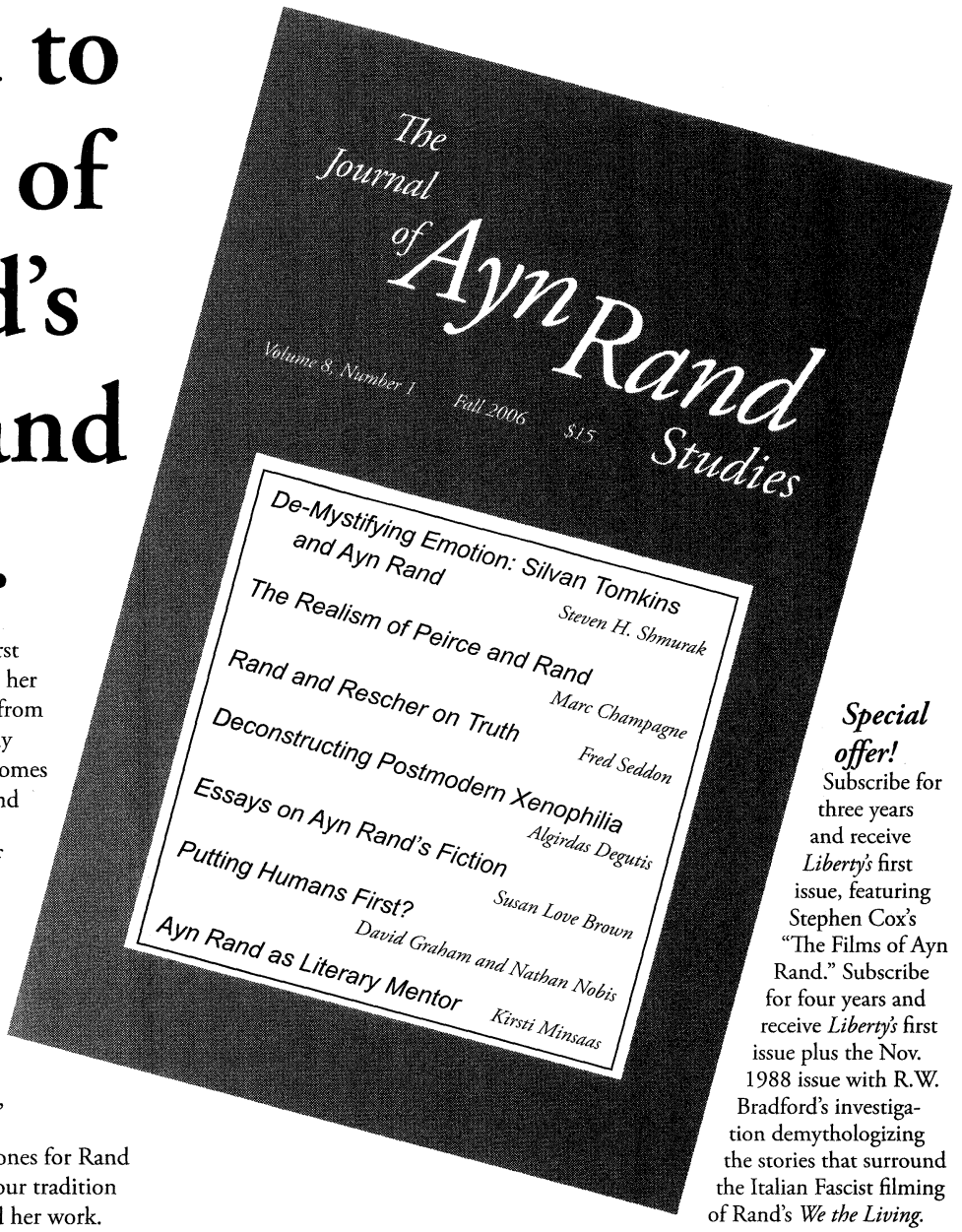

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we see Hitler in his plane, descending through the clouds like Messiah from the heavens, flying over the massed formations below. Next we follow his triumphant motorcade past adoring crowds, their arms outstretched in the Roman salute.

We see Hitler in his plane, descending through the clouds like Messiah from the heavens, flying over the massed formations below.

Riefenstahl's cinematography is powerful: close-ups of women entranced by the Leader; Hitler featured in silhouette, cute blond children beaming at him. As Santoro notes, Hitler received something like ten thousand letters a week from adoring women. He also notes the clever association of the Nazi movement with the beloved historical monuments of Nuremberg, and the constant use of the very masculine imagery of the SS troops, Hitler's bodyguard. Riefenstahl accompanies all this with a rousing musical score.

Another scene that must have played to great effect involves the massive Hitler Youth camp. Here you see handsome, wholesome, playful young men, washing, shaving, laughing, getting ready for breakfast. They engage in manly games while gathering firewood, as the cooks prepare sausages to be cooked. Santoro rightly observes that the scene is powerful because it evokes strong community feeling (in a nation that had witnessed much division), with hearty food being served (in a nation that had seen hard times).

The scene evokes something even more important. During the Weimar Republic that preceded the Nazi regime, the German people saw evidence of what most of them regarded as cultural degeneration — irresponsibility of financial institutions, open displays of sexual sophistication, strange new ways of dressing, dining, and dancing. Even the cinema was a strange and, to some, disturbing development. It must have been deeply reassuring to this audience to see wholesomeness and overt healthiness on the screen.

Several other scenes give a reassuring sense of national unity. There is, for example, a procession of farmers in traditional garb, presenting their produce to Hitler. Santoro points out how worshipful the women are as they perform this ritual. I would add that the political cleverness of the scene lies in its implicit message that the Leader values the farmers' work, in its evocation of respect for the rural life.

Other scenes involve the cadets of the "Labor Front," headed by Dr. Robert Ley. In the most striking scene, the young workers present their spades like rifles. A handsome worker asks, "Where are you from?", and the cadets answer with the names of their various home regions. There is an important argument in these images. Hitler fought the communists for the support of the working class (remember, "Nazi" means the National *Socialist* German *Workers'* party). Scenes like this reinforce what he says in his speech on the topic: we respect and value the German workers, who are a vital part of our new order.

The Nazis are best described as pagan or atheist, but several scenes mobilize religious feeling and direct it toward the Party. In one of the most impressive moments of the movie, Hitler tells his young followers that they are flesh of our [German] flesh, blood of our [German] blood (compare Genesis 2:23). In another, Hitler — without question a good public speaker — invokes God directly: God ordained this movement: one empire, one nation, one people.

Essential to the effect is Riefenstahl's artful use of the camera. She habitually arranged her shots to show Hitler as the largest figure in the scene, or to show him from the back facing the adoring crowd, or to show side images of his head as people praise him. These scenes reinforce the idea that all the surrounding people are insignificant compared to the Leader. In one spectacular scene (with sets designed by Albert Speer), you see an ocean of Nazi flags, with an immense tower of light illuminating a huge German eagle standard, as Hitler speaks from a gigantic elevated podium — literally from on high.

In another scene, one from a rally to honor the party members fallen in the fight against the communists during the decade 1923–33, Hitler, Heinrich Himmler (head of the SS), and Victor Lutze (head of the SA, the stormtroopers) march across a huge square flanked by enormous crowds holding flags. Again, the underlying appeal is one of unity, but this time directed to the middle class and business interests: we, in our strength, have kept the Bolsheviks from doing to you what they did to the Russian middle class and businesses.

Let me revert to the original topic. My point is that movies can and have had effects on history on the scale of books. The unique power of nonfiction books lies in their ability to set forth facts and reasoning to whatever degree of detail is required. The unique power of literary fiction lies in its power to drive the imagination, to create a possible world (again, in whatever detail is needed) and to make the reader imagine what the inhabitants of that world feel. The unique power of cinema is its ability to present images and sounds that work on the preliterate observational level. We see and hear things, including the facial and body language

Riefenstahl uses the camera to reinforce the idea that all the surrounding people are insignificant compared to the Leader.

of the characters, and draw emotional conclusions in an especially intimate and direct way.

As I noted in an earlier review in Liberty ("The Lost City," December 2006), cinema also works at the philosophic and literary levels, i.e., at the levels of ideas in dialogue, of plot and character. But in film, the presentation of philosophic ideas and literary forms is subordinate to that observational force. Filmmakers discovered early on that a stage play does not make a movie. You can't just put a camera in front of a stage and turn it on while the actors run through a play. Early British films tried that, and they failed; they sounded insufferably talky and stilted. You need to let the audience do the observing, to let it see and hear. You need a screenplay, not a play.

The audience easily, even passively, accepts the observational influence that any film provides. When the film is based on nonsense, the effect is malevolent.

Again, you can't just film a lecture and have it succeed as a motion picture, not even as a documentary. While soaking in images and sounds, the mind can't follow the complexity of argumentation. For that reason, no movie will ever change the world in the way that, say, Darwin's "Origin of Species" did. Darwin succeeded (eventually) in convincing the vast majority of biologists (and the vast majority of educated laymen) that species evolve, and he did it by marshalling facts into one long argument to that conclusion. Movies can't do that. But they can persuade at a powerfully subliminal, psychological level, and change history accordingly. The observational influence that any film provides is easily, even passively, accepted by the audience. Of course, when the film is based on nonsense, as was "Triumph of the Will," the effect is malevolent. Yet the power is there.

Add to this another difference between books and film, one that again highlights film's power to persuade: film reaches an immensely larger audience. In many societies to this day, large percentages of people are simply illiterate. They can't read books, but they can and do watch movies (and TV) — forms of entertainment that give the illiterate masses their sole information about the world at large. The Germans, and the other Europeans who watched Riefenstahl's film, were far from illiterate. But political illiteracy explains a lot.

"Triumph of the Will" premiered in Berlin in 1935, and was an immediate, huge hit. It was highly profitable, and won Riefenstahl top prizes at the film festivals in Berlin and in Venice that year, and at the World Exhibition in Paris in 1937. It was recognized for its propaganda power, and motivated the great American director Frank Capra to film his response, the series "Why We Fight," during WWII.

The mere fact that watching film requires far less work than reading a book also helps to explain its power to influence the public. In contemporary America, there are millions who can read, i.e., are in the technical sense literate, but never do so. Many of these people are "college educated," but instead of reading books they watch movies every weekend and four or more hours of TV a day, including movies or movie-like shows.

In my decades of teaching introductory philosophy classes, I have routinely encountered student resistance to reading even very short selections of classic philosophic literature, because the effort to follow carefully reasoned argument is more than students are used to.

This problem manifests itself in the political ads we must endure: in the last election, two Senate seats switched hands with the aid of powerful ads starring the actor Michael J. Fox, who is afflicted with Parkinson's disease. Fox presented a compellingly pitiable sight as he urged voters to choose candidates who would support publicly funded embryonic stem cell research. Viewers reacted viscerally in his favor. Few of them bothered to do even the slightest reading of the literature available on what such research has and has not accomplished, and few seem to have picked up any hint of the dispute over the use of tax dollars to support a type of research morally abhorrent to millions of taxpayers.

That's one small instance of the force of visual effects. Since the power of film lies on the visual and emotional rather than the rational level, that power is more likely to be used for propaganda than for pedagogy. "Triumph of the Will" remains a classic illustration; others will be subject of reviews to come. ❑

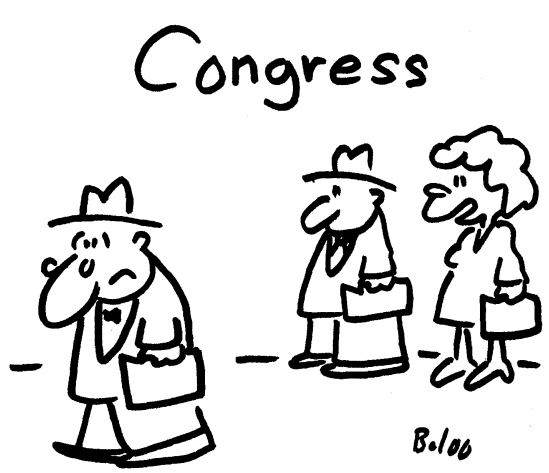

"I think he's losing his credibility — the retractions are coming closer and closer together."

"Letters from Iwo Jima," directed by Clint Eastwood. Warner Brothers, 2006, 141 minutes.

"Freedom Writers," directed by Richard LaGravenese. Paramount, 2006, 123 minutes.

Do the Right Thing

Jo Ann Skousen

When I heard that Clint Eastwood was making two versions of the battle for Iwo Jima, the American point of view and the Japanese point of view, at the same time, I was worried about how Eastwood would portray the Japanese soldiers. I knew from the title, "Letters from Iwo Jima," that it would be a sympathetic portrait, and I came to the film prepared to counter his images in my review with reminders of the atrocities committed by the Japanese as they invaded China, attacked Pearl Harbor, and massacred American POWs. My preaching isn't necessary, however; Eastwood doesn't make broad sweeping statements about the Japanese in general, nor does he get involved in the history or politics that led to the war. "Letters from Iwo Jima" is not really a history of the war in the Pacific, but a parable about war in general.

Like "Flags of our Fathers," "Letters from Iwo Jima" focuses on two foot soldiers who have become friends. As they talk, we learn that one was a baker back home. "First the Komentai (Japanese secret police) took our pastries," he tells his friend, "because that's what they can do. Then they took our sandwiches. When we had no more bread, they took our equipment to make bullets. And when we had nothing left at all, they took me." This anecdote has nothing to do with national politics, or the "rightness" or "wrongness" of one country over another. It is simply what happens when nations go to war. The American war machine has done the same thing. War is the enemy.

Eastwood's decision to make two separate films allows him to present the battle without choosing sides. He simply tells personal stories of a wide variety of Japanese soldiers — some courageous, some frightened; some sadistic, some compassionate; some prepared to die for their country, some determined not to die at all. He makes the same point with the few Americans who appear in this film. Some act nobly, some act shamefully. Nationality is no guarantee of character. (I couldn't help but notice, however, that the most reasonable and sympathetic characters are two Japanese officers who had been educated in the United States. It would be interesting to see whether Japanese audiences consider them "reasonable and sympathetic" or "the reason we lost.")

Although each film stands entirely on its own, the films occasionally intersect. The massive American fleet that instilled impressive pride in "Flags" becomes ominous and foreboding in "Letters." The flag-raising that has such far-reaching effects in "Flags" is seen in "Letters" as a small spot in the distance. Significant events that take place offscreen in "Flags" show up in "Letters," offering a satisfying "Aha" moment for those who have seen both films (though it is not necessary to see one before the other).

Eastwood, known for his spare directing style, does not overwhelm the audience with the blood and gore of war, nor does he go overboard with special effects. Instead, he lets the story and the characters draw the audience into the soldiers' lives. The movie is filmed with a dark wash technique that makes the blood appear black instead of red, reminiscent of old World War II movies, and it becomes almost indistinguishable from the sand flying up as bullets hit the earth. Natural color appears only in flashback scenes, reinforcing the idea that war is hell.

Another name that shouldn't be overlooked is Paul Haggis, who wrote "Million Dollar Baby" (Best Picture, 2004), wrote and directed "Crash" (Best Picture, 2005), and co-wrote "Letters" (Best Picture 2006? Undetermined at press time, but likely to win unless the Academy finally gives it to Scorsese). Haggis also wrote this year's "Casino Royale," not an Oscar nominee, but the best James Bond movie in years. A great story drives a great movie, and Haggis is one of the best screenwriters in the business.

In a flashback scene that takes place before the war, an American woman asks the future Japanese general Kuribayashi (Ken Watanabe), "What if you had to choose between your country's convictions and your own?" Naively Kuribayashi replies, "Are they not the same?"

This film demonstrates forcefully that national interest and personal interest are not the same at all. Such an attitude is as naive and dangerous as saying, "My country right or wrong." Eastwood and Haggis present a different motto for their film, one offered

by a mother in a letter to her son: "Do what is right, because it is right." Hearing the letter read aloud, a soldier from the opposing army reacts with amazement: "His mother's words are my mother's words." Later, an officer repeats these same words, borrowed from the "enemy," to encourage his troops.

Maybe the world would be a better place if mothers ran the Department of Defense.

Another recent film with a similar theme in a different kind of war is "Freedom Writers," which tells the true story of Erin Gruwell (Hilary Swank), a young, white, idealistic teacher who entered gang-dominated Los Angeles in the 1990s. Battle lines are drawn within her multicultural, but far from integrated, classroom, where Asians face off against Hispanics, who face off against blacks. The lone white student pleads at one point, "Can I please get out of here?"

Trying to teach these students with no textbooks, no administrative support, and no useful training seems almost impossible, even for a teacher full of bright-toothed enthusiasm. Indeed, most of her veteran colleagues have already surrendered. Gruwell hits upon a plan to bring her students together. Instead of focusing on their diversity — skin color — she focuses on their commonalities. In the most powerful scene of the film, she introduces "the line game." Taping a line down the center of the classroom, she instructs students to "Stand on the line if you . . . " have seen a gang fight; know someone in prison; know someone who has been killed; know more than one person who has been killed; have wondered if you will live to graduation. Toe to toe and face to face, these students see what they have in common, and it outweighs the hatred they feel for what makes them different.

Gruwell takes on two part-time jobs in order to buy books and supplies and fund field trips for her students. She wants to give them a taste of what's available beyond the war zone that is their neighborhood. Meanwhile, the department chair (Imelda Staunton) refuses to "waste" the school's textbooks on students who "will only rip them up and deface them." Yes, the film is somewhat formulaic in the "Stand and Deliver" tradition, but it is so upbeat and well-acted, especially among the students, that it is worth seeing. Besides, good teachers deserve all the kudos they can get. Lord knows we don't do it for the money. ❑

Waiting for Fidel, *from page 26*

We'd heard through the grapevine that, for a while, the building had been used to house visiting East Bloc dignitaries. After the fall of the Soviet Union and the ensuing Special Economic Period in Cuba, the old residence of Havana's ex-mayor had been turned into a *paladar*, or legal, private B&B. Fortunately or unfortunately, depending on your perspective, the manager had been withholding taxes from the government — sometimes levied at over 100% of gross receipts. So the residence had been converted into a technical school guarded by a Kalashnikov-wielding militiaman.

John engaged him and requested entry. The militiaman said that the house was now the property of the people, and John wasn't welcome. John declared that he was "a people" and therefore could enter. The militiaman was taken aback by such logic but, still refusing him actual entry, allowed him to walk around the place and take photographs of both the outside and the inside (through the windows).

If, in the future, confiscated property claims are ever entertained by a more liberal regime, my family will be there. Not because we need the money, but because it's the right thing to do.

My mother, Ana María, had two brothers slightly older than herself. One of them, Robert (after whom I'm named), emigrated from Cuba in the 1940s and settled in Caracas, Venezuela, where he married Lya, a *venezolana*. They had many children, who in turn, also had many children. They have all prospered. Robert sent his youngest daughter, Marta, to the U.S. for her high school years, so she could learn English. She lived with my immediate family in Arizona while attending a Catholic girls' school run by nuns. Lya Rita, Robert's oldest daughter, became a lawyer and rose to become the first woman cabinet member in the administration of President Carlos Andrés Perez.

Venezuela's much touted social contract had begun showing signs of stress. Perez, elected to ameliorate a widening divide between the rich and the poor, using neoliberal economic policies, ended up, in the short term, exacerbating the problem. In 1992 Lieutenant Colonel Hugo Chávez led a coup against the Perez administration. The coup failed and Chávez was imprisoned, but Perez ended up being driven from office. Two years later Chávez was pardoned. In 1998 he ran for president and won. By the end of his first year in office, he'd overhauled the constitution and launched his Bolivarian Revolution.

My mother, ever cautious, concocted an arsenal of Molotov cocktails "just in case."

Several months ago, my sister Nani, in Phoenix, got a call from my cousin Marta, in Caracas. After catching up on family gossip, Marta opened a new chapter in the family's chronicle. She requested that we hire a U.S. immigration lawyer to begin the long, costly, and convoluted process of gathering the lives of the people in her household and delivering them from Hugo Chávez's 21st-century socialism.

We hope to see them soon. ❑

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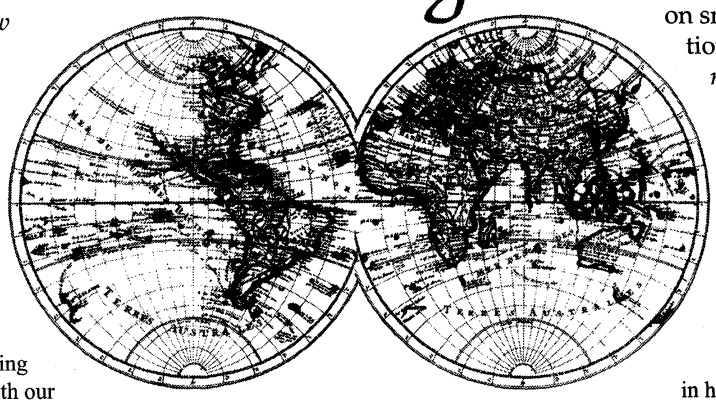

New York

Advance in prophylactic aesthetics, reported by the *New York Post:*

Available soon from City Hall: an official New York condom in a jazzy wrapper, perhaps one printed with a colorful subway map or some other city theme.

New York City hands out 1.5 million free condoms a month in ordinary wrappers, and health officials figure people would be more likely to actually use them if the packaging were more distinctive. "Brands work, and people use branded items more than they use non-branded items, whether it's a cola or a medicine, even," Health Commissioner Thomas Frieden said.

Paris

Pioneering idea for increasing employee efficiency, noted in the *Washington Post:*

France introduced plans to spend $9 million this year to improve public awareness about sleeping troubles. About one in three French people suffer from them, the ministry says. Fifty-six percent of French complain that a poor night's sleep has affected their job performance, according to the public-health ministry.

"Why not a nap at work? It can't be a taboo subject," Health Minister Xavier Bertrand said. He called for further studies and said he would promote on-the-job naps if they prove useful.

Providence, R.I.

Pacification of feudal impulses, described in *The New York Times:*

Patrick Agin, a high school senior in Portsmouth, R.I., was surprised by his school's refusal this fall to use a yearbook photograph of him dressed in medieval chain mail, with a broadsword over his shoulder.

The school said the picture ran afoul of its zero-tolerance weapons policy. "Students wielding weapons is just not consistent with our existing policies or the mission of the school," said Robert Littlefield, the principal. "I think the picture speaks for itself."

Cincinnati

Earnest enforcement of a ban on smoking in public accomodations, recounted in the *Cincinnati Enquirer:*

After the Ohio Department of Health sent Will DeLuca a letter warning him that he was in violation of the state's new smoking ban, DeLuca said his restaurant "has been open over three years. I've never allowed smoking."

But DeLuca does burn oak in his wood-fired pizza oven. The smoking ban states no one shall burn tobacco or "any other plant."

St. Paul, Minn.

Community theater, as presented in Minnesota House Bill H0224:

1.5 Section 1. [138.99] POET LAUREATE.
1.6 Subdivision 1. Appointment.
1.7 The Gov' shall appoint a state poet laureate,
1.8 Who shall serve for a four-year term.
1.9 Because this appointment will always be great,
1.10 There's no need for the Senate to confirm. . . .

1.15 Subd. 2. Removal.
1.16 The poet will be free to write rhyming lines,
1.17 With removal only for cause,
1.18 But we trust that the bard will promptly resign,
1.19 If the verse reads as badly as laws.

Milwaukee

Curious grounds for a labor appeal, from the *Milwaukee Journal-Sentinel:*

Police officer Kevin Dudley was fired for "failing to provide services and not being civil and courteous" for a variety of infractions over an 11-year career, including one notorious incident when he drove away after he was flagged down by a citizen who was being chased by a man with a gun.

Milwaukee Police Association vice president Tom Fischer expects Dudley to appeal the firing: "I've never seen anybody fired in my 27 years for uncivil and discourteous behavior."

Augusta

Policing enters the Internet age, spotted by the *Augusta Metro-Spirit:*

Among the patrol officers with the Richmond County Sheriff's Department who have posted MySpace profiles is "SaintJaysin," who lists his job as a "roadkill investigator" with the sheriff's department. A blog entry entitled "rules of engagement" offers advice to those he encounters on patrol: "Five: Continue to wear your pants low, it looks really cool and helps you run and fight better. Six: I didn't realize how easily gold teeth can be removed.

"P.S.," he writes, "Vodka and dial soap will get blood out of your uniform."

Washington, D.C.

Curious public relations strategy for the congressional page program, noted on Politico.com:

The Mark Foley scandal, which last fall threatened to kill the congressional page program, has had the opposite effect: interest from teenagers in the program is on the upswing.

"I don't think it's surprising," said a spokesman for House Speaker Nancy Pelosi's office. "It's an incredible opportunity for a high school junior to come to the Capitol and be so close to the legislative process."

"Maybe it's just more publicity; that's what I would guess," said a spokeswoman for Rep. Chris Van Hollen, D-Md. "People didn't know about it before and now are suddenly more interested."

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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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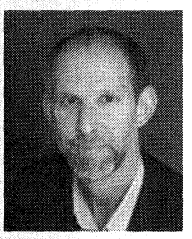

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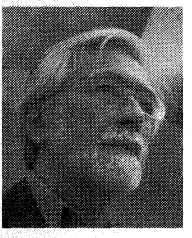

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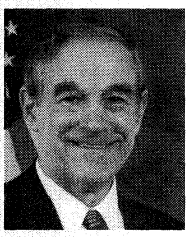

Representative Ron Paul
Republican Congressman from Texas.

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From the Editor

The other day, the leading personalities of the condo complex in which I live decreed that the outer doors of the building would be "rekeyed." They gave us lesser mortals short notice, leaving most details of the transaction obscure — details such as when, exactly, we would get our new keys. At times like that, you suddenly realize how much you depend on certain things that you normally take for granted, such as your ability to open your own front door.

If you don't have a *way* to get in, you can't get in. You can't sleep in your bed. You can't read your books. You can't enjoy your music. You can't eat your food. And you can't entertain your friends.

Looking at the little, strangely shaped brass object in my hand, it occurred to me that Liberty is like a key. It lets you into a world that you otherwise wouldn't be able to enjoy. It may not be a world of wealth and power, but it is a world of books and ideas, a world of thinking men and women. For believers in human freedom, it is also home.

When I looked at the key, I appreciated for the first time its odd, serrated edge. Somehow, only an irregular outline will work. It's the stamp of individuality: only *this* key will fit *that* lock. In the same way, Liberty's contents have an edge to them — a curious, irregular edge. If anyone thinks that Liberty should be smooth and regular, I'm sorry: that key won't open the door.

But if you have the right key, and you struggle with it a bit, you will find that it fits the lock of this world's important issues. It's a match for what it's addressed to. Open the door, and come inside.

For Liberty,

Stephen Cox

Letters

Hearing Aid

The suggestion by Stephen Cox in the March Word Watch that the "mighty king" in the last stanza of "Do You Hear What I Hear" is a reference to King Herod is unfortunately careless of him. The sequence of speakers in the song are the night wind, a little lamb, a shepherd boy, and a mighty king, to whom it is said "Let us bring him silver and gold." Obviously these are references to the infant narratives in Luke and Matthew and the mighty king is one of the wise men, or kings of the East in Matthew's account.

Sam Treynor
Kingwood, Texas

Cox responds: I appreciate Mr. Treynor's suggestion, but I don't hear what he hears. The king in the song is said to be in his "palace warm," not tramping the road to Bethlehem. The wise men in the gospel of Matthew, the only one that mentions them, bring gifts of gold, frankincense, and myrrh, not silver. And although later legend makes them "kings," in the Bible they are only "wise men." Of course, the more inane a song is, the more interpretations may seem plausible.

Down by the River

Doug Casey wrote in his article "The Empty Breadbasket" (March): "Despite the good things that Europeans brought to Africa (actually, there are only two: capital and technology), the way they did it, colonialism, set the continent back massively."

I'm afraid Casey misses the mark. While African colonialism may have set the stage for corrupt government,

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Inside Liberty

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2 **Letters** Tit for tat, or the other way around.

5 **Reflections** We nuke peanut butter, nullify a jury, shoot smack peddlers, flee Germany, vouch for Utah, dodge a Californian fatwa, cozy up to Iran, find a different hospital, give our cars some chutzpah, and hope you make lots of money.

Features

18 **Our Next President** *Bruce Ramsey* casts an eye over the unappealing list of would-be presidents, and an early vote for "None of the Above."

21 **Global Warming, Global Stifling** Most scientists now agree the earth is warming — but few dare disagree with the popular opinion on the extent and danger of that phenomenon. *Gary Jason* speaks out, at the risk of being labeled a "denier."

27 **Smokey and His Bandits** Despite its failures, the Forest Service enjoys a steady income of taxpayer funds. *Randal O'Toole* pokes through the ashes of a fiscal flame-out.

33 **An Open Letter to My Fellow Christians** *Laurence A. Vance* appeals to his brethren: seek to change hearts, not to make laws.

37 **Sundown** Three decades of tears gushed from Petros Akopich's eyes. He could see everything clearly now.

Reviews

41 **The Vision of the Anointed** In three years, Barack Obama has gone from the Illinois state senate to the front of the presidential race. *James Walsh* scrutinizes his meteroic rise.

46 **The Constitution and Its Emanations** *Stephen Cox* peers into the mind of a Supreme Court justice who acts as if the Constitution means what it says.

49 **A Triptych of Biopics** *Jo Ann Skousen* views films about real people: a member of Parliament who just wants his bill to pass, a spy who just wants to be appreciated, and a queen who just wants to walk the dogs.

51 **The Wife and Crimes of Horace Rumpole** When the War on Terror reaches the British courts, will it be Star Chamber or the Old Bailey? *James E. Ferguson* checks in on a new era for Britain's most memorable barrister.

52 **Notes on Contributors** The italicized and the beautiful.

54 **Terra Incognita** A bit of undigested beef, a blob of mustard, a crumb of cheese.

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he doesn't understand the real reason the continent struggles with economic development: African rivers. Navigable river systems are crucial for any economic system and the Africa doesn't have them. Fall lines, weeds, and the seasonal nature of the rivers in Africa hinder the traditional cheap transportation of cargo. Until this is remedied, Africa will continue to suffer underdevelopment despite her massive resources.

Jim Bedenbaugh
Broken Arrow, Okla.

The Extent of the World

I have been a Liberty subscriber for many years. More than that, Liberty had become the only publication, save for a single financial journal, whose existence I deemed valuable enough to support with a paid subscription. Now, having read Bruce Ramsey's article, "Our Allies, the Conservatives" (December 2006), it is time we part company.

Tree diameter? Bicycle helmets? Broadcast licensing? Health care? Is this the extent of this man's world? The Republican and Democratic parties have invaded a sanction-ravaged country, enabled the slaughter of more than half a million innocent people, pissed away a century's worth of U.S. prestige, and are trashing the armed forces. Republicans and Democrats have locked up so many U.S. citizens that we now lead the world in incarceration rates. Their ongoing debasement of our once-mighty currency is epic in proportion; horrific in its implications. Their bipartisan commission has produced a report on the events of Sept. 11, 2001 that is beyond belief. And these observations are just a few highlights, if you will.

For Ramsey to recommend the Republican platform as worthy of any patriot's vote is simply delusional. My strategy for electoral success, one that has nothing to do with party purity and everything to do with integrity, is to never vote for a Republican or a Democrat, no matter the office, no matter the candidate. Give these politicians scorn, derision, and in some cases prison, but definitely not votes.

True, mine is a very small church, but one at which I will always worship. I have no tolerance for murder, mayhem, and tyranny, nor those, like Liberty, who give it voice.

John Noto
New Bern, N.C.

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Send email to letters@libertyunbound.com. Or mail to: Liberty Letters, P.O. Box 85812, Seattle, WA 98145.

Still Going Strong

A statement in the recent issue discussing the passing of Milton Friedman ("The Rational, The Relentless," February) suggested that with Friedman gone, all the great libertarian figures of the 20th century had left the scene. And it is true that Friedman's death followed those of Mises, Rand, Rothbard, and Hayek, who with Friedman make up the "Big 5" of Brian Doherty's excellent recent history "Radicals for Capitalism" discussing the 20th-century libertarian movement.

But I beg to differ. Thomas S. Szasz still lives at 87. He is as prolific in his field as Friedman was in his, and at the beginning of their respective careers he fought against as great a tide as Friedman, staking out claims about the nature of mental illness that "everyone" knew were wrong, just as "everyone" knew that Friedman was wrong and Keynes was right on the workings of a modern economy. That economics came to understand Friedman was right while psychiatry continues to ignore the trenchant arguments made by Szasz proves only that economists are more amenable to rational argument, and have less to lose (financially and existentially) than psychiatrists, not that Friedman is a more accomplished theoretician and rhetorician than Szasz. People who have read his works know that it is nigh impossible to be a better rhetorician than Szasz.

Both were bold, brave, and brilliant libertarians. It is our loss that Friedman is no longer with us, and our good fortune that Szasz not only is, but continues to produce books and articles at a pace not expected of one half his age. And while he is still with us, not all of the great 20th-century libertarians have yet passed from the scene.

Ross Levatter
Phoenix, Ariz.

continued on page 53

Reflections

Tender loving care — On March 5, it was announced that Vice President Cheney has blood clots in his left leg. With any luck, a major political figure such as Cheney will be sent for treatment to Walter Reed Medical Center, the premier government facility in the D.C. area. There he can receive the treatment he so richly deserves. — Ross Levatter

Buen provecho — "Have a nice day" is the verbal equivalent of a smiley face. In the course of a normal day, we must hear it more than a dozen times from the countless clerks, checkout personnel, receptionists, Wal-Mart greeters, business attendants, and various other people with whom we deal on a daily basis. For a little novelty, I've taken to responding with "Make lots of money." I feel it is particularly apt, on libertarian grounds. And it wishes good fortune on the recipient.

I'm amazed at the responses. Most people chuckle — or at least smile — at the unexpected quip. But it's the follow-up response that always gives me pause for reflection. A few folks, mostly entrepreneurs, take the exhortation for what it is; a sincere wish for the person to prosper. However, most people respond wryly that *they* don't make the money, *the employer* does.

There is, however, a surprising consistency in the reaction of Hispanics — whether recent arrivals or long-time residents — of whom there are many in my home state of Arizona. Invariably, they break into a big grin and thank me profusely for the good wishes. Maybe open immigration isn't such a bad idea. — Robert H. Miller

March of Dollars — When I received an honest to goodness U.S. "legal tender" paper dollar as a giveaway in a request for a donation from a tax-exempt organization, I said to myself, "We must really be approaching 'runaway inflation'!" I had received nickels and pennies before in such requests, along with calendars, notepads, greeting cards, and address labels. But never a whole dollar. However, maybe the U.S. dollar hasn't yet lost *all* its value. When I showed the mailing to a friend and commented about how low the U.S. dollar had sunk, he asked, "How do I get on that mailing list?" — Bettina Bien Greaves

Nick Dick's tricks — The U.S. government, in tandem with its "surge" policy in Iraq, has been ratcheting up the psychological pressure on Iran. First, a carrier battle group was dispatched to the Persian Gulf, where it will join another already in place. Next, U.S. forces seized some Iranian operatives in Iraq. Then the Bush administration made the claim that Iranian ordnance, including sophisticated bomb-making materials, is being supplied to anti-U.S. forces in Iraq.

A media storm was created by the Bush administration's charge that Iran's elite Qods force, at the behest of high Iranian government officials, is shipping weapons into Iraq for the purpose of killing Americans. The American media, burned once by the weapons of mass destruction fiasco at the outset of the Iraq war, have been wary of the administration's assertions. (The exception to this is Fox News, which receives every administration utterance as a revealed truth.) As usual, the media have it wrong.

Whether the Bush administration can produce proof is irrelevant. There can be absolutely no doubt that Iran is seeking to make the American occupation of Iraq more difficult. Such a policy would naturally include supplying weapons to at least some of the groups that are fighting the U.S. Moreover, the Iranians have every reason to do this. The U.S., which has shown an implacable hostility toward Iran, has intervened without international sanction in Iraq, Iran's next door neighbor. Looking at the situation from the Iranians' point of view, how could they sit by and do nothing?

The Left fears that war is coming. But the Left, like the media, is mistaken (no surprise there). The U.S. doesn't have the ground forces available to wage war on Iran. And even the Bush administration is not going to bomb Iran back to the Stone Age, killing tens of thousands of civilians in the process.

What then to do? I suggest taking a page out of Dick Nixon's book. In 1971–72, the Red Chinese were supplying North Vietnam with weapons that were being used to kill American troops in South Vietnam. Didn't stop Nixon from going to Peking, did it? Nixon's move was the right one, strategically, given the realities of the time. In the situation we face today the correct move would be to improve relations with Iran, the key nation in the Middle East. Whoever holds that key will be in a position to dominate events in the region. Better us than Putin's Russia or the Red Chinese.

Sad to say, it doesn't look like we're moving in that direction. As I write this, a multi-nation summit on Iraq is about to convene in Baghdad. Both the U.S. and Iran have accepted the Iraqi government's invitation to attend. Unfortunately, the U.S. ambassador to Iraq, Zalmay Khalilzad, has said that there are no plans for a face-to-face meeting with the Iranians.

Having seen more than enough of Dick Nixon over the years, I have no desire to conjure up his ghost. But even Nixon's ghost possesses more foreign-policy substance than the people who are making U.S. policy today. — Jon Harrison

From the cradle to the plane — Two recent AP stories speak to the demographic dilemma that Germany currently faces. The first story was about a growing problem for the German economy: more and more highly skilled workers are leaving, and fewer immigrants are arriving.

We're talking primo workers, such as doctors, nurses, engineers, and technicians, most of them young. The German welfare state — the ur-welfare state, as it were — with its high taxes, stifling regulation, and attendant high unemployment and lack of economic mobility, drove almost 150,000 Germans to emigrate in 2005, making that the first year since the '60s when emigration exceeded immigration.

There are credible fears of a "brain drain." Germany now suffers from a shortage of engineers and doctors, while also suffering from an official unemployment rate of 10.5% (and an actual rate that is higher still, because unemployed people are often parked in schools). Twelve thousand doctors work abroad, and so many academics have emigrated that a network of German universities and technical schools now has programs in the U.S. to keep émigrés informed of job openings in Germany, to get them back if possible. Considering, in addition, all the businessmen who have fled, it's obvious that the German state has a problem on its hands.

The second story pointed to another problem. It was about a German woman who was stressed on New Year's Eve, because it looked as if her baby would be born before midnight. The government's new program to pay people to have children started with the new year, so if her child came before 12 a.m., she and her hubby would miss out on a $13,200 bonus from the government.

Yes, Germany has joined the club of European nations that pay women to bear children. Other nations include Estonia, France, Hungary, Italy, the Netherlands, Russia, Serbia, Spain, and Sweden. Under the German program, a parent who stops work to raise a newborn receives two-thirds of his or her income (up to $2,375 per month). Low-wage workers can claim 100% of their income. The compensation is for a full year, with two more months tacked on if the parents take turns staying home.

Germany is in the welfare-state demographic pickle. Its high taxes and lousy business climate drive people, especially productive and entrepreneurial people, out of the country. It has to pay couples to reproduce, and the payments are bound to push taxes even higher. The root problem is the welfare state, which destroys incentives to have children (who needs kids, when Big Bismarckian Mama will take care of you in your declining years?) and forces productive people to flee the ever-increasing costs. — Gary Jason

Losing wager — H. David Meyers, 62, is a skilled classical oboist, having performed in Carnegie Hall at 15 and recorded last year, with the St. Petersburg Philharmonic, a Beethoven concerto whose score had been lost for almost 200 years.

But classical music provides only a few practitioners with a decent fulltime income. Meyers had a sideline. Between 2001 and 2004, according to court papers, Mr. Meyers operated a business called Sports International that solicited and helped place thousands of bets on sporting events. It was apparently fairly sophisticated: working with his brother-in-law, Meyers gave prospective bettors passwords and access to a toll-free phone line that connected them to a betting parlor in the Dominican Republic.

Meyers copped a plea — to spare his family, he says — but he told a reporter that he still doesn't think he did anything illegal. He was sentenced to a year and a day in federal prison.

Whether he did anything illegal or not, he didn't do anything genuinely wrong. People bet on sporting events all the time. Some of them may become seriously addicted to gambling and wreck their lives, but not all of them do, certainly. Governors of states place friendly wagers on the outcome of the Super Bowl and other events. States sponsor and run lotteries.

Making such activities illegal pays premiums to those most skilled at concealment and sometimes (if deemed necessary) violence. Gambling would do considerably less social harm if it were all out in the open. Illegality favors gambling interests that are protected by the state from competition, which may be the real reason for making some kinds of gambling illegal.

So here's a talented musician still in what is his prime, for classical musicians — with his life ruined. He's been forced to sell his house, with the government taking whatever profit ensues, because he did what the best businessmen do — provide a service that people want and are willing to pay for.
— Alan Bock

Santorum's new digs — "I'm sorry, I didn't think I was going to talk about 'man-on-dog' with a United States Senator — it's sort of freaking me out." That reaction came from an Associated Press reporter during a 2003 interview with Sen. Rick Santorum, right after Santorum explained that he didn't have any problem with people's orientations, just so long as they didn't act on them, say with a goat or a laid-back Shar-Pei.

With a knack for freaking out an ever-growing multitude of people over the ensuing three years, Santorum stumbled into the November 2006 election, according to the polling firm Rasmussen Reports, as the nation's "most vulnerable incum-

bent." Ranking dead last in voter approval in the Senate at the time of the election, Santorum's drubbing at the polls by Bob Casey, 59% to 41%, was statistically the biggest win by a Democratic Senate candidate in Pennsylvania history.

In his new job, Mr. Santorum is an employee of the Ethics and Public Policy Center, a Washington-based thinktank. "Our mission is to explore how the Judeo-Christian tradition applies to public policy," explains the center's president, M. Edward Whelan. More specifically, Santorum will create and run EPPC's new "America's Enemies" program. "It's a stark name," says Santorum, "but we wanted to be candid about the fact that America really does have enemies and to point out that the nature of these enemies is much more complex than what people realize."

Note that we're dumb — again. Just as we were moral pygmies when it came to understanding the gathering man-on-dog storm, now we're foreign policy pygmies when it comes to recognizing that America "really does have enemies" and that "the nature of these enemies is much more complex" than we dumbos realize. "I was left after the election with a very clear sense of two things," explains Santorum. "Number one, the more I looked into the threat that confronts us, the more concerned I was about the gravity of that threat. And, number two, the more convinced I was that the American people didn't understand it."

The ex-senator is "convinced," in short, that we just don't get it, don't see the "gravity" of things, don't "understand it" — just as too many of us didn't understand his make 'em suffer prescription for helping the poor. "Making people struggle a little bit," he maintained, "is not necessarily the worst thing." We were also too dumb to "understand it" when Santorum suggested that our time alone wasn't exactly none of the government's business. Asserting that "the right to privacy doesn't exist, in my opinion, in the United States Constitution," Santorum blamed the Supreme Court for our overly libertarian notions about individual freedom and privacy: "It all comes from, I would argue, this right that was created, created in *Griswold* — *Griswold* is the contraception case — and abortion."

Griswold is the 1965 case in which the Supreme Court ruled that the Constitution protected a right to privacy. The case involved an 1879 Connecticut statute that outlawed the use of "any drug, medicinal article or instrument for the purpose of preventing conception." Start by giving married couples the right to use contraceptives, and the next thing you know it'll be man-on-dog, a full-blown barnyard free-for-all. "What I'd like to do," explained Santorum, "is have these kinds of incredibly important moral issues be decided by the American public, not by nine unelected, unaccountable judges."

Mob rule? No Constitution? No birth control if the majority of Americans become Quiverfulls? The Quiverfull movement draws its inspiration from Psalm 127: "Like arrows in the hands of a warrior are sons born in one's youth. Blessed is the man whose quiver is full of them." In any case, John J. Miller, National Review's national political correspondent, reports on how Santorum views his new "America's Enemies" job: "One of his focal points will be religious liberty and how people of faith might confront radical Islam."

On the liberty part, Mr. Santorum might want to begin by studying what the Founding Fathers had to say — for starters, this thought from Thomas Jefferson: "Reading, reflection and time have convinced me that the interests of society require the observation of those moral precepts only in which all religions agree." Or this, also from Jefferson: "I would rather be exposed to the inconveniences attending too much liberty than to those attending too small a degree of it."

— Ralph Reiland

Just as we were moral pygmies when it came to understanding the gathering man-on-dog storm, now we're foreign policy pygmies when it comes to recognizing that America "really does have enemies."

The ruling class — Environmental guru Al Gore was criticized recently for being escorted around the security line to catch an American Airlines flight out of Nashville. Questions were raised about why he thought he had the right to avoid the security check, since those of us who have been flying commercial since 9/11 know that security is thorough and inflexible. Al Gore's behavior made him look like he hadn't flown on a commercial plane in over five years.

He probably hasn't. Somebody like Al Gore has the money and influence to charter private jets whenever he needs to get somewhere, despite the huge contribution such extravagance purportedly makes to global warming. Why would he start changing his travel plans now?

Well, shortly before this incident occurred, his electric bill was published, and it was discovered that his mansion in Tennessee uses more electricity in a month than most American homes use in an entire year. It seemed hypocritical for someone who tells Americans that we all need to conserve energy, so his advisers probably told him to start acting more like a conservationist. But the torture of an airport security check, which the rest of us have grown accustomed to, was apparently unbearable to someone like Al Gore, who is more comfortable when surrounded by the finer things in life.

Try as they may, politicians cannot hide their preference for special treatment. Even a guy as conspicuously egalitarian as Al Gore occasionally reveals his disdain for being treated like a commoner. That's the main reason why the communist goals of the last century were never realized: when the leaders talked about a classless society, they were talking about everyone else.

— Tim Slagle

Nukes, tacos, and tariffs — Mexico's poor are being hit hard by a 14% increase in the price of tortillas, the main staple of their diet. Poor people throughout the world are victims of a steep rise in the price of corn. The reason is the spike in demand by American ethanol plants.

Ethanol is touted by environmentalist and agribusiness

lobbies as a cure for oil shortages, and for global warming, which is presumably caused by the burning of fossil fuels. The irony exists on several levels.

First, ethanol is a lousy alternative to fossil fuels, if your concern is global warming and oil shortages, because the burning of ethanol produces greenhouse gases (carbon dioxide and water vapor), and the production of ethanol requires large inputs of energy that now come primarily from coal plants — plants that produce copious amounts of greenhouse gases and such nasty pollutants as sulfur and radioactive isotopes.

Second, if you want ethanol, it is far more efficient to get it from sugar cane than from corn. Corn has much less sugar content than sugar cane (hence the name, "*sugar* cane"). But American corn and sugar cane growers have made it impossible, by means of a welter of tariffs, to import either sugar cane or ethanol from countries such as Brazil, where it is plentiful.

Third, the leftist elites who form the true believers of the High Church of Environmentalism are the very ones who profess profound concern for the poor, yet who couldn't care less what effect their environmentalism (not to mention farm subsidies, to which they do not object) may have on third-world people.

How about addressing global warming (and oil shortages) the rational and *compassionate* way, by building nuclear power plants as quickly as possible? We would then need less fossil fuel and ethanol. Oh, and cut a free-trade bill with Brazil, so that any ethanol we do need could be obtained more cheaply, helping both the Brazilian people and the American taxpayers. That way, corn could actually be used to feed people.

— Gary Jason

Jury stultification — The week the Scooter Libby

Word Watch

by Stephen Cox

"Stix Nix Hix Pix." That's the headline that James Cagney reads in Variety, then tries to explain to some young people who don't read anything. You can see it all in Cagney's song and dance movie "Yankee Doodle Dandy" (1942). The headline means: "People in small towns and rural areas (the sticks) don't like (nix) movies (pictures, pix) about them (hicks)." Stix Nix Hix Pix.

Of all the movies that have ever been produced, I suppose that "Yankee Doodle Dandy" has the strangest narrative method. It purports to be a story told by George M. Cohan, Broadway composer, to Franklin Delano Roosevelt, president of the United States, in his office in the White House. You can't say that about "War and Peace." "Yankee Doodle Dandy" has some of the best dancing, and the most embarrassing dialogue, ever put on celluloid. But that's not what I want to talk about. I want to talk about a headline that recently appeared in the San Diego Union Tribune. The headline said, "Freeze May Harvest Record Loss."

That means, I suppose: "Cold Weather May Result in Record Loss of Crops." But try to picture what the headline actually says. First, picture a Freeze. He's a tall, blue-skinned gentleman, with icicles dangling from his chin. Now picture him harvesting something — picking avocados, digging potatoes, bringing in the sheaves. Only this time, he's harvesting a "Loss." Picture that. Just try.

What does Mr. Freeze do with this Loss? Does he cut it, delve it, thresh it, can it, ship it? Does he get the best price he can for it at a roadside stand? Does he eat it himself, when the customers don't come? But remember, this is a *record* loss, so he should be able to get top dollar for whatever he *harvests* of his crop.

Well. The sad fact is that our overzealous headline writer just wanted to say that frost is bad for certain fruits and grains.

The linguistic disaster that befell the Freeze story wasn't nearly as bad as the wreck that occurred on December 6, when Yahoo! News, always a fount of unconscious humor, ran a headline that said: "Autopsy Expected in Father's Autopsy." An autopsy within an autopsy: that should keep the deconstructionists busy. And even that isn't as bad as the kind of thing one sees in sports reporting.

I am not a football fan, but I am an alumnus of the University of Michigan, so I was interested to read the online NCAA Football report on the demise of Michigan's famous former football coach, Glenn Edward ("Bo") Schembechler. According to this account, the coach "collapsed at a TV studio, where he was taping a show about Saturday's game, and . . . his death was confirmed after being brought to a hospital."

Schembechler's death must have been in really rough shape if it couldn't survive the trip to the emergency room. In olden days, of course, deaths didn't need to be brought to a place like that. They could happen right at home, or in the privacy of a television studio. Maybe the old ways were better, after all. Or maybe the wolverine state, *l'état des wolverines*, the goddess of the inland sea, is to be congratulated for discovering how to make death itself conform to a bureaucratic ritual. It is not allowed to happen outside a Medicare-approved hospital.

A lot of things that happen now didn't happen in the past. Consider, for example, a Reuters report on the Skakel murder case. Michael Skakel, as you may or — silly, irresponsible you! — may not recall, is the "Kennedy relative" who in 2002 was convicted of murdering a 15-year-old neighbor girl, back in 1975. It took that long to convict him, because his family was rich and, as I've said, related to the Kennedys. Now some of the Kennedys want to spring him, in fulfillment of his boast that he could get away with murder "because I'm a Kennedy."

Skakel is a vile, fat, ridiculous blob of protoplasm, and much the same can be said of his supporters. However that may be, Reuters now reports that Skakel is poised to appeal to the Supreme Court (what celebrated murderer doesn't?). But Reuters couldn't stop at that. It had to tack this on: "The case added to the aura of tragedy haunting America's most celebrated political family some four decades after

verdict was announced, I was a member of a jury pool. It wasn't my first stint on jury duty, and it probably won't be my last. I declare during *voir dire* that I won't convict anyone for anything I consider a victimless crime, nor in certain other cases, and I have yet to be put on a jury. But they keep summoning me.

A court official explained to us on the morning of the first day the things we needed to know in order to "do our honored duty." (I swear, she called it that.) The official finished her little speech and invited questions. A juror asked whether, if seated on a trial, we were allowed to take notes — since already in our first ten minutes we'd been told both that note-taking was encouraged and prohibited. The answer was, "That's up to the judge in each case."

I thought of a little book I once saw, called "How Many Three Cent Stamps in a Dozen?" It contains simple logic puzzles such as the one in the title. Feeble minds might puzzle over it for a long time; an able thinker, undistracted by the number "three" in the title, quickly answers "twelve."

The woman asking about taking notes was stuck on the "three." So were most of her fellow jurors. Here we were, a body of people who deliberate in secret, who have the ultimate power to decide guilt or lack thereof, being given instructions on how to rubber-stamp the wishes of lawyers and a judge — right down to proper note-taking procedure. The last time someone tried to teach me when and how to take notes was in primary school, for God's sake.

I imagine the deliberations in the Libby trial were much the same: a roomful of people stuck on the "three," asking the judge a question here about the circumstances under which they ought to find Libby guilty, a question there about what evidence they were "allowed" to consider. Right after the

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the assassinations of its most famous scions, John and Robert."

You said a mouthful, Chewie. Everybody's heart will be thrilled by the unusual selection of the noun "scions." Congratulations. That's a *strange* word that *very few people* understand. Impressive.

But where should I start on the rest of this? I'll start with the small stuff: that strange little expression "some." Why is it there? What does "some" add to "four decades after"? Nothing; it's simply a cheap trick, intended to make the mundane appear dramatic. One can use it in any sentence: "On July 26, 1950, some four years and 21 days after being born, George W. Bush was involved in an inconclusive quarrel with his alphabet blocks — some 26 of them."

Even "four decades" is a cheap trick. Its purpose is to make the irrelevant seem meaningful. You can use this one, too, in any sentence: "On February 17, 2007, 400,000,000 decades after the creation of the earth, 14 decades after the American Civil War, and three decades after the death of Franklin Roosevelt, Stephen Cox attended a screening of the silent film 'Ben-Hur' at Symphony Hall in San Diego." (It's true; I did.)

To answer your objection: yes, there are some cases in which time references of this kind aren't a cheap trick — but even with them, you need to watch your step and count your change. "On February 17, 2007, 82 years after the movie was produced, Stephen Cox attended a screening of the silent film 'Ben-Hur'" does indicate that *someone* is still interested in silent movies, despite the passage of time and the alteration of technology, but it doesn't prove that the whole wide world is interested, which is usually the implication of the "some X decades after" device. In the Skakel report, "four decades after" is supposed to suggest that the Kennedy family has been continuously haunted by an "aura of tragedy." And what if it has? Does "four decades" of "aura" make the Skakel case any more significant, or Michael Skakel any more innocent?

I suppose that "most celebrated" is accurate enough. The Kennedys are "celebrated," all right — although the word implies that they are not just universally known but universally liked, which is very far from the truth. Certainly, "celebrated" has no logical relationship to a news report about Skakel's appeal, although it does show you something about Reuters' view of its customers. Reuters evidently regards the audience of its news as a mob of nitwits who need to be told that the Kennedys have been "celebrated" — as if nobody had ever heard of Kennedys before.

But now we come to the heart of the matter, the "aura of tragedy" that is said to be "haunting" the doomed and blighted family. Even New Age types may find it hard to picture anyone being *haunted* by an *aura.* I can picture myself being haunted by my uncle Gerald, but being chased around the house by one of those "auras" or "energy fields" that are allegedly revealed by Kirlian photography . . . no, that's a little harder to visualize. So what is "aura" doing in that sentence?

"Aura" is the warning on the Q-Tip box. Every box of Q-Tip Cotton Swabs provides a warning: "Do not insert swab into ear canal." But of course, that's why people buy Q-Tips in the first place — so they can stick them up their ear canal. In case you stick one up too far, however, and succeed in injuring yourself, the Q-Tip people can always say, "We warned you; that's not what Q-Tips are for." In the same way, "aura" lets truth and falsehood exist together: "We're warning you; it's only an aura. Now go ahead and stick it up your brain."

The sentence in question presents the Kennedys as a "tragic" family — tragic like King Lear, tragic like Antigone, tragic like Anna Nicole Smith, tragic like any other hero who gains sympathy through suffering, with the implication that the suffering is largely undeserved. Throw "tragedy" into a sentence, glamorize it with "celebrated," spook it up with "haunted," and you're doing your part at maintaining the myth of the Kennedys' political godhood.

But suppose somebody wonders why you're being so summary about "four decades" of history? After all, a lot went on during that 40 years. Two Kennedys were assassinated — but not because they were good or bad. They were killed because their celebrity attracted the attention of crackpots with guns. Period. Then there were other events — many events — like the drowning at Chappaquiddick, which may have been tragic but in which the tragic figure was by no means a Kennedy.

So "tragedy" is a falsehood. All right, then: talk about an *aura* of tragedy. That will *warn* the audience. Keep sticking our product up your ear, but don't blame us for any damage. Oh, the Kennedys weren't really tragic? They weren't really *haunted?* They were just a buncha gumps like the resta us? OK; I guess you're right; it's their *aura* that's so misleading. But the manufacturer is not to blame.

All right; I hear you. Does this stuff deserve the attention that I've paid it here?

Yes, it does — until we get to the place where Stix really does Nix Hix Pix.

trial, a juror was already calling for Libby to be pardoned, in a tragic but common case of believing the lie that a juror's duty is not to judge the law and the facts, but simply to solve a logic puzzle according to the judge's instructions. — Patrick Quealy

At arm's length — Whatever you think of the outcome of the Scooter Libby trial — he does seem to have lied but I think bringing the case was an abuse of prosecutorial discretion, since special prosecutor Patrick Fitzgerald knew early on that Richard Armitage was the leaker — it will certainly make a difference in the way business is done in Washington.

Howard Kurtz of the Washington Post covered some of the bases in a story in which he quoted Jim Warren, a Chicago Tribune managing editor: "There is an all-too-unsettling nexus between the political and media elite. This was a nice little window into the mutual obsession with one another. There's the infatuation with power which we all have and which was vividly underscored, especially those of us at elite institutions."

In the future, at least for a while, promises of confidentiality by journalists are likely to be greeted with a bit more wariness by officials. Perhaps requests for anonymity by these people will be greeted with more wariness by journalists. The cozy relationships won't be quite so cozy.

On balance this might not be bad. I recognize that cultivating and using anonymous sources can sometimes be the best or even the only way for journalists to do what should be their real job: informing the public about what the government is doing with their money and their trust. But there's way too much anonymous sourcing in Washington reporting, and most of it has little or nothing to do with rooting out the truth. It has more to do with being used by an official to launch a trial balloon, dish an opponent, or score a point in intrabureaucracy power struggles.

The public could do with a lot less of this.

As the latest scandal fades, of course, those all-too-cozy relationships will reassert themselves. But even a short period in which officials and reporters are a bit more wary of one another can't be all bad. — Alan Bock

She's got game — On Feb. 28, a woman called in to Rush Limbaugh's radio talk show and raised sarcastic concern about presidential candidate Hillary Rodham Clinton's memory. "How," she said, "can we risk a president with so much memory loss?", referring to notorious episodes during the Clinton presidency when Ms. Clinton "forgot" the location of FBI files and legal records she had been asked to produce.

Rush responded directly. "That's not memory loss. She was lying!"

Well, if that's true (and, of course, it is true), seems to me she's demonstrated she has what it takes to be president.

— Ross Levatter

Big ball ban — "The truck ornament industry is not amused," reports the Washington Post (Feb. 23). The reason for their dearth of frivolity? A bill in the Maryland Assembly that would ban oversized plastic testicles from the undercarriages of vehicles statewide. David Ham, the founder of Your Nutz, a company that offers for sale "more than 200 kinds of fake testicles," certainly isn't laughing. "It's not a perverted sexual thing at all," he says. "It's a sense of humor."

But the sponsor of the bill, Delegate LeRoy E. Myers, Jr., disagrees, calling the ornaments vulgar and immoral, a "pretty serious problem" meriting some sort of punitive action. For what it's worth, I agree with Delegate Myers. Any person crass enough to attach a giant scrotum to his vehicle deserves some sort of punishment. Only problem is, I can't think of anything more fitting than to require such a person to *keep* the balls on his bumper, to make sure the rest of the world knows what a tremendous goober he is. — Andrew Ferguson

Bug out — Recent headlines featured another instance of the endless stream of stories about outbreaks of food poisoning. This one was about the recall of a run of Peter Pan peanut butter — an American icon! — after several hundred customers came down with salmonella poisoning. It came hard on the heels of headlines about *E. coli* outbreaks at Taco Bell restaurants. Food-borne illness (caused by bacteria and parasites) is a continuing problem. Each year, of the millions who probably suffer from it, 350,000 wind up in the hospital, and 5,000 in the morgue.

Most of these illnesses and deaths are preventable by food irradiation. If you nuke meat, poultry, fruits, and veggies with a mild dose of gamma radiation, you kill most of the bugs. Irradiation is recommended by the American Medical Association, the Centers for Disease Control, the Food and Drug Administration, and the World Health Association. Michael Osterbolm of the Center for Infectious Disease Research at the University of Minnesota estimates that we could prevent nearly a million cases of food poisoning, and hundreds of deaths could be avoided, by nuking just half the food supply. And a recent USDA research study points out that the dose of radiation needed to kill 99.999% of *E. coli* on fresh cut fruits and veggies can be well tolerated by those products.

This seems only logical. Clearly, the use of fire to cook food (and kill a huge percentage of the bugs within it) goes back to prehistory, and has been crucial to man's survival. After Lister, the use of disinfectant to control infection became as common in food processing plants as in hospitals. Since Pasteur, we have routinely heated milk and other liquids to kill bugs. We use microwave ovens to cook food, which irradiate food with, well, microwaves — which are, like gamma rays, a form of electromagnetic radiation. Why not take the next step and use gamma rays?

The problem is that passionate opposition comes from the organic food activists, environmentalist organizations, and soi-disant consumer advocacy groups such as Public Citizen. They fight relentlessly against food irradiation, using both propaganda and political pressure. They are often the same people who criticize the pasteurization of milk, preferring raw milk, with its extra microbes. They fear that irradiating food will make it taste bad, deprive it of nutritional value, or, even worse, make it carcinogenic.

There is scant evidence for any of this. Yes, if you over-irradiate food, it will be literally burnt, and it will taste lousy and lose its nutritional value. But that is no different from what happens with any other form of cooking. Put a nice plump burrito in the microwave for three hours instead of three minutes, and the result will be an inedible burrito. Put a lovely stuffed chicken in the oven to roast for two days instead of two hours, and the result will be a piece of charcoal. The amount and dura-

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tion of heat that produces the safest meals without loss of taste or nutritional value is easily discoverable by empirical tests.

Because of steady political pressure, however, only about 1% of our meat and produce is irradiated. The FDA has dragged its feet, considering irradiation some kind of food additive. They allow irradiation of meat, but with a warning label about possible risks! No such label is required for untreated meat that is laden with microbes — natch. Honestly, if Public Citizen, food activists, and the FDA had been around in Pasteur's time, we wouldn't have pasteurization today. In fact, if these folk had been around when the first hominid tamed fire, we wouldn't have fire.

The free market is the solution. Require food outlets and restaurants to state whether they irradiate foods, and if so, which ones; but also require them to report all incidents of food poisoning, and to state which came from irradiated and which came from non-irradiated food. The public will then be able to decide for itself whether irradiated food tastes worse than or has a safety record no better than non-irradiated food. I suspect that the next time a major store or restaurant chain has to deal with the results of an *E. coli* outbreak, you will see the public switch to irradiated food at the speed of gamma rays.

— Gary Jason

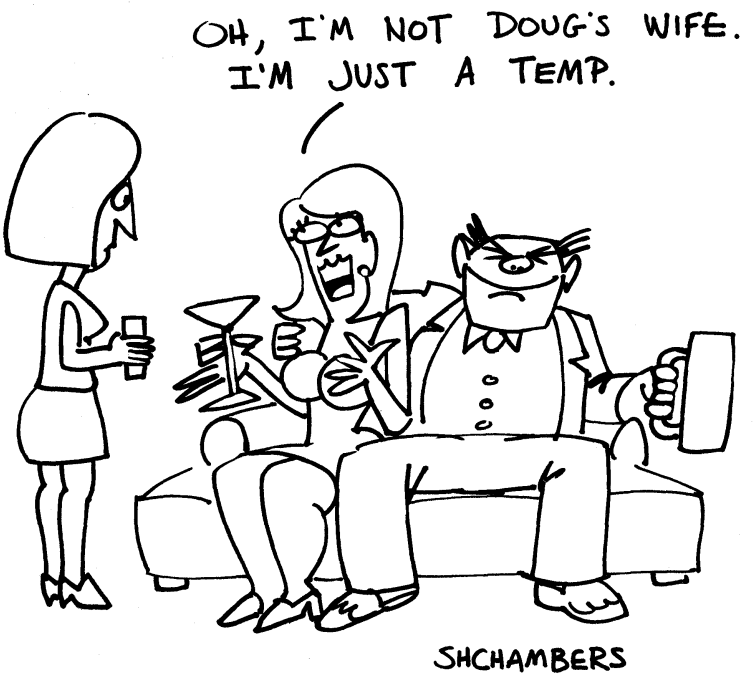

Learning the trade — If you need yet another reason for the United States to get out of Iraq as quickly as possible, the Washington Post recently wrote about how two dozen men from the city of Tetouan in Morocco have traveled to Iraq to participate with al Qaeda in insurgent or terrorist activities against American and Iraqi government forces. At least two suicide bombers have been identified through DNA evidence as being from Morocco. Moroccan authorities say "they have identified more than 50 volunteers who have gone to Iraq since 2003, and many more are believed to have made the journey undetected."

Not only are these young Moroccans creating trouble in Iraq, they are gaining valuable experience in guerrilla warfare and other terrorist-related activities. Some will probably be killed, or will kill themselves, in Iraq, but not all of them. They may return to their home countries, or they may go elsewhere after spending time in Iraq. Whatever they do they will have been "blooded" and will have gained experience that will make them more effective terrorists in the future.

Most observers know by now that it is a fantasy to think that luring terrorists from around the world to Iraq so we can kill them all is a side benefit of the war in Iraq (as some administration apologists used to contend not so long ago). Instead, as happened in Afghanistan when the Soviets occupied it, when the U.S. subsidized the insurgents and supplied them weapons, we may be helping to give birth to an even larger terrorist movement, by providing a place for would-be terrorists from around the world to gain experience and skills.

— Alan Bock

Chief Illiniwek, R.I.P. — The NCAA's war against Indian mascots (see my "Back to the Reservation," October 2005) has claimed its first high-profile victim. Since 1926, Chief Illiniwek has entertained University of Illinois students during football and basketball games, but the last home game of the season marked the end of his ride. The students, traditionally clad in orange T-shirts, switched to black for the occasion.

In the normal course of events, I wouldn't be too worried about the loss of a costumed mascot. Honestly, I wouldn't shed a tear if all costumed mascots were to disappear for good tomorrow; ever since as an elementary-schooler I was carried around by my ankles by the Southern Mississippi Golden Eagle, I've felt that sports could do just fine without the mascots. As long as the cheerleaders are kept around, for all I care Chief Illiniwek can take off his facepaint and fake buckskin and go back to being a dorky student again.

But the mascots are only the most visible targets of the campaign to preserve American Indian culture by purging America of the most visible evidence that the Indians were there. John McKinn, assistant director of academic programming (and doesn't that sound Orwellian?) for the school's Native American studies department, wants Illinois to drop the "Illini" name altogether — and, going by the "action plan" that the NCAA adopted to combat the Indian-mascot menace, the university should be required to.

However, under the compromise the university worked out, the name "Illini" can still be used, not because it refers to the mighty confederation of tribes that once controlled a vast swath of the Mississippi Valley, but rather because it is short for "Illinois." And "Fighting Illini" is kosher because it refers to the team's competitive (and, one assumes, abbreviated) spirit. That's right: the name couldn't be used as long as it referred to Indians. But now that it's an abbreviation of the

Up From Bureaucracy — Despite intense opposition and organized resistance from teachers' unions and other education lobbies, the school choice movement continues to move ahead. Vouchers have just scored a huge victory, this time in Utah. But it took persistence.

A couple of years ago, Utah's state legislature managed to pass a voucher law, but the then-governor vetoed it. The voters proceeded to kick that governor out and elect a new one committed to free choice in education. Recently, the Utah legislature passed a new voucher bill. And *this* time the governor (Jon Huntsman) signed it.

Even better, the Utah voucher program is a far more comprehensive plan than any this country has seen before. Under Utah's program, vouchers will be made available to *every one* of the half-million public school students in Utah. The amount of the voucher is tied to the income level of the parents, but even wealthy parents will be able to get $500 per child, while poor parents will get $3,000.

This program is a move in the right direction. Voucher programs have been enacted in a number of other places in the U.S. (such as Florida, Ohio, Wisconsin, and the District of Columbia), but these earlier programs have all been limited in terms of the students served: either they are restricted to special-ed students, or poor students, or students in a particular district or city. Utah's is open to all.

This voucher program is not perfect. First, it is not *pro rata;* that is, the students are not getting a full and equal share of what the state spends per capita on public school students. Second, the funds for the vouchers do not come out of the public schools' budgets. A failing public school that loses a student continues to receive that student's funding for five years. This mitigates one of the main reasons why vouchers work — the threat to failing public schools that if they don't reform, they will lose their customer base.

Random-assignment studies of existing voucher programs in the U.S. consistently show that vouchers improve education across the board. They don't just help students who use the vouchers to go to a private school and finally get a decent education; they also help students who remain in public school, because they force schools to provide a better service (to avoid losing more students). Other countries that have implemented vouchers (such as Denmark, New Zealand, and Sweden) likewise report improvement both among students who use the vouchers to attend new private schools and among students who remain in public schools.

Unfortunately, just as experience shows that vouchers work, it also shows that after a governor signs a bill into law, the teachers' unions will swing into legal attack mode. They will launch endless legal challenges, trying to stop the law from taking effect.

These unions are the epitome of monopoly privilege rent-seekers, groups that use government power to force consumers to use their services. But they are engaging in an especially despicable form of rent-seeking. If corn farmers force tariffs on corn, and I wind up having to pay more for corn, I'm just out money. But if the teachers' union forces my child to remain in a horrible school, it ruins my child's life.

It looks as if South Carolina will be the next battleground. There, legislation is in the works that will offer up to $4,500 a year to poor kids, and $1,000 to middle-class kids, to enable them to escape failing schools. These vouchers will be offered to something like 200,000 poor children.

The tide of educational liberation is swelling, and all the stolen millions of dollars that the teachers' unions throw against it (money confiscated from their members in violation of their rights), all the reactionary legal attacks they make against it, will only delay the inevitable. Sooner or later, students who deserve a chance at a quality education will be freed from the bondage of unconscionably wretched public schools. — Gary Jason

With a bang, not a whimper — Early in his first term, President Bush proposed vouchers as part of his No Child Left Behind Act. In exchange for dramatically increased federal spending on K-12 education, the act originally proposed rigorous testing and offered vouchers to students whose schools consistently failed the benchmarks. But to get support from teachers' union flunky Sen. Ted Kennedy, support that was needed to get the bill through a Democrat-controlled Congress, Bush caved on the vouchers. What emerged was the worst of all possible worlds: jacked up funding and watered down testing, and no free choice in education.

Now the act is up for renewal, and Bush has reinserted the voucher proposal. The Democrats have indicated that they will fight. I hope Bush will reflect on three things:

First, he should remember the treatment he has had at the hands of Kennedy. Despite early concessions and kind treatment, Kennedy has been an implacable foe, undermining the president in every way he can. He views Bush with all the fondness with which Ahab viewed the white whale. There is no point in appeasing this man.

Second, vouchers are now favored by a majority of voters, so if Bush fights, he will have public support. The voucher bill was just passed in Utah, and in South Carolina, Gov. Mark Sanford seems favorably disposed toward voucher legislation being prepared there. South Carolina increased funding for schools by nearly 150% over the past 20 years, only to see the state remain at the bottom of the rankings (50th out of 50 on SAT scores, only 25% of eighth-graders able to read at grade level, and so on). The people have had enough.

Finally, Bush's presidency is coming to an end. No more elections lie ahead, just retirement at the ranch. Bush will now be judged by history. So why not fight, fight like hell for what is clearly the right thing to do? Let the public see, once again, how the "liberal" hacks in Congress continue their child abuse at the behest of the teachers' unions. Hit the road; articulate the case for vouchers in every major city. Identify the teachers' unions by name as opponents of school freedom. Expose them as the rent-seeking bastards they really are. Do not go gentle — kick some ass on the way out. — Gary Jason

name of the state — a state named for the very same Indians — it's peachy keen.

With that principle in mind, I have some advice for those Illinois students who want their chief back: send him out in the same get-up as always, but this time call him Chief Illino. Explain that "Illino" is merely an abbreviation of the state name, and "Chief" a simple reference to his ceremonial leadership of those who think that Illinois is a swell place to be. And that should do it: the chief can dance, the students can cheer, the bureaucrats can be content that Indian culture isn't being portrayed on their watch.

The only one who won't be happy is John McKinn — but when's the last time his ilk was happy, anyway?

— Andrew Ferguson

Walter Reed for everyone? — The juxtaposition on the March 7th editorial page of The New York Times must be commented on. Immediately adjacent to a host of letters to the editor calling for universal government-provided health care — letters for the most part from special-interest rent-seekers like doctors hoping to gain income from universal coverage and presidents of lobbying groups ideologically committed to universal health care — you have an editorial deploring the problems at Walter Reed Medical Center.

Walter Reed is a premier example of the reality of government-provided health care made universally available, in this case to those who have served in this country's military. The willing suspension of disbelief among those longing for "free" health care provided and paid for by the government is mind-boggling. Free health care *is* available for veterans throughout the country and has been for decades. Few of them are surprised by the scandal at Walter Reed. There is a reason that most veterans don't take advantage of "free" health care if they have recourse to any alternative, even if it means paying out of pocket.

What's more, there is every reason to believe universal health care would provide services worse than those found in the VA system. After all, subsidies from taxpayers open up to the veterans additional resources, squandered and inefficiently used as they are. A universal system that attempts to subsidize everyone by taxing everyone brings no net money into the system at all.

Might I suggest a simple "test case" for those so desirous of universal health care? Let's hold off forcibly imposing this on the American public until we've seen reforms instituted in the relatively small VA system such that a) all veterans find it worthwhile to use that system for their medical needs and b) it is shown that all that can be achieved at a price taxpayers find acceptable. If that can't be accomplished, it is foolish beyond belief to think universal health care is practical and economically feasible.

— Ross Levatter

Taxes and death — In the March Liberty, this reflector told you ("Greener Mountain State") about some Vermont officials who are in favor of decriminalizing or even legalizing the possession and use of illegal drugs. A new chapter has been added to that story — one that I find quite disheartening.

Thomas Lauzon, the mayor of Barre, Vt., recently told the Barre Times Argus newspaper that he believes marijuana ought to be legalized. OK — so far, so good. But his honor the mayor then went on to say that traffickers in heroin and crack cocaine should be given the death penalty. The Times Argus quoted him as saying, "People who are dealing crack and dealing heroin have zero social value and should be put to death."

Well, Lauzon may be right that dealers of hard drugs have zero social value. But does it therefore follow that they should be *killed?* Just how does the state determine "social value?" If drug dealers possess no social value, then what about tobacco executives? Surely these do more harm, in terms of numbers, than traffickers in heroin and cocaine. So, shall we kill them, too? While we're at it, perhaps we should consider the destruction of those who peddle trans-fats. That's where Lauzon's logic leads us. His rhetoric is dangerously close to that of the late, unlamented Josef Goebbels — he who spoke of "social parasites" and "useless eaters."

Whether the state ought to have the right to kill anyone, no matter what that person has done, is very much open to question. In my view the state should not have the right to kill anyone other than those found guilty of premeditated murder. (To which I might possibly add those found guilty of treason, at least in wartime.)

Drug traffickers don't force themselves upon their customers, any more than do the purveyors of cigarettes, or booze, or fatty foods. Once and for all, the state needs to get out of the business of protecting us from, in effect, ourselves. Certainly it ought not to be killing people, even drug dealers, for the "common good."

Beware the state, my friends. First they come for your money. Then they come for your life.

— Jon Harrison

What's good for the Juice — On Feb. 22, AOL News ran a story about a recent court decision about O. J. Simpson. The court determined that any future royalties due Simpson for prior movie or TV work will go directly to the family of murder victim Ron Goldman.

The final paragraph in the article: "The 'If I Did It' project, in which Simpson was to explain how he might have committed the killings, was abandoned amid public outrage. Simpson, who maintains his innocence, has said he took part in the project to secure his children's financial future and that his advance for the project has already been spent."

Simpson's son Justin is 18 years old. His daughter Sydney is 21. The project under discussion would have reached fruition in November 2006, just 3 months prior to this news report. The rumored amount of the advance was several million dollars.

On reading this, should we congratulate Mr. Simpson on the amazing rapidity with which he has managed to "secure his children's financial future" or should we count this as one further piece of evidence that reporters routinely "report" claims with credulity?

— Ross Levatter

Never assume malice . . . — According to news reports, Bush administration officials are saying that it looks as if the U.S. blundered badly, back in 2002, when it firmly believed some apparently shaky intelligence about North Korea pursuing an alternative route to nuclear-weapons-capable fuel, i.e., enriched uranium. Now they're saying that the reports, centered on aluminum tubes (shades of Iraq) and

a centrifuge acquired from Pakistani personal proliferator A.Q. Khan, were only of medium reliability and may have been misinterpreted. The confrontational U.S. reaction to the information may have triggered the accelerated North Korean quest for some kind of weapons it could test and thereby display.

What's significant here is that Bush administration officials are feeding this kind of information to the media. Does this kind of second-guessing about past decisions come from administration dissidents, or is it now the official administration policy?

The episode illustrates that being eager to confront overseas regimes is an ideological position rather than a geopolitical necessity. Neocons are generally eager to detect slights and betrayals on the part of hostile regimes, slights and betrayals that demand instant and usually violent confrontation. The only way a regime maintains respect and leadership, too many Americans believe, is to kick a little foreign tail or lob a few bombs whenever the opportunity presents itself.

In foreign relations it may not be unwise to make sure that other countries know you have a big stick. But there are usually a dozen ways besides wielding the stick to handle a crisis or potential crisis. Sometimes if you do nothing the problem goes away; the sheer incompetence of nation-states is an often-underestimated factor in geopolitics. Miscalculations are common. The Soviet empire fell more because of its own weight than because of any shrewd strategic moves by the West. — Alan Bock

What things may come — What is going to happen in Iraq and with the economy? The latter is perhaps an easier call than the former, but the economy will be influenced by events in Iraq.

At this point, it appears likely that the "surge," notwithstanding the unfavorable press it has received, is working. Ultimately, it is up to the people of Iraq whether they will be able to create a semi-democratic country. The Kurds and most of the Shiites seem on board. It's really up to the Sunnis.

My guess, notwithstanding the ancient enmity between Shiites and Sunnis, is that Iraq's Sunnis will participate in a semi-democratic state. That may be wishful thinking. It is certainly hopeful. But it is possible.

In this case, the world will become a much more peaceful place. North Korea may be moving in the right direction. There is the hope — though, again, many and perhaps most would call it wishful thinking — that peaceful evolution in Iran is possible, particularly if Iraq moves to a successful resolution. The year 2007 will be a crucial one for the future of the Middle East.

While economic growth for the past couple of quarters has not averaged more than 2 to 2.5% on an annual basis, it is hard to see this as necessarily indicative of an economic downturn. There was a time, in the not too distant past, when 2 to 2.5% annual growth was considered quite good. It is a measure of the turbocharged nature of the economy that, after being

News You May Have Missed

D'Souza Issues Fatwa

PALO ALTO, Calif. — After Dinesh D'Souza's new book "The Enemy At Home" blamed the "moral degeneracy" promoted by liberals and Hollywood for instigating Muslim terrorism and urged his fellow American conservatives to join with conservative Muslims in combating it, it was only a matter of time, experts on Islam and leading psychiatrists concluded, before he followed it up by issuing a fatwa. But they were shocked by the ambitious, unprecedented scope of the fatwa, technically a ruling under Islamic law, when D'Souza announced it near his home in California this week while wearing an improvised white turban that had "Property of the Aladdin Hotel Las Vegas" written on it.

D'Souza's book has a long list of journalists, writers, and Hollywood celebrities, including Maureen Dowd, Toni Morrison, Norman Mailer, Barbra Streisand, Susan Sarandon, Cameron Diaz, and Martin Sheen, who are, he believes, responsible for provoking militant Muslims into jihad when they'd much rather be playing golf (many Middle Eastern miltants have taken up the game after discovering they were in a very large sand trap).

But D'Souza's fatwa features a much longer list of jihad instigators and calls for their beheading or even more severe punishment, such as forcing them to buy and read every one of his books. Among those on the list are Katie Couric, John Madden, Judge Judy, Santa Claus, Zsa Zsa Gabor, the Weather Channel, the Tooth Fairy, the Ohio State marching band, gay sheep, Hollywood penguins, ham sandwiches, men who play the accordion, women who dance the rumba, and a dog belonging to D'Souza's neighbor that won't stop barking.

The fatwa left scholars of religion reeling until it was explained to them that D'Souza considers reeling immoral and they would have to confine themselves to staggering. As Professor Hackfield Flogmore of the Iowa Institute of Middle Western Middle Eastern Studies put it as he gamely tried to stagger on, "It is extremely rare for someone who is not a mufti, or trained scholar of the Koran, to issue a fatwa, but really unheard of for someone who is not a Muslim to do so. This is going to result in a lot of muffed miftis . . . I mean, miffed muftis." (D'Souza has said, somewhat confusingly, that while his personal religion isn't Islam, it is, on the other hand, Isn'tlam.)

Yet the reaction to both D'Souza's new book and his unorthodox fatwa was surprisingly favorable among jihadist Muslims themselves. Baksheesh al-Rabid, an angry militant who had just qualified for a mortgage on an attractive three-bedroom cave overlooking Rising Gorge, a rugged valley in the remote, lawless border region of East Wherzatistan, said that without Hollywood celebrities he couldn't get out of bed in the morning, let alone put in a full eight-hour day of uncontrollable rage.

Meanwhile, D'Souza's hoped-for convergence between American right-wingers and fundamentalist Islam seemed to be taking off as Ann Coulter was given the only compliments she has ever gotten about her good taste after appearing in a full-length burqa.

— Eric Kenning

slammed by a genuine decline in real estate prices in many parts of the nation, the economy continues to show such growth. Employment is buoyant.

The price of oil has stabilized and may fall. Absent a major international event, further major price increases in the immediate future, much beyond about $70 per barrel, seem unlikely. Lower energy prices will decrease the rate of inflation and provide a boost to the economy. For domestic political reasons, the east Asians, especially the Chinese, continue to be interested in lending to us. The boom should continue.

My guess is that economic growth will pick up somewhat in the second half of the year, provided that there is no new international event and things in Iraq go tolerably, which would mean a continuation of the status quo. But America's time in Iraq is drawing to a close. It is now up to the people of Iraq to determine whether they wish to return to the sort of society they had before the United States and Great Britain invaded in 2003, or to move forward as a leader among the Arab countries in a different and better direction.

— Lanny Ebenstein

A face smashing into a boot, forever— Not long ago, the police raided a rave party in the city of Pune in India. Some people were consuming drugs. The police arrested everyone — about 280 people — and humiliated them in front of the TV cameras. The police confiscated not only drugs, but also cellphones, money, and, if I could see the TV recording properly, even condoms. All arrested were forcibly blood-tested and most were kept in prison for three days. Everyone will be required to report to the police every two weeks, as long as the case is not closed. In India, this can take years, if not decades.

It is obscene to arrest people for consuming drugs, but I am sure that many of the arrested did not take any. I wonder why Indians, even the educated ones, do not rebel when such police action is clearly against the established law. At least they could have refused to eat and drink. Nevertheless, in my opinion, their cooperation with the authorities is not the worst part. The youths accept their guilt and cover their faces. Society in general approves of what the police have done. Society believes that the police act as a deterrent.

During my university days, two decades back, whenever a resident student did something wrong elsewhere, the police would simply walk into our residence hall, arrest people at random, and keep them at the police station overnight, in filthy conditions, without any warrant. In those days life was simpler and people did not have as much money. We never had anything like a rave party. Today India is developing economically, and the winds of sexual liberation are blowing, at least in the cities, as I recently witnessed during a visit to India. But has this brought the concept of liberty, and love for the rule of law?

For a change, during my recent visit to India, I did not feel my usual frustration with how things happen there — as very soon I will take an oath of allegiance to "Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors," and become a Canadian citizen. I will exchange my "iron collar" for a much softer "leather" one. My friends ask me if my oath won't be a politically sacrilegious act. In fact, I will take my oath wearing a suit.

— Jayant Bhandari

Environmental advances — PERC (The Property and Environment Research Center) is celebrating the 15th anniversary of the publication of "Free Market Environmentalism" by Terry Anderson and Don Leal, in the March PERC Report. The development of free market approaches to the environment, of course, goes back further than this landmark publication, probably to 1974, when John Baden and Richard Stroup, in the Journal of Law and Economics, analyzed Milton Friedman's proposal that the U.S. Forest Service sell off its commercial timberlands.

In the 33 years since then, scholars at PERC and elsewhere have developed and refined a way of thinking about environmental issues that emphasizes freedom and personal responsibility. It stresses the stewardship stemming from property rights, the role of the entrepreneur in moving environmental protection forward, and the confounding power of government and special interests, all set against the background of classical (or, properly, neoclassical) economic principles.

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I was struck with how complete and full-bodied free market environmentalism has become as I reviewed student essays submitted to a contest sponsored by the Association of Private Enterprise Education. Students could choose from three topics: "What Causes Prosperity?"; "What Is the Role of Ethical Behavior in a Free Market?"; "Can Free Markets Protect the Environment?" The largest group this year chose the environmental topic but, more important, they did better because their essays had a coherence that was lacking in many of the other essays.

Certainly they were influenced by the background reading we provided, but even those who brought in other readings got the basics — especially the centrality of property rights and the perverse incentives often provided by government protection.

There is less consensus — in the student essays or elsewhere, as far as I can tell, on the causes of prosperity, even though economic freedom, property rights protection, and trade figured in most of the essays and are increasingly recognized as critical to prosperity. Even less consensus — none, I would say — emerges from the knotty issues surrounding the role of morality and markets.

For many, the basic questions remain unanswered. Few can answer the most fundamental question: does the market demand and enforce morality, or is morality outside the market, something that must infuse it if it is to succeed? Similarly, the debate over corporate social responsibility, kicked off by an essay by Milton Friedman at about the same time as free market environmentalism began, has never been resolved.

I believe that there are consistent answers to these questions, but so far no one has put them together. We can chalk up success in understanding the environment, but in other areas there's a long way to go. — Jane Shaw

Lamar Muse, R.I.P. — Perhaps no man was more responsible for the success of airline deregulation than Marion Lamar Muse. An executive with several airlines, his most significant job began in 1971 when he was hired as the first CEO of Southwest Airlines. The idea for that new airline had been conceived by Rollin King and Herb Kelleher in 1967 but it was continuously held up in litigation by established carriers like Braniff (based in Dallas, out of business in 1982) and Texas International (based in Houston, bought Continental and took the name). The "business harassment" is similar to that faced by Virgin America today. (Go to letvafly.com for details of their fight for recognition.) Muse's first task was to keep the bills paid until the airline finally took off on June 18, 1971. They would fly in the triangle made by the cities of Dallas, San Antonio, and Houston.

As an intrastate carrier, Southwest didn't have to deal with the Civil Aeronautics Board, a federal agency established in the days of the New Deal. It only answered to the Texas Aeronautics Commission. Pacific Southwest in California, which had been operating as an in-state carrier since 1949, served as the inspiration for the new Dallas-based carrier.

In 1972, Muse made perhaps his most signification decision as CEO. Still losing money and with bills to pay, he decided to sell one of Southwest's four Boeing 737s. But with one less plane, Southwest maintained the same schedule. Muse challenged his employees to turn the planes around (completely unload and reload) in ten minutes. The challenge was met, and Southwest started to make a profit. Today, Southwest still turns its planes faster than any other airline in the business.

Southwest's first profitable year was 1973, and they have made a profit every year since. Southwest has never laid off an employee. And since the stock went public, it has even outperformed Wal-Mart. Like PSA, Southwest's influence on travel in Texas was quick. By 1974, the number of passengers flying on the Southwest routes had more than doubled. Southwest was persuading people to fly who had never flown before, taking travelers out of their cars and expanding into more Texas markets throughout the '70s.

In 1976, Muse appeared before a committee of Congress-critters and federal airline bureaucrats. Muse recalled the meeting in his memoir, "Southwest Passage." When asked the difference between the Civil Aeronautics Board and the Texas Aeronautics Commission, he answered simply: "Well, sir, the major difference is that the TAC figures that we know more about running an airline than they do, and they let us do it." Two years later, much of the CAB's meddling was abolished.

Muse lost a power struggle and left his position that year, too. In 1980, he founded an airline called Muse Air, which was the first non-smoking airline. The airline was never particularly successful, and Muse sold out to his old employer in 1985.

Muse never lost his spunk, however. After the World Trade Center's destruction, he sent this fax to Southwest Chairman of the Board Herb Kelleher: "Here's what I would do right now if I was in your shoes. First, I would install a temporary fix on the cockpit door so that it could not be opened. Second, I would install as permanent equipment in the cockpit two .38 caliber revolvers loaded with bullets that would not penetrate the fuselage. Third, I would install stun guns as permanent equipment in each galley. Fourth, I would tell the FAA to go f—— themselves, and, finally, I would advertise the hell out of it, and just dare terrorists to try something. I guarantee you, passengers will swarm to your flights." Unfortunately, nobody in the industry followed his advice.

Thanks largely to the model put in place by Muse, Southwest is America's No. 1 carrier for domestic flights. Southwest's success has inspired other airlines around the world, such as Virgin Blue in Australia, Westjet in Canada, and JetBlue in the United States.

With the recent news of JetBlue and American Airlines passengers sitting in planes on runways for hours, there has been some call for a "passenger bill of rights." The news and difficulties could very well put JetBlue out of business, as many passengers said they would never fly with them again. This "bill of rights" will only make flying more expensive and make entry into the business even harder, as if it isn't hard enough already. And if flying is too expensive or too cumbersome, people won't fly at all. Muse understood this.

Muse was a capitalist in an industry rife with crony capitalists and corporate-welfare statists. He was an honest man in an industry full of corruption and fraud. He died of lung cancer in Dallas on Feb. 7 at the age of 86. He outlived his former nemesis Braniff International Airways by 25 years. The next time you fly and see how cheap it is, say thank you to Lamar Muse. — Chris Baker

The Next President of the United States

by Bruce Ramsey

Looking at the presidential candidates, it is tempting to say that Americans deserve better. But really, they don't.

As I write, it is 20 months before the election of 2008. Already a gabble arises. Would-be Roosevelts are "announcing" campaigns that have been underway for months. The contest is wide open, meaning that the current miscreants can't run or, in Vice President Cheney's case, won't dare to run. And that leaves three serious candidates in each serious party.

The Republican Party has, in addition, a libertarian candidate: Rep. Ron Paul of Texas. We like Ron Paul, but about the best he could do is be noticed for one idea. George Will did a column about him, which amounts to serious notice, and one of the writers at LewRockwell.com thought it was an attack on the idea of limited government, which it wasn't; but then it is difficult to satisfy some folks.

As part of being a limited-government candidate, Paul is against the Iraqi investment, but the Republicans already have a renegade on that issue, Sen. Chuck Hagel of Nebraska, over whom the mainstream media have lately fawned. "Hagel is hot," gushed James Pinkerton of Newsday on Jan. 30. But Hagel is not hot among Republicans, where he polls at 1%, and already the heat begins to diminish. Alas, Hagel is a no-hoper.

The Democrats also have their no-hopers, including Rep. Dennis Kucinich, the perennial Ohio leftist who wants the federal goliath to disgorge its billions (well, *our* billions) into government medical insurance instead of war. There is New Mexico Gov. Bill Richardson, a believer in the usefulness of diplomats, having been Clinton's ambassador to the United Nations (and also secretary of energy). He is an actual moderate, who says he supports gun rights and is open to middle-class tax cuts. Still, he's a no-hoper. Another was Tom Vilsack, former governor of Iowa, who would end the war, declare a global war on poverty, and make the American economic engine run on fuel from plants. But Vilsack bailed out at the end of February, having realized what everyone else already knew.

Some of these candidates are fun to gnaw on, and some (not including Dr. Paul) may be considered for the vice-presidency, but at the moment there stand only six contenders: Giuliani, McCain, Romney, Clinton, Obama, and Edwards.

Let's begin with the Democrats. As the party of obligatory diversity, they offer a white woman, a black man and, for the party's Left, a white man.

In the lead is New York Sen. Hillary Clinton, who is not from New York and who now downplays the name Clinton, running as "Hillary." Back in the '90s, Hillary was known for being to the left of her triangulating husband and for advocating a system of state-managed medical insurance. The triangulation worked better than the socialism, and she has learned it well. As a senator from New York, which was Ground Zero for al Qaeda's attack, Clinton moved rightward and voted in October 2002 to give Bush the authority to invade Iraq at his discretion.

My biggest complaint about Bush is that he started a war. Giuliani might start another.

At the moment Hillary is opposing Bush's decision to send 22,000 more soldiers to Iraq, and is also opposing all proposals for Congress to cut off money for the war. How does she justify staying in a losing war but not trying harder to win it? By staying on message. The issue is *Bush*. The war is the fault of *Bush!* When asked — repeatedly — whether she was wrong to have voted for the war in 2002, she has declined to spatter the image in the mirror. It's not her fault. She allows that if she *had* known what she does today, she would have voted No — which is no answer. That 21 other Democratic senators *did* vote No is not mentioned. None of them is running for president. That Bush is not running either is a fact of which one has to remind oneself when listening to Hillary Clinton.

On the domestic side, she says that the middle class is America's "greatest social achievement," and that it was created by the Great Society and the New Deal. (I guess there wasn't a middle class in the 1920s, and the middle-class neighborhood I live in, built between 1910 and 1930, does not exist, although there appear to be neighborhoods like it all over the country.) She says that abortion should be legal but rare, meaning legal, and that NAFTA was a bad bargain, meaning, I guess, no more trade treaties. In 2005 she was one of the sponsors of a just-for-looks constitutional amendment to allow Congress to criminalize the burning of the flag. And she says . . . but why bother? It is all a calculation. As Gerard Baker of the London Times has written, Clinton's trademark is "the sheer ruthless, unapologetic, unashamable way in which she has pursued this ambition [to be president] and confirmed that there is literally nothing she will not do, say, think or feel, to achieve it."

And she is the frontrunner in the Democratic Party.

In gorgeous second is Barack Hussein Obama, the senator from Illinois. With a name that rhymes with Osama, you might think people would be making fun of him, but not at all. He is the candidate of charisma, and at 45, of youth. He has marketed himself on Oprah, on the cover of Time, and in Men's Vogue. He says, "I want to transform this country." Into what, he does not say.

His badge is his race. Racially he is half African, meaning that in white America he is black and in black America he is questionable, because African is not African-American. Obama had a white mother and was not raised in black culture, whereas Hillary is married to Bill, and Bill fancied himself "the first black president." Barack was raised as Barry, and went to private schools in Hawaii and Indonesia. He began using his African first name as an adult. He does not seem to be an "angry black," which is an asset, because an Al Sharpton could not be a viable candidate in America. He is, as the Guardian called him, "The black candidate who makes white voters feel at ease."

More than that: he is the black candidate who makes white voters feel redeemed. Wrote Washington Post columnist Clarence Page: "A lot of Americans hope he can rescue us from doubts about our country's ability to be fair." And besides, a lot of people find him sexy.

What does he believe? Kay Hymowitz of the Manhattan Institute's City Journal finds Obama "touting old-fashioned self-reliance and ingenuity, with nary a hint of racial resentment." But a writer for Rolling Stone notes that Obama attends an African-American church whose minister, Jeremiah Wright, believes that America is a deeply racist society. The Rolling Stone correspondent wrestled with Obama's book, "The Audacity of Hope," and writes, "The surprising thing — for such a measured politician — is the depth of radical feeling that seeps through, the amount of Jeremiah Wright that's packed in there."

I'm still thinking: "transform this country" into what? What does this *measured politician* believe?

Well, some things. He believes in ending the war. He was not in the Senate for the October 2002 vote, but *would have* voted No. He is also for humanitarian intervention abroad. He recalls being on an airdrop of food to a starving village in Ethiopia and says, "By investing now, we avoid an Iraq or an Afghanistan later."

Investing. A Democrat word.

Obama believes in government. "In Africa," he told Rolling Stone, "you often see that the difference between a village where everybody eats and a village where people starve is government. One has a functioning government, and the other does not. Which is why it bothers me when I hear Grover Norquist or someone say that government is the enemy."

When listening to Hillary Clinton, you have to remind yourself that Bush isn't running for reelection.

Hind teat among Democrats is Sen. John Edwards, the party's vice-presidential nominee of 2004, who ran on the theme of the "two Americas." He knows both of them, having famously grown up in two rooms but now able to knock around in a country estate the size of a small airport, with seven bathrooms, a basketball court, a squash court, and a

four-story tower, all paid for by his winnings from suing rich corporations.

Edwards is the "wing" candidate, the leftmost of the three center-left D's. He is wooing the unions. He is for making us all buy health insurance whether we want it or not and for raising taxes on the successful to pay for the doctor bills of the other people. He is against the war. In October 2002 he voted to give Bush the power to invade Iraq, but unlike Sen. Clinton he has said he was sorry. Well, he is behind, and hind teat calls for gumption.

Thus the Democrats. With Hillary Clinton you get the prospect of President Bush followed by President Clinton followed by President Bush followed by President Clinton — a succession of dynasties lasting more than a quarter of a century. With Obama you get a Statement. With Edwards you get — but you're not going to get Edwards. Maybe you'll get Al Gore. But if he's to run, he'd better jump in soon. The clock's a-ticking.

On the Republican side the problem is Bush and his war, which 60% of the electorate have decided was a bad idea, but which is still supported by most Republicans. They are in a pickle. They want to win, but they can't repudiate Bush, who, if he could run again, would lose.

The longest-running Republican is Arizona Sen. John McCain, who in 2000 wooed the press by doubting Bush's proposed tax cuts for the "rich" and by worrying about the wealth "gap." McCain also won the fawning of the press by championing a campaign-finance law that restricts freedom of the press, and by attacking the Christian Right as "agents of intolerance." But McCain, another calculating fellow, has remade himself. Now he says the problem is not taxes but spending, and he meets with opponents of gay marriage and calls for the overturning of *Roe* v. *Wade*. Predictably, his favorite-Republican status with the national media has expired. He is the new Bob Dole.

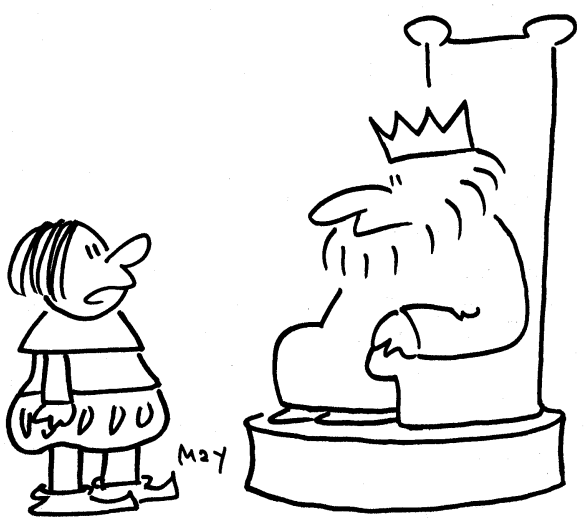

"What you have to do, Your Majesty, is get the people to perceive you as an *outsider*."

In some respects he has not changed. He always did think it was a swell idea to invade Iraq, and always was for using more troops. He supports Bush's "surge," and probably would follow it with a bigger surge of his own. More importantly, he supports the idea that the domination of Iraq is part of a wider "war on terror" that pits the good West against the evil Muslims.

At least he's a hound dog on spending. In the Senate he has loudly barked at it, opposing such pork barreling as the Boeing 767 tanker contract, and as president he might well veto a lot of it. That would be a welcome change from the spendthrift Bush.

As a former prisoner of war in the "Hanoi Hilton," McCain is also a candidate with a compelling personal story — a much more compelling story than Obama's if anyone were comparing, which they are not. But McCain's is an old story, and McCain is an old guy. He will be older on inauguration day — 72 — than Reagan was. And that was *too* old.

The young Republican in the race — 59 but looks much younger — is Mitt Romney. Like John Edwards, he has the placid good looks of a soap-opera star, and like Hillary, he is a political chameleon. In 2002 he won the governor's office in the nation's most left-leaning state, Massachusetts, by running as a RINO. (That's "Republican In Name Only.") Romney's biggest achievement in office is signing a law making everyone in Massachusetts buy health insurance, whether they want it or not. But in November 2003, when the Supreme Judicial Court of Massachusetts recognized homosexual marriage, this pro-gay-rights man turned a corner. He was also a Mormon, and the court ruling was too much. Since then he has recut himself on abortion and recocked his mind on guns — and decided to run for president as a right-winger. In his official announcement, he said:

> I love America and I believe in the people of America. I believe in God, and I believe that every person in this great country and every person on this great planet is a child of God. I believe that we're all sisters and brothers. I believe that the family is the foundation of America and that it needs to be protected and strengthened. I believe in the sanctity of human life. I believe that people and their elected representatives should make the laws, not unelected judges. I believe that we're overtaxed and government is overfed. Washington is spending too much money! I believe that homeland security begins with securing our borders, and I believe that our best days are before us, because I believe in America.

The Mormon Romney appeared with his wife — his first and only wife — and their platoon of kids, reminding Republicans that McCain (an Episcopalian) has been married twice and Giuliani (a Catholic) had made lifetime vows three times. Giuliani had also carried on with No. 3 while still married to No. 2. But in the polls he is still No. 1.

Giuliani, then. He's a candidate who supported New York City's gun-control laws when he was mayor there, and is for gay unions and keeping abortion legal. So far, he has managed to appeal to Republicans without changing these stands, with the help of the Federalism Card. For example, he's for gun control *in New York City*. "You might have different laws in other places," he says. Federalism.

continued on page 53

Global Warming, Global Stifling

by Gary Jason

The planet has a problem caused by too much hot air.

The debate about global warming has reached a crescendo, and has acquired a deeply unsettling tone. We are witnessing a veritable rush to judgment — a rush that has now been accelerated by a United Nations report that accepts and supports the global warming theory. If there was ever a time for skepticism, it is now. The time has come for people who have reasonable doubts to speak up and offer the reasons for their doubts.

In this article I will try to clarify what parts of global warming science give cause for doubt. I will also state the features of the global warming debate that are troublesome to me — and should be troublesome to you.

I'll start by making some distinctions. The first distinction is between the narrow theory of anthropic global warming (hereafter, the "Narrow Theory") and the grand metanarrative of global warming (hereafter, the "Grand Theory").

The Narrow Theory lies *exclusively* in the domain of climate science, and holds simply that:

1. The earth's climate is warming significantly.
2. This warming is exacerbated by the generation of CO_2 and other anthropogenic greenhouse gases.
3. This warming threatens to induce widescale ecological changes.

The Grand Theory — as presented on television and in several recent movies — is vastly more than a theory of climate science. It is a multiple-domain metanarrative or integrated worldview, including both moral assumptions and policy prescriptions. In essence, it posits twelve theses:

1. The world is warming dramatically.
2. This warming is unlike any other warming or cooling in the history of the planet.
3. The warming is caused primarily by humans' burning of fossil fuels.
4. If we keep burning fossil fuels at the present rate, warming will accelerate and increase without end.
5. The result of warming will be a huge increase in the number of ecological and meteorological disasters, which will be of biblical proportions.
6. These disasters will not be counterbalanced by any favorable effects of warming.

7. Both warming and disaster will occur with such rapidity that mankind will be unable to adjust.
8. The process can be reversed or controlled by drastically curtailing the use of fossil fuels.
9. The *only* way to do this is by drastically curtailing the use of fossil fuels.
10. The best plan is to slash the use of fossil fuels in the United States and other countries of the developed world, while leaving the less-developed world (including Brazil, China, and India) alone.
11. Use of fossil fuel can best be curtailed by the exploitation of wind and solar power, and by massive "conservation."
12. Whatever this will cost, directly and indirectly (and estimates range from trillions of dollars to nothing at all), will be less that the costs of the damage wrought by continued warming.

This Grand Theory is a wide ranging worldview, of which the Narrow Theory is but a minor part. It includes theses that are well beyond the domain of climate science, including theses derived, at least ostensibly, from history, geology, economics, agricultural science, power-plant engineering, and geopolitics, then given a moral cast, i.e., imbued with moral judgments.

For example, Theses 6, 10, 11, and 12 are all either completely or in great part *economic* claims, having little if anything to do with climate science. To cite a specific example, Thesis 10 is a claim that can only be proven by looking at detailed, empirically based projections of emissions figures from industries in developed countries compared to those in the third world, and factoring in projections of efficiency and productivity. Another example: Thesis 11 is a sweeping claim about the economics of power generation, and can only be proven by looking at the economics of all known methods of generating power, including every feasible alteration in those technologies.

Most of the theses in the Grand Theory are packed with morally charged concepts. If an epidemiologist says, "The chance of bird flu becoming epidemic is growing significantly," she is making a narrowly scientific statement. If she says, "Bird flu is about to explode catastrophically! We have to stop it now!", she is going beyond science to make a moral and a policy judgment. That isn't a problem if the economics and morality are obvious — if, say, the cost of inoculation is trivial compared to the costs associated with a disease that has a mortality rate of nearly 50%. But when the economics is complex (with costs and benefits hard to measure, the range of options large, and the chances and scale of an anticipated event hard to estimate), or when the moral case is unclear (say, when the moral values being balanced are incommensurable with one another), such value-laden language is dangerous.

It requires an almost paranoid cast of mind to believe that those who don't accept a far-reaching theory of global warming must be motivated by malevolence, and not by a sincere desire for a better world.

When the economics is complex or when the moral case is unclear, value-laden language is dangerous.

Mike Hulme, director of the Tyndall Centre for Climate Change, an eminent specialist who is favorable to the Narrow Theory, made this point well in a recent interview with the BBC. He said, "Why is it not just campaigners, but politicians and scientists, too, who are openly confusing the language of fear, terror, and disaster with the careful hedging which surrounds science's predictions? . . . To state that climate change will be 'catastrophic' hides a cascade of value-laden assumptions which do not emerge from empirical or theoretical science."

The second distinction I want to make is between *general agreement,* at least among the scientists in a given field, and a *complete convergence* of opinion. When the majority of scientists agree that a theory in their domain is true, there is general agreement. But *general* agreement means that a significant minority of scientists still dissents. When a theory has survived repeated tests (i.e., has predicted with great accuracy phenomena that are then confirmed empirically) and has been tremendously fruitful in guiding research, then virtually all scientists active in its domain agree, and there is complete convergence. Ask physicists whether quantum theory is true, and 99.99% will say it is. You would see the same virtual unanimity if you asked biologists whether all life on this planet evolved from one original form.

There is general agreement about the Narrow Theory — though there are varying degrees of this agreement, depending on the particular thesis being considered. The summary of the UN study just released (the Fourth Intergovernmental Panel on Climate Change or "IPCC") reports that its panel is over 90% certain that the "observed increase in globally averaged temperatures since the mid-20th century is . . . due to the observed increase in anthropogenic greenhouse gas concentrations." This means that a significant minority of the relevant scientists continues to doubt part or all of the Narrow Theory — perhaps a larger minority than is apparent, since the summary is often more "confident" than the actual study, and even more since the report's contributors were selected by politicians whose desire for scientific objectivity may not have been paramount. And although the highest percentage agrees that temperatures have risen (Thesis 1), there are prominent dissenters. Atmospheric physicist S. Fred Singer ques-

tions Thesis 1. So do eminent climatologist Timothy Ball, and Neil Frank, former director of the National Hurricane Center. Climatologist William Gray of Colorado State University actually predicts global cooling — which, remember, was the dominant climatological prediction of the 1970s.

Fewer scientists agree that the rise was caused by human activity (Thesis 2), or that the potential ecological damage will include such threats as increased storm activity (often cited by supporters of Thesis 3). Much of the disagreement about Thesis 2 surrounds the question of whether the global warming posited by Thesis 1 is *primarily* or only *partially* caused by human fossil-fuel use. After all, methane is a greenhouse gas, and is emitted by cattle in large quantities, so it is caused by man, but not by the burning of fossil fuel. Then again, volcanoes and other *natural* processes create copious amounts of CO_2.

Some scientists, such as Dr. Willie Soon of the Harvard-Smithsonian Center for Astrophysics, believe that the rise is caused by a rise in solar radiation, a cyclical pattern that they see going far back in geologic history. This explanation has the advantage of providing a reason for periods of global warming (and cooling) before human existence. Other climatologists point out that the geological record shows that some past rises in CO_2 were *preceded by* temperature rises, and thus could not have been causes of those temperature increases. There must have been a different cause (such as increased solar radiation). Another recent theory is that temperature fluctuations may be caused by increased cloud formation resulting from increased cosmic radiation. And prominent Narrow Theory critic Richard Lindzen (a meteorologist at MIT) disputes whether rising temperatures will increase storm activity.

I am not a climate scientist. I do not know if complete convergence among climate scientists will ever occur, or if it does, whether it will be convergence on all three theses, or fewer. But I don't have to be a climate scientist to see that there is at present nothing approaching complete convergence on the Narrow Theory.

Turn to the Grand Theory, and things get very curious. While there seems to be a preponderance (though nowhere near a complete convergence) of opinion on the Narrow Theory, there isn't even anything approaching a consensus on the Grand Theory. For instance, an NREP (National Registry of Environmental Professionals) survey of licensed environmental specialists shows that only 66% consider the rate of global warming a serious problem facing the planet (with roughly the same percentage believing that the U.S. should do more to address the issue), and that only 39% consider regulation of carbon emissions as the most important tool in addressing global warming.

Nevertheless, it appears that many climatologists give evidence for the Narrow Theory — usually by showing that the carbon dioxide building up in the atmosphere has a human stamp — but then essentially assume that all the other theses of the Grand Theory follow automatically.

This doesn't surprise me, because, again, most of the other theses of the Grand Theory are economic or even moral, hence *not in the climatologists' domain of expertise.* Such things frequently happen with multi-domain metanarratives. Because the experts in one field (say, atmospheric physics) don't know much about another field (say, agricultural economics), they can't agree or disagree with the experts in that field in any meaningful way. This is why these metanarratives are more often put forward by advocacy groups than by groups of scientists reasoning *as* scientists.

It is easy to see why certain advocacy groups oppose the Grand Theory. Most obviously, opposition is clearly in the self-interest of the fossil fuel industries. But who pushes the theory?

Five kinds of people reflexively support it:

The first, and some of the most exuberant, are people with a religious faith that dovetails with the Theory. I have in mind the pagan, neo-Romantic Greens who worship Mother Earth, and believe that She is being ravished by Corrupt Mankind. These folks have been around since at least Rousseau. They are especially common among baby boomers, many of whom were hippies before being compelled by economic reality to acquire a job, and are still in touch with their tree-hugging inner selves. The idea of sinful industrial man being punished for the offense of developing the planet for such filthy purposes as survival excites these folks more than all the Viagra in Vegas. Their political force is a phalanx of well-funded environmental organizations: Greenpeace, the National Resources Defense Council, the Sierra Club, etc.

The second sort of people who reflexively support the Grand Theory are the open anticapitalists (socialists, Marxists, anarchists, and assorted other aging revolutionaries *manqués,* pining for the Great Communist Heaven that has heretofore eluded them). They hate capitalism generally, but American industry in particular. American prosperity sticks in their craw. It shows what free enterprise can do. These people love the Kyoto Accord *precisely because* it proposes to channel industry into China and Brazil, while throwing massive numbers of Americans out of work. If implemented, it would allow them to exclaim, "Can't you see, worker? Can't you see how the evil *multinational* corporations deliberately send your jobs abroad?" And, as believers in equalizing world incomes, they would have the pleasure of equalizing America downward.

The third group advocating the Grand Theory consists of global redistributionist, Wilsonian liberals and one-world

MICRO-MINICARS

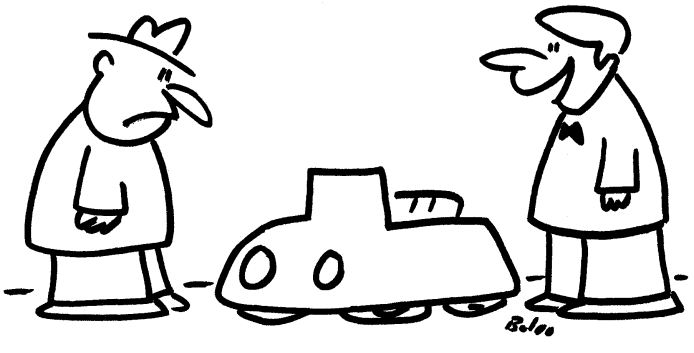

"It gets great mileage — you just have to watch out for tumbleweeds."

bureaucrats. These people also want to end global income inequality, even if ending it comes at the price of ending global prosperity. It galls them to see America so rich and third-world countries so poor, although they are congenitally unable to see that the blame lies with the bad governments that have afflicted the third world. To admit that would be to "blame the victim."

Ask physicists whether quantum theory is true, and virtually all of them will say it is. You would see the same virtual unanimity if you asked biologists whether all life on this planet evolved from one original form.

The fourth group enamored of the Grand Theory is that of the modern statist liberals. Modern liberals love the extensive control of the economy that taxation and regulation bring them. The pork that statist liberals derive from the Grand Theory is not trivial. The yearly spending on "alternative energy" alone is $14 billion, and statist politicians get to hand it out. More, vastly more, can be expected from fuller applications of the Theory.

The fifth group of reflexive advocates is, of course, the individuals and corporations who stand to gain financially from extensive regulation of the energy industries. Groups 4 and 5 often work together. For example, prominent advocates of the "cap and trade" proposal (a proposal to set emission targets, and allow those companies who beat the targets to sell their "savings credits" to companies which fail to meet their targets) are the large brokerage firms Morgan Stanley and Goldman Sachs, who are happy to testify in favor of the Grand Theory in hearings run by Democratic power players such as Nancy Pelosi and Barbara Boxer. Probably the main player here is USCAP — the U.S. Climate Action Partnership, which includes energy companies, brokerage firms, and manufacturers, as well as some big environmentalist organizations (Natural Resources Defense Council, Environmental Defense, and the Pew Center on Global Climate Change). All this is classic rent-seeking.

Add to group five the usual gathering of weasels, to wit, parasitic trial lawyers who will rip off uncountable billions by suing productive enterprises because of CO_2 emissions. Naturally, California has jumped into the lead here. State Attorney General Jerry Brown (yes, Governor Moonbeam, *redivivus*) is aggressively pursuing a federal lawsuit directed at the major auto makers, seeking billions of dollars in compensation because cars allegedly constitute a "nuisance" by contributing to global warming. You might well ask why Moonbeam didn't start by suing the utilities firms (which, after all, use fossil fuels to run their power plants). But no: California suffered power shortages a few years back, and the voters tossed out a recently reelected governor because they held him to blame. The attorney general knows this. Also, he has a long-standing hatred of private cars; during his own eight years as governor, he notoriously refused to build any freeways. State by state, industry by industry, such junk lawsuits will proliferate.

Need I demonstrate that the groups I've mentioned are incredibly influential in American society? The influence of all the alternative thinktanks and independent scholars is laughably weak in comparison. Nevertheless, these five groups have shown few scruples about attempting to stifle independent criticism of the Grand Theory — an activity that inspires little confidence in rational arguments for the Theory itself.

My own doubts about global warming are yet to be stifled. Concerning the Narrow Theory, I'm willing to agree with the majority of experts, because I am not an expert — though I still wonder why, if the evidence is so overwhelming, complete convergence has not been achieved. But it is with Theses 4 through 12 of the Grand Theory (which go beyond the Narrow Theory) that I have real concern.

The questions about these theses virtually ask themselves:

Regarding Thesis 4: How do we know that the rising temperature won't cap at (say) five degrees higher than it is today?

Regarding Thesis 5: How do we know that storms and species extinctions will dwarf those that have occurred before? There have always been hurricanes, snowstorms, droughts, and species extinctions. Something like 98% of all species that ever existed became extinct before hominids dragged their sorry asses across the planet.

Regarding Thesis 6: This is hardly self-evident. How do we know that there won't be massive benefits from global warming, such as vast stretches of the planet now too cold to inhabit or cultivate becoming habitable and cultivable? A thousand years ago, during a warming period, the Vikings started farms on Greenland. And it certainly seems that humans have an easier time dealing with warm temperatures than cold. During the Medieval Warming, population grew. When the Warming ended (around 1300), Europe was slammed by crop failures and plagues.

Regarding Thesis 7: How do we know that the prognosticated climatological disaster will be more than we can handle? If, for example, the ocean rises a bit every year for some period, people will have time to relocate — perhaps to areas that were previously uninhabitable because they were too cold or dry. And notice something that is routinely downplayed in the media: the recent IPCC report revised *significantly downward* the estimated rise in the sea level during this century, from a prior estimate of 36" down to 7"–24." This is a far cry from the 20-*foot* (240") rise that former Vice President Gore mentions in his Oscar-winning movie, "An Inconvenient Truth." Seven inches would still be inconvenient, if true, but certainly not calamitous.

Regarding Thesis 8: This deserves some rumination. Where have the Grand Theorists shown that the build-up of greenhouse gases is close to irreversible, that we have not already passed the "tipping point?" Gore repeated the claim that we have ten years left to Do Something, but how does anyone *know* that? Is there any reason ever given to believe that Gore's

call to arms is different from any other politician saying, "The situation with X is dire, and you must give me power now in order to save the world as we know it"?

Regarding Thesis 9, which holds that we can save ourselves only by a rapid choking off of fossil fuels: what if we could stop global warming by (as I heard one physicist suggest) spreading a bunch of nanoparticles into the atmosphere to deflect sunlight, or deploying a huge screen in space to block it, or (as I heard a biologist suggest) spreading "fertilizer" in the ocean to increase plankton that would gobble up the CO_2, or just planting a bunch more trees? Then we could burn even more fossil fuel and not worry. Shouldn't all these other would-be remedies be shown not to work before we turn to the one that also might not work but will definitely cause the most economic pain? (Of course, it is just this pain that is so devoutly sought by the neo-Romantics.)

Regarding Thesis 10: This is the Kyoto treaty in a nutshell. Of course, the treaty — which Gore negotiated — was never ratified. In fact, the Senate voted against by a 97 to 0 margin before Clinton dared to send it over, because it would have the obvious consequence of forcing American industry to move its operations to other countries, resulting in a wipe-out of American jobs. The Kyoto nonsense appears especially nonsensical when one remembers that (according to the International Energy Association) about 75% of the projected increase in CO_2 emissions over the next 25 years will come from developing countries, with 40% coming from China alone. The IEA projects that China will overtake the U.S. in greenhouse gas emissions *within two years.*

Regarding Thesis 11: Readers of this journal already know that I have major problems with this idea (see my Liberty article "Nukes and NIMBY," January 2007). Let's grant for the sake of argument that the other theses of the Grand Theory are true. Still, if we are going to slash the use of fossil fuel, why shouldn't we turn to the only other known *practical* method of generating power — nuclear energy — instead of turning to costly solar power, inherently limited and ugly wind power, or economically catastrophic conservation? Just start building nukes, as fast as reasonably possible, on military bases if you're worried about security, until (like the French) we generate our electric power mainly in that way. As we bring down the price of electricity, electric cars may even begin to look attractive.

Climatologist William Gray of Colorado State University actually predicts global cooling — which, remember, was the dominant climatological prediction of the 1970s.

The need to turn to nuclear power is becoming clear. In a recent column, economist Robert Samuelson (Orange County Register, Feb. 20, 2007) called for a focus on nuclear power. China is building 40 more nuclear power plants over the next 15 years, and India is likewise dramatically expanding its nuclear power program. Why not the U.S.? As I noted earlier in these pages, moving toward nuclear power will have the added benefit of ending our dependence on unstable and tyrannical states that hate us enormously. We can stop handing the tyrants and religious bigots $800 million a day with which to fund their jihad against us.

Methane is a greenhouse gas, and is emitted by cattle in large quantities, so it is caused by man, but not by the burning of fossil fuel.

The Greens in general, and Gore in particular, will never explore this angle, for obvious reasons. The environmentalists killed nuclear power back in the '70s, and Gore was in on the 1994 termination of the Integral Fast Reactor program, which had developed an ultra-safe reactor that would have virtually eliminated the problem of nuclear waste through skillful reprocessing. The Greens don't want to admit a possibility that is fraught with irony: the possibility that they may be a big part of the very problem that exercises them so fervently.

Finally, regarding Thesis 12: Where is the *massive* economic literature that proves it? I mean, if global warming were a net economic plus — because, for instance, the amount of land made newly cultivable was more productive than the land lost to flooding — we ought to welcome it, and maybe even hasten it, say, by burning huge piles of coal to create more greenhouse gases.

Come at Thesis 12 again, but talk lives instead of dollars, and it looks even more dubious. Where are the detailed epidemiological studies that show that we will save lives if we shift money away from health care, education, and so on, and put it into reducing the use of fossil fuels? What if dramatically increasing the fuel economy requirements of cars results in everyone driving tiny cars, and we wind up saving 200 lives a year by preventing increased storm activity — at a cost of 2,000 extra auto deaths a year? What if we save 2,000 people a year from dying from greater heat waves, but at a cost of 20,000 lives lost in colder winters?

So much for my own doubts regarding the Grand Theory. I'm concerned about the theory itself, but I'm also alarmed by the way the debate about the theory is proceeding. There are two particularly striking phenomena that trouble me, and I think they are connected.

First, I see an ongoing attempt, by the groups that are predisposed to favor the Grand Theory, to equate it with the Narrow Theory in public discourse. To put this bluntly: they are trying to piggyback the Grand Theory on the Narrow one, despite the fact that the Grand Theory, being grand, requires much more work by economists, agricultural experts, clima-

tologists, historians, geographers, geologists, power-plant engineers, philosophers, and other analysts before its various parts can be deemed reliable. The recent release of the IPCC summary created a chorus of people chanting, "The science is solid!", without (as Lindzen so nicely put it) saying *which* science. They hoped that the public would buy the Grand Theory without realizing that it goes way beyond anything mentioned in the IPCC report.

More troubling still are the concerted efforts now being made to achieve complete convergence by means of political and economic force and mass-oriented propaganda. I call this "Global Stifling," the oppression of the critics of global warming. A common warning sign of pseudoscience is the use of political or emotional coercion, instead of the force of evidence, to silence opponents of a pet theory.

Consider an example I have briefly discussed before ("Shut up, they reasoned," Reflections, February 2007): certain members of Congress have threatened oil companies who fund researchers skeptical of global warming with reprisal, imagining that they are similar to tobacco companies that dared to deny that cigarettes are addictive. These solons are trying to cow the oil execs into stopping their funding of research that is critical of global-warming theories. The tactic seems to be working; ExxonMobil has thrown in the towel. This threat to research and criticism is outrageous enough on its face, but it's even worse when you think about the whole funding picture. The amount of money that ExxonMobil has given to global-warming critics is a measly $19 million over the past decade. It pales in comparison to the enormous funding that has gone and continues to go to researchers around the world who are investigating global warming (or claim to be investigating it, because scientists often "write grants" in such a way as to hook basically irrelevant work to some popular cause): $80 *billion* spent by the U.S., EU, and UN. We can be certain that virtually all this money has gone to scholars who favor some version of the orthodox theory of the moment. The money spent on privately funded research on global warming is similarly lopsided: the Competitive Enterprise Institute, a thinktank which has been critical of the Grand Theory, has a minuscule budget of $3.6 million, while the National Resources Defense Council and the Sierra Club Foundation have budgets of $57 million and $91 million, respectively.

The U.S. Climate Action Partnership includes energy companies, brokerage firms, and manufacturers, as well as some big environmentalist organizations. This is classic rent-seeking.

Recently, liberal Senators Bernie Sanders, Patrick Leahy, Dianne Feinstein, and John Kerry sent a letter to the conservative American Enterprise Institute venting their anger about the AEI apparently commissioning scientists to research the IPCC report, and mentioning the fact that Exxon (think of that!) has donated money to the AEI in the past. Of course, liberal thinktanks commission research all the time. The senators have no problem with that; their goal is simply to silence all critics of the received view, anointed by modern liberals — by assuming guilt by association.

What if we save 2,000 people a year from dying from greater heat waves, but at a cost of 20,000 lives lost in colder winters?

There are numerous other examples of Global Stifling. The most recent illustration was the demand by Heidi Cullen of the Weather Channel, that arbiter of scientific discourse, that the American Meteorological Society strip scientific certification from any broadcast meteorologist who expresses skepticism about the Grand Theory. Decertification would, of course, destroy the reputation and livelihood of any such person. This is vile stuff. On one of her shows, Cullen featured a global-warming advocate who has called for holding Nuremburg trials for scientists who criticize the theory. Yet when she debated the vastly more accomplished Richard Lindzen on the Larry King Show, she was not, to put it charitably, able to defend her pet theory.

Consider another case of Global Stifling. George Taylor, the state climatologist of Oregon, doesn't believe that human activity is what is causing global warming. Liberal Gov. Ted Kulonoski has responded by trying to strip Taylor of his title, because his statements interfere with the state's goal of reducing greenhouse gases.

Now consider Dr. David Legates, Delaware's state climatologist. He was so brazen as to file a "friend of the court" brief that said, "It is simply impossible to conclude that the net effect of greenhouse gases endangers human health and welfare." Naturally, he has been viciously attacked by environmentalists, one of whom called him "a favorite scientist of the global warming denial machine." That's openmindedness for you.

Dr. Timothy Ball experienced the same targeted attacks when he dissented from orthodoxy. Environmentalists labeled him a tool of the oil companies. Recently, he said, "What I have experienced in my personal life during the last few years makes me understand why most people choose not to speak out: job security and fear of reprisals. Even in [the] university, where free speech and challenge to prevailing wisdoms are supposedly encouraged, academics remain silent."

Then there is Al Gore, truly the pluperfect prig, riding high on Hollywood's admiration for his global-warming documentary. But he won't debate his all-important ideas.

continued on page 32

Smokey and His Bandits

by Randal O'Toole

If at first you don't succeed, spend, spend again.

Suppose a major government agency announced that it had totally screwed up its job for nearly a hundred years, and that the only way to fix the problem would be to give the agency a bigger budget and more freedom to operate without public oversight. Would you tell your representatives in Congress to:

1. Give the agency everything it wants; or
2. Be skeptical about the agency's claims?

The Forest Service confronted Congress with this situation a few years ago. Since you are reading this here, you will not be surprised to learn that Congress eagerly picked door number 1. The surprising thing is that some ostensibly free-market groups also endorsed this option.

In the late 1990s, the Forest Service was in trouble. For the previous 40 years, timber sales had been the main source of its funding, both because Congress liked the pork barrel that timber cutting produced and because Congress allowed the agency to keep an unlimited share of timber receipts to spend on a wide variety of highly discretionary activities. Appropriations for timber and retained receipts together provided around 40% of the funds used to manage the 192 million acre National Forest System.

Between 1990 and 2000, however, national forest timber sales declined by 85%. This was partly because of pressure from environmental groups but also partly because many within the agency believed it had been overcutting the forests. The reduction both reduced the revenues that the Forest Service could retain and made Congress unhappy about funding national forest programs.

Some people outside the Forest Service wondered whether this once-popular agency would fade into insignificance or be merged into another bureau. Inside the agency, various divisions competed to replace timber as the organization's dominant activity. Wildlife managers argued that public concerns about endangered species demanded that national forests focus on "ecosystem management," but this did not provide enough pork to please Congress. Recreation staff knew that recreation fees could easily replace timber revenues, but many of the same environmentalists who opposed below-cost timber sales and below-cost grazing also opposed market-based recreation fees.

In 2000, another division — the fire staff, one of the most independent parts of the agency — succeeded in replacing timber and restoring agency budgets. It did so by making the curious argument that its own mismanagement of the national forests for nearly a century had totally devastated the forests and threatened nearby landowners. The only way to relieve the threat, it argued, was to reward the division's mistakes with billions of dollars of additional funding.

The issue was fire, and the Forest Service's claim was that Smokey Bear had done his job too well. By keeping fire out of the forests for some 90 years, the story went, previous Forest Service managers had allowed dangerous levels of fuels to accumulate in the woods. If ignited, these fuels would burn as catastrophic fires and not only harm watersheds, soils, wildlife, and timber in the national forests, but also threaten adjacent lands.

Fire is now a bigger share of the Forest Service's budget than timber ever was.

When a forest fire destroyed a billion dollars worth of homes in Los Alamos, N.M., in 2000, Congress suddenly got religion and gave the Forest Service a whopping 38% increase in its budget. In 2002, Arizona, Colorado, and Oregon each experienced the largest forest fires in their respective recorded histories. The Forest Service blamed some of the fires of that year on environmentalists who had delayed timber sales and other activities that, the Service claimed, would have reduced forest fuels.

At President Bush's behest, and with the support of a Texas A&M forestry professor named Tom Bonnicksen, Congress quickly passed the Healthy Forests Restoration Act of 2003, which authorized more spending on treating fuels (either by cutting and removing them or by burning them) and exempted such fuel treatments from environmental challenges. Since then, the Forest Service has nearly tripled the amount of timber it sells each year and spent hundreds of millions of dollars on fuel treatments. Fire is now a bigger share of the Forest Service's budget than timber ever was.

But Congress should have picked door number 2: in most federal forests, there never was a serious fuels crisis. The large fires in recent years were caused mainly by drought and by new firefighting tactics that allow more acres to burn in order to reduce the risks to firefighters. Even where there has been an accumulation of fuels, the cost-effective response would usually be to encourage (and in some cases provide financial support for) nearby homeowners to fireproof their structures and landscapes.

Forest ecologists and other researchers knew these facts in 2002. But any who attempted to present them were drowned out by the campaign orchestrated by the Forest Service and groups that expected to profit from subsidized timber sales and other costly projects supposedly aimed at forest restoration. Since passage of the Healthy Forests Restoration Act, even more research has been published discrediting the Forest Service's position, and a growing number of fire ecologists are speaking out against the law.

This is far from the first time that a budget-driven Forest Service has lied to the public about fire. Created in 1905 when 135 million acres of federal forest reserves were transferred from the Department of the Interior to the Department of Agriculture, the Forest Service is one of the legacies of the Progressive Era, when benevolent experts were expected to manage the nation's resources in the public interest.

In 1908 Congress took the unusual step of giving the Forest Service a blank check for putting out forest fires. In case of emergency, forest managers could spend whatever it took to put the fires out, and Congress would reimburse the agency at the end of the year. When the Forest Service spent an amount almost equal to its entire annual budget attempting to suppress Montana and Idaho fires in 1910, Congress dutifully covered the costs.

Fire control "helped to bring political power to the Forest Service," says fire historian Stephen Pyne.[1] "As that power grew, the Service found itself subtly corrupted in spirit and imagination."[2] In fact, the corruption wasn't very subtle.

When Congress passed this law, most Americans lived in rural areas. For millennia, ruralites had used fire as a tool to control weeds and other pests and to favor the plants and animals they found most useful. But the leaders of the young Forest Service were urbanites who, as they believed, based their policies on "science," not folk tales. Urban residents typically view fire as a horror, and in 1908 Forest Service officials could not understand any policy except complete fire suppression.

Reality quickly forced forest managers to change many of their initial mistaken policies. But an unlimited fund for fire suppression combined with limited funds for prescribed burning encouraged them to maintain harmful fire-control policies for decades.

In the same year in which Congress created the blank-check fund, Yale University forestry Professor H.H. Chapman published research showing that frequent, light fires were essential for the health and propagation of long-leaf pines, one of the most valuable timbers in the South. But if fuels were allowed to accumulate for eight years or more, fires would burn so hot that they would kill the valuable trees.[3]

The Forest Service opposed such light burning or prescribed fire. In 1924, Congress gave the Forest Service the authority to distribute federal money to state and local fire protection districts to encourage them to prevent and fight rural wildfires. The Forest Service refused to give money to districts that allowed people to do light burning, and it spitefully reported such burning as uncontrolled wildfires.

When the Service's own researchers reached conclusions that supported burning, it suppressed the results.[4] It also used its muscle to prevent other federal agencies from publishing reports favoring fire.[5]

Inevitably, southern landowners who followed the advice of the Forest Service suffered catastrophic fires in the early 1940s. The agency's leadership reluctantly responded by finally approving the use of prescribed fire in the South. Yet astonishingly, the agency refused to make public its reversal or to publicly advocate prescribed burning in private forests.[6] As a result, more than a decade would pass before all southern forests were included in fire protection districts. In the meantime the agency continued to record light burnings in unprotected areas as wildfires.

On its own lands, meanwhile, national forest managers initially regarded use of the blank check as a sign of failure.

But in the long run, says Pyne, "of course, the money was irresistible."[7] In 1935, the chief of the Forest Service directed that all fires be suppressed by 10 a.m. on the day after they were detected.[8] Historians treat the 10 a.m. rule as evidence of the Forest Service's obsession with suppression at all costs. But its real significance was that any fire not suppressed by 10 a.m. automatically became an emergency. All funds spent after that hour were covered by the blank-check fund.

The 1935 directive also allowed local forest managers to declare an emergency in the event of drought or other conditions that would make fires more likely. This allowed managers to cash the blank check for emergency *presuppression*, i.e., fire crews, training, and equipment, even before any fires were detected.

At the time, some Forest Service officials pointed out that many federal forests had low resource values, and the cost of suppressing fires might often be far greater than the value of the resources protected. But as one Forest Service official observed, "As long as the money is plentiful, it is not necessary to worry about values."[9]

From then on, the blank check wasn't evidence of failure; it was a routine part of federal forest management. Forest managers soon learned to use the fund to augment their budgets. "The secret to creative financing," Pyne writes, "is to transfer as many costs as possible from the budgeted account to the non-budgeted, 'emergency' accounts."[10] The blank check often paid for capital equipment that would be around long after any emergency had passed. Forest Service offices hired more staff than their budgets allowed, knowing they could make up the gap by paying some staff out of emergency funds for a few weeks or months of the year.

"Emergency funding for firefighting lacks the rigor, discipline, and incentives for more efficient decision making," admitted a Forest Service report many years later. "The Forest Service manages emergency firefighting funds as if they are unbudgeted, unlimited, unallocated, and without benchmarks on acceptable spending levels."[11] As a firefighter once told me, "The Forest Service fights fires by dumping money on them."

Although Forest Service leaders unenthusiastically approved light burning in 1943, the Smokey Bear campaign that began the next year allowed little room for prescribed fires. Smokey Bear posters typically showed Bambi and his friends fleeing holocausts that turned their homes into uninhabitable wastelands. While Smokey affirmed urbanites' horror of fires, the reality was far different: most wildfires created a patchy landscape, killing all trees in a few areas, hardly touching other patches, and thinning the weak trees in still other areas. Such fires created an ideal habitat for deer and many other species of wildlife.

When the Forest Service's own researchers reached conclusions that supported controlled burning, it suppressed the results.

After World War II, the Forest Service began using surplus military aircraft and the newly invented helicopter for rapid delivery of water, retardant, and firefighters to remote fires. Aerial support greatly increased the effectiveness of fire suppression efforts, and there was a decline in the number of acres burned.

One Forest Service official observed, "As long as the money is plentiful, it is not necessary to worry about values."

The 1970s were the wettest, coolest decade of the 20th century, at least in the United States. Few acres burned, yet Forest Service fire suppression costs continued to rise. In 1975, the Office of Management and Budget began "to wonder what kind of return we were getting for our money."[12] Under pressure, the Forest Service ended the 10 a.m. policy and endorsed prescribed burning in the West in 1977.

In 1978, in what appeared to be the most dramatic change in fire policy in 70 years, Congress repealed the blank-check law. In its place, Congress gave the Forest Service a fixed budget for suppression, usually $125 million a year. If costs in one year exceeded that amount, the Forest Service was expected to pay for them out of its revolving reforestation fund — which typically had hundreds of millions of dollars at any given time — and then reimburse the reforestation fund in later years when costs were lower than $125 million.

The Forest Service responded by subtly altering fire suppression strategies. Instead of trying to minimize the number of acres burned at any cost, Forest Service fire managers focused suppression strategies on containment within natural boundaries. This burned more acres but reduced costs and increased firefighter safety. Some forests experimented with letting fires burn — mainly in wilderness areas — but the Forest Service continued aggressive suppression of more than 99% of all fires. Actual suppression costs declined from $125 million per year in the mid-1970s to $61 million per year in 1977–84.

The system broke down in 1987 and 1988, when suppression costs totaled $722 million, or $422 million more than Congress had given the Forest Service in those two years. After paying the difference out of the reforestation fund, the Forest Service pleaded with Congress to reimburse the fund so the agency would not run out of money for reforestation. In 1990, Congress caved in and provided a supplemental appropriation to cover these costs. It also created a special contingency fund that the Forest Service could access, with presidential approval, for emergency fire suppression.

This reopened the floodgates of spending on fire suppression. Although the blank-check law was no longer on the books, forest managers had faith that no president would

ever deny them contingency funds when someone's home was in danger of being burned.

In 1994, a Colorado fire burned 14 firefighters to death. The Forest Service responded by changing its firefighting tactics. Rather than putting people right on the fire line, the agency now tries to keep them well away. Instead of directly fighting the fires, they use backfires to burn all the fuels between themselves and the natural fires. One result has been that fires become much bigger, with 30% or more of their area being burned by the backfires, not by the natural fires.

In 2000, the Park Service lit a prescribed fire in New Mexico's Bandelier National Monument that escaped into the Santa Fe National Forest. The Forest Service responded by lighting a backfire, which stopped the prescribed fire; but the backfire then escaped and burned 400 homes in Los Alamos. Bandelier's superintendent lost his job, yet Congress increased the Forest Service's budget.

To ensure that this increase would be permanent, the agency issued a series of papers claiming that hundreds of millions of acres were at risk of catastrophic fire. With support from such groups as the California Forest Foundation — a thinly veiled front group for Sierra Pacific and other companies that buy below-cost timber from the Forest Service[13] — Texas A&M forest scientist Tom Bonnicksen testified before Congress and wrote op-eds for hundreds of newspapers claiming that "monster fires" would ravage the forests unless the Forest Service treated fuels.[14] Bonnicksen was lionized by the Forest Service, and his arguments persuaded some free-market groups, particularly the National Center for Public Policy Research (on whose advisory board he served), to support the proposed healthy forests legislation.

The Forest Service's case for spending hundreds of millions of dollars per year on forest restoration rested on three legs. First, the agency argued that the growing number of homes in and near federal forests required restoration of those forests to protect the homes from fire. Second, the agency claimed that decades of fire suppression had made hundreds of millions of acres dangerously flammable. Finally, it claimed that this flammability had caused the recent large fires.

The scientific case for all three arguments was weak. Forest Service fire scientist Jack Cohen examined the Los Alamos and other fires to see why some homes burned and others did not. He discovered that homes were vulnerable to wildfire only if they had flammable roofs or if they were closely surrounded by brush, woodpiles, or other flammable materials.

As a firefighter once told me, "The Forest Service fights fires by dumping money on them."

Homes will ignite only if burning embers land on flammable roofs or if the walls are exposed to intense heat. Replacing flammable roofs with metal or other nonflammable materials will solve the first problem. Reducing or eliminating nearby burnables, such as woodpiles or vegetation, solves the second problem. Cohen calculates that even the hottest wildfires cannot ignite structure walls if the fires are farther than 40 meters (130 feet) from the walls. A nonflammable roof, together with a yard consisting of a regularly mowed lawn with a few isolated trees, is sufficient to keep structures safe.

Smokey Bear posters typically showed Bambi and his friends fleeing holocausts that turned their homes into uninhabitable wastelands.

This means that hazard reduction efforts should focus on structures, not on the wildlands located near those structures. "Wildland fuel reduction for reducing home losses may be inefficient and ineffective," says Cohen; "inefficient because wildland fuel reduction for several hundred meters or more around homes is greater than necessary for reducing ignition from flames; ineffective because it does not sufficiently reduce firebrand ignitions."[15] A report published by the Forest Service's Rocky Mountain Research Station found only about 2 million acres — out of hundreds of millions of acres in the West — lying near homes and other structures that needed immediate treatment. And three-fourths of those acres were on private land.[16]

Some argue that fire protection is needed to protect more resources than just homes. But that may not be true. Most national forest lands have negligible timber values. Studies show that recreationists have little objection to fires, especially if they are natural. Fires are actually good for many species of wildlife. The main potential damage is to water quality and fish, but even that damage may be less than the damage that arises from building roads, logging, and performing other activities required to treat fuels.

Exhibit A in the Forest Service's claim that hundreds of millions of acres of land needed fuel treatments was a series of photographs taken of a ponderosa pine stand in Montana's Bitterroot National Forest. A 1909 photo shows an open, parklike stand that supposedly represented natural conditions. Later photos show the forest invaded by small trees and shrubs that look very fire-prone. Finally, a 1997 photo after a fuel treatment (actually a timber sale) shows the forest restored to 1909 conditions.

The first problem with these photos is that the supposedly natural 1909 photo clearly shows stumps. As Montana environmentalist Keith Hammer uncovered, this picture was actually taken after a timber sale. He found a photo taken before the timber sale that shows a dense forest of trees underlain by waist-high grass and shrubs. The Forest Service had excluded this from the photo series it showed to Congress.[17]

The second problem is that western forests differ from southern ones. Some 85% of southern forests naturally experience fires every two to five years and, like the forests investigated by Professor Chapman in 1908, become very fire prone if fire is excluded for just a few years. Most western forests are not like that. Many go centuries between fires. Excluding fires from these forests for a few decades would not increase their vulnerability to fire one bit.

In the West, ponderosa pine forests most closely resemble those in the South, so it is no surprise that the Forest Service used them in nearly all its examples of the need for fuel treatments. But lodgepole pine, high-elevation spruce-fir, and coastal Douglas-fir forests are among the many forests that are not made more fire-prone by fire exclusion. Efforts to treat fuels in some of these forests, say Colorado university scientists, are "unlikely to be effective and may produce collateral damage in some places."[18]

Not even all the ponderosa pine forests need fuel treatment. A report published by the Forest Service's Rocky Mountain Research Station found that fire exclusion had significantly altered only about 41% of ponderosa pine forests, partly because Forest Service fire suppression efforts were simply not very effective prior to the use of postwar aerial technology. At most, the report indicated, about 24 million acres of federal forests in the West were at serious risk of fire as a result of previous management.[19]

William Baker, an ecologist with the University of Wyoming, has challenged even that number. His research found that many ponderosa pine forests were not naturally subject to frequent light fires, but had fires only every 50 to 100 years. An ecosystem that normally burns every 75 years or so is not likely to have a lot of fuel accumulation after a few decades of fire suppression. Baker concluded that thinning to reduce fire risk "does not have a sound scientific basis" unless managers know for certain that natural fire histories were more frequent.[20]

Before Congress passed the Healthy Forests Restoration Act, I believed the claim that built-up fuels had led to larger fires. But I decided to prove it by comparing Forest Service fire data going back to 1931 with Weather Bureau information on drought. To my surprise, most of the variation in acres burned could be explained by drought. To the extent that drought did not explain this variation, it was because, if drought were the sole factor, the number of acres burned in recent years should have been even greater than it actually was. When I published these findings in 2002,[21] Bonnicksen and other proponents of the healthy-forests bill treated me as a heretic and a kook.

In August 2006, however, Science magazine published an article by California and Arizona scientists who reached the same conclusion that I had: climate (i.e., drought), not past land management, was responsible for recent severe fire seasons. Using data going back to the 1970s (which, remember, were unusually wet and cool), the paper suggested that global warming may have caused the changes.[22] But if the authors had looked back a few more decades, they would have seen similar cycles of drought (and severe fire seasons) in the early 1950s, 1930s, and 1910s.

In September 2006, the USDA's inspector general issued a report about the Forest Service's healthy-forests program, charging that the agency does "not ensure that the highest priority fuels reduction projects are being implemented."[23] There is a good reason for this: all national forests are feeling pinched budgets because of reduced timber sales. And rather than spending money on high-priority projects, the Forest Service has spread it around to nearly all the national forests. California's Six Rivers National Forest, for example, has very little land that has fuel problems due to fire suppression. Yet 45% of its budget now comes from fire — excluding any actual suppression costs.[24]

Together, these findings leave the healthy-forests program without a leg to stand on. To underscore these results, a number of scientists and other experts have openly criticized the credentials, expertise, and theories of Tom Bonnicksen, the academic community's loudest proponent of fuel treatments.

First, the superintendent of Sequoia National Park, Russel Wilson, felt compelled to respond when Bonnicksen claimed to have special expertise about California's sequoia forests because he had once done research in them. "Bonnicksen spent only two summers, nearly 30 years ago, collecting data in sequoia forests," wrote Wilson. "His ideas, though once in vogue, have been superseded by a more comprehensive and sophisticated picture of forest structure and fire ecology."[25]

Richard Halsey, the director of the California Chaparral Field Institute, similarly responded when Bonnicksen claimed special expertise about southern California's chaparral forests because Bonnicksen's Ph.D. thesis was about those forests. The thesis, Halsey said, was about the economics, not the ecology, of chaparral. "Dr. Bonnicksen's career has focused on social policy," wrote Halsey, "not conducting scientific field research projects designed to understand natural ecosystems."[26]

Most recently, several professors of ecology from Duke University and the University of California have written an open letter to the media challenging Bonnicksen's seemingly endless stream of op-eds. Bonnicksen's ecological research was decades old and obsolete, they said, adding that today "there is no serious scientific support for Dr. Bonnicksen's ideas of forest management." Newspapers that publish Bonnicksen's op-eds, said the professors, should label them "for the political views that they are and not present [them] as serious science."[27]

The Healthy Forests Restoration Act was a sham whose main purpose was to allow the Forest Service to augment its budget.

Bonnicksen responded by finding other professors to support him. But the professors who supported him were mostly social scientists who lacked the credentials to evaluate his ecological claims. Some people criticized the ecologists, not-

ing that "professors used to shrink from even the appearance of trying to muzzle colleagues who hold unpopular opinions."[28] But scientists also used to shrink from participating in political battles by writing numerous op-eds and testifying before Congress about issues that are not in their areas of expertise.

The Healthy Forests Restoration Act was a sham whose main purpose was to allow the Forest Service to augment its budget and distribute public money and resources to various interest groups. The Forest Service lied when it promoted the act, just as it had lied about its fire programs throughout much of the 20th century. This example of bureaucratic conduct should, of course, make people wary of federal wildfire programs. It should also make them hesitant to accept other claims that some crisis requires giving government agencies more money and power. ❑

Notes

1. Stephen J. Pyne, "Fire in America: A Cultural History of Wildland and Rural Fire" (Princeton University Press, 1982), 196.

2. Pyne, 290.

3. Ashley L. Schiff, "Fire and Water: Scientific Heresy in the Forest Service" (Harvard University Press, 1962) 23.

4. Schiff, 32, 62, 81.

5. Schiff, 48–49.

6. Schiff, 101.

7. Stephen J. Pyne, "Flame and Fortune," The New Republic (Aug. 8, 1994).

8. Chief F.A. Silcox, memo to regional foresters, May 25, 1935, on file at Fire and Aviation Management, Forest Service, Washington, D.C.

9. Pyne, "Fire in America," 277–278.

10. Stephen J. Pyne, "Fire on the Rim: A Firefighter's Season at the Grand Canyon" (University of Washington Press, 1995), 217–218.

11. National Management Review Team, "An Agency Strategy for Fire Management" (Forest Service, 2000), 5.

12. Chase, "Planning the Fire," 64.

13. According to the group's website, two of the Forest Foundation's six board members are Sierra Pacific employees, and others represent other forest products companies: http://calforestfoundation.org/about_us.html?ID=426.

14. Tom Bonnicksen, "Monster Fires Create Bigger Monsters," op-ed published in Knight-Ridder newspapers (July 3, 2002), http://forestinfo.org/Discover/tbonnksn.htm.

15. Jack D. Cohen, "Reducing the Wildland Fire Threat to Homes: Where and How Much?" in Armando González-Cabán and Philip N. Omi, ed., "Proceedings of the Symposium on Fire Economics, Planning, and Policy: Bottom Lines" (Forest Service, 1999), 192.

16. Kirsten M. Schmidt, James P. Menakis, Colin C. Hardy, Wendel J. Hann, and David L. Bunnell, "Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management" (Forest Service, 2002), table 10.

17. Keith J. Hammer, "Ponderosa Poster Child: U.S. Forest Service Misrepresenting the Historic Condition of Western Forests and the Effects of Fire Suppression and Logging" (Friends of the Wild Swan, 2001), http://swanview.org/reports/Ponderosa-Poster-Child.pdf.

18. Tania Schoennagel, Thomas T. Veblen, and William H. Romme, "The Interaction of Fire, Fuels, and Climate across Rocky Mountain Forests," BioScience 54(7):661 (July 2004).

19. Schmidt et al., data on accompanying CD, tables 4a.1 through 4a.6.

20. William L. Baker, "Fire History in Ponderosa Pine Landscapes of Grand Canyon National Park: Is It Reliable Enough for Management and Restoration?" International Journal of Wildland Fire 15(3):433–7.

21. Randal O'Toole, "Reforming the Fire Service" (Thoreau Institute, 2002) 14; http://ti.org/firesvc.pdf. See also Randal O'Toole, "Fire and Drought," http://ti.org/Fire&drought.doc.

22. A.L. Westerling, H.G. Hidalgo, D.R. Cayan, and T.W. Swetnam, "Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity," Science 313:940–3 (Aug. 18, 2006), http://sciencemag.org/cgi/reprint/313/5789/940.pdf.

23. Office of Inspector General, "Implementation of the Healthy Forests Initiative" (USDA, 2006), 1.

24. Six Rivers National Forest, "Business Plan for the Six Rivers National Forest" (Forest Service, 2006), 35.

25. Russel J. Wilson, "Fires vital for long-term health of sequoia forests," Fresno Bee (March 13, 2005).

26. Richard Halsey, "Fire Politics: Quieting controversy with fact-based analysis," California Chaparral Field Institute, http://californiachaparral.com/afirepolitics.html.

27. Philip W. Rundel, Michael F. Allen, Norman L. Christensen, Jr., and Jon E. Keeley, "An Open Letter to the Media" (Oct. 17, 2006).

28. Debra J. Saunders, "Endangered: True Scientific Debate," San Francisco Chronicle (Nov. 7, 2006), http://tinyurl.com/yluxyj.

Global Warming, Global Stifling, *from page 26*

He recently chickened out of an interview he had agreed to do with Bjørn Lomborg, maverick Green and author of "The Skeptical Environmentalist," and Flemming Rose, a journalist with Denmark's largest newspaper. (Lomborg, by the way, views the IPCC report as a good thing, but views Gore as a "scaremonger.")

Gore's unwillingness to debate is an impressive contrast to his willingness to propagandize; he prefers to stifle debate, calling skeptics of the Grand Theory "Global Warming Deniers," as if they were akin to Holocaust deniers (a charge recently repeated by liberal columnist Ellen Goodman). This attempt by Gore and other Grand Theory aficionados to make skepticism about global warming the moral equivalent of Holocaust denial is obscene. It trivializes the moral depravity of the Nazi death camps, a depth of evil that the human race should never forget, even though many people try to do precisely that — witness the president of Iran's international conference on the nonexistence of the Holocaust. It requires an almost paranoid cast of mind to believe that those of us who fail to accept the entirety of the Grand Theory can't be motivated by a sincere desire for a better world, but must instead be driven by malevolence of the most vicious sort.

This paranoid suspicion of the motives of all opponents is an essential trait of the Left generally: its moral self-righteousness is so towering that it views anyone harboring opposing views as necessarily malign. And right now various powerful groups who share in that moralistic righteousness are using the Narrow Theory, upon which there is general agreement but nowhere near complete convergence among the relevant scientists, to institutionalize their Grand Theory. They are trying to force convergence by political power and popular propaganda. It is a "rush to judgment" — to use an old leftist phrase — at the point, not of a bayonet, but of a computerized notice: "Dear Professor X: Your grant/tenure has been denied . . . " ❑

To My Fellow Christians

by Laurence M. Vance

Some Christians think disobeying the state is itself a crime. They have made the state into a god. They have violated the First Commandment.

Dear Friends,

We Christians are law and order types. We can generally be counted on to obey the laws of the land — federal, state, and local. And that's good. We are also a moral people. We don't generally frequent crackhouses, bathhouses, or whorehouses. And that's also a good thing.

These things are especially true of Christians who consider themselves to be conservatives, evangelicals, fundamentalists, independents, Bible-believers, or Bible-literalists. Since I fit into this general category, I write on this subject with some authority.

I would like to propose what is a radical proposition to most conservative Christians: there should be no laws against victimless crimes. None. Zero. That proposition may not sound too radical to most readers of this publication, but it would get me censured in some religious circles. And if there are laws against victimless crimes, Christians should not be supporters of them.

What kinds of victimless crimes am I referring to? There should be no laws against drug possession, drug use, drug importation, or drug sales. In fact, there should not be any such thing as an illegal substance. There should be no blue laws, no usury laws, no seatbelt laws, and no motorcycle helmet laws — including those ridiculous bicycle helmet laws. There should be no laws against price gouging, drunk driving, pornography, or gambling. Since there is no reason for me to shy away from the hard cases, I would even go so far as to say that no consensual acts between two indi-

viduals should be illegal. That would include escort services, lap dancing, peep shows, topless or nude dancing, and prostitution. Sodomy laws would fit in this category, and so would that great crime against humanity — ticket scalping.

I am not suggesting for a minute that all or any victimless crimes or consensual acts are necessarily good things. Many of them are always bad — like smoking crack cocaine. Some of them might be bad some of the time, but not all the time — like the difference between smoking pot to get high and smoking pot to relieve the pain of glaucoma. Others are always good things — like a willing seller and a willing buyer exchanging a concert ticket for cash. And I am not suggesting that the participants in a victimless crime or a consensual act are not harming anyone. The participants might in fact be hurting or severely injuring each other or themselves. But as long as they are not harming or violating the rights of non-participants, what they do should not be a crime. What they do may be stupid, but stupidity should not be criminalized. If doing stupid things were a criminal offense, then most government officials would be in jail.

In any event, there are three reasons why Christians should oppose victimless crime legislation. First, not all crimes are sins, and not all sins are crimes. Second, contrary to popular belief, there is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless behavior. Third, Christians are making a grave mistake by looking to the state to enforce their morality.

Crimes and Sin

We know that murder, robbery, and rape are both crimes and sins, but everything the state or the authorities brand a crime is not necessarily a sin. This has been true in all ages.

In the Old Testament, the Hebrew midwives were commanded by the state to kill any newborn sons (Exodus 1:16). But because "the midwives feared God," they "did not as the king of Egypt commanded them, but saved the men children alive" (Exodus 1:17). In the book of Daniel, we read that King Nebuchadnezzar "made an image of gold" and decreed that when the music started, everyone was to "fall down and worship the golden image that Nebuchadnezzar the king ha[d] set up." Three Hebrew children defied the king and refused to worship the golden image, for which they were cast into a burning fiery furnace (Daniel 3). Daniel himself got into trouble with King Darius when the king decreed that "whosoever shall ask a petition of any God or man for thirty days," except from the king, "shall be cast into the den of lions." Daniel, the Bible tells us, did not submit to the state, but rather "prayed, and gave thanks before his God, as he did aforetime" (Daniel 6).

There is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless behavior.

In the New Testament, the apostles Peter and John were imprisoned by the authorities for preaching and then brought before them and commanded "not to speak at all nor teach in the name of Jesus." But instead of being in subjection, they replied: "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard" (Acts 4). After this incident, some apostles were again brought before the authorities and asked: "Did not we straitly command you that ye should not teach in this name? And, behold, ye have filled Jerusalem with your doctrine, and intend to bring this man's blood upon us." It was then that the apostles uttered the immortal line: "We ought to obey God rather than men" (Acts 5).

Daniel, the Bible tells us, did not submit to the state, but rather "prayed, and gave thanks before his God."

No Christian could read these accounts and say with a straight face that everything the state labels a crime is a sin. The Bible is very clear about what sin is. Sin is "whatsoever is not of faith" (Romans 14:23). Sin is transgressing the divine law (1 John 3:14). Sin is knowing to do good and doing it not (James 4:17). But if not all crimes are sins, then why are some Christians often so quick to nod in agreement when it comes to the enforcement of victimless crime laws? And why would Christians even think about wanting something to be made a crime that was not a sin? The only explanation is that some Christians think that disobeying the state is itself a crime. They have made the state into a god. They have violated the First Commandment.

The other side of this coin is the statement: not all sins are crimes. If they were, then everyone would be in trouble, Christians included, for the Bible says that "there is not a just man upon earth, that doeth good, and sinneth not" (Ecclesiastes 7:20). Saying that not all sins are crimes is just a Christian way of rephrasing the classical liberal political philosopher Lysander Spooner:

> Vices are those acts by which a man harms himself or his property.
>
> *Crimes* are those acts by which one man harms the person or property of another.
>
> *Vices* are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property. ("Vices Are Not Crimes," 1875)

No Christian would be in favor of criminalizing all sins. Not when the Bible says: "The thought of foolishness is sin" (Proverbs 24:9). Why, then, are some Christians so quick to applaud making some sins criminal just because the state

happens to select them and not others? Spooner's wisdom is apropos here:

> It is a maxim of the law that there can be no crime without a criminal intent; that is, without the intent to invade the person or property of another. But no one ever practises a vice with any such criminal intent. He practises his vice for his own happiness solely, and not from any malice toward others. . . .
>
> Crimes are few, and easily distinguished from all other acts; and mankind are generally agreed as to what acts are crimes. Whereas vices are innumerable; and no two persons are agreed, except in comparatively few cases, as to what are vices. ("Vices Are Not Crimes")

But how many conservative, evangelical, or fundamentalist Christians have ever read or even heard of Lysander Spooner? Or Benjamin Tucker, Albert J. Nock, H.L. Mencken, Garet Garrett, or Murray Rothbard?

Victimless Crime Legislation

The Christian's ultimate rule of faith is the New Testament. There is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless acts — whether they are sins or not. Specific sins are mentioned that are in fact crimes, such as murder (Romans 1:29), stealing (Ephesians 4:28), rioting (Romans 13:13), and extortion (1 Corinthians 6:10). But what we mainly see in the New Testament are admonitions about how Christians should behave:

> Recompense to no man evil for evil. Provide things honest in the sight of all men. (Romans 12:17)
>
> As we have therefore opportunity, let us do good unto all men. (Galatians 6:10)
>
> Let no corrupt communication proceed out of your mouth. (Ephesians 4:29)
>
> Abstain from all appearance of evil. (1 Thessalonians 5:22)

Then there are the lists of vices to avoid. But there are no indications anywhere in the New Testament that Christians should seek or support making these things crimes.

Where did the Apostle Paul, in his travels throughout the Roman Empire, ever express support for any type of legislation? When did he ever tell people who were not Christians how they should live their lives? Paul was himself a victim of a victimless crime law. He was beaten and imprisoned for teaching "customs, which are not lawful for us to receive, neither to observe, being Romans" (Acts 16:21). He was almost killed for teaching "all men every where against the people, the law, and this place" (Acts 21:28). I suspect that many Christians would support legislation against victimless crimes only as long as it stopped short of their particular vice.

It is not the purpose of Christianity to change society as a whole outwardly; it is the purpose of Christianity to change men as individuals inwardly. The Christian is in the world but not of the world. He is to "have no fellowship with the unfruitful works of darkness, but rather reprove them" (Ephesians 5:11), not legislate against them. The Christian is to "live peaceably with all men" (Romans 12:18). Christians are to pray for those in authority that they (the Christians) "may lead a quiet and peaceable life" (1 Timothy 2:2). The attitude of the Christian should be to mind his "own business" (1 Thessalonians 4:11) and not be "a busybody in other men's matters" (1 Timothy 4:15).

The Mistake of Looking to the State

Christians are making a grave mistake by looking to the state to legislate morality. The state is no friend of religion, and especially not of Christianity. Why do so many Christians defend, support, and make excuses for the state, its politicians, its legislation, and its wars? Why would Christians even think of looking to the state to enforce their moral code? The actions of the state are the greatest examples of immoral behavior that one could possibly think of. The state exists only by stealing and killing, and then lying about it. It is not the purpose of Christianity to use force or the threat of force to keep people from sinning. Christians who are quick to criticize Islamic countries for prescribing and proscribing all manner of behavior are very inconsistent when they support the same thing here. A Christian theocracy is just as unscriptural as an Islamic theocracy.

I believe that Christians have for the most part failed to fulfill their calling. Instead of making converts and instructing them in the biblical precepts of Christian living, they turn to the state to criminalize what they consider immoral. Instead of changing people's minds about what is and what is not acceptable in society, they seek to use the state to change people's behavior. Instead of greeting with a healthy dose of skepticism the state's latest pronouncement about what substance needs to be banned, regulated, or taxed, they wholeheartedly embrace it. Instead of being an example to the world, they want to use the state to make the world conform to their example. Instead of educating themselves and other Christians about what is appropriate behavior, they rely on the state to make that determination. Instead of looking internally for funding, they look to the state to fund their faith-based initiatives. Instead of minding their own business, they mind everyone else's.

William Anderson has summed it up nicely: "Most con-

"Oh, good — no term limits!"

servative Christians abhor libertarianism because they see it as promoting a permissive lifestyle, from abortion to taking drugs. Yet, what they fail to understand is that the restrictive, prohibition-oriented state that they are trying to create (and also preserve) is much more likely to take away all liberties than a state that gives people permission to live as they wish" ("Libertarianism and Religious Freedom," 2003).*

Cases in Point

Since we do in fact have an abundance of victimless crimes in this country, the question to be asked is simply this: what should the response of Christianity be to such things? Should Christians support seatbelt laws? What about helmet laws that govern not only the riders of motorcycles but also the riders of bicycles? Should Christians be in favor of laws that impose penalties for usury, price gouging, and ticket scalping? What about laws that prohibit gambling, drugs, and prostitution? Should church-going Christians support blue laws that regulate the sale of certain items on Sundays?

Seatbelt and helmet laws are predicated on the idea that we need the state to protect us from doing something stupid. Is it a good idea to wear a seatbelt? Probably. Is it a good idea for kids to be securely fastened into a car? Most definitely. Is it foolish to ride a motorcycle without a helmet? I think so. But it is families and friends who should be the ones persuading people to buckle up or wear a helmet, not the state.

But they won't do it, some say, and therefore the state has to do it. This supposes, however, that the state cares more about an individual than do his family and friends — a very dubious proposition. It would be compatible with Christianity to uphold the ideas of individual responsibility and parental responsibility.

What about prices and interest rates that are too high? It might be immoral in some circumstances to charge above a certain price or a certain rate of interest, but it should certainly not be illegal. Economics knows nothing of a "just rate of interest" or a "just price"; these are the products of legislation. Christians who support usury laws and price gouging laws are violating the First Commandment by ascribing omniscience to the state. How else could the state determine what the maximum rate of interest should be and then apply that to every situation? How else could the state determine what the correct price of an item should be and then apply that to all circumstances? Christianity would take a common-sense approach: if you don't want to borrow money at what you believe is a usurious rate of interest, then don't borrow the money; if you don't want to pay what you think is an inflated price for an item, then don't buy it.

Paul was himself a victim of a victimless crime law. He was beaten and imprisoned for teaching "customs, which are not lawful for us to receive, neither to observe, being Romans."

But, some will say, don't we need the state to regulate interest rates to protect consumers? Well, how do you help customers by preventing a willing lender from doing business with a willing borrower? From an economic standpoint, we know that what is called price gouging is nothing more than charging what the market will bear. Price-gouging laws violate the property rights of resource owners, they hinder the price system's signaling ability, they contribute to the misallocation of resources, and they cause shortages.

As for ticket scalping, this has got to be one of the most ridiculous examples of a victimless act labeled as a crime. There is no precept of Christianity that frowns on a willing seller and a willing buyer exchanging tickets for cash, as long as they do not violate the rights of the owner of the ground on which they make their exchange. Ticket scalpers should actually be applauded for the valuable service they perform.

But what about gambling, drugs, and prostitution? Christians have historically shied away from games of chance. But is it any of our business if people want to throw their money away? And anyhow, it isn't gambling that the state is concerned about, it's gambling in which the state doesn't take a cut. Christians should not be deceived into thinking that the state is concerned about the immorality of gambling. If a Christian is concerned about gambling, then the answer is persuasion, not prosecution.

When it comes to the attitude of the typical Christian toward drugs, two things are taboo: taking drugs to get high, and not supporting the war on drugs. But do the two things have to go hand in hand? There is no precept or principle in Christianity that would lead me to want the government to arrest and jail an individual who liked to smoke, snort, or shoot up in the privacy of his home. Proof that many Christians are simply not thinking when it comes to drugs is the subject of alcohol. Aside from a small minority of Christians who long for the days of Prohibition, Christians don't generally support making *private* drunkenness a crime. But why is getting high on drugs treated differently from getting high on alcohol?

As would be expected, Christianity is strongly against prostitution, if for no other reason than because it is adultery or fornication. Unfortunately, too many Christians equate a refusal to make prostitution a crime with support for prostitution itself. But if adultery or fornication should not be crimes, then why should prostitution be one? What is the difference between paying $50 directly for 15 minutes of a girl's time and paying $50 for dinner and a movie in order to get 15 minutes of a girl's time? True, both activities are sinful in the eyes of God, but why is one illegal and the other not?

Blue laws — laws that forbid the sale of all or certain goods at most stores on Sunday — are some of the silliest victimless crime legislation. (And they're not just concerned with Sunday. In Massachusetts, all stores except convenience stores and gas stations have to remain closed on Thanksgiving, Christmas, and New Year's Day.) But

*http://www.lewrockwell.com/anderson/anderson74.html

continued on page 40

Sundown

by Garin K. Hovannisian

Sunrise was still a long way off when Petros Akopich looked at his watch. He wondered why he even kept a watch. He paced, as he always did, barefoot on the cold kitchen tiles, until his feet began to sweat.

The teakettle blew only a soft whistle, but Akopich, who had been waiting nervously, noticed it. He peeled his socks from the kettle. The warm socks in the morning pleased Akopich. He looked out the apartment window. The City was disguised in snow. He liked it this way.

Akopich stared across the street at Matriarch's Pond, which in wintertime the Congress of the Street converts into a skating rink. Even with cancer in both eyes, he could spot Annushka, the baker's daughter, who had already begun her practice. Akopich followed her young, sovereign motions, which carved the figure "8" into the ice. Beyond the pond, Akopich studied the mazelike streets of the City, which looked still mysterious to him. He noticed the dome of the House of Parliament, the towering memorial to the Fathers of the Revolution, and the abandoned apartment buildings on the South Side, the untouched leftovers of the emerging metropolis.

Akopich's eyes directed him now to the River Zima. Though the state had attempted to crush similar superstitions, locals still believed that the water had a therapeutic, even resurrecting quality to it. On any given Sunday, one could observe half a dozen baptisms on the riverbanks. The Zima split the City in two and it descended from the horizon, which grew slowly brighter. The sun was relaunching its daily occupation of the City.

Akopich took his tea to the kitchen table and stood over his typewriter. He examined the words he had written the night before:

> I shall be telling this with a sigh,
> On a fated day, many autumns hence,

Two roads diverged in a wood and I —
I preferred not to die.*
And it didn't make a difference.

He did not know what exactly the young editor Ragulin would say. He might lecture Akopich on "offending bourgeois sensibilities." "If I needed third-rate satire, I would've asked Berlinski," he might say. But Akopich was old, nearing 70, and he had long passed his point of no return. His poetry was no longer an act of creative discovery, as it used to be when the poet was discovering himself. The poetry now *was* himself, chiseled from his bones. It was too late to recreate Akopich. He had already been created.

Annushka's mother ran through the crowd and jumped into the water, which ruffled for a moment, signaling its victory, then stood silent again.

A blast sounded outside. Akopich walked back to the window. A patch of ice at the center of Matriarch's Pond had collapsed and a small crowd had gathered around. Annushka was missing. Akopich watched carefully as Annushka's mother ran through the crowd and jumped into the water. Her husband Nerses, running after her, stopped short of the trench. His hands clasped his neck as he lingered. The water ruffled for a moment, signaling its victory, then stood silent again. The baker Nerses looked at the crowd. They looked back stoically, but in their faces he discerned judgment. He closed his eyes and jumped in. He had not inhaled.

Akopich closed his eyes, but this only intensified the smell of burnt bread, which had risen from the basement of the building and seeped into his apartment on the 14th floor. He sneezed, his famous nose shuddering violently. Akopich usually felt delightfully alive when he sneezed — indeed, he had for three decades used sneezing powder regularly — but the sudden recoil of his muscles had not caused him pleasure this time. The morning had not been good to Akopich. It had been too eventful, he thought.

The Oriental sun cast its rays on the City as if to announce the coming of reality, like an old bailiff announcing the coming of the judge. Akopich quickly put on his overcoat, gathered his papers, and left the apartment.

At Matriarch's Pond, Sakharov, the neighborhood watchman, had announced that the bodies could not be recovered until spring, when the pond's ice ceiling would melt. Vera, the block's insufferable citizen, protested: "Drain the pond!" Annushka's friends, who were too shaken and cold to cry, instead dipped tree branches into the icy water in the hope that she might clasp on. The coffin-maker Alex earlier had withdrawn from the scene and gone to his workshop across the street.

Akopich winced as he passed by. Vera followed him. "Did you see what happened, Petros?" she asked. "The baker's . . . " Akopich nodded vigorously, making a spectacle of his irritation. "Well, do you plan on writing about it, Citizen Akopich? Death's inevitable triumph over life? It should make for a good poem. Don't you think so? Or something about the dual character of water — the source and slayer both! Citizen Ak . . . "

But Akopich was already several strides ahead and soon, the pestilent whines of Vera in the past, he had reached the intersection of Firmament Street and Everlast Road.* Akopich did not smile — he rarely smiled — but it caused him fresh delight that at the confident junction of these particular streets stood School No. 114, an establishment that could nourish neither illusion, let alone rise from their junction. That is where Akopich had gone to school. The rightmost window of the second floor was still broken. Akopich had thrown a chair through it more than half a century before. It had landed on the dean's daughter.

Akopich continued walking. He enjoyed walking the two kilometers between the school and the central City. It was one of the few patches of forestry left. It was here, though under an ancient moon, that Akopich first really discovered his wife. It was here also that an upstart poet with the pseudonym L.B. Divan had sought inspiration for his first anthology, *Deicide Under a Tree.* Back then, the decision to write pseudonymously had squeezed from Akopich more sense and modesty than his youth would willingly offer. But the years — and Akopich's subsequent rise as a serious poet — had redeemed the decision. How epic the concessions seemed at the time, thought Akopich. How epic they all seemed. What an awful thing, he thought, to be a serious poet.

Akopich had wasted too many days at the café, fashioning insults, debating the undying questions of literature, and killing many gods in an attempt to become one.

By the time Akopich reached Monument Square, where new cafés and used bookstores huddled around a tall marble obelisk, his celebrity had withered. Mainly his own peers and the younger intelligentsia recognized him here. Akopich pretended that he enjoyed the anonymity or, rather, that he

*Akopich had written this line alternatively as "I preferred to die" but, lacking confidence in its effect on his audience, he kept the original version.

*The streets were initially named 26th Street and 91st Avenue, and this is what Akopich still called them. The City had renamed them upon the suggestion of an exploratory committee.

treated it with the same severe indifference as he treated the fame he held in his own neighborhood. But he couldn't endure the pretense this morning. He wanted to be recognized. He craved to be recognized. A strange mood of honesty had dawned upon the poet — what Akopich once indignantly defined as "a blind man who sees the truth but prefers the lie."

Akopich looked at his watch, then at the promising sun, then at Comrade's Café at the foot of the Monument. Akopich had wasted too many days at the café, fashioning insults, debating the undying questions of literature, and killing many gods in an attempt to become one. He wished he hadn't. But it didn't matter. A new generation of futurist poets now inhabited the café. In the first issue of their pamphlet *Potential*, the group's "Declaration" announced "a movement that enshrines the hearts and minds of the future." In a well-circulated interview, Akopich had responded that "their hearts and minds are in the future, which is why they are unable to make much use of either." Their pride and his cynicism made a repair in relations impossible. Literary fashion made it undesirable.

Two blocks east of the Monument, Akopich approached the so-called Red Building. It was made of red brick and it had housed for six decades the offices of *The Weekly Gesture*, the City's oldest literary journal. It was, by all accounts, the finest and largest of its kind, though the journal's actual circulation was no more than 1,200. Akopich had been featured on its back page for 18 years and had worked under eleven editors. Akopich disliked his current editor. And he detested his dislike. This is part of the reason that today Akopich slipped his new poem into the mailbox of *The Gesture*'s office, instead of delivering it to the editor himself.

It was exactly one kilometer from the Red Building to the bridge of the River Zima. Akopich measured the distance often. What concerned him now, though, was his strange recollection of Zeno's paradox. He did not know why he remembered it after all these years, but something must have suggested it to him. To get to the bridge, he thought, he had to reach the halfway point of the distance, then the halfway point of the halfway point, and so on *ad infinitum*. Either Akopich would never get there or the concept of infinity was ruined. Aristotle's refutation of the argument having escaped the poet, he had to satisfy himself with the fact that, while he was busy pondering metaphysics and science, he had indeed and suddenly found himself at the bridge in question. This refutation was not as eloquent as Aristotle's, Akopich thought, but it would have to do.

After the morning traffic subsided, there was little commotion on the bridge. Akopich took his usual spot at its edge and stared at the River roaring beneath. The "turbulent stream of detailed existence," Schopenhauer might say. He stared at the horizon. Then he stared at the water again. Akopich found comfort in the contrast between the permanence of the skies and the constant movement of the green River. "In contrast," he had once written of this scene, "dwells the secret of the universe." Akopich was much too old, ironically, to believe in that now.

He suddenly remembered the incident at Matriarch's Pond and grew uneasy. It was impairing his focus. Akopich looked at his watch. The watch was also bothering him. He took it off and threw it from the bridge. He followed its sharp, spinning movements as it diminished and splashed into the water, and disappeared forever. Akopich wondered why he had ever owned a watch. Then he wondered why he'd thrown it off. He was frightened.

For three decades, every day, Akopich had traversed the same strip of earth. In 30 years, the City had died and been reborn at least four times. In those years, the poet's height had lost two inches, which had migrated to his waist. His parents had died, his brother, and his wife. But it was all nothing to Akopich. In fact, it may have made it easier for him. He had made his daily pilgrimage to the bridge even the day after the Revolution, when the provisional government had authorized celebrations of independence. Akopich rarely shivered, but he was shivering now. Today, Akopich thought it would be his last time at the bridge.

He knew — all sane men knew — that their sun would set, but it didn't matter until it actually did.

He defied himself in surrender. He pressed his knuckles against his nose. He shut his eyes. "Purge yourself of these dramas, Akopich," the poet told himself, "The sole drama is in the distance. You have no will, Akopich. You have nothing to do. Time is slowing. Time is *stopping*."

He opened his eyes and he looked at the horizon, then down to the River. He looked at the horizon again, then down to the River again. "Back into the routine, Akopich," he told himself, "Slip back into the routine where you belong." Akopich slipped back into his routine. Time does not exist without motion, so Akopich could not know how long he stood, alternating his gaze periodically between the two testaments, but looking more frequently at the sun that, having crawled up the sky, began coming lethargically down.

The progress of the sun was slow enough so that no one would notice. Akopich knew this and never noticed it. It was like living with someone who had decided to grow a beard. Nature times it so you don't recognize its course. Akopich knew — all sane men knew — that their sun would set, but it didn't matter until it actually did. In the meantime, Akopich had learned that he could be both totally conscious and content. He did not need to lie to himself. Without will, he had determined, there would be no suffering.

Curse the skies and the wind that brought to Akopich's nose the scent of fresh bread from a bakery! It dizzied and enraged the poet's senses. He lost his head for a moment, then regained it. But it wasn't the same head. Akopich began to see — Akopich actually noticed the sly, velvety movements of the sun. He could *see* it descending — and descending at full tilt — behind the towering apartments of the Eastern City. It was not there yet, but it would be. Akopich knew it would be. The mask of nature was being lowered

right before his eyes. He saw the sun falling and he felt helpless as he had never felt before. He cried and he knew he was over with.

Akopich thought of all the days he'd slowed, stretched, and ultimately left vacant. Akopich looked at the mountains. He'd never climbed them. He looked back toward the central City. He thought of all the women and the candy shops he hadn't visited. He looked at the River. He'd never swum in it. He thought of the poetry he had written. *Death, claim pride in my ruins, for you deserve it.* He cried for all the years he hadn't cried. He hated himself, but he *hated* himself, don't you see? Petros Akopich was alive. And he willed to live. Without will, he finally understood, there had been no happiness; only contentment.

Three decades of tears gushed down from Akopich's eyes, which began to burn. He could see everything clearly now. But it didn't matter. It doesn't matter, does it? Akopich asked the question out loud, but no one answered him. No one heard him.

No one was watching when Akopich looked at the dying sun as one breathes before jumping into the water. Akopich was happy that no one was witnessing this. But it didn't matter, he told himself. Akopich climbed over the ledge and jumped from the bridge.

He remembered the epitaph he'd once made for himself — "Here lies a man who lived all the days of his life." He laughed in midair. No one knew. He hadn't written it down. Akopich didn't have time to make a will. He had not planned on dying this way. Ohh, the plans! But it didn't matter.

Now, as he approached the water, he had to prepare himself for his inevitable death. In the distance, he could see the abandoned buildings of the southern slums. He thought he saw the basin where the River would deliver his body. There would be sick and hungry dogs there and they would feed on him. Akopich liked the idea. As the rocks at the River's bottom crashed into his head, he allowed himself a smile. For the resurrected poet in Petros Akopich, this last thought somehow mattered.

The City was white and dark when Akopich confronted and welcomed it. ❑

To My Fellow Christians, *from page 36*

why should Christians who attend church on Sunday care whether people who don't attend church go shopping? I've noticed that Christians who have a problem with repealing a law that prevents beer from being sold on Sunday don't seem to mind restaurants being open so they have somewhere to eat after church.

Why?

There are five reasons why most Christians support victimless crime legislation.

The first can be seen in H.L. Mencken's famous definition of puritanism: "The haunting fear that someone, somewhere, may be happy" ("A Book of Burlesques," 1916). Some Christians simply don't enjoy their Christianity as they should because they focus on the negative. They don't drink, dance, smoke, chew, or go with girls that do — and they live their lives in misery because of it. These people want to spread the misery, even if it means using the state to tell others how they should live.

The second reason appears in another passage from Mencken: "The urge to save humanity is almost always a false-face for the urge to rule it" ("Minority Report," 1956). Some Christians want to save humanity from every vice so they can have an outwardly Christian society — but without the work of evangelism and discipleship.

The third reason is that most Christians lack a proper appreciation of the sanctity of private property. Although the Bible defends private property, they do not appreciate the possibility that what a man buys, sells, manufactures, drinks, smokes, or looks at on his own property may be his own business.

The fourth reason is that most Christians have too lofty a view of the state. They are too quick to rely on the state, trust the state, and believe the state. Sure, they may criticize the state because it permits abortion, but they generally fail to discern the state's true nature, as Richard Ebeling has correctly described it: "There has been no greater threat to life, liberty, and property throughout the ages than government. Even the most violent and brutal private individuals have been able to inflict only a mere fraction of the harm and destruction that have been caused by the use of power by political authorities" (The Freeman, Jan.-Feb. 2005).

The fifth and final reason is just plain biblical ignorance. The spirit of New Testament Christianity can be seen in two statements by the great economist Ludwig von Mises:

> A free man must be able to endure it when his fellow men act and live otherwise than he considers proper. He must free himself from the habit, just as soon as something does not please him, of calling for the police. ("Liberalism," 1927)

> He who wants to reform his countrymen must take recourse to persuasion. This alone is the democratic way of bringing about changes. If a man fails in his endeavors to convince other people of the soundness of his ideas, he should blame his own disabilities. He should not ask for a law, that is, for compulsion and coercion by the police. ("Bureaucracy," 1945)

That is the spirit of New Testament Christianity. It is a sad day for Christianity when a nonreligious Jew like Mises has a better grasp on Christian principles than the average Christian in the pew.

Yours for better Christian thinking,

Laurence M. Vance

Laurence Vance

Reviews

"The Audacity of Hope: Thoughts on Reclaiming the American Dream," by Barack Obama. Crown, 2006, 384 pages.

The Vision of the Anointed

James Walsh

Barack Obama is a recently elected U.S. senator from Illinois, a liberal Democrat who has risen on a fast track through establishment party ranks. On paper, his career is nearly perfect for "progressive" appeal. Born in 1961, he fits squarely in the tail end of the Baby Boom. He's a graduate of Columbia University and Harvard Law School, where he edited the law review. Between college and law school, he worked "as a community organizer out of the Harlem campus of the City College of New York."

(I often wonder how so many young left-wing statists end up "working" as "community organizers." Who signs their paychecks? In Obama's case, it seems to have been CCNY, a public institution. Do New York taxpayers know that some of their money goes to hire "community organizers?" Shouldn't communities be able to organize themselves? Isn't self-sustaining organization one of the things that makes a group of people a community?)

After law school, Obama worked for the big law firm Sidley & Austin before joining a "small civil-rights practice" and being elected to the Illinois state legislature. He has written two successful, heavily autobiographical books — including the recent bestseller "The Audacity of Hope: Thoughts on Reclaiming the American Dream." In early February, Obama announced his candidacy for president of the United States.

Behind his rapid rise lurks the matter of his race. Sen. Obama's father was a Kenyan academic; his mother was a free spirit from Kansas by way of Hawaii. To put it more plainly, his father was black and his mother was white. By most standards — including, most importantly, his own — Obama is a "black" man. But his experience is more cosmopolitan than the traditional American black politician's. Neither of his parents had any direct experience in African-American culture or the civil rights movement. In fact, his father didn't live in the United States for very long; soon after Obama was born, his parents divorced and his father moved back to Kenya. During his childhood, Obama spent some time in Indonesia after his mother married again, and then returned to Hawaii in his teenage years.

In his first book, Obama wrote of struggling with both his own sense of racial identity and his relationship to his largely absent father. Eventually, he was able to spend some time in Kenya and reestablish contact with his father (who remained, by Obama's account, a rather difficult fellow) and his father's extended family. He also came to terms with being a black man in America.

In his more recent book, those struggles are behind him. He focuses his attention on how his personal experiences inform his views on America. It is, much more than the first book, a campaign tool.

I've read "The Audacity of Hope"; I don't find Obama a compelling candidate for higher office. Behind his certain and self-admitted "talent for rhetoric," the senator is just one more self-satisfied statist hack who believes that he knows better than you do how you should live.

Others feel differently. Depending on which poll you read, Obama either

leads or comes in a close second among likely voters in the early Democrat primary states for the 2008 U.S. presidential campaign season.

Some grizzled political pundits predict that Obama's appeal will not last through the 2008 election cycle.

Behind his "talent for rhetoric," Obama is just one more self-satisfied statist hack who believes he knows better than you do how you should live.

He has peaked too early, and he will drop in the polls as the actual primaries approach and the competition heats up.

Maybe, maybe not. The man has a strong media presence. On television and in print, he comes across as thoughtful and forceful. He sounds moderate — acknowledging the validity of some of his opponents' perspectives while voting against them; he sounds rational, emphasizing common-sense wisdom in his analysis of major issues. He is also the fashionable choice among well-positioned political dilettantes such as the European currency trader George Soros and the easily lampooned Hollywood actor Matt Damon.

Most importantly, he gave a keynote speech at the 2004 Democratic National Convention that left most of the people in the hall wishing that he, not the feckless Sen. John Kerry, was the party's presidential nominee. And at that point Obama hadn't even been elected to the U.S. Senate; he was still just a state legislator.

Since "The Audacity of Hope" is clearly a campaign document, and since Obama has served in the Senate for only two years, it seems fair to judge the candidate by his book (perhaps more useful than judging a book by its cover). Like most books of its kind, "The Audacity of Hope" reads like a series of stump speeches sewn together with personal anecdotes, observations, and descriptions of the corridors of power. This politician's stump speeches are of a better quality than most; his anecdotes and descriptions are well crafted — the book at least reads quickly.

But getting to the essence of what the candidate actually *believes* takes some work. Obama is deeply invested in seeming moderate and rational. He recounts stories of people literally telling him that he's moderate and rational. In his own analysis of current events, Obama often pulls the postmodern parlor trick of showing first that he understands an opposing view . . . and then either countering or simply rejecting it.

Parlor tricks aren't a strong foundation for political philosophy. By focusing on the tricks, Obama sometimes triangulates into ridiculous situations. Consider his discussion of the Central American Free Trade Agreement:

> There were some problems with the agreement, but overall, CAFTA was probably a net plus for the U.S. economy. ("The Audacity of Hope," 172)

> I ended up voting against CAFTA, which passed the Senate by a vote of 55 to 45. (176)

He voted against the best interests of the U.S. economy in order to "send a strong signal" to Big Labor that he was on its side — but at least his vote didn't matter! It's kind of an anti-Profile in Courage.

Occasionally, the senator's passions peek through the curtains of his rhetoric. But even his passions seem to conflict. In the second chapter, titled "Values," Obama serves up some meat-and-potatoes antibusiness populism for his left-wing base:

> But the explosion of CEO pay has had little to do with improved performance. In fact, some of the country's most highly compensated CEOs over the past decade have presided over huge drops in earnings, losses in shareholder value, massive layoffs, and the underfunding of their workers' pension funds.
>
> What accounts for the change in CEO pay is not any market imperative. It's cultural. At a time when average workers are experiencing little or no income growth, many of America's CEOs have lost any sense of shame about grabbing whatever their pliant, handpicked corporate boards will allow. (62)

Clearly, shameless CEOs — he never names any — and their cronies are fat cats that Obama can't stand.

Then, on the facing page, he spins justification for the fat cats he likes (and whose money and political endorsements he accepts):

> All the money in the world won't boost student achievement if parents make no effort to instill in their children the values of hard work and delayed gratification. But when we as a society pretend that poor children will fulfill their potential in dilapidated, unsafe schools with outdated equipment and teachers who aren't trained in the subjects they teach, we are perpetrating a lie on those children, and on ourselves. (63)

"Teachers who aren't trained in the subjects they teach" is right out of the teachers' union rhetorical phrasebook. It is a bureaucratic, obstructionist perspective about teaching that's designed to control the flow of dues-paying union members.

The difference between the shameless CEOs and the obstructionist teachers' unions is that the teachers' unions *always* manipulate public monies. (Some of the shameless CEOs do that, too — but most of their abuses are directed at private-sector investors or employees who willingly get involved with them.)

One of the reasons that Obama has risen so quickly on the national political scene is that his rise within the Illinois Democratic Party was unlikely. When he started running for the U.S. Senate, he faced two seemingly strong

It was often said of Bill Clinton that the man was blessed with weak opponents. Barack Obama seems to share that blessing.

opponents for his party's nomination. One was the son of a long-time state party leader who had strong name recognition; the other was a self-made millionaire willing to spend a lot of his own money to reach office (and who had the backing of some powerful Democrats in Washington, D.C.).

Obama started with a few good contacts in the state capitol and the loyal support of the Illinois Federation of Teachers and a couple of far-left service employees unions. He'd been an effective agent for these unions in the Illinois legislature. That background says more about Obama's politics than his more recent, stumbling triangulation on Big Issues.

He was a long shot — but fortune broke his way. First, the incumbent senator (a Republican) decided not to seek reelection. Second, the self-made millionaire Obama faced in the Democratic primary had skeletons in his closet: "[H]is campaign imploded when allegations surfaced that he'd had some ugly run-ins with his ex-wife" (113). Third, in the general election, his original opponent withdrew after some awkward portions of his divorce file were made public.

It was often said of Bill Clinton that the man was blessed with weak opponents. Barack Obama seems to share that blessing. (Or maybe he has an opposition research staff that's really good at digging up divorce depositions.) In 2004, however, the Democratic Party powers saw Obama differently. He looked like an authentic, grassroots winner from the Midwest. This would make him a good complement to the charisma-challenged presidential candidate.

Personal "authenticity" has become a core value of mainstream politics. And the search for personal authenticity has infected the American culture's daily discourse. Read the letters to the editor page of any major newspaper or magazine, or the comments posted to any news-related website; many begin with the words "As a _____, I believe . . . " Remember Oprah Winfrey's problems with the literary fraud James Frey, whose "authentic" tale of drug addiction and recovery turned out to be not so.

Obama may be the ultimate product of this emphasis on personal authenticity. To race-obsessed statists, he has the ultimate authenticity: dark skin. To Bush-hating partisans on the political Left, he has the authenticity of not having voted for the Iraq war (as Hillary Clinton did). In this vein, Obama even writes about authenticity in his book: "Perhaps this explains why we long for that most elusive quality in our leaders — the quality of authenticity, of being who you say you are, of possessing a truthfulness that goes beyond words" (66).

And, predictably, he falls into the familiar trope about his own authenticity later: "As the child of a black man and a white woman, someone who was born in the racial melting pot of Hawaii . . . " (231). There are some questions about Obama's authenticity, though. His background and his résumé game some measures dear to his supporters: his skin is dark, but he's not a product of the culture that most Americans consider "black"; he didn't vote for the Iraq war because he wasn't in national office when the votes were cast. There's a bit of Chance the Gardener from "Being There" about Obama. He seems to be made up mostly of other people's projections.

Bill Clinton allowed his personal charisma to lead people to infer political beliefs that he didn't hold, or didn't hold faithfully. His political brilliance was in accepting with charm the projections people put on him. Barack Obama seems to have studied Bill Clinton's model — so it's somehow fitting that he's competing against Clinton's wife for the Democratic presidential nomination.

There are some differences, though. Obama seems to have a more orderly personal life than Bill Clinton. That might mean that Obama holds some beliefs deeply enough to imply a consistent philosophy, but it's hard to tell from his chameleonic public persona.

Of course, "The Audacity of Hope" is 376 pages of his words. A reader should be able to come away with some idea of what the man himself stands for. For instance:

> But the essential idea behind the Declaration — that we are born into this world free, all of us; that each of us arrives with a bundle of rights that can't be taken by any person or any state without just cause; that through our own agency we can, and must, make of our own lives what we will — is one that every American understands. (53)

Sounds good on the first reading. But it's exactly because that bundle of rights *can* be taken away from people that it must be protected vigorously. His bold statement about protecting essential liberties is reduced by the qualifier "without just cause." The important question, then, becomes what constitutes "just cause." Statists are masters of exploiting such questions while lawyers quibble over the details.

> Implicit in its [the Constitution's] structure, in the very idea of ordered liberty, was a rejection of absolute truth . . . (93)

Calling All Economists!

In *Why Libertarians Should Call Themselves Socialists* (Liberty, Nov. 2006), David G. Danielson also suggests why they should not call themselves liberals.

"But, clearly, 'liberals' must be bold, innovative individuals, willing to entertain new ideas." And, just as clearly, libertarians are not such individuals.

Neither a gold coin prize nor wild horses could draw or drag them to the new idea here, that taking from the rich to give to the poor does not reduce but increases inequality. Despite its tremendous import, there is no place for it in libertarianism, not even to say what's wrong with it, no teachers who will teach, nor any demand that they do so, for they are not our servants but our masters.

Libertarianism is deracinated liberalism, economic freedom without the economics, with blind faith in authority, esoteric sideshows, and ethical wishful thinking in its place, a retreat from reason, and quasi-religious cult.

For *The Science and the Religion of Freedom,* and fundamental difference between liberalism and libertarianism, see ***Intellectually Incorrect*** at intinc.org.

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Really? That sounds like an imprecise — or extremely mechanistic — statement. To start, all truth is absolute; the notion that a thing can be "partly" true is just a common colloquialism. Ordered liberty is a means to achieve truth, not a rejection of truth. Perhaps Obama means that the state has no claim to truth, but the rest of his beliefs don't square with that. He generally seems to believe that the state does have a claim — perhaps the surest claim — to "absolute truth."

> The result has been the emergence of what some call a "winner-take-all" economy, in which a rising tide doesn't necessarily lift all boats. (146)

> Nor did American culture have much sympathy for workers left impoverished by capitalism's periodic gales of "creative destruction" — the recipe for individual success was greater toil, not pampering from the state. What safety net did exist came from the uneven and meager resources of private charity. (154)

He's begging the question: if the economy truly is "winner-take-all," and the hand of charity "uneven and meager," then of course only the state can provide. But note again that "talent for rhetoric," as Obama exploits a common rhetorical device of stump speakers — delivering his adjectives in pairs. A few pages later, he writes of "chaotic and unforgiving capitalism."

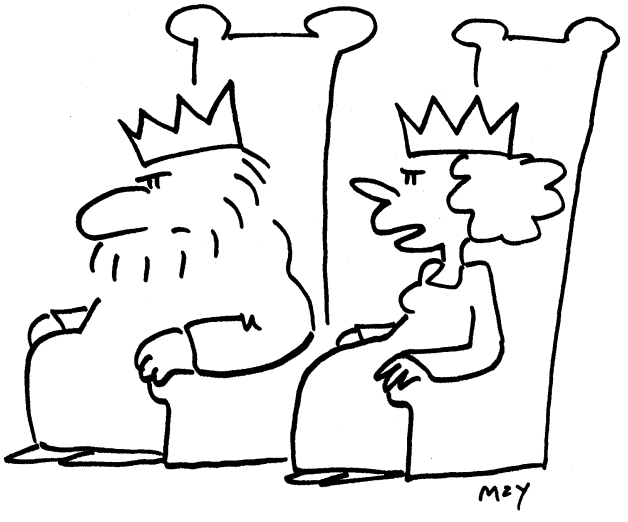

"Well, I never heard of any *other* king getting himself nicknamed 'Bubba'!"

Other rhetoric isn't so able: "Just about every scientist outside the White House believes climate change is real, is serious, and is accelerated by the continued release of carbon dioxide" (168). So do your part and stop breathing.

Obama may be impressed with his own rhetorical skills, but "just about every" is weak form — rhetoricians call it a *modified categorical*. It's a contradiction in terms, fuzzy filler.

> [R]egulation, if applied with flexibility and sensitivity to market forces, can actually spur private sector innovation and investment in the energy sector. (169)

Another bold statement reduced by modifiers. Regulation is inherently insensitive to market forces — in fact, it is designed to control or modify market impulses. Regulation applied with sensitivity to market forces would do nothing.

Obama's most tortured pages are the ones that deal with issues of risk and security (personal, not national) in public policy. Like most statists, he has a weak understanding of risk theory:

> But this compact also rested on an understanding that a system of sharing risks and rewards can actually improve the workings of the market. . . . That's what Social Security, the centerpiece of New Deal legislation, has provided — a form of social insurance that protects us from risk. . . . The bigger the pool of insured, the more risk is spread, the more coverage provided, and the lower the cost. Sometimes, though, we can't buy insurance for certain risks on the marketplace — usually because companies find it unprofitable. Sometimes the insurance we get through our job isn't enough, and we can't afford to buy more on our own. Sometimes an unexpected tragedy strikes and it turns out we didn't have enough insurance. For all these reasons, we ask the government to step in and create an insurance pool for us — a pool that includes all of the American people. (177–78)

This passage makes Obama seem either ignorant or willfully misleading about risk allocation and insurance.

First, insurance doesn't *protect* anyone from risk. It's simply a tool for distributing losses so that no single loss concentrates on a single person or small group. The same risks exist — they always do — it's just the fallout from those risks that's managed.

Second, no insuring entity — including the state — can "step in" and create a risk pool *after* a loss (in his words, a "tragedy") has occurred. The purpose of risk pools is to gather resources *before* a loss occurs, so that they can be allocated when one does.

Third, like so many career politicians, Obama seems to be confusing the roles of *insurer* and *guarantor*. An insurer is simply a manager of other people's assets, gathering them and allocating them in an actuarially sound manner, in exchange for a fee. A guarantor is someone or something that promises to pay expenses or debt.

Why is it that statists have such a hard time understanding risk? Do they believe in collective solutions because they don't understand risk and rewards; or believe in collective solutions first, and then ignore risk management because its tenets are inconvenient truths?

His stumbling explanation of health care suffers from the same flawed perspective:

> The market alone can't solve our health-care woes — in part because the market has proven incapable of creating large enough insurance pools to keep costs to individuals affordable, in part because health care is not like other products or services (when your child gets sick, you don't go shopping for the best bargain). (184)

Let's take his first part first. Markets don't create insurance pools — insurers do. And larger pools don't necessarily make insurance more affordable. If the incidence rate for certain losses in a large pool is higher than the rate in a small pool, the large pool's insurance costs will be higher than small pool's. The keys here are the loss histories and

actuarial projections for each pool.

Size can make some administrative costs easier to carry (which is why statists always argue for bigger pools; they're administrators at heart) but it has nothing to do with incidence rates and loss histories.

Shouldn't communities be able to organize themselves? Isn't that one of the things that makes a group of people a community?

Now, the second part. "You" may not shop for the best bargain when you choose health care providers. But you should.

Obama doesn't believe in privatization of Social Security pension benefits. Not much of a surprise there — just a lot more cant about the "winner-take-all" society.

> In other words, the Ownership Society doesn't even try to spread the risks and rewards of the new economy among all Americans. Instead, it simply magnifies the uneven risks and rewards of today's winner-take-all economy. If you are healthy or wealthy or just plain lucky, then you will become more so. If you are poor or sick or catch a bad break, you will have nobody to look to for help. (180)

But his personal anecdotes prove there's another solution. Near the end of the book, he tells of courting his wife. Early in their relationship, he'd gone to her home and met her parents and siblings. He was impressed by the family's old-fashioned structure and closeness. Even though they weren't rich, the parents had sent all of their children to college and beyond. Only later did he learn that his girlfriend's father had been suffering from multiple sclerosis for some years. The man lived with the disease gracefully and, *with the support of his family,* led a full life.

The strongest proof of the limits of Obama's perspective comes in his discussion of productivity gains in business ventures.

> Business groups may argue that a more unionized workforce will rob the U.S. economy of flexibility and its competitive edge. But it's precisely because of a more competitive global environment that we can expect unionized workers to want to cooperate with employers — as long as they are getting their fair share of higher productivity. (182)

Obama must never have started a business . . . and the reader begins to understand why he didn't make partner at Sidley & Austin. Higher productivity goes to the bottom line in any business venture. And owners — who have invested capital into the venture — are entitled to bottom-line profits. Unless unionized workers have invested capital in the venture, they are merely one expense item higher up on the P&L. Their "fair share" of increased profits is their *pro rata* portion of the shareholders' equity. If Obama believes that employees deserve equity ownership in a venture in addition to their wages, he doesn't understand the economic roles of employer and employee.

Obama effectively conveys common-sense wisdom on issues like foreign debt, campaign finance laws, and national security. He agonizes convincingly about moral questions like abortion and gay marriage. From his discussion of these topics in the abstract, he sounds like a moderate pragmatist.

But, often, when he moves from theoretical discussions to specific examples drawn from his time in the Illinois legislature or the U.S. Senate, he abandons his common-sense wisdom to take contradictory actions for partisan or downright stupid reasons. He squares this with another rhetorical trick: acknowledging the inconsistency. He admits the contradiction and moves on without further explanation.

But "The Audacity of Hope" wasn't written for libertarians or hard-eyed businessmen. It was written for the author's base of supporters in the left wing of the Democratic Party and swing voters who pay more attention to charisma and emotion than political philosophy. If Obama can combine these groups, he will go a long way toward the White House: scant experience, question-begging, contradictions between word and deed, and all.

One last observation. Early in the book, Obama describes his first meeting with George W. Bush. After some standard pleasantries, Bush points out that both he and Obama have had to debate Alan Keyes — whom the president calls "a piece of work." Obama eagerly agrees.

Bush has many unappealing traits. One of the worst is his locker-room mentality about insulting or minimizing people he considers strange; it smacks of the football star (which W. himself was not) mocking the awkward geek.

In his anecdote, Obama joins in the towel-snapping — and takes several other personal swipes at Keyes throughout the book.

Alan Keyes is by no means a libertarian. From his public speeches, it's fair to conclude his view of America verges on the theocratic. He's a statist of a heavily religious bent. But he speaks his mind clearly and even forcefully; and his beliefs are no more ridiculous than Barack Obama's smug, liberal-establishment cant.

Obama's cool-kid dismissal of the geeky Alan Keyes hints at insecurity in the face of honest expression.

A "talent for rhetoric" can be a hollow thing. ❑

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"The Supreme Court Opinions of Clarence Thomas, 1991–2006: A Conservative's Perspective," by Henry Mark Holzer. McFarland, 2007, 232 pages.

The Constitution and Its Emanations

Stephen Cox

The title word "conservative" may create the wrong impression. At an earlier time in his career, Henry Mark Holzer was a member of the inner circle of Ayn Rand (1905–82), a writer who has exerted a major influence on libertarian thought. Holzer himself has been a courageous and determined advocate of individual liberties throughout his life as lawyer and professor of law. He leaves to the reader the task of deciding whether Justice Thomas is a libertarian or a conservative (160), but it is plain that he admires Thomas as a proponent of what I have no hesitation in calling a libertarian approach to constitutional law.

Nevertheless, I put "a" before "libertarian approach," in recognition that libertarians are not all of the same mind when it comes to the interpretation of law. In this respect, there are at least two types of libertarianism:

1. Result libertarianism. Result libertarians believe (or write as if they believed) that anything that advances the goal of individual freedom is meritorious. Thus, if the Supreme Court suddenly decided that Social Security is unconstitutional, not because there isn't any language in the Constitution that authorizes the creation of such a system (which there isn't), but because Social Security extends more benefits to women than to men (which it does, because women live longer than men) and therefore violates the Constitution's "equal protection" clause — then, well, according to result libertarians, we should all throw a party. In this view, it makes no difference what legal sophistry one uses, so long as one gets a libertarian result.

2. Process libertarianism. Process libertarians believe (and *try* to live up to their belief) that the best protection for individual freedom is a framework of rational legal processes — sound laws, accurately expounded. They reject interpretive tampering with national and state constitutions. They assume that someone who does you good by illegitimate means will also do you bad, by the same means. Thus, while most libertarians probably support gay marriage, process libertarians were appalled by the initiative recently undertaken by the mayor of San Francisco, who stepped completely outside the constitutional framework by declaring, in effect, that a state law against gay marriage was invalid in San Francisco. Result libertarians applauded him.

My money is with the process libertarians. I believe that the practical losses one may suffer by being on their side are vastly outweighed by the practical gains. State constitutions are strong on certain individual liberties, and the federal Constitution is in most respects a model of libertarian thought. To interpret these documents fairly, giving their words the sense that their authors intended, is good for the cause of liberty, in the short term, usually, and in the long term, almost always. Granted, the First Amendment's guarantee that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" comes far short of erecting a "wall of separation" between church and state (Thomas Jefferson's phrase [1802], not in the Constitution). But I'm not much troubled by "In God We Trust" on our coins, or the eye of God on the Great Seal of the United States. If you are, I think you've got too much time on your hands.

But let's go beyond the issue of practical gains or losses. If you're worried about intellectual honesty, as Holzer is (8), you are much more likely to find it with the libertarianism of process than with the libertarianism of result. It is simply breathtaking, the degree to which presumed supporters of civil liberties have gone in amending the Constitution by judicial interpretation. I am, by profession, a literary historian and critic, and I know I would be laughed out of my profession if, when I interpreted texts, I took the kind of freedoms with fact and logic that judges, lawyers, and professors of law routinely take when they interpret the Constitution. To preserve some minimal reputation for honesty, I try to make my interpretations represent the meanings that are actually present in the texts I study. I realize that good authors often create intentional ambiguities, and bad authors often create unintentional ones, but I make every attempt to avoid

Constitutions are written and ratified with the expectation that their meaning will not be changed except by regular and deliberate process of the body politic.

replacing even those ambiguities with the meanings that I myself would prefer to see.

Of course, no text interprets itself. Even apparently simple texts can pose interpretive challenges. In the Old Testament, I encounter the commandment, "Thou shalt not kill." The words are not as simple as they look. We know that the people to whom the commandment was given were, in the same set of documents, permitted or commanded to kill certain kinds of criminals and religious enemies. We can, therefore, quite properly conclude that the commandment means, "Thou shalt not murder" — i.e., thou shalt not kill a legally and religiously innocent human being. By interpreting the text in this way, we preserve its original meaning, as determined by our knowledge of its literary context. We interpret, but we do not invent.

Now suppose we go further. Suppose we assume that a text that is so important to so many people ought to be adapted to their changing needs and evolving perceptions of life. Or suppose we simply don't like the original meaning of the text. So we advance the thesis that there is a wider religious philosophy underlying "Thou shalt not kill," a philosophy based on the idea that laws are given by God for the benefit of the people, to *promote the general welfare.* This sounds plausible. And it is . . . plausible. Well, does capital punishment, or the slaying of one's religious enemies, really promote the general welfare? Perhaps not. And what benefit do people get from killing animals, even to eat their meat? Some experts now claim that a vegetarian diet is much healthier. So we announce, "Thou shalt not kill" means, "Thou shalt not kill any animals." And suppose we take the next step. Suppose we say that the biblical commandment, in which we have now discovered a prohibition against killing in general, plainly establishes a *right to life*; and if there is a right to life, then plainly it is a crime to take life. In short, "Thou shalt not kill" is a mandate for the police to arrest anyone who kills an insect.

If a literary interpreter or Bible scholar ever reasoned in this *plausible* way, even the vegetarian members of his profession would pronounce him mad. Yet this is the process of "interpretation" that the Supreme Court has been applying to the Constitution during the past 70 years.

It must be admitted that by interpreting the Constitution in this manner, the court has sometimes done much good. In the famous case of *Griswold v. Connecticut* (1965), for example, it decided that states do not have the right to outlaw the use of contraceptive devices. The Connecticut law in question, which Holzer properly pronounces "outrageous," was a gross affront to individual liberties (7). But to decide that it was prohibited by the Constitution, Justice William O. Douglas had to discover in that document a "right to privacy," a right that he could locate only among the "penumbras, formed by emanations from [the] guarantees" of the Bill of Rights.

Shall we applaud this exercise in judicial spiritism? I think not. It was patently dishonest. Proceeding in the same way, the court might just as well have found that the emanations and penumbras of the commerce clause (another fecund source of diseased judicial interpretation) prohibit me from writing dirty verses in my diary. After all — to invoke two of the judiciary's favorite legal fictions — the diary *might at some time be carried into the stream of interstate commerce* and might then be found *offensive to community standards.*

The fact that none of this sounds surprising underscores an important fact: this is the kind of reasoning that the Supreme Court actually uses, as it daily substitutes its own wisdom for the meanings originally inscribed in the Constitution and the laws. Often its actions are immediately damaging to individual liberty; but every action that renders the Constitution malleable to imaginative reconstruction renders it less capable of defining and protecting liberty in the future.

We can rid ourselves of bad laws only by treating the Constitution as a butterfly that is constantly emerging from a cocoon.

The full theory of "authorial intent," or "original intent," or "originalism," as it has come to be called in American law, was developed by E.D. Hirsch, Jr., in two important, indeed fundamental, books: "Validity in Interpretation" (1967), and "The Aims of Interpretation" (1976). Hirsch is a literary critic and historian, primarily concerned with the interpretation of literary texts, not with the interpretation of the particular kind of text called a constitution — which brings up a question: does one really

Surveillance state — I warmly recommend "The Lives of Others" (directed by Florian Henckel von Donnersmarck; Germany; Wiedemann and Berg Film Produktion, 2005, 137 minutes), a film dealing with East Germany before its collapse in 1989. Its plot involves the secret police (the "Stasi"), who spy on the lives of everyone suspected of being disloyal to the regime or the ideal of socialism. A Stasi operative (played by Ulrich Mühe, who won a Lola, the German equivalent of an Oscar, for his brilliant performance) detects a trace of independence and nonconformity in a leading playwright and his actress girlfriend. He begins round-the-clock surveillance of their apartment, spying on every conversation and intimate moment; but his adversarial attitude softens when he discovers that his boss, who approved the surveillance, has sexual designs on the actress.

The film is exceptionally suspenseful and superbly acted; it earned eleven awards in Europe in 2006 and has now received the Academy Award for Best Foreign Language Film. Despite this welcome attention, there is no telling how long the film, which opened in February, will play in this country, or when it will be released on DVD — so see it soon if it appeals to you. — Robert Hessen

need to use the same rules for every text? What about the popular claim that the Constitution is such a peculiar kind of text as to require interpretation by methods that would never be applied to others? One hears that the Constitution is "living" and "evolving," and that it *ought* to "evolve," so as to adapt itself to new "conditions." In other words, we can rid ourselves of bad laws only by treating the Constitution as a butterfly that is constantly emerging from a cocoon.

Of course (as both Holzer and Thomas explicitly recognize), there are a lot of bad laws. So why not get rid of them?

One answer is that there's no reason to think that nine presidential appointees sitting behind a bench in Washington, D.C., will succeed at the task of discriminating the bad from the good, especially when their qualifications for the job consist mainly of political appointment, an exuberant imagination, and a total lack of argumentative scruples.

Another answer is: go ahead; rewrite the Constitution from the judicial bench. But while you're doing it, ask yourself: what's the sense of calling it a constitution? Call it something else — call it an essay that is constantly being written, call it a proposal that is always being voted on, call it Super Bowl XLII, call it anything you like, other than a constitution, because the purpose of a constitution is to say how things should be and to keep them that way. Do you believe that anything called a "constitution" could possibly be ratified if its proponents proclaimed, "This is a document that is going to keep changing in unpredictable ways, in a continual process of reinterpretation by people who have been educated to believe that it has no fixed and definite meaning"?

No one would answer yes to that question. Constitutions are written and ratified with the expectation that their meaning will not be changed except by regular and deliberate process of the body politic (as opposed to the internal debates of a politicized judiciary). It is because most of our fellow citizens still cherish that expectation that they are willing to respect decisions that honor the Bill of Rights, no matter how much they may dislike its particular applications. Constitutional guarantees may not extend as far as we might like, but they are no guarantees at all if we grant the idea that the Constitution can legitimately be treated as something that is always evolving new meanings, even if a particular new "meaning" momentarily expands the scope of individual freedom. And during the past seven decades, most of the Supreme Court's new "meanings" have contracted that scope, by licensing new assumptions of power by the federal government.

Enter Professor Holzer, who demonstrates that Justice Thomas is the Supreme Court's smartest and most consistent advocate of interpreting the Constitution according to its authors' original intent. In the process, Holzer illuminates many of the great controversies of constitutional law, providing a full, though not exhausting, account of Thomas' contributions to the "three pillars of American constitutionalism — separation of powers, federalism, and judicial review" (22). Holzer's conclusions, though concisely presented, are based on a complete survey of Thomas' judicial opinions (which are numerous enough to require 16 pages simply to list, in Holzer's helpful appendix).

Holzer is always clear and precise, both in his own analyses and in his criticism (favorable or unfavorable) of the analyses of others. He aptly describes "the decades-long metastasis of the 'Living Constitution's' malignant doctrines into most areas of American constitutional and statutory law" and explores the various intellectually interesting ways in which Justice Thomas has "fought against this anti-constitutional disease" (8).

Justice William O. Douglas could locate a "right to privacy" only among the "penumbras, formed by emanations from [the] guarantees" of the Bill of Rights.

The appeal of Holzer's book extends much farther than the audience of Supreme Court watchers and conservatives still angry (and they ought to be) over the controversy that surrounded Thomas' appointment. The book amounts to a seminar on constitutional law, its history and practice, and on the processes and specialized language of the Supreme Court. Ideas and customs that are ordinarily explicated (badly) at the length of hundreds of pages are swiftly and memorably communicated here.

The literary, as well as the intellectual, value of this book is substantial. Holzer understands the uses of scorn. After quoting some of Justice William J. Brennan's pompous asseverations — "Our amended Constitution is the lodestar for our aspirations. Like every text worth reading, it is not crystalline. . . . Its majestic generalities and ennobling pronouncements are both luminous and obscure" — Holzer writes, "Not content to loose this blather, Brennan . . . " went on to loose some more, which Holzer then cites, to devastating effect (5). The key words are "loose," which is what you do with your bowels, and "blather," which is what most people are afraid to call the sage observations of elder statesmen. Holzer's not afraid.

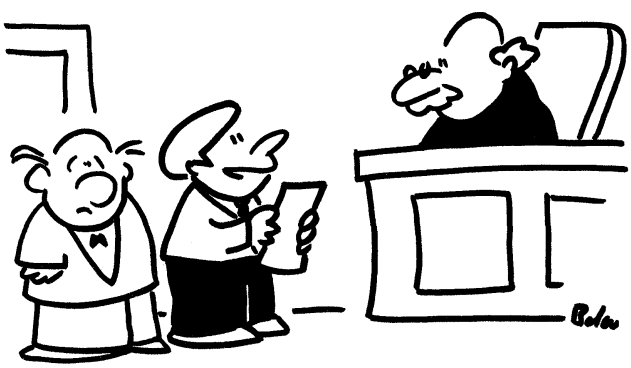

"Misusing his tax cut, Your Honor."

Thomas, whom Holzer always knows how to quote for the greatest possible effect, turns out to be a good aphorist:

> The outcome of constitutional cases ought to rest on firmer grounds than the personal preferences of judges. (75)
>
> Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law. (145)

Criticizing his colleagues for a decision giving the federal government virtually unlimited power to regulate commerce, Thomas writes, "Federal power expands, but never contracts, with each new locution. The majority is not interpreting the Commerce Clause, but rewriting it" (49).

Holzer's own aphorisms are also worth quoting. He knows what to do with a metaphor:

> [Justice] Douglas prospected his way through the Constitution. Although what he found was fools' gold, it glittered enough to satisfy six of his colleagues. (7)

And Holzer knows how to state a plain truth:

> The concept of a "Living Constitution" . . . means no Constitution at all. (6)

Holzer identifies the essential issue: do we have a constitution, or merely a set of judicial dogmas? I hope that the answer is, Yes, we still have a constitution. But if the answer is No to that, then Holzer's book may help us get it back. ❑

Of Spies and Ships and Queens

by Jo Ann Skousen

"The Queen," directed by Stephen Frears. Miramax, 2006, 103 minutes.

At first glance "The Queen" may seem more suited for a USA Network miniseries than a Hollywood premiere. Haven't we seen enough Diana lookalikes in the unending made-for-TV movies about the miserable life of England's favorite princess? How did "The Queen," about Diana's frumpy mother-in-law, end up with a nomination for Best Picture?

Don't be too quick to judge. What sets this film apart from the usual tabloid-style Di-fest is that it isn't about Diana at all. Screenwriter and Academy Award-nominee Peter Morgan stays focused on Queen Elizabeth and her actions during the week between Diana's death and her funeral, when the queen refused to issue a statement of condolence or grief. Coincidentally this was also the week that Tony Blair (Michael Sheen) took office, and the film reveals much about the queen's relationship with her prime ministers as well. "I've done this ten times," she reminds the inexperienced Blair on their first official meeting. "My first was Winston Churchill." How's that for putting a new prime minister in his place?

The film provides a surprising look at the queen's life away from the public. No wonder she and son Charles love Balmoral Castle so much — there, away from prying eyes, they can enjoy the normal, mundane activities we take for granted: hiking, talking with family, driving a car, being alone. Dressed like a model from an L.L. Bean catalog, she walks her Corgis, drives her own jeep, and carries her own potluck contribution to a family picnic (in a Tupperware container!), all without the accompaniment of bodyguards.

Much of the film's success has to be credited to Academy Award-winner Helen Mirren, one of the most talented and underrated actresses to come out of England (my apologies to Dame Judi). The beautiful and usually sexy Mirren captures the queen's dowdiness, right down to her tight-lipped jowls, her cankles, and her empty purse. (I assume it's empty. What would the queen of England need to carry?)

But Elizabeth is far from a caricature in this film. Mirren, who says she was never a fan of the monarchy before making this movie, brings an intimate understanding to this enigmatic figure. We see beyond the stoic monarch to the vulnerable woman underneath — and yes, she does have feelings after all.

Why was she so adamantly opposed to issuing a statement about Diana's death? Tony Blair nearly begged her to do so, in the national interest. As she explains it, the royal family has a certain duty to the public, and she has performed her duty unflinchingly her whole life. Then along comes the sparkling but empty-headed Diana, whom everyone loves and adores. They can't get enough of her.

In a way, it is an example of the Snow White syndrome: How does a mother feel, watching her own beauty and popularity fade in the sunlight of the lovely, more desirable, blossoming daughter? For Elizabeth, it has been with a stiff upper lip. Snow White may have eaten the apple, but the queen swallowed the bitter pill.

Queen Elizabeth is wealthy, respected, and powerful. But despite that wealth and power, she is trapped by the circumstance of her birth. Mirren portrays the aching sadness and loneliness of a woman whose life, even in childhood, has been one of duty and inevitability.

"Breach," directed by Billy Ray. Universal, 2007, 110 minutes.

In "Breach," FBI agent Robert Hanssen (Chris Cooper) is described as the worst traitor in American history. For nearly 25 years Hanssen quietly sold secrets to the Russians, including the names of at least 50 double agents who were spying for the United States. At least three of them were subsequently executed by the KGB. Eric O'Neill (Ryan Phillippe) was the young, ambitious rookie assigned to work as Hanssen's assistant, essentially to spy on the spy.

Why does someone become a spy? For the money? You can't spend it without giving yourself away. For the glory? If you do it well, no one will ever know. For a cause? This may the only reason worth giving one's life for, but as super-spy James Bond admits in "Casino Royale," "When one's young, it seems very easy to distinguish between right and wrong; but as one gets older it becomes more difficult. . . . Patriotism comes along and makes it seem fairly all right, but this country-right-or-wrong business is getting a little out of date."

"Breach" attempts to explain why Hanssen did it. Overzealous Christianity gets its share of the blame, along with hints of an abusive father, sexual perversion, and an unappreciative agency. But as O'Neill eventually decides, motive doesn't really matter. "You are who you are. 'Why' doesn't mean a thing."

More difficult for O'Neill to deal with is the deception inherent in the sting business: a spy must befriend the enemy in order to betray him, and he must deceive his family in order to protect it. The film is more about O'Neill's crisis of conscience as he befriends Hanssen than it is about Hanssen's treachery against the United States. Fifty-five years have passed since Ian Fleming penned the words quoted above, and today the "my country right or wrong" business is even more out of date.

James Bond said that "this country-right-or-wrong business is getting a little out of date." Fifty-five years later, it is even more out of date.

For a spy thriller that takes place mostly in the office, "Breach" is surprisingly tense, especially when O'Neill is rushing to cover his tracks. Instead of guns, the opponents arm themselves with wits, nerve, and bravado. Ryan Phillippe's earnest young face belies the quick-witted deception his character demonstrates when he has to figure out how he would react if he were telling the truth.

Chris Cooper ("October Sky," "American Beauty," "Adaptation," "Syriana") is not unlike the character he plays in "Breach": brilliantly gifted but so subtle that he is often eclipsed by the overrated glory boys in the business — Tom Cruise, Matt Damon, Tom Hanks. When I mention Cooper's name, people usually respond, "Who?" But he's one of my favorite actors, a master of controlled emotion and restrained performance. Cooper makes the spy's duplicity believable — a churchgoing family man who can snap at any moment.

By contrast, Laura Linney's performance is powerful, bold, and virtually genderless. As Kate Burroughs, the FBI's director of the investigation, Linney commands authority and attention, but as a person, not as a feminist. At one point she rises into the scene aboard an escalator, like a deus ex machina rising from the depths of the earth. Burroughs wants to stop the man who has endangered the lives of so many people, but what really makes her mad, she says, is "I've wasted my whole career because of him."

James Bond would probably have understood the motivations of all three characters. Speaking of his archenemy, he says, "I wouldn't hesitate to kill him — but out of personal revenge and not, I'm afraid, for some high moral reason or for the sake of my country." His liaison Mathis pragmatically agrees: "Surround yourself with human beings, dear James. They are much easier to fight for than principles."

"Amazing Grace," directed by Michael Apted. Samuel Goldwyn, 2007, 111 minutes.

"Amazing Grace" is an earnest film with an earnest message about an earnest young abolitionist, William Wilberforce (Ioan Gruffudd), who was the driving force behind the end of slavery in Britain. Appalled by the brutal conditions of slaves as they were transported across the Middle Passage from Sierra Leone to the colonies, Wilberforce spent 20 years relentlessly introducing bills calling for the end of the shipping portion of the slave trade. He finally succeeded in 1806, and the abolition of slavery itself followed in 1833, one month after Wilberforce died.

But despite Wilberforce's noble mission, this film falls flat. Too much of it is spent in exposition and dialogue, with little action beyond long walks in the garden. The fight for abolition was, in many respects, a war of words and ideas, but it was also fraught with personal conflicts and harrowing stories. Nevertheless, screenwriter Steven Knight somehow had trouble finding a dramatic story with which to tell the tale.

Even more troubling is the lack of black characters in the film. Britain was home to many free blacks at the time, but the film includes only one black character, Olaudah Equiano (Youssou N'Dour), who is so marginalized that he is almost a token, waiting to be saved from his white oppressors by his white patrons. This is a shame, because Equiano was a fiery orator and an active participant in the abolitionist movement whose story could have added a great deal to the movie.

Equiano wrote the first published slave narrative ("The Life of Olaudah Equiano, or Gustavus the African"), a fascinating account of life aboard a ship. He sailed with an exploratory party to

the North Pole and fought in several battles. Eventually he bought his freedom by selling citrus fruits as he sailed from port to port. On the day that he bought his freedom, Equiano paid the captain, got his manumission papers stamped at the courthouse, and then went right back to work on the same ship, as a free man. The work itself was not objectionable, but the lack of freedom had been.

Surprisingly, Equiano argues in his narrative not for abolition of slavery, but for better treatment of the slaves, instructing slave owners that "by changing your conduct, and treating your slaves as men, every cause of fear would be banished. They would be faithful, honest, intelligent and vigorous; and peace, prosperity and happiness would attend you." It was only later, after he spent some time in England, that he became an active abolitionist.

Another character whose story is underutilized in the film is John Newton (Albert Finney), a former slave trader who wrote the hymn "Amazing Grace." The song is sung twice in the film, but Knight did not bother to create a story line that would have allowed the lyrics to be dramatically meaningful. Newton, who became an abolitionist after his conversion to Christianity, was haunted by the "20,000 ghosts" of slaves who suffered on his ship, and encouraged Wilberforce to stay in Parliament and fight for abolition. Finney plays Newton with empathy and integrity.

Though the music swells to tug at the emotions, the eventual vote ending the slave trade seems a hollow victory. While the shipping of slaves from Africa had been successfully abolished, slavery itself would continue in the colonies and in America for several years, and the effects of this cruel institution continue to this day. Wilberforce should be admired for his sincere dedication to the cause, but it is a film whose appeal does not cross color barriers. It must be somewhat galling to blacks that their oppressors and their liberators were of the same foreign color. As Equiano writes bitterly in his narrative, "No free negro's evidence will be admitted in their courts of justice."

But outside of Parliament, Equiano spoke eloquently. Knowing that the pro-slavery faction feared how the economy would fare without slavery, he argued convincingly that abolition would not destroy the economy but enhance it:

> If a system of commerce was established in Africa, the demand for manufactures will most rapidly augment, and the native inhabitants will insensibly adopt the British fashions, manners, customs &c. In proportion to the civilization, so will be the consumption of British manufactures. . . . A commercial intercourse with Africa opens an inexhaustible source of wealth to the manufacturing interests of Great Britain.

To paraphrase a slogan from the '60s: Make money, not war. ❑

"Rumpole and the Reign of Terror," by John Mortimer. Viking, 2006, 184 pages.

The Wife and Crimes of Horace Rumpole

James E. Ferguson

An enjoyable amble through the halls of New Labour injustice, "Rumpole and the Reign of Terror" entertains while presenting the dilemma of a liberal democracy struggling with the proper societal response to the rank terror of 9/11 and the later London tube bombings. Mortimer, a fluid writer and former barrister, places his at times bewildered, always anachronistic, but ultimately triumphant Old Bailey hack (still going strong more than three decades after making his first appearance) into the depths of the new world order, where there are no trials but proceedings, no revelation of specifics but vague charges of violations, and no courts and juries but special commissions known by bureaucratic acronyms (here, SIAC).

In this strange new world, Horace Rumpole seems to plead not only for his Pakistani doctor client, Mahmood Khan, accused of terrorism, but for the very concept of ordered liberty, when he intones: "Now you've convicted poor people, the homeless, those sleeping in doorways, you've convicted them without any sort of trial, fining them when they have no money, all on the say so of an overworked policeman. Add this to imprisonment without trial. Aren't you a lawless government?"

Even at home the center cannot hold as Hilda, known to Rumpole as "She Who Must Be Obeyed," seeks her own voice for the first time in this long series by writing her memoirs on her newly acquired computer secreted in their "box room," while carrying on a flirtation with Rumpole's judicial nemesis, the "Mad Bull," Justice Leonard Bullingham. The Home Secretary is charming the electorate while destroy-

ing the traditional bulwarks against despotism; the wife is philandering, or at least lunching at the Sheridan Club with the idea of divorce; and even Rumpole's reliable clientele, the Timsons (a family of south London villains that have kept Rumpole equipped over the decades with the means to acquire small cigars, after-work tipplings at Pommeroy's Wine Bar, and Hilda's household necessities such as Vim and Fairy Liquid), have refused to further patronize an attorney who represents a terrorist. Especially a terrorist married to the odd daughter of this otherwise honorable and larcenous clan.

By hook and especially crook our hero struggles to restore sanity to both his professional and domestic worlds. All the while, he is troubled by the thought that his Anglophile client with the remarkable house "on the better side of Kilburn" may actually be guilty of despicable acts against humanity. Nonetheless he is compelled to inveigh on, achieving one small victory after each great setback, culminating in an interesting if not somewhat Perry Masonish courtroom denouement.

This small novel is an enjoyable read with a dark undercurrent. Libertarians may rejoice that a classical liberal such as Mortimer has used his greatest comic creation to confront the very real dangers that neoliberal thinking and post-9/11 panic pose to liberty. At one point Mortimer has the Home Secretary saying what we fear such politicians actually think: "Things like jury trials and the presumption of innocence may have been very well in their day. But times change. History moves on. We need quicker and more reliable results."

To which we can do no better than Rumpole in retorting: "The terrorists would take away our right to juries and give us imprisonment without trial. 'You can have it,' says the government today. 'You can have Magna Carta, we've got no use for it. And while we're about it, we'll throw in the presumption of innocence and the Bill of Rights.'"

Fortunately, after this good tale well told, we can with Rumpole uncork a bottle of Chateau Thames Embankment, light up a little cigar, and enjoy the glow of victory and the electric fire in our flat at Froxbury Mansions, and especially the revived respect of She who witnessed it all and played an unwitting role in saving our liberties from the jaws of those who would seek to protect us. ❑

Notes on Contributors

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The Next President, *from page 20*

Marriage and "civil unions" are also a state issue. Different laws for different folks. He's for keeping abortion legal, but he would be appointing more Supreme Court justices like Roberts, Alito, and Scalia, who might overturn *Roe*. But that would not make abortion illegal. It would make it a *state* issue. Federalism!

Giuliani supports school vouchers, which he didn't support when he was elected mayor of New York. He says he was converted by the frustration of dealing with the city's public schools: "The whole notion of choice is really about more freedom for people, rather than being subjugated by a government system that says you have no choice about the education of your child."

The conservative (and, to some extent, libertarian) case for Giuliani was made by Steven Malanga in City Journal. As mayor, Malanga says, Giuliani imposed a work requirement on welfare and cut the rolls by 600,000 people. He ended open enrollment at the City University of New York, an action followed by a 168-point gain in SAT scores by the class of incoming freshmen. He inherited a $2.5 billion budget deficit and closed it with spending cuts. By modernizing the police department and paying attention to small crimes, he cut the murder rate by 67% — from 1,960 murders per year to 640 — and cut the number of car thefts by 78,000 per year. He cracked down on graffiti, turnstile jumping, public urination, and the squeegee men. After 9/11 he rejected a $10 million check from a Saudi prince who wanted a tip of the hat to Muslim sensibilities, and, Malanga writes, "Giuliani was fearless in confronting racial extortionists like Sharpton."

Now wooing the Republicans, Giuliani says he is for a "strong foreign policy, smaller government, lower taxes." He says, "I lowered taxes in New York 23 times."

Giuliani's attraction is executive ability. He *did* things. He was successful. He confronted crises. He was a leader. Among all the candidates he's your man if what you want is a president who wields power effectively.

There is value in having a president like that — and danger. There is an intolerance in this man. In 1999 he objected to a painting of the Virgin Mary spattered with elephant dung and tried to pull city funding of the show that exhibited it. We can get legal about this and say the issue was city funding, and libertarians would be against that. We can get cultural and say that an image of the Virgin Mary spattered with dung is a nasty attack on the Christian faith, and is bad art besides. I tend to think that way. But the vehemence of the whole episode also shows something about Rudy Giuliani.

A painting is not that important, but the statement about "strong foreign policy" is. It means a muscular foreign policy. The fact that Giuliani is supported by the Bush administration neocons tells something about him. My biggest complaint about Bush is that he started a war. Giuliani might start another.

All these candidates, then, ought to be unsatisfactory to a libertarian. Yet one may be better, given time and circumstance, than another. There is the question of war, which suggests a vote for a Democrat. And there is the question of the administrative nanny state, which suggests a vote for a Republican. In my home state, Washington, the legislature is nearly two to one Democrat, and is eagerly spending most of the windfall gains of an economic boom. Probably it will pass a bill that will make more than half the kids in the state eligible for Medicaid. Don't discount the arrogance of Democrats.

Looking at the presidential candidates, it is tempting to say that Americans deserve better. But really, I think, they don't. The candidates have squinted into the national mirror and tarted themselves up to be exactly what the people want them to be. If you don't like them that way, the problem is that you just aren't in the mainstream. ❑

Letters, *from page 4*

Top of the Pyramid

Gary Jason really hit the nail on the head with his reflection "The great heist" (March). A Ponzi scheme is indeed what Social Security has become. A Ponzi scheme, in case anyone reading these pages is unfamiliar with the term, is a bit of chicanery whereby, in Jason's words, "present investors make handsome payoffs in the hopes that they, too, will be taken care of." Inevitably at some point the till comes up empty, and the whole scheme collapses, leaving the "present investors" out of pocket.

Getting in early is how one profits from a Ponzi scheme. Consider the case of Ida May Fuller.

On Jan. 31, 1940, Ida May, a resident of Ludlow, Vt., received the first Social Security check issued by the United States government. She went on collecting checks for another 35 years, until she died at the ripe old age of 100. Before her retirement Ida May paid a total of $24.75 in Social Security taxes. At the time of her death in 1975, she had collected $22,888.92 in benefits. Not a bad return, even if the total payout seems puny in terms of today's monetary values.

The Baby Boomers, who never produced enough children (read: present investors) to keep this Ponzi scheme going, will nevertheless escape the dire consequences of an empty till. Their numbers, translated into votes, will work politically to keep the system afloat, somehow. But those who follow the Boomers (the Gen Xers and their juniors, the so-called Millennials) will find themselves holding the short end of the Social Security stick.

Shouldn't we Boomers start voting for politicians who advocate true Social Security reform? Why make our kids and grandkids the losers in a Ponzi scheme that we will soon be profiting from?

Jon Harrison
Poultney, Vt.

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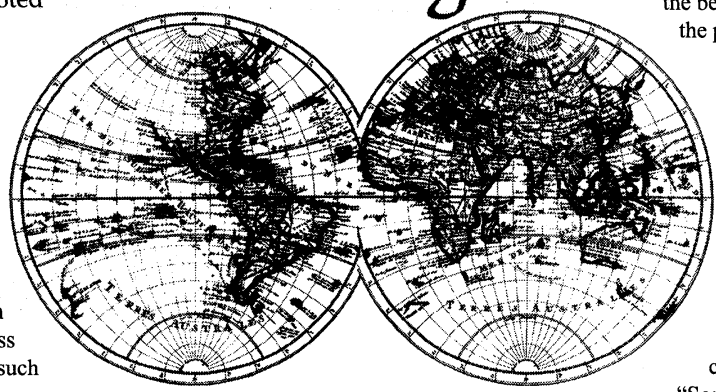

Philadelphia

Novel form of self-loathing, from the *Philadelphia Inquirer:*

The owners of national clothing retailer Motherhood Maternity have agreed to pay $375,000 to resolve allegations that it discriminated against pregnant employees and job applicants.

The U.S. Equal Employment Opportunity Commission brought the suit against Mothers Work Inc. for allegedly refusing to hire pregnant women and ultimately firing an employee when she challenged the practice.

Beijing

Tough competition for the Freedom of Information Act, noted in *The Wall Street Journal:*

A regulation mandating greater transparency in China's government is moving forward in Beijing, but its contents are a secret. China's chief administrative body approved a draft of the Government Release of Information regulation in January. It remains unclear whether the new regulation would make it easier to get access to often-secret draft legislation, such as this one on information transparency.

Tempe, Ariz.

Cardiovascular note, from the *Los Angeles Times:*

The Heart Attack Grill — a theme restaurant whose specialties include the Quadruple Bypass Burger and Flatliner Fries, cooked in pure lard — is making health-care professionals' blood pressure rise, and not because of the menu.

It is because of the waitresses' naughty nurse uniforms.

"Nurses are the most sexually fantasized-about profession," said Sandy Summers, executive director of the Center for Nursing Advocacy. "We're asking people, if they're going to have these fantasies, please don't make it so public. Move these sexual fantasies to other professions."

Amanda Price, one of the few women customers at the restaurant, said the outfits did not offend her. "You don't hear nuns complaining about pregnant nun costumes, and that's more disgraceful than sexy nurses," she said.

Brussels, Belgium

New twist on the "Click It or Ticket" campaign, chronicled in *The Wall Street Journal:*

At a slaughterhouse in Brussels, Mohamed Mimoun took a number. He gasped: it was a two-hour wait to sacrifice his animal for Eid al-Adha, an important Islamic religious festival. "I should have done this at home like everyone else," he moaned. A 1988 Belgium law expressly forbids the ritual slaughter of animals at home.

On his way to the slaughterhouse, Mr. Mimoun was fined by a policewoman for transporting a live sheep in the closed trunk of his Toyota. By law, it should have been in the back seat.

"She told me I needed to have a seatbelt on the sheep," Mr. Mimoun said. The policewoman later said she was joking about the seatbelt.

Moscow, Idaho

Notice of health care reform posted in each patient's room in Gritman Hospital:

Windows have been privatized — No one can see in during daylight hours.

Ottawa

New frontier in the fight against climate change, as reported in the *Ottawa Citizen:*

A former Canadian defense minister says he believes advanced technology from extraterrestrial civilizations offers the best hope to "save our planet" from the perils of climate change.

Paul Hellyer is calling for a public disclosure of alien technology obtained during alleged UFO crashes — such as the mysterious 1947 incident in Roswell, New Mexico — because he believes alien species can provide humanity with a viable alternative to fossil fuels. "We need to persuade governments to come clean on what they know," he said. "Some of us suspect they know quite a lot, and it might be enough to save our planet if applied quickly enough."

Harare, Zimbabwe

Confronting one of Africa's gravest problems, in the *Harare Herald:*

Countries in the Southern African Development Community should mobilize resources for their national biosafety systems to enhance their capacity to test for the presence of genetically modified organisms in food, stock feed and seed, said Minister of Science and Technology Development Olivia Muchena.

She noted that Zimbabwe had made great strides in implementing "more robust systems of ensuring the scientifically sound, economically viable, environmentally friendly and socially acceptable application of biotechnology."

U.S.A.

Vigilance against the threat of research, noted by *The New York Times:*

Academic researchers increasingly complain that Institutional Review Boards, instituted in the wake of the Tuskegee Syphilis Study, are interfering with research in subjects that pose virtually no danger.

Recently, a review board asked a linguist studying a preliterate tribe to "have the subjects read and sign a consent form," and a board forbade a white student studying ethnicity to interview African-American Ph.D. students "because it might be traumatic for them."

Bernard A. Schwetz, director of the federal Office for Human Research Protections, dismissed the notion that most nonmedical research carries few dangers. "Obviously the balance is very subtle," he said. "I think it's naive to say there isn't any risk."

Special thanks to Russell Garrard, Tom Isenberg, and Jim Ferguson for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

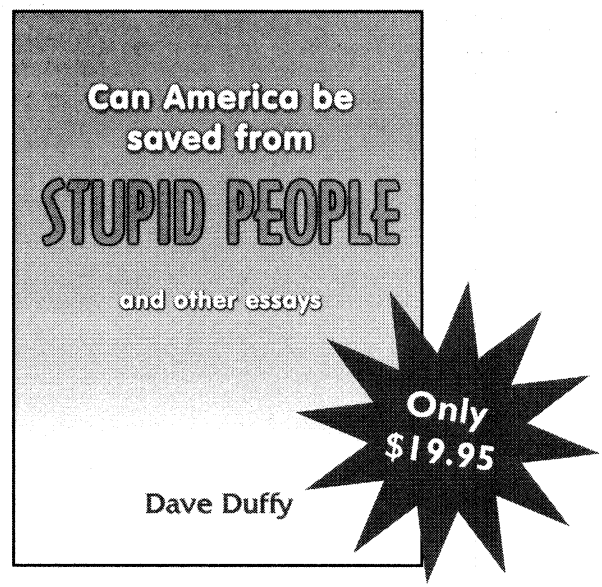

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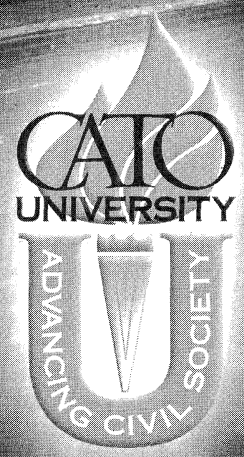

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Inside Liberty

June 2007
Volume 21, Number 6

4 Letters Our readers fight the power.

7 Reflections We stroll through Baghdad, score at the World Bank, corner the chicken market, breed less sheepish sheep, wrestle a bloodthirsty lion, diagnose an old malady, smuggle light bulbs, break a leg, and add a venerable American species to the endangered list.

Features

21 A Freewheeling Debate Bookstores across the nation are featuring *Brian Doherty's* history of the libertarian movement. *Bruce Ramsey* and *Lanny Ebenstein* study the phenomenon; Doherty provides his own account.

29 Borking Up the Wrong Tree When it comes to legal principles, modern conservatives can be as dangerous as modern liberals. *Timothy Sandefur* shows what's under the sheep's clothing.

35 The Founding of the Party *John Hospers,* one of the select group of Americans who have ever received a vote in the Electoral College, tells how it's done.

38 A Generation of Slackers *Michael Christian* surveys the age of porcelain and skateboards.

Reviews

41 Lies Your Teachers Are Telling You *Gary Jason* runs down the myths that keep public school budgets high and test scores really low.

46 Sparta 300, Persia 0 The story told in "300" is a great one, *Liam Vavasour* admits. But the story told by history is even better.

47 Fondly Remembering Karl Hess *Richard Kostelanetz* savors the heyday of American anarchism.

48 Pax Reagana Reagan may have muffed his lines about domestic matters. But, as *Martin Morse Wooster* finds, he played his part on the international stage almost to perfection.

49 A Wake for the West The death of the West: are the reports exaggerated? *Garin Hovannisian* weighs the evidence.

51 Curtain Calls *Jo Ann Skousen* takes in a hit, a flop, and a guilty pleasure.

50 Notes on Contributors Our boon companions.

54 Terra Incognita One measures a circle, beginning anywhere.

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Letters

Occupation Nation

Jon Harrison's article ("Why the Surge Will Fail," April) is correct in not using the word "war" to describe what we are doing in Iraq. We are not at war; we are involved in an occupation of a country we conquered. The analogy is France and Poland by Germany during WWII, or India for many years by the British. In those days, they called the "resistance" guerrillas, and here in the U.S. we honored them for fighting their occupiers.

Here is what I believe the surge really means to the Bushies: when the Democrats won in the fall, it was mostly an antiwar vote. This meant when they took control of the House and Senate, they would probably ask for a withdrawal date. The Dems would say that the American people want us out of there, so let's make a plan to leave ASAP.

Bush's advisers saw it coming and proposed an increase in troops. They didn't really believe a few thousand more boots on the ground would help much, but that wasn't the point. It changed the argument from whether to withdraw to whether to add more troops. They snookered the nation with a classic misdirection move.

Now Bush will not leave because that would mean admitting he was defeated. He wants to pin our "retreat" on the Democrats. Arguing about whether the "surge" is working or not is just a time-eating camouflage, nothing more.

Meanwhile my son is in the Marines, serving in Fallujah. He doesn't like what he sees, but like all good young soldiers, is doing his job to the best of his abilities.

Dick Geyer
Las Vegas, Nev.

Surge by Numbers

I am a libertarian in the defense industry and, in my 30 years here, I have assimilated a working knowledge of military operational art. From that perspective, I am critical of Jon Harrison's assessment of the surge.

Harrison's first argument amounts to simple troop-counting, as might be appropriate in frontal attrition warfare — which the campaign in Iraq is not. For one thing, it makes a difference whether one is counting actual combat troops (which the 21,500 are) or a fielded mixture of combat and support troops (which the 153,000 are). The normal ratio of combat troops to total expeditionary force is variably between 20 to 50%. Thus, the increase in combat capacity is far greater than simple numbers indicate. More important, however, is the nature of the operational strategy they will be called to execute, of which Harrison is ignorant. At present our troops are not numerous enough to impose secure control perimeters, within which "housecleaning" operations can commence. The new numbers will correct that deficiency, so we can impose the methods that were successful in Fallujah.

The second argument purports to be a critical analysis of the incoming deployment. He states that to "expect [our forces] either to defeat or to overawe and disarm thousands of well-armed religious fanatics, is sheer fantasy," and inexplicably compares the problem in Baghdad to the siege of Stalingrad. The expectation is entirely within reason, considering that U.S. forces successfully accomplished the extirpation of insurgents within Fallujah, killing 1,300 outright, with only 13 fatalities on our side. This action was accomplished largely with the advantage of night-vision equipment and pervasive overhead surveillance by unmanned aerial vehicles, to implement a new, information-dominated tactical approach. (It was not well-reported in the mainstream press; I had to read it

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in the pages of Popular Mechanics.) But Harrison refers to the success at Fallujah as involving "a relatively small number of insurgents." Well, he can't have it both ways: it cannot be the case that defeating thousands of insurgents is an insuperable task — and also that the Battle of Fallujah did not involve thousands of insurgents. At present, we have killed 20 insurgents for every one of our troops that has been killed, so let us not doubt that it is possible to cope with "thousands" of the enemy.

The third argument is not really an argument, but a digression on the nuisance of Muqtada al-Sadr. At the moment, the Baathist and al-Qaeda insurgency is the more important problem, so it makes sense to deal with it first.

His fourth argument is nothing more than a groundless dismissal of Gen. David Petraeus, who, it turns out, authored the Army's latest field manual on counterterrorism. Harrison can muster nothing but commendable facts about Gen. Petraeus, but wishes to nullify these facts with shadowy speculations that "a case can be made" against his competence — but does not make such a case. This is innuendo, not argument.

Finally, his fifth argument is again no argument, but a free-floating collection of aspersions against President Bush and Vice President Cheney, ending with another bizarre comparison to frontal, mass-attrition warfare (the Battle of the Marne). If Harrison thinks we are somehow at pains to obliterate the entire citizenry of Baghdad, he may rest assured that a mere handful of 100-kiloton nuclear weapons can achieve in moments what took days in the Marne or longer at Stalingrad. But, thank God, we are not engaged in such wholesale destruction, and I am more comforted by our armed forces' understanding of that fact, than by Harrison's failure to understand.

In the end, Harrison's article gives me newfound confidence that the troop deployments to Iraq could be successful. If these are the best arguments he can muster, we should wish our troops great success.

Michael J. Dunn
Federal Way, Wash.

Harrison responds: Mr. Dunn is entitled to his opinions, though in my view they cast little light on the situation in Iraq. He misrepresents most of my arguments, but I do not feel compelled to instruct him. Time will tell whose analysis is correct, his or mine.

Can It

The April Reflections include a couple of pieces of misinformation about Speaker of the House Nancy Pelosi that should be corrected.

First, Tim Slagle states that Pelosi is a hypocrite because of "her request for a private 737 jet." As the House Sergeant at Arms Bill Livingood reported in a Feb. 8 statement, it was he who requested a 757 (not a 737) for Pelosi. Pelosi did not request any particular kind of aircraft, nor demand one capable of nonstop flights. Livingood wrote: "In a post 9/11 threat environment, it is reasonable and prudent to provide military aircraft to the Speaker for official travel between Washington and her district. The practice began with Speaker Hastert and I have recommended that it continue with Speaker Pelosi. The fact that Speaker Pelosi lives in California compelled me to request an aircraft that is capable of making non-stop flights for security purposes, unless such an aircraft is unavailable. This will ensure communications capabilities and also enhance security. I made the recommendation to use military aircraft based upon the need to provide necessary levels of security for ranking national leaders, such as the Speaker. I regret that an issue that is exclusively considered and decided in a security context has evolved into a political issue."

Second, Gary Jason states that "Pelosi managed to tack on an exemption [to the minimum wage increase] for American Samoa, because the big tuna-canning companies StarKist and Del Monte (which pay Samoans $3.26 per hour) screamed that they would be hammered by the new wage standard" and "StarKist, by the way, happens to have its corporate headquarters in her

"Those who cannot remember the past are condemned to repeat it." So said George Santayana. But I wouldn't mind repeating the past of the libertarian movement — a lot of it, anyway. I'd like to be there watching Milton Friedman teach his classes, or listening to Isabel Paterson's brilliant conversations with Ayn Rand, or watching H.L. Mencken hammer out an essay.

Three years ago, when I published a book about Paterson's life and the birth of modern libertarian thought, I complained that very few researchers seemed to be interested in the history of our movement. So in this issue of Liberty I am especially pleased to welcome John Hospers, Brian Doherty, Bruce Ramsey, and Lanny Ebenstein, authors with the best possible qualifications to discuss the subject.

That doesn't mean that in this issue of Liberty we are living in the past. There's plenty of the present too. Libertarian thought has a distinguished history, but it's always building on the accomplishments of the past. "What's past is prologue," says a character in Shakespeare's "Tempest." For the friends of liberty, those words are true, and in the best possible way.

For Liberty,

Stephen Cox

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home district." In fact, Pelosi didn't "add" this exemption — it has been present in every proposed minimum wage increase (as well as previous minimum wage law) for over a decade, long before Del Monte acquired StarKist, which is the largest employer in American Samoa. Del Monte, which is headquartered in San Francisco, has given contributions almost exclusively to Republicans, and nothing to Pelosi or the major Democratic committees. There was previously also an exemption for the Northern Marianas Islands (for which Jack Abramoff lobbied), which is phased out over two years in the new increase.

It would be appreciated if Liberty contributors and editors would make greater efforts to verify the accuracy of Republican talking points before repeating them in print. I can go watch Fox News if I want that kind of misinformation — I prefer not to see it in this magazine.

Jim Lippard
Phoenix, Ariz.

Jason responds: I don't believe Mr. Lippard addresses my point. The Democrats campaigned on a pledge to govern in a bipartisan manner, and to "restore" ethics in Congress. But Rep. Pelosi rammed through her agenda with no input from her Republican opposition, so they weren't responsible for the exclusion of American Samoa from the minimum wage bill. No, sorry, this is Pelosi's bill completely — she had total control over the process and the product — so it is irrelevant as an excuse that prior bills had similar exclusions. She made the choice, not me, not Bush, not Lippard, not anyone else. She cosponsored a similar exclusion in 1999, so this exclusion was deliberate. And it certainly benefits a major player in her district, who will be in a position to help her in the future.

To address what I take to be the point behind Lippard's dig, by making fun of Pelosi's hypocrisy, I am not excusing prior similar behavior by Republicans. I don't have to watch Fox News to understand public choice theory: when in office, all politicians (Republican, Democrat, Green, Communist, or even Libertarian) tend to pursue their self-interest. This typically includes putting things in bills that are in the perceived interest of voters and businesses in their districts. Pelosi is not worse in this regard, but she certainly is no better.

I have argued elsewhere that the solution to special interest legislating lies in structural reforms that diminish the power of representatives to insert their own preferences along the way. If Fox News ever hires me as a commentator, I would be happy to rehearse my arguments. And I sure as hell could use the income. In the meantime, Lippard can find the article on my website, profgaryjason.com.

Vox Depopuli

Gary Jason's reflection "Population Bombs" (April) pronounces the overpopulation concerns of the 1970s misguided, celebrates the prospect of population stabilizing at "roughly 10 or 11 billion late in the century," and brands population shrinkage a new, critical problem. On each count Jason is in error; the population crisis (yes, there is one) offers lessons that libertarians ought to recognize, even celebrate.

It's popular to say, as Jason does, that Paul Ehrlich was dead wrong with his 1970s predictions that overpopulation would lead to calamity. True, the specific disasters he foretold did not occur: as Julian Simon predicted, commodity prices generally dropped; food riots did not scar the Second World. But for all the details Ehrlich got wrong, his broader argument has in fact been vindicated. There are too many people, consuming too many resources and discharging too many effluents. Look at aquifer depletion, the overexploitation and pollution of rivers from the Colorado to the Yangtze, exhaustion of farming soils, desertification in Africa. Look at global warming, if you go in for such things. Or just get behind the wheel and try to drive across any big U.S. city during rush hour. The world we live in today is an Ehrlichian dystopia, thickly burdened with problems that a smaller population could relieve, problems that a larger population can only exacerbate. This suggests that even the current global population is unsustainable. If that is true, stabilizing at "10 or 11 billion late in the century" is a prescription for suicide.

Experts have been raising alarms on overpopulation since the late 1950s, when the global population was about 2.5 billion. On a horizon of 150–200 years or so, that's what we ought to be aiming to get back to. The fact that reproduction rates are plunging below

continued on page 53

Reflections

What's past is prologue — It was mid-March on the campaign trail when the story broke: Sen. John Edwards, running for the Democratic presidential nomination, and his wife Elizabeth announced that her breast cancer, thought cured, had recurred, metastatic to bone. She would likely have to undergo chemotherapy, an often painful and debilitating procedure, in which the close presence and assistance of loved ones can make all the difference. So Sen. Edwards faced one of the most difficult decisions of his political career: just which doctors would he sue for malpractice now that his wife's cancer has come back? — Ross Levatter

Rudy's honey-do list — Rudolph Giuliani was recently embarrassed by a reporter who asked him whether he knew the cost of a loaf of bread or a gallon of milk. As you might expect, he was unable to provide either. Of course, we're all supposed to gather from this that Rudy is too far out of touch with the average American to ever be president.

What I would like to have asked that reporter is whether there are any candidates who *can* answer that question. By the time a person has reached a position in society where he might be considered for the highest office in the nation, grocery shopping is one of those tasks best left to assistants. Here's a secret: they probably don't know how to change their oil or start a lawnmower, either. — Tim Slagle

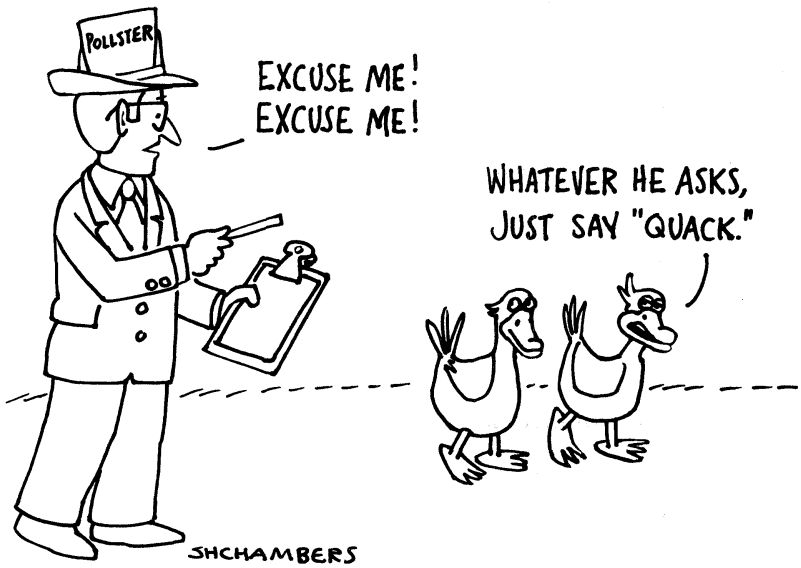

Step into my office, baby — Paul Wolfowitz's tenure as president of the World Bank is in danger after revelations that he has been carrying on a relationship with a subordinate, and rewarding her with pay raises and generous perks.

I think I speak for every American — Republican, Democrat, Libertarian, or other — when I say "Paul Wolfowitz has sex? Eww!" — Andrew Ferguson

We the sheeple — Scientists at the University of Nevada announced recently that they have created the world's first human-sheep hybrid which, although it has the body of a sheep, has semi-human organs. The goal of their research is to hasten the day that animal organs can be transplanted into humans.

They say the sheep have 15% human cells and 85% animal cells, but I'm more of a glass-half-full kind of guy. I say that making humans that are only 85% sheep is a step in the right direction. — Tom Isenberg

Hors de combat — On April 3, Arizona senator and presidential candidate John McCain announced (according to the AOL News note I read) that "Baghdad is getting safer." Thus, in his mind, the surge he supported must be working. The accompanying photo shows McCain covering his eyes with dark sunglasses, wearing a bulletproof vest, and surrounded by soldiers in camouflage fatigues and helmets. I agree, it must be getting quite safe. This is exactly how McCain dresses, and how he is chaperoned, whenever I see him in Phoenix. — Ross Levatter

Hindsight in the dying light — Jeane Kirkpatrick always impressed me as among the most hardheaded and realistic of the neocons. While this neo "godmother" was usually wrong, she also showed a much better grasp on reality than, for example, her fire-breathing successor as UN Ambassador, John Bolton. For this reason, I am not terribly surprised to see that Kirkpatrick wrote the following on Iraq before her death last December:

"Unfortunately, what we face in Iraq today is a vacuum of power, a lack of stable institutions needed to govern, and the problem that the promise of democracy for which our nation stands may be lost in the essential scramble for safety and stability in the streets. This is one of the reasons I am uneasy about the war we have made here — for we have helped to create the chaos that has overtaken the country, and we may have reduced rather than promoted the pace of democratic reform." — David Beito

Soul food futures — Well, that old sin of insider trading is back in the news. On March 19 the Wall Street Journal told us that Joseph Nacchio, ex-CEO of Qwest, began

his day in court, fending off an accusation dating back to 2001. "A case about cheating," the government calls it. Blatant insider trading, they say. Not so, says Nacchio. In fact, when he dumped — uh, sold — he had exclusive knowledge of several huge, pending government contracts. Qwest stock, he forecast, was soon to zoom, not tank. But meanwhile the wily prosecution is plea-bargaining with a former Qwest manager who also relieved himself of his shares during this period. Then his conscience sprang up and overruled him. "I knew it was wrong," he declared from the witness chair.

To most of us, insider trading is a murky and questionable legal violation. Not a single word in the Decalogue prohibits this arcane "crime." Biblical scholars have checked and rechecked our translations of those stone tablets, looking for a rule in Hebrew, Aramaic, or even English that hints at a ban. The closest prohibition is one forbidding business on the Sabbath, but the government admits that Joe sold on a Wednesday, so what's the problem?

(Someone did find a papyrus roll from 2000 B.C. indicating that Bernie sold two oxen hindquarters after he learned, by climbing a tree and surveying the entire valley, that a whole herd of oxen was headed for his meadows. He marked up the price by 40%. But nowhere does it say he was prosecuted.)

The Decalogue's lack of sentencing guidelines didn't stop the prosecutorial scholars. They went to the U.S. Constitution. Nothing in there, either. Zero. Zip. So the government decided on its own penalty. It pronounced Joe's transaction a venial sin, punishable merely by rape of the accused's assets and his personal freedom. But such convicts are usually assigned to a federal pen that doesn't even have a subscription to the Wall Street Journal. What's an ex-CEO to read? Better Homes and Gardens?

If Joe Nacchio dumped his shares in full knowledge that tragic financial news was coming, I say that's unethical and unworthy of a CEO who believes in loyalty, leadership, and corporate responsibility. It ain't nice. But I still wonder about the act's criminality.

Such a shabby law. A flimsy set of rules that begs to be violated if corporate executives have any stock at all. Execs will always have more information than the street investor — and buy, sell, or hold can always be attributed to impure motives. Best to leave judgments of guilt to professors of ethics, or theologians, or even Judgment Day, instead of law courts whose expertise is *not* the reading of the human heart.

I do admit that occasionally there may be blatant, palpable exceptions. Consider the events at my office last week. First, there was a buzz going around. Whispered words in the corridor. "Chicken leg quarters!" I heard twice; and three times that sweet adjective "cheap." The low, urgent voices implied that this "cheap chicken" information was non-public. Many offices open onto the corridor, so the insiders could have poked their head into every office, shouting, "Cheap chicken! Cheap chicken!" But no. They just clucked, softly.

For ten years, astute observers of clucker quarters have noted that the bargain price usually hovers around 59 cents a pound. At least it did until last year. That's the typical, full-colored grocery ad price. Imagine! Roughly five minutes of minimum-wage labor gets you a pound — a generous helping of chicken. That's a banner economic headline. Bargain hunters like me load up our carts.

And you don't even have to shoot the chicken. Or pluck it or clean it. Or pull out those sharp pin feathers. Five dollars and ninety cents gets you a ten-pound bagful. Ten pounds of poultry protein for less than an hour of the lowest-paid labor. If you're a Wall Street analyst, those ten chicken dinners might cost you two blinks of your eye over the AT&T P&L sheet.

Now back to the conspiracy in the hallway, which is clearly a manipulation of restricted information to the advantage of a select group of fried chicken lovers, including me — a potential defendant. If this isn't insider trading, then Eliot Spitzer is a Citigroup director. This is forbidden fowl, as delicious as kisses in church.

But as I plan my trip to the store and anticipate my savings, I envision a dark, wood-paneled courtroom ringed with pistol-packing deputies — all of them Imclone and Enron shareholders. The judge — a ruined bondholder. The jury — laid-off employees. These guys hate insiders like me. No matter; my fear melts before the prospect of a ten-pound bag of luscious loot.

So, five minutes later I'm in the aisles of my local supermarket. I'm dodging a clumsy, plutocratic shopper with a cartful of $5.95-a-pound sirloin steak. Then I see it: a gaudy red and white banner above the big refrigerator bin that's heaped with ten-pound bags of my favorite barometer of the easy life. "Chicken leg quarters — 39 cents a pound."

Breathless with excitement, I blurt out, "That wasn't in your ad. The ad said 59 cents a pound."

"No, it's a store special," replies the butcher.

Uh oh. In other words, the newspaper-reading public is unaware of this steal. Now I'm in double jeopardy. First my office info. Then this sinfully unadvertised price. My friends and neighbors and fellow citizens do not have these data. Even worse, the butcher would make a great witness for the prosecution. The jury would love his wide, frank face.

So, I say, don't worry about insider trading. Forget about unethical execs who play hide and seek

What do Metallica and John Stuart Mill have in common?

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with expenses and cook their books instead of battered chicken parts. All is well, because the system still churns out cheap chicken dinners for us tired, poor, and huddled masses — just like the Lady in the harbor promised. — Ted Roberts

Patriot's games — On March 27, Sen. John McCain appeared on CNN's "Situation Room" with Wolf Blitzer. McCain told Blitzer that the situation in Iraq was improving. "Our new strategy is succeeding" was McCain's take on the surge. He even went so far as to say that Gen. David Petraeus "goes out almost every day in an unarmored Humvee." A few days before his appearance with Blitzer, McCain told radio host Bill Bennett (the former chain-smoking drug czar and compulsive gambler) that there are "neighborhoods in Baghdad where you and I could walk today."

CNN's man in Baghdad, Aussie Michael Ware, set the record straight, reporting, in effect, that Petraeus can no more drive around in an unarmored Humvee than pigs can fly. Death or kidnapping awaits any unprotected Westerner on Baghdad's streets, Ware said.

Events, even more than Ware's reportage, confirmed that McCain was spouting nonsense. Within hours of his television appearance, two suicide bombers killed 63 people in Baghdad, bringing the day's death toll in Iraq to over 100. Among the total were two nuns slashed to death in a sectarian killing in Kirkuk. Even the heavily fortified Green Zone of Baghdad provided no safety, with two Americans dying in a rocket attack there.

McCain paired his absurd optimism with some bizarre projections. He told Blitzer that U.S. troops would be required in Iraq "for a long period of time," comparing the situation there to Korea after the 1953 armistice. McCain is deluded if he thinks American troops are going to remain in Iraq for another 50 years. Neither the American nor the Iraqi people would accept such a long-term American presence.

McCain also repeated the tiresome mantra that failure in Iraq means the terrorists will "follow us home." If an American expeditionary force 6,000 miles from home is the only thing keeping al Qaeda pinned down, preventing them from reaching the American homeland, we are in deep trouble.

Of course, it isn't so. Islamic terrorists may strike the American homeland again, but it will not be because we have left Iraq. There can be no doubt that bin Laden would still have dispatched the 9/11 hijackers to America even if al Qaeda had been fighting U.S. forces elsewhere in the world. The hijackers' grisly mission was clearly more valuable to him than anything they might have accomplished as guerrilla fighters.

John McCain is a great American. His ordeal in the Hanoi Hilton is a monument to his courage and endurance. However, that doesn't change the fact that his ideas about Iraq and the war on terrorism are badly muddled. As a thinker, and as a maker of public policy, he represents a clear and present danger to the Republic. — Jon Harrison

Neologic note — By the time North Carolina Attorney General Roy Cooper stepped to the podium to address the Duke lacrosse case, every observer knew that he would announce that the sexual assault charges against the players had been dropped. What we didn't know was that Cooper would go on to call the players "innocent," and label district attorney Mike Nifong, the case's Torquemada, a "rogue prosecutor."

The forcefulness of Cooper's statement not only increases the chances of the players' families recouping through civil suits the millions of dollars they've been forced to spend defending their sons, but also the chance that Nifong will be disbarred and perhaps prosecuted for criminal misconduct. The DA's handling of the case throughout was so inept and malicious (concealing exculpatory DNA evidence, failing for months to interview the accuser . . . well, I'd be here all day listing it, go to durhamwonderland.blogspot.com for full details) that it has given rise to the term "Nifonged," used to describe a person who has been railroaded into prosecution or otherwise harmed without justifiable cause, except for the gain of the prosecutor. (See the entry in urbandictionary.com for illustrative examples.)

It's a rare coinage from politics that lasts beyond its immediate context — the Watergate Hotel's gift of the silly -gate suffix is one — but I have hopes that "Nifonged" will survive for a while. Like all good slang, it's explosive and antiauthoritarian: that *f* in the middle can carry as much contempt as the speaker cares to put into it. And as long as the word circulates, it will serve as a reminder to those who need reminding: it's a poor thing to build a career on the backs of the innocent.

— Andrew Ferguson

The rich white woman's burden — Don't tell me that racism, ageism, and class prejudice don't persist in America. For giving false testimony about her dealings in common stock, a rich old white lady named Martha Stewart went to jail, had her name besmirched, and paid a fine. For giving false testimony against three members of the Duke University lacrosse team, a poor young black woman stays home. Don't tell me that the rest of the world doesn't notice our double standards. — Richard Kostelanetz

Nuclear winner — A USA Today article (March 22) picked up on an interesting religious phenomenon. It would appear that the Gospel of Global Warming is creating a schism within the neo-Romantic faith called environmentalism. Within the environmentalist movement, hitherto implacably and uniformly opposed to nuclear power, some people are beginning to think more kindly about it. They are becoming aware of three of its major virtues.

First, nuclear power, unlike oil, natural gas, ethanol, coal, and biodiesel, doesn't generate greenhouse gases. Second, nuclear power, unlike fusion power and the other "exciting new technologies just around the corner" that taxpayers keep paying for other people to invent, *actually exists*. Third, nuclear power, unlike wind, geothermal, and solar power, is practical (i.e., inexpensive and able to supply as much energy as we need, wherever and whenever we need it).

An early apostate from the Green antinuke tenet was Patrick Moore, founder of Greenpeace. He is now one of the heads of the Clean and Safe Energy Coalition, a pro-nuke group. Four major environmentalist organizations have now said they are willing to reconsider nuclear power: Environmental Defense, the Natural Resources Defense Council, the Pew Center

Word Watch

by Stephen Cox

Professor Leland Yeager asks a good question: "Whatever happened to the straightforward word 'before,' which has been replaced practically everywhere by 'prior to'?" He notes, however, that he hasn't "yet seen advice not to put the cart prior to the horse."

And I hope he never does. But once these things get started . . .

"Prior to" is one of a thousand samples that Professor Yeager might have drawn from the great hoard of inflated terms that forms the linguistic currency of modern America. It's as large as Scrooge McDuck's money bin, but it isn't nearly as valuable. Linguistic inflation usually starts in the same place as monetary inflation: it's produced by bureaucrats. Then, like inflated money, the bad linguistic currency gets passed from one social class to another, beginning with the most credulous classes (e.g., politicians, college professors, and other people hard up for brains). And just as bad money drives out good, so bad words tend to drive out good ones. The pathetic thing is that some people believe a brand new thousand-dollar bill must be worth a thousand times more than the little old one-dollar bill that it recently replaced.

Thus, "previous to," "previously to," "immediately antecedent to," "during the ramp-up to," and all the other relatives of "prior to" must be a thousand times better than the lowly word "before." They just *sound* so much *bigger*, don't they? Opening a book about (what else?) popular culture, I read that "in the immediate years that followed" such and such, such and such other things happened. I remain puzzled by what an "immediate year" might be, but I'm certain that a simple "after" couldn't possibly have satisfied the author. Bigger is better. Or that's what some people think.

The same can be said of "positive," instead of "good"; "negative," instead of "bad"; "similar to," instead of "like"; and (my thanks to Paul Beroza for bringing this one up) "utilize" and "utilization," instead of "use," a syllable that is always perfectly synonymous with those larger terms, but could never be *considered fit for utilization* in any committee report, zoning regulation, or congressional speech.

I'm sure I could manage just to *leave* the vehicle I'm traveling in, without being told that *passengers may now exit,* or that *passengers may now deplane*, or that (for God's sake!) *passengers may now detrain.* All you need to do is tell me to *go.* Nevertheless, I've come to expect the pompous term. And I've developed a sneaking fondness for "detrain." I enjoy the unintended suggestion that the vehicle itself will be turned into something entirely different (*detrained!*), by the simple act of my leaving it. Watch me! I will now detrain!

Jon Harrison suggests that "the president" will do very nicely for George Bush or anybody else who gets elected to that job. So why do some people insist on saying "*this* president"? Do they imagine, Jon asks, that we might have more than one president at a time, so they have to distinguish *this* one from all the rest? My own idea is that they're trying to get some drama into their sentences, but do it on the cheap. By using debased verbal currency, they can point with either horror or applause to *this* president, as if he were something essentially different from the rest of the species, and they never have to do the work of explaining why.

Not all pomposity is political, of course. Some is just verbal self-adornment. I think it was Time magazine (in the days when people still read Time) that popularized a pomposity that Carolina Barnes has written to decry: the random substitution of "individual" for "person": "Before he decided to take that job, he turned to other individuals for advice." This substitution has nothing to do with the glory of individualism; its dollop of drama aggrandizes the writer, not the "individual" under discussion. I'm sure you know people who were rewarded by their parents for using big words.

But when Carolina brings up the substitution of "allege" for "say," and "facilitate" for, well, just about everything else, she's back on high bureaucratic ground. Modern government could not exist without somebody *facilitating* something. I doubt that there's a government-funded building in the country that isn't a *facility*. Once, "facilitating" meant making something easier. Today, even prisons "facilitate"; they are "correctional facilities." But ask yourself: What are you doing when you build a "correctional facility"? Are you making "corrections" any easier? Maybe. More likely, you're just building a bunch of cells where you can stow some convicts.

As for "allege," can you think of a better sign that America is becoming like old Athens, only not in a good way? In one of Aristophanes' comedies, someone is shown a map of Greece. "There's Athens!" he's told. "No!" he replies. "Where are the law courts?" Americans, like Athenians, have become convinced that if something important is going to happen, it will happen in court. So it isn't enough to *say* things; you have to *allege* them; you have to put yourself *on the record*, so you can *have your day in court.* If that doesn't work, you can always fall back on the idea that *the jury is still out.*

Well, not in this court, it isn't.

But now, as they used to say on "Monty Python," for something completely different. Sen. John McCain, who heroically defied communist torturers during the Vietnam War, caved in without a fight this spring when it was suggested that he had uttered racist speech. Why was this suggested? Because he had used the term "tar baby," as in "I don't want to get stuck to that tar baby" (i.e., a controversy involving American divorce law). Queried about the phrase, he apologized: "It was wrong."

"Tar baby" comes from Joel Chandler Harris' "Uncle Remus" stories, which are derived, in turn, from African-American folk stories — and they're good stories, including the one about the Tar Baby, which has nothing to do with race. "Tar baby" has been a cliche of American English for over a hundred years. Anyone who thinks that it's even remotely akin to a racial slur is totally, and probably willfully, ignorant of what he's talking about. Anyone who thinks that Sen. McCain woke up one morning and thought, "How shall I show my insensitivity to black people today?", then ransacked 19th-century stories to find the term "tar baby" and waited expectantly for an opportunity to release it on his audience, is undoubtedly insane. But Sen. McCain surrendered — which shows how much scarier the language police have become than even the old communist torturers.

on Global Warming, and (can you believe it?) the Union of Concerned Scientists. As Judi Greenwald, director of "innovative solutions" at the Pew Center observed, "You can't just write nuclear off." Gee, babe, ya think?

Of course, many of the Green Faith (environmentalists, not Muslims—although Muslims are embracing nuclear in a big way) are still unyieldingly opposed to recognizing reality. Both Greenpeace (Moore's old group) and the Sierra Club are bitterly opposing nuclear power. They will continue to do so until hell freezes over or the Antarctic melts, whichever may come first. — Gary Jason

"Local Couple Survives Long, Bloody Fight With Lion" — Now that's a headline! — the headline to a terrifying story with twists, turns, gore, and triumph. Well it happened, and I'll tell you exactly how. But there's something even more amazing than the couple's stubborn struggle to avoid being consumed by a wild beast. It's the fact that the press can write boring headlines and stories about such a topic as this.

Here's one: "Hiker Saves Husband From Mountain Lion."

Read that headline in the Dallas Morning News and you will assume that the hiker said "Boo!" to a lion 20 yards away, or waved a bandanna, or honked the horn of her car. Or perhaps she did what all the experts advise: stand tall and wave your arms.

But no. In fact, she didn't see the lion until it had her husband's head in its mouth. In fact, she was walking just ahead of her husband when the incident happened. In fact, she was 65 years old and he was 70. All these facts, and many more, are exciting and interesting, but oddly, none of them made it into the headline.

Many of the interesting facts failed to make it into most of the other published stories, either. I had to piece it together. They were hiking. They heard nothing. They saw nothing. Without warning, the lion attacked from behind. Mr. Hamm went down face first. The lion shortly began to remove Mr. Hamm's scalp. Mr. Hamm, his head still in the lion's maw, fought back, as did his wife. She screamed at the lion. She grabbed a big stick and began hitting it on the back, then on the head. Again and again, harder and harder: she hit it so many times, so hard, and for so long that her arm got tired. She hit it until she could barely lift the stick.

Still partly inside the lion, Mr. Hamm suggested that she take an ink pen from his pocket and stab the cat in the eyes. She did so. She stabbed until the pen broke. "That lion never flinched," she said. "I just knew it was going to kill him."

She got the stick again and jammed it into the lion's snout. Finally the cat dropped Mr. Hamm, stepped back, and faced her with its ears pinned back. She thought it would kill her. Instead it disappeared into the brush.

They feared it would return. They had to get help fast, but Mr. Hamm was losing a lot of blood . . .

Well, you get the idea; it's a hell of a story. How can you write a lousy headline with such a story? For that matter, how can you write a lousy story with such a story?

I think something is wrong with our journalists. Most of them write poorly, and in the same way. How does that happen? Did they learn it in school? Are there no individuals among them ready to break the unwritten rule against good writing?

In this case, most of the journalists had to add something like this: "Mountain lion attacks are extremely rare. From 1890 to 2006 there have only been 17 verified mountain lion attacks in California."

What they don't tell you is that twelve of the verified attacks occurred between 1990 and 2006. Is there a trend? Five in a hundred years, then twelve in sixteen years, many of the attacks fatal. They also don't tell you that "attacks" doesn't include the incident in San Diego County when for several terrifying minutes a lion aggressively confronted a woman on horseback, or the time in Los Angeles County when a lion grabbed a 120-pound dog from a man's backyard and jumped over a six-foot fence with it, or any of the reported attacks that aren't verified by Californian officialdom.

Again and again, harder and harder: she hit the lion so many times, so hard, and for so long that her arm got tired.

Write a good headline. Recount the most interesting facts, with vigor. Pick out a trend. Simple. But all of this seems beyond the talents of the men and women who write our newspapers. — Michael Christian

R-E-S-P-E-C-T — Nancy Pelosi traveled to Islamic Syria, and the press had a grand time publishing photos of the scarf she wore in accordance with shariah law. I found it irksome to see arguably the most powerful woman on Earth, wearing a garment indicating her secondary status in society. No American leader, regardless of sex, should appear subservient to a goat-horn dictator.

I'm certain the American multiculturalists (many of whom spent time in college protesting the traditional American ban on women appearing in public without a bra) did not take issue with the scarf. To them, Nancy Pelosi was simply respecting Islamic culture. I wonder if they wanted Nancy to respect some other elements of the culture, like honor-killing, wife-beating, and the stoning of women who allow themselves to be raped. — Tim Slagle

Two steps back — The recent victory for free choice in education in Utah has, alas, been followed by a couple of defeats — no surprise, considering that organized labor is riding high after the recent election of Democrats, their faithful lackeys.

In Ohio, new Gov. Ted Strickland started his administration with a concerted effort to annihilate both vouchers and charter schools. Strickland was the recipient of tons of money and other forms of political support from the teachers' unions, and he is now paying the rent-seekers back. He has proposed abolishing the small voucher program that offers

a $5,000 tuition scholarship to 14,000 kids who have been victimized by lousy schools (sorry, schools that the state labels as being in "academic emergency"), which means about one-third to one-half of the schools in some parts of the state.

In addition, Strickland is pushing for a halt to the creation of any new charter schools. He calls them "dismal failures," despite the fact that fewer than 10% of the more than 300 charter schools have failed. Of course, no regular public schools ever get closed, no matter how pathetically bad they are.

There was a heartbreaking defeat in South Carolina. The state House narrowly defeated a proposal to give $4,500 vouchers to poor kids in bad schools, and defeated, by a bigger margin, a proposal that would have given middle-class kids more choice.

The Republican representatives screwed up in an especially annoying way. On a Wednesday evening, they apparently had enough votes for a narrow victory, but they adjourned without completing their business. The other side rallied its forces. Teachers' union lobbyists threatened and cajoled legislators to kill freedom of choice for the poor and middle-class. Rep. James Smith, a Democrat and captain in the Army National Guard, flew in from a training base in Kansas to deliver an emotional speech opposing vouchers. When the vote was held the next day, school slavery was upheld.

Smith's own son, by the way, attends an elite private school. I must say that I find nothing more disgusting than politicians who oppose free choice in education while sending their own spawn to cushy private schools. "Progressive" politicians make sure their own kids get the best education, while working with teachers' unions to devastate the lives of other people's children.

No, let me retract that. There is something more disgusting still: the sight of all those members of the teachers' unions who send their own kids to private schools, but cheer their unions on to deny choice to others.

So a couple hundred thousand South Carolina children, the bulk of them members of minority groups, will continue to languish in bondage to wretched schools, thanks to the heartless rent-seekers.

The next fight shaping up is in the District of Columbia, where three years ago Bush managed to get a modest voucher system. This year it will offer 2,200 scholarships (of $7,500 per student) to students in failing schools. The scheme expires in 2008, and teachers' unions together with Democrat activists have targeted it for extermination. We'll see whether they succeed. — Gary Jason

The new pandemic — I was asked today to interpret a chest radiograph. Provided history: "Tobacco Use Disorder." This is a very dangerous disease indeed, though fortunately a noncontagious one, dangerous only to the patient. Tragically, the patient's practitioner suffers from "Everything I Don't Approve Of Is a Disease Disorder," a much more dangerous malady, and, sadly, highly contagious. — Ross Levatter

Imusissimus — Who can believe the ruckus over the admittedly crude and tasteless remarks by Dapper Don Imus, in referring to the Rutgers women's basketball team as "nappy-headed hos"?

Remember Jimmy the Greek? (Is that okay to say? "Greek" has a bite to it. But that's what they called him.) He dared comment on the superior genetics of black athletes. Poor, dumb Jimmy waved goodbye to his career. The words "black" and "genetic," appearing in the same sentence, are verbal quicksand awaiting the unwary; and Jimmy the Grecian (that's better) was as unwary as they get. Then there was Howard Cosell. "That little monkey gets loose, doesn't he?" Oh my. A slip of the lip, a career can flip. And a couple of months ago we had Michael Richards eating crow. Oops, I mean, uh, humble pie.

Well, dragon breath (is it appropriate for me to use that expression?) first apologized, which I thought was a tactical — not ethical but tactical — error; and then he tried to pacify those two well-known professional racists, Al S. and Jesse J.: also self-defeating, in my humble opinion. It's like Hillary buying a deer rifle and hunting Bambi in the New Hampshire woods during primary season. Yes, you'll pick up a few NRA votes, but you'll wipe out your basic constituency. I would think there's a bunch of Imus fans who rightly or wrongly love his crudities — racial or otherwise — and admire a brashness that passes for honesty. None of his apologies helped. He was still canned.

Don Imus, as far as I understand, is a professional talker with a big mouth stocked with insults that shock and delight his listeners. His newfound humility may have burned his arsenal and his army. It didn't help with his current critics and it will damage his search for a new gig.

About his apology. Something along the lines of: I'm sorry if I offended you, but that's me, a wild and crazy guy — might have been pragmatically appropriate. But on a Sharpton-hosted show, Imus said: "Our agenda is to be funny. . . . This time we went way too far."

His new show, assuming he gets one: what's it to be? A series of apologies to every racial, social, occupational, and religious group he ever offended? That'll take months. And talking about "hos," didn't he once say that lawyers are intellectual prostitutes? Give 'em money and they'll accept your definition of the truth. He must have said that. Most people do. Where do we go to apologize? — Ted Roberts

Nasty no more — On the morning when Don Imus was fired, Howard Stern was profanely jubilant about the prospect,

predicting gleefully that Imus' wife would leave him within the year. And so, the rappers will continue their garbage, the Ann Coulters will continue their cruelty, and an excellent show by a man who was a blunt truth-teller with a nasty "humor" streak will be gone. He could have been reformed and rehabilitated with a word from the MSNBC executives who are now waxing so sanctimonious that they had to remove him from their pristine airways. Unlike the misogynistic Coulter and Stern, he could and would have willingly changed. We lost a talented old curmudgeon with an exceptionally good show who was a leading spokesman against the war in Iraq and the hypocrites in government.

Imus in no way targeted specifically blacks or women with his nasty-as-he-wanted to be humor. His biggest attacks were on white males — usually powerful ones like Dick Cheney, whom he called "pork chop butt," and Bush, "the war criminal in the White House." He made everyone cringe at the journalists' dinner when he attacked the Clintons with his nasty jokes, and he embarrassed Rick Santorum by laughing in his face when Santorum said that the Senate had just doubled the survivors' benefits of the soldiers killed in Iraq to a paltry $12,000. Imus needled Santorum until he got Congress to legislate a large increase. He ridiculed Congress and the pharmaceutical companies for refusing to review the possible effects of vaccines on autism. He ridiculed the formerly esteemed Cardinal Egan of Boston by featuring sidekick Bernard McGuirk, who wore a cardboard FedEx box as a cardinal's hat and spoke in an Irish brogue. Their humor was outrageous, but hilarious.

Now we have the predictable ballet of outrage. Nothing will change; people will continue to switch their dials away from bores like Soledad O'Brien, who was just dropped from the CNN morning show, and away from the Katie Courics of this world.

The girls of the Rutgers basketball team are strong women who will not be "scarred for life" by a nasty joke. So far, their achievements have been based on the power of their own brains and bodies. May they continue on this path and not fall prey to the temptations of Victim Power. — Sarah J. McCarthy

Tossing fuel on the barbecue — Few if any contributors to this magazine have been more critical of the Bush administration than I have. I even welcomed the Democratic sweep in the 2006 elections — not because I have any sympathy for the Democrat Party or its program, but because the Republicans needed an object lesson in the wages of sin.

Sins aplenty there are for Republicans to repent. The explosion in federal spending, the earmarks, the giveaways and subsidies that amounted to nothing more than buying votes, the usurpation by the federal government of control over education — an almost inexhaustible list of violations of Republican principles at home. Then there is Iraq. There we have a quintessential "Democrat war" — yet perpetrated by a Republican, so-called conservative administration. Sins aplenty there are, indeed.

Now, though, with the election past, the Bushites are lame ducks. Their damage is already done, save for the ongoing, lamentable toll in Iraq. The Democrats have taken power, led by Speaker of the House Nancy ("the Tuna") Pelosi and her acolytes. In the Senate, the egregious Harry Reid has gained the majority leadership, while new power accrues to the likes of Ted Kennedy, Chuck Schumer, and the two full-mooners from Vermont, long-serving Patrick Leahy and the socialist freshman, Bernard Sanders.

The Democrats led off with an increase in the minimum wage. Fine by me, although I know most libertarians are opposed in principle to the minimum wage law. However, nothing about the Dems is straightforward. As reported by Gary Jason in April's Liberty, Pelosi made sure to exclude American Samoans from the increase, so that the tuna-packing companies could continue to pay those poor islanders a mere $3.26 an hour. Had the Republicans done this, the leftist cry of "Exploitation!" would have been deafening.

Since 2001 the Republicans have been the party of spend and spend. They gave us tax cuts, but no cuts in spending to keep the deficit under control. With the return of the Democrats, we will be getting tax and spend, that is, the worst of both worlds. In separate budget resolutions adopted by the Democrat majorities in the Senate and House at the end of March, tax increases of $300–400 billion over the next five years were proposed. The tax increases are mostly regressive. In addition to increasing personal income tax rates, the Dems would like to slash the child tax credit, reinstate the marriage penalty, and increase the government's take on dividends and investment earnings. Some 5 million Americans too poor to pay taxes today will have to start paying them in a few years' time.

This tax program can only hurt the economy and the vast majority of the citizenry. The middle class and the 5 million poor who will have to start coughing up their meager and often hard-earned dollars will suffer most. Its purpose is to

News You May Have Missed

Bimbo in Limbo, Feds Declare

WASHINGTON — The United States Department of Wildlife and Conservation announced this week that the bimbo, the State Mammal of Southern California, has been put on the Endangered Species List. It will now be illegal to stalk, shoot, stuff, cook, eat, fondle, or attempt to educate bimbos, not only in fragile native habitats like West Hollywood, Rodeo Drive, Malibu, South Beach, Las Vegas, Congress, and the bottom drawers of Bill Clinton's desk, but anywhere. The untimely demise of Anna Nicole Smith, Britney Spears' decision to shave her head and her repeated retreats into rehab, and Paris Hilton's latest arrest, this time for driving without headlights, without a valid I.D., and without a valid I.Q., plus a sharp decline in reported sightings of Lindsay Lohan, Tara Reid, and Jessica Simpson, have all "put the plight of the native North American bimbo into stark relief," according to a spokesperson for PETTA (People for the Ethical Treatment of Tawdry Airheads). Unless something is done, representatives of the newly organized Save the Bimbos campaign fear the bimbo may go the way of the floozy, the doxy, the trollop, the popinjay, the poltroon, and other extinct American fauna. — Eric Kenning

make the populace more dependent on government — a Democrat-dominated government that will take the people's money so that it can dispense services in return for votes. The Republican program, over time, would have bankrupted the federal government. This Democrat program will bankrupt us all.

In seeking to pass an Iraq funding bill that would essentially end U.S. involvement in 2008, the Democrat leadership, not content to fight this battle on its merits, packed the bill with enough pork to give the nation a serious case of indigestion. Handouts for everybody from ranchers to shrimp fishermen are in the bill, not to mention millions for improved peanut storage. I, naive person that I am, thought it was all about war and peace, and the men and women dying in the hellhole of Iraq. I stand corrected, and I thank the Democrats for disabusing me of this foolish notion.

Such are the depths to which this crew will go. And (if I may paraphrase Churchill) this is just the first foretaste of a bitter cup that will be proffered to us, year by year — unless, by a rediscovery of conservative and libertarian principles, combined with real political courage, the Right in this country takes its stand for liberty once more — as in the olden time.

— Jon Harrison

The union jack — The Democrat Congress is working hard to pay Big Labor back for its monolithic support of Democrat candidates in the last election. The effect of the paybacks promises to be less liberty and security for the rest of us.

First, Congress has passed the deceitfully named Employee Free Choice Act, under which the right of employees to vote for or against union representation by secret ballot will be taken away. Union organizers would only need to get just over half the employees of a company to sign a card (publicly, under threat of retaliation if they refuse), and the company would be unionized. The right to a secret ballot in union elections, a right that is crucial to truly democratic elections and which is guaranteed by the 1935 Wagner Act, would be gone.

Second, Congress has passed the 2007 Water Quality Financing Act, which reauthorizes and vastly expands a loan fund for state and municipal water projects (a fund that lapsed more than a decade ago.) Tucked into this trough brimming with tax dollars is an unprecedented extension of the Davis-Bacon Act. That act, passed in 1931, requires workers on any construction project receiving federal support to be paid "prevailing" (read: union) wages. Under the new extension, the Davis-Bacon regulations will now be imposed even on water projects *solely funded by the states.* Of course, this will hurt all of us financially, because it will jack up the cost of the projects. Worse, it trashes the principle of federalism, under which states have broad latitude to set up their own regulatory systems. And it especially hurts minority workers, who will not be allowed to compete for jobs and contracts by offering lower-cost services. Indeed, the Davis-Bacon Act was originally designed to stop the rising competition by black workers for construction work being done by unionized white workers.

Third, the Democrats in Congress are trying to ram through a right to unionize for the airport screeners of the Transportation Security Administration. Need I spell out how much that will endanger those of us who use airports? Union rules would make it virtually impossible to fire screeners who cannot or will not do their jobs diligently enough. And it would be impossible to change work rules rapidly, in the face of new discoveries about terrorist methods.

Finally, the International Longshore and Warehouse Union used its clout in the Democrat-controlled Senate to kill a provision by Sen. Jim DeMint (R-S.C.) to ban certain types of convicted felons from working in American ports. Again, isn't it obvious that a convicted burglar, say, or a contract killer, might be bribed by a terrorist group to steal the plans for the port and its security system? A person who has stolen or killed for profit in the past will be more likely than someone without a criminal record to steal on behalf of foreign agents, not to mention stealing for his own gain. Why put him in a position to threaten security?

As the old saying goes, payback's a bitch. But in this case, it's a union bitch sinking its teeth into the rest of us.

— Gary Jason

Illhumorate — When New York radio clown Don Imus was fired for a lousy extemporaneous joke that offended Al Sharpton in particular, I was reminded of this principle: people who get upset about bad jokes are liable to miss better ones. Truly good ones fly through their ears without landing. Great ones never even get that far. Lacking any sense of humor, they are essentially illhumorate, to coin a word that is a subset of illiterate, and should have that word branded onto their foreheads.

— Richard Kostelanetz

Disenfranchisement or bust — A few years back I was watching "The Man Show," starring Jimmy Kimmel

and Adam Carolla, and saw a delightful piece. Kimmel and Carolla went to a feminist fair and set up a booth to collect signatures on a petition. The booth had a sign saying, "Help Stop The Suffrage of Women" and the petition registered the signer's belief that "Women's suffrage must come to an end." Hundreds signed.

The joke, of course, is on people eager to sign petitions that claim to help, yet not sufficiently well versed in the language to know the difference between "suffering" and "suffrage."

That program came to mind while I was thinking of some libertarian conferences I attended in the '70s and '80s (my reminiscences stimulated by Brian Doherty's excellent "Radicals for Capitalism"). The irony is that, had Kimmel done the same bit there, he would have gotten even more signatures. And every one of the signers would have known the meaning of "suffrage." And most would have added, "Shouldn't we end men's suffrage, too?"

— Ross Levatter

Knut as a button — Some days it seems that the entire content of the internet is split evenly between ads for pornography and pictures of cute baby animals. In the latter category, the star of the month for March was undoubtedly Knut, a polar bear born in the Berlin Zoo in December and raised by zoologists after his mother rejected him and left him to starve.

Videos of the little cub wrestling with a soccer ball, taking a bath, and plopping down for a nap have drawn "Awwws" from people all over the world — except, of course, from the local animal-rights activists, who want the cub euthanized.

That's right: the activists argue that Knut should be killed by lethal injection, because it's "inhumane" to subject him to "the humiliation of being brought up as a domestic pet." There's an awful lot of stupidity shoved into those words, but is it really worth unpacking it? Better to echo the words of the Berlin Zoo's chief vet, Andre Scheule: "Their criticisms would make me angry if I could take them seriously."

— Andrew Ferguson

Filling the ditch — One good thing to come out of the Iraq War — quite possibly the only wholly good thing — is that it relieves us of any obligation to read or listen to the pathetic media idiots who urged us into it and egged it on. If they were dead wrong, spectacularly dead wrong, on the most consequential matter of our time, what are the chances of them having something intelligent to say on lesser matters? Yes, pundits make mistakes, but mistakes shouldn't make pundits. Bill Kristol, the editor of the Weekly Standard, has been rewarded for his consistent stupidity on Iraq by being given a column at Time. Thomas Friedman and David Brooks are still squawking on their op-ed perches at The New York Times. Friedman, Brooks, Andrew Sullivan, Peter Beinart, and others have offered half-hearted and hedged regrets but have continued to bloviate, as, without any real apologies, have Christopher Hitchens, Marty Peretz, Leon Wieseltier, Paul Berman, Kenneth Pollack, Rich Lowry, Fred Barnes, Charles Krauthammer, David Frum, Ann Coulter, Sean Hannity, and dozens of other pompous hacks. It's too bad that they can't all be put into uniform, handed a rifle, and dropped by parachute into the middle of the Sunni Triangle for a taste of their own medicine. There's a surge I could support.

As it is, the armchair warriors still have their well-upholstered media armchairs, from the depths of which some of them can now be heard braying for new wars. But at least their reputations are secure. They were the blind leading the blind.

— Eric Kenning

Calling names — "Retained by the People" (Basic Books, 2007) is a book on the Ninth Amendment written by a liberal, Daniel Farber. He clerked for Justice John Paul Stevens and now teaches at the University of California, Berkeley, School of Law. Farber wants the 9th Amendment for the same general purpose libertarians want it — to support rights not explicitly listed in the Constitution. The mechanism is the same, but the list of wanted rights is somewhat different. Farber's list includes rights to abortion, to the ending of medical treatment, to gay marriage, to travel, to privacy of information, and to education from the state.

Why these? What's his theory? He doesn't offer one, other than his assertion of rights that a majority wants, such as abortion, or that society is evolving toward but not yet ready for, such as same-sex marriage. Essentially, when people are "ready" for a certain "right," Farber would have the court pop it into the Constitution through the Ninth Amendment.

News You May Have Missed

Bush: Middle East Solution Imminent

WASHINGTON — President Bush said he was urging the U.S.-backed government of Iraqi Prime Minister Nouri al-Malaki to enter into a trade agreement with the Iranian government of President Mahmoud Ahmadinejad, in which the two countries would exchange the last letters of their names. That would mean, he pointed out, that U.S. troops would then be completely out of Iraq, as many Democrats have been demanding, and would be right in the middle of Iran, as the more rabid and frothing elements of the Republican party have been demanding. Iraq would have a relatively stable, Shiite-dominated government in control of the whole country, a major aim of U.S. policy, while Iran would have a leader with a much shorter, more pronounceable name who has not yet publicly denied any well-known facts of history. Bush further proposed that the entire Mideast region become known from now on as the Midwest, since it is actually to the west of many places just to the east of it, which would make its chief problems the misfortunes of the Chicago Cubs and the lack of a really good restaurant in Indianapolis, while the Midwest, which is, he pointed out on a map, mostly in the eastern half of the United States, would become the Mideast, and a peace settlement could then be very quickly reached between Iowa and Ohio. Turning to Europe, Bush also strongly urged Slovakia and Slovenia to negotiate a similar agreement to trade differing areas of their names, "just for the hell of it."

— Eric Kenning

His book rejects the unenumerated right established in *Lochner* v. *New York* (1905), which is the right of a worker to sell his labor on his own terms. Following Justice Oliver Wendell Holmes' dissent in that case, Farber dismisses the *Lochner* ruling as a product of an "ideological agenda." The next time he refers to it, he calls it a product of "political ideology." The third time, he names the principle in *Lochner* as "a human right to be free of labor regulation." He then spends a couple of pages describing *Lochner* as about "freedom of contract," which he defines as "complete freedom to do what you want," which he in turn dismisses as ridiculous.

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And I think: can't a professor of law have the decency to name the thing he wants to knock down? The right of abortion, for example, is customarily defended as "the right of a woman to control her own body." That is the statement that encapsulates the strongest argument for it. You might disagree that this is the best way to think about the proposition, but to argue against it you'd have to start with the idea and deconstruct it. You couldn't just dismiss the right of abortion as "a right to be free of medical regulation."

But that is what the professor does about labor. He calls the principle in *Lochner* "political," "ideological," and part of "an agenda." Each of these names is correct. The right of a worker to control his labor is part of an ideology and an agenda. It is political. So are the author's proposals, all of which (surprise!) fit the zeitgeist of liberals. But why are his proposals better? Only because he calls them by different names.

— Bruce Ramsey

The dangers of mediation — On April 12, New Jersey Gov. Jon Corzine was critically injured in an automobile crash while on his way to "mediate" (that is, have a photo-op) with the Rutgers women's basketball team and the newly unemployed Don Imus.

Corzine, just out of one operation and facing at least two more, was said to be suffering from a clavicular fracture, sternal fracture, multiple bilateral rib fractures, a lumbar spine fracture, and a comminuted open-femur fracture. The commentator on Fox Daily News talked about it being an example of "No good deed goes unpunished." Seems to me more like an example of "No predicting what can happen when you keep sticking your nose into things that are none of your business."

A Fox "journalist" "covering" the story offered this fascinating fact: each of the last three New Jersey governors has broken his leg (not, to clarify for non-New Jersey residents, "has had his leg broken") while in office. The Fox moderator responded, "It's a powerful office. I doubt that will keep anyone from running." You'd think it would at least slow them down . . .

— Ross Levatter

Makes the world go 'round — March 2007 marked a strange shift in American politics. Not only was the presidential campaign running at full steam 20 months before the election, but candidates' fundraising totals for the first quarter were published on the front pages of the nation's newspapers. Never in my waning memory have campaign finances been used as a barometer of public opinion. Up until now, popularity polls were always the pie-chart of choice.

Frontrunner Hillary Clinton was the leader at the first turn with $26 million raised, followed closely by Barack Obama with $25 million. The candidate with the most money usually wins. These totals caused pundits to speculate that this will probably be the first presidential campaign to break the billion-dollar ceiling.

All this in spite of McCain-Feingold. When campaign finance legislation was passed back in 2002, it was supposed to get the money out of politics. But like most government goals, it has failed miserably. I wonder if people will ever recognize the futility of trying to separate politics and money; they are joined as surely as supply and demand. The adage has forever been that money is the mother's milk of politics,

and I don't think even the awesome power of government can alter that.

A friend of mine once suggested that perhaps we should scrap the entire primary process in favor of a market-based solution: sell the party nomination to the highest bidder. Whoever can raise the most money gets the party nomination, no primary needed. It certainly is a capitalist approach to elections. And considering the high public cost of holding a primary, which is only a formality to affirm what the donors have already decided, it's probably a good idea. — Tim Slagle

Centralizing spontaneous order — For quite some time, David Horowitz, the ex-New Left rabble-rouser turned militant conservative, has through his magazine FrontPage pushed a wide range of dubious causes. Two of the best known rely almost wholly on a top-down, governmental approach. The effect of his Academic Bill of Rights, for example, would be to use government to micromanage free speech on campus. His support for deploying American federal power in the service of a worldwide "democratic" revolution shows an even more ambitious top-down mentality.

Through it all, Horowitz has described himself as a fan of F.A. Hayek, a leading champion of spontaneous order and critic of central planning. What, then, does Horowitz think of the only candidate in the presidential race who consistently champions a Hayekian spontaneous order and rejects central planning? The answer: not much, according to an interview with Horowitz in FrontPage:

"Some of my best friends are libertarians and the greatest intellectual influence on me was Hayek. However, in practical political matters, libertarians tend to live in [an] alternate universe, without regard for the real world consequences of their actions. Ron Paul — the only Libertarian in Congress — is a disgrace. He has waged a war against America's war on terror, in lockstep with the left, and against the state of Israel, the frontline democracy in this war." — David Beito

Earning interest — The economist Paul Heyne once wrote a criticism of the concept of self-interest in economics, and concluded that economists ought to remove it. "Economic theory assumes only that people pursue the projects that interest them," he wrote. "That was true of Mother Teresa, Jack the Ripper, Henry VIII and Augustine of Hippo."

It's a statement I sometimes pick at. Are we profit maximizers? One usually sells one's house to the highest bidder, and so is acting in a commercial way. But one may have bought the house for entirely emotional reasons, and decided to sell it for nothing more than a whim. A better case is one's line of work. Some people choose the career that pays the best, but many don't. I didn't. Obviously money matters, else employers wouldn't pay wages at all; but often what matters in the realm of money is simply having enough.

Economists get around this with the concept of "utility." The stage actor who lives on nickels and dimes may not be maximizing his cash, but he has a life in which he can strut on the stage in front of the crowd. He maximizes not his money but his utility. Economics is thereby saved, but in a damaged condition. It has lost its power of measurement. Utility has no units, and its measurements cannot be falsified. And that means the theory is not telling us very much.

Here is another way of thinking about it. When you make money, people are paying you, and you are working for them. Maybe you are working at what you want to do and maybe not, but definitely you are working at what *they* want you to do. To be money-oriented is to be other-directed. But if you want to be self-directed, it's more useful to think of the world in Paul Heyne's way, as "projects that interest you."

— Bruce Ramsey

Spend cycle — A continuing cause for reflection is why spending keeps increasing no matter who wins elections. One reason, as I have suggested before in these pages, is that Americans in fact like pork-barrel projects. Another related reason was highlighted by the most recent IRS annual study of income tax data, this time for 2004. It shows that the upper 1% of income tax filers (people with an adjusted gross income of over a million bucks) are now paying 35% of the total income tax.

The newly empowered Democrats scream that the rich aren't paying their "fair" share. Yet we have reached the point where the majority of eligible voters pay nothing in federal income taxes. These people can continue to vote for ever-increasing social programs with no concern for cost, because they pay none of the cost.

The bad news here is for those of us who favor a flat tax, under which everyone above a certain threshold of income would pay the same rate (say, 17%) but be allowed no deductions. This would no doubt spur economic growth, as it has in the countries that have adopted it (such as Russia and Slovakia). But with most people paying nothing, I wonder if reform is even remotely possible. — Gary Jason

The crank file — Journalist and social critic H.L. Mencken once described his function as "stirring up the animals." That's occasionally the result of my newspaper column, especially when I step on some pretentious and overly delicate toes. The evidence of stirring usually arrives by way of email a few hours after the papers hit the morning driveways.

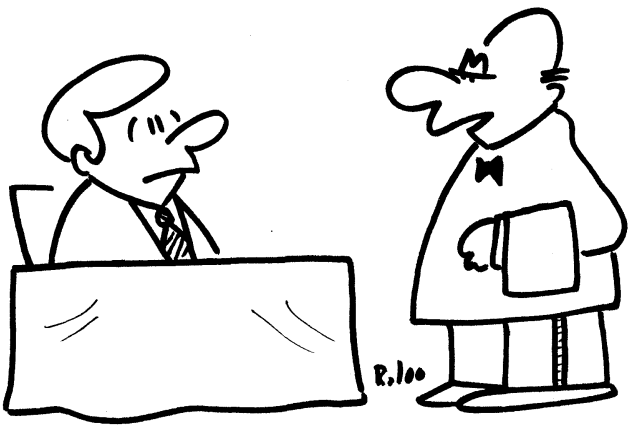

"We don't have Noodles Romanoff anymore, sir — it's been purged from the menu."

My favorite feedback is this one-liner from a guy who went a little nuts after reading my column about ex-Senator Rick Santorum's new job as head of the America's Enemies program at the Ethics and Public Policy Center, a Washington-based thinktank: "Given a choice between the reasoning of Sen. Santorum and a Liberal Jewish College Professor, I'll pick Sen. Santorum." The description of me was in caps, as if Liberal Jewish College Professor were a species (perhaps even a race). He got it three-fourths wrong. I'm not Jewish, I'm not getting my talking points from MoveOn.org, and I teach at a university, not a college. My reply was even more concise than his response: "Sounds like Germany, 1935."

Here's another e-mail that arrived following the aforementioned column on Rick Santorum: "I was an idiot in the '60s. I was involved with the SDS (Students for a Democratic Society) at the University of Colorado and was partially responsible for getting a kid killed when a couple of my nut-case friends set off a bomb in what they thought was an 'empty building.' I grew out of that stuff. Hope you do too." That guy's idiocy stopped in the '60s? I write a column that doesn't correspond to his particular perspective, and I'm in the same boat as some nut making bombs in a dorm room?

Another emailer wasn't happy with something I wrote regarding Rudy Giuliani's success in turning New York City around. Crime, unemployment, poverty, deficits, and taxes may all have gone down, but the writer charged that I was hiding Giuliani's unorthodox sleeping arrangements. "Giuliani shacked up with gays," he emailed. "There are photos of him in drag." That's true, and Rudy doesn't look bad as a blond, but nothing was calculatedly hidden. My focus, with limited words, was on Giuliani's job performance, especially in economics.

The "shacked up" part refers to Giuliani, in the middle of a divorce and recovering from prostate cancer, moving out of Gracie Mansion and into the upper East Side apartment of his close friend Howard Koeppel, 64, the wealthy owner of a string of car dealerships, and Koeppel's partner of 10 years, Mark Hsiao, a classical pianist.

The dirt? "It's like the odd couple," explained Koeppel to Frank Rich at the New York Times. "When Rudy leaves after breakfast, I ask, 'What time are you coming home?' and he calls me 'Mother.'" — Ralph R. Reiland

Light under a bushel — As part of the effort to fight climate change, it is expected that within two years incandescent light bulbs will be banned across Europe, forcing the entire EU to switch to compact fluorescent light bulbs (CFLs).

Great, another reason to avoid traveling to Europe. Not only is it dirty, crowded, smelly, rude, and impoverished, but now their overpriced hotel rooms are going to be as dim as their leaders. It supports what those of us referred to as "deniers" have been saying for years: that global warming is just another excuse for power-hungry bureaucrats to micro-regulate our lives.

If CFLs were so great, you wouldn't *need* legislation to get people to use them. If someone wants to switch bulbs in their own house, fine; but I hate fluorescent lighting. It's blue, buzzy, and annoying (much like California). Fluorescent lighting is one big reason why most people can't stand being at work. I can't imagine how such legislation would be enforced, although Europeans are not unfamiliar with tactics such as random home searches, and encouraging children and neighbors to report other citizens to the police.

I imagine incandescent light bulbs will be the next big thing to smuggle into Europe. My friend who works in an emergency room informs me that there are many ways to accomplish such a task. — Tim Slagle

Second opinion — In the April issue of Liberty (Reflections) I discussed my doubts about intelligence tests. As an aside, may I express doubts against other kinds of tests? The results of my first MRI recently showed that I should have "lower back pain." The specialist reading the images said this in his written report to my doctor. However, this pain I do not feel. At 67 I do high dives and backflips off a springboard. What are you going to believe more — your own body or some guy with a license and a white smock? — Richard Kostelanetz

Robbing the rich to give to themselves — One of the selling points of our state and federal tax system is its egalitarian redistribution of wealth. For marketing purposes, whether wealth redistribution is a legitimate function of government or the tax codes are truly designed with egalitarianism in mind is only relevant to honest, i.e. unsuccessful, politicians. This bastardization of Robin Hood is a hit with voters.

What are the prospects for genuine tax reform? A recent study entitled "Egalitarian motives in humans" may shed some light on the issue.

The researchers assigned 120 subjects to groups of four, and gave each subject a number of tokens. The number of tokens varied within the group — some subjects were born rich and some were born poor. Each subject knew the state of his finances and the states of all the others' finances. Tokens could be spent either to increase or decrease the wealth of another participant, or they could be saved. In all groups the general pattern was that the rich gave to the poor and the poor spent

their tokens to confiscate more tokens from the rich. It seems that egalitarianism (and spite) are near-universal motivations.

Those who tend to view the metaphorical glass as half empty may conclude this study confirms the futility of hoping for tax reform. And those who view the glass as half full? I can't be sure — someone's confiscated most of my drink.

— Mark Rand

Point, counterpoint — I study the political science textbooks, which explain the many virtues of democracy, the importance of universal suffrage, the need to do whatever is needed to get out the vote.

I then turn on the television and watch Jerry Springer.

— Ross Levatter

Stopless buck — A story in the local paper: a 26-year-old woman drowns in a public swimming pool and her parents have filed a lawsuit seeking $15 million in damages, claiming neglect of duty. Her boyfriend is quoted as saying that she was a beginning swimmer and should not have been in the deep end of the pool. The director of the city parks department said she had passed the swimming test and was competent to be there.

My thought is: probably the lifeguard was not paying attention. Maybe he was talking to somebody or was bored and had zoned out. But what does a $15 million penalty do to remedy it? The lifeguard does not pay it. The lifeguard's boss does not pay it. Neither of them can imagine paying it. They get in trouble on account of it, but they would get in plenty of trouble anyway. The $15 million is supposed to "make sure this never happens again," but it's not going to happen again with these people. On the off chance that they get to keep their jobs, they're going to be extremely vigilant.

Who pays the $15 million? If the city is uninsured, the taxpayers pay it, and it will not change their behavior regarding the pool in any way. If the city is insured, an insurance company will pay it. Maybe the city's cost of insurance will go up, and the taxpayers will pay more, but that will not change their behavior in any way.

Perhaps a city official will review the safety procedures at the pool. But there is no guarantee of it, and the procedures may, in fact, have been good. Maybe the problem was not the procedures at all, but simply the lifeguard. Maybe the legal system should punish him, not the taxpayers. But if you're going to lay that kind of threat on lifeguards, then you'll have trouble finding anyone willing to take the job.

I don't have an answer. I just don't like the current one.

— Bruce Ramsey

Real estate opportunity — One of the tenets of what I call the Grand Theory of Global Warming (see "Global Warming, Global Stifling," in the May issue of Liberty) is that the consequences of continued global warming will be economically catastrophic. That is, the costs of a warmer climate (such as increased flooding, storm damage, and so on) will dwarf any economic benefits. I've seen little sustained economic argument to prove this, and a recent AP report (March 25) gives food for thought on that score.

It turns out that as ice retreats in the Arctic, countries are battling to take advantage of newly accessible wealth: oil, minerals, shipping lanes. Start with oil. The U.S. Geological Survey says that the Arctic holds upward of 25% of the world's undiscovered oil and gas. This point is not lost on the Norwegians and Russians, who have already begun to exploit their offshore fields. Further, as the ice retreats, various islands become open for the mining of such minerals as diamonds and gold. Russia estimates that its share of the Arctic contains about $2 trillion worth of minerals.

Regarding sea lanes, the latest Arctic Climate Impact Assessment says that global warming will open the Arctic Ocean to safe navigation five months a year. That would shorten the voyage from Germany to Alaska by 60%, and shorten the voyage from Europe to Asia (through an expanded Northwest Passage) dramatically.

All this has led Canada, Denmark, Norway, Russia, and the United States to start pressing their various claims to the Arctic. There is squabbling already over who controls or owns fishing rights in what waters, who owns which islands, and how much of the seabed under the Arctic Ocean belongs to the country that owns the adjacent coast.

Now, if warming does continue, and it opens up the Antarctic, things will get even more interesting, because there is a huge continent rather than an ocean beneath all that ice. Besides the minerals, there is developable land. I can see it now: Penguin Terrace Condominiums — Magnificent Ocean View!

— Gary Jason

Tubal ligation — Decades after the beginning of the microcomputer revolution, the cultural and political elites still haven't figured out that they hold their power only at the whim and by the leave of hackers — teenage kids in their bedrooms, subsisting on code and Mountain Dew, and highly paid 20-somethings in Redmond and Mountain View who design the software that runs the world.

The internet is opaque to parliamentarians and judges, presidents and ministers, governors and attorneys general, as they are to most white-collar people during whose lifetimes they were introduced into general use. One day the IT guy came into the office and declared, "Now we're using this thing; click here to send an email, click here to visit the company intranet," and that was that.

Even the hackers aren't entirely sure what they're doing. To understand how well refined the discipline of software engineering is today, mere decades after the first computer programs were written, ask yourself how well civil engineers understood their craft a few decades after the first arch was built.

It is in this context that the mid-April White House email "scandal" should be understood.

The White House came under fire because some of its staffers used email in ways that were not compliant with the Presidential Records Act. That law requires communications related to official duties of executive branch staff to be preserved for historical purposes — and to leave an audit trail for inquisitive Congresscritters.

Thing is, the Presidential Records Act was written in 1978, when "preserving a document" meant keeping a carbon copy of a paper document in a filing cabinet.

It's important to consider whether the authors of a law were aware of its implications as technology changes. More specifically, lefty enemies of the president who criticize Karl Rove for carelessly firing off emails on his BlackBerry should hold their tongues. If an arcane 1978 law can apply to BlackBerries

and email, why can't the Second Amendment apply to an assault rifle with a large-capacity clip filled with armor-piercing ammunition?

One of the talking points is that White House staff sent emails from nongovernmental email addresses, i.e., using domain names belonging to the Republican National Committee. Dan Froomkin of the Washington Post complained that "Rove deputy Scott Jennings repeatedly used an RNC e-mail address (sjennings@gwb43.com) in his official communications," and that an "e-mail to Rove was sent to a kr@georgewbush.com address."

A simplistic but reasonably accurate comparison would be if an individual rented a couple of post office boxes, numbered 100 and 200. For a long time, he used P.O. Box 100 for all of his mail, and forgot about the other one. Then one day he sent a couple of letters in the mail, and wrote P.O. Box 200 as the return address on the envelopes. And then one of his correspondents wrote him back at P.O. Box 200.

It doesn't sound criminal, and it patently isn't. It's just two addresses for the same guy.

Likewise, the default email program on your home computer, and many webmail services, can be easily configured to send email "from" any email address you like. If you spend the winters in Florida and live the rest of the year in Chicago, owning a home in each city, you may properly write either address as your return address. As for mail that you receive, you can't control whether somebody else chooses to write to you in Chicago or Florida, can you? The same goes for email.

But anything can sound sinister to a public that doesn't understand the internet, reported to by members of the media who don't understand the internet, covering government officials who don't understand the internet. The White House email system apparently is set up to archive all email sent to and from its government email addresses, but it doesn't cover, say, Google email addresses, or Yahoo addresses, or Hotmail addresses, or RNC addresses. The IT people who revamped the system to comply with the Presidential Records Act understood that, but nobody else — including the people who would actually use the system — necessarily understood it.

Ironically, the first publicly accessible copy of the Presidential Records Act I find on a government server is displayed on a page titled "WAIS Document Retrieval." WAIS stands for Wide Area Information Servers. It was a technology that existed in the early '90s, quickly supplanted by the World Wide Web. Most people, probably including the authors of the Presidential Records Act, don't know it ever existed.

It's a treat when government officials profoundly embarrass themselves in talking about the internet, as when Sen. Ted Stevens described the internet as "a series of tubes" in a rambling speech about internet legislation he couldn't begin to understand. Mostly, however, officials' stupid remarks about, and stupider legislation of, the internet go unreported by the media and so unnoticed by the public. That's a shame. It's bad enough when, as public choice theory predicts, those in government say deceptive things out of sheer self-interest. But it's especially pathetic when they say inaccurate things because, even with the aid of their own dedicated staff and the Congressional Research Service, they honestly have no idea what they're talking about. — Patrick Quealy

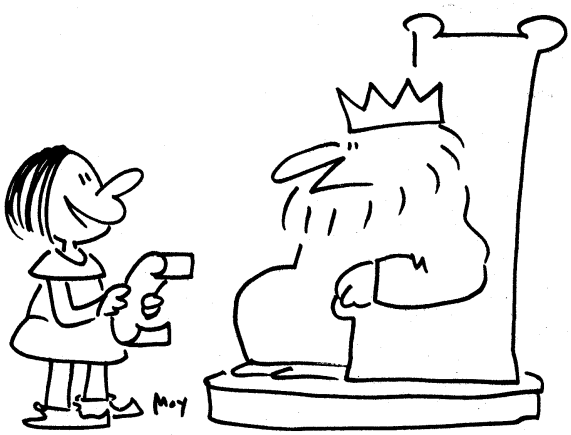

"The economy has turned around, sire — 360 degrees!"

Suboptimal bureaucratic outcome verified — To no one's surprise, except to that colony of bumptious, squawking ninnyhammers kept isolated on a parcel of swampland along the Maryland-Virginia border, an extra three weeks of Daylight Savings Time saved the nation no energy whatsoever. This, according to any number of power companies and the Department of Energy, was exactly the result that would be expected by anyone with the sense God gave a flamingo.

A Reuters article explains, in the slow, steady voice one might use to address a cow-eyed child whose homework papers sometimes earn a silver star for effort, why this should be so: "Households may draw less electricity for lights at night, but will use more power early in the day as they wake to darker and chillier mornings." Or, as a farmer friend of mine says, "Do you have any idea how hard it is to reprogram that rooster?"

I'm resigned to the continued use of Daylight Savings Time. It's outlived its usefulness — we're no longer facing air raid blackouts or coal shortages — but it's kept around, despite the expense, despite the wrecked sleep schedules, because we're accustomed to it, and because we want to be reminded to check the batteries in our smoke alarms.

Now those batteries have to hold out an extra month; come autumn, it's possible that some family's house will burn to the ground, perhaps with them in it, because they were waiting till "fall back" to check. And if that hypothetical is admittedly extreme, let it stand in for the myriad problems created by this whimsical shift: computer programs that may or may not update, or may update twice, even after tens of thousands of hours of testing; schedules put out of sync with customers and business partners around the globe; three weeks of added grump from having to get up when it's just too cold and dark to do so. All with the goal of reducing energy consumption in a way that the relevant federal agency, as well as private power companies and straightforward common sense, insisted would not work.

Congress has done, and is doing, and will continue to do much more harmful things than playing around with DST. But of their lunatic belief in the efficacy of their powers, trying to change human nature and indeed time itself by legislative fiat, there can be no better illustration. — Andrew Ferguson

Symposium

Where Libertarians Come From

Brian Doherty's "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement" (PublicAffairs) came out this spring. The book is a subject of major interest for people in the individualist movement. We asked two experts to assess the book; then we asked the author for his response. There's obviously a lot to debate in the history of the movement — so I hope you enjoy debate!

— Stephen Cox

Bruce Ramsey on "Radicals for Capitalism"

At least this book was written by a libertarian. If the author were one of these snotty liberals, he could have called it "Zanies for Capitalism." Libertarians have done some libertine and loopy things over the years, and Brian Doherty, whose previous book is about the Burning Man festival in the Nevada desert, has included all the best of them in his "Freewheeling History."

There was Leonard Read of the Foundation for Economic Education, one-time manager of the L.A. Chamber of Commerce, bringing his businessmen high-rollers into the orbit of a spiritualist guru — and maybe (though Leonard denied it) some experiments with LSD; the novelist Ayn Rand, and her Nietzschean adultery with Nathaniel Branden; the political theories of Andrew Galambos, which were so proprietary that no paying customer was permitted to disclose what they were; the survivalists of the Vonu movement, who wanted to disappear into the woods, and did; and the various attempts to start a new country in the Bahamas, on a South Pacific reef or on a concrete barge.

I knew about some of this stuff already, and I expect that most of it is true. I am not old enough to remember things from the 1940s and 1950s, but I was in on a bit of it in the 1970s, and Doherty has the flavor of it right.

I remember, at age 18, driving with three other University of Washington students from Seattle to Los Angeles to attend the Left-Right Festival of Liberation, Feb. 28, 1970, on the campus of the University of Southern California. We were fans of Ayn Rand and Ludwig von Mises, fascinated by ideas we found in the world of books; and all the libertarians we knew could have been counted on our fingers.

At USC there was a crowd to hear the speakers. And what speakers! Some were respectable professors of free-market economics, such as the Chicagoite economist Harold Demsetz, who said, "If you're worried about

being misinformed, stay away from the polling place; take the marketplace."

Others were more fringy, to use a word from those times. A few had strange names, such as Skye d'Aureous (now Durk Pearson and a contributing editor of Liberty), speaking on "Alternatives to the State," and Filthy Pierre (also known as Erwin Strauss, at present the publisher of Libertarian Connection), speaking on "Proposals for Living on the Sea." Two men made presentations about "gay liberation," a concept I had not heard, or expected to hear, discussed at a public forum.

There was a soft-spoken man named F.A. Harper who talked about the dark days of the 1940s, when libertarians such as Garet Garrett could not get published, and how the outlook in 1970 was much, much better for liberty. There was a Fidel Castro-like man named Karl Hess, who had been a speechwriter for Barry Goldwater and who claimed the future for anarchism. Hess came with a squad of black-clad groupies, who would raise their fists and chant, "Right on!" — a phrase new to me — whenever Hess said something profound, like, "No crime is so grave or repulsive that I would cooperate with the police. My rule is that if it oinks, it is your unalterable enemy — the hired mercenary of the State." (This from my notes.) There was also Philip Abbott Luce, who had been a communist, and Dana Rohrabacher, who would become a Republican congressman.

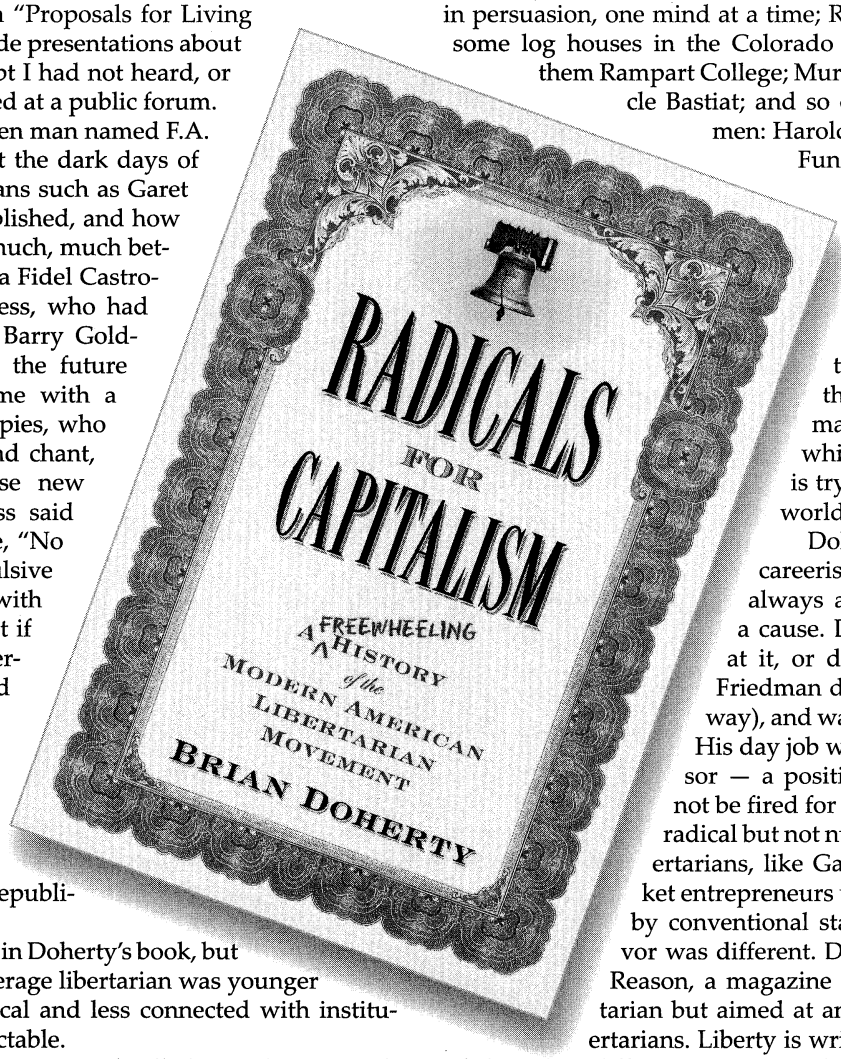

That conference is not in Doherty's book, but the milieu of it is. The average libertarian was younger in those days, more radical and less connected with institutions trying to look respectable.

The book doesn't start out with all this. It begins with such distant ideological relations as Benjamin Constant, Josiah Warren, and Gustave de Molinari. Doherty should have left them out. He is trying to explain the genealogy of the libertarian idea, and that is not necessary for this book. A "Freewheeling History of the Modern Libertarian Movement" should begin with the New Deal and World War II, against which the arguments of Rand, Mises, Isabel Paterson, Rose Wilder Lane, and Friedrich Hayek — the modern founders — presented an antithesis.

But the book is *freewheeling*. That is its attraction and its affliction. It drops a hundred names — picks them up and drops them. Writing about the fantasist Robert Anton Wilson, Doherty says, "One can become a Wilson Head without reaching his libertarianism. Through Wilson's influence one might become an Aleister Crowleyan, a Wilhelm Reichian, an old-fashioned Tuckerite, a techno-future-optimist in the manner of Buckminister Fuller or Timothy Leary." The head spins.

Some of the characterizations are sloppy: to call Rand, Paterson, and Lane "the three furies of libertarianism" is not really accurate. Maybe Rand was a "fury," and Paterson was some of the time, but Lane was not. She was the most radical of the three, and the sweetest.

Much is fascinating: Hayek and his internationally influential Mont Pelerin Society; Read, the radical who believed in persuasion, one mind at a time; Robert LeFevre, who built some log houses in the Colorado Rockies and proclaimed them Rampart College; Murray Rothbard and his Circle Bastiat; and so on. There are the money men: Harold Luhnow and the Volker Fund, which financed a university spot for Mises and paid travel expenses to Mont Pelerin; also the Koch family, the oilies who provided seed money for the Libertarian Party and the Cato Institute. Money matters in a movement which, as Doherty points out, is trying to sell something the world is not clamoring to buy.

Doherty's story includes careerists and amateurs. This is always an issue for anyone with a cause. Do you make your living at it, or do it on the side? Milton Friedman did it on the side (in a big way), and was enormously influential. His day job was being a college professor — a position from which he could not be fired for his opinions. He could be radical but not nutty. Some of the early libertarians, like Galambos, were niche-market entrepreneurs who could be radical and, by conventional standards, nutty. Their flavor was different. Doherty is an employee of Reason, a magazine which is avowedly libertarian but aimed at an audience outside of libertarians. Liberty is written *for* libertarians. Each of these has different institutional constraints, and tends to attract a different kind of mind.

One of the virtues of Doherty's book is that he often tells how these people were first turned on. You can see the libertarian idea replicating itself, a kind of virus of the mind. What spread it was an individual who could express it colorfully and forcefully, which also meant radically. Hayek, who considered himself pretty radical, was about as moderate as the movement allowed. Mises was more hardcore, Rand more still, Rothbard, in a political sense, even more. In inspiring people to become libertarians, radicalism works. But it works mainly on those never inoculated by prior commitment.

Radicalism also comes much of the time with the edgy *machismo* of "I'm more radical than you." Doherty treats this posturing with some humor, at one point quoting professional rightist Grover Norquist about libertarians who insist on staking out a position that alienates everyone. Their attitude, he says, seems to be, "Then I win!" He asks: "Win *what?* 'Most

Pure Person in the Room' award? A cookie?"

Reading this book, one naturally wants to compare the figures who have taken different roads, and different levels of radicalism, and ask who has had the greater influence: Ludwig von Mises or Milton Friedman? Murray Rothbard or Alan Greenspan? Durk Pearson or Dana Rohrabacher? And then you realize how pointless it is to argue the point. The one was not going to be the other. Imagine Rothbard working for the Fed — or Durk in Congress. Liberty is an idea for people who want to go their own way; it is oxymoronic to condemn them for inattention to the herd. Individualists do what they do because it pleases them.

Lanny Ebenstein on "Radicals for Capitalism"

Brian Doherty's "Radicals for Capitalism" provides an opportunity to explore the idea that there are at least two kinds of libertarianism. We may call them, at least for the sake of argumentative distinction, conservative or Right libertarianism and liberal or Left libertarianism ("conservative" by the sharing of some ideas with modern conservatives, and "liberal" by the sharing of some ideas with modern liberals).

At this time, Left libertarians appear to constitute the majority of the movement. Doherty, who works with the Reason Foundation, is a Left libertarian, as are the Cato Institute, Reason, the Independent Institute, and, to a lesser extent, the American Enterprise Institute. There is, however, another version of libertarianism, a version that offers a different approach on many issues. The conservative variety of libertarianism emphasizes, in particular, the idea that associational rights should be ranked among the central libertarian concerns. As John Stuart Mill said in "On Liberty" (1859), the possession of a social or political right includes the ability to associate with others of similar views. Too many liberal libertarians, it seems to me, underemphasize the importance of freedom of association and the importance of the secondary, nongovernmental institutions — churches, clubs, professional associations, and the like — that form so much of a free society's framework. And there are other important differences between the Left and Right of the libertarian movement.

Doherty well states the Left libertarian view. He says that the "eventual goals" of libertarianism "include the abolition of all drug laws, . . . the abolition of the income tax, the abolition of all regulations of private sexual relations (from marriage to prostitution and everything in between), an end to public ownership and regulation of the airwaves, an end to overseas military bases and all warmaking not in direct defense of the homeland, an end to the welfare state, and an end to any legal restrictions whatsoever on speech and expression."[1]

Yet it is possible to dissent from most of these goals, and still consider oneself a libertarian. With respect to the abolition of all drug laws, Left libertarians often talk as though their vision of utopia with respect to drug policy would be to use the military to impose on every community a policy of the legal use and exchange of crack, heroin, and methamphetamines. If this is not the meaning of "the abolition of all drug laws," what do these words mean? Left libertarians underemphasize or ignore the right of different communities to set different standards and laws.

With respect to abolition of the income tax, libertarians both of the Left and of the Right favor lower taxes, usually substantially lower taxes. But why must this general preference necessarily take the form of abolition of the income tax? Why not property or sales taxes? Why not capital gains taxes?

With respect to the abolition of all regulations regarding private sexual relations, many of the same objections that would hold with respect to unitary drug laws across the United States are also applicable in this area. What if different communities and states wish to enact different laws? What if different communities and states wish to have different standards about pornography or to allow covenant marriage as an alternative to traditional marriage?

With regard to the issue of marriage, Left libertarians' views seem particularly inconsistent. Do they really believe that there should be no regulation of marriage? What of age restrictions? What of polygamy? But if liberal libertarians would allow regulation of marriage in such cases, why can't they concede that states can properly pass laws to define marriage as a bond between one man and one woman? If there can be some regulations with respect to marriage, why cannot there be others?

With respect to ending the welfare state, most libertarians, whether liberal or conservative, support a society in which government plays a considerably smaller role in providing welfare and in which private charities and nonprofits play a larger role. But to define a libertarian as someone who supports the complete abolition of the welfare state, particularly as a proximate goal of public policy, strikes many who have considered themselves to be libertarians, including Milton Friedman and Friedrich Hayek, as unrealistic and even undesirable when taken to an extreme.

Karl Hess came with a squad of black-clad groupies, who would raise their fists and chant "Right on!" whenever he said something profound.

Respecting the contentious and controversial issue of the war in Iraq, military policy, and foreign intervention by the United States, there is no unanimity of views among those who consider themselves libertarians. Left libertarians tend to favor an isolationist foreign policy. Right libertarians tend to support an interventionist one. All libertarians acknowledge the right of self-defense, and this is often taken to include preemptive self-defense. To be sure, there is always a strong presumption against military intervention, which can be justified only in the most serious circumstances. But on the practical versus the philosophical question of when it is appropriate to engage in military intervention, and whether an isolationist United States would lead to a more peaceful world, Left and Right libertarians often differ.

Hayek was reasonably interventionist. He remarked in 1983, "I am convinced Reagan is right not to reduce arms expenditures. World peace depends upon America staying strong. The real problem is whether we have got ourselves into a situation in which the Soviets can intimidate us to such an extent that we knuckle under completely. The West must stay at least as strong as the Soviet Union."[2] He wrote the following letter to the editor in 1983 in Britain during the Falklands crisis: "Argentina ought perhaps to be reminded that no rule of international law would forbid to retort to another attack on what for 150 years had been under the jurisdiction of Britain by some counter-attack on the geographical sources of such bellicose action."[3]

A few years earlier, Hayek wrote the London Times, during the Iranian hostage crisis, that he was "genuinely puzzled by the restraint shown by the United States in the recent emergency. It seems to me that the future of peaceful international relations and the safety of persons in foreign countries would have been much better served if the United States government had at once sent an ultimatum saying that, unless every single member of the embassy staff were within forty-eight hours handed over unharmed to representatives of the United States Government, bombs would be falling at an increasing rate at the seat of the Iranian Government."[4] These are not typically the sorts of sentiments issued by Left libertarians, nor were they the particular policy recommendation favored by Left libertarians at the time.

Doherty's study focuses on the explicitly libertarian movement in the United States in the 20th century, and he does not much consider in this place the British philosophers and economists who laid the rhetorical groundwork for libertarianism. Particularly in the area of international relations as practiced by the United States, the thought of the great British political and pure philosopher John Locke should be considered. Locke was clear that the existence of law requires its enforcement. If there is no enforcement of law, then law does not exist. Law includes its physical execution. From the perspective of many conservative libertarians, the United States is the primary physical executor of law in the world today. If the United States were to withdraw from the world militarily, chaos, from the perspective of many Right libertarians, would ensue.

The idea of an unregulated market is chimerical.

Generally, the principle of libertarians is to minimize the use of force. Whether this would be the outcome of a policy of military disengagement from the world is an open question. Withdrawal from the world might result in the use of less force in the short run, at the expense of much greater force in the intermediate and long run, as increasingly perilous conditions required reintroduction of a military presence in diverse places around the world.

If the United States were to withdraw from the world militarily, chaos, from the perspective of many Right libertarians, would ensue.

Doherty gets Hayek and Friedman spot on in some of their central political and philosophical views. He writes of Hayek that "[r]ules, defined by Hayek as 'simply a propensity or disposition to act or not to act in a certain manner, which will manifest itself in what we call a practice or custom,' are the sine qua non of both civilization and government; we could not possibly achieve what we have achieved without following them. It is only when rules are followed that what Hayek calls the 'spontaneous order' can develop."[5]

For Hayek, liberty was the supremacy of legitimate law, a view shared by Right conservatives, often in opposition to Left libertarians, who tend to veer more toward anarchism, or lawlessness or normlessness. With respect to the central Hayekian topic of the rule of law, Hayek was fond of quoting Locke, including the words that follow, which Hayek used to preface his chapter on "The Origins of the Rule of Law" in "The Constitution of Liberty": "The end of law is, not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of laws, where there is no law there is no freedom. For liberty is to be free from restraint and violence from others; which cannot be where there is no law: and is not . . . a liberty for every man to do what he lists [wishes]. (For who could be free when every other man's humour might domineer over him?) But a liberty to dispose, and order as he lists, his person, actions, possessions, and his whole property, within the allowance of those laws under which he is, and therein not to be the subject of the arbitrary will of another, but freely follow his own."[6] Hayek also approvingly quoted Locke in "The Road to Serfdom": "There can be no liberty without law."[7]

So from the Right libertarian point of view, libertarian order cannot be an order without law. There can be no freedom (in the sense of maximum material development) without political liberty (in the sense of a lawful social order that minimizes coercion). Right libertarianism recognizes that law is necessary to the optimal society. Left libertarianism often sees this

differently. The jacket covers of books are the products of the publishers; authors do not always write them; nevertheless, I do not think that Doherty would disagree with the first paragraph of the jacket cover of his book, which says: "It is a simple but radical idea: The sole purpose of government, if it has a purpose, is to protect the lives and property of its citizens. A free people in an unregulated marketplace will maximize both human potential and economic growth."

This is, again, not exactly the situation that conservative libertarians perceive. To take Hayek, again, as an example: he recognized, and indeed affirmed, that the idea of an "unregulated" market is misleading; markets will always need to be enabled and protected by law. Left libertarians, on the other hand, often talk as though "property" were something that existed ineluctably in nature, irrespective of the absence of commonly held rules defining it. Hayek wisely rejected this view. He wrote early, in "The Road to Serfdom," that the functioning of a competitive order "depends, above all, on the existence of an appropriate legal system, a legal system designed both to preserve competition and to make it operate as beneficially as possible. It is by no means sufficient that the law should recognize the principle of private property and freedom of contract; much depends on the precise definition of the right of property as applied to different things. The systemic study of the forms of legal institutions which will make the competitive system work efficiently has been sadly neglected."[8] In "The Road to Serfdom" and in "The Constitution of Liberty," he saw a "wide and unquestioned field for state activity. In no system that could be rationally defended would the state just do nothing."[9] The idea of an unregulated market is chimerical.

When compared to Left libertarians, Right libertarians are more tolerant, less exclusive, less extreme, and more evolutionary in approach. They are less likely to put forward a list of positions and say that individuals who do not support these positions are not libertarians. Coinciding with greater toleration is less exclusiveness. Conservative libertarians' conception of the holders of their creed embraces many individuals not considered libertarians by Left libertarians. Doherty himself notes that many libertarians have been famous for factionalism and for excluding people they don't consider sufficiently pure.

William F. Buckley exemplified the more judicious approach of conservative libertarianism: "We must not, if we are to pass for sane in this tormented world, equate as problems of equal urgency, the repeal of the social security law, and the containment of the Soviet threat."[10] Left libertarians often appear to equate the welfare state or government regulation with the conditions that prevailed in Nazi Germany or Stalinist Russia. Right libertarians are more likely to recognize that there are degrees of evil, that to equate all disagreeable aspects of government policy is not productive. Coincident with the less extreme nature of conservative libertarianism is its greater emphasis on gradualism and working within the system. Utopias may, as both Friedman and Hayek held, offer guiding ideals toward which to aim. But utopia is difficult to achieve on earth — that is why it is called *utopia*, "no place." As technological knowledge grows, our conception of utopia will continually change. If individuals wish to involve themselves in the public policy process, their proposals must generally be for incremental changes from the status quo, at least if they wish these proposals to be successful.

Conservative libertarians are less ideological and more practical than liberal libertarians. They also have different heroes. For Doherty, the key libertarian figures are Hayek and

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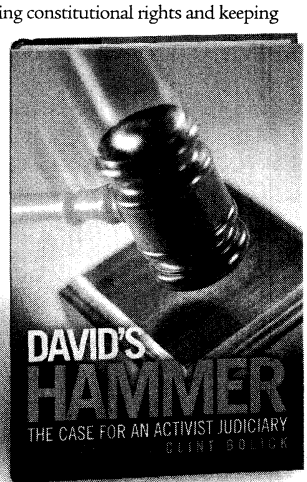

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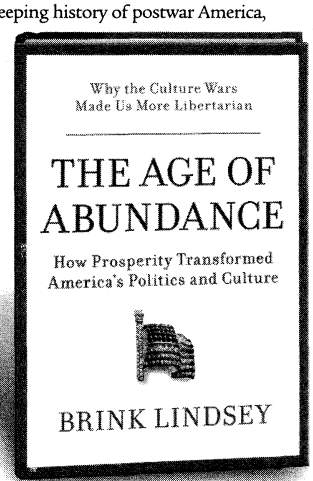

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Friedman, but also Murray Rothbard, Ayn Rand, and Ludwig von Mises. For conservative libertarians, such figures as Ronald Reagan and Barry Goldwater would also enter the pantheon; and from the more intellectual side, Buckley and even Russell Kirk, for his emphasis on the value of social customs and values beyond the state. Nor is this a dry historical issue. Our heroes, our inspirations, our models of human attainment tell a great deal about our concepts of normative fact and ethical belief.

Left and Right libertarianism are as one on the issue of free speech. Both kinds of libertarianism recognize that there is no higher value than truth, and that the only way to achieve it is to create an environment in which freedom of discussion and debate is encouraged.

Right libertarians and Left libertarians also agree, of course, that government should become smaller. Conservative libertarians generally believe that if, over the next quarter of a century or so, the size and scope of government could be reduced from that reflected by the current 30 to 35% of GDP in the United States to 20 to 25%, this would be great progress. Liberal libertarians, on the other hand, sometimes talk as if even a society in which government controlled 10 to 15% of GDP would be a slave regime tantamount to that of pharaonic Egypt.

But to return to the book that prompted this discussion: "Radicals for Capitalism" sets a standard for new works in the history of libertarianism, particularly of a liberal variety. Its extensive research, which included many interviews, will make it a reference work for decades, if not longer. Doherty's presentations of the views of libertarian authors are particularly useful. He is correct, for instance, in his interpretation of Friedman's methodology. He emphasizes that, for Friedman, the most crucial aspect of a theory is its capacity to predict, and what it predicts. Theories that do not predict are usually of little worth.

Doherty should be commended for his substantial contribution to the history of a diverse and exciting field. He should also be commended for inspiring the kind of debate that reaches beyond his book — the kind of debate that naturally arises when libertarians define and discuss their beliefs, methods, and models.

Notes

1. Brian Doherty, "Radicals for Capitalism" (2007), 3.
2. In Alan Ebenstein, "Friedrich Hayek: A Biography" (Palgrave, 2001), 301.
3. *Ibid.*, 300.
4. *Ibid.*
5. Doherty 220–21.
6. Ebenstein, 196–97.
7. *Ibid.*, 197.
8. F.A. Hayek, "The Road to Serfdom" (University of Chicago Press, 1994 [1944]), 43.
9. *Ibid.*, 45.
10. Doherty, 305.

Brian Doherty responds

I want to thank Liberty for giving me a chance to respond to comments on "Radicals for Capitalism." An author could not hope for better equipped reviewers.

Lanny Ebenstein is author of the definitive biography of one of my book's central characters, F.A. Hayek, and is freshly out with the first major biography of another one, Milton Friedman, a book I look forward eagerly to reading — and one that I wish I'd had access to when writing my book. Bruce Ramsey, long one of Liberty's most dynamic contributors, has recently edited and introduced wonderful volumes of writing by the old-Right hero Garet Garrett. I thank them for their general appreciation of my book.

However, neither reviews nor comments on them would be optimally interesting to readers without *some* scrapping, or without branching out into a larger discussion.

Lanny Ebenstein frames his review with thoughts on a distinction within libertarianism that is not explicitly drawn in my book, at least not by name — the distinction between "Left" and "Right" libertarians (or, as he also says, "conservative" and "liberal" libertarians).

I can't say I don't know what he means, roughly, when he makes this distinction. Without any specific examples, or any obvious necessary philosophical connection between thinking, for instance, that local communities should be able to ban gay marriage and drugs and thinking that the U.S. military should legitimately be used for preemptive strikes, it's hard to know exactly what one can say overall about the phenomenon of the "Right libertarian," or if there are any clearly defined principles underlying his beliefs.

I hope I am not completely mistaken in imagining, absent the naming of many specific thinkers and institutions, that Ebenstein considers himself, as well as William Buckley and "even" Russell Kirk, an exemplar of "Right libertarianism." For "Left" libertarianism, however, Ebenstein does give many specific examples, including the magazine for which I now work, Reason, and a thinktank where I used to work, the Cato Institute.

I don't think it's true that the institutions he lists as "Left libertarian" lack a solidly libertarian version of associational rights. Certainly, both Cato and Reason have published works that attack affirmative action and any other restrictions on people's right to choose with whom they associate, and I don't think they have ever denied, though perhaps in Ebenstein's mind they don't sufficiently emphasize, the importance of social-not-governmental institutions in meeting human needs. I think this particular accusation needs more citation, although I believe that Ebenstein is echoing (I'm sure not intentionally) Murray Rothbard in his final "paleolibertarian" phase. Rothbard believed, without, I think, much good evidence, that many so-called libertarian institutions had sold out to Martin

Luther King-esque principles of diversity and egalitarianism and had set them above true liberty.

As for Ebenstein's examples about community control of drugs and marriage, it has been mostly definitive of libertarians to believe that government — federal, state, or local — should be restricted in its functions, generally to the protection of citizens' lives against force or fraud and the provision of a small set of so-called public goods that could not be provided by free markets. Indeed, I can't imagine much that is libertarian about thinking it's all right to arrest or fine people merely because of something they chose to eat, whether that restriction comes from a local cop or a federal bureaucrat. Almost everyone involved in the movement whose history I tell would agree.

As for the "Right" or "conservative" libertarian, as Ebenstein describes him, the average politically savvy American would identify a person with such views as a "conservative," full stop. A streak of libertarianism has always run through the conservative coalition. But libertarianism has been only part of the larger conservative identity, and it has often been buried by other considerations: by traditionalism and nationalism; by militaristic anticommunism, in the early days; and in these latter days, often by militaristic anti-Islamicism.

So I'm not sure that someone with the views Ebenstein identifies as those of the "Right" or "conservative" libertarian ought properly to be considered a libertarian at all, rather than just a conservative. I know that saying this raises what might be called the "Hayek perplex": surely, if anyone was a libertarian, Hayek was! I'll return to this point later.

While I don't think I said this explicitly in "Radicals for Capitalism," I was obviously using the term "libertarian" in a descriptivist, not prescriptivist sense. I was chronicling the adventures of the thinkers and institutions that people who identify themselves as libertarian have tended to identify as part of "their team." I wasn't trying to enforce a deductive definition, casting out all those who fail to meet it.

Nevertheless, as Ebenstein notes that I note, this desire to cast out heretics is a central character trait of many modern libertarians. The list of libertarian stances that Ebenstein quotes from the introduction to my book was meant to give a reader I had to presume was ignorant of the topic a general sense of what most libertarian thinkers and institutions have believed,

Rescuing libertarianism from the impression that it is merely the right wing's wacky, overenthusiastic little cousin was one of my book's historical and rhetorical missions.

especially those beliefs that have made libertarianism *distinct* from conservatism and the Right in general. Rescuing libertarianism from the impression that it is merely the right wing's wacky, overenthusiastic little cousin was one of my book's historical and rhetorical missions. At the same time, I warned the reader of "Radicals for Capitalism" that the libertarian world is a feisty and contentious one. As Liberty contributing editor Fred Smith wisely put it, "When two libertarians find themselves agreeing on something, each knows the other has sold out." Libertarianism is a fighting faith — even if only with other libertarians!

But Ebenstein's distinctions do get at an important issue. Clearly, there is something philosophically questionable about calling thinkers as diverse as Hayek and Rothbard the same

I can't imagine much that is libertarian about thinking it's all right to arrest or fine people merely because of something they chose to eat.

thing — libertarian. It is equally true, however, that most people who self-identify as modern American libertarians do consider both Hayek and Rothbard as part of their intellectual heritage, arsenal, or team — even while remaining critical enough to suggest that a Hayek gives too much credence to the state's role, or a Rothbard too little, to be "properly considered a libertarian." (This also is detailed in my book.) Each side at least recognizes that it needs to grapple with the other — whereas too much of the rest of the intellectual world is happy to ignore both the more classically liberal and the more anarchistic arenas of the modern American libertarian Big Tent.

Ebenstein draws another important distinction among libertarians, that between the roughly Hayekian notion of rule-under-law, with law seen as requiring a monopoly of force to work properly, and the Rothbardian notion of anarcho-capitalism, which was in broad strokes also accepted by such libertarian teachers and influences as F.A. Harper, founder of the Institute for Humane Studies; R.C. Hoiles, founder of the Freedom newspaper chain; and Robert LeFevre of the Freedom School (Rampart College). I found the near-dominance of anarchism (though not under that name) in the libertarian movement in the 1950s one of the more interesting things that needed to be explained in my book.

It is important to realize, though, that anarcho-libertarians do not deny the need for law. They merely deny that anyone needs to possess a monopoly of force to establish and enforce it. This is a complicated subject, and admittedly sounds on its face absurd to most people, but the idea is certainly familiar to most within the libertarian movement, even if they ultimately reject it. For some explanations of how the idea might work and why it might be appropriate, see Murray Rothbard's "Power and Market," David Friedman's "The Machinery of Freedom," and Randy Barnett's "The Structure of Liberty." (All three books are discussed in "Radicals for Capitalism," the first two at greater length.)

I applaud Ebenstein's ecumenism in declaring that his sort of libertarian is more tolerant than the other — though isn't he trying to explain how Left libertarians are mistaken? Still, the

fact that he hews to the word "libertarian" shows a willingness to be grouped with a bunch of people whose views he clearly does not accept. I earlier suggested that I'm not sure that people with his "Right libertarian" viewpoint deserve the name of libertarian, so I suppose he wins a point on tolerance here!

The thinker who causes the most trouble for unified definitions of "libertarian" is Ebenstein's own F.A. Hayek. Reason's editor, Nick Gillespie, has called Hayek the "capo di tutti capo" of libertarianism. The Cato Institute has named its auditorium after him. The Institute for Humane Studies has used his image on postcards. His combination of the Nobel Prize and complicated, wide-ranging social theory makes him one of libertarianism's classiest cards to play. But a lot about Hayek rubs against a lot of the conclusions of other libertarians — a point my book makes clear. Indeed, I quote a lot (pages 553–54), mostly from the later Hayek, that makes him sound conservative indeed. Ebenstein does the same in his review, especially in regard to hawkish foreign policy.

A joke has it that Hayek's real first name was Even: "Even Hayek agrees we need a government-supplied income floor . . . "

I'm no longer as sharp at the game of "What Would Hayek Do?" as I once was — but certainly many libertarians have felt frustration, as I put it in my book, at how often opponents of more radical libertarianism can use Hayek as a weapon against them. As a joke has it, Hayek's real first name was "Even": "Even Hayek agrees we need a government-supplied income floor . . . " I note in one of my book's notes (a side note to libertarian readers: don't skip the notes! — lots of nuggets considered too recondite for the general audience are there as special treats for the very interested) that Murray Rothbard considered Hayek's classic "Constitution of Liberty" so full of concessions to the state that he told the Volker Fund, the great libertarian funding group of the 1950s, for whom he vetted manuscripts and thinkers, that it was "an extremely bad, and . . . even . . . evil book."

Hayek is a complicated case. I think the kind of libertarianism (not quite so hard on the state, willing to countenance overseas interventionism) that Ebenstein seems to support could also, in some ways, be called "Hayekian libertarianism." At least Ebenstein seems to think so. Hayek wrote a famous essay on why he was *not* a conservative — yet, as Ebenstein notes, a Hayekian libertarianism could rightly be called "conservative" in its reliance on tradition, and its allowance of a wider scope for government action than (say) a Rothbardian would.

But I question whether the attitude toward control of drugs and gay marriage, even on the local level, that Ebenstein discusses can be supported on Hayekian principles. To quote from "Why I Am Not a Conservative": "Liberalism [Hayek's term for his own position] is not averse to evolution and change; and where spontaneous change has been smothered by government control, it wants a great deal of change of policy . . . [T]here is in the present world very little reason for the liberal to wish to preserve things as they are. It would seem to the liberal . . . that what is more urgently needed . . . is a thorough sweeping-away of the obstacles to free growth." For very solid reasons, most libertarians think that quick change in laws related to drugs, sex, and marriage is perfectly Hayekian and perfectly libertarian.

While Ebenstein uses Hayek as an example of a wise, gradualist libertarianism, Hayek himself argued for a liberal radicalism that "is not too severely practical and which does not confine itself to what appears today as politically possible." That has been the dominant spirit of modern libertarianism — which has mostly been what Ebenstein segregates as "Left libertarianism."

Let us say that libertarians are in many cases children of Hayek who mutated the antistate gene for stronger expression. But if Dr. Ebenstein is willing to let both sides of the divide he limns be named "libertarian," then so be it. (Certainly, there is more to the intellectual game of figuring out the implications of Hayek's thought than merely quoting Hayek, particularly the Hayek of the 1980s, whose active, sharp intellectual life was largely over.) As to the unquestionable tensions that remain between Hayek and the larger libertarian tendency, I am grateful for Ebenstein's efforts in clarifying our thinking on what we are talking about when we talk about libertarianism.

Bruce Ramsey's review provides less for me to argue with. I especially appreciated the skilled and knowing way in which he brought out the flavor of the book and its characters. This is sadly rare in professional reviewing, where all too often a book is assigned, believe it or not, to people with no demonstrated knowledge or even interest in the topic. An author always wants reviews of his books to stand alone as interesting essays, hoping that the reader will imagine that the book which launched the review is similarly interesting. And Ramsey's review stands alone as a great summoning of the spirit of the libertarian movement, circa the early 1970s.

It's a glorious thing to grapple with a reader who is deeply learned in your topic, and fascinated by it. Of course, with the glory may come the painful experience of the disagreements and second thoughts of the learned and thoughtful reader.

I'll take on a few disagreements.

The "three furies" phrase is a chapter title, and is by no means the only clue I give to the personalities of Isabel Paterson, Rose Wilder Lane, and Ayn Rand. Their stories are told over the course of dozens of pages of the book. If Ramsey thinks it inaccurate to call Lane a "fury," well, no one phrase comprehensively defines these complicated women's characters. But the Rose Lane who stars in the anecdote on page

continued on page 34

Borking Up the Wrong Tree:
Conservatives and Judicial Activism

by Timothy Sandefur

The judicial philosophies of Robert Bork and Stephen Breyer aren't that far apart.

Ask a conservative — or even, nowadays, a liberal — what the biggest problem in constitutional law is, and he'll probably answer "judicial activism." With recent court decisions upholding certain types of affirmative action, legalizing gay marriage, and banning the death penalty for criminals who committed murder before turning 18, it's not surprising that Americans look at courts with some suspicion. Recently, a series of books with titles like "Men in Black: How the Supreme Court Is Destroying America" and "The Constitution in Exile" have brought even more attention to the power of the judiciary.

It's undeniable that courts have sometimes overstepped their bounds, causing terrible damage to America's social and political institutions. Yet the conservative campaign against "judicial activism" is profoundly misguided.

Instead of calling for restricted judicial power, Americans ought to demand that judges act in defense of constitutional principles, even when doing so means striking down politically popular legislation.

Conservative misunderstandings of the judiciary are largely the fault of Robert Bork, the federal judge who was denied a seat on the U.S. Supreme Court in 1987 and went on to write such influential books as "The Tempting of America: The Political Seduction of the Law." The theme of his writings is that the judiciary is exceeding its constitutional boundaries and forcing liberal social theories on the nation through such judicial doctrines as "substantive due process" — the courts' power to declare a law unconstitutional for violating the 14th Amendment's "due process of law" clause. The judiciary, Bork argues, should exercise greater "restraint" and respect the original intentions of the Constitution's authors.

But despite his own claims to respect them, Bork's ideas have almost nothing to do with their actual views, and his criticisms of judicial excesses are, in reality, attacks on the Constitution itself.

Consider, for example, Bork's assault on judicial review. He has repeatedly attacked the court's power to declare laws unconstitutional, even calling the famous 1803 *Marbury* decision — in which Chief Justice Marshall first held a law to be unconstitutional — "intellectually dishonest" and an example of judicial "misbehavior." He has even proposed amending the Constitution "to permit the overruling of Supreme Court decisions by the full Congress or by the Senate."

These arguments are disturbing, first because they demonstrate a basic ignorance of the founders' ideas, and second

because they embrace a principle that the founders explicitly rejected: the idea that the majority is always right.

The power of "judicial review" existed long before the *Marbury* decision. Fifteen years earlier, Alexander Hamilton had explained the principle in the Federalist Papers. The Constitution embodies the will of the people, he wrote, but a law only embodies the will of a particular legislative majority at a particular time. When the two come into conflict, therefore, the judiciary is *enforcing* the will of the people — not subverting it — when it declares the law to be void. "To deny this," he concluded, "would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid."

Bork's ideas have almost nothing to do with the founders' actual views, and his criticisms of judicial excesses are, in reality, attacks on the Constitution itself.

But Hamilton did not imagine that the will of the people was always correct. America's founders believed that there were standards of right and wrong, justice and injustice, by which constitutions and laws could be judged. Bork, by contrast, has argued that majority will is the very definition of justice. In "The Tempting of America," he claims that America's "Madisonian system" means that "in wide areas of life majorities are entitled to rule, if they wish, simply because they are majorities." Yet this is the exact opposite of what James Madison and other founders believed. In their view, majorities were *never* "entitled" to rule — instead, they were *authorized* to rule, and there were moral and political limits to the authority under which they acted.

"The sovereignty of the society as vested in & exercisable by the majority," wrote Madison, "may do anything that could be *rightfully* done by the unanimous concurrence of the members; the reserved rights of individuals (of conscience for example) in becoming parties to the original compact being beyond the legitimate reach of sovereignty, whenever vested or however viewed." In other words, there are some things that no government — whether a monarch or a majority — may ever justly do to us. The same principle appears in the Declaration of Independence, which explains that the states may "do all other Acts and Things which Independent States may *of right* do" — not anything they want; but only those things that are rightful.

Bork has been particularly outspoken in attacking the idea of natural rights. For him, individual rights are not the natural rights that America's founders considered to be the moral entitlement of every person. Rather, he regards rights as simply permissions that society grants to individuals for society's own reasons. Since the majority is entitled to rule as it wishes, it can grant, withhold, or revoke rights as it wishes. In such cases, judges should not block the majority's preferences.

The only rights that deserve judicial protection, Bork claims, are those explicitly listed in the Bill of Rights — although this argument is clearly foreclosed by the Ninth Amendment, which stipulates that people possess "other rights" than those listed. Yet when confronted with this point, Bork has asserted that "there is almost no history that would indicate what the ninth amendment was intended to accomplish" — which is simply not true. Randy Barnett and other legal scholars have established beyond doubt that the Ninth Amendment was intended, in Madison's words, to protect certain rights without "imply[ing] powers not meant to be included in the enumeration" of federal authorities. By declaring that the Bill of Rights is not an exhaustive list, the founders hoped to avoid precisely the sort of misinterpretation that Bork has proudly adopted.

Another important part of Bork's theory is his attack on "substantive due process." This is the notion that some things are off-limits to government under any and all circumstances, because those things would not qualify as "due process of law." Bork claims that the idea originated in the infamous decision in *Dred Scott* v. *Sandford,* where the Supreme Court used it to uphold the constitutionality of slavery. Since that day, he claims, courts have been using substantive due process to declare that laws they don't like are unconstitutional. Bork's argument on this point has been so influential that President Bush referred to it during the 2004 presidential election debates. Yet the argument is almost entirely false. *Dred Scott* was not about "substantive due process" but about Congress' power to ban slavery in the western territories. In fact, the "due process" clause was mentioned in only a single sentence of that 60-page opinion.

The Bill of Rights forbids government from depriving people of life, liberty, or property without "due process of law." But this does not mean that the legislature can do what it likes simply by passing a law to that effect. Legislatures can sometimes do things that lack the elements of justice, equality, and generality that make something a law instead of a mere command. As the Supreme Court put it in 1874, a legislative enactment that takes property from one person and gives it to another simply because the government likes one person more than another might be "done under the forms of law" but still "is not legislation. It is a decree under legisla-

The danger of wrongly upholding a law is far greater than the danger of wrongly declaring it void.

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"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

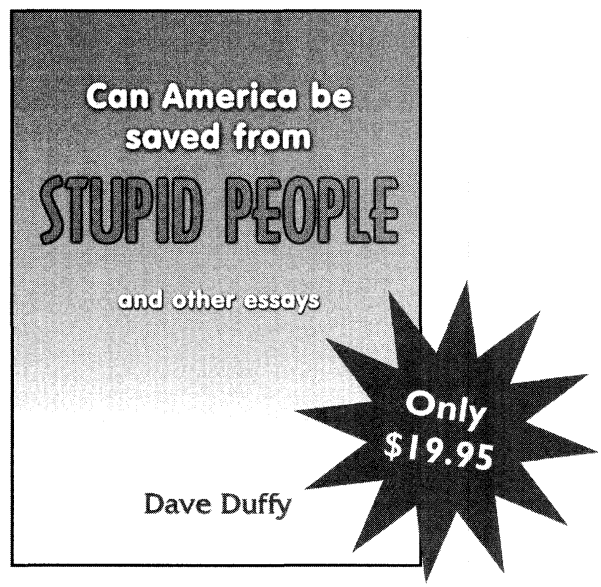

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tive forms." And since it is not law, such a "decree" deprives the victim of the "due process of *law*."

The due process clause therefore requires government to act in the service of general public goals, treating like cases alike, without using its powers as a pretext for benefiting powerful or influential private interests. These requirements — that the law treat like cases alike and different cases differently — are probably the most important distinctions between a rule of law and a rule of men. Ever since the requirement and the theory behind it were first explained by an American judge — in the 1798 case of *Calder* v. *Bull* — it has been an important mainstay of American government. Yet Bork claims that "there could be no intellectual structure to support this concept of substantive due process."

In the end, Bork's argument is that majorities are virtually always right under the law, and that minorities should have no constitutional defense except to lobby the legislature to change its mind. This theory is strikingly similar to the views of Supreme Court Justice Stephen Breyer, whose recent book "Active Liberty" also argues that courts should almost never interfere with the majority's power to enforce its will on individuals.

The "active liberty" to which Breyer's title refers is "what [Benjamin] Constant called the people's right to 'an active and constant participation in collective power'" — that is, in practice, the ability of some people to use government's power to enforce their desires on others, who may not agree. Because this type of "liberty" is more important than the individual's right to be free from interference, says Breyer, judges ought to exercise "modesty," meaning that they must defer to legislative decisions in all but the most extreme cases, and even then only in the service of "participatory self-government."

In some cases, Breyer's "modesty" would even allow judges to ignore the Constitution's explicit language. Take the First Amendment, for example, which declares that Congress "shall make no law . . . abridging the freedom of speech." While some might interpret this as meaning that Congress cannot enact a law that will abridge freedom of speech, Breyer offers a more "democratic" view, one that dispenses with "rigid or fixed" or "too mechanical an application" of the First Amendment. The argument goes in this way: the purpose of the First Amendment is to foster the sort of debate that is necessary for democratic decision-making. Therefore,

Breyer and Bork share the wolf's definition of liberty: that politicians have a fundamental right to control other people's lives.

campaign finance laws — which clearly abridge freedom of speech by forbidding individuals to promote their political views in the public square by means of campaign contributions, or even by barring them from making political statements themselves — can be justified in terms of broad "democratic" goals. Moreover, because the First Amendment "facilitate[s] a conversation among ordinary citizens that will encourage their informed participation in the electoral

By declaring that the Bill of Rights is not an exhaustive list, the founders hoped to avoid precisely the sort of misinterpretation that Bork has proudly adopted.

process," it is even conceivably justifiable for government to limit some speech and promote other speech that politicians believe is underrepresented in the public square.

All these errors originate in Breyer's belief — shared with Bork — that the Constitution's primary purpose is to empower "citizens to govern themselves and to govern themselves effectively." Bork and Breyer regard this "right" as an end in itself. In a speech he gave at Princeton University in April 2006, Breyer claimed that "the most important part" of the Constitution, and "what it's about," is "democracy." This would have come as a shock to the authors of the Constitution, who did not even use the word in the document. Instead, they described their purpose as securing "the blessings of liberty" — the individual's freedom to pursue happiness free from interference by others.

Three score and eleven years after they wrote the Constitution, Abraham Lincoln noticed a serious problem with American political dialogue. "We all declare for liberty," he said, but for some the word "may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor. . . . The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a liberator, while the wolf denounces him for the same act as the destroyer of liberty. . . . Plainly the sheep and the wolf are not agreed upon a definition of the word liberty."

The liberal Breyer and the conservative Bork share the wolf's definition of liberty: they believe that politicians (and the people they supposedly represent) have a fundamental right to control other people's lives, and when the judiciary interferes on behalf of one of the people whom they wish to control, it is exceeding its proper scope.

University of Pennsylvania law professor Kermit Roosevelt III has offered a more reasoned view of the judiciary in his book "The Myth of Judicial Activism." But while Roosevelt, a liberal, avoids some of Bork's and Breyer's more extreme arguments, he also fails to understand the proper role of the judiciary in America's constitutional system.

According to Roosevelt, courts ought to stay out of most issues because legislatures are better equipped to weigh the

costs and benefits of legislation, and because when legislatures act wrongly, the voters can "throw the bums out." Courts should strike down laws only when a "defect in democracy" has caused the legislature to act on irrational prejudices or "reprehensible" motives.

This argument rests on a naive view of the actual workings of legislatures. Astonishingly, Roosevelt never mentions what Madison called the problem of "faction": the tendency of politically influential groups to exploit legislative power for their own benefit, often under the guise of social improvement. Modern economists call this problem "rent-seeking." Whenever government can help one group, while hurting some other group, every group finds it worthwhile to put time and energy into trying to persuade government to act on its own behalf. The more someone stands to gain from a government subsidy, the more he or she will spend trying to get it. As Madison wrote, factions "united by a common passion or interest" will try to use government power "to sacrifice the weaker party or an obnoxious individual."

Roosevelt's failure to mention the problem of faction is especially remarkable in light of the fact that the judiciary has always been seen as an extra layer of security against this kind of legislative overreaching. Perhaps he is silent on the issue because discussing it would require him to acknowledge that the judiciary should protect economic freedom and property rights more than it does today. Under current law, courts are much less serious about protecting economic rights than they are about protecting certain so-called "fundamental" rights, such as freedom of travel and the right to an abortion. Roosevelt acknowledges that there are cases in which minorities are at an unfair disadvantage in the legislature, and that they deserve greater judicial protection, and he cites the obvious examples — cases of racial or sexual discrimination. Yet he refuses to acknowledge that entrepreneurs and property owners are often in the same position. He assumes that legislatures can be trusted to act for society's welfare when it comes to these subjects, but that would come as news to workers whose livelihood is stifled by oppressive occupational licensing laws, or to business owners who must spend priceless hours negotiating the state's regulatory maze, or to home and business owners who discover that their property is going to be seized through eminent domain to make way for a new shopping center. As law professor Robert McCloskey once put it, entrepreneurs "are about as impotent a minority as can be imagined." To "speak of their power to defend themselves through political action is to sacrifice their civil rights in the name of an amiable fiction."

Even more remarkable is Roosevelt's offhand claim that "a decision erroneously striking down a law is harder to correct than a decision erroneously upholding a law." The reality is just the opposite: the danger of wrongly upholding a law is far greater than the danger of wrongly declaring it void. Compare any two cases from the list of bad, or allegedly bad, decisions. *Lochner* v. *New York* is widely regarded (though not by Roosevelt) as one of the worst instances of judicial activism. It struck down a law prohibiting bakers from working more than ten hours per day, or 60 hours per week, as a violation of "substantive due process." But its outcome hardly compares with that of such notorious cases of judicial overrestraint as *Buck* v. *Bell*, in which the Supreme Court declared it constitutional for the state of Virginia to forcibly sterilize Carrie Buck and other people whom the state regarded as "unfit" to have children.

When a court declares a law unconstitutional, it is simply saying "no": the law has exceeded the boundaries of the Constitution. Sometimes that is harmful, but the legislature usually retains the power to enact a different law to accomplish the same purpose. On the other hand, when a court upholds a law, it often deprives an individual of his rights irrevocably. If we take seriously the proposition that the law should err on the side of protecting the innocent, we cannot justify Roosevelt's presumption in favor of upholding doubtful legislation. But because Roosevelt shares the wolf's definition of liberty — and the view that the Constitution is primarily aimed at preserving democracy, rather than freedom — he focuses only on the powers of the legislature, rather than the freedom of the individual.

Bork, Breyer, and Roosevelt all overlook one of the most important lessons the framers taught: that individual rights come first, and that when government deprives us of our rights, it should be required to give a good reason for doing so. The Declaration of Independence explains that all men are created equal, endowed with certain rights, and that "governments are instituted among men" for the purpose of securing these rights. The powers of these governments are derived from the consent of the governed, and whenever government becomes destructive of rights, the people may alter or abolish it, and create new safeguards. The ontological order could not be clearer: individual rights come first, government comes second.

Of course, there are cases in which courts have gone far beyond their legitimate bounds. In *Guinn* v. *Legislature* (2003), the Supreme Court of Nevada issued an order commanding the legislature simply to ignore the state constitution's requirement that any tax increase receive approval from two-thirds of the lawmakers. The court ordered the legislature

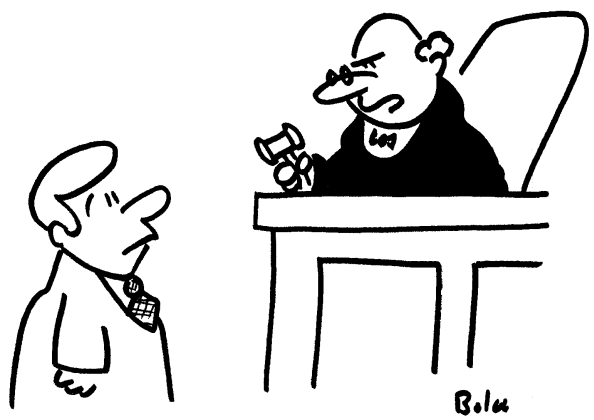

" 'Been there, done that' is *not* an acceptable plea!"

to "proceed expeditiously . . . under simple majority rule." This ruling, the judges claimed, was justified because public schools were provided for in the state constitution, and a legislative impasse on tax increases was preventing funding for those schools. "When a procedural requirement that is general in nature prevents funding for a basic, substantive right," they concluded, "the procedure must yield."

This decision — which the Nevada Supreme Court overruled only three years later — was so inexcusably contrary to centuries of constitutional law that it is difficult to describe it as anything other than judicial activism, motivated by a desire to accomplish a particular result despite directly contrary constitutional language. Yet the decision seems perfectly consistent with the pro-democracy theories of Bork, Breyer, and Souter. After all, the two-thirds vote requirement has been criticized by many for interfering with majority rule. The *Guinn* decision itself declared that it was "concerned with the interest of preserving the democratic process. A majority of legislators, representing a majority of the citizens of this state, make decisions on the services to be provided and the future of the state. . . . Where these matters have been discussed and duly voted upon, the Constitution requires that the decision of the majority be respected."

What the *Guinn* case shows is that the judiciary can abuse its powers through omission as well as commission. Judges can corrupt the constitutional order, and violate the rights of individuals, precisely by giving too much scope to legislative majorities, or by advancing "basic democratic objectives" in the face of constitutional limits.

In discussing the role of courts, what Americans ought to insist on is not a more *restrained* judiciary. After all, is there a better example of a "restrained" judiciary than the recent *Kelo* decision, in which the Supreme Court allowed legislatures to seize private property and give it away to politically influential developers? A "restrained" judiciary just gives government more power to interfere with our freedoms. What citizens should demand, instead, is that judges focus first and foremost on the constitutionally protected freedoms of individuals. Giving legislatures more room for "democratic" control over individual freedom does not fulfill the judicial duty — it abandons it, because the judicial duty is to defend the Constitution, especially against legislative encroachments.

The Constitution, and the Declaration that underlies it, embody the shared principles of the American people: principles deeply rooted in individual freedom. Today, the legislature, executive, and judiciary all routinely disregard these principles in the name of "higher goods" or "necessary" expedients, rationalizing their infidelity on the ground that whatever the majority wants is right. This must not be allowed to continue. A principled return to our nation's commitment to "the blessings of liberty," as a guidepost to our future, will be a long, hard struggle, but one very much worth the effort. ❑

Where Libertarians Come From, *from page 28*

132 of my book, in which she thunders to a young cop sent to investigate her for potential sedition because she wrote on a postcard her objections to Social Security (both she and Paterson refused money from the program): "Then I'm subversive as all hell! . . . I say this, and I write this, and I broadcast it on the radio, and I'm going to keep right on doing it 'til you put me in jail. Write that down and report it to your superiors!" — this Rose Lane had some of the fury about her. At any rate, people who read the whole book, not just the chapter titles, will get a pretty thorough sense of what type of writers and thinkers these women were.

On one of Ramsey's other points: perhaps I do sometimes assume too much background knowledge of people whom I found it necessary to refer to, without thoroughly explaining — people such as Wilhelm Reich, the post-Freudian radical psychiatrist, whom libertarian science fiction writer Robert Anton Wilson doted on. It is difficult to balance too much information against too little, and certainly for specific readers one will always find oneself erring one way or the other. (But "techno-optimism" is explained, I think, at sufficient length in the epilogue.)

I disagree that I should have left out my survey of pre-20th-century precursors of libertarianism. I wish I'd had space to discuss more of them, and in more depth. Libertarianism did not arise Athena-like from the brow of my book's five central 20th-century characters, Mises, Hayek, Rand, Rothbard, and Friedman, and I think it important for the reader to have at least some sense of that.

Ramsey's last paragraph offers a particularly wise, kind, and ecumenical take on the topic of libertarian internal warfare, one that I know I'll be thinking about, and quoting, in the future. It provides a fitting capstone both to Ebenstein's parsing of libertarian differences and to my own issue-taking with Ebenstein.

Warriors for liberty inevitably have different personalities, different intentions, different goals, different time horizons. This is as it should be, because the audience for the message of liberty — the educational mission that has been at the heart of the active libertarian movement since Leonard Read launched the Foundation for Economic Education in 1946 — is similarly varied. When contemplating the libertarian movement's past and future, it is wise to accept and even to celebrate the division and the variety of labor.

While I have this forum in Liberty, I want to honor both the magazine — in whose pages I learned much of the general shape and tenor of the movement's history and its great figures — and the memory of the man who gave me my first gig as a "professional libertarian," as an intern at Liberty in 1990. He was the first person thoroughly educated in movement history whom I had the pleasure of spending a lot of time with: this magazine's founder, R.W. (Bill) Bradford. Bill would undoubtedly have written a very detailed and thoughtful and certainly very critical review of my book. I wish to hell that I — and the rest of the world — were able to read, and learn from, and pleasurably argue about, everything he'd tell me was wrong with it. ❑

The Founding of The Party

by John Hospers

A founding father of the Libertarian Party reveals what it was like at the start.

A few months ago, at a libertarian-related meeting in Los Angeles, a man whom I remembered by face but not by name sought me out: "Don't you remember me? I was with you at the first Libertarian Party convention."

It was not the first time I had been greeted in this way — although it doesn't happen often anymore. Memories are fading with the passage of years. Yet I have been told that someone should write a record of those exciting three days in which the national Libertarian Party was formed. I had no plans to try to write such a record, and held off for years waiting for an observer, rather than a participant, to write it, in the interest of greater objectivity. Finally I was pressed by the editor of Liberty to take on the job. In doing so I will write only my impressions and recollections of the convention, with no claim to getting it all quite right.

Political activist David Nolan founded the Libertarian Party of Colorado in 1971, in a meeting in his living room in Colorado Springs with his associate Pip Boyles. Later he sent letters to a few hundred people who had shown interest in a nationwide get-together of libertarians and the possibility of organizing a national party. He invited all members of this undefined group to meet on a June weekend in 1972 in the Radisson Hotel in Denver — an ordinary middle-class hotel, with a big ballroom in which meetings could be held. Nolan had no idea how many people would show up. Fewer than a hundred people did.

I had attended some meetings of the recently formed California Libertarian Party in Los Angeles — just a few dozen of us who met to discuss issues. We were encouraged that a national meeting was being organized, and some Californians were among those assembled in Denver the following June. Bill Susel, who had got me into the California Libertarian Party, insisted that I make the trip to Denver too. On arrival, I found that the interests of the group varied considerably, but we shared a contagious enthusiasm for the task. Anyone visiting the Radisson Hotel today could have no conception of the atmosphere of excitement and anticipation that pervaded the ballroom during the convention.

One thing was soon evident: there were not many anarchists in attendance. After all, it was a *political* party that was being founded. The most famous anarchist, Murray Rothbard, wanted no part of a national party and was not present at the convention. He joined a year later, and for many he became Mr. Libertarian, a title he well deserved in view of his numerous writings on libertarian themes.

The meetings, which went on for three days, were chaired by Nolan and his wife; she took over when his voice gave out.

Both were very adept at parliamentary procedures, and properly took a no-nonsense approach to those who wanted to hog the discussion.

The main problem on which time was spent was the party platform. A platform committee was organized by Pip Boyles, who did an excellent job, and issue after issue was discussed in open session. Foreign policy was not emphasized; the nature and scope of the United States government received most of the attention.

There were not many anarchists in attendance. After all, it was a political party that was being founded.

The first problem was what activities the government should stay out of, and why, and to what extent? Then, what constitutes a right, and how far do such rights extend? What should replace the growing welfare state? Should there be taxation, and if so, for what things? What should libertarians have to say about roads, railroads, and transport in general, in relation to government regulation? And the same in regard to public utilities, rental properties, prescription drugs? Should dangerous drugs be regulated? Which matters should be left to the states (age of consent? traffic rules?), and which to each person's individual judgment? These issues, and more, came to be discussed at length, pro and con, in the pages of Liberty.

Issues that didn't come up on the convention floor were discussed in small groups, meeting informally after dinner. These were the most enjoyable times of all for me. We would sit on the patio in the summer evening, clad usually in sandals and shorts, and chart the course of the world we wanted to bring about.

The theme that most concerned me was the hope of achieving a truly limited government. Suppose a government begins by being limited by its constitution. How can it remain limited? Neither education nor religion is mentioned in the original U.S. Constitution, but government easily intrudes into such areas. Most of us were well aware that when the government intrudes in one area, the scope of its involvement always expands: one interference follows another, in a seemingly endless sequence: "We need a law for this"; "That has to be regulated." Finally the government controls most of the activities we once thought were voluntary.

Some of the delegates had read books by Ludwig von Mises, the great libertarian economist; but the vast majority of them had read Ayn Rand's novels, particularly "Atlas Shrugged," in which she laid out in fictional form a full-fledged political philosophy. Her work was cited again and again during the convention. I myself had been greatly influenced by discussions with her, over a period of several years, in her apartment in New York. Without Ayn Rand I would not have been at this convention.

During the late '60s I had been writing a book, "Libertarianism." It had been published in September 1971, while I was spending two weeks in the Soviet Union. Many of my experiences there inspired my strongly anti-Soviet stance. (I later wrote about this trip for Reason, which was only three years old at the time.) Some of those at the convention had read all 450 pages of my book, and had copies with them, which they quoted on the floor of the convention to establish or refute a point. I think they had no idea I had written other books.

The convention agreed that the people present should try their hand at composing a Statement of Principles, briefly presenting libertarian ideas. Many obliged, and read their proposed statements aloud to the assembled group. Some of these authors did so at great length. One person's statement was more than a dozen pages long, and at least half of it was devoted to a lengthy condemnation of altruism (Ayn Rand's *bête noire*). There were several other lengthy ones, all of them influenced by Rand.

I had been influenced by her too, but I limited my proposed statement to a few brief sentences, in which I hoped to match, in some way, the style of the Declaration of Independence. This was the statement that won the convention's majority vote, and except for a sentence on property rights, added (with my approval) by journalist Tonie Nathan of Oregon, and a few verbal changes instituted during the next LP convention (Dallas, 1974), it remains the party's Statement of Principles.

By the afternoon of the third day, most of us felt satisfied that something had been achieved. But one task remained, a task on which not everyone was agreed — the nomination of a candidate for president of the United States.

None of us thought very highly of Nixon, nor did we care much about big-government McGovern. Wouldn't it be nice if we could vote for a libertarian for president?

I was neutral on the matter of whether to run a candidate or not; I could see the arguments on both sides. Some of the members felt that such an action would be insanely premature. We didn't want the party to descend into political wrangling like the others, and most important, we had just started out, and nobody knew that we even existed. Still, what did we have to lose? Others might hear about us in time. And if that happened, there would have to be a name at the head of the ticket.

MacBride disclosed to me that he had been nominated by the Republican Party as a member of the Electoral College for the coming election, and that he would switch his vote from Republican to Libertarian.

There were several names put into nomination for president, including mine. As a result of the voting, I was selected

as the presidential candidate, and (as I was delighted to see) Tonie Nathan was selected as the vice-presidential candidate.

That I was nominated had little to do with my qualifications or lack of them. The convention wanted a "respectable" candidate, who wouldn't strike the public as a pompous fool or an ignoramus. They didn't really know me; they had no idea whether I could generate votes for the new party, and neither did I. But they did know that I was chairman of the philosophy department at the University of Southern California, and perhaps this was qualification enough.

I had given countless lectures and participated in countless discussions, but they were in a classroom setting, as teacher to students. I had never really ventured into the Great Wide World outside. As the delegates cheered their new presidential candidate, my positive emotions (joy? gratitude?) were combined with a considerable measure of dread: could I possibly live up to these expectations? But I was willing to give it a try.

When I arrived at the Los Angeles airport at midnight after the last day of the convention (my 3-year-old nephew had been taken from his bed to the airport so that in later years he could recall the event with his Uncle John), the dread had not been dispelled from my mind, though it was gratifying to be cheered on by so many people I had not known before. I sensed at once that this was a Big Departure in my life. Previously, teaching and writing; but from now till the presidential election five months away, a different life, dominated, as it turned out, by media interviews and live speeches, and trips to about a dozen states of the Union.

John Hospers, 1972

Gradually, I became adjusted to "speaking to the multitudes" and to fielding hostile questions from the media. What was most difficult for me was to keep my responses uncomplicated, and not to question mistaken presuppositions in the questioner — a degree of acquiescence in ignorance and stupidity that would never have passed muster in a classroom. Some questions demanded far longer answers than the questioner thought were needed, but I had to learn to shorten my replies.

I learned not only to inform but also to *move* an audience to feel as I did about an issue — especially about the extreme importance, to all of us and to the world in general, of the mortal danger of allowing government to make our decisions for us. I would often cite the historical record; and although some audiences were appallingly ignorant of the historical examples I used to illustrate the points I raised, time after time they remembered the examples even after they forgot the principles they were designed to illustrate.

About a month before the national election I received a phone call from Dave Nolan, about a call he had just received from Roger MacBride. I had never met MacBride, but I knew his name as a friend and inheritor of the libertarian writer Rose Wilder Lane. Roger disclosed that he had been nominated by the Republican Party as a member of the Electoral College for the coming election, and that he would switch his vote from Republican to Libertarian — i.e., that he would give his electoral vote to Tonie and me. But it was a big secret, to be told to no one, for if the Virginia electors heard of it they would surely drop him as an elector. So absolutely no one except Tonie and me would know of this.

It was quite a surprise, of course, and we kept the secret. On the appointed day in December, Spiro Agnew as vice-president fulfilled his constitutional duty by announcing the results of the election — the votes for Nixon, then the votes for McGovern, and then, apparently to his own surprise, he read, "and one electoral vote for John Hospers as president and Theodora Nathan as vice-president" (of course, he didn't know her nickname, Tonie). Millions of radio and television watchers heard these words, and the news came to everyone as a complete surprise. Members of the recent convention were surprised as well, and I started to receive phone calls and letters of congratulation. Obviously, I was delighted, and it seemed to me that my various audiences began to take the libertarian message with greater seriousness.

"Beware," runs a libertarian motto; "the government is armed and dangerous." I believe some libertarians get this wrong: the government *has* to be armed, in order to be able to defend our rights. But it has to be dangerous only to those who would attack and destroy — and a thin line may separate those who would defend us from those who would destroy us. In a trice the first can turn into the second. We may not even know at the time that this fatal transition has taken place. It does not require a sudden coup d'état, only a sustained public indifference, a fatal habit of thinking: "let the government take care of it." What government can do for us, it can do against us. Eternal vigilance is, as always, the price of liberty.

But there is joy in that vigilance. Let me return for a final moment to my encounter with the participant in that first convention. "Do you want to know something?" he asked. If nothing else of consequence had been accomplished at the event, his words alone would have made the convention memorable for me. "Those were the most exciting three days of my life." ❑

A Generation of Slackers

by Michael Christian

Growing older and growing up don't go together anymore.

"No grown-up hierarchy." "No ambition." "No responsibility." "The new, super-prosperity." "Forty-something is the new eight." For a couple of years these ideas have been tugging at a loose thread in the fabric of my mind. They are part of a phenomenon that I'm trying to identify.

I and most of my friends don't feel like real adults. In our 40s now, we still feel like impostors, children in adult bodies. Indeed, some of the adult bodies are looking pretty youthful, having avoided hardships and physical labor. Our age is supposed to slow us down. That hasn't happened yet. I'm cycling 200 miles a week, often with state-champion bike racers. One of my friends is an amateur bullfighter, and a good one. My friend from junior high school, now pushing 50, recently ran the Boston Marathon, nearly beating his personal record, set 25 years ago. But it's our lack of responsibility, not our fitness, that most makes us childlike.

No Grown-Up Hierarchy

Where Los Angeles goes, other cities follow. When I moved to Los Angeles in the mid-'80s, I had just spent three years in Boston, a city that I found to be socially regimented. It had college kids and townies and bankers and Brahmins. The hierarchies seemed to have been reliably defined for a long time. It had grown-up industries, like insurance and banking. It was a grown-up town.

Los Angeles was different. I worked downtown in a big law firm. I lived downtown. My firm had plenty of serious business to work on — billion-dollar deals. Yet it had nothing at all to do with what many Angelenos think their town is all about: "the industry." You had to go to the west side for that. Many people living on the west side of Los Angeles never went downtown, ever. They didn't even know what happened downtown. From the Hollywood perspective, I didn't really live in L.A. Plenty of other industries had nothing to do with "the industry" — computer businesses, small manufacturing, the garment district, Korea town. Even on the fringes of the movie industry, many of the participants didn't give a fig for the industry hierarchy.

Think about the hierarchies of earlier generations. When I was a child in age, not just in mind and spirit, a successful adult man was probably a "company man." I never saw any of those in Los Angeles.

In L.A., nobody rules the roost. I like that. There are so many hierarchies running in parallel that there may as well be no hierarchy at all. Los Angeles is a city that heeds the hippie directive: do your own thing! Of course most people end up doing things that the hippies would not have approved of.

No Ambition

One of my law firm's clients was a very young businessman, a boy really. A few years before I met this fellow, his father was at wit's end. The boy had no ambition and no job. To inspire the boy, his father bought a little bottling plant. I think it was somewhere in or near New York. The boy began to bottle and brand alternatives to popular sugary, sweet, car-

bonated beverages. His beverages too were sugary, sweet, and carbonated, and they were called "Original New York Seltzer." Dad, who used to be in the beer business, helped with distribution. The brand took off. After capturing close to 5% of the soda pop market nationwide, father and son sold the business for several tens of millions of dollars. The boy threw a huge party with his pet mountain lion on display along with a busload of breast-augmented female humans.

The phenomenon that I'm trying to identify goes well beyond what I saw in Los Angeles in the late '80s. It involves dropping out more convincingly. I believe that a certain minority of the U.S. population has realized, consciously or not, that work (at least serious, staid, consistent work) is no longer necessary. I myself became one of those people in the most cowardly and backward way: I worked diligently until I had enough to retire early. I still get honors for being a half-assed slacker, because I was never a careerist or company man, and when I thought I had enough to retire, I retired. Without some slacker bones in your body, you would just keep working and spending more or saving more.

Our economic freedoms and the energy and innovations that they release have produced so much material wealth that it doesn't just trickle down; it spills over.

Along the way, before retiring, I took baby steps toward this new slacker attitude. After law school, I dramatically and irresponsibly changed jobs two or three times, badly injuring my career. The wounds to my career were real enough. Unlike many of my classmates, I did not become a partner in a big law firm. I expected the wounds to affect my prosperity too, but they never did. I prospered. In the short run, I prospered more than they. Then I just stopped. I had enough prosperity to try something else.

No Responsibility

My generation takes comfort for granted. We didn't get drafted. We didn't go to war. We didn't have an economic depression. We didn't have a civil war. We didn't have a revolution or a plague. Many of us didn't get married or have children. I don't even have a mortgage or a dog. This lack of responsibility, combined with prosperity, leaves us free to ponder deeper things, such as what movie to rent tonight.

Forty-Something Is the New Eight

Given the opportunity to persist in childhood, most folks will do just that. More and more people are living in a perpetual childhood. They don't knuckle down. They goof off. They develop deep hobbies. My wife and my closest friends are an underemployed actress, an unemployed former schoolteacher, a bullfighting instructor, and a law professor — all middle-aged, all goofing off (no, "law professor" is not a real job). That's why I say, "forty-something is the new eight."

Youth need not be wasted on the young. As a boy I spent my time reading, dreaming, riding my bicycle, and playing with my chemistry set. Now, at 46, I spend my time reading, dreaming, riding my bicycle, and fermenting wine in my garage.

The New, Super-Prosperity

In the 18th century, John Adams prophesied, "I must study politics and war, that my sons may have the liberty to study mathematics and philosophy, geography, natural history, and naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain." We live in the age of porcelain and skateboarding.

There is a lot of prosperity going around. And you don't have to be prosperous to benefit from it. The Motley Fool, an investment website, says: "Certainly, we have more money to spend. From 1970 to 2000, real household income rose by more than 50%, according to the authors of 'Trading Up: The New American Luxury.' Today, there are 15 million households that take in more than $100,000 a year. Our paychecks and portfolios are fatter than ever, and thanks to mass-manufacturing and merchandising (think Wal-Mart, Kohl's, Circuit City), our everyday necessities can be had at a fraction of what our parents and grandparents paid."

In simple, material terms, being poor today can include having a car, three televisions, a refrigerator, a DVD player, a stereo, and a computer. I think that's a symptom of a super-affluent society. As far as I can tell, the trickle-down theory proved out. Our economic freedoms and the energy and innovations that they release have produced so much material wealth that it doesn't just trickle down; it spills over.

If the poor live rich, what does it mean to be rich? Past generations would have accumulated wealth for security, power, and status; whereas a growing, childish minority of my generation doesn't seek power or status in a conventional hierarchy. And this group of people seems not to worry about security, never having suffered privations.

My brother-in-law has a very young client with a problem. The client is a skate punk. All he ever did was ride his skateboard. Most of the guys in my brother-in-law's firm have a hard time communicating with the skate punk. They are too buttoned-down. They make him nervous. My brother-in-law's profession? Money manager. The skate punk's problem? What to do with the great wealth he earned by riding his skateboard. To help solve this problem, my brother-in-law has to remove his tie and say "dude" a lot.

Something in me needs an existential challenge. I have apocalyptic dreams, dreams of war and violence. They are euphoric.

My nephew is a good student and a fine young man. Rock and roll is his thing. At 14, he is already making money playing in a rock and roll band. His parents don't mind. They aren't pushing him to be a doctor or a lawyer. My sister manages his band. I'm convinced he will make a fortune in music. He'll be like the skate punk, just doing what feels good, and the wealth will pour in.

You don't have to make any money at all, however, to enjoy the new super-prosperity. My unemployed friend is impecunious and has been for more than a decade. He lives among millionaires in a beautiful cottage a block from the beach in La Jolla, Calif. There he spends his time wondering where he went wrong and what it's all about and which diet is right for the human organism (macrobiotic? vegetarian? sugar-free? low glycemic index?) and whether his upbringing is the cause of his frequent physical malaises and what to do next, if anything.

I know that some of this high living involves other people's money and resources — friends and relatives. But the friends and relatives are volunteers. These aren't forced redistributions.

Look at the trends and follow my speculations. How far can this go? In material terms, our poor are richer than everyone in earlier generations except a wealthy minority. Productivity continues to rise. It takes less and less to earn more and more. Sure, a lot of people work long, hard hours, but their motive is more likely to be power and wealth than food and shelter.

Does the average middle-class worker like work that much? What will he do if ten hours of work a week will earn a comfortable living? Will he still work 40 hours? If we get prosperous enough, will many more people drop out? Will they conclude that working hard at jobs they don't like is a bad bargain when the consequences of quitting are so comfortable? Will they work only jobs they like or none at all? Will they take long, frequent sabbaticals?

Prosperity took me too much work and time. I got to be 44 years old. That's 25 years of hard work without goofing off! Well, okay, I did take more than a year off, twice, before retiring. Was I a fool to prosper at all before walking away from the table and cashing in my chips? Perhaps the ambient prosperity is enough. I'm not talking about being on the dole; I'm talking about being a slacker, a layabout, a navel-gazing perpetual student (without, of course, taking any courses).

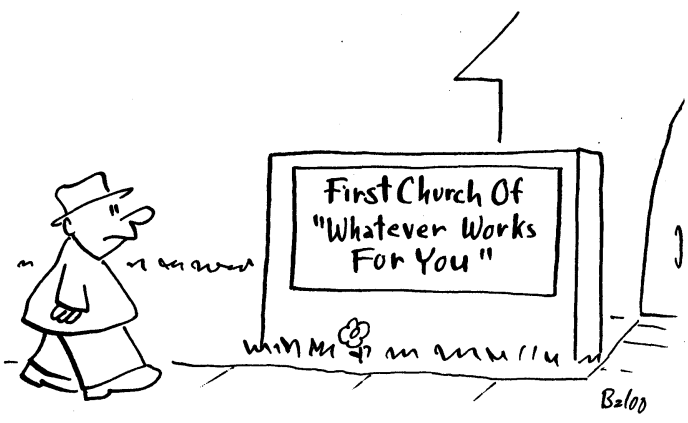

Classes Turned Upside Down

Is this in fact new? In 1906, William Jennings Bryan complained: "The theory that idleness is more honorable than toil — that it is more respectable to consume what others have produced than to be a producer of wealth — has not only robbed society of an enormous sum, but it has created an almost impassable gulf between the leisure classes and those who support them." But then and before, the leisure classes were always the rich and privileged classes. Now most of the rich are the working rich. They have, or give themselves, less leisure than almost anybody else. They work all the time — in their cars, at their offices, in airports, at home. From them the spillover economy flows.

These are the new serfs. Our economy feeds on their labor and creativity and risk-taking and taxes. I have seen it close up. The new serfs are the company executives, who work longer and harder than their own employees. Thirty years ago, that was not typical. Today, it is the rule in new businesses. In every high-technology company that I know, the bosses are the slaves. And when the labor market is tight, they must coddle their employees just to keep them working nine to five.

So, many among the exploited masses have become the new leisure class. I admit that most of this class have some advantages (my description of the world will seem all wrong to some working-class people), but they are not just the wealthy or even mostly the wealthy. That's what's new. It's a middle-class revolt against middle-class values, and it has never happened before. Aristocrats, artists, and intellectuals have done it, but now the successors of the company man are doing it.

The Wikipedia entry for the word *slacker* includes this: "[P]hilosophers such as Plato and Aristotle made it clear that the purpose for which the majority of men labored was 'in order that the minority, the elite, might engage in pure exercises of the mind — art, philosophy, and politics.'" In our upside-down world, the apparent elite work miserably hard so that the enlightened bums of my generation and the next can engage in pure exercises of the mind and body — writing screenplays, skateboarding, playing guitar, indulging in aimless speculation (like this essay), and racing bicycles.

Or perhaps these childlike, unambitious people are simply petty and blind to the challenges that could make them more worthy. Perhaps the very opportunity to be a slacker is an illusion, a brief calm before a storm. Perhaps war and pandemic and depression loom just over our close horizons.

Perhaps, even if our prosperity and stability continue, man is not made for the age of porcelain and skateboarding. I'm already seeing symptoms of a revolt against slackerdom among the slackers themselves. I feel it in my own heart. Something in me needs an existential challenge. I have apocalyptic dreams, dreams of war and violence. They are euphoric. I feel a sort of allergic reaction to the obvious question: "Is this all there is?" The more I ask myself that question, the more I break out in a rash of crazy ideas — I'll walk across the entire Indian subcontinent or move to Spain or climb Everest or take LSD or join the CIA or get a job. It's the urge to awaken the inner zombie. It's the next step in societal evolution. And it's the topic of an essay I might write someday. ❑

Reviews

"Education Myths: What Special Interest Groups Want You to Believe About Our Schools — And Why It Isn't So," by Jay P. Greene. Rowman & Littlefield, 2005, 267 pages.

Lies Your Teachers Are Telling You

Gary Jason

Jay P. Greene, senior fellow in the Economic Research Office of the Manhattan Institute, has published widely on education topics. His research has been cited four times in Supreme Court decisions. This book brings together his views on the state of contemporary American K–12 education. His ideas are clear and compelling, backed up by extensive research.

He considers 18 myths about education — views that are both pervasive and demonstrably false. He groups these myths into four categories: myths about resources, myths about outcomes, myths about accountability, and myths about choice.

He starts with six myths about resources. First is the view that public schools perform badly because they are underfunded. This is a common refrain among modern liberals, not to mention teachers' unions, but Greene notes that the average person accepts it as well. He demolishes the myth — in part by showing that national inflation-adjusted per pupil spending has increased nearly linearly every year from 1945 (when it was only $1,214) to 2001 (when it hit $8,745), while the NAEP (National Assessment of Educational Progress) scores stayed essentially flat from 1971 to 1999.

The NAEP is the most reliable and representative national measure of scores we have. During the period when it has been used (1971 to the present), per pupil funding went from $4,479 to $8,745, while average scores increased only an insignificant three to five points out of 500 possible. High-school graduation rates from 1971 to 1999 were nearly flat. They went from 75.6% *down* to 72.5%.

Greene attributes the prevalence of the "underfunding" myth to people's reluctance to believe that more spending has been useless, and the fact that during the period for which outcomes can be reliably measured, funding rose only slowly, while the number of students dropped. People therefore didn't notice the per-pupil rise. The prominence of this myth may also be attributed, as Greene maintains, to well-publicized anecdotal accounts of funding problems.

There is also the myth that schools are doing poorly because of a rising tide of developmentally disabled ("special ed") children. Greene refutes this myth by noting that while the number of kids enrolled in special ed classes has mushroomed (from 8.3% in 1976–77, to 13.3% in 2000–01 — an increase of over 50% in less than 25 years), this has been because of changes in diagnostic practices, not to an increase in actual disabilities. For example, during the same period the number of mentally retarded kids dropped from 961,000 to 599,000. Greene suggests that the drop was caused by better prenatal care and improved safety devices, but doesn't mention a more plausible explanation: abortion. He does provide a good deal of evidence that funding incentives are important to the increase in students in special ed: "Not only is the Special Ed Myth false, it is the reverse of the truth: special education is not draining school budgets, it's inflating them" (34).

The next myth he explores is the claim that schools are doing poorly because of social problems (broken homes, poverty, poor parenting, or the like). Greene and his co-researcher Greg Forster addressed this hypothesis by developing a "teachability index" of 16 social indicators, establishing it as a reliable predictor of student success. They then examined each state's level of achieve-

ment compared to what would be predicted by its teachability index score. If social problems in a student population trump the type of schooling which that population receives, you would expect not to see much variability in student achievement among states with similar teachability indexes. But you do. This means that student achievement has to do with something more than the social advantages the students have. It has to do with the sort of education they are given. Greene urges four school strategies that have been shown to improve student achievement: accountability programs, school choice, early intervention for struggling students, and instruction based upon specific sets of skills and factual knowledge.

Greene then addresses the theory that small class sizes produce dramatic gains in student achievement. There are some data supporting the idea that lowering class size improves performance, but as Greene shows (in a probing evaluation), they are not powerful. The gains are small and the costs quite large. For instance, when California adopted a small class program, the number of teachers went up from 62,226 to 91,112 in just three years (you can see why teachers' unions push this myth so aggressively), without any commensurate increase in educational quality. And again, we have nationwide statistics that undercut the theory: from 1970 to 2001, the average number of students per teacher dropped by 29% (from an average class size of 22.3 down to 15.9), while achievement scores and graduation rates remained flat.

Next is the myth that professional credentials and experience make a big difference in teacher effectiveness. Here again Greene does an excellent survey of the literature. The evidence shows that possessing a teaching credential doesn't result in any significant increase in teaching effectiveness, and neither does possessing an advanced degree in education — though he does note that one study has found that having a master's degree *in the academic subject one teaches* results in a significant improvement of performance among high-school teachers. In other words, what is taught in ed schools is of dubious value. As Greene nicely puts it:

> The main focus in education courses is the study of pedagogical theory, and it is possible that the formal study of pedagogy might not contribute substantially to the teacher's ability to actually teach. It is certainly true in many other fields that the study of theory, although important to scholars, does not contribute much to professional performance. Economic theory is not the main focus in schools of business, legal philosophy is even less important in law schools, and biological theory (which includes, for example, debates over evolution) is either peripheral or totally absent in medical schools. (70)

The evidence also indicates that teaching experience improves effectiveness only for the first few years of a teacher's career, and is associated with a *decline* in effectiveness later on — probably because of the role of tenure in deterring teachers from striving for better performance.

Then there is the myth that teachers are paid badly. Greene notes the obvious: teachers work far fewer hours than other professionals. They work only nine months a year, have many more holidays, and work about 7.3 hours per day. Factor this in, and the average teacher salary of $44,600 (in 2001) works out to a full-time equivalent salary of $65,440. The common reply is that teachers do a lot of work offsite, such as grading papers and "keeping up with the field" (as if that were similar to what a science professor at a research university or medical doctor has to do). But most other professionals do offsite work as well.

If we look at the 2002 Department of Labor figures on *hourly* compensation, teachers do quite well indeed: elementary school teachers earn $30.75 per hour and high-school teachers earn $31.01. Teaching compares well with other professions: architecture ($26.64); biology ($28.07); civil engineering ($29.45); mechanical engineering ($29.46); physics ($32.86); computer science ($32.86); electronic engineering ($34.97); and even dentistry ($35.51). And this doesn't include the notoriously generous benefits that teachers receive — medical insurance, retirement programs that are defined benefit (pension) rather than defined contribution plans, and the king of all perks, tenure.

Turning to myths about outcomes, Greene starts with the idea that schools are performing worse than they used to. He argues, surprisingly, that test scores show that students are performing roughly as well now as at any time over the past 30 years. For instance, twelfth-grade scores on the NAEP have been essentially flat from 1971 to 1999. So have the percentages of students scoring at the highest levels of proficiency. ACT and SAT scores were roughly stable over this period, and graduation rates stayed about the same, or declined only slightly. Fine — but I cannot refrain from emphasizing the fact that Greene's figures don't address the period before 1971. Even if schools are doing as well now as they did in 1971, how does their performance compare to that of the 1960s? Or the 1940s?

But to continue . . . Greene considers the myth that almost all kids graduate from high school. This makes a most enlightening chapter. The official

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea" regularly offered here, and almost completely ignored, for you can lead a libertarian to victory but you can't make the jackass drink.

"He's made a new kind of cloth. It never gets dirty and it lasts forever . . . That may be nonsense, of course. Maybe he hasn't really done it. Maybe he's talking through his hat. On the other hand, maybe he has . . . The point is you don't know and you're too pig-headed to find out." *The Man In the White Suit*

So the question is not simply whether the "idea" is right or wrong but whether libertarians are "living in the sunshine" or the shadows.

Those who won't even question the essential assumption of the Left concede it, and are certainly not the leaders but the jackasses of the Right.

When you're ready to drink, see ***Intellectually Incorrect*** at intinc.org.

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figure, put out by the U.S. Department of Education in the year 2000, puts the high-school graduation rate at 86.5%, with many states claiming even higher rates. Greene reviews various methods of estimating graduation rates, and shows them to be flawed — for example, the National Center for Education Statistics (NCES) method that was used to come up with the official U.S. graduation figure excludes from the sampling anyone who is incarcerated (even though incarcerated persons are often dropouts), and counts anyone who gets a GED as having graduated (even though a GED is not really comparable to a real diploma). Greene's more accurate method involves dividing the number of diplomas actually awarded in the year 2000–01 by the average of the enrollments of this twelfth-grade cohort in its eighth, ninth, and tenth grades (modified to reflect an actual slight increase in the high school population). His method yields a more realistic figure of 71%. This is disquieting enough, but when he does the breakdown by ethnicity, the results are horrific: only 51% of black and 52% of Latino students graduated in 2001.

Greene debunks another bogus notion: that the primary reason for low college enrollment figures for minority students is a lack of financial aid. He shows that this claim is based on an unrealistic notion of what counts as "college-ready." If you believe (as the NCES does) that "college-ready" just means having graduated with a 2.7 GPA, then it will indeed appear that qualified students are not attending college. But if you believe (as Greene does) that "college-ready" students are only those who have graduated with a regular diploma, taken the minimum courses required for admission by a college, and demonstrated basic literacy, then nearly all college-ready students wind up entering college. That is true of minority students as well as white students.

Greene attributes the prevalence of the "underfunding" myth to people's reluctance to believe that more spending has been useless.

The third group of myths is about accountability. Greene first considers the prevalent idea that the results of "high-stakes" tests are unreliable because of extensive cheating, student stress, and teachers "teaching to the test." By "high-stakes" tests he means tests with substantial consequences for poor performance, consequences such as students not being allowed to graduate, or schools receiving less funding. He again reviews the evidence, and shows the flaws in some highly touted studies. His own, properly designed study (conducted with Marcus Winters and Greg Forster) shows that there are strong correlations between high-stakes and low-stakes test results. This correlation would be unlikely if high-stakes tests had more cheating, coaching, or stress-induced failure than low-stakes tests (such as the SAT-9). He makes an excellent point regarding the buzz phrase "teach to the test." Teaching to the test is bad, if what you mean by that is coaching students with the correct answers (i.e., cheating by the instructor) or forcing students to memorize unimportant facts. But teaching to the test is good if you mean changing curricula and methodology to make all teachers focus more on the skills that the *public* (which pays for the whole educational system) deems important.

Greene critiques the similar misperception that high school exit exams increase dropout rates. He begins by noting that employers are becoming increasingly dismissive of the worth of a high-school diploma. In response, some states have instituted high-school exit exams, which in turn have caused concern that dropout rates will soar. But a study he conducted with Marcus Winters found that "changes in graduation rates in states that adopt exit exams are not significantly different from the normal fluctuations in graduation rates that are present in states that do not adopt such exams" (131).

This is surprising, and he considers three possible explanations. First, exit exams might be so easy as to affect almost no students. Second, the fact that students can take these exams repeatedly (and get additional instruction to help pass them), means that even students with poor academic skills can get through by chance. Third, the number of kids who are weeded out may be offset by the number of kids whom the schools are forced to help. Greene argues that the third explanation is the most adequate: exams do weed some people out, but they also encourage some students who would otherwise drop out to work harder, and some schools to give them the requisite remedial education. The tests take diplomas away from unqualified students and put them in the hands of qualified students . . . what a revolutionary concept!

Possessing a teaching credential doesn't result in any significant increase in teaching effectiveness, and neither does possessing an advanced degree in education.

Greene reviews the common lament of school administrators that accountability programs, such as the admittedly flawed No Child Left Behind Act (NCLB), are unduly burdensome. (Translation: give us the money, but don't require that we test students to verify the results). Numerous "experts" testify that instituting NCLB's mandates will require expensive reforms. But Greene wryly notes that "No field other than education makes important financial decisions solely based on claims made by experts . . . without demanding empirical evidence to back up those claims. The reason for this is simple: expert professionals often have a large financial or political interest in the recommendations they make" (137). I would add that no other field has lower quality "experts" than education.

The real costs of accountability programs, Greene argues, are only the costs

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of test preparation and administration, not the cost of preparing students for the tests — after all, that is what the education budget is for to begin with. He cites one careful study (by Harvard economist Caroline Hoxby) that shows the cost of testing as at most 0.35% of the education budget, even under the most onerous testing regimen. This is quite modest, especially when one considers the increase in quality that testing can produce.

The discussion of the fourth group of myths, those regarding choice in education, is the most valuable in the book, because consumer choice is the precondition for all other reforms (such as testing). Accountability is great, but unless parents can remove their children from lousy schools, it must be of limited effect. Greene's chapter 13, on the issue of choice, is perhaps the most useful of all. It targets the pernicious myth that there is no evidence that vouchers work.

Vouchers have been introduced in various places in the United States. They have been around for a century in Maine and Vermont. Arizona, Florida, Ohio, and Pennsylvania have launched publicly funded voucher programs, as has the city of Milwaukee (where 15% of children now attend private voucher schools). Philanthropists have set up privately funded voucher programs in Charlotte, Dayton, New York, Washington, and other cities. Numerous studies have been conducted on these limited voucher experiments. In addition, vouchers have been introduced in a number of foreign countries, including Denmark, New Zealand, and Sweden, although strangely, Greene doesn't appear to regard their experiences as useful in discussing the American system. (I will return to this point later.)

Major media outlets, such as the New York Times, Time magazine, and the Washington Post, say that the evidence about these programs is inconclusive. Greene, in a detailed literature review, strongly argues that it is not in the least inconclusive. He rightly focuses on random assignment studies, which are statistically the most reliable. (In these studies, subjects are assigned to the experimental or control group randomly. This helps guarantee that the two groups are matched, with confounding variables ruled out.) There have been eight random assignment studies of vouchers, and all but one have shown statistically significant gains on test scores for students in voucher programs. The one exception showed a gain in test scores, but it wasn't statistically significant. Every voucher program proved tremendously popular with parents. All this, from programs that cost half what public schools spend per child. None of the American voucher programs is *pro rata;* none gives parents a share of public taxes equal to what is spent per capita by public schools.

Greene discredits the common perception that private schools are elite, expensive institutions that can dump low-performing students. U.S Department of Education figures for the year 2000 show that the average private school charges $4,689 per year tuition; religious private schools charge only $4,063, with Catholic schools charging only $3,236. Public schools — or, I should say, the taxpayers — spend an average of $8,032 per pupil. Nor does the research support the claim that most private schools are very selective, or that they expel a lot of students. Greene doesn't make the point, but it seems clear that the *possibility* of expulsion tends to concentrate the students' minds. Indeed, many private schools — especially Catholic ones — wind up taking in and dealing with students expelled by public schools.

If you consider everyone who graduates with a 2.7 GPA to be "college-ready," it will indeed appear that qualified students are not attending college.

Private schools are often accused of hurting public schools by draining them of all the decent students. Greene grants that this claim is plausible, when considered *a priori,* but argues that the *a posteriori* evidence belies it. His review of studies of voucher programs suggests that they actually tend to improve public schools. The reason is clear if we think dynamically rather than statically: competition forces public schools to improve the quality of their service out of fear that they will lose some of their students, and thus some of their government funding. Hoxby's study of the Milwaukee program found that public schools that were exposed to greater voucher competition made significantly greater test gains than those that were less exposed. Charter schools force similar improvement, as does the kind of school districting that makes it easy for people to choose their public school.

By another close review of the evidence, Greene dispatches the view that private schools don't and won't serve disabled kids. The evidence shows that private schools do accept disabled students and (especially in the case of religious schools) educate them for far less money. The parents of disabled students tend to be more satisfied with private schools, especially because these

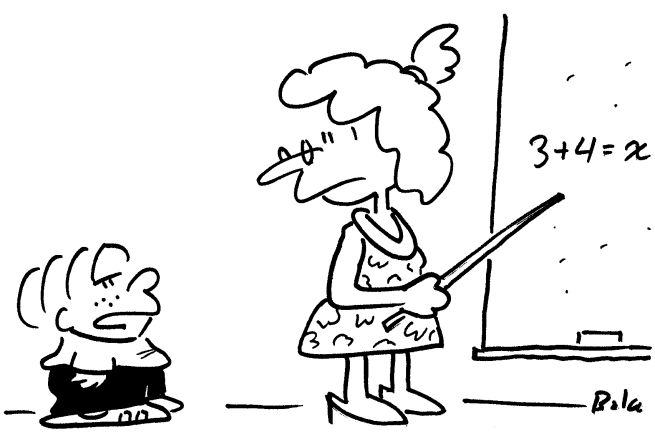

"If 'x' is unknown, why do you expect me to *know* it?"

schools are better at protecting their children from bullying, and at teaching them good behavior.

Greene likewise tears down the myth that private schools don't teach tolerance as well as public schools. Studies show that they do a better job of inculcating such civic virtues as tolerance and volunteerism. Why? Well, first, private schools teach everything better. Second, it appears that students who are enabled to exercise a better sense of self-identity — as they often are in private schools — are less threatened by people who are different. Third, private schools are typically smaller and have more student and parental involvement, which encourages more civic spirit than large, bureaucratic schools manage to do.

The last myth that Greene takes up is the notion that private schools are more racially segregated than public schools, and that vouchers will therefore make segregation worse. This is a myth fomented by hysteria from teachers' unions and civil rights organizations. Here again the evidence argues to the contrary — though there are fewer relevant studies on this matter. For one thing, most measures of "racial diversity" are flawed. Greene's own study (based on the 1992 National Education Longitudinal Study) showed that racially segregated classrooms were more prevalent in public schools than private ones. This whole subject is tricky, however. A school can be "integrated" as a whole, but there can still be segregation within it; and after decades of busing, people have already done a good deal of self-segregation.

Greene concludes that the various myths he debunks are all part of a "mega-myth," namely, "that education is different from other policy areas in that the types of incentives that normally shape human behavior do not shape educational behavior" (218). We think that rewarding good behavior and penalizing bad behavior works in parenting, and in every kind of business — but not in K–12 education! He reasonably urges us to begin to think in more economically realistic ways.

Greene's work is a testament to the usefulness of libertarian and conservative thinktanks. The academy is thoroughly dominated by leftists. Most humanities and social science departments are inhabited almost exclusively by people of the Left, with the possible exception of economics departments, and even those are changing rapidly. Add to that the creation of new departments, such as "labor studies," funded by labor unions (including teachers' unions), and the difficulties in doing research that reflects both sides of certain issues, or even addresses certain issues, become truly formidable. Thinktanks are a desperately needed counterbalance to a politically biased academy. Indeed, I recently heard a leftist radio commentator lament, "We need our own thinktanks!" I immediately shouted at the radio, "You have them already — they're called universities!"

Yet as valuable as Greene's analysis is, he might, in some cases, have looked at broader categories of data. This is especially true about the issues surrounding consumer choice in education (which encompasses charter schools, private schools, home schooling, and most importantly voucher programs). He rightly notes that parents are very happy with vouchers when they can get them, but I think more light could be shed on this preference if we were to examine, not just testing and attendance data, but also measures of social pathology, such as rates of adolescent drug use, pregnancy, assaults and other violent crime, and so on. That is, we should look at data from criminology and sociology as well as pedagogy to determine in what other ways private and voucher schools may be superior to public schools.

I believe you will see that parents are just as interested in schools that are safe and that uphold high standards of conduct as they are in schools that generate high test scores, as important as those may be. Indeed, recent work by the psychologist Judith Harris strongly supports the theory that peer groups are even more important in older children's lives than parental training, and that vouchers enable poor parents to put their kids in schools where the peer groups are competing to see who gets into the best colleges, rather than who is handiest with a switchblade.

Another area where Greene's data sets might be enhanced is the experience that other countries have had with vouchers. While comparing an American system with some other country's system is subject to the danger of false analogy, it can be enlightening as well as rhetorically effective. For years, this country has debated the idea of privatizing retirement systems, but the fact that Chile and other countries have actually done it adds immensely to the argument for doing it here. For years, we have argued about the theoretical benefits of a flat tax, but the fact that Russia and several other Eastern European countries have successfully implemented flat taxes is immensely instructive. Again, the case for "loser-pays" tort reform is greatly strengthened by the fact that Britain and most other Western nations use it.

The Swedes have successfully introduced a voucher system. While Sweden is more racially homogeneous than America, it is (as we are) a country with economic classes. And its experience with vouchers has shown that they *decrease* segregation by class. The reason should be obvious: there, as here, the rich and the upper middle class *already have* full school choice and mobility, and can therefore avoid underperforming schools. But when vouchers give everyone mobility, and schools spring up specializing in science, the arts, and other subjects, both wealthier and poorer families are attracted to them. Swedish opponents of vouchers argued that they would suck all the good students out of the public schools. In fact, the public schools lost only about 15% of their students, because they quickly improved their quality of service.

We think that rewarding good behavior and penalizing bad behavior works in parenting and in business — but not in K–12 education!

Greene's book would have been better if he had made it broader, but it's more than good enough as it is. It is an indispensable compendium of data and argument on fundamental issues of American education. ❑

"300," directed by Zack Snyder. Warner Brothers, 2007, 117 minutes.

Sparta 300, Persia 0

Liam Vavasour

Zack Snyder's new film, "300," is a story of the Battle of Thermopylae (480 B.C.), told from the perspective of the 300 Spartan soldiers who died, almost to a man, in that battle. Led by their king, Leonidas (played in the film by Gerard Butler), the Spartans fought against great odds and inevitable defeat. Nonetheless, they managed to hold the pass at Thermopylae for three long days against the mighty Persian army that was trying to force a way past them, during its invasion of Greece. Though ultimately a victory for the Persians, the battle came at great cost to them, too. It presaged their eventual defeat at the hands of the combined Greek forces.

The makers of "300" took their inspiration from Frank Miller's graphic novel of the same title. Both the novel and the film, though generally adhering to the story of the historical battle, especially as told by the ancient historian Herodotus, take a number of liberties with the facts. To mention one of the more glaring examples: the ephors, Spartan potentates of whom the movie makes a very big deal, are depicted as hideously inbred members of a corrupt priestly caste. In fact, they were civil magistrates elected to year-long terms of office. They exercised political, not religious, power. To cite another example: the movie mentions neither the Spartan system of dual kingship nor the Greek helots whose ruthless enslavement made the Spartan warrior elite both possible and necessary. Indeed, we are continually told that the Spartans fight for "freedom." Surely they fought for their own, but the context in the film is radically different from the reality.

Yet another instance of deviation from the historical record concerns the Greek traitor, Ephialtes, who is said to have told the Persian king how to get his troops around the Spartans. Though portrayed in both the novel and the film as a hunchbacked Spartan, Ephialtes was neither Spartan nor, as far as anyone knows, deformed. Add one more: the film's major subplot involves the Spartan queen, Gorgo (Lena Headey), who wages a political contest back home in Sparta, against leaders corrupted by Persian gold. This also is complete fiction. Many more examples of Hellenic fictions could be listed, and I haven't even started on fictions about the Persian side.

In a recent review of "300," historian Victor Davis Hanson notes the many historical inaccuracies, but remarks that the movie is still "Hellenic in spirit" and "does demonstrate real affinity with Herodotus in two areas. First, it captures the martial ethos of the Spartan state . . . And second, the Greeks, if we can believe Simonides, Aeschylus, and Herodotus, saw Thermopylae as a 'clash of civilizations' that set Eastern centralism and collective serfdom against the idea of the free citizen of an autonomous polis. That comes through in the movie, especially in the fine performances of Butler and Lena Headey." Hanson is right, and his comments should be borne in mind when considering the criticisms leveled against the film. This is especially true of criticisms of its portrayal of the Persians.

One petition circulating online labeled the film an "unethical movie picture" and "fraudulent and distorted" because it portrays the Persians as "some monstrous savages" rather than rulers of the "most magnificent and civilized empire." To do so, in the eyes of the petition's authors, was nothing less than a "heresy." Passing over the odd notion of history that is evident in the use of such a term to describe dramatic license, it should be conceded that the petitioners have a point: the film is inaccurate in many respects about the Persians — as it is about the Greeks. Indeed, the Greek examples are all the more glaring, as they are the more easily checked, Greek sources being more readily at hand.

But as the film's departures from the truth about the Greeks are clearly deliberate choices, the question becomes one of why? Why diverge so broadly from fact, when you have one of the world's great historical stories to begin with?

In some cases, the answer is fairly obvious. The ephors are portrayed as they are to create an ideological contrast between their hidebound "mysticism" and the progressive "reason" of Leonidas. The ephors' deformities, like those of the traitor Ephialtes, serve to emphasize their moral corruption and

The story of Thermopylae is one of brave men, however flawed, who fought and died for liberty, however imperfect.

villainy. Queen Gorgo is given prominence to provide a feminine (or feminist?) touch to a film that is so much about men. Any mention of the helots, or of the other more unseemly aspects of Spartan society, of which there were many, is omitted as likely to make the Spartans, cast here as heroes and martyrs of freedom, repellent to modern sensibilities. And, as Hanson's comments indicate, the Persians are shown as they are because that is how the Greeks frequently saw them: slavish, savage, monstrous, barbarous.

One can take issue with these choices for a number of reasons, but it seems peculiar to call them "fraudulent," for neither the film nor the graphic novel lays any claim to historical accuracy. Both are *stories* of the battle, not *the* story of the battle, and they do not pretend to be otherwise. The real question, perhaps, is, should they have tried to be?

I must confess myself of two minds. Historical accuracy is certainly a good and desirable thing; yet novelists and filmmakers should not be held to the same standards as historians and the makers of documentaries, except when the former claim to be the latter. Since the makers of "300" do not, and, indeed, glory in the fact that they do not, it strikes me as strange and unfair that their flagrant historical errors should be held against them.

It cannot be denied that "300," with its stunning visual style, full of the grotesque, the gory, and the surreal, its impressive performances, particularly those of Butler and Headey, and its fidelity to Frank Miller's graphic vision of the story, achieves something that is all its own. Fans of Miller's work will be delighted to see just how faithful the filmmakers are in most respects to *it*, even to the extent of using the novel's graphics as storyboards for the movie. Nor will these fans be alone in their enjoyment of the film. Though it will hold particular interest for them and for students of the period, the story of Thermopylae is so moving that, when well rendered, as it is here, it should strike a chord even with those unfamiliar with the history.

And yet, for all that, the film falls short of what it could have been. It is good, when it might have been great. The fault is not to be found with the actors. They played their parts well. Nor is it to be found with the many others whose hard work made the film what it is. Rather it is that, with such rich history to work with, the filmmakers chose to be more faithful to their graphic novel than to the truth. It is not that they had an obligation to adhere to the facts, as some have claimed. It is that had they done so, they would have made a better film. Where the movie departed from the facts, it generally was for the worse. In making the battle of Thermopylae into a simplistic struggle between good and evil, the filmmakers robbed their story of much of its complexity and thereby much of its depth. That is unfortunate, because the story of Thermopylae is one of brave men, however flawed, who fought and died for liberty, however imperfect. Theirs is a story that should not be forgotten. Had the filmmakers chosen to, they might have done it justice. It is to be regretted that they did not. ❑

Fondly Remembering Karl Hess

AK Press, the most successful distributor of self-consciously anarchist books and DVDs, recently released a single disc with two older documentaries produced by Stephen Fishler and Joel Sucher: "Anarchism in America" (1982) and "The Free Voice of Labor: The Jewish Anarchists" (1980). For the former alone this is worth every libertarian's $19.95. The featured commentator appearing frequently is the great Karl Hess at his most articulate best.

Acknowledging the intellectual influence of Murray Rothbard, this sometime speechwriter for Richard Nixon and Barry Goldwater explains succinctly why he didn't pay federal taxes and how Emma Goldman "consciously or not [is] the source of the best in Ayn Rand," which a quarter-century later would still surprise those calling themselves libertarian no less than self-identified anarchists. (Those of us committed to the avant-garde know that the measure of a classic is a capacity to surprise long after its creation.)

The film includes footage of Goldman addressing reporters during her brief return to the U.S. during the 1930s. Oddly, though this footage demonstrates her famous genius for public speaking (even in her 60s, more than a dozen years after her disgusting deportation), it was not included in the recent NET feature about her. Instead, as is customary in films sponsored by the National Endowment for the (In)Humanities, the NET's "Emma" featured footage of "accredited scholars."

Otherwise, enjoy "Anarchism in America" for its memorable scenes: Kenneth Rexroth reciting his poetry; the 1980 Libertarian Party presidential candidate Ed Clark unnecessarily evading the question of his connection to anarchism; a long-distance trucker complaining about excessive government regulation; Jello Biafra and the Dead Kennedys performing; an older sometime draft evader named Brand talking before the Statue of Liberty; the other Murray (Bookchin), also at his best on the evolution of his politics and his advocacy of "libertarian behavior"; Hess' testimonial that "Most people in the Libertarian Party have pretty decent anarchist impulses."

As Hess was the last American to earn great respect both from those who call themselves libertarian and from those who call themselves anarchist, even serving as a fellow of the leftish Institute for Policy Studies, his appearance here reminds us of an ecumenical presence that has been lost.

The other film on this DVD, likewise by Fischler and Sucher, traces the 87-year history of a Yiddish New York anarchist newspaper, the *Freie Arbeiter Stimme* (whose English translation becomes the film's title). Shorter and slighter, it inadvertently makes "Anarchism in America" seem yet stronger, as indeed it is. — Richard Kostelanetz

"Ronald Reagan: Fate, Freedom, and the Making of History," by John Patrick Diggins. Norton, 2007, 430 pages.

Pax Reagana

Martin Morse Wooster

For Baby Boomers, Ronald Reagan is too recent a figure to be part of the past. But it's now been 26 years since Reagan became president. That's more than enough time for historians to assess what sort of president he was.

There are all sorts of interpretations of Reagan out there, but at first you might find the thesis of Diggins, a historian at the City University of New York, puzzling. Reagan, he argues, was a liberal. Moreover, he contends, Reagan was one of the greatest liberal presidents in American history!

For most of us, Diggins' thesis is somewhat odd. But Diggins, author of many books on American intellectual history, has arguments that are provocative but not persuasive. You won't believe that Reagan was a liberal after reading this interesting book. But you will believe that Reagan was not a neoconservative — and that, at least in foreign policy, he did a great deal to advance freedom.

Diggins' "Ronald Reagan" is not really a biography, although it covers all aspects of Reagan's life. Rather, it's a book about Ronald Reagan's ideas and how they changed during his career. Recall that Reagan was someone who had read Frederic Bastiat in college and F.A. Hayek's "The Road to Serfdom" in the 1950s. Reagan succeeded as an actor, the most entrepreneurial of professions. His administration, at least at its start, was rife with bombthrowers who were going to slash government. Yet by 1989, most domestic programs had grown rather than shrunk. Pick your favorite awful, useless agency — the Rural Electrification Administration, say, or the National Endowment for the Arts — and you'll find its leaders were scared in 1982 and blissful in 1988.

Diggins doesn't really discuss Reagan's domestic failures. He's more concerned about Reagan's greatest foreign policy achievement — persuading the Soviet Union to work with the U.S. to dramatically reduce nuclear arsenals. Diggins persuasively shows that the cliche that Reagan was a silly old duffer is wrong. Reagan had firm convictions and acted on them. One of these convictions was that the Cold War scenario of nuclear brinkmanship had to be stopped.

Recall that in the early 1980s frightened old men whose greatest fear was that America would launch a first strike controlled the Soviet Union. The Soviet mindset of this time was best expressed by their response to a 1983 NATO war game called Able Archer. The Soviet leaders feared that this war game was a pretext for a NATO invasion. During the exercise, a malfunctioning warning system reported that five Minuteman missiles were heading towards Moscow. Soviet missiles were rapidly mobilized, until the high command realized that the machine malfunctioned, and they dropped the threat level. The world came closer to nuclear war than at any time since the Cuban missile crisis in 1962.

For most of his first term, Reagan seemed to be the frostiest of Cold Warriors. Given the paranoia of the Soviets at the time, some of this toughness was justified.

But then, on Feb. 16, 1984, Reagan gave an address in which he said that "reducing the risk of war — and especially nuclear war — is priority number one." He added that "we must and will engage the Soviets in a dialogue" to reduce the threat of nukes. America's "dream is to see the day when nuclear weapons are abolished from the face of the earth."

Why did Reagan say this? One reason, according to Diggins, was "The Day After," a drama about atomic holocaust broadcast by ABC in November 1983. The TV movie, Reagan said, "was very effective and left me greatly depressed." But Diggins shows that Reagan had decided to try to cut nuclear arsenals from the start of his administration. Until 1985, the Soviet leaders thought Reagan's comments were another capitalist ruse. But Mikhail Gorbachev and Reagan gradually came to trust each other — and together they made sure that weapons were actually dismantled.

Liberals, Diggins says, talk about peace. But Reagan caused nukes to be destroyed — a goal of liberals and libertarians. And when Reagan stood at the Berlin Wall and demanded that Gorbachev tear it down, he was making a libertarian point.

It's true that Russia today is a scary, autocratic nation. But it's far less of a menace than the Soviet superpower it superseded. And while there were many reasons why the Soviet Union fell, Ronald Reagan's steadfast commitment to ending communism advanced liberty and made the world better. And for that, Reagan — a conservative who believed in advancing liberty — deserves a great deal of credit. ❑

"America Alone: The End of the World As We Know It," by Mark Steyn. Regnery, 2006, 224 pages.

A Wake For the West

Garin K. Hovannisian

H.L. Mencken said that "a cynic is a man who, when he smells flowers, looks around for a funeral." Successive generations of writers have convened the funeral of all things true and beautiful on the back page of National Review, which went misanthropic in the 1990s with Florence King, then downright eschatological with its current occupant, Mark Steyn. King and Steyn remain among the finest cynics of our age, as Mencken was for his. Their obits are delightful to read, whether the death really happened or not.

In his latest book, "America Alone," Steyn acknowledges that prophesying doom is ordinarily a bankrupt enterprise. From John the Baptist in the Judean wilderness to the global cooling cranks of 1970s New York, the forecasters have choked on their forecasts. Those who have denied history its charms and mysteries have met its mockery.

Embarrassed by such associations, Steyn christens his book "the apocalypse with laughs." The cuteness is meant to disarm us of our assumptions; the humor, like a strategic sex scene, to keep us content through consecutive too-big-to-be-true revelations, until we realize that these are actually true. "America Alone" is evidence that Steyn's cynicism is born neither of literary fashion nor of his famous mischief. The man who writes obituaries for the Atlantic Monthly has found a real funeral. The kid in the coffin is Western Civilization.

Drawing a picture that is larger than most can see, Steyn captures the demographic landscape of the West's War on Terror. Globalization may be planting McDonalds in the desert soil of the Near East, he says, but it is also bringing the scimitar of Islam to the throat of Western culture.

Steyn argues that as Islamic populations swell on soaring birth rates — e.g., Somalia's 6.76 children per capita, or Yemen's 6.58 — Western populations are dwindling. By 2050, Italy's population will fall by 22% and Estonia's by 52%. England, Spain, Canada, and France are all depopulating, and Muslim immigrants eagerly book the vacancies. Of all the Western countries, only the United States is registering as many births as deaths. As Europe inevitably becomes a Muslim continent, America alone can defeat Islamic terrorism.

Steyn's case is epic. But so is his presentation. His literary flourishes are often dangerously sufficient; his words can overpower their meanings. But the meanings are valuable enough not to require (and gloomy enough not to justify) the insertion of "laughs" to make us read. The apocalypse can't quell Steyn's funny bone, but it shouldn't fatigue our own. The transmittable personality of Mark Steyn is a bonus, not a substitute, for the strong message.

Yet there is obviously something unpalatable about the message. The idea that a growing Muslim population implies that we're losing the war offends our basic postmodern sensibilities. So what if the most popular boy's name in Amsterdam is Muhammad? And so what if Muhammad was the name of the 9/11 hijacker-in-chief, the Washington sniper, and Theo van Gogh's assassin?

The fact that Muslim populations are flourishing in the West has long been used to show that the West can win the war. In his book "The Case for Democracy," Natan Sharansky uses the numbers to prove that freedom is a universal value; if Muslims accept the free institutions of their adopted homes, they may invite those institutions into their countries of origin. A recent report from Freedom House finds that "Islam is not inherently incompatible with democratic values. Indeed, if we take into account the large Muslim populations of such countries as India, Bangladesh, Indonesia, Nigeria, and Turkey, and the Islamic populations of North America and Western Europe, the majority of the world's Muslims live under democratically constituted governments." A string puppet is sensitive enough to tell you that most terrorists might be Muslim, but most Muslims are not terrorists.

The man who writes obituaries for the Atlantic Monthly has found a real funeral. The kid in the coffin is Western Civilization.

Steyn charts the data toward more pessimistic ends. Citing example after example, he explains that Muslims have not assimilated to democracies but

have forced democracies to assimilate to them. One year after the London Tube bombings of 2005, a London Times poll recorded these numbers: 16% of British Muslims said that although the attacks might have been wrong, the cause was just; 13% thought that the perpetrators should be considered "martyrs"; and 7% agreed that suicide bombings of innocent British civilians can be justified. In other words, there are around 70,000 Londoners who admit to supporting terrorism.

As to the complexity of our problem, Steyn offers the clearest analysis to date:

> The terrorist bent on devastation and destruction prowls the streets, while around him are a significant number of people urging him on, and around them a larger group of cock-sure young male co-religionists gleefully celebrating mass murder, and around them a much larger group of "moderates" who stand silent at the acts committed in their name, and around them a mesh of religious and community leaders who serve as apologists for the inciters, and around them a network of professional identity-group grievance-mongers adamant that they're the real victims . . .

And around them is what's left of Western Civilization — tactful politicians, culturally sensitive media, complicit academics, and a poisonous politically correct climate. Even Fox News can't produce a single Muslim leader who will uniformly condemn Islamic terrorism. The sultan is wearing wardrobesful of overcoats. The more time we take disrobing him, the fatter he gets.

Confident though he is in his expansive theory, Steyn is suspicious of the omniscient pretenses of today's academics. You may recall the ease with which Francis Fukuyama once announced the "end of history" (with little more support than pretentious references to Hegel, Nietzsche, and the known-only-to-academics Alexandre Kojève). He told us of the happy end "of mankind's ideological evolution," which had produced "the universalization of Western

Prophesying doom is ordinarily a bankrupt enterprise: those who have denied history its charms and mysteries have also met its mockery.

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liberal democracy as the final form of human government." To adopt that view was to underestimate the threats to liberal democracy (however narrowly or broadly one defines those words) and encourage an unhealthy indifference. The theory will be fully falsified if Iran acquires a nuclear weapon. If that happens, we may be dealing with a more literal kind of end of history.

Steyn rightly distances himself from Fukuyama, but he cannot distance himself from his methodological arrogance. It's hard to discern a trend, while you're in it; there are simply too many variables. And predicting its conclusion is usually a hopeless enterprise. If current trends continue, California will be 100% Mexican (but it won't). If current trends continue, everyone in the world will die of AIDS (but we won't). If the trends discerned by sages in the 1970s had continued, we would now be deep in global cooling. The law of trends is unpredictability. Demographics help illuminate the present; they rarely predict the future.

It would be a misreading of Steyn, but one he does not adequately thwart, to reason that the ultimate solution is for Western liberals and libertarians to get off our rockers and jump into bed, lest our children's generation consist of little Noam Chomskys. But important as demographics are, they are impotent if they aren't combined with our will and ability to resist Islamic fascism. Is the ideological enemy gaining willpower, as ours dwindles and shifts to false conciliation? Morale is still the first front of the War on Terror, and one that (*I* predict) will prove decisive years before Europe joins or becomes the Islamic Caliphate. As terrorist states move toward nuclear capacity, the West will either act to prevent them or refuse to act, making any future intervention impossible. That decision will determine the course of our present war, and it will be a decision we'll have to make before 2050.

But even if we act, the front line will be held and pushed by our ideas. In the suburbs of Tehran, where satellite dishes hidden in cupboards are pointed at Brit Hume, and in Damascus, where an underground intelligentsia reinvents debate, the outcome of the battle is unclear. It is that outcome — and our role in it — that matters. ❑

Curtain Calls

Jo Ann Skousen

Three new musicals opened on Broadway this spring, but only two are likely to stay afloat. Blondes rule the stage this season, but it's curtains for "The Pirate Queen."

"Curtains," Al Hirschfield Theatre

Hurray! A new musical has opened on Broadway that is *not* a revival, *not* a jukebox compilation of rock songs, *not* a sung-through imitation of opera, and *not* based on a movie or a Disney cartoon. "Curtains" is a breezy new show with an impressive pedigree: music and lyrics by Kander and Ebb ("Chicago," "Cabaret," "Kiss of the Spider Woman"), original book by Peter Stone ("1776," "The Will Rogers Follies," "Charade"), and a cast starring a trunkful of Tony-winning stage veterans who take turns stealing the show.

The play is a backstage murder mystery as well as a lavish musical. Mayhem ensues when the leading lady of an out-of-town play dies during her curtain calls. David Hyde Pierce (Niles Crane on "Frasier" and Sir Robin in Broadway's Monty Python spinoff "Spamalot") plays a homicide detective with greasepaint in his blood who spends more time redirecting the play than investigating who-done-it. With his droll delivery and spot-on timing, Pierce could probably carry the show, but thanks to the broad shoulders of his fellow cast members, he doesn't have to. Particularly memorable are Edward Hibbert as the arrogantly foppish director and Debra Monk as the overbearing producer of the show within the show.

"Curtains" has everything a Broadway musical needs: memorable score, clever lyrics, big dance numbers, a romantic *pas de deux,* and a witty story delivered by a talented cast of comic veterans. I predict it will be a long time before they say "curtains" to this show. But see it this year, with the original cast.

"The Pirate Queen," Hilton Theater

Unfortunately, a classy pedigree isn't enough to ensure a blockbuster hit on Broadway. "The Pirate Queen," written by Alain Boublil and Claude-Michel Schonberg ("Les Miserables," "Miss Saigon"), ought to be selling tickets for the next decade, but I will be surprised if it doesn't sail into the sunset before the end of the summer. Like its older sisters, "Pirate Queen" boasts lush orchestrations, talented singers, and big cast numbers, but it is more like the foundling child than the legitimate sister of those earlier productions. The songs are vaguely familiar, yet not at all memorable.

Part of the problem is that the sung-through opera style made popular by Andrew Lloyd Webber in the 1970s and

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perfected by Boublil and Schonberg in the 1980s has simply run its course. Audiences have grown weary of listening to dialogue warbled in long musical recitatives as the play moves from song to song; the style has not produced a genuine hit in over ten years. But what this play really lacks is the musical magic Boublil and Schonberg created in "Les Miz" with Jean Valjean's "Who Am I," Javert's "Stars," Fantine's "I Dreamed a Dream," Eponine's "A Little Fall of Rain" and Marius' "Empty Chairs and Empty Tables." I can't remember a single tune from "The Pirate Queen." The most memorable part of this show was the Irish dancers — another throwback to the 1990s.

A more serious problem with this particular play is the story itself. Based on the life of Grace O'Malley, an Irishwoman who fought the British, spent time in prison, and met face-to-face with Queen Elizabeth I, the play seems stuck in the 1970s feminist movement. The young women seated near me almost swooned during the curtain calls, but here in the 21st century I find it difficult to get in a tizzy over a woman lifting a sword, steering a ship, or talking back to a man.

Even the climax of the story (don't worry about a spoiler alert — this show won't be around long enough for you to see it) is laughably simplistic. Grace and Elizabeth talk woman to woman about the British invasion of Ireland; Elizabeth yields, the curtain falls, and the audience cheers. You go girl! Nancy Pelosi, take heart! But O'Malley's courage notwithstanding, doesn't anyone remember that the British continued to rule Ireland long after that 16th-century meeting?

"Legally Blonde: The Musical," The Palace Theater

I'm almost embarrassed to be writing about "Legally Blonde" for Liberty magazine — shouldn't I be sending this review to Teen Beat instead? But I liked the 2001 movie's optimistic message about being true to one's self while ignoring criticism and insults, and I liked this new musical version just as much. Sure, it's as fluffy as a strawberry pink birthday cake, but sometimes fluff is just the ticket for an entertaining night out.

Elle Woods is the stereotypical sorority girl who has majored in fashion and boyfriends in college. Now it's senior year, and she's expecting a ring. When her hunk breaks up with her to find a girlfriend more "suitable" to his hoped-for career as a senator, she follows him to Harvard Law School where she discovers that she has a brain. Who knew? Add to that her sense of integrity, compassion, and common sense, and she is miles ahead of her fellow law students.

The music and lyrics by newcomers Laurence O'Keefe and Nell Benjamin are surprisingly witty and sophisticated for a show that could easily have slipped into Valley speak and stayed there. I hope this is the first of many offerings from this team. Veteran Jerry Mitchell's choreography is young and contemporary, especially the athletic prison block number, "Whipped Into Shape," that opens the second act.

Here in the 21st century I find it difficult to get in a tizzy over a woman lifting a sword, steering a ship, or talking back to a man.

Laura Bell Bundy is perky and intelligent as Elle Woods, more Kelly Ripa than Hilary Duff. The real standout, however, is Nikki Snelson as Brooke Wyndham, the accused murderer Elle defends in Act 2. Snelson dominates the stage whether she is singing, dancing, or just being beautiful. Orfeh seems oddly miscast as Elle's trailer-trash beauty shop friend Paulette, until she begins singing the clever ballad, "Ireland" — what a voice! Several actors turn small roles into big parts: Andy Karl struts his stuff as the UPS man with a package, Manuel Herrera and Matthew Risch are hilarious as the pool boy and his boyfriend in "Gay or European," and Natalie Joy Johnsson stands out as the butch law intern, Enid.

The movie-based musical is becoming as popular as jukebox musicals on Broadway, with "Hairspray," "Dirty Rotten Scoundrels" and "The Wedding Singer" leading the way for this latest offering. The genre offers producers the safety net of a proven story and a ready audience of tourists looking for a play that sounds familiar. A little fluff after a long day of sightseeing isn't such a bad way to spend the evening. ❑

How to buy discount tickets in advance — Broadway ticket prices broke through the $100 barrier a couple of years ago, and now stand at $111.25 a seat for most shows, with premium seats at $250 or higher. Most tourists know about the half-price TKTS booth at Times Square, where tickets are sold the day of the performance for discounts of 25–50%, plus a handling fee of $3. Fewer are aware of its sister booth at South Street Seaport in the Battery, where lines are usually shorter and tickets for matinee performances are sold the night before. But there are drawbacks to the TKTS booths: the lines back up for two hours or more, making it difficult to do anything else during the day. Seats are generally located in the perimeter of the theaters (first four rows and along the sides), where views may be obstructed. Worse still, the availability board is often inaccurate, so you don't really know which shows are available until you get to the ticket window. By that time you've spent so much time in line that you go ahead and buy tickets for a show you didn't really want to see, and kick yourself for not planning ahead.

Skip the booths and go instead to broadwaybox.com, which posts discount codes worth 25–50% off most shows. Tickets can be purchased in advance online or by phone with a handling fee, or you can avoid the fee by printing out the code and going directly to the theater. The website also offers user reviews, which can be helpful as you decide which shows to see. — Jo Ann Skousen

Letters, *from page 6*

replacement rate all over the developed world is a step in that direction. Far from being a crisis, demographic shrinkage is the best news we've had in decades.

It's doubly sad when libertarian thinkers get this material wrong, because its lessons amplify core libertarian principles. The first lesson concerns demographic shrinkage, the so-called "baby bust." Until recently, population activists had little choice but to be statists. Population decline seemed achievable only as the result of government initiatives like China's draconian one-child policy. What a delight, then, to find that market forces and individual choices are driving reproduction below replacement level across the developed world. Without state coercion, without focused propaganda campaigns, without central planning, free individuals are doing the right thing. They're working toward a long-term goal of a four- or five-fold reduction in human numbers without even knowing that such a goal exists! Far from joining alarmists who bleat for open immigration and baby bonuses, libertarians ought to be trumpeting the "baby bust" to the heavens as a vindication of our ideas.

To appreciate the second lesson, consider the economic implications of any serious, multigenerational voluntary reduction in human numbers. Clearly the first casualty would be social-welfare systems across the West that depend on each successive generation of workers being larger than the previous generation of retirees. From Social Security to the Scandinavian welfare states, they're all Ponzi schemes. A serious prospect of sustained population decline will demonstrate that libertarian critics have been right to call these systems hollow and unjust. More important, it will compel mainstream economists, social scientists, and, yes, politicians to seek a better way.

Replacing Ponzi economics is the underappreciated challenge of the 21st century. People worldwide have spoken; it appears almost certain that population will decline. Can we respond in time with alternative economic approaches whose inefficiencies do not require the lubrication of continual growth just to maintain a steady state? Now if only Jason had written about that . . .

Tom Flynn
Buffalo, N.Y.

Jason responds: I don't feel that I made any errors of substance, or missed any opportunities for libertarian thinking. Instead, I think Mr. Flynn is trying to fuse two paradigms that I regard as not really fusible — classical liberalism and neo-Romantic environmentalism. Specifically:

1. Flynn acknowledges that Ehrlich's predictions were wrong: no mass starvation (certainly none caused by overpopulation, as opposed to vicious government), no exhaustion of resources, etc. But Flynn claims his broader argument has been vindicated — overpopulation has caused pollution of rivers, exhaustion of soils, rush-hour traffic jams, and the like. I regard such problems, which have been with us as long as recorded history (including when the population was an infinitesimal fraction of what it is today), as the result of bad governmental policies rather than overpopulation. American farms continue to be productive (we even pay farmers not to grow stuff!), generation after generation. If another government chooses not to allow its farmers to buy fertilizer, or has such a corrupt, lousy statist economy that no farmer can afford fertilizer, soils will indeed deplete. But it has nothing to do with overpopulation. Similarly, if there is a shortage of freeways — and there is, here in California — that is because of the deliberate choice of government.

2. I see absolutely no reason why classical liberal or libertarian philosophy should aim at telling people how many kids they should have, period. Indeed, it is a hallmark of a totalitarian regime that it coerces citizens into either having few children (like Communist China) or having many children (like Nazi Germany). On the contrary, I take the classical liberal position to be that people should be free to have as few or many children as they prefer and can support. It's called liberty.

3. Flynn says that I've gotten the demographic material wrong, and that we should favor seeing the global population shrink to the 2.5 billion that the experts told us in the 1950s was already too many. (If 2.5 billion is too many, why does Flynn want us to stop there? Why not go back to a quarter of a billion?) Pardon me, but I don't think any experts including Flynn have proven that there is some population optimum or even some theoretical limit to population sustainability. Where is it proven that the Earth can't support 10 billion? Or even 100 billion? Don't give me some arbitrary figure (which is what doomsday scenarists tend to do), but prove it. Again, any claim that there is a population optimum — that (to use Flynn's figure) a population of 2.5 billion will, over time, become wealthier or better off than one of (say) 10 billion — must be proven. Frankly, I don't think it can be proven — and, note well, the world today (at 6.5 billion) is far wealthier than it was in the 1950s. (I am not saying I want to see the population increase to 100, or 10, or 8 billion. Nor do I particularly want it to shrink to 5, or 2.5, or .25 billion. Unlike Flynn, I don't pretend to know what population size is optimal, or even if there is such a thing as an "optimal" population size.)

4. Flynn attributes the drop in reproduction in European welfare states to the market. I find that doubtful. It is arguable that the cradle-to-grave support promised by such states, together with the viciously high level of taxation required to pay for that support, actually pushes people to have fewer children than they would otherwise have.

5. Where Flynn and I are in perfect agreement is the need for the complete privatization of Social Security. As to how to achieve that, I have expressed my opinion upon that elsewhere — Flynn is welcome to go to my website or the archives of LewRockwell.com to read the particulars. In a nutshell, I would allow everyone to put their retirement funds into a personal account, like they do in Chile, and what they've contributed to Social Security in the past would be given back to them. To pay for this, I would want the Feds to sell off much of their vast assets, especially the large amount of surplus land.

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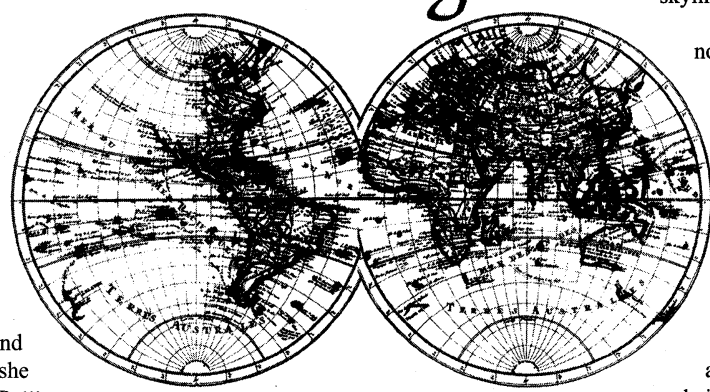

Olympia, Wash.

Legislative theory enters the quantum age, reports the *Seattle Times:*

In the first two months of the 2007 session, Sen. Ken Jacobsen (D-Seattle) has introduced 99 bills, more than any other lawmaker in the state legislature. He believes they all serve a purpose, even if most of them die.

"I'm into the theory of chaos. And in the theory of chaos, if this particle exists and this one comes into existence and this one doesn't know that one exists? It still affects the behavior of the other one," he said, moving his hands around as if they were giant particles.

Beijing

There is a market for everything, the *New Zealand Herald* reveals:

A Chinese businessman has advertised on the internet for a stand-in mistress to be beaten up by his wife to vent her anger and to protect his real mistress. "When the woman found out her husband had a mistress, she insisted on beating her up," the *Beijing Youth Daily* said, citing the advertisement posted on a popular online jobs forum. More than 10 people had applied for the job; the "successful" candidate would be 35 and originally from northeastern China and would be paid 3,000 yuan ($388) per 10 minutes.

Hobart, Ind.

In God we trust, but His agents must use cash, the *Indianapolis Star* reports:

Kevin Russell was arrested after he tried to cash a check for $50,000 at the Chase Bank in Hobart that was signed "King Savior, King of Kings, Lord of Lords, Servant."

Police were called to the bank after Russell tried to cash the check, which was written on an invalid Bank One check with no imprint. Russell had several other checks with him that were signed the same way but made out in different dollar amounts, including one for $100,000.

Sacramento, Calif.

Innovative plan for reducing recidivism, from the *San Diego Union-Tribune:*

At least 40 state prison medical workers have been receiving full pay while they've been on disciplinary leave for up to four years, corrections officials reported. Most were pulled from their duties for failures or neglect that sometimes resulted in inmates' deaths.

Dr. Peter Farber-Szekrenyi, director of the Division of Correctional Health Care Services, said that he will order the employees to return to assignments that will not put them in contact with inmate patients. "I'll put them in the library and let them read books. They're not going to sit at home," he said.

Sydney, Australia

Saving the planet not with a bang, but with a whimper, described in the *Sydney Morning Herald:*

The Opera House's gleaming white-shelled roof was darkened Saturday night along with much of the rest of the city, which switched off the lights to register concern about global warming in an hour-long gesture organizers said they hoped would be adopted as an annual event by cities around the world.

"It's absolutely fantastic, there's a mood of enthusiasm and hopefulness and action," said Greg Bourne, chief executive of World Wildlife Fund Australia. "I have never seen Sydney's skyline look so dark."

The amount of power saved was not immediately known.

England

Theological refinement, tracked by the *London Times:*

"Brits are set to spend a massive £520 million on Easter eggs this year — but many young people don't even know what Easter is all about," said a press release from supermarket chain Somerfield.

It went on to claim that the tradition of giving Easter eggs was to celebrate the "birth" of Christ. An amended version changed this to the "rebirth" of Christ. Finally a third press release accepted Church teaching that Easter celebrated the resurrection of Christ.

London

He is watching indeed, reports the *London Evening Standard:*

It may have taken a little longer than he predicted, but George Orwell's vision of a society where cameras and computers spy on every person's movements is now here.

On the wall outside his former residence — flat number 27B — where Orwell lived until his death in 1950, a historical plaque commemorates the anti-authoritarian author. And within 200 yards of the flat, there are 32 cameras scanning every move.

Orwell's view of the tree-filled gardens outside the flat is under 24-hour surveillance from two cameras perched on traffic lights. The flat's rear windows are constantly viewed from two more security cameras outside a conference center in Canonbury Place.

Deutschland

The high costs of free speech, from *Der Spiegel:*

They refuse to rally for neo-Nazis, but otherwise, as long as the price is right, a new type of mercenary will take to the streets and protest for you.

More than 300 would-be protesters are marketing themselves on a German rental website. Next to a black and white posed picture, Melanie lists her details from her jeans size to her shoe size and tells potential protest organizers that she is willing to be deployed up to 100 km around Berlin. Six hours of Melanie bearing your banner or shouting your slogan will set you back 145 euros.

Special thanks to Paul Beroza, Bryce Buchanan, Jim Ferguson, Russell Garrard, and John Sparduto for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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- **José Piñera** (Cato Institute), on "The Greatest Worker-Capitalist Revolution in the World: Will China be Next to Reform Social Security?"
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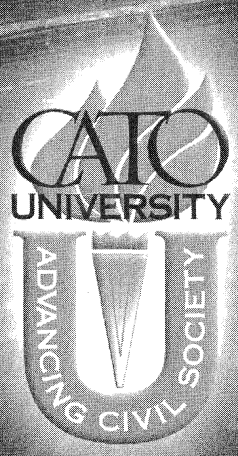

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Inside Liberty

July 2007
Volume 21, Number 7

4 Letters Keeping us on our toes.

7 Reflections We wrestle Captain Hook, descend from the Ségosphère, contemplate the Celestial Rodent, press our faces against the glass of the flat-tax club, puzzle over Why They Hate Us, discover That They Love Us, give nukes a chance, deliver a smackdown, eulogize (but not mourn) liberalism, and enjoy the fruits of the afterlife.

Features

19 Virginia Tech's Failed Playwright Did Seung-Hui Cho's writings really mark him as a murderous psychopath? *Scott Stein* investigates.

23 The YouTube Wars Why all the fuss over low-resolution video clips? *James Walsh* runs down the fight between Viacom and Google.

25 The Books of Summer Our editors and contributors offer their picks for the season's must-have accessory.

35 Diamonds, in the Rough *Nelson Hultberg* takes himself out to the ball game, and finds that it's a rout.

41 Liberté and Egalité Against Fraternité If we are to keep our republic, *Alex Binz* argues, we must understand the ideas that would destroy it.

Reviews

45 Beside the Boardwalk *Bruce Ramsey* does not pass Go, but does collect the truth about the origins of a family favorite.

46 Darwin in the Dock There's more to the Scopes Trial than you may have heard. *Jo Ann Skousen* takes in a production, and sorts fact from monkey business.

48 Noble Abstractions *Leland B. Yeager* finds the Good (and the not-so-Good) in a compilation on justice.

50 Filmnotes A reclusive billionaire and a brain-damaged jock.

51 Business Class *Mark Skousen* checks out the Austrian sensation sweeping the businesses of the nation.

52 Notes on Contributors Our cast and crew.

54 Terra Incognita The devil's desiderata.

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Letters

The Ties That Bind

Gary Jason effusively congratulated Utah on its new school voucher program (Reflections, May), praising its generous availability to "every one" of its half-million students, while regretting that it did not provide a larger benefit equal to a per capita share of the education budget. I read it, then glanced quickly at the cover to confirm that, yes, I was reading Liberty magazine.

My naive understanding was that libertarians favored individual responsibility and liberty and, therefore, limited government (big government tending to encourage dependency and threaten liberty). Yet the biggest government program of all, taken collectively, is public education. (More is probably spent on national defense in dollars, but in numbers employed and influence on society, it is a pale second.) Most of us accept it nonetheless because, individually, few of us are qualified to teach our children what they need to know technically for success in today's world. We therefore hire professionals who are qualified and we conduct that professional education as a public program to spread the cost.

Those of us who do not have children are still willing to pay for this public enterprise since we feel, to varying degrees, a communal tie, a responsibility, to educate the next generation and to help thereby to improve the communities in which we live. The fact that most U.S. education is conducted locally both strengthens that tie and alleviates any concentration of government power over education.

But school vouchers break that tie. Public education was never a moral requirement of civilization, just a valuable civilizing tool. Once removed from community control (direct control, mere specification of "standards" is not enough), we are no longer discussing "public" education. We are discussing a welfare program for parents (many of whom have greater income than those of us without children). That is just what we need, a vast new government middle-class welfare program.

No thank you, not with my tax dollars, you don't. Once education reverts to private control, the salient moral fact is that parents, not the rest of us, are responsible for caring for and educating their own kids. So, good luck to them (and may they spawn like salmon).

That, Mr. Jason, is the difference between public and private education. We pay for it through taxes because it is public. If it is private, then the parent pays for it out of his own pocket. And that is why public education is one of those functions which, if government is to require it at all, it should perform directly. As for privatization as a goad to better teaching, perhaps some real market-style competition could be organized between schools within our school systems. Or if, as Jason does, we find teacher unions to be so detestable, then use whips! That I could support, but not vouchers.

Anthony Teague
Oakton, Va.

Jason responds: If I apprehend Mr. Teague's point correctly, he seems to be saying that while public education is fine, allowing vouchers would be bad because: (1) any government function should be performed directly by government (i.e., using all and only government employees); and (2) vouchers constitute some kind of unfair welfare program for rich and middle-class parents. I buy neither point.

The first point seems to me to be just silly. While there are libertarians of a more anarchic bent, I am more of a classical liberal. I hold that government has a legitimate right to tax citizens to promote certain functions and projects

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it would be impossible or impractical for groups of private citizens to do. Mr. Teague seems to agree. I have in mind here things such as a court system, police departments, armed forces, major infrastructure projects (such as highways), and so on. But much waste and mischief occurs when we (as too often happens) slide from the view that the government has the responsibility to do such projects to the view that government employees alone should be utilized to do them.

Specifically, while indeed a major role of government is to maintain armed forces, it would be folly to have government employees man all the munitions, planes, and warship factories. It is far more efficient to have the armed forces let out contracts with private companies to make the guns, planes, and so on. Again, while indeed many roads are built by state construction workers, observation shows us that it is cheaper generally to have government collect the taxes, contract out the projects to private construction companies under competitive bidding (no Davis-Bacon crap), and have a relatively small number of employees whose job it is to make sure the projects are done to specifications.

So my classical liberalism is one that has a regulative maxim: even if a task is one that government ought to do, we should always try to do it with the fewest inefficient government employees. This especially applies to public schooling: by allowing vouchers, many more of the teachers will be private ones, and the remaining public ones will be faced with competition.

Regarding the second point, I think that Teague is not considering the reality of the current educational system. As it is, the rich can pay the massive property and other taxes that government takes and still well afford to send their kids to private schools, which they routinely do. But lower middle-class folk usually cannot — by the time they pay those taxes, they usually can't come up with the extra money to send their kids to private schools. The whole idea of vouchers is in effect to give those parents a rebate that can then be used to send their kids where they wish, as well as to empower the poor to choose as well. And absent that, there is no "real market-style competition" between public schools — which is precisely the case now.

Those who are inclined to agree with me ought to consider sending a donation to the Milton and Rose Friedman Foundation, which has for 50 years been promoting the voucher concept.

Last Bastion of the Great Society

I'd like to correct a minor mistake in Bruce Ramsey's otherwise excellent May feature ("The Next President of the United States"). In it he calls Massachusetts "the nation's most left-leaning state." While that was probably true back in 1972, when it alone gave George McGovern a majority for president, the Bay State has changed a great deal in the intervening 35 years. I know because I grew up there, and spent a large part of my adult life living in or near Boston.

Now I live in Vermont, which probably is the most leftist state in the Union today. Massachusetts can't hold a candle to the looney-tunes (read: Democrats) that dominate the state legislature and bureaucracy up here. These folks have never seen a tax they don't like — indeed, Vermont has the highest combined state and local tax burden in the nation.

The notion of growing the state economy is utterly foreign to many Vermonters. Real jobs providing real incomes are few and far between. In 30 years the entire population of the state will probably consist of rich retirees, welfare recipients, and state employees. Whether there will be enough revenue to pay those state employees is highly questionable. The political class here, however, seems largely oblivious to the fiscal freight train that is bearing down upon them.

The rural folk remain for the most part solid, but among young people in particular a strong sense of entitlement can be discerned. It's almost as if Vermont is stuck in a time warp, namely, the 1960s and '70s.

Compared to Vermont, Massachusetts seems almost conservative. And I say this despite the recent election of that state's first Democratic governor since 1990. Maybe New York could give Vermont a run for the title of most leftist, but Massachusetts would definitely come in third.

Ramsey, being based on the West

This issue marks the end of Liberty's teenage years. We will be 20 years old next month. (Yes, I know that we are currently in volume 21, but that's because our volumes, unlike our lives, start afresh each January.) Our next issue will include a birthday celebration — but this issue is our last chance to be, technically speaking, teenaged.

It's an accomplishment for a journal to get to this ripe old age. It took a lot of daring and determination. At least half our total supply of those qualities was bequeathed to us by our founder, R.W. Bradford, who remains our guiding example of what a libertarian writer and editor should be.

In many ways, however, Liberty has never grown up. We'd like to drive the great black limousine of state, though neither the Democrats nor the Republicans seem inclined to let us have the keys. We still have as many internal conflicts as the normal teen; and if you want the proof, take a look at the range of opinions in this issue alone. We're still quirky and volatile, and oddly humble at times (that's part of our volatility); but we have definite views, and we don't intend to be ignored. We can be annoying, especially to people who have grown up a little too thoroughly; but we're also a lot of fun. I hope you'll always enjoy hanging out with us.

For Liberty,

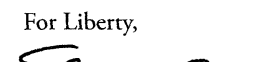

Stephen Cox

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Coast, can be excused for pegging Massachusetts the most left-leaning. As to the state that is truly the most leftist in the nation, I hope at some point to publish a full treatment of that strange phenomenon I call the People's Republic of Vermont.

Jon Harrison
Poultney, Vt.

Getting Some

"'When I use a word,' Humpty Dumpty said, in rather a scornful tone, 'it means just what I choose it to mean — neither more nor less.'" I'm not Humpty Dumpty, or a professor of literature, so I can't just make up what a word means (or doesn't) — especially when it's used by someone else. I'm forced to resort to common usage. For that, I use a dictionary. One of my favorites is m-w.com, because (among other reasons) it is readily available to anyone who has access to the internet. I looked up "some" (as an adverb) and found this:

> usage: When *some* is used to modify a number, it is almost always a round number (a community of *some* 150,000 inhabitants) but because *some* is slightly more emphatic than *about* or *approximately* it is occasionally used with a more exact number in an intensive function (an expert parachutist, he has *some* 115 jumps to his credit — Current Biography).

I share your dislike of pompous prose, but Stephen Cox's assertion that "some" adds "nothing" to "four decades after" ("Word Watch," May) is simply wrong.

Bob Booze
Annapolis, Md.

Cox responds: Mr. Booze is right. It adds pomposity.

The Right to Laugh

Stephen Cox says ("The Constitution and Its Emanations," May) that "Justice William O. Douglas had to discover in [the U.S. Constitution] a 'right to privacy,' a right that he could locate only among the 'penumbras, formed by emanations from [the] guarantees' of the Bill of Rights."

I assume he and Henry Mark Holzer are thus disparaging the thinking that would construe the 9th Amendment as making reference to, and thus affirming the existence of, unenumerated rights, rights not explicitly mentioned in the Constitution. Why?

An alternative, very plausible way to think about this is that we have some rights that the framers thought important to mention explicitly, since they were being violated directly by the government of the English king. But we have innumerable other rights — the right to laugh, to sing, to dance, to stare at the sky, to . . . well, the right to do anything and everything that does not conflict with the very, very few powers of the government. The right to privacy — and thus to use contraceptives — would be such a right, given that the government is not constitutionally empowered to regulate our consensual sexual conduct.

Tibor R. Machan
Silverado, Calif.

Enumerate the Rights?

Stephen Cox declares "patently dishonest" the idea that the Supreme Court of the United States found a "right to privacy" in *Griswold* v. *Connecticut*. The objection appears to be that a right to privacy had to be "discovered" in the "penumbras, formed by emanations . . ." in the Bill of Rights.

It is exceedingly clear that the Founders intended that people, being inherently free, have a multitude of rights regarding the way they conduct their lives. Because it would be impossible for anyone to think of what every one of those rights might be, the Founders added the 9th Amendment to clarify that not every conceivable right had been spelled out in the Constitution and that many more rights, not enumerated, existed. Simultaneously, they were very clear in the 10th Amendment that the federal government had only those powers explicitly spelled out within the wording of the Constitution.

Unfortunately, modern thinking is antagonistic to the Founders' principles. The McCain-Feingold Incumbent Protection Act, for example, declares that speech is *not* protected by the First Amendment, and the Supreme Court agrees. Federal expansion into medical care, Social Security, the Patriot Act, undeclared wars, ad nauseam are seen as legitimate exercises of constitutional powers. When a proponent of liberty such as Cox (unintentionally, I believe) buys into this "interpretation," even partially, the cause of freedom is set back considerably.

continued on page 34

Reflections

Sincere fraction — Some libertarians are in favor of open borders; others aren't. But it's clear which side the media are on. While generally admitting that the turnout for the open borders demonstrations on May 1 was only a "fraction" of what it was the year before, news stories eagerly retailed the march organizers' explanation: would-be marchers were afraid of being arrested and deported. (As far as I could tell, there was no evidence that that might happen, or that anyone was afraid of it.) The day started with news stories proclaiming that "dozens" of demonstrators were assembling here and there, and "hundreds" were rallying. Favorable publicity has seldom been cheaper.

The Google index gave this title to a story from the Denver Post: "Marches smaller but sincere." Isn't it nice when the media pat you on the head?

— Stephen Cox

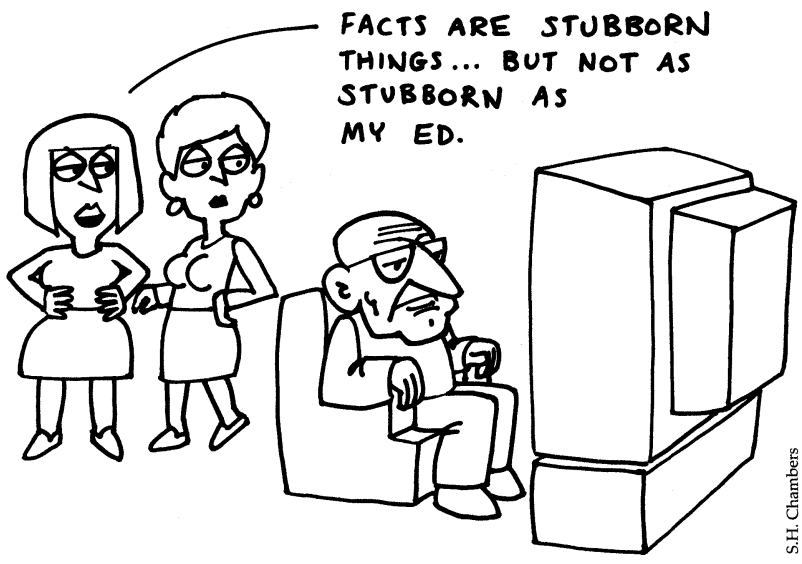

The badgering state — An AP story (May 9) illustrates yet again that if the government does not subsidize an activity, it will probably prohibit it. The state of Wisconsin has admonished a service station owner in Center City for possible violation of Wisconsin's Unfair Sales Act. The owner's alleged crime was that he sold gas at a discount to senior citizens and people supporting local youth sports. The Act requires that every station sell gas for about 9% more than the wholesale price.

The governmental Scrooges have warned the station owner to raise prices forthwith or face a lawsuit.

— David T. Beito

Potemkin hospital — Controversial filmmaker Michael Moore has come under investigation from the Department of the Treasury. As a stunt for his upcoming film on health care, he flew a planeload of ill rescue workers who had been involved in the 9/11 disaster to Cuba for medical treatment. (Michael Moore is a very popular figure in Cuba, partly because of his anti-American agenda, and partly because scarce food supplies mean that few Cubans have ever seen a man weighing more than 200 pounds.)

Cuba, of course, has free health care for every citizen, no infant mortality, and no malpractice. That's because the Cuban government controls all medical information. Whereas in America, we use technological advances and complex modern pharmaceutical products to raise our standard of health care, Cuba is able to surpass us using only a little bottle of Wite-Out. And they are certainly in better shape. I don't know a single American who can swim 90 miles, but thousands of Cubans attempt that feat every year.

If Michael Moore really wanted to make a point about America, he should have offered to fly all Cuban patients willing to travel to America for treatment. However, I doubt his millions would be able to charter enough planes for that trip.

— Tim Slagle

The Ségosphère — The followers of Ségolène Royal, the now-former candidate for the French presidency, were said to live in the Ségosphère. As far as I can tell from following Royal's career, the Ségosphère was a place where old French socialist policies had a new face and a new scent. The face was pretty, and the scent was delightful. But the landscape in the Ségosphère was vague, obscured by fog. The very planks that Royal trod in the Ségosphère could not be clearly drawn. The clouds in the Ségosphère drifted on winds of government largesse. The wind itself, the source of funds, was invisible, and nobody knew where it might blow from. Asked how she would raise taxes, Royal said she would raise them "fairly."

To me, this sounded like a winning candidature, especially in France.

Then the son of a Hungarian immigrant, Nicolas Sarkozy, burst the Ségosphèrical bubble. He beat Royal badly in the April and May elections. This he achieved despite a prickly personality and promises to institute painful reforms, including a repeal of the 35-hour work week.

The leading French socialist daily reports that, after the final election, Royal met her supporters, and she looked up, tilted her head, and smiled at them "for a long time." As the Royal sunset lingered in the Ségosphère, her supporters sniffed their tears.

What went right?

Since the '80s, French-style collectivism has left France's economy and society stagnant. Slow growth and high unemployment have been the rule. The Left, the center Left, and the center Right have promised to tinker with but never dismantle any part of the collective. This never worked very well, but it got them elected.

It took a long time, but I think the French are losing faith in the empty promises of collectivism. They are finally descending from the Ségosphère. May theirs be a happy landing.

— Michael Christian

Don't bogart the milk thistle, man — As the push to ban smoking from all "public" places sweeps the earth, the tobacco foes have made a rendezvous with irony. Right now the European Union is debating a ban on smoking in all restaurants and bars — which means that the famed coffeehouses of Amsterdam would be made smoke-free. Although proposed legislation in the Netherlands exempts cannabis smoke from the ban, many hashish users enjoy cutting their recreational pastime with tobacco, a practice which would become verboten after Jan. 1, 2008, if the ban passes the Netherlands Parliament.

Coffeehouses are reportedly experimenting with other herbs to substitute for tobacco, although inhaling burning milk thistle only appears healthier because of the lack of statistics against it. It would seem to me that almost any smoke would contain carcinogens similar to those in tobacco smoke, but the rarity of the practice has resulted in a dearth of research and warnings against it.

— Tim Slagle

The heavens declare — Intelligent Design theory definitely proves something. It proves how conceited we human beings are, thinking that we are the center of attention in a universe that has no center and has never paid us the slightest attention.

Begin with the fact that the universe is mostly empty and inert, vast stretches of vacant space punctuated by cosmic potholes that even light can't climb out of and billions and billions of balls of burning and exploding gases that will eventually run out of gas, leaving a spent, dark, diffuse, out-of-business, nobody-home universe. Add countless, pointless asteroids and comets and other lumps of rock and ice sometimes colliding with lifeless moons and airless planets that make the most derelict and insipid abandoned New Jersey strip mall look like paradise.

Then consider the one life-sustaining, inhabited planet we know of. Most of it is uninhabitable by humans, too wet, dry, hot, or cold, and the most durable animals on it are the most loathsome and stupid, like cockroaches. Or rats, which can go for weeks without food, tread water for three days, gnaw through cinder blocks, climb vertical walls, and endure extremes of heat and cold, while more attractive animals, like butterflies and songbirds and fashion models, succumb to an unfavorable breeze.

Among human beings high intelligence is rare and beauty is fragile and transient and creativity more so, with the real intelligent designers, the people producing the great poems and paintings and books and buildings and theorems and sonatas, often in precarious health and dying young or going mad or reduced to destitution. Societies of great creative accomplishment tend to go down quickly, too, like Athens or the Italian Renaissance city-states, crushed by bigger, stronger, stupider regimes, and something similar happens to intelligent directors in Hollywood. A Stupid Designer, then?

Maybe there really was an Intelligent Designer who had us in mind. He would have to resemble the late, great cartoonist Rube Goldberg, because in that case the universe is a laughably elaborate exercise in convoluted, ironic indirection and inefficiency. But on the evidence it would make more sense to think that the universe was designed by a Supreme Boulder on behalf of rocks or an Almighty Void for the sake of empty spaces. Or getting back to the rats, maybe an Intelligent, Providential Celestial Rodent.

If the universe had been expressly designed for us human beings, on the other hand, it would probably look like the neat little bandbox cosmos endorsed by the medieval church, with the earth in the center and the lighting, the sun and the moon and the stars, conveniently arranged in concentric transparent spheres, like a New York City studio apartment with lots of shelves.

— Eric Kenning

The iconic face — If a picture is better than words, a face may be best of all. Six million dead in the Jewish Holocaust is an abstraction. Anne Frank — young, female, innocent — personalizes it. We have her photo, and what's more, her diary, which is her voice.

Now the Palestinians have Rachel Corrie, a 23-year-old American from Olympia, Wash. Rachel died March 16, 2003, in Rafah, Gaza, under the tracks of an Israeli army bulldozer. Rachel was publicly protesting, blocking a bulldozer with her body so it wouldn't wreck Palestinian homes. She and other "internationals" did it that morning, and stopped the bulldozers. Then the Israelis went away and came back, and this time the bulldozer in front of Rachel did not stop.

One is reminded of the man who stood in front of a line of tanks in Beijing on June 4, 1989. He stopped the tanks only a minute or so, and disappeared without providing his face. But he had provided the most memorable image of resistance to the Chinese state.

There are no images of Rachel walking up the pile of dirt advancing in front of the heavy blade, challenging the driver to stop, then disappearing backwards, legs trapped under the advancing pile. But like Anne Frank, Rachel Corrie left a diary. Excerpts from the diary and emails were printed by the Guardian, a British paper, and made into a 90-minute play, "My Name Is Rachel Corrie." The play was performed in London and New York — though in New York it was first cancelled to please the supporters of Israel. I saw the play in Seattle. It is quite moving.

And so in the West, the Palestinian side has an iconic face.

Logically, its possession of one face should not matter. But it does. The two sides fight over it. The Israeli side does not want its opponents to have an Anne Frank. In the manner of playing a trump card, it offers a different photo. In this one, Rachel is surrounded by Palestinian children and holding up a child's drawing of an American flag, on fire. Rachel is yelling something, and we don't know what it is. It doesn't matter; it looks bad. To supporters of Israel, the image of Rachel with a burning flag cancels out the image of Rachel the victim. It

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nullifies it. Also, they stress, there was a purpose for the bulldozer: it was trying to uncover tunnels, which were used to smuggle weapons.

The original label on Rachel is that she was defending innocent Palestinians. Indeed, she was the very picture of it: young, female, and unarmed, standing in an orange jacket facing two men in a 50-ton Cat D9.

But really, insists the other side, the men were defending. They were using their bulldozer to protect innocent Israelis from terrorists. By blocking the bulldozer, Rachel was protecting the terrorists and therefore was really attacking.

Both sides say they are defending, and both sides believe it. They struggle over land, over words, and over the face of a dead 23-year-old from Olympia, Wash. The face is important. It has value, and neither side will concede it. — Bruce Ramsey

Vive le Neocon! — Honestly, you couldn't make this up. The results of France's presidential election are in, and the winner by a healthy margin is Nicolas Sarkozy. (He even won the majority of the popular vote among women — surprising, considering that his opponent was a woman.) Sarkozy is the son of a Hungarian immigrant and is definitely right-wing in his views. He favors a number of highly un-French ideas. He is for better relations with the United States. Even more out-

Word Watch

by Stephen Cox

Can it be that one reason why most people now prefer not to read daily newspapers is the increasing prominence of The Hook?

I mean the first part of a modern news story, the "human interest" part that's supposed to "hook" you into reading the rest.

The Los Angeles Times is the king of the hooksters. It's Captain Hook. Some days, every story on the Times' front page begins like this:

> Helen Kowalksi looked out the window of her 50-year-old, two-bedroom ranch home on a quiet, palm-shaded street in West Gardena. Something unusual was happening.
>
> On the surface, there was nothing extraordinary in the scene before her. Looking to her left, she could see her husband, Frank, mowing the little patch of lawn that separates the Kowalskis' property from the Applegates', next door. The sun was beginning to set. The temperature was 72 degrees, moderate for July in Southern California.
>
> Yet something was clearly wrong.
>
> "I knew it right away," Mrs. Kowalski said. A checker at the local T-Mart, she considers herself an expert at noticing the little things that can make or break one's day. "I could tell there was something going on, something
>
> *Continued, page A12.*
>
> that wasn't right."
>
> Her husband agreed. Frank Kowalski works as a baggage handler for United Airlines. "You know," he told a reporter who contacted him at his Magnolia Street home, "sometimes you just sense that something isn't right."
>
> And so, as the sun went down in the pink, LA County sky . . .

Etc., etc. Blah, blah, blah.

Warning: no actual articles were injured in the writing of this column. The specific nonsense you just read did not appear in the LA Times. I made it up. But no one can deny that it's typical of the Times and the innumerable papers that lurk in its dank journalistic shade.

And no one can deny that the effect is injurious. How many readers, do you think, have blown out an artery screaming at one of these rags, "What the *hell* is this story *about?*" Was there a mass murder in West Gardena? Did a flying saucer land? Was a nest of bigfoots discovered down the street from the Kowalskis' mansion? Were there poltergeist phenomena, or did the electricity just go off on its own? Maybe Mrs. Kowalski sighted the first, devilishly subtle hint of a Wal-Mart slouching toward the neighborhood. Did she? Or maybe she didn't. *Tell me!*

Who knows? Who cares? But this is the kind of verbiage that is supposed to "hook" you.

What it really does — if you remain awake — is convince you that somebody is trying to put something over on you. You can assume that no one would use a hook like that unless he or she was (A) trying to make an insignificant story look momentous, or (B) trying to frustrate your natural desire to take matters into your own hands and demand that you be told, right *now*, the answers to the traditional journalistic questions: Who? What? Where? and When?

To avoid this sort of manipulation, people flee newspapers for other media — only to get caught in the same trap there. Consider, for example, a Reuters story that appeared on the internet on April 6. It was an account of the run-up to the recent French election, an account that was aimed at Anglophone readers, the vast majority of whom probably didn't even know that an election was going to take place. But instead of giving the who-what-where-when, the story emitted reflections about the Frenchies' "passion for politics," the observations of a "French-English business consultant who lives in Munich and has just registered to vote," and some half-baked speculations regarding (alleged) Gallic "cynicism" about the country's "ageing, stale political leadership." All the frustrated reader could do was indulge a hope that the next time a business journalist reported on some happening at Reuters, he would postpone all substantive information until after he had editorialized at length about the company's ageing, stale editorial leadership. After all, what's sauce for the *oie* is sauce for the gander.

But there are worse stories. On the same day as the Reuters "report," there appeared an AFP internet story on food shortages in Zimbabwe. Now, Zimbabwe is ruled by a ruthless tyranny that has spent the past several years assiduously creating the conditions for famine and every other form of economic distress. But don't expect AFP to let you in on that. The story begins: "Winnie Mupunga normally produces 40,000 kilograms . . . of the staple corn cereal on her smallholding in southwestern Zimbabwe . . . "

rageously, he firmly supports (gasp!) the security of Israel. He wants to move toward classical liberalism in France's statist economic system, going so far as to call the French 35-hour work week "absurd." He also wants tougher immigration policies and more law and order in the streets. In short, he's a freakin' neocon.

His election sparked immediate riots by leftist youth, *mais oui*. They demonstrated their disappointment by overturning cars and hurling rocks at police. The rioters had no doubt voted for Sarkozy's socialist opponent, being angry at Sarkozy for calling them "scum" in earlier riots.

How he will actually govern is anyone's guess. The entrenched establishment will fight him tooth and nail every step of the way. Still, we are witnessing a fascinating sight. As America continues to move left, with proposals to socialize medicine and end free trade, Germany, Canada, and now France have elected rightist leaders, with many other nations adopting a variety of classical liberal (or as they call them, neoliberal) economic policies, such as flat-tax systems, vouchers, privatized retirement schemes, and suchlike. As we used to say in my old neighborhood, go figure. — Gary Jason

The reader is forced to wait until paragraph 4 to be told that Zimbabwe was "formerly the region's breadbasket" but now has a "drought in several of its 10 provinces." Well, the United States often experiences a drought in several of its "provinces," but strangely, the United States has never experienced a famine. Why are conditions here so much different from those in Zimbabwe? One would never guess.

The article mentions that the nation is "already reeling under [sic] the effects of a 1,730 percent inflation rate." Bingo! Now we're approaching the real problem: the government is wrecking the economy. But that's not the issue, so far as AFP is concerned. The story rambles on for another 20 paragraphs before even mentioning the government, and then it does so only to quote some government propaganda about how the government is getting ready to pay for imported food. Pay? the alert reader asks. With *what?*

The alert reader may ask that question, but the writer and editor certainly don't. The most that their article does (after wasting several *more* paragraphs) is to tell you that "Zimbabwe is already saddled with economic crisis characterised by a four-digit rate of inflation, unemployment of around 80 percent and chronic shortages of basic foodstuffs like cooking oil, sugar and foreign currency."

Let's see . . . the country is "saddled," eh? Now there's a fresh term. But who's in the saddle? It isn't Milton Friedman, that's for sure. Then who? Could it be . . . the government? Apparently, however, it's too much to expect that possibility to be entertained in the first few dozen paragraphs of a news story about problems manifestly caused by government.

The odd thing is that nobody likes this approach to news. Nobody is taken in by it. Nobody is enticed by it. It's boring everyone silly. Yet it goes on.

I'm reminded of an opposing example. It's from the greatest of all film comedies, "His Girl Friday" (1940). Cary Grant plays a newspaper editor. Rosalind Russell is his reporter. She's writing the biggest story of her life, a story about how her own paper uncovered a monstrous miscarriage of justice. But she gets carried away with her prose and fails to make a timely mention of the newspaper's role in the events she's trying to report. Baffled by this approach, Grant interrupts her, demanding to know where she's going to talk about the paper. Oh, she says, in the second paragraph. That's too much for him. He explodes, "Haven't I taught you anything? *Who's gonna read the SECOND PARAGRAPH?"*

Who indeed? Especially if the first paragraph is nothing but The Hook.

Precipitating chaos — A New York Times article by Carl Hulse and Jeff Zeleny (May 9) discussed a meeting between President Bush and 30 "moderate" Republicans, who expressed frustration about the Iraq war as heard from their constituents.

According to Hulse and Zeleny, "Lawmakers said Mr. Bush made no commitments, but seemed grateful for their support and said a precipitous withdrawal from Iraq could cause the sort of chaos that occurred in Southeast Asia after Americans left Vietnam."

That's an instructive analogy.

In 1975, after almost two decades of involvement, the United States pulled out and the Communists reunited North and South Vietnam. Bad things happened to people there as a result, though U.S. troops stopped dying there. Over the next several decades, many of the best and brightest, most entrepreneurial, hardest-working Vietnamese moved to the U.S. and helped our economy, as immigrants often do. Communism didn't work in Vietnam, any more than it worked anywhere else. And so Vietnam began to engage in capitalistic acts. Our trade with Vietnam has gone from $4.6 million in exports, $0 in imports in 1992 to $330 million in exports, $2.2 billion in imports in 2007. We've had a trade deficit (that is, Vietnam has sent us more real goods for our people to enjoy than we have sent them for their people to enjoy) every year since 1997. It has been over $1 billion every year since 2002, and it continues to grow.

Oh, by the way, there have been no terrorist attacks on the U.S. by Vietnamese over the decades since we've pulled out.

Yes, we just couldn't have anything like that happening in our relationship with the people of the Middle East.

— Ross Levatter

The forgotten man — Media bias was on ample display after the Republican presidential debate. Only this time, the victim of bias was a candidate who took positions that most modern liberals claim to share.

Ron Paul firmly and repeatedly attacked the war on Iraq and called for withdrawal. He closed by blasting Bush's record on civil liberties and pledging to defend habeas corpus if elected. But the post-debate spin shows either completely ignored what he said or, worse, lumped him in with all the rest.

Although Paul came out like gangbusters against a pardon of Scooter Libby, and even criticized Libby's role in deceiving us into war, Chris Matthews had the gall to lament that nobody had taken this position. The last few seconds of MSNBC's segment brought a slight improvement when Keith Olbermann awkwardly announced that Paul had won the network's online poll as the best debater . . . but, of course, time was up and nothing more could be said.

Later that night, CNN's post-debate spin segment sank to an even lower low. The panel included Arianna Huffington and some neocon guy from the Weekly Standard. Nobody mentioned Paul's views. The insufferable Huffington, who either did not watch the debate or lied about what she saw, self-righteously proclaimed that all ten candidates supported the war. Nobody challenged her. Are we to be spared nothing?

The prime movers in the media obviously dislike pro-war conservatives; but, if this example is any indication, they have an even greater dislike of antiwar libertarians.

— David T. Beito

Diff'rent strokes — On April 19, AOL News ran a story about Max Karson, a junior at the University of Colorado. Seems he was suspended from school, and arrested, for making comments others interpreted as sympathetic to the actions of Virginia Tech gunman Cho Seung-Hui.

"CU police Commander Brad Wiesley says Karson made comments about understanding how someone could kill 32 people during a class Tuesday. Students reported the comments at about 1 p.m. Wiesley says people in the class interpreted Karson's statements as threats."

This is understandable, because we are in America. In America, one only commits murder, especially mass murder, if one is dangerously insane, and similarly one only publicly suggests such acts are understandable if one is mentally ill.

Immediately next to this story on AOL News was a picture of a teenage girl carrying a baby while walking across a Baghdad intersection. In the background were destroyed buildings, smashed cars, and body parts. The picture was part of a story announcing that 168 men, women, and children had been killed in Baghdad that day.

White House sources blamed sectarian violence. That is understandable, because they are in Iraq. In Iraq, one only commits murder, especially mass murder, if one is evil, opposed to liberty and freedom, and hates the United States for the freedoms it possesses. — Ross Levatter

You pays your money, you takes your chances — France has elected a conservative president, signaling a move away from socialism. Not that France was really socialist in the first place — after all, they have a national lottery.

To me, lotteries seem antithetical to the egalitarian ideals of socialism. Perhaps France should instead have a socialist lottery. Rather than only one winner, the prize would be divided equally among everyone who bought a ticket: for the cost of a dollar, you would be assured a prize of about 75 cents.

On second thought: is it fair to only reward those who have enough money to buy a ticket? Perhaps a more equitable lottery would give a prize to every citizen of France, regardless of whether they had bought a ticket or not. — Tim Slagle

Joining the club — In April, the Czech Republic approved a new tax policy: personal income taxes will fall to a flat 15% starting next year, replacing the current progressive scale, which ranges from 12% to 32%. The 15% figure is a bit misleading, because it will include as income government transfer payments (social security, for example) and private perks (such as employer health-care contributions); the effective rate will probably be more like 23%. This is still an improvement. No doubt the sight of a former, poorer partner, Slovakia, which has been growing faster than the Czech Republic since Slovakia instituted a flat 19% tax some time back, concentrated the Czech mind wonderfully.

The flat tax club now includes 15 members: the Czech Republic, Estonia, Georgia, Hong Kong, Iceland, Kyrgyzstan, Latvia, Lithuania, Macedonia, Mongolia, Romania, Russia, Serbia, Slovakia, and Ukraine. Greece and Croatia are planning to adopt the flat tax system in the immediate future, and it is under serious scrutiny in Germany and the Netherlands.

The economic arguments for the flat tax are compelling. It is far simpler than progressive schemes, and would therefore save a huge amount of taxpayer time and money. It is far more economically efficient, and seems likely to raise more revenue. And it would result in less deformation of investment choices; people wouldn't suddenly pull their money out of stocks if some tax break for real estate gets passed, or plunge everything into the stock market if someone lowers the tax rate on dividends.

But experience is even more compelling than the arguments. The sight of more and more countries moving to a flat tax system may finally motivate the U.S. to rise to the occasion. At least, we can hope. — Gary Jason

No Cossacks in America — Yes, I know July 4 isn't a Jewish holiday, but many of my kinsmen think it should be. And in my heart of hearts I'm well aware that our oldest and fondest prayers invoke Jerusalem, not Washington D.C., but it's entirely appropriate to give thanks for America — the "New Jerusalem."

Europe seems to be regressing to its old Jew-hating ways: especially Muscovy, USSR, Russia, whatever the name, and its Ukrainian suburbs. This inflamed slice of real estate has always been a Jewish death camp. Who else but Russian Jews would have originated the expression, "If G-d lived here, they'd break his windows"? The meaning is a little unclear; either G-d's chosen people would throw rocks at His house to protest his injustice, or the Muscovites would stone G-d as well as the Jews. After all, if his son was Jewish, then He must be one, too.

While Russian Jews suffered pogroms, American Jews were only banned from the country club and endured bad jokes about lengthy noses and frugality. Those of us sensitive to such juvenilia formed our own country clubs and invented rhinoplasty to solve the nose problem. Finally, we made so much money we could afford lavish donations to Jewish charities and still have enough left for country clubs.

How could Jew-haters grab a serious hold on the American heart? As Emma Lazarus announced, we are a nation of "huddled masses." So she said on the Statue of Liberty. All victims — no Cossacks. America, the New Zion, founded by those quirky Puritans, had provided a flourishing home for mavericks like us. The Puritan founders envisioned their Brave New World as having all the sanctity of Jerusalem. They were a rare breed with an affinity for Zion because they were Old Testament believers — separatists who had split with the Church of England. A strong Old Testament core defined them. Even Macaulay, most notable of English historians, tells

us that "they began to feel for the Old Testament a preference." They were not frivolous folks who preferred pinochle to the study of Isaiah.

Even in the '30s and '40s, when I grew up in Memphis, Tenn., the racial climate was as warm as the Southern weather. Serious anti-Semitism was not trendy, even though some snaggletooth towhead insisted on calling me a "JB." Means "Jew Baby," a kind friend informed me.

And I'll never forget Miss Smith, my third-grade teacher at Vollentine School. She was a large woman about the size of two of today's fashion models, with gray hair pulled back from a ruddy, round face. On a day that still lives in my memory, she and I stood facing the class with her arm around my shoulders. She looked out to her students, her eyes focused above them. I looked down. I had just finished reciting a poem to the class, and before I could return to my desk, Miss Smith came to my side. "Children, Teddy is Jewish. And I like Jewish kids. Teddy's people have made some major contributions to the South. How many of you know of Dr. Joseph Goldberger who cured pellagra?" Not one kid knew of Goldberger or pellagra (70 years later, they still don't), whereupon Miss Smith went on to tell her class how the Jewish doctor had deduced that this scourge of the rural South was caused by a dietary deficiency.

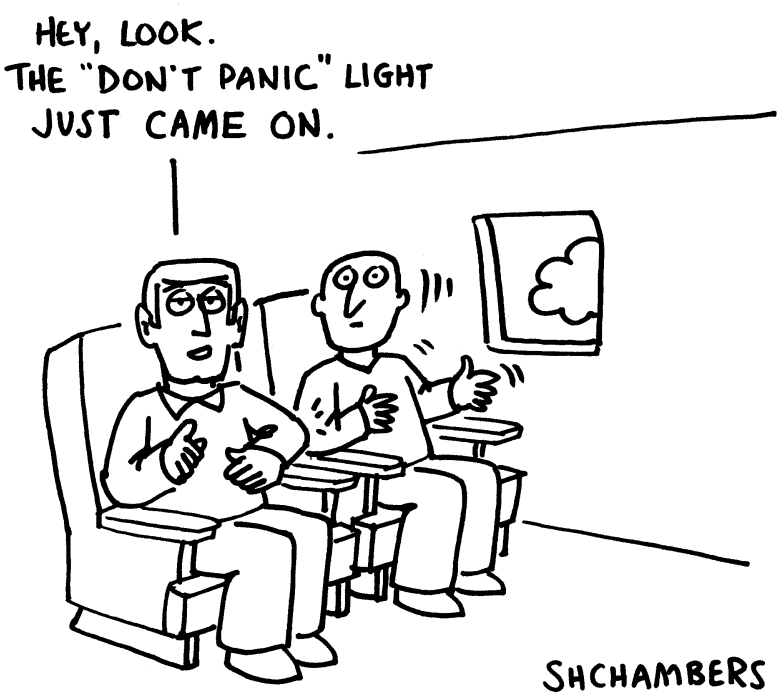

She was a good storyteller and told the tale of Goldberger's medical sleuthing with gusto. "But his people [meaning mine and Dr. Goldberger's] are having a bad time, 'specially in Germany, because of an evil man named Hitler. Here in America we'd just send the dogcatcher to pick up a fleahound like Hitler." According to Miss Smith, the Antichrist had come to destroy the world, and of course he began with the Lord's people, the Jews. It was Armageddon time.

This talk made me nervous. I'd never heard of Joseph Goldberger, either. I was only Teddy Roberts, third-grader in Vollentine Junior High; not the certified representative of the Lord's people, or the Jewish race; or a warrior in the battle of Armageddon.

"I like Jewish kids," she repeated. "It's a shame we don't have more of them here in Memphis." That's what she said.

The classroom was full of giggles — because of "Hitler and his fleas," I hoped, and not because of me and the fact that in Tennessee, Jews were as rare as polar bears. Miss Smith's speeches made me uncomfortable — like singing Christmas carols. But I did like the feel of her big hand on my shoulder.

Afterward, we sang "America, the Beautiful." I wasn't uncomfortable at all. — Ted Roberts

Reform, reform everywhere — I have reflected before on how bittersweet it is to see classical liberal ideas adopted in other countries while being spurned here. It is sweet, because every such improvement is a step towards the ultimate goal of a free and flourishing world. It is bitter, because our country, hitherto the paragon of classically liberal governance, has been moving in the dirigiste direction for many decades.

It is bittersweet to see countries such as Russia and Estonia adopt the flat tax, while our tax code grows ever more labyrinthine. It is bittersweet to see welfare states like Sweden completely eliminate the gift and inheritance taxes, while we couldn't accomplish that even when the Republicans controlled Congress and the presidency simultaneously. It is bittersweet to see countries such as Denmark and Sweden have the guts to set up school voucher systems, while we have to fight state by state, enacting such programs in only a few places, and even in those places have to fight an endless stream of attacks by reactionary teachers' unions seeking to undo the progress. It is bittersweet to see New Zealand work up the nerve to eliminate farm subsidies completely, while we only increase ours.

Especially bittersweet it is to see other countries privatize their pension systems while we sit on our posteriors, watching the slow-motion train wreck that is the Great American Entitlement Ponzi Scheme Boomer Bust. This year — a year in which the vast Boomer cohort is at its earning (hence taxpaying) peak, the entitlement programs (Social Security, Medicare, and Medicaid) consume nearly half the Federal budget. In 20 years or so, when the Boomers will all be holding *their* hands out, and when *their* bodies will be going the way of all flesh, the entitlement programs will consume virtually the entire budget. But our government has done nothing to fix the problem, which in the case of Social Security ought to be complete privatization.

Meanwhile, other countries are moving toward privatizing retirement accounts. Of course, Chile is the exemplar here: it instituted fully private pensions decades ago, and now 95% of Chileans own their own retirement accounts. Sweden now allows workers to divert some of their pension taxes to private accounts.

"Unbelievable." Buddy Mayfield, a retired alfalfa farmer in central Kansas, slapped at his newspaper. He'd just finished his scrambled egg breakfast and was still seated at his kitchen table.

His wife Sarah, wiping the stove with a damp sponge, glanced at him but said nothing.

"Says here," Mayfield continued, "that the NBA has been engaged in spying on American citizens." He ran his thick-fingered hand over his stubbly jowls. "That's the National Basketball Association."

"Misprint," Sarah said. "They mean N*S*A. National Security Administration. Which is bad enough."

"Ain't what it says," Mayfield squinted at the paper. "Says N*B*A."

"Misprint," Sarah repeated, her sponging steady, rhythmic, undisturbed.

Once again her husband rubbed his hand unhappily over his grizzled face.

When General Curtis Strong swung open the door to his office deep in the Pentagon, he was surprised to see someone in the room — an extremely tall young black man wearing an impeccable gray suit. The man was stooped over, rooting through one of the drawers in the general's massive oak desk.

"Excuse me," the General said with some indignation. "This is my office. Who are you?"

"Yo," the young man greeted him. "What's happenin'?"

"This is a restricted area," the general said. "Do you have clearance? How did you get in here?"

The young man slid shut the drawer and stood up. His shaved, gleaming dome almost touched the ceiling. "I hope you got some answers to go along with them questions," he said.

"Answers? What sort of answers?" As he advanced, the general found it hurt his neck to gaze up at his towering visitor.

"My man, I see you been makin' some phone calls overseas."

"Of course I have. I know people over there. We've got troops over there."

The young man adjusted the knot in his red silk tie. "And that's who you been callin'? Troops? You ain't been callin' nobody else?"

"Well, I don't . . . say, who the hell are you? What gives you the right—"

Smoothly the visitor extracted a small notepad from his breast pocket and flipped it open. "This here, lemme see, Rasheeda Nawaz. Over there in Pakistan. She a troop? She al Qaeda, a lady friend, or what?"

His knees suddenly weak, the general sat himself in front of his desk in a padded wooden chair. He noticed, oddly, that there was a Spalding basketball resting next to his computer. "I wouldn't call her a 'lady friend,' exactly," he stammered. "We're acquaintances. We know each other, sort of."

"Uh huh. You been callin' her a lot."

"Well, we're pretty close acquaintances." Using a handkerchief, the General dabbed at some moisture on his upper lip. "Not something my wife needs to know about, by the way."

The young man peered down at him awhile. "That's cool," he said finally. "If that's what it is, that's cool. We check it out."

Seeing the general staring at the basketball, the visitor snatched it up with one spidery hand. He returned the notepad to his breast pocket and poised the basketball on the tip of his right index finger. Flicking the ball with his left hand, he caused it to spin rapidly, magically, like some subatomic particle. Its balance never wavered.

The general's eyes brightened. "Say, haven't I seen you on TV?" he asked.

The young man smiled faintly, revealing a gold tooth. He seized the basketball and dribbled it a few times ferociously. *Boing boing boing!*

"You're the Dunkster!" the general blurted. "You got suspended last year for clotheslining Kobe Bryant in the playoffs. He fell out of the sky like a helicopter!"

The Dunkster shrugged. "Kobe gotta gimme my space. Just like al Qaeda gotta give us *our* space, you know what I'm sayin'?"

The General nodded. He seemed confused and dazzled. "My grandson loves you," he said. "He'd really appreciate your autograph. You think maybe . . . "

Once again the Dunkster produced the notepad. He scooped an engraved pen off the desk and scribbled something on the pad, ripped out the sheet of paper. He dangled it before the General.

Timidly the general extended his fingers, but the autographed paper danced just out of reach.

"Twenty-five dollar, my man," the Dunkster said.

In his sunlit kitchen, a pair of black-capped chickadees singing outside, Buddy Mayfield folded his newspaper and tossed it on the table. "I guess you're right," he said. "The NBA spying on people . . . It don't hardly make sense."

"It don't make no sense at all," Sarah said. She placed the sponge on the back of the sink and turned on the water, preparing to rinse her hands. "Sometimes you worry too much."

He cast his gray eyes out the window. "Shaquille O'Neal, he's a good man. He ain't no domestic spy."

"Certainly not."

"Allen Iverson, LeBron James . . . "

"Newspapers make mistakes," she soothed him, drying her hands. "Everyone does. Here, let me cut you a nice piece of apple pie."

— Greg Jenkins

But for sheer political moxie, you can't find a better example than our neighbor to the south. Mexico has succeeded in passing a major reform of the government employee pension system, a fiscal nightmare whose deficit was projected to balloon in the near future. President Felipe Calderón, who won the presidency with only 34% of the vote, managed to build a coalition between his party and opposing parties to get the reform bill passed.

Under this bill, new state employees (teachers, bureaucrats, and others) will start paying into their own accounts in a state-run pension fund. Existing workers can either switch to this new plan or stay with the existing one — but if they stay, they will face increasing contribution requirements and a later retirement age. After a transition period of three years, the government-run fund will have to compete with the private-sector funds set up for private-sector employees in 1997. After those three years, both state and private-sector employees can select any fund they wish for their contributions.

What are the chances that Bush could convince his own party, let alone the Democrats, to institute such a profound reform? *Absolutamente cero, amigos.* — Gary Jason

Ignorance is bliss — Questionably talented celebrity Paris Hilton was found guilty of driving on a suspended license and sentenced to 45 days in jail. Her attorneys managed to finagle a delay in sentencing so that the tabloids could ruminate over it for a few weeks, and prepare space in next month's issue for the orange jumpsuit layout.

I wonder if this was the correct sentence. Although there is a public outcry for some sort of justice to be levied against this scofflaw, all the surrounding publicity only serves to feed her insatiable appetite for attention. There's a very good chance that her manager is right this minute salivating over the possibilities of a new reality show, and perhaps another underground porno tape. It is one of those rare occurrences that make me wish I were King of the World. Rather than sentence this creature to 45 days of front-page press, I would order that everybody just ignore her for a month. I imagine the torture of being treated like a normal person would be unbearable, and possibly corrective. — Tim Slagle

Why the tigers broke free — Bad people do bad things. There's nothing to be done about it, except to use the still-warm bodies to prop up political agendas. Several interest groups wasted no time in doing that with the Virginia Tech shootings.

That incident inevitably dredged up memories of the previous ones. Columbine is the best remembered. There's a temptation to think of the two as part of the same phenomenon: deranged kids who play violent video games and write violent stories and listen to violent music, who decide to shoot their peers and then turn the guns on themselves. Indeed, the Tech shooter, in the videos he left behind, called the Columbine shooters "martyrs."

Still, the motivations are quite different. Columbine and Virginia Tech are different in an instructive, and therefore important, way.

I have a friend my age, mid-20s, who found school annoying and boring at times, but basically okay. For me, school was hell. With a few blessed exceptions — a teacher here, a class there — it was an oppressive system of tyrants who got off on having power over me. When the teachers weren't coming for me, the bullies were. My friend doesn't understand Pink Floyd's "The Wall." For me, its significance is almost religious.

My friend doesn't understand how a kid in one of our education factories could flip and shoot the place up. I can. Editorial custom requires the disclaimer that I could not, and would not, kill innocent people myself; something is wrong with the mental machinery of the Klebolds and Harrises and Cho Seung-Huis of the world. But that doesn't mean I can't empathize with the way kids feel when they inhabit the lowest rung of a school social hierarchy.

My friend doesn't understand how I could empathize with the shooters. I don't understand how he couldn't. I can't help but feel *that's* what causes school shootings like the one at Columbine: two radically different and irreconcilable conceptions of the school experience. Between my friend and me, it is not a problem — but between a "troubled" child and an incompetent school principal, or between a bullied kid and a daft "zero-tolerance" legislator, the stark incomprehension is a recipe for disaster. The last thing a kid pissed off at the world needs is a helpful "intervention" by a school counselor, or a one-size-fits-all punishment from a school administrator, before getting stuck back in a classroom with the same kids who will drive him to shoot up his school.

Virginia Tech wasn't a Columbine. I don't know what caused it, probably no one really does, and it doesn't matter. Thirty-two people are dead and they're not coming back, and Cho Seung-Hui isn't going to be shooting any more people, ever. But he was a legal adult taking a class from Nikki Giovanni. He could cut class, or leave school, or move to a different city, any time he cared to. That's a very different thing from a couple of kids taking geometry and English classes in high school under a compulsory attendance law. There are many implications to this. The only one I'm concerned with

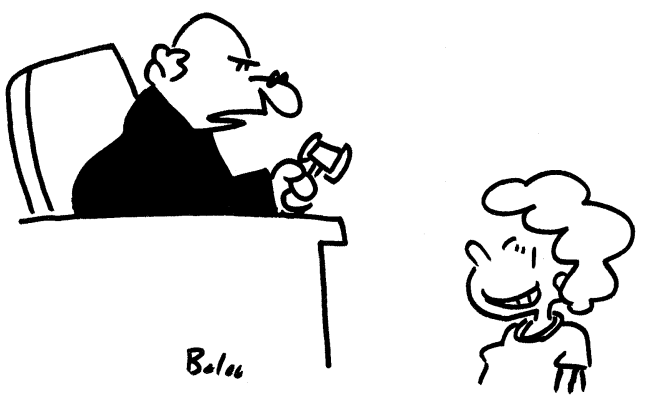

"How the devil could it have been the other car's fault? — It was parked in an auto showroom!"

here is that school shootings aren't a uniform phenomenon, and that anyone who wants to fix the problem should start by recognizing that maybe there isn't *a* problem. Maybe the world is an imperfect one in which crazy people sometimes shoot up classrooms. — Patrick Quealy

Where have all the liberals gone? — Does anyone else sense that the philosophical and practical, if not perhaps yet quite political, decline of contemporary liberalism may not be far off? The idea of liberalism for much of the 20th century was that bigger government is better. As it happens, unlike many libertarians, I don't believe that more government is necessarily a great evil. Far too many libertarians, it seems to this humble reflector, equate a slightly higher marginal tax rate with storm troopers at the door in the middle of the night.

To be clear, I think it is typically correct to oppose higher marginal tax rates, but this is not my point. Rather, my point is the intellectual bankruptcy of contemporary liberalism. The fact is that contemporary liberalism has largely degenerated, at the local level, to higher pay for existing government workers. In other words, contemporary liberals do not seek more tax money for new programs to do (in their eyes) good things. Rather, they seek and use new tax money simply for higher pay and better benefits for existing government positions. It's hard to see much liberal about that.

Besides standing for higher pay for government workers, contemporary liberalism at the local level often works hard to make it more difficult for people to build or improve homes or businesses. It is hard to see anything very liberal about that, either.

At the state and national levels, liberals typically oppose educational reform. Once again, it's hard to see this as liberal, particularly when American public education is doing such a poor job for so many children, especially poor and minority children.

At the international level, liberals often oppose free trade. They would like people in the United States not to enjoy all the benefits of free trade, so that people in developing countries can remain without those benefits, too. And from an ecological perspective, liberals too often oppose the technological innovation that might literally save the planet.

In short, it was one thing when liberals said, we want more money to build more roads and open new schools. Individuals can differ over the appropriate functions of government, and they certainly differ about particular expenditures. But it is a different argument to demand more money for roads and schools than it is to demand more money for higher pay for government workers, or to make it difficult for people to build, or to stymie educational reform, oppose trade, and oppose progress. Contemporary liberalism is out of touch with reality. The policies it favors do not comport with the ends that liberals say they seek.

For these reasons, and many other good libertarian ones, the end of contemporary liberalism may be sooner than we think. Contemporary liberalism just isn't very liberal.

— Lanny Ebenstein

Hot topic — For those interested in the global warming debate, there are two recent shows that haven't gotten much airtime that are well worth listening to. First, as a reader kindly informed me, a British TV program called "The Great

Liberty

is hiring!

Liberty seeks to hire an

Assistant Editor

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Global Warming Swindle" is now available on the internet. If you google the title, you can download and watch it. The show caused quite a stir in Britain, being a blunt critique of the whole global warming theory. Thank God for the internet — the mainstream media can no longer just spike stories that go against the received wisdom.

The show features quite a few prominent scientists who express their doubts about various postulates of both the Narrow and the Grand Theory of Warming — scientists from prestigious institutions, such as MIT, NASA, the International Arctic Research Centre, and others. I can't say I agree with everything the show presents, but it's a vigorous presentation.

A second show that went unnoticed in the major media was a debate held on NPR about the Intelligence Squared U.S. program. Again, you can find the home page (and download the audio of the entire debate) by googling "NPR Global Warming is Not a Crisis." Arguing in favor of the not-a-crisis proposition were Michael Crichton (bestselling author and filmmaker), Richard Lindzen (MIT professor of meteorology and probably the best known critic of global warming), and Philip Stott (emeritus professor of biogeography at the University of London). Arguing against the proposition were Brenda Ekwurzel (climate scientist with the Union of Concerned Scientists), Gavin Schmidt (climate modeler at the NASA Goddard Institute for Space Studies), and Richard Somerville (professor at the Scripps Institute of Oceanography). Both sides articulated their positions well, giving an unusually balanced presentation of a highly politicized topic.

It is interesting that in a vote before the debate, 30% of the audience agreed with the motion, 13% was undecided, and 57% opposed (i.e., believed that global warming is a real crisis). After listening to the debate, 46% agreed with the motion, 12% were undecided, and only 42% remained opposed. — Gary Jason

Give me martyrdom, but not yet — We are in a war against Islamofascism, we are told. They hate us because of their fanatical religion, we are told. They have declared war against the West with no reason — we have done nothing to them — and they know no answer except force. We cannot compromise with them, we are told, because they have no fear of death. They believe that when they die they'll be greeted by 72 virgins.

Why do so many otherwise sane people find that in any way believable? Christians, too, believe in everlasting life after death, albeit (as Mark Twain delightfully lampooned in his "Letters From the Earth") without sex. How many Christians do we see cutting their lives short in order more quickly to enjoy the benefits of everlasting bliss in the hereafter? Why aren't more Muslim fanatics saying to themselves and their leaders, as a counterpoise to St. Augustine's famous aphorism ("Oh Lord, give me chastity, but do not give it yet"): "Yes, 72 virgins sounds like a good deal. Can you sign me up in, say, 20 years?"

Granted, Christians, unlike jihadist Muslims, may think they'll be denied the blessings of heaven if they commit suicide or otherwise deliberately cause their own deaths. But I have never seen any study indicating that those who truly believe in everlasting bliss after an earthly demise act more recklessly: use their seatbelts less often, bungee-dive more, or otherwise do anything that at the margin hastens their shuffling off this mortal coil earlier than their more secular brethren. So why do we so easily believe it of those whose religion is, like themselves, more foreign? Because it is easy to believe tall tales of those whom you see as your enemy? Because it stops us from having to look for more straightforward explanations?

Such as this: here's an excerpt from Robert Fisk's "The Great War for Civilization: The Conquest of the Middle East," a magisterial history of the Middle East in the 20th century. Fisk is a journalist (and masterly writer) who has covered the region for more than three decades, and has personally interviewed all principals, including Osama bin Laden. This passage is from the beginning of Chapter 19, "Now Thrive the Armourers . . . " Fisk is visiting a 24,000 square foot exhibition center demonstrating the latest and greatest in weaponry, right in the middle of Abu Dhabi:

> [T]here lay on display some of the most sophisticated and most lethal ordnance ever made by man . . . a French missile, a German tank, an American Hellfire rocket, a British armoured vehicle, a Dutch self-propelled gun, a shelf of Italian pistols, a Russian automatic rifle, a South African army video-screen of crimson explosions . . .
>
> For twenty-five years now, the crudest and most fabulously designed bullets, rockets, missiles, tank shells, artillery rounds and grenades have been hurled in my direction [as he covered the many wars of the Middle East] . . . Israelis with American Hellfire air-to-ground missiles, Syrians with Russian T-72 tanks, RAF pilots with American cluster bombs, Afghan mujahedin with Russian AK-47 rifles, Russians with Hind helicopter gunships, Iraqis and Azerbaijanis with Russian-manufactured Scud rockets and Iranians with US-made sniper rifles and Americans with Boeing fighter-bombers and battleships whose shells were the size of Volkswagens . . . In a quarter of a century, I've seen thousands of corpses — women

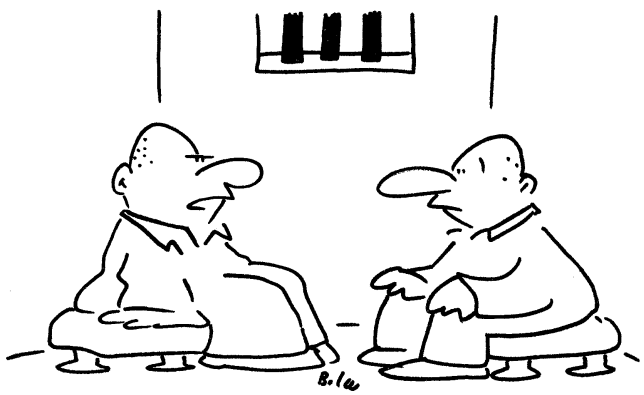

"Well, I learned something from all this — alien abduction makes a *lousy* alibi."

and children as well as men — blasted, shredded, eviscerated, disembowelled, beheaded, lobotomised, castrated, and otherwise annihilated by the multi-billion dollar arms industry. Almost all of them were Muslims. This is a symbol of our triumph over the Middle East in Abu Dhabi this hot March day of 2001, our ability to kill Muslims — and to help Muslims kill other Muslims — with our weapons. They have no weapons that can touch us. Not yet. Not for another six months.

Perhaps one need not posit the delights of otherworldly hymen breakage to understand what might motivate some Muslims to despise the West. Perhaps we need not believe they have a visceral hatred of freedom and democracy to find some explanation for their bizarre actions. Perhaps we need only realize that, not being Christians, it was unreasonable to assume that they would forever turn the other cheek.

— Ross Levatter

Joining Team America — The election of Nicolas Sarkozy as president of France prompts the observation that, rhetoric aside, many of the leading nations in the world are moving in an American direction. France, Germany, and Canada have now replaced leaders relatively lukewarm to America with relatively pro-American ones. The Anglo-American alliance, with Tony Blair, has been strong, and now that he has resigned his post, it appears possible that Conservative David Cameron will win the next election in Great Britain. In Asia, Japan and Australia have, if anything, moved even closer to the United States than they historically have been. U.S.-Indian relations are stronger than ever, in part because of the perceived shared twin threats of China and militaristic Islam.

In short, notwithstanding rhetoric and impressions to the contrary, voters in leading nations around the world are entrusting their governance to leaders who support an active role for the United States in the world. I have always questioned the large segment of the libertarian movement that almost reflexively adopts superficially pacifist policies — the segment that opposed the Vietnam War, opposed military expenditures in the Nixon, Ford, and Reagan administrations, opposed an antiballistic missile system and then the Strategic Defense Initiative, opposed the deployment of intermediate-range ballistic missiles in western Europe in the 1980s, opposed the Gulf War, and that now opposes the Iraq War. It would be possible to identify libertarian leaders who have taken every single one of these (in my view) mistaken policy positions, and, what is worse, continue to maintain them.

Bad policy ideas are very difficult for people of any political orientation to shake. Moreover, it is always possible to question the implementation of policies, as distinct from their general direction. But, if the voters of the world are a leading indicator, things may just yet turn out better in Iraq than now hoped.

— Lanny Ebenstein

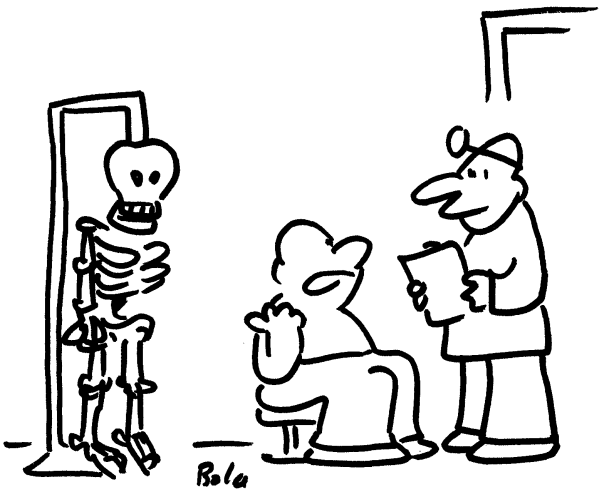

"Which HMO does *he* belong to?"

Nuke sensation — Nuclear power seems to be making a comeback in America, and Texas is leading the way. TXU Corporation has announced it is canceling plans to open a bunch of coal-fueled power plants and will instead open nukes. Other Texas utilities, such as Amarillo Power, Exelon, and NRG Energy have also announced plans to open nuclear plants (pronounced "newkewler" in that region of the country). Indeed, if all the planned reactors actually open, within a decade Texas will have more newkewler plants than any other state.

Some news that will make libertarian hearts glow (so to speak): under Texas' new deregulated system, any cost overruns will be covered by the power company shareholders or by the federal government, not by the consumers or residents of wherever the new plants are going. This should lessen NIMBY resistance — though paying people near the plants a yearly stipend would be even better.

Less welcome news is that TXU will be buying the reactors from Mitsubishi Heavy Industries Ltd., a Japanese company. As plants get built around the country, other likely reactor suppliers will be Westinghouse, formerly an American company, but bought by Japanese years ago, and Areva, France's major supplier of reactors. GE is the sole remaining American supplier, and it cannot possibly handle all the new orders.

So the sad fact is that if America does finally return to nuclear power, it will be paying massive amounts of money to foreign companies using American technology to do the job. When you think of all the highly skilled jobs destroyed when the environmentalists and other antinuclear activists killed nuclear power in the 1970s, it is nauseating. We destroyed an entire industry, turned to foreign oil, shipped trillions of dollars to people who want to kill us — and now we may need that industry back, so we'll have to buy it from abroad for higher prices. Amazing.

I have a modest marketing suggestion. Since the aging hippies who did in the nuclear power industry in the 1970s are still around, maybe we should rename the technology . . . something like "New Kewler Power"? — Gary Jason

The Failed Playwright of Virginia Tech

by Scott Stein

Can studying a killer's art help us prevent future carnage?

After Cho Seung-Hui killed 32 people and himself at Virgina Tech on April 17, 2007, media attention quickly turned to the "warning signs." Whenever one of these mass school shootings occurs, much is made of the warning signs that were missed. How could school officials or family members not have known what these shooters were planning? How could they not have known about the bullying, the hours in the garage building pipe bombs, the rage, the isolation? How could they not have seen the violent video games and aggressive music as the clues that, in retrospect, some believed they clearly were?

This standard narrative that follows mass school shootings unraveled before it really got going in the Virginia Tech case. Cho's warning signs were everywhere, and no one seemed to miss any of them. There were stalking accusations, psychological evaluations, police reports, and freaked-out professors and students. Even Cho's creative writing — the ostensible cause of the freaked-out professors and students — was taken as a warning sign.

In fall 2005, Cho's poetry professor, Nikki Giovanni, insisted that, because his "poetry was so intimidating — and his behavior so menacing," he be removed from her course. According to cnn.com, "Giovanni went to the department's then-chairwoman, Lucinda Roy, and told her, 'I was willing to resign before I was going to continue with him.' Roy took Cho out of Giovanni's class."[1] Roy taught Cho herself, one on one, but "[h]is writings were so disturbing, she said, that she went to the police and university administrators for help."[2] His poems, to my knowledge, have not been made available to the public. However, two of his plays have been. Shortly after the shooting, Cho's former classmate Ian MacFarlane, an AOL employee, posted an entry on AOL News Bloggers containing the full text of "Richard McBeef" and "Mr. Brownstone." Both pieces were submitted by Cho to a playwriting class that he and MacFarlane attended. The plays are described, in a warning by AOL, as containing "disturbing content."[3] MacFarlane goes further:

> When we read Cho's plays, it was like something out of a nightmare. The plays had really twisted, macabre violence that used weapons I wouldn't have even thought of. Before Cho got to class that day, we students were talking to each other with serious worry about whether he could be a school shooter. I was even thinking of scenarios of what I would do in case he did come in with a gun, I was that

> freaked out about him. When the students gave reviews of his play in class, we were very careful with our words in case he decided to snap. Even the professor didn't pressure him to give closing comments.[4]

Early in the blog's comments section, there was broad agreement about the clear signal the plays were sending. One woman, Judi, wrote, "Why didn't his instructors see that something was very seriously wrong with this man at the time of this writing[?]"[5] Another commenter, Blackdog, wrote, "I'm very surprised that writing like this didn't get the attention of the school authorities. He was obviously a very angry young man and relayed issues that he had through his writing."[6] A third commenter, Linda, wrote, "Guess I'm naive, but this piece of porn should've elicited some kind of action when he turned it in. Perhaps, in our depraved society, this was not considered out of the 'norm'."[7]

Cho's warning signs were everywhere, and no one seemed to miss any of them.

These early commenters on the blog did not know when they wrote the above that, indeed, Cho's creative writing had attracted the attention not only of school authorities but also of the police. When asked, however, "about Roy's concerns that Cho was writing troubling plays and poems in his classes," Chief Wendell Flinchum said, "These course assignments were for a creative writing course and the students were encouraged to be imaginative and artistic. The writings did not express any threatening intentions or allude to criminal activity. No criminal violation had taken place."[8]

Giovanni said that the poems were not violent. "It's not like, 'I'll rip your heart out.' It's that, 'Your bra is torn, and I'm looking at your flesh.'"[9] No student or professor who had read Nabokov's "Lolita" or much that has been published in recent decades would be frightened by this sexually charged content, in and of itself. If the plays — which, unlike the poems, do contain violence — are any indication of the disturbing content in Cho's creative writing, I would argue that not only hadn't a criminal violation taken place, but the writing itself wasn't much cause for concern, and wasn't enough reason to contact the police.

I've been teaching creative writing on the university level for about seven years. I've taught such courses as writing fiction, writing humor and comedy, and introductory creative writing. Before the Virginia Tech shooting, receiving a story with the kind of violence contained in Cho's plays — absent some exceptionally odd student behavior — wouldn't have elicited a second thought. Cho's classmate MacFarlane refers to the plays' "twisted, macabre violence," and a commenter refers to them as "porn." While "Richard McBeef" certainly has some violent content, it's rather tame, cartoonish violence and is not gruesome. "Mr. Brownstone" is hardly violent at all.[10]

In "Mr. Brownstone," the characters do curse a lot. They are at a casino and spend much of the play complaining about their mean teacher, Mr. Brownstone. They talk about wanting to kill him. They see him at the casino, and they taunt him. They sing a song. Then they win a slot machine jackpot, and Mr. Brownstone accuses them of stealing his jackpot. Brownstone is believed, and the kids are thrown out of the casino. The play ends with all three kids yelling, "You won't get away with this, Brownstone! You old muthafucker! Muthafucker! Muthafucker!" That's it. No one is killed or even assaulted.

In "Richard McBeef," John begins by saying to his stepfather, Richard, "What's up, Dick!" Richard attempts to have a talk with John, to try to get along with him, but John is having none of it. He chews on a cereal bar "angrily." When Richard casually rests his hand on John's knee for a second, in an apparently innocent, fatherly manner, Cho throws in a couple of lame pedophilia jokes, having John refer both to Catholic priests and to Michael Jackson's Neverland Ranch. John accuses Richard of murdering his biological father in order to get into John's mother's "pant." Richard denies it and remains calm, and John stays on the offensive, continually cutting Richard off and finally saying, "You want me to shove this remote control up your ass, buddy! You ain't even worth it man. This remote was five bucks. You are such a—"

This impertinence brings the first threat of violence from Richard, who says, "NOW THAT'S ENOUGH," and "raises his hand to strike his stepson." John's mother, Sue, walks in at this moment, confronts Richard, and mocks his "chubby face." John accuses Richard of trying to "touch my privates," and Sue then attacks Richard, slapping him in the head "multiple times" and even hitting him with her shoes, hard. The violence and over-the-top dialogue continue from here, with Sue throwing a plate at Richard and calling him a "fat piece of pork" and a "bisexual psycho rapist murderer."

John is alone in his room at this point, throwing darts at a picture of Richard's face and talking to himself about killing Richard. He then rejoins the others and once again accuses Richard of molesting him. Sue drives Richard from the home by brandishing a chainsaw. At the end of the play, alone in the car with Richard, John goes on an extended rant, insulting his stepfather for a long paragraph before sticking his "half-eaten banana cereal bar in his stepfather's mouth and [attempting] to shove it down his throat." Richard removes the cereal bar, and the play ends with stage direction: "Out of sheer desecrated hurt and anger, Richard lifts his large arms and swings a deadly blow at the thirteen year old boy."

Every reader can name, in a minute, dozens of respected and popular works that are far more violent than anything Cho wrote.

"Richard McBeef" *does* conclude with, presumably, a murder (taken literally, John is killed by Richard's "deadly blow"), and there *is* the use of shoes, plates, and a cereal bar as weapons. But the violence hardly seems real, and is mostly derivative — killing with a chainsaw is a movie cliche, seen in both "The Texas Chainsaw Massacre" and "Scarface." And it should be noted that in Cho's play the chainsaw never actually harms anyone. An angry woman throwing plates at a spouse isn't original, either. We've all seen that in a movie or TV show. Richard isn't even injured by the plate that hits him in the head. The violence reads like a cartoon, without the glee, of course, though Cho makes a pathetic attempt at wit with the insults hurled at Richard by John and Sue. Only the shoving of the cereal bar down Richard's throat stands out as truly violent. It's the play's most intimate, visceral moment, coming closest to projecting real rage. Having characters chase each other with chainsaws is easily dismissed as imitation. The cereal bar, the forcing of something down another person's throat, is angrier, more personal.

Lacking the context of Cho's behavior and demeanor, even this violent use of a cereal bar would not ordinarily be viewed as a warning sign. Actually, it's the only bit in the entire play that successfully conveys what the author intends, and is just the sort of memorable detail that a writing instructor might point to as effective. It isn't genius or anything, but it beats "brandishes a chainsaw."

The violence in "Richard McBeef" is not remarkable. There's an entire genre of horror movies, and a subgenre of slasher movies. And action movie fans have delighted in high body counts for decades. Short story writers and novelists haven't shied away from scenes of torture and murder, either. The movie "Saw" and the novel "American Psycho," just as two examples, contain far more explicit horror and violence than anything a student is likely to produce, though some students try. Whatever one thinks of such works, they have received their share of commercial success and critical attention, and it shouldn't shock anyone that writing students have been influenced by these and hundreds of other works full of violence. Every reader can name, in a minute, dozens of respected and popular works that are far more violent than anything Cho wrote.

One need not point only to contemporary examples. Cruelty and murder abound in Shakespeare's tragedies; the treachery and the body count in "Hamlet" are impressive. Just the other day I was discussing Edgar Allan Poe's short story, "The Black Cat," with my students. More than a few of them found it disturbing, particularly when the narrator tells the reader that, furious with his cat, he "took from a waistcoat-pocket a penknife, opened it, grasped the poor beast by the throat, and deliberately cut one of its eyes from the socket!"[11] Few writers have ever commanded prose to such concisely powerful violence as when Poe's narrator tells us that, in a rage at his wife, "I withdrew my arm from her grasp and buried the axe in her brain. She fell dead upon the spot without a groan."[12]

Whether writing students are influenced by TV shows like "24" and "The Sopranos" or by writers like Poe, some of them are going to produce violent stories and plays. I've had stories handed in to my fiction workshops about all manner of murder and mayhem. "Richard McBeef" doesn't come close. There is no shortage of mobsters and hitmen in student stories I have read, with someone always getting whacked. Students trying to write thrillers develop convoluted fight scenes, with loving descriptions of each punch and spin kick knocking some teeth loose. One student recently wrote about a suicide club that the protagonist stumbled upon; blood was on the floor and walls, and people were slashing their wrists. Another student wrote about a woman who lured men to her apartment on dates, and then, after invariably discovering that they were hiding from her the fact that they were married, killed them. An especially ugly story was about a home invasion that ended with quite graphic descriptions of people killing each other. The list goes on and continues to grow. Should I have reported the author of the suicide story to the counseling center, for the student's own protection? Pedro, responding to the comments on MacFarlane's blog post, said it well:

Cho's play "Richard McBeef" has some violent content, but it's rather tame, cartoonish violence and is not gruesome.

> You can't "turn someone in" because they create a piece of art that you think may say something about them. It's a work of imagination (or it's supposed to be). Perhaps he was just getting inside the mind of a young sociopath. Turns out he had issues obviously, but you know how many thousands of plays, stories and poems are submitted to creative writing classes that are way more disturbing than that? You can't just assume that means someone is demented.[13]

The violence in a creative writing piece isn't itself a warning sign. Stephen King, known for writing some violence of his own, agrees: "Certainly in this sensitized day and age, my own college writing — including a short story called 'Cain Rose Up' and the novel *RAGE* — would have raised red flags, and I'm certain someone would have tabbed me as mentally ill because of them."[14] Despite the attention being paid to Cho's plays, creative writing instructors must avoid reading student stories as predictors of future real life violence. King writes, "For most creative people, the imagination serves as an excretory channel for violence: We visualize what we will never actually do."[15] Pedro is right that these kinds of stories are handed in every semester to writing workshops across the country and that they don't tell us much about the writer. Some of the stories are even well-crafted. Cho's plays are not.

King thinks that this matters: "On the whole, I don't think you can pick these guys out based on their work, unless you look for violence unenlivened by any real talent."[16] CNN tells us that Cho's poetry "had no meter or structure or rhyme scheme. To Giovanni, it was simply 'a tirade.'" She said, "There was no writing. I wasn't teaching him anything, and he didn't want to learn anything."[17] It is true that Cho's plays

are very, very bad. They aren't stories at all. But I can't agree with King that identifying violence without talent might help us "pick these guys out." There are a lot of people out there without any talent filling their screenplays with blood and guts. Most of these people will never hurt anyone. Maybe the imagination serves as an excretory channel for the untalented as well as the talented. Maybe the violent content has nothing to do with an excretory channel, and aspiring writers are just imitating what they have read and seen.

Although Giovanni was referring to Cho's poetry, I would also describe his plays as "tirades." It's just him emoting, projecting, and posing. There's no plot development, no coherence, and no attempt really to tell a story. The plays also demonstrate a lack of maturity and logical thought. As a blog commenter named Stacy asked, "This is something written by a senior in college? It reads and sounds like something a 9th grader might write."[18] An immature, not overly bright ninth-grader, one might add.

So it's tempting to say that, though it isn't especially violent, Cho's writing's immaturity and illogic indicate that he was dangerous. Of course, when I read the plays for the first time, I already knew that he'd killed 32 people. But had I not known that, if I am being honest with myself, I believe I would have thought, "This is a crappy play by a bad writer." Probably, even though I have read some directionless student work in my time, I would have also thought, like some blog commenters, "This is a college student?" Cho's work is markedly immature and illogical, but I just don't think I would have seen any of it as a warning sign about impending violence in the real world.

Yet his professors and fellow students did. Based on what I've seen of it, I believe that Cho's writing could not, or should not, by itself, have driven a professor to contact authorities. His behavior and demeanor were the main warning signs. He barely talked with anyone. Lucinda Roy "recalled Cho exhibiting a palpable anger and secretly taking photographs of other students while holding the camera under his desk." Giovanni described him as "menacing."[19] The police had also received stalking complaints. It was Cho the person, not Cho the writer, who was the warning sign.

College professors become accustomed to having troubled students — students who stop showing up for weeks at a time; students who grumble under their breath; students dealing with depression or drug problems or family crises; students with odd personalities; students who are socially awkward or say inappropriate things; students who cry because of a recent breakup with a boyfriend or girlfriend; students who are angry at the whole world. Long before Cho's rampage at Virginia Tech, many professors have found themselves becoming wary of a student or two and have had to decide whether to seek outside assistance, and not necessarily because they were expecting a violent outburst. In creative writing classes especially, where the order of every day is critiquing a student's work — work in which a student may have a great deal invested emotionally — tactfully managing the personality of the occasional troubled student is required.

Even given all the troubled students whom a career in teaching exposes professors to, Cho's demeanor and behavior must have stood out. The raw, pointless anger in his writing might have completed the picture for his professors, but that alone doesn't explain their concern. It's worth keeping all of this in mind as the fear caused by the massacre at Virginia Tech brings an inevitable overreaction when dealing with students' writing and other forms of self-expression. Already, little more than a week after the shootings, a high school senior was arrested for the violence in his creative writing assignment.[20] Eighteen-year-old Allen Lee's essay seemed to contain an outright threat, and he faces two disorderly conduct charges. Given recent events, the least that can be said is that Lee's work was monumentally stupid:

> According to the complaint, Lee's essay reads in part, "Blood, sex and booze. Drugs, drugs, drugs are fun. Stab, stab, stab, stab, stab, s...t...a...b...puke. So I had this dream last night where I went into a building, pulled out two P90s and started shooting everyone, then had sex with the dead bodies. Well, not really, but it would be funny if I did."[21]

It seems clear that this student is messing around, but he also wrote, "[D]on't be surprised on inspiring the first CG [Cary-Grove High School] shooting."[22] Does a high school teacher ignore this? Should he? Note that the assignment told students to "write whatever comes to your mind. Do not judge or censor what you are writing."[23] Whether you think Lee is guilty only of poor judgment or of making a serious threat, whether you think the school and police overreacted or were vigilant, this one case is just the beginning, if we fool ourselves into thinking that we can prevent future horrors by looking for warning signs in student writing. ❑

Notes

1. "Killer's manifesto: 'You forced me into a corner,'" CNN.com (April 18, 2007); http://www.cnn.com/2007/US/04/18/vtech.shooting/index.html.
2. *Ibid.*
3. "Cho Seung-Hui's Plays," posted by Ian MacFarlane, AOL News Bloggers (April 17, 2007); http://newsbloggers.aol.com/2007/04/17/cho-seung-huis-plays.
4. *Ibid.*
5. *Ibid.*, comment by Judi at 2:59 p.m., Apr 17, 2007.
6. *Ibid.*, comment by Blackdog at 3:02 p.m., Apr 17, 2007.
7. *Ibid.*, comment by Linda at 2:56 p.m., Apr 17, 2007.
8. "Killer's manifesto."
9. Allen G. Breed, "Giovanni confronted Cho in poetry class," The Cincinnati Enquirer (April 19, 2007); http://news.enquirer.com/apps/pbcs.dll/article?AID=/AB/20070419/NEWS01/704190350/
10. All references to and quotations from "Richard McBeef" and "Mr. Brownstone" are based on the version accessible through AOL News Bloggers.
11. Edgar Allan Poe, "The Complete Tales and Poems"(Dorset, 1989), 478.
12. Poe, 481.
13. "Cho Seung-Hui's Plays," comment by Pedro at 2:55 p.m., Apr 17, 2007.
14. Stephen King, "On Predicting Violence," Entertainment Weekly (April 20, 2007); http://www.ew.com/ew/article/0,,20036014,00.html.
15. *Ibid.*
16. *Ibid.*
17. "Giovanni confronted Cho in poetry class."
18. "Cho Seung-Hui's Plays," comment by Stacy at 2:28 p.m., April 17, 2007.
19. "Killer's manifesto."
20. "Student arrested for essay's imaginary violence," CNN.com (April 27, 2007); http://www.cnn.com/2007/US/04/27/student.essay.arrest.ap/index.html.
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*

The YouTube Wars

by James Walsh

The internet is serious business — and America's copyright laws are not up to the challenge.

Many people are drawn to libertarian political philosophy because of its emphasis on property rights. Others are drawn to its emphasis on personal freedom. These different draws explain why people as diverse as tweedy law professors and pierced anarchist punks call themselves "libertarians."

These different perspectives come into conflict with regard to intellectual property. Which is the true libertarian take on IP? Fierce protection of copyrighted material, or anarchic "free use" of images and ideas? There is no general agreement about which laws or legal theories best apply to intellectual property in the online world. Chaos has therefore been the default position of the marketplace. The recent legal dispute between Viacom Inc. and Google Inc.'s YouTube online video-sharing unit may give shape to the chaos.

In March, Viacom sued Google, claiming that more than 150,000 unauthorized video clips of Viacom intellectual property (mostly snippets from television shows) had been "viewed an astounding 1.5 billion times" on YouTube.

The lawsuit will turn on the mechanics of the Digital Millennium Copyright Act (DMCA), which was passed by Congress and signed by Bill Clinton in 1998. The new law didn't replace existing U.S. copyright laws; it just added another layer of regulation on top of what was already there.

The DMCA has created the back-and-forth system of internet copyright enforcement that is familiar to anyone who's ever seen a funny or memorable video clip online . . . and then found it disabled a few hours later. In short, the DMCA puts the burden of copyright enforcement on the copyright owner. The owner has to scan the marketplace, looking for unauthorized use of the copyrighted material; when the owner finds a violation, he or she — or *it*, in the case of a corporation — has to inform the violator and any intermediaries who've handled the unauthorized material. These "intermediaries" include internet service providers and websites like YouTube. In legal circles, this process is called a "notice and takedown" system.

To encourage the cooperation of the intermediaries, the DMCA includes a "safe harbor" provision that holds intermediaries legally blameless if they've acted in good faith and respond in a timely manner to the claims of the copyright owner.

Herein lies the legal beef between Viacom and Google.

Google argues that YouTube is protected by the DMCA's safe harbor provision; it claims that YouTube's standard policies explicitly comply with the provision. Specifically, YouTube limits uploads of material that's not original to ten minutes in

length, and it has a formal, posted policy for removing copyrighted material immediately upon the owner's request.

Viacom argues that YouTube is *not* protected by the safe harbor provision because it has built its business model on the knowing, unauthorized use of copyrighted material. Among the things Viacom lawyers have said in their lawsuit and related public statements:

> "YouTube is a significant, for-profit organization that has built a lucrative business out of exploiting the devotion of fans to others' creative works in order to enrich itself and its corporate parent Google."

> "YouTube has failed to employ reasonable measures that could substantially reduce, or eliminate, the massive amount of copyright infringement on the YouTube site from which YouTube directly profits."

The DMCA safe-harbor provision (section 512 of the Act, for anyone who wants to read its complete language) states that intermediaries like YouTube cannot "receive a financial benefit directly attributable to the infringing activity" and must not be "aware of facts or circumstances from which infringing activity is apparent" in order to be held blameless. In previous lawsuits, the music file-sharing sites Napster and Grokster tried to claim safe-harbor protection and failed — because they each did these prohibited things.

So, Google and YouTube could have a problem.

Taking a step back from the legal mechanics, the Viacom-Google lawsuit may just be a hardball negotiating tactic that will end in some kind of settlement that allows ongoing use. License deals that YouTube has recently made with companies similar to Viacom lend support to this theory.

Taking a couple more steps back, a rational person sees that technology and marketplace advances are making a hash of U.S. copyright laws. Even the DMCA, relatively recent at ten years old, seems to have been lapped by the rise of companies like YouTube.

The main issue that complicates all copyright claims — under the DMCA and other intellectual property law — is "fair use." This legal theory is, effectively, a longstanding loophole to copyright protections.

"The way Walter does day-trading, it should be done under cover of night."

Fair use allows people to use excerpts or parts of copyrighted work when discussing, criticizing, satirizing, or explaining the ideas in or style of that work. Fair use is the reason that book critics can quote from the books they review; it's the reason news programs can show short bits of TV shows that are themselves newsworthy.

Online media have always drawn heavily on the fair use of text, images, music, and video; internet-based ventures like Napster and YouTube clearly test the limits of the theory. Their users and proponents argue that "information wants to be free" and that, ultimately, copyrights and trademarks are obsolete notions.

The DMCA tries hard to slap down that line of argument. Among other things, it makes the mere possession of certain software programs that can be used to duplicate copyrighted material a crime — even if there's no evidence the person possessing the software ever violated anyone's copyright. (Also, local versions of the DMCA passed recently in states like Michigan, Colorado, and Oregon turn up the prohibitions of and punishments for possessing such software.)

Here, it may begin to sound like the DMCA is another nanny-state excess. But the problem isn't so much the law's overreach as it is the law's confusing effects. People are filling, or threatening to fill, the U.S. court system with increasingly bizarre intellectual property claims.

A man claiming to be the inventor of the "Electric Slide," a popular dance from the 1970s and still a staple of wedding receptions, sent DMCA takedown notices to a group of people posting videos on the internet. The group included everyone from a Silicon Valley software engineer to the television talk show host Ellen DeGeneres. Richard Silver of Groton, Conn., filed a copyright for the Electric Slide in 2004 and has been sending legal notices to people since, arguing that any video of someone doing the dance "incorrectly" must be removed.

And a corporation that has a license for the movie and television rights to George Orwell's novel "1984" has made noises about suing the creators of the fan-made satirical ad for Barack Obama that combines an iconic Apple computer ad with clips of Hillary Clinton as a Big Brother-like character. "The political ad copies a prior commercial infringement of our copyright," the president of Rosenblum Productions Inc. said in a press release. "We recognize the legal issues inherent under the First Amendment and the copyright law as to political expression of opinion, but we want the world at large to know that we take our copyright ownership of one of the world's great novels very seriously."

Is the DMCA the cause of this confusion? Or is it simply a reflection of confusing circumstances in the marketplace?

It's easy to convince people that something needs to be done about the internet's effect on intellectual property. Computer networks make sharing IP so easy that the very notion of "ownership" of that property becomes blurred. But what, exactly, is the *something* that needs to be done?

In the late 1990s, Congress and the president believed that *something* was a law prohibiting programs that might be used to erode IP ownership, and encouraging copyright owners to send out lots of cease-and-desist letters. But they didn't predict YouTube. Frankly, no one did.

Often, ineffective laws like the DMCA are the result of

continued on page 44

The Books of Summer

There's nothing like a good book on a summer day. Liberty's experts offer some advice about where that book can be found.

I get asked a lot, "What's a good book about economics?" Seriously, I do. And while you may think that says something sad about my life, think about the people who are asking.

My own study of economics started with "Economics in One Lesson" by Henry Hazlitt (1946), which is still a fine introduction, though it was written in the 1940s and covers a lot of specific economic fallacies that we don't hear much any more. If you want something more substantial, you might pick up a couple of readable college textbooks, "The Economic Way of Thinking" by Paul Heyne (1963), or "Economics: Private and Public Choice" (1976) by James D. Gwartney and Richard L. Stroup. For the serious student with a lot of time, there's "Human Action" by Ludwig von Mises (1949) and "Man, Economy, and State" by Murray Rothbard (1962). Or for something a little more fun, you could try the works of some modern-day Hazlitts: "The Armchair Economist" by Steven Landsburg (1993), "Hidden Order" by David Friedman (1997), or "The Undercover Economist" by Tim Harford (2005).

But increasingly, I've decided that the best answer to the question "What's the best book to start learning economics?" is "Eat the Rich" by P.J. O'Rourke (1998). P.J. is not an economist, as the aforementioned gentlemen are, but he plays one very well. And he's hilarious, which means your niece might actually read the book.

On page 1, P.J. starts with the right question: "Why do some places prosper and thrive while others just suck?" Supply-and-demand curves are all well and good, but what we really want to know is how not to be mired in poverty. He writes that he tried returning to his college economics texts but quickly remembered why he hated them at the time — though he does attempt, for instance, to explain comparative advantage in terms of John Grisham and Courtney Love. Instead he decided to visit economically successful and unsuccessful societies and try to figure out what makes them work or not work. So he headed off to Sweden, Hong Kong, Albania, Cuba, Tanzania, Russia, China, and Wall Street.

In Tanzania he gapes at the magnificent natural beauty and the appalling human poverty. Why is Tanzania so poor? he asks people, and he gets a variety of answers. One answer, he notes, is that Tanzania is actually not poor by the standards of human history; it has a life expectancy about that of the United States in 1920, which is a lot better than humans enjoyed in 1720, or 1220, or 20. But, he finally concludes, the real answer is the collective *ujamaa* policies pursued by the sainted postcolonial leader Julius Nyerere. The answer is "ujamaa — they planned it. They planned it, and we paid for it. Rich countries underwrote Tanzanian economic idiocy."

From Tanzania, P.J. moves on to Hong Kong, where he finds "the best contemporary example of laissez-faire. . . . The

British colonial government turned Hong Kong into an economic miracle by doing nothing."

Your niece could do worse than to take a semester-long course on political economy in which the texts were two O'Rourke books, "Eat the Rich" and "Parliament of Whores" (1992).

David Boaz is the author of "Libertarianism: A Primer" and editor of "The Libertarian Reader." He blogs at the Guardian's "Comment is free" site and at Cato@Liberty.

I'll start with a title that most if not all of you have already read — "Capitalism and Freedom" by Milton Friedman. To me this book is bedrock. It and Hayek's "The Road to Serfdom" (1944) form the foundation of my personal philosophy of libertarianism. Read it again with 1962 (its date of publication) in mind. Big government liberalism was approaching its apogee. Real intellectual guts were required to buck that trend, and Friedman showed he had them.

I think that most of us will agree that given America's Middle East entanglements, we need a better understanding of recent events in that sorry region. "The Looming Tower" by Lawrence Wright (2006) is the best thing yet to appear on the background to 9/11. "The Shia Revival" by Vali Nasr (2006) is a great one-volume summary for anyone who wants to know more about the sectarian division in Islam and what it might portend for the future.

As we are at war, and fighting under leaders who have displayed an astonishing combination of hubris and incompetence, I highly recommend two classic works by the late, great Tory historian and MP Alan Clark. "The Donkeys" (1961) tells the tale of leaders whose stupidity ravaged the British Army in World War I, and all but brought about Britain's defeat in that war. "Barbarossa" (1965) recounts the German-Russian war of 1941–45, probably the most important land campaign fought since Marathon and Plataea. Here we see the hubris and incompetence of tyrants and their minions bringing untold suffering and death to millions. Clark, in addition to being a fine stylist, shows a wonderful feel for his subjects.

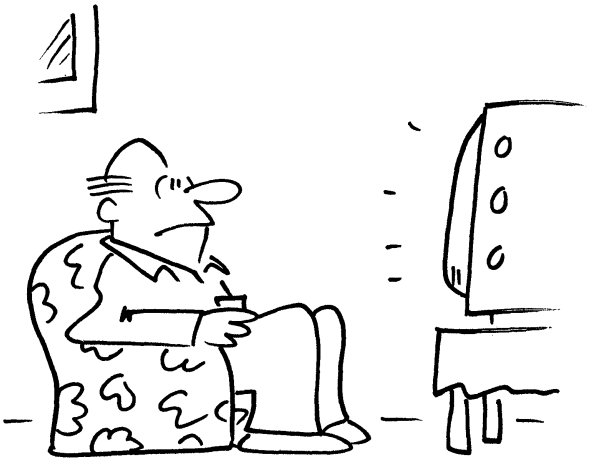

"This has been a test — put your pencils down *now!*"

Reaching back once more into the past, I recommend Gore Vidal's "Burr." I can remember reading and re-reading it one summer when I was a teenager. If I recall correctly, when the book came out one reviewer termed it "a splendid entertainment." And so it is. The prose never flags. The wit is as dry as good champagne. I also like its skewering of one of libertarianism's false gods — Thomas Jefferson. Jefferson's concept of liberty extended only to white men possessing property. The vast majority of his fellow human beings — women, blacks, Indians, and white men lacking property — were second-class citizens, at best, in Jefferson's view. At some point in his life, Jefferson *said* the right thing about every topic, including liberty. His actions, however, always spoke louder than his words. He was a canting hypocrite and a physical coward. "Burr" shows the great democrat in his true light; Vidal's novel opened the way for the critical studies of Jefferson that have since appeared. If you enjoy "Burr," be sure to pick up its sequel, "1876," which is nearly as good.

Jon Harrison lives and writes in Vermont.

I have two books to recommend: "Watchers," by Dean Koontz, and "Golden Days," by Carolyn See (1986).

"Watchers" is Koontz at the top of his form — the matchless storyteller who knows how to make the hair stand up on the back of one's neck, the romantic who understands the courage required to love without conditions and without fear. It is the story of a government experiment in genetic engineering, an experiment which has produced two creatures — one murderous, the other benign — so opposite that only one of them can survive, and of the lonely recluse and the beautiful, lost woman whose lives become entwined with theirs and with each other. The suspense builds chapter by chapter, inexorably, to a final, spellbinding confrontation.

Typical of Koontz, this book refuses to present a simplified portrayal of good and evil; both good and evil are represented as complex, full of ambiguities and nuances. We may want to hate the evil creature, but in the end, we cannot . . . not quite. But we can love without reservation one of Koontz's best-drawn and most fascinating characters: Einstein, the golden retriever who has leaped the enormous gap between an animal who is highly intelligent and a being who is self-aware, and thus capable of rational judgment. Forget any animal in fiction that you ever have loved, and prepare to meet the unforgettable and noble Einstein — and to thrill at the prospect of finding another intelligent species to share our vast, cold universe. As Koontz writes: "What miracle could bring more joy, more sheer exuberance over the unanticipated wonders of life?"

I had a strange experience when I read See's "Golden Days." I was about halfway through the book, gripped and intrigued by it — yet wondering if I really liked it — when I suddenly started to cry. I don't mean that I had tears in my eyes; I mean that I was weeping, and I continued to do so, helplessly, until I had finished the book, constantly wiping fresh tears away so I could see the pages.

I thought at first that the book had hit some very personal

chord in me, that perhaps something about my mood on that day or the recent events of my life had caused so powerful and unusual a reaction. I would wait a couple of weeks, I decided, when I would be more measured and objective in my reaction, and read it again.

Two weeks later, I reread "Golden Days" — with the identical reaction. And I realized that my tears were not tears of pain; they were like the tears one sheds while listening to music almost too beautiful to endure, the tears that come from a kind of exquisite agony.

This small marvel of a book, witty and wise and mad, is the story of a woman and of nuclear war — but it is unlike anything on either subject you have ever read. It is a fusion of exaltation in the midst of despair, of hope that falters but cannot be killed, of a well-earned cynicism together with a triumphant conviction of the glory of fallible and stumbling human beings. It is clear-eyed and realistic and unsentimental — and it is an anthem, a hymn to the human will to survive and prevail.

There are very few books about which one can say: after I read it, the world was never quite the same again. This little gem is one of those books.

Barbara Branden is the author of the biography "The Passion of Ayn Rand."

Summer is the perfect time to visit London. Except, you don't really want to go there, do you? Not only is the exchange rate against you, but there is also that hideous London Eye disfiguring the skyline. I say we cease travel till they pull it down.

But that's not to say that you can't experience London, anyway. Better yet, you can experience it at four pivotal moments in its history, through the books of Liza Picard. In "Elizabeth's London" (2003) she presents a well-drawn portrait of two towns, London and Westminster, converging to become the most important and powerful city in Europe. The presence of the Virgin Queen permeates the pages as the era's most recognizable symbol — but Picard's gift is her ability to bring to life the day-to-day existence of Elizabeth's subjects. We can see the finer shadings of their education, their amusements, their medicines, their repasts, and the clothing and styles that filled their busy streets. We read about their trades, their crimes, and their religious beliefs — lovingly detailed from original sources, with humorous asides befitting the very British voice of the author.

Elizabeth died without issue in 1603. Turmoil followed, culminating in regicide and a brief flirtation with parliamentary rule. Soon, however, Charles II, the son of the murdered king, was back from exile to claim the throne. Picard undertakes the next era in "Restoration London" (1997). It is fascinating to see what changed and what didn't in the almost 60 years between Elizabeth's Golden Age and the reign of Charles II. My favorite passage in this book is a weekly Bill of Mortality from 1665. Among the various causes of death it includes this one: "Killed by a fall from the Belfry at Alhallows the Great — only one casualty [that week]." New building codes — enacted in the aftermath of the great fire of 1666 — changed the face of the city to the now-familiar flat-faced brick. Fashions, of course, fluctuated with the whims of Paris, and there were some new Christian sects in town, but everyday life for the hoi polloi stayed much the same. Samuel Pepys' journal accounts of his life as an up-and-coming Londoner are priceless.

"Dr. Johnson's London" (2000) looks at the years 1750 to 1770, when George III still had his wits and lucky London had Dr. Johnson — 18th-century England's most important man of letters. Not only did Picard have the good doctor's recollections from which to draw; she was also blessed with the illustrations of William Hogarth, who turned an unflinching eye upon the squalor of the London poor, and whose line drawings (several of which she includes in this book) stand in contrast to the sumptuous drawing-room portraits more familiar to modern minds.

Thomas Jefferson's actions always spoke louder than his words. He was a canting hypocrite and a physical coward.

In "Victoria's London" (2005), Picard dives into the next great shift in London and the lives of its citizens. Will you enjoy as much as I did turning to the first chapter and seeing the title, "Smells"? The Thames stank; the streets stank; houses stank; people stank. The most important person of 19th-century England may very well have been Joseph Bazalgette, who saw the whole putrid mess and engineered the London Main Drainage System. Hooray! Another major change was the interest that the rapidly growing middle class began to take in the poor. Schools sprouted everywhere — some weeds, some roses — but all giving little pickpockets a place to while away the daylight hours.

The best of all worlds awaits you in the books of Liza Picard. London lives in its glory and strife and growth and renewal — without any of its literal stench and grime and disease. There is no London Eye to offend the tourist's sensibilities, and the whole 400-year journey can be owned forever for less than $100.

Justine Olawsky explores literary and cultural issues in her popular blog, sadiebugsmom.blogspot.com.

Few libertarians have read "The Road to Disunion: Secessionists at Bay, 1776–1854," vol. 1 (1990), but more should. In more than 600 pages of compelling prose, the author, William W. Freehling, examines the interdependence between slavery and politics. Moving beyond the familiar dichotomy of free and slave states, he highlights the little-studied regional divisions within and beyond the South. In the Upper South and Border States, for example, political and economic forces were slowly unraveling slavery, while in the Deep South it was becoming even more entrenched.

"Out of Work: Unemployment and Government in

Twentieth-Century America" (1997), by Richard K. Vedder and Lowell E. Gallaway, offers an equally persuasive interpretation of another major crisis. The authors underscore the historical links between high unemployment and policies to increase real wages beyond sustainable levels. Most strikingly, they find that real wages were actually higher in 1933, the worst year of the Great Depression, than in 1929, the heyday of prosperity. It is no coincidence, of course, that in 1933 unemployment skyrocketed to a still-standing record of 25%. As free-market economists had warned, any gains for individuals were illusionary because employers had compensated by laying off workers. Vedder and Gallaway put the blame on the federal government and its policies of central banking manipulation, prevailing wage laws, pressure tactics, and subsidies.

There were regional divisions within and beyond the South. In the Upper South and Border States, for example, political and economic forces were slowly unraveling slavery; in the Deep South it was becoming more entrenched.

In contrast to the more theoretical approach of the previous books, Thomas Fleming in "The New Dealers' War: Franklin D. Roosevelt and the War Within World War II" (2001) uses a rich narrative to expose FDR's tragic wartime blunders. The most destructive of these was the proclamation he made in 1943 to accept nothing less than the unconditional surrender of Germany and Japan. The unintended, but entirely predictable, consequence of this policy was to spur the German military to fight on to the bitter end and thus short-circuit promising plots to overthrow Hitler. In the case of Japan, unconditional surrender fostered an all or nothing mentality on both sides, a mentality that ultimately resulted in the needless slaughter of innocents at Hiroshima and Nagasaki.

David T. Beito is an associate professor of history at the University of Alabama, and author of "Taxpayers in Revolt" and "From Mutual Aid to the Welfare State."

I used to read grand-themed books like Jared Diamond's "Guns, Germs, and Steel" (detailing why Pizzaro conquered the Incas instead of the Incas conquering Spain) and Charles Mann's "1491"(revealing that the pre-Columbian civilizations of the Americas may have been more populous, widespread, and advanced than we normally assume).

But for most of the last year my reading has concentrated on the ills of higher education in the United States — informative and intriguing to me, but, well, narrow.

So I must go back a few years to share with you a book that I believe deserves everyone's attention. It is Tom Bethell's 1998 exploration of property rights, "The Noblest Triumph."

Libertarians already respect property rights, so why read this defense of property rights written for the public? The main reason is that understanding how property rights (which Jeremy Bentham called the "noblest triumph of human nature over itself") produce prosperity and social cooperation may help keep these rights from being discarded. Successful economies depend on property rights, more than anything else.

In spite of their critical importance, property rights suffered a long period of scholarly neglect — a neglect, says Bethell, that ended only in the 1980s. He credits economist Armen Alchian for the rediscovery. (In fact, Alchian once said that he was "constantly amazed at the idea that somehow . . . I've played a role in establishing a new field called property rights.") Yet even the new awareness of property rights was incomplete. Richard Pipes' "Property Rights and Freedom" was published in the year after Bethell's book. It's a good book, but its perspective is limited. It is about how property rights underlie political freedom; in essence, the story stops at British parliamentarianism.

Bethell's story delves deeper. It begins with Jamestown and Plymouth and the peculiar arrangement with their investors that led to a "tragedy of the commons." In Plymouth, for example, the investors worried that allowing colonists to own their own homes and cultivate their own land would keep them from paying the promised return on investment. So they demanded that everything be produced in common, a rule that led to near-starvation.

Just getting such powerful illustrations from American history into popular literature is one of the great gifts of Bethell's book. But there is much more. Given my limited space, I must jump to his assessment of the future of property rights. He sees growing acceptance in China but an erosion of property rights in the United States, through zoning, eminent domain, and environmental takings. He associates such actions with the "feudal temptation" — the tendency to make owners "stewards who hold their property at the pleasure of the state." Perhaps more readership of this book will slow that tendency.

Jane S. Shaw is the executive vice president of the J.W. Pope Center for Higher Education Policy in Raleigh, N.C.

I want to recommend a dazzling, yet nearly forgotten work: Dorothy Baker's 1962 novel "Cassandra at the Wedding," a book that the New York Review of Books' stellar reprint series very commendably brought back into print in 2004. When Baker (1907–68) is remembered at all it is for her 1938 "Young Man with a Horn," a jazz novel famous in its day, thanks especially to the Kirk Douglas movie it later inspired. What dazzles about "Cassandra," her last book, is the voice that Baker brings to electric life on the page: the lyrical voice of a hyperarticulate, skittish, witty literary intellectual, the suicidally self-loathing Cassandra Edwards.

A half-hearted Berkeley grad student dutifully trudging through her dissertation, Cassandra has a tenuous hold on her life but is in full command of a gloriously caustic and piercing verbal energy, which Baker displays in abundance by devot-

ing much of the novel to her interior monologues. We meet this charming narcissist just as she is finishing her grading of a stack of spring semester exams and setting off for the wedding of Judith, her obsessively loved and already intensely missed twin sister. Heading home for the event, Cassandra is heading as well toward a painful reckoning with the *idée fixe* of her precarious emotional existence: that she and Judith are perfect life partners who must never leave one another. Sabotage the wedding, or just not show up, or kill herself or the fiancé: such are the options Cassandra weighs in a panic that, with desperate suavity, she seeks to control even as it flares into violence.

The wedding will be at the home of their widowed and adored father, a former professor of philosophy who retired "unconventionally early" to devote his time to "mostly thinking, and drinking" and making notes for a book on Pyrrhonic skepticism. As if infected with his mordant sense of futility, Cassandra too, in effect, is toying with retiring early, haunted not only by the father's example but also by the death of her mother, a famous novelist whose career Cassandra uses to mock her own scholarly labors. Preferring to be a novelist herself "and have all those others writing their theses about me," she notes that "it's not easy for the child of a writer to become a writer. I don't see why; it just isn't. It's something about not wanting to be compared. And not wanting to measure up, or not measure up; or cash in either. It's not that I have anything against my mother. I loved her, I think, but my mother's only been dead three years . . . and I'd rather wait a decent interval and then try. Or not try. But first write the idiotic thesis and get the gap-stopping degree."

Without giving away what happens, I will say that one of the miracles of this novel is the unsentimental evocation of hermetic, intoxicating family love in its destructiveness and exhilaration, an achievement that brings inevitable comparison to the past master of this territory — J.D. Salinger. Baker, like her famous contemporary, is one of the few novelists capable of creating characters who are themselves possessed of distinctive and self-conscious literary sensibility. But Baker's sensitive English major is blessedly free of the annoying Salinger tics of whimsy and preciousness and slyly self-loathing self-promotion. In short, "Cassandra at the Wedding" is a novel of startling individuality. Of modest length but unrelenting emotional intensity, it is a book that will grip you and anyone else lucky enough to read it.

Ross Posnock teaches at Columbia University. His most recent book is "Philip Roth's Rude Truth."

Some people like to read novels over the summer; others like to use the time to catch up on serious reading — in both cases, typically, doing something they don't get the chance to do during the rest of the year. In my case, it's often some of both. For serious reading, I have a recommendation for Liberty readers who are interested in the ideas of Friedrich Hayek but haven't had the opportunity to study him: the "Cambridge Companion to Hayek," edited by Edward Feser (2006). It includes essays on his economic thinking, of course, but also on his philosophical writings about society, law, justice, liberalism, and even the philosophy of mind and consciousness. This would be a terrific way for the non-specialist who is intrigued by Hayek to learn a lot more in a short time. And I'd say that even if I weren't a contributor.

As for fiction, my summer plans include "Good Omens," by Terry Pratchett and Neil Gaiman (1990). It was out of print for a while, and is newly back in print. As described to me, it's a satirical fantasy in which an angel and a minion of Satan collude to prevent apocalypse, because if that happened, they'd lose their comfortable lifestyles. Sounds like the kind of satire readers of this magazine will appreciate. If you missed it the first time around, as I did, you can now take advantage of its reappearance.

Aeon J. Skoble is chair of the philosophy department at Bridgewater State College in Massachusetts. He is the author of "Deleting the State: An Argument About Government," and writes widely on philosophy and popular culture.

Summer should afford the chance to tackle a lengthy classic or two, lingering over pages a few at a time between catnaps and sips of sweet iced bourbon. Such endeavors are, at present, out of fashion: who's got the energy to focus on all those *words?* So I recommend feasting your eyes instead on the panels and spreads of a good-sized graphic novel: they offer intrigue, suspense, and humor in greater abundance than the now-traditional "beach read," and they're also large enough to cover your face when the sun becomes too much.

Mystery: "From Hell" (1998) by Alan Moore. This is the masterpiece (so far) of a career that includes the creative peaks of "Watchmen," "Swamp Thing," and "Promethea." Moore put several dissertations' worth of research into reconstructing the London of 1888, the London in thrall to Jack the Ripper. Over it he laid a potent psychogeography (check out the coach-drawn tour of the city: those chilly churches! those obscene obelisks!) and a grand conspiracy including the royal family, the Freemasons, and five unfortunate whores. The art is suitably grim and gritty, and Moore's extended notes in the appendix are a rollicking read in their own right. If, on the

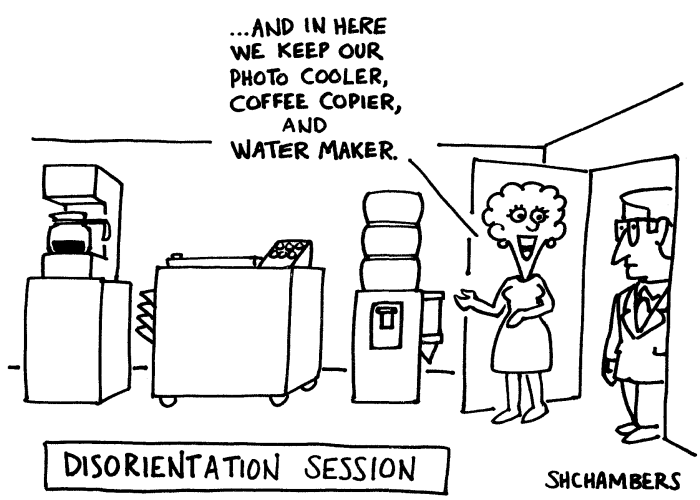

other hand, you prefer your mysteries a little less occult or gory, try perhaps the British spy series "Queen and Country" (2002–) by Greg Rucka.

Romance: "Blankets" (2003) by Craig Thompson. At first glance, this appears to be a coming-of-age, young-love story; but further examination reveals a penetrating look at the gradual refinement of the young artist who is the principal subject. Thompson's line drawing is beautiful and inventive, so much so that it's sometimes hard to concentrate on the story; still, there's plenty of love, heartbreak, angst, and genuine pathos to go around. Stories of the sort seen in mass-market paperback romance are rare in comics, which as a rule channel their readers' wish-fulfillment fantasies toward superhero tales. Certain works of Japanese manga provide romance, but since they don't completely cover the face while sleeping they cannot be considered true summer books. If you want more steam in your comics masterpiece, you might pick up one of the storylines of the punk-rock epic "Love and Rockets" (1981–96, 2001–) by Los Bros Hernandez. If, however, you prefer the type of antiromantic family drama that ends in alienation and small, shattered dreams, you're in luck: lock up the guns and the booze and curl up in a fetal position with Chris Ware's "Jimmy Corrigan: The Smartest Man on Earth" (2000).

Fantasy: "The Sandman" (1988–96) by Neil Gaiman. I figure any book featuring as characters Lucifer, William Shakespeare, and Norton I, Emperor of the United States of America, is probably worth a look. A meditation on story in the form of a 2,000-page epic about Morpheus, King of Dreams, "The Sandman" is a great work of literature, perhaps the best produced in the graphic medium during the past few decades. In structure it can only be compared to a work of scripture; in scope it switches from the individual to the cosmic without ever feeling forced. Readers who go in for science fiction may prefer the impeccable style of "Hellboy" (1993) by Mike Mignola, with its Nazi scientists, homunculi, and Lovecraftian gods. An all-ages pick now available in a single volume is Jeff Smith's weird and whimsical "Bone" (2005), which Disney has so far, thank God, failed to adapt to the screen.

Political thriller: "Transmetropolitan" (1997–2002) by Warren Ellis. Presenting the adventures of political journalist and professional horrible bastard Spider Jerusalem,

"Transmetropolitan" extrapolates from the present day an extreme future America: crude, explicit, doped to the gills, but still recognizable and strangely lovable.

"Transmet" extrapolates from the present day an extreme future America: crude, explicit, doped to the gills, but still recognizable and strangely lovable. Jerusalem is basically Hunter S. Thompson shifted forward a few centuries, and an inspiration to everyone who has dreamed of taking on (or at least pissing off) the corrupt state and its crooks by simply telling people the truth. Other works of quality are thin on the ground in this genre; like our political system, political intrigue can't seem to shake the spectre of 9/11. If that's what you're looking for, you'd be better off with Rick Veitch's well-executed allegory "Can't Get No" (2006). But if it's actual political journalism you want, check out the books of Joe Sacco, including "Palestine" and "Safe Area Gorazde" (2000, 2001).

Andrew Ferguson is managing editor of Liberty.

Twelve years ago, when Brian Doherty began writing "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement" (2007), he sent me the draft chapter on Milton Friedman, and I realized he was doing something very important: providing a record of our movement and talking to the last members of the age of greatness while he still could get their stories firsthand.

What I didn't expect was that this book would be a great read. But it is. "Rads" is structured around five people: Ludwig von Mises, F.A. Hayek, Ayn Rand, Murray Rothbard, and Milton Friedman. Friedman is the only one of this group whom Brian was able to interview, and he interviewed him extensively. Concerning others, Brian talked to associates, students, and friends. It's not surprising that the section on Rothbard sparkles with life and wit and warmth; it's a reflection of Murray's personality as much as his scholarship.

Brian was not content to study the five giants, or their distinguished forebears. What really makes the book a delight to read are the sketches — sometimes only a few lines, sometimes (as with Bob Nozick, Charles Murray, Julian Simon, and Thomas Szasz, to name a few) more extensive portraits.

Perhaps future generations will not appreciate the brilliance and influence of Roy Childs, but they will know he was loved and admired by almost all who came in contact with him. I'm glad Brian included Sam Konkin, wild and wacky as he was. And of course we hear about the fire and foibles of Robert LeFevre, Andrew Galambos, Rose Wilder Lane, and Isabel Paterson, as well as Henry Hazlitt, H.L. Mencken — on and on.

Speaking of wild and wacky, there's a fair amount of gossip in these pages. You might know why Rothbard was kicked out of Ayn Rand's group early on, but I'll bet you don't know why Leonard Liggio was banished. And I sure wish I could have hung around Leonard Read's Foundation for Economic Education during the '60s — who would have imagined what Leonard Read and his merry band were doing in The Shanty?

Don't be intimidated by the length of Brian's book (about 700 pages) or the extensive index (poorly done by the publisher). This book is fun. You don't have to read it straight through: start reading whichever section appeals to you most, and hop around all you like. For sure you'll eventually go back and read the parts you skipped.

Andrea Rich heads Stossel in the Classroom, John Stossel's project to develop critical thinking among high school students by introducing challenges to conventional wisdom.

The books I want to recommend all came to mind when I listened to a talk by Chris Mooney, who was promoting his book "The Republican War on Science" (2005). As the title suggests, Mooney thinks that Republicans are basically anti-science, in contrast with liberal Democrats, who are paragons of Enlightenment tolerance of free scientific inquiry. So, he urges, we who support science need to vote for leftist Democrats.

This struck me as plainly delusional. I don't doubt that some Republicans can be characterized in that way, but so can many contemporary liberals, and *they have all the power in academe.* The list of topics of scientific research that have been contorted by modern liberals and leftists is rather long, and the space allotted me rather short, so I will content myself with a few books that cover scientific work that was or is regarded as politically incorrect.

Consider a masterly (and delightful) review of the extensive work on gender differences in cognition, a review by one of the leading scientists in the field, Doreen Kimura. Her "Sex and Cognition" (2000) presents a powerful case that men and women differ in cognitive abilities, and that their differences are in great part due to the prenatal physiological effect of hormones on brain structure, causing boys and girls to experience the world in subtly different ways, from birth onward. The idea that gender differences are not mere social constructs may seem obvious, but it is not at all the received wisdom of much of the academy. I recall reading an article by a feminist philosopher of science, in one of the top journals in the field, arguing that funding of the scientific study of gender cognitive differences should immediately be stopped!

Another fine book in an area that has aroused liberal feminist fire is Brian Robertson's "Day Care Deception: What the Child Care Establishment Isn't Telling Us" (2004). Robertson makes the case that putting children in day care while the parents work results in a higher incidence of behavioral and medical problems, and that research on this topic is being silenced by the daycare establishment. Now, I'm for the free market: parents who want to put their children in day care should be free to do so, but the free market is thwarted if consumers are denied the relevant information on risks.

A fine book that nevertheless caused a great deal of resentment in certain feminist circles is "The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse" (1994), by Elizabeth Loftus and Katherine Ketcham. Loftus, one of the best researchers in the history of experimental psychology, debunked much of the "recovered memory" therapy that was so popular in the 1980s and '90s — procedures in which "therapists" created "memories" of incest. It all fitted nicely with the academic feminist view that women are psychologically crippled by the men in their lives. Loftus' research was fiercely opposed, but it established conclusively that false memories can be created. Alas, before that fact became clear, many innocent people were sent to jail.

Gary Jason is a writer and philosophy instructor. His books include "Critical Thinking: Developing an Effective Worldview" and "Introduction to Logic," both published by Wadsworth Publishing Company.

My recommendation is an author whom I discovered during my summer vacation last year. Perusing the ship's library during a ten-day cruise, I came across "Spies" (2002), a novel by Michael Frayn that was so good I ended up reading two more of his novels, back to back. I had known Frayn as a versatile playwright, with hits as diverse as the riotous backstage farce "Noises Off," the historical dramas "Democracy" and "Copenhagen," and the biting satire, "Benefactors." What a delight to discover that I could enjoy his brilliant writing in the comfort of a beach chair.

Frayn brings the same versatility to his novels that exists in his plays. His stories don't fit a particular genre, but they are all wonderfully written, full of metaphoric surprises, empathetic characters, and unexpected imagery. "A Landing on the Sun" (1991), a story about a government clerk who has become detached from life, begins:

> On the desk in front of me lie two human hands. They are alive, but perfectly still. One of them is sitting, poised like a crab about to scuttle, the fingers steadying a fresh Government-issue folder. The other is holding a grey Government-issue ballpoint pen above the label on the cover, as motionless as a lizard, waiting to strike down into space next to the word *Subject*. These hands, and the crisp white shirtsleeves that lead away from them, are the only signs of me in the room.

"Headlong" (1999) has a completely different tone and theme. It's an art history lesson within a scam within a domestic squabble. Martin Clay, a philosophy professor, has moved

into the country so he can (finally!) finish his dissertation in peace. He becomes distracted, however, when he thinks he has stumbled onto Breughel's missing painting of "Spring" being used as a fireplace screen by an eccentric neighbor. The problem of how to research the painting's history for authenticity and purchase it without the owner's realizing its value, all the while deflecting his own wife's growing belief that he is having an affair with said neighbor's wife, builds to a comic ending, with a playwright's perfect sense of timing. The details of Breughel's iconography offer an entertaining art lesson — and anyone who has suffered from writer's block will sympathize with Clay's willingness to accept any distraction rather than sit at his desk.

Olfactory memory, the theme of "Spies," is a powerful force. Do you remember what childhood smelled like? I do. It has been 35 years since I left California, and more than 40 years since I left childhood, yet when I arrive for a visit in San Diego, the air still smells like home. When I read the first line of "Spies," I was hooked:

> The third week of June, and there it is again: the same almost embarrassingly familiar breath of sweetness that comes every year about this time. I catch it on the warm evening air as I walk past the well-ordered gardens in my quiet street, and for a moment I'm a child again and everything's before me — all the frightening, half-understood promise of life.

In this story the protagonist, Stephen Wheatley, returns to his childhood to reconstruct the most significant summer of his life, when England was at war with Germany and suspicion was in the air so palpably that you could smell it. Anyone might be a German spy — perhaps the neighbor down the street, perhaps even one's own mother — and spying on the spies was not a game, but a duty. But children's games can have adult consequences, and Wheatley returns to his childhood home to revisit those consequences. It was with a rush of both anticipation and regret that I turned each page, knowing that the end of the story would bring the end of a literary world where I wanted to linger.

Jo Ann Skousen is entertainment editor of Liberty. She lives in New York.

The spread of deadly disease, especially when the dumb humans can't see it stalking them, can make for chilling history. One of the finest histories of infection in which I've immersed myself is Steven Johnson's "The Ghost Map" (2006). It tells the tale of the deadly outbreak of cholera in London in 1854, and how two men, a doctor and a preacher, proved how it was spread, even though not once did they see a cholera bacillus.

The doctor, John Snow, had the theory that the disease was spread through infected water, but the water under indictment smelled and tasted pure. How could he prove that it was deadly? He did so partly with a map — a map of infection.

In parallel to the detective story is a revolting description of London in the early industrial age. The industrial revolution made London the earth's largest city with the earth's largest waste problem. Libertarians will note that market mechanisms did arise to handle this, though they were, in the author's estimation, not so good. They will note that the first solution imposed by government made matters worse — but that the second one was better. The book also shows how the provision of sewers and a clean water supply ended cholera epidemics by the last quarter of the 19th century.

While on the subject of diseases, I'll suggest a couple of older books that remain on my shelf. The first is Gina Kolata's "Flu" (1999), which is the story of the influenza epidemic of 1918, an epidemic spread by the movement of soldiers in World War I. The second is Randy Shilts' "And the Band Played On" (1987), a grim and haunting history of the AIDS epidemic by a man who later succumbed to it. The Shilts book, which was made into a superb TV movie, outlines the conflicts between disease control and sexual freedom that arose in San Francisco as the result of AIDS.

Bruce Ramsey is a journalist in Seattle.

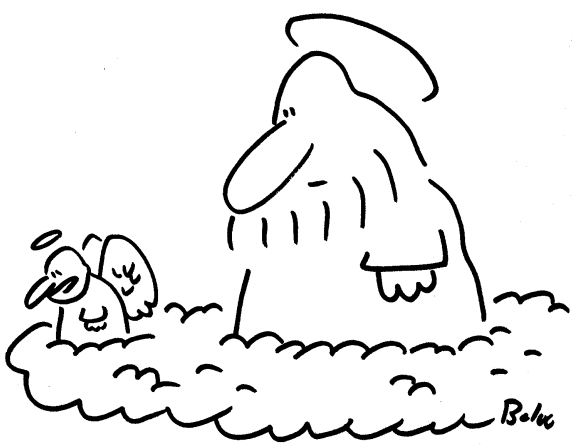

"Oh, they go on and on, but what it boils down to is that they want you to have mercy on their souls."

If you're like me, you may find that the approaching summer puts you in a reflective mood; and if so, you may be interested in the two books that come to my own mind.

One of them is "Waiting for the Barbarians," a novel by J.M. Coetzee. This short allegory, first published in 1980, has to do with many issues that are particularly relevant now: issues of justice, law, authority, security, torture, and the interplay among them. A young friend gave me a copy, and it cheers me that the next generation is still thinking about fundamental issues. On the other hand, I suppose that next generations always have, yet we still manage to botch things up on an incredibly grand scale. At one point, the magistrate in this story reflects:

> I wanted to do what was right, I wanted to make reparation: I will not deny this decent impulse, however mixed with more questionable motives: there must always be a place for penance and reparation. Nevertheless, I should never have allowed the gates of the town to be opened

> to people who assert that there are higher considerations than those of decency.

I do not think that anyone will find the answers in this book, but it does pose some of the questions very powerfully.

The second book is "Grayson" (2006). This little gem was written by a most remarkable woman, Lynne Cox, who swam the English Channel at the age of 15. Her book recounts an event that happened two years later. She was swimming off the coast of California (a three-mile, early morning workout in 55 degree water) when she became aware that an 18-foot baby whale was following her. Separated from its mother, the young gray whale was lost and his life in jeopardy. The book recounts Cox's thoughts and experiences as she deals with this situation. At one point, when she is trying to maintain contact with the baby (and failing), she summarizes her feelings as follows:

> There are all sorts of ways to think about the world, and so many people who think differently. Still, I believe that there are two basic ways of thinking: one of possibility and hope, the other of doubt and impossibility. When I think of impossible things, I think of a friend of mine who did the impossible, and that makes me believe impossible things can become possible. If I try, if I believe, and if I can convince other people to help, the impossible isn't impossible at all.

She was referring to a friend who had become one of the first to achieve human-powered flight.

"Grayson" is a tale of heroism, near-tragedy, and ultimate success. In the world we live in, the actions depicted in this story are almost unbelievable, and that is unfortunate. Treat this book as a vitamin capsule for the soul.

Ross Overbeek has been a professor at Northern Illinois and a senior scientist at Argonne National Laboratory. Most of his past research was in computer science, but in 1989 he met Carl Woese and has since focused on understanding microbial life. He most recently was a founder of the Fellowship for Interpretation of Genomes.

Two works of fiction I like are Jim Harrison, "The Woman Lit by Fireflies" (1990), and Robertson Davies, "What's Bred in the Bone" (1985). The latter is an especially great ride; but the first story in "The Woman Lit by Fireflies," "Brown Dog," is hilarious and moving in its own way. Davies was one of Canada's greatest novelists, and the series of novels he wrote in connection with "What's Bred in the Bone" is well known for its wit and urbanity.

In political and moral philosophy a great but neglected work is Jeremy Bentham's "The Principles of Morals and Legislation" (1789, available in many editions). Particularly its first four to six chapters are vital for understanding the reasonableness of the utilitarian view. John Stuart Mill's "Utilitarianism" (1861) is the classic statement of the 19th-century utilitarians, notwithstanding that Mill and Bentham are thought (largely inaccurately, in my opinion) to differ on the question of "quality" and "quantity" of pleasures and pains.

Anything by Mill is great to read. Although there are contrasting strains in his thought, I can never understand why people who read him do not consider him strongly in the libertarian tradition. But to paraphrase the author himself, he thought that truth, in the great practical matters of life especially, is largely a matter of the reconciling and combining of opposites. His "Principles of Political Economy" (1848) remains one of the best texts in political and economic thought, and is well worth reading in full, together with with "Utilitarianism" and, of course, "On Liberty" (1859) which remains perhaps the most read work on human liberty.

Anything by Henry David Thoreau is a good summer read. In 2000, a final manuscript, "Wild Fruits," was published, and I've enjoyed looking at it. I've always thought that Thoreau is as good a libertarian exemplar as anyone. I'm going to read "Walden" this summer — how does it end? "The sun is but a morning star."

Lanny Ebenstein is author of "Friedrich Hayek: A Biography."

In the spring of 2002 I heard of a New York libertarian gathering in which the majority vociferously favored sending American military into the Middle East. Had I been there, I would have screamed, "Are you guys libertarians or neocons? Don't you know that the great libertarians have regarded war, especially American invasions of smaller countries, as a sham perpetrated by politicians and warmongers, often allied with war profiteers? That they inevitably result in an expanded, more intrusive government?"

Recalling this disappointment, I'm pleased to judge that, of all the libertarian books to come my way about the wake of 9/11, as we now call it, the best is an anthology culled from the pages of Jacob Hornberger's Freedom Daily (actually a monthly). Titled "Liberty, Security, and the War on Terrorism" (Future of Freedom Foundation, 2003) and edited by Hornberger and Richard M. Ebeling, this book includes short contributions by familiar libertarian names: Sheldon Richman, Doug Bandow, and James Bovard, along with a foreword by Robert Higgs, a major antiwar libertarian polemicist who is curiously not a contributor, but whose "Against Leviathan" (2004) is a classic.

What the book represents is traditional libertarian isolationism, taking its cue not from any 20th-century publicists but from John Quincy Adams' speech to the House of Representatives in 1821: "But she [America] goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own."

In the world we live in, the actions depicted in "Grayson" are almost unbelievable, and that is unfortunate.

What's missing from this book is any advocacy of secession, which I take to be the legitimate result of the last presiden-

tial election, in which the states on both coasts unanimously supported one candidate and middle America another. Need I conclude that smaller North American countries would be less predisposed to go "abroad, in search of monsters to destroy"?

Richard Kostelanetz has written many books about contemporary art and literature.

I had a lonely childhood, so to me one of the most important things in the world is friendship. I also care a lot about certain things that other people would call political or "social" causes. But I deeply resent having friendship, caring, or even the proximity of other people thrust upon me. I don't care if it's Beethoven that my neighbor is blaring from his patio (as if it ever could be Beethoven); I resent the intrusion, anyway. I guess you could call this a typically libertarian character formation.

Now comes Liberty's own Scott Stein, with a novel on precisely this theme of self versus other: "Mean Martin Manning" (2007, beautifully produced by ENC Press). It's a story about a man who is regarded by the whole American nation as nasty, vicious, inhuman, and downright "mean," simply because he wants to exist by himself. He isn't a hero; he isn't a villain; he just wants to exist by himself. His antagonist is a caring social worker endowed with state power to "improve" her un-caring neighbors and perfect them into sociability. She is, in short, the devil incarnate.

There are few really good hardcore libertarian novels. This is one of them. Remember, I said "hardcore." And "good." "Good" doesn't mean "I agree with the message." "Good" doesn't mean "I like the hero." "Good" doesn't mean "This is an agreeable fantasy." "Good" means a lot more than that, and "Mean Martin Manning" is good. It's smart and it's funny. It's exactly as long as it ought to be. Its images, ideas, settings, and characters will linger in your memory far beyond this summer.

Stephen Cox is editor of Liberty. His most recent books are "The Woman and the Dynamo: Isabel Paterson and the Idea of America" and "The New Testament and Literature."

Letters, *from page 6*

A "right to privacy" is a reasonably and predictably inferred right guaranteed by the Constitution and I feel sorry for Cox if he feels like he is not entitled to privacy. Ironically, Cox shows in the very same article the difference between interpretation and invention when discussing God's commandment "Thou shalt not kill." In interpreting a document, the burden is to find meaning consistent with the intent of those who wrote it. Saying a right doesn't exist because it is not explicitly enumerated, even though the original document claims not to have enumerated every single right, is bizarre.

Given that, it still is possible to agree that judges can misapply legal and constitutional provisions when deciding a case. Cox's example was about a Connecticut law outlawing contraceptive devices. In this case, the (legitimate) right to privacy was invoked by the Supreme Court to invalidate the law. I recognize the right but fail to see the connection. The Court probably should have decided that people have a right to use contraceptive devices, period. Maybe not as lofty as the right to free expression, but completely consistent with the spirit of the Constitution, in that rights are open-ended. And as we discover cases that are not enumerated, the presumption should be that the right exists. To claim, as Cox does, that this is "inventing" rights implies that the Founders indeed had enumerated every human right and the 9th Amendment was a mistake. For liberty to make any gains, we should — what? Wait for our political rulers to grant us additional rights? I'm not holding my breath.

Dan Coyle
Dayton, Nev.

Cox responds: A modicum of intellectual honesty leads me to state the obvious, that the U.S. Constitution is not a perfectly libertarian document. Its authors had no idea that they were guaranteeing a right to privacy, or even a "right to laugh" (although libertarians can use a laugh, from time to time).

As Mr. Coyle says, the 9th Amendment provides that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Certainly, no one involved in drafting those words intended them to mean that the people have a specific and guaranteed right to "privacy" — whatever exactly that means (and no one knows what it means, nor can ever know, "privacy" being as vague a term as anyone could possibly come up with). One may as well argue that the authors intended the 9th Amendment to guarantee the right to a "fair wage," or the right to be free from various kinds of business competition, or the right to be supported as the minister of a state church in New England — all of which were "rights" retained by people when the 9th Amendment was written. Do you want them back? Then don't be too confident about using the 9th Amendment as a trump card for libertarianism.

The 10th Amendment goes on to say: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." If you argue that the power to restrict — or protect — "privacy" isn't delegated by the Constitution to the federal government, then I suppose you must also argue that this power is reserved to the people or to the states. The creators of the amendment knew, of course, that the states had laws that limited many kinds of "privacy." The 10th Amendment declares, as clearly as words can declare, that the Constitution isn't going to do anything about that. The Supreme Court's decision in *Griswold* went in exactly the opposite direction.

As a libertarian, I claim the Constitution as one of the greatest documents in our intellectual heritage. But I'm not going to raise a laugh at my own expense by insisting that, by the strangest of coincidences, this document guarantees precisely the list of rights that I myself affirm, and does so in such a way that only libertarians like me, two centuries after the document was written, can discover that it did.

Diamonds, In the Rough

by Nelson Hultberg

Baseball owners and players may have agreed on another labor deal, but the sport will remain at risk until the playing field is leveled.

It has been almost 13 years since a strike shut down America's national sport, cancelling the World Series. In fall 1994 there was overwhelming misery in Mudville, and the country's baseball fans are still skittish because of it.

Can such a disaster happen again? The Major League Baseball Players Association and the team owners have signed a five-year agreement that apparently assures peace between players and owners until December 2011. But anything can happen when you're dealing with the kind of money that flows into baseball from the national TV networks. The players and team owners are human, and humans are prone to large parcels of greed and the desire to use legislative privilege to get more out of the system than they could get through voluntary interchange in a free market.

In this essay, I want to examine the issue of "free agency" in baseball from a libertarian point of view. I also want to look at the alleged nemesis of free agency, the "reserve clause," considering the pros and cons of each and the ways in which they are sought after, defined, misunderstood, and abused by the protagonists of the sport.

For the benefit of those who do not ardently follow baseball, these two crucial terms need to be defined, and a brief history provided.

1) *Free agency* means the ability of players to negotiate, without hindrance, with any team in any league. It came into being in baseball during the 1970s in reaction to the fact that major-league team owners had always required their players to play only for the team that originally signed them up. With the onset of free agency, players were free to move from team to team upon expiration of any contract they had signed.

Before free agency, owners had always held an option on the players' services, an option that could be renewed if the owners wished. Players were locked into one team only. They could not go to other teams and try to get higher salary offers; they could not start a bidding war. A player had to seek a higher salary solely on the basis of his production on the field the previous year. His bargaining strength consisted of his ability to "hold out" and not play in a given year if he felt the owner of his team was being unfair in his salary offer.

2) The *reserve clause* was language contained in all standard player contracts that bound the players to the teams with which they originally signed. It began to be used in the late 19th century, when baseball teams became businesses and started making large amounts of money. Owners realized that if their players were free to roam from team to team each year,

bidding wars would break out, salaries would skyrocket, and profits would be diminished. Thus the reserve clause. All rights to the player were retained by his original team and its owner. The player was able to work for another team in the National and American Leagues only if his original team and owner released him.

The courts of the early 20th century ruled that playing professional baseball did not constitute "interstate commerce," and thus antitrust laws did not apply to baseball. This allowed the reserve clause to stand as a permissible requirement between owners and players. But by the 1970s this began to change. The Major League Baseball Players Association started demanding elimination of the reserve clause. In 1975 Andy Messersmith of the Los Angeles Dodgers managed to test the strength of the reserve clause by playing the whole year without a contract and then declaring himself a free agent for 1976 — a player capable of signing with other teams. The case was decided by an independent arbitrator, Peter Seitz, in favor of Messersmith; and a new era was born. Now players were granted free agency after six years of service to their original major-league signing team. This allowed them to solicit other teams' salary offers and bid up their earnings.

No one can dispute that the demise of the reserve clause changed the game dramatically. Whether the change was beneficial or detrimental is a contentious issue among baseball fans and many legal authorities. Yet the labor-management problems that have resulted from the demise of the reserve clause are terribly misunderstood by the American people. Their misunderstanding is worsened because media pundits usually side with the players against the owners whenever the two start disputing over salaries, free agency, employment conditions, and so forth.

During the last ten years, some of this bias has begun to wear away, at least among sports writers and commentators. But other pundits are still heavily arrayed on one side. Many would still be willing to follow the example of columnist James J. Kilpatrick, who in 1994 stated his very clear idea about how to handle the owner-player impasse during the baseball strike: "If Congress had acted to make baseball subject to federal antitrust laws, that would have put the fear of prosecution into the hearts of the baseball owners." He went on to explain that "fear of prosecution" was the way to have ended the baseball strike *before it began*.

The voluntary relinquishment of certain freedoms is one of the signal characteristics of civilized societies.

We expect such statist reasoning from liberal punditry — but despite conservative encomiums to free enterprise, most conservatives (such as Kilpatrick) also feel that whenever economic disruption occurs in the market, we must turn to Congress and the courts for a solution. We dare not leave people alone to work out their problems on their own.

But if Congress is to "make baseball subject to federal antitrust laws," that is, eliminate the baseball owners' antitrust exemption, then by all the rules of equity, Congress should also axe the players' exemption. Why do we hear so much clamor about the owners' cartel and not the players' cartel? Why are owners considered *wicked* when they collude, but players pronounced *righteous* when they do so? What else is the players' union but a cartel of all the best talent? What else are its mandatory agreements about tactics but collusion?

Fiscal "discipline" is futile when labor is allowed to walk out, but management is not allowed to hire replacements.

Of course, eliminating antitrust exemptions is not the solution to any of this. If we want to solve baseball's labor-management predicament in a substantive way, then we need to eliminate antitrust itself. We need to refrain from temptations to drag players and owners into the courts so as to inflict more regulation. We need to be working toward *rescinding* the Byzantine body of antitrust law.

Owner Lords and Player Serfs?

In America, we are supposed to uphold freedom of contract. This means that any two parties of adult age are free to sign any agreement they wish, and if they sign it they must abide by it. No one holds a gun to the players' heads and commands them to play major-league baseball. They are free to join a team in the American or the National League, or not to join. They are free to join other leagues, or form their own leagues. They are also free to work at other jobs. The major-league "reserve clause" was not forced upon the players, as shackles were placed on slaves in the Old South — although this is the image that the media often present.

Baseball's century-old reserve clause did cartelize the industry and reduce salary competition among teams. But this was not unjust, and it was not contradictory to a free-market philosophy.

As numerous libertarian economists have pointed out, both competition and cooperation are necessary in a market economy. There need not be 100% competition within one particular industry; there need only be free movement and competition within the marketplace as a whole. Many cartelized industries are beneficial — so long as the cartelizers gained their position through persuasion and productivity, and not through coercion, or the coercive mandate of the legislature or judiciary. In other words, as long as the baseball owners lack the force of law to restrict the entrance of other teams and leagues into the field, then even though there is no immediate competition present between the existing teams, there is always the threat of competition if exploitative tactics

are adopted by the owners' cartel. Potential competition acts in the same manner as actual competition to limit the power of corporate owners. Over the past 30 years, this fact has been clearly documented and articulated in the works of such scholars such as Dominick Armentano and Yale Brozen.

To the collectivist mentality, baseball's owners appear to possess "unchecked power" and to be abusing it, and this must of course be prohibited by antitrust laws or other means. But owners in a *free* market do not have "unchecked power" so long as the cartelization is achieved by meeting market demand, not by legislative exclusion. Workers in a cartelized industry are free to unionize and strike at any time to alter unfair working conditions or upgrade pay scales they deem too low. Consumers can withdraw their patronage at any time to lower a cartel's exorbitant prices. Competitors can enter the scene at any time to neutralize a cartel's irrational policies. All these things happen, with great frequency. Capital can and does flow to competitors of cartelized industries, whether to bring exploiters into line or simply to offer an alternative to the cartel. This is what the American Football League did in the 1960s, and the American Basketball Association did in the 1970s.

The real "unchecked power" is that gained by legislation and judicial rulings. This is the power that unions fall back on, seeking special privileges granted to them through the Norris-LaGuardia Act of 1932 and the Wagner Act of 1935 (the National Labor Relations Act). Those acts prohibited the federal courts from issuing injunctions against unions in most cases and forced employers to bargain only with the organized union of their industry. Moreover, they established that the NLRB and federal court system can almost always be brought into play as a last resort to dictate terms in favor of labor if an impasse is reached at the bargaining table.

Here is the crux of baseball's labor problems: the bargaining process is grossly rigged in favor of the players. Because violence (or the threat of violence) is a tolerated tactic for labor to use, and because government intervention favorable to labor always lurks in the background as a potential last option, the players have a greatly diminished incentive to negotiate the vital issues at a bargaining table. Even if violence is not employed against replacement workers, the threat of it is always there. Those who dare to cross a picket line run the risk of intimidation, ostracism, and physical harm for their desire to work.

The replacement players of 1994 felt the sting of this in a big way. All minor-league players who signed on to play for the owners during the strike of 1994–95 as replacement players were branded pariahs by the players' union — people never to be associated with, never to be spoken to; people to be treated with contempt once they made it to the major leagues after the strike was settled. They were insulted and demeaned in their clubhouses; they had to sit alone at the end of the dugout bench; often, their lockers were sabotaged. Some of the insults naturally flared into physical altercations.

And, of course, Congress got into the game. No sooner had the owners begun to hire replacements before spring training in 1995 than congressmen began braying about how greedy they were, and how Congress would have to withdraw the owners' antitrust exemption if they were not able to settle the conflict soon. Half a dozen members of the players' union paraded up to Capitol Hill to testify about how "unfair" the owners were being for locking them out and attempting to bring in replacements. This intensified Congress' interventionist threats, which understandably intimidated the owners. Members of the media jumped in with articles about the owners' stupidity, the ridiculousness of trying to play a full season with nothing but minor-league replacement players, the probability of Americans' abandoning the grand old game if the owners didn't come to their senses pronto, etc., etc.

It didn't take long for the pressure to have its effect. Midway in the strike, the players' lawyers filed unfair labor practice charges with the NLRB, which voted to seek an injunction against the owners. When U.S. District Judge Sonia Sotomayor backed it up, the owners capitulated. They had been fully prepared to go the distance on the strike and play the entire season with replacement players if Congress and the courts had remained neutral. Unfortunately, the process was not allowed to continue under a neutral government.

Now, if the threat of government meddling had been absent, and the owners had continued to buck the strike with replacement players, it is very possible that the members of the players' union would have shown their true colors and indulged in violence on the picket line, instead of insults and ostracism. Unions often refrain from violence only so long as they don't need it. In this case the players didn't need it, because they were able to win through congressional threats and court rulings.

Why should players negotiate a settlement that requires compromises they do not wish to make, when all they need to do is pretend to negotiate, arouse congressional sympathy, let an impasse be declared, then bring in the NLRB and its federal officers, who are almost certain to settle the issue by fiat in favor of the players? This is why owners usually cave in to players' demands. The players bargain from strength because their lawyers know that government is always there to back them up.

This past year the negotiations between owners and players were said to be a "smooth process" leading up to the new basic agreement on Oct. 23, 2006. But the "smoothness" only came about because the owners were forced to cave in during the 1994 strike, when they understood the impossibility of confronting a players' union backed by a labor-friendly NLRB and congressional threats to "force a settlement" once the use of replacements was attempted by the owners. Such backing and threats from government destroyed the owners' only bargaining leverage, which was their ability to use replacements.

There's an old adage that says we get the politicians we deserve. In baseball, we get the owners we deserve because of the sick system we have allowed to evolve.

This time around, the owners decided to take what they could get without any fight, so as not to be pilloried as ogres by the media. They had found the players' union cartel an unbeatable adversary.

The way to solve the problem is obvious: repeal the Norris-LaGuardia Act and the Wagner Act. Government should not be an intervener in these issues at all; it should merely be a neutral umpire to make sure that both sides refrain from physical force. This was supposed to be the American way.

The Beauty of the Reserve Clause

None of this can be rectified, however, until a better understanding is gained of baseball's structure under the reserve clause. The clause developed as a profit maximizer; but it also created stable, workable leagues, playing a game in which the audience could remain interested, because individual teams were able to hold onto good players.

To this end, the reserve clause gave owners the ability to build up and maintain extensive farm systems to develop players. Without such a clause, any player who reached the major leagues could skip out on his team after millions of dollars had been invested in his development over five or six years in the minors. There are, of course, other ways of developing talent. As critics of the reserve clause point out, soccer leagues in England get talent from independent teams. This may be, but it is not the superior talent development that major-league baseball desired. The reserve clause gave owners the ability to develop sophisticated minor-league systems that they owned and regulated according to *their* philosophy of talent development. This sort of development would be hard to achieve by using independent teams.

The guiding of a rookie baseball player toward the major leagues is a very intricate and intuitive art. Teaching a youth how to throw a slider or a changeup, how to judge the strike zone at the plate, how to read a pitcher in order to steal a base, how to avoid getting a sore arm, how to perform countless training routines that might accelerate his path to the big leagues, how to assure his health by surgically correcting his injuries along the way — these were all things that the team owners and managers wanted to control very strictly. They had an investment in the rookie from the day he emerged from high school, and they could teach him their brand of baseball from that day forward. His development was not to be left up to "independent" teams with less than no stake in his ultimate arrival in the big leagues.

The players don't have to endure the pitiful $2 million salaries they receive for playing a boy's game seven months out of the year.

There was certainly nothing un-American about players' contracting to stay with a team. The voluntary relinquishment of certain freedoms is one of the signal characteristics of civilized societies. We relinquish freedom all the time, in countless areas of our lives — when we agree to pay union dues, when we accept company workplace restrictions, when we subordinate ourselves to the bylaws of our church, when we enter into marriage, when, if we are major-league athletes, we agree to stand at the playing of the national anthem. All of life is a process of voluntarily giving up certain freedoms in order to achieve other freedoms or reach other goals. The only requisite is that there be no threat of force or violence restricting our freedom of voluntary, contractual choice.

The players maintain that they only want what is their right in America — *free agency*. But true free agency would encompass freedom of contract, and it would be totally dependent upon *persuasion* among parties, not upon the ability of the federal government and the NLRB to dictate terms, void agreements, terminate strikes and lockouts, and so forth. True free agency would mean that both parties have the right to accept or refuse the other's offers.

What this means for major-league baseball is that if the team owners wish, they may require employment of a reserve clause in player contracts, and if they don't like the players' salary demands, they are free to lock the players out and contract with other players. Similarly, if the players don't like the way the American and National Leagues operate, they are free to ignore the owners, to walk out or strike for a change in the rules. They are also free to hook up with another league, or form their own league if the owners are too unyielding. And of course they are always free to look into other occupations if they feel they are being "exploited." There are other industries, other fields, other careers in America. They don't have to endure the pitiful $2 million salaries they receive for playing a boy's game seven months out of the year, then vacationing at Phoenix golf courses and Florida fishing harbors during the winter. No man has to put up with such "exploitation."

None of this should be construed to mean that the major-league owners are angels, or that they are without undeserved advantages in this drama. They are, like all humans, out for the best deal they can get, and are quite capable of exploiting the rules of the system to aid their cause. Their stadiums are paid for by taxpayers, a custom that a truly free market would not allow. The owners also benefit from capital gains; few of their ventures are the losing efforts they publicly claim them to be. They lie about what they earn — and they have to lie, because they are up against a statist, pro-labor mindset in America. Baseball owners are human creatures prone to all the vices and weaknesses of humanity. But the rigged system exacerbates their vices and rewards them.

What's Up With Ownership

Baseball fans, who revel in the great performances of their favorite teams, need to realize that economic ventures of vast scope (which is what baseball teams are) require far more than star employee performances. They require hundreds of millions of dollars of risk capital — to purchase franchises, lease stadiums, maintain personnel, support farm teams, operate scouting networks, run spring training camps, fund travel schedules, and on and on and on.

Baseball is a business subject to the same economic laws as all other businesses. It requires long-range, innovative

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"...but the topic of stupid people can no longer be ignored, because for the first time in history stupid people have more political power than anyone else, and the consequence of allowing them all that power now looms like the shadow of doom over America." — page 13

"...As it has always done, somehow Government, like some monster from the past, has again outwitted the freedom-loving masses and has convinced them that they don't need protection from Government, but from everything else. And so the age-old beast our founding fathers had tamed is once more banging at our door." — page 145

"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

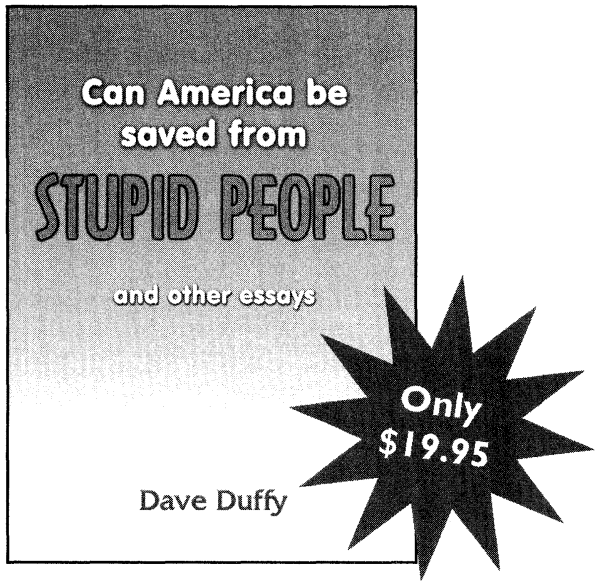

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thinking, acute judgment and instincts, the capacity to make managerial decisions quickly and authoritatively, tremendous self-assurance, leadership, inspirational talent and organizational ability, combined with hefty profit incentives to sustain its operations. Baseball is not only a "team sport"; it is a vast, interlocking organizational venture.

Those who dare to cross a picket line run the risk of intimidation, ostracism, and physical harm for their desire to work.

Owners are first of all entrepreneurs. And what interests them — understandably — is not just profits, but *big* profits. Baseball owners are wise enough to realize that a good deal of their capital gains will be eaten up by inflation. That leaves annual revenues as an important motivating element in their enthusiasm for ownership. If revenues get eaten up by bidding-war salaries, then a great deal of the appeal for team ownership is negated. Owners invest, say, $200 million of their hard earned capital, and they are not interested in making a paltry 4 to 5% annual return on it. They can get that 4 to 5% in quiet, secure Treasury bonds. High-voltage personalities like Steinbrenner of the Yankees, Reinsdorf of the White Sox, and McCourt of the Dodgers came into the game with expectations of action and 20 to 30% yearly returns, as do all talented entrepreneurs who thrive on risk and the challenge of building something from scratch.

When the owners see mere bench warmers receiving $1 million annual raises from outside arbitrators who know nothing about the game, when owners see sore-armed pitchers conspiring with their agents to extract three-year, $30 million contracts (all the while knowing that their arms are shot and only one subpar year is left in them), they see financial disaster lurking ahead. When owners observe average players demanding and getting $50 million for five years, and superstars demanding and getting $150 million for ten years, when they observe mega-million-dollar stars shooting cocaine and steroids (and taking time off, while still being paid, to lounge in rehab), the owners know the system is insane — that they have gone down the rabbit hole and have landed at the Mad Hatter's tea party. (There are insurance policies to indemnify owners against injuries to players, but they are extremely expensive, and they are written with so much wiggle room that it becomes very difficult to collect meaningful amounts of compensation for the majority of injuries. The policies help, but not nearly enough.)

It may be asked, "Why do owners pay all that money if they don't think the players are worth it? The owners should discipline themselves." The problem with such a claim is that "discipline" is futile when labor is allowed to walk out, but management is not allowed to hire replacements. Discipline is meaningless in a bidding war in which one's business existence is dependent upon hiring from a talent pool, the content of which is dictated by the players' union, backed up by Congress and the courts — a talent pool that is not plentiful enough to fill all the owners' rosters with high-caliber players. In such a system, salaries *must* be bid up. "Discipline" wins an owner last place in the standings and a sparsely-filled stadium the following year.

Some of the wiser owners (e.g., Peter O'Malley of Los Angeles and Wayne Huizenga of Florida) saw the writing on the wall and realized that something was sick about the present structure of the game. They opted out of the sickness and sold their teams.

Huizenga might have been a ruthless, uncaring entrepreneur (as some say) because he gutted the Florida Marlins. No doubt he wasn't a high-class guy, but he knew there was something wrong with the sport. Within one year of getting into it, he could see that there were going to be no big profits in Miami, and he resolved to get out unless he could entice the city of Miami to provide him with a stadium that might attain those profits. When he couldn't pull it off, he sold his players and then sold his team.

There's an old adage that says we get the politicians we deserve. In baseball, we get the owners we deserve because of the sick system we have allowed to evolve. We get the Huizengas instead of the O'Malleys. Few would doubt that baseball was better off under the old rules, when it was run by men such as Walter O'Malley of the Dodgers, Phil Wrigley of the Cubs, Larry McPhail of the Reds, Tom Yawkey of the Red Sox, and Horace Stoneham of the Giants.

Commissioner Bud Selig and the team owners understand that the present system of arbitration and "free agency" is a disaster, but they are boxed into the idiocy of it all. They don't realize that the source of their plight lies in the ideological fallacies patched into our political and legal systems over the past 80 years. They only know that they can't make big profits if they don't produce a winning team, and that they can't produce a winning team without the better players. Thus, they are dragged into the annual, lunatic bidding war that the players' coercive cartel of pseudo-free agency has created.

Baseball will, no doubt, survive its present dementia. What kind of game it will become is another question. Our hope should be that the regimenters in Congress and the courts will stay away from it, allowing the contestants of the boardroom and the ball field to work out their differences on their own. Adam Smith would have wanted it that way, and if the issues could be explained properly to them, I'm sure that the great majority of America's baseball fans would too. ❑

Why are owners considered wicked when they collude, but players pronounced righteous when they do so?

Liberté and Egalité Against Fraternité

by Alex Binz

"The great aim in the struggle for liberty is equality before the law."
— Friedrich Hayek

It is hard to imagine two people more different. Alphonse de Lamartine (1790–1869) was a poet who supported socialism; Frédéric Bastiat (1801–1850) was a philosopher who supported laissez faire. They were well acquainted — both were members of the French National Assembly after the February Revolution of 1848 — and were at least gracious debating partners, if not outright friends. Still, they disagreed about national workshops, universal credit, minimum wage, protective tariffs, and industrial subsidies — all the political programs of the age.

Lamartine wrote to Bastiat claiming to have discovered the root of their differences. Their exchange was captured in Bastiat's pamphlet "The Law": "M. de Lamartine wrote to me one day: 'Your doctrine isn't the half of my program. You remained there, in liberty; I followed it with fraternity.' I answered him: 'The second half of your program will destroy the first.'"[1]

The difference between Bastiat and Lamartine was the central difference dividing classical liberals from socialists — and, in our own day, libertarians and conservatives from modern liberals. Genuine justice, in the classical-liberal tradition of the Enlightenment, is fundamentally opposed to the egalitarian "social justice" of the modern Left. A republican society based on liberty and equality under the law simply cannot coexist with an egalitarian society based on an artificially produced "fraternity" or equality of condition. The greatest threat to the institutions of the democratic republic comes not from Islamic fundamentalism but from well-meaning politicians preaching "equality of condition," "fair trade," and "social justice."

The Republic: Law, Justice, and Equality

What is this strange creature called "the republic"? Definitions abound, but perhaps the best comes from Thomas Paine's "The Rights of Man": "What is called a republic, is not any particular form of government . . . [but is rather the] object for which government ought to be instituted. [It is the] RES-PUBLICA . . . the 'Public Business' of a nation."[2] Viewed in this way, a republic is defined not by form but by function; not by organization of parts but by the object for which the parts are arranged.

But if that's a republic, then what's the *res-publica*? What is the proper business of the state? To understand the answer, we must first inspect the foundations of the classical liberal

ideas that shaped the Enlightenment's view of the republic. In the words of Samuel Adams, "The Natural Rights of the Colonists are these: first, a right to life; secondly, to liberty; thirdly, to property; together with the right to support and defend them in the best manner they can."[3] To prevent anarchy and chaos, man is obliged to combine his right of self-defense with the rights of his fellowmen, and to delegate defense to a third, presumably impartial party, government. In the words of Bastiat, "[Law] is the collective organization of the individual right to legitimate self-defense."[4]

Since the rights of the created cannot legitimately exceed the rights of the creator, it follows that governmental activity is limited to cases in which an individual can legitimately use force. Again, Bastiat: "Government acts only by the intervention of force; hence, its action is legitimate only where the intervention of force is itself legitimate . . . that being the case of legitimate defense."[5] Or, as Friedrich Hayek put it, a free society confronts the problems of chaos and crime "by conferring the monopoly of coercion on the state and by attempting to limit this power of the state to instances where it is required to prevent coercion by private persons."[6]

A republican government has two contractual obligations to its people. First, it must guarantee justice by eliminating injustice. It exists specifically for this purpose, "to guarantee the persons, liberties, and properties; to support each in his right; to make justice reign over all."[7] Second, a republic must secure equality of treatment by the law. Because government derives its authority from citizens who are equal in rights, it must treat each equally under the law, and not discriminate against any. Legal inequality (discrimination in enforcement of the law) is a clear injustice. If a republic is charged with eliminating injustice in society, how can injustice in its own actions be justified?

As we know, since the Enlightenment period, the concept of "equality" has been grossly overused, and abused, reduced to a cliche or political buzzword. Truly understood, however, the concept of "equality" that animated classical-liberal ideas is that defined by Supreme Court Justice John Marshall Harlan, who wrote in his dissent in *Plessy* v. *Ferguson* (1896), "In respect of civil rights, all citizens are equal before the law."[8] Republican equality is equal protection for rights. It is not an act of empowerment, or some other positive action encouraging success; it is a simple act of protection, a defensive action discouraging crime and violation of human liberty.

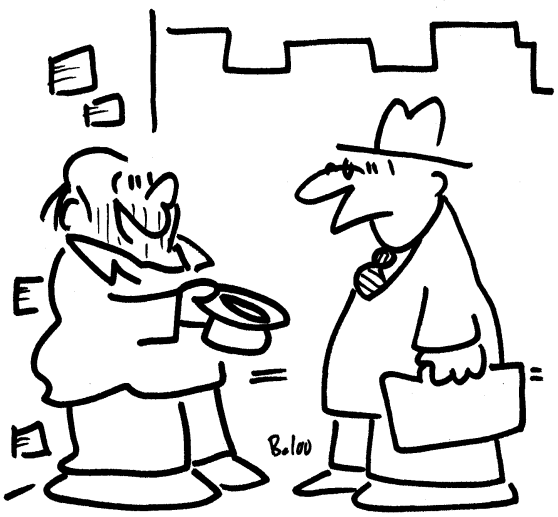

"*Please,* sir — I don't want to have to go on welfare and mess up Bush's economic recovery program."

Egalitarianism and "Equality of Condition"

Some people want to go farther. Many today see liberty and equality as Lamartine saw them; as secondary results of a broader program to promote "equality of condition." Proponents of this notion of "social justice" promote redistribution of wealth from the haves to the have-nots, using three seemingly formidable arguments.

First, they claim that wealth, by its nature, causes poverty; in the marketplace, one person's gain means another's loss. This theory has existed since the days of Plato and Aristotle, if not before, and is the lasting legacy of pre-Enlightenment mercantilism. Bastiat knew it as the concept that human interests are intrinsically antagonistic. We know it today as the "zero-sum game" that was the foundation of Marxist economic analysis, and remains the foundation of most redistributionist schemes. Simply put, the theory claims that the accumulation of wealth, in and of itself, is an injustice to the poor; hence, it is the business of the government to correct it.

Second, these egalitarian thinkers claim that poverty, by its nature, violates human liberty. They claim that the poor are unable to use their faculties to the full, or to receive the full value of their property, since their needs are greater than those of the wealthy and they cannot bargain with them on equal terms. Poverty thus limits their ability to enjoy the fruits of their labor. Again, government must redress the ill; it must declare a "war on poverty" to protect the liberties of the poor.

A third argument is the concept of economic entitlement: the idea that every individual has a basic human right to wealth, which is a debt owed to him by society. Since poverty exists, clearly some people are not receiving their fair share from the societal spigot of prosperity, and those with "excess wealth" are enjoying what rightfully belongs to others. This denial of basic human rights is an unmistakable injustice — once more, an injustice deserving governmental intervention.

Is any of this really true?

Let's begin with a self-evident fact: where there is freedom of action, two individuals exchange commodities only if both gain through the exchange. If trade meant a net loss to either of them, why on earth would they bother? Free enterprise could not be a zero-sum game, simply because if it were, it would cease to exist. This is one of the many corollaries of Jean-Baptiste Say's Law of Markets[9] (closely related to Adam Smith's idea of the "invisible hand"[10]): businesses operate by satisfying the wants of others, creating products of value to trade for what they desire (money, labor, production materials, etc.). An accumulation of wealth is not an injustice; it can be seen, in fact, as a service to the community; for it indicates that an individual provided more value for his neighbors than other people did, and therefore received more value in return.

Moreover, poverty does not violate human rights. Modern Americans frequently espouse Bastiat's definition of liberty without understanding its full implications. Liberty, he wrote, is "the open exercise by all persons, of all the faculties that do not injure others."[11] Clearly, poverty does not threaten liberty, since it does not restrict people from using their faculties, or from enjoying the products of those faculties. Discrepancies of wealth are not the result of any social injustice. James Madison identified these discrepancies as a natural consequence of liberty. As he wrote in the tenth "Federalist" paper, wealth and poverty (though we must remember that these are relative terms) are created naturally by "the diversity in the faculties of men, from which the rights of property originate. . . . The protection of these faculties is the first object of government."[12]

The greatest threat to the institutions of the democratic republic comes not from Islamic fundamentalism but from well-meaning politicians preaching "social justice."

Finally, the alleged "right to wealth" does not exist. The right of property, as expounded by classical liberals, was best defined by Thomas Jefferson: "the *pursuit,*" not the possession, "of happiness." It is the right to use one's faculties to produce and enjoy utility[13] (the satisfaction derived from goods and services). The perceived "entitlement" to wealth is a subtle corruption of the original republican "right *of* property" (to pursue and produce utility or happiness) into the right *to* property (to enjoy a certain level of wealth). However appealing this "right" may be — especially to those who fall below this subjectively established "level" — the right does not exist.

Nor can it exist, from the classical liberal point of view. We must understand that there are two classes of rights. The first encompasses the "natural rights" expounded in the Declaration of Independence, which exist in a state of nature and are an intrinsic component of man. The second includes "civil rights," such as the right to vote, which are only extensions of natural and individual rights to various arenas of social interaction.[14] In other words, no person has any rights besides those that he possesses naturally. No one can *acquire* a right to wealth, since such a right could be secured only by taking wealth from other individuals.

Republican Justice vs. Egalitarian Equality

At this point, the argument for economic equality breaks down completely. If legitimate republican government is limited to removing the stain of injustice from the fabric of free society, and poverty is not an injustice, how can governmental redistribution of wealth be justified? It cannot be defended without attacking the very foundation of republican political theory. The ideals of egalitarianism contradict the ideals of republicanism: "equality of condition" is incompatible with "equality under the law."

Thus it is that the republican institutions of justice are threatened by the very people claiming to champion those values under the name of "social justice." It is not a little disconcerting to realize that the enemy of liberty is the kindly neighbor who supports welfare for the poor, the well-meaning preacher who advocates the enforcement of the voluntary model of one phase of early Christianity, when "neither did anyone say that any of the things he possessed was his own, but they had all things in common."[15] Yet that is the inevitable and unfortunate conclusion: advocates of redistribution are necessarily opposed to the republic as envisioned by our Enlightenment political forebears.

The problem with redistribution should be clear. As Bastiat states, "You say, 'There are men who lack wealth,' and you address the law. But . . . nothing enters the public treasury for the benefit of one citizen or class, that other citizens and other classes have not been forced to put into it."[16] The state is not a productive entity; it produces no goods or services, besides the service of protection against crime and injustice. Redistribution only spreads existing wealth to new recipients . . . and in the process, confiscates that wealth from its legitimate owners. Thus, by definition, redistribution gives unequal treatment to different economic classes and individuals. Rather than ensuring equality under the law, redistribution abuses the power of government to create a new legal inequality.

This leads to the question of taxes. Insofar as they are used to protect persons and properties against crime, taxes are a legitimate exchange of property for the service of protection.[17] Taxes are levied through the use or threat of force, and thus add to the level of coercion in society; governments must compensate for the injustice inherent in taxation by using those funds to reduce and eliminate injustice elsewhere. If tax funds are diverted from this legitimate function, and used to redistribute and equalize wealth, then that compensation vanishes. The effect of redistributive taxes is to increase the level of injustice. Such taxes are categorically illegitimate and necessarily contradict the republican nature of government.

Good intentions notwithstanding, redistribution is an injustice multiplied many times over. It exceeds the legitimate bounds of republican government. It creates unequal treatment under the law, defining the level of protection afforded to individuals by their personal wealth. It neglects the duty of a republic to eradicate injustice, instead promoting injustice by violating property rights.

Free enterprise could not be a zero-sum game, simply because if it were, it would cease to exist.

Like Thomas Paine, John Adams took his definition of republic from the Latin original, *"res-publica"*; but he derived quite a different definition: "The word *res*, every one knows, signified in [Latin] 'wealth . . . property;' the word *publicus* . . . [meant] 'belonging to the people.' *Res publica*, therefore . . . [meant] the property of the people. . . . Republic could be no other than a government in which the property of the people . . . was secured and protected by law."[18] Adams explains that this protection includes, by implication, a protection of liberty, since "property cannot be secure unless the man be at liberty to acquire, use, or part with it, at his discretion."[19]

The point remains: for Adams, a republic could only mean a government by which property rights are protected. The protection of legitimate property was so tied to the republican concept of "good government" that for Adams they were one and the same. The founders of our republic realized the full extent of their revolution. No longer would they tolerate an elitist regime in which the word of a single individual could have the force of law. Nor would they tolerate the mercantilist nationalism that trampled the property rights of Englishmen everywhere, so as to bestow a monopoly on a favored group or individual. They designed a representative republic in which the rights to life, liberty, and property were respected and defended. Their republican ideals ran directly against the notion of "social justice."

Freidrich Hayek never wrote truer words than when he declared that "the great aim in the struggle for liberty is equality before the law." But if we are to cry, with the French revolutionaries, *"Vive la republique!"* we must recognize the full implications of the republican philosophy . . . and the nature of our opposition. Politics may make strange bedfellows, but it makes stranger enemies; the republic's greatest enemies are those who believe themselves to be its friends. They want to maintain the old republican ideals of justice and equality, but they believe that the liberal principles on which the republic was founded don't go far enough to promote the ideal of fraternity. They desire equality for all, but they support policies that conflict with true equality. They perceive injustice in disparity of wealth, but they launch crusades against the cause of that disparity: human liberty and the justice that protects it.

Like the road to hell, the road to serfdom is paved with good intentions. As in the 19th century, so today: the advocates of economic egalitarianism are the great opposition to equality before the law, and the fight against redistribution is the great front in the universal struggle for liberty. ❑

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Notes

1. Bastiat, "The Law" (from "Oeuvres completes," vol. 4), 357.
2. Paine, "The Rights of Man," 178–9.
3. Adams, "The Rights of the Colonists," 1.
4. Bastiat, "The Law," 343.
5. Bastiat, "Economic Harmonies," 456–7.
6. Ebenstein, "Hayek's Journey," 145 (quoting F.A. Hayek, "The Constitution of Liberty").
7. Bastiat, "The Law," 344.
8. http://tinyurl.com/2mwya9.
9. "A product is no sooner created, than it, from that instant, affords a market for other products to the full extent of its own value . . . the mere circumstance of the creation of one product immediately opens a vent for other products." Say, "Treatise on Political Economy," 134–5.
10. "By directing industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this . . . led by an invisible hand to promote an end which was no part of his intention." Smith, "Wealth of Nations," 351–2.
11. Bastiat, "The Law," 376.
12. Madison, "The Federalist" (No. 10) 55.
13. "Property is the right to enjoy for oneself the fruits of one's own labor, or to surrender them to another only on the condition of equivalent efforts in return." Bastiat, "Economic Harmonies," 220.
14. For example: habeas corpus (the right for the accused to know the charges against him) could not exist in a state of nature (there are no other people!) but rather extends natural liberty to societal jurisprudence.
15. Acts 4:32 (New King James Version).
16. Bastiat, "The Law," 361.
17. "Whether I guard my land myself . . . or pay the state to have it guarded for me, does not alter the fact that I make a sacrifice for the sake of an advantage. . . . This is not a loss, but an exchange." (Bastiat, "Economic Harmonies," 444).
18. Kerland, ed., "The Founders' Constitution," 1:119. http://press-pubs.uchicago.edu/founders/print_documents/v1ch4s10.html (quoting John Adams, "Defence of the Constitutions").
19. *Ibid.*

The YouTube Wars, *from page 24*

sloppy legislators looking to "send a message" about important issues — while holding mistaken impressions about those messages.

The mistaken impression that shaped the DMCA was the image of copyright owners as plucky individual artists and creators trying to get paid for their work. In fact, most commercially active copyright owners are corporations that buy up (or license) IP from creators and exploit it commercially. The spirit of the law is turned on its head and the DMCA becomes a weapon in the corporate jousting between giants like Viacom and Google.

The original intent of U.S. copyright law, tracing back to the country's founding, was to lend some order to a chaotic marketplace of ideas. There can't be fair use unless creators feel secure enough to bring their intellectual property to market in the first place. Property rights come first — even in the marketplace of ideas. ❑

Reviews

"Monopoly: The World's Most Famous Game — and How It Got That Way," by Philip E. Orbanes. Da Capo, 2006, 288 pages.

Beside the Boardwalk

Bruce Ramsey

I've long had a soft spot for the board game Monopoly. In the summer of 1982, in a bonfire of neurons, I programmed the game in Atari Basic, so that my 48k computer would field three players against me: Archibald, Beatrice, and Charlie. I was also a business news reporter, and I knew that the game, which was supposed to mimic the world of business, really did not.

There are all sorts of things wrong with it. Your opportunity to buy is based on luck, and prices are fixed. You rent where you're ordered to rent, not where you want to. Your object is the creation of a land monopoly, which is not something generally possible in the real world, nor is the bankrupting of all your opponents. The most realistic part of the game is the trading of properties and the demonstration of inflation by the expansion of the money supply. (Most of these ideas are discussed in a 2004 posting* on the Mises Institute web page by Benjamin Powell of the economics department at San Jose State.) It's *fun* to bankrupt your opponents at Monopoly — but it's not how you get ahead in real life.

I always wondered about the political beliefs of the game's inventor. Now I know. Philip Orbanes' book tells the story.

The first version of the game was patented in 1903 by Elizabeth Magie, a public stenographer. She called it the Landlord's Game. The names of the properties were different, but it had a continuous path around the board (a feature she patented), and it had four railroads, Chance and Luxury Tax, Jail, and a Go to Jail square.

Monopoly is like the Pledge of Allegiance — it has little-known left-wing roots.

Magie was a devotee of Henry George's theory of the Single Tax and intended the game as an aid to teach the inequity of monopolizing land. She never produced it commercially, but handmade copies were used in a Georgist community: Arden, Delaware. There the game was played by a young professor of economics at the Wharton School, Scott Nearing. The professor took it back to his class and played it with students for many years. Nearing was a socialist who would later become a Communist, though the party eventually expelled him. He was famously fired by Wharton for his left-wing activities and in 1917 was prosecuted, though not convicted, under Woodrow Wilson's Espionage Act, for opposing World War I. Nearing lived until 1983, when, at age 100, he committed slow suicide by refusing to eat. He was a leftist all his life.

Back at Wharton, one of his students had been Rexford Guy Tugwell, another socialist. Tugwell played the Landlord game with students as a kind of capitalistic teaching aid. During the early New Deal, Tugwell was hired as undersecretary of agriculture in a department administered by the leftist Henry

*http://www.mises.org/fullstory.aspx?control=1451

Wallace. He later was made head of the Resettlement Administration and got his face on the cover of Time. John T. Flynn credited Tugwell with being the New Deal's emblematic planner and the man who sold Wallace on "the theory of State Planning for the well-being of all the people." "Monopoly" has a whole chapter on Tugwell.

From him, the game spread to others, and finally to Charles B. Darrow, a onetime plumber, radiator repairman, and steam engineer. Darrow devised the look of the Monopoly board, with the color codes for the properties, the imagery of the trains, and so on, and he put the game on the market. Darrow was not an ideological guy; he was trying to make some money by selling a game. And he did. He sold the rights to Parker Brothers. They soon found out about the original inventor, then named Elizabeth Magie Phillips, who had filed an amended patent in the 1920s, and they had to buy the rights from her.

So Monopoly is like the Pledge of Allegiance — it has little-known left-wing roots. And it's still one of the great board games. ❑

"Inherit the Wind," directed by Doug Hughes. Lyceum Theatre, New York.

Darwin In the Dock

Jo Ann Skousen

"Inherit the Wind" opened this spring on Broadway with a trio of Tony Award winners leading the cast. Christopher Plummer, Brian Dennehy, and Denis O'Hare stepped into the roles based loosely on Clarence Darrow, William Jennings Bryan, and H.L. Mencken (here called Matthew Brady, Henry Drummond, and E.K. Hornbeck) in the famous 1925 "Monkey Trial" that challenged whether evolution could be taught in Tennessee schools (see box on next page).

This production is surprisingly lighthearted, humorous, and fast-paced for a play with such a serious topic. The set is a simple courtroom — two tables, a judge's bench, and a witness chair. The Lyceum is a small theater, more wide than deep, made even more intimate by a backdrop of about 50 seats on stage for audience members who "become" the townspeople in the courtroom. Before the play begins, people can be seen wandering around the stage, climbing to their seats, whispering to one another as though they have indeed just arrived for the "trial of the century." A pre-show quartet of gospel singers adds to the small-town, middle-America atmosphere even before the play begins.

Director Doug Hughes softens the play's harsh stance against religious bigotry somewhat, but religious zealotry is on trial nonetheless. Unlike the 1960 movie, which presented the Christian townspeople as an angry mob ready to lynch high school teacher John Scopes (here called Bert Cates), this production presents Christianity as a more personal and individual philosophy. True, the lighting makes the prayer meeting in Act I look something like a KKK rally, but when the minister, Jeremiah Brown, banishes his daughter Rachel for siding with the school teacher, the townspeople don't rally around his condemnation. They seem to side more with the tolerant Brady, who cautions Reverend Brown, "We must never destroy that which we hope to save."

Drummond and Brady are presented not as archenemies in this production, but as similar men who have taken opposite approaches to the same dilemma. Both seem to have lost their faith, but react differently to that loss. In the powerful end to Act I, after the rousing prayer meeting in which the minister works the crowd into a frenzy of scriptural passion, the two men sit quietly downstage. Drummond is the atheist-leaning agnostic who once believed but now admits "I don't know." Brady's faith, too, is slipping, but he keeps it to himself, not wanting the responsibility of damaging the "hope" and "comfort" of others. Drummond, too, seems saddened by his loss of faith: "When we conquer the air, birds will lose their wonder," he acknowledges.

Some critics have described Dennehy's performance as "stiff" in comparison to Plummer's Henry Drummond, who clearly dominates the second act. But the talented Dennehy isn't stiff. Watch him closely during the courtroom scene of Act II, especially when he is not the one talking. Dennehy's most powerful acting occurs between his lines — he speaks eloquently, but then he listens, pon-

If there is a villain in this production, it is the media, not either side of the case.

ders, and reflects. His Brady is a man contemplating the difference between what he knows he must say and what he is beginning to doubt. He has already said to Drummond in Act I, "It takes a smart man to admit he doesn't know," but it takes an even smarter man to wait until he is sure that he doesn't know. It is a skillful, masterly performance, demonstrating what his character thinks when he thinks no one is looking.

By contrast, Plummer plays Drummond as a man who knows what he believes and does not have to hide behind appearances. His character is more relaxed, confident, and aggressive. He enters the stage in Act I inexplicably wizened, bent, and raspy, but in Act II he stands erect, takes control, and never lets go. (I have read that Paul Muni played Drummond the same way, making his initial entrance bent with age. Could this stage direction be a subtle hint of the rise from ape to man?)

As the journalist sent to cover the trial for the Baltimore Globe, Denis O'Hare embodies the acerbic wit and sharp cynicism of journalist H.L. Mencken, on whom his character is based. O'Hare slithers around the stage, delivering his lines with devilish, stylized aplomb, especially as he offers Rachel Brown, the minister's daughter, a bright red apple. Sultry as the serpent, he purrs, "I'm admired for my detestability." If there is a villain in this production, it is the media, not either side of the case.

This point is particularly apparent in the final moments of this production. Drummond stands alone in the courtroom. He picks up a copy of the Bible that has been left on a table, and then picks up a copy of Darwin's "Origin of Species" that has been left there as well. He holds the books in separate hands, weighing them thoughtfully, and then deliberately places them side by side in the same hand, companions rather than enemies. Earlier in the play Drummond has argued, "What is holy is the intelligence of the human mind," but he seems to realize that there is room for the human spirit as well.

Why produce this play now? Perhaps it's not about determining absolute truth, but about learning how to live side by side when our concepts of truth don't precisely match. We in America might be wise to take counsel from Proverbs 11:29: "He that troubleth his own house shall inherit the wind, and the fool shall be servant to the wise of heart." ❑

Scoping out the facts—

Scriptwriters Jerome Lawrence and Robert E. Lee never let the facts get in the way of a good story when they wrote their 1955 play "Inherit the Wind." But they shouldn't be faulted too much for their discrepancies with the facts. After all, they changed the names of the participants and included a disclaimer in the prologue stating, "This is not history." However, the film version contains no such disclaimer and is shown in many high school civic classes as only a notch short of documentary. Therefore, it is probably worth noting some of the differences between fact and fiction.

The trial was not really about teaching creationism vs. teaching evolution. "Civic Biology," the state-sanctioned textbook in Tennessee at the time, clearly taught the evolution of plants and animals over millions of years, and the Bible was not taught at all in the public schools. The Butler Act restricted only the teaching of the evolution of mankind as a scientific fact. And perhaps for good reason: Darwin's theories were being applied by some to validate eugenics, the belief that some races are more evolutionarily advanced than others, and that the gene pool should be actively managed to eliminate certain weaker and less desirable elements — practices that would be espoused by Adolf Hitler a decade later.

Like Rosa Parks, John Scopes was not an innocent bystander arrested by chance, but a deliberately chosen test case who volunteered to stand trial. Nor was Scopes threatened with prison if found guilty — violating the Butler Act was a misdemeanor with a $100 fine, not a felony with a prison sentence.

Minister Jeremiah Brown and his daughter Rachel, Scopes' love interest in the play, are purely fictional characters.

Bryan was not the buffoonish Biblical literalist the play presents him to be during the trial in Act II, nor was he the Machiavellian agnostic he appears to be at the end of Act I. He had read Darwin years before taking the case, and in his testimony he acknowledged that much of the Bible is written figuratively rather than literally.

In short, "Inherit the Wind" is inspired by historical events, but it should not be viewed as a depiction of history. For more information about the real case and a point by point analysis of the play, see www.themonkeytrial.com.

— Jo Ann Skousen

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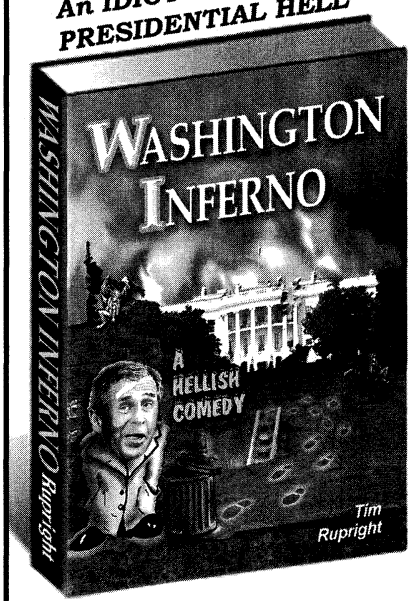

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"Liberty and Justice," edited by Tibor R. Machan. Hoover Institution Press, 2006, 153 pages.

Noble Abstractions

Leland B. Yeager

"Liberty and Justice," composed of an editor's preface and four essays, completes a ten-volume series that also includes "Liberty and Equality" and "Liberty and Democracy."

Ordinarily I am suspicious of attempts to gain knowledge by brooding over the meanings of words, so "Justice, Luck, Liberty," Anthony de Jasay's contribution to this volume, was a welcome surprise. Although acquainted with John Rawls' writings, I had been puzzled by the title of his "Justice as Fairness." It seemed like discussing "liberty as freedom" or "illumination as light." Like some other commentators, de Jasay interprets Rawlsian fairness as requiring equality of rewards despite differences in luck — whether luck in the obvious senses or the luck of heredity and environment that governs even a person's character, including intelligence, ambition, work ethic, honesty and reliability, and drive for self-improvement. Rawlsian justice would require public policy to pursue fairness, compensating somehow for differences in luck even in the comprehensive sense just mentioned. Ideally, all persons would receive equal amounts or indexes of Rawlsian "primary goods," except only as inequality benefited the least well-off strata of the population (as through incentives and opportunities for better-endowed people to work, invest, and innovate to the incidental benefit of the poor).

De Jasay explains why justice, interpreted in any reasonable way, does *not* require policies to even out differences in luck and why such policies, though bound to fail, would infringe on liberty. Rawlsian justice would "destroy the society that tried to live by it." (This insight deserves to be recognized as broadly utilitarian.)

I wish, however, that de Jasay had recognized more explicitly that justice, like freedom, is best interpreted as a negative concept — "best" for serving clear reasoning and communication and avoiding equivocations. Freedom is the *absence* of coercion and restraint exerted by human beings on human beings. Justice is the absence of unjust acts. Specific unjust acts can be seen as such relatively unambiguously, but their absence defies overall description in positive terms (beyond saying that people should be treated as is their due). To interpret freedom and justice as negative concepts does not dismiss those conditions as unimportant to human happiness; "negative" and "positive" are not terms of disparagement and praise. The rights that Machan and other libertarians defend — see his essay, reviewed below — are negative rights, in contrast with the positive or welfare rights of redistributionists. De Jasay correctly criticizes Rawls' device of an "original position" in which individuals negotiate a social contract behind a "veil of ignorance." As a few other critics have understood, the only person behind the veil is Rawls himself, consulting his own intuitions.

Refreshingly, de Jasay calls the notion or terminology of self-ownership, an axiom beloved of some libertarians, "bizarre." I agree. A person is not two distinct entities, a self and a body that it owns. Instead, a person is the whole of a physical body and its physical and mental activities. This whole person experiences satisfaction or frustration. Yet some libertarians drag the concept of property ownership from political philosophy and law even into psychology — because, I suppose, they want to reemphasize the importance of property rights. Property rights are indeed vital to a well-functioning society and so to human happiness, but it hardly serves understanding to emphasize their importance even in an unsuitable context.

Jonathan Jacobs, another contributor to this volume, considers "The Exercise of Liberty and the Moral Psychology of Justice." His "main overall claim is that rational self-determination makes politics unavoidable for human beings, and the examination of why shows that extensive liberties are crucial to a just political order." Settled civil and political order helps secure the conditions "for many of the cultural activities, traditions, and pursuits and ideals integral to human lives." Thomas Hobbes comes to my mind: peace and security, maintained by government, are essential to economic development (or, as Hobbes said, to "commodious living").

Quoting and interpreting Grotius, Aquinas, Hobbes, and Locke, Jacobs recommends "natural law theorizing" for considering what "arrangements of governing authority properly answer" to "valuatively significant features of human nature and human activity."

Rawlsian justice would destroy the society that tried to live by it.

Jacobs repeatedly trumpets "moral psychology" and "philosophical anthropology" while explaining only by context, not explicitly, what he means by these approaches. (Formulations like those just quoted give an idea of Jacobs' style and of his treatment of his topic.) His essay strikes me as a rambling tissue of platitudinous generalizations, along with some remarks about word usage and snippets of history. Whole series of sentences convey no information or insights and say essentially nothing. Since humans are political animals, some sort or other of political order is bound to exist; and it ought to support liberty and justice, since these are good things that can reinforce one another. Jacobs does not come to grips with the anarchist fringe of libertarianism, which envisages the *absence* of political order in the ordinary, governmental, sense.

Refreshingly, de Jasay calls the notion or terminology of self-ownership, an axiom beloved of some libertarians, "bizarre."

Jennifer McKitrick devotes her "Liberty, Gender, and the Family" to summarizing and commenting on Susan Moller Okin's "Justice, Gender, and the Family" (Basic Books, 1989). Okin had bewailed women's having heavier burdens and slighter opportunities than men because, for example, family responsibilities impede their uninterrupted pursuit of careers. McKitrick warns libertarians against merely brushing such concerns aside. She regrets that even such an early feminist as John Stuart Mill, in his "The Subjection of Women" (1869), had accepted conventional ideas about the division of labor between the sexes. Yet she also warns against Okin's program of comprehensive governmental remedies, which might include requiring employers to grant pregnancy and childbirth leave and parental leave, arrange flexible part-time working hours, provide high-quality on-site day care, and "issue two paychecks equally divided between the employee and his partner" (94). McKitrick prefers facilitating marriage contracts whereby a man and a woman can tailor the terms of their marriage to their particular circumstances and preferences. She denies that women would be at a clear disadvantage in negotiating such contracts. Her article serves as an example of how a thoughtful person can have both feminist and libertarian sympathies.

Editor Tibor Machan begins his "Libertarian Justice: A Natural Rights Approach" with the Socratic question: "What is justice?" As already hinted in comments above, words do not dependably label definite things or actions, and knowledge is not available from brooding over their individual meanings. The question to ask about a word is what one or more interpretations best fit its use in its usual contexts.

So conceived, justice is best interpreted negatively, as the absence of unjust acts, which, although numerous and varied, are relatively readily identified as such. Justice itself does not have a single correct positive meaning. As Jeremy Bentham explained, meaning is to be sought in complete propositions — in sentences or paragraphs — rather than in individual words out of context.

Machan uses the word "justice" in social and political contexts having to do with protection of people's lives, liberty, and property and their natural rights to these goods. General usage recommends, I think, interpreting those rights as entitlements to treatment of oneself by other persons that are binding on those others with especially strong moral and perhaps legal force. (Prototypically, these are entitlements not to be interfered with coercively or fraudulently.) Machan's formulation seems almost equivalent: rights identify borders within which one's life, liberty, and property should be secure from invasion by other persons or agencies. An entity's rights depend on its nature. Inanimate objects do not have rights. Human beings, because of their nature, including their conative propensity, have more comprehensive rights than other animals do.

A footnote (115) recognizes that rights are not the absolute foundation of moral and political philosophy. In my view, anyway, its foundation lies deeper. That rights exist is a theorem, not an axiom. Precisely because of their great importance, rights deserve a secure grounding: they can be argued for, not just postulated. Recognizing and respecting rights are consistent (certainly more consistent than the opposite approach) with the kind of society that affords people good opportunities to achieve satisfying lives in their own diverse ways. This argument also is broadly utilitarian. Although he might not accept that label, Machan does express "what civilized life is all about: a society in which members are expected to treat one another as citizens, not subjects, and in which those who fail to do so are brought to book as

Calling All Economists!

Taking from the rich to give to the poor doesn't just draw money but manpower downward upon the hierarchy of production, and the manpower faster than the money. For manpower doesn't merely follow money but anticipates it. And with manpower and competition among the poor increasing faster than the redistributed money, they'll be poorer than they would have been without it.

Forcing wages above market levels could only price labor out of the market. A firm must compete for workers as well as customers. The marginally profitable are already doing so to the limits of profitability. So forcing them beyond those limits could only force them out of business, and their employees out of work.

But while domestic policies price American labor out of the market, cheap imports, reducing the cost of doing business in America, price it back in. So, without them, there would not be more but fewer jobs in America.

For the new ideas that the old libertarians don't want, and another golden age of freedom, see ***Intellectually Incorrect*** at intinc.org.

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criminals for violating the rights of others" (123). Also consistent with a kind of utilitarianism is the middle paragraph on page 126, where Machan writes that we, including the least well off among us, enjoy the best opportunities for survival in a society in which "the rights of all are respected so that the creation of the means of survival can flourish without arbitrary obstacles."

A couple of Machan's rather specific insights are noteworthy. The right to honestly acquired private property does not depend on people's *deserving* their property. People do not deserve their livers or good looks, either; yet they have a right to them (131). We ought not to generalize our evaluation of exceptional behavior in so-called lifeboat cases "to all similar behavior in normal circumstances" (125). Ayn Rand's admonition to remember the context comes to mind.

As for democracy, "it must necessarily remain a process directed at selected issues in need of administration lest it become self-destructive" (129). The scope of democratic government must be limited. What counts more than the form of government is the integrity of law and the rule of law, "secured via the establishment, via freely given consent, of a system of constitutionally spelled-out negative rights that function as a system of consistent standards of justice" (131–2). Positive or welfare rights, so called, conflict with libertarian justice and with individual rights to life, liberty, and property (132).

Refreshingly if unfashionably, Machan condemns political and ethical relativism. Some ethical codes and types of social and political arrangements are indeed better than others; the "fact of our mutual humanity has certain enduring ethical and political implications" (135).

A verdict on the book as a whole — especially considering the longest of its four essays, that of Jacobs, which deals, even more than the others, almost entirely in abstractions rather than definite cases and issues — must be that it is a mixed bag. ❑

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Filmnotes

by Jo Ann Skousen

Truer than fiction — In 1971 McGraw-Hill signed a record-breaking book deal with author Clifford Irving to write an authorized autobiography of the world's most eccentric recluse, billionaire Howard Hughes. Trouble was, Irving was making it up. His deceit combined plagiarism, forgery, and outright fabrication as he penned handwritten letters, stole files, and photographed classified documents to create a masterpiece that was ultimately unpublishable. "The Hoax" (directed by Lasse Hallström; Miramax, 2007, 115 minutes) tells the story of how it was done.

What motivated Irving to fabricate this lie? According to the film, the same flaws that motivate any villainous protagonist: pride, revenge, and financial desperation. When Andrea Tate, his editor at McGraw-Hill, gives him the brush-off, Irving's injured pride drives him to claim that he has the "book of the century." If Tate doesn't show up for a meeting the next day, he will shop it around elsewhere. Surprisingly, she shows up (at a bowling alley, no less!), and even more surprisingly, she believes him.

Anyone who has dealt with a publisher (or wants to) will get a kick out of watching Irving work the publishers and their attorneys as he scrambles to stay ahead of their disbelief. They know it isn't possible that Howard Hughes would choose this little-known author to ghostwrite his autobiography, yet they accept his explanations because they can't risk the humiliation of letting such a book slip away.

Numerous clips of Tricky Dick appear throughout the film to remind us that the early '70s were the culmination of a decade of deception, leading to the disgrace of Richard Nixon's resignation. In the background a TV newscaster reporting on the scandal says, "It's a story not just about this man, but about our age." It was an age of dishonesty, an age when integrity crumbled. Who can blame Irving for crumbling along with it?

Hallström makes this setting a character in the film, even giving it lines of dialogue through the lyrics of '60s tunes playing in the background. But this is a hoax too: We hear the words of "Sun King," for example, but it is a cover band singing it, not the Beatles. And "Sun King" itself is a hoax, filled with Spanish sounding words ("cuando para mucho, yada yada . . . ") that McCartney and Lennon admit to having made up simply because they sounded good.

The film opens with another hoax of sorts, as the actors walk on each other's lines in a technique developed by director Robert Altman to mimic the way people talk in normal conversations. It works when Altman and Meryl Streep do it, but the knockoff here is simply annoying. Fortunately for the audience, Hallström seems to have realized this early on, because the acting technique does not continue past the first scene.

"The Lookout" is not your typical bank heist movie. In fact, the bank heist doesn't even begin until two-thirds of the way through the film.

Richard Gere gives a multi-layered performance as the author who has to make up his story on the spot. Hope Davis is good as the agent who suspends all disbelief in her eagerness to

publish the story. But the real standout is Alfred Molina as Richard Susskind, the children's book writer and fastidious researcher Irving enlists to help him research the "autobiography." Molina's character is the antithesis of Irving: honest to a fault, loyal to his wife, dedicated to uncovering and presenting the truth. He is enticed into Irving's web by the same weaknesses as Irving: financial desperation and pride of authorship. Molina plays Susskind as an exhausted stooge, excellent at researching but absolutely worthless at lying.

"The Hoax" is not a gripping thriller, but it is well-paced and intellectually satisfying. Following his own advice to "write what you know," Irving creates the story as he goes along, weaving actual events from his own life into a spellbinding tale of his imagined relationship with Hughes, a tale that even he begins to believe.

Although the interviews and authorization were a hoax, the book itself was well-written and probably even accurate, based on documents Irving and Susskind managed to copy, steal, or photograph. Irving's mistake was calling it nonfiction. So is the original book publishable as a work of fiction? Does art have to be true to be valuable? Irving has spent the past 30 years trying to get it republished. If O.J. Simpson can ink a deal for a true book that pretends to be fiction, perhaps today's setting is ripe for publishing a fiction that pretended to be true.

Eye on the goal — "The Lookout" (directed by Scott Frank; Miramax, 2007, 109 minutes) is not your typical bank heist movie. In fact, the bank heist doesn't even begin until two-thirds of the way through the film. It's more a cautionary tale, complete with a blind prophet who guides the protagonist as a "lookout" on his journey for self-discovery.

The story begins with a car accident in which protagonist Chris Pratt (Joseph Gordon-Levitt), high-school hockey star and all-around Big Man on Campus, is driving. Two of his friends are killed. Four years later he is a bank janitor, scoring goals with a mop and a urinal puck and struggling to overcome his brain injuries with the help of his blind roommate Lewis (Jeff Daniels).

The film sometimes feels formulaic and self-important, as though it was written as a master's project at USC. It has all the classic characters, with ample dramatic foreshadowing and clever cinematographic tricks. Music swells at all the right times to enhance the suspense. Yet even when I'm aware of how the director is manipulating me, I appreciate the rush of heart-pounding adrenalin. It's a good story on several levels.

The film has a message, delivered through the blind roommate. "Stories are what help us make sense of the world," Lewis intones when Chris struggles with a class writing project. "Start at the end and work backwards. You can't write a story if you don't know where it's going." It's a theme popular in self-help books today, from Steve Covey's "Seven Habits" to Laura Zigman's "The Secret": keep your eye on the goal and then make it happen.

The script sometimes plays like a creative writing course, as when Chris uses his teacher's composition formula to get out of a jam: "Remember there are three organizational strategies: ritual, pattern, and repetition." But despite the formula and heavy-handed foreshadowing, the film works. Chris is a likeable tragic hero, the villains are nasty, and the story is suspenseful and satisfying. Movies don't have to be great to be fun, and this one has a lot to offer. ❑

"The Science of Success," by Charles Koch. Wiley & Sons, 2007, 194 pages.

Business Class

Mark Skousen

"The stone which the builders refused has become the chief cornerstone."
— Psalm 118:22

Commenting on business leaders in "The Anti-Capitalist Mentality," the Austrian economist Ludwig von Mises said bluntly, "There is little social intercourse between the successful businessmen and the nation's eminent authors, artists and scientists. . . . Most of the 'socialites' are not interested in books and ideas."

Mises would find an exception in Charles Koch, the 71-year-old CEO who transformed his father's oil and gas operation in Wichita, Kan., into the world's largest private company, Koch Industries. His new book, "The Science of Success," quotes liberally from economists and social thinkers such as Adam Smith, Friedrich Hayek, Joseph Schumpeter, Albert Einstein, Daniel Boorstin, Michael Polanyi, and yes, a half-dozen times from Mises' 900-page tome, "Human Action." Ayn Rand would be proud of this modern-day John Galt.

John Maynard Keynes' dictum, "Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the

slaves of some defunct economist," amply applies to Charles Koch (pronounced "coke"). It takes a genius to transform arcane economic theory into a profitable enterprise, and in his book, Koch describes his full-time mission to apply the ivory-tower concepts of the Austrian school to a trademarked business style called "market-based management."

Why the Austrian school? Few MBAs have heard of Mises, Hayek, or the other members of this laissez-faire school of economics. The Austrians were railroaded out of academia during the Great Depression, and are obliterated from most of today's textbooks (mine are an exception). Austrian economics, with its emphasis on disequilibrium, dynamic "creative destruction," heterogeneous capital, structural imbalances, and macro disaggregates, has found little room in today's world of Keynesian interventionism, monetary aggregates, and econometric model building.

Hence, business leaders who know about the Austrians are usually self-taught. Koch may well have discovered Mises and Hayek as a result of his engineering background (Koch earned two degrees in engineering at MIT). The Austrian emphasis on the stages of production and dynamic "creative destruction" would appeal to engineers.

So now thousands of Koch engineers and managers are being taught Mises and Hayek, and the Austrian methodology has become the chief cornerstone in Wichita. Two years ago, Koch established the "Market-Based Management Institute" at Wichita State University. Will it be long before MBA students at Harvard and Stanford are assigned "Human Action" or Hayek's "Individualism and the Economic Order"? There's nothing like a big success story to transform B-school pedagogy.

And there's nothing bigger on the scene today than Koch Industries, which has transformed itself into a giant commodity and financial conglomerate. Under Charles Koch's leadership, the book value of Koch Industries has increased 2,000-fold since 1961, when he joined his father's firm. With its

Economics of late has been transforming itself from the dismal science to the imperial science.

Notes on Contributors

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acquisition two years ago of Georgia Pacific, it now has 80,000 employees in 60 countries with more than $90 billion in revenues. That may be as good as Warren Buffett's Berkshire Hathaway. Is the paradigm shifting from Omaha to Wichita?

The Austrians were railroaded out of academia during the Great Depression, and are obliterated from most of today's textbooks.

Economics of late has also been transforming itself — from the dismal science to the imperial science. It has invaded politics, finance, history, law, religion, and now business management. In Koch's MBM guidebook, the Austrian concept of opportunity cost of capital is "Economic Value Added (EVA)," property rights have become "decision rights," and Hayek's rules of just conduct translate into "principled entrepreneurship." The book is an essential translation of Austrian theory into business practice.

Koch is perhaps the most successful businessman you've *never* heard of. That's because, unlike Buffett's company, Koch Industries is a private company, a fact that Koch prizes. He doesn't have to worry about Sarbanes-Oxley, the draconian securities law for publicly traded companies, nor how quarterly earnings and executive stock option compensation distort the stock price. "Perverse incentives make managing a public company long term extremely difficult," he writes.

Undoubtedly, many businesses and B-schools have matched Koch's performance by incorporating such MBM concepts as incentives, integrity, internal profit centers, local autonomy, economic value added, sunk costs, comparative advantage, and marginal price analysis. At Columbia Business School, John Whitney taught MBM for years, and I followed in his footsteps using Koch Industries, Whole Foods Market, and Agora Publishing as case studies. These companies are run by libertarian CEOs who apply market strategies to "create long-term value." Koch doesn't have a monopoly on these market concepts.

Koch has trademarked MBM throughout the book, which can only be justified by his unrelentingly systematic application of its principles. The work is peppered with examples of successes and failures; but in this respect, it is too short for my taste. In only 194 pages, there's not enough space to determine how much of Koch's success is due to MBM and how much to engineering brains, business experience, and just plain luck. For instance, in a 15-page summary of the evolution of Koch Industries, he states, "Thanks to my brother David's leadership, [Koch Industries] has grown its process equipment and engineering business more than 500-fold." Amazing, but how was it achieved? Charles doesn't tell how David used MBM principles to accomplish this monumental goal.

Is "Success" a science? Koch goes to great lengths to prove that his MBM methodology is universal and objective, but it is not without controversy. Koch's politics are libertarian, and he is a major contributor to free-market foundations such as the Cato Institute and the Institute for Humane Studies at George Mason University. For many business schools, it's hard to separate science from politics. My course at Columbia was rated highly by the MBA students, but an illiberal department chair refused to renew the course, calling it "too political." (At Columbia, can anything be "too political"?)

Koch is certainly not a Keynesian businessman. According to his book, he is no fan of meaningless make-work projects, guaranteed employment, automatic pay raises, seniority, centralized planning, or running to the government for subsidies or trade protection. Most employees at Koch Industries are union, but must be flexible if they are going to survive. Koch aggressively searches for only "A" or "B" grade employees; those rated "C" must improve or they are let go. Koch Industries doesn't tolerate failure for long. I like his anti-Marxist slogan, "From each according to his ability, to each according to his contribution." Now that's marginal analysis at work!

Though he is antistatist to the core, Koch's book reveals some things that will surprise libertarians. For example, many libertarians practice "minimum" compliance with state rules, but Koch teaches "maximum" compliance with environmental and other government regulations. In today's litigious society, it is suicide to act otherwise: Koch Industries faces 159,000 lawsuits and employs 125 full-time lawyers.

Until now, Koch's Market Based Management, Principled Entrepreneurship, and other trademarked management techniques were taught to company officials and employees, and there was always a shroud of mystery about his guiding principles. His new book is a giant step in the right direction. He has demonstrated the truth of Ben Franklin's saying, "It is incredible the quantity of good that may be done in a country by a single man who will make a business of it." ❑

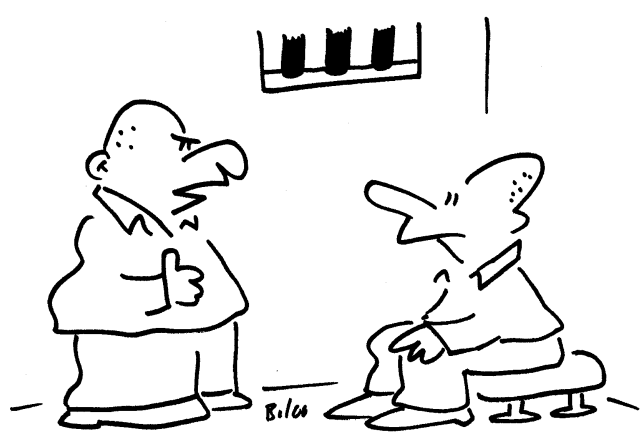

"If justice is blind, how come I keep getting caught?"

Terra Incognita

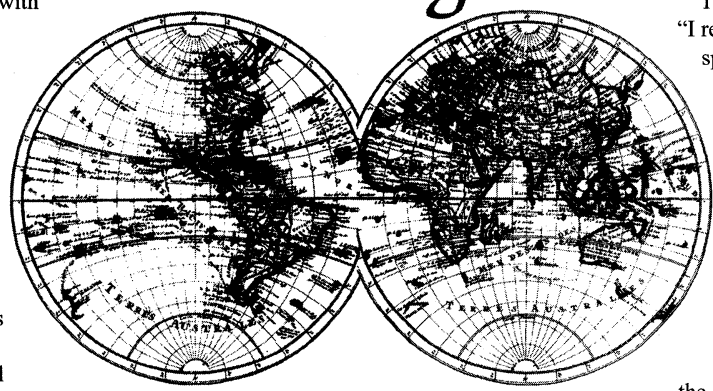

Santa Fe, N.M.

Pluto rising in the House of Representatives, noted by the *Las Cruces Sun-News:*

International astronomers may have formally demoted Pluto to a dwarf planet, but it's still a planet in the eyes of some state lawmakers.

Under a measure approved by the House, Pluto will regain its status as a planet as it passes through New Mexico skies.

Pluto's discoverer, the late Clyde Tombaugh, helped found New Mexico State University's astronomy department. His daughter, Annette Tombaugh-Sitze, said her father would have been pleased with the House's move.

"I'm thrilled," she said. "It brings back a little of Pluto's dignity."

Denver

Hermeneutical exercise, from the *Denver Post:*

"Rocky Mountain High," the John Denver ballad unofficially thought of for decades as Colorado's state song, has been elevated to that status by Capitol lawmakers, though some said they were concerned the ballad is about drug use.

Sen. Bob Hagedorn, the Aurora Democrat who sponsored the measure, accused his dissenting colleagues of making too much of the lyrics, which include "friends around the campfire and everybody's high." "They are just words," he said. "It's how people want to interpret them."

Hagedorn said the line could refer to "a bunch of guys who spent the day hunting or fishing and are having a couple six-packs" or "kids pigging out on s'mores."

Philadelphia

Cataracts on the third eye, spotted by the *Philadelphia Inquirer:*

Alerted to an obscure state law banning fortune-telling "for gain or lucre," the city's Department of Licenses and Inspections is closing storefront psychics, astrologers, phrenologists, and tarot-card readers who charge money for their services.

The owner of fortune-telling shop Psychic, who would not give his name, noted that critics "considered that Jesus was a psychic, a fortune-teller, and they crucified him." He saw a certain parallel. "Look what they want to do with the fortune-tellers," the man said. "We might be coming to the end of the world."

Waitakere, New Zealand

Accountability in government, seen in the *New Zealand Herald:*

Waitakere City Council successfully prosecuted itself last week in the name of even-handed administration of regulations after it failed to get consents to move six houses.

In Waitakere District Court the council was fined $4,800 and ordered to pay $780 court costs and will pay the money — aside from the court's 10% share of the fines — to itself.

The Friendly Skies

Advance in Charon's ferrying methods, noted in the *Times* of London:

A British Airways passenger travelling first class has described how he woke up on a long-haul flight to find that cabin crew had placed a corpse in his row. The body of a woman in her seventies, who died after the plane left Delhi for Heathrow, was carried by cabin staff from economy to first class, where there was more space. Her body was propped up in a seat, using pillows.

The woman's daughter accompanied the corpse, and spent the rest of the journey wailing in grief.

The passenger, Paul Trinder, said, "I remember looking at this frail, sparrow-like woman and thinking she was very ill. She kept slipping under the seatbelt and moving about with the motion of the plane."

Olympia, Wash.

Cruel and unusual punishment in the Evergreen State, from the *Seattle Times:*

Gov. Christine Gregoire cited the deaths of three Seattle-area officers when announcing a state Department of Corrections plan aimed at tightening the supervision of convicted felons who violate the terms of their prison release.

Under the new policies, community-corrections officers will have specific punishment guidelines for these offenders, including an apology letter, a book report, and increased support-group meetings.

Provo, Utah

Early warning of Mexican diabolism, from the *Provo Daily Herald:*

Utah County Republicans ended their convention by debating Satan's influence on illegal immigrants.

Don Larsen, chairman of legislative district 65 for the Utah County Republican Party, told those gathered that illegal immigrants "hate American people." He cautioned that illegal aliens, working in tandem with Democrats, are trying to "destroy Christian America" and replace it with "a godless new world order — and that is not extremism, that is fact."

At the end of his speech, Larsen began to cry, saying illegal immigrants were trying to bring about the destruction of the U.S. "by self invasion."

Port Townsend, Wash.

Keeping outcome-based education simple, in the *Peninsula Daily News:*

A $15,000 grant will help fund a program aimed at helping fifth-grade students make a smooth transition into sixth grade.

Mark Decker, Blue Heron Elementary principal, said that the transition is especially important. "Our goal is to assist students who are on that bubble," Decker said. "The ultimate goal is to help students successfully complete high school."

Special thanks to William Walker and Russell Garrard for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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- **John Mackey**, Whole Foods Market: "My Personal Philosophy of Self-Actualization: How I Turned a Money Loser Into a $9 Billion-Dollar Company."
- **José Piñera** (Cato Institute), on "The Greatest Worker-Capitalist Revolution in the World: Will China be Next to Reform Social Security?"
- **Nassim Taleb**, author of bestseller "Fooled by Randomness" on his new book "The Black Swan: How We Can Predict What Really Matters."
- **Charles Murray**, on "How to Write a Classic — What Constitutes a Perennial Bestseller."
- **Dr. Michael Shermer**, Scientific American: "Why People Believe Weird Things" and "The New Science of Liberty." Plus a debate with Dr. Michael Denton on evolution and intelligent design.
- **Eamonn Butler**, Adam Smith Institute: "Why the House of Lords and the Monarchy are Libertarian."
- **Jack Pugsley**, The Sovereign Society: "The Case *Against* Free-Market Think Tanks."
- **Michael Denton**, M. D., microbiologist, University of Otago: "Evolution, Yes; Darwin, No!"
- **Lanny Ebenstein**, philosopher: "History's Most Dangerous Philosopher: Karl (but Not Marx)."
- **Nelson Hultberg**, America for a Free Republic: "How Ayn Rand and Murray Rothbard Took Liberty Down the Wrong Road."
- **Brian Doherty**, *Reason* Magazine: "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement."
- **Andy Olree, J.D**, (author, "The Choice Principle"): "The New Testment: For or Against Freedom?"

Plus other top speakers: **Nathaniel Branden** ("Self-Esteem and Its Enemies"), **Steve Moore** (*Wall Street Journal*), **Jerome Tuccille** ("It Usually Begins with Ayn Rand"), **Ted Nicholas** (marketing guru), **Tom DiLorenzo** (Loyola College), **Mark Tier** (Hong Kong/Philippines), **James O'Toole** (Aspen Institute), **Greg Lukianoff** (FIRE), **James Marsh** (University of Hawaii), **Jo Ann Skousen** (film panel), **Bill Westmiller** (Republican Liberty Caucus) **Terry Savage** (author and Chicago TV personality), **David Theroux** (Independent Institute), **Doug Casey** (author, "The International Man"), **Jon Utley** (Antiwar.com), and **Mark Skousen** ("The Big Three in Economics")...
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From the Editor

This is the 20th anniversary issue of Liberty magazine.

Lately, I've been vacationing in another world, reliving the days when Liberty was young. Back then, I wrote my articles on a typewriter (whatever that was), and edited other people's by writing pencil marks in the margins. I communicated with headquarters by U.S. mail, or by fax, using a primitive machine that our founder, Bill Bradford, sent to me. Later, Paul Beroza gave me a hand-me-down computer, the kind of thing that wouldn't boot until you fed it a sequence of floppy disks — square, thin, flat objects that you could actually flop. For some reason, I didn't have a computer desk, so the computer sat on the floor, and I sat on the floor in front of it, turning out copy for Liberty.

A lot of things have happened since 1987. Communism collapsed; capitalism kept pumping out better and better ways of doing almost everything; the Clinton regime came in, with its inexhaustible opportunities for satire; the Bush regime followed, offering the same. During those two decades, Liberty played host to hundreds of talented authors and commented on every issue you can imagine, even if you have a terrific imagination.

Liberty also faced more than its share of challenges — and none so terrible as Bill Bradford's death, two years ago. Yet because of Bill's guidance and inspiration, Liberty survived, as he wanted it to. Times change, but Liberty hasn't. Nor has the ideal of liberty. That's what we celebrate this month.

For Liberty,

Stephen Cox

Letters

Make Mine Metal

Thank you for Thomas Nys' thoughtful article on Metallica and philosophy ("Through the Mist and the Madness," available online at libertyunbound.com).

I would like to clarify that Metallica's first album, "Kill 'Em All," was heavily influenced by their former guitarist, Dave Mustaine. After "creative differences," Mustaine went on to found the equally profound Megadeth. Nys refers to lyrics on "Metal Militia" that should be partially credited to Mustaine, and — while Nys laments that Metallica may indeed have sold out — a quick glimpse of the lyrics on Megadeth's newly released album shows that Mustaine still has enough disdain for society for him to remain relevant.

I've always thought the Libertarian Party was missing a great opportunity to capture its most like-minded audience — disaffected youth. Why do these nonconforming libertarians seem to turn into Greens and socialists? Is it because the party that supposedly supports drugs, guns, and prostitutes always seems to be led by stiff white guys in white shirts and neckties?

Maybe if the Libertarian Party scrapped that image (which has had no effect in the last 20 years), put on black concert jerseys, and recruited a true celebrity "front man" like Mustaine, they would avoid irrelevancy in the upcoming presidential elections.

Robert Chatfield
Cape Elizabeth, Maine

Mandatory Market

Gary Jason, addressing the concerns of those opposed to irradiation (Reflections, May), begins a paragraph with the sentence: "The free market is the solution." In the very next sentence

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Inside Liberty

August 2007
Volume 21, Number 8

2 **Letters** Our readers call the tunes.

5 **Reflections** We assault reason, bowl for kidneys, toss a dwarf (planet), distance ourselves, harvest some free money, swim in our coin-filled vaults, give credit where credit's due, and celebrate 20 years of lampooning those opposed to liberty.

Features

15 **Ron Paul in the Spotlight** *Bruce Ramsey* investigates the libertarian who is making waves in the Republican Party.

18 **I Have Seen the Future, and It Has the Clap** *Bill Merritt* tours a community where careful planning has produced some unanticipated results.

21 **$2.3 Trillion, and Not a Penny More!** For decades we've been pouring "foreign aid" into impoverished nations. *Peter Allen* follows the money to see where it's gone.

Liberty at Twenty

by R. W. Bradford, Bruce Ramsey, and Stephen Cox

29 **A Constant Feast** Where we've been.

34 **At Liberty** What we do.

39 **Confessions of a Liberty Editor** How we do it.

43 **Liberty Poll** Who you are.

Reviews

45 **The Power to Make You See** *Timothy Sandefur* views the world in the mirror of Joseph Conrad's stories.

48 **The Birthplace of American Literature** A small group of bright minds, *Jo Ann Skousen* discovers, is all it takes to change the world.

49 **Medianotes** Blockbuster busts, so-so Sowell, parties de Paris, an ovation for opera, and a bit of BS.

52 **Notes on Contributors** They don't look a day over 20.

54 **Terra Incognita** Dr. Livingstone, we presume.

About Your Subscription

We set out 20 years ago to publish a bimonthly magazine. It was so successful that, in 1999, we made it monthly. After almost nine years of publishing monthly, we believe our readers will be best served if we adjust our publication calendar to allow more timely coverage of election season. Therefore, beginning in 2008, we will combine our January and February issues into a double issue.

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he says food outlets and restaurants should be *required* to issue statements on whether they irradiate food and what specific foods they irradiate. They also will be *required* to report all incidents of food poisoning and state which came from irradiated food and which didn't. Exactly how is that a free-market solution?

John D. McGinnis
Altoona, Penn.

Jason responds: We all agree that regulation should be kept to a minimum, so I am sympathetic to Mr. McGinnis' point. However, unless people know whether or not their food has been irradiated, they won't be able to decide for themselves whether the taste is affected, and won't be able to determine whether their case of food poisoning is from non-irradiated food. The law already requires this notification for products sold in grocery stores. I am convinced that after a year or two, it will be a non-issue, at which time we can and should scrap the law.

Bible Belted

What is happening to my beloved Liberty? I had thought Liberty to be a bastion of not only freedom but of rationality too. Until recently. "To Your Tents, O Israel" by David Kopel (April) repeatedly cites the Bible as an authoritative source. This is followed by "To My Fellow Christians" by Lawrence M. Vance (May), which frequently cites the New Testament in support of the author's thesis.

The Bible is a collection of hearsay, superstitions, and tribal myths. It was cobbled together over centuries. The books of the New Testament were selected by ecclesiastical vote centuries after many of them were written. What's so authoritative about this collection of stories? The Bible is a reflection of the era of human ignorance that preceded the enlightenment of science and reason.

Edward Scherrer
Eau Claire, Wisc.

Kopel responds: Most of the stuff in Shakespeare isn't historically accurate, but it too is still worth studying because of the intrinsic interest of the stories, and because of the enormous influence on our culture, including our understandings of government, freedom, and morality.

Vance responds: Edward Scherrer's low opinion of the Bible and distrust of it as an authority is what I consider to be "human ignorance." Many non-Christians throughout history have recognized the worth and authority of the Bible. But whether the Bible is a genuine authority or not is really immaterial. Since Christians consider the Bible to be their authority, it makes no sense to try to talk to them about victimless crimes without appealing to their authority. One can reject the truth of the Bible and yet still appeal to it to prove a point if one's opponent considers it to be the truth. No Bible-believing Christian worth his salt would consider anything without first asking "What saith the Lord?"

A Purifying Flame

Laurence M. Vance gives some very good reasons for Christians not to support the all-intrusive state. Well and good, but he missed one important point: to the extent that government is used to support virtue (moral behavior), it undermines the moral backbone of the citizenry. Governmental force in support of virtue substitutes fear for judgment, furtiveness for forthrightness, and dependence for wisdom.

We've seen it many times in countries that had authoritarian or totalitarian governments; when those authorities collapsed or were overthrown, society collapsed also.

Mr. Vance quotes Mencken; here I quote Mark Twain: "As soon as I found out that you carefully and vigilantly kept yourselves and your children out of temptation, I knew how to proceed. Why, you simple creatures, the weakest of all weak things is a virtue which has not been tested in the fire" ("The Man that Corrupted Hadleyburg," 1899).

Kenneth H. Fleischer
Los Angeles, Calif.

Letters to the editor

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Reflections

Guessing game — I stopped by Borders for just a minute the other day and saw a display for a new book I hadn't heard about: "The Assault on Reason," by former Vice President Al Gore.

I didn't have time to peruse the book in the store, so I really don't know what it's about, or what exactly it's supposed to be. I have, however, formed three hypotheses, based on the title:

1. an autobiography
2. a how-to book
3. a novel, a futuristic political-philosophical thriller. The first sentence, under this hypothesis, would be "Who is Wesley Mouch?"

What else could it be?

— Ross Levatter

Blame America — CNN right-wing talking head Glenn Beck recently claimed on his show that Ron Paul "blames America for 9/11." Of course, Paul has done nothing of the sort. He simply has stated that past American policies created conditions that made an attack more likely.

Why is that such a big deal? Conservatives, including Beck, repeatedly say that past American policies made the 9/11 attack more likely. Only in their case, they single out for blame the American policies of Bill Clinton. For example, they charge that Clinton's "weakness" after the attack on American soldiers in Somalia emboldened bin Laden and encouraged him to undertake 9/11. By making these claims, these conservatives are "blaming America for 9/11" just as much, if not more, than Ron Paul has done. — David T. Beito

Uncoupling — Conservatives continue to detach themselves from the foreign policy of George W. Bush. I was pleased to read in The Wall Street Journal of June 1 a statement by the Journal's best writer, Peggy Noonan. She said, "The beginning of my own sense of separation from the Bush administration came in January 2005, when the president declared that it is now the policy of the United States to eradicate tyranny in the world, and that the survival of American liberty is dependent on the liberty of every other nation. This was at once so utopian and so aggressive that it shocked me."

Good. William F. Buckley has said things like that also. It's important that conservatives embrace a less belligerent foreign policy, and it looks as if some of them will. — Bruce Ramsey

Disorganization — A Dutch television producer promised a reality show in which three patients in need of a kidney would compete for the approval of a single donor. This was later revealed to be a hoax, which left me extremely disappointed. I would have loved to watch a show like that.

The hoaxers claim their purpose was to bring attention to the massive donor shortage worldwide. I think they unwittingly brought attention to another issue: the need to allow organs to be bought and sold.

If this were a real commercial venture, one of those contestants would have gotten a kidney. Instead, all three are still on waiting lists. And here I sit, with two perfectly good kidneys, wishing I had the money to buy a sailboat. — Tim Slagle

Beam us up — California's attorney general, Jerry Brown, was interviewed by Wolf Blitzer on CNN June 10. Brown was freshly returned from Washington, D.C., where he had traveled (shockingly, not by walking) to speak to Congress about "America's addiction to gasoline." (For all you young readers of Liberty: I agree that one should just say no to smoking and snorting gasoline. It's plain dangerous.) Spewing dubious statistics, Brown indicated that we could not afford the kind of travel Americans typically pursue when so much is dependent on "foreign" oil.

The solution of offering immediate amnesty for all immigrating oil did not occur to him, and would most likely not get past Congress in any case. Instead, Brown offered the typical laundry list of mandates, including the development of alternative energy vehicles and cars with much higher fuel efficiency.

I'm surprised the man once known as Governor Moonbeam didn't simply demand the development of Star Trek transport-

ers. This would certainly solve the energy crisis. Why not just pass a law demanding it, as Congress so often does for other types of motors? — Ross Levatter

The first step — A tentative first step in the revival of nuclear power in America occurs in June when the Tennessee Valley Authority reopens the Browns Ferry 1 nuclear reactor.

Browns Ferry 1 was closed over 20 years ago after a major fire caused safety concerns. It has taken five years to refurbish the plant, which involved among other things putting in 6 miles of pipes and 150 miles of cabling. The cost was $1.8 billion. The result is a plant that will eventually have a power level of 1,200 megawatts, roughly the level to provide lighting for 650,000 homes.

The cost was nearly as much as to build a nuclear power plant from scratch. But the first wave of "new" plants will probably be, like Browns Ferry 1, defunct plants. This is because new plants have to overcome numerous regulatory and licensing hurdles, whereas defunct plants have already gotten the required permits and licenses. For that reason, the TVA is now looking at another of its old mothballed plants, Watts Bar 2, construction on which was discontinued in 1988. And a consortium of power companies, NuStart Energy, is looking at the TVA's unfinished Bellefonte plant to open two nuclear reactors.

The Department of Energy estimates that 50 new reactors will be needed over the next 20 years to keep up with demand, and the Nuclear Regulatory Commission expects to get nearly 30 "fast-track" construction and operating license applications over the next two years. Of course, if legislation is passed that dramatically limits fossil fuel use (say, to "cure" global warming), then those estimates are likely to be way too low.

Besides the regulatory and fiscal impediments to rapidly opening nuclear plants, there is likely going to be a shortage of skilled workers. Nuclear plants require specially trained welders, electricians, and other construction trades to build, as well as trained technicians to run.

Here we confront one of the biggest ironies of American history. The very people who profess concern for blue-collar workers, and who lament the disappearance of well paid working-class jobs, namely, modern liberals, are complicit in the disappearance of many of those jobs. After all, modern lib-

Word Watch

by Stephen Cox

In one of the old "Seinfeld" shows, Kramer says something about someone not being a "*happy camper*," and Seinfeld replies with appropriate sarcasm, " 'Happy camper'! We don't hear that expression enough!"

Liberty's 20th anniversary is a good occasion to think about how *the more things change, the more they remain the same*. There's something reassuring about a cliche, isn't there? But sometimes, you've just got to admit that *familiarity breeds contempt*.

I suppose there are some cliches that we can never get rid of. The rich are always *idle* (except, unfortunately, Senator Kennedy), the middle class is always *conventional*, *staid*, or positively *smug*, probably because it's always *rising*; while the class beneath it is always busy *working*, though apparently never getting anything done. Mothers tend to be *loving*, fathers *distant*, and children *innocent*, which is good, because children are *our hope for the future*. (Yeah, sure. Not the ones who sit next to me in restaurants.) Criminals are always *alleged*; murderers are always *vicious*; congressional votes are always *going down to the wire*; gas prices are always *going through the roof*; activists are always being *outraged*; sickness and war are always *devastating*; people with AIDS or cancer always die *after a lengthy illness*; former movie stars are always *faded*, until they *pass away* and become the objects of *heartfelt tributes* to a *dying breed*.

I know we *can't get along without* cliches, but I sometimes wonder whether we shouldn't *give it a good try*. We could spend an hour or so trying to do that. During that hour, there would be a lot less conversation, and television coverage would be severely limited, but at least we could spend 60 minutes without hearing anybody talking about crime *in this country*, health care *in this country*, or *the future of this great country*. We'd be in *another country*, a less *great* but more literate one.

Everyone has a phrase that he'd do almost anything to get rid of. Barbara Branden tells me that she has been pushed to the limit of her endurance by people's perpetual use of the word *proactive*. She points out that the *pro* "adds nothing whatever to 'active,' except that it supposedly sounds more impressive — and it has spread like a plague." Unfortunately, cliches, unlike plagues, take at least a generation to go away. Some of them never do.

And how many people actually visualize what they're saying when they use a cliche — when they mention *having an axe to grind*; exacting *a pound of flesh*; being *up in arms*, being subjected to *nitpicking* (now there's a disgusting expression), *dumping the baby out with the bathwater*, *preaching to the choir*, *having a tough row to hoe*, *carrying a torch*, or *weasling out* on something? How many nice Unitarian schoolteachers complain that their students *brown-nose* or otherwise *suck up to them?* I mean, how repulsive can you be? But that's a cliche, so you can use it in church, or the faculty lounge.

To make matters worse, we live in the day of instant cliches. After the 9/11 attacks, one Ward Churchill, a professor of something or other at the University of Colorado, became famous for having written an anti-American screed called "'Some People Push Back': On the Justice of Roosting Chickens." "Push back" was an obscure, far-Left expression for "attacking innocent people without admitting that you're the one responsible for the attack." Suddenly this weird bit of agitprop was rushing through America's linguistic bloodstream. Soon it appeared in every context in which political inanity was useful. Consider a report (Jan. 10, 2007) by Terence Hunt, AP White House Correspondent, on a speech by President Bush, than whom no one is more different from Ward Churchill:

"In a prime-time address to the nation, Bush pushed back

erals are almost always advocates of environmentalism, and it is precisely that movement which killed the American nuclear power industry back in the 1970s. — Gary Jason

Pondering a heap — A libertarian blog considered the argument, raised by antisecessionists, that a region can't secede without paying back some common liability to the nation. The most obvious one is the national debt.

The blogger asked the reader to accept that argument for a moment, and apply it to the individual. Would we ban an individual from moving out of his country because he hadn't paid his share of the national debt? No. It would be barbaric to do that. East Germany used an argument like that for why it wouldn't let citizens cross the barbed wire. And so, if we would not apply that to an individual, logically we cannot apply it to a region. Therefore, a region can secede, irrespective of any liability to the country it is a part of.

And I thought: here is an argument wholly uninterested in consequences — such consequences as what the liability is, how big it is, who was supposed to pay it, and who will have to pay it now. Such arguments absolve libertarians from having to think about any of that stuff. The principle is all that matters — though it occurs to me that if your principle allows you to get away with all that, maybe you have the wrong one.

The argument also implies that quantity doesn't matter. If one person can do a thing, 5 million can. But life isn't like that. One dog defecates on your lawn and you are annoyed; 5 million do it, and you are inundated. Your problem is of a different quality. Quantity becomes a quality.

And yes, I know, there is the problem of drawing a line. The philosophers ask how many grains of sand it takes to make a heap, and I do not have the answer. But the fact is, there are grains and there are heaps, and they are not the same.

— Bruce Ramsey

The wealth shall set you free — In honor of Liberty's 20th anniversary, I would like to share a dilemma about liberty.

Libertarian economists (I don't know which descriptor is decisive — "libertarian" or "economist") say that a free and prosperous society depends on free exchange. Exchanges are free ("voluntary") if there is no coercion, no threat of force.

---

against the Democrats' calls to end the unpopular war [in Iraq]. He said that 'to step back now would force a collapse of the Iraqi government, tear that country apart and result in mass killings on an unimaginable scale.'" Odd image: Bush *pushed back* against those who want to *step back*. Well, at least it fills up space.

That's one important role for cliches. If you're stumped for words, you can always talk about *pushing the envelope, thinking outside the box, going for the gold,* or even *doing the right thing.* Given enough cliches, you can always *hit a home run.* Peter Rickgauer reports from Princeton about a radio interview in which somebody actually said, "It *seemed like a great idea,* so we thought we'd *run it up the flagpole,* see *what kind of traction it got.* Since then, it's *moved forward.*" The speaker forgot to add the possibility that it wouldn't *prove to bear fruit* — that it would *die on the vine, wear out its welcome, go down to defeat,* or *alienate middle-class voters.* Still, he *showed himself a force to be reckoned with.*

Of course, this is media language, a lingo that's as ritualistic as anything you'll ever hear in church. In film ads, the New York Times never praises a movie; it *raves* about it. (Strange, considering the fact that the real raving and slavering in the Times is occasioned by politics, not movies.) In news stories, eccentric people are always *fiercely independent*; young children are always *toddlers* or *tots;* politicians who got on the wrong side of the editorial staff are *ambitious, controversial,* and *potentially divisive*; politicians who got on its right side are *forceful* and *dynamic, arousing passions* and *stimulating debate.* They may be *newcomers to the political scene* who have *fresh ideas* for *positive change,* or they may be *seasoned statesmen, ultimate Washington insiders* who *command the attention of the public* and are *respected on both sides of the aisle.* In any event, they are *setting the nation's agenda.*

The *mainstream media* have their cliches, and *as it turns out,* the Net has them too — like a dog has fleas. On the deep Net, the personal net, where *real people make their unique personal contributions,* women usually can't say much of anything without adding "*I feel for you [insert first name].*" Men are still more cliche-driven. I can't imagine an all-male internet exchange that didn't include frequent repetitions of *awesome* and *go for it!* Both genders succumb to the *smiley face* and the *frowny face,* but males, sadly, seem to have no genetic protection against *lol.* In every case, brain cells are dying. If you can't think of a synonym for *lol,* I feel sorry for you; you're in the last stage of semantic degeneration. The same goes for *feel for you.* If you have to *go that low,* it's time for you to *get a life.* Unless *it's too late for you.*

A cliche, unlike a human brain, can endure *unremitting exploitation.* On May 13, MSNBC showed videos of a savage beating delivered by a young carjacker to a man in his 90s. The victim's reaction? "The victim said that the assailant 'needs to *turn his life around.*'"

This bit of *wit and wisdom* originates in one of the great storehouses of contemporary cliches, the improve-your-life-movement. Its major contributors are: (1) the literature of Alcoholics Anonymous and other self-reclamation programs (e.g., *get with the program, she's not following the program, he needs to get on the program,* and so forth); (2) traditional advice of an Epicurean nature (*you only live once, you can't take it with you, take time to smell the flowers*); (3) and mantras of sovereign self-expiation, the sort of statements that come readily to the lips of politicians and other petty criminals who, when *caught red-handed,* proclaim that *what's past is past* and it's *time to put this behind us* and *move on with our lives.* If you don't agree, you should obviously *get hold of yourself, come to terms with yourself,* and *get a life.* (I'm sorry to repeat that phrase, but what's a cliche if you can't repeat it?)

Well, I have a life, thank you; and I'm not moving on with it. I'm staying right here, until these other people *put their own house in order.* And if there's more than one bunch of them, and there's some kind of *internal dissension* (as there always is in the self-improvement industry), then I say, *"a plague on both your houses!"* I have *other things to do* besides *play their silly game.*

Three hundred years ago, Alexander Pope satirized the empty counsel of people who ask the "stars to give / The mighty blessing, *while we live, to live!*" It's true, there's a big difference between living and merely breathing, but if I had to spend my life paying attention to people who prate about the importance of *taking responsibility for your life* and *living life to the fullest,* I think I'd have to *give up the ghost.*

Really.

End of story. Even if a party to the trade is poor or has so few opportunities that the very best choice is still miserable, that exchange falls into the "voluntary" or "free" column.

Many liberal Democrats (and other ideological adversaries) disagree. If you have few alternatives, they say, you are "unfree." Being poor is as bad as coercion. If you are poor, the wealth of others should be redistributed to you.

Such a position is not tenable for a libertarian, for many reasons, theoretical and consequential.

But the problem for me is that the corollary of this despised position holds true. Wealth does bring freedom.

Wealth (and most Americans are extremely wealthy compared to most of the world) overcomes many problems. We can get around many governmental coercions; we can pay the fees, the taxes; we can avoid regulation by moving elsewhere; we can hire lawyers to ease the regulations. And the wealthier we are, the more we can create barriers against the pain that Leviathan can inflict.

Not entirely, of course. Wealthy innovators such as Michael Milken have gone to jail. And, by the way, we didn't create all our wealth. We are "fellow travelers" in a highly productive society that enables our modest efforts to result in far more output than those of people who live in poorer societies. We benefit from the creators of the past.

But that point aside, doesn't wealth give us freedom?

— Jane S. Shaw

Lone swordsman — Oswald did it, all by himself: that is the conclusion drawn by Vincent Bugliosi, who proclaims that his new tome ("Reclaiming History: The Assassination of President John F. Kennedy," Norton, 1,632 pages) "settles all questions about the assassination once and for all." According to the author, "No reasonable, rational person — and let's italicize those words — can possibly read this book and not be satisfied beyond all reasonable doubt that Oswald killed Kennedy and acted alone" (Buffalo News, June 4, 2007).

Bugliosi will not win any prize for modesty, but his conclusion is probably correct. The evidence is overwhelming that it was Oswald, and Oswald alone, who did it.

The case that conspirators in the military-industrial complex had anything to do with the crime is especially weak. What motive could they possibly have had? The military-industrial complex never had a more dynamic and vigorous champion than JFK. He was their Lancelot. — David T. Beito

Dwarf-tossing and truth — The front page of the website of the California Virtual Academies, an online alternative to traditional public schools in California, boasts: "Pluto has been demoted to a 'dwarf planet,' and the K12 science lessons have already been updated!"

A link takes me to a fuller explanation. There are snapshots of two graphic lessons, one from before Pluto's demotion and one after. In the second picture, Pluto is erased from the virtual textbook, as it is undoubtedly being erased from the newest print runs of paper textbooks. The reclassification of Pluto, the page glibly says, "changes lessons about our solar system — the old textbooks are now wrong!" It's that simple: the books were right, and now the books are wrong.

I thought of Winston Smith at his desk in the Ministry of Truth, altering historical newspaper clippings according to what the state decided was true. The purpose is not nefarious, as in Minitrue, but just as creepy. Altering lessons in such binary fashion implicitly says to a child: experts have decided that reality has changed. What was a planet, no longer is. We will call it a "dwarf" and take it out of your textbook, and the truth changes, and there's nothing more to say.

Of course textbooks should be updated to reflect the best information available (if they are to be used at all — another question entirely), but worthwhile education can't be boiled down to conceptions of truth that flip like transistors, switching from one to zero and back again with shifts in expert consensus.

If kids are to learn to think, they must be taught what a definition is: an arbitrary construct, a tool. The definition of a planet is harmless, but misused definitions can be powerful weapons. If the government tells you something is "a privilege, not a right," you might be easily convinced, if you weren't trained as a child to think about definitions and symbols and the use of metaphor.

Those two virtual-textbook depictions of the solar system, one with Pluto and one without, reminded me of Neil Postman's discussion, in his excellent book "The End of Education," of the importance of definition, question, and metaphor in pedagogy. Postman cautioned that, if they are not taught to think about *how* as well as *what* they learn, "students come to believe that definitions are *not* invented; that they are not even human creations; that, in fact, they are — how shall I say it? — part of the natural world, like clouds, trees, and stars." And planets, and things of greater consequence. — Patrick Quealy

Changing of the guard — General Peter Pace is out as chairman of the Joint Chiefs of Staff. Defense Secretary Gates' refusal to nominate Pace for a second two-year term is a slap in the face for the Marine general, notwithstanding Gates' effusive praise when announcing the forced retirement. It is clear that Pace very much wanted to be renominated.

General Pace is unquestionably a brave man. In 1968, he served as a platoon leader during the fighting for Hue in South Vietnam, some of the most intense close combat ever engaged in by U.S. troops. Courage alone, however, does not make a great leader. During the past six years, the first four of them as vice chairman of the JCS, Pace was intimately involved in formulating and implementing the Bush administration's defense policies — above all, the Bush war policy in Iraq. That alone is enough to justify Gates' decision to let Pace fade away.

In addition to presiding over the evisceration of America's ground forces in Iraq, Pace further hurt his cause by some recent PR missteps. His comment that homosexuality is "immoral" and his refusal to apologize for that remark did nothing for the morale of the 5–10% of the force that is gay or bisexual. His letter to the judge who presided over the Scooter Libby trial, urging leniency for a convicted felon, was inappropriate for a serving officer. I have never accepted the canard perpetuated by a few Army officers and noncoms to the effect that the Marines, while brave, are in general rather stupid. But Pace's actions give me pause.

Pace's successor will be Admiral Michael Mullen. Mullen has no investment in Bush's Iraq policy, and has made all the right noises about the Iraqis being required to show political progress if U.S. support is to continue. On the other hand, he has a master's degree from Harvard Business School. One of the great follies of the post-World War II era is the idea that

military leaders ought to be skilled in management. Wars, even successful ones, are messy and very expensive. That's why, whenever possible, they should be avoided. When wars do have to be fought, however, we require at the top leaders, fighters — not managers. The application of systems analysis and academic management principles is one of the reasons why the Vietnam War was fought the way it was, and turned out the way it did. We don't need more of that.

The other question about Mullen, and it may be an unfair one, concerns the very fact of his rise to the top. Bad civilian leadership tends to promote mediocre military leaders. The most outstanding officer of the Bush era, General John Abizaid, was sent into early retirement for opposing, on principle, Bush's escalation of the Iraq war. On the other hand, Secretary Gates is the ablest person of cabinet rank that Bush has employed. (Compared to Donald Rumsfeld, Gates looks like George C. Marshall.) So perhaps Gates has chosen wisely. I certainly hope so, considering the problems looming ahead. Iraq shows no real improvement under the surge, Iran's intransigence is increasing as it approaches its goal of acquiring a nuclear weapon, Turkey seems poised to invade Kurdistan, and North Korea is, well, North Korea. I don't envy Admiral Mullen.

It's out with the old and in with the new as far as the U.S. armed forces are concerned. What difference that will make, if any, remains to be seen. — Jon Harrison

Thompson for beard! — The National Restaurant Association is a popular audience for Republican presidents and presidential candidates, since the association does a lot of lobbying on behalf of small businessmen. Recently I got to see Fred Thompson speak in front of the NRA convention in downtown Chicago.

Thompson got a standing ovation when he walked in. I think there was a lot of hope in the room — if not for a new Reagan, at least a Gingrich. Someone who could orchestrate the victory of conservative ideals that they've been waiting for since 1994. A prophet to lead the GOP out of the quagmire of Washington politics.

But those looking for someone to fill the shoes of Ronald Reagan had best look elsewhere. Thompson botched it from joke one: an old chestnut about how he would remind his friends from Texas that there would be no Texas if there hadn't been a Tennessee. The Texan response: well, there were all these signs up that said "This way to Texas." So everybody from Tennessee who could read ended up in Texas.

He also pulled out the hack lines about how Washington, D.C., was like Hollywood for ugly people (that one got the biggest laugh of the day) and how he was tired of phony people and make-believe, so he moved out of Washington and went to Hollywood.

Thompson then stumbled through the rest of his speech, which was nothing more than a string of anecdotes about his various careers. It was obviously scripted, and he could barely deliver the punchlines.

His delivery was off, and the stories seemed chosen at random. He stuttered and ummed a lot as he flipped through his note cards, trying to find something funny. In the end, he attempted in vain to tie everything up with a philosophy about always going through the open doors, never realizing what was on the other side.

Throughout, there was no fire, no passion, no talk about the kind of changes he'd like to see in America, no vision or inspiration. Just funny little stories about how unlikely it was that a boy from Lancaster, Tenn., would become so famous.

He got a second standing ovation when he was finished — initiated by the NRA board that had paid his honorarium. The rest of the crowd followed suit, since it was a good excuse to bolt for the door.

Next up was Q & A, the best part of his appearance: he really excels in the Town Hall format. Most interesting was his response to a question about Indian casinos. He thought for a minute, and said, "I don't really know anything about that topic, and I'm not going to soft-shoe up here." It was his biggest applause line of the day.

But on the whole, Thompson came off as weak, and his speech contrived. He needs both a speechwriter and a speech coach if he has any intention of taking this "campaign" further. How are we ever going to get permanent tax breaks, Social Security reform, and a dismantling of the New Deal, if he can't even win over a roomful of entrepreneurs?

This convention of 75,000 people hosted some of the wealthiest small businessmen and CEOs in America, all potential donors who are begging for someone to stop the taxation and overregulation, and lead this country back to its Founders' intentions. He should have come loaded for bear, with his best stump speech. If that was it, there will be no Fred Thompson candidacy.

I can't believe he really wants the nomination — I figure he's shooting for Veep. He'd make a nice conservative beard for Giuliani. — Tim Slagle

The beginning of a beautiful antagonism — Twenty years ago, Liberty began publication. Ronald Reagan was president, a man whom nonlibertarians thought of as a libertarian, pushing the line that government was the

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problem, not the solution. Most libertarians were influenced by Ayn Rand and Murray Rothbard, the former only recently deceased, the latter among the living (and among Liberty's writers). Although the U.S. managed to invade Granada and a few other equally dangerous countries, it was generally a time of peace. Libertarians frequently saw Republicans as allies.

Today, the president is George W. Bush, a man whom no one regards as a libertarian, pushing the line that in all areas of life, the government is there to help, like it or not. Few libertarians are influenced by Rand and Rothbard, both of whom left the scene long ago. The U.S. has managed to invade and simultaneously fight wars in two countries, each farther away even than Granada. It is *not* a time of peace. Rather, it is a time of perpetual war. Libertarians no longer see Republicans as allies.

As at the beginning, so it is at the present time: both in 1987 and now, politicians routinely call for less government — "waste" is especially abhorred — while moving to hasten government's growth in all directions. Then, many libertarians were looked on as naive because they opposed aggressive action in response to the "Soviet threat." Now the Soviet Union is gone, and even some libertarians view other libertarians as naive because they give little credence to the "Islamofascist" threat.

In 1987, America hadn't been attacked in over 45 years, the continental United States (excluding the South in the Civil War) in over 170 years. And libertarians warned that an interventionist foreign policy (installing the Shah in Iran, backing Saddam in Iraq, aiding the Israeli occupation) might be dangerous to Americans, especially those who valued low taxes and civil liberties. In 2007, it has been only six years since our country has been attacked. And now even many libertarians see futile crusades as a matter of national urgency.

Government has grown in every one of the last 20 years. We now routinely go abroad in search of monsters to destroy. Every president elected during Liberty's existence has subsequently been widely recognized to have been much worse than his predecessor. We have no reason to believe this trend will stop.

So Liberty will never lack material on which to report: policies to lampoon, programs to oppose, and wars to debate the wisdom of.

Government's gift to Liberty: a full-employment policy.

Happy 20th. — Ross Levatter

Facts: tax max jacks — A special report from the Tax Foundation gives us some unpleasant news: the combined state and local tax burden has hit a new record high. State and local taxes now consume 11% of all national income, beating the earlier 2005 record high of 10.9%.

This figure is important to keep in mind when comparing national tax rates. While America's national income tax is lower than that of many of its competitors — a point oft made by devotees of big government and massive income redistribution schemes — the gap narrows considerably when you add in state and local taxes.

Leading the pack as top tax takers are Vermont (14.1%), Maine (14%), New York (13.8%), Rhode Island (12.7%), and — perhaps surprisingly — Ohio (12.4%). Claiming the title as low tax environments are Alabama (8.8%), Delaware (8.8%), Tennessee (8.5%), New Hampshire (8.0%), and — the winner is — Alaska (6.6%). The tax burden by region (from highest to lowest) is: the mid-Atlantic, the Great Lakes, New England, the Far West, the Plains, the Rocky Mountains, the Southeast, and the Southwest. This explains a lot about the interior population flow, with middle-class families fleeing high-tax regions for lower tax ones. The complete study* makes interesting reading. — Gary Jason

Rebel leader — Peggy Noonan was an excellent speechwriter for President Reagan; although the writing she has done under her own name has not been inspiring. Both rhetorically and intellectually, however, she is probably the Republican Party insider who best represents the attitudes of the vast majority of Republican voters, many blue-collar Democrats, and probably most so-called independents. In my opinion, she never represented them better than she did on June 1, in the article in the Wall Street Journal in which she declared her independence from the Bush regime.

Jefferson's Declaration of Independence argues that the king "has abdicated Government here"; that he has in fact summoned enemies to attack his people. Noonan argues the same about Bush: he has abdicated leadership of his supporters, has in fact turned viciously against them.

Noonan traces her disaffection to "January 2005, when the president declared that it is now the policy of the United States to eradicate tyranny in the world . . . This was at once so utopian and so aggressive that it shocked me." More revelations of intellectual and practical incompetence followed quickly: the New Orleans debacle, the deepening failure in Iraq, ridiculous levels of government spending. (She didn't include Bush's absurd about-face on global warming, because that came a day or so after her article.)

But what really did it was Bush's attack on his own voters over the immigration issue — the coordinated accusations by Bush and his friends that people who oppose his pro-illegals immigration bill are "bigots" and "chauvinists" who "don't want to do what is right for America" and who would like to see "mass deportation" or even the killing of illegal immigrants.

This is really vicious stuff. It's the kind of slander that Bush and his party have long complained about, when it's been directed at them by the loony Left. I can't think of any other administration that has attacked its own party activists in terms like these.

Noonan confesses that she does "not understand such squandering" of a political inheritance. Her best attempt to explain it is by reference to a White House staffed with people whose values are radically different from those of the party base, and to these people's feckless desire to be applauded by history for their Intransigent Fight for Human Progress. She also refers to a White House that has "turned to name calling" because it has no ability to argue except by means of "a call to emotions."

More evidence for this thesis would be furnished on June 6–7, when Bush's cronies in the Senate raged and stormed against their colleagues' perverse refusal to rush through an immigration bill crafted by Edward Kennedy, long the Republicans' principal target of abuse — except when he's been in league with the masterminds at the White House. With polls showing that neither Republicans nor Democrats nor independents favored the bill, which was as full of lies and tricks as a two-

*http://taxfoundation.org/press/printer/22321.html

bit magic act, and with hardcore Republicans practically rioting in the streets to prevent its passage, Republican politicians hadn't even the excuse of bowing to the public's wishes when they insisted that the bill go through. They bowed to their own wishes.

And now, if you will, picture George Bush. He, like Clinton, lusts for legacy. He thinks that the only way he can get it is to ally himself with people like Senator Kennedy and Senator Reid and Representative Pelosi, cadres who would cheerfully throw him out of office and drag him before a firing squad if they could figure out a way to do it. He knows this. (At least I hope he's not the last one to know.) But he'd rather side with his political assassins than with his own party. This is an unprecedented event in American politics.

So I think Peggy Noonan is right. I also think that what's happening on the Republican side is what happened on the Democratic side, some years before. The Democratic leadership lost its intellectual standing in the mid-1960s, when it began to advocate policies that were not only wrong but also detested by most of the American people, including Democrats. As its hold began to slip, the party leadership resorted more and more to name-calling, starting with the idea that Goldwater and Reagan were racists. The Republican leadership now replicates the process. It doesn't have an idea in its head, and pretty soon it won't have any voters, either, unless Republicans follow Noonan's lead and declare independence from their self-serving and insulting leaders. — Stephen Cox

The curse of the carbon foot — The Economist for the week of May 19 contains an article explaining that "several British food companies and retailers plan to add 'carbon footprint' labels showing the quantity (in grams) of carbon-dioxide emissions associated with making and transporting foods and other goods." This is supposed to let consumers know how much each of their purchases is destroying the planet.

Having been raised Catholic, I can appreciate a bit of guilt conveniently printed on the label of every product, without need for recourse to the confessional. However, as the article laments, carbon footprinting is not easy to implement. "How far down the supply chain do you go?" The Economist asks, noting that the labels might "include carbon dioxide produced in the manufacturing but not, say, that from employees commuting to work."

Smart people are devoting their time (of which they must have a great deal) to this endeavor. And it is being written about in a free-market paper of record without any apparent sarcasm. Somebody hold me. — Patrick Quealy

A new race to the bottom — The results of the May 10–13, 2007, Gallup poll are fascinating. The new Democrat-controlled Congress actually has an approval rating below that of President Bush! Only 29% of Americans now approve of the job Congress is doing, compared to 33% who approve of the job Bush is doing. At this rate, by the next election, nobody will support any branch of government.

We can speculate about the causes of the decline in the public's view of Congress. My own view is that, simply put, the public was once again disappointed. The Dems promised to eliminate corruption, stop pork-barrel spending ("earmarks"), control spending in general, usher in an era of bipartisanship, and end the war. So far they've done none of those things.

Early on, the Dem leadership entertained the idea of putting committees in the hands of chairmen with ethically challenged pasts, such as Reps. Murtha and Hastings, backing down only in the face of negative publicity. They shoved through a passel of bills absolutely denying the minority any say — indeed, shouting down opposition questions. And they made clear that they would have endless investigations, with endless subpoenas, all hoping to find exploitable dirt on their opposition. Bipartisanship was essentially killed on Day One — Grandma Pelosi talked more with Syria's Assad than with any of the Republicans in Congress.

The recently unveiled Democrat-crafted budget shows no fiscal restraint whatsoever. The proposed $2.9 trillion budget has a huge $23 billion increase in education and health care. The present deficit of $214 billion will rise to $252 billion in 2008. The Democrats project a surplus by 2012, but that is figuring in about $200 billion in tax increases over five years, as they allow the Bush tax cuts to expire. And it assumes that permitting the income tax and capital gains tax rates to go back to Clintonian levels will not lower the nation's economic growth rate, a highly dubious proposition. Most conspicuous for its absence: any hint of dealing with the looming Medicare and Social Security disasters.

As to ending a war that most of the Dems argue is immoral and illegal, they have yet to vote to end the funding. They appear to fear the consequences of simply ending the war and taking part of the blame for the aftermath. So they have repeatedly tried to placate their core by enacting a timetable for withdrawal. They will keep the troops there, but — hoping to do maximal damage to Bush — continue attempting to restrict those troops and advertise their view that the troops are engaged in a pointless struggle. (This is aptly named the "slow-bleed" strategy.) The cynicism of all this is breathtaking, and belies any professed support of the soldiers slogging it out.

As to the grotesque comedy of it all, I would say "you can't write this stuff," but that's not true. Charles Schultz wrote this comedy routine a long time ago. Charlie Brown always tries to

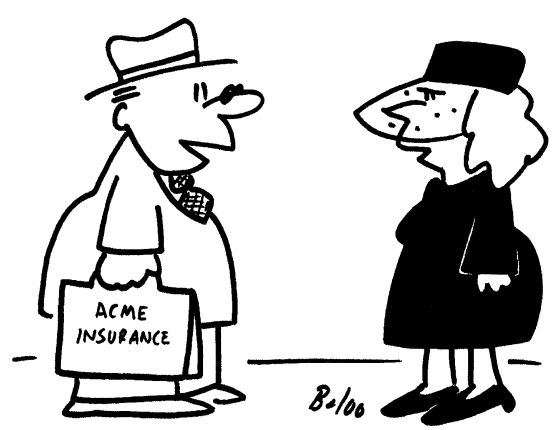

"Are you your husband's beneficiary?" "Yes, *finally.*"

kick the football, but Lucy always yanks it away at the last second, after promising not to do so. The American voter always votes for fiscal reform, which the politicians always promise but yank away in the end. — Gary Jason

Hung out to dry — Paul Wolfowitz has been driven in disgrace from the presidency of the World Bank. This is very satisfying for Wolfowitz-haters like me. It's so good to a see an arrogant SOB receive his comeuppance. Unfortunately, he will not share the fate of the man that I admit Wolfowitz did help bring down — Saddam Hussein. I say unfortunately because so many people — innocent Iraqis as well as American soldiers — have died horrible deaths because of Wolfowitz's desire to remove the Iraqi dictator. As bad a man as Saddam was, his death was not worth the life of a single American trooper. As for the Iraqi people, under Saddam life (and death) at least had a strong degree of predictability. For the Iraqi of today, death may strike from anywhere at any time.

Easy money — As best as I can remember the free lunches started in the spring of 2004. I received a call from a telemarketer at Chase Bank, where I had a credit card that I seldom if ever used. The friendly banker inquired as to whether I would like to roll over any high interest credit card balances to Chase at 0% interest for one year. I replied that I had no high interest balances to roll over. He then suggested wiring cash directly to my bank account. He indicated my credit limit was $25,000 (which agreed with my records) and that he could wire $24,900 immediately. My only cost would be the 3% balance transfer fee which was capped at $75.

I knew that the going rate for an FDIC insured CD at my local credit union was about 5%. I quickly did the math and determined that this offer represented a free lunch netting me $1,175. After determining that this was not a scam designed to obtain my banking information (the telemarketer already knew my credit card number, my SSN, and my bank account number from previous payments), I agreed.

The $24,900 arrived as promised. I put it in a CD that would mature before the 0% interest expired and made the monthly payments for one year. I thought of those monthly payments as a form of forced saving. At the end of the year my net worth had increased by $1,175 plus the monthly payments as a result of the beneficence of one of the largest banks in the world. I began opening all those envelopes from banks offering 0% interest. I found that MBNA, Bank of America, HSBC, Citibank, RBS, Juniper, and Barclays were all equally generous about lending their depositors' money to me at 0%. I now have over $100,000 of other people's money working for me for free.

The obvious question is why highly profitable capitalist banking institutions would be so eager to lend me money for nothing. I can think of two reasons.

The most obvious would be that they are counting on lack of financial sophistication on my part. They're betting that I will take the cash advance and then foolishly use the card to buy lunch at Denny's. They would then apply all payments to the 0% balance and charge me interest on my retail purchases. Or they could hope that I squander the cash advance on wine, women, and song, and be unable to make the balloon payment at the end of the 0% period, which would, in some cases, trigger usurious interest payments retroactively. Or they could count on my making a late payment triggering their high credit card rates on the entire balance. (Thanks to the U.S. Postal Service that did almost happen. I got a monthly statement from RBC showing the previous payment credited to my account but charging me a late fee and interest anyway. When I called to complain they said the payment had arrived one day late. I had to threaten to pay my balance in full and close the account before they relented and removed the late fee and restored the 0% status.)

The second reason money center banks would be willing to make low or no interest unsecured loans is because they have more money to loan than they have creditworthy borrowers. A quick check of Federal Reserve figures reveals that M2, the money supply consisting of cash, traveler's checks, demand deposits, savings accounts, small-time deposits, and retail money market funds, rose from $6,064.2 billion in January of 2004 when my little personal carry trade operation began to $7,081.4 billion in January of this year. That's a 16.8% increase or a 5.6% annualized increase. Meanwhile Gross Domestic Product, GDP, measured in constant dollars by the Bureau of Economic Research, increased an average of 3.5% per year. 5.6% money growth minus 3.5% economic growth = 2.1% looking for a home. Think of me as altruistically taking in my small portion of that homeless money.

Of course this analysis is very much oversimplified. I'm ignoring M3 because the government no longer reports it. I'm not adjusting for the flow of funds into eurodollars, into the Chinese Central Bank, and into stock markets all over the globe. But the larger point remains. Alan Greenspan and Ben Bernanke have been creating way more money than is needed to fund ordinary commercial transactions in constant dollars. The first stop for newly created money is the money center banks. I'm happy to help relieve them of their burden.

The larger economic implications of a monetary policy that is so easy that it inspires major banks to make over $100,000 in unsecured loans to the likes of people like me is less benign. That same easy money availability has induced financial institutions to make those 0% down, negative amortization, variable-rate mortgage loans that are now going bad as home resale prices go down. It has postponed the day of reckoning for people who use the 0% marketing pitches of new credit cards to increase their onerous debt loads even more.

Coincidentally, Barclays Bank has announced bad debt amounting to £2.15 billion, and HSBC and RBS are expected to follow suit as more of their customers go bankrupt. The free lunch buffet looks like it may soon close. In terms of Austrian economic analysis, easy money has been funding a speculative economic boom that, when it does eventually burst, will be more devastating to more people than would otherwise be the case. And we all know what politicians do when people need financial help. They try to "help." They usually muck it up. And in the process a little more of our liberty is eroded. — Richard Fields

While Wolfowitz is unquestionably less deserving of a noose than Saddam, his execution might serve to give future harebrained policy-makers pause before they commit this nation to another bloody folly like Iraq. Of course, there will be no noose for Wolfowitz. (May not one dream, though?)

At least we may rest assured that Wolfowitz's public career is finished. He will while away the rest of his active life in some obscure business or academic post, no doubt writing articles and books justifying his past behavior.

The World Bank, however, goes on. Here we have an institution staffed by a team of international bureaucrats whose arrogance rivals even that of their soon-to-be ex-president. They receive enormous salaries for dispensing money to inefficient and corrupt governments in the "developing" world — money, moreover, that is extracted involuntarily from the American taxpayer (among others).

The bank's record of success is exceedingly slim. According to U.S. Treasury Secretary Henry Paulsen, the bank performs vital functions. This is nonsense, and Paulsen (I think) knows it. Had the bank never come into existence, our world would be not one whit different from what it is today, with the exception that a few thousand overpaid functionaries would be out looking for honest work.

Ding-dong, the wicked bank president is (metaphorically speaking) dead. However, the bank lives on, and nary a voice is raised (even on the Right) against it. Had Wolfowitz's forced departure only brought about a reassessment of the bank's usefulness, then the man would at last have performed a real public service. — Jon Harrison

Tariff wars — In April, negotiators reached agreement on the U.S.-Korea Free Trade Agreement. The agreement offers substantial benefits for America. Car tariffs will be eliminated on both sides, allowing consumers in both countries cheaper vehicles. Major agricultural products that we produce in abundance (including cotton, feed corn, soybeans, and wheat) become tariff-free immediately, with many others (such as bread, fruits, and sweet corn) becoming tariff-free within five years. And the Korean market for beef will be reopened.

Even more importantly, South Korea will open up its major service sectors to U.S. access. In the telecom and financial sectors, American companies will be able to own 100% of Korean ones. American banks will be free to open branches in Korea. Legal protection of intellectual property will be increased, and a new system of international arbitration will be set up to resolve business disputes.

The agreement is flawed by the remaining protectionist measures on both sides. The Koreans refused to allow rice to become tariff-free, for example, while we retained many "anti-dumping" regulations and agricultural subsidies. But the agreement, if approved by Congress, will still improve mutual trade enormously.

Of the numerous free trade agreements negotiated over the last decade, the U.S.-Korea pact will arguably be the most important. First, South Korea is a major economic power. It is the eleventh largest economy in the world, with a GDP of over a trillion dollars yearly. Even now, we are South Korea's second biggest trade partner, and it is our seventh largest one. If Congress approves the agreement, trade will grow apace.

Second, the treaty represents a tremendous gamble on the part of the Koreans. They negotiated a free trade agreement with us before doing so with their closer neighbors (China, Japan, Russia, Taiwan, and so on). This is a major statement about the importance of America in Asia, and a congressional snub would send an ugly message about our growing protectionism and isolationism.

If Bush — wounded as he is politically — can succeed in getting this agreement through, it will continue the momentum for international free trade, which had been slowed by the stalling of the Doha Round. Moreover, a victory with this agreement will almost surely lead to similar agreements between Korea, Japan, and China, which will in turn almost surely lead to a reduction in tensions in that troubled region.

The fight will come from the usual suspects: special interest groups that profit from denying American consumers their right to free choice. American automakers are opposed to the agreement because they didn't get the car import quotas they wanted. The AFL-CIO opposes all free trade agreements, and has indicated it will fight this one bitterly.

The agreement will survive if Bush can keep the Republicans in line, and get some of the more open-minded Democrats to vote for it in defiance of union demands. This is dicey — the unions and other protectionists have a more powerful voice in the Democratic Party today than they had a few years ago. In particular, the head of the trade subcommittee of the House Ways and Means Committee is Rep. Sander Levin, a Democrat from Michigan and the favorite mouthpiece of Big Labor. His unwavering opposition to the Korean deal is assured.

It may well come down to Rep. Charlie Rangel of New York, who in the past has been open to free trade agreements, if enough concessions (in the form of additional monies for worker training and unemployment insurance) are proffered. While he is under pressure from the protectionist wing of his party, there may be a personal angle that will rescue the agreement. Rangel won a Purple Heart and a Bronze Star for his service in the Korean War. He may want to see that sacrifice validated by an agreement that cements a relationship between Korea, a democracy established with the blood of 54,000 young Americans, and the country from which they came.

— Gary Jason

Mailing it in — Having written that the United States Postal Service is driving itself into threatened bankruptcy (and thus a demand for yet greater subsidy from public funds) by raising its rates in the face of competition from both UPS and email, I'm reluctantly pleased to report that on May 14 they did it again. Not only has the USPS increased rates yet further; it also announced more complications in determining prices. This will surely usher in its extinction. When I asked the week before in my lower Manhattan (SoHo) post office for a flier with the new rates, the clerk behind a continuous clear bulletproof partition (resembling those in liquor stores in slum neighborhoods) advised me to find them on the internet, which would be reasonable — if I were dealing with a private company.

When I recently airmailed a letter to Sweden at the old rates, it came back, stamped "insufficient address" and "do not remail in this envelope," with a further stamped demand for additional postage. Apparently the USPS clerk failed to recognize not only the country code but also the name of the capital city. Since nothing on my envelope specified how much additional postage was required, I went from usps.com to the

link for "International Mail Services," which said nothing about new rates.

Another letter, addressed to NYPL, 5th Avenue & 42nd Street, New York NY 10036, likewise came back marked "insufficient address." The clerk to whom I showed it at my SoHo post office handwrote into the address "New York Public Library." I then added, "Look for the huge building with the lions in the front." (Wish I were making this up.)

From the other side of our country, Steve Cox reports that in his local post office, "there are and have been *no* postings of the new rates, on walls or bulletin boards, so one has to stand in line and confer with a clerk who doesn't speak English, then ask for another clerk, to make sure one got it right." May I suggest that a central difference between his clerks and mine is that mine speak English, often as their mother tongue, even if they aren't always comprehensible.

My hunch is that these latest changes were instituted to make customers go more often to the local post office, where the lines have long been interminable, even for common mailings, thus prompting a demand for more postal employees, even at a time of decreasing revenue! Am I alone in smelling a conspiracy initiated by the postal workers' union? When the post office offered to sell first-class, postage-guaranteed-forever stamps, did it assume that the bargain really would have a short life? Much as unions sabotaged the American automobile industry, so they will kill mail delivery, in this case with government support. Perhaps once the USPS goes under, as it surely will if these self-defeating practices continue, the union will be demanding government benefits comparable to those awarded veterans of a war that was lost. How neat!

Legislators beware. — Richard Kostelanetz

Paradise restored — The vagaries of municipal government will beat your favorite sitcom in giggle power — every time. Take a major component of civic responsibility: our city streets. To my way of thinking, streets are a proper concern of city government, totally unlike libraries and buses, which, freed from the constraints of profit, are bungled beyond repair.

Streets, to my simple mind, are to facilitate the use of vehicles, which cannot traverse muddy meadows or forest trails or rocky canyons. We build streets to ease the paths of powered vehicles. This is the first lesson taught in Civic Planning 102. It's even taught at great universities like the University of California at Berkeley, where there's a deadly prejudice against cars, trucks, and motorcycles propelled by the fearsome, fuming, foulsome internal combustion engine. A UC physics lab is working feverishly on a windmill-propelled family vehicle that resembles a four-masted schooner and moves at six miles an hour in a howling gale. ("Meet you at Starbucks in eight hours, unless the wind stops.")

But the point is that, theoretically, streets promote the rapid passage of all kinds of motorized vehicles. So it is assumed, even at UC. Yet if this is true, why are the slowskies, all over the U.S., building asphalt barriers in the streets that resemble the barricades of the Paris Commune in 1870? Speed bumps, they're called. Their primary and only purpose is to impede the flow of traffic. This is a concept opposed to the concept of "street." And don't dare offer safety as a rationale. Bouncing over one of these fortifications, considering the damage done to axles and springs and suspension coils and brake systems, is *not* safe. (Have you seen the latest study proving that speed bumps prevent accidents? I haven't either, because there ain't any. It's one of those "seems like . . ." theories.)

Talk about the law of unintended consequences! I just collided with four of these auto traps, and now I'm approaching a lighted intersection, but the four collisions have wounded my braking system and I run over four little schoolgirls on their way to first grade. I mash their furry puppy, too. That's safe?

And it's worse than that. Where there's government there's corruption. It's rumored that the speed bump crew canvasses the neighborhood selling tickets for the Speed-bump Builders' Ball. "Uh, Mr. Roberts, if we could just sell 40 tickets on your block: maybe instead of these 16 obstructions we could simply accept your oath that you will follow the existing speed limits on Sylvanpath Lane."

Have you noticed that they never blockade the streets in the neighborhoods of the city council? I've never seen a mayor's street with a single speed bump.

And here's the supreme irony. Mother Nature, during her cycle of seasons, efficiently contracts and expands the roadway, such that it's full of free potholes, which the city, of course, is too busy to repair. (Too many speed bumps to build.) These immense craters are great traffic impeders — axle-shaking, spring-cracking, frame-rattling holes. And completely without cost to us taxpayers! But no, that's not good enough for my muni-gov. They rush to spend a hundred thousand or so on more impediments. Why not just sprinkle inexpensive tacks in the street?

Or, even cheaper, let Nature take back her own. Let her reclaim her streets, boulevards, and lanes with oaks, willows, birches, maples, and all the tough spikey undergrowth that turns asphalt and concrete into wilderness. How safe we'll be then! — Ted Roberts

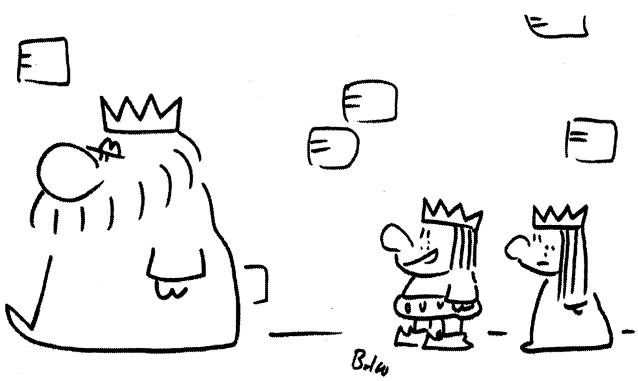

"Dad's not all bad — he'll be a great previous administration to blame things on."

Check the union label (or else) — As expected, the Democrat-controlled U.S. House of Representatives has passed an act that will eliminate secret ballots in unionization elections, a right that was guaranteed by the 1935 Wagner Act. Under this new act — which bears the Orwellian title "The Employee Free Choice Act" — union organizers need to do

continued on page 28

Ron Paul In the Spotlight

by Bruce Ramsey

If it walks like a Republican and talks like a Republican, it must be Ron Paul, because it sure isn't one of the other guys.

Three months ago, Liberty said of Rep. Ron Paul, R-Texas, "We like Dr. Paul, but about the best he could do is be noticed for one idea" — an exit from Iraq — and it was an idea also championed by another putative candidate for president, Sen. Chuck Hagel.

Since then, Sen. Hagel has sat on his hands and Paul has jumped in. Now it is Paul who shines and Hagel who fades out.

After the debate among ten Republican presidential contenders May 15, an Indianan called into C-SPAN and said, "Ron Paul is just head and shoulders above everybody else there." Exclaimed a caller from Louisiana, "The rest of them are just a bunch of puppets." Said a caller from Arkansas, "I feel sorry for the Republicans who have to sit there and actually take in Rudy Giuliani and McCain's insanity. Ron Paul was the only one that actually made sense."

Paul had been explaining the motives of the 9/11 terrorists: "Have you ever read the reasons they attacked us? They attack us because we've been over there; we've been bombing Iraq for 10 years. . . . Right now we're building an embassy in Iraq that's bigger than the Vatican. We're building 14 permanent bases. What would we say here if China was doing this in our country or in the Gulf of Mexico? We would be objecting. We need to look at what we do from the perspective of what would happen if somebody else did it to us."

The Fox News guy was taken aback. "Are you suggesting we *invited* the 9/11 attack, sir?"

"I'm suggesting that we listen to the people who attacked us and the reason they did it," Paul said, carefully not saying that America had "invited" it.

Giuliani burst in: "That's an extraordinary statement, as someone who lived through the attack of September 11, that we invited the attack because we were attacking Iraq. I don't think I've heard that before, and I've heard some pretty absurd explanations for September 11th."

Giuliani's supporters cheered, and the frontrunner (who must have heard Paul's thesis before) twisted the knife: "And I would ask the congressman to withdraw that comment and tell us that he didn't really mean that."

Paul did not back down. "I believe very sincerely that the CIA is correct when they teach and talk about blowback," he said. "If we think that we can do what we want around the world and not incite hatred, then we have a problem. They don't come here to attack us because we're rich and we're free. They come and they attack us because we're over there."

Lew Rockwell, at the libertarian webpage LewRockwell.com, called this "one of the great moments in the history of modern American politics," and surely it was.

The war supporters were furious. When Paul went on

Hannity & Colmes after the debate, Sean Hannity lit into him: "What have we done to cause the attack? What did America do to *cause* the attack on 9/11?"

Having his loyalty questioned on national television again, Paul was feeling pretty beat up, but he gave the same answer. Then came the online polls, which showed he had public support. Then the emails and viewer calls. Then the pundits.

From the Right, Patrick Buchanan noted that Paul was the only candidate among the ten who had voted against the war resolution in 2002. Said Pat: "Have not the last five years vindicated him?" From the Left, Alexander Cockburn credited Paul with "an intrusion of rational thought" in "a hotbed of stupidity."

Some of the comments were junk. Juan Williams of the Beltway Boys referred to "Ron Paul's conspiracy theory . . . on why we were attacked during 9/11," and Paul Krugman of the New York Times said that every candidate except John McCain had endorsed torture — which Paul had also condemned. Objectivist Robert Tracinski preposterously said on RealClearPolitics that Paul's embrace of "the basic antiwar argument of the Left" showed "why Ayn Rand was right to dismiss Libertarians as 'hippies of the Right.'"

Into the hullabaloo I added my voice as a regional newspaper columnist, opining on May 30 that Paul was right about the war and that Republicans should listen to him. This was posted in several places and I received more than 90 emails, 73% agreeing with Paul. Many of the Paul supporters were sore at me because I had also written, "There is no way this libertarian medical doctor from Texas is going to win the Republican nomination."

That statement won no points with Paul supporters. Wrote one reader to me: "How would you know? What are your credentials? Where's your objective data? As a journalist, you already know you taint an election and help to destroy democracy in America when you pretend to already know who is going to win."

Others had said it. In fact it was a recurring thing. Justin Webb of the BBC had said, "Paul will not win." Cathy Young of the Boston Globe had written on the Reason web page, "Paul has no chance." Columnist Bruce Bartlett had said Paul could not win.

Why do columnists say stuff like this? It is because they need to retain their credibility. If they don't say it, they will be branded as fantasists and shills — and rightly so. Paul was doing great in the unscientific internet polls, but in the scientific poll conducted June 1 for the Washington Post he was at 1%, tied for seventh place with Sam Brownback, Duncan Hunter, Tom Tancredo, and Tommy Thompson. In the June 7 poll for Fox News, he was at 2%. At 2% you are not going to win.

Giuliani's supporters cheered, and the frontrunner twisted the knife. Paul did not back down.

Fans, of course, may believe. If we journalists would just *say* Paul might win, then other people might say it, and it might be so. But it is a fanciful vision, which blogger Timothy Virkkala labeled "a mass domino cascade of copycat preference falsification." I am not quite sure what that entails, but I am not going to do it.

Immediate victory is not the only sort. Eugene McCarthy did not win the Democratic Party's nomination in 1968, but he launched its antiwar faction, which took over the party four years later.

What Paul can hope for — and it would be a very big thing — is to lead a group willing to identify itself as Republican and opposed to a foreign policy of preemptive war. When a figure as mainstream as Peggy Noonan writes (in the Wall Street Journal, June 1) that Bush's foreign policy is too "utopian and aggressive" for her, you sense an opening.

But there is a problem. Paul is not merely a foreign-policy Eisenhower. He is a foreign-policy Robert Taft — an America Firster. Paul's noninterventionism goes beyond foreign-policy "realism." When asked about that by Charles Davis on behalf of LewRockwell.com, Paul said, "I'm talking about where we are and which way we move. The realists now all of a sudden look like reasonable people compared to the radical neoconservatives." The realists are often wrong, Paul said, but "at least half the time they may be right."

Paul's more radical stand against world management sounds foreign to most conservatives, and not a little bit leftist. And some of Paul's support is coming from the Left. I had a pro-Paul email from a reader describing himself as "a card-carrying, if completely unideological, lefty." In describing a "meetup" in Nebraska, Paul supporter Laura Ebke wrote that the organizer was a "pro-life green Catholic Democrat." Some of Paul's media admirers have been on the Left as well, including Rosie O'Donnell, who chatted him up on her show; Bill Maher, who called Paul his "new hero"; and political comedian Jon Stewart. Paul won applause from Stewart's

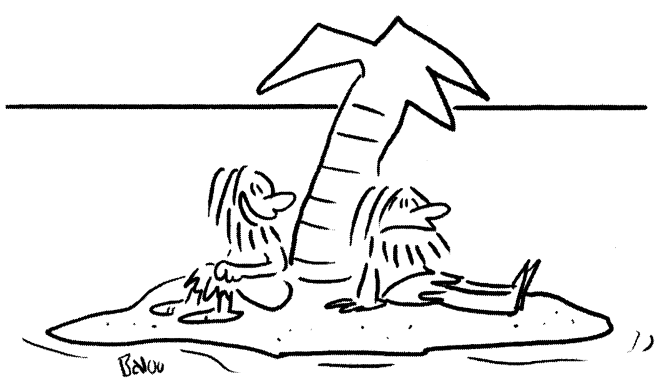

"Don't worry, Herb — sooner or later, the United States will invade to make us hold democratic elections."

audience for saying America shouldn't spread freedom "with guns," but when he started talking about free-market medicine the audience was silent. Paul has a position on the war that appeals to the Left, but he is not a leftist and most of his positions will never appeal to them. He will convert a few, and that is a net gain, but most of his admirers on the Left will not become Republicans.

Paul's base is on the Right. His politics are libertarian — at his May 19 fundraiser in Austin he said, "The sole purpose of political activity, as far as I'm concerned, should be protection of individual liberty." But his message comes with a strong conservative flavor — and he is running as a "real conservative," which keeps him in the Republican tent. And he does appeal to them. The envelope of a Paul fundraising letter sent in early June says, "Time for a real conservative!" The four-page letter inside uses "conservative" 13 times, all on the first page or the last, and "libertarian" not once. It uses the term "truly pro-American foreign policy" rather than "noninterventionist," and it does not mention that he is for withdrawal from Iraq. It does mention that he is for the Constitution, that he would withdraw from the United Nations and resist the push to a "New World Order" and a "North American Union." It also says he considers illegal immigration "an invasion." It all sounds as if it were aimed at the readers of The New American.

Paul offers a mix of conservative and libertarian positions, including many that overlap. He is opposed to abortion and for overturning *Roe* v. *Wade;* he is for local-option prayer in public schools. He favors Bill Clinton's "don't ask, don't tell" policy on gays in the military. He voted no on the Patriot Act and the Military Commissions Act, and he voted yes on attacking Afghanistan and favors hunting down Osama bin Laden. He is against birthright citizenship and amnesty for illegals but says immigration would be okay "in a truly free economy." He is against a national ID card and for the right of *habeas corpus*. He is for currency backed by gold and silver. He is opposed to trade deals like NAFTA for reasons of national sovereignty. He would oppose military intervention

Paul has a position on the war that appeals to the Left, but he is not a leftist and most of his positions will never appeal to them.

to protect South Korea from North Korea or Taiwan from China, and he does not think Iran poses a threat to the United States. ("They talk belligerently," he said to Tucker Carlson.)

Some of these things have been mentioned in recent coverage, but most people are not interested in them (and they would be, if they thought he might be president). Paul has been in the spotlight for one reason only: because he intelligently challenges Republican orthodoxy on 9/11 and Iraq. And that is worth doing. Particularly it is worth doing from the dais of the Republican Party. Paul's grab for the spotlight would not work if he were the Libertarian Party's presidential nominee, as he was in 1988. The national media don't care

Paul has been in the spotlight for one reason only: because he intelligently challenges Republican orthodoxy on 9/11 and Iraq. And that is worth doing.

about that party, because Americans won't vote for it. In the Republican race Paul is still "something of a long shot," as his campaign spokesman admits, but it allows him to harass the frontrunners and let everyone know that horse manure will not go undetected.

Look at the hay he made from the headbutting with Rudy. Shortly afterward, he called a press conference with Michael Scheuer, who once led the CIA's team on Osama bin Laden, and the two "assigned" Giuliani some books to read. They were Scheuer's "Imperial Hubris, Why the West Is Losing the War on Terror"; Chalmers Johnson's "Blowback: The Costs and Consequences of American Empire"; Robert Pape's "Dying to Win: The Strategic Logic of Suicide Terrorism"; and the federal government's own 9/11 Commission Report.

The idea wasn't that Rudy would read them, but that the public would. And some might; some might also get interested in Paul's libertarian worldview. Wrote David Beito, professor of history at the University of Alabama, "Generally I have pooh-poohed the view that electoral politics can 'educate' the public in libertarian principles. The Paul campaign is changing my mind."

The Paul campaign has also assembled a cadre of political street fighters. His chairman, Kent Snyder, who talked him into the race, has been an associate since the LP run. For nine years he ran Paul's Liberty Committee, from which Paul recently had to divorce himself, on account of new House ethics rules. Campaign manager Lew Moore was chief of staff for former Rep. Jack Metcalf, R-Wash., a right-wing populist who famously opposed the Federal Reserve as a greenbacker. Paul spokesman Jesse Benton was press secretary for Grover Norquist's group, Americans for Tax Reform.

Paul's supporters have beaten all their rivals on the internet. After the third Republican debate June 5, when WorldNet Daily had logged 2,478 votes on who won, Paul was ahead with 43.5%, followed by Tom Tancredo at 22.8%. The poll was not scientific, but it was *there*. "We're more blogged about and more searched-for than all the other Republican candidates combined," says Jesse Benton.

What will come of it we do not know. But it exists. It grows. It makes a noise. Somebody needed to make that noise, and Dr. Ron Paul is doing it. ❑

I Have Seen the Future, And It Has the Clap

by Bill Merritt

In The Villages, Florida, the turtles may be sexually frustrated, but the residents have all the action they can handle.

I always assumed that, if I lived long enough, someday I'd be 61. For a long time it seemed like a destination so remote that it was more like thinking about spending the night at that Hilton-in-Orbit they feature in "2001: A Space Odyssey," than anything that might ever happen in real life. Besides, I secretly knew that, if I actually did make it to 61, I'd still be 25, and no harm done. So, it came as a shock to fly down to Orlando and visit a couple of army buddies I hadn't seen in 35 years.

The shocking part wasn't how old *they* had become. Getting old is pretty much God's plan for everybody but me. It wasn't even much of a shock to see their gorgeous young wives somehow transmogrified into the sort of old ladies whose houses we used to TP on Hallowe'en. What did come as a shock was that, when my buddies looked at me, their mouths fell open, and . . . "My God, man, what *happened* to you?" tumbled out.

Another shock was my first good look at Central Florida since I was a kid. My memories are of beautiful, rolling, ranchland. Of dark, silvery lakes and soft pastures, of lush grass set off by ancient live oaks dripping Spanish moss almost to the ground. Now, the place is . . . well, it's as if America had been leaking old people into Florida for so long that Miami Beach filled up. Then Boca Raton and Palm Beach and those places with names like Frost Proof and Shady Rest and Winter Haven and Sunny Isles until, finally, the tide of retirement communities rose all the way to Orlando.

It was the retirement communities that I was least prepared for, and not entirely because they didn't fit what I remembered Central Florida looked like. In some ways, they fitted just fine. Retirement communities, like good architecture everywhere, are informed by regional traditions in building. When the action was in Southern Florida, sensitive developers honored local custom by putting retirees into trailer parks. Now that the cutting-edge retirement communities are in the Orlando area, the vernacular is, well, Walt Disney World. But instead of signs saying how tall you have to be to go on this ride, people tell you that you ought to be at least 55 years old. Which puts me squat in the juicy middle of the demographic that the retirement communities are aimed at — and seeing them as I drove past made me suspicious that I might be catching glimpses into my own bleak, sanitized future.

Right now, the retirement community you most want to drive past, the one with the most houses, the most old people, the most golf courses, and far and away the longest wall to

keep young people out, is The Villages. The wall, of course, is what The Villages is all about. It is the defining feature that separates the people cocooned inside The Villages from the young people, and the dirt, and the unexpected shocks that those of us on the wrong side of the wall have to endure. But like all such barriers against reality, the wall is a vain hope. With its guard houses and red and white striped gates, it is more like those butterflies that disguise themselves to look like the other kind of butterflies, who taste bad, than it's like an actual, working defense against outside troubles. As protective coloration, though, it functions very well.

When you think about it, it's just about impossible to cordon off 38 square miles any place in America without capturing a county road or two in the process, and The Villages may have set some kind of record in this regard. When they built their wall, they captured three different roads in four separate counties.

If you're like me, you would have thought that four separate sheriffs would have come knocking the very next morning, and those roads would have been opened back up at gunpoint. But thinking that kind of thought just goes to show that neither you nor I know as much as we should about the places where we are likely to spend our reclining years. These lawmen are Central Florida sheriffs working for Central Florida counties, and Central Florida has way too many old people for any county official to risk offending — especially the kind of county official who has to run for reelection. So the county officials did what libertarians could only dream of county officials doing. They tried to *give* the roads to The Villages. But The Villages turned them down flat — for the common-sense economic reason that, if The Villages actually owned the roads, then The Villages would have to pay to maintain the roads. And nobody in The Villages wanted any part of that.

In the end, the counties and The Villages worked out a compromise: the counties kept the roads and the repair bills, and The Villages kept the guard houses and the red and white striped gates. Only, now, the gates can't really keep anybody out. The best they can do is just look like they can keep you out.

If you are under a mature (i.e., old) age, the gates will open for you as smoothly and automatically as for any legitimate The Villager, and you can drive right on through without getting your tires shot off. But, of course, you have to know you

When my buddies looked at me, their mouths fell open, and "My God, man, what happened to you?" tumbled out.

won't get your tires shot off. Nothing about the gates themselves will tip you to this fact and, now that we are living in times when it has turned into a federal offense just to try to use the bathroom in the first-class section of an airplane, most of us are never going to chance discovering such a fact on our own.

But if you do happen to discover it, the first thing you will see when you get inside is golf courses. Forty-three golf courses, which means you have to keep a lookout for golf carts in the road. Many of them are personalized. Some

Maybe one reason why people retire to The Villages is that the lifestyle seems so familiar to the one they had back home: paying taxes and fees, without much return in benefits.

fly flags. Some are pimped to look like Tonka-Toy dump trucks, or Mercedeses, or to look like that talking movie-star Volkswagen named Herbie. All are individualized magic carpets that whisk The Villagers about on personal business, and most don't seem to have anything to do with playing golf — because only 44% of the 60,000 current residents of The Villages choose to spend what little time they have left on golf. The rest have other things on their minds. What exactly those other things would be isn't mentioned to outsiders, although it seems to have been uncovered by a reporter from Local 6 News last spring.

But I'm getting ahead of my story. If you don't mind golf carts driving in slow motion in front of you with their turn signals on, you can spend days riding around The Villages unmolested by the sight of a young mother, or a child's bicycle, or an animal that's not on a leash, or a weed, or girls with pigtails skipping rope, or Boy Scouts trying to help old ladies across the street, or a paint color that's not pastel and not approved by the architectural committee, or any other thing that might grate upon your senses, including, most especially, Jimmy Brown the newsboy, who would be out on two counts. It's not just his age that would disqualify him from being a The Villager. No newsboy could go the freight on the taxes.

Somehow, The Villages has gotten Florida to certify it as its own taxing authority. Buy a house in The Villages, and you start paying something like $3,500 a year to the developer, or whoever it is that The Villagers pays these taxes to — and these taxes will be on top of the taxes you still have to pay to the county and the state. And they are taxes, mind you, not dues. Dues are another payment entirely — a payment along the lines (if memory serves) of $250 a month.

But at least paying these dues lets you . . . well, it's hard to see what, exactly, paying these dues does let you do, because everything you might want to do seems to come with a special fee. To get into the woodshop, for example, you have to pay *another* $250, plus a yearly maintenance fee. As the salesman explained when I tried to pin him down on what it actually costs to live in The Villages, "At The Villages, you don't buy a house. At The Villages, you buy a lifestyle." A lifestyle, apparently, of paying taxes and fees without getting a great deal

back. Maybe one reason why people retire to The Villages is that the lifestyle seems so familiar to the one they had back home: paying taxes and fees, without much return in benefits. Except, of course, it is a lifestyle without turtles.

Somewhere along in the construction process of The Villages, the workers encountered endangered turtles. Now, if you have been following the news for the last 30 or 40 years, you will know that endangered turtles are just the thing to shut down most developments. But not The Villages. The Villages is Central Florida old people *en masse,* and it worked out a deal with the government department in charge of turtles that made everybody happy. Except, perhaps, the turtles. Like most facts and figures I wanted to know, the salespeople couldn't come up with any actual statistics on the internal life of turtles at The Villages.

Since the building permit already called for bits of green space dotted about the 38 square miles, The Villages took what looks like an acre or two at the far end of the property, surrounded it with a turtle-proof fence, and turned it into a turtle corral, imaginatively designated as a "sanctuary." From then on, whenever a worker discovers a turtle, he tosses it over the fence, and environmental concerns are taken care of.

It's so thick in there with 38 square miles of accumulated turtle that, at night, I am told, one can hear the bellowing and clacking of rutting bull tortoises crashing into each other in an attempt to carve out a little territory for their hard-shell harems. The sanctuary is also, I am pretty sure, a convenient buffet for whatever turtle-eating raptors happen to pass overhead.

As things stand, however, the developed part of the development is still eight miles away. Originally, houses were slated to run right to the property line that separates The Villages from the pleasant community where one of my army buddies lives. But now, with a state-designated turtle sanctuary in the way, the onrushing mob of houses won't be coming closer than a couple of acres to his home. I can't help seeing the advantages to my buddy in this arrangement.

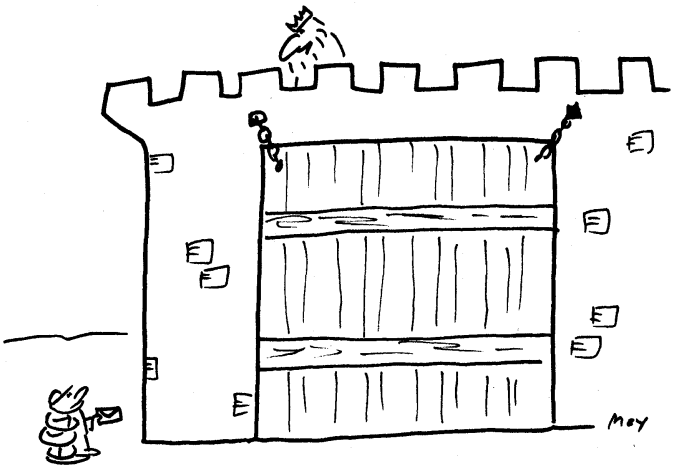

"Just slip it under the drawbridge."

I don't know how many houses are in The Villages right now. As with the statistics on turtle happiness, the sales personnel are long on froth and short on facts. But it's easy to surmise that, given the age of The Villagers, there must be way

Whenever a worker discovers a turtle, he tosses it over the fence, and environmental concerns are taken care of.

fewer than two people per household, and that means scores of thousands of houses, so many that, the morning after a tornado touched down and television was reporting that a thousand homes had been destroyed in The Villages, I drove for hours and never saw any damage.

What I did see were dozens of separately gated communities with developer-inspired names like Tierra del Sol and Hacienda las Palmas. These are, I think, the "villages" that The Villages is named after. Each one is segregated behind its individual wall from all the others, apparently on the basis of the price of the houses. Walled communities within a walled community. To me, that didn't add up to villages at all. To me it added up to some benighted medieval town where citizens of the same kind of background are ghettoed together in isolation from citizens of every other kind of background. Even in The Villages — or, maybe, especially in The Villages — you don't want people from the designer-home quarter having to hobnob with riffraff more properly consigned to the manufactured-home quarter.

Looking through the gates as one drives by, one can manage to see a lot of houses, houses as imaginatively designed, and as crammed together, as Monopoly houses that haven't yet left the box. It's hard to shake the impression that they are made out of the same stuff as Monopoly houses, too, and that if a fire ever gets started back in there, people all the way to Cape Canaveral are going to have their lungs eaten out by the long-chain hydrocarbons and partially oxidized petroleum byproducts thrown off by the chemically based building materials and pastel paints. And there's lots more of those houses to come. The Villages isn't even close to being complete.

Those furiously developing last eight miles of Central Florida pastureland stretching toward the turtle corral are where The Villages intends to park *another* 40,000 thus-far happy Americans (including maybe, even, you and me) who don't yet know what the future has in store for them, just as soon as enough plastic and petrochemicals can be glued together to give us a place to live. To sweeten the deal, I'm guessing the developer will toss in an additional 25 or so golf courses, and, I have it on good report, a town square designed to look like something out of the Old West.

This would complement the town squares they already have. One looks the way a full-scale model of Key West would

continued on page 28

$2.3 Trillion, and Not a Penny More!

by Peter Allen

The international aid community is armed with good will, good intentions, rock-star spokesmen, and, most dangerous of all, trillions of dollars.

Ghana achieved its independence in 1957, the first colony in sub-Saharan Africa to do so. By that time the two world wars of the 20th century had taken their toll on the European imperial powers. Subjecting millions of people to rule from a distant land had become prohibitively expensive. Some people considered it immoral. So there was great fanfare for the new state of Ghana. The Queen's aunt, the Duchess of Kent, attended the independence ceremonies; great hopes were discussed; optimistic predictions were made. The new leader, Kwame Nkrumah, said: "My government fully realizes both the advantages and the responsibilities involved in the achievement of independence. It intends to make full use of these advantages to increase the prosperity of the country."

Prosperity was not to be realized. After a brief period of growth, Ghana's economy floundered. President Nkrumah mismanaged the nation's accounts, embraced socialism, and spent large amounts of borrowed money on an ill-advised hydroelectric dam on the Volta River. In February 1966, while Nkrumah was in China, his government was overthrown in a CIA-backed coup. The country experienced a series of coups before a new, but still corrupt, leader emerged.

So goes the usual pattern of government in postcolonial Africa. A charismatic leader stirs up nationalist sentiment, there is a struggle for independence (sometimes involving guerrilla warfare), the colonial power admits that its rule can no longer be sustained, a plan for independence is hastily contrived, independence is achieved (with varying amounts of animosity toward the former colonial power and a widespread emigration of white settlers), and the nationalist leader pledges immediate and eternal prosperity. He has, however, inherited a country whose people lack the technical skills to replace the departed colonial rulers. He then aggravates the situation by becoming a despot, imposing one-party rule, ruthlessly silencing dissent, and using the national treasury as his personal bank account. He pays off the military and builds worthless monuments to his ego.

This is the point at which virtually anything can happen, so long as it's ridiculous. On Dec. 4, 1977, President Jean-Bedel Bokassa of the Central African Republic had himself crowned *Empereur de Centrafrique par la Volonté du Peuple Centrafricain, Uni au Sein du Parti Politique National, le Mouvement pour l'Évolution Sociale de l'Afrique Noire* (Emperor of Central Africa by the Will of the Central African People, United in the National Political Party, the Movement for the Social Evolution of Black Africa). The ceremony cost $22 million. While these things are going on, the people starve, taxes become onerous,

personal rights are annulled, and an insurgent leader emerges using violence and intimidation, as well as pledges of prosperity if only he and his clan are placed in power.

Now one of two routes can be taken: either one leader will become dominant, normally by procuring the aid of one of the world's superpowers, and succeed in crushing his adversaries, or political exhaustion will result in an election monitored by the international community. Such elections feature lots of lofty language (as well as threats), and are marked by one overriding ultimatum: "I will abide by the results of the election if I win, but not if I lose, because in that case there was obviously fraud. To combat this fraud I will take up arms and fight until the true will of the people is enforced."

Citizens know that the elections are a sham and that they cannot trust anyone in the state apparatus. So they put their faith elsewhere — in their tribal region or ethnic group. People are extremely reluctant to believe that anyone from outside their own ethnic, tribal, religious, or other identity group can be trusted. Unfortunately, they feel this way because it is true. If you are not a member of the ruling clan you will not be showered with the ill-gotten perquisites of state power. Your region will not receive massive building projects, its leaders will not be given blank checks to spend as they please, and you stand a much lower chance of receiving some sham state job to sustain you and your family when starvation overtakes the country. Corruption runs rampant because it must. There is no way people can trust the state, so they look out for themselves and their families at all costs. That includes lying, cheating, stealing, and just plain forcing others to assist them. Illegal roadblocks are set up on main thoroughfares, diamonds are stolen from state-owned mines, and wars are waged on groups that have a resource that other groups want.

Explanations are myriad for the intractable failure of African nations to establish stable governments. Some say it is because the people in African countries never really had anything in common with the others within their state borders. After all, these borders are nothing but figments of the imagination of past colonial masters. Others say that it is because the colonial leaders exploited the land, and then left the African people without the ability or skills needed to reap the benefits of their abundant resources. Still others say that it's just human nature. If you lived in abject poverty and saw a way to enrich yourself and your friends through means that, while less than honorable, could in some way be rationalized, wouldn't you do it? Then there are others who say that the reason is political immaturity and insatiable selfishness. Africans had never before competed in a global economy, so how can they be expected to be good at it right off the bat? Leaders see political positions merely as lofty titles and fat paychecks; they don't have the background for rule and are blinded by the perks of office.

A paradox of economic development is that while free markets work, free-market reforms often do not.

Now, as if all this weren't daunting enough, enter the international aid community, armed with good will, good intentions, rock-star spokesmen, and, most dangerous of all, trillions of dollars.

More Money, More Problems

What can you buy for $2.3 trillion? Happiness? Love? Long life? Perhaps, but there is certainly one thing the sum cannot buy — economic prosperity in the poorest nations of the world. This is what William Easterly, a professor of economics at NYU and a former official with the World Bank, calls "the second tragedy of the world's poor." In his book "The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good" (Penguin, 2006), Easterly argues that Western incompetence in the form of centralized bureaucracies, military intervention, and simple ignorance have brought us to a place where $2.3 trillion has been invested in countries that have responded by getting poorer.

The statistics are amazing. Of the twelve African nations that received the most World Bank structural adjustment loans from 1980 to 1999, seven achieved negative per capita growth. Of the other five, the big winner was Uganda, which experienced 2.3% growth. (For comparison: six of the top ten loan recipients in former Communist nations achieved negative growth — a datum that broadens the issue beyond Africa.) The higher the percent of time a country spent in an IMF or World Bank program, the more likely it was to fail. It would be unfair to blame the World Bank for these nations' struggles, since the bank probably wouldn't be there in the first place if they weren't already desperate, but no one can argue that it is seeing its goals achieved.

Easterly sorts people working in the aid community into two camps, the Planners and the Searchers. For the past 50 years international aid has been dominated by the Planners, who often create more barriers to development than they remove. The first problem with the Planners is their almost religious devotion to grand utopian schemes. Easterly quotes remarks by high-ranking government and aid officials who have made optimistic predictions about what aid is going to achieve: universal access to clean water within the next ten years, universal primary school enrollment by 2010, elimination of infant mortality within the next 15 years. The problem with these predictions is not just that they are preposterously overstated but that when money is allocated and goals are unachieved, no one is held responsible. So the next round of aid suffers the same fate as the previous one.

Easterly argues that the first problems to solve are the millions of small problems that have created the big problem. And this is where the Searchers come in. The Searchers are actually on the ground in the countries in question, getting to know who the locals are, what they want, and how to get it to them. The Searchers create markets that address single problems — for example, the problem of preventing malaria in Malawi.

Malaria is a disease that is deadly to newborn infants but can be prevented with the use of insecticide-treated bed nets.

So a Planner somewhere decided to use other people's donated money to give free bed nets to all Malawians. This might seem like an easy solution to the problem, but as the cliche goes, "For every question there is an easy answer — and it's usually wrong." The "bed net initiative" somehow failed to decrease the infant mortality rate. Yet all was not lost. A Searcher came up with the idea of giving a commission to nurses for each bed net they sold, at a highly subsidized price, to new mothers. This provided the nurses with a strong incentive; it also targeted willing buyers — women who, having just given birth, were very interested in seeing their children survive. This sort of solution could only come from someone who understood Malawi. Bed nets would benefit almost anyone in such a mosquito ridden country, but when they were merely given away for free they often fell into the hands of people who did not use them as intended. In Malawi the free bed nets often transformed into fishing nets and wedding veils.

In Malawi the free bed nets often transformed into fishing nets and wedding veils.

This crippling lack of understanding permeates the aid community. When the Berlin Wall fell and Communist countries were finally able to govern themselves, the Planners proposed an aid policy called "shock therapy." This plan had many important backers, including Easterly, who at the time was a World Bank economist working on the economic transition of Russia. He admits that at the time he believed in "shock therapy," which had as its principal tenet the top-down imposition of a market economy after decades of central planning. But although a free-market economy is infinitely preferable to a centrally planned one, a paradox of economic development is that while free markets work, free-market reforms often do not, and in the case of the newly capitalist Russia, the results were disastrous. Massive corruption turned Russia into an economy based on crony capitalism. As state enterprises were put on the auction block, the well connected cashed in. To cite but one example: the oil firm Yukos was sold to Mikhail Khodorovsky (now serving some very controversial time for tax evasion), the man who owned the bank that was running the auction.

"Shock therapy" at least did half its job. The Russian economy went into a shock from which it has yet to recover, and it is still attempting to find its way after moving from one type of central planning to another. The scheme ultimately failed because Western-style markets could not simply be imposed overnight; they had to grow organically from within into the kind of mature economic institutions that today are placing some of the economies of Eastern Europe among the most dynamic in the world. I have recently taken trips to Slovenia and Slovakia, both of which are growing and modernizing. For five years (2001–05), Slovakia's economic growth exceeded EU predictions. Both have recently joined the EU. Slovenia has now become the first of the former Communist nations to adopt the euro. It will hold the EU presidency in 2008. But neither Slovakia nor Slovenia was among the top ten recipients of World Bank or IMF Structural Adjustment Loans from 1990–99.

If markets could be imposed from the top down, then they would not be "free" markets. Trying to legislate and plan a free-market economy is no different from trying to set prices for goods in Vladivostok from a desk in Moscow. Other elements must be present before a market can be called "free" and operate efficiently. But these elements, most notably property rights, are often lacking in third-world countries. Countries that have not effectively developed property rights, free speech, civil liberties, effective policing, and other necessary elements of a free society cannot be shocked into operating a working free-market economy.

It is estimated that the majority of property in third-world countries is not privately owned, and is not, therefore, a capital resource. In the 19th century the United States expanded property rights by passing the Homestead Act, providing free title to land for people who promised to live on it and improve it. The policy enabled many Americans to acquire capital in land. If an effective way could be found to implement property rights for the very poor people who live in African nations, they would gain equity against which they could borrow to start a business, pay tuition, purchase health insurance, or improve their farms. Without such property rights no World Bank or IMF "Poverty Reduction Strategy Paper" is going to have any success.

What Easterly argues against is central planning, which, having failed everywhere else, has found a comfortable home in the World Bank and the IMF. Indeed there are times when you read about the strategies of these institutions and hear the words of Stalin praising the Soviet Union's Great Five Year Plans. The aid community uses the language of capitalism and free markets, but its deeds do not follow its words. When developing an aid program it demands high-detail plans, and buries those applying for the aid in bureaucratic paperwork. Couple this with a general ignorance of the cultures that the aid community is trying to assist and what you get is a strange amalgam of complicated, supposedly rigorous programs, and abuse by corrupt dictators, who can almost always find a way to get aid money to their cronies. Even worse, since the IMF, World Bank, and Paul David Hewson (aka Bono) haven't the spine to get tough with abusers, failure is almost always rewarded with more debt "relief" and more cash for plans with lofty goals.

Aid workers could administer polio vaccinations while the thugs running the roadblock were extorting money.

Easterly's claims about centralized planning do not prove true in every case. One example is in Chad, where the World Bank funded an oil development project. To ensure that the revenue was not wasted, the bank set clear mandates for its use: revenue could be used only to improve and develop Chad's infrastructure. Thus far the plan has been a success, and recently Chad's dictator, President Idriss Deby, complained that he is not seeing enough of the revenue, a sure sign that the program's goals are being achieved. But it is precisely because the local authorities were not allowed to make their own decisions that this plan has succeeded. Chad is one of the most impoverished nations in the world, and previous aid money spent there has not seen its goals accomplished. The World Bank's team for this project took the wise step of operating on its own and making the decision to focus on infrastructure and bypass the local Chadians and their authorities.

These developments expose another flaw in the aid bureaucracy: its insistence on operating within the framework of the nation-state. Governments need to be bypassed and aid taken directly to the people. This is, of course, more difficult than it sounds. Many dictators reject outside interference in their countries, and aid workers are always under the risk of kidnapping or other harm. Still, work can be done exclusively through local communities. One example that Easterly discusses is the polio vaccinations administered at one of the many illegal roadblocks set up throughout Africa. The aid agency at work in the area realized that this was an excellent place to reach a large number of people. Aid workers could administer polio vaccinations while the thugs running the roadblock were extorting money. It was a creative way to use one of the hindrances of economic development for at least some benefit.

It is easy to cherish false goals when you deal with governments rather than people. The aid community, which is also a de facto political organization, pushes its money towards high-profile goals, not necessarily those that most need attention or that the poor need addressed. And because of this desire to solve the most politically correct problems, money gets wasted.

Conflicts that seemed vitally important at the time often turned out to be mere annoyances, and the seemingly easy solutions employed turned out to be recipes for disaster.

The clearest examples lie in the field of health care. The World Health Organization has had more success achieving its goals than the World Bank, but it has also experienced some of the greatest failures, especially in relation to AIDS. AIDS has become a giant political football, and treating AIDS victims in the third world is an extremely politically correct goal. However, as Easterly argues, it is also a goal that has been very wastefully pursued. "An ounce of prevention is worth a pound of cure": for the cost of a lifetime's worth of antiretroviral drugs for a single AIDS victim, many thousands of people could receive immunizations or other health treatments against more common ailments. No one has anything but sympathy for a child born to an AIDS-infected mother. The amount of good press that can be generated by providing her with antiretroviral drugs is incalculable. Yet this sort of "aid for the headlines" leaves many more people at risk, people who would benefit from cost-efficient means of preventing AIDS and other illnesses.

If seeing pictures of Mobutu's yacht is not enough to scare people away from international aid, I don't know what is.

Easterly also discusses the roots of poverty in the most impoverished nations. He has nothing but disdain for those who claim that the poor are caught in a "poverty trap" that destroys their ability to improve their condition. He points out that other countries have been just as impoverished as the present crop and have worked their way out of it. The problem is bad governance, and bad government, unlike successful entrepreneurs, is something that the third world has in spades. There is no reason to itemize the stream of corrupt leaders who have occupied the role of president in Africa: Mobuto Sese Seko in Zaire, Robert Mugabe in Zimbabwe, the aforementioned Jean-Bedel Bokassa . . . the list can be expanded for paragraphs. All looked out for themselves, not their people; and surely no one would argue that their excesses should be ignored because of feelings of inadequacy left over from colonial times.

Not that colonialism didn't have an effect. Easterly tells the story of Angola's experience as a region ransacked by the Portuguese for slaves, and shows how the problems created in that era live on to this day. He tells the story of a small strip of land on the eastern side of the Mediterranean Sea with a colorful religious history that was promised to three different groups by its British colonial masters, leading to many of the problems we see today between the Palestinians and the Israelis. The consequences of colonialism are borne out in the statistics, which show that the countries least able to achieve even a modicum of economic growth are almost all former colonies.

It must be admitted, however, that many of Africa's current problems are linked to the exit — often the forced exit — of the skilled people, black and white, who were connected with former colonial governments. And the fact that former

colonies have bad economies is related not just to the political problems of colonialism itself but to the fact that areas of the world that were less developed, politically and economically, were more likely to be taken over as colonies.

While we are talking about political problems, however, we should also notice, as Easterly does (with considerable emphasis), the developed countries' shortsighted military interventions in the name of fighting communism, terrorism, or other things of supposed strategic interest. These interventions go wrong almost as a rule, leaving many dead bodies as well as an extremely embarrassing set of justifications. Conflicts that seem vitally important at the time often turn out to be mere annoyances, and the seemingly easy solutions employed turn out to be recipes for disaster.

The West's lack of understanding of whom it is helping is exemplified in the "enemy of my enemy is my friend" mentality. During the Cold War this maxim seemed to be the only guiding principle. Probably the most depressingly humorous of Easterly's quotations comes from President Reagan, who, in an attempt to contain Libyan dictator Moammar Qadaffi, continued a courtship, started under President Carter, with Sudanese president Jafar Numeiry. Numeiry was a murderous supporter of terrorism who was eventually overthrown by his own officers — yet Reagan explained his foreign policy plan for the region and Sudan's role in it by stating: "We do know that Colonel Qadaffi has been and will continue to be a destabilizing force in the region, so nothing would surprise us, and we do know that Sudan is . . . Sudan is . . . Sudan is . . . one of those countries in that region of Africa."

The countries we have aided in the third world read like a "Who's Who" of failed nationhood: Cambodia, Afghanistan, Ethiopia, Nicaragua, Angola, Haiti, and Liberia, to name just a few. While no one would argue that these countries would be successful first-world economies had the U.S. not intervened, our stated goal of turning them into stable democracies certainly fell far short of its mark. All of this reinforces the idea that economic development has to start from within and match the local customs and traditions of the people involved. If that means that they dabble for a while in Marxism or *sharia,* so be it. We all know what the result of those experiments will be.

When comparing the failed military interventions that Easterly documents with the failed aid initiatives, one sees a very distinct pattern. Any attempt to impose Western goals on a foreign people is bound to fail unless the local conditions are such that the community can absorb those goals. Whether the intervention is arms or economic aid, it must reflect the will of those being "aided."

Easterly illustrates this point by contrasting successful with unsuccessful interventions. The post-World War II Marshall Plan in Europe and the similar rebuilding of Japan are both remembered as wildly successful examples of American aid money being used to improve the lives of people who were subject to crushing poverty. An important difference, however, is that European society was already accustomed to property rights, markets, and the rule of law. So was the society of Japan, a nation that had never been colonized and had been experiencing economic expansion for decades before it took its militaristic detour in the '30s.

For other reasons as well, Japan was different from the recipients of current international aid. The Japanese people considered themselves one people and had developed organically, as a single nation. This prevented the kind of internecine conflict we see in many developing nations. Also, Japan was a nation utterly defeated and occupied by the United States. There was no doubt about who was in charge. American aid in Japan took two main forms: food aid to prevent a humanitarian crisis, and financing through loans and grants. The actual development and rebuilding of the nation's industrial infrastructure was left to the citizenry. To aid Japan's transition into the world economy, the U.S. secured for them temporary GATT membership and purchased from them supplies needed to fight the Korean War. All of this helped make it possible for Japan's economy to return to prewar levels by 1952, a remarkably early date.

How to Help the Helpers

One of the many purportedly well-intentioned Westerners who appears in Easterly's book is Jack Straw, until recently the British foreign minister, talking about all the wonderful plans he has to aid the world's poor. Somehow, though, when these plans go nowhere, Jack Straw does not lose his job. Easterly recommends a technical fix for the accountability problem: the major aid agencies should pool the money they spend on self-evaluation to form an independent evaluating body. This body would be looking for aid that is responsive to the needs of the citizens but that at the same time would search for signs of corruption to avoid the aid agency creating more billionaires like Mobutu Sese Seko. This body would be staffed by people who are without a stake in the programs being reviewed, but who have enough understanding of the aid community to document the successes or failures of the next $2.3 trillion.

This suggestion to create an independent evaluating body smacks a bit of the "solve government's shortcomings with

"People are starving in Ethiopia, and you're complaining because your *VCR* doesn't work?"

more government" conundrum — although any improvement in accountability would be a very welcome change in the aid community. Thus far the only consistent response to a failed program is to heave another bundle of money at the same people who wasted the last bundle. The blueprint of promising the world and not asking aid workers to specialize in a particular problem often results in aid workers starting projects that are abandoned and left in disrepair. If aid is not garnering headlines, an aid worker has no more incentive to deliver on some absurd promise that a politician has made.

Thus far the only consistent response to a failed program is to heave another bundle of money at the same people who wasted the last bundle.

Actually, accountability could better be achieved through another approach that Easterly pushes: incremental bottom-up aid. This would require an agency to specialize in what it's good at, while consulting the poor to find out what they actually want and providing them with an incentive to accomplish it. After investments are made, both the aid agency and the people being aided would have a responsibility to see the project through. As in the "bed net initiative," local people would have a stake in each project, with the inherent risk and reward of a regular business venture. This would put the locals in the position of experimenting with property rights and business practices. In addition to providing much needed expertise, the aid specialists on the ground could keep a close eye on all activities. This oversight would be crucial in ensuring that funding could immediately be cut if a project became corrupted or was not seeing results.

This would be a monumental change from the current system. Right now, the IMF and the World Bank give loans and admit nations into their programs with every intention of enforcing strict fiscal discipline. However, when (not if) these programs fail, there are almost no consequences. Debts are likely to be forgiven and new loans granted, no matter what problems have emerged in the previous round of aid. This lack of accountability is extremely detrimental to finding out what does and does not spur economic development. Aid programs are initiated, sometimes with much fanfare, given a short time to germinate, and then left in disrepair or ignored when those involved get frustrated or lose interest. This abrupt end squanders any lessons that could be learned about what the program was and was not accomplishing.

While he stops short of calling for the World Bank and IMF to be discarded completely, Easterly does call for severe restrictions on what they do. In the case of the IMF, he advocates that it avoid working with the poorest nations and go back to its original mission of working with emerging economies that are on the cusp of joining the developed world. This would reestablish the distinction between countries with no functional economy and countries that have done the work necessary to get to the verge of economic stability. Such countries have different needs. They have straightened out the worst kinks in their economies. They can be trusted with aid money, with fewer strings attached.

Such a policy would help end the schizophrenia of the IMF, but it could produce other results, too. Having the IMF involved in developing countries could provide an important check on the World Bank and create a sort of competition between the two agencies that might be beneficial. Competition with each other and the myriad other international organizations that are attempting to help developing nations, when coupled with oversight and transparency, might create a market in international aid that could allow the best ideas to rise to the top. More important than this, however, is Easterly's call for an end to the arrogance of elitist central planning — by the IMF, the World Bank, the UN, or anyone else. People on the outside, no matter how well-educated or well-intentioned, do not automatically understand the intricacies of the cultures they are trying to aid.

For aid to be effective, there must first be some level of trust between people of differing backgrounds. Easterly quotes a study that shows a correlation between the amount of "anonymous trust" that people have in other people — trust in people they don't know — and their average per capita income. Not surprisingly, countries where there is a high amount of anonymous trust enjoy much higher incomes. The recent elections in the "Democratic Republic" of the Congo provide an interesting case study. Few Americans realize that the bloodiest conflict in the world since World War II has been the intractable conflict in the DRC: close to 4 million people have died from causes directly related to the war since it began in 1998. Recently an election was held in which the incumbent leader Joseph Kabila won over rebel leader Jean-Pierre Bemba. Bemba is, of course, unconvinced by the results. His lack of trust in the election officials is no doubt partly motivated by a larger lack of trust in the willingness of the opposition to look out for his supporters' needs.

Would anyone argue that an international body could have negotiated a peaceful power-sharing solution to the American Civil War, or the French Revolution?

Trust is crucial to a nation's economic health. You are

more likely to do business with strangers if you feel that they will uphold their part of the bargain. If you cannot trust a stranger, the only people you are likely to trust are members of your family. If that is true, then you are severely limiting the extent to which your business can grow, and the amount of talent it can take advantage of. Trust also means that you rely on being treated fairly by the authorities. Without trust in the local government, a business will not report its income and will turn to others for protection — often to a local element that is little more than an organized crime syndicate. To break this cycle, aid workers should try to institute law and contract enforcement measures that are simple and transparent. An obvious place to start is with the local tax system, which in many poor countries is onerous, to say the least. Local businesses often find themselves paying taxes to many different "authorities," at rates that fluctuate randomly. Nine Eastern European countries (starting with Estonia in 1991) that used to have extremely complex tax systems have moved to a flat tax that is easy to understand and enforce. They immediately saw increased compliance with the tax code, and higher revenues besides. Their revolutionized tax codes gave people faith that when they paid the mandated amount they would fulfill their obligation to the state, and could go about their other business. That is trust.

Of course, trust is the whole ballgame when it comes to planning an aid program. On the one hand, the detail required by a Poverty Reduction Strategy Paper is akin to the repulsive and constraining detail of central planning, but on the other, would anyone really advocate just writing a check to Joseph Kabila and letting him and his cronies spend it as they see fit? At times it seems that this is a strategy Easterly is willing to try. However, if that strategy were followed I'm quite sure we would see a new Gulfstream 5 in Kabila's hangar before we saw a new hospital. It seems that the last and best method left to the West is that of disengagement. Instead of focusing on what we clearly cannot control, let's focus on what we can.

One example is farm subsidies. The Doha Round of WTO negotiations was intended to lower trade barriers around the world but was held up principally over the issue of agriculture subsidies. While advances in technology have made it possible for Africa to greatly increase its amount of arable land, the EU, the U.S., and Japan have been unwilling to lower their farm subsidies. Indeed, in May 2002, with the country still reeling from the 9/11 attacks and an expensive war on the horizon, President Bush signed a $190 billion farm subsidy bill. This bill could only be seen as hostile to free trade and, as a result, to African development. If farm subsidies were rescinded, African farmers could make use of technological advances and sell produce to richer countries at a cheaper price than that exacted for the produce grown by U.S. farmers, many of whom are heavily reliant on farm-bill subsidies.

Further, the West should look long and hard before intervening to stop civil wars in third-world countries, often using the UN as its proxy. While there are times when intervention may be necessary — the Rwandan genocide demanded some sort of response — most interventions merely prolong conflicts. If the warring parties can be prevailed upon to limit hostilities, the UN then tries to set up a "coalition government" featuring prominent roles for the antagonists. This almost never works. Hostilities break out again, until the cycle of disputed elections, claims and counterclaims, hostilities and counterhostilities, kicks back in. However callous it may seem, countries must be left to sort out their own problems. Would anyone argue that an international body could have negotiated a peaceful power-sharing solution to the American Civil War, or the French Revolution?

Encouraging internal change on a diplomatic level and by concerned individuals is fine. Natan Sharansky arugues that aid should only be given after internal reforms allowing freedom of speech and freedom of association. Even then the country in question has to get to the cusp of stabilization on its own. International aid has seen some success with countries, such as South Korea, that had nearly achieved a functioning free-market economy and just needed a last little push to finish off the transition. From the period 1960–79, South Korea has been one of the few developing nations to experience a large economic expansion, growing at an average rate of 8.6% per year. The key is that the country got to that stage on its own. Only then could its citizens appreciate the costs, benefits, and challenges of a 21st-century economy.

Thinking about these issues can have a curiously motivating effect. It can make one eager to find some form of aid that will work.

I, like many other libertarians, have always been extremely suspicious of nonprofit organizations, regarding them as little more than tax shelters, some of which provide support to dubious governments around the world. If seeing pictures of Mobutu's yacht is not enough to scare people away from international aid I don't know what is. But how engaged should we be in the rest of the world's problems? Ignoring the Taliban just left us open for attack, but engaging Saudi Arabia provided those people in Afghanistan with a motivation to attack us.

But those are political and military problems. Surely something ought to be done about poverty and disease in third-world countries. Can Western individuals or groups have a role in helping? And if so, how? By now it should be clear that the bundle of money approach does not work, and efforts need to be aimed at those who understand the local conditions. Libertarians know that local solutions tend to be the best, if not the sexiest, ones. And Easterly's call for property rights and civil liberties, while admittedly not capable of being implemented on a strictly local level, shows an understanding of the true role of government — the protection of the individual, who is the real agent of all economic "development." His prescriptions provide some hope, but they must first be accepted by the aid establishment, and thus far nothing like that has happened. As a former World Bank official told me, such views are considered maverick and read only to understand what the "opposing viewpoint" is.

Of course, there is another approach. Kenyan economist James Shikwati may have said it best in response to a question about what the West should do with promised increases in African development aid: "For God's sake, please just stop." ❑

I Have Seen the Future, *from page 20*

look if Walt Disney had been in charge of Key West. It has bait shops that don't sell bait, and brand-new quaint wooden buildings painted in brand-new quaint faded paint. It is Key West without the smell of fish or rotting wood, without feral chickens or gay bars or panhandlers or, even, an ocean. It is Key West improved by a geriatric band.

Three hundred sixty-five nights a year, bands climb onto the bandstand in the town square to entertain whichever The Villagers are not otherwise entertaining themselves. Even on the night after the tornado carried away a thousand houses, the square was filled with The Villagers come to listen to a lively boogie-woogie group sporting a keyboardist who couldn't have been a day under 80. The other town square had line dancers — which didn't quite fit with the fact that the square, itself, is meant to look like it came from Latin America.

And to some extent, it actually does look like it came from Latin America. At least it looks like pictures that squeamish tourists take of town squares down there. It's a big area faced on four sides by important-looking, ocher-colored buildings with red tile roofs. In the streets leading to the square, the developer has enhanced the effect with the occasional shed roof of artfully pre-rusted sheet-metal. I used to be an architect, and I don't even know where you can buy pre-rusted sheet metal, but there it is.

Facing one side of the square is the cathedral, or at least the best version of a cathedral anybody can afford in this day and age. It's pretty inside, but without the silver and tile and intricate woodwork that the tithes of starving parishioners have supplied to every real cathedral in Latin America — and that Bill Gates would go broke trying to finance at today's prices. Across the way is a huge building that doesn't seem to do much of anything except house a restaurant, but sure looks impressive from the outside.

At the front of the square, where an imposing government building would stand in real life, is the finest structure in all of Villagedom. It contains a huge marble hall, three stories high, at least, topped with an enormous barrel vault made of stained glass (or, maybe, colored plastic; it's hard to tell from floor level). This is, of course, the sales office — with 12 or 18 or some other number of sales people — arranged like chess pieces around the hall so that, no matter which way you jump, you are captured.

It is, as I said, a Latin American town square taken from tourist snapshots — snapshots that never include dogs humping one another, obnoxious street vendors, little kids shoving Chiclets in your face and telling you their sisters are virgins, or gap-toothed old ladies walking on their knees to church. In fact, The Villages don't seem to include any actual foreigners at all. But architecturewise, it's as pretty a rendition of Latin American as any of old Walt's imagineers could conjure up. You almost expect Cinderella to float on down in her bright blue dress.

Sadly, however, she would be Cinderella with the clap. What the old people who aren't line dancing, and aren't golfing, are actually doing is transmitting sexual diseases to each other. Maybe it's because they don't have to worry about anybody getting knocked up, so they don't think they need to be as careful as they used to be. Maybe it's the dark underside of Viagra. Maybe it's because they went to school before sex education. Maybe it's because the kind of person who would move into The Villages is also the kind of person who missed out on the '60s. Anyway, last spring, a gynecologist told Local 6 News that she sees more cases of STDs in The Villages than she did when she worked in the city of Miami. And that's saying something.

Whatever the reason, the salespeople are right. When you move into The Villages, you really do get a lifestyle. The fact that it is a lifestyle that includes herpes and human papilloma virus isn't mentioned. At least by the salespeople. Taking it all in all, I think I will move to Botswana, where they treat old people with respect. ❑

Reflections, *from page 14*

nothing more than get a majority of employees to sign a card consenting to the union's representing them, and that workforce will be unionized. This new bill is a reward to organized labor for its monolithic support of the Democrats in the last election.

This would, of course, give unions tremendous power to coerce employees. If an employee doesn't sign the card, he would be known to the union organizers as a resister, and he and his family could be singled out for humiliation or physical attack. And, after the union takes control of the workplace, he could be the target of retaliation by the union bosses, denied promotions or other opportunities. This is why, even when as many as 90% of workers sign cards saying they want the union to represent them, the union usually loses when the proposal is put to a secret ballot.

What drives unions to pull Democrat strings to pass such a vicious piece of legislation? Simple: the same desire for protection that drives any uncompetitive businesses. Bluntly put, unions are less and less able to sell their services to workers in a free market, so they turn to the government to use its tremendous coercive power to achieve their agenda. And organized labor is increasingly desperate, watching the share of private-sector employees who belong to unions drop from 35% in the 1950s to 20% in the 1980s to a risible 7.4% today.

The unions claim that the reason for this decline is the evil machinations of businesses intent on blocking unions. But the bill would penalize employers who voluntarily *increase* benefits for workers to induce them not to unionize. The real reason why big labor has lost so much of its customer base over the last half-century is what unions *do* — such as collude with organized crime, with union dues in some case financing mob activities. What does it profit a worker if his union gets him an extra half-buck an hour, if his dues help mobsters turn his kids into drug addicts or prostitutes?

continued on page 53

Where We've Been

by Bruce Ramsey

Two decades of Liberty's best and most memorable.

When I find myself in a chain bookstore, sometimes I stop by the magazine racks and look for Liberty. Most magazines try to scream louder than the others to be heard over the din. Liberty is an island of black and blue on plain paper, in a sea of gloss and neon, advertising itself to intelligent readers at the same moderate volume it has held for many years. Our sales figures tell us there's still no need to raise our voice.

It isn't careful attention to fads that keeps our readers coming back. It is, rather, that we're still doing what we have been for 20 years. In this issue, we look at how we have spent that time.

Bruce Ramsey surveys the wide-ranging landscape of Liberty's intellectual meanderings. Stephen Cox, who has written for each of the 172 issues Liberty has published, offers a peek inside our editorial process. We reprint an article that Bill Bradford, our founding editor, wrote for our 10th anniversary, as well as portions of what he wrote elsewhere about the magazine.

As these reminiscences explain, Liberty quickly became what Bill wanted. Then it became much more.

— Patrick Quealy

When Hurricane Katrina hit New Orleans, Randal O'Toole noted that "the people who got out were those with automobiles."

Considering Slavomir Rawicz's survival classic "The Long Walk," William Merritt wrote that it is "one hell of a book, if you believe it" — which he pretty clearly did not.

When Murray Rothbard was on a trip to Switzerland, he became more and more annoyed at the *goyish* fascination with the sheer north face of the Eiger, long a challenge to climbers. Wrote Rothbard, a man content to experience the Alps from a veranda, "I am willing to attest that there is not a single Jew who has ever climbed the Eiger, of whatever face, or had the slightest inclination to do so."

Such is Liberty. It has ideology, as in David Friedman's "Do We Need Government?" and Brink Lindsey's "Am I a Libertarian?" It also has charm, as in Bill Bradford's explorations of sun-dried ruins of Western ghost towns and his quest to find the memorial to Jeannette Rankin, the only member of Congress to have voted against both world wars.

Liberty cares about a political theory and everything that goes with it — the people and the stories, and all the arguments about drugs, guns, war, money, cars, cops, cryptology, and any other thing that may inflame the mind, or possibly enlighten it. Here follows my view of what has made Liberty what it is.

To take an obvious thing: the Libertarian Party. What other independent magazine covers it? Liberty has covered it for 20 years — and not always to the subject's satisfaction. Bill Bradford, the founder of Liberty, voted Libertarian on principle, but that did not prevent him from declaring, sadly, that Libertarian politics were to real politics as the Special Olympics are to

the real Olympics. He covered the party's conventions and wrote about its presidential candidates, but he also said that none of them had even a sniff of success, and none of the happy talk to donors was believable. In 2001 he argued that the only things the LP had learned to do well were raising money from libertarians and getting on the ballot. He said he was not ready to give up on the party, arguing at one point that it ought to focus on a single issue — he suggested marijuana legalization — that Americans might go for. He printed a proposal by Randal O'Toole that the LP become a political group like the Sierra Club, and endorsed that, too.

Liberty also ran several pieces decrying LP candidates for undermining somewhat libertarian Republicans — Rep. Bob Barr of Georgia was an example — and in one case tipping control of the U.S. Senate to the Democrats.

There were some fireworks in this coverage. Bill discovered that a man who had been the LP's national director in 1995 had secretly worked for Harry Browne's campaign to become the 1996 nominee. I don't know how many Liberty readers cared about this — I did not — but Bill did, and he went after it. In September 2002, he reported that the LP had taken the strange step of denying Liberty credentials to attend its convention, but that Liberty had covered it anyway.

It's hard to say what would have happened with the LP had Liberty not been around to follow it and challenge it. Maybe it wouldn't have been challenged at all, and only ignored.

Bill was a hard-money guy. He had made his grubstake by dealing in gold and silver coins. He was a font of facts on the history of money, but as a forecaster he was afflicted with the gold bug's congenital inclination toward gloom. In the magazine's first year he was part of a round robin of writers opining about the meaning of the stock market crash of October 1987. All but Karl Hess were hard-money men who either forecasted calamity or were, in hindsight, overly cautious. Hess, whose main interest in metal was what he could fashion from it in his workshop, said he thought the American people had a fine economic future and that readers should invest in their own tools. Bill, to his credit, soon came to the conclusion that "almost all investment advice is smoke," and kept it out of Liberty. He focused his attention on politics, where his judgment was much better.

Bill Bradford voted Libertarian on principle, but declared, sadly, that Libertarian politics were to real politics as the Special Olympics are to the real Olympics.

His great subject was William Jefferson Clinton. In the February 1993 issue, which appeared before Clinton took office, Bill Bradford wrote (as Chester Alan Arthur) that Clinton was "a liar, and an extraordinarily skilled one." The man had "only one ideology: *Bill Clinton ought to run things,*" which meant that Clinton would make no fundamental changes to American government. (A decade later he said that Arnold Schwarzenegger was "the Republican Clinton.")

Wendy McElroy said she wouldn't have voted against Hitler — "but I would have no moral objection to putting a bullet through his skull."

On March 11, 1994, Liberty's editor placed a bet with a colleague that Clinton would resign or be impeached. He won that bet: on Dec. 19, 1998, Clinton was impeached. And in the issue of April 2001, writing just after Clinton decamped, Bill summed up his subject as a sexual predator, a "liar of extraordinary skill," and a politician who indeed had made no fundamental changes to American government.

During the eight years of Clinton, Liberty took a special interest in two of his subsidiary obscenities. One was the 1993 burning of the David Koresh cultists at Waco, Texas. Liberty was quick on the newsstands with "Holocaust at Waco," in which Bill labeled Clinton Attorney General Janet Reno "the coldest of all cold monsters." Several years later, when the FBI confirmed that it had used incendiaries at Waco, Bill reminded readers of what that meant. After the Oklahoma City bombing — Timothy McVeigh's retaliation for Waco — Liberty cofounder Stephen Cox compared the national media's sentimentality about dead government employees with its lack of interest in dead religious believers. The other Clinton-era obscenity was the fatal shooting of Vicki Weaver, the wife of white separatist Randy Weaver, at Ruby Ridge, Idaho. Bill said that he found the Ruby Ridge story "endlessly fascinating," and eventually printed Randy Weaver's account of it. In 2000 came a ruling in a criminal complaint filed by the state of Idaho against the FBI sniper. The 9th Circuit Court of Appeals ruled that the Supremacy Clause of the Constitution prevented the state from prosecuting a federal agent who was acting reasonably. However, Judge Alex Kozinski filed an eloquent dissent — and Liberty printed it.

Among Clinton's major obscenities were his wars, particularly the 79-day bombing of Serbia over the issue of Kosovo. The arguments made by American politicians for dropping explosives on Slavs infuriated Bill. Most of the warmongers were Democrats, but not all. There was Sen. Bob Dole, R-Kan., arguing that World War I had started in the Balkans, and implying that as a reason to intervene. Bill wrote that

Europe had gone to war in 1914 "because the Great Powers chose to intervene — which is exactly what course of action Dole recommends."

In September 1999, Bill pointed out that the supposed holocaust of 100,000 civilians in Kosovo — the ostensible cause for intervention — had shrunk to a number of deaths smaller than the number the Clinton administration had burned to death at Waco.

There was more controversy among libertarians about the two Middle East wars. In the May 1991 issue, Jim Robbins, Steve Cox, Leland Yeager, and Loren Lomasky argued for the retaking of Kuwait — and Sheldon Richman, Robert Higgs, and Bill Bradford argued against it. A split reappeared a decade later, after the 9/11 attacks, with Rep. Ron Paul and Richard Kostelanetz arguing for restraint and Sarah McCarthy calling for attack. Then came George W. Bush's proposal to invade Iraq. Bill denounced it, and would have liked for Liberty to come out unabashedly against it, but he was aware that some libertarians supported it. That view was also reflected in Liberty, though the majority feeling in its pages was against the invasion.

The magazine covered other controversies. One was whether a libertarian ought to vote. In May 1996 Wendy McElroy said provocatively that she wouldn't have voted against Hitler — "but I would have no moral objection to putting a bullet through his skull." Bill chided her for that, but there was a certain down-to-earthness to it.

I offered Bill an article questioning the gold standard. He hated it, and ran it anyway, along with a reply by Robert Higgs; he entitled the two pieces, "I'll Settle for Paper" and "I'll Go for the Gold." Liberty ran Fred Smith of the Competitive Enterprise Institute arguing against ratifying NAFTA and Brian Doherty, now with Reason, arguing for it. It ran my piece, "The Conversion of a Gun Grabber," which rejected all the arguments of the pro-gun position, then embraced the position itself.

Not to be stereotyped, Liberty also printed a piece on the Enron collapse by Andrew Chamberlain, arguing that business ethics (which are often regarded as "liberal") are a cornerstone of the free market. "Formal law matters," Chamberlain wrote, "but informal law matters more." The magazine also printed "Who Owns the Fed?" by Bill Woolsey, a lecturer at The Citadel. His no-nonsense (and correct) answer was that the Fed belongs to the government.

The War on Drugs has been another Liberty interest — and one in which the magazine has not been content to make theoretical arguments only. In the 1990s it ran "What Am I Doing Here?" by Rycke Brown, and "Behind Bars" by Dyanne Petersen, both of them serving time for drug violations. In May 1998 it ran writer Peter McWilliams' account of being busted for medical use of marijuana, and two years later it ran Bill's angry report that McWilliams had died while vomiting up his prescription medication — a reflex he had been able to control with marijuana, before authorities had denied him the ability to use it.

Over the years Liberty has chronicled the fight by Nevada libertarians Durk Pearson and Sandy Shaw against FDA regulation of nutritional supplements, ebulliently headlining one piece "FDA TKO." In December 2003 the magazine ran libertarian psychologist Thomas Szasz's commentary on the news that Rush Limbaugh had been nailed buying prescription painkillers on the black market. "It will be interesting to see if Limbaugh learns anything," Szasz wrote. Szasz also took on Jack Kevorkian in a piece called "Alias Dr. Death."

Liberty also staked out a position on "recovered memories": it didn't believe them. As early as March 1994, David Ramsay Steele denounced the recovered-memory movement, and in July 1996 Liberty followed up with "Witch Hunt in Wenatchee." The author was Kathryn Lyon, the journalist who would write "Witch Hunt" (1998), the definitive story of the modern Salem in the state of Washington. Her article denounced the use of "recovered memories" by a cop and a social worker to accuse an improbably huge ring of people of group sex with children and send those people to prison. It took guts to side with the supposed perpetrators. The local press didn't do that until much later, but Liberty did, and Liberty was right.

Liberty also covered the theory of liberty. One argument rolled out in these pages has been between those who see liberty as a moral imperative and those who are for it because it works. Bill was in the second group, arguing (as Ethan O. Waters) for "consequentialism" in "The Two Libertarianisms" (May 1988) and (as R.W. Bradford) in "The Poverty of the Nonaggression Imperative" (Dec. 1999). A related argument was between utopians and non-utopians. An example was my "Dialog with an Absolutist" and Aeon Skoble's reply, "In Defense of Extreme Libertarianism," in 2003. There were also arguments about alliances. In 2003 Bill argued in "Liberty and the Right" that the time had come for libertarians to end their alliance with conservatives. In 2006 I took the opposite view in "Our Allies, the Conservatives."

A new writer, Indian-educated Jayant Bhandari, recently offered Liberty readers a fresh way of thinking about their central political value. Comparing India to Britain and America, Bhandari wrote that the state was a manifestation of liberty, or the lack of it, but that the source was the beliefs and habits of the people. "The seedbed of oppression," he wrote, "is not the state but the culture."

Many, many more examples of Liberty's interest in theory could be mentioned. But the magazine has never neglected its interest in the people of liberty, the individuals who have been important to the individualist movement. Granted, it has not always covered them in a reverential spirit. In the magazine's second issue, Bill wrote "The Apostasy of Robert

> I had grown increasingly convinced that there ought to be a publication in which libertarians could discuss serious intellectual issues without the need to explain the fundamentals of libertarian thinking (unless, of course, challenging them) or any need to apologize for libertarian views. It seemed to me that most libertarian publications were oriented toward explaining their ideas to non-libertarians. They were outreach publications. I wanted an inreach publication.
>
> *From RWB's fifth-year report on Liberty (September 1992).*

Nozick," about how the celebrated author of "Anarchy, State, and Utopia" had used rent-control laws against a landlord. This set a tone: no one was sacred, though wanton tearing-down was not appreciated either.

Some of Liberty's subjects had ties to the individualist movement that many in the mainstream media missed the significance of. Alan Greenspan, with his ties to Ayn Rand, was the obvious example, but there were others. Liberty noticed in 1990 that Stan Tyminski, who had come in second in the balloting for the presidency of Poland, had been the head of the Libertarian Party of Canada. Tyminski was beaten by Lech Walesa, but he made a splash. Liberty also noticed that Clarence Thomas, a nominee for the U.S. Supreme Court, had been a fan of Rand, and suggested that if he were confirmed he might be surprisingly hardcore in his opinions. He was.

An editor at Liberty once told me that having Ayn Rand's name on the cover boosted newsstand sales, and she is probably the most written-about libertarian in the magazine. The first issue featured Cox's "The Films of Ayn Rand," followed shortly after by Bradford's "In Search of 'We the Living,'" the movie made in Italy, during World War II, from Rand's first novel. Liberty printed Rothbard's "My Expulsion from the Rand Cult," Tibor Machan's "Ayn Rand and I," John Hospers' "Conversations with Ayn Rand," Bradford's "Was Ayn Rand a Plagiarist?" (his answer: she wasn't), Barbara Branden's account of the making of the TV movie "The Passion of Ayn Rand," Cox's account of "The Development of Ayn Rand," and Chris Matthew Sciabarra's complaint about the posthumous editions of Rand ("Bowdlerizing Ayn Rand"). The magazine ran Bradford's "The Selling of Ayn Rand's Papers" and Sciabarra's "The Search for Ayn Rand's Roots." It covered Rand in the book section with Bradford's hostile 1989 review of Nathaniel Branden's "Judgment Day" — "Nor hath hell a fury like a man scorned," Bill wrote — and, a decade later, with Brian Register's milder review of Branden's "My Years with Ayn Rand." Liberty interviewed Barbara Branden and Nathaniel Branden both, nearly a decade apart, and also R.A. Childs ("Ayn Rand, Objectivism and All That"), whose comments were published shortly after he died.

For all the magazine's fascination with Rand, when it came to choosing the Libertarian of the Century, Liberty's editors voted for Ludwig von Mises, who narrowly edged out Rand, Rothbard, Milton Friedman, and Friedrich Hayek. The magazine's senior editors had a lot to say for each of these important figures.

H.L. Mencken was Bill's favorite author, though he allowed that the Sage of Baltimore was not a libertarian "in the sense the term is used today." Bill repeatedly defended Mencken against the charge of anti-Semitism that rose when Mencken's diary was published 35 years after his death. It annoyed Bill that Mencken's words were taken out of the context of his life, his times, and his overall style, and that the publisher had smeared its deceased writer in an apparent effort to sell more books. When biographer Terry Teachout repeated the charge of anti-Semitism in "The Skeptic: The Life of H.L. Mencken" (2002), Bill wrote, "I detect something missing: an argument."

Liberty has carried many articles on libertarians, proto-libertarians, and writers of distinctive interest to libertarians. There was Cox's work on Isabel Paterson, mine on Garet Garrett, Richard Kostelanetz's on George Orwell, and David Friedman's on 19th-century jurist Stephen Field. In March 1992, William Holtz wrote a provocative piece arguing convincingly that Rose Wilder Lane had ghostwritten her mother's "Little House on the Prairie" books. Two years later Bill charged that Holtz's book, "The Ghost in the Little House," had been ignored in libertarian circles because of opposition from Lane's heir, Roger MacBride.

Other articles of note on libertarians are Randy Barnett's "In Search of Lysander Spooner," Richard Ebeling's "The Lost Papers of Ludwig von Mises," Martin Morse Wooster's piece on the "fusionist" Frank Meyer, and Bettina Bien Greaves' on Friedrich Hayek. David Ramsay Steele reviewed Justin Raimondo's biography of Murray Rothbard, "An Enemy of the State," artfully deflating its subject by saying, "Rothbard was not an outstanding thinker who pursued fringe politics as a hobby, but an outstanding influence in fringe politics who pursued intellectual system-building as a hobby." And I can't forget Liberty's review of "Truth Is Not a Half-Way Place," a biography of Robert LeFevre supposedly written by Carl Watner and supposedly reviewed by Ethan O. Waters. Actually, "Waters" was Bill and the book had been written by LeFevre himself. It was worth reading, Bill concluded, for "the sheer nuttiness of its subject and its wealth of unintended humor."

Reviews have been a Liberty specialty. I recall the late William Moulton's delightful retrospective on John Stormer's tub-thumping 1964 tract, "None Dare Call It Treason." "What was the book about?"

One aspect of Liberty has never changed, and I hope never will. Liberty is an independent publication, unaffiliated with any other organization or institution. We feel free to publish opinions that are unpopular with any other libertarian entity. Our editorial standard remains the same as it was on the day we began: Liberty publishes good writing of interest to intelligent libertarians. We do not care whom we offend. More than once I've taken angry phone calls from the heads of other libertarian organizations. I always try to be polite and understanding, but I never apologize or promise to tone down future articles. Among those offended by this open policy is me: Liberty frequently publishes writing that I strongly disagree with.

This is not necessarily the policy with other libertarian periodicals. One of Liberty's contributing editors once told me that when he worked for another libertarian magazine, staffers discussed among themselves whether a particular submission followed the "KL," which was an abbreviation for the "korrect line." The editor of another libertarian publication once told me that he considered himself the libertarian movement's biggest expert on foreign policy, and would never publish anything on foreign policy that did not agree with his beliefs. This sort of policy impoverishes any magazine.

From RWB's fifteenth-year report on Liberty (August 2002).

Moulton wrote. "Well, the kind of things that seem very fascinating and sinister when one is 16." (I was 13 when I read it.) Richard Kostelanetz tickled my fancy with his review of Mel Bucklin's PBS documentary on Emma Goldman, noting that

"The Apostasy of Robert Nozick" set a tone: no one was sacred, though wanton tearing-down was not appreciated either.

the program left less of an afterimage of Goldman than the brief portrayal by Maureen Stapleton in the movie "Reds." The PBS documentary, which cared more about Goldman's fornications than her thoughts, was, Kostelanetz said, another bit of blah financed by the National Endowment for the Humanities "in the sad continuing tradition of inept federal welfare."

Probably my favorite review, partly for the editorial audacity displayed in running it, was written by Robert Watts Lamon, who identified himself as "a sort of right-wing beatnik." In the July 2004 issue, Lamon took on Barbara Ehrenreich's "Nickel and Dimed," an account by a prosperous leftist who went slumming among the working poor. "I spent many years in low-paying jobs, and found 'Nickel and Dimed' remarkable for its defects," Lamon wrote. He went on to discuss how a poor person can flee harsh climates, shop in secondhand stores, and find friends to share housing with. Concluded Liberty's practitioner of poverty: "She just didn't know how to live as a poor person."

Certain articles gave especially memorable signals of what to expect from Liberty. The journal tracked down the principal author of the underground anarchist classic "The Market for Liberty," and printed an article on her life as a nomadic seller of rope sandals. It ran pro and con reactions to the death of Ronald Reagan ("Rot in hell," said Jeff Riggenbach), and it provided a warm sendoff to Karl Hess, the man who coined Barry Goldwater's line that "extremism in the defense of liberty is no vice . . . and moderation in pursuit of justice is no virtue." Liberty provided posthumous tributes to Milton Friedman, Murray Rothbard, Robert Heinlein, and, of course, Bill Bradford.

Liberty has an interest in openly capitalist aspects of American popular culture — the part that deals with images of achievement and wealth. It ran my piece about Samuel Merwin and Henry Kitchell Webster, the early 20th-century authors of the business romance "Calumet 'K.'" It ran a story on the Stratemeyer Syndicate, which grew out of the Horatio Alger books, and how Stratemeyer managed the Hardy Boys series. It ran a story on the Disney character Scrooge McDuck. It ran a piece by current Liberty editor Cox, who teaches literature at the University of California at San Diego, on J.R.R. Tolkien's revival of the epic literary form in "The Lord of the Rings." It ran a piece by Scott Bullock, an attorney at the Institute for Justice, on Neal Peart, the libertarian drummer of the rock group Rush.

The magazine published such unusually American memoirs as Jim Bristol's "Fighting the Draft in WWII," John Hospers' "The First Time: I Run for President," and Michael Freitas' "The Best Little Whorehouse in Idaho." It published a piece by Wendy McElroy on how establishment feminists, who had once defended the rights of prostitutes, had abandoned them as politically incorrect. Correspondents occasionally wrote of other parties' meetings, such as Tim Slagle's 2004 account of the Green Party convention in Milwaukee and Bill's report in the same year of the Democratic caucuses in Liberty's hometown of Port Townsend, where he was outed by a perceptive lefty. The magazine also provided vivid on-the-spot coverage of the shutdown of the World Trade Organization in Seattle on Nov. 30, 1999, and, shortly after, coverage of the opening of a dirt road at Jarbidge, Nev. Both were political acts.

Jarbidge, a cluster of houses around a dusty general store, has been called the most isolated town in the Lower 48 states — which made it one of Liberty's interesting places. The magazine has a thing about places. It ran Bradley Monton's piece about living in Lebanon, and an article by Jim Peron, when he was about to be expelled from South Africa. Liberty's most peripatetic writer, Doug Casey, has filed reports from Cuba, Kazakhstan, Kyrgyzstan, Syria, Dubai, Haiti, Colombia, and Guatemala; if his investments ever run dry, he should be able to sell his passport to a museum. Bill Kauffman, a champion of small-town America, has written lovingly about his hometown of Batavia, N.Y., and Richard Kostelanetz has argued that the best place for a libertarian to be is Manhattan. Larry Sechrest briefly attained national notoriety with his none-too-flattering piece on Alpine, "A Strange Little Town in Texas."

The magazine sometimes annoys the neighbors. Sometimes it annoys me, too, though more often it delights. I ponder why that is, and out fall several reasons. Partly it's because Liberty believes what I believe in a general way, and partly it's because it is not too fussy in any particular way. Partly it's because the magazine serves the unexpected along with the features, like Cox's "Word Watch," that I count on. Partly it's

Liberty was quick on the newsstands with "Holocaust at Waco," in which Bill labeled Clinton Attorney General Janet Reno "the coldest of all cold monsters."

because of the writers that I have come to like, though I have never met them. Hess was one: I saw him only once, 36 years ago, and never agreed with him politically. But I liked him. There are other people in the magazine like that.

I have been reading this journal for 20 years. I wish Liberty (and liberty) a rich and unpredictable future. ❑

At Liberty

by R. W. Bradford

At Liberty's tenth anniversary, Liberty's founder considered its meaning and purpose, its past and future.

On June 5, 1987, my associate Timothy Virkkala took a fat envelope to the post office in Port Townsend, Washington. It was addressed to a printer in Seattle, and it contained photo-ready masters for the first issue of Liberty. During the previous six months, my wife Kathy, Tim, Steve Cox, and I had worked feverishly to reach that moment. We had developed a business plan, conducted a direct mail campaign, recruited several excellent writers to contribute to our effort (including three — Doug Casey, Murray Rothbard, and Ross Overbeek — who had agreed to grace our masthead as editors), sold about 1,200 subscriptions, written and edited 40,000 words for publication in that issue, designed a format, and laid out a magazine.

Ten years is a long time. It's long enough for a teenager to become an adult, and if he's Bill Gates, to earn a sum equal to three years' gross domestic product of Africa.[1] It's also long enough for communism to transform itself from a grave threat to humanity to a dim memory of interest only to historians, and long enough for a Democratic Congress to be replaced by a Republican one and for a Republican president to be replaced by a Democratic one. And ten years is also long enough for Liberty to be launched, to develop a personality, and to find its place in the world.

Liberty's first issue is easily recognized by anyone reading its September 1997 issue. Its masthead lists seven editors, six of whom — Kathy Bradford, Stephen Cox, Douglas Casey, Ross Overbeek, Timothy Virkkala, and yours truly — are still editors today. It featured cartoons by Rex F. May ("Baloo") and a collection of absurd news ("Terra Incognita"), both of which still brighten our pages. The 1987 issue has fewer pages, a larger logo on its less colorful cover, and no "Reflections" at its front. But aside from these, few differences are readily observable.

The Best-Laid Plans . . .

Liberty was conceived as a magazine of good writing of particular interest to intelligent libertarians. Our original plan called for a purely "in-reach" journal for libertarians and classical liberals; we didn't contemplate publishing analyses of public policy or comments on current events. After our third issue had been published, we surveyed subscribers, asking them to evaluate our efforts. The most popular category was "analysis of current events." Since we hadn't at this point published any analyses of current events, this was disturbing. We figured it was evidence of powerful demand from our readers, so we broke down and invited our contributors to provide commentary on current events. Our next issue featured an analysis of the ACLU and the war in Nicaragua.[2]

And in the following issue, we began to gather our editors'

shorter comments into "Reflections" at the start of each issue.[3] This eclectic collection of commentary, spleen-venting, short essays, obnoxious comments, and diverse libertarian opinion quickly became Liberty's most popular feature.

Breaking Stories

We've broken our share of major stories. In 1989, we were one of the first publications to report the rising threat to free speech on the campuses of universities,[4] and we published a detailed analysis of "political correctness" before most people had ever heard the term.[5]

In our September 1990 issue, Dr. Ron Paul reported in our pages that the "morning after" birth control pill had critical non-abortion uses and argued persuasively that, even from an anti-abortion perspective, it ought not be banned.[6] Three months later, the New Republic made this their cover story.

We scooped the New Republic again, this time by a wider margin, in our July 1991 issue. I wrote a short piece reporting that, contrary to press reports, the northern spotted owl, whose listing as an endangered species had halted logging in the Pacific Northwest, was not a species at all, but a separate population of a species that inhabits North America from Mexico to Canada and is not in any way endangered.[7] It was three years before the New Republic published a much-ballyhooed cover story making exactly the same point.

Perhaps our proudest moment was our analysis of the BATF-FBI siege near Waco, Texas.[8] As it happened, we were scheduled to go to press with our June 1993 issue on April 22, just three days after the FBI assault on the Branch Davidians resulted in the death of more than 80 people, including 23 children. While virtually all other American periodicals were expressing sympathy for the trauma suffered by the FBI and outrage that the Davidians had brought this upon themselves, we published articles by Steve Cox and myself, calling the press to account for its supine cowardice and denouncing Attorney General Janet Reno as a self-confessed mass murderer, based on her statements and interviews the day of the conflagration. We headlined our coverage "Holocaust in Waco," a deliberately provocative title and arguably an outrageous one. It was our best-selling issue ever on newsstands.

I am quite proud of the discussion and analysis we have presented of current issues and events like the preposterous U.S. invasion of Panama to arrest its president,[9] the Rodney King beating and subsequent trial and riots,[10] and the Gulf War.[11] Thanks to our very talented editors, we were able on short notice to devote a special section of the magazine to a variety of intelligent libertarian insights into these and other major stories.

But we've never lost focus on the point that Liberty is more than anything else a place where we libertarians discuss among ourselves the world and our approach to it. Controversy has been the lifeblood of Liberty since its very beginning. The first major battle to be fought in our pages was the most fundamental question: *Why should a person be a libertarian?*

The First Major Controversy

The dispute began with a commentary on an interesting news event. Harvard philosopher Robert Nozick, who had brought a new respectability to libertarianism with the publication of his "Anarchy, State, and Utopia," took advantage of rent control laws in Cambridge, Massachusetts, to force his landlord to lower his rent and refund a substantial portion of the rent he had earlier paid. The reaction from most libertarians was swift and indignant: the libertarian philosopher who had defended the morality of "capitalistic acts between consenting adults" had "embarrass(ed) libertarians and endanger(ed) the hard won progress libertarianism has made . . ."

In Liberty's second issue,[12] I used Nozick's act as a springboard for a novel argument:

> Consider a society identical in every way to current American society, except that 200 years ago, every inhabitant of the continent agreed to vest all ownership of real estate in a corporate body, which would be governed according to the same rules that are encoded in U.S. law today. Nominal private ownership was allowed, subject to periodic payment of fees (called "real estate taxes") and various other controls (called "laws and regulations") on the behavior of those who might live on the corporately owned land. The original corporate agreement specified that the taxes, laws and regulations might be changed according to certain specific procedures.

I further supposed that this society subsequently developed in exactly the same way the United States developed,

and that it was identical to contemporary America in every way except for that fateful day when every inhabitant had agreed to vest ownership in the corporate body.

If the historic origin of the laws was universal consent, Nozick was acting in a completely moral fashion according to libertarian theory. But if the historic origin was less than universal consent, then Nozick's action was criminal. If one condemns Nozick for using an institution whose origin was coercive, then what about the fellow who uses roads or message delivery systems that have their origin in coercion, or who accepts employment from a coercive institution? The same logic that forces condemnation of Nozick seems to force condemnation of anyone who uses any government services whatever — in other words, every person in America today.

If, as most libertarians believe, "no man has the right to initiate the use of physical force against others and coercion is universally opprobrious," I argued, then "the actual customs, laws and actions of a social arrangement are of relatively little import in evaluating its morality: what really counts is whether the social arrangement had its origin in voluntary contract of all landowners."

I concluded by observing that there is a "second libertarianism," one that advocates liberty "as the most expeditious and utilitarian arrangement for human interaction," and that this sort of libertarianism has no problem with the argument I had posed.

Heating Things Up

At the time, Liberty had the slowest printer in the world, one who took five weeks to print and mail an issue. So there wasn't time for readers to respond in the next issue. But I sent a copy of my piece to Liberty's editors, hoping for a response, and Murray Rothbard quickly penned a defense of the mainline libertarian position.[13] The issue that followed contained ten critical letters from readers, along with my responses.[14] I followed up with an essay exploring the differences between "The Two Libertarianisms" ("moralistic libertarianism" and "consequentialist libertarianism") in the following issue, criticizing and defending each.[15] The discussion caught David Friedman's eye, and he forwarded three chapters from the new edition of "The Machinery of Freedom" that addressed the same issues, which graced Liberty's pages during the coming year.[16]

Our interest in Rand has angered both Rand's hardcore fans and her harshest critics. The former find us too critical, and the latter too appreciative.

And so began a controversy that has percolated into our pages from time to time ever since. Our September 1988 issue trumpeted Hans-Hermann Hoppe's "The Ultimate Justification of the Private Property Ethic," which proposed a radical alternative to the natural-rights-moralistic approach and the consequentialist-utilitarian approach.[17] Hoppe argued that "by being alive and formulating any proposition . . . one demonstrates that any ethic except the libertarian ethic is invalid." Murray Rothbard was a great enthusiast for Hoppe's argument and asked me to solicit responses from prominent Randian philosophers, whom he thought might share his enthusiasm. I decided to try to balance the responses by inviting some from individuals who would likely be more critical. We needn't have bothered. We were again inundated by responses and letters-to-the-editor. In the end, the only support Hoppe received, aside from Murray's enthusiastic encomium ("dazzling breakthrough") was from Sheldon Richman.[18]

From Murray Rothbard's delightfully vicious "Ronald Reagan: An Autopsy" to our continuing exposure of Bill Clinton's moral turpitude, we've spared no American political leader.

High-powered debate over the fundamental principles of libertarian thought has continued to percolate in Liberty's pages, most recently in the discussion of the death penalty by George Smith, Tim Virkkala, and John Goodman.[19] But there have been many other, less-philosophical controversies in our pages as well. We have published challenges to other aspects of libertarian doctrine — most notably, the notion that libertarianism requires an isolationist foreign policy. This time, the challengers were Steve Cox and Jim Robbins, who argued that the Soviet Union posed a great threat to liberty and ought to be opposed by the U.S. government. Sheldon Richman vigorously defended the orthodox non-interventionist position. I meekly suggested a third position: that isolationism was not entailed by libertarian thinking, but was virtually always prudent.[20]

LP Agonistes

Perhaps the single topic of most controversy in Liberty's pages has been the Libertarian Party. In our very first issue, we published a lengthy article endorsing Ron Paul's campaign for the LP presidential nomination, and a shorter essay delphically supporting Russell Means' quest for the same honor.[21] I myself have supported every LP presidential nominee, but among Liberty's other editors have been supporters for every other major candidate in each election, and in every election year they've made their case in Liberty's pages.

Unlike any other periodical, Liberty takes the LP seriously, without patronizing it, providing the same sort of analysis and coverage that mainline periodicals provide for the Republicans and Democrats. We've covered every Libertarian

national convention, rooting out stories unreported by other media, and offering the kind of critical coverage not found elsewhere. We take seriously the debates within the party, and our editors and contributors usually have had a lot to say about LP politics.

That is not to say that we've ignored the major parties. When Patrick Buchanan made a bid for libertarian support for his right-wing crusade for the presidency, contributing editor Jim Robbins trekked to New Hampshire for a very revealing interview.[22] We had reporters at the 1992 and 1996 GOP conventions,[23] and were among the very first magazines to identify the defining characteristic of Bill Clinton: his naked, all-encompassing lust for power.[24]

From Murray Rothbard's delightfully vicious "Ronald Reagan: An Autopsy"[25] to our continuing exposure of Bill Clinton's moral turpitude, we've spared no American political leader. At our Editors' Conference in 1995, when Harry Browne announced his campaign for the LP presidential nomination, I publicly endorsed his effort, but warned him that in the virtually impossible event that he were elected president, I'd withdraw my support and he could expect the same treatment that Reagan, Bush, and Clinton have received in our pages. And I meant it.

A Giant of Liberty

In 1987, we surveyed subscribers to Liberty and delegates to the Libertarian Party's national convention about a wide range of subjects.[26] We asked them to evaluate the influence of 27 libertarian thinkers and philosophers, living and dead, on their intellectual development. It came as no surprise that the two most influential figures by a wide margin were Ayn Rand and Murray Rothbard. And it comes as no surprise that Liberty has published a good deal about these two figures.

Rand occupies a unique place in American intellectual history. Though she was undoubtedly an intellectual, her advocacy of radical libertarianism has led most conventional scholars to dismiss her from serious consideration. The stridency of her personality and her insistence that her followers agree with every jot and tittle of her philosophy reduced much of her following to a hagiographic cult, unwilling to subject her to critical analysis. As a result, there has been precious little serious scholarship regarding her life and work.

So it was relatively easy for Liberty to become the primary journal publishing studies of Ayn Rand. Our first issue included Steve Cox's discussion and review of the three films whose screenplays Rand had written.[27] Seven issues later, I wrote an article about the 1943 Italian film version of "We The Living," which revealed that much of what Rand had said about it was false.[28] We have since published John Hospers' detailed account of philosophical discussions he had with Rand,[29] Murray Rothbard's account of his split with Rand,[30] Tibor Machan's memoir of his encounters with Rand,[31] and lengthy interviews with Rand's friend and biographer, Barbara Branden,[32] and with libertarian raconteur Roy Childs,[33] not to mention vigorous reviews of virtually all books about Rand published since 1986, as well as detailed analyses of (and disputes about) her political philosophy.

Curiously, our interest in Rand has angered both Rand's hardcore fans and her harshest critics. The former find us too critical, and the latter find us too appreciative. Personally, I think they're both nuts: Rand was not a goddess worthy only of veneration, but she was an important intellectual whose life and thought merit serious and extensive exploration.

Murray Rothbard got involved with Liberty in 1985, back in the planning stage. My relationship with him was always cordial and friendly, and he never failed to support us in our enterprise. When we wanted a premium to offer to charter subscribers, he generously donated his "The Sociology of the Ayn Rand Cult," and he contributed to virtually every issue until he resigned in early 1990. During that time, I spoke to him very frequently, often two or three times a week. He was delightful to work with, even when we differed on one thing or another.

From the start, Murray understood that Liberty would be open to all libertarian opinions, and would make no attempt to follow the well-hewn "Rothbardian" line. At my first meeting with him, I warned him of my disagreement with much of his political theory and suggested that I might publicly disagree with him from time to time. This he accepted joyously. He always shared his pungent and powerful opinions, and cheerfully accepted the fact that sometimes his advice was not followed.

I remember sending him a copy of a manuscript by John Dentinger that criticized the LP for becoming too right-wing.[34] When I spoke to him about it, he told me that he thought it was loathsome. I sheepishly told him that in the interim — he had put off reading it for a few days — I had circulated it to other editors and had decided to publish it. "Would you be interested in writing a response to it?" I asked. "Sure," he said. "But you'll have to send me another copy." He went on to explain that he had hated it so much that he had destroyed the copy I had sent him. . . .

My relationship with Murray, however, remained cordial even after I received a fax from his colleague at the Mises Institute, Lew Rockwell, telling me that Murray had decided that he wouldn't be writing for Liberty in the future, and would like to resign his position as Senior Editor. Between that day and his passing in January 1995, we spoke occasionally and affably. I heard from time to time that he had denounced me in the pages of his newsletter, but I never saw the denunciations, and I wouldn't have been particularly upset if I had. Even before I first approached Murray, I knew that he had a long and well-known history of breaking with his political associates, usually with denunciation and recrimination, and that it was almost inevitable that my relationship would end this same way.

> It will be produced inexpensively enough that it can survive on relatively limited circulation. It will consist of 16 to 48 pages, 8.5" x 11", attractively but not expensively printed. Circulation of 1,000 can be attained within one year, and placement of advertisements and additional direct mail campaigns can build its circulation to 2,000 within a year or so. By setting the circulation goal at such a modest level, keeping expenses to a minimum, and budgeting expenditures to meet those expenses, such a publication can be viable.
>
> *From RWB's business plan for Liberty (1987).*

I prefer to remember him as the charming, brilliant, and joyous friend he had been in Liberty's formative years. He was the wittiest man I have ever met, the best man with whom to spend an evening in a bar that I ever knew. I miss him enormously. . . .

Into the Future

Of course, Liberty is more than philosophy, politics, and libertarian personalities. We've published some rather exotic travel writing. I remember once at a Mont Pelerin Society meeting, a federal judge took me aside and said, "You've got a misprint on your cover," as he pointed to a title emblazoned on our September 1991 issue: "Stalking the Giant Testes of Ethiopia."[35] "Actually," I explained, "that's not a typo . . . " We've published some very fine short stories and even an occasional poem, to the apparent annoyance of some of our readers.

In 1988, Murray Rothbard talked to an interviewer about Liberty:

> The libertarian movement was beginning to crumble before Liberty was founded. Everybody was so concerned with talking to the outside, to Democrats or Republicans or whoever, that we forgot to develop our own thinking, our own ideology, our own point of view.
>
> Part of what the libertarian movement is about is developing an attitude, finding out about the world and commenting on it from a libertarian perspective, and reacting to it and trying to change it, so that libertarianism is not just an abstract ideology somewhere in a vacuum.

Surely, in his enthusiasm, Murray exaggerated Liberty's impact. But he was right about one thing: Liberty has fulfilled its basic goal of producing a magazine where libertarians can discuss the world and our thinking without inhibition or apology. The fact that we sell thousands of copies on newsstands to non-libertarians is entirely serendipitous.

For me, at least, Liberty has been an enormously satisfying adventure. In the magazine trade, magazines are generally classified as "circulation-driven" or "advertising-driven" — that is, financed by those who purchase them or by those who advertise in them. Most political magazines, especially those with circulation of less than 100,000, fit into a different category: "donor-driven." Most are financed primarily by their donors, who are generally large wealthy foundations or corporations.

Liberty is a unique publication, a political magazine driven by its readers and its editors. Virtually all of Liberty's writers have worked without compensation beyond the pleasure of seeing their writing in print. But our expenses are virtually all met from our subscription and newsstand revenue, and we've put together ten years of a pretty good magazine and maintained our independence.

And who knows? Maybe we'll be publishing monthly in a year or so . . . then bi-weekly . . . then weekly . . .

Who knows where it all will all end? ❑

Notes

1. This is an exaggeration.
2. May 1988
3. July 1988
4. July 1989
5. July 1990
6. September 1990
7. July 1991
8. June 1993
9. March 1990
10. July 1992
11. May 1991
12. October 1987
13. December 1987
14. March 1988
15. May 1988
16. July, September 1989
17. September 1988
18. November 1988
19. May 1997 and July 1997
20. March, May, July 1990
21. August 1987
22. March 1992
23. November 1992, November 1996
24. February 1993
25. March 1989
26. July 1988
27. August 1987
28. November 1988
29. July 1990, September 1990
30. September 1989
31. November 1989
32. January 1990
33. April 1993
34. March 1988
35. September 1991

If we are to believe what is published in trade journals about magazine publishing, the past decade and a half have been terrible for magazine publishing, with both subscriber and newsstand sales declining and advertising revenues down. The advice most often given to magazine publishers to fight this trend is simple: attract more readers with shorter articles, more pictures, glossier look, and more color. The theory is that in this age of remote controls for changing channels, people just don't have the attention spans they once had. The poster child for this formula is USA Today.

Anyone who compares Reason magazine as published in 2001 to Reason as published in 1987 can plainly see the change, which has become even more evident since Reason's most recent makeover. And the trend continues: Rolling Stone just announced an editorial change that The New York Times describes as signalling "the end of Rolling Stone's history as a publisher of epic narratives and literary journalism." No longer will it publish the work of writers like P.J. O'Rourke, Tom Wolfe, and Hunter S. Thompson. "Many editors have concluded," the Times reports, "that words in magazines are often beside the point." Now what's in are "funny charts, outrageous photos and articles that are little more than captions on pictures." Rolling Stone's publisher thinks this is the result of the explosion of new media: "Back when Rolling Stone was publishing these 7,000 word stories, there was no CNN, no Internet. And now you can travel instantaneously around the globe, and you don't need those long stories to get up to speed."

I disagree. While the number of people who read may very well be declining, we at Liberty think that there remains a very substantial market for the kind of good writing that we publish. And we aim to serve that market.

From RWB's 15th-year report on Liberty (August 2002).

Confessions of a Liberty Editor

by Stephen Cox

What, exactly, happens atop the precipitous staircase at Liberty HQ?

When you read Bruce Ramsey's article on the history of Liberty, you'll see that, to a remarkable extent, the history of this journal is also the history of the modern libertarian movement. You would have to think very far before you thought of anyone who has been important in that movement who hasn't written or been written up in Liberty. It's an avalanche of names, and it hasn't stopped. There are always new people — writers like Jayant Bhandari, Michael Christian, Jon Harrison, and Gary Jason, to list a few of the names that have recently added luster to our pages.

The people who try to herd this avalanche are Patrick Quealy, Drew Ferguson, Mark Rand, Jo Ann Skousen, and Kathleen Bradford. I do some of it too, but those are the really important people at Liberty HQ. Sitting in the front row at this circus are Liberty's senior editors, John Hospers, Jane Shaw, and Bruce Ramsey himself. They're not just long-term ticket holders; they often leave their seats and join the action. No journal could have better friends than they are — and, after all, a journal is nothing but its friends, the people who stick with it and contribute their best. It's hard to go wrong when you have friends like the people I've mentioned.

There's a common idea that writers are very different from their writing, that when you meet someone whose work you like, you're certain to be disappointed. That idea is mostly true — except about the people who contribute to Liberty. When I meet our authors, I almost always find that they are just as interesting as their writing. They even look the way you'd expect them to look — something that's notoriously untrue of writers in general. Still stranger is the fact that when these people assemble at a Liberty conference, they are remarkably polite, tolerant, gracious, gentle to one another. Writers usually aren't like that, and you would expect libertarian writers to be very unlike it: they're individualists by definition, advocates of dissenting ideas, no one of which they manage to agree on.

If you haven't already gathered this by reading Bruce's essay, you won't be surprised to learn that the people of Liberty are an astonishingly various, opinionated, intellectually assertive, complex group of people. Actually, every one of them is a group, individually, and that goes for the editor

as well. That's what makes a group interesting, and apparently we realize that it does, and are therefore determined to be gracious to one another, at least when we're all present in person. When it comes to writing and editing, though, you can expect to see some combat.

Every journal editor is constantly in combat with somebody over something, usually something completely unpredictable. Who could have guessed that the scholar who wrote with such judicious calm about the events of the Peloponnesian War would have become so angry about that colon I wanted to insert in paragraph 6, especially because (can't he *read?*) the colon is necessary to make his damned writing make sense? Who could have imagined that the distinguished author of a history of labor legislation should have undertaken a 5,000-word essay on the significance of the Wagner Act, only to show up, a week behind deadline, with a 2,000-word essay, 1,800 words of which were devoted to his recent visit to Singapore? Who could have guessed that the essay we commissioned *against* the global warming theory, to balance the essay we commissioned *in favor of* the global warming theory, would have turned out to be in favor of it after all, just at the time when we were going to press with "The Great Global Warming Debate" as the centerpiece of our current issue?

The incidents just mentioned have been altered to protect the guilty, but something like them is bound to happen in any normal editorial day. Just as likely to happen are moments of miraculous largesse: the author you haven't heard from in five years suddenly sends you an article on exactly the right topic and of exactly the right length to fill that enormous hole in Features; the world-famous writer modestly inquires whether he may submit a contribution on the hottest news topic of the month (oh yes, that might be interesting . . .); the writer who is always fighting over every detail of his copy replies to your voluminous suggestions for changes in his last article with a laconic, "All OK. Yr. suggestions helpful." Once again, the people of Liberty prove that they are really the best people in the world — but you shouldn't kid yourself into thinking that you know how the daily drama will turn out.

Bill Bradford, the founder of Liberty, was the only editor I've ever known who never lost his cool. Everybody else, including me, has that moment when the manuscript goes flying off the desk and the embittered finger launches the retaliatory email (usually to disastrous effect on the sender). Occasionally I heard Bill utter an anguished "Jeeze!" or a question like, "How can he *write* a thing like that?" But more often I heard an amused and sarcastic, "Oh, wonderful! Just what we needed!", when some disastrous literary event took place. Bill did become agitated when he couldn't get something good on a topic that he wanted to cover. But basically, he was a long-haul guy, prepared to enjoy both the successes and (shall we say?) the challenges of writing and editing. He realized, as every writer and editor should, that the important thing wasn't what he felt, but what he published.

If you're waiting for people to gather round and say good things about your work, you might as well just go and hang yourself.

When I meet our authors, I almost always find that they are just as interesting as their writing.

Since I succeeded Bill as Liberty's editor, I've learned a lot. I've also confirmed a lot of the things I learned from him. All of them, in fact. Here are a few of those things.

1. Anger is (almost) beside the point. Some literary people are shocked and infuriated when they are denounced in emails, blog posts, letters to the editor, or anonymous notes slipped under their door. Bill never was. He knew that if you were that easily demoralized, you probably wouldn't publish much of anything. But he also knew that there is a healthy kind of anger, and it can be useful: it can get people to write. Some of the noblest words ever uttered were prompted by anger. Think of the Declaration of Independence. Think of "Give me liberty, or give me death!" I know editors who would change that to something with a calmer tone, something like, "In my own opinion, a significant degree of personal freedom may well be a necessity for a successful life." Bill, by contrast, always considered it his duty as editor to demand that sentences like the second one be converted as quickly as possible into sentences like the first.

Nevertheless, anger shouldn't be the final product. A lot of our editorial correspondence has been devoted to convincing would-be authors that writing and ranting are not precisely the same. You may be right to hate George Bush, or the Roman Catholic Church, or the International Communist Conspiracy; still, you need to say something informative about the subject, or no one will take you seriously. And you need to say it in an interesting way. That means expressing something more than anger itself. There are few pleasures equal to making fools out of your enemies, but the effect won't come off if your anger is all that people see.

2. You are not H.L. Mencken, nor should you try to be. Mencken, the great libertarian journalist, was always Bill's idol. Bill loved the abuse that Mencken showered on the leaders of his country. And not just the leaders. "Democracy," Mencken said, "is the theory that the common people know what they want and deserve to get it good and hard." Mencken's abuse had charm; it had a shimmer to it. But Bill never tried to write

like Mencken. He agreed with Isabel Paterson, who thought that people who tried to imitate Mencken's style would inevitably screw it up. You could say that about any kind of literary cloning: it always results in deformity.

This is because, as Mencken himself said, everyone has his own style. It can be improved; things can be done with it; but it will always be that person's individual style. You can't change it, and if you try, you will twist it till its head falls off. Authors ruin themselves that way, too. A significant amount of a libertarian editor's job consists of the attempt to convince otherwise talented people that they don't have to call every politician they discuss a "fungus-ridden scion of the scoundrel class," just because they *think* that H.L. Mencken would have written that.

3. People almost never tell you that you're right. The most common remark that writers make to editors is, "Why should I write? Nobody cares about my stuff." Of course, when someone makes that remark, he's probably looking for reassurance, which is easily provided — and on excellent grounds. If you're waiting for people to gather round and say good things about your work, you might as well just go and hang yourself. People don't do that. Basically, they send letters to the editor only when they *hate* your work. The fact that you never hear from them probably means that they admire your work. And if they actually do hate it, and they publicize the fact, well, they're also publicizing *you*. What can be wrong with that?

The good thing about writers is that they have imaginations; they can picture things. So you can tell them, "Look, I know your stuff is good, and you know your stuff is good, and we both know that there are other intelligent people in the world, people who want to read good stuff. Can't you picture those people out there, reading what you write? OK, keep writing for *them*." This isn't flim-flam; it's the truth. It's what Albert Jay Nock said, two generations ago, in one of the greatest of libertarian essays, "Isaiah's Job," where he says that all a writer has to do is keep pumping out his best stuff, secure in the knowledge that good people are reading it.

Naturally, however, you still have to be prepared for abuse. As every libertarian editor knows,

4. The audience can turn on you. There are four issues that make libertarians really, really mad: war, immigration, religion, and the Libertarian Party. Let me break it down:

> (A) War. Virtually all libertarians are isolationists, despite the fact that we can never agree on what "isolation" means in practice. Hence our constant fights about wars and rumors of wars.
>
> (B) Immigration. If you want to arouse passions, run an article either favoring or opposing open borders, or anything resembling that idea.
>
> (C) Religion. Many libertarians regard religion as the principal enemy of liberty. Many others believe that liberty arose in a Judeo-Christian context and cannot long exist in an atheist society. Each group is constantly being amazed at the existence of the other. Neither can conceive that the *ridiculous* and *wholly discredited* attitudes of the other group could possibly find expression in a *libertarian* journal. Please cancel my subscription!
>
> (D) The Libertarian Party. Many people equate small-l libertarianism with large-L Libertarianism. Many others just wish that the Libertarian Party would go away. These two groups don't get along, at all, and there's really no way to please them both, any more than there's any way to please both the pro-religious and the anti-religious people.

The only intellectually honest course is to publish whatever is well written and well argued from any significant point of view. That's the course Liberty tries to follow. But don't have any illusions: the most visible result will always be a torrent of letters expressing shock that "Liberty is no longer a libertarian journal." Oh, and for the third time this year: cancel my subscription.

5. Please don't parse. I hate to use that Clinton-era verb, but there are authors and editors who want to justify everything they do by reasoning in a word-by-word way. Bill was amused by these people, but I'll admit that they usually get my goat.

To cite an example: I am very unsympathetic to anything associated with the word "Roosevelt," but if an author says, "Franklin Roosevelt was committed to the destruction of America," I believe it's my duty to object. Listen, I say. Do you mean that Roosevelt wanted to perform genocide on the American population, or sell off the land to Canada? Clearly, the answer is No. So please revise your sentence. But now comes the exercise in "parsing." "What is distinctive about 'America'?" the author says. "Surely it's America's constitutional system. And what is 'destruction'? The ending of that system. And what does 'committed' mean? It means that Roosevelt consciously decided to do something. Now, can you deny that Franklin Roosevelt, when he proposed the institution of Social Security, which he *must have known* was nowhere mentioned in the Constitution, was committing himself to destroying the American constitutional system, i.e., America?"

Once again, the people of Liberty prove that they are really the best people in the world — but you shouldn't kid yourself into thinking you know how the daily drama will turn out.

Well, yes, I deny it. Although I still don't like Roosevelt. Furthermore, I won't sign off on your article, no matter how many pointless messages we exchange. The difficulty is that, while you are reasoning in a word for word way, your

audience will be reading you sentence by sentence, and paragraph by paragraph. And wondering what in the hell you're talking about.

6. All good writing is about the present. The news that appears in Liberty is *news*, but so also, ideally, is everything else we publish. There's no point in rehashing what people already know, especially if you're going to sling that hash in the way it's always been slung. All right, I guess there's some point to it, because many people (including some libertarians) read simply to be reassured that they are in the right, in precisely the same way in which they always thought they were in the right before. Bill never regarded those people as meriting any attention at all. As far as he was concerned, they could get their sedative from some other source. I agree. Even if you're writing about basic libertarian principles, you need to say new things about them.

Any kind of literary cloning always results in deformity.

There is no subject — no subject on earth — that can't become news. Several Liberty writers have written about the affairs of ancient Iceland, and they've made them as fresh as the latest gossip. The rule is simple: treat the past as if it were the present. If you're writing about the books and people of the past, you should treat them as passionately or respectfully or disdainfully as you would treat the books and people of today. If you treat them like a bag of bones, that's what your writing will be.

Admittedly, these ideas, though obvious, are sometimes difficult for authors (or editors) to understand. That is because

7. Authors and editors know what they want to see in print (whether anyone else does or not). An erudite author (and Liberty has many such) will always have something in his prose that he's particularly proud of, something that he would rather die than part with. Maybe it's a final paragraph that concludes with the words, "Any politician who follows *that* program will end as Stevens Thomson Mason did!" To the author, this is precisely the right allusion: it is fresh; it is vivid; it expresses everything he wants to say. To him, the fact that almost no one else will be able to follow it means only that almost no one else has bothered to be educated.

To the editor, this is nonsense; and it is now his job to persuade the author, first, that the editor really does know who Stevens Thomson Mason was*; second, that the editor agrees that the allusion is very appropriate, for people who can understand it; third, that practically nobody will understand it; and fourth, that the climactic allusion can be made only at the risk of ruining the article.

The ensuing dialogue will be amusing, if you're neither a writer nor an editor. But so far, I've told the story from the editor's point of view. Let's see it from the author's. It's always the author's job to insist, and keep insisting, that editors would not exist if it weren't for writers, and not the other way around; and that if Shakespeare had been saddled with an editor, we wouldn't have any of his plays. Author and editor have different interests and ideas, and the best that can be said is, Let them fight it out.

This sentiment leads to my eighth and last observation:

8. Libertarian ideas are really true. Ideas about people, I mean. The libertarian notion is that people are self-motivated, unpredictable, unquantifiable, incapable of being reduced to a single dimension, and that the great engine of social progress is the individual's interest in . . . what's interesting to him.

The range of interests, motives, and responses that characterizes our readers and writers never ceases to amaze me. The greatest reward of every writer is simply to *write* and express himself in his own way — and every writer has a unique definition of what is rewarding to him. For some, it's arguing the main point; for others, it's a subtle manipulation of adjectives. I know writers who will accept wholesale revisions of their argument, but would rather kill their cattle, burn their seed corn, and sow their fields with salt, than change one word of a thematically irrelevant description. Different people set different values on different things.

As for readers, you'll go very wrong if you think that the audience for Liberty is people whose first and only concern is public policy or strictly libertarian ideas. Sometimes, indeed, that is their primary concern. But sometimes it's the latest movie. Sometimes it's the true cause of the Civil War, or whether George Washington was a Christian; or why the Mesoamericans didn't use the wheel, except in little toys. Sometimes, it's the price of tea in China. You really can't predict what the audience, or any of its members, will applaud in the current issue. You can only try to come out with the best you can find of a lot of different things. You can only try to keep contributing your best, whatever it is.

The only intellectually honest course is to publish whatever is well written and well argued from any significant point of view. That's the course Liberty tries to follow.

That's what all of us contentious people at Liberty, both writers and editors, have been trying to do, and that's what we're going to keep on doing. ❑

*Stevens Thomson Mason (1811–1843), first governor of Michigan, suffered an abrupt descent from immense popularity to total obscurity.

The Liberty Poll

Liberty has twice surveyed libertarians about their beliefs, their values, and their backgrounds: once shortly after the founding of the magazine, and again ten years later. Both times, our editors shared their thoughts about trends in libertarianism that the results might represent.

Nearly another ten years have passed since the last Liberty Poll, and our 20th anniversary seems an opportune moment for another. You, too, can be part of the Liberty tradition that has our readers asking at conventions and conferences, "How did *you* answer the Flagpole Question?"

Please answer whichever questions you wish, and return this page (or a photocopy) with your answers marked to: Liberty Poll, P.O. Box 1181, Port Townsend, WA 98368. Feel free to attach a sheet of paper and expand or explain any answers. Answers will remain confidential.

Thank you for your help!

Personal

Your age: _____

You are: ☐ Male ☐ Female
☐ Caucasian ☐ American Indian ☐ Black ☐ Asian
☐ Other _____

Your annual income is: ☐ less than $10,000
☐ $10,000–$20,000 ☐ $20,000–$30,000 ☐ $30,000–$50,000
☐ $50,000–$100,000 ☐ $100,000–$250,000 ☐ Over $250,000

Your formal education (highest level completed):
☐ Some high school ☐ High school graduate (Private? ☐ Yes ☐ No)
☐ Some college ☐ Two year college degree
☐ Bachelor's degree (Private? ☐ Yes ☐ No)
☐ Some grad school ☐ Master's degree ☐ Doctoral degree

Your occupation (check as many as apply):
☐ Computer-related ☐ Engineering ☐ Managerial
☐ Small-business owner ☐ Scientific/Technical ☐ Investor
☐ Medical professional ☐ Factory worker ☐ Teaching
☐ Farmer ☐ Nonprofit organization ☐ Law ☐ Sales
☐ Government employee ☐ Other _____

Years in military: _____ Highest rank: ☐ Officer ☐ Enlisted

Family: Married? ☐ Yes ☐ No Legally? ☐ Yes ☐ No
Number of offspring? _____ Number of grandchildren? _____
Number of divorces, if any? _____
Number of older brothers? _____ older sisters? _____
Number of younger brothers? _____ younger sisters? _____

Religion: Which of the following best describes your religious training as a child? ☐ Roman Catholic ☐ Mainline Protestant
☐ Fundamentalist Protestant ☐ Jewish ☐ No religion
☐ Other _____
Do you consider yourself a follower of any religion today? ☐ Yes ☐ No
Which, if other than specified above? _____
How long ago did you most recently attend a church or other form of worship? ☐ 0–7 days ☐ 8–30 days ☐ 31–90 days
☐ 91–365 days ☐ 1–5 years ☐ Longer ☐ Never

Sexual orientation: ☐ Heterosexual ☐ Homosexual
☐ Bisexual ☐ Other

Sexual activity (check one):
☐ Autoerotic only ☐ Celibate ☐ Monogamous
☐ Polygamous ☐ Casual/Promiscuous ☐ Group sex
How long have you been with your current partner? _____
What are the political beliefs of your current partner?
☐ Passive libertarian ☐ Active libertarian
☐ Quasi-libertarian ☐ Other _____

Intellectual development

(A) Do you consider yourself to be a libertarian? ☐ Yes ☐ No

(B) Who introduced you to libertarian ideas?
☐ Teacher ☐ Friend ☐ Parent ☐ Relative
☐ Writer ☐ Other _____

(C) Before becoming a libertarian, how would you characterize your political beliefs? ☐ Left ☐ Right ☐ Center

(D) Please rank on a scale of 1 to 5 the degree to which the following thinkers influenced your intellectual development (5 = substantial importance . . . 1 = little or no importance).

We are *not* asking you to report the degree you agree with these individuals' thought — what we seek to know is how important each figure was in the growth of *your* thinking, especially with regard to social and political matters.

Your Mother	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Your Father	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Brother and/or Sister	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Aristotle	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Frederic Bastiat	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
R.W. Bradford	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Nathaniel Branden	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Harry Browne	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
David Friedman	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Milton Friedman	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Barry Goldwater	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Henry Hazlitt	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
F.A. Hayek	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Robert A. Heinlein	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Karl Hess	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Thomas Hobbes	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
John Hospers	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Thomas Jefferson	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Immanuel Kant	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Robert LeFevre	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
John Locke	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Tibor Machan	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Peter McWilliams	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
H.L. Mencken	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
John Stuart Mill	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Ludwig von Mises	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Albert Jay Nock	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Robert Nozick	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Ayn Rand	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Robert Ringer	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Murray Rothbard	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Herbert Spencer	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Lysander Spooner	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
William G. Sumner	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Morris & Linda Tannehill	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
Benjamin Tucker	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
_____	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
_____	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5

Moral opinions

Please check the following statements if you believe them to be true, or if they express your own values or opinions.

☐ There is a proper role for government, but that role is much smaller than the role government plays at present.
☐ Government should be eliminated altogether.
☐ Abortion is wrong.
☐ Abortion should be illegal.
☐ A person should have a legal obligation to support his or her offspring.
☐ Political action is an appropriate method of advancing individual liberty.
☐ People have a responsibility to vote.
☐ Communism is the greatest threat to human liberty.
☐ Terrorism is the greatest threat to human liberty.
☐ The U.S. should remove all restrictions on immigration.
☐ The U.S. should remove all tariffs immediately.

(over, please)

☐ There is a God.
☐ An employee of the state is a receiver of stolen goods and therefore is committing an improper act.
☐ One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.
☐ If the state expropriated all wealth and one could not exist without accepting stolen goods, it would be moral and proper to accept such goods (i.e., live within the system).
☐ A proper government would have an absolutely isolationist foreign policy.
☐ It is always wrong to initiate force against another human being.
☐ All men by their nature have a right to:
☐ Life ☐ Liberty ☐ Property ☐ The pursuit of happiness

My political beliefs are based upon (feel free to check more than one of the following): ☐ My religious beliefs
☐ My understanding of history ☐ My life experience
☐ Rational, philosophical analysis ☐ My understanding of economics

Ideological Activism

Do you give money to:
☐ Libertarian organizations ☐ Humanitarian organizations
☐ Cultural organizations ☐ Religious organizations

Have you given money (aside from the purchase of books or subscriptions) to any of the following libertarian organizations?
☐ The national Libertarian Party ☐ A local Libertarian Party
☐ Cato Institute ☐ Institute for Objectivist Studies
☐ The Ayn Rand Institute ☐ Ludwig von Mises Institute
☐ Reason Foundation ☐ Liberty Foundation
☐ Advocates for Self-Government ☐ Institute for Justice
☐ Foundation for Economic Education
☐ International Society for Individual Liberty
☐ Other _____

Do you talk to acquaintances about libertarianism? ☐ Yes ☐ No
What percentage (if any) respond favorably? _____

Do you speak in public about libertarian ideas? ☐ Yes ☐ No

Do you belong to any political organizations? ☐ Yes ☐ No
Which ones? _____
_____

Do you belong to any community groups? ☐ Yes ☐ No
Which ones? _____

How many conferences, seminars, and conventions did you attend in the last year? ☐ One ☐ Two to five ☐ Six or more

Are you a registered voter? ☐ Yes ☐ No

Are you a member of a political party? ☐ Yes ☐ No
Which one? _____

Have you ever run for a political office? ☐ Yes ☐ No

Problems

(A) Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd.

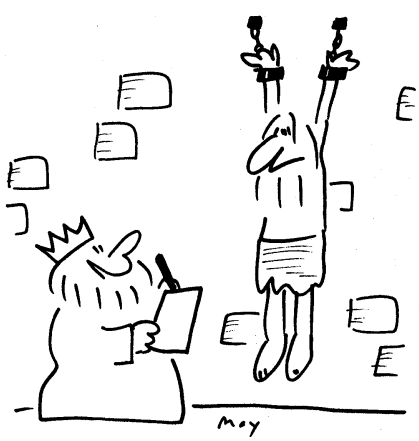

"I'm taking a survey — are you (A) miserable, (B) terribly unhappy, or (C) in abject despair?"

He is moving toward the balcony's railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react.

Which of the following most accurately reflects the action you consider appropriate?
☐ You should fire a gun at the terrorist only if you are certain that you will miss the hostage.
☐ You should fire at the terrorist if there is a reasonable chance that you will miss the hostage.
☐ You should fire through the hostage, if necessary.

(B) Suppose that a parent of a newborn baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.
Would you cross the lawn to help the child? ☐ Yes ☐ No
Would helping the child violate the parent's rights? ☐ Yes ☐ No

(C) Suppose that a parent decides to experiment with a radical new diet for his newborn child.
Should you prevent the parent from trying the diet, if you had good evidence it would endanger the child's health? ☐ Yes ☐ No
Suppose that you had good evidence that the diet would endanger the child's life? ☐ Yes ☐ No

(D) Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble, and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.
Which of the following statements reflects your beliefs?
☐ You should enter the owner's residence against the owner's wishes.
☐ You should hang on to the flagpole until a rope can be thrown down from above.
☐ You should drop.

(E) Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she has no phone, so asking her to telephone for help is pointless).
Which of the following statements reflects your beliefs?
☐ You should force entrance, but in this case it would not constitute an act of aggression.
☐ You should force entrance, even though it would be an act of aggression.
☐ You should not attempt to enter the house.

(F) Suppose that you live in a large city. Your neighbor constructs an atomic weapon. He assures you that he would detonate it only as an act of defense. You believe that he intends to commit an act of extortion ("The city must pay $1 million, or I will detonate it").
Which statement most clearly reflects your beliefs?
☐ You (and your neighbors) should prevent the construction of the device.
☐ You should put up your house for sale and move (check here ☐ if you feel obligated to tell your prospective buyers of the situation). You should not interfere with his actions.
☐ You should do nothing, since such a situation is unthinkable and, therefore, is not happening.

Please send to:
Liberty Poll, P.O. Box 1181, Port Townsend, WA 98368

We did not change the wording of most questions. We added a few new answers to bring the survey up to date. We are interested in how our readers today will answer the same questions we asked a decade ago, and we think our readers are interested in the same thing.

The Liberty Poll is not a scientific survey of libertarians; it is an informal survey of readers of Liberty. We do not represent that it is anything more than that, but it is still a lot of fun! Interested readers may find history and extensive analysis of the Liberty Poll and its results in the July 1988, September 1988, and February 1999 issues.

Reviews

"Joseph Conrad: A Life," by Zdzislaw Najder. Camden House, 2007, 745 pages.

The Power to Make You See

Timothy Sandefur

Joseph Conrad was undeniably a prodigy. Born in Poland in 1857 and learning English at the age of 21, he became one of the greatest sculptors of the language, combining innovative techniques with a bold and perfectly honed sense of texture and rhythm. He is often described as an "impressionist," and with good reason. In "Nostromo," to take one quick example, he describes how "the appearance of the Gould carriage on the Alameda would cause a social excitement. From the heavy family coaches full of stately señoras and black-eyed señoritas rolling solemnly in the shaded alley white hands were waved towards her with animation in a flutter of greetings." The reader's mind sees the white hands and the black eyes and the heavy coaches — and the impression is palpable, though merely suggested.

Even his sentence structure, with his distinctive *adjective-and-adjective-noun* construction, often connotes, rather than denotes: "suddenly, as we struggled round a bend, there would be a glimpse of rush walls, of peaked grass-roofs, a burst of yells, a whirl of black limbs, a mass of hands clapping, of feet stamping, of bodies swaying, of eyes rolling, under the droop of heavy and motionless foliage" ("Heart of Darkness"). One can almost hear the jungle drums.

He achieved the same effect in the broader scope as well. Where other writers tell stories directly, Conrad's are complicated, full of time shifts and hearsay, and images that only suggest the most important elements of the plot, from many different perspectives. At one point in "Lord Jim," the reader is told the story through a letter that describes what another person told another person about yet another person's actions — a multilayered effect like mirrors reflecting mirrors that can be haunting and precise at the same time.

These are just some of the ways that Conrad straddles the line between modernist and romantic. The motivations and ideas of his starkly drawn characters matter, but they struggle and falter in an indifferent universe. As Zdzislaw Najder puts it, Conrad "distanc[ed] himself from realism and naturalism" on the grounds that "[t]he artist 'speaks to our capacity for delight and wonder . . . to the solidarity in dreams, in joy, in sorry, in aspirations . . .'" Honor, dignity, and beauty matter in his books; his female characters in particular are usually dazzling, passionate, and intriguing. Yet his heroes rarely prevail, and for the one novel in which they do he chose the significant title of "Chance." "The fate of a humanity condemned ultimately to perish from cold is not worth troubling about," he wrote in an 1897 letter. "If you take it to heart it becomes an unendurable tragedy. If you believe in improvement you must weep, for the attained perfection must end in cold, darkness, and silence."

Conrad's attitude toward humanity thus contains a typically modern double standard: victory is impossible, yet man's efforts to succeed anyhow are the highest nobility. This is a central tenet of existentialism, and it was put succinctly by the nihilistic Oliver Wendell Holmes, Jr., in a comment on "Calumet 'K'" (Ayn Rand's favorite novel): "The universal romance of man," he said, is "to face obstacles and to measure his force by the number that he overcomes. . . . [T]he true path

is the line of most resistance." Life is at bottom a confrontation with a challenge one cannot meet, and what little redemption there is can be found only in one's dedication to duty. "Struggle,"

The motivations and ideas of Conrad's starkly drawn characters matter, but they struggle and falter in an indifferent universe.

Conrad wrote to a girl he was romancing, "means life, and for me the pleasure lies precisely in the struggle itself — never in the victory or in the fruits of victory." The girl kept her elegant response to herself. "I do not agree," she wrote in her diary. "For me life is happiness, but happiness that is silent, tranquil, gentle." Of course, any of Conrad's heroines would have said the same.

It would be easy to make too much of Conrad's Polishness, and indeed, as Najder — himself a Pole, whose book is elegantly translated by Halina Najder — shows, his contemporaries often did just this, much to his irritation. Yet beyond vague references to his pessimistic outlook, critics have never pinpointed just what it is about his work that is uniquely Polish. If anything, Najder argues, Conrad's writing was more influenced by French literary traditions, which shared with the Poles the romanticism prominent in all his work. But Conrad's father, a prominent socialist and agitator for Polish independence, was exiled by the czar, and all his life Conrad was inundated by his countrymen's patriotic appeals. He joined few of these, but insisted he was a believer.

In many other ways, his writings reveal a profound political conscience. This is most notable in "Heart of Darkness," his masterpiece written in protest of the bloodthirsty imperialism of King Leopold II of Belgium. And his other works betray a keen suspicion of the 20th century's political fantasies. One thing is clear: he was not a socialist. His portraits of "anarchists" in "The Secret Agent," or of South American strongmen in "Nostromo," are precise and deadly, and critics have noted an eerie similarity between the vulture that watches over Nostromo on the beach and the "hater of capitalists" who perches by his deathbed.

Some critics have contended that Conrad was a liberal, but this is hard to accept. He seems to have more in common with the early 20th-century romantics who went on to found paleoconservatism. Liberalism pictures society as a group of self-determined individuals able to choose for themselves; whose social bonds have an articulable and deliberate basis in consent. But for Conrad, it consisted "of unavoidable solidarity in hope, in uncertain fate, which binds men to each other." This is the typical appeal to mystique that underlies the romantic (or "organic") conception of society. Not only are our duties ultimately pointless, but their origin is also obscure.

It is probably no coincidence that Conrad was a favorite of T.S. Eliot. Like Eliot and, later, Russell Kirk, Conrad rejected what he called "[t]he material apparatus of perfected civilization which obliterates the individuality of old towns under the stereotyped conveniences of modern life." And, like them, he based his repudiation of modernity on a romanticized image of pre-modern life that has little in common with the facts — indeed, as Najder explains, much of Conrad's nostalgia for his own sailing life was sheer counterfeit. Take, for example, his claim in "The Mirror of the Sea" and elsewhere that sailing ships had soul, while steel-and-steam ships have not. Nobody can write it as beautifully as Conrad can. "I remember moments when even to my supple limbs and pride of nimbleness the sailing-ship's machinery seemed to reach up to the very stars," he wrote.

> For machinery it is, doing its work in perfect silence and with a motionless grace, that seems to hide a capricious and not always governable power, taking nothing away from the material stores of the earth. Not for it the unerring precision of steel moved by white steam and living by red fire and fed with black coal. The other seems to draw its strength from the very soul of the world, its formidable ally, held to obedience by the frailest bonds, like a fierce ghost captured in a snare of something even finer than spun silk. For what is the array of the strongest ropes, the tallest spars and the stoutest canvas against the mighty breath of the infinite, but thistle stalks, cobwebs and gossamer?

Such intoxicating prose poetry is typical of Conrad, but the facts are a little bit sharper. Sailing in Conrad's day was an extremely dangerous enterprise: "The year 1883 was a record one for accidents at sea," Najder writes. "2,019 seamen's lives were lost — or about one percent of those in active service." That's also an average of about six per day. Early steamships may not have been much safer, but for Conrad — who in his real life was an enthusiast for such modern conveniences as automobiles — to rhapsodize about the mystique of older ways was disingenuous.

Yet such rhapsodies were and remain the typical refrain of those who reject the "atomistic individualism" of liberal politics and preach against the "alienating rationalism" of the Enlightenment legacy — writers such as Coleridge, or Carlyle, or Lawrence, or Pound, or Eliot, or Kirk, who scorned the life of technological

For Conrad — who in his real life was an enthusiast for such modern conveniences as automobiles — to rhapsodize about the mystique of older ways was disingenuous.

advancement and insisted on an allegedly "higher" wisdom of emotion, tradition, and social stratification. These writers began by choosing *Gemeinschaft* over *Gesellschaft*; then they chose *Kultur*

over *Zivilisation*; then they chose a Reich over a Republic.

Perhaps it is unfair to contend that Conrad's romantic fixations were part of the tradition that spawned and applauded fascism. There is no doubt he would have rejected national socialism if he had lived long enough to see it, and he did speak later in life of his devotion to "an impartial view of humanity in all its degrees of splendour and misery together with a special regard for the rights of the underprivileged of this earth, not on any mystic ground but on the ground of simple fellowship and honorable reciprocity of services . . . matters removed as far as possible from that humanitarianism that seems to be merely a matter of crazy nerves or a morbid conscience." Certainly he was always opposed to racism, imperialism, and political tyranny. But like Eliot, Kirk, and others, neither his political views nor his criticism of others' were grounded in rational notions of individual freedom or government by consent. He appealed not to reason but to the obscure "fellowship" of "humanity." This fellowship was under assault from a modernism that he saw as a mesh of brutality and rationality.

We can only imagine how much of this was attributable to Conrad's own experiences; for while Najder has uncovered a wealth of new information about his background, we know little of his inner life before he turned to writing novels, and much of what he wrote in his memoirs was exaggerated. This is frustrating because Conrad's ambiguity has led many critics to seek its key in his biography. As Najder acknowledges, Conrad's work, "to be adequately understood and appreciated, requires an inordinately large amount of background information." Without such information, one is liable to make such foolish arguments as African writer Chinua Achebe did in 1975, when he accused Conrad of racism for "Heart of Darkness." Such a charge is, if possible, even more absurd than the same accusation often leveled against "Huckleberry Finn." Twain's attitudes on race are at least ambiguous on occasion; Conrad's are not.

But while Najder's biography provides a precise, thorough, readable history of Conrad's life, it mostly shies away from analysis of the novels themselves. For example, he writes that the notorious Mr. Kurtz of "Darkness" was inspired by a French passenger who died aboard Conrad's steamer, and notes briefly the many other villains whom critics have suspected as models for Kurtz. But aside from rightly noting that the character was based on "the behavior of a great many Europeans in Africa," Najder is silent. He does not describe the acts of these people (or even mention the person I think most obvious as a model for Kurtz: the brutal conman Henry Morton Stanley), and only alludes to how Marlow's gradual shedding of his civilized character echoed Conrad's real experiences in traveling up the Congo.

This is because, while recognizing the importance of biography in interpreting Conrad, Najder believes that "the proper study of the biographer is a study of culture," and "not, as is often assumed, of psychology, which must remain a sphere of speculations." He thus tries hard to avoid psychoanalytic interpretations of Conrad, just as Ron Powers explicitly attacked psychoanalysis in his recent biography of Mark Twain. But, like Powers, Najder cannot really resist. His book is studded with references to Conrad's depression and psychological "needs"; he even cites psychology journals and textbooks at least half a dozen times. Like it or not, psychology is a useful, if often abused, tool for interpreting great writers. Although he goes too far in some respects, Jeffrey Meyers' 1991 "Joseph Conrad: A Biography" remains a more interesting book, because it is interlarded with intriguing analysis of the novels that is missing from Najder's biography. Of course, Najder is a leading Conrad critic who has published several volumes analyzing the books, but it would be nice to have at least a taste of such analysis here. Likewise, Najder points intriguingly to Conrad's borrowings — in some cases, outright copying — but fails to follow through. The novel "Under Western Eyes" bears such a striking similarity to Dostoyevsky's "Crime And Punishment," for example, that many readers have wondered what he was getting at. But Najder does little to explain why Conrad (who hated Dostoyevsky) would do such a thing.

Alas, Conrad's inspirations, both biographical and literary, remain largely mysterious. But unfortunate as that may be, we retain his brilliant final legacy in his books, with their hypnotic power and their poetic perfection. "My task," he wrote in his famous artistic credo, "is, by the power of the written word, to make you hear, to make you feel — it is, before all, to make you see." In that, he succeeded masterfully. ❑

All his life Conrad was inundated by his countrymen's patriotic appeals. He joined few of these, but insisted he was a believer.

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, regularly offered here, and libertarianism's greatest challenge and opportunity. Ignoring it is not an option for a real economist and leader of libertarianism. Either you're a real leader, or just another follower, waiting for others to take the lead and the risks. For the real economists and leaders, see ***Intellectually Incorrect*** at intinc.org and ***The Mises Anti-Institute*** at intinc.blogspot.com.

Advertisement

"American Bloomsbury," by Susan Cheever. Simon & Schuster, 2006, 240 pages.

The Birthplace of American Literature

Jo Ann Skousen

In the middle of the 19th century, five Massachusetts writers changed the way Americans would think about themselves, about social responsibility, and about the world. Although they didn't know it, these men and women were creating a new genre of literature that later writers would call "transcendentalism" and "The American Renaissance." In her new book, Susan Cheever calls them "American Bloomsbury."

The title's reference to the London literary group that included Virginia Woolf, John Maynard Keynes, E.M. Forster, and Lytton Strachey is an apt description of how a writer can change the world: it may not take a village, but it often requires a group. Throughout literary history, in fact, groups of writers have created new genres and built up new philosophies as they listened to one another's ideas and responded to one another's writings.

Together these New England writers — Bronson and Louisa May Alcott, Ralph Waldo Emerson, Margaret Fuller, Nathaniel Hawthorne, and Henry David Thoreau — developed a new philosophy that focused on individualism, self-reliance, and inner spirituality.

Cheever tells and retells the story of these blooming New England friendships, focusing on each of the major writers in turn. The book is not an analysis of what they wrote, but an examination of how their friendships influenced their writing. She writes about Alcott's crush on Thoreau, Melville's interest in Hawthorne, Hawthorne's infatuation with Fuller, and Fuller's attraction to everyone. The result is a fascinating examination of their interdependence, both financial and intellectual.

At the center of this group was Ralph Waldo Emerson, a third-generation Unitarian minister who eventually left the church in favor of a more self- and nature-centered religion. "The foregoing generations beheld God and nature face to face; we, through their eyes. Why should not we also enjoy an original relation to the universe? Why should not we have a poetry and philosophy of insight and not of tradition, and a religion by revelation to us, and not the history of theirs?" he demanded in the introduction of one of his earliest essays, "Nature."

Funded by an inheritance from his first wife's death, Emerson became friend, mentor and benefactor to several writer-philosophers, including the Alcotts, Thoreau, Hawthorne, and Fuller. Later, when Hawthorne began earning his own money from the success of "The Scarlet Letter," he would provide the same guidance and financial help for another budding writer, Herman Melville. Later still, when Emerson's money ran out, Louisa May Alcott would become benefactress with the profits from her reluctantly written masterpiece, "Little Women."

Although Cheever's admiration for these writers is apparent, her book does not fall into the trap of hagiographic hero worship. While admiring Thoreau's principles and the influence he had on 20th century Americans, Cheever correctly points out his hypocrisy in self-righteously eschewing money and materialism while gladly accepting the largesse of his friend and benefactor, Emerson. Anyone reading "Walden" would assume that Thoreau had removed himself far from society, deep in the woods. But in fact, he built his shack in Emerson's backyard (albeit a big backyard) and often walked the mile into town to visit with friends and enjoy a congenial meal.

Similarly, although she admires the transcendentalists' leadership in promoting abolitionism, Cheever expresses utter contempt for their naive support of John Brown, whose violent attacks made him not a martyr but a common murderer, thoroughly deserving his execution by hanging. Groupthink can lead to wondrous new philosophies, but it can also reinforce bad ideas.

A memoirist herself, Cheever cannot resist inserting herself into the literary group about whom she writes through her own self-conscious musings: describing the scene of Margaret Fuller's drowning, for example, she begins paragraphs with "I am haunted by . . . " "I can imagine . . . " "I see . . . " Visiting modern day Concord she focuses on her own three children and two dogs and the need to find an ice cream store; at home in her study, she "sees" Thoreau coming down Emerson's walk and the Hawthornes strolling through the village.

Although Cheever's admiration for these writers is apparent, her book does not fall into the trap of hagiographic hero worship.

I found these reflections distracting, pulling me out of the 19th century and

into the present. Nevertheless, I recognize it is part of what creates the intimacy of Cheever's writing style — she writes as though she personally knew these authors, attended their lectures, joined them for summer walks. And I guess I'm just a tad envious that she has become a part of their blooming group.

In many respects, reading "American Bloomsbury" reminded me of the libertarian giants of the second half of the last century. People like Bob Kephart and Leonard Read were the Emersons, men of impeccable intellect and values who provided both a forum and the quiet funding that allowed ideas on liberty to blossom. Bill Bradford's Liberty is similar to Margaret Fuller's Dial, both magazines written by volunteer contributors and funded by a modest subscription rate supplemented by idealistic benefactors. Ayn Rand, in addition to being a leader in the movement, matched Margaret Fuller's open sexuality that simply ignored the connubial rights of the women to whom her friends were married.

As we celebrate the 20th anniversary of Liberty, it is a good time to reflect on the writers who have influenced our own writing, the groups we turn to for intellectual, emotional, and even financial support, and acknowledge their significance in bringing libertarian principles to light. In fact, I ended up marrying my Emerson! ❑

Medianotes

Sequential downpour — Blockbuster movies these days are almost like TV shows — episodic installments that turn up every couple of years with familiar characters facing new dilemmas. This summer we could channel surf to several: Spiderman 3, Pirates of the Caribbean 3, Fantastic Four 2, Shrek 3, Die Hard 4, Harry Potter 5. The blockbusters began in May with box office success, but viewer disappointment.

What went wrong? Why didn't we get caught in Spiderman's web? Why weren't our imaginations pirated away? Why weren't the Four fantastic?

Familiarity is partly to blame. We've gotten so used to computer graphics and special effects that the Amazing Spiderman doesn't amaze any more. I'm more impressed by the old-fashioned live-action stunts that appear early in all three "Pirates" movies than by the more expensive but less convincing computer-generated ship battles.

We've also become too familiar with the characters. After three installments, Johnny Depp's Captain Jack, once so fresh and witty, has become a caricature of his own caricature, failing to surprise and delight audiences as much as the original did. The best performance of his swagger in "Pirates 3" actually comes from Keira Knightley as Elizabeth Swann, rolling her eyes and her body in Johnny Depp style as she leaves her weapons at the door, cleverly reminding us that she learned her pirating from Captain Jack.

Similarly, I've grown tired of Tobey Maguire's wide-eyed innocence. Sure, I liked the behind-the-scenes look at the woes of being a superhero in Spidey II — the red uniform turning his undies pink, the difficulty of holding a regular job and keeping a regular girlfriend when the dangers threatening the world take precedence. But enough already! Follow the lead of the "Batman" machine and hire a variety of actors to play the character, each bringing a fresh interpretation to the role.

What's missing most from these super movies is a clear-cut supervillain with a super plan who makes me care whether the superhero succeeds. We've had enough of hero angst. Threaten the world as *I* know it. Show me that the black goo threatens *my* existence, that Sandman might cause earthquakes to destroy *my* world. Most of all, *don't* show me that Sandman is just a sweet old Joe who is only trying to buy medicine for his daughter. I don't want to feel sorry for the bad guy!

Therein lies the biggest problem with epic movies today, from "Star Wars" to "Spiderman": Hollywood's love affair with victimization. They simply can't create a villain any more without feeling compelled to provide justification for his crimes. Must we all get along?

"Pirates of the Caribbean" suffers from a similar lack. Episode Two introduced a compelling enough villain in the form of the tentacled Davy Jones. But Episode Three twists itself into a knot making a government agent into the bad guy, while turning Davy Jones into a victim. Now, I'm all in favor of villainizing government, but if your choice is between a larger-than-life, squid-headed pirate and a self-centered twit in stretch pants, red jacket, and curled wig, which one is going to shiver your timbers?

I guess I'm part of the problem, because I'll continue going to see summer blockbusters as long as Hollywood continues to make them. But will I see them again and again? Will I buy the videos, the merchandise, the soundtracks? Until the stories improve, not likely. Let's hope that Hollywood producers return to investing some of that big-budget money in the works of lesser-known, talented filmmakers with a genuine story to tell and creative, artistic ways to tell it. — Jo Ann Skousen

Sowell's Folly — Writers courageous about contents are often equally courageous in exploring alternative literary forms. Thomas Sowell in no exception. Having published a "straight" autobiography in "A Personal Odyssey" (2000), which I recommend, he here makes a book ("A Man of Letters," Encounter Books, 2007, 320 pages) from letters, both long and short, that he sent to various people from 1960 to 2005. Having published some alternative autobiographies myself, I leaped for the book.

It doesn't work. The principal fault is the book's interior design, which is credited, across from the contents page, to none other than Thomas Sowell. His historic letters appear in comparatively large type, double-spaced, with dark rectangular borders around them. In much smaller type, lacking borders, appear his recent comments on the experience portrayed in his correspondence. Oddly, for the index he returns

to the larger typeface, even though most indices, for good reason, are set in type smaller than that in the body of the book.

His recent comments, written when he was 75, are often more interesting than the letters, especially those written decades ago. In this respect, this book reminds one of the collected correspondence between Gertrude Stein and Thornton Wilder, both so circumspect that they said little, while the book's editorial comments, again in smaller type, were more interesting and instructive. There as here, I found myself skipping over the letters to read the annotations. The difference between the two books is that Sowell today bests his earlier selves. Though I can't think of any previous book that works and looks like this, may I wonder: what was Sowell the designer and self-editor thinking?

Finally, the book reminded me of why I don't often read authors' collected letters, even when edited by people other than the author. Lacking any thematic development, they are easily skimmed. If "A Personal Odyssey" told a story, this book doesn't. That's unfortunate, because I rank Sowell among the great American writers; his best books, for one measure, are classics that will survive him. However, as the designer and editor of his own letters, Sowell is surely farblundget, which is Yiddish for confused, really confused.

— Richard Kostelanetz

The whole of the law — "Norms of Liberty: A Perfectionist Basis for a Non-Perfectionist Politics" (Pennsylvania State University Press, 2005, 380 pages), is a book that deserves much more attention from libertarians than it has received.

One of the severest problems from which libertarianism suffers in our postmodern age is the tendency to blur the line between liberty and relativism: to misapply the *political* rule that we are free to act so long as we respect others, to the realm of *morality*, which guides one's own conduct. This error is best expressed in the Wiccan slogan, "An [if] it harm none, do as thou wilt." This is fine politics, but it leaves people with no guidance in solving even the simplest ethical conundrums. It is certainly no compass for excellence. Should I study tonight or go to the game? Should I marry a girl when my parents disapprove? Should I drink another beer? None of these questions can be answered by "do as thou wilt." In fact, such slogans necessarily take the form of commandments, because the two clauses don't relate: what does doing as one pleases have to do with not harming others? And since a moral injunction that is not logical can only be asserted as an *ipse dixit* formula, the result is old-fashioned morality-by-commandment: "Honor the sabbath day." Why? There's no why, it's just because He says so. So with the Wiccan nonsense.

Unfortunately, this error is not unique to Wiccans; many libertarians have absorbed the idea that morality is subjective, and therefore that the only universal moral commandment is to harm no other person. As important as the principle of respecting rights may be, it is a political principle that must rest on a solid moral foundation. Substituting it for morality short-circuits libertarianism, rendering it ethically confused and its political prescriptions ungrounded and unconvincing.

In "Norms of Liberty," Douglas Rasmussen and Douglas Den Uyl provide a thorough response to this problem. Of course, libertarians tend to be suspicious of universal moral precepts, because they are so often asserted by authoritarians who would impose them on unwilling citizens. But as Rasmussen and Den Uyl show, authoritarianism is not only unwarranted but self-defeating: since moral excellence requires a person to choose his actions in pursuit of moral excellence, any politics that enforces a "right" action on unwilling citizens destroys the basic requirement of goodness, and renders the action neither good nor bad. Moreover, there are many different kinds of excellence. Morality and excellence are not subjective, but, like physical health, they exist only in relationship to each individual *as an individual*; they are agent-specific. The excellence of a truck driver differs from the excellence of a poet, and thus the "one best way" *cannot* (and should not) be imposed on either of them by the state.

Given the individual focus of goodness, there must be some way, in Jefferson's phrase, of leaving individuals "free to regulate their own pursuits of industry and improvement." This is done through rights, which are not primarily *ethical* but *political* instruments, allowing people to get along when real excellences (as well as their beliefs about excellence) differ. Rasmussen and Den Uyl's argument leads to some surprising conclusions, such as that the violation of rights is not a basically *immoral* act — rather, the immorality comes from the self-destructive nature of choosing actions that result in violating rights: respecting rights "is necessary for the moral game to be played, but it is not an instance of playing it well or even playing it much at all."

The book suffers at times from an academic tone, and a terrible lack of examples. But as an answer to some of libertarianism's most serious internal problems, "Norms of Liberty" is an outstanding and important contribution.

— Timothy Sandefur

"All those things you say about Satan — isn't that negative campaigning?"

Tour de Paris — I cannot claim to be the most widely traveled man, but I have traveled to Europe on several occasions, and I find two cities, Paris and Prague, especially beautiful. And, if pressed, I give the edge to Paris. If you have like sentiments, I heartily recommend a movie now playing in art houses, "Paris, je t'aime" (Victoires International, 2006, 120 minutes).

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"...As it has always done, somehow Government, like some monster from the past, has again outwitted the freedom-loving masses and has convinced them that they don't need protection from Government, but from everything else. And so the age-old beast our founding fathers had tamed is once more banging at our door." — page 145

"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

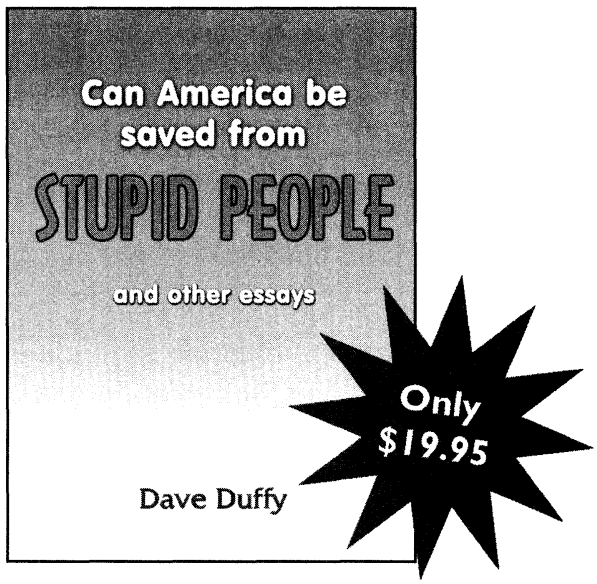

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liberty_8/07 DD1

This movie is a series of 16 vignettes, each directed by a well-known director, set in a different Paris district, and based (however loosely) on love. (It has the tagline, "Stories of Love, from the City of Love.") The result is a set of mini-stories, some very moving, and all showing the profound beauty of Paris.

The cast is impressive, including French, British, and American actors such as Marianne Faithfull, Miranda Richardson, Juliette Binoche, Willem Dafoe, Nick Nolte, Sara Martins, Maggie Gyllenhaal, Bob Hoskins, Elijah Wood, Natalie Portman, Gerard Depardieu, Ben Gazzara, and Gena Rowlands. The directors include Olivier Assayas, Oliver Schmitz, the Coen brothers, Gerard Depardieu, Gus Van Sant, Alexander Payne, and Wes Craven(!), among others.

The vignettes are all visually compelling, though they vary in quality. In the story "Place des Victoires," Binoche — a fine and beautiful actress — plays a mother devastated by the loss of her young son, a boy who loved cowboy movies. In a moving scene, she follows his voice out to a deserted street, where a spectral cowboy (played by Dafoe) lets her see her boy a final time.

In another powerful vignette, "Quartier Latin," an older separated couple (played splendidly by Gazzara and Rowlands) meet in a cafe to finalize their divorce. As the waiter (Depardieu, who also directed the piece) serves them wine, they discuss their involvement with younger lovers, and their past together. It becomes clear that they loved (and love) each other and would have kept their marriage alive, but for her inability to keep her sarcastic mouth shut and his inability to keep his zipper shut. Not a bad description of why so many marriages fail.

A less emotionally compelling (but still watchable) vignette, "Quartier de la Madeleine," directed by Vincenzo Natali, has a tourist fall (literally and figuratively) for a vampire. The tourist (Wood, who is developing into a very fine character actor) sees a beautiful vampire (a sexy Olga Kurylenko) sucking the blood from a corpse, and he instantly falls in love. Finding herself observed, she moves to him as if to bite him, but spares him instead. As he leaves, he falls down a staircase and dies. Seeing this, the vampire delivers her bite, bringing him back to life as a vampire. The vignette ends with them embracing and lustily biting each other's necks.

As uneven as they are, the vignettes all show Paris effectively. The acting is uniformly excellent. All in all, a delightful evening's entertainment.

— Gary Jason

Notes on Contributors

Peter Allen is a government official currently working abroad.

Baloo is a *nom de plume* of Rex F. May. His website is baloocartoons.com.

David T. Beito is an associate professor of history at the University of Alabama, and author of *Taxpayers in Revolt* and *From Mutual Aid to the Welfare State.*

R.W. Bradford (1947–2005) was the founding editor and publisher of *Liberty.*

Scott Chambers is a cartoonist living in California.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Woman and the Dynamo: Isabel Paterson and the Idea of America.*

Richard Fields hosts a weekly cable access TV talk show in Sacramento called "The Libertarian Counterpoint."

Jon Harrison lives and writes in Vermont.

Gary Jason is a writer and philosophy instructor. His books include *Critical Thinking: Developing an Effective Worldview* and *Introduction to Logic.*

Richard Kostelanetz has written many books about contemporary art and literature.

Ross Levatter is a physician in Phoenix.

Bill Merritt is a sometimes-novelist living in Gaborone, Botswana. If you are offended at what he has to say, you are welcome to try to pursue him through the Botswana legal system.

Oisín Ó Conail is a graduate of Texas Christian University (Go Frogs!) living in Ireland.

Patrick Quealy may be found in his natural habitat, a Seattle coffee shop.

Bruce Ramsey is a journalist in Seattle.

Ted Roberts' humor appears in newspapers around the U.S. and is heard on NPR.

Timothy Sandefur is a staff attorney at the Pacific Legal Foundation and the author of *Cornerstone of Liberty: Property Rights in 21st Century America.*

Jane S. Shaw is the executive vice president of the J.W. Pope Center for Higher Education Policy in Raleigh, N.C.

Jo Ann Skousen is entertainment editor of *Liberty.* She lives in New York.

Tim Slagle is a standup comedian living in Chicago. His website is timslagle.com.

Culture matters — Keeping in mind Thomas Sowell's thesis that

differences among peoples commonly attributed to race really reflect culture, I was struck by two albums that have recently appeared. Both contain American vernacular music sung by men trained in the classical operatic tradition.

One is Thomas Quasthoff, the renowned German bass-baritone now in his late 40s, who has overcome serious physical handicaps caused by thalidomide to become one of the great singers of our time. Barely four feet tall, with hands resembling flippers, he has a big and flexible voice that is particularly strong in classic solo song cycles. I particularly recommend his DVD of Franz Schubert's "Die Winterreise," with English subtitles. Quasthoff's "The Jazz Album — Watch What Happens" (DGG, 2007), recorded mostly with German backup musicians, contains such standards as "My Funny Valentine," "I've Grown Accustomed to her Face," and the Gershwins' "There's a Boat Dat's Leavin' Soon for New York."

The other singer is Morris Robinson, a large African-American perhaps a decade younger than Quasthoff, more of a bass than a baritone, very much a star-to-be, who looks like a sometime football lineman, as indeed he was. In the five years since I heard him singing John Cage, Robinson has appeared at New York's Metropolitan Opera, mostly in the role of a king, in part because of his physical size and his resonant deep voice. Among the songs in his "Going Home" (Decca, 2007), recorded in America, are "Go Down, Moses," "Wade in the Water," and "Sometimes I Feel like a Motherless Child."

Take out two CD players and listen to Quasthoff and Robinson alternately, and in a blind test — no cheating — you can't with your ears alone identify differences between them. For a while I thought a German accent in English would distinguish the two, but when my eyes told me that my ears had mistaken Quasthoff for Robinson, I realized that I was actually hearing the more formal diction developed by opera singers. Only when I read the album notes did I recognize the differences in their repertoire.

The similar sound of Quasthoff and Robinson reflects, of course, their common musical training and culture, notwithstanding differences in race, nationality, mother tongue, and physical size. In understanding musical art as well as society, Sowell gets it right. That he has written little, if anything, about music is a measure of his persuasive truth. — Richard Kostelanetz

Sometimes it talks — My first reaction on seeing "On Bullshit" (by Harry G. Frankfurt; Princeton University Press, 2005, 67 pages) was: this is a joke, surely. By the time I had gotten around to the extended analysis of a brief personal exchange between Ludwig Wittgenstein and another philosopher, I felt that I was being sucked in to an ingenious parody of academic writing, a kind of magnificent "tall tale" of a great intellect (and amid my stifled guffaws in the bookstore, I didn't care).

This is, however, a straight-laced philosophical inquiry into the nature of bullshit, an attempt to grasp an "understanding of what bullshit is, why there is so much of it, or what functions it serves." "On Bullshit" defies expectations, discovering unexpected new meaning in a concept both familiar and vulgar — a marvelous alchemy. Some gems from the book:

> [A] fundamental aspect of the essential nature of bullshit: although it is produced without concern for the truth, it need not be false.
>
> It is impossible for someone to lie unless he thinks he knows the truth. Producing bullshit requires no such conviction.
>
> Both in lying and in telling the truth people are guided by their beliefs concerning the way things are . . . The bullshitter ignores these demands altogether. He does not reject the authority of truth, as the liar does . . . He pays no attention to it at all. By virtue of this, bullshit is a greater enemy of the truth than lies.

A wonderful little hardback book to treasure, and a great gift for family and friends. — Oisín Ó Conail

Reflections, *from page 28*

And consider the union corruption that workers have seen. Maybe the union gets you an extra 50 bucks a week, but you see the union boss earn a million a year for "helping the working guy," and you see that all his family members have cushy jobs in the union hierarchy.

Equally visible to the average worker is the fact that unions typically fail to deliver the goods. Unions occasionally fund clinics or scholarship programs, but usually the dues go elsewhere, and the worker winds up with little to show for them. Most egregious is the failure to deliver job security — in fact, unions are more often job killers than job savers.

Then there are the deceptive practices. Consider those union dues again. While collected to fund union projects and activities, they are in great measure used to fund leftist candidates and causes. The unions deliberately ignore the rights granted workers under the Supreme Court's *Beck* ruling, and compel workers to pay dues to support candidates they often despise. Is there anything more outrageous than using a white auto worker's union dues to elect politicians who enact affirmative action laws that make it impossible for that same worker's children to get into a good university?

Or how about the use of forcibly collected union dues to support politicians who fanatically fight vouchers, ensuring that the workers' children — not, please note, the children of the politicians, business owners, or union bosses — will be forced to attend crappy schools.

It is the dismal spectacle of what unions have done (and failed to do) that has cost them their target market. In this they are, frankly, grotesque caricatures of so many failed American businesses, demanding that the government coerce consumers to buy their wares, rather than provide the sort of wares the public wants. Maybe unions should instead look to reform themselves — eliminate corruption, serve the workers, quit spending workers' dues on everything but the workers, and cooperate with businesses rather than try to destroy them. But I won't hold my breath. — Gary Jason

Terra Incognita

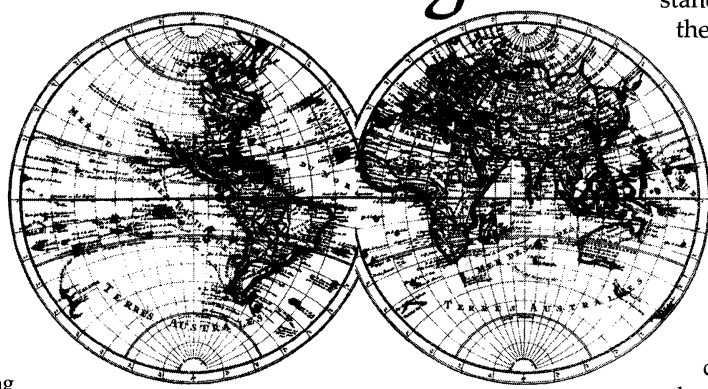

Switzerland

Fashion meets the precautionary principle, from *Le Matin:*

Swiss clothing manufacturer Isabodywear is launching a special line of men's underwear that claims to protect men's sperm from harmful cell phone radiation.

The briefs are made with threads of silver which block cell phone rays and reception. The inventor, Andreas Sallmann, explains that when you put a cellphone inside your briefs, then dial your number from another phone, you probably won't even get a signal.

Madrid

Violence in the cyber-streets, noted in the *Register* (U.K.):

Spain's bitter political wrangling has spread to Second Life with supporters of socialist and conservative parties trying to burn down each others' party offices in the virtual world.

"They have thrown bombs, entered the building with sub-machine guns, lit fires, everything you could imagine," said an official from Spain's ruling Socialist Party, using the Second Life moniker Zeros Kuhm. A spokesman for the conservative opposition Popular Party noted in response that the party has "complained to the Second Life commission about the terrorism."

Palestine

Revenge for the Children's Crusade, from the Middle East bureau of Agence France-Presse:

A Hamas-run television station defied Israel and the Palestinian government by continuing to air a controversial children's puppet show with a Mickey Mouse lookalike preaching resistance.

Complete with Islamic songs and calls for cities in Israel to return to Palestine, one recent episode apparently sought to prepare children for their end-of-year examinations — with Farfur the mouse being told that cheating is forbidden.

Asked why by an Al-Aqsa television reporter, he looked left and right to see what his friends were writing and answered: "Because the Jews destroyed my home and I left my books and notes under the rubble."

"I'm calling on all children to read more and more to prepare for exams because the Jews don't want us to learn," Farfur then said after being told he had failed the test.

La Crosse, Wisc.

Another fugitive brought to justice, from the *Milwaukee Journal-Sentinel:*

A 60-year-old man spent 17 hours in jail after a background check during a routine traffic stop uncovered an arrest warrant for a 1984 ticket. Michael L. Saxton said he never knew about the citation for failure to display boat registration numbers that the Wisconsin Circuit Court website listed as having been issued against him in June of that year.

Los Angeles

Opening sally in the battle for truth in advertising, webbed by *Fortune:*

CKE Restaurants Inc., parent of the Carl's Jr. and Hardee's fast-food chains, sued rival Jack In the Box Inc. over new television commercials it says mislead customers into thinking that Angus beef burgers come "from the rear-end and/or anus of beef cattle by creating phonetic and aural confusion between the words 'Angus' and 'anus.'"

United Kingdom

New expurgation from the standard site on British birds, from the *Telegraph:*

The Royal Society for the Protection of Birds has banned the use of the word "cock" when applied to the male of the species, in case it causes offense. The word has been replaced by four asterisks.

A website moderator noted: "It is not political correctness. The issue is words that can be used in an offensive context and we should not forget that the RSPB website has a massive viewing from children."

Another forum poster, John, in Holmfirth, had the final word, posting: "I was thrilled to see on the bird table a pair of *Parus major.* As bird lovers will know, a Parus major is a great tit, and while ***** do not get past the forum censor, 'tits' do not cause offense."

Greeley, Colo.

Victory for First Amendment rights, reported in the *Rocky Mountain News:*

A former Democratic Party activist who left dog feces on the doorstep of U.S. Rep. Marilyn Musgrave's Greeley office during last year's 4th Congressional District campaign was found not guilty of criminal use of a noxious substance.

Kathleen Ensz's lawyers never denied that their client left a Musgrave campaign brochure full of feces at the front door of the congresswoman's office. But they argued that Ensz was making a statement protected by free speech — the poop was a symbol of what she thought of Musgrave's politics.

A Weld County jury deliberated about two hours before acquitting Ensz of the misdemeanor count.

Mumbai, India

Culinary note, from the *Bombay Times:*

The owner of a restaurant named after Adolf Hitler said he will change its name.

Puneet Sablok said he would remove Hitler's name and the Nazi swastika from billboards and the menu. He had said the restaurant's name — "Hitler's Cross" — and symbols were only meant to attract attention.

Sablok made the decision after meeting with members of Bombay's small Jewish community. "I never wanted to hurt people's feelings," said Sablok.

Special thanks to K. Bolka, Bart Cooper, and Russell Garrard for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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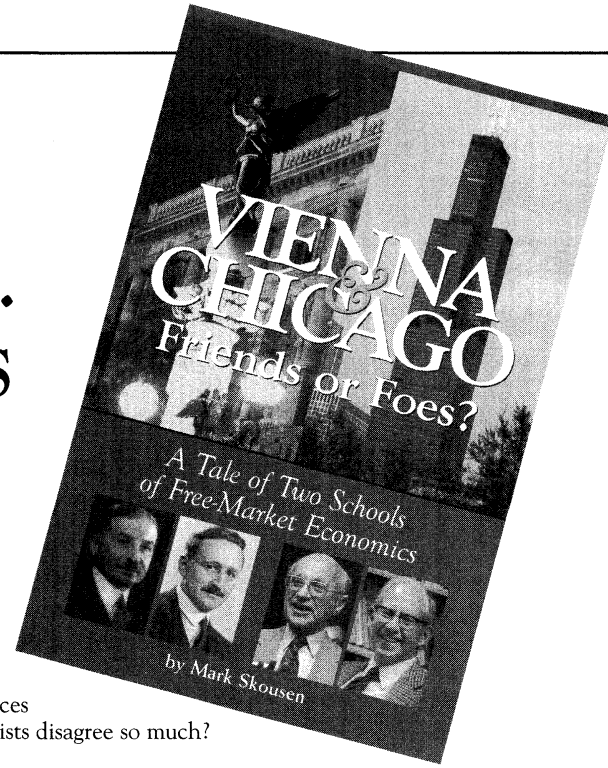

"You're all a bunch of socialists!"
— Ludwig von Mises (Vienna)

"We are friends and foes!"
— Milton Friedman (Chicago)

Austrian and Chicago economists have battled Keynesians, Marxists and socialists alike, but they often fight each other as well. What are the differences between the Austrian and Chicago schools, and why do free-market economists disagree so much?

After years of research and interviews in both camps, Columbia Professor Mark Skousen has uncovered the strengths and weaknesses of each, and determines who's right and who's wrong at the end of each chapter by declaring either "Advantage, Vienna" or "Advantage, Chicago." He ends with a chapter on how they could reconcile on major issues.

Chapters from *Vienna and Chicago, Friends or Foes?*

1. Introduction: A Tale of Two Schools
2. Old and New Vienna: The Rise, Fall, and Rebirth of the Austrian School
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4. Methodenstreit: Should a Theory be Empirically Tested?
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Highlights.....

- Whose methodology is more controversial—Mises or Friedman?
- A debate that the Austrians have clearly won.
- Why Chicago economists have won more Nobel Prizes than the Austrians.
- Why did Israel Kirzner call George Stigler's essay on politics "bizarre, disturbing, unfortunate, and an affront to common sense"?
- Emotional fights at the Mont Pelerin Society, Foundation for Economic Education, and other freedom organizations.
- Why Friedman and Mises admire Adam Smith, and Murray Rothbard despises him.
- Why some Austrians call Friedman a "Keynesian" and "a statist" while Friedman calls Mises and Ayn Rand "intolerant" and "extremist."
- Major differences between Mises and Hayek..... and between Stigler and Friedman.
- The "fortress" mentality: Why the Mises Institute doesn't advertise, or appear on TV.
- Amazing similarities between Austrians and Marxists, and between Chicagoans and Keynesians.
- Why Mises refused to use graphs and charts in his books.
- How Friedman shocked the audience when asked "Who is the better economist, Keynes or Mises?"
- Why Austrians are usually pessimists and Chicagoans optimists.
- Powerful contributions by the "new" generation of Austrian and Chicago economists.....

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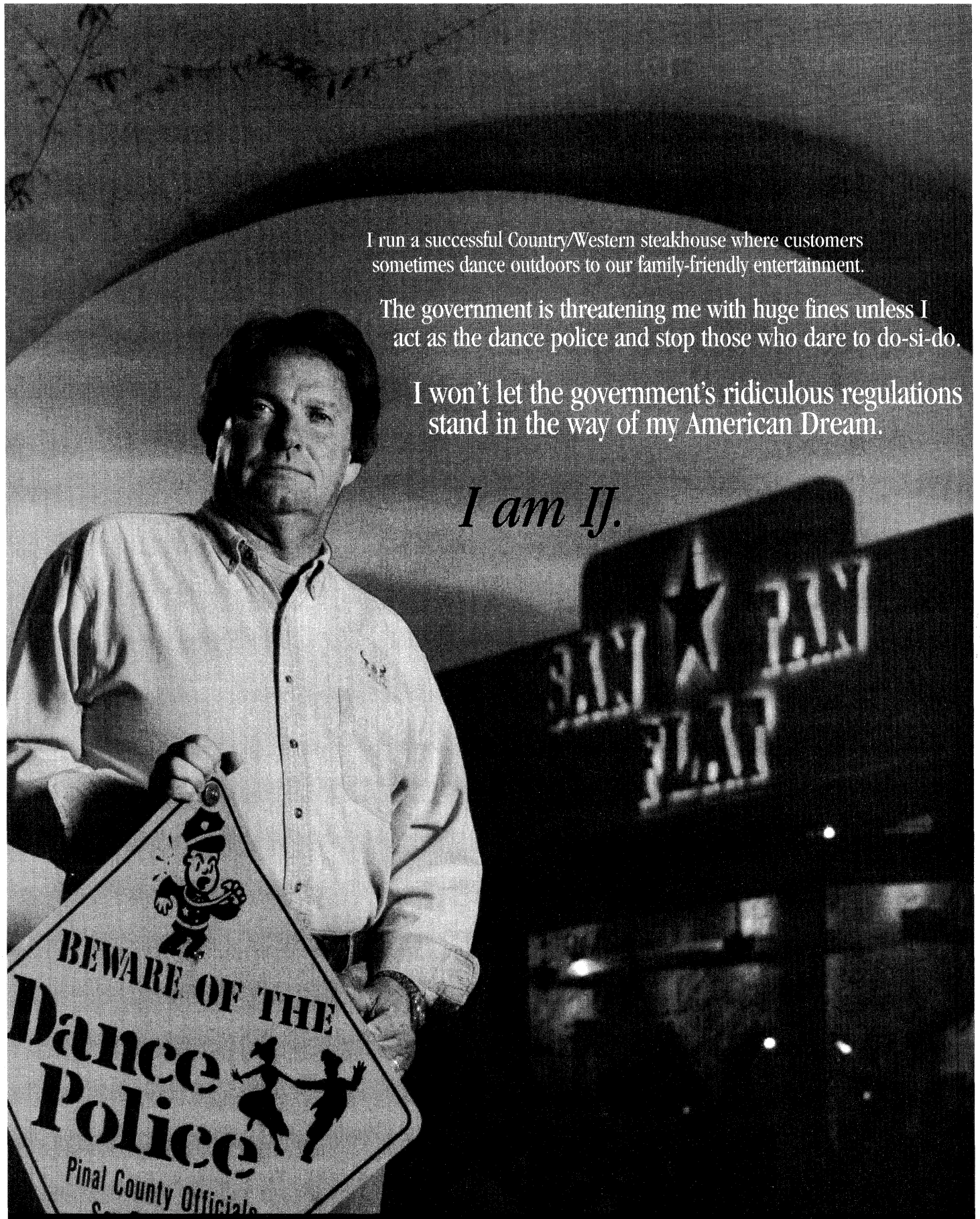

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"Big Debate" at *FREEDOMFEST* Attracts Over 1000 Attendees

"There is an excitement here I haven't felt in years." --
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The theme of this year's FreedomFest was "seven" -- 7 themes, 77 speakers, and 777 attendees. The dates were unforgettable, July 4-7, 2007, culminating in the "big debate" on US foreign policy on 07-07-07 in Las Vegas.

A sudden surge pushed attendance over 1,000. C-SPAN 1 and 2 showed up to film the event. Several freedom organizations signed up at the last minute. Governor Schwarzenegger team came to check it out.

The buzz focused on the Big Debate between Dinesh D'Souza and Larry Abraham (the conservatives) versus Congressman Ron Paul and Doug Casey (the libertarians) on US foreign policy and the war in Iraq. "The BEST debate I've ever seen," commented an attendee. "Doug Casey was on fire," said another.

It was an historic event, and we are still getting emails about the "Big Debate" and the other panels, speeches, and events.

The unsolicited testimonials keep coming in: **"Off the charts!"..... "a breath of fresh air"..... "The most illuminating, enjoyable, educational, inspirational and satisfying seminars I've ever attended".....**

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(Professor Clive Wynn, Professor of Psychology, University of Fla.)

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- **The Millionaires Panel**: How 4 self-made libertarians make it, spend it, and give it away, with multi-millionaires **Doug Casey, Ted Nicholas, John Schaub**, and **Rick Rule**. (This session was jammed.)
- **John Mackey**, CEO of Whole Foods Market, on his personal successful philosophy of **"self-actualization"** and his revolutionary brand of **"conscious capitalism."**
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Inside Liberty

September 2007
Volume 21, Number 9

4 Letters After you.

9 Reflections We have a crisis of condoms, grill illegal weenies, dub Sir Salman, face the firing squad, fall off the fast track, melt our pennies, get demoted to Lesser Satan, move towards a single-payer tax system, catch an actress red-handed, and search for H.L. Mencken's Baltimore.

Features

23 Cartman Shrugged The Founding Fathers, Adam Smith, Friedrich Hayek, Ludwig von Mises, and the creators of "South Park": *Paul A. Cantor* traces a distinguished intellectual tradition.

31 Somalia: The Rubble and the Blossom What works when the government doesn't? *Vince Vasquez* provides the answer.

34 Live Earth: Dead Show Chris Rock said he prayed that Live Earth would end global warming "the same way Live Aid ended world hunger." He'll get his wish, reports *Tim Slagle.*

37 Me and the Eiger There are two types of people in this world, and *Murray Rothbard* was never afraid to say what type he was.

38 Love Song Fame and obscurity, songs and silence, love and death: as *Alec Mouhibian* shows, opposites attract, and absolute opposites attract absolutely.

Reviews

41 The Sicko Scam *Patrick Quealy* looks for a cogent analysis of health care, and finds that Moore is less.

43 A Low, Dishonest Decade The New Deal is an ever-growing monster of historical myths. *Timothy Sandefur* takes a good whack at it.

45 Containment and Character *Jon Harrison* traces the vicissitudes of American foreign policy, as seen in the career of George Kennan.

48 Seeking God, Dead or Alive Christopher Hitchens has staged a funeral for God, but *Ted Roberts* hasn't yet joined the mourners.

50 How to Make an Army Think signing up for Selective Service is merely a formality? *Bruce Ramsey* bids you think again.

52 The Tribute Vice Pays to Virtue Sorting the virtues from the vices might be easier, *Leland B. Yeager* shows, if you had a good book to help you.

53 Summer Sizzler *Jo Ann Skousen* catches the latest adventure of the detective who's saving the world, one movie at a time.

47 Notes on Contributors Our summer flings.

54 Terra Incognita Surrender to the void.

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Letters

Point of Sale

In the July Liberty, Gary Jason argues (Reflections) that the economic costs of implementing the graduated income tax might justify its replacement with a flat tax. May I provide him with an additional argument?

Taxes of all sorts are shifted from seller to buyer in an inelastic market. The progressive tax itself creates inelasticity by progressively shrinking the supply of targeted labor. But it does not do so without harm.

The supply of professionals in the economic landscape is set by net incomes, not by gross incomes. Demands on careers by progressive taxes (or by other legal insults) deter free men from pursuing the targeted profession. The supply of trained professionals per capita falls.

But the fall is self-arresting. As their supply decreases, their economic demand to supply ratio (D/S) increases. The increasing ratio raises income and restores tax losses. That is economics in a nutshell. The socialist tax reduces the presence of professionals in the economic landscape and increases the costs for their services.

Gas taxes, tobacco taxes, alcohol taxes, and progressive income taxes all target inelastic market demand and the little guy. In an inelastic market buyers generally pay the taxes and sellers collect them for the government.

The IRS inadvertently offers proof. Sixty-seven percent of income tax receipts arise from 10% of tax returns. Thirteen million people appear to carry two thirds of the load. Targeting their incomes has lowered their population and raised their market costs. And the fabled little guy will endure reduced medical care and increased medical costs among other hits.

A national sales tax on corporate products could tax all income (including a huge amount of underground income) at the point of sale and do so in an impersonal and equitable manner. Progressive taxes on income, like our socialist labor unions, only widen the natural wage gaps in a free society.

Gerald P. Trygstad
Bremerton, Wash.

Jason responds: Mr. Trygstad is undoubtedly correct that the current tax structure has unintended negative consequences for prices and the supply of skilled labor.

His suggestion that the best solution is to move to a "fair tax," i.e., to replace the current income tax with some kind of national sales tax, is something I am sympathetic to, for the very reason he points to: we need to be increasing, not decreasing, the number of taxpayers.

My main worry about the "fair tax" is this. The flat income tax has now been adopted by numerous countries, with no surprising unintended negative consequences. In all cases, the flat tax produces higher revenues with no cost to economic growth — indeed, the flat tax improves economic growth. And when Kennedy, Reagan, and Bush the Younger flattened and lowered the tax brackets, the U.S. similarly experienced increased growth and revenues.

But no country I know of has completely replaced the income tax by any kind of national sales tax. There might be unintended negative consequences of going to a full consumption-based tax. To take one concern, such a tax might prove to be a major drag on consumer spending, and so risk slower growth or even recession. For example, if consumers had to pay a 20% tax on any new car purchased, they might hold on to their cars longer, resulting

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in lower sales for automakers, hence fewer jobs in that industry.

Perhaps Trygstad or another reader can tell me whether the "fair tax" experiment has been tried elsewhere, where we might look at the actual consequences. I would hate to be the first to experiment with a system that has so many economic ramifications.

No Real Republican

The recent article about the pack of candidates for the nomination of the Republican Party classified as all those other than Ron Paul as "RINOs" — Republicans In Name Only. The clear implication is that only Ron Paul is the True Republican. And the implication of that is that the Republican Party is libertarian at its core.

I challenge that implication. From its founding, the Republican Party was Whig, with all the planks of that party with the sole exception of the slavery position. On economic matters, the Republicans have been for Big Government from the beginning, and have never wavered.

The platform of the Republican Party has nearly always called for strong central government, massive public works, high tariffs, and empire-building. Over more than a century, they have remained true to those positions. When the Democrat Grover Cleveland in his first term lowered tariffs, his successor, Republican Benjamin Harrison, raised them right back up. Reelected after Harrison, Cleveland lowered them again, only to see McKinley reverse his moves when he was elected. And McKinley actively prosecuted the empire-building Spanish-American War. It was Republican administrations that repeatedly threw money into various transcontinental railroads, watching each of them in turn waste the taxpayers' money and go bust.

Right after the crash of the stock market in 1929, it was the Republican adminstration that promptly launched many public-works projects to appear to soften the blow of many being out of work.

But the kicker was the monstrously protectionist Hawley-Smoot Tariff, which transformed a simple stock market crash into a worldwide depression. This tariff was the product of a solidly Republican administration remaining true to their core position.

There have been some noises of outliers in the Republican Party, such as Barry Goldwater and Ron Paul. But they do not constitute and have never represented the mainstream Republican Party positions. And now that there really *is* a Libertarian Party to serve as home for all those small-government Republicans who have felt appropriately out of place where they are, the Republican Party should be allowed its fate, and supporters of small, aggressively limited government should abandon that rotting house to join with those who will *really* shrink government — candidates of the Libertarian Party.

Dan Karlan
Waldwick, N.J.

The editors respond: Our headline, "9 RINOs and Ron Paul," was a light-hearted way of pointing to part of the reality to which Mr. Karlan refers — that the modern Republican Party is not mainly a small-government party, though it often claims to be one. We refer to times in the past, when Ronald Reagan was elected on a mainly small-government platform, and when Barry Goldwater ran on one, and when the Republicans were the opponents of FDR's prewar policy of intervention and of his New Deal. Karlan is correct in his history of the Republican Party and the tariff, and of its ancestry in the Whigs, but then, the Democrats' genealogy goes back to Thomas Jefferson. Tom, we think, would disown them.

Clause and Effect

Thanks to Timothy Sandefur for his essay on judicial activism ("Borking Up the Wrong Tree," June), and especially for his insights into the closeness of Bork's and Breyer's views of the supremacy of democratic majorities.

However, in his attempts to find precedent for the rule of law as "an important mainstay of American government," Sandefur reaches too far. He cites the 1798 case of *Calder* v. *Bull*, where the issue was whether a state (Connecticut) had passed an "ex post facto Law" (which would seem to be prohibited by a literal reading of Article I, Section 10 of the U.S. Constitution) when it passed retroactive legislation that effectively voided a probate court decision, based on existing law, that vested property in Mr. Calder and his wife.

In our last issue, we started celebrating Liberty's 20th anniversary. I want to emphasize the word "started." This party is going to last all year.

One of our ways of celebrating ourselves is to republish some articles we like. (Thank you, thank you — no extra charge.) The first of them is an essay by the late Murray Rothbard, "Me and the Eiger." It's 19 years old, but it's as good as the day it was born. You'll find it in this issue.

I looked at Murray's entry on Wikipedia the other day. It shows a picture of him when he was 30 or so — a little guy with a bow tie and wire-rimmed spectacles, dressed in a chairman-of-the-department suit, and obviously just about to let loose with some mordant bit of wisdom that would give any department chairman fits.

I disagreed with a lot of Murray's ideas, but he always gave me a smile and a great line of talk. He was one of the most charming conversationalists I've ever met, and one of the best letter writers. He would sit at his typewriter and pound out thousands of words a day — unrevised except for some x's here and there — and his words were always pungent, precise, and pointed. (The same qualities appear in his great work of theory, "Man, Economy, and State.") Even on serious themes, he was wonderfully funny.

Murray was a libertarian theorist, but he was happy to show, as he does in "Me and the Eiger," that libertarianism always transcends itself. It insists that we are individuals before we are theorists; it shows us the joys of *us*.

And that's a pretty good reason for throwing a party.

For Liberty,

Stephen Cox
Editor

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In his opinion, Justice Chase did argue that ex post facto legislation was "manifestly unjust and oppressive," but he then explained (created?) a distinction between ex post facto legislation and "retrospective" legislation: "Every ex post facto law must necessarily be retrospective; but every retrospective law is not an ex post facto law: the former only are prohibited." Chase then went on to limit the application of the prohibition of ex post facto legislation only to pieces of criminal legislation that "create or aggravate the crime; or increase the punishment, or change the rules of evidence, for the purpose of conviction." In his concurring opinion, Justice Paterson pointed out that because Article I, Section 10 states that "No State shall . . . pass any . . . ex post facto Law, or Law impairing the Obligation of Contracts," it was clear that the framers of the Constitution understood ex post facto legislation to refer "to crimes, pains and penalties, and no further."

The prohibition on states passing legislation "impairing the Obligation of Contracts" has been mostly ignored or artfully sidestepped during more than two centuries of constitutional jurisprudence. It seems that precedent is much stronger for the arguments in favor of "substantive due process," which rely on the due process clause of the 14th Amendment to strike down state legislation intervening in the private economy. Those arguments held sway for three decades, from 1905 (*Lochner* v. *New York*) to 1936–37 (*Nebbia* and *West Coast Hotel*). Takings clause arguments have also enjoyed some brief successes, though — as Sandefur points out with regard to the 2005 *Kelo* decision — the Supreme Court may be heading back toward a policy of restraint in takings cases.

Sadly, the only argument which has placed any restraint — however briefly, and however weakly — on economic legislation by the federal government has been the commerce clause argument, in combination with arguments based on the 10th Amendment (I am thinking of the period from *Hammer* v. *Dagenhart* in 1918 to *NLRB* v. *Jones & Laughlin* in 1937). But as the 2005 *Raich* decision demonstrated, the commerce clause is worse than a dead letter: it has become the justification for every conceivable abuse of federal power, economic or otherwise.

Tom Jenney
Phoenix, Ariz.

Ad Populum

Gary Jason, in his review of Jay P. Greene's book, "Education Myths" ("Lies Your Teachers Are Telling You," June) says, "Greene . . . targets the pernicious myth that there is no evidence that vouchers work." Once again, we have a writer in favor of vouchers who does not mention at least four of their drawbacks.

1. In *every* referendum, vouchers have lost by a large margin. California has had two referenda for vouchers, in 1993 and 2000, which were voted down, both by about 70–30%.

2. Only about 10% of K-12 students attend private schools, and most private schools are at least 90% full. Don't assume that entrepreneurs would start new private schools to get the government vouchers; a future administration could easily end the voucher program.

3. At least four out of five private high schools require their students to take an entrance exam. Since only about half of public-school 8th-graders can read at or above grade level, then the half who cannot read at grade level would not be admitted.

4. Government money means government control. If private schools accepted vouchers, then the government might force them to adopt affirmative action or bilingual education.

Joseph McNiesh
Staten Island, N.Y.

Jason responds: I thank Mr. McNiesh for his criticisms; however, I find them all utterly unpersuasive. Taking them in order:

Contra 1: Yes, the teachers' unions in California have killed two voucher initiatives in the past. But they had to spend tens of millions of dollars to do it, setting up out-of-state boiler-rooms to bombard voters with antivoucher propaganda. This is especially easy to do in union-shop states such as California, where teachers are compelled to give enormous dues to unions, even when they are not members, and where those unions are free to spend those funds on politics as they see fit. Someday, if the Supreme Court ever implements the *Beck* decision, the

union power will change, and vouchers will pass. Democracies often make mistakes, though they usually get it right in the long run. In the meantime, I hope voucher initiatives make the ballot over and over again, if only to drain those malignant union coffers.

Contra 2: The novel criticism here is one that was put forth by the teachers' unions in the last California voucher initiative fight: if we adopt vouchers, there won't be enough private schools for all the students who want them. Amazing. Note first that this criticism implicitly grants that most parents would flee the government-monopoly educational system if given a chance — quite an indictment. Second, it assumes that people couldn't or wouldn't start private schools over (say) five years to handle the demand of parents who would now have a guaranteed method of paying the tuition — quite absurd.

Third, even assuming this criticism is true, and students would be stuck in existing public schools, they would be no worse off than they are now. Fourth, the criticism overlooks actual experience. When Sweden, for example, adopted vouchers, they found that only a small minority of students moved to new private schools. What occurred was that as students moved from lousier schools, those schools moved rapidly to clean up their acts. In short, what occurs when vouchers are adopted is what one would expect when competition is introduced in a formerly monopolistic system: the competition for customers forces all the players, including existing ones, to be more responsive to the customers and improve the quality of their service.

Contra 3: The criticism here is that the majority of existing public school students couldn't pass the tests to get into private schools. Again, first note the major concession about how lousy the existing public schools are. And again, second, even if we accept the criticism, and half the public school students can't escape their existing horrid public schools, those students are no worse off than they are now, while the half who can escape would be much better off. Half a loaf is better than none, one might say.

Third, again, faced with clients who are guaranteed to pay the tuition, entrepreneurs would open schools for those who can't pass entry exams for the best existing private schools. Fourth, as competition forces existing schools to improve their quality, more students will be reading, writing, and computing at grade level.

Contra 4: "Government money means government control." We already have that, and worse. Currently, most middle-class and all poor folks are compelled to go to government-run as well as government-controlled schools.

Note also that no private schools would be (or are, in existing systems) forced to take vouchers. Any existing private school could just refuse vouchers and be no worse off than they are now. So government control would not extend more widely than it does now, except by free choice.

And what government "control" are we talking about? Voucher programs need not (and typically do not) require racial quotas, busing, affirmative action, and other noxious measures which existing public schools so notoriously require. The only restriction we need to place on schools taking vouchers is that they not discriminate

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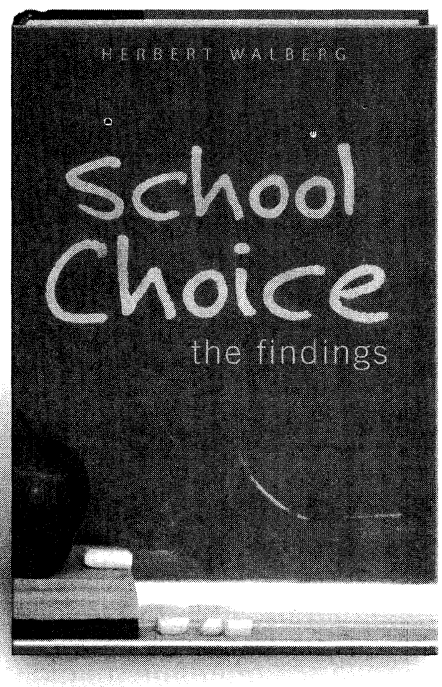

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on the basis of race, creed, or gender. Otherwise, they would be (and are in existing voucher systems) allowed wide latitude to design curricula, establish behavioral policies, hire and fire teachers and staff, adopt or reject bilingual education, or whatever else, as they wish — except that they are punished for adopting bad policies by the loss of their client base. If they do wish to discriminate on such irrelevant features, they can still do so — just refuse to take voucher students.

In sum: the situation now is that the wealthy and upper-middle-class have free consumer choice in education, but virtually everyone else is compelled to go to government monopoly schools. With vouchers, everyone would have free choice. It puzzles me why critics such as McNiesh continue to believe that while competition results in the best quality product for the consumer in every other facet of economic life, it won't in education.

Seceding Where Others Fail

I suspect I am the "libertarian blogger" whose argument on behalf of secession Bruce Ramsey criticizes in "Pondering a Heap" (Reflections, August). Mr. Ramsey objects to my analogy between prohibiting emigration and prohibiting secession on the grounds that it ignores the difference between the consequences of a single individual's action and that of many.

But I do not understand how the relation between emigration and secession suddenly becomes a difference between individuals and large groups. Is Ramsey assuming that emigrants will be few but secessionists many? If so, he offers no reason to follow him in this assumption.

And if he thinks it's numbers that matter, does that mean that he would be happy to prohibit emigration as well, if the number of emigrants became high enough? Presumably not; so it remains unclear why he rejects my analogy.

Nor does he offer any argument for his claim that anyone who defends secession must be uninterested in consequences. As an Aristotelean, I certainly think consequences are part, though not the whole, of what we need to take into account when framing moral and political principles.

Roderick T. Long
Auburn, Ala.

Ramsey responds: Mr. Long recognized himself, all right. To compare secession to emigration is a neat lesson for a philosophy class, but as a practical matter the two are not as comparable as Long maintains. And yes, I am assuming that emigrants will be a dribble and secessionists a movement of mass.

The reason is that secession is the collective action of a political subdivision, one that thinks of itself as an independent nation, and this tends to take a significant group of people. And historically, I think of the 13 states of the Confederacy, from the United States; Norway, from Sweden; Singapore, from Malaysia; Slovakia, from Czechoslovakia; Slovenia, Croatia, et al., from Yugoslavia; and the de facto secession of Taiwan from China. Unlike emigration, secession happens all at once and takes the physical territory with it. It involves issues that don't come up with emigration, such as what becomes of the central government's resources: would the gold in Fort Knox, for example, be Kentucky's if Kentucky seceded? If Taiwan formally secedes, should it return the Chinese art taken to the island in 1949? If Quebec secedes from Canada, will it pay its share of Canada's national debt? Would Quebec have the right to block the movement of people and goods between the Maritimes and the rest of English Canada?

Tricky -ic

I noted, in the June issue, a disturbing tendency on the parts of both Gary Jason and Jon Harrison, to refer repeatedly to the Democratic Party as the "Democrat" Party. While I am a conservative, and this rather trivial implication that the Democratic Party is not really democratic is of little intrinsic importance, I find the adoption of the gratuitously insulting speech patterns of Bush, Cheney, and Rove to be repulsive. Could they not find anyone more worthy to copy?

Anthony Teague
Vienna, Va.

Jason replies: I have used the phrase "Democrat Party" for over 30 years, beginning long before I ever heard of Rove et al., and I see no reason to change now. I have always found the phrase "Democratic Party" a trifle loaded — as if only they believe in democracy.

Harrison replies: While it should be plain from my writings that I find Bush, Cheney, and Rove repulsive, I don't believe any of the terrible threesome originated the term "Democrat Party." I do think it predates the Bush II administration by some years. Seems to me I first heard it in the '80s, though I confess I couldn't say who first said or wrote it.

If Mr. Teague can point to a Bush II origin for the term, I am prepared to drop its use. Otherwise I prefer to keep it. I once used it in a posting on a liberal website, and one of my Democrat readers waxed indignant about it. This was satisfying, albeit in a small way.

"Never offend an enemy in a small way" someone once said. Quite so. Yet with Nancy the Tuna and the Democrat Party in Congress even lower in the polls than Bush, I feel a little mud in the eye can't hurt.

Third Opinion

In the June Liberty, Richard Kostelanetz reflected on his experience with an MRI of his spine. Kostelanetz had earlier spoken against intelligence tests, and was here raising doubts about other tests as well.

While I'm less convinced than Kostelanetz is about the lack of value of intelligence testing (I'm one of a small number, it seems, who actually *read* "The Bell Curve"), I must say, as a practicing radiologist, that here

continued on page 40

Letters to the editor

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Reflections

Climbing the ladder — In 2005, Bill Clinton made (or, at least, reported) $7.5 million in income. The large majority of this came from the giving of speeches. He made $650,000 for two speeches given to a Tony Robbins gathering. He made $800,000 for four speeches given to Gold Service International of Bogota.

You gotta hand it to him: not everyone looks at the presidency of the United States as a stepping stone.

— Ross Levatter

We pride ourselves on efficiency — The news that China's head of food and drug safety was executed for incompetence and corruption caused me mixed feelings. On one hand, I recoiled in horror from the notion of executing an incompetent employee. Having spent the majority of my job history just on the border of competence, such a dismissal makes me a little uncomfortable. Getting fired is never a good thing, but I never had to face an actual firing squad.

On the other hand, my driver's license and plates are up for renewal. I'm going to be forced to spend a whole day driving through the pollution check and waiting in line at the BMV. I guess as long as execution is a punishment reserved only for government employees, I'm not really opposed to it. Nothing like fear to get the lines moving a little faster.

— Tim Slagle

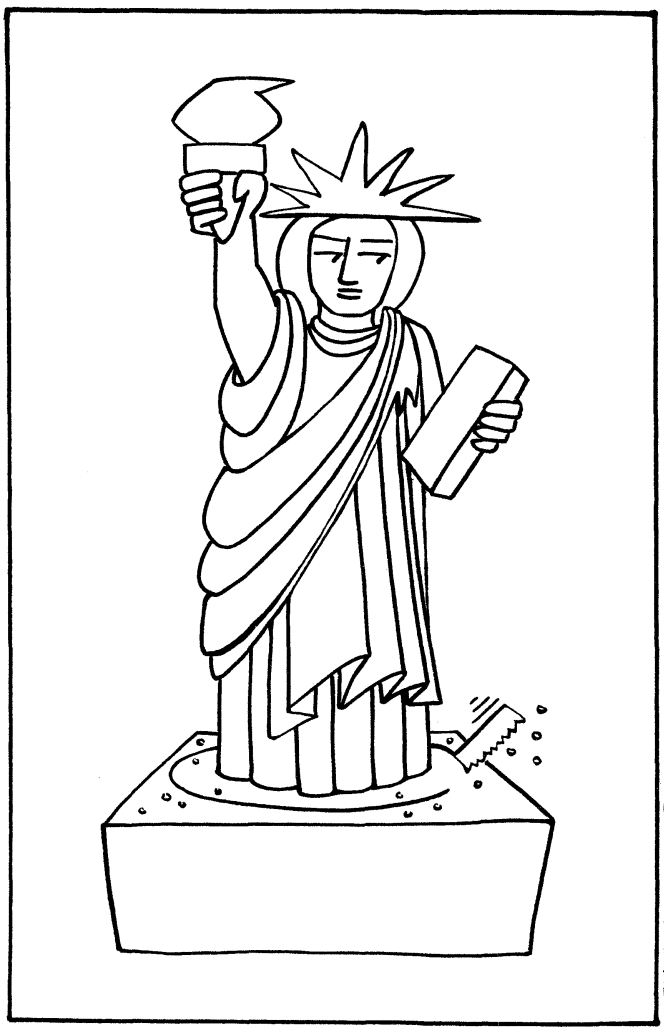

(Not so) free love — Sometimes the pampering of college students really gets to me. Okay, to attract students, schools must have luxurious dorms, lavish intramural gyms, and a shopping-mall-like food court (no "dorm food" for our little darlings).

But low-cost birth control pills?

The Chronicle of Higher Education reported on July 13 that prices of contraceptives are going up on campus. At the University of Wisconsin at Madison prices of brand-name birth control pills jumped from $8 to $40 or $50 per month, and there are similar examples elsewhere. Indeed, prices used to be so low that some college health services offered contraceptives for free. That practice will end.

What caused the price rise? It turns out that, for years, a federal law has subsidized birth control on college campuses. (What sort of social engineering was that?) But a provision of the Deficit Reduction Act of 2005 kicked in last January and will have major implications this fall. The law, according to the Chronicle, "removes incentives for drug companies to provide deeply discounted prices to college health clinics."

So how are students responding? Some students who used to pay in cash are using insurance, and some have switched to generics or condoms. (One student chose to pay for her groceries rather than birth control, but how her behavior changed was not stated.) And some may still be deciding. A member of a "student sexual-health group" is offering advice "to those covered by their parents' insurance about broaching the topic with Mom and Dad," the Chronicle said.

— Jane S. Shaw

Commie chic — Actress Cameron Diaz, best known for a role in which she rubbed semen into her hair in the belief that it was styling cream, recently managed to offend the people of Peru by wearing a messenger bag decorated with a red star and a slogan from Mao Tse-Tung ("Serve the people").

Now, the Peruvians have seen what happens when the Chairman's slogans are put into action, when the people are served. It wasn't so long ago that Shining Path was killing tens of thousands of peasants, putting entire villages to the machete. The group pops up even now to take credit for a handful of murders each year.

But one doesn't need the Peruvian perspective to get riled up about the trendy satchel. Mao killed tens of millions of

Chinese, of every social class (including many, many entertainers), leaving entire provinces to face his cultural revolutionaries. His combination of communist autocracy and personality cult has served for decades as a model for aspiring dictators throughout the Third World, and is the primary reason that Africa remains poor, despite the best efforts of celebrities everywhere.

I'm sure Diaz meant no harm. And it is too much to expect stars to know anything about politics or history: that would interfere with the pronouncements they like to make. But they — or their handlers, paid to attend to every aspect of their employer's image — ought at least to make sure that their apparel, no matter how fashionable, isn't an advertisement for mass murder. — Andrew Ferguson

Smooting free trade — With the defeat of the Senate compromise immigration bill, Bush's presidency is now truly in its lame — not to say dead — duck phase. One major part of his loss of power is his loss of the capacity to negotiate free trade deals.

Under the "fast track" powers given to Bush in 2002, he could negotiate such agreements without congressional meddling. Of course, Congress still retained the power to ratify or kill the final agreements. But presidents back to the mid-1970s have had this power, and Bush has used it — indeed, used it more than his predecessors. Since 2002, he has concluded agreements with Australia, Bahrain, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Morocco, Oman, Panama, Peru, Singapore, and South Korea. Most of the agreements have been ratified and implemented. Those with Costa Rica and Oman are awaiting implementation. (In the case of Costa Rica, protectionists — who are just as strong there as here — have stalled the agreement in their own congress). Peru and South Korea still await U.S. congressional approval.

That may never come, because the Pelosi-Reid Democratic Congress is the most pro-union, anti-free-trade Congress in a generation. This Congress stripped Bush of his fast-track authority, effective July 1, 2007 — only the second time in history this has ever been done. Comments by Democrat congressional leaders make it clear that they oppose free trade. As Speaker Pelosi said in a written statement — co-authored, unfortunately, by Rep. Charlie Rangel (D-N.Y.), hitherto rather reasonable on free trade — "Before that debate [on renewing President Bush's fast-track authority] can even begin, we must expand the benefits of globalization to all Americans." Senator Max Baucus (D-Mont.) said he had other priorities than free trade, like helping workers impacted by it, thus making it clear he thinks free trade harms workers. Senator Sherrod Brown (D-Ohio) has gone further, advocating rewriting the old agreements to protect union jobs (and screw consumers). You would think the unemployment rate was 25%, not the 4.5% it actually is. Incredible.

My theory is that the same rising sentiment of protectionism that has killed all chances for comprehensive immigration reform has now killed all chances for expanding free trade, and if demagogues like Brown get their way, will contract it if not eliminate it entirely. The last time America saw this level of protectionism was the mid- to late-1920s, culminating in the Smoot-Hawley tariffs that killed international trade.

The results were not pretty then, nor will they be so now. — Gary Jason

The health of libertarianism — In a Wall Street Journal op-ed (July 17), libertarian legal theorist Randy Barnett concludes his arguments against Ron Paul: "[Pro-war libertarians] are concerned that Americans may get the misleading impression that all libertarians oppose the Iraq war — as Ron Paul does — and even that libertarianism itself dictates opposition to this war. It would be a shame if this misinterpretation inhibited a wider acceptance of the libertarian principles. . . ."

Yes, absolutely. Perish the thought that anyone be misled into believing libertarians would oppose something as traditional and all-American as war. War, after all, is the health of a strictly limited government, structured to defend civil liberties and maintain peace and prosperity. — Ross Levatter

The market has spoken — On June 12, the Antioch College Board of Trustees announced that the 155-year old institution would be closing its doors because of "low enrollment and lack of funding." Surprise, surprise! Being a national center for political correctness and left-wing lunacy doesn't pay. Who'd a thunk it?

Founded by Horace Mann in 1852, Antioch was at first a beacon of sound progressivism. It was co-ed. It admitted black students. It made a woman a full professor. All this happened before the Civil War — and it was something to be proud of.

But Antioch never really took off as a great center of higher learning. Probably its most distinguished graduate was Stephen Jay Gould (class of 1963), the paleontologist and popular science writer. (Gould was also an exceptionally arrogant guy, which may tell us something about his alma mater.) Other graduates included Eleanor Holmes Norton and Chester Atkins, who was my congressman back in the 1980s. Ms. Holmes Norton, the D.C. representative, is I'm sure well known to Liberty readers. Atkins I remember as a Tip O'Neill

A Preview of Our Current Attraction — "South Park" and I haven't always been friends. When the animated TV series began ten years ago, its existence irritated me. It seemed like a typical product of the New Class, junior grade: those no-good people who hang around universities, tech-ridden companies, and subsidized venues for "art," snickering at standard American values, having none of their own. All I saw in "South Park" was round-headed children using dirty words.

A year or so later, my friend John Nelson called me to order. "Listen," he said. "This is really funny. [Turning on the television.] Now sit still and watch." He was right, and I began following the series. Later, when the thing really took off and all the world seemed to be images of round-headed children with wistful but mocking little smiles, I lost interest. The show had worn out its welcome. Then, one afternoon, Paul Beroza and I were sitting around having a drink, and we caught an episode that was a slashing satire of modern-liberal politics. Whether "South Park" had matured, or I had (I can't imagine that the wine was responsible), what I saw on Paul's TV was a cruel but endlessly inventive inquisition into officially sanctioned heresies, delivered from a libertarian point of view.

I found myself watching "South Park" regularly again, and the more I watched, the more impressed I was. There was the episode in which the kids were dragged by their do-good teacher to Central America to protest the destruction of rain forests, only to be rescued from the horrors of forest life by the guys with the bulldozers. There was the episode in which, for the first time on TV, the teachings of Scientology were given a literal representation ("Scientologists actually believe this"). And there was the great, great episode in which South Park goes crazy because it thinks it sees Global Warming coming down the street.

"South Park" didn't just consider the Issues; "South Park" named names. It showed Al Gore, Tom Cruise, Mel Gibson, and innumerable other media heroes for the fools they really are. And "South Park" was amazingly quick on the draw. Only about ten days were required for Trey Parker and Matt Stone to come up with a 20-minute satire on a current political event. And the satire almost always came from a libertarian direction.

Isabel Paterson said that "literature is not to be expected every minute." Certainly that is true of satire. Very few ages of this world have produced anything remarkable in that respect. Enduring comedy is rare; satire that memorably targets prominent individuals is rarer still. But now — yes, now — we are living in one of the world's great ages of comedy and satire. The fact that the best efforts of our time appear in animated TV shows is no cause for concern; Marshall McLuhan to the contrary, the medium is not the message.

To find rivals to "South Park" (or "The Simpsons," or "Futurama") you have to go back 2,400 years, to the birthplace of comedy, the Athens of Aristophanes. It's true that Aristophanes had more than intelligence, satiric intransigence, disgusting scatology, and direct personal reference; he also had magnificent poetry, which "South Park" assuredly does not. The songs are fun, but they're not "Forth came love, the longed for, / Shining with wings of gold." But in other respects, "South Park" is as good or better than he was.

There. I've said it. And I realize that more than half the people who read these remarks will now conclude that I've gone crazy. Ninety percent of my fellow academics have already reached that conclusion about anyone who praises "South Park."

Well, they're wrong: and there are now two books about "South Park" to prove it. They're both written from an intellectual perspective, by people familiar with the history of ideas. They both show how successful "South Park" is at connecting itself with the great currents of Western thought. And they're both called "South Park and Philosophy"! One is "South Park and Philosophy," edited by Richard Hanley (Open Court, 2007). The other is "South Park and Philosophy," edited by Robert Arp (Blackwell, 2007).

Each of these books provides a serious consideration of the big themes of "South Park," and each of them is as lively as the subject suggests. In the Hanley book, you can read essays called "Start the Evolution Without Me," "I Learned Something Today: 'South Park' and the State of the Golden Mean in the Twenty-First Century," and "Chef, Socrates, and the Sage of Love." In the Arp book, you will find such articles as "Satan Lord of Darkness in 'South Park' Cosmology," "Cartmanland and the Problem of Evil," and "AWESOM-O and the Possibility and Implications of Artificial Intelligence." "AWESOM-O" is . . . well, never mind. The point is that if you like "South Park," you'll want to get both these books; and if you don't like "South Park," well, you ought to. And then you can find out about "AWESOM-O."

The best thing in the Arp anthology is an essay by Paul Cantor, showing that the ideas of "South Park" are libertarian, through and through. Paul is well qualified to write on this subject. When he was a teenager, he and a buddy of his called up Ludwig von Mises, the great libertarian economic theorist, and asked whether they could become part of the seminar that met in his home. "Well, yes," Mises said, and Paul became his youngest disciple. Paul knows what he's talking about when he writes about libertarian ideas.

After reading Paul's work on "South Park," I asked him to consider revising and expanding it, especially for the readers of Liberty. He said, "Well, yes"; his publisher said the same thing; and this issue of Liberty features the resulting essay. If you've never liked "South Park" before, this is your chance to try it out. — Stephen Cox

clone who was always voting to deny funds to anticommunist forces in places like Angola.

After the *annus horribilis* of 1968, Antioch went off the rails. It recruited some of the worst riff-raff it could find into the student body. It transmogrified from a college into a Petri dish for perpetual revolution. At the end, it was no more than a parody of itself. Who can forget its hilarious code of sexual conduct, providing written guidelines for the art of love? (May I remove your blouse? May I insert my . . . ?)

The trustees announced that despite the shrinking enrollment, the puny endowment, and the crumbling facilities, Antioch would seek to reopen in 2012. I say the market has spoken. Turn the campus into something more useful — a mall, maybe? — Jon Harrison

Meeting needs — Another victory for free choice in education — albeit a modest one — should be noted. Georgia just enacted a voucher program for special-needs children. Effective in the fall, over 4,000 such students will receive a full *pro rata* voucher for roughly $9,000 to attend the school of their choice, public or private.

The battle was a close thing, with teachers' unions hammering legislators incessantly; the final vote in the state General Assembly was barely a majority. Key to the victory was the organizational work done by the Alliance for School Choice, based in Washington, D.C., and the release of a poll shortly before the vote showing that 59% of the state's voters favored the bill, and almost that many favored vouchers for all students.

That makes it 14 states that now enjoy some form of publicly funded vouchers, not to mention a few others that have privately funded voucher systems. And this year alone some 40 laws for vouchers or tuition tax credits have been introduced in 19 states. Of special interest are the five states in which the proposed laws would give vouchers to all students.

The battle continues. Stay tuned. — Gary Jason

Martial law — Over the years I have felt my personal liberty threatened by policemen, guidance counselors, social workers, Democrats, Republicans, reds, greens, pinkos, judges, school teachers, security guards, people with social theories, people with religious theories, people with no theory at all save the heartfelt opinion that they are better equipped to make my decisions for me than I am to make them for myself, socialists, collectivists, communitarians, red-staters, white supremacists, blue-staters, black studies professors,

Word Watch

by Stephen Cox

On a recent slow-news morning, Fox kept running bulletins about a school in Florida that was "locked down" because of some supposed threat of violence. This was one of those "news" stories that have nowhere to go, because nothing had actually happened and nothing was about to happen, either. Sometime in the afternoon, the non-story vanished like "a snail which melteth," as the Psalmist says in the King James Version. But there were two things about the incident that — to vary the animal imagery — continued to stick in my craw.

One was that phrase "locked down." It originated in the argot of prison guards. Prisoners are literally *locked down* when there's a security problem in the joint. So why was the language of penology being used to describe the protection of school kids? I can think of at least two reasons. (A) Americans are increasingly deaf to the associations of words. (B) Americans are increasingly fixated on the mechanisms and the language of control. Other expressions might have been chosen, but even such essentially military terms as "high security," "temporary alert," and "limited access" were obviously not strong enough, when penitentiary terms were available.

The second thing that irritated me was an expression that the news guys kept using to describe the motives of the school officials, who acted, it was said, "out of an abundance of caution." This legalism, *abundance of caution*, is now obligatory for everything a bureaucracy does when it goes to ridiculous extremes of risk-avoidance. Again, it's the language of security and control. It's also evidence of what happens to language when people lose respect for the difference between what's significant and what's not. So long as a bureaucrat is *doing his due diligence* (i.e., mucking around in the most pompous way possible), that distinction need not be made.

In a country where kids "graduate" from kindergarten wearing the caps and gowns of 18th-century Oxbridge dons, it's not surprising that the meditations of school principals should be described as if they were the counsels of Fabius Maximus. In a country where baristas from Starbucks are wedded with enough ceremony to gratify a Margravine of Brandenburg-Ansbach, one cannot be shocked to find that a *spa* is any storefront with an exercise machine, a *trattoria* is any diner with three tables on the sidewalk, a *university* is any Bible college or school of computer maintenance, and a *cathedral* is any 30-by-30-foot building containing someone who thinks he's a *bishop*.

"And what's your name?" That's the question that Addison DeWitt, the great drama critic (no, not *drama queen*) asks the teenage girl who suddenly materializes, at the end of *All About Eve*, as the embodiment of social climbing.

"Phoebe," she answers.

"Phoebe?" he replies — sensing, from the relish with which she said it, that it must be a lie.

"I *call myself* Phoebe."

"And *why not*?" he says, with a deep rumbly laugh.

Why not, indeed? It's very easy to rename yourself, or anything associated with you. Even if your job is paper-supply tender in the Xerox room, you can always have cards printed

crusading movie stars, mindless TV anchors, politically correct newspaper reporters, labor leaders, congressmen, senators, governors, presidents, ex-wives, business leaders, protest singers, mortgage companies, collection agencies, IRS people, NSA people, TSA people, ATF people, customs officials, and every sort of do-gooder from PTA leader to Maoist, but I have never, once, felt my liberty threatened by the American military. Okay, maybe once. But I was in the military at the time so it doesn't count.

I don't believe that mine is a uniquely American experience. I can't think of a mature democracy anywhere in the world whose military threatens the liberties of its own citizens. Nobody in Canada has to worry about freedoms being stolen by the Canadian Army. It's the taxman you have to worry about in Canada. In France, it's taxmen and social theory. All over the European Union, it isn't the Dutch army and it isn't NATO; it's bureaucrats. Wherever someone is grabbing for your freedom, you can bet it's civilians doing the grabbing — elected, appointed, and self-appointed.

Maybe I'm naive about this, but I can't help thinking that if the decision to invade Iraq had been left to the military, we wouldn't have invaded Iraq, that it was civilian leaders who got us into that mess. That it was Donald Rumsfeld who figured out we could pacify the country with a quarter of the troops we really needed. That it was Paul Bremer who decided to disband the Iraqi army and fire everybody who knew how to run the place. That it may have been some deeply Freudian thingy involving the president and his dad that was behind the whole business but that, whatever it was, it was not a bunch of generals sitting around the Pentagon. That the only reason the generals went along was because they believe, just like the rest of us, in civilian control of the military. Maybe we would be better off if they didn't.

Germany certainly would have been better off during the Second World War if its military had looked at Hitler and said, Invade Russia? No thank you, very much. We prefer to keep our soldiers in France and Czechoslovakia and Poland where they belong. But the generals weren't running things. So they saluted, and set out in the mud and snow to do what any fool except the head civilian fool could see was impossible.

I don't know what conclusion to draw from this. Nobody wants the military calling the shots, especially somebody who has actually been in the military. But I don't want to watch my country get involved in botched adventures overseas, either.

saying that you're the Senior Reproductions Analyst. Your company will probably be happy to print them for you.

It may seem cruel, but I couldn't help thinking that the same process of relabeling was going on when I read the comments of an environmentalist author about the circumstances in which he wrote his most recent book. "On a personal note," he says, as if he were giving deep background on his foreign-policy decisions, "at the same time that I was writing [the book], my wife became very ill with a mental disability." In other words, she lost her mind. But it sounds so much better the other way. And it's nice to know that the whole thing was "a crisis with an opportunity" — something like Themistocles' evacuation of Athens, I guess.

Speaking of crises with opportunities, I need to comment on a statement issued on June 16 by Richard Brodhead, president of Duke University. The statement provides a strange, though predictable, retrospective on the legal persecution of three Duke students by the local district attorney, joined in spirit by politicized members of the Duke faculty and by the university itself, which suspended two of the young men and fired their lacrosse coach because of false charges of rape launched by a mentally disturbed stripper. Those charges have now been dismissed, and the district attorney has been disbarred. On June 18, Brodhead and the university trustees announced that Duke had reached a financial settlement with the students in order "to eliminate the possibility of future litigation."

So what does the university's chief executive have to say about this drama? First he comments on "the unprecedented crisis" that the rape allegations "unleashed." Then, in his peroration, he emits these syllables: "As Duke University's president, I resolve to do my part to repair the harm unleashed by [the DA's] actions and to move forward from this painful episode."

Brodhead's strange preference for the word "unleashed" betrays the fixation on control that I noted above — a fixation so strong, in his case, as to master all considerations of verbal propriety. Try picturing "harm" being "unleashed." Good luck with that. Then we have "move forward from" — the nation's most common cliche for "ignore." "This painful episode" is the usual press-agent translation of "I did something wrong but am unwilling to specify what it was."

But the word I especially relish is "resolve." At Gettysburg, President Lincoln said, "We here highly resolve that these dead shall not have died in vain." At Durham, President Brodhead highly *resolved* to repair the harm that had somehow gotten itself *unleashed.* But how would he do it? What were his means? He must be referring to that financial settlement with the students. Yet that sounds so paltry, so, so . . . guilty. The words about *doing his part* sound so much better.

And why not? Just because you're paying somebody off with somebody else's money, why shouldn't you make yourself sound like Abraham Lincoln, or Mother Teresa, or Balto the Wonder Dog?

A final note. This column's Award for Honest and Effective Language in the Political Field (a coveted award, seldom given) goes this month to two justices of the Supreme Court, for opinions announced on June 28 in the Louisville and Seattle race-in-the-schools cases. The recipients are Chief Justice John Roberts, who wrote that "the way to stop discrimination on the basis of race is to stop discriminating on the basis of race"; and Associate Justice Clarence Thomas, who wrote of Associate Justice Stephen Breyer, his obstreperous opponent in the 5–4 decision: "Justice Breyer's good intentions, which I do not doubt, have the shelf life of Justice Breyer's tenure." I hope that Thomas is as good a prophet as he is a writer.

There needs to be some kind of feedback loop in which our military leaders can tell the civilian fools, No thank you very much, we prefer to keep our soldiers in Ft. Dix and Ft. Lewis and Ft. Benning rather than sending them into the sand and heat to try to do what any fool besides you fools can see is impossible. — Bill Merritt

Supreme smackdown — I think most readers of this journal share my visceral revulsion at factional use of government coercion. I despise the way some farmers push for quotas and tariffs to keep the prices for their produce high. I despise the way some businesses push for quotas and tariffs to keep out competition from abroad, and push for subsidies to guarantee that their profits remain high. I despise the way some guilds (such as the AMA and the various trial lawyers' associations) exploit government to keep their numbers low and their incomes high. And I despise the way some unions push for laws compelling workers to join them, as well as laws protecting their members' jobs from competition.

That is why I like to celebrate victories over factional coercion whenever they occur, as they occasionally do. So let us duly note that a modest but satisfying legal victory against union coercion just occurred. The Supreme Court has ruled, in one of its important round of early summer decisions, that unions can't rip off money from nonmembers to fund union political activities.

At issue was a Washington state "paycheck protection" initiative overwhelmingly passed in 1992. Under this initiative, workers who resign from a union may still have to pay the union for collective bargaining work on their behalf, but will not be required to pay dues to that union's political fund. And the initiative required unions to get explicit approval from any nonmember before taking his or her money (an "opt-in" system), reversing the union practice of only allowing nonmembers to withhold that portion of the dues used for political activities when an employee explicitly requests it (an "opt-out" system).

The difference between the two systems is not merely semantic; it is immensely practical. The opt-out system allows the union to make the nonmembers jump through a lot of hoops to keep their money, such as requiring them to file a long, legalistic document to opt out. Indeed, it was the Washington Education Association (the teachers' union) that originally sued, arguing in true Orwellian fashion that the "opt-in" system was too onerous a burden for the union to bear! And the Washington Supreme Court (dominated by guess what type of justices) agreed.

The U.S. Supreme Court reversed that, and the nice thing was that it did so unanimously. Even the liberal judges thought the WEA's claim was asinine, that opt-in systems constitute no major burden. And the ruling was broader. It held, in the words of Justice Scalia, who wrote the primary opinion, "Unions have no constitutional right to the fees of nonmember employees." Kudos to the free-market think-tank Evergreen Freedom Foundation, which fought this fight against the WEA for a decade. (Disclosure here: I am a contributor to the Evergreen Foundation.)

Unfortunately, the Court did not go further and require unions to use opt-in for their members as well. It should have implemented the right granted workers in its prior Beck ruling — namely, the right not to be compelled to support the political activities of their union. The Court should have required unions to implement opt-in procedures for everyone, nonmembers and members alike. Even better, as the National Right to Work Foundation noted, it should have struck down compulsory unionization in general. (More disclosure: I also contribute to the National Right to Work Foundation.)

Still, you have to savor even the small victories.

— Gary Jason

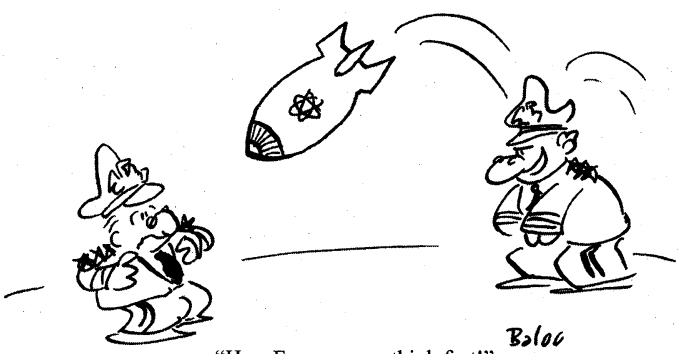

"Hey, Ferguson — think fast!"

Cash comes a copper — With the value of copper rising, the cost of making new pennies is now more than the value of the pennies themselves. Nickels that consist of 75% copper and 25% nickel cost more than five cents to make. The U.S. Treasury has warned that it's unlawful to melt coins for their copper content and sell the metal for scrap.

In my state, the chairman of Arizona's Corporation Commission — which regulates utility rates (among other things) — recently penned an article for the Arizona Republic, the state's leading newspaper, outlining collateral problems associated with the rise in the price of copper. It seems that lowlifes have taken to stealing bulk wire, pipes, motors — anything with a high copper content — from farms and industry or construction sites, and selling it for cash at recycling centers and scrap yards. The problem is serious.

I recently had the privilege of discussing the problem with a very high state official. It wasn't pretty. Some of the possible solutions being considered are worse than the problem itself. One trial balloon being floated is to outlaw cash transactions for bulk copper at scrap yards. When confronted with our currency's declaration that "this note is legal tender for all debts, public and private," my philosophical sparring partner conceded that I "had a point."

Nonetheless, he seemed to perceive the obstacle as no more than a technicality and averred that he'd run it through his legal department before making a recommendation to the legislature. For good measure he concluded that "the Constitution is whatever the legislature says it is."

— Robert H. Miller

The case for land war in Iran — The neocons are at it again! In the June issue of Commentary, Norman Podhoretz, co-godfather (with Irving Kristol) of the neocon movement, penned an article entitled "The Case for Bombing

Iran." The title says it all. And, just in case you're wondering, Norman's not joking.

Over 3,500 Americans dead, tens of thousands wounded, and tens of thousands of slaughtered Iraqis aren't enough for Norman. No, we must have another war, this time against Iran, to . . . do what, exactly? Preserve and protect the United States? Is Iran a power of the caliber of Nazi Germany or Soviet Russia? Indeed not. Will it nuke us if it gets the bomb? Considering our 6,000 or 7,000 warhead superiority, I doubt that even a wacko like Iranian president Ahmadinejad is going to start a nuclear war against us.

Will it pass the bomb on to terrorists? Can't rule that out, I guess, but considering the difficulties of setting off a nuclear device inside the United States, I'm not prepared to start yet another war on the very long odds of that scenario coming to pass.

Podhoretz is sufficiently in touch with reality to dismiss (though with obvious regret) a ground war against Iran. He wants air strikes to take out the Iranian nuclear facilities. An air campaign of this sort, to be successful, would probably require some nuclear "bunker-buster" bombs. Iranian civilian casualties (a.k.a. "collateral damage") would be enormous, for many of the key Iranian sites are located near population centers. This does not deter Podhoretz. Civilian casualties only seem to concern him if they occur inside the borders of Israel or the United States.

Rather than death from the air, I say let's go ahead and have a ground war with Iran. Give old Norman and his pudgy son John each a rifle, and airlift them to the Persian Gulf. They take it from there. — Jon Harrison

The Greater Satan — Al Gore and the other solons who negotiated and tried to foist on the U.S. the Kyoto Treaty, which would have put massive restrictions on our industry while exempting massive developing nations such as China, Brazil, and India, had a rationale. It was that the Great Industrial Satan, the evil U.S., was the biggest polluter, so should be the first to commit industrial hara-kiri. The Senate unanimously refused to ratify the treaty, even under Gore's reign as VP, but Gore has constantly hammered Bush for not adopting it.

But now a recent AP report makes it official: the U.S. is no longer the biggest producer of carbon dioxide. The new Great Industrial Satan is China. The Netherlands Environmental Assessment Agency, using what one expert on global warming calls "the best currently available" data and methodology, estimates that China overtook the U.S. by 8% in carbon dioxide emissions last year — two years ahead of prior estimates. China relies heavily on coal (which it possesses in abundance) to generate its electricity.

The whole rationale for putting the American economy in a stranglehold, while letting the Chinese off the hook, in order to "save" the planet, looked like complete nonsense at the time, and is now even more risible. — Gary Jason

Scooter this — I once wrote a Reflection saying that I just couldn't get excited about all the Scooter Libby stuff, and I am still not much moved. I start reading about it and am bored. I ask people who think it is very, very important: "What is this about? You tell me." Maybe the significance will sink into my barbarian skull.

Well, there was this fellow, Wilson, an old Africa hand, who was sent by the CIA to Niger to find out about Iraqi agents buying uranium. Wilson decided the Iraqis had not been there, and returned to Washington and told the CIA so. Several months later Bush told the world, yes, the Iraqis had been in Niger trying to buy uranium. Wilson, who was by then retired and therefore free to speak, was furious and began circulating the story of his trip, finally writing a piece for the New York Times. The Bush people, who were politically embarrassed, let it out that Wilson's wife was a CIA agent. That was supposed to be their way of retaliating against him. And it is a federal crime to "out" a covert agent, so there was an investigation in which several people were questioned by the FBI and a grand jury. One was Scooter Libby, who worked for Vice President Cheney. Libby told the grand jury that he hadn't known about Wilson's wife being in the CIA, when actually he had known it.

News You May Have Missed

Bush Getting Used to Commuting

WASHINGTON — White House sources say that President Bush, after commuting I. Lewis ("Scooter") Libby's 30-month prison sentence for lying and obstruction of justice to no prison time and a fine, has decided he enjoys commuting so much that he now has a Secret Service helicopter drop him off in the Washington suburb of Bethesda, Md., every morning so he can hop on the Metro subway line and commute back and forth to the White House, often spending the entire day at it. During the brief periods when he's at his desk in the Oval Office, the president eagerly commutes every long, uncalled-for sentence he can get his hands on. One awed White House aide says that Bush, without the slightest hesitation, commuted a typical, staggering 736-word sentence by French author Marcel Proust to a sentence just four words long: "Thanks for the memories." He then commuted all of the sentences in Herman Melville's "Moby Dick" to one brief seven-word sentence, "I had a whale of a time."

The president has recently taken to commuting his own sentences as well. When he found a long, unwieldy sentence in an old speech of his that went, "All democratic societies must be based on the consistent, and never arbitrary, rule of law, which shows no favoritism, and offers no special privileges, but is always applied equally to everyone, so that the average citizen can say, 'The legal system is there to protect me and treat me the same as it does other citizens, no matter how rich, powerful, and well-connected they may be,'" Bush commuted this lengthy and "boring" sentence to a "much more manageable" twelve-word one: "All democratic societies must be based on the . . . arbitrary rule of . . . me." — Eric Kenning

We have three Bad Things:

1. One of Bush's principal justifications for war was false.

2. Several high-level federal employees told reporters that Wilson's wife was in the CIA, and

3. Libby told the grand jury he didn't know anything about something he did know about.

Libby's lying to cover up for himself, fellow leakers, and his boss is the least important of these things. I suppose it deserves a penalty, but not a large one, and commuting Libby's sentence for it does not deserve four columns above the fold in the New York Times of July 3. The real story is not Scooter Libby. It is the war itself. It is about tens of thousands of people being killed, maimed, and impoverished because of decisions made by George W. Bush. My liberal friends say, yes, and we talk about No. 3 in order to get to No. 1. And I think, why do it that way? If you want to talk about the war, talk about the war.

I explained this to a colleague, who said, "Are we supposed to think our government is about lying?" And I muttered, "Yeah, pretty much," but by then someone had changed the subject. — Bruce Ramsey

The freedom of speech, and the freedom to think like an ignorant slob — There are many ways to tell someone to shut up. Consider these hypothetical examples of a hypothetical radio program, Big Talk A.M.:

- The host tells a caller to shut up.
- The host hangs up on a caller whose views he dislikes.
- The host hangs up on a caller who bores him.
- The host refuses to take a call from a man who wants to talk about civil liberties.
- An association of bloggers promotes an effective boycott of Big Talk.
- An association of bloggers promotes an effective boycott of commercial sponsors of Big Talk.
- The sponsors of Big Talk tell the radio station to stop talking about civil liberties or lose their sponsorship.
- A woman who doesn't like what the Big Talk host has to say invades the studio and shoots him dead.

Now which of these examples implicates constitutional, First-Amendment freedom of speech?

Trick question. The correct answer is, none.

Why is that? Because the First Amendment does not protect you from being told to shut up or even from being made to shut up, except in special circumstances.

The special circumstances are clearly stated in the Constitution: "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." There you go. Any laws being passed or enforced in my examples? No. In other words, any state action involved? No. Therefore, no infringement of free-speech rights.

The popular image of the "marketplace of ideas" is apt. You can bring your ideas to the marketplace and find no takers. You can even bring your ideas to the marketplace and get pummeled to death. That would be a crime but not an infringement of the First Amendment, unless the pummeler is a cop or a congressman.

That seems simple to me. But the simple fact that the Bill of Rights, and much else in our Constitution, limits *government* powers is lost on the ignorant slobs who now appear to constitute a majority of the polity. Why do so few Americans know this? It's basic and important information about our government. It's not some kind of legal technicality: the entire Bill of Rights is about limiting government powers, not about limiting private powers or corporate powers. And the Bill of Rights is, or was, an important part of the American identity. As the authoritative Wikipedia puts it, "The Bill of Rights plays a central role in American law and government, and remains a fundamental symbol of the freedoms and culture of the nation."

Earlier this year, hundreds of blogging activists promoted a boycott of Disney-owned radio station KSFO-AM in San Francisco because the hosts allegedly made racist comments. A Disney company sued one of the bloggers for copyright violations. Both sides claimed that their speech rights were being attacked, and the reporter seemed to agree, calling it a "First Amendment flap." The First Amendment has nothing to do with it.

Ignorance on this topic goes far and wide. How far? Again and again, I hear on the radio and read in the press that the (presumably and sometimes explicitly constitutional) right to free speech should protect us from various forms of speech itself. You can't hang up on me or tell me to shut up, or refuse to take my call, or strongly disagree with me, or tell me I'm an idiot for thinking what I think, or boycott the Dixie Chicks, or withdraw your sponsorship, because that would infringe somebody's right to free speech. These sloppy arguments are sneaking up on the ultimate idiocy: the assertion that to protect the victims of these "infringements," well, there ought to be a law.

Do I have to draw you a picture? — Michael Christian

Handicapping the race — The 2008 presidential campaign is shaping up as one of the most exciting in history. Hillary Clinton and Rudy Giuliani appear to be the frontrunners now, with John McCain and Barack Obama secondary prospects. So much between now and November 2008 will determine the outcome of the election that it is hard to make a prediction at this point, other than the likely nominees. Will Republican-fatigue or Clinton-fatigue be a stronger force? I am inclined to think the latter.

The crucial question is, whom would the next president nominate to the Supreme Court? The future of *Roe* v. *Wade* could well hang in the balance. Right now, Giuliani appears to me the most likely next president, followed by McCain, then Clinton, then Obama. Romney is an outside possibility on the Republican side, but the Democratic race has likely been reduced to two possibilities.

The major reason why, notwithstanding President Bush's low popularity, a Republican seems likely to be the next president is that the Democratic Party has allowed too many fringe perspectives to permeate it. One recent poll indicated that something like 30% of Democrats believe that the Bush

administration was actively implicated in September 11 (not just that it responded inappropriately). This is too high a percentage for a political party to have a secure shot at winning the White House, even after eight years of an unpopular incumbent from the other party. — Lanny Ebenstein

Jefferson Monument — Grandma Pelosi, our burqa-wearing Speaker of the House, swept to power promising to end the "culture of corruption" that she said characterized the prior Republican-controlled House of Representatives. Her claim to be the Great House Cleaner, however, was dealt a severe blow by the indictment of Rep. William Jefferson (D-La.). Jefferson's indictment appears to set a new record for such busts, easily eclipsing the case against such crooks as Reps. Randy Cunningham (R-Calif.), Bob Ney (R-Ohio), and the classic James Traficant (D-Ohio).

Jefferson, immortalized on videotape accepting a $100,000 cash bribe (most of which he stored in his freezer), has been hit with a 94-page indictment on 16 counts, which exceed those of Cunningham, Ney, and Traficant combined — quite an accomplishment, when you reflect on it — and could bring him over 200 years in the slammer.

Yet Jefferson brazenly refused to resign from Congress, and Pelosi — who earlier this year tried to put him on the Homeland Security Committee(!) — stubbornly refuses to get her minions to expel him.

Moreover, there is the amazing hypocrisy of Pelosi and the Democratic Congressional Campaign Committee (DCCC). When former Rep. Tom DeLay (R-Texas) was indicted on far less compelling evidence and on far fewer counts, both Pelosi and the DCCC demanded that Republican representatives who had received campaign donations from DeLay immediately return that money. But the $140,000 that Jefferson donated to the DCCC, along with the many thousands of dollars he donated to 20 Democratic representatives, has not been returned (except by one congressman), and the arrogant hypocrites don't seem likely to return it any time soon.

So much for House cleaning. — Gary Jason

Fatwa foofaraw — The British government's recent decision to honor novelist Salman Rushdie with a knighthood has brought down upon it the ire of those Muslims worldwide who see the continued existence of the author as an affront to their religion. A number of countries, including Iran and Pakistan, have protested the award; mass demonstrations, newspapers, and various organizations have done the same. A tape, purported to be that of Ayman al-Zawahiri, has surfaced; in it, al Qaeda's number two goes so far as to threaten Britain with reprisals. In the wake of Britain's unfortunate brushes with terrorism in recent years, such threats, and the broader outcry over Rushdie, are troubling indeed.

One is reminded of the similar furor surrounding the publication in late 2005 by the Danish newspaper Jyllands-Posten of a series of cartoons decried by some as, among other things, racist, ignorant, blasphemous, and insulting to Islam. As may yet happen with Rushdie, the cartoons were met with demands for retractions and apologies, bloodshed, indiscriminate destruction of Western property, including the Norwegian and Danish embassies in Syria, and vitriolic threats of further violence and death. These reprehensible tactics, those of the bully and of the thug, should be seen for what they are and dealt with as such.

There is a school of thought that trouble with our enemies, be it "international terrorism," "Islamo-fascism," "Islamic fundamentalism," or whatever the latest terms may be, is at heart because of our being "over there," provoking them. They hate us, plot to bomb us, behead us, and do other nasty things to us, because we go and bother them in the first place. If we were to leave them to their own devices, they would return the favor. So the thinking goes.

Critics of this thesis often dismiss it by accusing its advocates of "blaming the victims." While there is occasionally some truth to this, as in the case of the despicable Ward Churchill, it is not quite so simple. The same, however, could be said of the theory itself. As the Rushdie affair, and others like it, should make clear to us, any affront, real or imagined, constitutes a possible pretext for threats and bloodshed. Though there may be a number of good reasons for the withdrawal of troops from Iraq and elsewhere, the possibility that it would appease our enemies is not one of them.

— Liam Vavasour

Protest is the marinade of freedom — "What is this, socialist China?" asked Teresa Matuska. "This must be a joke," added Rose Terkay. "There are many more things that need watched other than if I make a hot dog or a piece of kielbasa after eight."

Those complaints were quoted in the Pittsburgh Tribune-Review after the mayor of Canonsburg, a small town to the south of Pittsburgh, issued an executive order banning the use of propane, wood, or charcoal grills after 8 p.m.

"Laura Marra, 72, who attends every council meeting, said the mayor issued the order Monday night after Canonsburg resident Dave DiTullio complained that a neighbor constantly starts fires next door, sending smoke onto DiTullio's property," reported the Tribune-Review.

There's a warning for first-time offenders and then fines up to $300 per each occurrence of after-eight grilling.

Predictably, the new edict isn't popular. Said Barb Mavrich,

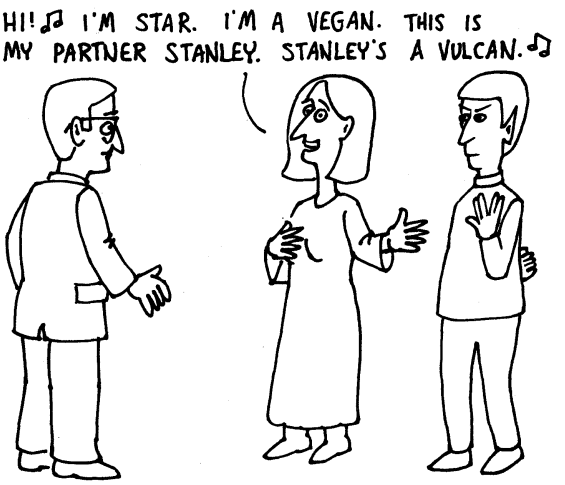

S.H. Chambers

a local librarian: "Now you can't even eat a weenie at night! You've got to eat your weenies before eight."

The town isn't without its rebel history. There's a Whiskey Rebellion Race each July 4th through the streets of Canonsburg, before the Independence Day parade, commemorating the time when the locals met at the Black Horse Tavern, downed some homemade spirits, and proceeded to tar and feather a federal tax collector and burn down the houses of some local excise officials, to protest the new federal tax on whiskey, a levy on the homemade product of their stills. George Washington sent in militias from Pennsylvania, Virginia, New Jersey, and Maryland to crush the insurrection.

In that same unruly spirit, Canonsburg resident Robert Folk, 22, said he will stand his ground: "I will," he declared, "grill illegally."

Protest sometimes pays off. On July 12, the mayor rescinded his order. — Ralph Reiland

Class war — Sen. John Edwards, candidate for the Democratic nomination for president, is famously a one-speech (silky) pony. He constantly laments that there are two Americas, one rich and one poor. He is of course an immensely wealthy trial attorney, but he feels for the poor, as he so emotionally assures us. His cure is to jack up taxes on "rich" people, who he even more emotionally assures us aren't paying their "fair" share.

I think Edwards is right that there are two Americas, but he hasn't identified them correctly. Consider the figures just released by the Treasury Department on who pays what in taxes, based on year 2004 returns.

The figures are surprising. The upper 1% of all income earners earned 19% of all income, but paid 36.9% of all federal income taxes. The upper 5% earned 33.4% of all income, but paid 57.1% of all federal income taxes. The upper 10% paid 70.8% of such taxes. Finally, the top 40% of all income earners paid 99.1% of all federal income taxes.

That means that the bottom 60% of wage earners — people at $43,000 a year or less — paid essentially none of the income taxes. None of the income taxes the federal government uses for national defense. None of the income taxes the federal government uses for welfare. None of the income taxes the federal government uses for the million other things it so busily does. So 60% of the population has absolutely no financial reason to keep the growth of government in check, much less to reduce it.

This explains why the promise of tax cuts gets less and less voter support: the majority now pays no taxes, so doesn't care. And despite the howls of protest from leftists who claim the Bush tax cuts favored the rich, the percentage of federal taxes paid by the rich has gone up under Bush.

Now, when it comes to who derives the most benefits from government, again there is a huge split among the citizenry. In a recent Christian Science Monitor report, economist Gary Shilling estimates that 52.6% of Americans now derive a substantial portion of their income from the government. Shilling's estimate breaks down as follows: about 20% work directly for government or for companies tied to it; another 20% or so receive Social Security or a government pension; and the remaining 13% or so are receiving education grants, subsidized housing, food stamps, or all of the above. (Note that I haven't even mentioned Medicare, Medicaid, or the Earned Income Tax Credit.) Back in 1950 the figure that is now 52.6% was only 28.3%. By 2040 it will be 60% — a substantial majority living off government.

It is important to keep the dimensions of government in mind. The federal government alone took in $2.4 trillion from taxation. (This, while the combined local and state tax burden hit a record high of 11% on average.) By way of comparison, the feds are taking in taxes an amount roughly equal to the total GDP of Japan or Germany, and much greater than the GDP of China (which even after its recent phenomenal growth has a GDP of only about $1.9 trillion). And this is about what the GDP of the U.S. was in 1950 (inflation adjusted).

So, yes, Mr. Edwards, there are two Americas: the tax payers and the tax takers. The first America is the "upper" 40% of wage earners, who pay all the income taxes. The other America is the majority of Americans, who now live off the first. The second America is growing rapidly, and will grow even more rapidly if Mr. Edwards gets his new spending programs enacted.

The first America can only wonder how likely it is that there will ever be a meaningful shrinkage of government, much less a flat tax. — Gary Jason

Surge the insurgence — On June 17, General David Petraeus, the top U.S. commander in Iraq, presented the viewing audience of "Fox News Sunday" with an interim report on the surge.

One can't help but feel a bit sorry for Petraeus. He does not have sufficient forces at his disposal to crush both the Sunni insurgents and the Shiite militias that stand in the way of a stable Iraq. Having just received the full complement of reinforcements promised him under the surge, he is expected to show real progress by September. I'm afraid even a Napoleon couldn't pull that off.

Petraeus had to dance around some pointed questions from the Fox show's host, Chris Wallace. At one point, however, he stated that successful counterinsurgencies generally require at least nine or ten years of effort. For that bit of candor, the general should be commended.

Successful counterinsurgencies are pretty rare. The U.S. was successful in combating the Huk Rebellion in the Philippines, an effort that lasted from 1946 to 1955. The British defeated a communist insurgency in Malaya that went on from 1948 to 1960. But beyond that, the counterinsurgency record is pretty grim.

In Iraq, we have a failed state that's more like South Vietnam than post-World War II Malaya or the Philippines. Additionally, we face not one but *three* opponents — the Sunni insurgents of al Qaeda in Iraq, the Baathist Sunnis (supporters of the old Saddam Hussein regime), and the Shiite militias. There is no single enemy to focus on, which complicates the counterinsurgency effort quite a bit. It's as if we were intervening in the European religious wars of the 16th and 17th centuries — not on the side of either Protestant or Catholic, but against both, and with both as bitterly opposed to us as they are to each other.

The sectarian factor is, I believe, insurmountable. It took a couple of centuries before Protestant and Catholic learned to coexist peacefully in one polity. We can't wait that long in

Iraq, can we? I previously have advocated a tilt in favor of the Iraqi Shiites as part of a two-track policy that would include engagement with Shiite Iran. Allied with the Shiites, we could defeat al-Qaeda in Iraq and the Hussein regime holdovers. A stable Iraq ruled by its majority Shiites would be preferable to the situation we currently face, particularly if a workable U.S.-Iranian relationship is established.

The Bush administration will have none of this, partly because of the objections that Israel and our Sunni Arab allies Egypt and Saudi Arabia have to such a policy, and partly because the administration is incapable of practicing realpolitik. The old Nixon-Kissinger team could have pulled it off; so too Bush-Baker-Scowcroft. Secretary of State Rice and Defense Secretary Gates probably possess the required intelligence and flexibility, but the current President Bush clearly does not. Moreover, Vice President Cheney, with the administration's neocon rump at his side, would vociferously oppose such a policy change.

We are left then with an ongoing commitment, at a lower level of violence perhaps (once the Surge is done), but continuing for years. More and more people in the Bush administration are talking openly of a Korea-like presence in Iraq stretching out over decades.

As Napoleon's war in Spain dragged on, it became known as the "Spanish ulcer." We have got an "Iraq ulcer," and no cure is in sight. A dismal prospect. — Jon Harrison

Mencken's Baltimore — On Independence Eve, I took the train from Washington to Baltimore in pursuit of the ghost of H.L. Mencken, the libertarian journalist who, in the first half of the 20th century, personified independence of an eminent sort. I found his city sagging and tired, far from the charming literary capital to which he ascribed "the brilliance of a circus parade." It was obvious that the parade had long ago abandoned Baltimore, and I wondered if it ever had existed.

Naturally the city patriots tried to relax my doubts — mainly through the revelation that F. Scott Fitzgerald had lived in Baltimore. But they were not so quick to admit that the city was more purgatory than paradise for Fitzgerald, who supported his wife Zelda as she undertook treatments for mental illness at the Johns Hopkins Hospital. Edgar Allan Poe resided in Baltimore, and died there too. Apparently the city was sinister enough to inspire "Berenice," his first horror story.

Navigating through dirt and decay, I imagined that Mencken loved his city not for its lights or wonder, but for the underrated reason that it was *his*. Returning from New York to Baltimore, he wrote, "is like coming out of a football crowd into quiet communion with a fair one who is also amiable, and has the gift of consolation for hard-beset and despairing men . . ."

But the city does not return the sentiments. Aside from the Enoch Pratt Library's Mencken Room, which is open only to scholars, Baltimore has evicted its legend. Streets aren't named for him. Statues don't boast of him. Official guidebooks ignore him. The city considers the Mencken House at 1524 Hollins St. a piece of "surplus property." And though the Friends of the H.L. Mencken House, having received right of entry, give tours of the vacant house by appointment, they are forbidden from running a real museum.

It was Dr. Vincent Fitzpatrick, the gentlemanly curator of the Mencken Room (where some of Mencken's effects are stored), who gave me the tour of Baltimore as the Sage experienced it. "That's where Mencken lived with his wife," Dr. Fitzpatrick said, pointing to the plastic-covered building of a Maryland museum. "And that's where he went to school," pointing to a hospital. "And he drank his famous toast to the end of Prohibition here" — once the bar of an elegant hotel, now a parking lot.

It was as if, to the objective world, Mencken's Baltimore had vanished, leaving its scents and trails only in the imagination of those who knew of it. The experience reminded me of Rudyard Kipling's poem about that lost road through the woods, which had forever vanished. Yet if "you enter the woods of a summer evening late," he wrote:

> You will hear the beat of a horse's feet,
> And the swish of a skirt in the dew,
> Steadily cantering through
> The misty solitudes,
> As though they perfectly knew
> The old lost road through the woods.
> But there is no road through the woods.

— Garin K. Hovannisian

RISK: health care edition — All the major candidates for the Democratic nomination for president have come out in favor of a comprehensive federally operated national health-care system. They tend to be sketchy on which existing national health service they think is worth emulating — would that be Canada's? Or France's? Or perhaps Great Britain's?

I suspect that the reason people who favor nationalized health care are reluctant to name a country whose nationalized system works well is that there is no such country, and they know it. So they argue for a "new" system (i.e., one that exists only in their imagination) free from the defects of any existing one, and infinitely superior to the present American one, natch.

This suspicion occurred to me when I read a recent news story in The Guardian (June 8). It summarized a British Department of Health analysis of wait-times endured by National Health Service (NHS) patients scheduled for surgery. Only now, apparently, is the British government attempting to track this accurately, and the results are eye-popping.

It turns out that only 48% — less than half — of patients scheduled for surgery receive it within four months of the approval date. About 30% of them have to wait even longer — up to seven months. And 12.4% of them — one in eight! — have to wait more than a full year. (The report doesn't address how many patients died while waiting.)

The operations for which patients waited the longest were for ear, nose, and throat procedures, and for gynecological, orthopedic, and general surgery.

The stated goal of the NHS is to make sure that all surgeries happen in less than 18 weeks (four months) after approval. But in the two years since that feeble goal was set, the NHS has clearly not even come close to achieving it.

Would patients in this country be satisfied waiting five

months to get a knee fixed or a cataract removed? I doubt it. Funny how none of the candidates pushing national health care discuss this issue. — Gary Jason

To each their own — When I was young, I used the most sexist language you can imagine. I called servers "waiters" or "waitresses" and flight attendants "stewardesses." Mail carriers were "postmen" to me. I even called fishers "fishermen." Oh, I know, so did everyone else, but that's no excuse. Not really. I should have known better, and I'm ashamed that I didn't.

Eradicating sexism from our language has been a decades-long struggle. There have been many skirmishes along the way. Some have resulted in victory, while others have yet to be won.

The victories have been sweet. When in high school, I read notices like this: "Anyone who wants to go to the game on Friday should bring his money tomorrow."

No, I didn't go to an all-male high school. Yes, people really wrote things like that. Today the notice would automatically be written like this: "Anyone who wants to go to the game on Friday should bring their money tomorrow."

The victory? The grating, sexist "he" has been replaced by the melodious, inclusive "their."

Of course, "anyone," although indefinite, is singular and cries out for a singular possessive pronoun to precede "money." But, in addition to being singular, "anyone" is neuter and cries out for a neuter possessive pronoun. Using "its" isn't allowed, so we must prioritize these cries in the form of a rule: gender trumps number, as in: "If you love somebody, set them free."

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And now, a skirmish yet to be won. The other day at the mall I watched as a woman approached a group of women and said, "Omigosh! You guys look like totally awesome!"

See how she needlessly tacked "guys" onto the perfectly inclusive second person plural "you"? Her impulse to pluralize the already plural "you" is understandable, if only because today "you" serves as both singular and plural. But pluralizing "you" can be done in modern English without making the plural masculine. In the South, "y'all" has been forged from "you all." In Appalachia, what was once "you ones" has been shortened to "you'uns" and even "yins." While these alternatives may not appeal to everyone, if only for stylistic reasons, they are preferable to "you guys" because they are truly gender neutral. In remote corners of the Northeast, it is said, the objective second person plural is sometimes "yous guys." This is a very bad choice.

In Late Middle English, all of this was nicely sorted out. The second person pronouns were as follows: the subjective was singular, thou, or plural, ye, while the objective was singular, thee, or plural, you. The clarity of this formulation gives rise to the thought that consideration might be given to expanding the struggle for gender neutrality to include a systematic reintroduction of these pronouns into modern American English, perhaps at the undergraduate level in progressive universities. Mmmm.

But back to the woman in the mall: can't she hear herself? A guy is a male, not a female. Is proof needed? "It's a guy thing." Not convinced? Try this: "Queer Eye for the Straight Guy." Or how about: "Oprah Winfrey is a very powerful guy." You get the point.

I am sure that this woman does not think of herself as a slave to the patriarchy. But sexist language is insidious and forms our perceptions from the deepest levels of our collective consciousness, often at a more fundamental level than thought. Indeed, language is the very stuff from which thoughts are made. Throwbacks like "you guys" must not be allowed to creep into a language that so many have worked so hard to make gender neutral. It is simply not acceptable.

Remember: gender trumps number, as in: "Omigosh! You look like totally awesome!"

It is better to be a bit unclear about whether you are talking to an individual or to an entire group than it is to risk undoing the linguistic progress of a generation by calling women men. In other words, for the betterment of all mankind, each of us must do his level best to avoid calling gals "guys." Okay, you guys? — Scott Chambers

Customer service — In "Capitalism" (1951, pp. 40–41), David McCord Wright lists the requirements of healthy "social growth." Along with obvious ones such as saving and investment and education, he includes "criticism." By that he means "insistence on *qualitative* standards," not mere growth in output per head, counting even "garbage." Wright's point has broader application. Not everything done in the name of business deserves applause. Pressures of informal complaints and warnings may make for a freer society than government coercion routinely enlisted. As Stewart Alsop wrote ("Let's Raise More Hell," Newsweek, March 9, 1970), "the man who makes a justified fuss does a public service."

Have Liberty's readers experienced obstruction of contacts within firms and between firms and their customers? Aren't such obstacles ironic in this age of high-tech information and communication, when even half the students walking around town and campus are talking on cell phones?

My change of residence (but not of phone number) within the same town provided more and worse examples than I would have imagined. I notified the phone, internet, and credit card companies of my new address. The internet service provider put an improper and unauthorized charge onto my credit card; and a long-distance company, without my consent, drafted me into being their purported customer and began adding charges for its imaginary services to my local phone bill. Four companies thus became involved. Repeated efforts to explain the errors and insist on their correction brought repeated frustrations. I tried phone calls to the extent permitted by the rigmarole of pushing buttons, having inadequate categories of subject matter to choose from, being connected to recordings rather than persons, being put on hold and exposed to advertising, being bounced from company to company, department to department, and clerk to supervisor, being disconnected and having to try again from scratch, and sometimes talking to an uncomprehending robot with an Indian accent.

A frequent ploy was to cite company "records," mockingly and provocatively ignoring that whether those records were correct was precisely the issue. Email messages, sent so far as I could track down the email addresses, usually brought either no replies at all or canned replies at right angles to my points. Letters sent by U.S. mail — to the extent permitted by either concealed or multiple addresses — brought similar non-results. At least once I was connected by phone to a sympathetic listener who, atypically, actually paid attention and agreed with me, only finally to say, "but that's not my department."

After more than five months, the errors have at last been corrected, or almost. (But can I be sure? Perhaps some clerk will resume acting according to some erroneous old record.) The whole affair, including having to compose innumerable letters, has cost me hundreds or maybe even a couple of thousand dollars worth of time and mental and emotional energy. I suppose I could have just given up at any time, but I would have despised myself for passively accepting such abuse.

Trying to get service under warranty for a defective new stove revealed that performance and responsibility were fragmented among three separate companies: the manufacturer, an independent service company, and a parcel service for delivery of parts. All three offered resistance in various ways to hearing from the customer, and they communicated largely by one-way-only prerecorded phone calls (for example, instructing the customer to remain available all the following day).

What could account for such resistance? Perhaps the company, or perhaps only an irresponsible employee, may hope to fatigue the customer into giving up. (The Declaration of Independence complains, remember, that George III "has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their Public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.")

More plausibly, perhaps, fragmenting information, records, and responsibility among and within companies has the advantages (and disadvantages) of the division of labor. Using machines instead of humans and using overseas telephone-answerers instead of Americans saves money. Classifying types of inquiry into prefabricated pigeonholes, even if inadequate, facilitates the push-button system for incoming phone calls. Putting callers on long holds avoids time that phone clerks might otherwise sometimes spend idle. The pigeonholes also simplify programming machines and persons for prefabricated responses to inquiries and complaints. (Deliberate fraud ranks pretty low on my list of possible explanations, though I do not totally rule it out for one of the phone companies.)

Cost savings like these might perhaps excuse the occasional unintentional abuse of a customer. But those savings should let companies afford systems for recognizing and making amends for the abuse when it does occur.

Let's join with David McCord Wright and Stewart Alsop in making "a justified fuss." — Leland B. Yeager

The elephant in the mine — Miners used to take a canary in a cage with them as they descended into the earth, to monitor the air. If the canary died, it was a forewarning that the air was not breathable. Well, in many ways, California serves as a canary for the national economy — except that the canary is more like an elephant. What you see going wrong in America's most populous state is a giant warning sign for the rest of the country.

Certainly, taxpayers around the country are waking up to a hitherto unnoticed problem: the explosive growth of public employee pensions and the health-care expenses of retired public employees. Until recently, these liabilities were hidden. State and local governments, constantly ground by public employee unions, simply handed out ever more generous benefits.

But now these governments are being required to disclose their liabilities, just as private companies have long been forced to do; and the information that is slowly coming out is chilling. In my own lovely state of California, State Controller John Chiang — a liberal Democrat, please note — has just released his estimate of the health-care costs for retired state employees over the next 30 years. He puts the figure at $47.9 billion.

Reflect upon that a moment. The figure does not include the cost of pensions, which are a huge separate liability. And Chiang's estimate is based on the very dubious assumption that in the future, health-care costs will rise much less quickly than they do now. If those costs keep rising at the present rate, the liabilities will likely hit $70 billion. Chiang recommends that the state start putting aside funds to cover those future liabilities, but with a liberal legislature and governor, there is absolutely no chance that will happen. Saving money doesn't buy votes; spending does.

These estimates are just for state employees. City, county, school district, and community college employees are apt to cost taxpayers $90 billion more in health-care expenses alone.

Add in pension costs, and the amount is astronomical.

If the situation in California is any indication, another fiscal meteor, or asteroid, will hit America during the next 15 or 20 years: health-care obligations for state and local employees. As if Social Security, Medicare-Medicaid, the Pension Benefit Guaranty Corporation, and state and local employee pensions weren't enough. — Gary Jason

Hans Sennholz, R.I.P. — Charles Darwin had his bulldog, Thomas Huxley, and Ludwig von Mises had his drill sergeant, Hans Sennholz. Sennholz (1922–2007) was a World War II fighter pilot under the Luftwaffe, but to anyone who knew him, he spoke and wrote like a libertarian drill sergeant. Every day of his life was spent preaching, teaching, and speaking to anyone who would listen about the virtues of free-market capitalism. His speeches were inspirational and powerful. In his thick German accent he delivered an unmistakable message of "Austrian" economics: fight the state and its furious power to tax, spend, and inflate.

Sennholz was a monetary gold bug, more a follower of Ludwig von Mises than of Milton Friedman. He wrote books with titles such as "Inflation or Gold?", "Debts and Deficits," "The Age of Inflation," and "Money and Freedom." After Friedman died late last year, Sennholz was still taking him to task for his proposal to increase the money supply at a constant rate of 4–5%, equal to long-term real GDP growth. "In its search for stability," he wrote, "the Friedman amendment, unfortunately, proceeds on the old road to nowhere. There is no absolute monetary stability, never has been, and never can be." For Sennholz, a true Misesian, there was only one solution to inflation: return to the classical gold standard, in which the dollar is backed by gold.

Sennholz's plane was shot down by Allied troops, and he spent several years as a P.O.W. in the United States. After the war, he earned a Ph.D. at the University of Cologne, Germany, discovered Mises, and returned to the United States to earn a second Ph.D. in economics in 1955 from New York University, where Mises taught. During 36 years, Sennholz taught Austrian economics to 10,000 students at Grove City College in western Pennsylvania. (Peter Boettke, top Austrian economist at George Mason University, is one of his many students.)

Sennholz was a prolific advocate of the Austrian school, writing 17 books and over 500 articles. He wrote regularly for "The Freeman," "Human Events," and financial publications such as "The Inflation Survival Letter." Beginning in 2000, he wrote columns online at sennholz.com. He and his wife Mary (eight years his senior, and herself an editor and writer) once met Ronald Reagan, who said, "I've been plagiarizing you for years."

But Hans Sennholz was best in his role as an electric speaker with that unforgettable German accent. He flew his plane all over the country giving speeches on the evils of inflation, deficit spending, and the falling dollar. His audience was bankers, stockbrokers, businessmen, and religious leaders. I first met him at a Howard Ruff conference in the late 1970s. After hearing him for only a few minutes, I was smitten by this true believer in sound money. He was the Douglas MacArthur of free market economics. He was ready for any crowd. He once told Larry Reed: "If there are 10, I give a talk. If there are 25, I give a lecture. Over 100, I give a speech. To 200 or more, I give an oration."

Still, like other Austrian economists, Sennholz was a pessimist. In the 1970s, he warned that America was headed toward an inflationary Armageddon. He debated John Exter, a former Citibank executive, on "Inflation or Deflation?", and while Exter predicted massive deflation, Sennholz warned of triple-digit inflation. Both were proven wrong. Neither anticipated the supply-side revolutions of Reagan and Thatcher, which brought some sanity back to the global economy.

Sennholz thought the Reagan-Thatcher revolution was temporary, and remained a pessimist. His final column, "Money is flooding the world markets" (May 19) says, "A few pessimistic economists are convinced that a devastating economic cataclysm lies ahead. They usually point to three threats that may have a serious impact on the American economy. There is the burgeoning tower of public and private debt resting on a foundation of greed and overindulgence. There [is] a multimillion dollar list of promises to a retirement system and a vast building of government guarantees and promises that are bound to be unkept. There even is a world of complex derivatives, the value of which depends on something else, such as stocks, bonds, futures, options, loans, and even promises. They all, according to these economists, will be the victims of the coming cataclysm. This economist, who has observed central bank policies since the 1950s, is in basic accord and feels sympathy for these pessimists."

Despite his unfavorable prognostications, Sennholz was an astute investor. He wasn't especially keen on investing in stocks and bonds, and wasn't particularly successful in trading commodity futures, but he was a clever real estate investor and became a multimillionaire by specializing in small-town rental properties. He was at one time the largest landlord in Grove City.

After Sennholz retired from college teaching at the age of 70, he and his wife assumed the daunting task of reviving the Foundation for Economic Education, the first free-market think tank, founded by Leonard Read in 1946 in Irvington-on-Hudson, N.Y. After Read died in 1983, FEE struggled financially and lost influence. Sennholz was elected by the board to save FEE. Over the next five years he righted the ship and got it back on course. In 1996, FEE celebrated its 50th anniversary by having Margaret Thatcher as the keynote speaker.

It was during his tenure as president of FEE that I got to know Sennholz personally. He frequently invited me to speak at FEE's monthly lecture series. Later he asked me to be a columnist for its journal "The Freeman." I am sure that I was elected president of FEE in 2001 as a result of his unwavering support. I was also privileged to participate in writing a collection of essays in honor of Sennholz, "A Man of Principle" (Grove City College, 1992). My favorite book by Sennholz is "The Politics of Unemployment" (Libertarian Press, 1987). His books are available at libertarianpress.com, run by his son Robert.

Douglas MacArthur said, "Old soldiers never die; they just fade away." Hans Sennholz may have faded away, but he will never be forgotten. — Mark Skousen

Cartman Shrugged: "South Park" and Libertarianism

by Paul A. Cantor

It's a funny thing — really *funny* — that the South Park kids know so many things that the political establishment has yet to find out.

Since libertarians don't have much to cheer about on television, especially when watching the Evening News, "South Park" ought to be dear to their hearts. But it can be difficult to convince someone unfamiliar with the show that it is really worth watching — not just because it is uproariously funny, but also because it consistently defends freedom against its many enemies today, on both the left and the right.

The critics of "South Park" — and they are legion — bitterly complain about its relentless obscenity and potty humor. And they have a legitimate point. But if one wanted to mount a high-minded defense of the show's low-minded vulgarity, one might go all the way back to Plato to find a link between philosophy and obscenity. Toward the end of his dialogue the "Symposium," a young Athenian nobleman named Alcibiades offers a striking image of the power of Socrates. He compares the philosopher's speeches to a statue of the satyr Silenus, which is ugly on the outside, but which, when opened up, reveals a beautiful interior: "if you choose to listen to Socrates' discourses you would feel them at first to be quite ridiculous; on the outside they are clothed with such absurd words and phrases. . . . His talk is of pack-asses, smiths, cobblers, and tanners. . . . so that anyone inexpert and thoughtless might laugh his speeches to scorn. But when these are opened . . . you will discover that they are the only speeches which have any sense in them."[1]

These words characterize equally well the contrast between the vulgar surface and the philosophical depth of the dialogue in which they are spoken. The "Symposium" contains some of the most soaring and profound philosophical speculations ever written. And yet in the middle of the dialogue the comic poet Aristophanes comes down with a bad case of hiccoughs that prevents him from speaking when his turn comes. By the end of the dialogue, all the characters except Socrates have consumed so much wine that they pass out in a collective drunken stupor. In a dialogue about the spiritual and physical dimensions of love, Plato suggests that, however philosophical we may wax in our speeches, we remain creatures of the body and can never entirely escape its crude bodily

functions. In the way that the "Symposium" moves back and forth between the ridiculous and the sublime, Plato seems to be making a statement about philosophy — that it has something in common with low comedy. Both philosophy and obscene humor fly in the face of conventional opinion.

High Philosophy and Low Comedy

I'm not sure what Plato would have made of "South Park," but his Silenus image fits the show quite well. "South Park" is at one and the same time the most vulgar and the most philosophical show ever to appear on television. Its vulgarity is of course the first thing one notices about it, given its obsession with farting, shitting, vomiting, and every other excretory possibility. As Plato's dialogue suggests, it's all too easy to become fixated on the vulgar and obscene surface of "South Park," rejecting out of hand a show that chose to make a Christmas icon out of a talking turd named Mr. Hankey. But if one is patient with "South Park," and gives the show the benefit of the doubt, it turns out to be genuinely thought-provoking, taking up one serious issue after another, from environmentalism to animal rights, from assisted suicide to sexual harassment. And the show approaches all these issues from a distinctly libertarian perspective. I know of no television program that has so consistently pursued a philosophical agenda, week after week, season after season. If anything, the show can become too didactic, with episodes often culminating in a character delivering a speech that offers a surprisingly balanced and nuanced account of the issue at hand.

Plato's "Symposium" is useful for showing that vulgarity and philosophical thought are not necessarily antithetical. Before dismissing "South Park," we should recall that some of the greatest comic writers — Aristophanes, Chaucer, Rabelais, Shakespeare, Ben Jonson, Swift — plumbed the depths of obscenity even as they rose to the heights of philosophical thought. The same intellectual courage that emboldened them to defy conventional proprieties empowered them to reject conventional ideas and break through the intellectual frontiers of their day.

Without claiming that "South Park" deserves to rank with such distinguished predecessors, I will say that the show descends from a long tradition of comedy that ever since ancient Athens has combined obscenity with philosophy.

The genius of Parker and Stone was to see that in our day a new frontier of comic transgression has opened up because of the phenomenon known as political correctness.

There are almost as many fart jokes in Aristophanes' play "The Clouds" as there are in a typical episode of "The Terrance and Phillip Show" as presented in "South Park." In fact, in the earliest dramatic representation of Socrates that has come down to us, he is making fart jokes as he tries to explain to a dumb Athenian named Strepsiades that thunder is a purely natural phenomenon and not the work of the great god Zeus:

> First think of the tiny fart that your intestines make.
> Then consider the heavens: their infinite farting is thunder.
> For thunder and farting are, in principle, one and the same.[2]

Eric Cartman couldn't have said it better.

Speaking the Unspeakable

Those who condemn "South Park" for being offensive need to be reminded that comedy is by its very nature offensive. It derives its energy from its transgressive power, its ability to break taboos, to speak the unspeakable. Comedians are always pushing the envelope, probing to see how much they can get away with in violating the speech codes of their day. Comedy is a social safety valve. We laugh precisely because the comedian momentarily liberates us from the restrictions that conventional society imposes on us. We applaud the comedian because he says right out in front of an audience what, supposedly, nobody is allowed to say in public.

Paradoxically, then, the more permissive American society has become, the harder it has become to write comedy. As censorship laws have been relaxed, and people have been allowed to say and show almost anything in movies and television — above all to deal with formerly taboo sexual material — comedy writers like the creators of "South Park," Trey Parker and Matt Stone, must have begun to wonder if there was any way left to offend an audience.

The genius of Parker and Stone was to see that in our day a new frontier of comic transgression has opened up because of the phenomenon known as political correctness. Our age may have tried to dispense with the conventional pieties of earlier generations, but it has developed new pieties of its own. They may not look like the traditional pieties, but they are enforced in the same old way, with social pressures and sometimes even legal sanctions punishing people who dare to violate the new taboos. Many of our colleges and universities today have speech codes, which seek to define what can and cannot be said on campus, and in particular to prohibit anything that might be interpreted as demeaning someone because of his race, religion, gender, handicap, and a whole series of other protected categories. Sex may no longer be taboo in our society, but sexism now is.

"Seinfeld" was probably the first television comedy that systematically violated the new taboos of political correctness. The show repeatedly made fun of contemporary sensitivities about such issues as sexual orientation, ethnic identity, feminism, and handicapped people. "Seinfeld" proved that being politically incorrect can be hilariously funny in today's moral and intellectual climate, and "South Park" was quick to follow its lead.

The show has mercilessly satirized all forms of political correctness: anti-hate crime legislation, tolerance indoctrination in the schools, Hollywood do-gooding of all kinds, including environmentalism and anti-smoking campaigns, the Americans with Disabilities Act, the Special Olympics — the list goes on and on. It's hard to single out the most politically incorrect moment in the history of "South Park," but

I'll nominate the fifth-season episode called "Cripple Fight." It documents in gory detail what happens when two "differently abled," or rather, "handicapable" boys named Timmy and Jimmy square off for a violent — and interminable — battle in the streets of South Park. The show obviously relishes the sheer shock value of moments such as this. But more is going on here than transgressing the boundaries of good taste just for transgression's sake.

A Plague on Both Your Houses

This is where the philosophy of libertarianism enters the picture in "South Park." The show criticizes political correctness in the name of freedom. That is why Parker and Stone can proclaim themselves equal opportunity satirists; they make fun of the old pieties as well as the new, savaging both the right and the left insofar as both seek to restrict freedom. "Cripple Fight" is an excellent example of the balance and evenhandedness of "South Park," and the way it can offend both ends of the political spectrum. The episode deals in typical "South Park" fashion with a contemporary controversy, one that has even made it into the courts: whether homosexuals should be allowed to lead Boy Scout troops. The episode makes fun of the old-fashioned types in the town who insist on denying a troop leadership to Big Gay Al (a recurrent character whose name says it all). It turns out that the ostensibly straight man the Boy Scouts choose to replace Big Gay Al is a real pedophile who starts abusing the boys immediately by photographing them naked.

As it frequently does, "South Park," even as it stereotypes homosexuals, displays sympathy for them and their right to live their lives as they see fit. But just as the episode seems to be simply taking the side of those who condemn the Boy Scouts for homophobia, it swerves in an unexpected direction. Big Gay Al himself defends the right of the Boy Scouts to exclude homosexuals on the principle of freedom of association: an organization should be able to set up its own rules and the law should not be able to impose society's notions of political correctness on a private group. This episode represents "South Park" at its best — looking at a complicated issue from both sides and coming up with a judicious resolution of the issue. And the principle on which the issue is resolved is freedom. As the episode shows, Big Gay Al should be free to be homosexual, but the Boy Scouts should also be free as an organization to make their own rules and exclude him from a leadership post if they want to.

This libertarianism makes "South Park" offensive to the politically correct, for if applied consistently it would dismantle the whole apparatus of speech control and thought manipulation that do-gooders have tried to construct to protect their favored minorities. With its support for unconditional freedom in all areas of life, libertarianism defies categorization in terms of the standard one-dimensional political spectrum of right and left. In opposition to the collectivist and anticapitalist vision of the left, libertarians reject central planning and want people to be left alone to pursue their self-interest as they see fit. But in contrast to conservatives, libertarians also oppose social legislation, and generally favor the legalization of drugs and the abolition of all censorship and anti-pornography laws.

Parker and Stone have publicly identified themselves as libertarians, which explains why their show ends up offending both liberals and conservatives.[3] Parker has said: "We avoid extremes but we hate liberals more than conservatives."[4] This does seem to be an accurate assessment of the leanings of the show. Even though it is no friend of the right, "South Park" is more likely to go after leftwing causes. In an interview in "Reason," Matt Stone explained that he and Parker were on the left of the political spectrum when they were in high school in the 1980s, but in order to maintain their stance as rebels, they found that, when they went to the University of Colorado, Boulder, and even more when they arrived in Hollywood, they had to reverse their positions and attack the prevailing leftwing orthodoxy. As Stone says: "I had Birkenstocks in high school. I was that guy. And I was sure that those people on the other side of the political spectrum [the right] were trying to control my life. And then I went to Boulder and got rid of my Birkenstocks immediately, because everyone else had them and I realized that those people over here [on the left] want to control my life too. I guess that defines my political philosophy. If anybody's telling me what I should do, then you've got to really convince me that it's worth doing."[5]

"South Park" is at one and the same time the most vulgar and the most philosophical show ever to appear on television.

Defending the Undefendable

The libertarianism of Parker and Stone places them at odds with the intellectual establishment of contemporary America. In the academic world, much of the media, and a large part of the entertainment business, especially the Hollywood elite, anticapitalist views generally prevail.[6] Studies have shown that businessmen are usually portrayed in an unfavorable light in movies and television.[7] "South Park" takes particular delight in skewering the Hollywood stars who exploit their celebrity to conduct left-wing campaigns against the workings of the free market (Barbra Streisand, Rob Reiner, Sally Struthers, and George Clooney are among the celebrities the show has pilloried). Nothing is more distinctive about "South Park" than its willingness to celebrate the free market, and even to come to the defense of what is evidently the most hated institution in Hollywood, the corporation. For example, in the ninth-season episode "Die Hippie Die," Cartman fights the countercultural forces that invade South Park and mindlessly blame all the troubles of America on "the corporations."

Of all "South Park" episodes, the second season "Gnomes" offers the most fully developed defense of capitalism, and I will attempt a comprehensive interpretation of it in order to demonstrate how genuinely intelligent and thoughtful the show can be. "Gnomes" deals with a common charge against the free market — that it allows large corporations to drive small

businesses into the ground, much to the detriment of consumers. In "Gnomes" a national coffee chain called Harbucks comes to South Park and tries to buy out the local Tweek Bros. coffee shop. Mr. Tweek casts himself as the hero of the story, a small business David battling a corporate Goliath. The episode satirizes the cheap anticapitalist rhetoric in which such conflicts are usually formulated in contemporary America, with the small business shown as purely good and the giant corporation shown as purely evil. "Gnomes" systematically deconstructs this simplistic opposition.

In the conventional picture, the small businessman is presented as somehow being a public servant, unconcerned with profits, simply a friend to his customers, whereas the corporation is presented as greedy and uncaring, doing nothing for the consumer. "Gnomes" shows instead that Mr. Tweek is just as self-interested as any corporation, and he is in fact cannier in promoting himself than Harbucks is. The Harbucks representative, John Postem, is blunt and gruff, an utterly charmless man who thinks he can just state the bare economic truth and get away with it: "Hey, this is a capitalist country, pal — get used to it." The great irony of the episode is that the supposedly sophisticated corporation completely mishandles public relations, naively believing that the superiority of its product will be enough to ensure its triumph in the marketplace.

The common charge against large corporations is that, with their financial resources, they are able to exploit the power of advertising to put small rivals out of business. But Mr. Tweek cleverly turns his disadvantage into an advantage, coming up with the perfect slogan in his circumstances: "Tweek offers a simpler coffee for a simpler America." He thereby exploits his underdog position as a small businessman, at the same time preying upon his customers' nostalgia for an older and presumably simpler society. He keeps launching into commercials for his coffee, accompanied by soft guitar mood music and purple advertising prose; his coffee is "special like an Arizona sunrise or a juniper wet with dew." His son may be appalled by "the metaphors" (actually they're similes), but Mr. Tweek knows just what will appeal to his nature-loving, yuppie customers.

"Gnomes" thus undermines any notion that Mr. Tweek is morally superior to the corporation he's fighting, and in fact the episode suggests that he may be a good deal worse. Going over the top as it always does, "South Park" reveals that the coffee shop owner has for years been overcaffeinating his son (one of the regulars in the show) and is in fact responsible for the boy's hypernervousness. Moreover, when faced with the threat from Harbucks, Mr. Tweek seeks sympathy by declaring: "I may have to shut down and sell my son Tweek into slavery." It sounds as if his greed exceeds Harbucks'. But the worst thing about Mr. Tweek is that he's not content with using his slick advertising to compete with Harbucks in a free market. Instead he goes after Harbucks politically, trying to enlist the government on his side to prevent the national chain from coming to South Park. "Gnomes" thus portrays the campaign against large corporations as just one more sorry episode in the long history of businessmen seeking economic protectionism — the kind of alliance between business and government that Adam Smith wrote against in "The Wealth of Nations." Far from the standard Marxist portrayal of monopoly power as the inevitable result of free competition, "South Park" shows that it results only when one business gets the government to intervene on its behalf and restrict free entry into the marketplace.

"South Park" descends from a long tradition of comedy that ever since ancient Athens has combined obscenity with philosophy.

The Town of South Park vs. Harbucks

Mr. Tweek gets his chance when he finds out that his son and the other boys have been assigned to write a report on a current event. Offering to write the paper for the children, he inveigles them into a topic very much in his self-interest: "how large corporations take over little family-owned businesses," or, more pointedly, "how the corporate machine is ruining America." Kyle can barely get out the polysyllabic words when he delivers the ghostwritten report in class: "As the voluminous corporate automaton bulldozes its way . . ." His language obviously parodies the exaggerated anticapitalist rhetoric of the contemporary left. But the report is a big hit with local officials and soon, much to Mr. Tweek's delight, the mayor is sponsoring Proposition 10, an ordinance that will ban Harbucks from South Park.

In the debate over Prop 10, "Gnomes" portrays the way the media are biased against capitalism and the way the public is manipulated into anti-business attitudes. The boys are enlisted to argue for Prop 10 and the man from Harbucks to argue against it in a televison debate. The presentation is slanted from the beginning, when the moderator announces: "On my left, five innocent, starry-eyed boys from Middle America" and "On my right, a big, fat, smelly corporate guy from New York." Postem tries to make a rational argument, grounded in principle: "This country is founded on free enterprise." But the boys triumph in the debate with a somewhat less cogent argument, as Cartman sagely proclaims: "This guy sucks ass."

The television commercial in favor of Prop 10 is no less fraudulent than the debate. Again, "Gnomes" points out that anticorporate advertising can be just as slick as corporate. In particular, the episode shows that the left is willing to go to any length in its anticorporate crusade, exploiting children to tug at the heartstrings of its target audience. In a wonderful parody of a political commercial, the boys are paraded out in a patriotic scene featuring the American flag, while the "Battle Hymn of the Republic" plays softly in the background (the show reminds us that in recent years liberal candidates have begun using patriotic images almost as frequently as conservatives do). Meanwhile the announcer solemnly intones: "Prop 10 is about children. Vote yes on Prop 10 or else you hate children." The ad is "paid for by Citizens for a Fair and Equal Way to Get Harbucks Out of Town Forever." "South Park"

loves to expose the illogic of liberal and left-wing crusaders, and the anti-Harbucks campaign is filled with one non sequitur after another. Pushing the last of the liberal buttons, one woman challenges the Harbucks representative: "How many Native Americans did you slaughter to make that coffee?"

Prop 10 seems to be headed for an easy victory at the polls until the boys encounter some friendly gnomes, who explain something about corporations to them. At the last minute, in one of the most didactic of the "South Park" concluding message scenes, the boys announce to the puzzled townspeople that they have reversed their position on Prop 10. In the spirit of libertarianism, Kyle proclaims something rarely heard on television outside of a John Stossel report: "Big corporations are good. Because without big corporations we wouldn't have things like cars and computers and canned soup." And Stan comes to the defense of the dreaded Harbucks: "Even Harbucks started off as a small, little business. But because it made such great coffee, and because they ran their business so well, they managed to grow until they became the corporate powerhouse it is today. And that is why we should all let Harbucks stay."

What many intellectuals hold against capitalism is precisely the fact that it has made available to the masses luxuries formerly reserved to cultural elites.

At this point the townspeople do something remarkable — they stop listening to all the political rhetoric and actually taste the rival coffees for themselves. And they discover that Mrs. Tweek (who has been disgusted by her husband's devious tactics) is telling the truth when she says: "Harbucks Coffee got to where it is by being the best." Indeed, as one of the townspeople observes: "It doesn't have that bland, raw sewage taste that Tweek's coffee has." "Gnomes" ends by suggesting that it is only fair that businesses battle it out, not in the political arena, but in the marketplace, and let the best product win. Postem offers Mr. Tweek the job of running the local franchise and everybody is happy.

Politics is a zero-sum, winner-take-all game, in which one business triumphs only by using government power to eliminate a rival, but in the voluntary exchanges that a free market makes possible, all parties benefit from a transaction. Harbucks makes its profit, and Mr. Tweek can continue earning a living without selling his son into slavery. Above all the people of South Park get to enjoy a better brand of coffee. Contrary to the anticorporate propaganda normally coming out of Hollywood, "South Park" argues that, in the absence of government intervention, corporations get where they are by serving the public, not by exploiting it. As Ludwig von Mises, the eminent economic theorist, makes the point:

> The profit system makes those men prosper who have succeeded in filling the wants of the people in the best possible and cheapest way. Wealth can be acquired only by serving the consumers. The capitalists lose their funds as soon as they fail to invest them in those lines in which they satisfy best the demands of the public. In a daily repeated plebiscite in which every penny gives a right to vote the consumers determine who should own and run the plants, shops and farms.[8]

The Great Gnome Mystery Solved

But what about the gnomes, who, after all, give the episode its title? Where do they fit in? I never could understand how the subplot in "Gnomes" related to the main plot until I was lecturing on the episode at a summer institute and my colleague Michael Valdez Moses made a breakthrough that allowed us to put together the episode as a whole. In the subplot, Tweek complains to anybody who will listen that every night at 3:30 AM gnomes sneak into his bedroom and steal his underpants. Nobody else can see this remarkable phenomenon happening, not even when the other boys stay up late with Tweek to observe it, not even when the emboldened gnomes start robbing underpants in broad daylight in the mayor's office. We know two things about these strange beings: (1) they are gnomes; (2) they are normally invisible. Both facts point in the direction of capitalism. As in the phrase "gnomes of Zurich," which refers to bankers, gnomes are often associated with the world of finance. In the first opera of Wagner's Ring Cycle, "Das Rheingold," the gnome Alberich serves as a symbol of the capitalist exploiter — and he forges the Tarnhelm, a cap of invisibility.[9] The idea of invisibility calls to mind Adam Smith's famous notion of the "invisible hand" that guides the free market.[10]

In short, the underpants gnomes are an image of capitalism and the way it is normally — and mistakenly — pictured by its opponents. The gnomes represent the ordinary business activity that is always going on in plain sight of everyone, but which people fail to notice and fail to understand. The citizens of South Park are unaware that the ceaseless activity of large corporations like Harbucks is necessary to provide them with all the goods they enjoy in their daily lives. They take it for granted that the shelves of their supermarkets will always be amply stocked with a wide variety of goods and never appreciate all the capitalist entrepreneurs who make that abundance possible.

When the boys ask the underpants gnomes to tell them about corporations, all they can offer is an enigmatic diagram of the stages of their business. The diagram encapsulates the economic illiteracy of the American public.

What is worse, the ordinary citizens misinterpret capitalist activity as theft. They focus only on what businessmen take from them — their money — and forget about what they get in return, all the goods and services. Above all, people have no understanding of the basic facts of economics and have no idea of why businessmen deserve the profits they earn. Business is a complete mystery to them; it seems to be a matter of gnomes sneaking around in the shadows and mischievously heaping up piles of goods for no apparent purpose. Friedrich Hayek noted this longstanding tendency to misinterpret normal business activities as sinister:

> Such distrust and fear have . . . led ordinary people . . . to regard trade . . . as suspicious, inferior, dishonest, and contemptible. . . . Activities that appear to add to available wealth, 'out of nothing,' without physical creation and by merely rearranging what already exists, stink of sorcery. . . . That a mere change of hands should lead to a gain in value to all participants, that it need not mean gain to one at the expense of the others (or what has come to be called exploitation), was and is nonetheless intuitively difficult to grasp. . . . Many people continue to find the mental feats associated with trade easy to discount even when they do not attribute them to sorcery, or see them as depending on trick or fraud or cunning deceit.[11]

Even the gnomes do not understand what they themselves are doing. Perhaps "South Park" is suggesting that the real problem is that businessmen themselves lack the economic knowledge they would need to explain their activity to the public and justify their profits. When the boys ask the gnomes to tell them about corporations, all they can offer is this enigmatic diagram of the stages of their business:

Phase 1	Phase 2	Phase 3
Collect Underpants	?	Profit

This chart encapsulates the economic illiteracy of the American public. They can see no connection between the activities businessmen undertake and the profits they make. What businessmen actually contribute to the economy is a big question mark to them.[12] The fact that businessmen are rewarded for taking risks, correctly anticipating consumer demands, and efficiently financing, organizing, and managing production is lost on most people. They would rather complain about the obscene profits of corporations and condemn their power in the marketplace.

The "invisible hand" passage of Smith's "Wealth of Nations" reads like a gloss on the "Gnomes" episode of "South Park":

> As every individual, therefore, endeavours as much as he can both to employ his capital in the support of domestick industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. He genuinely, indeed, neither intends to promote the publick interest, nor knows how much he is promoting it. By preferring the support of domestick to that of foreign industry, he intends only his own security, and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. Nor is it always the worse for the society that it was no part of it. By pursuing his own interest he frequently promotes that of the society more effectively than when he really intends to promote it. I have never known much good done by those who affected to trade for the publick good.[13]

The "Gnomes" episode exemplifies this idea of the "invisible hand." The economy does not need to be guided by the very visible and heavy hand of government regulation for the public interest to be served. Without any central planning, the free market produces a prosperous economic order. The free interaction of producers and consumers and the constant interplay of supply and demand work so that people generally have access to the goods they want. Like Adam Smith, Parker and Stone are deeply suspicious of people who speak about the public good and condemn the private pursuit of profit. As we see in the case of Mr. Tweek, such people are usually hypocrites, pursuing their self-interest under the cover of championing the public interest. And the much-maligned gnomes of the world, the corporations, while openly pursuing their own profit, end up serving the public interest by providing the goods and services people really want.

Et Tu, Wal-Mart?

The dissemination of an earlier version of this essay on the internet brought the wrath of the anticorporate intelligentsia down upon me. I was accused of having sold my soul for a double latte. (For the record, I don't even drink coffee.) I had already noticed that whenever I lectured on "South Park" at college campuses, nothing infuriated my audiences more than my explication of "Gnomes," with its implicit championing of Starbucks. I am somewhat mystified by the way this particular episode provokes so much indignation, but I think it has something to do with the defensiveness of intellectual elitists when confronted with their own elitism. What many intellectuals hold against capitalism is precisely the fact that it has made available to the masses luxuries formerly reserved to cultural elites, including their beloved mocha cappuccinos.

For roughly a century, the left argued unsuccessfully that capitalism impoverishes the masses. But the continuing economic success of capitalism forced the left to change its tune and charge that free markets produce too many goods, overwhelming consumers with a dizzying array of choices that turns them into materialists and thus impoverishes their souls rather than bodies. Parker and Stone regularly do a marvelous job of exposing the puritanical character of the contemporary left. It doesn't want people to have fun in any form, whether laughing at ethnic jokes or indulging in fast food. As Cartman might say: "You can impoverish my soul all you like, as long as I can still have my Cheesy Poofs."

Having had the audacity to defend Starbucks, in its eighth season "South Park" took the even more radical and politically incorrect step of rallying to the cause of Wal-Mart, using an even more thinly disguised name in an episode called "Something Wall-Mart This Way Comes." The episode is brilliantly cast in the mold of a cheesy horror movie, as the sinister power of a Wal-Mart-like superstore takes over the town of South Park amid lengthening shadows, darkening clouds, and ominous flashes of lightning. The Wall-Mart exerts "some mystical evil force" over the townspeople. Try as they may, they cannot resist its bargain prices. Just as in "Gnomes," a local merchant starts complaining about his inability to

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compete with a national retail chain. In mock sympathy, Cartman plays soupy violin music to accompany his lament. When Kyle indignantly smashes the violin, Cartman replies simply: "I can go get another one at Wall-Mart — it was only five bucks."

Widespread public opposition to the Wall-Mart develops and efforts are made to boycott it, ban it, and even burn it down (the latter to the uplifting strain of "Kumbaya"). But like any good monster, the evil Wall-Mart keeps springing back to life and the townspeople are irresistibly drawn to its well-stocked aisles at all hours ("Where else was I going to get a napkin dispenser at 9:30 at night?"). All these horror movie clichés are a way of making fun of how Wal-Mart is demonized by the intellectuals in our society. They present the national chain as some kind of external power, independent of human beings, which somehow manages to impose itself upon them against their will — a literal "corporate monster." At times the townspeople talk as if they simply have no choice in going to the superstore, but at other times they reveal what in fact attracts them — lower prices that allow them to stretch their incomes and enjoy more of the good things in life. (To be even-handed, the episode does stress at several points the absurdities of buying in bulk just to get a bargain, for example, ending up with enough Ramen noodles "to last a thousand winters.")

In the grand horror movie tradition, the boys finally set out to find the heart of the Wall-Mart and destroy it. Stan Marsh's father, Randy, has gone to work for the Wall-Mart for the sake of an extra 10% employee discount, but he nevertheless tries to help the boys reach their objective. As they get closer, though, Randy notes with increasing horror: "The Wall-Mart is lowering its prices to try to stop us." He deserts the children when he sees a screwdriver set marked down beyond belief. "This bargain is too great for me," he cries, rushing off to a cash register to make his purchase. When the boys at last reach the heart of the Wall-Mart, it turns out to be a mirror in which they see themselves. In one of those didactic moments libertarians must learn to love, the spirit of the superstore tells the children: "That is the heart of Wall-Mart — you, the consumer. I take many forms — Wal-Mart, K-Mart, Target — but I am one single entity — desire."

Once again, "South Park" proclaims the sovereignty of the consumer in a market economy. If people keep flocking to a superstore, it must be doing something right, and satisfying their desires. Randy tells the townspeople: "The Wall-Mart is us. If we like our small-town charm more than the big corporate bullies, we all have to be willing to pay a little bit more." There is the free market solution to the superstore problem; no government need intervene. The townspeople accordingly march off to a local store named Jim's Drugs and start patronizing it. The store is so successful that it starts growing, and eventually mutates into — you guessed it — a superstore just like Wal-Mart. "South Park" has no problem with big businesses when they get big by pleasing their customers.

Parker and Stone acknowledge that they themselves work for a large corporation, the cable channel Comedy Central, which is owned by the media giant, Viacom. In the "Reason" interview, Stone says: "People ask, 'So how is it working for a big multinational conglomeration?' I'm like, 'It's pretty good, you know? We can say whatever we want. It's not bad. I mean, there are worse things.'"[14] Anticorporate intellectuals would dispute that claim, and point to several occasions when Comedy Central pulled "South Park" episodes off the air in response to various pressure groups, including their parent company.[15] But despite such occasional interference, the fact is that it was Comedy Central that financed the production of "South Park" from the beginning and thus made it possible in the first place. Over the years, the corporation has given Parker and Stone unprecedented creative freedom in shaping a show for television — not because the corporate executives are partisans of free speech and trenchant satire but because the show has developed a market niche and been profitable. "South Park" does not simply defend the free market in its episodes — it is itself living proof of how markets work to create value and benefit producers and consumers alike. ❑

This article was revised and enlarged from an essay originally published in "South Park and Philosophy," ed. Robert Arp (Blackwell, 2007).

Notes

1. "Symposium," 221E–222A. Quoted in the translation of W.R.M. Lamb, "Plato: Lysis, Symposium, Gorgias," Loeb Classical Library (Harvard University Press, 1925) 239.

2. "The Clouds," lines 392–94. Quoted in the translation of William Arrowsmith, "The Clouds" (New American Library, 1962) 45.

3. See, for example, "They Killed Kenny . . and Revolutionized Comedy," "GQ," February 2006, where Matt Stone says: "We're libertarian. Which is basically: Leave me alone — and I'm okay with drugs and gays" (146)

4. As quoted in Brian C. Anderson, "South Park Conservatives: The Revolt against Liberal Media Bias" (Regnery, 2005) 178

5. "Reason" 38.7 (December, 2006) 66.

6. For an analysis of why such groups turn against capitalism, see Ludwig von Mises, "The Anticapitalistic Mentality" (D. Van Nostrand, 1956) and especially 30–33 for the turn against capitalism in Hollywood.

7. A perfect example of Hollywood's portrayal of businessmen is the cruel banker Mr. Potter in the classic "It's a Wonderful Life" (directed by Frank Capra, 1946). For a comprehensive survey of the portrayal of businessmen in American popular culture, see the chapter "The culture industry's representation of business" in Don Lavoie and Emily Chamlee-Wright, "Culture and Enterprise: The development, representation and morality of business" (Routledge, 2000), 80–103. Here are some representative figures from media studies: "Of all the antagonists studied in over 30 years of programming, businessmen were twice as likely to play the role of antagonist than any other identifiable occupation. Business characters are nearly three times as likely to be criminals, relative to other occupations on television. They represent 12 percent of all characters in identifiable occupations, but account for 32 percent of crimes. Forty-four percent of all vice crimes such as prostitution and drug trafficking committed on television, and 40 percent of TV murders, are perpetrated by business people" (84).

8. Mises, "Anticapitalistic Mentality" 2.

9. George Bernard Shaw offers this interpretation of Alberich; see his "The Perfect Wagnerite" (1898) in George Bernard Shaw, "Major Critical Essays" (Penguin, 1986) 198, 205.

10. For the way H.G. Wells uses invisibility as a symbol of capitalism, see my essay "The Invisible Man and the Invisible Hand: H.G. Wells's Critique of Capitalism," "American Scholar" 68, 3 (1999) 89–102.

11. F.A. Hayek, "The Fatal Conceit: The Errors of Socialism" (University of Chicago Press, 1988) 90, 91, 93.

12. Several email responses to an earlier version of this essay argued that the gnomes' diagram makes fun of the sketchy business plans that flooded the Initial Public Offering market in the heyday of the dotcom boom in the 1990s. Having helped write one such document myself, I know what these correspondents are referring to, but I still think that my interpretation of this scene fits its dramatic context better. if the gnomes' business plan satirizes dotcom IPOs, then it really has no relation to the rest of the episode.

13. Adam Smith, "An Enquiry into the Nature and Causes of the Wealth of Nations" (1776; reprinted by Liberty Classics, 1981) I.456.

14. "Reason" interview, 63.

15. The episodes in question were pulled only from the repeat rotation; they were allowed to air originally and they are now once again available in the DVD sets of the series.

Somalia: The Rubble And the Blossom

by Vince Vasquez

Go to the world's worst-run country, and discover that what the government can't run, prospers.

International media outlets reported this March that rebel fighters in war-torn Somalia shot down a foreign military helicopter in the nation's largest city, dragging the bodies of dead soldiers through rotting streets with an air of jubilation. The scene evoked memories of the United Nations' earlier, failed intervention in the anarchic country, an intervention that resulted in the loss of 18 U.S. soldiers. Though many would conclude that little has changed in this lawless land between 1993 and now, an economic blossom has emerged from the national rubble with more peacemaking power than any military mission or unanimous resolution passed on the floor of the Security Council.

Few corners of the world evoke more images of despair than Africa, home of some of the most broken, poverty-stricken nations on the planet. Chief among those is Somalia, a country of more than 8 million people that has lacked a functioning central government for over a decade and is beset with one of the highest infant mortality rates in the region. But it wasn't always that way.

Freed from its European colonial overseers, the United Kingdom and Italy, in July 1960, Somalia had a promising start as a fledgling democracy. But a brief glimmer of fair elections and individual freedoms came to an end in 1969, when a military coup installed General Mohamed Siad Barre as president, in charge of a Soviet-style Marxist regime. Practicing what he described as "scientific socialism," Barre coerced a nation of nomads and herdsmen into the new direction of large-scale public projects. During the next two decades his regime nationalized industries, jailed thousands of dissidents, and stifled free speech. The human costs of his boldly statist objectives were egregiously high. As Amnesty International noted in a 1988 report, "Human rights have been persistently violated in Somalia ever since 1969 when the present government assumed power. The evidence reveals a consistent pattern of torture, lengthy and often arbitrary detention of suspected political opponents of the government and unfair trials."

As for the regime's effect on the economy, a good example was what happened to the telecommunications industry. What little telecommunications infrastructure was laid in Somalia during its colonial and democratic periods was quickly seized by Barre. The entire industry was reorganized under a single, state-owned monopoly, administered by the

newly fashioned Ministry of Post and Telecommunications. It is estimated that the Ministry inherited a small telegram system and an overworked telephone network of roughly 7,000 land lines, almost all of which were in Mogadishu, the country's capital and home to more than a million people. By the end of Barre's rule in 1991, government bureaucrats managed to do little more than double the number of land lines, accomplishing this only through the expertise and resources of generous foreign powers. Following a "master plan" drafted by UN technocrats to modernize Somalia's telecom infrastructure, more than $60 million in projects were completed in the 1980s with an amalgam of loans, grants, and technical assistance from Japan, France, Italy, the Arab Development Fund, and the African Development Bank.

Even poor nations can embrace public policies that retain and augment a skilled workforce, create a consumer market, and encourage indigenous entrepreneurship and investment, thereby reducing the need for international handouts. But the practical experience of socialist systems throughout history has been that personal communication is perceived as a threat that must be placed under tight government control, so as to isolate and maintain power over people and markets, and promote the unfeasible goals of bureaucrats and the dictators they obey. Having eliminated incentives for private-sector investment and curbed the individual liberties of the populace, Somali officials had to depend on the goodwill of public leaders from more open, capitalist countries.

With no small businesses to speak of, and most citizens living on measly government wages, unable to afford the high rates of a phone call, the new-and-improved telecom network was a worthless edifice that served no one, a testament to the failures of state-controlled economies. Not surprisingly, the nation's phone network continued to decay even after additional upgrades. A newly installed President Barre proclaimed that Somalia had "broken the chain of a consumer economy based on imports" by breaking away from democracy, and that under socialism, the people would be "free to decide [their] destiny." The effects of his plan were evident. But after more than 20 years of dictatorship, the East Africans finally did take their future into their own hands.

Somali rebels, tired of Barre's costly military misadventures and human rights abuses, took up arms against the increasingly totalitarian government, overthrowing the dictator in 1991. A low-level civil conflict in Somalia has continued until today, replacing welfare statism with anarchy, as no aspiring faction has been strong enough to gain control of the entire country. It has been an unlovely and at times a horrifying spectacle. Because of the turmoil, however, state monopolies and public works have made way for a free-market economy and individual choice; and these, in turn, have buoyed the nation from complete collapse. In addition, they have fostered some innovative solutions to the problem of meeting human needs in the vast, arid land.

The reason for this astonishing success? No government.

For telecom, the industry's rebirth had to begin at ground zero. During the revolution that ousted Barre, marauders stripped the nation clean of anything that could be sold, including phone lines and other communications equipment. But starting from scratch proved easier when bureaucrats weren't in the way to tax and regulate business, directing the flow of investment for political reasons.

As The Economist noted in 1999, phone networks "are at the heart of Somalia's survival and recovery." Phones allow Somalis to stay in touch with their friends abroad and facilitate business deals between roaming herdsmen and foreign meat markets. The millions of Somalis who live outside the country send up to an estimated $1 billion back to their homeland each year. Because Somalia is strategically located on the Horn of Africa, at the mouth of the Red Sea and between major African and Arab markets, some expatriates saw Somalia as a lucrative business opportunity when the Barre government was overthrown. With the financial and business support of foreign and domestic investors, a new wave of entrepreneurs returned home to set up shop, serve local needs, and build the country they always believed it was possible to create.

Today, after more than a decade of anarchy, five major Somali-owned telephone companies, about a dozen mobile companies, and at least three internet service providers serve markets in Somalia, offering a range of top-notch products and affordable service plans. In all, more than 100,000 land lines have been strung throughout the country, half a million cellular phone subscriptions have been sold, and 90,000 internet users access the Web in cafes across the country. Marketplace competition keeps prices low and value high for consumers. As the CIA World Factbook states, "telecommunications firms provide wireless services in most major cities and offer the lowest international call rates on the continent." Somalia has more robust telecom investment and adoption than many of its neighbors — according to 2004 figures from the World Bank, the nation bests stable neighbors Ethiopia and Eritrea with regard to the number of phone lines, mobile subscriptions, and internet users per thousand residents.

The reason for this astonishing success? No government.

In the absence of industry bureaucrats, there is no need to obtain an operating license or a franchise to provide service; supply is free to meet unbridled demand. There are no legacy rules or government-sanctioned monopolies that would make investment unprofitable, or label certain technologies or markets off-limits. Lacking government lawmakers to create pork projects, mismanage funds, and engender budgetary shortfalls, there are no industry taxes to nickel and dime companies to death, nor any user fees or surcharges on consumer bills. Lacking duties or customs officials, entrepreneurs can bring equipment cheaply through private airstrips and ports, without the long delays or additional business costs incurred in public facilities. As one telecom entrepreneur put it, "The collapse of Somalia has been good for business. In many ways it is much better off than before. Then we had state monopolies and bureaucracy and corruption, and all the wealth was in Mogadishu."

And so far, the Somali telecom industry has successfully kept itself in check, united by a common desire for growth and profits. In 1998, local service providers came together to form the Somali Telecom Association, a self-regulating body that collects sector data, facilitates communication and business relationships, and offers training and development in the war-torn nation. Three telephone companies combined to set up the Global Internet Company, to administer the deployment of common internet network infrastructure, and, according to its website, provide services to startups and venture capitalists, including graphic design, marketing, research, and business development. In November 2005, five major phone companies voluntarily came to an agreement and introduced interconnection services for customers, allowing them to speak to one another across the various private networks. Other companies have followed suit, penning similar agreements with their rivals.

Though anarchy has its benefits for some risk-takers, it also has its shortcomings. Instability and security concerns are persistent problems, as anyone with a gun on the streets can rob or kill, or hold businesses hostage in the marketplace. Yet, even in the absence of the rule of law, or even a local banking system, profit-making companies persist, and attempt to work out their problems. Banking needs are handled in nearby Dubai or the United Arab Emirates, where many of the larger telecom companies are headquartered, and financial transactions are completed in dollars or euros. Mobile phone subscriptions are prepaid, and some landline companies use calling cards. Contracts can be enforced through the traditional clan system, and security is maintained either by hiring private guards or by contracting protection services from local warlords. Militias and gunmen would be foolish to destroy cell towers or disable phone lines, unless they wanted to be left without phone service themselves. Risks are very high, costs are all incurred up front, and there aren't any insurance or special government bailout programs if the political turmoil gets worse and enterprises fail. But economic frontiers are tamed by the strong and the brave, people who are willing to take risks for the chance to reap rewards.

Some may argue that the basis for telecom investment and entrepreneurship didn't exist before the collapse of the Barre regime. To be sure, satellite technology has dropped in price in the last few years, and internet access and mobile phones didn't hit the mass consumer markets until the mid-1990s, after Barre's overthrow. Even before that time, however, a capitalist economy would have spurred the adoption of additional service providers and alternate technologies, such as coaxial cable, which has been used commercially to deliver voice and video services since the 1940s. Lawmakers always have the option of fostering marketplace competition, empowering companies and consumers to chart an organic path of economic growth and capital investment.

Recently, the international community has sought to set in place a "new Somalia," but it's doubtful whether the plan serves the interests of Somalis. A UN-backed transitional federal government (TFG) was installed in Mogadishu in December 2006 after Ethiopian troops and TFG supporters wrested Islamic rebels from their regional strongholds. But Ethiopian troops, long reviled by Somalis recalling previous military engagements, have since taken up residence in Somalia, serving as foreign occupiers; and this has not gone over well, even with pro-government Somalis. The Islamic radicals and other antigovernment forces have gone underground, waging a guerrilla war in the streets of Mogadishu that has claimed hundreds of lives. This is the conflict that culminated in the bold attack on an Ethiopian helicopter that for many in America was all too reminiscent of "Black Hawk Down."

Socialist systems perceive personal communication as a threat that must be placed under tight government control, so as to isolate and maintain power over people and markets.

More troubling are the initial acts of the TFG, which has tasted the same cup of power from which President Barre once drank. Rather than take a fresh approach to providing security and fighting the radicals, TFG officials in early 2007 quickly called for everyday Somalis to surrender their arms to the state, and even shut down news media outlets they felt were "being biased" in their coverage of the conflict. Unfortunately for Somalis, these actions seem to come more from Barre's old policy playbook than the precepts of a democratic institution.

In the search for a lasting peace, heavy-handed foreign intervention and artificial, big-government solutions are poor choices for securing the loyalty of a tough, independent people that isn't likely to lay down arms and pay federal taxes so that Mogadishu can become an African Paris or San Francisco. Rather than continue efforts to impose foreign occupiers and a strong centralized government, leaders in the international community should put their energies into a bottom-up approach that recognizes local control, the importance of the basic rule of law, and the value of extending telecommunications across the nation.

A nation blanketed with information access and phone service can enjoy greater trade, greater growth, and stronger human relationships, both domestically and internationally. A vibrant communications backbone will encourage greater foreign direct investment and participation of expatriates in Somali society and the marketplace. In the absence of a strong central government, local police and courts, financed by local residents, can meet the needs of both businesses and the populace. If Somalis can feel secure in their own country, and tend to the needs of their families and their communities, they will be in a better position to consider the prospects of greater regional and national peacemaking efforts.

In the end, peace in this ravaged land may be nothing more than a phone call away, and pursuing that possibility may give Somalis a better chance at a lasting armistice than any bureaucrat or blue helmet could ever provide. ❑

Live Earth: Dead Show

by Tim Slagle

Faster than a sputtering Prius . . . more powerful than an icebreaker bound for Antarctica . . . able to wipe out liberal guilt with a single carbon offset . . . it's Al Gore!

Al Gore's new book, "The Assault on Reason," hit the shelves in May. Advance reviews and excerpts indicate more of his trademark condescending sighs — 308 pages of Al Gore shaking his head and telling us that we just don't get it. He believes Americans are so used to getting their information from emotional 30-second soundbites that we don't have the attention span to appreciate his smoldering intellect. On July 7, he tried to sell his anthropogenic global warming theory with Live Earth, a big rock show. Well, if you can't beat them, join them.

The whole global warming debate has been an Assault on Reason. Our exposure to the topic comes from those fearful soundbites: meteorologists speculating about why Chicago would see a 70-degree day in the middle of January, why there might be a mudslide in California, or a tornado in Kansas. The people delivering the message are more likely to be rock stars and politicians than climate scientists or tree surgeons; they're likely to be the ones who took the easy courses in college. From what I've learned, Al Gore probably doesn't even understand basic geography.

But who really needed to be made aware of global warming? Apparently there was a large group of potheads who have been so overwhelmed with trying to reach the next level of "Doom" for the past 13 years that they haven't seen the headlines about the earth in crisis. The only way to reach this lost demographic was to lure them out of their parents' basements with a rock show.

Except with this group, warming is part of the American conscience. People at the bank no longer ask if it's hot enough for you, if you brought the cold weather along, or if you mistakenly ordered all that rain. Today, when the temperature becomes unbearably hot, people just blame global warming. In the winter it is used as an excuse for a cold snap, sometimes without irony.

Americans have stubbornly resisted any global warming legislation, but it's not because we're unaware. With gas approaching four bucks a gallon, who isn't cutting back on the unnecessary trips? Do we really need another round of "Turn down your thermostat, and inflate your tires?" Most of the ideas proposed thus far are ridiculously impractical, like taking a bicycle to work. (Fine if you're a 20-year old living in Southern California.)

The only real solution is increasing taxes on energy. This would effectively price all the things that make America so delightful out of the reach of middle America. Air

conditioning, big cars, and pleasure craft would be accessible only to people like Al Gore. The resistance that the global warming proponents note is a well-reasoned refusal to accept a lower standard of life.

Yet in preparation for the show, Gore said, "The task of saving the global environment is a task we should all approach with a sense of joy." Joy. Giving up cars, boats and air conditioning should be approached with joy. This is probably like the ecstasy a flagellant monk feels as he mortifies his flesh with a cat o' nine tails.

Nobody wants to sacrifice, including the Live Earth rock stars. No musicians used unamplified instruments. The stage wasn't lit with CFLs. Madonna kept her microphone plugged in, even though she barely used it. And for the first time ever, she actually pretended to play an electric guitar.

According to the original press release: "[Live Earth's] aim is not just to drive awareness but to get people to take action... These actions are likely to include personal pledges to reduce emissions, for instance by using energy efficient equipment or flying less." But in the seven-point pledge, flying less is noticeably absent (see inset). Apparently someone passed Al Gore the definition of the word "irony." It's hard to ask people to fly less when you've got rock stars circumnavigating the globe.

The original plan was to perform "seven major concerts on seven continents." That would have required a flight into Antarctica. The only reason for an Antarctic show would be to make the continent count coincide with the concert date of 7/7/07, as well as the seven-point pledge. An Antarctic flight would only be a necessary expense for an obsessive-compulsive. There is a good chance that when the organizers conceptualized these shows, they hoped to photograph drowning polar bears and collapsing ice sheets: dramatic examples of the crisis we are facing. But they apparently forgot that Antarctica is on the bottom of the earth, and July 7 is midwinter there. It's dark almost 24 hours a day, and temperatures can reach 130 degrees below zero. So much for photographing those melting ice sheets. Oh yeah, and polar bears don't live there either. Then also, it must have been hard locating a stadium in Antarctica that was capable of hosting such a grand event, and wasn't already booked.

According to Linda Capper, press representative for the British Antarctic Survey, back in February Gore's office contacted the BAS requesting a flight into the Rothera Research station in Antarctica. He wanted to bring an "undisclosed artiste" to perform there. Rothera is under British jurisdiction and hosts a winter population of 22 residents. Gore was probably fairly certain he could get the flight in, too. In February, he boasted that Live Earth would present the "first ever rock concert in Antarctica." Unfortunately planes cannot land in July; the airports close for the season in March. Ships cannot get in after April, because of the sea ice (which, contrary to "An Inconvenient Truth," has not all melted). We all remember the story of the Russian Antarctic scientist who performed an appendectomy on himself one winter, because the only help his nation could provide was air-dropping a mirror, some clean scalpels, and a bottle of vodka.

When it was learned that a real concert would be impossible, Linda Capper suggested that perhaps some of the scientists could play. Linda told me, "We have a house band — five of our science team. They are very good indie rock-folk fusion. The remaining 17 will be the audience on location." The band's name is Nunatak, which is a Greenlandic word meaning a mountain peak, rising above the ice.

Transportation is one of the biggest contributors to greenhouse gases. Even food transportation is scrutinized by environmentalists. Guidelines for presenting a green event were handed out by Live Earth and included suggestions to minimize the miles the products traveled and request local supplies whenever feasible. However, the Live Earth bookers sent American acts — the Red Hot Chili Peppers and the Beastie Boys — to the U.K., and British acts — Roger Waters and the Police — to the U.S. No word on who was supposed to get that trip to Antarctica.

As the date approached, things weren't looking very good for Live Earth. The Istanbul show was completely cancelled for lack of interest. The Rio de Janeiro show was free, but attracted far fewer (100,000) than the projected million, fewer than the Rolling Stones did just a month before (200,000). The Hamburg show still had half the tickets available only two days before the show and started giving them away.

Of course, that might have been because the headliner of the Hamburg show was a virtual unknown named Yusuf. Some might recognize Yusuf from his original identity as '70s pop star Cat Stevens. He fell into obscurity after converting to Islam and changing his name to Yusuf Islam. He wasn't heard from again until years later, when he made a famous remark to the effect that perhaps Salman Rushdie should be executed for his book, "The Satanic Verses" (New York Times, May 23, 1989).

Yusuf appeared, not in the robes he originally wore when

I PLEDGE:

1. To demand that my country join an international treaty within the next 2 years that cuts global warming pollution by 90% in developed countries and by more than half worldwide in time for the next generation to inherit a healthy earth;

2. To take personal action to help solve the climate crisis by reducing my own CO_2 pollution as much as I can and offsetting the rest to become "carbon neutral";

3. To fight for a moratorium on the construction of any new generating facility that burns coal without the capacity to safely trap and store the CO_2;

4. To work for a dramatic increase in the energy efficiency of my home, workplace, school, place of worship, and means of transportation;

5. To fight for laws and policies that expand the use of renewable energy sources and reduce dependence on oil and coal;

6. To plant new trees and to join with others in preserving and protecting forests; and,

7. To buy from businesses and support leaders who share my commitment to solving the climate crisis and building a sustainable, just, and prosperous world for the 21st century.

he converted to Islam, but looking quite Western in jeans and a button-down shirt. The only suggestion of his religion was his square-cut beard. He even dropped the Islam from his name, using only his first name, much like Cher, Madonna, and Bullwinkle. (I think he's trying to warm up to the West again. It's hard even for a humble Muslim to face obscurity.) I wonder, now that he's an environmentalist, if he imagines a similar pronouncement of death for SUV drivers?

There was one speaker of the day who might not disagree with such an idea. Paranoid ex-heroin user Robert F. Kennedy, Jr., lambasted the New Jersey crowd with a voice raw from rage. His speech stood out for its passion and commitment and anger. It also confirmed my suspicion that this whole movement isn't just about changing light bulbs, that there might be more sinister motives behind the message.

"It is more important," he said, "than buying compact fluorescent light bulbs or than buying a fuel efficient automobile. The most important thing you can do is to get involved in the political process and get rid of all of these rotten politicians that we have in Washington, D.C. — who are nothing more than corporate toadies for companies like Exxon and Southern Company, these villainous companies that consistently put their private financial interest ahead of American interest and ahead of the interest of all of humanity. This is treason and we need to start treating them now as traitors."

Wow. I haven't heard talk like that since communism went out of fashion back in the early '90s. Let's round up the capitalists! Grab your machete, Yusuf!

As for Nunatak, they finally appeared on stage around 1 a.m. on 07/08/07 (EDT). I was surprised to see them playing outside in the daylight. Since it is close to midwinter in Antarctica, and in the video the sun was fairly high in the sky, I suspected this was a part of "Live" Earth that was less than live. A quick note to Linda confirmed my speculation. The tape was actually made back in June. There is no way to transmit high-resolution video at a live rate out of the Rothera Station, so they sent video files back to England via the internet, and had them edited. I'm guessing they had to add a soundtrack as well, since the guitars weren't plugged in.

Is this what anyone would call a "Major Concert" (as the original press release claimed)? No. It was obviously just a last-minute cover-up for a really bad idea. It appears that Al Gore, leader of the climate change movement, and Champion of Reason, would flunk Earth Science 101.

I wonder how many people thought they were watching a live performance. Or how many people were even watching. Ratings for the show were dismal, and turnout lukewarm at best. Here in the U.S., the TV show "Cops" beat out Live Earth in that time slot. Excuses were made around the world for the less than stellar audience. The weather, of course, was specially blamed. The U.K. leg of the concert held the unusually good weather responsible for the bad TV ratings, while South Africa complained that the unusually cold weather probably kept people away from the live show. It made me wonder whether global warming could be blamed for cold weather *and* for nice weather, in which case this concert was long overdue.

The people delivering the message are more likely to be rock stars and politicians than climate scientists or tree surgeons; they're likely to be the ones who took the easy courses in college.

The most likely reason that people didn't tune in was just that they thought the show was stupid. How does jetting rock stars around the globe help the planet? It is one thing for Al Gore to fly around the world on a mission to get people to stop flying around the world, but it is completely different when you've got 100 of the world's biggest stars flying around in 100 private planes. Originally Gore planned on appearing live at both the U.K. and U.S. shows — until someone explained that this dual appearance might agitate those of us who are sensitive to hypocrisy. He took Amtrak between appearances in D.C. and N.J. and, surprisingly, still made the N.J. show. I guess that certain people *can* make the trains run on time.

Chris Rock had the best line of the event when he said in an interview with Jonathan Ross: "I pray that this event ends . . . global warming the same way Live Aid ended world hunger." Me too. I also hope that the cynicism shining through those words, along with the poor ratings, signal that the world is finally starting to realize the true motives of these charlatans. It's all about politics, and what they want is standards imposed on *us* that *they* have no intention of complying with.

Yes, there has been an Assault on Reason. And last Saturday, I saw the weapon. ❑

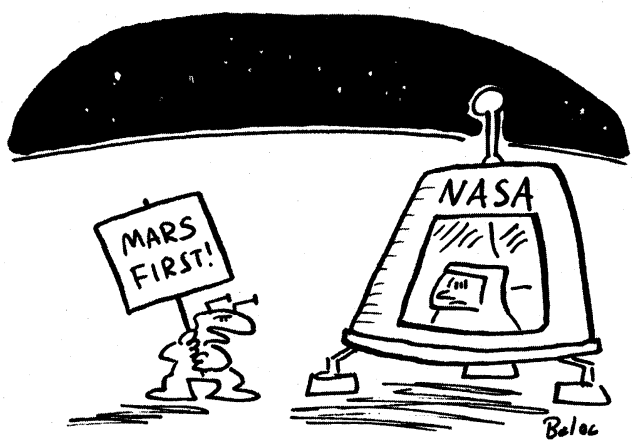

"That thing better not burn fossil fuels!"

Me and the Eiger

by Murray N. Rothbard

Murray Rothbard (1926–1995) was a distinguished economist and libertarian theorist. He was one of the original Associate Editors of Liberty. The Eiger is a peak in the Swiss Alps.

This essay appeared in Liberty's March 1988 issue.

There are ethnocultural gaps between people that go far beyond ideology. I was forcibly reminded of this truth when I recently attended a scholarly conference at a beautiful rural spot. The twenty or so conferees were all intelligent, amiable, and scholarly, but I soon realized that there was an unbridgeable gulf between them and me. I'm not talking about the content of the conference, which was . . . a conference. I'm talking about the conversation that permeated the place outside of the formal sessions, over meals and over drinks. I soon realized, to my chagrin, that none of their conversation held the slightest interest for me. Not a word, not a thought, did they devote to human *culture* — to ideas, books, movies, politics, gossip. Nothing. Instead, they only talked about *nature.* They talked about the contents of the local soil, about the winds, about why it is that the grass freezes overnight more quickly if the climate is dry (or is it when humid?), about the ozone layer, and the ecosystem. Yecch!

At one point, I perked up. Two of my colleagues were talking about the "Eiger Sanction." At last I piped up: "Yes, that was a great Clint Eastwood movie." They looked at me as if I were crazy, and I realized, with mounting horror, that they were talking about the *real* Eiger, and how they had each lost several friends and relatives in their attempt to climb the dread south face (or is it the north face?) of the Eiger.

Let's face it: the difference is ethnic. I am willing to assert that there is not a single Jew who has ever climbed the Eiger, of whatever face, or had the slightest inclination to do so. Any Jew worth his salt regards any yen to climb the Eiger as *mashuggah* (crazy) and the famous answer of Sir Edmund Hillary to why he climbed mountains, "because they are there," as scarcely compelling. So why not swallow a big dose of cyanide because "it is there"? Climbing the Eiger is a striking example of what a friend of mine calls *goyim-nachas* (gentile-happiness). Note what I am not saying: I am not saying that every single WASP talks about nothing but winds and the soil and the ozone layer, and is about to set out to challenge the Eiger. But I *am* saying that in a gathering of Jewish scholars, everyone would be conversing about ideas, books, movies, politics, and gossip. And not a single one would have any friends or relatives who died on the Eiger.

If one were needed, empirical confirmation of this great truth was provided at this conference by the one other urban Jew in this gathering of WASPs. While in other contexts we might have been at swords' point, here we were comrades-in-arms. During breaks between sessions, the WASPs, all thin and hardy, climbed neighboring mountains. I happily reclined in my plush hotel room, watching the baseball playoffs (there is nothing more soul-satisfying than watching *other* people engage in strenuous sport), while my fellow Jewish-ethnic, fat and wheezing at forty, ate double meals and fell into a snooze. God bless him, he's the sort of person who made America great.

For those who have lived on another planet and have never been introduced to this form of ethnocultural analysis, read Philip Roth and watch Woody Allen movies. *That's* what they are all about. ❑

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Love Song

by Alec Mouhibian

"Was it he, or she, reaching out arms and trying to hold or to be held, and clasping nothing but empty air?"
— Ovid, *Metamorphoses*

He saw a lot of strange things on tour. He'd seen a happy clown. He'd even seen a sad widow. Bobby Lipp looked out from the stage over the casino as the thunderous applause from the six people sitting below him died down.

They sat at tables on the dance floor at the west end of the Mohican Valley Resort and Casino. Stood up by lady luck. Waiting on openings in the poker room. Or, in the case of one fellow in a suit and tie, there exclusively for the music.

Either way, they were listening to Bobby Lipp's second afternoon set and none of them could move, not even for a sandwich. Bobby Lipp looked out over them all before putting his glass back on the stool, adjusting his hat, and tightening his strings, just as he did after every song. Electric bells from the slot machines continued as his accompaniment. DING DING DING DING DING DING DING . . . he loved this gig!

After the set the man in the suit and tie approached him.

"I loved what you played. What kind of music is it?"

"I don't know," Bobby said.

"I'm from a record label," the man continued.

"Look, there's a bear!" Bobby said, and as the man turned to look he ran away.

It happens every time. The man isn't always wearing a suit and tie. Sometimes there is no tie and the shirt is unbuttoned enough to reveal a chain around his neck that reads Friends Don't Let Friends Kiss. Sometimes there is a watch and sometimes there is no watch. Sometimes he's from a record label and sometimes from a radio station. But there's always that man and he always approaches Bobby Lipp. Sometimes it's a woman.

Most people burn their bridges by forgetting to put out a fire or carelessly discarding a still-lit cigarette. Bobby did it the old-fashioned way. He used a torch.

Because he didn't like bridges. Wings were more his style. So he never recorded a song and had the most peculiar touring schedule of any musician this side of Gabriel. No theaters, no music festivals, no stadiums, no concert halls. Bowling alleys and bordellos were more his style, though often in the latter his gigs were cut short. Sandwich vendors don't always care for competition.

Bobby liked places where his sound had to compete, where he could play without being promoted. "Never let the same dog fuck you twice," his father once told him, but Bobby had never scored ribbons for his listening skills, and so through an odd interpretation — odder even than his take on "It Had To Be You" — he was left with the desire never to play more than one gig at any venue, a desire that ultimately could not be stitched with his desire to play every day of the year. Wayne Newton, he heard, had a one in 13,000 chance of singing to the same audience member. Bobby decided to do his multiples at the casino by performing at different hours on the different dates (the management, glad to have him, didn't mind), just to be safe. Of all the venues, the casino was his favorite.

You remember Bobby Lipp. He's "that guy I heard," "this singer I once saw." If you haven't heard him, one of your friends has, the one who bowls in the Tuesday night league or works in the bordello or mourns at Mohican Valley, and told you about it. Told you about the street singer whose voice transcended the Sirens. Told you about the performer at the car dealership sale who hit a note that made everyone hold their breath, turned every customer's face toward the salesman's in a stare of deep recognition.

"Do you have any CDs?" the lady with the bucket of coins asks him.

"No," he says.

"Why not?" she asks. "Your songs are lovely."

"I never sing a song the same way twice. And I don't want to be reminded of how I sang it once."

"That's interesting. Tell me, do you perform at weddings? My daughter is getting married in July . . . "

As she speaks he nods a few times and gently raises his hand to the side of her neck and pinches it, making her faint. A trick he learned in the military.

Not that Bobby Lipp had any problem with performing at weddings. They were usually where he felt most needed. Weddings were the only places he could be ironic by singing love songs. No, his problem was repeat customers — he wished never to play to them, at least not while being aware of the fact. Since the lady would be present at her daughter's wedding, Bobby could not be. Simple, logical reasoning.

You might say that Bobby Lipp was afraid of commitment. You might even call him detached, though you'd have to explain how so many strangers found in his unfamiliar sound a welcome respite from the ignorance of intimacy. Just don't think he's afraid of people. That's not it at all. He couldn't do without meeting people, even if once was enough.

Bobby's high school band conductor saw him for the first time in years at the flower trade-show gig. The look on Mr. Ogden's face, now that was something! Seeing his once-underachieving lugubrious long note wielding sublime powers in an act of literal overachievement — imagine how such a sight would shape a man's face! It hasn't reverted since. So what if his students are none the better for it?

Bobby remembered the advice Mr. Ogden used to give and wondered if he still gave it. "Do things you hate when you're young to provide the basis for future art." Mr. Ogden could only cite anecdotal evidence in support of this advice. Back in the day, his ephemeral rock group took a quick trip to the charts with a song he wrote called "Paper Cut," inspired by an injury he got from playing Canasta with his grandmother.

Encounters with artistic types lasted the longest in Bobby's memory. Bozo, the stand-up comedian dressed as a clown (or was it the other way around?), at the prison gig. Bozo landed in the pen on conspiracy charges, due to an unfortunate set of circumstances combined with "a comedian's worst nightmare: telling a joke so unfunny that it's proven in court to be an expression of intent," as Bozo told Bobby.

The painter couple, at the art show. She was on a Campbell's Soup diet. He had painted a portrait of her. "It gets thinner and thinner as she diets, while she remains forever fat," he told Bobby with a wink.

The novelist, at the flea market. Her serious novel sold widely and won a literary award. The novel's first third is identical to its final third, which is too boring to remember, yet still evokes some vague recognition, making people feel she's reading their minds. The method was a metaphor of beginnings being the same as endings, or some such. A miserable woman, at the time. "I turned to writing popular fiction that sells terribly and now I'm happier than ever," she told Bobby Lipp.

And Bobby remembered. He didn't listen, really — Bobby wasn't much of a listener. But he remembered. Whens, whats, hows eluded his attention; essences rarely did. He'd get the song of a story, and often sing it.

"Don't quit your day job, Ramón."

One particular song he sang whenever he noticed an artist in the audience. Naturally his rendition varied a little each time, but the song's melody always comprised all tempos. One could start listening at a certain point and mistake it for a torch ballad, or a jump-rocker, or anything in between. Lyrically, it's a patchwork of stories he remembered from tour.

The song's about Orphy and Eura, the immaculate musician and his dearly beloved. Orphy's music fell in the transanimate soul genre — leaving as much of an impression on rocks, rivers, and trees as on people. Nature was his groupie. With only a voice and a banjo on his knee, he created a sound that steered ships and quelled quarrels. Whether a horn section would've made him sound even better is still fiercely debated among music scholars.

One day the young couple took a lover's walk, when Eura wandered ahead and stepped on an animal. If it'd been a snake it've bitten her. It was a snake and it did bite her, fatally, leaving Orphy mad with grief and his music accented with a sorrow it never before possessed. He couldn't live without Eura. He followed her spirit to the far reaches of the underworld, banjo on knee, singing iron tears out of the subterranean gods, pleading to allow dear Eura another chance at life. None could deny his music. They let her go. They let her follow him back to earth, under the condition that he never turn his head to look at her until they were both in the light. Along the uneasy path he worried for Eura's safety. Finally crossing the tricky threshold he turned back to take her in his hands, but it was too soon, for she had yet to emerge from the darkness, from the path of the underworld, and thus vanished with a faint cry of "Farewell."

That was too much for poor Orphy. He shortly sang himself to death, whereupon he rejoined Eura in harmony and serenaded her ever after.

Here Bobby goes into an instrumental riff and the audience thinks the song is about to end. But Bobby sneaks in one last verse. Addressed to "whom it may concern," it reveals that Eura knew exactly where she was stepping when her foot fell on that venomous snake, and did it as purposefully as she stalled in the darkness waiting for Orphy to turn around and lose her again. The purpose? Giving his music that extra dimension, that accent, the divine gravity that made it truly thorough.

"Beautiful," wrote the painter couple.

"Wow," laughed the novelist.

"Hahahaha," said the clown.

Forget the happy artists' reactions. What about the sad ones? What about the tall fellow who impersonates a midget for a living? What about the priest who sleeps on the couch because his wife is jealous of God? They loved it just as well.

On this night at Mohican Valley, when Bobby completed the song, things started going awry. Lights went off and on. More slots were out of order than usual. Roulette wheels started spinning ferociously. A ball bounced right off one of them into an old spinster's eye. Another spun clear off the table. Electric bells that sounded like natural jingles when accompanying Bobby were sounding electric again. Random gusts of screams now mixed with the falsetto coming out of Elvis nickel machines as the Wheel of Fortune progressive jackpot rose faster and faster and faster and faster until the stage trembled and Bobby jerked his head and in the corner of his vision — eyes losing steadiness, limbs losing strength, throat losing peace — saw what was hiding, unknown to him, in the shadows at so many of his gigs. He saw his wife.

That's right, he saw me. He saw me and ran away again. I didn't want him to see me. All this time I've followed him on tour and hidden out of sight. So be it if that's what it takes. You know, it's not like this was part of my plan. How should I have suspected that he'd try to disappear and never set foot in a recording studio and tell whoever asked that he got his gift for music from his *mother*? Little does he know. Little do I want him to know, if it ever means he'll stop playing. Let him hate me.

Of course *they* would never understand, and I'm fine with that too. They say I destroyed him. They think I'm one of those merciless man-eating bitches who deserves to turn into a tree. They think I was motivated by wine and malice to do those terrible things to Bobby. Fools. They can burn in hell.

At least you know the truth. And you'll understand why I'm going to keep on following him. This wasn't part of my plan. I knew he'd run away but never thought he'd try to hide. No, I expected to listen to his albums in the comfort of my own home and catch him whenever he headlined at the amphitheater, where the crowds would disguise me. I have the right to witness the fruits of my creation, don't I? At least once a week? Who does he think he is to deny me that?

Goddammit, I'm the one who got him pregnant. ❑

Letters, *from page 8*

he attempts to compare apples and oranges.

Any argument about IQ tests relates to a general problem with the tests. Any argument about how Kostelanetz's MRI was interpreted must be about the quality of the particular interpreter of the test. An MRI gives you a series of pictures of the body. To go from a claim that a specific MRI was interpreted incorrectly to a claim that there is something wrong with these tests is like saying that there is something wrong with photography if a person misidentified you in a photograph.

Now, it is well known among radiologists who interpret spine MRI on a regular basis that there is often discordance between anatomic findings and patient complaints. It is *commonplace*. Twenty percent of people under the age of 60 *without pain* have MR evidence of a herniated disk. One can have a large herniated disk pushing directly on a nerve root in a patient with no symptoms relating to that finding. Kostelanetz says the interpreting radiologist said he "should have 'lower back pain'" based on the MR findings,

continued on page 53

Reviews

"Sicko," directed by Michael Moore. Dog Eat Dog Films, 2007, 113 minutes.

The Sicko Scam

Patrick Quealy

I liked "Bowling for Columbine," which makes me a minority of nearly one among libertarians and conservatives. It mystifies me that this should be so. It portrayed a citizen militia in a reasonably sympathetic light. It admitted without argument that it wasn't necessarily bad for millions of guns to be in private hands. Moore talked a lot about guns, but the thesis of the film was that Americans have been primed to fear everything, and are making poor life choices and political choices as a result. You don't have to be a modern liberal to agree with that.

"Bowling for Columbine" took cheap shots and got facts wrong. It was not a technically meritorious documentary. But even through its many flaws, it made a worthwhile point about American culture, and an intelligent person could get something out of it, unlike the hysterical "Fahrenheit 9/11" — and unlike Moore's most recent film, "Sicko."

Moore says at the beginning that millions of Americans are uninsured, but that "Sicko" isn't about them: it's about the problems faced by those who *are* insured. That sounds reasonable, even nuanced; one might expect that what followed would be more than a discussion of the number of uninsured people in America and a call for universal, single-payer, socialized health care. Perhaps Moore would consider some of the huge practical problems with changing health care so drastically, or accurately portray a few of the major drawbacks of socialized health care. Instead, Moore sets the question up as a choice between two alternatives: the status quo vs. socialized medicine. "Sicko" inevitably becomes a paean to state-run health care.

We're shown horror stories of people who have dealt with HMOs. There's the man who lost two fingertips in an accident, whose policy would only cover reattaching one of them. There's the poor woman who was ejected from a hospital and put in a cab that dumped her at the curb of a charity on Skid Row. There's the woman whose infant daughter died from complications of a fever because the insurance company delayed treating her, as she was not brought to an "in-network" emergency room.

These and other outrages against basic decency ought not to happen. But everybody already knew they were happening — right? "Sicko" is making waves because it's news to many people that HMOs cut corners and save costs any way they can, sometimes compromising patients' health. What rocks have these people been living under?

"I always thought the health insurance companies were there to help us," begins Moore's introduction to the segment on HMOs. Well, they're not they're to help us. They're there to make a profit by helping us, which is a different matter. Moore knows this, as he soon admits, laying the blame for everything that's wrong with health care at the feet of Richard Nixon, whose administration ushered in the managed-care model. In an excerpt from the Watergate tapes, Nixon is heard being talked into HMOs because they're for-profit and "the incentives run the right way."

A question at this point occurred to me about an anecdote from earlier in the film. A woman with cancer, and her husband who had several heart attacks, had incurred too many medical bills. They had to declare bankruptcy, sell their house, and move into the woman's daughter's spare room. Those dastardly insurance companies!

Moore let slip, though, several facts which were supposed to make this couple sympathetic: they had been gainfully employed (the husband in a unionized, presumably well-paying trade job); they had six kids, all of whom went to college; and the expenses that broke them were deductibles and copays.

I cannot imagine any collection of deductibles (maybe a thousand dollars) and copayments (ten dollars here, twenty there) that could bankrupt an employed couple that had saved responsibly, when they had *six* college-educated, presumably successful children on whom they could call for help. The best the kids could do is let them crash in a spare room? There's something wrong with that scene. If you're going to blame a president for it, blame FDR or LBJ, who did far more than Nixon to replace the family with the welfare state.

Moore thinks he's contrasting free-market medicine with socialism. He is actually contrasting various sorts of socialism, highlighting the failures of the lightly socialized American managed-care system and highlighting the successes of the fully socialized Canadian system and the heavily socialized French and British systems.

Moore does not talk to one of those admirable American doctors who refuse to see Medicare patients or bill insurance companies, so that he may run an inexpensive fee-for-service clinic accessible to the poor. There he'd find competitive, affordable prices, short wait times, and service that is responsive to consumer wishes.

A girl in a waiting room for a Canadian health facility tells Moore: "We know, like, in America people pay for their health care, but I guess we just don't really understand, like, we don't understand that concept because we don't have to deal with that." Just so.

A French doctor describes French medicine as a system in which "you pay according to your means, and you receive according to your needs." Well.

Moore tells a French woman, cradling her newborn and standing next to a government-provided aide: "Nobody from the government comes to your home in America and does your laundry if you're a new mother." The new mother responds: "Difficult." American mothers have it tough. (Another woman says the difference between America and France is that in America people are afraid of the government, afraid of getting out and protesting. It seems more likely that the Americans, unlike the French, have jobs to be at.)

A former British MP says that socialized health care began with democracy: what democracy did was to give the poor the vote, and it moved power "from the wallet to the ballot." Another way of saying it moved the power to spend money "from those who earned it to those who wanted it."

"Sicko" is already best known for its ending, in which Moore takes ailing World Trade Center rescue workers to Cuba to get health care they can't afford in the U.S.

This sort of disingenuous device apparently seems harmless and beneficent to Moore — justifiable white lies to tell a convincing story. But he knows better than to pass it off as completely factual, which is why he plainly says, when asked, that his films aren't supposed to be documentaries: he has a point of view and he wants to convince you of it. He tells a story, and he does it in such a faux-naif way that you'd have to be pretty dense to eat it up. He knows full well, however, that a great many Americans are pretty dense. He counts on it. They are learning from Moore what kind of health care they want, and asking to get it good and hard.

It's news to fans of "Sicko" that HMOs save costs any way they can, sometimes compromising patients' health. What rocks have these people been living under?

But any person with the IQ of a turnip can see how convoluted the Cuba sequence is. It was so obvious, I thought, that I couldn't really hold Moore responsible. You'd have to *want* to be deceived to believe this Potemkin hospital and its doctors represented the kind of care ordinary Cubans get. You could almost hear Fidel in the room next door, still recuperating from his intestinal surgery, gasping orders over his respirator that the American visitors be cured and sent home to tell their countrymen of the merits of Cuban medicine.

"Bowling for Columbine," "Fahrenheit 9/11," and "Sicko" share the same repackaged premise: we should cut defense spending, and increase the size and scope of the welfare state, to make America a better place. Three times is enough; he should try making a different film.

If Moore wants to know what wonders the government can work in reforming health care, he need only look at the tender mercies visited by the feds upon AIDS and cancer patients who legally use medicinal marijuana, or terminally ill people who are denied experimental treatments. The jackboot or the invisible hand? — I'll take my chances with the latter, thanks. ❑

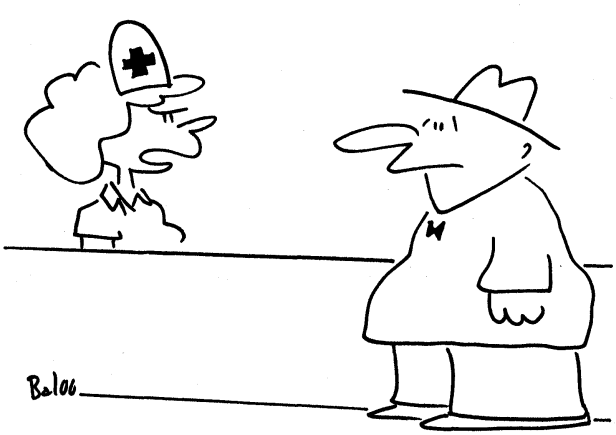

"This is a managed care facility, buster — stand up straight!"

"The Forgotten Man," by Amity Shlaes. HarperCollins, 2007, 464 pages.

A Low, Dishonest Decade

Timothy Sandefur

Franklin Roosevelt famously kidnapped William Graham Sumner's "forgotten man," the silent taxpayer whose earnings are taken to empower the government's compassion industry. Roosevelt used the term to refer to the poor man who needed government aid, thus forgetting, just as Sumner had anticipated, the worker who produces the wealth that the government redistributes. This was all too typical of the New Deal, which consisted for the most part of rhetorical, even propagandistic, disguises for bureaucratic gimmicks that were actually perpetuating unemployment, stifling innovation, and chasing wealth into hiding. Yet with a few minor exceptions — notably Jim Powell's "FDR's Folly" and Hadley Arkes' "The Return of George Sutherland" — historians have clung to the Roosevelt Myth, insisting that the New Deal — or worse, World War II — somehow cured the Great Depression. In fact, it was neither; it was the gradual elimination of official obstructions, most of all in the demilitarization following 1945, that restored prosperity and gave birth to the modern consumer culture.

But the Roosevelt Myth is more than a simple error of fact; it has a normative component that makes it one of the most pervasive and harmful in contemporary America. Forty years ago, historian Arthur Ekirch, Jr., wrote that "the years 1929 to 1941 transformed the traditional values and attitudes of the American people, conditioning them to look, as never before, to the national state as the basic arbiter and fundamental factor in their lives." And indeed, the notion that government planning rescued the economy — or the almost equally perverse notion that it "saved capitalism" — is firmly embedded in the catechism of untruths that rationalizes the ambitions of both Left and Right. It does not appear that any politician since Ronald Reagan has seriously questioned the success of the New Deal, and even he did not challenge its theoretical assumptions or moral pretensions.

Meanwhile, "agricultural adjustment" and similar schemes, allegedly devised to rescue America from a temporary economic emergency, remain in place more than half a century later, hurting producers, benefiting agitated constituencies, and redistributing wealth fast enough to provide the illusion of fostering prosperity (the real meaning of Keynes' "velocity of circulation"). Social Security steams undeterred toward bankruptcy, the "Rural Electrification Administration" keeps its doors open, long after the last outhouse in Appalachia was wired, and bureaucrats operating under the Agricultural Marketing Agreement Act still confiscate tons of fruits and vegetables in order to raise the prices consumers pay and benefit agribusiness.

The most dramatic effects of this creaking, rusty machine of government meddling are on individual entrepreneurs who ask nothing more than that the government leave them alone to earn an honest living for themselves and their families. Take, for example, Marvin Horne, the Fresno-area raisin grower who was fined $275,000 three years ago under a Depression-era law that forbids farmers from selling all the raisins they grow. They are required instead to hand over a large portion — usually a quarter, sometimes half — of their raisin crop to government regulators so as to increase the price of raisins and "stabilize" the market.

"This is America," a bewildered Horne told reporters. "I don't owe anybody any portion of my crop. The government cannot confiscate any of my produced raisins for the benefit of their program." But of course they can, and they got away with it. When other growers demanded just compensation for the raisins they lost, a federal trial court told them that the confiscation was the price they had to pay for the "privilege" of selling their raisins in "interstate commerce." The notion that selling the (literal) fruits of your labor is merely a government-created privilege is the most insidious of all the New Deal's awful legacies.

The notion that government planning rescued the economy is firmly embedded in the catechism of untruths that rationalizes the ambitions of both Left and Right.

In his book on Justice Sutherland (Roosevelt's great legal opponent), Arkes called for someone to write a "people's history of the New Deal," which might detail the many ways in which FDR's reign oppressed workers who wanted nothing more than to earn their living without unreasonable interference. Regular entrepreneurs like the Schechter family of New York, for instance, who found themselves subject to federal "codes of competition" under the National Industrial Recovery Act — the most extensive and authoritarian attempt ever floated for controlling the economic activity of Americans — were deprived of their right simply to work, free from absurd meddling by alleged economic "experts" engaged in "bold, persistent experimentation." These codes, among other things, required poultry sellers to charge above certain minimum prices, and prohibited consumers from choosing the chickens they bought. The theory was that low prices harmed producers, so the law should require buyers to pay more for lousy chickens than they otherwise would.

Obviously this increased food prices for buyers who were already suffering, in order to transfer wealth to private interests. Moreover, it encouraged wasteful practices by industries whose productive capacities were desperately needed. The restrictions were particularly harsh on family-owned businesses, such as the Schechters' poultry company, that lacked political influence and the market dominance that allowed larger companies to suck it in and survive under the NIRA's regime. The Schechters challenged the law in the Supreme Court, and in 1935 the justices unanimously annulled the Act, precipitating Roosevelt's infamous showdown with the judiciary. The case is a high drama that focuses attention where it ought to be focused: on the serial anticompetitiveness of bureaucrats who toyed with the livelihoods of the nation's persevering workers.

Amity Shlaes' new history of the Great Depression aims to address these issues. Her chapter on the *Schechter* case is one of very few in-depth treatments of the case. She accurately describes the way muddleheaded plans — like the "undistributed profits tax" imposed on corporations — obstructed recovery and even worsened economic conditions. Shlaes describes the failed "resettlement" experiments in which federal authorities, led by Stalin admirer Rexford Tugwell, moved poor farmers onto government-managed communes, and the drag on the economy produced by Roosevelt's rhetorical attacks on the wealthy, his increases in taxation, and his coddling of labor union activism.

Shlaes is right in arguing that restrictions on firing employees blocked businesses from increasing their efficiency and led them to close down instead. Meanwhile, the growth of the welfare state sapped ambition and initiative, and encouraged citizens and businesses to look to government to solve their problems — diverting time and energy that could have been spent creating jobs and satisfying consumer demands.

Perhaps worst of all, the vacillating policies of FDR — a man who changed course rapidly and often without warning — deterred businesses from investing and expanding. Roosevelt, Shlaes writes, "could not make up his mind which problem was the worst, or which must be addressed, and in what manner. And he could not see that it was important to be consistent." History shows that economies can find ways around almost any obstacle, even if transactions end up highly inefficient or are driven underground. But when the obstacles shift their positions, investors become less willing to run risks. And FDR didn't merely vacillate; he also took investment capital away, giving it to shareholders or welfare recipients, or transferring it to government make-work projects that served the politicians' own interests rather than consumer need. Most blatant were the projects for writers and artists, who spent government largesse glorifying Roosevelt and his administration in plays, photographs, and murals.

Bureaucrats still confiscate tons of fruits and vegetables in order to raise prices to consumers and benefit agribusiness.

To put this simply: FDR was no hero; his New Deal was unconstitutional and wasteful, a deterrent to recovery and a major assault on American values that has left this generation chained to an awful legacy it cannot seem to shake off. All of this is prime material for a correction of the record. But although eagerly anticipated by many libertarians, Shlaes' book disappoints. It is not a narrative history, or a precise detailing of the intellectual developments of the period; it is written in an almost impressionistic style that is not really suited to history. Shlaes skips back and forth between different focuses of action so quickly that it is exceedingly hard to keep track, and she often drops in details that, instead of illuminating, merely intrigue or confuse.

Briefly describing a Supreme Court case in which the Agricultural Adjustment Act was held unconstitutional (her entire discussion takes up four sentences), Shlaes mentions that "Stanley Reed, the lawyer for the government — the same one who had argued *Schechter* — became ill and had

Calling All Economists!

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea" here, simply ignored by the "experts," and without a peep of protest. For, in libertarianism, you win the argument by running and hiding from it, and "live in the sunshine" by burying your head in the sand.

For the last economist standing, and real sunshine, see ***Intellectually Incorrect*** at intinc.org and ***The Mises Anti-Institute*** at intinc.blogspot.com.

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to stop his argument and sit down." What was his illness? How does it relate to the case? Shlaes says nothing more. Another paragraph begins, "That month, 'Migrant Mother' was published for the first time. At the Tennessee Valley Authority, Arthur Morgan was still seeking a territorial truce with the private companies. To him the war with them was a distraction . . ." Shales goes on to discuss the conflict between the TVA and private utility companies. But what does this have to do with the publication of Dorothea Lange's famous "Migrant Mother" photograph? Nothing at all.

These may seem minor infractions. But 454 pages of such quick glimpses and rapid-fire changes of subject leave one dizzy, not enlightened. Shlaes' book never resolves into clarity, compelling narrative, or systematic argument.

To succeed, a period history relying on representative characters simply must tell a story; Louis Menand's "The Metaphysical Club" or H.W. Brands' "The Age of Gold" come to mind. Rather than tell an integrated story, however, Shlaes piles characters and incidents upon one another, with a bewildering effect. To take one example at random: in the five paragraphs on pages 198–99, she describes Tugwell's confirmation hearings before the Senate, the signing of the Reciprocal Trade Treaty, the formation of the Securities and Exchange Commission and the choice of Joseph Kennedy to lead it, and a meeting between Roosevelt and John Maynard Keynes, who criticized some aspects of the New Deal. (The Keynes meeting occurred in May, and the treaty was in June, but Shlaes tells them out of order.) The SEC isn't mentioned again for a hundred pages, and the treaty never again. If readers can absorb a theme and remember an argument from such shotgun details, they must be better students than I.

If readers can absorb a theme and remember an argument from such shotgun details, they must be better students than I.

Of course, one can write a scholarly history that is not narrative, but then it must be structured as a logical and systematic argument, as in "FDR's Folly" or G. Edward White's marvelous "The Constitution and The New Deal." This style requires the writer to stick with a theme, assemble evidence to fit the argument, and carefully cite his sources. Shlaes doesn't do that, either. In fact, her style seems much more suited to interviews (such as her very interesting appearance on a recent "Econtalk" podcast) or short articles in The Wall Street Journal. There, her brief idiosyncratic closeups on detail are helpful since the format does not call for stamina.

Alas, the flaws of Shlaes' book are fatal, because her interpretation of the New Deal is still unfortunately in the minority. The generally accepted tale of the New Deal is still that Roosevelt and his witch doctors really did save the country. Overturning the Roosevelt Myth requires a powerful argument and a "people's history" that will tell moving human stories to a large audience. For that, we readers still have to wait. ❑

"George Kennan: A Study of Character," by John Lukacs. Yale University Press, 2007, 207 pages.

Containment and Character

Jon Harrison

Most educated people over the age of 30 know that George Kennan (1904–2005) was the architect of the doctrine of containment. For 40 years containment was, more or less, official U.S. policy toward the Soviet Union. Criticized by both left- and right-wingers, Kennan and containment won vindication when the Soviet empire collapsed in 1989–91. The scion of a rather typical middle-class family from the American Midwest had proved a prophet, or so it seemed.

John Lukacs has written not a standard biography of Kennan, but a "study of character." This was wise on Lukacs' part. Few of us today have either the time or the desire to absorb the details of Kennan's childhood, married life, or adult friendships. (This is especially true given the very long span of Kennan's life.) What we need, and what Lukacs has given us, is a biography of *a mind.* Where relationships and personal experiences throw light on the formation of Kennan's character and thought, Lukacs is informative. Beyond that, he is economical.

Kennan was one of the Wise Men, that small circle of hardheaded thinkers and men of affairs who were "present at the creation" as Dean Acheson (secretary of state, 1949–53), perhaps the most prominent of them, phrased it.

Acheson was referring to the creation of the post-World War II national security apparatus that implemented containment policy toward the Soviet Union.

Among the Wise Men, Kennan was something of an outsider. This was partly because of class distinction (most of the Wise Men were upper-crust; Kennan, on the other hand, worked part-time as a mail carrier while a student at Princeton), and partly because of Kennan's refusal to tailor his thinking to match the political winds of the day. Among the other Wise Men, Charles "Chip" Bohlen, who in 1953 succeeded Kennan as ambassador to the Soviet Union, was a close friend. With the rest, however, Kennan forged no close personal ties. This was probably more helpful to the development of his thinking than not.

Kennan's moment as a policy mover and shaker was rather brief. His first outstanding achievement was in the negotiations with Portugal for U.S. bases in the Azores during World War II. Acquisition of the bases was very important for the conduct of the war in Europe. After Washington had done just about all it could do to rub the Portuguese the wrong way, Kennan, then a mere *chargé d'affaires,* was able to rescue the situation, winning his point in a personal interview with President Franklin Roosevelt. It was a remarkable accomplishment for a 39-year old junior diplomat. The Azores negotiations first revealed Kennan as a man of rare boldness and independence of mind.

He came to regard his part in the CIA's birth as "the greatest mistake I ever made," which it was.

Posted to Moscow in 1944 as minister-counselor (second in rank to the ambassador, Averell Harriman), Kennan, who had already served four years in Moscow after the establishment of diplomatic ties in 1933, found himself in the very midst of world politics. It was already clear that with the total defeat of Nazi Germany, the Soviet Union would emerge as *the* great power in Europe, and in the world second only to the United States. The nature of the relationship between Stalin's communist dictatorship and the world's greatest democracy was bound to shape the postwar world.

Kennan understood that the Soviet Union was motivated solely by its own perceived interests; any idea of friendship and cooperation with the capitalist West after the defeat of Germany was a will-o'-the-wisp (a will-o'-the-wisp that many Americans for a time believed had substance — both because of simple naivete and because of the propaganda put out by communists and fellow travelers in the American government, academia, and the media). For various reasons, which I need not go into here, many American leaders (including Roosevelt, and for a time even Harry Truman) tried to avoid this fact. Fed up with the misperceptions of his countrymen, Kennan in February 1946 penned the "Long Telegram" — an 8,000-word missive on Russia and Soviet Communism. Kennan's timing was perfect. Lukacs puts it this way:

> Six months earlier this message would probably have been received in the Department of State with raised eyebrows and lips pursed in disapproval. Six months later, it would probably have sounded redundant, a sort of preaching to the converted. (74)

The effect on official Washington was electric. Eyes were opened, as it were, to the Soviet menace and all it portended. The Long Telegram was read by the secretaries of state, war, and Navy, and apparently even by President Truman. It began the process that led to the Truman Doctrine, the National Security Act of 1947, NATO — the whole apparatus of the American national security state that remains, alas, in place to this day, though the Soviet Union is long gone.

Kennan was called to Washington, where he was first assigned to lecture at the National War College. In 1947, Secretary of State George Marshall named him head of the State Department's Policy Planning Staff. As such, he played a key role in the creation of the Marshall Plan.

At the same time, in July 1947, he published in Foreign Affairs an article called "The Sources of Soviet Conduct," under the pseudonym "X" — though his authorship was soon revealed to the public. After the appearance of this article, the word "containment" became common parlance.

A realist foreign policy such as George Kennan espoused is something that America desperately needs today.

For the next two or three years Kennan was a major player in the American foreign policy establishment; then he began to lose influence until, in 1953, he was gone from the State Department and off to the Institute of Advanced Studies at Princeton. What had happened?

Here Lukacs is particularly valuable, for the nuances in Kennan's thinking are not nearly so well known as the basics of his role in formulating America's response to the Soviet challenge.

Eric F. Goldman wrote that Kennan "proved the scholar-diplomat, if the United States ever had one."* He was simply too well versed in history to fall in with the political passions of the moment. Thus, as attitudes toward the Soviet Union hardened, and the U.S. approach to containment grew ever more militarized, Kennan found himself increasingly isolated. As early as 1947, reading over the draft of the speech announcing the Truman Doctrine, Kennan objected to its far-reaching

*Eric F. Goldman, "The Crucial Decade — And After: America 1945–1960" (Vintage, 1961) 69. When he wrote this, Professor Goldman presumably had forgotten that John Quincy Adams had served as both an ambassador and secretary of state.

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nature. His mind was too independent to accept the restraints imposed by the reflexive and febrile anti-Communism of the 1950s. As a result, after about 1949, his standing dropped. Dean Acheson, Marshall's successor as secretary of state, virtually stopped listening to him, or at least acting on his recommendations. The egregious John Foster Dulles, Acheson's successor, could find no useful work for Kennan at State. Kennan's official career thus came to an end. Lukacs traces all this in masterly fashion.

It is sometimes said that Kennan changed his mind about the Soviet threat. It was not so. It was, rather, that he refused to accept simple answers to complex questions. This characteristic is not typical of Americans, and it generally baffles them. Kennan's thinking was nimble rather than inconsistent. Lukacs, Hungarian-born and with a mind quite open to nuance, is a perfect interpreter of Kennan, and elucidates for the reader the true rigor of his subject's thought.

That Lukacs admires Kennan is obvious. He knew and corresponded with him; in 1997 they collaborated on a book, "George F. Kennan and the Origins of Containment, 1944–1946," published by the University of Missouri. The book drew upon their correspondence of the mid-1990s and refuted the revisionist claim that containment was an over-hasty and perhaps unnecessary policy.

Lukacs mentions some of Kennan's mistakes. Appointed ambassador to the Soviet Union in 1952 (a plum that came too late; Cold War attitudes had hardened, and he himself had lost influence), Kennan allowed the constraints placed upon him by the Soviets to get the better of him. Passing through Berlin, he remarked to a journalist that his situation in Moscow resembled the period of internment he had undergone in Nazi Germany after Pearl Harbor. Stalin, who didn't like having Kennan in Moscow anyway, took the opportunity to have him declared *persona non grata.*

More seriously, during his period of influence in the late 1940s, Kennan proposed the creation of a Central Intelligence Agency, which became the CIA we all know today. Many of the CIA's later actions disturbed Kennan, who had sought the creation of a professional, civilian-run organization to collect and analyze intelligence. He came to regard his part in the CIA's birth as "the greatest mistake I ever made," which it was.

Another point, albeit now an academic one, is whether the policy of containment was actually sufficient for dealing with Soviet communism over the long term. The central thesis of containment was that the Soviet system would prove incapable of extending and, in the end, even maintaining its imperial pretensions. This was very shrewd thinking in the 1940s, but it

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left one question hanging: would the United States be willing to stand guard at the gates for as long as it took the Soviet system to change or collapse?

Kennan, the foremost exponent of the realist school of U.S. foreign relations, was well aware that Americans desire quick, decisive successes, as opposed to long, expensive holding actions. Might they not grow tired of containment? He never answered that question, nor as it turned out did he need to. But 30 years into containment, the situation looked in some ways far worse than in 1947. The Soviet Union had maintained its grip on Eastern Europe and extended the frontiers of Communism in the Third World. It was now, arguably, the greatest military power on earth. Meanwhile, the United States — Jimmy Carter's United States — was looking far weaker than it had in 1947. The policy of appeasement, otherwise known as detente, was keeping the Soviet economy afloat through credits, technology transfers, and the like.

Had that policy continued into the 1980s, would the Soviet Union still have collapsed? We can never be certain, yet it is my suspicion that Ronald Reagan had a lot to do with the fall of communism. But for Reagan, the Soviet empire might very well have persisted into the 21st century. Could the United States, under the likes of Carter, Mondale, Dukakis, and Clinton, have held out that long?

Lukacs does not consider this question, because he does not accept the idea that President Reagan had anything to do with the Soviet collapse.* But this is the only major weakness I find in the book. Lukacs is a fine historian with a fine prose style. Now in his 80s, he remains one of the best minds of our time. In this book, he gives us the essential Kennan, which is something of value not just in historical terms, but for the present as well. A realist foreign policy such as George Kennan espoused is something that America desperately needs today.

Kennan's official career was ended by a speech he gave to the Pennsylvania Bar Association. In it, he quoted John Quincy Adams' famous words on American foreign policy: "We are friends of liberty all over the world, but we do not go abroad in search of monsters to destroy." John Foster Dulles was not pleased (though as secretary of state he adhered to the policy of containment), and Kennan was sent into retirement. Kennan kept faith with Adams' words throughout his long life. Unfortunately, neither Lyndon Johnson nor George W. Bush saw fit to do the same.

Lukacs includes a chapter on Kennan the historian. Kennan combined a first-rate mind with a wonderful literary gift. Many of his works, especially the "Memoirs" and his two books on 19th-century European diplomatic history (which have honored places on my library shelves) repay study, and are a pleasure to read. ❑

*John Lukacs, "The End of the Twentieth Century and the End of the Modern Age" (Ticknor & Fields, 1993) 120.

"God Is Not Great: How Religion Poisons Everything," by Christopher Hitchens. Hachette, 2007, 307 pages.

Seeking God, Dead or Alive

Ted Roberts

Chris is at it again. I refer to Christopher Hitchens — an essayist — a scholar of our culture you might call him. You might also call him a skeptic, an iconoclast, an ex-Trotskyite, and 20 more synonyms, all describing a curious, intellectually rebellious mind. Oh, and you might also accurately describe him as a four-star atheist.

Well, atheists need money badly, since they must live affluently in this world; they certainly don't believe they'll find champagne and caviar in the next. And Mr. Hitchens isn't doing badly. His book is No. 5 on the New York Times bestseller list. Titled "God Is Not Great," it is subtitled "Religion Poisons Everything." You get the idea — it's as plain as a blazing cross. Actually, considering Hitchens' lack of faith it is a confounding title. A thing must exist in one world or another before it is condemned. If, as he contends, He "is not great," it is axiomatic that He must exist — an axiom that the author rejects.

In his book Hitchens does not defend his atheism. He does not explain how the cosmos happens to hang in infinity without an architect or even a golden hook. He just harps on the bloody history of the three major religions, selectively underlining their poisonous influence — ignoring their gifts to civilization.

We must give the author his due. He is not a trickster; he argues like a gentleman and tries to leave emotion out of the argument. I think I could sit with him at the corner bar over a drink or two and not leave drenched with his beer. Even if we discussed the Bible, a document he sees as a weapon of destruction because of its intolerance, as efficient a killer as the medieval pox. Most thinkers (secular, Christian, and Jewish) see it as a lighthouse of civilization (though secularists might call it a blinking beacon) in a stormy world.

His theme — simply put — is that subtitle: Religion Poisons Everything. The vile superstitions of the Abrahamic trio (Judaism, Christianity, and Islam)

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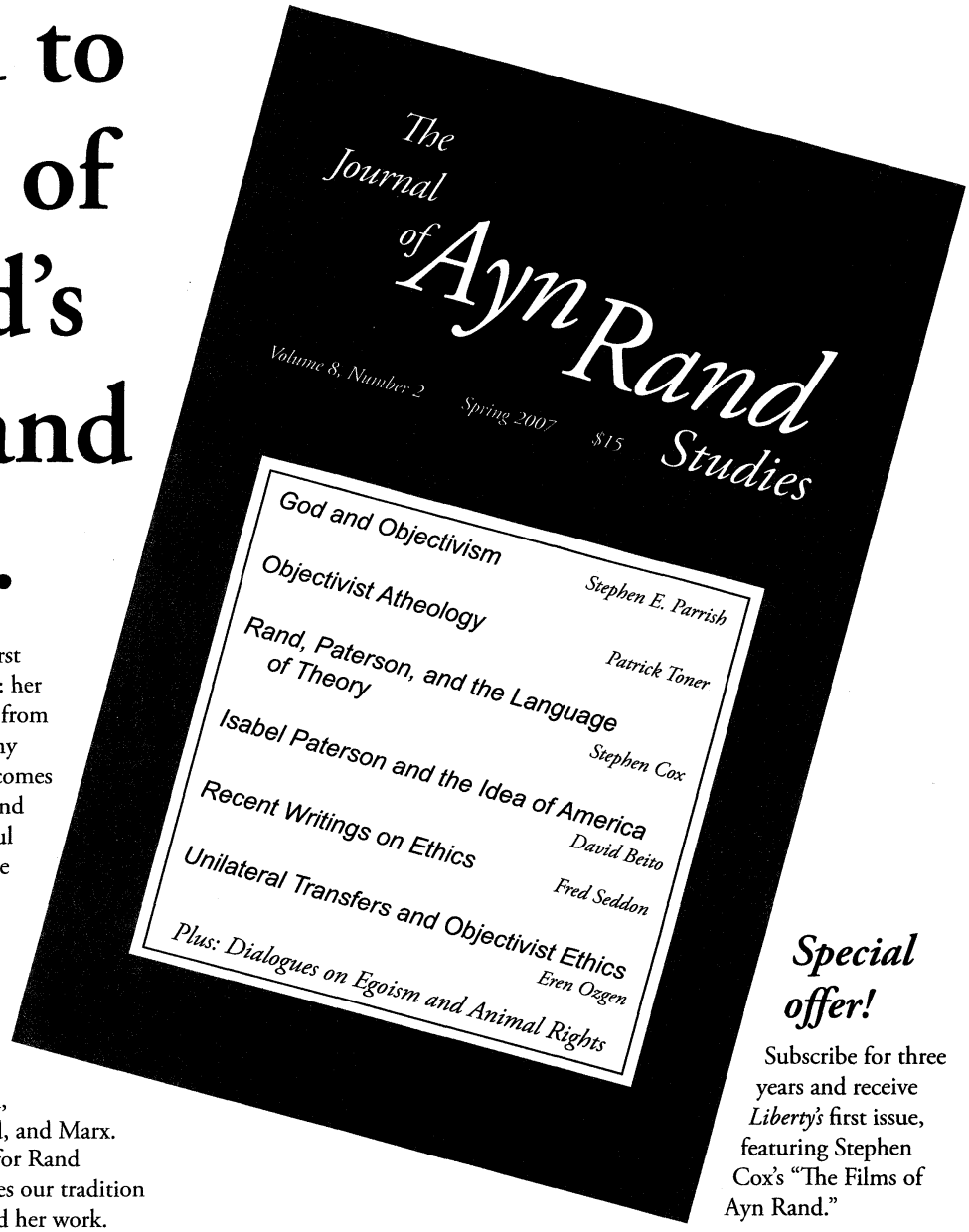

The Journal of Ayn Rand Studies is the first scholarly publication to examine Ayn Rand: her life, her work, her times. Welcoming essays from every discipline, *JARS* is not aligned with any advocacy group, institute, or person. It welcomes scholarly writing from different traditions and different perspectives, facilitating a respectful exchange of ideas on the legacy of one of the world's most enduring and controversial philosophers.

JARS is edited by Stephen Cox, author of works on Rand, Isabel Paterson, and libertarianism; Roderick T. Long, author of works on Rand, Aristotle, and Wittgenstein; and Chris Matthew Sciabarra, author of works on Rand, Hayek, Rothbard, and Marx. Our eighth year ends with new milestones for Rand scholarship. The Spring 2007 issue continues our tradition of first-rate scholarly discussion of Rand and her work. Among its features:

- Stephen Parrish and Patrick Toner on Philosophy of Religion
- Stephen Cox on Ayn Rand and Isabel Paterson
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have brought us nothing but suffering and bloodshed. "Religion — all religions — are fantasies and they breed hatred among people," he rants. Well, the latter point is no news bulletin. Anybody with a high school education knows about the Jew-hatred of the early church, the Inquisition, the Crusades, the pogroms of central Europe, the collapse and collusion of the church with Nazism. Yes, it must be admitted that the religion that advertises turning the other cheek made its share of ghastly ethical errors. And more than Jews suffered; so did Christianity's own heretics. For several centuries, Catholics and Protestants and third-party iconoclasts turned Europe into the World Wrestling Federation with their disagreements over what Hitchens would call "superstition."

They did, but they don't anymore. Civilization, spiritual refinement, reformation — whatever you want to call it — won out.

And we Jews? We get off no easier than the Christians. How about that angry, thundering, vengeful G-d of the Old Testament? Every fifth page, Hitchens reminds us, instructs us to kill Canaanites, Jebusites, Moabites. The best way to stay separate from those idol-loving, fornicating, child-sacrificing heathens was to kill 'em.

Hitchens has a point, but a treacherous one. You can't transpose today's ethics to yesterday, when the world was a butcher shop and everybody was killing everybody, including Philistines spearing Israelites. And even in his early days the Thunderer is often merciful and He becomes more so as we move to the prophets. Again, today, civilization prevails. We no longer hunt down Jebusites.

But some Sunnis do pursue and kill any Shiite they can get hold of. It seems that of the three major religions, only Islam — today — bears the Mark of Cain and validates Hitchens' accusation of theological bloodlust. So, 90% of the author's gripe — that religion engenders hate, resulting in crowded ERs in hospitals around the world — comes from Muslim sources: from readers of the Koran, but not from Judeo-Christians. Hitchens does not remark on the gentle evolution of Judaism or Christianity. Among his examples of religious poison he brings up the metaphor that Dennis Prager often uses: you're in a strange city; it's getting dark; and here comes a group of youths. Would you feel safer or less safe if you knew they were coming from a prayer meeting? Who wouldn't answer with a loud "*safer*"? Not Hitchens, because, as he observes: what if the city is the eye of some religious storm, say Beirut or Baghdad or Bethlehem or Bombay (he throws in Belfast, too)? You'd prefer a secular gang. It's a clever answer, but there are ten thousand other cities in the world where you'd welcome and fear no evil from a group of worshipers. Again, the Islamic threat, and only the Islamic threat, makes Hitchens' point about the violence of believers.

Again, note the title — "God is Not Great" — and its implicit recognition of the Creator's existence. One could be charitable to the author and state that his thesis is not the absence of a creator, but humanity's error in his worship. Hitchens is an exotic breed of atheist. He seems more antireligious than antispiritualistic. Scratch an atheist and maybe find a lost soul. ❑

"The Coming Draft: The Crisis in Our Military and Why Selective Service Is Wrong for America," by Philip Gold. Ballantine Books, 2006, 256 pages.

How to Make an Army

Bruce Ramsey

In January 2003, defense analyst Philip Gold achieved acclaim, and some notoriety, by a parting of the ways with the Discovery Institute. That Seattle thinktank is noted for its defense of Intelligent Design, but it also supports a generally Bushian foreign policy. Gold was its defense guy until he disagreed over Iraq.

The antiwar Right hailed his defection. Lew Rockwell called him "the heroic Phil Gold."

I interviewed Gold. He is a short man with a beard, and does not fit my image of a Marine, though he has been one. He looks more like a college professor, and he has been one of those too. He is enormously well-read. He has a love for a turn of phrase, and such an itch for humor that he cannot go for more than about four sentences without making a joke. He used to be a Goldwater conservative but was driven away by the religious Right.

His book, "The Coming Draft," is misnamed. It is really about how, in the course of history, America has chosen to fill the ranks of its armed forces, and how Gold thinks a free nation ought to do it.

The book rests on two ideas. The first is that consent is important: from individuals, in staffing the military, and from the people collectively, in taking them to war. Early in the book he says regarding the Iraq war that "the American people have passed a quiet judgment on this war by our clear disinclination to have at it."

The second idea is that the military needs to be more closely connected to the people, so that the people feel a sense of obligation to serve in it.

Some proponents of the second idea have called for universal conscription. Gold slams this idea as "a modest unconstitutional proposal for establishing a gargantuan teenager-herding bureaucracy to implement a form of age-based involuntary servitude." It would also, he says, be "a requirement that young people perform such tasks as governmental social engineers decree." It would be "high cost," including the cost of the often unnecessary college educations that would no doubt be offered as plums at the end of it.

The American military does not want a draft. Even when it had one, it never wanted to train and deploy all men.

The American military does not want a draft. What's more, says Gold, even when it had one, it never wanted to train and deploy all men. The 20th-century draft was called Selective Service, and it was. In World War II and again in Vietnam it took less than half the eligible men. Between 1950 and 1965, nearly half of all inductees failed their physicals. "The United States has always assumed that if a man is medically unfit for combat, he should be exempted from all service," Gold writes. "This lets a lot of people off." Conscientious objection also lets them off. And since World War I, the military has culled out millions by means of mental tests.

Essentially, he says, every time the United States created a draft it included enough slack so that resourceful opponents could weasel out of it. And that, he writes, "served to defuse political opposition," making conscription palatable in America.

In the early 1970s, opposition to the Vietnam War was defused even more by eliminating the draft altogether. After that, the quality of men in the service went down, and necessitated the wider use of women. Gold argues that women need to be trained for combat, the same as men, so that the men can rely on them. (His wife, Erin Solaro, wrote "Women in the Line of Fire: What You Should Know About Women in the Military," published in 2006 by Seal Press.)

Though Gold was opposed to the Iraq war, he argues that the U.S. military does have world obligations, and that Iraq dangerously weakened it. He further argues that the military's "decision to spend its trillions on things, operated by fewer and fewer professionals, could not be more deleterious, strategically and morally." The military, he says, needs more people and to be more connected to the People. And so he comes to the idea he shares with the conscriptionists: citizens of a free republic have a duty to defend the state.

He feels this deeply. He resents the belief that "defense is a service that the government provides for us," making Americans "consumers only." He argues that the Founders' conception of the militia was based on the much different idea of citizen obligation — not that the state could command the individual to fight, but that a good citizen would feel obligated.

He considers the Constitution. He takes the 13th Amendment's ban on involuntary servitude at face value. The only part of the Constitution that gives the federal government the power to compel military service, he says, is the power to "call for the militia." That, he writes, is "only through the states, and then only to meet specific defensive needs."

He ends his book with his proposal of reviving the militia in several layers. He prefers volunteers or a "draft" in which "the right of conscientious objection [is open] to everybody, no questions asked." But in case a "drafted" citizen refused to serve in any capacity, including a militia that legally could not be deployed outside the United States, he might be liable for a special surtax on income for the next 30 years.

If that bothers you, turn it around. For those who volunteered to serve, imagine a tax deduction for the next 30 years.

This is not a thinktank book written to serve an ideological agenda or a particular group of donors. Gold wrote his book (and Solaro wrote hers) while they rented a place on the Olympic Peninsula, one of the hideaways of the Pacific Northwest, and there is much of his personality in it. The reader can hear the Marine, the jokester, and the well-read lover of English. For example, here is how Gold starts Chapter 7, "What the Founders Understood":

> America's founders were the most optimistic bunch of paranoids ever to win a revolutionary war, survive the aftermath, and then contrive, as they phrased it back then, "an election of government." They were, we would call them today, conflicted. It wasn't just that they were conflicted with one another. They [were], even and especially when the cause to which they'd mutually pledged their lives, their fortunes and their sacred honor seemed most endangered. Nor was it that, as individuals, so many were conflicted within themselves. They were, though only Thomas Jefferson seems to have raised inner ambiguity to an art form. It was how they handled the conflicts.
>
> They were not paralyzed by them. Nor did they dodge their conflicts, subsuming them in some larger self-evident abstract truth, abandoning or denying messy reality. Instead, they used their conflicts to create.

Some readers will cringe at a style like this. The reviewer for my local newspaper did, and panned the book. I enjoyed it: a juicy rendering of a subject normally dry. This is a fun book to read, and a smart one. ❑

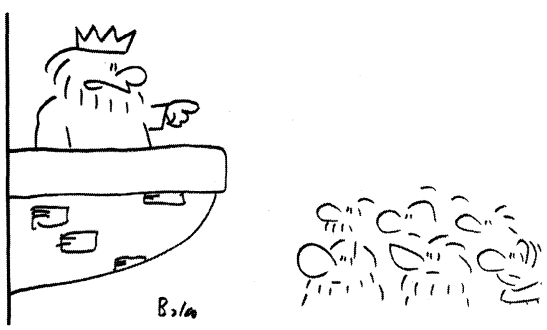

"They hate us because we're free — now everybody form a line to sign up for the draft."

"In Defense of Hypocrisy: Picking Sides in the War on Virtue," by Jeremy Lott. Nelson Current, 2006, 200 pages.

The Tribute Vice Pays to Virtue

Leland B. Yeager

A review should guide prospective readers. On this book, save your money and save your time. Lott's rather obvious message perhaps merited an article, but he smears it vaguely throughout a book full of padding and phony informality. This judgment stands even though Liberty's readers may welcome Lott's apparently anti-left-liberal inclinations and his opposition to what is commonly called political correctness.

Lott distinguishes, though only by examples rather than explicitly, between two senses of "hypocrisy": (1) endorsing or even pretending to have virtues that one does not in fact possess, and (2) pretending not to notice the moral lapses (including even the hypocrisy) of other persons. Hypocrisy in both senses skirts a moral relativism that would undermine distinctions between right and wrong; here the book's subtitle is relevant. The book's message is that, far from always undercutting the distinction between right and wrong, hypocrisy sometimes helps maintain it. Lott quotes (though he does not adequately develop) La Rochefoucauld's familiar aphorism, "Hypocrisy is the tribute that vice pays to virtue."

The American Founding Fathers expressed ideas of equality and inalienable rights. Some of them owned slaves, but at least they were honoring aspirations beyond their own current practice. Pretending not to notice the sins or illegal acts of others (e.g., a clergyman's adultery or someone's assistance to a suicide) may be less subversive of morality than identifying yet excusing those transgressions. And such restraint may serve courtesy or decency. None of this implies, of course, that hypocrisy is always a good thing.

Lott spends several pages on former drug czar William Bennett. The media finally noticed and berated the supposed hypocrisy of Bennett's books and lectures that preached morality despite his record of high-stakes recreational casino gambling. Yet Bennett had neither condemned gambling nor denied his own, and he had prudently limited his bets to what he could afford to lose. Lott repeatedly alludes to this and other cases, including those of Britney Spears, Dick Morris, and Bill Clinton and Monica Lewinsky. (Lott may be trying to flatter his readers' ability to grasp his allusions to old news stories.) He summarizes the plots of various movies for their relevance (if only tangential, I would say) to the topic of hypocrisy. Included are "Dead Poets Society," "The Majestic," "The Bells of St. Mary's," and "The Godfather." The "Casablanca" summary stretches over several pages.

A couple of quotations will illustrate how casual Lott's concern for evidence is. "In baseball, if a pitcher from the Seattle Mariners beans a batter from the Oakland Athletics, there is — how to say this? — a very high probability that an A's pitcher will brush back a Mariner with an inside pitch in the next inning" (144–5). "Ninety-nine point nine percent of American politicians want to 'get tough on drugs' because voters want them to get tough on drugs" (173). How does Lott know such probabilities and percentages?

These allusions, summaries, and digressions illustrate the book's padding. So do bits of autobiography and long-drawn-out accounts of interviews with people who said something about hypocrisy. All these tie in with Lott's straining for a casual style, straining that also appears in colloquialisms and even slang, occasionally apologized for with scare quotes. Such informality becomes obtrusive and distracting. The book's jacket blurbs are conventional, but I am surprised by Lott's long list of persons thanked for help: why didn't their help show up better in the final product?

To repeat, the main message of the book seems correct enough. Why, then, do I bother describing its general amateurishness? Principally because, intrigued by its title, I had promised to write a review. Besides, identifying kinds of unsatisfactoriness may help discourage them in others' writings, and restrain them in one's own. ❑

I am surprised by Lott's long list of persons thanked for help: why didn't their help show up better in the final product?

"Live Free or Die Hard," directed by Len Wiseman. 20th Century Fox, 2007, 130 minutes.

Summer Sizzler

Jo Ann Skousen

While most of the summer sequels fizzled, one of them sizzled: "Live Free or Die Hard" entertains from start to finish. Once again Detective John McClane (Bruce Willis) is in the wrong place at the wrong time, but again he has what it takes to outsmart, outshoot, and outmaneuver the bad guys and save the day, all the while just trying to do his job and go home.

Several elements conspire to make this sequel work when so many others failed this summer.

1. Villains. This film has a high-tech mastermind with a high-tech masterplan that is believably frightening in the computer age: the bad guys have hacked into the mainframes of the nation's communications, utilities, and finance networks, gaining control of everything that is controlled by computers — which is to say, everything, period. Even though nothing else in the movie is believable, the danger is, and that makes the film compelling.

2. Action. "Live Free or Die Hard" is a thrill ride of action sequences from start to finish, as McClane jumps out of an airplane without a parachute, drives a car into an elevator shaft to chase a villain, takes down a helicopter by launching a car into it (because, as he shrugs modestly, "I ran out of bullets") and generally becomes the superhero Spiderman should have been but wasn't. It's just plain fun.

3. The Sidekick. One of the icons of the "Die Hard" series is the young naive helper who, like McClane, is in the wrong place at the wrong time but still manages to help McClane save the day. In this episode, Justin Long plays the young computer techie who has unwittingly helped the hackers break into the computers and now has the skills to undo the damage — if McClane can keep him from being killed.

4. The Leading Man. Bruce Willis is not a great actor, but I admit he makes my heart pound. He lacks the range of a Dustin Hoffman, Mel Gibson, or Johnny Depp. But what he does, he does exceptionally well. In this entry his character returns with all his idiosyncracies — the wry smile and sardonic wit, the reluctant heroism, the talking to himself that borders on mental illness. Willis makes this franchise work.

You'll probably notice that the dialogue doesn't match the mouth movement in several instances. After the filming was complete, the producers decided to go for a PG-13 rating. They could change the dialogue through post-production re-recording, but they couldn't reshoot the scenes. It's mildly annoying to see their lips form an "F" when the words are something else, but it's not too bad. Watch also for Justin Long's characteristic ad libs. On set, Long is a little like Robin Williams, taking his character into unexpected and unwritten directions that directors can't resist using because they are so natural and so funny. This is a breakthrough role for Long, who has spent most of his career in lightweight teen flicks and Mac commercials. He could be the new Matt Damon. (Watch for Long in "The Sasquatch Gang" this fall. I was on-set during some of the filming, and his ad libs were so funny that the command for "Quiet on the set!" became almost impossible to obey.) ❑

Letters, *from page 40*

and my goal is not to defend an unknown radiologist whose report and whose images I haven't seen. But I do know it is typical for radiologists, on finding an anatomic abnormality, to urge clinical correlation, to say something like, "The L4-5 disc herniates into the exiting L5 nerve root. Please check and see if the patient has a pain along the dorsum of the foot extending to the big toe." Maybe "should have back pain" was meant in the context of "patients with this anatomic abnormality commonly have back pain. Please check clinically for back pain before operating on this potentially asymptomatic finding." In other words, "should have back pain" (if the report said this; Kostelanetz doesn't quote the report directly) needn't mean "must have back pain."

Or maybe Kostelanetz's MRI was interpreted by someone not so good. Our payment mechanisms in medicine are such that poor quality interpretations pay as well as good quality interpretations, so radiologists (and other doctors) have little incentive to arrange work flow so that the best people for a particular study are the ones providing the interpretation

In any case, I think Kostelanetz, whom I'm happy to hear has no back pain, may be making more out of a common request by radiologists for clinical correlation than is warranted. I suspect most radiologists wouldn't make the mistake he is attributing to them. The average IQ of physicians, after all, is 120.

Ross Levatter
Phoenix, Ariz.

Terra Incognita

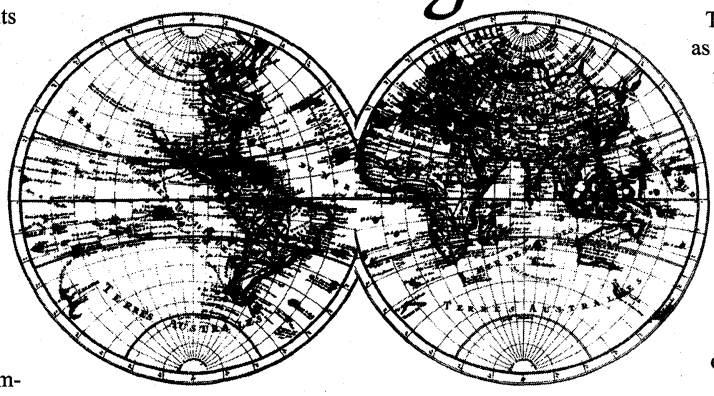

Spokane, Wash.

Along the highways and byways of the Evergreen State, from the *Spokane Spokesman-Review:*

State trooper Mark Haas was so flustered by the sight of two women's exposed breasts that he let an unlicensed and legally drunk driver and her passenger leave without a citation or an arrest, his superiors say.

"Unfortunately, breasts and a vagina were exposed, but it's unclear why that happened," said Capt. Jeff DeVere. "What is clear is that when that did occur, trooper Haas did not react appropriately."

Berlin

Testament to the power of nostalgia, reported in the *St. Petersburg* (Russia) *Times:*

Berlin's new budget hotel Ostel offers a renewed whiff of life in the former German Democratic Republic, welcoming travelers with portraits of communist leaders adorning the walls. There are rooms that replicate bedrooms from typical East German apartments, from about $50. At the other end of the scale, $12-per-bed Pioneer Camp dorm rooms feature two bunk beds and spartan living conditions evocative of the summer camps of the Free German Youth, the party youth organization.

Ostel employee Liliana Lehmann, 25, said the hotel was a break from the bustle of today's capitalist capital. "We try to create a community feeling," she said. "It's a contrast to today's dog-eat-dog world."

Hässleholm, Sweden

The Swedish answer to Horatio Alger, from *The Local:*

A Swedish heavy metal fan has had his musical preferences officially classified as a disability.

Roger Tullgren, 42, claims to have attended almost three hundred shows last year, often skipping work in the process. Eventually his last employer tired of his absences and Tullgren was left jobless and reliant on welfare handouts.

But his sessions with the occupational psychologists led to a solution of sorts.

"I signed a form saying: 'Roger feels compelled to show his heavy metal style. This puts him in a difficult situation on the labour market. Therefore he needs extra financial help.' So now I can turn up at a job interview dressed in my normal clothes and just hand the interviewers this piece of paper."

Orlando

Timely reminder for those who protect our skies, from the *Orlando Sentinel:*

Homeland Security officials are being warned not to toss secret documents that could compromise transportation security into the ordinary trash after a teenager found hundreds of such papers marked "sensitive" in a city trash container near the Orlando International Airport.

"When in doubt — do not throw it out," a recent TSA newsletter said.

Ashland, Ore.

Aesthetic ambiguity in Ecotopia, reported in the *Tacoma News-Tribune:*

An art project in a university courtyard was destroyed by people who said they thought the exhibit was a work of vandalism.

The artist, Paul Messenger, said the piece, which consisted of 36,000 feet of red tape, was a commentary on society's apathy to its problems.

Southampton, England

Normalization of diplomatic relations, from the *Daily Mail:*

One English landlord claims to have found a loophole to fight an impending nationwide ban on smoking in pubs: declaring his to be part of a different country. The Wellington Arms is set to transform itself from a public house into the official embassy for a tiny Caribbean island.

The pub has already been named as the official consulate in Britain for the island of Redonda, which lies 35 miles southwest of Antigua in the Caribbean. Landlord Bob Beech is now making plans to have it classified as "foreign soil," exempt from the ban.

Lake City, Wash.

Entertaining in the modern age, from the *Seattle Times:*

Police will likely not seek charges against a man who waited three days before calling police after a prostitute died in his apartment.

The man told police he reacted to finding her body by jumping out a window and digging a hole in the side alley, to bury it. But he changed his mind. Conflicted, he poured cold water over the corpse so it wouldn't decompose. For the next three days, the man sat in his apartment "drinking and contemplating" before finally notifying authorities.

Pittsburgh

Daring exercise in rebranding, spotted by the *Pittsburgh Post-Gazette:*

The Pittsburgh Public Schools will drop "public" from its name and adopt a new, standardized way of referring to its schools as part of a campaign to brighten and strengthen the district's image. By dropping "public," school board representative Randall Taylor said, the district might be able to avoid the negative attitude often associated with public schools.

Palestine

A saga ends with the death of an icon, from the *Lebanon Daily Star:*

Hamas TV has axed Mickey Mouse lookalike Farfour, who made worldwide headlines for preaching Islamic domination and armed struggle to youngsters. In the final skit, Farfour was beaten to death by an actor posing as an Israeli official trying to buy Farfour's land.

Farfour's show will be replaced with a new show starring his "cousin," a bee named Nahoul.

Special thanks to Russell Garrard and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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"...As it has always done, somehow Government, like some monster from the past, has again outwitted the freedom-loving masses and has convinced them that they don't need protection from Government, but from everything else. And so the age-old beast our founding fathers had tamed is once more banging at our door." — page 145

"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

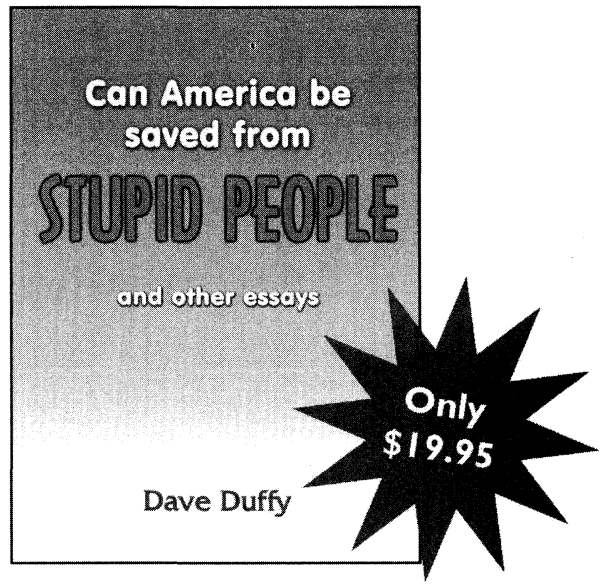

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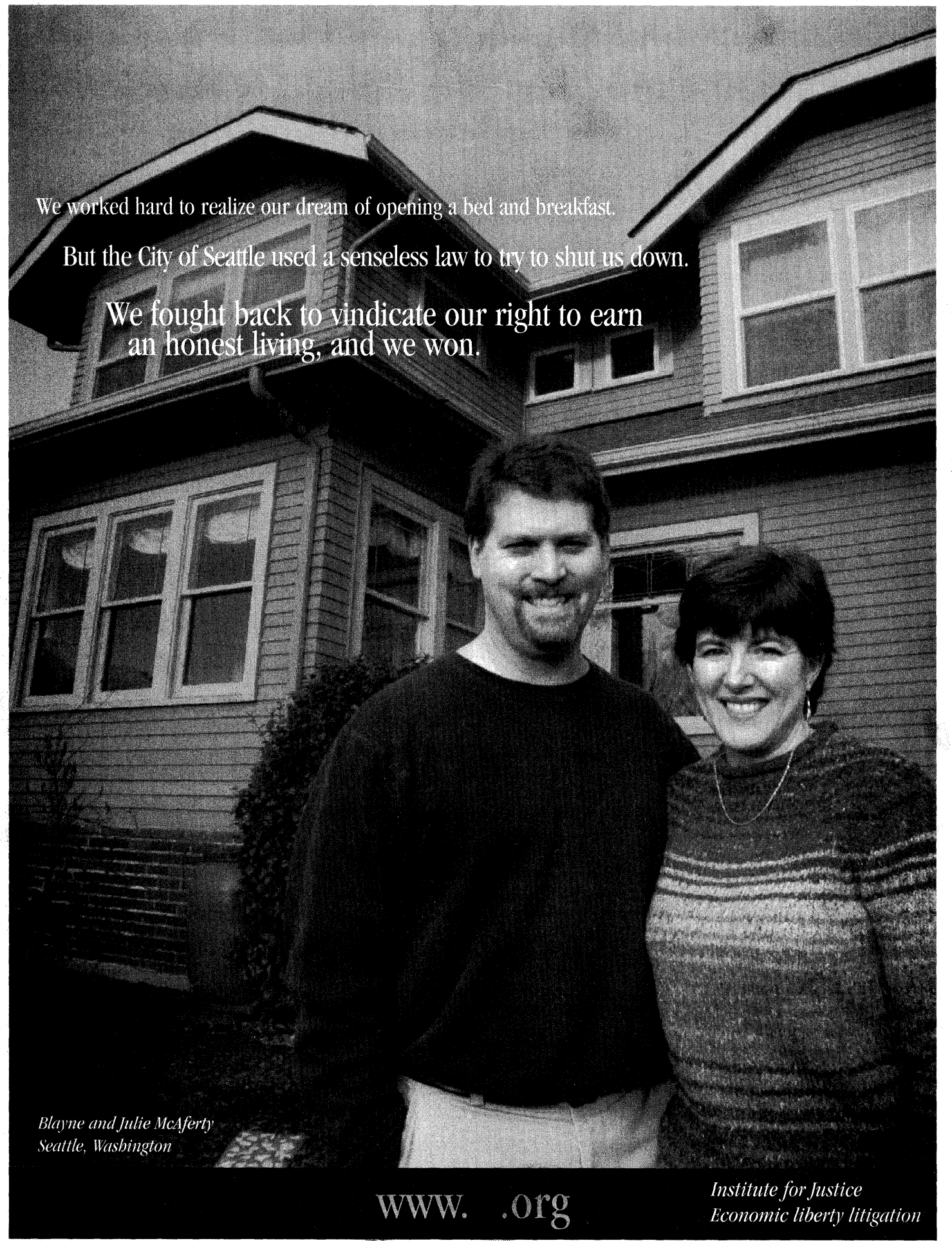
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Letters

A Door, Once Opened

Alex Binz's "Liberté and Egalité Against Fraternité" (July) does a nice job of summarizing Bastiat's ideas, but he may have misinterpreted Bastiat. Citing "Economic Harmonies," Binz attempts to justify taxes so long as they are used to protect persons and properties. He states governments must compensate for the injustice of taxation by reducing injustices that might occur elsewhere in society, such as crime.

I think Binz's arguments for limited government would be strengthened if he realized that taxation is a forced transaction in which neither party is a volunteer. If Bastiat were here today, I believe he would not condone any coercive transaction. When you open the door to force, then you open the door to unlimited coercion.

I agree that governments can be useful, and if they have any services that are useful, persons will voluntarily pay for those services. Services such as police protection, which some think are indispensable, are available from many sources. I am not trying to change the world, but only to reiterate the idea that Bastiat states in "The Law": organized force has only the legitimate right to substitute for the individual force, no more, no less.

Norman Gorback
Plantation, Fla.

Binz responds: Mr. Gorback raises an issue which I could only treat cursorily in my essay. There is a temptation among libertarians to treat Bastiat as a kind of anarchist, or at least an anarcho-capitalist like his successor Molinari. However, I think he would be better described as a minarchist, and the difference is crucial. An anarcho-capitalist would argue — as you seem to — that the protective functions of the state would be best served by a private enterprise, subject to markets and prices. I lack the space to treat the proposition in its entirety, but I would raise several points.

First, a government run as a private enterprise would clearly be subject to the "free-rider" problem. Would the police first check with accounting to make sure your payments were in order before arresting a burglar in your house? Those who do not pay taxes still receive benefits; without a positive incentive to pay, and a strong incentive to keep one's own money, a private state does not seem sustainable. I would also mention a second point: in a society governed by a private state, individuals would be under no obligation at all to delegate their right of self-defense to a government; since, as you say, it would be a purely voluntary agreement. But the very nature of government — in confronting force with force, in preventing violation of liberty by violating the "liberty" of criminals — excludes individual action. Pure self-defense — a man comes at you with a gun, you bring out your own — should be accepted even in societies with a state. However, the functions of a state occasionally require action before the criminal act, and certainly afterwards. Neither of these should be trusted to individual action, due to the danger of vigilantism and revenge.

I believe in a minarchist state. The state ought to limit itself strictly to its proper sphere, of defending individual rights. But I recognize its right to exist as a state, as an agent of force. We opt for government as the lesser of two evils — we submit to its partial violation of rights, so that it can prevent the ordinary violation of rights that would exist without it. The power of taxation is intrinsic to government: we grant it the power to tax, to partially violate

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Inside Liberty

October 2007
Volume 21, Number 10

2 Letters The moving finger writes.

5 Reflections We nuke Pakistan, line up for the draft, sell clothes in Togo, find Democrats can't count to two (much less a trillion), are gagged by menu Nazis, dive into the South Pole, discover 9,990 Commandments that Moses forgot, eat up spicy curried chaos, and raise the hackles of Misty Moyse.

Features

17 Nine Days in July *Jon Harrison* analyzes the crisis in Iraq and wonders how long America can remain the world's superpower.

Is There a God?
And Does It Matter?

21 Reverence for Skeptics We cannot explain the universe, *Leland B. Yeager* argues, but the idea of God is no answer either to the spiritual or to the political questions.

26 Skepticism, and Beyond Although we cannot explain the universe, *Stephen Cox* asserts, the fingerprints of the Author of Liberty can still be found.

33 The Market for Body Parts What used to be science fiction is now just common sense. *Gary Jason* reveals the practical benefits — and provides a practical proposal.

37 Fifty Really Stupid Ways to Save the Earth If you're full of good intentions but are running short on brains, *Karl Hess* has the solution to all your problems.

39 Why I Don't Like Europeans *Jacques Delacroix* sees what 40 years of social democracy have done for — or, rather, to — Europe.

Reviews

41 The Massively Multiplayer Life *David Friedman* learns how online games are changing our world — or the way we perceive it.

43 Ghastly Disobedience *John Lalor* succumbs to the latest Harry Potter movie. And no wonder: it's against all the things that libertarians are against.

45 He Should Have Been a Libertarian As *Richard Kostelanetz* shows, the career of crusading journalist I.F. Stone was more interesting than his biographer suspects.

47 Better Living Through Fluff Initiative and self-sufficiency are admirable — and can be had without New Age claptrap, *Jo Ann Skousen* maintains.

48 Tragedy and Triumph *Gary Jason* pays tribute to the great singer of Paris.

50 Filmnotes Special-ops jungle escapes, dinner with rats, virtuous friendship, and a Faerie tale.

51 Notes on Contributors

55 Terra Incognita

our property rights, in order that it can protect the remainder of our property. I would disagree that admitting any use of force into our ideal "opens the door to unlimited coercion." The minarchist mindset necessarily implies limitation — for taxation is illegitimate if it does not protect property. But the power to tax remains.

I intended the Bastiat quote to mean this: taxation may not be an exchange (that is, a voluntary market transaction), but is certainly like an exchange, for it calculates the subjective utility of the two goods (perfect freedom vs. protected liberty) and forces us to compare and choose. The important point is that we choose taxes only so far as they protect us, and that this provides a natural limit to government.

Okay, Maybe a Few

No Jewish mountaineers?! Murray Rothbard (bless his everlasting legacy) should have checked his premises. ("Me and the Eiger," September.)

In "Two Lucky People," Milton and Rose Friedman recount an ascent of Ben Nevis, Scotland's highest mountain, with their son David. Although Ben Nevis is not the Eiger (via its easiest route it's only a "walk up"), the peak is a challenging climb. It has good, clear weather perhaps only 15 days out of a typical year.

Some of my best friends are Jews, and some are quite accomplished rock climbers and mountaineers, including my wife and brother-in-law. Rothbard's observation, however, brings to mind a broader question: how athletic are Libertarians? I suspect there's a perception that most Libertarians (like most Jews) are couch potatoes; they're too busy arguing to engage in athletics.

I know it's not true. Hans Florine, holder of many speed ascent records on El Capitan in Yosemite, is an outspoken disciple of Ayn Rand who labels himself an Objectivist. Kathy Bradford, once a competitive swimmer, still looks like she could tackle the English Channel. Perhaps the next Liberty Poll could inquire about libertarians' athletic and fitness orientation (as it now does about sexual orientation). At least I would find it interesting.

Robert H. Miller
Prescott, Ariz.

A Happy Camper

I always enjoy Stephen Cox's Word Watch, but the one in the August issue really resonated with me.

I'm senior copy editor for a daily newspaper and have had to tolerate many of Cox's examples. I too am heartily annoyed by *proactive.* Other crotchets that I live with, and cringe at, include: *ramp up, footprint, boots on the ground, slap on the wrist,* anything that *sends a message* or *sends a signal,* and that darned *road map for Israel.*

And then there's *for free.* The first time I saw that (at least 70 years ago) I thought it was cute. Some events were for 20 cents, or for five cents, or for free. It's no longer cute. I get a special pleasure in deleting *for.*

And the misuse of *begging the question* brings out the savage in me. Not to mention the total misunderstanding of *axioms.* Too often it's said *that's the proof of the pudding,* completing forgetting that *the proof of the pudding is in the eating;* or, "I'm going to be *out of pocket* for the next few days." Since she will probably be spending the company's money, I seriously doubt that she will personally be *out of pocket. Out of touch* or *unavailable,* perhaps.

Another thing that's come to my attention: when anyone mentions that *the emperor has no clothes,* she usually is just implying exposure. Few seem to know the complete story, and so haven't a clue to the real point.

I trust Cox does know it, but for those who don't: two con men were selling magic cloth that was invisible to anyone who was not worthy of the position he held. There was no cloth, but no one except the innocent child was honest enough to admit that they couldn't see it. Heaven forbid anyone should admit they weren't worthy of their position.

Obviously cliches are used to save time (particularly by reporters) and to avoid thinking. It is, unfortunately, a trap in which we all find ourselves occasionally snared.

Word Watch is the first thing I read every issue. Mr. Cox, *keep up the good work.* (See what I mean? Sometimes I hate myself.)

Margaret E. Mathers
Farmington, N.M.

People say that if you want to keep your friends, there are two things you should never bring up: politics and religion.

I'm not sure whether that advice is true. This journal violates the ban on political discussion all the time, and in every way it can; yet it still has a few friends left. More than a few. And it has often violated the ban on religion-talk.

For this issue, however, Leland Yeager and I decided to turn the frequent offense into a systematic violation. We decided to *settle this religion problem, once and for all.*

Well, actually . . . neither of us ever dreamed of doing that. But we do have a few things to say about religion, things we've been thinking about for a long time. If you believe that you'll resent us for doing that . . . just pass us by. There are plenty of other things to read in Liberty.

There always are. When R.W. Bradford founded this journal, twenty years ago, he didn't design it as a church, pointing at an altar. He designed it as an open forum — or, better yet, a marketplace with every kind of goods on sale. You don't have to buy, but you will certainly have fun sauntering around and looking.

For Liberty,

Stephen Cox

Letters to the editor

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Reflections

First things whenever — Too bad we are so busy x-raying luggage on planes that we don't have time to x-ray rivets on bridges. — Paul Rako

Up from councillorship — Word from New York is that, following their successful effort to completely expunge the word "nigger" from the vocabularies of the citizenry, the New York City Council has now moved to strike "bitch" and "ho" as well.

May I suggest that, as long as they're banning offensive and derogatory labels for human beings, the august members should next ban "New York City Councilperson"? — Andrew Ferguson

Late and soon — The Federal Reserve now finds itself in the position of locking the barn door after the horse has been stolen. For years — according to The Wall Street Journal (Aug. 8) — Alan Greenspan's "alleged predisposition to cut [interest] rates whenever markets got in trouble" induced lenders to risk providing funds to subprime and lower-quality borrowers. And now the chickens are coming home to roost.

Should the Fed raise interest rates, making borrowing more costly in the hope of keeping prices from rising still more? Or should it do nothing and force holders of loans to subprime and lower-quality borrowers into bankruptcy when their loans cannot be repaid?

Some years ago Ludwig von Mises was asked a somewhat similar question in his NYU seminar. He answered it. The student was aghast: "Do you mean to say that if prices are going down, borrowers cannot repay their loans to the banks, and there is widespread unemployment, you would do nothing?"

Mises answered, "Yes. But I would start doing nothing much sooner!" — Bettina Bien Greaves

It needed only this — The headline on Aug. 11 was, "Bush War Adviser Says Draft Worth a Look."

After looting the treasury, abjectly failing to control our borders, attacking the Republican base as traitors to America for objecting to illegal immigration, expanding federal control over education and everything else within reach, and bogging us down in a war between gangs of religious bigots in Mesopotamia, the Bush administration now threatens to enslave the nation's young men.

The adviser in question, General Douglas Lute, made the suggestion in his first interview after being confirmed for his job. He maundered on as follows: "And I can tell you, this has always been an option on the table. But ultimately, this is a policy matter between meeting the demands for the nation's security by one means or another." Pardon his grammar. What he's saying, in other words, is that there's no principle involved, whether conservative or libertarian, or just plain American. If we need the bodies, well, we'll just send the slave-catchers out to git 'em.

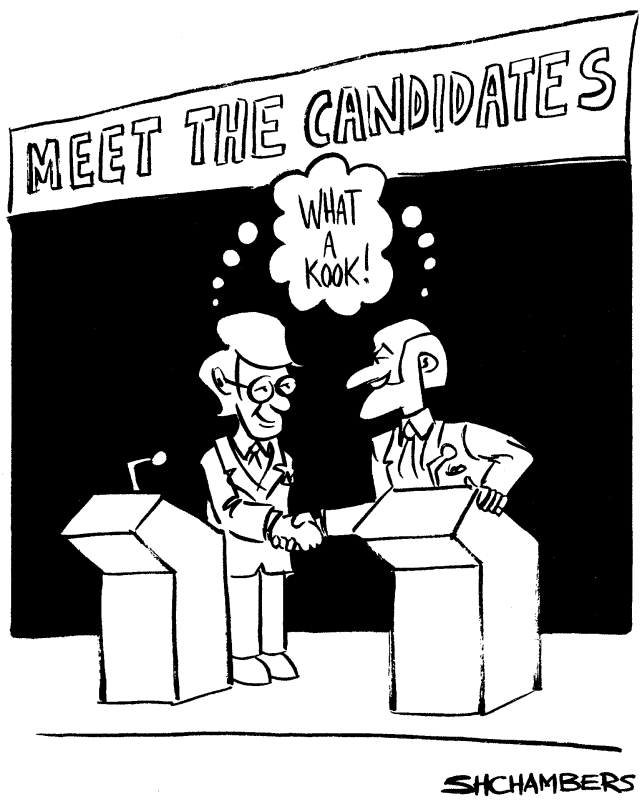

Bush's flak-catchers tried to mute the implications of his adviser's remarks. Right now, they said, Bush himself isn't talking about a draft . . . But Peggy Noonan was right. It's time for traditional Republicans to abandon ship. — Stephen Cox

Not alone — The Aug. 5 New York Times Magazine contains a wonderful essay, "Getting Iraq Wrong," by the Canadian MP and former Harvard professor Michael Ignatieff. In it, Ignatieff picks apart his own misconceptions about Iraq — misconceptions that led him to support the invasion in 2003. His self-criticism is so unvarnished, and so patently sincere, that one can only applaud the man. I'd love to see a neocon or two follow his example.

Ignatieff discusses the arts of practical politics and decision-making with real wisdom. On the decision to invade Iraq, he makes two points worth remembering.

Writing of the people who opposed the Iraq War from the beginning, he distinguishes those who showed true insight from those who reflexively opposed intervention on ideological grounds, that is, the "Blame America First" crowd, and the "It's a War for Oil" types. The lesson is that we should be wary of those who were right about Iraq, but for the wrong

reasons. Their future policy prognostications may very well be off the mark.

Writing of the war's *pro*ponents, he chastises those who "believe that America's foreign policy serves God's plan to expand human freedom." A well-deserved slap for President Bush and parts of the evangelical community. The lesson here, obviously, is that religious belief or superstition must not form the basis of your country's foreign policy.

In the interest of full disclosure, I'll mention that I was a supporter of the war when it began. I bought the weapons of mass destruction argument hook, line, and sinker. Considering how much Saddam hated us, I could see him passing WMD on to terrorists at some point. Despite my well-developed cynicism, I never dreamed the U.S. government would lie (or be mistaken, as the case may be) about such a thing.

I never bought into nation-building, and I was concerned about the occupation and the likelihood of guerrilla warfare. But like a fool, I assumed the Bush administration had plans to deal with those things.

Immediately after the fall of Baghdad, when I saw the Iraqis looting their national museum while U.S. forces stood

Word Watch

by Stephen Cox

On July 6, the AFP news agency trumpeted the announcement that "It's a Small World After All." Scientists, it proclaimed, had discovered that "the world is smaller than first thought." A new measurement of the earth's diameter indicated that it was fully five millimeters smaller than it was previously thought to be.

This, I submit, is a very sad way of promoting an interest in science. Five millimeters is the size of something that gets stuck between your teeth. Dude! Why get so pompous about it?

An even sadder news item was July's Live Earth "concerts," which offered a lot of has-been or never-were singers and guitar twangers a chance to get some free publicity, and a lot of supposedly-are celebrities yet another chance to make absolute fools of themselves. But how much free publicity, and how many fools?

Once again, AFP was the authority. On the morning of July 7, the news service said that the shows "are predicted to attract an audience of two billion people." In earlier, cooler eras of the earth's history, some source for this prediction would have been mentioned. If it had been, readers could have seen that it was the same source that alleged that the Million Man March would attract a million men, and that Al Gore would attract a sufficient number of voters to become president of the United States, instead of becoming the world's largest endangered whale. I refer, of course, to the organizers of the campaigns in question. If the *organizers* don't know, who does?

In cooler eras, some effort might also have been made to define "an audience." That word seems to point at people who actually go someplace and listen to something. But of course, 2 billion people couldn't possibly turn up physically at Live Earth shows. So maybe "an audience" means something like "a TV audience." You remember how many billions of people in China, India, and the Central African Republic are always said to be watching the Academy Awards presentation. They're just that much in love with the Best Supporting Actresses in American films.

I've never believed those "statistics," and I didn't believe the "statistics" about Live Earth, either. The only way you could even think about a total of 2 billion people is to add guys like me into the figure — humanoids who had heard about the event, *maybe,* but would never be caught dead having anything more to do with it.

As it turned out, the humanoids were in the ascendant. By the afternoon of July 7, Live Earth had vanished from the internet headlines. By July 8, no worldwide audience estimates seemed to be available, although the LA Times conceded the following about the concert in Brazil: "Original projections put the draw at 1 million; on Saturday, concert organizers estimated the crowd at 200,000, and the military police reckoned it was about 100,000." In other words, the crowd was 50,000. But lest anyone believe that Al Gore could ever become a failure, the Times added, "It was a dramatic turnaround from earlier in the week, when fears arose that the show might not go on." Fears on the part of the LA Times, I suppose. And as a statistic, 100,000 or 200,000 is so much better than zero, isn't it? Would that the Times could find that many faithful readers — readers who would go right out and grab other people and say, *Read the LA Times! The fate of Al Gore depends on your decision!* — instead of going broke, as it is right now, because of its modern-liberal propaganda.

By July 10, Reuters was reporting that Live Earth was a tremendous flop on American, British, and German TV, which together could not register even 7 million viewers. (Imaginary headline: "Live Earth a Failure!" But no, that would be ridiculous.) Nevertheless, former Vice President Gore, whose mastery of the hard, statistical "facts" of global warming was responsible for the whole event, had not hesitated to announce, according to a Newsday report, "Today, more than 2 billion of us have come together . . ." Talk about a self-fulfilling prophecy.

Well, so much for the number 2 (plus a few zeroes). What do you think about the number 7? Too many, too few, or just about right? On July 10, another AFP report blared: "Seven Elephants Killed in Kenyan Sanctuary." I like elephants as well as the next person, but I'm not sure that this particular elephant news can compete with a cure for cancer — especially considering the factoid, mentioned later in the article, that "up to 20,000 elephants per year" are taken by poachers. Or maybe "up to" has its usual meaning: "We don't know, and we don't care."

But back to the "7" issue. This summer, there was an idiotic

by, I got a cold feeling. I knew then, without thinking it through rationally, that something was terribly wrong. By summer 2003, as the insurgency grew, I realized that my pre-invasion doubts were in fact flashes of insight. The war, or rather the occupation, was going downhill fast.

I thought the capture of Saddam in December 2003 presented an opportunity to disengage — to declare victory and get out, as the late Vermont Sen. George Aiken once said about Vietnam.

It didn't happen, and by spring 2004 I had definitely turned against the war. But I am haunted to this day by the fact that I made some false assumptions about my government and its leaders. The realization that a guy like Ignatieff made mistakes too is a bit of a salve for one's conscience.

— Jon Harrison

internet and telephone fete, organized by some European foundation, to choose seven new Wonders of the World, to replace or supplement or otherwise harass the seven ancient Wonders of the World. "Voters" selected some predictable attractions: the Great Wall of China, the Colosseum, etc. Then UNESCO (who asked them?) denounced the project. Its "press officer" opined that the contest sent a "negative message to countries whose sites have not been retained."

What can you say to that, except to observe that "negative" is best left in the photographic lab, and "have not been retained" is a default expression for "were destroyed by their own ridiculous political disputes"? But I like the image of whole regions of the globe bursting into tears over the fact that their prospective "wonders" no longer exist. Mourn, O Indiana: the Wabash and Erie Canal no longer exists. Lie in ashes, O Belfast: the *Titanic* is no more. Hit the sauce, O Manhattan: Penn Station was demolished in 1964.

Let's get back to the numbers. "All of these wonders obviously deserve a place on the list," said the sniffy UNESCO spokesthing, as reported by AFP, "but what disturbs us is that the list is limited to just seven . . . Seven were adequate in Antiquity because the Antique world was much smaller than today, only comprising the area surrounding the Mediterranean."

Oh God, yet another quarrel about how large the "world" is! UNESCO's idea seems to be that the tiny "Antique" (actually Hellenistic) world didn't have room, somehow, for the Parthenon at Athens. Its omission from the ancient list wasn't a matter of taste, whether good or bad; it was only a matter of elbow room. The world was too small, and so was the list. It was a small world, after all — so much smaller than our current world, in which, as AFP insists, the ceremony honoring the seven new Wonders was "broadcast in more than 170 countries to an estimated 1.6 billion viewers."

I don't know. Maybe there are billions of the earth's inhabitants who do nothing but sit in front of their televisions and watch the results of contests about asserted Wonders of the World, or observe the latest antics of Al Gore. Maybe they're sitting there now, waiting for the meteor, 0.9 kilometers in diameter, that is predicted to "knock out" the "entire Eastern seaboard of North America," "kill hundreds of millions of people," and "set civilization back by three thousand years." I think that's what the Discovery Channel keeps saying. Or maybe it's the History Channel. Or the LA Times. And maybe I'm wrong. Let's see . . . maybe it was "0.9 meters in diameter," "a liquor store in Reading," "handfuls of people," and "set civilization back by three minutes"?

I don't know. Ask the media.

The last hyperidiot? — Governments cause high inflation: their thieving and redistribution get out of whack, so they print too much money.

High inflation is bad; it brings all sorts of discomforts: you can't use money to store wealth; credit is all but impossible to give or get; fears of financial insecurity cause popular upheavals.

But the governments that cause inflation can, and usually do, make it worse. They try to impose price controls and currency controls. When they do, goods flee the country and the markets go empty. It happens fast, and I'm going to tell you exactly how.

In 1983, Benin in West Africa had high inflation, price controls, and currency controls. I lived next door in Togo. It had the same currency but no price controls, and it had an unregulated black market for money changing. In the "street of banks," the money changers walked around with fat rolls of banknotes and were proud to call Togo "Africa's Little Switzerland."

The markets of Togo's big, coastal city, Lomé, were overflowing — meat; fish; vegetables; a little girl selling only shoestrings, another selling only chocolate bars; eggs; live animals; pharmaceuticals sold on a platter in the open air next to hand axes and coconuts; secondhand clothes from Europe and the United States that the locals called "dead yovo clothes," because they couldn't imagine live white people giving such precious things away; batteries; bolts of cloth; furniture; spices; palm butter; Chinese mosquito repellent; electric fans; and charcoal. You could buy anything, really.

I visited Cotonou in the neighboring Marxist El Dorado of Benin (formerly the Kingdom of Dahomey). Benin should be the same as Togo. It has the same tribes, languages, colonial history, geography (including approximate size and topography), and weather. But in Cotonou, the market was pitifully empty. There was just nothing to buy. I, being used to Togo, assumed that there was a holiday, or a *coup d'état*, or a plague that emptied the market. I began to ask questions of the bereft market people and ended up conducting a little investigation on both sides of the border between Togo and Benin.

I learned about the Marxist government in Benin and the inflation and weak currency and price controls. But why would that empty the markets?

The market people knew why. The key to prosperity and wealth (until everything ran out and the government abandoned Marxism in the late '80s) was to buy goods in Benin at the official prices and smuggle them out of the country. If you bought goods, you smuggled them to Togo to sell at market rates. Then you went back to Benin where you might buy more goods at the official prices to smuggle out of the country and, if you were well-connected, you might change the West African currency (CFA) for U.S. dollars or French francs at the official rate. And back to Togo you went with goods for the market and hard currency for the street of banks.

Some people got rich this way. Eventually they had to risk their skins to do it, after the government of Benin closed the

borders. But not before there was almost no more hard currency or goods in Benin.

Variants of this story have played out all over the world at various times, famously in Germany and Brazil. Now in Zimbabwe, where inflation is "illegal," the government is printing Z$200,000 notes, and the people are suffering severe shortages of food, fuel, and medicine.

Let's hope (against hope) that Zimbabwe's President Mugabe is the last hyperidiot of hyperinflation.

— Michael Christian

Raising vs. increasing — In the YouTube debate between Democratic presidential candidates, Joe Biden was asked what could be done about taxes that are too high. Biden replied that there's "only one way" to increase government revenue: "You either raise taxes or take tax cuts away from people who don't need them." I can forgive his evident inability to count to two under pressure, but I am bothered that restraint in spending was not one of the options he saw fit to consider.

— Patrick Quealy

The bottom line — I have reflected before on the immense value of pro-free-market thinktanks and independent scholars in providing a necessary counter-balance to the monolithically leftist academy. Yet another good example is the recently released report by the Competitive Enterprise Institute (CEI) on the overall cost of federal regulation to the American economy.

The report,* cheerfully entitled "Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State," was written by CEI scholar Clyde Wayne Crews, Jr. Crews' idea was to attempt an honest determination of the full economic cost of the multitude of government regulations placed on American business. This is a research project that the statist-minded scholars who now overwhelmingly dominate the American university have notably neglected. But Crews has done a good job, with some eye-popping results.

He reckons the total cost of federal regulation at over a trillion dollars in 2006 — $1.142 trillion, to be specific. To put this in perspective, it amounts to roughly 40% the size of the total federal budget. It amounts to 10% of the entire American GDP. And it amounts to more than four times the current budget deficit. The costs of regulation exceed the total estimated personal income taxes collected in 2006, and are quadruple the total amount collected in corporate income taxes that year. Indeed, they exceed the total corporate pretax profits for 2006!

One source of new regulations is Congress, of course; but another is regulatory agencies. Bodies such as the FTC, FCC, FDA, SEC and a host of others keep busy during the year, issuing rulings. In fact, in 2006, federal agencies issued over 3,700 final rules, while Congress passed only(!) 321 bills that got signed into law. The report covers the cost of *federal* regulations — what the total would be with state and municipal government regulations included, God only knows.

The report makes a few modest suggestions for mitigating these enormous regulatory costs. It suggests that Congress be required to vote on all new agency rules before they become binding. It also recommends that Congress be required to commission independent cost-benefit analyses for all new proposed regulations. And it suggests making those cost estimates publicly available in a yearly report.

I would go much farther. I would like to see Congress enact a law — indeed, make it a constitutional amendment — that sunsets any regulation after a decade. Require Congress to vote to renew any regulation every decade after its initial passage, and to commission a new third-party cost-benefit analysis each time before voting to renew it.

— Gary Jason

We are all capitalists now — The Chinese slave labor scandal has two fascinating aspects. One is illustrated by this quotation: "The scandal surfaced last month after about 400 distraught parents posted a plea on the internet about their children who had been sold into slavery in China's northern Shanxi province and neighbouring Henan" (AFP).

This, of course, shows the leveling power of public communication like the internet. Another interesting aspect appears in a second quotation: "Clearly there is one law for ordinary citizens and another for entrepreneurs and party officials" (Robin Munro, China Labour Bulletin via AFP).

Huh, just like in America. Well, I guess they are real capitalists, finally.

— Paul Rako

Second life — John P. Mackey, cofounder and CEO of Whole Foods Market, is in trouble with both the Securities and Exchange Commission and his own company's board. It seems the billionaire libertarian, whose writings have appeared in this magazine's pages, spent years online anonymously running down his chief competitor, Wild Oats Markets.

According to Mackey's own admission, from 1999 to 2006 he used the alias "Rahodeb" to post commentary on Yahoo Finance's bulletin board. Among his postings were numerous criticisms of Wild Oats, Whole Foods' chief competitor among natural and organic groceries. Seems like a dishonorable way to battle for market share. And there's more.

Whole Foods, it turns out, is looking to acquire Wild Oats. In this context, Mackey's postings could easily be seen as attempts to drive down the price of his competitor's stock, making the acquisition a lot cheaper for Whole Foods. This type of activity can lead to big problems with federal regulators.

Adding a comic touch to the affair is the revelation that Mackey, as Rahodeb, occasionally praised John Mackey's sharp wardrobe and good looks. No danger of prison time over that, but the snickering Mackey has exposed himself to is unlikely to abate anytime soon.

John Mackey used to be a poster boy for libertarianism. Now he looks like a slightly creepy eccentric. Not a pleasing picture for those who support libertarian ideas.

— Jon Harrison

Buzzed riding is drunk riding — A recent promotion by Amtrak offers free booze to overnight passengers on certain routes. A $100 voucher will be given to first-class passengers on coast to coast trips. In response (according to AP) Misty Moyse, of Mothers Against Drunk Driving, questioned whether $100 in free alcohol was too much. "This sounds like a lot of credit toward possible overindulging," she said.

I am a frequent Amtrak passenger. I've learned that on a

*http://www.cei.org/pdf/6018.pdf

couple of routes, the train costs roughly the same as gas for the car, and takes roughly the same amount of time. I can also do certain things on a train that are discouraged when driving. Things like reading, napping, or drinking beer.

Misty's comment causes me to question the true motives of Mothers Against Drunk Driving. They aren't supposed to be against drinking, only drinking and driving. Free drinks on a train should be applauded, since they have the potential to attract alcoholics onto the train and off of the road. If we wanted to get all the drunks off the road, an offer of free liquor on all public transit would certainly help.

I've often suspected that the Mothers won't stop being MADD, short of complete prohibition; that their eventual goal is zero tolerance for any blood alcohol level, after which they will start closing bars; that in the future, they will become simply the Mothers Against Drinking. With this comment, it seems that Misty might have tipped her hand a little bit.

— Tim Slagle

Mr. Smith goes to North Korea — Two important stories about Asia have gone virtually unnoticed in the media, so are worth a moment's reflection.

First, as noted in The Wall Street Journal (July 16), China is on track to surpass Germany as the world's third largest economy (after the U.S. and Japan), and much earlier than expected.

In current dollars, the U.S. has a GDP of $13.2 trillion, Japan $4.4 trillion, Germany $2.9 trillion, and China $2.8 trillion. But Germany's annual growth rate is only 3%, at best, while China is growing at an 11% annual rate. Of course, in *per capita* income, China has a long way to go to catch up with Germany, because Germany's population is 82 million, which is minuscule compared to China's 1.3 billion. Still, score one for Adam Smith: China has moved to embrace free-market economics, and it has reaped the rewards; Germany has embraced the welfare state and become stagnant.

Second, the AP reported on July 17 that North Korea, in exchange for the release of seized funds and a bribe of 50,000 tons of oil, has closed its nuclear reactor, and the U.S. has agreed to start the process of removing North Korea from the list of state sponsors of terror. North Korea dragged out the process but finally carried through with its part of the agreement negotiated by the six powers (the U.S., Japan, Russia, China, South Korea, and North Korea).

Diplomats are moving on to the issue of disabling North Korea's nuclear facilities. There is now the hope that this will lead to a completely nuke-free Korean Peninsula, and the replacement of the present cease-fire (agreed to at the end of the Korean War) with a permanent peace treaty. That might even open up the possibility of the reunification of the two Koreas someday in the future.

This represents a substantial step away from war, which was a real possibility given North Korea's nasty habits, such as firing missiles toward Japan, kidnapping Japanese, testing nuclear warheads, and sharing that technology with other rogue nations. Score one for diplomacy. — Gary Jason

Partially hydrogenated, fully nannied — The county that contains Seattle — King County, Washington — has pioneered a new level in government regulation: the county board of health has voted to require restaurants in a chain of ten or more to disclose health metrics on menus. Each permanent menu item will be required to advertise the number of calories, and the amount of trans-fat, saturated fat, carbohydrates, and salt. The disclosure has to be in the same typeface as the words describing the menu item.

Strict libertarians oppose mandatory disclosure in principle, though I do not. My view is that buyers need information to make good choices. That the government requires packagers of processed foods or underwriters of corporate shares to disclose the ingredients is, in my view, a good thing. You can argue that if people want information the sellers will provide it, but that works only if buyers are willing to forego the product without the information, or if the information is the product. I like disclosure. It makes the market work better, and if the market works better, there will be fewer attacks upon it. So I am not a zealot about this menu thing. I like the idea that I can find out how much salt is in a Whopper, and how many calories.

But this rule that I am to live under, beginning Aug. 1, 2008, is more than that. Putting the information about calories, trans-fats, etc., in the same typeface, and with each menu item, is an effort not just to make the information available, but to gag me with it.

To a restaurant, a menu is a marketing item. My government's rule changes the flavor of the menu into a kind of nutritional prospectus, a 10-K for the gastrointestinal tract. I oppose it not on principle, but because it spoils my dinner.

— Bruce Ramsey

Mad dogs and Americans — I need to call Mayor Bloomberg. There's a way to make New York's air pure, its traffic problems negligible, its sidewalks uncrowded and uncluttered. Manhattan can be instantly transformed into the orderly, sedate, regulated, franchised, homogenized, and rather dull place the mayor and his corporate allies so desperately want it to be. Visit Bangkok.

I was there while bouncing around Asia last summer. By

"Your refund? — Oh, we spent *that* money *months* ago!"

comparison, New York in August is a country picnic. To be in Bangkok is to experience life deeply as obstacle course combined with oven. Breathing in the fresh fumes, you contemplate the sea — the vast sea of trucks, buses, taxis, cars, and 5 million motorbikes, which you hope will by some biblical miracle part just long enough for you to get to the other side of the road. Sweating freely in the dense, spongelike humid air, you navigate the narrow sidewalks, which are disputed territory. Throngs of slow-moving pedestrians compete with booths selling everything under the relentless sun, hawkers of dubious DVDs, demure hookers, a few Arabs with retinues of burqa-clad women, clusters of youths straddling their motorbikes, emaciated stray dogs, and sidewalk restaurants that are more sidewalk than restaurant. A pot or grill for cooking, a pot for washing, a rickety table or two lined at all hours with hungry patrons. The street food is actually delicious, if sometimes mysterious. You might wonder what's cooking, and what happens to all those stray dogs.

Solicitous Thais constantly express their willingness to relieve you of any excess *bahts* you might be burdened with (30 *bahts* = one dollar). Touts ("Yes hello sir what you looking for?"), *tuk-tuk* (three-wheeled motorcycle taxi) drivers ready to take you anywhere you don't want to go, tailors who practically start measuring you as you walk by their shops, beggars (but fewer than you might expect), and the female health-care professionals sitting in front of their therapeutic establishments ("Massaaage sir massage . . . Welcome sir massage!"). You can take long, thoughtful walks in Bangkok. But your thoughts are all going to be along the lines of "How do I dodge this without getting flattened by that?"

I liked it. It's chaos, but it's self-regulating chaos, Thai chaos, spicy curried chaos. They manage it better over there. Despite all the crowding and jostling, Thais are good at avoiding confrontations and almost never raise their voices (it's very bad form to talk loudly, let alone shout). The irreducible chaotic element in New York and other American cities is nasty, brutish, and short-tempered. In Bangkok you get polite and eerily calm anarchy. The traffic is hopelessly snarled, but no one is snarling or honking or exchanging gunfire. Once you give up your daft Western notions of going at things in a straight line and in a hurry, once you begin to develop a self-image more closely resembling that of a cork borne along on a slow-moving stream, you can enjoy it, especially when you know that there's always a shower and air-conditioning and a cold Singha beer in your immediate future. Thais aren't theatrical (or stark raving mad) like New Yorkers, but the motley, cosmopolitan street life is very watchable, the entrepreneurial anarchy supplies a sense of breathtaking adventure akin to high-stakes gambling, the seafood is excellent, the cheap fresh fruit purchased on the street has flavor and texture, unlike our own factory-farmed wax fruit, there's gracious architecture hidden behind the choked roads and prevalent modernized mediocrity, there are strange temples and even stranger nightclubs, and Thai women are often fetching, almost never fat, and tend to have a quick-witted, playful sense of humor.

Maybe it has something to do with the ubiquitous yet unobtrusive and tolerant Buddhism, but Thais seem to be good at balancing outward accommodation and inward calm. Or inward something — it's hard to know what they're really thinking, and they will often tell you what they assume you want to hear. The leading manufacturing industry seems to be appearances, keeping them up, saving face (this includes all the heavily advertised skin-whitening lotions — there's a traditional Thai prejudice, long preceding Western influence, in favor of relatively pale skin). Thais themselves can speak of their country as a land of illusions. But at a time when Americans have spent six-plus years consuming (and now upchucking) the illusions churned out by the Washington fantasy factories known as thinktanks and cabinet departments and the Office of the Vice President, there's no urgent need to congratulate ourselves on our own clear-eyed view of things.

In fact a lot of *farangs* (as Thais call all foreigners of Western provenance) are in Thailand to pursue their own phantoms. Shopping bargains that look too good to be true, and are, women who are imagined to be as complaisant and sensual and innocent and submissive as any feverish Western wet dream could wish, and aren't (they're quite independent and tough-minded), a country sometimes pictured as a tolerant tropical paradise where anything goes, which anything doesn't (as some drug-carrying Americans and Brits and Australians festering for eight to ten years in the notorious "Bangkok Hilton," or Bang Kwang prison, have found out).

Noel Coward's well-known line about mad dogs and Englishmen was written with Bangkok in mind. The full couplet goes: "In Bangkok at twelve o'clock they foam at the mouth and they run, / But mad dogs and Englishmen go out in the midday sun." All the Bangkok dogs I saw were admirably sane. They spend the middle of the day motionless, usually asleep, in the shade. When they open their eyes for a moment, they probably wonder what stick or bone could be so important that all those foaming and running *farangs* are out in the sadistic sun chasing it. — Eric Kenning

A trillion here, a trillion there — By now the official Democrat strategy for the 2008 presidential race is clear. Bash Bush ceaselessly for corruption and a failed war, then waltz into power. To this end the Democrats are already declaring the surge a failure, and are conducting an enormous number of simultaneous investigations into various aspects of the Bush administration — by one count, several hundred such investigations, with a blizzard of subpoenas flying out, hoping to uncover dirt of any kind.

Their immediate agenda, should they win, is also clear: completely socialize the American healthcare industry, once and for all. (Whether they will withdraw U.S. forces from Iraq is at this point doubtful, since they have not used their control of Congress to achieve that end, and they seem to fear getting the blame for what would happen after such a withdrawal.) All the Democrat candidates for the presidency have made universal healthcare their central issue, and Michael Moore — the Leni Riefenstahl of the Democratic Party — has just released a documentary praising the British, Canadian, and even Cuban(!) national health services.

It seems likely that their electoral strategy will succeed, and they will take over the executive branch of government. Far less clear is whether they will be in any fiscal position to nationalize America's health care system.

The Office of Management and Budget has released new estimates about the unfunded liabilities of the two federal entitlement behemoths, Social Security and Medicare, and the

results are staggering. The unfunded liabilities — that is, the amounts projected to be paid out that are not covered by projected revenues from payroll taxes and premium payments — are even higher than was earlier thought.

Social Security has a 75-year unfunded liability of $4.7 trillion, but with the $2 trillion in existing Social Security trust fund bonds, the real unfunded liability is $6.7 trillion. (The trust fund bonds are the IOUs that the U.S. government has issued to itself to cover the Social Security taxes it has diverted to other purposes. These notes will sooner or later have to be covered.) Looking at what economists call the "very long run" or "infinite horizon," the total unfunded liability is upwards of $15.6 trillion — *trillion*, with a capital T, which stands for Trouble.

Medicare is even more gravely indebted. Again, on the 75-year time line, the unfunded obligation for Part A is $11.6 trillion, for Part B $13.9 trillion, and for Part D $8.4 trillion — for a tidy total of $33.9 trillion. On the infinite horizon, the total Medicare unfunded liability is $74.3 trillion.

In sum, the two major federal entitlement programs together have an unfunded liability of $40.6 trillion over the next 75 years, and $89 trillion over the indefinite long run. Remember, our total GDP last year was about $13.2 trillion, so we owe about *seven times* our entire yearly collective production on these two entitlements, over and above whatever taxes we will collect on their behalf.

The picture is even bleaker when you remember that local and state governments have huge unfunded pension and healthcare liabilities, the immensity of which is only now becoming known, as these governments are now being forced to give an accounting. Also potentially huge is the unfunded liability of the Pension Benefit Guaranty Corporation, the government-backed company that takes on the pensions of private corporations that go belly-up. Companies like Ford and General Motors would break the bank, were they ever to fail.

Where, then, do the Democrats think they will find the vastly greater sums required to socialize the American medical system? That is a mystery none of them seems willing to discuss.

— Gary Jason

Urban planned obsolescence — The collapse of the I-35W bridge in Minneapolis has led a stampede of journalists to local transportation agencies searching for records of local bridges in a similarly poor condition. This is already stimulating proposals for huge tax increases for infrastructure.

The real problem is not money, however, but an onerous planning process that delays road improvements literally for decades. Actual construction of a new bridge might take only a year or two, but urban planners typically spend as much as 20 years deciding how the bridge should be built.

News You May Have Missed

Something Terrible Happening to NY Times, Says NY Times

NEW YORK — The New York Times, which raised its price by 25% in July, from one dollar to $1.25, narrowed its perspective by 12% on August 6, when it cut the width of the paper by an inch and a half to 12 inches, according to a brief, apparently truncated story that ended in the middle of a sentence in The NwYrk Times, as the paper now calls itself. The Times also revealed that it would be changing its venerable masthead slogan as well, from "All the News That's Fit to Print" to "All the News That Fits We'll Print."

"At a time of rising costs and vanishing advertisers and plummeting readership, we had to do someth," said publisher Arthur ("Pinched") Sulzb, formerly known as Arthur ("Pinch") Sulzberger, Jr. Sulzb, who claims to have drastically cut his own width as well, shedding 20 pounds of fat, mostly from his head, added, "Admittedly, when it comes time for the Times to funnel fake intelligence provided by anonymous government officials in order to start unnecessary wars in the Middle East, we may have less space to do it in," referring to the fabricated WMD-in-Iraq stories by his close friend Judith Miller that ran prominently on the front page in 2002–03. "But," he continued, "from now on we're only going to be buying little subcompact wars, which should fit our new format nicely." Sulzb also said that if the Bush administration starts a war with Iran without the paper's help, the Times would not have any room to oppose it but it was prepared to cover both the war and the subsequent worldwide economic meltdown and total political chaos in the Sunday "Styles" section.

In a related move, the Times published a lead editorial calling upon world leaders to agree on a global plan for reducing the amount of bad weather, riots, insurgencies, epidemics, elections, summit meetings, trends, forecasts, stock market plunges and rallies, and alarming new studies about the irreversibly harmful effects of ordinary foods and beverages by 60% by the year 2009. It also called for comparable reductions in the number of tediously similar upcoming New York neighborhoods and upscale restaurants and Broadway shows, and strict quotas on the number of boring yet newsworthy new fashion designers, artists, dancers, filmmakers, and rich people who have transformed old abandoned canning factories into cute country homes. That would make it possible, the editorial pointed out, for the Times to reduce its width even more, to about five inches, and to switch to thinner, softer paper, so that the daily edition of the paper could then be sold in handy, fluffy rolls around a cardboard cylinder, which would allow it to serve another household purpose aside from providing questionable news, and the price could be increased accordingly.

— Eric Kenning

Since 1991 this planning process has been mandated by federal law. On top of this, an antiautomobile minority takes advantage of the process to halt road improvements and divert billions of dollars of highway user fees to expensive rail transit projects.

The American Society of Civil Engineers says the U.S. has a $1.5 trillion backlog of infrastructure needs. But this number should be taken with a grain of salt as it merely sums the wish lists of more than a dozen different interest groups.

Raising taxes to fund such wish lists will turn infrastructure programs into pork fests that provide absolutely no assurance that money will be spent where it is really needed. Instead, as a matter of principle, infrastructure spending should be based on markets and user fees. If users are not willing to pay the cost (e.g., light rail), then we simply don't need that kind of infrastructure. — Randal O'Toole

Natural law — Chicago economist George Stigler must be rolling over in his grave to see his name being abused in the Federal Trade Commission case against Whole Foods Market's merger with Wild Oats. (Whole Foods' CEO is libertarian John Mackey.) The FTC engaged "antitrust expert" Kevin Murphy to make the bizarre case that the merger would somehow hurt competition in the natural foods business. Never mind that practically every major grocery store now sells natural foods.

It turns out that Professor Murphy is a former student of Stigler's and since 2005 the George J. Stigler Distinguished Service Professor of Economics at the University of Chicago Graduate School of Business. Undoubtedly Murphy has forgotten the advice of his old professor, who said a year before he died: "More recently, and at the risk of being called fickle, many economists (I among them) have lost both our enthusiasm for antitrust policy and much of our fear of oligopolies." Apparently Murphy has reignited his own enthusiasm for antitrust. — Mark Skousen

No roads lead to Juneau — I write this from a cruise ship docked in Juneau, Alaska. On my tour of Juneau today, I learned there are only two ways into the city: by plane and by ship. No roads lead to Juneau, the state capital of Alaska. It is therefore difficult and expensive to get in and out of this city, where 65% of the populace works for the government.

I like this concept, and encourage its adoption in the "lower 48." Isolating and restricting the government from the rest of the populace is a novel approach, and may perhaps account for the fact that Alaska was able to hold out against joining the union longer than any other state except Hawaii — a state, I note in passing, the entirety of which cannot be approached by road and which is very expensive and difficult to reach.

But back to Juneau . . . I recommend we try and get Senator Stevens to drive up here for a visit. — Ross Levatter

Insufficient postage — Last year, the guy who used to perform the annual maintenance on my home's slate roof told me that his son had gotten hired by the U.S. Postal Service at a starting pay of $22 per hour. That's well over $40,000 a year (plus benefits) if my math is correct. Just for sorting mail.

The post office in my village closes at 4:45 p.m. That's what the sign says, anyway. I stopped by at 4:30 one day recently to mail a package. The minute I stepped out the door (it was 4:33 according to both my watch and the clock on the post office wall) the employees shut and locked the entrance. Anybody needing a book of stamps during the last 12 minutes of business was out of luck.

A few days later, I stopped in again. A young lady with several large packages was strumming her fingers on the counter. She had, it turned out, been trying for some time to get said packages mailed. The postal clerk turned to me: "I'm afraid you'll have to wait, sir." Seems the clerk had made an error of some sort in processing the packages, and then found that she was unable to correct it on her computer. Whether it was a systems problem or lack of knowledge on the clerk's part, I never found out.

After five minutes of watching this exercise in futility, I asked if there was anyone else in the office. "Should be," the clerk replied, as she took a look out back. She returned alone. "He should've been here 20 minutes ago," she informed me, "but he's not back." She returned to her package-processing problem.

After another few minutes, the clerk threw up her hands in despair. She informed the young lady (who by now was sitting on the floor under the counter) that she would have to rip the postage labels off the packages, refund her money, and start all over again. My ten-minute wait was at an end. The clerk left her unfinished work to attend to my business, which required all of 30 seconds.

I departed with the clerk and the young lady still bound together by the unmailed packages. What resolution was achieved, if any, I know not. My heart goes out to the customer, stuck for God knows how long in a rural post office, when all she wanted to do was to mail some packages. Could she still be there, I wonder?

The U.S. Post Office was okay, from the days of Ben Franklin to those of Larry O'Brien, as a strictly government entity. Now, as a public-private hybrid, it displays all the worst traits of both sectors, and none of the best. It is bloated, inefficient, and unresponsive. That's what happens when the discipline of the market is absent. Any "private" company whose losses are automatically made up by the government will thrive, in the sense that disease thrives in an unhealthy environment. It will perpetuate and aggrandize itself, to the benefit of no one but itself.

I suppose I could live with a starting pay of $22 an hour for people basically unfit to babysit my dog, if the service was top-notch. But it ain't. So I say, write to your congressperson urging the passage of legislation to open up the delivery of postal services to competitive bidding. Let FedEx and UPS have a crack at it. Leave the USPS to live or (as it would certainly do, were its monopoly broken) die in the real world.
— Jon Harrison

Lewis dives off a Russian submarine — Russian submarines planted a flag on the seabed above the North Pole and claimed it for Russia. According to news reports, the submarines had to be extremely careful not to wander too far from the ice hole they went into, because the ice is so thick that they wouldn't be able to break through on surfacing.

This seems strange to me, because just a couple of weeks previous, a guy from England took a swim at the North Pole to raise awareness about global warming. Lewis Gordon Pugh actually jumped into arctic waters wearing nothing more than a bathing cap and a Speedo. (What is it with Europeans and the Speedo?) The illusion he created was that there wasn't any ice at the North Pole.

Pugh actually rode up to the Pole aboard a Russian ice breaker. I have to believe this was not coincidental. It is my guess that the Russians used Pugh's swim as an excuse to clear a route. (Nice to know that the Russian government hasn't abandoned the concept of the "useful idiot.")

The climate change camp wants us all to believe that the ice has melted. Certainly the image of a man taking a swim at the North Pole gives the image of a world turned upside down. But the reason the Russians took him up there was as an excuse to lay claim to all the carbon-rich fossil fuels lying underneath the ocean. While the rest of the world sees a reason to stop burning carbon, the Russians have no intention of even slowing down.

Here's the question nobody seems to be able to answer: was there actually a hole at the North Pole already, or did the ice breakers have to punch one through for him to swim in?

According to the Daily Mail, Pugh was the first man to swim at the South Pole as well. That's impossible. The South Pole is on land, and covered with an icecap two miles thick. So my speculation is that Pugh isn't beyond exaggerating.

It would not surprise me to learn that a couple more tons of CO_2 were put into the atmosphere as an icebreaker ground up the thick ice cap, clearing a hole for him to take his historic swim. It also made a convenient place to drop the submarines.

Pugh claims he trained for his swim by dumping a half ton of ice into his swimming pool at home every single day. One can only imagine how much the energy required for that ritual contributed to his carbon footprint. Coming just a month after the orgy of energy consumption that was the Live Earth shows, this stunt certainly wins the prize. I'm beginning to wonder just how much energy will be exhausted convincing the world that too much energy is being exhausted.

— Tim Slagle

Is there a doctor in the Senate? — On Aug. 4 The New York Times ran a story headlined "Lawmaker Calls for Registry of Drug Firms Paying Doctors," by Gardiner Harris. It seems Sen. Charles Grassley (R-Iowa) is concerned that drug manufacturers are trying to convince physicians to use their products, in part, by paying them. For example, Dr. Melissa DelBello, a child psychiatrist at the University of Cincinnati, received $100,000 from AstraZeneca, a pharmaceutical company that manufactures Seroquel, which Dr. DelBello claims is helpful in some cases of childhood psychosis, though others feel the evidence is inconclusive.

Drug manufacturers, Harris notes, feel mandated registration would be misinterpreted. She quotes Washington lawyer John Bentivoglio, who represents these companies, as saying "One of the concerns is that these payments are seen as bribes. That's not the case. The vast majority are lawful payments for services." One would think Senator Grassley, and all Congressmen, would be receptive to this point of view, seeing how they raise reelection funds and provide constituent services.

Harris quotes Grassley as saying that voters can easily look up the contributions made to elected officials before asking "Shouldn't we hold doctors to similar standards?"

Ignoring for the moment just how challenging it really is to look up financial contributions made to elected officials (how easily can one access this particular register? Does it count in-kind contributions, like being made CEO of Halliburton?), let's consider Senator Grassley's comparison: if you don't like what your doctor is doing, you don't have to wait six years to replace him. If you stop seeing him, you don't have to continue to pay him just because he takes care of a majority of your neighbors. Your doctor can't force you to follow his advice. If your doctor lies to you in order to get your business you can sue him. If following his plan of action leads to bad results, especially if in retrospect these results were easily anticipated by those knowledgeable in the field, you can sue him.

In all of this, congressmen differ from doctors. That suggests standards need not be similar.

Another difference: more often than not, doctors are not lying to you.

— Ross Levatter

Phase 3 — Leftists in my neighborhood occasionally hang hand-painted banners on a pedestrian overpass over the highway and wave to the people driving to work. In late July their banner said, "The Only People Who Gain from War Are Those Who Profit." Though I am against the war on Iraq as vehemently as they are, and hate the whole business, the sign annoyed me: I am not against profit.

It also occurred to me that the sign was taking advantage of a double meaning of the term. In a financial sense, it is not true that the only people who gain from war are those who profit. An inventor with an idea but no sponsor may gain from war — and not just financially. A kid stuck in a rural town in a dead-end job may gain from war (and, of course, may lose). People in the military may gain from war, by advancing in rank, gaining new skills, etc. Most of all, politicians may gain from war. The Republicans did, in 2002 and in 2004, and it is the politicians who start wars.

To save the slogan, one can argue that all these are ways of "profiting" from war — but then we are using "profit" in a general sense of gain, and the slogan on the banner is reduced to, "The Only People Who Gain from War Are Those Who Gain." And I wonder how long it took my neighborhood propagandists to paint their banner, and how long they stood there waving at people going to work, and how they make a living.

— Bruce Ramsey

Going Dutch with Mexico — I have a gentleman come by my house several times a week. He vacuums, he launders, he cleans the pool, he is helpful in many, many ways. And not terribly expensive. His name is Francisco. I have not asked his nationality, his citizenship, or his legal status. It is not necessary. I don't employ him. He does all this for free. Admittedly, every Friday an amount of cash I leave lying around disappears. So far, I have not troubled the police about this.

Francisco came to me last week and indicated he would be taking two months off to visit relatives in Mexico. I asked if

he anticipated any difficulty in returning to my employ. "I've done it four times in the past, so probably not," he replied. "Have you ever run into INS patrols?" I asked. "Once," he said, "but I have an advantage. I speak English. When I was picked up, they simply sent me back the other way, but I asked, and the officer told me I'd have better luck trying again at the same place the next day."

Get it? Just like a growing number of cops on the beat "fighting" the war on drugs, the actual grunts doing the work of rounding up people who threaten this country by offering to do menial work for small amounts of money know they cannot succeed. They don't kill themselves to round up people who they know will just try again tomorrow. Instead, they play the game, build up their quota, and — while politicians in Washington raise funds by throwing red meat to red states — tell the illegals, "Try again tomorrow; you'll have a better chance then." What else do you really need to know about this farcical opposition to "illegal" immigration, of this mercantilist throwback effort to stop the law of supply and demand from crossing a line in the Sonoran desert.

The little Dutch boy could more easily stop the sea.

— Ross Levatter

Good morning, Vietnam — While I was vacationing in Vietnam recently I read a story in the June 16 issue of the Saigon Times that was left in my hotel room. The story was entitled: "Neat, more effective government apparatus in the pipeline."

The article talked about the Vietnamese government's progress in reducing its size from 79 bodies in 2002 to 38 today. The goal is to have 12 ministries like the most successful European countries. In a remark that might have come from Reason Public Policy Institute's Privatization Watch, Deputy Minister of the Interior Thang Van Phuc said the Vietnamese government will no longer be both "players and referees." Quoting Phuc, the article said: "In other words, the government cannot be at the same time policy-makers and organizers of the implementation of these policies. The Government will focus only on macroeconomic issues. Other functions will be transferred to societal and corporate organizations. Therefore, the administrative apparatus will be much more compact."

I wish our government and the Republican administration were so committed to reducing the size of government. The Vietnamese deputy minister also understood the dynamics of power. "Phuc said although the cabinet reshuffle is necessary, it will not be easy because many people will lose power. 'The biggest stumbling block to reform is that it affects organizations and individuals. It relates not only to power but also interest.'"

I don't know whether I am more astonished by the libertarianism of the Vietnamese government or the candor of the Vietnamese media.

— Paul Rako

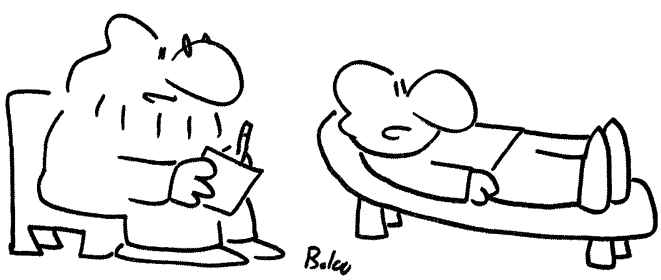

"You have a condition called 'extreme gullibility.'" "Whatever you say, Doc."

Our men in Washington — Charles Murray wrote a piece for the Sydney Morning Herald, Aug. 6, on the cultural responsibilities of the elite. At the end, he reminded readers that the elite is not just made up of elected officials. They are the only members of the elite chosen by general voters. "In all other areas, the government, economy and culture are run by a cognitive elite that we do not choose," Murray wrote. And I thought: Yes, that's so. And it is not one of the better arguments for democracy.

— Bruce Ramsey

Taxes for the Maul of America — A bridge collapses in Minneapolis, and immediately the Minnesota Democrats blame the lack of taxation. (Complaining that Minnesota taxes are too low is a lot like telling Michael Moore that he isn't eating enough.) The truck fire was barely put out before Minnesota politicians started clamoring for an increase in the gas tax to fund infrastructure repair. What they forget is they just spent $700 million of state and federal gasoline tax revenue on a light-rail line to run twelve short miles from downtown Minneapolis out to the Mall of America. The project ran a full $400 million over budget.

Slated for construction is a second line to connect Minneapolis to St. Paul, costing an additional $1.2 billion. If projections are as reliable as those for the Hiawatha, expect it to cost close to $3 billion before it is done.

Strangely enough, I believe the bridge that collapsed carried more vehicles every single day than the entire light rail carries in a week. The money is already there. They just need to straighten out their priorities.

— Tim Slagle

JFK, Mk. II — Life occasionally offers us wonderful moments to savor: the quiet anniversary dinner my wife and I spend at a delightful restaurant; the piano recital my daughter gives at the end of the school year; or the feeling of accomplishment I get when I finish what I think is a polished article.

Such a moment to savor occurred as I read a Wall Street Journal op-ed (Aug. 3) mildly praising Sen. Barack Obama (D-Ill.) for showing some realism about the war on terror as it concerns Pakistan. Obama had earlier announced that our troops shouldn't be in Iraq; instead, they should be invading the Waziristan region of Pakistan, where Osama bin Laden is thought to be hiding.

What a bold and frisky plan! If Pakistani president Musharraf doesn't get the bad guys, by jingo, we will. It is frisky indeed to attack a nation of 160 million, which just happens to be an ally, albeit a feckless one. Oh, and a nation that has nuclear weapons — no guessing here, since Pakistan has already set off more than a few. Obama has thus staked a position to the right of Rumsfeld, who nixed a proposed

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"...but the topic of stupid people can no longer be ignored, because for the first time in history stupid people have more political power than anyone else, and the consequence of allowing them all that power now looms like the shadow of doom over America." — page 13

"...As it has always done, somehow Government, like some monster from the past, has again outwitted the freedom-loving masses and has convinced them that they don't need protection from Government, but from everything else. And so the age-old beast our founding fathers had tamed is once more banging at our door." — page 145

"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233

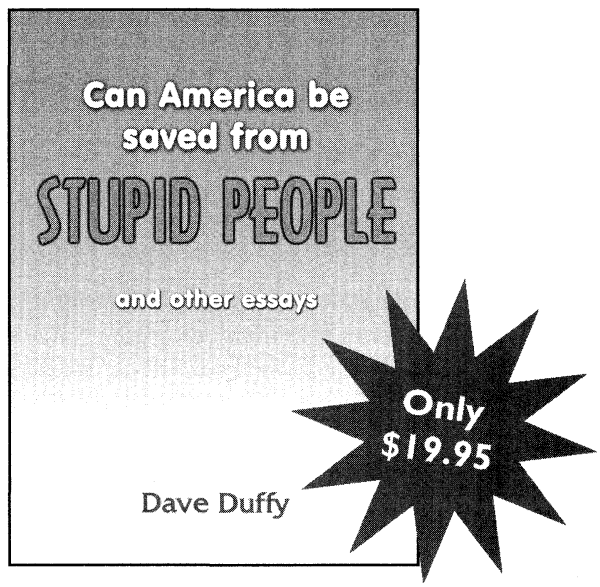

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commando raid into Waziristan in 2005. With that degree of macho, Obama is now truly MachObama, Rambo of Illinois.

Of course, MachObama spent the day waffling about the little detail of whether to use tactical nukes in his attack. First he said he would never use nukes under any circumstances — which presumably would include the scenario in which the Pakistanis, pissed off at us for the invasion, overthrew Musharraf and installed a Taliban-flavored leader, who then dropped a nuke on our troops. After that he said, yeah, sure, of course he would use nukes. Then he just gave up answering the question. Seeing a guy like Obama make a complete horse's ass of himself is simply delightful.

MachObama has been compared to young JFK. In both cases you have a handsome, articulate, callow young senator driven by extreme ambition to make it to the top. In both cases, the callow politician tries to run to the right of even his Republican opponent in his zeal to prosecute a "cold" war. And in both cases you have someone apparently jacked up on male hormones (one wonders whether Obama is on steroids, too). Kennedy gave us Vietnam, and Obama may give us Pakistan. — Gary Jason

Cui bono? — On July 27, in the skies over Phoenix, two news helicopters covering a high-speed police chase collided and crashed to the ground. All four people in the two choppers died. Fortunately, no one on the ground was injured, though it could easily have been otherwise.

Isn't it time that news outlets stopped doing this sort of thing? Why is a car chase important enough to cover in this way, anyway? Because it provides exciting visuals, of course. Exciting visuals supposedly keep people watching, which improves ratings, which means that the station can charge more for the commercial time it sells. Pretty tawdry, isn't it?

Making a profit in any business enterprise is a wonderful thing. It keeps the economic wheels turning. But there's something dirty about TV and tabloid journalism's propensity to profit from tragedy and suffering. I once saw a local news correspondent confess on television that questioning a 10-year-old boy whose parents had just died in an accident was very hard, "but I had to do it." This attitude is sick. This is why almost everyone despises journalists.

When I turn on Fox or CNN and see that of all the stories in the world they might be covering, they have chosen to feature an apartment fire in Tuscaloosa or the crash of a Piper Cub in Walla Walla — that is, an event of purely local significance — I almost want to shout at the TV. Such events are not newsworthy beyond the immediate local area, yet the coverage goes on and on because there is video available of burning buildings or wreckage.

In the last analysis, it's the hypocrisy that gets to me. If people want to watch such things on TV, who am I to deny them? But the CNNs of this world, and little local news outlets too, like to pretend they are "informing the public" by "covering the news." In fact, they're strictly in the business of selling commercials for profit. Four people in Phoenix are dead as a result. How many more must die before the so-called profession of journalism smartens up? — Jon Harrison

Czech your premises — I have reflected before on the bittersweet feeling one gets from seeing free-market ideas adopted in other countries, while the same set of ideas is spurned here in this country, in what historically has been viewed as the freest economy. One has conflicting emotions, watching other countries privatizing their Social Security systems, voucherizing their public school systems, eliminating their farm subsidies, adopting flat tax schemes, and selling off their state-run industries, while we steadily march toward statist hell.

Yet another manifestation of this phenomenon can be seen in the realm of corporate taxation rates. While we hold our corporate tax rates at an average of a little more than 39% (counting both federal and state rates), almost all of our major trading partners have lower rates than ours, and many of them are lowering their rates even further.

For example, the average among the G7 nations is 36.5%, among the Asia-Pacific nations 30%, among the Latin American nations 28.5%, among the thirty OECD nations 28.5%, and among the EU nations 25.8%.

And many of our trade competitors are lowering their corporate tax rates even further. The Czechs have announced that their rate will drop from the current modest 24% down to 19% in 2010. The Czechs are hoping to emulate the Irish, who created an economic miracle in part by dropping their corporate rate to a mere 13%. The Irish economy is now the Tiger of Europe, and Ireland imports people rather than exporting them.

This is promoting a *good* race to the bottom: more and more countries are beginning to lower their corporate rates to promote business growth. Nicolas Sarkozy, who recently won the presidency of France, made a campaign promise to lower the French corporate tax rate, currently 34%, to 28%. And while Germany has in the past railed against low-tax policies as "tax dumping," Chancellor Angela Merkel's ruling coalition has pledged to lower the corporate rate from 39% to 30%.

Still, no cuts are likely here, in the land of free enterprise. The Democrats have made it clear that the filthy, greedy corporations are not yet paying enough. So, once again, you can expect to see us regress, while others progress. — Gary Jason

Market movies — I have never seen a mention among fans of the free market of one of my favorite movies of the 1980s, Barry Levinson's "Tin Men" (1987). This sort-of-a-comedy is the story of a feud between two grasping and street-smart aluminum-siding salesmen, played by the sharkish Richard Dreyfuss and IRS-hating Danny DeVito. It shows them being deceptive while also managing to be "a sentimental celebration of the soldiers of capitalism," as Rita Kempley wrote in her review in the Washington Post. "Tin Men" also satirizes the city government's Home Improvement Commission, a boy-scoutish effort to protect the consumers — who are portrayed in this movie as poor fish. At the end, when the feud is finished and the regulators win, the two "tin men" ride off in a garish Cadillac, looking for the next opportunity.

Another Danny DeVito movie should interest fans of capitalism: Norman Jewison's "Other People's Money" (1991). It is a corporate takeover movie in which DeVito plays "Larry the Liquidator" against a folksy Gregory Peck — and the movie takes DeVito's side. — Bruce Ramsey

Nine Days in July

by Jon Harrison

Iraq is a quagmire. Staying to fight and retreating are both fraught with problems. No one has a clue about what to do next — and at midsummer, the clock was heard ticking loudly.

The nine days following the Fourth of July, 2007, were a watershed for American policy in the Middle East. Consider the following chronology:

Thursday, July 5: Sen. Pete Domenici, Republican from New Mexico, comes out publicly against the Bush administration's policy in Iraq. He joins Sen. Richard Lugar of Indiana, the ranking Republican on the Foreign Relations Committee, and Sen. John Voinovich of Ohio, who in late June made public their opposition to Bush's course. These men are true-blue, establishment Republicans. This isn't Chuck Hagel or Ron Paul criticizing the administration. It represents a sea change. The Republican Party hasn't experienced anything like this since the spring of 1974, when Barry Goldwater and Bill Buckley stated publicly that the Watergate-embroiled Richard Nixon should resign the presidency. When the bedrock of your party starts to crumble under your feet, Mr. President, you've got big problems.

Friday, July 6: Pakistani president Pervez Musharraf escapes death when his plane is fired on, almost certainly by Islamic militants, while taking off from an airfield at Rawalpindi. His escape reveals yet again the very thin line that keeps Pakistan tethered to its U.S. ally. Despite that alliance, Osama bin Laden and the rest of al Qaeda's top leadership are ensconced in the tribal areas of northwest Pakistan, where the Pakistani government's writ runs out. Indications are that al Qaeda has largely reconstituted itself there. Meanwhile, Islamic militancy appears to be gaining throughout Pakistan. A few days before Musharraf was attacked, militants seized the Red Mosque in Islamabad. Although they were eventually crushed by the Pakistani Army, this certainly is not the last we will see of the fanatics who may one day rule over the Muslim world's sole nuclear power.

Saturday, July 7: Three weeks into full-scale surge operations in Iraq, a truck bomber strikes the village of Amerli, killing over 150 people. It is the deadliest single bombing since the war began in 2003. Throughout Iraq, over 220 people die on 7/7/07, a "lucky day" for newlyweds and others in far-off America.

It is already clear that the Sunni fighters, including al Qaeda in Iraq, are largely avoiding the surge. They are fighting when and where *they* choose. In Baquba in June, they melted away — the U.S. military estimated that 80% of the

leadership simply escaped. At the same time, the Shiite militias remain virtually untouched by American forces. The British, already drawing down their forces inside the country, are skirmishing with the Mahdi Army and other Shiite fighters around Basra, Iraq's second city. Basra is reportedly slipping away from Coalition control, with radical sectarians and criminal elements vying for power.

The surge is working, Petraeus says. "Progress is being made." Tell that to the Iraqis in Amerli, General. Tell it to the families of the troops who died today.

Both Sunnis and Shiites appear to realize that they need only wait us out to win this first round (the second round they will fight against one another). As in Vietnam, time is on the enemy's side.

Sunday, July 8: The New York Times comes out editorially in favor of an "orderly withdrawal" from Iraq on a definite timetable. Despite the fact that the Times prints a lot of left-wing bilge, this is an important event. The Times wants to remain *the* establishment paper. It doesn't like to go out on an editorial limb. This won't have quite the same effect as Cronkite turning on Johnson in '68, but it's still a straw in the wind for the Bush administration.

The Pentagon announces that Defense Secretary Gates will not make a planned four-day trip to Latin America. He will instead attend meetings on Iraq during the lead-up to the administration's July 15 interim report to Congress.

Monday, July 9: An important day in Washington. Late in the day, anonymous administration sources reveal that the Iraqi government has missed *all* the targets for political, economic, and other reforms set for it at the time the surge was approved. No wonder Gates stayed home.

The movement for a change of course in Iraq seems to be gaining strength in Congress. Senators and representatives are feeling the heat from their constituents, and many no longer seem willing to wait even for Gen. David Petraeus' mid-September briefing on the progress of the surge. Freshman Democratic Sen. James Webb of Virginia (once Ronald Reagan's Secretary of the Navy), with Majority Leader Harry Reid at his side, announces that he will introduce an amendment to the Defense Authorization bill that would give troops deployed to Iraq and Afghanistan at least equal time stateside between tours. If passed, this would put paid to any hopes for a military solution in Iraq. Under Webb's plan, forces would no longer be available to maintain the operational tempo of even the pre-surge period.

The first reports describing how the American command views the initial surge operations are dribbling in, via the usual news outlets. "Some tactical successes, but no real change." Did they expect anything else? True, the individual American soldier is superior to any Arab fighter. However, the introduction of 28,000 additional U.S. troops into a territory the size of California will not turn around a guerilla struggle of the kind we are facing in Iraq. It's too great a task, undertaken with inadequate reserves.

Reports are also coming in that the Turks have massed 140,000 troops on the border of Kurdistan. One too many PKK (Kurdish Worker's Party) provocations, and there will be a Turkish army in Mosul and Kirkuk. As the Kurds are our only real friends in Iraq, it will be interesting indeed to see how the Bush administration responds to any Turkish invasion.

While all this is going on, a surreal event is held at the American Enterprise Institute. Televised on C-SPAN, and with the supercilious AEI vice president Danielle Pletka moderating, neocon Fred Kagan and retired General Jack Keane wax loquacious on how *well* the surge is going. These men, with four years of miscalculations and false optimism behind them, are clinging to an Iraq that exists only in their minds, a vision that serves to vindicate their past prognostications. The pudgy Kagan is particularly obnoxious, as he layers bromides over the suffering and horror. He tells the audience that Iraq is "not infinite" in extent (really?), asserting that the additional American forces will overcome insurgents who are running short on room to run. This man taught for ten years at West Point. Was he raiding the vending machines when the concept of force-to-space ratios was being discussed?

Tuesday, July 10: The morning papers report that the Army missed its recruiting goals in May and June. Well, I wonder why. Why aren't more kids signing up for duty in an unwinnable war fought in a hellhole 6,000 miles away? Maybe they've decided to wait for the terrorists to "follow us home" (as John McCain, among others, likes to say) after Iraq is lost. Better to die defending your native soil than fighting for God knows what in a place like Iraq. Of course, failure in Iraq doesn't mean that al Qaeda will land on our shores the next day. If the Iraq intervention is the only thing preventing that, then we might as well just convert to Islam now.

The fall-off in recruiting is yet another sign that surge or no surge, America is sick of this war, doesn't believe in it any more, and wants out, come what may. Indeed, a poll released by USA Today/Gallup shows that over 70% of the American public wants most U.S. troops out of Iraq by spring 2008. Sixty-two percent believe the war was a mistake in the first place. Support for the president has sunk to an all-time low of

Victories are easily described — witness Norman Schwarzkopf's briefing at the end of Gulf War I — but a losing cause requires convoluted language.

29%. While over 60% of Republicans still support Bush, that figure was at one time over 90%.

At an appearance in Cleveland, the president maintains that he will stay the course in Iraq at least until Petraeus and Ambassador Ryan Crocker present their reports on Sept. 15. As we already know that Petraeus and Crocker will give a mixed picture, with some good indicators (cooked-up or not) to go with the bad, this means that Bush remains committed to the surge. He hints that he might be open to a change in the fall, but this seems no more than a ploy to buy time. He also says he will veto any bill out of Congress that interferes with his current strategy. Despite the recent Republican defections, an override appears unlikely.

Homeland Security Director Chertoff pops up after a considerable absence from the headlines. He warns of terrorism here at home, based on al Qaeda's having reconstituted itself in the Pakistani tribal areas, its supposed penchant for summer attacks, and other intelligence information that he "cannot disclose." Does he really know something, or is he just trying to look wise before the event in case something happens?

Wednesday, July 11: Debate begins in the Senate on the Webb amendment to the Defense Authorization bill. Senators on both sides pontificate about past uses and abuses of cloture, rather than the issue at hand. Webb speaks of the unanimity among ground combat veterans in the Senate in favor of his amendment. The remainder of the Democrat contribution to the debate, however, is utterly forgettable. Majority Leader Reid chooses to bring up, of all things, the administration's supposed muzzling of a former Surgeon General. What's that got to do with the body bags coming home from Iraq?

Opponents of the amendment, led by Sens. McCain and Lindsey Graham of South Carolina, maintain that Petraeus and the Bush administration ought to be given at least until the original Sept. 15 deadline. Taken in the context of the period since January 2007, this makes some sense. Given the record of the past four years, it amounts to political escapism. On the other hand, 55% of the American people currently express the opinion that it's probably best to wait for Petraeus' report, giving the opponents some ground to stand on. The Webb amendment goes down to defeat. The apparent momentum for a change of course is broken. The surge will go on.

National Security Advisor Stephen Hadley makes the rounds on Capitol Hill, meeting with a score of senators in advance of the administration's July 15 report card on Iraq. His mission is to shore up support in the face of coming bad news. Republican senators up for reelection in 2008, like Domenici, urge that the administration use the Baker-Hamilton commission's report on Iraq (a truly amorphous document) as a blueprint for future policy.

Later in the day, Senator Domenici appears on CNN's "Situation Room" with Wolf Blizter. I haven't seen the senator in a while. He's in his sixth term, and it shows. He appears to be senile. His antiwar stance is clearly dictated more by his hopes for a seventh term in 2008 than by any careful thought or conviction. He's a damn good argument for term limits.

Gen. Petraeus issues a statement from Iraq. The surge is working, he says. "Progress is being made." Tell that to the Iraqis in Amerli, General. Tell it to the families of the troops who died today.

Petraeus repeats what he told Chris Wallace of Fox News in June, that successful counterinsurgencies take time, "about ten years." He's right about that. The very few successful counterinsurgencies (U.S. versus Huks in the Philippines, Brits versus communist guerrillas in Malaya) took about that long.

A complete evacuation of Iraq down the Tigris and Euphrates to Kuwait would present very tempting targets to the Sunni insurgents and Shiite militias.

But does Petraeus really think the country will be patient until 2017? Even more to the point, Petraeus knows the surge cannot last beyond spring '08, because of constraints imposed by the size of the Army and Marine Corps. He, like the president, must be trying to buy time in the hope that a stroke of luck will change things for the better.

It is becoming clear that no one really has a clue about what to do next. There appears to be no workable middle way between the surge and retreat (a point made very cogently by Stephen Biddle in today's Washington Post). Those who advocate getting out of Iraq lack a realistic plan. The cut-and-runners don't seem to realize that a withdrawal, even to designated areas within Iraq, would be fraught with problems. Not only do tens of thousands of troops have to be moved, but also vast quantities of stores and equipment — and all this in a hostile environment. A complete evacuation of Iraq down the Tigris and Euphrates to Kuwait would be even more difficult, and would present very tempting targets to the Sunni insurgents and Shiite militias. If it ends in disaster (heavy U.S. casualties, a collapse of Iraq into anarchy and genocide), one can be sure that Bush and the neocons will launch a massive "we were stabbed in the back" campaign, blaming opponents of the war for defeat.

The surge-backers, on the other hand, are grasping at straws. They keep promising that with just a little more time, a few more troops, or a little more effort by the Iraqi government, the corner will be turned. The last four years, not to mention the record of counterinsurgencies past, provides virtually no evidence to support their contentions.

The American political class has failed to shape sound policies for Iraq and the larger Middle East, while the military command has failed to master the situation on the ground in either Iraq or Afghanistan. The ditherings we are now witnessing are the fruits of these failures. As in wars past, it is the individual soldier overseas and the taxpayer at home who pay the price. The politicians, thinktankers, and generals get off scot-free.

The evening news announces that the Iraqi report card due out on the 15th will be released tomorrow instead. The preliminary indications are that the old saw about there being three types of lies — "lies, damned lies, and statistics" — will form the basis of the report's conclusions.

Thursday, July 12th: The Associated Press reports that yesterday House Republican leader John Boehner of California called Republican defectors in the Senate "wimps." Boehner's spokesman Brian Kennedy is quoted as saying that the Congressman "intended to illustrate the fact that we just recently voted to give our troops our full support, including ample time for the Petraeus plan to work." Ample time? Petraeus himself says it will take ten years. Congress only gave him till Sept. 15. The right hand doesn't seem to know what the left is doing.

The Department of Homeland Security, following up on Chertoff's remarks of a few days ago, issues a report saying that al Qaeda has reconstituted itself inside Pakistan. Its capabilities are approaching the pre-9/11 level. How seriously should one take this? Chertoff's department has partnered with Disney on projects that have nothing to do with homeland security, and everything to do with spreading money around in the name of PR. (On the farcical relationship between Homeland Security and Disney, see William Arkin's column, "Chertoff is Groovin'" in the July 11 Washington Post.) Based on the one real crisis it's had to deal with so far, Hurricane Katrina, its effectiveness remains (to put it mildly) undemonstrated. Both the department and Chertoff lack credibility. Using reverse logic, I conclude that they're on to something and that a terrible event will probably occur in the next few weeks.

Then a National Intelligence Estimate leaks out concluding that al Qaeda has indeed regained much of the operational capability it had lost after the invasion of Afghanistan. The failure to finish the job at Tora Bora is coming back to haunt us.

The Iraqi report card is in. The government and the police receive failing grades. No surprise there — we already knew that both are riddled with sectarianism and corruption. The Iraqi army, on the other hand, is supposedly showing improvement. This is a rather bold lie. That army is incapable of standing alone for *a day.* The Kurdish units are an exception, but they are too few to make a difference on a national scale. Moreover, they represent the nascent state of Kurdistan; their interest in *Iraq* is nonexistent. When we are gone, they will form the core of a Kurdish national army, not of an Iraqi one.

The introduction of 28,000 additional U.S. troops into a territory the size of California will not turn around a guerilla struggle of the kind we are facing in Iraq.

The president, announcing the results at an afternoon press conference, seems at times out of touch with reality. He describes al Qaeda in Iraq in such a way as to make it seem that *it* dispatched the 9/11 hijackers to America. If he's sincere, and he may very well be, then he (echoes of his father) is out of the loop. If he's being mendacious, he's chosen a formula that may resonate, at least with Joe Sixpack out in the heartland. One is left to ponder where the "let's buy some more time" thinking ends and reality begins for this administration.

One had rather been expecting Bob Woodward to make an appearance, and sure enough, he does. In a piece in today's Post, he reveals that in 2006 the CIA was telling the Baker-Hamilton Commission, as well as the administration, that the situation in Iraq was beyond repair. So troops have been dying for . . . what, precisely? The administration's desire to save face, it would seem.

After Independence Day, Congress knew the country would support a bold move to change course in Iraq. It nevertheless failed to act.

Friday, July 13: Friday the Thirteenth arrives with an air of anticlimax. The expectation that Congress might do something to end the war has dissipated like a puff of smoke. The report card on Iraq is bad, but the president insists his policy is working. Nothing has changed.

The truth about the Iraqi army emerges, as the Pentagon admits that the number of Iraqi brigades "capable of operating without American assistance" has fallen from ten in March to six in July. Be that as it may, inertia has carried the day. The president has been granted a few more weeks, or perhaps months, to indulge his fantasy that we can win this war.

Gen. John Sattler, the victor of Fallujah, and now the Director of Strategic Plans and Policy for the Joint Chiefs of Staff, gives a talk on the war at the Defense Forum Foundation. The catchphrases he employs are jarring: "stabilization matrixes," "cylinders of excellence." Even the jargon is reminiscent of Vietnam. Victories are easily described — witness Norman Schwarzkopf's briefing at the end of Gulf War I — but a losing cause requires convoluted language.

Where Are We Headed?

For American policy in the Middle East, the nine-day period July 5–13, 2007, was more than a snapshot in time. It was a turning point for the U.S. in Iraq and probably the region as a whole. It is not that any decisive event occurred during this time. What matters is what *didn't* happen. Coming back to Washington after Independence Day, Congress knew the country would support a bold move to change course in Iraq. It nevertheless failed to act. The White House, which reads polls better than it does just about anything else, failed to seize the moment and reshape policy along more realistic lines — a reshaping that would have reflected a broad consensus of opinion.

An opportunity lost may not recur. With time running out

continued on page 53

Reverence for Skeptics

by Leland B. Yeager

Rational inquiry, the careful weighing of evidence, the refusal to come to premature conclusions — these are the things that a free society needs, not a belief in God.

Some conservatives and classical liberals credit features of Western society, including individualism, capitalism, and liberal democracy, to the Judeo-Christian belief in a personal god. They see religion as essential to morality (e.g. Evans 1994, Overman 1997). "If the universe was an accident," Dean Overman insists, "there are no absolutes, and without absolutes . . . morals do not exist. Right and wrong have the same meaninglessness. . . . The very fact that one sees wrong and distinguishes it from right means one rejects an impersonal beginning to the universe. For Jewish, Islamic, and Christian theists, God is the moral absolute of the universe" (1997, pp. 177–78). Overman simply makes these assertions; he does not argue for them.*

Members of the clergy often claim and are accorded special moral authority even on social and economic issues. Yet although economists and some other social scientists are not especially equipped to give moral guidance, they are better equipped, I conjecture, than persons whose profession makes an actual virtue out of faith, out of believing and teaching propositions without and even despite evidence. They are less likely to be content with noble-sounding words and more inclined than the clergy are to ask what asserted principles would mean in practice and what institutions would be required to carry them out.

Libertarianism is a doctrine or attitude about social and economic organization and policy. It is tolerant of diverse grounds for accepting it. It does not require theological roots and could even be embarrassed by insistence on them. As an example and as a personal exercise, I set forth my views here on the existence of God, the efficacy of prayer and ceremonies, the relation between religion and morality, and life after death. My current (though revisable) beliefs add up to what I call "reverent atheism."

I was raised in an ordinary non-fundamentalist Protestant

*In contrast, the philosopher R.M. Hare writes: "God or no God, the attitudes that make us revere the laws of morality are a social necessity; we could not live in communities without them. . . . [S]ociety would collapse unless children were brought up to feel bad when they do bad things . . ." Furthermore, "a reflective critical morality can *justify* these laws or rules or principles and our attitudes to them" (Hare 1997, p. 20). Thus Hare, like David Hume, Ludwig von Mises, F.A. Hayek, Henry Hazlitt, and other classical liberals, roots ethics not in theology but in the requirements of social cooperation.

family. My brothers and I regularly attended Sunday school and occasionally church services in the local Congregational church, of which I became a member at the usual age. My parents exposed us to religion to that extent, although my father was not actively religious and rarely attended church (until his old age, anyway). My mother took greater part in church activities but was not particularly concerned with doctrine. Around the time of the change in my own views described below, I asked her if she believed in the core doctrines of Christianity, which I recited. No, not literally, she replied.

I had considered myself a staunch Christian, actually believing mainstream Protestant doctrine. In the fall of 1941, within a few weeks before or after my 17th birthday and a few weeks before Pearl Harbor, I decided to prove my strong faith to myself by ordering several "little blue books" on atheism from the Haldeman-Julius Company of Girard, Kansas. To my surprise, reading them completely dispelled my religious faith, and in about a week. I felt no particular crisis of soul. On the contrary, I enjoyed the intellectual stimulation and felt comfortable with my new skepticism.

As treasurer of the Young People's Society of our church, I was business manager of the play that the society presented each spring to raise money for a religious retreat. Despite the shift in my own religious understanding, I felt committed to carrying on with my responsibilities and did so for the remainder of the school year. Perhaps I should have felt ashamed of hypocrisy, but somehow I did not. Perhaps I felt that publicly trumpeting the state of my soul would seem too self-important.

Whether one believes in God depends, of course, on the word's meaning. I do not believe in a personal God — a being with consciousness and personality who created a universe distinct from himself, who created man partly in his own image, and who sometimes intervenes in human affairs, even responding to prayer. One reason for my skepticism is the problem of evil, including agonies, disasters, and human nastiness. Theodicy does not explain away or justify these evils to my satisfaction. A broader reason is the clash among different attributes usually attributed to God. Standard notions of God as good, merciful, and so forth at least tacitly acknowledge a preexisting morality: the good is not simply whatever God decrees. The God of the Judeo-Christian Old Testament, by the way, was hardly a paragon of virtue. Still another reason for skepticism is Occam's Razor, the precept against unnecessarily multiplying entities in trying to explain observations.

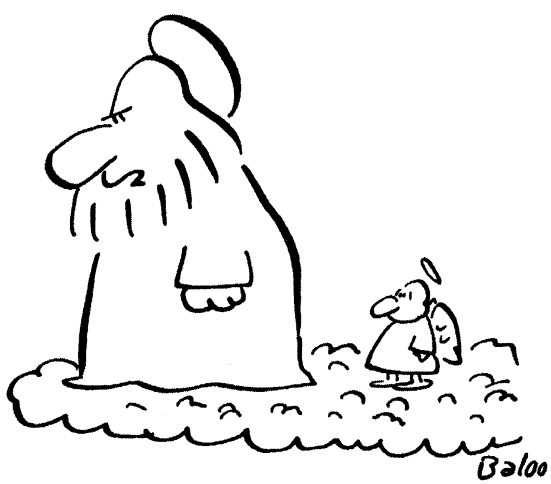

"Atheists I can put up with — it's those wishy-washy agnostics I can't stand!"

Is atheism or agnosticism the more accurate label for these views? To refer to the etymology of "atheism," mine is a belief "without God." I am not *certain* that no personal God exists. I have changed my view on the issue once, and further information and reasoning could conceivably make me change it again. Although I know few things with absolute certainty, not being omniscient and infallible does not bar me from holding beliefs on the basis of the information that I do have and the reflection that I have done; it does not require answering practically all questions with "I don't know." The revisability of beliefs does not require always suspending judgment. I have reached the judgment that a free-market economy offers better prospects for human happiness than socialism does. New evidence and argument could conceivably change my mind, but that possibility does not require my declaring myself agnostic on the issue of capitalism versus socialism.

I am not utterly certain that no seven-headed sea serpents are swimming around in the Indian Ocean.* Proving a negative like that is notoriously difficult; but the serpents' existence seems vastly implausible to me, incompatible with biological and other knowledge that commands confidence. It would be inaccurate to call the question of sea serpents an open question. Even apparently closed questions are not permanently and irrevocably immune from being reopened. My deviation from utter and permanent certainty does not require my calling myself merely agnostic on the question of sea serpents — or on the question of God.

A great mystery remains — the universe itself — but saying that God created it is no solution. Who then created God? Are we not verging on an infinite regress? If something as wonderful as a creator God could have existed before he set to work, why could not something just as wonderful, the universe, have existed without a creator distinct from itself? And why be so anthropomorphic? If indeed there is a God, why suppose that he (or she or it) is so much like human beings as to have consciousness and purposes of his own and to concern himself with human affairs? Religious people who like to emphasize the ineffability of God and the possibility that his nature is incomprehensible to mere human beings should recognize that the standard religious conceptions of him may be inaccurate. Perhaps he is not an entity distinct from his creation. Perhaps he is thoroughly intermingled with the material of the universe and with the principles or regularities of its operation that scientists try to formulate as laws of nature.

The doctrine to this effect — that God is intermingled or identical with all that exists — is pantheism. But what is the difference between this belief and the absence of belief in a

*Bertrand Russell's analogy (1952) involved a small teapot in orbit around the sun. One cannot utterly disprove the existence of such a teapot, yet belief in its existence would be absurd.

personal God distinct from his creation? What is the difference in substance, not just in words and possibly in emotional yearnings, between pantheism and atheism?

In recent years several scientifically literate thinkers have been formulating the old argument from design with new sophistication (Barrow and Tipler 1986, Barrow and Silk 1994, Harris 1991 and 1992, Behe 1996, Overman 1997; however, Drange 1998 criticizes their "Fine-Tuning Argument"). The universe and life on earth could not exist if various constants of nature and features of organic chemistry deviated more than extremely slightly from what they are in fact. The probability that the universe and life could have originated by sheer chance seems vanishingly small. But as Ayn Rand said, "existence exists." Whatever is is possible. The universe, life, and human consciousness do exist, regardless of whether we have any way of determining why anything at all exists rather than just nothing. If the universe exists, *of course* it has the properties necessary to exist. It would be all the more remarkable if the universe existed with properties downright incompatible with its existence, as if some circles were square in shape.

I decided to prove my strong faith to myself by ordering several "little blue books" on atheism. To my surprise, reading them completely dispelled my religious faith, and in about a week.

Agreed, the known constants of nature seem highly improbable. So does any actual deal from a deck of cards, with specified cards composing each of the four bridge hands (Drange 1998 employs similar analogies). A universe looking highly improbable because of its highly detailed characteristics can similarly be expected on ordinary probability grounds. Or perhaps the constants of our universe were not the consequences of a train of pure chance; perhaps some overarching future theory will account for them; perhaps some sort of internal drive or natural selection was at work. Perhaps there are or have been extremely many actual or aborted universes; so that any specific one, like the bridge deal, looks like the product of extreme chance. The hypothesis of multiple universes looks far-fetched, of course; but at one stage of scientific theorizing it can be fruitful to give free range to the imagination and come up with multiple hypotheses. Further research can work on weeding some or all of them out. Even hypotheses that prove wrong can be heuristically or otherwise useful at one stage of research: they can be better than mere strings of words masquerading as actual hypotheses.

It is premature and presumptuous to suppose that all hypotheses about the universe have already been conclusively ruled out except the God hypothesis (which, however, as commonly preached, is intolerably vague). What better approach is there to the mysteries of the universe and even of its very existence than the scientific method? That method, as I understand it, includes giving definite formulation to questions thrown up by experience and by perceived inconsistencies among hitherto held beliefs. Mysteries, even including the mystery of the apparently deliberately fine-tuned constants of nature, are grist to its mill. The method includes conjecturing answers to questions and searching for evidence to rule out unsatisfactory answers. It includes trying to formulate propositions about reality that show wide consistency with each other and that stand up to our best efforts to disprove them. Why reject that method at a certain point and suppose that the mysteries remaining establish a theological proposition? Why believe in a "God of the gaps"?

It is no reconciliation of science and religion to say that they cannot conflict because they concern distinct and non-overlapping domains.* Religion, or Christianity anyway, purports to teach transcendentally important truths about reality and about how things actually work. But science is an ongoing search for a more and more adequate grasp of reality and of how things work. Over the centuries the progress of science — its filling of gaps — has forced theologians to abandon or reinterpret quite a few of their doctrines.

I do not claim to know infallibly that the scientific method is the only or the best route to profound truths about the universe. But let those who think they possess a better one — divine revelation, infallible intuition, secure faith? — argue for it and demonstrate its efficacy and superiority. Absent such a demonstration, the pretense of standard religion even seems morally questionable.

Morality seems likely to have evolved as the practices, precepts, and character traits that support social cooperation, which is essential to human survival and flourishing.

I am not utterly certain that no seven-headed sea serpents are swimming around in the Indian Ocean. My deviation from utter certainty does not require my calling myself merely agnostic on the question of sea serpents.

Religious beliefs and ceremonies may have contributed to this cohesion and survival of societies. Perhaps, during cultural evolution, a kind of natural and social selection has fostered religion. Even if so, that likelihood does not speak to the truth of its doctrines. Neither does the frequent beauty of

*James L. Evans, a Protestant pastor, citing the biologist Stephen Jay Gould, provides a recent example (2006) of this insistence on distinct domains.

religious ceremonies, music, architecture, and the other arts, nor does the comfort that they give to many people. Pleasure and comfort in the beautiful aspects of religion may go far toward explaining its appeal, but they provide no support for its actual doctrines. They may even count toward explaining religious belief *away*. And the contrasting phenomenon of dogmatism and fanaticism centering on religion and causing chaos and bloodshed is all too familiar throughout history and nowadays still.

The opportunistically vague and shifting doctrines of some Protestant sects (relative to Roman Catholicism, perhaps) repel me. Several decades ago I attended a talk at the University of Virginia by a Protestant minister remarkably named Dr. John Knox. His theme was that some members of a congregation want to accept Christian doctrines and Bible stories as literal truth, while others accept them as allegories or poetry. Fine: a minister can preach so as to satisfy both groups. Dr. Knox took no questions but left the room directly after his talk, leaving an example of the sort of intellectual dishonesty that discredits organized religion.

As for prayer, what conception of God does it imply? Either God constantly needs to have his attention directed and needs advice or else is vain and needs to be constantly flattered and groveled to. Sure, this assessment of God's character supposes that he has person-like characteristics. But that is a standard anthropomorphic supposition among many believers, not mine in particular. If, instead, God has characteristics so beyond human experience as to be incomprehensible to human beings — another familiar doctrine — how can anyone know that he needs or welcomes propitiation by prayer and ceremonies? How can we rule out his being thoroughly intermingled with all of creation instead of being distinct from it? How can we rule out pantheism, alias atheism?

Next comes a topic that it may be embarrassing to admit brooding about. Still, it is what religion — Christianity, anyway — is all about: salvation, getting to heaven. In a letter to the Opelika-Auburn News, December 2004, Dr. Jere Colley replied to a letter in which Dr. Delos McKown, retired head of Auburn University's philosophy department, had described his atheism and his belief that after his death he would simply not exist, just as before being conceived. Colley admonished McKown, age 74, that he still had time to "cram for the finals." If McKown's belief were correct, then life doesn't matter much anyway. If he were wrong, then he would soon be in one "hell of a situation." Did McKown "really want to take this chance?" With this threat Colley had restated or perhaps independently reinvented Blaise Pascal's Wager.

Any actual deal from a deck of cards, with specified cards composing each of the four bridge hands, seems highly improbable. A universe looking highly improbable because of its highly detailed characteristics can similarly be expected on ordinary probability grounds.

That wager recommends worshiping God and trying to believe in him because nothing is lost if he does not exist, whereas disbelief in an actual God might bring eternal damnation. But what comfort can anyone draw from believing in a God who, besides possessing his traditionally supposed powers, would be so morally perverse as to punish intellectual honesty and reward the opposite? We humans would be in a desperate predicament at the scant mercy of such an unjust God. Of course, the extreme unpleasantness of a doctrine does not by itself prove its error.

What is the point of accepting doctrines about states of affairs, like disembodied minds and souls, that cannot even be clearly conceived of, let alone examined factually?

The wish for some sort of life after death seems to be widespread among different societies and different times. In 2001 I attended a lengthy funeral at which numerous relatives and friends eulogized the deceased. All or most seemed to take it for granted that he continued to exist in some other and better realm. Some of the speakers may have been reciting mere cant, but I doubt that. All or most seemed genuinely to believe what they were saying. The yearning for a doctrine to be true helps explain widespread belief in it, but yearning and belief are no actual evidence.

Evidence for life after death is skimpy and dubious. It is unsatisfactory to propagate belief in an unobserved phenomenon with none but the vaguest of notions of just what it consists of and of how it might occur. What best fits in with the rest of our knowledge is that dead animals and dead persons have simply ceased to exist as conscious beings, and their bodies decay. I cannot really conceive of dead pets, my mother and father, other relatives, and friends as somehow still alive in another realm. Minds, souls, and consciousness are not distinct entities but *functions*, albeit remarkable functions, of material bodies. Examples abound of interaction between bodies and their mental functions. Placebo effects on health and "the power of positive thinking" apparently are real. So are psychosomatic illnesses. So are the effects on minds of drugs, disease, and accidents. Disembodied minds and souls are a fantasy.

Far be it from me to taboo fantasies and half-baked ideas. They often have been steps toward achieving, testing, rejecting, or modifying scientific hypotheses. But they are not *con-*

clusions of research. What is the point of accepting doctrines about states of affairs, like disembodied minds and souls, that cannot even be clearly conceived of, let alone examined factually? I personally find it harder to form a definite conception of life after death than even of seven-headed sea serpents in the Indian Ocean.

Still, people — sometimes even I — may regret the prospect of totally ceasing to exist. But feelings and wishes are not evidence. And anyway, would anyone really want perpetual existence, with no prospect of relief if it became a burden or a torture? I doubt that I would want to cling to the sort of life that I have occasionally observed in nursing homes. I hope never to lose the option of suicide. Its irreversibility, though, will make me hesitant to exercise it. What I can hope for is that some people will remember me favorably after my death. I will not be around for that satisfaction, but even now I might enjoy thinking myself worthy of it.

John Stuart Mill (1861/1863, chapter 2) recommended remaining interested in human affairs even toward the end of life. I wanted to see how serious the Y2K problem would turn out to be — whether computers could cope with the change from 1999 to 2000. (I first drafted this note in March 1999, while delayed overnight by a flight cancellation, and I have tinkered with it ever since.) My next goal was January 1, 2001; for ever since I first realized the inevitability of death and had a general idea of human life span, as I did when about five years old, I hoped to see the new century. After that I hoped to see how the euro worked out and even to hold in my hands a few of the euro coins and banknotes that would come into circulation early in 2002. I have survived to have these experiences, but other interests remain (I hoped to attend conferences in Sweden and Argentina in the summer of 2005 and did attend the latter). When my interest in the future fades along with mental and physical powers and especially if life becomes a mixture of frustration, boredom, and pain, I expect to be ready for an end to it all. Even if I had not felt ready, once the end had come, I would not be around to regret it.

Like Delos McKown, I imagine my future dead self as nonexistent, as if in some permanent total dreamless sleep. Experience testifies that a temporary lack of conscious existence is not so bad. Often, on awakening at night, I even regret having only a couple of hours or a few minutes before time to get up. While hospitalized in December 2004, I experienced a couple of episodes of extreme drowsiness and thought that dozing off, never to awake, would not be bad at all.

Even so, I cannot help wondering how utter nonexistence will feel. The answer is that I will no more feel nonexistence than anything else. I will be in the same position as my never-born and never-conceived sister Alice and as the much-desired but never-born son of Georges Simenon's fictional Commissaire Maigret.

As I hope I have shown, mine is not a smart-alecky atheism. I am no "evangelical atheist" (as I once heard someone described); instead I am a "reverent atheist." I have deep reverence for the immensity and wonders of the universe, including the mystery of the apparently deliberately fine-tuned constants of nature. I do not kid myself into thinking that I already have answers to those awe-inspiring mysteries. To accept a question-begging nonanswer ("God did it") as their explanation would, for me, indicate disrespect for the wonders of our universe and for their continuing exploration.

Appendix: Social and Political Aspects of Religion

The near-universality of some kind of religious belief is no strong evidence of its truth. As mentioned above, religion may have promoted ethical behavior, social cooperation, and the happiness of many persons — within relatively small and homogeneous societies and sects, anyway.

My old friend James Waller used to worry that we moderns are living off and eating up our religiously based moral capital of the past. Suppose that it would indeed be socially healthy if we could rebuild our moral capital on a religious basis. Again, what follows about the actual truth of religion? Counterexamples to Waller's conjecture — examples of nonreligious but decent people and of societies where morality apparently flourishes without religious consensus — supposedly lose their force; they simply exemplify living off inherited (or perhaps imported) moral capital. But a thesis thus immunized against counterevidence loses its substance.

I do not think that public policy should try to root out religion and other erroneous beliefs. Despite a widespread myth, the U.S. Constitution does not build a "wall of separation" between church and state. The First and 14th Amendments, read as written, do not bar prayer in public schools or religious symbols on public property. Instead, the First Amendment includes a reminder that authority to legislate about religion has not been granted to the federal government; and nothing in the 14th Amendment does grant it. True enough, if I were a member of a state legislature or a school board, I would vote against prayer in the public schools and against teaching "intelligent design"; but nothing in the U.S. Constitution bars either. ❑

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Skepticism, and Beyond

by Stephen Cox

We can't know everything about the universe, but the evidence indicates that there is a God, and that he is important to a free society.

I am grateful to Leland Yeager for his wise and tolerant essay on the question of religious belief — a question that is continually debated in the libertarian community.

My guess is that libertarians are about equally divided between believers and nonbelievers. And although it seems possible to me that a person's ideas about God may have no relation to his or her ideas about liberty, most libertarians apparently believe that the two are closely related. That's why debates about religion tend be so acrimonious in our community.

Professor Yeager's judicious account of his own thoughts and experiences — an examination of belief from the nonbeliever's point of view — does much to dispel these clouds of furor. He has generously given me permission to present a contrasting account, a defense of the validity and importance of religious, and especially Christian, ideas. I should mention that I share Yeager's reverence for the skeptical mind, wishing only that believers as well as nonbelievers always had enough of this reverence to separate bad arguments from good ones, as Yeager does.

I'll start by making a distinction that both opponents and proponents of religion often neglect, the distinction between "historical," "philosophical," and "scientific" ways of approaching the subject. Of these, the scientific seems to me the weakest — as Yeager illustrates, in his review of the many questions that science currently fails to answer, to the satisfaction of either believers or nonbelievers.

Science does show that believers shouldn't be naive enough to take the first two chapters of Genesis literally. Yet only a minority of believers are that naive. Most are untroubled by the idea that God used the natural processes that he created — including evolution — to work his will. Meanwhile, as Yeager notes, despite all the instruction science can give, "the probability that the universe and life could have originated by sheer chance" still "seems vanishingly small."

There may, to use his image, be some degree of probability that a universe like ours could have been formed by chance, like a hand of bridge — though to me, the analogy is not fully instructive. A bridge hand is a chance event within a highly ordered system; it has no order in itself; its nature and significance derive from the rule-bound process by which it was generated. A closer analogy would be that between a universe

and the game, with all its rules. Imagine the game of bridge arising, chock-full of rules, by random chance. Impossible! But the universe is an incomparably more complicated game than bridge.

Where scientific explanation leaves off, philosophical explanation begins. Like Yeager, I maintain a large degree of skepticism about philosophical responses to the basic religious question, Is there a God? The "ontological" or purely philosophical argument for God's existence, an argument proceeding by logical deduction, occupied the attention of such great thinkers as Anselm, Descartes, Leibniz, and Gödel. It does not occupy mine. Neither do the attempts by Ayn Rand and other Objectivists to create an ontological argument *against* the existence of God, an argument that seems to me a mere juggling with words. (For two analyses of this argument, see Parrish 2007, Toner 2007.) In my view, to say, with Rand, that "existence exists," and that everything that exists has its own "identity," implies precisely nothing about what may exist and about its possible origins and actions.

One philosophical approach has gained, I believe, some grip on the problem. We know that the natural universe, the universe that science studies, functions by means of rule-bound relationships among time, space, and their strange sibling, matter. It is this fact, indeed, that makes chance appear so improbable as an explanation for the universe, because it would have to explain not only wombats and wolverines but also the existence and regularities of time and space. Now, either these qualities of the natural world had a beginning, or they did not. Everything we know about the natural world suggests that everything within it *began*. The evolutionary scientist can hardly stop his investigations at a discrete place in history and declare that "this is just the way things always were." No, he is obliged by his own premises to go all the way to the beginning, and earlier.

So we must conceive of nature, with all its rules, including the relations of time, space, and matter, as beginning somewhere. At some "place" within existence, matter, space, and time itself *began*. So, what existed before time? (This is a paradox, of course; but cosmology, atheist or Christian, is necessarily full of apparent paradoxes, particularly in its consideration of the notion of time.) Since the age of St. Augustine (or before him, that of St. John the Divine), Christians have answered that question with the word Eternity — the timeless state in which God exists. Timelessness is the only option, because it is the only thing that could lie outside — or if you prefer, around — the world of time, and provide a "place" for its beginning.

Timelessness, eternity, is where the question-tree is rooted. Timelessness, eternity, is where the material world sprang forth, in the only way in which it could spring forth — at once, and from the hand of a Creator. A being who exists in eternity exists in a timeless state, a state without beginning, midst, or end. So there is no reason to ask the question, Who created God?

If you retort, Can't I say the same thing about the physical universe, and simply dispense with God?, the answer is plain: the physical universe, so far as we can tell, is always a place of time, space, and matter. There is no savor of eternity about it; no evidence of any ability of time, space, or matter to plan itself, arrange itself in mathematical order, begin the intricate dance of laws that govern physical reality from the smallest particle to the farthest star. Wherever we see planning, it is always associated with some conscious being. That is why we

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conceive of God (whether we believe in him or not) as a conscious, eternal being, as one who existed, in the words of the Nicene Creed, "before all worlds."

If this be anthropomorphism, make the most of it. There's nothing wrong with anthropomorphism, if it happens to be true. To imagine that God has certain characteristics that humans also have — consciousness, volition, and that mysteriousness, that unpredictability, that opacity to full explanation that we find in even our own best friends — is not by definition a philosophical offense. If you have a strong personality, which most libertarians do, you may tend to see the world as the workmanship of some other strong personality. That doesn't mean that it isn't, or that there isn't any reason for your idea, beyond a primitive psychological projection.

But the kind of philosophical argument that interests most libertarians — like most other people — is the "moral" argument against the existence of a deity, or at least the kind of deity posited in the Judeo-Christian tradition.

David Hume states the argument succinctly in his "Dialogues Concerning Natural Religion," the great work of philosophic art that provides the substance of most contemporary atheist arguments. One of Hume's dramatis personae suggests that it is pointless to worry about the existence of a God who obviously doesn't worry about us: "His power, we allow, is infinite; whatever he wills is executed: But neither man nor any other animal is happy; therefore, he does not will their happiness" (Hume 1986, p. 63). In other words, supposing that an amoral, merely intellectual "watchmaker God" might exist, why would he merit our attention?

My favorite response to this argument appears in one of the poems in Robert Browning's "Men and Women." Browning's spokesman, a Roman Catholic bishop of a skeptical and argumentative disposition, comments on what every true skeptic knows — the fact that neither believers nor nonbelievers are completely secure in their convictions. Believers have moments of doubt about their faith; nonbelievers have moments of doubt about their *lack* of faith. Questions keep coming up:

> This good God — what he could do, if he would,
> Would, if he could — then must have done[,] long since:
> If so, when, where, and how?
> (Browning 1898, lines 192–94)

Good questions! And it is precisely these questions that a historical religion, a religion based not on philosophical deduction but on empirical evidence of God's work in history, tries to address. Its job is to provide the "when, where, and how" of what a good God "must have done, long since." Christianity, with its story of God's intervention in history in the 1st century A.D., is one such historical religion.

If we find God's fingerprints on history, we should not be surprised if they give us proof of his existence while giving us only partial knowledge of his intentions. We shouldn't assume that once we know something, we will know everything, and that we "shall be as gods, knowing good and evil" (Genesis 3:5). Our working assumption can be nothing more than this: If we can find reasonably accurate accounts of God's intervention, we will have an adequate ground for belief in him, just as we have an adequate ground for belief in many other basic facts of human history itself, despite the refusal of these facts to grant us total knowledge.

Few people refuse to believe that Socrates existed, although the evidence for his existence can be traced to the works of a very small number of authors, all of whom take obvious liberties with his story, and none of whom fully elucidates his unique and therefore enigmatic character. Plato admits as much, in the speech he attributes to Alcibiades in the "Symposium." Socrates, says his would-be lover, "is like no other human being, either of the past or the present. . . . [T]his person is so peculiar, and so is the way he talks, that however hard you look you'll never find anyone close to him" (Plato 1999, p. 61). We cannot expect that history will give us final evidence about the personality of God. Yet knowing something is a great deal better than knowing nothing.

It is perfectly true, as Yeager suggests, that no one has succeeded in fully explaining God or even the concept of God. Every Christian would agree, but in doing so would not be saying anything essentially different from what I say when I admit that I lack any fully formed idea of how my transmission works — though I have reason to believe, from my history as a driver, that there is such a thing and that it helps me get from Hillcrest to La Jolla, on most (but not all) mornings. The question isn't whether we know all about God (or about our best friend, either); the question is whether such a Friend exists, and what evidence one finds for him in human history.

If we find God's fingerprints on history, we should not be surprised if they give us proof of his existence while giving us only partial knowledge of his intentions.

It's curious to see how far Hume goes in making the transition from philosophical to historical approaches to religion. There is a great deal at stake in what he says, because it shows the curious flirtation between skepticism and dogmatism that is basic to the atheist position. Hume's "Dialogues" admit that "a purpose, an intention, a design [in the universe] strikes everywhere the most careless, the most stupid thinker." They refer to the laws of nature and to the steady scientific pursuit of the *reasons* behind things: "[A]n anatomist who had observed a new organ or canal would never be satisfied till he had also discovered its use and intention" (Hume 1986, p. 77). Even today, one is hard pressed to find a discussion of biological evolution that does not include the language of *purpose*: maple trees *use* wingéd seeds to propagate their kind; chimpanzees evolved strong muscles *in order to* seize their prey.

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But after this bow to natural philosophy, Hume has his chief spokesman slyly remark that philosophical skepticism is actually "the first and most essential step towards being a sound, believing *Christian*." Why? Because Humean skeptics understand that philosophy alone will never reveal the attributes of God. Skeptics must, therefore, look to God for some historical "revelation" of his "nature, attributes, and operations" (Hume 1986, p. 89). Yet as we know, any "believing Christian" is convinced that such an account (*pace* Hume) is already available, and it is found in the New Testament, a history of God's revelation of himself in the person of Jesus Christ. Hume did not agree — and it is interesting to consider why.

His position was that any account of divine intervention is inherently unbelievable, because it relies on acceptance of the possibility of miracles, of the intrusion of the supernatural into the natural order. He reasoned that we can judge evidence only by experience, and that a miracle — which is, by definition, outside our regular, normal, and natural experience — has nothing to command our belief (Hume 1985).

I think I have stated Hume's celebrated argument fairly, though I have chosen the kind of words that emphasize its flaw. It asserts that we must reject any experience that might alter our view of experience. His position is no longer skeptical, but dogmatic. He goes so far as to say that "the Indian prince, who refused to believe the first relations concerning

the effects of frost, reasoned justly," because they "arose from a state of nature, with which he was unacquainted" — yet the formation of ice was only *marvelous*, not *miraculous*. The miraculous could never acquire enough proof from experience or testimony (Hume 1985, 29–33).

It's true: someone who had never heard of a temperature below 32 degrees Fahrenheit would have no business believing rumors of ice formation. But someone who saw ice form before his eyes, or received numerous reports, from independent sources, of ice forming somewhere, would have good reason to believe that ice could happen. How much more would belief be recommended by experiences bearing a close analogy to one's experience of beings like oneself!

If someone contends, as astrologists are always contending, that people's lives are morally influenced by the planets, I'll have a lot of trouble believing him. I live on a planet, and I have never experienced any influence of that kind. I am unaware of any marginally reliable source who testifies that a planet spoke, gestured to, or otherwise affected him. But I have experienced the effects of friendship, and it does not surprise me that the Creator of the world should turn out to be someone like my own friends — unusual, unpredictable, highly individual, perhaps even inexplicable, yet interested enough in me to offer evidence that they care about my fate.

In short, if I see a "miracle" (such as the unlikely but strongly attested miracle of friendship), I will believe it. I may be insane, as Hume insinuates; but I won't bank on his opinion. I can't very well pronounce myself insane, and still trust my own judgment about my supposed insanity. And if I have good reason to trust *your* word, I will probably believe in *your* reports of "miracles," especially if their apparent source is a being who bears a likeness to the beings I know. Atheists often explain religious belief by saying, "Of course, those people believe in God. I guess they need a friend." Maybe so — and what of it? Does the fact that they need a friend, or that there are false friends in this world, or that people are often mistaken about their friends, mean that there is no such thing as friendship, and we should refuse to believe any reports of it? Would that be skepticism, or dogmatism?

I have no trouble conceding that reports of God's interventions aren't scientifically testable, any more than my report that I dined with my friend last night at 8 p.m. can be tested in the lab. Historical events happen only once, and our belief that they actually did happen must depend on testimony, not on laboratory experiments or on some process of *a priori* philosophic reasoning. If the events happened before photography was invented, we will have an even harder time verifying them; but that's when the vast majority of historical events did happen. If God intervened in human history, the odds are that he did it a long time ago: "Then must have done, long since."

When I open the New Testament, I see at least six independent, mutually corroborating accounts of God's intervention in human history, through the life of Jesus (Cox 2006, pp. 5–12). The earliest of these accounts is reliably dated to about two decades after his death; the latest to about six decades after. Most are clearly based on still earlier sources. No one has solved the puzzle of how these stories could have taken the form they did, absent the events to which they refer. You can construct Rube Goldberg explanations, but as they grow more complicated, they also grow less credible.

There are clearly imperfections and disagreements in the New Testament accounts. If there weren't, I would suspect their general accuracy, just as policemen suspect the accuracy of two identical accounts of the same traffic accident. But over the past 300 years of intensely skeptical research, the New Testament's literary integrity and its tight grip on the events it purports to describe have been vindicated against the assaults of a hundred schools of theory-mongers. It's not an accident that even such skeptical scholars as J.A.T. Robinson, who was determined to point out discrepancies and to re-date everything in the most radical way, emerged with findings that make the NT accounts look almost as plausible as they ever looked, and much closer to the events they describe (Robinson 1976).

Some people will study this evidence and feel compelled to believe, as I was. Others will find it insufficient. But now, at least, we are debating the evidence on which Christianity actually bases its ideas. The fascinating thing to me is how seldom this debate arises. Many atheists are fonder of laughing at William Jennings Bryan, pretending that fundamentalists are about to take over the country, decrying the excesses of Joshua's campaigns in Palestine, wondering where "Mrs. Cain" came from, reminiscing about the horrors of life in 15th-century Spain, debunking magic acts and flying saucers, and urging the latest, certain-to-be transitory cosmological speculations than they are of considering Christianity's basic claims. If they ever get to New Testament territory, they usually show themselves as naive as the History Channel, or the fundamentalist pastor down the street. And many Christians respond in kind, by defending every position, weak or strong, that the atheist wants to attack, instead of repairing to the historical evidence of a very simple proposition: "God was in Christ, reconciling the world unto himself" (2 Corinthians 5:19).

But the central methodological question, preceding all specifically religious ones, remains: are you willing to consider

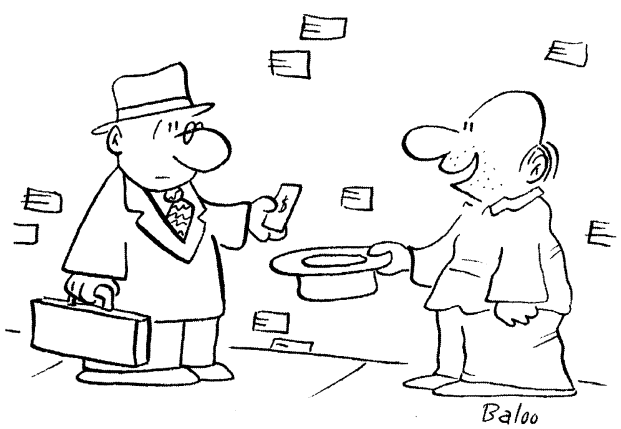

"This will be our last little transaction, sir — I start work tomorrow as a televangelist."

alleged evidence of a "supernatural" event? When I ask my atheist friends this question, they almost invariably answer No. They believe dogmatically that the natural world (as currently understood, of course) is all there is, and all there could possibly be, and that there could never be any valid counter-evidence.

This makes things very easy. We can part as friends, without bothering to debate anything of consequence. Throughout the Western world, both popular and intellectual culture are tilting that way. Religion is increasingly considered a "faith tradition" ("In my faith tradition, we have our Sabbath on Sunday; in your faith tradition, you fire-bomb your enemies as they emerge from a rival mosque") instead of a subject for serious intellectual consideration and controversy.

I have no trouble conceding that reports of God's interventions aren't scientifically testable. Historical events happen only once, and our belief that they actually did happen must depend on testimony.

My dissertation adviser used to say that he knew how to tell whether a work of past literature was alive or not: "If it's assigned for class, it's still alive; if it's not, it's dead." Roughly speaking, he was right. But what, in our culture, is "assigned for class" in the field of religion? How many college graduates are familiar with even the most basic arguments for and against the majority religion of the West, or any other religion, for that matter?

America remains the most devoutly and actively Christian nation in the world, but American Christians know less about religion than they ever did before. And on this subject, the intellectual sophistication of atheists and agnostics is even less remarkable. It sparkles on the mountain peaks, as in Yeager's essay, but the trails below are dusty. One anecdote sums it up. An acquaintance of mine, a professor at an elite university, is a scientific atheist. After attending the baptism of a child, the professor remarked, "It was OK, but I was surprised at how *religious* it was." This is an image of post-Christian America.

There are a variety of plausible opinions about the final result of this blank denial of religious belief, or even curiosity about religious belief. So far as we know, religion has been a fundamental part of all human societies. We have no historical experience of the ways in which an absence of religion, over any extended period of time, might influence a civilization.

As Yeager reminds us, we do have examples of societies that have gone completely haywire under the influence of religious cults. For many people, such as Christopher Hitchens in his most recent book, this is good enough evidence that religion is simple "poison." On similar evidence, he might have reached a similar conclusion about atheism. In the name of an atheistic philosophy, Lenin, Mao, and Stalin each slaughtered their compatriots by the millions. Much the same can be said of the French revolutionaries who carved "Death Is an Eternal Sleep" on the portals of cemeteries, and of Hitler, whose private conversations showed him as much an enemy of Christianity as he was of Judaism (Hitler 2000, throughout).

Of course, any evil philosophy can be acquitted, in the minds of its followers, by an appeal to its *essential ideas*. In that way of thinking, "Marx can't be blamed for Stalin's regime; Stalin wasn't a real Marxist." But the difference is this: the materialist programs of Marx, Hitler, and Robespierre could never be realized without force and violence. The ideas of Jesus and Paul were very different. Jesus preached the individual's reconciliation with God; he had no political agenda, and he rebuked his followers when they visualized themselves as rulers (Matthew 20:20–28). Paul preached Jesus' gospel of love, and added the idea of freedom from Old Testament law — the idea of freedom, *a fortiori*, from all law (Galatians 1–5). If you tell me that a logical means of realizing such ideals is the formation of a monarchical church that tortures and kills all who oppose it, or the organization of busybodies into political groups to harass their neighbors, I can only say that you might as well arraign James Madison for trying to create an omnipotent state. Modern politicians have tried to do that, while invoking the names of the founding fathers, but no one should take them seriously as representatives of the great American tradition.

Similarly skeptical views can be taken of modern "Islamic" applications of Mohammed's ideas, of latter-day "Taoist" applications of Taoism, and so forth. But there is a feature of Christian ideas that deserves to be emphasized. Christianity can never honestly and permanently depart from the founding documents that are its source and evidence; and in these documents, the books of the New Testament, there is no attempt to invoke force in support of religion. Instead, there is every attempt to separate belief from force and even from government. There is not a syllable in the New Testament commanding Christians to persecute their enemies, or, in fact, to have anything to do with politics. "My kingdom," Jesus told the judge who condemned him, "is not of this world" (John 18:36). If you choose to worship Huitzilopochtli, and call him Christ, that's your business; but it's no reason why I should call you brother.

In the four gospels, we see Jesus crucified by the secular and religious establishments of his time. In the Revelation, we see, symbolically and dramatically enhanced, the struggle between the state and individual belief, in the conflict between Church and Empire. Throughout the New Testament, we see an overwhelming emphasis on individuals and individual decisions (Cox 2006, pp. 30–37). The New Testament stories insist on the radical differences between people who, from an outward or materialist perspective, we would expect to be the same: the two sisters, Mary and Martha; the two brothers in the parable of the prodigal son; the members of Jesus' own family (Luke 10:38–42, Luke 15, John 7:5). These stories also

BANNED

BY MARXISTS, KEYNESIANS AND AUSTRIANS

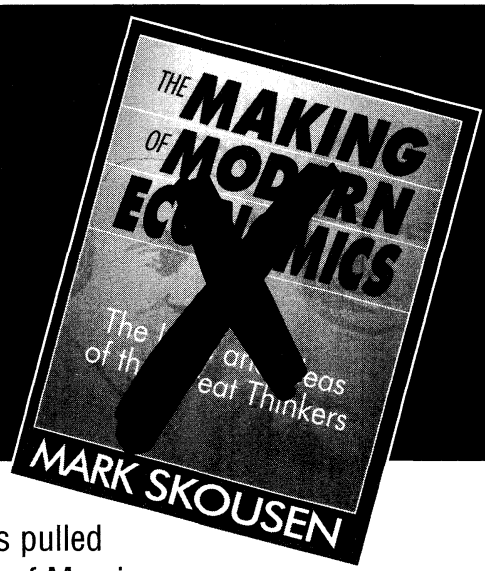

Why would a history of economics create so much controversy? Dr. Mark Skousen's book, *The Making of Modern Economics*, was pulled from the library shelves of the University of Philippines, a hotbed of Marxism.... censored by Keynesians at Columbia University....and blacklisted at the Mises Institute.

Skousen's "tell all" history doesn't pull any punches. Nobody's favorite pet economist — whether Marx, Keynes, Mises, or Friedman — escapes unscathed (although one economist is rated #1 for his "system of natural liberty" and becomes the heroic figure of the book).

What caused the Marxists on UP campus to ban Skousen's book? His chapter on "Marx Madness" provides a devastating critique of Marx's theories of capitalism, labor, imperialism and exploitation, and why most of his predictions have utterly failed. Plus it reveals Marx as a dismal failure in family, finance, and politics. This chapter alone has converted many Marxists into free-market advocates. (In Communist China, this chapter was translated into Chinese from "Marx Madness Plunges Economics into a New Dark Age" to "Marx and Classical Economics"!)

Why has Skousen been censored by Keynesian professors at Columbia? They don't want students to read his chapter on Keynes and Samuelson, what one economist has called "the most devastating critique of Keynesian economics ever written."

Why does the Mises Institute refuse to list Skousen on its recommended list of free-market authors? Despite the fact that his book is the only one-volume history written by a free-market advocate with 3 chapters on Austrians, it has been censored due to two favorable chapters on the Chicago school and how they have dominated the profession.....words they don't want their students to hear. (Plus they dislike what he says about Murray Rothbard, their patron saint.)

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insist on the powers of judgment inherent in the individual mind: "And when they heard of the resurrection of the dead, some mocked; and others said, We will hear thee again of this matter" (Acts 17:32).

But what conditions are necessary to maintain the moral order in which individuals are allowed to function without let or hindrance? Suppose, at night on a deserted street, I encounter an opponent — a purveyor of atheism, perhaps. I ask myself, "Why shouldn't I just rob and kill him?", and I start ransacking my bag of philosophical ideas to see what utilitarianism or Platonism or Objectivism or the Nicomachean Ethics has to say on the subject. Anyone who found that I had to do that, in order to decide not to rob and murder someone — or to form a political party that would do the job for me — would make sure never to meet me on any deserted street.

The good thing is that few people in our society have to resort to this kind of philosophical inquiry. At least in America, the world's most Christian nation, the vast majority of people never even consider the possibility of liquidating their ideological opponents, commercial competitors, or religious adversaries. I think that this is because we were taught — as during many generations, Western children have often been taught — that all people have moral standing in the eyes of God, a Person who cares about other persons. We learned it at our mother's knee: even though Catholics, or Protestants, or Democrats, or Republicans, or blacks or whites or rich or poor or southerners or northerners or Objectivists or socialists may not be as "good" as "we" are, God doesn't want us to hurt or destroy them.

This is a very limited moral message, and its application has sometimes been absurdly limited. Christians have fought wars like other people. Christians, like atheists, have fiendishly persecuted their enemies. But Christians were also the first people in the world to campaign against slavery. They were the first people in the world to campaign for women's equality. From their older brothers, the Jews, they borrowed the idea of the God-commissioned prophet, an idea that established a legitimate social role for individuals who find themselves in responsible moral opposition to their communities. They took this idea, and they made the most of it. Not always for good, of course: pig-headed, self-righteous "prophets" are the curse of every moral movement. The same kind of people who might have been Hebrew prophets have often become obnoxious Christian evangelists (e.g., St. Stephen), bigoted puritans, ranting atheists, supercilious spokesmen for political thinktanks, and even editors of libertarian journals. Every ideal contains an enormous potential for abuse.

American Christians know less about religion than they ever did before. And on this subject, the intellectual sophistication of atheists and agnostics is even less remarkable.

Yet it was in Christendom that the founding documents of a religious regime announced that God's kingdom is not, in fact, a franchise of this world. It was in Christendom that the church competed for its right to exist distinct from the state, and full separation of church and state was at last accorded the force of law. It was in Christendom that God was declared the "author of liberty" and the guarantor of individual rights in a way that has never been witnessed in any other culture.

There is not a syllable in the New Testament commanding Christians to persecute their enemies, or, in fact, to have anything to do with politics.

In every Islamic country except Turkey, the notion that religion is not the business of the state never seriously occurs to anyone. In every Christian or quasi-Christian country, this is the default position — not because most people keep laboriously reasoning it out for themselves, but because they imbibed it from their parents, along with the respect for individual life and property that is likewise enshrined in the New Testament documents. "Friend, I do thee no wrong," says the employer in Jesus' parable, resisting demands that he fork over more wages than he had contracted to pay. "Is it not lawful for me to do what I will with mine own?" (Matthew 20:13–15). It's because the religiously sanctioned idea of individualism and private property is so prominent in our culture that libertarians don't have to start arguing for those values from the ground up.

So I believe that Leland Yeager is asking an important question when he wonders about the fate of our civilization in a post-religious age. I wonder too; though I believe I reach different conclusions, or come to different speculations. I do not suppose that people's lives can be much improved, intellectually or politically, by a world in which the longing for infinity, a longing that seems endemic to humankind, is directed toward merely finite objects. In Europe, the steady decay of Christianity has been accompanied with every repulsive permutation of such finite objects: the cult of Napoleon and other Great Men, the adulation of race and nationality, the worship of science and "scientific" social planning, the childish trust in Theosophy and other pseudo-religious cults, the sacrificial devotion to communism and fascism, the idiocy of anti-Semitism, and now the obsession with celebrity, sport, fashion, sex, and "career" — together with the hysterical self-

continued on page 54

The Market for Body Parts

by Gary Jason

What used to be science fiction is now just common sense.

The federal government prohibits the sale (as opposed to the donation) of human organs. Under the National Organ Transplant Act of 1984 (NOTA), it is a felony to give or receive compensation for them. Legalizing sales has been discussed in some circles, but proposals to let people sell their own organs as they see fit do not appear at the top of the list of most discussed issues, or anywhere close to the top.

Yet the issue of organ sales (sales of body parts, bone, skin, and tissues of any sort) is becoming ever more urgent. One reason has been noted by Laura Meckler:[1] for many years, organ transplants were rare, dangerous, and costly, and the supply of donated organs from the deceased was enough to cover demand. But now that organ transplants are relatively routine, relatively safe, and covered by many insurance plans, the number of organs available from donor corpses is insufficient. Patients either have to wait or turn to living relatives for donations.

The problem will become more dramatically evident over the next decade, when for the first time in our history elderly people will be upwards of a third of our population. And the notoriously narcissistic Baby Boomers will hardly be squeamish about replacing their faulty organs. Look how many have embraced Botox injections and cosmetic surgery, procedures that have nothing to do with keeping you alive.

So the proposal to legalize organ sales is well worth discussing — but with some care.

Certainly, from the libertarian perspective, there is a compelling moral case for it. Being a free agent means that I control my own body. If my body isn't my property, what is? The idea goes back to one of the founding documents of libertarianism, John Locke's "Second Treatise on Government." Even if you draw the line at suicide, as Locke did, selling a kidney won't kill you, at least in normal cases. This is all the more true if we are talking about my agreeing *while alive* to sell my kidneys *after I am dead.* Another idea that has been influential on libertarianism, the harm principle, enunciated very clearly by John Stuart Mill, tells us that rational people ought to be allowed to do whatever they please, so long as it doesn't harm anyone else. Well, what harm is done to anyone else if I decide to sell Fred one of my kidneys? *Prima facie,* there

doesn't seem to be any — indeed, it will likely save Fred's life.

Utilitarian ideas also seem favorable. If I benefit from the money Fred pays me for my kidney, and he is better off, then everyone directly affected by my action benefits. As a rule, allowing organ sales would increase the wealth of the poorer and the longevity of the wealthier. It would obviously encourage more donations of life-giving organs. Consider how many more people would put codicils in their wills allowing the extraction of their body parts upon their demise if the sales money could be passed along to surviving spouses and other heirs.

If the philosophical case seems defensible, add to it a reason drawn from precedent and current practice. People are free to sell their blood, and many regularly supplement their income by doing so. And people are free to *donate* their body parts. If people are rationally capable of and morally entitled to give away their body parts, why can't they profit by the transaction? That is, if my autonomy as a thinking, choosing human being allows me to grasp the risk and pain of an operation to give a kidney to my child because I love her, then why not allow me to sell my kidney to a stranger, for love of money? Remember that money is typically desired instrumentally, as a tool to get other things; it is seldom loved intrinsically, for itself. Suppose that the money I get from selling my kidney will be used to help my family — give them, say, better food, or a better house, or a better education. Is that not also a case of giving my kidney to save my family, albeit indirectly?

Now consider the practical benefits of organ sales. One of the most important of them is that it addresses the shortage of organs available for transplant. Meckler puts the number of living *donors* (usually kidney donors) at about 7,000 a year. Most of them are people who give organs to keep family members alive. Those willing to donate to strangers are much more limited. Several internet sites have been developed to make it easy for willing donors to connect with those who need organs; MatchingDonors.com is one example. But the last I checked, there were fewer than 4,000 such persons. This is woefully inadequate. One recent estimate is that there are over 90,000 Americans already waiting for body parts. Other estimates are of 70,000 waiting for kidney transplants alone. The shortage has several consequences.

Being a free agent means that I control my own body. If my body isn't my property, what is?

To begin with: people die. A few years ago, Brian Doherty estimated that every day, 17 Americans die waiting for organs. No doubt the figure is higher now. The shortage has also created a black market, with all the unpleasant side effects that brings. There have been cases in which people have purchased organs of uncertain provenance, only to find out that they were taken from people who died of syphilis or hepatitis B. Finally, the shortage has produced the bizarre result, nicely explored by Kerry Howley,[2] that in this black market, everyone pockets good money except the donors. This is extremely unfair compensation.

Why, then, would anyone object to organ sales? There are three broad reasons: first, worries by medical ethicists about the nature of the choice; second, concerns about the potential for abuse, as suggested by some recent horrific headlines; and third, concerns raised by some religious ethicists about the sanctity of the human body. Let me briefly examine these areas of concern.

You can get an idea of what troubles medical ethicists by looking at an article by Papadimos and Papadimos[3] that opposes allowing women to sell their ova to pay their college tuition. The Papadimos paper raises a number of objections to the practice, objections that apply equally well if not more forcefully to organ sales in general. Ironically, all the objections are considerations of autonomy.

The authors view autonomy as involving "voluntariness, competence, capacity, understanding, and disclosure. . . . " And they feel that decisions to sell ova fail to meet the standards of real autonomy. One of their arguments is that, since college students need the money, they are under the influence of the buyers. They are being exploited. Another argument is that the age of the students (typically, 20–25) makes their mental capacity questionable, and renders suspect their ability to understand risks. As the authors put it, "Persons may comprehend information, but do not or cannot accept the information. For example, if a twenty year old female is told she has a 1% chance of hemorrhaging, a 1% chance of having a post operative infection, and a remote chance of death with an egg donation procedure; can she accept this? Can she understand the long-term risk of fertility drugs, including the risk of cancer? This young woman may very well understand these risks, but can she actually accept the fact that she has a remote, yet possible chance of getting cancer or dying?"

These theoretical worries strike me as hyperbolic. Again, look at actual practice. We allow young women to take birth control pills and elect for surgery of all sorts, from abortion to cosmetic surgery. All involve significant risk. We allow young men and women to drive cars, not to mention volunteer for combat; this also involves significant risk, and with far less disclosure required. As to the idea that the need for money invalidates a person's autonomy, that would seem to disallow any trade of any sort in any economic realm.

Turning next to the potential for abuse of a free market in organs, recent horrific headlines suggest major problems. There have been cases of sophisticated grave-robbing. A recent New York case is illustrative.[4] Seven funeral home directors pleaded guilty to plundering corpses for body parts. They removed bone, skin, and organs from hundreds of corpses, pocketing millions by selling the tissues to biomed companies. A recent AP report announced the apprehension of a former director of UCLA's Willed Body Program. He was arrested for appropriating parts of the bodies donated for research and selling them to an outside company for tens

of thousands of dollars. The owner of the company was also arrested; he had made over a million dollars by reselling those body parts to various hospitals and medical research companies.

News stories have also been generated by the aggressive harvesting of organs by certain authoritarian regimes, most notoriously China. Recent stories — see, for example, Coonan and McNeill[5] — indicate that the Chinese are systematically harvesting organs from executed prisoners and selling them to rich Japanese and Americans, who pay about $50,000 per kidney and $110,000 per liver. This is a significant inflow of foreign currency to a country that executes 8,000 people yearly, more than all other countries combined. Even more ominous are recent reports that China now targets groups it dislikes, such as political dissidents and Falun Gong, for arrest and execution, in part because the trade in human organs is so lucrative. Even more alarming are reports that the organs are being harvested from prisoners who are still alive.[6]

Seven funeral home directors pleaded guilty to plundering corpses for body parts. They pocketed millions by selling the tissues to biomed companies.

The Chinese government heatedly denies these various reports. China's foreign ministry has conceded using some organs from prisoners, but only with prior permission. Its spokesman, Qin Gang, said, "It is a complete falsification, a lie or slander to say that China forcibly takes organs from the people convicted of the death penalty for the purpose of transplanting them." Still, China has announced it will start requiring donors to give permission in writing before allowing transplants. This is the same government that denies it has carried out any military buildup, that Tibet was ever an independent nation, and that anyone died at Tiananmen Square. Its credibility is hardly compelling. But in any case, the danger is clear: allowing an unrestricted market in organs runs the risk of giving incentives to totalitarian regimes to violate people's rights in the most horrible ways. From a tyrannical government's psychopathic point of view, it's a perfect "two-fer": it gets rid of annoying groups *and* makes a ton of money.

But it is easy to draw the wrong conclusion from such claims. I would argue that what is driving people to go to totalitarian regimes or other black markets is precisely the growing unmet demand for organs by people who face certain death if they don't get them. If you don't let these people obtain what they need legally, don't be surprised when they do so illegally.

The third set of concerns — those of religious ethicists — centers on feelings that the body is sacred, not to be tampered with lightly or for base motives. Some people suspect that legalizing organ sales will somehow be like legalizing abortions; it will cheapen life and encourage an ungodly practice.

Again, I find such worries understandable but overblown. There is little comparison between abortion, the killing of a new life-form, and selling an organ, which is someone's existing tissue, for the purpose of moving it to another's body. While many religions hold that the fetus has a soul (at some point in its development), no religion of which I have ever heard views my liver as having a soul. Moreover, abortion is not generally done to save someone's life, whereas that is the whole point of organ transplants.

In any event, why would giving some of your body to save someone else's life defile your body? And if giving it wouldn't defile your body, why would selling it? Even if one believes that giving tissues defiles his body, what gives him the right to impose that view on others who don't share it — and in so doing, condemn many others to early deaths?

While I find the three broad types of concern generally unpersuasive, and the theoretical, practical, and moral case for allowing a free market in organs compelling, there are some legitimate issues that must be addressed — in other words, practical problems that must be addressed by some legal mechanism.

One set of problems involves fraud and misrepresentation. If we are going to allow rational people to sell parts of their bodies, there has to be real informed consent. Downplaying the risk and pain would be an attractive ploy for any sales agent: "Look, kid, what's your worry? You have two kidneys, so you won't even miss one of them. We'll pop it out of you — no hassle! Just think of all the cool stuff you can buy with the ten grand we're giving you!"

Another set of problems involves the limits of people's rationality. The reason we wouldn't want to allow a 12-year-old to sell one of her kidneys is the same reason we don't allow her to drink or have sex: adolescents are not fully capable of making such choices. But what about cases that aren't so clear? What about drug addicts, or the clinically depressed, or people with early Alzheimer's? We need more than a simple age limit here.

China now targets groups it dislikes for arrest and execution, in part because the trade in human organs is so lucrative.

Even more worrisome, in my view, are problems of coercion, problems involving people who are executed to harvest their organs, or have their organs stolen after death. Of course, it seems likely that if we were to allow *legal* sales of

body parts, the illegal sales would be less attractive, since the price would drop. But we still need appropriate safeguards to minimize the chances of theft, fraud, manipulation, and coercion.

My proposal is to allow free trade in organs, with certain tight restrictions. We should begin by requiring that all purchases of body parts be from sellers who are United States citizens. The market could be expanded to sellers from other countries, but only on a case-by-case basis, and only when we can assure ourselves that the country in which the sellers live is free and has the same controls on the organ trade that we do. And in exchange for seeing legal organ sales within this country, citizens ought to be willing to prohibit fellow citizens from buying transplants from abroad. That would help stop the kind of abuse going on now, with growing numbers of Americans buying organs from corrupt, totalitarian regimes, where organs are obtained at the cost of liberty.

What about drug addicts, or the clinically depressed, or people with early Alzheimer's? We need more than a simple age limit for organ sales.

Second, an organ sale must be accompanied by a contract between the buyer and a named seller, be it an individual or a hospital. This contract would have to be drawn up to legal standards, just like an incorporation or will, by a licensed legal practitioner. And it would have to be accompanied by a sworn affidavit by an independent, licensed medical professional that the seller of the body parts was an adult, apparently of sound mind, and provided blood tests showing him to be free of the influence of drugs or alcohol at the time of signing. At the time of transplantation, the DNA of any purchased body parts should be verified against the DNA of the seller, as listed on the contract.

Third, the contract would have to be accompanied by a signed statement of disclosure, in which the known risks and health consequences of the procedure, as stated by the AMA, would be listed fully and clearly. The statement would have to be signed by a neutral medical professional, not someone who was a party to the financial transaction. I envision doctors and nurses working *pro bono*, or being paid by charitable organizations, to apprise sellers of all the consequences of their decisions, without any manipulative sales pitches.

Fourth, when setting age requirements we should distinguish between sales of organs while the seller is still alive from sales of organs after death. Put the minimum age at 18 for the latter (perhaps with special provisions for parents who wish to donate the organs of their deceased child), but 21 for the former.

Fifth, there should be a requirement that any organ available for purchase be checked by a lab for the presence of HIV, hepatitis viruses, or other dangerous communicable diseases.

Sixth, the sales of all body parts must be completely recorded and available for inspection on the internet, so that the market will be transparent to all interested parties — potential sellers and potential buyers, as well as journalists and other investigators. In this way, sellers and buyers will know the going price for various body parts, and investigators can monitor sales for patterns of abuse. This will make it less likely that a naive or ignorant person can be tricked into selling his organs at some absurdly low price. We require such transparency for other markets, such as real estate, and the organ market would need it even more.

There is a clear and growing need for organs and other tissues. Now, there are occasional stories about "cloning organs," i.e., taking a stem cell from a person and growing (say) a replacement liver from it. Of course, were such a procedure to exist, the whole issue of whether we should permit organ sales would be rendered moot — nobody would pay to buy another's organs if he could get new ones based on his own DNA, which would eliminate the problem of tissue rejection and the need for immunosuppressant medications. But no such procedure seems even remotely close to becoming available, so our choices remain either keeping organ sales illegal, or making them legal under practical regulation. The case for the second option is far stronger than for the first.

I think there is growing recognition in D.C. that something needs to be done soon to solve the shortage of organs created by an ill-considered federal law — Lord, how often do we see the government working at any given time to clean up the damage it caused by its stupid laws of a prior time? Recently, the U.S. House of Representatives passed the Charlie W. Norwood Living Organ Donation Act, which aims to make it easier for donors of kidneys to switch recipients with other donors in cases of biological incompatibility. That is, if I want to donate a kidney to X, and Fred wants to donate a kidney to Y, and my tissue is incompatible with X, but not Y (and vice versa for Fred), the law would allow us to switch recipients. That should result in a fair rise in the number of available kidneys, but it will still be way short of what is needed. We need to open up the process fully and make it transparent, by repealing the NOTA and crafting more realistic and less idealistic laws. ❑

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50 Really Stupid Ways to Save the Earth

by Karl Hess

Karl Hess (1923–1994) was a much-loved author and libertarian activist. He became an Associate Editor of Liberty in December 1987. This article appeared in the September 1991 issue of Liberty.

Recently I came across "50 difficult things you can do to save the Earth," a collective effort by members of various U.S. environmental groups at the invitation of Earth Island Journal. Here is the list, with my comments following:

1. *Bury your car.*
Now you'd think that such concerned folk would recommend that it be sold for scrap. That way it would be recycled. The steel industry has been recycling metal for decades. Oh, I forgot. Steel mills use electricity. (See point 4)

2. *Become a total vegetarian.*
Many people in Africa depend on insects such as locusts as a major source of protein. Perhaps you could talk them into eating more beans. But then how would you visit them (see point 43) prior to rebuilding the schooner fleet? Oops, schooners require old-growth timber . . . (See point 13)

3. *Grow your own vegetables.*
Sure, I and others have grown vegetables even on urban rooftops, but snow is a problem and the time taken to do it is a luxury not everyone can afford. Later, of course, lots of time will be available because there will hardly be anything else *to* do except grow them veggies and trudge dozens of miles to help build houses (out of saplings).

4. *Have your power lines disconnected.*
You won't have much time to use any electrical device anyway after hoeing, raking, and trudging your way through this entire agenda.

5. *Don't have children.*
Save the Earth by ending the human race. Neat idea.

6. *Restrict the population of motor vehicles.*
But, but . . . I thought we'd bury 'em all!

7. *Don't build cars.*
Well, that would take care of restricting the motor car population. But does that include buses? (See point 43)

8. *Stop building roads.*
So that no fugitive motor car could escape burial, I suppose.

9. *Replace roads with homes, parks, and gardens.*
How about at least leaving some footpaths so that folks in Maine could trudge to Florida for their natural Vitamin C or folk music festivals?

10. *Halt weapons production and exports.*
Have you tried that one out on the Pathet Lao or the Shining Path?

11. *Stop the sale, distribution, and export of cigarettes.*
Joints too? Horrors.

12. *Send money to Brazil to provide urban jobs for impoverished workers now forced into the rain forests.*
How come they get urban jobs while the rest of us are demolishing roads and picking berries? And where do we get money when we have to work without electricity, have no cars, and still have to plant and hoe, plant and hoe?

13. *Blockade a lumber truck carrying old-growth trees.*
Okay, but let pass the trucks carrying firewood, fresh pine lumber, plywood, and so forth? Don't forget, firewood can replace electricity and, with enough burning, cause interesting waves of lung disease in those urban areas populated by working Brazilians subsidized by non-working Yankees.

14. *Spend a month tree-sitting.*
Now, let's see, is that sitting *with* a tree, or *in* a tree? And who will bring us our vegetables?

15. *Try to live within the world average income ($1,250 a year) for one month.*
That would come to $104.17 per month — a princely sum for those of us who have buried our car, sworn off meat, and grown our own veggies.

16. *Cut up your credit cards.*
Well, you can't be wrong *all* the time.

17. *Unplug your television.*

And miss all those Public Television shows?

18. *Undertake a "Conservation Sabbath" — one day a week without consuming electricity or fuel.*

Is that before or after we bury all the cars and dig up the roads?

19. *Fast one day each week and spend the money saved on food to help feed the hungry.*

Sorry, but since we started growing all our food we'll have to send turnips instead.

20. *Adopt a homeless person.*

And send *him* or *her* out to tend the veggies.

21. *Raise the minimum wage to a survival income.*

See point 15.

22. *Enact a maximum wage law.*

No worry, if the rest of the agenda succeeds, there won't *be* any wages.

23. *Tie politicians' salaries to the average working wage.*

The tie is tight already. Where do you think those political salaries come from, anyway?

24. *Replace majority rule with proportional representation.*

And the proportional reps would what? Require a *majority* vote on stuff? Pass laws with proportional provisions for various groups? *Oy vey.*

25. *Replace the electoral college with direct democratic elections.*

Hmmm. Whatever happened to proportional representation? You're taking the biggest majority vote of all.

26. *Abolish the CIA and the National Security Act of 1949.*

Okay. But we might need a little help from anyone not ripping up the roads, etc.

27. *Pass a nature amendment to the U.S. Constitution.*

Now let's see, would that be to limit nature, zone it, make it pay a fair share of taxes, or what?

28. *Oust Presidential advisor John Sununu.*

And replace him with the Earth Island Journal collective?

29. *Plant one new tree every day.*

Okay, but remember, Eskimos in Alaska haven't had much luck with trees the past few hundred years.

30. *Go to jail for something you believe in.*

Wherever is the jail going to get *its* veggies? How will it transport its inmates? Is tax resistance okay as something to believe in? How about slaughtering people you don't like because you believe them to be inferior? And while everyone's in the clink, who attends to the rest of the agenda?

31. *Don't own pets.*

Let 'em run wild. There's nothing more "natural" than a pack of feral dogs.

32. *Allow all beef-producing domestic cattle to become extinct.*

Would that be extinction by .44 Magnum or lethal injection? Or how about starvation or being eaten by feral dogs?

33. *Redirect the military budget to restoration work; convert weapons factories to peaceful research; retrain soldiers for ecological restoration.*

And, besides, they'll be used to walking on rough terrain such as all those ripped up roads. But that research item sounds suspiciously like letting technology in through the factory door. Do you really want that, in view of your other points?

34. *Remove the U.S. Forest Service from under the Agriculture Department; place USFS, the Bureau of Land Management, and the Fish and Wildlife Service under the Environmental Agency.*

Come on, collective, couldn't we just bury them along with the cars?

35. *Consume only products produced within your bioregion.*

Since bioregions are much larger than countries or states, doesn't that raise the ugly question of roads and tracks and stuff?

36. *Don't eat anything that comes in a package.*

Here, clerk, just shovel that granola into my bag (made from the hide of a now extinct beef cow).

37. *Don't buy anything that comes in a box.*

Okay, okay, let's get this package and box thing sorted out once and for all.

38. *Require operators and owners of nuclear power plants to live within one mile of the site.*

Sure, sure, without cars they'd *have* to. But what are those nuclear plants going to be doing? Remember — we disconnected the power lines!

39. *Mandate federal recycling and institute a refuse tax on solid waste.*

Groan. Get out the shovel, Jack. We're going to have to dig up that damn minivan after all.

40. *Pipe polluted water back into the water supplies of the companies that do the polluting.*

We trust that includes all units of government, the acknowledged largest polluters on the continent.

41. *Don't own anything that runs on batteries.*

Sure. What the hell. By the time we get in from the hand planting, hoeing, reaping, and road ripping we're too tired for any of those gadgets anyway.

42. *Hand over all the excess packaging to a store manager on each visit to the grocery store.*

Pardon our continuing confusion, but aren't *we* supposed to be growing all our own food?

43. *Travel by bus, never by air.*

Okay. So we don't bury the buses but we *do* bury the planes?

44. *Stop using toilet paper and Kleenex; use washable cloth.*

What's wrong with your fingers, Mac? They're washable.

45. *Extend the life of your wardrobe by learning to make and mend your own clothes.*

Phew. I really thought that loincloths were going to be mandatory on this one.

46. *Give money to every single panhandler you meet.*

Including the ones who make more than you do? And how can we make sure there'll be enough dough left over for those folk in Brazil?

47. *Democratize your workplace; start a union or a collective.*

Like the Teamsters? Or like those wildly successful collective farms in the USSR?

48. *Learn to farm.*

Tell it to all those farmers living off government subsidies.

49. *Liberate a zoo.*

Nothing like a bunch of rattlesnakes, panthers, hippos, and elephants romping through the neighborhood.

50. *Ask your boss if you can take the day off to work on healing the planet . . . with pay.*

What boss, what work, what pay? I thought all that stuff was obsolete according to the implications of most points 1 through 49. ❑

Why I Don't Like Europeans

by Jacques Delacroix

The tiplessness should have tipped me off. Not even a nickel? Must be a European person, for sure!

I was born in Europe, in France, that's an inescapable fact. But I left early, at 21, a long time ago. Since then, my irritation toward Europeans, soon amounting to dislike, has not stopped growing. The astounding shortage of gratitude among them toward a United States that saved their asses twice, once from Nazism, the other time from Communism, plays a role, of course. Yet, in the end, that's not a good explanation because I know that people who barely lift a finger to save themselves will resent their rescuer, whose energy humiliates them as it makes their own passivity stand out.

Later, I came to think that I was merely annoyed at the active, visceral, mindless anti-Americanism I never fail to witness both when I am in Europe, and elsewhere, almost every time I pick up a European periodical. Once, in Morocco, on a study trip, I found myself at the railroad station to buy local periodicals when a stack of Le Monde, fresh from Paris, arrived at the news kiosk. Now, Le Monde is *the* hoity-toity French daily, a sort of New York Times, except even more presumptuous and without the endearing gardening rubric. I only read it occasionally, and only in France on assignment because I know it's bad for my blood pressure. Nevertheless, that day, I took one without thinking and perused the front page. It pointed to a long article inside on the revival of the Iraqi theater, written by a young female "Culture" reporter. Just my cup of tea!

The first sentence read as follows: "Baghdad, three days after the arrival of the American army: looters are carting away the seats of the Iraq National Theater, *encouraged by a G.I.*" (Emphasis added.) A parcel of willful, pure, scintillating evil! No, lady, it's extraordinarily unlikely that American combat troops would encourage looting. Stand by without intervening because they had no orders to stop lawlessness? Probably, and that's bad enough. What kind of gratuitous nastiness would motivate an American soldier to *promote* the looting of a theater? Americans are just not like that. They may loot, themselves, on occasion, even murder and commit other war atrocities, but they are not likely petty vandals by proxy.

The rest of the article was worth reading, quite interesting, well written. The author was not some semiliterate dummy. My strong guess is that she established her credibility among her readers and among her peers by starting her article with a completely invented piece of anti-Americanism. In certain European circles, it's almost a convention, a matter of tribal courtesy, to make an anti-American gesture by way of self-introduction. But even many instances of this kind of mendacity are probably not enough to account for my chronic hostility. In a perverse way, they end up inducing a sort of vague sympathy: what a pity that once great people are reduced to such poor circumstances that petty lies are their only ego defense!

One eventless morning, at the terrace of my favorite coffee shop in Santa Cruz, I gained a deeper insight into my own negativity. Two young Italians in their 20s whom I had seen before but did not know were finishing their coffee while fiddling with their laptops. I had overheard that both were enrolled at the University of California, Santa Cruz, a school that is not generous to foreign students, treating them as out-of-staters tuition-wise. One took his empty cup inside, just as I was going inside myself. I thought he was bussing his own ware. Instead, he stopped at the sugar and milk station and filled his used cup nearly to the brim with half-and-half. Then, he dropped four spoons of honey into it and walked back out. Presto, coffee *and* breakfast for the price of just coffee! Now, Europeans in general are not poor anymore and those two young Italians were apparently well off enough to afford a good laptop each and UC tuition. They were definitely not driven by need. The stinginess, the pettiness, the grubbiness, the eagerness to take advantage of the spontaneous, open-handed trustfulness of small American businesses!

This episode reminded me of the fact that the last time I was in France, I had to ask the café waiter for sugar for my coffee. He delivered it one cube at a time. Apparently, in that part of Europe, if you leave sugar on the table, customers take it home to save a little money. Or the owner merely imagines that they might. What a pleasant relationship between merchant and customer! Talking about France, the country of my childhood, I have to mention what must be a near-mystery even to the most cultured foreign visitors. Many shops show a large sign, usually near the shop's name that says, *"Entrée libre."* Of course, this means literally, "Free admission." The sign is not intended to communicate the idea, as one might fear, that there is no door fee to gain access to the shop. What it does signify however is this: "Feel free to come in and browse; we will not force you to buy anything to justify your presence in our space; we will not treat you like dirt if you leave without a purchase." The fact that customers have to be told in large, bold letters that they are welcome expresses a mentality of pettiness, mistrust, and puny greed, it seems to me.

"The country's going metric, LaBoeuf, so I'm increasing your sentence to 100 years."

The same Santa Cruz coffee shop I mentioned previously is a permanently jolly place. It's an un-Starbucks, a privately owned shop whose proprietor has the good sense to understand that he cannot compete with the big guys on prices or on product quality. Instead, he concentrates on creating an unfailingly pleasant atmosphere by selecting serving employees for their human and social qualities. He does a great job of it. In spite of the high turnover that usually plagues those modestly paid positions, your beverage is always served to you by someone young, attractive, and frequently, obviously literate. Customers respond predictably to the good humor: regular customers always tip. Even poor students, who purchase the smallest ordinary coffee, leave a dime behind. Dollar tips are common.

A woman in her early 40s enters the shop just ahead of me. As we stand in line, I observe that she wears expensive high-heel shoes and a nice silk dress. She has a pricey haircut. (Don't ask me how I know. I have been studying women for 50 years! And no, I am not gay!) She orders a tea to go. "It's two dollars," says the cheerful barista. The elegant lady hands her two one-dollar bills and turns around with her drink in hand. As she says goodbye, I notice a strong English accent. I had not spotted her as a European before, although I am good at it. She was dressed like any prosperous American professional or businesswoman, like someone who lives here. She was not a visitor. The tiplessness should have tipped me off. Not even a nickel? Must be a European person, for sure!

Now, what are the causes of this European cramped approach to the world? One may simply be the collective remembrance of past privations, a historical memory that perpetuates habits of prudent consumption, sometimes blending into larceny. This explanation does not go far because today's Europeans are quite into conspicuous consumption. In my subjective but systematic comparative observation of many years, class for class, Europeans are more likely than Americans to indulge in vulgarity spending. I mean by this, spending for self-indulgent or showy reasons without redeeming humanistic value. Thus, my urban and urbane French relatives crave SUVs I would not get caught in, dead or alive.

As I write, a news story comes on the radio. A recent study purportedly shows that, on a per capita basis, Americans give privately seven times more than the French and 14 times more than the Italians. I have not checked the study. I don't know if it's true. But it sure makes intuitive sense.

There is another, more persuasive explanation of the differences between Americans and Europeans that I abhor: the 40-odd years of social democracy the latter, but not the former, have experienced. There are two major relevant features of social democratic societies: moral vagueness about property rights and pessimism about the possibility of upward mobility.

All Europeans born after 1960 have only known a world where many things belong to the government, including most television and other mass media, railroads, airlines, most of the highly visible or advanced manufacturing industries, and even luxury hotels. But what belongs to the government does not seem to belong to anyone in particular. There is so much of that which does not seem to belong to anyone in particular that the very idea of private property becomes diluted (with one exception; see below). It's easy to appropriate that which does not belong to anyone in particular, like picking an apple off a tree in an abandoned orchard, perhaps. The exception is this: there is a whole category of goods that have

continued on page 54

Reviews

"Synthetic Worlds: The Business and Culture of Online Games," by Edward Castronova. University of Chicago Press, 2005, 344 pages.

The Massively Multiplayer Life

David Friedman

The approach to virtual reality that got most of the attention over the past few decades relied on elaborate technologies to create as complete an illusion as possible of the experience of a different world — goggles over the eyes, headphones, motion sensors, and much more. The one that worked relied on a still more advanced technology: the human imagination. The flat screen of a computer monitor, sound from its speakers, a keyboard and mouse to control a player's online avatar, a compelling world and storyline; and millions of people — more than ten million for "World of Warcraft" alone, perhaps a hundred million for all the so-called "massively multiplayer online games" combined — found themselves immersed in a fictional world.

With the advantage of hindsight, the outcome should have been obvious. After all, millions of people have been losing themselves in fictional worlds for a very long time, through the much narrower bandwidth of the printed word.

The player of a conventional video game interacts only with the computer. In a massively multiplayer online game, he shares his world with thousands of others. Human beings are much better at impersonating human beings than computers are, making such games enormously richer and more interesting, social rather than solitary. Players can make friends, flirt, fight, gossip, or engage in any social activity that does not require physical contact, with a social network no longer limited by geography. My family routinely adventures with a friend on the other side of the continent; my daughter's online circle includes a married couple of French Canadians living in British Columbia. On one occasion my wife, investigating the question of why the person she was talking with had a different idea from hers of what time it was, discovered that he was in Spain.

In "Synthetic Worlds," Edward Castronova, an associate professor of telecommunications at Indiana University, explores the universe of virtual worlds as of a few years ago, sketches out what is known about its inhabitants, reports on interactions, surprisingly substantial, between virtual and real world economies, and discusses ways in which such worlds will become increasingly important over the next few years. The book has a number of faults, including an unconvincing attempt to show the relevance of virtual worlds to the currently hot topic of terrorism. But it also gets some important things right, including the attractions of such worlds, the roles they are likely to play over the next few decades, and the considerable ambiguity in describing them as less real than other parts of our lives.

Castronova's research suggests that, contrary to what many outsiders assume, most players are adults, a large minority are married or the equivalent, and a substantial number are parents. That fits my experience: it is common for someone to apologize for having to drop out of a group to feed a baby or put a child to bed. For many players online gaming is a substitute for television, consuming a similar amount of time in a much more interesting way.

A central theme of the book is the interaction between virtual worlds and the real world. Multiplayer games have their own economies, in which individuals find or create virtual goods,

exchange them, sell them to the game or to each other, even put them up for auction. Increasingly, those economies interact with the economies of the outside world. Virtual money and virtual goods and services are routinely sold online. The current exchange rate is about ten units of "World of Warcraft" gold to the dollar; the total size of the market is by now almost certainly over a billion dollars a year. The user agreements of many games prohibit such transactions, but the restriction is widely ignored, with much of the online supply coming from "Chinese farmers" — workers in the third world who make their living playing online games, accumulating virtual assets, and selling them for real money. Their number in China alone has been estimated at anywhere from 100,000 to half a million.

Current virtual worlds have their limitations. They offer sight and sound but no taste or feel. We cannot live on virtual food or be kept warm by virtual clothing. On the other hand, they have been designed, as our world has not, to be places that people enjoy occupying. They are inherently safe — my real world body cannot be injured by other people's virtual actions — and they come complete with a carefully designed structure of objectives, activities and story line, all planned to attract customers. In the real world I am stuck with the body nature gave me. In a virtual world I can be tall or short, handsome or ugly, male or female, old or young. Those are good reasons why many people prefer to spend much of their time there. And I can choose not only my body but my world — fantasy, science fiction, a free-form environment created by the users . . . whatever enough people want to make it worthwhile for someone to provide.

Contrary to what many outsiders assume, most players are adults, a large minority are married or the equivalent, and a substantial number are parents.

Virtual worlds have other advantages as well. If I move across the country or vacation in Paris, I leave my real-world friends behind but bring my virtual world, my online life, along. As we shift more of life to virtual spaces online we become more mobile. That means that governments will find it increasingly necessary to offer value for money if they wish to attract and keep taxpayers.

That constraint applies still more strongly to virtual worlds themselves, a point whose implications Castronova does not entirely appreciate. He is bothered by the fact that the rules built into the software of a virtual world are created by a private firm free to ignore the wishes of the inhabitants. He thinks *something* should be done to give the citizens of "World of Warcraft" a vote, but he isn't sure what. It has apparently not occurred to him that the system of governance he observes online is the same one he encounters every time he goes into a restaurant or hotel. I have no vote over the menu of my favorite Japanese restaurant, just as I have no vote over the next set of modifications that Blizzard adds to "World of Warcraft." I have, in both cases, absolute control over whether or not I choose to be a customer. Competitive dictatorship is, on the available evidence, the best-known way of running things.

Castronova might respond by pointing out an important difference: sunk costs. Changing restaurants loses me the value of my accumulated knowledge of a particular menu, but that is very little compared to what I lose if, after spending two years gaining skill, levels, gold, and equipment in a virtual world, I decide to shift to another. As in some other economic relationships — marriage and employment are the obvious examples — relationship-specific sunk costs convert what was *ex ante* a competitive market into a bilateral monopoly *ex post*.

But then, I knew all that when I signed up and I chose my virtual world accordingly. If customers preferred virtual worlds in which they got a vote on the usual combination of autocracy and anarchy, it would pay firms to provide it. On the evidence so far, customers don't. The universe of virtual worlds is a competitive market for environments, the nearest thing yet to the late philosopher Robert Nozick's utopia, in which everyone gets to live in his preferred community under his preferred rules. The outcome of that competitive market is good evidence of what environments the customers prefer.

The current exchange rate is about ten units of "World of Warcraft" gold to the dollar; the total size of the market is by now almost certainly over a billion dollars a year.

A further point Castronova misses is that if costs of change are a serious problem, in virtual worlds it is not only possible but profitable to reduce them sharply. There is nothing to prevent a new entrant to the market from offering a special deal to its competitors' customers. I turn over my "World of Warcraft" account to them, and they provide me with the equivalent in their world — an avatar of corresponding level with the same name, a sum in virtual gold sufficient to equip him as my old avatar was equipped. They then sell off my old account for dollars, and we split the money. Creating virtual gold, advanced avatars, and high-end gear, after all, costs them nothing. Potential customers may be reluctant to leave their friends behind, but then, the invitation is open to the friends too.

As high-speed internet connections become more common and the quality and variety of virtual worlds continues to increase, more and more people will use them. As the technology improves, worlds will become increasingly immersive. In the limit you can imagine a society where almost everyone spends almost all of his time in virtual reality, perhaps through a direct link between mind and computer, with only enough real-world production to keep our bodies alive while our minds wander.

Would this be a bad thing? Castronova worries about "toxic immersion" — games sufficiently addictive to pull customers in, keep them in, and ultimately give them very little in exchange. One might argue that some real-world institutions already do that: the Church of Scientology, the Moonies, fundamentalist churches — a list whose contents depend on which of the things to which other people devote their lives that you consider obviously worthless.

A more fundamental problem is the philosophical issue of what sort of life is worth living. If I write books, I do not care whether they are read on paper or on a computer screen, in real space or in a virtual world. If I make clever conversation, it is equally satisfying in my living room or online. But if some day a computer can give me a believable illusion of the experience of rearing happy and productive children, it will still be no substitute for the real thing. As the illusion gets better and better, we will all have to choose between the experience and the reality.

But then, we have to make that choice already. Considered as an illusion, playing "World of Warcraft" is a great deal more rewarding, more useful, more real, and a better environment for learning useful skills — not how to throw fireballs but how to get along with other people — than watching soap operas. ❑

"Harry Potter and the Order of the Phoenix," directed by David Yates. Warner Brothers, 2007, 138 minutes.

Ghastly Disobedience

John Lalor

I admit it: I'm a fan. So far, I've read the first five books of the Harry Potter series. OK, so it's not the most ingenious writing ever, and the concepts are hardly novel, but something that's gotten kids in such large numbers reading adventure stories can't be all that bad.

But there's something more in these books. They take kids back to a different time, to a land where political correctness hadn't been invented, and the health and safety industry hadn't commenced destroying all semblance of risk, fun, or excitement. Fighting, scheming, and disobedience; a child having self-belief when all others take the easy option; the acknowledgment of good and evil; indeed, the mere existence of people of better and worse ability — all of these things are in serious danger of being subverted by the egalitarian, risk-free, moral-subjectivist agenda of the Nanny Statists.

But more still, there was something quite different in the fifth installment, whose movie version has just been released. It didn't take me long to realize that there was something all too controversial and disobedient about it. It almost seemed Objectivist.

Most of the movie is set in the school for witches and wizards, Hogwarts. Ayn Rand herself, and, more recently, Edwin Locke and Leonard Peikoff, railed against the debilitating effects of statist education. Replete with "unknowables" and the dissemination of falsehoods, modern education, as Rand believed, so damaged the minds of children that they entered the real world pathetically ill equipped to think for themselves.

The major conflict between Harry and Dolores Umbridge — a Ministry of Magic drone who slowly takes over Hogwarts — is about lies. Harry, an honest, decent boy, simply believes his senses. This results in his spreading the news that evil Lord Voldemort is back, and his frustration to the point of anger by Umbridge's insistence that this is not true. The Ministry has turned rotten — not unlike the Senate in another sci-fi franchise, Star Wars. From the Minister of Magic himself, Cornelius Fudge, through his underlings at the Wizengamot, a corrosive impotence has spread. Morally, there is no one to stand up either to Voldemort himself or to the idea that his return is imminent. Ostrich-like, people hide from the truth.

Impotence is not limited to the Ministry; it is spread to the children's minds. Imelda Staunton, who plays Umbridge, is superb in the role. She is the embodiment of the state zealot, absolutely evangelical about the righteousness and infallibility of the Ministry. Substitute "Ministry" with "state," and the plot flows as one continuous sounding of the dangers of state control of education, criminal justice, crime — indeed, everything in the lives of witches and wizards, or normal people, either. Whatever is believed to be best practice by the Ministry must be executed by agents like Umbridge, and the health of the Ministry is paramount.

The premise of the Harry Potter series has always been the necessity for students to learn to arm themselves against evil. Each year (i.e., each book) has brought a new teacher, so difficult and dangerous is the task in the face of the mounting threat of Voldemort and his minions. So, just when the children need to be taught how to succeed — whether in "Harry Potter" or in Rand's writings about the real world — they are laden with useless, contradictory, and inhibiting "skills." In these less-is-more times of continuous assessment,

learning-by-rote (very important to Umbridge), and pointless courses substituted for inspirational and important ones, filling children's heads with information has completely missed the point of truly worthwhile education.

Harry and his friend Hermione are stunned that the Defense Against the Dark Arts course Umbridge teaches has been, you guessed it, dumbed down. They are not to be taught practical skills, just theory. When Harry states the obvious — that there is a lot of evil out there, and that theory will not protect them — Umbridge scoffs, replying that there's nothing to worry about. After Umbridge shouts at Harry, "I won't have talking in class!", Hermione responds, under her breath, "You won't have us *thinking*." After all, from the Ministry's point of view, isn't an obedient, passive, dependent group of young witches and wizards far more manageable?

All readers will have encountered mind-numbing, infuriating bureaucracy, and will readily identify this behavior in Umbridge. No matter how wretched, how condescending, how suffocating she acts toward the pupils, she maintains the veneer of the perfect teacher: smiling, quiet, succinct, agreeable, and gracious — in other words, patently dishonest. She is the impossible face we have all met at airport security, at our children's school, at the Department of Motor Vehicles, and so on. The connection? State bodies and their life-sapping bureaucracy.

When we see for ourselves the ways in which such agencies operate, what becomes obvious is that the interaction between state agent and Ordinary Joe or Jane is meant to be as dehumanizing as possible. I was a school prefect in my senior year in high school, and the school principal instructed us how to deal with younger, disruptive pupils. We were to act as if we were listening and nod at appropriate times, but we were never actually to engage in discussion. Regardless of claims and protests from the pupil, we had only one response, predetermined before the naive young soul opened his mouth.

I was reminded of this rotten relationship when I saw Umbridge deal with students. What is worse is that we realize (and she eventually states this herself) that she hates the children with whom she spends so much time. Are you reminded of any bitter, tired state employees you've met recently, people who, above all else, cannot abide the public they "serve"? This is what pointless, obstructionist policies do to once-enthusiastic employees.

Umbridge's effect on the school is poisonous. A giant wall in the ancient building becomes a testament to her rules and regulations. She has the school caretaker, Argus Filch, nail decrees to the wall, and they are so many that his ladder balances precariously, at a dangerous height, so as to fit them all (a small point about imagery, but significant when one thinks of the ever-increasing mountain of federal laws produced annually). With every problem she perceives, there is no reasoning or debate, just more laws, more force, and more punishment.

Something I realized in my trips to Eastern Europe — where my morbid fascination with communism and state terror brought me to museums covering the brutality of the 20th century — was that the suffering entailed so much more than just the loss of economic and social freedom. People were *emotionally* crushed: every last dream they had, every waking moment of privacy and peace, was stolen by heartless bureaucrats and state thugs. We see this in "The Order of the Phoenix." The constant drone of public announcements about health and safety in malls, train stations, and airports — invariably telling us of the innumerable activities forbidden us — is deeply unnerving. Likewise, the pupils at Hogwarts have a constant stream of oh-so-terribly-polite messages from Umbridge raining down on them. One by one, their assumed freedoms and joys are being eliminated.

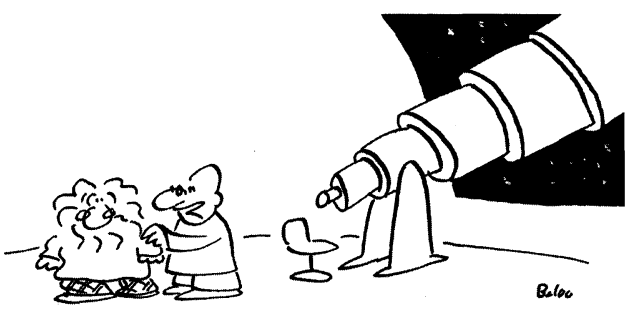

"It's all right, Strudelbart, it's all right — the kids next door just got a trampoline, that's all."

Umbridge is the embodiment of the state zealot, absolutely evangelical about the righteousness and infallibility of the Ministry.

The most heinous crime of all, thinking for oneself, leads the pupils to form their own class, hidden away in a secret chamber, to learn how to defend themselves against evil. Their society is called Dumbledore's Army, named after the school principal, Albus Dumbledore, one of the few adults they can trust. The parallels with education in the real world are striking: the inability of the Ministry-run education system to prepare the pupils for the outside world; the realization by the pupils that they, led by Harry's magical expertise, will have to teach themselves. Again, substitute the self-teaching of the pupils with home schooling or private, supplementary tuition, and one would be forgiven for thinking that Rowling knows just how bad state schools have become.

Suspicion and distrust are in the air at Hogwarts: the existence of the subversive Dumbledore's Army and its illicit training sessions are under threat of being discovered by the Ministry. Through use of a truth serum, Umbridge turns pupil against pupil in her effort to discover these covert activities, the very divide-and-conquer policy that Stalin used to destroy perceived enemies within his ranks. After all, when the state is to be defended, the end justifies all means.

While the translation of the story from book to film is somewhat lacking — there is a loss of depth in the story, and a failure to develop many of the

characters — the general philosophy that Rowling seems to be conveying makes it well worth a trip to the movies or bookstore. This viewer was caught up in the continuous parallels between the story and his antistatist tendencies. Whether or not the plot was compelling or the characters were credible mattered little in comparison to the joy of cheering on the ghastly disobedience. ❑

"'All Governments Lie!': The Life and Times of Rebel Journalist I.F. Stone," by Myra MacPherson. Scribner, 2006, 598 pages.

He Should Have Been a Libertarian

Richard Kostelanetz

Born Isador Feinstein in 1907, Izzy took the rock-hard *Americanische* name of I.F. Stone (much as Alisa Zinov'yevna Rosenbaum took the name of Ayn Rand) and became one of the most impressive investigative journalists in American history. Residing in Washington, where he refused politicians' invitations to socialize, he was during the 1950s and 1960s unrivaled at unearthing damning documents and other illustrations of politicians' idiocies. My sense is that Stone developed the ability not to read closely but to look at a document until something problematic jumped out at him, much as experienced lawyers know how to find the decisive lines in a judge's verbose opinion without reading every word.

When the last newspaper to employ him, the New York Compass, went under, Stone went into business for himself. The eponymous I.F. Stone Newsletter attracted a sufficient number of subscribers to keep going for eighteen years (1953–71). Only In Fact, published between 1940 and 1950 by his acknowledged hero George Seldes (1890–1995, yes, 104 years old) could stand as a precursor. Even in the era of the internet, which makes so much more public information accessible (if you can find it) to people working at home, as Stone did (and I do), there's been no one like him since.

Stone's problem was that he remained sympathetic to communism in general and Soviet Russia in particular for so long that this sympathy remains the major issue for most reviewers of him now, whether they are commenting on the new biography about him, or on the recent anthology selecting from his voluminous writings. On the one hand, I think the conversion of intellectuals, especially Jewish intellectuals, to communism, especially Soviet communism, ranks among the greatest con jobs of modern times. On the other hand, since I grew up among the children of American communists, whom I now regard as deceived but not stupid, I can't get too worked up about the issue, either to praise or to blame. The ancient debate no more engages me (and, I would wager, those younger than I) than charges of anti-Semitism in Ezra Pound and Ferdinand-Louis Céline, let alone E.E. Cummings.

Nonetheless, reviewers disapproving of Stone's 1940s politics feel compelled to document, yet again, the fact that he tolerated Stalin for too long and that he had contact with Soviet agents. (If so, what did he pass on to them? He could only have passed on information that was already public to those who knew where to find it. He wasn't working in Los Alamos. Nor were government officials sharing confidences with him.) People more sympathetic to his 1940s politics doubt these charges, citing fogginess of evidence derived from coded cables and KGB agents who were no more reliable at collecting accurate information than, say, gumshoes at the FBI. Respecting the principle of full disclosure, I should confess that I think the fellow who stole my football in the playground at pinkish Downtown Community School in 1949 was a commie agent. You could tell by the red shirt he was wearing.

The title of the latest Stone biography, "All Governments Lie!", expresses a truth familiar to libertarians. But what should we make of the fact that Stone is beatified to a level unavailable to, say, John T. Flynn (1882–1964) and Rose Wilder Lane (1886–1968), both comparable writers? Remember that just as Flynn was skeptical about the beginnings of World War II, so Stone's "Hidden History of the Korean War"

The conversion of intellectuals, especially Jewish intellectuals, to communism, especially Soviet communism, ranks among the greatest con jobs of modern times.

(1952) suggests that South Korea, with U.S. support, provoked the North Korean attack.

This third Stone biography clocks in at the now customary size of 564 large pages, besides the customary footnotes and index. Written by Myra MacPherson, a veteran D.C. journalist, it was, internal evidence suggests, begun a while ago and then put aside until a contract for 600 book pages came. To characterize it as padded is an understatement. Though it received many favorable reviews, usually from journalists who like to honor Stone's memory, and some unfavorable notices, from those predisposed to remind readers of his protracted Stalinist sympathies, may I predict that this is the sort of book that will soon be remaindered for less than five dollars?

The book contains some fresh, though not exactly titillating, gossip. Stone and the famous attorney Leonard Boudin married sisters who were both loyal helpmates, Esther Stone becoming her husband's principal assistant on the Newsletter; but whereas Boudin was a philanderer, according to Susan Braudy's biography of Boudin and his daughter Kathy (the long-imprisoned Weatherman), "Family Circle" (2003), it now appears that Stone remained faithful to his wife and three children. The second revelation is that federal authorities wasted a ton of money tailing Stone, interviewing informants, illegally searching his car, and even pawing through his garbage. Again, it's interesting, but not exactly shocking.

We also learn that, notwithstanding his drive to read what others ignored, weak eyesight plagued Stone for his entire career. Toward the end, he needed to use a magnifying glass to supplement his thick eyeglasses. For many years he was also deaf. Though multiply disadvantaged at pursuing his work, he survived, depending on his tough ego and the strong support he received at home.

One detail in the book's cover photograph has a significance that apparently escaped the author. Behind Stone's right ear is a video screen; beside his left arm is a computer screen and keyboard, suggesting that perhaps the greatest tragedy of Stone's writing career might be that he didn't get the opportunity to exploit the new information-retrieving technologies that have arrived since his death. He didn't live long enough to have a blog. This in turn suggests the unhappy thought that our lives as writers and readers are always limited by the information technologies that lie beyond our use.

MacPherson thinks that Stone was among the first to see through "the myth of a united Communism" popularized in the 1950s by John Foster Dulles. She repeatedly contrasts Stone with the D.C. journalist Walter Lippmann (1889–1974), a self-consciously establishment Jew, who was easily deceived. What clearly emerges from Stone's writings (see "The Best of I.F. Stone," edited by Karl Weber [Public Affairs, 2006]) is that he was best at exposing government officials. The fact that he was the first D.C. journalist to challenge President Johnson's version of the Gulf of Tonkin incident gave credibility to his subsequent criticisms of the unnecessary war.

To my mind, the dumbest line in MacPherson's biography is the quotation of Stone, four years before his death in 1989: "I was a strong Wilsonian at elementary school. I still think Wilson was a great president in many ways, although he was a terrible imperialist in Latin America, I realize." Hell, Izzy, that ranks among the least of Woody's faults. Don't forget that "high-minded" Wilson got us into the First World War, even though no one had attacked our shores; he instituted the federal income tax; he introduced segregation into the American military; he sabotaged civil liberties in a phony Red Scare, deporting radicals who weren't even threatening (most notably Emma Goldman); he collaborated with Winston Churchill in redrawing the map of the Middle East (thus creating preconditions for the current Iraq mess); he sponsored the League of Nations, whose peculiarities helped cause the Second World War; etc, etc., etc. Woody rightly ranks as the worst American president, with Honest Abe a distant second. Perhaps this love for Woodrow Wilson explains why Izzy was slow to identify evil in other leaders of a state. Had he been a libertarian, he wouldn't have made such an egregious error.

Stone was unrivaled at unearthing damning documents and other illustrations of politicians' idiocies.

Stone's intellectual problem was that he was essentially a newspaperman, and most comfortable with short forms. His typical article depended upon a revelation, followed by a witty punch line. Contrast him with such masters of the longer form as Seymour Hersh, who cultivates dissenting informants within the government; Edward Jay Epstein, whose books get remarkably little attention, though they continue to appear; and Noam Chomsky. Nonetheless, no matter how hard these guys tried, none could have written as Stone did: "All governments lie,

Calling All Economists!

To Mises, a scientist is "bound to reply to every censure" and "either unmask logical errors in the chain of deductions . . . or . . . acknowledge their . . . validity."

The "experts" in these pages not having unmasked any logical errors in the "new idea" regularly offered here have at least tacitly acknowledged its validity.

The only question is whether they will do so openly and honestly.

For the only honest economists and genuine libertarians, see ***Intellectually Incorrect*** at intinc.org and ***The Mises Anti-Institute*** at intinc.blogspot.com.

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but disaster lies in wait for countries whose officials smoke the same hashish they give out." Or: "You may just think I am a red Jew son-of-a-bitch, but I'm keeping Thomas Jefferson alive." Or; "Once the secretary of state invites you to lunch and asks your opinion, you're sunk [as an independent journalist]."

Soon after Stone became a Random House author, the New York Review of Books (founded by an RH vice president) commissioned from him longer pieces that were less effective, because, not unlike many other newspapermen writing at length, he tended to get lost. I remember that in 1964 the New York Times' chief editorialist, James Reston, came to lecture us graduate students at Columbia University. He said that instead of giving a prepared lecture he preferred to answer questions that were put to him. To each question he delivered a reply that was 500 words long, with two sentences to each paragraph, which is to say a draft of a Times editorial. This guy, I thought at the time, has a great 500-word mind. Reston's rare attempts at longer essays revealed his limitation. Much the same could be said of Stone, and of MacPherson. As a veteran newswoman, she gets lost in writing her book. Haven't we all noticed that people whose reading is mostly newspapers get lost discussing anything at length?

May I raise the question about how else biographies might be written? Can they be shorter and more focused? Need they be chronological? Can they move beyond conventional truths? Certainly changes can be made, beginning perhaps not with the subject's birth, for instance, but with a definition of his principal cultural achievement. But 600-page biographies are what the better publishers seem to want from overeducated writers, and so readers are stuck with books like MacPherson's. ❑

"The Secret," by Rhonda Byrne. Atria Books, 2006, 184 pages.

Better Living Through Fluff

Jo Ann Skousen

Nearly 35 years ago my husband and I read a book that changed our lives: Joe Karbo's "The Lazy Man's Way to Riches." The book was 90% fluff, mostly about the power of visualizing goals and saying "I have" instead of "I want," that sort of motivational thinking. But 10% of the book was golden: Karbo described in detail his actual road to riches, which was a mail-order business — basically, his success came from designing a product and selling it over and over again.

We threw out the visualization karma and started looking for something we could sell by mail. Within months, orders were pouring in and I was staying up past midnight six days a week processing them. (Mercifully, the post office was closed on Sundays.) Within three years we were financially set and have spent the ensuing 32 years doing exactly what we want. But I don't remember a single "visualization" episode. I was too busy running the business!

Karbo was not the first to espouse the power of positive thinking and visualization, nor would he be the last.

Byrne claims that she overcame debt by refusing to acknowledge her bills, visualizing checks in the mailbox instead.

The philosophy resurfaces periodically, dressed up in new clothes and bearing new stories, but essentially promoting the same idea. Its latest incarnation, Rhonda Byrne's "The Secret," has talk show hosts from Oprah to Ellen all a-twitter with Byrne's Newtonian "discovery" that the universe will give you whatever you want if you simply focus on it.

Byrne calls her "secret" the "law of attraction" claiming that thoughts are magnetic and attract whatever a person is thinking. Think of a hot fudge sundae long enough and you're likely to get one. Think of a million dollars, and you're going to attract that too. Wow! It's so easy! Byrne relies on quotations from experts including metaphysicians, life coaches, and "transformational leaders" to corroborate her claims. But that doesn't make it science.

Like Karbo's book, Byrne's is 90% fluff, with just enough truth to resonate with readers. Her suggestions to look on the bright side, express gratitude, put oneself first, and set specific goals are indeed good ways to achieve happier lives. In addition, many of us have had the experience of hearing from a long-lost friend shortly after thinking of the person, or getting over an illness after praying for health.

Unfortunately, Byrne goes beyond the power of positive thinking to the realm of outright mysticism. She tells

the story of a man who visualized a unique feather (to test the "law of attraction") and then saw the exact feather on the sidewalk days later; she suggests that if you don't like the way your day went, change the past "by imagining it differently," coming dangerously close to the "brains in a jar" pretense of "The Matrix." (She even refers specifically to the "immaculate matrix of the universe.")

If "The Secret" is just so much recycled fluff, why is Byrne's law of attraction attracting so much attention? Why are celebrities touting it and millions reading it? I have to admit, the concept is mildly intoxicating. Simply decide what you want, and order it from the cosmic catalog. No price, no carrying charges; just think it, and it's yours! I call it "The Couch Potato's Guide to the Universe." You don't even have to leave the house! If you're poor, you can get rich, and if you're a rich talk show host, you don't have to feel guilty, because you've made the cosmic catalog available to anyone. Byrne tells the story of Jeannie, who "watched the DVD version of 'The Secret' at least once a day, so that she could absorb the message right into the cells of her body." Wow again! Why did I bother to go to college?

And what if, after all this visualization, your problems don't go away? Byrne has that covered too, conveniently referring to "time delay" to explain why things don't happen immediately. Sometimes the cosmic shipping department gets backed up. Just give it time, and keep focusing!

There is a benefit to focusing on the good things in one's life instead of focusing on the bad. The attraction principle offers a sense of control and hopefulness, a way to stop worrying about debt, poor health, poor relationships, poor me. But Byrne leaves out some important steps. For example, she claims that she overcame debt by refusing to acknowledge her bills, visualizing checks in the mailbox instead. Then zowie, powie, checks started appearing! She fails to mention what those checks were for. I suspect that, like Joe Karbo, she started selling something.

I suspect it was a load of baloney. ❑

"La Vie en Rose," directed by Olivier Dahan. Legende, 2007, 140 minutes.

Tragedy and Triumph

Gary Jason

"La Vie en Rose" (also entitled "La Mome") exemplifies a film genre that is not as popular now as it once was: the "biopic," or film biography of an important figure. The subject of this biopic is Edith Piaf, arguably the most popular French singer in history.

Piaf's voice and style were iconic. She uniquely informed contemporary French popular singing in a way comparable to that in which Billie Holiday — also iconic — informed generations of American popular song (from Sinatra to Diana Krall). In many ways her life mimicked that of Holiday, and especially that of Judy Garland, whom Piaf resembled at least in height (Piaf was a waifish four feet eight inches tall). I remember walking with my wife one evening from the Ile Saint Louis to the right bank for dinner. As we passed by a house, we saw a woman singing along with a Piaf record. To hear "La Vie en Rose" while walking across the Pont Marie over the Seine — now that's a tourist's dream!

You want to shake Dahan and shout, "Look, biographies don't get more interesting than this! Just tell the story!"

Edith Piaf was the stage name of Edith Giovanna Gassion, born in a rough district of Paris in 1915. Her first name was that of a WWI English nurse who helped French soldiers escape the Germans. Her stage name "Piaf" was Parisian slang for "sparrow"; she was also called "La Mome Piaf" ("the sparrow kid").

Her mother was a failed cafe singer and her father a failed acrobat. Abandoned by her parents, she wound up being raised, from age three, in a Normandy brothel run by her grandmother. It doesn't take much guessing to suppose that this upbringing had a profound influence on her personality. While at the brothel, she suffered blindness for four years, followed by deafness for six. Her blindness was allegedly cured by a visit to the shrine of St. Therese, paid for by the prostitutes at the brothel, but one can suspect that both the blindness and the deafness might have been psychological defense mechanisms against her surroundings.

At age 14, she briefly rejoined her father, helping in his street act; but she quickly began working on her own as a street singer. At 16 she had an affair with a delivery boy; she bore a child, Marcelle, who died in infancy. At age 20, she was discovered by cabaret

owner Louis Leplee, who helped her overcome stage fright and develop her style. She recorded her first record that year. Laplee was murdered about this time, perhaps by a pimp who regarded Piaf as his property, and Piaf was charged as an accessory, but acquitted — an incident that is only hinted at in the movie.

In the 1940s, she began to meet and make friends with many of the eminent French of the time, including poet Jacques Borgeat, actor Maurice Chevalier, and playwright Jean Cocteau. She was actively working with composers, and often wrote her own lyrics, such as those for her signature song, "La Vie en Rose."

During the occupation, she sang for German officials, and they let her pose for photographs with French prisoners of war. She gave those photos to people working with the Resistance, who used them to create bogus passports. She managed to return to the camp and smuggle the passports in, allowing some prisoners to escape. (This incident isn't covered in the movie.)

In the 1950s, she rose to international fame. She appeared at Carnegie Hall twice and on the Ed Sullivan Show more than half a dozen times. She gave a number of concerts at the Olympia Hall in Paris, all recorded and sold to this day. Her albums have sold millions, and "La Vie en Rose" was awarded a Grammy Hall of Fame Award in 1998.

But she suffered more tragedy. In 1949, the man she apparently loved most, boxer Marcel Cerdan, died in a plane crash, and in 1951 she was injured in a major car crash. This led to a continuing addiction to morphine. This the movie covers unsparingly.

Piaf married twice in this later period: in 1952 to a singer whom she divorced four years later, and in 1962 to a minor actor twenty years her junior. She died of cancer in 1963, at age 47.

The movie does a good job of presenting most of the key incidents and figures in her life, with the curious exception, as I have said, of her work with the Resistance. The cinematography is outstanding (it helps to be filming in Paris). The characters are vividly and convincingly portrayed by a superb cast. Especially delightful are the supporting performances by Gerard Depardieu (Laplee), Jean-Pierre Martins (Cerdan), and Sylvie Testud (Piaf's longtime friend Momone). The movie shows Piaf warts and all, including her alcoholism and morphine addiction. This makes it a compelling tale, if at times painful to watch.

The lead actress, Marion Cotillard, has Piaf's quirky mannerisms down pat; she brings the character brilliantly to life, both as a young woman and as a failing invalid. The performance is a genuine tour de force. As for the songs, Cotillard sings some of them; the rest are dubbed by other singers or by Piaf's own voice.

But the film is flawed in several ways, at least from my point of view. First, it is too artsy by half, resulting in a particular problem with continuity. Rather than rely on a more or less linear temporal presentation of Piaf's life, one leavened, perhaps, by an occasional flashback, director Dahan (who also co-wrote the script) flashes backwards and forwards, making the movie jump around like a sparrow on speed. It would be hard for someone not already familiar with Piaf's life to follow the storyline. (In this regard it reminded me of Clint Eastwood's early directorial effort, "Bird," about the life of Charlie Parker.) You want to shake Dahan and shout, "Look, biographies just don't get more interesting than this! Girl is born abjectly poor, dumped in a whorehouse, hits the streets singing to survive, gets discovered, becomes a national icon, then an international diva, all the while struggling with internal demons, and dies tragically. Just tell the story!"

The second flaw is related to the first. It would have been interesting if the movie had tried to provide some insight into why Piaf was so self-destructive, and what we should make of it. This is an issue of general interest. Faced with an Edith Piaf (or Charlie Parker, or Billie Holiday, or Judy Garland, or a dozen other artists one could name), we instinctively want to know what compels such people to abuse drugs, shorten their lives, and hurt those around them. Should we, the enjoyers of their genius, be filled with pity, or instead with anger, that their talent was cut short by their dangerous lives? Certainly the missed opportunity is tragic.

Should we, the enjoyers of their genius, be filled with pity, or instead with anger, that their talent was cut short by their dangerous lives?

Still, I think this is a must-see movie for anyone who loves music or Paris. Perhaps one haunting scene will be enough to illustrate. Young Edith is badgered by her father to do something to amuse the crowd (which is indifferent to his contortionist act, and isn't contributing a centime to their collection cap). Edith is confused; but then she belts out a gorgeous a capella rendition of "La Marseillaise," the stirring French anthem. It is as beautiful a moment in cinema as I can recall seeing. ❑

"Oh, I'm quite rational now, but I was very superstitious in some of my previous lives."

Filmnotes

A different, great escape

— During the Vietnam War, American military leaders recognized the strategic benefits of using Laos and Cambodia to access targets in North Vietnam. Missions to secure sites in these countries were illegal, unofficial, and dangerous. Technically, they did not exist. One of my friends, a procurement specialist who served three tours in Vietnam, was assigned to several of these "special ops" missions. Twice he was left behind in Laos, seven miles from the border on one occasion and eleven miles the next. He and his companions had to make their way through the jungle, watching over their shoulders the whole way. Their experiences, of course, never officially happened.

My friend's stories are a hike in the woods compared to the experience of Dieter Dengler, a German-born American flyer who, on a mission over Laos, was shot down, captured, and imprisoned, then organized a prison break to rival "The Great Escape." Werner Herzog's "Rescue Dawn" (Gibraltar Entertainment, 2007, 126 minutes) tells this harrowing story in a film that stays with you long after the credits have rolled.

My respect for the craft of acting grew as I watched these gaunt, wild-eyed men continue to waste away in scene after scene.

This film is *not* "The Great Escape." In that film, the actors are well-dressed, well-spoken, well-mannered, and well-fed. They plot their escape because it is their duty to do so; keeping the guards busy with the POWs meant fewer German soldiers fighting at the front.

In "Rescue Dawn" we see the mental and physical breakdown of the prisoners. "Eugene from Eugene" (Jeremy Davies) has been there the longest, and is the craziest. What keeps him going is his belief that it will be over soon, and the guards will release them any day. He is emaciated, his skeleton barely covered by paper-thin skin. Dengler (Christian Bale) is a problem solver. What keeps him going is his determination to escape. He gradually loses weight throughout the months of imprisonment, until by the end of the film his cheeks are hollow, his face haggard, his sanity on the brink. Steve Zahn, known for his lightweight roles as a wisecracking sidekick ("Sahara," "Bandidas," "Employee of the Month") reaches an emotional depth never before plumbed in his body of work — a taut, gripping performance, particularly his eyes. His sense of humor remains intact, but without the wisecracks. My respect for the craft of acting grew as I watched these gaunt, wild-eyed men continue to waste away in scene after scene.

Creative writing teachers often tell students that every detail of a story must matter to the narrative, but Herzog is known for the way he presents events without a distinct narrative thread. Scenes fade into scenes, sometimes with full blackout between them, as moments of memory, without clearly moving the story forward. The method works extremely well in this film, heightening the audience's awareness of the prisoners' confusion and dread. Herzog avoids gruesome torture scenes, allowing the very fact of imprisonment to be torture enough.

He also avoids any moralizing or discussion of the philosophy of this war. Like so many soldiers today, Dengler did not set out to fight a war; he joined up because he wanted to learn to fly. "Rescue Dawn" is more survival narrative than war story.

Filmed in Thailand, "Rescue Dawn" could be a travelogue for a visit to Southeast Asia — at first. The scenery is magnificent. But the soaring mountains and dense jungle soon become a prison outside the prison as the men plot how to survive if they succeed in escaping. Herzog uses his location to full advantage, and manages to insert his signature raft trip as well. (Audience members near me, obviously Herzog fans, cheered "Raft trip!" when they saw the river.)

A filmmaker's film, "Rescue Dawn" works on every level. Herzog pulls every ounce of strength from his actors, his script, and his crew. He expects the best, and he gets it. — Jo Ann Skousen

Dinner's coming, rat now

— "Anyone can cook!" That was the motto of the great chef and restaurateur Gusteau, and it frames the new Pixar/Disney animated flick "Ratatouille" (Pixar, 2007, 110 minutes). In this excellent family movie, the main characters all dream of being chefs in the hyper-competitive culinary world of Paris. The twist is that the most talented cook of the three is — a rat! Therein lies the tale.

The movie is a combination romance and buddy movie. The lead character, a rat named Remy (voice acted by Patton Oswalt), is definitely not a typical member of his species. He can read, and he has the human ability to combine tastes and create new ones. His father Django (Brian Dennehy) has set expectations for his son — mainly, to avoid people and steal as much food as he can lay his paws on.

The story gets underway when Remy sees a master chef, Gusteau (Brad Garrett), talk about cooking. Remy wants to learn to cook, and in a well-animated sequence, he gets washed down the sewers of Paris, emerging on the street near the restaurant owned by Gusteau before his death. Remy becomes friends with a garbage-boy, Linguini (voice acted by Lou Romano), who turns out to be Gusteau's son.

Remy and Linguini work to take the restaurant back from the villainous Chef Skinner (unctuously voiced by Ian Holm) and restore it to its former glory. Remy manages the cooking, control-

ling Linguini's movements by a kind of puppetry.

So the movie has the buddy movie element so common to films with male leads. The buddy formula — in which men join together to pursue some quest — is probably so common in movies and literature because it taps into a mindset reinforced in us by an evolutionary history of hunting. But a good buddy movie involves humorously exploring the differences between the buddies. Here that difference is one of species. The movie also has a love story, as Linguini gradually falls for the assistant chef, a girl-with-attitude Colette (voiced by actress-with-attitude Janeane Garofalo).

The action builds to a climax as the rat is discovered and the kitchen staff leaves, on the very night when the ultra-snooty critic Anton Ego (Peter O'Toole) is coming to do a review, one that will make or break the restaurant. Success comes with the help of Colette, who returns after reflecting on the motto "Anyone can cook!" The good guys (rats and all) cook a fabulous ratatouille (a sort of vegetable casserole associated with peasants). They are unmasked in the end, but the denouement involves a new restaurant being created, with Ego's help.

All this is done with great humor, and really pretty vistas of Paris.

Brad Bird deserves major praise for this effort. He not only directed the movie but wrote the screenplay and co-wrote the original story. He was the creative genius behind "The Incredibles," and this movie, like that one, throws in a number of sophisticated lines for adults to savor, as when Colette says, "I hate being rude, but . . . we're French."

Of course, the challenge Brad Bird had to overcome is (I hate being rude, but . . .) our species' aversion to rats. When you think about it, it isn't particularly tough to animate cats, dogs, deer, rabbits, or even pigs in such a way as to make them appealing. But a rat is a tougher task — humans have a visceral loathing of them, especially when you see a hoard of them together. But this movie nicely personifies them, without having to portray them overtly as people (walking on their hind legs, say, or dressed in clothes).

It's nice to see Disney come up with a great, solid animated movie on a par with its past classics, such as "Snow White" and "Beauty and the Beast," and with modern Pixar greats, such as "Toy Story" and "The Incredibles." (Come to think of it, I can't remember a Pixar movie that hasn't been excellent). Coming up with a *family* movie — one sophisticated enough to hold the attention of parents and teenagers, but simple and sweet enough to delight young

Notes on Contributors

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children — is not an easy feat. But "Ratatouille" works beautifully.

— Gary Jason

Faerie dust — "Stardust" (Di Bonaventura Pictures, 2007, 128 minutes) suffers from two things: inept marketing and a source text it can't possibly live up to.

Taking the second complaint first: the events in "Stardust" the movie take place in the magical kingdom of Stormhold, while "Stardust" the book is set in the land of Faerie, of which Stormhold is a small but influential part. The latter setting is an incomparably richer land: from it come heroes and maidens and nursery rhymes; in it reside all high kings and hobgoblins and lost continents. In the hands of a master storyteller such as Neil Gaiman, Faerie becomes a showcase for invention within a formal framework. After all, the human imagination devotes enough attention to Faerie that a number of rules have arisen to govern its workings: hierarchies set, tropes established, formalities observed.

The same cannot be said for mere Stormhold, where the rules often seem made up as the movie goes along. However, it is still a much more intelligent place than the universes of its fellow films in the theater — and here the flaw in the marketing becomes apparent. Go watch the trailer online: so drab that the pseudo-mystical announcer sounds like he can barely keep his eyes open. Check out the glossy promo pics at the local bookstore: they're the same celebrity headshots any ensemble romance or fantasy gets. You see Michelle Pfeiffer as a sexy evil witch, without seeing her as the old crone she spends more time as. You see Charlie Cox as the dashing buccaneer, and not as the mousy cock-up he is for most of the tale. You see Robert DeNiro as . . . well, not as he really is in this film, anyway.

In a way this is appropriate, as Faerie, like Hollywood, is a land of glamours and appearance. But how did it all get so dull?

Me, I attribute it to PR departments believing more and more strongly that American audiences are incapable of processing plot, characterization, or dialogue on any level above that of a "Rush Hour 3." Confronted with images of swords and robes, the PR folk make the reasonable assumption that the movie is another ripoff of "Lord of the Rings," and dress the merchandising to match.

A shame, because it's that approach which convinces many people *not* to see a movie, not after getting hoodwinked by impostors such as "Eragon" — and "Stardust" deserves to be seen by the same audience that, 20 years ago, made "The Princess Bride" a surprise hit.

— Andrew Ferguson

Completely charming — Aristotle, greatest of philosophers, gives an insightful analysis of friendship in Book VIII of the "Nicomachean Ethics." He distinguishes three types of friendship. Some friendships, such as business relationships, are based solely on utility: people become friends for what they can do for each other. Other friendships, such as brief flings or party palships, are based solely on pleasure: people become friends for the pleasure they get from each other.

But friendships of virtue, such as relationships among people of similar professions, are based on a mutual desire to promote each other's happiness by exercising some sort of human excellence. Only friendships of virtue improve the character of the people involved. In Aristotle's terms, friendships of utility and pleasure are inherently incomplete; only friendships of virtue are complete, i.e., symmetrical, in that each friend is concerned for the other person as well as for himself.

This analysis of friendship is useful in understanding a recently released Irish film, "Once" (Samson Films, 2007, 88 minutes). It is a delightful "small" movie, a quirky guy-meets-girl flick. The Guy — played winningly by Glen Hansard (member of the Irish band The Flames) — is a street musician by night and a vacuum cleaner repairman by day, working in his father's shop. He sings standard pop stuff during the early evening, to pick up a few coins, then switches to his own songs — best described as introspective folk-rock — as the crowds wane. One night while he performs, the Girl — played sweetly by Czech singer-songwriter Marketa Irglova — stops by and is fascinated.

The Guy and Girl —we never learn their names — quickly form a bond, based on a mutual love of music and a

desire to make it. The movie is a novel kind of musical: unlike the traditional version, in which characters periodically burst into song, here they sing in performances or composing sessions that are part of the movie's action. The viewer doesn't have to suspend his critical faculties as he watches people abruptly start singing during the middle of normal dialogue.

The storyline centers on the characters' attempt to record an album, with him on lead vocals and her accompanying. As we watch them enjoy each other's company in a variety of settings in their working-class district of Dublin, we see their love deepen. We learn that the Guy was emotionally hurt by his girlfriend's choice to leave him and move to London. We learn that the Girl lives with her mother and small daughter in a little flat, with a husband still living in the Czech Republic. Improbably, they find a way to put together a group of back-up musicians, rent a studio, and do the album.

Now, the Hollywood ending would make the love that has developed between these characters turn explicitly romantic, then frankly (and likely graphically) sexual; the record would become a smash hit. But "Once" doesn't go in that predictable direction, which is what makes the movie different. Early on, as the Guy and the Girl are getting to know each other, he asks her if she wants to spend the night with him. In a painfully awkward scene, she looks hurt, and he realizes that this is not what she intends or wants. He also realizes that this is not going to be another ordinary fling — this relationship has a different cast to it.

One senses rather than hears these things, because neither character is very articulate — they express their feelings by their body language and music, rather than by their dialogue. In Aristotelian terms, they develop a friendship of virtue, wanting to grow musically and help each other succeed in that way, not use each other for pleasure or advantage. The movie ends with him going to London to try to make the album a success, but also to rekindle his romantic love with his girlfriend. And the Girl finally brings her husband over to join the family in Ireland. The relationship improved the character of both people in it.

The supporting actors all do fine jobs. Especially nice is the performance by Bill Hodnett, the Guy's father, who says little but shows his love for his son in his praise of the album and his support of his son's pursuit of a dream.

"Once" is filmed in a gritty style, with many scenes taking place in deserted evening streets or cramped, decidedly downscale apartments, with working-class Irish accents delivering the sparse dialogue. The streets are not quite mean, but they are certainly not very friendly; you see pawn shops and drug addicts and struggling stores. And "Once" reflects contemporary Irish reality, with many immigrants from Central Europe moving into working-class neighborhoods.

But a lot of the scenes have undeniable charm. In one early scene, after the Girl learns that the Guy repairs vacuum cleaners, she shows up to talk with him, pulling a vacuum cleaner by its hose like a little girl tugging her dog by its leash. As they walk to his father's shop, her face expresses a searching for someone who can complete something incomplete in her life.

This certainly doesn't add up to a smash hit in American theaters. The idea that two people could love each other but have a relationship based on a love of music will strike most Americans as strange. But that is what makes the film unique and very thought-provoking. Not to mention thoroughly, thoroughly enchanting.

This summer is delivering a remarkable crop of good films, at least foreign ones. — Gary Jason

Nine Days in July, *from page 20*

on the surge, America's last card in Iraq, all indicators point to a bad ending. At the same time, other problems in the Middle East are approaching critical mass. In Pakistan, Islamic militancy is on the rise. Al Qaeda has turned the tribal districts into a new base from which it can direct attacks worldwide. The same area serves as the mainspring for the Taliban insurgency in Afghanistan. At some point, we may have to go in and clean up that mess. If we do, Pakistan's fragile stability could be destroyed. Imagine a radical, Islamist Pakistan with the bomb.

Iran is currently aiding *everybody* who opposes us in Iraq and Afghanistan, including the Taliban (formerly its mortal enemy) and al Qaeda. It sees an opportunity to drive us from the region, and is striving to accomplish that goal. Yet only four years ago, in the wake of the U.S. entry into Baghdad, it made overtures for an accommodation, even on the nuclear issue. The Bush administration, overcome by hubris, chose instead the course of confrontation.

Dick Cheney and the neocons would love to attack Iran. War, however, is not on the cards. The U.S., thanks to the quagmire in Iraq, doesn't have the forces available for the job.

The hourglass is running out everywhere — in Pakistan, Iran, and Iraq. An American drawdown in Iraq is inevitable; how it will be managed is critical. The outbreak of a regional war between Sunnis and Shiites is not being discounted by anyone, including the U.S. government. If it happens when we have only 30,000–40,000 troops left in Iraq, a disaster on the scale of the Yalu or Bataan could follow.

The potential disasters we may face are, however, nothing compared to what keeps the Israelis awake at night. Having suffered defeat at the hands of Hezbollah in Lebanon in 2006, and watched Hamas conquer Gaza in 2007, they must feel that their long-term existence is threatened.

Should the danger to Israel become acute, America could be sucked into a new Middle East war, this time as the defender of Zionism. What that might portend, given the likelihood that two Islamic states, Pakistan and Iran, will be nuclear armed and quite possibly under radical regimes, is very disagreeable to contemplate.

America is the world's sole superpower. Whether it will remain so is open to question. Indeed, the floundering on display during the nine days of July 5–13, 2007 — in Congress, the executive branch, and the military command — speaks ill of America's capacity for leadership. Those nine days in July may come to be seen as the beginning of a descent into chaos. ❑

Is There a God?, *from page 32*

pity that blossoms when these false religions fail to satisfy: the violent self-pity and self-entitlement that discovered a goddess in Princess Di.

The political effects of a post-religious age, if that is what we are entering, will be various, but on the whole discouraging. We can expect to see a decline in certain kinds of fanaticism. But we will see the rise of others, unrestrained by the inherited religious conviction that there are certain things one simply should not do. We can anticipate much more of what we are already seeing: the evaporation of those high aspirations and profound tensions — that moral seriousness about oneself and others, that stirring sense of the importance of the individual life, seen in profile against the splendor of God's universe — which inspired the greatest accomplishments of Western music, art, and literature. Elton John is, after all, a very poor substitute for Bach.

It is true, of course, that atheism has occasionally produced its own great works — at least in the field of literature — although much of the atheist literary accomplishment, from "Anthem" to "Zarathustra," is an attempt to surpass Christianity by imitating its effects and inverting a few (though not most) of its values. I agree with Yeager that the glories of Christian art do not constitute specific proof of the ideas they express. But there remains the question of whether any way of thinking that is largely false can produce high art for very long periods of time.

However that may be, an atheist culture, in which man's goals were conceived as the maximization of "enjoyment," and immortality as the physical propagation of one's genetic material, would not be an authentic culture for me. I wonder, indeed, whether an authentic "I" would continue to exist in such a world. The methods that the West currently uses to identify, evaluate, and enjoy the individual self are largely indebted to the West's majority religion, which consists, in practice, of the endeavor to see yourself against a cosmos that is also looking back at you. This is the great stage on which Western individualism has acted. Will the West's customary way of seeing the world finally cease? Will all the world be Sweden, where you can do what you want, so long as *your neighbors* don't object?

I doubt it. Christianity began as an insurgency of religious commitment in a pagan world, where the practical thing to do in case someone disrupted local customs and the smooth functioning of the government was to nail him to a cross. And Christianity has always succeeded in reviving itself, often against virtually incredible odds. But whatever happens, a believer must always agree with John Adams, writing in his extreme old age (1822, p. 580): "We need not trouble ourselves about these things nor fret ourselves because of Evil doers[,] but safely trust the ruler with his skies." ❑

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Why I Don't Like Europeans, *from page 40*

a clear, well-specified owner: mine. Thus, the world of things is divided roughly into two classes: what's mine is mine and what's not mine is nobody's and therefore, possibly, should become mine also.

Two main economic axes of European social democracy are confiscatory taxes and overregulation of business. Although originally impelled by egalitarian ideals, the corresponding policies' secondary effect has been to paralyze small-scale entrepreneurship. Thus, indirectly, these policies have destroyed a main avenue of social mobility. Their paradoxical consequence over time has been to freeze almost everyone in his class. If your family was prosperous in the '60s, you are probably doing just fine. If it was not, you are out of luck, in most cases. (How many European Steve Jobs are there? In Europe, I mean. There are some in Silicon Valley.)

An acquaintance of mine, a recent immigrant from Europe and a well-educated cosmopolitan man of the theater, tells me the following, without animosity: "You are an immigrant like me, yet, you are able to stop working in your early 60s; your wife does not work for pay either; you own the better part of a pretty house in a desirable town. You must have cheated." I quickly give up on my attempt to explain to him that I earned my modest well-being over 40 years, playing by the rules, and not playing especially well at that, and that it was not even hard. I am not sure he can contemplate the simple possibility of individual legitimate upward mobility contained in a lifetime because it is so contrary to everything he has observed in his 30-some years in Europe.

Let me summarize what I understand of this despicable European world view: what's mine belongs to me; what does not clearly belong to me might, soon, either because it belongs to no one (the government) or because its owner is a cheat and does not deserve it. Ergo, much stealing is not really stealing, or it's not really reprehensible. In a way, I am a kind of Robin Hood, even if it's only to my own benefit. ❑

Terra Incognita

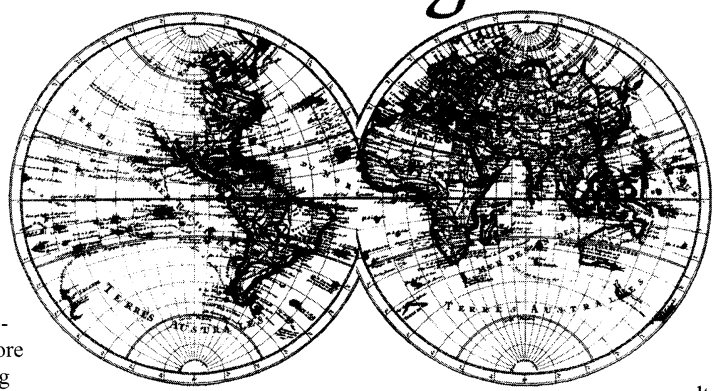

Washington, D.C.

Environmental activism, reported in the *Washington Post:*

When Gareth Groves brought home his massive new Hummer, he knew his environmentally friendly neighbors disapproved. But he didn't expect what happened next. The sport utility vehicle was parked for five days on the street before two masked men smashed the windows, slashed the tires and scratched into the body: "FOR THE ENVIRON."

"The neighborhood in general is very concerned with the environment," said neighbor Lucille Liem, whose Prius gets about 48 miles a gallon compared with the Hummer's 14 miles a gallon. "It's more liberal leaning. It's ridiculous to be driving a Hummer."

Liem quickly added that she does not condone violence.

Wilkes-Barre, Pa.

Intolerance of a deviant lifestyle, noted by UPI:

Authorities condemned John Puchniak's apartment when a routine inspection raised concern the bookstore owner's collection of nearly 3,000 texts could cause a fire.

Puchniak now resides in a local hotel. But even if he can restore the apartment to acceptable living standards, Puchniak has said he cannot afford to appeal to the city to reopen his home.

Attorney Jim Hayward has become a champion for the troubled literary fan. "Their (the city's) priorities are wrong. This is not the guy they should be going after," he told the newspaper. "The average person may not agree with how John stores his books, but does that mean it's wrong?"

Wailuku, Hawaii

Nomenclatural note, from the *Honolulu Star-Bulletin:*

THE call letters KUNT have landed at a yet-unbuilt low-power digital television station in Wailuku, Maui.

Alarmingly similar to a word the dictionary says is obscene, the call letters were among a 15-page list of new call letters issued by the Federal Communications Commission and released this week.

The same station owner also received KWTF for a station in Arizona.

From Skokie, Ill., comes a sincere apology "to anyone that was offended," said Kevin Bae, vice president of KM Communications Inc., who requested and received KUNT and KWTF. It is "extremely embarrassing for me and my company and we will file to change those call letters immediately."

Cyberspace

The vanguard of the labor movement, heralded in the *Los Angeles Times:*

A loosely formed coalition of left-leaning bloggers is trying to band together to form a labor union it hopes will help members receive health insurance, conduct collective bargaining, or even set professional standards.

"It would raise the professionalism," said Leslie Robinson, a writer at ColoradoConfidential.com. "Maybe we could get more jobs, bona fide jobs."

Albion, Ind.

Ornithological note, from the website of Fox News:

A volunteer construction worker pouring concrete outside a chimpanzee enclosure at Black Pine Animal Park began cussing after the chimp threw some feces at him.

The commotion caught the attention of Peaches, an 8-year-old Moluccan cockatoo, who then strayed from her normal vocabulary of "Hi, Peaches" and "Hi, pretty girl," reverting to a few of her old favorites from years she spent as a house pet.

"Go away, shut up, shut your blankety-blank mouth," senior zookeeper Jessica Price said. "She says a lot of very bad words."

It is difficult to get birds to stop using words they have learned, she said.

Chongqing, China

Advancement in sanitary engineering, chronicled in *USA Today:*

They're flush with pride in a southwestern Chinese city where a recently opened porcelain palace features an Egyptian facade, soothing music and more than 1,000 toilets spread out over 32,290 square feet.

"We are spreading toilet culture. People can listen to gentle music and watch TV," said Lu Xiaoqing, an official with the Yangrenjie, or "Foreigners Street," tourist area where the bathroom is located.

"After they use the bathroom they will be very, very happy."

Long Beach, Calif.

The Precautionary Principle vindicated, in a dispatch from the *Long Beach Press-Telegram:*

A suspicious item was discovered in a checked bag by federal Transportation Security Administration workers at Long Beach Airport.

"It is basically a handheld game board that a passenger packed," agency spokeswoman Jennifer Peppin told Fox News Channel.

"It certainly was nothing but it certainly looked like something. It had all the wires and components that you would see in an explosive device," Peppin said.

The adult passenger was being interviewed, she said. Firefighters, police and a bomb squad were called to the airport, about 25 miles south of downtown Los Angeles.

Lansing, Mich.

Potential impropriety in the use of equipment, from the *Lansing State Journal:*

A state forensics scientist who said she tested her husband's underwear for DNA to find out if he was having sex with another woman is being investigated to determine if she violated state policies against using state equipment for personal reasons.

Ann Chamberlain-Gordon of Okemos testified in a divorce hearing that she ran the test on the underwear of Charles Gordon Jr. Asked by his attorney what she found, she answered, "Another female. It wasn't me."

Special thanks to Russell Garrard and Bart Cooper for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

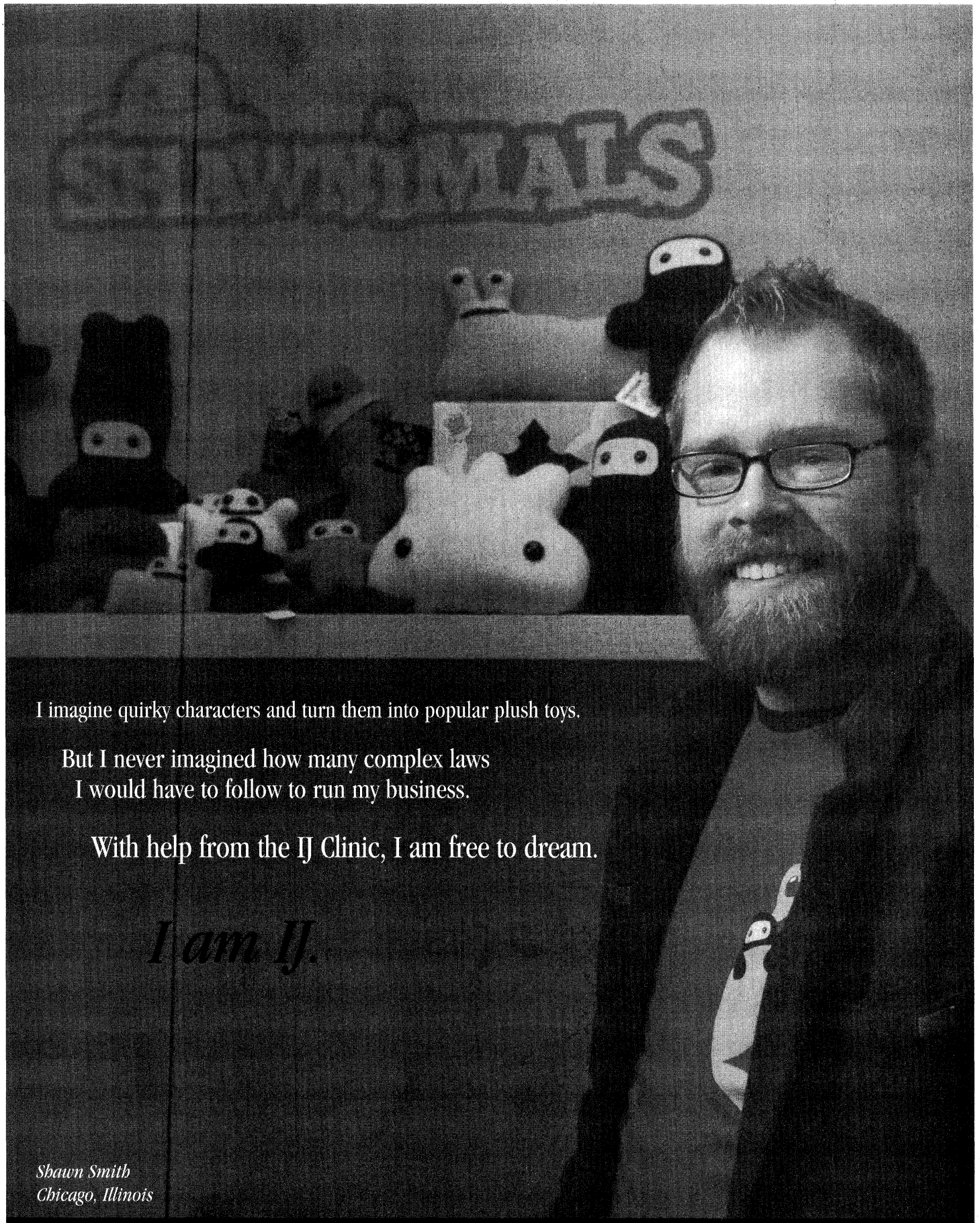

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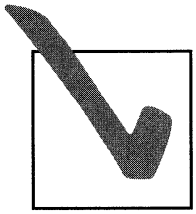

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Inside Liberty

November 2007
Volume 21, Number 11

4 Letters Readers' riposte.

7 Reflections We cry with the president, police our potties, stay in debt, save tasty animals, meet Mike Milhouse Huckabee, manage sustainable infrastructure services, thank politicians for flashing us, take marching orders from al Qaeda, bring Russian nukes out of mothballs, drink with a racist, and determine we will not say "shall."

Features

18 Tiebreaker *Bruce Ramsey* offers a guide to the wonderland of assignment-by-race in American public schools.

21 The Wreckage of Truth The quest for truth can leave a lot of devastation behind it. *R.W. Bradford* visits the ruins of two failed utopias, one of which died a natural death, the other of which was murdered.

29 Getting Serious About Diversity *Jonathan Slow* reveals the employment practices of a vitally important university.

32 The House of Ninety Keys Is safety really our most important business? *Bill Merritt* reports from abroad.

Reviews

35 Nazi Money Could Hitler have won? *Bruce Ramsey* reassesses a classic libertarian theory.

39 The Continuing Story of the Kennedys *Jon Harrison* demonstrates that just when you thought the controversies about the Kennedys were settled — they weren't.

42 Yuma Redux An update of the 1957 film "3:10 to Yuma" receives acclaim from critics, including Liberty's own *Jo Ann Skousen.*

43 Imagining the Young Jane Austen *Gary Jason* appreciates a biopic about Jane Austen's coming-of-age.

44 A Bitch, a Witch, and Two Men in Dresses Michelle Pfeiffer returned to the screen in 2007, for not just one film but two. *Jo Ann Skousen* takes in both.

41 Notes on Contributors E pluribus Liberty.

47 Terra Incognita Something stupid this way comes.

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Letters

Turkish Delight

Reading Bill Merritt's Reflection on "Martial law" (September) brought to mind the "constitutional crisis" in Turkey a few months back, when the Turkish military wouldn't stand for the Islamist president appointing an Islamist prime minister, because it would threaten the distinctly secular government established by Kemal Ataturk, founder of the modern Turkish state. I found myself wishing that our military were such vigilant guardians of our Constitution.

Perhaps it is time to discard the outdated notion of the president being commander in chief, or the Senate being able to declare war. If it were up to a consensus of top generals, all wars would likely be defensive.

Rycke Brown
Grants Pass, Ore.

Not Great

Ted Roberts writes a strange review ("Seeking God, Dead or Alive," September) of Christopher Hitchens' book, "god Is Not Great: How Religion Poisons Everything." To start with, he distorts the title of the book, which does not start with "God" with a capital "G," but instead "god" with a small letter "g."

Then he makes the fallacious argument that merely addressing the issue of whether or not God (or god) exists amounts to an implicit recognition of the existence of a supernatural being. (I suppose Hitchens shouldn't ever write a book about unicorns, for fear that he will be misinterpreted as believing in their existence, too.) If this bit of slight of logic were to be allowed to succeed, then we would have the neat result for theists that, if you deny the existence of god, then you obviously believe in his existence, and if you don't then the claims for his existence win by default. A win-win for supernaturalists.

Of course, the main thesis of Hitchens' book is not to demonstrate that supernatural beings don't exist; he takes that as a given, given the lack of evidence for such beings. Those who want to read about the lack of proof for the existence of such beings would do better to read such books as "Atheist Universe: The Thinking Person's Answer to Christian Fundamentalism," by David Mills, or "The God Delusion," by Richard Dawkins.

Hitchens does, however, address in passing the lack of any historic evidence for any claim to authenticity of various biblical events which are taken as, well, gospel by believers, many of whom regard the Bible as literally true.

The primary thesis of "god Is Not Great," of course, is that the conception of a supernatural being, as promulgated by the three main theistic faiths of the Western world, is a mass of self-contradictions and moral horrors — and not just in the distant past, either. The acquiescence of the Roman Catholic Church in the Nazi genocide against the Jews in the recent past is well-known; what is not so widely publicized is the much more recent complicity of Catholic priests in the Rwandan genocide (Hitchens cites as an example Father Wenceslas Munyeshyaka, who provided lists of people to be murdered and was later smuggled to France by other priests). This, along with multiple, infamous examples of Islamic fundamentalists' actions, is enough to negate any claims that atrocities by organized religion are in the distant past.

Roberts makes the claim that the only religion anyone should fear today is Islam. He uses an example from the book about people coming from a prayer meeting being innocuous, if not benevo-

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lent. Not if you are an employee of an abortion clinic or a homosexual, having just been denounced in that prayer meeting as a hated sinner. (Of course, my biggest fear would not be meeting this group on the street, but seeing them in the legislature or at a petition table or in the voting booth, as they eagerly support the most horrendous sort of sanctions and restrictions of human rights for those they deem sinful.)

As for the oft-alleged beneficence of religion, Hitchens pretty well demolishes that in the chapter, "Does Religion Make People Behave?" He describes a debate between humanist A.J. Ayer and a Bishop Butler: "The exchange proceeded politely enough until the bishop, hearing Ayer assert that he saw no evidence at all for the existence of any god, broke in to say, 'Then I cannot see why you do not lead a life of unbridled immorality.'"

A few paragraphs later, he concludes as follows: "Was he in fact not telling Ayer, in his own naive way, that if freed from the restraints of doctrine he himself would choose to lead 'a life of unbridled immorality'? One naturally hopes not. But much empirical evidence exists to reinforce the suggestion. When priests go bad, they go very bad indeed, and commit crimes that would make the average sinner pale."

John Kannarr
Glendale, Ariz.

The Violent Brush

Every time Ted Roberts refers to Islam he is painting all Muslims with a violent brush. I can find violent people in all cultures. It is plainly incorrect to slam Islam, and it smacks of racism or religious bigotry. The American Muslims I know are not like that. God knows that they have been provoked enough to have at least contemplated violence. But *no one* I know is even thinking about it!

Please stop this silliness. Tell the reviewers to leave their bigotry at home.

Dennis Lubahn
Columbia, Mo.

Roberts replies: Mr. Kannarr's reply to my review of "god is Not Great" (pardon my tradition of that capital "G") is interesting. Were it written in the 13th century I would agree with much of his letter — and much of Hitchens' book, too. As I said in the review, the Judeo-Christian culture historically has been far from faultless. However, it does brighten one's view of mankind to note that, with minor exceptions, the Crusades, pogroms, religious wars, and the Inquisition are subjects for history books, not newspapers.

And for all the bloodletting provoked by religious zeal it's a mere stain compared to the floods of blood shed by secular executioners such as the Nazis and Communists. I'll spot you a couple million deaths and those secular killers will still win the murder derby with ease.

If Hitchens' premise is that man is a murderous animal I might agree, but today I'd still rather meet prayer-meeting folks in that dark alley than stormtroopers of whatever denomination.

As for Mr. Lubahn: yes, there are violent creatures in all cultures. But there seem to be many more in the ranks of Islam — even in areas where they are not persecuted. And I know of no other group that sacrifices their children with such glee. Stacks of corpses in New York, London, Tel Aviv, and the capitals of the Middle East are facts, not bigotry.

Underwhelming Evidence

I beg to differ with David Beito's August Reflection ("Lone swordsman")

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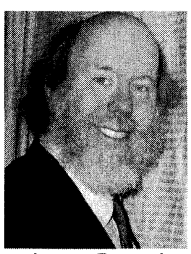
James Bovard

James Bovard is an investigative reporter and author of many inspired books, including *Attention Deficit Democracy*. As an intelligent and enlightened watchdog of the Federal Government, Mr. Bovard chronicles the folly of the omnipotent state.

Brian Doherty is a senior editor at *Reason* magazine and respected author of several books, including the much acclaimed *Radicals for Capitalism*. With firsthand knowledge, Mr. Doherty offers insightful commentary on key figures who have shaped the libertarian movement.

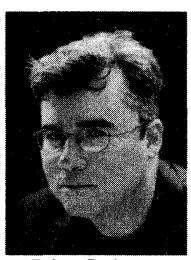
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in which he states "the evidence is overwhelming" that Oswald and Oswald alone killed John F. Kennedy.

Research into the Kennedy assassination is perhaps something of a fool's errand. One enters a wilderness of mirrors, to emerge with many questions still unanswered. I would venture to guess that I've probably spent more time and effort studying the assassination than any other two Liberty contributors or readers (I presume most if not all of you are considerably more sensible than I am).

My own conclusion, based on hundreds of hours of reading and reflection, is that Kennedy was the victim of a conspiracy. This conspiracy was domestic in origin and, sad to say, came from the Right. I cannot identify the shooters for you, but the conspirators definitely (as I see it) emerged from the nexus of anti-Castro Cubans, rogue CIA elements, and Mafia types that came together at the time of the Bay of Pigs. They hated Kennedy and were quite prepared to use deadly force against him. That they had some help at a higher level (from J. Edgar Hoover, for example) seems to me quite probable.

The "military-industrial complex" per se didn't kill Kennedy. But it's an oversimplification to say that it "never had a more dynamic and vigorous champion than JFK." Kennedy, after all, refused to invade Cuba with U.S. forces at the Bay of Pigs or during the Missile Crisis. He didn't tear down the Berlin Wall. He got the test-ban treaty through the Senate in the face of strong opposition from the military and its supporters. In 1963, plans were in the works for both a cut in defense spending and an eventual U.S. withdrawal from Vietnam (on this latter point see for example James K. Galbraith's article, "Exit Strategy," in the October/November 2003 Boston Review).

Professor Beito or anyone else may contact me via this magazine for directions to the source materials that support the statements I've made here.

Jon Harrison
Poultney, Vt.

Maoist Cuisine

Andrew Ferguson's Reflection (September) about Mao's slogan "Serve the people" appearing on Cameron Diaz's handbag reminded me of the old Damon Knight story "To Serve Mankind." Briefly: aliens land on Earth and ceremonially present to UN officials a book, in their own language, which they say explains their mission on Earth. The aliens say the title is "To Serve Mankind."

After much effort, linguists decipher the text. It's a cookbook.

Dave Lindbergh
Reading, Mass.

Postal Service With a Smile

I read Richard Kostelanetz's entertaining and edifying Reflection on our favorite government agency, the USPS (August). That's my area of expertise, my speciality: I've been berating and therefore implicitly improving the blue suiters for years.

Did I not tell the Postmistress that if she put a scale out on the counter, she could shorten those dreadful lines? (She told me the public was not trained in proper weighing techniques and most of the packages would be returned, "Insufficient Postage." Like Richard says, I wish I was making this up.)

Am I not the epistolary scientist who inspires USPS zeal with exercises like 2021 Misdelivery Lane, instead of 2022 Misdelivery Lane, and then checks the results? Wrong ZIP codes are fun, too — or even better: "Chicabo, IL." Or the ol' right address, wrong name game.

Sometimes in a fit of public-government cooperation I write on the envelope corner: "Mailperson, this is the large green house on the corner, usually has a black Honda Civic in drive — resident works at Sears." That's like telling the information operator: "Ma'am, he's about 5'9" — kinda heavy — Presbyterian, I think." I like to be helpful.

Ted Roberts
Huntsville, Ala.

From the Editor

I suffer from a medium-strength case of acrophobia. I don't like going up ladders, mounting scaffolds, or climbing to observation decks where there's any threat that I may remember that buildings occasionally collapse.

This summer, though, I went on a long trip with a friend who is immune to such anxieties. Wherever there was a high place to ascend, it was taken for granted that he would do so, and I would do so with him. The result was a considerable abatement of my psychological disability. Instead of fixating on the remote possibility that I might die in the next 20 seconds, I began to enjoy the spectacle, especially the transformation of street-level disorder into the great and fascinating patterns of life one sees when one attains a sufficient elevation.

Isabel Paterson said that liberty was like that. Other people might take refuge in the safety of a conformist world, but she wanted to see how life looked from the pinnacle. The view, she said, was better up there.

Every issue of Liberty is an attempt to provide a view like that. Of course, there are risks. Even libertarians sometimes need a bit of nerve to encounter the full spectrum of libertarian ideas. Not every libertarian journal provides that opportunity. But we think the view is better up here.

For Liberty,

Stephen Cox

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Send email to letters@libertyunbound.com, or mail to:

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Reflections

Cry me an interview — The new book "Dead Certain" by Robert Draper, based on the author's interviews with President Bush, led to this AOL headline: "'I Cry A Lot,' [Bush] Reveals."

This is not surprising. His years in office have had that effect on many people. — Ross Levatter

You're only as poor as your diet — According to the Trust for America's Health, a research group that focuses on disease prevention, Mississippi is the fattest state in the nation. It has become the first state in which more than 30% of adults are considered *obese*.

Mississippi consistently ranks as the poorest state in America, as well. What a wonderful nation we live in, where only the poorest citizens eat too much. — Tim Slagle

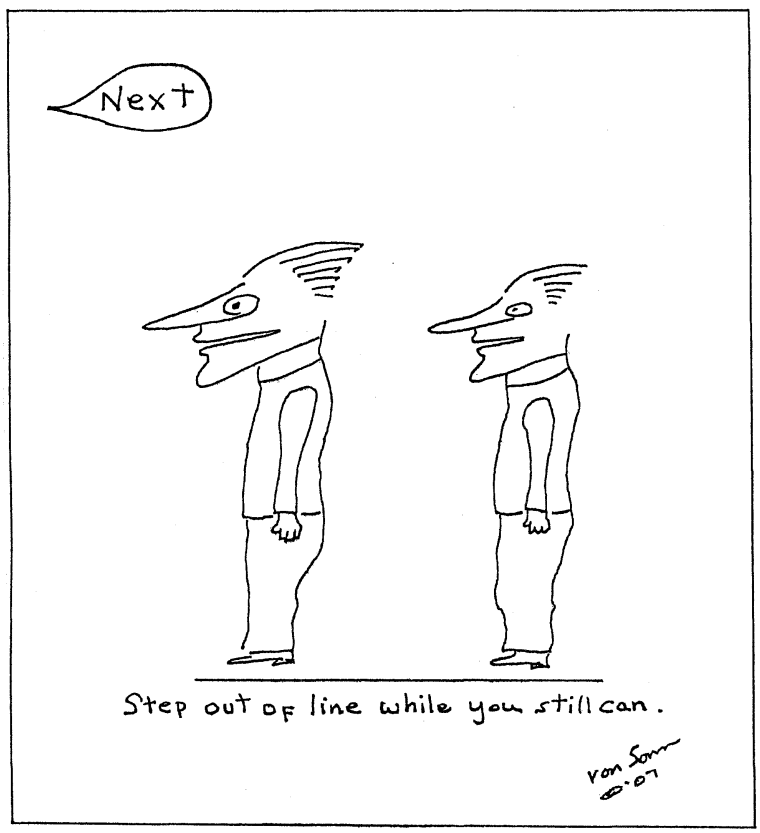

Peace with body bags — Samuel Johnson described patriotism as the last refuge of a scoundrel. If he had seen the recent GOP candidates' debate, he might have put "honor" in the place of "patriotism." "We've got a responsibility to the honor of this country," Mike Huckabee lectured Ron Paul, "and the honor of every man and woman who has served in Iraq and our military to not leave them with anything less than the honor they deserve."

Huckabee was following a long and dubious tradition in American politics. Those who praised him uncritically would do well to remember the story of a Republican politician who tried the same thing in 1968. Richard Nixon successfully smacked down the Ron Pauls of his generation by touting "peace with honor, rather than retreat and defeat." After winning the election, he turned down the chance for a peace treaty that would facilitate rapid American withdrawal. He said it would not bring an "honorable peace."

In 1973, however, he signed a treaty that had essentially the same terms as the one he shunned in 1969. In the meantime, more than 20,000 Americans had died needlessly, all for the sake of "honor." It would be a tragedy if the American people in 2008 were gullible enough to buy this snake oil for a second time. — David Beito

Preemptive pontification — As we go to press, Gen. David Petraeus is preparing to brief the Congress on the results of the recent "surge" in U.S. troops under his command in Iraq. Some political hacks are already criticizing this report — before it has been delivered. The details of the general's report are really not so consequential; it is bound to be an important point in the history of what passes for the foreign policy of the current Bush Administration.

That's a good question: "What passes for foreign policy?"

Despite lengthy consideration of foreign policy matters in this magazine and elsewhere, people who value liberty are often criticized as offering little more than mumbles about the "wisdom of the marketplace" when it comes to foreign affairs.

So, let's try this theory: in terms of liberty (and the wisdom of the marketplace), a foreign policy that focuses on many bilateral agreements is better than one that focuses on multilateral diplomacy. From many one-on-one deals between countries — including everything from free-trade pacts to, well, war — emerges a foreign policy that is itself a marketplace of ideas. This is bound to be more efficient than a group-grope of multilateral haggling.

It seems strange to me that no one in the president's corner is defending the present Iraq action as an attempt to establish U.S. foreign policy as essentially bilateral in nature. Philosophically, this is probably the best defense of a bad situation. The current neocon vs. netroots debate seems to be simple party politics hiding in other clothes. Yet that seems to be enough for most people. Too bad. — Jim Walsh

Weighted averages — A local journalist quotes a study by University of Washington researchers that found that in comparing human averages of one Seattle-area ZIP code to another, thin bodies are correlated to the price of housing: the

higher the average house price, the lower the rate of obesity. The journalist thought this interesting and summed it up: "In other words, obesity is, at least in part, a class issue. It appears to be due to the availability of healthy foods: People who can afford to shop at Whole Foods have an advantage over those who don't have health-conscious, low-cost markets handy."

What this guy was saying is that low-income people tend to be fat because they are offered nothing but junky food. They would prefer to buy free-range chickens, organic vine-ripened tomatoes, and arugula, but they buy frozen pizza and instant macaroni and cheese instead because that's all there is. To state such a thesis is to laugh at it. — Bruce Ramsey

The free road not taken — Competition and free markets are often dirty words to mainstream civil-rights leaders. This was not always the case. The Feb. 9, 1956 issue of Jet reported the following news about the ongoing Montgomery bus boycott:

> Faced with wholesale arrests of Negroes on minor traffic charges as a result of Mayor W.A. Gayle's "get tough policy," five Negroes filed an application with the Montgomery City Commission asking for a franchise to operate jitneys to serve Negro areas. Officials of the newly-organized Montgomery Transit Lines said they will use 1956 station wagons. Mayor Gayle's reaction to the proposal was prompt: "If Negroes want to ride a public vehicle, they can ride city busses." (p. 6)

Unfortunately, the handful of defenders of the free market who existed at that time did not rally behind this worthy effort. Had they done so, the subsequent civil rights movement might have taken a much less statist direction. — David Beito

Credit where repayment's due — One of Bush's more controversial initiatives was his reform of the nation's scandalous bankruptcy laws. Not a few of our fellow citizens were running up their credit cards to astronomical levels, and then burning their creditors by "going BK," thus passing on their debts to the rest of us.

When Bush signed the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA") in 2005, prominent Democrats and populist pundits prophesized that innocent poor and elderly would be horribly squeezed by predatory banks and credit card companies. Self-styled "watchdog" organizations such as Consumers Union and (of course!) the National Association of Consumer Bank Attorneys described the new law in apocalyptic terms.

Essentially, the old law allowed people to receive easy Chapter 7 bankruptcy protection from their debts, irrespective of income level. Not surprisingly, under that easy standard, bankruptcy filings went from 300,000 in 1980 to 1.5 million (!) in 2004. Indeed, the abuse was accelerating, with bankruptcies rising almost 80% from 1995 to 2004.

Under the new law, individuals above median income — which excludes the poor, most of the elderly, and those in financial distress because of medical problems, divorce, or military service — were required to file for Chapter 13 protection, which means that they would have to file a plan to repay at least some of what they owed.

This is one law that seems to have worked as intended. Not only have bankruptcy filings dropped dramatically to about half the earlier level, but the percentage of those filing with above-median incomes has gone from 20% to essentially zero!

A lot more work remains to be done to reform our dysfunctional legal system and, since Bush is a lame duck facing a Democrat-controlled Congress, it is clear that tort reform or other kinds of legal reforms will not occur. Trial lawyers are the biggest contributors to the Democrats. Still, the 2005 BAPCPA was a nice step. — Gary Jason

Out of the water closet — Some men have a filthy habit of performing sex acts in public restrooms. They enjoy the risk and (often) the degradation. Big deal. On the rare occasions when I've seen a hand or a foot emerging from beneath the stall partition, I've let my neighbor know how annoyed I am to be bothered in this way. But I haven't demanded that he be arrested, or that a police officer be deputed to guard my chastity by squatting among the toilets to entrap other people.

If the cops arrested everyone who annoyed me, or even endangered me, in a public restroom, the jails would be full. My first candidates for persecution would be the idiots who piss on the toilet seat, thus rendering it unusable for anyone else. No one mounts a sting operation to get *those* people. And what about the guys who fail to wash their hands before opening the outside door? I'd like to see them in jail, too, and see them headed there long before people like Sen. Larry Craig, a halfwit who is mainly just a danger to himself. Yet despite these pleasing fantasies of arrests and chain gangs, I really can't regard such repulsive deeds as criminal. Much less can I view attempts to arouse my sex drive as felonious.

But oh! says everyone but Arlen Specter, Barney Frank, and Rush Limbaugh — the strange trinity who remained more or less in charge of their faculties while the rest of the country went berserk over the Great Craig Scandal — but oh! what about the *children!* Should innocent *children* be *forced to watch* while men have sex in restrooms?

Well, no. But that's not what's going on. This kind of sex is clandestine, and it would remain so if the cops didn't show up to drag the participants out of the stalls. So spare me the business about the kids, and I won't be tempted to discuss the ugly images of sexuality to which children are exposed merely by flipping through the mainstream TV channels. The Victorians weren't the last people to be hypocrites about sex. Our culture is soaking in hypocrisy.

Now look. If you're the proprietor of a store or the manager of an airport, and you don't like what some of your customers are doing in the restroom, kick them out. If you don't like what your senator is doing in Washington, kick him out, too. But what made Sen. Craig's actions subject to legal retribution was simply the American public's ineradicable anxiety and stupidity about sex. — Stephen Cox

Splitting the top tier, helping Ron Paul — Ron Paul was a track star in college. Perhaps he should have considered boxing. In the face of a sustained attack by the pro-war Fox team aimed at sending him to the canvas, he hit back hard and drew blood.

Besides Paul, the big winner of the recent presidential candidates' debate (at least as the mainstream media spun it) was Mike Huckabee. A sustained effort is now underway to promote him into the top tier.

But this is good news for Paul. Here's why. With the entry of Fred Thompson, the members of the top tier have increased to four. If Huckabee moves up, that would leave a top tier of

five, with a possible average of less than 20% each. That would make it even easier for Paul to stand out as the only antiwar candidate in the field. Just as importantly, it would make it more difficult for the mainstream media and GOP leadership to find a pretext to exclude him and other so-called bottom tier candidates from future debates. — David Beito

We don't want to miss graduation — For at least two decades, there has been a spirited debate over the effect of working mothers and their reliance on daycare. Do children suffer from being carted off at early ages — at early hours and sometimes for long days — to stay with non-family caregivers? Are career-track mothers (and fathers) over-pursuing their careers and neglecting their children? The discussion can get highly emotional.

Now a lot of these children are going to college. And what is the result? Separation anxiety — on the part of parents.

The Washington Post discussed this puzzling phenomenon in an Aug. 26 story, "Orientation 101 for Parents and Children: Letting Go." Parents are having trouble leaving their children at college. "Forget the quick goodbye hug after unloading the car," writes Susan Kinzie: parents hang around for days. Colleges include them in their orientations. One holds a "goodbye lunch" and hopes the parents take the hint. When Mom and Dad do leave, there is the ubiquitous cell phone helping the "helicopter parents" stay in touch. (Kinzie based her story on colleges near Washington, D.C., including Georgetown, American, and Johns Hopkins.)

Although parents have trouble letting go, there also seems to be genuine closeness on the adolescents' side. Kinzie says it's not unusual for college students to consider their parents their best friends.

This is the neglected generation? The kids raised by strangers? I don't have an easy explanation for the seeming contradiction. Maybe students at these elite colleges are different; maybe their parents did stay home with them; maybe closeness developed after the daycare years; maybe the closeness is, in its own way, a pathology.

But there's another explanation, too. Perhaps, in the end, parents did a better job of bringing up their children than the experts thought — and the kids are fun to be around.

— Jane S. Shaw

The Asians and the paraplegic duck — The Bush administration reintroduced a bold idea at the recent meeting of the Asia-Pacific Economic Cooperation (APEC) in Sydney. It's an idea that the U.S. broached at last year's APEC summit as well: the concept of an enormous Free Trade Area of the Asia Pacific, or FTAAP for short — a catchy name, indeed.

This huge free trade zone would include Chile, the U.S., and other Pacific countries of the western hemisphere, along with China, Japan, South Korea, and most of the other Asian nations. If it ever came about, it would represent a giant step toward universal free trade. But it has received only tepid support from the Asian countries, and it stands almost no chance of becoming reality.

For one thing, you have the long-standing Asian animosities. Getting Taiwan, China, Japan, the Philippines, and Vietnam to sign off on anything would take a staggering amount of negotiation over many years. And the APEC nations are more focused on getting the Doha Round of WTO talks going again.

An even bigger roadblock, one suspects, is the fact that Bush is a lame duck — worse, a lame duck that the Democrats have stripped of the ability to negotiate trade agreements freely (so-called "fast-track" authority). So he isn't so much a lame duck as a paraplegic one. And the Asians can see that the Democrat-controlled Congress is the most profoundly protectionist since the Smoot-Hawley era.

So the ever polite Asians have agreed to think about it — "further studies should be made," as the Japanese minister delicately put it. In sum, it is a bold idea that will not happen, at least not for many years. — Gary Jason

Two totalitarianisms — A "friend" from my university days is the Collector (the top civil servant) of a city in India with a population of over a million. He just wrote, "I am taking an education break for one year for a Master's in Sustainable Infrastructure Services Management from XYZ University in the UK . . . "

Universities in the UK create fancy courses to bring people from poor countries and teach them about developmental work, a subject of which most instructors have, at best, a marginal understanding. Ordinarily they offer socialist resolutions for the world's problems, with ideas concocted in dreamland. The money for these courses, priced at outrageous levels, comes from the British government fund for foreign aid. Some instructors teach them in order to build their resumes — so that, with help from diplomatic passports, tax-free salaries, and two-acre-garden-with-swimming-pool accommodations, provided by the World Bank or some UN institution, they can leverage their "humanitarian capabilities" into solutions for the world's poverty and misery.

My "friend" will try to learn how British society expresses its frustration, envy, and hatred by directing the power of special interests against businesses and other productive endeavors. He will intuitively see how this gives secret ammunition to the British state to steal money from those who generate wealth and redistribute it to those not deserving, meanwhile skimming off an appropriate amount for the state itself. But mostly he will laugh off what he learns, for he believes in raw, Indian-style exploitation. Concepts of "benign" exploitation by the state will confuse him. Why in God's name would the state not steal everything? he will think without really thinking.

"Okay, but make it look like an accident."

"Stupid people, they run their trains with a mere 20% capacity; we, in India, run ours with 125% [piling one over another]," one visiting, very senior Indian bureaucrat said to me with supreme confidence in 1991, during my university days in the UK. Despite being broke, I was paying for his beer, expecting in return to find out how his mind worked. "Our goods trains never leave empty, saving us on precious energy costs." So who cares what happens to the goods?

Another said, "Amazing that the police here can do only so much. Fortunately, the people here are law-abiding; otherwise this country would be a complete chaos. In India, if we wanted we would arrest all these junkies, beat the shit out of them, and dump them in some obscure location. The English have all these drug-related problems because the police cannot use torture. The government here doesn't understand that the fear is the key; without it, there is no law and order."

"There is one really good thing about this country," said one. "The people here are much more honest about paying taxes. Hope our businessmen learn from them." My "friend's" eyes will refuse to see that the British government returns a part of the stolen money. The Indian government returns nothing, nada, zip.

Of course, he can fool himself only so much. Doubts planted in his mind can do some good one day, if they are not rationalized away immediately and if the residue stays potent enough to knock at his conscience amid the noise, smell, and violence of India. And, what the heck, his going to the UK doesn't cost India a penny!

By sending him to the UK, however, the Indian government will get to show that it cares. Indians will be proud, and his superiors will take the credit. The British government can say that it has provided international aid to the poorest of the poor. There will be more administrators in the British Council. Everyone in my "friend's" department in India will get promoted one step upward, making hundreds of families happy and their children proud. As the effect cascades down, one Indian will get a job at the lowest position in my "friend's" department. He will get a holiday, and his wife will spend a year getting recognition from her girlfriends. The British university will get more business and publicity, for my "friend" will tell everyone at home that he is in the best university in the UK. He will contribute to the specialty businesses in Leicester: Indian restaurants, pubs, and lap-dancers who will "use the money" for their own "university education." If he is puritanical about sex and food, he might even bring some foreign exchange back home, making every little bit count for India.

As Frederic Bastiat would say, British taxpayers will hardly notice the con game played on them by the British state. In fact, they'll probably think that all this is good for their economy. They will feel pride in what their government is doing. A lot of wealth and happiness will seemingly get created out of absolutely nothing.

Police in India recently tied a petty thief to a motorbike and dragged him around. Of course, a bunch of frustrated, psychologically crippled people had earlier given him a "well-deserved" thrashing.* The victim is now fighting for his life. Later, the "caring" Muslim community suddenly realized that this half-starved "thief" was a Muslim; so with all self-righteousness, they are now out rioting, fighting for what is right, even if it consumes them and others. Looking at India, I am never sure when to laugh and when to cry.

I have often wondered which kind of totalitarianism and immorality is better: the unadulterated variety, in which the police and society rape, kill, and maim; or the kind with a silky touch that squanders almost half of the total output of the West on jokes of the kind that my "friend" who is visiting the UK will be learning. (Note: The revenues of most Western states are close to 50% of their countries' GDPs.)

Perhaps it is better for totalitarianism to be blunt. At least this does not muddle the understanding and perception of what it is all about. It is so much better that crooks are seen as crooks, not as people working for humanity. If you looked at the faces of the police and the people who are torturing the "thief," you would realize that they actually consider themselves the agents of God. They are absolutely sure that they are doing great social work. The pool we live in becomes our natural environment; we become accustomed to it. And the situation is not very different with the Western busybodies.

— Jayant Bhandari

*http://youtube.com/watch?v=9yzv9WDZXEU

Sir or Madam,

I am writing to you to congratulate Limerick County Council on treating drivers as adults. I applaud your novel policy.

I am a Dubliner, recently starting studies at the University of Limerick. I was driving through the city center at night a week ago and was shocked at the sight of flashing amber and red lights. More: even in daylight hours, the lights outside the university's main entrance — indeed, entering a busy road — have flashing amber lights! Could it be, I asked, that the idea I have been proposing for years — having been a driver on Dublin roads for over a decade — has actually been implemented?

The idea behind setting the lights all to flashing red or amber, once evening rush hour traffic has subsided, is to recognize that drivers are by and large intelligent, careful, and, above all else, autonomous. Here in Limerick, we are given the chance to skip through the quiet evening streets, on the condition that we take care and look around for oncoming traffic. In effect, we are treated like adults.

Meanwhile, back in Dublin, we sit for ages at red lights at three in the morning, without a car for hundreds of yards. What, I ask you, the county council employees of Limerick, does that suggest the Dublin city councillors think of Dublin drivers? The further and further extension of childhood is almost complete. Overzealous legislation and an overriding distrust of freedom of the individual by the state dominate.

I thank you, good people at Limerick County Council, for treating your drivers as adults.

Yours, etc.,
John Lalor, adult

Slouching towards al Qaeda — At the Republican presidential candidates' debate at the University of New Hampshire in early September, Ron Paul indicated that it was silly to debate tactics ("Is the surge working?" "Can

Word Watch

by Stephen Cox

This column is a *purist* column. Its standards are not established by the ways in which words just happen to be used in the contemporary world. Oh no! Its lodestar is always the way in which words are used by the few people who bother to think about words. These people aren't just users of language; they're purists about language. And there's no sense in writing for anyone else. People who simply want to go along using words, willy nilly, as others use them — those people won't object to any syllables you slap down on paper. The only folks you have to worry about are the purists, so they're what this column worries about, too.

But . . . well now, I just said "folks," didn't I? "Folks" is an American substitute for the high-class, artsy-craftsy, smells-of-the-university, Britannically sanctioned "folk." It's one of those locutions that makes some self-righteous purists mad. So I wouldn't use it if I were writing an application to law school, because you can bet that at least one person on the admissions committee would be a purist and, also being a lawyer, would be spoiling for a fight. But I don't want to go to law school. I'm not applying for a job, either. And in normal life, even a purist should know when the purism of high-class "usage" ought to yield to the purism of rationality. There's no logical reason not to use "folks." It's sanctioned by the long tradition of this country. It has a colloquial tone that can be useful. Therefore, I use it. It's one more gun in my arsenal.

There are some other alternatives to purism (chiefly, the purism of the British diplomatic class) for which we should all be truly thankful. One is the universal American rejection of the shall-will matrix. Two generations ago, schoolkids all over the English-speaking world were taught to distinguish *prediction* from *promise or determination*, in this way:

Prediction:	Promise or determination:
I shall	I will
you will	you shall
he will	he shall
we shall	we will
you will	you shall
they will	they shall

Thus: "I will pay you back on Monday" (I promise!), but, "I shall pay you back on Monday" (I suppose I shall, but that's just a forecast).

It would take a whole 'nother column to explain why "shall" and "will" performed this strange ballet, but the point is, 99% of modern Americans have never heard of it, praise God. It does have a function. It does make a distinction. But it's a distinction that is much more laborious than, say, the invaluable and efficient (one syllable!) distinction between "disinterested" and "uninterested." So let it go. Even that guy on the admissions committee probably doesn't suspect that it ever existed.

Unfortunately, however, approximately the same number of Americans who have not heard of the rule about shall and will *have* heard of the supposed rule against using contractions "in formal writing," and many of them take that ultrapurist rule very seriously indeed. They don't realize that the rule was unknown to the great writers of the past, or that it's a rule that has never been consistently followed by other people, except in the official transcripts of British parliamentary testimony, which always used to render an exchange like, "Weren't you in charge of lifeboat number 7? Isn't that the case? — I can't say; M'Lord; I'm just not sure; I don't remember" as "Were not you in charge of lifeboat number 7? Is not that the case? — I cannot say, My Lord; I am just not sure; I do not remember."

Another ultrapurist rule is the one forbidding passives. How many times did someone write in the margins of your freshman compositions the commandment, flaring in scarlet letters, "*Avoid passive constructions!*" Why? you may have wondered. Why should I avoid them? Could I or my loved ones be injured thereby? And if injury should take place, aren't I insured? (Or, as the ultrapurist would have you say, "Am I not insured?" Well, why indeed avoid them, since passives are often necessary for clarity or emphasis: "Who wrote this book? — It *was written by Jane Austen.*" Yes, I know; passives can be abused and overworked, but so can anything else. And besides, that's the subject of yet another column.

More difficult is the sentence-ending preposition. There's a rule against that, too: Never say, "That was the lease she got out of." And here, there's a good reason for the ultrapurist's rule. Primary emphasis in an English sentence ordinarily falls at the end, and you don't want a miserable little no 'count preposition to hold that final place of emphasis.

Very well. On this logic, I try not to end my sentences with prepositions. I almost always succeed. But look: English verbs often come in packages. People don't just *go*: they *go to, go up, go down, go over, go after, go along, go along with*, etc., etc., etc. What am I supposed to say, "Are those the bills over which he'll go?" As Churchill phrased it, that is something "up with which I will not put." Sometimes, you have to nail that preposition right there at the end of that sentence, and just walk away and forget it. It's nothing to be *worried about.*

I know you've heard another purist superstition, the injunction against the use of the word "I," again "in formal writing." I can't find a reason for this rule. Or perhaps I should say:

> No reason can be found.
> One cannot find a reason.
> We cannot find a reason.
> The author cannot find a reason.
> Reasons are strangely difficult to find in this instance.

The truth is, "I" is a word like any other word. It can be overused: "So I sez to her, I sez, look, jest cuz I drank a coupla highballs . . . " It can be misused: "Just between you and I." But the persistent attempt to avoid it betrays a bad conscience. You *want* to say "I." You *need* to say "I." Now, for the love of God, just go ahead and *say the word "I."*

And while you're at it, be enough of an individualist to indulge a bit of cynicism. As the redoubtable H.W. Fowler argues (in his "Modern English Usage"), there's nothing wrong with a split infinitive, except that some purists don't like it. I would add, this is the only offense that some "purists" recognize. (They're pure, all right — too pure to allow themselves to be sullied by thought or reading.) And that's sufficient reason to avoid it — if you're applying to law school.

But who'd want to do that?

we pull back troop levels in 2008?") and instead proposed debating foreign policy. He argued that we should follow the Constitution, declare war before going to war, and not engage in aggressive wars that make us less safe. In response to his urging as rapid a pullout of American troops as possible, moderator Chris Wallace of Fox News asked, "So, Congressman Paul . . . you're basically saying that we should take our marching orders from al Qaeda?"

My biggest fear: bin Laden will announce that he favors less government, personal health and retirement accounts, and a lower, flatter tax rate.

My biggest hope: bin Laden will encourage Americans to watch Fox News with Chris Wallace. —Ross Levatter

Chicago vs. Austria — In the July/August 2007 edition of The Free Market, published by the Ludwig von Mises Institute, Llewellyn Rockwell, president of the Institute and its guiding force, titles his opening piece, "It's the 1930s All Over Again." I read it in hopes of an Austrian-style analysis of likely near-term monetary policy, but Rockwell's focus is largely political. At the same time, current likely near-term policy actions by the Federal Reserve Board to lower interest rates, probably in the vicinity of 0.5 to 1.0 percentage points (cumulatively) over the next six months, leads to the question of how this likely policy action should be analyzed from an economic point of view — or contrasting economic points of view.

From an Austrian perspective, it would appear likely that interest rate cuts by the Fed could contribute to an unsustainable boom and excessive production of capital goods intended for early stages of production. From a monetarist perspective, interest rate cuts should lead to increased economic activity — increased from what might have been the case over the next 18 months or so.

In this writer's view, the monetarist analysis is more plausible. Rockwell's bearish prospect reflects the Austrian analysis: "The American economy may look good on the surface, but underneath the foundation is cracking. The debt is unsustainable. Savings are nearly nonexistent. Money supply creation is getting scary. The paper money economy can't last and won't last. One senses that the slightest change could bring about massive wreckage."

Rockwell should be commended for putting his analysis in the form of candid predictions about the future — unsustainable debt, excessive money supply creation, and so forth. If the economy booms in the next several years, then these predictions will have proved faulty, and perhaps the Austrian analysis of economic activity could be reconsidered. Conversely, lowered interest rates will show the importance of monetary policy, if the economy reacts as it traditionally has — namely, to grow.

Kudos are also due to the Ludwig von Mises Institute for its sponsorship of the long-awaited biography of Ludwig von Mises, doyen of the Austrian school of economics. The book should be out any day now. — Lanny Ebenstein

Home, home again — While debate about immigration rages on, it's useful to keep a demographic principle in mind: populations flow to areas of declining or aging population. In demographics no less than in physics, nature abhors a vacuum.

In times past, Ireland exported massive amounts of its population. Irish immigrants poured not just into America, but also into Australia, Canada, South Africa, and elsewhere. The numbers that flooded into America caused a tremendous nativist backlash, and calls to halt all immigration were as common as they were loud. But recently, as Ireland has modernized its economy (becoming the Tiger of Europe), and its population shrinks, it has been welcoming immigrants from all over the world. It is even running ads in foreign papers to lure back earlier emigrants.

A fascinating new illustration of this law of demographics is the case of Japan. The Japanese have traditionally been very insular people, unwelcoming of immigrants. Between 1639 and 1854, Japan let in virtually no foreigners. The only modern period in which immigration was significant was before and during the Second World War, when Korea was a Japanese colony and several million Koreans came to Japan.

But times are changing because of new Japanese economic and demographic realities. The Japanese economy has been sluggish for more than a decade, and it faces some major demographic challenges. Its working-age population (people 15 to 64 years of age) peaked in 1995 and will drop an additional 15% by 2025. The Japanese are seeing their baby boom generation start to retire. Without any immigration, they would be looking at dropping to one retiree for every worker.

So they are adapting. Over the last decade the number of foreign workers in Japan has risen 27%. Like Ireland, Japan is now trying to pull back earlier emigrants and their descendants. This includes over 300,000 ethnic Japanese from Latin America (primarily Brazil), who have moved back to Japan under special visas.

It also includes 68,000 temporary workers brought over under a special trainee program. These workers can stay up to three years. They are, if we may speak openly, guest workers. Many of them come from China and the Philippines. The Chinese are especially sought by the Japanese garment industry, which — like our own — has been beleaguered by competition from low-wage countries such as China and India. The Filipinos are helping harvest crops on Japanese farms, keeping Japanese agriculture alive as younger native Japanese flee farms for the cities.

Increased immigration has caused conflicts within Japanese society, conflicts that will no doubt grow with the rise in immigration. Even the ethnically Japanese immigrants have lifestyles that native Japanese find jarring, and of course those who are ethnically different are even more challenging. But

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the Japanese are beginning to deal with their demographic situation.

We face our own realities. For 30 years, with all the social changes wrought by the sexual revolution, women's liberation, overcrowding in schools, legalization of abortion, and the rise of the knowledge economy, American women bore children at a rate below population replacement (2.1 children per woman). Even now, and even when one includes the contribution by recent immigrants, who tend to have larger families, our rate of childbirth is barely at replacement level. And our baby boom cohort is especially large — 78 million, 26% of the entire population. As the boomers bust, heading off for retirement and then for the ultimate trip, social stability dictates a certain respect for the notion of allowing immigrants.

The Japanese are confronting their demographic reality, and they don't have anything like our tradition of immigration and ethnic diversity. I hope that we Americans can cope with our own problem. — Gary Jason

New idea (150 years old) — Both politicians and the public take it for granted that the Minneapolis bridge collapse illustrates the need for bigger government. In record time, Governor Tim Pawlenty recanted his previous opposition to a gas tax increase for bridge and road repairs. Few even considered that the collapse might illustrate the dangers of relying too much, not too little, on infrastructure provided by government.

One hundred fifty years ago, the politicians of Nevada, who faced an even more daunting infrastructure crisis, came to a different conclusion from those reached by the likes of Pawlenty.

Instead of increasing governmental involvement, they turned to the private sector. The state legislature granted dozens of charters to companies and individuals to construct and maintain roads. Between the 1850s and 1880s, local entrepreneurs financed, built, and operated more than 100 toll roads and bridges. This represented an enormous amount of activity in an area with very few people.

While some grumbled about paying tolls, even the sternest critics acknowledged that privatization brought dramatic improvements in quality. Referring to the Placerville Road, which had previously been maintained by government, one observer commented that "a narrow, dangerous, wretched trail [which] was scarcely fit for the passage of sure-footed pack-mules" had been transformed into "a broad, compact, well-graded highway, which might fairly be likened to an old Roman road." — David Beito

Neg-am renegs — Why is state-administered bankruptcy protection available to foolish borrowers?

Much is being written right now about the effects that the federal bankruptcy reform laws of 2005 have on the current chill in the housing market. The theory is that the more-strict bankruptcy rules encouraged some people at the margins to refinance with subprime loans in order to delay credit card debt reckonings. This may or may not be a precise analysis — but it has directed popular outrage at subprime lenders who loaned expensive money to dubious debtors.

That doesn't make sense; the lenders are just market agents. Popular outrage should be directed at a federal bankruptcy system that — even with its 2005 reforms — encourages people to borrow recklessly. We shouldn't do away with subprime loans; we should do away with voluntary bankruptcy protection. It's a state mechanism that, claiming to regulate, interferes with market efficiency. Some defenders of the bankruptcy system claim that it helps capital markets deal with bad debt quickly; but credit card lenders have, until recently, loaned to recent bankrupts because they can't file again for seven or more years. That's not efficient; that's perverse. Defaulting debtors shouldn't be able to hide behind the skirts of Mother State. If they've borrowed more than they can pay, let them deal directly with their creditors. And be "unlendable" for more than a few years.

Historically, bankruptcy was a legal device used most often by lenders to prevent reckless borrowers from continuing in their profligate ways. The current notion of bankruptcy — as a tool for rehabilitating debtors — turns that original notion on its head.

One silver lining to the real-estate market reckoning we may be seeing this year and next is that mortgage lenders who jumped at quick loan origination fees may be forced to renegotiate with their zero-down, negative-amortization borrowers. That's better than a government bailout. — Jim Walsh

A man-eat-cow world — Football star Michael Vick became a pariah after he pleaded guilty to charges of organizing dog fights. While I find dogfights a sick form of entertainment and refuse to trust any person who doesn't love dogs, I can't see what all the fuss is about. Right-minded people who were shocked to learn that Vick's losing dogs were often executed shouldn't be so easily disturbed.

Animals are used all the time and in many ways for human amusement. There's horse racing and dog racing; both sports have histories of executing losers. There's also bull and cock fighting, which are both pretty harsh realms. Personally, though, if I were reincarnated as a bull and given the choice between being castrated, fattened, and led down a chute to my electrocution or having a chance to gore the swishy Spanish guy in the sparkly suit before I died, I would take my chances with the toreador.

There is a danger in this country of a soft-headed anthropomorphism — that is, of well-meaning dunderheads elevating animals to the human level. PETA and the Humane Society both fight for what they call "animal rights." That is an utterly impossible notion. The lower orders of animals are not self-aware. They are incapable of practicing religion or publishing a newspaper, so the First Amendment is utterly wasted on them.

Animals are property. This might sound cruel but, in the

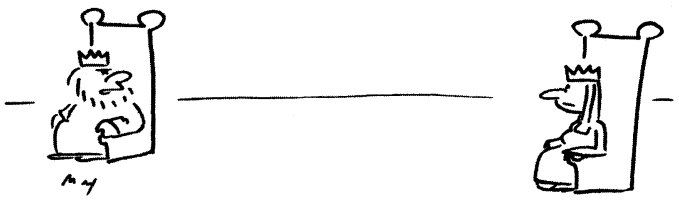

"You *are* distancing yourself, aren't you?"

long run, an unsentimental clarity is the most humane way to treat property that can wag its tail. For the most part, intelligent people treat their property with respect and don't like to see it abused or mistreated.

Even wild animals thrive when treated as property. African countries have learned that by giving people the right to hunt elephants legally, they can reduce the amount of poaching that goes on. Here in the United States, endangered species like the alligator and bison have seen their populations rebound when Americans started eating them again.

A delicious animal will never go extinct. — Tim Slagle

A rose by any other network — Has anyone else noticed that the disconnect between contrasting presentations of the news has become greater than at almost any time in the past half-century? When one listens to Fox and CNN, vitally contrasting perspectives of political situations, especially the situation in Iraq, become a veritable gulf.

According to Fox, Iraq may wind up smelling like a rose in the next few months, as sectarian violence subsides and the government finally gets its act together. American troop withdrawals are near.

From the perspective of CNN, however, at least until very recently, it was inevitable that the American involvement in Iraq would lead to a complete disaster, worse than anything yet seen. To be sure, some worst-case scenarios now seem to be less likely, because of a temporary decline in the chaos and violence. But the CNN view seems to be that this is unlikely to continue and a more or less forced United States withdrawal in the face of escalating violence, civil war, possible partition

The AMA Goes After Big Box

by Gary Jason

Guilds are associations of people in a particular profession or trade. In recorded history, guilds go back at least six millennia, to ancient India and Mesopotamia. But they are likely as old as the division of labor itself. Guilds typically have two aims, one noble and one quite ignoble. They aim at keeping the standards of performance high, but they also aim at keeping their own incomes high. To do the latter, they typically aim at limiting free choice for consumers.

In other words, in the argot of the economists, guilds are classic "rent-seeking" institutions. Any guild will expend great effort to get the powers that be to grant it control over who gets to learn the trade, and more importantly, how many get to do so. It will also try to get those in power to limit relevant technological know-how to its members. And wherever it can, it will get those in power to force all customers to patronize only its members.

Worse yet, a guild will often disguise its greed for more income by using the rhetoric of quality control to justify its monopolistic practices.

The heyday of guilds took place in the Europe of the Middle Ages, through to the 18th century. What helped to break their stranglehold, thus opening the door to the industrial revolution, was the rise of classical liberalism. One of Adam Smith's many accomplishments was to provide intellectual ammunition for the war to liberate trade from the domination of the guilds.

But guilds still exist. In the U.S., we have (among others) the Screen Actor's Guild, the Writer's Guild of America, the American Association of University Professors, the American Medical Association, and — most powerful of all — the numerous bar and trial lawyers' associations. They do what guilds have done for millennia: keep their incomes high by restricting access to knowledge, restricting their own membership, and forcing monopoly on the hapless consumer.

A recent illustration is the push by the AMA and other physicians' guilds to stop the rapid growth of inexpensive health clinics, called "convenient care clinics." The clinics are typically located in retail stores, such as CVS, Target, Wal-Mart, and Walgreens. Currently, there are 730 such convenient care clinics in the U.S.; but the numbers are likely to skyrocket, because they are a "win-win" for retailers and patients.

The retailers win because people who go to the clinic can fill their prescriptions at the in-house pharmacy and may also do some other shopping. It works the other way, too: people shopping for clothes or whatever may pass a clinic and see a sign advertising (say) flu shots, then decide to get their vaccinations while the subject is on their minds.

The patients win because they get very low-cost care for minor ailments. (For any major ones, of course, they still need to go to the doctor or hospital.) Prices are all preset at a low level: simple vaccinations for $15, or treatment of simple problems (such as strep throat) at around $50. In many places, these costs are covered by insurance, including Medicare.

Convenient care clinics can offer such low prices because of a number of factors. First, the rent is automatically covered by the big box store of which they are a part. Second, the usual economies of scale enter in: flu vaccine is cheaper for those who buy a hundred thousand units at a time than for those who buy a hundred. Third, they tend to employ nurse practitioners, i.e., nurses with additional training (typically at a Master's Degree level), who can treat (including prescribing medications for) a limited number of medical problems.

But the growing popularity of convenient care clinics is making the AMA and other physicians' guilds feel threatened. They are using their political clout accordingly — and predictably. The AMA is pushing for and getting increased restrictions and regulations on the clinics. It argues that nurse practitioners are not sufficiently quali-

of Iraq, and possible intervention by Turkey or Iran, is entirely possible.

The next few months in Iraq will be very interesting to watch. It should become possible to see which perspective on the news, that of Fox or that of CNN, will prove more accurate. — Lanny Ebenstein

Back in the USSR — An Aug. 17 AP report reveals yet another unfavorable consequence of the flood of dollars going to oil-producing states. Russian president and Stalin manqué Vladimir Putin has ordered his air force to resume long-range strategic bomber flights. Yes, once again Russian bombers, stuffed with nuke-tipped cruise missiles, will fill the skies off Norway, Iceland, and the corner of Russia directly across the Bering Strait from Alaska.

This is just the latest in a string of aggressive displays aimed at showing the world in general and the United States in particular that Russia is reasserting itself militarily. Sometime back Putin announced that he would reprogram missiles so they would once again be aimed at Western Europe. Just recently Russian bombers flew toward Guam (something they hadn't done since the end of the Cold War) and tested British airspace. This from the same Putin who has jacked up military spending across the board, lachrymosely mourned the collapse of the Soviet Empire, and meddled ceaselessly in Georgian and Ukrainian politics. Not to mention staking a claim to the bottom of the ocean under the North Pole (which is looking more commercially viable because of the melting of the Arctic ice sheet).

In short, if the Cold War hasn't returned, we are at least in a Chilly War.

What is fueling the Russian ambition to reestablish its former empire? Massive amounts of petrodollars. The flood of revenue funds not only Putin's increasingly aggressive foreign policy but also his increasingly bold and blatant elimination of Russia's all too brief democracy. It is the same flood of petrodollars that supports Hugo Chavez's aggressive foreign policy and continued takeover of Venezuela's formerly democratic system, not to mention Iran's increasingly belligerent military adventurism (soon to be nuclear powered) and its increasing repression of its own citizens. These are the same petrodollars that have flowed into Saudi Arabia, which in turn has funded terrorist organizations devoted to our annihilation.

For this dependence upon foreign oil and the consequent transfer of wealth to a flock of autocratic countries, we have to thank, in large measure, the environmentalist Left. It has done a superb job of choking our domestic energy industries.

Coal? The enviros hate it. They don't want us to burn it, or even dig it up to sell to others. Domestic oil? Fuggedaboutit. For a decade, the enviros have stymied attempts to open up ANWR. They have successfully opposed drilling the ocean floor between Florida and Cuba. (Thanks to them, the Chinese and Cubans will get all that oil.) Their view on domestic oil is: don't explore for it in places where it might possibly be, don't drill for it in places where we already know it is, and — oh, yes — don't build any new refineries for the stuff we are already pumping.

Hydroelectric? The enviros not only oppose any new dams; they'd like to tear Hoover down tomorrow. Nuclear? After killing the industry in the 1970s, the enviros want it to stay dead.

The preferred energy sources of the enviros — wind, solar, and bio-fuels — obviously can't possibly cover the energy needs of this country. This leads us to their hope for massive "conservation." What they really desire seems to be a kind of green heaven-on-earth, with a huge contraction of economic activity (few cars, little mobility, tiny homes, few factories, etc.) and a huge drop in population.

People are free to believe whatever religion they choose. But the neo-Romantic environmentalist faith has taken a horrific toll on other countries' freedoms, and that toll will only increase on America. — Gary Jason

Racism and Merlot — Last week, I drank with a racist.

At a cocktail reception for Harvard lawyers, she told my friend, a Hispanic lawyer, that retiring Hispanic judges should

fied, that the clinic rooms aren't large or sanitary enough, and that it is dangerous to encourage patients with possibly infectious diseases to mingle with the general public.

These complaints are of course overblown. The nurse practitioners are limited in the ailments they can treat, and a study (to be published shortly in the American Journal of Medical Quality) of 60,000 patients who went to one company's clinics for treatment of sore throats found that over 99% got the proper care. These results are consistent with other studies of the track record of nurse practitioners. And of over 4,000 patients of RediClinic surveyed earlier this year, 97% said they would recommend the care to their friends and family.

As regards the standards for size and sanitary quality, the clinics have been quite responsive. MinuteClinics that once lacked a hand-washing station (using hand-sanitizers instead) have now installed sinks. And as to the infectious mingling with the general public, well, they do so already.

But the physicians' guilds have scored some victories. Florida has passed a law requiring clinics to post notices about whether any physician is present and about his or her professional credentials. A push is on in Massachusetts to limit how often patients can use convenient care clinics. And this year California passed a law that limited ownership of retail clinics to doctors.

Yet the AMA and the state physicians' guilds ought to be very careful about their short-sighted rent-seeking attacks on convenient care clinics. There is growing pressure in this country for socialized health care, and limiting consumer access to low-cost care will only increase that pressure. Socialized medical care would be an even bigger disaster for America than it has been for Britain and Canada. After all, those systems are free riders on the current competitive American system. We develop the vast majority of new treatments and equipment, and of drugs that save lives; the socialized systems then adopt what has been developed here.

In short, doctors who feel threatened by nurse practitioners and simple economics ought to remember how many physicians fled Britain and Canada after they socialized *their* systems, and how lousy the pay and working conditions are for those who remained. Then they should get out of the way and let the clinics grow.

arrange whenever possible for Hispanic successors. I gently asked her was that not a sort of racism? She made the usual arguments for affirmative action and for proportional representation of her ethnic (or linguistic?) group in the professions. I suggested that the process might taint the reputations of its beneficiaries. To that, she violently agreed. It was just awful how white professionals assumed that brown ones got their positions through affirmative action.

She appeared to be a bright person, so I was surprised that she stepped so swiftly and willingly into my logical trap. (It certainly wasn't original.) Maybe she is not old enough to remember a time when anyone dared challenge affirmative action in polite society. In any case, I waited for the other shoe to drop. I enjoy doing that — smiling quietly until my opponent in rhetoric begins to make my own arguments for me. She obligingly backpedaled and told me that she did not advocate promoting people who aren't perfectly qualified. I heartily agreed with the sentiment and poured her another glass of Merlot. The wine was good.

Then I asked her if faced with a couple of qualified candidates, one Hispanic and one white and clearly better qualified, what she would do. After long hesitation, she said, "Hire the white guy." So we agreed; no affirmative action, right? Well, no. But she couldn't tell me why not.

Feeling that her side needed bolstering, I guess, she attacked with a dull, ugly weapon: "What do you know about it? What's your ethnic background?" That "argument" was so pitiful that I again waited for the other shoe to drop, but she waited me out. So I asked in return, "If I'm Hispanic, you will agree with me more thoroughly?" "No," again.

She looked a little deflated, and I wanted to help. "How's this for affirmative action?" I asked. "The old white judge naturally finds a younger white guy to succeed him. There's a better qualified Hispanic candidate, and the judge isn't exactly prejudiced; he just knows and likes the white guy, a nascent good ol' boy." That enthused her. It happens all the time; it drives her mad.

I drank with a racist, and it wasn't so bad.

— Michael Christian

To bee or not to bee — As fall approaches, it looks like the second hurricane season after Katrina is going out with a whimper. Despite apocalyptic talk that global warming was going to make hurricanes stronger and more frequent — that 2005 was just a taste of what was in store — it looks like the doomsayers were dead wrong.

Scientists have historically been inferior prophets. Thirty years ago, the biggest threat facing North America was killer bees; by the year 2000, they were supposed to have swarmed the United States, leaving death in their path. Instead, we have environmental alarmists wailing about an unexplained bee *extinction*, which will result in massive crop failures and leave a trail of starvation and death in its path. With or without bees, the common cry is that humans are going to die tragically.

Thirty years ago, heart doctors were claiming that butter was one of the worst things you could eat and that Americans should switch to margarine. Today, trans fat — a fashionable term for certain vegetable oils and a key ingredient in margarine — is considered one of the deadliest things you can put into your body. New York City has even passed legislation banning restaurants from cooking with trans fats.

I've always had a rule of thumb for measuring predictive ability: somebody who can truly see the future won't live in a dump. People like Warren Buffett and Bill Gates are far more prescient than your other-side-of-the-tracks fortuneteller working out of her living room with a neon sign in the window. Since many academic scientists live in efficiency apartments reeking of ramen noodles and sweatsocks, I doubt that any of them can see much further into the future than the next episode of *Stargate SG-1*.

— Tim Slagle

Free to be unfree — Jonah Goldberg writes in the Sept. 10 National Review of "the glory of federalism" — and concludes that federalism is good because it allows communities to limit freedom. This perverse reasoning seems to me characteristic of the conservative under-

That which is about to fall

"I did not have sexual relations with that woman."
— President Bill Clinton, Jan. 26, 1998, at a press conference

"It depends on what the meaning of the word 'is' is."
— President Bill Clinton, Aug. 17, 1998, during his grand jury testimony

Regrettably for Bill, these are his words that are most likely to become immortal.

Memorable words, though not quite in the class of Leonidas' at Thermopylae when, in answer to the Persians demanding his weapons, he said, "Come and take them," or when the sun was blocked with arrows and he merely commented, "Good. Now we can fight in the shade."

But heroic words rarely come out of the mouths of elected politicians.

Many pompous types dislike Clinton for supposedly having brought the presidency into disgrace. That's ridiculous. Whatever nobility the presidency might have had in the near-mythic days of Washington, Adams, and Jefferson has long been buried in tons of scandal, conniving, corruption, and treachery — all seasoned with megatons of low buffoonery.

There were plenty of things I disliked during the Clinton presidency — especially the people around him in the White House — but he was actually head and shoulders above the likes of Johnson, Nixon, and Baby Bush.

What was really shameful about his impeachment was that it was basically about a trivial sexual episode. Whatever happened, it should have been left to Bill, Hillary, and Monica to sort it out. It was certainly no business of the self-righteous, hypocritical, moralizing Republicans.

But I always look on the bright side. Every incident of this type serves to degrade the government in general, and the office of president in particular. In the past, when America was still an honest yeoman republic, I might have disapproved. Now, with the state having become overwhelmingly large, paranoid, and dangerous, one of our best hopes is that people will come to view it as a laughing stock, delegitimizing it with contempt.

— Doug Casey

standing of federalism, and different from the libertarian understanding of it.

Most American libertarians believe local government is preferable to national government, where practicable, because subsidiarity is more friendly to liberty than centralization. They prefer that decisions be made at the closest possible level to the citizens who will be affected. But libertarians want freedom for everyone: they're not concerned with protecting the "right" of small towns to pass blue laws or enact zoning regulations, but with creating circumstances under which government is most accountable to citizens.

When I hear conservatives talking about federalism, I realize they mean something else, and it can be found in Goldberg's defense of federalism: "America has always been a cornucopia of religious and cultural minorities. . . . The Founding Fathers had a solution to this challenge: federalism. By leaving questions of how people should live up to localities, they ensured that the people themselves would sort these questions out. Some communities would choose to define liberty very narrowly, [and] others would embrace cosmopolitanism or even debauchery."

I live in Seattle because I like the climate, the coffee, and the atmosphere of social tolerance. Seattle happens to be full of left-wing crazies. Does that mean I should be content to pay extortionate taxes, acquiesce in regulation of smoking and trans fats, and take public transit everywhere I go? I suspect most conservatives would say I'm not obliged either to move or to shut up, but that I may legitimately advocate greater freedom from the city fathers and county-council nannies who want to run my life.

There are ways for communities to "set standards" *without* violating rights. They can take advantage of property rights to create associations of like-minded residents, as in gated communities. More radical thinkers might reimagine what a community is, as in the sort of society David Friedman outlines in "The Machinery of Freedom." But if the law says I cannot drink beer in public from an open container (to use one of Goldberg's examples) — or that I can't engage in a certain consensual, private sexual behavior — or limits in any other way, however small, my right to do something only because my neighbor doesn't like it, I am no less oppressed because the gun's being pointed by a small-town thug, rather than a federal one.

— Patrick Quealy

Golden nukes — California has long been a green citadel: the environmentalist lobby has usually gotten everything it desired and more from the California state government. This is leading to an interesting case of deja vu all over again.

Environmentalists have recently gotten the California legislature to pass a law mandating a 25% reduction in carbon dioxide by 2020, in order to combat global warming. The Governator, a big greenie himself, supports this draconian piece of legal dreck. So, during a period when the population of the state is projected to grow by a fifth, greenhouse gas emissions must be cut by a fourth. Naturally, the law doesn't indicate how this is to be managed.

Consider the current system of electrical power generation. Most electrical power in the state is obtained from natural gas and coal-fired power plants, both of which produce lots of greenhouse gases. Coal is particularly troublesome in this regard: besides the other pollution it creates, it yields greenhouse gases at a rate more than double its contribution to the power grid. Not to worry, though: the enviros got the state legislature to pass another law requiring the complete phase-out of all coal usage in the state over the next two decades!

All this is beginning to make nukes look attractive again, even in the green-addled state of California. The four reactors permitted to operate here produce 13% of the state's electricity. We have *only* four, because an environmentalist-backed initiative passed in 1976 banned the construction of new nuclear power plants. Those four, plus the 100 other plants operating in America, produce a fifth of America's power. The 59 nukes operating in France produce nearly 80% of its power, and the ten in Sweden produce nearly half of its power.

Given the new green diktats, sentiment is growing to revisit the issue in California. State Assemblyman Chuck DeVore has introduced a new initiative to restore the right of California power companies to construct new plants (under tight environmental and seismic restrictions). This initiative, with the formidable name of the California Energy Independence and Zero Carbon Dioxide Emission Electrical Generation Act, is aimed at the June 2008 election. To get it on the ballot, DeVore will need to gather 700,000 signatures of registered voters by this November.

With not much of a war chest to spend on advertising, and with the environmentalist lobby apt to fight him tooth and nail, it will be a tough fight. But now that the green-enacted laws mandating steep cuts in greenhouse gases have wonderfully concentrated the voters' minds, he may just have a chance.

— Gary Jason

Aaron Russo, RIP — At the Libertarian Party convention during the summer of 2004, the presidential nomination was competitive. Aaron Russo drew the most votes on the first two ballots but lost on the third ballot, when his two main rivals combined their support.

That convention was the first time that many libertarians had heard of Russo. He was a "Hollywood guy" who struck a few as abrasive . . . but many more as passionate and direct.

Russo was a strong character. He was born in working-class Brooklyn but raised in the middle-class suburbs on Long Island; he had an intense personality and restless intelligence. While still a high school student, Russo started producing local rock and roll concerts. His intensity was a good fit for what could be a tough business.

In the late 1960s, the music business took Russo to Chicago. He owned a popular nightclub called Kinetic Playground; and "kinetic" was a good word for the man. He made a national reputation in the music industry during those years — working as a promoter or manager for acts like Led Zeppelin, the Who, the Grateful Dead, and Janis Joplin. While rock-and-roll paid the bills, Russo's musical interests were broad, including Chicago's jazz and blues scenes; and he developed an autodidact's interest in everything from art to history to politics.

In the early 1970s, he took over as business manager for the New York-based cabaret singer Bette Midler. Under Russo's management, Midler grew from a quirky singer on the fringes of the New York scene to a major recording artist. He booked Midler on Broadway, teaming her with jazz great Lionel Hampton in the extremely popular "Clams on the Half-Shell Revue."

continued on page 46

Tiebreaker

by Bruce Ramsey

Once race gets involved in decisions about schools, you can expect some curious "logic" to evolve. One thing is certain: the individual student will no longer be important.

The U.S. Supreme Court's 5–4 decision of *Parents* v. *Seattle Schools,* which outlawed the use of race in assigning kids to public schools, was of special interest to me. I live in the city it concerns, and have a son in the high school where the case began. The school had refused to admit a Caucasian boy because the school was "too white," and his mother went to court. The outcome of the case, decided this summer, will not change anything for my son, but I care about it and have publicly attacked the school district's position on it.

It was a case with strong beliefs on both sides. My side believes that government should not use race to determine admissions to schools. Though Seattle is a left-leaning city — it votes 80% Democrat — there are many who agree with me on this, though all community leaders publicly oppose it. Some are being politically "correct," but many believe the public schools are morally obligated to discriminate by race — even, in the case of liberal whites, to discriminate against their own race.

They don't call it discrimination; they call it *desegregating*. The two sides in this debate use language differently. The Seattle Schools argued that discrimination is about *exclusion,* and that its policy was aimed at *inclusion* and therefore was not discriminatory. The school district's champion on the Supreme Court was Justice Stephen Breyer. In his dissent, which was signed by Justices Ginsburg, Stevens, and Souter, Breyer argued in support of "racial limits that seek, not to keep the races apart, but to bring them together." But when individuals are in a queue, and there are not places for everyone, allowing someone to cut in line means that someone else loses a spot. *In*clusion implies *ex*clusion. It is discrimination still. I agreed with Chief Justice John Roberts when he wrote, "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."

He was thinking in terms of individuals. The other side thinks in terms of groups. When the Seattle case was at the state supreme court, that court supported the school district, arguing that it had "a racially neutral plan, which gives no race an advantage over another." Not "no individual," but "no race." This was the same manner of thinking that, a century earlier, had justified segregated schools. In the 1896 case *Plessy* v. *Ferguson,* the U.S. Supreme Court had said that separate railcars for black and white passengers had "no tendency to destroy the legal equality of the two races."

But actually, Seattle's plan was not racially neutral. The mechanism was neutral, but its categories were not. It defined only one race, the white race, which created two categories, white and nonwhite. The school district collects much more detailed racial data than that, and could have had a plan with more than a dozen races, but stopped with white (meaning non-Hispanic Caucasian) and all others. If you were white, your race was a separate category. I don't recall anyone arguing that this aspect was unfair to whites, because the unfairness was not obvious. The plan did not always disfavor whites, though it disfavored them more often than it favored them.

Each side in this dispute claimed to be fighting for the legacy of *Brown* v. *Board of Education*, the 1954 case that ordered the desegregation of public schools. But each side read *Brown* differently. To Chief Justice Roberts, what Brown forbade was "legally separating children on the basis of race." He had said this in his confirmation hearings at the Senate, and it is what he said in his opinion. To him, Brown banned a governmental practice — discrimination. To the other side, Brown proclaimed a social objective — equality — the pursuit of which *justified* discrimination.

There was a similar divide regarding the terms "segregation" and "desegregation." To Justice Clarence Thomas, to say that students were segregated implied that someone had segregated them. Segregation implied a segregator. To *desegregate* meant to undo the immediate consequences of having segregated. To the supporters of the Seattle plan, to desegregate meant to manage the racial balance so that it didn't "resegregate" by itself. On the day the Seattle Schools lost the case, the district's in-house attorney said at its press conference that Ballard High School's white population had risen from 56% to 62% since the "racial tiebreaker" had ended in 2002. Ballard, he said, was "resegregating."

At Ballard, the tiebreaker had made a difference of six percentage points. From this, you might think the Seattle Schools went all the way to the U.S. Supreme Court to defend a policy that made no dramatic difference. And you would be right. That is one of the ironies: numbers-wise, *Parents* v. *Seattle Schools* was not about a lot.

It used to be more. In the 1970s, the Seattle school board adopted a plan to bus thousands of kids around the city to achieve racial balance. Other cities were being ordered by federal judges to do this, and Seattle might have been ordered, too, on account of a lawsuit that had been filed by a civil-rights group.

Seattle's public schools had never been segregated by law, but Breyer was right when he pointed out that the history was not as simple as Thomas made it out to be. A number of Seattle neighborhoods had excluded nonwhites by using racial covenants. I still have a record of the covenant on the lot my parents bought near Seward Park in 1940. It was reserved for the "white race." Racial covenants were made unenforceable by a Supreme Court decision in 1948, but Seattle's racial patterns have tended to persist and be reflected in the schools. Also, the schools were run mainly by whites. White parents elected the school board. White parents were more likely to complain on behalf of their own children, and get what they wanted. Yet the largely white leadership was imbued with a certain amount of guilt about this, and took the civil-rights movement as its moral touchstone.

So, 30 years ago, the school board began mandatory busing without a court order. Supporters celebrated the idea that it was "voluntary" — and Breyer makes much of this in his dissent. Busing was not really voluntary for the board — there was that lawsuit — and for individual parents and kids it was not voluntary at all. For the city as a whole it was not voluntary, either: the people were never allowed to vote on it. Like affirmative action, it was *done*.

The first phase of busing lasted from 1977 to 1987. Enrollment in the public schools plunged. It had been over 100,000, and it fell to 50,000. Some of this was demographics, but much of it was the movement of families to the suburbs. Seattle is now the second most childless city on the West Coast, after San Francisco — and of the kids remaining, about 30% go to out-of-district public schools or private schools.

Most whites hated busing, and a lot of Asians, blacks, and Latinos didn't like it either. In 1988 it was modified, making it less draconian, but the white leaders of the school district dared not end it. They simply did not have the moral courage to do it. It took a black school board member plus a black superintendent — a former Army general named John Stanford — to end it. Stanford, who died on the job, is a public hero in Seattle for being a champion of academics, particularly reading. He was certainly that. It is not mentioned publicly that he also ended racial busing, though many are privately thankful that he did.

The tiebreaker was the Seattle Schools' third-generation racial program. There was a reason for having only two racial categories, white and nonwhite. On the one hand, it pitted all the other races against the whites, and none against each other. This fits the ideology of the Left, which argues that the real problem of the schools is white "institutional racism" against people "of color." The Seattle Schools' administration officially adopted this ideology, posting on its website a neo-Marxist definition of racism that applied only to whites, and that included the "white" value of "future time orientation" and having a culture "emphasizing individualism as opposed to a more collective ideology." This definition was attacked in 2006 in the blogosphere, George Will hooted at it in his syndicated newspaper column, and the district took it down — though the district did not repudiate it.

For all its radical patina, the tiebreaker was designed to apply to relatively few students. This minimized opposition. In actual effect, it was a leftist principle mostly for looks. It was, as I once wrote, "the perfect program for liberal Seattle."

Here is how it worked. Any ninth grader could apply to any of Seattle's 10 public high schools. To apply, you listed a first choice, a second, and a third. If your first choice had enough seats for every applicant, you got in. Tiebreaking took effect only for the five schools that were oversubscribed.

There were three tiebreakers. The first was siblings. If you had a brother or sister in the school, you were in.

The second tiebreaker was race. If the school's ratio of white to nonwhite was more than 15 percentage points different from the average for the district as a whole, and you "improved" the white-nonwhite ratio, you were in.

The third tiebreaker was distance from the school. The school chose the applicants closest to it. When the racial tiebreaker was dropped in 2002, this became the second and final tiebreaker.

When last used, the racial tiebreaker determined the assignment of 307 entering ninth graders. In a district of 45,000 students, this is not a big number. Furthermore, a good share of the 307 would have been assigned to the same school under the distance tiebreaker. That is, the racial tiebreaker *determined* their assignment but did not alter it. Also, not all the students who gained by the racial tiebreaker were nonwhites. At Franklin High, the district's most heavily Asian high school, the tiebreaker gave an advantage to whites. All of this was purposeful, so that courts might declare the plan "racially neutral."

That the actual effect of the plan was small was cited as a key fact by both sides. Justice Breyer made the entirely logical point that if Seattle's tiebreaker was illegal, "then *all* of Seattle's earlier (even more race-conscious) plans must also have been unconstitutional." But earlier judges had approved busing plans all over the country — therefore, Breyer argued, the vestigial remnant of those plans in Seattle was beyond reproach. Justice Roberts argued that Seattle's vestigial remnant was as bad in principle as the ones that did more harm, but that the Seattle plan accomplished almost nothing. And therefore, if it didn't do anything much, how could the Seattle Schools argue that its use was *compelling?*

Seattle had what appeared to be an educational argument: that racial diversity makes education better. This argument had won over Justice Lewis Powell, the swing vote in the 1978 *Bakke* case, and had since become the very nectar of political correctness. It was not, however, backed by much in the way of evidence, and it was not the argument you heard if you cornered an advocate in private. Then you heard that the ability to get into a mostly white school was good for a black or Latino student of academic promise, because the mostly white schools were better schools. The tiebreaker was good *because it benefited non-whites*. But the argument the advocates make in public, and that Seattle made in the courts, was that diversity benefited all students.

Justice Roberts didn't buy it. He pointed out that the district-wide student body in Seattle was 41% white, 24% Asian, 23% black, 10% Latino and 3% Native American. If Seattle's aim was racial diversity, why have only two categories, white and nonwhite? What was the educational rationale for that? And wasn't it interesting that Seattle assumed that the educational optimum just happened to be the average white-nonwhite ratio in the district as a whole? (Louisville, which had a similar case and was part of the same opinion, had assumed the same about its black-nonblack ratio.)

Having only two racial categories, white and nonwhite, pitted all the other races against the whites, and none against each other.

Justice Thomas brought up another thing: the African American Academy. If the white liberals who ran Seattle believed so deeply that managing white-nonwhite balance was a compelling necessity, then why did the district offer a K–8 school that was, by name (though not by law) for black students only? Wrote Thomas, "The Seattle school board itself must believe that racial mixing is not necessary to black achievement."

The Seattle Schools' administration posted on its website a neo-Marxist definition of racism that included the "white" value of having a culture "emphasizing individualism as opposed to a more collective ideology."

It was a fine rhetorical point, though really the school board's acceptance of a black academy is more a matter of politics than belief. Seattle offers a black school because a number of black parents want it, black organizations want it, and the mostly white board was not inclined to disappoint them. Seattle offers several other "alternative" schools, not defined by race, because other parents, mostly white and Asian, want them, and would otherwise defect to the private schools. It offers a special program to kids in the 98–99th percentiles of intelligence, and another for the 93–97th percentiles, for the same reason. School board members embody belief and respond to pressure. They are not always logical.

And judges aren't, either. Over seven years, the Seattle case went to federal district court, to a three-judge panel of the 9th Circuit Court of Appeals, to the Washington Supreme Court, back to the three-judge panel of the 9th, then to the full panel of the 9th, then to the U.S. Supreme Court. At each step, the previous decision was reversed.

Here is another odd thing. Seattle's policy was much more obviously illegal under the state constitution than under the federal one. The Washington constitution says:

> It is the paramount duty of the state to make ample provision for the education of all students residing within its border, without distinction or preference on account of race, color, caste or sex.

This was adopted at statehood, in 1889. It flatly bans what Seattle was doing. But the Washington Supreme Court looked the other way.

Seattle's policy was also obviously illegal under Initiative 200, a clone of California's Proposition 209. I-200 had been placed on the Washington ballot by petition and passed in 1998 — *one year* before Seattle's racial tiebreaker went into effect — with 59% of the vote. I-200 had been opposed by racial groups, community groups, organized labor, organized business, and every major media outlet in the Seattle area — and it passed in every county in the state except King County

continued on page 28

The Search for Home of Truth

by R. W. Bradford

Liberty's founder, R.W. Bradford, was a keen observer of the American landscape — with a sharp sense both for the timeless and for the immediate — the strange, the quaint, the fascinating, the outrageous. Liberty is pleased to present two samples of his uniquely interesting reportage.

— Patrick Quealy

Home of Truth, Utah — The description in my guidebook, a 1940 WPA guide to Utah, was intriguing: "Home of Truth Colony is a religious community founded in 1935 by Mrs. Marie M. Ogden, formerly a prominent welfare worker in New Jersey . . . members are required to transfer ownership of all property to the leader for use of the entire group, and thereafter are entitled to food, clothing and shelter. Mrs. Ogden claims that she founded the colony under divine guidance and that she allows members no meat, except fish and chicken, and forbids the use of tobacco and alcohol."

Wow! A charismatic leader who talks with God and imposes a utopian social order on the initiates — her Home of Truth Colony sounded like a cross between Jonestown, Guyana and Big Water, Utah, with a liberal dose of the fictional Starnesville of Ayn Rand's "Atlas Shrugged."

Especially Starnesville, where Ivy Starnes mixed oriental religion and food faddism with collectivism and low-tech to create a utopia. Like Ivy Starnes, Mrs. Ogden was apparently a person of some means: "She owns the county's only newspaper, the San Juan Record, printed in Monticello." And Home of Truth was a back-to-the-land movement, decrying the wasteful consumption of modern civilization: "The colony has no electrical nor sanitary conveniences; light is provided by candles and oil-lamps, and water is obtained from outdoor handpumps."

In exchange for electricity, Home of Truth promised peace: Mrs. Ogden "has prophesied that the grazing land beyond the gap will eventually be populated by thousands of Home of Truth colonists, and that the faithful will live in peace and prosperity while the rest of the world is caught in the destruction and misery of war."

I wondered: Did Home of Truth deliver on its promise? Did thousands of colonists find good grazing land beyond the gap in the mountains? Did they prosper while the world suffered from the carnage of World War II? Filled with religious fervor, appreciation of the simple, low-tech life, and an understanding of the compulsory sharing that underlies the princi-

ples of welfare, did they find the harmony and prosperity that they sought? Whatever became of Mrs. Marie M. Ogden and her devoted disciples?

My guidebook said that Home of Truth Colony was located on a dirt road 1.7 miles west of an oil-surfaced road at a point 11.6 miles north of Monticello, Utah. This point, my road atlas advised, was a scant 1,200 miles southeast of my home in Port Townsend, Wash. The atlas also showed that the road running north from Monticello was now paved. Assuming that the road was still where it was in 1940, I could certainly get myself there; if Home of Truth survived as a prosperous community, it would be easy to spot in the desert. I packed my camera and a thermos of lemonade, got on my motorcycle and set out to find it.

Southeastern Utah, for those of you who have not had the pleasure, is a lonely and beautiful place. It is desert country; and, like desert country everywhere, few people live there and those that do are a little strange. But in this part of Utah, it is the land that grabs your attention and holds it. Scrawny rivers flow through magnificent canyons. Vast flows of lava bake in the sun alongside towering spires of sandstone. There are more national parks than decent restaurants.

To the south — the direction I am heading — there are ominous clouds. To my left is a huge natural arch, more spectacular than any in Natural Arches National Park. My map has a tiny red square marked "Wilson Arch." I have never heard of it. Why is there no national park here, I wonder, no magnet for America's subsidized geriatrics luxuriating in behemoth Winnebagos and suburban families packed into tiny sedans? Perhaps its closeness to the highway accounts for its obscurity. If people can see it from the window of their car on U.S. 160, how can it qualify as a "natural wonder" worth a $5 per carload admission?

I speed by. I reach the point where I calculate that I must leave the highway. The road I select is paved now. I drive up it 0.6 miles and look to my left. Could that rundown shack be all that is left of "the Outermost Point," identified in my guidebook as "a group of frame buildings for the use of nonmembers and visitors?" Another 1.1 miles down the road, I look for "the Middle Section," which I quickly identify by the low Mesopotamian-style pile of rocks that I take to be "the unfinished cobblestone church" mentioned in the guidebook.

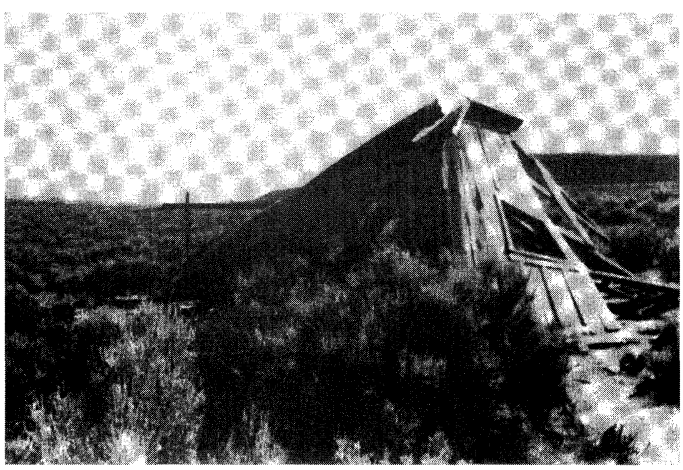

Ivy Starnes may have lived here.

I continue down the road another 1.3 miles. Sure enough, I come across a group of buildings that must have been "the Outer Portal" identified by the guidebook. This was the most developed part of the colony, the home of Mrs. Ogden and her elect.

It lay north of the road only a few hundred feet. I park my motorcycle and walk up a sandy track to the main group of houses. There is a deep gully in the track, where water runs during rainstorms. Anthills rise six inches high and a foot across. Four-wheel-drive trucks have been here since the last rain; tracks are all around.

Scrawny rivers flow through magnificent canyons. Vast flows of lava bake in the sun alongside towering spires of sandstone. There are more national parks than decent restaurants.

It is easy to spot which house was Mrs. Ogden's. It's the two-story one with several rooms and a long porch facing Shay Mountain to the southwest. "During the summer," the guidebook says, "the colonists make frequent trips to this mountain, remaining at its base while their leader ascends to the summit to receive revelations." Israelites at the base of Sinai while Moses ascends.

But there were no colonists at the base of Shay Mountain today, no Mrs. Ogden at its summit talking to God. Neither were there happy colonists in the Outer Portal or grazing land filled with the flocks of sheep and harmonious colonists beyond the gap. The houses are falling apart. If they were ever painted, there is no hint today. Every piece of glass is gone, every door is open. The only signs of 20th-century occupation are the scraps of linoleum on the edges of floors. Litter is everywhere — the sort of litter that isn't completely broken down by 40 years of the desert: fragments of rusty metal, bits of barbed wire, leprous tin cans, weathered boards torn from buildings. I look in vain for the ruins of an electric motor.

In front of one building is a length of concrete sidewalk; by another is some rockwork. Between two buildings I come upon two trash barrels, one labeled, "Keep Utah Beautiful." They are about half-filled with beer cans; and more beer cans are strewn about.

The Outer Portal has become a place for local teen-agers to drink.

To the south the clouds grow darker. I walk back to my motorcycle and return to the Middle Section. There is a dirt track into it, passing through a gap in a barbed wire fence. I

continued on page 28

Ashram in the Desert

by R. W. Bradford

Rajneeshpuram, Oregon — Like Home of Truth, Rajneeshpuram was founded in the desert as a religious community centered around a charismatic leader.

But the similarity doesn't go very far. Rajneeshpuram was large; Home of Truth, small. Rajneeshpuram was famous; Home of Truth, almost unknown. Rajneeshpuram was rich; Home of Truth, poor. And, ironically, while obscure Home of Truth is easy to get to — located only a few hundred yards from a paved road — well-known Rajneeshpuram is hard to find, a traveller's challenge.

In the early 1980s, Rajneeshpuram was the center of attention. Ted Koppel did live interviews with its officials and the motels of nearby towns were filled with reporters from around the world. Its story was widely known: A guru, who went by the name Bhagwan Shree Rajneesh had left his ashram in India and moved to the United States. Bhagwan's religious teaching combined ideas and techniques from the Western human potential movement with those of the Eastern tantric tradition of sexual mysticism, a doctrine that found a market among well-off Americans. Bhagwan ("God") moved to a ranch in central Oregon that had been purchased by his disciples and established a religious community, which he called Rajneeshpuram.

At its peak, somewhere between 2,000 and 5,000 people lived in Rajneeshpuram, and at one point another 15,000 or so visited to attend a religious festival. In the early 1980s, it appeared on road maps — a foreign sounding name on the southern border of Wasco County, about 50 miles northeast of Madras, a metropolis of 2,260 souls in the high desert of central Oregon.

Rajneeshpuram no longer appears on road maps. But you can find it if you want to.

◆

I drive south on U.S. 97 to Shaniko. In the early part of this century, as much as five million pounds of wool were shipped from Shaniko each year; but overgrazing turned the land to desert and, in the 1940 census, its population had fallen to 55. My map lists it as a ghost town.

I stop at its only remaining commercial building, a gas station. How many people live in Shaniko, I ask. Less than 10, I am told. I note the billboard announcing in red, white, and blue letters a huge federal grant to improve its municipal water system. The paint on the sign has peeled away in patches; it dates from the 1960s, when the town boasted a population in the 30s. Today, its few remaining buildings bake in the sun, decaying. Grass grows tall in what appears to have been a park.

I turn south on a paved county road, passing through Antelope, the town of some 30 or 40 people that lies only about 18 miles from Rajneeshpuram. It is late afternoon; I check my odometer as I turn east on SR-218. According to my map, the road to Rajneeshpuram is four miles from the intersection. I wonder: will I be able to distinguish it from other dirt roads?

I have forgotten that this is the high desert, where mountains, winter snows and freezing weather make road maintenance a real job. It is not the desert of Utah or Nevada, where a road can be plowed in the earth and remain in good shape for years. Roads are few in these parts. The first dirt track off the pavement I come to is about four miles up the road. This must be the place. I turn.

The road undulates and twists sharply as it climbs and falls. The only sign of civilization is a long-abandoned barn, left unpainted for decades, now the color of charcoal. On its

side a white sign in block letters proclaims, "BELIEVE ON THE LORD JESUS CHRIST AND YE SHALL BE SAVED." This, clearly, was not the ashram. About three miles up the road I come to an intersection. This seems too close to the highway. I continue. The road worsens. The turns get sharper, the potholes bigger, the grades steeper. It is hard work maneuvering my motorcycle but I proceed.

Where is the road to Rajneeshpuram? Should I have turned at the last road? Finally, I come to an intersection: an arrow to the left points to "Ashwood." From my map, I see that I am south of the road to Rajneeshpuram. I backtrack and turn down the road I had passed earlier.

It rises sharply but the roadbed is better. I cross a cattle guard. There is a huge sign, "PRIVATE PROPERTY ABSOLUTELY NO TRESPASSING, VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW, CONNECTICUT GENERAL LIFE INSURANCE CO., CO-OWNER."

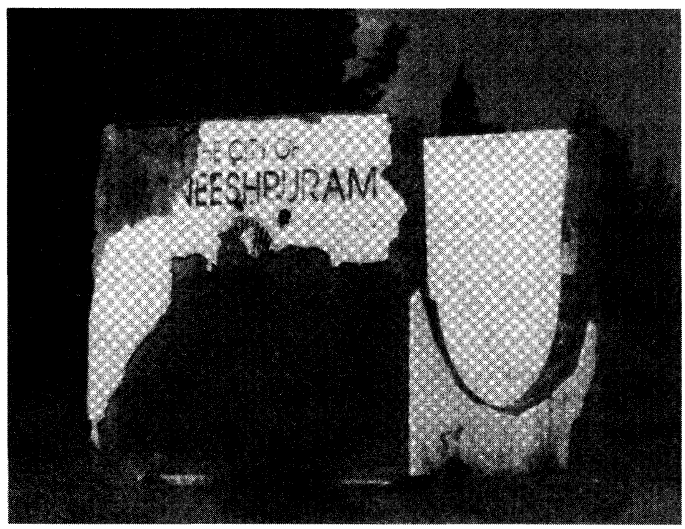

I am in Rajneeshpuram or, more precisely, I have entered the ranch the Rajneeshees purchased to build their home in the wilderness. The ranch is huge — over 100 square miles — and it is another eight or nine miles to the city proper.

Smoke rises somewhere in the distance. The air is fairly clear; but it burns my nasal passages and inflames my eyes. It is very hot and I grow apprehensive. Is Rajneeshpuram on fire? The only signs of man are the road and barbed wire fence and utility poles along its sides. Then I see a large concrete cube. On its front it says, *City of Rajneeshpuram.* It is chipped and parts are missing.

The road ascends sharply: My altimeter indicates I am more than 3,000 feet above sea level. The road twists and falls. The scenery grows more spectacular, with pillars of rock rising alongside the hills of muted grays, greens, and browns covered with scrub. The land is unkempt.

And then I see a lake, sitting incongruously alongside the road. As I reach it, I discover that it is a reservoir backed up behind a small earthen dam. Around another curve I see further signs of man. Buildings. An asphalt airstrip parallel to the dirt road. An apartment complex lies in a narrow ravine. It looks like it could be in a suburb of Denver. Or L.A. Or any other city. But not here, nowhere. On my left is a garage entitled "Siddartha." Modern street lights. Yellow poles labeled "Bus Stop" at intervals along the road. A bus station.

The road curves. On the left is a Victorian house, an incongruity within an incongruity. It is lovely and beautifully situated, surrounded by a creek and trees. The creek gurgles; four ducks swim in it. A breeze rustles the leaves of the trees. It looks like a nice place to live. And someone lives in it — a caretaker, I surmise. Next to it a street leads down a valley. There are many buildings down the street, but my view is blocked by trees along the stream; I cannot tell what they are. Like all the other side streets, it is barricaded.

I drive past a shopping mall. The road makes a large "S" curve. I drive on, past more bus stops, more buildings. An overgrown soccer field. A huge wall-less structure of the sort that prosperous ranches use to store hay. But it can't be for hay storage: the Rajneeshees were vegetarians and had no use for animal feed. More bus stops. More streets, all barricaded. It is impossible to see most of the town from the county road; all the side streets are protected by barricades and "No Trespassing" signs.

Then the town gives out. I turn around and return to the center. I park my motorcycle and take a good look at a large green building across from the mall. It is "L" shaped, with several bay windows and a covered walkway. Signs on the windows say "New Releases, Photographs, Paperbacks, Bhagwan Magazine, Bhagwan Audio & Video." A wooden sign on the side of the building warns, "Absolutely No Trespassing, All Violators Will Be Prosecuted To The Fullest Extent Of The Law, Connecticut General Life Insurance Co." Aside from a rain gutter swinging in the breeze, the building appears to be in good repair. I peer in through the windows. Empty. Careful to walk only on the county road, I take some photographs.

I walk toward the shopping mall. It is a two-story structure, with four sets of French doors at intervals on either side of its main entrance in the center. I pace it off: it is 300 feet wide. A large, slightly weather-beaten sign over the main entrance says, "Devareeth Mall" in elaborate lettering. One of the doors has " AIR SA ON" written on it: not some strange oriental institution but a hair salon. Part of the roofing material is missing near one end. Otherwise, the building is in good shape. It too is empty.

A ghostly town, but there is none of the decrepitude of a ghost town. It is a complete city, waiting in the desert for someone to live in it. Everything is new, modern. And empty.

◆

Mrs. Ogden brought her flock to the desert of Utah, some 700 miles southeast of Rajneeshpuram and 45 years earlier, to establish their own Promised Land. Her followers gave her all their property and lived a communal life. Their neighbors in Monticello didn't care much for the colony ten miles north of town, but they didn't do much about their dislike. Eventually, as the colonists realized that their religion was bogus, they abandoned Home of Truth. And today Home of Truth is dead, rotting in the wind and sun of the Utah desert.

Bhagwan brought his flock to the desert of Oregon to establish *their* own Promised Land. The ranch they purchased in July 1981 was 18 miles over a rutted, single lane dirt track from their nearest neighbors, 50 miles from the nearest city. They got the water for their colony by damming up the tiny creeks that result when the snow melts in the spring and by tapping the small aquifer that lies under their own property. It is impossible to imagine a more remote site for a colony — or one which impinged on its neighbors less.

Like the colonists at Home of Truth, these people sought to make the desert bloom. Like the colonists at Home of Truth, their main assets were their own labor and the money they brought with them. Today, only traces remain of Home of Truth. Today, Rajneeshpuram is a city without people, waiting in the desert. Waiting for nobody.

Home of Truth died a natural death. Rajneeshpuram was murdered.

In order to live on the land they had purchased, the Rajneeshees had to get the permission of the politicians in The Dalles, a resort city located some 90 miles to the north on the Columbia River and the seat of Wasco County. Thanks to the land-use regulations of the state of Oregon and of Wasco County, the Rajneeshees had to limit settlers to agricultural workers. But the Rajneeshees didn't want to use the land as a cattle ranch, populated by a single family and one steer per hundred acres. They wanted to capture the land's scarce water and use their own labor to cultivate the desert. This required far more workers than does a ranch.

So in October 1981, three months after purchasing the ranch, they applied to the politicians in The Dalles for permission to hold an election to organize a city on their land. The politicians granted them permission and the City of Rajneeshpuram was created.

But their neighbors called on a group of wealthy city-dwellers in Portland — 150 miles and a world away — a group with the money and legal resources to fight the Rajneeshees. In December 1981, a group calling itself "1000 Friends of Oregon" filed a lawsuit, arguing that the city was not in harmony with Oregon's comprehensive land-use program. When the Rajneeshees wanted to operate a printing press to produce pamphlets and books about their religion, 1000 Friends of Oregon reminded them that all buildings and operations not directly related to farm use were prohibited at the ranch, and suggested they locate their printing press in Antelope. Moreover, 1000 Friends warned them that they "may not rely on the hostility of Antelope residents" as an excuse for establishing their printing operation on their own land at the ranch.

Before long, the local cafe was painted red and renamed "Zorba the Buddha," the town renamed Rajneesh, and old-time residents of Antelope found out what it was like to be treated as they had treated the Rajneeshees.

So the Rajneeshees purchased a plot of land in Antelope and applied for a license to operate their printing press there. The city council of Antelope denied them permission. It occurred to someone on the city council that, with fewer than 20 registered voters in the city, Antelope's city council could easily be taken over by the Rajneeshees — all they needed to do was to move a handful of people to their property in town. So the city council decided to abolish the city. The disincorporation measure passed the council, but it had to be approved by the voters. During the month between the council action and the election, more Rajneeshees moved to town, and disincorporation failed.

It is a ghostly town, but there is none of the decrepitude of a ghost town. It is a complete city, waiting in the desert for someone to live in it. Everything is new, modern. And empty.

The next city council election brought a Rajneeshee majority. Before long the local cafe was painted red and renamed "Zorba the Buddha," Main Street renamed Melvana Bhagwan Street, the town renamed Rajneesh, and old-time residents of Antelope found out what it was like to be treated as they had treated the Rajneeshees. They complained loudly and found sympathy with most of the people of Oregon.

When Bhagwan drove the 50 miles to Madras, his car was surrounded by angry demonstrators shouting "Bhagwan out of Madras." "Repent your sins!" and "America will be free!"

A siege mentality developed. Tempers flared. Before it was over, wild charges and crazy actions were taken by both sides. By 1985, the Rajneeshees were finished: their city had been declared illegal, their leaders put in jail, their treasury depleted by a huge number of legal battles and tax judgments.

The Rajneeshees reacted to their persecution in a bizarre, paranoid, and vicious way: plotting to set fire to the county planning office, to assassinate the prosecutor, and to poison a county commissioner. But the reaction of the people of Oregon to the arrival of the Rajneeshees was crazier. It dropped all pretense of tolerance and civilized behavior and engaged in an orgy of nativist witch-hunting: setting fire to a Rajneesh-owned hotel, arbitrarily changing the voter-registration procedures a few days before an election to prevent a Rajneesh victory, and harassing the Rajneeshees at every opportunity.

What would have happened had not the people of Oregon used the power of their government to destroy Rajneeshpuram? Eventually Rajneeshpuram might have suffered the fate of

Home of Truth: members would have learned that subjugation to Bhagwan provided no more long-term satisfaction and happiness than the Home of Truth cultists got from subjugating themselves to Mrs. Ogden, and they would have abandoned the colony.

More likely, the Rajneeshees would have fallen gradually from their faith but remained in their community for economic reasons (they had millions of dollars invested there) — as the members of the Amana commune of Iowa did a century ago, eventually converting the communal property into individual property by a distribution of stock and land.

Either development would have denied the media a circus and the American public the entertainment provided by the Rajneeshee episode. And either would have proved less expensive to the people of Oregon, who had to pay the bill for the legal war against the Rajneeshees — and who continue paying the bill today: they must live in a society that cannot tolerate diversity. "America will be free!" they shouted at Bhagwan. Yes, Americans will be free. But only so long as they choose not to follow your religion, Bhagwan — only so long as they do not wish to live in their own city on their own land.

◆

As I kneel and focus my camera on the shopping mall I hear a voice: "Hello! What're you doin'? You better not trespass." A middle-aged man walks toward me. I stand up and say, "I am on the county right of way." I am apprehensive.

But once I convince him I do not intend to trespass, the man is friendly and loquacious, like many who live in the desert. "The reason I cannot trust everybody, I've tried to and I can't. I've let people come in here and walk around . . . I don't check these buildings daily, but I do weekly, and I find a goddam door busted back here somebody's gotten in. They think they can get into the mall, but there's nothing in the mall. You can look through the windows and see there's nothing in there. But they think there's gold in here. . . .

"I feel fortunate that I haven't had vandals. I've been here two years . . . well, make that 20 months. The city came to a screeching halt in 1985, approximately October or November of 1985. There were still people here because it still belonged to the Rajneeshees. The Rajneesh got out of here, taking his money with him and what have you. Sheela went the other way, went to jail over here in California for two years in one of those federal prisons where you can't play golf but once a week or tennis but once a day or some goddam thing, you know. And you can't have beer but once a week."

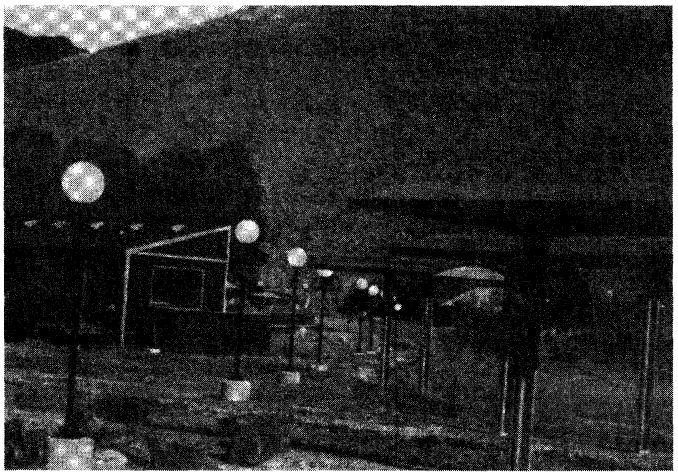

I tell him I am writing a magazine article. He does not want his name used, he says. "A guy came out here and I didn't realize he was writing stuff in the back of a truck when I was talking he had a travel-all one of those large Chevy trucks and so when I got over here you know and I started to pile out and you know I saw the yellow pad and I said, 'What're you doin?' and he said, 'I'm just writing down what we're talking about' and I said 'You're going to have to clear that with the insurance company.' 'I will, I promise you that.' I said, 'Okay, if you don't, I'm going to look you up.' And so he called the insurance company and the insurance company said, 'We won't talk to you.' So he went ahead and printed the fucking story and it wasn't three, four days later, goddam if I didn't get a call. 'We told you not to talk to anybody.' I said, 'Well what the . . . there's nothing in the paper that's derogatory.' He said, 'I know that. But they know how many people are there, they know this, they know that.' See what I'm saying, it's touchy."

How many tourists come here, I ask. "We had a helicopter come in here yesterday at 8 o'clock in the morning. People land their planes, hit the damn runway, touch down and are gone . . . if it was snowing I'd probably have 15 cars; if it was 95 degrees, I'd have one. You just can't predict who's coming through or when . . . . I told the guy up at the store, the cafe in Antelope, 'Tell everybody the place got rained out, or the roads are bad.' "

What's going to happen to this place? It's been sold, he said, to an outfit called the Hanover Corporation, which will make it a resort. They paid $300,000 down on the deal. They won't walk away from that kind of down payment. The purchase price is between $5 million and $6 million.

"Can they use it as a resort?" I ask. "I read that it was emptied out of people because of a violation of Oregon's statewide land-use regulation, after a lawsuit from an environmental group."

"Oh, no," he said. "It was closed down because Bhagwan was an illegal immigrant, and because he was flying in immigrants from Mexico and landing them on the strip."

It was repossessed by the insurance company in 1985. "They've had a gold-mine dumped in their lap and they don't know what to do with it. These developers told me this fucking place is worth $50 million, it's worth a hundred million. There are computer line trunks under the ground here that will make your head spin. I mean this fucking place was computerized. It had the latest IBM computers in it.

"Were you ever down here in their heyday? It had the third largest bus service in the state of Oregon, teetering on the brink of being the second. There is a 170-room motel, you can see it through the trees.

"It was the biggest city in Oregon east of the mountains. Except for Bend. Bend is the fastest growing city in Oregon right now. People are flocking in from California and I wish to fuck they'd stay in California.

"Well what happens is they come in here long enough to establish residency. And then they go back to California. They

use this as their summer place or their winter place to ski or what the hell they do. They got homes all over this goddam place and they don't live in 'em half the time. And then if I go down to the local bank and I want to get a fucking loan down there and all the money is loaned out to these people cause its cheap, taxes are cheap, and like one guy said in the cafe one day, it was years ago, and a truck driver came through and says, 'What do you guys got against Californians?' and he says 'If you want to move up here, move, but bring your fucking money out of the bank, sell your house and move up here. Don't tell me what you did in L.A.' We're getting too fucking many board members there from L.A. I moved up to Bend in 1974 and it used to be the nicest little city, polite people, you know, you'd drive down the street and stuff and they'd stop and let you out of the side street and wave at you and stuff. I'm at the bank. Now I'm this way, I get in the fucking car and I raise hell. Now I'm at the bank and I'm waiting while the goddam people pile up in front of the bank at the entrance and exit and I'm trying to get out and cars are lined up down the street a half a block and do you think those fuckers could leave enough space so I could get out? I get out of the fucking car and I says to this guy, 'Didn't you see me trying to get out of this goddam driveway?' And he says, 'Oh, no. I didn't see you. I was just looking straight ahead.'"

The sun is low in the sky. It gets cold in the desert when the sun goes down, and I want to take more photographs. I excuse myself, finish my roll of film and leave. The sun is near the horizon, and I have 15 miles of dirt roads ahead of me. Again I smell smoke. It gives an odd color to the air and burns my eyes and nasal passages. I had forgotten about it while concentrating on the road driving in, but paying more attention to the smoke, I see now that it comes from north and west of Rajneeshpuram.

I stop at the Antelope Cafe and buy a paper cup of orange soda and copy of "The Rajneesh Chronicles," a book that the caretaker had recommended. I ask the man working the counter whether many people come through looking for Rajneeshpuram. He has little interest in talking to outsiders like me. He points to a hand-lettered piece of cardboard. "I wrote that four months ago."

"To Guru Ranch. From store 18 miles. Take road to Fossil, turn right 4 miles, from here on Cold Camp Road go 4 miles, turn left on Muddy Road and continue to ranch. Leave this here."

The cardboard is soiled and a bit frayed from handling I guess a few people had been through during the previous four months.

In Madras, I find a room at the Royal Dutch Inn. I mention to the proprietor that I had visited Rajneeshpuram. "That was the best thing that ever happened around here," he says. "In small towns everybody loves to hate somebody. They hate the Japanese and they hate the Chinese and they hate the Scots and they hate the Spanish and they hate the Italians and they hate the Poles. But when the Rajneeshees came to town, they all put their arms around each other and hated the Rajneeshees." ❑

"The Search for Home of Truth" and "Ashram in the Desert" first appeared in the November 1990 issue of Liberty.

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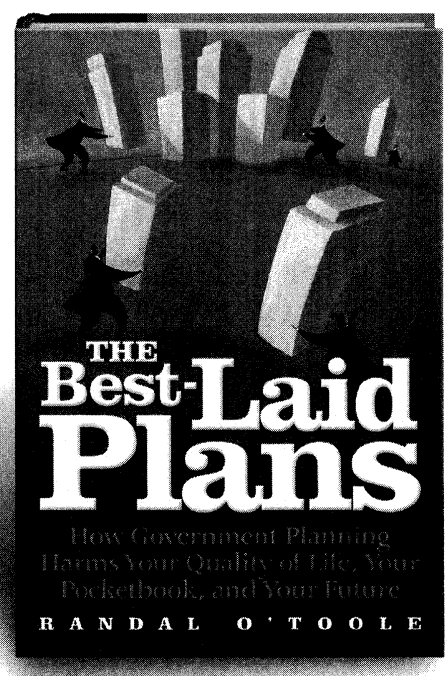

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Tiebreaker, *from page 20*

(now Martin Luther King County), where Seattle is. It was tested in court and found constitutional. It says:

> The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting.

Everyone knew what this meant. The Washington Supreme Court pretended not to understand it, and argued that the tiebreaker did not discriminate against, or grant preferential treatment to, any *group*. The state court's ruling was 8–1. The lone dissenter was a libertarian, Justice Richard Sanders.

The conservative majority at the U.S. Supreme Court sided 5-4 with Sanders, sinking the tiebreaker with that part of the 14th Amendment that says:

> No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.

This is not so clear. Though the 14th Amendment was about racial equality under the law, and there is a good argument that these words should forbid racial discrimination, it is not obvious. The Court's 5–4 majority has applied the 14th Amendment in that way because it wants to, and I am glad it has, but I cannot deny that such a decision is ultimately political. Then again, so is Breyer's position.

Roberts' opinion was signed in full by justices Thomas, Scalia, and Alito, but only in part by Justice Anthony Kennedy. The four right-leaning justices wanted to slam the door on 40 years of racial management. Kennedy's position, which now effectively becomes the law, is that the leaders of a school district may look at race, think about it, and have some goals regarding it, but they cannot discriminate among individual students. Roger Clegg, president and general counsel of the Center for Equal Opportunity, described Kennedy's position as allowing "race-conscious means that are nonetheless race-neutral on their face" — and not merely neutral to a group, but to individuals.

Some saw Kennedy's acceptance of race-conscious intent as a big concession. On the morning of the decision, the Seattle Schools held a press conference and spoke as if they had won. A door that is left open a crack is easier to swing wide than a door that is locked — yet Kennedy, who'd opposed the pro-affirmative action ruling in the 2003 Michigan case, did not make it easy to swing the door open any wider.

The Michigan case, *Grutter v. Bollinger*, had allowed the use of race in admission to an elite law school, which, unlike 9th grade, is not a service the state is obliged to offer to all comers. *Grutter* allowed the use of race as one part of a "holistic" evaluation — the sort of evaluation a law school has the time and staff to make, but a public school district does not. *Parents v. Seattle Schools* was an effort to broaden *Grutter* to the public schools. Legally, its strategy was to establish that inclusionary racial discrimination was more acceptable under the law than exclusionary racial discrimination.

"The law was evolving that way, and the U.S. Supreme Court turned that back," said Harry Korrell, the Seattle attorney who argued the case for the parents. Or, as Chief Justice Roberts put it, the Seattle plan was an effort to "justify the imposition of racial proportionality throughout American society." That effort was defeated.

Perhaps when the Democrats recapture the White House they will reverse this, but I am fairly optimistic they won't. Many, many white Democrats are quite ready to accept this decision. Publicly it was taboo to favor it, but now that the "right-wing" Court has told them they can't discriminate against their own race anymore, they will not complain. Many African-Americans will privately admit that they didn't like assignment by race either. They have other and better strategies to advance their children, and the schools have other and better ways of identifying motivated students of all colors and helping them. The battle over racial preferences in the public schools may be about over.

I could be wrong about that; perhaps I am basking too much in an historic victory. Well, it *was* a victory. ❑

The Search for Home of Truth, *from page 22*

cross over a dilapidated cattle guard made of wood. I pass the rockpile foundation of the cobblestone church that was never completed. Ahead lies a house that appears to be covered with tar paper. Does someone live here? Am I trespassing? There are no vehicles about. I park the bike and walk toward the house. "Hello? Is anybody home?" No one answers.

I soon discover why: Through a window I see that the house is full of hay. I hear the sound of an animal: I have startled a jackrabbit, which runs from one sagebrush to another. Then the whisper of the desert breeze is interrupted by a sound that seems out of place: a quiet mechanical sound. I look about and discover that the ramshackle windmill to the west is turning. It is pumping water from a well and dumping it on the ground. There are no animals here to drink it. Has this windmill been quietly pumping water onto the thankless desert for 50 years?

But of course, this land is being used. There are cow pies everywhere, and someone has filled the house with hay and is probably caring for the windmill. This field is used for cattle, probably during the winter. Real production in the debris of utopia.

The clouds to the south look threatening. I mount my motorcycle and drive past the rockpile church to the paved road and back toward the Outermost Point.

At a weather-beaten shack, I dismount, startling another jackrabbit. The shack has no doors, no glass. Nearby is a collapsed building.

It is anticlimactic. After you've seen the Middle Section, how can you be impressed by the Outermost Point? The sky is dark now — the clouds are fearsome. I am taking photographs when the first giant drops of water hit me. I head for the paved road, and it is raining hard when I reach it. I dismount and put on my jacket to protect me and my camera. I am in what in these parts is called a "gully washer." Yes, the gullies are washing: brown rivers of mud rush alongside the road, and I am back on the highway, racing through a downpour away from Utopia, leaving Home of Truth to jackrabbits, lizards, and ants. ❑

Getting Serious About Diversity

by Jonathan Slow

It's fall. Do you know who's educating your children? An intercepted memo reveals the truth.

Office of the Chair
Department of Social Sciences
Acme University

Dear Colleagues,

At the conclusion of our meeting last Thursday, I confess that I was somewhat depressed by the tenor of the discussion and the decision (or rather the non-decision) that resulted from it. On further reflection, I have realized that those who wanted to wait for a better candidate for a senior professor hire were actually wisest.

Such a person, I have learned, is indeed available, and he comes with an almost unsurpassable set of virtues, virtues that should immediately make him everyone's favorite candidate.

My use of the pronoun "his" does reveal his one major defect — he is a DWM or "dead white male" — but I believe his other attributes more than compensate for this defective chromosome count. Indeed, they allow us to affirm our commitment to diversity in a new and exciting way.

The person I have in mind is Jeremy Bentham.

My contacts at University College London, where Mr. Bentham currently holds a tenured position, assure me that he is eager to move, and would readily accept an offer from our department. As you undoubtedly know, since his demise in 1832 Professor Bentham has resided, by his request, in a glass container in the main hall of the College. While his position is prominent and honorific, Professor Bentham sometimes finds it difficult to interact with students and other faculty. I am reliably informed that he was also taken aback,

and quite justifiably upset, when the longstanding practice of wheeling him in to preside wordlessly over meetings of the Academic Senate was abruptly discontinued a decade or more ago.

A proud man with much to be proud of, Professor Bentham did not appreciate the slight, and his alienation from the institution he helped to found has been intensified by his meager pay. As you are aware, the pay scale for faculty at major research universities in the United States is significantly higher than the paltry sums on offer in Great Britain. And, taking advantage of Professor Bentham's presumed loyalty, and notwithstanding his extraordinary international eminence, the UCL administration has fixed his remuneration at the very bottom of their miserly salary structure. This was a grave mistake on their part. As one who always stressed the importance of maximizing pleasure and minimizing pain, Professor Bentham gives short shrift to such sentimental nonsense as loyalty and collegiality. He is perfectly ready to take on new challenges.

I understand that the administration at UCL would endeavor to retain him but is unwilling to pay more than he is paid at present — particularly since the Tony Blair government showed no disposition to augment the higher education budget, and the new Brownian regime seems even more hostile to the just claims of the professoriate. Our major cost, therefore, would be nothing more than the price of moving Professor Bentham's corpse across the Atlantic and arranging for a suitable office in our own department.

Since Jeremy (if I may be so bold as to call him by his first name) left instructions in his will that his body should be present at all faculty meetings, I suggest that we place him in the seminar room on the first floor (Room 101). This will, of course, have the additional advantage of minimizing any problems created by his limited mobility — a consideration that is particularly relevant when one recalls the slowness of the elevators he would otherwise be forced to use. It is not often that we are in a position to lure such a distinguished senior figure to join us without someone being asked to give up an ocean view office. In this case, we shall not even have to sacrifice the office shared by the emeriti or by some graduate students in order to add someone who will immediately rank as by far the most widely cited and prolific scholar in the department. With his addition, we shall immediately quadruple, if not quintuple, our mean citation count, and put ourselves on the map, not just nationally, but internationally.

Moribund faculty are ten-a-penny in academia, but those who have literally given up the ghost are quite another matter.

Bentham is, of course, dead, and some may view this as a distinct disadvantage. To the contrary, I think that from many points of view it adds to his attractiveness as a faculty member. We can be certain that he can be counted as a vote in favor of all merit increases and promotions; thus none need worry about the political effects of his arrival on the scene. We can be sure, too, that at least one full professor will henceforth attend the meetings of the tenured faculty, which have been somewhat ill-attended of late due to the pressures of travel, shopping, swimming pool maintenance, and the like.

Though Jeremy was notoriously a stern critic in life, at his death his embalmer fixed a very friendly smile on his face. Consequently, we know for a fact that he will look benevolently, not just on the record of all his faculty colleagues, but also on the efforts of all graduate students who choose to work with him.

Since Jeremy is widely hailed as the founder of rational choice theory, and the most important contributor to what is without doubt the leading theoretical perspective not just in sociology but in the social sciences more generally, his arrival should do wonders for our ability to attract graduate students to our midst, and for our capacity, thanks to his genial qualities as a mentor, to ensure their subsequent placement in first-rate departments round the country and even abroad. Furthermore, all faculty can take comfort in the knowledge that their own record of scholarly publication will at least equal his in any two- or three-year period. If their performance is comparable to that of someone as eminent as Jeremy, campus reviewers will regularly endorse their advancement, perhaps even their accelerated advancement.

Jeremy's greatest asset, however, is his contribution to the diversity of our department and campus. It is one thing to recruit women, African-Americans, differently-abled veterans, and members of the LGBT community, regardless of their strictly "academic" qualifications. It is quite another to transcend the barrier that has, for too long, separated the living from the dead — who, after all, represent a significant and rapidly growing segment of all the people who have ever lived on earth. The dead are responsible, let us not forget, for many of our world's greatest cultural accomplishments, although their voices have yet to be heard in our department.

The department — indeed, our whole society — can only benefit from the employment of talents that have for too long lain dormant and neglected. We have heard much impassioned and justified talk about the ways in which a white male hegemony has silenced the voices of all sorts of excluded classes. Yet none have been so systematically silenced in the halls of academe as the dead. Jeremy's appointment will decisively end this deplorable history, and will undoubtedly spur others to follow our example.

Yet who among our rivals will be able to secure an equally eminent and well-preserved corpse? During the past generation, some might have been tempted to recruit Lenin or Stalin, whose physical representations were, at first, even better preserved than Jeremy's (Lenin's, perhaps, still is); but with the fall of the Evil Empire, their reputa-

tions as social scientists declined perceptibly. And even if they re-emerged from the ashcan of history, they would still lack the academic credentials of Jeremy Bentham. He represents the vibrant heart of contemporary social science; they are irrevocably wedded to the discredited dogmas of Marxism.

It is now universally agreed that the greatest possible diversity produces the greatest possible excellence, and Jeremy Bentham *is* diversity. I anticipate that, from the first moment of his arrival here, he will involve himself in programming and advocacy for the dead community, in encouraging dead students, and in mentoring dead colleagues. We all stand to benefit from his insights and perspectives as a leading member of an underacknowledged group. Indeed, I intend, on his appointment, to propose that the administration create this university's first Commission on the Dead, empowered to investigate discrimination against the dead in all its forms, and to recommend immediate action for its elimination. I think Jeremy would make a terrific chair for that commission. We've talked about death for a long time. Now is the time to do something about it!

My inquiries have revealed that the heirs of Max Weber, the reputed founder of modern sociology, may also be willing to transfer his remains to us, should we choose to move in that direction. Yet despite the surface attractiveness of his appointment, and despite the fact that I cannot see how we can meet our affirmative action goals without beginning aggressive recruitment of the dead, I believe that the choice of Weber would be a mistake. Some may argue that he would fill our needs in the sociology of law and the sociology of organizations, but Bentham has at least equal claims to recognition in these subfields. And I must remind you that Weber was deeply concerned with history, a discipline whose findings have often had an unsettling effect on academic departments, and one with which mainstream sociology rightly has no truck.

Thus Weber's presence here might actually worsen our standing in the discipline, by suggesting a heterodoxy that our colleagues elsewhere might use against us. Besides, Jason French, our estimable former chair, has established himself as a world authority on Weber, surely rendering superfluous the recruitment of the man himself.

There is one final, and in my view decisive, argument in favor of prioritizing Bentham over Weber. At Weber's death, no special effort was made to preserve his remains. Consequently, he is now nothing more than an anonymous pile of dust — not very impressive to show to students, outsiders, or even to ourselves; and by any measure a rather depressing commentary on the fate that awaits many of us. By contrast, Jeremy left instructions that he was to be preserved in thoroughly lifelike form; and in the more than a century and a half since he last drew breath, his smiling visage has been preserved in pristine condition.

If appearances count, and assuredly they do, Professor Bentham is the right person for us. Without question, the presence of such an illustrious name on our masthead will do much to raise our reputation in the discipline. Indeed, I believe that we can confidently look forward to an instantaneous advance into the top ten departments in sociology, and perhaps in anthropology as well.

All these advantages will accrue while costing us remarkably little. The recent retirement of Susan Richmond, who was moribund for many years, opens up a full-time position for an actually dead person. Moribund faculty are ten-a-penny in academia, but those who have literally given up the ghost are quite another matter. I am assured by American Airlines that its policy on repatriating corpses will allow us to import Bentham for no more than the equivalent of a first-class airline ticket — approximately $5,000, which we can probably cover with the normal moving allowance. Given Jeremy's stature in world scholarship, there seems little reason to anticipate that the government will refuse him a visa, even in the more vigilant atmosphere we now inhabit, post-9/11. Jeremy was no religious fanatic in life, and in his preserved state, he can be relied upon not to threaten the security of the state.

Because the dead are literally ageless, sexless, and without ethnicity, they can be added to any demographic category we wish.

Nor does that exhaust the benefits of choosing a dead person as a colleague. Once Jeremy is installed downstairs, there is every reason to expect that he will make few demands on the staff — far fewer, for example, than most senior (or even junior) faculty. At the same time, his appointment will produce the standard $5,500 for our support budget. One can realistically anticipate, in consequence, that he will actually generate discretionary dollars for the rest of us to spend (on journal subscriptions and new printers, for example), since it appears that he will not require such items as a computer or even a telephone. In general, it seems clear that Jeremy will require minimal departmental services, mostly periodic dusting, a task I'm sure our staff will be glad to add to the roster of services they already perform on behalf of the faculty. (Alternatively, we can require that this minor additional duty be performed by the graduate adviser, whose job, after all, will be made infinitely easier by Jeremy's presence.)

Even if we need to allocate a small maintenance sum to purchase an annual insect control policy from Terminix (to ensure that nothing untoward happens to our distinguished colleague), the funds remaining should amply suffice for the hiring of two new assistant professors. Adding such a world-renowned scholar while also being able to bring in significant new blood at the junior level represents a truly spectacular triple whammy, and should reassure those

continued on page 46

The House of Ninety Keys

by Bill Merritt

Americans are making themselves safe from every risk except being too risk-averse.

Some of the most ominous signs of the collapse of American civilization can be found on the walls of bus stations, hospitals, and almost any other place of business you care to name. They are signs bragging, "Safety is our most important business."

When I see a sign like that in a bus station, I want to ask, "What about transportation? You run a bus station. Transportation is what I'm paying you for. Why isn't transportation your most important business?" And, if you run a hospital, how come it isn't medical care? Sometimes, I think, we Americans have become so risk averse we've turned stupid. Why else would the U.S. government rate the capital of Botswana as a high-crime area?

It gives Gaborone this rating in spite of the fact that every other source of information on crime, I'm thinking "Lonely Planet" here, places it in the same category as the Garden of Eden before Adam and Eve got kicked out and their son went bad. But Uncle believes what he believes; and every week he dispatches the Regional Security Officer to the embassy to deliver the news that one more cellphone has been lifted from a handbag at RiverWalk Shopping Center.

The odd thing, at least to someone who has wrenched his neck looking over his shoulder on the streets in Washington, D.C., is that a lot of Batswana agree with our State Department. (Citizens of Botswana are *Batswana*, unless they are only one person. Then he's a *Motswana*.) For people who a few years ago really did have a crime rate comparable with that of the Garden of Eden, this constant cellphone snatching seems like the death spiral of the social order, and they take it very seriously. A young cellphone thief was all over the news last week when a judge put him away for 10 years. And he was one of the lucky ones. If a crowd had gotten to him first, he wouldn't be thinking about cellphones or jail time. He'd be worrying how to pay his funeral bills.

It's the Zimbabweans among us, Batswana say when the subject of crime comes up. Then they launch into the terrible things refugees from Zimbabwe do. Never leave your window open when you go to sleep, they will tell you, because a Zimbabwean will blow sleepy gas into your house and make you sleep even deeper. Then, he will steal everything you own, including your bed and your pajamas, and you will wake up naked on the floor. If you keep your windows closed, a Zimbabwean might *still* blow sleepy gas under the door. But it won't have time to get to you before you leave in the morning and you will be okay.

Uncle must have listened to too many of these stories, at least judging by the kind of housing he thinks government-connected Americans should live in here. Every wall in our house, even the interior partitions, is made of concrete that looks thick enough to absorb rocket propelled grenades and requires a hammer drill to hang a picture.

Every floor is covered with ceramic tile, as is the roof. The fact that it would take napalm to ignite the place does not appear to have reduced the need for smoke detectors. Or a CO detector to let us know when the house fills up with carbon monoxide. So far, no one has been able to provide us with an explanation of how this might happen.

It is very expensive to recondition a house to American standards. And, once a house is reconditioned, Americans are going to live there for a long time.

The yard is enclosed by an eight-foot-high concrete wall topped with wicked-looking curved steel spikes called tigers' teeth in the front, eight strands of electric wire on the sides, and tigers' teeth *and* eight strands of electric wire in back. Like the best medieval castles, the wall has one, and only one, gate. It is a remotely operated, electrically powered sliding steel gate that we can work by pushing a button on a key chain so we don't have to risk getting out of the car.

At night, the outside of the house is lit like the Washington Monument — with security lights that shine into the windows and make you long for sleepy gas. In case there happen to be Zimbabweans lurking in the glare, each exterior door has a peephole, a lock, and a deadbolt. And, because Uncle has an investment in all those doors, peepholes, locks, and deadbolts to keep an eye on, each set of *those* is protected behind its own Zimbabwean-proof steel gate.

Every window is covered with imported burglar bars. And no cheap, local burglar bars for us, thank you very much. Americans accept only the finest in South African manufacture. Then, because burglar bars can block your escape if the family needs to make a quick exit ahead of the flames, the windows are fitted with pedal devices you can stomp and the burglar bars will fall away.

The house is equipped with its own citadel — the Embassy Security Office calls it the *safe haven* — which is sealed off from the rest of the house behind a locked and deadbolted door, and a locked steel gate, in the hallway. It is where we go when Zimbabweans get into the unsafe part of the house.

If the Zimbabweans don't know which part of the house they are supposed to break into and wind up in the safe haven by mistake, a different protocol applies. We ask them to wait a bit while we rummage through our keys trying to find the ones to unlock the gate and door in the hallway and let us escape. This can take more than a moment's rummaging.

To start with, the house has 43 locks. Six of the locks are massive, hand-thrown deadbolts that don't use keys, just muscle power — so to escape a Zimbabwean and rsuh to the safe haven, we need to sort through 37 keys.

Or so you might think. But door keys aren't the only ones we have to deal with. We have a 38th key that disconnects the motor to the electric gate so we can shove the gate open by hand when the electricity stops working. And, of course we don't have just one set of keys. We have two. Which brings the total to 76, not counting the 14 additional keys we keep in a Ziploc bag in a dresser. We are pretty sure they go to something.

The Ziploc keys were carefully laid out on the kitchen counter when we moved in and they bear mysterious labels like, "Bar Bathroom," although we do not have a bar. For all we know, the previous resident might have had the bar dismantled and shipped to Nairobi, where he is now assigned. Nairobi *really is* a high-crime posting. It's pleasant sitting on the patio on a warm evening, listening to the gentle crackle of the electric fence, and imagining the wheelbarrow loads of keys he must be keeping track of up there. No matter what happened to the bar, we can't locate any sign of the bathroom that went with it. The "Bar Bathroom" key and its 13 brothers remain orphans.

This brings our total to 90 keys, which is one fewer than we'd have if the previous resident hadn't misplaced the key to the strongbox that holds the duplicate keys.

In case locks don't do the trick, the U.S. government has set us up with a high-tech burglar alarm that divides the house into 16 zones so we will not only be notified the moment a Zimbabwean lets himself in, we can track his progress by the lights blinking on the control panel as he heads toward our bedroom.

When he comes too close, we can push one of the panic buttons built into the walls and alert, I kid you not, the Marines. If the nearest wall button is too far away, we can push one of the his-and-her portable panic buttons designed to be worn

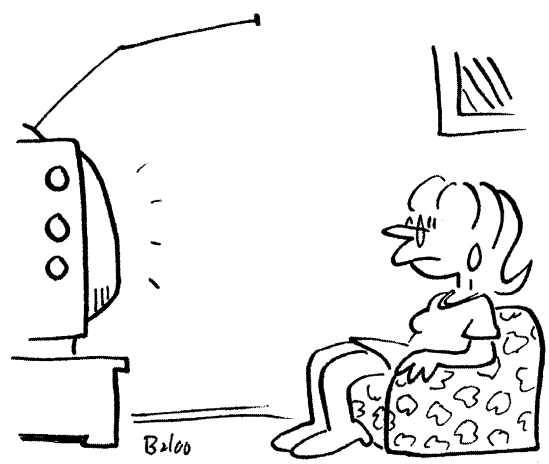

"Another country fell apart today, but it wasn't anyplace you ever heard of."

around our necks like dog tags. Or, call the Marines directly on the two-way radio.

Regardless of whether we call the Marines, on Tuesdays at 0700 they call us to make sure the radio is working. They make their way alphabetically (sometimes antialphabetically, you never know with them) through the call signs the American community uses, while we sit by the radio wondering, "Who's Port Townsend?" and, "What kind of American would want to be known among Marines as Tinkerbell?"

If someone breaks in, we can push one of the panic buttons built into the walls and alert, I kid you not, the Marines.

Tinkerbell is, most likely, a friend. The American community in Gaborone is not all that big and everybody tends to show up at the same parties. But as much as I would like to know the truth about Tinkerbell, nobody, as far as I know, gives out call signs at social functions. Just too many ears and . . . well, you never know.

One thing we do not have is a Neighborhood Watch. It isn't that easy to keep an eye on whoever is on the other side of an eight-foot wall topped by an electric fence. So, to provide the human touch in all the technology, Uncle has hired a security firm to peek through the gate three times a night to be sure everything is okay on our side. Since we tend to be unpatriotically sloppy about making sure doors are actually closed when we go to bed, sometimes things on our side aren't okay, the phone goes off at 0300, and a Marine informs us something is amiss.

These can be puzzling messages to receive when you are half asleep. The explanation, which usually comes the next morning, often involves a security company guard noticing some objective fact, such as that we forgot to close the steel gate on the front door, then calling the Marines and reporting that the burglar bars are open. This is close enough to get the ball rolling and, I think, pretty impressive given that the security guards are making their reports in a language they did not grow up speaking. And how very different their language is from English.

Setswana does not — I don't think it does, anyway, it's really hard for somebody with my ear for language to know for sure — conjugate verbs. What it seems to do is decline nouns, so all sorts of meanings are built up by attaching different syllables to the fronts of otherwise innocent-looking noun roots. And the language is tonal.

I gave up on the whole enterprise 10 minutes into my first Setswana disk when the instructor instructed me to note the difference between two phrases, then said something in Setswana that sounded like, *dumela rra ne onkon le bo kangelang mphane,* and meant, "Good morning, Sir. Did you sleep well? How are your cows?" followed by a second phrase that sounded like, *dumela rra ne onkon le bo kangelang mphane,* and meant, "A long pair of trousers." If there was a difference other than meaning, I couldn't winkle it out.

Setswana-accented English sounds just as strange to Marines at three in the morning and, when confronted with "the burglar bars are open," a Marine is apt to hear something about "butler bars," and awaken you with the news that the domestic staff has escaped.

One consequence of all this safety is, it is very expensive to recondition a house to American standards. And, once a house is reconditioned, Americans are going to live there for a long time.

Another consequence is, well, it sure makes it hard to get to know the neighbors. Which, when you think about it, would seem to defeat some of the person-to-person contact which is the reason Uncle sent us here in the first place.

It's the same at the embassy. Even though Botswana rates as low as you can get on the Danger-of-Political-Violence scale, our embassy is so hard to get inside of, diplomats from other countries have told the ambassador that, if it's all the same with her, they'd rather not attend meetings at her place and, please, try to schedule them at other embassies.

Back during the Cold War, people could walk into the U.S. Information Agency and look at books, watch films, and generally find out about our country. The government still thinks we have a way for them to do that but, now, the U.S. Information Agency has been folded into the State Department where it's called the Office of Public Affairs. If it sounded hard for a diplomat with an invitation from our ambassador to get into the embassy, just think what it's like for a mere foreigner off the street. The whole thing makes you wonder why we bother.

In a way, there is something endearing in this: good old American can-do-ness. I imagine every time one of our houses is broken into anywhere in the world, somebody launches an investigation, which results in recommendations to make sure nothing like that ever happens again, followed by a planet-wide bulletin upgrading security in every house any government employee lives in, anywhere.

This is the sort of thing that has virtually eliminated airplane crashes. But when applied by security offices with the limited mandate to make sure overseas Americans are safe, the day is coming when we will be so safe we won't have any contact with foreigners at all, and it will be easier, and a lot cheaper, just to let them learn about our country from watching "The Bold and the Beautiful." ❑

There are 90 keys to our house, which is one fewer than we'd have if the previous resident hadn't misplaced the key to the strong box that holds the duplicate keys.

Reviews

"The Wages of Destruction: The Making and Breaking of the Nazi Economy," by Adam Tooze. Viking, 2007, 832 pages.

Could Hitler Have Won?

Bruce Ramsey

In 1940, libertarians Garet Garrett and Rose Wilder Lane had an argument about Nazism. Lane maintained that National Socialist Germany was not economically viable enough to sustain a war against the West, and that there was no need for a big American armaments program. Garrett was writing the Saturday Evening Post's editorials, which opposed American intervention in the war but supported a massive armaments program — and conscription. He told Lane she might be right in the long run "that Nazism will wreck itself," but that too much could happen in the short run. Earlier that year, France had fallen in a few weeks.

In a reference to National Socialist economics, Garrett wrote to Lane that Germany had "beaten everyone else at production in the last six years."

In 1943, in "The God of the Machine," Isabel Paterson made a detailed and radical argument for the proposition that the Nazis lacked economic viability. Three years had gone by, and Germany was still in the war, but the Nazi economy was running on "storage batteries," Paterson declared. It was using energy borrowed from the capitalist West. (So was Soviet Russia, she thought.) Germany had "inherited a technology . . . from its previous condition of comparative freedom. Germany also used every fraudulent device of currency inflation, huge loans obtained abroad and foreign credit — deliberate embezzlement over a period of 20 years — to get goods produced by the free economies."

I kept this old dispute in mind while reading Adam Tooze's new book, "The Wages of Destruction," an 800-page history subtitled "The Making and Breaking of the Nazi Economy." The account did not shake my conviction that Garrett had been essentially right: that it is quite possible to supply an army from an unfree economy and win a war. It is a mistake to argue that, because the free market is the best system for peace, a totally free market is the best system for war. The free market is designed to satisfy individual wants, but a big, serious war demands the subordination of individual wants. War is a government program. Historically, it has always been accompanied by home front heavy-handedness. To argue that economic intervention during war is mistaken is to argue that war-making governments have been inattentive to their interests. Some of them may be; but to say that all of them have been, all the time, is to stretch credulity.

Experience simply does not support the thesis that you need a free economy to win a war. Go back to 1941 and ask Poland or France.

But to show that Lane and Paterson were wrong, I have stated the question in an absolutist way. Turn down the amplitude a bit, and there is a valuable piece of truth in their argument. America in 1940 faced a decision about how deeply to involve itself as a wartime supplier to Britain. In thinking about that decision, Americans needed to know that there *were* weaknesses to the Nazi economy. Germany *did* run on its "storage batteries" to an important degree. It *had* used fraudulent devices. And the kind of economics it had — the kind of *politics* it had — limited its military reach.

Consider how Nazi Germany traded with the occupied countries of Holland, Belgium, and France. The German war effort needed steel. Suppose it bought steel from a French producer under German military authority. It would send the French producer a check denominated in Reichsmarks. The French producer would present the

check to the (occupied) Bank of France, which would create a deposit in French francs. The Bank of France would then send the check to the Reichsbank in Berlin, which added the amount to a running tab that was never settled.

Three years had gone by and Germany was still in the war. But the Nazi economy, Paterson said, was running on "storage batteries."

That is not trade; it is looting made to look like trade. Historian Angelo Codevilla, in his 2000 book on wartime Switzerland, "Between the Alps and a Hard Place" (which I reviewed in Liberty, April 2001), described the same system in Germany's purchases from Switzerland early in the war. In the Swiss case, it was tribute to keep the Germans out.

When Paterson said the Germans were running off their "batteries," it was this sort of bloodsucking she had in mind. She thought of it as short-circuiting the flow of economic energy, as not renewing one's capital. To be sure, the French steel company was not short-circuited. It could well make a profit in francs and invest them, or at least try to, in the economy that existed then. The *company* was not being plundered. But, with the Bank of France forced to pay in inflation money, France was.

Back to the beginning. In January 1933, at the bottom of the Depression, the Nazis took over the direction of the economy of Germany, which had huge numbers of idle workers and plants. Much more effectively than the American New Dealers, the Nazis put that idle productive power to work. The Nazis used make-work that some fans of the New Deal still perversely admire — such boldness! — but, Tooze says, the German WPAs took money away from the military and were scrapped within a couple of years. The Nazis were not New Dealers.

In Germany, Tooze says, the driving force at least as early as 1936 was preparation for war. In 1933, the military's share of output in Germany was 1%. By the outbreak of war in 1939, the Nazis had increased it to 25%. Tooze calls that the "largest transfer of resources ever undertaken by a capitalist state in peacetime." Production *had* increased, all the while the government was imposing "a system of ever more comprehensive bureaucratic control on the German economy and on German business."

Fans of the free market may wonder how a laying-on of controls could increase production. Tooze doesn't ask the question that way, but some answers can be distilled from his story. The Nazi government directed the economy entirely to military ends, which was simpler than to a multitude of private ends. It didn't do this without error. Tooze's account has numerous cases of bad investments — the Ju-88 bomber, which didn't carry enough bombs; the government tank plant in Austria, which produced hardly any tanks; and the V-2 rocket, which was a great achievement in technology and propaganda, but did little to affect the war.

State power had its advantages. In 1934, the German state repudiated the Dawes Loan, which it had undertaken in 1924 to reestablish the Reichsmark. The Nazis had portrayed the Dawes payments in its campaign posters as foreign chains on the German people. In a sense they were — and default was an immediate relief to the German economy. It also cut off Germany from British and American finance, which Hitler was happy to do.

A country's economic tie to the world is through currency exchange, and by 1934 the Nazis' policies had brought on a crisis in the foreign-exchange account. Germany was not earning enough foreign currency by exporting to pay for its imports. The market answer was to let the currency devalue, cheapening its exports and raising the price of its imports. The Nazi answer was currency controls: the state would provide foreign exchange only to those buying what the state wanted. The German shoe industry was not allowed to import its customary amount of leather, so it had to shrink. The textile industry was required to import less wool. Military contractors could import what they needed.

During its early years the Nazi government pressed Jews to emigrate. But when emigrants sold their assets and were ready to leave, the Reichsbank wouldn't convert their Reichsmarks into foreign currency. It didn't *have* foreign exchange for that purpose. For several years there were some financial loopholes, and some Jewish emigrants got some of their money out, but for the most part Jews had to choose between their stuff and their safety. Between March 1938 and September 1939, some 200,000 wisely chose safety — while, Tooze writes, "a rapacious German bureaucracy . . . stripped them of virtually all their material assets."

By 1938 the Reichsbank was about broke. That was the year Hitler took Austria, a country much smaller than Germany but with an unlooted central bank. The Nazis drained it, which sustained the German government for a few months. But in late 1938 domestic investors refused to subscribe to a Reichsbank bond issue, and the regime had another financial crisis.

Hitler's decision to go to war in September 1939 stemmed from his dream of an eastern empire. He reckoned Germany would have to fight for that against the Western powers. The country's odds were none too good, but after 1939 they were not going to get better: the Nazis had revved up the German war machine as much as possible for a country officially at peace. France and Britain were trying to catch up. When they did, the odds for Germany would be worse. If America ever caught up — it was giving its military a piddling 2% of GDP — Hitler's dream would be extinct. Hitler believed that time was

The free market is designed to satisfy individual wants; a big, serious war demands the subordination of individual wants. War is a government program.

not on Germany's side and, Tooze says, he was "essentially correct."

One of the fascinating accounts in Tooze's book is the conflict between Hitler and central banker Hjalmar Schacht, who was trying to maintain a fiscally solvent Nazi state. In early 1939, Tooze writes, Schacht's Reichsbank assumed that Germany's conquests were completed, having absorbed the German-speaking regions of central Europe. The Reichsbank argued in a report to Hitler that Germany had to cut back military spending immediately, for the sake of the nation's economic health. "The politicization of Germany's economic system was so far-reaching," Tooze writes, "that it was virtually impossible to find reliable standards of valuation, whether for agricultural labor or any other commodity."

This echoes Ludwig von Mises's point about the impossibility of economic calculation under socialism. The Nazi system wasn't exactly socialism, but it was state intervention to such a degree that it created the same problem the socialists had. A few years earlier, the value of the Reichsmark might have been adjusted by a simple devaluation, but by 1939, the system of controls and permits was so extensive, as Tooze says, that "the Reichsmark now lacked any well-defined value."

Hitler fired Schacht. He was not going to let an economist talk him out of his war.

Paterson was right, then, in some of the things she said. Nazi Germany *had* cheated creditors. It *had* stolen wealth. It *had* inherited wealth and spent it. And yet it would sustain a war longer than most people thought. "Nobody in 1939 expected Germany to be able to last as long as in World War I," Tooze writes. Germany faced severe constraints on coal, oil, iron ore, rod iron, steel, copper, animal fodder, food, foreign exchange, gold, and — most of all — people.

One way Hitler loosened those constraints was his August 1939 pact with Stalin. Under it, the Soviet Union supplied Germany with 74% of its phosphates, 65% of its chrome ore, 55% of its manganese, 40% of its nickel, and 34% of its imported oil — in exchange for such manufactured goods as machine tools. The Russian trade helped Germany, but only so much. From the diaries of General Georg Thomas and others, Tooze sketches out the Nazis' economic calculus after the conquest of Poland. Germany had enough resources to defend against Britain and France for three years, as long as it did not go on the offensive. After three years, it would be outgunned.

Hitler would have none of that. The only answer was to go for broke and wager everything in an attack on France. In preparation, Germany was to run down its stocks of copper, which it used for shells and cartridges. It scrapped its plan to build a surface fleet for the Navy, diverting the remaining steel to airplanes and tanks. The attack was to use everything the Wehrmacht had. No divisions were held in reserve.

On paper, it was a long shot. But following Gen. Erich von Manstein's brilliant battle plan, the Wehrmacht defeated the French in six weeks.

By the summer of 1940, Germany's calculus had changed. It held the Netherlands, Belgium, France, Denmark, Norway, Austria, the Czech territory, and most of Poland. It had enlisted as allies — satellites, really — Slovakia, Hungary, and Romania, and it was in a position to squeeze neutral Switzerland. It could trade with Finland, Sweden, Italy, and Spain.

Seeing the Germans sweeping across France, the Romanians agreed to sell Germany the bulk of their oil. The capture of Norway gave Germany seaborne access to the iron ore mined in northern Sweden, for which Germany would trade coal. Norway also had aluminum needed for aircraft production. The Swiss traded precision instruments for German coal.

"If it had been possible to preserve activity at prewar levels, the German European block would have comprised an economy with a combined GDP greater than that of either the United States or the British Empire," Tooze writes. But it wasn't possible. Germany's attitude toward its new satellites — and particularly toward the lands it had conquered — was predatory. To mobilize its army, it confiscated French trucks. The French dairies depended on trucks to move their milk. They also depended on fodder imported from America. The dairies folded, shrinking French output of milk, butter, and cheese. French coal production fell because there weren't enough trucks to move the coal, thereby shrinking the French production of steel. French production of nitrogen-based chemicals went into explosives rather than fertilizer for French farms. And so on.

Victory over the Soviet government had to be quick, because Germany and its minor allies could not win a war of attrition. As in the invasion of France, nothing was held back. There were no reserves.

Among German enterprises were many counterexamples to Paterson's claim that Nazi Germany was "living off its storage batteries." Germans invested strongly in their industry during the war. Tooze's book has a graph showing a great mountain of Reichmarks invested. But on a continental level, much of what Germany did *was* "living off its storage batteries." One example of this was the "trading" system already described. Another aspect was labor. Germany was short of it, having drafted so many men into its army. To man German factories, it conscripted people from occupied countries, and that weakened output there. So did the confiscation of all companies owned by Jews.

The French economy, writes Tooze, "collapsed in 1940, never to recover." Both France and the Netherlands had aircraft industries that could have supplied Germany with many planes. They supplied only a few. Much of it, no doubt, was because the French and Dutch were not eager to do a fine job building Me-109s. But it was more than that. In the Nazi economy of rationing and permissions, non-Germans were at the end of the queue. So the total military output in the occupied territories in 1943 was only 9.3% of the armament production available to Germany.

A number of historians have accepted John Kenneth Galbraith's report in 1945 arguing that Germany

might have beaten Russia had it mobilized women for war work as much as Britain had. Tooze dismisses this statement by the "celebrity economist" and the implication that the Nazis were too sentimental about women. The problem with the statistics on German women, he says, is that they didn't include farm work. Around Berlin and other centers, German women did work in factories. In rural areas, they were working on farms while their husbands were at the front. Both sorts of work were part of the war effort.

In June 1941, Germany invaded the Soviet Union. Hitler's decision to attack Russia was not based mainly on economics, but there was a kind of economic rationale for it. For ideological reasons, Hitler wanted a self-contained empire that could hold its own against Britain and America. The territory controlled by Germany at the beginning of 1941 was huge, but it was not self-sufficient in food, animal fodder, or petroleum. The Ukraine and the Caucasus could remedy that. And anyway, Hitler hated the Bolsheviks, whom he associated with the Jews.

The German plan was to best the Soviet government by the fall of 1941. Victory had to be quick, because Germany and its minor allies could not win a war of attrition. As in the invasion of France, nothing was held back. There were no reserves.

The fight began in June, to smashing success. But by October the lines of supply and powers of production had reached their limits. On the front, the troops were too far ahead of the rail lines. At home, the German economy could not make enough steel. It could not build enough airplanes. It could not finish the ersatz fuel plants and rubber plants. It could have, but did not, produce enough heavy coats and long underwear to keep the German soldiers warm.

Finance aside, Germany could not mobilize enough *stuff*, and as soldiers died, it could not mobilize enough men. Ernst Udet, chief of procurement for the Luftwaffe, believed the war was lost and committed suicide on Nov. 17, 1941, three weeks before the Japanese attack on Pearl Harbor. Walter Borbet, the industrialist who masterminded the mass production of the famous 88 mm antiaircraft gun, sensed the doom and shot himself dead in January 1942.

Later in 1942, physicist Werner Heisenberg presented his proposal for Germany to develop an atomic bomb. Hitler rejected it. It would take too long, and the Nazi economy could not afford it. Tooze says Hitler was right about that. Germany could not have done it.

By Tooze's reckoning, the tide had turned against Germany even before America officially entered the war. And that means that Isabel Paterson and Rose Lane had a piece of truth in what they said about the weakness of Nazi Germany to fight a war. It was not as simple as they said, nor as absolute. Germany's weakness was not that it was authoritarian as such. Soviet Russia was more economically authoritarian than Germany was, and it outproduced Germany in tanks. Germany's problem was that its management of the occupied territories was so predatory as to be self-defeating. Tooze does not say Germany could have done differently and won. It did as it did. It was in a hurry, and it fed itself by plunder. When it failed to win quickly, it was cooked.

Tooze's book also sheds some light on the economic ideology of the Nazis, whose official name was the National Socialist German Workers' Party. The Nazis were not a pro-market party. Hitler despised bourgeois values. Tooze writes that Hitler "regarded the liberal ideology of progress through industry, hard work and free trade as nothing more than a lie spread by Jewish propagandists." But when Hitler came to power in January 1933, it was with the support of nationalist conservatives, represented by Paul von Hindenburg. A year into his regime, when an ailing Hindenburg was still in office, Hitler had to choose between a nationalist policy, which would please the military and its supporters, and a more socialist policy, which would please the supporters of Ernst Roehm, who was calling for a "second revolution." Hitler suppressed Roehm's brownshirt paramilitary force, the SA, and had Roehm killed.

The most distinctively National Socialist economic program, Tooze writes, was for the farmers, who constituted about a quarter of the German people. The Nazis envisioned a new order for the middle farmer — what in Russia would have been a "kulak." This was the *Erbhof*, or hereditary farm. *Erbhoefe* could not be pledged for a loan, repossessed, or sold. They were to be owned only by men, and the line of inheritance was fixed in law to one male heir. All pre-existing debts were to be assumed by a state bank in exchange for a uniform property tax. The tax was to be levied on *Erbhoefe* whether they had had debts or not. All this, says Tooze, was supposed to liberate the German farmer from usury and economic uncertainty, but it also amounted to an "extraordinary intervention in the property rights of German peasants." The system was put into effect, but it was unpopular and the Nazis had to bend some of the measures in practice.

One of the sweeteners was the new agricultural tariff. Under the Nazis, Tooze writes, prices for German farmers were "at least twice those prevailing on world markets." Purchasing of farm output was taken over by the state, and by the late 1930s, Tooze writes, German agriculture "resembled less and less a market-driven industry and more and more a strange hybrid of private ownership and state planning."

But what to call all this? Socialism? It was socialistic but also feudalistic. It made the farmer a serf in a way, just as collective farming in the Soviet Union made him a serf in a way. But not in the same way.

The Nazis created some state-owned companies, particularly under Goering. Early in their rule the Nazi state seized the Junkers aircraft works from its owner. They also seized all Jewish-owned companies. But generally they left the ownership of business alone.

Over the years, the Left has made much of the industrialists' cooperation with Hitler, with the intimation

Calling All Economists!

The "new idea" here, that taking from the rich to give to the poor did not reduce but increased inequality, was your greatest challenge and opportunity. But you have chosen to ignore it, burying your heads in the sand while calling it the sunshine, and still heaping praises on yourselves while betraying everything that you had stood for.

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that Nazism and capitalism are the same stuff. And they are not the same stuff. "Nothing suggests that the leaders of German big business were filled with ideological ardor for National Socialism," Tooze writes. But as in the United States, the Depression left business politically demoralized. Unlike in the United States, in Germany it faced the possibility of a communist government under which it would lose everything. Businesses in Germany, as elsewhere, were owned and operated by human beings who had opinions and ideologies distinct from their interests as owners. The German industrialists had gone through World War I and many were as nationalistic and resentful as the Nazis were.

The Nazis promised to make Germany strong. They promised to suppress the communists and tame the trade unions. That sounded sort of like freedom for business, but really it was, Tooze says, "state interventionism . . . from the right."

Business support came in different intensities. Least supportive was the export sector, which tended toward economic liberalism. Most supportive was the I.G. Farben chemicals combine, which had invested heavily in new technologies for synthetic oil and rubber, and was facing a total write-off. A gusher in Texas had wrecked the world oil market in the late 1920s, and by the 1930s rubber and the other world commodities were cheap. What I.G. Farben needed was a tariff. "It was this need for political assistance that impelled IG to make contact with Hitler's party," Tooze writes. I.G. Farben became the centerpiece of the Nazi program for economic autarky.

Recently, IBM and Ford Motor have been accused in popular histories of being willing collaborators with the Nazis — in IBM's case because its technology was useful to the police, and in Ford's case because of Henry Ford's anti-interventionism and anti-Semitism. (For the accusations against Ford, see my review of Max Wallace's "The American Axis" in the November 2003 Liberty.) Tooze discounts these "sensationalist claims," noting that the largest U.S. investments in Germany — most of them from the 1920s — were by Standard Oil and General Motors, not IBM and Ford. The American-owned companies, he writes, tended to do well "the more they detached themselves from their foreign parents." In any case, an operation in Germany became part of the Nazi economy no matter who owned it, and its Reichsmark earnings could not leave German Europe.

In all of Tooze's large and detailed book, there is no mention of the common idea that Hitler was out to "take over the world." No doubt Hitler would have tried it if he thought he could do it, but it was never remotely possible. Compared with its rivals, says Tooze, Germany had "an economy of modest resources." It shipyards had built the *Bismarck* and the *Graf Spee*, but at the beginning of the war the naval program was reduced to submarines in order to conserve steel. Britain was not going to be invaded by submarines, nor was the United States. Perhaps, if Germany had taken Russia, it could have been a global contender. But probably not. It looted Russia more harshly than France, and left the place a ruin. Its plan in Russia was to starve the people there and resettle the land with Germans — on *Erbhoefe*.

A thought one could take from Tooze's book — though not an explicit thought of his — is that America did not have to go to war with Germany in December 1941. By doing so it profoundly shaped the peace, much of it for good. But Germany had already reached its limit, because of the kind of economy it had. In that sense, Lane and Paterson were right. ❑

"Brothers: The Hidden History of the Kennedy Years," by David Talbot. Free Press, 2007, 478 pages.

The Continuing Story of the Kennedys

Jon Harrison

John and Robert Kennedy are not exactly libertarian heroes. In domestic policy, they generally followed the New Deal-Fair Deal line of the modern Democratic Party. Abroad, at least at the outset of JFK's term, they espoused an activism ("support any friend, oppose any foe") that amounted to imperial overstretch. Their legendary ruthlessness, both in pursuing power and in exacting revenge upon their political enemies, has little appeal to the libertarian psyche. Add to this JFK's satyriasis,* which some people regard as a character flaw or worse, and you have a picture that many libertarians turn away from in disgust.

It is clear that in 1960 John Kennedy was not really qualified to be president. Once in office, he was not well served by the CIA, the State Department, and

*John Kennedy inherited a hyperactive libido from his father. It was further stimulated by the testosterone he took to counteract the side effects of the steroids he was required to take for his Addison's disease.

the Joint Chiefs of Staff, particularly over Cuba and Vietnam. That aside, it was largely his youthful inexperience that led to the disastrous outcomes of the Bay of Pigs in April 1961, and the Vienna summit with Soviet leader Nikita Khrushchev the following June. JFK's poor handling of these events nearly led to thermonuclear war, first over Berlin, then during the Cuban Missile Crisis. As a nation, we came close to paying the ultimate price for Kennedy's learning curve.

With Kennedy out of the way, the descent into Vietnam became inevitable. Nov. 22, 1963 marked the beginning of America's lamentable decline.

On the other hand, JFK *did* learn. This is more than can be said for most politicians. His American University "peace" speech of June 1963 was dramatically different from the inaugural address. "Let us reexamine our attitude toward the Cold War," he told his audience.* Much had happened in two and a half years to change his outlook. In the early days of the administration, the American military and the CIA had revealed themselves as dangerously belligerent.† In addition, both sometimes displayed a cavalier disregard for the chain of command. As a result, Commander in Chief Kennedy (a World War II combat veteran) became "almost a peace at any price president," as he himself said privately.

The record is clear that by 1963 Kennedy was looking to wind down the Cold War. He and Khrushchev were of like mind by then. The American University speech, the Nuclear Test-Ban treaty (Kennedy's most significant achievement as president), and a plan to end U.S. involvement in Vietnam by the end of 1965 (whether that war was going well or ill) are indicative of his intentions.‡

Dallas put an end to Kennedy's far-reaching plans. Whether he died as a result of his inclinations to forge a detente with the Soviet Union, seek accommodation with Castro's Cuba, and withdraw from Indochina remains controversial. If the "military-industrial complex," or rogue elements thereof, were in fact responsible for Kennedy's death (as opposed to a 24-year-old who, rather than being a Marxist, was almost certainly a low-level U.S. intelligence asset,§ and who moreover was a poor shot¶), then Kennedy's predecessor, Eisenhower, was truly a prophet. His successor, Lyndon Johnson, is said by some to have lived in fear of sharing Kennedy's fate. What really matters is that with Kennedy out of the way, the descent into Vietnam became inevitable. In a real sense, then, Nov. 22, 1963 marks the beginning of America's lamentable decline.

Kennedy was in some ways more conservative than is generally recognized. Witness his tax-cut proposal, enacted a few months after his death. At the same time, the Kennedys were the only contemporary political figures capable of riding the storms of the 1960s, which rent the American social fabric. Much of the worst that occurred back then (including the excesses of Johnson's "Great Society" program) might have been averted had they remained in power.

David Talbot, the founder of Salon, has written a heartfelt account of John and Robert Kennedy (he was a youthful volunteer in RFK's doomed quest for the presidency in 1968) in power and out during the '60s. While the book occasionally waxes too lyrical for my cynical ears, it by no means whitewashes the brothers. It is certainly far more objective than Seymour Hersh's one-sided "The Dark Side of Camelot."

While the book focuses on the assassinations, it breaks little new ground as to the mechanics, the possible perpetrators, or the development of the cover-ups. It provides an introduction to those who know little or nothing about the crimes but is only a starting point for someone seeking a thorough understanding of the evidence.

Nevertheless, Talbot is able to show why the Kennedys, especially Bobby, were silent after Dallas. It has always been a vexed question — if the Kennedys believed in a conspiracy, why didn't they speak out? Why didn't they seek justice? They were, after all, notorious for getting even.

RFK was, for all his faults, a patriot. This is more than can be said of many of the men who hated him.

*The text of this speech is available at multiple sites online. An audio recording can be heard at the Kennedy Library site. For a contemporary's view of the speech see David Halberstam, "The Best and the Brightest" (Random House, 1972), 253–54.

†See for example James K. Galbraith, "Did the U.S. Military Plan a Nuclear First Strike in 1963?" The American Prospect (Nov. 30, 2002). A remarkable and chilling essay.

‡There is now a well-established case for JFK's intention to end U.S. involvement in Vietnam. The literature on this has grown large. The most recent book-length treatment is Howard Jones, "Death of a Generation" (Oxford University Press, 2003). Also important is Major John Newman's "JFK and Vietnam" (Warner Books, 1992). For a brief but cogent summary of the evidence see James K. Galbraith, "Exit Strategy," in the Oct.–Nov. 2003 Boston Review.

§On this see Philip H. Melanson, "Spy Saga" (Praeger Publishers, 1990); also Peter Dale Scott, "Deep Politics and the Death of JFK" (University of California Press, 1993), 242–66.

¶As a Marine, Oswald barely earned a passing score on the rifle range. He had done very little shooting since leaving the Corps in 1959. No one who knew him has ever remembered him as anything other than a poor shot. Anyone acquainted with firearms should know that the antiquated Italian rifle he supposedly used was not capable of firing three shots (with two hits) on a moving target in a span of six or seven seconds. (One of the hits, by the way, supposedly caused seven wounds in two men. These wounds included five inches blasted off a rib and a fractured wrist. Yet this "magic bullet" emerged from its travels in pristine condition.)

Here Talbot casts new light. He seems to have spoken to just about every person still alive who knows something about Dallas and the Kennedy family's reaction to it. As a result, he makes a very convincing case that while the Kennedys believed a conspiracy killed JFK, for their own reasons they chose not to speak out publicly. He supplies the *why* behind Bobby's endorsement (pro forma though it was) of the Warren Commission's conclusion that Lee Harvey Oswald acted alone. This by itself makes the book a worthwhile read.

Talbot also provides some insight into why the House Assassinations Committee, which was active from 1976 to 1979, and which concluded that there had indeed been a conspiracy behind the events in Dallas, nevertheless failed to uncover its true scope.

Could Robert Kennedy, if elected president, have solved his brother's murder? "Only the power of the presidency can unlock the secrets of my brother's death," he is said to have told intimates. Was his own death inevitable from the moment he chose to run?* Talbot paints RFK's post-Dallas journey in a tragic light. This may jar on those who remember the earlier Bobby — the driven and ruthless prosecutor and political operator. The younger Kennedy underwent an existential crisis after Dallas, as Talbot shows. He emerged in many respects a different man — not the storybook liberal hero the Left pretends to remember, but a complex personality seeking to make sense of the reality of 1960s America. He was, for all his faults, a patriot. This is more than can be said of many of the men who hated him, such as Jimmy Hoffa and J. Edgar Hoover.

Robert Novak (by no means a liberal) recently told Tim Russert that the country has never fully recovered from JFK's death. Sentimentality aside, there's a deep truth in Novak's words. The events of 1963 and 1968 derailed American democracy. Talbot compares the Kennedy brothers to Tiberius and Gaius Gracchus, Romans of the late Republic who were not above playing dirty politics to achieve their high ends. They were overmatched by their opponents, who murdered them. The consequence for Rome was tyranny and decline. On the evidence of the past four decades in America, one can only conclude that history indeed repeats. ❑

*The case for conspiracy in RFK's death is considerably harder to make than for JFK's. Before closing one's mind to the possibility, however, one should consult Philip H. Melanson, "The Robert Kennedy Assassination" (Shapolsky Publishers, 1991) and John Marks, "The Search for the Manchurian Candidate" (Times Books, 1979).

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"3:10 to Yuma," directed by James Mangold. Lionsgate Films, 2007, 157 minutes.

Yuma Redux

Jo Ann Skousen

What motivates a person to take risks and make choices? Is it money? Family? Honor? Revenge? In a classic western, it can be all of these. Complex characters and a compelling story by Elmore Leonard are keys to the success of "3:10 to Yuma," James Mangold's remake of the 1957 movie starring Glenn Ford and Van Heflin.

The film's title refers to the train that will take notorious outlaw Ben Wade (Russell Crowe) to the Yuma state penitentiary — if the posse, led by Pinkerton man Grayson Butterfield (Dallas Roberts), can get Wade aboard the train before his gang can free him. The most determined member of the posse is Dan Evans (Christian Bale, still gaunt from filming "Rescue Dawn"), an accidental hero who needs the $200 reward to pay off the mortgage on his ranch before he loses it to the railroad. Almost as important, Evans needs to show his 14-year-old son, William (Logan Lerman), that he is not the cowardly weakling William sees him to be.

Wade is ruthless, demanding, deeply masculine, and brutally just. When one of Wade's men endangers the rest of the gang through sloppy inattention to his assignment, Wade shoots him. Yet he is also charming, humorous, intelligent, and artistic. Early in the film, moments after shooting his own man, Wade is uncharacteristically merciful when he lets Evans and his young sons go after they have accidentally witnessed the crime. This unexpected act of kindness is one of the driving forces behind the film: why does he do it? What does it reveal about his character? The answer unfolds gradually, leading to a spectacular closing scene as the men race across rooftops. (And that's all I'm going to say about that.)

When Wade is captured by the Pinkertons, his partner, Charlie Prince (Ben Foster) leads the gang of outlaws to rescue him. Prince is flamboyant, stylish, and intense — watch for his "coat trick" when he rides into Bisbee. Ruthless with others yet fiercely loyal to his leader, Prince is indeed the prince, heir to Wade's throne, and a foil of Evans' son, William, who also shadows the group in an attempt to protect his father.

William is 14, on the cusp of manhood, deciding who he will be. Will he follow his father's retiring, somewhat cowardly footsteps, or will he emulate the dashing, courageous outlaw chieftain? Both men compete for the admiration of this son. With William, Wade seems to stand at the crossroads again and look down the path he might have taken.

There are only two unfortunate choices in casting. One is Dallas Roberts as Grayson Butterfield. It's a serious and important role, and Roberts performs it well, but he looks so much like John Ritter, complete with mop of brown hair and oversized handlebar mustache, that I kept waiting for the pratfall. The other is Luke Wilson, who seems out place in his nearly cameo appearance as a railroad man. But the rest of the cast is outstanding.

I went to this film expecting to write about libertarian issues like property rights, private security companies, and eminent domain. I planned to comment on the fact that private companies develop new technology, like armored wagons and Gatling guns; I wanted to chastise Hollywood for its insistence on "muddying the past with the present" (to quote Ben Wade) by making veiled references to the current war in Iraq.

But within minutes I was thoroughly caught up in the story itself. Director Mangold returns to the classic western's long, luxurious shots of dusty men on horseback, moseying into town. His action shots are full-bodied and intense without being gruesome. Even his background characters contribute to the classic setting, many of them looking downright familiar, as though they literally stepped out of an episode of "Gunsmoke." I appreciated his addition of the Chinese immigrants who built the railroad tracks, and his subtle treatment of the Apaches. Yes, there are a couple of weaknesses in the plot — couldn't the posse foresee the disastrous outcome inherent in their plan? Doesn't Evans realize that he is helping the very railroad that is threatening to take over his ranch? But these are minor criticisms of a nearly perfect film. Don't miss it. ❑

I went to this film expecting to write about libertarian issues, but within minutes I was thoroughly caught up in the story itself.

"Becoming Jane," directed by Julian Jarrold. Miramax, 2007, 112 minutes.

Imagining the Young Jane Austen

Gary Jason

Given the enduring popularity of Jane Austen's writings, and the recent worldwide popularity of films based on those writings ("Sense and Sensibility," "Pride and Prejudice," "Emma," "Clueless," "Bride and Prejudice"), it was inevitable that someone would make a biopic about the redoubtable Miss Austen. Now the inevitable has happened, with the appearance of "Becoming Jane." The result is an enjoyable, though somewhat controversial, work.

The story centers on Jane Austen's twentieth year (1795). We see her as a budding writer, scribbling constantly and giving readings, often to her sweet and lovely older sister, Cassandra. She is also being pursued by not one, but three suitors. "Are there no other marriageable women in Hampshire?" she wails at one point. Her parents want her to marry well, as her father is a poor parson struggling to support his daughters. Her mother in particular hopes Jane will accept the affections of Mr. Wisley, the nephew of the wealthy and imperious Lady Gresham.

But Jane is determined to marry for love, not money. *Enter* the arrogant, roguish, but oh-so-lovable Mr. Tom Lefroy. Initially sparks fly as Jane is repelled by Tom's arrogance, but, of course, before long she falls in love. A lawyer in training, Tom is poor but has expectations, if he cooperates with his uncle and benefactor, Judge Langlois. Naturally, before the two can marry they must first win his approval. The film ends . . . but no, the ending should be left mysterious. So far, however, it's obvious that the incidents in the movie are close to some of those in Austen's novels, especially "Pride and Prejudice."

Now, if these incidents and characters seem close to those in Austen's novels, it isn't by chance. Like "Shakespeare in Love," "Becoming Jane" suggests that the characters and incidents in Jane's real life became the models for characters and incidents in her books. The indigent clergyman with ditzy wife and numerous daughters; the overbearing dowager who controls the family inheritance; the older, lovelier, and sweeter sister; the superficially arrogant but basically decent and supportive young man; and the lack of options other than marriage for women — all are reminiscent of Austen's fictional work.

It is this aspect of the film that has irked more than a few critics. Some Janiacs have been angered at the liberties taken with Austen's true biography. Tom Lefroy did indeed visit Hampshire in the winter of 1792, where he and Jane attended the same balls and engaged in flirtation. Tom later married and became Chief Justice of Ireland; Jane apparently refused all offers and died a spinster. Beyond that, the details are unclear. I confess that literary history is not my metier, but I wouldn't be surprised if there is considerable biographic invention here. Nor would I be particularly annoyed — this is after all a biopic, not a documentary.

But I do think that the film, which clearly aims to show that Austen's fiction is partly autobiographical, is simply too reductive. I say this as someone who is both professionally as well as personally intrigued by the process of intellectual creation. And I think that there is some truth to the old cliche that most creative writing is autobiographical. But while the upbringing (family life, education, and so on) of an author doubtless informs her prose, certainly at the level of values expressed, and even perhaps some characters or incidents portrayed, it is just simplistic to suppose that the creative literary process is a mere transcription of one's memories.

The makers of this movie were up against one of the inherent limitations of the medium: in a short two hours they attempt to portray a process that is inevitably a long-term and largely invisible mental process. I think here of other biopics that have tried to portray the wellsprings of creativity but wound up trivializing it, such as the original "Moulin Rouge" (1952), in which director John Huston shows Toulouse-Lautrec's artistic epiphany coming from a crush on a dance-hall queen and ogling the dancers in the bistros of Paris. The problems such films face is that they are using a medium meant primarily to entertain, not to educate.

While an author's upbringing doubtless informs her prose, it is simplistic to suppose that the creative literary process is a mere transcription of one's memories.

To use an imaginary case from the history of science: faced with trying to portray how Newton devised his laws of motion (which took a considerable period of time, and grew out of a research community with a specific history), a filmmaker might simply show Newton getting hit on the head by an apple as in the apocryphal story. But anyone who seriously wants to show the creative process of any writer, artist, or scientist would need to convey a long history of training, followed by a lot of practice, against the backdrop of a historical setting. The proper venue for that is — *a book*.

Yes, the best movies work at the literary and philosophical level as well as the visual, and human intellectual creativity is surely interesting philosophically. But movies aren't ever likely to do justice to it. So my advice to the Janiacs and other literary realists is to just get over it.

Take the movie for what it is. You have a good storyline, with good dialogue. The acting is first-rate throughout, with an excellent cast. Especially delightful are the performances by Maggie Smith as the formidable Lady Gresham, Ian Richardson as the harsh Judge Langlois, James Cromwell as the sympathetic Reverend Austen, and James McAvoy as the hapless Tom Lefroy.

In particular, though, I was quite impressed with Anne Hathaway's portrayal of Jane Austen. Hathaway has hitherto starred mainly in teen flicks, most famously the "Princess Diaries" movies and last year's "The Devil Wears Prada." She has matured into a fine actress, able to resist the temptation to exploit her cute looks with a cutesy performance. She plays the young Jane as a spirited, intelligent but callow young lady who develops into an older, wiser, and slightly sad figure.

Janiacs, just let go and enjoy. ❑

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"Hairspray," directed by Adam Shankman. New Line Cinema, 2007, 117 minutes.

"Stardust," directed by Matthew Vaughn. Paramount Pictures, 2007, 130 minutes.

A Bitch, a Witch, and Two Men in Dresses

Jo Ann Skousen

One of the great pleasures of the 2007 film season was the return to Hollywood of Michelle Pfeiffer, still looking sleek, sexy, and radiant, in not one but two fine films, "Hairspray" and "Stardust." Oddly, she was lured back to each film by the prospect of playing a witch opposite a macho superstar wearing a dress. Despite five years' hiatus playing full-time mommy, her ability to choose just the right role and play it just the right way is as keen as ever.

Pfeiffer has been one of my favorite actresses since I first saw her in "Ladyhawke" back in 1985. Look at her IMDb site and you'll see that in 25 years of filmmaking, she has never made a bad film. (Well, okay, I'll admit I haven't seen "Amazon Women on the Moon." But it actually looks pretty wacky.) Yes, she is breathtakingly beautiful, but more than that she is a skilled actress, equally adept at playing a mobster's moll, a budding journalist, a torch singer, an inner-city teacher, or a harried mother in need of a Tide pen. And yes, she has played a few witches in her time.

"Hairspray" is a remake of a remake, based on the Tony Award winning Broadway musical (2002) that was itself based on the 1988 John Waters film of the same name. The story is set in 1960s Baltimore, as America was on the cusp of breaking down segregationist barriers. When the main character, Tracy Turnblad (Nikki Blonsky), wins a spot as a featured dancer on "The Corny Collins Show" (a thinly veiled *roman à clef* for Dick Clark's "American Bandstand"), she uses that platform to campaign for racial integration on the show. Prejudice against obesity also surfaces, and I think the stage play could easily be updated to argue for integration of gay and lesbian couples as well.

The film is good, but suffers from the same malady that afflicts most straight-from-the-stage movie musicals ("Dreamgirls," "The Producers," "Rent," "Chicago"). I miss the immediacy of the stage, the ability to see all of the choreography at once, and the cathartic applause at the end of each showstopping number. Remember the long, flowing, full-bodied takes of Fred Astaire and Ginger Rogers? Every tap of their feet and movement of their hands

was captured on film. Not so with today's musicals. Quick-cut editing of closeup shots gives the impression of snappy movements while covering the reality that the actresses can't dance. (This was particularly noticeable with Renee Zellweger in "Chicago.") Still, I'm glad the show has been put on film for those who don't have access to a good stage production.

Pfeiffer plays Velma von Tussle, "The Corny Collins Show's" producer and a consummate stage mother, constantly pushing her own daughter to the forefront of featured dancers. She isn't literally a witch, but in her attempt to keep overweight Tracy and her integrationist ideas off screen, she acts like one. One of the film's funniest numbers is "Big, Blonde, and Beautiful," sung as a split screen duet with John Travolta (playing Edna Turnblad, Tracy's *mother*). The gorgeous Pfeiffer does everything in her vampy power to seduce Wilbur Turnblad (Christopher Walken) but he only has eyes for Edna.

Walken is hilarious as Tracy's father, the hapless owner of the Hardy Har Hut. But to me, Travolta falls short. Yes, it's fun to see him dancing again, this time as a full-figured woman, but the concept of using a man to play Edna doesn't translate as well to film. For one thing, the men who have played the role on stage (Harvey Fierstein, Bruce Vilanche) are full-figured men who did not need rubber body suits and facial prosthetics. By contrast, the close-up nature of film made Travolta's face disconcertingly numb, as though Edna's face were full of Botox.

Still, it was a hoot seeing Travolta singing a lusty duet ("You're Timeless to Me") with Walken. And you have to give him credit for being willing to relinquish his heartthrob status to Zac Efron, the hottie from "High School Musical" who plays dance king Link Larkin. With his slicked back hair and forehead curl, Efron channels an excellent Travolta from the old days of "Welcome Back, Kotter," "Grease," and "Saturday Night Fever." Queen Latifah also stands out as Motormouth Maybelle, the matriarch of the black dancers, especially with her powerful anthem, "I Know Where I've Been." But I really missed that applause at the end of her number.

Pfeiffer also plays a sexy witch opposite a man in a dress in "Stardust," where Robert DeNiro is a high-flying pirate with a penchant for women's clothing. In this cinematically spectacular fairy tale, witches can maintain their eternal youth and beauty only by eating the heart of a star that has fallen to earth. And for Pfeiffer and her two sisters, it has been a long time since one has fallen. (It must have been difficult for Pfeiffer to see herself in the aging prosthetics, after working so hard to get herself in shape for filming!)

When a star (Claire Danes) finally falls to earth, Pfeiffer eats the last of their supply to restore her strength in order to capture the star and bring her heart back. Each time Pfeiffer uses some magic, she ages a bit, and reacts with the despair of any woman reaching middle age.

Meanwhile, Tristan (Charlie Cox), a young man from the nonmagical village of Wall, wants to find the same fallen star, to bring it back as proof of his love for the local brainless beauty (Sienna Miller). To do so, he must cross over the forbidden wall that surrounds his village, into a magical realm that is nothing like Oz. In the process he discovers true love and princely valor.

Like all fairy tales, the story of "Stardust" is somewhat predictable, but the way it is told is charming. Beautiful cinematography, especially the pale blue waters of Iceland; stunning visual effects; an important message about stepping outside the borders established by previous generations; Michelle Pfeiffer; and Robert DeNiro in a dress. What more could you want? ❑

Sometimes ignorance truly is bliss. Last month managing editor Andrew Ferguson expressed disappointment in "Stardust" because of its infidelity to the Neil Gaiman book on which it is based. However, not having read the book, I came with no expectations and thus had no reason to be disappointed. "Stardust" doesn't have the staying power of "The Princess Bride," but it's worth the price of popcorn and a ticket.

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Reflections, *from page 17*

When Hollywood called Midler, Russo followed. He was a driving force behind her first movie — a fictionalized version of Janis Joplin's life called "The Rose." Midler earned an Academy Award nomination for the part; Russo earned a producer credit and . . . entry. Through the 1970s and 1980s, he settled into a career as a Hollywood *macher*. His movies included "Trading Places," "Wise Guys," and "Rude Awakening."

In the early 1990s, Russo had some major tax disputes with the IRS and California state authorities and was inspired to get active in politics by Ross Perot's maverick presidential campaign. Russo formed the Constitution Party, which had a small-government platform similar to that of the Libertarian Party. Perhaps *too* similar. The new party failed to get off the ground.

In 1994, Russo created the pilot for a one-hour political TV show he called "Aaron Russo's Mad as Hell." The show, expanding on the style of political comedians like Dennis Miller and Bill Maher, highlighted libertarian views on the IRS, Social Security, and NAFTA. Unable to find a syndicator for the show, Russo sold the pilot as a video with some success.

Russo made his first formal bid for political office in 1998, when he sought the Republican nomination for governor of Nevada. He came in second in the primary, drawing over 25% of the vote in a four-way race.

The following year, Russo joined the Libertarian Party. In 2000, he delivered a fiery speech at its national convention, calling the LP the "last, best hope for freedom in America." He planned to run again for governor of Nevada in 2002; but, early that year, he was diagnosed with bladder cancer. He put politics on hold while getting treatment for the disease.

In January 2004, with his cancer apparently in remission, Russo announced that he would seek the LP's nomination to run for president. On the campaign trail, he hammered out a clear vision:

> I will bring our troops home from every corner of the globe. I'll revoke the Patriot Act. I'll cut taxes, cut spending. I'll cut the size of government. I'll stop corporate welfare. I'll engage all nations in trade and commerce. I'll protect our air and water, and I'll protect our borders. But, most importantly, I will protect our Constitution and Bill of Rights.

After several close ballots, though, Russo fell short of the votes he needed.

Next, Russo turned his attention to the tax protest movement. He wrote, produced, directed, and starred in a documentary feature called "America: From Freedom to Fascism." The film positioned Russo as the Michael Moore of tax protest. Promoting the film, he said:

> [T]he IRS is putting people in jail for no reason, no law. In 1894, the Congress tried to pass a law but the Supreme Court shot it down. In 1916, the Supreme Court . . . said that the U.S. government did not have the authority to tax the labor of the people. Income as a corporate gain is taxable; it doesn't mean your labor is taxable. Each person owns their own life and their own labor. . . . I will do everything in my power to shut down this system, this Federal Reserve system, and this takeover of our government by them. It's about freedom of the individual, not about institutions.

The tax protest movement is reviled by establishment media — and the response to Russo's film reflected this. A New York Times article made snide reference to the tax liens resulting from Russo's disputes with the IRS as the real reason for his political beliefs.

In the end, though, Russo's cancer was a far bigger problem than the bitchiness of the New York Times. Earlier this year, it returned and — on August 24 — prevailed.

Aaron Russo was 64. His children and long-time girlfriend were with him at the end.

Russo generated lots of quotable soundbites during his several campaigns. One, from the 2004 presidential run, stands out: "I believe there are millions and millions of unheard voices in America who would come out and vote for someone they believed in."

Amen, brother. — Jim Walsh

Getting Serious About Diversity, *from page 31*

colleagues who have expressed their worries about the demographic profile of the department. Because the dead are literally ageless, sexless, and without ethnicity, they can be added to any demographic category we wish.

During some recent recruitments, we have found it difficult to convince the college administration that the candidate's spouse should also be hired, as a means of luring, for example, a promising minority candidate to campus. We have even endured baseless charges of nepotism. On this occasion, no such charge can possibly be lodged. Even while alive, Jeremy Bentham was notoriously sexless.

On all counts, therefore, I now believe that our decision last week was in retrospect an extraordinarily astute and far-sighted one. I'm sure you will share with me an eagerness to attract to our midst someone who will add so much to our departmental culture and luster. I only wish we had been aware of his availability some months ago, so that we could have spared ourselves the tedium of meeting for a half hour or so with three inferior candidates, and sitting through some pretty dreadful job talks. The talk about the alleged social benefits of "fairness" and "intellectual standards" was especially depressing. Jeremy, by contrast, has a well-deserved reputation for not wasting people's valuable time.

All in all, this is a most delightful prospect, and I cannot tell you how grateful I am to those of you who made it possible. If we begin the hiring process immediately, we should be able to lure Professor Bentham here by next September. Think of the impact that will have on our colleagues in other departments, including the supposedly "hard" sciences. For once, we shall be on the cutting edge.

Cordially,

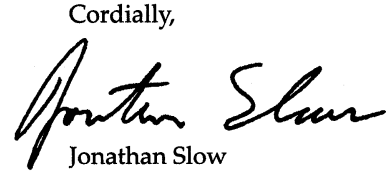

Jonathan Slow
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Terra Incognita

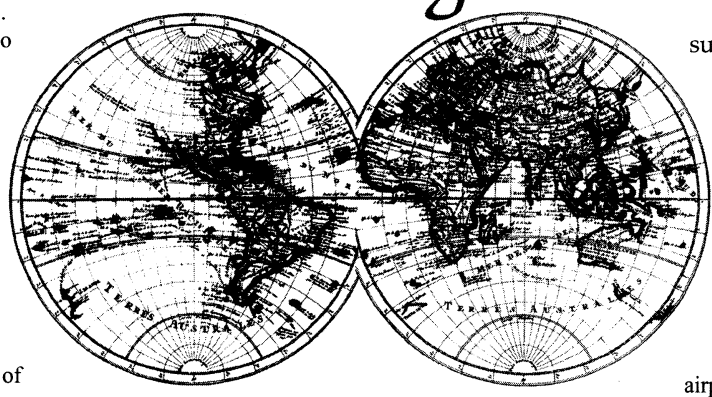

Sioux City, Iowa

Curious divine revelation, from the *Des Moines Register:*

God's will is for Iowa to have the first-in-the-nation caucus, Democratic presidential candidate Bill Richardson told a crowd at the Northwest Iowa Labor Council Picnic.

"Iowa, for good reason, for constitutional reasons, for reasons related to the Lord, should be the first caucus and primary," Richardson, New Mexico's governor, said.

New Zealand

Notable gustatory trend, described in the *Christchurch* (New Zealand) *Press:*

A new phenomenon in New Zealand is taking the idea that "you are what you eat" to the extreme.

Vegansexuals are people who do not eat any meat or animal products, and who choose not to be sexually intimate with non-vegan partners, whose bodies, they say, are made up of dead animals.

The co-director of the New Zealand Centre for Human and Animal Studies at the University of Canterbury, Annie Potts, said she coined the term after doing research on the lives of "cruelty-free consumers."

One vegan respondent from Christchurch said: "I believe we are what we consume, so I really struggle with bodily fluids, especially sexually."

New Mexico

Summerhill for the TV generation, as seen in the *New York Times:*

"Kid Nation" is a CBS reality show whose premise is to take 40 children, ages 8 to 15, and place them in a "ghost town" in New Mexico to see if they can build a working society without the help of adults.

But after the production ended in mid-May, the parent of one child in the production complained to state officials that the children's treatment bordered on abuse. Four children received medical treatment for accidentally drinking bleach, one child was burned on her face with hot grease while cooking in an unsupervised kitchen, and most of the children were required to work 14 hours or longer per day. They received a payment of $5,000.

State officials pointed out that a new state law would soon go into effect specifically limiting the amount of time that children can work each day on television productions.

Kansas City, Mo.

Fahrenheit 451 as civil action guide, from the *Kansas City Star:*

The owner of a midtown bookstore set fire to hundreds of books to protest a "decline in reading."

"We hope to spark a conversation about the importance of books in the face of a marked shrinking in reading trends, and staggering waste streams of actual books," said Tom Wayne, owner of Prospero's Books.

Beijing

Diktat from the karma police, transmitted by the *London Times:*

Tibet's living Buddhas have been banned from reincarnation without permission from China's atheist leaders. The ban is included in new rules intended to assert Beijing's authority over Tibet's restive and deeply Buddhist people.

"The so-called reincarnated living Buddha without government approval is illegal and invalid," according to the order. The 14-part regulation issued by the State Administration for Religious Affairs is aimed at preventing the reincarnation of the 72-year-old monk without approval from Beijing.

Kathmandu, Nepal

Exceptional ameliorative measures for malfunctioning aircraft, logged in the *Nepal Times:*

Officials at Nepal's state-run airline have sacrificed two goats to appease Akash Bhairab, the Hindu sky god, following technical problems with one of its Boeing 757 aircraft.

The goats were sacrificed in front of the troublesome aircraft at Nepal's only international airport in Kathmandu in accordance with Hindu traditions.

"The snag in the plane has now been fixed and the aircraft has resumed its flights," said Raju K.C., a senior airline official, without explaining what the problem had been.

Philadelphia, Pa.

Innovative augmentation of local constabulary, reported by the *Baltimore Sun:*

Sylvester Johnson, the embattled police chief of Philadelphia, acknowledging that police alone cannot quell a run of deadly violence, has called on 10,000 black men to patrol the streets to reduce crime.

Johnson, who is black, says black men have a duty to protect more vulnerable residents. "We're going to put men on the street. We're going to train them in conflict resolution," Johnson told the *Philadelphia Daily News.*

Union City, Ga.

Culinary dispute, from a dispatch in the *Atlanta Journal-Constitution:*

A McDonald's employee spent a night in jail and is facing criminal charges because a police officer's burger was too salty.

Kendra Bull said she accidentally spilled salt on hamburger meat and told her supervisor and a co-worker, who "tried to thump the salt off." Police Officer Wendell Adams got a burger made with the oversalted meat, and he returned a short time later and told the manager it made him sick.

Police sent samples of the burger to the state crime lab for tests. City public information officer George Louth said Bull was charged because she served the burger "without regards to the well-being of anyone who might consume it."

Special thanks to Jim Ferguson, Russell Garrard, and Phil Miller for contributions to Terra Incognita.

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Next year's FreedomFest will be even bigger, with hundreds of freedom organizations, exhibitors, speakers, and attendees. Confirmed speakers include **Jeremy Siegel**, "The Wizard of Wharton" and author of the bestseller "Stocks for the Long Run." **Nick Gillespie**, editor of **Reason** magazine. Plus these experts are coming back by popular demand: **Charles Murray** (American Enterprise Institute), **Steve Moore** (Wall Street Journal), and **John Mackey** (Whole Foods Market).

For the first time the **Fraser Institute** and **Heritage Foundation** are platinum sponsors among the 100-plus exhibitors expected at FreedomFest 2008. **FLOW**, John Mackey's organization, will also be there, along with speakers from **Reason** and **Cato**, among many others. And, as before, **Laissez Faire Books** will be the official bookstore.

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Mark Skousen, *Producer*

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— Nathaniel Branden

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Inside Liberty

December 2007
Volume 21, Number 12

4 **Letters** Our readers tackle the big questions.

9 **Reflections** We charge up our government's platinum card, institutionalize Rumsfeld, watch dirty movies in Myanmar, protect suburbia from cigarettes, take back Gore's Nobel Prize, save the world from file-sharing single mothers, observe Bush reverting to MBA form, tango with talk-show hosts, and see the fat lady singing.

Features

23 **Where Have All the Techies Gone?** If you want something done, *Gary Jason* reminds us, somebody's got to do it.

27 **Panama: The Western Hemisphere's Dubai** *Doug Casey* visits Panama, meets with its president, and admires up-and-coming Panama City.

31 **L'Eclisse** Did you notice that something was different? *Dana Peterson* did. Something passed out of our world.

34 **The Half-Open Door** The real question of immigration, writes *Bruce Ramsey,* is not about principles. It's about numbers.

37 **The Cookie Monster Beats the Cops** One person can change the world, *Rycke Brown* finds — if she's persistent, honest, polite, and firm in her convictions.

Reviews

43 **Liberty and Pragmatism at the Fed** Even for people who have followed a story that began with Ayn Rand, there has often been something deeply mysterious about Alan Greenspan's career. *Bruce Ramsey* figures it out.

46 **The Road to Hayek** To understand a mastermind, suggests *Lanny Ebenstein,* start with his own works.

47 **The Inward Journey** What happens when you're lost in the wilderness, spiritually as well as physically? *Jo Ann Skousen* goes there.

49 **From Russia With Mob** *Gary Jason* follows David Cronenberg's transformation from splatter punk to serious storyteller.

50 **All You Need Is a Beatles Fix** *Jo Ann Skousen* gets back to the long and winding road.

52 **Sasquatcherie** There's an idea in those woods, and it sometimes looks large and furry. *Jon Harrison* investigates, with *Jo Ann Skousen* close behind.

51 **Notes on Contributors** We few, we happy few.

54 **Terra Incognita** A fumbling of ecstasy.

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Letters

Robert's Rules for Godhood

The excellent articles by Leland Yeager and Stephen Cox ("Is There a God?", October) pose the question of whether it is possible for a progressing society to exist without some moral basis. I contend it is necessary to answer a prior imperative: is man a stimulus-response animal or does he have spiritual aspects? If the former, Pavlovian methodology will suffice to ensure future generations conform to society's moral standards. The question of a god is moot. If man does have a spiritual aspect, if he is an autonomous being (spirit, soul), it would require reason and discourse to bring about a personal understanding of his moral responsibilities as a member of society. This would, however, require thought by all parties involved, something that seems to be lacking in too many cases.

My personal observations of the universe, flowers and fleas, waterfalls and cancer, have led me to think that, if there is a god, it must be a committee.

Michael Carraher
Martinez, Calif.

Hitler's Creed

In Stephen Cox's article "Skepticism, and Beyond" (October), he claims that Adolf Hitler's "private conversations showed him as much an enemy of Christianity as he was of Judaism," citing the Norman Cameron and R.H. Stevens translation of Hitler's "Table Talk," a document transcribed from notebooks of Hitler's secretaries Heinrich Heim and Henry Picker and edited into multiple versions by Martin Bormann and Henry Picker. However, as Richard Carrier points out with detailed textual comparisons in his article "Hitler's Table Talk: Troubling Finds," (German Studies Review, October 2003), there are significant discrepancies between the available versions and translations of this document, with the German of Henry Picker's notes and the German edition of Bormann's text by Werner Jochmann being the most reliable and the version relied upon by Cox being the least reliable. The Stevens and Cameron translation, edited by Hugh Trevor-Roper, contains passages not found in the original German and mistranslations of the German that appear to be derived from Francois Genoud's French translation. In particular, many of Hitler's attacks on Christianity appear to be based on incompetent translation and outright fabrication by Genoud. The result is that Hitler, while not espousing an orthodox form of Christianity, still is a believer in God and divine providence, the authority of Jesus, and the immortality of the soul whose views are Christian in the broadest sense.

A more popular version of Carrier's article, without the German text, was published in the November 2002 issue of Freethought Today.

Jim Lippard
Phoenix, Ariz.

Into the Highways and Hedges

Contrary to Professor Cox's claim about the uniformly peaceful message of Christianity, I wish to submit this piece of evidence: "Compel them to come in" (Luke 14:23).

Tibor R. Machan
Silverado, Calif.

The Role of Religion

As a philosophy professor (retired), I was pleased to read the Yeager-Cox exchange. Both men provide humane, civilized, learned, and eminently readable discussions. It's obvious that both

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have given the subject careful and extensive thought. The questions they address are very old and their answers and arguments are mostly familiar. Though they come to different conclusions, they both consider the issue of God's existence as fundamental to dealing with the subject of religion and its relation to morality and related social concerns. They draw upon science, philosophy, and history to support their positions. How many minds are changed as a result of debates like this? I doubt that many are, which leads me to wonder whether another approach is worth a try. Marshalling arguments and providing evidence for and against God's existence have been relatively fruitless if an intellectual resolution of the proper role of religion is what is sought.

Is there any other way that stands a better chance of success? For starters, how about trying a Toulminian functional approach — by which I mean seeking to provide literal (not figurative!) definitions of the distinctive functions of religion, morality, science, and history, and the modes of reasoning peculiar to each? One of the keys to the success of this project is to take on the question of the use of that pesky word "reality," which haunts the traditional approach and seems to cause endless bickering. I didn't mention philosophy because it's so diverse that I doubt it has a distinctive function. Nevertheless, some philosophers might be willing to help with the task. Stephen Toulmin has paved the way.

Jan J. Wilbanks
Marietta, Ohio

Jesus and Jupiter's Brain

Stephen Cox, a skilled writer and editor, produced an essay that seems to obfuscate on the question of a supreme being.

He begins by dismissing science as an inadequate tool for determining the existence of a god or creator. Over the march of time, however, it has been science that has provided the answers to the questions posed by our species. Because of the scientific quest we have learned the earth isn't flat and is not in the center of the universe. Science has shown how many human illnesses, thought for millennia to be punishment from a wrathful creator, are the effects of bacteria and viruses. Scientific evolution demonstrates how species, including humans, are created without the necessity of a conscious creator. As scientific knowledge has accumulated, the inclination to posit the existence of a supreme creator has diminished. I expect this trend will continue, leaving ever-narrowing gaps of ignorance for the presumption of a god.

Cox bases much of his faith on "God's intervention in history through the life of Jesus." It seems the author and I are reading diametrically opposed sources regarding the authenticity of the New Testament stories. To cite one example of the contradictions among the four gospels, Matthew tells of the resurrection of the dead from cemeteries in the vicinity at the time of Jesus' crucifixion. None of the other three gospel writers mention this startling event. Also, secular historians then living in that area of the world make no mention of this momentous happening. Of course, they would have done so had so many dead people actually risen from their graves.

And how can one ignore the bizarre nature of a central tenet of Christianity,

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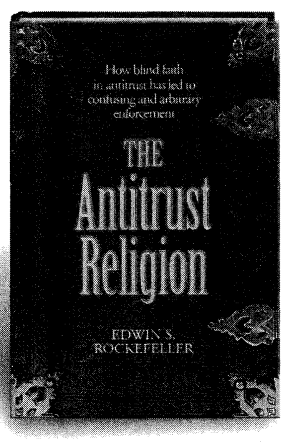

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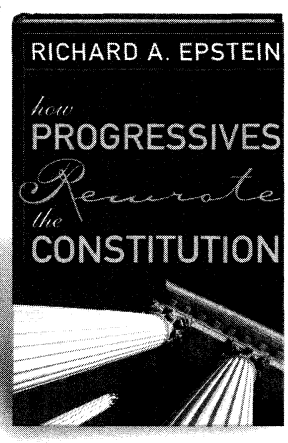

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the redemption of sinners through the death of Jesus? Isn't it strange to believe an all-good and all-loving creator required the blood sacrifice of his supposed son to assuage his feelings? If one ponders this question it is difficult to come away with any faith in Christianity.

Thomas Jefferson, in a letter to John Adams, said it well: "The day will come when the mystical generation of Jesus, by the Supreme Being as his father, in the womb of a virgin, will be classed with the fable of the generation of Minerva in the brain of Jupiter."

I much appreciate Liberty publishing both essays on the topic. It is a subject worthy of additional exploration in Liberty.

Edward Scherrer
Eau Claire, Wisc.

Reverent Tolerance

Leland Yeager's case for being a "reverent atheist" ("Reverence for Skeptics," October) was well conceived until I came to the final paragraph where he advocated censuring teachers in public schools for praying or teaching "intelligent design." I thought Professor Yeager, a teacher himself, would support the right for teachers to say whatever they wish, within reason (and surely Christian beliefs fit in this category) and be held accountable.

When I was a student at Sunset High School in Portland in the early 1960s, I well remember a history teacher (Merrill Cressey) who made it clear in class that he was an atheist. He influenced hundreds of students and caused me to question my faith. But would I prohibit him from expressing his views in class? Did my parents complain to the principal? Absolutely not. As a libertarian, I believe in maximum freedom of speech, even in public schools. If a teacher is a believer in intelligent design, or in God, then why not let him express his views in class? It's vital that students be exposed to a variety of views, and I've met some very bright people (such as Dr. Michael Denton at FreedomFest) who teach some form of intelligent design, and are prayerful people. It's not any different than letting an atheist teacher say what he thinks.

In conclusion: we need more liberal libertarians who are more tolerant of alternative views.

Mark Skousen
New York, N.Y.

Cox responds: Mr. Lippard is right about the vexed question of the text of Hitler's "Table Talk." It's vexed, all right. And certainly Hitler believed in what he called "God" and "providence," as all versions of his "Table Talk" make clear, together with the fact that he violently hated Christianity in both versions with which he was familiar, Lutheranism and Roman Catholicism. Neither Lippard nor the "Freethought" writing he cites com-

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From the Editor

Presidential candidate Rudy Giuliani has recently provoked criticism by interrupting his own speeches by taking calls on his cell phone.

The calls purportedly come from his wife, and I assume that his willingness to keep his audience waiting while he repeats endearments is designed to show that he is a devoted family man. Perhaps, however, it also shows how desperately bored even a leading light of one of the nation's great political parties can become with his job.

The authors who appear in this issue of Liberty do not suffer from that disability. They may be saucy, contentious, contrarian, embarrassingly erudite, and, occasionally, just plain wrong (whenever they disagree with me), but they are not in danger of putting themselves to sleep. Or anyone else, either. Many readers report that it's Liberty, not their cell phone, that keeps them awake, entertained, and unwilling to be interrupted.

For Liberty,

Stephen Cox

municates any evidence for the idea that Hitler believed in "the authority of Jesus."

Dr. Machan has the distinction of providing a wholly original exegesis both of my essay and of the poetic language of the parable in Luke. As far as I can tell, nobody ever thought of this before.

Mr. Scherrer appears to believe that if one ancient account of an event includes details that do not appear in other accounts, then all the accounts of that event are wholly fallacious. He also appears to believe that if any of the possible theological implications of an event seem bizarre to us, the event must not have occurred.

Most important, however: I thank all correspondents for their attentive kindness to my essay. As William Blake said, "Opposition is true friendship."

Yeager responds: Mr. Carraher asks "whether it is possible for a progressing society to exist without some moral basis." No, I think not; and precisely for that reason it is important to understand the sound, and not merely faith-based, grounding of morality. (See my "Ethics as Social Science," Elgar, 2001.)

Professor Wilbanks wonders about "the proper role of religion." The answer depends largely on how well supported its doctrines are.

I applaud Mr. Scherrer's recognition that science keeps on narrowing the gaps of ignorance that supposedly bolster religious belief. It shows irreverence for the wonders and mysteries of our awesome universe to preach "faith," a pretense of knowledge, as a substitute for their continuing exploration. Mr. Scherrer also doubts whether a collection of dubious and mutually contradictory documents provides an adequate basis for religious belief, specifically Christianity.

Contrary to Professor Skousen's assertion, I did not advocate "censuring teachers in public schools for praying or teaching 'intelligent design.'" To suppose so is a grievous misreading of my appendix. There I criticize federal government meddling with the schools. Most of us libertarians presumably favor private schools, including religious schools. Any school, private or public, requires some sort of owner or governing body to decide on curriculum and see that deviations from it do not go too far. If I were a member of a state legislature or school board, I would, as I said, vote against prayer and "intelligent design" in public schools; but I would not try to force my views on others.

I would not censure teachers for incidentally expressing their religious views, but I do think that they should not depart from the curriculum so far as to proselytize their young captive audiences. Understanding the rationale of academic freedom, I would tolerate such abuses further among university professors than among teachers in public grade schools and perhaps high schools.

I meant my appendix not to advocate censure but to express libertarian and constitutional views on the line between federal and state and local authority.

The Trouble With Justice

Leland Yeager proposes a puzzling view of the concept of justice in his review of Tibor Machan's new book, "Liberty and Justice" ("Noble Abstractions," July 2007).

He states, "Justice, like freedom, is best interpreted as a negative concept. . . . Justice is the absence of unjust acts." Somewhat further along he says, "The question to ask about a word is what one or more interpretations best fit its use in its usual contexts. So conceived, justice is best interpreted negatively, as the absence of unjust acts, which, although numerous and varied, are relatively readily identified as such. Justice does not have a single correct positive meaning." There are at least two logically troubling issues here.

First is the problem of circularity which arises when attempting to define justice by using a form of the same word. Justice is obviously about the just and the unjust. But what are they? Can justice be defined meaningfully without reference to some underlying moral system? And what is that? How can it be validated? Answering those questions would seem to be a rather positive enterprise.

Secondly what about the issue of redress? In my view justice certainly is not only about reprehensible acts against others but also the issue of how to make the victim of injustice as whole as possible. This is almost as large an issue as what is an unjust act. This also doesn't seem to fit comfortably into the "negative" concept approach.

Freedom (in the political context) may be viewed as a "negative" concept profitably, but I don't think this approach works well with the concept of justice. You can discuss what freedom is politically without reference to a value system (although justifying it as the "proper" social arrangement cannot). But you cannot discuss what justice is without such reference.

Wendl Thomis
Acton, Mass.

Yeager responds: Unjust acts are indeed those that violate some underlying moral system. Identifying them does indeed presuppose a moral code, but cataloguing all of them and devising a definition that would cover all of them would exceed the scope of any dictionary. Redress is an attempt to undo unjust acts, at least partially. Justice is the absence of (unredressed) unjust acts. I challenge Mr. Thomis to frame a definition that better fits the contexts in which the word appears.

Euro Trash

Jacques Delacroix touched on a subject ("Why I Don't Like Europeans," October) I have been aware of since the 1950s. In my late teens, I spent several years on that blood-soaked continent called Europe, a continent I have returned to many times. I have family and friends in and from Europe and know them up close: listened to them, talked to them, argued with them, endured their smirks, bristled at their anti-American sarcasm. Delacroix got it mostly right.

The long and short of it is that Europeans have never wished this country well, unless, of course, it was convenient to do so.

And not too long ago it was convenient to wish us well when our blood and treasure were needed to rescue them from the evil ingenuity of the political systems they were so highly talented at inflicting upon themselves — systems that created a continental graveyard and caused the death of

continued on page 33

"Give me Liberty or Give Me Death."

—Patrick Henry, 1776

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Reflections

Can you take me higher — Congress has spent us up to the previously legislated debt limit of $8.9 trillion. So they are going to have a vote in order to raise it higher. Can someone explain to me how the distinguished members of the U.S. Congress are any different from a drunken redneck with a platinum card? Now that I think about it, the difference is that once the redneck hits the credit limit he has to stop spending.

— Paul Rako

Senator from Pluto — The AP summarized Hillary Clinton's latest proposal in this way: "Every child born in the United States should get a $5,000 'baby bond' from the government to help pay for future costs of college or buying a home. . . . Clinton said such an account program would help people get back to the tradition of savings that she remembers as a child, and has become harder to accomplish in the face of rising college and housing costs."

So, according to Hillary, the best way to get back to learning how to save is for the government to hand you $5,000. Remind me, what planet is she from?

— Michael Schein

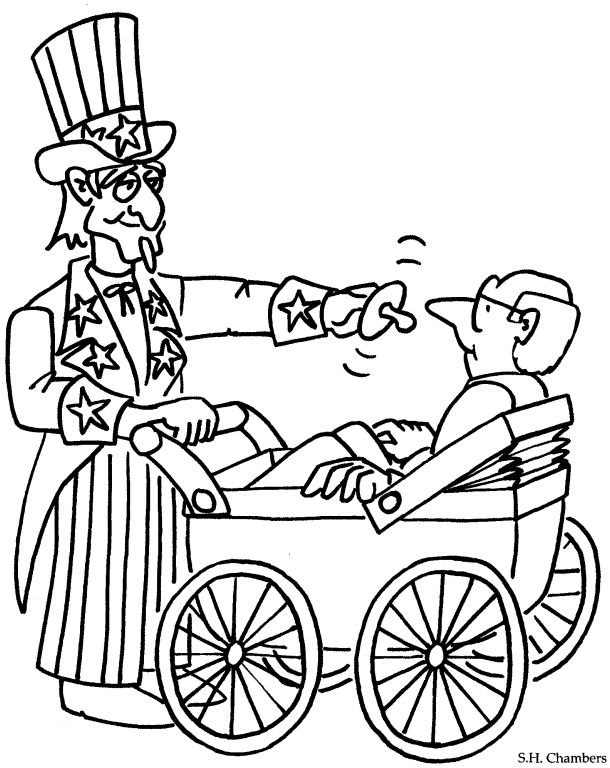

S.H. Chambers

In good company — Just when I was beginning to wonder what the old boy would find to do with himself, former Defense Secretary Donald Rumsfeld has been named a visiting fellow at liberal Stanford University's conservative Hoover Institution.

And there was a great howling and a gnashing of teeth.

I, for one, find a certain poetic justice in his appointment to this particular locale. Rumsfeld and liberal academics deserve each other's company. And, besides, aren't the names Hoover and Rumsfeld both linked with political failure?

— Brien Bartels

Don't get carried away — With Myanmar in turmoil, Western democracy-lovers are celebrating. With Buddhist monks at the forefront, it is difficult to avoid feeling romantic. How deeply spiritual Burmese must be for so many of them to become monks!

Alas, that would be a very narrow view. The current turmoil in Myanmar has its roots not in love for liberty but in the increasing costs of living. A visitor to Myanmar doesn't take too long to realize that becoming a monk is perhaps the second best profession in Myanmar (after working for the military). Myanmar is littered with religious places, though it is difficult to see much sign of spirituality. In one monastery, when I was visiting the country, I was taken to a living room where the incense was burning, but on the TV; the monks were running a semi-pornographic film, while smoking cigarettes.

Not that I have anything against pornography or smoking, but having romantic notions about Burmese spirituality certainly feels a bit far-fetched. Neither should it be forgotten that, behind the calm exterior, Burmese are an extremely fractious society, with various regions harboring animosity against one another. People of Indian and Nepalese origin are easy scapegoats for any crimes.

If democracy arrives in Burma, will it sustain itself? And if it does, is Burma going to be a freer society than it is now? I seriously doubt it.

— Jayant Bhandari

A little ahead — The town I live in, Belmont, Calif., just passed (by unanimous city council vote!) an ordinance outlawing all smoking of tobacco anywhere except in the interior of private homes, because of the alleged relationship between second-hand smoke and illness. Violators will be fined.

Presumably, if you are a law-abiding citizen driving through town, you will be required to extinguish your cigarette for a few miles ("Welcome to Belmont. Stop smoking!") before re-igniting once you arrive in a more benighted city.

I had no idea that Belmont was any more "liberal" than any other part of the San Francisco peninsula; perhaps it is not. We're just a little "ahead" of everyone else. Said one councilman, "What if every city did this, imagine how many lives would be saved!"

I plan to attend the next council meeting to demand that the following proposals be considered:

- Because sleep is so important for health, everyone will be encouraged to get a full eight hours by

means of a law requiring that all sources of light be turned off, in all abodes, between the hours of 11 p.m. and 7 a.m.

- Because diet and health are so closely related, all Belmont grocery stores and restaurants will be required to report the purchases of Belmont residents. These shall be reviewed by a newly constructed Belmont Board of Health. People found not to be in compliance with its recommended dietary guidelines will be fined.
- Fitness and good health are also closely related, so all Belmont residents will be required to attend city-sponsored fitness workouts three days a week.
- I almost forgot! The sale and consumption of alcoholic beverages will henceforth be illegal.

I encourage you all to propose such legislation to curb the bad habits of your neighbors and yourselves. Imagine how many lives would be saved!

As I am eager to comply with the wisdom of my local government, I regret that I must file this report anonymously, because I hear that next on docket is "hate speech," and . . . well . . . you never know. — Anonymous

Stevens v. Constitution — Jeffrey Rosen wrote a long article about Supreme Court Justice John Paul Stevens for the Sept. 23 issue of the New York Times magazine. It was a profile of Stevens' life and a review of the moments that shaped his legal philosophy; and it was quite well written.

Word Watch

by Stephen Cox

"Look out!" your mother yelled, snatching you out of the way of the bus that was barreling down on you. Then, when she got you back on the sidewalk, she delivered the moral: "From now on, watch what you're doing!"

"Watch what you're doing" is a phrase that keeps coming to mind as I scan the daily news (or news and opinion, or just plain opinion, regardless of how it happens to be labeled). "Look out!" I yell at the invisible author. "Can't you see that bus?" The difference between a good writer and a bad one is that a good writer sees danger approaching and gets out of its way.

Some writers are a little too good at that. They foresee trouble, and they sidle away from it, slippery as successful burglars. Here's a report from USA Today (Aug. 17) about Sen. Biden, who is once again a candidate for the Democratic presidential nomination. The article is subtitled, "Dem candidate's run in 1980s was marred by illness and controversy." "Controversy?" the normal reader wonders. "What controversy was that?" "Illness" may not occasion as much concern.

Yet "illness" comes up in paragraph 2, where it's used to arouse sympathy for the presidential candidate (he once suffered a "life-threatening brain aneurysm"), while "controversy" is made to wait till paragraph 16, which contains a discrete reference to the episode in which Biden "borrowed a long speech from British politician Neil Kinnock but failed to attribute it in the Iowa debate in 1987. Biden withdrew during the resulting controversy."

That's it. That's all. The big, ugly bus called "Plagiarism" was ready to claim its victim — until the writer pushed the endangered statesman back on the sidewalk. Whew! That was a close one. Only suspicious brains, like yours and mine, would ask whether anyone who *borrowed* another person's speech ever intended to *give it back*. Did any politician ever provide a concluding footnote: "I've borrowed this speech from someone else"? But at least USA Today is watching what it's doing. It won't let any little politicians get run over.

At the other end of the rhetorical spectrum is a hapless editorial writer for the Vincennes, Ind., Sun-Commercial (Sept. 1, 2000), discussing Labor Day festivities on the banks of the Wabash: "Of course food . . . is a big part of all of these hometown celebrations and you'll find it in great variety in Bicknell right on through the weekend including catfish, chili, pork chops and grilled children." Oh yeah! Kids are so much tastier than chicken. Which would you like, the leg or the thigh? I also like 'em boiled.

One has to pity a writer like that. He was just trying to cross a country road, and blammo! That was the end of him. He didn't *watch what he was doing*. And it's not enough to pay attention to what you say; you've also got to be careful about the way you say it. You even have to worry about grammar.

This annoying hindrance to journalism is much in evidence in the news coverage of O.J. Simpson's latest adventures, reports in which there's a close correlation between pretentious reporting and ignorant syntax. A typical report characterized O.J. as "the fallen football star" — a poetic description requiring the work of *two* (count 'em, two) Associated Press writers. But these stargazers forgot to check their subject-verb agreement, referring to the sports "memorabilia" (plural) that according to Simpson "was [singular] stolen from him."

Ah, there are none so blind as those who pretend to see. Another classic example from the files of Word Watch — files that are much more extensive, and embarrassing to their subjects, than those of the FBI — appears in a ceremonial address once delivered to the American Prison Association (a coven of high-class "correctional officials"). The president of this group solemnly warned against any attempt to predict the future of his profession, alleging that "the future . . . is completely unstable." Well, yes. If you try to lean on one of those God-damned futures, it always collapses under your weight. The prison pundit might have observed that we don't know the future, because it doesn't yet exist, but he was too busy putting on his rhetorical top hat and spats to see the trouble that he was about to bring upon himself.

Some writers and speakers have a harder problem. They're

Rosen clearly reveres his subject. One aside near the end of the nearly 8,000-word article is indicative: "I was especially impressed with Stevens's character: his engagement, curiosity, combination of toughness and vision, strong internal compass and refusal to go along with the crowd, his decisiveness, analytical power, modesty (but not false modesty), devotion to the court as a steady institution and sense of wonder and gratitude for the remarkable opportunities that had come his way."

That explains why the article treats Stevens so gently on some of the recent low points of his career. Those include his view that Congress has the power to ban flag burning and his decision to write the deeply disturbing majority opinion in *Gonzales* v. *Raich,* the medical marijuana case — two views that a New Republic contributor like Rosen might reasonably find questionable.

But the tepid critique of a sitting justice became most obvious toward the end of Rosen's article in a discussion of the *Kelo* v. *City of New London* case. In one paragraph, Stevens justifies his decision to write *Kelo's* majority opinion as what Rosen kindly calls a "textbook example of judicial restraint." Stevens is quoted as saying: "I thought that was a clear case of what the law compelled."

The next paragraph begins: "Stevens's final judicial theme is that the court has an obligation to protect ideals of equality and liberty. . . . "

The juxtaposition of the two sentences is telling. First, it shows that Stevens' crabbed view of liberty does not include the freedom to own a house safe from the predations of local governments in cahoots with developers. Second, one recalls that Stevens is happy to strike down abortion restrictions, sodomy restrictions, and so on — even when they're textbook examples of "clear cases of what the law compels."

Translation? Stevens cites "judicial restraint" if he likes the law on the books. If he doesn't like the law, though, "judicial restraint" doesn't matter. It all comes down to his personal preferences.

That might be fine if these personal preferences were grounded in the U.S. Constitution but, as the article makes clear, they stem from Stevens' father's legal woes, his own experiences in World War II, and so on. The best that can be said is that he's honest about it. The worst might be, as one law review article has argued, that this is a justice with an "ambitious moral agenda" who uses lifetime appointment on the Supreme Court to advance the "overconfident imposition of highly debatable personal preferences." — Declan McCullagh

Gorey details — The Norwegian Nobel Committee has awarded the 2007 Nobel Peace Prize to the IPCC (Intergovernmental Panel on Climate Change) and Al Gore. Some will no doubt assume that this demonstrates the veracity of Gore's apocalyptic slideshow "An Inconvenient Truth." It does no such thing.

The Nobel Peace Prize has only a tenuous connection to peace or even accomplishment, as a cursory perusal of past recipients will verify. The pantheon includes many great individuals (to name just one, Norman Borlaug), but it also has plenty of worthless clowns who managed to tickle the committee's fancy (to name just one, Kofi Annan) and at least a few truly despicable individuals (again I'll name just one, Yasser Arafat). The pantheon also permanently excludes many individuals who have, by any objective standard, actually earned the laurel (once again limiting myself to a single example, Mahatma Gandhi).

As regards Gore's slideshow, however, a more telling point is that his co-recipients' assessment of the problems posed by global warming is not even close to his. This is because the IPCC, despite being formed by the UN, has competent scientists working to reach accurate conclusions. In keeping with the pattern set earlier, I will give only a single example: Gore claims that sea levels will rise by 20 feet this century; the IPCC expects a rise of a single foot (but allows that a two-foot rise is within the realm of plausibility).

Does this mean that next time someone claims that "An Inconvenient Truth" is scientifically justified (or even plausible) you'll be able to put them in their place? Of course not. Faith is subject to neither logic nor reason, and environmentalists

not trying to cross a country road, dressed in their evening wear; they're trying to beat it over a ten-lane highway, with no protective gear at all. You've got to feel sorry for Michael V. Drake, Chancellor of the University of California, Irvine, who was recently flattened in this attempt. He wanted to explain why he chose a law school dean and then decided to unchoose him — probably because he discovered, a little too late, that the guy was a jerk. Unfortunately, Drake's attempts to defend himself, in both speech and writing, looked more like attempts at suicide. His most effective self-defense came in a newspaper interview where he said, "This is certainly something that I bungled, and I regret it completely and totally." He didn't need both "completely" and "totally" — the redundancy made him sound like a Valley girl — but there was no possibility of misunderstanding his sentence.

He found it tougher, however, to get across the next nine lanes of the interview. It must have occurred to him, sometime in the process, that he should never have gotten started. But he was trapped; he couldn't turn back, and he couldn't just come right out and say what he thought. So he burbled things like, "The why of it is straightforward, but I think it's going to be unsatisfactory." Huh? Before reading that, I'd never realized what a mysterious word "it" is. He dodged toward the shoulder: "I don't want to talk about it." But he *was* talking about it. Then he tried a hackneyed metaphor, hoping to put everyone to sleep: "There's no particular smoking gun." Oh, the audience decided, "he's admitting that there *was* a crime!"

We all blunder when we talk, although we don't all choose to talk to the LA Times. And Chancellor Drake had already shown that he was stumbling in a verbal darkness when he committed his thoughts about the prospective dean to writing. Something had convinced him, he said, "that Professor Chemerinsky and [he] would not be able to partner effectively to build a world-class law school at UC Irvine. That is my overarching priority."

I invite you to picture an *overarching priority.* Can't do it? But I don't think you'll have much trouble picturing the kind of person who would think and think and think some more, and finally come up with a metaphor like that. He's the same kind of person who would use "partner" as a verb, a wonderful new verb to describe the peculiarly intimate relationship between a chancellor and his dean. Sort of a weird picture, isn't it? But universities are weird places.

Incidentally, Drake went back on his own opinion and hired the guy after all. That meant he had to explain himself all over again. In other words, the bus hit him the second time.

who are both willing and able to actually think already know that Gore's take on global warming is mostly hot air.

— Mark Rand

Ĉu vi parolas la anglan? — According to a recent story by the AP, "While there are an estimated 7,000 languages spoken around the world today, one of them dies out about every two weeks."

Not sure I see the problem. I think the ability to communicate with the entire world is a good thing. Peace and understanding were the goals when Dr. Ludovic Lazarus Zamenhof constructed Esperanto, a bizarre amalgam of languages that many once hoped would be the first imposed world language.

Language is fluid and changes over time. The history of the world has been a chain of languages dying out. (Even Catholic priests rarely speak Latin.) I think what's bothering people is not the languages themselves dying; it's that the world language isn't going to be Esperanto, or French, or any other of the historical attempts to impose a language on the citizens of the world. The intelligentsia cannot stand that the world language is going to be American English — the language of capitalism. The wave of English-speaking across the globe is just one more defeat for socialism. — Tim Slagle

A license to protect — I am always intrigued by the multifarious means that special interest groups employ to protect their incomes. I have to thank Adam B. Summers of the Reason Foundation for analyzing in detail a protectionist tool not mentioned often enough: occupational licensing. (Disclosure: I am a contributor to the Reason Foundation.)

Summers' study, "Occupational Licensing: Ranking the States and Exploring Alternatives," is a real eye-opener. It turns out that state governments regulate entry into over 1,000 occupations. This represents more than a four-fold increase of licensing over the last half-century. In the 1950s, less than 5% of the American labor market needed a license to work; now, over 20% does. Summers' survey reveals that the states average 92 occupations that require a license. California leads the pack by requiring licenses to work in 177; Missouri requires the fewest with only 41.

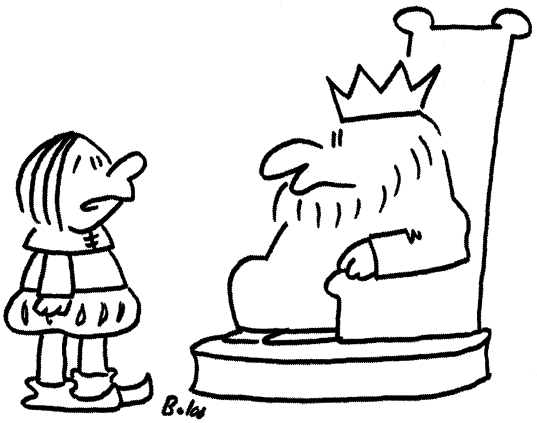

"Let's just say, Sire, that the moderates favor abdication."

Licensing laws appear arbitrary — if not outright insane. Summers has a list of the crazier vocations for which licenses are required in various states: athletic trainers, auctioneers, barbers and cosmetologists, casket sellers, chimney sweeps, elevator operators, florists, fortune-tellers, interior designers, junkyard dealers, motion picture projectionists, photographers, prospectors, quilted clothing manufacturers, reptile catchers, upholsterers, sheep dealers, ticket brokers, turtle farmers, and manure applicators. Perhaps my favorite: Arizona requires all rainmakers to have a license — because of the global warming crisis, I guess.

Few of the regulated occupations even remotely involve danger to public health. Even if you accept the need for licensing of physicians, nurses, dentists, etc., there is no excuse for frivolous licensing of innocuous lines of work.

The cost is not trivial. Summers estimates that licensing, which retards job growth by 20%, costs between roughly $35 and $42 billion yearly. He also makes the point that the poor are hit hardest, being kept out of well-paying occupations by asinine regulations — generally created by those in that occupation who want to keep competitors out.

Summers would like to abolish all licensing laws. But, recognizing that this is not feasible in the near term, he suggests periodic review of existing licensing schemes — and sunsetting all new licensing laws, forcing them to be voted on every time they are up for renewal. — Gary Jason

No such thing as a free house — The papers these days are full of the problems created by subprime mortgages. For years banks have been helping people attain the American dream of owning their own home by lending them money to buy more expensive homes than they could afford. This has now become a national problem? Why?

If an individual who has saved some money wants to lend to another individual to buy a house, he asks about the potential borrower's reliability, his earning power, and also whether the money he will receive when the mortgage is paid off is expected to buy more or less than the money he lends. A private banker who lends his depositors' funds must consider the same questions. People lend cautiously because they know they will suffer consequences if they over-lend.

But this situation changes when government is involved — when the government encourages low-interest lending to poor risks and then prevents lenders from suffering the consequences of their mistaken judgments. And the government has been deeply involved in mortage-lending for decades.

The situation changes when government permits and even encourages banks to increase the number of dollars they can lend by reducing the reserves they must hold and by expanding credit so they can lend more money than their customers have actually deposited in savings accounts.

The situation changes when possible risks are insured by government-backed (FHA or FNMA) mortgages. Banks may then make larger loans than they would have otherwise, at lower interest rates, or to less reliable borrowers, or both.

It is these government interventions that have led to the present crisis.

The Fed is well aware of this. Its officials understand that they are 'twixt a rock and a hard place. If they allow the expansion to continue indefinitely, it will lead to more and more inflation, which they want to avoid. If they stop the expansion,

"Guilty But Mentally Ill"

by Ralph Slovenko

The other week Jennifer Kukla, who killed her two young daughters, was found "guilty but mentally ill" by a jury in Michigan. What kind of verdict is "guilty but mentally ill" (GBMI)? Did the jurors think it was a compromise between "guilty" and "not guilty by reason of insanity" (NGRI)? As in other cases, the jury was not informed of the consequences of a GBMI verdict.

The GBMI verdict was first adopted in Michigan in 1975 and then in some 15 other states. Whenever a defendant pleads NGRI, the jury may return a verdict of GBMI. Proponents of GBMI claimed that it gives the jury the opportunity of agreeing that the defendant is mentally ill, yet holding the defendant criminally responsible. Supposedly, GBMI provides a middle ground and avoids the either-or approach of guilty or not guilty.

Michigan's enactment of a GBMI verdict was a reaction to a decision in 1974 by the Michigan Supreme Court in *People* v. *McQuillan*. In that decision, followed by a number of other states, the Michigan Supreme Court held that after an initial period of 60 days, during which the insanity acquittee is evaluated, further confinement has to conform with the procedures and standards of the civil commitment process. The case gave rise to the perceptions that there were too many insanity acquittees and that they were not being kept in detention. Within a year of the decision, 64 persons who had been found NGRI were released, and within another year, two of the 64 had committed violent crimes — Ronald Manlen raped two women, and John McGee killed his wife. Public outrage moved the Michigan legislature to promptly adopt the new verdict of GBMI.

According to a study in 1982 of the effects of the *McQuillan* case in Michigan, out of 223 defendants found NGRI over a five-year period before GBMI was enacted, 124 were released, following a 60-day assessment period, as noncommittable according to civil standards. Almost half of the remaining acquittees had been released within five years of acquittal, after an average of nine and a half months of post-evaluation hospitalization. This represented a substantial decrease in periods of confinement from the rate during the pre-*McQuillan* years. The GBMI verdict would circumvent that trend.

In a much publicized case in 1982 in Detroit, Robert Harrington went on a rampage in a law office, leaving one person dead and more than 30 others injured. The experts for both the prosecutor and the defense testified that he was mentally ill. (I was an expert in the case.) Given the totality of the evidence, without a GBMI verdict, the jury would have had to return NGRI or ignore the law. GBMI gave them a way out. Because the evidence pointed to insanity, the prosecutor — not defense counsel — beseeched the jury to return GBMI. He was well aware that GBMI amounted to a guilty verdict. In the second hour of their five-and-a-half-hour deliberation, the jury asked for clarification. They wanted to know, "What's the difference between 'guilty but mentally ill' and 'not guilty by reason of insanity'?" None was given. As in other cases, defense counsel, at trial, was not allowed to comment on the consequences of GBMI. The jury returned GBMI. The prosecutor was elated.

In another much publicized case in Pennsylvania, John E. du Pont of the du Pont fortune, although obviously psychotic, was found GBMI, not NGRI, in the fatal shooting of David Schultz, a wrestling coach at du Pont's farm. Defense counsel tried to convince the U.S. Supreme Court to review the quirky nature of a GBMI verdict.

The GBMI verdict accomplishes its goal of avoiding an NGRI verdict by muddying the water. It appears to be a compromise verdict, but in fact, it has the same consequences as a guilty verdict — detention in the penal system. It is a second guilty verdict.

The GBMI verdict hoodwinks the jury. Juries think that GBMI is a compromise or middle ground because it sounds exculpatory — "guilty but mentally ill." It would sound more condemnatory if it said "guilty and mentally ill."

The guilty but mentally ill verdict could just as well be "guilty but flat feet." The defendant is found guilty, convicted, and imprisoned. Jennifer Kukla, ruled GBMI, is in prison, serving a life sentence.

Given two guilty verdict options (guilty or GBMI), the odds are increased that a jury will return a guilty verdict, in one form or other. Thus, when an accused person pleads NGRI, the possible verdicts may be:

1) Not guilty
2) Not guilty by reason of insanity
3) Guilty but mentally ill
4) Guilty

In reality:

1) Not guilty
2) Not guilty by reason of insanity
3) Guilty
4) Guilty

In death penalty states (which Michigan is not), individuals have been sentenced to death even though ruled GBMI. William F. Smith, when U.S. Attorney General, urged states not to adopt GBMI on the ground that it is misleading.

The GBMI verdict misleads not only at trial but also in the plea-bargaining process. It is illusory because it makes a false promise. It delivers nothing that is not already available for any prisoner. Every jurisdiction now can assure the outcome of what is allegedly the purpose of the GBMI verdict: treatment for those individuals who are found guilty and who are mentally ill. Every state has a prison transfer law that allows an individual who is convicted of a crime to receive appropriate treatment.

it will lead to a contraction and a crisis as borrowers are unable to repay and must declare bankruptcy; they also want to avoid that. So they have adopted a stop-go policy, alternating a little inflation with a small contraction, hoping that neither the small inflation nor the small contraction will lead to a serious crisis.

The problem is that our entire system of banking, the Federal Reserve itself, is based on the fallacy of encouraging "easy money" and easy lending. The original Fed included some built-in limits on expansion: the Fed required that the banks hold substantial reserves in gold and commercial paper and offered loans to member banks in need only at a penalty rate — that is, at above-market interest rates. But those limits have long since been relaxed or repealed. The result has been one expansionary "bubble" after another. Another serious consequence has been the effect on economic calculation; all entrepreneurs, businessmen, accountants, etc., must try to calculate costs and expenses in a fluctuating, unreliable dollar; this has led to the distortion of production and of international trade.

There is no way to go back. The least destructive way to cope with the situation would be to *stop* inflating, to *stop* all credit expansion, and to let the chips, and the bankruptcies, fall where they may.

That would mean a crisis and perhaps a temporary economic stagnation. But the world would then be assured that there would be no further inflation or credit expansion. Trade and commerce would be allowed to continue with only the present stock of money. If a gold-dollar exchange ratio were established, that would be a powerful incentive to recovery. In time, prices would adjust until finally business owners were once again ready to resume operations and to embark on new enterprises.

This is the only economically feasible development. But it would be unpopular politically. And the present Fed officials would be extremely unlikely to approve.

— Bettina Bien Greaves

Embracing the inner MBA — In the waning days of his administration, Bush seems to have gotten in touch with his inner MBA.

He has been threatening for months to use his hitherto quiescent veto pen to strike down any bills that call for spending in excess of his targets, as well as any tax increases the Dems might send his way. He just carried through on his threat by vetoing the bill to expand the State Children's Health Insurance Program (SCHIP).

This was an act of political courage. While the bill was a Democrat-initiated bill, it wound up with bipartisan support, passing the House by 265–159, a large margin (though not enough to override the veto). The bill would have expanded the SCHIP program from covering low-income families (its initial focus) to covering families with annual incomes as high as $82,600 for a family of four.

Ironically, it would have covered tens of thousands of families rich enough to be subject to the Alternative Minimum Tax, a tax passed years ago by the Democrats to tax the rich who are "not paying their fair share."

SCHIP spending would have gone up by $35 billion over the next five years, hitting a high of $60 billion, and would have been financed by a huge increase in cigarette taxes — which most affect the poor.

Democrats were delighted to have yet another chance to bash Bush. Senate Leader Harry Reid (D-N.Y.) screamed that Bush "is denying health care to millions of low-income kids in America." (By the way, the bill would have covered "kids" up to 21 years of age!) And the Dems, delighted to have an issue for the 2008 election, have vowed to keep reintroducing the bill endlessly.

Of course, Bush had not only urged that the SCHIP program continue but had even proposed a 20% increase in its funding. Still, it was nice to see a flash of what might have been. It would have been much nicer to see that flash, say, five years ago. Now, with the Dems holding Congress and Bush on his way out, it's little more than symbolic. — Gary Jason

Brokedown palace — Cook County, the home of Chicago and the second most populous county in America, is flat broke. Even though revenue for the county is close to $3 billion per year, it just isn't enough. So the board proposed a sales tax increase, which would put the Chicago sales tax up to 11%.

The measure was so wildly unpopular that the increase was never voted on; for the time being, Cook County sales taxes are still under 9%. But now that the double-digit barrier has been threatened, I'm thinking that the only limit on taxes is the ability of people to get outside the county to do their shopping. I live outside of Cook and I see a lot of residents coming to my grocery store. Cook County retail is becoming like a convenience market. Yes, it's more expensive to shop there; but, if you need something right away, you buy it. — Tim Slagle

Oral report — Oral Roberts University may be a dry campus — but that hasn't kept a scandal from brewing in that corner of Tulsa, Okla. The school (known mostly for its titanic statue of two hands supposedly praying but, to my eyes, held in a "plotting" pose) built off the hucksterrific TV ministry of the Rev. Roberts stands accused of squandering its endowment on utterly middle-class clothes, furniture, and vacations.

Unlike many con artists, Oral Roberts had the sense to get while the getting was good. After visions of 900-foot-tall Jesuses and divinely-issued death threats, he skedaddled into a sedate "semi-retirement," punctuated only by the occasional false prophecy. Unfortunately for him, he handed over his empire to a natural-born son — a model distinctly discouraged by the Romans (at least there was no battle for succession: his other son committed suicide decades ago and his other surviving child is unsuitable because female). This son — Richard, disappointingly, not Oral Jr. — and his family seem to have a taste for the blander things in life. The wife ran up quite a tab at cankle-haven Chico's (reportedly claiming she could write anything off as long as she wore it once on TV); the daughter and some friends took the university jet on a vacation to Orlando. The Roberts home is a perpetual remodeling project (you'd think by now they'd have gotten that Thomas Kinkade painting just right). The university has even allegedly been funding Mrs. Roberts' mother's little helpers: not pills, mind you, but rather hundreds of late-night text messages sent to "underage males who had been provided phones" and, incidentally, "non-academic scholarships."

All this comes from an internal report prepared by Richard Roberts' sister-in-law — a document found on her computer during a routine repair. The administration, of course, is stone-

walling, refusing to acknowledge the document or any of the allegations, beyond Roberts accusing (from the pulpit) the complaining faculty members and students of "intimidation, blackmail, and extortion." The professors are trying to tip his hand with a lawsuit. The regents are preparing an independent audit. It all makes for juicy Bible-Belt theater, and I will enjoy watching it proceed.

I am a bit bemused by one thing, though. The AP found a student who says he is transferring, or threatening to transfer (perhaps it is like actors moving to Canada when their candidates lose elections), claiming the scandal has "severely devalued and hurt the reputation of [his] degree."

When, exactly, did an Oral Roberts degree provide entry to the highest level of society? Entry to Chico's? Now, that's another matter . . . — Andrew Ferguson

Yankee come home — Barely a week after Gen. David Petraeus and Ambassador Ryan Crocker visited Washington to extol the progress of the surge, a tragic but revealing incident occurred in Baghdad. Private security guards from Blackwater USA killed several Iraqi civilians after a U.S. diplomatic convoy they were protecting supposedly came under fire.

After the incident, the Iraqi government moved to ban Blackwater from its soil. It turned out, though, that it lacked the power to do this. Before we handed the Iraqis back their sovereignty in 2005, the U.S. occupation authority promulgated an order giving the security companies immunity from Iraqi law. Neither the "sovereign" Iraqi government nor the United States has rescinded that U.S. decree. Further complicating the situation was the fact that Ambassador Crocker had publicly praised Blackwater just a few days before the shootings occurred.

What is revealing about this? First, it shows that the U.S. armed forces are not capable of handling Iraq on their own. There are some 30,000 private security personnel in Iraq, representing almost 15% of the Coalition's total armed forces. Considering the limited and fragile successes achieved by the surge, one shudders to think what might happen if some or all of these hired guns had to depart the country. The continued occupation of Iraq would be impossible without them. (The Iraqi government admitted on Sept. 23 that the departure of Blackwater would create a "security vacuum" in Baghdad.)

The incident further highlights the fact that Iraq is a neocolonial enterprise, rather than a war of liberation. That the Iraqis cannot legally dismiss Blackwater from their territory speaks volumes. The American forces in Iraq contain a high percentage of mercenaries (contractors and noncitizen soldiers) — a hallmark of colonialist ventures. Then there is the matter of the occupiers' deplorable treatment of the civilian population.

Although the circumstances remain cloudy, it appears Blackwater's personnel may have fired on the Iraqi civilians without provocation. If so, it wasn't the first time. Last Christmas Eve, a drunken Blackwater employee killed an Iraqi (a bodyguard of one of Iraq's vice presidents) in the Green Zone. He was allowed to leave the country without further investigation. There have been other incidents involving both contractors and uniformed U.S. personnel. Four U.S. Army soldiers pled guilty this year to charges stemming from the 2006 incident at Mahmudiyah. There, U.S. troops murdered an Iraqi family in order to facilitate the rape of a 14-year old girl.

Total civilian deaths since the war started are unknown; the lowest figure that has been put forward is 70,000. While the majority of these died at the hands of other Iraqis or foreign jihadis, the occupiers' hands are dirty, too. It is not enough to say that the vast majority of our troops have behaved honorably. The fact remains that the nation's honor has been sullied by repeated brutalities committed by U.S. personnel — uniformed as well as contractors.

What is truly puzzling is why the U.S. feels it needs to practice neocolonialism in the Middle East. The richest country on earth can well afford to buy the Middle East's oil, and those who sit on that oil are happy to sell it to us, at least so

News You May Have Missed

Giuliani: "Excuse Me, I Think That's My Phone"

NEW YORK — Rudy Giuliani interrupted a major cellphone call from his wife, Judith, in New York yesterday to deliver a speech outlining his foreign policy to the Council on Foreign Relations. The former New York City mayor was right in the middle of the call, in which he pledged to pick up some hot dog buns and nonfat vanilla yogurt on the way home, when he said, "Oops, excuse me, dear, I think there's a large group of people in front of me and they may want me to say something. It'll only take a minute." Giuliani, leading polls for the Republican nomination, then quickly summed up his approach to foreign policy, carefully distancing himself from the Bush administration's policies while not openly breaking with them by declaring, "I can invade more countries than Bush can and alienate more people around the world than Bush ever did and if foreign leaders want to criticize me for that they are just going to have to wait while I take a phone call from my wife." He then quickly returned to his cellphone and apologized profusely to Judith for the rude interruption, remarking, "Sweetie-pie, I'm really sorry, don't be mad, it'll never happen again . . . yes, I promise."

It turns out, however, that this wasn't the first time Giuliani interrupted an important phone conversation with his wife to give a speech. In late September he was in the middle of a long call to Judith outlining his position on the dripping showerhead in the bathroom when he suddenly broke off to deliver an address to the Council of Former Giuliani Wives and Their Dependents and Lawyers, an organization with roughly 1,500 members headquartered on Park Avenue in Manhattan a few doors down from the Council on Foreign Relations.

Giuliani's campaign slogan — "As I Was Saying, You Have My Undivided Attention" — seems to be playing well with voters in the remoter rural areas of Iowa and New Hampshire, where erratic cell-phone service has so far prevented him from taking any calls. — Eric Kenning

long as we refrain from interfering in their affairs. Yet we go on interfering. The overthrow of a democratically elected government in Iran in 1953, the 1983 Lebanon intervention (which led to the deaths of 241 U.S. Marines, soldiers, and sailors in the Beirut barracks), the 2003 invasion of Iraq — how have these strengthened our security or improved our standing in the region and the world? I wish the U.S. government had a reasonable answer to that question. — Jon Harrison

Phony outrage — The falsity of mainstream political debate grows.

In early October, American talk radio was concentrating on self-centered controversies. Notably, Sens. Harry Reid and Tom Harkin took time to denounce talk radio host Rush Limbaugh from the floor of the U.S. Capitol — during business hours. Reid (the Senate Majority Leader) was angry that Limbaugh had called certain veterans opposed to the war in Iraq "phony soldiers." He called for the corporation that distributes Limbaugh's program to take action; and he produced a document signed by some 40 colleagues condemning the radio host.

Harkin followed with a sarcastic reference to Limbaugh's history of dependency on prescription pain medication.

In a minor-league version of that dispute, the San Francisco Board of Supervisors condemned the lesser-known talk radio host Michael Savage (whose program originates in the Bay Area) for using "hate speech" about illegal immigrants. Supervisor Gerardo Sandoval made fascistic threats like: "This attempt to vilify Latino-Americans will not be tolerated."

Yah, Herr Supervizor!

Both Limbaugh and Savage responded, as any cynic would predict, by turning up the intensity of their rhetoric. The standard model of policy-makers floating above the din of commentators and pundits has disintegrated. Elected politicians used to believe that the best way to deal with their media critics was to ignore them or dismiss them as trivial; now, politicians believe they can rally core supporters by engaging in crude back-and-forth with . . . paid entertainers.

This is a sign of poor judgment on the elected officials' parts. The main reason: media characters like Limbaugh and his many imitators (whether on the Right or Left) live by the feud. Traditionally, these feuds were with other entertainers; and that can be a hollow thing. But a feud with an elected official is a publicity bonanza for a pundit. At least one Capitol Hill staffer recognized this, insisting that the Senate would not answer Reid's calls for action — because to do so would only give Limbaugh "the kind of attention he craves."

Does Reid care? Probably not. Why not? Because there's more than just bad judgment afoot in these recent controversies.

As establishment politicians flee actual political beliefs for focus-group-tested platitudes, they lack the philosophical basis to engage in real debate. And, as these pols run campaigns designed not to offend (rather than to achieve), they sound and act increasingly alike. No matter what their nominal party affiliation.

So, there's a certain kind of savvy in battling with the popular media's cartoonish stars. For Reid, Harkin, Sandoval, et al., mixing it up with a cartoon is a shorthand way for identifying themselves. It doesn't take an advanced degree from the Kennedy School to know that Rush Limbaugh supports the president and the Iraq war. So, by bashing Limbaugh, Reid and his fellows position themselves against all of that.

But there's a hollowness — maybe a greater hollowness — to the Senate Majority Leader feuding with a man who's paid to make funny noises and say outrageous things.

One way that people define themselves is by the enemies they make. If you pick fights with cartoon characters, you become a cartoon character yourself.

As unlikely as it is for me to say this: Reid and Harkin's behavior isn't becoming of their offices. If they're going to "mix it up" with opponents, they should focus on others who have real positions of power — Bush, Cheney, Rice, etc. — and leave the class clowns in their corner. — Jim Walsh

Where do you want to archive today? — Here are two recent news stories about Microsoft.

1) CNET reports that Vista, the new version of Windows, is so slow and riddled with technical problems that users who buy Vista on new computers are "downgrading" en masse to Windows XP.

2) On Oct. 4, Microsoft opened a new website that, according to AP, is "tied to a health information search engine the software company launched at the end of last month" and "gives users a repository for health-related data."

Who wants to sign up first? — Patrick Quealy

To tap the unexceptional — One of the many lamentable trends in American life is the tendency of "public" cultural institutions to forget what they're supposed to be doing — to replace the reasons for their existence with almost anything else they can get themselves involved in.

I put "public" in quotes because no "public" institution actually belongs to the general public, or even to its identifiable "public constituency." It belongs, instead, to the people who run it. Yes, sad to say, those people who "work" at the DMV are the people who, de facto, own it.

Now, the people who own our "public" cultural institutions are generally much more susceptible of influence by their funding agencies, their professional associates, and their own ambitious egos than they are by the unfortunate folks who try to use their services.

"Nice try, but Puritans don't believe in reincarnation."

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That is why museum directors stage "blockbuster" exhibits, designed to clog their galleries with tens of thousands of visitors who are wholly uninterested in art, so museum personnel can report to the city or some tax-free foundation or federal granting agency that they are bringing the artistic experience to that many more dopes and dupes.

That is why you can't sit in a public library and try to read a book without being rousted from your seat by meetings of folk dancers, genealogy clubs, community (i.e., political activist) groups, or gangs of pre-literate children who are given free babysitting by "professional storytellers" and other well-paid ninnies and charlatans.

That is why you can't get to a public park without bucking a foaming tide of do-gooders conducting yet another disease awareness walk, ethnic self-congratulation ritual, patriotic rally, or health and wellness clinic.

That is why statues are no longer erected on city streets unless they are also funny, funky, and safe to play on. Forget the idea that they're popularly supposed to represent art and history.

That is why churches (primeval instances of tax-free public institutions) spend most of their time hosting political meetings, running tai chi classes, and handing out sandwiches to the mobs of winos in recognition of whose likely depradations all "worship areas" are permanently closed except from 10 to 11 a.m. on Sunday.

And that is why, to top it off, the San Francisco Opera recently put "a major-league twist on the efforts of U.S. opera companies to bring art to the masses" (AP). Crowds were summoned to the baseball stadium, where a "jumbo video screen" was set up to provide a good ole look at one a them big ole European opra shows — broadcast right from the opra house hisself, downtown.

The Opera's general director promised to incite the crowd to throw tailgate parties and sing "Take Me Out to the Opera." He said that "we" were going to "load up on the garlic fries, get our blue bloods here clotted up."

Two centuries ago, William Hazlitt said that his fellow Englishmen had but one thought while attending the opera: "I am at an opera." That's dumb, but it's not dumb enough for the San Francisco Opera. According to its management, San Franciscans should have but one thought: "I am at a ball game."

I sometimes attend the opera. What I want to see while I am there is an artificial performance, presented in approximately the way it was originally designed to be presented, with due regard to the decencies of the artistic medium. I want to be able to hear it in silence, unaffected by belchings induced by garlic fries or by the predictable conduct of sports fans who have to be lured to an artistic event by the promise that it will resemble the events they really like. When I attend an opera, I want to see the singers' beautiful costumes and enjoy their studied poses and their superbly trained voices. Unlike an SFO stage director (noted for having worked with the Grateful Dead), I do not fall into ecstasies about the prospect of being able to "see every pore" on a jumbo screen.

Pores, if you like that kind of thing, are for a certain kind of movie. If the SF Opera wants pores, I suggest it go into the pores business, and stop calling itself an opera.

No, I am not a snob. The problem isn't baseball, or baseball's audience. The problem is people who have no respect for their own business, their own work, in this world. Suppose that baseball fans were invited to observe a game staged inside an opera house, and the audience for this spectacle was expected to attire itself in formal dress? Might that possibly be harmful to the spirit of baseball, or would it be a welcome opening of the barriers between the masses and the classes?

I have been unable to learn exactly what happened on Sept. 28, 2007 — a date which will live in infamy — the day appointed for San Francisco's wedding of opera and baseball. I do know that about 20,000 people registered for *free* tickets. If you're a public institution, and you want to know how many people really want your product, how do you find out? In San Francisco, the answer is: *give it away.* Do *anything* to get those people inside your tax-entitled doors.

The only good feature of this idiocy is that the opera scheduled to open the satanic tryst between the musical theater and the tailgate party was Saint-Saens' "Samson and Delilah." Saint-Saens was a great composer, but "Samson" is startlingly bad. It's just what the "public" deserves. — Stephen Cox

Pro patria nookie — We have fresh ironic news from European states adjusting to their declining populations.

First, Germany is beginning to open up to skilled immigrants from Eastern Europe. Until now, pressure was put on German firms not to hire foreign engineers and other highly skilled workers, for instance by requiring firms to pay such foreign workers a minimum of $115,000 yearly salary. But demographic reality is forcing the German government to rethink such labor protectionism.

One expert with the German Chambers of Industry and Commerce has calculated that by 2015, if not sooner, the demand for skilled labor in Germany will exceed the domestic supply. Indeed, economist Oliver Koppel of the Cologne Institute for Economic Research has identified roughly 110,000 high-skill jobs that that have gone unfilled for want of qualified applicants. Most of these jobs are in the information technology and engineering sectors. He estimates that the shortage of skilled labor is costing Germany some $27 billion a year.

Turning now to the nascent fascist system of Russia, again we see some interesting demographic scrambling. Putin is rolling in petrodollars (thanks in great part to our refusal to develop our energy resources, such as existing oil reserves in ANWR and offshore, not to mention nuclear power). But he is facing a rapid demographic collapse. Russia has a population of 141 million spread over one-seventh of the planet, and its population is due to plummet over the next 50 years unless something is done. The Putinists are scrambling accordingly.

Russia already pays women cold cash for having larger families. But the government of the region of Ulyanovsk has gone one step further: it has designated Sept. 12 "The Day of Conception." Couples get time off work to, well, couple. And those who have babies on the following June 12 receive neat prizes, such as cars and refrigerators.

But the Putinists have recently gone even further. Putin — always ready to learn from Stalin and Hitler — has created a youth organization called "Nashi" (Russian for "Ours"). At its yearly camp near Moscow, over 10,000 young people (in uniforms, konechno!) get a couple of weeks of indoctrination and physical fitness. And, in a new nod to demographic virtue, the kids are encouraged to have sex without contraception. Partying without the booze, so to speak.

The Putin Youth also have mass wedding rites, à la Reverend Moon's Unification Church. Dozens of couples marry during the two-week camp, with the weddings conducted by a handy onsite civil official. All of which gives new meaning to the phrase, "Do it for your country!" — Gary Jason

Yakko's choice — Once again, "the whole world is watching" television images of horrific abuse by an Asian military junta. Once again, Americans are confronted with the vexing choice of a response to this crisis.

The choice is this: what do we call this place? Myanmar? Or Burma? Is it always going to be known by America's schoolchildren as "Myanmar, formerly known as Burma?" U.S. officialdom, which refuses to dignify the "Burmese" junta by referring to their state as "Myanmar," did this very same prissy semantic mummery with another nearby and tortured country in the 1980s. You say Kampuchea, I say Cambodia, let's call the whole thing off.

This is important. We absolutely have to get this worked out before the neocons find some vital national interest (perhaps a few million barrels of vital national interest under the Bay of Bengal) that requires military intervention. We know from previous Asian adventures that the American people deserve to know what to call a place, as well as where exactly it is located, before their sons and daughters go to fight and die there. So, why not just call the nation in question Myanmarfor merlyknownasBurma? Certainly that's not much harder to say than Burkino Faso. Or Lesotho. Or Islamic Republic of Iran.

— Brien Bartels

GM to America: drop dead — Don't dread Hillary-care; it's already here. On Sept. 26, 2007, General Motors and the United Auto Workers reached an agreement that will begin the process of nationalizing the health-care liability for millions of Americans. Here are the details:

- GM had more than $50 billion in health-care related liabilities for present and former employees on its books; the company's total market capitalization was only $21 billion. These liabilities were like a cancer on the company's balance sheet. They made raising capital difficult and pushed GM's average man-hour labor cost to an uncompetitive $75. If GM didn't find a way to get rid of the liabilities, it faced the prospect of filing bankruptcy.
- The UAW agreed to take over responsibility for the health-care liabilities in exchange for promises of job security for its members. (It also agreed to give up scheduled raises and some other cash benefits.)
- GM and the UAW agreed to form a voluntary employees' beneficiary association (VEBA) that will be funded with $35 billion from GM but managed by the union. Creation of the VEBA will be monitored by a judge and the Securities and Exchange Commission staff.
- The VEBA will take over all financial responsibility for employee health claims, which now cost GM $3.3 billion per year (and claims from retired hourly workers account for three-quarters of the annual cost).
- According to the union, the VEBA is designed to appreciate in value and pay health-care benefits for retired workers for at least the next 80 years.

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Benefits experts and economists say that the GM deal will not only be a model for the UAW's coming negotiations with Ford and Chrysler but also for other large U.S. industries with heavy health-care costs — such as the telecommunications sector.

This isn't good. Look at the numbers from the VEBA again: $3.3 billion a year in outlays, $35 billion in endowment capital. That means the VEBA will have to generate net returns of about 9.43% per year to stay even. That's *net* returns. Union pension funds do not have a strong history of generating net returns on investment.

GM had booked the cost of its health-care liability at $51 billion. Are the UAW honchos such good money managers that they can cover the obligation with only two-thirds of the capital? The answer is *no*, even if — as some experts predict — their VEBA will get some sweetheart tax advantages.

A prediction: Retiree claims will be higher than projected and the VEBA's net ROI will be lower. This "burn rate" won't last 80 years; it'll last something more like six to ten years. So, starting soon — like this election cycle — the VEBA administrators will be supporting candidates who support nationalized health care. Then, the administrators will only have to make the money last until Uncle Sam takes over.

And GM will have wrangled a $16 billion subsidy indirectly from the federal government.

You're welcome. — Jim Walsh

Send the Marines — Every fan attending games at both New York City major league baseball stadia should notice that uniformed New York City policemen are far more visible in the Bronx (at Yankee Stadium). Outside the stadium before and after the game, the NYPD is directing traffic. (Until recently its finest could also arrest scalpers.) In the bleachers for the entire game stand several cops at the bottom edge of the seats, checking out the audience unless they turn around to look at the game. In the upper tier that has reserved seating the cops voluntarily look at fans' tickets and direct them to their proper seats, essentially doing ushering work as well. It is the NYPD, rather than unarmed house security, that collars not only errant cigarette smokers but the occasional lunatic who runs out onto the field. At the end of the game a row of cops appears along the sidelines to keep fans in the stands. Need only libertarians object to perhaps a hundred uniformed city employees working for a private, decidedly forprofit company?

Why does the NYPD work so visibly for the Yankees and not the Mets? Fans in the Bronx haven't rioted in recent memory. Does some NYPD genius imagine a ballpark in our poorest borough more vulnerable to terrorism or local hoods than the stadium adjacent to LaGuardia airport (and the world-class tennis courts nearby)? That perhaps accounts for why front-door security at Shea is, by contrast, more permissive.

My suspicion is that some arrangement was made by our previous mayor, Rudy Giuliani, Yankee Fan Numero Uno during his reign, who is now a Republican presidential candidate. I recall him appearing in the upper deck around the fourth inning, while several NYPD sharpshooters went with rifles to the stadium roof. Most egregiously, Rudy would appear whenever he wanted, it seemed, on the live radio broadcast from the stadium as a kind of extra color commentator, so to speak.

The Village Voice's ace investigative reporter, Wayne Barrett, has recently documented how Rudy joined Yankee players in receiving World Series rings during his administration and then failed properly to account for them as gifts to a city official. The presence of the NYPD as Yankees suprasecurity probably reflects his enthusiasm for one New York team over the over.

Why our current mayor, Michael Bloomberg, has not killed this sweetheart deal mystifies me. Since he aggressively terminated other Giuliani improprieties, the persistence of this remains inexplicable. Were Rudy to become prez, don't be surprised to see the United States Marines replacing the NYPD at Yankee Stadium. — Richard Kostelanetz

Queen City of the Jersey Coast — AOL headlined its Oct. 5 story: "Atlantic City Mayor Drops Out of Sight." Copying an AP release by Wayne Parry, datelined Atlantic City, the story began: "Under federal investigation for embellishing his Army service in Vietnam, a groggy-sounding Mayor Robert Levy called in sick at City Hall, climbed into his city-issued Dodge Durango and seemingly dropped off the face of the Earth."

The story continues with a reminder of the city's "long history of corruption, with four of the last eight mayors busted on graft charges and one-third of last year's nine-member City Council in prison or under house arrest."

First, doesn't this mean the story is not newsworthy, a typical dog-bites-man type of story? Reporting corrupt officials in Atlantic City is like reporting cold weather in Anchorage.

"'It's a national embarrassment,' said City Councilman Bruce Ward." But it's hard to believe, in this day and age, that political corruption can attain this status. Corruption is the status quo. You'd think the public would get the picture by now. Running for office is prima facie evidence you are not fit for office.

Ward went on to say: "We have entertainment companies that are considering investing billions of dollars in Atlantic City. They need to know there is stability in Atlantic City. And we have 40,000 residents here who need to be protected."

Is this at all credible? Atlantic City was founded 143 years ago. As the story indicates, it seems to have weathered 50% of the last eight mayors being arrested for graft and 33% of the City Council being in jail or under house arrest. So are billion-dollar businesses really going to be scared off by a mayor's scandal? Especially businesses, like the gaming industry, which have experience dealing with issues of corruption? And how seriously should we take the claim that 40,000 residents of a major American city feel "unprotected" because their mayor can't be found?

If ever there was a case to be made for anarchocapitalism, Atlantic City would seem to be a great place to start.

— Ross Levatter

Praising with faint praise — Former Watergate conspirator John Dean is generally a down-the-line Democratic Party apologist but occasionally he surprises, most notably by penning a favorable biography of Warren G. Harding. Now, he gives some faint, but still welcome, praise for libertarian Republican Ron Paul.

Dean states that while he is "very concerned about the current attitude in the Republican party . . . there are candidates on the Republican side who are not quite as frightening

as Giuliani." When asked who these were, he specified "Ron Paul" (The Nation, Sept. 28). — David Beito

Keep our checks coming or we'll shoot these children — As the holidays approach, the strategically hapless George W. Bush plays Scrooge and chooses to battle with Congress over reauthorization of the State Children's Health Insurance Program (SCHIP). Bush has vetoed the bill and invited an override.

SCHIP, funded jointly by the federal and state governments, was created in 1997 from the ashes of the Clinton administration's more ambitious plans to "reform" health care in the U.S. The program's purpose was to provide health insurance to children whose families were struggling — but making too much to qualify for Medicaid. In some states, families with annual household incomes as high as $72,000 could qualify for SCHIP coverage.

Bush explained his veto as follows:

> I happen to believe that what you're seeing when you expand eligibility for federal programs is the desire by some in Washington, D.C. to federalize health care. I don't think that's good for the country. . . . I also believe that the federal government should make it easier for people to afford private insurance. I don't want the federal government making decisions for doctors and customers.

These words hint at the Bush who might have been: a free market advocate with a compassionate style. But, if the actual Bush has been a stumbling disappointment (even to low expectations), some of his opponents on the SCHIP issue are flat-out dark.

Aligned against him is a collection of statist advocacy groups and marketing firms. And one of these groups — the AARP — produced an "issue ad" called "Way Too Important" that's nominally in support of an SCHIP veto override and a related bill called the Children's Health And Medicare Protection (CHAMP) Act. It's so mendacious it would make the Ministry of Truth cry foul.

In the television version of the ad, a series of children's portrait shots is shown. Each child says a few words of a short speech about keeping Medicaid and Medicare "safe" for kids, seniors, and families.* Here's the text:

> This is a message for political candidates. Don't tell us you'll improve health care, just so people will vote for you. Don't tell us you'll fix Social Security, just so you get elected. Don't tell us that unless you really mean it. Because it's way too important. Too many families can't even afford to get sick. Too many people can't even save enough for their future. Please. Don't tell us you'll fix things unless you really mean it. Because it's way too important.

Double plus good. Virtually all of AARP's public policy agenda — from keeping insolvent benefit programs in place, to establishing "anti-forfeiture" standards, to supporting rigid anti-age-discrimination rules — works against young Americans. It's perverse . . . and maybe brilliant . . . to have little children mouthing support for one program that's intended to help them and several that directly hurt them.

Note to AARP: state benefits are a zero-sum game. Every dollar taken by people over 50 is a dollar that people under 18 don't have.

*You can see the ad at http://youtube.com/watch?v=KSTtFmuWQic or http://dividedwefail.org.

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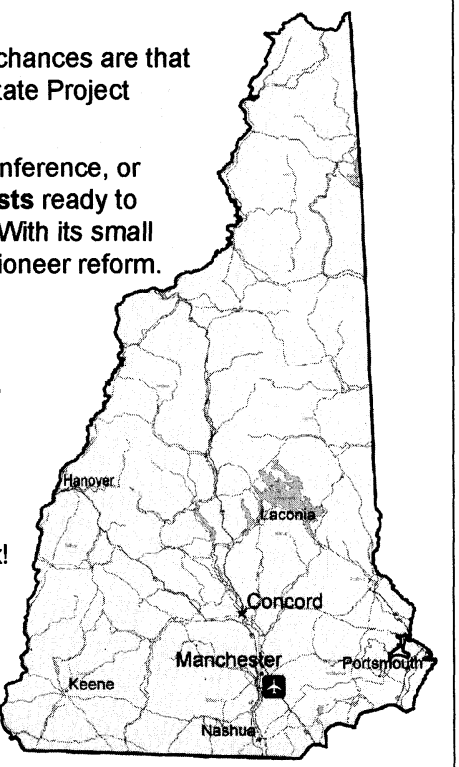

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To call "Way Too Important" a triumph of form over substance doesn't do it justice. It's vaguely menacing. And, after a couple of viewings, it's simply surreal. — Jim Walsh

Completing the set — On Oct. 12, Al Gore won a third prize to keep his Emmy and Oscar company: the Nobel Peace Prize. Supporters claim that such an award will give Gore the credibility he needs to pursue more global warming legislation.

Of course, if credibility is involved, Gore shouldn't even have been in the running for the prize, since his Live Earth shows made a mockery of climate change and his wanton use of private planes and electricity has made him quite buffoonish of late. Gore was a co-author of the failed Kyoto Accord, which would have done nothing to curb global warming, since China (the No. 1 producer of carbon dioxide) was exempted. So his leadership credentials are questionable.

But does the prize even bring respect anymore? Yasser Arafat got one. So did Jimmy Carter, who many agree was the Worst President Ever. Past nominees for the prize include Hitler, Stalin, and Mussolini . . . on second thought, I wonder how Al Gore hadn't gotten one already. — Tim Slagle

The trillion-dollar question — For several years, Comptroller General of the United States David M. Walker has been an ignored prophet as he identifies looming fiscal problems for the U.S. government. He heads the Government Accountability Office (GAO, formerly the General Accounting Office), which frequently updates computerized forecasts of coming financial disaster and produces the annual Financial Report of the U.S. Government — listing all major federal assets and liabilities, including the present value of unfunded Social Security and Medicare obligations. As Gary Jason pointed out in a recent issue of Liberty, federal liabilities now exceed $50 trillion. GAO also calculates the "fiscal gap," the amount by which we would either have to cut spending or have to raise taxes permanently to make the government financially sound. That gap is now about a trillion dollars per year.

This gap is much more than the current "unified" deficit of less than $200 billion annually because of the coming retirement of the Baby Boom generation, nearly 80 million people who will go from paying trillions of dollars in taxes to collecting tens of trillions of dollars in Social Security and Medicare benefits. The first Baby Boomers retire in 2008. GAO's projection of current policy shows deficits reaching much higher levels by 2016 and unsustainable levels by 2021, shortly after Social Security starts adding to the unified deficit rather than reducing it.

To close the fiscal gap, we need a trillion dollars in annual federal spending cuts. Such cuts would eventually reduce federal spending by 40%, compared to current practice. And we can do it.

We can save a trillion dollars by stopping government giveaway programs that generally help special interests; ending our current wars and cutting military spending; gradually raising the Social Security normal retirement age from 67 to 75; making Medicare a high-deductible health plan; ending many federal grants to state and local governments; converting Medicaid-SCHIP to block grants; and ending unneeded federal programs, including NASA. If implemented, these proposals would immediately save more than $700 billion per annum, and more than $300 billion in the annual value of long-term savings in Social Security, Medicaid, and Medicare-SCHIP. The cuts would leave most of the federal government intact, including most programs for the poor and the large federal regulatory apparatus.

If the next Congress adopted these proposals in 2009 (a prospect that is admittedly very unlikely) we could also pay off the federal debt held by the public by 2022. Paying off our public debt would save us hundreds of billions of dollars in annual interest costs. Finally, I recommend the enactment of a balanced budget amendment and several other measures to make fiscal discipline permanent. These massive fiscal reforms are unlikely today, but the consequences of not changing are dire: either tax rates could nearly double, killing economic growth; or we could follow nations like Argentina into hyperinflation and default. — Martin L. Buchanan

Double, double toilet trouble — What drives a pretty young man to sit on a public toilet for hours each day, enticing other men to make a gesture so he can issue them a ticket? Is he keeping society safe from other young men sitting on toilets, willing to do more than issue citations? If that's the case, why not simply stand in open view, wearing a uniform? Or better yet, hire a private security guard to protect the bathroom, and let this policeman spend his time chasing real criminals?

Sen. Larry Craig is being forced out of office for tapping a foot and making a hand gesture that the average citizen would not even have noticed or understood — until now. Thanks, Boys in Blue. He did not do anything illegal, nor did he say anything illegal. He was coerced into signing a hasty guilty plea in order to avoid being arrested and subjected to public embarrassment. And then that guilty plea was made public. I'm not a fan of Sen. Craig, but I don't believe this is the way to remove him from office.

Don't get me wrong. I'm pretty conservative. I do not believe private expressions of affection are appropriate in public places — even in semi-private bathroom stalls. I'm not a member of the Mile-High Club, nor would I ever consider it. In fact, the thought of "Club members" preceding me makes me squeamish about using airplane bathrooms. But that's the point — the public laughs and even brags about the Mile-High Club because it's a heterosexual conquest. Larry Craig is being forced out of office for making a pass at a man who made a pass first — by signaling through his long "enthronement" that he was available. And that's despicable. — Jo Ann Skousen

Read her the RIAA act — A federal jury in Minnesota recently handed the major record labels a $222,000 verdict against a single mother accused of file swapping. While she was initially accused of making 1,702 songs available through the Kazaa network, the Recording Industry Association of America focused on only 24 songs during the trial.

The jury awarded $9,250 in statutory damages for each of the 24 songs. The crucial point is that, under the judge's interpretation of U.S. copyright law, the RIAA wasn't required to prove that Kazaa users actually downloaded songs from Thomas' computer. All the RIAA needed to do is claim that Thomas left the songs in a publicly accessible directory where

continued on page 30

Where Have All the Techies Gone?

by Gary Jason

It isn't "America" that produces the world's goods; it's American workers, and especially the combination of workers and thinkers known as technicians. But where will these workers and thinkers come from?

It is a truism that the American economy is increasingly based on technological knowledge. Our economic strength lies more and more in our scientific, engineering, computing, and medical industries. I say this objectively: as a philosopher myself, I know what I love, but I also understand that it doesn't make our economy run. And I am concerned with the growing evidence that our technological edge is eroding.

If this is true, we should think carefully about the basic questions: Why is it? What can be done about it?

That there is an increasing shortage of technically skilled workers is indicated by a variety of facts. First, consider the recent H-1B visa lottery. Under our screwy immigration system — which favors family ties over valuable skills in determining who gets a green card — we allow high-tech businesses to bring in engineers and other tech workers under a special category (the H-1B visa), but limit their numbers. The current limit is 85,000 such visas per year. In April, on the *first day* for H-1B visa applications (for issuance in October), there were 123,000 applicants — so the government held a lottery. This is the fourth year in a row that the supply of visas was exhausted before the start of the employment year.[1]

Industry is feeling the pinch. Microsoft CEO Steve Ballmer recently testified before Congress that his company alone has 3,000 tech openings it can't fill, even though Microsoft is generally viewed as a great place to work.

A broader indication of the shortage is the widening gap between wages paid to highly skilled workers and wages paid to those less-skilled. Reflect on the difference between what the average college graduate with a four-year degree earns and what the average high-school graduate earns. A quarter century ago, the former earned 40% more than the latter; today the difference is 75%, and increasing. Unemployment stats reflect a similar huge disparity. The March federal unemployment report showed that those without a high-school diploma averaged 7% unemployment; the rate drops to 4.1% for those who have completed high school, and to an astounding 1.8% for those who have completed college.

Fed Chairman Ben Bernanke made this same point earlier

this year when he emphasized disparity of education as the cause of the disparity in wages between high- and low-income workers.[2]

The education-skills gap is especially worrisome when you consider that our major trading partners are beginning to surpass us. The most recent OECD (Organization for Economic Cooperation and Development) survey shows that over a dozen countries now have a greater proportion of young people with college degrees than the U.S. Fifteen years ago, there were only two.

Add to the equation the fact that even nominally "low skilled" jobs are becoming more technologically demanding, and the urgency of the problem becomes clearer still.

The point was brought home in a recent major and massive report by the New Commission on the Skills of the American Workforce (a study completely ignored in the mainstream media). The NCSAW report showed that the American share of the global college-educated workforce dropped from an amazing 30% in the 1970s to only roughly 14% today. In absolute terms, countries like India are beginning to produce more college grads than the U.S. The report glumly concludes, "Whereas for most of the 20th century the United States could take pride in having the best-educated workforce in the world, that is no longer true."[3]

Moreover, we face a major demographic challenge as the Baby Boomers, some 28% or so of the entire population, begin to retire, starting this year. In my home state of California, Boomers are nearly half of all workers.[4] We are confronting the fact that half the entire highly-educated tech workforce will retire over the next decade, in a state that prides itself on being the cradle of high-tech industry. So if we have a serious shortage now, it will grow to crisis proportions over the next decade.

The shortage of highly-educated workers in America is anomalous — it cries out for explanation. After all, don't we pay the highest amount per capita of all industrial nations for K-12 education, much more than nations such as Germany, Japan, and Korea? And don't we have a huge number of educational programs, from Head Start to No Child Left Behind to Pell Grants? Didn't we set up a federal cabinet-level Department of Education, and boost its funding by nearly 50% since passing the No Child Left Behind Act?

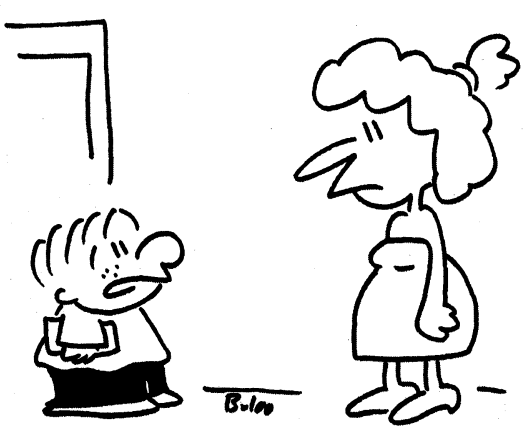

"I think my teacher is a terrorist — she keeps talking about Arabic numerals!"

The explanation involves several factors.

First, in American colleges the percentage of students majoring in technical fields is going down, and in some cases there is a decline even in absolute numbers. For example, the number of new computer science majors dropped from 16,000 in 2000 to fewer than 7,800 in 2006. Yes, the "dotcom bomb" was damaging, but other technical fields have also seen relative if not absolute declines.

And keep in mind that, as the Wall Street Journal noted,[5] more and more of our technical degrees are going to foreign nationals. In 2006, for instance, more than 50% of the master's degrees and 70% of the Ph.D.s in electrical engineering were awarded to students from abroad.

It is unlikely that the drop in American students pursuing technical fields results from some precipitous drop in wages for those fields. The U.S. Bureau of Labor Statistics has listed average annual salaries as follows (by field, for 2001): management, $70,800; legal, $69,030; computer and mathematical, $60,350; architecture and engineering, $56,350; business and financial operations, $50,580; education, training, and library, $39,130; construction, $35,460; social services, $34,190; protective service, $32,530; sales, $28,920. So some students may have chosen to pursue careers as CEOs and lawyers because of the higher pay, but the average pay for technical fields is higher than for most other professions.

Second, there is an increasing problem of college students failing to matriculate. Currently, 43% of those between age 22 and 34 who went to college didn't complete a degree, and 13% of them didn't even finish a year. Things are especially egregious here in California. A recent report by the Public Policy Institute of California, a report that caused quite a stir, showed that only 10% — one in ten! — of students who enroll in the California Community College system *ever* complete a two-year degree, and only about another 10% transfer to a four-year institution.[6] This means that 80% of students in an incredibly expensive, 100-campus system *that accounts for 70% of all California college students* just take some courses and leave. This is intolerable.

Third, more general and even more problematic, there are the obscene dropout rates in our high schools. Roughly 30% of all high school students drop out, but their numbers are not uniformly distributed among ethnic groups. Roughly 50% of black and Hispanic students drop out, and those are two of the most quickly growing segments of our population.[7]

For those inclined to say, "So what? Those who drop out aren't those who will excel anyway!" there are two points to be made. For one thing, it is likely that at least a few (and possibly many) who drop out do so not because of their inadequacies but because the schools they attend are inadequate. Why waste their talents if it is possible not to do so? Besides, to reiterate what I said earlier, there are fewer and fewer jobs that don't require some technical competence. Every student who drops out is another person more likely to be unemployed.

Fourth, there is the continuing mediocrity of our K-12 system generally. Too many even of those who graduate from high school have poor basic skills. We must confront the fact

that we are educating large percentages of students for workforce obsolescence and financial defeat.

One indication of this is the consistently low scores our students get compared to those from other industrialized countries. Our kids consistently rank highest on self-esteem but near the bottom in reading and especially math ability.

On the first day for H-1B visa applications, there were 123,000 applicants. The current limit is 85,000 such visas per year.

As the NCSAW report puts it, "While our international counterparts are increasingly getting more education, their young people are getting a better education as well. American students and young adults place anywhere from the middle to the bottom of the pack in all three continuing comparative studies of achievement in mathematics, science, and general literacy in the advanced industrial nations."[8]

Another indication of the general weakness of the American K-12 public school system is the high percentage of entering college freshmen who have to take remedial math or English. Again, looking at my home state, roughly half of all incoming freshmen at the various colleges of the California State University have to take remedial classes. In other words, half the students who have grade averages and college entrance exam scores high enough to get them into the second-tier university system still need remediation. What then about the high school grads who can only get into community college? What must their skills be like? And how about those who can't make it into college at all? And what then about the dropouts?

I suspect that the scandalous lack of decent math education and motivation ties in with the decline in the percentage of college students pursuing technical degrees. Engineering, computer science, and the natural sciences are out of the question for those who are weak in math, and a formidable challenge for those who are only mediocre.

How can we deal with the growing shortage of technical and other highly educated workers? Well, to begin with, we need to do as many of our competitors are doing, and *encourage* legal immigration of the highly skilled. We certainly need to up the H-1B limit dramatically, keeping in mind that it once was as high as 195,000 annually, and prior to 1999 there was no set limit. I would urge that the limit rise to a half-million at least, if we can't just remove it altogether.

We also need to remember how many high-tech (and other) firms, such as Intel, were either founded or cofounded by immigrants. A recent U.C. Berkeley study (coauthored by Dean AnnaLee Saxenian of Berkeley's Department of Information) showed that immigrants founded or co-founded 25% of all startup companies nationwide, 40% of all California startups, and an incredible 50% of all Silicon Valley startups.

Increased legal immigration faces fierce protectionist opposition. Socialist Sen. Bernie Sanders (I-Vt.) in particular has bitterly fought to keep the H-1B visa quota low and to tax companies stiffly that hire the workers in question — calling the tax a "training and scholarship fee." In the comprehensive immigration reform bill recently killed in the Senate, there was an attempt to move away from basing immigration on family ties to basing it on points for such things as skills and education. It was a sagacious idea. Even though that point-based approach was rather tame, and the bill kept quotas on tech workers in place, Sanders still helped to kill it. Protectionism grows apace, fanned by writers such as Pat Buchanan and Lou Dobbs and talk-show hosts such as Laura Ingraham and Michael Savage.

The idea that classical liberals must keep ramming home to the protectionists is that if you refuse to allow in the high-skilled workers that our high-tech industries need, you shouldn't start screaming when those firms start outsourcing jobs to places the skilled workers live. It is of course the same Buchananites and Dobbsians who want to keep foreign techies out who lambaste the "vile capitalist pigs" for sending tech work abroad.

However, even supposing that we can convince the American public that the shortage of tech skills is real, immigration is only a partial cure, for reasons ironically beyond the ken of protectionists. Remember that highly skilled immigrants typically come to America from countries where they are not welcome or can't find work. America received a big wave of Jewish scientists and scholars, thanks to the vicious, racist fools in Nazi Germany. And we have traditionally picked up many technically trained people from countries with screwed-up statist economies, such as doctors fleeing countries with socialized medicine and entrepreneurs fleeing Marxist or other hopelessly corrupt regimes.

But classical liberal reforms are sweeping the planet, with China and India liberalizing rapidly (and consequently growing rapidly), the former East European communist states embracing capitalism, and welfare states like Sweden, Denmark, Ireland, and (perhaps) now even France beginning to relax their statist strangleholds. In short, we can no longer count on being handed free gifts in the form of educated people much longer, *because there is a growing shortage of screwed-up statist economies.*

Compared with kids from other industrialized countries, American kids consistently rank highest on self-esteem but near the bottom in reading and especially math ability.

You already see this in stories about countries that formerly exported people now trying desperately to get them

back — Ireland comes to mind here. And you are seeing some immigrants begin to return home to countries that finally liberalized their own economies — Indian pharmaceutical researchers returning to India are an example in this case.[9]

In fact, the converse effect threatens us. As our economy continues to move toward a welfare state — in particular, as we rapidly approach socializing our health care — we may see our educated best start to move abroad, or an increasing number of highly productive immigrants return to their countries of origin.

I suspect that the scandalous lack of decent math education and motivation ties in with the decline in the percentage of college students pursuing technical degrees.

This is by no means an impossible scenario, as many American exceptionalists might like to believe. Socialist Germany, for instance, has seen a dramatic loss of highly trained professionals (academics, engineers, and doctors in particular). This emigration is accelerating, increasing from roughly 115,000 in 2002 to about 145,000 in 2005.[10] The high taxes, excessive regulation, and high unemployment that the Germans' welfare state has brought them has created a brain drain, as adopting their welfare state would surely do for us.

So, while allowing more skilled immigrants is vitally necessary, we also desperately need to fix our educational system by bringing to bear classically liberal principles.

Here I can only briefly sketch the sorts of reform I think will work. Regarding the high incompletion rate in community colleges, for example, I have argued elsewhere[11] that per-unit tuition rates should be increased the longer a student remains past the equivalent of two years, to encourage students to get their education done expeditiously.

Regarding high school dropout rates, I have argued before in these pages that the situation will be improved if we move to free choice in education — vouchers being, I believe, the most practical and achievable mechanism for free consumer choice in education.[12] Vouchers will allow parents to set up more focused schools, such as arts schools, schools emphasizing business, trade schools, and (more to the point) schools devoted to science and technology, such as the highly acclaimed Bronx High School of Science.

Similarly, I would argue that by allowing free consumer choice in education, we would see less mediocrity. As I have noted elsewhere, the experience of Sweden is that when vouchers are introduced, some parents opt for private schools, but the remaining public schools quickly clean up their acts, and all the children benefit.[13] And Jay P. Greene, in a book I reviewed for these pages, pointed out that all random-assignment studies done on voucher schools show that they improve scores.[14]

With more private control, schools would be in a better position to do what private industry does in hiring: pay more for scarce workers. For example, given the deplorable state of math education, it would be useful for schools to be able to pay trained mathematicians and engineers higher salaries than, say, philosophy teachers, to get them on board.

With a proliferation of schools for kids inclined to technical subjects, and the rest of the schools beginning to improve math education, you would begin to see colleges draw more technical majors from our own population.

Also worth exploring are the various proposals of the NCSAW report. It recommends, among other things, eliminating local political control of public schools, replacing it with management by private contractors; requiring mandatory entrance exams for public colleges; increasing salaries for new, talented teachers; cutting the pensions of retiring ones. The two members of the bipartisan commission who dissented from the recommendation to privatize the management of public schools were, of course, precisely the two members with ties to organized labor; one was Dal Lawrence, past president of the Toledo Federation of Teachers. You can see why the report got little play in mainstream media, which is heavily pro-teachers' union.

Short term, we need an immediate and dramatic increase of immigration by skilled workers. Long term, we can get back to self-sufficiency in producing technically trained employees only by bringing the free market to K-12 education. ❑

Notes

1. "The Legal Visa Crunch," The Wall Street Journal, May 30, 2007.
2. "Bernanke Suggests How to Narrow Wage Gap," New York Times, Feb. 7, 2007.
3. The entire report, published Dec. 17, 2006, can be downloaded from http://www.skillscommission.org/study.htm. My quotation is from p. 4 of the Executive Summary.
4. Dan Walters, "California May Face a Triple Blow," Sacramento Bee, June 11, 2007.
5. "The Legal Visa Crunch," The Wall Street Journal, May 30, 2007.
6. Ria Sengupta and Christopher Jepsen,"California's Community College Students," "California Counts" 8.2 (November 2006). The entire report is downloadable from the PPIC website.
7. Data downloadable from www.childtrendsdatabank.org, as of 2005, fertility rates per 1,000 women: non-Hispanic whites = 58.4; non-Hispanic black = 67.2; Hispanics = 99.1.
8. *Op. cit.*, 4.
9. Peter Wonacutt, "Patent Remedy: Indian Scientists Return Home As Economy Moves a Step Up," The Wall Street Journal, Dec. 14, 2006.
10. Joellen Perry, "Exodus of Skilled Workers Leaves Germany in a Bind," The Wall Street Journal, Jan. 3, 2007.
11. Gary Jason, "College Students Need Incentive," Los Angeles Daily News, Jan. 2, 2007.
12. Gary Jason, "Free to Choose," Liberty (October 2006) 16.
13. Gary Jason, "'Voucher' is Swedish for Success," Orange County Register, Dec. 8, 2006.
14. See Chapter 13 of Jay P. Green, "Education Myths." Rowman & Littlefield, 2005.

Panama: The Western Hemisphere's Dubai

by Doug Casey

U.S. thinking about the Panama Canal was military. The Panamanians see the marketing potential of what they have.

I spent some time in Panama recently. I've been to the country several times over the years, but this time I was most favorably impressed. The country has definitely become one of my top five places on the planet. Here's why.

History and the Canal

When Bolivar, San Martin, and others led revolutions in the 1820s to separate Latin America from the corrupt and decadent Spanish Empire, Panama became a province of Colombia. But it wasn't a comfortable fit, and Panama had a simmering independence movement for the next 80 years or so, eventually brought to a boil by America's most imperialistic president, Theodore Roosevelt. I've always had mixed feelings about the man. On the one hand, on a personal level, he was quite something: athletic, courageous, adventurous, intellectual and charming. Philosophically, however, he was just another busybody fascist. Unfortunately, people tend to conflate his laudable personal charisma with his deplorable politics. When it comes to Americans meddling in Central America, I'm much more of the William Walker school myself. But that's another story.

In any event, Roosevelt bullied the Colombians into granting Panama independence in 1903 and started work on the canal in 1904. I won't go into the details of that undertaking; they're well known. What's less well known is that in 1880, a private French consortium had attempted to build a sea-level canal along the same route but was forced out by huge cost over-runs and the deaths of over 20,000 workers, mainly from yellow fever and malaria. The U.S. canal project benefited from the mistakes the French had made and also from the work they had done, about 40% of all the earthmoving that was needed.

Panama, because of the canal, has always been a veritable U.S. colony. In fact, about 20% of Panamanians are dual nationals with the U.S. But there was a natural resentment on the part of the locals to the huge U.S. military presence in the Canal Zone bisecting the country and the fact that the U.S. alone benefited from the canal. About 15,000 ships a year use it, paying fees based on tonnage. It's a trivial amount, say, $500, for a yacht, and up to $250,000 for a fully loaded container ship. Total revenues are about $4.5 billion annually, equaling about a third of Panama's GDP. When the U.S. military ran it,

the canal operated like a military camp, and economics were never an issue. Which is to say it was highly inefficient.

In 1968, Omar Torrijos, a flamboyant general with populist leanings, took control of the government and brought about a canal treaty with Jimmy Carter that required the canal to revert to Panama by 2000. Torrijos died in a suspicious airplane crash in 1981. Some think the crash was arranged by his lieutenant, Manuel Noriega, while Noriega was still on the CIA's payroll. Who knows?

Omar was the father of the current president. It would appear that, all over the world, voters go for a "name brand." Bad news in the case of Bush; good news in the case of Torrijos — as I'll explain in a moment.

The transfer of the canal outraged many nationalistic Americans. After all, the U.S. did pay for it and arrange for the country's independence. On the other hand, the Panamanians at the time weren't in a position to negotiate; they were simply told what they were going to get.

The transaction was hardly quid pro quo.

What should have happened? The answer is that governments shouldn't build, own, or control any productive assets. If the canal were to be built, it should have been with private capital. And the owners of any edifice should be solely and completely responsible for how it's run, defended, and otherwise disposed of. Productive people need government regulation and taxation as much as a fish needs a bicycle.

Manuel Noriega, who conveniently arrived on the scene just as Omar Torrijos was looking like a threat to U.S. government interests, started out as a CIA asset but then turned on his masters. I think that's the real reason the little country was invaded in 1989, much more than the four embarrassingly transparent reasons given by George H.W. Bush.

The Invasion

About six hours after launching a surprise attack on Dec. 20, 1989 (termed "Operation Just Cause" with the Orwellian use of words typifying these operations), the Elder Bush gave four reasons for the invasion. I think they're worth looking at, simply because very few people ever do. When the president says something, citizens reflexively assume it's both true and makes sense — when often neither is the case.

Panama appears to be one of the very few instances where U.S. meddling has actually inured to the good of the target country. But that's basically the law of large numbers at work.

1. "Protect American lives." That always sounds good. What right-thinking American could possibly be against his government safeguarding his fellow citizens abroad? Well, me, for one. Governments, including the one in Washington, couldn't care less about their subjects — except when it's politically expedient. But that's beside the point: no Americans were ever threatened, nor was it ever reasonable to believe they even might have been.
2. "Promote freedom and democracy." Well, that's arguably a reason for invading at least two-thirds of the world's countries at any given time, today possibly including the U.S. itself And, while Panama under Noriega was no paragon of liberty, neither was it nearly as bad as most places.
3. "Fight drug trafficking." It seems certain that Noriega was on the payroll of the Colombian cartels for transshipment of both cocaine and cash. But the U.S. had known this for years. The War on Drugs could serve as an excuse for invading lots of places. I hope it doesn't, because if it does, the Army will become as corrupt as the DEA or the numerous Third World armies supposedly tasked with drug interdiction.
4. "Safeguard the Canal." Like the other three excuses for invasion, this sounds reasonable on the surface. But the U.S. government was entitled to full control of the canal until 2000. And even if Noriega were still in power today, what could he possibly have done if the U.S. government had wanted to delay the turnover?

The only item missing was something to do with terrorism, which is now appended to every laundry list of pretexts. What could have been the real reason for the invasion? For all anyone knows, it might have been as thoroughly trivial and ridiculous as that given in John Le Carré's 1995 "The Tailor of Panama." I highly recommend both the book and the movie.

There was certainly no good reason for an invasion, whose whole objective was to take out Noriega. The 27,000 U.S. troops who invaded sustained only 24 deaths, making it about as costly as a major training exercise — which in some respects it was. The Panamanian forces suffered somewhere between 50 and 450 deaths. The real open question is how many civilians died. The lowest estimate, from the U.S., is 514 deaths. Other estimates range up to 4,000. I tend to credit the higher figures simply because when an invading army is using weapons like the AC-130 Spectre gunship, jet fighter bombers, attack helicopters, and armor in an urban environment, it's inevitable there's going to be huge collateral damage. Not to mention that most soldiers — in all armies — are scared, but very aggressive, teenagers. The situation is, in many ways (though not the outcome), comparable to Iraq. And there's some reason to believe the Baby Bush saw Panama as a template for Iraq.

The Organization of American States and the UN General Assembly both passed resolutions condemning the invasion, but such things are meaningless from a practical point of view, except when used as cover for a major power. Americans who even noticed the invasion didn't care, since the road to war was well paved with a PR campaign depicting Noriega (accurately) as a fat, unappealing "pineapple face." The fact he was an ally of the U.S. for years and a paid stooge for the CIA apparently did him no good at all.

The war was over in a couple of days, hardly time for outrage to build. And, anyway, the U.S. has a long history of sending the Marines south of the border (the Halls of Montezuma,

etc.). Although I disapprove of gratuitous violence (except in movies), Panama appears to be one of the very few instances where U.S. meddling has actually inured to the good of the target country. But that's basically the law of large numbers at work.

The President

Over the last 25 years, I guess I've met about a dozen heads of state. Frankly, I'm not sure what purpose it serves, other than to give me something to chat about at the occasional cocktail party. Can you "see into someone's soul" in the course of a brief meeting, as Baby Bush idiotically claimed he did when he first met "Putie Poot," as he calls Russia's president? My own experience, throughout my life, is that when I first meet someone and don't like him, I'm never wrong. If I do take a liking to the person, I can be either right or wrong, simply because some sociopaths are highly skilled at putting on an appealing social veneer.

Unfortunately, people tend to conflate Theodore Roosevelt's laudable personal charisma with his deplorable politics.

I had a meeting with the president of Panama, Martin Torrijos, and I took a real liking to him. He's a very affable, unassuming man of 44. He carries on a good two-way conversation, and in excellent English (as you'd expect of someone who's spent years in the U.S., including time in the management of McDonald's). Unlike the last head of state to whom I broached the idea of Dubai as a model for a small country, he was open to the concept. Obviously because that's how Panama is evolving.

One subject we discussed was their national currency, the Balboa. In Latin America, Panama, along with Ecuador and El Salvador, use the U.S. dollar. This has clear advantages. And clear disadvantages, to do with the eventual dismal fate of U.S. currency. I suggested that, especially since Panama is a world banking center, the Balboa be defined by, and completely redeemable in, a specific amount of gold.

The advantages to Panama and to the world at large would be huge. The Balboa would become the easiest way to own the metal and would draw in scores of billions of new deposits. It would give the right signals to the world. It would be a gigantic PR coup, truly putting Panama on the map. It would give the average Panamanian a true refuge from monetary chaos. And there are no disadvantages to doing it. Torrijos seemed interested in the idea, which was new to him.

Will anything come of it? It is, of course, impossible to predict if or when an acorn may sprout. But I'm encouraged by my belief that it was a conversation I had years ago with the head of the Dominica Development Bank that led to its current status as the world's largest purveyor of economic citizenships.

My guess is that Martin Torrijos will be reelected for at least one more term. Unless politics corrupts him completely, this will be a very good thing. For better or worse, a president offers the public face of his country. And Torrijos offers an excellent one. Everything I've seen indicates he's trying to point Panama more firmly in the right direction.

The Future

When I first visited Panama City over 25 years ago, it was a nice, quiet tropical city. A few high-rises, but not much activity. It was just becoming a banking and corporate haven. At the time, Costa Rica was about the only place in Central America that was getting any attention. I've always been a big fan of Costa Rica, and the place has done extremely well, especially the beach resorts on the west coast. But now Costa Rica is fully discovered and fully priced. It's still nice, but no bargain and completely overrun with gringos. If I wanted a cheap, quiet place on the beach — the kind of place that made Costa Rica so popular — I'd go to Nicaragua. Or Panama. All things considered, Panama is now the place to be if you want a crib outside the U.S., but still only a couple hours from Miami. The only drawback is that it's in Central America.

The problem with Central America has always been, simply put, a lack of class. Banana republics full of Central-American Americans, middle-aged men who couldn't make it in the U.S. and are there for the cheap beer and the things that go with it. That's one reason I prefer Argentina. It's cosmopolitan, sophisticated and, at the moment, even cheaper. Its only disadvantage is that it's farther away. But in today's world, that's also an advantage.

If, however, I were to grow disenchanted with Argentina (not likely, for numerous reasons), Panama would be a top choice to replace it. The city has become quite sophisticated, to match the roughly 150 new skyscrapers that are currently under construction. It's a construction boom in a class with only Shanghai and Dubai. The city has an excellent skyline now but, very soon, it's going to be truly spectacular. One sign of the times is that Donald Trump is building an eponymous 65-story tower. Not that The Donald is my idea of polish, but it could be that Panama is finally solving its perennial Central American lack-of-class problem.

Who's going to live in all this new construction? Prices, even after doubling in the last few years, still average only about $300 per square foot. I don't think they're going to have any problem filling them up with gringos and Europeans. And with Chinese, who are already over 5% of the small population (3.2 million — the smallest in Latin America).

Manuel Noriega started out as a CIA asset but then turned on his masters. I think that's the real reason Panama was invaded in 1989.

But, more importantly, it will be rich Latin Americans who previously would have gone to Miami. Anyone with sense can see that Panama is on its way up, and Miami on its way down. First, property prices are half Miami's levels, and the market

isn't floating on a sea of debt. Second, the cost of living is less than half that in Miami. Third, it's a tax haven and has minimal crime. Fourth, the canal guarantees a steady stream of income and low-cost goods. Fifth, it's not in the U.S.

Americans don't realize it, but many foreigners with money don't like coming to the U.S. anymore. They don't like the hassles with Customs and Immigration. They don't like the aggravation of banking in the U.S. They don't like the hassles at the airports (which are largely peculiar to the U.S. and the UK). They like Americans, but they don't like supporting the U.S. government with their spending. It's true that Miami used to be the capital of Latin America, and Latinos liked it because it was so close to the U.S. But that's changing.

One incident illustrates well why I'm so bullish on Panama. One day I had lunch in a new museum overlooking one of the locks. It was a beautifully catered affair, with many local dignitaries and business people present, affording a fantastic view of the container ships as they passed through. However, before the U.S. turned the canal over to the Panamanians, all there had been on the spot was a set of old bleachers, erected who knows how many years ago by the Army Corps of Engineers.

Think about that contrast for a moment. U.S. thinking about the canal was (and still is) primarily military. The Panamanians see the *marketing* potential of what they have. Everything was like that. From the virgin forest to the high-tech high-rises, there is an energy about the place that speaks of a people who know they have an edge in the global marketplace — and the will to exploit it.

The world needs two, three — many Dubais. Panama City is clearly on the road to becoming the Dubai of this hemisphere. ❑

Reflections, *from page 22*

they *could* have been downloaded. That's a big difference.

So were the damages justified? If you don't believe in copyright law at all, it's a meaningless question. (It's like asking an abolitionist how many lashes a slave should receive for misbehavior, and insisting that "none" is not an option.)

But, if you do agree with the premise of copyright law, it's reasonable to say that the amount of damages awarded should be related to any harm committed. If the defendant shared those 24 songs with one person and the songs are valued at a dollar each, then this is a case for small claims court — not a full-blown federal jury trial with depositions, expert witness testimony, and forensic examinations.

Unfortunately, the vast expansion of federal copyright law — with a truly worrying set of new criminal penalties — over the last decade has abandoned any sense of proportionality. It's an example of rent-seeking and special-interest politicking at their finest; and it's led to bizarre outcomes like this.

Congress shows no sign of reining the copyright juggernaut that clueless (or simply corrupt) politicians have created over the years, which means we'll see more laws, more lawsuits, and more file traders abandoning easily-monitored networks like Kazaa and turning to anonymous, encrypted ones where they can happily share files without worrying very much about the RIAA at all. — Declan McCullagh

And a trillion more there — In a recent reflection ("A Trillion Here, a Trillion There," October 2007), I ruminated on the challenge that the massive unfunded liabilities of Social Security and Medicare pose for Democratic dreams of a socialized health system. I did not address Medicaid, because I didn't have a useful source for the facts and figures. Thanks to the Cato Institute, that ever-helpful thinktank, I now do.

Medicaid, of course, is the program (established by the federal government during the Great Society era) that provides health care for the poor and disabled; it is jointly funded by the federal government and the states. About one-fifth of all Americans use the program at some point during the year — a percentage that rises when the economy is in recession.

Cato economist Jagadeesh Gokhale has released a report on the state of Medicaid, "Medicaid's Soaring Cost: Time to Step on the Brakes" (Cato Policy Analysis no. 597). Gokhale forecasts that Medicaid is headed for fiscal crisis. Last year, the program was 11.9% of the federal budget, or about 1.5% of GDP. Even under very conservative projections, the program as constituted will grow over the next century to become about 48% of the federal budget, or about 7.4% of total GDP. In other words, by 2106, almost half the budget will be consumed by Medicaid alone!

That won't leave much for Social Security and Medicare, much less for such irrelevancies as, say, national defense.

Note that this considers only the *federal* contribution to Medicaid. If you factor in the matching contributions from the states, by 2106 Medicaid will consume one-eighth of the total national GDP. And Gokhale makes the point that to keep the current ratio of return to the average male taxpayer of Medicaid benefits to federal taxes paid, the total lifetime taxes paid will have to rise by nearly 80%. In other words, to keep the program as is would require massive tax increases.

Again, given the crushing burdens of the New Deal and Great Society programs, the demand by Democrats for a nationalized health care system appears ridiculous.

— Gary Jason

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L'Eclisse: Bergman and Antonioni Die on the Same Day

by Dana Peterson

"So they traded stories,
the two ghosts standing there in the House of Death,
far in the hidden depths below the earth."

— Homer, The Odyssey
(24.224–226)

I was on a Maine island when I found out. Woefully out of touch by design with current events, the news for me came via a handwritten sign in the window of the island's small video store on a late night walk with my dog: "We have two Ingmar Bergman films and one Michelangelo Antonioni film."

My thoughts went directly to one of my favorite films, Bergman's "The Seventh Seal," a film that for me is like Francis Ford Coppola's "The Godfather": I start watching and I can't stop. I start trying to fool myself into thinking it will end differently this time — the Knight will live, Sonny won't go that way into the city that day — but, alas . . . I knew this obscure sign in a tiny video store on a remote island could only mean one thing: the two masters of European Modernism had, like Bergman's Knight and Coppola's Sonny, lost their last games of chess. We walked on.

It would be days later before I would encounter these two filmmakers again. August 12, to be precise. Back to routine with my weekly Sunday derailment, reading The New York Times, there was Martin Scorsese writing about Antonioni in a piece titled "The Man Who Set Film Free" and Woody Allen on Bergman with "The Man Who Asked Hard Questions." Both men had known the great artists; and each had what comes across as a visceral understanding of their works and a profound acknowledgement of their genius.

But, of these two tributes, it was Scorsese's that struck a chord in me. He talked about how Antonioni's films had "changed [his] sense of perception about film and the world around [him]" and how he wanted "to keep experiencing his films then and now as well." That was all I needed to take the plunge with both directors, bracing myself for Bergman.

(I don't know if I've ever really recovered from my first intimidating viewing of "Persona" in a freshman humanities class, followed by Alain Resnais' formalistic "Last Year at Marienbad," which left me even more confused.)

I began with Antonioni's trilogy, "L'Avventura," "La Notte," and "L'Eclisse." After watching these films, I thought I knew — or at least approached knowing — what Scorsese meant. On one level, the films simply knock you out by their look: it's Italy, the Aeolian Sea, Rome, beautiful people, sports cars. But, for all that, it's never comfortable; this is the good life with major schisms. The films are inhabited by characters not connecting, often expressed by Antonioni's famous two-shot technique, wherein the characters don't look at each other when they talk. It's all about alienation. Sometimes his camera even focuses mid-torso or on the back of a head, emphasizing the disconnection even more.

The singular film critic Andrew Sarris in his "Interviews with Film Directors" (unfortunately out of print) writes that Antonioni's aesthetic "led [him] to abandon the lower and middle classes in which lives are constricted by necessity and to concentrate on the idle rich who have time to torture each other." Scorsese in his Times piece points out that F. Scott Fitzgerald's "Tender is the Night," a work that mines similar territory, was one of Antonioni's favorite books. (I had an idea it was, since Antonioni puts the book in the hands of one of his characters on the Lepari Island in "L'Avventura.")

But what is different — so very different, in fact, is the dynamic of the times that makes its way into the two works; this gives, for me, Antonioni's work more edge than Fitzgerald's. Antonioni's torpid rich inhabit a world in a time when there was so much uncertainty — nuclear uncertainty. His Italy was a post-WWII economic miracle; but it was the Cold War period and many lived with the fear that one day the button was going to be pushed and all would be gone in a flash. It seems that for Fitzgerald's characters the overarching fear was of going simultaneously broke, sober, and sane. (That said, Fitzgerald is still an important American writer.)

The tension of the times is also addressed in Bergman's films. In "Persona" he includes a clip of the 1963 self-immolation of Thich Quang Duc, the Buddhist monk, still one of the most disturbing images ever recorded on film. There is also the well known black-and-white still shot in the film of a small boy wearing an oversized hat with his arms raised, being rounded up in the Warsaw Ghetto, more disturbing still. But as disturbing as the Saigon clip is — and here, I think, is an example of Bergman's genius — he makes it even more powerful by showing us the horror of it all expressed in his now-trademark close-up on Liv Ullman's face. In the end, you remember her face almost as much as you do the image of the charred body in the flames.

Antonioni's torpid rich inhabit a world in a time when there was so much uncertainty – nuclear uncertainty. Many lived with with the fear that one day the button was going to be pushed and all would be gone in a flash.

Aristotle writes that "in drama the episodes are brief, but epic poetry gains its length through its episodes. The story of the Odyssey is not a long one."

Neither director offers solutions to these problems; it's more a presentation, a provocation really: "here it is, talk about it, we don't have the answers"; morality plays with no clear outcomes for the audience set up by the directors and actors on the screen. They introduced a new cinematic language: in a word, *modernism*. Highly experimental, their work was a break from traditional narratives built on logic. What the audience at least thought was logic was now gone. The old way of talking about post-WWII Europe would no longer do. This was not dissimilar to the post-WWI Europe that launched James Joyce and the other great literary modernists.

To talk about Bergman's and Antionioni's films as stories seems impossible to me, as they're more a collection of random bits. Antonioni made documentaries before feature films, which may be why in his movies you see examples of fact blending with fiction, neo-realism. I know that the highly avant-garde Bergman believed that art lost its power once it broke from religion. His work may in large part be read as trying to put the two together again — with examples such as the nailing of the hand in "Persona" and the title of "The Seventh Seal" which is a reference from Revelation (the seventh seal being opened leads to the silence of God, followed by the wrath of God).

Maybe the best way to view and discuss the works of both these directors is to take a cue from Antonioni's painter in "Blow-Up," his 1966 dissection of the narcissistic pop culture in swinging London in the '60s. In that film, a photographer visits the studio of a friend who is an abstract painter of sorts. He says of his work in the scene: "They don't mean anything when I do them, just a mess. Afterwards, then I find something to hang onto, like that leg there, then it sorts itself out. Adds up. It's like finding a clue in a detective story."

In "The Poetics," Aristotle writes that "in drama the episodes are brief, but epic poetry gains its length through its episodes. The story of the Odyssey is not a long one." That seems true of these films as well. Using "Blow-Up" as an example, the story is really quite simple: a man who is liv-

ing a bored but swell life stumbles onto what might have been a murder. But the story ends without anything being resolved. The movie is really about the episodes that take place between the events; how closely can you watch to catch all Antonioni's clever tricks? In the end, does it add up?

Often, it's hard to tell where you are in these films, past, present, or future (a technique reminiscent of Faulkner). Characters who seem important sometimes simply drop out of sight — the most famous example being Lea Massari's character in "L'Avventura," who simply disappears early in the film and never reappears. The New Wave French director Jean-Luc Godard quipped famously about New Wave films that they often have a beginning, middle, and end. But not necessarily in that order.

They didn't abandon Aristotle's rules completely.

Bergman and Antonioni, linked in work and now in death, remind me of the story that Shakespeare and Cervantes supposedly died on the same day. It's an interesting coincidence, when you think about it: Bergman, who brought so much from the theater into his films, and Antonioni, whose art has been said to share characteristics with the modern novel. But, thinking about Shakespeare and Cervantes, it also occurred to me how much easier it is to take a plunge into their works than Bergman's and Antonioni's — you can read the plays, watch the plays, and find the books. For this article, it took me some time to cobble together the movies, bought and borrowed from friends, libraries, and three video stores.

All of this leads to what the future might portend for Bergman and Antonioni's art. In part, I began this process with the notion that the demise of Bergman and Antonioni marked the end of something. I actually believe now it marks the beginning of something, a new generation perhaps discovering these films, or rediscovering as I have.

I had a conversation with Ned Hinkle, creative director at the Brattle Theater and cofounder of the Brattle Film Foundation (the Harvard Square art house in Cambridge, Mass., that brought the Bergman phenomenon over here back in the '50s). Hinkle believes that the future of film and of theaters like his looks bright. He believes that the way DVDs are made now, with directors' commentaries, deepens the appreciation of the "seventh art" — creating new and returning audiences who will want to see these films on the big screen. Certainly, anyone wanting to watch these films who doesn't have access to the equivalent of a Brattle Theater (which is currently showing a new 35 mm print of Godard's "Pierrot Le Feu") can have a terrific experience with the Criterion Collection, which offers many of the great New Wave films. The commentary on these discs is first rate.

Hinkle also believes that film as an art form will continue to find new languages, citing Peter Fonda's and Dennis Hopper's "Easy Rider" in the late '60s (a new western, in which cowboys ride Harleys rather than horses) and Jim Jarmusch's films in the '80s, perhaps most notably his "Stranger Than Paradise" (a minimalist, absurdist comedy shot entirely in long takes with static scenes). With great films and people like Hinkle, there is hope that film will keep recreating itself as an art form — despite Hollywood's distribution system with its business-first, art-second mentality.

Hinkle wonders whether directors like Bergman and Antonioni could even get financing and distribution deals if they were starting out now.

Good news came out of Sweden in early September with the Swedish government donating $2.9 million to preserve the works of Bergman; the money will be used to support an international theater festival in Bergman's honor and to create digital copies of his films as well to buy the copyright of his films.

For my final word on these two singular artists and the future of the world's interaction with their works, I turn to the final words of the last movie I watched in preparation for this article, Bergman's life-affirming "Fanny and Alexander." Taken from Strindberg's "A Dream Play," the movie ends with these lines: "Anything can happen, anything is possible. Time and space do not exist on a flimsy ground of reality. Imagination spins out of control and weaves new patterns."

We won't see the likes of Bergman and Antonioni ever again, but we have their work. As Allen wrote in his Bergman article, addressing those who make a lot about Bergman's influence on his work: "Genius cannot be learned or its magic passed on." Their heyday, as brief as it was, has been over for some time. Their deaths simply bring that loss into a sharper focus. Some believe these two were too modern for their own good, doomed to become old-fashioned fast. This sentiment notwithstanding, the work they did is the benchmark in their medium. They are the directors' directors, the first names in the canon. The patterns they wove were — and are — the stuff of genius. ❑

Letters, *from page 7*

between 50 to 75 million humans during the last century.

One doesn't have to be omniscient to sense that some Europeans have never forgiven Americans for saving them from themselves. (France, Germany, and Great Britain come to mind.) Sometimes in deep bitterness I wonder if it was a mistake to do so. But that would be petty, wouldn't it? Actually probably distastrous.

In the dark surrealistic comedy of the European mind, however, what is often overlooked is that most Europeans don't care for other Europeans (European Union, my ass). To a point it is quite funny to listen to them pontificate about each other, funny simply because of the twisted richness of their unconscious humor. Self-satirization is one of their other high talents.

Arthur Whitaker
Novato, Calif.

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The Half-Open Door

by Bruce Ramsey

Open immigration is a fundamental tenet of the libertarian program. But does it *really* make sense?

This essay by senior editor Bruce Ramsey ran in Liberty's February 1993 issue. As time has passed, it has grown steadily more relevant to American debates.

— Stephen Cox

HONG KONG — When I moved here in 1989, I thought it was a disgrace that so few Chinese were sympathetic to the Vietnamese boat people. More than 55,000 Vietnamese were penned up in camps, and more were arriving each week. "The average Hongkonger," I wrote, "would shove them all back out to sea if he had anything to say about it" (Liberty, March 1990).

From time to time some U.S. congressman come here and says the same thing. The Vietnamese are running from communism. So are the 60,000 Hong Kong Chinese who emigrate each year, fearing China's domination after 1997. How can the Hong Kong people expect any sympathy if they show none toward people, however poor, who are their moral equivalents?

The Hong Kong people I knew didn't look at it that way — and I don't either, after living here three years. The Hong Kong people are emigrants, not refugees. They have money. They have professional qualifications. They speak English. And they have played by the American rules. They have filled out pages of forms. They have answered all sorts of questions the U.S. government never asks its own citizens, such as the name of every social, political or community organization they have ever joined. They have certified that they have never been convicted of a felony. They have disclosed their finances, and taken medical exams. And they have waited patiently to get their turn under the hugely oversubscribed quota. The line for Hong Kong brothers and sisters of U.S. citizens is about nine years long.

Refugees are different. They are emergency cases, exceptions to the rules. U.S. policy is to accept only those screened as political — people who can prove they have a "well-founded fear of persecution" if they go back. Most cannot prove this. More than 90% of the Vietnamese boat people are routinely screened out as "economic migrants." The U.S. will not accept them, nor will any other country.

To the Hong Kong Chinese, the Americans have every right to shut their own door on such gate-crashers. When George Bush sends Coast Guard cutters to shove the Haitians back into the knives of the *tontons macoutes,* he's doing just what Malaysia or the Philippines or Japan does. Shouldn't the U.S. be polite enough not to lecture other countries?

Some of my readers, I suspect, will argue that America should let them all in: immigrants, refugees, everybody. This is pretty much the view among libertarians. Every political question is to be decided by reference to first principles. According to their moral axioms, immigration restrictions are as difficult to justify as apartheid, or a quota on men's shirts.

But free immigration is difficult to argue for in today's world. No rich country allows it. States that have given up quotas on goods retain them on new residents. True, the European Community is on the verge of allowing the free movement of labor. Portuguese and Greeks will be allowed to work in England and Denmark — something not certain to be welcomed by the English and Danes. The proposal does not apply to non-EC peoples such as the Turks, Algerians or Poles. The U.S. and Canada have agreed to free most trade over a 10-year period. They did not free labor, residence or citizenship. In the proposed North American Free Trade Agreement, they are not even discussing doing these things with Mexico.

It's a similar tale with refugees. The Germans, who take as immigrants only those of German blood, are bound by their constitution to take all refugees. It's an unusual offer for a rich country to make, and thousands of Vietnamese, Romanians, and Gypsies have taken them up on it. One result has been widespread resentment and roving gangs of neo-Nazi "skinheads." Germany's open door for refugees is about to slam shut.*

When the subject of immigrants and refugees comes up with libertarians, it's usually in an argument with someone who wants to stop them. With gusto, libertarians cite studies that show that immigrants and refugees have been a benefit to America. They argue that America ought to "keep the door open." But the door is *not* open. It is half-open, with entry controlled by the government.

The real question of immigration is not about principles; it's about numbers. U.S. law allows 700,000 immigrants a year. That's less than three-tenths of 1% of a 252-million population. These slots tend to go to the affluent and educated. They can read the rules, hire the lawyers, fill out the paperwork. A lot of them come over as students and figure out a way to stay on. Some, like a former South African colleague of mine, go through a long rigmarole. He had to find an employer to swear he had skills not available in the United States. He had to move across country and change careers to get his green card. An uneducated man could never have done it.

*It did, soon after this was written.

Of the 700,000, 74% are being admitted simply because they have a relative in the United States. One man gets in and petitions for his wife and kids, brothers and sisters, and their kids. Only 20% of slots are for people with needed job skills. Canada and Australia are more open than the U.S. in this regard; America could follow their lead and let more people in as investor-immigrants. It could let in only those with money, skills, or PhDs.

But under free immigration it would take everybody.

The flow of refugees has been about 30,000 most years — a small fraction of the immigrants. How these fare in the U.S. depends mainly on the kind of life they had before. Some, like the middle-class Cubans, have been successful. Others, like the Hmong, a 16th-century people from Indochina, haven't. In early 1988, of the 20,000 Hmong in the Fresno, California, area, 70% were on welfare. Despite their high-school valedictorians, a higher percentage of Vietnamese are on welfare than of blacks.

Millions of people around the world whose governments criticize the U.S. still dream of emigrating there. The Philippine Senate had just kicked out the Subic Bay Naval Base when my Filipino maid said, "Sir, is it true that the U.S. could take back the Philippines as a state?" She had heard this proposed on a radio call-in show back in her homeland. Lots of people had called in and supported it. The educated, elite Filipinos I worked with in Hong Kong (the kind who were running the Philippines) would be outraged at such an idea. But this provincial girl was for it. She was a bit hurt when I told her the Americans wouldn't want her country back; it was too poor.

She would love to emigrate. She had a cousin in California who worked at a gas station, and had bought a car. His own car! Think of it! Maybe she could land one of those high-paying gas-station jobs! But the only easy way for a 23-year-old

An Update by the Author — I wrote this piece in 1992, when I was living in Hong Kong. It was intended as a challenge to libertarians who believe America should not restrict immigrants, and, by extension, that no country should. My point was that this is a matter of practical concerns as well as principle, and that in Hong Kong the practicalities were much more troublesome than in North America.

When I wrote the essay, I lived on the 40th floor of an apartment tower, a few miles from the refugee camps. The opinions of the Hong Kong Chinese were strong — and not sympathetic. What I argued for — the return of refugees that no other country would have — in fact happened, beginning about the time this was printed. Some 67,000, about a third of those who had come to Hong Kong, were forced back. Vietnam's government agreed not to persecute them. It apparently kept the agreement. The camps were closed, and with Hong Kong's border now controlled by China, they are unlikely to open again.

The fight over the "boat people" is still worth recalling for those who would set the rules of human migration according to the principle of free movement. In Hong Kong that was simply not possible.

Filipina to get in was to marry an American. She would have done it except that she was already married, and in her country, divorce was forbidden. She had a friend, also working in Hong Kong, who had almost married a South Carolina man by mail order.

The maids' presence in Hong Kong also tells a story. There are about 70,000 here. They are subject to Hong Kong's only minimum wage: $413 a month plus room and board. By comparison, a live-in maid makes $31 a month in Manila, $30 in Jakarta, $21 in Bombay. Many of the maids here have college degrees; the second one we hired gave up a job as a nurse at $120 a month to be a "domestic helper" for us. If Filipinas were allowed to work in America for — for what? $500 a month? $750? $1,000? — you could have them by the millions. Day care? Who needs day care? Babysitters? Never heard of 'em. A diswashing machine? No need. Get a maid, and she'll cook your dinner and do the dishes, too.

You can hire a Filipino maid in Vancouver for $583 a month. The only reason you can't have one in the U.S. is the immigration law. If that law were changed, every middle-class American could have a domestic servant. Think of the social revolution *that* would entail. And that falls far short of open immigration. There is no open immigration to Hong Kong, only a contract-labor system.

Under free immigration there would be no contract-labor plans, and no distinction between immigrants and refugees. Anybody who gets in, stays in. What would that be like in a world of mass communications and Boeing 747s? Who knows? Back in the pre-World War I days, the United States was a long, hazardous, expensive trip away. There were only so many Irish, Italians, and Norwegians who dared try it. People know more now. They are bolder. Tens of millions can raise the money to buy the ticket — by borrowing it, which is how so many maids get here. And the Mexicans, Guatemalans, and Salvadorans can just take a bus.

Just imagine it. Shiploads of boat people. Haitians, Dominicans, Jamaicans, Javans, Punjabis, Pathans, Yorubas. You could have people camped out on school playgrounds, in city parks, along the streets and in Shantytowns, speaking strange languages. People who believed in executing blasphemers and circumcising women. Men who piss against walls on public avenues. You'd have people selling candy door-to-door — not to help the Camp Fire Girls, but to feed their families. And not Camp Fire mints, either, but strange, gooey stuff concocted over real campfires.

Three years ago, the boat people had my sympathy. Now I, too, get tired of them and their demonstrations. I begin to think of them as the unwanted cousin who camps out on my doorstep and demands a seat at the dinner table.

The minimum wage would be swept away, welfare swamped, food stamps shredded. Upper-middle-class salaries wouldn't be affected much, but the going rate for people to dig ditches, mow lawns and deliver newspapers would collapse. White teenagers would vanish from behind the counter at McDonald's. The garment industry would make a comeback, as would leatherwork and toys. Many people would benefit, to be sure — but most of them would be foreigners. Americans at the low end of the wage scale would be hit hard. The "homeless" would go out of business. No one would give 'em a dime.

With open immigration, a big American city would be like Jakarta or Mexico City — a middle-class world of education, cars, and microwave ovens surrounded by struggling people in cardboard shacks.

A big American city would become more like Jakarta or Mexico City — a middle-class world of education, cars, and microwave ovens surrounded by struggling people in cardboard shacks.

Great, you say. Survival of the fittest! End this apartheid of international frontiers! End this labor protectionism! Let every man compete free and equal — all five billion! No doubt the economists can prove the gain in utility would be greater than the loss. They'd probably be right. Especially for all those Bengalis and Vietnamese now living on $200 a year.

Well, it *does* fit your principles. But I'm not sure you'll want to live in such a world. In America today, even a lousy job pays $4.25 an hour. Even poor people have TVs and cars. I know libertarians who live in, or have lived in, that world. With free immigration, kiss it goodbye.

Me, I don't want to live in Jakarta. I live in Hong Kong, which is already close enough. Every day I see grown men in the streets selling wind-up panda bears, babies' T-shirts and boiled squid on toothpicks. The television reminds me that less then ten miles from my home, 55,000 Vietnamese boat people are penned behind barbed wire. There's lots more where they came from: Vietnam is only about as far from here as Seattle is from southern Oregon. Open the gates on the camp, and another 55,000 would be here quicker'n you could say, "Ho, Ho, Ho Chi Minh."

Hong Kong won't take them. It's a Chinese city, and the Vietnamese are foreigners. Americans get all indignant about this, but it's the same attitude as taken by the Thais, the

continued on page 42

The Cookie Monster Beats the Cops

by Rycke Brown

The continuing story of what happened when Rycke Anne Brown was arrested for passing out marijuana cookies as a protest against the drug laws.

The letter from the court read:

> NOTICE OF DEFAULT
>
> According to this court's records, Rycke Anne Brown is in default for failure to serve and file the transcript due on June 13, 2007.
>
> The appeal/judicial review of Rycke Anne Brown will be dismissed for want of prosecution pursuant to ORAP 1.20, unless good cause is shown in writing within 14 days from this date why the appeal should not be dismissed.

I didn't mind. It didn't matter. I had already won. I had beaten my persecutors at their own games, on their own ground — in court, in jail, in court, in the probation office, and again in court. I had won by using the law to fight the law, and by refusing to submit to persecution.

I had never expected to win my two appeals. I was actually relieved, several weeks earlier, when the court of appeals at long last turned down my dual motions to waive transcripts and proceed on the oral record (on CDs) alone. I wouldn't have to write those briefs and pay for the creation and mailing of nine copies to the court, as well as the four other parties in the case.

The appeal was quixotic. The time isn't ripe for such an appeal to succeed; I'd known that all along. I'd been down this road before. So I wasn't about to pay for transcripts of my trial, sentencing, and several hearings at $2.50 per page.

My poverty is my weak point, and the court took full advantage of it to stanch the wound I had inflicted on the justice system. After six months, the court of appeals decided that saving paper, labor, and money was an insufficient reason to waive the provision of transcripts. It also decided that an order it said I was trying to appeal was unappealable. I was actually appealing an order to suspend my driver's license, but since that order was finally voided on my motion three weeks after I filed the appeal, it was moot. I had already won there, too.

I had won my personal battle and demonstrated the efficacy of my anti-drug-war strategy, as printed in a protest leaflet I had written. I had shown that it can work for one and can therefore free us all. All that's necessary is that enough of us refuse to cooperate with our own persecution and insist on fighting legal procedures with legal procedures. I couldn't expect to win the war in the court of appeals this soon, all by

myself. But I had beaten my local persecutors — and they all knew it.

They not only couldn't stop my protest* by arresting and convicting me,† they couldn't even slow me down. They kept my weekly drug war protest off the street for one hour when they arrested me halfway through it, and a whole two hours when I served my week in captivity. In the year and a half between, I'd received some good local news coverage (after two years of zero coverage) and doubled the number of leaflets I handed out each week.

An almost-pro-bono lawyer had represented me at the start, but resigned from his practice a year later for family and health reasons — nothing to do with me, I'm sure. But our initial consultations pointed me in the right direction on my defense.

So I got busy studying Oregon law — as busy as a full gardening schedule allowed. My motions to dismiss the charges as unconstitutional were denied; they were way too late. But I beat the district attorney at trial on four out of five charges, and was convicted only of possession of pot.

The charges were: Distributing a Schedule I Controlled Substance to a Minor, with a lesser included charge of Distributing; two counts of Causing to Ingest a Controlled Substance without knowledge or intent; and Possession of a Schedule I Controlled Substance‡ — all felonies. I had been arrested for giving four pot cookies to four women, all of whom claimed, the next day, that they didn't know there was pot in the cookies. Two of them lived at the Gospel Rescue Mission of Grants Pass; one was a daughter of some Mission staff members; the last was her sister, who was seven months pregnant. All were facing urinalysis for various reasons.

The arresting officer didn't question their ridiculous tales, and investigated just long enough to determine that I was indeed giving away pot cookies, although the undercover officer who got a cookie from me reported that she had to ask for a cookie; that I asked her if she wanted a cookie with or without pot; and that I told her how much to take for her reported level of usage. They searched my house while I was in jail, but found nothing more than a few pipes.

It took the judge four weeks to rule in my favor; I'd begun to despair that he would take the entire three months allowed under the law before getting his pay withheld.

The sisters recanted their story that they didn't know about the pot in the cookies, apparently before the case even went to the grand jury, which returned only two charges of Causing to Ingest. The district attorney offered to drop those charges in exchange for guilty pleas to Distributing to a Minor and Possession, which showed that he knew he couldn't prove the Causing to Ingest charges. But I knew that.

At trial, both sisters testified that I gave two cookies to the elder sister, none to the younger. I called no witnesses but myself and the arresting officer, and used the state's witnesses' testimony and common sense in my closing arguments. In a unanimous verdict, the jury acquitted me of the first four charges, convicting me only of Possession.

I had picked a good jury by ignoring the questionnaires, listening, looking at faces and clothing, and using my six peremptory challenges on people who seemed mean, stupid, senile, or too well dressed. I was looking for a jury of my peers.

Threatened just before trial with a total of 45 years and over a million dollars in fines, supposedly facing a maximum of 10 years and a $375,000 fine on the Possession charge *alone,* I was given the presumptive sentence: 18 months probation, 10 days of it to be spent in jail, and a $500 fine ($688 with assessments).

The first time I was given a minimum sentence, in Arizona, I was pleasantly surprised. It was a mandatory minimum, and I got three years after being threatened with 20. This time, I knew better. Nobody gets the maximum sentence; it's just there for show, to scare you into pleading. With the chronic overcrowding of jails and prisons, judges have to justify anything over the minimum.

I announced that I don't do probation, don't pay fines for non-crimes, and don't eat in captivity. I found that, in Oregon, probation is mandatory. They stole the $688 fine from my bail money (the state legislature made it legal for counties to do that, completely subverting the purpose of bail, in 1989 — the same year it made probation mandatory for all felons). And it took me more than a week to get *into* jail; the persecuted have to make an appointment.

The "10 days in jail" became a week, with two days off for the 26 hours I spent in custody during the arrest and one day off for good behavior. By the end of that week, the jail couldn't see the backside of me fast enough, releasing me at my requested hour in the pre-dawn chill. My cellmate, by contrast, had gotten her release papers the day before at 8:00 a.m. and was finally released after lights out at 9:00 p.m.

I'd fasted the entire week,§ preaching to my fellow inmates the virtues of going to trial, of making the state prove every element of every charge, and of making it pay for its convic-

*See "I Protest," Liberty, October 2005.

†See "The Cookie Monster Goes To Jail," Liberty, August 2005.

‡Not Possession of Marijuana, which can be knocked down to a misdemeanor at sentencing. Our district attorney chooses his charges well for ill effect.

§If you don't eat in captivity, you cannot be made a slave, or held captive for longer than a month. This is the true lesson of the Greek myth of Persephone and the hidden gospel of Jesus. The Romans killed the Christians, since they could not be enslaved, until Constantine figured out how to divide and conquer the Church. We live in gentler times. Our government has to keep us alive in captivity or free us.

Josephine County has an unwritten but strictly followed policy for fasting prisoners: when one has to be hospitalized, one is released and dropped at the door of the hospital. The county cannot afford hospitalization. And it will take a prisoner to the hospital for a forced urinalysis or blood test but not for force-feeding.

Why fast for only a week's sentence? To show I'm serious. It was fun, sitting at table with my fellow inmates, inhaling the delicious aromas. And it looked like pretty good food, too.

tions, instead of giving it another cheap slave. I'd also spent a profitable two hours in the law library, reading bail and probation law and the Oregon constitution, until I couldn't take the chill anymore. I wasn't allowed to take a blanket to the law library.

The cold was my biggest problem. I complained in writing about the insufficient clothing provided against the chill that the jail maintained: loose, cotton, short-sleeved overalls, socks, panties, and sports bras. Most of the women in the pod were wrapped in blankets 24/7 to stay warm. By the end of the week, I was wrapping myself in two blankets — due to of lack of calories. I pointed out that article 1, section 13 of the Oregon constitution forbids treating jail inmates with "unnecessary rigor," and the rigor that I experienced certainly seemed unnecessary, considering the late summer heat outside. If the sheriff feels that such a chill is necessary, he should provide long underwear.

On the page of probation conditions, I circled words like "consent," "submit," and "participate," and wrote: "I do not consent, submit to, or participate in my own persecution."

I have pursued the matter since, on local radio talk shows and at county commissioner meetings, which are televised on cable. County commissioners have ultimate responsibility for the care of the inmates; they can even remove them from the care of the sheriff, and give the running of the jail to another organization.

I started out talking to Sheriff Gilbertson, first privately and then on talk radio whenever he dared to talk to the public. He has been playing this issue to the Arpaio* lovers, the yahoos who think pink underwear is humiliating; that green baloney is prisoner food; and that it's cheaper to guard inmates on work farms, road crews, and in tents behind razor wire, than in Josephine County's new jail, an efficient concrete and steel box that sits half-empty for lack of guards to run it. The "punish them enough not to come back" citizens think that good people never get arrested and bad people should be punished before they're convicted, rather than just held. The sheriff's only answer, the last time we talked on radio, was, "Don't come to my jail!" Too late; I've already been there.

And I'm not going to let it go. I have the sheriff over a barrel, because there is a rule in the inmate manual against removing bedding from bunks. It is so widely ignored by both inmates and staff that I didn't even think about it until after my release. But it is a rule with a reason; a blanket can hide contraband or a weapon, or be used as a weapon, to take down and disable an officer. The behavior of both inmates and staff demonstrates that the clothing is insufficient for the chill. Long underwear could allow the rule to be enforced. Not providing it means putting officers at risk as well as chilling inmates.

The sheriff is starting to feel the heat, or perhaps the chill. He actually was present and answered my remarks at the last commissioners' meeting I attended, saying I was the only inmate ever to complain of the cold in writing, but others have complained. And that after my call to KAJO's talk show that morning, a woman phoned in and offered to buy long underwear for the inmates. He said that he's looking at it, but that inmates could use the underwear to hang themselves.

A few days after my week in captivity, I found that the court had ordered suspension of my driver's license for six months. It was a sneak attack by the prosecutor at sentencing. The deputy district attorney had asked the court to "notify the Department of Transportation of the conviction." The judge asked her how this possession conviction was different from any other? Her answer was, "She transported the cookies to her protest in her truck." Sitting there like a dummy, I hadn't asked what would result from such notification. I found out only a few days before my license suspension went into effect for six months, with no hardship exception allowed.

I couldn't ignore the suspension, though that was my first impulse. I was being targeted; and they could take my work truck. My parents said that they'd drive me and my gardening truck to any jobs I didn't have other help to get to. My fiancé and a fellow gardener offered to drive and help me work on the days they were available. Thanks to the help of friends, family, and cooperative customers, I was able to stay in business. I filed a motion to reverse (void) the order, citing my business needs and the burden on my aged parents, and got a hearing date six weeks away.

Nobody gets the maximum sentence; it's just there to scare you into pleading. With the overcrowding of jails and prisons, judges have to justify anything over the minimum.

I read the statute that they used to suspend my license, ORS 809.265 (a). Although it seems to be generally applicable to anyone convicted of a drug offense, it is obviously rarely

*Joe Arpaio, sheriff of Maricopa County, Arizona, has made national news for over a decade with his tent jail, pink underwear, and green baloney for prisoners. In Arizona, the voters and legislature are apparently more willing to pay for guards than for new concrete jails and prisons. One prison I was in was a renovated motel in the middle of Phoenix. Another had previously been a parole release center. The relatively new Mohave County Jail was built under federal court order. The reverse is true in Oregon, where we build new jails and can't afford to staff them. Even open deputy positions are going begging, probably because of low job security.

used: the prosecutor had to ask the court to apply it at sentencing, when it should have been done automatically within 24 hours of conviction. And it begins, "Unless the court finds compelling circumstances not to suspend the license, the court shall, within 24 hours, suspend the license of the offender" — while giving no time, process, or warning to present such compelling circumstances.

Such lack of due process was breathtaking. It seems as though the statute was written to be selectively used to punish *pro se* defendants. If it were routinely used, attorneys would be ready at conviction to present such compelling circumstances, which in a case involving no driving misconduct wouldn't have to be any more compelling than getting to work, considering the fact that staying fully employed is a condition of probation. I filed a motion to void ORS 809.265 (a), citing its lack of due process and the secretive nature of the extra punishment, which was not written into the judgment or published with the judgment.

At the hearing, the law was on my side on my first motion, to void the order to suspend. Even the district attorney didn't oppose it if the court thought the circumstances sufficiently compelling. But Judge Hull said that he wasn't sure he had jurisdiction, since I'd already filed an appeal. The district attorney wasn't sure either, but wouldn't oppose a decision. I opined that I was appealing the judgment; this order isn't written into the judgment, so the court that ordered it has jurisdiction. The judge said he'd have to research the question.

The district attorney opposed my motion to void ORS 809.265 (a), pretending that my conviction was sufficient process, despite the fact that its lack of process had resulted in a hasty order that should have been voided. The judge denied the motion without comment and said he'd notify me when he ruled on the first motion.

It took him four weeks to rule in my favor; I'd begun to despair that he would take the entire three months allowed under the law before getting his pay withheld. And so he might have, but right after the hearing I filed an appeal of the order suspending my license. The Court of Appeals immediately demanded a copy of the decision denying the second motion. I had to tell them (in a motion) that the judge was holding it (so the court clerks told me), along with the pending decision, and ask the Court to accept a copy of the trial record as proof that the motion was denied. I got the judge's decision a week later. It's possible that he thought it looked bad to the appeals court that he was sitting on the motion.

It turned out that there was no written denial; the decision was stated in open court and was in the oral record, so he felt no need for a written order. I filed a motion stating as much and again asked that the trial record be accepted as a written denial would be.

The appeals court administrator got the court to separate the two appeals — the appeal of my judgment and the appeal of the suspension — and assign them separate case numbers. I filed a motion to waive transcripts in the second appeal.

By the time that motion and all the rest were denied, the issue was long moot; I'd won when that judge had to rule in my favor despite his personal inclination and voided the order that he'd signed earlier. But it would've been nice to break that little hammer the district attorney had hit me with.

"Hey, take it easy — you're cutting off my circulation!"

All this time, I was also defying probation. I went to my first appointment prepared to go back to jail, with my pockets empty so they wouldn't be holding my wallet or keys. I told my probation officer that she wouldn't get to search my house or anything of mine. She argued that she could do a walk-through of the common areas. But I said not without my consent, *and I'm not giving it*. The conditions of probation are that I *consent* to search and other indignities and invasions of my privacy. I did not consent. I was ready to go to jail.

Her response was, "We have a lot of paperwork to go through; you can do what you like with it."

So I wrote on the papers that I declined to answer personal questions or to allow sharing of information about me. On the page of general probation conditions, I circled words like "consent," "submit," and "participate," and wrote: "I do not consent, submit to, or participate in my own persecution." On the page of special conditions for drug offenses, like urinalysis, drug treatment, lie detector tests, and other indignities, I wrote, "I don't submit to these either." I declined to accept financial responsibility for probation fees, but told my PO that I would visit with her on a reasonable schedule.

She asked, "Twice a month okay?"

"Sure."

"Mondays or Wednesdays?"

"I have Mondays off."

"First and third, or second and fourth?"

"Which works better for you?"

"I have fewer clients on the second and fourth."

The last paper she handed me was the Action Plan. On it, she'd marked that I should visit her on the second and fourth Monday of every month. She hadn't marked that I must file a monthly report and pay fees, or that I must report contact with police, though she asked me to as a personal favor, so she wouldn't worry when they reported contact.

She gave me copies of all the papers I'd written on, and I was free to go. By not asking me to do anything I wasn't willing to do, she refused to violate me.

Such was the pattern for four months. I visited with her

twice a month, bringing her copies of my motions, protest leaflets, and other writings. She helped me with my fight to get my license back, never before having seen a suspension not written into the judgment and having nothing to do with driving behavior. She wanted to see the order. She looked for such other suspensions in the files, asked other POs if they'd seen them. No others. Our relations became almost chummy. I quit emptying my pockets before my visits. POs are really nice people if you're honest and polite — and firm in your convictions.

I beat the district attorney at trial on four out of five charges, and was convicted only of possession of pot.

After I got my driving privileges back, with nothing to do but wait on decisions of the appeals court, I got restless and started handing out protest leaflets with my anti-drug-war plan — telling people how to defy probation, among other things — to my fellow probationers in the probation office waiting room. There's a dearth of reading material in there.

Next visit, my PO didn't have time to chat, but asked me to fill out a monthly report. I filled out name and address, and wrote "NOYB" and "NA" in answer to the rest of the questions. When I saw her again, she asked me, in front of a trainee, to fill out a monthly report, which I did as before. Then she asked me to submit a buccal sample (inner cheek swab) for DNA. I answered, "Any time you're ready to take me to the hospital."

"Why the hospital?" asked the trainee.

"Because you're going to have to take it by force."

"All we want is a *little* cooperation."

"I know. I'm not giving it."

My PO was already typing up the citation to appear in court. Force is not in the cards for an offense like mine; she knows it and I know it. And she knows I know it.

Josephine County is in a chronic state of jail emergency releases, like many other Oregon counties. We have a 256 bed jail that houses 130 prisoners because that's all the prisoners that the voters are willing to hire guards for. Multnomah County, which holds Portland, has a new jail that sits empty for lack of manpower, while thieves are cited and released. In Josephine County, drunk drivers and minor assailants are usually cited and released, even with multiple failures to appear; thieves are routinely ticketed — and routinely fail to appear. (The fact that public defenders often don't give their clients reminders to appear doesn't help matters.)

So we don't have room in our jail for pot smokers, even if a judge does sentence one to 10 days every once in a while. Probation violation has a six-month maximum sentence which, being less than a year, must be served in the county jail. Convicts get holding priority over people merely accused, so jailing me would mean releasing somebody accused of a serious crime. Judges are required by law to take available jail space into account when revoking probation and reserve it for those who are a serious danger to the public.

She knows I know this because I'd filed a Motion to Modify Probation (to bench), in which I'd told the court as much, before my first appointment with her. I'd brought her a copy. My motion had been denied without hearing or comment by another judge within days.

Once I was officially cited for probation violation, I turned my Motion to Modify Probation into a Motion to Discharge Probation, in which I cited the applicable probation statutes and the facts of the county jail emergency plan and its hold or release priorities as demonstrated in the police blotter; therefore, the court would be breaking the law if it jailed me. I added that I refused to pay any further fines or fees and could not be made to do so and, if I was jailed, I would simply fast and preach to my fellow prisoners about the virtues of going to trial. Also, the court owed me for 10 weeks of voided license suspension. So the court might as well call it time served, let me go, and quit wasting my PO's valuable time.

A few days later, as I was heading home from work, I got a call from a court clerk named John. Judge Hull wanted to know how long I thought the hearing of my motion would take. I'd never been given this courtesy before. I told him not more than an hour, I thought. He said he had a note from the district attorney: "State opposes, at least until Defendant submits buccal sample — or we draw blood." This was intriguing. I went down to the courthouse to check it out.

District Attorney Campbell had written and initialed his note on a copy of the front page of my motion. A DNA sample is mandated for all felons; it is the only condition of probation that a PO can not waive. But it was something I could compromise on, comparable to the fingerprints that they got at arrest, useful to the state only if I am later implicated in a crime involving DNA evidence — an unlikely event.

So I wrote a note back on the same copy: "Defendant will submit buccal sample on next PO visit, 3-26." John made two copies, one for me and the other for me to serve on the district attorney.

At my next visit, I showed my PO the exchange of notes. She was surprised and delighted at the news that I would submit in this one small detail. Her hands shook as she prepared the sampling kit. "I never thought I'd get a buccal sample from you," she said. "But then, I never thought you'd get this far. Congratulations."

The "10 days in jail" became a week. By the end of that week, the jail couldn't see the backside of me fast enough.

Sample in hand, she called the district attorney's office, got the deputy district attorney currently handling my case, and asked what was next. He told her to tell me to file a fresh

motion with the phrase, "State does not oppose," and he'd sign off on it and cancel the Show Cause (why I should not be jailed) hearing.

So I rewrote my Motion to Discharge Probation, adding the exchange of notes and submission of DNA, as well as the "State does not oppose" line and a signature line for him, after my own signature.

He didn't use that signature line; he wrote a note on the front: "Go ahead and dismiss S/C [show cause hearing] JMC 3-29-07 & State has no objection to discharge of Δ's [Defendant's] probation." But I got a signature where it really counts: Judge Hull's signature below the line, "IT IS ORDERED that probation is discharged."*

My personal legal battle is over. I've won. The sheriff doesn't want me in his jail. Probation doesn't want me in their office. The district attorney doesn't want to mess with me. They've found that I'm less dangerous protesting on the street than thrust into close contact with their other victims. I used to say that my protest made me the safest pot smoker in town. Now I really am.

It was worth the battle: the months of nervous anticipation of trial; the nine days in jail; the lost work because of jail and recovery from fasting; the $1,500 or so that it cost in lost work, fines, and legal expenses. The battle was cheap for me, expensive for the state.

My present protest leaflet, "We Can Stop This Drug War," arose from that battle. After three and a half years of protesting persecution, I found the way to end it, without having to persuade anyone but its victims.

My first protest leaflet, "Stop the Holy War on Us," persuaded only the persecuted, and offered no remedy. After a year of talking to the public, my next leaflet, "Legalize Freedom of Medicine," focused on persuading the general public to free itself from the prescription drug system that we all have to deal with, and there were reports that it persuaded people who were not previously sympathetic. With "We Can Stop This Drug War," the focus of my protest has shifted to persuading the persecuted to free themselves by coming out of their closets and fighting their persecution in court.

It is a manual of what to do if you are arrested for any victimless offense against the state: how to give the state an expensive defeat instead of an easy enslavement. Such tactics are less useful if you are accused of crimes against people or their property, but to the extent that real criminals follow my advice (and some do), there will be that much more pressure on our overloaded injustice system to stick to prosecuting real criminals.

My leaflet also lays out the basics of my argument that laws controlling substances violate the function of government and our "free exercise of religious opinion" and "rights of conscience," under the Oregon constitution's article 1, sections 1 and 3. They also violate the First Amendment of the United States Constitution; but I learned from the arguments in my motion to dismiss charges that it is better to stick to the Oregon constitution, where protections are broader and less thoroughly litigated.†

I have passed out a couple thousand copies of my leaflet since last September. I just moved the Sunday midday protest to Mondays, and my output has doubled as a result, from about 50 to nearly a hundred leaflets per week.

Someday, when enough of us stop cooperating with our persecutors and take them to court, and our persecution becomes too expensive to pursue, someone might take my argument to the Oregon Supreme Court and win. Or the drug laws might fade away from lack of prosecution, as many unpopular laws have done before. But the holy war will end sooner rather than later, because I got arrested for handing out pot cookies at my protest. ❑

*For a copy of the noted and signed motion, send a self-addressed, stamped envelope to Rycke Brown in care of Liberty.

†At present, the Oregon Supreme Court says that article 1, sections 2 and 3 of the Oregon constitution convey the same protection as the First Amendment of the U.S. Constitution; but even the most cursory reading of section 3 puts the lie to that. The U.S. Supreme Court says that the First Amendment protects only religions with organization and tenets, but Oregon's article 1, section 3, protects "free exercise and enjoyment of religious opinions and the rights of conscience," clearly individual rights of individual minds.

The Half-Open Door, *from page 36*

Malaysians, the Filipinos, the Indonesians, and, of course, the Japanese. Nobody here in Asia wants to be somebody else's melting pot.

This little city-state can't entertain such a thought. It is the most densely populated place in the world. It doesn't even allow citizens of China to live here, except for an elite handful. I've heard arguments that it ought to allow more, but never that it ought to let them all in. Immigration control is supported by Beijing, by London and by the Hong Kong people. There is no other way — because China's GNP per head is $325, and ours is $14,100. (America's is $21,500.)

The boat people knew that they would be put in camps. The camps have been here for years, and have been publicized in Vietnam. The people came here anyway, just for the chance that someone would take them. But nobody will.

Three years ago, they had my sympathy. Now I, too, grow tired of them and their demonstrations. I begin to think of them as the unwanted cousin who camps out on my doorstep and demands a seat at my dinner table. These people have to go home. They have to be forced to go home so the other 69 million Vietnamese won't come here. Like the Hong Kong Chinese, I begin to get disgusted with the namby-pamby British government, which talks about "mandatory repatriation" but is too genteel to drag screaming refugees onto airplanes.

In the world of the 21st century, America is going to have to do the same thing. You won't have to shut the door on everybody. You're a big country and a rich country, and what's more, a melting pot. You can let in your 700,000 immigrants a year. You can probably let in more, especially if you pick them more carefully. You can let in a few refugees, and pat yourself on the back for being so humanitarian. But don't kid yourself that you have an "open door." Nobody does. ❑

Reviews

"The Age of Turbulence," by Alan Greenspan. Penguin Press, 2007, 531 pages.

The Mystery of Alan Greenspan

Bruce Ramsey

One might distinguish among the various chemistries of libertarians by their reaction to Alan Greenspan and his new memoir, "The Age of Turbulence." Greenspan has long been the most prominent libertarian inside the executive branch of the U.S. government. Indeed, he has been lodged in it so long, and has, until now, addressed the public in such gnarled syntax, that a good number of his fans had given up on him. But if they had followed him closely, they would have seen that his views had not materially changed. In the book, he calls himself a libertarian Republican.

More than 50 years ago, Greenspan, then a young economic analyst with his own consulting business, joined Ayn Rand's inner circle. In "The Age of Turbulence," he credits Rand with opening his mind to non-career-related questions. Before Rand, his thinking had been "empirical and numbers-based, never values-oriented." He was a logical positivist, and recalls proclaiming to Rand that there were no moral absolutes. She pinned him with those big eyes and asked him whether maybe he didn't exist.

He said he couldn't be sure.

"*Who* is making that statement?"

Greenspan was unlike the others in her circle in that he was more aloof, older than they, and the only one who had achieved something in the world of business. Rand respected that and cut him some slack. "She allowed him more intellectual liberty than she did other people," Edith Efron once said. Rand never disowned Greenspan, as she did Efron and Nathaniel and Barbara Branden. And he was loyal. When she cast out the Brandens and asked her circle to sign a statement siding with her, Greenspan signed it.

By then, 1968, he had joined Richard Nixon's campaign for president, having been recruited by another Rand fan, economist Martin Anderson. Rand endorsed Nixon, too. A few years later Nixon would impose wage and price controls and cut the dollar's last tie to gold, and he is not remembered fondly by libertarians. But in 1968, a year of war, riot, and assassination, the alternative was Hubert Humphrey, the heir to Lyndon Johnson. Nixon was the one.

Greenspan was offered a job in the Nixon administration, and he turned it down. In his book he says he could not tolerate Nixon's psychology: "He hated everybody." But Greenspan kept his Republican contacts, and in 1974 he was made chairman of the Council of Economic Advisers by President Ford. Greenspan was sworn in with Rand standing next to him. Later, after she died, he was named chairman of the Federal Reserve Board by presidents Reagan, Bush I, Clinton, and Bush II, serving 18 years in the top economic position in the U.S. government.

Some will excommunicate him for being a central banker, and say he sold out. One article on LewRockwell.com was fancifully called "Is Alan Greenspan a Malignant Alien Life Form?" But whether he had sold out would depend on what his purpose was. Should every libertarian make the spreading of libertarian ideas his life's work?

In his book Greenspan says he did not accept all of Rand's ideas. (One wonders: did he say that to her?) The point of disagreement was her declaration that taxation is theft, and therefore wrong. He writes in his new book, "If taxation was wrong, how could you reliably finance the essential functions of government?" Others had asked that

question; in her newsletter she had proposed a system of voluntary funding, though it was not convincing. Upon reaching this question, many of her followers became anarchists. Others decided that anarchism and capitalism contradicted each other, and agreed with Greenspan that capitalism requires "state-enforced property rights."

Breaking with Rand, even over this one point, was liberating to Greenspan:

> I still found the broader philosophy of unfettered market competition compelling, as I do to this day, but I reluctantly began to realize that if there were qualifications to my intellectual edifice, I couldn't argue that others should readily accept it. By the time I joined Richard Nixon's campaign for the presidency in 1968, I had long since decided to engage in efforts to advance free-market capitalism as an insider, rather than as a critical pamphleteer.

For Greenspan, economics was not only a belief but also a business. The part with market value — at least, the market Greenspan served — had to be constructed by induction and based on facts.

There is a story early in the book. In 1957, Greenspan analyzed the purchases, use, and inventory of steel by the major American steel-using industries. One of the producers, Republic Steel, was his client. Greenspan flew to Pittsburgh and told the CEO that Republic's customers were not using all the steel they were buying, because their business was soft. Orders for steel were bound to fall, and Republic would be smart to anticipate that. The CEO wasn't inclined to take the advice of this geeky young analyst from New York. Steel orders were good, and he kept his lines going. Shortly afterward, orders stopped and the economy slid into the 1958 recession. At the next meeting the CEO allowed that Greenspan had been right.

Greenspan could look into the chaos of numbers and see order. That was his skill. In doing so, he developed a picture of the economy more detailed than the pamphleteers'. They are interested in explaining the market as an idea essentially the same in all times and places, and there is an aspect in which that is true. But actual markets change, and not only in their level of freedom, but also in their complexity, depth, and resilience. What the market can do at one time is different from what it can do at another.

The defenders of the capitalist idea may not be interested in that, but actual capitalists are. For example, consider steel. When Greenspan visited Republic, Americans weren't importing steel. They could have, but they weren't. Shortly afterward there was a strike, and they did. In the years since, the U.S. output of steel from iron ore has shriveled, replaced by steel from recycling mills and producers abroad. There are consequences of this — to someone thinking of investing in the steel industry, or working for it, or buying its products, or dealing with it politically.

Consider Greenspan's later field, money. As Greenspan acknowledges in the book, inflation is endemic to fiat-money systems. If your point is that commodity-backed money is better than fiat money, well, fine, but it is a point of theory. In the past 70 years there has been only fiat money, and some brands are better than others. Central bankers make the difference. Some print money parsimoniously, and their currencies have been the stronger ones. Facing an inflation, some have been willing to slam on the brakes, and some not. Paul Volcker, Greenspan's predecessor at the Fed, had to run the U.S. economy into a wall to restore the integrity of the dollar.

"Actually, trickle-down economics is over with — what you hear now is the sound of special interests drooling."

Greenspan didn't have to do that. During his time, the dollar was fiat money, just as before, but monetary roughness wasn't needed — and Greenspan implies that it wasn't all because of what Volcker had done. Something in the global environment had changed that affected all currencies in the developed countries. "Even a slight 'tap on the brake' induced long-term rates to decline," Greenspan writes. "It seemed too easy."

In 1987 the yield on 10-year U.S. Treasury bonds was 10.8%. It fell for 16 years. In 2004, when the Fed began pushing overnight rates up, Greenspan expected the 10-year yield to finally rise, because that's what it would normally do. But it didn't.

The cause of the reduced pressure, he argues, was the fall of communism and the movement of millions of Chinese, Eastern Europeans, and then Indians into the global market. "Wages and prices are being suppressed by a massive shift of low-cost labor," he says in the book. When the bulk of these workers are absorbed, he says, the pressures on prices and wages in America and Europe will return. In the next few years, he says, we will feel "a return to fiat-money normalcy."

Among libertarians the objection to Greenspan is his pragmatism. But he would not have had the job he did, and the influence he had, if he had done things their way.

That doesn't mean he always subordinated himself. In the Bush II administration, Greenspan's soulmate was the first Treasury secretary, Paul O'Neill, the former CEO of Alcoa Aluminum, who Bush later fired for political disloyalty. Greenspan portrays Bush as intensely partisan, and, unlike Clinton, unwilling to bend his program to fit economic reality. He has praise for Clinton and his Treasury man, Robert Rubin, who brought the federal budget back to surplus. Bush had no financial discipline,

and during Greenspan's time vetoed not one spending bill. Under Bush, he writes, "I certainly did not qualify as part of the inner circle, nor did I want to be."

Greenspan says in 1987 he accepted the job as chairman of the Fed vowing to follow the law, though he was "an outlier in my libertarian opposition to most regulation." He says, "I planned to be largely passive in such matters and allow other Federal Reserve governors to take the lead." He found, to his surprise, that the Fed staffers were more market-oriented than he had thought. They were cautious about substituting their judgment for the market's, and were willing to review old regulations and toss them.

Greenspan does portray himself as wielding some power. The Fed sets overnight interest rates on loans among banks, and he talks briefly about that, and is a lender of last resort in a crisis, and he talks briefly about that. He argues that the lender of last resort has to be the government, because the private sector cannot do it "without impairing a bank shareholder's value." He notes that the bailout of Mexico was a loan, not a gift, and that it had a high interest rate, and that the Mexicans paid it back early. He noted also that the other big bailout, of an investment group called Long Term Capital Management, was with private capital, with the Fed acting as a broker.

The Fed chairman's No. 1 job is to keep the rate of inflation down, and under Greenspan it came down substantially, but it was mostly not his doing. Greenspan's No. 2 job was to prevent catastrophic downturns. After the crash of Oct. 19, 1987, he opened the money spigot and there was no downturn, and after the burst of the dotcom bubble in 2000 he did the same, and there was a downturn that was not catastrophic. But any Fed chairman would have done the same.

What is more interesting is his response to the two booms: the dotcom ecstasy under Clinton and the Bush II housing speculation. After famously warning in December 1996 against "irrational exuberance" — a thought that came to him while soaking in the bathtub — Greenspan was laughed at. He looked more deeply at the data of productivity, he says, and saw real and striking improvement. Maybe the gigglers were right, and the exuberance was grounded in fact. He decided that some of it was and some of it wasn't, and you couldn't tell one from the other until it was over. So Greenspan let the boom run for another three years, raising interest rates only modestly, and letting the dotcom bubble pop on its own. And under Bush II, Greenspan did not cut off the housing boom. Part of it was a political motive: when people own they are friendlier to capitalism, and Greenspan appreciated that.

From his book, it seems that behind the syntactical smoke, Greenspan was thinking clearly and acting with motive. He believed in economic hands-off, and that is where he mostly kept his.

He was not able to reinstate the gold standard, which was ended in 1933 by an act of Congress and could not be reinstated by Fed policy. Though he expresses a "nostalgia" for an anchored currency, he says, "There is no support for a gold standard today, and I see no likelihood of its return." But "monetary policy can simulate the gold standard's stable prices," he says, and he tried to do that. The result was not a dollar as good as gold, but it was better than it had been.

On the currency issue, he concludes, "There is no inherent anchor in a fiat-money regime. What constitutes its 'normal' inflation is a function solely of a country's culture and history. . . . " If America does not have the culture libertarians envision, in the past half-century it has gone toward it in the realm of economics. In the early 1970s a Republican president imposed price controls and Democrats called for an "incomes policy." We do not hear these things today. That the federal government runs the economy and the president is personally responsible for the rate of unemployment is an idea that survives, but at far less amplitude. That is a change, and Greenspan played a role in it by running the Fed the way he did. Bob Woodward called him a maestro, but that was for show. Really he was more of a Coolidge.

Greenspan has written a thick book, much of it filled with his economic view of the world: thoughts about China, India, and Russia, about the fall of communism, about corporate scandals in America, the cost of entitlements, and so on. For readers who have kept up with these topics, much of what he says will confirm what they already know. Unlike his Congressional testimony, it is clearly written. And there are some notable thoughts, among which are these:

"The Iraq war was largely about oil." That comment got some media attention, and it is the one he explains the least. Really he does not explain it at all.

- The U.S. presidency attracts people who are not psychologically normal. Greenspan worked for Nixon, Ford, Reagan, Bush I, Clinton, and Bush II. "I came to see that people who are on top of the political heap are really different," he writes, and not different in a good way. The most normal was the one not elected: Jerry Ford.
- Three times — on pages 256, 371, and 431 — he says regulators cannot guarantee the honesty of banking. Fraud and embezzlement are exposed by whistleblowers, not bank examiners.
- Antitrust doesn't work.
- Hedge funds move too quickly to be regulated by the government. In general, he says, "Markets have become too complex for effective human intervention."
- Bank deposit insurance does create a moral hazard, but on balance it is worth keeping.
- The widening gap between the pay of the average worker and the highly skilled undercuts public support for capitalism. One fix: open the doors to immigration of the highly skilled.

- Some CEOs are paid too much, and ought to have their pay cut — not by government, but by stockholders.
- Outside directors on corporate boards generally don't know the business. For large public companies, CEO autocracy is "probably the only way to run an enterprise successfully."
- Medicare's long-term problem will be fixed "by rescinding the benefits of the more affluent."
- In making peace with the federal budget deficit, the Republicans "swapped principle for power" and in 2006 "deserved to lose."
- The lack of motivation by state oil companies to increase production is hastening the day when other energy sources — tar sands, shale, gas hydrates, nuclear, and coal — begin replacing liquid petroleum.
- Governments' determination to fight global warming by cutting CO_2 emissions is mostly talk. People will support cap-and-trade schemes only when the cap is set too high to do any good. "Remediation is far more likely than prevention."
- "The Iraq war was largely about oil."

The last comment got some media attention, and it is the one he explains the least. Really he does not explain it at all. There is almost nothing in the book about foreign policy — but then, Greenspan was an economics guy. Always remember that. ❑

"The Road to Serfdom: Text and Documents; The Definitive Edition," edited by Bruce Caldwell. University of Chicago Press, 2007, 283 pages.

The Road to Hayek

Lanny Ebenstein

The edition of "The Road to Serfdom" in "The Collected Works of F.A. Hayek" is appropriately dedicated to Lawrence Hayek, Friedrich Hayek's son. This writer had the opportunity to stay with Larry and his wife, Esca, on several occasions; and I knew him as a truly great guy, dedicated to his father's memory.

Hayek himself was a mastermind, and it is to some extent vain for others to present his thought. The best introduction to Hayek is his own work. Every reader will find it worthwhile to consider "The Road to Serfdom."

Caldwell, the series editor of Hayek's work, concludes this volume with Milton Friedman's 1994 fiftieth anniversary introduction to "The Road to Serfdom." Friedman quotes extensively from his 1971 introduction to a German edition of the work but does not include the comments in his 1976 foreword to a Festschrift in Hayek's honor, "Essays on Hayek" (1976). In that 1976 piece, Friedman paid homage to the lucidity and transcendent morality of Hayek's prose while noting that

"The Road to Serfdom" is held by many to be the inaugural work in contemporary libertarianism.

he, Friedman, had been influenced in a free market direction by his predecessors at the University of Chicago before reading "The Road to Serfdom" for the first time in late 1944 or 1945.

One of the best aspects of Caldwell's edition is the material it contains that has not appeared before, including letters from referees of "The Road to Serfdom's" American edition. (The book was first published in Great Britain in March 1944; the American edition, reproduced here, appeared in September.) Who would have thought that Jacob Marschak may have been the decisive referee in the University of Chicago Press' decision to publish the work? Marschak was affiliated with the Cowles Commission at the University of Chicago and was far more modern-liberal than Hayek. He represented the econometric turn in economics that Hayek, for good or ill, never incorporated into his work.

Marschak praises Hayek and his book — but not on economic grounds. He asserts that "the non-economic chapters" in "The Road to Serfdom" are "more impressive than the economic ones" (251). This is the view of the vast majority of economists, of all political stripes (including, for example, Milton Friedman and Ronald Coase). The exceptions are Austrian and Austrian-oriented economists. Yet Marschak the economist concluded his report: "This book cannot be by-passed" (252).

"The Road to Serfdom" is held by many to be the inaugural work in contemporary, or modern, libertarianism, and Hayek is thought by many to be the key, initiating figure in libertarian

thought, by virtue of its publication. "The Road to Serfdom" gained strength from its relevance to contemporary circumstances. At that point in his career, Hayek allowed a great role for the state. He is criticized by more extreme libertarians for doing so. But this feature of his work gave it a more direct purchase on the practical political discussions of his day.

Utopia, as Hayek later wrote, is worthwhile as a guiding ideal or a philosophical vision, but it has usually not been a program of practical political reform and accomplishment. His own contribution was both to inspire philosophically and to inform practically. His practical as well as philosophical argument was that Western Europe and the United States did not have to choose socialism following World War II.

In addition to Marschak's evaluation, the most valuable aspect of this edition is Hayek's 1933 memo, to William Beveridge, that was the ultimate predecessor of "The Road to Serfdom." Caldwell notes "Hayek on Hayek" (1994) gives a different date for this memo than when it appears to have actually been written.

Since this is a point of some interest to Hayek scholars, it is appropriate to note that there is another explanation for the discrepancy besides the one put forward in Caldwell's introduction. In "Hayek on Hayek," Hayek is represented as having said that he wrote the memo for Beveridge in 1939 (102). Caldwell's best guess, based in part on a reader's comment, is that "Hayek simply confused the date" (6). An alternative hypothesis is that there is a transcription error in "Hayek on Hayek." The original interview on which the 1939 date is based should be reviewed; Hayek's accent, and his tendency not to talk loudly, often made it difficult to hear exactly what he said.

Hayek was a philosophical economist. He offered intellectuals a rival conception of the world to that of a state-run economic organization. He enunciated ideas about the division of knowledge and the importance of social institutions that accommodate divided knowledge. "The Road to Serfdom" was his first major polemical attack on socialism.

In his 1933 memo on which "The Road to Serfdom" was ultimately based, he calls attention to "the anti-rational, mystical and romantic sentiment, which has been growing for years among the youth of Germany" (246). That the same could be said about many years of American youth culture should give readers interested in historical parallels grounds for reflection.

Hayek concluded the British edition of "The Road to Serfdom" in this way: "The guiding principle, that a policy of freedom for the individual is the only truly progressive policy, remains as true today as it was in the nineteenth century." This remains the guiding principle of libertarians in the 21st century. Caldwell's thoughtful and elegiac edition should commend itself to all thoughtful and progressively minded people. ❑

"Into the Wild," by Jon Krakauer. Anchor Books, 1996, 207 pages.
"Into the Wild," directed by Sean Penn. Paramount, 2007, 140 minutes.

The Inward Journey

Jo Ann Skousen

In the spring of 1990 Chris McCandless graduated from college, packed up his Datsun B210, and headed out on an extended road trip across the country, without leaving a phone number or a forwarding address. Chris was at odds with his parents for a variety of reasons, but he was not just escaping from the angers of their house; he was escaping *to* something, heeding the call of the wild that resonates with so many young men at that age.

In the book on which this movie is based, adventure writer Jon Krakauer (who also wrote "Into Thin Air") uses the McCandless story as a vehicle for exploring the psychology of the mountain man, relating numerous stories of others who have gone into the wild — some successfully, others fatally. In the vivid, journalistic style that has become his trademark, Krakauer tells the stories of adventurers like naturalist John Muir, who explored the Sierra Nevadas; wandering artist Everett Ruess, who disappeared in the Utah desert; and British rock climber John Menlove Edwards, who "climbed not for sport but to find refuge from the inner torment that framed his existence" ("Into the Wild" 135).

Krakauer also describes his own nearly fatal attempt to be the first to ascend the dangerous north side of Alaska's Devil's Thumb at a time when he, too, was working out anger issues with his father. Krakauer's empathetic understanding of McCandless is apparent throughout the book. He makes the point that such men are not antisocial, but are simply drawn more to nature than to the "careers [that] are a 20th century invention," as Chris scoffs cynically in the film. McCandless in fact made many close friends along his two-year journey and wrote to them frequently. These friendships dominate both the book and the film.

Both works were made with the

support and encouragement of the McCandless family. But while Krakauer is sensitive in his description of the McCandless parents (William Hurt and Marcia Gay Harden), Penn is harsher in the way he portrays them during flashbacks, fighting constantly in front of the children and voicing their disapproval when Chris (Emile Hirsch) doesn't measure up to their expectations. This makes their gradual change during the two years he was missing all the more poignant, as they become "people softened by forced reflection on the pain of something lost," as Chris's sister Carine (Jena Malone) explains in voiceover narration.

When my brother returned from Vietnam, he was safe, but he wasn't sound. He is drawn daily to the VFW, like a moth to the flame that nearly destroyed him.

Almost everyone in this film is suffering the pain of families lost. Chris spends several weeks in a campground with a hippie couple who have not heard from their own son, about Chris' age, for two years. The mother clearly sees Chris as a substitute for her own lost son, and implores him to call home. He does not. Another man who gives Chris a ride (Hal Holbrook, in one of the most moving performances of his illustrious career), feels the same way toward the charming and gregarious young man, advising him, "When you forgive, you love. And when you love, God's light shines." Nevertheless, Chris still does not call home.

Two of the most poignant scenes in the film involve Billie McCandless' reaction to her son's prolonged and silent absence from home. We see her looking over her shoulder at dark-haired young hitchhikers, hoping they might be Chris. Billie awakes one night from a deep sleep, certain she has heard his voice crying out, "Mom, help me!" It was in July 1992, when Chris was nearly starving. As a mother I was overwhelmed by the portrayals of parental loss. But Chris was either unaware or unconcerned about how his absence affected his family.

Fittingly, the scenery is a dominant character in this film. We are treated to gorgeous vistas of Alaskan skyline, Arizona canyons, South Dakota plains, and a wild kayak ride down the Colorado River. The beauty and joy of living in the wild is apparent, along with its dangers and loneliness. The gentle folk songs of Michael Brook's soundtrack add to the spirit of the film. Though few of us would ever attempt to do what Chris McCandless did, we can at least understand what drew him there.

This summer I embarked on my own 10,000-mile road trip, driving by myself from coast (New York) to coast (California) to coast (Florida). Like McCandless, I was overwhelmed by the distinctive beauty of the 25 states I visited. Often I pulled to the side of the road to climb a hillside, hike a canyon trail, explore a cavern, or walk along a shore. Also like McCandless, I welcomed days spent with friends and family members, but I treasured my time alone.

I wasn't roughing it by any means, but like McCandless I was also working out childhood demons. I don't think I realized my full intent when I set out for a funeral in Pennsylvania and just kept going, but I was pulled inexorably to visit my half-brother, whom I had not seen in 37 years. I tracked down his address through the internet. I needed to know why my brother had closed the door all those years ago, saying, "I want to like a lot of people, but I don't want to love anyone."

We met in a public place near his home, the VFW (a club for Veterans of Foreign Wars) where he apparently spends much of his time. Forty years ago, when my brother was drafted into the Army, his best friend began eating like a pig at a trough, gaining enough weight to be rejected by the draft board. Two years later, my brother returned from Vietnam unscathed, and we laughed at his friend. "I'm home safe and sound, but you're still fat," he taunted. My brother was safe, but he wasn't sound. Retired with a military disability, he is drawn daily to the VFW, like a moth to the flame that nearly destroyed him.

I asked my brother why he had cut me off so suddenly, after we had been so close. Like McCandless' sister, I had idolized my big brother. We wrote to each other every week while he was in Vietnam. He answered quickly. "Because of that last letter you wrote." Letter? "Yes, the letter you wrote telling me to get out of your life." A letter like that? How could I have written it, and then forgotten it? Not possible. No way.

But here's the strangest thing: I tried to tell him I didn't write it, but when he insisted, I heard myself apologizing for a letter I never wrote, worried that the bitterness he had harbored for so long was all that held him together, afraid that my denying it would be more painful to him than the letter itself. I don't doubt that he received such a letter; on reflection, I am quite certain that my father or his girlfriend wrote it, out of simple meanness or to keep the two of us apart. Sadly, time has made that false letter more real than the true relationship we once had.

And now it's 37 years later. Our lives have taken separate directions, and today we have little in common.

People mourn in different ways. Some do it in a bottle. Others do it by withdrawing. Chris McCandless and my brother did it by running.

My children are grown, and so is his son. They don't need another aunt or an uncle or cousins today. All because I let him close the door, I didn't track him down at the time and say, "Wait a

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minute. You can choose not to love, but you can't choose not to be loved!"

People mourn in different ways. Some do it in a bottle; others do it by withdrawing; Chris McCandless and my brother did it by running. During our visit I discovered that, shortly after receiving the letter he thought was from me, my brother set out in his Chevy Nova for a four-year road trip, working here and there as Chris did, hunting and fishing as Chris did, meeting lots of people as Chris did, and liking them — but running, as Chris did, whenever they got too close.

What was the most important lesson Chris McCandless learned in the wild? At the end of his Alaskan journal he wrote in big block letters: "HAPPINESS ISN'T REAL UNLESS IT IS SHARED." At the end of my journey was a family reunion with all of my children and grandchildren. I'm grateful I have a close family with whom to share the happiness in my life. But I grieve for those parents who have lost contact with theirs. A movie that extracts this much emotion from the audience is powerful indeed. ❑

"Eastern Promises," directed by David Cronenberg. Focus Features, 2007, 100 minutes.

From Russia With Mob

Gary Jason

Occasionally, there comes along a modern film noir thriller that really is noir and really is thrilling. "Eastern Promises" is all that and more. It is a very topical and completely riveting film that is also tremendously entertaining.

The story takes place in London, the London of the Russian émigré community, with the Russian mob omnipresent. The movie opens with a young, pregnant Russian girl, Tatiana, staggering into a pharmacy, seeking help. She collapses and is taken to a hospital, where she dies giving birth to a baby girl. The nurse-midwife who delivers the baby, Anna Khitrova (Naomi Watts), bonds with the orphaned baby, being herself the daughter of a Russian immigrant.

Anna decides to start looking for the child's father, using the dead mother's diary as a guide. Initially, her uncle Stepan Khitrov (Jerzy Skolimowski) refuses to translate the diary, so she starts by going to a restaurant mentioned in it. Here she meets the other main characters. Semyon (Armin Mueller-Stahl), the seemingly charming elderly restaurateur, feigns ignorance of the dead girl, but offers to help translate the diary if Anna will just bring it to him. She initially trusts this charming elderly man, not knowing he is the head of a major Russian crime family.

Anna also runs into the owner's son, a repulsive, drunken lout named Kirill (Vincent Cassel), and the family "chauffeur" Nikolai (Viggo Mortensen). Nikolai — really Semyon's key lieutenant and all-around fixer — drives Anna home, and quickly develops protective feelings towards her.

The movie evolves nicely as the diary is translated, and as Nikolai is called upon to do some "fixing" of problems that arise from Kirill's murder of a rival crime boss and Anna's possession of the diary. The script has literary polish, as one might expect, since it was written by accomplished screenwriter Steven Knight ("Dirty, Pretty Things" being one of his earlier efforts).

Cronenberg's taste for the graphic is on display here. The fight scene in a Turkish bath between the naked Nikolai and two knife-wielding killers is intense beyond description.

The movie moves smoothly towards a climax, in which Nikolai has to decide whether to do Semyon's bidding, which is to destroy the diary and those associated with it. We learn some things about Nikolai as this all unfolds.

To call this film topical is something of an understatement. The problem of women (and children) being forced into international prostitution rings is of great contemporary interest. A number of books have been published recently exploring this topic, by various authors, often with affiliations to human rights organizations. To name just a few, there are: "Trafficking in Human Beings in South Eastern Europe" (by Barbara Limanowski, for the United Nations Development Project); "Selling Olga: Stories of Human Trafficking and Resistance" (by Louisa Waugh, Phoenix Books); "Journeys of Jeopardy: A Review of Research on Trafficking in Woman and Children in Europe" (by Elizabeth Kelly, for the International Organization for Migration); "Human Trafficking: Submission to the Joint Committee on Human Rights" (a report by Amnesty International); and

"The Politics of Prostitution: Women's Movements, Democratic States, and the Globalization of Sex Commerce" (edited by Joyce Outshoorn, Cambridge University Press).

But the unique power of film as a medium is in its ability to force visualization, and thereby evoke empathy. And in that, this film consistently succeeds. Two scenes stand out in that regard.

First is the powerful opening scene, where the pathetic, pregnant young prostitute stumbles into the pharmacy and begs for help. As she stands there, shoeless, drenched with rain, she suffers a massive vaginal hemorrhage, with blood falling on the floor. The image of a totally abandoned waif is heartwrenching.

Second is the scene in which a drunken Kirill forces Nikolai to select a girl from his father's personal stable of prostitutes to have sex with while Kirill watches — ostensibly to prove to Kirill that Nikolai is not gay. As we watch the graphic scene, the girl desperately covers her face with her hair, and we see her intense shame all-too-vividly. Nikolai's response at the end of the scene is revealing — he orders Kirill to get out, and then (along with some money) he leaves a picture of a religious icon. It becomes clear that he is not just another thug, but a man with a conscience who hates what he has just been forced to do.

The acting in this film is outstanding across the board. Mortensen, whom I have only seen in roles which emphasized his male model side, gives a magnificent performance as the steely, inscrutable Nikolai. He plays "tough" convincingly. He delivers half his lines in Russian, and althrough his character tries to hide his feelings constantly, he still manages by his expressions to give glimpses of what is going on inside — especially when he and the baby come together at the end of the tale.

Naomi Watts is equally compelling as the midwife Anna. She shows her love of the orphaned baby and her attraction to Nikolai with an immediate physicality. And the supporting actors don't disappoint, especially Vincent Cassel as the devilish (but not wholly unredeemable) Kirill, and Jerzy Skolimowski as Anna's uncle Stepan.

But, among the supporting roles, it is Armin Mueller-Stahl's Semyon who is the most interesting. His past and present actions drive the film and fuse the story into a whole. To find such a perfect criminal mastermind, one would have to go back to Professor Moriarty in the Holmes stories.

The director, David Cronenberg, has made a number of science fiction and horror flicks, such as "The Dead Zone," "Scanners," and "Dead Ringers." He has also made more broadly appealing movies, such as "Crash" and "A History of Violence" (which also starred Mortensen). Some of his trademark taste for the graphic is on display here: this film has some of the most violent scenes I can recall. The fight scene in a Turkish bath between the naked Nikolai and two knife-wielding killers is intense beyond description.

This is a well-crafted, richly acted, and impeccably scripted crime drama. The cinematography — of London's meaner side — is impeccable as well, as is the score by Howard Shore ("The Lord of the Rings").

The film's ending is left somewhat open. To quote my wife, "This movie has sequel written all over it!" I am normally not a big fan of sequels, but should there be a follow-up flick, I will see it the minute it hits the screen. ❑

"Across the Universe," directed by Julie Taymor. Revolution Studios, 2007, 131 minutes.

"The Beatles," by Bob Spitz. Little, Brown, 2005, 992 pages.

All You Need Is a Beatles Fix

Jo Ann Skousen

"Across the Universe" was not the psychedelic romp through Beatlemania I expected it to be. In fact, the Beatles are never even mentioned in the film, nor do the boys show up in the background. Instead, director Julie Taymor takes the audience across several universes, in an attempt, perhaps, to show that nothing's gonna change this world.

The film opens with two groups of teenagers dancing to "Hold Me Tight." One is the bright, carefree, pastel-colored prom of an upscale Massachusetts high school; the other is the dingy, dark, blue-collar pub of a Liverpudlian dockyard. These universes collide when Jude (Jim Sturgess) sets out across the Atlantic (it might as well be a universe) in search of the father he has never met. In our first subtle nod to "Nothing's gonna change the world" we learn that Jude is the product of a World War II affair, just like the war orphans then being procreated by servicemen in Vietnam.

Virtually rejected by his father, Jude "Gets by with a little help from his friends," the Massachusetts students who had been dancing in the opening scene. They all head off to Greenwich Village for fun and fortune, where they move in with an eclectic group of roommates who all have names taken from Beatles songs and end up getting involved in the student protests against

the Vietnam War that culminated in the 1968 takeover of the Columbia University administration building.

Of course, the Beatles never wrote antiwar lyrics. Their universe was safely across the Atlantic, filled with girls, drugs, and breaking down musical conventions. Nevertheless, Taymor forces those two worlds to collide by restaging many of the songs with a military backdrop. My favorite scene is "I Want You," sung by posters of Uncle Sam and a platoon of square-jawed drill sergeants as Jude's friend Maxwell (Joe Anderson) is inducted into the Army. Wait till you see exactly *who's* "so heavy" — hilarious, yet chilling, and very contemporary.

Strawberries become bombs, bullets, and fields of bloodspattered headstones in "Strawberry Fields Forever" (as well as a stand-in for the Beatles' Apple logo). "Happiness is a Warm Gun," John Lennon's oft-maligned ode to heroin, takes on new meaning when the drugs are being administered to injured soldiers (by singing nurse Salma Hayek, in one of several cameo appearances). And, again reminding us that worlds collide, Taymor juxtaposes war scenes with scenes of race riots in Detroit as a young boy sings "Let It Be." Bang bang, shoot shoot. Nothing's gonna change our world.

Despite the heavy antiwar overtones, the film is fun, inventive, and nostalgic. At the center of the film is a love story between Jude and Maxwell's sister, Lucy, reminding us that if she loves you, then everything is gonna be all right. A second storyline involves a New York band led by Sadie (Dana Fuchs), an earthy Janis Joplin soundalike, and JoJo (Martin Luther) a Jimi Hendrix lookalike. They bicker artistically the way John and Paul did, and they give a joyous rooftop performance the way the Beatles did. Purists will probably object to hearing these iconic songs rearranged and reperformed, but I liked the way these new arrangements focus attention on the lyrics to give them new, unintended meanings.

For example, Prudence, a young Asian girl (T.V. Carpio) sings plaintively, "I Want to Hold your Hand," as she watches the handsome football jock talking with the pretty blonde cheerleader. But when the two part company, the singer's hungry eyes follow the cheerleader, not the jock. She continues singing, walking sadly through a sea of football players tackling each other in time to the music; this isn't your usual backup choreography.

Sometimes the creativity seems forced or sophomoric, as when Jude asks how Prudence got into their apartment and Maxwell answers, "She came in through the bathroom window." But the old-school psychedelics are satisfying and several scenes are deliciously entertaining, as when Joe Cocker shows up as a subway busker singing "Come

Notes on Contributors

Anonymous is Paul Beroza, a scientist living in Belmont, Calif.

Baloo is a *nom de plume* of Rex F. May.

Brien Bartels is a former assistant editor of *Liberty*.

David T. Beito is an associate professor of history at the University of Alabama, and author of *Taxpayers in Revolt* and *From Mutual Aid to the Welfare State*.

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Martin L. Buchanan lives in Denver, where he works for a consulting firm. He is the author of *To Save America: How to Prevent Our Coming Federal Bankruptcy*.

Doug Casey is a contributing editor of *Liberty*.

Scott Chambers is a cartoonist living in California.

Stephen Cox is a professor at UC San Diego. His most recent book is *The New Testament and Literature*.

Lanny Ebenstein teaches economics at the University of California Santa Barbara and is the author of biographies of Friedrich Hayek and Milton Friedman.

Andrew Ferguson is managing editor of *Liberty*.

Bettina Bien Greaves is co-compiler of *Mises: An Annotated Bibliography*.

Jon Harrison lives and writes in Vermont.

Gary Jason is an adjunct professor of philosophy and a contributing editor of *Liberty*. He is the author of *Critical Thinking: Developing an Effective World View* and *Introduction to Logic*.

Eric Kenning is the pen name of a writer in New York.

Richard Kostelanetz has written many books about contemporary art and literature.

Ross Levatter is a physician in Phoenix.

Declan McCullagh is a political reporter who managed to escape Washington, D.C., and now lives and works in San Francisco. He edits the Politech mailing list.

Dana Peterson lives and writes in Massachusetts. In his student days, he was a first-reader of fiction for Partisan Review at Boston University.

Patrick Quealy can be found in his natural habitat, a Seattle coffee shop.

Paul Rako is a consultant living in Sunnyvale, Calif.

Bruce Ramsey is a journalist in Seattle.

Mark Rand claims to be a member of the sole species of primate inhabiting the Pacific Northwest.

Michael Schein is a businessman in Reading, Penn.

Jo Ann Skousen is entertainment editor of *Liberty*. She lives in New York.

Tim Slagle is a standup comedian living in Chicago.

Ralph Slovenko is professor of law and psychiatry at Wayne State University Law School. He is the author of the two-volume *Psychiatry in Law/Law in Psychiatry*.

Jim Walsh is an assistant editor of *Liberty*.

Together," Bono takes a turn as "Mr. Kite," Eddie Izzard drives the psychedelic bus to nowhere as Dr. Roberts, and anytime Sadie/Janis sings.

If seeing this film and hearing the music gives you a hankering to know more about the Beatles themselves, I recommend an outstanding biography by Bob Spitz called, simply, "The Beatles." Meticulously researched, the book chronicles the group's musically formative years in German nightclubs, describes the influence of their early childhoods, and analyzes the source of their creative genius, the volatility of their personal relationships, and the reasons for their agonizing breakup. I came away from the book feeling informed, not merely entertained.

The Beatles never wrote anti-war lyrics. Nevertheless, Taymor forces those two worlds to collide by restaging many of the songs with a military backdrop.

Far from being a celebrity gossip rag, Spitz's book is a cultural history, beautifully written, technically complex, and surprisingly fresh for a topic that has been written and rewritten for 40 years. If the book's insight and details seem as though Spitz had the Beatles' diary in front of him, that's because he did: Spitz was given unprecedented access to manager Brian Epstein's revealing handwritten diaries.

The only thing missing is the music itself: you may want to have the complete collection downloaded to your iPod as you read, just so you can listen to the songs as Spitz describes how they were composed or what is musically unique about each. And if 1,000 pages is more Beatles than you care to read, I also recommend the abridged audio version, read melodiously by Englishman Alfred Molina ("Spiderman," "Chocolat," "Enchanted April"), a treat in itself. ❑

Sasquatcherie

Jon Harrison

Does a huge, bipedal ape wander the backwoods of the Pacific Northwest? If so, how has it remained undiscovered and unrecognized by science?

These are among the questions that Jeff Meldrum, an associate professor of anatomy and anthropology at Idaho State University, grapples with in his book, "Sasquatch: Legend Meets Science" (Tom Doherty Associates, 2006, 297 pages). A jacket blurb from none other than Jane Goodall states, "Jeff Meldrum's book . . . brings a much-needed level of scientific analysis to the Sasquatch — or Bigfoot — debate."

It may come as a surprise to some people that there are actually reputable, trained scientists who believe in Sasquatch. These include Dr. John Napier, the former Director of the Primate Biology Program at the Smithsonian Institution, the naturalist Ivan T. Sanderson (1911–1973), who held degrees in zoology, botany, and geology from Cambridge, and the recently deceased Grover Krantz, professor of anthropology at Washington State University.

Is Meldrum a believer? On page 271, he says:

> I am frequently asked: "Do you believe in sasquatch?" I invariably and firmly reply that a question of *belief* is simply not at issue. . . . from a scientific standpoint I can say that a respectable portion of the evidence I have examined suggests . . . the existence of an unrecognized ape, known as sasquatch.

If Sasquatch does exist, how came it to the western hemisphere? Sasquatch aside, apes do not exist in the wild here, nor does the fossil record reveal any extinct forms. If we assume for a moment that the beast exists, it probably arrived just as humans did, from Asia via the Siberian land bridge.

It may be that Sasquatch is a descendant of *Gigantopithecus blacki*, an enormous and possibly bipedal ape that is known to have lived in southern China as recently as 300,000 years ago. Given the spottiness of the fossil record, it is reasonable to speculate that Gigantopithecus may have existed until quite recently — or even that a relic population persists today. Reports of a Sasquatch-like creature, the Yeren, still come out of southern China. Right next door, in Tibet and Nepal, is the home of the Yeti, which (if it exists) appears to be a very large, bipedal ape. Sasquatch may then boast a respectable lineage, as opposed to emerging, as it were, out of nowhere — the trademark of the merely legendary beast.

Meldrum has an interesting chapter on Native American traditional knowledge. Aboriginal populations throughout North America know this animal. It would seem that they regard Sasquatch as a flesh and blood creature, rather than a purely mythical or spiritual being. Traditions are quite consistent regarding the beast's appearance and natural behavior. There are, certainly, mythical aspects to many of the stories, but this is also true of Native American lore concerning known animals.

Several important questions remain to be answered before we accept the existence of Sasquatch. Meldrum discusses these questions in a rational and scientific manner.

Meldrum devotes two fascinating chapters to the footprint evidence. Despite some well-known fakes, there are on record literally thousands of footprints, many of which were found

in very out-of-the-way places. Among them are the famous Bossburg prints, from Washington state, which show a crippled individual. Napier, in a 1973 book, described these as all but impossible to fake. Professor Meldrum, an anatomist, brings his professional expertise to bear on the footprint evidence, and all but pronounces it legitimate.

Even more fascinating is the question of the so-called Patterson film, shot by an amateur Sasquatch researcher exactly 40 years ago, in October 1967. A few years back it was rumored that the image captured on the film was actually that of a man wearing a "monkey suit" that had been created by a Hollywood makeup artist. There was never any evidence to support this theory, and the makeup artist in question denied involvement.* The film passed muster with three experts who undertook to analyze it.† Napier rejected the film because the creature it pictured demonstrated both hominid (human) and pongid (ape) characteristics. But when he reached this conclusion, in the early 1970s, he did so because no such amalgam of features was known to exist in either the living world or the fossil record. The discovery of the "Lucy" fossil a few years later provided the first example. (The upper body of Lucy is quite apelike; the bottom half is more human.)

Meldrum does not come out explicitly for the Patterson film's authenticity. He concludes that it "remains a most intriguing piece of natural history footage." However, other comments he makes strongly imply that he accepts the film as genuine.

Several important questions remain to be answered before we accept the existence of Sasquatch. Why, for example, has no corpse (or fossil) of the creature turned up? What does it eat? After all, if it exists, it is a very big animal. Does its environment provide sufficient sustenance to keep a breeding population in being? Meldrum discusses these and other questions in a rational and scientific manner.

We should keep in mind that the mountain gorilla was only recognized by science in 1901, the Komodo dragon in 1912, and the pygmy hippopotamus in 1913. The Pacific Northwest is but recently settled, and still contains vast tracts of wilderness.

My own belief is that people who irrationally dismiss the possibility of Sasquatch in reality do so because of the creature's bipedalism. To see a beast walking so much like a man offends humankind's greatest vanity, viz., that we alone are the chosen of God, and stand apart from "every thing that creepeth upon the earth." As Meldrum points out, however, Sasquatch's gait may be merely the product of convergent evolution, rather than an indication that the creature is an even closer relative to us than the chimpanzee (whose genetic material differs from ours by less than 2%). Those who are discomfited by our hirsute origins may one day learn to their relief that Sasquatch is not, in fact, a part of the direct human line.

This is an excellent book for people interested in our fellow primates and their evolution, or for anyone who just likes a mystery. It is very well-written and informative. The paperback has just been issued, and is available from the usual outlets. ❑

Further reading

Grover S. Krantz, "Big Footprints: A Scientific Inquiry into the Reality of Sasquatch" (Boulder, Colo.: Johnson Books, 1992).

John Green, "Sasquatch: The Apes Among Us" (Blaine, Wash.: Hancock House, 1978).

John Napier, "Bigfoot: The Yeti and Sasquatch in Myth and Reality" (Dutton, 1973).

Ivan T. Sanderson, "Abominable Snowmen: Legend Come to Life" (Chilton Books, 1961).

*See Loren Coleman, "Bigfoot! The True Story of Apes in America" (Paraview Pocket Books, 2003) 97–101.

†Dr. D.W. Grieve, Dr. Dimitri Bayanov, and Dr. Igor Bourtsev. Their reports can be found in Peter Byrne, "Big Foot: Monster, Myth or Man?" (Acropolis Books, 1975) 152–66. (For Disney Studios' conclusion on the film's authenticity, see p. 133.)

"Pulp Fiction" without the gore — "The Sasquatch Gang" (directed by Tim Skousen; Trigger Street Productions, 2007, 86 minutes) is just plain fun, full of quirky characters, crazy schemes, and multiple "aha" moments. Told from numerous points of view in a non-linear time frame, the film unfolds in character-driven chapters, rather like "Pulp Fiction" without the gore. The dialogue is clever, the situations are strangely true, and it has a charming but subtle undertone about the importance of friendship.

All storylines lead to giant footprints found in an Oregon forest by several groups of friends: Gavin (Jeremy Sumpter) and his fellow fantasy buffs, whose idea of fun is staging medieval battles; Zerk and Shirts (Justin Long and Joey Kern), who need a get-rich-quick scheme to save their prized vintage Firebird from the repo man; a pretentious Sasquatch expert (Carl Weathers) who hopes to substantiate his first real Sasquatch sighting; and an assortment of schoolyard bullies, bumbling cops, ditzy reporters, and the zaniest fat comic since Chris Farley died (Hubbel Palmer).

"The Sasquatch Gang" was hugely popular at the Slamdance Film Festival last year, winning the audience award for Best Picture. It went on to win awards for Best Actor (Justin Long) and Best Director (Tim Skousen) at the prestigious Aspen Comedy Festival. Most often heard comment from audience members: "It's funnier than 'Napoleon Dynamite.' And it has a plot!"

You may have noticed that I have a vested interest in this film — screenwriter and director Tim Skousen is my son, and many of the situations are based on events that happened in our neighborhood (when I thought he was sleeping)... But don't take my word for it. Go see for yourself how funny it is!

Like many independent films, "The Sasquatch Gang" will open to a limited run at selected theaters, and will then "go wide" if it has a strong first weekend. So go see "The Sasquatch Gang" right away! Laugh out loud! Brag that you know the director (sort of). Watch for Liberty contributing editor Mark Skousen as the high school economics teacher. And then go see it again! Have I ever let you down?

Opens November 30 in selected cities. Check moviefone.com or your local listings. — Jo Ann Skousen

Terra Incognita

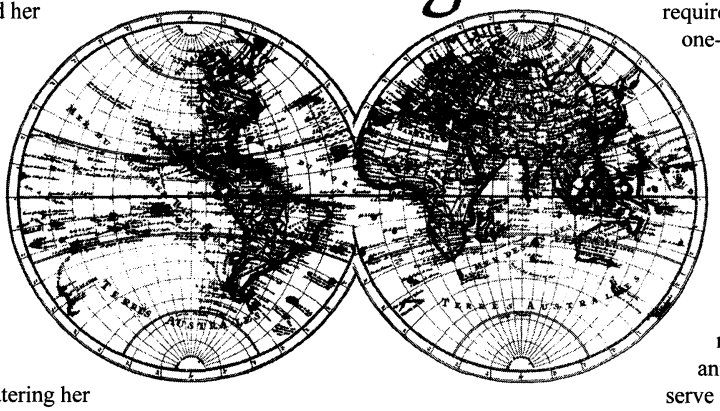

Shelburne, Nova Scotia

A day in the life of the Royal Canadian Mounted Police, captured by the *Ottawa Mail & Guardian:*

Mounties in eastern Canada were called in to help round up rogue honeybees after a palace coup caused a split in the hive. "The beekeeper came to us and said that he lost half of his bees, about 30,000 to 40,000 of them," said Cheryl Decker, spokesperson for the Mounties. "He said they were last seen near a Tim Horton's donut shop on the edge of town. He wanted us to help him round them up."

Beekeeper Rodney Dillinger reported on the search: "We haven't found them yet. But I know which direction they went," he said.

Orem, Utah

Vigilant protection of public peace and safety, recorded in the *Salt Lake City Tribune:*

Betty Perry was cited by Officer James Flygare of the police's Neighborhood Preservation Unit for failing to water her lawn. Perry refused to give her name to the officer and, when Flygare tried to stop her from going back inside her house, she reportedly tripped and injured her nose.

An investigation by the state Department of Public Safety cleared Flygare of any wrongdoing, and city officials pressed charges against Perry on the landscape violation and interfering with a police officer.

"Today, law enforcement in Orem has enshrined itself as the laughing stock of our country by prosecuting a 70-year-old great-grandmother for allegedly not watering her lawn," prominent Los Angeles attorney Gloria Allred said.

Kirkland, Wash.

American exceptionalism marches on, as seen in the *Seattle Times:*

Kirkland looks out for pedestrians: the city has added bright orange flags for walkers to use in crosswalks, embedded flashing lights near striped pavement to alert motorists, even removed lanes to improve pedestrian safety. Yet in the past two months, four car-pedestrian accidents have occured, all of which, police Sgt. M.J. Ursino says, were preventable.

He jokes that one day he'd like to write a book titled "Walking on the Streets for Dummies." Instead he's started a pedestrian education initiative, complete with a 50-second video called "Excel as a Pedestrian" featuring crash-test dummies. "Basically the message is 'Don't be a dummy,'" he said.

Seattle

The struggle for social justice continues, in a dispatch from *Horizon Air Magazine:*

Seattle's Sweet Beauty uses chocolate from Theo Chocolate to make organic, Fair Trade Certified chocolate spa products such as scrubs and milkbaths, and also offers chocolate face and body treatments.

Beloit, Wis.

The state of historical education, as noted by MSNBC:

The class of students that entered college in August is the first post-Cold War class, according to the Beloit College Mindset List, a compilation of the events, technology, people and social trends that shaped the incoming crop of freshmen.

"I actually visited the Berlin Wall with my parents when I was in fifth grade," said Jacob Williams, 18, of Louisville, Ky., who is going through freshmen orientation at Beloit this week. "I didn't know a lot about the history, but I think it was a great piece of architecture."

Arden, Minn.

A child's dream carefully and methodically crushed, described in the *Minneapolis Star-Tribune:*

The Arden Hills City Council voted unanimously to deny 10-year-old Natalie Linders' request to classify miniature horses as domestic animals so she could keep one in her yard.

Natalie began her campaign to change the city's zoning code about a month ago after city planner James Lenhoff told her that miniature horses were farm animals. That classification requires more space than the Linders' one-third acre yard would allow.

Natalie had argued that miniature horses are smaller than many other domestic animals. "You've never heard of a miniature horse killing or mauling anyone, have you?" she asked the council before the vote.

The council also decided to look at revamping the ordinance to better define a domestic animal and suggested that Natalie serve on an advisory committee. "I want to thank you for your confidence, your wisdom and your passion," Mayor Stan Harpstead told her.

Vatican City

Spiritual guidance for the daily commute, related by *L'Osservatore Romano:*

The Vatican has issued its own rules of the road, a compendium of do's and don'ts on the moral aspects of driving.

A 36-page document called "Guidelines for the Pastoral Care of the Road" contains Ten Commandments covering topics such as road rage, respecting pedestrians, keeping a car in good shape, and avoiding rude gestures while behind the wheel.

Praying while driving was encouraged.

Washington, D.C.

Curious addition to the political lexicon, from the Associated Press wire:

Republican senators privately acknowledge that a strategy to drive Sen. Larry Craig from office has backfired, sticking them with an open-ended ethics investigation likely to keep the issue before the public for months.

Stanley Brand, a Washington lawyer for Craig, called the strong-arm strategy "ethical waterboarding."

Special thanks to Russell Garrard, Tom Isenberg, and William Walker for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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58 million Americans, like you, are not religious. At times these Atheists, Humanists and other non-believers experience persecution and discrimination. If that happens, *American Atheists is there to help.*

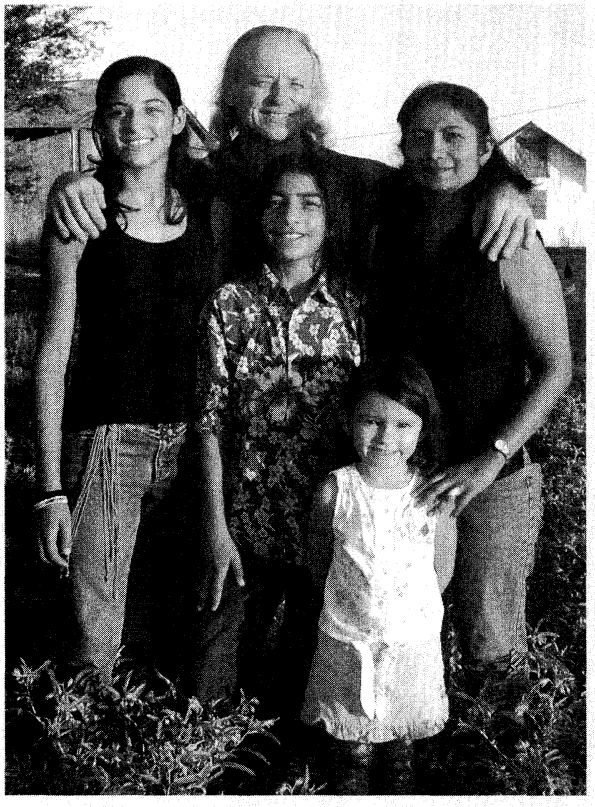

In 2005, 15 year old Nicole Smalkowski was on the girls' basketball team at her Hardesty, Oklahoma public school. She refused to participate in organized Christian prayers before and after games. In our Federal lawsuit, we allege that the school made false accusations against Nicole in order to suspend her.

When her parents attempted to resolve the issue with the principal, a scuffle ensued. The principal struck Mr. Smalkowski and then accused him of assault. American Atheists defended Mr. Smalkowski and he was acquitted of all charges by a jury.

We have now filed a lawsuit to stop the organized prayers and to prevent further discrimination against those whose refuse to submit to the religious beliefs of others.

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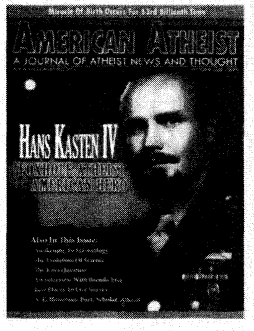

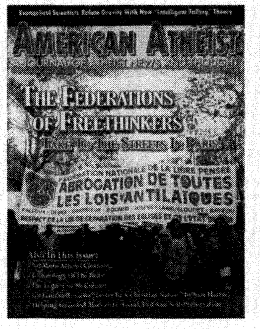

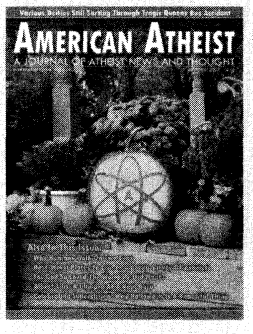

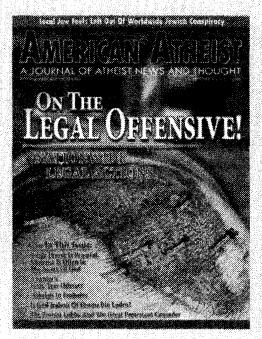

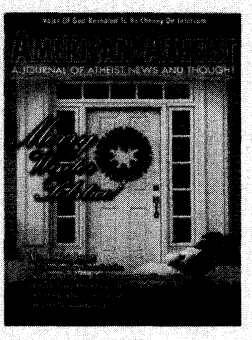

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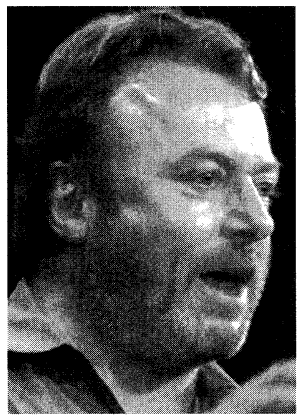

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Hitchens vs. D'Souza

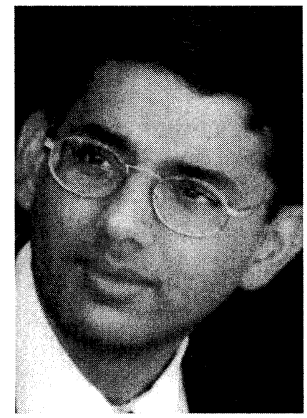

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- **Jay Parini**, American poet, Middlebury professor, and author of "Robert Frost, A Life." Hear Professor Parini read Frost's poetry in "Robert Frost, Libertarian Poet?"
- **Doug Casey** on "The International Man: My Misadventures in the Third World." Plus he lambastes weak-kneed Americans: "You're All a Bunch of Whipped Dogs!" See Casey at his best!
- **Bill Jenkinson**, author of "The Year Babe Ruth Hit 104 Home Runs," on "Babe Ruth: The Greatest Sports Figure Ever."
- **Tyler Cowen**, George Mason University professor, on "Culture Wars: Does Western Capitalism Destroy Eastern Cultures?"
- Debate on "Who Really Was Shakespeare?" with Prof. **Bill Rubinstein** (University College of Wales) and co-author of "The Truth Will Out: Unmasking the Real Shakespeare"; Prof. **Socky O'Sullivan** (Rollins College); and Prof. **Jo Ann Skousen** (Mercy College) as moderator.
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  —Alex Green, editor
  Oxford Club Communique
- "I feel an excitement here I haven't felt in years."
  — Nathaniel Branden
- "Thank you, thank you, thank you! Next year I plan on bringing at least 10 friends."
  — Chuck Moore
  Reno, Nevada
- "I turn down hundreds of invitations to speak each year, but FreedomFest is one I'd pay to attend. I wouldn't miss it!"
  — John Mackey
  CEO, Whole Foods Market
- "WOW!! I'm still just so gobsmacked by the amazing experience of FreedomFest that I'm having trouble finding my words….I have always loved argument and debate, and can honestly say that I have never had such agreeable disagreements as in those fantastic three days in Las Vegas."
  —Professor Clive Wynn
  Professor of Psychology,
  University of Florida

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Inside Liberty

January–February 2008
Volume 22, Number 1

4 **Letters** Tort and retort.

7 **Reflections** We garden with the Governator, stake claim to the sea, shred birds with windmills, gun down the Romanovs, loose vampire cops on the populace, say "Norman Who?", and fondly recall the days when Bill Clinton's libido was the country's biggest problem.

17 **The Ron Paul Surge** The Republican presidential candidate has had remarkable success in spreading a libertarian message. Liberty's contributors are watching closely.

Features

19 **Tet in Retrospect** War, as *Jon Harrison* shows, is fought with thoughts and impressions, as well as planes and tanks.

26 **"Laissez Faire," R.I.P.?** The essential libertarian book club carried a range of writers from H.L. Mencken to P.J. O'Rourke. Will changing markets and internet search engines prove its undoing? *Bruce Ramsey* tells the story.

31 **A Question of Meaning** When people argue about the existence of God, *John Hospers* suggests, they tend to overlook some basic issues.

33 **Learning From Interlingua** How can languages that evolved over many centuries be regarded as dialects of a language only recently "distilled"? *Leland B. Yeager* explains.

37 **Uh Oh, Grandpa's Back** Ghosts, *Matthew Bandyk* discovers, can be unduly garrulous.

39 **Decisive Moments: The Camera and the Individual** The history of photography, *Joseph Ho* has found, is a very seductive thing.

45 **My Home Was Invaded by Drug Thugs** *Peter McWilliams* reports from the front line of the drug war — his living room.

Reviews

51 **Disaster Plans** *Bruce Ramsey* follows the tracks of an intellectual guerrilla warrior.

52 **It's Alive!** Liberty's first-nighter, *Jo Ann Skousen,* has as much fun as a critic should be allowed to have.

54 **Your Liberty, My Liberty** *Gary Jason* considers the case for the libertarian worldview.

61 **The Golden Age?** *Lesley Skousen* wonders whether the age of Elizabeth I could possibly have been as silly as film makes it look.

62 **A Slice of Boston Life, and the Knife With It** Ben Affleck's technique is great, says *Jo Ann Skousen,* but the significance of his film remains elusive.

64 **At Last: TV With Meaning** *Peter Allen* finds a TV series with real intellectual content.

65 **Trouble in the Worker's Paradise** *Gary Jason* hails the workers' ascent from communism.

68 **Can't We All Just Get Along?** Once again, according to *Jo Ann Skousen,* Hollywood asks the *deep and important questions.* Oh, good.

59 **Notes on Contributors** All the Whos in Whoville.

70 **Terra Incognita** Look on their works, ye mighty, and despair.

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Letters

Israeli Elephant

I was a bit startled by Jon Harrison's statement that "America could be sucked into a new Middle East war, this time as the defender of Zionism" ("Nine Days in July," October 2007). Excuse me, but isn't that what we're already doing in Iraq? The "elephant in the living room" in any discussion of the Iraq war is simply that it was not just about WMDs, or oil, or terrorism, but that the Iraqi regime was causing the Israelis intense discomfort (just as the Iranian regime is doing now), so it had to go. The regime in Iran is next on the hit list, and I imagine the U.S. military will be sent in to do the heavy lifting, as usual.

The Harrison article was excellent, by the way, and dealt with many important issues. But any further discussion of our foreign policy in the Middle East, in order to be realistic, has to come to grips with the fact that it is driven entirely by Israel's interests, hence by Zionism.

Dave Witter
Pittsburgh, Pa.

Harrison responds: Mr. Witter is correct concerning the metaphorical pachyderm referenced in his letter. Perhaps I should have said: ". . . this time as the *direct* defender of Zionism."

I would take issue with him on one point. I remain convinced that U.S. forces will not be used to attack Iran, at least not during the remainder of Bush's term. I have made this point many times, including in this magazine. War with Iran is not going to happen because we don't have the forces available for it. The drawn-out nature of the Iraq occupation, and the resulting overstrain on our military, prohibit it. Air strikes could be done, but the prospect of Iranian retaliation against our forces in Iraq will I believe stay Bush's hand. I do not, however, rule out completely an Israeli strike along the lines of the Sept. 6 attack on Syria.

Overdrawn at the Energy Bank

Gary Jason makes a good stab at linking Americans' energy woes, including the resurgence of an aggressive Russia — and a whole assortment of other twirly-mustachioed foreign-baddy types — to dastardly environmentalists ("Back in the USSR", November 2007).

"For this dependence upon foreign oil and the consequent transfer of wealth to a flock of autocratic countries, we have to thank . . . the environmentalist Left. It has done a superb job of choking our domestic energy industries." At the risk of shooting down a lovely piece of "here's mud in yer eye" rhetorical ju-jitsu against a sometimes self-parodying environmental movement, alas, it isn't so.

Half of the United States' uranium comes from the decommissioning of former Soviet warheads — but it's more cost effective than digging it out of the ground, after all. While being so dependent on a former (future?) deadly rival in geopolitics may make sense to some economists, for example, I suspect they are the same ones writing those computer-trading programs that can never fail catastrophically, and when they do, it's only because reality has failed to live up to the axioms.

It's true that there has been no real building or replacement of oil refining capacity over the past couple of decades. Part of this may indeed have to do with environmental legislation.

First of all, considering what has been done by large oil-refining companies in the past as a matter of course (I'm thinking of things like flushing out the tanks and seepage pits into

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the river, or contaminating ground so that massive subsoil walls have to be installed to prevent the ruining of aquifers), environmental legislation can be an understandable collective reaction against collectively falling into third-world conditions.

Secondly, a rational firm of oil executives will hardly be expected to invest in massive sunk costs (with future liabilities) of refinery capacity, if they suspect that we are approaching either the inflection point or midpoint of global oil production.

And I'm not buying the idea, for example, that using 90% of Canada's natural gas (assuming they will be so nice, eh?) to cook oil out of tar sand, or assuming that the Kremlin will follow Harvard Business School axioms to effectively subsidize our uranium use, is inherently more efficient or sensible than strategic investment in renewable energy methodology. The key word is "methodology," because it involves cultural attitudes, overall design approaches, and forethought; no magic pills. I'm not saying we can't use coal-derived gas, for example, only that it becomes economical to use not because of environmental legislation effects on oil, but because of geopolitical and geological realities exogenous to typical economic assumptions.

Just because something can be done through market mechanisms, that does not sanctify it. We do not have a God-given right to expect cheap energy on tap, and if we behave like irresponsible spoiled brats who burn through Mother Nature's petroleum trust fund (whilst trashing the house) so that we can party like there's no tomorrow, there's no point in blaming tree-huggers for raining on our parade.

Oisín Ó Conail
Wexford, Ireland

Jason responds: I thank Mr. Ó Conail for his letter. From the depth of his sarcasm, I suspect that I may have wounded another Green soul. Oh, well, as they say, the truth hurts. In order of his points:

1. It doesn't matter if at present some uranium is being purchased from decommissioned Russian warheads — they and we have a lot to decommission. We are not going to become dependent upon them, because in reality uranium is a fairly common element in the Earth's crust — more abundant than tin, mercury, or silver. There are about 5 million tons of proven reserves of high-grade ore, with an additional 35 million tons of proven reserves of lower grade ore. That's just what is known; with the death of nuclear power in the 1970s, exploration dropped off. Moreover, the Japanese have shown that uranium can be extracted from seawater, which would provide an additional 4.6 billion tons.

The biggest known deposits by far are in Australia and Canada, which together are roughly half the known reserves. Neither of them is likely to use the inflow of our money to buy weapons to point at us, or fund terrorists trying to kill us, as the various Middle Eastern nations are doing. Nor are Australia and Canada likely to try to establish hegemony over Eastern Europe and arm Iran with nuclear weapons, as Russia seems hellbent on doing. By the way, the U.S. also has proven deposits — about one third of Russia's. This is just known reserves, even though exploration dropped off with the cessation of new nuclear plant construction 30 years ago.

2. But all this is minor. Ó Conail ignores my main contention: that the environmentalists were central in killing off nuclear power, finally ending (under Clinton and Gore) even research into closed fuel cycle reactors. Perhaps Ó Conail thinks that was a glorious victory for environmentalism. I was merely pointing to the unintended consequences — namely, increasing dependence upon malign powers. My apologies if pointing out the obvious hurt Ó Conail's feelings.

3. Ó Conail grudgingly allows that "part" of the dearth of refining facilities may be due to environmental regulation, but claims that what has stopped new refineries from being built is that oil companies realize the peak of oil production is past. Nonsense. First, the environmentalists killed off drilling for known reserves offshore in Florida and California, as well as ANWR (another brilliant Clinton-Gore decision). Second, more than "part" of the blame for the lack of refineries is due to the environmentalists. Their regulations, together with the crazy-quilt number of different state formulas for gasoline, have been major obstacles. Ó Conail displays inconsistency here: first he denies that the enviros are the major cause of this, but then he brags that these environmental roadblocks are "an understandable collective reaction" to the ecological damage caused by refineries. Which is it?

4. Ó Conail scolds me about market

This edition of Liberty is a "double issue." We publish Liberty eleven times a year, providing a bonanza in the January–February combined edition.

At Liberty headquarters, however, "January–February" happens a little early. The journal goes to press just before Thanksgiving, and it hits the stands in December, thus celebrating both a successful conclusion of 2007 and a hopeful beginning of 2008.

Liberty's founder, R.W. Bradford, thought of this journal as an ever-recurring celebration of libertarian thought, a "banquet" of the best we can bring to the perpetual holiday table that is individual freedom. He set no limits to Liberty's interests, because he had discovered no limits to libertarians' intellectual appetites.

As you can see by a glance at this issue's table of contents, Liberty continues to offer a vast and varied menu. Pull up a chair — you're welcome to the party.

For Liberty,

Stephen Cox
Editor

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mechanisms not sanctifying everything (as if I ever contended they did). He then urges investment in what he views as inherently more efficient and sensible renewable energy sources (i.e., he justifies renewable energy sources by — market mechanisms!). Moving past the inconsistency, I would make the point that solar and wind power have hardly proven economically superior. Please note, Mr. Ó Conail, that I certainly hope they do one day prove superior. This world needs an increasing energy supply if the poorer countries are ever to achieve living standards comparable to our own — which I fervently hope they do. But then, I'm more of a people-hugger than a tree-hugger.

Let me put the matter as plainly as I can. I certainly don't hate environmentalism as such. I certainly do favor a clean environment. What I oppose are those extreme environmentalists who simply refuse to take into account the need for a decent level of prosperity, and oppose absolutely oil, coal, and especially nuclear power. Such extremists not only exist, they seem to me to be driving the environmentalist movement.

The Return of the Goldwater Republicans

David Beito's "Splitting the top tier, helping Ron Paul" (Reflections, November) reminded me of the modern-day conservative movement's founding father, the late Arizona senator and 1964 Republican presidential candidate Barry Goldwater.

Goldwater believed that what consenting adults consume, inhale, perform, read, or view in the privacy of their own homes or private social clubs isn't the concern of government. Individual economic and civil liberties prosper most when government stays out of both the bedroom and marketplace. Limited government meant that taxpayers' dollars should be spent prudently with the least amount of confiscatory taxation accompanied by real balanced budgets, no deficits, and actual surpluses.

He would never support the massive deficit spending that has resulted in today's $9 trillion debt. He also would have opposed the thousands of congressional earmarks supporting tens of billions of dollars in pork-barrel spending each year. He was no fan of corporate welfare or spending billions on useless weapons systems funded by Congress but not requested by the Pentagon.

Remember Goldwater's stand concerning gays in the military? He said, "You don't have to be straight to be in the military; you just have to be able to shoot straight." About the so-called Moral Majority: "I think every good Christian ought to kick Jerry Falwell right in the ass."

If Goldwater were alive today, he would say "In your heart, you know Dr. Paul is right!"

Larry Penner
Great Neck, N.Y.

National Socialism

I thoroughly enjoyed Bruce Ramsey's review of "The Wages of Destruction" ("Could Hitler Have Won?", November).

Regarding whether Nazism was "socialist," in "A World at Arms," Gerhard Weinberg defines the Nazi economic aims on page 478: "The economy would be directed by the state with industry strictly controlled and regulated — insofar as it was not actually owned by the government or by the growing empire of the SS." I don't know what that could be called outside of "socialist."

Nazism began with largely privately held means of production and moved toward the opposite, while Red China pretty much started with "public" ownership of same and migrated the other way; at some time or other the paths intersected.

Why Nazism is seen as right-wing is a mystery to me; both seem to have had the same results in mind, both economically and as regards personal freedom.

Ron LaDow
San Francisco, Calif.

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Send email to:

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Reflections

Sex or power? — Ed Henry has reported for CNN that, according to a soon-to-be-released book based on off-the-record talks, former President Gerald Ford thought that former President Bill Clinton was addicted to sex. No comment by Henry as to whether or not Ford gave his opinion as to the sun rising in the east. Why is it that no politician ever admits to thinking that another politician is addicted to power? Is it for the same reason that, big as it is, fish cannot see the ocean? — Ross Levatter

Fa ra ra ra ra — According to the AFP: "Ten doctorate students from China's elite universities are calling for a boycott of Christmas and urging people to revert to Chinese traditions. In a statement carried by many Chinese Internet websites, they lamented the loss of Chinese traditions and morals, amid what they said was the widening invasion of western popular culture."

Fortunately, in a nation of 1.3 billion people, the opinions of ten are highly irrelevant. Were their ideas not directly in line with American multiculturalists, such a protest involving only 0.8 millionths of a percent opinion would have been completely ignored. (Libertarians routinely poll somewhat higher than 0.8 millionths of a percent, and rarely get the kind of press this story received.)

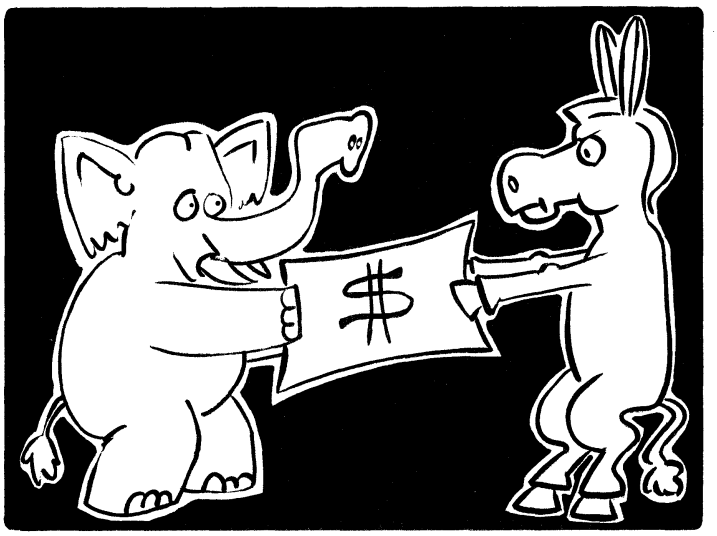

S.H. Chambers

It also shows that the grand Western tradition of ivory-tower elitism is thriving in China. Perhaps these kids are seeking tenured positions in American universities.

They aren't being very sensitive to the plight of the working man either. How many of their cousins are gainfully employed stringing together Christmas lights, or hot-seaming snow globes?

Here's a fun game to play at home: reach into your box of Christmas decorations, and start pulling out ornaments. See how long it takes before you grab something that doesn't say "Made in China." Unless you have some pretty old heirlooms from Japan or Germany, you're going to work your way down to the bottom of the box pretty quickly. And unless you have a clothespin ornament your kid made, or something you got from your grandparents, you'll probably never come across anything Made in the USA.

Christmas is a half trillion dollar per year industry, and probably at least 90% of that money ends up in China. It's not just the ornaments either, since most of the clock radios, foot massagers, and ties you'll find under the tree are Chinese as well.

These protesting retro-communists have to realize: it's not Christ who is being worshipped, it's Santa Claus. To them, he is the big fat god of American capitalism, who each year brings wealth and prosperity to the Chinese people.

— Tim Slagle

We suck young blood — One of the terrors of writing on the depredations of government is that of seeing one's metaphors become flesh. When Lysander Spooner wrote of the government being "like a highwayman," surely he did not picture federal agents blockading the road and seizing money from American citizens; yet, money laundering laws now allow them to do just that. Likewise, one doubts that the thousands of pundits and frustrated taxpayers who have referred to their elected rulers as "bloodsuckers" never imagined that the enforcers of the legislative will would accost them in order to forcibly extract blood.

Yet, in a number of states, this is now the case: the Wisconsin Supreme Court recently ruled that police officers could force suspected drunk drivers to give blood, in order to bolster evidence collected through notoriously unreliable breathalyzers. The New Jersey Supreme Court went further, ruling that officers who used "extreme force" (inflicting permanent physical damage) on a DUI suspect were authorized to do so, and thus immune from prosecution.

Combine this with, as Reason's Radley Balko reminds us, the U.S. Supreme Court decision from a while back that sobriety checkpoints are constitutional, and it is conceivable that those checkpoints will soon include the extraction of blood from every motorist passing that way — with, if one is unwilling or unlucky, a bit of extreme force to boot. Which brings to mind another old image, in danger of incarnation: "a boot, stomping on a human face — forever." — Andrew Ferguson

Nanny state and mother love — The parade of televised U.S. presidential debates is ridiculously long, especially so early in the process — before even the first primaries. With so many candidates on one stage, style inevitably

trumps substance. But I watch a lot of these things — as a kind of civic penance, for not making complete textual analyses of every Cato and Brookings Institute policy paper as I should. I'm sure you're the same.

Anyway, as I was slogging through the Nov. 15 Democratic candidates' debate from Las Vegas, something different occurred. One segment involved supposedly undecided voters asking the candidates questions directly. (This was the integration of a favorite post-debate TV ritual: sticking a microphone in front of ordinary people and asking their impressions.) Cynical political professionals call the segments "peasants under glass" — they also sometimes feed the peasants scripted questions.

At least three of the supposedly undecided voters were women in late middle age who were concerned about their adult or near-adult male children. One babushka wanted

Word Watch

by Stephen Cox

I know it's a movie-house cliche, but it's scary nonetheless — the story of the demon twin, the entity that seems identical to some nice, normal person but is actually a Satanic monster, determined to suck the life out of its charming and pious host, and probably all the neighbors, too.

There is an ornithological equivalent: the cowbird, a parasite that lays its eggs in the nests of other birds. Of the cowbird, Wikipedia, the Miraculous Oracle, opines: "The cowbird eggs do not look much different from the hosts' eggs, and the host will normally incubate the eggs. The cowbird chicks grow quickly, and may consume most of the food the host brings. If starvation does not kill the other birds, in some species the cowbird will use its large size to push the other chicks out of the nest."

Some words are like the cowbird and the demon twin. They look like other words; they appear to be well reared, well behaved, with useful roles to play in our society; but their real role is to destroy those other words, to seize their nests, annihilate their young, and permanently usurp their place.

Many of these demon words were launched into the world by the genius of political obscurantism, the devil that keeps transforming himself into an angel of light. An obvious example is *peace*, as in the Nobel *Peace* Prize, *fight for peace,* or *peace out, man!* Such phrases may sound better than "the Nobel Prize for *Political Activism,*" or *"fight for nation building,"* or *"stay with the gang or else, man"*; but when you find out more about the specific activities being celebrated, you see that the cowbird or the demon twin has triumphed. There's a difference between "peace" and peace, and when "peace" predominates, peace is very much the loser.

Another kind of triumph occurs when the television or the newspaper reports on trouble in an *inner-city* or a *downtown* school. Those words appear to be about geography. They're not. They convey something very different from the innocent message that Malcolm X Middle School doesn't happen to be in the suburbs. Their purpose is to whisper secrets of racial identity, to communicate the information that the students who attend that school are black or Hispanic, and are therefore (supposedly) condemned to lives of violence. So why not just say "black" or "Hispanic" instead of *inner-city*? Oh, that would be racist! The trick is to use racial code words to assure your audience that you are antiracist, to use the terms of racial consciousness while asserting your own racial sensitivity. It's a fixation on race, disguising itself as a respectful avoidance of any thought that race exists. It's the strategy of the cowbird and the evil twin.

We've seen worse. The term that was formerly used in these circumstances, as adjective as well as noun, was *ghetto*. That word is now nearly extinct, ethnic politics having grown much more sophisticated than it was in 1965. *Ghetto*, which flourished in the badlands of the Great Society, was even more ravenously determined than *inner-city* to eliminate its rival, plain description. Before its territory was destroyed by gentrification, *ghetto* managed to exterminate a number of useful species, including *slum* and *bad neighborhood*, which formerly had been in daily and accurate use by every resident of the *ghetto*. Those terms, apparently so similar to *ghetto*, were too objective and specific to compete with the politicized metaphor. They didn't come down on one side or the other on the question of who was to blame for *crime* and *poor housing*. They left open the possibility that there might be certain conditions for which no one was to blame, or if someone was, perhaps it was a lot of different people. The goal of *ghetto* was to kill that thought, substituting the idea that poor people in 20th-Century America are treated in the same way that Jews were treated in Nazi Europe.

The whole thing was *infamous* — but please observe that this is not an adjective that can be allowed to wander loose, impersonating other adjectives. *Infamous* has its proper function (as, I am sure, or almost sure, the cowbird has), but when it escapes from proximity to a lighted dictionary, it immediately becomes a demon twin. *Infamous* means "evil, wicked, of evil fame." It does not — as popularly supposed — mean "very famous." If you read an email that says, "We went to the church social today and enjoyed Aunt Sally's infamous fruit cobbler," you are witnessing a dread manifestation of the evil twin. God help Aunt Sally, and her cobbler. When Franklin Roosevelt said that Dec. 7, 1941, was "a date which will live in infamy," he did not mean that it had become, like, really famous and sort of, well, admirable, you know. He meant that it was an evil date.

What happens to the Aunt Sallies of this world is as nothing compared to what happens to political discourse, once the cowbirds land on it. Then *divisive* becomes a replacement term for *dissenting* (at least in regard to dissents that we don't like), while the *weird, strange,* and *downright nutty* people who have somehow arrived at our own conclusions become *controversial* and *provocative.* But no matter what the news writers and the editorialists (groups increasingly hard to distinguish) choose to call someone, there really is a difference between a raving lunatic and an eccentric person who stirs up a little controversy. Maybe the controversy is helpful and interesting; maybe it's just sort of dull, after all. But *controversial* has been used so frequently to mean *he's a nut, but he's our kind of nut* as virtually to annihilate the idea of the truly controversial. As

a promise that none of the candidates would ever draft her precious boy into the military and send him into harm's way. Another was angry that her son was poor and wanted to know what the candidates would do about it.

One such woman would have been unremarkable; but several suggested design. Either CNN or the Democratic Party was making a point to showcase aging soccer moms expressing mother love.

That wasn't the final effect. Instead, it sounded like the women were overprotective and their grown-up sons were — as a result? — morons. — Jim Walsh

Mailer's Ghost — Norman Mailer is dead at 84. Demosthenes, when told of the death of Alexander the Great, said it could not be — for else the world would stink of the corpse. One might say something similar about Mailer and the world of letters. If egos rather than flesh stank, then surely we would have smelled Norman's departure before it made the news. The man's astounding self-regard was on parade for the near six decades of his public life.

He was probably the greatest killer of trees in our time, except for Isaac Asimov. His product, generally, was both prolix and second-rate. And most of the exceptions were third- or fourth-rate. That he was so lionized bespeaks the lionizers' poor taste, nothing more.

Then there is the matter of Jack Henry Abbott and the long-forgotten waiter he killed, thanks to Norman's getting Abbott sprung from prison. That should have been the last we heard of Norman. Alas, he carried on for another 25-plus years.

It has been a long-held belief of mine that even the worst poseurs will express a deep truth once in their lives. This was so of Norman. "A man must drink until he finds the truth," he told Playboy magazine an eon or so ago. Then, recently, he came up with another: "I think the novel is on the way out," he said at a National Book Awards ceremony in 2005. On the other hand, perhaps this latter observation is too obvious to be rated profound.

Mailer's humor and his willingness to flout convention were sometimes admirable. His opposition to the war in Vietnam was rooted in a feeling for his fellow human beings that I certainly would not deny. But his reputation stands or falls as man of letters, an artist. He was already unread; in ten years he will be completely forgotten. — Jon Harrison

Federal bureaucracy causes insanity — The September issue of Scientific American reports that the Federal Emergency Management Agency's "failed rebuilding after Katrina [has] set off a mental health crisis in the Gulf." And the crisis has actually been made worse by successful relief efforts, which are considered by mental health experts as shamefully inadequate.

Referring to the free temporary housing that FEMA has provided, Scientific American reports that "trailer life . . . has incubated feelings of isolation and despair." Let's hope and pray that this malignant virus doesn't spread. Unfortunately, reports already indicate that "distress . . . depression, anxiety and sleep disorders" have taken strong root in Mississippi, where over 68% of female caregivers are suffering. I wonder how the care receivers are doing. — Robert H. Miller

Latter day slaughter — You have to give some grudging admiration to the teachers' unions: in the cause of single-minded, unscrupulous protection of their turf, they will do whatever it takes to deny people free choice in education. They spent a bundle of money (obtained from members' dues) to run an off-year referendum on the recently-passed Utah voucher program. And they won by a large majority.

Of course, off-year elections typically favor public-employee unions, because general public participation is

for *divisive:* it is entirely possible to cause debate and division — it is entirely possible to speak as a minority of one, and try to attract a second person to your side — without becoming unhinged or socially destructive. The constant reiteration of *divisive* has almost obliterated that distinction. It's a cowbird word.

One common function of cowbird words is to fog up political and moral debate, so that people have trouble thinking beyond the most superficial, commonplace conceptions. But these words do other things. Consider the word *issues*. As I observed in a previous Word Watch column, *issues* has a political history and is often used for politically obscurantist purposes. If I say I *have issues* about something and am agitating for a law to *resolve* those *issues*, the implication is that I should be respected for *engaging the issues* — as opposed, for instance, to merely *stating an opinion, sounding off, griping, grousing,* or *being a stupid nag*. This goes a long way toward demanding that other people just surrender to the *issues I advocate*.

But now the *issues* bird is raiding other nests. A recent news report asserts that Reggie Bush, the football player, needs to "clean up his issues." Once again, of course, the "issues" aren't subjects that are up for free debate, as in: "The issue is, should the U.S. get out of the UN?" That's the old sense of the word "issues." But neither are they *political causes* or even *personal feelings about political causes*. This time, they're just some alleged infractions of footballish rules. *Issues* has become a cowbird word for *personal problems* or *mistakes of any kind*. I could also comment on the ludicrous image of *cleaning* an *issue*, a job that must be about as hard as cleaning a cowbird — but I won't. That would be piling on.

In aesthetic terms, one of the worst of the cowbird words is *squash*. It's a good enough word, when it stays in its own nest; but it just can't seem to do so. What it wants is to confuse itself with *quash*, as in "The governor *quashed* the highway tax" or "The teacher *quashed* the students' proposal." And it succeeds, apparently because even intelligent people are too illiterate to know that these are two different words, or that one of them *exists*. My favorite political talk show, "John and Ken," now describes judges as *squashing* referenda. Friends complain that their bosses often *squash* their ideas. I even hear of marriages being *squashed* by unsympathetic parents.

Now, picture a tomato. What do you do when you want to destroy it? You *squash* it. You put your foot on the thing and flatten it. Its insides spurt out, and there's a mess on the sidewalk. End of tomato. Fine. That's how *squash* ought to be used. But is that what happens when you reject a law, turn down a proposal, suppress a debate, irritate your children? Do the insides of the law spurt out? Does the debate leave a stain on your shoe? The answer is No, it doesn't; but that's what you're saying when you use the word *squash*.

The fact that so few people notice this kind of thing is a bad omen. It means that they feel at home with the evil twin. It means that they're content with the cowbird's kids. And it means that worse will follow.

pathetically low, and the organized turn-out of union members becomes decisive. Never mind that the Utah voucher program was modest and specifically designed *not* to reduce state funding of public schools by even one nickel. No, the very idea of any competition to the public monopoly had to be destroyed.

In this the unions were helped, shamefully, by quite a few suburban voters, who often fear that allowing minority students free choice will mean — horrors! — that some may show up at those (relatively better) suburban public schools. This is a short-sighted self-interest, indeed.

Some libertarian commentators have drawn the conclusion that the Utah election was a welcome defeat, because it will hasten the day when all government involvement in schools will cease. Oh, please. The real meaning of the Utah vote is that the day when government gets out of schools has been put off to infinity. The teachers' unions feel invincible.

As to the suggestion by some commentators that we should now support tax credits for parents who send their kids to private schools, well, while I enthusiastically support that idea, we need to be clear on two things.

First, the teachers' unions and the educational establishment oppose tax credits or deductions for private school tuition no less than they oppose vouchers, and they have fought against them successfully.

Second, tax credits won't touch the heart of the problem — that poor kids in failing public schools are stuck there. Giving parents a tax credit won't help when their parents don't earn enough to pay tuition or even file for taxes — unless the commentators envision a tax credit for people who don't file taxes, which sounds suspiciously like a voucher by another name.

I favor continuing the fight. The teachers' unions and the educrats need to win every state, every election, whereas we need to win in only one state, to start showing what can happen. And each election hits their coffers hard — telemarketing propaganda isn't cheap.

But we need to be savvy. To begin with, we need to push for initiatives only during general elections, when the unions can't game the system by getting their voters out while the vast majority sits still.

We also need to get real about enacting laws to stop unions from freely spending members' dues to screw minority kids. Washington state just passed and upheld such an initiative; we need to start pushing those initiatives in all other states.

More importantly, we need to target the message to the parents of minority students (who already favor vouchers) that they need to get out and vote. And we have to make the case to suburban parents that self-interest needs to be enlightened. Letting kids rot in failing schools produces people who are at higher risk for government dependency and criminal behavior, and you and your kids will pay a price for that. If you let half the kids in failing schools drop out, you shouldn't be surprised when jobs move to other countries where the educational system works, leaving your own kids out of luck.

— Gary Jason

"You're old enough to know now, son — your mother and I are weirdos."

At least he's no girlie man — The AP release out of London, headlined on AOL News Oct. 29, says it all: "Schwarzenegger Calls Pot 'Leaf,' Not Drug." The story did not clarify whether Schwarzenegger went on to say, "Now, steroids. *There*'s a drug!" — Ross Levatter

Moguls and a model dis the dollar — Well-known fashion model Gisele Bundchen announced recently that she would no longer accept her day rate in U.S. dollars. Sounding like a currency trader, she preferred the euro.

Bundchen's sister, who's also her agent, quickly said the model's comments were made as a joke during an off-the-record exchange with a journalist. But the story "had legs" and stuck around for several news cycles.

Various media outlets compared the Brazilian Bundchen to the Nebraskan Warren Buffett and other financial mandarins who are short the greenback.

So, joking or not, Bundchen made an impression. The response from mainstream U.S. media was quick — and angry. On his Fox News Channel television show, populist rabble-rouser Bill O'Reilly called her a "pinhead" for disrespecting the dollar. He predicted that the fat U.S. market for cosmetics would reject the leggy Brazilian for her rejection of its currency.

Like so much O'Reilly says, that seems like wishful thinking. And vesting American power in its appetite for overpriced consumer goods is a pathetic thing.

The American consumer's penchant for consuming isn't a promising foundation for economic growth. In fact, it's exactly the problem that worries Buffett and others who *aren't* joking about the dollar. As a country, we borrow more than most and save less than many. This creates activity — but not necessarily wealth.

And, if models are joking about the dollar, it must be in trouble. Currency traders (better educated but usually less attractive than Brazilian blondes) seem to think so. They've trimmed the dollar of more than half its value against a basket of G-8 currencies between 2002 and the end of 2007.

According to Bill Gross, manager of the world's biggest bond fund and the chief investment officer at California-based Pacific Investment Management Co.: "We've told all of our clients that if you only had one idea, one investment, it would be to buy an investment in a non-dollar currency."

Buffett, ranked by Forbes magazine as the world's third-richest person, told reporters in South Korea recently that he is bearish on the U.S. currency: "We still are negative on the dollar relative to most major currencies, so we bought stocks

in companies that earn their money in other currencies."

In order to keep the U.S. out of recession, the Federal Reserve Board has consistently kept interest rates low. Of course, low rates have made yields on U.S. debt less attractive, so fewer foreign investors are buying it. Recently, U.S. two-year Treasuries yielded a third of a percentage point less than German government bonds of similar maturity. And the Germans have recently absorbed their economically dysfunctional Eastern relatives.

The model and moguls see what ordinary Americans don't — that the country is borrowing and manipulating its way to ruin. The piper must always be paid. Sometimes he's paid in bankruptcy court, sometimes at the World Bank, sometimes in the currency trading pits. The U.S. has never had to beg the world's help to support the dollar. But that time may be coming. And, when it does, remember that Gisele Bundchen was a canary in this particular coal mine. — Jim Walsh

Click, read, learn — I have waxed lyrical before about independent thinktanks. Given the increasing uniformity of opinion on campuses, where humanities and social science faculty are now typically 95% liberal or leftist in orientation, having venues for classical liberal, libertarian, and conservative scholars is vital in keeping some semblance of intellectual debate alive.

Several recent scholarly contributions illustrate this. All the reports I will mention here are downloadable from the respective institutional websites.

First, from the Fraser Institute of Canada comes a report by the distinguished economists Nadeem Esmail and Michael Walker on the increasing problem of wait times in the Canadian National Health System, the inspiration for so many contemporary liberal nostrums for the problem of the uninsured in the U.S.

The report, entitled "Waiting Your Turn: Hospital Waiting Lists in Canada," is the 17th annual report that the Fraser Institute has produced on the subject. It shows that, despite a massive recent infusion of money into the system by the Canadian government, wait times for medical treatment are longer than ever. For example, the time between seeing a GP and then seeing a relevant specialist increased from 8.8 weeks last year to 9.2 weeks now. And the time between being referred by a specialist for a hospital procedure and finally receiving the hospital treatment increased from 17.8 weeks last year to 18.3 weeks now.

The nearly 90-page report documents the problem in meticulous detail, graphing the widening disparity between reasonable and actual waits, both by province and for the country as a whole. Naturally, not a peep about these wait times has been mentioned in American mainstream news media — but then, the mainstream media are as dominated by leftist orthodoxy as the academy itself.

I found especially useful the authors' discussion of the inferiority of non-price rationing to price rationing as a way of allocating scarce resources. They make the point I wish were made in business ethics texts — that pricing has the merit of conveying information. In a free-market system, if the price of a drug or medical procedure is high, it informs both the consumer and the producer that they need to modify their behavior. The consumer learns to buy less of this technology, or work more to afford the price, or consume less of something else. The producer learns to increase production. Others learn to make the same or similar products. All this is negated by government imposed rationing.

Moreover, non-price rationing often results in consumers who want or need a product less than others actually getting it, to the exclusion of those who need it more. And it can result in other sorts of unfairness, such as people with political pull or people in a lucky geographic location getting medical care before others do. One thinks here of the Canadian minister who, diagnosed with cancer, promptly flew to the U.S. for care. As the authors so nicely put it, "This evidence indicates that rationing by waiting is often a facade for a system of personal privilege, and perhaps even greater inequality than rationing by price."

I turn now to the Heritage Foundation. Two of its recent reports make good reading. First is a study by Robert Rector, called "How Poor are America's Poor? Examining the 'Plague' of Poverty in America." Rector looks at the living standards of America's poor, the 37 million that Sen. John Edwards keeps telling us live with chronic hunger, lack of shelter, and inadequate clothing. While not denying that real hardship exists, Rector surveys the data on the poor provided by the Census Bureau, and finds the picture quite different from the one that Edwards and his ilk have painted.

It turns out that 43% of the poor own their own homes, with the average having three bedrooms and one-and-a-half baths. Eighty percent of them have air-conditioning. Only 6% of them live in overcrowded homes; 66% have two rooms or more per person. Indeed, the average poor American has more living space than the average citizen of Paris, London, or Vienna. Moreover, 75% of America's poor own at least one car, and 31% own two or more. Ninety-seven out of 100 own at least one color TV, with over 50% owning two or more, and 62% have cable or satellite TV.

Also from Heritage is a report by economists William Beach and Guinevere Nell on the likely consequences of the new tax plan offered by Rep. Charles Rangel (D-New York) in the name of middle-class tax relief. The report, "The End of Pro-Growth Tax Policy: How the Rangel Tax Bill Could Affect the U.S. Economy," estimated that the proposed Rangel tax hikes by themselves would cost 100,000 new jobs per year and lower household disposable income by $30 billion per year. Add in the repeal of the Bush tax cuts, and you are looking at losing 600,000 new jobs per year, with a loss of $200 billion per year in household disposable income. Rangel himself calls his bill (which the leading Democrats all seem to favor) "the mother of all tax bills." He has the "mother" part right.

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Central to Rangel's plan is the imposition of a surtax and other new taxes on higher income earners, who (in the view of Rangel, Edwards, Obama, Clinton, and other such luminaries) are not paying their "fair" share of income taxes. Here a very recent report from the estimable Tax Foundation is pertinent.

This foundation, which has kept the country informed on tax policy at all levels of government since 1937, surveyed the IRS data released in October, and finds (again!) that the rich are indeed not paying their fair share — they are paying more than their fair share. The figures (for 2005) show an even greater contribution from the prior year. The top 1% earn 21% of national income but pay 39% of all income taxes; the top 5% earn 36% of all income but pay 60% of all income taxes; the top 10% earn 46% of income but pay 70% of all income taxes; the top 25% earn 68% of all income but pay 86% of all income taxes; and the top 50% earn 87% of all income but pay 97% of all income taxes.

In view of the fact that to make the top 5% of income earners one need only be earning about $145,000 in total household income, it's obvious that hammering the upper income earners with more punitive taxes is outrageous.

The case for smaller government has to be continuously made, on the basis of data. Absent the contributions of the counter-academy, we wouldn't have it. — Gary Jason

The ugly truth — The president recently vetoed an SCHIP funding bill and the Democrats trotted out a "victim" to try to put a face on the issue. Twelve-year-old Graeme Frost spoke about how the SCHIP program — originally intended to help poor families afford health insurance — saved his life. The 12-year-old, who lives in the suburbs and attends private school, argued for the new bill — which not only expanded the coverage to families making over $80,000 a year but allowed "children" to remain in the program up to age 25. The president opposed the bill for those reasons.

We want truth in politics. This issue isn't about kids like Graeme Frost, who was already eligible for SCHIP coverage anyway. The program's supporters should have found a more representative spokesman — a 24-year-old, living in his parents' basement and complaining in between bong hits about the injustice of having to pay for Valtrex out of his own pocket because his ex-wife slept with the drummer in a Motley Crue tribute band.

You see, there really *are* two Americas. — Tim Slagle

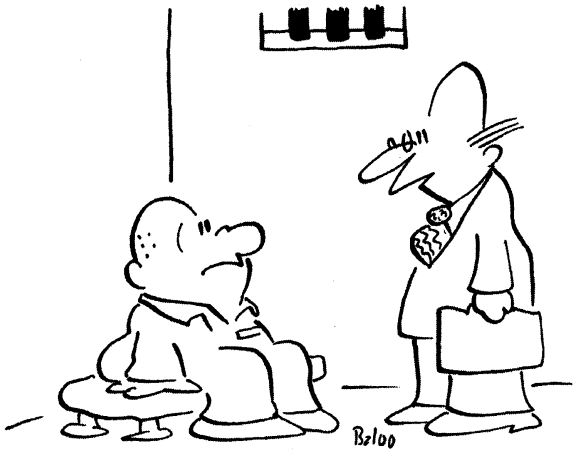

"There were 37 eyewitnesses, so our best bet would be to use the 'performance art' defense."

Gold in them thar seas! — Another year has passed, and I have enlarged my carbon footprint by attending the 2007 edition of the Annual Conference of the Libertarian Alliance, in association with the Libertarian International, an event held at the Liberty Club in London's Whitehall.

There was the usual wealth of high-quality lectures and discussions. Dr. Syed Kamal (Conservative Member of the European Parliament) spoke about the developing world and global capitalism. The chief battle on this front, of course, is the fight to convince politicians and members of NGOs that the world's poor can, indeed, survive without their "help." (On a similar note, the after-dinner speaker was the excellent Alex Singleton, president of the Globalisation Institute.)

Brian Micklethwait, of the blog Samizdata, and solicitor David Carr discussed the surveillance society, bringing forward the almost unbelievable statistic that Britain, while having 1% of the world's population, hosts 25% of the world's CCTV cameras.

The closing talk — "Post-Modernity and Liberty" — was given by Marc-Henri Glendenning and the director of the Libertarian Alliance, Dr. Sean Gabb. Maybe it was a necessary dose of realism, but the speakers laid out a depressing analysis of the state of British politics, so valueless and devoid of debate has it become.

One lecture seemed especially original — the talk by Leon Louw, executive director of South Africa's Free Market Association, on "The Disaster of Water Socialism: Why the Sea should be privatised." At the core of his argument was the idea that the more private ownership, the more wealth, so the sea should not be left out of the private ownership system. At the moment, the oceans are res nullius, in that they are not yet the object of rights by any subject of any country and are, in a way, nationalized — claimed by nations to the extent they can make good their claims.

In considering the relevance of his argument, we must realize that water is three-dimensional, not two-dimensional. Once we do, we can see that the seas are much more important than the land. Any mineral wealth that is available on land may be there in greater amounts under the sea, despite the fact that its value may not yet have been tapped.

How can this value be claimed and used? States have done it in various ways. Much of the Netherlands is land "reclaimed" from the sea (although there is no good reason in law why one would need to "fill it in" in order to claim it). Further, nations with coastlines "own" up to about 200 kilometers off their shores. So, if states can do it, why shouldn't private organizations?

The usual caveats are thrown in the way. Some people find it hard to visualize clear distinctions and demarcations running across the seas. Contrary to popular myth, however, visually identifiable borders do not always exist on land. In the vast arid spaces of Australia, for example, there are farms hundreds of thousands of acres in size that have few obvious

boundaries. Moreover, most land that is owned and used isn't really occupied, any more than the seas are occupied.

Other people may wonder whether transoceanic voyages would be obstructed by private ownership of the seas. Yet in reality, the problem is no different from that of traveling over land. To fly, catch a train, or drive across many European nations or American states demands nothing more than voluntary cooperation, based on mutual self-interest. The post-WWII European order shows that there is no surer way of bringing peace than to spread commerce and wealth.

Alas, George W. Bush has been lobbying Congress to adhere to the Law of the Sea Treaty, which is a step toward nationalizing the sea. Indeed, some say that we should homestead the seas — but what have we seen from previous nationalizations of industries and resources? There would be no better way of driving whales to extinction than to relinquish control of the seas to a supernational body.

Indeed, the environmental bodies should — were they not so often socialist in ideology — be the first to agree with the proposal to spread private ownership to the oceans. Anyone concerned with the threat that certain marine species might go extinct should consider the "tragedy of the commons" — the tendency for economic resources to disappear when they are not owned and managed by individuals. (For an example, look to the environmentally irresponsible Common Fisheries policy pursued by the European Union.) While privatization is often seen as the domain of Exxon or Viacom, these are but one type of organization that would enter the market. The adoption of private ownership would result in the creation, en masse, of private conservation efforts.

What exists today is a primitive, seminal example of what could be in place. Some sections of the seas are privately owned, by way of concessions — e.g., for fishing and conservation — around New Zealand and Iceland. The system works, and, as with private ownership of previously delicate species of land animals in Africa, the numbers of animals grow when humans are allowed to own, farm, and preserve their property.

Louw strongly emphasized that it is not the responsibility of legislators and theorists to find all the solutions. Farmers in South Africa, to cite one instance, have found their own ingenious solutions to enhance efficiency and wealth. Why should distant theorists assume that they now have all the answers about the sea? We should be looking for legislation to establish property rights; if that happens, solutions to practical problems will follow in ways we cannot predict. — John Lalor

Fidel Castro: Requiescat in Limbo — Reports of Castro's timely demise are only partially exaggerated. The Miami rumor mill has been so flooded with reports of his death kept secret by an elaborate conspiracy that *El Maximo Lider* himself had to come out of convalescence and grant a rambling public interview. The Economist even weighed in with a short piece about how such conspiracies are virtually impossible to carry through, in part because the perpetrators would be the beneficiaries of his demise.

But he has actually — perhaps — politically died (somewhat). The Aug. 4 issue of the British journal declared that the post-Fidel era has already begun. Raul Castro, second fiddle and heir apparent, has now been in charge for over a year, without his brother's intrusive micromanagement. Raul has made some considerable procedural alterations. He has announced "structural and institutional changes" to the economy, and he has called for an "open debate" on economic liberalization — though the "pure poison" of "neo-liberal formulae" is off the table. Fidel, recovering slowly and making a few public appearances (but not at the July 26 celebration of the birthday of the Cuban Revolution), is allowing his brother full rein, though he still hovers in the background like a prickly conscience.

Not only do the Cuban cadres sense a change; even internal dissidents believe "a turning point has been reached." The Economist cautiously concludes that "Raul, not Fidel, is the man making every important decision" now. But only a trained pearl diver should hold his breath. — Robert H. Miller

Cycles of outrage — Westerners would prefer that Pakistan be democratic. But having watched TV and seen the rioting mobs on Pakistani streets, not to mention the faces of former Prime Ministers Nawaz Sharif and Benazir Bhutto, they also intuitively realize that Pakistan has been extremely lucky to have a decisive person who carries some honor — in the form of Pervez Musharraf. They also realize that whoever comes next is going to be worse, and is certainly not going to be in control of events there. Secretly, the Western nations would rather see Musharraf continue. After all, in that way nuclear weapons will stay in safe hands. But it is too politically incorrect to say this. Westerners will likely point to what the dissident lawyers in Pakistan are doing. Aren't they fighting for liberty and democracy, at the risk of their lives? Shouldn't we all love and support them? La Rochefoucauld said, "What we call virtues are often just a collection of casual actions and selfish interests which chance, or our own industry, manages to arrange [in a certain way]. It is not always from valor that men are valiant, or from chastity that women are chaste." The Pakistani lawyers' fight for liberty is just a facade. It is garb for a new kind of totalitarianism. They are merely tired of the military or, more importantly,

Inside Joke

When I die, what will happen to our inside joke?

Will it blossom in your brow, or wilt
And lose its subtlety, having lost
The look that incited it?

If our joke is stroked by another's tongue,
Will you still seek and hear my laugh,
As the deaf fiddler hears his song?

Will you crack the only mirror to our plan,
The hollow cave of our conspiracy's ghost?
Could you raise it with a better man?

Will it evaporate into the public domain?
Or will it secretly collapse — a virgin sympathy
Undressed, an expired refrain?

Might you remember it the moment when
you die? Will our inside joke be safe again?

— Garin K. Hovannisian

realize that the power-equation no longer favors Musharraf. A few years later, they will be on the streets again, fighting to get the military, the favorite national institution, back into power, and claiming how corrupt the democratically elected government is, as they have done scores of times in the 60 years since independence. — Jayant Bhandari

Hey, get that out of your mouth! — Aqua Dot toys have been pulled off retailers' shelves nationwide, after news reports claimed that the toys contained gamma hydroxy butyrate — also known as GHB or the "date rape drug." (Actually, the toys contained a different chemical that, when eaten and metabolized, converts into GHB.) These reports put regulators and parents in a tizzy.

I've always been suspicious of the media label "Date Rape Drug." It's like calling duct tape "Abduction Wrap."

Also, I don't want to dismiss the scare felt by the parents of the two children who were hospitalized after eating Aqua Dots — but, when I grew up, you were taught not to eat your toys.

There has to be some recognition that it's dangerous for children to put non-food items in their mouths and start chewing.

Perhaps we need more data. We can outsource the research — set up a laboratory in a developing country where we feed kids toys to make certain they're edible. "Poor Wang Phat. Last week, he was testing army men. Not so bad eating them — but the next day, ouch! Especially the guy lying down with the bayonet." — Tim Slagle

Reflections in a time of war — No, I'm not responsible for this terrible war. I don't study foreign affairs, I don't write about foreign affairs, and I didn't recommend that we go into Iraq. But I did have the impression that nuclear weapons were about to be set loose on the world, possibly landing in New York or somewhere else on the East Coast. And I thought that going to war was probably okay to get rid of a horrible dictator. So, now that we are mired in this tragedy, I feel guilty.

I should have foreseen its consequences and not dismissed the Cato Institute's opposition as if it were just another knee-jerk rant against *any* war.

What actually brought me to realize the foolhardiness of our preemptive war was a 2005 commentary by economist Don Boudreaux, which I just found again. He suggested that people may be responsible for the kind of government they get. "Why was Saddam Hussein ruling Iraq?" he wrote. "Were Iraqis just incredibly unlucky that such a vile dictator somehow grabbed power and ruled ruthlessly for so long? Or was Hussein's tyranny at least as much a consequence as a cause of a dysfunctional cultural, political, and economic situation?"

Saddam Hussein, like Marshal Tito, kept enmity in his country from erupting into constant war. He did it brutally and viciously. Today, not just his enemies but potentially every Iraqi faces brutality and viciousness. Personally, I feel very much as though we are back in the Vietnam War. It was eerie like this, too. At the time, watching a war going on while one was eating dinner was new. I didn't watch much; I just wanted it to be over; and eventually it was. I don't watch this one much; I want it to be over; and it will be, but (as they used to say) at what price?

— Jane S. Shaw

Our statist pastime — After many months of background maneuvering, the federal government has finally indicted baseball player Barry Bonds. Not for steroid use or for injecting himself with human growth hormone, but for lying to the government about whether he had done such things.

Let me be frank: I despise Barry Bonds, or at least the public persona Bonds elects to use in games and media appearances. I hate his showboating. I hate his body armor. I hate his race-baiting.

Most of all, I hate that his name now lies above Hank Aaron's on the all-time home run list. Aaron, who faced much greater racial hatred on his way to breaking Ruth's record, has always handled himself with dignity and aplomb.

But as much as I want to see Bonds disgraced, I don't want to see him toppled by a perjury charge. I don't want to see him sent to prison, period.

If, as alleged, Bonds knowingly injected himself with "performance-enhancing drugs" and if he did so at a time when such substances were prohibited under the rules of Major League Baseball, and if there is verifiable evidence to show that the injections did in fact take place (or if he admits to it, as track star Marion Jones did, even though she never failed a drug test), then he should be banned from the sport and stripped of any statistical records achieved while he was doping.

And there it should end. He shouldn't be jailed for injecting steroids or HGH: any adult should be allowed to do so, if he chooses. And he shouldn't be jailed for lying to federal prosecutors: they had no business meddling in baseball's affairs in the first place — and, upon being asked to meddle by baseball commissioner Bud Selig, they should have declined. But, having thoroughly messed with Mom and apple pie, Congress took the opportunity to complete the trio, thus ending the era when American professional sports leagues could reasonably expect to deal with their own problems: labor problems (yes, I know: set the antitrust exemption aside), substance abuse, disciplinary proceedings, so on. I suspect this will see us move toward a more European model, toward the conventions of commissions to study every conceivable aspect of sport, and produce fat reports recommending that further study be undertaken — at, of course, the public expense, since, after all, it is in the public interest — but taking no action unless it be diametrically opposed to prudent policy.

In the meantime, Bonds may well beat the rap. Perjury is difficult to prove to a jury's satisfaction. I, for one, hope he does. As hard as it is to feel pity for the man, I find it even harder to believe that he could ever be as much a showboat as the average congressman. — Andrew Ferguson

Leftist sugar daddies — In a previous reflection, I noted that the environmentalists' favorite fuel — ethanol — has an unintended adverse consequence. It jacks up the price of corn, a staple of the diet of tens of millions of

poor folk across the world. Well, a recent Washington Post article reveals another illustration of the Law of Unintended Consequences as regards ethanol: deforestation.

It turns out that the world rush to embrace ethanol is threatening the Cerrado, a huge plateau in Brazil. The Cerrado is home to a large variety of species, some of which are endangered. Half of it has been plowed under for soybean farms and cattle ranches. This deforestation looks likely to quicken as sugarcane farms get underway. Sugarcane, of course, is the crop of choice for Brazilian ethanol.

Money is being pumped into the ethanol industry from a lot of sources, including American agro-biz companies such as Archer Daniels Midland and investors such as George Soros. The company Soros backs (Adecoagro) is now one of the biggest players in the Brazilian ethanol industry. Even with the tariffs our politicians have placed on Brazilian products, last year we imported 500 million gallons of ethanol from Brazil, roughly 75% of all the ethanol we imported.

I suppose it is purely coincidental that Soros is a lavish backer of leftist politicians, who typically oppose nuclear power and drilling in ANWR and offshore everywhere else. If you block nuclear and additional oil, you make the expansion of ethanol inevitable — so any billions you've invested in that industry pay off nicely. A convenient coincidence, indeed. — Gary Jason

Thought of the Dane — I was in a meeting with European journalists on a foundation-sponsored tour of the United States. It was a generally placid group until the subject of Turkey came up — mostly Muslim and mostly in Asia — petitioning to join the European Union. Of the journalists in the group, the Dane was vocally in favor of this and the Frenchman, against.

The Dane argued that if Turkey came in, it would become a friendly state and — he didn't quite use this term — a more civilized neighbor. If it were blackballed, it could become a rogue state like Iran.

The Frenchman shook his head. If that was the argument, he said, "then Turkey is not fit to become a European state." And anyway, he said, Turks are not Europeans.

They let their army dominate their government, the Greek said.

We should let them in, the Dane said.

If you're going to let in the Turks, the Frenchman replied: "What about the Moroccans? The Tunisians?"

The Dane, not answering that question, asserted that it was better to bring the Turks "onto the boat."

They're in NATO, the Frenchman said. That's enough. Admitting them to the EU would be inviting them to join a future European state. "There are 80 million Turks — almost as many as there are Germans," he said. He seemed to cringe at the thought of the French being outnumbered by another nationality. The Dane did not worry about it. Danes expect to be outnumbered.

The Italian was not worrying, either. Only 20% of Europeans want the Turks in. Sarkozy, the new French premier, is against it. Won't happen.

The subject shifted to Europe's birthrate. The Italian, whose countrymen have one of the lowest birthrates on earth, said, "I'm 30 years old, and I have no kids. Many of my friends have no kids."

But why? "Wealth," the Dane said, but he was really talking about a kind of tiredness. "We have procreational fatigue. Big companies closing down. Old art. That's Europe for you."

The news reports say Europe is doing well — at least, better than it was in the `90s. But this group — except for the Czech, who was as upbeat as a dot-com prince — was notably glum. Italy was in "a deep crisis of confidence," he said, worried that Italy was not well-positioned to compete in the global economy. France had unemployment of 9%. The Frenchman said that was not such a bad figure, "for us," though he was clearly not proud of it. The Hungarian said the unemployment rate in her country was at 9% to 10%, with 10% inflation, and heavy taxes for all the social programs. Half of her income went to taxes, she said.

The Dane sniffed. Sixty-four percent of his income went to taxes. There was a moment of silence. Nobody could top that. — Bruce Ramsey

Rank and Russia — In the `30s and `40s, when the world was young and naive, Freud and his fellow psychotherapists had legions of followers. Theories of human behavior flourished like mosquitoes on summer nights. If we could just find its causal factors, human behavior would be as predictable as hydrogen and oxygen producing water.

One mainstream theory said the personality was structured by birth trauma — tough birth, tough individual. A psychiatrist, Otto Rank, popularized this theory.

I thought of this hypothesis the other day as I read "The Last Tsar," by Edvard Radzinsky: the story of modern Russia's birth and the assassination of the imperial family. The Marxists mowed down the tsar, his relations, and his retainers — Al Capone style. No trial, no constitutional or legal protocol. Just shot the whole shebang. And millions more. What kind of state could come from such origins? By comparison the French Revolution was namby-pamby.

Rank would have loved it. It would have bolstered his

"Cruel? Maybe. Unusual? Definitely."

theory that organizations, like individuals, take on the coloration of their birth. Here was the metaphorical spawn of a gangster nation — a bold philosophical proof of his theory. Almost a century later repression still rules in Russia: poisonings, media suppression, absence of legal justice.

One of the more amusing, less gory, Soviet slogans of the day was "let us drive mankind to happiness with an iron hand." Has anything changed between Moscow and Vladivostok? — Ted Roberts

Motives in the dark — Jan. 1, 2008 is the 145th anniversary of the Emancipation Proclamation freeing the slaves in America. There has always been a historical debate over whether Lincoln's motivations were honorable. I find that irrelevant. The bottom line is, that Lincoln freed the slaves. It was a good thing and he should be remembered for it.

Let me add I understand that Lincoln also undermined a lot of the Constitution — and I'm not suggesting that he be let off the hook for that. Nor am I suggesting that the trade of the Constitution for Emancipation was a good one.

In politics, things are never what they seem. A bad man may do a good thing, if only to save his reputation. Bill Clinton signed the bill rescinding the federal 55-m.p.h. speed limit. I know the Republican-led Congress had him over a barrel and, if he could have gotten away with vetoing the bill, he would have. But he signed it. And I am grateful every time I cross the border into South Dakota and see a sign saying "Speed Limit 75." A victory is a victory, however it's achieved.

Say, for instance, that you are in a D.C. public park around midnight being held up at gunpoint. At that very minute, Sen. Larry Craig ambles into the same park. Craig's wide stance scares off the gunman. Would you be any less grateful to the senator, knowing that he hadn't ambled in to save your life? Of course not.

Unfortunately, the debate over Lincoln deserving historians' laurels still gets stuck on the issue of slavery. It forces people who disagree with the Civil War into the uncomfortable position of defending slavery.

While I understand that a lot of libertarians enjoy the opportunity for debate that such a ticklish subject spawns, I would discourage it. Especially if you're in a D.C. public park around midnight. — Tim Slagle

The delusion of competence — Several kinds of behavior fall into a pattern when we see them as examples of the delusion of competence. Political position, fame, celebrity, or supposed prestige feeds one's delusion of being able to remedy bad conditions and promote good ones.

Authoritative pronouncements about injustices committed long ago suggest competence almost to undo regrettable history and to compensate long-dead victims while imposing the burden somewhere, somehow, even though the offenders are long dead also.

Examples include the state of Alabama's apologizing for slavery, the Catholic Church's apologizing for disparaging Jews and mistreating Galileo, and resolutions to label mass killings of Armenians during World War I as genocide. (In some European countries, even just denying that genocide, or denying the Holocaust, is a punishable offense.)

At Duke University, 88 and then 87 professors, apparently basking in supposed academic authority, signed letters drawing fashionable conclusions from mere unsupported charges that rape was committed by members of the lacrosse team.

Movie actors and other celebrities give congressional testimony and join public campaigns to promote conventional opinions about climate change or about the harm done to poor workers in poor countries when one buys their products.

Holding hearings and drafting bills lend legislators an air of being able to do something about public concerns like tasteless song lyrics, drug-tainted sports records, drug addiction, abortion, and gay unions.

Politicians and celebrities like to appear knowledgeable about ongoing progress in science and technology, as

continued on page 50

Carnival

A DAMSEL FLY WITH FOLDED WINGS
wide-eyed can see the peace she brings

a dragonfly with wings foursquare
forever readies his next dare

When frigate birds swoop to the ground
to take what other birds have found

the katydid attributes blame;
cicadas stridulate the same

unlike the cooing mourning dove
whose varied hymns sing of one love

Ephemeral the mayfly's song,
which may last all an evening long

or heard by swallows in the sky
that veer to feed, last but a sigh

Spiders spin webs, their passive chase
will guileless insect lives erase

not so the parasitic gall
that grows for years before oaks fall

Once when a firefly drew near
I saw its light just disappear

for blind bats with their radar grace
swallow down prey & leave no trace

This carnival of life & death
will witness our extinguished breath

At pale moonrise, tonight the clouds
sail by ash-white as human shrouds.

— John Wander

Ron Paul's Progress

Nose under the tent — Ron Paul is getting traction. I think everyone who's ever supported Ron Paul is shocked at the success he is experiencing — and no one seems more surprised than Ron Paul. Since modern political battle has become exclusive territory for narcissists and sociopaths, it's refreshing to see a candidate with humility.

I'm quite certain that there is a lot of surprise within the GOP hierarchy as well. I think that the Republicans have consistently dismissed libertarians and underestimated how much of their base is ex-LPers who got tired of losing elections.

I feel there are going to be two interesting outcomes from this primary that could have revolutionary impacts on the libertarian movement. First, there will be a much different LP — after Paul has drawn away manpower and resources for the duration of his campaign. And, if the Paul campaign gives the mainstream candidates any resistance, Republicans — for the first time in a long time — will have to recognize that there are a few libertarians in their big tent.

— Tim Slagle

Critical response — On Monday, Nov. 5, Ron Paul's U.S. presidential campaign raised over $4 million. This was the largest single-day contribution total so far for any campaign in the 2008 presidential race. The money may help Paul emerge from the second-tier of GOP candidates in time for the early primaries.

The one-day haul resonated with mainstream media, which understands money in politics and promptly ordered up features on Paul. That coverage itself may have been worth several million dollars more to his campaign.

The money and media attention improve Paul's prospects, though he's still a dark horse. They also boost his chances of staying in the race through the Republican convention this summer, where he may be heard by a larger audience. Many small-government advocates — who loathe the major U.S. political parties but regret "throwing away" their support on third-party candidates — may be a bit happier about voting for Paul in a GOP primary than other options.

But one of the most interesting results of Paul's haul was the critical coverage that it received from statist partisans. Some critics harped on the allegation that some Paul supporters had used spam bots and other tools of unscrupulous internet marketing to gin up support. Others dismissed Paul as merely the Howard Dean of this cycle — an internet oddity destined for a quick exit from the center stage of American politics.

Still others responded more viscerally.

Andrew Leonard — a contributor to the left-wing website Salon.com — left Paul and his millions aside and attacked the donors. Here's some of what Leonard wrote:

> Geeks skew libertarian. . . . By the nature of their work, programmers count on being able to precisely manipulate reality through their manipulation of code. . . . Libertarians take, as a starting point, that the fewest rules, or the least government, result in the cleanest code. . . . Get back to basics — get rid of the cruft, the ambiguities, the illogic. Paul's political positions — antiwar, states' rights, antiabortion, anti-death penalty, abolish the Federal Reserve, go back to the gold standard — are clear and unambiguous. The code for expressing those views is easily written.

Ri-i-i-ght. With charlatans like Hillary Clinton and John Edwards seeking the presidency, *Ron Paul* is the one who panders with simplistic bromides. (Also, it's interesting to see "clear and unambiguous" used as pejoratives when describing a politician. I'd say that's not a bug, it's a feature.)

Leonard — like many mainstram media types, affecting a pose of worldliness — defends the messiness of porcine establishment politics as adults' work. This condescension and cynicism is striking.

Get used to it. Regardless of how far Dr. Paul proceeds in this presidential cycle, he is articulating a reasonably coherent libertarian perspective. His code resonates and will be adopted by other programmers. As America's federal benefits system lumbers along toward insolvency, libertarian voices will grow louder in the political mainstream. And, as they do, establishment hacks will dismiss them as simplistic and unsophisticated — geeks who should stick to Halo 3.

But sloppy code fails. Cruft makes systems run slowly. And all the hipster condescension in the world doesn't change the fact that statist redistribution schemes are a bad, buggy application. The geeks supporting Ron Paul may be easy to ridicule; but they're used to that. Clean code is efficient. And time is on our side. — Jim Walsh

Paul's haul — Most Americans don't know about Guy Fawkes Day, Nov. 5, which celebrates the capture of a man who in 1605 plotted to assassinate King James I of England by blowing up the House of Lords. But libertarians loved the political movie "V for Vendetta," in which a future Guy Hawkes brings a fascistic British state to trembling ruin with bluster, bombs, and the Fawkesian slogan, "Remember, remember the fifth of November." And so the idea was hatched for supporters of the presidential campaign of libertarian Rep. Ron Paul to funnel donations on one day — Nov. 5, 2007.

It was not a Paul idea; it came from fans who started a web page, ThisNovember5th.com. Their idea was to get media attention to a one-day record — a thing that could be done by outsiders only by means of the internet.

The goal was $10 million, which was indeed fantastic. Paul actually raised $4.07 million, which was still more than any of his Republican rivals had raised on any single day.

The Paul campaign said it had signed up more than 21,000 new donors on Nov 5. The Washington Post called it "head-snapping fundraising."

So it was. And it came in the wake of $5.2 million raised between July 1 and Sept. 30, which was head-snapping in itself. And that gets us to the main point: endurance. The primary contest for the presidency is a matter of endurance, and so far Ron Paul has endured. In addition to money he has a clear message and an enthusiastic following, which one cannot say of most of the others.

The Paul campaign said it had signed up more than 21,000 new donors on Nov 5. The Washington Post called it "head-snapping fundraising."

In its news story on Paul's haul, the Washington Post quoted a Republican operative who said, "Money is a resource, not an outcome." The man was right and, although the money has enabled Paul to get TV commercials on the air in New Hampshire, he is still polling in single digits. At press time, he is at 3.7% in New Hampshire — up from 1% in early summer, but still not in striking distance of victory. Intrade, the internet betting page, gives Paul's chance of winning the nomination as 9%.

He's still not winning — but he has risen to the top of the second tier. As I write, Paul's chances of winning the Republican nomination are ranked third on Intrade, well behind Giuliani's and Romney's, and slightly ahead of Thompson's and McCain's, who have peaked and gone into decline.

Though Paul's chances remain slight, he may win a bloc of delegates, particularly from the caucus states. Once the primary contests are over — and they will be over quickly — the focus will be on what Paul can do with his delegates, and whether he will be allowed to be heard at the convention. The better he does now, the more noise he can make then.

— Bruce Ramsey

Upcoming dates — The Libertarian Party will hold its presidential nominating convention in Denver in May 2008.

The Republican Party will hold its presidential nominating convention in St. Paul in September 2008.

This is a major problem for the Libertarian Party.

In 1988, the LP nominated Republican Congressman Ron Paul as its presidential candidate. Ron is now running for president on the Republican ticket. Despite large contributions — which, I somehow suspect, come mainly from left-wing antiwar types, not right-wing opponents of tax increases or illegal immigration, both of which Ron also opposes — he will never be nominated by the Republicans. He will pick up a few delegates, and the Grand Old Party will do its best to keep these people from kicking up an antiwar, isolationist fuss at the convention.

That's too bad — very much too bad. But it, like Ron's defeat, seems inevitable.

In 1996, I reported for this journal from the Republican national convention in San Diego, where Pat Buchanan, the darling of the GOP's core constituency, was prevented from staging any effective antiestablishment demonstration. You heard it here first: Ron will suffer the same fate.

In the meantime, the Libertarian Party will have to decide whether to nominate Ron — despite the fact that, while running for the Republican nomination, he would have no business accepting the Libertarian nomination, and doubtless would refuse to do so — or to nominate someone to run against the Republican nominee, who might, theoretically, be their old friend Ron.

For a libertarian like me, these proceedings will be sadly fascinating.

The Libertarian Party was a good idea to begin with. Since Ron's campaign in 1988, however, it has been tossing in the shoals of American politics. Now it may be headed for the rocks.

I hate to see bright, well-motivated people experience disappointment, when they have done much good in the past, especially on the local level. (My own local LP, the glorious San Diego County Libertarian Party, has been responsible for tens of millions of dollars in tax rollbacks.) I am sure that 2008 will not bring the end of libertarian political action, action that continually increases, with or without the LP's involvement. Ron's candidacy is only the most obvious current instance. One of the LP's institutional problems is the fact that libertarian ideas and projects can be found virtually everywhere, in both major parties, in think tanks, in activist groups, and throughout the popular media. The struggle for liberty is often motivated by "single issues," not a unified doctrine, but this doesn't render the struggle ineffective; sometimes, it leads to successes that unified doctrines seldom have in America.

It's interesting to see "clear and unambiguous" used as pejoratives when describing a politician. That's not a bug, it's a feature.

The coming year may show us whether the LP as an institution can find a path toward continued productive work. If it cannot, the election of 2008 will be a particularly sad event, but it will by no means spell the end of the libertarian cause.

— Stephen Cox

Tet in Retrospect

by Jon Harrison

A generation ago, America fought a needless war.
Then, in January 1968, a decisive event occurred.

Forty years ago this month, on January 30–31, 1968, Viet Cong and North Vietnamese regular army forces launched the Tet Offensive in South Vietnam. U.S. and South Vietnamese forces and officialdom, and the U.S. public at home, were taken almost completely by surprise.

As the battles played out in South Vietnam and on television and in newspaper columns across the U.S., a profound shift took place in the American attitude toward the war. Defeated on the battlefield, the enemy won a propaganda victory of enormous importance. Because of Tet, the administration of Lyndon Johnson chose to scale back U.S. involvement in the war. The "Big Push" of 1966–67 was replaced on the American side by the beginnings of "Vietnamization," a policy formalized under President Richard Nixon in 1969. The Viet Cong and North Vietnamese found that their gamble[1] had paid off — not militarily, for they had been badly beaten in the field — but psychologically, in that they had dealt a decisive blow to the American psyche. Victory in the field followed seven years later.

The Background

U.S. involvement in Indochina began during the Second World War. While President Franklin Roosevelt favored trusteeship under UN auspices to the restoration of French colonial rule, in typical FDR fashion he put off any formal decision until the end of the war in the Pacific. With his death, U.S. policy became more pro-French. While still favoring eventual independence for the region, Washington allowed its relationship with France to dictate the pace of events.[2]

The First Indochina War between France and the Communist Viet Minh (led by Ho Chi Minh and Vo Nguyen Giap) began in late 1946. U.S. involvement in the war was minimal until the outbreak of fighting in Korea in 1950. At that point, the U.S. dispatched a military mission and began subsidizing the French war effort. By 1953, the U.S. was paying over half the cost of the war.[3]

The defeat at Dien Bien Phu (1954) spelled the end of French military power in Indochina. The U.S. came close to intervening with both combat airpower and ground troops at that time, but eventually agreed to a negotiated settlement at Geneva.[4] This gave the Viet Minh control over Vietnam

north of the 17th parallel. Ironically, it now appears that had the U.S. gone to war in 1954, the Viet Minh would have been completely defeated.[5]

As it was, the U.S., in the name of worldwide anticommunism, took on South Vietnam as a client state. The North Vietnamese, after a period of recuperation, activated the National Liberation Front (NLF), called by Americans the Viet Cong. It was composed of cadres left behind in the South in 1954, plus new recruits. By 1960, a new war had begun for control of South Vietnam, pitting the Viet Cong against the American-supported forces of Ngo Dinh Diem, the "George Washington of Asia."[6]

Diem was not simply an American puppet. His overthrow (at U.S. instigation) and murder in 1963 placed South Vietnam squarely in America's lap. This was one of the Kennedy Administration's greatest blunders. Diem's death made a face-saving withdrawal or negotiated settlement much more difficult to achieve.[7]

Nevertheless, Kennedy's successor, Lyndon Johnson, probably could have negotiated his way out of Vietnam. For reasons that remain unclear to this day, he chose not to do so.[8]

In 1964–65, events approached a crisis. With the Viet Cong moving from strength to strength throughout the country, and the North Vietnamese Army (NVA) infiltrating its first troops, it became apparent that South Vietnam could not long survive without a major U.S. military intervention.

By spring, 1965, South Vietnam was on the edge of the precipice. The U.S. had already begun bombing the North in February. In June–July, the final decisions were made to Americanize the war, and U.S. combat units began to pour into the South.[9]

Westmoreland's War

The American Army and Marine Corps that entered South Vietnam in 1965 represented one of the finest instruments of war ever honed, comparable to the Roman legions, Napoleon's veterans, and the elder Motke's Prussians. If this force had an Achilles' heel, it was in the officer corps, specifically the generals and senior colonels who formed its leadership.

The great majority of these officers possessed a conventional outlook, wedded to a degree of hubris. In the American Army of that day, such an attitude was virtually required for promotion to senior rank. What these men knew, they knew well. What they did not know, they had not yet begun to suspect existed. Exhaustively trained and technically competent, they nevertheless lacked the "feel" for events that is the hallmark of great leaders. They stood at the pinnacle of the military arm of the greatest power in history. To put it another way, they were ripe for a fall.

The Americans were to find that this enemy was every bit as brave as they were. In addition, he was fighting on his own soil.

Gen. William Westmoreland commanded the American forces in South Vietnam from 1964 to 1968. "Westy" epitomized the American general of his time. One author aptly termed him "the inevitable general."[10]

Westmoreland managed the troop buildup in 1965 and early 1966 superbly. His forces prevented the Viet Cong-NVA forces from overrunning the country. From spring 1966, he planned to defeat the enemy by employing a conventional strategy of attrition. In this at least he resembled his famous predecessors Grant and Eisenhower.

As early as the fall of 1966, McNamara had privately opposed further escalation. Now he had forfeited Johnson's confidence, and on the eve of Tet departed the administration to become president of the World Bank.

But Vietnam was a fight more political than military in nature. Moreover, in its purely military aspect the ground to be fought over was most unsuitable for the application of attrition tactics. The Viet Cong were, for the most part, close to or among the civilian population. The NVA was based in the remote countryside, which consisted of triple canopy jungle and rugged mountain ranges. Westmoreland's strategy required that American troops be sent into these areas to find and destroy the enemy forces. The Americans were to find that this enemy was every bit as brave as they were. In addition, he was fighting on his own soil.

During 1966–67, Westmoreland carried out a series of large-scale, tactically successful operations with uninspiring code names like "Attleboro" and "Junction City." Again and again, U.S. forces killed large numbers of the enemy. Territory gained, however, remained under U.S. or South Vietnamese control only so long as Allied troops stood on that ground. Once they departed, the enemy was free to return. The North Vietnamese, despite their heavy casualties, were perfectly capable of replacing the losses they suffered.[11]

By 1967, both sides were feeling the strain. The American people were becoming increasingly dissatisfied with a situation that looked more and more like a stalemate.[12] The North Vietnamese, despite their ability to stay in the fight (with Soviet and Chinese aid) so long as the U.S. effort remained short of total war, were nevertheless finding the conflict increasingly burdensome. The two sides responded to this situation in radically different ways. Their responses were to determine the eventual outcome of the war.

On the American side, President Johnson refused to escalate the war to a point beyond North Vietnam's capacity to

endure.[13] Characteristically, he chose instead to shore up the home front with a PR campaign. He ordered the American commander in Vietnam home to rally the Congress and the people once more to the cause.

Westmoreland addressed a joint session of Congress on April 28, 1967. For the first time in American history, a commander in the field spoke to Congress while the war he directed was raging. The general's firm jaw and military bearing carried the day as he proclaimed, "We will prevail in Vietnam over the Communist aggressor." Congressional applause was deafening.

The effect of Westmoreland's oratory soon wore off. Heavy fighting continued throughout the summer and autumn, with heavy U.S. casualties and no discernible progress toward victory. Both hawks and doves were dissatisfied. In August, the Senate Armed Services Committee convened hearings whose main purpose was to persuade the administration to intensify the bombing of North Vietnam. During his testimony, Secretary of Defense Robert McNamara left the impression that the war was unwinnable.[14] As early as the fall of 1966, McNamara had privately opposed further escalation.[15] Now he had forfeited Johnson's confidence, and on the eve of Tet departed the administration to become president of the World Bank. Nor was he the first to leave. Johnson had already lost such key advisers as McGeorge Bundy, George Ball, and Bill Moyers.

While the Johnson administration was losing cohesion, the social fabric of the nation was beginning to unravel. The antiwar movement was spreading and becoming radicalized. On October 21, 50,000 people marched on the Pentagon. At the University of Wisconsin, Madison, clashes occurred between student protesters and police — the first violent episode of the student revolt that was to engulf campuses nationwide in coming years.[16] Antiwar sentiment was growing in Middle America, though still reflecting more a frustration with lack of progress on the battlefield than a rejection of the war per se.[17] Racial conflict, which many Americans had hoped would subside with passage of the Civil Rights Act (1964) and the Voting Rights Act (1965), was becoming increasingly violent. The ghettos of Los Angeles, Newark, and Detroit had already exploded, requiring in Detroit's case the intervention of the 82nd Airborne Division to quell the rioting. Inflation was heating up, the effect of the Johnson administration's obfuscations about the cost of the war, and the resulting failure to finance it properly.[18]

The social crisis was further inflamed by the character and appearance of the man who led the nation. No one who has studied Lyndon Johnson objectively can avoid the conclusion that he was a liar, a coward, and a bully.[19] Despite the legislative achievements of his first 18 months in office, he failed to gain the affection or respect of most of the American people. He, more than any other individual, was responsible for the notorious "credibility gap" that was straining traditional ties between government and the media, and between government and the average citizen.[20] The dichotomy between government pronouncements and events in Indochina — heightened by the reportage beamed nightly via satellite into living rooms across the nation — was by late 1967 becoming increasingly obvious.[21] Johnson bore the primary responsibility for this, though Westmoreland's headquarters in Saigon came a close second.

At this point, Westmoreland was called to Washington again. After briefing the White House and members of Congress, he spoke at the National Press Club on November

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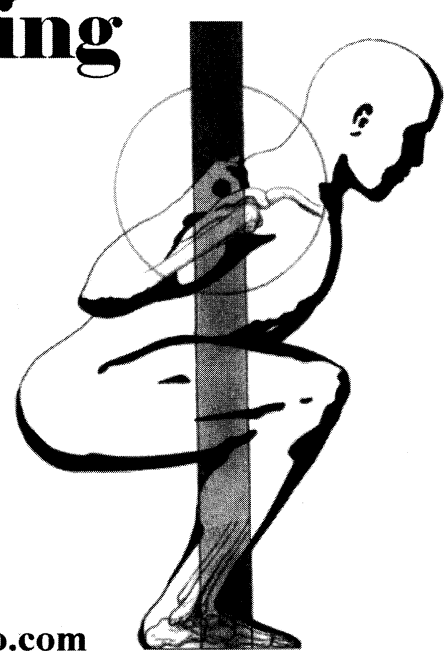

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21. Here he stated, "We have reached an important point when the end begins to come into view." He went on to say that Viet Cong strength in South Vietnam was "declining at a steady rate." Within two years or less, he asserted, the beginning of a turnover of responsibility to the South Vietnamese was foreseeable.[22] The next day's Washington Post lead story was headlined, "War's End in View, Says Westmoreland."[23]

Westmoreland's words would soon come back to haunt him. For the enemy had prepared a riposte of great boldness and breathtaking scope.

The Other Side of the Hill

A general Viet Cong-NVA offensive in South Vietnam was first mooted within the North Vietnamese leadership at the end of 1965.[24] In January 1967 General Nguyen Chi Thanh, the top Communist commander in South Vietnam, proposed what became the Tet Offensive.[25] Thanh was killed in a U.S. bombing raid the following July, but in that same month the North Vietnamese Politburo sanctioned the "General Offensive and General Uprising" that was designed to win the war.[26]

Whether the North Vietnamese leadership actually believed the offensive would result in military victory is unknown. Vietnam has not opened the relevant archives to scholars.[27] Naturally, those who were to carry out the offensive were told it would bring victory.[28] Whether the leadership believed this must be doubted, though the Communist propensity for self-deception should not be discounted. Certainly, the timing of the offensive points to an attempt to produce the maximum *political* effect in the United States during an election year.

Additionally, the Vietnamese Communists saw the offensive as a means of relieving pressure on their own forces, locked as these were in an ongoing struggle of attrition with the Americans.[29] Westmoreland's troop strength and firepower were still growing in 1967, and his forces had for the most part held the initiative since the late summer of 1966. Most worrisome from the Communist point of view, the Viet Cong's base of support in the countryside was being eroded by the flight of many peasants to the relative safety of the cities.[30]

The Communist conception was for an offensive in three stages. First, they would launch preliminary attacks in remote areas, to lure U.S. forces away from South Vietnam's cities. In the second stage, the Viet Cong, aided by the NVA, would attack the cities. It was hoped that this would lead to a popular uprising against the South Vietnamese government and the Americans, with the South Vietnamese armed forces (or large parts of them) switching sides to join the attackers. If the second stage succeeded, it was planned to deliver the coup de grace by a direct invasion of the South from the North.

No one who has studied Lyndon Johnson objectively can avoid the conclusion that he was a liar, a coward, and a bully.

Such was the plan. N-Day (equivalent to D-Day in the Vietnamese language) was fixed for Tet (the Vietnamese lunar New Year and the most important holiday on the Vietnamese calendar), which was to begin on January 31, 1968.[31]

On the Eve of Tet

Preparations for the offensive were thorough and efficient — remarkably so, given the Communists' primitive logistical base. Secrecy was maintained right up until N-Day.

Once convinced that a major Communist offensive was imminent, Westmoreland still failed to sound the alarm publicly. As a result, the psychological effect of Tet was considerably greater than it would otherwise have been.

Nevertheless, there were indications of what was to come. At the end of October, the Viet Cong attacked the district capital of Loc Ninh. Rather than making a hit-and-run raid, they tried to take and hold the town, a tactic they had previously avoided. In November, the NVA undertook a major operation at Dak To, near the point where the borders of South Vietnam, Laos, and Cambodia met. An NVA document captured during the battle seemed to indicate a changeover to more conventional infantry tactics. Westmoreland refused to place any significance in this.[32]

An increase in enemy activity throughout South Vietnam was discernible, at least to U.S. soldiers and officials who had their ears to the ground. These did not include Westmoreland and his staff, or Johnson's military and civilian advisers in Washington. In late November, the CIA's Saigon station put out a paper on the indications of a change in Communist strategy.[33] Westmoreland's HQ vigorously disputed the CIA's interpretation, maintaining instead that the enemy's strength was waning.[34]

In mid-December, the U.S. command turned over responsibility for the defense of Saigon to the South Vietnamese Army. As part of its strategy for 1968, it planned to deploy some three-quarters of its forces in the III Corps Tactical Zone (south-central South Vietnam, including Saigon) away from the towns to defeat the enemy in the distant countryside. This was exactly what the enemy was hoping the Americans would do.[35]

One high-ranking American officer was not fooled. He was the commander of U.S. forces in III Corps, Gen. Frederick Weyand. Weyand, a former chief of Army Intelligence, had become alarmed by such intelligence as there was indicating enemy interest in Saigon. He voiced his concerns to Westmoreland in a face-to-face meeting on January 10.[36]

Since the middle of December, Westmoreland had come round to the idea of a major Communist offensive, though not one aimed specifically at the cities.[37] After his meeting with Weyand, he gave orders for U.S. troops to move back closer to the populated areas.[38] Had this not been done, Tet might have proved a military disaster on a scale not experienced by U.S. forces since the Chinese hordes crossed the Yalu in Korea in 1950.

Westmoreland and his J-2 (staff officer responsible for intelligence) briefed the U.S. mission in Saigon on January 15. Westmoreland was now convinced that a major Communist offensive was imminent, though he still did not believe it would be directed against the cities.[39] In any case, he failed to sound the alarm publicly. As a result, the psychological effect of Tet on the U.S. public and officialdom was to be considerably greater than it would otherwise have been.

In early January, the North Vietnamese began massing forces near the Marine firebase at Khe Sanh, near the Laotian border. The specter of Dien Bien Phu suddenly gripped President Johnson and his advisers. But their focus on the big picture remained blurred; they were, for all intents and purposes, oblivious to what the enemy had in store.[40] (Their attention was further diverted by the North Korean seizure of the *U.S.S. Pueblo* on January 23.)

The Battle Is Joined

The enemy's offensive began in the early hours of January 30, due to a mix-up caused by North Vietnam's recent introduction of a new lunar calendar.[41] The offensive began with attacks on seven towns in northern South Vietnam, including Nha Trang, Da Nang, and Pleiku.[42] On the 31st the storm truly broke. Attacks were launched from the Demilitarized Zone in the north to the Mekong Delta and beyond. All told, Communist forces struck at 36 of 44 provincial capitals and 64 of 242 district capitals.[43] Most spectacularly, they assaulted Saigon itself, the national capital and nerve center of the Allied war effort. A squad of Viet Cong soldiers briefly penetrated the U.S. embassy compound — an insignificant event from the military point of view, but one that had an immediate and profound psychological impact in America.

An observer versed in military affairs should have known almost immediately that with this offensive the enemy had committed an enormous blunder. While the attacks were boldly conceived and well coordinated, the Communists had exposed the cream of their forces to the overwhelming firepower and superior mobility of the Americans. The American forces, which had spent most of the previous two and one-half years chasing the enemy through jungles, now had him in their gun sights. A great slaughter followed.

This is not to say that the battle was entirely one-sided. The enemy had achieved tactical surprise, and his troops fought and died with great bravery. American casualties were heavy — some 500 per week killed during the height of the fighting — and bitter, drawn-out battles occurred, particularly at Hue (the old Vietnamese imperial capital), which took weeks to clear. Nevertheless, it was soon obvious that the offensive was a failure. Notably, the South Vietnamese civilian population and armed forces made no move to join the attackers.

The battles of Tet were over by early March. Despite enormous casualties, the Communists conducted fresh offensives in May and September. These too failed. The Viet Cong never recovered from Tet and the succeeding offensives. They could not make good their losses, particularly among experienced cadres. Essentially, the war against the Viet Cong was won in 1968.[44] This U.S. victory was, however, a Pyrrhic one. For at home Tet was perceived as a U.S. defeat.

The American Reaction: Collapse of the Home Front

The shock wave of Tet hit the American home front almost as hard as Pearl Harbor. The public had been told that we were winning, that month by month the enemy was losing strength. Tet gave the lie to the claims of the president and his advisers. Westmoreland now paid the price for his earlier optimism, and for his failure to sound the alarm bell publicly in the days before the enemy's offensive opened.

The Johnson administration and the U.S. military unquestionably bore primary responsibility for the shock and revulsion felt by the U.S. public over Tet. For years, they had misrepresented the causes, progress, and objectives of the war. Now the trust between government and the governed was broken; the credibility gap became a chasm. The tremendous military defeat suffered by the enemy simply did not register in such an atmosphere.

That said, the role played by the media both before and after Tet was highly deleterious.[45] Despite some doubts about the conduct of the war, the major newspapers and television networks had generally toed the government line on Vietnam.[46] Blindsided by Tet, they now turned with a vengeance on the administration and Westmoreland. They neglected to look inward and analyze their own mistakes. Worse, they failed to report accurately what was happening on the battlefield.

Two events epitomized the media's failure. First was the absurd coverage given to the penetration of the U.S. embassy grounds in Saigon by a few Viet Cong.[47] Militarily, this event lacked even tactical significance, but for the media it symbolized the hollowness of the administration's pre-Tet claims. It received tremendous coverage during the first crucial hours and days of the battle. It dominated both television and newspaper coverage — rivaled only by graphic pictures of the South Vietnamese national police chief publicly executing a man suspected of being a VC. The larger and far more

An increase in enemy activity throughout South Vietnam was discernible to U.S. soldiers and officials who had their ears to the ground. These did not include Westmoreland and his staff, or Johnson's military and civilian advisers in Washington.

important events of Tet were, by comparison, either downplayed or misinterpreted. Context, to say the least, was missing.

Visiting the scene after the clearing of the embassy grounds, Westmoreland spoke of the battle in general as an enemy defeat. He was correct — but the correspondents to whom he addressed his remarks weren't buying it. This moment, captured on film, cost Westmoreland what credibility he still had with the press corps and the public.

The second event occurred in late February. The passage of a few weeks had not caused the media to pause and reflect. Now "the most trusted man in America" set a seal on the prevailing view of Tet as a defeat.

In 1968, the anchor of the CBS Evening News was Walter Cronkite. He was a veteran journalist who had seen war at first hand. Like most of his professional brethren, he had supported the war before Tet.[48] His reporting from Vietnam in 1965 had done much to calm the public's nervousness about a land war in Asia. During Tet, he returned to Vietnam for another look. He came back to the States to host a CBS News special on the crisis.[49]

At the close of this program, Cronkite chose to editorialize. His "personal assessment" of the situation was highly colored[50] and failed to reflect the reality on the battlefield. No mention was made of American successes or the enemy's heavy losses.

This was perhaps the most irresponsible piece of journalism ever printed or broadcast by an American of influence. A journalist held almost in awe by much of the nation took it upon himself to declare a war stalemated and negotiations with the enemy a necessity, based on a few days of personal observation of the situation. It was the most powerful of the blows that were being delivered by the media against the U.S. war effort (in what amounted to a veritable "treason of the clerks").

Johnson's press secretary, George Christian, later remarked that when Cronkite changed on the war "the shock waves rolled through the government."[51] "If I've lost Cronkite, I've lost the country," LBJ was said to have remarked.

Denouement

At this moment (March 1968), a U.S. victory in Vietnam was still possible. The enemy had been badly beaten in the first major, semi-open fighting of the war. According to textbook strategy, the time was ripe for a knockout blow. The enemy had been weakened; he must not be given the opportunity to recover. A renewal of U.S. offensive operations on the ground in South Vietnam, combined with an intensified air campaign against the North, might have achieved victory or at least peace on terms similar to those obtained by Richard Nixon in 1973.

It was not to be. Westmoreland wanted to clean up the situation left by Tet and then regain the initiative through offensive operations.[52] To do this he requested an additional 206,000 troops, which would have brought his strength up to almost three-quarters of a million men.

Johnson hesitated. He called upon his new Secretary of Defense, Clark Clifford, to undertake a complete review of Vietnam policy. Clifford, who had never believed in the policy,[53] swiftly quashed the idea of a big troop increase. Johnson, after mulling the situation for a few weeks, on Mar. 31 announced a halt to the bombing of North Vietnam above the 20th parallel. He also called for negotiations to end the war. Westmoreland was given a token reinforcement of 24,500 men — the last troop increase of the war.[54] In the same speech, Johnson withdrew as a candidate for reelection to the presidency. The final chance to win the war was gone. Tet had ultimately paid off in a big way for the Vietnamese Communists.

Why did the nation fail to rally behind the war effort after Tet, as it had after Pearl Harbor? As already mentioned, it felt betrayed by the Johnson administration. Despite the government's claims, the war, it seemed, had been going badly all along. What point could there be in pouring more resources into a losing cause? The media, which in different circumstances might have led public opinion back to support for the war, instead did the opposite. It allowed its resentment of the administration to influence its reporting and analysis of events. At no point during or after Tet did it undertake an objective assessment of the military situation in Vietnam (it had similarly failed to do so when we were "winning").

Even more fundamental was the fact that Vietnam was a luxury war, not one that truly involved the national interest. This being so, it should never have been fought — or, if the nation's leadership was determined to fight, then overwhelming force should have been used from the start, in order to achieve a quick victory. It was sheer nonsense to believe that the citizenry would stand for a prolonged stalemate against a fourth-rate power, while American boys bled and died in the thousands. The lesson of the last two years of Korea was plain.

Johnson and his advisers saw the Cuban Missile Crisis as the template for Vietnam.[55] Their view was that modulated responses, the prudent application of U.S. power, would bring the desired result. They could not have been more wrong. The American people, and above all the peoples of Indochina, suffered terribly for their misjudgment.

Tet was a landmark in the decline of Western power and prestige in Asia, on a level with the fall of Singapore (1942) and Dien Bien Phu. It can also be said to mark the ebb of America's westward expansion, which, far from ending at the Pacific, reached out across that ocean to Hawaii and the Philippines, and then to the rim of Asia in the war of 1941–45 against Japan. Victory in Vietnam would have established the American military permanently on the Asian mainland at Cam Ranh Bay, and given U.S. oil companies unfettered access to the rich deposits of the South China Sea. Whether this might have led eventually to an even bigger war with China is impossible to say. Perhaps our "defeat" at Tet was a blessing in disguise, after all. ❑

Notes

1. Strictly speaking, a gamble in military terms involves "an operation which can either lead to victory or to the complete destruction of one's force" — thus Field Marshal Erwin Rommel in "The Rommel Papers" (New York: Harcourt, Brace and Company, 1953) 201. According to Don Oberdorfer's classic "Tet! The Turning Point in the Vietnam War" (Baltimore: The Johns Hopkins University Press, 2001), 116 and 363, the Communists employed 67,000 troops at the opening of Tet, about 28% of their available force. Thus, Tet was not truly a "gamble."

2. "'The Pentagon Papers,' Gravel edition" (Boston: Beacon Press, 1971) III, 1–3.
3. Marjorie Billings-Yun, "Decision Against War" (New York: Columbia University Press, 1988) 7–9.
4. On this, see Billings-Yun, also David Halberstam, "The Best and the Brightest" (New York: Random House, 1972) 136–45.
5. The Vietminh were exhausted after almost eight years of war. So were the Chinese Communists, who had spent the previous 20 years fighting first the Chinese Nationalists, then the U.S. in Korea. See Nikita Khrushchev, "Khrushchev Remembers" (Boston: Little, Brown and Company, 1970) 481–83. The main obstacles to U.S. intervention in Indochina in 1954 were logistical, but these could have been overcome. Nineteen fifty-four was perhaps the one moment in its history when the United States could have fought and decisively won a conventional war on the mainland of Asia.
6. So named by Vice President Lyndon Johnson during a May 1961 visit to South Vietnam.
7. On the overthrow of Diem see "Pentagon Papers" II, 224-70; also Howard Jones, "Death of a Generation" (New York: Oxford University Press, 2003) 407–42.
8. On the possibility of a negotiated peace between the overthrow of Diem and the 1965 escalation see Fredrik Logevall, "Choosing War" (Berkeley and Los Angeles: University of California Press, 2003), and Halberstam 369–78. On the case for staying and fighting, see W.W. Rostow (Johnson's National Security Advisor, 1966–69), "The Case for the Vietnam War" in Parameters (Winter 1996–97) 39–50.
9. "Pentagon Papers" III, 389–478; Halberstam 537–602.
10. Ernest B. Furgurson, "Westmoreland: The Inevitable General" (Boston: Little, Brown and Company, 1968). A brief but perceptive character study of the general can be found in Halberstam 547–62.
11. Halberstam 619.
12. Oberdorfer 78–86.
13. Halberstam 641–42. In the spring of 1967, Westmoreland wanted to expand the ground war into Laos so he could block the Ho Chi Minh Trail, down which the great bulk of Communist supplies flowed. According to North Vietnamese colonel Bui Tin (who in 1975 accepted the surrender of Saigon, then in 1990 fled Vietnam for the West), had this been done Hanoi "could not have won the war" (interview of Stephen Young with Bui Tin in the Aug. 3, 1995 Wall Street Journal). Bui did not mention the possibility of Chinese intervention, which is believed to be the reason why LBJ refused Westmoreland's request.
14. Oberdorfer 93–97. See also Deborah Shapley, "Promise and Power: The Life and Times of Robert McNamara" (Boston: Little, Brown and Company, 1993) 428–32. It was actually the Preparedness Investigating Subcommittee that held the hearings under Armed Services Chairman John Stennis. Ironically, this subcommittee had been established in 1950 by Sen. Lyndon Johnson.
15. "Pentagon Papers" IV, 107.
16. This event has been memorialized by David Maraniss in "They Marched Into Sunlight" (Riverside, N.J.: Simon and Schuster, 2003) and in the excellent PBS video "Two Days in October," which is based on the book.
17. Oberdorfer 82–83.
18. Halberstam 603–10.
19. Both public and private records are replete with Johnson's lies. As to his being a coward and a bully, see the telling anecdote (involving Marine Corps Commandant Wally Greene) in Halberstam 437–38. Johnson was a thoroughly corrupt politician. He became wealthy despite spending his entire working life on the public payroll. He was also a very vulgar man. In short, he should never have risen higher than dogcatcher in a dusty Texas town. His ascent to the highest office speaks ill of the American political system and of our society in general.
20. See for example, Halberstam 584–601.
21. For the media's growing disenchantment with Johnson's Vietnam policy: Oberdorfer 86–92. For rumblings among the public, 111–13.
22. This in fact happened on almost the exact timetable Westmoreland had announced, with the beginning of Vietnamization in 1969. Much has been made of this by Westmoreland's defenders. Context, however, is everything in this matter. Westmoreland in 1967 projected the gradual turnover of responsibility to the South Vietnamese as a step that would follow the suppression of the Viet Cong-NVA insurgency. The timetable would depend on the successful completion of his attrition campaign. Vietnamization actually came about under Nixon as a stopgap, a means of buying time both on the battlefield and with the American public, thus avoiding a precipitate U.S. withdrawal.
23. Peter Braestrup, "Big Story" (Boulder, Colo.: Westview Press, 1977) 59. Earlier, in July, while in the United States for his mother's funeral, Westmoreland had told reporters that "tremendous progress" had been made in the war, and that reports of stalemate were "pure fiction" (Oberdorfer 103).
24. Oberdorfer 51.
25. Bui Tin interview in The Wall Street Journal (Aug. 3, 1995).
26. Oberdorfer 42–54.
27. On this see "Vietnamese Archives and Scholarship on the Cold War Period: Two Reports" at the Woodrow Wilson International Center for Scholars website. Most relevant here is the report, "The Archives of Vietnam and the Indochina Wars," by Robert K. Brigham.
28. Oberdorfer, 54 and 75–76.
29. Bui Tin interview, The Wall Street Journal.
30. Oberdorfer 53. On the American attitude toward "depriving the enemy of the population" see Westmoreland's callous remark to Neil Sheehan, reported in Halberstam 550.
31. Both sides had previously adhered to a truce during Tet. The North Vietnamese undoubtedly saw the truce and its accompanying holiday celebrations as a favorable moment to strike.
32. Oberdorfer 107–108.
33. *Ibid.*, 120.
34. "Pentagon Papers" IV, 538–9; Oberdorfer 120.
35. Oberdorfer 136–37.
36. *Ibid.*, 137.
37. *Ibid.*, 120–1. Braestrup xxv.
38. Oberdorfer 137.
39. *Ibid.*, 121.
40. The siege of Khe Sanh was to preoccupy Johnson, the media, and the public for weeks. It was an outpost of at most tactical significance, and should have been abandoned once the NVA's interest in it became known.
41. Oberdorfer xi.
42. *Ibid.*, 121–26. U.S. forces had advanced warning of the attack on Pleiku, thanks to captured enemy documents.
43. Braestrup 139.
44. Needless to say, the NVA remained in the field, bloodied but unbowed, and its forces carried out the offensive that eventually won the war in 1975.
45. The role of the media is covered comprehensively in Braestrup's "Big Story." See also Oberdorfer 238–75.
46. There were, of course, individual exceptions — among them David Halberstam and Neil Sheehan reporting from Vietnam, and the syndicated columnist Walter Lippmann.
47. For a narrative of this event, see Oberdorfer 2–40.
48. *Ibid.*, 248.
49. *Ibid.*, 248–50.
50. At one point, he held forth on the prospect of Vietnam leading the world to "the brink of cosmic disaster." The full text of his remarks can be found in Oberdorfer 250–1.
51. *Ibid.*, 247.
52. "Pentagon Papers" IV, 546–49.
53. Halberstam 596–97.
54. Any possibility of Johnson approving Westmoreland's call for over 200,000 more men was ended when news of the request was leaked to the press. Published in The New York Times on March 10, it produced a firestorm of criticism second only to that provoked by Tet itself.
55. Halberstam 591.

"Laissez Faire": R.I.P.?

by Bruce Ramsey

Thirty-six years ago, when libertarianism was just a gleam in the eyes of a few individuals, a wonderful institution was started — a bookstore, of course.

Laissez Faire Books, one of libertarians' major ways of identifying and acquiring good things to read, announced on Oct. 13 that it was going out of business. Then, in mid-November, as were going to press, it announced that it had been bought by the International Society for Individual Liberty, and would retain its laissezfaire.org web page. It had already sold its web page www.lfb.com.

For a month, we thought LFB was done. It had been a remarkable institution, and we had prepared the following story about it. That there is a serious effort to keep it going is good news, but its fate remains in doubt, and its story, the story of its rise and struggle and the reasons for its possible demise, is still worth telling.

Begin with what LFB's competitors, amazon.com, abebooks.com, and others have done in the book business. Said Andrea Millen Rich, who ran LFB through its most prosperous and influential period, "Earlier this year, my own husband bought [Milton Friedman's] 'Capitalism and Freedom' from Amazon. I said, 'How could *you*, of all people, buy it from Amazon?' He said, 'Well, I was ordering some books from them, and I just thought of it.' That is what happened to Laissez Faire Books. It became so easy to buy from Amazon instead."

That is part of the reason for LFB's peril. The other part is that LFB's catalogue has not been as sprightly and provocative as it once was, and it has not offered as many really good new titles as it once did. The bookselling world changed, Laissez Faire Books changed, and maybe the libertarian world changed too. Wrote Rich's successor, Kathleen Nelson, in her announcement: "I suppose the market has spoken."

It has, though perhaps not finally.

John Muller, a civil engineer, and Sharon Presley, a student in psychology at the City University of New York, were the founders of Laissez Faire Books. On March 4, 1972, they opened a small storefront in New York's Greenwich Village, and had a party with such luminaries as Murray Rothbard,

Roy Childs, and Jerome Tuccille. It was a time when radicalism burned hot. Recalled Presley, "We saw ourselves as part of what Albert Jay Nock called 'The Remnant' — a small minority who understood the nature of the State and who would be left when the current insanity became unworkable."

LFB's Mercer Street store became a social center for New York libertarians. "It was always intended to be more than just a bookstore," said Presley, now a lecturer at California State University, East Bay. "We created a community of people who maybe didn't know how to get in touch with each other. We held events. Peter Breggin spoke, and Edith Efron." There were also film showings, such as the various episodes of the science-fiction TV series "The Prisoner."

"It ain't easy dealing with some of these genius types. But it was certainly worthwhile."

LFB was a place to visit from afar. Prof. Peter Boettke of George Mason University recalled buying Carl Menger's "Principles of Economics" (1871) in that store. Prof. Aeon Skoble of Bridgewater State College fondly remembers discovering Steve Ditko's "Static" underground comics. In a rare cross-country visit in 1983, I was delighted to reel in a copy of H.L. Mencken's "Treatise on the Gods" (1930).

"Laissez Faire Books carried *everything* that was libertarian," said Andrea Rich. "There was so little in those days — and they had all of it."

But LFB did not make money. Even though it was a tiny store, yet grossed more than $100,000 in 1980, the owners "just couldn't keep it going," as Rich recalls.

One day, she heard that LFB was about to go out of business. "I talked to Howie about it" — referring to her husband, property-rights activist Howard Rich — "and we bought it, in February 1982." Andrea and Howard brought a practical attitude toward the store. "This was a *business*," she said. "All these very lofty things about keeping the movement going were great, but this was a business, and if we didn't conduct it like a business, there was going to be nothing."

To survive, LFB had to sell more books, and the way to do it was mail-order. LFB had advertised in libertarian magazines, and from 1972 to 1977, had published Laissez Faire Review — a review and catalogue. Andrea Rich, helped by Howard, set out to build up the mail-order business. "We bought lists, 50,000 to 70,000 names," Andrea says. LFB eventually developed a roll of 25,000 to 30,000 names and kept it fresh for many years.

There were hiccups, especially at the start. "We had this beautiful two-color mailing, very expensive on high-quality paper, for [Murray Rothbard's] 'The Ethics of Liberty,'" Andrea recalls. "We were all sitting there, stuffing these envelopes by hand, and I noticed that it said, 'The Ethnics of Liberty.' Oh my God, we had to destroy the whole thing."

About this time, Laissez Faire Books was given a hand by the proprietors of the Conservative Book Club: Neil McCaffrey, Jr., his son Neil III, and his daughter Maureen. "They were hugely bigger than us," Andrea said, "and they didn't have all that much reason to help us." But they did, first by renting their mailing lists, and then by pointing out what other lists to rent and what book shows to attend.

In 1984, the company changed its status to nonprofit — not out of a disdain for profits or the lack thereof, but because it saved $60,000 a year in postage.

Also in 1984, the company hired Roy Childs. He was a movement firebrand who had allied himself with anarchists Karl Hess and Walter Block and had made a splash in 1969 with his "Open Letter to Ayn Rand." He was also the libertarian movement's premier writer on books. In the mid-1970s he had edited Bob Kephart's newsletter, Books for Libertarians, which later became Libertarian Review. Editing that magazine, which was kept alive through 1981 by Wichita oilman Charles Koch, had been the high point of Childs' life. But the magazine was gone, and in 1984 Childs went back to selecting, reading, and expounding on books.

He was extraordinarily good at it. "Roy understood that he was not just describing these books to people." Andrea recalled. "Roy had a way of making the review of a book into something you wanted to eat. What he would write would be so sensuous, so passionate, so delicious, that you didn't just read it. You wanted to consume it."

"It was not always easy dealing with Roy," she said. "You gave him a deadline, and it was laughable. Just totally laughable. We finally got to the point where we were paying him for a delivery: 'You give me a review, I give you a check.' It ain't easy dealing with some of these genius types. But it was certainly worthwhile."

Childs was LFB's intellectual artillery. "I was never that," Andrea said. "Lots of people thought I read every book we sold. That was not me. I didn't read all these books. I just sold them."

New editors bring new offerings. Under Sharon Presley, LFB sold such feminist works as "Concerning Women" (1926) by Suzanne LaFollette. It was strong on libertarian-themed science fiction — Eric Frank Russell's "The Great Explosion" (1962), for example. It was strong on anarchism, carrying the works of individualist anarchists such as Benjamin Tucker and Lysander Spooner and left-anarchists such as Emma Goldman and Peter Kropotkin. Presley recalled a visit to the store by Bob Dylan, who asked for haiku. She explained that

"It was always intended to be more than just a bookstore. We created a community of people who maybe didn't know how to get in touch with each other."

LFB was an anarchist bookstore, and referred him to a copy of "The IWW Songbook." He looked at it but did not buy.

"I was not as knowledgeable about science fiction as Sharon was," Andrea said. "I would carry the obvious things, but I didn't find and discover the new stuff unless they were the guys who hung out at Laissez Faire." Neil Schulman was one, and the catalogue carried his "Alongside Night" (1979) and "Rainbow Cadenza" (1983).

"The official Randians were shocked and horrified that they were getting things in the mail for a libertarian book service. And they did not write, 'Please remove my name from your mailing list.' 'Please' was never part of it."

Roy Childs "was not a big science fiction person either," said Andrea. After he came, LFB tended to follow his interests: philosophy, political theory, economics, and to some extent history. Left anarchism went away, and there wasn't much new being written about individualist anarchism, or explicitly individualist feminism.

Political theory was big. There were the classics, such as Rose Wilder Lane's "The Discovery of Freedom" and Isabel Paterson's "The God of the Machine," and also Nozick's "Anarchy, State, and Utopia" (1974). "It was such a phenomenon," Andrea said of the last work. "After it won a National Book Award, a lot of writers got book contracts on the strength of Nozick's success."

Laissez Faire's long-term bestseller was Henry Hazlitt's short, inexpensive, readable, and conservative-friendly "Economics in One Lesson" (1946). "Year in and year out, we could count on selling approximately 3,500 copies," said Andrea. "That's 52,500 copies in 15 years. We never had more than 30,000 customers, and most of the time not that many. We figured it must have been people giving copies to family and friends."

LFB also carried quite a few academic titles in economics, though not nearly as many as publishers submitted. For some authors the LFB catalogue was a kind of badge. Writes Boettke, author of "Why Perestroika Failed" (1993), "When I decided that I wanted to be an academic economist one of my goals was to have some book of mine carried in LFB. The fact that my first book was on the cover and reviewed so favorably by Roy Childs was a dream come true."

The anchor tenants of the economics pages were Thomas Sowell, who was extraordinarily prolific, the late Ludwig von Mises, and Murray Rothbard. "Rothbard was gold for us," Andrea said. "Anything by Rothbard."

Ayn Rand, who had had the biggest market of all, died in 1982. But books by and about Rand continued on, as did books in Rand's tradition, such as "The Ominous Parallels" (1983) by her official heir, Leonard Peikoff.

Among Randians, Peikoff's book "was a very big deal," Andrea said. "He came to Laissez Faire Books, and we had an autograph evening for him. I was told [that] when asked why he agreed to do that, he said, 'This book is very important. I would sign books for Attila the Hun.' Later, he spoke for Jim Blanchard's gold conference in New Orleans and autographed books for us there twice, because we were the official booksellers there. Then the even more rigorous Randians pointed out that we had carried anarchist books. So Leonard broke with us." Rand greatly disliked anarchism. She also disliked what she regarded as "libertarianism," which she associated with irrational forms of radicalism.

About that time, Robert and Beatrice Hessen sold Palo Alto Books, a Rand-oriented mail-order company, to Laissez Faire. Andrea recalled: "The official Randians were shocked and horrified that they were getting things in the mail for a *libertarian* book service. And they did not write, 'Please remove my name from your mailing list.' 'Please' was never part of it. It was, 'How dare you think you could have my name to send this garbage! You make sure I never get one of these again.' "

The Randians gravitated to their own booksellers, such as the Ayn Rand Institute, set up by Peikoff in 1985, and the Objectivist Center, set up by David Kelley in 1990. Rand's fans, however, remained a big part of LFB's customer base. And that made Barbara Branden's biography, "The Passion of Ayn Rand" (1986) perhaps LFB's biggest event of the 1980s. Since 1968, when Rand excommunicated her chief assistants, Barbara and Nathaniel Branden, rumors had circulated that she had had a sexual relationship with Nathaniel. By 1986, most libertarians had heard this story, but not all of them believed it, and few knew the details. Now there it was in print, told by the woman whose husband was involved.

Barbara Branden spoke at Laissez Faire Books, and more than 300 people showed up. "What a cathartic event that was!" Andrea recalled. LFB sold tapes of the event. And, Andrea said, "We bought 6,000 copies of the book. We sold them, and went back for another 4,000, and another 3,000. Maybe we sold 20,000 all together."

LFB made money by its ability to buy at large discounts. "We would dicker, and make a deal on how much we were willing to pay," Andrea recalls. "Howie taught me to be a pretty good negotiator, and that's the only way we could have existed." Howard also set the rule that LFB would buy only nonreturnable books, because books that couldn't be sold back to the publisher were cheaper.

When Roy Childs died, he was replaced by Jim Powell. He didn't write with the sizzle that Childs had, but he wrote clearly and knew his stuff. Laissez Faire was saved. For a few years, business continued to improve.

For books aimed principally at the libertarian market — and LFB *was* the libertarian market — publishers had to reach a deal with LFB before committing to a press run. Andrea observed, "This happened over and over. It even happened with the big publishers: Random House, Simon & Schuster, and HarperCollins. In cases where we could not negotiate a deal, we didn't carry the book."

Well, mostly. For years, LFB had good relations with the University of Chicago Press, until new management refused to deal with LFB on a book-club basis. "For a few years we did not carry any of the works of Milton Friedman and F.A. Hayek," Andrea said. "On that one I gave in. It was just too embarrassing not to be carrying 'Capitalism and Freedom' and 'The Road to Serfdom.'"

By the mid-1980s, New York City had begun to recover from the shabbiness of the '70s, and rents went up. LFB's landlord raised the rent from $900 a month to $3,000; and the bookstore had to widen its market or move. One way was to sell to non-libertarians: "I tried an experiment. I got five copies of the Village Voice and put them out. We were across the street from NYU, and we could not sell five copies in a week."

Another way was to sell to *more* libertarians, by mail — which didn't require a street-level address. Andrea moved the store into the seventh floor of a building on Broadway that was full of sweatshops. The rent was smaller, the space was bigger, and libertarians still managed to go to the showroom there.

LFB stayed in that place for five years, and when it moved it was for a personnel reason. Andrea Rich is a sparkplug of ideas, a strong leader, but she needed a store manager who could keep track of the details. She found such a person, Anita Anderson, to do the job for three years, but Anderson moved to San Francisco to be near her family. None of the replacements whom Andrea hired was as competent in her view — so in 1989 she asked Anderson if she would run LFB if Andrea moved the operation to the West Coast.

Yes, she would. And so, said Andrea, "Young Neil McCaffrey brought his crew of guys down, packed us up overnight, helped us rent a truck, and we moved everything to California. Retail sales went down, but catalogue sales went up."

The next shock, in 1992, was the death of LFB's master of marketing, Roy Childs. For years he had suffered from his weight; he no longer came into the LFB office to write; he had become apartment-bound. When he died, he weighed 475 pounds. At LFB, Andrea said, "We thought life was over. I was sure it was the end of us when Roy died. A lot of people wanted to do his job, but they didn't have any idea of how to sell a book." Childs was replaced by Jim Powell. He didn't write with the sizzle that Childs had, but he wrote clearly and knew his stuff. Laissez Faire was saved. For a few years, business continued to improve.

In the early 1980s Andrea had reprinted Morris and Linda Tannehill's self-published "The Market for Liberty" (1970) under the Laissez Faire name, so it could have copies to sell. Soon enough, Andrea set up a separate book imprint, Fox & Wilkes, named after the 18th-century English liberals Charles James Fox and John Wilkes. LFB used the Fox & Wilkes brand for years. With Rothbard's "For a New Liberty," it revived a book that Macmillan had printed a few times and dropped. John T. Flynn's "The Roosevelt Myth" (1948) was another revival. Fox & Wilkes' selection was heavy on radical works, such as Franz Oppenheimer's "The State" (1914) and Albert Jay Nock's "Our Enemy, the State" (1935). Another was Walter Block's "Defending the Undefendable" (1976) — a book Sharon Presley had said was indefensible and Roy Childs had defended. Andrea was particularly proud of offering "The Lysander Spooner Reader," which provided works by the 19th-century individualist that were otherwise available only in booklets and pamphlets.

Reprints were crucial in the pre-internet era, when the used-book market was fragmented into tens of thousands of secondhand bookshops. I used to frequent those shops; I remember running across a copy of a first edition of "The State" in a bookstore in Vancouver and agonizing over it, knowing that I might never find it again. Today I see that Abebooks.com offers 71 copies of "The State," from sellers in Canada, Australia, the U.K., Ireland, and the United States, one of them at a lowbrow secondhand store five miles from my house. I see also that the book has been available from at least eight publishers over the past 93 years, including Fox & Wilkes, at prices, including shipping, from $7.66 to $218.80; and that the Bobbs-Merrill edition of 1914, which is the one I found in Vancouver, can be ordered from sellers in Randallstown, Md.; Sylva, N.C.; Bar Harbor, Maine; Austin, Texas; Conway, Mass.; and San Francisco and New York.

Today there is also print-on-demand, and new offerings of short-press-run books such as the Garet Garrett novels, which the Ludwig von Mises Institute has now printed for the first time in 80 years. None of this was available in the early '90s.

The years 1993–1995 were the peak of LFB's business, with annual revenue touching $1.3 million. They were also a political peak of sorts. "The conservatives took over in Washington, and liberty was here," Andrea recalls with a chuckle. But it wasn't just conservatives who seemed to be taking over. On Jan. 20, 1995, two and a half months after the Republicans' historic sweep of Congress, The Wall Street Journal ran a page-one story by Gerald Seib with the headline:

> *Less is More*
> Libertarian Impulses
> Show Growing Appeal
> Among the Disaffected
>
> ———
>
> When Government Fails,
> Many Voters Are Asking
> Who Needs It, Anyway?

At one point during this time, LFB briefly had a million dollars in the bank.

Then came a new thing — the internet booksellers. "We didn't see it at first," Andrea said. "We were so specialized, and surely Amazon was not going to bother with the kind

of books we did." But the very name Amazon indicated an ambition to become an unstoppable river of books, the biggest and widest.

The San Francisco operation of Laissez Faire Books was on the second floor of a warehouse on the low-class side of Market Street. It was not the best neighborhood. In the early '90s, when LFB was shipping containers of donated books to Eastern Europe, and having to load them in back of the building onto a truck, the LFB people had to go out and clear the place of bums. But LFB was still the world's premier libertarian book service. Such out-of-town authors as Charles Murray and Nathaniel Branden gave talks at its headquarters, and people from all over the world managed to visit the showroom.

Andrea communicated daily from New York and handled the major book buys. "She knew when books were in the works," said Anita Anderson, general manager in San Francisco. Powell wrote the book reviews from Connecticut, and Kathleen Nelson did the layout from Arkansas. Like Andrea, Anderson didn't read most of the books; her book guy was Dave Brooks, who had grown tired of teaching philosophy at a local college and had initially come to LFB for a job in the warehouse.

Anderson said people would telephone with book-related questions she couldn't answer. "I'd call Dave. He'd read all of Mises and Nozick and everybody. He could give them everything they wanted to know, and they'd end up buying the book. You need someone like that."

During the 1990s, LFB's book selection leaned more heavily toward works on public policy. The company's best customers were getting older, and they already owned the classics. Some of the policy books did well, though Anderson said, "Policy books drop quicker. A year later, they're discounted." That meant a greater risk of getting stuck with too many.

There were always books on which LFB bet wrong. One was Michael Paxton's "Ayn Rand: A Sense of Life" (1997), the picture book that went with his video documentary. Rand's novels were perennial sellers for LFB, and the company made a big order for "Sense of Life." It was a misjudgment. Said Anderson, "Most of the people who were interested in Rand didn't care about pictures."

Reprints were crucial in the pre-internet era, when the used-book market was fragmented into tens of thousands of secondhand bookshops. I used to frequent those shops.

More and more of LFB's business was being done by internet. Internet buyers tended to be younger, which was an encouraging thing, but they didn't have the same loyalty as paper-catalogue customers. Many of them requested that their names *not* be put on a list for snailmail. Selling to them was a one-off business.

Internet buyers tended to be younger. They didn't have the same loyalty as paper-catalogue customers.

By the end of the decade, LFB's business was shrinking, and because it could commit to fewer books, the discounts from publishers were thinner, and some publishers were no longer willing to deal with LFB as a book club. By the end of 2002, LFB was barely in the black. Anderson had left to have a baby and would come back only part-time. Andrea was ready to get out. "Nobody wanted to buy Laissez Faire Books," she said. She gave it to the libertarian Foundation for Economic Education under an agreement that the Foundation could give it back — which, after a year, it did. It had not even bothered to move the business.

"I convinced Andrea to take it back and give me a shot at it," said Kathleen Nelson. Nelson came to San Francisco for a quick lesson in management before moving the business to Little Rock. She had always worked out of her home; this was the first time in her adult life when she worked in an office.

LFB was not in good shape. It had stacks of unsold books. A few of the stacks were more than 1,000 volumes high. Revenues were down by half compared with the early-'90s peak. The mailing list — customers who had bought a book within the previous three years — was down by at least 10,000 from the peak, and the new rented lists were not producing enough names. Moving to Arkansas, however, permitted big cuts in costs. "Rents are a lot cheaper than in San Francisco," Nelson said. "Salaries also." She brought none of the San Francisco people with her, and the head count shrank by more than half.

Nelson is a plainspoken woman with no time to waste. She worked constantly, and found several employees willing to work 12-hour days. She kept Laissez Faire going for three years.

The struggle of LFB occurs in a changed market. "I think the libertarian market as a distinct market has virtually disappeared," said Jim Powell, who has been writing books since he left LFB: "Wilson's War" (2005) and "Bully Boy: The Truth About Theodore Roosevelt's Legacy" (2006). "For a market to

continued on page 69

A Question of Meaning

by John Hospers

In Liberty's October 2007 issue, Leland Yeager and Stephen Cox debated the question: Is there a God — and does it matter? A distinguished libertarian philosopher now offers his own response.

When asked whether I believe in God, I sometimes reply, "Yes — many gods. There's Zeus (Jupiter), and his nagging wife Hera, and a huge extended family of other gods — Poseidon, who rules the sea, and Pluto, in charge of the underworld, and so on in an unwieldy bureaucracy of overlapping functions, somewhat like the Departments of State, Defense, and Interior, all serving at the pleasure of the president."

People know from the start that I don't really believe any of this, and many of the ancient Greeks probably didn't believe it either. They didn't think that if they climbed to the top of Mount Olympus they would see Zeus face to face. Nor did they think of him as creator of the universe; they were fellow citizens of the universe, but not creators of it. Neither did the so-called problem of evil greatly concern them: why is there so much pain and suffering in the world?

If gods did not create the world, they are not responsible for its defects. Christian theology has been wrestling with that problem for centuries. But the Greek gods were hardly paragons of morality, and they weren't worshipped as Christians worship the God of the Bible. True, the gods were immortal (they didn't have to face death), but they were not avid moral lawgivers, and there were no eternal punishments for evildoers, and certainly not for unbelievers.

In Judaism there was one God; and the first of the Ten Commandments warned adherents, on pain of death, not to have any gods before him. Throughout the Old Testament, God was conceived in a highly anthropomorphic way. God talked with Adam and Eve in the garden in the cool of the evening. When he told them not to eat of the tree, they disobeyed; and in the end "he repented himself that he had made man."

Later on, God gave commands to Abraham, Moses, and Noah; and usually they would hear his voice and obey his commands. Apparently, God had a human voice that could be heard at great distances.

Had there been sound amplification, presumably Moses would not have had to go to the mountains to receive the commandments and then tell the Israelites about them second hand.

It is widely held today that the author of the first chapter of Genesis was not the author of all of it. In Genesis 1 we read that "In the beginning God created the heavens and the earth." God, that is, existed prior to the existence of the physical universe: God was not the product of physical forces but

the creator of them. And so the cosmic concept of chapter 1 was replaced by the anthropomorphism of chapter 2.

In the New Testament, we inhabit a very different moral universe, dominated by the life of Jesus and a very different conception of the good life — not "an eye for an eye" but "forgive your enemies." Christian ethics, along with classical Greek ethics, became a dominant moral ideal of the ancient world. But in the process there was generated not an ethics but a theology.

One's eternal salvation depended on one's adherence to the Christian doctrine which admitted only believers to heaven. Thus, the emphasis shifted away from a saintly way of life to a succession of promises and warnings.

Jesus the ideal man became Christ the second member of the Trinity (Father, Son, Holy Spirit). One's eternal salvation depended on one's adherence, not to the way of life taught in the Gospels, but to the Christian doctrine which admitted only believers in Christ to the kingdom of heaven. Thus the emphasis shifted from a saintly way of life to a succession of promises and warnings concerning one's fate in an eternal hereafter: "No one can come to the Father but by me."

We think, we believe, we wonder, we doubt. All these occur in what we commonly call our minds. It is true that we also have physical bodies. We cannot think without having brains: a brain is a necessary condition for the occurrence of any kind of mental life. Having a brain is not sufficient for thinking, but it is surely necessary.

It is far from clear, even today, to what extent minds occur in the universe. If having a mind presupposes that the creature weighs alternatives and then chooses among them, we cannot be sure that any creatures other than human beings have minds. Do armadillos weigh alternatives and then choose? Can we even be sure about dogs and cats? They act in this way rather than that, but do they go through the mental process of choosing? Many would question this.

Perhaps then we should draw the line elsewhere: by answering the question "Are they conscious?" A dog is conscious — he feels pain and pleasure, and he is aware of people around him. But so is the garden snake who avoids people, and perhaps the mosquito as well. In fact we don't know, and can only guess, whether certain organisms, such as amoebas and shellfish, are conscious of anything. We just don't know how far down in the tree of life we have to go to determine at which level consciousness occurs. We would bet that the tree out there is not conscious; but how would we proceed to collect on such a bet?

There are many physical organisms that lack consciousness. But are there beings with consciousness who do not possess physical bodies? We are immediately inclined to say No; how can there possibly be a mind, a center of consciousness, with no physical organism located at a definite point in space? What would you say of a new neighbor of whom people said "We don't think he has a body"?

"It's impossible," we exclaim. "How can you even conceive of anything that absurd?" But countless people apparently do believe it, when they believe in God. God, they say, is an incorporeal spirit, with no body at all. "But where is he located?" He is not located in space, we are told. He is a nonspatial being, at once everywhere and nowhere; yet the universe owes its entire existence to him.

Absurd if you like: but is this not what Christians believe? When they pray, it is not to a physical body but to a mind (an infinite mind, if you like) who is source and origin of everything that exists. He is aware of everything, including your every thought and impulse; yet you cannot point to any object or collection of objects and truly say, "There he is!"

A similar situation arises when we are speaking not of God but of ordinary human beings who have died. "Where is he?" "He is right there, lying in his grave." "No, that's not what I mean. He no longer has a body, only a spirit or soul." Isn't that what we attribute to loved ones who have "passed on"? They have died, but they are still alive.

The little daughter for whom we grieve is still alive, and has thoughts and feelings even though she is no longer here. "She's in heaven," we may say. But this presents an array of questions. Will she always be as she is now, a little girl? Will she grow up and become an adult, in time even an old woman? Does she remember us now? Does she miss us? Can she grieve also?

What of the mother who has lost her son in war and wonders whether her son, now in heaven, misses us. "Yes," people say, "but not in a way that would hurt him." But how can he not be hurt if he is now without someone who had been so central to his life? In what sense can he be said to still exist at all? Yet that, or something very like it, is what many generations of Christians have believed. They believe falsely, we may say, just as one believes falsely that there are ghosts or leprechauns.

Absurd if you like: but is this not what Christians believe? When they pray, it is not to a physical body but to a mind (an infinite mind) who is the source and origin of everything that exists.

But do they say it intelligibly? They utter the words — but you can't just attach any old adjective to a noun and then take for granted that you have actually said something meaningful about reality. Whether you have or haven't is a matter of continuing controversy. ❑

Learning From Interlingua

by Leland B. Yeager

A language has been discovered that helps us discover the nature of language. Also, it's fun.

F.A. Hayek, the Nobel-laureate economist and philosopher of liberty, said that he appreciated "results of human action but not of human design." The results he had in mind included useful institutions that have evolved gradually without overall planning — institutions such as morality, the common law, the market system, money, and, almost prototypically, language. Hayek condemned as "constructivism" an eagerness to impose one's bright ideas for reconstructed or invented institutions without due regard to the possible merits of those that have evolved almost spontaneously.

People first hearing of Interlingua, the modern auxiliary language, may well suspect constructivism. Yet far from showing contempt for whatever has not been deliberately planned, Interlingua respects the historical character of language. As I'll try to show, it can be useful to the individual person in several ways even if it never is widely adopted for international communication.

Reasons why the charge of constructivism would be wrong explain why Interlingua fascinates me (and, I hope, other readers of Liberty). No one favors imposing it to replace national languages. Interlingua registers objectively existing linguistic reality: it is natural, not artificial — a generic Romance language distilled mainly from Italian, French, Spanish, Portuguese, and the many Romance-Latin-Greek elements of English. The international vocabulary of science and technology appears in it, as well as other international words borrowed into German, Russian, and many other languages. Indeed, its source languages might well be considered dialects of Interlingua as their standard, just as their own dialects have been more or less deliberately standardized in German, Italian, Serbo-Croatian, and other national languages. (Ludwig von Mises, chosen by Liberty's editors as libertarian of the 20th century, notes such precedents in his "Nation, State, and Economy" [1919, trans. 1983].)

Interlingua offers a key to the common features of its sources. It was extracted from them by teams of professional linguists working over many years with the International Auxiliary Language Association. Its first definitive dictionary and grammar appeared in 1951, when IALA's research

director was Dr. Alexander Gode. Since then many other dictionaries have appeared, adding words on the same naturalistic principles used for its earliest publications. The largest is a five-volume Interlingua-Dutch/Dutch-Interlingua work.

Interlingua's grammar sheds complications that even any one of its source languages manages without, such as grammatical gender, noun cases, and accord of adjectives and nouns. It avoids personal conjugations and irregularities of verbs, those notorious bugbears of students. The simplifications actually enhance Interlingua's generic Romance character, for the complications that are dropped differ among its individual source languages anyway. Its vocabulary is instructive as a standard from which each of those languages distorts words away from their common ancestors, distorting them in idiosyncratic yet *systematic* ways.

While few people have studied Interlingua, an individual person can benefit from knowing it. He (or she) can communicate with any of the hundreds of millions of native speakers of Romance languages, who (as I have observed) can understand it without having even heard of it before. For international meetings, it has the merits of being very easy to learn and of not giving an advantage to native speakers of any national language. With it, we English-speakers could soften our reputation of scorning foreign languages and expecting everyone to use ours. Learning Interlingua is admittedly easier for speakers of its source languages than for speakers of more distantly related or unrelated ones; yet even exotic languages have adopted its international vocabulary of science and technology.

Interlingua can be useful especially to us English-speakers, whose vocabulary has the double basis of Germanic and Romance-Latin-Greek roots. Many words for everyday concepts such as *foot, head, bread, meat, sky, water* are of Germanic origin. Their counterparts in the Romance languages as standardized in Interlingua are *pede, capite, pan, carne, celo, aqua*; and from them English forms derivatives: *pedal, capital, pantry, carnivorous, celestial, aquatic* (to mention just one of each). Since many thousands of English words embody Latin (and Greek) roots, Interlingua becomes a key, like Latin itself, to English vocabulary. It promotes understanding of the derivations and even the spelling of our words, thus offering us one of the main advantages of knowing the classical languages.

Table 1

In each of the examples below, an Interlingua word is followed by its meaning and a few of its English derivatives.

batter 'beat', 'strike': batter, battery, battle, combat, debate, rebate, abattoir

cader 'fall': cadence, case, accident, incident, decadent, casual, casualty, casuistry, recidivism

carne 'meat', 'flesh': carnal, carnivorous, carnival, incarnation, carnage, carnation

creder 'believe': creed, credible, credulous, credit, creditor, credential, discredit, miscreant

ducer 'lead', 'draw': duke, conduct, conducive, ductile, educate, deduce, abduct, duct, aqueduct

funder 'melt', 'pour': foundry, fuse, fusion, transfusion, confuse, confound, diffuse, effusive, profusion, funnel

grave 'weighty': gravity, gravid, aggravate, gravamen, grieve, grief, grievous

grege 'flock', 'herd', 'crowd': gregarious, segregate, integrate, aggregate, congregate, egregious

imperar 'govern', 'command': empire, emperor, imperial, imperative

leger 'gather', 'choose': select, collect, college, diligent, predilection, elect, elective, eligible, elite, intelligent

leger 'read': lecture, lectern, lesson, legend, legible

mitter 'put', 'send': mission, missionary, emissary, Mass, emit, remit, transmit, submit, promise, missile, message, committee

moner 'warn', 'advise', 'remind': admonish, monitor, monitory, premonition, monument, demonstrate, summon. Indirectly, through the Temple of Juno Moneta (Juno Who Warns), Interlingua moneta: English money, monetary, monetize, demonetize, mint

pender 'hang': depend, append, suspend, pendulum, propensity, appendix, impending, independent

ponderar 'weigh', 'ponder': ponder, imponderable, ponderous, ponderosa, preponderate

poter 'be able': potent, impotent, potency, potential, potentate, potentiometer

precar 'pray': precatory, precarious, imprecation, deprecate

precio 'price': price, prize, precious, appreciate, depreciate, appraise

premer 'press': print, imprint, pressure, impress, oppress, depress, repress, suppress

rader 'scrape': razor, erase, abrade, abrasive, raze, rash

scriber 'write': scribe, scribble, describe, inscribe, subscribe, circumscribe, prescribe, nondescript, manuscript, scripture, conscription, postscript

seder 'sit' and sede 'seat': see (as in Holy See), session, president, obsession, sedentary, sessile, sediment, residence, residue, assiduous, siege

sequer 'follow': sequel, sequence, consequent, persecute, prosecute, pursue, obsequious

tener 'hold': tenable, retain, detain, abstain, pertain, tenant

torquer 'twist': torque, torsion, retort, distort, extortion, contortion, tortuous, torture

vader 'go': evade, invade, pervasive, wade, waddle

venir 'come': venue, Advent, circumvent, event, prevent, supervene, convene, revenue, eventually

Among the many English words containing *two* Interlingua roots are —

aqua 'water', ducer 'lead': aqueduct

plen 'full', poter 'be able': plenipotentiary

omne 'all', poter: omnipotent

melle 'honey', fluer 'flow': mellifluous

carne 'meat', vorar 'devour': carnivorous

ben 'well', voler 'wish': benevolent

agro 'field', coler 'cultivate' (and cultura 'culture'): agriculture

pisce 'fish', coler: pisciculture

mano 'hand', scriber 'write': manuscript

ex 'out of', 'from', onere 'burden': exonerate

Some of the foregoing examples (Table 1) already include roots that form derivatives together with Latin-Interlingua prepositions such as ab, ad, con, ex, circum, super, trans, and others. Further examples include: abstract, adhere, conference, execute, circumspect, superficial, transitory.

Knowing Interlingua helps bring to life dead metaphors latent in English words: e.g., exonerate (ex = off, out; onere = burden), mellifluous (melle = honey, fluer = to flow), benevolent (ben = well, voler = to wish). It may help force a writer to think more exactly what he means; it may alert him to long Latin-derived words that creep into his drafts and to ways of replacing pretentious ones. (A current vogue term that I find repellent is "prior to." Well, *prior* is one of the Latin-Interlingua words for "earlier than" or "before." Why not just use the good old Anglo-Saxon word "before"? After all, English is basically a Germanic language.)

Interlingua illuminates systematic deviations in its "dialects" from their common ancestor — so-called sound shifts.* The examples in Table 2 (each with a derived English word) show how **-ct-**, **-li-**, **-cul-**, and an initial consonant + **l** are characteristically simplified in the Romance languages.

Many other such parallel shifts occur. Of all the Romance languages considered here, French most distorts Interlingua words. (A notorious example is *évêque*, which shares no consonant with Interlingua/Latin *episcopo* and no letter at all with English *bishop*.)

An **e** or **i** of stressed syllables in Interlingua frequently changes to **oi**; examples follow in Interlingua, French, and English: me, moi, me; creder, croire, believe; preda, proie, prey; derecto, droit, right or law; feno, foin, hay; fide, foie, faith; ficato, foie, liver; digito, doigt, finger; pipere, poivre, pepper; frigide, froid, cold.

Interlingua **c** followed by a vowel often becomes **ch** in French; **l** in certain positions becomes **u**, and **s** in certain positions (especially at the beginning of a word) disappears, leaving an acute or circumflex accent as a trace. Examples are (Interlingua) cantar, (French) chanter, (English) sing; can, chien, dog; vacca, vache, cow; morsello, morceau, morsel; fardello, fardeau, burden; pelle, peau, skin; schola, école, school; ostrea, huître, oyster; tosto, tôt, soon or early. Many words, some already shown, undergo two or three of these systematic changes; other examples are: capillo, cheveu, hair; stricte, étroit, tight; castello, château, castle. As also already illustrated, French tends to shorten words; it has been described as Latin spoken by a hard-of-hearing person, who misses many syllables.

Knowing Interlingua as the standard from which such sound shifts depart should be useful in learning at least to decipher texts in one or all of the Romance languages.†

Interlingua goes beyond illuminating correspondences within its own Latin-Romance family. By representing its family in parallel with the Germanic, Slavic, Greek, Celtic, and other families that derive, over millennia, from a common Indo-European ancestor, it can help show systematic relations among them also. The Latin-Romance stop consonants **p**, **t**, and **k** tend to correspond to the fricatives **f**, **th**, and **h** in English (here representing the Germanic languages). In the examples that follow, the double arrow ↔ indicates correspondence by common ancestry, not derivation of either word from the other.

Far from showing contempt for whatever has not been deliberately planned, Interlingua respects the historical character of language.

Interlingua pisce ↔ English fish, pede ↔ foot, patre ↔ father, palpar ↔ to feel, pauc ↔ few, penna ↔ feather, plen ↔ full, pelle ↔ fell & film, porco ↔ farrow, putrer ↔ (to become) foul (rot).

Tres ↔ three, tenue ↔ thin, tu ↔ thou, te ↔ thee, tonitro ↔ thunder, turdo ↔ thrush (the bird), trans ↔ through.

Capite ↔ head, can ↔ hound, cannabe ↔ hemp, cento ↔ hundred, corde ↔ heart, corno ↔ horn, cute ↔ hide (=skin), como (Latin quomodo) ↔ how.

*Although IALA's researchers did not explicitly consult the less-familiar Romance languages, these also count among the dialects of Interlingua. I present Catalan as a dialect in Panorama (Union Mundial pro Interlingua), November/December 2000, and Rumanian and Galician as dialects also and Papiamento as a quasi-dialect in Confluentes (American Society for Interlingua), 2002, nos. 2 & 4, and 2003, no. 3.

†"How to Read All the Romance Languages Right Away" is the subtitle of "EuroComRom — The Seven Sieves," by William J. McCann, Horst G. Klein, and Tilbert D. Stegman (Aachen: Shaker Verlag, 2002). The authors show how to exploit similarities and systematic differences among the individual languages. Their method would work better if based on the generic standard language from which the languages deviate as "dialects."

Table 2

Interlingua	Italian	French	Spanish	Portuguese	Rumanian	Catalan	English cognate
nocte	notte	nuit	noche	noite	noapte	nit	nocturnal
lacte	latte	lait	leche	leite	lapte	llet	lactic
octo	otto	huit	ocho	oito	opt	vuit	octet
filio	figlio	fils	hijo	filho	fiu	fill	filial
folio	foglia	feuille	hoja	fôlha	foaie	fulla	foil, foliage
consilio	consiglio	conseil	consejo	conselho	consiliu	consell	counsel
oculo	occhio	oeil	ojo	ôlho	ochiu	ull	oculist
plen	pieno	plein	lleno	cheio	plin	ple	plenty
flamma	fiamma	flamme	llama	chama	flacără	flama	flame

Interlingua **qu** ↔ English **hw** (usually spelled **wh**): Que (L. quod) ↔ what, qui ↔ who, quando ↔ when, qual ↔ which, proque (L. quare) ↔ why.

Indo-European voiced stops **d** and **g**, conserved in the Romance languages, become the voiceless **t** and **k**-sound in English: dece ↔ ten, digito ↔ toe (and finger), domar ↔ to tame, genere ↔ kind (and kin), genu ↔ knee, grue ↔ crane.

Again in systematic patterns, the Romance languages, especially French, have not only derived the bulk of their vocabularies from Latin but have borrowed some words from the common ancestor of the modern Germanic languages. **Gu** (and **g**) in Romance words sometimes corresponds to **w** in Germanic. Without necessarily identical meanings in the two languages, such words include Interlingua guerra ↔ English war, guastar ↔ waste, gemer ↔ whine (or groan), guisa ↔ wise (guise), guai ↔ woe, ganiar ↔ win (gain), guindar ↔ wind (hoist), Guilhelmo ↔ William.

We saw above how Interlingua resurrects dead English metaphors. Similarly, it illuminates loan translations (calques) even in distantly related or unrelated languages. For example, Interlingua/English *transition* combines (in effect) the Interlingua roots trans 'across' and ir 'to go'; the corresponding German, Russian, and Hungarian words — Übergang, perekhod, and átmenet — are formed with native roots meaning the same. Contra 'against' and dicer 'say' form *contradiction*, and the equivalent roots form Widerspruch, protivorechie, and ellenmondás in the other three languages. Con 'together' and poner 'put' form *composition*, with the parallels zusammenstellen, sostavlatj, and összetenni. Such correspondences are innumerable.

Realists (like me) do not expect Interlingua to triumph over English as an international auxiliary language. With its advantages for certain purposes and especially for speakers of its source languages, however, it might gain the role of *second* auxiliary language. The two could be allies. Knowing either facilitates learning the other.

Any mention of Interlingua brings Esperanto to mind and requires a comparison. Esperanto is an ingenious invention to which Hayek's epithet "constructivism" does indeed apply. Dr. Ludwik Zamenhof (1859–1917) plucked words more or less arbitrarily from the several languages that he knew, including Polish and Russian, and distorted them into conformity with his idiosyncratic ideas for vocabulary and grammar. No one can understand Esperanto without studying it. Saying so does not disparage Esperanto, which has its appeal. The contrasts between the two languages do summarize, however, some features of Interlingua. It is a discovery of and an introduction to linguistic scholarship. Registering objective reality, it has a natural character. Hundreds of millions of Romance speakers can understand it instantly. Even apart from any widespread deliberate adoption, it is useful to individuals, especially to writers and others interested in word origins and synonyms. It lacks cultist associations.

The vocabulary of Interlingua is instructive as a standard from which each of its source languages distorts words away from their common ancestors in idiosyncratic yet systematic ways.

If Interlingua is such an admirable achievement, why is it less widely known than Esperanto? As a work of scholarship, it appeals less to enthusiasts for gadgetry, exotic contrivances, global salvation, and miscellaneous causes.

If Interlingua is such an admirable achievement, why is it less widely known than Esperanto? As a work of scholarship, it appeals less to enthusiasts for gadgetry, exotic contrivances, global salvation, and miscellaneous causes. Furthermore, gaining attention can be expensive, as business and political advertising shows. Unfortunately, IALA's chief patron, Mrs. Alice Vanderbilt Morris, died shortly before the language's defining dictionary and grammar appeared; and funds for popularizing it dried up. Nevertheless, a community of Interlingua supporters does flourish.

Literature in and about Interlingua, as well as further links to the internet, can be found at interlingua.com. As a sample, meanwhile, here is the beginning of a historic classical-liberal document. The translation preserves the slightly antiquated style of the original, particularly in capitalization and punctuation.

QUANDO in le Curso del Eventos human, il deveni necessari pro un Populo dissolver le Bandas Politic que les ha connectite con un altere, e assumer inter le Poteres del Terra, le Position separate e equal al qual le Leges del Natura e del Deo de Natura les da titulo, un decente Respecto al Opiniones del Humanitate require que illes declara le causas que les impelle al Separation.

NOS mantene que iste Veritates es evidente per se, que omne Homines es create equal, que illes es dotate per lor Creator con certe Derectos inalienabile, que inter istos es le Vita, le Libertate, e le Recerca del Felicitate — Que pro assecurar iste Derectos, Governamentos es instituite inter Homines, derivante su juste Poteres ab le Consentimento del Governatos, que quandocunque ulle Forma del Governamento deveni destructive de iste Fines, il es le Derecto del Populo alterar lo o abolir lo, e instituer nove Governamento, basante su Fundation super tal Principios, e organisante su Poteres in tal Forma, que les semblara le plus apte a effectuar lor Securitate e Felicitate. ❑

Uh, Oh: Grandpa's Back

by Matthew Bandyk

Latte drinkers of the world, unite!
You have nothing to lose but your sanity.

The militant poet Gil-Scott Heron famously said that "the revolution will not be televised." But apparently it does have a soundtrack. Marx has now come back from the dead to explain why communism is more essential than ever, and he was accompanied by the sound of Billy Joel.

That was the music used to warm up the crowd for Howard Zinn's one-man play "Marx in Soho," which I saw last summer. The play consists largely of the German philosopher talking about why the years since his death have done nothing to repudiate the validity of Marxism. As Bob Weick, the actor who plays the role of Marx, confided in a *Washington Post* preview of the show, "It's not that communism failed. It's that it hasn't really been tried."

How many times have we heard that one before? Neverthless, Weick's theater group has picked up the old chestnut and, determined to convince others that communism has gotten an unfair rap, is touring major American colleges, arthouses, and high schools with Zinn's drama. (I saw it as part of Washington's Capital Fringe Festival.) The goal is to convince audiences that everything they've been taught about communism is wrong.

For some people, it seems to work. "The meaning of the play actually moved me and made me want to become more radical," glows one college student's testimonial.

"Marx in Soho" has been kicking around since 1999, although earnest people have updated it continually to fit in references to such contemporary events as the War on Terror and the Enron scandal. Unfortunately, both the subject and the audience have seen better days. The choice of Billy Joel for some of the ancillary music was fitting for a show that is political bathos for boomers. My fellow audience members were not exactly what one would expect to find at a show advertised as a "rousing defense" of a revolutionary ideology. Instead of dreadlocks and Che Guevara T-shirts, I saw receding hairlines and tees from vacations on Sanibel Island.

Billy Joel isn't as hip as Gil-Scott Heron, or the crowd as exciting as a rally of young bohemians or a strike of raucous dockworkers, but the age distribution is true to the type of people who have time to worry about Marxism these days. Affluent, bored retirees of the world, unite! You have nothing to lose but the price of your ticket.

Zinn himself has made a good career as a mainstream radical. His "A People's History of the United States" was lauded by Matt Damon in "Good Will Hunting" and featured in dramatic readings by James Earl Jones and Marisa Tomei. It has recently been adapted into a version aimed at 10- to 14-year-olds (and people thought it couldn't be dumbed down!).

So, one can hardly be surprised that the Marx of "Marx in Soho" is one highly fitted for upper-middle class popular consumption. This Marx isn't a commissar; he's a kindly grandfather spinning yarns by the fire. He opines lovingly about his wife Jenny in a manner reminiscent of Forrest Gump. He's anything but the nasty, selfish, vengeful, parasitic old coot that his contemporaries dreaded; or the intransigent radical who was worshipped by Lenin, Castro, Pol Pot, and other unsavories. He's a Marx that you might want to have a drink with, especially if you're a trendy resident of the Soho quarter of London, where he lived from 1849 until his death.

Why did this Marx decide to return and chat with us? The idea is that the odd association between Marxism and oppressive, impoverishing dictatorship has so unfairly maligned communism that its author is inspired to resurrect himself and set the story straight. This plot device — Marx's return from the dead — is a metaphor for what Zinn wants the audience to believe. Marx didn't see most of the horrors and failures of his disciples. But now, Austin Powers-like, he rises to proclaim that the past century has taught us nothing about his ideas, and that we should have another go at them.

Real communism, he now discovers, is based on freedom and democracy, not totalitarianism and murder. He speaks lovingly of the Paris Commune (1871), a paradise where proletarians came together and cooperated to provide education, medical services, and equal rights for all. It's true, the Commune lasted for only a few weeks; but still . . . That was cooperation!

It's when the people refuse to cooperate that Marx gets angry. (Strangely, so did the Communards.) And when he gets angry, he, like the historical Marx, also gets mean. At one point in the play, he growls that "we should praise the capitalist system for its amazing means of production — and then TAKE IT OVER." As Lenin found, it's really hard to be patient and wait for the revolution to happen spontaneously, as according to Marx's predictions, when it's so easy to prod it along with the barrel of a gun.

Zinn doesn't make Marx out to be flawless. But the problem for Zinn isn't that Marx overlooked the inability of centralized planning to organize economic activity effectively. It isn't that Marx exaggerated the poverty of the proletariat. The problem isn't what any of the people who have paid attention to global events since, well, Marx's time have discovered. It's that Marx "didn't anticipate the drugs that would keep capitalism alive."

Drugs? What is Zinn smoking? What he seems to mean is that Marx did not foresee the ways in which capitalists would find ways to stave off the inevitable workers' rebellion. At one point in the play, Marx sheepishly admits that his "timing was a bit off" about the end of capitalism, an understatement that would surely provoke laughter from any audience other than one that chooses to dedicate its Friday afternoon to a one-man show about a discredited political philosopher.

Yes, the timing was a little off but, according to "Marx in Soho," we're still on that irrevocable path toward revolution. Capitalism continues to degrade the working class, which will inevitably rise against it. Zinn's Marx cites Enron and corporate layoffs as evidence that capitalism hasn't gotten any more humane. But a look at Soho today would tell quite a different story about the effects of capitalism. When Marx lived there, the place was a filthy slum and a red light district. Today, despite the ravages of global capitalism, it is a center of fashion boutiques, tourist hotels, media companies, and other well-paying enterprises ministering to the wants of a society rich beyond the dreams of even Marxist avarice.

Zinn is right in one sense. Marx's vision of communism hasn't really been tried, if you mean that nobody ever succeeded in following Marx's ideas to the letter. Of course, if nobody succeeded, it wasn't for lack of interest. But one can admit that none of the so-called "communist" states — the Soviet Union, China, Cuba, or any of the other expensive experiments — was an example of *true* communism. Nothing ever could be.

Marx predicted that communism would arrive only after the proletariat gained control of all means of production. Once the "dictatorship of the proletariat" had finished off free enterprise, man would stop living the egoistic life that capitalism had forced upon him and would, as Marx said in his essay "On the Jewish Question," start living up to his "species-being." People would no longer separate their individual needs from the needs of mankind as a whole. Egoism was the product of a political order that recognizes and protects private property; once that order was thrown away, the state would dissolve and true communism would arrive. Like the Marx who is summoned from the grave by Howard Zinn, mankind would be resurrected by politics.

But resurrected from what? Marxist man had never existed. He'd been absent through recorded human history. Everything we know about humans suggests that it is unrealistic (not to mention arrogant and silly) to expect them to subordinate their wants and desires to the community. The only way to believe in Marx's system is to *want* to believe in it.

That's why it's pointless to argue with the Marx of "Marx in Soho." It's pointless to observe that capitalism hasn't further and further degraded the life of the poor, that it has, in fact, lifted more people out of poverty than anyone living in Soho in the late 1800s thought possible. That's the real economic resurrection, isn't it? But none of this matters to Zinn. He has his faith.

This version of the play, and certainly others, will tour the country, spreading Marx's message, together with the image of Marx himself as a kind old man. You may not be convinced by Zinn's arguments, but you may be impressed by his stubbornness. ❑

Decisive Moments: The Camera and the Individual

by Joseph Ho

It isn't technology that makes a masterpiece;
it's people who know how to use technology.

Some people leaf through books of history, trying to see whether they are interested in the subject or the style. Others flip immediately to the thin gray line that separates the reams of white: the photo section.

The photographs, of course, may have been included as mere visualizations of the text. An article on Iwo Jima would not be complete without the black and white photo of the flag-raising on Suribachi; an essay on the Titanic may include sepia-toned pictures of her builder and captain; a history of the American space program can be complemented by a color photo of an astronaut snapping a salute in front of a wrinkled flag, planted in a desolate lunar landscape.

The same photographs may be viewed in a different way: they may be analyzed for their artistry, their composition, their dynamics, their suggestions and symbolism. Whole fields of art history have been developed in the pursuit of such knowledge. What is the significance of the dominant lines in this picture of people disembarking at Ellis Island? What does the high contrast in this war photo symbolize? What imperialistic motifs can be discerned in this photograph of colonial subjects?

As a student of history who is also an avid amateur photographer, I look at the photographs first, but I am not necessarily looking for either their visualization or their artistry. I wonder, instead, about their creation. Who took these photos? What was he or she like? Why was he there at that moment? Why did she take the photograph? What kind of equipment and technique did the photographer decide to employ? Did he or she take other photographs, and were they widely seen? Today, it is easy to forget the effect that individual photographers have had on the ways in which we view not only photographs, but also the world they represent. Similarly, with photographic technology so rapidly advancing, it is much too easy to neglect both the individual toil and the individual technique that went into the creation of past iconic images.

Photography has always been an individual art and science. At the most fundamental level, one always makes two basic choices in manipulating the camera — when to trip the

shutter, and what to include or exclude. Yes, there are confining factors: the limitations of space and time, the pressure to produce something that will be accepted or required by a certain audience. There are also the conflicts, moral or practical, that may take place in the photographer's mind. There is even the effortlessness, the apparent lack of any necessity for decision, that is the blessing of cliche pictures. But the camera has one operator; he or she alone is the mind behind the machine. As has long been whispered in the world of true photographic artists — and related to me many times through wise photographic mentors — "no camera is as good as the photographer behind it."

With photographic technology so rapidly advancing, it is much too easy to neglect both the individual toil and the individual technique that went into the creation of past iconic images.

Icons and Ironies

The day is cold and damp; salt spray stings the unshaven faces of helmeted men, huddled together in heaving, pitching landing craft as they speed toward the foggy shore ahead. Up on the cliffs, frantic shouts and piercing klaxons send sleepy, red-eyed companies into concrete shore defenses to repel an invasion they had no idea was coming. Soon, whining bullets and screaming mortar shells sweep the beaches; men run, shout, scream, and fall. Amid the blood and chaos of the first assault wave, a young Hungarian national wearing the combat uniform of a U.S. soldier crouches, pauses, leaps, and runs with the other men. But he is no ordinary soldier, and what he shoots with does not kill.

Swinging from leather straps around his neck are two Zeiss-Ikon Contax 35mm cameras and a Rolleiflex 2 1/4" by 2 1/4" camera, wet and muddy from the rough landing on Omaha Beach. The young man's combat pouches are filled with neither ammunition nor medical dressings, but preloaded rolls of black and white 35-millimeter film. He is Robert Capa, a photojournalist for Life magazine. In the first two hours of the D-Day invasion he shot a total of 108 photographs of U.S. soldiers under fire, switching from one grimy camera to the other, reloading as quickly as he could.

As the Americans cleared the beachhead and prepared for their first push into occupied France, Capa's negatives were rushed back to Life's photographic labs in England by one of the first returning ships; they arrived at nine that evening. Then, in a dimly lit darkroom, one of photography's greatest tragedies occurred. Eighteen-year-old Larry Burrows — himself later to become an iconic photojournalist of the Vietnam War — was there when an exhausted messenger arrived in the office, his uniform soaked with sweat, carrying the carefully packaged, precious film. In a book by John Morris, Burrows tells the story:

> A scrawled note said that the action was all in the 35-millimeter, that things had been very rough, that [Capa] had come back to England unintentionally with wounded being evacuated, and that he was on his way back to Normandy . . . Photographer Hans Wild . . . called up . . . to say that the 35-millimeter, though grainy, looked "fabulous!" I replied, "We need contacts — rush, rush, rush!" . . . A few minutes later [the lab technician] came bounding up the stairs and into my office, sobbing. "They're ruined! Ruined! Capa's films are all ruined!" Incredulous, I rushed down to the darkroom with him, where he explained that he had hung the films, as usual, in the wooden locker that served as a drying cabinet, heated by a coil on the floor. Because of my order to rush, he had closed the doors. Without ventilation the emulsion had melted.

Only eight frames of 35mm film were saved from the oozing mess of celluloid that lay dripping from the film hangers. These were published in Life with a dryly disdainful caption that labeled them "slightly out of focus." Capa was himself to meet a tragic, anticlimactic end: one month short of a decade after that decisive June day, he lay dead at the side of a dirt road halfway across the world, his leg blown off by an anti-tank landmine. He had worked his way forward of a French patrol under fire from Vietminh guerrillas, running and lifting his camera (one of the three that had accompanied him on Omaha Beach) to photograph the advancing soldiers, when he stumbled into a minefield.

John Steinbeck wrote in tribute after Capa's death: "No one can take the place of any fine artist, but we are fortunate to have in his pictures the quality of the man . . . he made a world and it was Capa's world." This "world," in the 50 years since it became a part of history, has made its mark on ours. We have seen Capa's eight blurry frames, in one form or another. They have been printed in books and magazines; they have been used as production material for a myriad of war films; they have become iconic images of monumental events. Having been repeatedly exposed to these photographs, whether in their original form or in media that borrow from them, we have relegated Robert Capa to a name located chiefly in books of photographic history, buried in library archives — his courageous efforts and brilliant talent faded by the passage of time. His unique personal accomplishment resulted in his eclipse as a personality — yet his accomplishment was no less real, no less individual.

As has been related to me many times through wise photographic mentors, "no camera is as good as the photographer behind it."

I, as a young photographer, was soon to realize his individualism in a discovery of my own; a chance historical find

was to propel me backward in time and place me — in a startlingly realistic way — into Robert Capa's shoes.

Lessons From History

One winter day found me in a dim living room that reeked of old metal and the strangely aromatic smell of machine oil. I had come to visit the home and workshop of Jack Biederman, a retired high school photography teacher and camera repairman, to have one of my older 35mm cameras tuned up. My fascination with old photographic equipment turned to elation as I looked around his living room, packed from floor to ceiling with boxes of cameras and lenses, accumulated by Mr. Biederman in his long years of teaching, repairing, and collecting. That's the kind of person he was. As Mr. Biederman pointed out treasured cameras with his shaking, bony finger and described them in his raspy voice, my eyes came to rest on a worn leather camera case embossed with the words "ZEISS-IKON" in angular Germanic characters, lying atop a pile of half-disassembled cameras.

I had seen a case like this before, hanging from the neck of a photojournalist pictured in a World War II book. A cloud of dust rose from the pile as I lifted the case; it was very heavy. As I opened it, bright chrome finish and black lettering met my eye; the elegant words "Contax" and "Carl Zeiss Jena" set my pulse racing. A friendly chat and $80 later, I found myself in possession of a 1938 Contax II 35mm camera with a 50mm f/2 Zeiss Sonnar lens, the same model of camera and lens that Robert Capa had shot with throughout his career — a camera responsible not only for the Omaha Beach landing photographs but also for pictures of peasant refugees fleeing the Japanese advance in China, the haunting "Death of a Loyalist Soldier" in the Spanish Civil War, and the last images of French soldiers advancing in Indochina, just before Capa's death.

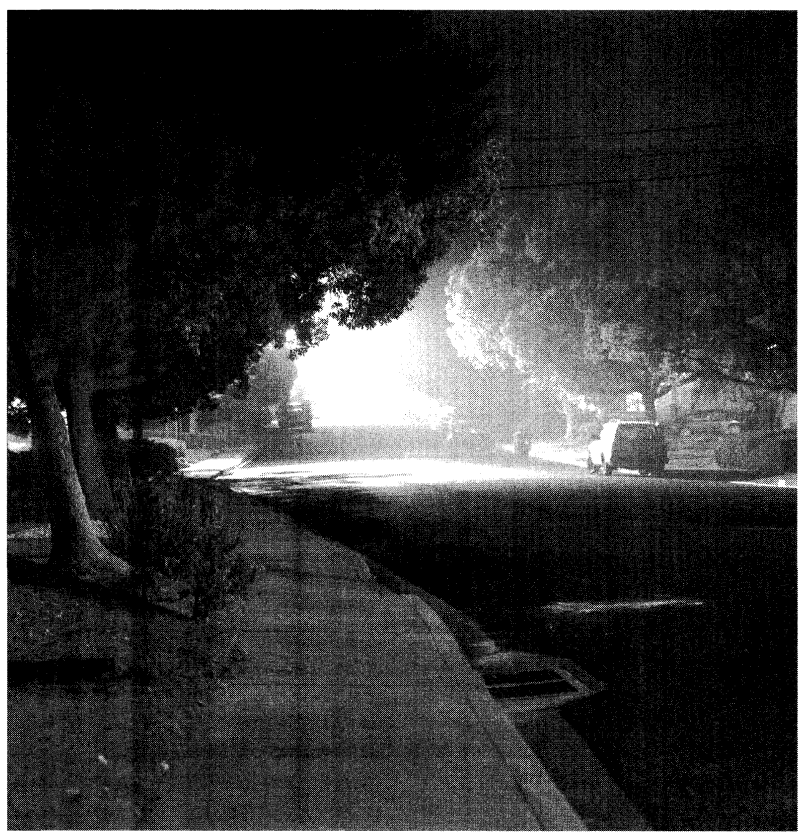

Joseph Ho

The shutter of the Contax wasn't working. Zeiss cameras have always been known for their complex internal mechanics, designed by German engineers for reliability, not ease of repair. Even the highly skilled Mr. Biederman had shied away from putting the septuagenarian camera back into action. However, some research on the internet turned up an expert Zeiss repairman who was in business not far from my home. Within six months he had sent the camera back to me, cleaned, oiled, and as ready for action as the day it left the factory nearly 70 years before.

I spent that afternoon familiarizing myself with the workings of the Contax II, and in doing so, quickly gained a new appreciation for the amount of technical skill Capa needed to operate his camera. The back of the Contax, unlike that of modern 35mm cameras, did not swing open but detached completely to expose the shutter and the film take-up spool. The spool itself wasn't attached to the camera, but promptly fell out as the back was opened. Film had to be threaded into the spool; then both film and spool had to be loaded carefully into the camera. Seating the film so as to engage the film transport sprocket wheels was a pain. By the time I shut the back and successfully wound the film, my fingers were sweaty and sore. As I labored, I had a vision of Capa trying to load his Contax in the same way — not in a comfortable suburban bedroom as I was, but on a blood-soaked battlefield with bullets and shells kicking sand up around him. It was unbelievable. The man must have had nerves of steel. Certainly, "no camera is as good as the photographer behind it."

And now I would add: Every good camera offers a chance for its users to define themselves. It asks the photographer: What really interests you? What is your vision? How good are you at realizing it? A camera is really but a tool, an easily accessible outlet for individualism that is both easy to use and hard to master. However, sometimes all it takes is an open mind and the ability to see beyond the camera as a mere tool, instead sharing one's own thoughts and being with the world through the secondary, mechanical processes of photography.

If you're looking for examples of the importance of individuality, look no farther than the photo of Albert Einstein that can be found on T-shirts and physics posters everywhere, the photo that shows the famous scientist sticking his very large tongue out at the camera. It's a bizarre but, presumably, endearing view of the man best known for his brilliant physics and frazzled gray hair. But while it is, indeed, a view of Einstein, it owes more to the individualism and quick reflexes of the photographer than to any real zaniness in its subject.

Einstein was famous enough that people stopped him on the street and asked, "Aren't you Professor Einstein?"

and even, "Can you please explain 'that theory'?" Tired of the public eye, Einstein sought clever ways to turn inquirers away; in a famous counter to the questions above, he would bow humbly and say in a thick German accent, "Pardon me, sorry! Always I am mistaken for Professor Einstein!" Then, on March 14, 1951, his 72nd birthday, his adverse reaction to public curiosity was recorded on film.

In the first two hours of the D-Day invasion, Robert Capa shot 108 photographs of U.S. soldiers under fire. All but eight of the photographs were lost.

The exhausted scientist was returning from an event held in his honor on the campus of Princeton University when he was accosted in his car by a swarm of press photographers. His picture had already been taken many times that day, and he was tired of smiling and being blinded by insistent flashbulbs. He shouted, "That's enough! That's enough!" but was immediately drowned out by the photographers' demands for "one more photo, Mr. Einstein!"

Staff photographer Arthur Sasse from United Press was on hand that day, one of the throng that surrounded Einstein's car. Sasse pushed his way to the front of the crowd and bellowed, "Look this way, Mr. Einstein!" At that moment, Einstein, fed up with the unrelenting press photographers, turned to face his loudest accuser — none other than Arthur Sasse — and furiously stuck out his tongue at him. Instead of waiting for the physicist to revert to a more normal expression, Sasse saw a distinctive photograph and fired off a single frame with his press camera. It was his only chance, as Einstein's driver revved the car's engine in impatient protest immediately afterward, and the photographers quickly scattered.

Einstein was later presented with a superb print of Sasse's technically well-executed photo and immediately took a liking to it — as would millions of physics students in the decades to come. Today, "Einstein's Tongue" can been seen in odd places all over the globe, from coffee mugs to body tattoos. It owes its popularity to the quick thinking of a now-forgotten UP photographer, who performed a radical renovation of his subject's personality, as perceived by the crowd — and perhaps even by the subject himself.

Immediacy and Individuality

Photographer Dorothea Lange wrote in her later years, "The camera is an instrument that teaches one how to see without a camera." Her statement was cruelly clarified by one of the most haunting pictures of the 20th century.

Two decades after Robert Capa waded to shore with American troops under fire at Normandy, the United States was involved in another conflict — not in Europe and not against fascism, but against the spread of communism in Vietnam. As the war dragged on, the casualty list lengthened, and American public opinion grew polarized over the issue of whether to withdraw from the conflict, another young man took his place among the great iconic documentary photographers. He was 35-year-old Eddie Adams of the Associated Press. At the first noonday of February, 1968, his single decisive photograph, taken on a deserted Saigon street with a Nikon 35mm camera, burned the brutality of the Vietnam conflict into the minds of the American people.

At a few moments before noon, when the Tet Offensive had been underway for less than 24 hours, Adams watched as two South Vietnamese soldiers pulled a prisoner out of a doorway at the end of a Saigon street and escorted him down the sidewalk. The man looked to Adams like a Vietcong soldier, though he was clad in the plaid shirt of a civilian. What happened next occurred in a heartbeat, as Adams remembered:

> When they were close — maybe five feet away — the soldiers stopped and backed away. I saw a man walk into my camera viewfinder from the left. He took a pistol out of his holster and raised it. I had no idea he would shoot. It was common to hold a pistol to the head of prisoners during questioning. So I prepared to make that picture — the threat, the interrogation. But it didn't happen. The man just pulled a pistol out of his holster, raised it to the VC's head and shot him in the temple. I made a picture at the same time.*

The photograph, later titled "Saigon Execution," was carefully processed and was broadcast around the world on the following day by the AP radiophoto network. Public reaction was swift and fiery. Antiwar protesters around the world took it and ran with it. Never mind that the executed prisoner turned out to be a notorious Vietcong officer who had been leading killing squads only the day before, or that the executioner was a highly capable and well-respected South Vietnamese general — this photo "proved" all too well the cold brutality and meaningless sacrifice of war. It still ranks as one of the three iconic images of the Vietnam conflict — along with the heartrending picture of wounded, naked Vietnamese children fleeing a napalm strike, and the photograph of helicopters airlifting the last of the American forces from the roof of the Saigon consulate.

What you make of a picture shows who you are, not just what the photograph depicts. Yet photographs do have an effect, as Lange suggested, in teaching people how to see. Admittedly, this may take a long time to happen. When Matthew Brady's photos of the carnage at Antietam were displayed in Washington, during the Civil War, audiences exclaimed, "How ghastly!", but did nothing: photography was too new a technology; the viewers weren't accustomed to the reality that the pictures purported to represent. When Capa's photos of men struggling and dying in the waters of Normandy appeared in Life, the American public — perhaps also not used to the raw quality of the images — took it as another just sacrifice and carried on. But when Adams' photo of the Saigon execution appeared in American and world media, sped by technology that was on the cutting edge of communications, it galvanized many people's thoughts over-

*Adams, quoted in Horst Faas, "The Saigon Execution," Digital Journalist (October 2004), http://www.digitaljournalist.org/issue0410/faas.html. Accessed July 21, 2007.

night. The sense of immediacy — the *sense*, at least, of a sudden intrusion of unmediated, unjustified brutality — was greater than before. Eyes that had become accustomed to the contemplation of war, and had even accepted its photographic images as classical representations of reality, now looked at an image that was disturbingly hard to fit in the comfortable, classical frame.

By the time that Adams' photo was circulating around the world, the camera was no longer an uninformed, removed observer (if it ever had been), but a participant in changing the world. Photography was now not only an "extension of the eye" (a concept coined by early documentary photographers) but an extension of the individual voice and spirit — the voice and spirit of the viewer as well as the photographer.

This fulfillment of Lange's prophetic statement was not to come without an artistic price — if you take the concept of "seeing without a camera" as including the concept of "seeing without any necessity of art or technique."

Photography was from its infancy a marriage of technology and art. Early photographers were more alchemists than artists, spending immense amounts of time working in unventilated darkrooms, mixing chemicals, preparing solutions, and, more often than not, exposing themselves to toxic substances. Until the first decade of the 20th century, the standard camera itself was heavy, cumbersome, and incapable of freezing motion; it was only in the mid-1920s that widespread photographic technology — high-speed lenses, smaller cameras, faster shutters, more sensitive film — started to enable the professional photographer to go to the action and capture it, rather than needing the action to come to him. The aggressiveness of technology shaped public perception of photographers as seekers and purveyors of truth.

Yet as photographic media became a vital component of the international information age, the sun was quickly setting on the days of the individual technician-photographer. The expansion of mass-market technology and consumerism into the field of photography was a blow to the individualism of technique.

"Saigon Execution" is one of the three iconic images of the Vietnam conflict — along with Vietnamese children fleeing a napalm strike and helicopters airlifting the last American forces from the roof of the Saigon consulate.

A few weeks ago, I was walking through my old high school campus in Northern California. It was a beautiful summer day; the sun was setting over the golden hills. There was only one flaw in the vista: a pile of junk that the janitors had dumped outside, awaiting the garbage disposal service. As I approached this large pile, I saw something at the bottom, a strange device . . . Coming closer, I realized that it was an old photographic enlarger, dumped on its side and half covered with dirt and pine needles. My heart broke. I had used this particular enlarger to print countless black and white photographs in my high school days, often staying after school for hours on end, watching images appear like magic in the developing chemical. Now the equipment that had served me — and hundreds, if not thousands of former students — so faithfully was only a rusting, rotting frame, dumped by the wayside to make room for the all-digital laboratory that the school was constructing.

"The man just pulled a pistol out of his holster, raised it to the VC's head and shot him in the temple. I made a picture at the same time."

Photographic technology has developed so far that little or no technical skill is required to produce decent photographs. For *good photographs*, composition is still necessary, and so are timing and all the other classical artistic elements; but the days of darkroom mastery, careful equipment selection, and the intimate feel for changing conditions of light are fading into memory, replaced by automation and computerization. Anyone can pick up an inexpensive digital point-and-shoot, aim and fire it, and produce a halfway decent image — one instantly viewable on a computer screen. Hours of darkroom work and skillful manipulation of film, paper, and chemicals have been reduced to computerized procedures that are faster than the click of a mouse. Yet in the process many decades of individual skill and artistry have been abruptly relegated to the realm of nostalgia.

Up to Par?

"God and Man" would have been both excited and disappointed by the events I've described.

Leopold Godowsky, Jr., and Leopold Mannes, inventors of the once-ubiquitous Kodachrome, are two of the greatest exemplars of individualism in photography. Extremely talented young musicians, Godowsky and Mannes — such close friends that others jokingly called them "God and Man" — were avid amateur photographers, often spending their spare time in high school on picture taking expeditions. One afternoon in 1917, the pair met to see a motion picture advertised by a local theater as "in full color." Their hopeful curiosity was dashed when the "color" movie turned out to be murky and dim, with none of the crispness or intensity the boys expected. Almost immediately, Godowsky and Mannes set out to develop a color photographic process that would be more efficient, more vibrant, and more accessible than any yet seen.

Though separated — Godowsky went to study and perform violin at UCLA, while Mannes enrolled at Harvard, pursuing degrees in music and physics — they went on with their

research, sharing ideas by mail and testing them during short visits between school terms. By the early 1920s, "God and Man" were together again, having set aside lucrative positions in the world of professional music to toil over chemicals and films in their family bathrooms and kitchens. Unfortunately, their parents — professional musicians who balked at their children's departure from their "destined" careers — soon kicked them out of their makeshift labs. But the two continued their efforts, eventually catching the attention of Kodak Company researchers, who had been working on a similar kind of color film. One commercial partnership and less than a decade later, the world's first self-contained color roll-film hit the market, thanks largely to the genius and dogged perseverance of the two young musicians.

This growing age of digital photography has defined two types of new-age pseudo-photographers: the obsessive technocrats and the zealous snapshooters.

If Leopold Godowsky, Jr., and Leopold Mannes were alive today, they would be thrilled by the new developments in photography; after all, their invention of Kodachrome took color photography out of the realm of scientists and adventurous professionals and into the mass market. However, they would surely regret the lack of innovation and artistry fostered by the new technology. And they would be horrified to discover that their invention, Kodachrome, has fallen victim to technological progress. Their revolutionary 35mm color slides, once the cornerstone of family photography, now rot by the millions in attics and basements, or are sold as curios and "collectibles" on the internet, or — worst of all — are used as raw material for homemade "artistic" lampshades.

This growing age of digital photography has defined two types of new-age pseudo-photographers: the obsessive technocrats and the zealous snapshooters. The former, with a glut of photographic devices at their disposal, get lost in the technical aspects of photography; these naifs believe that buying the hottest new camera, loaded with all the bells and whistles available, will make them the "best" photographers. The latter type — the snapshooters — may or may not know anything at all about photography; with an automated camera and large memory cards, they simply shoot thousands upon thousands of snapshots, in the thin hope that a handful may turn out well. Talking to some of these photographers is akin to observing a starving man lost in a sumptuous meal; he can hardly stop chewing to savor the taste.

I recently attended a summer carnival held at my church. Children were playing on the grassy back lot, and the pleasant chatter of parents and old people mingled with the aroma of home-cooked food. I walked to and fro, sampling some food here, chatting a little over there, and snapping sporadically with my old 35mm camera as I observed beautiful photographs forming in front of my lens. Taking photographs of the action was a young businessman, not much older than I am. He certainly looked professional. Burdened by two of the most expensive digital SLRs on the market and a formidable arsenal of lenses in his kit bag, he lumbered back and forth, shooting anything and everything. A communal prayer was interrupted by the clattering sound of his cameras firing — neither the pastor's soft words nor the folded hands could stop this man.

During a lull in his frenzy, I asked to see some of his photographs. He proudly passed his largest camera over to me, a monologue about the sharpness and expense of the optics already flowing from his lips. But as I flipped through the digital photographs, I could hardly find a good shot. Although the camera had done a brilliant job of exposing the scenes correctly and reproducing them with unbelievable sharpness, the compositions were terrible, full of jarring artistic mistakes. An informed, creative child of ten could have done better. I handed the large camera back to him and said something about his composition's need for improvement. This sent him into a thinly-veiled rage; he asserted once more that his cameras and lenses were top of the line, and that they had been advertised as capable of making the finest photographs possible. He ended by saying, rather indignantly, that only *professionals* used such equipment as his, and that I — with my 20-year-old, "obsolete" film cameras — knew nothing of professional photography. My equipment "clearly wasn't up to par." I forced a smile and bade him good day; as I turned to leave, he was already firing away at an empty soda bottle on the ground. Here was another example of dogged perseverance; here also, I suppose, was another example of an individual learning how to see by operating his camera. But the results were purely mechanical reproductions of the outside world, cold and thoughtless.

I remember, in comparison, one of the first artistic compositions I had produced with a camera. It was an icy December night, nearly four years previous. A subdued whisper of wonder crossed my lips as I looked up from the tall, metal-cased finder of the tripod-mounted camera. The frigid valley air was thick with vapor; my breath rose lazily from my mouth, smearing the dark backdrop with its ghostly fingers. The image on the focusing screen was barely visible; my numbed hands trembled, fumbling with the icy metal focusing knob. The streetlight midway down the road was the brightest; I focused on it, bringing its image to a sharp pinpoint. As I watched and waited, the fog lifted slowly, gently.

What you make of a picture shows who you are, not just what the photograph depicts.

continued on page 69

The DEA Wishes Me a Nice Day

by Peter McWilliams

December 17, 2007, marks the tenth anniversary of the government raid on the home of Peter McWilliams (1949–2000), an author beloved by Liberty's readers. This article first appeared in the May 1998 issue of Liberty.

Peter used marijuana to treat the nausea caused by medications he took to combat AIDS. He died on June 14, 2000, after a federal judge had ordered him to stop using medical marijuana. Liberty's founding editor, Bill Bradford, wrote of Peter upon his death: "He was one of the most joyous people I've ever known, a hero in every sense of the word." — *Patrick Quealy*

On December 17, 1997, I was working in my living room-office on my computer next to a fire — sort of high-tech meets Abe Lincoln. It was not yet dawn, and I had been working most of the night. Leonard Cohen's "Famous Blue Raincoat" begins, "It's four in the morning, the end of December." It's a special time of night and a special time of year. The rest of the world has gone quite mad with Christmas, and I am left alone to get some work done.

A hard pounding on the door accompanied by shouts of "Police! Open Up!" broke the silence, broke my reverie, and nearly broke down the door. I opened the door wearing standard writer's attire, a bathrobe, and was immediately handcuffed. I was taken outside while Drug Enforcement Administration (DEA) agents ran through my house, guns drawn, commando-style. They were looking, I suppose, for the notorious, well-armed, highly trained Medical Marijuana Militia. To the DEA, I am the Godfather of the Medicine Cartel. Finding nothing, they took me back into my home, informed me I was not under arrest, and ordered me — still in handcuffs — to sit down. I was merely being "restrained," I was told, so the DEA could "enforce the search warrant."

However, no search warrant was immediately produced. Over the next hour, one page after another of the warrant was placed on a table nearby. I was never told the reasons a federal judge thought it important enough to override the 4th Amendment of the supreme law of the land and issue search warrants

for my Los Angeles home of eleven years, my new home (two doors away), and the offices of my publishing company, Prelude Press, about a mile away. The reasons, I was told, were in an affidavit "under seal."

In other words, I have no way of determining whether this is a "reasonable" search and seizure. The DEA agents could have written the judge, "We've never seen the inside of a writer's house before and we'd like to have a look. Also, those New York federal judges are very touchy about letting us go into New York publishing houses, so can we also have a look at Prelude Press here in L.A.?"

It was eerie to see bright (for the most part), friendly, young people systematically attempting to destroy my life.

Whatever the reason, I was in handcuffs, and the nine DEA agents and at least one IRS Special Agent put on rubber gloves and systematically went through every piece of paper in my house. (Were the rubber gloves because I have AIDS, or are they just careful about leaving fingerprints?)

I should point out, as I promised them I would, that I was never "roughed up." The DEA agents were, at all times, polite, if not overtly friendly. During the three hours of their search, the DEA agents asked me tentative, curious questions about my books, as though we had just met at an autographing party. They admired my artwork, as though they were guests I had invited into my home. They called me by my first name, although I am old enough to be the father of any of them.

A DEA *Special* Agent (not just one of those worker-bee agents) made it a point to tell me that the DEA has a reputation for busting into people's homes, physically abusing them, and destroying property, all in the name of "reasonable search and seizure." This, he reminded me on more than one occasion, was not taking place during this search and seizure. I agreed, and promised to report that fact faithfully. I have now done so.

Patriots

I suppose the DEA considers this a step up, and I suppose I agree, but it was eerie to see bright (for the most part), friendly, young people systematically attempting to destroy my life. I do not use the word "destroy" lightly. DEA agents are trained to fight a war, the War on Drugs, and in that war I am the enemy — a fact I readily admit. The DEA, therefore, fights me with the only tools it has — going through my home, arresting me, putting me in jail for the rest of my life, asset-forfeiting everything I own, selling it, and using the money to hire more DEA agents to fight the War on Drugs. From these young people's point of view, invading my home is an act of patriotism.

In a DEA agent's mind, because I have spoken out against the War on Drugs, I'm not just an enemy, but a traitor. In 1993, I published "Ain't Nobody's Business If You Do: The Absurdity of Consensual Crimes in Our Free Country." In this libertarian tome — endorsed by a diverse group including Milton Friedman, Hugh Downs, Archbishop Tutu, and Sting — I explored in some detail the War on Drugs' unconstitutionality, racism, anti-free market basis, deception, wastefulness, destructiveness, and unwinnability. I see it as one of the darkest chapters in American history, and certainly the greatest evil in our country today.

My view is at odds, obviously, with the last line of DEA Administrator Thomas Constantine's 1995 essay, "The Cruel Hoax of Legalization": "Legalizing drugs is not a viable answer or a rational policy; it is surrender." According to Administrator Constantine, I and "many proponents of drug legalization" are "wealthy members of the elite who live in the suburbs and have never seen the damage that drugs and violence have wrought on poor communities, and for whom legalization is an abstract concept." An abstract concept. Like life, liberty, and the pursuit of happiness.

Given my outspoken opposition to the drug war, I shouldn't be surprised that the DEA wanted to search my home. The drug war is another Vietnam. Most of the drug warriors know it, and they have no intention of losing this war and becoming the homeless people so many Vietnam veterans have tragically become. Smart drug warriors. So, to the DEA, I'm part of the nation's enemy. And I must admit, by DEA standards, I have been pretty bad.

But when I got sick, I got even worse.

In mid-March 1996 I was diagnosed with both AIDS and cancer. (Beware the Ides of March, indeed.) I had not smoked marijuana or used any other illicit drug for decades prior to this (a decision I now regret). But since 1996 I owe my life to modern medical science and to one ancient herb.

And so I became an outspoken advocate for medical marijuana. In 1996, before the passage of California Proposition 215 (the Medical Marijuana Act), I donated office space to a cannabis club so it could sell marijuana to the sick. I also started the Medical Marijuana Magazine online in February 1997; testified in favor of medical marijuana before the California Medical Examiners Board and the National Academy of Sciences; and appeared as a medical marijuana advocate in

To the DEA, I'm part of the nation's enemy. And I must admit, by DEA standards, I have been pretty bad. But when I got sick, I got even worse.

or on numerous media, including CNN, MSNBC, The Los Angeles Times, Associated Press, United Press International, CBS Radio Network, and dozens more.

For a sick guy, I've been around. (Actually, I've been around, and that's how I got to be a sick guy, but that's another story.) Most disturbing to the DEA, I would guess, was my strong criticism of it in a two-page ad I placed in the Dec. 1, 1997, Daily Variety. I denounced Administrator Constantine's threat to criminally investigate the creators of "Murphy Brown" for Murphy's fictional use of medical marijuana. Having made comments such as, "The DEA gives the phrase 'ambulance chasing' a whole new meaning," I'm surprised it took the DEA seventeen days to find my house — but, then, they are part of the government.

Confiscation

About two weeks before my DEA Christmas visitation, the Medical Marijuana Magazine online announced it would soon be posting portions of a book on medical marijuana that I've been working on, "A Question of Compassion: An AIDS Cancer Patient Explores Medical Marijuana." My publishing company announced that books would ship in January. This brings us back to my computer and the DEA agents' almost immediate interest in it.

My computer and its backup drives, which the DEA also took, contained my entire creative output — most of it unpublished — for the nearly two years since my diagnosis. My central project has been the above-mentioned book and a filmed documentary with the same title. Being a fair, balanced, objective view of medical marijuana in the United States, the book is scathingly critical of the DEA.

So they took the computer, backup copies of my computer files, and most of my research materials on medical marijuana. William F. Buckley, Jr., said, "That is the equivalent of entering The New York Times and walking away with the printing machinery." If I don't get my computer and files back, it will take at least six months additional work to get back to where I was, and redoing creative work is disheartening at best.

Not only am I in shock from having been invaded and seeing my "children" kidnapped (writers have an odd habit of becoming attached to their creative output), but every time I go for something — from a peanut butter cup to a magazine — it's not there. Something is there, but it's not what was there 24 hours earlier. Everything reeks of nine different fragrances — like the men's cologne department at Macy's. My address books were also taken — not copied, taken. As you can imagine, all this is most disorienting, especially for a born-again marijuana addict like me.

How the DEA Works

A few random observations:

- While rummaging through my publishing company, a DEA agent told the publishing staff, "You guys had better start looking for new jobs. If the DEA doesn't take this place for marijuana, the IRS will. The government will own this place in six months." Such a statement does not just have a chilling effect on a publishing company; it is like putting an iceberg in front of the *Titanic.*

- The DEA took a microcassette tape from the recorder next to my bed. On the tape I had dictated a letter to President Clinton (dictating to President Clinton in bed seemed appropriate), asking him to rise above politics and show his compassion by making medical marijuana available to the sick. I may never get to mail that letter now, but I certainly hope the DEA agent who listens to it will transcribe it and send it to his or her boss' (Constantine) boss' (Reno) boss (Clinton).

- I have precisely three porn magazines in my house, hidden deep away in my sock drawer. (Who has enough socks to fill a whole drawer?) The magazines were removed from their stash and placed on top of random objects before photographing them. A jury, looking at these photographs, would think I have pornography all over the place. Frankly, I don't mind if a jury thinks this, because my view of pornography agrees completely with that of Oscar Levant: "It helps."

- When the DEA agents found a collection of Playboys at the offices of Prelude Press (the Playboy Forum is, in fact, one of the best antiprohibition information sources around), I am told (as I was not there) that three of the male DEA agents spent a great deal of time testosteronistically pawing through and making typically sexist comments about portions of the magazine that have nothing to do with drugs — but that are obviously addictive nonetheless.

- An invasion of nine people into the world of someone with a suppressed immune system is risky at best. DEA agents come into contact with criminals and other DEA agents from all sorts of international places with all sorts of diseases. Some of these diseases don't infect their young federal bodies, but the agents pass them along. I think of certain strains of tuberculosis, deadly to people with AIDS and rampant in certain quarters — quarters where I make it a point not to go, but quarters in which the DEA seems to thrive. Since my diagnosis, I have lived the life of a near hermit, especially during flu season, which is now. Thundering into my sterile home surrounded by the clean air of Laurel Canyon is the equivalent of germ warfare. At least two of the agents were sniffling or coughing. Six of them handled me in some way. I kept flashing back to the U.S. Cavalry passing out smallpox-infested blankets to shivering Native Americans. Have these people no sense of the struggle AIDS sufferers have in fighting even ordinary illnesses, and the lengths some of us go to avoid unnecessary exposure to infection? (Naive American question, huh?)

Prospects

Philosophically, or at least stoically, one could say all this is part of my research into medical marijuana and those who

oppose it — especially into those who oppose it. The problem is that I'm not sure what I've learned. Two scenarios surface, each more frightening than the other.

Scenario One: The DEA, angered by my criticism and fearful of more, decided to intimidate me — and to have a free peek at my book in the bargain.

Scenario Two: In July 1997, the DEA invaded the home of a man named Todd McCormick, destroyed his marijuana research plants (one of which had been alive since 1976), took his computer (which had notes for a book he is writing), and has not yet returned it. Perhaps the DEA — caught in a blind, bureaucratic feeding frenzy — is just now, five months later, getting around to investigating my connection as possible financier of Todd's "Medical Marijuana Mansion" or even — gasp! — that I grew some marijuana for myself. This means that in order to justify the arrest of Todd McCormick, a magnificent blunder, they are now coming after me, a magnificent blunder.

Whichever scenario is correct, if the DEA and IRS have their way I may spend the rest of my life in a federal prison, all expenses paid (and deaths from AIDS-related illnesses can be very expensive, indeed). Truth be told, prison doesn't particularly frighten me. All I plan to do the rest of my life is create things — write, mostly. I've been everywhere I want to go. It's my time of life for didactic pontificating. It is a phase writers go through immediately preceded by channel surfing and immediately followed by channel surfing. Or hemlock.

If the DEA has seized my computer to silence me, it has failed, as I hope this article illustrates. The DEA's next oppressive move, then, would be to arrest me.

Answering the Unanswerable — In his essay "The Cruel Hoax of Legalization," DEA Administrator Thomas Constantine throws down the gauntlet: "Let's ask proponents some of the hard questions that arise from their simplistic proposal." All right, let's.

Here, then, in order, are the withering questions Administrator Constantine dares us, the "legalizers," to answer. I shall venture where wise men have already tread and submit myself to the Administrator's withering scrutiny.

"Would we legalize all drugs — cocaine, heroin, and LSD, as well as marijuana?"

Yes.

"Who could obtain these drugs — only adults?"

As with cigarettes and alcohol, sale would be restricted to adults, but we can't pretend children will have any less access to drugs when they are legal than they do today when they are not. We can hope only that if we tell kids the truth about drugs — all drugs — they will listen when we advise them not to take any drugs, except medicines, until their nervous systems are fully developed. As with driving a car, voting, or not having to learn anymore, some pleasures are reserved for adults. Those young people who do not follow this sound advice will at least have access to the information necessary to distinguish between drugs that are the least harmful (marijuana) and those that are the most harmful (inhaling airplane glue, PCP and, long-term, tobacco) and experiment accordingly.

"Who would distribute these drugs — private companies, doctors or the government?"

Oh, not the government, please. Did you ever try to buy a bottle of good wine in a state where alcohol is sold only in government-run stores? "Red wine is in the cooler over there, white wine is over here, and pink wines are in the middle." So, please, not the government.

Doctors should certainly be able to prescribe whatever medication they think patients need, but most drug use is recreational and educational, not medicinal.

That leaves — hooray! — "private companies." Yes, free enterprise, capitalism, the open market will take care of manufacture and distribution, create new jobs, and remove the criminal element almost overnight. We could expect private firms to compete to provide the safest drugs — as well as the least expensive. Best of all, it won't cost the taxpayers a cent. In fact, the drug companies will even pay taxes. This may not be a comfortable thought to Administrator Constantine — who uses "libertarian" and "open society" as pejoratives, the way Senator McCarthy used "communist" — but capitalism is the economic system we fought a 40-year Cold War to maintain, so why not use it?

"Should the inner city be the central distribution point, or should we have drug supermarkets in Scarsdale, Chevy Chase, and the Main Line?"

What a fascinating plan to rejuvenate the inner cities! Since the War on Drugs turned ghettos into war zones and death traps, why not let the inner cities profit from the influx of entrepreneurial money that is sure to follow legalization? Turn every Enterprise Zone into a Legal Drug Zone. The trouble with this plan, of course, is that it would require a government program, which means things will only get worse.

Enough government meddling. Legalize drugs and let the free market determine where the drug supermarkets will be, just as it determines the location of bars, liquor stores, and pharmacies.

"How much are we willing to pay to address the costs of increased drug use?"

The Administrator just doesn't get it, does he? The costs of "increased drug use" — should there be any increased drug use, and should there be any costs involved with this increased use — would be borne by the individual users, who would no longer be paying outrageously inflated drug prices and who would get to keep the taxes normally collected and wasted on the $50-billion-a-year War on Drugs.

"How will we deal with the black market that will surely be created to satisfy the need for cheaper, purer drugs?"

No, no, Administrator Constantine, it's called a "free market" — not a "black market." A black market is *what we have now* because you and your Special Agents have driven a much-demanded commodity underground. Legalization will create a free market again, where drugs will be pure, dosages known, strengths uniform, and prices

(Some have cautioned me about assassination, which I find difficult to comprehend — but then I thought my book was so safe I didn't even have a backup in a Public Storage locker somewhere. I should, I suppose, state that I am not in any way suicidal about this — or anything else, for that matter. So if I should die before the DEA wakes and they claim my death was a suicide, don't you believe it. I plan to go about as quietly into that good night as Timothy Leary did. Still, as a naive American, this concern is far from my mind.)

If the DEA intends to come after me as the financier of Todd McCormick's medical marijuana empire, the DEA knows full well I took credit for that immediately after Todd's arrest — which made a lie of the DEA's claim that Todd purchased his "mansion" with "drug money." Yes, I gave him enough money to rent the ugliest house in Bel-Air and, being Todd McCormick, he grew marijuana there. The money I gave him was an advance for a book on cultivating marijuana.

Todd cannot use medical marijuana as a condition of his bail-release. He is drug-tested twice weekly. He cannot go to Amsterdam where he could legally find relief from the pain of cancer. Todd now faces life imprisonment — a ten-year mandatory minimum — and a $4 million fine, for cultivating medical marijuana, which is specifically permitted under the California Compassionate Use Act of 1996.

Most of the drug warriors know that the drug war is another Vietnam. And they have no intention of losing this war and becoming the homeless people so many Vietnam veterans have tragically become.

The DEA, at the federal level, and California Attorney General Dan Lundgren (with Governor Pete Wilson smiling his approval from on high) should have opposed Proposition 215 in court. In court they had the right — and the responsibility, if they truly believed it a bad law — to challenge the law and ask a judge to stay its enactment. They did not. Instead, the DEA is fighting its War on Drugs in the sickrooms of Todd, me, and countless others.

Our government is not well.

What Our Patriots Are Doing Today

As I write this, I feel myself in mortal combat with a gnarly monster. Then I remember the human faces of the kind people who tried to make me comfortable with small talk as they went through my belongings as neatly as they knew how.

It reminds me, painfully, that the War on Drugs is a war fought by decent Americans against other decent Americans, and that these people rifling through my belongings really are America's best — bright young people willing to die for their country in covert action. It takes a special kind of person for that, and every Republic must have a generous number of them in order to survive.

But instead of our best and our brightest being trained to hunt down terrorist bombs or child abductors — to mention but two useful examples — our misguided government is using all that talent to harass and arrest blacks, Hispanics, the poor, and the sick — the casualties in the War on Drugs, the ones who, to quote Leonard Cohen again, "sank beneath your wisdom like a stone." It is the heart of the evil of a prohibition law in a free country.

After all, picking on someone with AIDS and cancer is a little redundant, don't you think?

On the way out, one of the DEA agents said, "Have a nice day."

I believe the comment was sincere. ❑

very reasonable, as determined by the laws of supply and demand. (As Director Constantine is obviously not a reading man, perhaps someone should send him a videotape of Milton Friedman's PBS series "Free to Choose." Label it "Advanced Drug Intervention Techniques," just to make sure he watches it.)

"And when the legalizers answer all these questions, ask them this: . . . "

Oh, boy, the $50-billion, 700,000-prisoner question. Give me a moment to compose myself. All right, Administrator Constantine, shoot. No, wait, I mean *give* me the question.

" . . . Can we set up a pilot legalization program on your block?"

Oh, absolutely! I'll make a fortune just selling roadmaps to my neighborhood. In fact, I'll finance the whole endeavor. Give me a government-guaranteed monopoly on legal drug sales for, say, the next five years. Consider it your "pilot program." I'll let you know how it works out.

Alas, it is painfully evident that Administrator Constantine, having spent a lifetime in governmental bureaucracy, simply does not understand there is no need for a "pilot legalization program" — any more than we needed a "pilot let-women-vote program" in 1920 or a "pilot make-alcohol-legal-again program" in 1933. The government needs only to get out of the way and let the free market take it from there.

Thus endeth Administrator Constantine's series of questions no "legalizer" could possibly endure. As none of my answers are in any way new, one must wonder if the Administrator has ever read any of these answers before. In this country alone, they go back to Thomas Jefferson ("A wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement"), didn't miss Lincoln ("A prohibition law strikes a blow at the very principles upon which our government was founded"), and even touched George Bush when William Bennett wasn't around ("You cannot federalize morality").

(I plan to stage Othello someday with George Bush as Othello, William Bennett as Iago, and drugs as Desdemona.) —Peter McWilliams

Reflections, *from page 16*

by advocating computers for young school children, broadband access for practically everybody, energy conservation (as by mileage standards for cars), and subsidies for ethanol and glamorous alternative energy sources.

Some years ago a congressman, having heard that the oceans are full of hydrogen, worked on a bill to promote a hydrogen-based economy until an adviser clued him in to chemical realities.

U.S. officials have often spoken and sometimes acted as if they were competent to democratize badly governed countries or sensibly to prefer some factions there over others. Foreign policy, like other public issues, must be dealt with somehow; yet the sad record of unintended consequences should be taken to heart.

But let's not be arrogant: we ordinary persons, not just politicians and celebrities, sometimes suffer delusions in our private lives, not to mention our policy positions.

— Leland B. Yeager

Gone with the wind — One of the magic solutions for global warming pushed by those of greenish hue is wind power. The greenies tout wind power as a perfectly safe source of energy. An article in Der Spiegel makes that claim look dubious.

Germany has more experience with wind power than any other country on earth. It has over 19,000 wind turbines, thanks mainly to lavish government subsidies. But a spate of recent accidents has caused concerns.

In one case, a 328-foot-tall wind turbine in Oldenburg broke apart. The authorities investigated six other units, and they shut down four of them because of safety concerns. In another case, parts of a rotor blade flew off and landed on a nearby road (luckily, not during rush hour).

Rotor blades from another wind turbine flew off in Brandenburg. In yet another incident in Schleswig-Holstein, a 230-foot-tall windmill broke in the middle. And several wind turbines near Osnabruck caught fire recently.

All this has led the German Insurance Association to complain about the large number of defects showing up, such as problems with the rotors, gearboxes, and generators. The big insurance company Allianz was hit by nearly a thousand claims for wind power problems last year alone. Insurers now call the technology "risky."

In case one might think that putting windmills out in the ocean will solve the problems of risk, well, many countries have run into problems with wind turbine fields at sea. Vestas, a world leader in wind power technology, had to remove an entire field of turbines off the coast of Denmark in 2004, because the turbines couldn't stand up to the sea and weather.

The Spiegel piece doesn't explore two other problems with wind power. First, fields of wind turbines have proven great at killing birds. Quite an ecological downside, no? Second, because of the feeble output from a single wind turbine, you need massive fields of them to generate an appreciable amount of power, and those fields are surpassingly ugly. This is why the Kennedy clan, oh-so-green and politically correct, killed a planned project that would have placed a field off Martha's Vineyard, where their castle is emplaced.

— Gary Jason

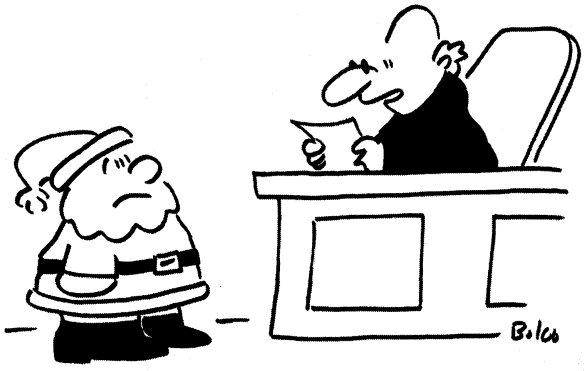

"Well, well, well — seven hundred and fifty thousand counts of breaking and entering . . . "

The weakest link — Can anyone explain the lingering campaign of former Sen. John Edwards? A less-apt candidate for the U.S. presidency would be hard to find. He's unsubstantial yet protean — in a bad way. Standing next to Barack "Empty Suit" Obama, Edwards seems like a craven panderer. Standing next to Hillary "Freudian Train-wreck" Clinton, Edwards seems angry and resentful.

Yet Edwards carries on.

Nothing the man says rings true. Having read the polls that voters in New Hampshire worry about schools, Edwards says the federal government should underwrite universal pre-kindergarten and fund a statist higher education program called "College for Everyone."

He seems to have a poor understanding of who will pay for universal university education. His vaporous position papers suggest he'll increase taxes on the "the rich." But who knows? Like most statists, Edwards uses a definition of "rich" that reaches down into the middle-class when circumstances warrant.

Exploiting class resentments is something that Edwards — who made his millions as a personal-injury lawyer — seems to do naturally. He told one primary-state newspaper: "I do not believe it is okay for the United States of America to have 37 million people living in poverty."

I do not believe it is okay. That phrase, like its speaker, is so sanctimonious that it beggars belief. But it's not unusual for him. Through the early debates, Edwards repeated the illogical argument that his changing position on the war in Iraq shows more integrity than his opponents' consistent positions — for or against.

There he stands, smarmily, an ambulance-chaser presenting his case to a jury of rubes. Maybe he believes that Americans want to be told lies by a striving yuppie. Maybe he is blind to the greed, guilt, and venality of the fellow trial lawyers who support him. But some things should register, even with a solipsist.

Your wife — by all accounts a good and loyal partner — is sick with cancer, man! Put your vanity aside, give up this empty enterprise, and tend to her. — Jim Walsh

Reviews

"The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook and Your Future," by Randal O'Toole. Cato, 2007, 416 pages.

Planners Beware

Bruce Ramsey

Thinktank books tend to rumble through the mind, even when you agree with them. A scholar with verified ideas excavates evidence to support them and makes it into a book. Such books may be useful, but most have a grayness about them.

Randal O'Toole's "The Best-Laid Plans" is published by a thinktank — the Cato Institute — which has given it an attractive cover and professional editing. But it is very much a book of Randal O'Toole, who is not an inside-the-beltway intellectual. O'Toole has spent his life as a guerrilla warrior — first against the U.S. Forest Service, and more recently against the land-use and transportation planners. There is no one in America quite like this man from Bandon, Ore.

"The Best-Laid Plans" is not a theory-first book. It does not argue that planning is inherently wrong because it violates people's rights, though you might conclude that from reading it. "When government agencies plan, they are making decisions about other people's time, money and property," O'Toole writes. "When the planners make mistakes, someone else bears the costs." His point is not that the cost shift is wrong but that it leaves planners with little incentive to plan a future that people want.

O'Toole allows that any organization, even the government, needs to plan. If government builds the roads, it ought to have a roads plan. But when government attempts to plan for complex systems like an entire forest or an urban area of several million ornery humans, it is a wholly different matter. The planners won't have enough data. Probably a really good computer model would be impossible because it would have to quantify the unquantifiable. In any case the planners don't have models that are really good.

Then there is a universal law of life: stuff happens. We decide to kill off the grizzly bears. Then we reintroduce them. The human population explodes. Then the birthrate plunges. The globe is cooling. No; it is warming. "Comprehensive government planning does not work," O'Toole declares, "because no one can understand the total complexity of the world."

Furthermore, the planning organization is distracted from its mission. Politicians steer it from above. Bureaucrats corrupt it from within. Planners cut corners. Pressure groups file lawsuits alleging the plans to be inadequate, which they are. Judges throw the plans out.

O'Toole tells the story of three jungles of planning he has explored: forest planning, urban land-use planning, and transportation planning.

Forest planning was the first. The Forest Service was required by law to produce large, complex plans. It produced them, and O'Toole read them. He also reviewed the data behind them. I skip over this part because I know little about it. With the other two I am familiar, having written about these issues as a journalist. There I can say that at every point at which "The Best-Laid Plans" touches my knowledge it appears to be right.

O'Toole talks about "smart growth," urban growth boundaries, light rail, modern streetcars, traffic calming, boulevarding, and the abolition of one-way streets. All of it is proposed, or is happening, where I live. And he writes much about Portland, Ore., a city three hours' drive from where I live. Portland has been the pin-up for planners.

A quarter-century ago, Portland's regional government drew a line around the urban area and declared that line a growth boundary. Building permits would be automatic inside the line, and

difficult outside it. The idea was to stop "sprawl."

Economists said that limiting land would raise the price of housing faster than in cities with no such line. For the first decade they were wrong. The line had been drawn widely, and for a long time there was plenty of land within it. But in the 1990s there wasn't, and the economists were proven right.

Portland built "light rail" — a type of passenger train that, as O'Toole points out, is "light" only in the work that it does, not in its weight or its cost. The federal government paid for the first line Portland built. Oregonians were proud of it. It was a progressive thing. It would get people out of their cars. I live in Seattle, well within earshot of all the gushing over Portland's little train. Then Portland built a tram, and private developers began replacing warehouses with high-rise condo buildings in a place called the Pearl District. Then came a gondola, which connected a splashy riverfront development with a medical school. Light rail, trams, gondola. Portland was *so cool.*

No longer affordable, though. The condos are impressive, but visitors don't see the millions of subsidies dispensed through tax-increment financing, which took tax money away from schools. (Tax-increment financing is a way of bankrolling a project by using the tax revenue it generates. The taxes from, say, an office-retail center go to repay some of the debt of the project instead of being deposited in local government accounts. Sometimes tax increment financing counts the added taxes from land around the project as well.) Visitors don't know that bus routes were canceled to herd bus riders onto rail, though visitors will notice that it's tough to find a parking place. Congestion has increased, because most people in Portland did not get out of their cars.

Portland's "smart growth" strategy is, O'Toole writes, "based on the design fallacy, the idea that urban design shapes human behavior." It does in some ways, but not nearly to the extent that the planners dream.

If you have followed O'Toole's work you have read much of what is in this book. I had already read the story of "The Ideal Communist City" — the East German town of Halle-Neustadt, which consisted entirely of mid-rises surrounded by gardens and served by rail transit, with car parking only on the periphery. It was a city that entirely satisfied the criteria of many American city planners — and it was built by the government of Erich Honecker. Since liberation, some of the residents have fled, leaving many buildings empty and others inhabited only on the lower floors. The gardens have been paved over so that people can park cars where they live. I have seen O'Toole's slideshow of that city, and it is a pity it is not in his book. Still, "The Ideal Communist City" is a most audacious chapter. One of O'Toole's enemies put up a blog entry accusing him of "redbaiting" city planners.

He did.

A delightful feature of the book is O'Toole's defense of the personal car. He argues, for example, that it has been the single most important boon for employees, because it has given them access to many more employers. O'Toole also argues in this book (as he did previously in Liberty) that as Hurricane Katrina approached New Orleans, it was the people with cars who got out. He writes:

> Automobiles give people the freedom to deal with disasters on their own terms and timetables. Even if buses and trains were available, people would be reluctant to take them. Would the bus or train take them where they wanted to go? Could people take their pets and precious belongings? Could they come back when they wanted to return? The automobile frees people from the whims of other people's rules and schedules.

Imagine using Katrina as an argument for cars! O'Toole did.

Google it and you can read the furious replies from the devotees of transit. They froth at Randal O'Toole. One blogger responded with a fulmination entitled, "Worst. Article. Ever." He would hate this book. Liberty's readers should like it very much. ❑

"Young Frankenstein," directed by Susan Stroman. Hilton Theater, New York.

Great Campy Fun

Jo Ann Skousen

Just when "The Producers," Mel Brooks' musical adaptation of his 1968 film, has about run its course on Broadway, Brooks mounts another equally ambitious project, "The New Mel Brooks Musical Young Frankenstein." Reuniting most of his team from "The Producers": Tom Meehan as co-writer, Susan Stroman as director/choreographer, Robin Wagner as set designer, William Ivey Long as costume designer, and Glenn Kelly as music supervisor and arranger, the show seems like a sure winner. Anticipated as the smash hit of the season, with premium seating in the orchestra going for $450 a pop, the show has had New York buzzing for several months.

And it is smashing: lavish, big, loud, and populated by no fewer than six big-name stars, it is the musical show to see this year. On opening night the audience was electrified, erupting in applause with every new character's entrance and every well-loved line. It was a glittering night of tuxedos and evening dresses, the way theater used to be: during inter-

mission I bumped into Joan Rivers and Goldie Hawn; when the play ended I walked out with Regis Philbin on one side of me and Billy Crystal on the other. Mel Brooks and Gene Wilder both came on stage for curtain calls. Magical.

But while "Young Frankenstein" will most assuredly enjoy smashing success at the box office, is it a smashing production? Not completely. (And I think that's a good thing — those $450 ticket prices are going to come down, and you'll be able to see the show without having to book it six months in advance.) Yes, it's great campy fun, with over-the-top performances and glitzy dance numbers. But I think Brooks' meticulous faithfulness (or is it merely laziness?) to the 30-year-old movie script, which was itself a parody of 1930s horror films, is a handicap here. Audiences laugh with sentimental good wishes, but they aren't surprised and delighted with anything new. Still, what the show lacks in script, it makes up in its big bold sets and glorious choreography, especially "Puttin' on the Ritz," when the entire cast appears in monster-sized tap shoes.

Some of my favorite Broadway stars appear in this production, with the women outshining the men. Megan Mullally (Karen in "Will & Grace") establishes her fickle character in the hilarious "Don't Touch Me" early in Act 1, then disappears and is sorely missed until she finally returns with her show-stopping "Deep Love" in Act 2. Sutton Foster (who leads the cast of a new musical every season) learned to yodel for her bawdy "Roll in the Hay" as Inga, Frankenstein's randy laboratory assistant. That first number is full of promise, but though she is lovely in this role, she is neither as randy nor as funny as a fraulein named Inga is expected to be. The true genius in this show is Andrea Martin ("My Big Fat Greek Wedding") as the spooky Frau Blucher. Her comic timing and campy accent are spot on throughout the production.

Meanwhile, Roger Bart, who was deliciously outrageous as the supporting character Carmen Ghia in "The Producers," seems to be pacing himself as the lead in this show. He is good, but his Frederick Frankenstein never approaches Gene Wilder's near-manic zaniness. (This may be due to a back injury he suffered during previews, so his performance may improve in a week or two.) The most hilarious moment of the show occurred in the first act, when a revolving bookcase malfunctioned. Bart gamely attempted to cover for the malfunction, adlibbing as the bookcase revolved back and forth until finally he said, "I've run out of ideas, Inga. Can you think of anything?" followed by "Ah, f*** it!" Eventually the bookcase righted itself and Inga picked up the scene, announcing, "Oh look! A passageway!" as though they hadn't been mucking about in it for the past five minutes. I love live theater.

Lavish, big, loud, and populated by no fewer than six big-name stars, it is the musical show to see this year.

At the Hilton Theater for probably the next ten years, try to see "Young Frankenstein" with the original cast. After the Christmas rush, look for discount tickets on broadwaybox.com. ❑

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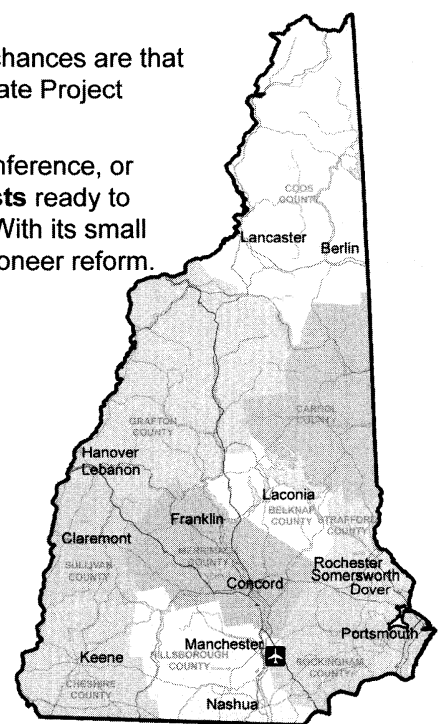

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"Libertarianism: For and Against," by Craig Duncan and Tibor R. Machan. Rowman & Littlefield, 2005, 167 pages.

Whence This Libertarian View of Life?

Gary Jason

The book under review is a lively exchange about the merits of libertarian political philosophy between one of its leading exponents, Tibor Machan, and one of its critics, Craig Duncan. Each participant provides an original defense of his political philosophy, then reads the other person's paper and critiques it; then each rebuts the other's critique. This makes the book a model of balance and clarity. It is also a model of civility: the debaters actually address each other in a reasoned and intellectually honest manner.

Its most important virtue, however, is its clear presentation of a host of basic issues that divide libertarians from modern liberals. The multitude and importance of these issues justifies a detailed consideration of the authors' arguments.

Machan starts off the exchange by enunciating his view of libertarianism, which he equates with classical liberalism and finds embodied in the Declaration of Independence. It is a philosophy of minimal government, in distinction to the governments of monarchist, socialist, fascist, and welfare states. He characterizes such states as "top-down" hierarchies seeking to impose their own goals on the citizens, as opposed to the "bottom-up" approach of genuine classically liberal states, in which the only goal of government is to enact laws the people desire; government is the employee of the people.

This view of government stresses the fundamental rights of the Declaration: life, liberty, and the pursuit of happiness (really, just property in Lockean terms). This leads Machan to the Harm Principle: "everyone is authorized to carry on his or her chosen activities and pursue his or her objectives, if doing so does not violate others' rights" (p. 5). Government is restricted to guarding those rights. This is the ideal of civil society: no conquest, oppression, or other coercive means are to be inflicted upon others. The distinction Machan draws is the standard libertarian one between "force" (which can be legitimate if applied to defend citizen rights) and "coercion" (which is, by definition, illegitimate force used to further state goals).

But Machan argues that the rights so important in this view of legitimate political governance do *not* give the notion of "rights" a fundamental priority in political theory. Instead, he views them as "derived from the requirements of the ethics of individuals flourishing within the context of human communities" (8). Here, the libertarian vision is that of a society in which people take care of themselves, forming and using voluntary mediating structures such as families, churches, social clubs, and companies. The government acts as a referee to ensure basic rights by using the courts, police, and military.

Nevertheless, Machan rejects a consequentialist approach to grounding libertarianism, one that regards libertarianism as moral because in a state of maximum (negative) liberty, people are going to make the best choices and the best social consequences will result. His libertarianism is based on respect for human choice, which can be and often is self-destructive. His libertarians reject vice laws, not because they like vice, but because they respect choice — a point one wishes libertarians would make more often.

To the charge that libertarianism involves an atomistic individualism that views human beings as isolated and self-sufficient, Machan replies that it need not do so. He notes that you *can* found individualism on a naturalist view of humans as a species of social animals with rationality as a central attribute, or you can found it on a Christian view that each person is a unique child of God, possessed of innate rights (17). In any event, he argues, individualism accounts for the superiority of free markets over controlled (statist) economic systems.

He draws some libertarian policy implications: government shouldn't regulate business or private conduct unless it demonstrably violates (or threatens to violate) individual rights; granting people "positive rights" (such as the right to health care) violates the real rights ("negative rights") of others and ought to be opposed; redistributionist schemes by government are inherently morally wrong (essentially enslaving some people to benefit others); government affirmative action is also morally wrong; and government should not punish people for using drugs (absent harm to others). Along the way, ironically, he marshals a large number of consequentialist arguments for these policy prescriptions: affirmative action programs increase racial tension and fail to help the very people targeted for help; the War on Drugs has increased organized crime while not helping those with drug problems; and so on.

Duncan begins by noting that he also bases his political philosophy on "respect for human beings' distinctive capacity for choice" (45). He puts forward four basic (and common) objections to libertarianism. The first, which he calls the "unanchored property"

objection, is that in reality what a person receives from any market transaction is not just the product of his or her own efforts but is highly dependent upon a governmental structure of supporting institutions and activities (police and court systems, banking insurance, monopoly prevention, government currency, transportation infrastructure, et cetera). All of these morally obligate people to pay for them in taxes.

For Duncan, taxation is not a kind of theft but a cost of doing business. He does think that some kinds of taxation systems can be unfair (too heavy on high-income earners, or too light on them), and we need to be guided by a principle of reciprocity: "there should be at least some rough balance between the benefits one gains and the burdens one shoulders in contributing to society" (47–48). But he gives no specifics about how that rough balance is to be calculated, or who will do the calculation. So what is rightfully yours is what the government leaves you after taxes. Also — an aspect of this critique that Duncan mentions but doesn't explore — to talk about keeping what's yours overlooks the dicey origins of property: "your" farm may be the land that was originally stolen from some native tribe by colonists centuries ago.

Duncan's second objection, which he calls the "inadequate defense of liberty" objection, is that minimal government can't protect people's freedom. The libertarian view allows government to use force to stop others from attacking me, but it also allows people to discriminate against me, or fire me capriciously, or treat me unfairly in other ways. Power relationships naturally cause some to be treated unfairly. For example, "fair access to economic opportunity will require some system of publicly funded education so that ignorance does not radically reduce the opportunities open to children of poor or negligent parents" (52). But fairness rights aren't open-ended "positive rights" such as a general "right to be made happy," because they deal with equality of opportunity, not equality of result. Duncan says that these fairness rights are fundamental, not just something based upon the consent of the governed.

Machan's libertarians reject vice laws, not because they like vice, but because they respect choice — a point one wishes libertarians would make more often.

The third objection, which Duncan calls the "dilemma of consent" objection, applies to the Lockean basis that Machan cites for his libertarianism: i.e., to the notion that a government is legitimate only to the degree to which it is based upon the consent (at least the tacit consent) of the governed. What is consent? Will mere continued residence do? If you don't consent, will you have to leave the country whose laws you do not consent to? As Hume objected, the high cost of emigrating makes this an unrealistic option for most people; and anyway, what if no other country is willing to take you in? (Whether Hume's practical objection is still true in this era of low-cost travel is debatable.) And of course, if consent is the basis of legitimate government, Sweden's welfare state is as legitimate as a purely libertarian one.

"Insufficiency of charity" is the fourth objection. Duncan argues that absent governmental coercion, people will not give enough charity to provide the poor with education, health care, food, energy, and so forth. He bases this argument on some brief historical comments about how bad working conditions were at the start of the industrial revolution: the rich lived very well, while masses of people lived poorly, working (in England) 65-hour work weeks, etc. These conditions were, allegedly, ameliorated only by the rise of the welfare state. (This history is debatable. For example, before the 1930s there was little in the way of a welfare state in America, but people certainly didn't starve en masse — charity did seem to work.)

Duncan offers the standard collective action problems. In a libertarian society free of government coercion, the charitable factory owner who provides safe and comfortable working conditions to his employees will lose out in competition to the grinchy one who doesn't, because the charitably run factory will have higher costs. Thus there will be (as the cliche holds) a "race to the bottom." Moreover, if we don't force everyone to contribute, we wind up with the "free rider" problem: if the police force (say) is paid for voluntarily, then those who don't pay stand to benefit just as much as those who do, so there will be a diminishing number of voluntary contributors.

If consent is the basis of legitimate government, Sweden's welfare state is as legitimate as a purely libertarian one.

Machan doesn't reply to these objections. He begins by noting the obvious, to wit, that most academic political thinkers are egalitarians, not libertarians. He holds that they, including Duncan, take equality to be the core value, whereas libertarians take freedom to be. And he makes the consequentialist point that the result has been an extensive and ever-increasing redistribution of wealth. The rates of progressive taxation are high here and even higher in Europe. (Machan ought to have gone farther and noted the cost in slower growth that this high taxation causes.) He traces the prevalence of egalitarianism in academe to two causes: first, a denial of free will; second, an intuitionist approach to ethics.

Regarding the first, he notes that many philosophers are unsympathetic to the idea that the hard-working entrepreneur deserves his money, because they view that person as just conditioned to be ambitious. That being so,

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he doesn't deserve to be rewarded more than other people, who happened to lack those inborn talents or social conditioning. Regarding the second, Machan says that the principle that everyone ought to be rewarded equally is just intuitively "true" — and hastens to add that intuitionism is a dicey basis upon which to base ethical views.

Machan traces the prevalence of egalitarianism in academe to two causes: first, a denial of free will; second, an intuitionist approach to ethics.

A more serious objection to individualism is that people are not social atoms; they are parts of a larger group, be it a nation, tribe, society, or community, and thus owe loyalty to that group. Socialists such as Marx and communitarians such as Charles Taylor say in effect that classical liberalism rests on a mistaken view of human nature: atomistic individualism, the view that human beings can live without any society at all, like solitary animals.

To this Machan replies that communitarians take Aristotle's insight that man is a social animal way too far. He thinks they deny the idea that people are self-governing even while living in groups. Being social doesn't mean that we enjoy (for example) the condition of servitude: "there is an essential individuality to our lives as well, and this requires for our flourishing that we enjoy sovereignty in how we live" (68). That means (here Machan leaps) that it isn't unfair for some to be better off than others. Machan suggests that the expectation of "fairness" may be a socially conditioned impulse — in our affluent society, parents bend over backwards to treat their kids equally.

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This strikes me as armchair psychology at its worst. Desire for equal treatment seems innate not just in humans, but in lower primates as well, as experimental psychology has shown. Give one chimp a piece of cucumber, and another a piece of banana, and the chimp given only the cucumber will be very angry. Now, one must hasten to add that not all our innate desires are good; we all innately prefer a diet high in sugar and fat, but that hardly leads to physical flourishing in today's world. But the psychological desire for equality does seem to be real, and libertarians ought to deal with it.

Machan closes by making a couple of nice points. One is the observation that the mere fact that you don't deserve something doesn't mean that you deserve to have it taken away. Another is that people — often even libertarians — hold the rich in real contempt.

About this, Machan is puzzled: it makes sense for people to hate Marie Antoinette, since royalty do nothing to earn their money, and get it by taxing ordinary folk (who in her time were desperately poor); but these days the ultra-rich (e.g., Bill Gates) get their wealth by their own work and have to *pay* huge taxes, while average people are well off in absolute terms, and certainly well off when compared to average people of the past. Yet Machan should not be puzzled: envy is a constant of human psychology.

In chapter 4, Duncan lays out his case for what he calls "democratic liberalism," i.e., modern (as opposed to classical) liberalism. He contrasts the "wergild" system of feudal England, under which it was a greater crime to kill a king than a nobleman, and a greater crime to kill a nobleman than a serf, with the egalitarian idea that all human beings have equal dignity and worth. This, he avers, is the basis for his political philosophy.

For Duncan, the source of the human dignity arises from our powerful mental capacities and our ability to articulate values and make choices. It is upon this mental capacity that we base our concept of moral responsibility. He notes that his view of politics — based on a respect for dignity and the capacity for rational choice — goes back to the ancient Stoics and was most forcefully articulated by Kant. He then analyzes respect for this capacity for choice as involving three things: not impairing it; not constraining it; and not ignoring it.

By impairing a person's ability to make rational choices, Duncan means crippling his or her mental capacities. This can be done in a myriad of ways, by physically or psychologically abusing people, or terrifying them, or addicting them to some powerful drug. By constraining a person's ability to make rational choices Duncan has in mind such things as physical restrictions (keeping a person locked up in a cell, for example), or threats that incapacitate a person (as when a mugger demands your wallet at the point of a gun). Here the person's dignity isn't reduced so much as thwarted.

The third way of failing to respect people's dignity is treating them as incapable of rational choice. This is "insulting a person's dignity." One way to do it was classically stated by Kant — treating someone as a means, a tool, for your own purposes. Duncan's spin here is that in treating people as means, you are treating them unequally. He points out that we are social animals, meaning that we cooperate to obtain the necessities of life. Society should respect the dignity of its individual members, but this leads to a dilemma: society is necessary for the development of the capacity for choice (hence for human dignity), but society requires rules and sanctions for getting its members to comply, which in turn threaten freedom and equality, and hence human dignity.

If the government debases the currency, am I not absolved of some of my moral obligation for the good things government delivers?

Duncan deals with this dilemma as so many modern liberals do, by appealing to John Rawls' "liberal principle

of legitimacy." In this view, "the basic rules of society should be chosen so as to create a reasonable balance among the various inevitable threats to human dignity, chief among which are the threats of constraint and insult" (89). So, Duncan says, it is unreasonable to suppose that people will freely adopt constraints on their choices of occupation, spouse, number of children, and so forth, but it is reasonable to suppose that they will adopt "lesser" constraints on income, pollution, driving, etc. This gives him his key opening: he says that choice must be real, which means (to him) that a poor worker faced with options such as "do this or you will be fired" is like a person facing a mugger who demands at gunpoint "your money or your life."

Under this concept of dignity-based liberal democracy, people have civil rights (rights to free expression, association, and so on); personal rights (rights against personal assault, murder, and so on); economic rights (to personal property, to freedom from discrimination); and political rights (voting, due process in legal proceedings, etc.). Restrictions on these rights are allowed when and only when "it would be reasonable to expect free and equal members of society to accept" them (94). Of course, this leaves a lot open to question. Does it mean that members of society must be equal to begin with? Are we talking about all members, or a majority? And do they operate from ignorance, or do we suppose that they are knowledgeable about basic economics, psychology, and history?

But . . . on to practical proposals. Duncan favors a democracy based on proportional representation, so that smaller parties have an easier chance of being part of the debate and of the legislative process. He does not mention the obvious problems that such democracies face, such as the increased difficulty in forming legislative majorities. He favors publicly funded campaigns, so that big money contributions don't dictate elections, but he doesn't address the major problems of such systems, either. Doesn't denying me the right to contribute all the money I can to defeat a candidate I view as evil count as a denial of free speech, and dignity as well?

In the economic system, Duncan's dignity-based democratic liberalism favors some form of property rights, but not "absolute" ones. He thus predictably focuses not on whether property rights are guarded but on whether people have "adequate opportunity" to shape their lives. This means we must go beyond a system that gives people merely "formal" equality of opportunity to one that requires everyone to be given the opportunity to acquire the skills needed to succeed. Middle-class people should thus pay more in taxes so that inner-city schools can achieve financial equality.

Duncan doesn't consider the option of vouchers, which would give all students an equal share of tax revenues to attend a school of their choice. Even in a poor urban district such as Washington, D.C., this would amount to $14,000 per year per child. And he doesn't offer evidence that there is real underfunding of education in America — indeed, that is a fallacy, as Jay P. Greene shows in his recent book, "Education Myths." Besides, as Duncan himself notes, equal funding will hardly equalize education, because differences in genetics, subculture, and family enter in.

He notes (103–4) that there have to be "sensible limits" to the ideal of equality. One can just imagine the radical leftist response: then why *not* abolish the private family? And it's unclear how Duncan can reply to this obvious extension of his own principles. One thinks here of Solzhenitsyn's point made decades ago, that contemporary liberal principles of egalitarianism can't resist extension by socialists, and ultimately by communists.

Addressing market outcomes and just deserts, Duncan makes the common leftist point that in our society, your economic reward doesn't just reflect what you "rightly" deserve, or your "contribution to society." Luck is also involved, and other people's ideas of your contribution. A pornographer may earn what 20 nurses do. Janitors (as Duncan avers) may be underpaid, while CEOs (whom, Duncan feels, owe their status more to cronyism than to performance) may be overpaid.

Because the market is bad at rewarding people either for their effort or their contribution, and because (as Duncan readily concedes) governments in planned economies have been lousy at setting wages, he suggests that government *help to set morally correct wages*. Further, because "the power that employers have over employees is problematic from the point of view of respect for human dignity" (112), this power needs to be held accountable by a welter of laws prohibiting sexual harassment, ensuring worker safety, and setting a livable minimum wage. (He cites one study that alleges that minimum-wage laws do not increase unemployment, but one doubts that even 1 in 20 economists would agree.) He of course advocates social security, unemployment insurance, health insurance affordable by everyone, and a "maintenance" income for those in poverty. To all of this he adds that we shouldn't micromanage the economy.

He might have considered the effects of the welfare states of Europe, which apply all the programs he advocates — effects such as chronically high unemployment, low economic growth,

"What's all this 'naughty or nice' jazz? Haven't you ever heard of situational ethics?"

massive population decline, and lower real wealth. He might also have projected the financial consequences of the entitlement programs we already have, which will, if not reduced, absorb *all* the federal budget within a couple of decades. And he might have investigated libertarian alternatives to safety net programs. Even if we agree that social security is needed, why can't we have the fully privatized system that the Chileans enjoy?

In his rejoinder, Machan accuses Duncan of basing his fundamental concept of equality on his own intuitions. Machan urges that his own version of egalitarianism rests instead on the objective facts of human nature. From this naturalist rather than intuitionist approach, democracy can clearly be seen to threaten liberty.

Machan focuses on a particular point: libertarians value freedom, not merely democracy. Yes, complete freedom requires people to be able to choose their leaders, but freedom, liberty, also requires that rights be observed. The fact that the majority of people may vote to renounce liberty doesn't make it just. A country can lose its freedom democratically (Machan cites the case of Hitler). Indeed, some non-democratic countries are freer than democratic ones: a dictator may allow his subjects substantial liberty, just not the liberty to vote him out. In short, "A free country is one the members of which do not have burdens to which they have not given their full consent imposed on them by others" (133). And by that definition, America is not free. To Machan, the sort of taxation Duncan advocates is just extortion. To fund the legitimate functions of government, only voluntary means — such as user fees, fees on contracts to fund the courts, and perhaps lotteries — ought to be used. Machan doesn't address the free rider problem involved in such taxation.

Machan accuses Duncan of basing his fundamental concept of equality on his own intuitions. Machan urges that his own version of egalitarianism rests on the objective facts of human nature.

But Duncan replies with a *tu quoque,* claiming that his theory rests on intuitionism no more than Machan's. Because different natural rights and natural law theories have been offered during the history of philosophy; Machan's is not the only, objective one. Duncan also says that Machan's theory would lead to judicial tyranny — an unusual charge for a modern liberal to make. In a libertarian society, he claims, "libertarianism is not up for debate" (149). No matter how much the people in an ideal libertarian society might want (say) minimum wage laws, those laws would be struck down by the judges. Here Duncan simply begs the question. He assumes that the majority *should* be allowed to pass such laws, which is precisely what Machan denies, because he holds that the majority should not be permitted to violate the rights of the minority.

Duncan concludes by pointing to passages in Jefferson and Paine that he thinks indicate that the Founding Fathers were not libertarians. His case would require a much fuller defense: a couple of quotes are unconvincing, and in any case Paine's views were considerably different from those of the real Founding Fathers.

Here, as elsewhere in this book, one comes away with the feeling that the case laid out is shaky. Let's start with Machan's case for libertarianism. First it seems "too skinny"; it doesn't seem to legitimize enough power structures to enable a society to survive in a world (such as the real world) with other societies that are not equally constrained. It is hard to see how Machan's principles could, for instance, justify having much of a military, or the kind of spy agency that could avert war or terrorism.

Machan is also inconsistent in discussing the basis of libertarianism. He bases it now on Lockean rights theory, then on Kantian dignity and respect for free agency, then again as neo-Aristotelian flourishing. He says he is not a consequentialist, but his arguments are often consequentialist in form. As to his attempt to base his libertarianism on the dignity of rational agents, how secure can this foundation be if ultrastatist liberals such as Duncan can also base their view on it? And the natural rights - natural law tradition that Machan occasionally employs can also be used as a foundation for modern statist liberalism, as recently argued by Christopher Wolfe (in "Natural Law Liberalism").

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In addition, doesn't basing libertarianism on a Kantian ethic of the dignity of all rational agents downplay the fact that not every person is a rational agent? What does a libertarian do about orphaned children? Rely solely on private charity? I agree that over the history of this country private charity has watched out for the destitute — more than Duncan acknowledges — but if hypothetically there were a shortfall, can the state not act? After all, a dead child cannot exercise rationality. And suppose a person wants to take a drug that destroys rationality itself: doesn't respect for dignity say that we must stop him?

Machan never really addresses Duncan's point about the reality of wealth creation. Suppose I make my fortune in real estate. Are not the institutions of society — fire departments, police departments, well-regulated banks, state-supported infrastructure (sewers, roads, etc.), court systems, and a myriad of others — contributing factors in my success? Can we disaggregate those factors from my own efforts and contributions? Even if many of the functions can be privatized, can they be freed of all governmental supervision?

Finally, Machan, like many other

libertarians, appears to believe piously in freedom of the will. But what if we don't have contra-causal free will after all? Does the libertarian approach to political governance then fail? Can we have political libertarianism without metaphysical libertarianism?

Duncan's contemporary (statist) liberalism is also shaky. The first problem with his account is one that Machan hits on nicely: if we all have a right to support from others, doesn't this lead to the tyranny of the majority, with the majority voting to support itself by plundering the minority? Duncan tries to put a limit on this with his principle of reciprocity. But don't systems that allow free taxation to equalize opportunity degenerate into an equality of income? Here Duncan faces his own free rider problem: in a democracy where 70% can tax the 30% to pay for everything, the 70% are completely free riders. And his point that such redistribution should be limited by the requirement that the (comparatively and temporarily) wealthy minority get a "rough" balance of return for its lost income is meaningless, since *the balance must be determined by the free riders themselves*. This is not merely an abstract issue: at present, the upper 5% of American income earners pay 57% of all federal income taxes, while the bottom 50% pay a negligible 3%. The economist Gary Shilling estimates that 53% of all Americans now receive much of their income from government.

Also, Duncan's concept of "desert" is simply too strong. We ought to distinguish positive from negative desert. If I find a diamond, I don't positively deserve it, since I didn't make or earn it, but I negatively deserve it, in that it was I, not someone else, who found it. The fact that I don't positively deserve it doesn't mean that it should be taken from me.

Machan locates another problem with Duncan's argument: there seems to be a contradiction between saying that you respect the dignity of rational agents, but then saying that they are not responsible for their actions or their state of existence. Machan traces this — rather unclearly in my view — to the problem of free will and materialism (compatibilism) (140). I view it instead as resulting from Duncan's inability to face the key fact about modern history: the welfare state that inspires him has created and perpetuated the social problems that distress him. Duncan tosses out a brief comment (116) that, yes, the plight of the poor is sometimes the consequence of their own bad choices, but he afterwards ignores this fact as if it were only a tiny fraction of the problem. I would argue that at this point in American history it is the predominant part of the problem.

Consider the 1960s Great Society welfare programs. Did they not

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directly cause an explosion of illegitimate births? And is it not clear that the absence of fathers has proven a major factor in the chances of children becoming destitute, criminal, or substance dependent? In Duncan's footnotes I saw many references to Rawls, whose work is the most popular *theoretical* justification for the welfare state, but no reference to the work of the social scientist Charles Murray, whose *empirical* work shows that the effect of these programs was to halt the historical reduction of poverty and make it far more socially catastrophic.

Duncan has the usual one-sided modern liberal view that what I earn is enhanced by the actions of an always benign government. But what about the costs imposed by the government or the harms it causes? For example, if an ob/gyn has his income dramatically cut because of our disgraceful tort system, doesn't that balance out the benefits "given" to him by the state, such as his partially subsidized education? Again, if the government debases the currency, am I not absolved of some of my moral obligation for the good things government delivers? Considerations like this make determining the degree of reciprocity virtually impossible.

Duncan doesn't spell out how the lack of equal opportunity for education and other services is due to "unequal power." Is it the case that, during the industrial revolution, the poor were *made* poor by the rich or had money *stolen* by the rich, or that the wealth of the rich *prohibited* the poor from becoming wealthy (as in some zero sum game)? You would have a very hard time proving those assertions.

Likewise, Duncan's critique of reward and merit in a capitalist system is very dubious. To begin with, he conflates moral with non-moral goodness. While it is true that the pornographer renders a less morally meritorious service than a nurse, his service may still be desirable in a non-moral way: he provides a type of pleasure. Moreover, Duncan overlooks the difference between "rule" and "act" utilitarianism. It may be that the practice of rewarding people purely on the basis of the free market is generally the best rule to follow, even if in *particular cases* it isn't. He also overlooks the role of pricing as a mechanism of information. The fact that philosophy professors earn dramatically less than engineering professors helps to inform would-be philosophers that either there is an over-supply of their profession, or that society has less desire or need for it than it has for other things. (That society may have morally wrong preferences, from Duncan's perspective, is another matter.)

Looking at the presentations of both authors, one feels that finding a secure ethical basis for libertarianism (or for modern liberalism) is still an open question. There is a wide spectrum of ethical theories, from ethical egoism, to utilitarianism, to Existentialism, to Christian agapism, to Kantianism, to Rossianism, to virtue ethics, all of which are arguably compatible with a libertarian social and political philosophy. Political libertarians have often been ethical egoists. But the same Mill who wrote "On Liberty" was a utilitarian. Machan bases his libertarianism mainly on Kantian respect for rational agents, but as he notes, you could base it as well on Christian ethics. While the most influential existentialist writer Sartre was as politically leftist as you can get, his philosophy emphasizes the radical freedom of human choice, and so surely could be used as a basis for political libertarianism. Similarly, the multiple-rule deontologism of W.D. Ross could easily be used as a basis for a libertarian political philosophy.

But my suspicion is that while these various ethical theories are compatible with social and political libertarianism, and can be used in some sense as bases for the libertarian perspective, the best approach would be one of virtue ethics.

In particular, I have doubts whether appealing to what rational agents would do in a hypothetical state of nature or veil of ignorance is the best way to proceed. Human beings are not generally exemplars of shining rationality. Never mind that children, adolescents, many of the elderly, and many prime age adults are mentally impaired. Normal adults aren't fully rational, either — as Daniel Kahneman and Amos Tversky demonstrated decades ago, in work for which Kahneman was recently awarded the Nobel Prize in Economics. A more plausible case could be made for the idea that we need to focus on the role that large-scale, centralized, coercive government plays in destroying virtue, and the role that nongovernmental, self-organizing groups play in creating and sustaining it.

Such a "virtue libertarianism" would, I believe, be more biologically realistic than other flavors of libertarian philosophy, some of which — if I may speak with brutal frankness — read as if they were written by perpetual adolescents, people who never married or had children, or were ever likely to. If we are truly naturalist — which we ought to be — we should never forget that humans are evolved hominids, and as far back as we can see they formed families for reproduction and child-rearing, and groups for mutual protection. Libertarians need to take such realities into account as much as they do the debating points of abstract theories, however attractive and inspiring and partially explanatory they may be. ❑

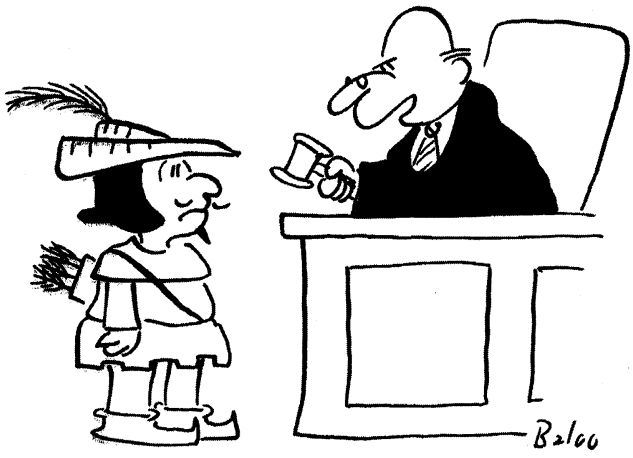

"It just so happens that robbing the rich and giving to the poor is a government monopoly!"

"Elizabeth: The Golden Age," directed by Shekhar Kapur. Universal, 2007, 114 minutes.

The Celluloid Age of English History

Lesley Skousen

"Elizabeth: The Golden Age," the sequel to the 1998 film "Elizabeth" starring Cate Blanchett, is a tour de force of typecast characters, misunderstood historical situations, and boldly simplistic good-versus-evil plot lines. "The Golden Age" attempts to take the audience through a mere three years of Elizabeth's 45-year reign, from 1585–1588, when the Catholic threat was strongest against the Protestant queen. During this period, international forces attempted to stir rebellion in English hearts, while English Catholic recusants negotiated with various powers in order to restore the nation to the pope, even if their efforts threatened Elizabeth's life. It was a turbulent time, and worthy of two hours of footage.

What a lost opportunity for the creators of this film! The most blatant problem with "The Golden Age" is the ponderous writing and direction, which left the audience hanging for minutes at a time during what the director deemed "significant" — actually contrived and boring — events. The inexplicable sex scene between Walter Raleigh (Clive Owen) and a lady-in-waiting lasts over five minutes and is interspersed with images of a lonely queen wishing she could love a man as easily as her maids do. Mary Stuart finally loses her head about ten minutes after the audience loses its interest and is simply bored by the anticipation. A decision to go to war is built up to such an extent that one fellow moviegoer said quite audibly, "Attack them already!"

The less obvious problem with this movie is its odd depiction of its characters. Elizabeth — one of the world's preeminent political figures — is presented as a madwoman who desires nothing more than love, companionship, and children. And she is portrayed as fervently in love with just one man: Walter Raleigh. Although other famous favorites make brief appearances — Sir Christopher Hatton, for example, often stands in the background — the best known of Elizabeth's consorts, Leicester and Essex, are nowhere to be seen. Granted, they would have been in the Netherlands during the first half of the movie, but Leicester returned to defend his country against the Spanish Armada and died soon after, to Elizabeth's intense grief. Her greatest devoted servant, William Cecil, never makes it to film, and that may be the biggest historical fallacy.

Meanwhile, Elizabeth's supposed obsession with Raleigh gives the film the feeling of a romantic comedy — at least from time to time. The two go riding together, speak of love, kiss, and trust each other to perform their respective roles for the good of the realm. Raleigh goes to the queen, unbidden, in her time of emotional distress, and provides wisdom and guidance that she seems to lack. In turn, Elizabeth experiences great hurt when Raleigh marries one of her ladies, and banishes them both from Court as she deals with the pain of having lost the only man who loved her.

In their zeal to simplify the story, the creators of this movie missed an important opportunity to use Elizabeth's famous flirtation in a very direct way. The success of Elizabeth's reign, indeed her Golden Age, was directly linked to her ability to make close connections with the many members of her court, through flirtation or some other method of establishing relationships that instilled a sense of obligation in others without restricting her own freedom. Her ambivalent responses kept courtiers and ambassadors guessing her next move instead of guiding or controlling her, a remarkable accomplishment for a 16th-century woman. Yet the movie implies that it was an inability to love that caused her fears, her incessant oscillation between happiness and sadness, and her stagnant answers on such weighty issues as that of marriage, the execution of her Catholic rival, Mary Stuart, and England's response to the Spanish threat.

This "Elizabeth" also treats the religious politics of the age in a curious fashion. The real Elizabeth I created a deliberate disconnect between political loyalty and religious belief. The Treason Statutes enacted by her parliaments in 1581 and 1585 focused on secular loyalty, love for the queen, and independence from Jesuits (who were charged with attempting to arrange Elizabeth's assassination) as a means of telling the difference between people who were traitors and dangerous subjects, and people who were merely English men and women obeying their conscience in the religious sphere. Elizabeth did not want to follow the path of her sister, "Bloody Mary," who vigorously persecuted her religious opponents. Indeed, during Mary's five-year reign, 300 people had been put to death for heresy; Elizabeth's 45 years saw the executions of approximately 170 people for religious reasons, and only some of those were Catholics. Elizabeth saw the value in tolerance, and persecuted only those with rebellious or murderous intentions. As a result, the great majority of her Catholic subjects remained entirely loyal to her.

Nevertheless, "The Golden Age" depicts all Catholics as ruthless, crazy, blind, or merciless. Upon hearing that Elizabeth has survived an assassination attempt, Mary Stuart cries out in disappointment. Philip II of Spain — a one-time suitor of Elizabeth, and her former brother-in-law — is a religious fanatic who ignores his advisers during a time of war in order to stare at a candle for guidance. Spanish warriors take a prayer break in the middle of a battle, and fail to see a burning ship coming straight at them. (Actually, most of the Spanish Armada was blown off course by a "Protestant Wind," so there wasn't a climactic battle.) Catholic plotters revel in the anticipated chaos and bloodshed that will happen when they overthrow the Protestant government.

Early Modern England was simply not that clearly divided. Among Elizabeth's closest advisers were middling Protestants, radical Puritans, and religious conservatives such as Sir Christopher Hatton, who may or may not have been Catholic himself. These many voices were welcomed to debate in the presence of the queen. She supported and gave generously to her favorite court composer, William Byrd, despite his pronounced Catholicism, simply because he pledged his allegiance to her and created some of the most beautiful music of the century. A key point that goes unmentioned in this film is that, shortly before the events depicted, Elizabeth came the closest she ever did to getting married, in a French match with the Duc d'Anjou, a Catholic. During the prenuptial negotiations, she professed herself sympathetic to Catholicism and kept her Puritan advisers away until she achieved the alliances that were best for her realm.

Elizabeth's greatest strength was her mixture of tact and ambivalence. She attempted to find common ground on which anyone could build rapport with her. She followed that policy with Catholics and Protestants (and Puritans, too); and she followed it with foreign states. She could play the Spanish against the French because with each she found common ground and the promise of building closer relationships. She didn't look at Catholic nations as strictly the "enemy" to be repudiated, but rather as potential allies who required careful attention. Not until her person or her realm was threatened did she become belligerent, and even during the Armada she acted defensively.

What makes her an even more interesting figure is that she conformed to ideas of traditional womanhood — being coy, dainty, and weak — but balanced it with the rhetoric and authority of a man, even a king. She swore like a man when events warranted, stabbed servants with a fork, and even threw her slipper at an insubordinate Francis Walsingham. None of these dramatic events appears in the film.

Those who played her game of court intrigue always ran the risk of seeing her turn from a "weak and feeble woman" into the monarch who had "the heart and stomach of a King, and a King of England, too!" Those are the words with which (as tradition says) Elizabeth rallied her troops as the Armada approached. But that splendid speech doesn't make it into "The Golden Age," either. It is not surprising that the filmmakers chose to omit one of her greatest lines; their production is not one of greatness — and it will soon be forgotten. Let's hope that the wisdom of the real Elizabeth, as diplomat and politician, will last longer than these images of a contrived relationship between the queen and Sir Walter Raleigh. ❑

"Gone Baby Gone," directed by Ben Affleck. Miramax, 2007, 115 minutes.

A Triumph of Technique Over Meaning

Jo Ann Skousen

The story is so current it seems lifted from today's headlines: a beautiful blond toddler is taken from her bed while her mother visits a neighbor in the same building. Only this time the parents of the toddler aren't well-educated, well-spoken physicians from England vacationing in Portugal; she's an unmarried, foul-mouthed coke addict from Boston. "Gone Baby Gone" follows the efforts of a local private investigator, Patrick Kenzie (Casey Affleck), as he tries to find the child and return her to her mother.

Inexperienced with kidnapping cases, Kenzie is nevertheless more suited to this investigation than the cops or the FBI because of his inside knowledge of the neighborhood. He went to school with these thugs. They know him. Like a feral dog grudgingly but menacingly acknowledging others, Affleck must bare his teeth and show his strength as he enters seedy bars and pool halls where a punch in the nose or a knife in the gullet is as common as a dish of peanuts on the table. Small in stature and baby-faced, he asserts his power with language and eye contact, peppering every sentence with

the f-word the way a Valley girl once used the word "like." Only in the quiet moments with his partner-girlfriend Angie Genarro (Michelle Monaghan) does he allow his demeanor and his language to soften, subtly showing that his character is blue-collar, but not low class.

Like his brother's character, knowing the neighborhood is where first-time director Ben Affleck shines. A native Bostonian, he pays careful attention to getting it right. His backgrounds are detailed and authentic; his characters, especially the extras, look stupid and grotesque. The beautiful Amy Ryan ("Dan in Real Life") is mousy and plain as the missing toddler's mother, ignorant and spaced out. But the world in which these ugly characters reside is beautiful. Watch for the cinematography at the quarry. Magnificent.

Standing too long in his brother's considerable acting shadow, Casey Affleck has been given mostly small sidekick roles in the past (the "Ocean's" trilogy, "American Pie"), seemingly as a concession to Ben's Hollywood influence rather than as a tribute to Casey's talent. But Casey is a strong actor in his own right. I saw him at the Garrick Theater in London a few years ago in "This Is Our Youth," opposite Ben's good friend Matt Damon (possibly another fraternal favor). Casey dominated the stage. I can still feel the raw despair of his character as I return to the performance in my mind. With his starring roles in this film and the almost simultaneous release of "The Assassination of Jesse James by the Coward Robert Ford" Casey Affleck has pushed his way out of Ben's shadow and into the limelight.

Although it is technically brilliant, "Gone Baby Gone" (based on the book by Dennis Lehane, author of "Mystic River") has more holes in it than a slice of Swiss cheese. A successful thriller must pull the viewer along with nodding agreement. As each new twist unfolds, the viewer wants to think, "Of course it had to be . . . " with a slap of recognition to the top of the forehead. I don't want to give away the plot of "Gone Baby Gone," but my reaction during the increasingly twisted denouement was, "Wait! There's a much easier way! They don't have to do this!" It was easier to believe John McClane could shoot down a helicopter with a car in the latest "Die Hard" film than that — well, I did promise not to give away the plot.

In the end, the film successfully lifts the mat on Boston's front doorstep to reveal the ugly bugs teeming beneath, but in my opinion the story does not work. I was left contemplating the sad issue of children born to ill-prepared mothers, but without a sense of satisfaction at the way the issue was addressed. Technically brilliant, yes, but textually flawed. ❑

Affleck must show his strength as he enters bars and pool halls where a knife in the gullet is as common as a dish of peanuts on the table.

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Advertisement

"The Wire," HBO. Season 4 available on DVD Dec. 4; season 5 debuts in January.

At Last: TV With Meaning

Peter Allen

The word "gritty" is thrown around in reference to almost any cop drama today. But "gritty" isn't gritty enough to capture the essence of HBO's cop drama "The Wire." More than reflecting the real life of cops and the criminals they chase, the show depicts all facets of city life, including race, education, politics, unions, and the justice system. What emerges is a microcosm of the struggles that urban America has faced since the War on Drugs kicked into high gear and the "white flight" into suburbia deprived cities of their tax base.

The show is the brainchild of David Simon, who is also the creator of the show "Homicide: Life on the Streets." This one also takes place in Baltimore, a city that has been struggling for decades with a very high rate of drug addiction, property crime, and violent crime. It is not uncommon for the city to see nearly 300 homicides a year; with a population of just 650,000, this is frighteningly high, as is the overall crime rate. Indeed Baltimore, with its blue-collar roots, is the perfect case study for urban decline.

In its first season "The Wire" used a drug investigation as a backdrop to an even more intense struggle taking place within the police department itself. High ranking police officials worried more about how the investigation was making them look than about how successful they were in breaking up a well-organized drug ring.

The investigation leads into a world with a parallel government, economy, and system of justice. The drug dealers in this network have a well-honed survival instinct that keeps them one step ahead of the police. Unlike most crime shows, "The Wire" does not simply chase the bad guys and throw them in jail; it examines the economics and collateral damage of the drug trade and even experiments with legalization.

At one point the dealers discuss how much simpler the drug game would be if murdering was not necessary to maintain the territories, each understanding that one day he may be killed for access to the corner where he makes his living. It is just this sort of argument that screams out for legalization. Eliminate the black-market features of the drug trade, and all that's left are people getting high, a pastime that is as old as mankind.

The show's writers are not content with a purely theoretical argument. In season 3, rogue District Major Howard Colvin (Robert Wisdom) legalizes drugs in a small section of his territory, determined to provide a way for law-abiding people to live their lives free of drug-related violence. He tells all the dealers and addicts that they are free to deal and use in an area of vacant row houses dubbed "Hamsterdam," on one condition: there will be no murders.

This experiment does not portray legalization as a panacea for happy drug use; the legalized area encounters problems of its own. In a revealing exchange, the major defends his position by saying that none of the dealers and users are worse off than they were before: "Now they're just in one place." His friend replies, "and that place is hell." The Hamsterdam experiment shows that people must live with the consequences of their own choices. If you want to deal or use drugs, you will have to associate with other people who have made that choice. Meanwhile, with the drug trade contained in one area, the rest of the district can relax. Children play outside, the elderly walk around at night, and those who have made the choice not to use narcotics can finally live in peace.

The viewer sees what a world with legalized drugs would be like and contemplates such issues as: Where would the drugs be bought? How would they be taxed? Would just anyone be able to buy them? Sell them? Would there be an age limit? Would there be specific drug use districts? How would public health concerns be handled in these districts? Would dealers be licensed, and if so, what sort of purity control would you have to guarantee in order to get a license?

This is but one facet of the drug war that the show explores. The dealers also struggle with a weak supply chain that forces them to dilute the quality of the heroin they sell. They use marketing gimmicks, such as changing the color of the vial top or giving a new package a snappier nickname, like WMD. How to launder the money is also a concern; the show meticulously details how to uncover front companies and properties bought with illicit money.

The drug war is not the only reason that "The Wire" provides for the decline of Baltimore. Unions are a problem, too. In season 2 the show explores the longshoremen's union that works the cargo ships coming in and out of the city's port. The port has long been in decline, and the union's membership and hours have dwindled. Now the union president has hired lobbyists to push the state government in Annapolis for improvements to the docks. The show reveals corruption among the union lobbyists who get into bed with unsavory characters who, in addition to stealing

from the docks, attempt to smuggle in women for the sex trade.

When the women end up dead inside a cargo container, the rest of the season focuses on the investigation, illustrating the decline of the port and its union. A decent living can no longer be made working the few ships that come in. Developers continue to lobby for access to the port for residential development, new technologies are introduced that replace manpower with computers, and the union dies a slow death — its members the last of a breed of organized blue-collar workers in an economy that has passed them by.

In its recently completed fourth season the show depicts the struggles of children in an inner-city middle school. It becomes apparent, early on, that education is not a high priority. Faced with a huge budget shortfall, a new mayor has to choose between two options: taking state money and losing local control of the schools, or keeping control and letting the schools operate in the red for the foreseeable future. Not surprisingly, the mayor decides to go with the option that is least likely to endanger his chances in a statewide race for governor.

At the end of the season the viewer is left with a pretty clear understanding of why the students cannot read at a level even two grades behind their year in school. The school system is regulated from the top with the interests of the unions and the administrators more at issue than education. An innovative classroom study, overseen in part by the now retired officer who tried to legalize drugs, is shut down for failing to submit to the orthodoxy demanded by the school board. Instead of teaching children in a manner that speaks to their world and the challenges they face, a one-size-fits-all standard is applied that is guaranteed to leave more than a few far behind.

Unlike most crime shows, "The Wire" examines the economics and collateral damage of the drug trade and even experiments with legalization.

"The Wire's" fifth season will be its last. It is rumored that it will feature a subplot examining the media's role in inner-city life. My hope is that the show will be able to go out with the same unsentimental portrayal of urban decay and struggle that has been its hallmark for the past four seasons. Unlike "The Sopranos," it does not have a larger-than-life character whose final act would inevitably disappoint. What it does have is the sort of inconclusive narrative in which no action is truly independent, no decision ends up affecting only those whom the decision maker intended to affect, and every move is calculated to have the best possible impact on career prospects. That's not gritty, that's everyday life in the big city. ❑

"Strike," directed by Volker Schlondorff. ARTE, 2006, 104 minutes.

Out of the Lenin Shipyard

Gary Jason

Movies about strikes and labor organizers are not uncommon in film history — think of "Grapes of Wrath" and "Norma Rae," to name just a couple. The usual plot line involves heroic union organizers fighting the heartless company to overcome horrible working conditions. But a recent movie out on DVD gives the formula an interesting twist.

"Strike," directed by the accomplished German director Volker Schlondorff, was made in 2006 in Poland, with a mainly Polish cast, but with the lead played by German actress Katharina Thalbach. It hit art houses in America in the middle of 2007, and promptly disappeared. It is now out on DVD through a few video rental stores, but is more easily obtainable by sale through the ever-reliable Amazon.

The film recounts (with some artistic license) the struggle by Polish workers to form an independent union and fight deplorable working conditions, set not by heartless capitalists in this case, but rather by the Communist state. The well-crafted script by Andreas Pfluger (based upon a biography written by Sylke Meyer) tells the story of how one uneducated, diminutive, and stubborn woman fought the Communist bureaucracy to improve working conditions at the Lenin Shipyard in Gdansk, Poland. She became a cofounder of the independent trade union Solidarity.

The woman, Agnieszka (based on the real-life character Anna Walentynowicz, the subject of Meyer's bio) did not go on to achieve the renown of her friend Lech Walesa, but her role in the rise of Solidarity was great. Moreover, the worker revolt in the worker's paradise of Poland helped bring about the collapse of Communism, which freed tens of millions of people. No small achievement for such a small woman.

The events leading up to the historic 1980 shipyard strike are mirrored

continued on page 68

Twenty Years of Liberty

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nicely in the story of Agnieszka's life. She comes to Gdansk as a young woman after WWII, happy to find a job as a worker in the shipyard. She eventually becomes a welder, then a crane operator.

Filmed at the actual Lenin Shipyard in Gdansk, the outstanding cinematography conveys convincingly the utter bleakness of life in that benighted Marxist utopia.

As the movie opens she receives a ribbon and a prize (a small TV) for being named a Heroine of Socialist Labor yet again. (We also see her taunted by fellow workers for setting the production quota too high, who scream at her the bitter old Soviet joke, "They pretend to pay us, so we pretend to work!") She takes the ribbon and TV back to her shockingly shoddy flat where this model worker lives with her son Krystian.

In a subsequent scene she meets and befriends the Lech Walesa character, here an itinerant ship electrician, at the yard. She gradually begins to fight with the management for better working conditions. The resistance by the managers is ironic, given that they are all Communist Party functionaries, supposedly devoted to the betterment of the working class.

In the most riveting scene, a major industrial accident caused by a dropped cigarette igniting a fuel leak, Agnieszka tries to rescue two burning men by moving her crane to pick them up. Over 20 men die, but subsequently the Communist management refuses to give the widows any help. Agnieszka's continued fight against the corrupt and heartless party hacks earns her an eventual beating, and costs her son a chance for a college education (which causes a major rift between them).

Communist mismanagement leads to the rise of the independent trade union Solidarity, and the famous 1980 strike, all of which — together with the appointment of the Polish Pope John Paul II — results in the eventual triumph of the movement on a scale beyond which its organizers ever envisioned. The evolution of the union's rise is nicely intertwined with the development of her personal life.

Filmed at the actual Lenin Shipyard in Gdansk, the outstanding cinematography conveys convincingly the utter bleakness of life in that benighted Marxist utopia. The first-rate score, by Jean-Michel Jarre, accents the movie well — in the opening scenes, it has a kind of driving machine sound impressionistic of a factory, for example. The acting is excellent, with especially fine support performances from Andrzej Chyra as Lech Walesa and Dominique Horwitz as Kazimierz, a trumpet player with whom Agnieszka falls in love.

However, it is the performance by Katharina Thalbach that stands out most, in a demanding role portraying Agnieszska from youth to old age. The final scene, where she walks along the shore, bent with age, and comments on the aftermath of the momentous events she helped shape, is especially moving.

The director, Schlondorff, has made several movies about the struggle of individuals to follow their consciences in times of political peril, including "The Ninth Day," about a priest persecuted by the Nazis. This tale, however, has an especially important historical story to tell, one well worth seeing, even if you have to make an effort to get the film. ❑

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"The Kingdom," directed by Peter Berg. Universal, 2007, 110 minutes.

Can't We All Just Get Along?

Jo Ann Skousen

"The Kingdom" is yet another political thriller set in the Middle East, determined to convince audiences that we are all the same beneath our differences, so why can't we all just get along? Even the title suggests a melding of philosophies, the Christian Kingdom of God with the Muslim Kingdom of Allah set in the Kingdom of Saudi Arabia.

Like last year's "Munich," "The Kingdom" begins by implying that one man's freedom fighter is another man's terrorist. The film opens with the juxtaposition of "Career Day" in two different countries. Jamie Foxx is an FBI agent sharing a cozy moment in the classroom with his 6-year-old son; meanwhile, in Saudi Arabia, a terrorist is cozily initiating his son into the glorious carnage of massacring infidel parents and children enjoying a Little League game in the American compound at Riyadh. The film ends with a similar cross-cultural juxtaposition, but this time it is meant to chill us with the ominous realiza-

tion that we will *never* get along, largely *because* we are so much alike. Nasty humans.

As Foxx and his team (Chris Cooper, Jennifer Garner, and Jason Bateman) travel to Riyadh to investigate the crime, he befriends the Saudi cop (Ashraf Barhom) who is assigned to be their escort and bodyguard. Of course the two fight and then bond during the investigation, learning that they have more in common than in contrast. After all, they are both fathers, aren't they? And they both care about their team members, right? We see the Saudi family kneeling together in prayer, and we walk through a Saudi video arcade where young boys are cheerfully gunning down virtual combatants. Just like home!

The final battle scene is gripping, with enough exploding cars, blasting guns, and crunching body parts to satisfy most thrill seekers. But it takes a long time to get there. Along the way we endure shaky handheld camera work, murky plot development, and mumbled dialogue, making it difficult at times to follow the story.

Foxx puts in a good performance channeling Denzel Washington's terse style — he even nods "okay" under his breath a few times. But Jennifer Garner's character is a little too girly for an FBI agent today, Jason Bateman's wisecracking is almost stereotypical, and Chris Cooper, one of my favorite actors, is wearing way too much makeup. It's a good movie for a rainy day with nothing to do after football season ends, but not a great movie. I would probably offer to go out for snacks. ❑

"Laissez Faire": R.I.P.?, *from page 30*

exist you have to be able to identify people and reach them."

Who wants to find libertarian readers, as such? "There aren't any libertarian book publishers now," Powell said. There are just publishers. "When an author proposes a book to a commercial publisher they look you up and see how many books you've sold." Once your book is published, Powell added, "you have 60 to 90 days to make something happen sales-wise before the publisher moves on."

There is another, deeper, problem, he said. "The great majority of libertarian authors had their sales peaks more than five years ago, and some of them ten and 20 years ago." The giants are dead: Rand, Mises, Rothbard, Friedman. Sowell's top book was "Vision of the Anointed" (1995). Richard Epstein's was "Takings" (1985). Charles Murray's top libertarian book was "Losing Ground" (1984). (Andrea didn't consider "The Bell Curve" a libertarian book; she carried it but did not reorder it.) P.J. O'Rourke's top book was "Parliament of Whores" (1991), and Paul Johnson's was "Modern Times" (1983). John Stossel is a new author, and a welcome one, but it's not enough.

"What you want is to have a lot of authors with recent peaks," Powell said.

Something to think about. Maybe there's a book in it. ❑

Decisive Moments, *from page 44*

Like a dark river, the newly paved road rushed diagonally through the frame, uniting the elements. Now was the time. Moving quickly, deliberately, my thumb found the rounded plunger on the shutter release. With a soft mechanical sigh, the thin metal blades swung open, and locked in place. Light streamed through the lens, onto the silver-coated surface of the film. Fourteen seconds. I glanced at the glowing second hand sweeping across the black face of my watch. The time was nearly up. My thumb released the plunger; the shutter blades clicked shut. I had my picture.

"Il n'y a rien dans ce monde qui n'ait un moment décisif" — "There is nothing in this world that does not have a decisive moment" — words uttered by Cardinal de Retz in the 17th century, later adopted by the pioneering candid photographer Henri Cartier-Bresson as his personal approach to photography. Though the concept of the "decisive moment" has now been relegated to the vocabulary of photographic historians, its meaning is more than merely historical. The decisive moment in photography is not simply the act of the shutter, chopping off a slice of light at the "right time"; it is more than the simple act of creating a "good" photograph. De Retz was right; our world is full of decisive moments — individual moments of discovery, of innovation, of tragedy, of creation, of moments when one is invited to decide whether one's "equipment is up to par," in many senses of those words.

From the battlefield photography of Capa and Adams, to the technological genius of Godowsky and Mannes, to the photographic artists who can still shape and further the field, these are the elements that make up true photography — decisive moments created and molded by individuals. No matter how much technology or social pressures may seem to dictate, there will always be ample room for individuality in this art; it is still only one moment, one mindset, one action by one person that is necessary to create a photograph. And one photograph, simple as it may seem, may be all that is necessary to change our perception of the world. ❑

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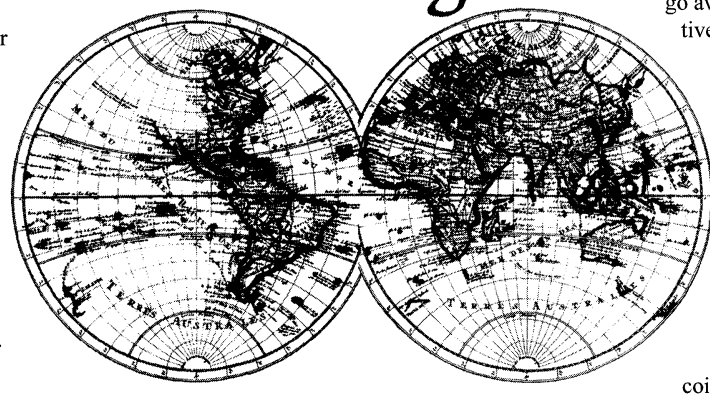

St. Paul, Minn.

Curious poultry preparation, chronicled in the *Minneapolis Star-Tribune:*

Scott D. Clark, a guest at the Embassy Suites Hotel in St. Paul, cornered a duck, grabbed the bird and ripped its head from its body while a hotel security guard and others watched.

Clark then turned to onlookers and said: "I'm hungry. I'm gonna eat it," St. Paul police Sgt. John Wuorinen said.

"He was allegedly drunk," Wuorinen said.

Oak Lawn, Ill.

The difficulty of mixing governance with humor, diagnosed in the *Chicago Tribune:*

Oak Lawn has installed second stop signs beneath the regular ones at 50 intersections with messages, including "WHOAAA" or "Stop . . . and smell the roses."

"I thought it might make people smile and take notice," Mayor Dave Heilmann said as he launched the campaign.

It might be too soon to know whether the alternative signs will work. But while the mayor was posing for a photo with one of the new signs, a driver sped by without stopping.

Trenton, N.J.

A novel crime punished in its own circle of hell, discovered by the *New Jersey Star-Ledger:*

It's a fashion that started in prison, and now the saggy pants craze has come full circle — low-slung street strutting may soon mean run-ins with the law, including a stint in jail.

In Trenton, getting caught with your pants down may soon result in not only a fine, but a city worker assessing where your life is headed. "Are they employed? Do they have a high school diploma? It's a wonderful way to redirect at that point," said Trenton Councilwoman Annette Lartigue.

Manchester, England

The industrial proletariat two centuries on, from the *Manchester Evening News:*

A lottery scratchcard has been withdrawn from sale by Camelot because players failed to grasp whether or not they had won. To qualify for a prize, users had to scratch away a window to reveal a temperature lower than the figure displayed on each card. As the game had a winter theme, the temperature was usually below zero degrees Celsius.

Tina Farrell, from Levenshulme, called Camelot after failing to win with several cards: "I phoned Camelot and they fobbed me off with some story that -6 is higher — not lower — than -8 but I'm not having it."

Slumberland

Headline from the front line of the War on Drugs, from the ever-sedate *London Daily Mail:*

Smoking just one cannabis joint raises danger of mental illness by 40%.

Austin, Texas

The circle of life, observed by the *Austin American-Statesman:*

The Texas State Library and Archives Commission is declaring there are too many state reports. It says so in a 668-page report.

In the past, the state regularly compiled a list of about 400 reports that agencies were required by the legislature to produce. But the commission found more than 1,600, and state records administrator Michael Heskett is pretty sure his team hasn't found them all. Unless these reports are repealed by the legislature, agencies are required to prepare them, even if the need for the report — or the agency — no longer exists.

As for the commission's massive report on reports, Heskett predicts it won't go away. "For the report to be effective, it must be ongoing," he said.

Australia

Call to action, passed along by the *Melbourne Herald-Sun:*

More kangaroos should be slaughtered and eaten to help save the world from global warming, environmental activists say.

The controversial statement coincides with recent calls from climate change experts for people in rich countries to reduce red meat and switch to chicken and fish because land-clearing and burping and farting cattle and sheep were damaging the environment.

Roughly three million kangaroos are killed and harvested for meat each year. They are shot with high-powered guns between the eyes at night.

Omaha, Neb.

Clarence Darrow put to shame, in the *Lincoln* (Neb.) *JournalStar:*

State Sen. Ernie Chambers is suing God. He said that it is to prove a point about frivolous lawsuits.

Chambers' lawsuit seeks a permanent injunction ordering God to cease certain harmful activities and the making of terroristic threats.

The suit also requests that the court, given the peculiar circumstances of this case, waive personal service. It said that being omniscient, the plaintiff assumes God will have actual knowledge of the action.

Chambers asks for the court to grant him a summary judgment.

Seattle

A lowering of standards in the Emerald City, noted in the *Seattle Post-Intelligencer:*

The bus tunnel through downtown Seattle has reopened after a two-year, $94 million retrofit for a light rail line. The retrofit lowered the roadway, and Metro is warning passengers to stand back from the edge of the platform so they won't get smacked in the head by bus mirrors.

Special thanks to Russell Garrard, Bruce Ramsey, and William Walker for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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—Patrick Henry, 1776

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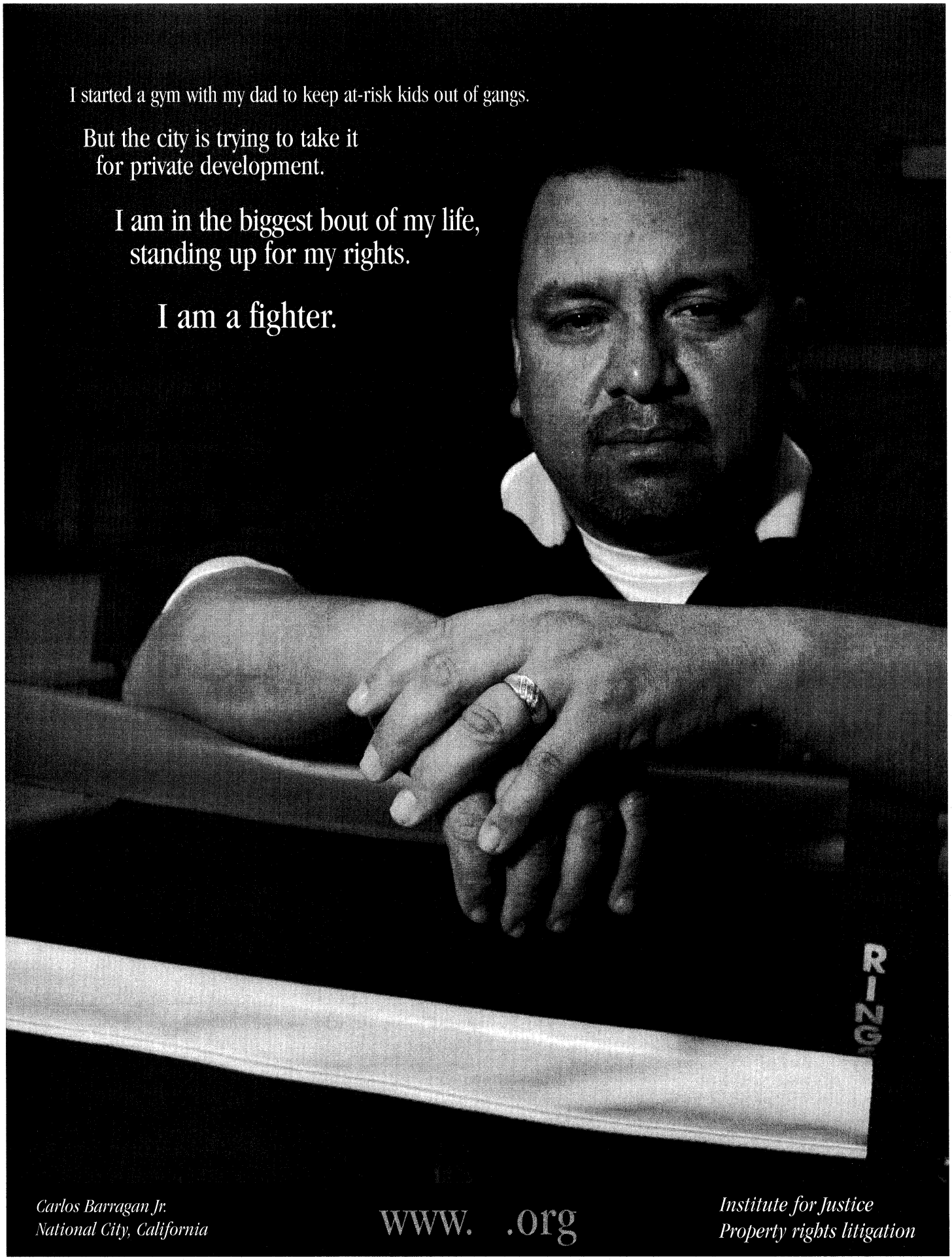
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Inside Liberty

March 2008
Volume 22, Number 2

4 Letters Vox populi.

7 Reflections We cry with Clinton, attend a wedding of whores, pity the presidential candidates, look under the Ron pall, terminate the free market, put old folks on work-study, consign Warren Buffett to the looney bin, raze the red-light district, confront the threat of epistemological terrorism, study the economics of hookers, and ask people to just shut up.

Features

19 The Surge, Revisited Is it really true, *Jon Harrison* asks, that the surge in Iraq will work?

23 The Right to Make a Buck *Bruce Ramsey* reports on the war between the U.S. government and the producer of a private currency.

27 College and the State There's a lot wrong with American higher education, but should the state guarantee that all is well? *Jane Shaw* provides an answer.

29 When the Lights Stayed Out *Jim Walsh* runs an unwilling experiment on the nature of civilization, and of individual resourcefulness.

37 The Two Libertarianisms As *R.W. Bradford* shows, libertarian beliefs come in two forms, and both need to be examined carefully.

Reviews

43 Mises: The Three Strands *Warren Gibson* analyzes the life story of a great libertarian intellectual.

50 A Curious Conversion *Leland Yeager* examines the much-heralded conversion of a famous atheist.

52 Medianotes Politics, religion, history, and charm.

53 Notes on Contributors Our folks on the inside.

55 Terra Incognita Mene mene, tekel upharsin.

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Letters

Nostalgie de la Book

Bruce Ramsey's article on Laissez Faire Books ("Laissez Faire: R.I.P.?", Jan.–Feb.) brought back some fond memories. I had read in a small libertarian magazine (I think it was The Abolitionist) in early 1972 that a libertarian bookstore would be opening on Mercer Street in Manhattan. Since I worked in the area, I went over at lunchtime and found John Muller putting some bookshelves together. He had not yet opened, but invited me in. I was amazed at the collection offered: books, pamphlets, newsletters, and journals that I never knew existed. I immediately bought about $20–30 worth of items including the original "Market for Liberty" by the Tannehills. John told me I was the first customer of Laissez Faire Books and it became a regular stop for me. I became friendly with John and with Sharon Presley and the other workers at the store. You never knew who would show up sooner or later, but they were all there: Sam Konkin, David Friedman, and Murray Rothbard along with other luminaries.

It became a real social center and I will never forget the time spent there. It was part of a lively history, and I am glad that it will continue to survive.

Philip Dinanzio
Yonkers, N.Y.

Remembrance of Things Past

I was delighted to read Bruce Ramsey's fascinating and well-documented history. Here's my take: as a lifelong bibliophile, I have been a major financial supporter and patron of Laissez Faire Books for over ten years, and was president of LFB when it was owned by the Foundation for Economic Education in 2002. Andrea Rich was indeed a hard negotiator with my publishers on all my books, and more often than not, I had to give up my royalties in order to sell my books in bulk to LFB. But I did so willingly because it was a cause I believed in, and LFB was the premier outlet to all things libertarian. I loved the colorful LFB catalogues that came in the mail, with reviewers like Roy Childs, Jim Powell, and David Brooks who understood the free market and what was going on in the freedom movement.

Those faceless bookstore giants like Barnes & Noble, Borders, or Amazon couldn't hold a candle to the people behind LFB like Anita Anderson, Dyanne Petersen, and Kathleen Nelson. So I gladly bought books from LFB, promoted LFB to my newsletter subscribers and libertarian friends, and arranged for LFB to be the official bookstore at the annual Blanchard investment conference in New Orleans, encouraging attendees at the podium to go to the conference bookstore. Whenever I came to San Francisco for the Money Show, I gave a talk at the LFB store near Union Square. It was a privilege to be highlighted as an author alongside Rothbard, Mises, and Hayek in the catalog, and I even had my caricature portrayed on the LFB T-shirt. In the summer of 2002, C-SPAN's Book TV interviewed me for half an hour about LFB.

In late 2001, when I became president of FEE, Andrea and Howie Rich approached me about taking over LFB. I did so with enthusiasm, even though its finances were poor. Ramsey's story is accurate, except his statement that we at FEE "had not even bothered to move the business." Actually, we were well on our way to moving all the books to FEE headquarters in New York in the summer of 2002, but the FEE board vetoed it. I even personally

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donated $10,000 to keep LFB afloat, but the board was more interested in the bottom line than perpetuating a great institution. A few months later, they gave it back to the Riches.

I am delighted that Vince Miller and James Peron at the International Society for Individual Liberty have taken over LFB, and are trying to make a go of it. They have accepted my invitation to be the official bookstore at this year's FreedomFest. Long live Laissez Faire Books!

Mark Skousen
Irvington, N.Y.

Here, O Israel

Reader David Witter (Letters, Jan.–Feb.) asserts that one of the underlying motivations for the invasion of Iraq was "because the Iraqi regime was causing the Israelis intense discomfort." Witter concludes his letter with the claim that U.S. foreign policy in the Middle East "is driven entirely by Israel's interests."

I am surprised that author Jon Harrison, in his response, appears to accept this statement. A great deal has been written in recent years about the alleged influence of the so-called "Israel Lobby," particularly following the publication of a paper by that name, authored by Messrs. John Mearsheimer and Stephen Walt. That Walt's and Mearsheimer's thesis (not to mention reader Witter's) is at best controversial ought to be acknowledged. A number of commentators have termed it utter rubbish.

I was in Israel in February 2003, during the buildup to the Iraq War. None of the Israelis with whom I spoke, covering the full range of the political spectrum, expressed anything close to "intense discomfort" over Saddam Hussein's regime, not even then-mayor of Jerusalem, Ehud Olmert. Most Israelis did not see Iraq as much of a threat, and no small number expressed concern that a war in the region would place Israel at greater risk. Then, as now, it was Iran's theocratic regime which was seen as the more looming danger.

I concede that I do not have any particular insight into the motivations of the Bush Administration in undertaking the Iraq War. But I must take exception to the implication that Israelis and Zionists had any sort of nefarious influence over the decision to go to war.

W. Luther Jett
Washington Grove, Md.

Harrison responds: I don't believe that U.S. policy in the Middle East is driven entirely by Israel's interests. That's an oversimplification. However, it's demonstrable that a cabal of prominent intellectuals and policy-makers, aka the neocons, strove from the early 1990s to direct U.S. policy along lines favorable to Israeli interests. One of the cabal's most prominent goals was the removal of Saddam Hussein. The record is plain on this.

It is quite true that both the Israelis and the neocons were more worried about Iran than Iraq. However, they needed the U.S. to "do" Iraq first. Iraq was to serve as the *point d'appui* when Iran's turn came.

The paper by Mearsheimer and Walt was expanded and published as a book ("The Israel Lobby and U.S. Foreign Policy") by Farrar, Straus, and Giroux in 2007. The authors are respected academics. They have endured vicious personal attacks for having had the guts to expose the machinations of the Israel lobby. Their book is carefully sourced. Those who term it "rubbish" are simply desperate to remove the spotlight from AIPAC (the American Israel Public Affairs Committee) and its fellow travelers.

I wouldn't call Israeli and Zionist influence over U.S. policy nefarious — they are simply pursuing their own interests. Nevertheless, their interests and those of my country are at loggerheads. I favor policies that promote the interests and welfare of the American people. Israel is just another foreign country to me. I would think any American would feel this way. Given that the Israelis killed a beautiful American girl, Rachel Corrie, not to mention 34 sailors on the *USS Liberty*, I think my attitude is charitable.

Ganging Up

To my mind, Tim Slagle was barking up the wrong tree when he criticized ten Chinese grad students for urging

Watching this year's primary election returns, I've often been reminded of a remark made by R.W. Bradford, who knew more about American elections than anyone you're ever likely to meet.

Bill said there were two types of presidential candidates: (A) people whom sizable numbers of other Americans always wanted to be president; (B) people whom no one but themselves ever had that idea about. In the A group were William Jennings Bryan, Theodore Roosevelt, Adlai Stevenson, Robert Taft, and Ronald Reagan. In the B group were Richard Nixon, Jimmy Carter, and both of the Bushes.

I think that this year all the candidates who've had any chance of being nominated have fallen in the B category. Nobody wanted them to run, although once they started a few of them attracted the "glamour" that hovers in the media and is bound to attach itself to someone.

Now, as Bill recognized, just being in the A list doesn't make you a good candidate, in the sense of having good ideas. No, not at all. A-list candidates make the spectacle more interesting to report, but ideas are still the most important thing. At Liberty, we're going to continue to report on the spectacle of 2008, but with an emphasis on ideas that rise above the flat gray plains of electoral politics.

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their countrymen to "revert to Chinese traditions" (Reflections, Jan.–Feb.). It is a misperception to characterize their action as "ivory tower elitism" and "in line with American multiculturalism." These Chinese youths are trying to protect their own culture's ancient forms from the corrosive effects of American popular culture — the culture of Starbucks and NASCAR, country music and "Survivor," Britney and Oprah. It is, moreover, wrong to characterize the students as "retro-communists." Mao's number one cultural goal was the effacement of Confucianism and the high culture handed down from the Imperial age. It is the Communist Party that has overseen the transformation of China's economy to consumerist pseudo-capitalism.

I say the world needs more kids like this Gang of Ten. A "Revolt of the Elites" is needed to prevent the proletarianization of culture worldwide.

Jon Harrison
Poultney, Vt.

Slagle responds: I hear this kind of elitism all the time: chamber music is better than rock and roll; Shakespeare is better than American cinema; opera is better than musicals. In the marketplace, however, the dollars would disagree. The only way classical music and Shakespeare even survive today is with generous grants, usually with tax funds pilfered from the pockets of NASCAR fans.

It is wrongheaded to try to force a culture onto people, and impossible without forfeiting liberty. Totalitarian governments tried to impose classical music on their populations last century, and used some fairly ugly tactics to get it done (just for the sake of *music*, mind you). Not only was it an abject failure, victims of Communism in some Eastern bloc nations still credit underground rock and roll for the overthrow of those tyrannical governments.

Cultures do not exist in harmony, they are like organisms that survive in Darwinian competition with each other. When one vanishes, it is a natural displacement, and good for humanity. The only fair way to judge the validity of a culture is through the lens of history, and time will tell whether American Christmas is better than Chinese tradition. This "Gang of Ten" is not fit to judge the free choices of individuals.

Cultures that do not survive will be forgotten. And that's good. Imperial Chinese culture is essentially dead. It wouldn't work in a rapidly expanding high-tech economy. However, those portions of Confucianism that have validity in this New China will remain, despite the influence of Santa Claus and American Christmas.

Cityscape

I can sympathize with Randal O'Toole's assessment of Portland, Ore. But to get the full flavor of what it's like to live in a planned city, he really ought to move here instead of hiding out in little Bandon, where he can view things on a purely academic level.

I have spent nearly all my life on the east side of the Willamette in an area that can only be called the low-rent district. About halfway between my home and the suburb of Gresham there was a dairy farm. It was kind of pastoral riding past those bovines on a Sunday drive. Then, uphill from that farm, a speculator built dozens of McMansions. The new neighbors complained loud and long about the constant smell of cow pies. I really don't know what they expected to smell, perhaps Old Spice aftershave lotion. The Andreggs, who had farmed that land for several generations, finally got tired of the complaints, sold off their cows (or slaughtered them; maybe both), and put row after ugly row of identical doublewides on the pastureland. Now those hoity-toity city folk have a panoramic view of trailer trash, day after day, without end.

A block up the street from me lives a man with a brain injury that makes it impossible for him to work. His mother bought the property for him so he would have a place of his own after she was gone. His house has one of the last remaining side yards in the area. Developers knock on his door and offer him truly fetching prices for the side yard so they can put up a skinny house. He'd rather have a place for his dog to romp, and not have to hear his neighbors flush their toilet day and night.

The city is currently building another extension to light rail, all the

continued on page 42

Reflections

A long way down from Lincoln — President Bush is rightly challenged for his bumbling rhetoric and undiagrammable syntax. But worse could follow. Consider Hillary Clinton, responding to her defeat in Iowa by screeching like a Valley girl who's just seen a new pair of shoes: "I am SO ready for the rest of this campaign. And I am SO ready to lead." Lead me to the exit, Senator. — Stephen Cox

After the surge — Early January saw Clinton and McCain win their respective party primaries in New Hampshire; but a more important development for some libertarians came a few days *before* those votes. The New Republic magazine published a major hit piece on Republican presidential candidate Rep. Ron Paul. The implication was that Paul is a bigot — racist, antigay, and antisemitic. The evidence was excerpts from a number of articles that appeared in several newsletters that Paul published or was otherwise involved with during the 1980s and early 1990s. The excerpts were selective, of course. But some of the quotations are troubling:

> Order was only restored in L.A. [after the 1992 "Rodney King" riots] when it came time for the blacks to pick up their welfare checks three days after rioting began. . . .
>
> . . . opinion polls consistently show only about 5% of blacks have sensible political opinions. . . .
>
> . . . I miss the closet . . . . Homosexuals, not to speak of the rest of society, were far better off when social pressure forced them to hide their activities.

Not all of this was news. In October 2001, Paul told Texas Monthly magazine that he had not written the offending articles but acknowledged a "moral responsibility" for the barmy things published in his name. Still, The New Republic (despite several highly-publicized instances of fiction presented as fact in its pages) remains an influential publication in establishment media circles. So, the story may hurt Paul's candidacy.

Paul polled about 10% of votes in the New Hampshire GOP primary. That, combined with his early successes raising money, suggests that he could run a credible campaign through the GOP convention in a few months. For those of us interested in hearing a voice for principled limited government, that credibility is important.

Ron Paul isn't likely to win the nomination. But he could influence the debate on issues from the Iraq War to so-called health care "reform." And he could mark a trail for other libertarian candidates to follow in the GOP. If he's marginalized as a crackpot bigot, these good ends will be lost.

It's a reality of the libertarian movement that some crackpots have mingled in our midst. The same can be said of *any* political movement; oddballs are often drawn to the intensity that political discourse can generate.

Some of liberty's crackpots are conspiracy theorists. Their opposition to statism and establishment parties comes not from philosophical resolve but from neurotic fixations on chimeras like "the organized power of the gay lobby" and "mostly black welfare recipients" — language that the recent article sourced to Paul newsletters.

Classical liberalism is better than this. And Paul seems to realize it. His official response reads:

> The quotations in The New Republic article are not mine and do not represent what I believe or have ever believed. I have never uttered such words and denounce such small-minded thoughts.

The rest of the spring will tell how much a closer scrutiny of past writings will affect Paul's candidacy. The best case will be that he brings the term "libertarian" a little closer to the political mainstream without tarnishing it. — Jim Walsh

Don't stop believing — Thirty seconds on Google at any time in the past several months would have revealed to any interested party the gist of James Kirchick's Jan. 8 TNR

story. Posting it the day of the New Hampshire primaries was undoubtedly meant to do the most damage: it would hit before the Paul campaign explained this is an old, old story that won't die.

That the establishment feels threatened enough to attack Paul is a good sign. It means they take him seriously. Did they ever feel threatened enough to dig through Badnarik's past? Or Browne's? Only Liberty, the "inreach journal" of the libertarian movement, bothered to give those gentlemen a through investigation. They were Libertarian Party candidates, and Paul is not the LP candidate for 2008, but surely he is "the libertarian candidate."

Last year, a debate moderator asked Paul, "Are you suggesting we invited the 9/11 attack, sir?" Paul had said no such thing, but he didn't even have the presence of mind to say "no" before pressing on with this point! Rudy Giuliani followed

Word Watch

by Stephen Cox

I had a dream the other night, and in this dream I was driving across the state of Michigan with my two friends Paul and Mehmet, and we got stuck at a gas station in Eaton Rapids. That's the town where they put up a road sign saying, "You Are Now Leaving the Only Eaton Rapids in the World." In my dream, however, we couldn't leave that unique metropolis, because some piece of our car had to be fixed.

I asked the guy who was fixing it how long the job would take, and he answered straightforwardly, "Half an hour." Then I made the mistake of saying, "Really?"

My little display of skepticism must have stung him, because he came back at me with the longest list of evasions I ever heard:

> "Well, that was just one possibility."
> "That was just one man's view of the situation."
> "It's hard to estimate these things."
> "You can't really tell."
> "Maybe yes, maybe no."
> "I wouldn't swear it in court."
> "I'm no prophet."
> "All these things are different."
> "Every mechanic does it his own way."
> "You never know what you're gonna find, once you open one of these babies up."
> "It's hard to work while you're being watched."

And so on and so forth: so many evasive cliches that on waking, I complimented myself on my ability to dream them all up. It was very clever, my little nightmare about the use of language to obscure and annoy. Even while I was dreaming, its cleverness impressed me very much, although I'm sorry to say that Mehmet and Paul didn't share my taste. They just stood there, waiting gravely for the guy to fix our car.

What really needs to be fixed, however, is the language we use in public. On this score, practically the only ground for optimism that I've recently seen appeared in November 2007, in a remark made by Juan Carlos, King of Spain, King of Castile, King of Aragon, King of Navarre, King of the Two Sicilies, King of Jerusalem, King of the Isles and Mainland of the Ocean Sea, to Mr. Hugo Chavez, Demagogue of Venezuela. "Why," said the king to the kingfish, "don't you just *shut up*?"

Now don't you feel better about the Bourbon dynasty?

Many people do. Within a week, the monarch's question had been downloaded as a ringtone by over 500,000 people, and a T-shirt company had taken what is described as "a year's worth of orders." The effect was even better in the original Spanish, because in addressing his antagonist the king used a form of the pronoun *tu* instead of the ordinary *usted.* "Why dost thou not shut up?" is the literal translation, but the archaic formality of the English second-person singular isn't what comes through in Spanish. In Spanish it's more like, "Why don't you just shut up, boy?"

Highly satisfactory. Yet politicians wasted no time in smothering this ray of linguistic light. A fine example of political correctness was provided the very next day by a man named José-Miguel Insulza, who, in case you didn't know, is the Secretary General of the Organization of American States. Mr. Insulza is not very friendly with Mr. Chavez. Indeed, Chavez made news last January by calling him an "asshole." (Reuters defined "asshole" as one of Chavez's "strong verbal swipes," apparently with no pun intended.) But when asked by reporters whether "freedom of expression and freedom of the press are under great stress in Venezuela," Insulza answered:

"I think that journalists don't have a good time in several parts of Latin America, Venezuela being one of them. But one must admit, though, there are other places where, for example, organized crime has killed journalists. That has not happened in Venezuela. So I don't think it's fair to say that the problems some journalists are having are only in Venezuela."

That's four sentences, none of which answers the question that was asked, although they do manage to answer at least six other questions: Do journalists have a good time in several parts of Latin America? Is Venezuela part of Latin America? Have criminals killed journalists? Ought one to admit this? Have criminals killed journalists in Venezuela? Is it fair to say that journalists have problems only in Venezuela?

Insulza was also asked whether Latin America was falling behind the rest of the world in economic growth. Here he made an even closer imitation of my dream-state garage mechanic. He began with a forthright "we are lagging behind." But that wasn't good enough. He couldn't resist the temptation to lead his listeners (as the old ladies who lived in my home town used to say) *all around Robin Hood's barn.* He asserted that "the size of GNP of Latin America linked to the world economy is much larger than it was 10 years ago." He allowed that "several countries have a problem with education." He emphasized that "some of the new big economic powers of the world . . . have more poor than Latin America and have more illiterate than Latin America and more malnutrition than Latin America." I suppose he was talking about

up: "That's an extraordinary statement . . . that we invited the attack because we were attacking Iraq. . . . I would ask the congressman to withdraw that comment and tell us that he didn't really mean that." After a lot of applause from the audience, Paul simply continued to make his point. Not even a denial that "we invited 9/11"; he just didn't have enough ego caught up in it to bother. He was concerned with what was right for the country and would not be derailed.

The man is an open book. Ron Paul is, at best, a mediocre politician because he is honest to a fault. If he hated blacks, Jews, gays, and whoever else he's accused of hating, we would know it. It would slip out on stage at every public appearance.

Some awful things were written, and Ron Paul's name was on the newsletter. I doubt he personally penned the more vicious writings; I believe him when he says it was poor oversight of other writers, for which he accepts blame. That means he is a bad manager, and, perhaps, therefore unfit to be president. Fine; he's not going to be the next president. He's still the only candidate saying what libertarians want to be said, and doing it loudly, and doing it so that the mainstream press have to cover it. That's the best, and the only realistic reason to support him — and that's why he still deserves our support.

More representative of Paul's character than the things that appeared in old newsletters, I suspect, is something Tucker Carlson wrote — also in TNR — just a few weeks ago, after spending a couple of days with the Paul campaign:

> On board the campaign's tiny chartered jet one night . . . Paul and his staff engaged in an unintentionally hilarious exchange about the cabin lights. The staff wanted to know whether Paul preferred the lights on or off. Not wanting to be bossy, Paul wouldn't say. Ultimately, the staff had to guess. It was a long three minutes.

This is the hateful, spiteful, antisemitic, gay-bashing monster Ron Paul. Well, okay. This laissez-fairy isn't scraping the Paul bumper sticker off his car anytime soon.

— Patrick Quealy

China, but that's just my guess. In other words, we are lagging behind, but maybe not — not really.

That's one way of evading any definite meaning: multiply words until your listeners give in, doze off, or just forget whatever it was you were talking about; bring up other topics, refuse all concrete reference ("several countries"; "there are other places"), and go on adding words and sentences until you've worn everybody out.

But there's another means of evasion: make one meaningless word take the place of all the words that might have been meaningful.

At the moment, my favorite meaningless public-pronouncement word is "unacceptable," an expression that occurs "about 16,601 times" in the current index of Google News. "Unacceptable" means "bad" in a vague, undefined, often illogical, but always serious, deeply serious way. Thus, an atomic bomb attack is "unacceptable," but so is the absence of Tagalog interpreters at the local PTA meeting.

According to internet news indices, it is now considered *unacceptable* for a Confederate flag to appear on a beach towel, for water supplies to be protected from massive amounts of bird turd by the killing of Canada geese, for mute swans to be kept from destroying fragile environments, for children to curse in front of adults, for girls to wear "revealing" prom dresses, for trash to be dumped on the streets of Detroit (how could you tell if it was?), for "persistent questioners" to be tasered at John Kerry speeches, for students to be suspended from schools for any reason, for flying saucers to be prevented from landing at O'Hare Airport, for insufficient charitable contributions to be made at Christmas, for religion to be used to "manipulate voters," and, of course, for healthcare to "be denied any US citizen" (but you knew that, didn't you?).

"Unacceptable" is a plague that has spread from America throughout the world. News reports indicate that it is *unacceptable* for Kenyans to lose at soccer, for Palestinians to conduct political kidnapings, for Palestinians not to have a state, for Kosovo to be called "a future state," for food to taste bad in British hospitals, for British officials not to be prosecuted for allowing sailors to sell their stories to the media, for policemen to be paid at different rates in Scotland and in England, for 17,000 South Africans to use one toilet, for Parisians to riot, for gambling to be legalized on Saipan, for foreigners to interfere with Pakistan, for foreigners to interfere with Lebanon, for foreigners to interfere with Uzbekistan, for fin whales to be hunted in the Pacific, for Afghan women to be photographed, for pornography to be exhibited to Australian aborigines, for school fees to be raised in Vietnam, for antiterrorist profiling to be used in Europe, for priests to pin their hair up in Russia, for fundamentalism to exist in India, and for poverty to exist in Canada, or anywhere else on earth.

To which I respond: Why don't you just shut up?

Guild system — I'm quite certain that Americans are tired of hearing about the Hollywood writers' strike. Yeah, they know there are writers behind the crap they watch every single night, but they really don't want to hear about it. Just like they probably know there's bits of kidney and lung in their breakfast sausage. So what? Slap it on a McBiscuit, wrap it in paper, shove it through the window, and shut up already.

The writers guild has nothing in common with the other unions in America. They're fighting for residuals. Auto workers don't understand residuals. Auto workers go to work, they build a car, the car is sold. Transaction complete. From the WGA perspective, it's not fair to the workers who built your car that you get to use it for whatever you want, and don't have to pay them a dime for it. In their minds, you should have to pay the auto workers every time you wanted to drive it somewhere. Part of the fight is that writers want a share of the profits if something is sold on the internet. Could you imagine having to pay an auto worker more money if you wanted to sell your used car online? — Tim Slagle

Bring back the smoke-filled room — I don't watch reality shows and I haven't seen any of the presidential debates. But I repeat myself.

Listening to inside-the-beltway friends talk about the debates — apparently they watch them avidly — makes me think that the presidential campaigns are nothing more than reality shows for the intelligentsia. Perhaps because I live in one of the last states to hold a 2008 primary, I find it irrelevant: in all likelihood, the decisions will be made by the time I am given any nominal say in the process.

Even if I lived in New Hampshire or Michigan, I'd find

this primary process bizarre. First of all, both political parties agree that Iowa has to go first — why? So that Archer-Daniels-Midland can be guaranteed its corn subsidies for another four years.

Then we have an extremely unpopular war, but most of the Republican candidates are trying to outhawk one another and most of the Democrats are afraid to speak out (or, in the cases of those in Congress, do anything) against it.

But I make the mistake of thinking issues count. Hillary turned around the New Hampshire election simply by shedding a couple of tears. Many said that Obama's speeches won their support by shivers up their spines when, as near as I can tell, the semantic content of his speeches is exactly nil. Ron Paul lost many votes because so many of his supporters are unsocialized geeks who, until now, hardly left their parents' basements.

I think we were better off in the days of back-room deals. Donors would save the millions spent on primary campaigns. Voters could concentrate on their daily lives rather than be subjected to empty rhetoric for at least two out of every four years. Congress could make decisions without polarizing every issue. And the outcomes probably would not be much different. The only thing we would lose would be the entertainment, and I'd be glad to give that up. — Randal O'Toole

Buzz Huckabee — If Mike Huckabee ever follows Fred Thompson into an acting career, he would be ideal for the role of Buzz Windrip in a film version of Sinclair Lewis' novel "It Can't Happen Here."

Like Huckabee, Windrip is a folksy and affable populist presidential candidate from a poor and socially conservative state:

> Usually he was known as "Buzz." He had worked his way through a Southern Baptist college, of approximately the same academic standing as a Jersey City business college, and through a Chicago law school, and settled down to practice in his native state and to enliven local politics. He was a tireless traveler, a boisterous and humorous speaker, an inspired guesser at what political doctrines the people would like, a warm handshaker, and willing to lend money . . .
>
> He had a luminous, ungrudging smile which (declared the Washington correspondents) he turned on and off deliberately, like an electric light, but which could make his ugliness more attractive than the simpers of any pretty man.
>
> [H]e was the Common Man twenty-times-magnified by his oratory, so that while the other Commoners could understand his every purpose, which was exactly the same as their own, they saw him towering among them, and they raised hands to him in worship.

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To find out what happens, read the novel. You'll be dolefully amused. The results aren't exactly what the voters would have predicted. — David T. Beito

The Inferno — When, on the eve of the New Hampshire primary, Hillary Clinton broke down and cried, I felt for her. Here is an intelligent and capable person who has devoted the past six decades of her life to the insane delusion that she was chosen by God to become president of the United States. To this delusion she has literally sacrificed her life.

She married a boorish huckster whose idea of bliss was to have sex with morons, and whose idea of self-exculpation was to insist that oral intercourse is not really sex.

She surrounded herself with liars and cheats and spent every moment of her own time either scheming or covering up her schemes.

She developed not only a contempt for simple honesty but a violent temper and the conviction that it was her responsibility to rule the world — two characteristics that are sentences to a lifetime of constant pain.

She became the most unpopular person in America. When, after many years, she finally found this out, she tried to ingratiate herself with voters by acting the part of the nice, funny, easy-going gal next door. People laughed at her. She gave way to tears, or at least pretended to; and they laughed at her again. At last she achieved the victory of a few thousand votes in a tiny New England state, thus reviving her faith in the only goal of her existence, the possession of the Oval Office.

Whether she attains that goal or not, hers is a life that one must pity.

Much the same can be said about the other big-name presidential candidates. About Barack Obama, a moderately smart, moderately engaging person who has convinced himself that, by the potent magic of not being Hillary Clinton, he has discovered the answers to all of America's questions. About John McCain, who was so worried that his age might make him lose New Hampshire that he went on TV to confess, in a jolly voice, that he was "as old as dirt." And about all the rest of them. I don't need to fill up the list.

How much would someone have to pay you to say what these people say, and act as these people act? How much would someone have to pay you to live any of their wretched lives? And of these people, one is to become the president. — Stephen Cox

Cycles of history — In 1787 Alexander Tytler, a Scottish history professor, had this to say about the fall of the Athenian Republic some 2,000 years prior:

> A democracy cannot exist as a permanent form of government. It can exist only until the voters discover that they can vote themselves largesse from the public treasury.
>
> From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury, with the result that every democracy will finally collapse over loose fiscal policy, always followed by a dictatorship.
>
> The average age of the world's greatest civilizations has been about 200 years. These nations always progressed through this sequence:
>
> From BONDAGE to SPIRITUAL FAITH; from spiritual faith to GREAT COURAGE; from courage to LIBERTY; from liberty to ABUNDANCE; from abundance to SELFISHNESS; from selfishness to COMPLACENCY; from complacency to

APATHY; from apathy to DEPENDENCY; from dependency back into BONDAGE.

I agree with his widely quoted words, though I'd substitute MORAL CERTITUDE for spiritual faith, which is not necessarily a virtue. And I'd leave out selfishness, since that's not necessarily a vice. But as far as the basic sequence, almost all observers, perhaps starting with Plato, agree. Almost everything is cyclical, from the markets, to the climate, to civilizations, to the fate of the universe itself. And it's getting late in the cycle for the American Empire. — Doug Casey

Not Kristol clear — At the end of 2007, the New York Times announced that it had hired Bill Kristol as an op-ed columnist. A curious development, to say the least. The Times has traditionally (at least since it hired Bill Safire back in the '70s) had one conservative columnist in house. Now it has two, David Brooks being the other.

The Times has two op-ed columnists worth reading (sometimes) — Brooks and Tom Friedman. Now, with the addition of Kristol, it will still have two. Kristol joins left-wing mediocrities Frank Rich, Maureen Dowd, Paul Krugman, etc. Perhaps he was hired to provide some ideological balance to the silliness. Or maybe the Times just hopes to sell more papers.

The Times already suffers from a sagging reputation. While its best reporters continue to provide readers with solid news coverage, it has been guilty of awful editorial mistakes. Recall the Judy Miller mess, or that kid (I forget his name — Jason something?) who got promoted way beyond his skill level, and then went on to write made-up stories. Add to these the paper's heavy ideological slant — a slant that too often obscures the facts of an issue — and you have a journalistic behemoth with feet of clay. Adding Kristol only makes the behemoth look more wobbly. No one on the Right has been more consistently wrong in his prognostications than the smirking Kristol.

Kristol's motive for joining the Times is even harder to make out. He has criticized the paper often, and in no uncertain terms, calling it "irredeemable." He even urged that it be prosecuted for revealing a U.S. program tracking international banking transactions. So why is he taking the job?

This marriage is so mixed that dark and complex motives seem necessary to explain it. On the other hand, perhaps it's so very simple. What we're seeing is indeed what we're getting: two whores coming together. — Jon Harrison

The business terminator — When art imitates life, it's unsurprising; but when life imitates art, it's at least unusual. When Governor Schwarzenegger pitches his new healthcare scheme, he seems to be imitating cinematic art — namely, his own Terminator series. In the first Terminator movie, he was a tough, calculating machine determined to destroy girlie-humans. By the last Terminator movie, he was a gentle, motherly machine just trying to help the kids.

Campaigning against the free-spending former Governor Gray Davis — a man who personified his name magnificently — Arnold was the original Terminator, opposing new taxes, demanding a cut in the auto license fees, and so on. During his first term, he pushed a special election on several major reform initiatives: one to limit the growth of state spending, one to curb the power of unions to confiscate their members' money for use in political campaigns, and one to redistrict the state to overcome the gerrymandered system that permanently cemented politicians in office.

But his tactics were fatally flawed. First, he should have pushed one initiative at a time, starting with the most important one, viz., the proposal to cap the growth of state spending. Had he gotten that through, the budget would be in surplus today, and his name would live in glory forever, for more than his career in sports and movies. Second, he should have put proposals on the ballot only in general election years, rather than placing them in special or off-year elections, when the public is less likely to vote, making it easier for public-employee unions to bring out their own, well organized voters.

After he was soundly beaten, Arnold started mutating into the kinder-gentler-more-loving Spender Terminator. Suddenly, he dropped all talk of capping government growth and proposed massive new spending programs.

He won reelection in a landslide.

With the introduction of his new health insurance plan, the mutation has become complete. Under his scheme — quite a scheme coming from a professed admirer of libertarian economists Friedrich Hayek and Milton Friedman — all Californians will be required to have health insurance. Those that can afford it will be forced to buy it, and those that can't afford it will be given it by an expanded Medi-Cal and other welfare programs. Businesses with more than ten employees will either have to provide health insurance to their employees or have to pay a 4% tax on their total wages, to fund health insurance for those who can't afford it themselves. Doctors and hospitals will also be hit by a new tax that will disgorge into the fund — docs 2% of their revenues, hospitals 4%. And insurers cannot deny coverage for reasons of health or age.

In short, employers will be hammered even more in taxes, in a state second only to New York for its unfriendly business environment. Chambers of commerce in such states as Texas, Florida, and Nevada must be rubbing their hands at the prospect of the current flood of California businesses moving out of state becoming a torrent. And outsourcing will become even more tempting.

FIRST NATIONAL BANK

"I'll need your Social Security number."

Middle class people forced to buy insurance they don't want, businesses and doctors taxed to buy insurance for everyone else, premium prices totally controlled — yes, indeed, that's something Milton Friedman would have loved.

— Gary Jason

Honor among thieves? — Charles Cashmore, one of O.J. Simpson's co-defendants, will plead guilty to a reduced charge in exchange for testimony against the disgraced football legend and four other defendants in the recent armed robbery case in Las Vegas.

Good to know that O.J. might not escape this time, that laws of nature and numbers are catching up with him.

Cashmore's testimony is good for this specific case, but as my grandmom used to say, "even crooks should have some ethics." Yes, Cashmore would have been better off doing hara kiri than testify against his boss, for he is not doing this because of a change of heart, but because of a "bribe" he is getting from the American prosecutors. Americans would have been better off — much, much better off — by letting O.J. go free for lack of evidence, than reduce Cashmore's jail term for his testimony. Cashmore should actually get an increased term for being utterly spineless, for being a disgrace to humanity.

And should the state prosecutors not go to jail for offering bribes? Really, over the long term, termites are far, far more dangerous than a lion.

— Jayant Bhandari

Back to work — A loathsome story out of Greenburgh, N.Y., where the property taxes have risen so high that elderly widows on fixed incomes can no longer afford to pay the amounts due on the houses they own free and clear.

Now, the idea of a "property tax" has always rankled in me. Why should anyone have to pay for the continued privilege of owning something already paid for in full? It's renting one's own property from the government. And it's especially pernicious when such rents are demanded from those least able to pay. It's a situation tailor-made for some smug town politician to announce his compassionate plan to ease their tax burden, invariably by raising slightly the taxes on everyone else because God knows the budget isn't going to get cut.

Thus was I surprised to see Greenburgh Town Supervisor Paul Feiner offer an equally smug but far more patronizing solution to the problem: put those widows to work! Says an article in the Lower Hudson Valley Journal-News (Dec. 31, 2007), "Under the plan, seniors could work in Town Hall and other municipal departments for $7 an hour, and earn up to $700." Feiner has appropriated $25,000 to give the program a trial sit. And besides, it's not like the elderly do anything in those houses their husbands worked for decades to buy; as the article points out, "the proposal may have beneficial side effects, including the structure that a part-time job can provide to those who may find the days of retirement too long to fill and too isolating to enjoy."

At this point in my life, I can't imagine what retirement would be like. Could it really be so bad that some would welcome working in a municipal department, just to fill the hours? If so, I swear I'm working till the maintenance crew hauls my carcass away from the desk over which I've keeled.

— Andrew Ferguson

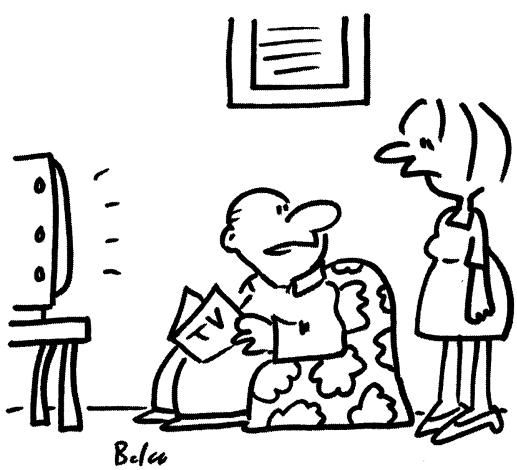

"What do you want to watch — the State of the Union address or a reality show?"

Opposite of panacea — In a recent letter to The Wall Street Journal, a planning professor at Ohio State University blamed urban sprawl for the demise of the afternoon newspaper. Other people have blamed sprawl for obesity, global warming, the Columbine shootings, and other ills. Gee, is there anything sprawl *can't* do?

— Randal O'Toole

Buffett gives it away — Warren Buffett, a man fattened by the virtues of capitalism, told the Congress recently that he favored the estate tax, which for the next couple years kicks in at 2 mil per parent. "I think we need to . . . take a little more out of the hides of guys like me." It's rumored that several well-off congressmen fainted after first buttoning their back pocket. But I was not surprised. Of course WB favors the death tax — he's not going to inherit a nickel from anyone.

His kids? They're probably keeping a log of his eccentricities, to use in court. Anybody, anywhere, of any means who's in favor of giving family money to the government is a strong candidate for the looney bin.

I began to lose respect for Buffett the day he gave Bill Gates a multi-billion dollar check — for his foundation. Not a profit-making corporation, the kind that purveyed Windows to the world, but a foundation: a non-profit, non-incentivized factory of sound and fury and press releases.

But on the up side you must credit the great philanthropist for his understanding of the tradeoffs involved in pleasing the human palate: proved by his chunk of ownership of Dairy Queen — dubbed DQ by its rotund patrons. DQ makes the best chili dog in this town or any other. They sell for $1.85 each or two for $1.99! Can you believe it? Now that's the real Warren Buffett making his contribution to society.

— Ted Roberts

Damn lies and statistics — A recent article on cancer myths, distributed online by Johns Hopkins and flagged by Yahoo as a Number 1 story, bewails the fact that 39% of the American populace believes that you're more likely to get lung cancer because you live in a "polluted city" than because you smoke a pack of cigarettes a day.

How did this preposterous idea take hold? The reporters of the statistic — the authors of a survey undertaken for the American Cancer Society — blame the victims. They "point to studies showing that people who engage in behaviors like smoking or unprotected sun exposure tend to underestimate their own personal risks from these choices, despite their knowing of the risk to the general public."

Well, maybe. But what accounts for their belief that air "pollution" is worse than cigarettes? Where could they possibly have gotten that silly idea? Could it have been from the environmental "activists" (i.e., cranks) who ceaselessly preach the doctrine of "second-hand smoke," industrial "befoulment," and the demon automobile? — Stephen Cox

An improbable victory — American President Bush and Peruvian President Alan García have signed the free-trade agreement that Peru and the U.S. started negotiating back in 2003. The initial agreement was concluded in 2005, but the new, protectionist Congress delayed approval and forced García to renegotiate its terms. Essentially, the Democrats demanded that the agreement be made more palatable to organized labor and environmentalist groups.

The effect of this pact will not be earth-shaking, because Peru is not a huge economy. Still, the U.S. International Trade Commission estimates that it will raise trade between Peru and the U.S. by nearly 20%. For several reasons, it is amazing that this modest agreement survived to get finalized.

First, it is surprising that Bush, with a 30% approval rating and only a year left in office, still had the juice to get the agreement through a hostile, anti-free-trade Congress, completely controlled by the opposing party.

Second, President García had himself attacked the agreement during his election campaign in 2006. But once in office, he worked to get it implemented, and is now urging American fishing, manufacturing, and mining companies to invest in his country, promising "long-term security."

Third, even though the modified agreement stiffened environmental and labor rules on businesses starting operations in Peru, organized labor still opposed it. This Congress has rolled over for every demand made by Big Labor, no matter how outrageous, so this treaty was not a slam dunk.

Finally, there is a swelling antiglobalist sentiment in this country. A recent Wall Street Journal article pointed out that Americans oppose global free trade by 58% to 28%. In the face of this backlash, even Republicans are retreating from free trade — so getting enough Democrats and Republicans to vote this deal through was again no slam dunk.

— Gary Jason

What makes the heart grow fonder? — More and more states are refusing federal money for "abstinence-only" sex education programs. According to an article in the Dec. 16 Washington Post, no fewer than 14 states have turned up their noses at the federal dollars, an increase from four states in 2006.

For the past 75 years, Washington has done its best to make states dependent upon federal handouts. And the states have cooperated willingly. It's news when states just say no to money from Uncle Sugar, even when their objection is to the strings attached.

Apparently, states have found that preaching abstinence doesn't work. Really! Raging hormones beat the government's proclaiming, "Thou shalt not." Who could've imagined it?

It's very important to educate young people about sexual hygiene, birth control, and the burdens of being a parent. Such knowledge can save at least some kids from major grief. It's not government's business to promote virginity, any more than it should be in the business of advocating promiscuity. In a society such as ours, drenched as it is in tease and innuendo (for the advertising industry has not yet found it possible to mainstream graphic sex), a strictly hands-off attitude (no pun) is not good enough. Education there must be, but please, let's be real. Kids are doing it, and they're going to keep on doing it. Let's work to make the playing field as safe as possible.

— Jon Harrison

Silly Season 2008 — Presidential campaigning started much earlier than usual — not just several months or even a year before the election but a full 15 months. To my growing surprise, the networks are still covering the candidates and their debates; even the purported nonprofit NPR and the self-consciously august New York Times apparently succumbed to the expanded calendar.

Nonetheless, does the mass public care? Are viewers rushing home to view the latest staged debates among the many candidates? Are they reading columns upon newspaper columns about Barak and Hillary, John Edwards and Sen. Whomever Aspires? If not, will the free market in which the media operate drive them to return to their regular fare of reality shows, sit-coms, sports, and local news, letting the hustling candidates languish in No-news Limbo?

One result of popular disinterest should be a reconsideration of the traditional myth about voting percentages. If nearly 100% of the people voted in totalitarian countries whose governments were feared, shouldn't a low turnout indicate disinterest permitted only by a lack of government intimidation? If that's true, an indisputably successful country would be one where voluntarily no one votes at all.

If public disinterest in the 2008 campaigns persists past the primaries next year, will the media "forget to cover" the final run-up (or is it run-down?) to the presidential election next summer and fall? If Nov. 4, 2008 became nothing more than another shopping holiday, would the U.S., confronted with the fact of no president at all, have gotten to the prerequisite for splitting ourselves apart? — Richard Kostelanetz

English only — How oft we see the law of unintended consequences bite statists in their butts. A recent illustration is the brouhaha about English-only requirements on the job.

Contemporary left-liberals are frequently what I call multiculturalismists. That is, they subscribe to an extreme form of multiculturalism and use it as a tool to attack American society. Broad multiculturalism is simply the view that all cultures have their good and bad aspects, and none is so good that it ought to replace all others. I am myself a moderate multiculturalist or, as I prefer, a cosmopolitan. I am very pleased to be an American. I think that American culture is not on the whole inferior to others. But I surely would not want to see it supplant all other cultures, and I have a visceral aversion to the idea of imposing it on other countries. I hope the French, the Mexicans, the Greeks, and so on retain their distinctive identi-

ties, because I so enjoy visiting those countries and experiencing (however superficially) their cultures.

I am not extreme in this multiculturalism. I don't hold, for example, that there are no dysfunctional cultures. The culture of (say) Nazi Germany comes to mind. A few cultures have such virulently nasty features that the whole of them becomes repellent. Moreover, while I am a moderate multiculturalist, I am also an assimilationist. I believe that if I were to emigrate to some other country, with the intention of becoming a citizen there, it would be my moral obligation to learn its language, culture, and customs. If I moved to France, I would attempt to become fluent in French, as hard as that would be for a linguistically challenged individual such as I. I would broadly assimilate to the culture. I wouldn't demand bilingual ballots in French and English, or insist that the American flag be flown at French sporting events.

These thoughts come to mind when I see the entrenched resistance by multiculturalismists in government to attempts to get immigrants to learn English. I mean, it just seems obvious that all new immigrants should learn the language. Polls consistently show that the vast majority of people — including Hispanics — agree with this notion, and it remains one of the requirements for attaining U.S. citizenship. It's a matter of assimilating to the country and culture the immigrant has *freely chosen* to join, not a chauvinist claim that English is superior to all other tongues.

But alas, resistance to common sense runs deep in the bastions of the Left.

Consider what happens to companies that introduce English-only rules. Such rules seem quite reasonable for many businesses: they promote workplace harmony, and they guarantee that important information (such as about imminent workplace dangers) can be conveyed quickly. But the EEOC has been extremely aggressive against these rules, filing 200 lawsuits against them during 2006 alone.

When Sen. Lamar Alexander (R-TN) — hardly an ultrarightwinger — tried to introduce an amendment to bar such government lawsuits, it was blocked by the Congressional Hispanic Caucus, led by Rep. Joe Baca (D-CA), with the backing of House Speaker Nancy Pelosi (D-CA).

There is also a continuing attempt to push for bilingual education, the daffy idea that the best approach to getting an immigrant child proficient in English is to teach him or her in *another* language for an indefinite period. In California, this insanity has supposedly been ended by a constitutional amendment; yet educators keep inflicting it on students stuck in the public school system.

Ironically, the multiculturalismists of the Left make it hard for those of us who favor reasonable amounts of legal immigration to convince the average citizen of its benefits. Ironically, the leftist fetish about multiculturalism — specifically, the opposition to English language requirements — is one cause of the rising tide of anti-immigrant feeling throughout the country. An unintended consequence, indeed.

— Gary Jason

"May I have a dollar for a cup of black coffee, sir? — I want to get sobered up so I can go down to the polls and vote."

Rudy's "social liberalism" — Strangely, Rudy Giuliani maintains a reputation in some quarters as libertarian-friendly on the social issues — especially those related to "getting government out of the bedroom."

Perhaps this is true, to a limited extent, on abortion and gay marriage; but it's pretty thin gruel. Rudy's new receptiveness to a proposed constitutional amendment defining marriage as only between a man and a woman has made it thinner still. Of course, Rudy has always been a zealous social authoritarian on the war on drugs and civil liberties.

The myth of Rudy's social liberalism became still more apparent at a speech he made at the Family Research Council. He pandered to the censors, boasting (according to JoinRudy.com) that his administration had chased the pornographers "out of Times Square and other public spaces. In 1987, there were 35 pornographic theaters and shops on just one stretch of 42nd Street. When I left office, there were zero. . . . This fight . . . extended throughout the city. We significantly reduced pornography throughout the city of New York." Wonderful.

— David T. Beito

Epistemology — According to Peter Baker, reporting for the Washington Post, President Bush recently "raised the specter of World War III" over his issues with Iran. Further in the story, Baker says, "Although in the past [Bush] has said it is 'unacceptable' for Iran to possess a nuclear bomb, [he] said Wednesday that it is unacceptable for [Iran] to even know how to build a bomb."

Epistemological terrorism is a novel concept: "Surrender, America! We have theoretical knowledge of thermonuclear destruction." "Hand over all your money; I've got the concept of a gun." I appreciate the president's point: at a time when more foreign students can spell "nuclear war" than American students can, this unbridled stealing of American knowledge must stop.

Senators from the breadbasket states urge Bush to include knowledge of agriculture and how to feed oneself as further unacceptable knowledge in foreign hands. Plans are underway to develop an Undersecretary of Prohibited Knowledge in the Department of Defense. Efforts are also ongoing to push the Vatican to add all books by Einstein to the Index Librorum Prohibitorum.

— Ross Levatter

Diff'rent strokes? — I can't get enough of John Edwards complaining about "Two Americas" from the porch of his mansion, bemoaning the shrinking middle class while

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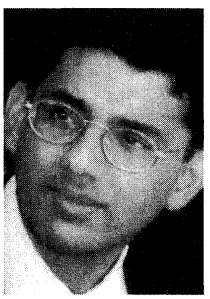

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Mark Skousen, *Producer, FreedomFest*

getting a $400 haircut. I guess it's because I assume that when someone is a Democrat, he should actually live the Democratic Party's rhetoric.

That is seldom the case. Rich Democrats who decry racism often find themselves living in monochromatic neighborhoods. Those who trumpet the need for public schools, and loathe school vouchers, will send their own children to private academies. Those who ridicule the Republican obsession with taxes scour their personal records annually for every tax deduction they can find, gun-control advocates hire armed bodyguards, and the staunchest environmentalists find themselves traveling on private jets. Wealthy Democrats live exactly like wealthy Republicans, they just talk differently — and make sure their maids always sort the trash into the proper recycling bins. — Tim Slagle

God in heaven! Can this be happening? — Mandatory seat-belt laws are about public health — and maybe some other things.

Consider a case from Washington state. In Everett, north of Seattle, a policewoman pulled over a car. She asked the names of everyone in the car, and when the guy in the back seat with a dog on his lap said his name was "Antoine Carver," she remembered him, and that his name was different. She wanted to search him, but she had to arrest him first — and for what?

She arrested him for the dog, which was a pit bull that by city ordinance was supposed to be in an enclosure. She also noted in a supplementary arrest report that he hadn't been wearing a seat belt.

She searched him and found cocaine, methadone, and $800 in cash. He was convicted of illegal possession with intent to deliver and sent to prison for five years.

The trial judge ruled that the arrest for the dog was not valid. The car was an enclosure, so the dog was OK. The judge also ruled that the false name was not a crime in itself; there had to be some other violation of law to make it so. And there was: the man had not buckled his seat belt. That, the judge said, made the false name a crime — thereby giving the officer cause to arrest and search him, thereby finding the contraband and sending him to prison for five years.

The man went to prison and his case went to the Washington supreme court. In October the court came down with its ruling on *State* v. *Moore* (his real name). The arrest was invalid, the court said, and his conviction was overturned. The reason was that the cop hadn't arrested him for the seat belt. She had arrested him for the dog, and that was the wrong reason. If she had arrested him for not buckling his seat belt, the court would have smiled upon her act, and the man's five-year sentence would have stood.

It's not just the public health. — Bruce Ramsey

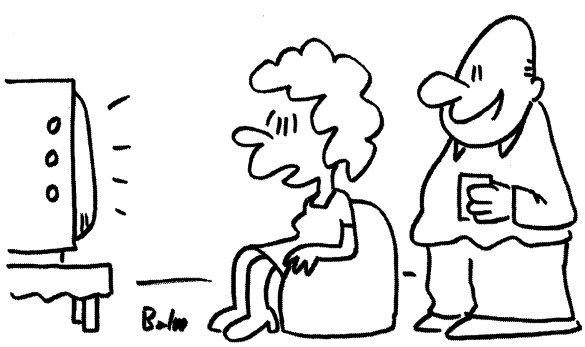

"What if Obama *was* a drug dealer?" "No problem — Huckabee can pardon him!"

Sex, Marx, and football — If you think the annual American Economic Association (AEA) meetings are stuffy affairs of ivory-tower academics, think again. This year's event was held in the Big Easy at the same time as the national football title game between LSU and Ohio State. It was a strange mixture of nerds and jocks. (Since I'm both a sports fan and an academic economist, I fit right in.) But the meetings proved that economics is hip.

The key figure was Chicago economist Steve Levitt, author of the bestseller Freakonomics, who (dressed without a coat and tie) explained to a standing-room-only crowd the economics of the sex trade in Chicago. The almost all male audience, leering at every word, was told that there were approximately 4,400 prostitutes in the Windy City, who turned 1.6 million tricks in a year. During the July Fourth festivities in Chicago, the quantity of hookers increased 60%, but prices only 30% because of an increase in out-of-towners and temporary workers. The laws of supply and demand are at work everywhere. Rumor has it that Levitt is coming out with a new book soon, and I think it should be called "Hookonomics."

Regarding sports and economics, two people presented an amazing econometric paper showing, by reference to the number of fouls called on white and black players, that NBA referees show racial biases. They conclude that black referees are more prejudiced against white players than white referees against black players. Their study was recently highlighted on the front page of the New York Times.

Quite a few free-market economists showed up, including Florida State's Jim Gwartney, whose new textbook, "Economics: Private and Public Choice," offers two pages of economic freedom indexes from the Fraser Institute. Jim told me that his textbook, now co-authored with three other economists, is gaining in sales. Cato and others were there exhibiting their books; and Institute for Humane Studies (IHS) held a cocktail reception for friends and colleagues, including faculty members of George Mason University. The big news was the forthcoming second edition of the New Palgrave Dictionary of Economics, considered the source for what economists are up to. The first edition came out in 1987 and was criticized heavily for being dominated by heterodox Marxists. I was told by the new editors that their edition has scaled back the contributions of the Marxists dramatically, and increased the contributions of the Austrians, supply-siders, new classicists, and other free-market economists.

The AEA meetings still have an overabundance of sessions held by the Union of Radical Economists, appropriately labeled URPE. I attended one on Venezuela. The main speaker was a Chavez government official who handed out an invitation to a 125th anniversary conference on Marx in Havana; the subject is how to "contribute to the overthrow of capitalism." Will Marxism ever die?

I wish that Austrian economists would hold their own sessions at the AEA meetings. That would be a great opportunity

to expose the profession to the sound economics of Mises and Hayek. Austrian economics is growing in influence — Glenn Hubbard, the dean of Columbia Business School, gave the annual luncheon address on entrepreneurship, and mentioned Hayek and Schumpeter by name. — Mark Skousen

Iran is getting the bomb . . . Not — On Dec. 3 of last year, the United States government released an intelligence report stating that Iran was not in fact building a nuclear bomb. This reversed a 2005 conclusion, which had been the basis for the president's repeated warnings to the nation that World War III might be just around the corner.

Intelligence reports come and go; we can't be certain that this one is any more accurate than the one from 2005, or any others to come. It does seem as if the sourcing for this assessment was superior to what U.S. intelligence had to work with before. But that's not the point. The question we really need to consider is: why would a nuclear-armed Iran be so dangerous that America would have to go to war?

If at some future time Iran has one, or two, or 20 nuclear bombs, what is that to us, with our arsenal of thousands upon thousands of warheads? They're not going to drop the big one on New York, in return for which we would wipe the Iranian state and the Persian race off the planet. For the same reason, they aren't going to pass a nuke on to terrorists who want to strike the U.S. Despite the perfervid formulations of various neocons and other disreputable persons, the mullahs in Tehran are not seeking martyrdom for their country.

Yet Mr. Bush has said (in an Oct. 17, 2007 press conference), "If you're interested in preventing World War III, it seems like you ought to be interested in preventing them [Iran] from having the knowledge necessary to make a nuclear weapon."

Now, after seven years, it's all too clear that Bush is a fool when it comes to international politics. He simply never fails to say, do, or (so it would appear) *think* the wrong thing. Whether he's launching a war against Saddam Hussein, or being duped by Vladimir Putin, or writing love notes to North Korean dictator Kim Jong Il (his latest brainwave, and one made all the more remarkable by the fact that Kim actually has the bomb, and has lied to us repeatedly about his weapons programs), he just never gets it right. So I suppose it's only natural that he thinks Iran can cause World War III.

Another voice, and one with a far cleverer mind behind it, has sounded a similar note. Richard Perle, a founding father of the neocons and the Mephistophelean figure who helped inspire Bush's war in Iraq, has said that in dealing with nations like Iran, America faces the choice of "victory or holocaust." His use of the latter word, so highly charged, reveals his inner motivation. The idea that a bunch of ragtag states in the Islamic world has the potential to annihilate the American people is ludicrous. Perle's thinking, and that of his fellow neocons, clearly is focused on Israel. It would be better all around if they had the guts to just come out and say so. But they don't, for the simple reason that they are afraid the American people will never willingly send their sons and daughters to die for Israel. And they're probably right. — Jon Harrison

Bush as Carter redux — Hearing Dubya give an unrehearsed press conference in Israel just after Three Kings Day, I realized that, wonder of wonders, he might have finally grown into his job, so to speak — become thoughtful and articulate to a level he'd not attained before. Whether he succeeds in negotiating a new agreement there, he is looking clearly at posterity and understanding that he'd better shape up — that's Up — to get out of the historical garbage pail to which his name will otherwise be consigned. (How doubly embarrassing to earn the Quincy Adams fate of being less than his father.) Impressive though his new smarts are, they probably come too late for him to be a better president.

Some years ago I wrote in these pages that the previous president most resembling Dubya is Jimmy Carter, both suffering, to quote myself, "self-righteous incompetence, not only politically but economically," in addition to "an internal, yes spiritual arrogance that kept them from correcting policies that failed in the real world."

News You May Have Missed

Bush: Imaginary Countries Pose Real Threat

WASHINGTON — President Bush is prepared to order U.S. troops to the Lost Continent of Atlantis, according to administration sources.

Having spent most of his presidency dealing with fictional threats posed by real countries, like Iraq and Iran, the president has decided to turn his attention in the limited time he has left to real threats posed by fictional countries. The troops, numbering over 100,000, would be drawn from military personnel that the United States doesn't currently have, and Congress would be asked to provide funding the nation can't currently afford.

Bush is convinced that the strategic position of Atlantis, in the middle of nowhere, would make it a direct threat to countries just out of the range of any sophisticated phantasms it may be developing in secret underground locations that are believed to be speculative.

Atlantis, the sources say, is just one component of what the president has privately referred to as an "Axis of Fable." It consists of dozens of countries, all of them deceptively posing as unreal, that have been identified by rogue intelligence analysts occupying a broom closet in the Office of the Vice President, where, under the cover of darkness, they have been busy sifting through old legends, fairy tales, novels, and similar documents looking for new nonexistent threats.

Besides Atlantis, the president has named Ultima Thule, El Dorado, Shangri-La, the Kingdom of Prester John, Lilliput, Xanadu, Erewhon, Ruritania, Kakania, Ishmaelia, Zembla, Freedonia, Cloud-Cuckooland, and Canada as among the countries that will have to be invaded and occupied just as soon as he can find them on a map. — Eric Kenning

My prediction now is that, much like Carter before him, Dubya will devote the remainder of his life to high-minded projects, well-publicized no doubt, that, thanks to the Good Luck that recurs in his life, will earn him a Nobel Prize.

— Richard Kostelanetz

The magic year for Social Security — On Jan. 1 of this year, the very first baby boomer—Kathleen Casey-Kirschling, the first baby born on Jan. 1, 1946 — turned 62 and thus became eligible for Social Security. She is the first of the wave of 3.2 million boomers who will become eligible for Social Security this year. At least half of them will likely start drawing benefits (which are lower by about a third than the full benefits they receive if they wait until age 66).

In three years, this initial wave of boomers will be eligible for Medicare, and a year after that, the half that didn't take the early Social Security benefits will be entitled to full benefits.

When the last wave of boomers retire (in 2030), the number of Social Security recipients will have exploded from the present 50 million to a staggering 84 million, an increase of nearly 70% — while the number of Medicare recipients will have jumped from the present 44 million recipients to 79 million, an increase of nearly 80%.

In terms of the so-called entitlement trust funds (i.e., the IOUs the government issues to cover the surplus payroll taxes used to augment general revenues), Medicare — which already spends more than it takes in — will completely empty its trust fund within eleven years. Social Security will start spending more than it takes in easily within nine years, and will empty its trust fund within about 30 years. All of these projections assume no massive economic downturns.

Not surprisingly, none of the Democrat presidential candidates duking it out in the primaries have mentioned this important milestone — not surprising, since they all promise to give even more entitlements, like free health care, to nearly 50 million more citizens.

But none of the Republican candidates (except Fred Thompson, who is not doing well) has mentioned it either, perhaps because they remember how badly Bush was beaten up when he tried to address Social Security reform a few years back.

— Gary Jason

Grownups in the military — Last Nov. 30, on the 14th anniversary of the "don't ask, don't tell" law concerning gays in the military, 28 retired generals and admirals released a letter calling on Congress to end the policy.

The former brass weren't asking Congress to return to the old no tolerance rules — rather, they want gays to serve openly. They provided data indicating that some 65,000 gays and lesbians currently serve, and that there are some one million gay veterans. "They have served our nation honorably," the letter stated.

What a refreshing contrast to the attitude of former Joint Chiefs of Staff Chairman Peter Pace, who called homosexuality "immoral," thus stigmatizing a significant portion of the force he oversaw. It is a tribute to serving gays and lesbians that they continued to carry out their duties despite being slurred by the nation's top officer.

Gen. John Shalikashvili, who was JCS Chairman at the time don't ask, don't tell was introduced, was not among the signers of the letter. However, he had already come out (no pun intended) in favor of openness back in January 2007. Clearly, he was motivated in part by the stretching of the force and the difficulties in recruiting that the Army and Marine Corps were experiencing. But he also seems to have had a real change of heart.

I say it's about time. The fact is that gays don't hurt combat efficiency. Going back to the beginning of recorded history, successful armies have contained open homosexuals. Think of "mighty Achilles" and his lover Patroclus, or the Sacred Band of Thebes. The latter was a *corps d'élite* of 300 men — 150 pairs of gay lovers. They were the heart and soul of the Theban army that overthrew Sparta's hegemony in 4th century B.C. Greece. They were never defeated until Alexander the Great, possibly history's greatest captain (and a bisexual, by the way), annihilated them at the Battle of Chaeronea.

Cavalry, the dominant arm from the Middle Ages to the Boer War, was notorious for its large percentage of homosexuals. One could go on. The point is that sexual orientation has never mattered to the success or failure of a military force.

The U.S. military has integrated heterosexual women into the force without a discernible drop off in efficiency (and this despite the fact that a great deal of hanky-panky goes on — at home, on board ship, and even during deployments to war zones). It will be able to do the same with openly gay soldiers. The discomfiture of officers of Peter Pace's ilk is nobody's problem but their own.

America may finally be growing up. Congress should have the guts to repeal "don't ask, don't tell" and let gays and lesbians serve openly as well as honorably.

— Jon Harrison

Food sovereignty — Early in November, the Bolivian government announced a plan to achieve "food sovereignty." In order to eliminate agricultural imports, the Morales administration will now spend over 60 million taxpayer dollars on various projects, including the construction of a new soybean processing plant, the creation of a new rice and wheat enterprise, and a plan to resettle cattle nationwide.

I am resigned to the fact that my home away from home, Bolivia, is not satisfied with simply shooting itself in the foot. Evo Morales wants to reload and keep firing. The goal of food sovereignty amounts to little more than a rejection of the most basic economic principles of comparative advantage and the division of labor, but this is to be expected from the MAS (Movimiento al Socialismo) party.

But then I watched the Republican YouTube debate on CNN on November 28th. The candidates were asked if they would work to eliminate farm subsidies here in the U.S. Both Mitt Romney and Rudy Giuliani answered that farm subsidies were needed to ensure that we are not dependent on foreign countries for a secure supply of food.

Perhaps I shouldn't be surprised. After all, I'm a small-government, free-market kind of guy, and I understand that there's no place for me in the GOP. But even the most dyed-in-the-wool Republican should be concerned when two of the front-runners for his party's nomination have recommended the same economic policies espoused by a communist like Bolivia's Evo Morales. Mitt Romney and Rudy Giuliani showed that they either do not understand the free market, or that they do not believe it really works. Either way, they should be ruled out as viable candidates for the GOP bid.

— Stephen M. Smith

A Successful Surge?

by Jon Harrison

It's time to look beneath the surface of events and understand exactly what's been going on.

As we enter the election year of 2008, the war in Iraq has become almost a secondary issue. Both violence throughout the country and U.S. casualties have dropped markedly. Such longtime supporters of the war as John McCain and Bill Kristol are basking in the surge's apparent success. The current optimism extends even to such people as Democratic Congressman John Murtha, an outspoken critic of the Bush administration's policy, who returned from Iraq in late November to report that real success on the ground was indeed being achieved.

Clearly, the situation in Iraq has improved over the past year. Statistics for once don't lie; the mayhem and near anarchy of 2006 have been succeeded by a much lower level of violence. Has the surge then succeeded? Has a turning point in the war been reached?

These questions cry out for answers. Readers of Liberty may recall that a year ago I predicted failure for the surge. Now, despite tactical successes on the ground, I see little that causes me to reconsider that prediction. I remain pessimistic for reasons that I hope this essay will make clear.

From the beginning of the surge to the end of August 2007, violence in Iraq declined by almost 50%.[1] Even so, in August nearly 2,000 Iraqi civilians died violently. The improvement, though real, was impressive only in comparison to the carnage of late 2006 and early 2007.

What caused the drop off in violence? The new tactics introduced by Gen. Petraeus, such as moving U.S. troops out of large firebases and into Iraqi neighborhoods, erecting blast walls to deter car bombings, etc., unquestionably had some effect. More important, however, was the spread of the "Anbar Awakening" from that province to the rest of Sunni Iraq.

In late 2006, both U.S. military intelligence and the CIA concluded that Anbar was irretrievably lost to the Sunni insurgents. Beginning soon thereafter, however, a sharp cleavage arose among the Sunnis, pitting the majority against "Al

Qaeda in Mesopotamia," the fanatical and murderous Iraqi wing[2] of that terrorist organization.

Al Qaeda simply had overplayed its hand. Fanatical thugs that they are, they had no compunction about forcing the population to adhere to their twisted version of Islam, under which a man could be murdered for refusing to marry his daughter to an al Qaeda member, or even for trimming his beard. Enraged by the behavior of their erstwhile allies, Sunni tribal leaders approached the U.S. command for help, offering in return not just a trove of intelligence on al Qaeda — its operations, personnel, and facilities — but active cooperation in fighting it as well. Naturally, our military responded favorably, even going so far as to provide cash, arms, and training to its newfound friends. The result was the rout of al Qaeda in Anbar.

Though battered, al Qaeda's organization remains largely intact. Its surviving members have been content to move elsewhere and wait their time.

The idea of cooperating with the U.S. military against al Qaeda spread from Anbar to the rest of the Sunni community. Al Qaeda has been pretty much on the run ever since. In November, the U.S. command declared that it had been driven completely out of Baghdad.[3] This clearly is good news — for us, and for the Iraqi people. Without question, the only good al Qaeda member is a dead one.

However, decisive success has so far eluded us. Al Qaeda has lost momentum, but it has by no means been finally crushed. Whenever it has been brought to battle by U.S. forces or our Sunni allies, it has been defeated. But these defeats have been relatively small-scale — 60 killed here, a couple dozen there. Though battered, al Qaeda's organization remains largely intact. Its surviving members have been content to move elsewhere (the north of Iraq, for example) and wait their time.[4]

For the U.S., the split between the Sunnis represented the killing of two birds with one stone. The majority of the Sunni insurgents stopped attacking us, while simultaneously taking up the fight against al Qaeda. Under such favorable circumstances, a nearly 50% decline in violence was by no means surprising.

The million-dollar question is how long these favorable circumstances will persist. We should keep in mind that from the Anbar Awakening to the present, our Sunni allies have been operating on the principle of "the enemy of my enemy is my friend." To say that they have become pro-American would be a gross overstatement. So long as they continue to receive American cash and arms, they should continue to cooperate with us. A diminution of U.S. largesse might cause them to resume the insurgency. Equally worrisome is the possibility that they will decide to take up arms once more against Iraq's Shiites, rekindling the civil war that began in February 2006.[5]

Shiites make up the majority of the Iraqi population. They dominate its government and armed forces.[6] The Shiite militias, backed by Iran, constitute the most formidable obstacle to U.S. policy goals in Iraq.

On Aug. 30, 2007, Muqtada al-Sadr, the radical cleric and leader of the largest Shiite militia, the Mahdi Army, declared a unilateral six-month ceasefire, to include operations against the Americans. The event that provoked al-Sadr's action was Shiite-on-Shiite violence during a pilgrimage to the holy city of Karbala, in which dozens died.[7] Four months old at the time of this writing, the ceasefire has so far been respected by the Sadrists.

Al-Sadr's decision to stand down, together with the ongoing Sunni awakening, caused a further steep decline in violence. Iraqi civilian deaths fell from over 1,000 in September to 481 in December. U.S. combat fatalities, which hit a high of 126 in May, totaled only 21 in December.

Al-Sadr appears to have ordered the ceasefire in order to gain greater control over the Mahdi Army, which was splintering and becoming involved in faction fighting. According to U.S. Ambassador to Iraq Ryan Crocker, al-Sadr was ordered to stand down by the Iranians.[8] In the event, al-Sadr's position has been weakened. U.S. forces have arrested hundreds of Mahdi Army leaders in Baghdad. The Islamic Supreme Council in Iraq, which controls the other big Shiite militia, the Badr Brigade, has taken advantage of this to chip away at the Mahdi Army's position in southern Iraq.[9]

Why al-Sadr has remained passive in the face of these setbacks is unclear. He has indicated that he plans to extend the ceasefire beyond the end of the six-month period in February. This seems to be a tactical decision, based perhaps on his current weakness. He may prefer to accept a further, temporary erosion of his position in order to ensure the continued withdrawal of U.S. troops. Alternatively, he simply may be following Tehran's instructions.

As I predicted in this magazine's pages last year, the U.S. military chose not to force a military showdown with the Sadrists. An all-out assault on the Mahdi Army, which would have given the surge a real chance for long-term success, was never contemplated, for the simple reason that it would have led to very heavy U.S. casualties. Additionally, it is unlikely that Iran would remain indifferent to such a U.S. escalation. Finally, an operation on this scale would threaten to wreck such infrastructure as remains in Baghdad and elsewhere.

Instead, the U.S. is supporting the Islamic Supreme Council as a counterweight to the Sadrists. This is a dicey proposition, given that the ISC wants an autonomous Shiite entity in Iraq (the Sadrists support a unitary state, which is in line with Bush administration policy). The U.S. appears to have adopted a policy of divide-and-rule toward the Shiites, just as it has with the Sunnis.

A very disquieting recent development is the emergence of Shiite street thugs, very young men prone to murder and other crimes. They have filled the vacuum created by the absence of senior leaders of the Mahdi Army, men currently detained or in hiding.[10] These Iraqi "technicals" could

conceivably turn Baghdad into another Mogadishu as U.S. troops depart.

One further factor has contributed to the decline in violence: sectarian cleansing has virtually ended. The segregation of the sects in Iraq is now all but complete.

The overall decline in violence is, then, the result of events not directly connected to the surge — the Sunni awakening, al-Sadr's stand down, Iran's new moderate line, and the end of ethnic cleansing. The surge operations have played a secondary part.

Perhaps the surge itself was a prerequisite for at least some of these developments. That is to say, without more U.S. troops on the ground, the local actors (Sunnis, Shiites, al Qaeda, and the Iranians) might have behaved differently (i.e., worse). If the purpose of the surge is defined simply as the creation of a more peaceful environment — one that would permit Iraqi political factions to reach some sort of compromise concerning their country's future — then, obviously, this much has been achieved.

But the quiet seems unlikely to last. That is not merely my own view. Some members of the policy community have expressed the same opinion.[11] The crucial factors in the reduction of violence have been the Sunni awakening and al-Sadr's stand down. Increased U.S. forces and improved tactics have played a part, but a lesser one. In any case, the U.S. troop presence will soon be back to its pre-surge level, with further reductions to follow. As the U.S. presence withers, violence is almost certain to increase.

Should this occur, what of a lasting nature would have been achieved by the surge? There is precious little evidence to show that Iraqis are coming together to build a nation.[12] If they indeed fail to do so, then the surge will be nothing more than a footnote in history.

I could of course be wrong. Perhaps Iraqis of all sects and ethnicities will tire of the violence and the waste of their human and natural resources, and come together to forge a reasonable, livable outcome to the American intervention. But the evidence for this is very, very slight.[13]

We already know that an American-imposed solution is beyond our ability. Probably the best the U.S. can hope for is something that looks like de facto partition, with American influence maintained by each side having to rely to a greater or lesser extent on us for support. To me it seems more likely that the majority Shiites will seek to dominate the Sunnis. This could lead to sectarian conflict on a *regional* basis. A major Shiite-Sunni war in the Persian Gulf would make the Saddam Hussein era look golden by comparison.

Post-Cold War America is repeating the experience of Rome after the defeat of Hannibal. Like Rome, we have reached out to the east to counter perceived threats and secure wealth.

The Bush administration is planning for a long-term presence in Iraq. It expects to have at least 100,000 troops in the country when the president leaves office.[14] In this scenario, the Army and Marine Corps will remain under unprecedented strain. Both services are experiencing recruitment and retention problems.[15] The war in Afghanistan is not going well,[16] and the whole region from Pakistan to Lebanon and south to the Horn of Africa is brimming with crises, any one of which may eventually require U.S. armed intervention.

One further factor has contributed to the decline in violence: sectarian cleansing has virtually ended. The segregation of the sects in Iraq is now all but complete.

Iraq is but one symptom of a larger American problem — the crisis of empire. When the Soviet Union collapsed in 1991, I got rid of my copy of Paul Kennedy's "The Rise and Fall of the Great Powers." Surely, I thought, we will now begin to redress the overextension of our nation's power overseas and the militarization of our society at home. At first, this seemed to be happening. Under Bush I and Clinton, U.S. defense outlays were cut by about 30%. Given the fact that no real threat to U.S. security existed, the cuts were eminently justified. They helped bring about a balanced federal budget and with it the possibility of paying down the national debt.

Peace seemed to have broken out — and why not? The one potential threat on the horizon, China, was 30 years away. The conflicts of the post-Cold War period looked to be short and, as wars go, cheap — *vide* Gulf War I. We could lick our Cold War wounds and plan for the future of America — *America first,* as opposed to an American global empire.

In retrospect, we can see that Gulf War I was a hint of what was to come. Now, almost 20 years after that swift but incomplete victory, it is clear that post-Cold War America is repeating the experience of Rome after the defeat of Hannibal. Like Rome, we have reached out to the east to (A) counter perceived threats[17] and (B) secure wealth (for the Romans, gold, slaves, and Greek *objets d'art;* for us, oil).

Imperial overstretch was a key factor in the death of the Roman Republic.[18] To say that history repeats itself may be too facile. Nevertheless, the fate of Rome stands as a warning — a warning that virtually no one of influence deigns to acknowledge.[19] Defense Secretary Gates, without question the ablest person to serve under Bush II, is creating plans for fighting future Iraqs — he simply wants to do it better next time.[20]

We do need to fight better. War is not going to go away anytime soon. But the mindset that accepts U.S. military interventionism around the world as a matter of course is

disturbing. We need to start thinking about the *whys* that lurk behind our policy of interventionism.

Why are we still in Iraq at a cost of a trillion dollars and counting? Why does the drumbeat for war with Iran continue even after U.S. intelligence has concluded that Iran's nuclear weapons program was shut down four years ago? Why should the *American* people spend their blood and treasure if Iran does indeed come to possess a few nuclear bombs?

In the power centers of the United States, such questions are answered by appeals to "national security." The nation is said to be at risk because a third- or fourth-rate power is misbehaving. The application of U.S. military force usually follows, resulting all too often in the *weakening* of America — militarily, economically, and spiritually. Vietnam and Iraq are the obvious examples.

Today, optimism about Iraq prevails in America's power centers. Casualties and violence are down, but festering problems, such as the financial drain of the war and the chronic overstrain of U.S. ground forces, are largely ignored. The national security establishment and its media lapdogs have started to say, and believe, that it's going to turn out all right, after all.

But we are almost certainly experiencing nothing more than a lull in Iraq. What has been achieved looks transitory. It still seems only a matter of time before George Bush's war joins the long list of the follies of empire.

In attempting to analyze the results of the surge so far, I have been particularly impressed by two pieces of writing. One is "The War as We Saw It," an op-ed published in the New York Times on Aug. 19, 2007. Written by seven U.S. soldiers coming to the end of their 15-month deployment in Iraq, it stands as a vital first-person account, ground truth if such ever existed.[21] The second is "Inside the Surge," Jon Lee Anderson's article in the Nov. 19, 2007 issue of The New Yorker — a remarkable piece of reporting. I urge anyone seeking to obtain a clear picture of the surge to read both. ❑

Notes

1. For the data see "Hints of Progress, and Questions, in Iraq Data," New York Times (Sept. 8, 2007). Casualty figures reported by the Iraqi Government are invariably higher than those put out by the U.S. military. Monthly deaths were, and probably still are, *under-reported* by both sources, as indicated by the number of unidentified bodies that continue to be found (often in mass graves) throughout the country.
2. Al Qaeda in Iraq (as U.S. sources term it) appears to be a largely homegrown phenomenon. How much of its leadership is Iraqi remains unclear (its top man has always been a foreigner). In any case, it represents a franchise of the al Qaeda movement, and is not under the direct control of Osama bin Laden and Ayman al-Zawahiri. Many of the foreign jihadis in its ranks are drawn from Saudi Arabia and North Africa. See "Foreign Fighters in Iraq Are Tied to Allies of U.S.," New York Times (Nov. 22, 2007).
3. "Militant Group is Out of Baghdad, U.S. Says," New York Times (Nov. 8, 2007).
4. See for example, "Pushed Out of Baghdad, Insurgents Move North," New York Times (Dec. 6, 2007). It also appears that many foreign recruits are currently being sent to Afghanistan.
5. See "In a Force for Iraqi Calm, Seeds of Conflict." New York Times (Dec. 23, 2007).
6. U.S. pressure has been applied with some success to get more Sunnis into the Iraqi army and police. The arming of the Sunnis by the U.S. has been rather more helpful in redressing the imbalance between the two sects.
7. See "Sadr Suspends His Militia's Military Operations," New York Times (Aug. 30, 2007).
8. See "Iran Cited In Iraq's Decline in Violence," Washington Post (Dec. 23, 2007). If Iran can indeed exert such control over the Shiites, then U.S.-Iranian engagement will become even more important to U.S. goals in the region. I found it heartening to learn that Secretary of State Rice had stated, in reference to Iran, "We don't have permanent enemies."
9. See "Shiite Contest Sharpens in Iraq," Washington Post (Dec. 26, 2007).
10. See "Iraq's Youthful Militiamen Build Power Through Fear," Washington Post (Dec. 13, 2007).
11. See for example the comments of Michael Rubin of the American Enterprise Institute (a hotbed of pro-war thinking) in the December 17 Washington Post article, "Bush Faces Pressure to Shift War Priorities."
12. For a look at "nation-building" in action see "Nonstop Theft and Bribery Are Staggering Iraq," New York Times (Dec. 2, 2007). Regarding the ability of Iraqis simply to live together in one polity, there are both favorable and unfavorable indicators. For the favorable see "In Mixed Slice of Baghdad, Old Bonds Defy War," New York Times (Nov. 13, 2007). On the other hand, according to an AP dispatch of Dec. 9, 2007, some 40 Iraqi women have been killed and mutilated by religious fanatics in Basra. The women are being slaughtered for "un-Islamic behavior," such as failing to cover their hair or wearing makeup.
13. It is being hailed as a triumph for reconciliation that Kurds, Arabs, and Turkomans were able to *agree to postpone for six months* a referendum on the future of Kirkuk. See David Ignatius, "Skirting the Abyss in Iraq" in the Dec. 19, 2007 Washington Post.
14. "Pentagon Chief Talks of Further Iraq Troop Cuts," Washington Post (Sept. 15, 2007).
15. The recruitment of felons and of mentally and physically challenged persons is at all-time highs. The age limit for Army recruits has been raised to 42. At 42, a soldier ought to be completing his or her 20 years in, rather than just entering boot camp. According to an AP report of Nov. 16, 2007, the Army desertion rate is at it highest level since 1980.
16. "Bush Faces Pressure to Shift War Priorities," *op. cit.*
17. For Rome, the perceived threats were the Macedonian and Seleucid empires. For America, they were the "Axis of Evil" and a few pan-Islamist fanatics. In neither case was the danger nearly as great as was claimed by those who fomented war – that is, the position of the reigning superpower was never really threatened. Yet war resulted nonetheless. The causes are beyond the scope of this essay. The consequences were terrible for Rome (and will be for us?). Imperial overstretch doomed Roman liberty. On the other hand, financially the Romans made out like bandits. Victory in the east brought in untold wealth, to the extent that taxes on Roman citizens were abolished. I daresay we Americans will not be so fortunate in this regard.
18. Comparisons between Rome and America are, of course, nothing new. For a recent example, see Cullen Murphy, "Are We Rome?" (Houghton Mifflin, 2007). For those who wish to move beyond a popular understanding of the issues, the key sources are Polybius, Rostovtzeff, and Toynbee. The latter's "Hannibal's Legacy" (Oxford, 1965) is an underrated but profound work.
19. Including those who ought to know better. See for example the comments of Victor Davis Hanson in National Review Online, Nov. 3, 2007.
20. See "Gates Says Military Faces More Unconventional Wars," New York Times (Oct. 11, 2007).
21. Lamentably, two of the seven were killed shortly after the piece's publication, while a third was wounded.

The Attack on the Liberty Dollar

by Bruce Ramsey

From the fringes of the coin world comes something that looks like money . . .

On November 14, 2007, the FBI raided a storefront in Evansville, Ind. It was labeled "LIBERTY DOLLAR," and it was located between a gun shop and an empty storefront. The FBI also raided the Sunshine Mint, a company in Coeur d'Alene, Idaho, that minted Liberty Dollars under contract. There government agents commandeered almost 200,000 ounces of silver and 150 ounces of gold.

In Indiana they carted away two tons of Liberty Dollars, including 50,000 copper $1 rounds emblazoned with the image of presidential candidate Ron Paul.

The seizure made page one of the Washington Post, probably because it was an offbeat story and also because of the monetary-crank aura that some people see around Rep. Paul. When asked by the press about the incident, Paul said, "I like competing currencies. The market should decide what is money." But he hastened to add that he was not involved with the Liberty Dollar: "I do not know the people."

The person behind the Liberty Dollar — he calls himself its "monetary architect" — is Bernard von NotHaus, 63. Like Paul, he has been a hard-money man for a long time, and he has blended the doctrine into his career. But he has done it in a completely different way. Instead of advocating gold and silver currencies, as Paul does, he has undertaken to create one.

In researching this story, I talked to von NotHaus. It was a difficult conversation. He was vehement, argumentative, and much of the time he was grilling me. He was not kindly disposed to Liberty magazine. It annoyed him that its founder, the late R.W. Bradford, had not supported the Liberty Dollar, and when they talked, had undertaken to tell him what the Liberty Dollar was and why it wouldn't work. The Cato Institute people had not been any better, he said, nor the people at the Ludwig von Mises Institute. All were useless. These libertarians talked about hard money. He had

done something about it — and, he said, "I'm facing federal prison right now."

The real issue of the Liberty Dollar, he said, is whether "we have a right to protect ourselves in a hyperinflationary era, or do we not? Are we relegated to using government money and being screwed by the invisible tax of inflation?"

"Welcome to the fascist states of America," he said, bitterly.

Von NotHaus would not talk to me about himself, though he has at other times. He told another interviewer that in 1974 he read Harry Browne's "How to Profit from the Coming Devaluation," and it had a great effect on him. He said that one of the major influences on his economic theory was Murray Rothbard (1926–1995), the libertarian economist and editor of Liberty; and he mentioned Rothbard's tract, "What Has Government Done to Our Money?" He also mentioned writing his first paper on monetary theory in September 1974. (In 2004, he would publish a 504-page book called "The Liberty Dollar Solution to the Federal Reserve," which is available on the internet.)

In 1998, von NotHaus came from Hawaii to the mainland and began producing Liberty Dollars in silver and gold, and in the form of paper "warehouse receipts" backed by the metallic Liberty Dollars.

In the 1980s, von NotHaus cofounded a private organization that he called the Royal Hawaiian Mint. He made a business selling gold and silver medallions to collectors; he also nurtured a "secret project." He later wrote about it:

> I wanted to create a totally new inflation-proof currency that met the demands of the free market in precious metals and would represent real gold and silver stored in an independent warehouse.

In 1998, von NotHaus came from Hawaii to the mainland and began producing Liberty Dollars in silver and gold, and in the form of paper "warehouse receipts" backed by the metallic Liberty Dollars. Later he offered electronic credits backed by metal.

For a long time, the federal government let him alone. But in 2005 it began investigating him, and on Sept. 14, 2006, the U.S. Mint issued a press release warning that Liberty Dollars were not legal tender and that their use in trade was a crime. In November 2007 came the raid. Von NotHaus now faces the possibility of federal prosecution under 18 USC 486, which reads:

> Whoever, except as authorized by law, makes or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for use as current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined under this title or imprisoned not more than five years, or both.

Von NotHaus's defense rests on his denial that Liberty Dollars are coins. He writes:

> Every effort has been made to promote and market the Liberty Dollar with educational tools by clearly and repeatedly pointing out that the Liberty Dollar is not United States Mint fiat money, is not legal tender, is not a coin . . .

He argues that "coin" has a legal meaning: a disk of metal stamped by the government. And, of course, Liberty Dollars were not stamped by, or authorized by, the government. Therefore they are not coins.

But if that is true, then what does 18 USC 486 forbid? It seems to forbid unauthorized coins but, if anything unauthorized would not be a coin, the law would therefore forbid nothing.

Set that aside. The metallic Liberty Dollar is in the form of a coin. The design on the obverse side looks like U.S. coins of a century ago. Most Liberty Dollars have a profile of Miss Liberty and the word "LIBERTY" above her head. Stamped below her neck is the date. On the reverse side are a torch, the name "Liberty Dollars" in script, the denomination in dollars, and the weight and fineness of the metal. There are variations. Some Dollars bear the names of states. One bears the likeness of King Kamehameha and is called the "Hawaii Dala."

Obviously this is not the government's money. The government does not circulate $5, $10, $20 or $1,000 coins. The U.S. Mint has never made circulating currency out of pure silver or gold. Its money says "United States of America," "E Pluribus Unum," and "In God We Trust." Liberty Dollars don't say those things. Some say "USA," and most of them say "Trust in God," except for one version that makes no mention of the Almighty. That one is marketed on eBay as the "godless" Liberty Dollar.

In its press release, the U.S. Mint took care to call metallic Liberty Dollars medallions. Lots of companies have minted medallions, and von NotHaus doesn't use that name for Liberty Dollars. In court papers he has described the Liberty Dollar as a "private voluntary barter currency" and not "'legal tender,' a 'coin.' or 'current money.'" On Nov. 21, 2007, when Larry Kudlow of CNBC's "Kudlow & Co." asked

The law seems to forbid unauthorized coins but, if anything unauthorized would not be a coin, the law would therefore forbid nothing.

him if Liberty Dollars weren't really investments, he said no, they were "circulating currency."

In its press release the Mint asserted that von NotHaus's company was marketing Liberty Dollars "to compete with the circulating coinage of the United States." He had said as much many times; to me he compared the Liberty Dollar to the competition of Federal Express against the Post Office. He had named his company the National Organization for Repeal of the Federal Reserve Act and Internal Revenue Code (NORFED), though after the Mint's press release he changed the name to Liberty Services.

He also took the "USA" off his medallions, partly to put the date under the bust of Liberty and partly, he said, "to be responsive."

The Mint said that under the U.S. Constitution, "Congress has the exclusive power to coin money of the United States and to regulate its value." Von NotHaus replied on Sept. 20, 2006, that the Constitution's grant of power — "to coin Money, [and] regulate the Value thereof" — is not exclusive. About the Constitution, he said,

> the states are restricted from coining money. The people are not, and in fact numismatists are aware that the United States has a rich and well-documented history of private mints producing private circulating currency which, while not "legal tender" was "lawful money." Americans create new forms of private money all the time, from casino tokens to debit cards to PayPal to GoldMoney.

Probably he is right about the Constitution and Americans' practice of creating their own money. Regarding the statute, he has said that 18 USC 486 was originally meant as "an anti-counterfeiting law, not to ban private currency." Still, it says what it says.

The law does not apply to private paper currencies, of which there are several in the United States. One is Burlington Bread, based in Burlington, Vt. Another, backed by the E.F. Schumacher Society and circulating in southern Massachusetts, is BerkShares. Both are projects of left-liberals who want to fight distant corporations and reduce their carbon footprint by encouraging localism. They are issued to be spent only in local communities. A BerkShare dollar is redeemable by a regional merchant at 90 U.S. cents. Essentially it is a 10% discount coupon.

None of these projects produces gold and silver currency that looks like old U.S. money, and none seems to have attracted the FBI.

In March 2007, in anticipation of some kind of crackdown, von NotHaus filed a lawsuit against the Treasury in U.S. District Court in southern Indiana. He petitioned the court for an injunction to stop the government from moving against the Liberty Dollar. At press time, the court had not issued any injunction.

To obtain a warrant for the November 2007 raids, FBI Special Agent Andrew Romagnuolo of Charlotte, N.C., swore out a 34-page affidavit. According to it, the FBI had sent three undercover agents to sign up as Liberty Dollar distributors, to receive von NotHaus' book, and to attend his Liberty Dollar "university." Referring to one of these agents, von NotHaus said, "We knew about Karen from day one. We knew who she was. It was obvious."

He said he sold her a Liberty Dollar T-shirt.

The FBI took a silver Liberty Dollar to its laboratory and tested it to verify that it was really .999 fine, as it claimed to be — and it was. Nonetheless, Romagnuolo's affidavit calls the Liberty Dollar fraudulent because it claimed to be "100% backed" by silver, and the amount of silver — one ounce per $20 in Liberty Dollars — was less than the face value. As of Nov. 8, 2007, Romagnuolo noted, one ounce of silver was worth only $15.34.

The metallic Liberty Dollar is in the form of a coin. The design on the obverse side looks like U.S. coins of a century ago. Most Liberty Dollars have a profile of Miss Liberty and the word "LIBERTY" above her head.

It is true that the Liberty Dollar's metallic backing is not set at 100% of denominated value. It cannot be, because of the way the Liberty Dollar is defined. A simple silver-standard currency would be a unit defined as an amount of silver. The Liberty Dollar defines itself as a dollar, asserts a trade value equal to the U.S. dollar, and is backed by an amount of silver worth less than a U.S. dollar.

This brings up the issue of gain. Liberty Services sold its private currency for U.S. dollars at a mark-up over the silver value but at less than face value. It made its sales to its Regional Currency Officers and Liberty Dollar Associates. These were expected to sell Liberty Dollars at a lesser discount to member merchants, who were offered the right to reverse these transactions.

The Liberty Dollar was, therefore, part of a business. Says the affidavit:

> NORFED uses Federal Reserve Notes (FRNs) to conduct business. FRNs are used to buy Liberty Dollar currency. This reliance upon FRNs by a group opposed to FRNs demonstrates that the American Liberty Dollar monetary system is simply a drain on the United States Government's monetary system for financial profit . . .

There was profit in it, though von NotHaus says he didn't take a penny in the first five years. The affidavit lists various checks and wire transfers to von NotHaus, office manager Sarah Bledsoe, and others. From December 2006 to August 2007, the affidavit reports checks from the company's bank account to von NotHaus for $65,250 and to Bledsoe for $27,300. There is a small check to NotHaus' son, Random von NotHaus. The affidavit does not say which of these sums were for living expenses and which for expenses of the business, but even if they were all living expenses they are not huge amounts. It says that von NotHaus and his wife Mary own "a luxury vehicle" — a silver Cadillac deVille. It is,

however, a 1999 model, and von NotHaus says it is worth only $2,000 to $3,000.

Liberty Dollar's business model pencils out only if the price of the underlying metal stays within certain ranges. Originally the one-ounce silver Liberty Dollar was stamped $10. In November 2005, when silver rose above $7.50, the Liberty Dollar was "rebased" at $20 — and suddenly became more profitable to sell. The affidavit said that the next rebasing, to $50, would occur when the 45-day moving average price of silver crossed $16.50.

Agent Romagnuolo's affidavit makes the rebasing sound like part of a "profit scheme," and you could call it that in a courtroom. It also is a kind of money that, in respect to its eBay price, has risen in value against the U.S. dollar — a fact von NotHaus does not let pass. "Would you rather have your savings in a currency that depreciates, or one that appreciates?" he says.

The affidavit makes claims about von NotHaus's political motivation, quoting from company materials. Says Romagnuolo:

> These statements highlight the intent of NORFED ... to replace and/or compete with the financial systems of the United States of America to undermine the existing economic system.

The intention was there, certainly; but it was never very likely that the Liberty Dollar was going to accomplish all that. Von NotHaus has been promoting Liberty Dollars for nine years. The affidavit says he claimed that $21 million was in "circulation"; he says it's more than that. But how much is circulating in trade?

Who takes the Liberty Dollar in trade? In the affidavit, Agent Romagnuolo says he was told that the three communities where the Liberty Dollar had made the greatest inroads were Austin, Texas (pop. 709,893), Asheville, N.C. (pop. 68,889), and Berryville, Ark. (pop. 4,500).

Romagnulo's affidavit tells about his investigation of Kevin Innes, a music teacher in Asheville who, it says, drives a 1992 white Volvo sedan. Like the three undercover agents, Innes paid $250 to become a Liberty Dollar Associate. And what did undercover FBI agents find out about this threat to the Republic? For a while Innes rented a storefront in Asheville for his Liberty Dollar business, then gave it up and worked out of his house. An undercover agent bought Liberty Dollars from Innes at his house and in a parking lot of a Target store. The agent reported that Innes had sold Liberty Dollars at a gun show, at several meetings of the Patriot Network, and at the 2005 Atlanta Freedom Conference. The affidavit quotes from a news story about Innes in the Asheville Citizen-Times, Nov. 13, 2006. In it, Innes expresses some frustration at the difficulty of convincing people to take Liberty Dollars; he says he leaves them in restaurants as tips.

Liberty Services sold its private currency for U.S. dollars at a mark-up over the silver value but at less than face value. It made its sales to distributors who were expected to sell Liberty Dollars to merchants.

The New York Sun quoted Ron Goodger, a Liberty Dollar distributor in Michigan, as saying, "It never did do what the organization really wanted it to do — become widely accepted as a medium of exchange." Goodger said, "It's a tremendous amount of work to get the public to accept something it wasn't familiar with."

In an interview in 2001 with Jacob's Libertarian Press, von NotHaus said:

> I tell people this over and over again. You don't talk people into an alternative currency. The currency is a clever device to get the choir to identify themselves. . . . We use the currency as a way of coaxing people out of the closet to identify themselves as being part of the choir, because when you show the currency to people, people invariably say something, they respond. "Oh what a bunch of bullshit." Ah, you're not part of the choir. Some people say, "That's pretty neat, we ought to have currency like that." Then they probably are part of the choir. So it's under those sort of auspices that the currency functions. The currency functions as, you've probably read, a proactive educational tool. Well, it actually acts as a device to get people to identify themselves, to pull together a consensus of people that are dedicated to return the ownership of the money to the people as a means of returning control of the government to the people. That's it in a nutshell.

In his affidavit, Agent Romagnuolo sounds like a man ferreting out counterfeit money. He warns that businesses might give Liberty Dollars in change "and the recipient . . . may assume that it is United States coinage."

That seems unlikely, with the possible exception of the one-dollar copper piece. On Feb. 15, 2007, the U.S. Mint began circulating new presidential dollar coins. They had a brassy color, different from that of other U.S. coins and unfamiliar to the public. Some of them carried the bust of John Adams. Like the one-dollar Liberty disc, they were stamped with "$1." Still, the copper Liberty Dollars were about 50% bigger in diameter, were a different color, and carried the likeness of Ron Paul — who is not, despite his libertarian political philosophy, one of the Founding Fathers.

You'd have to be a fool to take Liberty Dollars as legal tender. But that statement works against von NotHaus as well as for him.

All silver and gold Liberty Dollars are of 99.9% pure gold or silver, which is what medallions, not coins, are made of. I put it to von NotHaus that this shows he did not design them as a circulating currency. The old U.S. coins, designed to be used in trade, were never more than 92% silver or gold in an alloy hard enough to bang around in people's pockets. Besides, eBay always has lots of Liberty Dollars offered for sale, some of them seven years old, and every one I've seen has been offered in brilliant, proof-like condition. All are uncirculated.

Therefore, Liberty Dollars are not currency.

continued on page 36

College and the State

by Jane S. Shaw

After the three R's come the three A's: accreditation, asset management, and academic freedom.

During my first eleven months as head of a higher education policy institute I have learned a lot. Unfortunately, much of it has been about how state and federal governments are trying to expand their role in higher education.

Oddly, market-oriented people whom I respect think that some interventions might be better than what we have now. Are things so bad that we want to give the government more control?

Let me share with you my "three dilemmas" — dilemmas over accreditation, asset management, and academic freedom.

But first, here is the assumption I start with: American higher education is as good as it is because it is competitive. In this country, around 2,500 four-year colleges and universities (not to mention two-year schools) compete for students. This is in sharp contrast to the K-12 public school monopoly, for example.

Yet despite vigorous competition, the crown jewels of our education system are tarnished, as pundits like to say. We have deteriorating educational standards, higher tuition, more money spent on administration, many faculty devoted to research rather than teaching, and left-wing faculty dominating decision making. The latest complaint is that universities sit on giant endowments but keep raising tuition.

These flaws reflect the fact that most colleges and universities are nonprofit organizations — tax-favored entities that have no residual claimants (i.e., owners). And a growing number of students are attending public universities, which have even less accountability than others (watch how a state legislature disburses money and you'll see what I mean).

Given this marketplace, there is pressure for more government regulation, and three issues "demand" intervention. Let's start with accreditation.

Accreditation

Unfortunately, this is a sleep-inducing topic that few scholars have bothered to address (I've asked around but

found only one book on it). Recently, however, it has attained notoriety.

At one time, accreditation was like the Underwriter's Laboratory seal for electrical appliances — a voluntary way to signal that minimum standards (for safety, in the UL case) were met. Schools got together and formed regional associations that made sure each school met minimum standards.

As federal aid grew, federal government officials looked for ways to avoid funneling money to "diploma mills." They gave the regional accrediting bodies power over schools' access to government student aid.

So now we have a government-protected cartel composed of six regional accreditors that simply divide up the country. These organizations can and do demand mind-numbing accounting of inputs. At one school the process took two years; a history professor had to stop teaching entirely for a year to chair the accreditation committee, and a junior faculty member had to give up a course in order to write the required myriad of reports. At another school, an elite university, the process takes even longer; the administrator in charge of undergraduate education, a committee of ten faculty members, and innumerable staff bang away at the project, year after year, their labors lightened only by jokes about its total uselessness. This, I have been assured by a person who has been a faculty leader for the past 20 years in one of the nation's leading state university systems, is the ordinary course of events.

Accreditors often push schools to adopt educational trends and fashions such as today's "experiential learning." The reviews are conducted by staff members from "peer" institutions — other members of the cartel — with one exception: the people who are willing to serve are often those whose own careers are moribund but who delight in traveling to other places and lording it over other people. This is a little like having Apple visit Dell's operations and tell it what it can and cannot do — except that Apple needs to produce something that satisfies a normal customer.

This past spring, the federal government, in the person of education secretary Margaret Spellings, expressed frustration with the accreditors. She doesn't think they are doing enough to assess student outcomes — the new buzzword — and they probably aren't. In any event: in a bizarre move, she reprimanded the one nonregional accreditor that actually offers some competition — denying it the right to accredit institutions.

Government should get out of the business of recognizing accreditors. It shouldn't take two years of exhaustive complaince to prove that a school isn't a diploma mill.

If you've had trouble following this, let me repeat that accreditation is an obscure aspect of higher education, and labyrinthine as well. More than a decade ago there was an effort to damage the cartels. Distinguished proponents of a classical education such as Jacques Barzun and Edwin O. Wilson formed the American Academy for Liberal Education (AALE). This was supposed to accredit schools that offered a traditional education with a strong classical "core curriculum." Amazingly, then-secretary of education Richard Riley recognized the group as a legitimate accreditor.

But when Spellings began to push the accreditors to concentrate on measurable student outcomes, and didn't like their slow response, her gaze fell on this newest and most vulnerable organization, not the biggies. So AALE can't accredit any new schools now. (As soon as it looked as though Spellings might rap the knuckles of the regionals, Congress intervened and told her to stop being so mean.)

In my view, the federal government should get out of the business of recognizing accreditors.

A classical liberal colleague chides me for this. After all, he says, with billions of dollars of student aid and grants flowing to colleges, someone has to be the gatekeeper!

Maybe. My compromise is for the federal government to start recognizing other accreditors. It shouldn't take two years of exhaustive compliance to prove that a school isn't a "diploma mill." Let's get a little competition going.

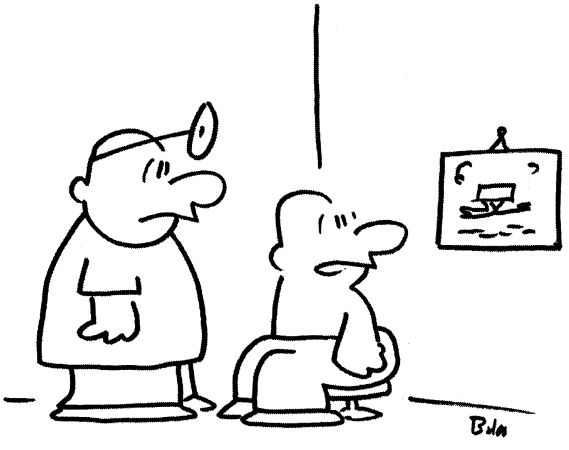

"I've never seen a diploma with an expiration date before."

Asset Management

The newest higher education issue is the vast endowments that some schools have been building up for decades, and even centuries. Unlike most nonprofit foundations, they don't have to spend any of it if they don't want to. In fact, according to one commentator, Robert Blumenthal of Oglethorpe University, they are free to define endowments in any way they want.

And they don't have to report what they do spend. This seems to be true of many nonprofits, and two leading members of the Senate Finance Committee are trying to fix this.

continued on page 36

Storm Bound

by Jim Walsh

A week off the grid reveals much about the nature of society and the people who try to live in it.

I live with my wife and five children in Aberdeen, Washington — about 100 miles south and west of Seattle. We're on the Pacific coast but off the beaten path.

On Sunday night, December 2, we attended a Christmas party at the town's modest golf club. Late November had been stormy, so a lot of the small talk was about the weather. The main hassle of living in Aberdeen is that, most winters, we lose electrical power several times.

When my wife and I griped about a recent outage, one of her fellow Young Mothers — a little bold on holiday cheer — boasted that her house didn't have that problem. "We're on Eighth Street. The hospital grid. We *never* lose power. And all of our neighbors hate us! I mean, just across the alley, they'll be dark. But our lights are on!"

Somewhere in the deep, a sea god swung his fist toward coastal Washington to smite this woman's chatty hubris. A few hours after the party ended, a major Pacific storm came ashore. Its winds reached 81 miles per hour and gusts were reported as high as 160.

The *whole* town lost power that night. And we were about to learn several interesting lessons: how much modern civilization relies on material supports, what happens when those supports vanish, how accustomed Americans have become to comfort and convenience, and how infantile it is to expect the Nanny State — or any human collective — to control Mother Nature.

Back from the party, the rest of my family went to bed. I'd read the media predictions for the storm and planned to stay awake through as much of it as I could. I made a fire in the living room, put on some music, and set to work on my laptop.

The winds definitely picked up. I could see the trees whipping back and forth. Around midnight, the power went out. No surprise there. My laptop was fully charged and the fire was going nicely. I gathered flashlights (including three crank-operated ones that didn't require batteries) from the kitchen and took them to the various nightstands in each of the bedrooms. I explained that the power was out and got a series of groggy acknowledgments.

Downstairs again, I put on a small, battery-powered radio and listened to a local talk station for news. The station, which was running a nationally-syndicated show, didn't take any special notice of the storm.

Violent Pacific storms don't get as much attention as Atlantic hurricanes. In Asia, Pacific storms are called "typhoons"; here, they're just "storms." And people in the Pacific Northwest don't worry much about them.

We learned several lessons: how much modern civilization relies on material supports, how much Americans have become accustomed to convenience, and how infantile it is to expect the Nanny State to control Mother Nature.

A little after midnight, I went outside to feel the wind. It was blowing. And I could sense the low air pressure. That feeling is hard to describe. It's something like the feeling you get when landing in an airplane or driving through a mountain pass — although your ears don't pop as noticeably.

Around 3 a.m., I was tired and my laptop was running out of its battery charge. So, I grabbed a flashlight and headed to bed.

The storm was still building. Local authorities would later estimate that the strongest winds blew between 4 and 5 a.m. The roar kept me from falling soundly asleep.

Our house is a big old Victorian with some Gothic touches, built in 1899 by the general manager of a Boeing mill in Aberdeen. (The Boeings were in the lumber business before they got into the airplane business.) Its beams — true 8" x 8" or 8" x 4" spans — were cut from logs so big that the grain looks like straight lines. The house is designed to breathe with the wind. When the wind is blowing near 100 mph, that breathing can be pretty scary.

Sometime in the pre-dawn hours, a loud crack and boom woke me. From the sound of the crash, I figured a tree must have fallen. But it was too dark and stormy to see what had fallen where. I'd have to wait for daylight.

The power was still out and the rain was still falling at morning light. With a keen sense of the possible day off from school, our kids tuned the small radio to a local morning disc jockey, who said that electricity was out to most of the county (his station was broadcasting on generator power). And the main roads in and out of town were all blocked by fallen trees. Calls were coming in about major damage to commercial and industrial buildings in town. And, finally, schools were canceling classes.

The loud crash from the night before had been a pine tree falling into our front yard from the neighbor's, plowing through the eight-foot hedge that separates the two. The tree, held a little off the ground by the hedge, was creaking and groaning. It had hit the side of our house on its way down, leaving some nasty scratches. But the serious damage was to the roof: a lot of shingles had blown off and there were several holes where flying debris had punched right through.

Branches, shingles, and trash littered our yard. It was raining too hard for a thorough clean up, but I drafted our older kids to pick up as much as they could.

We left the fallen pine alone: too dangerous. My wife used her cell phone to call our neighbors at their vacation cabin to let them know about the tree. Then she called our insurance company to open a file on the damage. The customer service rep hadn't heard about the storm. His ignorance was encouraging, in a way — maybe we were overreacting.

By noon, we'd done as much mitigating as we could. I'd moved enough wood into the living room to keep the fire burning strong. We had plenty of food and enough barbecue supplies to cook out for a couple of days, if needed.

Kids from the neighborhood came around and, after lunch, all of them had table games going on. I read a book and played chess with my older son.

The morning DJ stayed on the air because his replacement couldn't get to the station. By early afternoon, his reports were sounding more desperate. The local utility wasn't offering estimates of when power would be restored. Businesses were all closed. There had been some reports of looting. The Sheriff's Department was advising people to stay in their homes. The hospital and government offices were still out of power. Even with its emergency generators, the hospital was running at partial capacity. And the government wasn't opening at all.

The significance of this was that Monday was the first business day of the month — and people on government aid would normally have gone to government offices to get their checks. They couldn't do that, so many were calling the radio station to ask what they should do. The DJ's suggestion that they be patient and wait didn't go over very well.

As the afternoon proceeded, the wind died away and the rain turned to mist. The sky was still cloudy but the sun peeked through a little. My wife and I walked around the block with our smaller kids and spoke with a few of our neighbors. They seemed okay; everyone had enough food and candles to last a few days. We made a quick tally of the neighbors who'd been out of town and now couldn't get in.

The DJ was sounding ragged. The station's generator was running out of fuel and all the local gas stations were closed.

We saw one of our neighbors shuttling back and forth between his house and business, shoring up leaks in his buildings. We invited his family over for a barbecue.

Back at the house, the board games were still going strong

but the DJ was sounding ragged. The station's generator was running out of fuel and all the local gas stations were closed. Fortunately, some listeners took it upon themselves to stop by with gasoline; the DJ said they'd brought enough fuel to keep the station on until early evening.

We took inventory of our camping equipment. We had candles to keep the bathrooms and kitchen lighted for a night or two. I wished we had more.

We had enough batteries to keep several flashlights and our radio working for a few days.

The really useful tools were the hand-crank flashlights. They threw off as much light as a small battery-powered light and were fine for getting around. And we had enough firewood to last a week, though some of it was wet.

We'd cook out as much meat as we could on the grill on our back porch; it would last longer as cooked leftovers than half-frozen in plastic bags.

I went out to my car and set up a power inverter that plugged into the cigarette lighter. This inverter — a common camping tool — generated enough current to run a few small appliances. We could use it to charge cell phones and run laptops. But the car had to be running to generate the juice, so at some point there might be a gasoline issue. I had more than half a tank; that would last a week if I used it carefully. I moved the car close to our back door and linked together four extension cords to bring at least a little power into the house.

I also ran a quick mental inventory of my security tools. I didn't want to frighten the kids by cleaning a rifle or sharpening the gardening machete. Maybe when they were asleep. The ready weapons would be the older kids' aluminum baseball bats — and my heavy-duty Maglite flashlight. I knew that cops swear by Maglites as reliable truncheons.

Our utility is the Grays Harbor Public Utility District, known locally as the P-U-D. The Grays Harbor PUD exists, essentially, at the mercy of the Bonneville Power Authority (or BPA). The BPA is one of the lasting legacies of the Roosevelt-era public works programs, a huge hydroelectric system based on a series of dams and generators along the Columbia River.

Throughout the Pacific Northwest, local utilities like the Grays Harbor PUD count on the BPA to provide cheap electricity at the wholesale level. As a result, there are a lot of political battles over who should benefit from this cheap and plentiful power — the end-users or the utilities that deliver it. The BPA has never been excited about selling cheap electricity to middlemen like the Grays Harbor PUD. At various times, the BPA's managers have tried to manipulate the complex series of contracts and subcontracts that control electricity distribution in the region. To simplify slightly, the BPA would like its wholesale prices for electricity sold to local PUDs to reflect the market rates that independent, for-profit companies pay for power.

The local PUDs characterize the BPA's efforts as market manipulations and — clinging hard to some tortured court decisions slightly in their favor — call the market pricing mechanisms "illegal." The Grays Harbor PUD has led the opposition to any effort by the BPA to allow market pricing models into its wholesale system.

All this sounds rather academic and abstract. In practical terms, the result is that the BPA runs power into the Grays Harbor PUD by only one set of high-tension lines. If those lines go down, it's like the master circuit in your house breaking. Everything goes dark. That's what happened after the December storm.

Throughout the Pacific Northwest, local utilities count on the BPA to provide cheap electricity at the wholesale level. So, there are a lot of political battles over who should benefit — the end-users or the utilities.

The one set of main power lines into Grays Harbor went down — and the local PUD had to count on the BPA to get those main lines back up. It's possible, given the political trouble that the local PUD had given the BPA, that the wholesale supplier let a few hours go by before it repaired the main line — just to remind the trouble-making retailer who was boss.

Our barbecue went well. We cooked a leg of lamb and some pork chops that had been in our freezer, and a turkey breast that our neighbors brought over from theirs. Potatoes were easy to bake on the grill. The real surprise was the frozen vegetables that we sprinkled with salt and olive oil and wrapped in aluminum foil; they cooked nicely.

My neighbor, not a heavy drinker, had a martini (made with precious ice) and several glasses of wine with dinner. He was drinking to take off a nervous edge. That edge could have come from his work . . . or from more general concerns.

Our neighborhood — a section of town called Broadway Hill — has a shabby-genteel charm: wide streets, deep front yards, and big old houses built in the eccentric style of the turn of the last century. With high-speed internet service and satellite TV, it's possible to live in our small town but stay connected to news and culture.

But not all of Aberdeen has aged so well over the last 30 years. The Endangered Species Act wiped out most of the logging industry in the area (coastal Washington was ground zero of the spotted owl controversy). Our county has one of the highest unemployment rates in the state. The public schools don't perform well on standardized tests. And methamphetamine use among the unemployed and semi-employed is a problem for the local cops.

So the charms of Broadway Hill come mixed with harder sentiments. Several of my neighbors talk about the guns and gold they keep stored in their basements in case anarchist mobs march up the Hill.

A hundred years ago, our area was a hotbed for the IWW — the Wobblies — who'd come to organize logging industry

workers. They didn't have much lasting success with the workers; their main legacy was to leave the people on the Hill wary of angry mobs during crises.

After dinner, the adults had drinks around the fireplace and the kids heated milk for hot chocolate. Our middle daughter played some Christmas carols she was learning on the living room piano. The scene was agreeable — and it occurred to me that it might have been familiar to the guy who'd built the house more than 100 years ago.

The shelves that were already empty were the ones for potato chips and snacks. With a grocery store open and disaster around them, people had reached first for the Doritos.

A 21st-century intrusion: calls on cell phones from various friends and family members in other places. Apparently, media outlets were carrying stories about the storm and our isolation from the rest of civilization. The callers seemed surprised by our happy circumstances.

We saw our neighbors back to their house. The night was rainy but not much different from most in December. The eerie thing was how dark the neighborhood was. Literally dark. Not only were the houses out of power but the street lights were out and the ambient light from the city was gone.

At home, we moved everyone upstairs (some of our kids normally sleep in bedrooms on the ground floor). They didn't mind much — and I felt a lot better. I could protect the whole family on the second floor.

Things were still eerie Tuesday morning. The kids didn't even expect to have school. They listened to the same DJ, who was reading about school closures, road closures, and warnings against risky behavior like a war correspondent. He announced that the storm's heavy rains were causing some local rivers to flood. Following the hard rules of nature, the worst of this flooding would come a few days *after* the storm had passed. Local fire departments were making sandbags available, though no one was sure whether the people who needed the bags most could get to the fire stations. A disaster-management Catch-22.

The neighborhood kids gathered at our house again, but they seemed more shaken than they had the day before. They brought stories about their parents being worried about not being able to get back to work.

I needed to get online for my work. I wasn't optimistic about what the power from the car's lighter could do; we had to be careful about how much it could run without breaking its circuits. The printers had to go. But I could run a laptop and the DSL modem from the extension cord reaching out to the car. To my surprise, the DSL line was still functioning.

My wife and I took turns reading emails and dashing off quick replies. I was able to check my bank accounts and other financial assets — which was fortunate. The local banks were still closed and the ATMs dark. Closed banks are never an encouraging image. Banking online allowed me to pay some bills and, more important, confirm that we hadn't been wiped out financially.

I also read some online news sources, to see how the storms were being described outside. There wasn't a lot of coverage. The mainstream media was more interested in Britney Spears' child-custody problems.

My wife wanted to see what was going on around town. Plus, we needed milk and supplies for our 18-month-old. We took the toddler and left the older kids behind locked doors, under the care of the oldest. She had her own cell phone, so she could call if there was any emergency.

My first instinct was to try the convenience stores. But I was wrong — they were closed and boarded up. We couldn't tell whether the boarding was in response to glass broken by nature or by looters. Something about the bits of safety glass on the ground suggested the latter.

My car radio is usually tuned to big city stations — but, this day, we went back to the same local DJ the kids had chosen. He was reading a short list of businesses (mostly advertisers on his station) that were opening. We had some luck: one was a locally-owned supermarket nearby.

The supermarket's lot was nearly full. Several large employees guarded the one available entrance, eyeing everyone who walked in. They weren't visibly armed — but they seemed ready to handle any trouble. Our toddler elicited nods and smiles. As my wife has pointed out before, a smiling baby can open many doors.

We found a shopping cart and grabbed diapers, milk, bread, charcoal briquettes, as many candles as we could find, and two leaky bags of ice. Ice was the real premium; we were among the first people in the place and the bags were almost gone. We heard a female employee explaining that the store's ice-maker was back on — but it would take half an hour or so for the new ice to be ready.

I read some online news sources, to see how the storms were being described. There wasn't a lot of coverage. Mainstream media seemed more interested in Britney Spears.

Weirdly, the shelves that were already empty were the ones for potato chips and similar snacks. With a grocery store open and disaster around them, nervous people had reached first for the Doritos. Even before candles and ice.

For us, the issue of marginal utility came into play when we stood in front of the milk. There was plenty in the store — but how long would it last in our cooler or somewhat-cool

refrigerator? The survivalist in me wanted to grab every gallon the store had; the pragmatist told me one gallon at a time. I didn't want to have an overstock of the ultimate perishable good. I took one gallon.

The store was running on generator power, which meant its aisles were dark and only a handful of checkstands were working. The lines were long but unevenly so. The registers on either end of the check-out plaza had longer lines than the ones in the middle. Many of the customers seemed content to wait. After standing in an unmoving line for ten minutes, we switched to a middle line and moved more quickly.

The man immediately in front of us tried to pay for $50 in groceries with a state-issued electronic benefits transfer (also called EBT or "food stamp") debit card. In Washington, these cards are recognizable from a distance — a gray-and-blue outline of the state gives them away. Where we live, most retail food outlets accept these welfare cards as if they were normal debit cards; beneficiaries can even get small amounts of cash back on them. But, in this store, the cashier told the guy that cards were useless as long as the place was working on half-power. He'd have to pay by cash or check.

A woman behind us groaned audibly. People in Aberdeen often react with exasperation when they see the state welfare cards. There's a general belief — formed by a few cases of meth addicts swapping cards for drugs — that the program is misused. And there *is* something infuriating about an able-bodied man wearing Oakley sunglasses and Nikes who buys steaks with a welfare card.

In an inversion of stereotypes, the man on the dole was a stocky Anglo and the exasperated woman was Hispanic. The man heard the woman groan but reacted instead to the inconvenience of the cash-only policy. He shook his head and fished a wad of bills out of his pocket.

A lot had changed by the time we headed out to our car. There was a huge line — over 100 people — and the doormen weren't as agreeable as they'd been 20 minutes earlier. They were barking orders and letting only a few people at a time into the store. An older woman leaving in front of us said that the line looked "like Russia." She was right.

Driving home, we noticed that a chain drug store and the state-run liquor store were both boarded up.

As we headed back up Broadway Hill, we were met by a couple of police cruisers parked on either side of the main street into our neighborhood. They weren't set up as a roadblock, exactly. But they did form a sort of bottleneck. I made eye contact with the policeman in the car facing opposite. He nodded as we drove past.

It was hesitant to discuss details, but the police department's strategy was to work the perimeters of Aberdeen's main neighborhoods. Moving across those boundaries, drivers who looked out of place might be stopped. I could understand the logistical efficiency of this approach. But it underscored the importance of my keeping our own house secure.

The storm clouds were clearing, but dinner was going to be what you might diplomatically call a "mixed grill." We were emptying out the freezer. The kids thought this was great and invited friends to stay for dinner. My wife walked around to talk with the various parents and swap cell phone numbers for those she didn't already have. I stoked the fire.

Local radio stations were buzzing with information. The rivers were flooding, as predicted. One or two gas stations were open — but working on a cash-only basis and limiting sales to ten gallons. Some people were saying that a nearby dam had burst (not true). Others called in to complain about cash-only policies. None of the ATMs in town were working. None of the banks had reopened.

People in Aberdeen react with exasperation when they see the state welfare cards. And there is something infuriating about an able-bodied man wearing Oakley sunglasses and Nikes who buys steaks with a welfare card.

But someone *had* figured out a way out of town. By heading south and then following a complicated combination of minor roads, it was possible to connect with U.S. Highway 101 east to Olympia. That was big news.

Our neighbors who'd been to dinner the night before decided to inch their way out and stay with relatives until things got back to normal. Another family in the neighborhood had been planning a long Christmas vacation in southern California; they decided to start early and locked up their house for the month.

My wife was worried about the water. Several neighbors were putting a few drops of bleach into each gallon they drank and used some when they washed dishes. But we were out of bleach. So I took one of my daughters and headed out again, looking for something other than the crowded grocery store.

An anchor tenant of one of the main shopping plazas is a big, high-end, chain grocery store. It was open. Without lines or bouncers at the doors. Inside, it felt like FAO Schwarz. The lights were all on and it had *everything*. I got the bleach; then my hording impulse kicked in. I loaded up on six solid bags of ice and batteries and a dozen candles. At the register, the cashier could take everything — including cards. I paid for my supplies and got $100 back.

My daughter asked for some chewing gum and, though I usually say no, I let her get what she wanted. It was strange how normal it felt to buy things in a standard way. Our daily lives are full of small retail transactions; it's disorienting when they disappear.

"How are you guys doing this?" I asked.

"Two big generators."

This store had reopened just a few hours later than the other one, but it didn't advertise on the local radio station.

At dinner there were just as many people as the night before, but there wasn't so much wine. Our main achievement was cleaning out the freezer.

Frozen food becomes a liability when there's no electricity. Once again, it's a matter of marginal utility: buying in

bulk makes no sense if the bulk food spoils. All around town, people conditioned to buying in bulk from warehouse stores ended up having to throw out microwavable pizzas, frozen dinners and novelty ice cream treats.

In our house, the kids made s'mores in the fireplace. For them, this was the high point of the evening, maybe the week. For me, the high point was seeing that chess maintained its appeal, after the kids had burned out on other board games.

On Wednesday — the third day without power — I got up in the morning, started the car, connected my laptop and did business online for several hours. This was beginning to feel like a routine.

I was surprised by how little people in other parts of the country had heard about our problems. Some friends emailed me that natural disasters hold intense but very *local* interest. Our experience seemed to validate that theory.

The radio sounded different. The sense of team spirit was gone. Callers complained about family members and old people who were cold and starving. These angry callers wanted "answers." But they weren't really asking questions. What they wanted was a firm schedule for when power would be restored, government offices would be open, and their lives would go back to normal. The PUD was still being cagey, estimating anywhere from five to 10 days .... .

PUD spokespeople and local government types seemed to be managing expectations — making things sound as bad as possible so the slightly-less-bad would appear as a victory.

In the meantime, our dirty clothes were starting to stink. We kept the fire stoked and heated water. We could wash some clothes by hand and hang them to dry near the fireplace. Still, a family of seven generates lots of laundry.

I started thinking about buying a gasoline generator. There weren't any to be found in the Aberdeen area — the radio had made that clear. If I could drive into Olympia or up to Seattle, I might be able to find a generator somewhere. It would be an investment; generators that produce enough electricity to run a washer and dryer cost over a thousand dollars.

Once again, marginal utility came into practical application. How much did we need the asset in order to survive until the power came back? If it was back in a few hours, we didn't need to spend a thousand dollars for a partial solution. On the flip side, if the power really wasn't coming back for 10 days — as the PUD was implying — we'd need something more than a skinny, hiccupy extension cord powered by the car.

The radio sounded different. Angry callers wanted "answers." But they weren't really asking questions.

That night we ate leftovers from the big cookout the night before. The family was starting to get cranky.

On the fourth morning, Thursday, I started the car and did business and work stuff online. The Washington State Patrol website showed that the main highway into Olympia and up to Seattle was partially cleared. Down to Portland was a problem, though; Interstate 5 was still closed south of Olympia. I transferred money from my savings account into my checking account to cover the cost of a generator, if I could find one within a reasonable drive.

Stores stocked up on ice and batteries. One of the chains brought in two trailers full of ice — a sad misreading of marginal utility. Two truckloads were too much.

There was other good news. The BPA had reconnected its damaged main line into the PUD grid. So there was power in the Aberdeen area. Within a couple of hours, the hospital grid was online — and my wife's chatty acquaintance had her electricity back. So did the main commercial zones. But not the residential. It was going to take several more days for the local linemen to get everyone plugged in again.

That night, we could see some of the city lights below. The kids asked why, if the power was back on, it wasn't on everywhere. My wife and I did our best to explain how power grids work (we'd been through this a few times in recent days). But as with the angry callers on the radio, the question didn't really want an answer. It wasn't a question; it was a complaint.

With the roads partially cleared and some power restored, the grocery stores stocked up on ice and batteries and candles. One of the chain stores brought in two semi trailers full of ice — a sad misreading of marginal utility. The two truckloads were too much, and the store ended up giving the stuff away.

Friday morning, the power from the car hiccupped several times, interrupting our internet connection and convincing me that I needed to buy a generator. My wife suggested that, before driving four or five hours each way, I buy one heavy-duty extension cord from a local store. The power hiccups could be resulting from the small cords and the multiple connections that reached from the car into the house.

Fair enough. I headed out to the Home Depot store that had just reopened. On the way, I stopped in my regular gas station for my ten-gallon allotment. The lines were a little longer than usual — about on par with a busy summer weekend. When I got to the pump, I was relieved to see no gallon limit. I filled my tank and paid with plastic.

Like the chain store of a few days earlier, the Home Depot was not as crowded as I'd expected. I noticed that most of the customers were heading straight toward the far side of the store. There, in the garden department, was a trailer-load of 1,500-watt generators, stacked three or four high. The employees weren't even waiting for people to ask — they were just

loading the machines onto flat carts and turning the handles outward to any takers. The miracles of capitalism!

I saw a father from my kids' school pushing several generators away. I asked him how he was doing. He didn't even hear my question. "This is amazing. The price is wholesale! I was about to drive to Seattle to get generators to get Sue's office open." His wife was an eye doctor whose offices were still dark. "If you don't have a generator, you should get one of these while they're here."

His enthusiasm sold me. I took a cart and headed for a cashier. The price — about $430 with tax — was a bargain, less than half of what I'd budgeted. I asked the cashier how they'd ended up with so many generators at such a great price, while everyone else was out.

"Our manager called corporate last night and they drove a truck up from Vegas." She didn't seem to appreciate the importance of that achievement.

As I pushed my purchases out, I noticed a long line of people with flat carts at the Home Depot credit desk, waiting to apply for "instant" credit to buy their generators. It never ceases to surprise me how naturally people borrow to buy things. In the Northwest, a generator is probably a prudent household purchase — but did so many people need to borrow the four hundred bucks? And applying for store credit suggested that their bank credit cards were maxed out.

Money was a big issue all around. And, Home Depot's instant credit line notwithstanding, most of the money involved the government.

The local newspaper, which normally banged a populist gong of outrage about waste in Olympia and Washington, immediately called for government bail-out of homeowners who'd built in flood plains. In the days immediately after the storm, the paper ran stories about federal government programs that would give emergency funds to local governments — but not to individuals.

One front-page story featured a man whose new house had been flooded. He "was supposed to have" flood insurance but didn't; so, he was appealing to the Federal Emergency Management Agency (FEMA) and the Small Business Administration (SBA) for money to rebuild.

It was news to me that the SBA makes low-interest loans without standard credit checks to people — not small businesses — who don't have insurance coverage in the wake of natural disasters. Maybe the agency should change its name to the Foolhardy Homeowners Administration.

Flood insurance is *already* a government subsidy to people who live in flood plains. They pay below-market rates for coverage against damage to their structures and personal effects. But in the wake of the storm and floods, people who'd gambled by turning down this cheap coverage, and lost, were standing in line so that Nanny State would make them whole.

There was a nefarious effect of all this. When you're living in the aftermath of a natural disaster — and FEMA and the SBA have moved in with trailers and personnel intended to make taking government money easy — you begin to feel like a fool if you *don't* take the money. FEMA and the SBA practically advertise the fact that they'll lend $20,000 to $200,000 at 3% annual interest with very loose credit checks. It's like a mini sub-prime lending bubble, funded by ... er ... *you*.

Local attitudes toward the government handouts were dysfunctional — simultaneously cynical and demanding. A local gym has a marquee on which the owners set topical bits of humor in moveable black letters. The owners put up the quip: "Wonder if FEMA will blow as hard as the storm?"

Making fun of the government while you wait for it to pay you for the results of your bad choices is hypocritical. Like something from the old Soviet Union. It's citizens acting like resentful children.

As life returned to normal, this infantilization took various forms. People crowded the handful of stores mentioned on the radio but left other stores practically empty. They called into radio shows to complain about seniors being left alone but didn't take them into their own homes. After the main roads reopened, many preferred to keep complaining rather than driving a reasonable distance to stock up on supplies.

Most strikingly, people looked to elected officials to "make something happen" so more federal money would be available. But these same political hacks had drafted or supported the anti-business laws (such as the Endangered Species Act) that had driven away the logging industry and damaged the local economy in the first place.

The leader of the hacks was Washington governor Christine Gregoire, who struggled mightily to look concerned during a whirlwind media appearance several days later. Decked out in foul-weather gear, the rodential Gregoire promised government money for everyone affected by the storm. And that's what most people wanted to hear. Clearly, she understood something about retail politics that eludes me.

My older son and I set up the generator under our back porch. This way, it would be covered from the rain but still be outside, so its exhaust wouldn't collect inside and asphyxiate us. We set up an alternate electrical system through the first floor of the house, using our various extension cords and power strips.

It worked. Now we had lights, heat, laundry machines, and everything else. The kids were happy to have the TV working again. My wife said, "You know, this means they're going to have our power back on in a few minutes." She was off slightly. A couple of hours later, the lights upstairs flickered on for the first time in almost six days.

Decked out in foul-weather gear during a whirlwind media appearance several days later, Gregoire promised money for everyone.

My son kept the good attitude he had throughout: "We'll be ready right away the next time there's a big storm." That optimism trumped the marginal utility of the $400 machine. And, to me, it was worth infinitely more than the millions that FEMA and the SBA would slosh around to their ungrateful beneficiaries who'd been eating Doritos in the dark. ❑

The Attack on the Liberty Dollar, *from page 26*

Maybe this is what R.W. Bradford said to von NotHaus years ago — I don't know. But it sure set him off.

"We are not a collector organization," he insisted. "We are not a numismatic organization. At least we were not until we were raided. We are a currency."

Why, then, are most Liberty Dollars made of .999 fine silver?

"Do you know how much an alloy piece costs? A lot," he said. "It comes down to the marketplace. Everything about the Liberty Dollar is about the marketplace. It would not function in the marketplace as an alloy. People want silver. They don't give a damn for an alloy."

As for the Liberty Dollars on eBay, he said, "If you go to eBay, what do you think you're going to find but collector stuff? You're looking in the wrong place. Talk to the people who are using them. Wal-Mart, Pizza Hut. Do you have any of those stores in Seattle? All those stores are using them. People are using them. It's exciting. Pull your head out! Bullshit!"

I have never seen anyone offer or receive a Liberty Dollar in trade or seen any business say that Liberty Dollars were welcome — or even unwelcome. Nor have I seen one in the drawer of a cash register, or in anyone's coin purse. I conclude that Liberty Dollars are a pretend money. They are medallions for sale to hard-money conservatives and libertarians who will pay a premium over the metallic content because von NotHaus has stamped a special monetary and political meaning on them. He has made his medallions look and feel like money, partly because he has denominated them in dollars.

"If it [the Liberty Dollar] didn't have a denomination, it wouldn't function," he says. He denies it is denominated in U.S. dollars. "It's denominated in Liberty Dollars. Do we mention U.S. dollars on there?"

Well, no. It says dollars. But in the United States, what is a dollar? If von NotHaus meant to denominate his currency in a unit other than the government's dollar, he might have called it a peso, a silvercredit, or a NotHaus. He called it a dollar and declared that it trades at par with the government's dollar.

That is what the market wanted. But the market for money used in commerce also wants a unit accepted by the banks as a dollar, and no bank will accept Liberty Dollars as anything. And as long as that is so, the market for Liberty Dollars is the collector market, and Liberty Dollars will have no ability to undermine the Federal Reserve or "the existing economic system" of the United States.

Libertarians may wish von NotHaus well, and those feeling this strongly may send him some dollars. He is hoping to embarrass the government if it takes him to trial, and hoping also to stay out of federal prison. His case may make monetary history, not because the Liberty Dollar was itself a threat to the economic system, which it was not, but because what von NotHaus has done in a small way may someday be done in a big way, by a bank or a consortium of banks. You never know.

Meanwhile eBay has some beautiful coins for sale. We can call them that, even if their creator cannot. ❑

College and the State, *from page 28*

Okay, there may be a problem. So what to do?

Lynne Munson, former deputy chairman of the National Endowment for the Humanities, takes the view that colleges, like most other foundations, should be required to pay out 5% of their corpus each year. Blumenthal says that the schools should be required to provide the kind of financial disclosure that the SEC requires for businesses (which, of course, don't get even the tax advantages of nonprofits).

But I suggest that the best strategy may be for Munson and Blumenthal to shed a bright light on these schools' maneuvers. Do we always have to have a government response? Isn't sunlight the best disinfectant? Or am I being old-fashioned?

Academic Freedom

Then there is academic freedom, an issue related to state, not federal, governments, and one that has been debated for many years. It is true that the glare of publicity over politics in the classroom (think Ward Churchill) has not removed political bias. So should we bring in the state legislature?

That's what David Horowitz of the David Horowitz Freedom Center has been trying to do — get state legislatures to adopt an academic "bill of rights. " Some libertarians have properly questioned the idea of enacting such a law, but other freedom-loving higher education reformers have supported it, supposing that it will do something to keep partisan politics out of the tax-supported education system.

While the American Council of Trustees and Alumni emphasizes that administrators and trustees should take the lead in stopping the infiltration of political views into the classroom, the group also advised (in a December 2005 report) state and federal legislators to take action "by holding hearings to educate the public and making it clear to the universities that they are expected to ensure a free exchange of ideas and classes free of political abuse."

There's something a bit weird about expecting legislators to guard against political abuse. This reliance on state government bothers me. I don't buy it. But people I respect do buy it.

Oh, and Law Schools

I have just about exhausted the dilemmas over government intervention that I've come upon in ten months, but not quite. I just read a (yet to be published) paper by respected scholars, including a libertarian, recommending that the state of North Carolina allow anyone who is allowed to take a bar exam in any state in the United States to take the bar exam in North Carolina. Well and good, a definite improvement. But there is another way, isn't there? Perhaps the state government could let anyone, a law school graduate or not, take the bar exam — or for that matter practice law without a license. And that would return the practice of law to something like the place where it was when Daniel Webster, Stephen A. Douglas, and Abraham Lincoln were practicing law.

So there we are: three-plus instances of cases in which government intervention might do some good, but where backing off might be better. In these cases, in my view, less is more. ❑

The Two Libertarianisms

by R. W. Bradford

In this learned and probing article, first published in May 1988, R.W. Bradford challenged libertarians to identify and evaluate the basis of their ideas. It is one of Liberty's most provocative essays.

— Stephen Cox

There are two varieties of libertarian theory current today. The difference between the two libertarianisms lies in their reason for advocating liberty. The libertarian moralist advocates liberty because he believes liberty is the condition that results from men acting under the moral law of nonaggression. The libertarian consequentialist advocates liberty because he believes liberty is the optimal arrangement for human society, a way of life under which human beings thrive.[1]

Libertarian Moralism and Consequentialism

Libertarian moralism is typified by Ayn Rand: "There is only *one* fundamental right (all the others are its consequences or corollaries): a man's right to his own life. Life is a process of self-sustaining and self-generated action — which means: the freedom to take all the actions required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment of his own life."[2]

To the moralist, recognition of others' property is inherent to recognition of their right to life: "The right to life is the source of all rights — and the right to property its only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has no right to the product of his effort has no means to sustain his life," Rand wrote.[3]

The leading advocate of this moralistic theory of liberty today is Murray Rothbard, whose defense of natural rights in "For a New

Liberty" seems almost to be cribbed from Rand: "The nature of man is such that each individual person must, in order to act, choose his own ends and employ his own means in order to attain them. . . . Since men can think, feel, evaluate, and act only as individuals, it becomes vitally necessary for each man's survival and prosperity that he be free to learn, choose, develop his faculties, and act upon his knowledge of value. This is the necessary path of human nature; to interfere with and cripple this process by using violence goes profoundly against what is necessary by man's nature for his life and prosperity. Violent interference with a man's learning and choices is therefore profoundly 'antihuman'; it violates the natural law of man's needs."[4]

Perhaps libertarians are aware of the theoretical weakness of their position and are anxious to hide it from the light of day.

Ludwig von Mises, on the other hand, typifies the consequentialist libertarianism. For him, liberty is valued because it enables men to optimize their wealth and happiness. He described his political philosophy thus: "Liberalism is a doctrine directed entirely towards the conduct of men in this world. In the last analysis, it has nothing else in view than the advancement of their outward, material welfare."[5]

Property is just as important to Mises as it is to Rand. "The program of liberalism . . . if condensed to a single word, would have to read: *property*."[6] But Mises values property for its consequences: "In seeking to demonstrate the social function and necessity of private ownership of the means of production and of the concomitant inequality in the distribution of income and wealth, we are at the same time providing proof of the moral justification of private property."[7]

For the consequentialist, property is good because it maximizes human well being. For the moralist, property is good because it is in harmony with fundamental moral principles.

Nonsense on Stilts?

As developed by Rand, Rothbard, and others, moralistic libertarianism claims to provide its adherents with a logically compelling, objective moral theory. This morality has implications for all men in their social behavior.

Libertarian moralism can be understood as the belief that it is always wrong to initiate the use of physical force against another human being. When Rand first states this moral imperative she writes it in ALL CAPITAL letters, and for good reason. Rothbard concurs, "The central axiom of the libertarian creed is nonaggression against anyone's person or property."[8] It is this "nonaggression axiom" that implies the positions that distinguish libertarian moralism from other political beliefs. The universal opposition to taxes, to conscription, and ultimately to the institution of the state is the immediate consequence of this proposition.

The ultimate meaning of the nonaggression axiom is: all men have an obligation to refrain from using force or fraud against the life or property of another. This obligation cannot have its origin in contract, for the validity of contract depends on the validity of the nonaggression axiom itself. From what else can an obligation be derived?

For the libertarian moralist, the nonaggression axiom is a consequence of the position that men possess inalienable rights. It was Rand who first formulated the nonaggression axiom, and she formulated it as a corollary to the right to life: "A right cannot be violated except by physical force. One man cannot deprive another of his life, nor enslave him, nor forbid him to pursue his happiness, except by using force against him. . . . Therefore we can draw a clear-cut division between the rights of one man and those of another. It is an objective decision — not subject to differences of opinion, nor to majority decision, nor to the arbitrary decree of society. NO MAN HAS THE RIGHT TO INITIATE THE USE OF PHYSICAL FORCE AGAINST ANOTHER MAN."[9]

The first problem with this theory is the derivation of the nonaggression axiom from the notion of inalienable rights. Even if one grants that nature or objective morality confers certain inalienable rights on all men, one can argue that the nonaggression axiom does not follow. For example, nature or objective morality could sanction two individuals to try to possess the same piece of property, in which case one or the other would either have to initiate the use of force or simply abandon the property whose pursuit has been sanctioned.

In response to this sort of thinking, the libertarian moralist has generally proposed that objective morality can never sanction such a conflict because, as Rand argues, "there are no conflicts of interest among rational men."[10] This universal has not satisfied the critics, who have spent considerable energy contriving hypothetical situations, some realistic, others fanciful, in which the interests of rational men conflict. These critics generally argue along the following lines: "Suppose you are on a ship which sinks. You and another rational man come upon a lifeboat, which only has room for one person. Both of you are on the verge of exhaustion. Is this not a genuine conflict of interest between rational men?"

Rand's response to the better contrived of these situations is that they are emergencies, and that normal rules do not apply, and men should act appropriately for the emergency: "An emergency is an unchosen, unexpected event, limited in time, that creates conditions under which human survival is impossible. . . . In an emergency situation, men's primary goal is to combat the disaster, escape the danger and restore normal conditions. . . . By 'normal' conditions, I mean *metaphysically* normal, normal in the nature of things, and appropriate to human existence. . . . The fact is that we do not live in lifeboats — and that a lifeboat is not the place on which to base one's metaphysics."[11]

The problem with this definition is that it destroys the universality of the nonaggression axiom: if one dispenses with observing the nonaggression axiom in any situation in which conditions "appropriate to human existence" do not prevail,

as a practical matter one may dispense with it whenever one doesn't like his circumstances. One should always obey the nonaggression axiom, it is argued, except in emergencies. What is to keep an individual from declaring a personal state of emergency whenever it seems expeditious to initiate the use of force?

But more importantly, in granting the validity of certain emergencies (however limited and tightly defined) the libertarian moralists have given up on the universality of the nonaggression axiom. To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really *need* to initiate force . . ."

In challenging the sensibleness and universality of the nonaggression axiom, the critics are not getting to the heart of the matter. For practically every libertarian moralist, the nonaggression axiom is the logical consequence of the inalienable rights of the individual. Whether or not the nonaggression axiom can be formulated in a reasonable and universal way is clearly secondary to the issue of whether inalienable rights exist; if the concept of inalienable rights is not rational, the formulation and defense of the nonaggression axiom is an irrelevant intellectual exercise.

Just what are these "natural rights" or "moral rights" upon which the nonaggression axiom is based? Perhaps natural rights can be understood in the same way as legal rights: just as one's legal rights are those rights conferred by law, so natural rights are rights conferred by nature or by objective morality.

At first inspection, there is much to be said for this understanding of rights. The notion of legal rights is widely understood and makes perfect sense. We all speak fluently of legal rights in a variety of contexts: rights to manufacture a certain item, rights to use exclusively a certain piece of property, rights to produce a certain play, etc. Legal rights are the products of declarations by the state that it will defend an individual's taking certain actions against other individuals who might interfere. When one says, "I have a legal right to do this," one means "the state will defend me against anyone's preventing my doing this."

The obligation to refrain from using force or fraud cannot have its origin in contract, for the validity of contract depends on the validity of the nonaggression axiom itself.

Can we understand natural or moral rights in this same fashion? Perhaps we can understand natural rights to be rights conferred by nature, rather than the state; and moral rights to be rights conferred by morality. Just as it is meaningful to say that a trespasser is violating one's legal rights (i.e., is invading the property that the state guarantees one's exclusive control of), so we can argue that the trespasser violates moral law or natural law.

Alas, neither natural rights nor moral rights can be understood by this analogy. When we talk about legal rights we necessarily talk about the ability of the state to enforce them.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments.

When we talk about natural or moral right, do we imagine that nature or morality mobilizes some kind of police power to enforce these rights? Of course not. Legal rights are nugatory unless people enforce them.

In "Textbook of Americanism," Rand defines a right as "a sanction of independent action." But this definition has a problem. The word sanction is a bit obscure: in some cases sanction is a synonym for "support, encouragement, approval"; in others, sanction is a synonym for "provision of law that secures obedience."[12]

If Rand means sanction in the sense of "support, encouragement, approval," her notion of rights will obviously not result in anything akin to the nonaggression axiom. At most it might imply lack of support, discouragement or disapproval of initiated force — not the prohibition of initiated force.

On the other hand, if Rand means sanction in the sense of "provision securing obedience," her definition has the same problem as rights understood by legal analogy have: obedience must be secured by an agent. For a sanction to have meaning in this sense, it must be enforced, and this enforcement requires an agent (e.g. the state). Neither nature nor morality is an enforcer.[13]

If natural or moral rights are not to be understood by analogy with legal rights, or as sanctions, then how are they to be understood? What is the "stuff" of rights? What are rights made of?

Some 17 years after publication of her definition of rights as "sanctions" Rand offered another definition. Perhaps she recognized some of the problems of considering rights to be a particular type of sanction. In her essay "Man's Rights" she defines a right as "a moral principle defining and sanctioning a man's freedom of action in a social context." But this definition is hardly any improvement: even when defining rights as a particular type of "principle," Rand cannot avoid the concept of sanction (and all its concomitant problems).[14]

In view of the murkiness of the concept of inalienable rights, it is not surprising that supporting arguments often

depend on outright obfuscation rather than logic. Rand's argument in "Atlas Shrugged" is typical:

> "*Rights* are conditions of existence required by man's nature for his proper survival. If man is to live on earth, it is *right* for him to use his mind, it is *right* to act on his own free judgment, it is *right* to work for his values and to keep the product of his work. If life on this earth is his purpose, he has a *right* to live as a rational being: nature forbids him the irrational. Any group, any gang, any nation that attempt to negate man's rights is *wrong*, which means: is evil, which means: is anti-life."[15]

This may be powerful as rhetoric, but it is no argument at all. By repeating the term right five times in italics and once otherwise, Rand may create a parallel in some readers' minds. But certainly *right* as a synonym for "morally proper" and *right* as a synonym for "sanction" are two different terms, and she has failed to demonstrate how any objective moral sanction against initiation of force follows from the moral propriety of taking certain actions.

The concept of rights makes perfect sense in a legal context. But legal rights are always alienable: they are enjoyed as a product of the state, and cease to exist when the state defining them ceases to exist. In the end, inalienable rights theory fails because it appears entirely chimerical.

Somehow, the various arguments for absolute natural rights seem to most people to be a bit like the actions of a three-card-monte artist: it is impressive to watch, and you seem be following it, but you know the artist is a skilled manipulator and in the end you aren't really surprised that you have been fooled.

It is this chimerical nature of natural rights theory that causes it to lead to the absurd consequences that I mentioned at the beginning of this essay. If natural rights theory makes no sense at its foundation, should we be surprised that it leads to silly consequences? If the concept of inalienable rights is nonsense, then the consequences are indeed, to use Bentham's delightful phrase, nonsense on stilts.

In my previous essays in Liberty[16] I demonstrated that the libertarian moralist must logically defend political institutions and laws that he knows are destructive to human prosperity, liberty, and life provided that such institutions and laws have their origin in contract, and that libertarian moralism ultimately implies either that (a) a good person cannot use any government services whatsoever, including such benign services as the post office or government roads; or that (b) a good person can use virtually any government service whatever, including the use of the police to take the property of his neighbors for his own benefit.

To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really need to initiate force."

These are, of course, patently absurd propositions. The fact that these patently absurd propositions are the logical consequences of libertarian moralist theory is not an argument against that theory. If the theory is objectively true, then the fault lies in our notion of absurdity. Any valid attack on it must challenge its logical antecedents: either the propositions that underlie it or the specific argument by which it is defended.

One should always obey the nonaggression axiom, it is argued, except in emergencies. What is to keep an individual from declaring a personal state of emergency whenever it seems expeditious to initiate the use of force?

I have discussed some of the problems that exist in the development of that theory, but I have not systematically attacked it. Such an attack is beyond the scope of this paper, for it would be required to address each variation of the derivation of the moralistic libertarian position. I have, however, indicated the problems exhibited by most formulations of the moralistic libertarian position.

The Road to Slavery?

Consequentialist libertarianism provides its adherents with a cohesive, rational approach to political theory. As developed by its leading theorists (e.g. Mises, Hayek, Donisthorpe) it provides the intellectual tools to understand human action. Because the consequentialist libertarian has developed a systematic way to study human interaction, he can make public policy recommendations, even in the context of the real world.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments. Indeed, one of the leading libertarian moralists, Murray Rothbard, by training an economist, is happy to defend the truth of the core belief of consequentialist libertarianism — that a free society is far more productive and conducive to human happiness than an unfree society.

The moralist critics take two lines of attack against consequentialism. On a theoretical level, they argue that consequentialism is wrong because it denies the propriety of an objective moral theory, inalienable rights and the universal prohibition against aggression. The other moralist criticism of the consequentialist position has nothing to do with its

truth or falsity. It is that consequentialism fails to inspire moral fervor. This criticism grows out of its ability and willingness to make policy recommendations within the context of a nonlibertarian society; somehow this requires that the consequentialist abandon the moral high ground. "The utilitarian . . . will rarely adopt a principle as an absolute and consistent yardstick to apply to the varied concrete situations of the real world," writes Murray Rothbard. "To say that a utilitarian cannot be 'trusted' to maintain libertarian principle in every specific application may sound harsh, but it puts the case fairly."[17]

Even if one concedes that consequentialism's theory is rational, logical, and scientifically sound, it does a poor job of advancing liberty. "Who in hell would join a radical minority movement, and commit him- or herself for life to social obloquy and a marginal existence, for the sake of 20% more bathtubs or 15% more candy bars? Who will man the barricades, either physically or spiritually, for more peanuts or Pepsi?" asks Murray Rothbard. "Look at all the radical or revolutionary movements of the 20th century, whether they be Communist or fascist or Khomeiniite. Did they struggle and move mountains for a few more goods and services, for what we used to call 'bathtub economics'? Hell no, they moved mountains and made history out of a deep moral passion and would not be denied. What moves men and women and changes history is ideology, moral values, deep beliefs and principles."[18] This criticism is clearly *ad hominem:* it portrays the consequentialist as coldly making calculations in exclusively material terms, assuming that consequentialists do not ever consider valuing anything outside the money nexus.

Is Synthesis Possible?

Given the theoretical divergences between libertarian moralists and consequentialists, it is surprising that the two groups get along so well. Most radical political or religious groups fragment over matters of far less importance to their central beliefs. Given the fervor of many advocates of both moralism and consequentialism, one might expect the libertarian movement to be split into irreconcilably bitter, hostile factions over the matter.

In actual fact, aside from an occasional argument in an academic journal or other obscure place, the issue is hardly noticeable. What accounts for this peculiar phenomenon?

One might be tempted to think that the absence of acrimony over the issue is the product of people's rationality and good manners. But libertarians have long shown a willingness to argue over points far less significant. Battles over the presidential nominations of the Libertarian Party, for example, often move members to tears; the nomination of David Bergland in 1984 touched off a mass exodus of many longtime party activists, including most of those who had managed the 1980 presidential campaign.

A more cynical hypothesis is that libertarians are aware of the theoretical weakness of their position and are anxious to hide it from the light of day. There may be some truth to this, I suppose, though most libertarians' willingness to consider and accept so radical and unpopular a view as libertarianism indicates that they are open to peculiar ideas and willing to stand on their own judgment.

There is, I believe, a better explanation for the remarkable lack of controversy on the issue. I am convinced that most libertarians have little interest in the controversy because they find elements of both beliefs within themselves.

This hypothesis first occurred to me almost a decade ago after a conversation with a friend, a fairly prominent libertarian. On a lark, I asked him if he would consent to my interviewing him about his beliefs as though I was a nonlibertarian journalist. He consented and the game was on.

"Why do you advocate freedom?" I asked.

"Because men have moral rights to life, liberty and property," he replied. He was confident, almost brash.

As I questioned him further, leading him along the same critical lines of thought about rights theory that I summarized above, his demeanor gradually changed. His air of certainty receded; he grew defensive. After an hour or so, he admitted with a little exasperation that he was quite aware of the problems in rights theory. In fact, he went on, he did not believe that rights theory was defendable. "It's just that I think everyone should be free. The world would be a far better place if all men were free."

He had admitted that rights theory is wrong, and that consequentialism is right. What an extraordinary turn of events, I thought. My friend advocated moralism only because he thought it more rigorous, more respectable, more defensible. His advocacy of libertarianism was moralistic; his defense of libertarianism was consequentialist. Perhaps other advocates of rights are actually closet consequentialists.

A few days later, I was involved in a similar discussion with another natural rights advocate. But he could see where my line of thinking was leading. He cut me short and took the lead. Before long he was asking me questions like the following: Would you violate another man's rights if doing so had little risk and would likely mean substantial wealth for you?

I shall not bore you with details . . . Suffice it to say that within a few minutes I admitted I would not steal under such circumstances, and that in an important sense, I was a libertarian because libertarianism seemed morally right, though I could not rigorously defend that morality.

It occurred to me that I wasn't much different from my moralist friend. Just as he had a moralist ideological offense but a consequentialist defense, I had a consequentialist offense, but could not dispense with my own moral sensibilities. Both of us had psychologically synthesized our beliefs.

R.W. Bradford participated in a panel discussion at the 2004 Liberty Editors Conference with Charles Murray, David Friedman, and David Boaz, on the subject

"Liberty: What's Right vs. What Works"

To order recordings of this and other conference panels, see pages 48–49 of this issue!

We agreed that the consequentialist position made good sense and neither of us could dispense with our own moral views. He considered the moralist element of his thinking to be more acceptable to others, so his offense was moralist, but deep in his secret heart, he realized that the moralist argument was lacking.

I remain convinced that the moralism of inalienable rights and the nonaggression axiom is just plain wrong: its derivation is fallacious and its logical consequences sometimes silly. But I have not dispensed with morality altogether.

So I suggest before we conclude that the two libertarianisms are mutually exclusive that we reflect on their psychological compatibility and consider the possibility of philosophical synthesis. Perhaps we should consider the two libertarianisms to be two aspects of the same belief, or different emphases of the same basic belief. If libertarianism is a proper theory there is no reason to doubt that it is both morally right and eminently practical. ❑

Notes

1. There is also another school of libertarian thought. Certain libertarians, S.E. Parker, for example, defend liberty on strictly personal, egoist grounds. For them liberty is good because they want it. This rather idiosyncratic school of thought is relatively uninfluential within the libertarian movement at present.
2. Ayn Rand, "The Virtue of Selfishness" (New York: New American Library, 1964) 93. It is impossible to understand the modern libertarian movement without coming to grips with Ayn Rand. Indeed, the development of libertarianism in many ways can be understood as the development of the implications of the nonaggression axiom and reactions of other thinkers to it.

   Although Rand eschewed the radical libertarian theory that the nonaggression axiom implied, those who admired her thinking did not. If no man or group of men has the right to initiate force, how can a group of men form a government, that is, form an institution that claims a monopoly on the use of force within a given area? This sort of thinking was apparent to Rand's followers, and led to the birth of the modern libertarian movement.
3. *Ibid.*, p. 94.
4. Murray N. Rothbard, "For a New Liberty" (New York: Macmillan, 1973) 26. Rothbard acknowledges his agreement with Rand and his debt to her. In "The Passion of Ayn Rand" (Garden City, N.Y.: Doubleday, 1986) Barbara Branden writes: ". . . Rothbard has stated that he 'is in agreement basically with all her philosophy,' and that it was she who convinced him of the theory of natural rights which his books uphold." (p. 413)
5. Ludwig von Mises, "Liberalism" (Princeton, N.J.: Van Nostrand & Co., 1962) 4.

   It should be noted that Mises used the term "liberalism" as it was understood everywhere in the 19th century and is generally understood in Europe today: as a belief in a maximum individual freedom and a minimal state. The term "libertarianism" in its present meaning did not come into common use until the 1960s. Cf. "The Decline of Classical Liberalism: 1860–1940" by Stephen Davies, "Humane Studies Review," 5 (Winter 1987) 1–2, 15–19.
6. "Liberalism," p. 26.
7. *Ibid.*, p. 33.
8. Murray N. Rothbard, "For a New Liberty" (New York: Macmillan, 1973) 23.
9. Ayn Rand, "The Textbook of Americanism," (New York: Nathaniel Branden Institute [n.d.]) 6. Reprinted from "The Vigil," 1946, a publication of The Motion Picture Alliance for the Preservation of American Ideals, of Beverly Hills, Calif.
10. Rand, "The Virtue of Selfishness," p. 56.
11. *Ibid.*, p. 47.
12. So, at least, says Webster's New World Dictionary.
13. In actual fact, the enforcement need not take the form of punishment by aggressive violence. In primitive hunter-gatherer cultures, the enforcement frequently takes some form of ostracism. The threat of ostracism is usually effective only in a small society where survival and well being are dependent on remaining in good standing of that society. The use of ostracism as punishment in a highly civilized society is rarely effective except within families and cults, where conditions parallel primitive society in many ways.
14. Rand, "The Virtue of Selfishness," p. 93.
15. Ayn Rand, "Atlas Shrugged" (New York: Random House, 1957) 1061.
16. Ethan O. Waters, "Reflections on the Apostasy of Robert Nozick," Liberty (Oct. 1987) 14; and "Libertarianism, Moralism and Absurdity," Liberty (March 1988) 14–15.
17. Rothbard, "For a New Liberty," p. 24.
18. Murray N. Rothbard, "On the Duty of Natural Outlaws to Shut Up," New Libertarian, No. 13 (April 1985) 10–11.

Letters, *from page 6*

way out to Clackamas Town Center. I forget how many billions it is going to cost, but I'd wager it would be cheaper for them to give all the future regular riders a lifetime pass on a taxi of their choice.

I'm not schooled in economics or sociology, but I do have a bit of common sense. I understand the need to preserve farmland, but I would hope that those who own farmland would be better able to make decisions that would continue to put food on our tables and allow us to live in peace with the smells.

Marilyn Burge
Portland, Ore.

May Be

Bruce Ramsey graphically depicts some horrors of poverty ("The Half-Open Door," December 2007), and says they'd follow free immigration. Nonlibertarians think those same horrors would follow laissez faire. Maybe our principles are only true sometimes.

Tom Porter
Reseda, Calif.

If a Body Falls in the Park . . .

I must take exception to Dana Peterson's description and conclusions about Antonioni's film "Blow-Up" ("L'Eclisse: Bergman and Antonioni Die on the Same Day," December 2007). The film is about a photographer (who may or may not have been living a bored life) who takes a series of photos in a park. When he returns to his studio and begins enlarging the prints (the "Blow-up" of the title) he sees a body in one of the photos. He returns to the park and confirms that the body is there. During the course of the film the body disappears and the film and prints from his camera also are stolen. (This is admittedly a truncated description.) In the end there is no evidence that there ever was a body. Without evidence, should the photographer believe that his experience was real? I interpreted this to be another version of the "If a tree falls in the forest" debate. Was anything resolved at the end? Perhaps in the same sense that the sun resolves a fog bank. It just disappears into the air and life goes on.

David Kirkpatrick
Klamath Falls, Ore.

Peterson responds: Mr. Kirkpatick is right. Let's round up the usual suspects for the discussion: Kant, Russell . . . I still hold, however, that

continued on page 54

Reviews

"Mises: The Last Knight of Liberalism," by Jörg Guido Hülsmann. Ludwig von Mises Institute, 2007, 1,159 pages.

Life of a Hero

Warren Gibson

If you're going to write a biography of Ludwig von Mises (1881–1973), you have your work cut out for you.

You face a mountain of books, articles, speeches, and correspondence by and about the great libertarian economist and his forebears, contemporaries, disciples, and critics, much of it in German. Because his productive career lasted from the 1880s into the 1960s, you have to be thoroughly grounded in the intellectual and political history of that time, sweeping all the way from Marxism, historicism, and fascism, through Keynesianism, and into the beginnings of monetarism. You must be conversant not just with economics, but with history, sociology, and philosophy, since Mises ranged over all these subjects. You must focus on the political and military events that shaped Austria and its neighbors in the early 20th century, because Mises was personally involved in many of them. You must come to grips with terms and concepts that are central to Mises but unknown outside the Austrian School of economics, of which he was a part — terms such as praxeology, catallactics, thymology, etatism, and *Verstehen*.

Your own prejudices will likely be activated either by Mises' extreme positions or by an occasional belief that he failed to follow through on his own principles. You must try to divine the mental and emotional life of a man who kept his feelings to himself and whose devoted wife very likely took a number of his personal secrets to her grave. Lastly, you must condense and shape your work into something people will want to read.

Jörg Guido Hülsmann has risen to all these challenges and produced "Mises: The Last Knight of Liberalism," a work that is outstanding in several respects, starting with the volume itself. The type face is pleasing, the binding is sturdy, the bibliography is exhaustive: 31 pages, including 73 Mises citations. There are separate subject and name indices, and notes placed where the Lord intended: at the foot of the pages. (While some footnotes are just citations, many are worthwhile amplifications.) Photographs, many never seen before, are sprinkled conveniently through the text, not bunched in the middle.

The table of contents hints at the organization of the work, which can be seen as three different books, any of which could exist on its own, woven together like the strands of a rope. Strand A might be called "Mises the Man," presenting snapshots and stories that illuminate his character. I would call Strand B "The World of Mises," an account of the impact of local and world events on him, and of his role in shaping some of them. Strand C would be "Mises the Theoretician," a summary of the principles of Austrian economics and the epistemological foundation that Mises provided for it.

The movements from strand to strand help make this book quite readable, despite its 1,100-page length. Chapter 21, for example, "The Epistemological Case for Capitalism," is a difficult chapter that demands careful attention, but we get a change of pace in the next chapter as Hülsmann switches back to Strand B with "Fragmentation of the Movement."

Mises the Man

In addition to Margit von Mises' memoir of her husband, "My Years with Ludwig von Mises" (Arlington House, 1976), a small autobiographical volume is in print entitled "Notes and Recollections" by Mises himself (Libertarian Press, 1978). Mises wrote these notes in 1940, the low point of his

life and career, and put them aside with instructions to Margit to preserve them for posthumous publication. Thirdly, Israel Kirzner authored a short intellectual biography in 2001, "Ludwig von Mises: The Man and His Economics" (ISI Books, 2001). Hülsmann recaps information already available in these works and adds considerable new personal material. In so doing, he conveys a more vivid sense of the man than we have had up to now.

He accomplishes this without descending into excessive speculation about Mises' psychology: his devotion to his mother, his long bachelorhood, or the sacrifices of his wife, before and after their marriage. Hülsmann mentions the relationship between Ludwig and his brother Richard, an accomplished mathematician and aerodynamicist. They were never close, but Hülsmann does not uncover any feuds or animosity. He does find it curious that the chapter in Mises' "Human Action" about probability theory makes no mention of Richard's previously published views on the subject, even though the two were in substantial agreement.

There was never any question in Mises' mind that he would serve his country in the Great War — World War I, as we now call it. Unable or unwilling to finagle a desk job in Vienna, he went to the eastern front, where he commanded an artillery company and suffered a painful and lingering injury. We are told that Mises' army buddies nicknamed him *Rotwild* (wild deer) — a name that had nothing to do with politics.

Mises got expert instruction before attempting such activities as tennis, automobile driving, even mountain hiking.

We learn that Mises' intellectual thoroughness spilled over into his recreational life. He got expert instruction before attempting such activities as tennis, automobile driving, even mountain hiking. Yet we also learn that although he liked to drive (he acquired a snappy Ford V8 in 1936) he was a terrible driver. He and Margit were once in a serious automobile accident — fault unspecified.

On a more serious note, the "wild deer's" demeanor sometimes handicapped him. As his student Fritz Machlup put it, "He is usually too reserved and all buttoned up, so to speak . . . He will stick stubbornly to his convictions. Although this is really a merit it sometimes antagonizes people" (367). In a video interview for "The Commanding Heights" (PBS), Milton Friedman chuckles over an incident that took place at the founding meeting of the classical liberal Mont Pelerin Society, where Mises "stormed out of the room, exclaiming, 'You're all a bunch of socialists!'" Friedman adds that the topic under discussion was income redistribution, a concept on which one would expect all libertarians to have similar views. Mises never developed Friedman's ability to "disagree without being disagreeable," and this may partly explain the fact that his influence on the post-war world was much smaller than Friedman's.

Mises' skills as a businessman evidently lagged substantially behind his academic prowess. Thus when he agreed to have publisher Gustav Fischer handle "Socialism," his pathbreaking 500-page treatise, their February 1922 agreement, signed in the midst of Germany's raging hyperinflation, made no specific reference to inflation adjustments. Nevertheless, when the book came out in July 1922, Fischer generously increased his payment to Mises by 50% — to 1,920 marks, then worth about US$38.92! Had he held these marks until October, they would have slipped to about $6.04. Presumably he changed them to Austrian krone, which were managing to hold some of their value against the dollar, but he cannot be said to have profited much from his book (392).

Mises and His World

At its peak, Mises' influence in Austria approached that of Alan Greenspan in America. Although Mises held no government post, his position in the Chamber of Commerce made him, by his own reckoning, Austria's number one economist. Greenspan chose to couch his public statements in "Fedspeak" so as to avoid roiling the markets; Mises, in his anti-inflation campaign of 1919, was "so carefully read that he preferred to publish some of his pieces anonymously." For a time, the Neues Wiener Tagblatt sent a stenographer to his apartment every morning at 8:00 to transcribe articles to be published anonymously in the next day's paper (352).

Hülsmann conveys a more vivid sense of the man than we have had, without descending into excessive speculation about Mises' psychology.

Conditions in Austria following World War I were dire. Strikes and shortages were pandemic. The government was feeding a large portion of the population, especially in Vienna, and paying its bills by running the printing press. Questions of monetary policy had moved out of the academy and onto center stage. Decisions had to made quickly, and the wrong decisions could bring starvation or bloodshed. While Mises continued to write and speak against the evils of inflation, he sometimes felt compelled to support compromises that seem directly contrary to his teachings. Thus in 1919 he resigned himself to printing money as simply the only way to maintain law and order through the winter (344). Hülsmann reports that "in a truly grotesque episode from mid-January 1919, the champion of sound money provided hands-on support for banknote production" by arranging the importation of a number of printing presses for the Austro-Hungarian bank to use in stamping banknotes (347). The reason for this measure was to distinguish them from notes that were circulating outside the greatly shrunken Austria. Outsiders would thus be unable to bring notes into Austria and use them to

drain real resources out of the country.

Hülsmann clearly disapproves of these astonishing episodes, attributing them to Mises' utilitarian social philosophy. But later in 1919, in a confidential memorandum, Mises proposed a radical tactic that would have pleased some of his latter-day anarchist followers. In a desperate tone, he wrote, "Political ideas that have dominated the public mind for decades cannot be refuted through rational arguments. They must run their course in life and cannot collapse otherwise than in great catastrophes." Citizens should "simply ignore the government and make the reform of the monetary system an affair of the country's leading bankers, merchants, and industrialists" (358). Fearing a collapse of the krone, he called on entrepreneurs to seek a credit of 30 million Swiss francs, in small denominations suitable for paying workers and suppliers — knowing full well that this was contrary to Austrian law. (There is no record that this proposal was ever implemented.)

And so it appears that during this time of crisis Mises veered first into opportunism and then toward anarchism. But perhaps we shouldn't be too quick to pass judgment from our comfortable vantage point. Who among us is so "principled" that he might not feel compelled to "compromise" in a crisis situation?

In any event, Mises was unable to arrest the tide of hyperinflation, which lasted until 1922 when a credit was granted by the Allied nations. Perhaps he took some solace in the fact that the Austrian price level at the end of 1922 was "only" 14,000 times the prewar level,* in contrast to Germany where the price level reached a factor of trillions.

For many years, Mises conducted a private seminar for advanced students that met in his office in the Chamber of Commerce. He wholeheartedly supported women students with encouragement and letters of recommendation at a time when barriers to their participation in academic life were just beginning to fall. Many years later, one of them recalled, "I am sure there does not exist a second circle where the intensity, the interest and the intellectual standard of the discussion is as high as it was in the Mises Seminar." Mises' uncompromising standard in favor of classical liberal ideas in a world that was increasingly socialist earned him the moniker *der Liberale,* which we might translate as "Mr. Libertarian."

Mises foresaw the Nazi takeover of Austria and knew that he would be a prime target, partly because of his Jewish descent, but mainly because of his liberal views. He fled to Switzerland, where he secured a good post at the Graduate School of International Relations, later fetching Margit from Vienna and marrying her. But as the Nazis swept over Europe, he began to feel unsafe even in neutral Switzerland. In 1940, he and Margit undertook a harrowing journey by automobile, train, and ship, finally landing in New York, a strange land where he had few contacts and an inadequate command of the language. But at age 60, and with unwavering help from Margit, he pulled himself out of his depression and launched another 25-year period of productivity, during which he published his greatest works, including the monumental "Human Action" (1949).

It is a telling indictment of the state of the American academy that Mises was never able to achieve a regular

*According to the web site of the Austrian National Bank.

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academic appointment in the United States. He did get appointments at New York University (as a visiting professor), at the National Association of Manufacturers, and at the libertarian Foundation for Economic Education as a part-time staff member. None of these provided him with a power base for significant involvement in current affairs. Perhaps the best reception he received in the New World was in Mexico, where he and Margit spent six weeks in 1942. There he received an offer to become the head of the economics departments of two business associations, at a comfortable salary (813). He was sorely tempted but in the end had to say no because of his poor grasp of Spanish as well as the roots he had already put down in New York.

In 1919 Mises resigned himself to printing money as simply the only way to maintain law and order through the winter.

Hülsmann recounts Mises' sometimes stormy friendship with novelist and philosopher Ayn Rand, as documented in Barbara Branden's biography "The Passion of Ayn Rand" (Doubleday, 1986). Mises praised Rand's novel "Atlas Shrugged" as "a cogent analysis of the evils that plague our society," and Rand respected him, in turn, for his intellect and courage. But she abhorred his utilitarian ethics, and he was appalled by the way she treated people who asked her questions. Be that as it may, many students, including this writer, first came to Mises and the other Austrian economists through the institute founded by Rand and her associate Nathaniel Branden, which advertised Mises' books on its list of recommended readings. Hülsmann's dismissal of Rand's Objectivist movement as simply a cult (996 ff.) is disappointing but not surprising, since this was the attitude of Mises' disciple Murray Rothbard and many of his current Mises Institute followers. Both Barbara and Nathaniel Branden freely admit that the New York circle exhibited cult-like behavior, but none of it could be found in the Cleveland Objectivist group to which I once belonged, and probably not in many other groups outside New York. Fortunately, disinterested scholars have begun to analyze and extend Rand's significant achievements, leaving the craziness behind.

If in his years in America Mises had gotten the recognition he deserved, admittance to his seminars would have been reserved for serious academics. But in 1970 anybody, including this reviewer, who was then a graduate student in engineering, could get into a FEE summer seminar at which Mises spoke. I don't remember what he talked about, just the sense that I was in the presence of a very great man, but a man who was tired and discouraged. His voice was low and his facial expression was sullen. At one point he must have seen or imagined someone acting restless in the audience, because he said something like "I know my time is almost up and I will soon finish." Perhaps he was thinking not just of the restless student but also of his coming death. Afterward in the library, he dutifully autographed copies of "Human Action," including mine, but after he had signed a few, George Roche, the director of seminars at FEE, stopped the proceedings, explaining that Mises' "writer gave out." Perhaps the times felt to Mises like the "last night of liberalism." He died three years later.

Mises the Theoretician

Mises secured a place for himself as a top theoretician with the 1912 publication of his "Theorie des Geldes und der Umlaufsmittel." As Hülsmann points out, the title chosen for the English translation, "Theory of Money and Credit," was poor. It should have been "Theory of Money and Fiduciary Media," which, though ponderous, would have conveyed Mises' crucial distinction between money and money certificates, on the one hand, and unbacked fiduciary media on the other. Mises argued that unbacked or partially backed paper money was necessarily unstable and inflationary. This is an issue that splits the present-day Austrian movement, with Rothbard and others insisting that only gold or fully backed certificates are legitimate money, whereas Lawrence White and George Selgin demonstrate that fractionally backed money can arise via "immaculate conception" — without fraud or deception — and that private banks tempted to over-issue unbacked paper will be disciplined by actual or threatened bank runs. (See White, "Free Banking in Britain" [Institute of Economic Affairs, 2nd ed., 1995]; Selgin, "The Theory of Free Banking" [Rowman & Littlefield, 1988].)

A major accomplishment of Mises' book was an integration of monetary theory with the rest of economics. Mises refuted the idea of the neutrality of money — the idea that money is simply a placeholder for other goods and can therefore be explained fully in historical and legal terms. He applied to money the laws of supply and demand, much as they are applied to ordinary goods and services. He also saw that one could not do full justice to monetary theory outside the wider context of economics, although circumstances prevented him from elaborating that context to the extent he would have liked. He foresaw the coming of a world war and knew that academic publishing would cease for the duration, so he got "Theorie des Geldes" into print sooner than he wished. While the book drew considerable notice among German readers, an English translation

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did not appear until 1934, when it was swept away by the Keynesian tide.

It may be difficult to appreciate, so many years later, what a bombshell Mises set off with the 1922 publication of his "Socialism." He demonstrated that full socialism is simply impossible, even conceding the best intentions of the socialist planners and the enthusiastic agreement of all the citizens. Because, in essence, under socialism capital goods would not be traded, no real prices for these goods could arise. Economic administrators would therefore be deprived of any capacity to determine how to allocate scarce capital and achieve the results desired. Mises' challenge was taken quite seriously. One reviewer, who "loaded his two reviews of 'Socialism' with invectives against the author," admitted that "economic calculation in terms of marginal utility is not a feature of any particular economic order, but can and must be applied in the communist order as in the capitalist one" (403). Mises was accurate, if perhaps immodest, in assessing the result: "All arguments in favor of the great reform collapsed. From that time on socialists no longer based their hopes upon the power of their arguments but upon the resentment, envy, and hatred of the masses" ("Theory and History," 1957, quoted in Hülsmann 399).

Mises wholeheartedly supported women students at a time when barriers to their participation in academic life were just beginning to fall.

In "Nationalökonomie" Mises realized his dream of publishing a comprehensive treatise on economics. The book appeared in May 1940, "just in time to survive the collapse of its publisher, only to be buried under the avalanche of the war" (759). But this was not the end; Mises prepared a revised English version that was published as "Human Action" in 1949, and that work received far more notice, continuing in print to this day. Hülsmann views "Human Action" as having "completed the project Mises had started in 1912 with his treatise of money," calling the mature Mises "a better monetary theorist than the author of 'Theory of Money and Credit.'" In the later work, Mises emphasizes the demand for money as truly "a demand for cash balances." Hülsmann also points out "Human Action's" more radical analysis of the detrimental effects of monetary expansion as compared to his 1912 analysis, which allowed that monetary expansion "might be needed to accommodate greater growth under plausible circumstances" (786).

Notwithstanding these shifts, Hülsmann's summaries convey a remarkable degree of consistency across the long span of Mises' professional career.

Last Knight of Liberalism

What of Hülsmann's subtitle, "The Last Knight of Liberalism"? Some might say that "liberalism" has been lost to statists and we must fall back on "libertarianism" or "classical liberalism." But "liberalism" mostly retains its classical meaning outside the United States. In this reviewer's opinion, the refusal to concede "liberal" to the statists is worth the cost of occasional misunderstanding.

Others might object that Mises was first and foremost a theorist, so we should call him the "Last Knight of Praxeology," the theory of human action. The phrase would, of course, greatly confuse casual browsers. Yes, Mises' most important contributions were theoretical, and he kept them separate from his political views; nevertheless, they were motivated by a burning passion to preserve the great achievements of Western civilization. Near the end of "Human Action," we read, "It rests with men whether they will make the proper use of the rich treasure with which . . . knowledge provides them or whether they will leave it unused. But if they fail to take the best advantage of it and disregard its teachings and warnings, they will not annul economics; they will stamp out society and the human race" (4th ed., Regnery, 1966, 885). Hülsmann's subtitle is a good one, and his book is a major contribution, one that will inform both newcomers to Mises and veteran students. ❑

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"There Is a God: How the World's Most Notorious Atheist Changed His Mind," by Antony Flew with Roy Abraham Varghese. HarperOne, 2007, 246 pages.

A Curious Conversion

Leland B. Yeager

Many books tell a tragic story. This book is itself a tragedy.

I eagerly bought Antony Flew's account of his renouncing atheism, expecting an intellectual challenge. With one exception, noted below, I had long admired Flew's keenly argued discussions not only of philosophy and religion but also of economics and politics from a classical-liberal point of view.

Flew now accepts some sort of deism or theism (using sometimes one word, sometimes the other). He accepts "the God of Aristotle" (92), a first cause or prime mover: "[O]nce the work of creation is completed, God leaves the universe subject to the laws of nature, although perhaps sometimes providing a rather distant and detached endorsement of the fundamental principles of justice" (156). God has the attributes of "immutability, immateriality, omnipotence, oneness or indivisibility, perfect goodness and necessary existence," attributes pretty much the same as the Judeo-Christian God (the philosopher David Conway, quoted with approval on page 92; notice the treatment of existence as an attribute). In his own words, Flew accepts "the existence of a self-existent, immutable, immaterial, omnipotent, and omniscient Being" (155). Here and there he quotes or paraphrases various other theologians' descriptions with apparent respect, not examining them for mutual consistency.

The book's subtitle is inexact: Flew does not tell *how* — or why, either — he became convinced of error in his earlier views. Not a single theistic or anti-atheistic argument in the book looks new to me, nor could it have looked new to the author of "God and Philosophy" (Delta, 1966) and "Theology and Falsification" (his widely reprinted article of 1950). Flew appeals to the old argument from design (or *to* design, as he prefers to call it), now just casually decorated with brief and scattered allusions to advanced scientific findings and remaining mysteries. These include the apparent fine-tuning of the laws and constants of nature, life and its origin and teleological organization, DNA, the Big Bang, and the very existence of the universe. These pieces of evidence "can only be explained in the light of an Intelligence that explains both its own existence and that of the world" (155). But these newly mentioned wonders of the world are of the same type as those already cited in the old argument from design. Flew does not pinpoint *how* he went wrong in previously accepting some and rejecting others of the old arguments about God, nor does he say why he might have changed the weighting accorded to some arguments over others.

What is gained by violating Occam's razor and postulating an Intelligence that mysteriously explains itself? Who, then, created that Intelligence, and so on in an infinite regress? What supposed findings of science point, in particular, to an entity possessing the scarcely mutually consistent characteristics of the Judeo-Christian-Islamic God? It is ironic to cite the still unexplained wonders of reality as grounds for accepting a particular explanation of them. It is a *non*explanation, actually, for vague words about some sort of "ultimate Source" or "infinitely intelligent Mind" explain nothing. It is particularly ironic when the very science that Flew now invokes continues to push back our ignorance of the wonders that impress him and the rest of us. Possibly God (or whatever the best term might be) is intermingled or identical with all the laws and matter-energy of the universe, as pantheism holds. Anyway, it seems irreverent toward our wondrous universe and the challenges facing science to claim easy insight into what they are and how they originated.

Flew paws away at the problem of evil, invoking the old free-will excuse for God. He tries to explain away only human wickedness, quite ignoring natural disasters, painful diseases, and what Tennyson called "Nature, red in tooth and claw."

What is gained by violating Occam's razor and postulating an Intelligence that mysteriously explains itself?

Flew himself recognizes the legitimacy of asking why people some-

times accept dubious doctrines ("God and Philosophy," p. 80, 181–90) or, one might add, curiously change their minds. He distinguishes between two senses of reason for believing something: reason as *grounds* (evidence and argument) and reason as *motive*. Was Stalin Lenin's right-hand man in the revolution of 1917? Historical evidence says not; but during Stalin's tyranny, his subjects had a reason — a motive, prudence — for accepting his claim anyway. Similarly, some people once did and perhaps still do try to believe in Christian doctrines because of the prudential motive of Pascal's Wager.

Flew's own conversion, however, appears not to be a case of prudently "cramming for the finals" (as a believer here in Auburn, Ala., urged an aging atheist to do). Flew is not taking out Pascal's insurance against there being a vengeful God who would terribly punish unbelief; for he says that, as before, he still does not believe in life after death.

I suggest a variant of Flew's second sense of reason — reason as motive — for holding an implausible belief: facts about the believer himself or his life. Flew may have already lost serious interest in theological issues decades ago, as at least one episode suggests. Yet curiously, he now expresses satisfaction (67) at the thousands who attended "The Warren-Flew Debate on the Existence of God" at North Texas State University, Denton, Texas, Sept. 20–23, 1976. This debate provides the exception, noted above, to my admiration for Flew's earlier work. To judge from the transcript, which I happened to read and take notes on years ago, Flew gave a sloppy performance, as if he did not consider his opponent and his audience worthy of much preparation. He waived options to use visual materials and to address written questions to his opponent. On the other hand, Dr. Thomas Warren, a Church of Christ minister (who appeared to reject evolution and accept creationism), did exploit these options and did submit questions, to which Flew responded lamely. Flew passed up opportunities to expose Warren's debating tricks, including pretentious but flawed formal logic. He wandered, dragging in bits of irrelevant and questionable erudition. No wonder that National Christian Press decided to publish the book (Jonesboro, Ark., 1977).

As this 1976 episode suggests, inattention or forgetfulness might enter into explaining belief. Alluding to critics' references to his "advanced age," Flew himself implies (2) his being the target of *argumentum ad hominem*. He was born on Feb. 11, 1923. In the interest of full disclosure, I should confess to being within two years as old as he.

I also confess to reading Mark Oppenheimer's largely biographical diagnosis of Flew, "The Turning of an Atheist," New York Times Magazine, Nov. 4, 2007.*

Other articles about Flew's recent life and associations include Mark Stuertz, "God in the Details," Dallas Observer News, May 3, 2007,† and Richard Carrier, "Antony Flew Considers God . . . Sort Of," The Secular Web Kiosk, 2004, with updates as recent as November 2007.‡

Despite these articles, I have until now respected the polite convention that Flew wrote his new book. He acknowledges writing "with" a coauthor, which is a standard sign of ghostwriting to some extent. (Another sign of unprofessionalism in a supposedly serious book is lack of an index.)

*http://www.nytimes.com/2007/11/04/magazine/04Flew-t.html

†http://www.dallasobserver.com/2007-05-03/news/god-in-the-details/full

‡http://www.secweb.org/index.aspx?action=viewAsset&id=369

According to internet sources, Flew's collaborator, Roy Abraham Varghese, is a technical consultant who has a hobby of running a religious think tank and writing pro-Christian books. He wrote the 18-page preface and also Appendix A, a critique of the "new atheism" of five recent authors.

Flew says that, as before, he does not believe in life after death.

In Appendix B, Bishop N.T. Wright, a New Testament scholar, explains God's self-revelation through Jesus. An introduction to it in Flew's name says that "the Christian religion is the one religion that most clearly deserves to be honored and respected, whether or not its claim to be a divine revelation is true."

Further evidence on who wrote what could be found, I suppose, by statistical study of Flew's and Varghese's writing styles in their current and previous works.

A few religionists of dubious intellectual integrity have apparently latched onto Flew's academic fame and reputation for their own purposes, sullying his career toward its end. That is why I called the book a tragedy. ❑

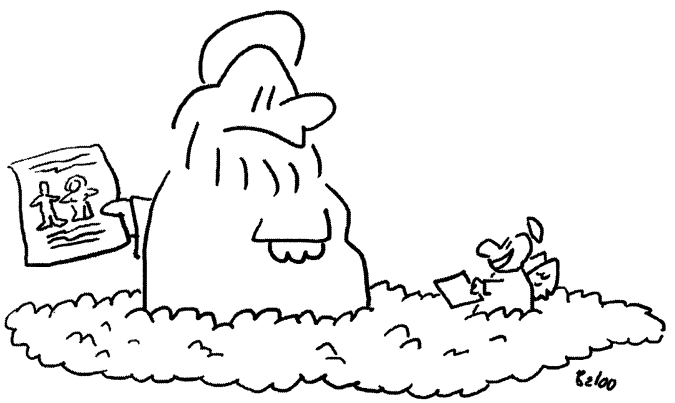

"I found a way to save a bundle on this project — we can recycle 98% of the chimp DNA!"

Medianotes

Not at all — A new play by Mark Twain? Hasn't he been dead for nearly a century? Well, yes. But "Is He Dead?" (directed by Michael Blakemore; Lyceum Theater, Broadway) is indeed a new play by America's original humorist, rediscovered in a UC Berkeley filing cabinet five years ago by Twain scholar Shelley Fisher Fishkin and adapted for Broadway by playwright David Ives. The play is based loosely on real-life artist Jean-Francois Millet ("The Gleaners," "The Angelus") whose works enjoyed a bidding frenzy after his death.

Starring Tony winner Norbert Leo Butz as the starving artist whose friends and colleagues are about to be thrown to the wolves by a dastardly landlord, this play combines the best of melodrama and farce, including mistaken identities, unrequited love, bawdy humor, a coffin in the parlor, and a lead character in drag.

When a potential customer withdraws his offer to purchase one of Millet's paintings after learning that the artist is still alive, Millet and his friends concoct a plan to stage his terminal illness and eventual death in order to drive his prices up. Butz consequently appears in most of the play as his "twin sister" Daisy Tillou, who is comforted by Millet's grieving girlfriend and courted by both the dastardly landlord and the father of his girlfriend. Yes, mayhem ensues.

A picketer proclaiming "abortion is murder" does not sway Juno, but the information that her 12-week-old fetus already has fingernails does.

Pacing and confusion are everything in farce; good farce is not so much directed as choreographed. Even the funniest script will fall flat if the production does not gather speed and energy as the play progresses — and this is not the funniest script. Fortunately, however, the timing of Michael Blakemore's direction is close to perfect. At the play's climax Butz has stashed 2 suitors, 2 girlfriends, 3 royal visitors, and a police inspector in various side rooms, with satisfyingly frenetic opening and slamming of doors as he tries to keep each from learning about the other. Butz, who proved in "Dirty Rotten Scoundrels" that he will stop at nothing for a good laugh, leads an excellent cast.

Bankrupt and worried about his own legacy when he wrote this play in 1898, Twain would probably be pleased to see the box office receipts of this production, whose biggest draw is the fame of its dead playwright. See it while the original cast is still in the production.

— Jo Ann Skousen

Surprised by charm — At Christmas my 9-year-old daughter, Kate, told me that she very much wanted to see three movies: "The Water Horse," "The Golden Compass," and "Enchanted." Being interested in cryptozoology, I was keen on "The Water Horse." "The Golden Compass" looked promising, filled with drama and action. The prospect of seeing "Enchanted," however, left me rather cold; Disney, I'm afraid, just doesn't agree with me. I had it in mind to let her mother or an auntie take her to that one.

While on a trip to Boston a few days later, I proposed to Kate that we take in a movie. She chose "Enchanted" (directed by Kevin Lima; Disney, 2007, 107 minutes). Resigned to 90-plus minutes of ennui, I put down 16 bucks for the matinee.

What I saw was a charming story full of drollery and whimsy, with a bit of self-parody thrown in. And there was no need to visit the concession stand, for a delicious piece of eye candy (Amy Adams) filled the screen.

This is Ms. Adams' movie. We see her first as an animated character, a fairy princess-to-be named Giselle, who is pushed down a well at the behest of a jealous virago (Susan Sarandon), the stepmother of the fairyland's handsome but dim prince. She emerges (now in the flesh) in Times Square, where she falls into the arms of Robert, a lawyer and single dad (nicely underplayed by Patrick Dempsey). The evolving relationship between the two requires multiple suspensions of disbelief — but there's too much fun along the way for us to care.

Two musical numbers, both superbly choreographed and one containing some nice animation to boot, put the movie into overdrive. It rarely slows down from there, and when it does, one simply switches to feasting one's eyes on the lovely Ms. Adams.

A love triangle develops between Robert, Giselle, and her prince (James Marsden), who like her is transformed from cartoon to flesh by traveling down the well to New York. A further complication is the presence of Robert's fiancée (Idina Menzel). All is resolved in an utterly over-the-top conclusion involving a costume ball, Ms. Sarandon as a dragon, and a scene reminiscent of the climax of "King Kong." But no matter. Love triumphs as it should, and everyone (except the dragon) lives, we must presume, happily ever after.

Of particular note is the film's subtle send-up of Disney movies in general, and "Snow White and the Seven Dwarves" in particular. For a Disneyphobe like me, this made the movie easier to take. The wonderful performance of Ms. Adams did the rest.

"Enchanted" is fine for children as young as seven. It should not be underrated as a date movie. The guy who takes his girl to it will score high on both the romance and sensitivity scales, and is likely to receive an appropriate reward.

— Jon Harrison

Blueprint for tough situations — "Juno" (directed by Jason Reitman; Fox Searchlight, 2007, 96 minutes), a film about a 16-year-old girl who must decide what to do when she

becomes pregnant, is timely and topical. More importantly, however, the film is witty, engaging, and emotionally moving without being preachy or political.

The film opens with Juno (Ellen Page) taking her third home pregnancy test of the day, hoping each time that the results of the previous tests have been wrong. Typical of a 16-year-old, when the truth of the pink plus sets in, she turns first to her friends rather than to her parents for advice and heads for the most convenient solution, the local abortion clinic. A picketer in front of the clinic proclaiming "abortion is murder" does not sway her, but the information that her 12-week-old fetus already has fingernails does. She flees the clinic and turns to the next best option: the classified ads in the PennySaver. There, next to ads for puppies and cockatoos, she finds a couple (Jason Bateman and Jennifer Garner) seeking to adopt a baby.

When Juno finally tells her parents (J.K. Simmons and the marvelous Allison Janney) about her pregnancy, they react wonderfully — surprised, yes, and dismayed, but without anger or recrimination. Like the rest of the film, the scene is witty, the comic timing spot on, the undercurrent of affection solid. They listen to her plans and support her decision, as good parents in a bad situation should do. On occasion I have had college students come to me with serious problems, including two who were pregnant and one who had AIDS. Each time I urged them to tell their parents, and each time they were amazed to discover how supportive, loving, and nonjudgmental their parents turned out to be. This film is a blueprint for how to handle a tough situation.

I also appreciate the film's liberal approach to choosing an adoptive family, challenging the idea that adoptive parents must be icons of "wholesome spirituality." Why should adoptive parents be held to a higher standard of perfection than natural parents are? Juno is edgy, creative, and musical, and she lives with her father and stepmother. She wants parents for her child who are also edgy and creative, and is drawn to the adoptive father's interest in alternative music and campy horror movies.

The film also challenges the current trend of open adoptions, whereby the natural mother maintains an interest and connection with the child. "I'd be happy to just pop the thing out and hand it to you right now," she tells the adoptive parents when they suggest she might want letters and pictures throughout the child's life. Juno recognizes that she is merely the conduit, and they are the parents. Still, no matter how logical and practical the decision is to give a child up for adoption, it is the hardest one a girl will ever make. I was touched by Juno's father's words of

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comfort in the delivery room: "You'll be here again someday, on your own terms."

Despite all the wise decisions and sensitive parenting portrayed in this film, it is not likely to be embraced by the Religious Right. The casual conversations about sex, full of crude slang, are off-putting at first, and the sardonic, wisecracking personality of the title character seems more appropriate to a worldly college student than a high school junior who has gotten pregnant from her first sexual encounter. And that's a shame, because once you get past the casual vulgarity of the first ten minutes, the film settles into becoming a gem. We've had enough glorification of single parenting; Juno is a sparkling, savvy, self-assured, and noble role model whose footsteps are well worth following. — Jo Ann Skousen

Aiming for redemption —

Theologically, the word "atonement" is often separated into its parts — at-one-ment — in order to demonstrate that the concept means to become united (at one) with God. But this handy wordplay oversimplifies the mystical concept of atonement by focusing on the outcome rather than the process of becoming whole again. It trivializes the oft-painful relationship between transgression and the search for solace, and overlooks the transgressor's role in trying to make amends for an injury that may be beyond repair.

In the film "Atonement" (directed by Joe Wright; Working Title Films/ Universal, 2007, 123 minutes), young Briony Tallis (Saoirse Ronan), who fancies herself a writer, happens to see a series of events between her older sister Cecilia (Keira Knightley) and Robbie Turner (James McAvoy), a man on whom Briony has an adolescent crush. Motivated by jealousy, confusion, and an overactive imagination, she accuses Robbie of rape. Once an aspiring doctor, Robbie is sent to prison and from there to the front lines of World War II; Cecilia leaves home; Briony abandons her opportunity for college to become a nurse; and both families are irreparably shattered.

Occasionally the story is hard to follow, especially in the war scenes and in an odd conversation between the older Briony (Romola Garai) and a wounded French soldier. I suspect that these are areas where the story was streamlined in the interest of time, and that reading the book by Ian McEwan on which the film is based would clear up the confusion.

All of the actors perform well, the way one expects actors to perform in a British period film. Vanessa Redgrave delivers a knockout performance that seems to have come from deep within her own regrets over past transgressions. But it is the often unsung artists, led by supervising art director Ian Bailie, who make this film soar.

Like many period pieces, "Atonement" begins slowly, luxuriating in the gorgeous north England setting and the handsomely appointed country mansion — castle, really — where the Tallis family resides. A film based on bringing a secret to light, "Atonement" is exquisitely lit, both in its interior and exterior scenes. Camera angles and panoramas seem to have been meticulously planned and executed (by cinematographer Seamus McGarvey), adding to the mystique of the story, which is often told and then told again, first from the incomplete perspective of the naive and imaginative eyewitness and then backing up to fill in details that exonerate the young lovers.

Perhaps the most creative artistry is the lush, romantic soundtrack by Dario Marionelli, who incorporates the story into his music in imaginative ways. As the film opens he turns Briony's typewriter into a percussive instrument, returning to its motif throughout the film. When a distraught Mrs. Turner (Brenda Blethyn) pounds on the police car that is taking her son Robbie to jail, Marionelli uses her pounding to form the driving rhythm of the music. During one orchestral passage a harmonica is highlighted, just before we see a soldier in the distance, playing the harmonica. In another, a piano key is struck repeatedly, ending with a "plunk" as a petulant Briony pulls the string of the family piano. Each intrusion is an unexpected delight, drawing attention to the music without distracting from the film.

As a nurse five years later, Briony seems determined to atone for her sin of false witness by caring for the wounded soldiers who are shipped back to London. Their shattered bodies stand in for the lives she has shattered. Musically the typewriter motif begins to sound like bullets, metaphorically communicating that words are weapons that can wound and even kill. The ending is a powerful statement about atonement — reparation, making amends, seeking wholeness and at-one-ment when the injured party has been broken beyond repair.

— Jo Ann Skousen

Letters, *from page 42*

discussions about the film (and all his films for that matter) are open to many interpretations wherein one often does not make another one wrong. For me, Vanessa Redgrave's character's visit to the apartment to steal the film is evidence enough that there was foul play in the park and if David Hemmings' photographer was not passive he could have still gone to the police after the film was stolen. To a large degree, I saw the film as thriller that never gets going. Put differently, for me the tree did fall, now what?

In Passing

Mark Rand I wasn't aware you had any interest in politics or knowledge. I sometimes read the rag at a Borders or B&N store. Not worth the $4.00 although I did enjoy the Kennedy article by Harrison ("The Continuing Story of the Kennedys," November 2007).

Richard Villar
Topeka, Kan.

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Send email to:

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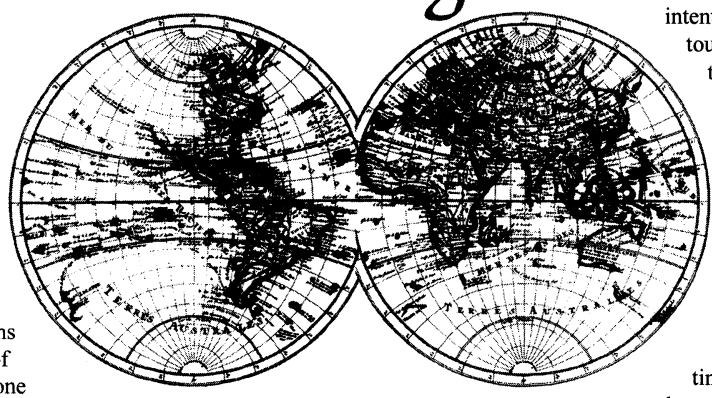

New Zealand

Middle Earth says "No fat chicks," according to the *Daily Mail:*

A British woman planning to start a new life with her husband in New Zealand has been banned from entering the country because she is too fat.

Rowan Trezise, 33, has been left behind in England while her husband Richie, 35, has already made the move down under leaving her desperately trying to lose weight. When the couple first tried to gain entry to the country they were told that they were both overweight and were a potential burden on the health care system.

St. Charles, Mo.

Movement toward a more family-friendly saloon, detailed in the *Tulsa World:*

The town of St. Charles is considering a bill that would ban swearing in bars, along with table-dancing, drinking contests, and profane music. City officials contend the bill is needed to keep rowdy crowds under control because the historic downtown area gets a little too lively on some nights.

Eretz Yisrael

Mitzvot minus one, noted in the *Jerusalem Post:*

A group of Israeli environmentalists encouraged Jews around the world to light at least one less candle this past Hanukkah to help the environment. The founders of the Green Hanukkah campaign found that every candle that burns completely produces 15 grams of carbon dioxide. If an estimated one million Israeli households light for eight days, they said, it would do significant damage to the atmosphere.

"The campaign calls for Jews around the world to save the last candle and save the planet, so we won't need another miracle," said Liad Ortar, the campaign's cofounder.

North Pole

Diktats for Saint Nick, rounded up by the *Boston Herald:*

America's top doc has said that Santa Claus should slim down. "It is really important that the people who kids look up to as role models are in good shape, eating well and getting exercise. It is absolutely critical," acting U.S. Surgeon General Rear Adm. Steven K. Galson said in an interview after a presentation on obesity at the Boston Children's Museum.

The Amalgamated Order of Real Bearded Santas agrees with the acting surgeon general that Santa is just too fat. The organization has suggested its 800 members lose weight in time for its July convention to "set an example."

Donna Rheaume, spokeswoman for the Massachusetts Department of Public Health, added: "We would recommend people leave [Santa] healthier snacks like a nice apple or carrot and celery sticks, which have an added benefit because they are tasty for his reindeer, too."

Monroe, Wash.

Innovation in criminal rehabilitation, noted in the *Seattle Post-Intelligencer:*

As they lie in their 12-by-8 foot cells, gazing up through narrow windows at a tiny slice of sky, the criminals in solitary confinement at Monroe Correctional Complex, the state's largest prison, will be using low-energy lights to read by and collected rainwater to flush their toilets.

Theirs is to be the first prison unit in the state to be certified as "green" by the U.S. Green Building Council, and officials at the Department of Corrections believe it may be the first such cellblock in the nation.

Delta, Colo.

Lamentable outbreak of negative campaigning, detailed in the *Denver Post:*

A Delta school board candidate says he still plans to run for office after an anonymous letter to the district revealed he was a registered sex offender.

Dale Haag said he was convicted in 1987 of misdemeanor assault with intent to commit sexual abuse after he touched a 19-year-old developmentally disabled woman at a Doon, Iowa group home. "I pinched her in the boob and patted her on the butt. It was a flirtatious situation. She knew what she was doing," Haag said. "It was blown way out of proportion."

The case was marginal against him at the time, he said. It was overblown because at the time he was on parole for first-degree manslaughter after he set a fire at a halfway house that killed two women.

Haag said the release of information is suspicious. "It's like [my opponent] had this little thing in his back pocket and he's using it now to blow me out of the water," he said. "I'll tell you up front, I've got zero to hide."

Minneapolis, Minn.

New tourist attraction in the Land of 10,000 Lakes, from the *Minneapolis Star-Tribune:*

When tourists ask for the bathroom in the Minneapolis airport lately, it's usually not because they have to go. It's because they want to see the stall made famous by Sen. Larry Craig's arrest in a sex sting.

Karen Evans, information specialist at the Minneapolis-St. Paul International Airport, said she had been asked directions to the new tourist attraction four times. "People are taking pictures," she said.

On their way to Guatemala, Jon and Sally Westby of Minneapolis made a visit. "We had to just stop and check out the bathroom," Sally said. "In fact, it's Jon's second time — he was here last week already."

Special thanks to Russell Garrard and Bart Cooper for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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Inside Liberty

April 2008
Volume 22, Number 3

4 Letters Good point, but . . .

7 Reflections We push junk bonds, confiscate junk food, christen a new sex organ, empower welfare recipients, give the candidates what they really want, study a society of almost-sentient upright bipeds, expose the most corrupt corporation, and search for WMD's.

19 Have Cat, Shot Cat *Stephen Cox* shows what happens when tigers attack.

Features

21 PFY vs. RP: Is There a Racist in the House? Ron Paul, the libertarian in the presidential race, was the subject of a political scandal. *Bruce Ramsey* assesses the damage.

25 The Films of Ayn Rand How does an individualist handle an art form in which collaboration is essential? *Stephen Cox* examines the movie career of Ayn Rand.

32 I Married an Alien *Sandy Pierre* finds that bringing an alien into your home isn't exactly like it is in the movies.

35 Gun Control: The Logical Fallacy Come, says *Eric Neigher;* let us reason together. Is there any *logical* reason to grab those guns?

Reviews

39 Prelude to Disaster You don't have to be a conspiracy theorist, *Jon Harrison* discovers, to be troubled by the missteps that allowed 9/11 to happen.

42 Death by Environmentalism "Good intentions," *Gary Jason* shows, can be a very bad guide.

44 Liberty and Inequality *Bruce Ramsey* is cheered by America's inequality.

46 The Oscars That Should Have Been As *Jo Ann Skousen* shows, what's past is prologue — to your DVD.

51 Docs Rock at Sundance '08 The Sundance Festival is a counter-culture, central-culture celebration. *Hayley Skousen* takes in the atmosphere of America's foremost film festival.

53 Blood for Oil *Jo Ann Skousen* watches the diatribe of a left-wing novelist transformed into an unwilling tribute to capitalism.

54 Fixer Upper Blackmail, murder, and mental breakdown: *Jo Ann Skousen* visits the world of a corporate clean-up man.

47 Notes on Contributors The last line of offense.

55 Terra Incognita Life in the bush of ghosts.

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Letters

Re-review

I appreciate very much your making room in your pages for a review of "Libertarianism, For and Against" ("Your Liberty, My Liberty," Jan.–Feb.) of which I am coauthor. Much of the review was on target but some of it pertaining to my contribution to the book was confused — for example, I did not defend libertarianism from a Kantian position (certainly I didn't invoke Kant anywhere) but a neo-Aristotelian, Lockean, Randian one.

The idea that one must either present a consequentialist-utilitarian defense of libertarianism or a Kantian one is totally alien to how I have approached normative matters throughout my writing — one need but consider "Classical Individualism" (Routledge, 1998) as a clear case in point. There are many others who would not fit within either one of those two meta-ethical schools.

But I suppose few people whose works are reviewed are ever fully satisfied with how they are being read by the reviewer.

Tibor Machan
Silverado, CA

Five-A-Side

In his review of "Libertarianism: For and Against," Gary Jason finds five points on which Tibor Machan's case for libertarianism is "shaky." Let me try to shore up those points.

Point 1: Machan's case is "too skinny" to allow a society to survive in the real world. Answer: Raw, theoretical libertarianism doesn't acknowledge well the power of competition between nations as a positive force. The United States is doubly blessed to have internal states that compete with each other to attract quality citizens and corporations.

Point 2: Dignity of rational agents and natural rights are stated as the basis for libertarianism, but they are also used by some as the basis for modern statist liberalism. And Point 5: Machan believes in freedom of the will, but what happens if we do not, in fact, have free will? Answers: Individualism is a physical fact. Our minds have no physical connection with other minds, and any apparent groupthinking we do is a voluntary performance. Free will is also a physical fact, caused by the fractal chemistry of our brains. The revolution of fractal mathematics made it no longer necessary to determine if noncausal randomness truly exists in the universe — complex, fractal systems are not distinguishable from random ones. Therefore, we are free-willed individuals who are best served by a society that allows us to be free and individual, and exacts only a small, limited by contract, portion of our freedoms to empower a government.

Point 3: What does a libertarian do about orphaned children? Answer: Any society that survives protects its children — by custom, by charity, and, as a last resort, by law and government power. Difference is, the family is the basic unit of a free society, while the government is the first cause in the collective society, with family members relegated to mere agents of enforcement of the collective will. Note that the last resort to government power in the case of the protection of children does not necessarily apply to adults who are poor, aged, infirm, irrational, or insane. A free adult has to be responsible for his own path through life.

Point 4: A real estate tycoon, as an example, is not an independent creator of wealth. He depends on civil servants like police, firefighters, street and water departments to provide value to property, and therefore should split acquired wealth with them and let them drive the train sometimes. Answer: By

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constitution we agree not to put our collective hands into others' pockets. As long as the jobs of tycoon and police officer are open to all, there is no injustice here. If too many police officers leave their jobs to become tycoons, then the government raises the salaries of police officers and lures some of them back. In my town, large numbers of people have nicer houses and cars than I do. More power to them. Begrudging them their successes would not be an act of an innate desire for "equality," but a revelation of envy.

Tom Jaquish
Fort Wayne, IN

Charity at Gunpoint

Gary Jason's review of "Libertarianism: For and Against" is a good summary of the arguments of Machan and Duncan. In his own criticism of libertarian positions, however, he hits upon the essential moral question: can the end, no matter how desirable and even noble it might be, justify the means of government coercion? He asks, "What does a libertarian do about orphaned children?" And further: if there was a shortfall in private charity, "Can the state not act?" He seems to say that somehow the answer is yes.

To these questions, a libertarian or anyone else can do whatever he feels is appropriate regarding orphaned children or any other cause, *except* use the coercion of the state to force the fruits of someone else's labor into his particular cause, be it orphaned children or any of the other million or so justifications statist planners use for their "programs." When the state "acts," by its nature, it does the only thing it can do. It points guns and uses coercion.

It should be noted that in the real world this "starving children" argument fades to irrelevancy. In a society where the total tax load approaches 50% (in my country, Canada, it's well over that), there are still thousands upon thousands of charitable organizations that routinely raise millions of dollars for all manner of causes. Does anyone seriously believe that, left to our own voluntary action, and left with some of our own money after the taxman is through with us, we would let orphans starve in the streets? That in order to prevent such an occurrence we require the guns of government pointed at us? I find that argument more than a little bit offensive.

Paul Mollon
Owen Sound, ON

Jason responds: I thank Professor Machan for his remarks about my review of his recent book. Regarding my comment about Kantianism, I used that label in response to Machan's appeal (at various points) to respect for the dignity of autonomous agents as part of his defense of libertarianism. That strikes me as quintessentially Kantian in tone. But I understand that Machan favors the neo-Aristotelian and Lockean approaches (looking at what leads to the flourishing of the individual and the natural rights of individuals).

I certainly do not believe that the utilitarian and Kantian perspectives are the only perspectives in ethics generally, or the only ones of use in exploring the foundations of libertarianism. Indeed, I explicitly said that while the perspectives that have traditionally been so employed have been egoism, utilitarianism, and natural rights theory, other perspectives can be employed as well. These include virtue ethics, existentialist act deontologism, Christian act deontologism (agapism), and Rossian multiple-rule deontologism.

Mr. Jaquish's points to shore up libertarianism's basis are worth reflecting upon. Granted, competition between nation-states is often positive. But often it isn't, as (say) when some nation allows its citizens to financially and technically support terrorists attempting to get a nuclear bomb, who are in turn permitted by a second country to operate in its territory, resulting in a threat to your own country. It is hard to see how a strict principle of never initiating force unless first attacked will allow a response that will prevent a devastating attack, one that would likely bring down the nation.

I'm not sure that pointing out that chaotic-fractal systems are unpredictable and so appear to be uncaused helps much. This reminds me of the claim made by some of the physicists who first devised quantum theory that it "saved" freedom of choice, because under the standard interpretation of the theory, microphysical events are inherently probabilistic, not deterministic. So, for example, we can say of a certain collection of atoms of a fissionable metal that half will spontaneously decay in a certain length of time, but we cannot — even if we have all possible relevant knowledge — say of a given atom precisely when it will decay. Under this view, God plays dice with the universe, as Einstein famously put it.

It is hard to see how either true noncausal randomness (or even merely the chaotic unpredictability) of a system helps explain free will. First, the brain

I hate to bring bitterness into this space, but it was only a matter of time before I grew bitter about the current presidential campaign. Of course it's all nonsense, like getting bitter about Homer Simpson's drinking habits. Nevertheless, something finally got to me: the constant blather from the Obama campaign about "hope" and how he's the candidate of "hope" and what America needs is "hope."

Maybe Obama's Hollywood contributors are hoping for a few more millions in salaries and dividends — or some second-hand self-respect, which they *hope* to get from him. Or maybe "hope" is just a four-letter word, signifying nothing but bitterness about whatever it is that you thought you should have had. In any event, I'm sick of it. I remember when (Bill) Clinton was the Man from Hope. Give me a break. Can you imagine a cheesier presidential platform — "I will give you hope"?

Suppose one of your friends said, "I'm here to give you hope"? What would you say? I know what I'd say: "I *hope* you're going to turn up for dinner at 7 p.m. next Thursday, instead of 8:30, the way you usually do. That is my *hope* for you."

Well, so much for the presidential campaign. This issue of Liberty comes, not to give you *hope*, but to give you something to enjoy *right now*. I don't *hope* that you'll enjoy it; I am *sure* you will.

For Liberty,

Stephen Cox

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doesn't seem to be a fractal system, or one driven by random microphysical events. Second, supposing it were such a system, how does that "save" free will? If my "choices" are just the spontaneous, uncaused or at least the chaotically unpredictable cascade of neural firings, in what sense is my action free — meaning traditionally that I was truly aware of (knew) what I was doing and could have done otherwise?

My point was simply to suggest that requiring that we accept contracausal (or even chaotically unpredictable) free will before we can argue for a minimal state seems to saddle libertarian political philosophy with a heavy (and in my view unnecessary) weight, indeed.

The point above ties in with my response to Jaquish's claim that "the last resort to government power in the case of the protection of children does not necessarily apply to adults who are poor, aged, infirm, irrational, or insane. A free adult has to be responsible for his own path through life." First, Jaquish is conceding what I'm not sure Machan would, that in the case where private charity for orphaned children is inadequate (a case which all libertarians agree is not descriptive of America at least through most of its history), it would be legitimate for the government to do the job. Second, is a demented or insane person really "free?" For example, is a person afflicted with very advanced Alzheimer's disease really responsible for his choices? Maybe in the sense of having fractal neural cascades in the brain tissue, but hardly in the traditional sense of free will.

Finally, the point I was making regarding the role of government in (say) the wealth of a real estate tycoon was that it is hard to disaggregate the contribution of personal and governmental action to the tycoon's wealth. I merely pointed out that Machan didn't really reply to this point made by Duncan. However, I also pointed out that the same point could be raised against Duncan's statist liberalism as well, because while the government contributes to the tycoon's ability to increase his wealth, it also hinders that ability as well.

I certainly agree with Mr. Mollon that no orphans are starving or apt to starve in modern industrial economies, because such free-market economies produce wealth sufficient for charity to happen naturally. And I couldn't agree more that we are overtaxed, and that contemporary statist planners use the "starving baby argument" to commit much mischief.

But philosophy involves pushing views to extremes — conducting thought experiments — to test for consistency and robust explanatory power. Suppose that there were a hypothetical situation in which charity was not sufficient to save an orphan. Mollon says that even then, the state cannot coerce the citizens to save the child, even to the extent of taking a small amount of money from each. An uncompromising stance, indeed — and one I question.

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Reflections

The schoolmaster vs. the nanny — A race between McCain and Hillary in November can be compared to a showdown between a stern schoolmaster who preaches pain, sacrifice, and discipline and a smothering nanny who promises endless and all-knowing love. Whether we want it or not.

To put this in another way, McCain leans in the direction of George Orwell's bleak and austere "1984," while Hillary prefers to give us a variant of Aldous Huxley's softer, more self-indulgent "Brave New World." — David Beito

Deceptive vacuity — It is puzzling how seldom TV pundits expose the vacuity of "change" as a political platform. Everyone wants change of some sort or other, but many of the desired changes clash. Do pundits and politicians really think that voters are too dense to recognize deceptive ambiguity when they meet it? (Possibly they are, which would be a sad commentary on democracy.

— Leland Yeager

Treasury junk bonds — Amidst the grand hoopla that is the current election campaign, a recent report in the Financial Times of London (Jan. 11) went largely unnoticed in the American press.

Moody's, the independent bond-rating company, announced in its annual report on the U.S. that America is in danger of losing its triple-A rating, because of rapidly rising entitlement spending — specifically, rising Medicare, Medicaid, and Social Security costs.

These entitlement programs, which together consumed 25% of the U.S. budget in 1975, are now consuming 45% — and the boomers are only now beginning to retire. The next ten years will see the tsunami of boomer retirees demand their entitlement goodies.

However, despite warnings by Congressional Budget Office chief Peter Orszag and Comptroller General David Walker that these entitlement programs are about to explode, most of the candidates have been promising to expand health care to cover the 40 million said to be uninsured. All of this makes it likely that U.S. Treasury notes will be junk bonds in the not too distant future. — Gary Jason

Counter-programming — I was going to do a complete analysis of the rhetoric and political effects of conservative talk radio hosts and the three stooges — Limbaugh, Hannity, and O'Reilly — who lead their way. They seem to be on everyone's mind lately. They don't like McCain.

But one thought trumped all that: They're counter-programming. They *want* Hillary Clinton to be president. Four years of her warmed-over, takes-a-village pabulum will be red meat for their listeners.

— Jim Walsh

Don't want no fat people — I thought Mike Huckabee was a bad Republican because (among other things) his anti-obesity crusade involved sending report cards home telling parents their kids are fat. But every time you think the Republicans can't get any worse, they do. A few miles southeast of Little Rock, Rep. W.T. Mayhall Jr. has introduced a bill in the Mississippi legislature to bar restaurants from serving food to obese people. This is what it says:

> Any food establishment to which this section applies shall not be allowed to serve food to any person who is obese, based on criteria prescribed by the State Department of Health after consultation with the Mississippi Council on Obesity Prevention and Management.

As a writer for the New Republic — no doubt a Yankee — noted, this law would surely devastate the Mississippi restaurant business. Mayhall's bill isn't likely to pass but it had two co-sponsors, another Republican and a Democrat. And, you know, it did occur to me: there are laws prohibiting bars from serving alcohol to the drunk, so why not prohibit restaurants from serving food to the fat?

The difference in the two laws is clear and fundamental.

Drunks might endanger the rest of us on the roads. Fat people are only endangering themselves. How much I drink may be a matter of public concern, if I'm using roads that other people drive on. How much I eat is nobody's business but my own.

Americans used to understand distinctions like that. Barry Goldwater, the man who turned Mississippi into a Republican state, warned, "A government big enough to give you all you want is big enough to take away all you have."

And that's what we see here. Mayhall cites the costs that obese people impose on the taxpayers through the Medicaid system. Barry would understand: you create a government health care system, and sooner or later the government is not only going to ration care, it's going to try to regulate people's lives to hold down costs. Barry just wouldn't have predicted that it would be the Republicans who would try to interpose the government between a man and his fried chicken.

— David Boaz

A bunch of buttinskis — On January 25, the Federal Communications Commission proposed that a $1.4 million fine be levied on 52 television stations owned by or affiliated with ABC. Seems that back in 2003 the aforesaid stations broadcast an episode of the show "NYPD Blue," in which a woman's bare buttocks were displayed.

The FCC found this indecent, because it depicted "sexual organs and excretory organs" in a "patently offensive way." Moreover, the bare arse was shown before 10 p.m., which means that it could have traumatized untold numbers of kiddies who had not yet gone to bed.

ABC, attempting to rebut (sorry) the FCC, argued, "The buttocks are not a sexual organ." That ABC could have made such a claim with a straight face is remarkable. The network is owned by Disney, after all. The FCC, in any case, was not persuaded.

Yes, folks, these are adults who are arguing about some cheeks on display in prime time. And yes, people drawing a federal paycheck have spent four years determining that those who revealed those cheeks to the American viewing public should cough up no less than $1.4 million for doing so. It seems to me that the real ass is the FCC. — Jon Harrison

Benazir: a corrupt legacy — It is worth revisiting some of the YouTube clippings of Benazir Bhutto's rallies and putting yourself in her place. How long could you endure those sickeningly adulating crowds, with all their associated expectations? How long would it be before you decided to run away, calling it quits, as did the Messiah in Richard Bach's "Illusions"? Or would your instinct be just to puke profusely, ensuring that the very last bit in your stomach was out?

So what must Bhutto have been like, in view of the fact that she actually returned from London to be with such crowds, leaving her children behind? So overpowering was her need to be even closer to the crowd that she put her head out of the car, and had it blown away.

Trying to understand Bhutto, it is unavoidable to compare her with Musharraf. It is unavoidable to reflect on her achievements and wonder if she was a product of anything but dynastic rule. It is unavoidable to wonder what kind of people her immediate family must have been, when both her brothers died under unnatural circumstances, and her father was hanged. Were they martyrs or simply people with the psychology of the speeding teenager, who at some level considers himself invincible? It is unavoidable to wonder why in a country where women have an extremely low status, as has been the case with India, Bangladesh, and Sri Lanka, a woman should be elected prime minister.

Benazir's father, Zulfikar Ali Bhutto, is considered by many to have been the most corrupt person to lead Pakistan. Accused of killing a political opponent, he was hanged in 1979. Benazir was to become Pakistan's prime minister twice, in 1988 and 1993. On both occasions, she was removed from power for alleged corruption and extra-judicial killings (including that of her own brother, Mustaza). Her husband was widely known as the 10% man, for the cut he allegedly collected as bribes. Benazir went into self-imposed exile in 1998 to return only recently after Musharraf granted her amnesty from charges. The move was perhaps made possible by the ever-interfering America — making one wonder how responsible America must be in subsidizing corruption and spinelessness around the world.

When Benazir was in power, she did nothing that could have improved the lot of the Pakistani minorities and women or put a leash on increasing fundamentalism in Pakistan. Her sole interest during those days was apparently to make as much money as possible through her husband, while resolutely sticking to power. One must wonder what makes political leaders so utterly greedy. What is the use of stashing away billions and billions that one can never need or even have an opportunity to use? It could only be a mixture of deep-rooted sense of inadequacy and insecurity, a search for means to avoid the reality of mortal existence. And more fundamentally, of course, the corrupt practices of politicians are a sign of extreme stupidity. Indeed, stupidity and spinelessness were written on the face of Benazir. Even those not good at reading faces could see her stupidity reflected in every word she spoke.

Had she cared about Pakistan, she would have worked with Musharraf, who despite being an incorrigible crook himself, has brought some sanity to the conduct of the Pakistani state. Indeed, he has done a lot to control the Taliban and to improve Pakistan's relationship with India. She would have worked with him to alleviate the suffering of Pakistani women and minorities, something that she knew would only get worse in a democratic system where mullahs would call the final shots. She would have worked with him to control the appalling level of fanaticism that rules Pakistan, fanaticism that hasn't a chance of being controlled by democracy. But all she did was bring more chaos. It doesn't take much effort to conclude that hers was an utterly wasted life.

What an irony it is that leftists and even libertarians are so statist in thinking about the future of such places as Pakistan! The leftists think that the solution to the world's problems

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lies in the state. The libertarians think that the reason for the world's problems is the state. Even libertarians must therefore believe in the high potency of the state. But can politicians really decide the fate of a society? If anything, in Benazir's death Pakistan has extended its luck by continuing the rule of Musharraf for a few more months. But despite having the support of one of the world's best and biggest armies, he must go, as the masses have decided so.

Many years from now, Pakistan and the rest of the world will look at the rule of Musharraf with nostalgia. In the faces of the crowds that accompanied Benazir, you will see a very grim future for Pakistan. — Jayant Bhandari

Local obsequiousness — My friend Liam Vavasour, whose writing has appeared in these pages, entertained me at dinner the other night with a suggestion about the health and happiness of presidential candidates.

Liam observed that whenever one of these folks makes a speech, he (or she) always effusively compliments the state he's talking in. Whether the candidate won or lost in, say, the South Carolina primary, he announces that he will be eternally grateful for the opportunity he's had to meet the citizens of South Carolina in their homes and offices. He'd always *thought* that South Carolina was a lovely and historic state, but now he *knows* and *understands* the landscape, the traditions, the very soul of South Carolina; and this learning to know and love the state has been an enlightening, humbling, and deeply erotic experience.

He (and his lovely wife, or her lovely husband) look forward to returning many, many times to idyllic South Carolina, to renew their acquaintance with the wonderful friends they've made in South Carolina's churches and schools and factories and union halls and mattress stores and prisons and gambling dens and houses of prostitution. In short, thank you! for letting us into your homes — and into your hearts. And as we move on to the wonderful state of North Carolina, we will always look back to South Carolina and thank you, thank you, thank you, from the very deepest bottom of our hearts, for the support and friendship — yes, the warm and palpitating love — that all of you have extended to us these past 18 months. I and my beautiful wife (or husband) will always regard our stay in South Carolina as the acme and pinnacle of our lives, the King's Chamber of the Great Pyramid, the top of the line in running shoes, the fulcrum of the radiance of the divine planet Venus. May every South Carolinian rise and call South Carolina blessed! For she alone is the origin of hospitality; she alone is the guarantor of American values; she alone is the ark and altar of American freedom and democracy.

The enunciation of these sentiments, Liam said, is obligatory. And you can't doubt their truth. When invoking hearth and home, the duties of guests and hosts, the traditions of the 50 great American states, no politician can possibly go astray. None would lie; none would even exaggerate the facts. If one candidate said, "South Carolina is a great place to live," every other candidate would immediately declare that man a liar, for South Carolina is in truth the *only* place to live.

Then how awful it is (Liam added) that after every state primary, all these candidates are whirled away from their new-found friends, and, like Paolo and Francesca in Dante's "Commedia," are punished eternally in hell — either the part of it known as the Senate, which some of them are trying futilely to escape, or the part known as the White House.

The problem — and why shouldn't we face it now? — is that no one really *wants* to live in the White House. Oh, people may pretend that they do. They may even picture to themselves the pleasures of January 20, when a police escort will take the president-elect to the Executive Mansion and deposit him there. They may think that this is really what they have spent their lives desiring.

But when their hearts are warmed, when their confiding spirits reach out to the modest citizens of Iowa or New Hampshire or wherever their staff informs them they are sleeping tonight, then they understand what their values really are. The White House? Never! I want to stay right here: Debbie's Dew Drop Inn, Columbia, SC.

And that's what they tell the voters, who perversely insist that they evacuate the hinterland and repair to the Nation's Capital. Yet the only thing on which all presidential candidates agree is the evil nature of Washington, DC There has never been a presidential candidate since Washington himself who hasn't run against Washington. It's only an heroic sense of duty that keeps them from defecting, one by one, from the campaign trail, as each of them discovers the delights of Burlington, IA; Portsmouth, NH; and Fresno, CA.

Therefore, Liam argued, the best thing we can do is simply to vote against all party politicians who believe it's against their nature to go to Washington. It's an "Atlas Shrugged" situation: the truly intelligent, productive members of American society must be saved from their imaginary obligation to live in Washington and serve the people, instead of retiring to Flint, MI, and spending the rest of their lives cooking hamburgers with their friendly neighbors.

The solution is: Take them at their word! Release them from their silly pledges to "change America," "fix the health-care system," "give everyone a free lunch," darken the sun and turn the moon into blood. Free them from their "obligations." You like South Carolina? *Fine: stay there.* And the rest of us will promise to leave you completely alone.

— Stephen Cox

Fix a fence, go to jail — An article in the Daily Breeze, a suburban Los Angeles newspaper, reports that Francisco Linares is going to jail because he repaired a fence belonging to the affluent city of Rolling Hills Estates. Superior Court Judge Sandra Thompson chastised Linares, a Farmers Insurance district manager, for violating the municipal code and sentenced him to six months in county jail.

Linares, who owns a home in Rolling Hills Estates, asked the city to repair a white three-railed fence behind it. He was told that the fence was on his property. After he replaced the termite-infested planks, the city reversed itself and stated that Linares had illegally built the fence on city property.

Linares had to get permits for the fence and other code violations. He claims that he tried to comply, but was unable to because of the city's confusing building codes. The city claims he failed to resubmit an application that had been deemed incomplete. Richard Hamar, Linares' attorney, asks, "What will society gain if you put this man in jail?"

Perhaps the question should be, what will society lose? In "Atlas Shrugged," Ayn Rand says, "But just pass the kind of

laws that can neither be observed nor enforced nor objectively interpreted — and you create a nation of law-breakers. . . . " Indeed. — Alan Cook

Bad databases, terrible commercials — Many postmortems of Super Tuesday are citing Ron Paul's weak showing as proof that Americans are "not ready for libertarianism." Others are blaming the media blackout of Paul coverage since New Hampshire.

Both explanations are unpersuasive or, at least, incomplete. While the claim that "Americans are not ready for libertarianism" is true as far as it goes, few of us ever believed (except in our less rational moments) that Paul was going to win. At the same time, we thought with good reason that he had a fighting chance to win a respectable bloc of Republican votes (10 - 20% or higher).

Unfortunately, several major blunders and miscalculations by the campaign itself always seemed to get in the way. A case in point was the Iowa database fiasco. The campaign had produced a get-out-the-vote database showing the names of thousands of people to be called on caucus day or transported to the caucus sites. Either because of petulance or because of simple human error, a volunteer completely messed up the list.

But it was the campaign itself that made the fatal mistake by not making a backup list, leaving the volunteers unable to carry out the operation on the crucial day. This was no small matter. Only a few thousand votes separated Paul from John McCain and Fred Thompson.

Had Paul come out of Iowa with the momentum of a third place win, the media blackout may well have never happened, at least to the same degree.

The terrible television and radio ads, however, were even more damaging to any hope of a better showing. I suspect that they may have actually lost Paul votes. It is revealing that exit polls showed that antiwar Republican voters on Super Tuesday (as in Iowa and New Hampshire) went for McCain — the most pro-war candidate in the race.

Instead of appealing to these voters, Paul's commercials made him look like just another Republican candidate, or stressed immigration, which had essentially become Romney's issue. Had Paul's commercials stressed his antiwar views and hammered McCain's enthusiasm for the war, Paul might have reached more of these voters. — David Beito

No more IRS — .Whatever you think of Mike Huckabee's campaign for president (and I don't think very much of it), it has had one remarkable feature: his TV ads have done one thing — demand the abolition of the IRS. Even more remarkable is the fact that I have seen absolutely no discussion of this, either in the Usual Media or on the net.

Why? — Stephen Cox

Arranging deck chairs on the Titanic — The boneheaded economic stimulus package authored by the president and forwarded by the Democratic Congress aims to push the federal government deeper into debt in order to buy the quiescence of citizens worried about recession. This is a bad idea. Exactly *how* bad is a matter of some dispute.

The package will send so-called "tax rebate" checks of between $500 and $1,500 to most U.S. households with annual incomes under six figures. The total price tag of this buy-off has been estimated at $145 billion. The final cost may be more.

In early February, White House Office of Management and Budget (OMB) director Jim Nussle held a press conference at which he spoke in carefully scripted phrases about the stimulus package:

> Obviously, the bipartisan growth package that is pending on the Hill right now — which we include in this budget, at $145 billion, and we hope will soon pass — combined with a sluggish economy, does pose some challenges with regard to the deficit. That bipartisan bill will raise the deficit by $145 billion, and obviously that will have an impact, but we believe that this up tick is temporary. . . .

Nussle's theory is that the stimulus package will avert a recession, keep the U.S. economy growing and assure more tax revenues coming into federal coffers.

This is like taking a pay-day loan in order to go to Las Vegas, hit the craps table, and come home with enough cash to pay your mortgage and winter heating bills. Sure, it's possible. But not very likely.

Also, note Nussle's repeated use of the term "bipartisan." He pasted that word to any mention he made of the stimulus package, throughout his press conference. The net effect was that even *he* suspects the buy-off is a bad idea — and he's getting ready now to share the blame later. Here's more:

> . . . the President decided that he wanted to take 1 percent of the economy — that was the size of the growth package he wanted, 1 percent of the economy, and that's where we arrived at that $145 billion. And the Congress agreed with that. In fact, it appears, from what we hear, that Congress wants to add to that, driving the deficit even higher than what we've done in a bipartisan way.

Adding to the confusion about the ultimate cost of this stimulus: Some OMB projections show the federal budget deficit for Fiscal Year 2008 growing from $162 billion (pre-stimulus package) to $407 billion, counting the package. That suggests the total effect to be more like $245 billion.

Nussle suggested that the extra $100 billion in operating losses comes from lower projected tax revenues and a $70 billion "placeholder" calculation for expenses related to the Iraq war that don't show up the regular budget. "So," said Nussle, "it's not all the growth package, but that's the most significant part of it. . . . Some of it is from the excess spending that was done over and above the President's budget this last year on the part of Congress, but most of it is this bipartisan growth package."

In other words, in fiscal '08, we'll be adding an extra quarter-trillion dollars to our $9 trillion national debt. This is not where many Americans expected to be, near the end of the second term of a president who claimed to be a common-sense, fiscally-responsible conservative. How did Nussle explain all the red ink? With a familiar refrain:

> . . . the attacks of September 11th; the emergency spending that went into dealing with homeland security, an entire new department that was created to protect our country and which has protected our country since that attack; a global war on terror; two wars, in Afghanistan and Iraq; the emergencies with Katrina and the tsunamis.

It's not just the critics of the Bush Administration who complain about these things; Bush's own OMB director sounds like Ron Paul, connecting international adventures and bureaucratic bloat to our growing debt. The Bushies know that their policy choices have further indebted the country; and they still believe they've chosen correctly.

Finally, one of the worst effects of creeping statism is its corruption of all fiscal discipline. In an environment of insolvency, there's little incentive to be careful. Nussle embodied this corruption. He justified the administration's spendthrift ways by contrasting them to bigger problems:

> We need to do more to keep spending in check in order to balance the budget by 2012 and address the longer-term spending challenges. . . . we need to make sure that mandatory spending, which is overwhelming the rest of the budget, is also held in check. Now, mandatory spending [is] spending that's on autopilot. . . . And the current trends are, frankly, not sustainable. In the next 35 years alone, the automatic spending portion of this budget will completely swallow all of the revenue that's available, which means there will be no money available for some of the basic responsibilities of the federal government, such as national defense and homeland security. . . . we're 10 years out now from some of the challenges in Social Security, and that this unfunded $34 trillion liability in Medicare is going to completely consume the budget.

To this end, Nussle boasted about Bush's efforts "to get Medicare growth under control." Specifically, the Bush Administration has proposed that Medicare spending only increase 5% a year — instead of the currently-budgeted 7.2% a year. Over five years, this slower growth would "save" some $178 billion.

Which the federal government is borrowing, instead, to make people *feel* less worried about recession. — Jim Walsh

Ethnography of the Left — I have lived for 20 years in Santa Cruz, CA, one of the more reliable political time warps in America. I am a libertarian-leaning conservative, now also a leisurely retired college professor. Unavoidably (and I do nothing to avoid it), I interact daily with many liberals, progressives, radicals, and such.

To save myself from going crazy, I have adopted a pseudo-scientific stance toward those people. I am engaged in a permanent ethnographic study of the Left. (It's genuine ethnography because I am able to observe it in its own habitat.) As a pop-ethnographer, I have been puzzled by the following simple phenomenon: individuals in my age range (early boomers), with life trajectories resembling mine, whose lifestyle is undistinguishable from mine, whose values are even similar to mine, nevertheless seem to hold political positions dramatically different from mine.

I am puzzled in part because I am slow to demonize my adversaries. (It would be difficult to do so anyway. In this small town, their lives are open books. It's obvious most of them are not evil.) Also, I avoid carefully the temptation to affix a psychiatric label to what's far from my own understanding of reality. (Nevertheless, I have developed fast and dirty tests to save me from wasting my time with the broadly insane.) So, I am speaking here about apparently rational people.

Here is what I think I have found among this particular category of political animals:

1) a strong and consistent preference for bad news;

2) a tendency to switch quickly from topic to topic;

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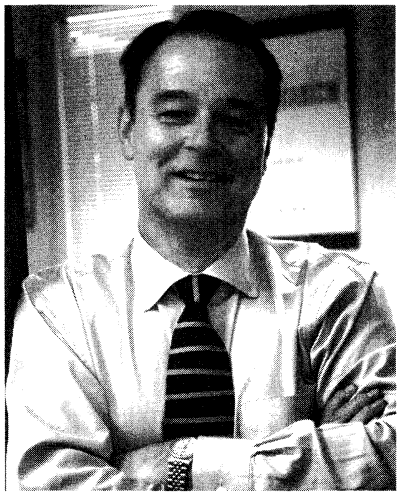

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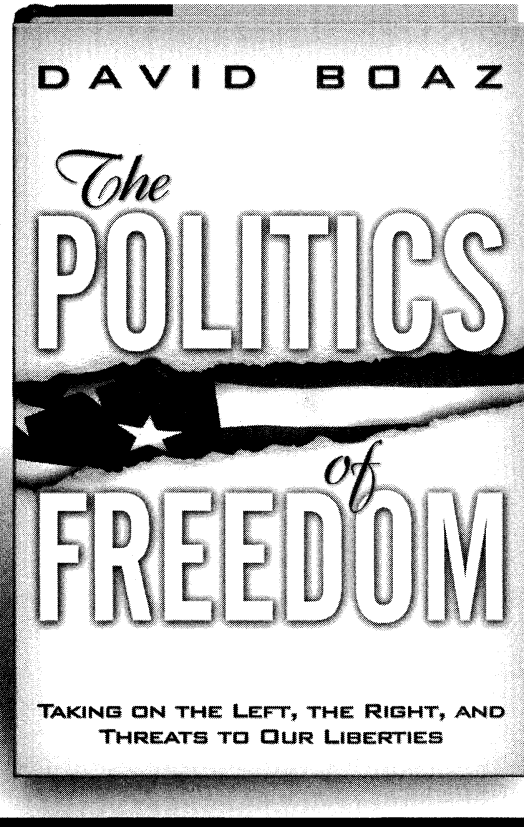

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3) cognitive dissonance; although their sources of information often overlap mine to a surprising extent, they often don't understand what they hear and what they read. This lack of comprehension extends to basic concepts and to numbers, both. Thus, I have caught formally well-educated leftists confusing "budget deficit" with "trade deficit" and the national debt with the aggregate debt that Americans have incurred on their credit cards. (I am not making this up!) When I point out to them that their attacks on "corporations" would, if successful, undermine my own financial safety as a retiree, they act stunned or incredulous. Similarly, they have, in general, no idea that 4% unemployment is low or that a 4% national economic growth is high. Often, they combine the two forms of incompetence: I have won many bets by guessing correctly that leftists believe that military expenditures consume 20% of GDP. They understand neither GDP nor % (I have stopped betting because they rarely pay up but, that's another story);

4) access to esoteric sources of information that might just as well be secret because I can rarely track them down. They forget to send me the reference they promised, or the item does not say what they say it says, or the source simply does not exist.

This is only a compound of informal observations, not a religious creed. I don't mind being corrected. Above all, I would like to find out what other readers of Liberty have to say on the same topic. — Jacques Delacroix

With friends like these — While visiting the United States in mid-January, Iraqi Defense Minister Abdul Qadir let it be known that Iraq will require a U.S. military presence for another ten to twelve years.

According to Qadir, Iraq's armed forces may be ready to provide internal security on their own by 2012. The guarding of Iraq's borders without U.S. assistance will have to wait until 2018 or 2020. That's the good news, folks.

The bad news is that Qadir's timeline has gotten longer since he last offered a prediction in 2007. Furthermore, if even this distant goal is to be achieved, Iraq, according to Quadir, will require a massive infusion of U.S. arms, including advanced warplanes. And whom do we think will be paying for these modern, very expensive weapons? Yep, it'll be the American taxpayer, otherwise known as thee and me. Despite its oil riches, Iraq's basket case economy and ruined infrastructure will more than absorb every dime it earns for many years to come.

Such are the fruits of "victory" in Iraq. But perhaps the next president will offer some hope for a change of course? Perhaps he or she will take the steps necessary to save us from such a triumph and bring us back home where we belong?

Don't count on it. John McCain looks more and more like the Republican presidential nominee. He's committed to staying the course in Iraq, no matter how long it takes. McCain's main rival, Mitt Romney, is equally hard-line.

On the Democrat side, you've got Hillary or Obama. No matter what they say, neither one is going to liquidate the Iraq commitment. If we were to pull out of Iraq next year, and anti-U.S. elements took over, the wave of recriminations would make "who lost China?" look like a garden party. The O'Reillys and Hannitys and Limbaughs, with ex-Vice President Cheney (assuming he hasn't dropped dead from his 17th heart attack in the meantime) at their backs, would maintain a drumbeat of denunciation and slander. No administration could withstand that and get reelected.

So don't bet on the November election changing much. A Democrat may get us out in five years' time. Any Republican will likely keep us there for at least ten. Of course, events may force the issue. If Pakistan falls to Islamists, or Israel drags us into a war with Iran, then things may change, and quickly. If not, be ready for more lists of the fallen, and an additional couple trillion dollars down the drain, in the name of "winning the war on terrorism."

Oh, and keep an eye out for an appearance by the goddess Nemesis, probably when you least expect her.

— Jon Harrison

Prospects of a third option — If it is Hillary versus McCain in November, the door is open for an antiwar, small-government third-party candidate. Significant constituencies in both parties may be ready to bolt.

In the Republican party, conservative loathing of McCain is both widespread and intense. Rush Limbaugh, Sean Hannity, and Glenn Beck will probably fall into line, when push comes to shove; but many others dislike and distrust McCain so much that they'll look elsewhere. And they may even overlook the antiwar views of a true small-government candidate.

While the hatred for Hillary on the Left is not quite as strong, her nomination will still give ample pickings to a more consistent anti-war candidate. (Members of the "netroots" and Daily Kos internet communities distrust Hillary's prowar votes and have made noises about seeking out left-libertarian candidates.) An Obama nomination, on the other hand, will greatly weaken the potential of a third ticket. The antiwar left may grumble about Obama's evasiveness, but it will stick with him.

Should the opportunity arise, Ron Paul can take on the burden of continuing his campaign . . . if he wants to. But he has

"You only want me to let your people go? Thank goodness! — I was afraid you were from the *Teamsters!*"

said that he will not. Instead, perhaps, he might give his blessing to another, younger, libertarian candidate. A dream choice for libertarians in November, a person who could also appeal to the Left and conservatives, would be former governor Gary Johnson of New Mexico. Johnson is a zealous defender of the 2nd Amendment, a critic of the Iraq War, and a supporter of drug legalization. — David Beito

As safe as money in the bank — Common in business ethics textbooks are case studies of unethical practices by for-profit corporations. Needless to say, the crimes and misdemeanors of the likes of WorldCom and Enron are analyzed in great detail. Conspicuously lacking are case studies of malfeasance by non-profits and government agencies.

This is no surprise, of course. The authors of most business ethics texts work for government or non-profit colleges, and are ideologically disposed to view government as an honest referee that keeps business from exercising its evil tendencies, safeguarding innocent humanity. Business ethics profs read Immanuel Kant but not James Buchanan — for them, public choice theory doesn't exist. However, in reality, government is hardly angelic.

Consider a recent report in The Wall Street Journal (Feb. 4, 2008). It details a new sort of government fraud: pocketing "unclaimed" assets. Here's how the scam works. State governments have laws requiring businesses to return unclaimed property (such as valuables in safe-deposit boxes) to the rightful owners. But a number of states, most notoriously cash-starved California, are stealing those unclaimed assets. To put this simply, they take over the unclaimed assets but make no effort to find the owners, and instead use those assets as general revenues. This is as slick a fraud as anyone could dream up — but the perps are the selfsame angelic referees supposedly devoted to protecting the public.

We're not talking chump change here. In 2006 alone, the states collected over $5 billion in assets and returned only $1.75 billion to the owners. The states currently hold about $35 billion in OPM (other people's money). On the list of California's unclaimed asset holders are such impossible-to-find people as Angelina Jolie and Willie Mays. Apparently, none of the angelic referees in state government has thought to call Brad Pitt or the Baseball Hall of Fame. Also listed is Sergey Brin, co-founder of Google. They could have just Google-searched the dude.

That many states are seeing this as a great new way to snatch revenue is indicated by the fact that they are starting to demand that businesses speed up turning over unclaimed assets — including uncashed employee checks and even unredeemed gift cards — and have cut back on attempts to find the legitimate owners. California, for example, no longer notifies the owners or even publishes their names.

If banks pulled this sort of crap, the government would go after them with a vengeance, and business ethics professors would bemoan the heartlessness of corporate greed. But when government does it, nothing is said. — Gary Jason

The Hillary/Mamie meme — By the time you read this, the shouting will most likely be over between Hillary and Obama, so this question won't be of much more than historical interest.

But, still, I can't help wonderng just what this "experience" is that Hillary thinks she has that sets her apart from Obama. They are both relatively new, relatively inexperienced senators. She wasn't even a congressman from New York, or a member of the New York legislature. So, unless she is essentially making the libertarian argument that serving time in government doesn't prepare one for higher office, the best she can claim is a kind of wash with Barack on actual, paid, governmental experience.

What *is* she referring to when she touts her experience? The fact that, a decade ago, she was married to the president? If you follow that reasoning, we should have elected Mamie Eisenhower in 1968. Now, if Hillary would just make that argument, I'd hop right on board with her. — Bill Merritt

The markets yawn — Hearing Dubya propose a "growth package" on January 18, I got the queasy feeling that he didn't know what the hell he was talking about. Okay, perhaps he was reading platitudes probably written by someone else.

I continue to get the same feeling when I hear Robert Reich, a decade ago in the Clinton administration, now mostly on NPR; but unlike Dubya, Reich writes his own stuff.

As soon as Dubya finished, the reporter on Bloomberg radio said that the financial markets had "little change." Millions of investors around the world responded implicitly and yet definitively. — Richard Kostelanetz

Newspaper follies — There are many ways a newspaper can slant the news: what it chooses to print, what it puts on page one, the position of alternative arguments within an article, etc. Such tilting allows a paper to promote partisan positions beyond its editorial page, or appeal to a core constituency — notions of "fair and balanced coverage" or "all the news that's fit to print" be damned. I live in San Francisco. Still, I subscribed to The New York Times for years, till I noted its falling standards and switched to the San Francisco Chronicle, aka the San Francisco Comical. It is not a great newspaper, but at half the cost I got to read about the murders in Oakland, which I found more interesting than similar news from the Bronx. The rest of the coverage I judged about equal.

But on Jan. 19, I picked up a copy of The Times from the trash pile at my local coffee house — out of curiosity and perhaps the attraction of saving a dollar. An interesting front-page article, "A New Global Oil Quandary: Costly Fuel Means Costly Calories," caught my attention. The article decried the plight of the third-world poor facing higher prices for vegetable oils, particularly palm oil, because of rising European demand for biofuels that can be made from the same stock.

The piece had a curious comment prominently positioned on page one, which read: "And all this is happening even as global climate change may be starting to make it harder to grow food in some of the places best equipped to do so, like Australia." I read on to find out more, but I found nothing further on the subject of global warming. In a rather long article filled with facts and declaratory statements, the comment stood by itself, an affront to basic rules of journalism: it is the only comment in the article qualified by the word "may," reducing it to a mere speculation and an unsupported one at that; it is the only comment on page one not followed up in

the body of the article; in an article devoted to a discussion of market demand, it is the only reference to supply; it deals with food in general, not edible oils; there is no support for the idea that Australia is suitable for growing palm oil (which it is not).

In short, the comment on global warming was only a gratuitous airing of the paper's editorial opinion, strategically salted on page one. With an arsenal of ways to slant the news more subtly, I would at least have expected The Times to adhere to basic standards of journalism.

But there's worse. The Times failed to tell the full story — what caused the increase in the demand for biofuels? The answer is obvious. The demand resulted from an attempt by European governments to replace fossil fuels and reduce carbon dioxide emissions. The irony is that The Times tried to blame global warming, when the real culprit was misguided global warming activism. How did it miss that? Was The Times perhaps blinded by its ideological position?

A few weeks ago, the San Francisco Comical ran an article on a similar phenomenon, an increase in the price of corn because of the diversion of foodstock to ethanol, another biofuel, and the effect the increase was having on the poor of Mexico. At least the Chronicle didn't blame global warming, although it's committed to the campaign as much as The Times. But it also failed to identify the root cause of the price increase — U.S. government policies supporting ethanol production. This is unfortunate. No matter where one stands on global warming, the effectiveness of putative solutions, their costs and consequences, is important.

Unfortunately, if I want news coverage like that, I'll have to look elsewhere. The Comical just isn't up to it. Nevertheless, I stand by my decision to switch my readership. The next time I see a copy of The Times in the trash I'll just leave it where it belongs. — Bob Marcus

They found a way — As a libertarian, I naturally lean towards limited government and minimal tax rates, but I have to give credit to New York state's taxmongers for their creativity.

Although Congress has extended for seven more years the moratorium on taxing the internet, Albany thinks it has found a way around this inconvenience. The Supreme Court has ruled that mail order houses can be required to collect sales taxes only if they have a physical presence in a certain state. Amazon and other e-retailers often provide links to other sites in return for a commission on any resultant sale. New York incredibly claims that this is the equivalent of an actual salesperson or storefront and that, therefore, these sales are taxable.

When the New York Sun exposed this tax grab late last year, Gov. Eliot Spitzer buried the plan; he had, after all, made campaign promises not to raise taxes. The state's Department of Taxation and Finance may try again, however, now that the spotlight's been off them for a while. As budget director Paul Francis said, "I don't regard it as a tax increase. It's only a tax increase to the person who is paying it." I couldn't have said it better. — John D. Swanson

Le grand désastre de la Société Générale — France does not usually collect gold medals when it comes to finance. Oh, sure, it has a staggering public debt. Also, the tax rate is one of the highest among developed countries — Paris bureaucrats absorb 54% of the GNP and there are six levels of *local* government that pay themselves with local taxes.

But, overall, financial news from France — the world's sixth largest economy — is usually rather tepid. That's why the recent Société Générale fraud scandal came as such a surprise. With its eye-popping figures, its photogenic, noble perpetrator, and its display of embarrassed elites, it had every ingredient of a great story.

To recap: In late January, a large volume of sales in futures trades created a worldwide market slump. A few days later, one Jerôme Kerviel, a lowly trader from respected French bank Société Générale (or SocGen) walked into a police station and fessed up to a multibillion euro fraud. At $1.47 per euro, that's real money. Soon, juicy details started to emerge: Kerviel, an unremarkable 31-year-old securities trader, somehow acquired futures contracts for amounts far above his authorized limits. He ended up with positions worth about 50 billion euro — or $70 billion. Discovering the mess, the bank unloaded Kerviel's stash of futures within three days, creating a worldwide market slump. The bank lost 3 billion euro in this fire sale. Add another 2 billion euro in losses from other activities — conveniently announced at the same time — and Kerviel seemed the culprit of a 5 billion euro loss.

Kerviel's management was let go, but when Daniel Bouton, the bank's CEO, presented his resignation to the board, it was rejected. How nice of the board.

The parallel with another trading scandal was obvious. In February 1995, trader Nick Leeson single-handedly brought down another old and respectable institution, Barings Bank. He too cooked the books, taking unauthorized positions that resulted in massive losses. But the parallel stops there. First, Leeson's losses were a mere 827 million pounds — less than $2 billion, and a fraction of the SocGen losses. Second, the British trader cowardly fled to Kuala Lumpur whereas Kerviel, owing to his mistake like the Gallic man he is, squarely went to the police. Finally, greedy Leeson was trying to get a fat bonus, whereas Kerviel, on salary, only sought to make money for his employer. Take that, perfidious Albion!

Analysts started to wonder. How could one entry-level employee create such havoc? Was he a financial mastermind? Or maybe a super-hacker capable of manipulating trading computers? And, wait a minute, how come France's tough and complex banking regulations didn't prevent this?

There are controls and regulations in the French banking system, all right. There are so many, actually, that nobody knows them all. The European Commission — a bunch of non-elected bureaucrats now responsible for more than 80% of the laws and regulations in the EU — emits a continuous flow of new rules, which adds to (and sometimes conflicts with) national laws. Now, add the internal procedure manuals that routinely plague banks. You cannot possibly keep up. You cannot obey the law because you cannot know the law. As a result, the only way to be safe is to Obey The Boss. Kerviel did. That's why he feels he is a scapegoat today. It remains to be seen if upper management was aware of his activities.

As for high tech wizardry, Kerviel simply used a few old tricks. He used colleagues' passwords to log transactions under their names: passwords are routinely written down on sticky notes in many brokerages, since rules force employees to change them often. He also created fictitious customer accounts to hold his illicit stash of contracts. He probably edited out any

red flag from the unprotected Excel spreadsheets that pass for auditing tools on most trading floors, explaining away inconsistencies by the notorious inaccuracies and errors that are the norm in these slapped-together pieces of work.

Auditing by spreadsheet is a recipe for disaster everywhere and banks are no exception. But the rules are changing so often that creating a real auditing application would be impractical, since it would be obsolete before its deployment anyway.

Inevitably, voices are now clamoring for more extensive, tighter regulations. Never mind that the ones in place are inefficient, badly implemented, and mostly disregarded. Never mind that when a scandal threatens some executive, he passes

Getting tough with the wrong people

Is there any issue about which statist politicians demagogue more than immigration? Some of the most ridiculous noises this presidential primary season have been candidates talking about "getting tough" on businesses that employ illegal immigrants — while insisting that the U.S. provide government benefits to those same immigrants.

This is madness: blame businesses for hiring the illegal immigrants drawn to this country in large part by government benefits like Medicaid, food stamps, and housing aid. Do any of the front-runners in the establishment parties see the hypocrisy of such positions? Apparently not.

Hillary Clinton:

- We do have to crack down on employers who exploit and employ undocumented people. (Iowa Brown & Black Presidential Forum; Dec. 1, 2007)
- We want to work in a bipartisan way to have comprehensive reform — employer verification, more help for local communities so that they can pay for schooling and hospital and other expenses that they have to bear because of the immigration crisis. (Univision Democratic primary debate; Sept. 9, 2007)
- Voted *Yea* on allowing illegal aliens to participate in Social Security. (Preclusion of Social Security Credits; Bill S.Amdt.3985 to S.2611; vote number 2006-130; May 18, 2006)

John McCain:

- . . . we will have a temporary worker program with tamper-proof biometric documents, and any employer who employs someone in any other circumstances will be prosecuted. (Meet the Press, Jan. 27, 2008)
- I believe we need a temporary worker program. One with an electronic employment verification system and tamper-proof biometric documents, and any employer who employs someone in any other way will be prosecuted to the fullest extent of the law. This is a national security issue. (2008 Facebook/WMUR-NH Republican primary debate)
- Voted *Yea* on allowing illegal aliens to participate in Social Security. (Preclusion of Social Security Credits; Bill S.Amdt.3985 to S.2611; vote number 2006-130; May 18, 2006)

Barack Obama:

- . . . we're going to crack down on employers who are hiring them and taking advantage of them. . . . But they can then stay here and they can have the ability to enforce a minimum wage . . . make sure that they can join a union. (Democratic radio debate on NPR; Dec. 4, 2007)
- We have to make sure that employers are held accountable, because right now employers are taking advantage of undocumented workers. (AFL-CIO Democratic forum; Aug. 8, 2007)
- Voted *Yea* on allowing illegal aliens to participate in Social Security. (Preclusion of Social Security Credits; Bill S.Amdt.3985 to S.2611; vote number 2006-130; May 18, 2006)

Judge these people by their actions, not their words. Making state benefits available to illegal immigrants is a draw. If Sens. Clinton, McCain, and Obama want to get tough with the people enabling this problem, they should start with . . . themselves.

Whatever his faults as a candidate — Republican or libertarian — Ron Paul makes the most coherent case about dealing with what Mrs. Clinton calls the immigration "crisis":

> You can't solve this problem as long as you have a runaway welfare state and excessive spending and the wiping out of the middle class through inflation — because that's what directs the hostility, people are hurting. When we have all these mandates on hospitals and on schools. There's an incentive for a lot of our people not to work, because they can get welfare. Then there's a lot of incentive because they know they're going to get amnesty. We gave it to the illegals in the 1980s. Then, we put mandates on the states to compel them to have medical care. And you say, well, that's compassionate. What happens if the hospital closes and then the people here in this country don't get medical care? So you can't divorce it from the economics. You've got to get rid of the incentives. No amnesty. No forced benefits. (2008 Facebook/WMUR-NH Republican primary debate)

To check the positions and statements of the anointed, I used the website www.ontheissues.org, run by a Massachusetts-based "good government" advocacy group of the same name. I suspect that *limited* government is not part of the group's notion of *good* government. But its mission statement sounds fine to me: "to provide non-partisan information for voters in the Presidential election, so that votes can be based on issues rather than on personalities and popularity." Amen to that.

— Jim Walsh

responsibility down the line and is allowed to keep his highly paid position by his gang of Good Old Boys. Never mind that politicians often extract kickbacks from the organization that they can control. For the statist mind-frame that prevails in Europe, the lines are drawn: profit is a swear word, banks are nests of conniving capitalists pigs, and more laws from a benevolent state are the only thing that can protect the unsuspecting public from these malevolent financiers. Mere facts need not apply. — Fred Mora

Truly universal — The day before Super Tuesday, economist Paul Krugman dropped a bomb on the Obama campaign. Obama's health care plan, which would cover about half the uninsured, was deficient, said Krugman: Hillary's would be truly universal at only a "slightly higher cost."

Of course, Krugman never questioned the goal of universal health insurance. The vast majority of uninsured people are either well off — more than a third make more than $50,000 per year — or young and healthy — more than a third are between 18 and 34 and don't believe health insurance is a good investment.

Obama's plan seeks to insure more low-income people who may truly need better health care. Hillary's seeks to be universal by requiring that everyone buy health insurance, whether they want it or not.

Krugman projects that Obama's plan would cost federal taxpayers $102 billion per year, while Hillary's would cost $124 billion. MIT professors must make a lot more money for Krugman to think $22 billion, or nearly 22%, is be just "slightly" more.

But the big lie is that Krugman leaves out the cost to all those people who will be forced to buy insurance they think they don't need. Add that and the total cost of Hillary's scheme will be roughly double the cost of Obama's plan.

It doesn't take an MIT economist to see that the big winners under Hillarycare II will not be the poor, who would be adequately protected by Obama's plan (and have fairly decent taxpayer-subsidized health care now), or the other uninsureds, who will have to spend money on insurance they don't need. Instead, the real winners will be the insurance companies.

Our current system, which Obama's plan would expand, gives people health care by taking money from other people. Hillary would compound that sin by coercing people into buying a product they don't want. Regardless of the coercive aspects, Krugman is being dishonest when he leaves out an important share of costs in order to claim that Hillary's plan is only "slightly" more expensive. — Randal O'Toole

Cold snap, warm globe — Now that global warming ideology is ascendant, its hucksters have taken to claiming that unusual weather of any kind confirms their dire theories. It reminds me of the way local farmers back in the 1950s used to blame extreme weather on atomic testing. Of course, these farmers hadn't been to college and might be forgiven their superstitious, unscientific outlook. Today's opinion movers and shakers have less excuse.

In its Sunday Opinion Section, The New York Times noted that delegates to the recent climate talks in Bali decided they needed two years to formulate a plan for combating global warming. Concerned that "the earth's changing climate seems unlikely to wait," the editors commissioned op-eds from writers abroad "to report on the weather in their part of the world." Of course these literati weren't expected to know anything about either the weather or global warming; their mission was to create alarmist propaganda.

The writer from China bemoaned the fact that one part of his country had a severe drought, while in another place, heavy rains caused flooding that killed hundreds of people. Very clever, this global warming. A writer from France claimed that global warming was spoiling the olive crop this year with "a warming trend with freak cold snaps." One wonders, could that be the same as a cooling trend with freak warm snaps?

A Chilean novelist declared — I don't think he figured this out himself — that "global warming is melting Antarctica, and as a result large quantities of water will inundate our coastline." (Thank goodness the water will stay down there!) He did some of his own research too: "An exporter I know told me that this season's uncharacteristic frosts ruined 40 percent of his crop." It's uncorroborated hearsay, of course, but a commendable first attempt at journalism for a writer hitherto specializing in fiction.

And worth a good laugh for readers, to see the editors of The New York Times publish, with a perfectly straight face, the finding that global warming is freezing the dickens out of Chilean avocados. — Jim Payne

Stop thinking about tomorrow — The famous line "it's the economy, stupid" comes from a list of rallying points Jim Carville wrote on a whiteboard in Bill Clinton's presidential campaign headquarters:

1. Change vs. more of the same
2. The economy, stupid
3. Don't forget healthcare

Having improbably won the 1992 election with this formula, you'd think the Clintons would be familiar with it and able to defend against it. Obama is cleaning Sen. Clinton's clock by talking about some undefined "change"; Hillary is saying nothing markedly different from the other candidates about the economy; and her campaign must wish the electorate would "forget healthcare." — Patrick Quealy

Obama's global appeal — I happened to be in Zanzibar during the Iowa caucuses. This was six days into the troubles in Kenya — and Tanzania in general, and Zanzibar in particular. We here in another part of Africa are feeling the flack flying across the border.

Zanzibar, tourist island that it is, had been cut off from whatever international banking system it is that allows people to pay by credit card. All those transactions were supposed to be handled through banks in Nairobi — and Nairobi banks weren't doing any business at the time. Which meant a lot of good people in Zanzibar were looking at going hungry for an indefinite span. And, naturally, they were worried about . . . the Iowa primary.

The first I heard that Obama had won was from the desk clerk at a hotel where I wasn't even staying. I'd just stopped by to inquire about a restaurant and, the moment he found out I was an American (which was approximately the moment I opened my mouth), he asked about Obama. It is hard to exaggerate how excited he was. He had the entire rundown of the primary — Obama's numbers, Hillary's, Edwards' — in more detail than any American I have talked to since.

A couple of days later a baggage handler at the Dar es

7-11 in Las Vegas!

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I look forward to seeing you again in Vegas on 7-11!
Mark Skousen, *Producer, FreedomFest*

Salaam airport approached me, and it was the same thing — he practically glowed at the idea that Obama might be our next president. In fact, because the ins-and-outs of the Democrat primary system had never crossed his mind, he thought Obama *was* our next president.

I don't know if this means anything in a larger sense. It certainly doesn't mean I'm going to vote for Obama. Frankly, at this distance, I don't even know what Obama stands for — if anything. Democrat politics aren't something I'm inclined to follow when I get out of earshot. But if the folks I met are any representation of what other people think about our country, it sure means something — perhaps nothing more than that a large part of the world shares my opinion of Hillary. But what I think it means is that an Obama presidency would give us a fresh start in the minds of a lot of foreigners.

Maybe even better than fresh. And that's something worth thinking about. — Bill Merritt

Political amusement — All the official candidates for their parties' nominations disappoint me (even Ron Paul, with his simplistic and irresponsible ideas about how the United States might shed its overcommitments abroad). For this reason I am glad to see front-runners humiliated, like Clinton and McCain in Iowa and possibly again in New Hampshire.

One hope, however unrealistic, is that an acceptable dark horse might emerge after all. Something more realistic to salvage from the process is amusement (which would gratify H.L. Mencken). Furthermore, almost everyone has some opinion about politics, making it a conversation-starter rivaling weather and sports. — Leland Yeager

Changing how college works — A small segment of the policy world — the higher education segment — is obsessed by the idea that a few elite universities have amassed multi-billion-dollar endowments and are failing to use them the way they ought to. Sen. Charles Grassley, a Republican from Iowa, has made political hay by threatening to punish these universities. He wants to make them pay out 5% of their endowment every year. (Unlike nonprofit foundations, colleges and universities have no such obligation now.)

This pressure led Harvard, and then Yale, to announce that they will spend more on financial aid. This aid is meant to bolster the middle-class families who don't normally qualify for much financial support. For example, Harvard won't make any family who earns under $180,000 to spend more than 10% of its income on college payments to Harvard.

This innovation didn't win any friends, however. Lynne Munson, a former official of the National Endowment for the Humanities, noted that Harvard's new financing plan would cause it to spend an additional $22 million per year out of an endowment that is currently over $34 billion, and rising.

I don't necessarily endorse the colleges' position as they complain that the public just doesn't understand how hard it is to spend 5% of an endowment (so many funds are restricted, and you always have to save for a rainy day, etc.). And it may be that universities should fall under the same rules as nonprofit foundations — and perhaps neither should be tax-exempt.

But that isn't the motivation for this latest round of political grandstanding and populist punditry.

Universities are big, fat targets and they have caught the attention of people who see the world in terms of class divisions. The New York Times says the rise of the giant endowments is evidence that America's already stratified system of higher education is becoming ever more so.

Oh, come on. There is stratification, but so what? My guess is that what is really fueling this antagonism is not the wealth of the universities, but their selectivity.

For various reasons, a few schools are so much in demand that the chance of a merely bright and studious youngster getting into them has plummeted. The fact that the nation's most famous schools are closed off to most children, even those of the cultural elite, is a more likely cause of the current hostility than the billions of dollars that loyal alumni have donated and talented financiers have managed. Attacking wealth and championing the little guy (in this case, the schools that have endowments of mere millions) is always popular, and this campaign gives some cover to what may simply be envy.

— Jane S. Shaw

Sunday morning spin — If former Clinton spinmeister George Stephanopoulos can be ABC's chief interviewer and political correspondent and former Mario Cuomo-Pat Moynihan aide Tim Russert can hold the same position at NBC, could Karl Rove succeed the retiring Bob Schieffer as host of CBS's "Face the Nation"? He's as smart as Russert and Stephanopoulos. And I have no doubt he could shape tough questions and zero in on politicians' weak spots. But somehow it's just impossible to imagine one of the establishment networks hiring a *Republican* spinner for such a job.

— David Boaz

A stealth liability — On a number of occasions I have commented on the looming financial crisis concerning entitlement programs and their unfunded liabilities. Be it Social Security, Medicare, Medicaid, the Pension Benefit Guaranty Corporation, or the numerous state and municipal employee pension or health insurance systems, they are all in various degrees of trouble. All show the same depressing face.

First, these programs have large unfunded liabilities that are only now coming to light, because while government requires business managers to vouch for the accuracy of their financial statements, government doesn't require the same financial disclosure of itself.

continued on page 24

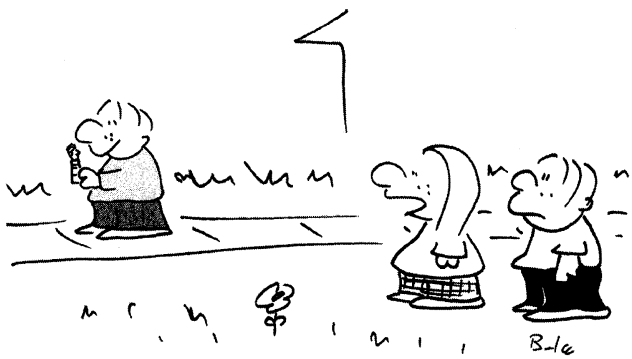

"He's a strange kid — he has a William F. Buckley Pez dispenser."

Word Watch

by Stephen Cox

If you are sentimental about human nature, don't read this column. It will just make you angry, because it's about the way that worthless people reveal their worthlessness in words.

On Christmas day, 2007, a tiger named Tatiana escaped from her enclosure in the San Francisco Zoo. What happened just before and just after her escape remains a subject of debate. Although the wall that Tatiana had to scale was *only* about12 feet high, there is no record of any tiger leaping out of an enclosure like that before. It seems likely that, as zoo personnel have suggested, Tatiana was being taunted by a person or persons who provided some means — perhaps a pair of legs dangling over the wall — for her to get a toehold and escape.

After scrambling out of her "grotto," Tatiana mauled three young men, Carlos Sousa, 17, and his two friends, Amritpal (Paul) and Kulbir Dhaliwal, 19 and 23, brothers. Sousa died. The Dhaliwals survived. Tatiana was shot to death while standing over the soon-to-be-made-a-corpse of one of them.

By that time, the tiger had been loose for about half an hour, while the brothers tried to summon help on their cell phone. In case you're wondering how the people on the other end will regard you if you ever make a 911 call, consider the tone of this conversation (source: San Jose Mercury News):

"A very agitated male is claiming he was bitten by an animal." *Prove it, you bastard.* "They do not see any animal missing. Male is bleeding from the head." *That's not enough proof.* "Zoo dispatch now say there are 2 males who the zoo thinks they are 800 [code for 'crazy'] and making something up but one is in fact bleeding from the back of the head." *"Who the zoo thinks they are 800": we're from Mars; that's how we talk.*

Seven minutes later comes the reassuring report that although zoo officials aren't letting police inside, they themselves are "dealing with it." *Deal with it, dude. OK?*

Some of the rest of the conversation is even more predictable, given its source. Have you ever called any public official about an urgent problem? You have? I'm sorry. And what was that person's primary concern? Right: he or she wanted to make sure that *you calmed down*. And so, on Christmas day at the zoo, the 911 dialogue went like this (source: San Francisco Chronicle):

> "OK, calm down, all right," the dispatcher replied.
> "It's a matter of life and death," Dhaliwal said.
> "If the paramedics get hurt they cannot help your brother, so you need to calm down and . . . "
> "Send more paramedics then!" Dhaliwal said. *Not a bad idea.*
> The dispatcher replied, "You are going to be the best help for your brother right now, so you need to calm down and help him until we can get there, sir, all right?"

The next time you're calling an ambulance, or reporting a burglary, or being chased by a tiger, this is precisely the irritated and patronizing tone that you can expect to hear: *Sir, all right?*

Finally, after the cops arrived and the Dhaliwals were rescued, a refreshingly human emotion was expressed. "Have cat, shot cat," a policeman remarked. It was almost as good as Perry's account of the Battle of Lake Erie: "We have met the enemy, and they are ours."

But this no-nonsense style did not persist. A fire department flak provided a fashionably verbose (not to mention partially inaccurate) summary: "The tiger went into a cafe at the zoo and attacked a patron. That person ended up dying at the scene . . . [Police] shot the tiger, and the tiger is deceased." Note that human "patrons" *end up dead*, while animals are reported as *deceased.* One pictures, in the former instance, the gerbil that your kids forgot to feed; one imagines, in the latter instance, a flower-decked casket at the Hubbard Memorial Funeral Home and Mortuary, with Tatiana lying in state, her paws crossed reverently across her chest. The tiger didn't end up dying; she passed on to a better life.

Things also seemed to have worked out well for the zoo. The director, a moron named Manuel Mollinedo, proclaimed himself "extremely satisfied that our zoo staff acted appropriately. . . . I'm very proud of the way that our zoo staff operated that evening." Perhaps Mr. Mollinedo didn't remember the fact that "our staff" had started by overestimating the height of Tatiana's enclosure, believing, or at least saying, that it was several feet higher than it was; and that this staff responded to the tiger's escape by keeping rescue workers off the premises, while making its own chaotic attempts to figure out how many tigers were roaming free. Then there was the zoo cafe worker who apparently refused to let the Dhaliwals into the restaurant when they sought refuge from the tiger. But oh well. Who cares? All was "appropriate."

According to Mollinedo, "Some of our staff did heroic things, and I hope that eventually they can be recognized for the way they handled some very difficult situations where they actually put their lives on the line." Hey, that's great; tell us more. But according to the Associated Press, Mollinedo "did not detail their actions, citing a continuing police investigation." In other words, to paraphrase King Lear:

> We have done such things, —
> What they are, yet I know not: but they have been
> The wonders of the earth.

I don't need to tell you that Tatiana was memorialized by animal lovers and animal rights agitators with the predictable candles, bonfires, and other votive trash that the English-speaking peoples now use to express a grief that lies too deep for tears.

And the tiger victim, Carlos Sousa? He was eulogized on a memorial website (what else?) with his own MySpace rap (what else?): "Hey What's Up!? My Name is Carlos, Im portugeese and brazilian. I'm 16, I love my life, but its gonna get better. I want to be DJ someday. I Hang with the family, and my true homies play basketball and go out to the movies and party harder then a rock star, only sumdayz wen i have my days off of work. I'm just a laid back guy looking for some cool new friends! So if anyone wants to talk, just say wat it doo doo!!"

Obviously, this was an outstanding young person. Granted, both Carlos and his true homies had been smoking weed and drinking vodka before they went to pay their call on Tatiana at the SF Zoo. Nevertheless, his father stepped up to the plate and pitched cliches like a professional: "My son Carlos was a very good boy."

Not so, perhaps, his friends the Dhaliwals. There had been certain legal problems with them (as with Carlos), including a 140-m.p.h. police chase involving one of the brothers, an episode for which he got (you guessed it) a life-changing term in . . . probation. Then there was the little matter of the Dhaliwals' refusal to reveal what happened at the zoo, or even to communicate for some time with their dead buddy's parents. But Carlos' mom forgave them; and when she did, she had a fund of orthodox words to bestow in absolution. According to the San Jose Mercury, she intoned, "Other people can say my kid's a bad kid, too . . . Kids are kids." A is A.

She went farther. According to the San Francisco Chronicle, she "said in an interview that Paul Dhaliwal had told her, 'We didn't do nothing. We were just normal kids in the zoo.' She added, 'That's what happened — just dancing, talking, laughing like normal kids.'" Yes, in America, what you do when you're a normal 19- or 23-year-old "kid" is to get wasted and hang out at the zoo on Christmas day, "dancing."

Besides dancing, the Dhaliwals spent the holiday season hiring a high-priced lawyer, Mark Geragos, and made ready to sue the zoo. But then — what do you know?! — it emerged that one of the Dhaliwals had actually deigned to talk with Carlos' dad, and had admitted that the three buddies had been, well, sorta gittin' in dah tigah's face — "standing on the railing," "yelling," and "waving their hands."

This yelling and waving and talking and dancing probably happens rather frequently, wherever "normal kids" get their chance to play Dr. Doolittle with the zoo animals, but no tigers have ever gotten sufficiently riled up about it to make a successful lunge at the idiots who annoy them. So the San Francisco police suggested that (to put it somewhat more bluntly than they were willing to do) the trio got what they deserved. The Chronicle quoted a police report as saying that "as a result of this investigation, [police believe] that the tiger may have been taunted/agitated by its eventual victims . . . This behavior may be consistent with a tiger that has been agitated and/or taunted."

I suppose it was the police department's barely repressed emotional *agitation* that resulted in the understated language of its report: "may have been," "may be consistent," "taunted/agitated." In any event, the tiger wasn't the only thing that escaped from the zoo on Christmas day. A lot of weasel words also got out of their enclosures. What the hell does "taunted/agitated" mean? Did the errant youths merely taunt the tiger, or did they manage to "agitate" her as well? And what kind of word is "agitated"? It's the kind of word you use when you want to diminish something: "A very agitated male is claiming he was bitten by an animal." Oh, he was just *agitated.*

Of course, the cops didn't want to diminish the righteousness of Tatiana's indignation; they want to get the goods on the Dhaliwals. But contrary to what many cultural theorists believe, even *established authority* often surrenders to the language of its time — pure, dumb, stupid language. *Agitated* isn't the right word for the cops' purpose. Try *tormented*, and drop the stupid slash (/) mark.

Then there's that word "consistent," which appears every 30 seconds in any TV story about cops and courts and lawyers: "The findings of the autopsy were consistent with death by blow-gun . . . " But what does *consistency* amount to? A lot of things are consistent with a lot of things. The existence of this column is consistent with my owning a Dell computer, but that doesn't mean that Dell was the weapon I actually used. Consistency is not a cause-effect relationship, although it often plays one on TV.

Looking at this tiger thing as a whole: did you ever see a sequence of events, outside of an election campaign, that reflected worse on the American language, as currently employed?

I'm sorry, very sorry, to say this, but Mark Geragos, one of the nation's (circus) star attorneys, emerged with more verbal honor than most of the other dramatis personae. That may not be saying much. He made his usual share of ridiculous statements. He claimed there was no evidence his clients had taunted the tiger. He claimed that Tatiana's enclosure "couldn't hold a house cat." Right. Just try urging your house cat over a 12-foot wall. And naturally he charged that his clients were the victims of a "smear campaign."

But the great thing is that after the weasely "taunted/agitated" report came out, Geragos said relatively little about the case. No dancin', no laughin', no tauntin' the tiger. No wat it doo doo. Mainly silence, the absence of speech, the silence of an animal when it's biding its time. He knew that the zoo would issue some face-saving statement and await negotiations on the legal settlement that will make the Dhaliwals rich.

Finally, the statement came. "The zoo firmly believes that something highly unusual happened that provoked Tatiana out of her enclosure. This has been a tragedy for everyone involved but we continue our investigation to determine what happened on that day."

Sure. I hope you do. And I hope, somehow, you manage to nail the Dhaliwals. But in the meantime, you might try to define what was "tragic" about "that day," for anyone except the tiger. Tatiana, at least, fell in the line of duty. As for the others . . . This wasn't "Oedipus," and Carlos Sousa wasn't the King of Thebes. Neither was Manuel Mollinedo, if the zoo's leading bureaucrat is what's implied by "everyone." A major sign of decay in American civilization is ignorance of the fact that "tragedy" isn't the only word for *something bad that happened.* Another word is "farce."

"Sorry about some of the punctuation — I haven't learned the top row of the keyboard yet."

PFY vs. RP: Is There a Racist in the House?

by Bruce Ramsey

Ron Paul's presidential campaign was hit by scandal.
What happened? How bad was it?

On January 8, the day before the New Hampshire primary, the New Republic published "Angry White Man: The Bigoted Past of Ron Paul." In the national news, it was a one-day story. Among left-liberals, it was a confirmation story: right-wingers are racists. Ho hum. Maybe it affected Paul's 8% showing in New Hampshire, but probably not, because the polls had put him about that high.

Among libertarians it was a potboilover.

What were the facts? Over the years, Paul had sponsored several newsletters, such as the Ron Paul Political Report. Particularly in the early '90s, between Paul's stints in Congress, some of these newsletters engaged in a flippant racial disparagement. Here is the worst, as summarized by the New Republic:

On Blacks:

> An October 1990 edition of the Political Report ridicules black activists, led by Al Sharpton, for demonstrating at the Statue of Liberty in favor of renaming New York City after Martin Luther King. The newsletter suggests that "Welfaria," "Zooville," "Rapetown," "Dirtburg," and "Lazyopolis" would be better alternatives — and says, "Next time, hold that demonstration at a food stamp bureau or a crack house."
>
> A December 1990 newsletter describes Martin Luther King Jr. as "a world-class adulterer" who "seduced underage girls and boys" and "replaced the evil of forced segregation with the evil of forced integration."
>
> The January 1991 edition of the Political Report refers to King as a "world-class philanderer who beat up his paramours" and a "flagrant plagiarist with a phony doctorate."
>
> A February 1991 newsletter attacks "The X-Rated Martin Luther King."

On Gays:

> The June 1990 issue of the Political Report says: "I miss the closet. Homosexuals, not to speak of the rest of society, were far better off when social pressure forced them to hide their activities."
>
> A January 1994 edition of the Survival Report states that "gays in San Francisco do not obey the dictates of good sense," adding: "[T]hese men don't really see a reason to live past their fifties. They are not married, they have no children, and their lives are centered on new sexual partners." Also, "they enjoy the attention and pity that comes with being sick."

The New Republic's piece also made an issue of Paul's criticism of Israel, implying that non-support of Israel is anti-Semitic as such, which it is not. The author, Jamie Kirchick, had heaped all the accusations together. He ended by suggesting that Ron Paul was "a man filled with hate."

Kirchick was having a good time. When the article appeared it got him invited on the Tucker Carlson show.

"Hate" is a word that gets used a lot in certain quarters, and I try to be parsimonious with it. Some of the newsletters were nasty. In some of the cases the positions were all right.

"Hate" is a word that gets used a lot in certain quarters, and I try to be parsimonious with it.

It was defensible to laugh at the idea of renaming New York for Martin Luther King — and yet the *way* it was done was not defensible.

Why bring up newsletters from 1991? To label Ron Paul in 2008. That was the only reason. And yet the Ron Paul that we have seen during the campaign was nothing like the voice in those letters. Paul had not waged a racist campaign. He had been elected to Congress ten times, and he had apparently never waged a racist campaign. People stepped forward who had known the man a long time and said so. Bruce Bartlett, former assistant treasury secretary under George W. Bush — a man who had left Bush and written a book attacking him — was not attacking Paul. The interviewer on the neoconservative webpage Frontpagemag.com invited him to do that, and Bartlett declined. He said:

"I worked on Ron Paul's congressional staff back in the 1970s. I don't believe for a moment that he has a racist or homophobic bone in his body. But he can be a bit naive and overly trusting of people that he views as allies on the issues he really cares about, such as the debasement of the currency."

There were other such testimonials, one of them from an officer of the NAACP in Texas. There was even a statement from Kirchick himself, writing in a personal email to Berin M. Szoka of Gays & Lesbians for Ron Paul. Szoka wrote that he had met Kirchick at a Reason magazine party in Washington, D.C. Szoka posted Kirchick's letter. It included this statement:

"Anyways, I don't think Ron Paul is a homophobe; I'm just cynical and enjoy getting supporters of political candidates riled up. If you were a Giuliani guy I'd have called him a fascist."

Isn't that nice?

Here was the perfect time for anyone to stand up and say what racist or antigay thing Paul had personally said or done over the last 20, 30, or 40 years. And there was nothing.

Nothing. That is significant.

Reporters asked Paul about the newsletters. He said he had not written them and they did not reflect his beliefs. He said he didn't know who had written them, which, of course, sounded lame. Some bloggers who knew Paul accepted that he had not written them, though Eric Dondero, a former staffer who broke with Paul over the Iraq war, recalled him scribbling newsletter copy on tablets. Dondero and others said the pieces not written by Paul mainly had been written by his hired editor, Lew Rockwell, a former member of his congressional staff. Rockwell now heads the Ludwig von Mises Institute in Auburn, Alabama, and runs the libertarian website LewRockwell.com.

Kirchick called Rockwell, who denied writing the newsletter copy. Rockwell said he had mainly handled the promotional copy. There followed another babblefest about Rockwell and the Mises Institute, with many bloggers vehemently charging the Mises folks with racism. One of the most fulminant was an anonymous web page called RightWatch, which argued that Rockwell was a racist because he had published articles by people associated with the League of the South. But Rockwell had published a lot of people, including leftists. He publishes twelve people every day, including blacks, Asians, and Jews. He has published me. But this RightWatch fellow was all wound up, and said the Mises Institute was a "viper's nest."

The most notable internet fulminator was John Robbins, Paul's chief of staff from 1981 to 1985, who posted an open letter on the internet, addressed to Rockwell:

"The puerile, racist, and completely un-Pauline comments that all informed people say you have caused to appear in Ron's newsletters over the course of several years have become an issue in his campaign. . . . You have allowed Ron to twist slowly in the wind. Because of your silence, Ron has been forced to issue repeated statements of denial, to answer repeated questions in multiple interviews, and to be embarrassed on national television. Your callous disregard for both Ron and his millions of supporters is unconscionable. If you were Dr. Paul's friend, or a friend of freedom, as you pretend to be, by now you would have stepped forward, assumed responsibility for those asinine and harmful comments, resigned from any connection to Ron or his campaign, and relieved Ron of the burden of having to repeatedly deny the charges of racism. But you have not done so, and so the scandal continues to detract from Ron's message. You know as well as I do that Ron does not have a racist bone in his body, yet those racist remarks went out under his name, not yours. Pretty clever. But now it's time to man up, Lew. Admit your

Kirchick wrote in a letter, "I don't think Ron Paul is a homophobe; I'm just cynical and enjoy getting supporters of political candidates riled up."

role, and exonerate Ron. You should have done it years ago."

This is posturing. It reminds me of a dog barking publicly on behalf of his old master. And note that Robbins has relied on what "all informed people say" — and, in fact, the people who seem to be informed say these no-byline newsletters had more than one writer. Tim Virkkala, who was an editor at Liberty then, and privy to R.W. Bradford's libertarian gossip, says Murray Rothbard was also known to be a writer for Paul's letters. Rothbard was a polemicist of the first order. He loved a political brawl. He was also the originator of the "paleo" strategy of appealing to the populist Right — and all this was during his "paleo" period. Rothbard could very well be responsible for the roughest language in the Paul letters. But there is no profit in piling on Rothbard, because he is dead.

This is dogs fighting over old bones.

And it is not true that if the ghostwriter, or writers, stepped forward, it would take the spotlight off Ron Paul. It would put the media spotlight *on* Paul one more time. Nor would a confession and a groveling "exonerate Ron." The commonsense assumption is that when a man hires a ghostwriter, and markets the ghostwriter's words as *his* words, they become his words.

Paul is responsible for the newsletters.

What I gather from Virkkala and others is that Paul hired some people to produce red-meat newsletters to build up a right-wing donor list. Politicians rile up donors all the time; it is part of the technique of cultivation. Liberals say, or imply, that their opponents are misogynists, racists, Christian cultists, Constitution-destroyers, and corporate tools. Donor-targeted prose is always exaggerated and often some of the least defensible there is.

Still, Paul's violated a taboo. But the sin is, for the most part, 17 to 18 years old. Is it still mortal? Is there no statute of limitations? No half-life to its radioactivity? Some libertarians think so. They walk away from Paul. Whom, then, will they support? John McCain? Rudy Giuliani? Hillary Clinton?

Gay conservative blogger Andrew Sullivan, who had supported the war but changed his mind about it, switched his support from Ron Paul to Barack Obama. Were Paul's fans going to do that?

The Libertarian Party, anyone?

If you read the blogs of the most offended, there is a pattern. The people slamming Paul for racism differed with him over other things as well.

"I wasn't a fan of Ron Paul to begin with," wrote Cato's director of research, Brink Lindsey, on January 11. "I hadn't known about his old newsletters and their cesspool of racism and homophobia. But I didn't need to know about them to know that I wanted nothing to do with Ron Paul's brand of libertarianism. . . . Just look at his xenophobia, his sovereignty-obsessed nationalism, his fondness for conspiracy theories, his religious fundamentalism — here is someone with a crudely authoritarian worldview."

Paul does seem to believe that the "security and prosperity partnership" proclaimed by the leaders of the United States, Canada, and Mexico is more than pabulum, and really a plan for a "North American Union." That is a kind of conspiracy theory. Score one for Lindsey here. Paul is against NAFTA and the WTO, and for that I would score another one for Cato's former point man on trade. But I bridle at "authoritarian worldview." Is it authoritarian to advocate pulling U.S. troops out of the Middle East? I recall that Brink Lindsey was the one who favored George W. Bush's war over there.

Several others, including the anonymous blogger of RightWatch, wrote as if Paul's position on immigration were *prima facie* evidence of racism. Immigration restriction may be unlibertarian in theory, but it is a position that many libertarians (and immigrants) nonetheless hold for practical reasons. It is revealing that people who are for open borders assume that those who are not are motivated by evil thoughts along the lines of race and ethnicity. It is a nasty assumption, even if it's stated in a polite way.

Rothbard could very well be responsible for the roughest language in the Paul letters. But there is no profit in piling on Rothbard, because he is dead.

In the internet imbroglio over Kirchick's article, Lew Rockwell was attacked directly. Kirchick's piece had named LewRockwell.com as being against Abraham Lincoln. And so, it says, "Paul's alliance with neo-Confederates helps explain the views his newsletters have long espoused on race."

Note the non-neutrality of the wording, "have long espoused." It begs the question. It asserts what the article is trying to prove — that Paul is a racist *now*, by saying it is something he has "long espoused." Judging from the excerpts posted by the New Republic, the racial stuff from newsletters — not directly from him — came in the early 1990s, more than 15 years ago.

The statement also suggests that Paul is "allied" with neo-Confederates *because of their racial beliefs*. But none of the pieces I have seen on LewRockwell.com apologizes for the Confederates' racial beliefs in any way, or for slavery or Jim Crow. Really "neo-Confederate" is not an accurate label for Rockwell's position. He is thoroughly antistate and supports the right of secession — against any government, any time. Rockwell is anti-Lincoln because Lincoln was a nationalist, a centralizer of federal power and also, I think, because Lincoln is in a political temple no one else attacks. Attacking him becomes a point of distinction. Rockwell will allow it and the Cato people won't. Kirchick might have explained all that, but he didn't.

He had gone on to say:

"The people surrounding the von Mises Institute — including Paul — may describe themselves as libertarians, but they are nothing like the urbane libertarians who staff the Cato Institute or the libertines at Reason magazine."

The urbane libertarians versus the non-urbane libertarians. Another poke in the eye.

To this, Lincoln debunker Thomas DiLorenzo fired back on the LewRockwell blog with some non-racist bigotry about Kirchick's skin:

"Imagine my surprise to learn from an emailer this morning that the pimply-faced youth James Kirchick, who graduated from college barely a year ago, had his education funded by the neocon Olin Foundation. He apparently majored in warmongering and imperialism, referred to at Yale as 'International Security Studies.' I was equally surprised to see on the web that the PFY [pimply-faced youth] has also written articles for Frontpagemag.com defending the Iraq war."

Paul's sin is, for the most part, 17 to 18 years old. Is it still mortal? Is there no statute of limitations? No half-life to its radioactivity?

Karen DeCoster, a Rockwell author, came out on her blog on behalf of Lew. She saw the pile-on as the work of the "Kochtopus," a term used in Rothbard's old newsletter to mean the organizations funded by Charles and David Koch, such as Cato. DeCoster wrote:

"The Kochtopus has been out to kill Rothbardian libertariansm . . . for a very long time, and this, they think, is their great chance. I have read the excerpts from the Ron Paul newsletters, and I can tell you this: those excerpts making light of immigrants/blacks/etc. are way too snappy and attempt to be way too humorous to have been written by Lew Rockwell. Lew is not a guy who tries to humor people. That is not his comparative advantage. Lew's only sense of humor is letting other people make him laugh. I do not say this to be demeaning — it is just his nature. He will never be the snappy, impetuous, humorous, quipster of the party. His personality is exactly the opposite. The seriousness of his personality is very obvious in his many writings. He is a warm and kind man who, with all of his success, could be a condescending jerk. Instead he is a very fair, hospitable, mellow, and serious man."

The opinions go on for miles. Perhaps DeCoster, who is an accountant, was right when she said there are too many libertarians without real careers who have nothing better to do than to get online and attack people. Maybe it was all World of Warcraft to them. I got the same message from former Reason editor Virginia Postrel, who is no fan of Paul's. She wrote: "Life is short, I don't make my living as a professional libertarian any more, and I don't feel responsible for commenting on every libertarian-related development that comes along."

The pattern was clear enough, anyway. The people who disagreed with Paul about the war, or about immigration and trade, or abortion, or about his belief in God, tended to see mortally sinful racism and homophobia in the yellowed newsletter excerpts, and the people who agreed with Paul had a strong urge to forgive. It may not be rationally defensible, but it is the way we are.

I am disappointed in Paul on this newsletter thing, but I will vote for him in my state's primary election, and with more enthusiasm than for any presidential candidate I can remember. Not because I think he has a chance of becoming president, or because I agree with him on everything. But I agree with him on some big things: the Constitution, federalism, government spending, and the war. I think it is important for the country, and the Republican Party, to hear his views, and to witness the fervor those views elicit in ordinary Americans.

About the hit piece by TNR's PFY, I take the view of Allan Walstad, professor of physics at the University of Pittsburgh. Writing as "Doc W" at Volokh.com, he posted his views on the good doctor from Texas:

"All I see is a 72-year-old guy working his butt off for limited government, individual liberty at home, foreign noninterventionism, fiscal responsibility — and getting sniped at because he's more closely associated with one childish warring faction of the libertarian movement than the other." ❑

Reflections, *from page 18*

Second, massive numbers of baby boomers are due to retire over the next decade, which will bring the unfunded liability crisis out into plain view.

Pamela Villareal and D. Sean Shurtleff of the National Center for Policy Analysis have recently revealed another wrinkle to the entitlement mess. It turns out that the Social Security system may actually be in worse trouble than thought, because the number of workers on disability is growing rapidly and disproportionately. The disability component of the Social Security program is growing at double the rate of the retirement component.

In fact, over the last 15 years, the number of disabled beneficiaries of the program has grown from 3.9 million in 1985 to 8.4 million in 2006. During that same time, disability expenditures went up 500%, while standard elderly retirement expenditures went up less than 300%.

Given the fact that Americans are healthier and are living longer than ever before, and given the fact that fewer are working in hazardous conditions than ever before, one suspects that at least part of the increase is due to some perverse incentive. Now, it appears that over 70% of Americans take their Social Security payments early (at age 62, as opposed to, say, 66). When a worker opts for early Social Security, his or her monthly check is lower than it would be at the later age. But if the same 62-year-old worker claims disability, he or she gets a 30% higher check.

That is a perverse incentive, indeed. — Gary Jason

Clean bill of health — Recently I heard that President Bush underwent a physical examination, including a colonoscopy. My concern for the presidential health was allayed when nothing was found. Then I realized that I need never have been worried. The president's health had actually never been at risk. This was merely the top secret conclusion of an exhaustive search pattern. After all, they had already looked everywhere else for those WMD's. — Anthony Teague

The Films of Ayn Rand

by Stephen Cox

This essay, exploring the film career of a writer who exerted a large influence on libertarian thought, appeared in the first issue of Liberty.

— Patrick Quealy

Film is a popular art and a cooperative one. It appeals to a mass audience, and its creation requires the collaboration of many artists. The novelist, even the novelist afflicted with editors, has an easier time maintaining control over his work than does the writer of films, whose scripts must be brought to life by producers, directors, cinematographers, and actors. It is partly because film is a collaborative art that it is so often the art of situations rather than of ideas or characters. A basic situation — boy meets girl, bank robber meets bank, Godzilla meets Tokyo — may survive the process of filmmaking, and may even be intensified by that process, while subtle character analysis and complex ideas perish. Basic dramatic situations have more obvious appeal to a mass audience than do carefully developed philosophical theses. This helps to account for the fact that film is so often sentimental, in the sense that it presents situations that exploit and confirm common emotional responses rather than suggesting ideas that might challenge them.

As a novelist, Ayn Rand was a devoted antisentimentalist, continually challenging commonplace reactions. She did so by writing fiction that attempts to explain why those reactions are philosophically inappropriate. Fiction of her kind requires scope: the arguments of "The Fountainhead" could never be encapsulated in a two-hour, or a twenty-hour, movie. And, of course, Rand was an individualist artist who aspired to total control of her work. When Bennett Cerf, the head of Random House, wanted her

to cut "Atlas Shrugged," she asked him, "Would you cut the Bible?"[1] Rand seems a very unpromising candidate for filmmaker — yet she wrote three films.[2]

Most readers of Rand are familiar with only one of these films, "The Fountainhead." But to get a sense of her struggles with the Hollywood movie, one must consider all three.

"You Came Along"
Paramount, 1945
Producer: Hal B. Wallis
Director: John Farrow
Cast: Robert Cummings, Lizabeth Scott, Don DeFore, Charles Drake, Kim Hunter

"You Came Along" is the weakest of her films, and probably the most collaborative; Rand's screenplay was a revision of an original story by Robert Smith. The script is dominated by a basic, sentimental situation: a heroic World War II pilot is dying of some rare disease, he meets a heroic woman who marries him despite her knowledge of his impending doom, he succumbs bravely, she reacts bravely. In order to throw the grim events of the plot into sharpest emotional relief, or perhaps in order to keep the audience awake, the leading characters are forced to be comedians as well as heroes. The pilot and two happy-go-lucky buddies are travelling around the country selling war bonds, and his destined mate is assigned to travel with them as a representative of the Treasury Department. This in itself evokes humor: what a surprise that the Treasury agent is a woman! But travel provides further opportunities for comedy. The pilot arrives late at night in the wrong hotel room; he takes off his pants before discovering that his Treasury Department guide, not yet his wife, is occupying the bed; confusion reigns, etc.

Rand's humor, when evident at all — and it is frequently evident in the satirical parts of her novels — was not of this kind. It's easy to attribute the "comedy" in "You Came Along" to Robert Smith, who during his career got credits for 17 not very distinguished pictures, of which "You Came Along" was his first.[3] It's also easy to imagine that Smith, rather than Rand, was the source of the scenes in churches and chapels and of the religious epigraph (some pretty verses from Longfellow) that comes on the screen after the movie's titles. It was Rand, however, who apparently decided to include rather than exclude these elements.

Rand found it difficult to discover properties to adapt for the screen. Finally she chose "out of sheer desperation" a novel, "The Love Letters," in which she saw "at least the possibility of a dramatic situation."

Whatever trouble she may have had with them, she clearly had no trouble with the ideology of heroic love that is implicit in the plot. That ideology becomes an ideology of heroic joy; the heroine resembles the positive characters in Rand's novels when she declares that she will never grieve for her husband or feel sorry that she married him. All this conforms to Rand's idea that individuals are ultimately responsible for their emotions and that life need not be painful even if its circumstances are.

The courtroom scene was impressive, but perhaps not impressive enough; Gary Cooper and Rand agreed that "he didn't quite get it."

Rand's heroine is understood as rising above the very situation from which the film derives its pathos — yet this hardly acquits the script of the charge of easy, situational sentiment. "You Came Along" is a formula picture that arouses highly predictable emotions, and there is nothing in the thought process of the characters that would trouble the audience with thinking. What makes the film endurable is Lizabeth Scott's portrayal of the heroine. Scott is so poised and luminous an actress that she can make the predictable seem, for the moment, meaningful — and perhaps there is a kind of meaningfulness in this. As for Rand's other collaborator, Robert Cummings, who plays the pilot: he was apparently so pleased with his role that he used the name of his character, Robert Collins, as the name of the comic protagonist of his 1955–59 television series "The Bob Cummings Show" (syndicated as "Love That Bob"), about a fly-boy turned photographer. Popular culture, like an archaeological site, exhibits many strata of debris.

"Love Letters"
Paramount, 1945
Producer: Hal B. Wallis
Director: William Dieterle
Cast: Joseph Cotten, Jennifer Jones, Ann Richards, Gladys Cooper, Robert Sully

"Love Letters" is a much more interesting film, if only because its central situation is more complex than the rudimentary disease-death-emotional transcendence situation in "You Came Along." The plot involves an English officer, Alan Quinton (played by Joseph Cotten), who ghost-writes love letters to another soldier's girl back home. It's essentially the Peter Keating-Howard Roark, parasite-host relationship,

and Quinton's buddy even says the Keatingish things that one would expect from a Randian second-hander:

> Quinton: She's in love with these letters that you didn't write. With my letters.
> Parasite: What's the difference?
> Quinton: She's in love with a man who doesn't exist.
> Parasite: Oh well, I'll make a good substitute.

The woman is indeed in love. According to her letters, she is seeking "a man who would look at life, not as a burden or a punishment, but as a dream of beauty which we can make real." Quinton's ghostwritten letters are so eloquent, so lyrical, so individual, that she thinks she has found her man. She marries the purported author, not knowing that he is a cad. When he returns from the war, she gradually realizes that his character does not match his words — and then he is killed, knifed to death, supposedly by his disappointed spouse, who loses her memory and cannot furnish testimony about the crime.

I need not belabor all the typically Randian concepts for which this situation provides a vehicle. They include the uniqueness of real character, the sanctity of joy and beauty, and the alacrity with which joy and beauty are despoiled by the emotional exploiters of this world. There is the possibility, too, of a typically Randian plot development designed to challenge sentimental assumptions: the development in which an act that appears "obviously" wrong (Roark's destruction of Cortlandt Homes, for instance, or in this case the murder of the offending husband) is eventually justified as proper in the terms of an unorthodox moral philosophy.

The framework of "Love Letters" is not, however, entirely of Rand's devising. While working for producer Hal Wallis, she found it difficult to discover properties to adapt for the screen. Finally she chose "out of sheer desperation" a novel in which she saw "at least the possibility of a dramatic situation."[4] The novel was "The Love Letters," by a prolific but now totally forgotten author, Chris Massie. Massie's writing is a curious mixture of the spiritual and the clinical, of allusions to the Bible and talk of "sex starvation."[5] His manner exaggerates the worst features of, say, H.G. Wells — the manner of the tough village atheist who has suddenly gotten his own kind of religion. Beneath it all is an uncouth sincerity, a desire to break the quarantine on every sort of emotional sickness. As his autobiography, "Confessions of a Vagabond," makes clear, Massie had been deeply traumatized by World War I.[6] His protagonist in "The Love Letters" returns from war unfit for civilian life, and finds that he has "a nostalgia for . . . well, among other things . . . the smell of the dead. War stinks to high heaven, but it is the stink of something terribly real . . ."[7]

Observations of this sort might lead to serious analysis of psychology, but Massie drifts in a less fortunate direction. He is not concerned with the individuality of character that Quinton's letters express: this is Rand's theme. In the novel, the heroine's marriage to the "author" of the letters fails to work because he accidentally dies, not because of his psychological flaws. She loses her memory and returns to what we are assured is a delightful state of innocence (actually of pure banality), in which she happens to meet Quinton and marries him. In the meantime, oddly enough, she is thought to have murdered an old lady whom Massie drags into the plot for no other reason than for his heroine to be accused of murdering her. Eventually, a second old lady confesses to the killing; just at that moment, however, the innocent heroine drowns in a failed attempt to save a drowning lamb (that's right, an innocent lamb). This bizarre plot provides Massie with evidence for his final judgment that beauty is born to die, that "life is travail and disappointment and tears."[8] If one wishes to criticize Rand's movie, one should first read Massie's book.

Rand does well to consolidate the plot, so that the killing acquires some significance, even seems poetically appropriate, and so that it becomes the direct result of the misleading letters and therefore of a denial of true identity. She does still better by removing the maudlin ending. Ever the foe of pessimism, she arranges for Quinton and the heroine not only to meet and marry but also to continue enjoying happiness after the heroine's memory is restored and she discovers that it was her adoptive mother, not she, who did away with her husband. But here one suspects a concession to conventional notions of innocence, a concession that deforms Rand's story. Her plot is about the individual self and its aspirations, not about legal innocence. From the judicial standpoint, it may be interesting to wonder if a certain amnesia victim actually slew her husband, but from the artistic standpoint it adds nothing to the script to prolong the mystery of who killed him, only to reveal that it wasn't the heroine who did so. Nothing is added, that is, but predictable sentiments. One is not unhappy when this film finally ends.

"Love Letters" is competently acted, despite the fact that Joseph Cotten does none of the special things that he could sometimes do, and Jennifer Jones (playing the heroine) has to represent too cloyingly sweet a character ever to be represented in an interesting way. Jones does not really act as if she were "hearing voices and being tickled at one and the same time,"[9] but you get tired of her anyway. The director, William Dieterle, was a prominent practitioner of *film noir.* He could also practice other modes; he had worked with Max Reinhardt, for instance, on the wonderful film version of "A Midsummer Night's Dream." "Love Letters," however, is very *noir,* or at least very shadowy, and the sets are small and few and cheap. But the camera work is exacting; the shots are well planned and framed, and camera angles are properly

So formidable did Rand make herself while her film was being created that she was allowed more influence on production than any other Hollywood writer has ever acquired.

expressive of emotional tones. What damages the movie is the empty sentiment of the amnesia-murder plot, a plot that Rand did not or could not make intellectually challenging.

"The Fountainhead"
Warner Brothers, 1949
Producer: Henry Blanke
Director: King Vidor
Musical Score: Max Steiner
Cast: Gary Cooper, Raymond Massey, Patricia Neal, Kent Smith, Henry Hull, Robert Douglas, Ray Collins, Jerome Cowan

In "The Fountainhead," Rand is a much more independent creator of her own film. She was working from her own book, she was attempting to realize her own ideas — not fix up someone else's — and she had every inclination to pester and cajole other people into producing her script in precisely the way she wanted it produced. In this she had a large measure of success; she was no pathetic Peter Keating being "pushed from office to office" while artistic control was lost, bit by bit.

The film's director, King Vidor, was a figure of no small importance in Hollywood, and he did not take Rand's philosophy and mythology with complete seriousness. Discussing the film's centrally important episode, Roark's dynamiting of Cortlandt Homes, Vidor wrote:

> [Roark] tried in every way to restore the construction to his original idea [this isn't the way the movie goes, incidently] but was unsuccessful. It was then that he decided to dynamite the face of each building.
>
> To me this seemed a preposterous and impractical solution. I went to Jack Warner, the head of the studio, with the argument that if, when the picture was completed, anyone changed or edited some part of the film and I retaliated by destroying that part of the film, would he forgive my rash action. He replied that he would not but that a court judge might.[10]

Nevertheless, Vidor goes on to say that he admired Roark's artistic integrity.

Rand, of course, had none of her director's ambivalence, and so formidable did she make herself while her film was being created that she was allowed more influence on production than any other Hollywood writer has ever acquired. Vidor reported that "when actors wanted to change lines we had to telephone her and ask her to come over quickly and that helped stop a lot of actors changing lines."[11] Rand was even permitted to coach Gary Cooper (Howard Roark) for his performance in the impressive courtroom scene. Impressive, but perhaps not impressive enough; Cooper and Rand agreed that "he didn't quite get it."[12] "The Fountainhead" remained, inevitably, a collaboration — yet Rand bears most of the responsibility for its outcome.

Critics have been evaluating her achievement for the past 40 years, but it is remarkable how often they seem to have been watching some movie besides "The Fountainhead." I'm not worried here about hostile treatments, such as Bosley Crowther gave the film in The New York Times. Crowther's review does sound as if it should appear in Ellsworth Toohey's "One Small Voice," but he is right about some things; for example, he correctly perceives that Gary Cooper's architecture is "trash."[13] I am mainly concerned with misperceptions to which friendly as well as hostile critics have succumbed.

Charles Derry, who likes the book, likes the movie, and views it as an example of successfully "collaborative art," emphasizes its visual subtlety by asserting that "Ellsworth Toohey's first appearance is as a black silhouetted figure looming large in the foreground . . . Toohey, a man of shadowy ideas, is ready to try to dominate when the time is right."[14] In fact, Toohey first appears as a figure walking unobtrusively across the set behind Roark. This image captures not only Toohey's sinister quality, but also the fact that Roark does not — prefers not to — notice people like Toohey.

A small misperception — there are larger ones. Kevin McCann pictures the movie's Roark as "fight[ing] to convert the public and the architectural world to his thinking." In reality, of course, Roark says that he doesn't care what anyone else thinks about architecture; he engages in ideological warfare only when he needs to gain acquittal in court. McCann also reads Dominique Francon's fake attempt at suicide as a real attempt.[15] Derry and Stuart Kaminsky insist on the presence of a certain pattern of imagery, in accordance with which Roark seems to ascend in the camera's eye. "Throughout the first part of the film," Kaminsky says, Dominique "is shown physically above" Roark; "only when she becomes sexually vulnerable does she appear in a lower position on the screen." According to Derry, "Throughout the movie Roark was constantly shown close to the earth. . . . The camera was often placed above his head, emphasizing his striving to rise." In the final sequence, Derry notes, the camera angle is reversed: Roark has conquered.[16] The truth is, however, that the camera normally takes a level view of Roark; even in scenes in which other characters are understood as looking down on him, literally or figuratively, the lens is normally aligned to him, not them.

About the film's ideas there are many misperceptions. Richard Combs believes that Rand's script "continually declaims against the grovelling mediocrity of the masses and their envious egalitarianism." But neither the script nor the direction has much to say about the "masses," their envies, or their isms; there may be more analysis of their apparent mediocrity in "It's a Wonderful Life" than in "The Fountainhead." When mediocrity is criticized, it is mainly the mediocrity of the intellectuals and the upper classes that Rand and Vidor seem to have in mind, and that we see on the screen. Combs also claims that the script's political philosophy, which is principally vulnerable, one would think, to the charge of single-minded rationalism, actually "conflates and confuses so many political attitudes in its drive to exalt the Superman that the narrative result is a kind of 'Wizard of Oz' nonsensicality."[17] All one can say about this is that Combs didn't like whatever movie he saw. Raymond Durgnat, a generally sympathetic analyst, also has difficulty in classifying the film's ideas. Although he fails to specify any very immediate influence of Vidor's populist or mystical tendencies, he nevertheless argues that "it remains unclear where Miss Rand's [ideas] end

and Vidor's begin."[18] This is a curious remark to make about a film whose concept was so thoroughly Rand's own.

The Art of Cooperation

Collaboration, however, had to take place, and it did. Fortunately, Rand and Vidor agreed on the usefulness of a non-naturalistic technique. Rand liked expressionist film, and in her novels she found plenty of uses for the mythic and the mythological.[19] "The Fountainhead" comes as close to mythic expressionism as a film about a rationalist architect could ever come. The mythic atmosphere is partly a matter of the directness and "urgency"[20] of Rand's script, which was required to reduce a very long book to its stark fundamentals. Rand was always good with an aphorism, even in her late, tedious years, and the aphoristic style helps her here: "I don't build in order to have clients; I have clients in order to build," Roark declares — succinctly establishing himself as the archetypal creator.

But myth can never be achieved simply by collecting aphorisms. The mythic is a matter of universal problems, essential conflicts, and symbolic acts of sudden, intense significance. It is Henry Cameron (played by Henry Hull) seizing a stack of copies of the New York Banner — "the foulest newspaper on earth" — and ripping them to shreds; around him, a crowd gathers and, somewhere above, the camera inspects the scene, as if from a judgment seat. It is Dominique Francon (Patricia Neal) holding a desperate Gail Wynand (Raymond Massey) in her arms and begging him, at his hour of climactic decision, "Don't give in to them, don't give in"; there is a dissolve to his boardroom, where his directors tell him, "You'd better give in" — and he gives in. And of course it is Vidor's close-up of Roark working in the quarry, seeming to express all the creative and destructive energy in the Randian world in the way in which he holds his drill.

In scenes like this last, of course, the director's insight into the script is more important than the script itself. Throughout the film, Vidor's camera almost unerringly selects the faces, gestures, and objects that are of real thematic or symbolic importance. He lights his sets dramatically so as to emphasize (as if emphasis were necessary) Rand's black-and-white moral contrasts, and he generally places the camera far enough from the actors to convey an impression of reserve and deep seriousness that is suitable to Rand's own seriousness.

Rand told Barbara Branden she was "certain that it couldn't be made into a really good movie"; she had already "told the story in the proper form in the book."

The mythic quality of the movie, as I earlier implied, depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming. In this respect, the movie is much starker than the novel. Until the last shot, Roark is never shown working at a construction site; after he gets out of the quarry and achieves his proper station, his work is presented as if it were entirely intellectual, a triumph of mind over matter. The sets are usually stripped of everything that lacks symbolic significance. Roark's offices and the buildings that he designs seem to consist of unnaturally large, unnaturally empty rooms, as if a mythic space were being created by the clearance of all messy, mundane detail. Roark's spaces are in sharp contrast to those of villainous or equivocal people. Toohey's office has plenty of furniture and is well decorated with 18th-century portrait prints and a picture of Creek ruins; the boardroom in which Roark is denied a commission displays "decadent" Hubert Robert-like architectural paintings; Dominique's bedroom, a pre-Roark structure, is elaborately baroque; Wynand's pre-Roark dining room is decorated in a heavy neoclassical style and overshadowed by an immense baroque picture; on the facade of the Banner building, a metal sign hangs from Corinthian columns — the architectural banner of decadence and equivocation.

The mythic quality of the movie depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming.

One would like to say that all aspects of script and production were adequate to the goal of mythic expressionism. Regrettably, they are not. Rand's dialogue is sometimes much too "urgent" for its own good. It's not mythic but gratingly obvious for the board of directors of the Security Bank to try to make Roark compromise by telling him, "You realize, of course, your whole future is at stake. This may be your last chance." And the expressionist sets are often not mythically stark but vacant or dull or shockingly bad. Rand failed to get Frank Lloyd Wright as designer of Roark's buildings; he wanted too much money and too much control.[21] The studio's designer, Edward Carrere, took over, with fear-inspiring results. The film does well at showing the various ways in which bad architects can ruin buildings; the Cortlandt project that Roark blows up richly deserves to be blown up, as discontented mutterings from the audience normally testify. But the Cortlandt that Roark designs looks like nothing more than a typical government project. The house he builds for Wynand is even worse; it's a hard, ugly, moronic lump — something like a square space-ship filled with cement. Its principal interior embellishment is a lamp with goldfish swimming inside

it, lovingly placed in the foreground by King Vidor. In general, Roark's buildings go out of their way to deny his doctrine that "form must follow function."

The film's musical decoration is slightly more successful than its architectural decoration. The score is by Max Steiner, usually regarded as one of the best Hollywood composers; he provided music for "Gone with the Wind" and "Casablanca." Steiner's "Fountainhead" music tries to be romantic and sparely modern at the same time; it ends up being overstylized and repetitive, a theme without real variation. It's simple enough to avoid serious embarrassment, however, and the final few bars provide a climax of what must be called religious feeling.

Certain elements of myth defy naturalism so boldly as to make literal versions of them appear grotesque.

The cast, of course, is more than decoration; its members are, perhaps, Rand's most important collaborators, and it has to be said that as a group they fail to attain mythic status. One can hardly object to the presence of actors as talented as Gary Cooper, Raymond Massey, and Patricia Neal, but their talents are not necessarily in Rand's line. Only Massey is capable of realizing the compelling strangeness, the uncanniness of myth, and Massey seriously mars his performance by overacting, as Rand recognized.[22] His arresting voice and manner make him, potentially, the right man for the part, and he skillfully captures the sardonic quality of Wynand's personality. But he is too often on stilts; he neglects Wynand's toughness in favor of his self-conscious theatricality. Neal overacts much more flagrantly; she plays her part with an hysterical intensity that fits the character of Dominique all too well and exaggerates the movie's expressionist style to the point of absurdity. She constantly appears to be posing for some slightly deranged portrait-painter residing in the Berlin of 1925. Her interpretation of Dominique merely deepens the mystery of why Dominique is considered a heroine.

Another mystery is Rand's curious idea that Gary Cooper was Howard Roark: "From the time she had begun writing 'The Fountainhead,' when she had first considered the possibility that it might one day be made into a movie, Gary Cooper was the one actor she wanted for the role of Howard Roark. His physical appearance strongly suggested Roark to her; she saw him as the archetype of the American hero."[23] Like other people who have gotten their wishes, Rand lived to regret it. Cooper wasn't entirely up to the role, though not being up to it allowed him to mold Roark a little in his own attractive image, "humanizing" him, as many people have said. For examples of good acting, one should look at Cooper's sensitive treatment of Roark's shifting feelings in his scenes with Massey, or in his fine little scene or two with Ray Collins, who plays Roger Enright. (Collins, who had performed as Boss Jim W. Gettys in "Citizen Kane," is himself an excellent actor, as is Jerome Cowan, perfect in the role of Alvah Scarret.) The crucial objection to Cooper is his age; he is much too old to play Roark the beginner — just as Kent Smith is much too old to play the neophyte Keating. It is very surprising that Rand thought of Smith (who does turn in a memorable performance of Keating the has-been) as the right "physical type" for his part.[24] Is this the "pale, dark haired, and beautiful" Keating of the novel, the Keating who has a "classical perfection" in his looks, whose eyes are "dark, alert, intelligent"?[25] Not exactly.

Surprising also is Rand's judgment that Robert Douglas, playing Toohey, "was too forceful," not "slippery and snide" enough.[26] The splendidly developed Toohey of the novel is powerful as well as conniving. He is both a small, twisted figure and an immensely forceful presence. And who wrote the script in which Toohey says to Keating with disgust, "Of course I'm your friend. I'm everybody's friend. I'm a friend of humanity. Now, why did you come here? What do you want?" Rand herself made Toohey forceful, as he should be if he is to enact his prominent part in the myth. Perhaps no actor could capture Toohey's complexity, but Douglas does a striking, more-than-naturalistic job with one side of him. The fact that Rand wanted the other side to be emphasized probably reflects her embarrassment at having created a splendid villain who acts as more than a "foil" or "contrast" to the good people — the role in which her later aesthetic theory would cast a villain.[27]

The Authorized, Abridged Version

The major problem in "The Fountainhead," however, lies not in its cast, its direction, or its production; it lies in a conflict of media. Rand's great difficulty was that of transforming a complex philosophical novel into a series of mythic scenes, scenes that nevertheless depend on a certain amount of philosophical elaboration if they are to be understood. The process of condensation that helps to bring the mythic elements into sharp focus also helps to deprive them of meaning. Rand was thinking of the conflict of media when she told Barbara Branden that she was "certain that it couldn't be made into a really good movie"; she had already "told the story in the proper form in the book."[28]

It is this problem that makes some of the movie absurd. The romantic scenes of the book, for instance, are supposed to symbolize and develop the relations among certain complicated ideas. The romantic scenes of the movie are just romantic scenes, rendered with an intensity which they do not seem to deserve. True, Rand is willing to compromise by getting rid of some of the sexual intensities: Dominique gets married twice, not thrice (thank God — three times would look simply terrible on film), and Roark's role in wrecking the Wynands' marriage is somewhat obscured, as McCann notes.[29] But the scene in which Roark conquers Dominique in her bedroom remains, and it is a ridiculous scene. Certain elements of myth defy naturalism so boldly as to make literal versions of them appear grotesque. No one wants to see Homer's battles represented literally, and no one wants to see Daphne literally

transformed into a tree while she is trying to escape from Apollo. An elaborately philosophical treatment may, perhaps, demonstrate that the Roark-Dominique romance is human and explicable, but without this treatment, it all looks like a dance of rather awkward bodies. To represent a myth is often to diminish it.

Other parts of "The Fountainhead" are a great deal better than the scenes to which I refer. But the ironic thing is that this "controversial" film is really not capable of stirring up much significant controversy. It can confirm and enhance pre-existing values — or, when viewed by unsympathetic audiences, it can leave these values quite untouched. But it has relatively little power to advocate new values, because it lacks the ability to argue very effectively for them. Compare the laughter that usually greets the romantic scenes with the disgust usually produced by the shots of Cortlandt Homes as redesigned by Toohey's friends. Rand's script is insufficient to convince people that they ought to dislike Cortlandt: how much does the script actually say about architecture, or even about Rand's opinions on the subject? Cortlandt just looks bad. Rand's script is also insufficient to teach anyone not predisposed to such a view that Roark and Dominique's heroic love ought to be respected. It just looks bad. Rand, we are told, arranged for the first preview of the movie to be held in a working-class community, and she was delighted by its enthusiastic reception. She felt that the audience understood all her ideas: "That's why I like the common man." Yet she herself said, "I didn't even like the script; they wanted the movie to be under two hours, so the script was too short, it wasn't right."[30] So how much did her audiences understand?

"The Fountainhead" is not an intellectually challenging film, though it is certainly better in this respect than Rand's other efforts in the medium. Neither individualists nor anti-individualists are likely to be set thinking by an evening spent with "The Fountainhead" cooking in the VCR. Further, knowledge of the movie's intention to be intellectually challenging, and of its failure to achieve this purpose, detracts even from a purely aesthetic appreciation of its technique. If easy sentiment is one danger to the art of film, unrealizable philosophic ambition is another. But at least "The Fountainhead" has ambition, and its ambition involves not just an attempt to present iconoclastic ideas but an attempt to affect its audience's perceptions in daring and distinctive ways. As Stuart Kaminsky says, its anti-naturalistic method makes it "one of the most noteworthy of American films . . . a strange and courageous effort, rather like a building by Howard Roark."[31] Rand's courageous strangeness deserves a large share of the credit. ❑

Notes

1. Bennett Cerf, "At Random: The Reminiscences of Bennett Cerf" (New York: Random House, 1977) 253.
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3. Leonard Spigelgass, ed. "Who Wrote the Movie and What Else Did He Write? An Index of Screenwriters and Their Film Works: 1936–1969" (Los Angeles: Academy of Motion Picture Arts and Sciences, 1970) 163.
4. Barbara Branden, "The Passion of Ayn Rand" (Garden City, N.Y.: Doubleday, 1986) 192.
5. Chris Massie, "The Love Letters" (New York: Random House, 1944) 7.
6. Chris Massie, "The Confessions of a Vagabond" (London: Sampson Low, 1931).
7. "The Love Letters" 33.
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9. Bosley Crowther, review of "Love Letters" (August 27, 1945), in "The New York Times Film Reviews" (New York: Times, 1970) 3.2078.
10. King Vidor, "King Vidor on Film Making" (New York: David McKay, 1972) 231–232.
11. Joel Greenberg, "War, Wheat and Steel: King Vidor Interviewed," Sight And Sound 37 (1968) 197.
12. Branden 209; Stuart Kaminsky, "Coop: The Life and Legend of Gary Cooper" (New York: St. Martin's, 1980) 155.
13. Crowther, review of "The Fountainhead" (July 9, 1949), in "The New York Times Film Reviews" 4.2346.
14. Charles Derry, "The Fountainhead as Film," Reason 6 (Oct. 1974) 29.
15. Kevin McCann, "Ayn Rand in the Stockyard of the Spirit," in "The Modern American Novel and the Movies," ed. Gerald Peary and Roger Shatzkin (New York: Ungar, 1978) 331, 334.
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17. Richard Combs, "King Vidor," in "Cinema: A Critical Dictionary: The Major Filmmakers," ed. Richard Roud (New York: Viking, 1980) 2.1034.
18. Raymomd Durgnat, "King Vidor" (Part 2), Film Comment, 9 (Sept.–Oct. 1973) 31.
19. John Cody, "Ayn Rand's Promethean Heroes," Reason 5 (Nov. 1973) 30–35; Stephen Cox, "Ayn Rand: Theory versus Creative Life," Journal of Libertarian Studies 8 (1986) 22.
20. Durgnat 31.
21. Branden 208–209.
22. *Ibid.* 208.
23. *Ibid.* 206.
24. *Ibid.* 208.
25. Ayn Rand, "The Fountainhead" (New York: New American Library, 1971) 28–29.
26. Branden 208.
27. Ayn Rand, "The Romantic Manifesto: A Philosophy of Literature" (New York: World, 1969) 167.
28. Branden 185.
29. McGann 229–30.
30. Branden 211–12.
31. Kaminsky 156.

I Married an Alien

by Sandy Pierre

How I found love, libertarianism, and a shotgun wedding, courtesy of Uncle Sam.

Dec. 31, 1999 — It was Millennium Eve and I was holed up in my apartment, nursing a bad cold and surrounded by a mountain of freeze-dried food, a water-filtration kit, and gold bullion. I was watching the news for word of the Y2K Bug and TEOTWAWKI. In between sneezes, I watched people all over the world enjoying fireworks and apparently having a great time. After several hours of this, I realized I'd been had. Y2K was a bust and I was missing the biggest party of my lifetime! I slammed a bottle of DayQuil, put on a black dress and a pink feather boa, and staggered off to a party at a friend's house. My plan was to make an appearance at the party then head to downtown San Francisco to watch fireworks.

At the party, I struck up a conversation with an attractive young man I hadn't seen before. He turned out to be a French university student doing an internship in the Bay Area. He had only been in the U.S. for two weeks, but spoke excellent English. He had met friends of mine in a bar, and they invited him to this party. His introduction to my country had been less gracious; he had been strip-searched at the airport and detained for two hours, despite the fact that all his papers were in order. Customs officials also stole the bottle of wine he had brought as a gift for his new boss.

We chatted for a while, then I prepared to leave; I didn't want to miss the fireworks. The hostess pulled me aside and encouraged me to stay a little while longer. "Don't you like my little French friend? You two look good together." I lingered and missed the fireworks, while romance blossomed with the stranger from France.

Sept. 11, 2001 — It was a Tuesday. I was taking the day off work to go camping with my dad up north. My French boyfriend's visa had expired five months after we had met and he had had to leave the country; but, after a full six months of effort, Alex had managed to obtain a second internship and a renewal on his visa. Now he was living with me.

I turned on the morning news while gathering my camping gear together and was greeted with the sight of the local news guy telling me that the Twin Towers had fallen down. Both of them. I was in shock, like the rest of America. But I got little sympathy from the Frenchman; he clearly didn't grasp the enormity of the situation. To be honest, I'm not sure he even knew what I meant by "Twin Towers." I wasn't sure it was appropriate to go ahead on vacation. But my dad, a native of New York City and rattled by very little, saw no point in not going.

I think now it was the best thing we could have done. We spent the next three days in the woods and the fog, not glued to a television set watching destruction like everyone else.

As shocked and horrified as I was by the terrorist act 3,000 miles away, I had no idea how much it would affect my own life. My boyfriend worked at a hotel in downtown San Francisco that catered to an international clientele. After Sept. 11, the hotel's business plummeted. The employees sat around bored and depressed, with little to do but process cancellations. Two weeks later, the hotel laid Alex off.

It's bad enough to lose your job but, without his internship, Alex no longer had any legal excuse to be in this country. We had to make a choice and make it fast: go our separate ways or get married in order to stay together. We decided to get married. Two weeks later, we took our vows at San Francisco City Hall. We were surrounded by my local family and a lot of strangers, but not my grandparents from the East Coast nor any of his family from France.

If you think it's straightforward to get a green card for your spouse, you have never lived the adventure of marrying a foreigner. Or an *alien* as the U.S. government calls them. We had to gather together about an inch of documentation to prove that our marriage was *bona fide*. I had to submit my tax returns for the previous three years. I had to prove that I made a certain amount of money, so that I could support my husband financially if necessary. I was making well over the financial minimum; I was a 31-year-old college graduate working in a high-tech industry. If I'd been a few years younger, I would have needed to get my parents to sponsor my husband financially, which would have required *them* to provide three years' worth of tax returns, records of all their financial assets, etc. Most disturbing of all, I had to swear to the U.S. government, in writing and before a notary public, that I would be financially responsible for my husband for no less than 10 years . . . even if we split up! Oh yeah, and I had to pay the feds around $400 to process my paperwork.

Speaking of paperwork: I gained a new appreciation for Robert DeNiro in his final scene in the movie "Brazil," where he's enveloped in flying sheets of paper and disappears beneath them. The green card application required vital statistics on me, Alex, my parents, and his parents. I was very concerned about the fact that his father was born in Algeria, one of the *pieds-noirs* ("black feet") who moved back to the motherland as part of the mass exodus of 1962 when Algeria regained its independence from France. Considering that Algeria is now a terrorist breeding ground, I shuddered to think what sort of red flags his family history may have placed on Alex's green card application.

The paperwork had to be submitted in triplicate. I made a couple extra copies, one for my own records and one to allow for the possibility of the feds losing one. Laying the stacks out on the living room floor to compare and collate left little room to walk. I had read that it's recommended to include photos, so we included glossies of our wedding ceremony. We labeled each person in the photos: my mom, my dad, my brother, his wife, my best friend . . . by the time I was finished, I felt guilty for having invited them!

I took time off from work so that we could drop off the paperwork together at the local Immigration and Naturalization Service (INS) center. Standing in line and watching those in front of us being served, I was pained to see the impatient and disrespectful tone the government employees took with the hapless applicants whose only crime was not having been born on U.S. soil. However, Alex and I had no trouble. We were treated courteously and our application was reviewed and stamped without a hitch. I'm sure it helped that he's Caucasian and fluent in English and I'm the kind of anal-retentive who has every possible receipt and ticket stub neatly filed away for later retrieval. Nolo Press' "Immigrate to the U.S. through Marriage" had been my bible. That application must have been perfect. If there was an Academy Award for Best Performance in a Submission of Bureaucratic Paperwork, I definitely would have been a contender.

Once the paperwork was submitted, there was nothing to do but wait, agonizingly, for months. The green card became the stick with which I'd beat my husband about the head for any bit of bad behavior. "Don't drive so fast . . . you might not get a green card!"

The day of our interview arrived. May you never have to spend a day in an INS regional service center; they must be architecturally designed to instill a feeling of nausea, fear, and humiliation. As we waited in the lobby, another couple was called in for their interview; when they emerged a few minutes later, the woman was weeping. I had a Russian-born coworker who had married an American and had had her interview a few weeks before. She had told me it was a terrible experience and that the INS agent seemed unfriendly and suspicious — despite the fact that my coworker was pregnant with her husband's child! I was concerned because I am several years older than my husband; would this be viewed with suspicion? Luckily, I was relatively young and fit-looking, while my husband inherited male-pattern baldness and maintained the timeworn French tradition of smoking hand-rolled cigarettes since pre-school. So I think it worked out. Our interview seemed to go fairly smoothly.

Months and months of more waiting passed. Finally, the magic card arrived in the mail . . . and it had a two-year expiration date. It was my understanding of immigration law that this should not have been the case, based upon the rapidity with which we had filed the initial application after our marriage. But what were we supposed to do, argue with the U.S. government?

We resigned ourselves to submitting another application two years after the first one. You are required to submit it 18 to 24 months after the issue date of the temporary green card

— no more, no less. And woe betide you should you forget. This arrangement must be designed to trip applicants up, because the government sends you no reminders. You simply must write yourself a note along the lines of "Don't let spouse be deported" and send off the necessary stack of documents, and money, at the appropriate time. It's also helpful to retain all of your utility bills (to prove that you have continued to live where you claim you do) and to take photos of yourselves on vacations together.

As we did make a trip to France during this period, Alex and I were able to submit fresh photos of family members, duly labeled ("uncle," "grandmother," "lake at Villefranche-sur-Saone"). Regrettably, there was no sign in front of the lake underscoring the fact that it was, in fact, in France and the people in the photos were blood relatives and not homeless people we'd paid to pose with us. We had better luck on a romantic getaway to Seattle, though; we asked a stranger to photograph us with the sign that says "SEATTLE PIER" in clear view behind us. The experience was sullied in my mind, though, because I knew full well I was doing it more for the green card than to create a souvenir of the trip.

Nov. 11, 2004 — It had been almost five years since the night I met my husband. We'd been married for over three years. And I still didn't know whether or not the U.S. government would allow us to stay together. I wouldn't know for certain for two more years.

It's difficult to make any sort of long-term plans with your partner when you're not quite certain that he won't be evicted from the continent. I mailed the second green card application that day, and had to write another check, for only $200 this time, and no longer made out to the "Immigration and Naturalization Service"; now it was the "U.S. Department of Homeland Security." I guess the government needed to make sure that my gainfully employed, highly educated, multilingual spouse from one of our oldest ally nations wasn't a terrorist. I knew it was hard to find a good man; but I had no idea it would be so hard to keep one.

Six years ago, I was a fairly typical politically alienated American who voted each election for whichever candidate turned my stomach less. I had never been a Democrat or a Republican, although I had flirted with the Greens briefly in my youth. But this experience opened my eyes. Perhaps more importantly, it pissed me off!

Aside from the sheer idiocy and waste of making it so difficult for American businesses to hire my husband, there is something deeply offensive and embarrassing to me about having to jump through so many hoops and expose so many details of my personal life in order to be with the man of my choice. How dare Uncle Sam push me into a marriage! And then remain entangled in it for years, like a mother-in-law from hell who insisted on examining my bank statements, my utility bills, my tax return and demanded to see a paper trail of where her son and I were living, working, and going on vacation.

I've been a good girl all my life, with not even so much as a speeding ticket. But, over the past six years, I've joined the Libertarian Party, the Free State Project, started reading various books and magazines that I wouldn't have touched in the past, marched in my first antiwar protest, learned to shoot a gun, and "threw away" my vote on a third party candidate for president. I'm tired of my dirty, old peeping tom of an Uncle; I want him off my back. ❑

Orwell meets Kafka at the immigration office — In 2002, the Department of Homeland Security (DHS) was created out of the pieces of more than 20 different federal agencies. One of the least accessible of these was the Immigration and Naturalization Service (INS), which had been part of the Department of Justice.

The DHS reorganized and renamed the INS, calling it the Bureau of Citizenship and Immigration Services (CIS). But the new name didn't change much. CIS has earned a reputation on Capitol Hill for being unresponsive to citizens, immigrants, and even congressmen and senators.

Why? *Bureaucracy.* Here's the CIS explanation of marriage visas from the FAQ page on its website:

> The Legal Immigration Family Equity Act and its amendments (LIFE Act) established a new nonimmigrant category within the immigration law that allows the spouse or child of a U.S. citizen to be admitted to the United States in a nonimmigrant category. The admission allows the spouse or child to complete processing for permanent residence while in the United States. . . .
>
> For the part of the law concerning K-3/K-4 nonimmigrants and their process of applying for permanent residence status, please see INA § 214 (nonimmigrant status). . . . The specific eligibility requirements and procedures for qualifying as a K-3/4, obtaining that status and applying for permanent residence are included in the **Code of Federal Regulations** at 8 CFR § 214. . . .

Okay. Let's take a stab at the CFR. Here are the relevant things that Section 214 says:

> 214.2(k) **Spouses, Fiancees, and Fiances of United States Citizens**
>
> . . . To be classified as a K-3 spouse . . ., the alien spouse must be the beneficiary of an immigrant visa petition filed by a U.S. citizen on **Form I-130**, Petition for Alien Relative, and the beneficiary of an approved petition for a K-3 nonimmigrant visa filed on **Form I-129F**. The petitions with supporting documents shall be filed by the petitioner with the director having administrative jurisdiction over the place where the petitioner is residing in the United States. . . .
>
> **Period of admission for K-3 status**. Aliens entering the United States as a K-3 shall be admitted for a period of 2 years. . . .
>
> **Extension of stay for K-3 status**. . . . A K-3 alien may apply for extension of stay, on **Form I-539**, Application to Extend/Change Nonimmigrant Status, 120 days prior to the expiration of his or her authorized stay. . . . Extension will be granted in 2-year intervals upon a showing of eligibility pursuant to section 101(a)(15)(K)(ii) or (iii) of the Act. . . .

We've simplified and abridged the thickest jargon here. And it's *still* pretty hard to decipher. Imagine if you're an immigrant who's new to the English language. Even your English-speaking partner may have difficulty making a good-faith effort at compliance. — Jim Walsh

Gun Control: The Logical Fallacy

by Eric Neigher

All right. Let's get beyond the polls, the lobbies, the pressure groups, and the political platforms. There must, after all, be some logic to this thing.

Following the shooting at Virginia Tech, I had a conversation with a friend about gun control, one that I'm betting was typical of conversations occurring across the country around that time. We agreed that criminals and psychopaths break the current gun laws. We also agreed that, short of draconian punishments (automatic death penalty for the possession of a bullet, for example), criminals would continue to break more stringent gun laws. What we didn't agree on, though, was a fundamental point about what happens when non-criminal types have access to guns.

The argument my buddy made is one you've probably heard before from gun-control advocates. It runs like this: "If someone has access to a gun, even if he's just a regular Joe, he's more likely to use that gun — if he wants to defend himself, or perhaps if he simply loses his temper or has a misunderstanding — than if he didn't have the gun at all." Typically, people who make this argument take it as self-evident. And you can't blame them. Like many fallacies, it seems commonsensical on its face: "no guns = zero likelihood they will be used." Therefore, "guns = higher than zero likelihood they'll be used."

I must admit that, at the time my friend made it, I couldn't come up with a good reason why this might not all be true. Leaving aside issues like the 2nd Amendment or empirical evidence, my friend's argument seemed — in terms of pure reasoning — irrefutable: if you're more concerned about saving lives than high-minded constitutional issues, you've got to admit that reducing the number of guns on the streets would reduce the instance of shootings.

It took some thinking to piece out what was bothering me about the "guns are available, so people will use them" argument. In fact, it was more than a week later, while I was driving home from work, that I realized what the fallacy was. The error in my friend's argument was that he mistook *possibility* for *likelihood*. While these concepts are related, they are crucially distinct from one another. At the most basic level, the critical distinction is that *possibility* is a binary state, while *likelihood* is a continuum.

The intricate ivy of confusion that interweaves these terms grows, I think, from two seeds: (1) our way of using the terms "possible" and "likely" interchangeably in our everyday speech, and (2) a common formal-logic fallacy called the "necessary-sufficient" fallacy. I'll deal with each of these in turn.

Possible and *likely* do not mean the same thing; but we often talk about them as if they do. Like many linguistic conflations, this is dangerous because it tricks us into believing that, since the terms are used in the same way, they refer to the same concepts. That is not true in this case. Something is either possible or it isn't; but *likelihood* runs along a hierarchical axis.

There are no "degrees" of possibility. When we say something is "very *possible*" in our everyday speech, what we really mean is that it's very *likely*. If someone tells you that something is possible, you cannot properly ask the question "how possible?" any more than, if someone tells you that a TV has been turned on, you could properly ask, "How on?" In short, you're dealing with a binary situation.

On the other hand, likelihood is a sliding scale. At the high end of the scale, things are nearly certain to occur; at the low end, they're nearly (but not totally) impossible. And there is an infinite number of in-betweens.

Now, likelihood *is* related to possibility in a crucial way — and it's this relationship that's largely responsible for the muddling of the two terms.

In order for something to have any level of likelihood at all, it must first be possible. That is, possibility is an *independent prerequisite* for likelihood. If something is impossible, if that binary state is zero, then its likelihood is obviously going to be zero. However, *it does not therefore follow that because something is possible, its likelihood increases beyond zero*. In other words, while it is *necessary* for an activity to be possible in order for it to be likely, the existence of possibility in and of itself is not *sufficient* to make the activity any likelier.

For a helpful demonstration of this distinction, take a look at the way a person might determine the existence, first of the likelihood and then of the possibility of a given occurrence. In order to determine its likelihood, you'd need to evaluate data, look at past performance, understand logical and scientific principles that bear on the occurrence, and ultimately come to some predictive conclusion. In the end, all you can do is make an educated guess.

Reducing the number of available guns to zero will reduce the likelihood of their use to zero. However, reducing their number to something other than zero will not have a proportionally related effect.

Possibility, on the other hand, does not involve guesswork. You simply need to evaluate the basic facts as you know them, and you can determine *for certain* whether or not something is possible. Now, this doesn't necessarily mean your analysis is objectively correct — you could be wrong in your assessment of the facts. But the form of the conclusion that you'll be left with after you've determined the possibility of an occurrence is fundamentally different from the form of conclusion you'll come to when you've determined likelihood. *Possibility*, at its basic level, is a matter of fact. *Likelihood* is a matter of opinion. Or, stated another way: possibility speaks to what *is*, whereas likelihood speaks to what *may be*.

The critical distinction between possibility and likelihood is that possibility is a binary state, while likelihood is a continuum.

To illustrate, let's say I come across a man and I want to determine whether or not it's possible he will go bald in the future. This requires little factual analysis: if I see that he is already hairless, I'll know that it's *impossible* for him to go bald in the future — you can't get any balder than bald. However, if I see that he has a full head of hair, I know it's possible that he may go bald at some point. However, the mere fact that he has a full head of hair — the possibility of baldness — has no bearing whatsoever on how likely it is that he will go bald in the future. If I know nothing else about this man — his genetic predispositions, family history of baldness, stress level in his life, general healthiness, etc., then I have no means at all of determining the likelihood that he may lose his hair.

If I were selling lifetime barbershop coupons for a flat fee — gambling that my customers would go bald before they got to make much use of them — anyone can see that I would be acting illogically if I sold one to this man merely because he has a head of hair. All I know is that it's possible — that there's *some chance* — that he may lose his hair at some point in the future. But that's not a good bet.

I can also illustrate this concept syllogistically.

This syllogism is true:

A) Married men may abuse their wives.
B) I'm a married man.
C) Therefore, it's possible that I — an otherwise average Joe with no criminal intentions or history — may beat up my wife at some point in the future.

This one isn't:

A) Married men may abuse their wives.
B) I'm a married man.
C) Therefore, it's more likely that I — an otherwise average Joe with no criminal intentions or history — will beat up my wife if I get angry with her.

Neither is this one:

A) Married men may abuse their wives.
B) I'm a married man.
C) Therefore, it's unlikely that I — an otherwise

average Joe with no criminal intentions or history — will abuse my wife if I get angry with her.

I hope it's obvious that neither of the second two syllogisms makes any sense: you can't draw the same kinds of conclusions about *likelihood* — a continuum — as you can about *possibility* — a binary state. And I hope it's just as obvious that the same reasoning is true when it comes to the availability of guns. This doesn't make any sense, either:

A) Gun owners may shoot people.
B) I'm a gun owner.
C) Therefore it's more likely that I — an otherwise average Joe with no criminal intentions or history — will shoot people.

More likely than what? Determining *likelihood* requires a holistic analysis of a large number of empirical factors; so no one can say that, because a man possesses a gun, he's *more likely* to use it in any given circumstance. Nor, for that matter, can anyone properly say that he's *less likely* to use it. Those statements are illogical. All anyone can say is that such a man has the *possibility* of using a gun — that the binary prerequisite for likelihood has been switched from "zero" to "one."

A crucial corollary arises here. It's true that reducing the number of available guns to zero will also reduce the likelihood of their use to zero. However, it is not true that reducing their number to something other than zero will *have a proportionally related effect*. This is, again, because likelihood exists independent of possibility. Once possibility is established — once the prerequisite is satisfied — the argument must shift from possibility to likelihood, and that is a wholly separate question.

In a practical sense, then, enacting laws that would reduce the number of guns available to anything other than zero would be, at best, irrelevant. And, since it's impossible to write any law that has any hope of reducing the number of guns available to zero (or anything even close to zero, for that matter), our legislature is wasting time and money debating about it. Indeed, even gun laws, which purport to be about reducing the numbers of guns on the streets, have obviously been ineffective.

As I stated above, criminals break gun laws. If someone is engaged in illegal activity, and therefore cannot count on state-sanctioned force to protect him, he will want a means to protect himself — especially from other people who are breaking the law. To that end, current gun laws discourage ownership of guns by law abiding citizens, and encourage illegal, untraceable ownership of guns by criminals — a classic perverse incentive. Because of this, gun laws should be repealed, as they cannot possibly be relevant to the goal they were written to achieve, and indeed are achieving the opposite.

The same logical fallacy I've described in the context of gun control — what I'll call the "possible-likely fallacy" — is something you can spot in all sorts of arguments. It can work in reverse. For instance, we can observe the inverted version of the fallacy in a common argument that religious literalists give in defense of the historicity of the Bible. When confronted with the fact that there is little to no physical evidence for many of the stories laid out in the Bible, even large-scale occurrences for which we would expect a great deal of evidence to be left — such as the Hebrews' alleged 40-year sojourn in the Sinai desert — literalists often respond by saying something like "absence of evidence does not mean evidence of absence."

This type of statement is one of many permutations of the

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"anything is possible" argument, but it is often effective at stopping (or at least redirecting) debate about an issue because the person on the other side of "anything is possible" must admit that it's true: many things are possible.

If I've expressed myself cogently here, you'll now see that the "anything is possible" argument is totally irrelevant to virtually any debate about what will result from a decision or piece of legislation, or to any analysis about what may have happened in the past. That is, it's irrelevant to any kind of *speculative* conclusion. "Anything is possible" does not mean "anything is likely."

Proving that an event is possible is not a strong argument that the event actually happened; it only means that a prerequisite has been met. Proving that something is likely makes a stronger argument that it happened. (And proving that something is *un*likely makes a stronger case that it didn't happen.)

If we look back at the historicity of the Bible, we'll see that "absence of evidence" does exactly that — it proves that some major events for which one would expect there to be archaeological evidence are less likely to have occurred, which is really what the debate is about; it's not about possibility. (As I've suggested, this reasoning does not apply to events for which we would not expect to see archaeological remains, or to events that have been corroborated by other historical sources; but it makes a case against the big, Charlton Heston stuff.)

Of course, the possible-likely fallacy — like all logical fallacies — should never be used to make an argument, only to point out a false one. For example, you might bring up the fact that no country has ever fired a nuclear ICBM at another country, despite many years of such ICBMs' existence and plenty of bad blood between nations. You might therefore argue that we should be indifferent to such countries as Iran and North Korea acquiring ICBMs and nuclear warheads: the mere possibility that these states have such weapons does not prove a greater likelihood that they will use them.

However, the fact that possibility and likelihood are separate concepts does not nullify our responsibility to determine likelihood as a separate question. To do this, we need to look at the evidence: the history, politics, and social norms of specific nations. From there, we can determine whether we think it's likely that they'll use those weapons, if they acquire them.

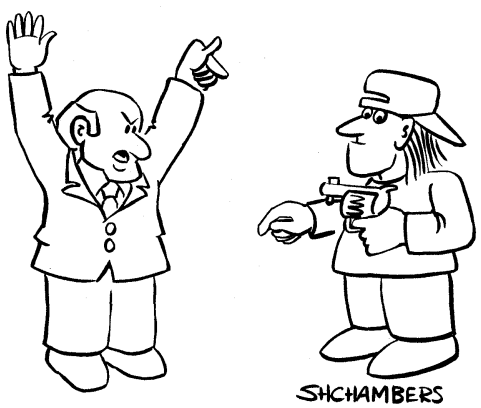

"Hey — did you buy that gun *legally?*"

If we determine, again as a separate question, that it *is* likely they'll use them, we should try to prevent their acquisition — or we should try to find a way (i.e., regime change, diplomacy, espionage, or other means) to make it less likely that the weapons will be used if they are acquired.

Theoretically, this is also true of guns. If we think it's likely that people will be using guns to do bad things, we can either try to stop them from getting guns or make it less likely that the guns will be used to do bad things. The difference is that Iran and North Korea are nations; and nations, especially really dangerous ones, are few and fairly easy to track and evaluate. We can deal with nations and their WMDs on a case by case basis. We can offer incentives for nations not to use weapons, or disincentives for using them. But we cannot possibly do the same thing with the panoply of individuals in the world, each with his own temperament, desires, fears, and motivations. We know this because we've tried: we've enacted legislation restricting the ownership and use of firearms, to no avail. If people want guns, they're going to get them. That's why the war with international terrorism is so tough: unlike states, terrorist organizations are made up of many independently interacting individuals.

I've digressed from the original issue. But I've done so to demonstrate the power and pervasiveness of the possible-likely fallacy. Still, before I end this little disquisition, let me bring it back around. I hope it's now obvious that the core argument against average citizens possessing guns is based on a logical fallacy. And I assume that most reasonable people can agree that restriction is ineffective against criminals. Therefore, if it's illogical to regulate non-criminals and ineffective to regulate criminals, we should understand that gun-control regulation is doomed.

Instead, why don't we try liberty? After all, none of the other arguments I touched on earlier has been damaged by my logical analysis: the Constitution still protects the right to bear arms. That right was created by the founders to allow citizens to protect themselves from crime, tyranny, and the government monopoly on violence that tends to lead to violent governments. The government cannot regulate or influence individuals in the way it influences other governments. But individuals can regulate themselves. The great French economist and philosopher Frédéric Bastiat put it best:

> It seems to me that this is theoretically right, for whatever the question under discussion — whether religious, philosophical, political, or economic; whether it concerns prosperity, morality, equality, right, justice, progress, responsibility, cooperation, property, labor, trade, capital, wages, taxes, population, finance, or government — at whatever point on the scientific horizon I begin my researches, I invariably reach this one conclusion: The solution to the problems of human relationships is to be found in liberty.

Since we know that regulation, legislation, and mandate must end in failure, why not start down a new road — one that might well lead to success?

Oh, I have one final question: How many of you were smiling when I was going after gun control, but turned on me when I went after the historicity of the Bible? And vice versa? I hope you'll note that my argument highlights the faulty reasoning of both conventional liberal *and* conventional conservative positions. Perhaps you would like to reevaluate the group you're standing with? ❑

Reviews

"The Road to 9/11," by Peter Dale Scott. University of California Press, 2007, 423 pages.

Prelude to Disaster

Jon Harrison

Two events in the 20th century transformed the American way of life. The first was the Wall Street crash of 1929 and the economic depression that followed it. This led to the election of Franklin Roosevelt and the tremendous expansion of federal interference in both the economy and the day-to-day lives of individual Americans. Despite some rollback on the tax front under Ronald Reagan, and on the regulatory front under Reagan and others, the power of Washington continues to loom large over every state, community, business, and citizen. There seems little hope of our ever returning to the balanced federalism that existed before 1933.

The second event was the Cold War with the Soviet Union, which led to the creation of the national security state. The National Security Act of 1947 gave statutory existence to the Defense Department, the Joint Chiefs of Staff, the National Security Council, and the Central Intelligence Agency. In the following year, peacetime conscription was introduced. In 1950, the National Security Council issued NSC-68 (written by Paul Nitze), an alarmist document that may justly be called the blueprint for the military-industrial complex. Approved by President Truman shortly after the outbreak of the Korean War, NSC-68 began the process of militarizing American society. If we have not quite become another Prussia as a result, we are today far from the republic that existed until the mid-20th century, with its relatively small defense establishment and overseas commitments.

Despite the end of the draft in 1973, and the temporary paring of defense spending that followed the collapse of the Soviet Union in 1991, the military-industrial complex lives on, warping our politics, our economy, and our engagement with the rest of the world. One is sometimes tempted to wonder whether the current terrorist threat is the creation of nefarious forces here at home, designed to keep the national security state in being.

One would be wrong to believe that, or rather to believe that it was done *deliberately*. Some of the so-called "truthers" maintain that the U.S. government (or alternatively, the Israelis) carried out the 9/11 plot, or at least stood by and allowed it to come to fruition. These people are conspiracists, nothing more. No real evidence exists for their feverish formulations. Nevertheless, that the U.S. government had a hand in the creation of al Qaeda and Islamic extremism generally is by no means a far-fetched idea. This is one of the many provocative themes that run through Peter Dale Scott's latest book, "The Road to 9/11" (subtitled "Wealth, Empire, and the Future of America").

Before delving deeper into Scott's thesis, I will say a few words about the man himself. Born in Canada, he served in the Canadian diplomatic service before taking up a teaching post at Berkeley in 1961. He remained there until retirement. Now nearing 80, and a professor emeritus, he has the intellectual energy of a man half his age. He is also a poet of some repute, though I confess I have not read his poetical works.

Scott is a man of the Left. In a remarkable preface to the book, he contrasts the America of 1961 with the America of today, maintaining that we as a nation have lost our way. Libertarians will perhaps bristle at some of his conclusions. It may be possible to refute him on some particulars, but I fear the broad picture he paints is all too accurate.

I found particularly resonant his comparison of present-day America,

awash in unneeded consumer products and mindless diversions, to the simpler life he and his wife discovered in Thailand, where they recently spent some 18 months. Similarly, my wife and I came to rural Vermont to find a less cluttered life — a slower pace without the material obsessions of the suburban world we left behind. Whether most libertarians will identify with this critique of materialism, I couldn't say.

Brzezinski, through his support for the Afghan mujahedin, set in motion a process that eventually led to the 9/11 attacks.

But this is not a book about political economy or cultural malaise in the United States. Rather, it tells of the bitter fruits of empire — the price we have paid for the continued existence of the national security state. The book's focus is on the period from the partial breakdown of the Cold War consensus in 1968 to the present day, when we are suffering both at home and abroad from the consequences of al Qaeda's successful attack on the Twin Towers.

This is not a standard narrative such as academics have been producing since the 19th century — that is, a presentation of generally agreed upon facts that are analyzed according to the author's ideological predilections. Rather, it is an attempt to reveal the *deep politics** of the period — the stories that never make the newspapers (or are misreported), the facts that are somehow left out of the standard academic works.

Let me stress that we are not here entering the world of conspiracy mongering. This book, like all of Scott's prose works, is meticulously researched and sourced. His formulations are grounded in the evidence. His conclusions may be disputed, but not on evidentiary grounds. In short, the scholarship is excellent.

Libertarians and some leftists can perhaps agree that the increased size and power of the state have provided cabals both inside and outside of government with the means to pursue their own ends, often (though not invariably) at the expense of the commonweal. Scott sets out to expose these cabals in action, and to my mind, he sheds much light on them.

We see an American establishment conflicted first in its approach to conducting the Cold War (at least in its later stages), and then to the sharing out of the spoils of victory. A willingness to maneuver around public opinion and the law itself is a shared characteristic of virtually all the major players. Among Scott's more startling revelations are:

- That in 1971 Lewis Powell, the future Supreme Court justice, composed a confidential memorandum for the U.S. Chamber of Commerce, outlining a program for the survival of the free-enterprise system in the United States. After 1968, the establishment apparently believed that the system was in dire peril. This failure of nerve created an atmosphere that allowed the Pentagon to undertake serious planning for the imposition, if necessary, of martial law.
- That Zbigniew Brzezinski, Jimmy Carter's National Security Advisor, through his support for the Afghan mujahedin, set in motion a process that eventually led to the 9/11 attacks (an assertion supported by the British defense publication "Jane's," hardly a left-wing rag).
- That Brzezinski, David Rockefeller, and Henry Kissinger were able to secure the deposed Shah of Iran's entry into the United States, despite the opposition of President Carter.
- That in 1980 William Casey, Ronald Reagan's presidential campaign manager and future CIA director, intrigued to prevent the preelection release of the U.S. hostages in Iran, thus assuring that Carter would not pull off an "October Surprise" that might have carried him to victory. The events of 1980 closely resembled those of 1968, when Republicans and Democrats intrigued either to prevent or to promote negotiations to end the Vietnam War.
- That in the mid-1980s Vice President George H.W. Bush, Rep. Dick Cheney, and Donald Rumsfeld (then out of government) worked with Oliver North on plans to suspend the Constitution and intern thousands of U.S. citizens in the event of a "national emergency."
- That Ali Abdelsaoud Mohamed, while a member of the U.S. Army's special forces, trained al Qaeda members in hijacking techniques (including how to smuggle box cutters onto airplanes), and later helped plan both the 1993 World Trade Center and the 1998 East African embassy bombings. Mohamed was also a U.S. intelligence asset, *even while he was planning attacks on U.S. citizens.* Despite his role in thousands of American deaths, he has continued to receive special treatment from the U.S. government. Some of these facts were suppressed by the 9/11 Commission, for reasons as yet unknown (though the desire to avoid political embarrassment seems, to me at least, likely).
- That Vice President Cheney has consistently lied about his role on September 11, 2001, particularly during the crucial time period from 9:00 to 10:30 a.m., even in his testimony under oath before the 9/11 Commission.

Not a pretty picture, is it? And not one, assuredly, that will be found in future textbooks or conventional histories of the period (or for that matter, in popular works such as the movie "Charlie Wilson's War"). One is repelled by the Byzantine quality of it all. One

*"Deep politics" is Scott's own neologism. For discussion, see his "Deep Politics and the Death of JFK" (Berkeley: University of California Press, 1993) 6 – 10. In the work under review, he contrasts the "deep state" to the "public state" in almost Manichean terms.

almost understands how some people's minds can be warped into thinking that U.S. leaders are capable of murder, even of their fellow citizens. For the actions taken by our leaders are so often contrary to what a normal American would perceive as the national interest that bizarre conspiracies almost seem necessary to explain them. On the other hand, perhaps we are merely witnessing the fruits of greed and stupidity. Occam's Razor teaches us that this is the most likely explanation.

Yet — it is known that during the Cold War the U.S. government, or parts of it, supported terrorism and the killing of civilians in places like Italy and Central America, in order to advance American interests. Even the killing of U.S. citizens was contemplated, though it appears no such plans were ever implemented. (I refer here only to the deliberate murder of American citizens at the behest of the U.S. government, as outlined in the Operation Northwoods documents from 1962. Some American leftists — Black Panther Fred Hampton, for example — died under questionable circumstances at the hands of state and local law enforcement, backed by the FBI. The deaths that occurred at Ruby Ridge and Waco, despite federal involvement, cannot be said to involve the deliberate slaughter of innocent civilians. The key word as regards these latter cases is "deliberate.")

Should we then consider, after all, the possibility that our own government may have had foreknowledge of the 9/11 plot, and allowed it to go forward? Scott does not make this quantum leap, but he insists that many important questions about 9/11 remain unanswered; that a cover-up (the reasons for which we can only speculate about) occurred. His arguments in this regard are persuasive.

This book tells of the bitter fruits of empire — the price we have paid for the continued existence of the national security state.

The book also provides interesting sidelights on past scandals, such as Watergate and the activities of the Bank of Credit and Commerce International (BCCI), neither of which has been fully plumbed to this day, despite the efforts of capable scholars and journalists.

Almost no one comes off well in this book. Even Patrick Fitzgerald, often seen as a future attorney general in the United States, is revealed to have feet made partly of clay. This is not the result of a hypercritical attitude on the part of the author. Rather, it is simply (sad to say) a reflection of how America functions on a political level today.

One of Scott's ideas that I find little basis for is his conception that a major cause of the problems highlighted in his book is the growing disparity of wealth in America. To my mind, the immense and continuing growth of governmental power is what sets the stage for battles over resources and policies between competing interests, and leads to imperial ventures like the war in Iraq. A major reduction in the size of government would mean, ipso facto, that there would be that much less for cabals to fight over. Given fewer resources, the American government's capacity to make mischief around the world would be greatly reduced.

In his introduction to the book, Scott says:

> This increasing articulation and institutionalization of secret power corresponds to an increasing subordination of public power to the private realm. Many Americans have become inured to the fact that major policy decisions, ranging from defense strategies to the initiation of preemptive war, are no longer formulated by the public state. Rather, these decisions are now imposed on it from the outside.

Quite so. But how do we fix this problem? By leveling incomes? By increasing taxes on the rich, or on corporations? The problem will not be solved by legislation. Only if we reduce dramatically the means that lie open to those who wish to subordinate "public power to the private realm" can we hope to put an end to the mischief. If there are no vast wheels of public power for the evildoers to grasp, then their capacity to harm us (not to mention the rest of the world) is greatly diminished.

This is not an easy book. One must make a commitment to see it through. There is a wealth of information that will be new to many readers. The prose, however, is precise and clear. Scott is a very fine stylist. I found no errors of any significance (Scott places the Palmer raids in 1918; they actually occurred in 1919).

We are not here entering the world of conspiracy mongering. Scott's conclusions may be disputed, but not on evidentiary grounds.

Scott's hope is that in time we will see a Velvet Revolution here in America. Drawing on the examples of the American Civil Rights movement, Solidarity in Poland, and the end of apartheid in South Africa, he foresees a similar "soft victory" over the "Vulcans" who presently rule us.

In an email exchange a few months ago, I urged upon Scott a pet idea of my own: that an alliance of libertarians, traditional conservatives, and what I call "sound progressives" is needed to combat the Bush-Cheney foreign policy, as well as the domestic agenda of the evangelical Right. He replied that he saw promise in this conception. He went on to say the following: "These efforts will not succeed at first. But to many people independently these contacts seem necessary for the sake of the Republic. I keep saying that if the Poles could oust their Soviet occupiers, the American people should be able to prevail over the military-industrial complex."

I didn't bother to point out that on its own (that is, without America behind it), Solidarity would have been squashed like a bug. In response, I merely said to Scott, "I don't believe you will see a Velvet Revolution here. Too much bread and circuses for that."

To this he made no reply. ❑

"Eco-Freaks: Environmentalism Is Hazardous to Your Health," by John Berlau. Nelson Current, 2006, 250 pages.

Death by Environmentalism

Gary Jason

For the last half century, the environmentalist movement has been a dominant influence on the cultural and political scene. This is widely viewed as a blessing, whose progressive result has been without exception the improvement of our society. John Berlau has written a book aimed at kicking that smug sense of green achievement smack in the teeth.

Berlau makes a sharp and vigorous presentation of the view that the environmentalist movement has had some very unfortunate consequences. He begins by reviewing the history of the successful campaign by environmentalist organizations to demonize DDT and other pesticides. DDT was first discovered in the 1870s and found to be a potent insecticide in the 1930s. But it was the U.S. military that pushed its mass production at the outbreak of World War II. With the troops facing both malaria and typhus — which had killed millions in World War I — the army knew it had to find some way to combat the vectors, i.e., the disease-carrying insects (lice and mosquitoes). It gave the assignment to Merck, and one of Merck's top chemists (Joseph Jacobs) was able to set up a plant to mass produce DDT. Starting in 1943, DDT was widely used; it stopped a number of wartime typhus epidemics.

It was then used worldwide in the 1950s and early 1960s to stop malaria, which it almost eliminated. But after Rachel Carson's popular book "Silent Spring" (1962), in which she alleged that DDT and other pesticides were killing wildlife and hinted that they were causing cancer in people, DDT was banned. As Berlau notes:

> In 1948, Sri Lanka had 2.8 million cases of malaria. By 1963, after years of DDT use, that number had dwindled to 17 cases. But then in 1964, U.S. environmentalists and world health bodies convinced Sri Lankan officials to stop spraying. By 1969, the number of malaria cases had shot back up to pre-DDT level of 2.5 million. (41)

Since then, Sri Lanka has used other pesticides to control the disease, including — ironically, given the environmentalist alarm about it — malathion.

As to the worry (voiced by Carson and repeated to this day) that insects will just rapidly develop resistance to DDT, Berlau makes several points. First, if we introduce an antibiotic like penicillin, yes, bacteria will become resistant. But that takes a fair amount of time, during which people's lives are being saved.

Second, DDT causes less resistance than most other pesticides, because it repels bugs before killing them. Indeed, even resistant bugs continue to be repelled, as the World Health Organization noted recently when it advocated reintroducing DDT for limited indoor use.

As if defending DDT weren't enough, Berlau argues at length that the banning of asbestos as a fire retardant has been a major cause of deaths, because no other substance even comes close to its ability to halt the spread of fire. He argues in particular that the lack of asbestos fireproofing was a major contributor to the collapse of the World Trade Center buildings after the 9/11 attacks, and urges that asbestos be used again in military shipbuilding (with appropriate worker protection).

Berlau covers in detail a number of other issues, with arguments that are sure to rile environmentalist tempers. He argues that cars are a Godsend and that big cars save lives. He suggests that environmentalists (especially such people as "population guru" Paul Ehrlich) have a not-so-hidden agenda of stopping people from having children, viewing children as a kind of pollution. He supports the view that far from there being a shortage of trees, "There has never been a better time for forests and wildlife" (155). He argues, indeed, that because we have fossil fuels, we don't have to chop down trees for fuel.

Moreover, he holds that the biggest threat to forests is the environmentalists themselves, because they fight the harvesting of old growth, leaving forests more prone to disastrous fires. He also makes the case that far from the Bush administration's being to blame for the high death toll from hurricane Katrina, it was the environmentalists who are to blame for this also. In 1977, the Environmental Defense Fund and the Louisiana-based environmentalist group Save Our Wetlands stopped the construction of flood-control gates (like the ones used in the Netherlands) that likely would have saved New Orleans from the flooding.

As if defending DDT weren't enough, Berlau argues at length that the banning of asbestos as a fire retardant has been a major cause of deaths.

Finally, Berlau argues that the so-called mainstream environmentalist movement covertly encourages ecoterrorist groups such as Earth First! and the Earth Liberation Front.

Berlau's book is nothing if not provocative; it is certainly an enjoyable read. You are compelled to at least a grudging admiration for an author saucy enough to have chapter titles such as "Rachel Carson Kills Birds" and "Hurricane Katrina: Blame it on Dam Environmentalists." But there are some areas in which I find the book lacking.

For one thing, I'm surprised that Berlau didn't explore some other areas of dubious environmentalist action, such as the push for ethanol and the often bizarre and useless recycling schemes that have been foisted upon cities across the nation. I would have loved to see him review the decisive role of the environmentalist movement in killing off the American nuclear power industry, something that has cost us dearly in lost lives and treasure. It is ironic to hear environmentalists pontificate about global warming, after having helped increase our reliance on (foreign-produced) fossil fuels.

Also, Berlau's book is a little too tendentious. Have the environmentalists done nothing right? I mean, nobody would hold that all or even most of what environmentalists have done has been bad for people. And while Berlau doesn't say that the environmentalists have done nothing good, he might have noted some of the cases where they clearly have. For example, their push for cleaner air clearly was crucial in helping improve air quality in many cities. More to the point, he should have explored in more depth the central problem here, namely, the lack of balance shown by environmentalists. Nobody denies that we need to protect our environment, that unbridled business activity can create negative externalities such as pollution and other environmental damages. Certainly Berlau doesn't deny this.

As he points out, most people, by far are conservationists — they fervently desire a clean and protected environment. But they balance that desire against other values, such as the health and safety of their fellow human beings. That is the difference between normal respect and concern for the ecosystem, and the sort of unbalanced and fanatic desire for a completely untouched environment that motivates many of the movement's leaders.

For instance, it would be one thing to oppose the routine use of DDT, say, for commercial agriculture, if there is scientific evidence that it is harmful to animal life. Killing off species to save a few pennies on the cost of a pound of apples is unconscionable. But it is quite another to ban it altogether, even barring its use for disease vector control, and routinely oppose all other pesticides for that use, knowing that hundreds of thousands of people — who are animals just as much as are other species — will die in consequence.

Again, stopping the widespread spraying of structures with asbestos by unprotected workers (who later develop horrible lung diseases) was clearly the sane thing to do. But that's not the same as demanding that every last trace of asbestos be ripped out of buildings on the chance that someone *may* develop lung disease late in life, knowing that as a result thousands may die in fires who would have been spared if asbestos, carefully produced and controlled

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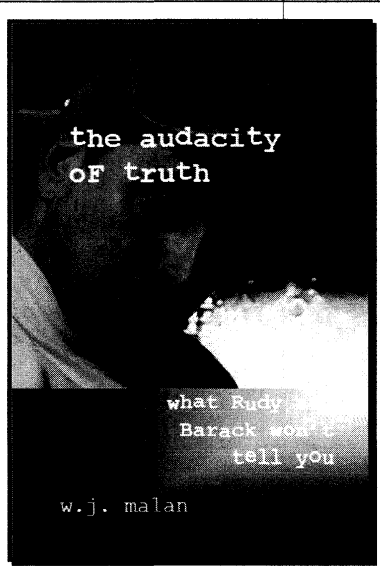

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(as it is abroad), had been used in ships and skyscrapers.

Berlau might have devoted some analysis to asking why such an unbalanced approach to the vital aim of conserving the environment exists in the environmentalist movement. I would suggest that there is a major strain of pagan or secularist religion, Gaea worship, that informs the movement. This strain of thought, a weird sort of neo-Romantic pantheistic nature cult, has been prevalent since Rousseau in the Enlightenment era, but it exploded throughout the culture in the 1960s. Not all environmentalists share this worldview, but it is the one that drives the movement. And it is one that often downplays the value of people — devalues them and, indeed, de-animates them. That is a topic I would love to see explored in depth. ❑

"The Politics of Inequality: A Political History of the Idea of Inequality in America," by Michael J. Thompson. Columbia University Press, 2007, 249 pages.

Liberty and Inequality

Bruce Ramsey

Here is a book by an enemy of libertarians. It is not addressed to them, but it portrays their theory — and accurately, as far as it goes. It also gives that theory a big political role in contemporary America. The author wants to eliminate that role, and get the country back on the happy track charted during the New Deal.

The author is Michael J. Thompson, an assistant professor of political science at William Paterson University in Wayne, NJ, and founder and editor of the academic magazine Logos. It seems he is a Marxist. Anyway he is opposed to capitalism on the Marxist ground that the wage earner is not equal to the employer, and therefore is not free. Thompson cites, with approval, the early socialists' claims that "it was not possible for an individual to be in any way free or possess any kind of substantive liberty if he was dependent upon another person or institution for wages — or, in any other way."

Thompson doesn't really define freedom. One wants to ask: freedom *from what?* Nor does he rebut the idea that capitalism gives a wage earner a valuable freedom — from the bureaucracy if not from necessity — because it allows him to quit and find a better job, or to accumulate capital and start his own enterprise.

This book is about the idea of *inequality,* meaning some people having more property than others. This is not a word libertarians much use; to them, the fact that some have more than others is not a problem. To Thompson, it is. It makes people politically unequal. Modern capitalism may offer Americans big-screen TVs, but Thompson says it has "dispossessed them of their autonomy and robbed them of substantive social and political liberty in the sense that they would be subject to domination, live according to the interests and power of others, and cease to be self-sufficient — and therefore cease to be free."

One wants to ask him where and when, by his definition, mankind has ever been free. Not in the socialist countries, surely; but then, he hardly mentions them.

Anyway, that is his view. His forte is equality, and the purpose of his book to track the idea of *in*equality through American history and offer to fight it. His goal is, in short, to shift the political dialogue so that John Edwards might be considered a moderate. It is to revive the leftism of the 1930s — and, in his view, the egalitarianism of the Founders.

Yes — the Founders. In his view, the Founders were revolting against an aristocracy. He has to admit that they were for liberty in the classical liberal (not the modern leftist) sense, but he says they also assumed that without aristocratic privilege, people's holdings would reflect their labor and would therefore be roughly equal. In this sense "the political tradition of economic egalitarianism . . . was foundational to the understanding of the American political project since its inception."

But there were divisions. The Jeffersonians fought the Hamiltonians. Jefferson wanted his countrymen to be farmers, and be roughly equal;

Thompson doesn't really define freedom. One wants to ask: freedom from what?

Hamilton wanted a commercial republic of unequals. The Cato people who take Jefferson as their icon have, in

Thompson's view, the wrong guy. Libertarians are apologists for inequality, and therefore are descendants of Hamilton.

Some Americans from the early days of the republic did resent capitalism, and made egalitarian arguments against it. Thompson quotes a number of them: Theophilus Fisk, Orestes Brownson, William Gouge, John Pickering, David Henshaw, Stephen Simpson, William Leggett, and Thomas Skidmore. I had never heard of any of them, but Thompson assures his readers they were men of their day, and speak for an important strain of American thought.

How does Thompson propose to manufacture cars and passenger jetliners without wage labor? He is an academic guy writing an academic book. He doesn't worry about it.

He also includes a chapter on American arguments for inequality. Here I recognized the authors, either because they are more prominent or because I am in that tradition myself. There is, for example, John C. Calhoun. Thompson quotes his "Disqusition on Government" (1851):

> Now, as individuals differ greatly from each other, in intelligence, sagacity, energy, perseverance, skill, habits of industry and economy, physical power, position and opportunity — the necessary effect of leaving all free to exert themselves to better their conditions, must be a corresponding inequality . . . The only means by which this result can be prevented are, either to impose such restrictions on the exertions of those who may possess [ability] in a high degree, as will place them on a level with those who do not, or to deprive them of the fruits of their exertions. But to impose such restrictions on them would be destructive of liberty — while to deprive them of the fruits of their exertions, would be to destroy the desire of bettering their condition . . . and effectually arrest the march of progress.

I read that paragraph, stopped, and read it again. I agreed with it — all of it. Clearly Thompson does not. He does not try to refute it, but presents it, holding his nose.

He does this again with William Graham Sumner, someone otherwise very different from John C. Calhoun. He quotes "What Social Classes Owe to Each Other" (1883) on why an entrepreneur might be worth big money:

> Some have said that Mr. Stewart made his fortune out of those who worked for him or with him. But would those persons have been able to come together, organize themselves, and earn without him? Not at all. They would have been comparatively helpless. He and they together formed a great system of factories, stores, transportation, under his guidance and judgment. It was for the benefit of all; but he contributed to it what no one else was able to contribute — the one guiding mind which make the whole thing possible.

I agreed with that, too. Thompson doesn't — but again, he just reports it.

After presenting Calhoun and the classical liberals, Thompson goes on to the egalitarianism of the Progressives and socialists, which underpinned the New Deal. But Thompson believes that Franklin Roosevelt's "reforms did not go far enough in remaking a new socioeconomic order." Even after the New Deal, the American system still "would preserve a liberal notion of property and a liberal work ethic." Then, in the late 1970s, this part-finished project of equality "went into crisis" and was "derailed."

Who did the derailing? It was Ludwig von Mises, Friedrich Hayek, and Milton Friedman.

These free-market economists, in Thompson's view, are the crucial thinkers behind the "great reaction against the welfare state," the revival of "hedonic individualism," the "free" market, and the spread of an "economistic and libertarian notion of 'liberty.'"

After touching on the arguments of Mises and Frank Knight, another important economist, Thompson quotes Hayek in "The Constitution of Liberty" (1960) opining on that privileged topic, inequality:

> From the fact that people are very different it follows that, if we treat them equally, the result must be inequality in their actual position, and that the only way to place them in an equal position would be to treat them differently. Equality before the law and material equality are therefore not only different but are in conflict with one another; and we can achieve either one or the other, but not both at the same time.

It is Calhoun all over again — except that this time, the argument is more sophisticated. There is, for example, the theory of subjective value, which allows the defenders of capitalism to sidestep the question of whether their system offers a fair distribution of income. By what standard is the labor of a baseball player worth 100 times the labor of the janitor who cleans up after the game? The answer, free-market economists said, was the value of the player *to other people*.

Then there was Hayek's theory of spontaneous order, which not only showed why the market works better but also seemed to show that it was a system with no central commander — therefore conducive to freedom.

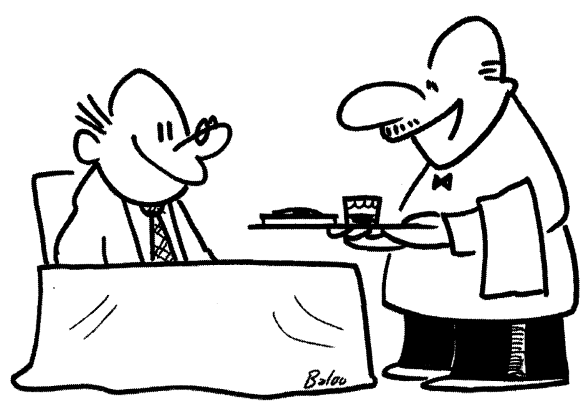

"Your businessman's lunch, sir — raw meat and whiskey."

Amidst the bubbling of Hayekian spontaneity, economic inequality would be a permanent feature. But Milton Friedman argued that it need not be a permanent condition for any family or individual. People could move up and they could move down. It all depended on how well they satisfied the economic demands of others.

In Thompson's view, the shift in public policy toward the market in the late 1970s traces back to the academic victory of these (false) economic ideas. And those ideas did, in fact, gain territory. Free-market economists — Hayek, and also the Chicago economists — won Nobel prizes and gained territory in the academy and government. Their views did affect the political discourse. But the reason they prevailed was not only the quality of their argument, but also the fact that their opponents were pinched by reality. In America the Keynesian, government-interventionist policy led to stagflation. Abroad, socialism worked as a kind of economic formaldehyde.

There is no sense of this in Thompson's book. That capitalism works or does not work, that socialism works or does not work, that in one system wages are higher than in the other, and workers' choices are more varied and interesting — all this makes no impression on him. He simply believes that wage labor leads to inequality, and inequality is bad.

Well, how does Thompson propose to manufacture cars and passenger jetliners without wage labor? What ethic would he put in place of a "liberal work ethic"? Who knows? He is an academic guy writing an academic book. He doesn't worry about it.

Anyway, Thompson credits fellow academics Mises, Hayek, and Friedman with establishing a defense of inequality that has become the new orthodoxy in America. It is because of *their* influence that in contemporary America "laissez faire individualism . . . has made a triumphant return in contemporary American politics." As a result, "poverty is rarely seen as the result of cumulative causation, but of paucity of effort or laziness." And "market outcomes are tolerated as final."

Such is America as viewed from the halls of William Paterson University. It is a delightful view, and it lifts me up. ❑

The Oscars That Should Have Been

by Jo Ann Skousen

This wasn't the best year for studio blockbusters, but it was a great year for independent films that focused on unusual plot developments, artistic production values, and virtuoso performances. The Academy selected five great films as nominees for Best Picture. Two of them ("There Will Be Blood" and "Michael Clayton") are reviewed in this issue; two others ("Juno" and "Atonement") were reviewed last month. But were these truly the best movies of the year? Which movies are worth another look — on DVD?

This month I revisit some of my favorite films from 2007 and my reactions to them, with some help from my earlier reviews in Liberty.

Best Picture

"Into the Wild." Sean Penn's hauntingly exceptional film about a young man's journey into the Alaska wilderness was grossly overlooked by the Oscar committee. The beauty and joy of living in the wild is apparent in this film, along with its dangers and loneliness. Fittingly, the scenery is a dominant character. We are treated to gorgeous vistas of Alaskan skyline, Arizona canyons, South Dakota plains, and a wild kayak ride down the Colorado River. The gentle folk songs of the Michael Brook soundtrack add to the spirit of the film. Though few of us would ever attempt to imitate the adventurer Chris McCandless, a young man who headed out on an extended road trip across the country without a phone or a forwarding address, we can at least understand what drew him to the wilderness.

As a mother, I was overwhelmed by the portrayals of parental loss. Almost everyone in this film suffers from the pain of families torn apart. Chris spends several weeks in a campground with a hippie couple who have not heard from their own son, about Chris' age, for two years. The mother (Catherine Keener) clearly sees Chris as a substitute for her own lost son, and implores him to call home. He does not. Another man who gives Chris a ride (Hal Holbrook, in one of the most moving performances of his illustrious career) feels the same way toward the charming and gregarious young man, advising him, "When you forgive, you love. And when you love, God's light shines." Nevertheless, Chris still does not call home. The agony felt by his parents (Marcia Gay Harden, William Hurt) as they wait and wonder and finally learn the truth is excruciating. Penn handles it all with beauty, poignancy, and restraint. Without question, this is the best film of the year. (December 2007)

"Rescue Dawn." This harrowing story of Dieter Dengler, a German-born American flyer who, on a mission over Laos, was shot down, captured, imprisoned and tortured, and then organized a prison break to rival "The Great Escape," stays with you long after the credits roll. My respect for the craft of acting grew as I watched gaunt, wild-eyed men waste away in scene after scene. A filmmaker's film, "Rescue Dawn" works on every level. Director Werner Herzog pulls every ounce of strength from his actors, his script, his crew, and his location. He expects the best, and he gets it. (October 2007)

"3:10 to Yuma." I went to this film expecting to write about libertarian issues like property rights, private secu-

rity companies, and eminent domain. But within minutes I was thoroughly caught up in the story itself. Director James Mangold returns to the classic western's long, luxuriant shots of dusty men on horseback, moseying into town. His action shots are full-bodied and intense without being gruesome. The film's title refers to the train that will take notorious outlaw Ben Wade (Russell Crowe) to the Yuma state penitentiary — if the posse, led by Pinkerton man Grayson Butterfield (Dallas Roberts), can get Wade aboard the train before his gang can free him. The most determined member of the posse is Dan Evans (Christian Bale, still gaunt from filming "Rescue Dawn"), an accidental hero who needs the $200 reward to pay off the mortgage on his ranch before he loses it to the railroad. Almost as important, Evans needs to show his 14-year-old son, William (Logan Lerman), that he is not the cowardly weakling William sees him as. This father-son relationship is the heart of the film. William is 14, on the cusp of manhood, deciding who he will be. Will he follow his father's retiring, somewhat cowardly footsteps, or will he emulate the dashing, courageous outlaw chieftain? Both men compete for the admiration of this son. With William, outlaw Ben Wade seems to stand at the crossroads again and look down the path he might have taken, if he had had a father like Dan Evans. (November 2007)

"Live Free or Die Hard." Okay, I know, this is neither artistic nor socially relevant. But the Die Hard films are so entertaining! "Die Hard" was the one studio blockbuster that really delivered the thrills this year, with nonstop over-the-top action sequences, a believably menacing uber-villain, an Everyman sidekick, and Superman Bruce Willis with his wry smile, sardonic wit, reluctant heroism, and borderline insanity. I can't get enough. (September 2007)

Best Actor

Christian Bale, "Rescue Dawn." Strong and robust when his character is shot down over Laos, Bale gradually loses weight until by the end of the film his cheeks are hollow, his face is haggard, his sanity is on the brink. But the light never goes out in his eyes. He is a problem solver. What keeps him going is his determination to escape. (November 2007)

Russell Crowe, "3:10 to Yuma." After his shameful attack on a hotel clerk, Crowe will probably never again be nominated by the Academy. But fortunately for us, he will continue to deliver amazing performances. Crowe captures the complexity of the outlaw Ben Wade, who is ruthless, demanding,

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

David T. Beito is an associate professor of history at the University of Alabama, and author of *Taxpayers in Revolt* and *From Mutual Aid to the Welfare State.*

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Stephen Cox is a professor at UC San Diego. His most recent book is *The New Testament and Literature.*

Jacques Delacroix is a former professor of management and a sociologist by training. He lives in Santa Cruz with his wife, the artist Krishna Delacroix.

Jon Harrison lives and writes in Vermont.

Gary Jason is an adjunct professor of philosophy and a contributing editor to *Liberty.* He is the author of *Critical Thinking: Developing an Effective World View* and *Introduction to Logic.*

Richard Kostelanetz has written many books about contemporary art and literature.

Bob Marcus is a longtime reader of *Liberty,* an entrepreneur, CEO, world traveller, and libertarian living in San Francisco.

Bill Merritt is a sometimes-novelist living in Gaborone, Botswana. If you are offended at what he has to say, you are welcome to try to pursue him through the Botswana legal system.

Fred Mora is a French engineer and writer who is now happily living the American Dream in the U.S., complete with house, green card, and barbecue.

Eric Neigher is a lawyer and freelance journalist from Southern California.

Randal O'Toole is an adjunct scholar at the Cato Institute.

Jim Payne has taught political science at Yale, Wesleyan, Johns Hopkins, and Texas A&M. His books include *A History of Force.*

Sandy Pierre moved to New Hampshire in 2005 as a participant in the Free State Project. She lives and works in Nashua.

Patrick Quealy may be found in his natural habitat, a Seattle coffee shop.

Bruce Ramsey is a journalist in Seattle.

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Hayley Skousen will be graduating from the University of San Diego in May. She spent last year working for USDtv, the University's local television station, as the on-camera movie critic.

Jo Ann Skousen is entertainment editor of *Liberty*. She lives in New York.

John D. Swanson is a professional musician and freelance writer from E. Amherst, NY.

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1999

The 1999 Liberty Group • *Bill Bradford, Tim Slagle, Fred Smith, Durk Pearson,* and *Alan Bock* presciently analyze the political madhouse in 1999 and slaughter sacred cows with abandon. A fast-paced journey of libertarian punditry exploring the issues of the day. (CD: A-401, Cassette: B-401, VHS: V-401)

How Environmental Regulation Prevents People From Protecting the Environment • Environmental economist *Richard Stroup* explains how iron-fisted regulators provide powerful incentives against private landowners caring for the environment. (CD: A-402, Cassette: B-402, VHS: V-402)

The U.S. Forest Service: America's Experiment in Soviet Socialism • *Randal O'Toole* tells a sad tale of excessive road building, clearcutting, and the strangling effects of Soviet-style centralized decision-making. (CD: A-403, Cassette: B-403, VHS: V-403)

Environmental Religion in the Schools • Author *Jane Shaw* explores how schools indoctrinate children in the New Religion of Mother Earth. (CD: A-404, Cassette: B-404, VHS: V-404)

The Liberty Privacy Panel • *R.W. Bradford, Fred Smith, David Friedman,* and *Doug Casey* explore the privacy issues of the 21st century. (CD: A-405, Cassette: B-405, VHS: V-405)

Advancing Liberty in the Courts • Washington state Supreme Court Justice *Richard Sanders* explains how libertarians get more bang for their buck by supporting judicial candidates. You'll hear how one libertarian justice can make a huge difference! (CD: A-406, Cassette: B-406, VHS: V-406)

A Libertarian in Congress • Congressman *Ron Paul* on the art of building coalitions. Learn how laws on immigration, welfare reform, and health care are shredding your privacy. (CD: A-407, Cassette: B-407, VHS: V-407)

Does the Libertarian Party have a Future? • *R.W. Bradford* makes a powerful case that the LP is failing to advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. (CD: A-408, Cassette: B-408, VHS: V-408)

Al Gore's War on Freedom and Mobility • Al Gore hates the internal combustion engine. If he gets his way, American's cities will look a lot more like the cities of communist Europe, says *Randal O'Toole.* (CD: A-409, Cassette: B-409, VHS: V-409)

Selling Liberty in an Illiberal World • *Fred Smith* offers a revolutionary approach to spreading libertarian ideas and explains how to frame issues for maximum appeal. (CD: A-410, Cassette: B-410, VHS: V-410)

Contracts and the Net • The internet will reshape contract law, argues *David Friedman,* at the expense of judicial power. (CD: A-411, Cassette: B-411, VHS: V-411)

How to Write Op-Eds and Get Them Published • Professional journalists *Jane Shaw, Alan Bock,* and *Bruce Ramsey* tell how to write opinion pieces that will see print. Hear the one phrase that is taboo at a major newspaper. (CD: A-412, Cassette: B-412, VHS: V-412)

What Does Economics Have to Do With the Law, and What Do Both Have to Do With Libertarianism? • *David Friedman* explores how economics and law relate to each other and to libertarianism. (CD: A-413, Cassette: B-413, VHS: V-413)

Urban Sprawl, Liberty, and the State • Learn why environmentalists want you caged in cities, and how they plan to do it — with *Jane Shaw, Richard Stroup, Fred Smith,* and *Randal O'Toole.* (CD: A-414, Cassette: B-414, VHS: V-414)

My Dinner With James Madison • *Scott Reid* views modern America through the eyes of a Founding Father. Our Madison discusses some little-known alternatives at the Constitutional Convention, and why they would have been better for freedom. (CD: A-415, Cassette: B-415, VHS: V-415)

The New Liberty and the Old • *R.W. Bradford* explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (CD: A-416, Cassette: B-416, VHS: V-416)

Using the First Amendment to Smash the State • *Durk Pearson* and *Sandy Shaw* tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees! (CD: A-417, Cassette: B-417, VHS: V-417)

Making Terror Your Friend • In a world overrun with authoritarian creeps, *Doug Casey* highlights the attitudes and techniques that set him apart from the controlled masses. (CD: A-418, Cassette: B-418, VHS: V-418)

End the Drug War or Forget About Freedom • *Alan Bock* journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (CD: A-419, Cassette: B-419, VHS: V-419)

Juries, Justice, and the Law • Fully informed jury activist *Larry Dodge* explains the history and the importance of jury nullification. (CD: A-420, Cassette: B-420, VHS: V-420)

2004

Liberty: What's Right vs. What Works • *Charles Murray, David Friedman, R.W. Bradford,* and *David Boaz* examine how we argue for liberty — and why we're really for it. (CD: A-601, Cassette: B-601)

Anarchy vs. Limited Government • The same all-star panel of *David Boaz, Charles Murray, David Friedman,* and *R.W. Bradford* reinvigorate the debate between radically smaller government and no government at all. (CD: A-602, Cassette: B-602)

Big Government Is Bipartisan: What You Can Do About It • *David Boaz* looks at how both parties expand government power and trample on your rights, and explains how you can fight back. (CD: A-603, Cassette: B-603)

What's Wrong With Libertarianism • *R.W. Bradford* exposes what's wrong with libertarianism and with libertarians — from a libertarian point of view. (CD: A-604, Cassette: B-604)

Isabel Paterson and the Founding of Modern Libertarianism • *Stephen Cox* looks at the life and work of the political philosopher who was Ayn Rand's mentor. (CD: A-605, Cassette: B-605)

The 2004 Election • *Stephen Cox, R.W. Bradford, David Boaz, Bruce Ramsey,* and *Doug Casey* make the case for Kerry, Bush . . . and against voting at all. (CD: A-606, Cassette: B-606)

The War in Iraq: Can It Be Justified? • *John Hospers, Tim Sandefur, Bruce Ramsey,* and *R.W. Bradford* try to untangle the confused thinking that shrouds the war in Iraq. (CD: A-607, Cassette: B-607)

Fighting the FDA and Winning • *Sandy Shaw* and *Durk Pearson* tell how they beat the FDA in their fight for free speech and better health. (CD: A-608, Cassette: B-608)

Are Americans Freer Today Than They Were 100 Years Ago? • *David Boaz, Durk Pearson, Tim Sandefur,* and *David Friedman* discover that freedom is a lot more complex than how much we are taxed. (CD: A-609, Cassette: B-609)

Why Drugs Haven't Been Legalized • *Alan Bock, David Friedman, R.W. Bradford,* and *Andy von Sonn* explore why, with all the evidence that marijuana is substantially less harmful than alcohol and that its criminalization does great harm, possession of marijuana is still a criminal offense. (CD: A-610, Cassette: B-610)

Ayn Rand's Novels and the Critics • Many fans of Ayn Rand think her books were mostly ignored by reviewers. Not so, *David Boaz* discovers. (CD: A-611, Cassette: B-611)

Liberty in Film • *Jo Ann Skousen, Doug Casey, Stephen Cox, R.W. Bradford,* and *John Hospers* explore what makes a good libertarian film, and offer a few of their favorites, including some very surprising choices. (CD: A-612, Cassette: B-612)

Garet Garrett and the Old Right Vision of Empire • *Bruce Ramsey* takes a close look at a dynamic critic of the New Deal and the rise of the American Empire. (CD: A-613, Cassette: B-613)

2006

Libertarianism and Religion • *Jo Ann Skousen, Charles Murray, David Friedman,* and *Stephen Cox* discuss the nuanced and sometimes tempestuous relationship between religion and the freedom movement. (CD: A-102, Cassette: B-102)

Liberty in Film • In this installment of a beloved, traditional Liberty conference panel, *Jo Ann Skousen, Jack Pugsley, Tim Slagle,* and *Gary Jason* talk about why film is important to libertarians, and which films recommend themselves to libertarians. (CD: A-103, Cassette: B-103)

Ben Franklin (Warts and All) Takes On His Libertarian Critics • Franklin was one of America's greatest champions of liberty, says *Mark Skousen,* despite what many libertarians think. (CD: A-104, Cassette: B-104)

The Best Laid Plans • *Randal O'Toole* surveys the damage wrought by the imposition of urban planners' morality on construction, traffic, and transit. (CD: A-106, Cassette: B-106)

What's With the Cost of Gas? • Government conspiracy, market forces, or market failure: what really causes changes in consumer gas prices? *Mark Skousen, Randal O'Toole,* and *Bob Beers* look for an answer. (CD: A-107, Cassette: B-107)

Taxes Can Be Cut! • *Bob Beers, Jack Pugsley,* and *Mark Skousen* look for ways to cut taxes and keep them low. (CD: A-108, Cassette: B-108)

Keynote speech • *David Friedman* discusses how changes in technology will affect government power over the individual — and whether the effect will be for better or worse. (CD only: A-109)

How to Reform the Drug Laws • *Randy Barnett, Patrick Killen,* and *David Friedman* relate their work on drug-law reform and their ideas for bringing about change. (CD: A-110, Cassette: B-110) ➤

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deeply masculine, and brutally just, yet also charming, humorous, intelligent, and artistic. (November 2007)

Emile Hirsch, "Into the Wild." Dialogue is easy; acting when you are all alone and making it look effortless takes genuine skill. But maybe Hirsch was too good at making it look effortless, because the Academy snubbed both him and Sean Penn. As Chris McCandless, Hirsch portrays a loner who can be gregariously social, a mountain man who is woefully unskilled. Although Chris was at odds with his parents for a variety of reasons, Hirsch shows that he was not just escaping from the anger of their house; he was escaping *to* something, heeding the call of the wild that resonates with so many young men at that age. (December 2007)

Johnny Depp, "Sweeney Todd." Probably the best actor of this generation, Depp deserves an Oscar for just about every role he takes. Depp was nominated this year for his brilliant performance in "Sweeney Todd," Stephen Sondheim's lyrically sublime musical about a barber who is wrongfully convicted of a transportable crime and returns to London with a lust for throat-slashing. Instead of infusing this barbaric barber with maniacal ravings, Depp portrays him as a man stiffly devoid of feeling and emotion, perfectly controlled and totally corrupt. As always, Depp's instinct is superb.

"Die Hard" was the one studio blockbuster that really delivered the thrills this year.

Best Actress

Amy Ryan, "Gone Baby Gone." As the spaced-out, coked-up unmarried mother of a missing toddler, the normally beautiful Ryan is as mousey, plain and foul-mouthed as any coke addict who might be seen emerging from a low-class bar in the seedier parts of Boston. If the Academy is still giving out the Nicole Kidman "uglier is better" award, Ryan has it locked up.

Ellen Page, "Juno." A precocious 16-year-old who has sex on a whim and ends up getting pregnant, Juno cracks wise while deciding what to do with her inconvenient lump of "fingernails" and potential life. To me, the character is a bit too casual and nonchalant about the situation, her sardonic quips reflecting the language and sexual maturity of a 25-year-old more than a high school student. But Page also offers glimpses of Juno's private uncertainties and emotional innocence, indicating that the comedic bluster masks the insecurity and fear she feels inside — quite an emotional feat for such a young actress to communicate. Ellen Page is a talented actress with a tremendous career ahead of her if she can survive the Hollywood night life.

Amy Adams, "Enchanted." Adams shines in this charming, cartoonlike musical about a Disney princess who is propelled from her animated kingdom of Andalusia to flesh-and-blood New York City. The danger in such a role is that you are always just one twinkle away from falling into camp. But no fear! Fresh-faced, dewy-eyed, and full of princess-like optimism that everything will end up happily ever after, Adams has an effervescence that never bubbles over the top. As our reviewer Jon Harrison described her performance, "I didn't need anything from the concession stand. Amy Adams was eye candy enough." (March 2008)

Best Supporting Actor

Steve Zahn, "Rescue Dawn." Known for his lightweight roles as the wisecracking sidekick in such films as "Sahara," "Bandidas," and "Employee of the Month," Zahn reaches an emotional depth never before plumbed in his body of work. His innate sense of humor remains intact, but without the wisecracks. He delivers a taut, gripping performance, particularly with his eyes. These prisoners of war are in a deadly serious situation, and his character never loses sight of it. (October 2007)

Hal Holbrook, "Into the Wild." Holbrook is the master of turning small parts into pivotal roles. Who can forget his shadowy "Deep Throat" in "All the President's Men"? As the lonely man who befriends the doomed wanderer in "Into the Wild," Holbrook delved into his own heartache to deliver the most emotionally powerful performance of the year. In interviews, Holbrook revealed that his own son spent two years literally on the road, living in a sleeping bag alongside the highway. "You spend a lot of years repairing something like that," he told Entertainment Weekly, and it shows. Holbrook is the Academy's "sentimental favorite," and mine, too.

Sean Penn's hauntingly exceptional film "Into the Wild" was grossly overlooked by the Oscar committee.

Ben Foster, "3:10 to Yuma." Foster plays Charlie Prince, the partner and second-in-command to Russell Crowe's Ben Wade. Prince is flamboyant, stylish, and intense — watch for his "coat trick" when he rides into Bisbee with a message for the town. (November 2007)

Best Supporting Actress

Vanessa Redgrave, "Atonement." As the oldest of three actresses playing Briony Tallis, the girl whose false witness condemns a man to prison and then to the front lines of war, Redgrave delivers a knockout performance that seems to come, like Holbrook's performance in "Into the Wild," from somewhere deep within her own regrets over past transgressions. And also like Holbrook, she manages to make her small part the standout role of the entire film.

Tilda Swinton, "Michael Clayton." As the cold, but not so cool, attorney who must save her clients from a class-action suit exacerbated by the mishandling of her manic-depressive

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colleague, Swinton displays an obsessive compulsion for detail and preparation that borders on madness itself. Wonderful in every way.

Best Artistic Production Values

"Atonement." Led by supervising art director Ian Bailie, it is the production crew that makes this film soar. Like many other period pieces, "Atonement" luxuriates in its gorgeous setting (northern England, with a handsomely appointed country mansion — castle, really — where the first act takes place). The elegant lines and beautiful fabrics of the costumes also fill the audience with a sense of grandeur and romance. A film based on bringing a secret to light, "Atonement" is exquisitely lit, both in its interior and exterior scenes. Camera angles and panoramas seem to have been meticulously planned and executed by cinematographer Seamus McGarvey, adding to the mystique of the story.

Perhaps the most creative artistry is in the lush, romantic soundtrack by Dario Marionelli, who incorporates the story into his music in imaginative ways. As the film opens, he turns Briony's typewriter into a percussive instrument; he returns to its motif throughout the film. When a distraught woman pounds on a police car that is taking her son to jail, Marionelli uses her pounding to form the driving rhythm of the music. During one orchestral passage a harmonica is highlighted, just before we see a soldier in the distance, playing the harmonica. In another, a piano key is struck repeatedly, ending with a "plunk" as a petulant girl pulls the string of the family piano. Each intrusion is an unexpected delight, drawing attention to the music without distracting from the film. (March 2008)

Probably the best actor of this generation, Johnny Depp deserves an Oscar for just about every role he takes.

So why isn't this film on my list of best movies? The story (as translated to film) is seriously flawed, and most of the acting is merely adequate. Kiera Knightley is beautiful and elegant, of course, and her accent is perfection. The same can be said of James McAvoy. But there is a reason that neither the director nor the actors were nominated for their work in this Best Picture nominee; it soars above the acting, not because of it.

So there you have it, my favorite films and performers of 2007. Add these movies to your Netflix list if you haven't already seen them, and watch for the independent films and documentaries screened at the 2008 Sundance Film Festival that are reviewed for you in the companion article below. ❑

Docs Rock at Sundance '08

by Hayley Skousen

I've attended the Sundance Film Festival (in Park City, Utah) three times now, so when I learned that my school, the University of San Diego, offers three units of upper division credit for screening films at the festival, I couldn't wait to register. Gaining a better appreciation for independent film, bonding with other students, speaking to filmmakers in Q&A sessions, and, yes, snowboarding on the greatest snow on earth — sign me up!

Planning ahead is essential to enjoying the Sundance experience; the most anticipated films are sold out within minutes of tickets going on sale in October. To ensure access to the sold-out films, my fellow students and I bought the $400 Adrenaline Pass, which guarantees admission to all films starting before 10 a.m. and after 10 p.m.. Now, I'll admit that I love to attend opening-night midnight showings of the biggest Hollywood blockbusters. In fact, on the festival's opening night, I ditched celebrity-stalking in Park City in order to see the 11:59 p.m. premiere of "Cloverfield" (the monster-eats-New-York-City horror flick filmed on victims' camera phones a la "Blair Witch Project"). But how was I going to handle a full week of back-to-back late night and early morning showtimes? I guess that's why they call it the Adrenaline Pass: the rush from seeing high-quality, unconventional, even life-changing films fueled my ability to stay awake.

Over the first two days we attended ten hours of class lecture and read from Emmanuel Levy's textbook, "Cinema of Outsiders: The Rise of American Independent Films" (1999, 650 pages). "Indies," of course, are films made without big studio money and big studio control, giving directors the freedom to make artistic breakthroughs but also giving them the disadvantage of having to beg for money. Robert Redford's vision of a festival where these non-studio films could be showcased and attract potential distributors has given indies enough capital to return filmmaking to the art it once was.

In addition, before arriving in Park City our professors required us to screen past Sundance entries from four categories — recent features, older features, women directors, and documentaries — to help us see what sets Sundance films apart. I chose to screen "Once"

(2007, a musical love story between two buskers, set in Dublin); "Pi" (1998, a black and white Kafkaesque film about a math recluse who believes numbers can explain everything); "Whale Rider" (2002, a powerful film about a Maori girl who deals with tradition, rejection, and destiny); and "Murderball" (2005, a documentary about paraplegics who play wheelchair rugby).

Planning ahead is essential; the most anticipated films are sold out within minutes of going on sale in October.

Of the four, "Murderball" was my favorite, reflecting my preference for documentaries. The documentaries I saw were consistently better than films from any other category at Sundance.

My first '08 film was "In Bruges," an action comedy about two hit men who interact with bizarre locals while hiding out in Bruges, Belgium. The best aspect of the Sundance Film Festival is the opportunity to hear from the film makers themselves during the Q&A sessions before and after the screenings. Even at 9:15 a.m., co-stars Colin Farrell and Brendan Gleeson showed up to talk about the film before it started. (My classmates who met Farrell on Main St. the day before pointed out that the actor showed up in the same clothes he was wearing when they met him. I doubt that any of the celebrities get much sleep on opening night at Sundance.) That first day I also attended the world premiere of "Sunshine Cleaning," a dark comedy about a woman who starts a biohazard waste disposal company to fund her son's private-school tuition; the film starred fresh-faced actresses Amy Adams ("Enchanted") and Emily Blunt.

It didn't take long for me to split up from my classmates, however, and discover the appeal of seeing movies on my own. In line I chatted with the editor-in-chief of Advocate, and I sat next to a film lawyer from New York. Whoever meets film lawyers? Some of the best moments I experienced at Sundance took place when I met strangers on the bus, in line, at screenings, or in the hotel, and we advised each other on what films were the best and what local restaurants were delicious.

As I've said, docs rocked Sundance '08 — with stories that were funny, tragic, eye opening, and purely entertaining. One of the best was "Young @ Heart," a documentary that follows the riotous gigs of a senior citizens' chorus called by the same name. It's hilarious to see these white-haired oldsters performing the music of rock bands from The Clash to Coldplay. To my surprise, the film also provided one of the tender moments of the festival; I noticed that nearly every audience member was sniffling by the end of the film. What a treat it was to meet three members of the Young @ Heart chorus in the post-screening interviews. After watching their remarkable journey, meeting them was like visiting my own grandparents.

"Stranded: I Have Come From a Plane that Crashed in the Mountains," a film about the Uruguayan rugby team that crashed in the Andes in the 1970s, was another powerful documentary. When I told my brother that I planned to see this film, he sarcastically replied, "I don't know if you know this, but it already came out. It's called 'Alive' and it stars Ethan Hawke." He was, of course, referring to the 1993 fictionalized film directed by Frank Marshall. But the documentary is far more poignant than any Hollywood movie based on the tragedy could be. "Stranded" director Gonzalo Arijon, who grew up with some of the survivors, brought them back to the site of the plane crash, where they reminisced about the 72 days during which they were stranded. These exclusive interviews, still raw after more than 30 years, yielded exciting, touching, and virtually unbelievable tales of triumph in the face of adversity, surpassing any sensationalized, exaggerated version created by previous filmmakers.

Another documentary that caught my interest was "Up the Yangtze," about the government-sanctioned dam on the Yangtze River that is gradually flooding out riverside communities in China, leaving hundreds of thousands homeless. Two years ago I spent three days cruising up the Yangtze through the famous Three Gorges, where I saw these villages and their residents firsthand. I went through the locks at the dam and viewed the magnificent scenery. Imagine my delight when I discovered that the documentary was filmed on the same ship I'd been on, the *Queen Victoria,* and featured the same hilarious cruise director.

Three other documentaries I enjoyed were "American Teen," a sometimes hilarious, sometimes poignant look at students attending a Midwestern high school; "Man on Wire," about aerialist Philippe Petit's daring 1974 tightrope walk between the Twin Towers; and "Anvil! The Story of Anvil" (think about Christopher Guest's rockumentary "This is Spinal Tap," except that this story, about a Canadian metal band, is true).

As a group, documentaries may have been the most engaging films at Sundance this year, but my favorite single film came from the World Dramatic Competition category. "The Wave," a riveting story about German high-schoolers who become alarmingly enthusiastic about fascism, is based on a true story, a detail that haunts the audience throughout the film. As the film built to a dramatic climax, it was creepy to see how quickly and easily students could become desperately controlling and militant. This stunning film, with its focus on violence in the classroom, brought back memories of horrific events that took place at Columbine and Virginia Tech. Watch for it in art houses.

It's hilarious to see a senior citizens' chorus performing the music of rock bands from The Clash to Coldplay.

Of course, life can't always be lived in the highbrow lane. My last day in Utah was also the opening day of

"Rambo," Sylvester Stallone's bloody return to Southeast Asia to rescue missionaries from Burmese terrorists, and my brothers dragged me to see the midnight opening that night. As I dozed on and off during the plotless bloodbath, I reflected on the 20 films I'd seen at Sundance. The difference between them and the one I was trying not to watch was startlingly clear. Those independent films boasted artistic value, thought-provoking storytelling, and sensational acting. The audiences at Sundance responded to them like no other audiences in regular movie theaters, laughing out loud at each joke and shedding a tear at each tender moment.

When I woke up during the credits of "Rambo," I realized that my taste for film had changed. No, I have not become too snooty to anticipate the midnight showing of the next "Batman" installment, nor will I miss the next Will Ferrell comedy. But I eagerly anticipate seeing as many independent films as I can when they come to my local theaters, especially the ones I regretfully missed at Sundance '08. ❑

"There Will Be Blood," directed by Paul Thomas Anderson. Paramount, 2007, 158 minutes.

Blood for Oil

Jo Ann Skousen

With its misleading portent of terrifying violence, "There Will Be Blood" is a terrible title for what is in fact a terrific film — and one I almost passed up as a result. After enduring the bloody bashings and slashings of "Gone Baby Gone," "The Departed," "Eastern Promises," and the melodious but malicious "Sweeney Todd" in recent months, I simply didn't have the stomach for a movie whose title seemed to promise buckets of blood amid wanton, ruthless violence.

Yet how could I call myself entertainment editor of this magazine if I was too squeamish to view a film nominated by both the Academy and the Golden Globes for Best Picture and Best Actor of the Year? So I finally bought my ticket and entered the theater, prepared to cover my eyes for most of the three-hour bloodbath.

To my surprise, the film is hardly bloody at all. There is heart-pounding tension, enhanced by the remarkable musical score of Jonny Greenwood (Radiohead). There are some eye-squinching accidents associated with mining and drilling, and some nasty fights. But the moments of impact take place just offscreen, Hitchcock style, blunting the visual image but not the emotional punch. The title, I learned, is mostly metaphorical, not literal.

Based on Upton Sinclair's novel "Oil!", this movie is an epic tale chronicling the early years of oil development in the Southwest. In a gutsy move, director P.T. Anderson ("Boogie Nights," "Magnolia," "Punch-Drunk Love") films the first 20 minutes completely without dialogue as prospector Daniel Plainview (Daniel Day-Lewis) struggles by the sweat of his brow to wrest silver and then oil from the ground. This wordless exposition might have failed with a lesser actor, but Day-Lewis pulls it off magnificently, portraying the indefatigable will and physical determination of the protagonist.

The film is a subtle, if unwilling, paean to capitalism. When his silver mine plays out and oil suddenly oozes up, Plainview adapts, designing oil derricks and drilling devices to bring oil to the surface. He travels from area to area, leasing land from homesteaders and pumping the oil out from under their feet. He is straightforward in admitting that he will make more money than the landowners will, but that's because he has the knowledge and the skill to remove the raw material and send it to a refinery where it can be transformed into a usable product. Without him (or someone like him), the oil would remain underground and worthless.

But the homesteaders, too, will profit, not only from the royalties Plainview will pay for leasing their arid, infertile land but also from the infrastructure his company will create. In a profound speech (apparently improvised by Day-Lewis), Plainview explains that his company will build schools, irrigation, and roads. Their land will at last produce grain. In short, the capitalist-developer will earn the most, but his employees will earn a good wage and the landowners' standards of living will rise. Everyone wins.

In direct conflict with the oil man is Eli Sunday (Paul Dano), a self-appointed preacher whose family's mineral rights Plainview has leased. As in the biblical story of the twins Jacob and Esau, Eli is contrasted with his twin brother Paul, who has sold out the family's rights for a "mess of pottage." Eli wants Plainview to contribute money to his church and, more importantly, to be an example of piety to the community. When the town's first well is about to come in and Plainview invites the community to celebrate the first gusher, Sunday insists on being allowed to bless the well first, ostensibly to ask for

God's protection but actually to reinforce the town's dependence on him, not Plainview.

The "blood" in the film's title symbolically emphasizes the conflict between Plainview's blood of the earth — oil — and Sunday's "blood of the Lamb." While Plainview drills the earth for oil, Eli "drills" his parishioners to cast out devils, with histrionic sermons that are downright scary. Early in the film, a father dabs oil from a new gusher onto his baby son's forehead in a gesture of baptism, foreshadowing the conflict between two transforming powers — money and faith. This conflict continues throughout the film, particularly when Plainview's son suffers an injury that Sunday's brand of faith is unable to heal.

To my surprise, the film is hardly bloody at all. The title, I learned, is mostly metaphorical, not literal.

But Plainview is no saint. In fact, director Anderson claims his character is modeled on Count Dracula (another reference to blood). Although Plainview can demonstrate acute tenderness toward his son and his workers, he can just as quickly turn violent. In a critical scene in front of a burning oil rig he appears to have descended into Dante's Inferno, a psychological condition from which he never escapes. The final two words of the film reinforce this religious allegory.

Blood also enters the story metaphorically through the introduction of an adopted son and a half-brother. Emotionally powerful issues emerge: Is blood thicker than water? Do blood relations matter? Is one's character determined by one's blood?

And then, just when we begin to accept that the title is simply an abstract metaphor, it suddenly becomes a literal promise.

There will be blood. Oh yes. After all, there will be blood. ❑

"Michael Clayton," written and directed by Tony Gilroy. Warner Brothers, 2007, 119 minutes.

Fixer Upper

Jo Ann Skousen

As "Michael Clayton" opens, we see a boardroom full of office workers frantically shredding documents, a sweat-drenched woman (Tilda Swinton) frantically rehearsing a speech, and George Clooney frantically running from a Mercedes that has just blown up. We don't know why any of this is happening, but we are certainly hooked. The film then flashes back to the events leading up to this climax, and the intertwining stories begin to unfold in a fast-paced thriller about corporate corruption, "debt enforcement," blackmail, and even murder.

Clayton is a "fixer," a middle-aged attorney who cleans up dirty cases and personal problems for corporate clients. He's good at it, but it isn't exactly what he had in mind as a career choice when he went to law school. In addition, he needs some fixing himself: he's a divorced father, he has a gambling addiction, his restaurant business is going under, his deadbeat brother has pushed him deeply into debt, and a nasty loan shark is after him. Clayton has so many enemies that even he doesn't know for sure who is after him.

Now his firm is trying to defend a client facing a multimillion dollar class-action suit; and Arthur Edens (Tom Wilkinson), the senior partner who has been conducting the case for eight years, is spiraling deeper into manic-depressive illness. His bizarre actions could lead to disaster for both the law firm and the client. While attorney Karen Crowder (Swinton) uses every legal maneuver to avoid a costly settlement, Clayton must "fix" the growing problem caused by the mental breakdown and guilt-ridden angst of Edens.

Usually films like this are carried by suspenseful plot twists, and this film has plenty of surprises. In particular, the story's overlapping timelines allow the reader slowly to make sense of the plot; they gradually add layers of understanding while withholding the most critical information until the climax, which features one of the most satisfying film confrontations in recent memory. Gilroy's nomination for best screenplay is well deserved.

Clooney, Swinton, and Wilkinson deliver knockout performances, and all three have been nominated for acting Oscars. (In fact, "Michael Clayton" is the only film this year to receive more than one Oscar nod for acting.) Not since Peter Finch's role in "Network" have we seen such mental brilliance and breakdown combined in one character as we do in Wilkinson's Arthur Edens. Complementing his performance, Tilda Swinton's cold, yet far from cool, Karen Crowder is almost as manically obsessive in her attention to detail. Watch for the scenes where she prepares for court. Eerily compulsive.

Leading the pack is Clooney himself. After enduring his recent forays into political haughtiness ("Syriana") and activism (headline on my computer screen today: "Actor George Clooney told by UN to shut up") as well as the unfortunate overcrowding of his Ocean's 11 franchise, I was delighted to see him return to what he does best: classy, sassy, and brassy. ❑

Terra Incognita

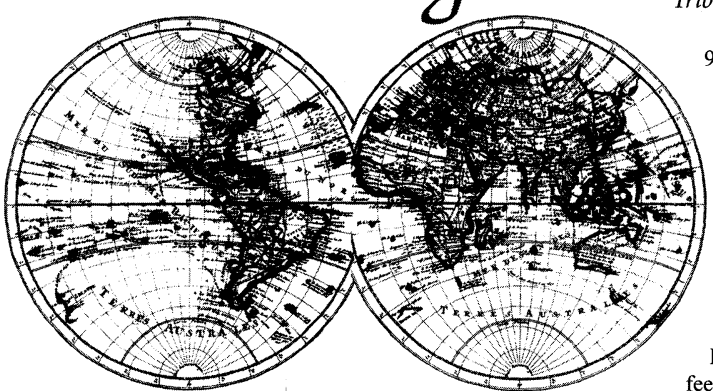

Washington, D.C.

The unexpected cultural horizons of CIA chief Mitch McConnell, from a write-up in *The Wall Street Journal:*

McConnell, a South Carolina native, fancies himself a fabulous dancer.

Lewisville, Texas

Setback in the War on Germs, in the *Dallas Morning News:*

Denton County prosecutors decided to wash their hands of a case against a Lewisville middle school student accused of trying to get high by sniffing his teacher's hand sanitizer. In the view of school officials, the boy "inhaled heavily," according to the boy's father, Richard Ortiz, who said his son sniffed the cleanser "because it smelled good."

Joni Eddy, assistant police chief in Lewisville, said that hand sanitizer has become a popular inhalant. "That is the latest thing to huff," she said.

San Antonio

Doing Cincinnatus one better, from the *San Antonio Express-News:*

A candidate for Kerr County treasurer is making a single campaign promise: Elect me and I won't serve. Ed Hamilton is challenging incumbent Treasurer Mindy Williams for the Republican nomination. No Democrats are seeking the office.

He said the job is redundant and costing the county money it doesn't need to spend. The duties should be assigned to another county office, Hamilton said. "I don't plan to do the job," he said. "I won't accept a paycheck."

Williams, who was appointed last spring to the $46,000-a-year post, said the job shouldn't be eliminated.

Guangdong, China

Marital precaution, from the *Asian Times:*

Chinese doctors have warned moviegoers not to try some of the more ambitious sexual positions featured in the uncut version of the Ang Lee film "Lust, Caution." Most of the sexual maneuvers in "Lust, Caution" are in abnormal body positions, said Yu Zao, a deputy director at a women's hospital in southern Guangdong province. "Only women with comparatively flexible bodies that have gymnastics or yoga experience are able to perform them."

Vatican City

Curious protocol for probing the mysteries of faith, noted in *La Repubblica:*

A Vatican official suspended after being caught on hidden camera making advances to a young man says he is not gay and was only pretending to be gay as part of his work.

Monsignor Tommaso Stenico said he frequented online gay chat rooms and met with gay men as part of his work as a psychoanalyst. He said that he pretended to be gay in order to gather information and "to better understand this mysterious and faraway world which, by the fault of a few people — among them some priests — is doing so much harm to the church."

Rio de Janeiro

Curious commemoration of a historical event, from the Reuters wire:

A Carnival float with a pile of model dead bodies commemorating the Holocaust is causing unease before the lavish parades in Rio de Janeiro.

"Really, it makes no sense addressing this theme with drums and dancing girls," said Sergio Niskier, president of the Israelite Federation in Rio de Janeiro state, referring to the slaughter of Jews by Nazi Germany in World War Two.

Paulo Barros, artistic director of the Viradouro samba organization, said the Holocaust float would be the only one without dancers on top. "If we had people dancing on top of dead bodies that would indeed be disrespectful."

West Scranton, Pa.

Unacceptable bathroom habits, chronicled in the *Scranton Times-Tribune:*

Dawn Herb could face up to 90 days in jail and a fine of up to $300 for allegedly shouting profanities at an overflowing toilet while inside her Luzerne Street home.

Herb, whose potty mouth caught the attention of an off-duty police officer, was charged with disorderly conduct.

Scranton Public Safety Director Ray Hayes said if Herb feels she has been unjustly accused, she can address it before a judge. "At the end of the day, the opinion that counts is of the magisterial judge. It may be something open to interpretation. The officer has his own and this person had the opposite opinion."

Ocala, Fla.

Novel theory of tax litigation, from the *Miami Herald:*

"People who do it openly and notoriously, you've got to go after them," said Sheldon Cohen, who was IRS commissioner and general counsel in the 1960s. "Not because he's that important or the amount of money is that important, but because there are others who may be foolish enough to follow."

Cohen said trials like that of actor Wesley Snipes are important to discourage potential tax scofflaws from defying the government. "Locks are important on windows to keep honest men from becoming thieves," Cohen said. "Because a thief can get into a window even if it's locked, right? But you do that as a deterrent."

London, England

The lofty concerns of the Peerage, from *The Bolton News:*

The House of Lords has been listening with interest to a call for thick slices of bread to be cut down to size. Thick bread equals thick waistlines, according to Baroness Gardener of Parkes, who told the Lords of her concern that the width of a standard slice was getting thicker. "Surely there should be more pressure from the Food Standards Agency to take us back to normal-sized bread instead of these super-sized sandwiches."

Special thanks to Russell Garrard and Jim Stevens for contributions to Terra Incognita.

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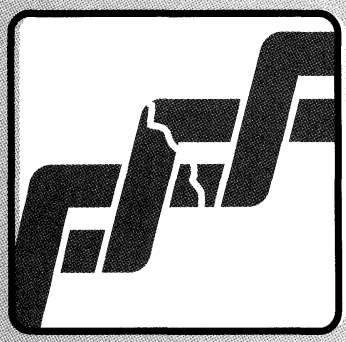

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Inside Liberty

May 2008
Volume 22, Number 4

4 Letters Our readers also know how to write.

7 Reflections We shred raptors, allow free speech or a free ride (but not both), add insult to injury, double down on Pascal's wager, fill a wheelbarrow with milk money, keep our conservatism in the closet, run naked to our mailbox, kneel before our new leaders, and give it to the goose but not to the gander.

19 William F. Buckley, R.I.P. Regard him as an ally, regard him as antagonist, regard him as both: *Stephen Cox* conducts a libertarian assessment of Buckley's importance to the libertarian movement.

Features

21 The Paul Vote The libertarian candidate scales down his campaign; *Bruce Ramsey* weighs the costs and benefits.

25 Sun, Seegars, and Socialism Once even Castro was young and hale. *Doug Casey* visits the youthful leader; *Robert H. Miller* prepares his casket.

29 Thinking About War Is there a libertarian theory about the morality of war? *George H. Smith* provides some answers.

42 No More Sofia! When the unthinkable happened, one man was told he had to carry on. *Jacques Delacroix* tells the story.

Reviews

43 Expanding on Rand *Warren Gibson* discovers a bold and (wonder of wonders) beautifully written work of philosophy, with parallels to the tradition of Ayn Rand.

45 Long Journey, Hard Road *J.H. Huebert* surveys the life of many libertarians' favorite Supreme Court justice.

46 Double Infidelity There is a battle, as *John Lalor* and *Bettina Bien Greaves* report, between darkness and the light. They're on the side of the light.

50 Can't Stop What's Coming Something makes *Jo Ann Skousen* want to get the hell out of the theater. Oh. Blood.

52 Medianotes Israelis and Egyptians, Darwin, and how I met your mother.

51 Notes on Contributors They are who are.

55 Terra Incognita All the fits that're new to print.

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Letters

Can't Win 'Em All

I saw a link to your site and decided to check it out. As soon as I saw the quote by Milton Friedman, the champion of the withholding tax, on the home page, I quickly concluded that the editors of the website possess no integrity whatsoever and vowed never to visit the site again.

Tim Tonnesen
Austin, TX

The Shouts Must Go On

It's no discredit to Bill Merritt that he says, in "The Hillary/Mamie meme" (Reflections, April), "By the time you read this, the shouting will most likely be over between Hillary and Obama . . ."

I only mention it because it's another sign of how unpredictable this year's presidential campaign has been.

Richard Winger
San Francisco, CA

Breathe, Breathe in the Air

In "Death by Environmentalism" (April), Gary Jason mentions the asbestos problem. I think it was Skeptical Inquirer that described the installation of asbestos insulation on pipes in submarines being built during World War II. The pipes were sprayed with an adhesive followed by a spray of asbestos particles.

Somebody complained that the asbestos workers were working without dust masks in a cloud of asbestos dust. That led 20 years later to a study of those workers. Yes, some 20 of those workers had contracted lung cancer. However, the study noted that 19 of those 20 were cigarette smokers.

Naturally the villain was asbestos, not tobacco. After all, tobacco generates lots of tax money, asbestos hardly any.

Everett DeJager
Cincinnati, OH

Writers of the World, Unite

Tim Slagle proves yet again ("Guild system," Reflections, March) that libertarians have a tendency to let their hatred for unions trump their principles. If some company had put out a DVD of the collected comedy routines of Mr. Slagle, for instance, for which sales they paid him royalties, as per his contract, and then turned around and started selling downloaded copies of said routines without providing him with any royalties, I would think that Mr. Slagle would hightail it to a lawyer and declare this an unfair exploitation of his intellectual property and a theft of his rightful royalty.

The members of the Writers Guild of America are essentially demanding that systems be put in place to ensure that they will be fairly compensated for the sale of their intellectual property through new technology, including the internet. They have taken a hard line because the last time new technology shook up the film and television industries, with the coming of the VHS tape and then the DVD, they bought the studios' line that the matter needed to be studied, and they got stuck with a lousy deal.

Would it help, Mr. Slagle, if some of the picket signs said "Stand Up for Intellectual Property Rights! Support WGA Residuals!" or does collective action by any group of workers offend you? Or do you just prefer dodging such issues by comparing apples to oranges, i.e., films and TV shows to cars and SUVs?

Charles K. Alexander II
Albany, NY

Slagle responds: It's not my hatred of unions. It is the principle of unions that I oppose. Yes, there is strength in numbers, but when someone submits to the

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will of a group, he forfeits individual rights. I understand why a worker might want to do that, but I prefer being a free agent.

And while we're on the topic, I actually do have a few videos out. I also have a CD, and internet downloads too. They're available at TimSlagle.com. I am paid generous royalties on the products that are sold there. There are also tapes and CDs available of the shows I've done for Liberty, which can be yours by calling 1-800-854-6991. I don't see a dime from those, but the profits help keep the magazine printed every month, and I think there's a value for that beyond royalties. Why the difference? Because I negotiated different contracts for each product.

That's the nice thing about being a comic: I don't have to belong to a union that dictates a set royalty that I agree to accept. I am free to charge as much or as little as I want from each product sold. I also don't have a mob of thugs telling me I have to stay home from work for the next three months while they try and get a couple extra pennies out of the clubs for me.

Mr. Alexander says the creation of an auto is different than the creation of a TV show, and I don't really get that. Work for hire is work for hire. Both products have teams that create, design, and engineer the production. There are also workers that put the products together, and a network of distributors that get the products to the customers. There is intellectual property in both products. The UAW doesn't get royalties for the people who build cars, or for the people who design them. (Some do — I believe Eddie Bauer, Carroll Shelby, and the estate of Giacinto Ghia all get royalties every time a vehicle is sold with their name on it.)

Anyway, it wasn't the union I was criticizing, but the lack of solidarity between artists' guilds and labor unions. I'm sure that the writers think they are part of the same struggle, but I guarantee that Joe from Detroit doesn't see it that way.

Decompartmentalizing

An ethnographer — at least one with any exposure to phenomenology — should know that phenomena cannot be understood in isolation. Jacques Delacroix's characterization of leftists ("Ethnography of the Left," April) matches perfectly my own experience of academentia. But it also matches just as well my experience of conservatives. The only difference I discern is in the content of the bad news to which they are attached: leftists insist that the world is being destroyed by capitalism; conservatives, by moral decay — as manifested, for example, in sexual license, postmodernism, and permeable borders leading to an influx of Catholics.

It is hardly a mystery why many liberals and conservatives alike are poorly informed, compartmentalize information, avoid pursuing political discussions in depth, and so on. Most people acquire their political opinions by osmosis, from either their childhood or college environment. The choice constitutes a core part of their identity — and of their moral identity, a point I have developed earlier in these pages ("Who's Your Daddy?: Authority, Asceticism, and the Spread of Liberty," April 2005) — so challenges will be resisted strongly. But, as also with religious beliefs, there is typically little intellectual basis, so defenses have to take forms like evasion or intimidation rather than sustained argument. The first line of defense, in fact, is commonly to surround yourself with like-minded people, so serious confrontations don't arise.

Few of us live or grow up in predominantly libertarian environments, on the other hand. We have to go out of our way just to find out about that view, and its intellectual properties are among its principal attractions. People don't become libertarians to fit in; indeed identifying as libertarian takes a pretty high tolerance for being perceived as deviant. And, given the general cultural hostility to libertarianism, you can hardly stick your nose out the door until you've become an expert in the literature on gun control, climate change, and the Panic of 1907. Libertarians can exhibit some of the same ignorance or defensiveness as leftists and conservatives, of course; but in many cases I think the problem is simply unexamined attitudes and commitments carried over from conservatism.

Delacroix is justified in describing his ethnographic project as "permanent"; with his apparent method, it would indeed take literally forever to understand anything at all. But I think that

From the Editor

It's not the function of this little column to endorse political candidates. Not at all. But there's a political endorsement that does interest me. It's by Arlo Guthrie, the folk singer, who said this about Ron Paul, the libertarian candidate for the Republican nomination: "I love this guy. Dr. Paul is the only candidate I know of who would have signed the Constitution of the United States."

Now, when you think about it . . . isn't that true? None of the rest of them would have signed it. Not in a million years. If they had their way, they'd all be amending it to give the government more power over the individual. All for good purposes, of course — thousands of good purposes.

I'm proud of the fact that Liberty is that rarest of things in journalism — a nationally circulated magazine whose authors and editors would actually be happy to sign the Constitution. Well, there are exceptions. Some of our contributors wouldn't sign it because they believe it doesn't go nearly far enough in guaranteeing the individual's freedom to do what he or she wants to do. But that should make them just as lovable, in Mr. Guthrie's terms. After all, what's more lovable than a passion for liberty?

And we have it here.

For Liberty,

Stephen Cox

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his puzzles might be resolved rather quickly just by expanding his social horizons.

Michael Acree
San Francisco, CA

Delacroix responds: Acree affirms an equivalence between the pessimism of liberals and the alleged pessimism of conservatives because, he says, the latter are obsessed with moral decay. It seems to me that he can only be referring to religious conservatives, or more narrowly, to evangelical Christians, or to a caricature of such. Here is what I mean by "conservatives": believe that rights belong to individuals, not to groups; think that capitalism, and pretty much only capitalism, works; object to big government on both economic and ethical grounds.

With this common definition, it seems obvious that many conservatives have a firmly secular orientation because they are deliberately rationalists, or because they are agnostics, or atheists (like me). Such people are rarely much preoccupied with the alleged moral decay of society in general. They take evil as more or less a constant. In fact, they may not think there is any such decay. (I, for one, see the world as slightly more virtuous than it was in my childhood.) Those who think the world is going to pot implicitly refer to a lost Golden Age; they are the children of Rousseau. Most conservatives are children of Locke, Burke, Voltaire, and, often, of Spinoza as well. (God does not care; it matters not if he exists. Hence, we have to do the right thing.) The fact that The Wall Street Journal and the Weekly Standard have a large readership suggests to me that my view is not wholly imaginary, that there are many such conservatives. My use of the term "conservative" may have rung Acree's bell in a way not intended. I am using the term in its conventional, commonsensical way, with no reference to finer sectarian distinctions. Millions of us are conservatives with libertarian leanings but not a deep-seated libertarian faith. I am reading between the lines of Acree's reply here: fortunately, libertarian thought and action are not limited to those in the Libertarian Party.

I agree pretty much with everything else in Acree's letter and, yes, I am opening my social horizons. That's why I wrote my micro-essay in the first place.

Face Value

Bernard von NotHaus ("The Attack on the Liberty Dollar," March) should have designated his silver coins by metallic content and weight. Although the government might still have objected, NotHaus could not then have been accused of piggybacking on the government's dollar-currency system. If the Liberty silver medallions had been

continued on page 53

Erratum

I want to correct a mistake I made in my review of Peter Dale Scott's book, "The Road to 9/11" (Liberty, April 2008). I indicated that Vice President Cheney had testified under oath to the 9/11 Commission. In fact, Cheney did not give sworn testimony to the Commission — he was not under oath at the time he was questioned.

— Jon Harrison

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Reflections

And the winner is . . . — It's late on March 4, billed as the Second Super Tuesday. As I write this, it has become clear that Sen. McCain has secured his position as his party's nominee for president, while Senators Obama and Clinton will continue to fight for their party's title. After twelve losses in a row, the rustbelt state of Ohio seems to have favored Clinton, while Texas is "too close to call."

But can the same thing be said about the election as a whole? After all, whether it's Obama, Clinton, or McCain, it's not too close to make the call that the next president will be attracted to power as a moth to flame, will be happy to find new ways to spend your money on programs that he or she considers worthwhile, and will be willing to project force virtually anywhere in the world without any necessity of an act of Congress.

So I think on this fourth day of March, still eight months from election night, that we have already decided to elect Big Government. — Ross Levatter

The command ecology — I think I finally figured out why socialists tend to be on the pro-global-warming side of the debate. Most of us in the opposition think that the warming is inevitable. We believe that even if it is caused by human activity, with so many people on the earth who want the luxuries that carbon fuels provide, stopping the emission of carbon is impossible. It's like trying to make people give up sex.

It is the nature of socialists to believe that everything can be controlled. They believe they're smart enough to control the economy better than market forces, and given the power to micromanage they can bring more prosperity to the world. They also think that human development can be altered, and firmly believe crime, poverty, disease, and risk can be totally eliminated from the face of the earth. Why wouldn't they think that humans have power over the weather as well?

All we have to do is resign ourselves to their superior intellects, and accept their dominion over our lives. — Tim Slagle

Command and control — In late February, I listened to a report on inner-city Los Angeles street crime on National Public Radio's afternoon drive-time show "All Things Considered." The reporter was waltzing through the PC minefield of an increase in Black vs. Hispanic crime when she interviewed a witness to a recent daytime shooting. Asking leading questions, the reporter marveled that, with a police station only a few blocks away, the LAPD "couldn't control the neighborhood."

News flash to NPR's feeble-minded staff: it is not the job of the police to control neighborhoods. Their job is to investigate crimes. Residents are supposed to control their own neighborhoods. — Jim Walsh

See the world — I saw an advertisement for ArmedForcesEntertainment.com (Tag line: "Tour for the world's most appreciative audience"), which offered "Tour 08," visiting "Belgium, Greece, Italy, Japan, Qatar, Bahrain, Iraq, United Kingdom, United Arab Emirates, Saudi Arabia, South Korea, Honduras, Puerto Rico, and Germany." These are, of course, just a few of the places where American troops are stationed (that is, permanently garrisoned).

Stop someone at random on the street and ask him if he thinks it is true or false that the American armed forces have fully staffed American military bases in Honduras, Belgium, Greece, etc., etc., etc.

My experience is that almost everyone says "No."

Then explain (possibly using a printout Wikipedia article or Google search) that it really is true; and ask if he has any problem with reciprocation — agreeing to allow foreign governments to set up military bases in the United States, run by soldiers from Qatar, Bahrain, Honduras, and perhaps even Iraq. My experience is that almost everyone says "Yes, I have a big problem with that." Foreign troops are not welcome here.

Nevertheless, a policy of American nonintervention-ism is difficult to sell to the American people: it's a combination of ignorance of the facts and an unhesitating belief in American exceptionalism. — Ross Levatter

Liberty and authority — Do the tenants in public housing have a right to post things on the outside of their apartment doors? The question came up to the Washington Supreme Court, which decided, 5 to 4, that they did have that right.

The case involved the Seattle Housing Authority. Some of its tenants were expressing themselves on their apartment doors, in some cases with swastikas or images of naked people. Other tenants complained, at which point the Authority banned all placards, postings, and signs. Typical of government, the Authority was not going to decide which images were offensive and which not, so it banned all of them. A tenant group sued, claiming that the ban violated its free-speech rights under the federal and state constitutions.

Four justices argued that the Authority, as a subset of the state, should have the same rights as any apartment owner, which would include the right to make rules for the outside surfaces of apartment doors. They argued that free speech did not apply to all public property — you cannot paint your

Word Watch

by Stephen Cox

I promise that Word Watch will not become Election Watch. Though this is an election year, there are more important things than elections. Nevertheless, now is probably a good time to survey the low swamps and thickets of Obamaland. Maybe, then, we can get all that behind us.

Most readers of this journal — indeed, most people who are capable of reading — already realize that Obama's tirades about the necessity for change are just so many demands that the government take money from the rich (i.e., everyone not miserably poor) and give it to the disadvantaged (i.e., bureaucrats who have the advantage of administering social programs). Everything Obama advocates has been discredited by generations of thought and experience. What he wants is a return to the distant past, to a past beyond the reach of modern economics and the knowledge of modern history, or any history at all. He wants to return to some primitive condition in which politicians were worshiped for taking stuff from X and giving it to Y.

The oddity of the Obamist approach to history was apparent in Mrs. Obama's remarks in Milwaukee on February 18. "For the first time in my adult life," she said, "I am really proud of my country. Not just because Barack is doing well, but I think people are hungry for change."

This woman is 44 years old. She was educated at Princeton and Harvard. She may not cherish any personal recollections of the civil rights revolution of the 1960s, but someone might possibly have told her about it at some time. She might also have learned, somehow, about such small events as the American Revolution and the American Civil War, events that count for evidence of some degree of hunger for change on the part of the American people. And it's always possible that she retains some memory of the Reagan movement, and the hunger for change that it evinced. Her record as a public servant with a specialty in left-wing social meddling indicates that right-wing hunger would not be her favorite form, but hunger it was nonetheless. Its spectacular manifestation in the 1980s might have given her a hint that "change" isn't necessarily a good thing for everyone. I know this is a hard saying, almost impossible to understand, but change is not an exact equivalent for God. Think about it: some changes may actually be for the worse.

Here a long pause, to allow readers to grok this difficult point.

OK, I'm back.

Now, speaking of Reagan, or of Reagan's speaking, I have to tell you that I was never one of those people who regarded him as a "great communicator." Maybe he was something like that in the 1960s, but not in the 1980s. To me, at least, he came across as a nice guy and a strong personality, which can be hard to do, simultaneously; and he had an occasional burst of genius. But on the whole, he was a windbag like the rest of them. So's Obama, but without any bursts of genius. In fact, there are no bursts of anything in his oratory, except the kind of bluster that you used to hear in elections for the student council. You remember: "And so I say to you again, I am running on behalf of you, the students! Students who are on the side of change!" (Wild applause.)

In 2008 one can achieve distinction as a political orator by using nothing more than student council skills. We're not talking Webster, Clay, or Douglas here. We're not even talking William Jennings Bryan. We're talking Hillary Clinton, John McCain, and Barack Obama. After watching a few of the 100,000 debates in which these distant, very distant, followers of Demosthenes participated, Leland Yeager wrote to this column: "Hillary Clinton struck me as a hysterical demagogue, Barack Obama as an earnest demagogue, and John McCain as a calm demagogue." That's just about right, and I applaud Professor Yeager for staying awake long enough to complete his study. It was only a sense of duty that kept him going.

With his usual eye for the telling detail, Yeager noticed that "in CNN's coverage of Obama's speech, a man behind the speaker kept chewing gum vigorously throughout. . . . Could he have been a Republican mole?" Alas, no. If the Grand Old Party had any imagination, it would not be in the process of nominating John McCain. The empty spaces behind Obama are reserved for Democratic Party activists. The gum-chewing gentleman is the perfect representative of them and of all those other heroic Americans who are hungry for change.

Change. I'm for it. Go, Barack! Yeah. Oh yeah! Tell 'em, Barack. Whatever, dude.

I hope that when "change" comes, these people get it, good and hard. But they'll never know what hit them — not as long as they have a sufficient quantity of gum.

Item drawn at random from the news wires (Reuters, February 16): "Obama Hits Back." It's a report about Sen. Obama's response to Sen. Clinton's suggestion that he has no concrete policies to recommend: " 'The question is not who has got the policies,' Obama said at a rally in Eau Claire, WI. 'The question is who can get them done, who can bring people together.' "

If that's hitting back, then gum-chewing may be the appropriate audience reaction. Let's see . . . what are we witnessing here? We're seeing someone who's never accomplished anything replying to another person who's never accomplished anything, by telling her that he's the only one of them who can accomplish some-

name on the side of the police station — but only to public forums. And an apartment door is not a public forum. It is part of a housing unit and should be managed that way.

Five justices argued instead that the door to an apartment, being for the exclusive use of the tenant, is private property for the duration of the tenancy. It is the tenant's, and the tenant may tape a sign to it. It is important for tenants to have this right, the court said, because a sign on a home is a personal statement of much greater power than an anonymous sign along the street. It is cheap, the tenant can afford it, and it is meaningful to him. As a mode of expression it is not easily replaced. The court briefly suggested that the Housing Authority might impose regulatory limits on the sign, though it didn't define what those limits might be.

In a libertarian world there would be no government housing, but we don't live in that world. How should a libertarian answer the question posed? The Washington Supreme Court does have a libertarian, Justice Richard Sanders. He voted with the tenants. I would have gone the other way.

— Bruce Ramsey

The birds and the bugs — I have mentioned before the crucial role that independent thinktanks play in keeping even a modicum of balance in intellectual debates. With the universities now dominated by left-liberal thinkers, thinktanks are a vital voice. A free-market thinktank I have not mentioned hitherto is the Heartland Institute, based in Chicago. Two recent Heartland articles — both available from its website — give the flavor of its generally cheeky, politically incorrect approach.

The first, "Bedbugs Taking a Bite Out of New Yorkers," notes that New York City's heavy pesticide restrictions have had an unintended side effect: a dramatic increase in bedbug infestation. It seems that complaints about the blood sucking parasites (referring here to the insects, not the city's bureaucrats) have increased tenfold over the past three years.

After World War II, bedbugs were virtually eradicated by DDT, but when it was banned in the 1970s, the problem started to come back. New Yorkers, predominantly trendy environmentalists themselves, have led the way for decades in banning effective pesticides. The result is now, quite literally, biting them in their asses.

The second article, entitled "Altamont Pass Settlement Fails to Reduce Bird Kills," reports on a new ecological catastrophe: shredded tweet. Environmentalist activists — you know, the birds who killed nuclear power and oppose fossil fuels — are demanding tight regulation of wind turbine fields ("wind farms").

An example: the massive wind farm at Altamont Pass, CA., has 5,000 turbines. It therefore kills thousands of birds each year, including raptors such as eagles, hawks, kestrels, and owls; including many birds from protected species. Tasty rodents love to nest in the turbines, serving as bait that lures raptors into the whirling blades. (Oddly, the environmentalists don't seem to care what the rodents might think of this situation.)

Early last year, an environmentalist-instigated federal lawsuit led to a settlement, negotiated between the feds, the environmental mavens, and wind farm companies. But none of the agreed-to regulations appear to have helped. Scientists reported late last year that birds are being shredded at about the same rate as before.

No doubt the environmentalists will swoop in with more regulations, indifferent to whatever protestations the rodents might make.

— Gary Jason

Eco Qaeda — So-called "eco terrorists" of the Earth Liberation Front (ELF) are suspected in the arson of five new

thing. And how does he plan to do that? By bringing other people together, so that maybe they'll accomplish something.

I know, I know, there's a subtle suggestion here: because Obama is black, he can shanghai other black people into his regime, thus bringing "people" (i.e., his own supporters) "together." So now you're excited, aren't you? Here is a really fresh approach to politics.

What excites me, though not in a good way, is Orator Obama's grasp of the possibilities of the English language, the world's richest source of words and ideas. Out of that treasury of knowledge and inspiration, intellectual precision and spiritual exaltation, what expressions, wise or witty, weighty or sublime, does Sen. Obama select? How, by his choice of words, does he define the great issues of our time?

The question is not who has got the policies . . . The question is who can get them done.

Abraham Lincoln, in his Cooper Union speech, said of the Southern threat of secession: "This has a somewhat reckless sound." He did not say, "This has got a somewhat reckless sound."

Alexander Hamilton, in the 80th paper in the "Federalist" series, argued in the following way for the establishment of federal courts: "No man ought certainly to be a judge in his own cause, or in any cause in respect to which he has the least interest or bias. This principle has no inconsiderable weight in designating the federal courts as the proper tribunals for the determination of controversies between different States and their citizens." Hamilton did not say that no man should be the judge of something "in respect to which he has got the least interest"; he did not say, "This principle has got no inconsiderable weight."

Strange, isn't it, how those old buzzards used to write?

It's worth remembering — unless you are one of the Obama troupe, who care nothing about history in any form — that politicians once wrote rich, complex, grammatically correct sentences, and distributed them to the general public. Lincoln's speech and Hamilton's essay were polemics directed at the voters of their time, who actually seem to have understood them.

Fortunately or unfortunately, the country has changed. Politicians no longer have to worry about richness, complexity, or grammar. For Sen. Obama (and who in his audience will contradict him?) a policy is something that one has got. And what does one do with policies? One gets them done.

I'm sorry, darling: Cooking is something you get done. Waxing the floor is something you get done. But policies aren't like that. You can say, "I got the washing done," but you cannot say, "I got the policy done."

Well, you can say it, in the sense of getting it out of your mouth. You can say it, and be applauded as a magnificent public speaker by everyone from Jesse Jackson to the American Spectator. But that doesn't qualify you to stand on the same platform as Lincoln and Hamilton. It qualifies you to shout and gesture to the chewers of gum.

"built green" houses in a Seattle suburb, given that signs on bed sheets at the site had "green" slogans and the initials ELF. The trouble for authorities is that ELF is purposely decentralized and organized in a way that those who maintain websites have no provable connection to those who burn houses, SUVs, and other products of modern capitalism deemed insufficiently green.

I remember before 9/11 that the FBI declared "eco terrorists" the greatest threat to domestic tranquility in the country. That seems almost quaint now, but at the time they had perpetrated the most destructive attacks on American soil (except for the Oklahoma City bombing, after which the militia movement became quiescent). And now, after 9/11, the radical greenies have performed more attacks on American properties than the Islamists, who have performed zero, though a few stumblebum wannabes have been arrested. It suggests that fear mongering about Islamists is more about providing justification for government expansion and crackdowns than a measure of the actual threat.

It's not that the al Qaeda, etc., threat is nothing at all, but even the reconstituted al Qaeda central is still operating out of caves.

Seems to me that teaching citizens of the strongest country the world has ever known to tremble in fear at a bunch of stateless ragamuffins who could be wiped out by special forces and neutralized by law enforcement and ceasing to occupy Muslim countries (if we'd only stop fantasizing that military invasions are the only possible course) is unworthy of a free country and a terrible mistake in priorities.

— Alan Bock

Do you take this state . . . ? — About seven years ago on a belated honeymoon in Italy, I celebrated the union of me and my beautiful wife, Lisa. Not too long before, the European Economic Community had celebrated its own wedding, becoming the European Union.

In the poorer bits of this new state, such as southern Italy, its agencies and organs like to proclaim the benefits of the blessed Union. They do so on signs and panels posted around construction sites that remind me of old photos of New Deal works programs in progress. The signs are often in one of the major EU languages such as English, French, or German. According to National Geographic, the EU spends more than one billion dollars each year to translate its official communications into its many official languages.

We were in the middle of Piazza Armerina, Sicily, when I took the photograph reproduced below. The sign in the photograph serves a dual purpose, both reminding Sicilians of the benefits of the Union and demonstrating the results (in terms, of course, of intra-EU understanding and harmony) of a billion dollars in translation fees. — Michael Christian

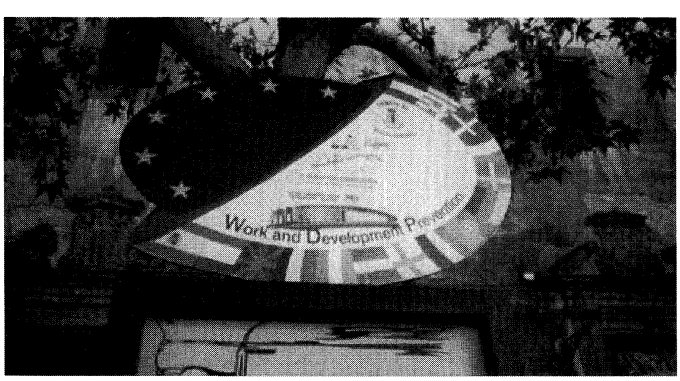

Postal immunity — Driving in the older part of town today, I happened to notice that not every resident of my small Indiana town is equal under the law. I myself have to walk down the street to pick up my mail. When our subdivision was built in the '50s, it was considered a rural area, so our mail boxes are all stacked on a pole at either end of the street. That way the truck would only have to make a couple stops to service the neighborhood.

But I noticed that neighbors in an older part of town, built before the Depression, get their mail delivered directly to their door. They live less than a mile away from me, and get their mail brought right up to the door. They don't have to put on a coat and walk half a block like I do, they can practically get their mail naked.

There's no choice in the matter either. My neighborhood is just in a part of the country serviced by truck, and the post office won't change that. By the same token, the older part of town is full of senior citizens with nothing better to do than call their congressman every single day, so the post office isn't planning on downgrading their service any more than they plan on upgrading mine.

Contrast this to the newspaper delivery. I got a note a couple years ago from my paper company that the paper would no longer be brought up to my door, it would be dropped on my curb instead. I called the town's competing newspaper and explained my dilemma. They promised me if I switched my subscription over, they would make sure the carrier brought the paper right up to my door every morning. When I called the other paper to cancel, they asked me straight away, "Is this because of the curbside delivery? Because if it is, we changed our minds, and will bring it right up to your door."

Apparently the rash of cancellations was so significant that they'd changed their delivery policy by the time I made the call. Competition and market forces can move that paper a lot further than dedication to "public service."

I imagine if there was a law that pizzas had to be delivered by a Federal Agency I would have to wait in the street for it. Remember that the next time somebody brings up single-payer health insurance. — Tim Slagle

Rational choice in medical ethics — Three recent stories in the news made me think again about a curious bias common in writings on medical ethics.

The first story, by Laura Meckler, is called "Why Is It Hard to Give Away a Kidney?" (The Wall Street Journal, Dec. 26, 2007). Meckler explores the dilemma faced by hospitals regarding volunteer donors for kidney transplants.

There are at present about 75,000 Americans waiting for kidneys. People on the kidney waiting list either find a willing relative to step forward or wait for a kidney taken from the cadaver of someone who signed an organ donation card.

Now it turns out that some people are willing to be live kidney donors to total strangers, seemingly out of pure altruism. Indeed, as the story notes, websites have sprung up to help willing living donors select recipients.

But there is resistance in the medical profession to donors offering to give a kidney to a complete stranger. There is suspicion that they might be either mentally unstable, misinformed about the pain and risk involved, or secretly paid by the recipient (in violation of current federal law). As one doc put it, "If someone wants to help society, they can go work in a soup kitchen, they can join the Peace Corps, they can do a lot of things that don't put their lives at risk or implicate a [transplant] center."

Hospitals have every right to wonder why in the hell a person would risk his life to donate an organ to a complete stranger.

Remember the amount of medical litigation out there. If it could be shown that an altruistic donor was really being paid under the table, was unsound of judgment, or was grossly misinformed, a lawsuit would likely happen.

Transplant centers are somewhat more willing to deal with anonymous donors, that is, donors willing to donate without their identities being revealed to the organ recipients. As you might imagine, the numbers are small: of the 6,400 living donors last year, almost all were related to the recipients, and only 68 were anonymous.

But as another doc observed, since the large financial rewards to the doctors and staffs of transplant centers are pegged to the number of transplants performed, more and more hospitals are being pushed in the direction of welcoming altruistic donors.

The second article, by Patrick Hennessy and Laura Donnelly, is called "Organs to be Taken Without Consent" (The Telegraph, Jan. 13, 2008). It notes that in Britain, there is a similar shortage of organs for transplantation. There are more than 8,000 English people needing organ transplants, and each year, over 1,000 of them die while waiting. Prime Minister Gordon Brown has decided to push a plan (which he had earlier opposed) that is similar to Spain's, and that will allow hospitals to remove organs from any dead patient who hasn't explicitly signed a request not to have his or her organs harvested. That is, this system would require people to opt out of being potential organ donors, rather than (as is the case now) requiring them to opt in.

The opt-out system has made Spain the world leader in organ donors per capita. But patients' advocacy groups have protested the plan, saying (rightly) that it tramples people's rights to control their own bodies.

These stories reveal an odd mindset. To begin with the British story, we all agree that agreements are ethical only when voluntarily made by parties who understand what they are doing. Apparently Prime Minister Brown thinks that a person who hasn't gone to the trouble of signing a form stating that he opposes having his organs harvested posthumously must necessarily be a fully informed consenter. But this is sheer nonsense. A person might fail to sign the opt-out form because he never heard of the opt-out system, or hadn't found out where to go to opt out, or never thought about organ donation one way or the other, or didn't understand the issue, or just didn't get around to signing the card.

What the prime minister apparently refuses to consider is allowing hospitals and other organizations to get people to sign opt-in donor cards by paying them. This would encourage people to address the issue of organ donation rationally — think about it, learn about it, and then, if the compensation is reasonable and they consciously choose to do so — opt in.

The first article similarly refuses to entertain the obvious. Yes, hospitals have every right to wonder why in the hell a person would risk his life to donate an organ to a complete stranger. Does that person really understand what he is undertaking — for free? And if he is acting out of pity — manipulated, perhaps, by some website — and the operation goes badly, you can bet that lawyers will go after the clinic. And even if we assume that using only anonymous donors gets around the problem of possible emotional manipulation (and I don't see why it would), there were only 68 such donors in the United States last year. With 75,000 people needing kidneys, how realistic is it to think that waiting for altruists to donate organs will solve the problem?

So again, why not just pay people to donate? Granted, most wouldn't be willing to donate a kidney while alive, even for a large sum of money, but for substantial compensation a lot more will do so than those who currently do it for free. Moreover, many people certainly would sign opt-in donor cards to allow their organs to be taken when they are dead if a reasonable fee were paid to them while they were alive.

Ironically, the article itself concedes that organ transplant center doctors and staff are earning a great deal of money from the organ business. It is bizarre to think that while the person who removes a kidney from one person and inserts it into another profits from the operation, the person whose kidney it was to begin with should not.

The third article, "Indians Offer Wombs for Rent," by Sam Dolnick (AP, Dec. 31, 2007), is about a growing global business. It reports that a clinic in Anand, India, caters to couples from abroad who are desperately seeking surrogate mothers, women willing to have fertilized eggs from infertile couples implanted in their wombs. This procedure, called "commercial surrogacy," is legal in many countries (including the United States), and was legalized six years ago in India. The clinic in Anand takes care of the surrogate mothers — not just of their medical needs, but their room and board as well.

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This outsourcing of pregnancy, the reporter avers, raises troubling questions about "morals and modern science, exploitation and globalization, and that most natural of desires: to have a family." But the clinic's head, Dr. Nayna Patel, feels that what it does is completely ethical. As she nicely puts it, "There is this one woman who desperately needs a baby and cannot have her own child without the help of a surrogate. And at the other end there is this woman who badly wants to help her own family. If this female wants to help the other one . . . why not? It's not for any bad cause. They are helping one another to have a new life in this world."

Why not, indeed? The predictable critics derisively refer to this as "wombs for rent" and bemoan the fact that India, with its huge number of poor folk, is becoming a leader in making this a big business. As one bioethicist frets, "It comes down to questions of voluntariness and risk."

But the story makes it clear that the Indian women are aware of the risks, because they've seen friends go through the surrogacy, and I would suspect that the doctor who runs the clinic takes care to minimize those risks. What's more, if it is reasonable to view an American woman's choosing to be a surrogate for $80,000 (the rate one couple was looking at paying) as an ethically acceptable transaction, why would it be any less ethical for an Indian woman to do it for $20,000 (the price the couple ultimately paid)?

I can see no cause for alarm. We don't have a case in which an authoritarian state exploits unwilling women for foreign currency gain. That the women in India are willing to take less money than American women doesn't indicate they are being exploited: the money goes farther there, and they need it more. Despite the view in certain quarters that any willingness to do an unpleasant task for less money than someone else would is an automatic signal of exploitation, there seems to be no exploitation here.

As I have argued before in these pages, the bias against even considering legal organ sales is as strange as it is deadly.

— Gary Jason

Phony benefits of a weak dollar — In congressional testimony on Feb. 28, as reported in The Wall Street Journal, Federal Reserve Chairman Ben Bernanke noted "a rare bright spot" amidst worries about inflation and recession: the weak dollar helps exports, jobs, and the trade deficit.

One would have expected better from so justly eminent an economist than his repeating an old, old fallacy. Sure, the dollar's depreciation against foreign currencies makes American exports cheaper for foreigners and imports more expensive for Americans. But the resulting benefits to trade and jobs, such as they are, are only temporary. Floating exchange rates and the prices of actively traded basic commodities, including gold, are among the prices that respond earliest and most sensitively to underlying pressures on a currency's purchasing power. In a while the supposedly beneficial changes in exchange-rate-translated relative prices of American and foreign goods will be wiped out as the stickier dollar prices of goods and services in general catch up with the exchange rate. The dollar's depreciation is just one among several symptoms of accelerating inflation, itself the consequence of too-loose

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monetary policy now and in the recent past. The supposed benefits will have to be paid for later on. But it is hardly news that politicians work with a short time horizon.

— Leland Yeager

Dirty little secrets — I often wish that "liberal" had not become a euphemism for socialist. It is such an appropriate term for people who think like we do, that it would be nice to have it back with the Jeffersonians. It's not even like the Left wants it anymore. Democrats always run away from that term. If an opponent calls a Democrat a "liberal" it is considered a slur. So what's the problem with being liberal?

In private life, being a liberal is a badge of honor. In academic and performing arts circles, people proudly declare themselves liberals. Usually at a Hollywood cocktail party, it is considered an insult to be called a conservative.

Yet, the reverse seems to be true of the Republicans. GOP candidates will publicly argue over who is the most conservative. One of the highlights of the campaign so far was watching everybody argue who is the most like Ronald Reagan (even Obama got in on that one). It kind of reminds me of playing baseball as a kid, and arguing with the other kids about who gets to be Al Kaline.

But the ultimate irony is that when Republicans get together at cocktail parties, they all deny that they're conservative. — Tim Slagle

What our definition of "is" is — For the first time in my life I stood before a judge, accused of violation of law. My crime: I had lost control of my car and run off the road, when the road was covered with snow. My car slid into the ditch, nose down, flipped over, and left my wife, my son, and me hanging upside down like startled bats. This was on Christmas Day, 2007, on a state highway just to the west of Mount Rainier in Washington state.

The state patrolman was sympathetic. The road was treacherous. There were many accidents on that road that day, including a head-on collision involving an ambulance. But the state's policy was clear: anyone who lost control and ran off the road would get a ticket for "driving too fast for the road conditions." The fine: $175.

Two months later I was in Lewis County Court, in the town of Chehalis — a couple miles down the road from Centralia, where American Legionnaires fought it out with the Wobblies in the Centralia Massacre of 1919. One of the Wobblies, who had mortally wounded a Legionnaire and then pistolwhipped him, was arrested, sprung by a lynch mob, castrated, and hung from a bridge — three times.

Well, I wasn't a Wobbly.

The judge, a woman, read the patrolman's affidavit about finding my car upside down in the ditch. She looked at me as if to say, No nonsense from you. What did I have to say?

The affidavit was accurate as far as it went, I said. But I had not been driving fast, and I had evidence to prove it: photos of my car in the impound yard. Here is a car that has flipped upside down. No windows are broken out. No body panels are bashed in. The car looks almost untouched, except that both outside mirrors are broken off — and that was because the tow truck had to roll the car back onto the road. The radio antenna is bent, a little piece of trim is missing, and there is some sod on the front bumper.

Obviously, I said, I had not been driving fast.

I entered the photos into evidence, and the judge looked at them as if at a beggar.

"Have you read the statute, Mr. Ramsey?"

Well — no.

"The statute does not make an allowance for driving under the speed limit. It is your responsibility to stay on the road and be cognizant of hazards, whether they are apparent or not. I find that you have committed the infraction. Do you want to pay now or later?"

I said I'd pay now. I thought about joining the Wobblies, then went out to prospect for a cheeseburger. — Bruce Ramsey

Why an anomaly? — If you work seriously and intently in several cultural domains, you come to notice discrepancy in reception. Over the past 45 years I've published poetry, fiction, criticism of both the arts and politics (always from a libertarian-anarchist perspective), produced visual art in several genres, and composed audio and video, among other things. The poetry and fiction get recognized in critical histories and encyclopedias of those art forms; so do my art books and my musical compositions. The entry on me in Encyclopedia Britannica even mentions my films that aren't acknowledged anywhere else. However, the only place my politics are mentioned is the entry on me in Baker's Biographical Dictionary of Musicians. Its compiler, unlike the others, got his information directly from me.

Why the discrepancy? Probably my anarchist-libertarian writings aren't as good as my other stuff, try as hard as I do to make them relevant and readable. Consider the alternative that they haven't been published or publicized as well as my other work. The strongest supporting evidence of this last hypothesis is that few writers for libertarian publications get much recognition anywhere.

Now that I've reached an age when I want to focus on work that will survive me, perhaps my efforts at political criticism should come to a halt, having been consigned to the dustbin in the cultural free market. — Richard Kostelanetz

Subsidizing stupidity — Before my wife and I moved to Vermont, we sold our home in Massachusetts for more than twice the money we paid for it. We had owned the place for only five years. In other words, we made a killing.

The buyer no doubt believed home prices would just keep rising. "They can't make more land to build on," was the refrain back in the days of the boom — the implication being that demand would always outstrip supply.

That reasoning, of course, was faulty. The supply of people willing and able to carry ever-bigger mortgages was the real factor determining how large the housing bubble would grow, and how long it would last before it went poof!

The boom was artificially inflated and prolonged by the esoteric mortgage instruments invented by mortgage companies and banks. That was a function of greed on their part. The people who bought homes without making a down payment, or obtained mortgages with artificially low introductory interest rates, or who did both — in other words, people who bought homes they really couldn't afford — well, they were just plain stupid.

Because of the housing bubble's collapse, millions of homeowners now face the demon of negative equity. If they want

to sell their homes, they have to show up at the closing and actually give the bank a check. This has come as a shock to the many people who believed that selling a house for a hefty profit was their birthright.

Now the federal government may step in to protect people from their own stupidity. Seems the federals are searching for a way to bail out millions of homeowners confronted with negative equity. They are being prodded to act by the mortgage companies and banks that have massive exposure in the subprime market and therefore face huge losses down the line.

Chris Dodd of Connecticut (Ted Kennedy's old whoring and drinking buddy), who chairs the Senate Banking Committee, has got a plan to buy up delinquent mortgages and replace them with federally guaranteed loans that would carry lower interest rates and payments. A similar idea is being floated by Bank of America, which presumably feels it should be rewarded for acquiring Countrywide Financial (the biggest and greediest of the mortgage companies) and thus preventing the financial panic that Countrywide's declaration of bankruptcy would probably have created.

Barney Frank of Massachusetts, chairman of the House Financial Services Committee, is also developing a plan for the government to bail out homeowners in trouble. I'd like to know how many of his constituents bought ridiculously overpriced homes in Wellesley, Newton, and Brookline (outside of Boston) and are now clamoring for him to do something before the fall in prices infects their communities.

So far the Bush Administration, to its credit (and how often do you hear me say that?), has resisted bailing out either the banks or the troubled homeowners. It's critical that it hold the line here. If the taxpayer winds up footing the bill for the foolish greed of the banks and the stupidity of people who thought they could get something for almost nothing, then we will at last have touched the depths of nanny-statism. If we make it all right again for big, grownup banks and the millions of boneheads they serviced, why should the rest of us bother to exercise prudence or responsibility in the future?

Alas, I fear that as the election nears, the administration's knees will weaken. Republicans in Congress will whisper that the Democratic gains look to be big, so we'd better do something. Even if the administration holds firm, the Democratic sweep in November (oh yes, it's coming) will probably lead to the biggest bailout of all time — bigger even than the resolution of the S&L crisis in the '80s.

We shall all be the poorer for it, in more ways than one.

— Jon Harrison

William James would love it — While it is not my metier, I find experimental psychology fascinating. A couple of recent articles from the estimable journal Psychological Science (the official journal of the Association for Psychological Science) brought to mind an argument for theistic belief put forward by the American pragmatist philosopher William James.

The argument is to be found in James' famous book, "The Varieties of Religious Experience" (1902). His view, roughly put, is that, after centuries of dispute, nobody can prove — philosophically or scientifically — the existence of God. Nor can anybody disprove it. But, James said, there are other rational reasons for believing in something besides scientific or metaphysical proof. Even when no objective proof is available regarding a belief, if it contributes to your well-being then it makes sense to cultivate it. That includes one's ethical or psychological well-being.

The first article that gives James' argument a contemporary twist is "God Is Watching You: Priming Behavior in an Anonymous Economic Game," by Azin Shariff and Ara Norenzayan (Psychological Science 18.9 [2007] 803–809). It reports on two experiments devised to test whether religious belief increases cooperative ("prosocial") behavior.

The authors tried to set up an experiment that didn't make participants consciously reflect on religious concepts, nor one that relied on participants' self-reported levels of religiosity. Samples — first of college students, then of ordinary adults — were randomly divided into two groups. One group was primed by a scramble-sentence technique for God concepts, while the other was neutrally primed. (The priming technique required the participant to unscramble a sentence, dropping an extraneous word. The religion-primed sentences contained one of the words "God," "spirit," "divine," "sacred," and "prophet." The non-primed sentences did not.)

The participants then played a game in which they were given ten dollars and could keep as many of the dollar coins as they liked, leaving the rest for the recipient player. Those who were neutrally primed left significantly fewer coins for the other player ($2.56 on average) than those who were religiously primed ($4.56 on average). In other words, even unconsciously thinking about religion before the game led people to be more generous with the recipients.

However, it turns out that people who were primed with moral concepts left nearly as much for the recipient players ($4.44 on average) as did those primed with the religious concepts — a point to which I shall return.

The second study, "The Value of Believing in Free Will: Encouraging a Belief in Determinism Increases Cheating," by Kathleen Vohs and Jonathan Schooler (Psychological Science 19.1 [2008] 49–54) reports the results of two experiments testing whether losing belief in free will increases dishonest behavior. They note that in a large survey of people in 36 countries a few years back, over 70% expressed a belief in free will. They also note that recent work in neuroscience seems to be lessening that belief in the general population.

In one of their experiments, students who came to the lab were randomly assigned to read either a passage from a book by Nobel laureate Francis Crick debunking free will, or a neutral passage from the same book (i.e., one in which the issue wasn't discussed). After reading the assigned passage, the students were surveyed for their degree of belief in free will and then given a computer-based math test. They were told that there was a bug in the computer program that displayed the correct answer below the problem unless they hit the space bar to block it. The participants were urged to solve the problem without cheating by looking at the solution. By counting the number of times the participants hit the space bar the researchers had a decent measure of honesty.

The results showed that those who read the anti-free-will passage were significantly, indeed, dramatically more apt to cheat than those who read the neutral passage. And they found that there was a strong negative correlation between strength

of belief in free will and cheating. These results were the same in the second experiment, in which cheating involved more active behavior.

Now, all of this brings to mind a couple of points. First, as critics pointed out to James, there is a big difference between the usefulness of a belief and its objective truth. I mean, even if you showed that belief in Santa Claus produced more sharing behavior in children, it would not follow, alas, that Santa really exists. As Vohs and Schooler put it, "It is crucial to emphasize that the findings reported here do not speak to the larger issue of whether free will actually exists. It is possible that free will is an illusion that offers some functionality" (53).

Second, to revisit the point briefly raised earlier, perhaps cultivating a secular moral sense would work nearly as well as cultivating a religiously based one. That is, instead of preaching Jesus' Golden Rule, we might teach Kant's Categorical Imperative.

Yet these experiments reinforce what common sense suggests: moral excellence can be enhanced or lessened by what people are led to believe. — Gary Jason

Hocus pocus — In her last debates with Sen. Barack Obama prior to her comeback wins in Texas and Ohio, Sen. Hillary Clinton attacked his health insurance plan for America, declaring her plan to be much better. Why? Because Obama's might allow "as many as 15%" of Americans to go uninsured, while hers "covers everyone."

But how? Answer: it's mandated.

Clintonian health insurance mandates are like being frisked by the TSA at airports. The latter is designed to create the illusion of safety. The former is designed to create the illusion that everyone has coverage. The homeless man with no permanent address, the heroin entrepreneur who works in the underground economy, the self-employed citizen who has successfully avoided filing income taxes for the past eight years — all will magically be covered with a health insurance mandate.

How? Why, weren't you paying attention? See that word "mandate" right there in the first sentence of the legislation.

— Ross Levatter

The green zone blues — On Feb. 22, Muqtada al-Sadr, Iraq's radical Shiite cleric, extended for a further six months the ceasefire he had proclaimed in August 2007. His Mahdi Army, tens of thousands strong, apparently will remain off the board until at least the end of summer. The American command congratulated al-Sadr on his restraint, and pledged to go after only those Sadrists who "commit terrorist and criminal acts," as the U.S. deputy commander in Baghdad put it.

At least at this time, al-Sadr wants no repetition of the bloodshed that followed the bombing of the Golden Mosque in Samarra on Feb. 22, 2006. During the 18-month period ending in August 2007, the Sadrists took over much of Baghdad, killing thousands of Sunnis in the process. The violence eventually spun out of control, damaging al-Sadr's standing in the Shiite community and threatening to undermine his hold over the Mahdi Army. Now, with the sectarian cleansing of Baghdad virtually complete, al-Sadr can be patient. He is primed, once the Americans are gone, to step into a position of power — either as a big player in the Shiite-dominated Iraqi government, or perhaps as the Grand Ayatollah and Supreme Leader of a future "Islamic Republic of Iraq."

Nevertheless, U.S. commanders must have breathed a sigh of relief at the continuation of the ceasefire, for the last thing they want is a fight with the Sadrists. As it was, immediately after al-Sadr announced the extension, breakaway Mahdi Army fighters fired rockets and mortar rounds into the Green Zone, which houses the Iraqi government, the U.S. embassy, and Gen. Petraeus' headquarters. Without al-Sadr's restraint, Iraq would almost certainly be witnessing violence on a scale comparable to 2006 and early 2007.

Iraq has taken a turn for the worse since the beginning of the year. U.S. combat deaths rose in January after months of steady decline. Iraqi civilian deaths rose in January by about a third over December's total, and then increased again in February. Bombings in Baghdad are up, including two devastating blasts on Feb. 1 and Feb. 10. Casualties among Sunni fighters allied to the U.S. are up. Major fighting has broken out in the north, particularly in Mosul, where al Qaeda in Iraq remains strong. In the south, the struggle for power among Shiite factions in and around Basra (which the British handed over to the Iraqis last September) has created a situation bordering on anarchy (see the Feb. 23 New York Times article, "Ominous Signs Remain in City Run by Iraqis").

On Jan. 25, the Iraqi government announced that a "decisive" offensive would be launched to drive al Qaeda out of Mosul. Not surprisingly, nothing has happened in the weeks since. Elsewhere in the north, Turkish forces are conducting cross-border operations against P.K.K. (Kurdish Worker's Party) guerrillas. The U.S. is providing intelligence assistance to the Turks. The Iraqi government, however, is unhappy about the violation of its sovereignty, while the Kurds (our best friends in Iraq) are upset because we are helping the Turks. It's a damned mess, and one requiring multiple balancing acts that this administration is unlikely to pull off.

Added to all this, U.S. combat power is in decline as the surge brigades depart. By July, U.S. troop strength will be down almost to the pre-surge level. The word is that Gen. Petraeus wants the troop drawdown to pause at that point, to ensure that the gains of the surge are maintained. On the other hand, the Army Chief of Staff, Gen. George Casey, knows his force is overextended, and wants the withdrawals to continue.

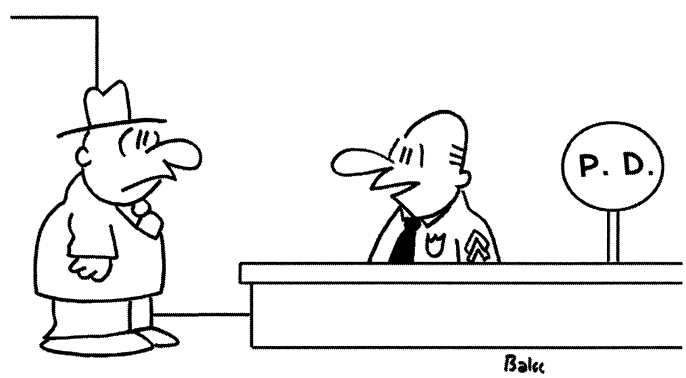

"She jumped out of the shadows and took your blood pressure? — Are you *sure* it was Hillary Clinton?"

The president, who believes his position in history is at stake, has already decided in favor of Petraeus.

The whole business since the surge began looks more and more like a Potemkin village put up to fool the American people until Bush leaves office. Petraeus and Bush will get out of Iraq — the former to become Commander of NATO, the latter to write his memoirs and build his presidential library — before the worst happens. Pity poor John McCain or Barack Obama, one of whom will inherit an Iraqi house of cards.

— Jon Harrison

With love and missiles — Both Hillary Clinton and Barack Obama are firmly against the war in Iraq. However, they show little or no inclination to look deeply into the policy assumptions that underlie the war. In their Cleveland debate they affirmed that the United States must remain the leader of the world, that it must keep an eye on Pakistan and help it to become more stable and democratic (having proven in Iraq how good the U.S. is at such little chores). They were willing to consider intervention, even military intervention, in Darfur, and the issuance of an ultimatum to Russia to the effect that the sacred independence of Kosovo so recently declared (and of no import whatever to America's core interests) would be defended with military might if necessary.

If one of them is elected, I hope (though even there I can't be sure) that he or she will begin an orderly withdrawal from Iraq as quickly as feasible. But it's dispiriting that neither is ready even to begin the process of questioning whether the United States needs to keep troops in so many countries of the world or to view the world as merely a province of the United States, cosseted by the watchful Mother Eagle. — Alan Bock

Hillary's muddy risk management — There's a point about Hillary Clinton's latest stab at so-called "health care reform" that bears constant repeating: participation in her program would be mandatory for all citizens and residents. This will force inefficiency on the health care financing marketplace.

The number of Americans without health insurance is a hotly-debated statistic. Interested parties — including those who support Clinton's Freudian presidential candidacy — manipulate and selectively combine public records to serve their policy aims. But, for the sake of argument, let's say that 30 million Americans have no health coverage.

Some of these people are caught between being too poor to pay for standard coverage and not poor enough to qualify for existing state programs. Some have money but bad health histories that leave them uninsurable. And some make the choice not to pay for health insurance.

This choice can be a rational one — especially if the person so choosing is young, healthy, and childless. A young, healthy person may see better things to do with his or her money than pay premiums for health coverage he or she isn't likely to use. That person may prefer instead to live in a nicer place, drive a faster car . . . or wear more fashionable clothes.

Risk management experts call such choices "self insurance." If a young woman skips health insurance in order to buy a pair of Jimmy Choo high heels, she'll have to find some way to pay her own medical bills when she gets sick. If she has any sort of job or personal resources, this isn't very difficult. Most hospitals and health-care providers will negotiate payment terms — and many have separate, lower-fee schedules for patients who pay cash.

These options work as a market check on the elaborate cost structures created by the insurance industry.

Hillary Clinton will do away with all this. In her reptilian mind, she sees healthy people who make the rational choice to self-insure as a resource to be taxed. The junior senator from New York doesn't hesitate to tell her younger counterpart that she can't buy the fancy shoes: she must buy government-approved health insurance.

So lost in her reverie of a command economy is Sen. Clinton that she has difficulty realizing the logical flaws in her plans. Instead, she ridicules her presidential rivals for not forcing everyone to buy government-issue coverage — so, making lesser statists like Barack Obama and John McCain seem like free-market advocates.

Experience isn't the critical distinction between Sen. Clinton and her rivals. Clarity of mind is. She lacks it.

— Jim Walsh

Blow, blow, blow — Received wisdom has it all wrong. Most people, including so-called economists, businessmen, and journalists, urge consumers to spend, spend, spend to produce economic prosperity. And Congress passes law after law calling for more government spending, even a special "stimulus" package designed to put more money in people's hands and bank accounts — all to persuade them to go to the malls and spend. But this is precisely the wrong approach.

Government would be much better advised to encourage saving. Contra Keynes, it is only saving that makes possible the production of the things that people go to the malls to buy. It is only saving that enables entrepreneurs to embark on projects to produce what consumers want — not only food, clothing, and shelter, but TVs, computers, medicine, and medical devices, automobiles, cell phones, movies, etc. All those things first require savings. It is only saving that makes it possible for people to send their children to college and plan for their own old age.

Government may be bureaucratic, corrupt, inefficient, wasteful. But one thing it is good at is destroying the value of the dollar. When the government inflates, by the convoluted processes arranged through the Federal Reserve and the banking system, it increases the number of dollars in existence. And, as the law of supply and demand indicates, increasing the number of dollars reduces the market value of every pre-existing dollar. To see how the increased stock of dollars over recent years has reduced the purchasing power of every individual dollar, check the Fed's statistics on the quantity of money; check also the cost of living indices over the last few years; and check the prices of bread, milk, and meat at the grocery store. Ask the people who eat out at restaurants or fast-food outlets what they paid for a meal several years ago and what they pay for the same meal today. Ask anyone who drives a car what he pays now for gasoline, repairs, and tires, and how it differs from what he paid in the past. Ask any businessman what he pays now, as compared with some time ago, for workers and for supplies of the things he needs to operate — iron, steel, electricity, gasoline, toilet paper, transportation, office cleaning supplies, insurance, and so forth.

When people learn to expect that the prices of almost everything will go up, everyone tries to buy what he wants and needs sooner rather than later. That expectation is destructive of saving. Monetary expansion hasn't yet reached the point it reached in 1923 in Germany, when workers collected their pay every morning in wheelbarrows full of paper marks, so their wives could hurry to the market to buy necessities before prices rose even further. But if government doesn't stop its spending spree, we could be on our way to that point.

By inflating, the government encourages consumer spending. But that is not the way to prosperity. By inflating, the government discourages saving, and thus discourages the source of future production, and prosperity itself.

— Bettina Bien Greaves

Is there a decent writer in the house? — Meeting a professional adoption advocate, who claimed to represent "kids," I innocently asked him how many adoptions in America aren't registered by the state. He raised the epithet "guardian," but that designation (as opposed to "parent") would also be known to legal authorities. How would we characterize a person (other than a blood relation or a lover) taken into the house as an unofficial permanent guest who pays no rent? Suppose we add the qualification of an indefinite period of time?

Whoever persuaded the federal government to offer the incentive of tax deductions for legalized adoptees probably recognized this problem, at least implicitly; but all would agree that the reward of a few hundred bucks would scarcely be a sufficient incentive to register a guest, either by those too rich to care or by those too poor to pay taxes. One fear of adopting-off-the-books, I suppose, is that some cop may take the guest away, depositing him or her the Lord knows where. Conversely, the guest might leave without fear of being forcefully returned "home."

Not only didn't the advocate have any statistic for such people, but the thought of an unauthorized adoption never occurred to him. I tried to find a statistic elsewhere, but precisely because such adoptions are "off the books," especially for people too poor or unsophisticated to "go legal," they cannot be counted on any levels above the street, so to speak. (An analogy of something that can't be counted is how many people safely repel a criminal simply by brandishing their own guns.)

Since I customarily write about problems personally experienced, I'm pained to report that I can't recall knowing any informal adoptees. On the other hand, since they aren't tagged (yet), I might not have noticed.

Isn't this an appropriate subject for a book (by someone other than me)?

— Richard Kostelanetz

Death of a hero? — Rep. Tom Lantos died on Feb. 11 from esophageal cancer. The San Francisco Chronicle, his hometown paper, reported it thus: "In the nearly 60 years Tom Lantos spent in the United States, he never lost his Hungarian accent, his love for animals or his stubborn belief that political leaders have a duty to speak out against tyranny or oppression, wherever it occurs. . . . He championed the causes of those who often had no other voice, whether they were in Tibet, Darfur, China or anywhere else in the world. . . . As a teenage boy in Hungary, Lantos escaped from Nazi labor camps and the genocide of the Holocaust, which took the lives of most of his family. It was a time he never forgot and that shaped the rest of his life."

Of course, Lantos also championed the cause of Janet Reno against the survivors of Waco, taking the government position without question or hesitation, a hearty and all-too-eager worshiper at the shrine of the modern liberal state.

He saw as a boy the horror that can occur when evil men arrogate to themselves great power, and devoted his life to making sure that only men such as himself, whom he felt were good, were allowed to wield great power over others.

It is a common tragedy, and an all-too-common lesson.

This Reflection for Liberty would typically end here, brief and to the point. But there's a larger story that readers may also find of interest.

My original comment, italicized above, was first made as a response in the famous libertarian-leaning legal blog, Volokh.com (kudos to Eugene Volokh, UCLA professor of law): no reference to Lantos' role in Waco, merely a reflection that people can sadly learn the wrong lesson from traumatic childhood events. Lantos, a Holocaust survivor, a witness to the horrors of a powerful state, was nonetheless a liberal Democrat his entire professional career, always pushing for greater powers for the centralizing state he could call his own. Wonder what response was made to my remark on this libertarian-conservative blog? Here are some samples from fellow commentators.

An extremely well-known and well-respected legal academic said, "I have no idea what you're talking about. Is that supposed to be your dig against his political views, given that you disagree with him on political matters?" Since I hadn't really mentioned Lantos' political stands on anything, merely implied that he never in his career focused on limiting government power, despite his experience in Nazi Germany, this seems a strange interpretation by a normally keen and incisive thinker.

Another writer offered: "Who among us has never advocated a political position that a large number of people would find loathsome? Do I agree and celebrate everything Lantos ever said or did? Of course not. But, my God, be civilized, be charitable and be gracious." It's true, I have often advocated political positions that a large number of people find loathsome, given that I insist that people in civil society not be allowed to initiate force, even to achieve otherwise worthwhile goals, a position regarded as especially loathsome in today's world.

As for being civilized and charitable, thank goodness this person has never read any obituaries written by H.L. Mencken. If he did, he'd have a conniption. Imagine, for example, this

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sensitive soul coming across Mencken's notice of the passing of William Jennings Bryan. It's entitled "To Expose A Fool." This is one of the kinder things Mencken said of Bryan: "There was something peculiarly fitting in the fact that his last days were spent in a one-horse Tennessee village, and that death found him there. The man felt at home in such scenes. He liked people who sweated freely, and were not debauched by the refinements of the toilet." Again, all I said about Lantos was that it is tragic that people sometimes learn the wrong lessons on being exposed to childhood horrors.

Many people today treat politicians with what can only be described as religiosity. That is, just as they can't bear critical analysis of, say, the Christian view of transubstantiation, for if they studied it carefully they might lose their faith, so they dare not tolerate even the least criticism of politicians, for if they ever studied the matter rationally, they'd have to wonder why they let these moral grotesqueries rule over them.

— Ross Levatter

Death of an icon — William F. Buckley died on Feb. 27. It's impossible to overestimate the influence he had on conservatism. When he founded National Review in 1955, the conservative movement was fractured and virtually without influence. Twenty-five years later, thanks in no small part to Buckley's efforts, it had carried Ronald Reagan into the White House.

Buckley and Milton Friedman were the great conservative-libertarian public intellectuals of the second half of the 20th century. They, and Reagan, made conservative and libertarian ideas understandable and, eventually, popular. Had they not lived, one can only wonder where we would be today.

I have never been a regular reader of National Review. But I grew up watching "Firing Line," Buckley's long-running PBS program. Particularly in the '70s, when Buckley's on-air persona had mellowed a bit, "Firing Line" was simply the best damn show on television. The caliber of the guests, the level of discussion, and the host's sharp wit and intellect made it a weekly must-see. It always left me wanting more. I learned more watching that show, I believe, than I did in all my years of schooling.

When I think of the people representing conservatism today, in print and on television, and compare them to Buckley, I cringe at the disparity. A great oak has fallen in the forest.

—Jon Harrison

Athwart history, yelling "Stop!" — How does one characterize William F. Buckley? He made people who weren't New York intellectuals or Harvard profs feel that they could be smart, too. He called himself a "conservative" and a "libertarian" at various points in his long public life. His magazine, National Review, brought limited-government advocates together with the American Right's other blocs.

He was surely a wit and gadfly, stirring up trouble for Manhattan's liberal, statist establishment. In debate, he was a great counter-puncher. But was he devoted to individual liberty? Two critical stands suggest not.

First, and infamously, Buckley and National Review opposed civil rights reforms in the 1960s, offering a rigged version of "states' rights" as a defense of institutional racism. This seemed an argument designed more to contradict liberal pieties than to stand on its own logic.

Second, in 2002 and 2003, the man and magazine cheered George W. Bush's run-up to the Iraq invasion. Later, Buckley would say that if he'd known how flimsy the evidence of Iraqi WMDs really was, he'd have done differently. But that's a lazy reply. He never admitted that Bush's strategy all along was nation-building — and that nation-building is always folly.

Libertarian principles, consistently applied, will make a person a contrarian and gadfly against conventional wisdom. However, some people are gadflies first and mostly. Just because you run against the grain doesn't mean your beliefs are consistent and well-considered.

To be sure, Buckley was a joy to watch on TV and — most of the time — to read in his columns and novels. By all accounts, he was personally a decent and pleasant man. But some of his eulogists have admitted difficulty explaining why Buckley was so important to modern American politics. Perhaps because the witty, decent man often said what he was against in the public arena . . . but less often what he was for.

— Jim Walsh

Buckley, pro and con — In the late 1960s, I parted ways with Buckleyite conservatism — too warlike, too inconsistent in support of limited government, on the wrong side of the civil rights movement (not that it didn't have excesses), too willing to give up liberties in the name of fighting a communism destined to die of its own internal contradictions, too respectful of authority, etc., etc.

Nonetheless, I never ceased to have an affectionate place in my heart for Bill Buckley himself. His way with words never failed him, and his affection for the language was infectious. He was almost always civil and witty, even as he was slicing and dicing an intellectual opponent. And there's little doubt that he had an enormous impact on the history of this country and rightly deserved the sobriquet of godfather of the modern conservative movement, for better and for worse.

From time to time he declared himself on the libertarian side of things, and he had some libertarian impulses, as befits somebody influenced in his youth by such giants as the quasi-anarchist essayist and raconteur Albert Jay Nock and the brilliantly quirky individualist Frank Chodorov. His intellectual independence shone through from time to time, as in his early understanding that the drug war was unwinnable and socially corrosive, and his realization, fairly early, that the Iraq war was a disaster, something that the war-addled folks to whom he turned over National Review have yet to come to grips with. I don't know whether it is a commentary on present-day conservatism or present-day cable news that it is difficult to imagine a program of civil discussion like "Firing Line" from the current batch of angry shouters and rude dealers in the ad hominem that pass for conservative (and most liberal) talkers today.

People talk of his graciousness, and I have no doubt he usually was gracious. But his nasty and mean-spirited obituary of Murray Rothbard, an early ally who made the mistake of being too consistent a champion of individual freedom (if sometimes tactically erratic) was the antithesis of graciousness.

Bill Buckley wasn't perfect. Yet he was an accomplished, protean figure who usually had a twinkle in his eye. I'll miss him.

— Alan Bock

William F. Buckley, R.I.P.

William F. Buckley, Jr., America's foremost intellectual conservative, died on February 27 at the age of 82.

So wide was his influence and so complicated was his political character that it is impossible to write about him without arousing controversy, which is another word for bitter criticism. Left-liberals of Buckley's generation, and their disciples in the current age, feel toward him the kind of emotion that turns faces purple and makes veins protrude. Many libertarians feel the same way. Yet for millions of Americans, including many working-class people who might have been expected to reject Buckley's effetely literate style, he was the hero who introduced them to libertarian as well as conservative ideas.

Buckley was the son of an oilman and the member of a large and at times very eccentric family. He was a devout Roman Catholic whose first book, "God and Man at Yale" (1951), exposed the shocking fact that the faculty of his Ivy League alma mater inhabited a secular and collectivist intellectual world that was not only isolated from much of the rest of the intellectual world but was even more isolated from ordinary American thinking. This revelation actually did shock people. "God and Man" was very mild stuff. Its almost incredibly hostile reception by the Eastern brain trust showed that it had something important to say.

The great event of Buckley's life was his founding of National Review in 1955. NR gave conservatives a rallying place, a means of self-definition, and a staging area for the electoral campaigns they eventually won. It was the cradle of the modern conservative movement. In the beginning, and from time to time thereafter, NR also gave libertarians a place where they could be heard by a national audience. It provided an arena in which libertarians and conservatives could cooperate, if they wished to do so, in attacking their common enemy, the modern liberal state. In addition, however, it provided an arena in which conservatives could try to define their differences from libertarians, most of whom were used to calling themselves, for want of a then-more-readily-communicable term, "conservatives."

On the whole, this process was good for both sides, as intellectual honesty usually is; but it wasn't pretty to watch, because of the way it was carried out. National Review mounted what was, in effect, a purge against Ayn Rand, the greatest contemporary influence on libertarians. It published a long review falsely implying that her ideas weren't libertarian but totalitarian. This attack wasn't just ugly; it was morally wrong. Rand responded by publishing an embarrassingly premature "obituary" of the conservative movement. Many libertarian isolationists (and most libertarians were and still are isolationists) viewed NR chiefly as a proponent of the Cold War and of military interventionism in general.

The libertarian economist Murray Rothbard and his followers castigated Buckley's movement for abandoning the principles of what Rothbard called the Old Right, the isolationist and (sometimes) small-government people of the preceding generation — people such as Robert Taft and John T. Flynn. Rothbard and his friends believed that Buckley had hijacked a movement that should have been theirs. When, in the 1960s, libertarian students broke with Young Americans for Freedom, which Buckley had helped to create, they knew the joy of advocating purely libertarian positions. For many of them, as for Rothbard and Rand, Buckley remained a Satanic figure. It didn't help that Buckley, who had made his way to real political power, displayed only a mild amusement toward these adversaries.

Despite all this, it's hard to resist the conclusion that on balance both conservatives and libertarians benefited from their encounters with one another, in and around the house that Buckley built. No, the acrimony and recriminations weren't beneficial, but each side did need to define itself — as well as ally itself with others.

The best years of National Review were the early ones, when both libertarians and conservatives regularly published in its pages. National Review moved many people "up from liberalism," in Buckley's phrase, and many of those people became libertarians. A lot of them would never have found that road if they hadn't started off with NR. Buckley himself had been deeply influenced by such radical libertarians as Frank Chodorov, as well as by such conservatives as Russell Kirk. He called himself a libertarian. He entertained libertarian ideas and spokesmen on his long-running television show, "Firing Line." If you made a list of the ideas and policies he espoused, you'd find that most of them were authentically libertarian. He was the first American that most people of the time actually heard hammering away at the laws against marijuana, or questioning Keynesian economics, or protesting the idea that what this country needs is more control by the forces of social democracy, more "government control over our lives."

No one has greater respect for the so-called Old Right than I do. I wrote a book about Isabel Paterson, one of the most prominent members of the Old Right — if, that is, the Old Right had anything like a membership, which it didn't. (Few of the putative members liked or agreed with many of the others, if they had ever heard of them, which in some cases they hadn't.) But it was obvious why Buckley's movement supplanted the "Old Right." The latter was politically moribund.

In his old age, Albert Jay Nock, another libertarian hero of Buckley's and a prominent litterateur of the 1920s, boasted that he could still write an essay that would "rock the nation." He never wrote that essay, and it wouldn't have rocked the nation if he had. Not then. Not that late in the game. The ideas of people like Nock had to be revived, and only Buckley, as it appears, had the ability to revive them on a big scale — even if the operation was only a partial success.

In his early television appearances, Buckley came across as a lisping grotesque. It's hard to imagine anyone liking that person inside the tube. Gradually, and probably with difficulty, he created another self-image: acerbic yet avuncular, patrician yet colloquial. "If you had to decide," he asked his guests on "Firing Line," "whether the United States should be governed by the faculty of Harvard College or by 2,000 people chosen at random from the Boston phone directory, which would you choose?" Even college professors answered,

It was probably hard for Buckley to write a note to the garbageman without making it amusing.

"The second, of course." He wrote sarcastically of "New York City, which groan[ed] under the weight of the greatest density of intellectuals per acre this side of Socrates' academy," but which still couldn't explain why the "residents of Detroit, or West Virginia, or Key West" should "subsidize the cost of rapid transit in New York City."

As the years went on, Buckley got too chummy with his famous TV guests, trading compliments and inside jokes with fools like John Kenneth Galbraith, and calling these antics "debates." But at his iconoclastic best, Buckley was the man who said of Galbraith, who had told him he was on his way to lecture at the University of Moscow, "So long as Galbraith continues to teach economics to the Soviet Union, we will have a market for our excess grain." Buckley was the man who wrote in his obituary for Eleanor Roosevelt, "'With all my heart and soul,' her epitaph should read, 'I fought the syllogism.'" One of Buckley's coldest ironies was directed at John F. Kennedy: "Kennedy after all has lots of glamor. Gregory Peck with an atom bomb in his holster."

Buckley wasn't H.L. Mencken. He wasn't Emerson. He wasn't La Rochefoucauld — not by a long shot. But somebody in the late 20th century had to puncture the modern liberals' balloons, and Buckley was very good at doing that. Few people have been better. And the exposure and demoralization of the modern liberal state is a necessary condition for its dismantling.

Buckley's wit in person — on TV and in private letters — was often much better than his wit on the printed page. His printed style was often too heavy. His novels were unreadable, except by people who bought them because they idolized the author. But his personal comments were dependably fresh and witty. It was probably hard for him to write a note to the garbageman without making it amusing. This was an inborn tendency, but he didn't try to repress it, even when it was likely to get him into trouble.

Buckley wrote scores of little books — often compilations of his journalism — but he never wrote the big book that he planned in his early days. Its title, according to Russell Kirk and others, was to be "The Revolt Against the Masses." Kirk finally concluded that the book would never come out. "He'll never do it," he told me, attributing the failure to Buckley's expensive style of life and his need to keep money coming in from his journalism and his public speaking and those little books of his. I don't know whether Kirk (who had written his own big book, and had conducted his intellectual life heroically, with perilous means of financial support) was right about that. Maybe the problem was simply that Buckley's libertarian-conservative philosophy was never coherent enough to stand forth on its own, in theoretical form. But, like Kirk, I wish I could have read Buckley's big book, whether I approved of its message or not.

What Buckley achieved instead of a major political theory was the most influential editorial career that any American ever had. He started NR, he made it successful, and he used it to push the country more or less in the direction he wanted it to go. He had immensely more power than anyone else in his profession ever attained. He enjoyed it. But, like any good editor, he knew his limitations — and he was a very good editor, as long as his heart was in his work. He recognized talent when he saw it, and he worked with it as well as anyone could. Go to the library and read the first few volumes of National Review. You'll see what I mean.

When I was researching the life of Isabel Paterson, I had the opportunity to study the difficult relationship between a brilliant editor (Buckley) and a brilliant writer (Paterson), whom he courted and tried hard to exploit, in the best sense of that term. The relationship resulted in a few substantial articles by Paterson, and many substantial headaches for Buckley. He never got over his anger at Paterson for the hard time she gave him when he was a young man, but he never became so successful that old friends ceased to interest him. When Paterson died, he wrote a long, many-sided obituary, the kind of account that reflected real feeling for an "intolerably impolite" and "awesomely talented" writer. (His essay was written when "awesome" meant something.) Fifteen years later, he linked her with Friedrich Hayek, in a tribute to that great free-market economist ("Essays on Hayek," ed. Fritz Machlup, with a foreword by Milton Friedman). According to him, Hayek and Paterson were libertarians who were nobody's fools and whose words deserved respect.

About ten years after that, I came along, investigating Buckley's relationship with Paterson, and asked for access to his correspondence. He was instantly and warmly helpful. When, after many more years, I published my book, he mentioned it in a New Yorker interview (making sure that Paterson's name was spelled correctly) and wrote a long review for NR, in which he again paid her the tribute of frustrated admiration. It was late in his life, and it must have been an inconvenient task, reviewing my book. But he did it anyway.

In his obit for Paterson (NR, Jan. 28, 1961) he had said, "If I go wherever she is, when I leave this vale of tears, I expect she will be there at the gates, with a bill, 10 cents a word, for every word quoted from her in this aggrieved obituary notice." I like to think that she's there right now, presenting her bill, and when Buckley rejects it, she'll continue her debate with him — the great libertarian and the great conservative, discussing the ideas that divided and united them. — Stephen Cox

The Paul Vote

by Bruce Ramsey

The campaign may be winding down,
but the movement is far from finished.

As I write, Ron Paul has scaled down his campaign for president and gone back to Texas to defend his seat in Congress — which he should. The votes are in — enough of them. He is not going to be president, and we do need to have at least one avowed libertarian in Congress.

Liberty never inhaled the smoke that deluded some into believing that Rep. Paul could win the Republican nomination for president. It began after the debate of May 15, 2007, when Rudy Giuliani tried to indict Paul for the crime of blaming America by criticizing the war in Iraq, and the internet cheered for Paul. Later, Paul won mock primary elections on myspace.com (with 37%) and facebook.com (40%).

The applause for *Ron Paul! Ron Paul!* came also from crowds of the sort that Rudy Giuliani, Mitt Romney, and John McCain did not have. Paul did not attract Barack Obama-sized crowds — let us admit that — but among Republicans the fervor of the Paulistas was unrivaled. I was at a rally in Seattle in September. Paul pulled a thousand fans into the Westin Hotel: old rightists, computer geeks, students, and just plain folks. The head of the state party stood by the doorway, feeling out of place in his pin-striped suit, marveling at the turnout.

At InTrade, the internet bookie, a bet on the nomination of Ron Paul was rising from below 1-in-100 in May 2007, steadily upward. By late September, a Paul nomination was trading at 5.2, which was higher than McCain's. The bet price of Paul kept rising, hitting 9 after his "money bomb" in early November, slumping to 5, and hitting 9 again in December, with the success of his second money bomb. Paul ended the year trading at 8.

Then, on Jan. 3, 2008, came the first caucus, Iowa — in which Paul got a 10% vote. Here was reality. For a candidate as radical as Paul, 10% was a good showing, but the "investors" were expecting something higher than that. His InTrade price collapsed. A week later came Jamie Kirchick's slime attack in the New Republic (See "Is There a Racist in the House?" Liberty, April 2008). The damage had already been done: the Paul dirigible had been deflated by the election returns.

By late February, Paul's InTrade quote was back to 1. So much for the superior judgment of markets. A market does

reflect what participants know — and also what they hope and believe.

Paul's fans cursed the media. "This blackout is systematic and it is self conscious," wrote former Paul aide Gary North on LewRockwell.com. It did seem like a blackout sometimes, particularly on Fox News, and being in the media industry I know that most editors never took Paul seriously. But there was reason for that. The purpose of an election is to choose a winner, and it was obvious that Paul was not going to win. He is a radical in a non-radical nation. That is not the kind of candidate who suddenly appeals to great masses of voters who have no ideology and are only vaguely paying attention. Huckabee was that kind of candidate; he could zoom from no place to the top of the heap; then *poof!* Barack Obama is quintessentially that kind of candidate — and most likely will be the next president of the United States.

By late February, Paul's InTrade quote was back to 1. So much for the superior judgment of markets.

Paul did, in fact, get a fair amount of coverage. He got more than Duncan Hunter or Tom Tancredo, and he started with about the same chances they had. He got more than Dennis Kucinich, Joe Biden, Chris Dodd, or Mike Gravel. He earned attention because of the internet polls, the money bombs, and the crowds chanting *Ron Paul! Ron Paul!*

The Paulistas who kept bellyaching at the press seemed to think that their man had an egalitarian right to the same air time as Mitt Romney. My word to them: Tanstaafl. There ain't no such thing as a free lunch. You've got to earn it. Ron Paul would have received more favorable attention — and a whole lot more unfavorable attention — if more Americans had voted for him.

The voters have spoken in many states. As with all candidates of strong belief, Paul did better in the caucus states — where participation requires support at a public meeting — than in those with a convenient secret ballot. At press time, he had done the best in the following caucus states, with the percentages applying either to the participants voting or to the delegates they elected: Montana 25%, Washington 22%, North Dakota 21%, Maine 19%, Alaska 17%, and Minnesota 16%.

These states are all on the Canadian border. Paul, who is from the Gulf Coast of Texas, apparently peaked at the 49th parallel.

In primary elections, Paul did best in New Hampshire 8%, the District of Columbia 8%, Washington state 7%, New York 7%, Michigan 6%, Maryland 6%, and Tennessee 6%. (Washington state has caucuses *and* a primary, and in its primary, Paul did best — over 11.5% — in five rural eastern counties, including four on that mysterious Canadian border.)

In primary elections, he did his worst in the Deep South, pulling 3 or 4% in South Carolina, Georgia, Florida, and Alabama. He also pulled 3% in the most Republican state, Utah — but that is also the Mormon state, favoring Romney. Paul won only 4% of the Republican vote in McCain's home state, Arizona, and the same in California. His best showing in California, 11%, was in Alpine County in the Sierras.

Paul actually won in some county caucuses. In Nevada, where he took 14% of the caucus vote overall, he won in Nye County, a large, thinly populated territory (two people per square mile) that includes legal bordellos, gold mines, the Yucca Mountain nuclear waste site, and the home of Liberty contributing editors Durk Pearson and Sandy Shaw, who moved there because it didn't require building permits. Paul took four scattered counties (Blue Earth, Lincoln, Meeker, and Red Lake) in Minnesota, and several in Montana.

Who were the Paul supporters? Probably many were like the voters labeled generic libertarians in various surveys. Writing in the Cato Policy Analysis of Oct. 18, 2006, David Boaz and David Kirby used data from the Gallup Organization, the Pew Research Center for the People and the Press, and American National Election Studies to estimate the libertarian voter at 13% of the electorate. Qualifications were not rigorous. According to Pew, generic libertarians tend to be male (59%), young, and white. In regard to race, religion, education, and income, Pew's demographic portrait of generic libertarians is much like its portrait of generic liberals (more white, less religious, possessed of more education and income), except that most liberals are women.

Pew's survey of New Hampshire voters before the primary showed Paul running at 3% among women and 14% among men.

The Paul attendees at the Iowa caucuses also skewed toward men, and they tended to be young, less religious, and better educated than the average. Yet, although Paul supporters there were of all income levels, they were located disproportionately toward the lower end of the income scale.

Paul actually won some county caucuses. Who were the Paul supporters? Many were like the voters labeled generic libertarians in various surveys: male, young, and white.

I note that in the state of Washington, Paul's best counties are among the poorest in the state. They are places of rugged living — small ranches, orchards, and hardscrabble farms, logging operations and gold mines. They are places where people go to live off by themselves. So are Nye County,

Nevada, and Sierra County, California. So is Montana, and so is Maine. So is Alaska.

That is not to say that most of Paul's vote is from such places. Alpine, pop. 1,200, is the least populated county in California. Paul won a much smaller percentage of voters in San Francisco, but he got more *votes* in San Francisco because there are many more people — and more libertarians — there. It is the same with the states: the total Paul turnout in Montana — about 400 — could fit into a middle-school gymnasium.

The Paul phenomenon has divided professional libertarians. The Cato Institute has mostly ignored it — either because the Cato people are embarrassed by Paul's nationalist rhetoric over the supposed North American Union and by other trappings of conservatism, such as his stand on abortion and immigration, or because they don't want to tie themselves to someone who's going to lose, or because their attorneys warn them about losing their 501(c)(3) status.

At LewRockwell.com, where Cato is derided as a corral of "beltway libertarians," enthusiasm for Paul has been so great that Rockwell had to agree, last summer, to give up 501(c)(3) status.

Rockwell was Paul's chief of staff decades ago, and has been cheering for Paul at high decibels.

On the Paul phenomenon, Rockwell writes:

> In addition to garnering more primary votes than any libertarian candidate in American history, Ron has accomplished precisely what he set out to do. He has re-founded the libertarian movement on a principled basis, liberated the ideas of peace and free enterprise from monopolistic control, exposed the political apparatus for the fraud that it is, and laid the groundwork for a future flowering of liberty.

I made a more modest claim in the August 2007 Liberty:

> What Paul can hope for — and it would be a very big thing — is to lead a group willing to identify itself as Republican and opposed to a foreign policy of preemptive war.

He has done something broader than that, maybe more like what Rockwell says. He has run an explicitly libertarian campaign within the Republican Party. If a political party is imagined as a tent, Paul has enlarged the tent to include people who were outside it, or maybe were in it and about ready to leave. Now they have a champion. Paul uses classic Republican language to defend a libertarian point of view and to demand that his small-government, constitutionalist, antiwar, and free-market faction be recognized and accommodated *as Republicans*.

This faction is far from a majority. The idea that most Republicans believe Paul's philosophy, and that they would flock to him if he enunciated it, was always a delusion. But before Paul's campaign, they could ignore it. Now they have to argue with it. When they argue for continuing the occupation of Iraq they can no longer pretend that all their opponents are Democrats. They have opponents in their own tent. It is only a faction, but other factions, such as the foreign policy realists, may be able to ally with it. Having a faction also allows new issues to be put on the table — in Paul's case not only a withdrawal from Iraq but also the currency issue. It might not be a gold dollar, but even a Republican emphasis on a *strong* dollar would be a change.

The influence of Paul's faction depends on how Paul plays his cards. He has said that he will not run an independent candidacy, which is smart. If he did, his influence within the party would be no greater than Ralph Nader's in the Democratic Party. In 1988 Paul ran as a Libertarian, got 0.47% of the vote, was invisible and had no influence whatever. To do it again this year, merely to satisfy the people who get a thrill (and a salary) from campaigning would be a colossal mistake. He cannot do this, no matter how much his groupies importune him. He will have to endorse McCain — not now, and not with enthusiasm, but he will have to do it after McCain is nominated. Paul can still argue with McCain, of course, and he should — as a Republican.

Being in the party, and in the Congress, gives him a place to stand and be heard. And other Republicans will have to deal with him. (Says Fred Barnes in the Weekly Standard, "He [McCain] must attract the relatively small contingent who've supported Ron Paul to prevent Paul from running as a third party libertarian candidate for president.")

Paul's influence also depends on what happens later on. Gary North wrote in July 2007, "It will be interesting to see what his campaign organization does with all those email addresses" of contributors. In January 2008 North wrote about those addresses again: "I have read that Ron Paul has 100,000 email addresses of supporters."

North has made his living in newsletters, and the value of the list would be obvious to him. He wasn't mentioning it as a sales list for gold coins or newsletters, but as a list of Americans who could be inspired by a campaign of political ideas.

There is yet more to the story of Ron Paul. ❑

Who voted for Ron Paul?

Like most candidates of more pronounced idealist appeal, Paul does better in caucuses than in primaries. Here are the details (through early March) of the percentage of votes cast for Paul in the various state GOP events:

Caucus results	
Mont.	25%
Wash.	22%
N.D.	21%
Maine	19%
Alaska	17%
Minn.	16%
Nev.	14%
Kan.	11%
Iowa	10%
Colo.	8%

Primary results	
D.C.	8%
N.H.	8%
Wash.	7%
N.Y.	7%
Mich.	6%
Md.	6%
Tenn.	6%
Wis.	5%
La.	5%
Ill.	5%
N.J.	5%
Ark.	5%
Va.	4%
Ariz.	4%
Mo.	4%
Del.	4%
Calif.	4%
Conn.	4%
S.C.	4%
Ala.	3%
Fla.	3%
Utah	3%
Ga.	3%
Mass.	3%
Okla.	3%

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- John Mackey (Whole Foods) and John Goodman (National Center for Policy Analysis) debate Marxist economist Michael Perelman (UC Chico) and David Himmelstein, MD (Physicians for a National Health Program) on universal health care.
- "Was the Civil War Necessary?" Jeff Hummel (San Jose University) takes on Harry Jaffa (Clermont Institute) about Abraham Lincoln, slavery, and the Civil War.

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Liberty's editors are planning a complementary event. If you've been to our Editors Conferences in the past, you know what informative, fascinating, and fun times they provide. At FreedomFest 2004, our editors spoke to standing room only crowds. Watch the pages of Liberty for details — or better, sign up now and secure the "early bird" rate!

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- Congressman Ron Paul, 2008 Republican Candidate for President: "The Welfare-Warfare State: Danger Ahead!"
- Steve Moore, Wall Street Journal: "The Coming Tsunami: What An Obama Presidency Will Mean."
- David Boaz, Vice President, Cato Institute: "The Politics of Liberty."
- Warren Coats, former IMF official and expert on Bosnia, Iraq and Afghanistan: "The Truth About the Middle East."
- Gene Epstein, columnist, Barron's: "Why We Need Real Monetary Reform Now: Is Ben Bernanke the World's Most Dangerous Man?"
- Charles Murray, American Enterprise Institute, author of "Losing Ground": "There's Too Many Kids in College!"

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- Tyler Cowen, George Mason University: "Culture Wars: Does Western Capitalism Destroy Eastern Cultures?"
- Chuck Muth (Citizen Outreach): "Freedom in Education: Give Choice a Chance!"
- Harry King, MD: "How to Live to be 100, and Enjoy it!"

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Sun, Seegars, and Socialism

by Doug Casey

For two decades, Doug Casey has been Liberty's roving reporter, with a unique access to interesting people and places and a unique approach to everything he sees. No one but Casey could have written this report on his encounter with one of the world's most notorious personalities. It appeared in the July 1994 issue of Liberty.

— Stephen Cox

Too young to witness firsthand Castro's Cuban Revolution, I recently had a chance to observe the island's current, more salutary transformation. I was invited to Cuba by an investment organization — in effect, by the Cuban government — in hopes that I would recommend investing there.

I made two trips to Cuba, and had to fly in through Mexico City each time. Direct charters can supposedly be had through Miami, but they aren't really available unless you have family on the island. One of my European companions who did arrive via Florida made the mistake of informing an immigration official where he was headed. He and five others were immediately detained in a locked room at Miami International Airport while the agents spent two hours running background checks on them.

It's legal for Americans to visit Cuba, but officially discouraged: it's against the law to spend money while you're there, and it's best not to have the necessary visa stamped on your passport. That might provoke your own government to be much less friendly than Cuba's, as my friend from Europe discovered.

The first thing I noticed about Cuba was the absence of economic activity. No construction. No shops. Little traffic — a few American cars from the '50s, some primitive Ladas from Russia, mostly Chinese-made bicycles. The only restaurants were populated by Canadian and European tourists.

Cuba has a wonderful road system, and there's absolutely no traffic once you're out of Havana, so it's a pleasure to drive on it. Someday soon, those roads will be filled with rental cars filled

with foreign tourists venturing away from the beaches. Right now, the government is ambivalent about promoting tourism, because it will inevitably "corrupt" the workers and peasants. The nation's rigid currency controls have already been compromised by the fact that a bellboy in a hotel can earn a dollar from one tip — about as much as a doctor or engineer earns for two weeks' work. Worse still, the doctor or engineer is paid in pesos, which are almost valueless now. Unless a Cuban has relatives sending goods from the U.S., he's in big trouble. Dollars are actually the main currency in daily commerce.

He was detained in a locked room at Miami International Airport while agents spent two hours running background checks.

Once you're out of Havana, even dollars have marginal value, because there's nothing to buy. One of the country's few private employers has taken to paying his workers partly with items like soap, chocolate, and toothpaste, because those things would simply be unavailable to them otherwise. There is nothing in the country, literally nothing. That's a hard concept for someone coming from the land of Wal-Marts to grasp.

I spent a lot of my time out of Havana visiting rural areas in archaic Russian aircraft. One M1-8 helicopter provided some comic relief. I love the sound of a chopper's jet turbines spooling up, but this one tried twice, and just died each time. On the third try, the co-pilot started poking around in the fusebox with a screwdriver, and the whole cabin filled with acrid electrical smoke. We exited post haste. The episode illustrated just how primitive and laughably outdated Russian aircraft are. (A fusebox? A screwdriver?) But it's a good thing they're primitive: they don't require quite as much maintenance as more sophisticated machinery. And in Cuba, intelligent maintenance is very scarce.

Havana itself is in a time warp — quiet, with no activity. But it is not repressed. The block committees that assured political correctness in the bad old days are gone. Cuba is no longer a Stalinist society; it's just poor. Poor, and burned out, like a coke-head coming down from a long binge.

Wasn't It a Time?

And what a binge it was. Times have certainly changed. Back in the '60s and '70s, things seemed to be going very well for the Revolution. Everyone was adequately fed. Beggars, prostitutes, and the Mafia disappeared. Education and medical care became available to all. The average Cuban saw his society as the wave of the future. Those who fled the country were viewed as leeches, exploiters, unpatriotic bad apples — and in many cases, considering the nature of the pathologically corrupt Batista regime, they were. Good riddance to them, the people said, and good riddance to the criminals who joined them in the export of the Marielitos.

At the same time, Cuba was hosting thousands of disaffected children of the American bourgeoisie. The awe-stricken revolutionary tourists reassured the workers and peasants of their righteousness, and showed their solidarity by helping to cut cane.

Meanwhile, the imperialists were in full retreat on all fronts. In the U.S., the government had to bring in the National Guard to quell race riots. The Kennedy and King assassinations, the Symbionese Liberation Army, the Manson Family, the Chicago Seven, Watergate, the Weathermen, high inflation, a collapsing dollar, ballooning deficits, a hundred other traumas — the United States seemed to be on its last legs.

Sandal-clad Vietnamese peasants handed America a painful military defeat. Socialism seemed ascendant everywhere — in Chile, then Grenada, then Nicaragua. The Cuban Army was part of the world-wide revolution, on the move in Angola and Ethiopia.

Inundated with propaganda that framed all this with a Marxist perspective, it made good logical sense for the average Cuban to believe that Castro was riding the wave of the future. It was a great time to be alive and a revolutionary Communist.

Goodbye to All That

It's hardly necessary to point out what went wrong with Fidel's vision. But it's important to see things the way the average Cuban does, if we're to understand the situation in Cuba today.

Up until about 1990, when the old Soviet Union started to implode, the Cubans were able to trade sugar to Comecon (the Communist common market) at artificially high prices, and buy oil, machinery, and other necessities for prices that were artificially low. The subsidy is estimated to have been worth between $3 billion and $5 billion a year. Economically, it was a pretty stupid charade, but combined with what could be begged and borrowed abroad, and with capital left over from the old days (e.g., fixing up the pre-1959 U.S. cars that populated Cuba's streets and selling them to collectors), the Revolution was able to stay afloat for a good long time. As Adam Smith observed, there's a lot of ruin in a country.

The decline and fall of the USSR meant the end of the party. The Cuban economy's inevitable slide into oblivion has assumed the trajectory of a flat iron thrown out of an airplane.

A bellboy in a hotel can earn a dollar from one tip — about as much as a doctor or engineer earns for two weeks' work.

The American Left's onetime paragon of economic virtue now sports the lowest standard of living in the hemisphere, with the possible exception of Haiti. Rations are two kilos of rice and one of beans each month, and that's about it. There's no chicken, a one-time staple of Cuban cuisine, because Russian

planners convinced Cuban planners that it made more sense to mass-produce the birds in the Soviet Union.

The country is actually on the ragged edge of starvation; most Cubans I saw seemed to suffer from malnutrition. The government made a real effort to lay out the red carpet for my group, but no traditional Cuban dishes were served at our banquets, because there's no pork, beef, or chicken to make them with. Instead, we had seafood, I guess because it's impossible to effectively socialize the ocean. At the island's few nightclubs, the bargirls aren't looking for strangers to buy them drinks. The price of their company is a good, square meal.

My party met an assortment of ministers, including the president of the central bank. They impressed me as sincere and thoughtful, but troubled. It can't be much fun to realize you've devoted your entire life to an abysmal, terminal failure. Naturally, they don't care to see it that way, preferring to focus on the Revolution's alleged advances in education, medicine, and social welfare. But even these "successes" are starting to go down the drain.

It's true that almost everyone in Cuba can now read and write and has access to higher education — a vast improvement from the Batista days. As Abe Lincoln demonstrated, it's possible to get an education without much in the way of books, pencils, and paper. But it's suboptimal in this high-tech era. Cuban education is further compromised when the curriculum is suffused with Marxism and the teachers are cut off from the outside world. And the kids can't learn very much when they're hungry and malnourished.

Medical care has improved for the average person, if only because the regime cranked out tens of thousands of doctors. But the doctors have very little medicine and almost no equipment. Nonetheless, aside from the malnutrition, the average Cuban seems quite healthy — not because of the medical system, but because of their low-calorie, low-fat diet and lots of exercise. There's definitely something we can learn from them in this area, but it's not the lesson Billary seems to be taking to heart.

In any event, Cuban doctors are now making only $2 to $3 a month. As the economy opens further, the doctors will emigrate, delivering a final coup de grace to the myth of socialist medicine.

Socialism's other supposed victory was to rectify pre-Castro Cuba's calcified class structure — light-skinned people on top, dark-skinned ones on the bottom. In fact, almost all the officials we met were light-skinned. Things hadn't changed much on this score either, as far as I could tell.

Altogether, 35 years of socialism have brought only marginal, probably ephemeral gains in a few areas, with wholesale devastation everywhere else. And it was Soviet subsidies, not Cuban socialism, that accounted for the successes there were.

Most Cubans still deny that their problems stem from the nature of socialism itself. They're wrong. Entirely apart from

Careening Toward Crony Capitalism

Fidel Castro's resignation as president of Cuba on February 19 was the biggest non-event since the Y2K scare.

Much of the American media seem to think that institutions and the rule of law govern Cuba. Nothing could be further from the truth. Cuban presidents have come and gone under Fidel, but Fidel has always wielded the real power, with or without a title or office. As long as he's alive, no successor will rule and no changes will be implemented without his benediction.

Nonetheless, the nose of change stuck one snorting nostril under Cuba's tent over a year ago, when Fidel, because of his incapacitation due to complications of acute diverticulitis, was forced to relinquish real power to his brother Raul.

As head of the armed forces, Raul runs all the tourist concessions in Cuba. Since these are the source of nearly all the island's foreign exchange, Raul has inadvertently acquired a school-of-hard-knocks appreciation for economic realities. As reported in an earlier Reflection (December 2007), Raul has begun to explore some potentially island shaking changes. The latest, involving Dubai Ports World, is arguably the second nostril.

Last year, when the U.S. Congress rebuffed a bid by Dubai Ports World to operate six major U.S. ports, DPW didn't fold its hand. The partly state-owned company from the United Arab Emirates started trying to slip in the back door, with the help of that guardian of inchoate capitalism, Cuba. According to The Economist, DPW and the Cuban ministries in charge of foreign investment have, after protracted negotiations, commissioned a formal feasibility study of the possibility of investing $250 million to convert the port of Mariel — site of the 1980 refugee boat lift — into a modern shipping container facility.

While Fidel Castro's death — certainly *not* his resignation, as made perfectly clear by President Bush — or a new, Democrat administration (whichever comes first) might presage a lifting of the U.S. embargo, the Cuba-DPW deal isn't about supplying Cubans with consumer goods. It's about access to U.S. markets.

Most big U.S. ports are running close to capacity, and environmental restrictions make any proposed expansions unlikely. In a post-embargo world, Mariel would be a well-positioned hub for down-loading container ships from all over the world and redistributing cargo onto smaller vessels for distribution to dozens of harbors around the southeastern United States. Doubtless a middleman's commission would be appropriate.

One way or another, Cuba's leaders are rubbing their hands over the prospect of wading into a capitalist hot tub, post-embargo. They're also putting out the word that proposals for super-yacht marinas, theme parks, golf courses, and a raft of luxury projects are welcome. The projects, if they go through, will have big collateral effects on all parties, including the lowly Cuban consumer.

Shades of Castro's predecessor, Fulgencio Batista? *Plus ça change.* — Robert H. Miller

philosophical objections, it is economically impossible for a planned economy to survive because it's impossible for planners to calculate prices rationally. With prices fixed by fiat, people inevitably wind up consuming two, three, or ten units of capital to produce something that's worth only one unit. The Cubans still don't understand that, and as long as their schools teach Marx instead of Mises, they won't.

Ask the average Cuban why things have gone bad, and he'll tell you that (1) the Soviets screwed up (which is true enough, as far as it goes), and (2) the country is held back by the U.S. embargo. The second excuse is mostly nonsense; Cuba has always been able to get what it wants from scores of other countries. (Of course, complaints about the embargo are a tacit admission of socialism's failure: trading with capitalists should be anathema to real Communists.)

The embargo has hurt American businessmen, however, who've lost out as Canadians, Europeans, Asians, and Latins have cherry-picked opportunities in the last few years. The major effect of the embargo seems to be to prolong socialism in Cuba, by giving Castro an all-purpose excuse for his continual failures. Apparently, Washington is willing to shoot its own people in the foot just to take action against a perceived enemy. The "at least we're doing something" mentality strikes again.

My Dinner With Fidel

The highlight of my Cuban trips was a surprise meeting with Fidel Castro. My group was having a state-sponsored dinner party at one of Havana's "protocol houses," beautiful residences confiscated from the politically incorrect in the early '60s and now used to host foreign dignitaries, a group I suppose includes me. All of a sudden, there was the Bearded One. We gathered 'round, shook hands, and spent the next hour having an informal Q & A.

Fidel was dressed in his signature starched fatigues and appeared to be in excellent health and humor. He conducted his conversation through a translator, not so much because he doesn't speak English, but because he is somewhat linguistically nationalistic — and because he doesn't want to inadvertently say something that isn't quite what he meant. I was impressed by the give-and-take: Fidel was genuinely interacting with us, not just speaking to the peanut gallery.

In all, I must admit the man was far more impressive than Bill Clinton. Fidel has actually had a life. He believes in things. He takes ideas seriously. He's a man of character and charisma, and he isn't "slick." Clinton, by contrast, has done nothing but work for the government his whole life.

One trivial observation: you'd expect Castro to wear spit-shined combat boots to complement his fatigues. But Fidel sported black zip-up dingo boots from around 1975. Maybe they're more comfortable.

More interestingly, Fidel absolutely exudes the presence of Karl Hess — or at least he did during my visit. The same physique, the same physiognomy, the same physical presence, the same charisma. (I'm sorry I didn't get a chance to tell Karl this before his death. He would have understood completely, and had a real giggle.)

My one mistake was spending the whole hour with Fidel when I should have logged more time with Carlo Lahé, who arrived with him. Lahé is actually in charge of Cuba today; Fidel is really just the chairman of the board.

One of my hobbies is chatting to Third World leaders (who are remarkably easy to meet) about how they can transform their basket-case economies into exaggerated versions of Hong Kong, in the process making themselves domestically loved, internationally famous, and legitimately wealthy. Cuba would be an ideal prospect for free-market anomaly because Castro needs a way to exit gracefully into the sunset. He could declare that the Revolution has succeeded, and that it is now possible to grant "power to the people" directly through a Marxist "withering away of the state," providing an ideal — and ideologically defensible — end-run around disaster.

In any event, I gave both Castro and Lahé copies of my recent book, "Crisis Investing for the Rest of the '90s," and encouraged them to read the chapter on free-market anarchism. When I return to Cuba, I hope to discuss the concept with Lahé.

Counterrevolution?

That said, Cuba isn't very likely to adopt free markets any time soon. More likely, the government will fight a rear-guard action against outside influences, even as the genie gets out of the bottle.

But things are changing. Two principles, both based in Marxist dogma and central to Cuban bureaucrats' thinking, are gradually being undermined. One is that large parcels of land aren't to be sold to foreigners; that's already being subverted by the long-term leases needed to attract foreign capital.

The other is the notion that the state should be the only employer, which has resulted in a perverse piece of doublethink. When a foreign company hires the services of a worker for $600 a month, its contract is with the Cuban government. The state gives the worker the $600 — only in pesos, at the official exchange rate, which means about $3 in the real world. So, under the pretense of keeping the foreigners from exploiting the workers and peasants, the government does the exploiting.

continued on page 41

Thinking About War

by George H. Smith

Of all moral issues, war is perhaps the most difficult, and most important. What would a specifically libertarian response to this issue be?

Wars are fought once on battlefields of blood, only to be fought again on the battlefield of ideas. These replays vary in their degrees of abstraction. Some, such as debates over strategy, tactics, and the competency of generals, are relatively concrete and fall largely within the province of military historians. Others, such as debates over the justice of a war and how it was fought, require the application of fundamental moral principles to the subject of war. This latter enterprise is called "just war theory."

I

Relatively little has been done to develop a specifically libertarian version of just war theory. An effort in this direction was undertaken by Murray Rothbard, who linked his discussion of war to an isolationist foreign policy. Since Rothbard's influence on the modern libertarian movement was perhaps second only to that of Ayn Rand, I shall begin this discussion of just war theory by taking a brief look at his views.

According to Rothbard, when one country invades another country, two evils are bound to occur. The first is the killing of innocent people; this means that war "is mass murder, and this massive invasion of the right to life, of self-ownership, of numbers of people is not only a crime but, for the libertarian, the ultimate crime." The second evil is the inevitable increase in taxation that will be required to finance the war. Rothbard concludes: "For both reasons — because inter-State wars inevitably involve both mass murder and an increase in tax-coercion, the libertarian opposes war. Period."[1]

It turns out that this "period" is not as definitive as it may first appear, for Rothbard then says, "It was not always thus." He continues with a romanticized account of medieval warfare, an era when low-tech weaponry permitted armies to confine their violence to rival armies — something they "often did," Rothbard notes, apparently hoping that the Crusades and the sacking of entire cities (which entailed the wholesale slaughter of their inhabitants) will be viewed as exceptions to the rule.

Rothbard was no pacifist, and he seems to object not to war as such but rather to wars conducted by governments that presume to act on behalf of entire nation-states. He presumably would not object, in principle, to private wars, so long as these

were waged in legitimate self-defense and strictly avoided the killing of innocent people. Rothbard concludes:

> Apart from the small band of Tolstoyan anarchists, then, the libertarian foreign policy is *not* a pacifist policy. We do not hold, as do the pacifists, that no individual has the right to use violence in defending himself against violent attack. What we *do* hold is that no one has the right to conscript, tax, or murder others, or to use violence against others in order to defend himself. Since all States exist and have their being in aggression against their subjects and in the acquiring of their present territory, and since inter-State war slaughters innocent civilians, such wars are always unjust — although some may be more unjust than others.[2]

Although it is true that modern wars have generally been waged by nation-states against other nation-states (a model that has become less applicable with the rise of al Qaeda and other nonstate terrorist organizations), this needn't be the case; we can easily imagine a private protection agency in Rothbard's ideal anarchistic society waging war against another agency. Although the financing of war would be voluntary in this case, the problem of killing innocent people while exercising one's right of self-defense would remain. Even if we presume that *fewer* innocent people would be killed, the killing of even one innocent person would render that war unjust, if we accept Rothbard's reasoning.

It is important to distinguish actions that are unjust per se from actions that, though just in themselves, are rendered possible in a particular case by unjust means. For example, the apprehension of violent criminals is just, by libertarian standards, even if this activity is currently financed, and therefore made possible, by a coercive system of taxation that libertarians regard as unjust. Does this mean that libertarians should protest the apprehension of all violent criminals because this state activity is financed by coercive means? Few libertarians would answer "yes" to this question.

The killing of innocent people falls into a different category altogether, for (unlike the apprehension of violent criminals) Rothbard regards this as absolutely prohibited by the libertarian axiom of nonaggression. But if this is the case, then it matters not at all whether a war in which innocents are killed is waged by a nation-state, feudal barons, a private protection agency, guerrilla fighters (exemplifying a form of warfare to which Rothbard was favorably disposed), or individuals acting in their own self-defense. The relevant difference here is not the type of group or institution that does the fighting but the type of armaments it uses. Rocks, spears, arrows, and rifles can be aimed at particular individuals, but artillery shells and bombs (as well as more destructive weapons of mass destruction) target areas that may contain innocent bystanders.

Suppose a libertarian country is attacked with bombs. Does the principle of nonaggression mean that it may fight back only with rifles, in effect?

Suppose a libertarian country is attacked with bombs. Does the principle of nonaggression mean that it may fight back only with rifles, in effect? Although Rothbard does not say this explicitly, he comes very close to it in his discussion of just war theory in "The Ethics of Liberty," where he argues that "the bow and arrow, and even the rifle, can be pinpointed, if the will be there, against actual criminals." On the other hand, "it is precisely the characteristic of modern weapons that they *cannot* be used selectively, cannot be used in a libertarian manner. Therefore, their very existence must be condemned. . . ."[3]

My need to survive cannot eradicate, diminish, or otherwise affect the rights of innocent people who are in no way responsible for the situation in which I find myself. This is what Rothbard means in calling rights "absolute."

Rothbard is understandably concerned with the "ultimate crime of mass murder" that would result from the use of nuclear weapons, but he applies his libertarian prohibition to rockets and other modern weapons whose destructive effects cannot reasonably be confined to specific aggressors. This condemnation results from his conviction that the prohibition against killing innocent people is absolute, that it can *never* be justified even when such killing is the unintentional byproduct of legitimate self-defense:

> Suppose that . . . Jones finds that he or his property is being aggressed against by Smith. It is legitimate, as we have seen, for Jones to repel this invasion by the use of defensive violence. But, now we must ask: is it within the right of Jones to commit aggressive violence against innocent third parties in the course of his legitimate defense against Smith? Clearly the answer must be, No. For the rule prohibiting violence against the persons or property of innocent men is absolute; it holds regardless of the subjective *motives* for the aggression. It is wrong, and criminal, to violate the property or person of another, even if one is a Robin Hood, or starving, or is defending oneself against a third man's attack.[4]

Although no libertarian will take issue with Rothbard's claim that "we should try to reduce the scope of assault against innocent civilians as much as possible" during war, this maxim does not presuppose an absolute moral prohibition against the killing of innocents during a just war. It is curious that Rothbard, who cites many Thomistic philosophers in "The Ethics of Liberty," does not even consider their position on this issue. Thomas Aquinas and later scholastics

defended what is known as the "principle of double effect." The Thomistic philosopher Vernon J. Bourke summarizes this principle as follows:

> [W]here a moral action results in two consequences, one evil and the other good, the action *may be done morally*, if the good is in some reasonable proportion to the evil, if the good cannot be attained without the evil, if the two consequences are concomitant, and if the good is directly intended and the evil only permitted.[5]

Another Thomist, Thomas J. Higgins, applies the principle of double effect to the killing of innocents during war:

> It is a legitimate act of war to bomb directly any military target. The term, military target, includes not only military personnel and purely military installations, but roads, railways, every kind of communication and transportation, factories, warehouses, government buildings — anything which directly subserves a military purpose. Killing noncombatants in air raids may never be directly willed but only permitted according to the principle of double effect. To bomb a purely civilian area for the sake of terrorizing the enemy into subjection is merely mass murder.[6]

This principle has been used by many philosophers of war to justify the killing of innocents, so long as such killing is not directly intended but is the unavoidable byproduct of an action that is required for self-defense. Rothbard rejects this principle, if only implicitly, when he maintains that the rights of person and property are "absolute" and hold "regardless of the subjective *motives* for the aggression." My need to survive, however real and urgent, cannot eradicate, diminish, or otherwise affect the rights of innocent people who are in no way responsible for the situation in which I find myself. This is what Rothbard means in calling rights "absolute."

This is a reasonable position. To claim that innocent people lose their rights whenever they prove inconvenient for me would throw a libertarian theory of rights into a whirlwind of subjectivity. On the other hand, motives are surely relevant to our *moral* evaluation of an action. Rothbard seems to admit as much when he says that we "may understand and sympathize with the motives" in those "extreme situations" where killing an innocent person is required for one's self-defense — but if the killing of innocents is always and everywhere unjustifiable murder, pure and simple, then it is difficult to understand the reason for this sympathy.

Moreover, it is not only the right to self-ownership that is absolute, according to Rothbard, but also the right to external property. Hence Rothbard's position on war, if consistently applied, would mean that even minor violations of property rights could never be justified by appealing to self-defense. If, while fleeing from an aggressor who intends to kill me, I find it necessary to trespass on the land of another person without his permission, then my action would qualify as a violation of the owner's property rights. Would Rothbard insist that I should therefore stand my ground and permit myself to be killed rather than commit this unjust act? Many such examples could be given, and they give a sense of unreality to Rothbard's position.

There is a way of out this dilemma, one that Rothbard does not consider, namely, that it may sometimes be *morally* justifiable to violate the rights of innocent people. Rights, in this view, specify conditions in which force may legitimately be used against others. They pertain to the *external* aspects of human action and are not directly concerned with subjective motives. The motives for violating a right may be good or bad, moral or immoral, but it is the *objective* characteristics of an action that will ultimately determine whether or not a right has been violated, and to what extent.

In this view, Rothbard is correct to maintain that to use force against innocent people, even in the course of legitimate self-defense, would constitute a violation of their rights. But it may be *morally* justifiable, under strictly defined circumstances, to violate the rights of innocent people. And in such cases one's motives — or, more precisely, one's *intentions* — play a major role in evaluating the action in question. (This issue, which pertains to the *ethics of emergencies*, requires more attention than I can give it here.)

II

Whatever the problems with Rothbard's approach may be, it at least addresses in a serious way the complicated and disturbing problems raised by just war theory. Unfortunately, the same cannot be said of a recent article by Yaron Brook and Alex Epstein, "'Just War Theory' vs. American Self-Defense," which appears in The Objectivist Standard.[7] The article is significant because Mr. Brook, as president and executive director of the Ayn Rand Institute, may be taken to express the "official" Objectivist position on just war theory.

This raises the interesting question of whether Rand would have agreed with Brook and Epstein. Although this is obviously a matter of conjecture, I think there is considerable evidence to indicate that she would have endorsed their major theoretical conclusions. But this raises the more difficult question of whether Rand's statements about war (many of which were given off the cuff, as verbal responses to questions) are consistent with her own theory of individual rights and her application of methodological individualism to moral reasoning. Since Brook and Epstein do not even consider the possibility that Rand failed to apply her principles consistently, I shall not explore this problem further, except where it is pertinent to a particular argument.

It may be morally justifiable, under strictly defined circumstances, to violate the rights of innocent people. In such cases one's intentions play a major role in evaluating the action in question.

The lengthy article by Brook and Epstein is an ambitious mixture of policy analysis, historical interpretation, and political theory. Such articles will necessarily contain claims that cannot be defended in detail, so it is a relatively simple matter for a critic to attack isolated remarks and focus on them

at the expense of more significant points. I will do my best to avoid this kind of picayune criticism and deal instead with basic themes. I will concentrate on the wholesale repudiation of "just war theory" by Brook and Epstein.

The authors were not satisfied with presenting their version of just war theory and its application to the ongoing conflict with what they describe (correctly, I think) as "Islamic Totalitarianism." Perhaps in the hope of adding a dramatic punch to their presentation, they decided to attack "just war theory" root and branch, and much of their article is devoted to this criticism. It seems that the failures of the Bush administration in dealing with terrorism are owing to its adherence to the principles of just war theory, which have imposed altruistic restraints on measures that are required for the defense of the United States and other innocent nations:

> Just War Theory, in the final analysis, is anti-self-defense and anti-justice. By preaching self-sacrifice to the needs of others, Just War Theory has led to the sacrifice of the civilized for the sake of the barbarous, the sacrifice of victims of aggression for the sake of its perpetrators, the sacrifice of noble Americans for the sake of ignoble Iraqis — the sacrifice of the greatest nation in history for the sake of the worst nations today.

The subtext here is one that we often find with Objectivist writers: not until Ayn Rand developed her ethics of rational egoism was it possible to slay the dragon of altruism that had hitherto vitiated every just war theory.

The subtext here is one that we often find with Objectivist writers: everyone got it wrong until Ayn Rand happened on the scene. Not until she developed her ethics of rational egoism was it possible to slay the dragon of altruism that had hitherto vitiated every just war theory, so we have virtually nothing to learn from this long and rich tradition.

One of the most frustrating aspects of the article is the ambiguity that attends its critique of "just war theory." At times the authors seem to mean contemporary just war theory, as represented chiefly by Michael Walzer's influential book, "Just and Unjust Wars" (1977). At other times they use "just war theory" as a generic label, one that encompasses every just war theory from Augustine (in the early 5th century) to the present day.

Brook and Epstein appear not to have read Walzer's book very carefully. Consider their objection to the requirement that war be waged as a "last resort," i.e., only after peaceful alternatives have been exhausted. This supposedly means that "a nation cannot go to war immediately even when there is an objective threat — that is, when another nation has shown the willingness to initiate aggression against it." The "last resort" requirement is therefore "inimical to the requirements of self-defense, which demand that serious threats be stopped as soon as possible."

According to Brook and Epstein, Walzer is among those (otherwise unnamed) just war philosophers who do not regard objective threats as legitimate grounds for war, and they quote a remark he made to the New York Times to illustrate their point: "we don't have to wait to be attacked; that's true. But you do have to wait until you are about to be attacked."

If Brook and Epstein had consulted Chapter 5 ("Anticipations") of "Just and Unjust Wars," they would have learned that Walzer does not hold the position they attribute to him. On the contrary, he emphatically maintains that an objective threat can justify a preemptive war, e.g., of the sort that Israel fought during the "Six-Day War" in 1967:

> The line between legitimate and illegitimate first strikes is not going to be drawn at the point of imminent attack but at the point of sufficient threat. That phrase is necessarily vague. I mean it to cover three things: a manifest intent to injure, a degree of active participation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk.[8]

Like many just war philosophers, Walzer distinguishes between a subjective fear and an objective threat. Fear alone is not enough to justify a preemptive strike, but the same is not true of a legitimate threat (or what Francis Bacon called "just fear"). Walzer argues that "we need an objective standard" to determine when the fear we feel is based on a real threat — and when this determination has been made, we may use force in self-defense.

Brook and Epstein's interpretation of Walzer pales in comparison to their outrageous handling of just war theory in the broader sense. The authors claim that just war theorists, despite their many differences, "all hold one fundamental idea in common." The moral premise of just war theory — not merely this or that version, mind you, but *all* historical forms of just war theory — is "the altruistic notion that justice means selfless service to the needs of others." In short: "Just War Theory . . . is the application of the morality of altruism to war."

This remarkably silly claim is the foundation for a wholesale repudiation of just war theory by Brook and Epstein, whose argument may be summarized as follows:

It is both imperative and just that we fight against "Islamic Totalitarianism" until that movement no longer threatens us. This requires that we be willing to take the drastic actions (which they repeatedly describe as "Sherman-like," after the harsh Civil War actions of General Sherman) that are required to achieve this end. But these actions are inconsistent with "a certain moral theory of war" called just war theory, so to "the extent that Just War Theory is followed, it is a prescription for suicide for innocent nations." This shows that just war theory is "neither practical nor moral"; on the contrary, it is "a profoundly unjust code," one rooted in altruism. In forbidding us to take actions necessary for our very survival, just war theory effectively nullifies our right of self-defense and demands that we sacrifice ourselves for the sake of others.

There is an unfortunate tendency among some Objectivists to map out a short and easy route through the history of ideas that will take them to a predetermined destination. The

destination, more often than not, is "altruism" — an evil that lurks behind every bush and under every rock in the history of philosophy. More pernicious still, according to these Objectivists, are the seeds of altruism that, once planted, can lie dormant and undetected in the soil of seemingly benign theories, only to emerge decades or even centuries later as full-blown doctrines of self-sacrifice. In their early stages, these seeds can be so subtle and elusive as to be perceptible only to dedicated altruism hunters.

According to Brook and Epstein, all roads in the history of just war theory lead to Augustine, altruist-extraordinaire:

> Although advocates of Just War Theory differ on many specifics about the nature of morality, they all hold one fundamental idea in common. To zero in on this idea, let us turn to the origins of Just War Theory: the writings of the Christian theologian Saint Augustine on the proper use of violence by individuals.

Our authors now tell a story, much of it fictional, of how Augustine packed altruism into just war theory at its point of origin and thereby tainted it forever. The first peculiar thing about this story is where it starts. One can only guess where Brook and Epstein came by the idea that the "origins" of just war theory are to be found in the writings of Augustine.

Augustine has been called the first *Christian* just war theorist (though even this label has been characterized as "misleading" by the Cambridge editors of his "Political Writings"), but he was centuries too late to qualify as an originator of just war theory per se. Many Greek and Roman philosophers, historians, and statesmen had discussed just war theory long before Augustine came along. The discussion in Cicero's "Republic" (to which Augustine refers on several occasions) is but one example. Moreover, Augustine clearly had an earlier tradition of just war theory in mind when he endorsed the following view: "A just war is customarily defined as one which avenges injuries, as when a nation or a state deserves to be punished because it has neglected either to put right the wrongs done by its people or to restore what it has unjustly seized."[9]

Brook and Epstein correctly point out that Augustine had a significant impact on later just war theory; they also call attention to the strong current of altruism in Augustine's ethics. Aside from these general points, however, their account is highly inaccurate.

Augustine set out to refute those pacifists who had argued that Christians should not serve in the Roman military. In the course of doing so, he conceded that Christians, when acting in their private capacity as Roman citizens, should be willing to die rather than use force in self-defense. But he also maintained that these selfsame Christians, when acting in their *public* capacity as soldiers, have a *duty* to use force when a war has been authorized by a legitimate political ruler.

Just war theory is a big tent in which a wide range of policies can find shelter.

There is a definite strain of altruism here, insofar as Augustine maintains that the use of violence is justifiable only when it furthers the common good instead of one's personal interests; but, contrary to the suggestion of Brook and Epstein, this did not lead Augustine to conclude that "humanitarian" wars fought on behalf of other countries are morally superior to wars fought in defense of one's own country. This was not his point at all.

Brook and Epstein argue that it is both imperative and just that we fight against "Islamic Totalitarianism" until that movement no longer threatens us. This requires that we be willing to take "Sherman-like" actions.

Now, to deny the personal right of self-defense while insisting that Christians have a duty to defend their country was obviously an untenable position, but Augustine's authority in the Catholic church was such that it took centuries before his position on self-defense was decisively overthrown. This was largely the accomplishment of Thomas Aquinas, who (writing in the 13th century) defended the personal right of self-defense in no uncertain terms. To the question of whether one may "kill someone in self-defense,"

> Aquinas replies that it is morally proper to "to repel force by force," and that it is not "necessary to salvation that a man refrain from an act of moderate self-defense in order to avoid killing another man, since one is bound to take more care of one's own life than another's."[10]

Even the most dedicated altruism hunter would have difficulty locating his prey in these remarks. And it was Aquinas' views on self-defense, not those of Augustine, that would dominate Catholic thinking on just war theory in the following centuries. Indeed, the maxim that we should value our own lives more than the lives of other people (within the boundaries of justice, of course) would henceforth play a major role in just war theory. For example, in the early 16th century, Francisco de Vitoria (the most influential just war philosopher of his era) wrote that "free men . . . do not live for the convenience of others, but for themselves"; and he followed the lead of Aquinas rather than Augustine in maintaining that "every man has the power and right of self-defense by natural law."[11]

Although Aquinas quoted Augustine extensively in his discussion of just war theory, he did so for the purpose of supporting the position that "the care of the commonwealth is entrusted to princes," and that "it pertains to them to protect the commonwealth of the city or kingdom or province subject

to them." This includes not only the obligation to punish domestic criminals but also the obligation "to use the sword of war to protect the commonwealth against enemies from without."[12]

In sum, Aquinas invoked the authority of Augustine to support the following principles: (1) A just war can be waged only by a legitimate political authority. (2) A just cause is required; that is to say, "those against whom war is to be waged must deserve to have war waged against them because of some wrongdoing." (3) It is necessary that "those who wage war should have a righteous intent; that is, they should intend either to promote a good cause or avert an evil."[13] In none of these principles — all of which were defended by both Augustine and Aquinas — do we find anything that could remotely be described as "altruistic."

Brook and Epstein have little choice but to acknowledge that later just war theories were grounded in the right of self-defense, but even here our intrepid altruism hunters claim to have found the evil for which they were searching.

> The most significant development in Just War Theory since Augustine's time is that the theory has come to include an endorsement of what it calls a "right to self-defense." But because Just War Theory has maintained its Augustinian, altruistic roots, its alleged "right" to self-defense turns out to be no such thing.

The argument here is that the principles of just war theory, such as "proportionality" and "discrimination," so undercut the preconditions of legitimate self-defense as to effectively nullify this right during war. These principles are said to be altruistic because they supposedly demand that innocent people sacrifice their lives, or at least put them in significant danger, for the sake of other people.

The principle of proportionality is that retaliation should be proportional to the injury received. The principle of discrimination is that we should make a good-faith effort to restrict our use of force to those who are guilty of aggression and avoid targeting innocent people. While acknowledging that these principles are ambiguous and leave a good deal of room for interpretation, Brook and Epstein nonetheless insist that they amount to the imperative that a just war "be fought by unselfish, sacrificial means." For example, it is "commonly necessary in war to break the spirit of a foreign people whose nation has initiated aggression in which they are complicit," and this may call for the Sherman-like tactics of targeting civilians and razing entire cities. But just war theory "forbids such tactics."

> A nation with "good intentions," practicing "proportionality" and "discrimination," cannot possibly raze a city as Sherman did. This is why, although Sherman's actions helped to end the Civil War, he is a reviled figure among Just War theorists: His goal was to preserve his side by inflicting unbearable misery on its enemy's civilian population — the opposite of "good intentions." Many Just War theorists hold — as by their standard they are obliged to hold — that the dropping of atomic bombs on Hiroshima and Nagasaki in 1945 was immoral. America, they claim, should have valued Japanese civilians over the hundreds of thousands of GIs who would have died invading Japan.

It may come as a shock to Brook and Epstein to learn that Sherman-like tactics — including tactics that go beyond anything that they would endorse — have been advocated by some of the most influential proponents of just war theory. When our authors refer to "Just War theorists and their pacifist spiritual brothers," they labor under the misapprehension that just war theorists have been cousins to the pacifists who would take the fun out of war by concocting "new schemes for appeasement, or new fantasies that the enemy has reformed." Especially disturbing to Brook and Epstein is the apparent incompatibility of just war theory with the Sherman-like tactics of targeting civilian populations, burning cities and private estates, destroying crops and livestock, and so forth.

Here as elsewhere it is painfully evident that they have not read even the most prominent just war philosophers, such as Francisco de Vitoria, who is widely acknowledged as the founder of modern international law. His "On the Law of War" (a series of lectures delivered at the University of Salamanca in 1539) was the most systematic and extensive presentation of just war theory to date, and its influence on subsequent thinkers was immense.

Consider Vitoria's argument that we may "plunder" the "goods and property" that have been used against us in a war, even if these belong to innocent people. "Indeed, we may take the money of the innocent, or burn and ravage their crops or kill their livestock; all of these things are necessary to weaken the enemies' resources. There can be no argument about this." Moreover, "one may even enslave the innocent under just the same conditions as one may plunder them," i.e., when such measures are necessary to win a just war. As for prisoners of war, if they "would otherwise be combatants, for instance, if they have already borne arms against us, *they may be executed.*"[14]

Like many early just war theorists, Vitoria would put Brook and Epstein to shame in a contest to see who advocates the most severe tactics during war. Even John Locke (who greatly admired the writings of Hugo Grotius and Samuel Pufendorf, the two leading Protestant proponents of just war theory) defended the enslavement of those who participate in an unjust war. For centuries this line of reasoning was a standard justification for slavery among just war theorists; and though Brook and Epstein do not discuss this issue specifically, I assume that they do not advocate the mass enslave-

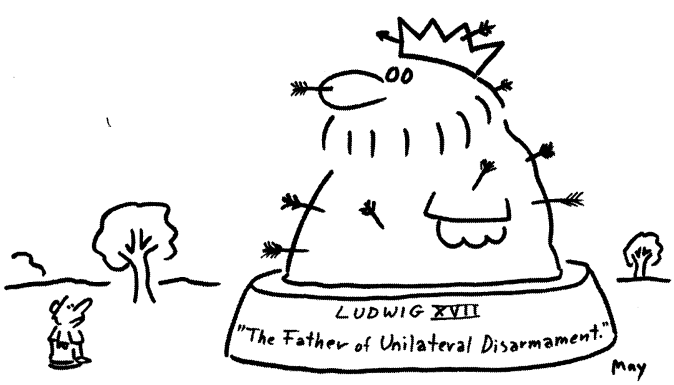

ment of Islamic fundamentalists whom they regard as posing "objective threats" to America.

Just war theory is a big tent in which a wide range of policies can find shelter. Brook and Epstein acknowledge this when they note that the guidelines of just war theory are "ambiguous," that "advocates of Just War Theory differ on many specifics," and that how one interprets principles like proportionality will ultimately depend on one's "basic view of morality." These are important insights, and if Brook and Epstein had followed up on them instead of pursuing the red herring of altruism, they might have produced a valuable contribution to just war theory.

Grotius saw a kind of madness in the death and destruction caused by wars, which were "justified" in myriad ways.

III

If the principles of just war theory are so elastic, having been used to defend not only the Sherman-like measures advocated by Brook and Epstein but also measures (such as enslavement) that even Sherman-lovers would reject, then of what value is this tradition to modern libertarians and Objectivists?

Just war philosophers, however much they may disagree over particulars, have shared a common concern with the ethics of war; they have attempted to apply objective moral principles knowable to reason (traditionally known as "natural laws") both to the cause of war (*jus ad bellum*) and to the conduct of war (*jus in bello*). These moral principles have varied to the extent that just war theories have reflected the moral standards of their time. What were regarded as relatively humane methods of warfare in one era sometimes came to be regarded as barbaric in a later one. The reverse has also occurred: many 18th-century advocates of "civilized war" would have reacted with horror at the 20th-century notion of "total war," which sanctioned the wholesale targeting of civilians.

Just war theory underwent a profound transformation during the 16th and 17th centuries, a period that witnessed the development of the modern theory of natural rights. In this profoundly individualistic approach to political theory, rights came to be seen as principles of moral jurisdiction that a person has over his body, his labor, and the fruits thereof. Throughout the literature of this period we see "force" and "fraud" listed as the two basic methods by which rights can be violated — a strong indicator of the similarity between this emerging theory and the conception of rights defended by modern Objectivists and libertarians.

Whereas earlier philosophers had typically used terms like "injury" to specify when a war is justified — a condition that permitted a broad range of interpretations — natural rights philosophers insisted that only a violation of *rights* can justify a war, and that these rights place moral restraints on what belligerents can properly do while fighting a war. As Hugo Grotius (the highly influential Dutch writer on international law and just war theory) put it in his seminal work, "The Rights of War and Peace" (1625):

> Least of all should that be admitted which some people imagine, that in war all [moral] laws are in abeyance. On the contrary, war ought not to be undertaken except for the enforcement of rights; when once undertaken, it should be carried on only within the bounds of law and good faith. [I]n order that wars may be justified, they must be carried on with not less scrupulousness than judicial processes are wont to be.[15]

Grotius saw a kind of madness in the death and destruction caused by wars, which were "justified" in myriad ways. He hoped (perhaps naively) that just war theory would bring the voice of reason to what was typically an irrational enterprise.

Grotius was the first philosopher to develop a *systematic* theory of individual rights to serve as the foundation for his just war theory. This project was continued by Samuel Pufendorf, whose massive work, "The Law of Nature and Nations" (1672), was praised by Locke as "the best book" on political theory ever written.[16] And this is precisely how the celebrated works by Grotius and Pufendorf should be classified: they are comprehensive treatments, first and foremost, of *political theory*, which apply the principles of this discipline to the problem of war. According to Locke, those who read the major works by Grotius and Pufendorf "will be instructed in the natural rights of men, and the original and foundations of society, and the duties resulting thence." These are "studies which a gentleman should not barely touch at, but constantly dwell upon, and never have done with."[17]

Grotius and Pufendorf were not liberal individualists; on the contrary, both reached conclusions that were favorable to absolutism in some respects. But (as Locke indicated) they presented a theory of natural rights that could be used to solve the fundamental problems of political philosophy. They provided a conceptual structure, an individualistic *methodology* or way of thinking about political problems — including the problem of war — that promised to bring system and coherence to this difficult discipline. They made just war theory a

There is an unfortunate tendency among some Objectivists to map out a short and easy route through the history of ideas that will take them to a predetermined destination. The destination, more often than not, is "altruism."

branch of political philosophy, and they achieved this integration by means of a theory of individual rights. The moral principles that should regulate the interaction of individuals within the same nation, they argued, are essentially identical to the moral principles that should regulate the interaction of individuals in different nations.

Grotius based his theory of rights on an ethics of rational self-interest. In the words of Richard Tuck (a leading authority in this field), Grotius "went back to the principles of the Stoics . . . in particular the Stoic claim that the primary force governing human affairs is the desire for self-preservation. But he interpreted this desire in *moral* terms, as the one and only *universal right*: no one could ever be blamed for protecting themselves. . . ."[18]

According to Grotius, reason enables man to formulate and act upon the general principles that set the foundation for a beneficial social order. Foremost among these conditions is the preservation of one's *suum*, i.e., moral jurisdiction and power over one's life, body, and liberty. For Grotius, these spheres of moral jurisdiction are expressed in terms of *rights*, which define and delimit the use of physical force in society. Grotius would have wholeheartedly agreed with Ayn Rand's statement that *"Individual rights are the means of subordinating society to moral law."*[19]

According to Grotius, people form *political* societies primarily for the individualistic purpose of protecting their rights from the violent invasions of others: "the end of society is to form a common and united aid to preserve to every one his own." Self-preservation is a fundamental right that is violated by the initiation of physical force, so self-defense is a right "which nature grants to every one."[20] Rights "do not prohibit all use of force, but only that use of force . . . which attempts to take away *the rights of another*."[21] The right of self-defense justifies the retaliatory use of force: "a person, if he has no other means of saving his life, is justified in using any forcible means of repelling an attack." This reasoning also applies to our conduct in a just war, which has as its purpose "the preservation of our lives and persons."[22]

Principles of just war theory are said to be altruistic because they supposedly demand that innocent people sacrifice their lives, or at least put them in significant danger, for the sake of other people.

If this approach can be called "egoistic," owing to its emphasis on the morality of self-interested actions, we must keep in mind that it is a *universalistic* egoism — a form of egoism in which every person has an equal right to pursue his self-interest within the boundaries of justice. Considered in terms of fundamentals, this approach is the same as that found in the ethical egoism of Ayn Rand. Unlike the egoism of (say) Max Stirner, Rand maintains that the pursuit of *rational* self-interest should take the rights of other people into account; indeed, the integration of self-interest and rights is perhaps the most impressive feature of her political theory. Nowhere does Rand suggest that respecting the rights of others is "altruistic."

Since even a just war will inevitably involve the killing of innocent people and other rights-violating actions, Grotius and his colleagues devoted considerable attention to this problem. Although they sometimes disagreed over particulars, the acceptance of a rights-based method of analysis permitted them to argue within the same conceptual framework. This framework, I maintain, is also the one best-suited for those modern libertarians and Objectivists who work from a theory of natural rights.

Just war philosophers have attempted to apply objective moral principles knowable to reason both to the cause of war and to the conduct of war.

Allow me to summarize some theoretical features of this approach, beginning with the notion of a state of nature.

A state of nature (or "natural society") is a society without government, i.e., a society without a common sovereign, or judge, who can adjudicate disputes between members of society. Described by John Locke as a condition of "pure anarchy," the state of nature was an extremely useful model that permitted philosophers to explore the extent of *natural* rights, i.e., those enforceable moral claims that individuals would possess in a "natural" society without a government.

Debates over the moral status of individuals in a state of nature played an indispensable role in just war theory, because sovereign nation-states were viewed as being in a state of nature vis-a-vis other nation-states. John Locke expressed the prevailing view of his contemporaries when he wrote:

> 'Tis often asked as a mighty Objection, *Where are*, or ever were, there any Men in such a State of Nature? To which it may suffice as an answer at present: that since all *Princes* and rulers of *Independent* Communities all through the world are in a State of Nature, 'tis plain the World never was, nor ever will be, without Numbers of Men in that state.[23]

As Emmerich de Vattel (an influential 18th-century just war theorist) put it, nations "may be regarded as so many free persons living together in a state of nature."[24]

This means that the reciprocal rights and duties that would apply to individuals in an anarchistic state of nature can also be applied to relationships between sovereign nation-states.

The approach rested on an analogy between self-sovereignty and state-sovereignty, which is why works like those

by Grotius and Pufendorf explored in considerable detail the meaning and implications of "sovereignty." This approach generated a number of serious theoretical problems, as we see in the contention of Pufendorf that states should be viewed as "moral persons" for the purpose of political analysis. (This view owed a good deal to Roman law.)

Such problems are one reason why 17th-century just war theory cannot be accepted "as is" by modern libertarians, whose views on state sovereignty differ from those of our predecessors. Considerable work remains to be done in this field, so I should again emphasize that my discussion of this tradition should not be construed as a blanket endorsement. I am recommending the *methodology* employed by these philosophers, not necessarily their specific conclusions and doctrines.

Closely related to the state of nature model was a way of looking at rights that I call *political reductionism*. This is the doctrine that all rights are ultimately the rights of individuals, and that all rights and powers claimed by a government must be reducible, in principle, to the rights and powers of individuals. As Locke put it, "no Body can transfer to another more power than he has in himself."[25]

Statements of political reductionism abound in the 17th century. Algernon Sidney, a hero to Thomas Jefferson and other revolutionary Americans, wrote that "whatsoever is done by delegated powers, must be referred to the principals; for none can give to any a power which they have not in themselves."[26] According to Gershom Carmichael (a seminal figure in the early Scottish Enlightenment who brought a Lockean perspective to his commentaries on Pufendorf), "civil power is in fact nothing but the right which belonged to individuals in the state of nature to claim what was their own or what was due to them, and which has been conferred upon the same ruler for the sake of civil peace."[27] And Thomas Jefferson affirmed political reductionism in no uncertain terms when he said that "the rights of the whole can be no more than the sum of the rights of individuals."[28] Hence when Ayn Rand stated that a "group can have no rights other than the rights of its individual members," and that "the expression 'individual rights' is a redundancy," she placed herself in a long and venerable tradition of political reductionism.[29]

The model of a state of nature, when combined with political reductionism, generated a method of reasoning about war that enabled philosophers to analyze complex moral issues in a systematic fashion. What rights (and corresponding duties) would individuals possess in a state of nature? It was by addressing this question that philosophers of war ascertained the rights and duties that one sovereign nation possesses vis-a-vis other sovereign nations in the anarchistic arena of international relationships.

In other words, before philosophers in this tradition discuss what actions *nations* may properly undertake in self-defense, they first discuss what actions *individuals* in a state of nature could properly undertake. Some of these discussions are fascinating for the amount of detail they contain. For instance, in considering the old problem of whether one may kill a thief in self-defense, Grotius considers the distinction between "a thief who steals by day, and the robber, who commits the act by night." After noting that many previous philosophers had considered this problem, Grotius notes that "they differ about the reason for this distinction," while adding that they seem not to "have considered the question in its proper light" — which Grotius, of course, then proceeds to do.[30]

In a similar vein, Pufendorf considers problems like the following: suppose that, after a shipwreck, more men leap into a boat than it is capable of carrying, and that "no one has more Right than another to it." (Pufendorf suggests that they draw lots to determine "who shall be cast overboard"; and that if "any Man shall *refuse* to take his chance, he may be thrown overboard without any more ado.") Or suppose that we have a situation in which "*two* happen into imminent Danger of their Lives, where *both* must perish. . . ." (In this case, "one may . . . hasten the Death of the other, that he may save *himself*." Pufendorf bases this conclusion on the premise that "every Man is allowed to be *most dear* to himself" — scarcely the kind of self-sacrificial maxim that permeates just war theory, according to Brook and Epstein.[31])

Such problems were not regarded as idle hypotheticals of the sort that might fascinate libertarians after a few beers. They were seen instead as essential to developing a comprehensive theory of the individual right of self-defense. Pufendorf even considers the problem of what right, if any, an aggressor has to self-defense; and, like Grotius before him, he explores in considerable detail the problem of threats.

This method of reasoning generated a bright-line test for both the justification of war and the actions taken during a war: If the actions undertaken by a government in the name of self-defense could never, in principle, be legitimate for an individual to undertake in self-defense, then those actions must be condemned as morally improper. Within the individualistic tradition of just war theory, this state of nature analysis may be called the moral paradigm of a just war.

There is one other theoretical problem that bears mentioning, namely, the problem of acting as judge in one's own case. When Aristotle pointed out that "people are generally bad judges where their own interests are involved,"[32] he was calling attention to a problem that would be widely discussed by later philosophers. Political philosophers, regardless of their views on the proper limits of governmental power, generally agreed that a government should at least provide a judicial authority to which subjects and citizens can appeal to resolve conflicts that might otherwise end in perpetual violence.

Grotius would have wholeheartedly agreed with Ayn Rand's statement that "Individual rights are the means of subordinating society to moral law."

This solution was not available in the realm of international affairs, since sovereign nations stand in a state of nature

relative to other nations. In response, some philosophers advocated a league of nations that would serve as a common judge; some even called for a world government of sorts. But these proposals never gained traction in the 17th century, and it is with good reason that contemporary libertarians and Objectivists regard the United Nations with a jaundiced eye as a jury that includes criminals of the worst sort.

Rand maintains that the pursuit of rational self-interest should take the rights of others into account. Nowhere does Rand suggest that respecting the rights of others is "altruistic."

There was another aspect to the solution proposed by Aristotle and other political philosophers to the problem of bias; this was the *rule of law,* entailing the formulation of general moral principles and their application to war. To formulate and justify such principles is exactly what just war theorists have attempted to do. But there is an aspect of this project that can easily be overlooked, namely, that the general principles of war (especially those that pertain to *jus in bello,* or *how* a war should be fought after it has begun) will apply to *all* belligerents in warfare. It would be pointless, for example, to formulate a rule according to which the good guys may target enemy civilians but the bad guys may not. This rule would be pointless because every side will see itself as the "good guys." Rules about the conduct of war are thus intended to apply across the board, to good guys and bad guys alike.

Some Objectivists will doubtless object to this procedure, claiming that it introduces "subjectivism" into just war theory. Why should an innocent nation be constrained by the same rules of warfare that a guilty nation should observe? What does it matter if an aggressor nation *believes* that it is acting justly? These are perfectly legitimate questions, but to provide satisfactory answers would require more consideration than I can give them here. Suffice it to say that just war theorists wished to limit the barbarism of warfare per se, by sparing innocents as much as possible. As students of both human nature and history, they understood how easily people can rationalize and convince themselves that they are fighting in a just cause, however implausible their reasons may appear to others. This is nothing other than the problem of acting as judge in one's own case on an international stage, with the result that judgments will exhibit a *national* bias.

In the absence of a common judge to resolve international disputes, just war theorists emphasized a code of rules that should be observed by *all* sides in war. This was seen as the international equivalent of the rule of law. Grotius, Pufendorf, and their colleagues would have strongly endorsed Rand's contention that even the *retaliatory* use of force should be regulated and restrained by "an *objective* code of rules."[33] What Rand regarded as essential for the preservation of peace, justice, and social order in the *national* sphere, Grotius regarded as equally essential in the *international* sphere.

Let's take a brief look at some of these rules.

IV

As Douglas Lackey puts it in his excellent introduction, the rules of *jus ad bellum* "determine *when* it is permissible or obligatory to begin a war," whereas the rules of *jus in bello* determine *"how* a war should be fought once it has begun."[34]

Brook and Epstein summarize some of the leading principles of just war theory as follows:

> Broadly speaking, Just War Theory holds that a nation can go to war only in response to the impetus of a "just cause," with force as a "last resort," after all other non-military options have been considered and tried — with its decision to go to war motivated by "good intentions," with the aim of bringing about a "good outcome." And it holds that a nation must wage war only by means that are "proportional" to the ends it seeks, and while practicing "discrimination" between combatants and non-combatants.

This is a fair and accurate account, one that might have heralded a valuable critique of just war principles from an Objectivist perspective, had these authors retained their own objectivity.

Good Intentions

Consider the principle that a just war must be waged with "good intentions." According to Brook and Epstein, "good"

> means "altruistic." According to Just War Theory, it is wrong for a nation to be exclusively concerned with its own well-being in deciding whether to go to war; it must demonstrate concern for the well-being of the world as a whole — including the well-being of the nation it is attacking. Only such a concern will yield a "good outcome" — that is, an altruistic outcome. . . . (This notion is, unsurprisingly, rooted in Augustine's religion, Christianity, which countenances [sic] us to love everyone . . .)

It is far easier to tangle ideas than to untangle them, and fully to untangle the ideas in this passage would require a good deal of space. The principle of good intentions can be interpreted in a variety of ways, depending on the ideological presuppositions of a given philosopher, but the essential core of the principle may be stated as follows: If we have a just reason for going to war, then, if we decide to wage war, this decision and the actions we take thereafter should be *motivated* by this reason. The just reason, in other words, should not be used as a *pretext* to disguise unjust motives, such as the desire for plunder or territorial conquest.

Here as elsewhere Brook and Epstein fasten the charge of "altruism" on a principle by insisting that the entire tradition of just war theory is rooted in Augustinian altruism. I have already discussed the absurdity of this allegation. But I would like to say a few words about Augustine's position on this subject.

According to Augustine, war should be waged "in order to obtain peace."[35] This was a common viewpoint, one that had been stated by Aristotle and later by Cicero, according to whom wars "ought to be undertaken for this purpose, that we may live in peace, without injustice."[36] But Augustine gave a peculiar twist to this good intention; he maintained that since peace is the foundation of social order, and since social

order benefits everyone, even the aggressors in war will benefit from their own defeat, provided a war is truly fought to secure peace.

This is the main avenue by which altruism enters Augustine's account of war. He argued that just wars, insofar as they aim at peace, should be concluded in a manner that benefits everyone, including the aggressors. Hence this altruism does not entail the sacrifice of the innocent for the sake of the guilty.

Augustine was principally concerned with eliminating the desire for revenge as a motivation for war. Hence: "just as you use force against the rebel or opponent, so you ought now to use mercy towards the defeated or the captive, and particularly so when there is no fear that peace will be disturbed."[37] He insisted that a just war must be motivated by the desire to restore and maintain a just peace — a goal that will benefit victor and vanquished alike.

It should be noted that Augustine's altruism had an especially ugly side to it — a theory of "righteous persecution," according to which people can be coerced for their own good. (I discuss this in my article, "Philosophies of Toleration."[38]) But when Augustine applied altruistic reasoning to the subject of war, he arrived at a principle of good intentions that sought to mitigate the savage retribution that was often inflicted on the losers. However we may evaluate the complex issues involved here, Augustine's position bears little resemblance to the account given by Brook and Epstein.

As I indicated previously, the principle of good intentions calls for a correspondence between reasons and motives: It says, in effect, that our justification for going to war should be sincere, that it should not serve as a pretext for ulterior motives. This is simply a call for moral integrity.

Last Resort

The principle of last resort states that nations, including those that have just cause to engage in war, should exhaust all peaceful alternatives to resolve their disputes before resorting to violence. Various qualifications attend this principle, which are captured by the stipulation that these alternatives must be *reasonable*; for example, the pursuit of a peaceful alternative must not significantly increase the danger facing a nation.

The most interesting thing about the principle of last resort, in view of the fact that it made the Brook and Epstein list of altruistic principles, is that it was frequently defended as a self-interested measure. Even a victorious nation will typically suffer a great deal of death and destruction during war, so a sovereign who has the welfare of his subjects at heart will not subject them needlessly to the horrors of war. As J.J. Burlamaqui (who popularized many of the ideas of Grotius and Pufendorf) explained:

> However just reason we may have to make war, yet as it inevitably brings along with it an incredible number of calamities, and oftentimes acts of injustice, it is certain that we ought not to proceed too easily to a dangerous extremity, which may perhaps prove fatal to the conqueror himself.[39]

Since the primary duty of a government is to protect its subjects, a sovereign is obligated to observe the principle of last resort "in consequence of the very nature and end of government."

> For as he ought to take particular care of the state, and of his subjects, he should not expose them to the evils with which war is attended, except in the last extremity, and when there is no other expedient left but that of arms. It is not therefore sufficient that the war be just in itself with respect to the enemy; it must also be so with respect to ourselves. . . .[40]

In the final analysis, every evil that accompanies a war — from an increase in taxes and a loss of civil liberties to the unintentional but foreseeable killing of innocent people — is an argument in favor of the principle of last resort.

Proportionality

Of all the traditional principles of just war theory, the rule of proportionality is the most troublesome. As explained by Grotius, it pertains to the relationship between means and ends. Thus conceived, it is a general principle of moral reasoning, not a principle that applies only to war.

In the most general terms, the rule of proportionality states that the good produced by an end must be greater than the evil produced by the means required to achieve that end. This rule applies both to *jus ad bellum* (when a war should be fought) and to *jus in bello* (how a war should be fought).

When Grotius and other individualists applied the rule of proportionality to *jus ad bellum,* they used it mainly as a rule of thumb to determine when a nation should engage in war as a matter of prudence, even if it has a just reason for doing so. If an innocent nation is threatened by an aggressor with far greater military might, such that the innocent nation has no realistic hope of victory, it might be wise for it to avoid war and negotiate with the aggressor instead, on the ground that this alternative will cause less harm to its citizens. Even if a nation has a reasonable chance of victory, the harm generated by a war may far outweigh the good that a victory will bring about.

This reasoning was based on a distinction between wars that are permissible versus wars that are obligatory. A just cause establishes the *right* to engage in war, but a right entails a moral *option,* not a moral *obligation,* to do something. Although we may have a right to engage in a particular war, it would be foolhardy to rush headlong into that war without first taking practical considerations into account. Individualists regarded the rule of proportionality, as applied to *jus ad bellum,* as a method of practical reasoning that would assist us in this kind of deliberation.

The model of a state of nature, when combined with political reductionism, generated a method of reasoning about war that enabled philosophers to analyze complex moral issues in a systematic fashion.

The rule of proportionality is also applied to *jus in bello*, where "proportionality" is viewed in terms of a given military strategy or tactic. Will the expected good produced by a given tactic (e.g., strategic bombing) outweigh the evil produced by this means (e.g., the killing of innocent people)? An early formulation of the principles of proportionality was given by Vitoria:

> [C]are must be taken to ensure that the evil effects of the war do not outweigh the possible benefits sought by waging it. If the storming of a fortress or town garrisoned by the enemy but full of innocent inhabitants is not of great importance for eventual victory in the war, it does not seem to be permissible to kill a large number of innocent people by indiscriminate bombardment in order to defeat a small number of enemy combatants.[41]

This application of the rule of proportionality has generated a good deal of criticism, and I freely concede that some of the objections raised by Brook and Epstein are well-taken (if we put aside the usual nonsense about "altruism"). For one thing, "proportionality" is a type of measurement, and this presupposes a uniform *standard* of measurement — and it is far from clear what this standard should be in time of war.

In the realm of *jus in bello*, individualists often invoked "necessity" rather than a rule of proportionality; they argued that those engaged in a just war should use only the amount of force necessary to win the war. Granted, a standard of "necessity" can be as vague and ambiguous as "proportionality," but the former does not entangle us in the same nest of theoretical problems about standards of measurement as the latter.

Individualists understood this problem, of course. They sometimes invoked Aristotle's dictum that moral reasoning does not yield the same degree of precision that we find in mathematics and other theoretical sciences. The judgments of moral reasoning depend a great deal on the "good faith" of the moral agent, i.e., on his sincere desire to apply moral standards to a given situation as conscientiously as possible. And this is where appeals to "conscience" were seen as especially important.

I have no short and easy answers to the problems raised by the rule of proportionality. It obviously has some merit — for example, it would be "disproportionate" to nuke an entire city in order to kill one terrorist — but it is difficult to see how this rule can effectively guide us in resolving closer calls. This is one of those areas in which libertarians and Objectivists may have much to contribute in the future.

Anticipation

The problem of anticipation pertains to when we may legitimately launch a preemptive strike in anticipation of an attack by an aggressor. This problem of "anticipatory self-defense," which has a long and fascinating history, generated two lines of thought, which historians have described as "humanist" and "scholastic."

According to the more hawkish humanist tradition (so-called because it was rooted in Roman thinking about war, which was revived by Renaissance "humanists"), force may be used against a nation solely because its power constitutes a potential threat to other nations. As a leading figure in this tradition, Alberico Gentili (1552–1608), put it: "One ought to provide not only against an offense which is being committed, but also against one which may possibly be committed."[42] This approach was popular among those "balance of power" statesmen who argued that a nation that becomes significantly more powerful than other nations may be attacked in self-defense in order to restore an equilibrium of power. (In this view, the United States would be seen as a standing threat to other nations merely in virtue of its unparalleled power, and so would qualify as a legitimate target for preemptive attacks.)

Individualists rejected the argument that "fear" alone is sufficient to justify a preemptive attack; they preferred the "scholastic" doctrine (so-called because of its association with Catholic "schoolmen," or university professors) that only a real threat can justify a preemptive attack. The arguments they used to distinguish between mere fear and an objective threat are quite detailed, but they boil down to the argument that a preemptive strike is justified only when we are *morally certain* that another party (a) possesses the means to injure us, (b) intends to injure us, and (c) has taken specific actions in which this intention is manifest.

In essence, moral certainty — or "practical certainty," as we might call it today, in contrast to "theoretical certainty" — referred to the highest level of probability. It was generally agreed that only this very high level of probability can justify the drastic recourse to war. There were, however, variations even among individualists. Although all agreed that a mere subjective intention is insufficient, that it must be made manifest in some way, some philosophers advocated more rigorous standards of manifest intent than others. Again, this is one of the many areas in which more work remains to be done.

Conclusion

In suggesting that libertarians and Objectivists should take a closer look at their intellectual predecessors, I have not claimed that these just war theorists gave satisfactory solutions to all the problems generated by war. Nor do I claim to have solved these problems myself. Indeed, I would say that any person who is not deeply troubled by them has not given them serious thought, for they are among the most difficult problems in the entire discipline of ethics. I do think, however, that the natural rights foundation of modern libertarian thought holds great promise in working out reasonable solutions, and that a good place to begin is by examining the successes and failures of those philosophers who first attempted to apply a theory of individual rights to the problems of war. ❑

Notes

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2. *Ibid.* 286–7.
3. Murray N. Rothbard, "The Ethics of Liberty" (Atlantic Highlands, NJ: Humanities Press, 1982) 191.
4. *Ibid.* 189.
5. Vernon J. Bourke, "Ethics: A Textbook in Moral Philosophy" (New York: Macmillan, 1951) 353.
6. Thomas J. Higgins, "Man as Man: The Science and Art of Ethics" (Milwaukee: Bruce Publishing Co., 1948) 570.
7. http://www.theobjectivestandard.com/issues/2006-spring/just-war-theory.asp
8. Michael Walzer, "Just and Unjust Wars: A Moral Argument with Historical Illustration," 3rd ed. (New York: Basic Books, 2000) 81.
9. Quoted in "Aquinas: Political Writings," ed. and trans. R.W. Dyson (Cambridge: Cambridge University Press, 2002) 240–1.
10. *Ibid.* 264.
11. "Francisco de Vitoria: Political Writings," ed. Anthony Pagden and Jeremy

Lawrance (Cambridge: Cambridge University Press, 1991) 303, 11.
12. Aquinas 240.
13. *Ibid.* 240–1.
14. Vitoria 317–19.
15. Hugo Grotius, "Prolegomena to the Law of War and Peace," trans. Francis W. Kelsey (Indianapolis: Bobbs-Merrill, 1957) 18.
16. John Locke, "Political Essays," ed. Mark Goldie (Cambridge: Cambridge University Press, 1997) 352.
17. *Ibid.* 349.
18. "The Cambridge History of Political Thought, 1450–1700," ed. J.H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991) 506.
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Sun, Seegars, and Socialism, *from page 28*

Will the average Cuban get fed up with this kind of nonsense and revolt? I doubt it. There will be an evolution, not a revolution. The national mood is one of consternation, puzzlement, and bewilderment, not anger. The average citizen still has too many warm, fuzzy feelings about the Revolution to toss it on the garbage heap of history. The Cuban state will persist, but it will be quietly overwhelmed from ten million different directions.

The main source of problems will be the Cubans in Miami; those who are politically oriented seem (understandably) to have a chip on their shoulder. Even today, the hardcore anti-Communists protest any company that does any business on Fidel's island. I don't think they'll reintegrate easily with their countrymen on the island; the culture clash will be at least as great as that between East and West Germany. They surely won't gain the reigns of power. More likely, they'll be resented as uppity rich cousins, and frozen out for a long time to come.

Governments everywhere make it their business to subject the productive elements of society to all manner of inconvenience and harassment. The important thing here is that the trend has turned. Conditions will start to improve in Cuba, and its government, already toothless, will likely become increasingly irrelevant.

Tropical Desert

Is there nothing to be said for Cuba? There is, if you're a fan of good cigars. A top-notch Cuban cigar retails for upwards of $10 most places in the world; in Cuba, a Cohiba Elegante goes for $2, and I suspect the locals pay a lot less. Cigars are not in short supply in Cuba. And unlike here, it's considered sociable and politically correct to enjoy one.

But that's about it. Tropical Cuba has been frozen in time, and while its eventual rejuvenation is inevitable, right now it resembles nothing so much as an enormous ruin.

I can't help thinking of the state of affairs at a mining site I visited on the Island of Youth, a large island off Cuba's southern coast. The Russians operated a gold mine there for several years, but have left the scene — and it's a mess. The mill is a jerry-rigged, Rube Goldberg affair, cobbled together from old American equipment and bits and pieces of stuff gathered from the far reaches of the old Soviet Empire.

Nearby were hundreds of 55-gallon drums filled with ore concentrate, each containing perhaps $1,000 worth of unrefined gold. But they were just lying there, untouched for lack of an autoclave. Meanwhile, natural weathering was leeching the arsenic, antimony, and other tasty heavy metals into the water table. A giant warehouse, which served no useful purpose anyone could determine, lay half-built and deteriorating nearby. The shaft to the underground workings lay open, offering idle strollers a hundred-foot plunge.

Words like "safety," "efficiency," and "economy" apparently don't occur in the vocabulary of Russian engineers. This state of affairs is more or less typical of what the Russians have done everywhere, including at home. What's left at the mine site is basically a cleanup operation. In fact, the whole island is.

About 20,000 students, mostly from people's republics in Africa, were housed on the island to study politics and work in gigantic citrus plantations created by the "planners." Not surprisingly, the plantations were the agricultural equivalents of the mine. Scores of high-rise buildings are now abandoned and deteriorating; a few still hold students from garden spots like Equatorial Guinea and Angola, abandoned in Cuba by governments unwilling to repatriate them. Most of the citrus trees are afflicted with a deadly blight and have to be burned. The fruit of those still alive rots on the ground. There's no labor to pick it, and no means to market it.

As the old joke goes, if socialist planners took over the Sahara, they'd organize a shortage of sand. ❑

No More Sofia!

by Jacques Delacroix

After a story told to the author by Lubo Krastev, a musician.

When I was growing up in Sofia, Bulgaria, the Russians were always presented to us as our big brothers, and doubly so: elder brothers in Slavism and Orthodox Christianity, first, but also our predecessors on the radiant path to communism. The kinship must have been real in some way because it is true that they treated Bulgaria better than other satellite countries. For one thing, they had extracted almost no price for the fact that we had been (sort of) on Hitler's side in World War II.

In spite of the lenient treatment, perhaps because of it, we Bulgarians felt less like younger siblings to the Soviets than like poor relations, or country cousins. We always felt that they saw us as somehow dispensable. In fact, when they allocated secret police tasks to the Sister Socialist Republics, they often gave us grotesque jobs such as stabbing dissidents with poisoned umbrellas. When they imposed their ill-fated multinational central planning scheme, COMECON, on Eastern Europe, the Czechs were assigned motorcycles and buses, the Hungarians heavy machinery, the East Germans optics and precision tools (of course!). Bulgaria ended up with a national specialization in ordinary cereals and minor manufactures.

Similarly, when the Red Army drew grand battle plans against a potential NATO invasion, it gave a significant role to the few East German divisions and a whole wing to Hungarian forces not much bigger than ours. It even did Poland the honor of taking precautionary measures against its turning its guns against the socialist "camp." The Bulgarian People's Army, by contrast, was kept mainly in a reserve role and treated hardly more honorably than the hapless Romanian military.

As the Soviet Union imploded and the Eastern Block fragmented, Bulgaria made as if to move away, but neither very far nor very fast. In the new, chaotic east Europe, the fate of Bulgaria did not change much, and nobody much noticed. The world press aimed its searchlights at the dramatic Russian travails, at the optimistic Polish transformation, and at the exemplary (if prissy) Czechoslovak "velvet

continued on page 54

Reviews

"The Slightest Philosophy," by Quee Nelson. Dogear Publishing, 2007, 296 pages.

Expanding on Rand

Warren Gibson

Fans of "Atlas Shrugged," 'fess up: when you came to Galt's speech, did you slog through it or did you skip ahead to see how the action turned out?

It's tempting to skip ahead. The speech is long, repetitive, loaded with invective, and therefore difficult to read solely for its philosophical content. Too bad, because Rand's philosophy of Objectivism deserves serious attention, and the speech does provide an outline of the entire philosophy: ontology, epistemology, ethics, and politics.

Though Rand never wrote the full nonfiction exposition of Objectivism that she contemplated, a large body of Rand scholarship has emerged in recent years, much of it quite thoughtful and constructive, some of it a bit goofy. There are numerous books and articles on Rand's thought, a special interest section of the American Philosophical Association, and the Journal of Ayn Rand Studies. But still too many Rand fans remain intellectually isolated, unaware of or uninterested in writings that may be constructively critical or supportive of her work. An open-minded reading of the critics can only help: you may detect flaws or gaps, or you may find your convictions fortified.

Now out of nowhere comes a book that parallels and complements Rand considerably, without ever mentioning her name.

Quee Nelson self-published "The Slightest Philosophy" knowing that what you are supposed to do in academic publishing is submit a proposal to a mainline academic publisher, then wait by the telephone. While she would have preferred to publish a "respectable book . . . to dream that such would be granted to a laundress of no account would be naive."

So in the spirit of "a handful of crackpots [who] braved a howling wilderness for no good reason besides the fact they had a problem with getting permission," she just did it.

Now, self-publishing is the road taken by incompetents and idlers. But a little page-flipping through "The Slightest Philosophy" suggests a well-organized work with lots of citations. Then you settle down to read, and wonder of wonders: it's easy and pleasant. You have in your hands — well, let me just say it — a masterpiece.

The "laundress," as it happens, holds a graduate degree in philosophy and is a crackerjack writer. Shame on the respectable publishers.

Nelson's expressions of contempt for modern philosophy rival those of Rand. Postmodernism, the ascendant view nowadays, is quite simply "bullshit." Phrases like "Farewell to Truth" and "Madhouse Philosophy" could have flowed right from the Objectivist pen. And with Rand, she believes that ideas matter: "A Cambodian guerrilla deep in a steaming jungle carries a paperback copy of Rousseau, and the next thing you know, a million people are dead." Rand asked, "Philosophy — Who Needs It?" and answered that we all need a philosophy for living on earth. Nelson says pretty much the same: "Even [a person who] refused to embrace any belief besides the conventional wisdom, would not thereby escape from epistemology."

But their basic approaches, though they run parallel for a while, part company in the end.

Rand acknowledged no debt to any preceding philosopher but Aristotle. All the rest just had to go. Such a brush-off is tempting, says Nelson, but not tempting enough. "Laughter as a way to dispose of your opponent's arguments is

far more efficacious than it deserves to be." We didn't get into the present mess, she says, because postmodernists strayed from past masters. "The terrible truth is that postmodernism is what happens when honest, intelligent people read the canonical philosophers and believe them." So her program is radical surgery. "The roots of postmodernism run so deep in philosophy that the condition can only be reversed by a radical surgery that cuts into the very heart of the canon to expose a shocking amount of diseased tissue." And so she sets out to defend "naive realism," a handy if loaded phrase that captures Rand's central idea, "existence exists." Taking her cue from Hume, whom she credits with the idea that "the slightest philosophy teaches us" that vulgar realism is untenable, Nelson lays out a thorough, tightly reasoned critique of idealism and its stepchild, skepticism, and a positive defense of naive realism.

The roots of postmodernism run so deep in philosophy that the condition can only be reversed by radical surgery.

Two short chapters introduce Descartes, Locke, Leibniz, Berkeley, Hume, Kant, Fichte, and Hegel. "I especially pick on Hume and Kant because they're the most influential," she explains. Nelson shows how Kant's disciple Fichte paved the way for the Nazis, a theme taken up by Leonard Peikoff in his underappreciated book "The Ominous Parallels." We get a taste of postmodern philosophers who, "like an honest mirror, embarrassed us by providing for the canonical tradition its necessary *reductio ad absurdum*."

With that we are ready for the real action, two chapters of sparkling dialogue between the Student and the Professor. Here's a sample from Chapter 3, "Seeing Things":

> PROFESSOR: Before there were speakers of the English language, there could not have been any quote-unquote "rocks," i.e., "rocks" as opposed to "boulders," which are bigger, or "pebbles," which are smaller. In other words, this whole ordinary ontology we have now, of "rocks," versus "boulders," versus "pebbles," is just an arbitrary classification scheme we've imposed upon the geological world. . . .
>
> STUDENT: Okay, but good God man, it isn't *just* that! If there were nothing more to rocks than linguistic fashion, then we could create diamonds just by saying certain words.
>
> PROFESSOR: Well yeah, that's right, we can. We can make diamonds out of pig's ears, just by changing our speech habits.
>
> STUDENT: Stop that! . . . There's a huge difference between saying there were no pebbles, rocks or boulders before there were English-speakers, and saying there were no *quote-unquote* "pebbles," "rocks," or "boulders," before there were English-speakers . . . *there were rocks*! And there were planets, and stars, and water, even if there weren't any *minds* around to notice them.

And so it goes. The hapless Professor tries one argument after another and scores a point now and then but, in the end, loses every argument to the clever Student. Sometimes it makes you feel pity for the poor guy. Is Nelson a little too hard on him when she has him spouting this bit of groupthink?

> PROFESSOR: If you're going to cling so tenaciously to your naive, vulgar realism, then you're talking about rejecting so much of the philosophy canon that I'm not sure I can even see you as a person who is a part of the community of people who are practicing Philosophy.

Is this over the top? Perhaps not. Consider this from Donald Davidson, a leading contemporary philosopher:

> The ultimate source (not ground) of objectivity, is in my opinion, intersubjectivity. If we were not in communication with others, there would be nothing on which to base the idea of being wrong, or, therefore, of being right, either in what we say or in what we think.

Wow. So Robinson Crusoe, out of communication on his desert island, has no way to think through his predicament and decide whether it would be right for him to make a spear to catch fish? Or must we, in our advanced society, take a poll to decide whether it would be right or wrong to set fire to the philosophy department? If there is no objective truth and we must all stop thinking and fall back on group consensus, who goes first? Inevitably, the lead falls to the individual best skilled at stirring unthinking passions. Davidson's "intersubjectivity" is an open invitation to the Man on the White Horse.

Nelson's approach is called the "method of abduction" or "reasoning to the best explanation." So, for example, the Professor brings up a standard scenario in modern philosophy, the brain in the vat. We are to imagine a brain kept alive in a nutrient bath with electrodes connected to a supercomputer that provides lifelike sensuous inputs and processes motor output in response. How can the Student be sure he isn't just a brain in a vat? The Student argues that his mundane realist theory only requires that brains exist, whereas the vat story requires more: that brains can actually survive in a vat, that computers can generate convincing simulations, etc. The vat theory is not logically impossible, but it is so implausible as to be absurd. It is more vulnerable to failure because it requires piling on improbable assumptions, each of which reduces the probability that the theory works. The Student's mundane theory wins because it requires fewer assumptions and is therefore more robust.

Nelson's abduction would not sit well with Rand. The "best explanation" that abduction aims for would presumably exhibit correct reasoning, simplicity, and elegance, but this wouldn't reach far enough for her. She would very likely agree with nearly all the Student's criticisms of the Professor, yet

Must we take a poll to decide whether it would be right or wrong to set fire to the philosophy department?

she would surely say that he concedes too much and thereby relinquishes much of the certainty that she insisted her reasoning provided. For her, when an opponent falls into self-contradiction, it's all over.

One of Nelson's divergences from Rand appears in a little section titled "The Skeptic as Kamikaze." Both would agree on the self-contradiction of the skeptics. The Student tells us, "Skepticism says no belief regarding any matter of fact is a justified belief. If so then that can't be a justified belief either. Game over. You lose. I win."

Rand would leave it at that, but the Professor cautions the Student that he should compare the skeptic to a kamikaze pilot, and "you'd better be sure he can't sink your ship and take you down with him." The Student concedes that skepticism, though it defeats itself, could nevertheless have the power to disprove a particular philosophy on the way down by reducing it to absurdity. The Student notes that the skeptic's work is never done, and the Professor concurs. But the Student accepts the Professor's view of kamikaze skepticism and falls back on the argument that it is absurd to think that skepticism is "powerful and cogent enough to defeat every single [epistemology] from now until the end of time."

The Student, with Rand, has no use for pragmatism either. This is the philosophy that tells us to forget about objective truth and just go with what works, ignoring the fact that deciding what works requires an objective standard. "Your so-called Pragmatism does not and could not solve or overcome the fallacious skepticism that motivates it," says the Student. Yet the Student's method of abduction is unsettlingly similar to pragmatism. We are to reason to the best solution. What is the best solution? The one that works best? By what standard, and why?

Notwithstanding these misgivings, I believe that Nelson has achieved something rare and important. She has produced a book that offers top-notch scholarship, yet is written so that any intelligent person can read, understand, and enjoy it. Quee Nelson has lifted my spirits and re-ignited my personal interest in philosophy. "The Slightest Philosophy" has already entered my short list of all-time favorite books. ❑

"My Grandfather's Son," by Clarence Thomas. Harper, 2007, 289 pages.

Long Journey, Hard Road

J. H. Huebert

Clarence Thomas is many libertarians' favorite Supreme Court justice, and with good reason: his opinions hew more closely than those of any other current justice to the original meaning of the U.S. Constitution.

His dissenting opinion in *Raich* v. *Gonzalez* provides an outstanding example. In that case, the majority held that Congress could prohibit cultivation, sale, and use of medical marijuana, even if that activity occurs entirely within one state, under the Constitution's commerce clause. Justice Thomas attacked the majority view, writing: "If Congress can regulate this under the Commerce Clause, then it can regulate virtually anything — and the Federal Government is no longer one of limited and enumerated powers."

Dissenting from the notorious *Kelo* v. *City of New London* decision, Justice Thomas argued that the eminent-domain power was never intended to allow the government to take from one private party to give to another.

And in a dissent in *Lawrence* v. *Texas*, he argued that state laws prohibiting sodomy may be inappropriate restrictions on freedom — but should be repealed by state legislatures, not by a Supreme Court that presumes to answer controversial policy questions for the entire country.

The Constitution is far from perfect — after all, it has failed to stop the enormous growth of the federal government over the past century. But there can be no doubt that if four other justices (out of the nine) shared Thomas's views, government would become much smaller.

Of course, the majority of the country knows and cares nothing about originalist judicial philosophy. Their ideas about Clarence Thomas stem instead from Anita Hill's scandalous allegations at his televised confirmation hearings. And a certain segment of the country hates him for holding views on race and economics that are inimical to theirs.

For all these reasons, Justice Thomas' memoir, "My Grandfather's Son," is of interest.

The majority of the book covers the period of Justice Thomas' life before he was a household name — indeed, the book concludes on his first day at the Supreme Court.

Justice Thomas takes us back to his birthplace, Pin Point, Georgia, where he and his fellow blacks spoke Gullah, a version of creole dialect. Raised by his grandparents (hence the book's title) in nearby Savannah, the young Thomas learns something that is a theme in the biographies of virtually all highly successful people: *self-discipline*. His grandfather makes him put schoolwork first, work for the family fuel-oil business and farm second, and play last.

Explaining why he would not take government assistance, Thomas' grandfather told him, "Because it takes away your manhood. You do that and they can ask you questions about your life that are none of their business. They can come into your house when they want to, and they can tell you who else

can come and go in your house."

Thomas summarizes that for his grandfather real freedom meant independence from government intrusion, which in turn meant that you had to take responsibility for your own decisions. When the government assumes that responsibility, it takes away your freedom — and wasn't freedom the very thing for which blacks in America were fighting?

As Thomas grew up, he rebelled for a time, and resentment against race discrimination in the late 1960s drove him to radical politics. But his experiences with reality and the lessons learned from his grandfather made him question leftist rhetoric before long. A book by Thomas Sowell, "Race and Economics," and conversations with George Mason University economist Walter Williams helped shape his thinking, too, as did two novels by Ayn Rand, "The Fountainhead" and "Atlas Shrugged."

We could find things to criticize in Thomas' ideas and career. For example, in recent decisions, he has been far too willing to cede a disturbing amount of power to the executive branch of government.

In Thomas' time as chair of the Equal Employment Opportunity Commission during the Reagan administration, he ran his office conservatively, doing his best to avoid baseless discrimination lawsuits and to bring his budget under control. But like the president who appointed him, he never pressed to have his office eliminated — which, of course, it should have been under his own limited-government constitutional philosophy.

The book shows how far enemies of liberty will go to stop someone who threatens their agenda.

Yet even his mild reforms in that office — combined with his statements that government handouts and preferences are not the solution to blacks' problems — caused the press and so-called civil rights groups to attack him viciously, long before anyone had heard of Anita Hill.

Thus, the book provides food for thought on whether it is advisable for an advocate of liberty to work within government. And, through the details of his EEOC tenure and especially his Supreme Court confirmation hearing, the book also shows how far enemies of liberty will go to stop someone they perceive as a threat to their agenda.

Unfortunately, Clarence Thomas is probably the best we will ever do on the Supreme Court. It seems unlikely that any president or senators will be inclined to appoint or confirm another nominee who would tell them that they cannot just do whatever they want. But while he is there, it is good to have Justice Thomas as a frequently dissenting voice, reminding those who are paying attention that there should be limits on government — and providing a far better example for poor young blacks than all of his venom-spewing critics combined. ❑

"Infidel," by Ayaan Hirsi Ali. Free Press, 2007, 368 pages.
"Now They Call Me Infidel," by Nonie Darwish. Sentinel HC, 2007, 272 pages.

Double Infidelity

John Lalor

The life-journeys of these two authors represent a bravery and self-analysis beyond the comprehension of most in the West.

Both women renounced their Islamic faith, westernized, and spoke openly in criticism of Muslims. But first, they made a far braver step: they started to question their own cultures.

Hirsi Ali was a Somali refugee who became a member of parliament in the Netherlands. Her accounts of her earlier life — in Somalia, Saudi Arabia, and Ethiopia — lack nothing as an exposé. However, the radicalization of Muslim youths in these countries is a relatively new problem — and one far more complex than Westerners would like to believe.

Not until the rise of the Muslim Brotherhood in Somalia during Hirsi Ali's childhood were strict dress codes and moral crusades common. From her own explanations, and examples of other strict adherents, we are shown that the *burqa* and *hijab* are not, in fact, symptoms of female oppression.

Remarkably, they are displays of strength and superiority over others. This will, of course, seem a self-evidently ridiculous statement, if you are not aware of what Islam can represent to the adherent. In The Wall Street Journal, Shelby Steele explained:

> [The Islamist's] group is God's archetype, the only authentic humanity, already complete and superior. No striving or self-reflection is necessary.

The wearing of hardline Islamist clothing is to the wearer what a muscle-bound Hercules is to a bunch of scrawny 90-pound weaklings: a condescending power display. The protagonist — but not necessarily the observer — is aware of the importance of the *burqa* and *hijab*. If there is to be any feeling for the

infidel, aside from intolerance and superiority, it is pity.

Both authors' accounts of the school curriculum, focused on dogmatic, unquestioned immersion in the Quran, and a vicious indoctrination of hatred towards Jews and Israel, are shocking and saddening. Hirsi Ali's description of reaching the Netherlands awakens the reader to what is occurring daily, not in far-off lands — but within Europe.

For a long time, the Dutch believed that the best way to help immigrants assimilate was to build them mini-Mogadishus.

Within the refugee centers, and, later, the community, Hirsi Ali could see the damage this caused: her compatriots remained in stasis, neither integrating nor seizing the opportunities the Netherlands offered. Hackneyed accusations of racism and prejudice were their connection to Europe.

One of Hirsi Ali's first acts as a member of parliament was to demand a police investigation to record precisely how many "honor killings" occur in the Netherlands each year. Such a heinous crime had been simply ignored by her adopted homeland. The uncovering of this and other activities in the Muslim communities forced Hirsi Ali into hiding, and, eventually, emigration to the U.S. Her atheism is seen as apostasy by the Islamists — punishable by death.

For weeks, between the assassination of Theo van Gogh, a filmmaker killed by a jihadist in 2004, and her immigration to America, Hirsi Ali remained under the strictest protection, on the run from the threat of a similar — and, indeed, promised — fate.

The life of Nonie Darwish was strongly influenced by the fate of her father, Lt. Gen. Mustafa Hafez, who in the 1950s was sent by Egyptian president Nasser to command Egyptian army intelligence in Gaza. There, he established the *fedayeen*, which launched attacks on southern Israel. Beloved by the Palestinians, Hafez was killed by the Israeli Defense Forces in 1956, when Nonie was only eight.

But certain things stuck in young Nonie's mind, other than the supposed glory of having a *shahid* (martyred) father. Like Hirsi Ali, throughout her childhood she displayed a constant curiosity about her surroundings. One issue bothered her especially: How could so many Egyptians be so poor? The reply was always the same fatalism: *insha-Allah* — "God willing."

A life spent following the Quran is a life spent doing God's will, but in today's world of satellite television and cheap air travel, the impoverished Arab youth is realizing that God's will delivers precisely the opposite of that which is enjoyed by the infidels of the West. The confused bitterness of these authors' fellow Muslims festers painfully.

Darwish describes Muslim society as rife with complex problems. Unstable relationships within the family — and especially those between men and women (who are seen, in *sharia* law, as basically chattel) — are initially created by a wife entering marriage with no power. Also, because of the perceived threat of a female friend stealing her husband, a woman cannot form solid friendships. Suspicion, insecurity, and an absence of love prevail.

Contemporary Islam and the Individual — a Collision Course?

"Life is better in Europe than it is in the Muslim world because human relations are better, and one reason human relations are better is that in the West, life on earth is valued in the here and now and individuals enjoy rights and freedoms that are recognized and protected by the state." ("Infidel," p.348)

It took centuries for the western world to travel from a society dominated by kings, social hierarchy, and religious intolerance to the Reformation, Enlightenment, the separation of the church and state, reason, and individual freedom. Ayaan Hirsi Ali's journey, as she relates it in this book, from the Muslim faith of her childhood, from a world in which women were subjugated and beaten into submission, to the world of reason and individual freedom, took only a few years.

Her story describes in vivid detail how the intolerance of Islam itself was responsible for the attacks of Muslims on "non-believers" — among others, for the *fatwa* against Salman Rushdie in 1989 for his "Satanic Verses," for the planes flown into New York's World Trade Center in 2001, for the violence that erupted over the publication in 2005 in Denmark of cartoons depicting Muhammad, for van Gogh's assassination in Holland in 2004, and for the threats against Ayaan herself.

After the attack on the World Trade Center in New York on the morning of Sept. 11, 2001, people often said: "It's so weird, isn't it, all these people saying this has to do with Islam?" To this Ayaan responded: "Not frustration, poverty, colonialism, or Israel: it was about religious belief, a one-way ticket Heaven. . . . It *is* about Islam."

"Videotapes of old interviews with Osama Bin Laden began running on CNN and Al-Jazeera. They were filled with justification for total war on America, which, together with the Jews, he perceived as leading a new Crusade on Islam."

Bin Laden's quotes from the Quran resonated in the young Ayaan's mind: "When you meet the unbelievers, strike them in the neck . . . . kill them, seize them, besiege them, ambush them. . . . The Hour [of Judgment] will not come until the Muslims fight the Jews and kill them."

A new kind of Islam was on the march. It was much deeper, much clearer and stronger — much closer to the source of the religion. It was not a passive, mostly ignorant, acceptance of the rules: "God wills it." It was about studying the Quran, really learning about it, getting to the heart of the nature of the Prophet's message. It was a huge evangelical sect backed massively by Saudi Arabian oil wealth and Iranian martyr propaganda. It was militant, and it was growing. — Bettina Bien Greaves

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Urban Sprawl, Liberty, and the State • Learn why environmentalists want you caged in cities, and how they plan to do it — with *Jane Shaw, Richard Stroup, Fred Smith,* and *Randal O'Toole.* (CD: A-414, Cassette: B-414, VHS: V-414)

My Dinner With James Madison • *Scott Reid* views modern America through the eyes of a Founding Father. Our Madison discusses some little-known alternatives at the Constitutional Convention, and why they would have been better for freedom. (CD: A-415, Cassette: B-415, VHS: V-415)

The New Liberty and the Old • *R.W. Bradford* explains how fundamental changes are reshaping the libertarian movement, and forthrightly takes on the advocates of the non-aggression imperative. (CD: A-416, Cassette: B-416, VHS: V-416)

Using the First Amendment to Smash the State • *Durk Pearson* and *Sandy Shaw* tell how they've used the First Amendment to wage total war against the government. Learn how they brought the FDA to its knees! (CD: A-417, Cassette: B-417, VHS: V-417)

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2004

Liberty: What's Right vs. What Works • *Charles Murray, David Friedman, R.W. Bradford,* and *David Boaz* examine how we argue for liberty — and why we're really for it. (CD: A-601, Cassette: B-601)

Anarchy vs. Limited Government • The same all-star panel of *David Boaz, Charles Murray, David Friedman,* and *R.W. Bradford* reinvigorate the debate between radically smaller government and no government at all. (CD: A-602, Cassette: B-602)

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Isabel Paterson and the Founding of Modern Libertarianism • *Stephen Cox* looks at the life and work of the political philosopher who was Ayn Rand's mentor. (CD: A-605, Cassette: B-605)

The 2004 Election • *Stephen Cox, R.W. Bradford, David Boaz, Bruce Ramsey,* and *Doug Casey* make the case for Kerry, Bush . . . and against voting at all. (CD: A-606, Cassette: B-606)

The War in Iraq: Can It Be Justified? • *John Hospers, Tim Sandefur, Bruce Ramsey,* and *R.W. Bradford* try to untangle the confused thinking that shrouds the war in Iraq. (CD: A-607, Cassette: B-607)

Fighting the FDA and Winning • *Sandy Shaw* and *Durk Pearson* tell how they beat the FDA in their fight for free speech and better health. (CD: A-608, Cassette: B-608)

Are Americans Freer Today Than They Were 100 Years Ago? • *David Boaz, Durk Pearson, Tim Sandefur,* and *David Friedman* discover that freedom is a lot more complex than how much we are taxed. (CD: A-609, Cassette: B-609)

Why Drugs Haven't Been Legalized • *Alan Bock, David Friedman, R.W. Bradford,* and *Andy von Sonn* explore why, with all the evidence that marijuana is substantially less harmful than alcohol and that its criminalization does great harm, possession of marijuana is still a criminal offense. (CD: A-610, Cassette: B-610)

Ayn Rand's Novels and the Critics • Many fans of Ayn Rand think her books were mostly ignored by reviewers. Not so, *David Boaz* discovers. (CD: A-611, Cassette: B-611)

Liberty in Film • *Jo Ann Skousen, Doug Casey, Stephen Cox, R.W. Bradford,* and *John Hospers* explore what makes a good libertarian film, and offer a few of their favorites, including some very surprising choices. (CD: A-612, Cassette: B-612)

Garet Garrett and the Old Right Vision of Empire • *Bruce Ramsey* takes a close look at a dynamic critic of the New Deal and the rise of the American Empire. (CD: A-613, Cassette: B-613)

2006

Libertarianism and Religion • *Jo Ann Skousen, Charles Murray, David Friedman,* and *Stephen Cox* discuss the nuanced and sometimes tempestuous relationship between religion and the freedom movement. (CD: A-102, Cassette: B-102)

Liberty in Film • In this installment of a beloved, traditional Liberty conference panel, *Jo Ann Skousen, Jack Pugsley, Tim Slagle,* and *Gary Jason* talk about why film is important to libertarians, and which films recommend themselves to libertarians. (CD: A-103, Cassette: B-103)

Ben Franklin (Warts and All) Takes On His Libertarian Critics • Franklin was one of America's greatest champions of liberty, says *Mark Skousen,* despite what many libertarians think. (CD: A-104, Cassette: B-104)

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Under conditions of polygamy, Darwish shows, better-connected men have a better choice of women. As a consequence, there remain large numbers of poor, uneducated men who have no available partners. This does not produce a harmonious society.

Secretly, Hirsi Ali destroyed her own ability, as it were, to remain ignorant enough to suffer a Somali marriage. She had read countless trashy women's novels from the United States. She had been corrupted. But, more honestly, she had seen the dynamics of a fruitful, romantic relationship.

To many in the West, the life-threatening work done by Hirsi Ali and Darwish means little. But these women have lifted the veil on Muslim culture — most importantly, from within. ❑

"No Country for Old Men," directed by Ethan Coen and Joel Coen. Miramax, 2007, 122 minutes.

Can't Stop What's Coming

Jo Ann Skousen

We've all run into strangers who raised the hair at the nape of our necks. Something about the eyes, at once vacant and intense, calm and inscrutable, just gives us the willies and makes us want to get the hell out of there. Javier Bardem plays such a stranger in the Coen brothers' Oscar-winning "No Country for Old Men," a bad guy so bad that he seems to embody evil itself.

As the film opens, Anton Chigurh (Bardem) has just been arrested while carrying an ominous device that looks like a cross between a milk can and a pesticide sprayer. We don't know what it is, but we know it has to be bad, just by the look of its user — the weird hear-no-evil hairstyle, the crazed intensity about the eyes, the remote stillness about his movements. As the self-satisfied deputy proudly calls the sheriff to report Chigurh's arrest, we barely notice Chigurh handcuffed on the bench behind him in a distant, out-of-focus shot, almost incidental to the scene. Still out of focus, the deputy still gloating, Chigurh leans quickly backward, his legs reach up, and his cuffed arms reach around and over his feet. Suddenly he is looming over the deputy, his handcuffs now a weapon. There is no stopping him.

While Chigurh is strangling the deputy with his handcuffs, the camera focuses not on the fight but on the scuff-marks being created by the deputy's shoes. Not another sound is heard. By the time the scene ends the floor is covered in violent black marks, a testament to the intensity of the struggle, and a detail I would never have considered if the Coens hadn't presented it.

Later, Chigurh menaces a character who is bargaining for life. The camera's point of view moves outside, across the sunny street, and we see Chigurh exit the front door. We haven't heard a shot; we don't know how the bargaining ended; perhaps he let this victim go. And then Chigurh looks at the sole of his shoe and calmly wipes it on the mat. Oh. Blood.

Camera work like this is what sets the Coens apart. They are brilliant storytellers, composing their shots with the care and attention of a Georges Seurat assembling his characters at La Grande Jatte. Let the likes of Spielberg and Scorsese show off their skill at recreating gristly, realistic amputations and shots to the head; I'll take the more subtle thrill of horror created by the Coens any day.

The story, based on a book by Cormac McCarthy, is imbued with a mythic quality, its characters iconic symbols of greed, temptation, and relentless evil. If Chigurh is the arch-villain, Llewelyn Moss (Josh Brolin) is the tragic hero, motivated by good intentions but possessing a fatal flaw: he can't pass up $2 million when it falls into his lap. Greed is his downfall.

While hunting antelope one day, Moss stumbles across the aftermath of a drug deal gone bad. Bodies litter the ground. Even the dogs have been shot. The drugs are still there, and the money is still there. Who's to know if he takes it? Like a dog protecting his bone, Moss will stop at nothing to protect his stash. But he hadn't reckoned on the unstoppable Chigurh, and the two of them play a tense game of cat-and-mouse for most of the film.

A classic tale is not complete without a Chorus, here embodied by Sheriff Ed Tom Bell (Tommy Lee Jones), a third-generation lawman who narrates the film. Like the Chorus, he evaluates the community and establishes a moral guideline. He's a calm sheriff with a droll wit who realizes that nothing makes sense any more. An old-school gentleman, at one point he laments, "It starts when you begin to overlook bad manners. Anytime you quit hearing 'sir' and 'ma'am,' the end is pretty much in sight."

Chigurh looks at the sole of his shoe and calmly wipes it on the mat. Oh. Blood.

Bell's opening narration compares the New West with the Old West and explains why this new world is "no country for old men":

> Some of the old-time sheriffs never even wore a gun. . . . Can't help but wonder how they'd've operated these times. There was this boy I sent to the 'lectric chair at Huntsville here a while back. . . . He killt a 14-year-old girl. Papers said it was a crime of passion but he told me there wasn't any passion to it. Told me that he'd been planning to kill somebody for about as long as he could remember. Said that if they turned him out he'd do it again. Said he knew he was going to hell. Be there in about 15 minutes. I don't know what to make of that. I surely don't. The crime you see now, it's hard to even take its measure. It's not that I'm afraid of it. I always knew you had to be willing to die to even do this job. But, I don't want to push my chips forward and go out and meet something I don't understand. A man would have to put his soul at hazard. He'd have to say, "Okay, I'll be part of this world."

Bell can choose not to be part of this world, but he can't keep that world at bay. No matter what, Chigurh just keeps coming, like the Terminator rising from the rubble of the destroyed Cyberdyne building. In this sense Chigurh is not just a man but a representation of relentless evil that has pervaded this generation. Nor is Llewelyn Moss just a man who stumbles across a satchel full of money, but a representation of the greed that ensnares men when they are tempted with more money than they have ever hoped to see. As another old-time lawman tells Bell, "You can't stop what's coming. It ain't all waiting on you." ❑

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

Alan Bock is senior editorial writer at the *Orange County Register*.

Doug Casey is a contributing editor of Liberty.

Scott Chambers is a cartoonist living in California.

Michael Christian is in early semi-retirement in a semi-paradisaical corner of California.

Stephen Cox is a professor at UC San Diego. His most recent book is *The New Testament and Literature*.

Jacques Delacroix is a sociologist by training. He wrote the entry "Capitalism" in the new edition of the *Blackwell Encyclopedia of Sociology*. He lives in Santa Cruz, with his wife, the artist Krishna Delacroix.

Warren Gibson teaches economics at San Jose State University and mechanical engineering at Santa Clara University.

Bettina Bien Greaves is co-compliler of *Mises: An Annotated Bibliography*.

Jon Harrison lives and writes in Vermont.

J. H. Huebert was a John M. Olin Student Fellow in Law and Economics at the University of Chicago Law School and is an adjunct faculty member of the Ludwig von Mises Institute.

Gary Jason is an adjunct professor of philosophy and a contributing editor to *Liberty*. He is the author of *Critical Thinking: Developing an Effective World View* and *Introduction to Logic*.

Richard Kostelanetz has written many books about contemporary art and literature.

John Lalor writes for the *Jerusalem Post* and Ireland's *Sunday Independent*.

Ross Levatter is a physician living in Phoenix.

Robert H. Miller is an adventure guide, and author of *Kayaking the Inside Passage: A Paddler's Guide from Olympia, Washington to Muir Glacier, Alaska*.

Bruce Ramsey is a journalist in Seattle.

Mark Rand is managing editor of Liberty.

Jo Ann Skousen is entertainment editor of *Liberty*. She lives in New York.

Tim Slagle is a standup comedian living in Chicago. His website is timslagle.com.

George H. Smith is the author of *Atheism, Ayn Rand, and Other Heresies*; *Why Atheism?* and the new *Themes in the History of Classical Liberalism*.

Jim Walsh is an assistant editor of *Liberty*.

Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

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Medianotes

Simple charm — "The Band's Visit" (directed by Eran Kolirin; Sony Classics, 2007, 85 minutes).

Many years ago, my husband and I boarded a train from Paris to Rouen to visit the hallowed beaches of Normandy. The irony of that statement will not be lost on readers who know that Normandy is near Caen, not Rouen. Misled by the guttural "r" of spoken French and thinking we were smart enough to know it when we didn't actually hear it, we went to the wrong town, ending up over 100 miles from our intended destination.

Mark has always wanted to see the beaches of Normandy. It was the reason we had stayed an extra day in Paris. But there wasn't time to correct our error that day. This could have turned into one of those vacation tales of bitter argument and recrimination. We could have fumed all the way back to Paris.

Instead, we decided not to compound one mistake with another. (When in Rouen, do as the Rouen tourists do.) So we strolled through the charming medieval portion of the city, shuddered at the sight of bullet holes left by World War II bombardments, contemplated the site where Jeanne d'Arc was burned at the stake, and photographed the famed Cathedral of Rouen, which the French impressionist Claude Monet painted in many different seasons and times of day to demonstrate that what we see is the light reflected from an object, and not the object itself. It was a lovely day. We have yet to see the beaches of Normandy.

A similar mistake forms the premise of "The Band's Visit" (*Bikur Ha-Tizmoret*), a charming little Israeli film about what happens when the Alexandria Ceremonial Orchestra, a band of Egyptian policemen, gets lost on its way to perform at the Arab Culture Center in Petah Tikva, Israel.

They end up instead at Bet Hatikva, a tiny town not much more than a bus stop in the middle of the desert. In an impromptu cultural exchange, the Egyptian police are reluctantly invited to spend the night with local Israelis until another bus comes the next day. The result is a charming slice of life as citizens of two bitter political enemies mingle and connect with one another when they interact face to face.

How do Egyptians and Israelis communicate with one another? In English, of course. And because it's filmed mostly in English, you'll laugh when you see the subtitles "translating" the dialogue for you at the bottom of the screen. But you'll appreciate those subtitles when you hear the actors' thick accents.

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"Napoleon Dynamite," the film is slow-paced with moments of explosive laughter.

The scene at a roller rink, where the dreamboat Egyptian policeman (Saleh Bakri) teaches an Israeli yokel (Shlomi Avraham) how to court his girl, is delightful. Watch for this endearing film to come to your local art house.

— Jo Ann Skousen

Culture of the fittest — "Kansas vs. Darwin" (directed by Jeff Tamblyn; Unconditional Films, 2007, 82 minutes) provides an in-depth view of a major skirmish in the feud over whether evolution should be taught in U.S. public schools — the Kansas board of education hearings of May, 2005.

One might not expect much in the way of objectivity, given the nature of the subject. In some pudgy hands, one of the sides would be given short shrift, allowed to speak only to put foot in mouth or to set up a devastating retort, deftly inserted in such a way as to obscure that it was actually uttered long after (or well before) the set-up. To my surprise, the film is quite even-handed.

Make no mistake, there is no evidence that the director shied away from allowing individuals to display their ignorance, or their arrogance. The primary characters — those on each side — provide plenty of fodder. The Intelligent Design (ID) supporters, in an interesting twist, include not only the least educated, but also the most highly educated individuals involved. This is because the scientists invited to speak in support of Darwinian Evolution opted to honor a boycott of the hearings, since questions of science, after all, are not settled by popular vote.

The invited scientists who support ID (yes, some of them are "scientists," but some are — maybe, possibly — legitimate scientists, speaking only to their area of expertise) opted to testify, since the hearings were not, after all, about settling any question of science.

This film scrupulously avoids taking a stance on whether or not ID is a legitimate scientific theory. (It is not.) It underscores the passion with which each camp holds its view.

Unsurprisingly, not one person inside or outside the hearings gave any indication of seeing the most promising path to a cessation of hostilities. Were there no libertarians in Kansas to point them to the answer? Has the idea of letting people make and finance their own decisions regarding their children become so abhorrent it cannot even be considered? — Mark Rand

Political RomCom? — "Definitely, Maybe" (directed by Adam Brooks; Universal, 2008, 105 minutes) offers a new twist to the boy-meets-girl, boy-loses-girl, boy-gets-girl formula: which of the girls he loses is the mother of his daughter? As the film begins, the "boy," Will Hayes (Ryan Reynolds), is a political consultant who has just been served with a final divorce decree. Perversely, that night his precocious 10-year-old daughter Maya (Abigail Breslin) demands to know the story of how her parents met and fell in love. (I don't think that's how I would spend the first night of a divorce!)

Borrowing a bit from the concept of the TV show "How I Met Your Mother," Dad agrees to tell her not just that story, but the stories of all three of the broken romances of his life, changing the names so she has to guess which one was her mother. The concept works, largely thanks to a good cast, a good script, and three very different girlfriends representing three very different types of relationships: Emily (Elizabeth Banks) is the college sweetheart, pretty and practical — maybe too practical? Summer (Rachel Weisz) is the avant-garde New Yorker — maybe not practical enough? And April (Isla Fisher) is the quirky sprite who marches to her own drummer — and already has a boyfriend. Which is Maya's mother?

Liberty readers will especially enjoy the film's ironic jabs at the Clinton dynasty. In the first of his three love stories, Will goes to New York to work as a young, idealistic intern for the first Clinton campaign. Clinton becomes a continuing motif throughout the film, contributing to Will's growing disillusionment. He sees clips of Clinton proclaiming, "I did not have sexual relations with that woman, Ms. Lewinski," and later waffling on "It all depends on what 'is' is." Later still, Clinton snubs Will as he tries to shake hands when they pass each other in Central Park.

Opening just after Super Tuesday, when Hillary's star was beginning to tarnish, the film's serendipitous reminder of her husband's arrogance, infidelity, and lying has to have her seething. I almost feel sorry for her.

Definitely. Maybe. *Not.*

— Jo Ann Skousen

Letters, *from page 6*

labeled "one-quarter ounce" or "one-half ounce" silver, then trading them would have been a barter deal; it would not then have meant offering payment in anything like "legal tender" dollars.

The government itself did a similar stupid thing in the 1980s when it offered to the public a number of gold medallions weighing about one ounce each. They were about the size and weight of the old $20 gold pieces. But the government didn't make the mistake of offering them to the public for the $20 people may have assumed they would cost. Rather the government offered them to buyers at a price that fluctuated, depending on the price of gold, between $350 and $400.

Similarly, in 1992, the U.S. Mint at West Point issued a gold coin which was "genuine, legal tender," weighed just under one-quarter ounce, and was labeled Five Dollars. However, no one could expect to obtain one of these Five Dollar coins for a Five Dollar legal tender Federal Reserve Note. According to recent newspaper ads these Five Dollar gold coins are now being offered to collectors (maximum three coins per customer) for just $200 each.

The government should wise up! A dollar is a dollar is a dollar still. But Twenty Dollars are no longer worth anywhere near an ounce of gold. That age ended 75 years ago, in 1933.

Bettina Bien Greaves
Hickory, NC

Letters to the editor

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No More Sofia!, *from page 42*

revolution." Of course, the international media loved above all the extra-judicial executions of the fallen tyrants in ever-melodramatic Rumania. Our own arduous reforms were almost completely ignored, as if here again, we did not count.

Years before the great thaw, growing up in Sofia, I became a good classical musician, a clarinetist. In my twenties and thirties, I enjoyed as good a career as a Communist country could offer — that is, not much. In my early forties, shortly before the collapse of the Bulgarian Communist regime, I managed to make my way to the U.S. through an organized concert tour. I jumped ship in California's Silicon Valley, with another Bulgarian, a bassoonist.

In the interludes left by the recitation of the American president's amorous liabilities, there was news about Russia and the former Soviet republics almost every day. It was mostly bad to very bad news.

Both of us quickly found manual jobs in the booming local economy (after carefully doctoring our résumés to conceal our middle-class status). The social downward slide was easy to accept since we were earning more in one day than we could have made in one month in Bulgaria, while still having time for music. The most difficult part of our adaptation was language: neither of us had much more than junior high school English, and we had never really spoken the language. To make matters worse, only one of our co-workers was a native English speaker, and he appeared borderline retarded. The rest were immigrants, in majority Mexican, some recently arrived, others in the country for several years, but none fluent in conventional English.

There was also a sprinkling of other Eastern Europeans (Slovaks, Hungarians) which did me no good except that we would exchange a few words in Russian once in a while. (Proficiency in Russian: the only favorable outcome of 50 years of communism.) There were also a number of Asians whose provenance was difficult for me to guess, although I learned that some were Vietnamese. One of them was my direct supervisor, fortyish, excitable Mrs. Thui. She talked loudly or half-screamed all the time, not necessarily in an unfriendly manner, and I rarely understood a thing she said, except, "Yes, YES!" and "No, NO, NO!" Fortunately, the work was pretty self-explanatory.

In the fluid labor market of Silicon Valley, employees came and went quickly and I did not bother to learn my fellow workers' many strange-sounding names. Sometimes I had beer with the few permanent workers in my department; that was about all. But mostly I spent a lot of time staying in touch with friends and family back in Sofia through the internet, accessible from the boss' office computer, which he allowed me to use after daytime hours. All the while, my lack of ease with the English language and my near-complete inability to read it cut me off from the regular fare of news that educated people take for granted.

Although a university graduate, I was as ill informed as any illiterate person. I watched CNN and tried to decipher the spoken news, but anything about Bulgaria was essentially non-existent. By way of compensation, in the interludes left by the recitation of the American president's amorous liabilities, there was news about Russia and the former Soviet republics almost every day. It was mostly bad to very bad news.

Neither my Bulgarian buddy nor I could quite forget the 40 or so years we had spent under the permanently overcast skies of communism or in the tremendous, creeping disorder of its collapse. Pessimistic and knowledgeable as only satellite-countries-educated individuals can be, we watched with growing concern the deliquescence of the Russian army. We were acutely aware of its thousands of rusty, leaky, falling-apart nuclear devices guarded by famished, often drunken, terrorized teenage conscripts. We knew our big brothers too well to sleep easy, thousands of miles away, realizing that our relatives were only a stone-throw from them. I thought of Bulgarians as helpless children sharing a backyard with a mangy attack dog, half-crazed by hunger and neglect, and restrained by a single, thin, rusty chain. I pictured Sofia, my hometown, as a fragile bowl in the monster's path.

One morning, as I arrived at work, before I could reach my station, Mrs.Thui intercepted me, all red in the face, shaking with indignation and barely contained fury. She was escorted by a half-dozen co-workers, all lamenting in their diversely pitched voices. Mrs.Thui walked straight at me and my heart rose into my throat. Her first words confirmed my worst fears. "Sofia no more!" she screamed.

So the Beast had done it! Deep down, I knew something like this was bound to happen: At the end of their rope, the Russians had obliterated an expendable big city to show the West how far they were willing to go to extort economic relief through nuclear blackmail. I shoved the boss aside and took possession of his computer. Nothing on CNN, nothing I could find anywhere else on the other networks. Nothing, anywhere on the internet. But Mrs. Thui kept yelling in my ear, "Sophia Hernandez not come more. Bitch quits! YOU do her work now!" ❑

I thought of Bulgarians as helpless children sharing a backyard with a mangy attack dog, half-crazed by hunger and neglect, and restrained by a single, thin, rusty chain.

Terra Incognita

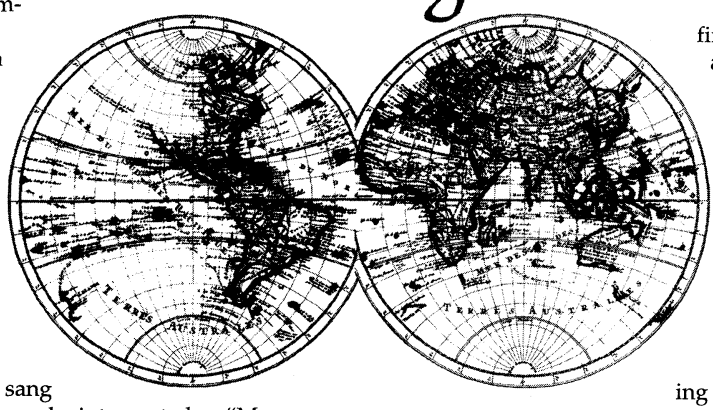

Springfield, Ore.

Desperate times call for desperate measures, from the *Oregonian*:

For guys who park in front of the TV during college basketball's March Madness, the Oregon Urology Institute has a suggestion: Why not use that time to recover from a vasectomy? Institute Administrator Terry FitzPatrick said men need two to four days to recover from the procedure — but not all take the time.

The sports radio station broadcasting the clinic's ads promises to send each patient a recovery kit of sports magazines, free pizza delivery and a bag of frozen peas: "The frozen peas are malleable enough that you can get them right in there and get the swelling down," FitzPatrick said.

London, England

Cultural exchange, overheard by *BBC Sport*:

Before the European Championship qualifying match between England and Croatia at Wembley Stadium, English opera singer Tony Henry belted out a version of the Croat anthem before the 80,000 crowd. But he made a blunder at the end.

He should have sung "Mila kuda si planina" (which roughly means "You know my dear how we love your mountains"). Instead he sang "Mila kura si planina," which can be interpreted as "My dear, my penis is a mountain."

New York City

Hitting bottom in the 21st century, described in the *New York Post*:

The kinky college professor who was almost strangled during an S&M session at a Midtown club told the Post he's deeply ashamed and is finally through with the double life he's lived since he was kid.

Robert Benjamin, 67, said he's desperately trying to break his addiction. "It's like when you crave a turkey," he said. "You eat it and you eat it and you eat it, but you still want it. But now I've had enough. I don't want turkey anymore. I'm full."

Ybor City, Fla.

Be fruitful and multiply, indeed. From the *Orlando Sentinel*:

A Florida church issued a challenge for its married members on Sunday: Have sex every day.

Relevant Church head pastor Paul Wirth said the 50% divorce rate was the catalyst for The 30-Day Sex Challenge. Church member Tim Jones and his fiancee agreed to take on the challenge, though he acknowledges it'll be a tough month. But he added: "I think it's worth trying to find out other things about each other."

Port Townsend, Wash.

The wheels of justice grind exceeding fine, from the *Peninsula Daily News*:

Police arrested a suspect less than half an hour after a bank robbery in Port Townsend thanks to witnesses who pointed to the apartment building a block away where he fled.

Police arrested the 40-year-old man in his apartment building and recovered money taken from the Kitsap Bank branch. Sgt. Ed Green says witnesses thought it was odd when they watched the man pull a stocking over his head before the heist. And a half-dozen people pointed to the apartment building and said, "He went there."

San Antonio

New ammunition for William Jennings Bryan, from the *McAllen* (Texas) *Monitor*:

An appeals court has affirmed that nine chimpanzees and monkeys brought to a San Antonio primates sanctuary in 2006 don't have a legal right to sue. People for the Ethical Treatment of Animals had sought to gain legal standing for the primates transferred from Ohio State University to the sanctuary after they were retired.

PETA said it was considering whether to appeal.

England

Novel reminder of Christ's temptation in the desert, from the *Liverpool Echo*:

Two of the Church of England's most senior Bishops are urging people to cut their carbon rather than give up chocolate this Lent.

Bishop of Liverpool and Vice President of Tearfund, James Jones and Bishop of London, Dr Richard Chartres, are calling for a cut in personal carbon use for each of the 40 days of Lent.

The Carbon Fast is a 40 day journey through Lent, towards a lighter carbon footprint, with a simple energy saving action per day. Participants are asked to begin the Carbon Fast by removing one light bulb from a prominent place in the home and live without it for 40 days as a constant visual reminder during Lent of the need to cut energy.

New York City

The thick blue line separating society from chaos, detailed in the *New York Post*:

He weighs more than 500 pounds, but that wasn't enough to tip the scales of justice for ex-cop Paul Soto.

The rotund retiree lost his legal argument that it was a line-of-duty fall outside a doctor's office that cost him his NYPD career. A judge says it was actually his "morbid obesity."

Special thanks to Russell Garrard, Tom Isenberg, and David Martin for contributions to Terra Incognita.

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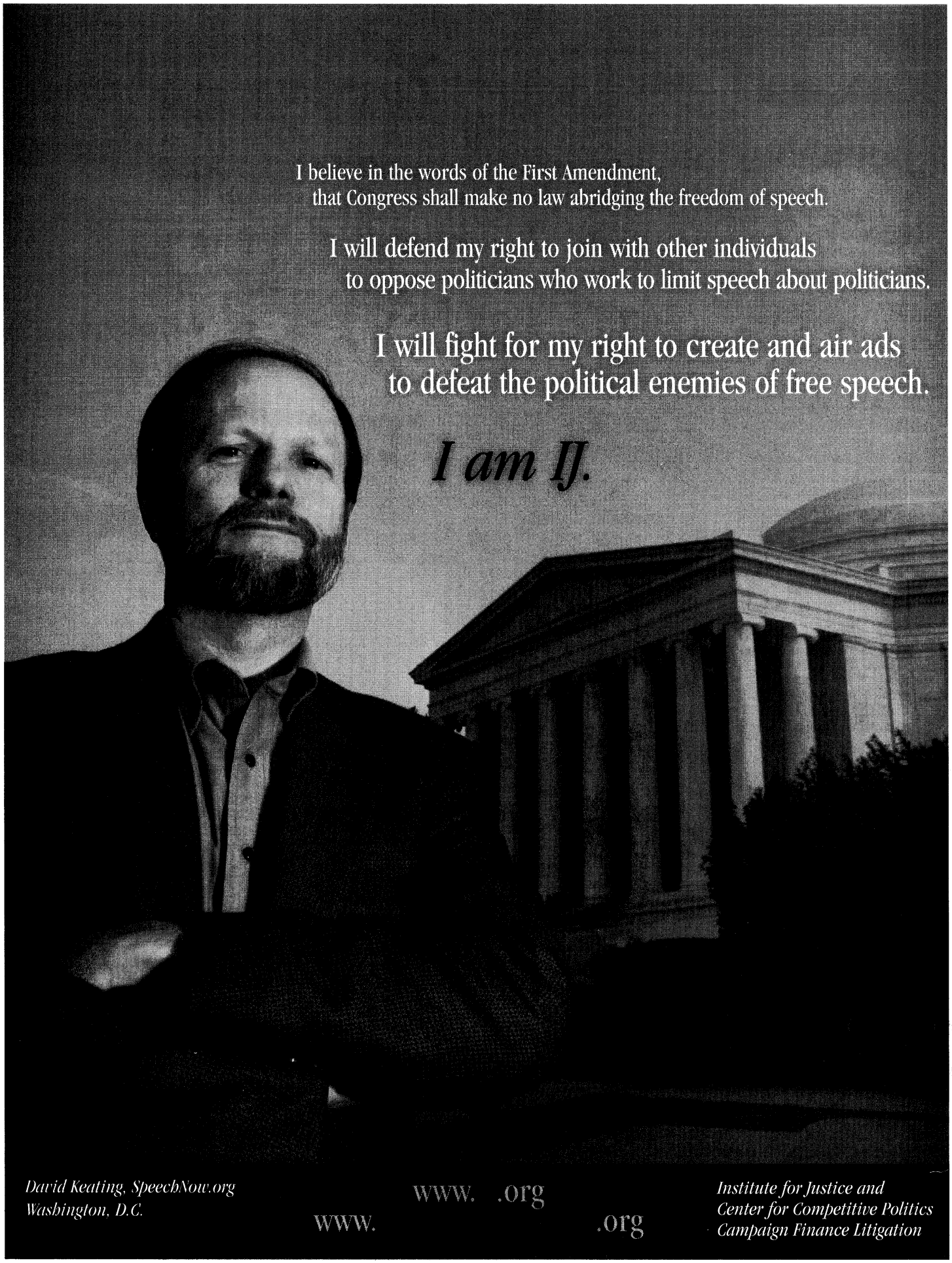
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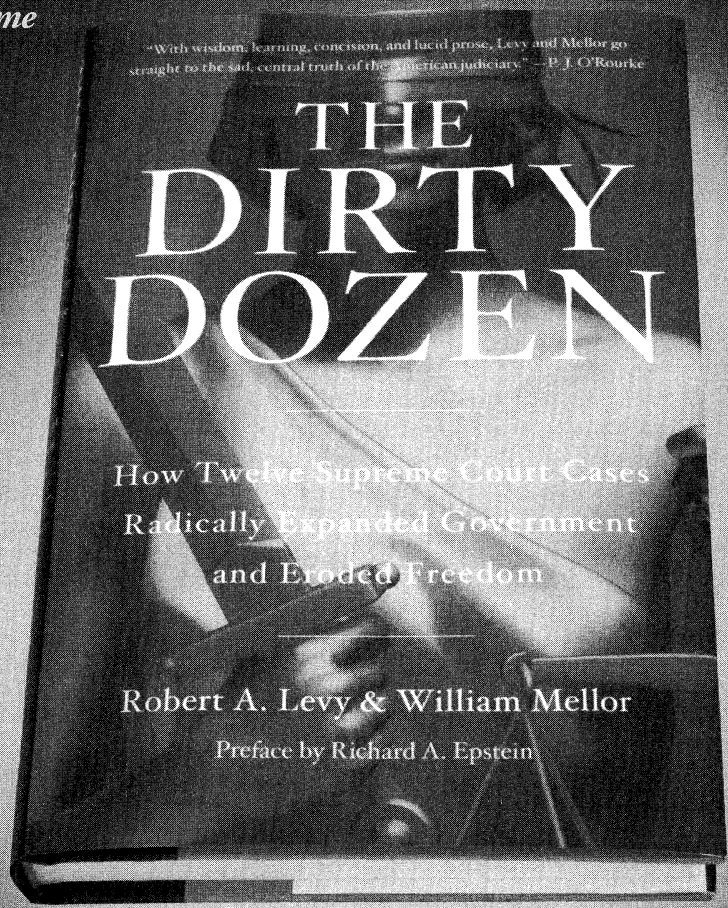

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June 2008
Volume 22, Number 5

4 Letters Scribble, scribble, scribble.

7 Reflections We craft the perfect bill, snort space monkey, melt our pennies, visit the stupidest state, fawn over Lincoln, give pregnant women the boot, dodge bullets with Hillary, learn to love Big Brother, smoke easy behind the fourth wall, and remember Charlton Heston.

Features

19 A Real Party? Suddenly, everybody wants to run under the Libertarian Party banner. *Bruce Ramsey* watches the race.

23 The Ethics of Tort Reform *Gary Jason* shows how to remedy the excessive litigation that is costing us hundreds of billions of dollars a year.

Twenty Years of Liberty

29 The Liberty Poll Since its founding, Liberty has been trying to keep track of libertarians — who they are and what they think. We now present the results of the latest Liberty Poll.

46 Moral Absolutes, Truth, and Liberty *Ross Overbeek* revisits the survey of libertarian attitudes that he helped to create 20 years ago.

Reviews

51 Prince of Darkness or Angel of Light? For a change, as *Stephen Cox* discovers, a Washington insider's tell-all fulfills its promise.

55 Leave Us Alone! The Leave Us Alone Coalition: now there's a good name. *Bruce Ramsey* investigates the movement behind the moniker.

56 Economics for Fun & Profit *Martin Morse Wooster* reveals that economics is no longer the dismal science.

57 Hayek Lives The afterlife of Friedrich Hayek has been long and strong. *Lanny Ebenstein* investigates his posthumous influence.

59 Screwy Enough? Cary Grant, Rosalind Rusell, Thelma Ritter . . . is anybody today as funny? *Jo Ann Skousen* reviews the evidence.

60 Cut Your Losses *Todd Skousen* grabs a popcorn MRE and watches Hollywood get the Iraq war wrong.

61 Teach Your Punters Well *Jo Ann Skousen* visits "South Pacific" and is glad to stay for the second act.

58 Notes on Contributors Our hearty crew.

63 Terra Incognita It happens.

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Letters

Good Riddance

Buckley was evil. It's not right that he should be eulogized in Liberty ("Death of an Icon," May). Rather, his obituary should start with something like: "Buckley slouching with Judas and Quisling tonight . . ."

Seriously, I would think a posthumous Nuremburg would be in order and I am openly calling for one.

Looking at the list of those that he had the gall and arrogance to purge from the conservative movement, it is apparent that he was deliberately targeting those who would have insisted on a moral foreign policy.

I am glad that he left us — in his own hand — a rationalization for torture.

Let facts be submitted to a candid world.

James D. Armstrong
Alamogordo, NM

Remember the Amero!

I read with interest Bruce Ramsey's observations on the Ron Paul campaign ("The Paul Vote," May). However, I take exception with his suggestion that the people of the Cato Institute are "embarrassed by Paul's nationalist rhetoric over the supposed North American Union." It isn't nationalist rhetoric to realize that our Constitution is being overridden by executive agreements such as the Security and Prosperity Partnership. The Canadian prime minister and the president of Mexico have publicly admitted that the overall plan is to merge our economies. Our president denies this. We all know he wouldn't lie to us to further the interests of big banks and corporations, right?

If there is no plan for a North American Union then why were Mexican troops mobilized to New Orleans to "help" with the martial law that was imposed after Hurricane Katrina — martial law that involved door-to-door gun confiscations by our own military? There isn't a 2nd Amendment in Mexico or Canada and there won't be one in the North American Union either.

The Tran-Texas Corridor is being built as we speak despite overwhelming opposition by the people of Texas. Over 500,000 acres will be confiscated to build a highway that doesn't go to any city in Texas. Our traffic-jammed cities are being loaded down with toll roads because of a phony money shortage.

Do you ever wonder why illegal aliens can open a bank account in America with a matricula card that can be bought on a street corner in Mexico, while a native-born American has to jump through hoops to open an account at the same bank? It is because of the plan for a North American Union. When the banks issue the amero to replace your collapsed dollar, please realize it won't be an accident.

Dr. Paul was the only presidential candidate to even mention the NAU. This was important since most Americans had no idea of any such plan, and oppose it once they realize the implications of what is being decided for them without a vote. The NAU is real. One doesn't have to be a fierce nationalist to be concerned about it.

Jimmy Gardner
Austin, TX

Ramsey responds: The correspondent throws in a lot of issues that seem to indicate the existence of something, but it is not a "North American Union."

First, the so-called NAFTA superhighway: there are already several that connect the United States, Canada, and Mexico. I live by one of them: Interstate 5, which runs from Tijuana to the border near Vancouver. I-5 was built in the 1960s and replaced the older US-99, which was built in the 1930s. It is not a threat to sovereignty, and I doubt if another highway across Texas is.

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I also live under NAFTA. In the past 15 years I have seen a modest increase in the number of goods that say "Made in Canada" and "Made in Mexico," but I don't object to them. Companies in my hometown, Seattle, are doing a lot more business in Canada, particularly, than they used to. I recently talked to one that remanufactures large diesel engines for the Alberta oil-sands industry. I also live near a Nucor steel plant that sells into British Columbia. These things do not bother me. I think they are good.

The John Birch Society has raised the alarm over the "Security and Prosperity Partnership." What is it? It is a large name for a limited thing. It is a PR man's puffball name for political cooperation on limited subjects. NAFTA is deeper and more definite than SPP, but is about the economy only. It is an agreement to coordinate our sovereignties on certain matters relating to trade and investment. Legally it is not a treaty — at least, not in the U.S. — and is not coequal with the Constitution. Above both the SPP and NAFTA is the lack of any political demand, in Canada, Mexico, or the U.S., for a surrender of sovereignty anything like the EU. None. The Bush administration flatly denies it is working toward a North American Union. U.S. Trade Rep. Susan Schwab said so to my face.

And yet the New American keeps tooting the horn about this "North American Union" and a supposed new North American currency, the amero, that will replace the U.S. dollar, the Canadian dollar, and the peso. Not that I'm feeling protective of the U.S. dollar just now. But the abandonment of the dollar would take a majority vote by both houses of Congress and the signature of the president, or else two-thirds votes of both houses, and that has about as much chance of happening as a gold standard under a President Ron Paul.

The Truther Will Set You Free

I am one of those "conspiracists" Jon Harrison mentions in "Prelude to Disaster" (April). I don't "believe" 9/11 was an "inside job" of some kind. I "know" it was.

I'm not smart enough to have figured that out immediately, I was only suspicious at first but as vast amounts of information have gradually come out I think it's been proven beyond a reasonable or even an unreasonable doubt.

This is the "mother" of all issues, the most interesting question in my almost six decades of life.

All Harrison has to do is say the magic word "conspiracy theory" and supposedly that settles the argument. Aren't libertarians suspicious of government power, don't we suspect many criminal conspiracies are going on in government, don't we take Lord Acton seriously about the corrupting influence of power?

To analyze his attitude I think we have to look at this as a religious question. When he says "conspiracist" what he's really saying is "heretics" engaging in blasphemy and sacrilege against the "American Nationalist Faith" as truther theologian David Ray Griffin calls it.

This is why so many Americans are impervious to reason and evidence about 9/11, they're intellectually degenerate and have spastic brains.

Dr. Dan O'Connell
LaSalle, IL

The Best We've Got

Jon Harrison has honored me by his response (Letters, March). I cannot match his rhetorical skills. However, I wish to raise one small point.

Harrison mentions the death in Israel of Rachel Corrie. This brings to my mind another beautiful American, Marla Bennett. She was in the cafeteria at Hebrew University when a suicide bomber chose to detonate a charge of explosives in that same cafeteria. I am sorry to say that Ms. Bennett is not the only American citizen to die a violent death in Israel — at the hands of its enemies.

As an American, should these deaths not also concern me?

I believe it was Winston Churchill who said that democracy is not a perfect form of government, but it is better than any other form of government currently in existence. Neither the United States nor the Israeli government is perfect, but for all their faults, they are both democracies. As such, perhaps they hold some legitimate interests in common.

W. Luther Jett
Washington Grove, MD

Just Another Foreign Country?

Jon Harrison reveals himself a little too clearly for my taste in the closing words of his response to W. Luther Jett in the March letters column. He asserts: "Israel is just another foreign country to me. . . . Given that the Israelis killed a beautiful American girl, Rachel

From the Editor

Suppose you stroll into your local fast-food outlet, sidle up to the counter, and bespeak a hamburg and fries. "$2.59," says the waitperson. You slap three bucks down on the counter, and — nothing. Nothing happens. The guy just looks back on you. "Have a nice day," he says.

"Where's my hamburger?" you say.

"I never promised you a hamburger," he replies.

"I gave you money," you say. "Give me my burger."

"Make me," he says.

Clearly, this isn't the way things go in normal, civilized society, because this society works by contract and agreement, not by force. It's understood that the acceptance of money means the acceptance of an obligation to provide the specified goods. Nobody has to proffer money; nobody has to offer goods. But if you take my money, you will absolutely, positively, give me the goods I indicated — no more, no less.

A lot of people — politicians, mainly — think that contract society should be replaced by command society, a society in which Leaders provide plans and orders, and you must provide obedience. Of course, the plans are never fulfilled, but at least you have the orders.

Libertarians always prefer contract to command. It's fine with us if you don't want to fork over your money to buy this issue of Liberty. But if you do, you know you're going to get something in return. You're going to get the best we have to offer. Our best takes many forms, but one of them is our delight in a free society, and our interest in showing how it works.

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Stephen Cox

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Corrie, not to mention 34 sailors on the *USS Liberty*, I think my attitude is charitable."

For readers unfamiliar with his references: Rachel Corrie, an American protester, was crushed after sitting in front of an armored bulldozer operated by the Israeli Defense Forces in Gaza during the Intifada in March 2003. By all accounts, the bulldozer was occupied in clearing brush. Harrison's description of Corrie as "beautiful" can serve no purpose but to push emotional buttons. His failure to describe the factual circumstances of her death — or to mention the considerable testimony that the bulldozer operator may not have seen her — leaves a reader to infer the death was deliberate.

The *USS Liberty* was attacked by Israeli aircraft and torpedo boats during wartime in 1967 — 41 years ago. The controversy over the incident is widely published and must be known to Harrison. But again, there's no suggestion that the attack could have been anything but deliberate. In both instances, Harrison states "the Israelis killed" — a term that refers to the collective.

I'm afraid Israel is not "just another foreign country" to Jon Harrison. He considers his attitude charitable. A more candid description would be "virulent."

John C. Boland
Baltimore, MD

Arabian Knights

I was amused to read Jon Harrison's conspiracy-laden fantasy about a pro-Israel cabal pushing the poor, helpless U.S. into war. The tired, overused socialist slanders of Israel were dressed up in a thin veneer of pseudo-libertarian language.

In reality Israel is subject to the same strongarm tactics that other allies receive when it comes to toeing the line of U.S. foreign policy. This is why democratic Israel had to sit down with terrorist mass murderers at Oslo and Annapolis; finance, fuel, feed, and give emergency medical attention to Palestinian-Arabs whose fondest wish is to drive every Jew into the sea; and finally — at the insistence of Condi Rice and the Bushies — kick Jews out of their homes in yet another failed land-for-peace deal that only resulted in Hamas rocket launchers being moved closer to Tel Aviv.

The truth is that Saudi Arabia has as much influence and spends more money on lobbying efforts than the Israeli lobby. Bush family friend and adviser James Baker's insistence that Arab despotisms be appeased at Israel's expense is evidence of Saudi success. It is telling to see the Israeli lobby receive such bombast and venom from Israel's critics while other interest groups and foreign influence peddlers are treated as just actors in a political drama.

Don Kenner
Georgetown, TX

Harrison responds: I thank Mr. Jett for his courtesy, and for continuing the dialogue. I cannot agree with him that the U.S. and Israel share common interests because we are both democracies. The United States has only one interest in the Middle East: access to the region's oil. Our relationship with Israel is an impediment to that access. In that sense, Israel is an albatross around our necks.

The other two gentlemen, frankly, have nothing of interest to say. I will mention that there is good reason to believe Rachel Corrie was killed deliberately, and that there is every reason to believe the attack on the *Liberty* was deliberate. I will refrain from presenting the evidence for the simple reason that partisans of Israel never, ever will accept facts that show that nation in its true light.

Let me say again that my concern is for the American people and their interests. Israel is a foreign country. I myself am of English descent. However, I don't waste a moment of my time worrying about Britain and its people.

Let me say, finally, that it is not that I'm pro-Arab. Nothing would please me more than to see America turn its back to the wretched Middle East and its peoples — both Arabs and Israelis. If tomorrow the earth swallowed up the entire region from Morocco to the Persian Gulf, I would wonder at it, but shed not a tear.

Letters to the editor

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Reflections

He has a dream — I can't help but notice that some of the charges leveled against Obama pal Rev. Jeremiah Wright were almost identical in nature to the charges made against certain groups who supported Dr. Ron Paul. As I watched Obama try to explain his relationship with the Reverend, I wondered if Dr. Paul would have been praised for a similar speech. Would he have been let off the hook if he claimed to understand the frustration of white separatists and declared himself the only man running who could truly heal that divide? — Tim Slagle

Labour vs. women in labor — Obama: are you listening? More than four out of ten maternity units in Britain are turning away women in labor. With no Tories to blame, the National Health Service bureaucrats are, of course, opting to stress the bright side. According to the London Daily Mail (March 20), a cold-blooded spokesman for the NHS has pontificated that "it is difficult to predict precisely when a mother will go into labour and sometimes, at times of peak demand, maternity units do temporarily divert women to nearby facilities. When this does happen it is often only for a few hours and to ensure mother and baby can receive the best care possible." — David T. Beito

Race to the bottom — AOL ran an interactive poll on March 31. Next to three pictures — of Obama, Clinton, and McCain — there were three blanks, numbered 1, 2, and 3. You were asked which candidate would make the best president.

There was some sort of bug in the program, though. No matter how much I tried, I couldn't place all three candidates in the #3 box. — Ross Levatter

Win-win — The Washington state House of Representatives recently amended Senate Bill 6809, which creates a sales-tax break for low-income families. Under the amended terms, the bill must be approved or declined anew with each budget. (The state, of course, has *droit du seigneur*, if not *ius primae noctis*.)

The budget will always have room for a committee, with expense accounts, to "study the issue." The legislators will always have time to prattle about the great work they're doing for "disadvantaged families." And best of all, every two years the legislature will have an excuse to claim they have to raise taxes to pay for it.

It is, in short, the perfect bill. — Mark Rand

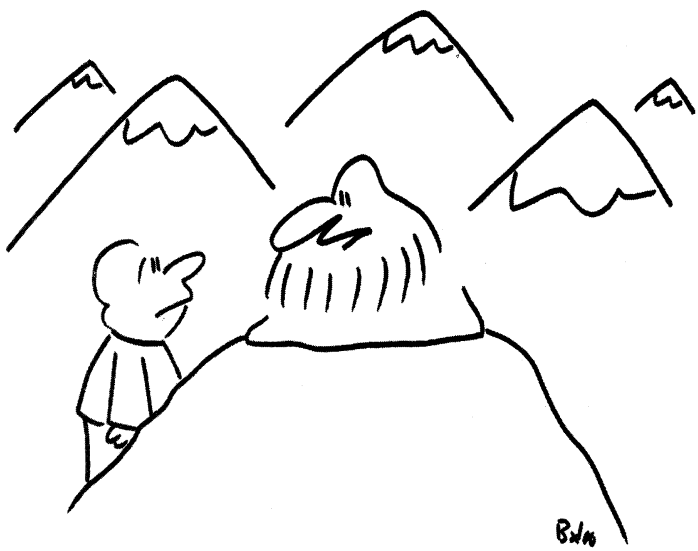

"The meaning of life? — Do you have a need to know?"

Free trade to the fore — McCain and the two Democratic candidates seem to share many views, a fact that has caused the conservative talkerati to go ballistic. But one difference is already crystal clear: the Democrats intend to run on a protectionist platform, whereas McCain has staunchly favored free trade.

Clinton and Obama have been trying to outdo each other with protectionist rhetoric. Clinton, whose husband — oops, co-president — signed into law NAFTA and the WTO, has called for a moratorium on any new free trade agreements (FTAs). In particular, she has come out in vociferous opposition to the recently negotiated FTA with South Korea, as well as the FTA with Colombia, negotiated quite some time back and stalled in the Dem-controlled Congress.

Obama also came out against the Korea FTA (after cutting a deal with the Teamsters' union for its support), and hasn't supported the Colombia FTA, but he has gone further. He has bashed NAFTA as having cost a million jobs, called for us to withdraw from it (while giving back-channel reassurance to an enraged Canadian government), and sent out fliers attacking Clinton for having supported it when she was co-president.

Both Obama and Clinton are sponsoring the grotesquely named "Patriot Employers' Act," under which companies who "voluntarily" agree to a number of union-backed policies (including paying a higher minimum wage, setting up retirement programs for all employees, and covering 60% of their health care premiums) would have their corporate taxes reduced.

McCain has supported all these FTAs and many others as well, earning him a 100% rating from the Cato Trade Center as well as a recent commendation from the Club for Growth. — Gary Jason

One flew over the East Wing — News story leads don't get better than this, from the AP wire on March 25: "Hillary Rodham Clinton said Tuesday she made a

mistake in claiming that she came under hostile fire in Bosnia 12 years ago. . . ."

Perhaps bullets whizzed overhead, nearly killing Clinton and her daughter, or perhaps not. It is an easy mistake: when you stopped to buy a quart of milk yesterday, did you narrowly survive a mortar attack on your way out of the grocery store? Surely you can't answer in the negative with complete confidence. Especially if you were sleepy!

You see, Clinton said that more important than her trifling confusion about bullets in Bosnia "is whether she would be a better commander in chief than Obama or Republican presidential candidate John McCain. . . . She told the Pittsburgh Tribune-Review: 'I was sleep-deprived, and I misspoke.' "

That is an unfortunate explanation from the woman whose campaign ran a commercial asking which candidate is best prepared to answer a phone ringing in the White House in the middle of the night. Never mind the question of who is best qualified to command more than a million active-duty military personnel and take possession of the nuclear football. In any context but Clintonian politics, someone who mistakes a welcoming committee for an attacking platoon of soldiers might be regarded as having a paranoid psychosis.

You may have heard Sen. Clinton tell an audience, in an affected Southern drawl, "We have to stay awake! . . . On this Lord's day, let us say with one voice the words of James Cleveland's great freedom hymn: 'I don't feel no ways tired!' " That was on March 4, 2007. As Sen. Clinton was then already preoccupied with staying awake, and did not yet feel no ways tired, we may assume that she would have remembered events in Bosnia correctly on or before that date. One year later, the campaign has worn her down.

Another angle about this thing bothers me. Ron Paul couldn't catch a break when he was linked with bigoted things printed in his old newsletters. Despite Paul's repudiation of the newsletter clippings in the strongest terms — and a record of many years in which he'd never acted as though he believed the things the newsletters said — his critics offered them as proof that he was unfit for the presidency.

Word Watch

by Stephen Cox

Some are born foolish, some achieve folly, and others have folly thrust upon them. This column has folly thrust upon it.

So do you, if you care about words. Every visit to Google News, the TV news, the Newsweek news, or any other kind of news is a banquet of bumbles, a ten-course dinner of bizarre locutions. And friends are always happy to show up, bearing take-out food.

Here's Paul Beroza, who has served me many meals of this kind, with a weird little dish from The New York Times (March 16). I hope you aren't offended by the fact that it has to do with one of the Democratic superdelegates. These people, hitherto wholly unknown to the general population, or even to The New York Times, have recently become the most hated figures on the continent, the only race that is forced to provide reasons for its very existence (and the reasons are never good enough). Their very name inspires disgust and fear. Soon it will be unprintable.

Nevertheless, even superdelegates are allowed to whine. That's what one of these demons in the human form, "an uncommitted superdelegate from Iowa," was doing when, according to the Times, he, she, or it characterized the struggle for power in the Democratic Party as "everybody's worse [sic] nightmare come to fruition."

Well, at least there could still be something worst. But the thing that piqued Paul's curiosity was what the guy had in mind when he pictured a nightmare growing, blooming, and eventually coming to fruition. Is that what nightmares do?

No, they don't; not even in Iowa. Not even in a political party. What we have here is a classic example of a person who doesn't know what he's saying.

Here's another one, also delivered by Paul, in a little banged-up car with a "Word Watch" sign on its roof. This take-out is from CBS News:

"Eliot Spitzer's tumultuous tumble from the zenith of a promising political career to the nadir of a shocking sex scandal came as no surprise Wednesday [thank God; there's a concrete term] as the bright, bull-headed governor announced his resignation, effective Monday [there's another one], under bloating pressure from state lawmakers and the public."

"No surprise"? I think anyone would be surprised to see a glowing man with the head of a bull tumbling from the highest point in his orbit, falling in tumult because a lot of other people got all bloated up, somehow, and pressed him out of his . . . orbit. That's what the report says, but apparently this is another case of someone not really knowing what his own words say.

Paul assured me that he wasn't "going to get into a tumultuous tumble about it," but he did wonder "how many times a disgraced Republican is referred to as 'bright.' " The answer is: no times, never. Had Spitzer been a Republican, he would have been the abrasive political figure who has once more been implicated in unethical behavior. Which would, of course, have been true.

Ah, but think of everything you can do with words when you just don't care what you're saying! Here's an item chosen more or less at random from the Obama propaganda . . . I mean news reporting. It's an article in the International Herald Tribune (March 19). The headline is — I swear to God, this is the truth — "Obama Speech Captivates Americans."

Captivates. What does that mean? The dictionary definition is to "capture by special charm or beauty; enrapture." So is that what happened? Have "Americans," universally, or even on the whole, been sucked into a state of rapture by the charm or beauty of one of Obama's speeches?

The oration in question was the one in which the candidate tried to divert criticism of his pastor's paranoid anti-Americanism and radical leftism — his identification of the Supreme Court with the Knights of the Ku Klux Klan, his complaints about the U.S. government's having invented AIDS in order to exterminate

The sticking point was not necessarily the things published under his name, but that he could not or would not provide an explanation of how they came to be published. That is a fair and necessary criticism. (One plausible hypothesis is that Lew Rockwell wrote most of the bad stuff, but Rockwell denies it. If Rockwell is the author, Paul has chosen to fall on his sword for his former employee.) Enemies of laissez faire were quick to embrace the "Angry White Man" image portrayed by James Kirchick in the New Republic. One wonders whether the leftists among them will now recant everything they said about Ron Paul being an unsuitable candidate, or whether they will declare Clinton unsuitable.

Which, after all, is a more incredible claim: that Ron Paul didn't read his newsletter, or that Hillary Clinton forgot whether she and her daughter were nearly killed? And if Clinton's excuse is unbelievable (as it is), which is worse: a politician of such loyalty and character that he won't throw an old friend under the bus, even at the cost of his candidacy, or a lying, power-mad senator whose excuse is that being tired makes her stupid about matters of life and death?

— Patrick Quealy

Doing Kermit — It never fails: every year, round about spring break, an article appears in newspapers across the land — and, though the dateline might change, though the words may be slightly different, it is the same article every time. Parents! Your children are whacked out on this drug! Right this minute! Check the garage!

The article includes, in various permutations, the following elements: one, an anecdote of dubious provenance about how the substance in question is responsible for killing or seriously injuring some teenager who, apart from its nefarious effects, would surely have gone on to be, at the very least, Supreme Court Chief Justice; two, a statement from a sheriff's deputy or other low-ranking governmental official about how this anecdotal evidence is "only the tip of the iceberg"; three, a list of "street names" for the drug that have never been used by anyone under 35; four, a list of signs you — yes, you! — can

black people, his contradictory contention that the U.S. economy depends on the exploitation of black people, his reference to black person Condoleezza Rice as "Condosleezza Rice" — by comparing the "Reverend's" comments to one made by Obama's white grandmother, "a woman who once confessed her fear of black men who passed by her on the street."

According to the Herald Tribune's report, this is the speech that the Washington Post called "an extraordinary moment of truth-telling," that the Seattle Post-Intelligencer called "one of the most important of this century," that the London Daily Telegraph called "a spellbinding display of rhetorical brilliance," and that a more critical source, a Republican, still managed to call an "excellent and important speech on race in America." Barack's Excellent Adventure — and precisely the kind of compliments that can only be paid when adjectives no longer care what nouns they get attached to.

The last edition of this column promised that it would not spend the whole of 2008 identifying the verbal errors of this year's presidential candidates. All right; I acknowledge that commitment. But Obama is an irresistible target. It's true; the other candidates are awful, too. McCain talks like a cranky old goat; I mean, he actually has the voice of a goat, and he actually appears to be mad all the time. And Hillary screeches like a fishwife. Yet even their most fervent supporters recognize these defects. They laugh about them. Obama is a bigger danger to the national sanity. He's a much better politician; in fact, he's the archetypal American politician — a person who continuously convinces other people to blather about his blather.

Originally, of course, Obama must have been blathered to. Someone persuaded him (although this wouldn't have been hard to do) that he had a Message for the People. Since he was, by nature, a self-righteous windbag, this Message turned out to be little more than an endlessly repeated Story of My Own Life. Thenceforth, throughout Obama's long, dreary trek toward the White House, he peddled the same message, ten times daily, in the form of speeches that cannot be summarized, because they are devoid of content — devoid of knowledge, logic, observation, elegance, pathos, genuine self-reflection, or even deep and sharp offensiveness. He literally doesn't know what he's saying: no one could know it, because there's nothing to know. Hence, anything that his supporters say in praise of his rhetorical efforts is itself pure rhetoric, wholly devoid of substance.

But I must admit that Obama is far, far from the worst instance of not knowing what you're saying. How about the Los Angeles City Council, which on April Fools Day (but not with ironic intent) passed a resolution calling on denizens of the city to spend 40 hours, beginning on April 4, the anniversary of Martin Luther King's assassination, "promot[ing] peace" rather than murdering one another. It was a moratorium on crime — how about that for meaningless verbiage?

The council's words were so grossly meaningless that a former director of the city's Human Relations commission commented, archly, "I'm sure that the people who are doing the killing [gang members, rather than disciples of Dr. King] will hear that the council is calling for a moratorium and then cease and desist." To which one councilman replied, "That's the kind of attitude that Martin Luther King had to step over and step across in order to get the job done."

No. King had to step over a lot of real things.

But this just shows you what happens when somebody points out that somebody else doesn't know what he's saying. The result is that the other person just keeps proving the point. Yet there's a cloud of unknowing even deeper than that.

This one is funny. Detroit, in case you didn't know, has a mayor named Kwame Kilpatrick, who seems to have devoted his political career to auditioning for the part of the bungling mayor in "His Girl Friday." He's now under indictment, and everyone hopes he'll resign, which so far he has refused to do. So Detroit City Council President Ken Cockrel came up with a "transition" plan in case His Honor leaves and Cockrel is forced to succeed him. Here's what Cockrel said, according to the Detroit Free Press (good name, lousy paper):

"Even prior to becoming council president, the idea of if the unexpected should happen is something that I had started thinking about and began to draw up something probably approximating a rough plan."

We peel and peel, and eventually we find ourselves at the heart of the onion — nothing real but the odor.

look for to see if your kids — yes, your kids! — are partaking; and fifth, a list of the drug's supposedly mindblowing effects, to ensure that, if your kids for some reason aren't huffing, snorting, popping, chugging, blasting, or mainlining the drug, they'll start doing so just as soon as they read that article (or hear about it secondhand, at even greater exaggeration).

An example, from the Washington Post. This one has killed "82 youths since 1995"; including a 13-year-old girl and a 13-year-old boy. The number per year has been tailing off but, says Robin L. Toblin, of the National Center for Injury Prevention and Control at the U.S. Centers for Disease Control and Prevention (note that, among all those words, there's no title, only an "of"), "It's not known whether fewer children are undertaking the activity or fewer media are reporting." Children killing themselves through hazardous behavior? The media would never report that! It's a blackout! which, coincidentally, is one of the street names, along with "scarf game" and "space monkey." The symptoms include "bloodshot eyes, severe headaches, and disorientation after spending time alone," which could also mean you're yelling at your kid while he's shaking off a migraine. But then, of course, he wouldn't just have gotten the "cool and dreamy feeling" that Toblin assures us accompanies — go on, guess — the supercool activity of choking himself.

Now, this article is a bit of an anomaly, since there is one component missing. The language of the drug scare may have become pervasive enough that asphyxiation can be presented like inhalant abuse, but as there's not actually a substance involved, there's nothing in particular to be banned. And without that, there's a lot of legislators left without a grandstand.

Fortunately for them, there's another terrifying substance making the rounds — "the new marijuana," even: salvia divinorum. It has, of course, contributed to the suicide of a teen in Delaware (contributed, since none was found in his system at autopsy); and, as Mike Strain, Louisiana's Agriculture and Forestry Commissioner and former legislator, notes, that's enough to ban it: "You save one child and it's worth it."

The article (this one from something called the Treasure Coast Palm) adds: "Called nicknames like Sally-D, Magic Mint and Diviner's Sage, salvia is a hallucinogen that gives users an out-of-body sense of traveling through time and space or merging with inanimate objects." It's a description that could be applied to any hallucinatory drug; as if, failing to find out anything more specific, the writer fell back on the advertisements — Fly through space! Experience immortality! — circulated by online sellers of the drug.

No. If drugs could be said to have personalities (bear with me here), salvia would be a prankster. It's the black sheep of the hallucinogen family: first-time users, even fifth-time users, might get nothing, and the next time be completely incapacitated. The main benefit of marijuana is its utter predictability; as Stan's dad said on one of South Park's many great drug episodes, pot "makes you feel fine with being bored." Salvia is extremely unpredictable; anyone thinking of using it as a substitute for marijuana is likely to think that only once.

Of course, no one ever thinks to ask whether children would even bother with this "new marijuana" if the old stuff were legal. No, instead we get the likes of Florida state Rep. Mary Brandenburg, saying: "As soon as we make one drug illegal, kids start looking around for other drugs they can buy legally. This is just the next one."

Keep plugging away, Mary. You'll get 'em yet.

— Andrew Ferguson

Bonnie prince collie — According to Nature, a recent "study might help to explain the money-grabbing tendencies of those with a Machiavellian streak — from national dictators down to 'little Hitlers' found in workplaces the world over. Researchers at the Hebrew University in Jerusalem found a link between a gene called AVPR1a and ruthless behaviour ..." Apparently the length of this gene will determine whether a person has a propensity to tyrannic behavior. If the gene is shorter, there is more chance. It doesn't surprise me, because it has always seemed that the tyrants I've known have been dealing with issues of shortness.

Since the behavior is genetic, it could explain why certain families become attracted to public "service." Families like the Kennedys, the Rockefellers, the Gores, and the Bushes have long histories of going into public service. Is it possible that they are just genetically predisposed to ordering people around?

Many people will buy a collie for their families, because of the legendary intelligence, the silky hair, and the irresistible faces these beautiful dogs possess. Of course people forget that these dogs were originally bred to herd sheep. Even though some of these dogs have been away from sheep farms for many generations, the instinct to herd sheep is still deep within their genetic code. Collies aren't always good with groups of children, because sometimes that genetic memory will kick in, and the dogs will instinctively start trying to herd a birthday party.

Now it seems that there is a similar genetic predisposition to herding within certain humans as well. Perhaps there was a wisdom in the ancient practice of killing the entire family of a deposed monarch. It is also an adequate warning for people who let their monarchies hang around the fringes of governments like purebred show pets, as is the policy in England. Just as you will never be able to breed the shepherd out of the collie, people like Prince Charles will always harbor an irresistible urge to nip at the heels of some disrespectful peasants.

And much like the inability of a collie to distinguish sheep from a birthday party, I think Prince Charles often confuses free men for peasants. Perhaps this was his motivation for getting behind the Global Warming movement. Being in charge of energy distribution would give this displaced tyrant an opportunity to rule once again. — Tim Slagle

The copper standard — I read in The New York Times that the copper content of the penny — the pre-1982 ones, which were 95% copper — makes them now worth about two cents. Somebody, I suppose, will start pulling them out to be melted, as the 90% silver dimes, quarters, and halves I remember from my youth were pulled out in the late 1960s. The American dollar, which used to be as good as gold, and in my youth was as good as silver, is now expressed in paper, clad copper, nickel, and zinc.

I am not as convinced as some libertarians that a gold coin standard is a problem-free idea. There were panics and resentments when we had it, and the supporters today tend to brush

over them. But using precious metals was surely a fine way to ensure that money remained valuable, and that it *felt* valuable. Recently I put a ten-dollar gold piece in my son's hand, and he said: "That's heavy." Gold has heft. So does silver. It feels good. Even the copper penny was substantial in comparison to the 97.5% zinc ones, which weigh 20% less, and feel almost like the aluminum slugs they used in East Germany.

Modern American currency is not only reduced in value. It looks cheap. The new paper money looks like it was designed by treasury bureaucrats. The coins look and feel cheap, and the designs — the Lincoln Memorial cent, the Jefferson nickel, the Roosevelt dime and the Washington quarter — all are inferior to the designs that preceded them. The new coins that have come out in my adult lifetime — the Eisenhower dollar, the Susan B. Anthony dollar, the Sacajawea dollar, the new Jefferson nickels, and now the John Adams dollars, etc., — are all hideous. These new "golden" dollar coins remind me of Chuck E. Cheese tokens.

— Bruce Ramsey

The chauvinism gap — Two recent events reminded me of the curse that the near-monopolistic public school system is for education in America.

First was the sickening ruling by the California Court of Appeals on February 28, holding that home schooling is illegal in the state of California, unless the parents have teaching credentials. The court warned parents who don't comply that the juvenile courts have the power to remove homeschooled children from their parents, or jail those parents. Even the state's castrated Governor Schwarzenegger called the ruling "outrageous."

Justice H. Walter Croskey, who wrote the decision, had the temerity to claim that "a primary purpose of the educational system is to train school children in good citizenship, patriotism and loyalty to the state and the nation as the means of protecting the public welfare." What fascistic fatuity! The purpose of an educational system is to educate. And the primary reason why so many people homeschool their kids or send them to private and charter schools is that manifestly most public schools are doing such a miserable job of education.

Rather than go for the obvious solution — i.e., liberating children trapped in failing public schools by mandating vouchers or some other mechanism for implementing free consumer choice in education — the state education apparatus uses dictatorial judges such as Croskey to force hapless parents to send their kids to failing schools. This, despite the fact that homeschooled children perform well on standardized tests, and the fact that a teaching credential is meaningless as an indicator of teaching competence.

The second bad reminder was a report in The Wall Street Journal by Sara Murray (March 3) summarizing a study just out by economists Eric Hanushek of Stanford and Ludger Woessmann of the University of Munich. They have estimated the costs to our economy of our continuing mediocrity in science and math education. They estimate that had the United States, over the last 20 years, raised its K-12 educational level in math and science to that of Finland, Hong Kong, and South Korea, our GDP today would be 2% higher than it is, and would be fully 4.5% higher by 2015.

Murray makes two points, one to which there is no reply,

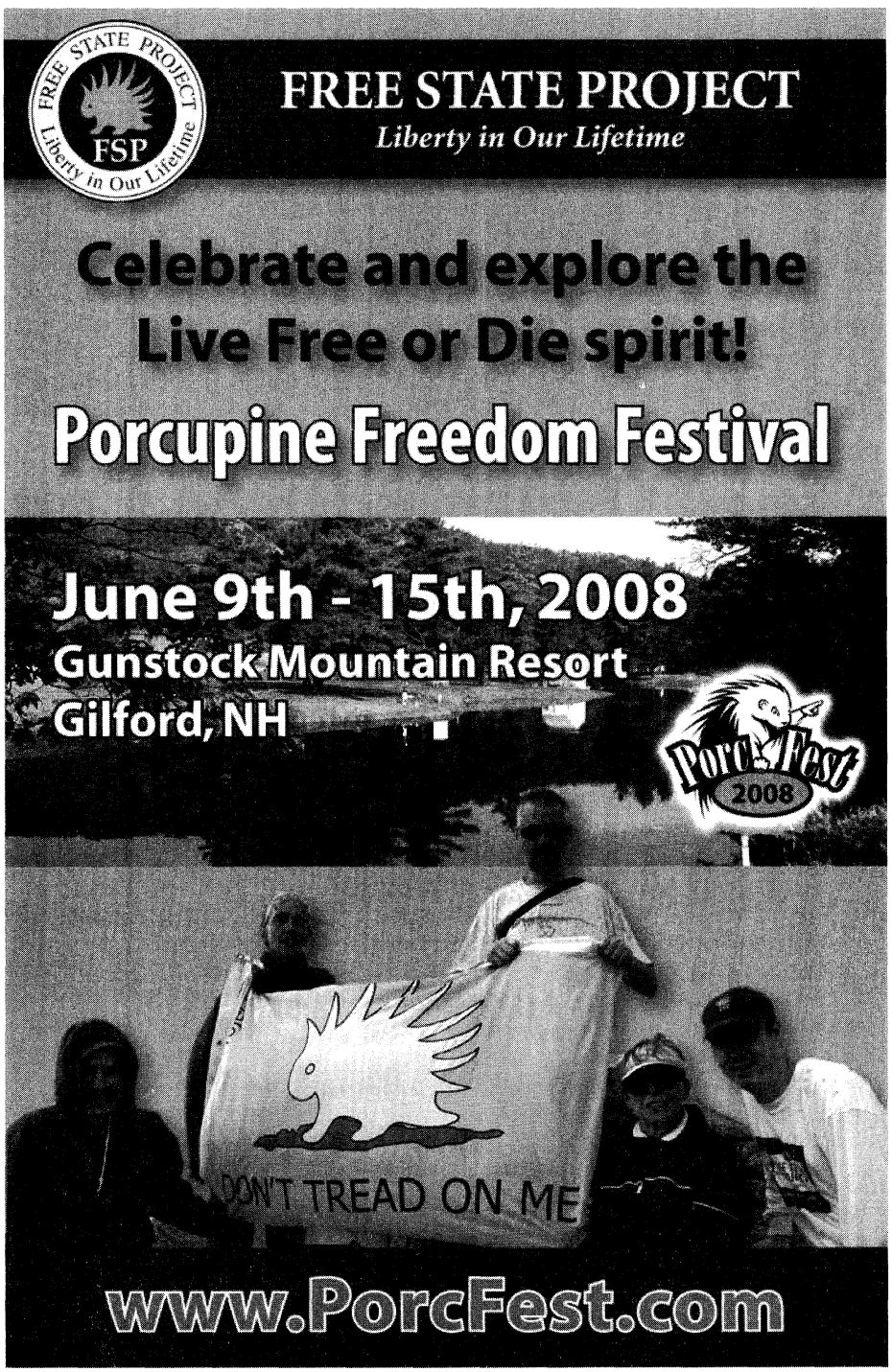

the other to which there is an obvious one. Her first point is that this study supports the notion that the U.S. approach of shoveling ever-increasing amounts of money into the burgeoning maw of the public education monopoly, hoping to see improvement of results, is wrong-headed at best and seriously delusional at worst. She doesn't note the figures, but all the school systems that outperform ours spend far less per capita on education than we do already. Nor does she note that since the famous "Nation at Risk" study a quarter of a century ago, which warned us of the failure of the American public K-12 system, we dramatically increased our spending, but the results have been a flat educational performance level, with virtually no improvement.

Murray's second point is that experts don't agree on how to improve this lousy educational system. Should we have scientists, mathematicians, and teachers — with their impressive teaching credentials — create national standards for schools to meet? Or will this just encourage "teaching to the test?"

To all this there is an easy reply. Schools fail kids and kids fail to learn for a host of reasons, including lousy teaching, insufficient discipline, toxic peer groups, and so on. There is no way some panel of experts can devise a universal template for instruction that will do the job. No, what is needed is a free market in schools.

All parents should have the power to choose a school that meets their children's needs. One child may really need discipline — in which case a military school may be the place to send him (and it usually is a him). Another may really need to not be around members of the opposite sex — her hormones may be raging a tad too much. Fine — an all-girls school might just do the job. A third child might want nothing more than to focus on his studies, but is surrounded by peers who only value sports, social activities, or fighting. Fine — perhaps a school that specializes in arts or science will be the place for him. Or maybe the best thing for the kid is home school — unless, heaven forbid, patriotism should be instilled in the poor child!

The obvious solution is free choice for the consumers of education — all of them, not just the wealthy. Let the force of competition enforce quality, and allow different templates for different children. This obvious solution is — naturally — not mentioned in the article just cited. — Gary Jason

The Clinton money trail — After much delay, Hillary Clinton finally made her (and her husband, the former president's) federal tax returns public.

To be specific, the Clintons have released their returns for the years 2000 through 2006 and a note stating that they have sought an extension for their 2007 return. In 2000, while Bill Clinton was still president, their household income was approximately $357,000; most of that came from his salary and they qualified for a $3,000 refund from the federal income taxes withheld from his pay. She reported a modest income from work as an attorney; they had a few thousand dollars in taxable income from interest and investments. The form of their return was pretty simple — and it was prepared by an accounting firm in Rockville, Md.

In short, their finances looked like those of most families

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on the upper edge of the middle class.

As soon as Bill Clinton left office, their returns changed. For 2001, they reported a household income of more than $15 million. In 2002 and 2003, their annual household income dipped under $10 million; since 2004, it has stayed in the $15 to $20 million range. They also moved their tax work from the Md.-based accountants to the high-powered law firm Hogan and Hartson.

The overwhelming majority of this income is reported on Bill Clinton's Schedule C, from his business in "Speaking and Writing." This is a significant change. Middle-class people (even those on the upper end of middle class) have income taxes withheld from salaries; wealthy people have K-1s and Schedule C's.

Some critics emphasize the shadiness of Bill's business relations with controversial billionaire Ron Burkle's Yucaipa Companies and the data-management firm InfoUSA (which relies heavily on government contract work). Apparently, Bill Clinton works as a "finder" for InfoUSA, helping it land contracts with federal agencies. It's less clear what he does for Yucaipa Companies — other than draw distributions. But these relationships matter less to the Clinton household income than his speaking fees.

Overall, from 2000 to 2007, the Clintons had household income of $109.2 million and paid taxes of $33.8 million. Their tax lawyers point out somewhat weakly that, "They paid taxes and made charitable contributions at a higher rate than taxpayers at their income level." But it's likely that they've paid less in taxes than they would under a Hillary Clinton presidency.

And they cling to privacy like the wealthiest investors or hedge-fund managers. The details of how and from whom Bill Clinton receives his millions in fees don't come through in the returns — as is usual with Schedule C income. (It's been reported that most of those come from speeches he gives to Wall Street banks and other financial institutions.) In that vagueness, the Clintons' financial position has changed from middle-class to rich.

For those of us who advocate limited government and maximum personal privacy, the vagueness of federal tax return forms is a thin silver lining to an invasive process. It would be hypocritical of us to criticize Bill Clinton for monetizing his charisma and celebrity. Good for him.

But Bill and Hillary Clinton have never been advocates of limited government. Each, in turn, has pilloried the "greed" of capitalists. It's ironic — though not really surprising — to see their taxes looking a lot like the fat cats Mrs. Clinton so publicly rebukes. The Clintons are masters of "do as I say, not as I do" elitist hypocrisy. — Jim Walsh

The stupidest state — Last year, Liberty senior editor Bruce Ramsey and I concluded that Vermont is the most leftist state in the nation. Now I'm here to tell you that it's the stupidest state as well. (Many of you may reason that the one follows the other as night follows day. You're probably on to something.)

Vermont currently allows a tax break for capital gains accrued within the state. That is, if the gains come from a Vermont enterprise, the rate on them is lower than on out-of-state gains. It's a good idea in the absence of an even lower rate (or no tax at all) on all capital gains.

Currently, with the economy in recession, Vermont is worried about running a budget deficit. A proposal was taken up in the legislature to "close the capital gains tax loophole" by taxing Vermont gains at the less favorable out-of-state rate. This would have raised $21 million (real money in a state as small as Vermont).

Fortunately, the idea didn't have enough votes behind it, and the proposal was tabled. However, the Democrat leadership in the legislature stated that the proposal would be introduced again in the next session, if the economy worsened and state government needed the money.

If the economy gets worse, we'll raise taxes. Just how stupid is that?

Raising taxes in a recession to bring in more revenue — I mean, come on, even Lou Dobbs knows that's counter-intuitive. How the idea got even as far as it did, I can't think. Perhaps Vermont Democrats were too stoned in college to absorb the lessons of Economics 101.

We all know politicians do incredibly silly things — that's a big reason why we support limited government. But this takes the cake. Small stuff, to be sure, but ye gods, how stupid can they get? — Jon Harrison

Earthquake OMG! — There is an episode of "The Simpsons" in which Springfield installs a warning system to advise residents what to do in the event of a problem with the town's nuclear power plant. On a lighted sign visible across the city, one of four short messages may be displayed:

RELAX. EVERYTHING IS FINE.
MINOR LEAK. ROLL UP WINDOW.
MELTDOWN. FLEE CITY.
CORE EXPLOSION. REPENT SINS.

It may have been after watching this episode that some government official came up with the idea of a text-message disaster alert system. As USA Today noted on April 9, "Lack of a simple way to deliver vital warnings to residents has hindered emergency response in disasters such as Hurricane Katrina, recent college-campus shootings, and a spate of devastating tornadoes in the Southeast in February."

The text-message alert system, said the article, "could be used for a variety of incidents, such as severe weather, a terrorist threat or child abduction."

As in Springfield, the message must fit the constraints of the medium. I wonder what those text messages will look like.

hurricane coming, r u evacuated???
dude ur gettin pwn3d by a tornado
campus shooter, watch ur back!!!1!
terrorist attack lol — Patrick Quealy

To insure prompt nannying — As smoking bans sweep the nation, businesses that used to rely on smokers — like small bars, casinos, and charitable bingo nights — are seeing revenues plummet. While smokers are a small minority of the population, there are a lot of businesses that cater to them. Smokers tend to be compulsive people, and do everything to excess. They're people that have no regard for their health, no regard for fiscal restraint. They are the kind of people who buy rounds, and make stupid wagers. They like to drink, they often overeat, and will gamble away their

life savings. Smokers hold on to their money like Paris Hilton holds her virtue.

Consequently, there is a market that specializes in relieving smokers of their excess cash. Greasy spoons, liquor bars, and casinos all rely on the spending habits of overly compulsive smokers to help make their payroll. This is probably the reason that before the bans were passed, the majority of restaurants, bars, and casinos all catered to the 20% of Americans who smoke.

Nonsmokers are tighter with their pocket books. They tend to be the ones who pull out a calculator after a meal to check if the tab was added correctly. They also use that calculator to divide the tab equally and figure out an 8% tip on the pre-tax total. Smokers are the biggest tippers. They're the kind who throw 20 bucks onto the table before they leave.

I believe the various taxing authorities are aware of this tendency, and it is why up to two-thirds of the cost of a pack of cigarettes is taxes — a sort of mandatory added gratuity, for the privilege of having a dwindling number of areas in America where smoking is still permitted. — Tim Slagle

Spitzer's sex saga — The exposure of Elliot Spitzer's whoremongering was a delight. Here we have an incredibly arrogant, holier-than-thou lawyer who feels he is permitted to do that which he prosecuted others for — to see him humiliated before the entire nation was almost as pleasing as a night with Jessica Alba. (Well, not really. But it was swell.)

I am truly not one who rejoices in the misfortune of others. Normally I cringe at situations such as the one Spitzer put himself in. We are all less than perfect beings, and I know that I am farther from perfection than most.

But there's something about a hypocrite — such an arrogant hypocrite — that brings out in me a desire to gloat. To see such arrogance, hypocrisy, and stupidity laid low — well, it just made my day.

My fear is that the feds will let him off easy. The libertarian in me wishes they would, for what has he done that should be punishable by law? It's a sick society indeed that punishes someone for shtupping a consenting adult. But karmically, Spitzer should do some hard time. Let him see, let him feel how it is to suffer the consequences of the Mann Act and the "structuring" statute that he, representing our semi-free society, employed to police the morality of others.

Above all, Spitzer deserves punishment for twice dragging his wife out before the cameras, forcing her to share his public humiliation. There's no shame in being married to an "unfaithful" spouse. But it's a shame to be married to a man so gutless he can't face the heat alone.

In his resignation speech, Spitzer spoke of a return to service in a private capacity. I wonder about that. I can't help but believe that he wants to pull a Marv Albert and return to his chosen career (for Spitzer, politics) when the heat dies down. John Profumo, a British Secretary of State for War whose career was ruined by a sex scandal in the 1960s, redeemed himself by taking his punishment and going on to lead an exemplary life. Profumo, however, was three times the man Spitzer is. Spitzer, I don't believe, is truly redeemable. He's just too damn arrogant and self-centered. No, Spitzer should do a spell in Danbury, followed by a return to "service" — perhaps as a janitor on the floor of the New York Stock Exchange. — Jon Harrison

Enter stage left — At the beginning of the year, the most likely nominees appeared to be Rudy Giuliani and Hillary Clinton. Now, barring something unforeseen (which is always possible), the contest in the fall will be between John McCain and Barack Obama.

It is a testimony to the progress America has made in recent decades in race relations and racial attitudes that Obama is now the likely Democratic nominee. Less than four years ago, Obama was an obscure state legislator. His meteoric rise has been matched by no major party presidential nominee since Wendell Willkie in 1940.

Will America elect someone as new to the national stage as Obama? Even presuming that he becomes the Democratic nominee, the answer is "probably not." Any change in the international situation probably favors McCain, and his personal story is more compelling. — Lanny Ebenstein

Living Constitution idealism — Much has been made in libertarian circles about a March 7 op-ed in The Wall Street Journal by former Senator (and former Democratic presidential candidate) George McGovern. McGovern, a strong (some prefer the term "raving") liberal (by 1970s standards!) has, it seems, partially recanted. As he's gone into small business ventures he's seen the dangers that onerous regulations place on people who just want to serve their customers.

Sadly, I have to report the transformation to libertarianism is not complete. McGovern appeared on the March 10 episode of The Colbert Report on Comedy Central. There, in response to Colbert's claim that he was an idealist as a presidential candidate and that idealists seldom win, McGovern responded:

"I'd say the two most famous [idealistic presidents] are Thomas Jefferson and Abraham Lincoln — one a Democrat, one a Republican. I'm doing a book on Lincoln's presidency and if that man wasn't an idealist I don't know what idealism means. He lived by the Declaration of Independence, the Constitution, and the Bill of Rights. To me those are ideals worthy of a great president."

So it seems that, in addition to not being a great candidate for president himself, McGovern is also not a great presidential historian. Claiming that a man who started a four-year civil war to prevent the breakup of the union lived by the Declaration of Independence, a document written to explain and justify the actions of one group of people breaking political bands with another group of people, seems a little bit off. Then there's this well known fact (from Wikipedia):

"On April 27, 1861, habeas corpus was suspended by President Abraham Lincoln in Maryland and parts of midwestern states, including southern Indiana during the American Civil War. Lincoln did so in response to riots, local militia actions, and the threat that the border slave state of Maryland would secede from the Union, leaving the nation's capital, Washington, D.C., surrounded by hostile territory. Lincoln was also motivated by requests by generals to set up military courts to rein in 'Copperheads' or Peace Democrats, and those in the Union who supported the Confederate cause. His action was challenged in court and overturned by the U.S. Circuit Court in Maryland (led by Supreme Court Chief Justice Roger B. Taney) . . . Lincoln ignored Taney's order."

To say that a man willing to suspend habeas corpus in part to accede to generals concerned about the dreaded "Peace

Democrats," and who was as president willing to ignore an order from the Chief Justice of the Supreme Court, "lived by" the Constitution leads one to think that McGovern takes this notion of a "living Constitution" way too far.

I'm glad McGovern is reconsidering his earlier notions of small businesses as public enemy number one, and of government regulations as representing nothing but enlightened ideas for improving society. But is it too much to ask that a person who made a serious run for president of the United States, who was for many years a senator, have a better understanding of what does and does not contradict the founding documents of this country? — Ross Levatter

Welcome to the machine — With a victory in Texas and Ohio, Hillary Clinton became the Lazarus of the Democrat Party. It appears that my earlier predictions could not have been more wrong. (I predicted that the Republican nomination would go all the way to the convention.)

With McCain as the confirmed GOP nominee, it now looks like it's the Democrats who will go all the way to August, and perhaps a brokered convention. The problem is that Obama, the obvious pick of the party, has run into the full force of the famous Clinton Political Machine, and she has no intention of quitting while there is still any chance she could win. It will be fun to watch Clinton and Obama fight over who's the bigger socialist while avoiding the word, lest it be used against one of them in November.

The funniest part, for me, is seeing Democrats realize for the very first time that the Clintons are ruthless, conniving, power-hungry politicians; something those of us in the opposition have been complaining about for the last 15 years. —Tim Slagle

More petro problems — I have ruminated before on an unintended side effect of our environmentalist-caused reliance on foreign oil: the flood of petrodollars into the hands of aggressive dictators. Our own petrodollars buy the rope with which they hope to hang us.

A fresh illustration of this comes from recent events in Latin America. Our beleaguered ally, Colombia, has been battling for decades a particularly vicious gang of Marxist revolutionaries called FARC (the acronym of the Revolutionary Armed Forces of Colombia). These thugs do what totalitarian guerrillas always do — kidnap, kill, and destroy — but these guys do it in the name of a philosophy long-dead elsewhere on the planet.

The democratically elected president of Colombia, President Alvaro Uribe, has been successfully fighting the Marxists for years, all the while working to clean up Colombia's streets and give the economy some semblance of stability and growth. He has been succeeding on all fronts, much to the annoyance of his neighbor Hugo Chavez of Venezuela. Chavez, his running dogs Rafael Correa of Ecuador, Evo Morales of Bolivia, and — who else but that Stalinist fossil from the past — Daniel Ortega of Nicaragua, have been acting as general FARC cheerleaders, hoping to turn Latin America Red. Indeed, both Venezuela and Ecuador allow FARC to maintain bases inside their territories.

President Uribe recently had the stones to bomb a FARC base inside Ecuador, killing the second-highest guerrilla leader, one Raul Reyes. This was a major blow to FARC. The attack caused a sharp spike in tensions between Colombia and the Ecuador-Venezuela axis. Very quickly Hugo Chavez was calling for an armed response, and moved troops to the Colombian border.

But the Colombians had captured two rebel computers, whose hard drives had quite a story to tell. The drives gave up a treasure-trove of fascinating information. In particular, it turns out that Chavez hasn't just been supporting the FARC terrorists in spirit, but financially as well, to the tune of more than $300 million. Chavez received numerous love letters from the FARC gang, but also communications indicating collusion in planning the attacks against Colombia. Moreover, there was extensive collusion between the Ecuadorean minister of security and the guerrilla leadership. This suggests that the Colombians were wise not to consult with Ecuador before the attack.

Even more embarrassing to the Chavez-led Fidelistas manqué, the drives reveal that FARC was trying to procure over a hundred pounds of uranium, apparently planning some kind of dirty bomb.

As all this information came to light, Ecuador and Venezuela backed down, and the chances of war are now nil. It is hard for even such an accomplished liar as Hugo Chavez to play the victim when it is revealed that he has been funneling money to the guerrillas who have attacked his neighbor, and allowing those criminals free haven in his country.

We have in all this another illustration of how our environmentalist-imposed dependence on foreign oil is biting us in our collective behind. Petrodollars sent to Saudi Arabia and Iran fund Islamicist terrorism intent upon annihilating us. Petrodollars also fund Russia's hyper-revanchist Putinism, intent upon restoration of the Soviet Empire, whose passing has been publicly lamented in Moscow. And those petrodollars to Venezuela fund a Marxist revolution aimed at turning Latin America into a massive Cuba.

We have much for which we must "thank" the environmentalists. Their monomaniacal opposition to nuclear power and to the exploitation of America's own oil resources enables people who hate liberty to flourish around the world. — Gary Jason

Putting privacy on the map — The February 7 issue of the Christian Science Monitor has an article that weirds me out. The article appears on page 6, and is entitled: "UK bugging: too much Big Brother?" It is about the pervasive surveillance the British government inflicts upon its citizens, and comes equipped with a color-coded map of the world for quick visual reference, to show how government surveillance in Britain stacks up against government surveillance in other places.

Depending on the level of surveillance, a country can be painted one of six colors: violet, for Significant Protections and Safeguards, down through blue, green, yellow, and orange, to congeal in an ugly rust color for Endemic Surveillance Societies. Australia, Brazil, and South Africa, for example, are painted yellow, for Systemic Failure to Uphold Safeguards. Canada, Italy, Germany, and Iceland are green, for Some Safeguards but Weakened Protection. Violet seems to be aspirational only. No country achieves violet, but Greece does manage blue, Adequate Safeguards Against Abuse. No other

country even rates that high. Still, with one exception, things aren't bad in the remainder of the EU, in a relative-to-the-rest-of-the-world sort of way.

As you would guess, most of the ugly rust color shows up in Asia. Red China, Thailand, and Russia are Endemic Surveillance Societies. The only member of the EU that falls to rust status is Britain. No surprise there, given the title of the article. And the fact that the Mother of Parliaments isn't exactly world-famous for her checks and balances.

What does come as a surprise is the single country in the entire Western Hemisphere that also aspires to rustness. It's us, and it's glaring. In the tiny kind of map that can fit into two columns in a newspaper, you have to squint just to make out Britain. But not the United States. The map is one of those projections that has Greenland bigger than South America. It turns Alaska into a rust stain the size of Western Europe. Unless you set your coffee cup in the wrong place, the rest of the United States, standing out in the center of the page in all its rustiness, is impossible to overlook.

The whole thing was enough to send me to the Privacy International website to check out the place where the Monitor got this map. I thought sure the paper had made some mistake.

What I found was, not only had it not made a mistake, but it had cooked the books to make the map look less damning than it really is. It had skimmed the entire top category, Consistently Upholds Human-Rights Standards, right off the key to the map so that readers never got the full flavor of American . . . er, British . . . failure in regards to privacy. In real life, the United States doesn't just fall in the lowest of six possible categories. It falls in the lowest of seven.

To decide what colors to paint the map, Privacy International assigned each country a rating of one to four in each of 14 separate areas. Four means that a country has significant privacy protections in that area. One means that it has no privacy protections at all. In eight of the categories, The Land of the Free earned a score of one: Statutory Protections (along with South Africa, Japan, India, and Singapore), Privacy Enforcement (with South Africa, Japan, Brazil, India, Philippines, Taiwan, Singapore, Russia, China, and Malaysia), ID Cards & Biometrics (Belgium, Poland, Spain, Netherlands, Bulgaria, Lithuania, Britain, Philippines, Thailand, Taiwan, Singapore, and Malaysia), Visual Surveillance (Hungary, Lithuania, Britain, Switzerland, Singapore, China, and Malaysia) Commercial Intercepts (the usual list of unsavory bedfellows), followed by Workplace Monitoring, Border & Transborder Issues, and Leadership. In these eight categories, Privacy International ranks the United States among "the world's worst."

The thing that really disturbs me isn't the company we keep; it's the fact that the Monitor only discusses lack of privacy as if it were a problem in Britain. It doesn't say thing one about what, to an American, is the most glaring feature of the entire map. Here is a serious American newspaper devoting almost an entire page to a major article about an issue that ought to scare the pants off every American who reads it, and that newspaper addresses the issue in terms of Britain? The Christian Science Monitor, published in Boston, the Cradle of Liberty, feels that it has to sidle up to what must be the most important civil-liberties issue in the history of our republic, and discuss it as if it were only a problem in a foreign country? And, then, only after tweaking the results to make the facts seem less bad than they really are? I leave it to you, Canny Reader, to decide for yourself what may have caused the Monitor to make a decision like that. — Bill Merritt

Big boy pants — Matthew Yglesias' blog on TheAtlantic.com had an interesting discussion of Geraldine Ferraro's claim that, absent his blackness, Barack Obama would not be competitive in the Democratic nomination race.

Under the entry "The Contingency of Candidacy" (March 11), one respondent offered, in support of Ferraro's contention:

"Beyond that, [Obama] did nothing of note. Check the NY Times. There's no mention of Obama before his HLR [Harvard Law Review] appointment, and then there's no mention of him again until 2002."

In reply, another poster said, "I think it's hardly unusual for a currently prominent American politician to go unmentioned in The New York Times until they are in their late 20s. Did the Times cover Eliot Spitzer's bar mitzvah?"

I must agree. However, I note the Times was all over Spitzer's subsequent "today I am a man" story.

— Ross Levatter

My life for my art — Bar owners in the state of Minnesota have stumbled upon an interesting way around the recently passed smoking ban — the Theater Loophole. Apparently, politically correct lawmakers had decided to protect the performing arts from the oppressive regulations other entertainment venues have learned to live with.

Since live theater occasionally requires performers to smoke, and Minnesotans are purists when it comes to art, the Minnesota law permits an exemption from the indoor smoking ban for live theater performers. Apparently the health risk caused by exposure to SHS (secondhand smoke) is not as important as artistic integrity. It's okay for a bar or two to face bankruptcy from the exodus of smoking patrons, but God forbid we have actors using candy cigarettes during a show at the Guthrie Theater.

So bar owners have devised an interesting way to exploit the loophole: Theater Nights. Breaking the fourth wall of the stage, bars put on a "performance" where everybody in the bar is a part of the improvised show. The scene is a Minneosota bar, where a bunch of blue collar workers stop by after work for a smoke and a drink. The show runs about nine hours, and the dramatic conclusion is when the bartender announces "Last Call."

Local police, who never really liked the idea of enforcing a smoking ordinance in the first place, have respected the performing arts by letting these shows continue uninterrupted. Right now it seems that the only way around the loophole is to ban cigarettes from live performances, or appoint a state board endowed with the power to determine what is and isn't live theater. Either option whiffs of censorship, and is highly distasteful in a state where allegiance to the performing arts is considered paramount.

Don't you love ironic plot twists? — Tim Slagle

What's good about bad? — There is good news for those of you who missed the first season of "Breaking

Bad" on AMC. All the shows can be downloaded at the program's website.

"Breaking Bad" provides a not-so-guilty pleasure, by virtue both of its entertainment value and of its subversive implications. The hero is a kindhearted high school teacher who opens up a crystal meth lab, and a chief villain is his boastful, stupid, and abusive narc brother-in-law. — David T. Beito

An end to illusions — On March 25, Iraqi government forces launched an offensive to clear the city of Basra, which dominates the oil-rich south of the country, of forces loyal to Muqtada al-Sadr's Mahdi Army. Prime Minister Nouri al-Maliki went to Basra to oversee the battle, which he termed "a decisive and final" one.

President Bush, speaking at Wright-Patterson air base two days after the offensive opened, said the following: "This offensive builds on the security gains of the surge and demonstrates to the Iraqi people that their government is committed to protecting them."

If anyone needed further evidence to show just how dim the president is, the Wright-Pat speech provided it. Bush should've waited to see how the offensive turned out before speaking. Instead, he recklessly threw what little intellectual and moral capital he still possessed behind an untried foreign government and military.

Maliki and Bush both came a cropper within days. The offensive stalled almost immediately. Iraqi forces made little progress; many abandoned their weapons and vehicles. While the Basra fighting was on, followers of al-Sadr staged massive demonstrations in Baghdad. Sporadic fighting also occurred in the capital, and the Green Zone underwent daily shelling by rockets and mortars, leading to some deaths. So much for the pacification of Baghdad.

Fighting also broke out in other southern cities such as Kut and Hilla. The Sadrists showed that they remain an untamable force in Iraq. The U.S. Army and Marines could crush them, but as I've stated many times in Liberty's pages, the U.S. leadership will never commit to such a fight, simply because our casualties would be enormous.

The result of Maliki's "final" offensive was humiliation for both his government and the U.S. Before a week was out, Iraqi politicians had to travel to Iran, where al-Sadr was ensconced, and negotiate a settlement that was virtually dictated by the radical cleric.

The Basra defeat revealed the weakness of the Iraqi Army and police. It showed that the surge has failed to undermine the Mahdi Army, the most powerful force in the country. The operation resembled nothing so much as the South Vietnamese incursion into Laos in 1971, which ended similarly in fiasco. The current Iraqi government has been weakened, perhaps fatally so.

Once again, we see U.S. policy in the Middle East teetering on the verge of bankruptcy. This time Bush can't call on an infusion of fresh troops to stabilize the situation. Where Iraq goes from here depends upon the will of Muqtada al-Sadr and his patron, Iran. The next U.S. president will need to reach out to both if it wishes to salvage anything from the Iraq debacle. — Jon Harrison

Future shock — I have finally realized that I don't have to wait for "The Future" any longer. It is all around me. Perhaps I simply never took the time to notice

I have a mobile phone that is smaller, lighter, and more functional than the communicators used by Captain Kirk in Star Trek. I can use it to contact almost anyone on the planet and it only set me back about $75. I am typing this on a computer with hundreds of millions of components, perhaps even more than a billion components; it functions nearly perfectly, and it cost a little more than $1,000. The CPU has a clockspeed of more than 2GHZ. That is 2 billion cycles per second. The hard drive it contains can store millions of typewritten pages, hundreds of thousands of images, thousands of songs, and hours and hours of video. All of this data can be instantly shared with any other computer in the world via the internet.

I am not dead, though I have contracted several infections in my lifetime that would have easily killed me 100 years ago, and I have a medical condition that would leave me dead or permanently disabled without modern treatment.

Millions of people regularly fly in jet-propelled, computer-controlled aircraft that can take us anywhere in the world in a matter of hours. Scientists have discovered more planets orbiting other stars than there are in our own solar system. If I were willing to bankrupt myself, I would be able to fly into space within the next two years.

The Soviet Union is gone and the United States is waging a global war against violent Islamic fundamentalism. A woman or a black man is going to be the next Democratic nominee for president of the United States.

If a novelist tried to pitch a book set in a future world like this 40 years ago he would have been laughed out of the room. — Jerome Cole

Education in a state — California courts have decided that homeschoolers must be certified by the state in order for them to be excused from attending public school. At present, the state requires that children attend a school taught by a state-certified teacher, without exception. I would guess the success of the homeschooling movement has become apparent, and teachers are angry that they're being shown up by amateurs.

There is also probably panic within certain state chambers that kids are actually getting educated. Why, if kids learn math, there might be an entire generation of Californians that realize that the advantages of living in California are not proportional to the amount of taxation. That the amount of energy consumed statewide cannot be replaced with a couple windmills and a few solar panels. If you give kids the power of education, they might start thinking they're smart enough to operate their own thermostats!

I don't understand how people so obsessed with nature

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and ecosystems can be so ignorant of economics. The same people who want to limit human interference in wilderness areas seem unable to understand that an economy requires a similar freedom from human intervention.

Recessions cannot be prevented. A recession is a natural part of the Yin and Yang of a healthy economy. Just like any breathing creature must inhale and exhale, an economy must expand and contract. Nations that have tried to eliminate the natural behaviors of an economy with central control have only succeeded in killing their economies.

Keeping the economy dynamic is an important requirement of the free market. As we enter a recession, unnecessary jobs are sloughed off. It is a regretful but required price of progress. As the economy starts growing again, the lost jobs will be replaced with jobs better suited to the age. It's happened throughout history. Farmers move to the cities and take work in factories. Buggy whip plants lay off, auto plants hire. Ice delivery men become refrigerator repairmen. Cash register companies go bankrupt, computer companies open. —Tim Slagle

Time for a war on wars? — We declared war on poverty. Now we have homeless people panhandling at every freeway entrance ramp.

We declared war on drugs. Now we can buy drugs on nearly every middle-school and elementary-school playground.

We declared war on terrorism. Now we are more vulnerable to terrorism than ever before, and the terrorists have expanded their operations to the battlefield we have made, where terrorists never existed before.

Do you suppose it is time for us to rethink our strategy toward our problems? — Marilyn Burge

Healthcare vs. health — Something dangerous has happened to health care in this country. Before the socialists stole the phrase (and made it one word), "health care" was something *you* do, and "medical care" was something *done to you*.

Somehow, the "something you do" part has vanished, and health care got folded into medical care and called "healthcare." You are now considered helpless to manage your own health. Instead, you are encouraged to rely on expensive professionals and exotic pharmaceuticals. This is dangerous nonsense.

My wife, a doctor, estimates that 80% of the problems she treats in her clinic are self-inflicted. Bad diets, sedentary lifestyle, substance abuse, and plain carelessness do far more damage than random misfortune or lack of medical intervention. People take better care of their cars than they do of themselves. It's as if they put sand in their car's oil and drive it through a brick wall, then expect the insurance company (or the government, or the wall owner) to fix everything.

Sorry. The human body is a wonderful mechanism, but it is way beyond medical capability to compensate for consistent neglect and abuse. The body requires proper inputs and functions poorly with substitutes. Too much sugar in the mouth can be as damaging as sugar in the gas tank.

Injure the body and it will attempt to repair itself, and sometimes a doctor can help that process. But no amount of expensive medical care can compensate for a lack of health care. Clean water and good diet do more for people's health than penicillin ever did.

Medical care is becoming increasingly expensive, because of the increasing lack of health care. We do indeed have a crisis, and it can be solved by throwing away the potato chips, turning off the TV, and spending a little time exercising instead.

The government cannot provide health care; it can only take away the tools that individuals need to care for themselves. The government can pay for huge amounts of medical care, but there is not enough money in the world to buy medical care that is as good as responsible, individual health care. — Keith Lofstrom

You swoon, I swoon, . . . — First it was the ladies fainting at the rallies, one city after another. It became so routine that Obama had a prepared response from the stage. "Could we have water over here? Please give her a little room. Could we have some water over here?"

Now it's worse. Now it's the guys.

MSNBC's political analyst Chris Matthews described on TV exactly what happens to his body when Obama speaks. "I have to tell you, you know, it's part of reporting this case, this election, the feeling most people get when they hear Barack Obama's speech. My, I felt this thrill going up my leg. I mean, I don't have that too often."

In another analysis, Matthews put Obama on an even more divine level. "I've been following politics since I was about five," he said. "I've never seen anything like this. This is bigger than Kennedy. Obama comes along, and he seems to have the answers. This is the New Testament. This is surprising!"

Even experience for the job doesn't matter, it seems, if you're crazy about the guy. Hendrik Hertzberg explains in the New Yorker that "experience is a problematic argument, especially when voters are hungry for a new beginning." Old Jimmy Carter finds Barack titillating. "Obama's campaign," he said, "has been extraordinary and titillating for me and my family."

Obama, with his "youthful unlined face," writes John B. Judis in his article "American Adam" in the New Republic, "is like Herman Melville's Adamic hero, Billy Budd, a foundling who was 'happily endowed with the gayety of high health, youth and a free heart,' and 'looked even younger than he really was.'"

Obama is "outside of America's racial history," according to Judis. As "the son of an East African whose ancestors were not shipped to the New World as slaves," Obama is Adam, the first man, someone who can "wipe clean the slate of history and begin from scratch." But to me, it looks as if these folks are trying to wipe clean the slate of memory, to erase what we've learned about the dangers of thinking that we've found a political savior, a strongman who will create a "new man." — Ralph R. Reiland

Cold, dead fingers — Charlton Heston, 84, died on April 5, 2008. He was a prominent film actor with a long career already to his credit when in 1998 he became president of the National Rifle Association, a position he held until 2003. He contributed to the NRA the benefits of his fame and likability, and his intelligence. He was a fine spokesman for an organization that libertarians should care about.

The NRA must be the most successful advocate of individual civil liberties anywhere in the world. I know that's a big,

continued on page 21

A Real Party?

by Bruce Ramsey

What will happen to the Libertarian Party after it's invaded by professional politicians?

Bob Barr, who was a Georgia congressman from 1995 to 2003, said in early April that he would seek the Libertarian nomination for president. About a week earlier, Mike Gravel, who was senator from Alaska from 1969 to 1981, announced that *he* was joining the Libertarians and seeking their nomination for president. Such attention from two former members of Congress, one (Barr) a former Republican and the other (Gravel) a Democrat, is a noteworthy thing for the Libertarian Party, which in 35 years has seldom nominated anyone who has actually held office.

The big exception was Congressman Ron Paul, 20 years ago — and Paul, of course, is still a Republican.

The fervency of Paul's supporters over the past year is what entices Gravel and Barr. Wrote one voter on the Atlanta Journal-Constitution blog: "I voted for Ron Paul. And I'll vote for Barr if he is the libertarian candidate." Wrote another: "I would contribute to a Bob Barr campaign in a heartbeat!"

Barr, who was in the limelight during the impeachment of President Clinton, misses national politics. In one of his Journal Constitution columns he writes: "I spent three days last week in Washington, D.C., where, like a recovering alcoholic, I am not infrequently drawn for sustenance and comfort."

Barr's biggest exposure to the American public since leaving office was his interview in the movie "Borat," an interview he was tricked into doing. It was hardly the sort of thing to satisfy the soul. Running for president would be a lot better. He would have to pretend he could win and, though he would not, he might be a player in the outcome.

Barr, who joined the LP two years ago, has morphed from conservative drug warrior to libertarian. Gravel comes from the Democratic Left. His No. 1 issue is opposition to Bush's War on Terror and the Patriot Act and, in that, he agrees with Paul. But he is also for state-guaranteed medical care and preschool education; to pay for the necessary expansion of government, he is for a carbon tax and a national sales tax.

These are leftist positions — but then, a fair number of Paul's supporters have come from the Left, and some of those on the antiwar Right might vote for Gravel under the LP label.

And so he announced in March:

> The fact is, the Democratic Party today is no longer the party of FDR. It is a party that continues to sustain war, the military-industrial complex and imperialism—all of which I find anathema to my views.

Roosevelt sustained war well enough. But to go on:

> By and large, I have been repeatedly marginalized in both national debates and in media exposure by the Democratic leadership, which works in tandem with the corporate interests that control what we read and hear in the media. I look forward to advancing my presidential candidacy within the Libertarian Party, which is considerably closer to my values, my foreign policy views and my domestic views.

LP spokesman Andrew Davis said Gravel's advocacy of government health care, financed by a national sales tax, might be a problem at the party's convention, to be held May 22–26 in Denver. I imagine it will.

Indeed, there is a chance the Party of Principle would spurn both of these politicians and choose among Wayne Allyn Root, Daniel Imperato, Michael Jingozian, Bob Jackson, Christine Smith, Steve Kubby, Mary Ruwart, Daniel Williams, and other persons few Americans have ever heard of. But, like Gravel, the Libertarians have been marginalized and are tired of it.

Surely it must be tempting to become a vehicle for real politicians who, even if they could not win, could at least have a chance at getting some attention and affecting the outcome.

The Libertarians have never changed the outcome in a presidential race, though with victories by plurality and the Electoral College, it would not be difficult. If Bush had gained a few hundred fewer votes in Florida in 2000, and Pat Buchanan hadn't been there, Harry Browne might have stolen the limelight from Ralph Nader.

Libertarians have probably tipped U.S. Senate seats several times: to Harry Reid in Nevada in 1998, to Maria Cantwell in Washington in 2000, to Tim Johnson in South Dakota in 2002 and to Jon Tester in Montana in 2006 — all of them Democrats.

I have met Libertarians who deny this actually happens, and insist that people who voted Libertarian would not have voted Republican, or voted at all. These people do not convince me. The best evidence of the second-choice tendencies of Libertarians comes from the Georgia senate election of 1992, where the initial result was Republican Paul Coverdell, 49%; Democrat Wyche Fowler, 48%; and Libertarian Jim Hudson, 3%. Georgia held a runoff election in which Coverdell picked up the Libertarian votes and won, 51% to 48%.

In my own state, Washington, I once argued with a Libertarian about the 2000 senate election, in which Maria Cantwell, Democrat, beat Slade Gorton, Republican, 48.7% to 48.6%. The Libertarian argued that most of LP candidate Jeff Jared's 2.6% share would have gone to the Democrat, because most of Jared's votes had come from Democratic precincts.

I thought of this magazine. Liberty has its offices in Jefferson County, which is the third or fourth most Democratic among 39 counties in the state. And that means — what? It means a lot of libertarians live in Democratic neighborhoods.

More libertarians than Republicans tend to be gay, or not go to church, or be like Democrats on some other social measure. But it does not mean a Democrat will be their second

Where's the *real* Straight-Talk Express?

Bob Barr, a former Republican representative of the 7th district of Georgia (1995–2003), former senior member of the Judiciary Committee, former vice-chair of the Government Reform Committee, former U.S. Attorney for the Northern District of Georgia, and former member of the CIA, has just announced he is running for the presidential nomination of the Libertarian Party.

Barr is certainly well known among political junkies. And Ron Paul has demonstrated there is at least a vocal minority of supporters for libertarian positions in this year's election, where the Republican and Democratic choices are so odious. What can Barr do to maximize his election results?

Bloggers have taken to this subject already: Get Ron Paul's endorsement. Buy Ron Paul's mailing list. Be more specific, focusing the campaign on a few specific issues (e.g., opposed to the War on Drugs, opposed to the Iraq war, in favor of civil liberties).

But I think there's one thing Barr is uniquely in a position to do that could make a major impact on the campaign, and on American politics, though I doubt he'll do it:

He should write a political tell-all book. He was in Washington, in Congress, for almost a decade. He can write a book that, from the inside, deglamorizes Washington, correcting American's grade-school civics-class view of how government works. He can shine a light on backroom deals, how politicians get rich and powerful, what Obama, McCain, and H. Clinton really do in the halls of Congress, what both Republican and Democratic party operatives want the American public to remain ignorant of — how the media distorts the reality of Washington.

It could be a crippling book to those raised in the illusions of "democracy", and Barr has the name power to make it a much bigger seller than any book Ron Paul could write. And such a book (which should be equally as hard on Republicans as Democrats) could propel him onto the public stage and possibly into the national debates. It would certainly make clear which candidate running this year is really riding a Straight-Talk Express.

Barr is an attorney, and should be able to deal with the anticipated tsunami of heated responses that would come his way as a result of such a book. But in such a context all publicity is good publicity, they say.

Can we have the audacity to hope that Barr would write a book about his part of living history in Washington?

— Ross Levatter

choice in an election.

If I am wrong — and I may be, in an Obama year — then it means Libertarian candidates may start tipping elections to Republicans. That still makes them a spoiler party, and raises the question of whether that is what they want to be. Being a spoiler party *will* get attention, but it may not be the sort of attention they want.

Of course, if what they really want to be is a major party, inviting in politicians like Barr and Gravel is a step in the right direction. But what is the *next* step?

And the hijack strategy makes certain assumptions about Ron Paul that may not hold up. It assumes that when the good doctor says the Ron Paul Revolution is about ideas only, and not about him, we should take his modesty at face value. Granted that ideas are at the core of it, and that they could be represented by someone else.

But the pilot of this aircraft is, in fact, Dr. Ron Paul. He has said he will not run against the Republican nominee, but the Republican Party will not officially choose a nominee until September 1–4, and Paul has not officially quit the race.

He has sharply scaled back his campaign, but in early April he was holding "Freedom Rallies" on university campuses in Pennsylvania before the primary election there, and on April 30 he was scheduled to release his new 150-page campaign book, "Revolution: A Manifesto."

Paul's supporters were winning delegate seats and party offices in Missouri, Texas, and Washington, and he was working on plans to use the $4 million in cash remaining from his campaign. And there is also the Republican convention in Minneapolis.

On March 31, a Los Angeles Times blog quoted another blog, fitsnews.com, predicting that Paul would endorse Barr. Paul's spokesman, Jesse Benton, torpedoed the prediction. In an interview with Liberty, he said, "Ron has no plans or intention now to endorse Mr. Barr," and he said an endorsement in the future "is highly unlikely."

I have written that if Paul intends to remain a Republican — which seems so, since he has just won the Republican primary for his seat in Congress — he will have to endorse McCain. On March 20, Paul said otherwise to Newsweek: "I'm not going to tell [my supporters] what to do, but I honestly can't imagine any of them supporting him." Benton confirmed that Paul was unlikely to endorse McCain.

If Paul wants to build his influence within the Republican Party, he will come under great pressure to hold his nose and change his mind. He is, of course, "Doctor No," and is known for going his own way. His supporters are no doubt the same, and in November will have several choices. ❑

Reflections, *from page 18*

broad claim, but I think it's true.

The NRA's favorite liberty has plenty of enemies. Governments and the busybodies that they employ have the same persistent urge to restrain gun rights as any other rights.

The NRA makes a lot of noise about its setbacks and losses. But don't let that fool you. The right to keep and carry arms is much more broadly respected by jurisdictions all over the United States than it was five, ten, or twenty years ago. What other civil rights can you say that about? In the case of gun rights, the opponents of liberty are losing. What a joy to be able to say that about the enemies of any individual liberty! I'll repeat myself just for fun: they are on their heels and in retreat. In the tally sheets, their loss column is long and crowded.

According to the Washington Post, 48 states now have "processes that allow people to legally carry firearms for self defense, compared with six states in 1982." In the same article, an opponent of a proposal to allow more guns in national parks whines about how good the NRA is at lobbying: "It's a political maneuver by the NRA. They are using this as a political tool to build up support heading into the elections." Don't you wish the opponents of other liberties were crying the same tears over the antitax lobby or the drug decriminalization lobby or the tame-the-commerce-clause lobby or the private property lobby?

I predict that several obituaries will paint Charlton Heston's presidency of the NRA as a blot on his career. Others will say that he honored the NRA by taking that office. I say that, more than any Oscar, his presidency of the NRA honored him. May he rest in peace. — Michael Christian

Charlton Heston, R.I.P. — It seems like there have been a lot of obituaries and memorials to write in the last year or so. In journalism circles, obits are considered the basis of all good reporting. The best ones offer the basic facts of a notable person's life — plus some small bit of insight that requires more than just reporting.

Recently, I received a couple of calls from readers who took issue with my memorial Reflection on William F. Buckley, Jr. I'd written that Buckley's rationalizations against the civil rights movement in the 1960s were one of his significant errors; both callers complained that his states-rights arguments were better than rationalizations. One guessed (correctly, as it turns out) that I'm too young to remember firsthand how "troubled" the mid-1960s were.

I didn't bring up Charlton Heston to those callers, but I should have.

Heston was on the right side of the U.S. Civil Rights movement in the early 1960s. He gave critical moral and financial support to Martin Luther King when King was fighting codified racial segregation and institutional racism in the South. He was friendly with writers and intellectuals like James Baldwin — when Baldwin was writing well about the toll that bigotry and hatred take on human dignity.

Later, when King was gone and a generation of mau-mau artists hijacked the Civil Rights movement, Heston moved on to other political activities. You're probably familiar with his long tenure as head of the National Rifle Association.

To me, a person's understanding of the 2nd Amendment is the clearest test of that person's validity as a libertarian. The

continued on page 50

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- **Our Next President:** Doug Casey, Randal O'Toole, and Bruce Ramsey take no prisoners in this lively argument about which candidate, if any, should get your vote in this year's election.
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The Ethics of Tort Reform

by Gary Jason

It's a long step down from Kant to John Edwards, but the righteous and necessary realignment of the U.S. legal system requires a philosophical approach.

This essay is concerned, as the title indicates, with a certain kind of legal reform — what it's for, what it's worth, and what should be done to get it. But I want to start by talking about why people often don't know that reform is needed, in this and other areas.

There are at least three basic kinds of bias in our sources of information.

There is description bias, in which the source colors its presentation of data by using loaded descriptions, such as using "ultra right-wing" or "ultra left-wing" to describe someone who is merely conservative or liberal, in the contemporary senses of those terms. (Mainstream media are prodigal in their use of the former phrase: Google-search "ultra right-wing" and you get 124,000 hits, compared to only 24,000 for the phrase "ultra left-wing.")

Then there is data selection bias, or what logicians call "special pleading," where someone presents only data that support his own perspective or conclusion.

Both of these sources of bias can reassure us that nothing needs to be done, at least if we're on the proper side of the political spectrum and have a lot of special pleaders around us.

But a deeper sort of bias is issue selection bias, where the source refuses even to mention certain worthwhile questions. This bias can be intentional. Some institutions have well-understood standards of political correctness that make various areas of inquiry unwelcome. It can also be unconscious. Relevant issues simply may not occur to researchers, or just not seem interesting.

Many years ago I was interviewed for a columnist slot at the major newspaper in the city where I worked, and the editor of the op-ed page (who was, like most of his ilk, "progressive" to the bone) asked whether I had any plan to do some columns about the Religious Right. I replied that the topic was well explored, but how about some columns on the Religious Left, such as the (then) popular "liberation theology" movement? He stared at me as if I had suggested slitting his mother's throat. The bias was unconscious, but very active.

One effective way to counter these various biases is to read or listen to information coming from people of markedly different ideological persuasions. Facts that support an idea will usually be presented in depth by the sources which favor that idea, and usually not mentioned by the sources which oppose that idea. And issues not even discussed by one source will fascinate another source of different ideological stripe.

This assumes, however, that you can find information sources representing all major ideological perspectives. Most social science and humanities departments are now essentially leftist thinktanks, with overwhelmingly left-liberal faculties (although economics departments are much more ideologically balanced than the other social science departments). This is why thinktanks are so important. They are places where dissenters from academic orthodoxy can pursue their research and ask questions that wouldn't even occur to other academics. Of course, I don't pretend that such institutions are themselves free from bias; but at least their advocacy is clearly acknowledged. More to the point, they provide a counterbalance to the academy's incessant stream of leftist research.

A deeper sort of bias is issue selection bias, where the source refuses even to mention certain worthwhile questions.

Now let's consider a substantive issue, one that is vital to everyone affected by the American civil court system, whether they know it or not: "How much does the American tort system cost us?" This question has occurred to almost everyone who has ever run a business, but it is not a question that seems to interest many academic economists or other social scientists. Nor is it of absorbing interest to political leaders. Trial lawyers, who profit mightily from the present system, are also mighty contributors to political campaigns. Indeed, one of the major candidates for the Democratic nomination, John Edwards, made mega-millions from tort cases. It is especially hard for Democratic politicians, who get the majority of trial-lawyer money, to see trial lawyers, not as heroes, but as participants in an institution that (like any other) has socio-economic costs.

So it is a welcome development that a group of scholars at the Pacific Research Institute have investigated precisely this neglected issue. The PRI is an independently funded free market thinktank. The group was headed by distinguished economist Lawrence McQuillan, and included Hovannes Abramyan and Anthony Archie. The McQuillan group has written a solid report on the costs of our tort system, with remarkable findings. The report, entitled "Jackpot Justice: The True Cost of America's Tort System," is downloadable in full from the PRI website.[1]

The document is meticulously researched and extremely detailed. It looks at the various economic costs of lawsuits aimed at giving an injured party compensation for damages suffered through the negligence of another ("tort" is French for "wrong"). The study focuses on class actions, medical malpractice suits, and product liability suits. It aims, in the investigators' words, to provide "a conservative first approximation of the total costs, both direct and indirect, as well as the total excess costs of the U.S. tort system."[2]

The McQuillan group is not attacking tort law itself. It stipulates that a good tort system is essential to the free market, because it helps ensure that businesses take care to make safe products and refrain from harming the environment, and that people who are truly harmed by some trade or industry — as inevitably happens in any economic system — are appropriately compensated. When critics of the tort system miss this point, their prose turns into mere lawyer-bashing, complete with the line from "Henry VI": "The first thing we do, let's kill all the lawyers."

Yet a bad tort system is a burdensome tax on the economy, killing jobs, lowering income, and increasing prices. Additionally, it exacts opportunity costs: every nickel a company has to plow into fighting lawsuits is a nickel less that it can plow into research and development, higher salaries for its employees, or lower costs for consumers. And to the extent that America has an unnecessarily burdensome tort system it will be at a disadvantage in the global economy.

The authors find that the direct and indirect cost of the current tort system was, in 2006, an astonishing $865 billion: "To put the annual social cost of the U.S. tort system into perspective, it is equivalent to an 8% tax on consumption, a 13% tax on wages, the combined annual output of all six New England states. . . . The annual price tag, or 'tort tax,' for a family of four in terms of costs and foregone benefits is $9,827."[3]

Comparison with other industrialized nations — which seem to be protecting their consumers well enough — shows that the U.S. tort system is grossly excessive. We spend 2.2% of our GDP on direct tort expenses; the other advanced nations spend 0.9%. That 1.3% difference suggests that as much as 59% of U.S. tort costs are excessive. This means that about $589 billion annually is drained uselessly from the American economy — about $7,850 per family of four.

A bad tort system is a burdensome tax on the economy, killing jobs, lowering income, and increasing prices.

The McQuillan group unfortunately does not compare the number of lawyers in the U.S. to those in other industrialized nations. Back in 2000, The Economist pointed out that the United States had 281 lawyers for every 100,000 people, versus 94 for Britain, 33 for France, and only 7 for Japan.[4] The percentage of lawyers in the U.S. has increased even more since then.

Along these lines, in a now classic study done in 1992,[5] economist Stephen Magee, using international data sets comparing growth rates and relative numbers of lawyers as a percentage of white collar workers, concluded that there was an optimum of the percentage of lawyers in a population. Too many lawyers hurt the economy, *as do too few*. By his estimate, the U.S. had something like 40% too many lawyers.

It's a depressing subject. The McQuillan group does its best to leaven dry economic analysis with illustrations of crazy tort actions, but these tend to be depressing too. In one case, a small pharmacy owner was sued in a class action against a diet drug (Fen-phen) that had been approved by the FDA and was sold by the pharmacy only by prescription. The lawyers targeted the small pharmacy because it was in a county known to be "plaintiff-friendly," even though the drug maker was located in an entirely different state. The stress of the legal shark attack apparently induced a heart attack in the owner, killing him. His wife subsequently had to sell the pharmacy they had built. She was sued over a hundred times before the sharks had their fill.

The direct and indirect cost of the current tort system was, in 2006, an astonishing $865 billion.

And these things don't stop. Since the report was issued, several even more egregious examples of tort law abuse have made the headlines. Consider, for instance, an administrative law judge by the name of Roy Pearson, who sued his dry cleaners for *54 million bucks*, for losing his pants. He also lost his case, but he plans to appeal, putting the defendants (Soo and Jin Chung) through a living hell.

In another big news story, William Lerach, one of the most famous and successful class-action lawyers in the country, pleaded guilty to several felonies for his role in bribing people to become plaintiffs in big-buck lawsuits.[6] Lerach won billions by suing major corporations, including AT&T, Enron, Lucent, Microsoft, and Prudential Insurance. His firm, Milberg Weiss, had paid over $11 million in kickbacks to get people to be plaintiffs in lawsuits that netted the firm over $250 million. (Lerach will do only one or two years, alas, but will have to disgorge the better part of $8 million. Other partners in the firm have been charged, including co-founder Melvyn Weiss, who faces up to 40 years in jail.)

A third case of trial lawyers gone wild occurred recently in Kentucky.[7] Three tort lawyers — Shirley Cunningham, Jr., William Gallion, and Melbourne Mills, Jr. — got a settlement (in 2001) for a group of 440 consumers who had purchased a diet drug containing Fen-phen. The settlement was for $200 million, from which the attorneys were to collect a third for their contingency fees. The lawyers kept $106 million for themselves and put another $20 million into a charity that they set up. So the plaintiffs got $74 million rather than the $132 million they were due. The judge who presided over the original settlement, Judge Bamburger, retired in 2004, and was promptly appointed "director" of that selfsame charity, at a hefty salary. Complaints by the plaintiffs led to a federal investigation, and the lawyers have all been indicted. The federal judge overseeing the case has even jailed them as flight risks. And the plaintiffs are suing to get the rest of the money. The Kentucky Bar Association has yet to disbar the crooks.

In a fourth recent case, Mississippi tortmeister Dickie Scruggs (an apt moniker, indeed) was indicted for attempting to bribe a judge, presiding circuit court Judge Henry Lackey.[8] Scruggs' law firm had obtained massive settlements from insurance companies for Katrina victims, and Scruggs fell into a dispute with another attorney in the firm (John Griffin Jones) about how to divide the $26.5 million in attorneys' fees. The *Jones* v. *Scruggs* suit was due to be heard by Judge Lackey.

According to the indictment, Scruggs sent an emissary (an outside attorney named Timothy Balducci) to offer a bribe to Judge Lackey. Lackey, however, refused to fulfill the promise of his name, and went to the FBI. Working undercover and likely wearing a wire, he agreed to take a $40,000 bribe. Balducci then allegedly handed over $20,000 in cash up front, and the rest later on. Scruggs and his four cohorts — lawyers all, remember — face 30 years in prison.

If you want to read other outrageous cases, the estimable American Tort Reform Association has a page on its website[9] listing some of the more ludicrous ones. It also has a downloadable annual report on the areas of the country that have the worst record of judicial rulings in tort cases. These are called, appropriately enough, "Judicial Hellholes."

To return, however, to the McQuillan study: as useful as it is, it does not include the costs of other areas of civil law, such as employment, securities, the Americans with Disabilities Act, or contract lawsuits. So the study's "conservative first approximation" of the total costs of our tort system is very conservative, indeed.

More importantly from the philosophic point of view, the study explores only the utilitarian (or more broadly) consequentialist case against tort law abuse. That case is fairly obvious, so long as one does not suffer from any of the biases listed above. Yet there are also ethical perspectives to be invoked.

Lawyers targeted the small pharmacy because it was in a county known to be "plaintiff-friendly," even though the drug maker was located in an entirely different state.

Begin with the Kantian perspective — the injunction to treat people as ends, not as mere means to our own ends. That would surely rule out suing someone (or some company) not because he actually harmed you, but because you can convince a jury that he did and thereby take his assets. It would

also rule out the "deep pockets" strategy employed by not a few trial attorneys, that of suing persons or companies that were only tangentially involved in a tort, and truly blameless of the harm, simply because they have more assets, or because they are located in a jurisdiction favorable to trial attorneys. And it would rule out juries' occasional practice of awarding damages to a plaintiff not because he was really harmed by the defendant but because the jury felt sorry for him and viewed the defendant (a large corporation, typically) as having the resources to help him. Such a Robin Hood approach clearly treats wealthy defendants as if they were cows to be milked.

Such a Robin Hood approach clearly treats wealthy defendants as if they were cows to be milked.

There is also the natural rights perspective. If all people have unalienable rights, surely they have the right to be free from harassment by other people, from having their property wrongfully taken, and from having their privacy violated by unjust legal actions.

Finally, the recently regnant "virtue ethics" perspective would encourage us to look at the role of institutions in building or destroying character. From such a perspective, one must view with alarm a tort system so loose that it encourages people to steal legally from others. Ironically, it has been economists rather than moral philosophers who have been most aware of the moral hazards (especially rent-seeking) that come from a loose tort system. Moral hazard (in philosophic terms) is making people vicious by offering them perverse incentives to become so.

In sum, a number of consilient moral considerations argue for systematic tort reform.

The McQuillan study does not suggest how this might happen, though several approaches come to mind. I want to start, however, by reviewing some ideas for controlling tort abuse with which I do not agree. One is the general idea of limiting what people can gain from lawsuits, with an eye to lowering incentives for them to file frivolous ones.

We could cap non-economic damages (awards for pain and suffering over and above economic loss). There is some evidence that non-economic damage caps work to curtail tort abuse. For example, a recent article in the Investor's Business Daily[10] shows that since Texas, four years ago, passed a state constitutional amendment capping non-economic damages in medical malpractice cases, it has seen a 21% drop in medical malpractice insurance premiums. This, of course, helps healthcare consumers (aka patients) in two ways.

Directly, it lowers doctors' charges, since any healthcare provider builds insurance costs into the price of services. Indirectly, in Texas it has led to a flood of doctors moving from states that have runaway tort systems. Since awards were capped in 2003, applications for medical licenses have skyrocketed, from 8,391 in the four years before the cap was passed, to 10,878 in the four years since.[11]

Nevertheless, capping non-economic damage awards is less appealing than some other approaches. For one thing, it limits the freedom of juries to address a proven harm as they see fit. While individual juries can behave irresponsibly, we still have to judge the institution as a whole.

Moreover, while the function of the tort system is primarily to compensate, "make whole," the person injured, that is not its sole function. In some unusual cases (say, where people are permanently disabled or disfigured through extreme recklessness), punitive damages may well be just, both to punish the defendant and to deter future recklessness by others. In this regard, we should note that since 2003, Texas has witnessed a rise in investigations of doctors (up by 40%), complaints by patients (up by 25%), and disciplinary actions against doctors (up by 8%), though this could also be caused by closer regulatory scrutiny.[12]

We can agree that the punitive function should be kept strictly for egregious cases, not for ordinary negligence, but it seems legitimate in theory. There is recklessness that does not rise to the level of outright criminality. In fact, courts tend to peg the amount of punitive damages to the actual damages suffered by the plaintiff, and they require a greater burden of proof for punitive as opposed to other damages.

A second approach is to limit or even prohibit contingent fees, fees that lawyers get only if they win a suit. Contingent fees are not allowed in most European courts, and were not permitted in early America. Yet this again is an approach I do not favor, for the same reasons that the American legal system eventually decided against it.

We should be reluctant to tell autonomous agents engaged in negotiating a price for some service what they must agree to. The practice obviously violates their rights to negotiate freely. More specifically, there are some cases in which a person who has truly been harmed could not afford a lawyer, if a contingent fee arrangement were not available.

Besides attempting to limit awards for damages or fees for trial lawyers, reformers have suggested that we simply eliminate the jury system for tort cases, and rely on the judges instead. This is the norm in Europe, and makes a certain amount of sense. After all, judges are trained in law, and are (arguably, at least) less susceptible than juries to the irrelevant emotional appeals and flowery rhetoric — especially class warfare rhetoric — that trial lawyers too often dish out.

One must view with alarm a tort system so loose that it encourages people to steal legally from others.

But trial by jury in common law suits of over $20 is guaranteed by the 7th Amendment to the United States Constitution, so at least at the federal level the change would be practically

impossible to make. And I think the reasons for putting that right into the Constitution still apply. Not only are juries a check on the power of government but, except in a headline-grabbing minority of cases, jurors tend to be reasonable. I don't think they are the core of the problem.

My preference is for a number of other approaches, some rather narrow, and one very broad, that focus on making the tort procedures themselves (as opposed to the lawyers and jurors who work under the procedures) more rational and fair.

To begin with the narrower approaches, we first need to pass laws that limit liability for torts to agents who have the main direct causal role in the tort. (These laws to limit tort exposure will likely have to be industry-specific). Dragging into lawsuits people who had no real hand in the commission of the harm surely violates their rights. Remember the case of the pharmacist who was sued for selling an FDA-approved drug. Since the pharmacist didn't manufacture or prescribe the drug, he should have been held legally harmless in the matter. Pharmacists should be responsible for torts that occur in the normal specific practice of their business, such as mistakes in filling prescriptions or selling drugs that are past their declared shelf life, not for things they weren't involved in, such as the manufacture of the drugs they sell.

The firm was living parasitically upon the small business community, and living well.

For this reason I support attempts to hold gun manufacturers liable only for damages that occur from defects in their products (such as guns that can explode when fired), as opposed to liability for the wrongful use of their products (such as the use of guns in criminal activities, unless the manufacturer had knowledge that the person buying a gun was criminal or mentally incompetent).

Second, a number of states (such as California) have enacted statutes that require compulsory arbitration in certain cases, and many contracts (especially for medical, legal, and other professional services) already contain arbitration clauses. But we need to get creative in setting up even more venues for compulsory arbitration.

Third, we need to follow a suggestion by Peter Huber, who argues in "Galileo's Revenge: Junk Science in the Courtroom"[13] that the dropping of the *Frye* rule about the "general acceptance" of professional ideas has led to a proliferation of dubious cases in which clearly bogus science was allowed into the courtroom. For example, the aforementioned John Edwards won a lot of money from convincing juries that obstetricians caused cerebral palsy in the infants they delivered by failing to perform caesarian sections, a claim the vast majority of medical scientists would view as pseudo-science.

I will be brief, referring the reader to Huber's fine book for further details. In 1923 a federal appellate court ruled that expert testimony would be allowed in a trial only if the testimony was based on theories and methods generally accepted by practitioners in the field. However, in 1975 this rule was weakened at the federal level, and in 1993 the U.S. Supreme Court (in *Daubert* v. *Merrel Dow*) rejected it and put in its place a requirement for independent judicial review of the scientific testimony. But absent the *Frye* rule or some other tight standards, judges (who are trained in the law but typically not in science or statistics) and juries (who are ordinary folk, not trained scientists from relevant disciplines) are put in the position of having to decide which scientific theories and practices are scientifically correct.

Fourth, we need to require that any person filing a lawsuit must actually have been harmed by the person or company he is intending to sue. Believe it or not, there are some states (such as my beloved state of California) that actually allow attorneys to sue companies for various consumer law or other infractions (such as infractions of ADA codes) despite the absence of an actual consumer even alleging harm. A recent case became notorious for this — a legal firm sent its employees out to various small businesses, studying the width of parking stalls, the accessibility of bathrooms, etc. The firm then filed hundreds of lawsuits against the businesses, usually settling for roughly what it would have cost them to contest the cases in court. This firm was living parasitically upon the small business community, and living well.

Fifth, we need sharp limitations on discovery during the early phases of the tort complaint. Allowing the plaintiff's attorney freedom to trawl through a defendant's records, searching for anything that might be damaging, is an invitation to frivolity and injustice. Most other legal systems in the industrialized world limit discovery to what is reasonably relevant to the alleged tort.

Sixth, and more broadly, we should move to the system of "loser-pays." Under this system — sometimes called "the English Rule," although it is the norm throughout Europe — if Jones sues Smith for any reason and loses, Jones has to pay Smith's legal fees. This would be a constant guard against frivolous lawsuits, such as the infamous $54 million lost-trousers action.

From the ethical point of view, the loser-pays rule seems imperative. We need to remember that every frivolous lawsuit against an innocent person or company is itself a tort. It

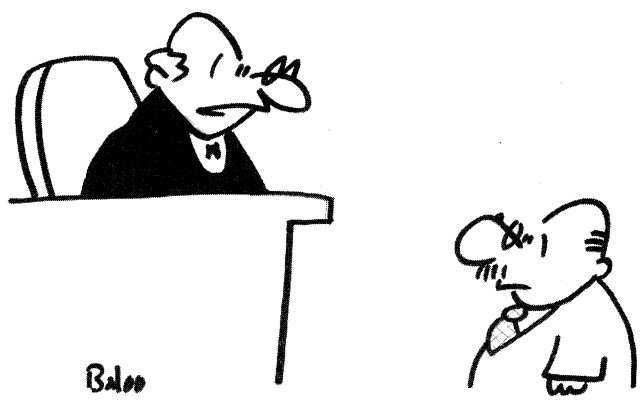

"You've had enough litigation, Mr. Bemis — go on home to your wife and children."

causes stress, a kind of pain and suffering for the wrongfully sued person. It often hurts the reputation of the person sued, potentially causing large loss of income. (Indeed, precisely because being sued often results in tremendous amounts of bad publicity, lawyers are often able to extort money from public corporations.) The time and trouble of putting up a defense is an opportunity cost, because that time could be spent more profitably elsewhere. Worse, even if the victim prevails, he still typically pays his own legal fees, which complete the punishment of the innocent.

Let's return to the Kantian perspective for a moment. Kant had a second formulation for his ethical theory, one he termed the categorical imperative. I view this theory as essentially a demand for consistency in ethical reasoning. In his formulation, we should act under those, and only those, rules that we could will to be universally adopted. This is (as often noted) an abstract formulation of the Golden Rule: do unto others as you would have them do unto you.

Well, what are the reasons typically given for the tort system? That it makes people who have been harmed whole, i.e., compensates them fairly for their loss; that it acts as a deterrent to negligence or reckless behavior; that it helps to motivate those who have caused harm to negotiate in good faith with those they have harmed (or face a lawsuit).

If consistency has any meaning, these reasons should apply to the tort system itself

If one reason for a rightful tort case is to compensate the victim appropriately, then in a wrongful tort case the victim (the defendant) should be compensated appropriately. He or she has lost money in legal fees, and so having the plaintiff reimburse those fees would make the defendant whole.

If we accept the need to deter negligence and recklessness, then we also need to deter lawyers from carelessness or worse in bringing lawsuits. The loser-pays system would be such a deterrent. Why suppose that the tort law business needs any less deterrence against malfeasance or negligence than any other business? I don't believe that lawyers on average are any more prone to unethical behavior than are (say) people in the housing industry, but it beggars the imagination to suppose that they are less so.

And if we agree that the threat of a tort lawsuit can motivate those who have caused harm to negotiate fair compensation for those whom they have harmed, then consistency should tell us that the threat of having to pay the defendant's legal fees, as well as one's own, should one lose, will encourage plaintiffs to seek reasonable settlements first, or accept binding arbitration to begin with.

We should move to the system of "loser-pays." If Jones sues Smith for any reason and loses, Jones has to pay Smith's legal fees.

That loser-pays is a moral imperative becomes even clearer when you reflect upon the fact that in a tort case, the level of proof is only "the preponderance of evidence," nothing near the high standard of "proof beyond all reasonable doubt" that is required in criminal trials.

I would anticipate a few objections to the loser-pays system, but none that strike me as morally compelling.

One is the objection that if we move to a loser-pays system, the average person harmed by defective products will not be able to get legal representation at all, because his attorney will be up against a huge team of lawyers for the evil Big Business that produced the defective product.

But the counterarguments are as obvious as they are numerous. To begin with, scaring off potential plaintiffs who have weak or frivolous cases is the whole idea. Next, most business in America is small to medium-sized business, so in most cases where someone is genuinely harmed by a defective product or service, the legal representation will be roughly equal. In cases of genuine harm caused by truly big business other plaintiffs could join in a class-action lawsuit. Finally, the management of any business that has to employ a large team of lawyers to face a plaintiff in the loser-pays system will have motivation to enter into settlement negotiations in good faith. After all, it faces huge legal bills just from its own lawyers, and it knows that the plaintiff and plaintiff's counsel are, almost surely, sincerely convinced that they have enough evidence to prevail.

It beggars the imagination to suppose that lawyers are less prone to unethical behavior than people in any other business.

Another objection is the contrary argument: under loser-pays, poor plaintiffs will be more inclined to sue, knowing that they have nothing to lose, whereas the other side does have something to lose.

This is weak. Under the current system, that's precisely what we have for everyone: nothing to lose! More importantly, while any poor plaintiff inclined to a frivolous lawsuit has nothing to lose, his attorney certainly does.

A third objection: what about cases in which a person is harmed by a product or service, not by negligence, but by mere bad luck? That is, what about harms for which the company that produced the product or rendered the service was in no way really negligent, and in no way could have foreseen the harm, but still caused it? If such consumers can't collect from the company, aren't they forced to pay for their own medical bills? Is that just? And what about people who can't pay medical bills at all?

continued on page 62

The Liberty Poll Results

Who We Are and What We Think

by Mark Rand

Liberty has always wanted to know more about its readers. What do they think about life, life's little problems, life's big problems, and some larger than life problems? What about God, sex, and Ayn Rand? Should any combination of them ever be mentioned in the same breath? Read on . . .

Liberty's publication of "The Sociology of Libertarians," a survey conducted by two non-libertarian social scientists (October 1987), led Liberty's editors to ask "what about the issues that vex libertarians?" We published the results of the first Liberty Poll in the July 1988 issue, and the results of the second in February 1999.

Times have changed, and the libertarian movement has (arguably) matured. A few months ago, we decided the time was ripe for the third Liberty Poll. Here are the results.

Moral Opinions

There is a proper role for government, but that role is much smaller than the role government plays at present.

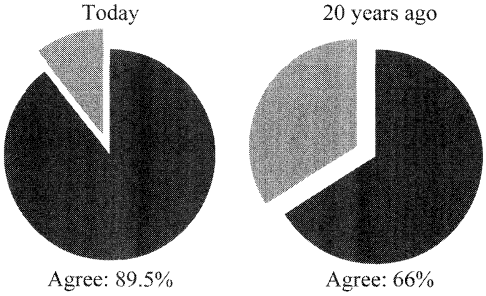

Government should be eliminated altogether.

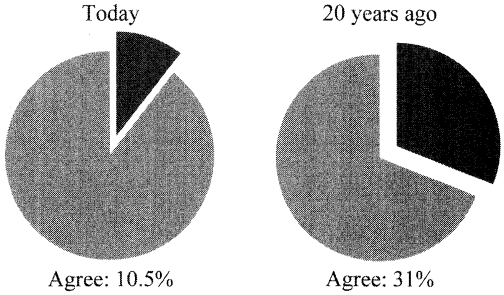

Whether there should be some minimal government is one of the oldest controversies in libertarian thought. If the poll results are representative of overall libertarian opinion, the minarchists clearly are making their case more persua-

sively than are the anarchists. To my mind, the argument has a bit of an "angels on heads of pins" quality — we're not in great danger of reducing the government's scope by too much at any point in the near future.

Is abortion wrong? Should it be illegal?

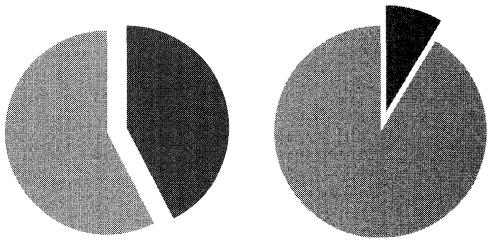

A smaller portion (37%) of the first poll's respondents viewed abortion as wrong; a greater portion (13%) believed it should be outlawed. The consistent libertarian position on abortion awaits a definitive and popularly accepted proof of God's existence or non-existence, and a definitive and popularly accepted consensus on when life begins. Stay tuned.

Interestingly, two individuals indicated that although abortion is not in their view wrong, it should be illegal. This first struck me as incompatible with any type of libertarian philosophy, but I was falling prey to a false dichotomy. Not agreeing with the statement "abortion is wrong" is not at all the same as agreeing to the statement "abortion is not wrong." If abortion is in one's view *possibly* but not *definitely* wrong, the doubt might reasonably be combined with the extreme consequence (certainly for the fetus) to produce the conclusion that abortion should be outlawed.

A person should have a legal obligation to support his or her offspring.

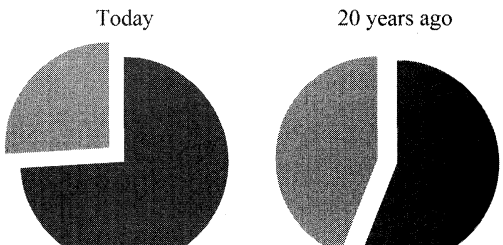

Some respondents note that any obligation ends once the offspring is 18 years old; one wonders if it ends at age 14.

Is political action an appropriate method of advancing liberty? Do people have a responsibility to vote?

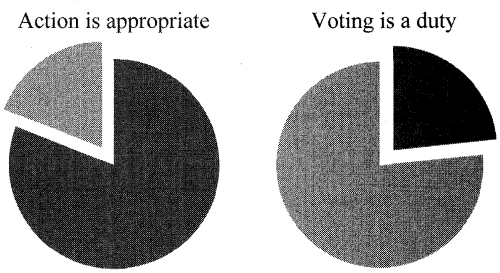

While the portion of respondents who consider political action appropriate is about the same as it was in the first Liberty Poll (77%), the portion who consider voting a responsibility has more than doubled (from 10% in the first poll). Taken together with the sample's move from anarcho-capitalism to minarchism, it suggests that we are as a group becoming less disenchanted with the state.

If this is correct, it may be that individualists believe that government today is less invasive than it was 20 years ago. It seems unlikely that any significant number of our readers would have this delusion.

Another possible explanation, which in my view is much more likely, is that anarcho-capitalists are more likely than minarchists to have left Liberty's fold.

I hope neither explanation is correct; I hope it is merely a statistical aberration permitted by our small and non-representative sample.

Is Communism the greatest threat to human liberty. Is terrorism?

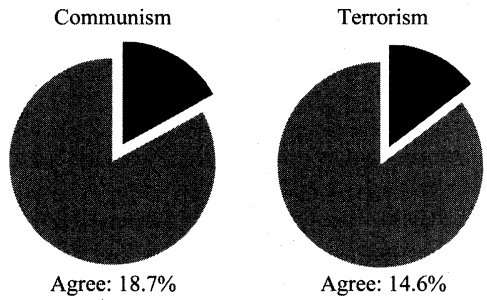

Terrorism was not listed in the first poll, so the fact that Communism is considered the greatest threat to human liberty by a smaller portion of respondents today than 20 years ago (21%) is not particularly informative.

An analysis of this question's responses also runs into some interpretive problems. First, what is meant by "communism"? Socialism is a natural interpretation; our glorious leaders, whether Republican or Democrat, work at nothing so consistently as increasing the level of socialism in the United States. Or is it "Communism"? The first poll was conducted before the fall of the Berlin Wall; respondents who recall the first poll may be assessing the threat of Soviet aggression. Second, as Stephen Cox wondered after the first poll: are respondents telling us what they consider the most extreme threat, or the most proximate?

Eight respondents indicated that communism and terrorism are each the greatest threat to human liberty.

Patrick Quealy adds: The first two polls asked whether "Communism is the greatest threat to human liberty." This time, we also asked whether "terrorism is the greatest threat to human liberty." The number of respondents who regard Communism as the greater threat is four percentage points higher than the number who regard terrorism that way. That didn't surprise me, because I figured it reflected the age and experience of our respondents: the commonest age indicated by respondents was 67, and the average was 55.

I am 27, and I only barely remember Soviet Communism being a terrifying threat. By the time I

was old enough to be politically aware, the Cold War was over. Before long, the militia movement in the mid-'90s, and then 9/11, made terrorism the new bogeyman. I guessed that people my age and younger would have the same experience, so I looked at the responses of those my age or younger.

I was surprised to find that two answered affirmatively to the Communism question, and none to the terrorism question. In fact, at the other end of the age spectrum, of the 34 repondents who specified an age of 70 or older, more believe terrorism is the greater threat (eight for terrorism vs. seven for Communism). The age groups I picked are arbitrary and too small to have statistical significance, but I'm a bit surprised terrorism didn't stick out as the new threat for everyone, and that the threat of Communism has such tenacity even for younger people.

The United States should remove all restrictions on immigration.

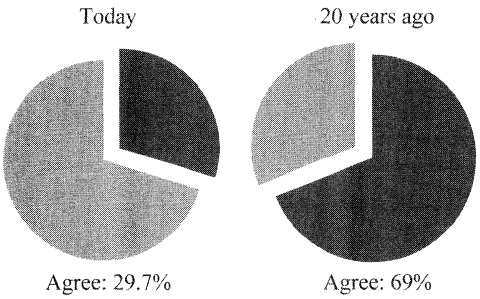

The subject of immigration remains controversial within the libertarian community. Advocates of open borders correctly maintain that a reasonable and consistent libertarian philosophy is incompatible with significant restrictions on human migration; advocates of significant restrictions can counter that 1) in our semi-socialist state, immigration has artificially high external costs, and 2) political philosophies are *never* actually followed consistently.

Unfortunately, this statement's wording is too broad to allow us to draw sweeping conclusions about libertarian opinion on the subject. Respondents who indicated that there should be no restrictions on immigration can't truly believe it. They've assumed the qualifier "significant." (Before you object to my assumption, envision the *reductio ad absurdum* of several thousand foreign soldiers crossing the border while claiming to be peaceful immigrants.) Some respondents who advocate more or less untrammeled immigration may have refrained from checking this statement because they did not assume any qualifiers. Of course, respondents who want significant restrictions on immigration will also disagree with the statement; we have no way of accurately determining the proportions.

It does seem likely that the percentage of respondents in favor of significant restrictions on immigration has at least doubled since the time of the first poll, as it is unlikely that the percentage of respondents who don't assume reasonable qualifiers — and who can blame them? — has increased markedly enough to account for the bulk of the change.

There is a God.

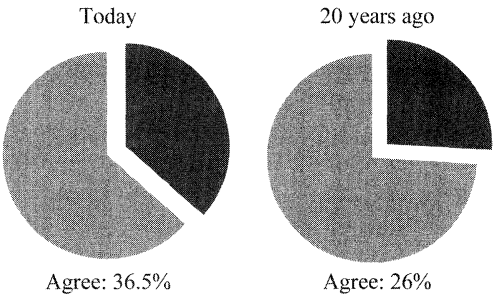

When one considers that polls indicate that at least 73% and as much as 94% of the U.S. population believes there is a God, the reason for the common assumption that libertarians are nonbelievers is clear. A sizable and growing minority of respondents believe there is a God.

An employee of the state is a receiver of stolen goods and therefore is committing an improper act.

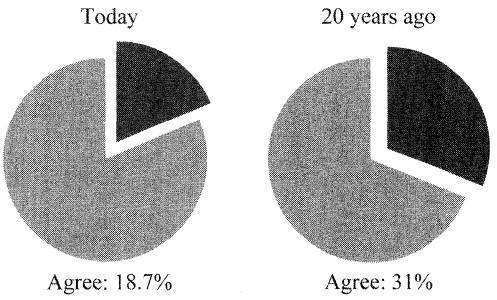

The direction of the change in response to this statement is exactly what one would expect given the respondents' move from the anarchist to the minarchist philosophies, but the magnitude of the change seems excessive. Some 13% of poll respondents believe both that some level of government is appropriate and that state employees are ipso facto committing an improper act.

Perhaps those respondents believe employees of a proper government would be paid from donations; perhaps they believed the employees of a proper government would be volunteers. Perhaps some did not trouble themselves with the details.

One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.

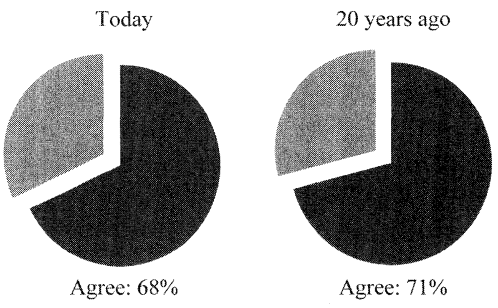

This statement seems to have been designed so as to minimize its utility. How else does one explain the inclusion of both the use of roads and the use of food stamps? Some

respondents treated this as though it were multiple choice, which it should have been.

If the state expropriated all wealth and one could not exist without accepting stolen goods, it would be moral and proper to accept such goods (i.e., live within the system).

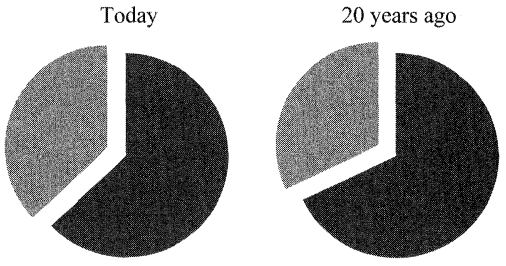

A curveball. Although respondents today are more likely to believe some level of government is appropriate, they are slightly less likely to believe one should accept anything from a totalitarian state, even when one's survival is at stake. Respondents whose view of what they *should* do is in accord with what they doubtless *would* do account for 63% of our sample.

A proper government would have an absolutely isolationist foreign policy.

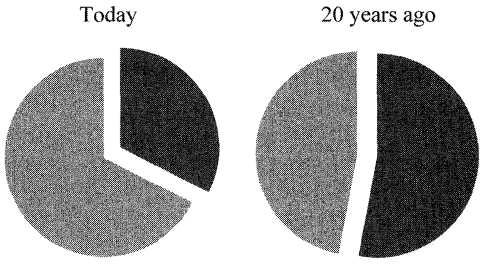

More evidence that libertarian opinion is moving in the wrong direction — towards *more* government. More than two thirds of the resondents believe the United States has, or at least might have, some good reason to meddle in the affairs of other countries.

Several respondents indicated that the proper foreign policy should be described as non-interventionist.

It is always wrong to initiate force against another human being.

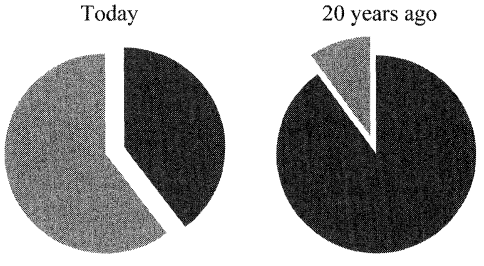

In the first Liberty Poll this statement was "No person has the right to initiate physical force against another human being." The second Liberty Poll (ten years ago) changed the statement to its current form, and 50% of those respondents indicated agreement.

Patrick Quealy adds: Between 1988 and 2008, the proportion of respondents who believed it is wrong to initiate force against another human being dropped by 50 percentage points. The percentage who believe the U.S. should remove all restrictions on immigration dropped by 40 points. Both changes were graduated, with the percentage falling substantially both between 1988 and 1998, and again between 1998 and 2008, which may reflect a readership that's inexorably becoming pragamatic — as the Libertarian Party is believed in some quarters to be doing.

Do all men by their nature have a right to life? Liberty? Property? The pursuit of happiness?

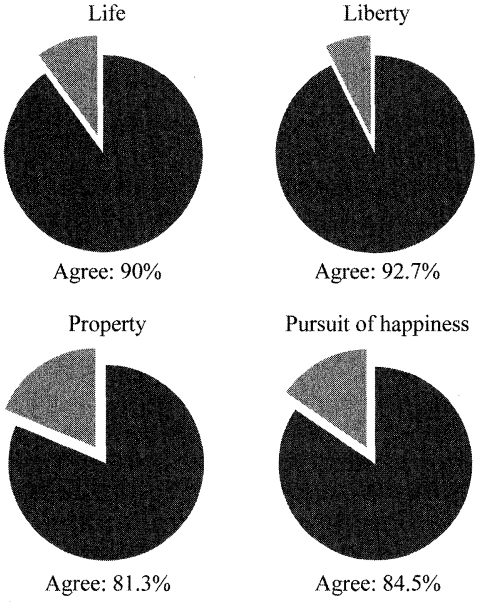

Overwhelming majorities of respondents in each of the three Liberty Polls have agreed that all men by their nature have each of the listed rights. Not overwhelming enough, in my opinion.

Some respondents (about 6%) did not indicate that all men possess any of the listed rights. This might stem from a disagreement over the meaning of rights, and is easy to reconcile with a generally libertarian philosophy.

It is not nearly as easy to understand why some respondents believe that men have some but not all of the listed rights. Most baffling is that almost 4% of respondents think that men have some of the listed rights but not the right to life itself.

Problems

Few libertarians would argue that mainstream Republican or Democratic philosophies are internally consistent. Democrats' concern for the poor clashes with their desire to enfeeble the only system (capitalism) that has been shown to alleviate poverty. Republicans' desire for less intrusive government clashes with their support of laws turning consensual activities into crimes.

If the responses to the questions in this section are any indication, natural-rights libertarians also have some philosophical inconsistencies, at least at the extremes. *Reductio ad absurdum* is an appropriate tool for analyzing a philosophy that claims to derive its rules from clear, universal principles.

The contrived situations in the problems below won't shed as much light on a utilitarian-based libertarian philosophy.

> Suppose that a parent of a newborn baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.
>
> Would you cross the lawn to help the child? Would helping the child violate the parent's rights?

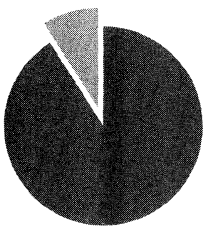

Agree: 90.9%

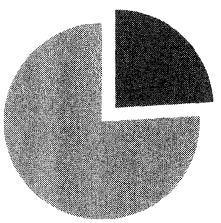

Agree: 24.1%

The overwhelming majority of respondents would cross the lawn to help the child. My opinion is, again, not overwhelming enough. I'm not sure which is worse — that almost 5% wouldn't help the child because it would in their view violate the parent's rights, or that over 4% would not help the child even though they do *not* believe it would violate the parent's rights.

The second question is of some importance only if one is concerned with the details of a moral framework. In every Liberty Poll to date, at least one respondent has added what I consider the most natural response. "Who cares?"

Response to this question was similar in each of the two earlier Liberty Polls.

> Suppose that a parent decides to experiment with a radical new diet for his newborn child.
>
> Should you prevent the parent from trying the diet, if you had good evidence it would endanger the child's health? Suppose that you had good evidence that the diet would endanger the child's life?

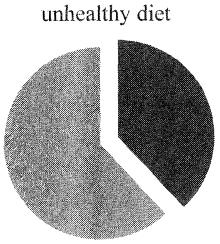

Agree: 38.1%

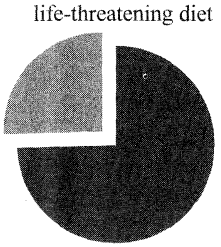

Agree: 74.6%

This pair of questions elicited a few calls for clarification. What, exactly, is meant by "endanger" the child's health or life? A diet that slightly elevates the child's lifetime risk of coronary disease (and thus slightly reduces the child's life expectancy) could be said to endanger the child's health, and possibly the child's life.

What qualifies as "good" evidence? A double-blind study in which lab rats' lifespans were halved? Anecdotal evidence that conforms with one's own experiences?

And what does "prevent" mean in this context? Presumably it means something other than "persuade" — the second question, especially, would not be much of a dilemma were that the case. Does an unqualified "prevent" imply "by any means necessary"?

Somewhat surprisingly, given the ambiguity of the questions, response has varied relatively little across the three Liberty Polls. In the initial Liberty Poll 41% of respondents indicated one should prevent the unhealthy diet and 62% of respondents indicated one should prevent the diet that endangers the child's life. In the second Liberty Poll the numbers were 30% and 61%, respectively.

Again, because of the question's ambiguity, one should not draw any overall conclusions solely from its response. Nevertheless, it is worth noting that the response for this question follows this poll's trend of moving towards a willingness to condone interventionism in general.

> Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd. He is moving toward the balcony's railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react. Which of the following most accurately reflects the action you consider appropriate?
>
> You should fire a gun at the terrorist only if you are certain that you will miss the hostage.
>
> You should fire at the terrorist if there is a reasonable chance that you will miss the hostage.
>
> You should fire through the hostage, if necessary.

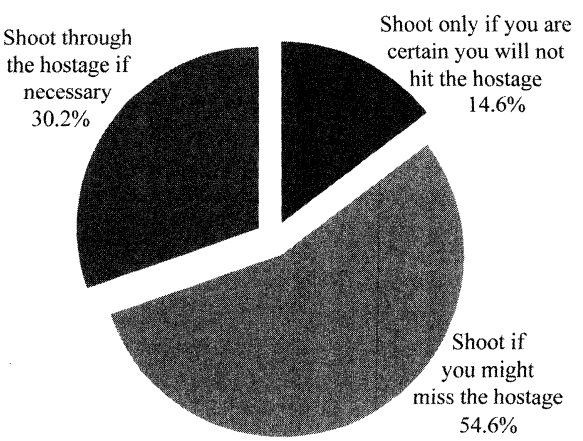

Although almost 40% of poll respondents believe that

it is always wrong to initiate force against another human being, almost 80% of poll respondents (85% of this question's respondents) indicated a willingness to shoot through an innocent individual if necessary. The simplest way to reconcile this is to assume we have some closeted utilitarians in our sample.

> Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble, and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.
> Which of the following statements reflects your beliefs?
> You should enter the owner's residence against the owner's wishes.
> You should hang on to the flagpole until a rope can be thrown down from above.
> You should drop.

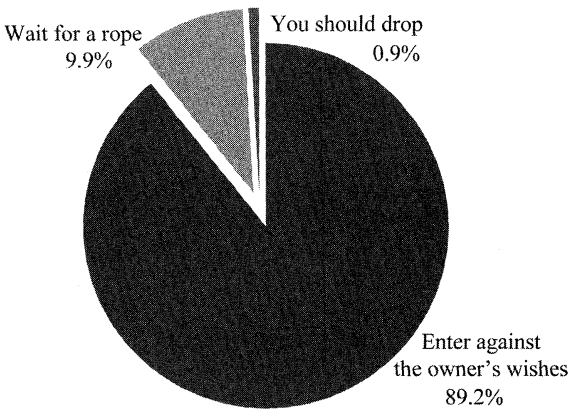

In each of the earlier Liberty Polls, about 15% of respondents indicated that one should wait for a rope, and about 1% indicated that one should drop. "Should" is not "would," and I wonder whether anyone believes he would in fact drop in such a situation.

I also wonder about those waiting for a rope. What do they consider the appropriate action should the rope fail to materialize? There's only so long one can hold on to a flagpole, after all. They may as well enter the condominium — the insane wing of Objectivist society has excommunicated them anyway.

As far as I'm concerned, the definitive answer came from the respondent who indicated she would enter the condiminium "and prolly smack him [the owner] for being a butthole."

> Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she has no phone, so asking her to telephone for help is pointless).
> Which of the following statements reflects your beliefs?
> You should force entrance, but in this case it would not constitute an act of aggression.
> You should force entrance, even though it would be an act of aggression.
> You should not attempt to enter the house.

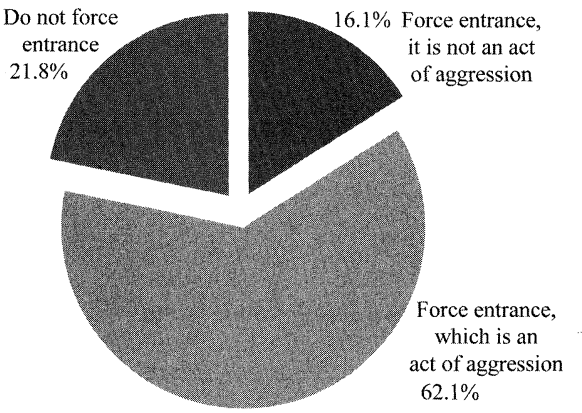

Although the situation in this question is almost equivalent to the situation in the previous question, in each of the three Liberty Polls, respondents have been far more likely to respect the cabin owner's wishes. It is unclear whether this is because the owner's actions are here more reasonable, or because the death in this question is less immediate.

One respondent indicated that she would take shelter in the shed that she decided was adjacent to the cabin. A wise choice, as the shed is doubtless heated, stocked with food and hot cocoa, and equipped with satellite television. Another respondent, fresh from smacking the condominium owner, indicated she'd force entrance and that "she'd [the cabin owner] get over it."

> Suppose that you live in a large city. Your neighbor constructs an atomic weapon. He assures you that he would detonate it only as an act of defense. You believe that he intends to commit

an act of extortion. ("The city must pay $1 million, or I will detonate it.")

Which statement most clearly reflects your beliefs?

You (and your neighbors) should prevent the construction of the device.

You should put up your house for sale and move, and you are obligated to tell your prospective buyers of the situation. You should not interfere with his actions.

You should put up your house for sale and move, and you are not obligated to tell your prospective buyers of the situation. You should not interfere with his actions.

You should do nothing, since such a situation is unthinkable and, therefore, is not happening.

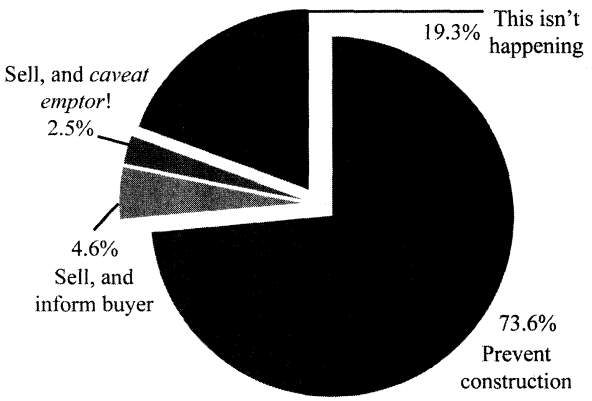

In the commentary to the first Liberty Poll, Bill Bradford wrote "[t]his problem is about gun control with bigger guns." This is one of the rare occasions upon which, in my view, Bill completely missed the mark.

The clear difference between this problem and an extreme version of a gun control question is the assumption of criminal intent. The (conventional) gun control analog to this question is "your neighbor is stockpiling small arms; you believe he intends to go on a rampage at the mall, . . . "

Recasting this situation with no assumed criminal intent would produce a much better tool with which to assess the perceived limitations of the right to bear arms; it would be interesting to see if a significant percentage of respondents would react differently to that situation.

Patrick Quealy adds: In response to the question about one's neighbor constructing a nuclear device, 7% (in both 1988 and 1998) believed they "should do nothing, since such a situation is unthinkable and, therefore, is not happening." In its July 1988 analysis, Liberty termed this option "gibberish" and supposed those who selected it did so "in an attempt to evade the issue or perhaps out of an appreciation of its silliness."

This time, support for the option rose about 12 percentage points, gaining most of its support from points lost on the answer: "You should put your house up for sale and move. You should not interfere with [your nuclear-armed neighbor's] actions." I suspect many of these respondents regarded it as gibberish, or almost gibberish, but still concluded it was the best answer. That is reasonable if a greater proportion of our readership now approaches far-out hypothetical questions not as a libertarian giving a technically correct answer, but as a human being giving a reasonable answer to a very weird question. Both answers are fine with me — I'm just happy the percentage of people who would "prevent construction of the device" held steady at around 73%.

Intellectual Development

The Liberty Poll includes a variety of questions the aim of which is to determine, as Bill Bradford put it, "just how did libertarians get that way?"

My political beliefs are based, at least in part, upon my religious beliefs.

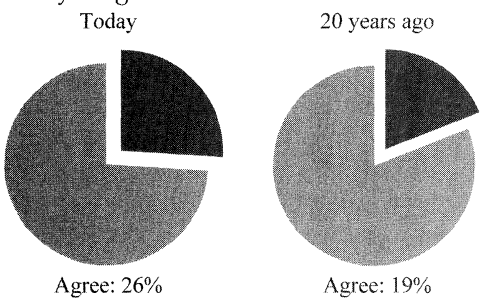

Respondents are more than three times as likely to base their political beliefs upon either history, life experience, rational analysis, or economics than upon their religious beliefs.

For the respondents who are not particularly religious, this is to be expected. It is surprising though, that 27% of the respondents who believe there is a God indicate that their religious beliefs don't at all influence their political beliefs.

My political beliefs are based, at least in part, upon my understanding of history.

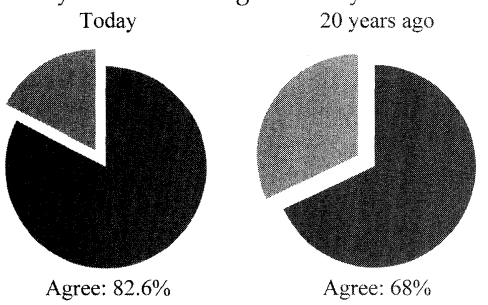

My political beliefs are based, at least in part, upon my life experience

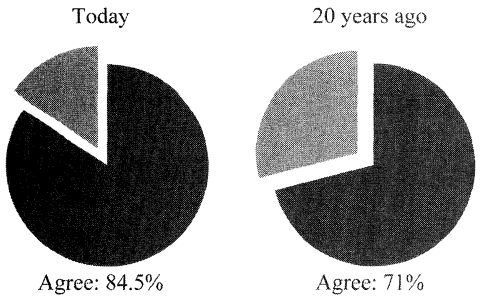

My political beliefs are based, at least in part, upon rational, philosophical analysis

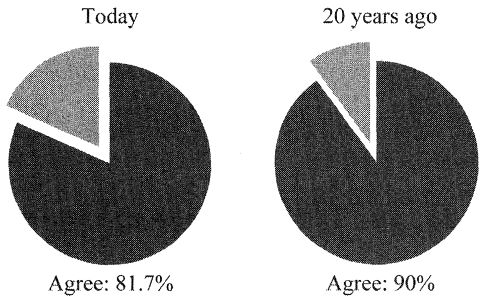

My political beliefs are based, at least in part, upon my understanding of economics

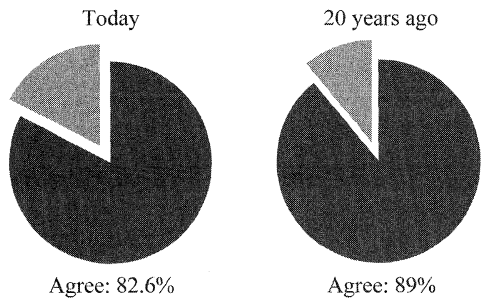

For some reason, in the second Liberty Poll, only 36% of respondents included economics as one of the bases of their political beliefs.

About 1% of this poll's respondents gave no indication that any of the above subjects has had any influence on their political beliefs.

Who introduced you to libertarian ideas?

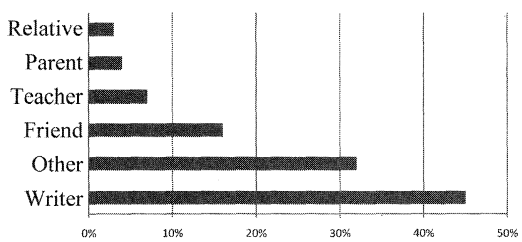

The choices in the first Liberty Poll were slightly different — "relative" was not a choice, and "advertiser" was — but it is still interesting that the percentage responses for "teacher" and for "parent" have each doubled. "Other" has tripled, and "writer" has declined by one fourth.

Do you consider yourself to be a libertarian?

Approximately 95% of respondents indicated that they consider themselves to be libertarians.

Before becoming a libertarian, how would you characterize your political beliefs?

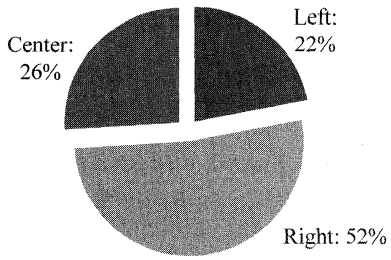

The percentage of respondents who came to libertarianism from the Right was even larger (65%) in the first Liberty Poll, and fell to its current level in the second. Presumably the Right was more favorably disposed to individual liberty in the Reagan era, assuming the change is more than just a statistical anomaly.

If one describes the Left as socially and fiscally liberal, the Right as socially and fiscally conservative, and libertarians as socially liberal and fiscally conservative, it seems that libertarianism should appeal as much to Left as to Right. Clearly that is not the case. I suspect this is simply because there is no necessary conflict between social conservativism and allowing others to make their own lifestyle choices; whereas one can hardly support any of the programs that go with a fiscally liberal social policy while allowing others to choose whether to comply.

Respondents who came to libertarianism from the Right or Center were more likely to indicate belief in God (40% and 39% respectively) than those who came to libertarianism from the Left (22%).

Please rank the degree to which the following thinkers influenced your intellectual development, on a scale of one (little or no importance) to five (substantial importance).

We are *not* asking you to report the degree you agree with these individuals' thought — what we seek to know is how important each figure was in the growth of *your* thinking, especially with regard to social and political matters.

	Mean Response	Median Response	Mode Response
Your Mother	2.9	3	1
Your Father	3.1	3	5
Your Sibling	1.7	1	1

As a reminder to those who've forgotten, the mean is the number commonly called the average. The median response

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is best explained using an example: the median of the numbers 2, 2, 2, 4, 35, 36, and 38 is 4, as there are three larger and three smaller numbers in the group. The mode is the number that appears most often — in this group, the mode is 2.

The individuals are listed in order of their mean influence on our respondents. The descriptions were written by Bill Bradford, except for those which did not appear in earlier Liberty Polls, which were written by Andrew Ferguson (AJF), Patrick Quealy (PQ), or myself (MRR), as indicated.

	Mean	Median	Mode
Ayn Rand	3.7	4	5

The thinker who most influenced our respondents' intellectual development was Ayn Rand (1905–1982), the novelist-philosopher, author of "Atlas Shrugged," "The Fountainhead," "For the New Intellectual," "The Virtue of Selfishness," "Capitalism: The Unknown Ideal," and other works. Rand advocated a political philosophy based on the absolutism of individual rights, but eschewed anarchism.

Milton Friedman	3.6	4	5

Milton Friedman (1912–2006) was the leading exponent of the Chicago School of Economics and winner of the 1976 Nobel Prize in Economics. His writings in defense of capitalism and the free society — "Capitalism and Freedom" and "Free to Choose," for example — have been very influential.

Friedman is less radical than many libertarians, however, and his advocacy of "monetarism" rather than the gold standard or Hayek's controversial notion of "denationalized money" has been a source of many heated debates in the libertarian movement.

Thomas Jefferson	3.4	3	3

Thomas Jefferson (1743–1826) was the third president of the United States and author of the Declaration of Independence of the United States. He is most admired by libertarians for the advocacy of a natural rights philosophy and the right of revolution that is expressed in that declaration.

	Mean	Median	Mode
F.A. von Hayek	3	3	1

F.A. von Hayek (1899–1992) was a social philosopher and Nobel Prize winning economist. His book "The Road to Serfdom" (1944) challenged orthodox statist thinking and helped stimulate the post-World War II resurgence of libertarian ideas. He is the author of many works, including "Law, Legislation and Liberty," "The Counter-Revolution of Science," and others.

Like Mises, Hayek avoids the language of "natural law and natural rights," but Hayek is less narrowly utilitarian in approach. He rests much of his case for a free society on a complicated "evolutionary ethics" that emphasizes the "natural selection" of rules and societies. Hayek emphasizes the importance of tradition more than most other libertarian thinkers.

Ludwig von Mises	3	3	1

Ludwig von Mises (1881–1973) was a leading social philosopher and economist of the Austrian School, most famous for his development of praxeology, an approach to economics based on a priori, deductive reasoning from certain fundamental axioms. "Human Action," his magnum opus, is his best known work. He also wrote numerous other books and articles, including "Liberalism," "Socialism," "Theory of Money and Credit," and "Epistemological Problems of Economics."

Although a rigorous advocate of laissez-faire capitalism, Mises saw a role for government. His political thinking was based on utilitarian concepts.

Murray Rothbard	2.9	3	1

Murray Rothbard (1926–1995) was an economist, historian, and social philosopher who envisioned libertarianism as

Patrick Quealy adds: Most of the 36 options given in our question about which thinkers influenced respondents' intellectual development were conservative or libertarian figures. However, the question emphasized: "We are not asking you to report the degree you agree with these individuals' thought — what we seek to know is how important each figure was in the growth of your thinking." Our readers obliged this request, supplying many influences that are not considered traditional stepping-stones to libertarianism.

One reason must be that some of our readers aren't libertarians. They just enjoy good writing that is of interest to libertarians, and that is what Liberty publishes. Written-in influences included George Soros, Gore Vidal, the Beatles, British anarchist punk group Chumbawamba, former Dead Kennedys frontman Jello Biafra, social critic and education theorist Neil Postman (whom I quoted, coincidentally, in a Reflection appearing in the same issue as the latest Poll), and free-software evangelist Richard Stallman.

Indeed, asking libertarians to fill out a survey without write-in options is like asking a child to eat broccoli without melted Cheez Whiz. So we encouraged write-ins and explanations of any answers respondents thought necessary. The fact that 122 names were written in reply to the question above — some written in by several respondents — shows our readers to be the freethinkers we know them to be. They know not only what they believe, but how they got there.

Murray Rothbard was suspicious of the precision, accuracy, and applicability of poll results. He wrote in our July 1988 issue about the above question: "How in hell could I hope to squeeze into multiple choice the process by which I became a libertarian? My father? A writer? Which one, on a scale from one to five? What impudence!"

I confess that I am sympathetic to Rothbard's view; my enthusiastic support for conducting a third decennial Liberty Poll was not for all the "right" reasons. I like the Poll because it doesn't produce a Libertarianism Quotient to tell how pure your laissez-faire ethic is, or any such thing. It is a little bit playful, while addressing itself to serious and worthwhile questions. It is thereby representative of what Liberty seeks to do, and the way Bill Bradford approached the projects with which he concerned himself, including this magazine. That the Poll tells stories about the evolution of libertarians and libertarianism is a bonus.

a new science, encompassing natural rights theory, Thomist philosophy, Austrian economics, 19th century American individualist anarchism, and the view that the United States was invariably at fault in its conflicts with international communism during the Cold War.

He became influential in the libertarian movement in the late 1960s. He joined the Libertarian Party in 1974 after having denounced it vigorously during the previous few years, and during the next 15 years was its most influential figure. He was a founding editor of Liberty in 1987.

In 1989 he resigned from the Libertarian Party and from libertarian organizations that he did not control, proclaiming himself a "paleolibertarian" and an ally of Southern agrarian conservatives centered around Chronicles magazine.

His works include "Man, Economy, and State," "Power and Market," "The Ethics of Liberty," and "For a New Liberty." Rothbard advocated an anarchistic society based on the absolutism of individual rights.

	Mean	Median	Mode
Barry Goldwater	2.8	3	1

Barry M. Goldwater (1909–1998) was a member of the U.S. Senate from 1953–1964 and again from 1968–1987. In the late 1950s he became a spokesman for political conservatism. He espoused his rather libertarian version of conservatism in several books and numerous newspaper columns and speeches. Although an advocate of a rather belligerent foreign policy, Goldwater strongly supported the notion of human liberty.

R.W. Bradford	2.7	3	3

R.W. Bradford (1947–2005) is best known as the founder, editor, and publisher of Liberty magazine. He maintained that Randian or Rothbardian natural rights theories were philosophically indefensible, but nevertheless held for him great intuitive appeal. Consequentialist rights theories could be philosophically rigorous, but he could not, "in [his] gut," be a consequentialist. He advocated (and with Liberty provided a forum for) open debate on this and other issues of interest to libertarians.[MRR]

John Locke	2.6	3	1

John Locke (1632–1704) is widely regarded as one of the most influential British philosophers. Though his "Second Treatise on Civil Government" has been subject to contradictory interpretations, libertarians have followed a long line of classical liberal and anarchist thinkers in taking from it a methodologically individualistic understanding of society and a powerful conception of natural rights. His writing was particularly influential on America's founding fathers, especially Jefferson, which probably accounts for his high rating in this poll. Given the obscurity and length of his major works, we doubt that very many respondents have actually read much Locke.

Henry Hazlitt	2.5	2	1

Henry Hazlitt (1894–1993) was a philosopher, an economist of the Austrian School, and a prolific writer. His "Economics in One Lesson" (modeled on Bastiat's "Economic Sophisms") is his most well-known book, but he is also remembered for "The Failure of the New Economics" (a thorough critique of Keynesian economics), and "The Foundation of Morality."

He was one of the early editors of The Freeman, and the vice-president of the Foundation for Economic Education at its founding in 1946.[MRR]

	Mean	Median	Mode
Robert Heinlein	2.5	2	1

Robert Heinlein (1916–1987) was one of the most influential science fiction writers of all time. Both his life and his writings exemplify the ideal of the "competent man," and a lively streak of rugged individualism runs through all his writings.

Libertarians are especially fond of his several attempts to deal with political revolution, most notably in his fascinating account of a colonial revolt in "The Moon Is a Harsh Mistress."

Frederic Bastiat	2.4	2	1

Frederic Bastiat (1801–1850) was one of the most accomplished stylists who has ever argued for liberty. Though he was more a popularizer than an original thinker, his importance should not be underestimated: his ranking over many contemporary libertarian writers in this poll serves as reminder of this fact.

He is best remembered for his brilliant attacks on the fallacies of state intervention in the economy (his "Economic Sophisms" was the model for Hazlitt's "Economics in One Lesson") and his powerful defense of natural rights and limited government in his pamphlet, "The Law."

Harry Browne	2.4	2	1

Harry Browne (1933–2006) first achieved widespread attention with his book "How You Can Profit From the Coming Devaluation" in 1970. He followed this with the bestselling "How I Found Freedom in an Unfree World," and "You Can Profit From a Monetary Crisis."

He was the Libertarian Party's presidential candidate in 1996 and again in 2000. After the election of 2000, he was accused of violating the Libertarian Party's bylaws. He maintained his innocence, but was admonished by the Libertarian Party. He continued to write and speak on libertarian subjects until his death.[MRR]

H.L. Mencken	2.3	2	1

H.L. Mencken (1880–1956) was the author of many books and countless articles. He is best known for his literary and social criticism — and for his brilliant, witty style.

He was an early proponent of Nietzsche in America, and although he wrote frequently on political topics, Mencken's political thinking was not rigorous. He might best be termed a classical liberal in the tradition of Sumner or Mill.

John Stuart Mill	2.3	2	1

John Stuart Mill (1806–1873), the leading British philosopher and economist of his time, wrote many influential works, including "On Liberty" and "Utilitarianism." His utilitarian moral philosophy has been widely discussed and subjected to a great variety of interpretations, as has his

defense of individual liberty. "On Liberty" was about the only 19th century work of classical liberalism to maintain a "good press" throughout the ideologically dark years of the 20th century.

	Mean	Median	Mode
Lysander Spooner	2.1	1	1

Lysander Spooner (1808–1887) was a writer and pamphleteer and perhaps the most eloquent 19th-century American anarchist. His fully developed political philosophy is best summed up in his brilliant pamphlet "No Treason: The Constitution of No Authority." Writing from within the natural law tradition and with an extensive knowledge of the common law, Spooner argued not only that the Constitution of the United States was binding on no one, but that *all* government, taxation, laws, etc. were inherently unjust.

Aristotle	2	2	1

Aristotle (384–322 B.C.) was not a libertarian in any way, but he was a powerful advocate of human reason. His influence on libertarianism comes mostly via Ayn Rand, who considered Aristotle one of the world's greatest minds (right up there with herself).

Nathaniel Branden	2	1	1

Nathaniel Branden (1930–) is best known to libertarians for Ayn Rand's designating him as her "intellectual heir." He was a member of Rand's inner circle for most of the 1950s and '60s. He fell out of Rand's favor in 1968, she repudiated him, and he remains persona non grata within some circles of Objectivists.

His post-Rand work has been mostly on the importance of self-esteem. His books include "The Psychology of Self-Esteem," "A Woman's Self-Esteem," "Self-Esteem at Work," and "My Years With Ayn Rand."MRR

David Friedman	2	2	1

David Friedman (1945–) argued his case for "a radical capitalism" with force and vigor in "The Machinery of Freedom." Unlike so many other libertarian anarchists, natural rights argument plays almost no part in his case for anarcho-capitalism. In its place is a thoroughgoing engagement with the new scholarly discipline of "law and economics," of which he has been a pioneer.

Albert Jay Nock	2	1	1

Albert Jay Nock (1870–1945) was one of the most important writers to have been influenced by the economic theories of Henry George, and his own anti-statist views developed into something very close to anarchism. His classic work in political thought is "Our Enemy, the State."

Karl Hess	1.9	1	1

Karl Hess (1923–1994) was a speechwriter for Barry Goldwater who became an anarchist in the late 1960s and burst into a position of leadership within the libertarian movement with publication of extremely influential essays in The New York Times and Playboy, also in the late '60s. He brought Murray Rothbard into a prominent position within the movement, and the two jointly edited The Libertarian. Within a few years, Hess resigned from The Libertarian in response to Rothbard's denunciation of Hess for deviation from the true Rothbardian line. In 1986 he became an editor of the Libertarian Party News, and he was an editor of Liberty from 1987 until his death.

Hess has been most influential as a proponent of community life and a "back to nature" simplicity. Though he wrote several books, his influence among libertarians was primarily as a speaker and friend. His political thinking was discursive and lyrical; he explicitly eschewed ideology.

	Mean	Median	Mode
Robert Nozick	1.8	1	1

Robert Nozick (1938–2002) was a professor of philosophy at Harvard and the author of the National Book Award winning treatise in libertarian political philosophy, "Anarchy, State, and Utopia," which gained academic attention to libertarian ideas like no book before or since. Nozick used Lockean state-of-nature theory and a Lockean conception of moral rights as the foundation for an argument that purports to show how a State could arise out of an anarchistic society without violating anyone's rights; that this minimal state is the most extensive state that can be justified; and that this conception of a minimal state is inspiring as well as morally proper. Though the classic work on minarchist theory, it is generally considered more successful at discussing its many brilliant secondary points than at demonstrating the validity of its main thesis.

During the 1980s, he gradually lost interest in libertarian thinking, and went on to other activities.

John Hospers	1.7	1	1

John Hospers (1918–) has retired from a long and successful career as a philosopher. Though his academic reputation largely rests on his work as an editor and in the field of aesthetics, he has also contributed to libertarian thought with many articles and his book "Libertarianism" — which advocated a more or less Randian political theory, though his thinking has developed considerably since — and his book "Human Conduct," an introductory text to the study of ethics.

He was the Libertarian Party's first presidential candidate, and wrote the party's "Statement of Principles." He has been a senior editor of Liberty since 1992.

Tibor Machan	1.7	1	1

Tibor Machan (1939–) is a professor of philosophy, syndicated columnist, and prolific author. He defends a natural rights theory of libertarianism. His books include "Libertarianism, Defended" and "Classical Individualism: The Supreme Importance of Each Human Being."MRR

Robert Ringer	1.7	1	1

Robert Ringer (1938–) has written several best-selling self-help books, including "Looking Out for Number One" and "Winning Through Intimidation." He was at one time an admirer of Ayn Rand, and his 1979 book "Restoring the American Dream" offered classical liberal, free market solutions to some of the problems that were at the time facing the United States.

He has recently taken to describing himself as a "theoretical libertarian" and "practical conservative."[MRR]

	Mean	Median	Mode
Thomas Hobbes	1.6	1	1

Thomas Hobbes (1588–1679) was the first British political philosopher of repute, and is still considered one of the major figures in the history of political philosophy. Hobbes' "Leviathan" is a pioneer work in social contract theory.

Though most classical liberals and libertarians — beginning with Locke — have used Hobbes mainly as a jumping off point and as a target, there is a strong *realpolitik* strain in some libertarians' social philosophy that bears remarkable resemblance to Hobbes. His weak showing in this poll is no surprise, however.

Immanuel Kant	1.6	1	1

Immanuel Kant (1724–1804) was not only one of the most important German philosophers, he is widely considered to be one of the greatest philosophers ever. He wrote numberous works, including "The Critique of Pure Reason," "The Groundwork for the Metaphysics of Morals," and "Religion Within the Bounds of Reason Alone."

Though he is probably best known among libertarians as — according to Ayn Rand — the chief source of evil in modern times, he was actually a classical liberal. A number of libertarian philosophers have recently written about the advantages of a "Kantian reconstruction of Utilitarianism," and both Mises and Hayek were neo-Kantians in fundamental philosophy.

Herbert Spencer	1.6	1	1

Herbert Spencer (1820–1903) was an ambitious philosophical systemizer who advocated extremely limited government. He described his own ethical philosophy as utilitarian "in a broad sense," but it is not easy to classify. Many of his arguments against political intervention in society bear remarkable resemblance to Hayek's use of the notion of the limitations of human knoledge. His most familiar work today is probably "Man vs. the State."

Robert LeFevre	1.5	1	1

Robert LeFevre (1911–1986) was a writer and teacher who inspired and instructed a whole generation of libertarians. He wrote numerous books including "This Bread is Mine," "The Philosophy of Ownership," and "The Nature of Man and His Government." He was what is now (once again) called a *voluntaryist*, a libertarian who refuses to practice politics, and was an anarchist in everything but name (he strenuously objected to the term, prefering his own understanding of "autarchy"). His relatively low showing in our poll is surprising to us, considering his reputation in the 1960s and '70s.

Peter McWilliams	1.5	1	1

Peter McWilliams (1949–2000) was an author and a prominent supporter of medical marijuana laws. Having been diagnosed with AIDS and cancer, McWilliams used medical marijuana (legal in California) to control vomiting, a side effect of his medications. His death, reportedly from effects of vomiting, after a judge forbade him to use cannabis drew considerable attention to the excesses of the drug war.

McWilliams wrote books, some of them New York Times bestsellers, on depression and relationships. He gave a well-received speech on medical marijuana at the 1998 Libertarian Party national convention; the speech was televised on C-SPAN and reprinted in Liberty. Aside from his battles with the DEA, McWilliams is best known to libertarians for his book "Ain't Nobody's Business If You Do: The Absurdity of Consensual Crimes in Our Free Country." It made the philosophical and practical case against victimless-crime laws accessible to the general reader.[PQ]

	Mean	Median	Mode
William G. Sumner	1.2	1	1

William G. Sumner (1840–1910) was one of the leading American sociologists of the 19th century and also one of the more vigorous advocates of laissez faire. Today known chiefly as a Social Darwinist and as the author of the sociological masterpiece "Folkways," in his time he was respected for his polished essays and his dedication as a teacher. Probably his best known work to contemporary libertarians is his essay "What Social Classes Owe to Each Other."

Morris & Linda Tannehill	1.2	1	1

Morris and Linda Tannehill (1926–1989, 1939–) collaborated to write "The Market for Liberty," a powerful defense of natural rights-based anarchism which was influential among libertarians in the 1970s.

Libertarianism was only one stop in the ideological odyssey of the Tannehills, who earlier were associated (in chronological order) with the Minutemen, the American Nazi Party, and the Foundation for Economic Education, and subsequently managed a psychotherapeutic cult. Linda Tannehill later took back her maiden name of Linda Locke, and worked as a sandalmaker in New Mexico.

Benjamin Tucker	1.2	1	1

Benjamin Tucker (1854–1939) edited Liberty, the 19th century anarchist newspaper. Though not an original thinker, he was a fine stylist and an expert synthesizer of others' thinking. He articulated what was later called "anarcho-capitalism," but what he called "individualist anarchism."

Write-ins

The individuals who were written in most often are listed below, in order of a) number of votes, and b) mean influence ranking. Their average response is inflated relative to the individuals listed in the poll, for obvious reasons of selection, but some would be ranked highly had they been included in the original list, even if they received the lowest possible score from all the respondents who did not (here) write them in.

George Orwell	4.4	4	4

George Orwell (1903–1950) was an English essayist and novelist best known for the anti-Stalinist fable "Animal Farm" and the dystopian novel "Nineteen Eighty-Four." Early experiences researching poverty in England's industrial North left him a committed democratic socialist, albeit one with a healthy anarchist streak: though he believed capitalism was a corrupt system, he saw the totalitarian options as far worse. Like many left-leaning authors of the time, he

went to Spain to fight against the military government of Gen. Franco; unlike many of the rest, he went on to describe atrocities committed by both Fascist and Communist forces, in his "Voyage to Catalonia."

His antipathy to both funneled into "Animal Farm," in which he summed up the totalitarian worldview in the barnyard motto "All animals are equal, but some animals are more equal than others." Additionally, he coined a number of terms in "Nineteen Eighty-Four" that have entered into popular usage to describe various encroachments of the surveillance state: Newspeak, doublethink, thought police, and Big Brother.[AJF]

	Mean	Median	Mode
Friedrich Nietzsche	3.8	4	5

Friedrich Nietzsche (1844–1900) was a German philosopher who, between the publication of "The Birth of Tragedy" in 1872 and his mental breakdown in 1889, developed a complex, deeply influential body of work. His most-quoted line, "God is dead," is a formulation of the situation facing modern society: the collapse of shared belief that accompanied the "death," or devaluation, of the Judeo-Christian God. The problem facing humanity, then, is the reconstruction of morality in an age that is "beyond good and evil." In the book of that name, and the mock-Scriptural "Thus Spake Zarathustra," he suggests as an alternative the "will to power," embodied in the figure of the "Übermensch" (superman), who alone is capable of preventing a slide into nihilism by his creation of values within the moral vacuum. This essentially aristocratic vision of humanity is set in opposition to both traditional Christian morality and the measures of aggregate happiness espoused by utilitarianism.

Nietzsche's writing style, tending towards aphorism and oracular pronouncements, leaves his books open to being misquoted and otherwise taken out of context — by the Nazis, in particular, though there is considerable evidence that he never held any anti-Semitic sympathies.[AJF]

Thomas Paine	3.6	4	4

Thomas Paine (1737–1809) was an English philosopher and revolutionary whose pamphlet "Common Sense" converted many British colonists to the cause of American independence. Among the arguments he advanced were the near-impossibility of petitioning Parliament with grievances, and the near-certainty that ties with Britain would embroil America in foreign wars that were not properly her concern.

In the decade after independence had been won, Paine's popularity waned, and he turned his attention to the turmoil in France. During this time he had been preparing "The Rights of Man," a political tract written in defense of the French Revolution, putting forward a rights-based system of democratic governance to counter the aristocratic conservatism of Edmund Burke; the work contains perhaps the first proposal for progressive taxation. Briefly imprisoned during the Reign of Terror, and barely escaping the guillotine, Paine devoted himself to finishing his deistic treatise, "The Age of Reason," outlining the basic creed of a faith shared by many of the Founding Fathers. The work brought him, at first, cautious acclaim; in the wake of the Second Great Awakening, however, he was widely denounced. His reputation has continued to rise and fall since.[AJF]

	Mean	Median	Mode
Thomas Sowell	4.8	5	5

Thomas Sowell (1930–) is an economist, syndicated columnist, and prolific author who emphasizes the necessity of using empirical data in all analyses. His books provide a wealth of material to support a utilitarian or consequentialist libertarian position. He is the author of "Race and Economics" (a book which Clarence Thomas credited with changing his life), "Economic Facts and Fallacies," "Black Rednecks and White Liberals," and "The Vision of the Anointed," among many others.

His political philosophy can be surmised from the quotation: "The first lesson of economics is scarcity: There is never enough of anything to satisfy all those who want it. The first lesson of politics is to disregard the first lesson of economics."[MRR]

Leonard Read	4	4.5	5

Leonard Read (1898–1983) founded the first libertarian thinktank in the United States, the Foundation for Economic Education. He wrote numerous essays and books, the best known of which is his classic "I, Pencil."[MRR]

Thomas Szasz	5	5	5

Thomas Szasz (1920–) is a professor of psychiatry and author best known for his outspoken criticism of institutional psychiatry, most famously presented in "The Myth of Mental Illness." He maintains that a disease must have objectively measurable physical symptoms, and that the bulk of psychiatric disorders are therefore not actually diseases. He further maintains that psychiatry has been, and continues to be, used as a tool for the state to control and oppress the populace.[MRR]

Mark Twain	4.7	5	5

Mark Twain (born Samuel Langhorne Clemens, 1835–1910) was an American humorist much beloved for his depiction of an idealized childhood in "The Adventures of Tom Sawyer" and much admired for his scathing satire of the slaveholding South in "The Adventures of Huckleberry Finn." His is one of the most recognizable voices in American letters, recognizable across the great many formats in which he wrote — essays, novels, tall tales, travelogues: all are shot through with a straight-faced sardonic wit, which only grew bleaker with age. His distrust of human institutions spilled out in a torrent of quotable sentiments on government, religion, and morality though, curiously, the statement most often attributed to him — "There are three kinds of lies: lies, damned lies, and statistics" — was, as he acknowledged, taken from Benjamin Disraeli.

(For more, see Timothy Sandefur's "Pained Twain," available online and in our November 2004 issue.)[AJF]

Hunter S. Thompson	4.3	4	4

Hunter S. Thompson (1937–2005) was an American journalist, now inseparable from the manic first-person "Gonzo" style he used for the novel "Fear and Loathing Las Vegas" and the essay collection "Fear and Loathing on the Campaign Trail '72," which chronicles the Democratic Party's search

for a presidential candidate to run against Thompson's bugbear, Richard Nixon. Thompson's work dealt largely with the "death of the American Dream," in particular the failure of the drug-fueled political idealism of the 1960s; however, the iconic image of the Gonzo journalist he left behind after his shotgun suicide may outlive the applicability of any of one of his individual works.[AJF]

	Mean	Median	Mode
Ron Paul	4.3	4	4

Ron Paul (1935–) is a physician, U.S. Congressman, was the Libertarian Party's 1988 presidential candidate, and was for a while a frontrunner in the race for the 2008 Republican Party's presidential nomination.

Paul is a devoted Austrian, and has written several books advocating a return to hard money (i.e., a gold standard). His 2008 campaign briefly thrust classical liberal philosophy into national discourse, although whether he managed to avance the cause of libertarianism is at best debatable. Some libertarians fear that Paul's candidacy may have become a net liability when racist columns published under Ron Paul's name became widely known.

(For more, see Bruce Ramsey's "PFY vs. RP: Is There a Racist in the House?" available online and in our April 2008 issue.)[MRR]

Personal

In 1987, our poll respondents' mean age was 40 years, 95% were male, and 100% were white. We're not quite as homogenous these days, and we're not quite as young.

What is your age?

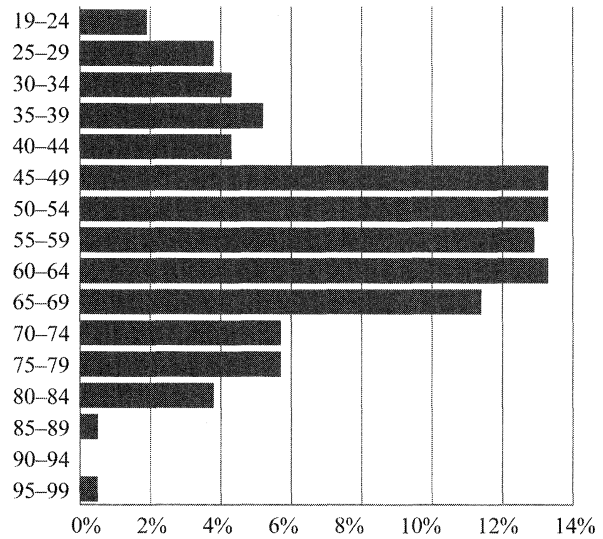

The mean, median, and mode ages are (respectively) 55, 56, and 67 years.

Are you male or female?

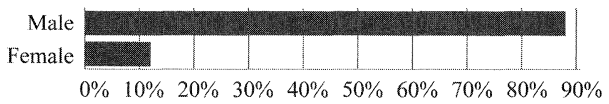

In the first Liberty Poll, respondents were 95% male, and closer to 100% than 99% caucasian. The demographic data from the second Liberty Poll was not mentioned in its summary article. The data was gathered and totalled, and a significant change would have been notable, so it is fairly safe to assume that the demographic breakdown of respondents was similar.

What is your ethnicity?

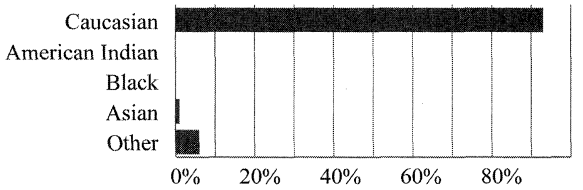

Most of those who are listed as "other" were of mixed ethnicity, but six of them described themselves as "human." There are, of course, other ways to express dissatisfaction with the question; one can leave it blank (as several respondents did), or one can note that the question is offensive (or meaningless, or dangerous, etc.) — and our respondents were not, for the most part, hesitant to include comments. The decision to proclaim oneself "human" in this context seems, to me, sanctimonious. One other Liberty Poll question elicited a few responses that struck me as especially self-satisfied, so I looked for a correlation. The "humans" were almost ten times as likely as other respondents to report that the single individual who introduced them to libertarian thought was either "me" or "self."

Maybe the correlation is meaningless. On the other hand, it's the first (and only) one I looked for.

Patrick Quealy adds: Six respondents to our poll wrote "human" as their race rather than checking one of the provided boxes. I take this to be a statement that race ought to be irrelevant to appraisal of a person's worth, or that race is a meaningless social construction, both of which are worthy points of discussion. In any case, I wondered if anything interesting could be determined about them as a group.

After poring over the data for a few hours, I came to an important conclusion: I need a life. The humans don't appear appreciably different from the blacks, whites, Hispanics, or others.

If I wanted to stretch, however, I could note the average number of times the humans ran for office was 0.83. For all respondents who answered the question, the average was 0.23. Among Liberty readers, humans run for office considerably more often than non-humans.

What is your annual income?

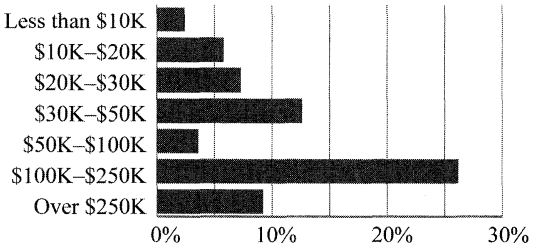

What is the highest level of schooling you have completed?

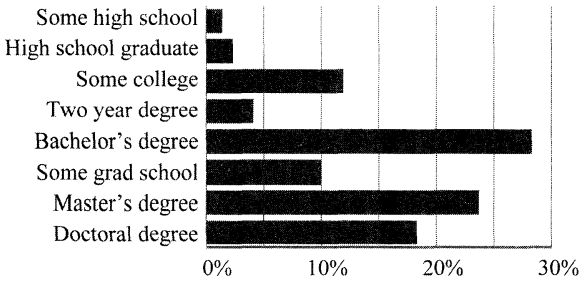

According to U.S. Census data, less than 30% of adults over 25 years of age in the United States have a bachelor's or higher level degree. Slightly more than 80% of our respondents claim that level of education. Is there a causal relationship? If so, which is cause and which is effect?

What is your occupation? (Check as many as apply.)

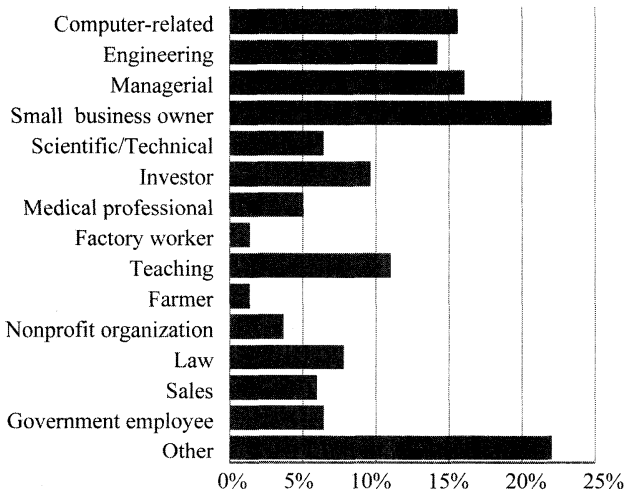

How many years, if any, were you in the military? Were you enlisted or an officer?

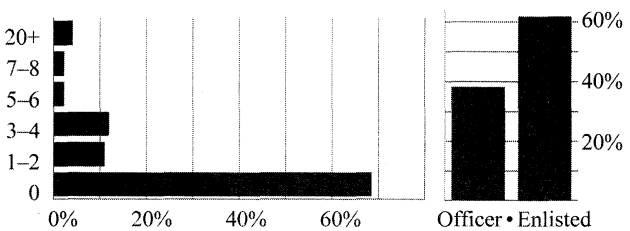

Are you married?

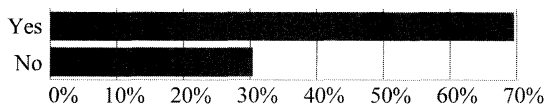

The poll question, simply "Married?" is ambiguous, so the percentages may be skewed. The most natural interpretation of the question is "are you married?" — unless you are divorced. In that case, an equally natural interpretation is "have you ever been married?"

Married respondents were also asked whether their marriage was legal. Most (80%) married respondents answered, and most (91%) of their marriages are legal. The actual percentage whose marriages are legal could be as high as 93% or as low as 73%, depending on the status of the 20% of married respondents who did not answer this question.

How long have you been with your current partner? (In years, zeroes excluded from averages.)

Min	Max	Mean	Median	Mode
0.5	60	21.5	20.6	19

How many divorces have you had?

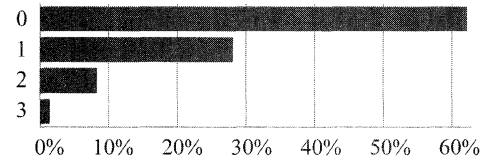

How many children do you have?

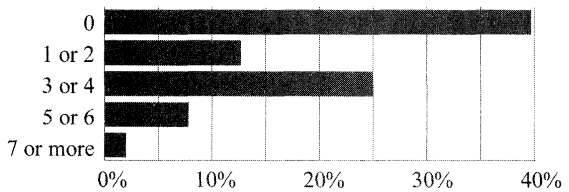

How many grandchildren do you have?

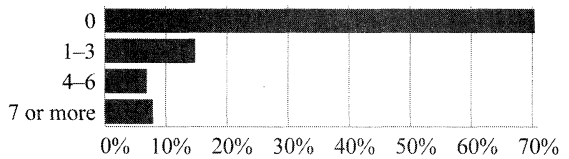

Patrick Quealy adds: It's commonly believed (especially by modern liberals, in my experience) that libertarians are merely libertine conservatives: sex-crazed, drug-addled, selfish people who don't like paying taxes or living near people who are different. But we know (and the poll suggests) that's not so.

True, the libertarians who answered our poll are like conservatives in their family values, when compared with the larger culture. The average married couple has been together for 21 years. One couple has been together more than twice as long as I have been alive. Of those poll takers who indicated whether they had children, three-fifths did. Of those respondents who described their sexual activity, 91% are monogamous or are not sexually involved with anyone. These are no libertines.

But if these people are like conservatives in some ways, their attitudes about marriage suggest they lack the irrational fear of all change that modern liberals believe to be conservatives' signature trait.

Had I been one of the editors who designed the poll 20 years ago, I would not have thought to ask married respondents to draw the distinction between marriage and being "legally married." Happily, persons more sensible to the nature of libertarians designed it, so we know that 7% of Liberty Poll respondents identify as married, but not legally so. That assumes the one-fifth

of those who did not answer the question about legality are all "legally married"; the number could be higher.

The nature of their marriages suggests they've realized it doesn't matter whether their marriage is solemnized by a justice of the peace and certified by a $25 marriage license from city hall. What matters to them is whether it's solemnized in their hearts, or by their church, their God, or whatever institutions or deities matter to them.

"Legally" is open to interpretation. Its opposites could include cohabitating people who choose not to be civilly married for ideological reasons, or because they're of the same sex and can't be legally married, or because the state won't recognize their nontraditional relationship structure. Whatever the reason, the number is pretty cool.

How many siblings do you have?

Min	Max	Mean	Median	Mode
0	12	2.2	2	1

Are you first born in your family, second born, third born, or later?

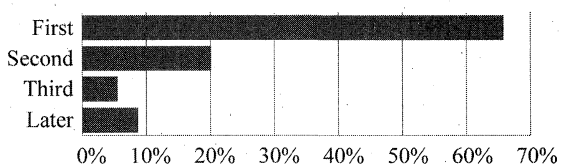

Poll respondents were firstborn half again as often as chance would predict; the respondents to the first Liberty Poll were firstborn almost twice as often as chance would predict. The combination of small (and overlapping) samples and the observed regression towards the mean suggest that there's no significant correlation, let alone a causal relationship. Still, the discrepancy is enough to warrant a look.

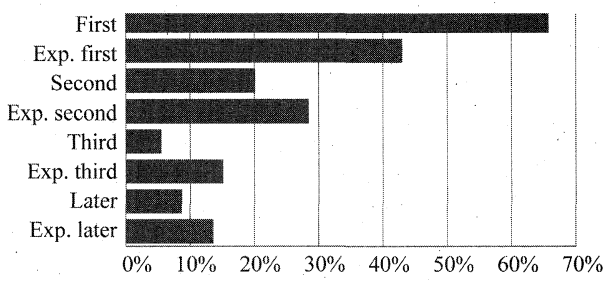

Which of the following best describes your religious training as a child?

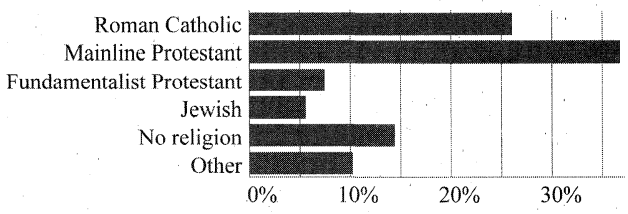

Respondents to our first poll were more likely to have been raised as Roman Catholic (33%) or Jewish (10%) than respondents today. They were less likely to have been raised as Mainline Protestant (30%) or "other" (7%), and about equally likely to have been raised as Fundamentalist Protestant.

The change in proportion of Roman Catholics and Mainline Protestant is not particularly surprising — in the last 20 years, the number of non-Catholic Christians in the United States has increased by more than the number of Roman Catholics in the United States. The 40% decrease in the number of libertarians raised as Jewish *is* surprising. Given the disproportionate accomplishment of Jewish individuals in almost every field of intellectual endeavor, the decrease is also somewhat troubling.

Do you consider yourself religious today?

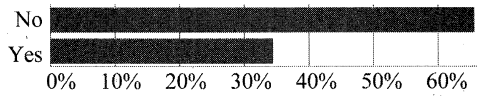

Of the respondents who consider themselves religious today, 41% practice a religion other than the one they were raised under.

Incidentally, although it is of course possible to believe in God without considering oneself religious — and certainly possible to believe without following an organized religion — the percentage of respondents who consider themselves religious is almost identical to the percentage who agree with the statement "There is a God."

Almost 23% of the respondents who consider themselves religious today did not agree with the statement "There is a God." These individuals were all either Unitarians, Buddhists, Scientologists, or Jewish.

How long ago did you most recently attend a church or other form of worship?

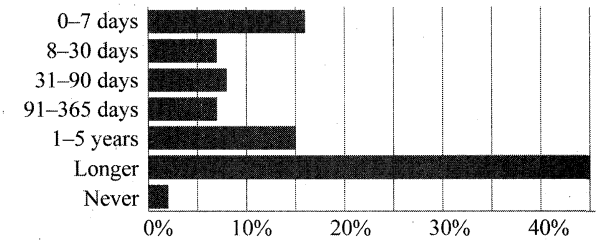

What is your sexual orientation?

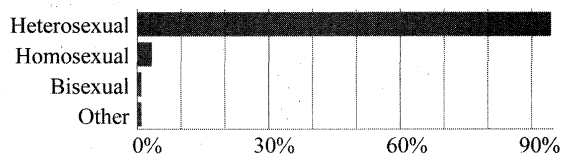

What is your typical form of sexual activity?

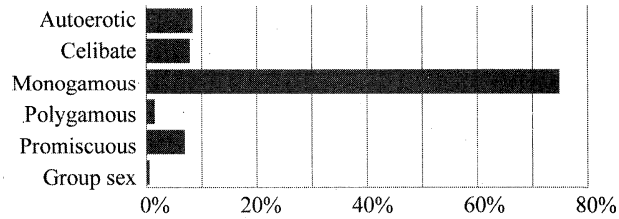

Most respondents answered the questions regarding their sexual orientation (98%) and activity (92% or 93%, depending on whether you count "you've got to be kidding" and simi-

lar comments as answers). The individuals who described their sexual activity as "other" did not explain what "other" might entail.

What are the political beliefs of your current partner?

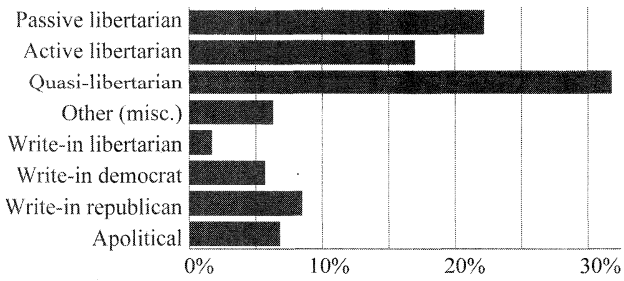

Do you give money to libertarian organizations? Humanitarian organizations? Cultural organizations? Religious organizations?

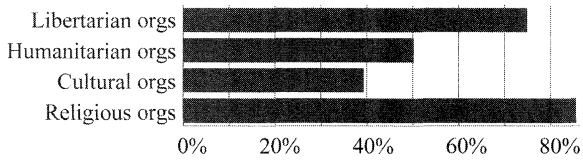

Less than 40% of those respondents who donate to religious organizations consider themselves religious. This supports my belief that libertarians are, on the whole, more concerned than the Left or the Right with the consequences of an action (as opposed to its appearance or its backers' intentions); the donations to religious organizations demonstrate that respondents have separated the action from the actor. The evidence for my supposition is usually found in the legislative arena, where Left and Right each support policies inimical to their goals.

Of course, it might mean only that respondents tossed a nickel into a Salvation Army bucket, for appearance's sake.

Do you talk to your acquaintances about libertarianism?

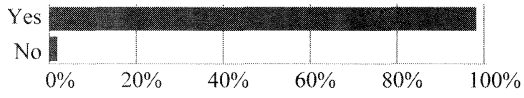

What percentage (if any) respond favorably?

Min	Max	Mean	Median	Mode
0%	95%	37.2%	30%	50%

Do you speak in public about libertarian ideas?

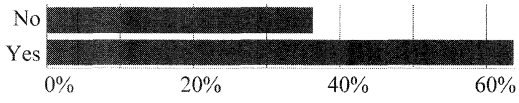

How many conferences, seminars, and conventions did you attend in the last year?

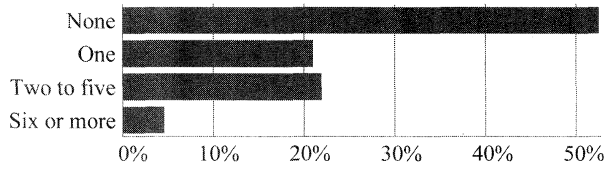

I think this question was too ambiguous to provide any solid data (even were our sample representative). Some respondents appeared to take it at face value, and included things like continuing education conferences. Other respondents appeared to assume that only events relevant to libertarianism, e.g., the 2008 Liberty Editors Conference (details on page 22), should be counted.

Both interpretations are natural; the question is simply not well phrased.

Are you a registered voter?

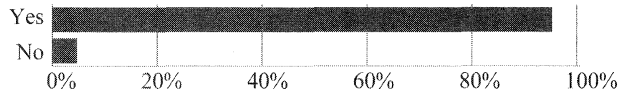

Are you a member of a political party? Which one?

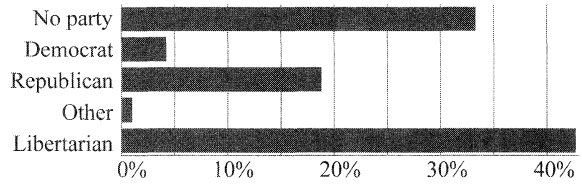

Have you ever run for political office?

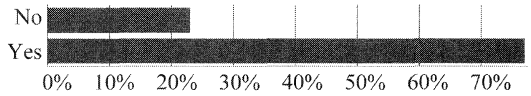

The commentary to the first Liberty Poll included some speculation as to its statistical validity as a tool for assessing the background and the views of the libertarian populace. It had none. As a tool for assessing readers of Liberty, it had *almost* none. The sample size was small, and (worse) not at all representative, unless by chance.

This, the third Liberty Poll, is no more valid than the first. We received more responses, but we have no reason to assume the respondents are typical Liberty readers. Quite the opposite — the mere fact that they filled out and mailed the survey sets them apart.

The responses to the three Liberty Polls have been fairly consistent in content. If we assume only that the subgroup of libertarians who respond to Liberty Polls has moved in the same direction as libertarian thought as a whole, the poll takes on some meaning. Alas, we have no justification for even that small assumption.

The questions are thought provoking, the responses sometimes more so. And the responses are entertaining. That should be enough. ❑

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Moral Absolutes, Truth, and Liberty

by Ross Overbeek

The Liberty Poll asks the questions
Liberty was founded to answer.

The Liberty Poll statistics are in again, and again I find myself fascinated with the responses readers have made to the six ethical questions posed in the poll. The questions, which I helped formulate in late 1987, appeared in the 1988 Liberty poll, and again in the 1998 and the 2008 Liberty polls. (See box, next page.)

When the first Liberty Poll was run in early 1988, it included the following short statement:

> Given the universal moral character of some libertarian precepts, it is not surprising that many are concerned about their implications for human behavior. The Liberty Poll posed six moral problems addressing the issue of whether there are circumstances in which it is morally proper to use force against innocent individuals, which would apparently violate such widely accepted libertarian principles like, "no person has the right to initiate the use of physical force against another human being" or "one should always respect the rights and property of others."

However, there is a great deal more to be said about the origin and motivation for asking these questions.

Why Those Questions?

When I was 15 or 16, I began my lifelong friendship with Bill Bradford. We were in high school, and we were both trying to understand the world. We both read "Man, Economy, and State" by Murray Rothbard and "Atlas Shrugged" by Ayn Rand during this period, and they certainly had a major impact on our lives. Reading these books was simply intoxicating. One was a magnificent, carefully crafted introduction to the central ideas in Austrian economics, and the other was simply the best novel I have ever read. The effect on two impressionable youths was pretty intense.

Both Rand and Rothbard had a common characteristic: they wrote uncompromising, articulate defenses of the libertarian position from a natural rights perspective. They presented very similar arguments leading to the assertion that freedom from physical aggressive force was the primary right

of each individual. Rather than argue whether or not these formulations of a libertarian position were correct, let me simply recount the intellectual odyssey that Bill and I went through and how it led to the questions appearing in the Liberty Poll.

In the 1960s through the mid-1970s, the number of people discussing and adopting libertarian positions skyrocketed thanks to Ayn Rand's novels. Rand formulated a complete ethical system (which both Bill and I found extremely attractive; Bill eventually migrated from Rand's position, but I still fondly read the old essays). Her political beliefs centered on the nonaggression principle: "no man may initiate the use of physical force against others." Her ideas are best studied in the context of her novels, but she did also write a short summary of her views in a book that hit the newsstands in 1961 — "The Virtue of Selfishness." It was intentionally provocative, but if a person had the time and inclination to follow her arguments, it conveyed a great deal in a very few pages.

As two young students reading this stuff, it was immediately obvious to us that, if one believes

1. "No man may initiate the use of physical force against others" and

2. No group of individuals has rights other than those arising out of the individuals' rights,

then a government may not initiate the use of physical force (defense force was never in question). While Rand defended the concept that governments could support themselves by selling services (enforcement of contracts, and so forth), the real issue centered on what distinguished the concept of government. If an organization offered services like police, a legal system, and defense against foreign aggression, but did so without itself initiating force in the form of taxation, was it really a government? Bill, myself, and many other young libertarians were grappling with these ideas which led to two distinct intellectual camps: those who believed in and supported a minimal state and those who adopted an anarchist position. I will not recount most of the details of the debates that took place, but they were intense, sincere, and fascinating. Bill wrote a remarkable essay that (I believe) was never published, arguing that the state, by definition, always existed (as the organization that had the most power in a geographical area), but left undecided how far you could contract it (and how you would support it). Much later in a debate with Charles Murray, David Friedman, and David Boaz (at the 2004 Liberty Editors Conference, published in the Dec. 2004 and Jan. 2005 issues of Liberty) he described his position as follows:

> I got into a long discussion of this with Murray Rothbard once. He asked me how I would describe my political philosophy and I said, "Well, it's ultimately statist." And he asked me to describe what it was, and after a long discus-

The poll's ethical dilemmas:

1. Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd. He is moving toward the railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react. What should you do?

a. Shoot at the terrorist only if you are certain you will miss the hostage.
b. Shoot at the terrorist if there's a reasonable chance you'll miss the hostage.
c. Shoot through the hostage if necessary.

2. Suppose that a parent of a newborn baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.

a. Would you cross the lawn to help the starving infant?
b. Would helping the child violate the parent's rights?

3. Suppose that a parent decides to experiment with a radical new diet for his newborn child.

a. Should you prevent the parent from trying the diet if you have good evidence it would endanger the child's health?

b. Should you prevent the parent from trying the diet if you have good evidence it would endanger the child's life?

4. Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands that you stop trespassing. Which of the following statements reflects your beliefs?

a. You should enter the condo against owner's wishes.
b. You should hang on to the flagpole.
c. You should drop.

5. Suppose that your car breaks down in a blizzard. You are trapped and may well freeze before help can get to you. You hike to the one house within hiking distance; the owner refuses to admit you. She has no phone. Which of the following statements reflects your beliefs?

a. You should force entrance to the cabin, which is not an act of aggression.
b. You should force entrance to the cabin, but it is act of aggression.
c. You should not force entrance.

6. Suppose that your neighbor is constructing an atomic weapon. He assures you that it is for self-defense. You believe he intends to commit an act of extortion. Which statement most clearly reflects your beliefs?

a. You should prevent construction.
b. You should sell your house, and you are obligated to inform potential buyers.
c. You should sell your house, but you are not obligated to inform buyers.
d. This is unthinkable and therefore not happening.

sion he told me that he thought my position was more or less tantamount to his own. Murray, of course, considered himself to be an anarchist.

The first issue we must address is what do we mean by government. When I use the term, I use a slight variation of the classic Weberian definition: government is that man or combination of men that are capable of enforcing law within a certain geographical area.

The reason that I have such an ambivalent — I prefer to say, subtle — position is that it seems to me to be impossible to dispense with some core of government and still have a peaceful society. What I mean by that is, whether we have people actively engaged in coercion to enforce rules within a society, we still have people who are capable of doing so if so inclined. When you are in a situation where someone is capable of forcing you to do something, the fact that, for the moment, he chooses not to do so or that he shouldn't do so, doesn't make you substantially freer. So I concluded that government is ultimately not dispensable because as long as we have a substantial number of people peacefully interacting, we're going to have a combination of people who can impose their will.

What I want is a system that will minimize the initiation of force against peaceful individuals.

My response to the question of what government should do is what convinced Murray Rothbard that I was virtually an anarchist. I think that everything a conventional government does can be privatized, except for one: a supreme court, that is, a court that has jurisdiction over competing private courts.

In 1973 David Friedman articulated a remarkable defense of anarchism in "The Machinery of Freedom," a book which offered the most successful attack on the minarchist position in my view.

By the mid-1970s, I believe that Bill was actively refining his basic position, and the major influence was the works of Mises. Since high school he had been studying Mises, but it took years to really understand much of what he wrote. As an aside, we both noted that Mises, one of the true intellectual giants of what might be termed classical liberalism, had argued that conscription into the military was in some cases defensible in "Human Action."

I could not get into the Libertarian Party, since they required applicants to certify belief in the nonaggression principle.

In any event, as the years rolled on, I went into science; Bill built a business. We would get together and I would complain that I could not get into the Libertarian Party, since they required applicants to certify belief in the nonaggression principle. Bill finally managed to get in without certifying it. Since

1. neither of us believed we could in good conscience certify it,

2. we both were eager to support the basic libertarian platform, and

3. we had spent years thinking about the issue trying to understand what we could seriously defend,

we found the Libertarian Party's insistence that members sign the oath a remarkably destructive position.

Then, the day came when Bill decided to found Liberty. The magazine was to be a place where internal questions and disagreements could be openly aired and discussed. Bill emphatically rejected the idea of somehow presenting just the truth as he saw it. His view that the movement needed internal debate to strengthen its positions led him to publish a wide spectrum of authors. I must admit that I often railed against what I viewed as thoroughly objectionable nonsense that got into Liberty, but over time I have come to understand the wisdom of his position. In any event, when Bill suggested that the magazine publish a poll, I was still upset by the fact that the Libertarian Party would not even let me join and particularly shocked by many of the leading libertarians who defended that policy. Bill and I had posed a number of ethical dilemmas to each other over the years as a tool to help understand what we really believed. Bill suggested we include some, so I formulated a small, representative set and they appeared in the July 1988 edition of Liberty.

I often railed against what I viewed as thoroughly objectionable nonsense that got into Liberty.

What Is the Point?

The six questions were formulated to provoke thought and uncertainty. Bill and I both felt that, ultimately, both Rand and Rothbard had argued for precise positions that would not stand up under criticism. In such cases, making arguments with complete certainty (and in some cases caustic criticism) was actually counterproductive. There was a need for people to reevaluate, or at least deepen, their grasp of many of the fundamental issues. While philosophic attack and counter-attack was not going to happen with a broad audience, perhaps these questions could lead to more thoughtful exchanges.

The responses to the first Liberty Poll in 1988 from the editors of Liberty were really worth reading. Murray Rothbard gave a very interesting account of key moments in his intellectual development, and then he ended with an interesting analysis of the ethical dilemma faced by the shopping center guard. His comments are still well worth reading, but let me just recount his final shot:

> The moral of this story is not that all rights are relative, and that no firm position can be taken. The moral of this story is that everyone's rights are absolute, that pragmatism is inconsistent as well as pernicious, and that everyone is obligated to defend every innocent person's rights: in short that no aggression may ever be waged against an innocent victim regardless of excuse or alibi. And that the putative shopping center guard who shot and killed the hostage was a murderer and should be treated accordingly.

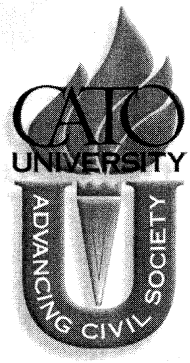

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Bill Bradford, writing as Ethan O. Waters, summarized his position:

> To me, the most salient finding of the Poll is that libertarian moral thinking is not very rigorous. How else can one understand the fact that 11% believe a parent should be allowed to starve his kid to death, but 39% believe a parent should be allowed to kill his kid by malnutrition? Or explain why only 2% would face death by dropping from the 49th story of a building rather than violate property rights, but fully 22% would face freezing to death in a situation identical in other respects?
>
> Although nearly all libertarians (89%) agree with the non-aggression axiom, a great many are willing to dispense with it when convenient: 47% will risk killing an innocent hostage to save a greater number of people in an emergency, and another 25% will kill the hostage outright if necessary; 89% will trespass to prevent a parent from starving his child for the fun of it; 98% would rather trespass than die in the flagpole question, including 14% who would restrict their trespassing to his flagpole and 84% who would go so far as to enter another's residence; 78% would force their way into an occupied building rather than face freezing to death; 73% would interfere with a neighbor's right to keep and bear arms if those arms are powerful enough.
>
> It is apparent that many of those willing to dispense with the nonaggression axiom have no clear or consistent criterion for deciding when to dispense with it.

A Personal Note

When I consider the ethical situations posed in the Liberty Poll, I feel a great deal less emotion than I felt 20 years ago when we posed them for the first time. It all seems perfectly clear to me now:

1. In the case of the shopping center guard, you shoot through the hostage if necessary; in the case of the parent mistreating the child, you certainly prevent starvation, but you may or may not choose to interrupt the radical diet; in the case of the flagpole, you force entry; in the case of the blizzard, you force entry and it should not be considered aggression by the legal system; and, finally, in the case of the neighbor with an atomic weapon, you take it away from him.

2. It is important now that I have established what I want to achieve with my ethical system, that I work out a consistent set of rules that both leads to those conclusions and (within that constraint) maximizes individual freedom.

I realize how flippant and irresponsible this second point must sound, especially to those who have spent years trying to derive and maintain an ethical system from first principles. All I can say is that when I was young I did spend huge amounts of effort studying these questions. I benefited from exchanges with many wonderful libertarians and read many gifted authors. It is true that I ended up spending most of my creative energies in my later years in science, and I may well have acted imprudently in not spending more effort trying to strengthen my grasp of how social systems should be structured. However, I have come to appreciate efforts to formulate systems that, for the most part, achieve a set of desired ends, but do not pretend to achieve universal justice. That is, I see the merits in carefully considering things like the common law, Hayek's comments, and Richard Epstein's attempts to formulate a set of simple rules that don't need to work perfectly, but do work fairly well (I have only recently begun to study Epstein's work; I can only say that I wish I had encountered it earlier). Maybe this all means that the libertarian movement and I have drifted apart, but that is not how I see it.

It seems to me to be similar to the situation faced in physics when it was clear that Newton's laws explained a great deal, but that there were a few facts that seemed to clearly contradict what those laws predicted. A great many physicists chose to ignore the discrepancies, believing that the power and accuracy of Newton's insights were beyond question. However, it was out of careful analysis of the anomalies that Einstein was able to formulate the way forward. In a real sense, Einstein's work did not invalidate Newton's, but rather extended it. I believe that these quite rare emergency situations do focus attention on details that challenge the universality of the nonaggression principle. To be blunt, arguing for dropping off flagpoles is silly. It boggles the mind that some libertarians do so while claiming to base their arguments on an egoistic framework.

I believe that we live in a world in which the opportunities for individuals to achieve their potential are dramatically improving, thanks largely to the remarkable spread of capitalism and freedom, that there are still many truths to be clarified, and that intellectual ferment is a good thing. We should seek consistency, but not demand it; what we need to demand is an open, honest search for truth. ❑

Reflections, *from page 21*

2nd Amendment protects the individual right of a person to arm himself. Period. Arguments about "collective rights" are just statist sophistry. This sophistry is the reason I can't take a group like the ACLU — despite some good work that it does — seriously as a philosophical or political advocate.

Heston supported the clear meaning of the 2nd Amendment. And he did so even though he was mocked in some circles for it. With the early King as one of his models, why would Heston care about the ridicule of peevish minds?

After Heston died in early April, some eulogists said that he was "complex" for having bridged the gap between the Selma marches and the NRA. I doubt Heston would have considered this a complex matter. The right of a man to be treated equally as all others is very close to his right to arm himself so that he and his family aren't beaten or molested.

If more black people living in the South during Jim Crow had been armed, there might have been fewer lynchings.

Of course, the way that Heston earned the money and reputation to afford his "complexity" was as a movie and stage actor. Critics say that he often overacted.

In the 1980s, I saw Heston in a stage version of the Caine Mutiny Court Martial. He played the damaged Captain Queeg, raving about frozen strawberries and rolling ball bearings obsessively in his hand. Maybe he was hamming it up. But, more than 20 years later, I can remember the performance very clearly. Firsthand. — Jim Walsh

Reviews

"The Prince of Darkness: 50 Years Reporting in Washington," by Robert D. Novak. Crown Forum, 2007, 662 pages.

Prince of Darkness or Angel of Light?

Stephen Cox

If you've ever seen Robert Novak in his natural element — a television panel in which he plays one of the Five Expert Observers of Our Nation's Capital — you know that he's likely to be the smartest, plainest-spoken pundit of them all. It's not just his deep growly voice that makes him special; it's his ability to cut through the jargon and the platitudes and the circumlocutions and say openly what others pussyfoot around. You don't have to agree with his specific views (I suppose I would call him a mildly libertarian conservative, but he's capable of surprising me) in order to respect his candor and individuality.

And now, just as one might predict, he has written a book that is unusual, even strange, in many respects.

One seldom encounters a biography — much less an autobiography — that says exactly how much money the protagonist made, either in general or on specific commercial transactions. Novak flouts tradition by making a detailed accounting of his earnings — and often of his spendings too. He goes further: he insists on translating the sums into contemporary dollars, which nobody else ever does. Novak is neither boasting nor complaining: he made a lot less than one would expect a grade-A journalist to make, but his earnings weren't contemptible, either. What he's trying to do is explain the world he's lived in. If you're curious about how the mainstream media (familiarly known as the MSM) actually run their business, this is the book for you. It doesn't just offer the financial facts; it also shows, in enormous detail, how the deals are done and the money is generated, as illustrated by colorful stories of Novak's experience as a reporter, columnist, and television commentator over many decades. (He's been a fixture on Meet the Press, Evans and Novak, The McLaughlin Group, The Capital Gang, which he founded, and many other shows.)

Few other self-biographers (at the moment, I can't think of one) tell how much they drank. Novak describes a typical day in the 1970s. First, "lunch with a news source," accompanied by one or two Scotches and a bottle of beer; then some afternoon work, followed by an hour at the bar and two Cutty Sarks; then cocktails at home, followed by dinner with wine: "That adds up to around eight alcoholic drinks for me during a normal workday. That's a lot of booze, but there was considerably more intake for me on any day that I attended a dinner party or reception or was on the road, as frequently was the case. And there were occasions when I, a forty-something, would go on a collegiate-style drinking binge." The sorry details follow (298–99). You'll be happy to know that Novak eventually changed his ways; you'll be unhappy to know (though perhaps you would have guessed) that a lot of the elite journalism and politics of the 1950s, 1960s, 1970s, and 1980s floated on enormous tides of alcohol. Novak's passages about drinking make you wonder how either he or the republic survived.

Again, he's not boasting — in this case, about his toughness and masculinity. One of the strangest features of this book, given the author's aggressive approach to journalism and the obvious pride he takes in his gift for "making life miserable for hypocritical, posturing politicians" (14), is its remarkable degree of modesty. Where else can you find a writer who describes a column completed after an agonizing trip to the hospital as reading "no worse than usual" (626)? Where else can you find an inside-the-Beltway journalist excoriating one of his own reports as "the

worst kind of inside-the-Beltway analysis," completely isolated from America at large (402)? Where else can you find a Washington reporter worrying, after 25 years, about whether he'd pulled his punches on a high-level politician: "It bothered me in 1982 and still troubles me today" (389). Where else can you find the subject of a flattering article in Newsweek reporting that the story was written by "a close friend . . . Little in Washington is on the level" (115).

There's plenty more: "This was just about the worst column I wrote during four decades . . . I was such a sucker for an exclusive story that I sometimes committed errors indefensible even for a cub reporter" (235). "That reeked of overconfidence" (220). "They have not withstood the test of time" (said of columns written in the Kennedy administration [102]). "This poster [advertising the author's writings] was put in New York subway and commuter railroad stations, making my forehead a favorite target for obscene graffiti" (100).

If Novak's book has a fault, it's a fault that is virtually inevitable in a journalistic memoir — a good memoir, anyway: Novak doesn't spend much time on issues that weren't his beat. Thus, you will see a good deal of commentary on Vietnam, which Novak visited repeatedly while the war was on, but very little on the student rebellions against it — events with which he had little contact and, apparently, little intellectual engagement.

Yet on issues that he did cover, he is perfectly willing to get down and dirty. I think it's unfortunate that he highlights his involvement in the Valerie Plame "CIA leak"; he was the central journalistic figure in that affair, yet the affair itself was of no importance, as he himself recognizes. The hue and cry over the revelation that Ms. Plame-Wilson had a desk job at the CIA was nothing more than anti-Bush agitation, to which the Bushites lent their asinine cooperation. Still, something can be learned from Novak's revelations of the folly and pomposity of other participants. Thank God, he is not a member of the smarmy, humorless, pseudo-statesmanlike, Walter Lippmann school of journalism; so there's some chance of getting the truth out of him.

A lot of that truth has to do with the biases of other high-class journalists. Other mainstream Washington reporters routinely express round-eyed bafflement over the impression — generated somehow — that they are dedicated partisans of modern liberalism and the Democratic Party. Novak offers a lifetime of evidence substantiating the charge.

One of my favorite episodes in the book features Joseph Alsop, a "conservative" news guru of the '50s and '60s. Hearing John Kennedy deliver some remarks that he'd heard many times before, Alsop "jumped on the press table and began chanting: 'Jack! Jack! Jack!'" Odd behavior for a nonpartisan reporter. Yet Alsop, Novak observes, was simply "more ostentatious than other journalists . . . [T]he press corps was solidly for Kennedy. Traveling with Nixon the last week of the campaign, I was having drinks with other reporters in a hotel bar. Somebody mentioned to star reporter William Lawrence of the New York Times that it was tough duty on the Nixon tour. 'No,' Bill said, 'I think I can do Jack more good when I'm with Nixon'" (73).

Flash forward to election night, 2004, when exit polls indicated that

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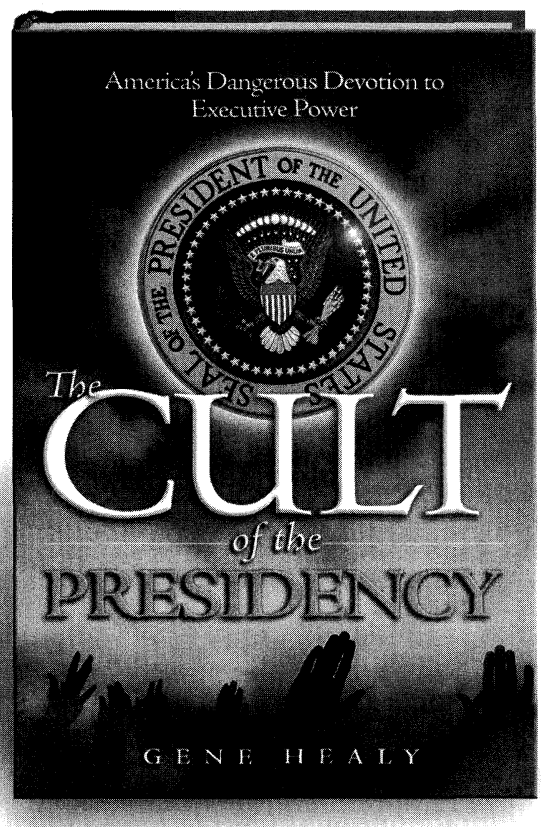

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John Kerry, the Democratic nominee, was going to win. At CNN studios in New York "a celebration was in place . . . CNN staffers were ecstatic" (626–27). The fact that the Democratic Party of 2004 stood for very different things from the Democratic Party of 1960 appears to have made little difference to the ecstatic MSM. "Whither thou goest, I will go" — so long as thou art a Democrat.

But journalistic bias isn't necessarily limited to political parties or causes. It is also extended to power per se. Novak recalls abominable personal behavior by both Republicans and Democrats, by politician after politician, that no reporter ever considered reporting. Novak was there, during Richard Nixon's 1960 campaign, when the candidate discovered that a TV set had not been arranged to his liking. He exploded, and he "continued his profanity-laced rant up to airtime, but not a word appeared in print or on the air. The wire service, radio-television, and periodical press pool reporters did not report his conduct. Neither did I as the daily press pool reporter. That's the way journalism was in those days" (76).

Novak makes a similar report about Bill Clinton's 1992 campaign. Clinton and his people could simply lie in the face of the few reporters (Cokie Roberts of NPR was one of them) who dared ask questions about his remarkably repulsive "private" life, without any fear that the MSM would make an issue out of it. Clinton and his handlers knew that the MSM "shared my view that Clinton's dalliance with Gennifer Flowers and however many other women was not grounds for political inquiry" (although, of course, the displays of marital bliss doled out by Mr. and Mrs. Clinton were eagerly retailed). "I had not seen the press corps so excited by a presidential candidate since John F. Kennedy . . . They did not want Clinton brought down by the tabloid press" (494–95). Novak later repented of his paternalistic attitude toward voters. His colleagues, basically, didn't. They had to be driven like cows into reporting on Clinton's corruption, and they found plenty of ways of evading the part that went beyond sex.

Elite journalism and politics of the 1950s–1980s floated on enormous tides of alcohol.

For over 40 years Novak has been known by the unflattering title of "Prince of Darkness" — a name first given him by a Washington reporter who noted his "unsmiling pessimism about the prospects for America and Western civilization" (102). In a way, his book lives up to the phrase. One reads it with the grim pleasure of finding one's worst imaginations confirmed. If "what's past is prologue," if the events he chronicles and the important people he knew are Act IV of American history, we may see complete disaster in Act V.

It's not that most of the people he describes were evil; it's that there was a total disjunction between their professional competence and their vision of the world. Novak identifies many journalists and other opinion leaders (even politicians) as smart, competent, and fun to be around; but these good qualities exist in isolation from their ignorant, reflexive politics, whether modern liberal or neo-conservative (Novak hates both kinds). One doesn't care how nice a guy Al Hunt or Jack Germond may be, when off the TV set; their intellectual quality still appears to be nonexistent. Even Novak's longtime journalistic partner, Rowland Evans, a man he liked and even respected, lost his head over Bobby Kennedy. Most of the people we meet in this book never had a head to lose.

Among major politicians, only Ronald Reagan and Daniel Patrick Moynihan come out looking really good — Reagan for understanding the threat of collectivism, both internal and external, and working cleverly to meet it; Moynihan for understanding the dangers of social planning and issuing courageous warnings about its effects. Yet Reagan is depicted as a man surrounded by mediocre assistants and allies, and Moynihan (a personal friend of Novak's) as a politician who withdrew into a protective shell of official liberalism.

"I found it hard," Novak says, "to fall in love with any presidential candidate (even John F. Kennedy and Ronald Reagan, both of whom I liked personally) because, as a reporter, I observed them at close range" (497). As for other politicians: Eugene McCarthy was little more than an embittered "cynic" (155–56). Al Gore "demonstrated that he was even more of a phony than I had thought" (566). Newt Gingrich exemplified "the desire of politicians without inherited wealth to become powerful and rich . . . As politicians dealt with fabulously rich benefactors benefiting from their legislative decisions, they yearned for their share of the gold" (519). "Jerry Ford, the nicest person to be president during my career, was ill equipped for the job. He was a quintessential product of the House and of the minority Republicans, suffering from a pernicious side effect of perpetual minority status: lack of a clear ideology guaranteeing the absence of a clear agenda" (261).

Only Ronald Reagan and Daniel Patrick Moynihan come out looking really good.

John Kennedy's anticommunist idealism was "mostly posturing," while "Nixon's conservatism was mainly rhetorical. Nobody can claim he was less committed to big government than Kennedy, who had the saving grace of being a tax-cutter — a quality that eluded Nixon" (77). And there was the inimitable Lyndon Johnson: sometimes a disgusting drunk, always a crude manipulator and sufferer from "megalomania" (82). Kennedy was "a failed president," but "Johnson was a disaster" (103).

It is Jimmy Carter, however, who fares worse than any other president in this book. From Novak's point of view (and who can differ?) Carter was a self-important nobody, a silly demagogue, "a liar and charlatan" with a "manic grin" and a phenomenal degree of stupidity (289, 295, 283). Novak reports that Carter's treasury secretary, proposing to inform him about problems of taxation, recommended that he read

some books. "I'm way ahead of you," Carter replied. "I've started reading the Internal Revenue Code." "It was," Novak comments, "as if somebody interested in automotive engineering had started by reading a mechanic's manual word for word." The treasury secretary tried to argue: "Mr. President, I really don't think that's the way to go about it." Carter, invincible in self-righteous ignorance, "flashed the frozen smile and steely gaze, saying, 'But, Mike, I do, and I am the president.' That summed up the Carter presidency" (302).

Jimmy Carter was a self important nobody, a demagogue, "a liar and a charlatan."

By the time Clinton rolled around, Novak's appetite for stupidity was well nigh sated. But I do like his anecdote about Clinton's way of choosing an attorney general. After two nominees, both women, had to withdraw because of scandals over illegally employed nannies, "Clinton, in a temper tantrum, demanded a woman who did not have and never would have any children and, therefore, no nanny. That peculiar standard for an attorney general produced Janet Reno . . . Reno critics in Miami [where she came from] could not have cared less about her sexual preferences, but they were stunned that this woman of minimal talents was to be attorney general of the United States" (502). Not everyone was capable of such objectivity. Because Reno was suspected of being a lesbian, the MSM unleashed a "deluge of praise for a woman nobody knew" (502). The nation would endure this Frankenstein's monster, this hero of Waco, Texas, for eight long years.

Novak regarded the first George Bush as a blunderer, hopelessly out of touch with the American people, and his White House as a place "where the spin doctors believe their own spinning" (479). Even before the second George Bush was in office, he detected "an ominous tendency by the Bush inner circle toward secrecy and deception" (568). In Novak's opinion, Bush Jr. is plainly a failure, a person who has accomplished almost nothing of the conservative domestic agenda, has led the nation into an unnecessary war in Iraq, and now refuses to "let the Iraquis sort out their own problems" (628). Novak's skepticism about Iraq has led to violent attacks by fellow conservatives. He responds by suggesting that the Republicans may have run "out of [useful] things to say" (628). It's hard to disagree with him.

The really bad part of this is the fact that the Republican Party used to be a major vehicle for many essentially libertarian ideas, ideas that Novak espouses: "limited government, economic freedom, and a strong, prudent America" (14). To give this another formulation: "small government, low taxes, individual economic freedom, civil liberties, defense preparedness, restraint in foreign policy, free trade, and [opposition to] reliance on politicians" (637). You can argue about "defense preparedness" (though I wouldn't); and it's evident that Novak came to some of these ideas in the midst of his career, not at the start. But this only makes his narrative more interesting, and more poignant. He frequently projects the attitude of a person who embraces important ideas just at the moment when other influential people are rejecting them.

But is that true? Do the misfortunes of the Republican Party advertise the eclipse of libertarian-conservative ideals? I doubt it. I believe we have entered an era of confusion, in which certain libertarian ideas, those most directly associated with free expression, in the broadest sense of that term, are becoming more firmly established every day; and in which other libertarian ideas, while contested, have nevertheless rooted themselves deeply in major political communities: property rights, tax limitation, small government, skepticism about foreign intervention and alliance.

Yet I am troubled (as Novak is) by the fact that the advocates of these various ideas often turn out to be advocates of other ones, too — ideas inimical to liberty. I think, for example, of modern liberals who are firm on certain kinds of "personal" rights but crusade to destroy "economic" rights. And, overshadowing every debate, there remain the commanding heights of state power: vast and ever-growing institutions and institutional cultures devoted to "education," "healthcare," "security," "minority advancement," and meddling of every kind. Any additional meddling could prove disastrous to American liberty and American well-being.

Novak anticipates a continued regime of bad ideas and destructive policies. Yet one ray of optimism appears, at least by contrast: Novak's copious notes on past journalistic and political practices indicate that the American public now has much more opportunity to learn the truth than it had before.

One pungent example can stand for many: Novak spends several amazing pages discussing the career of Edmund Muskie, a man who, by the grace of God, is now forgotten but who was Hubert Humphrey's running mate in 1968 and might have been nominated for president in 1972. Publicly known for his somber judiciousness, Muskie was actually "an erratic personality with an uncontrollable temper . . . dull and devoid of ideas." Novak describes a bibulous luncheon with Muskie, during which the candidate "dron[ed] on about his agenda for America." Novak was nearly asleep when the senator surprised him by asking for his views. Novak started to answer, but in only a minute Muskie himself dropped off — "a deep slumber with snoring. I stopped speaking, but that had no effect on the sleeping senator. At last, I cleared my throat loudly. Muskie awoke with a start, and I said: 'And those are my views, Senator.' 'Very interesting, Bob,' he said" (212–213).

The nation would endure this Frankenstein's monster, Janet Reno, for eight years.

Later, Novak joins Muskie for an interview on his campaign plane, and Muskie occupies the whole ride by yelling at an aide for arranging his schedule so that he missed a Sunday mass. But here's the important part. Even Novak, who was outraged by Muskie's

behavior and considered him wholly unfit for public office, never divulged his experience. He merely reported that "irrational scheduling, uncoordinated speechwriting and tardy organization" weakened the Muskie campaign: "I didn't write about his Sunday morning temper tantrum. Reporters permitted close access to candidates did not reveal such incidents in those days. Nor did I write about whether a person with a hair-trigger temper was the right man to be president" (214). As always, Novak's candor is refreshing. Still more refreshing is the implication that today, this behavior might possibly be reported.

But another example makes me wonder. This one comes from Teddy Kennedy's campaign for the presidency in 1980. An incident took place in which Kennedy's psychological and marital problems came to light. The press response was silence: "We all knew that Joan [Kennedy] was an alcoholic, that Teddy had a severe drinking problem, and that the marriage was doomed. But nobody, myself included, wrote about those things. . . . I strongly suspected he never would be president of the United States" (346).

The good thing about this is that the dynamic forces within American society — the competition of ideas and interest groups that are bound to arise in a free economy — meant that a demagogue like Kennedy could be beaten in the primaries even by such a ludicrous failure as Jimmy Carter, whether or not Kennedy's problems of character were insisted upon by the national press. The bad thing is that even Chappaquiddick couldn't oust him from the Senate. Meanwhile, the internet and the ever-to-be-cherished tabloid media, with some lagging assistance from the MSM, have demonstrated that Bill Clinton has virtually all the characteristics one associates with the villain in a Victorian novel, and his wife is probably worse. Still, he has supporters, and she may be president.

In other words, if you're looking for the final battle between good and evil, I don't think we've arrived at it yet. That may come in Act V. In the meantime, Act IV, scene 7, Robert Novak's autobiography, provides a welcome relief, at once comic and tragic, entertaining and disturbing. ❑

"Leave Us Alone: Getting the Government's Hands Off Our Money, Our Guns, Our Lives," by Grover Norquist. William Morrow, 2008, 360 pages.

Leave Us Alone!

Bruce Ramsey

Grover Norquist is the doyen of politically active rightists in Washington, D.C. Every Wednesday some 120 of them meet in the offices of his Americans for Tax Reform to find out what's going on. These meetings have made Norquist influential on the Right and reviled on the Left.

The interest to libertarians in Norquist's book is how he defines his alliance. It is the Leave Us Alone Coalition — such disparate groups as antitax activists, business owners, stockholders, gun owners, landowners, homeschoolers, religious believers, and parents'-rights folks. They make the same demand of the state regarding the thing they care about: to be left alone.

The reality of the Right is messier. But you have to accept messiness in politics — and Norquist is a practitioner, not an academic.

The key idea that libertarians might take from Norquist is that people believe many things but vote on one thing. "Yes, there are disagreements among members of the Leave Us Alone Coalition," he writes. "But the key question is always . . . do you vote on this issue? As a member of the board of directors of the National Rifle Association, I can assure you that many NRA members have what I consider the oddest views on free trade with China. But they vote on guns."

To illustrate his idea, he draws a Venn diagram of three overlapping circles. The small area inside all three circles is the consistent Leave Us Aloner. That is the person libertarians want, because it is the person like them. Norquist is after the much larger group that exists inside at least one of the circles. He wants a coalition that can define the Republican Party and win elections. His long-term goal, he says, is to fashion an America that is individualistic and competitive, and that continues to be different from Europe.

His opponents, whom he calls the Takings Coalition, want to expand the American welfare state into a full social democracy. He defines these people with a Venn diagram of government employees, nonprofits, trial lawyers, academics, and leftists. Together, he says, they set the direction of the Democratic Party, whose goal, he writes, "is to maximize the number of Americans who believe they are totally dependent on politics for some key zone in life: their retirement income, their children's education, their health care, or their parents' health care, housing, food stamps, or even their employment."

Like other divisions of humanity into two groups, this is idealized. A lot of the local Ds and Rs in politics fit neither of these definitions. Some things directly contradict them. The Takings Coalition includes women voting on the single issue of the freedom to have abortions. Norquist says the abortion question hinges on how many persons are involved: a woman only? or a woman and a baby? The abortion ques-

tion, in his view, is outside of his definition of "Leave Us Alone" and is more a matter of belief.

Norquist leaves out some groups that don't fit into the conservative coalition: recreational drug users, for example. There is no mention of leaving them alone (but no call to persecute them, either). Norquist's coalition includes the military and police, who are government employees. He writes, "If the government employee in question is doing a job whose job description can be found in the Constitution, he or she is a strong candidate for the Leave Us Alone Coalition."

And what of war? The conservatives' usual definition of their position is "pro-market, pro-traditional values, and pro-defense," with "pro-defense" meaning something more than defense. It is notable that Norquist does not include defense in his definition of the Takings Coalition. He has left it out. He is not interested in it.

My lefty friends would point out these seeming contradictions with smirks and chuckles. Leave us alone? Ho, ho, ho! But Norquist's Leave Us Alone Coalition is not meant to be a sociological description of the American Right so much as a principle for organizing it. He wants the Right — and, particularly, the Republican Party — to think in these terms about itself.

Surely libertarians would approve of that. "Leave us alone" is their idea.

To win elections, and win them decisively (i.e., with a majority of 60 in the Senate), Norquist says the coalition has to grow. What counts in that regard, he argues, is to use the power of government to defend each of the groups in your coalition. Follow policies that will foster more self-employed people, more gun owners, more stockholders, and more homeschoolers. Promote individual accounts in Social Security and individual health insurance and parental choice in education — all policies that require individuals to take responsibility. And always work to cut taxes, because tax money is what the government uses to turn us into dependents.

"The greater the number of dependent Americans, the stronger the left," Norquist writes, arguing that the goal of the Republican Party should be "to reduce the number of Americans who need such aid and see the government as their parent."

This is not a book aimed at libertarians — which is good. Let the conservatives read it, and see where it gets them. ❑

"Discover Your Inner Economist: Use Incentives to Fall in Love, Survive Your Next Meeting, and Motivate Your Dentist," by Tyler Cowen. Dutton, 2007, 221 pages.

Economics for Fun & Profit

Martin Morse Wooster

A few years ago University of Chicago economist Steven D. Levitt made an astonishing discovery that would change the nature of economics forever. Economics, he discovered, didn't have to be boring. In fact, economics could be fun, wacky, and sprightly.

In collaboration with journalist Stephen J. Dubner, Levitt wrote "Freakonomics." The market rewarded Levitt and Dubner handsomely, and ever since then, other economists have tried to see if they can write bestsellers too. Libertarians wrote many of these books, most notably "The Undercover Economist" by Financial Times columnist Tim Harford.

Now Tyler Cowen steps into the fray with "Discover Your Inner Economist." Cowen, an industrious man, heads the Mercatus Center, a free-market thinktank. He also is a George Mason University economist and runs Marginal Revolution, one of the more popular economics blogs. Cowen has written several other books, and has shown a commendable interest in art and culture.

"Discover Your Inner Economist" is lighter than Cowen's other books, although there's plenty of research cited in it. There are also all sorts of fun facts; I enjoyed learning, for example, that there's a book about competitive eating called "Horsemen of the Esophagus."

Cowen's book is an entertaining, if uneven, look about how economic thinking can help shape the way we live, love, and do business.

For most of us, one's "inner economist" is that little calculator in your head that tells you, "Don't buy the regular size can. Buy the giant can. You'll save with the giant can."

But Cowen shows that your inner economist can do much more. It can tell

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you how to end a meeting, or start that classic novel you've ignored for years; it can tell you where to find a good ethnic restaurant.

This book is an amalgam of an economics text and Miss Manners. Cowen offers advice that's certainly original. For example, he suggests that when your sweetie complains, "You're treating me like property!" it's wise not to respond, "Do you mean private or public property?" But some of his advice is simply odd. For example, the Inner Economist doesn't just buy a ticket to a movie; he buys a ticket, watches the first 20 minutes of the movie he's paid for, and then if he doesn't like it, walks out and sees part of another movie: "If I can walk out of a movie, I can see other parts of the movie the same day. One day I saw parts of four movies. I was happy, not frustrated by the experience. Three of them were better than I expected."

Cowen is on somewhat sounder ground when dealing with ethnic restaurants. A famous foodie, Cowen has compiled an extensive list of his favorite restaurants around the world. His suggestions for picking a restaurant are interesting: Choose strip malls in edgy areas with many minorities. Ask the server, "What is best?" and listen carefully to any serious suggestions. And, particularly in Chinese restaurants, let the server know that you actually know something about his country; you may get to eat an entree that isn't on the English-language menu.

A still better chapter is Cowen's advice on charity. All of us want to help others, but our desire to give runs into formidable obstacles. Give to one charity and you get flooded with "urgent" appeals from scores of others. Give to a beggar and you encourage begging. What should you do?

First off, don't give to beggars. Giving does increase begging (a process that economists call "rent exhaustion"). Cowen thinks it better to give to a poor person who didn't ask for the money — a sleeping homeless person, for example. But it might be equally effective to patronize the struggling people who are trying to offer something useful. Buying dinner in an inner-city restaurant with really good food helps. Or give to buskers — but only if they play music you like.

As for organized charities, Cowen suggests you might find a few you like, write them, and tell them you'll contribute every year — but only if they agree not to sell your name to other nonprofits. Fundraisers prize regular donors — and they should readily agree that your steady checks are worth more than any money they'd make from selling your name.

"Discover Your Inner Economist" isn't an explicitly libertarian book. But what Cowen quietly teaches is that economics matters, and that you can use the lessons it teaches (time matters; scarcity matters) to live a better life.

You'll get a deeper knowledge of markets from Cowen's enjoyable book. And, I believe, the more you understand about markets, the deeper is your appreciation of liberty. ❑

"Socialism After Hayek," by Theodore A. Burczak. University of Michigan Press, 2006, 181 pages.
"The Cambridge Companion to Hayek," edited by Edward Feser. Cambridge University Press, 2006, 359 pages.
"A Life of Friedrich August von Hayek," by C.E. Cubitt. Authors on Line, 2006, 391 pages.

Hayek Lives

Lanny Ebenstein

The recent appearance of these three works (among many), written from different perspectives, indicates that interest in the Viennese sage is alive and well. This is a strong sign of his greatness. Hayek once commented on the eclipse that almost all great minds suffer in the generation or so following their demise. That interest in him is, if anything, increasing shows his stature among the intellectual benefactors of humanity.

Burczak's work has attracted some attention among Hayek scholars, including Richard Ebeling and Steve Horwitz. Burczak writes from the perspective of postmodern Marxianism and is well read in much of the Hayek literature, as well as the literature of Marx. Burczak thus continues the more than a century of mutual interest between Marxian and Austrian economists.

Burczak begins his work with an excellent analysis of the problems that the division of knowledge — problems that Hayek so effectively discussed — must cause for many aspects of traditional Marxianism. When Burczak writes that Hayek's "work is unified by a common concern: to understand the limited and socially constituted nature of human knowledge and to trace the implications of this radical epistemology for the theory of human action and social evolution" (1–2), he states a conception of Hayek's work with which many Hayekians would agree. Students of politics and economics can learn much from Burczak's presentation of Hayek's thought, together with his insistence that it be incorporated in any accurate theory of human action.

Burczak's own analytical problem, as he defines it, is whether there can be socialism without planning and with private property, since he largely

accepts Hayek's idea that large-scale planning isunfeasible and private property is necessary to communicate economic information. Burczak's response is that such socialism is possible, through workers' cooperatives that retain decentralized planning and private property.

Although Burczak does not cite him, John Stuart Mill stated some similar views in the 19th century. From the perspective of this writer, both Burczak and Mill underemphasize the importance of the entrepreneur. The great failing of collectivist planning, in either governmental or private form, is that individual decision-making appears to be vital for much economic productivity. Democratic decision-making, via workers' councils (as Burczak and Mill propose), has usually been unsuccessful in economic endeavors. Democratic forms of economic management cannot compete with individual entrepreneurship, even if this entrepreneurship is excercised by a CEO. To the extent that individual entrepreneurship is essential for economic growth and prosperity, even private workers' cooperatives would be ineffective and uneconomic.

"The Cambridge Companion to Hayek" is a great contribution. I have looked at many such collections on various thinkers, as well as collections on Hayek, and have usually been underwhelmed. Contributions are ordinarily of uneven quality, and there is no unifying theme. This is not the case with Edward Feser's Cambridge collection. It is the best collection of articles on Hayek assembled to date. All future serious Hayek scholarship will have to incorporate this volume.

One of the best aspects of this compendium is that its contributions track the historical development of Hayek's thought, beginning with his youth and early adulthood in Austria, through his work in technical economics in England in the 1930s, continuing with his emerging interest in political topics from the later 1930s through the 1970s, and including discussion of his developing interests in philosophical and psychological subjects. It is a tour de force.

In a collection of so many exceptional essays, it is hard to pick the best, but this reviewer thinks that the contributions by Andrew Gamble, on "Hayek on Knowledge, Economics, and Society"; by Chandran Kukathas, on "Hayek and Liberalism"; and by Gerald Gaus, on "Hayek on the Evolution of Society and Mind" are among the best pieces on Hayek's thought that have been written. Other fine, thought-provoking essays include those by Robert Skidelsky, Roger Backhouse, Meghnad Desai, Anthony O'Hear, Eric Mack, and Feser himself. It is interesting to see that both Mack and Gaus note interpretive problems with respect to Hayek's "The Fatal Conceit."

Gamble calls Hayek's theory of knowledge "his most distinctive contribution both to economics and to social science," and emphasizes that for Hayek this theory is based upon "'our irremediable ignorance'" and the "'dispersion and imperfection of all knowledge'" (111). Hayek argued that human imperfection with respect to the possession of knowledge rendered central control of a diverse economy impossible. Gamble concludes: "Hayek's last-

Notes on Contributors

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Bill Merritt is a sometimes-novelist living in Gaborone, Botswana. If you are offended at what he has to say, you are welcome to try to pursue him through the Botswana legal system.

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ing achievement was to focus attention on the limited and fragmentary nature of knowledge in modern societies and the need for social and economic theorists to make that the cornerstone of their thinking" (131).

Chandran Kukathas, who holds a chair at Hayek's old stomping grounds, the London School of Economics, offers a thoughtful consideration of Hayek's role in the continuing development of liberalism. "Hayek's liberalism is best understood as a response to socialism" (183), Kukathas observes. Like Gamble, Kukathas emphasizes Hayek's views on the importance of knowledge: his "distinctive contribution is his account of social institutions and rules of conduct as bearers of knowledge" (184).

Kukathas emphasizes that, for Hayek: "Liberalism was not merely a universalist creed but an internationalist one which did not recognize the moral significance of national boundaries" (196). In this element of his thought, Hayek followed a little-known predecessor at the London School, Edwin Cannan, who preached internationalism as an essential component of true liberalism.

Gaus' essay puts Hayek's view of institutions in the broader context of his ideas. Here is a very thoughtful and careful discussion of Hayek's views on the evolution of society and mind — and how the two are connected. Gaus notes that Hayek linked the notions of evolution and spontaneous order. Evolution is what makes spontaneous order possible. As institutions and knowledge evolve, they become increasingly complex. Knowledge is embedded in institutions. Optimal institutions allow evolution. Gaus comments on the "genius of Hayek's linking of complexity theory, spontaneous ordering, social evolution, and neural networks into an overall account of mind and human society" (254).

Turning now to the biographical field: Charlotte Cubitt's memoir of her years with Hayek, from 1977 until his death in 1992, will be an essential source for every future biographical treatment of these years of his life and for every sustained treatment of his entire life. There is no other document like it.

Much of the value of Cubitt's work comes from the circumstance that the author, who is not an academic, writes from a personal point of view about Hayek the man. She provides important information, for example, about his physical condition in his later years, when, from the summer of 1985 until his death in March 1992, he was largely incapacitated. She also has a good deal to say about his relationships with Hayek collected works editors William Bartley and Stephen Kresge, and provides considerable detail about Hayek's marriages.

Although this plethora of good work about Hayek demonstrates his continuing interest and importance, one hopes — and expects — that more such work is to follow. Hayek's was a mind for the ages. ❑

"Miss Pettigrew Lives for a Day," directed by Bharat Nalluri. Focus Features, 2008, 92 minutes.
"Leatherheads," directed by George Clooney. Universal, 2008, 113 minutes.

Screwy Enough?

Jo Ann Skousen

The screwball comedy, a mainstay of the 1930s film industry, gave Depression-era audiences a chance to laugh at the foibles of the upper class. The films were populated with "madcap" young ladies who flaunted societal rules while still wearing their white gloves and girdles. These women were high-spirited and audacious, but they never let the audience forget they were ladies. In the 1934 masterpiece "It Happened One Night" (which has been remade at least five times under different titles), Clark Gable erects a "chastity blanket" between himself and Claudette Colbert that remains firmly in place until a wedding ring is placed on her finger in the final scene.

The screwball comedy purports to be back this season with not one but two entries — the charmingly titled "Miss Pettigrew Lives for a Day" and the less romantically titled but more satisfying "Leatherheads." Both do a fine job of recreating the costumes, hairstyles, music, and settings of the 1930s, but only one succeeds in creating the innocent atmosphere and snappy repartee of the genre.

"Miss Pettigrew Lives for a Day" tries very hard to achieve a frenetic pace, and it seems to fit the screwball formula: set in the 1930s, it begins with Miss Pettigrew (Frances McDormand), down on her luck and out of a job. She stumbles into a position as personal assistant to Delysia LaFosse (Amy Adams) through a classic case of mistaken identity. Miss Pettigrew then spends what is intended to be a madcap day following her new employer around, helping her juggle the affections of three young men, and ultimately deciding which one is best for her.

The premise is fine, but the film falls flat. Much as I have admired Adams and McDormand in other works, I couldn't help longing for the cool wit of Irene Dunn and the moralizing wisecracks of Thelma Ritter. Depression-era romantic comedies were frothy and effortless, witty and genteel. In this film the luscious Amy Adams simply tries too hard to carry the show, and McDormand settles for being Mary Poppins. There is no genuine chemistry from either actress, and no biting wit from the script.

The film fails also because the

screenwriters forgot the first rule of 1930s comedy: nice young women keep their gloves and their girdles on. Adams does her best to display wide-eyed innocence, but that innocence is hard to swallow when theater-producer Phil is lying naked in her bed, nightclub owner Nick is on his way up to the apartment for a roll in the same hay, and pianist Michael is due under the covers this evening. Even in the 21st century we have a name for that kind of woman, and it isn't "madcap." Come to think of it, "screwball" is probably a more accurate moniker than the producers intended. (Forgive me for that unladylike pun.)

"Leatherheads," on the other hand, works on several levels. Set in 1925, the story purports to chronicle the birth of professional football, as a down-but-not-quite-out football player (George Clooney) figures out how to tap into the popularity of college football and lure its fans to professional sports. The dialogue (written by Sports Illustrated columnists Duncan Brantley and Rick Reilly) is smart and sassy, the cinematography sepia-tinted and nostalgic, the musical soundtrack jazzy and authentic. The scenes of the team members traveling by train reminded me of another classic Clooney film, "O Brother, Where Art Thou?", also a parody of films of the '30s. He must really like that era.

It does suit him. As professional football player Dodge Connelly, Clooney seems to be channeling Clark Gable, with a generous dose of Cary Grant thrown in. A master of the double-take and the raised eyebrow, Clooney always seems to have just thought of that cocky comeback himself. Moreover, he exudes upper-class charm even when he's covered with mud — and upper-class charm, albeit with a thumb of the nose at upper-class snootiness, was always the draw of screwball comedies.

Renee Zellweger, who with her squinched-up eyes and smug sweetheart mouth can sometimes be hard to look at, nevertheless performs well as Lexie Littleton, the smart and smart-alecky girl reporter looking for dirt on war hero turned football star Carter Rutherford (John Krasinski). Zellweger doesn't quite rise to the standard set by Rosalind Russell in "His Girl Friday," but she comes close. And she keeps her girdle on. ❑

"Stop-Loss," directed by Kimberly Peirce. Paramount Pictures, 2008, 113 minutes.

Cut Your Losses

Todd Skousen

"Stop-Loss" takes its title from a favorite media buzz phrase, referring to the practice of forcing active-duty soldiers to return to the battlefront when their tours are up. Despite a good cast and a provocative subject, the film is what you would expect to see if MTV attempted to make a modern-day "Deer Hunter." Though it brings out the true costs of war, borne by the soldiers who fight it, director Kimberly Peirce ("Boys Don't Cry") beats the viewer over the head with these costs, employing overly dramatic and clichéd devices rather than giving a realistic portrayal of the men fighting in Iraq.

For all its drawbacks, "Stop-Loss" actually starts out quite well. Several soldiers are joking around at a checkpoint when a taxi full of insurgents opens fire. The soldiers load up and chase the taxi, only to be led into an ambush in a narrow alleyway. Taking cover from the tense shootout, the U.S. soldiers end up moving room to room in an apartment building filled both with families and enemy combatants. As might be expected, some women and children are killed, as well as an American soldier named "Preacher." Let the post-traumatic stress disorder begin.

When boyhood friends and fellow soldiers Brandon King (Ryan Phillippe), Tommy Burgess (Joseph Gordon-Levitt), and Steve Shriver (Channing Tatum) return to civilian life in their small Texas town, life does not begin unraveling slowly as it did for Tom Cruise's character in "Born on the 4th of July." Instead, their lives completely collapse in a matter of hours, like a bad country song. Burgess turns to the bottle and his wife leaves him by midnight. Shriver beats his girlfriend and trashes his house. And then, the bombshell: Brandon King, the levelheaded one, is stop-lossed.

Of course, in real life King would probably complain a lot, go see his family's lawyer, and in the end give up and report back to base. But hilariously, preposterously, the cinematic King instead decides to take a road trip with his best friend's girlfriend to Washington, D.C., to see his senator. This road trip consists of war flashbacks, fistfights, soldiers with missing limbs, and, of course, random stops at bars for shots. Finally, King comes to an important realization: turning to the U.S. government in order to solve your problem with the U.S. government might not be the best plan.

In the end, it's a pretty standard, if unbelievable, war-veteran formula. Peirce merely takes the stories of Vietnam veterans and attempts to apply them to the Iraqi conflict. But by focusing only on the emotional trauma suffered, Peirce overlooks the more interesting problem with the Iraq war: that is, that none of the soldiers in Iraq really seem to care what they are fighting for. Today's all-volunteer soldiers have varied reasons for enlisting: family tradition, funds for college, boredom, wanting to blow stuff up, and yes, a desire to serve the country. But is anyone there because he felt Iraq was a

threat to the United States?

A lot of films and literature about the Iraq war reflect this attitude. Curtis Brizell's book "My War" tells the story of a bored young man who enlists in the army because his life sucks. In his book, he describes his first firefight, in which about 100 Americans are unloading on a mosque while yelling things like "Woohoo," "Get some," and "F you Mosque" as they fire away. In "Shooter," Marine sniper Jack Coughlin describes his desire to improve American efficiency, become the best sniper, and collect the most confirmed kills — but not to free Iraqis. These books confirm the characterizations in movies like "Jarhead" that portray American soldiers as a bunch of gun-happy yahoos fooling around in Iraq. If you've ever watched Iraq war highlight videos on YouTube, you know that these stereotypes aren't too far off.

Had Peirce focused on the question of why we're fighting in a conflict that our people don't really care about, "Stop-Loss" could have made a compelling film. But by the end, you don't care at all about this poor guy who failed to read the small print in his army enlistment contract. Instead, you find yourself reflecting on the original meaning of stop-loss, a predetermined point at which you sell off a poor investment. You wonder what bad information led you into this mess and if you can possibly cut your losses and get your money back . . . kind of like the war in Iraq. ❑

"South Pacific," directed by Richard Rodgers and Oscar Hammerstein. Vivian Beaumont Theater, Lincoln Center, New York.

Teach Your Punters Well

Jo Ann Skousen

During World War II, while serving as a lieutenant in the navy, James Michener wrote a collection of vignettes about island life, calling it "Tales from the South Pacific." The book won the Pulitzer Prize for Fiction in 1948, and launched Michener's career as a prolific writer of sweeping epics.

Meanwhile, Broadway superstars Richard Rodgers and Oscar Hammerstein were searching for a new vehicle with which to follow their gigantic musical hits "Oklahoma!" (1943) and "Carousel" (1945). Securing the rights to Michener's "Tales" they used two of the stories as the intertwining plots for "South Pacific," one of the finest musicals of the 20th century and arguably the best of the R&H canon. (In fact, their adaptation won another Pulitzer, this one for Drama, in 1950.)

Hammerstein used Michener's melodramatically titled "Our Heroine," about a "cockeyed, optimist[ic]" young nurse who falls in love with an older French planter, as the main story line, which introduced such well-loved songs as "Some Enchanted Evening," "I'm in Love with a Wonderful Guy," and the richly remorseful "This Nearly Was Mine." The equally important subplot, about a Tonkinese souvenir seller named Bloody Mary who arranges an affair between her daughter and the American sailor Joe Cable, is based on Michener's "Fo' Dolla'" and introduced the beautiful standards "Bali Ha'i" and "Younger than Springtime."

These songs are as familiar as the Beatles songbook, yet here's the amazing thing: "South Pacific" has not been seen on Broadway since the original production closed in 1953, after a lucrative 4-year run. I saw a wonderful production of it at the Prince of Wales Theater in London's West End in 1988, and most musical aficionados have seen the 1958 film version. High schools across the country perform it every year. But, incredibly, "South Pacific" has never been revived on Broadway. Until now.

"South Pacific" opened this April to a limited run at the Vivian Beaumont Theater at Lincoln Center, and it is marvelous, with Kelli O'Hara as Nurse Nellie Forbush, Brazilian basso Paolo Szot as French planter Emile de Becque, and Matthew Morrison as doomed lover Lt. Joe Cable. If you will be in New York this summer, you simply mustn't miss it. The music soars, song after glorious song.

Stage technology has come a long way since 1948, with massive sets moved around by hydraulic lifts; it's not unusual these days to find helicopters landing on stage or cars seeming to fly into the audience. But set designer Michael Yeargan chose to remain true to the original format, creating a gorgeous but simple beach as the main background and then moving uncomplicated props in and out to create a navy base for one scene, de Becque's terrace for another, the navy war room for a third. The simplicity draws one's eye to the shimmering beach and Bali Ha'i, looming in the distance with the promise of "your own special hopes, your own special dreams."

So why has it been so long since "South Pacific" has been seen on Broadway? One reason may be that, despite its marvelous music, its theme of prejudice against interracial marriage doesn't transfer well to post-civil rights audiences. We're uncomfortable even with the history of racial intolerance. In fact, the people sitting in front of me were so offended by Nellie's rant against Emile's "half-blood children" at the end of Act 1 that they did not return for Act 2. And that's a shame because,

of course, by the end of Act 2 Nellie has faced her bigotry and overcome it. She has learned to love the children as if they were her own, bringing the audience along with her.

When Nellie wails, "I can't help it. I can't accept who they are, who their mother was; it's the way I was raised," and later, when Joe Cable tries to explain to his Tonkinese sweetheart how cruelly she would be treated if he brought her home to Philadelphia, Hammerstein was deliberately playing on the prejudices of the 1950s audience. He wanted them to go into the intermission nodding sadly in agreement, "It would never work. Surely Nellie will end up with that handsome Joe Cable."

But then comes Act 2. Joe's bitterly cynical lament, "You've got to be taught / To hate and fear . . . It's got to be drummed/ In your dear little ear/ . . . You've got to be taught before it's too late . . . To hate all the people your relatives hate / You've got to be carefully taught!" guides the audience to face its own prejudices and make room in its heart for tolerance. The song was considered so subversive in the 1950s, when it began its national tour, that the House Committee on Un-American Activities tried to have the song removed from the score, with one Southern legislator proclaiming, "A song justifying interracial marriage is implicitly a threat to the American way of life."

Of course, Rodgers & Hammerstein refused and the song remained. In fact, challenging audiences to overcome prejudice was the underlying theme in most of their plays. In "Oklahoma!" they urged, "The farmer and the cowman must be friends"; in "The Sound of Music" they reminded audiences of Nazi chauvinism; in "The King and I" a British schoolteacher falls in love with the Siamese king and dances joyfully with him. Even earlier, Hammerstein had teamed up with Jerome Kern to produce "Show Boat," in which a woman of mixed race is banished and destroyed by bigotry.

In 2008, we may think we have overcome such bigotry; we cringe when we hear words as offensive as Nellie's desperate confession spoken in public, even by a fictional character set in WWII. We have become accustomed to interracial marriages, and are poised to nominate the product of one such marriage to run for the presidency of the United States. But bigotry is still alive in the 21st century, and nothing has been more topical or divisive during the presidential campaigns this month. Perhaps it is good to be reminded, "before it's too late," that bigotry of any kind is "carefully taught," and that tolerance can be just as easily learned. ❑

The Ethics of Tort Reform, *from page 28*

My reply is that the vast majority of people have health, auto, home, and other insurance, for just this reason: to protect against what are in effect the acts of nature. And if I am harmed by a product that I chose to buy, a product that was not negligently designed or produced, and turned out to harm me through no fault of the producer, it is as if an act of nature caused the harm.

But what about all those people who can't afford health and accident insurance? Well, the pricing and financing of healthcare is a serious social problem (and the topic for another essay), but social problems require social solutions. In the meantime, it is simply unjust to allow juries to force an innocent party to pay.

It is worth reiterating that one U.S. state and virtually all the major nations in Europe already have the loser-pays system. Yet I must admit honestly that getting it enacted into law in this country is a daunting task.

There are two major barriers.

The first is the power of the chief rent-seekers in this field, the trial lawyers. They are articulate, skilled in using the law to their own ends, well-connected politically, and in danger of losing a great deal of income if reform triumphs. This power explains why only one state (Alaska) has enacted loser-pays (although Oklahoma and Oregon both have some form of loser-pays in a few areas of their tort systems).

The second is that tort reform needs to be passed on both the state and the federal level, because the U.S. Congress — under the "Erie Doctrine" — has limited power to mandate state court rules and procedures.[14]

Any meaningful, just tort reform will face a long struggle, state by state and nationally. Is it worth it? Yes, it is. ❑

Notes

1. www.pacificresearch.org.
2. *Op. cit.*, x.
3. *Op. cit.*, xii.
4. The Economist (Dec. 16, 2000) 35.
5. Stephen P. Magee, "The Optimum Number of Lawyers: A Reply to Epp," Law & Social Inquiry 17 (Autumn 1992) 667–93. This article is downloadable from the website jstor.org.
6. AP report in the Orange County Register (Oct. 30, 2007). See also the AP report in the Orange County Register (Sept. 19, 2007).
7. "Kentucky Trial Derby," The Wall Street Journal (Aug. 20, 2007).
8. See "The Trial Bar on Trial," The Wall Street Journal (Nov. 30, 2007).
9. www.atra.org
10. "The Doctors Are In," Investor's Business Daily (July 13, 2007).
11. Ralph Blumenthal, "More Doctors in Texas After Malpractice Caps," The New York Times (Oct. 5, 2007).
12. Blumenthal, *op. cit.*, 2.
13. Peter Huber, "Galileo's Revenge: Junk Science in the Courtroom," (New York: Basic Books, 1991).
14. The Erie Doctrine originated in a 1938 Supreme Court decision, written by Judge Louis Brandeis, which requires federal courts to follow the state common law when deciding issues concerning that state's law.

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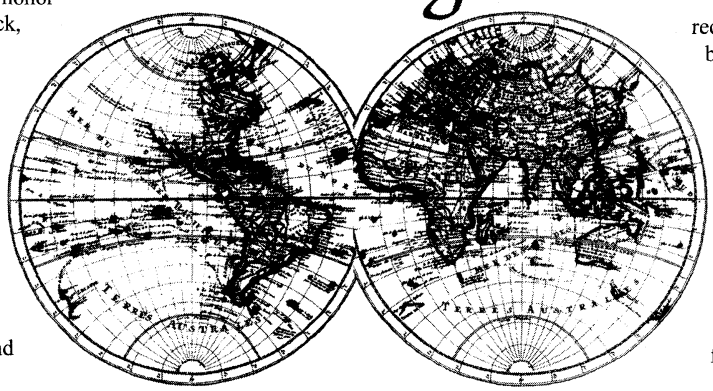

Brattleboro, Vt.

Community initiative, noted in the *Rutland Herald*:

Brattleboro residents will vote at a town meeting on whether President George Bush and Vice President Dick Cheney should be indicted and arrested for war crimes, perjury, or obstruction of justice if they ever step foot in Vermont. "It is an advisory thing," said Kurt Daims, the organizer of the petition drive.

Daims said people in Brattleboro were willing to "think outside the box" and consider the issue. "If Hitler were still alive and walked through Brattleboro, I think the local police would arrest him for war crimes."

San Antonio

Novel exercise in academic integrity, from the *San Antonio Express-News*:

It seemed like an honorable goal: draft an honor code for University of Texas at San Antonio students to follow, exhorting them not to cheat or plagiarize. But when students threw a draft of the new honor code onto the internet for feedback, some noticed a problem: parts of the code appeared to have been lifted word for word from another school's honor code, without attribution. Even the definition of plagiarism was plagiarized.

Akshay Thusu, the student in charge of the honor code effort, said it was an oversight, the result of a draft that was crafted five years ago and passed through different students and faculty advisers before landing in his lap. "We believe there might be a citation page," Thusu said. "We are still looking for it."

London

A new hero comes to the big screen, from the *Guardian*:

Thomas Sangster, the young boy who gets the girl in the film "Love Actually," has been chosen by Steven Spielberg to be his Tintin for a three-movie adaptation of the boy reporter's adventures.

Sangster admitted to the Guardian that he had not read Tintin until a few days ago. "But I've always loved the cartoons. I never saw the books because I was never that big on reading. When I was really young I watched some episodes and loved it. Tintin would hit people over the head with bottles and shoot people. He probably wouldn't kill them but he'd shoot them in the shoulder. He was cool."

Shivpuri, India

Proliferation of sawed-off shotguns on the Subcontinent, reported by the *India Times*:

A bandit-infested region is trying to persuade men to undergo sterilization by offering to fast-track their gun license applications.

Officials decided to adopt the policy to increase the low vasectomy rate. "I came to know that it had to do with their perceived notion of manliness," said Manish Shrivastav, administrative chief of Shivpuri district, part of the Chambal region, which is famed for its lawlessness and bandits. "I then decided to match it with a bigger symbol of manliness — a gun license," he said. "And the ploy worked."

Dharamsala, India

Explanation of the peculiar machinations of destiny, captured by ABC's foreign-affairs blog:

U.S. Speaker of the House of Representatives Nancy Pelosi made one of the highest-ranking U.S. official visits ever to Dharamsala, India, the exile home of the Tibetan spiritual leader, the Dalai Lama.

This visit by ten members of Congress to the Dalai Lama's home in exile was planned long before the current protests in Tibet began. But Pelosi said, "Little did we know, we would be coming at such a sad time. Perhaps it was our karma, perhaps it was our fate . . . it was our karma because we are here to help the people of Tibet."

Manatee County, Fla.

Respect for our elders, in the *Sarasota Herald-Tribune*:

Prosecutors are moving ahead with a case against a 93-year-old man picked up during an undercover prostitution sting.

Frank Milio, according to police records, tried to pay $20 in November to an undercover officer on 14th Street West. Milio recently told the Herald-Tribune he was only flirting with the woman. "I haven't had that in years," he said. "Ninety-three is kind of old."

Mexico City

Artistic advance in street-fight choreography, from a dispatch in *Wired*:

A series of attacks on dyed-hair, eye-makeup-wearing emo kids began in early March when several hundred people went on an emo-beating rampage in Querétaro, a town of 1.5 million about 160 miles north of Mexico City.

But the so-called emos are organizing, too. Last week, they demonstrated against the violence, and some met with police in Mexico City. "They're organizing to defend their right to be emo," wrote Daniel Hernandez of LA Weekly.

Riverside, Ohio

Innovative approach to computer repair, spotted by the *Dayton Daily News*:

Police say a pastor who was reported missing from his home in western New York has been found at an Ohio strip club.

A police officer patrolling the K.C. Lounge parking lot in the Dayton suburb of Riverside spotted out-of-state license plates on 46-year-old Craig Rhodenizer's car. The FBI and New York authorities had been searching for Rhodenizer, who disappeared Wednesday after telling his wife he was getting his computer fixed at Best Buy.

Boston

Addition to the Transportation Security Administration's No Fly List, noted by the *Boston Globe*:

The crew of an Alitalia flight made an emergency landing at Logan International Airport after being overcome by noxious fumes. However, the reports of a toxic chemical leak that sent Boston firefighters and emergency workers into their hazmat suits turned out to be five tons of minced onions.

Special thanks to Russell Garrard, Jon Harrison, Tom Isenberg, and David Martin for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

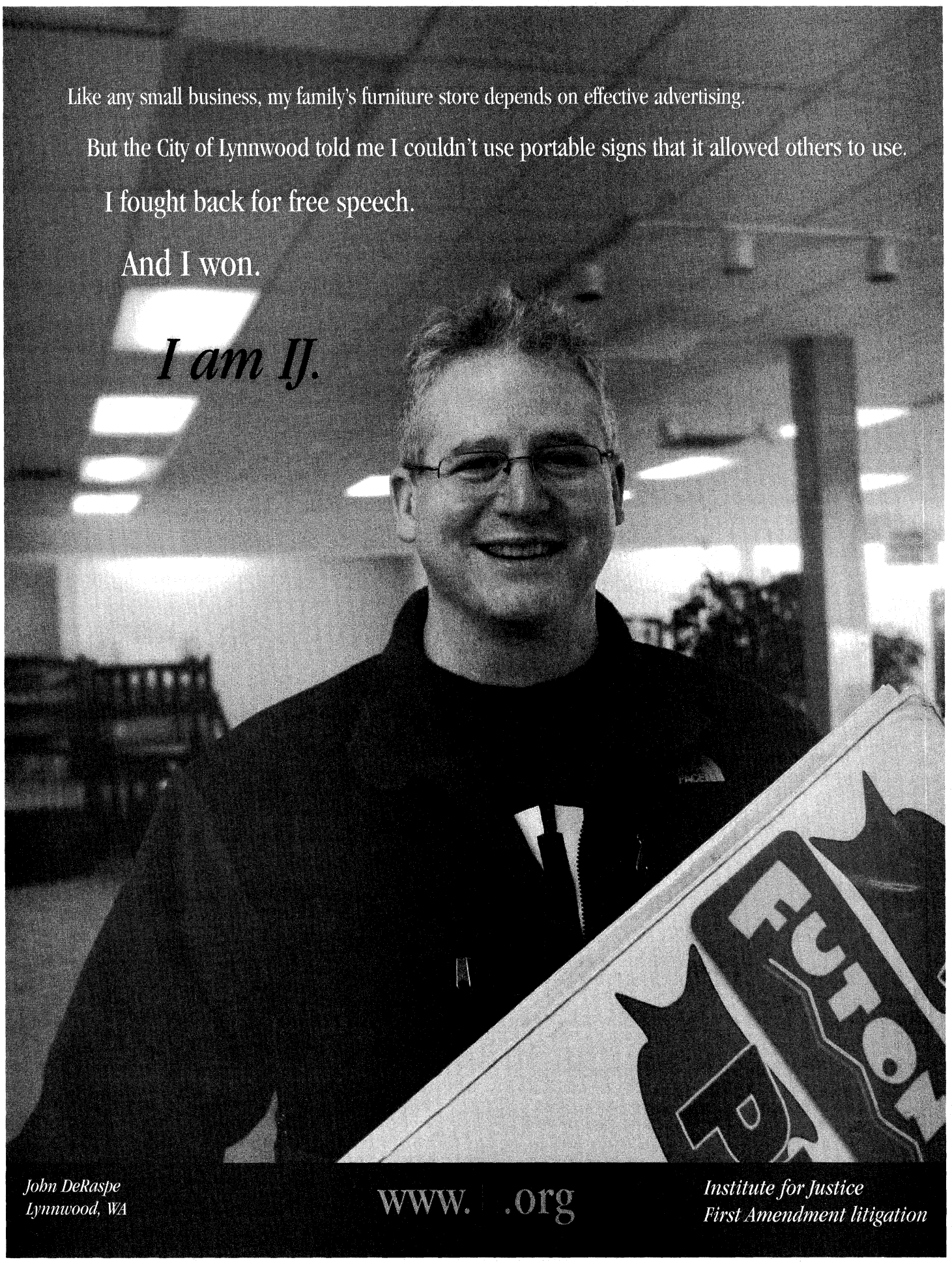
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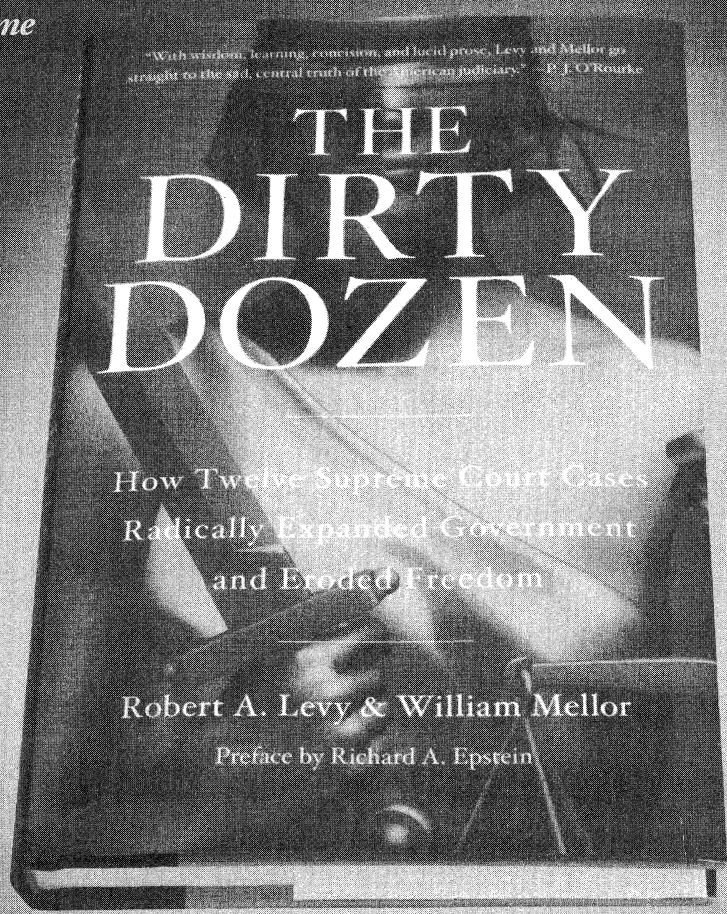

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Inside Liberty

July 2008
Volume 22, Number 6

4 Letters Point, counterpoint.

5 Reflections We create a slush fund, slap down Big Technology, underestimate voters' intelligence, revise the 6th Commandment, love pretty words, make prisoner foie gras, earn a degree in ignorance, find the upside to disaster, recycle dirt, and can't afford not to speed.

Features

17 Salesmen, Stalwarts, and Old Pols The Libertarian Party is set to nominate its presidential candidate. *Bruce Ramsey* handicaps the race.

19 Libertarian Like Me Several recent studies into the roles of tolerance and altruism in biological evolution suggest that evolved minds prefer liberty. *Sandy Shaw* explains.

23 The Housing Bubble and Bust *Edmund Contoski* documents the ultimate causes of the mortgage crisis, and warns of what is yet to come.

31 How to Think About Pollution Ronald Coase proved in 1960 that people misunderstand externalities. Almost 50 years later, policians, regulators, and voters still misunderstand. *David Friedman* sheds some light on the subject.

37 The American Revolution: Right or Wrong? To many Americans, declaring independence proceeded from self-evident premises. On the other side of the Atlantic, the issue was more complicated, even for people friendly to human freedom. *Ronald Hamowy* explains.

43 Summer Books Summer is the season of exploration, and there's nothing more fun to explore than a good book. Liberty's editors and contributors reveal some of their own discoveries.

49 Liberation Theology vs. McDonalds El Salvador has survived the Cold War, the Football War, a weak economy, and the "export" of a third of its people. *Doug Casey* wonders what the future will bring.

Reviews

53 When Theories Collide Ben Stein's dissertation on religion and science gets a very good grade from *Jo Ann Skousen*.

54 Should Ben Stein Be Expelled? *Mark Rand*, on the other hand, argues "Expelled" deserves an "F" for ignorance and mendacity.

56 Iron and Dynamite *Jo Ann Skousen* maintains that Robert Downey, Jr. makes science cool.

57 Dissent for Me, Not Thee *Gary Jason* investigates those institutions of higher education in which you can think what you want, so long as you don't let anybody know.

58 Too Smart for Its Own Good If you're arrogant, loveless, and without a clue, you must be really smart — or isn't that so? *Jo Ann Skousen* considers the question.

59 Notes on Contributors Fons et origo.

63 Terra Incognita Ecce homo.

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Letters

Justice on a Budget

In reference to Gary Jason's article ("The Ethics of Tort Reform," June), I agree that in tort cases where the plaintiff loses, having the plaintiff pay the legal fees of the defendant is better than what we have now, especially for defendants who are not at fault. But it still has a major flaw — runaway cost. This prevents low-budget plaintiffs from seeking justice. A plaintiff may feel that he has such a strong case that he can prove his case on a low budget. But, he has to figure into the "to sue or not to sue" equation that he may lose and will not only have to pay his legal cost but also the legal cost of the defendant. Though the plaintiff can calculate his legal cost and do many things to keep it as low as possible, he has no control over how much the defendant will spend.

Since the losing side ends up paying the winning side's legal cost, they both have a great incentive to have no check on spending, since each side is expecting the other side to pay their legal costs, and since, unfortunately, the more you spend, the better chance you have of winning. To give both sides an incentive to keep their cost as low as is practical, I propose requiring the loser to pay the legal cost of the winner, but only up to the amount that the loser actually paid. So, if the loser spent $10,000 and the winner spent $100,000, the loser is out $20,000 ($10,000 for his legal costs and $10,000 for the winner's legal costs.) Yes, the winner is down $90,000, but it was their decision to outspend their opponent ten to one.

The goal is justice. This system will allow low-budget plaintiffs to have their day in court while being in complete control of what the effort will cost them, if they lose.

Clyde Garland
Bryan, Texas

Jason responds: Mr. Garland's suggestion, that the loser be only required the legal charges of the other side up to his own expenses, is interesting, but I am neither persuaded that it is necessary to keep costs down, nor that it would be just.

To the first point: what incentive is there for me to keep my legal fees down

continued on page 62

From the Editor

This is the issue in which Liberty runs its annual feature, "The Books of Summer." As you'll see, it's as interesting as usual. One thing to notice is that "Summer Books" is the product of a number of people, but it's not the product of a committee; it's the product of a group of individuals. There's a difference between the two. A big difference.

It's probable that the King James translation of the Bible is the only beautiful thing that ever resulted from a committee. Committees expect people to agree, whether they have reason to do so or not. Committees operate on the principle that no tree shall grow too high. The result is that every tree grows low, and looks the same.

Liberty, by contrast, is a place where individuals say what they want to say. I doubt very much that anyone will go out and read all the books recommended by the authors of "Summer Books." I know I won't. But I have no doubt that readers will turn up at the bookstore to buy two or three of these interesting books. I know I will.

That's the way it should be, and that's the way it is, in this place. Liberty is a place where you can look around and see what other intelligent people are saying, on their own behalf, based on their own thought and experience. Take it or leave it. But as Heine said, "The tips of the mountains see each other."

For Liberty,

Stephen Cox

Reflections

Paul keeps pulling — On April 22, in the Pennsylvania primary, Ron Paul won 16% of the Republican vote. It was double the highest percentage he had won previously in a primary election — 8% in the District of Columbia.

I don't know that it meant Paul was gaining in any big way: the Republican turnout in Pennsylvania was low because the Republican race was already decided, and the big fight was between Hillary and Obama. My guess is that the 16% shows once again that Paul supporters, though they are in a minority, are more deeply committed than the average McCain supporter.

That was also the case in the caucus states, where Paul came in with 25% in Montana, 22% in Washington state, and 21% in North Dakota. Paul supporters did better because more of them showed up — and now and then I hear of Paul supporters showing up at follow-on meetings as well. Just the other day I heard a rumble from an elected Republican in Washington state about the surprising strength of the Paul people in his district. My sense was that the Paul people are not as welcome as ordinary conservatives, but that the Republicans are reluctant to shoo them away. They are not sure yet what to do with them. — Bruce Ramsey

Tourist trap — In the city of San Diego, hoteliers have successfully found a way to create their own $30 million slush fund without a vote of the public.

In the wake of the devastating wildfires in Southern California in 2003, public safety proponents sought to increase the transient occupancy tax twice in 2004, with high-profile ballot measures in March and November. The industry spent thousands of dollars to campaign against the efforts, stating that the tourism market was so sensitive to changes in room rates that the tax hike would turn away major conventions and thousands of summer tourists. After having successfully thwarted these government grabs on economic pretenses, they began to quietly develop plans for a "Tourism Marketing District," a benefit assessment district that charges a 2% gross room revenue tax on lodges with 70 or more rooms to fund "marketing programs to increase tourism and promote the City of San Diego." Unlike the transient tax, which would have been allocated to the city's general fund, this tax is kept in the hands of major motel and hotel owners to spend as they please. Approved by the mayor and the city council, the hoteliers have begun collecting their new slush fund this year, with estimated revenues at $30.4 million this fiscal year, rising to $37 million by fiscal year 2013.

In the meantime, city taxpayers will still continue to pick up a $4.3 million subsidy for the downtown Convention Center to provide "competitive" below-cost rental rates to major conferences and trade shows, as well as $8.8 million a year for the costs of the hotel industry's business association.

— Vince Vasquez

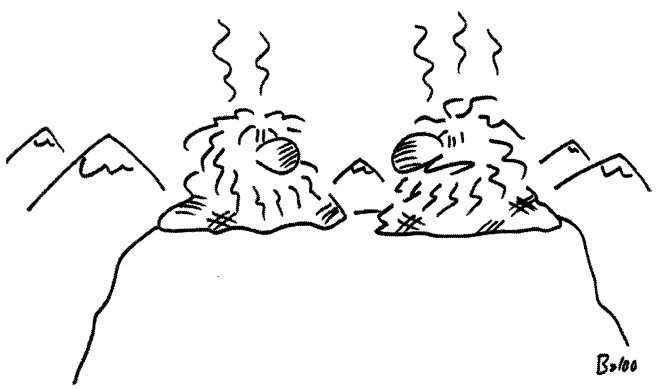

"That's our third lightning strike this month — Maybe we aren't *meant* to attain enlightmentment."

Born to run — By mid-April, nothing was going well in the Clinton campaign. Hillary Clinton had been using Bruce Springsteen songs, including "Land of Hope and Dreams" and "The Rising," to boost her campaign appearances. And then the liberal icon musician rocker announced he was endorsing Obama.

Being a good Democrat, Springsteen allowed her the use of "Glory Days" for the remainder of her campaign: "Glory days, well they'll pass you by . . ." — Ross Levatter

One for the road — A recent ad from the American Beverage Institute used Lindsay Lohan's mugshot as a way to attack legislation requiring breathalyzer interlocks to be installed on cars. They used the picture of the famous repeat offender to stress that accidents are caused by drunks, not drinkers. In a time when the MADD mothers are often allowed to plow over civil rights without hesitation, it is refreshing to see an organization stand up for the rights of drinkers.

I have wondered in the past just how effective these interlocks would be. If a 16-year-old kid can hotwire a car in seconds, just how hard would it be to bypass these units? (I don't think car thieves will be required to be verifiably sober when they steal a car.) I imagine that valet parking will become very fashionable at upper end drinking establishments, and at blue collar shot-and-beer joints all across the rust belt, cars will be left idling in parking lots for extended periods. — Tim Slagle

Go fish — We have all heard the saying that if you give a man a fish you feed him for a day but if you teach a man to fish you feed him for a lifetime. That's not actually true because there is an important missing ingredient. In order for a man to feed himself for a lifetime he must not only know how to fish but he must be free to fish. If, for example, the

government prevents the man from starting a fishing business because he cannot get the proper license or if the tax burdens and other regulatory burdens are so high that the man cannot maintain his business, then he effectively lacks the freedom to fish and will still starve to death.

This is exactly the situation in many third world countries and, even in the United States, the burdens of government on the economy continue to grow. Our foreign aid is a dead-end street. Instead of simply giving fish (food) to foreign countries or even education (teaching them to fish), we should be pushing them to respect human liberty, property rights, and the rule of law. Furthermore, it is extremely important that we set an example here in the United States of how that freedom can work instead of allowing our own government burdens to continue to grow. — Roy Miller

The dismal campaign — Before the Indiana-North Carolina primaries, Hillary Clinton was expected to win Indiana by 5% and lose North Carolina to Barack Obama by only about 8%. But on Sunday before the election, Hillary made the mistake of offending a group of people who she thought were irrelevant.

You know the rest: Hillary barely won 1% more votes than Obama in Indiana and lost North Carolina by more than 14%. What seemingly innocuous group did Hillary offend? Economists! On ABC's Sunday morning show, George Stephanopoulos asked, in reference to her gas-tax holiday plan, "can you name an economist who thinks this makes sense?"

"I'll tell you what, I'm not going to put my lot in with economists," Hillary answered. "If we had a president who used all of the tools of the presidency, we would design it in such a way where it would be implemented effectively."

Apparently, economics is not one of the tools of the presidency, or at least of a Clinton presidency. Hillary proposed to "make the oil companies pay the gas tax." Yet most Americans

Word Watch

by Stephen Cox

This column usually tries to look like a unified essay. But sometimes there's just too much stuff flying over the transom. It just won't sort itself into an essay; it has to become a list.

Now, the easiest way to write a list of stuff about words is to separate your items into Good Things and Bad Things. Maybe you'll also find a place for Things You're Just Not Sure About.

Let's begin with the Bad Things.

1. Electoral politics continues to be bad for the American language. "Politics isn't why we are here tonight," said Barack Obama, speaking to voters on election night in Pennsylvania. For a wonderful moment, I thought he had repented of his political misdeeds and was determined to turn his life around. But in the next sentence he was already urging his audience to throw out the Republicans and elect him president. That, to him, wasn't politics. It was something else, something much more spiritual, something that allows you to say anything that sounds good to you, without a second's worth of hesitation — and get away with it. Need I say more about this year's electoral politics?

2. The presidency continues to be bad for the American language. On April 29, wantonly disregarding everything that has been said in this column about a certain currently fashionable word, President Bush opined that recent actions of the government of Zimbabwe are "unacceptable." That was a bad thing to say. First of all, what happens in Zimbabwe, no matter how abhorrent it may be (and it certainly is abhorrent), is none of the president's official business. Second, unacceptable is the kind of word your second-grade teacher emitted when Johnny pulled Susie's pigtail: "Johnny, that is unacceptable!" But the president isn't a schoolteacher, and Zimbabwe isn't a second-grader. Third, unacceptable is now used to mean everything from choosing the wrong fork to initiating thermonuclear war; it therefore conveys nothing except a general or random snottiness. Fourth, this is a word that Karen used to say on "Will and Grace" ("That's simply not acceptable!"), but she was funny, and President Bush is not, or doesn't intend to be. Fifth, I'm waiting for the second shoe to drop. I mean, if something's not acceptable, it's impossible to accept. We cannot accept it. And therefore . . . what? What happens? What do we do about it? The answer in this case, as in virtually all cases in which that aloofly bureaucratic word gets used, is Nothing. Nothing will happen about Zimbabwe. So if the president meant nothing, why didn't he say nothing? Answer: Because he's president, and feels it's his duty to say meaningless things.

3. Children are becoming bad for the American language. Michelle Obama, asked about the Reverend Wright controversy, said something that goes far beyond the normal "It's for the children" cliches of American politics. "I don't think this conversation helps my children," she said. Well, maybe it doesn't. And neither did the Gettysburg Address.

The next item is Something I'm Not Sure About. Hillary Clinton actually appears to have said something good. I mean, she made a bon mot — she whose every previous mot has been, in my view, mauvais. (Remember Hillary on the vast rightwing conspiracy?) Recently, however, she responded to Barack's constant belittling of the 1990s — the era when she romped through Washington, grinding the faces of supposed inferiors — by posing the rhetorical question, "What is it he dislikes most about the 1990s: the peace, or the prosperity?" I'm not saying that this was an astute historical observation; I'm just saying that it was as good a piece of sarcasm as we can expect to hear in 2008. Good enough. The reason why I can't bring myself to give it final classification among the Good Things of this earth is simply that Hillary Clinton is the one who said it.

Proceeding, then, to the unambiguously Good Things on my list. . . .

1. Observers of Obama have picked up a good phrase. It's rapidly wearing out its welcome, but it's been nice to have it visit for

know enough economics to realize that the oil companies would simply pass that cost onto consumers, thus saving people nothing. Or, seeing their profits decline, that the companies will invest less in future energy supplies, thus making oil prices rise even more.

H.L. Mencken famously said that "no one ever went broke underestimating the intelligence of the American people." But it is possible, just possible, that Hillary lost because she underestimates the intelligence of American voters. Maybe she should have pandered to economists. — Randal O'Toole

Antitrust but verify — Supporting free markets does not mean supporting the political and financial agendas of big business. Years ago, Joseph Schumpeter made the case that Fortune 500 executives are as bureaucratic and welfare-hungry as the worst statist hacks. For these reasons, some libertarians support antitrust law as a check against big business manipulations of market forces.

Other libertarians — Milton Friedman and Richard Posner come to mind — have rejected antitrust law as a tool that corporate interests game and manipulate to their advantage.

The on-again/off-again acquisition of internet search pioneer Yahoo! by software monolith Microsoft could be the next test of how well (if at all) antitrust law helps markets stay free.

At press time, the acquisition was on hold; Microsoft had walked away from the negotiations. But many of the smartest people in Silicon Valley and Seattle and New York predict that the deal will be done, eventually. They say that Yahoo! will try to find some other big deal to boost its flagging stock price . . . but will eventually crawl back to Microsoft.

Any discussion of technology and antitrust invariably touches on Microsoft's own history with statist prosecutors. This history includes the decade-long legal trainwreck known as *United States* v. *Microsoft*. The case was a consolidation of various civil actions filed against Microsoft by the Justice Department and its equivalent agencies in 20 states; it alleged that Microsoft abused monopoly power in its handling of operating system sales and internet browser sales.

Government lawyers claimed that computer software was different than other kinds of consumer products and should be regulated more closely because, once a person commits to buying a particular operating system, he has to spend a lot of time and money to get out. They claimed that Microsoft abused its strong position in the operating system market to force people to "migrate" to "bundled" products they didn't necessarily want. They also claimed that Microsoft used the same tools to freeze other software companies out of the marketplace.

Microsoft countered that bundling Windows and Internet Explorer was the result of innovation and competition and that consumers benefited from essentially getting Internet Explorer for free. But Microsoft's senior managers didn't help themselves with the arrogant and uncooperative manner they displayed. The trial court judge would later write that Microsoft executives

> proved, time and time again, to be inaccurate, misleading, evasive, and transparently false. . . . Microsoft is a company with an institutional disdain for both the truth and for rules of law that lesser entities must respect. It is also a company whose senior management is not averse to offering specious testimony to support spurious defenses to claims of its wrongdoing.

Who's a free-market advocate supposed to root for here?

In November 1999, the trial court ruled against Microsoft, concluding that its dominance of the operating system market constituted a monopoly and that Microsoft had taken actions to prevent competition in violation of the federal Sherman Antitrust Act. After considering various options, its suggested remedy was that Microsoft be broken into two separate units, one to produce operating systems and the other to produce software applications.

The verdict and suggested remedies were overturned on appeal. The case was sent back for retrial. Then George W. Bush was elected president and his Justice Department decided not to pursue the case. It settled the case on terms generally favorable to Microsoft.

Andrew Chin, a law professor at the University of North

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a while. When the Apostle of Hope made his Great Speech about "race in America," the speech in which he equated his crackpot "former" pastor with his own kindly grandmother, both of whom, he suggested, had a slightly wrong take on the race question, although hers was obviously much wronger, he was said by some people to have thrown his grandmother under the bus. When he stopped slithering around and finally "denounced" Jeremiah Wright, everyone, even so traditional a journalist as Robert Novak, said that he had thrown his pastor under the bus. It's a satisfying image, both graphic and appropriate, for a common political phenomenon. (But let's not run it into the ground.)

2. As Liam Vavasour, a trusty friend of this column, has pointed out, it's good to see the Chinese government being provoked into emphasizing its role as a creature out of 1984. The more violence it uses in Tibet, the more it calls for "calm." The more truth is said about it (even on CNN, of all places), the more it denounces "lies." The more antagonism it creates by whipping up nationalist fury among its citizens, the more it lauds the Olympics as a symbol of "friendship," "tolerance," and "globalization." (Globaloney, they used to call this sort of thing.) Still better than these linguistic self-revelations is Liam's suggestion for the revival of the ancient American term for the Chinese communists: Chicoms. The word not only says what they were, and still are (communists — imagine that!); it evokes the robotic spirit that they attempt to foster. I don't care that China is currently more of a kommunist kleptocracy than a Leninist state. As long as that picture of Mao, who destroyed his own people by the tens of millions, hangs over the great square in Beijing, so long will his followers be worthy of the term Chicoms.

3. There is such a thing as the language of gesture. It was an exquisite moment in this language when European protestors went after the Olympic torch with fire extinguishers. A basic principle of good writing is to use as little language as you can, to get the effect you want. That was the principle of the torch protests. Here is an object — the torch — that with immense expenditure of time and effort is being paraded through cities on six continents. It's supposed to establish the Chicoms' legitimacy as free and tolerant rulers. Rationally considered, either it means nothing, or it's a lie. Question: what to do? Answer: go after it with fire extinguishers. Literal or metaphorical, they have their use . . .

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IQ, Race, and Gender: Charles Murray and David Friedman pull no punches and respect no taboos.

Eco-Crazies and Energy: Randal O'Toole, Doug Casey, and others explore energy policy: what's good, what's bad, and what's just plain nuts.

Killing for Public Health: Bruce Ramsey, Jo Ann Skousen, and others expose just how far government nannies go in their fervor to banish personal freedom.

Schools Against Education: Gary Jason, David Friedman, and Jo Ann Skousen explain why public schools don't care about educating children, and debate the proper remedy.

The Housing Market — Bubble and Bailout: Policy analyst Randal O'Toole, journalist Bruce Ramsey, investment guru Doug Casey, and author Jim Walsh discuss careless homebuyers . . . and the politicians who can be counted on to clean up their mess at your expense.

Talks

Future Imperfect: David Friedman analyzes the technologies that will be used to control the populace — and the tools that will enable you to fight back.

Teaching in Sing Sing: (Jo Ann Skousen)

Legal Systems Very Different From Ours: (David Friedman)

Learning from the Socialists: An Action Plan for Promoting Liberty: (Randal O'Toole)

Schedule

Friday — 9:00 a.m.: Teaching in Sing Sing. 10:30 a.m.: Learning from the Socialists. 11:30 a.m.: Schools Against Education. 1:30 p.m.: Future Imperfect. 2:30 p.m.: Killing for Public Health. *Saturday* — 9:00 a.m.: Eco-Crazies and Energy. 10:30 a.m.: Legal Systems Very Different From Ours. 11:30 a.m.: Housing Market, Bubble and Bailout. 1:30 p.m.: IQ, Race, and Gender. 2:30 p.m.: Who I'm Voting For, and Why. There is a coffee break and a lunch break both days. As with any event-packed conference of this size, this schedule is subject to change.

Speakers

Charles Murray is a scholar at the American Enterprise Institute and author of such controversial books as "The Bell Curve" and "Losing Ground." His most recent book is "In Our Hands."

Bruce Ramsey is a journalist in Seattle and a senior editor of Liberty.

Doug Casey is Chairman of Casey Research, LLC. He is a bestselling author, international investor, and entrepreneur, and a contributing editor of Liberty.

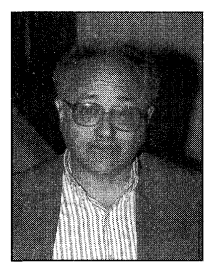

David Friedman is a professor of law at Santa Clara University and an academic economist. He is the author of "The Machinery of Freedom," "Law's Order," and other books. His latest book is "Future Imperfect." The paperback edition of his novel "Harald" has just been released, and the first two chapters of his newest novel, "Salamander," are online at www.DavidDFriedman.com.

Jo Ann Skousen is an adjunct professor of English at Rollins College and is the entertainment editor of Liberty.

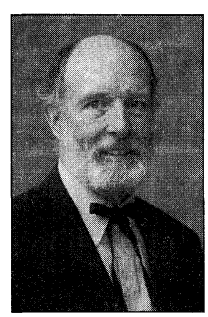

Randal O'Toole is a Cato Institute Senior Fellow who specializes in transportation, land-use, and environmental policy. His latest book, "The Best-Laid Plans," calls for the repeal of "planning" laws and regulations, and offers specific reforms for social and environmental problems.

Gary Jason is an adjunct professor of philosophy, a writer, and a businessman. He is the author of "Critical Thinking" and "Introduction to Logic," and has written approximately 200 articles, opinion editorials, book reviews, and movie reviews. His company, Global Access Telecom, is an independent telecom agency. He teaches at Cal State University, Fullerton.

James Walsh is an assistant editor at Liberty, and the author or co-author of several books on politics and popular economics. His latest books are "Scams & Swindles" (co-author) and "Libertarian Nation: The Call for a New Agenda" (scheduled for release in Fall 2008).

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- Mark Skousen: "EconoPower: How a New Generation of Economists is Transforming the World."
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- David Boaz, Vice President, Cato Institute: "The Politics of Liberty."
- Warren Coats, former IMF official and expert on Bosnia, Iraq and Afghanistan: "The Truth About the Middle East."
- Gene Epstein, columnist, Barron's: "Why We Need Real Monetary Reform Now: Is Ben Bernanke the World's Most Dangerous Man?"
- Charles Murray, American Enterprise Institute, author of "Losing Ground": "There's Too Many Kids in College!"

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Carolina who assisted in drafting the trial court's original ruling, has written that the settlement gave Microsoft "a special antitrust immunity to license Windows and other 'platform software' under contractual terms that destroy freedom of competition." And Chin isn't alone in his opinion.

Milton Friedman warned that the antitrust case against Microsoft foreshadowed increasing government regulation of the tech industry. In early 1999, he told a group of technology executives:

> When I started in this business, as a believer in competition, I was a great supporter of antitrust laws; I thought enforcing them was one of the few desirable things that the government could do to promote more competition. . . . I have gradually come to the conclusion that antitrust laws do far more harm than good and that we would be better off if we didn't have them at all. . . .
>
> [Y]ou will rue the day when you called in the government. From now on the computer industry, which has been very fortunate in that it has been relatively free of government intrusion, will experience a continuous increase in government regulation. Antitrust very quickly becomes regulation.

If Yahoo! crawls back to Microsoft, watch out for increases in government antitrust activity and regulations. And the claims that "software is different" and needs to be managed more closely by the feds will be echoing around the Beltway.

— Jim Walsh

Father knows best? — Christopher Hitchens, in a Slate.com column, has pointed out that Reverend Jeremiah Wright is not Sen. Barack Obama's only spiritual mentor. The senator told the Chicago Sun-Times that another spiritual mentor is Father Michael Pfleger.

Pfleger, a very liberal, politically-active priest in Chicago's Southside, is known, among other things, for leading a crowd of people to "Chuck's Gun Shop" and announcing that the owner-manager was destroying the people of the neighborhood and needed to be "snuffed out." (Later, representatives for Pfleger explained that the good father was not aware that to "snuff out" was a synonym for kill.)

I'm thinking Sen. Obama is about ready to issue a press release clarifying that he is actually an atheist. Probably less flak that way.

— Ross Levatter

Pretty, empty words — The Obama campaign has occasioned many proofs of the proposition that in contemporary American politics, words may matter, but ideas and facts do not.

Obama himself is almost universally heralded as a master of words. The evidence is a lot of speeches about himself — his "audacity," his "hope," and so on. This stuff is apparently very easy to dish out. It's "I have a dream," without the dream — just the "I have," with a big "I want" thrown in. When there are specifics about the great public issues that Obama claims he wants to talk about, if people would let him alone about Jeremiah Wright, they're not very specific, and they're as dull as "Meet the Press." Duller.

But Obama's commentators are much worse than he is. You can blame a guy for talking incessantly about himself (although you have to concede that there's a natural reason for his prejudice). What, however, do you think about professional analysts of our political life, conservative as well as liberal, who simply start from the premise that Obama is a wonderful speaker and writer, and go on from there? Even when they admit that he has nothing to say, they claim he's one hell of a sayer. Here's a political science professor, solicited for her opinion by the Associated Press: "While it [Obama's message] is incredibly motivating and passionate and compelling, it lacks content." I understand that words can be passionate, though lacking in "content," but how can they be motivating and compelling when they have no meaning? Motivating in what way? Compelling toward what end? This is literally incredible.

Now let's consider the commentators' own grip on facts. During Obama's "Reverend" Wright crisis, I listened to a lot of talking heads, left, right, and center, babbling about Wright, his views, and his associations (as with "Minister" Farrakhan). Every one of these people loudly assumed that Farrakhan is an important figure, because, 13 years ago, he brought a million men to a demonstration where they listened

News You May Have Missed

McCain To Stress Human Wrights

PHOENIX — In a surprise move, Sen. John McCain has named the Rev. Jeremiah Wright as his running mate on the Republican ticket this Fall. The move is seen as a way to make sure Wright's firebreathing rants and crackpot theories are kept in the national media spotlight and will continue to embarrass McCain's likely Democratic rival, Sen. Barack Obama, all the way to November. The fact that Wright was the pastor of the Chicago church Obama has attended for 20 years has become by far the biggest issue of the campaign, easily eclipsing the Iraq war, the collapsing economy, and the imminent end of civilization in a nuclear Armageddon, a major policy objective of several pastors in McCain's camp.

McCain's appearance with Wright at a rally in his home state of Arizona particularly surprised Sen. Hillary Rodham Clinton, who had just named Wright her new campaign manager. But Clinton strategist Howard Wolfson said there would be no conflict of interest: "Sen. Clinton and Sen. McCain may have their differences, but they agree on one overriding national-security concern, which is that the chief threat to our American way of life doesn't come from the Rev. Jeremiah Wright, it comes from any and all people who aren't incessantly watching clips of the Rev. Jeremiah Wright on TV news programs and YouTube."

Meanwhile, Obama, in a surprise move of his own, decided to further distance himself from Wright and to do something about the stubborn 15% of the public who continue to believe that he's a devout Muslim by converting to Zoroastrianism. But he is reported to be having second thoughts after his new Zoroastrian spiritual adviser, the Venerable Bridgette Hussein O'Shaunnessey, accused the United States government of having invented Paula Abdul.

— Eric Kenning

to him yap. Well, he didn't. He brought Obama, and he might have brought 400,000 others; but the Million Man March was considered a huge flop in its time, a time so distant that no one today can remember anything about it, or bother to look it up.

In commenting on Wright's rants about various things, and about Obama's San Francisco discussion of bitterness in small-town America, practically no one bothered to mention certain salient facts. For weeks, Wright's comments about AIDS were almost never mentioned; or his comments about the Supreme Court's identity with the KKK, or his coarse abuse of Condoleezza Rice. No wonder Obama supporters were able to spin the "reverend" as an old man who just got carried away for a moment and shouted "God damn America." Even now, Obama's accusation that small-town Americans are racists and immigrant-haters is routinely ignored, even by people who severely criticize his neighboring remarks about guns and religion. Naturally, the question of whether small-town Americans actually are bigots, a question on which a great many facts can be brought to bear, was never heard. Not on TV, although I suspect that it lit up a lot of brain cells in Pennsylvania and Indiana.

Another remarkable instance of the supremacy of words over facts has been the pundits' default position in regard to Wright's credentials. On all hands he is acknowledged as a "learned man" and an "important theologian"; on all hands his church is supposed to be "doing wonderful things" for the poor, or someone. I have yet to see any facts in support of these claims. I have yet to see any interest in finding the facts.

In short, in a television country in which religion and politics are constantly being debated, no one appears to be interested in knowing anything about either one of them. Even for polemical purposes, it's only words that count. And this, I believe, is a cultural phenomenon that is much more interesting, and much more dangerous, than all the Jeremiah Wrights in the world. — Stephen Cox

Tech tax fever — In this election year, many political leaders in America are preparing themselves for an occupational change. In the Golden State, an alarming number of city and county officials seem to be preparing to shift their employment to that of technology toll booth operators.

From Oakland to Los Angeles, at least eleven municipal governments are pushing ballot measures to expand their local taxation power over cable, internet, and telecommunications services. Prompted by recent court challenges that put city utility taxes in legal limbo, local lawmakers have taken drastic action to save their cash cows, and create new ones. In many cases, these ballot box initiatives are disguised as minor tax cuts on "utility user taxes" or "communications services taxes," but the stock ordinance language adds surcharges on popular cutting-edge technologies such as Voice over Internet Protocol (VoIP) and Internet Protocol Television (IPTV). The legal definitions of taxable telecom services are so loose that city and county politicians can, in effect, try to reserve the authority to tax technologies that don't even exist yet.

With a Democrat-controlled Congress, and a new occupant in the White House, the national struggle to prevent iPod taxes and internet access taxes may finally collapse, instantly allowing mayors and county supervisors to nickel-and-dime consumers. Of course, penalizing innovation isn't the route to take, especially at this time of a national economic downturn. Voters will be wise to short-circuit technology taxes and their elected proponents. — Vince Vasquez

Getting hosed — Does the state violate a prisoner's rights if prison employees force-feed him by shoving a tube up his nose? In April the Washington Supreme Court said it did not. All the justices accepted force-feeding except Justice Richard Sanders, the court's lone libertarian.

The State of Washington has no law authorizing the force-feeding of prisoners. Its Department of Corrections employees did it to a prisoner near Spokane in 2004 after the prisoner had refused to eat for several weeks and said he intended to die.

The state's constitution, ratified in 1889, says: "No person shall be disturbed in his private affairs, or his home invaded, without authority of law." That means, Sanders wrote, that the question is in two parts. First, does putting a tube up someone's nose disturb him in his private affairs?

Yes.

Second, is there a law that says the Department of Corrections can do this with a prisoner?

No, he said. There isn't.

Then they can't.

That was too simplistic for the court's majority, which ruled that the answer should be reached after a balancing test. The court had to balance the prisoner's interest in his bodily integrity and the state's interest in preventing him from killing himself and thereby disrupting his orderly incarceration. And the state's interests, the court ruled, "outweighed" the prisoner's interest.

So there is really two parts to the Washington state constitution. There is a part that is legible and a part that is hidden. If you read the two together, in this case, here is what it says. "No person shall be disturbed in his private affairs, or his home invaded, without authority of law or an assertion of public need." — Bruce Ramsey

Falling behind — Three recent reports again raise the case for vouchers in the schools.

The first is a study of the economic importance of education conducted by a team of economists ("Education and Economic Growth," by Eric Hanushek, Dean Jamison, Eliot Jamison, and Ludger Woessmann, in Education Next [Spring 2008] 62–70). They begin by noting that a few years after "A Nation at Risk," the 1983 report documenting the pervasive mediocrity of the American K-12 educational system, the National Governors Association promised that by the year 2000 we would be the world leader in math and science. To that end the country jacked up funding for K-12 education, at both the state and federal levels. But the economists have shown that the result has been worse than nil.

Hanushek's group looked at international test scores. These provide a more objective measure of student cognitive skill level than mere years of schooling, because national school systems vary so widely in quality and length of school year. The scores reveal that America has not moved to the top, but over the past 40 years has dropped in comparison with a large group of countries, including all our major trad-

ing partners. U.S. students scored in 14th place in the 1960s and '70s, dropped to 19th in the '80s, then down to 21st in the '90s, and have slipped to 24th in the first decade of the 21st century. These results were not surprising — any number of other studies document the continuing decline of the miserable American public school system.

What was unusual is that the Hanushek group calculated the rough economic costs of this deepening mediocrity. They found that if country A had a 0.5 standard deviation higher average test scores than country B 40 years ago, then A would have had a roughly 1% higher annual growth rate than B over the ensuing years.

In particular, the economists found that had America made it to the top in math and science scores in 2000 (as was promised by the National Governors Alliance), we would have a 4.5% higher GDP by 2015 than what we will actually have. Put into perspective, that difference in GDP is roughly what we spend in toto annually on K-12 education at all government levels today.

The researchers conclude by making a point I've made often: America's relatively strong economic growth is attributable to a historically high level of education and freedom of enterprise compared to other nations, but those advantages are being fast eroded as other nations get with the program.

The second report was recently covered in USA Today (Greg Toppo, "'Crisis' Graduation Gap Found Between Cities, Suburbs" [April 1, 2008]). It's about the findings of a study commissioned by the nonpartisan group set up by Gen. Colin Powell, the America's Promise Alliance. It highlights another aspect of the disaster that is American K-12 education: grotesquely high dropout rates.

Specifically, the study found that in our biggest urban public school districts, students have only a 50% likelihood of graduating from high school. Indeed, in cities as diverse as Atlantic City, Dallas, Denver, Los Angeles, New York, Oklahoma City, Milwaukee, and Minneapolis, the graduation rate is in the mid-40% range. The Baltimore, Cleveland, and Indianapolis public schools have only a mid- to low-30% graduation rate. Most ludicrous is the Detroit system, which has a wretched 25% graduation rate.

This, mind you, after literacy standards have been dumbed down for decades, and massive amounts of money have (again) been thrown desperately at the schools. Clearly, there is a systemic problem here.

In that regard the third report is enlightening. It is from perhaps the preeminent free market thinktank in Britain, the Adam Smith Institute ("Open Access for UK Schools: What Britain Can Learn from Swedish Education Reform" [London: Adam Smith Institute, 2007]; report downloadable in full from the institute's website). It's a report by an economist, Marek Hlavac, on the Swedish voucher system.

Sixteen years ago Sweden adopted a nationwide open access (read: voucher) scheme. Hlavac reviews the success of this system. Under the 1992 original plan, the National Agency of Education (NAE) took 85% of the average cost of educating a child in the public schools and gave it to an NAE-approved independent school on behalf of each student enrolled in it. Later the amount was dropped to 75%, but then quickly raised to a full 100%. The NAE-approved institutions include private schools, religious schools, teacher co-op schools, and schools run by nonprofit charities.

The results have been impressive. A 1993 poll showed that 85% of Swedes liked the new freedom of choice in schooling, and 59% felt that the teachers were putting in more of an effort than before the voucher system was introduced. When the voucher system was first passed, there were only 90 independent schools. By 2005, there were 585, about 12% of the total number of schools. The number of students in independent schools rose from less than 2% in 1992 to 7.5% in 2005. And Hlavac mentions a review of the empirical data, written by two eminent Swedish economists, which shows that competition did indeed improve the quality of education (Mikael Sandstrom and Fredrik Bergstrom, "School vouchers in Practice: Competition Won't Hurt You!", Working Paper no. 578, Research Institute of Industrial Economics, 2002).

Hlavac discusses the problems faced by the UK public school system — which, bad as it is, produces students who outscore our own — and advocates open access for the UK also. He reviews and refutes the most common canards about vouchers: that they drain money from the public schools; that they skim off the cream, leaving only the dregs; that so many parents will want to choose the best schools that there won't be room; that private schools won't promote public spirit; and that vouchers lead to segregation.

All the reports I've mentioned reinforce the point that the world is moving from an industrial to a knowledge-based global economic system. America is clearly in danger of losing out in this transition. While our trading partners are working hard to free their markets and educate their citizens, we are moving rapidly in the opposite direction. We are sweeping ourselves into the dustbin of history.

When America transitioned from an agricultural economy to an industrial one just after the turn of the 20th century, there was an excrescence of populism. People frightened by rapid social, economic, and demographic change demanded protection from competition at home and abroad. These are the twin horns of populism: a hatred of immigration (which appeals to the political Right) and a demand for protectionism (which appeals to the political Left). The result was a choking off of free labor mobility and free markets in the late 1920s, which helped to produce the Great Depression.

Similarly, as America faces the challenge of transitioning from an industrial to an epistemic economy at the turn of the 21st century, we see a virulent outbreak of populism. But the fault, dear populists, lies neither in our immigrants nor in our trading partners, but in our teachers' unions. — Gary Jason

Dime for your time? — According to a recent AP article, drivers are slowing down to conserve gas. Actually, only two drivers in the article are slowing down, to save gas on their annual trip to Florida. The author suggests the rest of us should follow suit. This may be the first salvo in an attempt to get the 55 mph federal speed limit reinstated.

The article states that slowing a car from 70 to 60 miles per hour will give you a 2 to 3% gain in efficiency. That paltry benefit is precisely the reason Americans refuse to slow down. It is simple economics; if gas costs $3.33 a gallon, a 3% savings amounts to around a dime a gallon. If your car burns gas at a rate of three gallons an hour, the 30 cents you save by driving 10 mph slower will take ten minutes out of your life. Very

few people in America are willing to sell their time for three cents a minute.

Raising fuel taxes is one method proposed for conserving gas. Since time is money, you can imagine how much gas is going to have to cost before people decide that the money saved by driving slowly is worth their wasted time. My speculation is that gas would have to be around $10 per gallon, so that the cost of speed is at least ten cents a minute — the amount a minimum wage worker earns. — Tim Slagle

Cuba libre enterprise — Rarely is a photograph worth a thousand words, but one that knocked me out showed Fidel Castro, visibly aged, clutching a copy of a new book in English by none other than Alan Greenspan. Find it here: http://tinyurl.com/6n7ty6, and note that in his hands is AG, not Martha Stewart, Carl Woodward, or, heaven forbid, Ayn Rand. No one could have imagined this photo-op before the fact — not even Greenspan's mainland publisher.

Since "The Age of Turbulence" had only recently appeared, the photograph, made during an interview on Cuban television, was meant to illustrate that Fidel was not only alive and well in the autumn of 2007 but lucid enough to read not just his native Spanish but also English. Did it also illustrate that Fidel, a monumental economic dummy, had finally wised up?

As I've written before, so dumb is Castro that he never conned celebrity-conscious American book publishers into giving him a whopping advance for "How To Survive as a Dictator for Nearly Fifty Years." For ghostwritten revelations in English, he could have gotten millions (in very hard currency) that, in another photo-op, he could have donated to his cheering country. -- Richard Kostelanetz

Washing away the tyrants — Myanmar (still known as "Burma" in most circles) is run by a longstanding military junta so cartoonish in repressiveness that it seems more like a throwaway from an episode of Rocky and Bullwinkle than a real regime.

The junta has been known mostly for its ham-fisted treatment of political opposition leader Aung San Suu Kyi. More recently, it's joined the ranks of totalitarian dictatorships playing on the developed world's humanitarian impluses to compensate for their inadequacies in the wake of natural disaster.

In early May, Tropical Cyclone Nargis came ashore near Burma's Irrawaddy River delta. The damage was considerable; the storm pushed a 12-foot tidal wave through the region and literally washed away the mid-sized town of Bogalay. Early estimates of the dead hovered around 12,000. A few days later, they were 50,000; a few days after that, they were up to 100,000.

Burmese government officials described the damage in graphic terms, including stories of rice paddies littered with corpses. At the United Nations, the government formally appealed for humanitarian and financial assistance. According to Newsweek magazine, UN Office of Humanitarian Affairs director Rashid Khalikov said the request was a diplomatic "breakthrough" but the situation on the ground sounded troubling:

> We have no reason to believe that anything has been done in terms of preparedness, so we'll probably see a lot of people sitting in their houses who were directly hit when the cyclone happened. . . . It's quite warm there this time of year. You have a lot of water that can become stagnated, and that becomes a recipe for all kinds of disasters. . . . access to clean water won't be easy . . . and we're not talking about a population that has very strong mechanisms [for food access] to begin with.

As ever, the days after a natural disaster can be a deadly as the disaster itself. In places where the people are accustomed to being self-sufficient, the aftermath can be hard but manageable.

In places where the people have been infantilized to count on the state to provide life's essentials, the aftermath can be apocalyptic.

With apocalypse looming, the Burmese junta *still* insisted that all totalitarian proprieties be observed. Although its representatives in New York had asked for help, the bureaucrats in Yangon have a history for refusing entry to aid groups that they consider religious proselytizers or otherwise inclined against the junta. So, UN aid workers in Thailand and Geneva had to wait for proper visas to be issued.

It's a tragedy that tens of thousands of people in Burma have died — or will die — because of a storm and tyrannical bureaucrats. The silver lining may be that tragedy may help end the reign of a totalitarian regime. The Burmese junta has been allowing limited democratic reforms; so the people may have enough leverage to claim independence and force a more open society.

Too bad the human cost of reform is so high. These days, natural disasters seem to be the most effective argument for limited, locally focused government in the developing world. — Jim Walsh

Ding, dong, the witch is dead — Is it really over? I'm shocked. I sit here in dumbfounded amazement, unable to accept it.

By all appearances, Hillary Clinton will not run in the presidential general election, this year, or any other. With Obama being coronated by the media, and partisan support for Hillary evaporating like steam from a cauldron, it appears that her presidential aspirations are now just a chapter for Women's History 101. I don't know who will win in November, but I do know that the conundrum of what we should call the president's husband, has been postponed, for at least another four years.

I find this moment bittersweet. As someone who looked at the Clinton Administration as arguably the worst threat to civil liberties in my lifetime; I can breathe a sigh of relief. On the other hand, I wonder if a revolution can survive without a nemesis.

Hillary's Universal Health Care proposals were so restrictive that they drove a lot of people to become ardent supporters of free market alternatives. Her 1994 cross country promotional bus tour was derailed by protesters and never made it to Washington. That November, Democrats were tossed out of Congress in droves, and replaced with people who (at least) claimed to support a more constitutional government. Her ineptitude spared this nation from the anticapitalist burden of single-payer healthcare for at least a couple of decades. (I pray that her successor will be equally inept in this department.)

Her recommendation of Janet Reno to the head of the Justice Department was an error in judgment of epic proportions, and literally went up in flames, inspiring the formation of militias in several states. The reinvigorated gun rights movement eventually led to the lapse of the assault weapons ban, and concealed carry laws were passed in 48 states. So successful was the NRA during the Clinton years that every candidate since has been required to don hunting gear and do a photo op out in the woods. Even Hillary now claims to be a supporter of sportsmen's rights, and reminisces about going duck hunting with her father.

Hillary Clinton, champion of irony, will shortly return to her kitchen in Chappaqua to bake cookies for her philandering husband, and toss a few lamps in honor of her failed presidential bid. Eventually she will retire, on a generous U.S. senate pension. Like the many Democrat senators before her, she will retire fat, grey, and senile; but not one inch closer to the big red button. — Tim Slagle

Jimmy does Damascus — Former president Jimmy Carter was in Damascus in April, where he met with the slimy little Syrian dictator, Bashar al Assad, as well as Khaled Meshal, the leader of Hamas.

Nobody objected to Carter's meeting with Assad, although the latter permits jihadists to transit his country on their way kill Americans in Iraq. However, everybody was up in arms over Carter's tête-à-tête with Meshad. Hamas won power in Gaza in a free election, but it refuses to recognize Israel's right to exist, and thus is anathema to the U.S. and Israeli governments.

Hamas undoubtedly employs terrorist tactics. But so did Menachem Begin and Ariel Sharon (each of whom eventually became prime minister of Israel) back when they were fighting to establish the state of Israel. It is unclear to me why we would offer total support to the likes of Begin and Sharon, yet refuse even to talk with Meshad.

Not that Carter would be my choice for the task. Back in 1976, presidential candidate Carter told the American electorate, "I will never lie to you." Listening to him then, I felt the man was either a fool or a very bold liar indeed. The evidence of his single term as president plainly showed that the man from Plains was in many ways a fool.

But is he a liar, too? After he came under fire for talking to Meshad, Carter asserted that the State Department had not tried to stop the meeting. On April 22, Secretary of State Rice contradicted Carter, saying that the Bush administration had explicitly warned Carter against talking to Hamas. A statement issued the next day by the Carter Center in Atlanta called Rice a "truthful person" who was nevertheless "continuing to make a statement that is not true." Carter escaped this conundrum by speculating that Rice had fibbed "inadvertently." This made Carter look both foolish and mendacious.

Whoever is telling the truth, the bottom line is that if the United States is going to be involved in the Middle East, it needs to talk to everybody — especially those with proven popular support. It just should've been Rice rather than Carter doing the talking. — Jon Harrison

Are you going to eat that? — I live in "Blue" America. It is a strange place — at least, it must seem so to the people who don't live in it. Here citizens have to have a license to cut down a tree, or have a cat. They may not burn garbage, or really anything, in their yards.

These are old rules, and officials are constantly coming up with new ones. At the moment, my city council is considering the menace of disposable plastic shopping bags. They are a scourge of the poor nations of the earth, where they blow about like tumbleweeds. I rarely see one blowing about in Seattle, but they are said to be an environmental calamity. San Francisco thought so, and banned the disposable plastic shopping bag. Our civic leaders looked into the matter and concluded that the paper bag is four times worse, environmentally, even though it is a local product. We would do the San Franciscans one better. Our mayor and city council president are proposing a 20-cent tax on all disposable plastic and paper bags for groceries and delicatessens.

The money is to go to environmental education. I know what that means. It means make-work jobs. And I will not want to pay the tax. Paying it will make me feel like a sucker. It will make my neighbors feel like environment-rapers. They will stuff plastic bags into their cars and their pockets. They will have to plan ahead, and buy no more than they can stuff into the bags they have. At the checkstand they will watch the checker with jaded eye, ready to accuse him of using bags too generously. They will stuff beer bottles and carrots into their pockets.

Another change comes. In Seattle, we will be required to put waste food into the yard-waste can. Because waste food stinks, the garbage company will pick up the can every week rather than every two weeks. The doubled service will require an increase in garbage rates. But the percentage of waste that we recycle will go up toward the city's goal of 70% — which is even better than in Madison, Wisc.

All this started years ago with aluminum cans. Well, you recycle waste aluminum and you get new aluminum. You recycle waste paper and get new paper. There is some sense in that. But you recycle waste food and you get — dirt. And to produce this dirt, the garbage company will have to send a fleet of trucks through my city, burning diesel, employing men that have to have days off and health plans and all that, and my garbage rates will go up. Will the dirt be worth the cost of the men and the trucks? Don't ask. It is an antisocial question, and in Blue America it is not welcome. — Bruce Ramsey

Who's happy? — A couple of recent news items caught my eye, feckless philosopher that I am. They concern a topic of truly antique concern: what makes people happy? After all, as Aristotle said, happiness is the goal of every person and every state. What struck me was how much these stories appear to debunk two shibboleths of the Left.

The first is a piece by the eminent sociologist Arthur Brooks in The Wall Street Journal (April 17). Brooks has made a nice career for himself debunking liberal bromides. A couple of years back he published a book called "Who Really Cares," in which he looked at the data on charitable giving and found that the religious are far more generous than the secular, and the conservative more generous than the liberal. Now he considers the latest brilliant observation by America's New Messiah, Barack Obama. The Messiah declared that the hoi polloi of Pennsylvania (and presumably elsewhere in this hoi polloi infested nation) are bitter because they are losers,

clinging pathetically to their guns and their Christian religion for what meager solace these afford.

This statement had at least one good result: we all got a hearty laugh out of hearing Hillary Clinton bashing Obama for — elitism! The sight of the Queen of Diamonds in a Pennsylvania bar quaffing a boilermaker was simply delectable. Presumably, we will next see her deer hunting with the boys, then dragging the deer's carcass to church. God, how I love American politics! To filch a phrase from Professor Higgins, it's so deliciously low.

But Brooks adduces data that refute the notion, so prevalent among the elitist left, that it's unhappy losers who own guns. He cites data presented in the 2006 General Social Survey, which show that over a third of American households have guns. (Of course, even in the 66% of American homes that don't contain guns, there are probably many people who support the right to own guns.) The data also reveal that, on average, gun owners have the same amount of schooling as everyone else, and that they actually outearn non-gunowners by a wide margin (almost a third). They had higher reported rates of happiness. And they gave more to charity than non-gunowners.

The second piece is by David Leonhardt, published in The New York Times (April 16). It reports the results of research by two young economists, Betsey Stevenson and Justin Wolfers, which cast doubt on a longstanding sociological dogma, the Easterlin paradox.

The paradox is named for economist Richard Easterlin, who published a study in 1974 purporting to show that a country's economic growth doesn't automatically increase happiness. His thesis is that happiness rises as people emerge from extreme poverty, but once they reach the level of having life's basic necessities, increases in personal wealth don't result in increases in personal happiness. The data typically cited are the results of polling done of the Japanese from the 1950s to the 1970s. In that period, the economic output per capita increased 700%, but the percentage of people who said they were extremely happy actually fell. Easterlin concluded that a high level of wealth was less important than relative wealth in determining a person's happiness.

But availing themselves of the plentiful data from more recent public surveys of happiness, Stevenson and Wolfers looked at surveys from all over the world. These data show that self-reported happiness is highest in the richest countries. The authors even reviewed the old survey data from Japan, and found that the survey questions had changed over the years. When they adjusted for that, even those data show increasing happiness with increasing wealth.

For example, in U.S. households with $30,000 or less in yearly income only 42% of the respondents report being very happy, but in households earning $250,000 or more, the figure rises to 90%.

The Times reporter conceded that apparently, yes, people seek wealth, because while it doesn't guarantee happiness, it can contribute to it. Money, it would seem, allows people to live healthier lives, with more travel and less drudge work. Amazing, no?

The two studies I've mentioned are relevant to a distinctive feature of leftist thought: the tendency to characterize beliefs or actions that seem incomprehensible to leftists as ipso facto strange or neurotic. To typical leftists, guns are bad (except in the hands of the government). Since it is inconceivable to

News You May Have Missed

Hillary: "Phantom Snipers On the Run"

CHAPPAQUA, N.Y. — Senator Hillary Rodham Clinton donned a flight suit yesterday and stood on the deck of her suburban home in front of a banner proclaiming "MISSION ACCOMPLISHED" as she announced the end of major combat operations in her imagination.

"It isn't easy," she said, wiping away tears, "but I have decided to completely withdraw all antisniper maneuvers from my memory, unilaterally declare a truce, and put an end to the long, bloody occupation of my mind by stuff that never happened." Speaking without the assistance of notes or facts, she continued, "I've had to take a lot of flak for not actually having taken any flak, and I've been under heavy fire for not having been under heavy fire, but that hasn't stopped me from running for cover, ducking hostile questions and old CBS news footage coming at me from all sides, and against the odds I have brought my dangerous one-woman mission to a successful conclusion. I hereby proclaim that I no longer remember a damn thing, especially airport greeting ceremonies and any and all votes to authorize stupid wars."

While Clinton frankly admitted she has, like Dick Cheney, no combat experience whatsoever and has never been shot at, and that, unlike Dick Cheney, she has never so much as shot a lawyer, even when they are in season, she argued that she would very soon acquire such experience, as she expects to meet heavy resistance when she and her remaining campaign advisers and pollsters storm the convention hall in Denver in August with the object of overrunning the heavily fortified Obamaist position and taking some 796 superdelegates hostage.

Referring to the military-style flight suit she had on, she said she had decided military outfits do more for her than those canary-yellow and fire-engine-red pantsuits. "They make me look thinner," she pointed out, "whereas before only my explanations about misspeaking and sleep deprivation were looking thinner." Campaign officials told reporters that Clinton would appear from now on in a rapid, dizzying succession of uniforms, including Revolutionary War and Civil War and buckskin outfits and a comic-opera general's uniform bedecked with epaulettes, ribbons, and medals, taking as her model Groucho Marx in the battle scene at the end of "Duck Soup." Her husband, meanwhile, will be encouraged to wear a bell around his neck so that young campaign interns and seasoned reporters will know he's coming and can safely run someplace and hide.

— Eric Kenning

them how anyone could truly believe that guns are an effective tool for self-defense, they see gun owners as paranoids, the products of a cowboy culture.

Again, to the leftist, it couldn't be that people believe in a religion because they find it intellectually and emotionally fulfilling — no, they must be fools, addicted to a metaphysical drug. And to the leftist, it couldn't be that people routinely want a better life, materially, because it is basic human nature to want such a life — no, they must be deluded hedonists, conditioned to want material things by corporate advertising.

But the statistics are on the side of the "deluded."

— Gary Jason

Judge this! — This being a presidential election year, we will hear a lot about federal judges. When it comes to naming judges, both establishment party candidates will portray themselves as common-sense moderates and their opponent as an extremist out of sync with the will of the people. Consider some excerpts from a speech on judicial philosophy that John McCain gave recently at Wake Forest University:

> For decades now, some federal judges have taken it upon themselves to pronounce and rule on matters that were never intended to be heard in courts or decided by judges. With a presumption that would have amazed the framers of our Constitution, and legal reasoning that would have mystified them, federal judges today issue rulings and opinions on policy questions that should be decided democratically. Assured of lifetime tenures, these judges show little regard for the authority of the president, the Congress, and the states. They display even less interest in the will of the people.

Sen. McCain is quite right about federal judges taking it upon themselves to make law from the bench. But he's mistaken to peg this to the last few decades. The problem started more than 200 years ago, when Chief Justice John Marshall (a shaky judicial mind . . . but an effective politician) used the ruling *Marbury* v. *Madison* to take powers for the Supreme Court — and himself — that the Constitution does not describe.

Back to McCain:

> The moral authority of our judiciary depends on judicial self-restraint, but this authority quickly vanishes when a court presumes to make law instead of apply it. A court is hardly competent to check the abuses of other branches of government when it cannot even control itself.

He then mentioned several recent precedents, including 2005's *Kelo* v. *New Haven*, as examples of judicial excess. Good for him; *Kelo* was a really bad decision.

> The sum effect of these capricious rulings has been to spread confusion instead of clarity in our vital national debates, to leave resentment instead of resolution, and to turn Senate confirmation hearings into a gauntlet of abuse. Over the years, we have all seen the dreary rituals that now pass for advice and consent in the confirmation of nominees to our Supreme Court. We've seen and heard the shabby treatment accorded to nominees, the caricature and code words shouted or whispered, the 20-minute questions and 2-minute answers.

Another fine point. The Senate's hearings on judicial nominations have become kangaroo courts.

> Here, too, Senators Obama and Clinton have very different ideas from my own. They are both lawyers themselves, and don't seem to mind at all when fundamental questions of social policy are preemptively decided by judges instead of by the people and their elected representatives. Nor have they raised objections to the unfair treatment of judicial nominees. . . . Somehow, by Sen. Obama's standard, even Judge Roberts didn't measure up. Apparently, nobody quite fits the bill except for an elite group of activist judges, lawyers, and law professors who think they know wisdom when they see it — and they see it only in each other.

McCain concluded his speech by saying that surest way to restore fairness to the confirmation process is to restore humility to the federal courts. But there's only one way to restore that humility: get rid of lifetime tenure for federal judges. There are many models that could replace the status quo. One might be to use the system that several states have: the president names judges, who serve for a reasonable term and then must stand for reelection. A reasonable term might be eight years. If more people vote against a judge than for him, the president must name a replacement.

McCain hints at this kind of solution, mentioning the trouble with "lifetime tenures" and judicial disregard for the will of the people. He could make the coming election a real referendum on the judiciary (and both more substantive and more interesting) by following the logic of his complaints.

— Jim Walsh

Double standard — Liberalism has taken on new dimensions, and Barack Obama is today's neoliberal's liberal. Obama is likely to lose the presidency — not because he's black, or because he's a bad guy, but because he is a liberal in favor of big, punishing government, and because he has not transcended race at all — he is mired in it. He's going to be rejected because he's a racist — which in simplest terms means a double standard of expected behavior based on the color of one's skin.

This campaign has given us a chance to see Obama for what he is, as opposed to what he wants to be. He wants to be a uniter, but as president a man with his worldview would be a consummate divider. He doesn't understand the disproportionality, or recognize the unfairness of advocating the end of the radio and television career of a white man who makes a racist joke, while simultaneously tolerating the most repetitive racist rants coming from black rappers, black preachers, or civil rights activists. Rev. Wright was not always like that, says Obama. The preacher did a lot of good things. Well, so did Don Imus and a lot of others punished by the civil rights communities, but since when did good deeds matter when it comes to handing out punishments to civil rights offenders?

Obama overlooks the racism of Wright and Farrahkhan, but argues for the elimination of Imus from the airwaves for an off the cuff joke about "nappy-headed hos." The reality of how Obama has conducted himself racially has demonstrated how he might govern — with a double standard that is bad for whites and also bad for blacks.

Many who left the Democratic Party, during the Reagan years and since, left for that very thing — the double standard

continued on page 36

Salesmen, Stalwarts, and Old Pols

by Bruce Ramsey

In Washington state's run-up to the Libertarian Party convention, the candidates made their cases. The LP will pick a nominee from these.

On April 19, at its convention in Tacoma, the Libertarian Party of Washington State hosted five candidates for the presidential nomination: Mike Gravel, Michael Jingozian, George Phillies, Wayne Allyn Root, and Mary Ruwart. There was a stand-in for Bob Barr. What ensued was something like the "debates" in the major parties: a kind of panel show in which the candidates could distinguish themselves.

And they did. One might divide them into three groups: the Stalwarts, the Salesmen, and the Old Pols.

The Stalwarts are longtime LPers active in selling the party's ideological message. Several such candidates were not at Tacoma; one of these was Steve Kubby, whose web page (www.kubby2008.com) states, "I believe in 80-proof, straight up, gut-burning freedom."

Christine Smith (www.christinesmithforpresident.com) was represented only by a statement, which was down-the-line libertarian. In Tacoma, the closest breathing person to that position was Mary Ruwart (www.votemary2008.com), author of "Healing Our World" (1992). Ruwart is a soft-spoken advocate of the hard core: she had the faintest voice and, in some ways, the hardest positions of any of the six on the dais. She said, "I would have trouble with someone who would soft-sell our message."

When asked about air pollution, she said the answer is restitution for its victims. On immigration she would "do away with the welfare system, then open the borders."

Ruwart, who lives in Detroit and sells her books and DVDs on the internet, was a research scientist for Upjohn Pharmaceuticals for 19 years. She particularly opposes the regime of pharmaceutical regulation and state-mandated universal medical coverage.

She said she knows Rep. Ron Paul and that he told her on the phone that he plans to continue running for the Republican nomination (not the Libertarian one).

Ruwart has been an LP activist for more than 25 years, having tried for its presidential nod in 1984. She ran for U.S. Senate from Texas in 2000, when she polled 1% of the vote. Concerning the 2008 campaign, she said, "I'm pretty good

at the sound bites. If you don't know how the news media will handle you as a Libertarian, you can be in for some surprises."

George Phillies (www.choosegeorge.org) is professor of physics at the Worcester Polytechnic Institute in Worcester, MA. He was an LP candidate for Congress in 1998 and got 1.5% of the vote. He is state chairman of Mass. LP and head of the local chapter of the American Civil Liberties Union. Appearing in a dark suit, vest, and red tie, the white-haired professor looked the most like an old-time candidate and spoke in a stentorian voice.

According to Ruwart: "If you don't know how the media will handle you as a Libertarian, you can be in for some surprises."

"I am a middle-of-the-road libertarian," he said. "I'm not a Republican lite, and I'm not an anarchist. I'm a realistic libertarian."

On Social Security and Medicare, Phillies suggested giving workers an option to leave the system at age 30, when they were old enough to make such a decision and be held to it. He is for allowing interstate competition in health insurance and allowing the sale of drugs approved by the European Union. On immigration, he would end limitations on H1-B work visas but would not open the border as long as there was a welfare system.

"I have $100,000 in the bank ready to go if I get the nomination," Phillies said. "Make me the nominee and I'll give you the campaign of your dreams." He admitted that he was not going to be elected, and said the purpose of the campaign was "to build a strong Libertarian Party for the future."

Next, the Salesmen: younger, verbally aggressive men from the world of business, first-time candidates, one leaning left and the other leaning right.

Michael Jingozian (www.resetamerica.com) is founder and president of AngelVision Technologies, a Portland, Oregon, company that produces internet "impact movies" to sell products. He says he offers "a national multimedia campaign to attract the youth of the Ron Paul Revolution."

Jingozian's stump speech had a populist edge. He attacked the oil companies and the military-industrial complex; and he bemoaned the decline of the middle class. He denounced the occupation of Iraq, subsidies to business, and a national ID card. He said he was for an end to birthright citizenship.

In a different forum, he has said, "The two parties I support are the Libertarians and the Greens." In Tacoma, he said that for vice president he would like to run with "someone from the liberated Left."

Jingozian affirmed the concept of human-caused global warming, a stand he shares with rival Mike Gravel. Like Phillies, he admitted that he was not going to win the presidency but said he would aim for 5 to 7% of the vote.

The best showing for the LP was 1% in 1980.

The other Salesman was Wayne Allyn Root (www.rootforamerica.com), a short and intense-eyed blond who calls himself a Jewish libertarian. Root likes to repeat his slogan "my friends call me WAR."

A resident of Las Vegas, Root is founder and chairman of Winning Edge, a sports gambling site. He has also produced a TV show called "King of Vegas" on Spike, the cable channel aimed at young men.

Like many libertarians, Root is an author of books — and *what* books: "Betting to Win on Sports," "The Joy of Failure: How to Turn Failure, Rejection, and Pain into Extraordinary Success," "Millionaire Republican," and "The King of Vegas' Guide to Gambling."

Root wore a dark suit with brilliant purple tie. "I am Ron Paul on steroids," he roared. "How many of you think I have *energy?*" he said. "How many think I have *passion?*"

On immigration, Root said, "We have to *seal* the border." He did not say he opposed the Iraq occupation, as all the others did, though his web page shows he wants to get out gradually while "supporting the troops." His issue in Tacoma was economic freedom and self-reliance. In his stump speech, he asks people to take out their wallets and look into them. Then he says, "Vote for me and I promise to stay the hell out of there."

Root said that his father, a butcher, had been a founder of the Conservative Party of New York and that Barry Goldwater had long been his hero. He said that what the Libertarian Party needs is a good communicator, like Ronald Reagan.

"You need a *great messenger*," he said. "I get media on the national level like no other libertarian."

Then came the Old Pols. Bob Barr (www.bobbarr2008.com), who represented suburban Atlanta in the House of Representatives from 1995–2003, was not in Tacoma. His stand-in, Bob Jackson, had the task of explaining Barr's political pilgrimage. Barr had voted for the Patriot Act, he said, in order to get a sunset clause on some of its provisions.

Root asks people to take out their wallets and look into them. Then he says, "Vote for me and I promise to stay the hell out of there."

Jackson didn't know Barr's position on all the issues that came up. Two responses that stick in the mind: he said that Barr would have Ron Paul in a "cabinet-level position in constitutional review" and that he favors the development of fusion power.

He also said Barr is looking to get 4 to 6% of the national vote.

Mike Gravel (www.gravel2008.us) represented Alaska in the U.S. Senate from 1969–1981. During that time, he opposed the draft and leaked the Pentagon Papers. In Tacoma he said he had been "a classic liberal" long before there were libertarians (which he pronounced "libbatarians").

continued on page 61

Libertarian Like Me: The Search for the Libertarian Brain

by Sandy Shaw

Recent studies confirm evolved minds prefer liberty.

To change the world into a more libertarian one, it would be helpful to understand how the libertarian brain works as compared to the non-libertarian brain. This knowledge might lead to products (such as targeted designer foods and dietary supplements) that nudge the human brain in a libertarian direction. Marketing such products is a separate problem, but might be at least partially solved if they also improve cognitive or emotional function.

It is good news, therefore, that several studies published recently provide insight into the libertarian brain and how people with that kind of brain function in various types of societies. Hopefully, this will lead to a molecular pathways chart to the creation or maintenance of a libertarian brain.

A Model for the Evolution of Libertarian Traits Tolerance and Non-altruism

The most remarkable study ("The Coevolution of Parochial Altruism and War" by Choi and Bowles) was published in the Oct. 26, 2007 Science. The conclusion these researchers reached, through simulations using a genetic evolution model, was that war drives the coevolution of hostility to outsiders and (local) altruism. The model simulates the evolution of tolerance and altruism by assuming, for simplicity, that there are two alleles, one representing tolerance (T) or non-tolerance (P, for parochial) and the other representing altruistic behavior (A) or non-altruistic behavior (N).

The commentary on the paper ("The Sharp End of Altruism"), published in the same issue of Science, set the scene very nicely with its first sentence: "Which would you prefer: a society of selfish but tolerant freetraders, or a warrior society in which people help one another but are hostile to outsiders?"

In this study, libertarians (not called that in the study) were clearly represented by the TN (tolerant, non-altruistic) genotype. As the researchers explain, there were two types of selection at work in the model. "Within-group selection favors tolerant non-altruists and tends to eliminate parochial altruists (intolerant to outsiders, altruist to the in-group) as

well as tolerant altruists and parochial non-altruists. By contrast, the second process, selective collective extinction resulting from intergroup conflict, may favor parochial altruists despite the fact that they risk death even in victorious battles." (For example, the authors report that in early human societies there was a "markedly higher reproductive success of predominantly parochial altruist groups when interacting with groups with fewer parochial altruists.") Under nonhostile conditions, however, tolerant nonaltruists do best because they are able to receive a mutual benefit from tolerant members of outsider groups and also benefit from altruistic contributions to the in-group.

I am inclined to think that the negative response to inequality has degenerated into an inappropriate pathological response in large human groups that hinders cooperation.

The bottom line was that "high levels of parochialism promote frequent conflicts, the victors being those groups with many parochial altruists" while, "when tolerant nonaltruists are prevalent, hostilities are rare." As the authors note, their study explained how "Homo Sapiens could have become a warlike yet altruistic species [b]ut there is no evidence that the hypothetical alleles . . . exist." They carefully note that, "Thus, we have not shown that a warlike genetic predisposition exists, only that should one exist, it might have coevolved with altruism and warfare in the way that we have described." As the commentary author points out "[e]vidence that intergroup violence killed a nontrivial proportion of our ancestors has fueled interest in war as a force for robust group selection." The commentary sums up by noting that the evolutionary process (as developed in the simulations) showed "war as both the engine of the coevolutionary process and its legacy."

Using the terminology developed in the model, political liberals would probably best fit in the NP (nonaltruistic, non-tolerant) category, while many conservatives would best fit in the AP (altruistic, non-tolerant) category. I call political liberals non-altruistic because, despite their frequent call for money to be spent on others, it is other people's money rather than their own that they propose be used for this purpose. "Volunteering" other people's money to charitable causes is hardly altruistic. In fact, the commentary describes a study in which 15 small-scale societies played a donation game; the "average generosity correlated with the amount of market exchange and economic cooperation typical in the society."

Resistance to Social Defeat

A second study (Krishnan et al, Cell 131: 391–404 [2007]) reports finding molecular adaptations in the brain of mice that lead to resistance to social defeat. This could be important in humans, where similar resiliency has been reported under adverse conditions, by supporting indifference to social subordination. I do not propose that libertarians are more resistant to social defeat than non-libertarians, as I have no data other than my knowledge of libertarian friends and acquaintances, but I would like to see more libertarians who have such resistance in an inherently non-libertarian, hostile society.

Briefly, the authors found that in an inbred population of mice, where animals were exposed to ten consecutive incidents of social defeat (being put into the cage of a resident stranger), 40–50% of the defeated mice did not display the behavioral effects of defeat (e.g., depression, social avoidance, anhedonia, weight loss) that the other mice displayed. As the authors explained, their main goal was to identify genetic differences between the resistant and the vulnerable mice.

One of their findings was that after chronic defeat, there was augmented firing of dopaminergic neurons in a particular brain area (the ventral tegmental area [VTA]) in the vulnerable mice, whereas in the resistant mice, there was significant upregulation of genes whose proteins would be expected to reduce such neuronal excitation. This finding might suggest that dopamine (an important signal in the reward areas of the brain) was depleted by the chronic defeat.* Dopamine levels can be increased in the brain by its amino acid precursors, tyrosine or phenylalanine. (In fact, studies by the Army on tyrosine supplements have shown it to be a potent reliever of stress in soldiers under battlefield conditions. Phenylalanine has also been shown to have antidepressant effects in humans.) Hence, the "crash" in dopamine levels from exposure to chronic defeat can be, I believe, modulated by taking appropriate supplements to increase brain dopamine levels.

The vulnerable mice exhibited a deficit in reward seeking activity, such as sucrose ingestion, and also showed an increased reward from cocaine (which, among other things, stimulates increased dopamine release in the brain until dopamine supplies are depleted, after which the cocaine "crash" takes place). Hence, chronic social defeat may be a factor leading people to become hooked on cocaine, helping to explain why cocaine users tend to be losers.

The authors propose that there is an increase in dopamine release by neurons in the VTA because "in the context of social defeat, [increased dopamine release] may promote alertness during a potentially harmful situation." They conclude by noting that resilient humans "display a striking ability to preserve optimism in the face of adverse situations, a characteristic that may reflect reward substrates that are either especially plastic or insensitive to change."

Response to Inequality

There have also been recent scientific studies published on the negative response (reduced willingness to cooperate) to inequality of reward for equal (perceived) effort in experi-

*This hypothesis was not discussed by the authors, who were focused on the increased brain-derived neurotrophic factor, BDNF, induced in that brain area in the vulnerable mice.

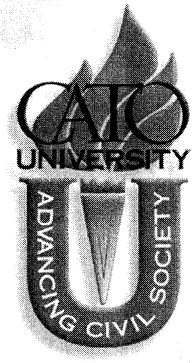

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ments in small groups of humans, chimps, and various monkeys.[1,2] As was suggested in one such paper on monkeys,[1] a genetic predisposition to carefully examine the distribution of the results of cooperative efforts (e.g., group hunting expeditions) and to have a negative response to inequality of distribution (all other things being equal) is an unsurprising evolutionary adaptation. However, what is not discussed in the papers I've seen is an explanation of how one can extrapolate from such behaviors in small groups (where they support cooperation) to individuals' behaviors in societies of millions where no one knows what the "group hunt" has produced, who contributed and to what extent, or how the spoils have been distributed. I am inclined to think that the negative response to inequality, supported by genes that evolved in and helped promote cooperation within small groups, has degenerated into an inappropriate pathological response in large human groups that actually hinders cooperation by fostering widespread negative responses to ubiquitous unequal outcomes of individual effort, luck, and natural ability.

In one study, monkeys were less willing to work together if their expected payoff was less than their partner's (a piece of cucumber rather than a grape).[1] The authors reported that equality of reward had a major effect on the monkeys' willingness to cooperate, as "by far the lowest level of performance in the entire study occurred in subjects required to expend a large effort while at the same time seeing their partner receive a better reward." The authors conclude that "[t]hese effects are as expected if the inequity response evolved in the context of cooperative survival strategies." The monkeys did not have a negative response to getting a better reward than their partner, while interestingly, humans did.

In a human study, researchers used magnetic resonance imaging to detect blood-oxygenation level dependent (BOLD) responses in the ventral striatum† to differences in monetary rewards in subject pairs performing the same work under the same conditions.[2] As the authors note, understanding how humans respond to unequal rewards has far-reaching economic implications including the "design of optimal taxation and redistribution schemes" and "the optimal provision of incentives in firms."

Chronic social defeat may be a factor leading people to become hooked on cocaine, helping to explain why cocaine users tend to be losers.

The authors tested the hypothesis that activity in the ventral striatum and the midbrain-prefrontal dopaminergic projections would increase with higher relative payments (i.e., a higher BOLD signal in subjects receiving more than their partner) and, in fact, that was what was observed. Moreover, the subjects reacted with a higher BOLD signal when large amounts of money were unequally paid regardless of which of the subjects received more.

It is important to understand the basis for reactions that stem from neurobiological mechanisms evolved under conditions that may not reflect current conditions.

People are weird animals and it is important to understand the basis for reactions that stem from neurobiological mechanisms evolved under conditions that may not reflect current conditions.

Punishment as a Form of Altruism

There have been a number of recent papers on the fact that humans are often willing to punish free-riders and violators of social norms even when the act of punishing imposes costs upon the punisher. I think libertarians are less likely to engage in this type of activity, but it is widespread. One paper that reported on this phenomenon[3] notes that "[c]ostly punishment seems to be an altruistic act, given that individuals who contribute [to joint enterprises] but do not punish are better off than the punishers."

The authors examined a model of situations involving a joint enterprise. The participants include defectors (free-riders, who do not contribute but benefit from the contributions of others), cooperators (who contribute but do not punish), and punishers (who contribute, and also punish the free-riders). When participation in the joint enterprise is mandatory, the authors indicate that "punishers are often unable to invade, and the population is dominated by . . . [free-riders]. This means that if participation in the joint enterprise is voluntary, cooperation-enforcing behavior emerges. If participation is obligatory, then the . . . [free-riders] are more likely to win." Hopefully, this result has captured your attention, as it did mine!

One of the most widely studied models of punishment behavior is the ultimatum game, in which participants are paired and one member of each pair is offered a sum of money. That partner in each pair decides how the money will be divided, and the other partner decides whether to accept or reject the offer. If the offer is rejected, neither individual gets anything. Logically, any portion of the offered money is better than nothing and should seemingly be accepted. However, suggested distributions more

continued on page 61

†The ventral striatum is an area of the brain engaged in the prediction and registration of reward via dopaminergic projections.

Housing Bubble and Bust

by Edmund Contoski

The recent trouble in the sub-prime mortgage market is just the first step in a slide for the U.S. dollar. Buy gold; everyone else is.

The popular definition of "inflation" is a general increase in the level of prices. But what causes the price level to rise? It is an increase in the money supply without a corresponding increase in goods and services; there is more money with which to bid up the prices of available goods and services. Inflation used to mean an increase in the money supply without an increase in physical assets, namely gold or silver. Higher prices are the result. Replacing the traditional meaning of inflation with the popular one, which refers to the effect rather than the cause, has obscured the fact that government is the cause since it controls the money supply. "Inflation," writes economist Kelley L. Ross, "does *not* occur because of a 'wage-price spiral,' an 'overheated' economy, excessive economic growth, or through any other natural mechanism of the market. A government debasing the currency would not have fooled anyone a century ago. Now, through deception, a government can try to blame inflation on anything but its own irresponsible actions."

The money supply can be increased by simply printing more paper currency — unbacked by gold or silver — or by increasing bank credit, which is the method used in the United States and other developed countries today.

Every period of "easy money" — loose credit — is inevitably followed by a correction that wrings the excess credit out of the system. The result is the familiar "boom-and-bust" cycle in the economy. It is commonly called the "business cycle," but it is basically a monetary cycle. The initial economic stimulus of excess monetary credit is followed by an offsetting loss of value in the currency and an economic slowdown as markets readjust from the credit distortions. While some people may gain from inflated prices, everyone else — particularly the common people — loses because of the depreciating value of the currency. It is reminiscent of an old Russian proverb: "The shortage will be divided among the peasants."

The central bank — in our case the Federal Reserve — attempts to fine tune the economy by tightening or loosening credit in order to control inflation and prevent the economy from sliding into recession or depression. This is a tricky task

because of external factors over which the Fed has no control and an unpredictable time lag between Fed actions and their consequences. Nobel Prize-winning economist Milton Friedman said this time lag may range from 3 to 18 months, a range so large that Fed timing is difficult. As a result, the Fed is always subject to criticism that it acted too soon or not soon enough, or that its measures were too strong or not strong enough at a particular time. The difficulty of timing Fed actions led Friedman to declare that the Fed shouldn't try to fine tune the economy at all. He said this was more disruptive of economic growth than a fixed policy. He proposed that a steady but moderate growth of the money supply would be a major contribution to the avoidance of either inflation or deflation. "I've always been in favor," Friedman said, "of replacing the Fed with a laptop computer, to calculate the monetary base and expand it annually, through war, peace, feast and famine, by a predictable 2%."

The difficulty of timing Fed actions led Milton Friedman to declare that the Fed shouldn't try to fine tune the economy at all.

Now, interestingly, the world's gold supply has typically increased 1.5 to 3% annually, which is right in line with Friedman's recommended figure. So, why do we need a gold standard? Why not just increase the money supply steadily by the same fixed amount without tying it to gold? Because gold never becomes worthless; paper currencies can and do. The supply of gold never decreases. And only on very rare occasions, such as the major discoveries of gold in California in the 1850s and in South Africa and Australia in the 1890s, has it increased annually by over 4%. Those increases were very modest compared to the price increases caused by governments inflating the money supply. Moreover, while increased gold production did push up prices, this was because of the increase in material value, not arbitrary paper value. The world really was richer. On the other hand, there has never been a paper money unredeemable in a material asset that did not eventually become worthless. Obviously, no government can be trusted to increase the supply of fiat money at a fixed rate. Sooner or later, political expediency combined with monetary ignorance and shortsightedness — not to mention "good intentions" — will result in the first small steps down the inflationary road. The first few steps will seem harmless enough, and so the process will be repeated. And broadened. More and more "good intentions" will be found. And they will be more and more expensive.

Of course, governments do not want a fixed monetary policy. The Fed board of governors does not want to be replaced by a laptop computer. Nor do politicians want to give up the power to be expedient and irresponsible with other people's money — all in the name of good intentions, of course. They have a vested interest in inflation. They do not want a system that would restrain the lavish spending that buys voter support for their reelections. They do not want to give up playing god with the economy and the populace. Their good intentions for both can be financed in only two ways: 1) by taking money away from the people (taxation), or 2) by taking value away from the money (inflation). Taxation is not sufficient; there is no way the voters would accept taxes high enough to equal what they lose through inflation that finances the politicians' schemes.

The gold standard produced remarkable price stability. The Bank of England, founded in 1694 as a private company (nationalized in 1946), acted responsibly in issuing paper money. Its banknotes were "as good as gold" and led to Great Britain adopting the gold standard in 1816. Research by David Ranson and Penney Russell shows the stabilizing effect of this monetary policy. Their research shows prices were lower in Great Britain at the beginning of World War II than in 1800. In the United States, cumulative consumer-price inflation from 1820 to 1913, when the Federal Reserve Act was passed, was zero. According to the inflation calculator on the U.S. Bureau of Labor Statistics website, the dollar has lost more than 95% of its purchasing power since 1913.

In the 1920s (and even prior to 1920), the Fed rapidly expanded credit. This produced an enormous boom in the economy and a growing wave of optimism about continued prosperity. The result was a bubble in prices, most notoriously in the stock market. In the 1920s, stocks could be bought on margin for only 10%, the remainder being on credit from the brokerage houses. By 1926, they could be bought on 5% margin. In September 1922, brokers' loans totaled $1.7 billion; by December 1926, they were $4.4 billion. And by September 1929, they were $8.5 billion.

The credit bubble of the 1920s was also evident in real estate. Henry Hoagland, a Federal Home Loan Bank board member, later wrote: "After a prolonged period of insufficient home construction during the World War, a tremendous surge of residential building in the decade of the twenties turned villages into cities and added tremendous acreage to our urban centers . . . [There was] a demand for modern homes greater than had ever been experienced before. This demand was matched by an ever-increasing supply of homes on easy terms.

More and more "good intentions" will be found. And they will be more and more expensive.

"The easy-terms plan has a catch in it. It usually accompanies high prices and small ownership equities, giving super-

ficial covering to a mountain of debt. When the crash came in 1929, a large proportion of homeowners had but a thin equity in their homes. Only a small decline in prices was necessary to wipe out this equity. Unfortunately, deflationary processes are never satisfied with small declines in values. They feed upon themselves and produce results all out of proportion to their causes." Sound familiar?

After the crash of 1929, stock market margins were never that low again. Since 1974, the margin rate has been 50%. But we should not be surprised by the recent price bubble in residential real estate. For several years it was possible to buy a home for as little as 5% down, then 3%, and finally in many instances with no money down at all. According to a National Association of Realtors survey of first-time buyers in late 2004 and early 2005, a stunning 43% had put no money down.

The Great Depression led to greater involvement by the government in the economy as it tried to alleviate problems its monetary policies had caused. As a remedy for the disaster in the housing market, in 1932 the government created the Home Loan Bank system, patterned after the Federal Reserve system, with twelve regional banks. That proved insufficient. Banks were still failing, and people were still losing their homes through foreclosures. So the government decided another agency was needed to make more credit available on easier terms. The result, in 1934, was the Federal Housing Administration (FHA), which originally required 20% down payment. Then more agencies were added to make even more mortgage credit available. In 1938 the Federal National Mortgage Association (Fannie Mae) was created. Freddie Mac (Federal Home Loan Mortgage Corp.) was created in 1970 to supplement Fannie Mae's role.

FHA, Fannie Mae, and Freddie Mac met with public approval but planted the seeds of future problems. Vernon L. Smith, a Nobel Prize-winning economist and professor of law and economics at George Mason University, says the government "set the stage for housing bubbles by creating those implicitly taxpayer-backed agencies, Fannie Mae and Freddie Mac, as lenders of last resort."

John Berlau, a scholar at the Competitive Enterprise Institute, says, "The collapse of whole segments of the housing market can be traced to FHA-subsidized mortgage products. Despite its decreasing market share, the FHA appears to have played a significant role in the current mortgage 'meltdown' attributed to subprime loans. For the past three years, [FHA] delinquency rates have consistently been higher than even those of the dreaded subprime mortgages . . . [and] nearly twice as high as the rate for all mortgages."

Taxation is not sufficient; there is no way the voters would accept taxes high enough to equal what they lose through inflation.

Berlau also notes: "FHA-insured loans have also been at the center of some of the worst excesses of the housing boom, including mortgage fraud, loans made without income verification, and property 'flipping' with inflated appraisals." These allegations have been documented by congressional probes and investigative newspaper reporting. Sen. Susan Collins of Maine, who headed a 2001 Senate investigation of mortgage fraud, said, "The federal government has essentially subsidized much of this fraud." Over the years, FHA's down payment requirement of 20% was gradually whittled to 3%. That was a result of the agency trying to compete for market share by making its own standards even more "subprime" than those of the private sector.

According to a National Association of Realtors survey of first-time buyers in late 2004 and early 2005, a stunning 43% had put no money down.

Fannie Mae and Freddie Mac own or guarantee 45% of all U.S. home-loan mortgages. These giant agencies don't make loans. They are forbidden from doing so. Instead they buy mortgages from banks, bundle them into securities, and then resell these to investors. This "securitizing" of mortgages doesn't require Fannie or Freddie to hold a mortgage on its books any longer than it takes to package and resell it. Once a mortgage is off the books, the agency's capital is freed up to do the same thing all over again. Hence the potential for a credit bubble in the housing market. Fannie and Freddie have grown explosively since 1990. In 1990 their combined holdings of mortgages and related securities was $136 billion. In 2004 it was $1.6 trillion. Three years later it was $4.8 trillion.

In May 2006 the Office of Federal Housing Enterprise Oversight (OFHEO) announced a $400 million civil penalty against Fannie Mae for accounting manipulations. The agency discovered "a wide variety of unsafe and unsound practices." Its report shows "Fannie Mae's faults were not limited to violating accounting and corporate governance standards, but included excessive risk-taking and poor risk management as well." Fannie was ordered to restate its earnings from prior years by an estimated $11 billion.

In 2003, Freddie Mac was fined $125 million by OFHEO for accounting irregularities and ordered to restate its earnings for 2000–2002 by $5 billion. In September 2007 Freddie was fined $50 million, this time by the SEC, for accounting fraud that deceived investors, and four former officials including a CFO, COO and two senior vice presidents, who profited from the scheme, were required to repay ill-gotten gains.

In the housing boom following the tech-stock bubble in 2000, Wall Street investment firms started dominating the lucrative business, pioneered by Fannie and Freddie, of bundling mortgages into securities. But Wall Street was selling them worldwide, spreading the credit bubble far beyond our

shores. By the end of 2006 the total U.S. residential mortgage debt was $10.3 trillion, almost double the level of just six years earlier.

Fannie Mae and Freddie Mac are not government agencies. They are private corporations established by federal charters, implicitly backed by the U.S. government. Government-backed financial institutions have been known to fail. In the savings-and-loan debacle in the 1980s, more than 1,000 S&Ls collapsed. The Federal Savings and Loan Insurance Corporation, which had been in existence since 1934 to guarantee depositors' funds, became insolvent. Though recapitalized several times by Congress with multi-billion dollar infusions of taxpayer money, the FSLIC by 1989 was deemed too insolvent to save and was abolished. Overall, the S&L bailout cost taxpayers an estimated $124 billion. For a brief period in the 1980s, Fannie Mae was losing about $1 million a day and was technically insolvent.

The feeling that mortgages are backed by the federal government undoubtedly led investors to be less circumspect than they otherwise would have been. "Unsafe and unsound practices" and "excessive risk taking and poor risk management" escaped scrutiny behind the government guarantee. Inadequate recognition of risk coupled with the explosive growth of Fannie and Freddie produced the potential for a gigantic financial disaster. Even though the mortgages were sold to other investors, Fannie and Freddie for a fee still guaranteed that payments would be made on the loans. So when the banks divided the securitized mortgages and repackaged them in SIVs (structured investment vehicles) and CDOs (collateralized debt obligations), the mortgage payments were still federally guaranteed. And the banks would collect a fee for imaginatively repackaging and selling the SIVs and CDOs.

The situation was made worse by home-equity loans, which exploded during the housing boom. Homeowners took advantage of rising home values and tapped their equity to fund spending or leverage other investments. Some took out "piggyback loans," which allowed them to borrow as much as 100% of a home's value by combining a mortgage with a home-equity loan. The value of home-equity loans stood at $1.1 trillion in the third quarter of 2007.

The feeling that mortgages are backed by the federal government undoubtedly led investors to be less circumspect.

It was a boom time for the home building industry. With easy credit terms available, many people bought homes they couldn't afford and would eventually lose to foreclosure. Others, who were better off, were buying second and third homes as investments, with little or no money down. Home buying was stimulated by people's experience of seeing homes appreciate over the years while the dollar lost purchasing power through inflation. Money is a medium of exchange, but it is also store of value; in fact, it must be a store of value before it can be a medium of exchange. It is often lamented that the United States has a low rate of saving, but why should people save dollars that will be worth less in future years? A significant threat of inflation, in any country, is an incentive for people to try to get out of the currency, to spend now before the money loses value, or to find an alternative asset which will serve as a store of value. Home ownership was regarded in this manner. Home buying was viewed as a "safe" investment and one likely to appreciate with inflation rather than be eroded by it. Certainly the real estate market, within the memory of most Americans, was much more stable than the stock market. For all these reasons, money poured into the homebuilding industry until the supply of housing outstripped the demand. Then prices started coming down. And the mountain of debt started to topple.

It is often lamented that the U.S. has a low rate of saving, but why should people save dollars that will be worth less in future years?

Banks have been blamed for creating the subprime mortgage crisis by making risky loans to borrowers who did not meet standards of creditworthiness. But the federal government forced them to do so. Boston Globe columnist Jeff Jacoby explains (March 9, 2008):

> The crisis has its roots in the Community Reinvestment Act of 1977, a Carter-era law that purported to prevent "redlining" — denying mortgages to black borrowers — by pressuring banks to make home loans in "low- and moderate-income neighborhoods". . . . The CRA [was] made even more stringent during the Clinton administration. . . . Banks nationwide thus ended up making more and more "sub-prime" loans and agreeing to dangerously lax underwriting standards — no down payment, no verification of income, interest-only payment plans, weak credit history. . . . Trapped in a no-win situation entirely of the government's making, lenders could only hope that home prices would continue to rise, staving off the inevitable collapse. But once the housing bubble burst, there was no escape. Mortgage lenders have been bankrupted, thousands of subprime homeowners have been foreclosed on, and countless would-be borrowers can no longer get credit. The financial fallout has hurt investors around the world. And all of it thanks to the government, which was sure it understood the credit industry better than the free market did, and confidently created the conditions that made disaster unavoidable.

Homeowners with little equity found themselves "upside down" with their mortgages: they owed more than the homes were worth. So, many simply walked away, leaving the banks to swallow the losses. Those defaults reduced bank reserves,

which further reduced capital to support credit of all types. The same thing was happening with Fannie and Freddie, which were called upon to make good on their mortgage guarantees. When borrowers fall behind on their loan payments, Fannie and Freddie must buy those loans and recognize a loss on any drop in market value below the amount they paid for them. At the end of the third quarter 2007, Freddie had marked down its assets by $3.6 billion to match current market levels. In addition, it took $1.2 billion in credit losses. These losses left the company with core capital of $34.6 billion, a mere $600 million above the minimum requirement of OHFEO. Freddie estimates its losses for 2008 and 2009 will be $1.5 billion and $2.1 billion respectively.

Banks have been blamed for creating the crisis by making risky loans, but the federal government forced them to do so.

Banks have been trying to keep as much cash as possible as a cushion against further writedowns and credit losses. Banks are also wary of lending to each other because, knowing how bad their own assets are, they don't trust each other's balance sheets. Consequently, they have been charging each other higher interest rates. Those rates, in turn, affect monthly interest payments on millions of credit cards and mortgages in Europe and the United States.

Research suggests consumer spending drops nine cents for every dollar decline in home equity. A decline of $2.1 trillion in U.S. residential values has already occurred, implying a decline of $200 billion in consumer spending. Consumer spending accounts for two-thirds of U.S. economic activity.

Alan Greenspan recently stated, "After more than a half-century observing numerous price bubbles evolve and deflate, I have reluctantly concluded that bubbles cannot be safely defused by monetary policy before the speculative fever breaks on its own."

James Grant, long-time editor of Grant's Interest Rate Observer, neatly summarized Greenspan's current view: "The enlightened central banker will let speculation take its course. Following the inevitable blow-up, he will clean up the mess with low interest rates and lots of freshly printed dollar bills — thereby gassing up a new bubble."

That was the lesson from the savings and loan crisis. Under Greenspan, the Fed became a kind of first responder to financial distress following the 1987 stock market crash, the Mexican peso crisis in 1994–95, and the Long-Term Capital Management crisis of 1998. Following the tech-stock bubble in 2000, Greenspan steadily brought interest rates down to 1% in June 2003 and kept them there until mid-2004. Many economists now blame those low interest rates for contributing to the housing bubble that burst in 2007.

The Fed, of course, hopes to pick the optimum rate for increasing the money supply, but it will always prefer to err on the side of being a little too loose rather than a little too tight. Everyone on the Fed board is aware of the role of tight money during the Great Depression and wants to avoid a similar outcome at all costs. The danger of just a little more inflation will always seem preferable to the risk that an economic correction will slide dangerously further than expected. The latter can pose a far more difficult problem for the Fed. The leverage which was so attractive to investments on the upside now works in reverse, accelerating the decline. Sharp losses in the stock market, real estate, and elsewhere can wipe out assets rapidly, and on a colossal scale that monetary policy cannot quickly replace. Moreover, the Fed can make credit available, but it can't make people use it. Its actions have been compared to "pushing on a string." People have to want to "pull" on the available credit for the Fed policy to have effect. When an economy gets so bad that pessimism pervades society, businesses are afraid to hire new workers or invest in plants or equipment, and consumers are afraid to spend. Then central bank policies are ineffective. A case in point is Japan after the collapse of its stock market in 1989. During the 1990s, even an interest rate of *zero* percent couldn't revive the economy. Japan still has not fully recovered. Its stock market (Nikkei Index) is barely one third of its 1989 peak. Trillions of dollars (or yen) of assets were wiped out and have not been recouped.

Another factor favoring continued inflation in the United States is the growing national debt, which has ballooned wildly under President George W. Bush. Congress has increased the debt limit five times since he took office in January 2001. At that time, the national debt stood at $5.6 trillion. Now it is $9 trillion. The $3.865 trillion increase is the largest of any administration ever, despite the fact he ran for office as an economic conservative.

A growing portion of our national debt is held by foreigners, particularly foreign governments. Foreign investors own only about 13% of U.S. equities, but they own 44% of U.S. Treasury debt. And it is likely to get worse. As Peter Orzag, director of the nonpartisan Congressional Budget Office, recently testified on Capitol Hill, "Under any plausible scenario, the federal budget is on an unsustainable path — that is, federal debt will grow much faster than the economy over the long run."

The Fed is aware of the role of tight money during the Great Depression and wants to avoid a similar outcome at all costs.

Our government finances its deficits by auctions of U.S. Treasury securities. It deposits the proceeds from the sale of

the securities into its own checking account, against which it writes checks for employee salaries, federal contracts, government grants, goods and services. The recipients of these checks deposit them in their own accounts at commercial banks. Those banks then are required to set aside a percentage (currently 10%) as a reserve — but can loan out the remaining 90%. For example, if someone receives a government check for $1,000 and deposits it in his bank account, his bank sets aside $100 as the required reserve and can then loan out the other $900. When someone else borrows that $900 and deposits it in his account, his bank sets aside $90 and loans out $810. The next time around, the amount loaned out will be $729. The cycle repeats until there is nothing left to loan. At that point it will be seen that the total amount of deposits is $10,000, which consists of the original $1,000 plus $9,000 in credit created by the banks. That's how the increase to our money supply can be ten times the amount borrowed to finance our debt. Is it any wonder we have price inflation?

The depreciating value of the dollar gives oil-exporting countries an incentive to try to keep oil prices high.

It should be noted that the tenfold increase in the above example increases the money supply only when treasury securities are purchased by foreigners. If those securities are purchased by Americans, no new credit is created, because the money that the government receives has already been part of the U.S. money supply; it is simply transferred from the private sector to the government, with the multiplier being the same for both. But when foreigners buy treasury securities, the proceeds are *added* to the previous money supply.

In 1971 President Nixon severed the last link between the dollar and gold by declaring that the U.S. government would no longer allow foreign central banks to redeem their dollars in gold. Prior to this, the dollar had been a "reserve currency" because of its gold convertibility, and foreign banks held their reserves in both dollars and gold. But as they accumulated more and more dollars, they knew the United States had nowhere near enough gold to back the outstanding dollars. So they wanted to get gold while they could. The U.S. paid out several billion dollars in gold but could not stem the tide of demands. It was obvious that further redemptions would soon exhaust our reserves. So Nixon simply declared that no more gold would be paid out.

The system of fixed exchange rates broke down, and currencies were set free to float against each other. But the dollar was still a reserve currency. Central banks had large quantities of them, and have been accumulating more. More than 60% of foreign exchange reserves are still kept in U.S. dollars, which have been losing value rapidly. Priced against a basket of major currencies, the U.S. dollar has lost 38% of its value in the last six and a half years. It lost 7.5% in 2007 alone. It lost 17% last year against the Canadian dollar, falling to its lowest level in well over a century, and nearly 17% against the Brazilian currency. It lost more than 10% last year against the Turkish, Thai, and Indian currencies. And it lost 9.5% last year against the euro, the common currency of 15 countries in the European Union. At one point in 2000, a dollar would buy 1.176 euros; now it will buy only .6250 euros, a decline of more than 47%.

Foreign governments are alarmed that the large and growing percentage of their monetary assets in U.S. dollars is rapidly losing value. They have been buying U.S. treasury securities, for which they collect interest, but the interest is clearly no longer keeping pace with the loss of value in the currency. So they are looking to reduce their risk by diversifying into assets that will better retain their value.

It is the oil-producing countries and China that find themselves with mountains of dollar reserves. The Persian Gulf nations originally pegged their currencies to the dollar to stabilize oil revenues, because oil was priced in dollars. But this forces them to accept U.S. inflation and monetary stimulus. It also makes their imports from countries with stronger currencies more expensive. Now the Fed is cutting interest rates to fight the slowdown in the U.S. economy. This policy is exactly opposite to the interests of the oil producers who are fighting inflation and overheated economies. An official spokesman for Qatar has stated that pegging its currency to the dollar has "many disadvantages, especially if [the United States] adopts monetary policies that clash with ours." In November, Nasser al-Sulweidi, governor of the United Arab Emirates central bank, while acknowledging that the dollar peg has "served the economy . . . very well in the past" ended by saying: "However, we have reached a crossroads." Kuwait severed its peg with the dollar in May 2007, linking it instead to a basket of currencies. Since then, its currency has strengthened about 5% relative to the dollar.

Since oil is priced in dollars, the depreciating value of the dollar gives oil-exporting countries an incentive to try to keep oil prices high, by restricting production, to avoid eroding their own purchasing power. It also gives them another incentive to move away from the dollar, with the euro being the most attractive currency for pricing oil. Beginning in 2003, the oil price tripled in U.S. dollars but only a little more than doubled in euros.

Russian Prime Minister Putin would be only too happy to advance his ambitions at the expense of the United States.

Thus far Saudi Arabia, though it is struggling with inflation, has said it will retain its link to the dollar. Its foreign minister, Saud al-Faisal, said severing its link to the U.S. dollar

would damage the U.S. economy. Other countries, however, are not so considerate of U.S. interests; they do not have the long relationship that Saudi Arabia has with the United States, which includes military protection. Russian Prime Minister Vladimir Putin, who has visions of restoring his country to its former stature as a world power, would be only too happy to advance his ambitions at the expense of the United States. He would like to see the ruble become a global currency and has expressed interest in a Russian stock exchange pricing oil and gas in rubles. That is not realistic now — though Russia is the world's second largest exporter of oil — but in 2005 he severed the ruble's link to the dollar and aligned it with the euro.

Russia has $475 billion in reserves, but China has $1.7 trillion, with which it could do a lot of damage to the U.S. dollar if it so chose. Deng Xiaoping, who turned China away from Mao's communism, urged the country to "bide time" and "seek cooperation and avoid confrontation." His successor Jiang Zemin had big ambitions for his country, but he continued Deng's approach because he saw the benefits of cooperation with the United States and its allies. Current President Hu Jintao has changed directions. In the words of China scholar G.G. Chang, he "appears to see his country working *against* the U.S." (italics Chang's). Last year China refused to provide shelter for two U.S. minesweepers seeking refuge from a storm. In November, a long-arranged port call for the carrier *Kitty Hawk* was denied at the last minute. A routine flight to resupply the American consulate in Hong Kong was denied. Willy Lam has noted that Mr. Hu and the party leadership structure have decided "to make a clean break with Deng's cautious axioms and, instead, embark on a path of high-profile force projection."

In October 2006 a Chinese submarine surfaced for the first time in the middle of an American carrier group. In January 2007, China "in an unmistakable display of military power," said Chang, "destroyed one of China's old weather satellites with a ground-based missile." Its military exercises last August "were remarkable in scope and sophistication" and were "apparently rehearsals to take Taiwan and disputed islands in the South China Sea." Hong Yuan, a military strategist at the Chinese Academy of Social Sciences, says China's new posture shows it intends to project force in areas "way beyond the Taiwan Strait."

China's mountain of dollars continues to grow, and it is becoming an ever more potent weapon to use against the United States at some future date.

So don't expect China to do us any favors in regard to the U.S. dollar. It will use its dollars against the United States when it considers it most advantageous to do so. It continues to fund our deficits by buying U.S. treasury securities because actions destructive to the dollar would also be destructive to its own hoard of dollars. That hoard, however, continues to lose value anyway because of U.S. inflation. As the value of the dollar continues to slide, not only China but other countries, too, will demand higher interest rates on U.S. treasuries to compensate for inflation. Those rates, in turn, will slow the growth of the U.S. economy, making us more dependent on foreign financing of our debt and at odds with our own monetary objectives for economic growth. China's mountain of dollars continues to grow, and it is becoming an ever more potent weapon to use against the United States at some future date. Meanwhile, China also seeks to mitigate its own growing risk by diversifying out of dollars.

As the value of the dollar continues to slide, China will demand higher interest rates on U.S. treasuries to compensate for inflation.

Various other countries, even those not hostile to the United States, also seek to reduce their risks by reducing their dollars. Over a year ago Italy, Russia, Sweden, and the United Arab Emirates announced they would reduce their dollar holdings slightly. Sweden's 90% dollar foreign reserve went to 85%. The UAE said it would convert 8% of its dollar holdings to euros. Friendly Japan, the largest holder of U.S. treasuries, was a net seller of $46 billion in U.S. treasuries in the last 12 months, and has reduced its holding by 3% in three years. South Korea sold $19 billion this past year.

U.S. citizens, like foreign governments, have been diversifying out of depreciating dollars. In the last two years, more than 200 internationally focused mutual funds have been launched in the United States. When the dollar is weak, overseas gains are worth more when translated back into dollars. This is part of the reason these mutual funds gained 16.3% last year compared with 5.2% for U.S counterparts. In 2007 more than 95% of net inflows of money into mutual funds went into internationally focused funds, compared to less than 10% five years ago. This net outflow of capital adds to the underlying weakness of the dollar: mutual funds and other institutions sell increasing amounts of dollars to buy increasing amounts of currencies in which the foreign stocks are denominated.

An increasingly popular way for governments to diversify out of dollars is through so-called sovereign wealth funds. These are state-owned entities that invest central bank reserves in stocks, real estate, bonds, and other financial instruments. They are typically created when central banks have reserves massively in excess of needs for liquidity and foreign exchange.

Back in 1971 the United States said foreign governments couldn't exchange their dollars for gold. Now they have been

told they can't exchange them for certain other things either. The United States prevented the sovereign fund of oil-rich Dubai from buying a company that operates six U.S. ports. It also prevented a Chinese government-controlled company from buying Unocal, an oil company. The Chinese company withdrew its offer of $18.5 billion, "saying it could not overcome resistance from politicians in Washington," according to the Washington Post.

Countries have to question the value of accumulating a currency they can't spend in the country that issued it. Fortunately for them, the credit crisis gave them another opportunity. Massive losses by U.S. banks and other financial institutions created a need for cash. In January 2008, Citigroup (formerly Citibank), the nation's second largest bank, reported a fourth quarter loss of $18.1 billion, in addition to a $6 billion loss in the third quarter. Merrill Lynch, a 94-year-old firm that is the world's largest brokerage, reported a fourth quarter loss of almost $10 billion after $16.7 billion in write-downs from subprime mortgages and CDOs. Morgan Stanley reported a $9.4 billion loss for the fourth quarter. UBS reported a fourth quarter loss of $14.45 billion, primarily from U.S. subprime mortgages. Sovereign wealth funds from China, Singapore, South Korea, and other nations jumped at the opportunity to buy into these companies. Merrill Lynch obtained $6.6 billion in January from South Korea, Kuwait, and Japan, and $6.2 billion the previous month from Singapore. UBS received $9.75 billion from Singapore. China now owns 9.9% of Morgan Stanley.

Mindful of the earlier problems of Dubai and the Chinese attempt to buy Unocal, foreign governments are well aware they may encounter further political obstacles to investing in the United States, particularly if the current banking crisis abates. In any case, they are looking for other ways of diversifying out of dollars. Think gold. It is something they can buy without any government's permission. It has an unrivaled record of 5,000 years as a store of value. And it surely is more valuable than unredeemable paper currency. Last year Qatar tripled its reserves of gold in one month. That still was a small amount, but what if other countries with far larger dollar reserves start trading them for gold?

For more than a century, South Africa has been the world's leading producer of gold. For most of those years, it produced three-fourths of the world's output. But last year it was in second place. The number one gold producing country in 2007 was (are you ready for this?) China!

Countries have to question the value of accumulating a currency they can't spend in the country that issued it.

Through centuries of political and economic turmoil, people in China and India have hoarded gold and silver jewelry and bars as a means of storing wealth. There were no large, organized markets; prices were determined by the haggling of local buyers and sellers. All that has changed. New opportunities have greatly expanded commerce in gold and made it much more convenient for the public, which has responded with enthusiasm. Investors can now trade in physical gold on the Shanghai Gold Exchange. Some new Chinese gold issues are traded over the internet. On Jan. 9, 2008, China's first gold futures contract was launched, attracting thousands of investors. A spokesman for China International Futures said "about 90% are individual investors, most of whom were moving assets after turning bearish on the stock markets." As China's economy grows, people have higher incomes that raise the appetite for gold.

If Social Security, Medicaid, and similar obligations are included, the U.S. national debt is $59 trillion.

The State Bank of India plans to launch an exchange traded fund (ETF) this year that will enable investors to trade gold like a regular stock. Dubai also hopes to launch an ETF in gold this year. In August, the Osaka Securities Exchange in Japan began offering a gold-linked bond aimed at smaller investors. In January the Hong Kong Exchanges & Clearing Ltd. announced plans for ETFs and other gold-related investments.

Gold buying in the United States used to be a clumsy process. For decades, thanks to President Franklin Roosevelt's prohibition on owning gold, U.S. citizens could not even own the metal except for jewelry and coins classified as collector's items. After gold became legal again, the investment process was small-scale and cumbersome. Investing in gold became more convenient and efficient with the advent of ETFs. These allow investors to buy or sell shares of stock tied to the value of the underlying commodity. When people buy shares of stock in such a fund, the fund buys an equivalent amount of gold, which is stored in vaults. When shares are sold, the fund sells an equivalent amount of gold. The ease and simplicity of the process has resulted in investors pouring billions of dollars into these funds on stock exchanges in the United States, Paris, London, Australia, South Africa, Mexico, Singapore, and some other countries. The most active gold ETF is streetTRACKS-GoldShares, which trades on the New York Stock Exchange. It holds more gold than the European Central Bank or China's Central Bank. Meanwhile, gold futures are trading robustly on the world's most important gold market, the Comex division of the New York Mercantile Exchange, and on the London Metal Exchange. Other gold plays include a five-year gold bullion CD from Everbank Financial, common stocks in gold mining companies, and mutual funds specializing in those stocks.

Both foreign governments and individuals are turning away from the dollar as it loses value. The dollar is in danger of losing its status as a reserve currency. The international

continued on page 60

How to Think About Pollution

by David Friedman

Economics has undergone a revolution in the theory of "externalities," such as pollution, though you wouldn't know it if you listened only to the regulators and politicians.

David Friedman's explanation of the correct method for assessing the costs — and true victims — of "externalities" such as pollution ran in Liberty's January 1992 issue. Politicians continue to regulate and blather about externalites while studiously avoiding learning their true nature. — *Mark Rand*

When the Swedish Academy awarded the 1991 Nobel Prize in Economics to Ronald Coase, it surprised two different groups of people. The larger group consisted of people who had either never heard of Coase, or heard of him only as the author of something called the "Coase Theorem," generally presented as a theoretical curiosity of no practical importance. The second and much smaller group consisted of people who were familiar with the importance of Coase's work — and assumed that the Swedish Academy was not.

Some people get the Nobel Prize for doing a large amount of complicated and technical work that is difficult for an outsider to understand. Coase is at the other extreme. His contribution to economics has largely consisted of thinking through certain questions more carefully and correctly than anyone else, and in the process demonstrating that answers accepted by virtually the entire profession were false. One side effect of his work was a new field of economics: economic analysis of law, the attempt to use economic theory to understand legal systems. While there would probably be something called economic analysis of law if Coase had not existed, it would be a very different field.

One of Coase's important contributions to economics was to rewrite the theory of externalities — the analysis of situations, such as pollution, where one person's actions impose costs (or

benefits) on another. His ideas are sufficiently simple to be understood by a layman, as I will try to demonstrate in the next few pages, and sufficiently deep so that they have not yet been entirely absorbed by the profession; to a considerable extent what is still taught in the textbooks is the theory as stated prior to Coase.

To understand Coase's contribution, it is useful to start with the theory of externalities as it existed before Coase published "The Problem of Social Cost," the 1960 essay that first introduced the Coase Theorem to economics. The basic argument went as follows:

In an ideal economic system, goods worth more than they cost to produce get produced, goods worth less than they cost to produce do not; this is part of what economists mean by economic efficiency. In a perfectly competitive private property system, producers pay the value of the inputs they use when they buy them from their owners (wages to workers in exchange for their labor, rent to land owners for the use of their land, etc.) and receive the value of what they produce when they sell it. If a good is worth more than it costs to produce, the producer receives more than he pays and makes a profit; if the good is worth less than it costs to produce he takes a loss. So goods that should be produced are and goods that should not be produced are not.

This only works if producers must pay all of the costs associated with production. Suppose that is not the case. Suppose, for example, that a steel producer, in addition to using iron ore, coal, etc., also "uses" clean air. In the process of producing a ton of steel he puts ten pounds of sulfur dioxide into the air, imposing (say) $100 worth of bad smells, sore throats, and corrosion on people downwind. Since he does not pay for that cost, he does not include it in his profit and loss calculations. As long as the price he sells his steel for at least covers his costs it is worth making steel. The result is inefficient: some goods may be produced even though their cost, including the resulting pollution, is greater than their value.

It is inefficient in another respect as well. The steel producer may be able to reduce the amount of pollution by various control devices — air filters, low sulfur coal, high smokestacks — at a cost. Calculated in terms of the net effect on everyone concerned, it is worth eliminating pollution as long as the cost is less than the pollution damage prevented — in our example, as long as it costs less than $10 to prevent a pound of sulfur dioxide emission. But the steel producer, in figuring out how to maximize his profit, includes in his calculations only the costs he must pay. So long as he does not bear the cost of the pollution, he has no incentive to prevent it. So the fact that air pollution is an external cost results in both an inefficiently high level of steel production (it may be produced even when it is not worth producing) and an inefficiently low level of pollution control.

Some goods may be produced even though their cost, including the resulting pollution, is greater than their value.

There are two obvious solutions. One is direct regulation — the government tells the steel company how much it is allowed to pollute. The other is emission fees — referred to by economists as Pigouvian taxes (named after A.C. Pigou, the economist whose ideas I am describing).

That analysis was accepted by virtually the entire economics profession prior to Coase's work in the field, and still is accepted by a good deal of the profession. It is wrong.

Under a system of Pigouvian taxes, the government charges the steel company for the damage done by its pollution — $10 per pound in this example. By doing so it converts the external cost into an internal cost — internalizes the externality. In deciding how much steel to produce and what price to sell it at, the company will now include the cost of its pollution — paid as an emission fee — along with other costs. In deciding how much pollution control equipment to buy, the company balances the cost of control against its benefits, and buys the optimal amount. So a system of emission fees can produce both an efficient amount of steel and an efficient amount of pollution control.

In order to achieve that result, the government imposing the fees must be able to measure the cost imposed by pollution. But, unlike direct regulation, the use of emission fees does not require the government to measure the cost of preventing pollution — whether by installing air filters or by producing less steel. That will be done by the steel company, acting in its own interest.

I have just described the theory of externalities as it existed before Coase. Its conclusion is that, as long as externalities exist and are not internalized via Pigouvian taxes, the result is inefficient. The inefficiency is eliminated by charging the polluter an emission fee equal to the damage done by his pollution. In some real world cases it may be difficult to measure what the damage is, but, provided that that problem can be solved, using Pigouvian taxes to internalize externalities produces the efficient outcome.

That analysis was accepted by virtually the entire economics profession prior to Coase's work in the field, and still is accepted by a good deal of the profession. It is wrong — not in one way but in three. The existence of externalities does not necessarily lead to an inefficient result. Second, Pigouvian taxes, even if they can be correctly calculated, do not in

general lead to the efficient result. Third, and most important, the problem is not really externalities at all — it is transaction costs.

I like to present Coase's argument in three steps: Nothing works. Everything works. It all depends.

Nothing Works

The first step is to realize that an external cost is not simply a cost produced by the polluter and borne by the victim. In almost all cases, the cost is a result of decisions by both parties. I would not be coughing if your steel mill were not pouring out sulfur dioxide. But your steel mill would do no damage if I (and other people) did not happen to live downwind from it. It is the joint decision — yours to pollute and mine to live where you are polluting — that produces the cost.

Suppose that, in a particular case, the pollution does $100,000 a year worth of damage and can be eliminated at a cost of only $80,000 a year (from here on, all costs are per year). Further assume that the cost of shifting all of the land downwind to a new use unaffected by the pollution — growing timber instead of renting out summer resorts, say — is only $50,000. If we impose an emission fee of a hundred thousand dollars a year, the steel mill stops polluting and the damage is eliminated — at a cost of $80,000. If we impose no emission fee the mill keeps polluting, the owners of the land stop advertising for tenants and plant trees instead, and the problem is again solved — at a cost of $50,000. In this case the result without Pigouvian taxes is efficient — the problem is eliminated at the lowest possible cost — and the result with Pigouvian taxes is inefficient.

Moving the victims may not be a very plausible solution in the case of air pollution; it seems fairly certain that even the most draconian limitations on emissions in southern California would be less expensive than evacuating that end of the state. But the problem of externalities applies to a wide range of different situations, in many of which it is far from obvious which party can avoid the problem at lower cost, and in some of which it is not even obvious which one we should call the victim.

Consider the question of airport noise. One solution is to reduce the noise. Another is to soundproof the houses. A third is to use the land near airports for noisy factories instead of housing. There is no particular reason to think that one of those solutions is always best. Nor is it entirely clear whether the "victim" is the landowner who finds it difficult to sleep in his new house with jets going by overhead or the airline forced by a court or a regulatory agency to adopt expensive sound control measures in order to protect the sleep of people who chose to build their new houses in what used to be wheat fields — directly under the airport's flight path.

The first step is to realize that an external cost is not simply a cost produced by the polluter and borne by the victim.

Consider a simpler case, where the nominal offender is clearly not the lowest cost avoider. The owner of one of two adjoining tracts of land has a factory, which he has been running for 20 years with no complaints from his neighbors. The purchaser of the other tract builds a recording studio on the side of his property immediately adjacent to the factory. The factory, while not especially noisy, is too noisy for something located two feet from the wall of a recording studio. So the owner of the studio demands that the factory shut down, or else pay damages equal to the full value of the studio. There are indeed "external costs" associated with operating a factory next to a recording studio — but the efficient solution is building the studio at the other end of the lot, not building the studio next to the factory and then closing down the factory.

Whichever party the blame is assigned to, by government regulators or by the courts, the result is likely to be inefficient.

So Coase's first point is that "externalities" are a joint product of "polluter" and "victim," and that a legal rule that arbitrarily assigns blame to one of the parties only gives the right result if that party happens to be the one who can avoid the problem at the lower cost. Pigou's solution is correct only if the agency making the rules already knows which party is the lower cost avoider. In the more general case, nothing works — whichever party the blame is assigned to, by government regulators or by the courts, the result is likely to be inefficient if the other party could prevent the problem at a lower cost.

One of the arguments commonly offered in favor of using Pigouvian taxes instead of direct regulation is that the regulator does not have to know the cost of pollution control in order to produce the efficient outcome — he just sets the tax equal to damage done, and lets the polluter decide how much pollution to buy at that price. But one of the implications of Coase's argument is that the regulator can only guarantee the efficient outcome if he knows enough about the cost of control to decide which party should be considered the polluter (and taxed) and which should be considered the victim.

Everything Works

The second step in Coase's argument is to observe that, as long as the parties involved can readily make and enforce contracts in their mutual interest, neither direct regulation nor Pigouvian taxes are necessary in order to get the efficient outcome. All you need is a clear definition of who has a right to do what and the market will take care of the problem.

To see how that works, let us go back to the case of the steel mill and the resorts. Suppose first that the mill has a legal

right to pollute. In that case, as I originally set up the problem, the efficient result occurs immediately. The lowest cost avoiders are the owners of the land downwind; they shift from operating resorts to growing timber.

What if, instead, the legal rule is that the people downwind have a right not to have their air polluted? The result will be exactly the same. The mill could eliminate the pollution at a cost of $80,000 a year. But it is cheaper to pay the landowners some amount, say $60,000 a year, for permission to pollute. The landowners will be better off, since that is more than the cost to them of changing the use of the land, and the steel mill will be better off, since it is less than the cost of eliminating the pollution. So it will pay both parties to make some such agreement.

When we observe market failure, we should ask not merely where the problem comes from, but what transaction costs prevent it from being bargained out of existence.

Now suppose we change the numbers in the example, to make pollution control the more efficient option — say lower its cost to $20,000. In that case, whether or not the mill has the right to pollute, it will find that it is better off not polluting. If it has the right to pollute, the landowners will pay more than the $20,000 cost of pollution control in exchange for a guarantee that it will not exercise its right. If it does not have the right to pollute, the most the steel mill will be willing to offer the landowners for permission to pollute is $20,000, and the landowners will turn down that offer.

The generalization of this example is straightforward:

If transaction costs are zero — if, in other words, any agreement that is in the mutual benefit of the parties concerned gets made — then any initial definition of property rights leads to an efficient outcome.

It is this result that is sometimes referred to (by people other than Coase) as the "Coase Theorem." It leads immediately to the final stage of the argument.

It All Depends (On Transaction Costs)

Why is it, if Coase is correct, that we still have pollution in Los Angeles? One possible answer is that the pollution is efficient — that the damage it does is less than the cost of preventing it. A more plausible answer is that much of the pollution is inefficient, but that the transactions necessary to eliminate it are prevented by prohibitively high transaction costs.

Let us return to the steel mill. Suppose the mill has the right to pollute, but that doing so is inefficient — pollution control is cheaper than either putting up with the pollution or changing the use of the land downwind. Further suppose that there are a hundred landowners downwind.

With only one landowner, there would be no problem — he would offer to pay the mill for the cost of the pollution control equipment, plus a little extra to sweeten the deal. But a hundred landowners face what economists call a public good problem. If ninety of them put up the money and ten do not, the ten get a free ride — no pollution and no cost for pollution control. Each landowner has an incentive to refuse to pay, figuring that his payment is unlikely to make the difference between success and failure in the attempt to bribe the steel mill to eliminate its pollution. If the attempt is going to fail even with him, then it makes no difference whether or not he contributes. If it is going to succeed even without him, then refusing to contribute gives him a free ride. Only if his contribution makes the difference does he gain by agreeing to contribute.

There are a variety of ways in which such problems may sometimes be solved, but none that can always be expected to work. The problem becomes harder the larger the number of people involved. With many millions of people living in southern California, it is hard to imagine any plausible way in which they could voluntarily raise the money to pay all polluters to reduce their pollution.

This is one example of the sort of problem referred to under the general label of transaction costs. Another would occur if we reversed the assumptions, making pollution (and timber) the efficient outcome but giving the landowners the right to be pollution-free. If there were one landowner the steel mill could buy from him the right to pollute. With a hundred, the mill must buy permission from all of them. Any one has an incentive to be a holdout — to refuse his permission in the hope of getting paid off with a large fraction of the money the mill will save from not having to control its pollution. If too many landowners try that approach the negotiations will break down, and the parties will never get to the efficient outcome.

Seen from this perspective, one way of stating Coase's insight is that the problem is not really due to externalities at all, but to transaction costs. If there were externalities but no transaction costs there would be no problem, since the parties would always bargain to the efficient solution. When we observe externality problems (or other forms of market failure) in the real world, we should ask not merely where the problem comes from, but what transaction costs prevent it from being bargained out of existence.

Bees may not respect property rights but they are, like people, lazy, and prefer to forage as close to the hive as possible.

Coase, Meade, and Bees

Ever since Coase published "The Problem of Social Cost," economists unconvinced by his analysis have argued that the

Coase Theorem is merely a theoretical curiosity, of little or no practical importance in a world where transaction costs are rarely zero. One famous example was in an article by James Meade (who later received a Nobel Prize for his work on the economics of international trade).

Meade offered, as an example of the sort of externality problem for which Coase's approach offered no practical solution, the externalities associated with honey bees. Bees graze on the flowers of various crops, so a farmer who is growing crops that produce nectar benefits the beekeepers in the area. The farmer receives none of the benefit himself, so he has an inefficiently low incentive to grow such crops. Since bees cannot be convinced to respect property rights or keep contracts, there is, Meade argued, no practical way to apply Coase's approach. We must either subsidize farmers who grow nectar rich crops (a negative Pigouvian tax) or accept inefficiency in the joint production of crops and honey.

It turned out that Meade was wrong. In two later articles, supporters of Coase demonstrated that contracts between beekeepers and farmers had been common practice in the industry since early in this century. When the crops were producing nectar and did not need pollination, beekeepers paid farmers for permission to put their hives in the farmers' fields. When the crops were producing little nectar but needed pollination (which increases yields), farmers paid beekeepers. Bees may not respect property rights but they are, like people, lazy, and prefer to forage as close to the hive as possible.

Coase, Property, and the Economic Analysis of Law

"The Problem of Social Cost" provides more than merely a revolutionary rethinking of the question of externalities. It also suggests a new and interesting approach to the problem of defining property rights.

A court in settling disputes involving property, or a legislature in writing a law code to be applied to such disputes, must decide just which of the rights associated with land are included in the bundle we call "ownership." Does the owner have the right to prohibit airplanes from crossing his land a mile up? How about a hundred feet? How about people extracting oil from a mile under the land? What rights does he have against neighbors whose use of their land interferes with his use of his? If he builds his recording studio next to his neighbor's factory, who is at fault? If he has a right to silence in his recording studio, does that mean that he can forbid the factory from operating, or only that he can sue to be reimbursed for his losses? It seems simple to say that we should have private property in land, but ownership of land is not a simple thing.

It seems simple to say that we should have private property in land, but ownership of land is not a simple thing.

The Coasian answer to this set of problems is that the law should define property in such a way as to minimize the costs associated with the sorts of incompatible uses we have been discussing — factories and recording studios, or steel mills and resorts. The first step in doing so is to try to define rights in such a way that, if right A is of most value to someone who also holds right B, they come in the same bundle. The right to decide what happens two feet above a piece of land is of most value to the person who also holds the right to use the land itself, so it is sensible to include both of them in the bundle of rights we call "ownership of land." On the other hand, the right to decide who flies a mile above a piece of land is of no special value to the owner of the land, hence there is no good reason to include it in that bundle.

Coase demonstrated that what everyone else thought was the correct analysis of the problem of externalities was wrong.

If, when general legal rules were being established, we somehow knew, for all cases, what rights belonged together, the argument of the previous paragraph would be sufficient to tell us how property rights ought to be defined. But that is very unlikely to be the case. In many situations a right, such as the right not to have noises of more than X decibels made over a particular piece of property, may be of substantial value to two or more parties — to the owner of the property and the owner of the adjacent factory in my earlier example. There is no general legal rule that will always assign it to the right one.

In this case, the argument underlying the Coase Theorem comes into play. If we assign the right initially to the wrong person, the right person, the one to whom it is of most value, can still buy it. So one of the considerations in the initial definition of property rights is doing it in such a way as to minimize the transaction costs associated with fixing, via private contracts, any initially inefficient definition.

An example may make this clearer. Suppose that, in the pollution case discussed earlier, damages from pollution are easy to measure and the number of people downwind is large. In that case, the efficient rule is probably to give downwind landowners a right to collect damages from the polluter, but not a right to forbid him from polluting. Giving the right to the landowners avoids the public good problem that we would face if the landowners (in the case where pollution is inefficient) had to raise the money to pay the steel mill not to pollute. Giving them a right to damages rather than giving each landowner the right to an injunction forbidding the steel mill from polluting avoids the holdout problem that the mill would face (in the case where pollution is efficient) in buying

permission from all of the landowners.

A full explanation of how Coase's argument can be applied to figuring out what the law ought to be (more precisely, what legal rules lead to the best outcome from the standpoint of economic efficiency) would require a much longer article — perhaps a book. I hope I have said enough to make clear the basic idea, and enough to show the unique and extraordinary nature of one of Ronald Coase's principal contributions to economics. He started with a simple insight, based in part on having read cases in the common law of nuisance — the branch of law that deals with problems such as noisy factories next door to recording studios. He ended by demonstrating that what everyone else in the profession thought was the correct analysis of the problem of externalities was wrong, and, in the process, opening up a whole new approach to the use of economics to analyze law.

There is at least one more thing worth saying about "The Problem of Social Cost." Economists, then and (to some degree) now, tend to jump from the observation that the market produces an inefficient result in some situations to the conclusion that the government ought to intervene to fix the problem. Part of what Coase showed was that, for some problems, there is no legal rule, no form of regulation, that will generate a fully efficient solution. He thus anticipated public choice economists, such as James Buchanan (another Nobel winner), in arguing that the real choice was not between an inefficient market and an efficient government solution but rather among a variety of inefficient alternatives, private and governmental. In Coase's words: "All solutions have costs and there is no reason to suppose that government regulation is called for simply because the problem is not well handled by the market or the firm." ❑

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Reflections, *from page 16*

of behavior and the punitive actions of government based on it. I am a feminist who left the Democratic Party over, among other things, the treatment by feminists of Clarence Thomas — a black man who allegedly harassed Anita Hill with a sexist joke, and was reduced by compassionate civil rights activists to lying on the floor in a fetal position. And I left the feminist-Democrats behind because of a trial in Pittsburgh of a bar owner who was victimized beyond belief because a waitress was harassed in his business, and it was decided that the owner "should have known" — never mind that he had no way to have known.

I was a civil rights activist who left the Democratic Party because of its indulgence of black crime — which is what Willie Horton meant to us disaffected ones. I recently read Paul Krugman's book "The Conscience of a Liberal," and he blames the red-blue division in this country on a single factor: race. He uses the Horton episode as an example of racist propaganda without ever looking at why Horton became such an icon. The reason was the seeming tolerance of black criminals by liberals, civil rights activists, and feminists. Black anger is viewed by liberals as acceptable, while white anger at blacks such as Horton and O.J. Simpson is viewed as racist.

When Obama talks about slavery and gun manufacturers who "dump guns into our cities" and which white guys should be fired for their sins, we hear the same old civil rights harangues, as performed by Al Sharpton and Jesse Jackson, the same old shakedowns, the same expected apologies and demands. For the young who think that this is new or that Obama represents change — they just haven't been around long enough to hear it all before. If Obama transcended race, what in the world was he doing in Rev. Wright's church?

— Sarah J. McCarthy

To the confessional — Left-leaners in the mainstream media think supporters of the market are religious zealots. You can tell it in their choice of words. They use terms like "free-market gospel" with a kind of rhetorical giggling, but they never say "regulatory gospel" or "universal-coverage gospel" or "welfarist gospel." To them, Ron Paul offers a "gospel"; Barack Obama offers "hope" or a "new face," or some such. But not a gospel.

An example of this rhetoric came on April 13 in The New York Times in a piece by Peter S. Goodman entitled, "A Fresh Look at the Apostle of Free Markets." Its thesis was that the subprime-mortgage meltdown dethrones the belief in markets.

First there was the religious word, "apostle," in the title. Probably it was an editor's word, responding to the rhetorical aroma of the reporter's story. High up in the story were the religious words "commandments," "evangelist," and "keeper of the flame." The story called Milton Friedman a "godfather" and recalled when he had been "in the wilderness." It called Alan Greenspan an "acolyte." It talked about the belief in market "magic." It did not use the word "gospel," but others have made much of the phrase, "free-market gospel."

These are sneer words, from an implicitly antireligious view. Basically the reporter is saying, in an ostensibly non-editorial news feature, that he thinks belief in the value of free markets is a superstition.

— Bruce Ramsey

Free Susan LeFevre! — On April 24, U.S. marshals arrested Marie Walsh, a resident of San Diego's Carmel Valley, on a Michigan escape warrant. It seems Ms. Walsh is one Susan LeFevre, a fugitive for no less than 32 years. The facts of her case are as follows.

In 1974, when she was 19 years old, Walsh-LeFevre was convicted of heroin possession and sentenced to 10–20 years in prison. According to Ms. Walsh's account, she became

continued on page 52

The American Revolution: Right or Wrong?

by Ronald Hamowy

Among the intellectuals, the American Revolution was often a very hard sell.

Libertarians ordinarily recognize the American Revolution as a great intellectual as well as a great political event. It may be hard for us, however, to put ourselves in the position of the original witnesses of the Revolution and understand the complexity of their reactions. Even in Scottish intellectual circles, which had long been favorable toward ideas of liberty and had, indeed, helped to inspire American revolutionary thought, the Revolution found opposition as well as support.

An exploration of the various ways in which the Revolution was viewed in these circles shows the challenge it presented to political and moral thought.

For some time following the end of Britain's war with France in 1763 and the increasingly comprehensive claims leveled by the colonists against the Crown, the Scottish public was riveted by the news from the American colonies, especially after the first shots of the Revolution sounded on Lexington Green in 1775. A substantial proportion of Scots were involved in and benefitted from the Atlantic trade,[1] and wished for nothing better than a continuation of smooth relations with the colonies, on which the economic welfare of many Scots depended.[2]

Once hostilities broke out, newspaper circulation in Scotland increased dramatically. The success or failure of a periodical often depended on its coverage of events in America.[3]

The economic relationship between Scotland and America in the last quarter of the century was such that a good proportion of Scots supported the British government in its attempt to reestablish connections with the colonies. This held for almost all Scottish members of Parliament[4] and most, but by no means all, of Scotland's prominent intellectuals. But while the general population identified continued prosperity with a continuation of the status quo in America's relations with Great Britain, intellectuals held more diverse ideas, reflecting their distinct political philosophies.

Scottish members of Parliament appear to have been close to unanimity in endorsing the government's proposals to tax the colonies and impose conditions under which Americans

could engage in trade. The one crucial exception was George Dempster, who represented Perth Burgh from 1761 to 1790. He was an outspoken defender of the American position throughout the crisis and concluded that the colonists' claims were both "just and well-founded." He opposed the closing of the Port of Boston and was outraged that the government had embarked on a policy of transferring Americans to England for trial, maintaining that this constituted a clear breach of the traditional rights of Englishmen.

Dempster concluded that the colonists' claims were both "just and well-founded."

By 1778, he regarded reconciliation with the colonies as impossible and became a firm adherent of American independence. What is surprising about Dempster's views is not their radicalism — in this he was joined by a not inconsiderable number of Britons — but that he was and remained a close friend of Adam Ferguson and Alexander Carlyle, both of whom endorsed measures sufficiently harsh to bring America to heel.

My chief concern, however, is with the views of three of Scotland's greatest thinkers, Adam Smith, David Hume, and Ferguson himself, on the justice of American separation. I should emphasize that any support they might have had for the validity of the position of the Crown and Parliament in their arguments with the colonists by no means entailed support for all decisions of the British government in its conduct of the war. All three thinkers opposed specific policies and became increasingly critical as the war progressed and as British forces were incapable of achieving a decisive victory. Indeed, Smith, Hume, and Ferguson held a variety of opinions about the proper relation between the Crown and its colonies from the start.

Of the three, Hume was most favorable to the colonial cause. He strongly opposed passage of the Stamp Act (1765) and supported William Pitt's call for repeal. Yet he feared, with some justification, that Pitt's speech in Parliament on behalf of the colonists in January 1766 would only encourage the Americans to push their demands even further. Nor did he embrace Pitt's sweeping conclusion that as subjects the American colonists were entitled to representation in Parliament and could not be impelled to pay taxes without their consent.[5] By 1768, however, his views on American independence had hardened. He is reported to have said that he longed to see America totally in revolt.[6]

By 1775, he had so identified with the American cause that he maintained that he shared the same principles and wished for nothing more than that "we would leave them alone either to govern or misgovern themselves as they think proper.[7] "

When assessing Hume's political judgments we would do well to keep in mind that his support for the colonial cause was in no way predicated on the natural law arguments put forward by so many American writers and most eloquently by Thomas Jefferson in the Declaration of Independence. He firmly rejected the notion that men possessed rights prior to the establishment of civil society and that government was the product of a social contract and universal consent, principles that by 1776 had been fervently embraced by most Americans.

While some of the founders, particularly James Madison, who had studied Hume when a student of John Witherspoon's at the College of New Jersey, continued to esteem Hume's political works as both discerning and profound, Hume's rejection of Lockean principles was regarded with a measure of bitterness by Jefferson. Indeed, Jefferson's animus toward Hume appears to have grown as he got older.[8] In writing of Great Britain in 1807, Jefferson noted that "there is . . . no general history of that country which can be recommended. The elegant one of Hume seems intended to disguise and discredit the good principles of the government, and is so plausible and pleasing in its style and manner as to instill its errors and heresies insensibly into the minds of unwary readers."[9] Jefferson was particularly exercised by what he took to be Hume's characterization of the depredations of the Tudor monarchs as "genuine samples of the constitutional power of the crown."[10]

Jefferson's assessment is to some degree unfair. It is true that Hume describes Charles I's efforts when he ascended the throne in 1625 as aimed at avoiding a confrontation with Parliament, nor was he prepared to paint the Stuarts as reviled tyrants bent on enslaving their subjects. But he was by no means an unconditional supporter of the Crown. For example, he closes his discussion of the Stuarts with these words:

> Through the course of four reigns, a continual struggle maintained between the crown and the people: Privilege and prerogative were ever at variance: And both parties, beside the present object of dispute, had many latent claims, which, on a favourable occasion, they produced against their adversaries. Governments too steady and uniform, as they are seldom free, so are they, in the judgment of some, attended with another sensible inconvenience: They abate the active powers of men; depress courage, invention, and genius; and produce an universal lethargy in the people. Though this opinion may be just, the fluctuation and contest, it must be allowed, of the English government were, during these reigns, much too violent both for the repose and safety of the people.[11]

That Hume rejected the principal ideological arguments put forward by the American revolutionists did not stand in the way of his supporting the colonists' efforts to achieve independence. This should not surprise anyone familiar with his essays, since at one point he noted that despite how free the mother country might be, its treatment of its provinces will almost certainly be oppressive.[12] Nor did Hume believe that, in the unlikely event that Britain was successful in subduing America, it could effectively garrison the area or impose its will on the colonists without first establishing a tyranny.[13] He concluded:

> Let us, therefore, lay aside all anger; shake hands, and part friends. Or if we retain any anger, let it only be against ourselves for our past folly.[14]

Like Hume, Ferguson opposed the Stamp Act as politically inept, but this was about as far as his sympathies with America went. His good friend James MacPherson had written

a pamphlet against America's claims in 1775,[15] and Ferguson wrote him that he never had any doubts about the rights of Parliament in its confrontation with the colonies.[16]

His opposition to the colonial cause, coupled with his reputation as a moral philosopher and his popularity among educated Americans, led the British government to approach Ferguson in January of the following year, asking that he publish in support of the government, in return for which service he would be awarded an annual grant of £200 for life. This was a very substantial sum. Apparently it was sufficient inducement for him to issue an immediate defense of the Crown in the form of an attack on Richard Price's justification of the American rebellion.

Price's "Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of War with America" made its appearance in February 1776 and was an immediate success. Several thousand copies were sold within a few days of publication, 60,000 by the close of the year. Price defended America in its controversies with the Crown since their inception. Indeed, he regarded the cause of the colonies as the cause of all free Englishmen and saw in colonial resistance the best hope that freedom would be preserved in Britain. He maintained that in fighting the English battle for liberty, the colonists were preserving a future asylum for people seeking freedom.[17]

Like John Locke, he held that political authority derived and, indeed, can only derive, from the people. Men have no more natural obligation to obey their government than they do their neighbor.

The obligation to conform to the dictates of the civil magistrate stems solely from the freely extended consent of the person governed, without which one cannot become the subject of another or be constrained by a law not of one's making. Price goes even further than Locke in maintaining that men, once having left the state of nature, retain ultimate sovereignty over the form and style of government, which is never surrendered and remains in the keeping of those who are governed.

Price's essay was regarded as so significant a challenge both to the government's position on America and to the arguments put forward by those who accepted the authority of Parliament to tax the colonies that it gave birth to a profusion of responses, among them Edmund Burke's "Letter on the Affairs of America"[18] and Adam Ferguson's "Remarks on a Pamphlet Lately Published by Dr. Price."[19] Ferguson regarded the American position on taxation as without merit. The notion that England should underwrite the costs of garrisoning an army in North America to protect the colonists while being blocked from taxing the beneficiaries of this policy struck him as nonsensical. Having received the benefits of subjects, he argued, the colonists had the duties of subjects. It is true, he contended, that England had profited from its trade with America, but this held equally true of America in its trade with the mother country. Indeed, the laws of nature clearly provided that one body politic could legally submit itself to the authority of and to contribute to the supplies of another, as was the case, Ferguson maintained, with the American colonies in their relation with the Parliament of Great Britain.

Ferguson believed that the colonists' arguments resulted from baseless political presuppositions.

Price saw in colonial resistance the best hope that freedom would be preserved in Britain.

Despite his lack of sympathy for the colonial cause, the political philosophy that underpinned Ferguson's attack on Price was far closer to that put forward by Hume than to that of Locke. Ferguson rejected the notion that civil society and government are artifacts, creations of some original contract whereby free and equal beings living independently in some natural state devoid of political authority came together to confer their natural rights and powers on a newly-designated sovereign.

Committed to approaching the study of man and society scientifically, that is, to describing man as he is actually observed, Ferguson rejected the notion of "man in the state of nature," in the sense of man before the advent of society. "Mankind are taken in groupes," he wrote, "as they have always subsisted." The idea that society is coeval with man is confirmed by the fact that the individual is the bearer of social dispositions and that regardless of where we find man, we find him gathered together with others.[20]

Ferguson rejected the social contract theory as a valid account of the origins of government, using many of the same arguments earlier offered by Hume.[21] Formal rules, enforceable by a permanent political institution, emerge, claimed Ferguson, not from the desire to create a stronger social union, but in response to the abuses that arise from an imperfect distribution of justice. He held that a system of formal political arrangements did not rest on consent but was gradually shaped to meet the interests of justice with respect to securing private property.[22] It is a useless analytical tool, he claimed, to posit the idea of universal consent to what was, in fact, the gradual emergence of formalized rules of action that took their origin in earlier modes of behavior.

While Hume was prepared to support the American cause on prudential grounds, Ferguson believed that the arguments put forward by the colonists resulted from baseless political presuppositions and that their justifications of rebellion were dangerous. Ferguson was particularly agitated by Price's position on rights, which he regarded as especially pernicious.

Ferguson's position most clearly emerges when he juxtaposes Price's appeal to the concept of natural universal rights with the historical obligations and privileges that in law determine the relation of the colonists to Great Britain. "The Doctor is pleased to say," Ferguson writes, "that the question of right, with all liberal inquirers, ought to be, not what jurisdiction

over them, precedents, statutes, and charters give, but what reason and equity, and the rights of humanity give."[23]

Ferguson expressed amazement at this approach to politics, which, he felt, could only lead to expressions of private interest, depriving people of the landmarks provided by precedents, statutes, and charters. In any case, Ferguson did not regard liberty as dependent on the presence of abstract rights. Rather, the crucial determinant of a free society was the stability of institutions that guarantee our ability to enjoy rights.

Ferguson wrote of his hope that the British forces would inflict on the colonists "a sound drubbing."

As the war continued, Ferguson's attitudes against America hardened. In October 1777 he wrote MacPherson of his hope that the British forces would inflict on the colonists "a sound drubbing." Despite this, he supported the ultimate removal of a victorious British army; the Americans simply were not worth the costs of garrisoning the colonies:

> I protest that if we had news to morrow that Howe had beat Washington . . . the use I would make of it would be to leave America with contempt. For it looks as if no Calamity would force them to Submission & if it did their Submission is not worth haveing. Their whole resource for any Visi[ble] time to Come will not pay the Army that ke[eps] them in Submission. So I am partial enough to Great Britain to wish them to the bottom of the Sea.[24]

While Ferguson's political sympathies were decidedly Whiggish, it is likely that his views on American independence were shaped in part by considerations of the economic loss that would likely follow a change in Scottish commercial relations with the colonies. More important, Ferguson saw no diminution in the liberties of Scotsmen in the wake of the Act of Union of 1707, joining the Kingdom of Scotland with the Kingdom of England.

In this he reflected the votes cast by most Scottish members of Parliament, who regarded the arguments put forward by the British government as constitutionally correct. Though he agreed with Hume that the government's colonial policy was doomed to failure, he regarded the Americans' intellectual position as fallacious.

In the fall of 1777, General John Burgoyne, who had led an invasion force from Canada with the intention of linking up with the British army in New York City, suffered a decisive defeat at Saratoga. On October 17, Burgoyne and his whole army surrendered to General Horatio Gates. The news of Burgoyne's defeat caused a sensation across the Atlantic. The French government set in train formal diplomatic efforts to recognize America's independence. The British government, in an effort to be as conciliatory as possible, abruptly reversed its policies. In February, Lord North's administration introduced bills in Parliament repealing all acts passed since 1763 of which the colonies had complained. At the same time a commission was struck whose purpose was to enter into negotiations with the Americans to grant the colonies anything they wished[25] provided they remain loyal to the Crown.

The commissioners were appointed by George III, who had little hope for their success. As the Commission's head, the Crown appointed Frederick Howard, fifth Earl of Carlisle; the membership comprised William Eden (later Lord Auckland), a close friend of Lord North, and George Johnstone, who had been appointed the first governor of West Florida in 1763.[26] It was Johnstone, an old friend of Ferguson's, who was responsible for inviting him to accompany the Commission to America.[27] Now the political thinker was on the scene.

Upon arriving at Philadelphia, which had been occupied by the British, in June 1778, the Commission appointed Ferguson its secretary and immediately attempted to enter into negotiations with several members of Congress.[28] These proved a complete failure, nor was the Commission any more successful in prevailing upon Washington to grant Ferguson a passport through the American lines to treat directly with Congress itself.[29] Having been defeated at reaching agreement with the colonies short of recognizing their independence and withdrawing all British troops, the Commission returned home in late 1778. Ferguson continued to occupy himself with Commission business until the spring of the following year, at which point he resumed his chair at the University.[30]

Ferguson's six months in the colonies had not softened his views. Indeed, if the Manifesto and Proclamation issued by the Conciliation Commission in October 1778, of which Ferguson was one of the authors,[31] is any indication, his animus toward the colonists had deepened after America's alliance with France — a nation, it was argued, that traditionally opposed freedom of conscience and held religious toleration, which Englishmen took for granted, in contempt.[32] A treaty with France, the Manifesto observed, would convert the existing hostilities between those sharing a common heritage into a world struggle. In light of this, it went on, self-preservation would justify England's destruction of the colonies.[33]

Thomas Paine was especially offended by the Manifesto's claim that France was the "natural enemy" of both England and America and devoted a good part of "The Crisis," no. 6, to criticizing Ferguson for his use of the notion "natural enemies," which Paine characterized as a meaningless barbarism.[34]

Unlike Ferguson, Adam Smith had sympathies with American demands, although as one historian has pointed out, he was not "indifferent to the fate of the British Empire."[35] His views on the American colonies were intimately linked to his conclusions respecting free trade and the benefits of the international division of labor. He had outlined his position on the treatment of colonies in Part IV, chapter 7 of the "Wealth of Nations," which coincidentally appeared in the

Adam Smith's views on the American colonies were intimately linked to his conclusions respecting free trade.

same year as the Declaration of Independence. Despite the fact that he despaired of the British government's following his recommendations, he urged that Britain "give up all authority over her colonies, and leave them to elect their own magistrates, to enact their own laws, and to make peace and war as they might think proper."[36] Were the American colonies to be accorded their independence, he continued:

> Great Britain would not only be immediately freed from the whole annual expence of the peace establishment of the colonies, but might settle with them such a treaty of commerce as would effectually secure to her a free trade, more advantageous to the great body of the people, though less so to her merchants, than the monopoly which she at present enjoys.

And, in what must be regarded as a particularly prescient observation respecting the relation between Britain and America, Smith concluded:

> [Their independence] might dispose them not only to respect, for whole centuries together, that treaty of commerce which they had concluded with us at parting, but to favor us in war as well as in trade, and, instead of turbulent and factious subjects, to become our most faithful, affectionate, and generous allies.[37]

Smith's sentiments about America received a mixed reception, although on the whole favorable.[38] Hugh Blair, Regius Professor of Rhetoric and Belles-Lettres at Edinburgh, regarded them as reflecting too transient a concern to be included in a treatise on political economy,[39] but William Robertson, the noted historian and Principal of Edinburgh University, found that Smith's support for freeing the colonies from the restrictions imposed on them by Britain's mercantilist policies accorded with his own views.[40]

Despite Smith's recommendations, however, he despaired that the government would soften its policies after the outbreak of hostilities appears to have borne out his concerns. In June 1776 he wrote to the publisher William Strahan:

> The American campaign has begun awkwardly. I hope I cannot say that I expect it will end better. England, though in the present times it breeds men of great professional abilities in all different ways, great lawyers, great watchmakers and clockmakers, etc., etc., seems to breed neither statesmen nor generals.[41]

Smith's attempts to influence government policy on colonial issues dated back to at least 1766, when Lord Shelburne, then Secretary of State for the Southern Department in the Pitt Administration, determined to alter the British policy that restricted colonial expansion west of the Alleghenies, on the ground that the increased resources that were likely to follow would benefit both America and Britain. Shelburne's arguments in support of freer trading policies and the removal of crippling controls on the colonial economy were heavily influenced by Smith. Yet his conciliatory policies were dismissed by the administration, and Shelburne himself later adopted an uncompromising position.[42]

Neither these early efforts to inspire a more conciliatory attitude nor the powerful arguments that Smith advanced in the "Wealth of Nations" appear to have had any immediate effect. When events in America turned decisively against the British in the fall of 1777, however, the North administration solicited Smith, among a number of others, to submit his recommendations on future relations with the colonies. As a consequence, Smith wrote a brief memorial on "The State of the Contest with America," which appears to have been first uncovered in 1933.[43] He there notes that of the various ways in which the conflict between Britain and the colonies might end, the best conclusion for both parties would be a treaty under which the colonies would remain in the empire on the basis of equality. He writes:

> If the complete submission of America was brought about altogether by treaty, the most perfect equality would probably be established between the mother country and her colonies; both parts of the empire enjoying the same freedom of trade and sharing in their proper proportions both in the burden of taxation and in the benefit of representation. No expensive military force would, in this case, be necessary to maintain the allegiance of America. The principal security of every government arises always from the support of those whose dignity, authority and interest, depend upon its being supported. But the leading men of America, being either members of the general legislature of the empire, or electors of those members, would have the same interest to support the general government of the empire, which the Members of the British legislature and their electors have at present to support the particular government of Great Britain. The necessary mildness of such a government, so exactly resembling that of the mother country, would secure the continuance of the prosperity of the colonies. They would be able to contribute more largely; and being taxed by their own representatives, they would be disposed to contribute more willingly.[44]

Smith's prescriptions came to nought, as did Ferguson's. Hume alone, having determined that independence was inevitable sooner or later,[45] appears to have understood that the American colonies had become a nation that could no longer endure colonial status. ❑

Notes

1. Much of Scotland's newly acquired wealth rested on the trade in tobacco, which was responsible for creating a group of wealthy merchants in Glasgow, known as the Tobacco Lords. So substantial was their control of the tobacco trade that in 1747 the French government awarded Glasgow a monopoly on the supply of tobacco to France. Scottish ships were heavily involved in a three–way trade, sailing from Scotland to Africa, where they loaded slaves bound for the West Indies and America, and returning to Scotland with sugar and tobacco. For an overview of the effects of the American Revolution on the Scottish economy, see John Butt, "The American War of Independence and the Scottish Economy," in O. Dudley Edwards and George Shepperson, eds., "Scotland, Europe and the American Revolution" (New York: St. Martin's, 1976) 57–65.
2. For a discussion of how extensive was the support for strong government measures against the the rebellious colonists, see Eliga H. Gould, "American Independence and Britain's Counter-Revolution," Past and Present 154 (1997): 107–141, and the bibliography cited in footnote 6 (p. 110).
3. Dalphy I. Fagerstrom, "Scottish Opinion and the American Revolution," William and Mary Quarterly, 3rd ser., 11(April 1954) 252.
4. One historian wrote of Scotland that it "perhaps came nearest to unanimity on the American issue" in its support for British attempts to suppress the rebellion in the colonies. Stephen Conway, "The British Isles and the War of American Independence" (Oxford: Oxford University Press, 2000) 133.
5. Pitt's speech is transcribed in full in John Almon, "Anecdotes of the Life of the Rt. Hon. William Pitt, Earl of Chatham," (London: 1792) I: 295–299.
6. John M. Werner, "David Hume and America," Journal of the History of Ideas 33 (July-September, 1972) 445.
7. Hume to Baron Mure of Caldwell of October 27, 1775 in J. Y. T. Greig, ed., "The Letters of David Hume" (Oxford: Clarendon Press, 1932) 303.
8. For a discussion of Jefferson's reaction to Hume, see Mark G. Spencer,

"David Hume and Eighteenth Century America" (Rochester: University of Rochester Press, 2005) 251–259.

9. Jefferson to John Norvell of June 14, 1807, in "Thomas Jefferson: Writings," Merrill Peterson, ed. (New York: Literary Classics of the U.S., 1984) 1176–1177.
10. Jefferson to William Duane of August 12, 1810, "Jefferson: Writings" 1228.
11. David Hume, "The History of England from the Invasion of Julius Caesar to The Revolution of 1688" (Indianapolis: LibertyClassics, 1983): 6: 530–531.
12. "Though free governments have been commonly the most happy for those who partake of their freedom; yet are they the most ruinous and oppressive to their provinces." David Hume, "That Politics May be Reduced to a Science," "Essays Moral, Political and Literary" (Indianapolis: LibertyClassics, 1987) 18–19.
13. "Arbitrary power," he wrote, "can extend its oppressive arm to the antipodes; but a limited government can never long be upheld at a distance, even where no disgusts have intervened: Much less, where such violent animosities have taken place. We must, therefore, annul all the charters; abolish every democratical power in every colony; repeal the Habeas Corpus Act with regard to them; invest every Governor with full discretionary or arbitrary powers; confiscate the estates of all the chief planters; and hang three fourths of their clergy. To execute such acts of destructive violence twenty thousand men will not be sufficient; nor thirty thousand to maintain them, in so wide and disjointed a territory" (Hume to William Strahan of October 26, 1775, in Grieg, ed., "Letters of David Hume" 2: 300–301.)
14. *Ibid.* 301.
15. James MacPherson, "The Rights of Great Britain asserted against the Claims of America; being an Answer to the Declaration of the General Congress" (London: Printed for T. Caddell, 1775).
16. Ferguson to John Home, Edinburgh, January 27, 1776 (No. 83), in Vincenzo Merolle, ed., "The Correspondence of Adam Ferguson" (London: William Pickering, 1995) I:134.
17. Carl B. Cone, "Torchbearer of Freedom: The Influence of Richard Price on Eighteenth Century Thought" (Lexington, KY: University of Kentucky Press, 1952) 73.
18. Edmund Burke, "A Letter from Edmund Burke, Esq., one of the representatives in Parliament for the City of Bristol, to John Farr and John Harris, Esqrs., Sheriffs in that City, on the Affairs of America" (Bristol: Printed by William Pine, 1777).
19. "Remarks on a Pamphlet Lately Published by Dr. Price, Intitled Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War With America, etc., In a Letter from a Gentlemen in the Country to a Member of Parliament" (London: William Strahan, 1776).
20. Adam Ferguson, "An Essay on the History of Civil Society," Fania Oz-Salzberger, ed. (Cambridge Texts in the History of Political Thought; Cambridge: Cambridge University Press, 1995) 4.
21. Hume's critique of the state of nature and of a social contract can be found in his "Treatise of Human Nature," L. A. Selby-Bigge, ed. (2nd ed.; Oxford: Clarendon Press, 1978) 534–9.
22. Ferguson, Essay, I: 22–6. The notion that government itself, far from being the product of conscious design, took its form gradually and without deliberate intent has led one commentator to refer to Ferguson's rejection of the social contract as the boldest attack on the contractarian theory of political obligation that had been made up to that time (Hermann Huth, "Soziale und Individualistische Auffas-sung im 18. Jahrhundert, vomehmlich bei Adam Smith und Adam Ferguson," Staats-und Sozialwissenschaftliche Forschungen [Leipzig: Duncker & Humblot, 1907] 46).
23. Adam Ferguson, "Remarks on a Pamphlet Lately Published by Dr. Price, Intitled Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War With America, etc. . . ." (London: Printed for T. Caddell, 1776) 16.
24. Ferguson to John MacPherson, October 27, 1777 (No. 100), in "Ferguson Correspondence" 156.
25. The principal exceptions centered on responsibility for the redemption of colonial paper money and assuming the financial burden undertaken by the colonies in the war.
26. It appears that Lord Shelburne had given serious thought to offering the post to Ferguson after Johnstone had returned to England in 1766. Jane Fagg, "Biographical Introduction," in "Ferguson Correspondence" I:xl.
27. Johnstone had entered Parliament following his tenure as governor of West Florida and, over the course of the next decade, had been an outspoken defender of the American cause. Ferguson's biographer recounts that Johnstone was encouraged by others to choose Ferguson as a companion in part because of Johnstone's hotheadedness, which, it was felt, would be moderated by Ferguson's more temperate disposition. Jane Fagg, "Biographical Introduction," in "Ferguson Correspondence" I:li.
28. The Commission's official letter to Congress was accompanied by personal notes from both Eden and Johnstone warmly commending Ferguson. Eden referred to the favorable reception to which Ferguson was entitled by virtue of his eminence in the literary world (Eden to Washington, June 9, 1778, in Benjamin Franklin Stevens, ed., "Stevens's Facsimiles of Manuscripts in European Archives Relating to America, 1773–1783" [London: printed by Malby & Sons, 1889–1895] 5:401, facsimile 498), while Johnstone's letter was even more generous. "I beg to recommend to your private civilities my friend Dr. Ferguson," he wrote. "He has been engaged from his early life, in inculcating to mankind the virtuous principles you practise" (Johnstone to Washington, June 10, 1778, in Jared Sparks, ed., "Correspondence of the American Revolution . . . " [Boston: Little, Brown, 1853] II:136).
29. There are good reasons to explain the colonists' refusal to treat with the Commission. The United States had just entered a treaty of alliance with France and it was clear that there were deepening divisions in Parliament regarding America. Washington was particularly adamant that the Commission's terms be rejected out of hand. Finally, with respect to the Commission's Secretary, one is tempted to speculate that Washington was familiar with Ferguson's rejoinder to Price's essay and, as a result, was especially ill-disposed towards the writer.
30. Extensive discussions of the Carlisle Commission appear in Weldon A. Brown, "Empire or Independence: A Study in the Failure of Reconciliation, 1774–1783" (Baton Rouge, LA: Louisiana State University Press, 1941); 244–92, and Carl Van Doren, "Secret History of the American Revolution" (Garden City, N.Y.: Garden City Publishing Co., 1941) 63–116.
31. Jane Fagg, "Biographical Introduction," in "Ferguson Correspondence" I: liii.
32. The Commission sought to remind the clergy that "the foreign power with which the Congress is endeavouring to connect them has ever been averse to toleration." Van Doren, "Secret History" 112–113.
33. Brown, "Empire or Independence" 284–285.
34. Thomas Paine, "The Crisis," No. 6 [October 20, 1778], in Paine, "Collected Writings" (New York: Library of America, 1995) 186–190.
35. E.A. Menians, "Adam Smith's Project of an Empire," Cambridge Historical Journal 1 (1925).
36. Adam Smith, "An Inquiry into the Nature and Causes of the Wealth of Nations," W. E. Todd, ed., Glasgow Edition of the Works and Correspondence of Adam Smith (Oxford: Oxford University Press, 1976) 2:616.
37. *Ibid.* 2:617.
38. It is not surprising that one notable exception to Smith's views was that of Alexander Wedderburn, the Lord Chancellor and indefatigable opponent of colonial claims, who wrote Smith soon after the publication of the "Wealth of Nations" that "your reflections a month ago upon the bad advices from America are all confuted by the favourable accounts lately received, which prove that our preparations have been seasonable, our plans wise and the execution of them in all departments of government active and vigorous" — Letter to Adam Smith, June 6, 1776, in William Robert Scott, "Adam Smith as Student and Professor" (Glasgow: Jackson, Son & Co., 1937) 269. Wedderburn's letter was written after General Howe was forced to evacuate Boston and retreat to Halifax, Nova Scotia!
39. Letter to Adam Smith, April 3, 1776, in Ernest Campbell Mossner and Ian Simpson Ross, eds., "Letters of Adam Smith," Glasgow Edition of the Work and Correspondence of Adam Smith (Oxford: Oxford University Press, 1977) 187.
40. Letter to Adam Smith, April 8, 1776, in *ibid.* 192.
41. Letter to William Strahan, June 3, 1776, in *ibid.* 196.
42. John Derry, "English Politics and the American Revolution" (London: Dent, 1976) 151–152.
43. G. H. Guttridge, "Adam Smith on the American Revolution: An Unpublished Memorial," American Historical Review 38 (1933) 714–720.
44. *Ibid.* 716–717.
45. John Rae, "Life of Adam Smith" (London: Macmillan and Co., 1895) 281.

The Books of Summer

Each year at this time, Liberty invites a number of interesting people to recommend books that they find interesting, for pleasant or challenging summer reading. The invitation says, "You may recommend one book, or many, and on any subject. The only requirement is that the books you recommend must be available for purchase." The idea isn't just to review a book; it's to express an enthusiasm that may possibly become contagious. The idea is to let people know about a good book they might otherwise miss.

Here are the results.

My first pick for summer reading is "Simple Rules for a Complex World" (Harvard University Press), by Richard Epstein. Despite its title, this book is not an easy read; but it is worth the effort. It argues for a legal system built on six "simple" rules. The first four constitute the basic framework:

1. Individuals "own" themselves.
2. We need simple principles for how unclaimed property can be acquired.
3. Voluntary exchanges are allowed.
4. Individuals should be protected from aggression.

While these four "rules" form the core of the system, Epstein argues for two more: the fifth supports "limited privileges for cases of necessity" (in an emergency, the normal rights of property are altered), and the sixth supports "takings of property for public use on payment of just compensation" (i.e., eminent domain is allowed with compensation). These last two will be viewed skeptically by libertarians, but I found Epstein's discussion extremely interesting.

Epstein believes that a system can be constructed on the basis of these rules, that the system will work well in most cases, and that attempts to introduce improvements to the system lead to complexity and overhead that will rapidly erode overall utility.

If you do take the time to study this book carefully, I urge you simply to write the six rules on a piece of paper, try to gain an overview of what they imply, and continually relate Epstein's numerous insights to this basic framework. It is very easy to get caught up in details and to lose the basic idea of what each chapter in the book is intended to achieve. The work was published in 1995, and I deeply wish that I had seen it then. It is an important, well-written statement that serious students of liberty need to think about.

My second pick is "The Mind's I" (Basic Books), by Douglas R. Hofstadter and Daniel C. Dennett. This is a delightful book. It is a collection of short pieces that range from very serious to very playful attempts to get at what is meant by intelligence and consciousness. I found all of them very readable, often stimulating, and remarkably amusing. The book includes

Alan Turing's justifiably famous essay considering the question, "Can machines think?"; Hofstadter's "Prelude . . . and Fugue," which beautifully conveys some of the basic visions that underpinned research in artificial intelligence; Richard Dawkins' "Selfish Genes and Selfish Memes"; and gems by such people as Raymond Smullyan and Stanislaw Lem. It's a truly wonderful book.

Ross Overbeek is a cofounder of the Fellowship for Interpretation of Genomes and a contributing editor of Liberty.

Brian Doherty's "Radicals for Capitalism: A Freewheeling History of the Modern Libertarian Movement" is just out in paperback (published by Public Affairs). All 700 pages at half the price!

This is going to be the standard history of the libertarian movement for a long time. It moves smoothly from the great ideas of Mises, Rand, and Hayek to the growth of libertarian thinktanks to the factional feuds within the Libertarian Party.

Doherty organizes the story around five pivotal figures: the Nobel laureates F. A. Hayek and Milton Friedman; the economist Ludwig von Mises, Hayek's teacher; another Mises student, Murray Rothbard, who was a professional economist and also a movement builder; and the novelist-philosopher Ayn Rand. But he also delves into the lives and contributions and factional fights of some pretty minor characters, including some that I'd never heard of after 30 years steeped in libertarianism.

Every reader, no matter how well informed, will learn things from this book. You may think you know everything there is to know about Hayek's career and Rand's idiosyncrasies. But do you know who Red Miller was? Or how the congressional Buchanan Committee tried to shut down the incipient libertarian movement in 1950?

One conservative reviewer complained that the book is "lacking in theme and comprehensive thesis." When you try to cover as many people, organizations, and ideas as Doherty does — many of whom never had any intention of working with the others — that's certainly a risk. But I don't think the reviewer is right. I see two themes. And, as I wrote last year on the Britannica Blog, the two themes may seem to be in tension.

First, as the title proclaims, "the most significant thing about libertarianism, the element that distinguishes its unique place in modern American thought, is that it is radical. It takes insights about justice and order and the fight between liberty and power farther and deeper than most standard American liberals, patriots, or Jeffersonians."

But Doherty also says, "Libertarians can believe, with some justification, that we are in some sense already living in their world. . . . We are not living in Karl Marx's world. . . .We live in a world energized and shaped by the beliefs of Marx's political-economic rivals and enemies — the classical liberals, the thinkers who believed a harmony of interests is manifest in unrestricted markets, that free trade can prevent war and make us all richer, that decentralized private property ownership helps create a spontaneous order of rich variety."

And later: "It's hard not to see a world that is well worth celebrating — perhaps even reveling in — to the extent that it runs on approximately libertarian principles, with a general belief in property rights and the benefits of liberty."

Can these two sentiments — libertarianism as radicalism and the modern West as an essentially libertarian society — be reconciled? I think so. After centuries of struggle, many of the aims of liberalism have been realized in the United States, Western Europe, and an increasing part of the rest of the world. Our world largely runs on the basis of property rights, markets, religious freedom, free speech, and the rule of law. But that "largely" remains a provocation to libertarians, who understandably focus on the ways in which governments fall short of liberal or libertarian ideals.

"Radicals for Capitalism" tells a fascinating story that libertarians can be proud of. Read it now.

David Boaz is a contributing editor of Liberty and the author of "Libertarianism: A Primer" and "The Politics of Freedom."

In last year's summer reading suggestions in "Liberty," David Boaz started with a surprise: he recommended a list of economics textbooks and treatises!

Surely you're joking, Mr. Boaz? Most economics books are pretty boring stuff. Imagine students trudging along to the beach or summer camp with copies of Ludwig von Mises' "Human Action" (containing chapters such as "The Formal and Aprioristic Character of Praxeology"), or Murray Rothbard's "Man, Economy and State" (the new "scholar's edition" is 1,441 pages long).

Admittedly, some of us nerds do like to read economics tomes during our spare time. Thirty-five years ago, I took my copy of Rothbard on my honeymoon. Needless to say, I didn't get much reading done.

David Boaz did mention one book of light reading: P.J. O'Rourke's "Eat the Rich." Despite its bawdy language, it's probably his best humorous work on economic issues.

Which brings me to a whole separate category of literature: economic fiction. Yes, fellow libertarians, such a literary genre does exist. Below are five economic novels that I've enjoyed. Most of my students are not majors in economics. If they ask me to recommend a "good book in the field," I start with these. More often than not, they report that they thoroughly enjoyed them. Some have even switched majors.

First on the list are three murder mysteries, all authored by Marshall Jevons, a pen name for William Breit and Kenneth G. Elzinga, free-market professors. The books solve murder cases by ingenious uses of basic principles of economics. Marginal utility, the law of demand, consumer surplus, opportunity cost, profit maximization, game theory, and Adam Smith's invisible hand all play a part in advancing the stories and catching the culprits. As Henry Spearman, the detective-hero, says to the local police investigator in "Murder at the Margin," "Elementary, my dear Vincent. Elementary economics, that is!"

Let me give you an example from each novel, without revealing the entire plot. In "Murder at the Margin" (Princeton University Press, 1978; paperback, 1993), Spearman is able to dismiss Mrs. Forte as a suspect in the killing of her husband because "a woman usually would be financially far better off by divorcing her husband than by killing him." Mrs. Forte's alimony payments over her expected lifetime would far

exceed the death benefits from an insurance policy. Clearly, someone else must have killed Mr. Forte.

In the second novel, "Fatal Equilibrium" (MIT Press, 1985; Ballantine Books paperback, 1986), Spearman uncovers a fraud in the research of a fellow Harvard professor. In reviewing the professor's book about prices of various commodities in a remote island, Spearman discovers a statistic that violates the law of utility maximization. The sleuth quickly concludes that his colleague made up the figures . . . and therefore engaged in murder to hide his fictitious research.

Economic writing has tended more toward abstract philosophy and mathematical apriorism than toward actual observation.

In the third novel, "A Deadly Indifference" (Carroll & Graf, 1995), Spearman is led to suspect an individual who purchases an automobile even though another car in better condition is available at the same price. Obviously, Spearman reasons, the suspect values something in the first car enough to justify the monetary difference. That something leads to the murderer.

Another likable feature of the books is their free-market bias. Spearman consistently defends economic liberty and attacks socialist thinking. He supports free trade, economic inequality, imperfect competition, and private property rights. He takes on collectivists of all shades — anthropologists, sociologists, environmentalists, social democrats, Keynesians, and Marxoids.

Who is Henry Spearman, this remarkable proponent of free markets? Milton Friedman, Ludwig von Mises, Gary Becker? Read the three mystery novels and decide for yourself. (Note: Prof. Elzinga has informed me that he and Breit are working on a fourth murder mystery. Comment délicieux!)

Another amusing guide to sound economic ideas is "The Adventures of Jonathan Gullible" (Small Business Hawaii, 1995), by Ken Schoolland, a professor of economics at Hawaii Pacific University. It's been translated into more than 40 languages, and is destined to be a classic.

Imitating "Gulliver's Travels," Professor Schoolland tells the story of Jonathan Gullible, who is shipwrecked on the island of "Corrupto," where he faces a series of challenges. Examples: The government imposes a "tall tax" on tall people because they tend to be more successful on the island than short people. Politicians use the "Applause-a-Meter" to decide how to vote. They constantly search for the policy that best reflects voter support, as revealed by this machine that measures audience reaction. Their motto becomes, "We believe what you believe!" The question is posed: Should naturally growing "merry berries" be banned because they make inhabitants high when they eat them?

Finally, you might enjoy a novel by Russell Roberts, economics professor at George Mason University, called "The Invisible Heart: An Economic Romance" (MIT Press, 2001). It's a romance novel that takes a provocative look at business, economics, and regulation through the eyes of Sam Gordon and Laura Silver, teachers at the exclusive Edwards School in Washington, D.C. who see the world differently from each other. Sam is a libertarian and Laura is a social democrat. Where Sam sees victors, she sees victims. She wants the government to protect consumers and workers from the excesses of Sam's beloved marketplace.

While Sam and Laura argue about how to make the world a better place, a parallel story unfolds across town. Erica Baldwin, the crusading head of a government watchdog agency, tries to bring Charles Krauss, a ruthless CEO, to justice. How are these two dramas connected? Why is Sam under threat of dismissal? Will Erica find the evidence she needs? Can Laura love a man with an Adam Smith poster on his wall? The answers in "The Invisible Heart" give the reader a richer appreciation for how business and the marketplace transform our lives. And Milton Friedman called it "a page-turning love story that also teaches an impressive amount of good economics."

If you read these books, I guarantee you too will maximize your marginal utility this summer.

Mark Skousen is a contributing editor of Liberty, compiler and editor of "The Compleated Autobiography" by Benjamin Franklin, and producer of FreedomFest.

I would like to suggest two interesting new pieces of fiction to read this summer. Both may be a bit bleaker than the average beach fare, but by way of compensation, both will provide the reader with gripping stories that have the capacity to do more than simply entertain. The two novels are "Trauma" by Patrick McGrath (Knopf), and "Pharmakon" by Dirk Wittenborn (Viking).

McGrath grew up inside the confines of England's most famous, and infamous, hospital for the criminally insane, Broadmoor, where his father was the medical officer in charge. Perhaps that helps explain the madness and violence that lie at the heart of most of his novels. For many years, he has lived in New York, in an area that once lay in the shadows of the Twin Towers. His latest novel is narrated by a New

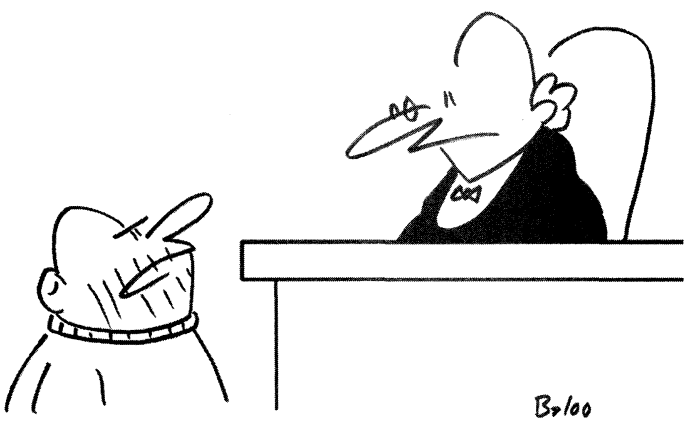

"What about all the crimes I *am* innocent of?"

York shrink who specializes in the treatment of post-traumatic stress disorder but is himself a man with plenty of trauma in his private life. McGrath's protagonist is a psychiatrist of a very old-fashioned sort, one who listens extensively to his patients and still believes that the mystery of mental illness is a predominantly psychological phenomenon, to be understood and treated by talk. But can he adequately comprehend even the tangles of his own personality? "Trauma" is a characteristically dark and disturbing tale, a powerful meditation on the uncertainties of the rule of reason and the frailties of those who claim to minister to minds diseased.

Dirk Wittenborn also grew up in a household deeply enmeshed in the mad business. His father was not a psychoanalyst but one of the pioneers of the modern psychopharmaceutical age. Wittenborn's novel "Pharmakon," which will be published by Viking in early August (and thus just about counts as summer reading) takes as its starting point the discovery in the early 1950s of a "happy pill," a distant ancestor of Prozac. It is an event that has deeply unsettling consequences, not just for the man who discovers the magic remedy, Dr. William Friedrich, but also for his prize patient (an awkward and impoverished Yale student named Casper), and for his extended brood of children, most notably his youngest son Zach. Like McGrath's novel, "Pharmakon" is as much about the mental peculiarities and failings of the mad doctors and their significant others as it is about those they purport to treat — though perhaps no longer to comprehend (for biochemicals are here a substitute for, and even an evasion, of attempts at psychological understanding). By turns funny, frantic, and frightening, Wittenborn's portrait of an unhappy family whose patriarch thinks he has uncovered the chemical keys to bliss is an entertainment both memorable and thought-provoking.

Andrew Scull's two most recent books are "Madhouse: A Tragic Tale of Megalomania and Modern Medicine" and "The Insanity of Place/The Place of Insanity: Essays on the History of Psychiatry."

"The Second World," by Parag Khanna, is an important new book on world politics. It was published by Random House in March. It discusses a coming tripolar world in which the United States, the European Union, and China will compete for influence and resources. I hope to write a full-length review of the book later this year, and so for the present will say only that I recommend it.

"Fusiliers" by Mark Urban (Walker & Co.) recounts the story of a British army regiment, The Royal Welch Fusiliers (immortalized by Robert Graves in "Goodbye to All That"), during the American Revolution. The Royal Welch, one of the most distinguished British regiments (equal to the Guards, many would say), fought throughout the American campaign, from Lexington to Yorktown. Urban, a Brit journalist, tells the story in smooth and informative prose. The book also contains some interesting illustrations.

Staying on the topic of British history, I just finished reading A.N. Wilson's "After the Victorians" (FSG), a social and political history of Britain between the death of Queen Victoria and the accession of Elizabeth II.

While an interesting and well written narrative of the age, the book contains many factual errors, particularly concerning non-British matters. Wilson calls Harry Truman a lawyer, which he was not. He places Heinrich Himmler's notorious Posen speech concerning the extermination of the Jews in October 1942, a year early. More subtle errors include describing Cordell Hull, Franklin Roosevelt's secretary of state, as an intimate adviser to the president. Roosevelt actually excluded Hull from major foreign policy decisions. Referring to Oswald Spengler's "Decline of the West," Wilson tells us that the German philosopher coined the term "Magian" to describe Egyptian culture. In fact, Spengler used the term in reference to a mixed early-Christian-Islamic culture which, according to his perception (shared by virtually no other scholar), came into being at the time of Jesus, reaching its apogee in the reign of Harun al-Rashid. One is left to wonder not so much at the gaps in Wilson's knowledge as at those in his editor's. Rarely, if ever, have I read a book containing so many obvious mistakes.

Despite this, "After the Victorians" remains a good read. It's particularly strong on some of the major personalities of the time, such as the great press lords Rothermere and Beaverbrook. And it presents a surprising defense of Edward VIII (the king who gave up his throne for a waspish American divorcee).

Right now, I'm reading Deidre Bair's biography of C.G. Jung, ("Jung," published by Little, Brown & Co. in 2003). Jung, the founder of analytical psychology, remains endlessly fascinating for his contradictory personae. Scientist and occultist, humanist and egoist, he sought to reveal the hidden workings of the human mind while hiding his own inner self (selves?) behind various masks.

For scholarship, Bair's book, universally praised on its release, stands on a level with Richard Noll's two books on Jung, while for readabilty it rivals Frank McLynn's 1997 biography. At almost 650 pages, however (not to mention over 200 more of notes), it's not for the faint of heart. For Jung aficionados only.

Jon Harrison is a contributing editor of Liberty.

I want to notice three very different books, which appeal to me for very different reasons, yet remain three of my favorites.

"Divided Legacy, Volume III: Science and Ethics in American Medicine," by Harris L. Coulter (North Atlantic Books): I like to recommend this book to friends who think that conventional medicine is the result of rigorous scientific competition and the testing of theories, with the most effective therapies rising to the top. Harris Coulter recounts in painstaking detail how nothing could be farther from the truth.

The history of what we know as "modern medicine" is more a dramatic conflict between opposing philosophies of what medicine ought to be. At its center are homeopaths and allopaths (the latter being the people whom we now regard as conventional doctors). In the mid-19th century, allopathy consisted of little more than arsenic, mercury, and blood letting. Homeopaths offered more effective treatments and performed better in the marketplace. Perturbed by the unwanted competition, early allopaths teamed up with purveyors of patent medicines and sought help from politicians. The result was the AMA, licensing, and accreditation for medical schools.

Homeopaths soon found themselves largely shut out of officially sanctioned practice (along with schools for blacks and women), and the rest is history. In Coulter's hands it is fascinating history, filled with compelling heroes and villains, as well as early medical details that will make your skin crawl. If you think you know anything about "alternative" vs. "conventional" medicine, do yourself a favor and read this book.

"Characteristicks of Men, Manners, Opinions, Times vol. II: An Inquiry Concerning Virtue and Merit," by Anthony Ashley Cooper, Earl of Shaftesbury (Liberty Fund): I would pay a lot of money to see a reincarnated Lord Shaftesbury duke it out with a reincarnated Ayn Rand. My prediction: they'd start off agreeing about "whim worshipping" and hedonism. Rand would quickly discover that Shaftesbury did not hold his own happiness to be the sole moral purpose of his life and denounce him; Shaftesbury would discover that Rand held an "extraordinary Hypothesis" about life and take pity on her; Rand would condemn Shaftesbury for taking pity on her; Shaftesbury would try to explain his position; and Rand would storm off to turn him into a sniveling political columnist in her next novel.

In "Characteristicks," Shaftesbury sets out to prove that the interests of the individual are not at odds with those of society, that they are in fact aligned. There is something refreshing about this. Whether you are swayed by all of Shaftesbury's arguments or not, it is worth considering that maybe this whole individual vs. collective thing is a red herring: an imagined — or at least greatly exaggerated — conflict exploited by those who would wield power over others (Shaftesbury would call this a "vitious Affection"), and one with which libertarians should perhaps not play along.

"Kitchen," by Banana Yoshimoto (translation, Washington Square Press): This is not just another "food-as-metaphor-for-love-and-life" book. Yoshimoto's unassuming work brings to life something about Japanese sensibilities: a constant, sharp awareness of the impermanence of everything, and a willingness to taste every bit of it — even the pain. For Yoshimoto all of life is fragile, and this makes the smallest and most mundane details of the utmost importance, deserving of especially delicate care.

"Kitchen" is about the exquisite taste of food and of love against a backdrop of emptiness. It is even about the juicy flavor of that emptiness itself. It does not analyze life or try to fix the world, but shows us what it is like to live in it. And for those of us who tend to live far too much of it in our heads, it is an extraordinary treat.

Bretigne Shaffer is a writer and filmmaker who spent many years as a journalist in Asia. She currently directs the Free World Media Center.

At age 88, Thomas Szasz does not seem to be slowing down or turning mellow. He published two books last year, both as trenchant as his work of 50 years ago.

Szasz is a moralist. Nowhere is this more fully shown than in his examination of the Terri Schiavo case in "Killing as Therapy," from his newest collection of essays, "The Medicalization of Everyday Life" (Syracuse University Press). Directing well-deserved contempt at Michael Schiavo for his patently deceitful protestations of eternal love for his half-dead wife, Szasz does not fail to point out that if the parents of the half-alive woman had agreed to pay for her care, rather than expecting the state to do so, the conflict over this unfortunate woman would have been moot.

But he saves his biggest ammunition for the therapeutic state:

> To be sure, a person dying of a terminal illness is, ipso facto, considered a patient. However, dying is not a disease; it may, inter alia, be a consequence of disease . . . More importantly, killing (oneself or someone else) is not, and by definition cannot be, a treatment. Strictly speaking, the phrase "assisted suicide" is an oxymoron. Suicide is killing oneself . . .
>
> [P]hysicians have always been partly agents of the state and are now in the process of becoming de facto government employees. Therefore, unless a person kills himself, we cannot be certain that his death is voluntary . . . We know that many persons who prepare advance directives requesting that physicians abstain from "heroic measures" to prolong their dying change their minds when the time comes to honor their own prior requests.
>
> In short, conjoining the terms "assisted" and "suicide" is cognitively misleading and politically mischievous. . . . Words are important. We must be careful about what we call the persons who receive and deliver suicide-assistance services.

I quote extensively rather than paraphrasing, because I agree: words are important, and Tom Szasz's words precisely explain and define what our attitude should be toward the ritual of "patient-assisted suicide."

David Boaz is also a deft essayist, as his new collection, "The Politics of Freedom: Taking on the Left, the Right and Threats to Our Liberties" (Cato Institute) confirms. He examines economic, political, and moral issues, ranging from war (in Iraq and elsewhere) to school choice, from corporate statism to market economies to The New Yellow Peril. But after pondering dozens of major issues, he reassures us that:

> In so many ways we are freer today than we were at various points in the past. Depending on just when you think was the golden age of liberty, I could counter by reminding you of oriental despotism, slavery . . . rigid class privilege, and so on. In the 20th century, fascism, communism, and national socialism. And even in our country in my own lifetime, we lived with military conscription, 90% income tax rates, wage and price controls, restricted entry to transportation and communications, indecency laws, and Jim Crow.
>
> I think that, on balance, Americans today are more free than any people in history. . . . So take a moment to reflect on our history, have a glass of wine, and celebrate what we've achieved after centuries and millennia of hard work and political struggle.
>
> And then, refreshed and rejuvenated, return to the struggle . . .

I raise my glass to these two dear friends, wise mentors, eminently practical men. Onward to battle!

Andrea Millen Rich heads Stossel in the Classroom, John Stossel's project to develop critical thinking among high school students by introducing challenges to conventional wisdom.

I found several books exceptionally commendable this year, especially when it comes to grappling with how you

view libertarianism and classical liberalism.

The first is Brian Doherty's delightful survey of libertarians and their views: "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement" (Public Affairs). I suspect that most readers of "Liberty" have already read the book, but if they haven't, they should. Doherty gives a masterly survey of all the major (not to mention the minor!) libertarian thinkers, from thinkers of the early 19th century to those of the 20th and 21st: the Austrian economists (Mises and Hayek), the three women fiction writers who did much to popularize the movement (Isabel Paterson, Rose Wilder Lane, and Ayn Rand), such important individuals as Leonard Read, Murray Rothbard, Milton Friedman, and Robert Nozick; and many others.

Doherty discusses the thinking and the lives of these people in depth, as he does the political evolution of the movement. No wonder the book is hefty — 619 pages (plus 92 pages of endnotes!). But it never drags, and it enlightens the reader about the faultlines in the movement, especially the tension between anarchists and "minarchists," as well as that between libertarianism and mainstream conservatism.

The second book, just out this year, is by another first-rate writer, Michael Shermer. Shermer is well known as the head of the Skeptics Society and is the author of a number of excellent books, perhaps the most popular of which are in the general area of science versus pseudoscience. But, as he reveals in the prologue of his new book, "The Mind of the Market: Compassionate Apes, Competitive Humans, and Other Tales from Evolutionary Economics" (Times Books), he has been basically libertarian since his college days. The book is simply fascinating. It's written in his characteristic style — witty, engaging, and accessible. He is one of the best science writers around.

The work is a survey of the rapidly burgeoning field of evolutionary economics. Economists have long prided themselves on their status as empirical scientists, but in truth much economic writing has tended more toward abstract philosophy and mathematical apriorism than toward actual observation and experimentation. With the rise of behavioral economics over the last quarter century (and neuroeconomics over the last decade), that is changing — as evolutionary psychology and biology are brought to bear on economic issues. Ironically, Adam Smith, whose economic theory was anchored in a consideration of human biology, comes off well in contemporary evolutionary economics.

Along the lines of informing social science with evolutionary theory, I recommend a third book, one that has been out for nearly a decade but is still quite topical: "Crisis in Sociology: The Need for Darwin" (Transaction Books). Authors Joseph Lopreato and Timothy Crippen argue that academic sociology is in a crisis, the dominant paradigms within the field failing to explain ongoing observation about human social behavior.

Lopreato and Crippen provide a nice sketch of the history and current state of sociology, and an excellent survey of evolutionary theory from Darwin to recent evolutionary psychology. They then look at the implications of contemporary evolutionary theory for sociological studies of gender differences, family structures, social stratification, and dominance orders, as well as ethnicity and multiculturalism. They write in a very jargon-free, logically structured way that makes the book compelling reading even for those who are not sociologists.

Gary Jason is an adjunct professor of philosophy and a contributing editor of Liberty. He is the author of "Critical Thinking: Developing an Effective World View and Introduction to Logic."

Most of my summer reading is reserved for the classics I was too stupid to enjoy in high school. But here I'd like to alert you to the most underrated great American writer alive, in hopes that one day you will thank me with a burnt offering. His name is Andrew Ferguson and he writes for "The Weekly Standard," where his byline is always worth seeking for the wiggle-quality pleasures sure to be found below it. Barack Obama, Fred Thompson, Alan Greenspan, and Bill Moyers are just a few of the notable subjects who have received his nonpareil literary treatment.

And now Ferguson, who looks like the love-child of Mark Twain and Samuel Clemens, has given us the 21st-century "Life on the Mississippi," in his first full-length book: "Land of Lincoln: Adventures in Abe's America." (Just substitute, for the river, a parade of myriad Lincoln obsessives, of whom Ferguson counts himself one.) As the title suggests, the book is more about America than it is about Lincoln, who can best be described by the phrase, "scholars differ." Ferguson ventures insightfully and hilariously into the many-splendored manifestations of Lincoln's influence: lovers, haters, collectors, curators, "realists," impersonators, worshipers, and more. Finally he makes his own poignant case in favor Lincoln the icon.

Ferguson's a first-rate wit and phrasemaker, but his most remarkable skill lies in narrative construction. He does his satirical work cleanly and quietly, leaving no traces, and he can sever a pound of flesh without drawing a drop of blood. (If he were around in the fictional Venice of 1500, Shylock might have died a Jew.) It's a humanizing satire which, rather than merely cutting its targets down to size, renders them more complex and interesting than they were when they began. And the subtlety of it all gives the punchlines more of that wiggle effect.

A review ought to quote examples from the book. But this isn't a review. It's an order. Follow it, and you'll have no trouble keeping in mind that I like mine medium rare, on the rare side. Thanks.

Alec Mouhibian is an author based in Los Angeles.

The ghost of liberty was a friend to Jorge Luis Borges, the Argentine intellectual who was promoted, during the fascist dictatorship of Juan Perón, to the position of "Poultry and Rabbit Inspector." But it isn't Borges' political attitude that recommends the parables and short stories you will find in his "Collected Fictions," which was anthologized by Penguin in 1998. His work endures because it inhabits the only realm uncontaminated by politics — the foggy, mythological world that Borges, even in blindness, could navigate with ease. It is no stretch to argue that Borges, who was born in the twilight of the 19th century, was the great mythmaker

continued on page 61

Liberation Theology vs. McDonalds

by Doug Casey

El Salvador is a small country with unremarkable geography. But it's survived the Cold War, the Football War, a weak economy, and the "export" of a third of its people. What will the future bring?

For the first time in years, I recently spent time in a country I hadn't previously visited. There aren't many left on that short list. In the Western Hemisphere, only Bolivia. In the Old World, just India, Iran, plus an assortment of truly obscure places in Asia and Africa. Will I cover the last few bases in the next few years? Stay tuned.

I'm not always sure of the ultimate value of spending all that time traveling. In my more cynical moments, I think, "You've seen one, you've seen them all." The world is increasingly becoming a giant village, sewn together by subway stations called airports. People are people, everywhere. So I often quip that having spent time in 175 countries, plus $10, will get you a cup of coffee in Tokyo. But that's too jaded a view, even for me.

If nothing else, travel gives one a good quota of experiences to relate at a cocktail party. And it's a necessary — though not sufficient by a long shot — qualification to comment on international markets.

So let's take a look at El Salvador. It's a country the size of Massachusetts and so obscure that, on the front of their passports, they have a map of Central America with El Salvador highlighted, probably for the benefit of immigration agents who don't have a clue it's a real country. One of my new Salvadoran friends had a laugh telling me how, in the days before direct dialing, he often had to spend time explaining to international operators that El Salvador isn't in Mexico.

There are other ways in which El Salvador is different from the rest of Central America. In San Salvador, the capital, there's a higher incidence of KFCs, McDonalds, and other American culinary delights than most anywhere outside of the U.S. More of the locals speak English than perhaps in any other part of Latin America. And, surprising to some visitors, the U.S. dollar is the national currency (as in Panama and Ecuador — more on this later).

The place has a huge American embassy. Like all those of recent vintage, it resembles nothing more than a federal penitentiary, built within a walled compound that must be half a square mile in size. Apparently it's the largest the U.S.

has, with the exception of the one in Paraguay. And, of course, the humongous new one in Iraq — which, I think, will never serve much purpose except to make for a somewhat safer exit lounge where, in a couple of years, the last Marine will wait anxiously to jump aboard the last helicopter to lift off from the roof.

He often had to spend time explaining to international operators that El Salvador isn't in Mexico.

El Salvador's official exports are coffee, sugar, shrimp, and inexpensive clothing, amounting to $3.4 billion annually — over 60% of which goes to the U.S. Its imports are $6.8 billion, which results in a huge trade deficit. The way it survives is by exporting people who send back money.

There's a lot of uncertainty about how many Salvadorans there actually are, although the official number is 7 million. There's a lot more uncertainty how many are in the U.S., but guesstimates put *that* number at about 3 million, with a third of them in Los Angeles alone — plus at least one family I know in Aspen who run a nice little restaurant. These folks send billions of dollars back home each year to support those left behind, while doing their best to get the rest of the family to the United States.

Look at it this way: you're a poor peasant, but thanks to cheap electronics from Asia, you've seen videos and television programs portraying life in the United States that seem to imply that maybe you don't have to live in a dirt-floored shack with no plumbing, doing really hard field labor for the rest of your life. In fact, everybody on TV seems to have a car, a nice house, work that involves getting paid a lot of money for shuffling papers, and long lunches where you get to actually drink some of that coffee you're now paid about $8 a day (if you're really good) to pick.

At a minimum, what you do is pack up and head for the capitol of San Salvador (which explains why about half the population lives there). If you're naive, you might spend a few days in line at the U.S. embassy before you figure out your chances of (legally) going to the promised land are roughly zero. So, at great personal risk, you scheme to get across Guatemala and Mexico in hopes of finally crossing into the United States. Somehow, about 3 million Salvadorans have done it so far.

Another striking thing about El Salvador is the people who enter. In every other country in Central America, the majority of the visitors are tourists, or even second-home owners. Not here. The foreigners aren't wandering around in shorts carrying cameras; they're striding purposefully about in suits, carrying briefcases. The hotels are full during the week, but empty on the weekends when everyone flies back to the U.S.

There is no tourism. And, I suspect, there won't be any for a long time to come. It's a nice country, with nice people. But the mountains and rolling hills, though pleasant, aren't a particular draw; in fact, even though El Salvador has a reputation for overpopulation, the census in the countryside is actually *dropping* as peasants move to the cities.

The war in Iraq is just as unpopular in El Salvador as anywhere else. Perhaps even more so, since El Salvador has a battalion of troops in Iraq. Like soldiers everywhere, they don't have a clue why they're there, beyond the propaganda dispensed to them by their almost equally ignorant officers. It's amazing to think how the U.S. has managed to rope tiny, poor, isolated little El Salvador into joining the invasion of an almost equally tiny, poor, and isolated country on the other side of the planet.

Then again, it's not so strange, considering how badly El Salvador wanted to win the Millennium Challenge. If you were a government, might you not consider sending some peasants overseas if it might help you round up $461 million of free foreign cash?

Few Americans know about the Millennium Challenge Corporation, created in 2004 — one of the worst of the many expensive boondoggles set up by the Bush regime.

The MCC is supposed to reform a portion of the foreign aid budget by, it seems, ensuring that it goes only to "deserving" governments, who will deploy it in "public/private partnership" projects with the objective of reducing poverty. This program is supposed to distribute about $2.5 billion annually, a component of the $20 billion in foreign aid already passed out annually.

It's not that this is a lot of money, not in the context of a $2.47 trillion U.S. government budget. It amounts to less than a rounding error. The point is that none of it should exist at all. As far as I can determine, what distinguishes this program is that grants are approved by a supposedly independent board of directors, who will grant money supposedly based on how sound the recipient's economic policies are, and how much "the people" are helped.

This process stands opposed to the regular system of foreign aid administered by State Department bureaucrats, who evidently pass it out based on how *un*sound the recipient's economic policies are, and how much temporary love and loyalty the money will buy.

At great personal risk, you scheme to get across Guatemala and Mexico in hopes of finally crossing into the United States.

The new foreign aid scam is, however, just as stupid and counterproductive as the existing one. It will actually hurt recipients in the long term by distorting their national economies. It will inevitably further enrich the politically well connected.

It encourages statism by putting more funds into the hands of the bureaucrats while corrupting the local private sector by encouraging them to "partner" with the state to get the money. It amounts to more corporate welfare for the U.S. companies that get contracts to implement it.

In any event, by virtue of winning the Millennium Challenge, Salvador will receive $461 million over the next five years — most of it to be spent on a 200-mile transnational highway running through the poor northern part of the country.

My, roads have gotten expensive, even in low-cost third world countries. I remember how, when the Interstate Highway system was being built in the U.S., people were awed by the fact that a divided four-lane highway cost a million dollars a mile. This road is going to be a 30-foot-wide, two-lane blacktop, and 80% of it amounts to an improvement of existing roads; they must be paving it with dollars.

My Salvadoran friends had another laugh, trying to figure out who was going to make the most money padding the bills.

El Salvador is a bit of a hard luck story. It gets more than its share of hurricanes, floods, volcanoes, and earthquakes. The October 1986 earthquake killed 1,400 people. Hurricane Mitch in 1998 killed several thousand. In 2001, another quake killed about 1,300 people and did $1.6 billion in damage, which is a lot for a country with a $16 billion GDP. Hurricane Stan in October 2005 caused $355 million of damage.

But the country's real hard luck comes from its government. Wars, pogroms, inflations, regulations, taxations, confiscations, socialism, political intrigue — you name it. Salvador has always been the kind of place that could have been featured in a movie like "The Mouse that Roared," or "The In-Laws." Tragi-comic stuff seems to come naturally, like the Football War of 1969.

Football War? Yes. Tensions started building in 1967 between El Salvador and neighboring Honduras, where economic conditions were equally bleak. The 300,000 Salvadorans residing illegally in Honduras were convenient scapegoats. Most had just drifted across the border, squatting on unoccupied land, a perennial problem throughout the third world. The pot boiled over in June of 1969 when the soccer teams of the two nations were engaged in a three-game elimination match towards the World Cup. During the first game, in Honduras, Salvadorans were beaten up. In response, during the second match in San Salvador, Honduran fans were beaten up.

El Salavador's real hard luck comes from its government. Wars, pogroms, inflations, regulations, confiscations — you name it.

Back in Honduras, in counter-response, an unknown (but significant) number of Salvadorans were killed or brutalized — and tens of thousands began fleeing the country.

Tabloid newspapers in both countries incited the mobs, and, on June 27, 1969, Honduras broke diplomatic relations with El Salvador.

El Salvador launched a full-scale military attack early on July 14, 1969. The bigger and better equipped Salvadoran army pushed the Hondurans back over three miles, until they started running low on ammo and fuel — the latter because, after the Honduran air force basically wiped out its counterpart in Salvador, it went on to destroy the country's fuel reserves. So the war came to a truce four days after it began.

From 1980 to 1992, an estimated 75,000 Salvadorans were killed — roughly equivalent to 2 million Americans today, as a proportion of the population.

It was just a silly little war, but a disaster for both sides. Over 100,000 Salvadorans fled Honduras. Trade ended. The border was closed. Around 2,000 people, mostly Honduran civilians, were killed and many thousands made homeless.

You'd think after the Football War, Salvadorans might have sworn off armed conflict. But you have to remember that the '70s was a time when it looked like communism was the wave of the future. The Vietnam War was being lost. The Soviets and Cubans were running all over the world (financed by high oil and sugar prices) trying to stir up People's Revolutions. The U.S. was experiencing high inflation and a rough economy.

And so-called "liberation theology" — an unlikely combination of Catholic social welfare ideals and Marxist doctrine — was stirring up the natives in much of Latin America.

In El Salvador, a number of violent leftist groups coalesced around the FMLN (*Frente Farabundo Marti para la Liberacion Nacional*) and, by 1980, with help from the Cubans and Nicaraguan Sandinistas, engaged in a truly nasty civil war against the establishment. It started with political assassinations and "death squads" from both sides, who did their best throughout the '70s to eliminate those deemed politically undesirable, or just unreliable.

Several juntas successively overthrew the government (and each other), producing chaos with various cockamamie "reforms." Trouble really started in 1980 when a number of demonstrators were shot by police on the steps of San Salvador's main cathedral, not long after the left-leaning Archbishop had been assassinated. Later, four American nuns, who were basically left-wing agitators, were murdered.

From 1980 to 1992, an estimated 75,000 Salvadorans were killed — roughly equivalent to over 2 million Americans today, as a proportion of the population.

During most of the 1980s, the U.S. Government supported

the rebels against the government in Nicaragua, while it was supporting the government against the rebels in El Salvador. It was hard for the average American to tell "Who's on first," even if he could find these places on the map.

Since the end of the Cold War, the rebels in El Salvador have been part of the government and things have been relatively peaceful. The country is essentially the same as it's always been, still controlled by a dozen or so families who all know one another. I found it interesting that when I asked a new friend if he knew a Salvadoran girl I went to Georgetown with in the `60s, he said, to my surprise, "Sure, she's my second cousin." Naturally, she's living in the U.S. . . .

The fate of El Salvador is highly dependent, in many ways, on that of the U.S. If things get as tough in the U.S. as we think they will, will Salvadorans in the U.S. still be able to send dollars south? Will the dollars themselves present an even more serious problem as inflation grows?

Will the Salvadoran gangs that have grown up in L.A., and have about 15,000 members here, become a really serious problem? Will Muslim extremists who previously had no beef with tiny El Salvador try to punish Salvadorans for joining the U.S. in Iraq? Will the country revert to its long tradition of juntas and coups, or will recent stability continue?

I don't know. And, in that, I'm certainly not alone. ❑

Reflections, *from page 36*

involved with drugs after her high school sweetheart died in Vietnam. Her parents, strict Catholics, encouraged her to plead guilty, to save the family embarrassment. She did so, expecting to get probation. Instead, a judge sent her to the Detroit House of Corrections. In 1976, she managed to escape, eluding authorities until her capture in California.

Ms. Walsh, now 53, has been married for 23 years, raising three children with her husband, Alan Walsh. She has lived a typical upper-middle class life without causing society any problems. Now back in jail, she told an AP reporter, "I hope there's some mercy."

I hope so, too. I have a lot of compassion for Marie Walsh. But more than compassion, I feel anger. Anger at the judge for sentencing a kid to so much hard time. Anger at the government for wasting taxpayer money pursuing this woman, more than 30 years after her crime was committed. Anger at a society that allows the government to crush an individual over a matter that should be none of government's business to begin with.

According to one news report, the authorities believe that Ms. Walsh-LeFevre knew Detroit's heroin kingpins, and that she was making thousands of dollars a week as a dealer. I have to suspect that they are exaggerating to justify their harsh treatment of the lady. But even if the accusation is true, the salient fact is that government ought not to be in the business of suppressing private behavior, including drug use.

Departing from the law is a slippery slope, no doubt about it. But even more slippery is the slope that our liberties have been sliding down the past hundred or so years. Government should not be regulating private behavior by consenting adults, whether it involves drugs, sex, or anything else. Its authoritarian impulses must be curbed. In the words of Alexander Hamilton (no, not Thomas Jefferson — in fact, Hamilton was referring to an assault by Jefferson on the freedom of the press), we ought to "resist, resist, resist until we hurl the demagogues and tyrants from their imaginary thrones."

Indeed. The main reason to be politically active today is to fight against the politicians, judges, and cops who want to turn us all into cookie-cutter versions of their concept of the "good citizen." — Jon Harrison

An offer he couldn't refuse — The more information that emerges about just how Obama won the support of the Teamsters a few months ago, the more it looks like a parody of a "Godfather" movie.

We knew from the early reports that, in exchange for Jimmy Hoffa Jr.'s support, Obama agreed to oppose all new free trade agreements. That just confirmed what we all knew: viz., that the Democrats have been moving to the far Left on protectionism. Both Obama and Clinton have opposed the free trade agreements with Colombia and South Korea that are currently awaiting congressional approval, and have bashed NAFTA shamelessly.

But a recent investigative report in The Wall Street Journal by Brody Mullins and Kris Maher (May 5) reveals a hidden, sordid underside to Obama's Teamster deal, and it stinks like last week's frutti di mare. Obama has agreed in private — if elected — to stop federal oversight of the Teamsters for mob infiltration.

The background here is important. For many decades, as you know, organized crime has intermittently penetrated organized labor. But no penetration has been deeper than with the Teamsters, especially under the elder Hoffa (may he rest in pieces, under whatever concrete structure he lies). For years, the Teamster pension fund has been a giant mobster ATM, funding development of Las Vegas and other resorts, from which the Mob benefitted far more than did the workers. Truckdrivers' sweat financed a lot of illicit activities.

To control that corruption, the Justice Department set up an independent review panel in 1992. Even Bill Clinton, arguably the most corrupt president, didn't try to pull the rug out from under the Justice oversight panel.

The Teamsters of course claim that they've cleaned up their act. And since their political action committee has donated $25 million to Democrats over the last 18 years, they have a lot of clout. So they may get their way.

But given that the Teamsters have had connections with organized crime since their inception nearly a hundred years ago, that the types of businesses they have unionized (such as transportation companies) are very useful to organized crime, and that the sheer volume of assets they command can greatly empower organized crime, it would be utterly irresponsible to stop Justice Department oversight anytime soon.

Obama seems to have struck a deal with the Devil, and a dirty one at that. This is rather odd behavior for a Messiah.

— Gary Jason

The fields of Eton redux — My oldest daughter is in high school and a strong athlete. These days, kids whose

continued on page 62

Reviews

"Expelled: No Intelligence Allowed," directed by Nathan Frankowski. Premise Media, 2008, 90 minutes.

When Theories Collide

Jo Ann Skousen

At a critical moment in our nation's history, the Founders were deadlocked on whether even to discuss the issue of revolution and independence. John Hancock, who held the deciding vote, is said to have declared, "I've never known an idea so dangerous that it couldn't be discussed." Debate was opened, and an entirely new form of government was adopted.

Ben Stein suggests in his documentary, "Expelled," that we are at such a crossroads in academia today, when professors are losing their jobs because they dare to talk about intelligent design as a possible answer to the question of how life began. Stein presents these researchers as modern-day Galileos, martyred for daring to suggest an alternative to spontaneous evolution as an explanation for the origin of life.

While Galileo focused on the world "out there," intelligent design scientists study the world "in there" as well, inside the single cell from which life springs. Modern science has discovered that cells are much more complex than Darwin ever imagined. A single tiny cell contains a blueprint — design, if you will — of the entire organism as it will eventually exist. Discoveries regarding DNA and RNA make it difficult to accept the idea that the original cell emerged by chance, "out of the mud, on the backs of crystals," as one ID detractor suggests when pushed by Stein to explain how it all started.

How did it start? That's the big question. Intelligent design theory begins with the idea that certain features of the universe cannot be explained by evolution. That's all. This is similar to saying in a scientific article that certain features of the vertebra cannot be explained by reference to some current theory. This is useful. Knowing what we don't know leads us to investigate other paths until we do know.

Darwinians have already made adjustments to their theory to account for evidence of the Big Bang, and both theories now coexist peacefully. The fact that ID cannot be replicated does not make it false, any more than not being able to replicate the Big Bang makes it false; it just makes it unproven — and still open to debate. But because ID theory might possibly lead to theological speculations on the nature of the designer, the debate bangs shut. How scientific is that?

Had Stein devoted more of his documentary to the scientific foundation for intelligent design, his film might have received a warmer reception from the critics. But I doubt that anything would have made a difference; being a fellow traveler of intelligent design produces the same reaction today as being a supporter of evolution did a hundred years ago. Like the scientific community, the liberal literati are skeptical of anything that "emerges with [creationism] clinging to its back."

Nevertheless, I sympathize with Stein's decision to include the mind-boggling possibilities suggested by the theory of ID — that design implies a designer, someone else "out there." Like Einstein imagining the time travel suggested by relativity, or physicists reveling in the implications of quantum theory, or a biochemist contemplating the healing powers of nano technology, ID proponents are understandably tantalized by the possibility of connecting with other intelligent beings in the universe. I suspect most scientists are tantalized by that idea too. It's just that ID comes too close to supporting the concept of a designer with a proprietary interest in his or her creation. But scientific atheists who smugly reject that possibility do so on an emotional level, not a scientific one.

Yet the theory of an intelligent designer does not necessarily imply a god that has to be worshipped. For that matter, the designer does not even have to exist anymore. As Robert Frost suggests in his sonnet, "Design": "What brought the kindred spider to that height,/ Then steered the white moth thither in the night?/ What but design of darkness to appall?/ If design govern in a thing so small."

Similarly, ID and evolution do not have to be mutually exclusive theories. Evolution explains how organisms adapt and change, but it does not explain how the first organism came to life. As long as we don't know, we should keep looking. But even ID scientists who shun theology are shunned by the scientific community. "Show us the peer-reviewed articles, and we'll consider taking you seriously," they sneer. But that's just the point: peer-reviewed journals are controlled by the academicians who refuse to consider ID. And if they won't even consider the articles, the articles can't be peer-reviewed.

Those who refuse even to consider the idea of a sentient being designing a helix or planting a seed are as closed minded as the intelligentsia of Galileo's time who mandated that the sun revolved around the earth simply because they did not have a current theory to explain the path that the sun made across the sky each day. Open your eyes! Is it utterly impossible to consider that someone from another planet may have visited Earth even once in its eons of existence and left behind a seed? It doesn't have to be a whole Garden. Even Richard Dawkins admits to this possibility of an alien Johnny Appleseed in "Expelled."

The folly of scientific closed-mindedness is also seen in another film released last month, "Horton Hears a Who!" (Jimmy Hayward and Steve Martino, directors. Blue Sky Studios, 88 minutes). When Horton is seen carrying around a little dandelion from which he claims to be hearing voices, his detractors and even his friends begin mocking him by carrying around dandelions and making the same claim. I think the directors intended this to be a slap at the "invention" of religion. But thousands of people making false claims about hearing a voice doesn't change the fact that one of those voices — the one belonging to a Who — is real. And if the possibility exists that it is real, isn't that possibility worth investigating?

No matter which side of the debate you support, spontaneous evolution or intelligent design, the documentary's larger point — that those who hold the power in academia tend to suppress and even expel teachers who support politically incorrect ideas — is valid. Graduate students in economics have confided to me that they have been advised not to admit attending conferences or seminars sponsored by libertarian or conservative thinktanks like the Liberty Fund, Cato, or Young America's Foundation for fear of being blackballed when they begin their job search. ID is just another example of suppressed speech, and that is a practice that concerns all of us. (See Gary Jason's review of "Indoctrinate U" in this issue.)

Stein's interviews are intercut with black and white clips from movies and newsreels, some frightening, some ironic and funny. One can't help but chuckle at the sight of Dr. Frankentstein chortling crazily, "It's alive!" right after a scientist Stein is interviewing suggests that the first cell came to life through a strike of lightning. However, many of Stein's clips are deeply disturbing. He begins his documentary with scenes from Hitler's Germany, printing the opening credits on Berlin road signs to suggest that we are at a similar crossroads today. (In fact, the original title of the film was "Crossroads.")

Stein tours Dachau, reminding viewers that Darwin's theory of "survival of the fittest" led to eugenics and its justification for "destruction of the weakest." Hitler used the theory of eugenics to justify killing Jews, blacks, gays, and those with mental and physical handicaps in order to create an elite Aryan super-race. But Stein goes too far in suggesting that today's scientist is Hitlerian, and evolutionists are understandably angry at being likened to the Holocaust engineers.

While the juxtapositions may be over the top, the metaphor works on the level that director Nathan Frankowski intended. College administrators are building an intellectual wall akin to the Berlin Wall that separated the East from the West. "Our world view is influencing the interpretation of science," he suggests. "Academic freedom exists only for those on the right side of the [intellectual] wall."

You may not agree with Stein's position on this issue (and there are plenty of websites you can peruse that tear this film apart), but libertarians everywhere ought to agree with this: no idea should be considered too dangerous to be discussed. ❑

Should Ben Stein Be Expelled?

Mark Rand

With "Expelled," Ben Stein challenges "evolutionists" to defend their science and their actions in the court of public opinion. Why are universities squelching inquiry into problems with Darwin's dangerous idea? What so frightens "Big Science" that they fire researchers who dare to discuss alternative theories? Stein interviews prominent defenders of the theory of evolution, and none of them are able to answer these questions. Why?

Before I answer that question, allow me to address Stein's "reminder" that Darwin's theories led to the Holocaust. Liberty's readers should not have to be reminded that dictators (and politicians in general) justify their actions in whatever way is convenient. To claim

that "survival of the fittest" leads to eugenics is akin to claiming that science causes war, or that capitalism causes poverty.

Back to the movie's thesis: Stein's interviewees do not respond to the charges above because they never hear them. Stein interviews under the guise of an objective documentarian. He tells the mainstream scientists he interviews that his movie is innocuously entitled "Crossroads: The Intersection of Science and Religion." But by Stein's own admission, the movie's title was already "Expelled: No Intelligence Allowed" when it was pitched to him. The interviews are carefully edited to remove content that rebuts any of the film's premises, then interspersed with pseudoscientific pronouncements from Intelligent Design (ID) proponents (which are, of course, presented as the real truth of the matter).

Were any of the supposed martyrs in "Expelled," actually fired, demoted, or harassed for questioning Darwin? The short answer is "no."

In the case Ben Stein describes as the "most egregious," Richard Sternberg supposedly "lost his job" for publishing a paper critical of the standard evolutionary account of the Cambrian Explosion. In actuality, before the paper was published Sternberg gave his notice of intent to resign his position; then he circumvented the standard review process to publish some ID nonsense in the small scientific journal for which he served as unpaid editor; then the journal's publishers withdrew the paper and announced it should not have been published; finally, he left his job. Sternberg was (and still is) an unpaid research associate at the Smithsonian, although he has not shown up there in years. Sternberg was (and still is) an employee of the National Institute of Health.

Each of the five other supposed martyrdoms is convincingly refuted at www.expelledexposed.com., at www.michaelshermer.com. (the site of one of the scientists duped into appearing in "Expelled"), and at Wikipedia. Each of these sites also addresses the film as a whole, and each site provides easy access to sites addressing the science (or lack thereof) behind ID. Finally, since science and truth are both best served by full information, each site also provides easy access to prominent ID websites.

One of these ID websites (www.researchID.org) inadvertently refutes the general case of suppression with its list of "100+ universities and colleges" that include ID in their curricula. Six Ivy League schools are on the list. (Fittingly, none of them view ID as science.)

What about the supposed problems with the Darwinian theory of evolution? There are, in fact, legitimate (and sometimes heated) disputes, and peer-reviewed articles regarding natural selection are regularly published in reputable journals of science. The papers make specific, testable, falsifiable claims, which are judged only on whether they withstand challenges. (All scientific papers are challenged — the scientific process has its own survival of the fittest.) The papers cover everything from the criteria of mate selection to the frequency and importance of symbiogenesis.

ID theorists, on the other hand, do not publish in peer-reviewed journals, for they do not practice science. Some of them dispute this — they claim that their research is legitimate science that does not get a fair hearing at the "intelligentsia-controlled" scientific journals. If this is the case, why don't they publish it through other channels? Their leading theorists have published several books that claim to make a scientific case for ID. Unfortunately for them, all but one ID-related claim has been refuted. This sole unrefuted (and irrefutable) claim is: "some things are known to no one." Hardly a solid basis for a theory of everything.

ID's specific claims are all along the lines of "this [link in the evolutionary chain] could not occur without

The Science of Suppression

In 1514, Nicolaus Copernicus began to circulate evidence that our solar system is not earth-centered (as the church taught), but heliocentric (sun-centered). His model was much better than the prevailing Ptolemaic model, but it was far from perfect. In the succeeding decades, scientists continued to observe the heavens and gather data. In the early 17th century, Johannes Kepler refined Copernicus' model, and Galileo Galilei's observations led him also to conclude that a heliocentric model was correct.

The intelligentsia of the day challenged the heliocentric model, much as the intelligentsia of our day challenge ID's conclusions — by requiring a specific prediction and comparing it to actual observation. (Kepler himself had anguished over his data, since they did not fit his preconceptions. Being a true man of science, he adjusted his beliefs to conform to the data.) The predictions matched the observations, and the intelligentsia abandoned the idea of an earth-centered universe.

The church also challenged the heliocentric model, but, like ID proponents today, refused to bother with data or evidence. The church banned advocacy of the heliocentric heresy, forced Galileo to recant, and sentenced him to house arrest and weekly penance. — Mark Rand

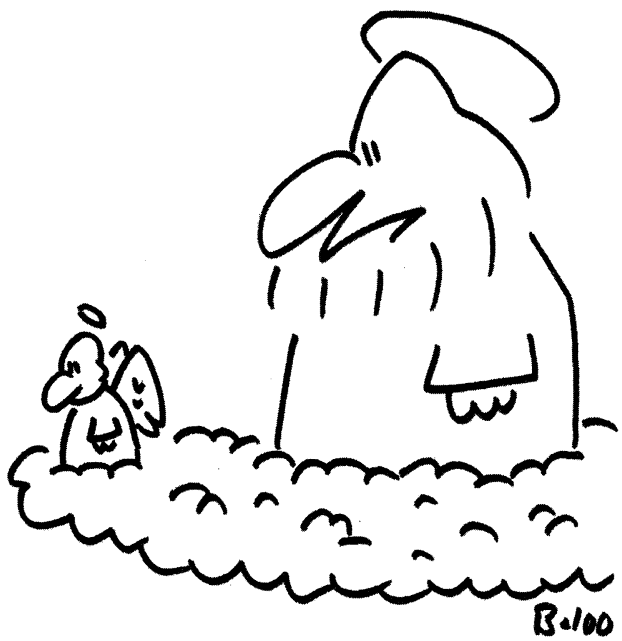

"Catch a pair of chimps and we'll do a complete makeover on them."

Intervention." "Life could not have emerged by chance, therefore there is a Designer," they maintain. Mainstream science continues its search for a natural origin for life, although this search is outside the sphere of evolutionary science. "Certain structures are 'irreducibly complex' and therefore could not have evolved." The reasoning behind the idea of "irreducible complexity" has been thoroughly refuted, as has every ID-proclaimed irreducibly complex structure (including their flagship examples: the eye and the eubacterial flagellum). "The Cambrian Explosion [of phyla and fauna] was too sudden to be natural." The Cambrian Explosion took place over the course of roughly 80 million years, and on top of that, its "explosiveness" may be overstated in the fossil record, as most of the organisms of that era, lacking bones or other mineralised body parts, would fossilize only under unusual conditions.

The claims that "Darwinians have already made adjustments to their theory to account for evidence of the Big Bang" (since the theories do not overlap in any manner, this is both bizarre and revealing), "ID and evolution do not have to be mutually exclusive," or that there are "ID scientists who shun theology" are no closer to the truth than the belief that a cartoon elephant will teach us a lesson about science.

As for the fiction that ID is something other than a Trojan Horse with which to sneak Christian fundamentalism into public schools, consider the words of one of ID's founders, William Dembski: "Intelligent Design opens the whole possibility of us being created in the image of a benevolent God. . . . And if there's anything that I think has blocked the growth of Christ as the free reign of the Spirit and people accepting the Scripture and Jesus Christ, it is the Darwinian naturalistic view."

All those who've longed for someone to apply Michael Moore's technique in support of the Religious Right will love this movie. Those who want an honest presentation of the facts should look elsewhere. ❑

"Iron Man," directed by Jon Favreau. Paramount, 2008, 126 minutes.

Iron and Dynamite

Jo Ann Skousen

"Iron Man" is a superhero for the 21st century. Even the soundtrack is contemporary, eschewing the heraldic trumpets and strings of John Williams' action soundtracks for a pounding, heavy metal guitar that is just right for a superhero who's made of, well, heavy metal.

Like Batman's Bruce Wayne, Iron Man's alter ego, Tony Stark (Robert Downey, Jr.), is independently wealthy with a houseful of gadgets and a mad scientist's laboratory. Equal parts playboy and scientist, Downey infuses his character with the flair of an irreverent James Bond and the inventiveness of a MacGyver, sexy and debonair yet cheeky and absent-minded. But unlike Batman's futuristic urban dystopia populated with cartoonish supervillains, "Iron Man" is set in present-day L.A. and his villains are present-day Afghans. The plot works on several levels, satisfying the Stan Lee comic book aficionado but with a script worthy of a political espionage thriller.

Director Jon Favreau develops the backstory well, devoting the first half of the film to how Stark becomes Iron Man and the second half to the espionage thriller, with plenty of Iron Man action throughout. When Stark is caught in a firefight after demonstrating a new superweapon to the U.S. military, he is forced by his Afghani captors to build the superweapon for them. Stark quickly and ingeniously designs a robotic spacesuit with superpowers instead.

A billionaire industrialist who has inherited a munitions plant from his father, Stark initially possesses the devil-may-care attitude Hollywood loves to impose on Big Business. While demonstrating the devastating power of his new weapon to a group of military leaders, he urges them pragmatically: "Find a reason to set off one of these and the bad guys will be afraid to come out of their caves." But Stark isn't a bad guy; he seems to believe that the best defense is a strong offense. When criticized for producing weapons, he replies, "The minute we stop needing missiles, we'll start building bricks and baby bottles."

It doesn't take him long to decide it's time for baby bottles. When a missile headed toward him early in the film literally has his name on it, Stark realizes that his weapons are being used by both sides to escalate the war. He vows to change the direction of his company, much to the chagrin of his business partner Obadiah Stane (bald, bearded, beautiful Jeff Bridges) and even the crazed Jim Kramer from CNBC, who makes a cameo appearance frantically urging investors to dump the stock.

The advantage of running a private company is that a CEO can change the direction of his business, and influence the outcome of a war, without having to convince a committee of 535 people who have competing pork-barrel needs. Like Alfred Nobel, who atoned for inventing dynamite by establishing the Peace Prize, Stark retools his factory and voila, a new superhero is born. This time the mad scientist is the good guy, and with his edgy attitude, wisecracking demeanor, and his almost demented way of talking to himself and his machines, Robert Downey, Jr., makes science cool. ❑

"Indoctrinate U," directed by Evan Coyne Maloney. On The Fence Films, 2007, 87 minutes.

Dissent for Me, Not Thee

Gary Jason

A great little documentary that was in very limited release last year is now available for purchase online and for rental at a few outlets. Evan Maloney's film — " Indoctrinate U" — was produced in collaboration with the invaluable Moving Picture Institute, an organization devoted to producing and distributing films that have conservative or libertarian views. The film documents the repressive atmosphere of political correctness prevalent on all too many college campuses today.

Specifically, Maloney's film (which he wrote as well as directed) examines the various ways college administrators and activist students try to squelch libertarian and conservative speech, by imposing speech codes, harassing conservative publications, and shouting down speakers with whom they disagree.

Maloney uses Michael Moore's "Roger and Me" technique, walking into administrative offices and asking for interviews with various devious and nasty administrators. The results are often hilarious. In one sequence, Maloney investigates the case of one university's legal jihad against a student who posted fliers for an upcoming speaker at a campus conservative club. The scheduled speaker was of that rare breed so offensive to the tender sensibilities of leftist students and professors: a black conservative. The kid had the stones to post a flier in the Black Student Center, and found himself charged with racial harassment by the vile administrators. They persisted, trying to intimidate him into withdrawing from the university, even taking him to court. He decided to fight, and the university not only lost, but was forced to pay his legal fees — some $40,000.

In a priceless scene, Maloney and his cameraman show up at the president's office, asking whether wasting $40,000 in taxpayers' money (intended to support bona fide education) on frivolous legal fees to pursue an innocent student was really the wisest course. The scene is just marvelous — the snarky administrator first tries to intimidate the crew, then calls the campus cops! So much for free speech.

In another humorous sequence, the camera follows Maloney as he asks administrators in the Women's Studies offices where the Men's Studies Department is located, or where the Men's Resource Center is. The look of vapid annoyance on their faces is a scream.

Students who produce campus conservative or libertarian publications tell how their newspapers are routinely stolen, and how they are harassed, even spat upon, while the campus administrations stand by approvingly. He also films antiwar protestors as they try to harass military recruiters on campus and deny other students access to them.

Maloney puts his finger on the crux of the problem. The campus radicals who protested for free speech in the 1960s control academe today, and — so typical of the Left — they act to stifle the dissent they fought so hard to secure, now that they are in control.

If you have a child in college or if you are soon to be a student yourself, this is an invaluable DVD. It is also useful for anyone who truly favors free speech. The production quality is amazingly high for what was obviously a small-budget venture, as is its comedic value. It is well worth the purchase. ❑

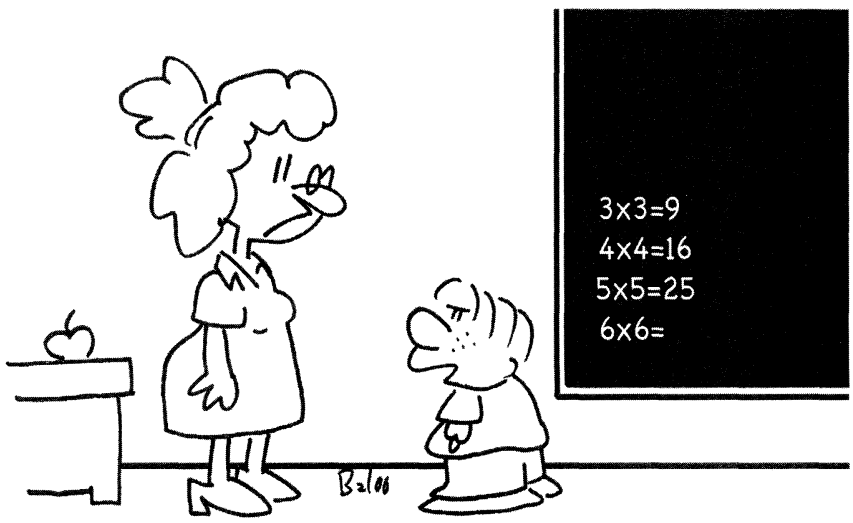

"Isn't this a waste of time? — If I want to know stuff like this, I can look it up."

"Smart People," directed by Noam Murro. Miramax, 2008, 93 minutes.

Too Smart for Its Own Good

Jo Ann Skousen

For smart people like Liberty's readers, the Sundance indie favorite "Smart People" seems a natural. With its smart cast and even smarter script, the film celebrates the cerebral — even its title credit, spelled out in Scrabble letters, appeals to the A+ student in each of us.

The film also celebrates the apparent right of smart people to be inconsiderate, aloof, sloppy, and ill-mannered. "Self-absorption is underrated," one character brags. "People like you and me don't need to compensate for inadequacies." How many times have you heard the phrase, "That's just the way I am," as an excuse for poor manners or downright meanness? The absent-minded professor, too smart to be nice? I don't think so.

Unless one is smart enough to turn to the dictionary. Then it begins to make sense: (smart) *vi.* 1. a) to cause sharp, stinging pain, as a slap b) to feel such pain 2. to feel mental distress or irritation; *adj.* 3. brisk, lively 4. intelligent, clever 5. neat, trim 6. stylish 7. impertinent or saucy.

In the film, Lawrence Wetherhold (Dennis Quaid) is a brilliant but self-centered professor who can't remember his students' names or even recognize their faces. Students complain and roll their eyes in disgust. He passes out nametags, but doesn't connect — as though naming something is the same as knowing it. At first we think he must be suffering from short-term memory loss or mental illness a la schizophrenic math professor John Nash in "A Beautiful Mind." But no. Wetherhold is simply a curmudgeon of the worst sort: tenured.

Wetherhold's smart daughter, Vanessa (Ellen Page), doesn't fall far from the tree — when ER doctor Janet Hartigan (Sarah Jessica Parker) calls to tell Vanessa that her father has been in an accident, Vanessa replies sardonically, "I'm taking the SAT at 8 a.m. I have exactly one hour to study and get to sleep by 10." Page tries to make this character as "impertinent or saucy" as "Juno" would be in her next film, but director Noam Murro relies on sitcom shortcuts (Vanessa belongs to the Young Republicans and the Model UN, for example) to telegraph the character instead of letting Page act.

Quaid's performance is far from "neat, trim, stylish." His unkempt beard, his odd lumbering gait, his weird fixation on his briefcase, the potbelly under his shirt, and his inability to sit in a front passenger seat, all serve to distance the audience even more from this unlikeable character. We learn that his "mental distress or irritation" is down to the death of his wife, but that excuse doesn't satisfy: he has been offending his students since before his doctor was a freshman. It's "just the way he is" and he doesn't have to compensate for it.

Lawrence is also mean to his adopted brother, Chuck (Thomas Haden

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Church), using the word "adopted" as a continual "stinging slap" to explain why Chuck isn't as smart and successful as the real Wetherholds. Lawrence is supposed to be one of those "redeemed by love" characters, but there is no redeeming quality to love about him. As he heads out for his first date with Hartigan, Chuck advises him, "You spend $50 for dinner, that's grounds for intercourse," and that's about as deep as the relationship goes.

First-time director Murro tries a little too hard to be smart. He wants to show a family that doesn't know how to function — daughter is playing at being housewife, father can't let go of the past, uncle is trying to bring some reality into the house, son is totally left out — but Murro comes off looking "sophomoric" (as Lawrence smartly calls Janet.) The names are "clever" but sophomoric clues: will Janet lose her "heart-again"? Will Wetherhold "weather" the storm or "hold" onto his pain? And of course there are the multiple meanings of the word "smart." But naming something isn't the same as knowing it, and Murro doesn't let us know his characters beyond their surface descriptions.

This movie tries to be another hilariously dysfunctional Sunshine family, but films about quirky dysfunctional families need to be "brisk, lively," and Murro's direction is deadening. Brisk, lively music would have been a smarter choice than the pleasant folk rock that has become an indie film staple. For example, the scenes at Goodwill when the dead mother's clothes are repeatedly donated and then repurchased could have been funny, but instead they seem maudlin and pathetic because the music is sentimental and low-key.

In one particularly odd scene, when Vanessa is out with adopted Uncle Chuck celebrating her early acceptance to Stanford, she asks a group of pretty girls — who haven't said a word to her — "What's it like to be stupid?" Such easy stereotypes — pretty girls = dumb, smart girls = rude, curmudgeonly professors = redeemable, unmarried lady doctors = uptight — lie at the root of this film's problems. To paraphrase a wise character from another film (Forrest Gump), "pretty is as pretty does," and this film is neither pretty nor smart. ❑

Housing Bubble and Bust, *from page 30*

monetary system that has existed since the post-World War II Bretton Woods agreement is coming apart at the seams. Recently Bill Gross, CEO of PIMCO, the world's largest bond fund manager, wrote, "What we are witnessing is essentially the breakdown of our modern day banking system." Vladimir Putin has called for a "new international financial architecture," a call that resonates with emerging economies such as China, India, and Brazil. At an international economic forum in St. Petersburg in June 2007, Putin pointed out, "Fifty years ago, 60% of world gross domestic product came from the Group of Seven industrial nations. Today 60% of world GDP comes from outside the G7." In view of this growing global economic trend, it is hard to see the current monetary system enduring when the linchpin of that system, the U.S. dollar, is continually undermined by the inflationary policies of its own government.

Regarding a recent hint from China about dumping a portion of its dollars, Judy Shelton, a professor of international finance and author of books and articles on monetary issues, said: "The prospect of such a shock to the U.S. economy in the midst of a housing slump threatens to bring the whole edifice crashing down. Throw in statements of support from oil-producers Venezuela and Iran, and you have the makings of a devastating dollar rout." Incidentally, last July Japan agreed to pay for its oil imports from Iran in yen rather than dollars.

Even if China does not dump its U.S. treasuries on the market any time soon, the longer term outlook for the dollar is still bleak. It seems unlikely any of the trends that brought us to this point will reverse; more likely, they will worsen. Earlier I mentioned that the U.S. national debt is now $9 trillion. But that does not include unfunded Social Security, Medicaid, and similar obligations. If those are included, the debt is $59 trillion. There is no way those future bills can be paid in terms of current dollars. As a "solution," future administrations will simply employ larger doses of the same inflationary measures that created the problem. Because of structural changes in our government many years ago, which I discuss at some length in my book "Makers and Takers," the system has evolved to favor the politicians who spend more and promise more. "A lot of people, including me," said Paul Volcker, former chairman of the Federal Reserve, "have been saying that the country has been spending more than it's been producing, and that will have to come to an end. The question is: Does it come to an end with a bang or a whimper?"

The attempt to kick the problem down the road to the next generation and let them pay off future obligations with trillions of dollars worth a fraction of today's dollars will no longer work. As the dollar loses its stature as a reserve currency, as countries one by one defect from their formal links to the dollar, as U.S. dollars pile up abroad from financing our deficits, and as our borrowing becomes increasingly expensive, the monetary framework becomes ever more fragile. The danger of creating a run from the dollar could easily snowball like the run to gold prior to Nixon's action in 1971. The dollar may survive this crisis, or the next one, but there will always be one more, to which the United States will be more vulnerable than to the previous ones. Long before that $59 trillion debt comes due, the dollar will have lost too much value to be trusted any more. The end will not come with a whimper. ❑

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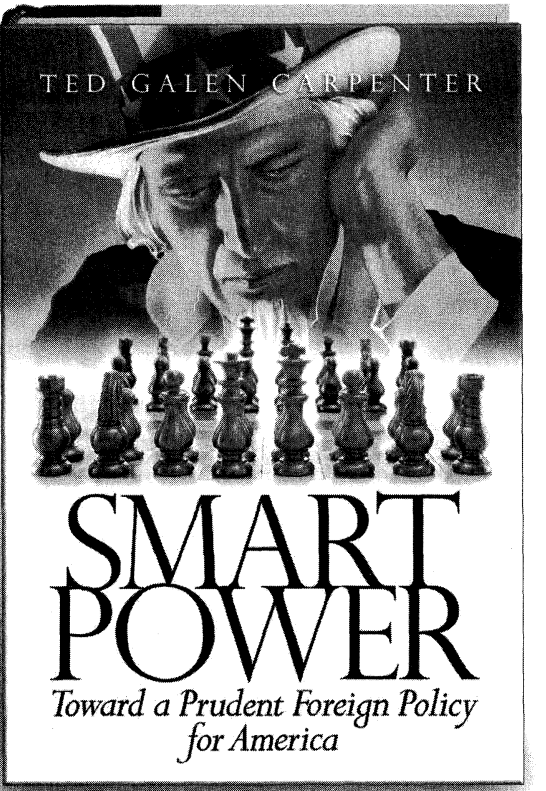

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Summer Books, *from page 48*

of the 20th century. Certainly the horde of science fiction and fantasy writers who have been inspired by him would grant him that title by acclamation.

In our collection, Borges moves beyond the pettiness of the Greek gods. He gives us the boy who is condemned to a perfect memory. He gives us the soldier whose courage fails him in war but who, thanks to his creator, is allowed to renegotiate his past. He gives us Judas, but not the traitor we expect him to be. "He labored himself with titanic humility," Borges writes, "He believed himself unworthy of being good."

In these pages, Borges guides us away from the political labyrinth and through the eternal one, stopping here and there to refute the existence of time or to consider the existence of God, never doubting himself or his treasury of secrets, never giving us cause to doubt him, and soothing us with the reminder that his job as mythmaker — and God — isn't difficult at all, that he "should only have to be immortal to carry it out."

Garin K. Hovannisian is a writer living between Los Angeles and Yerevan, Armenia.

Salesman, Stalwarts, and Old Pols, *from page 18*

Gravel, who lives in Virginia now, was sometimes quiet and seemingly bored with the talkfest about him — then suddenly seemed engaged with a splash of radicalism. It was a reminder that in his Senate days he was too un-PC for his own party and eventually lost its nomination.

He has a new cause, the National Initiative for Democracy. The idea is to establish the voter initiative at the national level, which would require a constitutional amendment. "I want to do away with the entire system we have," he said.

Gravel was for freedom, which he defined — echoing the great Roman orator Marcus Tullius Cicero — as the people being "participants in power." He had tried to interest the Democratic Party in this idea but hadn't succeeded. Campaigning for president among the Democrats, he never broke out of the pack of such no-hopers as Tom Vilsack and Chris Dodd.

A former LP candidate for Senate told me he pegged Gravel at "65% libertarian." Gravel was for "open borders — one world," and for an end to the Iraq occupation and drastic shrinkage of the military. He was also for universal health insurance — a stand he downplayed, telling the crowd that his version (government vouchers for private doctors) was "not socialistic." They could read about it in his book, "Citizen Power," which was on sale for $20.

Afterward, when an LPer questioned him, Gravel said, "You want freedom for all Americans. Is there something wrong with wanting health for all Americans?"

Gravel appeared to be a fresh and opportunistic party member who had not seen fit to change his lefty positions in the way Barr had changed his righty ones.

Gravel's pitch was pragmatic: as a former senator, he had credibility the others — except for Barr — lacked, and he, Gravel, had more of it than Barr did. Gravel undertook to pretend he could actually win but stressed the urgency of the moment. "At my age, I've got a minimum shelf life. If you want to capitalize on what I have to offer, you've got to make me your standard bearer."

Such were the six: Stalwarts, Salesmen, and Old Pols. Each would put a distinctive face on America's longest-running third party, which is due to select its nominee in Denver at the end of May. That choice will determine whether the party has a chance to be a player in 2008 or merely an asterisk. ❑

Libertarian Like Me, *from page 22*

disparate than a 60:40 split are considered too "unfair" and usually rejected in Western societies (though not in all societies). Rejecting an offer of money because it is "unfair" is costly to the rejecting individual and is a type of punishment behavior. Incidentally, another recent paper, which used an ultimatum game played by pairs of identical twins, estimated that over 40% of the variation in subjects' rejection behavior is explained by additive genetic effects.[4]

Predicting Political Elections from Rapid Exposures to Candidates' Faces

I close, for now, by reporting a mind-boggling new paper on decision-making in elections.

Researchers showed participants the faces of candidates for elections (the winner and the runner-up of congressional and gubernatorial races). The subjects were asked to decide, based only on the candidates' faces, which of the two individuals were more competent. (If any participant recognized a face, that data was excluded from the results.) The researchers compared competence judgments collected before the election of 2006 and found that they predicted 68.6% of the outcomes of the gubernatorial races and 72.4% of the senate races! The results were independent of the incumbency status of the candidates. Even a fleeting glimpse of a face (just 100 ms) led to predictions as accurate as unlimited exposure.[5] ❑

Notes

1. Van Wolkenten et al, "Inequity responses of monkeys modified by effort," Proc. Nat'l. Acad. Sci. USA 104 (47): 18854–18859 (2007).

2. Fliessbach et al, "Social comparison afferts reward-related brain activity in the human striatum," Science 318:1305–1308 (2007).

3. Hauert et al, "Via freedom to coercion: the emergence of costly punishment," Science 316:1905–1907 (2007).

4. Wallace et al, "Heritability of ultimatum game responder behavior," Proc. Nat'l. Acad. Sci. USA 104 (40): 15631–15634 (2007).

5. Ballew and Todorov, "Predicting political elections from rapid and unreflective face judgments," Proc. Nat'l. Acad. Sci. USA 104 (46): 17948–17953 (2007).

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Reflections, *from page 52*

skills look promising for play at the college level usually join a private club team in addition to playing for their school. (This privatized approach to developing young athletes is a rational response to yet another shortcoming of the state-run education cartel.)

Recently, my daughter's club volleyball team played in a big regional tournament in the suburbs south of Seattle. They started out slowly, dropping a couple early matches that they could have won.

They turned things around in the third match. This was partly due to unexpectedly strong play from the smallest girl on the team. The small girl normally plays in the back row of the rotation, a defensive specialist. And she doesn't usually serve. But some injuries and a last minute no-show meant that she had to play more, rotating through all six positions. And serving.

It was a little absurd to see her, just five feet tall, lining up in the front row — the offensive position — against girls who were six feet tall or taller. But she played selflessly and set the ball for her teammates to take kill shots. My daughter's team was protecting a thin lead through most of the first game.

Then came the small girl's turn to serve. She was clearly nervous. Her teammates told her to relax and just put the ball in play. They'd win points on the volleys.

Her first serve wasn't booming; but it stayed in play and, true to their promise, her teammates won the point on the volley. Her confidence picked up . . . almost visibly. She placed her next couple of serves close enough to the sidelines that the other team couldn't return them. The other team's coach called a timeout to make some adjustments and "ice" the small server.

At this level of play, many players have strong serves; but most of the teams are good enough to return them. A good service turn will usually yield four or five points. The small girl reeled off eight points and my daughter's team won the game going away.

Afterward, the unexpected star jogged to the sideline, laughing. "God, winning feels so good when you've earned it!" True, that.

— Jim Walsh

Letters, *from page 4*

if I (say) sue Garland? Well, I might be confident that I will prevail in court, but I couldn't be sure. So if I recklessly and needlessly expend $100,000, and he only $10,000, and I lose, I not only have to pay his modest $10,000, but my original $100,000. That's already plenty of incentive to keep my expenditures reasonable, no matter how confident I might be of victory.

Worse, his proposal would seem to allow lots of injustice. Suppose an attorney like John Edwards is suing a large corporation for some bogus alleged incident of sexual harassment at one of their sites. The plaintiff — Edwards' client — only has to testify on the stand, and perhaps present a couple of other witnesses. But the corporation will typically have to shell out a lot more money to present an adequate defense: many more witnesses (other employees) will have to be deposed (you need more witnesses to rebut than to prove); records will have to be gone over to prepare the interrogation of the plaintiff; managers will have to be deposed to describe the measures taken by the corporation to stop any and all harassment; very likely, the plaintiff's attorney will have demanded lots of documents, which would then have to be reviewed in detail before being handed over to check for any potentially harmful information, etc. It could easily be the case that the corporation will truly have to spend vastly more to defend itself than the accuser will spend to accuse — so if the plaintiff loses, he or she only has to pay a small portion of what the corporation really had to pay to adequately defend itself. That seems to me to be patently unjust — the corporation is still greatly out of pocket even though it was in the right.

First Pauline Epistle

Bruce Ramsey's piece on Ron Paul was excellent, but I was stunned when he wrote that Paul "will have to endorse McCain" after McCain is nominated. Our movement is a revolution or it is nothing, and revolutionaries don't endorse their opponents. Did Gandhi endorse Churchill? Did Martin Luther King, Jr. endorse George Wallace?

Bill Anderson
Capitola, Calif.

Second Pauline Epistle

In the article "The Paul Vote" (June) Bruce Ramsey writes that "He [Paul] will have to endorse McCain — not now, and not with enthusiasm, but he will have to do it after McCain is nominated."

Why would he have to endorse anyone? I would prefer he remain silent and not endorse anyone if they are not qualified by his standards.

As far as Ron Paul running as an independent candidate, I would support Ron Paul if he does run as an independent, but when Republicans inevitably lose the next presidential election, I would prefer they not have Ron Paul as an independent candidate to blame for their loss.

Tony Kruse
Asheville, N.C.

Ramsey responds: I think he will have to endorse McCain just to show that he's a Republican. But it does sound at the moment like he's determined not to.

Reader's Digest Version, Please

A 12-page article on the libertarian philosophy of war ("Thinking About War," May)? That is 21% of your entire issue. If I wanted to read a book, I would buy a book.

Jeff Thomas
Fairbanks, Alaska

Letters to the editor

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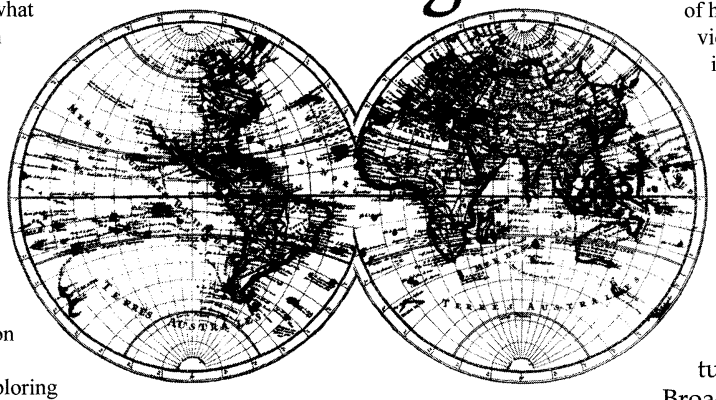

Kinshasa, Congo

Just another day for CSI: Kinshasa, sketched out by the intrepid adventurers at Reuters:

Police have arrested 13 suspected sorcerers accused of using black magic to steal or shrink men's penises after a wave of panic and attempted lynchings triggered by the alleged witchcraft. Purported victims claimed that sorcerers simply touched them to make their genitals shrink or disappear.

"I'm tempted to say it's one huge joke," Kinshasa's police chief, Jean-Dieudonne Oleko said. "But when you try to tell the victims that their penises are still there, they tell you that it's become tiny or that they've become impotent. To that I tell them, 'How do you know if you haven't gone home and tried it'," he said.

Tel Aviv, Israel

New meaning to "lousy," from the *Jersualem Post*:

Seven German artists are living with lice in their hair in an Israeli museum in the name of art. The Berliners aim to stretch boundaries of what is art, saying they are toying with ideas about hosts and guests.

"The idea is that we live in the museum as their guests, and at the same time we are hosting lice on our heads," said artist Vincent Grunwald, 23.

Milana Gitzin-Adiram, chief curator of the Museum of Bat Yam, near Tel Aviv, said: "Art is no longer just a painting on the wall. Art is life, life is art."

She said she spent weeks exploring the gallery's theme of "hosting," turning to philosophers such as Jacques Derrida and the Bible for inspiration. After receiving proposals from around the world, she decided to choose the head lice.

U.S.A.

Ruminations from the vanguard of the omphaloskeptic class, from an audience with the *Atlanta Journal-Constitution*:

If steps aren't taken to stem global warming, "We'll be eight degrees hotter in 30 or 40 years and basically none of the crops will grow," Ted Turner said during a wide-ranging, hour-long interview with PBS' Charlie Rose. "Most of the people will have died and the rest of us will be cannibals."

Turner added, "It's been a long time since anybody caught me saying something stupid."

The CNN founder also said he thinks his old network has veered too far away from serious news.

Switzerland

Advance in timekeeping, noted by *The Wall Street Journal*:

Swiss watchmaker Romain Jerome has launched a $300,000 watch, the "Day&Night," that won't tell you what time it is. But it does tell you whether it's day or night.

As the company's website boasts: "With no display for the hours, minutes or seconds, the Day&Night offers a new way of measuring time, splitting the universe of time into two fundamentally opposing sections: day versus night."

The watch sold out within 48 hours of its launch.

The Vatican

Pronouncement on ecclesiastical exobiology, in an interview from Holy See newspaper *L'Osservatore Romani*:

"The extraterrestrial is my brother," says the Rev. Jose Gabriel Funes. Such a notion "doesn't contradict our faith" because aliens would still be God's creatures.

Kuwait

Curious appraisal of sexual practices, in a report by CBS News:

Army Sgt. Darren Manzella, a medic who served in Iraq for a year, currently serves as medical liaison for the 1st Cavalry Division stationed in Kuwait, where he says he is "out" to his entire chain of command, including a three-star general.

After leaving Iraq, he started receiving anonymous emails warning him about his openness that suggested he was being watched, so he went to his commander to head off an investigation he felt was coming. Manzella turned over pictures of him and his boyfriend, including video of a passionate kiss, to aid the investigation. But to his surprise, "I was told to go back to work. There was no evidence of homosexuality," says Manzella. " 'You're not gay,' " he says his superiors told him.

This response confused him.

Dallas, Texas

Revelatory infrastructure, charted by the Christian Broadcasting Network:

A number of Christians have come to believe that because of recent prophecies, dreams, and visions I-35 is the highway spoken of in Isaiah 35, verse 8 — "And a highway will be there; it will be called the Way of Holiness."

Now dozens of Midwest ministries have linked arms to pray these prophecies are soon fulfilled. For one thing, pointed out prophetic intercessor Cindy Jacobs of Generals International, "We have 17 24-hour prayer rooms going on." Jacobs calls these gatherings Purity Sieges.

At the first Purity Siege outside a prominent gay bar in Dallas, up came James Stabile, a 19-year-old homosexual who'd come by to drink and party. But he ran smack-dab into the Purity Siege and Joe Oden. Stabile recounted, "He just barely touched me and he said, 'Fire!' and I remember staggering back and I thought I was tripping on acid. It was the weirdest thing ever. And he said, 'Fire!' again and I fell in the Holy Ghost." One thing disappeared immediately: his homosexuality.

Italy

Curious bid for transparency, in a dispatch from the BBC:

There has been outrage in Italy after the outgoing government published every Italian's declared earnings and tax contributions on the internet.

Deputy Economic Minister Vincenzo Visco said he could not understand what all the fuss was about: "This already exists all around the world, you just have to watch any American soap to see that."

Special thanks to Russell Garrard and David Martin for contributions to Terra Incognita.

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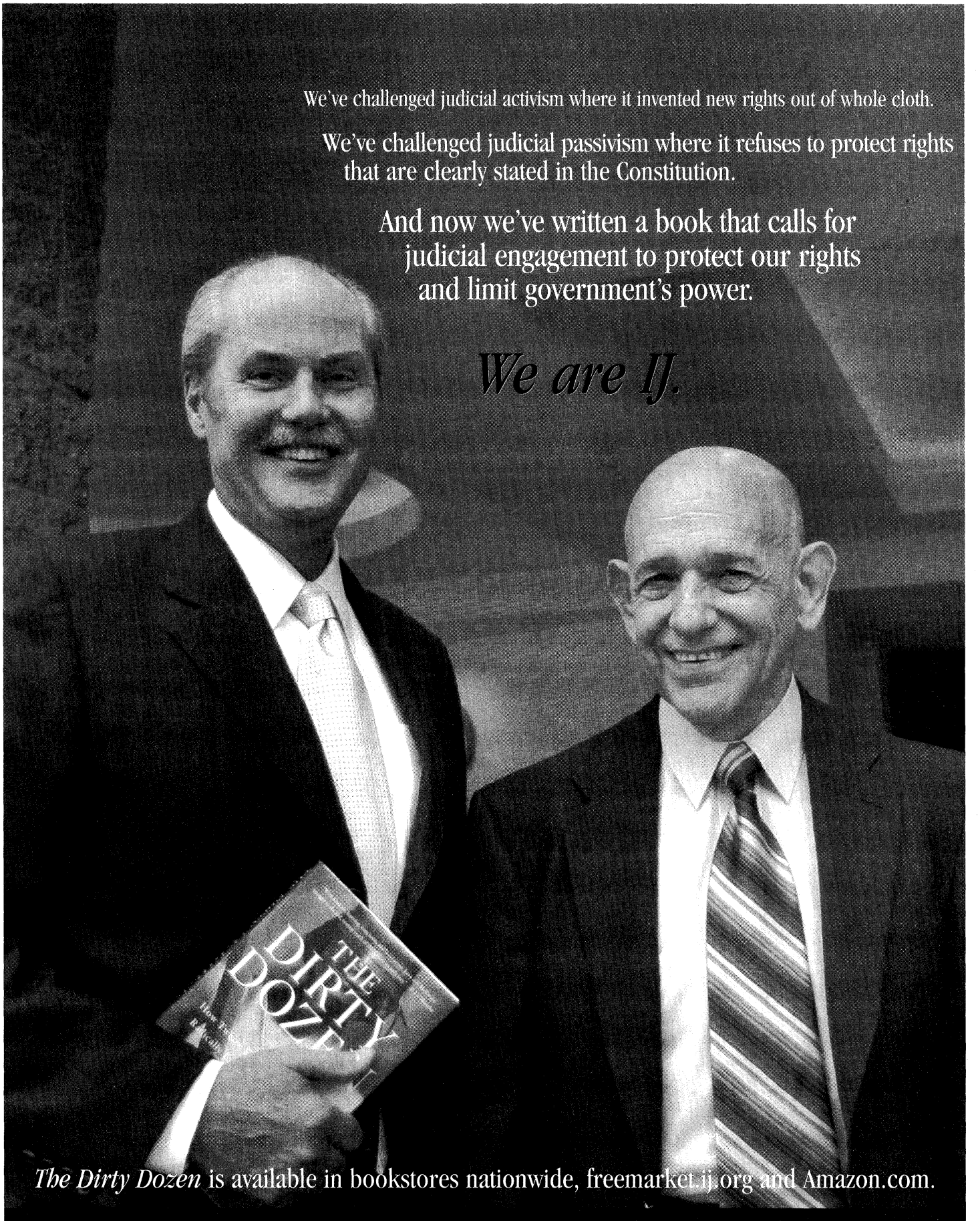

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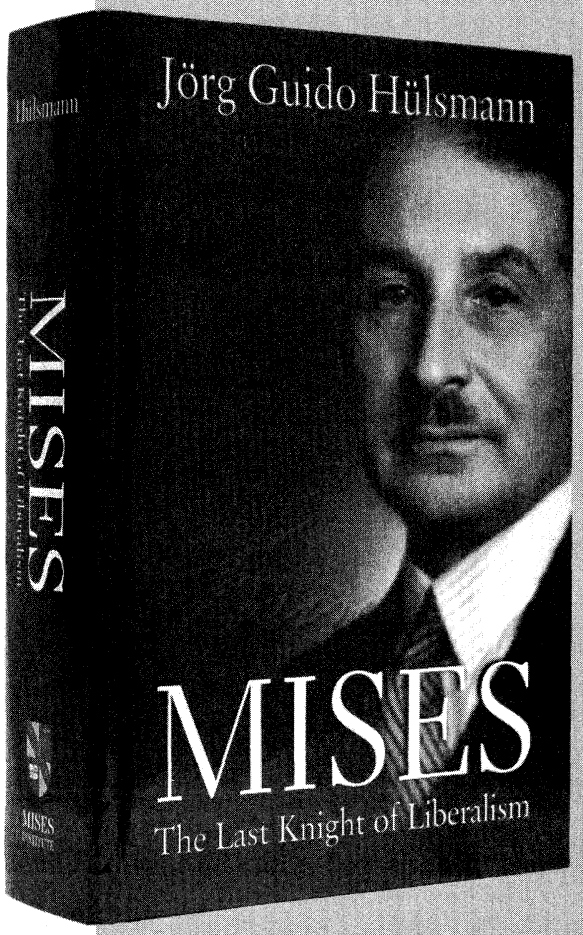

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LIBERTY MAGAZINE

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Inside Liberty

August 2008
Volume 22, Number 7

4 Letters The noise of the crowd.

7 Reflections We export FEMA, step 'n' fetch our papers, gum up the works, follow the herd, shell out for public transit, cash in on global warming, have *and* eat our cake, love our pie in the sky, and leer under the burqa.

Features

19 The Battle for the Libertarian Party The cameras caught the podium and the press conferences, but the real action was behind the scenes. *Andrew Ferguson* takes in the drama in Denver.

29 Ron Paul and the Republicans *Bruce Ramsey* reports as libertarian forces engage in dubious battle with the regular Republicans.

31 Privatize the Profit, Socialize the Loss Everyone is talking about the housing crisis, but what really caused it? *Jim Walsh* gives the colorful details.

39 The Soft Touch America is remaking the world, but not, as *Bill Merritt* explains, by military force.

Reviews

41 Garbage In, Democracy Out What happens to democracy when the voters are grossly ignorant? *Ross Levatter* finds the explanation.

43 Lots of Skull, Little Brain *Jo Ann Skousen* was prepared to be entertained by the latest Indiana Jones movie — and in a way, she was.

44 Filmmaker, Heal Thyself Michael Moore, director of documentaries, is now the subject of a documentary. The results, as *Gary Jason* discovers, are fascinating, if not exactly pretty.

45 Cultures Collide What do the fundamentals of America look like from the outside (and perhaps the inside as well)? *Jo Ann Skousen* considers one novel's attempt to describe them.

46 Forgotten Horror A 1937 atrocity will be remembered, if moviemakers have their way. *Gary Jason* shows why it's important.

47 Survival After Death? Arthur Schlesinger's "Journals" take *Robert Watts Lamon* on an unnostalgic visit to the Old Frontier.

42 Notes on Contributors Who's responsible.

55 Terra Incognita More than one born every minute.

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Letters

Under Review

In "Judge this!" (Reflections, July), Jim Walsh seems to say that judges should not declare laws to be in violation of the U.S. Constitution, or state constitutions. But the very same item seems to complain that the U.S. Supreme Court was wrong in *Kelo* v. *New Haven*! Also in that issue is an excellent item by Bruce Ramsey decrying the failure of the Washington State Supreme Court to strike down state policy on force-feeding. I realize not every Liberty writer necessarily agrees with every other, but it does seem to me that Liberty policy should be consistently supportive of judicial review.

If the judiciary can't enforce the Constitution, what good are its protections? *Marbury* v. *Madison* is good for liberty and good for the United States.

Richard Winger
San Francisco, CA

Walsh responds: Many (maybe most) people agree with Mr. Winger that *Marbury* v. *Madison* is a net good — that it allows the Supreme Court to balance constitutional rights against contemporary statutes. If that were the limit of its use, I would agree. However, the Supreme Court uses this essential precedent to do more than just rein in trendy ideas. For the past 50 years, *Marbury* v. *Madison* has been the main tool for justifying judge-made law. Now, some argue that judge-made law is also a net good. I don't agree; ends don't justify means. Perhaps the Roberts Court will prove different than the Rehnquist, Berger, and Warren courts before it and avoid bad means. We should know in 10 or 20 years.

The editors respond: Liberty maintains R.W. Bradford's policy of publishing good writing with only one requirement: it must be of interest to libertarians.

Reductio ad Mundanum

The "ethical dilemmas" among your poll questions ("The Liberty Poll," June) are hardly the *reductio ad absurdum* situations you intended: such scenarios appear in the news frequently, especially the parents' rights ones, though the atomic bomb question was undoubtedly less likely in 1988. When police or other government officials can't sensibly resolve them, juries may be asked to do the job.

From a minimal-government perspective, is not a jury's determination the principled answer to resolving your questions?

To those 10% who would apparently refuse, on principle, to save themselves as best they could after falling off a balcony, keep in mind libertarians are already a small minority in a statist crowd.

Lloyd Andrew
Arnold, MD

Rand responds: "A parent sells tickets to anyone wishing to observe his baby starve to death . . . the owner of a 49th floor apartment demands you let go of his flagpole and fall to your death . . . your neighbor has an atomic bomb in his basement." Those situations "appear in the news frequently" in your neck of the woods? That's not the news; you're watching the soaps.

And using a jury to determine the correct action in those situations — as if any of those situations will ever arise — avoids the point, which is to ascertain whether libertarians really believe that the non-aggression axiom is absolute.

Zero Evidence

With regard to "When Theories Collide" (July), I'm surprised that Liberty would provide space to someone obviously lacking in knowledge about the issue. Jo Ann Skousen is certainly welcome to her opinion, but she makes

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so many errors of fact that the review is laughable.

Skousen: "How did it start? That's the big question." No, it isn't. Darwin and those following on his theory make no comment about "how it started." What Intelligent Design (ID) proponents claim, I have no idea, but it is not the "big question."

Skousen: "But because ID theory might possibly lead to theological speculations . . . the debate bangs shut." She presumes intent where none is shown. It is not that ID "might lead" someplace that it is rejected; it's that there is zero evidence to support it. Let me repeat: zero evidence.

Skousen: "ID proponents are understandably tantalized by the possibility of connecting with other intelligent beings in the universe." Sounds good, but I've never seen an argument for ID based on "connecting with other intelligent beings." And even if true, it is no argument at all, just a hope.

The rest of the review is no better, but there are limits to the time I'll spend on such drivel.

Ron LaDow
San Francisco, CA

The Laugh Test

Jo Ann Skousen makes the classic undergraduate mistake of assuming that there's no difference between any two ideas if neither can be proven true. "The fact," she claims, "that ID cannot be replicated does not make it false, any more than not being able to replicate the Big Bang makes it false." Which is exactly the problem. On the basis of this logic the intellectual equivalent of a belief in God is my belief that it rains whenever I wash my car.

The basis of a sound scientific theory is its falsifiability, as the admirably clear-thinking Judge Jones affirmed almost three years ago in *Kitzmiller* v. *Dover Area School District*. For an idea to have scientific value it must be open to empirical demonstrations, which will show not only where it works but where it does not. Evolution has undergone modifications since Darwin in order to account for what it didn't explain; among the more recent modifications is punctuated equilibrium. A theory is a blueprint that reacts to new discoveries, accommodates fresh facts, and responds to the pressure of demonstration. If one of these days science radically revamps or disproves the theory of evolution, it will only emphasize that Darwin's theory was science after all, and falsifiable, rather than a myth like, for instance, Hitler's vicious claim that the Jews were a separate race. The fact that there is no way to disprove empirically the existence of God simply means that there is no scientific basis for the belief, and therefore, no bringing Him up in a biology class.

As for Ben Stein, he is so thoroughly off the point that I'm surprised his "documentary" even rates a serious review. Special pleaders like him have been slandering Darwin for nearly 150 years, and the only novelty that Stein's offers is that it manages to be even cheaper than it is ill-conceived. Blaming the Holocaust on Darwin is like blaming Woodstock on Rousseau, AIDS on sex, steroids on Abner Doubleday, or the Reich on Roman Catholicism — the faith in which Hitler was raised. It simply doesn't pass the laugh test.

J.T. Barbarese
New Brunswick, NJ

Skousen responds: I stand by my review of Ben Stein's documentary, "Expelled." When reader Ron LaDow writes, "Darwin and those following on his theory make no comment about 'how it [life on earth] started,'" he unintentionally makes my point: there is more to be studied and more to be learned about the origin of life than Darwin's theory alone, and I for one am interested in learning more. The concern expressed in the film "Expelled" is that those scientists who would like to extend the debate are being expelled from academia. Mr. LaDow exposes his own ignorance when he claims that there is "zero evidence" for ID; I suggest he read Michael Denton's fine work "Nature's Destiny" (Simon & Schuster, 2002). (Denton, by the way, is a biochemist who has no theological connections; in fact, he asked that his name be removed from the website of the theologically motivated Discovery Institute.) LaDow ends his letter by claiming he's "never seen an argument for ID based on 'connecting with other intelligent beings,'" but I beg to differ: he just saw such an argument, the one he read in my review. To reject the possible existence of space-traveling extraterrestrials is as narrow-minded and unscientific as to believe that the earth is the center of the universe.

My response to J.T. Barbarese's observation that there is "no bringing [God] up in a biology class" is simply this: I agree. Myopic evolutionists join camp with religionists when they repeatedly and stubbornly insist on linking ID with an interventionist God theory, but in fact ID can be studied completely outside the realm of religion (and it is, by courageous scientists at many universities). So please stop insisting on bringing God into a discussion of Intelligent Design. First let's just investigate the evidence — yes, evidence — that cells appear to have been encoded, and the exciting possibility that encoding suggests the existence

From the Editor

This issue of Liberty marks our 21st anniversary. The first issue of Liberty appeared in August 1987.

For the past 12 months, we've been celebrating the attainment of our 20th year, and we've had a good time reviewing our history. Liberty has published thousands of articles, reflections, and reviews, and it's interesting to see how many pages from 10, 15, or 20 years ago remain lively now. I believe this is because Liberty's authors are individualists, and individualists are able to start out fresh, and stay that way.

Liberty's character was set by its founder, R.W. Bradford. Bill Bradford was interested in everything, and he had fun with everything. Because of him, we're still interested in everything, and we're still having fun.

A person who gets to the age of 21 is usually expected to get a job. We already have one. It's the same job we've had since we emerged, Athena-like, from Bill Bradford's forehead. We're here to publish the best of libertarian writing, and writing about liberty. And yes, it's a lot of fun.

For Liberty,

Stephen Cox

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of an encoder of some sort. Let's stop arguing about whether that designer has a continued interest in being contacted or worshipped. If intelligent beings exist somewhere in the universe besides earth, I would like to find out more.

On the Origin of Dogma

It is expectable, and regrettable, that there should be some ambivalence among libertarians toward the film "Expelled: No Intelligence Allowed," reviewed in the July issue. Expectable, because there are many committed atheist libertarians who take umbrage at any criticism of Darwinism (understood in this context as random mutation culled by natural selection). Regrettable, because their commitment leads them to hold atheism higher than the principle of free inquiry. Reviewer Jo Ann Skousen "gets" the film's message: that dogmatism imposed under the color of science should not stifle free inquiry. Reviewer Mark Rand does not get this message at all, condemning this movie in its entirety — leaving the reader to wonder if he is indeed on the side of dogmatism. I would like to comment on his remarks.

Rand opens his review by mischaracterizing the film as an interrogatory against "evolutionists" concerning their viewpoints and actions. The film is actually a documentary showing how the Darwinist establishment engages in active and passive suppression of contrary views. Although some questions are posed to certain Darwinist leading figures, there is no expectation that they would do other than express their viewpoint, which they do . . . sometimes with self embarrassing candor, sometime with open contempt toward religious believers.

He then dismisses that Darwinism could have had a formative influence on Nazi rule . . . but this is not so easily laughed off. The film quotes directly from Darwin a line that could have summed up Hitler's racial policy:

> With savages, the weak in body or mind are soon eliminated. We civilized men, on the other hand, do our utmost to check the process of elimination. We build asylums for the imbecile, the maimed and the sick, thus the weak members of civilized societies propagate their kind. No one who has attended to the breeding of domestic animals will doubt that this must be highly injurious to the race of man. Hardly anyone is so ignorant as to allow his worst animals to breed.

It is true that Darwin demurred from the implications of this conclusion-but he could not (and did not) refute it. Others took his logic to heart. The modern eugenics movement dates from the 1865 writings of Darwin's cousin, Sir Francis Galton — who drew heavily for inspiration from "The Origin of Species." Darwin's ideas were strongly taken up in late 19th century Germany, and Darwin gratefully recognized this fact. Eugenicist and Darwinist thinking formed an indispensable foundation for Nazi racial fundamentalism. As such, it contributed directly to the motivations of the Nazi regime — not as an ad hoc rationale for foregone conclusions, but as a genesis for the conclusions themselves. Libertarians accept that ideas have consequences, so it is disappointing that Rand averts his eyes from a candid look at the consequences of Darwinism.

Returning to the main thread of the film, Rand focuses on the case of Dr. Richard Sternberg, but garbles the facts of the case (e.g., Sternberg had not resigned his position; he had intended to resign his editorship). Rand claims that this and the other cases cited in the film were "convincingly refuted" at www.expelledexposed.com. However, this "refutation" is convincingly exploded at Sternberg's own website, www.rsternberg.net. I have read the character "refutations" cited by Rand, and am not impressed. They follow an alternating "claim & fact" sequence, but succeed mainly in misrepresenting the facts (in one instance they offer a transparent, self-serving speculation as "fact"). As one who has been vilified on the internet — by persons claiming the mantle of fairness, objectivity, and honesty — I have learned to be quite skeptical about this sort of condemnation. A fair assessment of these cases would require at least hearing the defense of the accused.

I don't know how Rand could think that discussion of Intelligent Design at "100+ universities and colleges" would somehow disprove the film's complaint that critics of Darwinism have been unjustly treated by the Darwinist establishment. If, in 1938, one made a list of Jewish lecturers in German

continued on page 53

Reflections

Earth shattering progress — China must be moving rapidly to a democratic form of government. NPR reported that immediately after the 7.9 magnitude earthquake hit Sichuan Province on May 12, Prime Minister Wen Jiabao flew to the most hard-hit area to "direct rescue efforts."

— Ross Levatter

Bring the boys back home — If Bob Barr keeps this up, maybe I'll put a "Barr for President" bumper sticker on my car after all.

He is no Ron Paul (nor do I expect him to be), but his latest news release calling for the removal of U.S. troops from South Korea deserves praise.

He declares that "after more than 50 years of American support, South Korea is well able to defend itself. . . . We must completely revamp U.S. foreign policy, returning to the non-interventionist strategy of the nation's Founders. The interests of the American people, rather than of wealthy allies, should become the new lodestar of U.S. policy." — David Beito

Resignation — Charles Krauthammer, commenting on the tell-all book by former White House spokesman Scott McClellan, has noted that the author, who is now making money by detailing the horrors of the Bush regime, in which he was a prominent participant, never did "the obvious thing: resign."

His comment led me to think: when did resigning go out of fashion? Who was the last person you can remember who resigned from government because he or she conscientiously disagreed with some important policy? Remember all those denizens of the Clinton regime who were covered with embarrassment by the fact that their boss kept lying — and worse, kept lying to them? None of them ever resigned. None of the Bush people has ever resigned for conscientious reasons either. If any of them did, nobody ever heard why.

This sheds some light on what's important to American politicians. It's power without responsibility — first, last, and all the time, and on a fully bipartisan basis. — Stephen Cox

The longest race — The presidential primaries are over and the networks and newspapers have declared Obama the "presumptive nominee" even though Hillary (as of this writing) hasn't given up. We can expect the general election to go down to the wire, just like the last several.

Yet, when it is all over, I suspect many of the pundits will say the result was inevitable. If McCain wins, it was inevitable because Hillary divided the Democrats against Obama. If Obama wins, it was inevitable because McCain is too closely tied to the Bush policies in Iraq.

The real question is whether a two-year campaign season for a four-year office is making our whole system dysfunctional. As I've suggested before, I feel that the interminable campaigns are simply a way to keep the intellectuals occupied so that they don't do anything real, such as ending the war or actually solving some problems (or, possibly, even making them worse).

Some may rejoice that our legislature can function only about one year out of every four. But it is worrisome that it has effectively given up oversight of the executive branch because it is too busy running for reelection, or because too many members are running for president, most of the time.

— Randal O'Toole

NIMBY smackdown — Samuel Johnson once observed that the prospect of being hanged concentrates the mind wonderfully. Well, the prospect of our economy's hitting the wall because of the energy shortage imposed on us by "environmentalists" is beginning to concentrate voters' minds wonderfully.

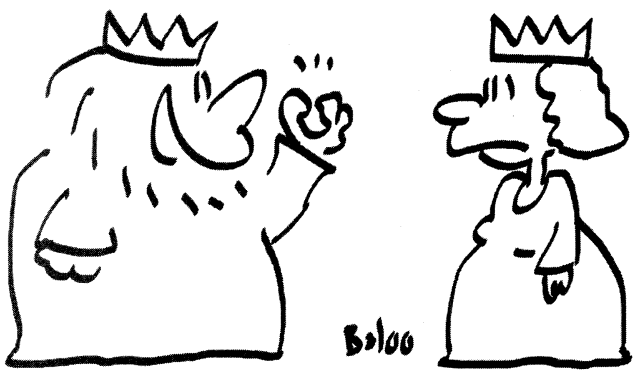

"I know! — I'll call it 'compassionate royalism'!"

A nice illustration of this just occurred in Elk Point, South Dakota. As reported by the Sioux City Journal (June 4), the U.S. — amazingly — hasn't built an oil refinery in over 30 years, even as gasoline prices have approached five bucks a gallon. But the brave voters in Elk Point have just voted by a nearly 3 to 2 margin to allow Hyperion, a major energy corporation, to open a new refinery.

Now, our national disease is NIMBY, as in Not In My Backyard. We want energy, but we don't want any of the structures that produce or transmit it to be built anywhere near where we live. Give me my damn energy, but I don't want to see any freakin' mines, oil wells, power plants, power lines, oil refineries, transformers, or anything else. Really, history will record that we were an infantile nation.

But the good citizens of Elk Point decided that the thousands of high-paying jobs and the $10 billion that would pour into their community made it worth putting up with the refinery.

Of course, the opponents of the refinery have refused to accept the decision of the democratic election. No, they have vowed to file endless nuisance lawsuits and to harass every

regulatory agency available to get it to block the Hyperion plant in every way possible. Gasoline will likely top $30 per gallon before the refinery ever actually produces a drop of it.

— Gary Jason

Terrorist thwarted — Recently, when I went to renew my driver's license, the Washington Department of Licensing informed me that I couldn't get my new card because my rights to drive in the Commonwealth of Massachusetts had been suspended.

My record was perfectly in clean in my home state. But, the sympathetic clerk told me, Washington now follows federal guidelines and checks all U.S. jurisdictions for a person's driving record before issuing new licenses or renewing old ones.

I hadn't driven in Massachusetts in several years. I hadn't gotten any kind of ticket there since I was in college in the 1980s. And I'd paid those. But Washington — however sympathetic —wouldn't budge, so I had to resolve my problem in Massachusetts.

After waiting on hold for nearly 90 minutes (my office phone times calls), I was "assisted" by a clerk of the Mass. Registry of Motor Vehicles. I had prepared to deal with the leviathan by clearing my mind of frustration and anxiety; I was clear and unemotional. But he was still the model of rude haughtiness. Amid various exasperated sighs, he determined that my driving privileges had been suspended because of an unpaid speeding ticket from February 1988.

I was pretty certain this was a mistake. I'd paid the couple of tickets I'd gotten back then — and, besides, why hadn't this ever come up before?

He answered as if I were a moron: "The registry has recently joined the Department of Homeland Security's system for archiving all driving records."

I didn't have paperwork from 20 years ago proving I'd paid the ticket, so I was going to have to pay it again. But the clerk from the registry couldn't take my payment. I was going to have to contact the county court where the ticket had been issued.

That was another phone call. The female clerk at the county court was friendlier; but she needed to research the old item and call me back. She was eventually able to locate the old ticket but had no indication it had been paid. "Well, I guess it

Word Watch

by Stephen Cox

Have you ever noticed that certain words appear only in certain places, and always in those places? These words are like the little old lady who is never seen except at 8:00 a.m., crossing against the light at 4th and Madison. Why there? Why then? Nobody knows. But if you drive through 4th and Madison on your way to work and don't have to veer left to keep from hitting her, the universe just won't seem the same to you.

Here's a pair of those words: garb and don. You can go for months without ever encountering either of them, but when you do, it's a hundred to one that you'll see them together, and that you'll be reading something about prisons. In books and newspapers, convicts never put on their uniforms; they don their garb. Why, I don't know; it just got started somehow, but it certainly took hold. I happen to be writing a book about prisons, and I am trying to be the only prison author who has never entertained these two inseparable companions. I hope I can pull it off, but I have that bad feeling you get when you find yourself alone in the office at 1 a.m. No, there's nothing wrong about being the only one there, and it's actually easier to work without other people around; but gosh . . . you can feel pretty weird when you're all alone.

So much for people who don their garb, with or without my invitation. How about tots and toddlers? There's a difference: toddlers has become a fairly common word for kids of a particular age, whatever it is, although I think most people would find it difficult to use the word in very many contexts. "G'morning, Heather. Time to toddle!" "Did you toddle today, Sean?" No, nobody says that to a kid, or anybody else. There's something goofy about the word. But tot is much goofier. It's strictly a headline term. Nobody says, even to himself, "When I was a tot, I fell off the merry-go-round." Yet if a newspaper wanted to report that you'd fallen off one of those things, the headline would be certain to read, "Tot in Freak Accident."

Freak, used as an adjective, is of course another headline term. Now, picture yourself as a headline writer. You'd like to avoid both tot and freak. But what are you supposed to say — "Young Child in Unusual Mishap"? Well, maybe not. Put tot in the headline, and freak along with it (making sure that freak doesn't turn into an adjective for tot), and you can go home; after all, it's 1 a.m.

Years ago, a friend told me that he had discovered the ultimate division of labor. He'd met a guy who, when asked what kind of work he did, replied with considerable satisfaction, "I paint murals in gay bars on Castro Street in San Francisco." Words are often like that. They're subject to the most rigorous division of labor. Try shocker. Asked its occupation, shocker would say, "I punch up misleading headlines in tabloids about celebrities." "Oh, really?" "Yes, that's my job. Just yesterday, for instance, I was in 'Oprah Shocker! She's Caught in Bed with Barack!' It's a good job, and I'm glad to have it. It keeps me in the public eye."

How do words find and occupy these strange and embarrassing niches? Sometimes they've just got what it takes. Tot is the perfect headline word; it's only three letters long. And shocker really is what it does: it's supposed to shock you, and it has shock right inside it. What more could you want?

might have been and the payment was misapplied to another citation. But there's no record of payment here. If you have a copy of the cancelled check. . . ."

I didn't. So, I sent another $50 plus a $15 late filing charge. Slave that I am, I thought that $15 for more than 20 years' delay was a bargain. The friendly clerk agreed. "Yeah. It's the same, no matter how long. We don't get many this old. But we have been getting more old ones lately." She hadn't heard about Massachusetts joining the DHS license-check system; but that explanation made sense to her.

A few days later, I received a receipt and notice satisfaction of the citation. And she sent a copy to the Mass. registry, which had to file the resolution with the federal system.

Back on the phone to the haughty Commonwealth Registry. More long holds. And more problems. The paperwork the county had sent the registry didn't match the required format. In short, it was too old to work in the current system. The registry was going to require a court order issued by a county judge to report the old ticket paid. And $60 in addition to any court costs. Joining DHS's anti-terrorism license-check system was going to mean additional administrative fee revenue for the Massachusetts Registry of Motor Vehicles.

Back to the friendly county court clerk. Bad news there, too. I'd have to appear in person to request a judge's order.

This over a 20-year old $50 ticket — that I'd likely paid twice?

She said I might be able to hire a local attorney and provide a sworn statement. She also suggested I take the receipt and proof of satisfaction she'd sent me to the Washington DOL. "You know, they might accept it."

So, back I went. With my papers almost in order.

I cleared my mind of frustration and anxiety. I made sure to smile as I approached the same sympathetic Washington DOL clerk with my file. Slave that I am, I was relieved that she smiled back.

— Jim Walsh

Feature, not bug — Planned obsolescence. It was a marketing scheme developed by the auto industry to encourage customers to purchase a brand new car every couple years. By making cars that were deliberately designed to fall apart after 20,000 miles, the U.S. auto industry was able to remain lucrative until the '70s, when Japanese manufacturers began delivering vehicles with seven reels on the odometer.

Other words have found a job that no other word is willing to do. Restroom (originally rest room) once meant "any room where people rest." In Sinclair Lewis' novel "Main Street" (1920), it's a name for a place where farm ladies rest when they come to shop in Gopher Prairie. But when people wanted a euphemism for that other kind of "restroom," the room where you go, not to rest, but to do certain more specialized things, restroom was available. And after it got that job, it couldn't get any other one.

Many specialized words have become that way because of the growing ignorance of the American populace. Many of them are now strictly religious words. Wrought (as in the first message sent by Samuel Morse from the Capitol to Baltimore, "What hath God wrought!") used to appear in secular contexts all the time; now it is found only in hymns and prayers. "Glad my eyes and warm my heart," is the plea to God in the old hymn by Charles Wesley, and the two verbs do a lot for the song; but 11 a.m. on Sunday morning is the only time-place conjunction where the verb glad or even gladden now appears. The public, having lost its key to the treasure house of traditional language, simply doesn't know that such words are available for everyday use. The verb warm remains in public use because it's also a cooking term.

An even clearer example of the ignorance effect is the fate of hove. This is now an ultraspecialized division-of-labor word, used only when people want to say that a ship appeared — in which case the expression hove into view becomes obligatory. But try people out on anything but the past tense: "When will that boat finally heave into view?" "Will Doris heave in sight today?" Huh? What? What do you mean? We never heard that kind of talk! No, darlings, you didn't; its last recorded public use was by Eve Arden, in an episode of the estimable "Our Miss Brooks" (c. 1953), the most literate show that ever hove into sight on the small screen. Heave-hove just got to be too tricky for the hoi polloi, except for that one specialized cliche.

You can say the same about laureate, which means "honored," metaphorically "crowned with laurels," and as such is capable of wide use and application. Now, however, it's merely a newspaper word for "some guy who won the Nobel Prize," and it's always prefixed by Nobel, so that nobody ever needs to wonder what it means.

Desert, as in just deserts, is another one. Its current use is restricted to that phrase, despite the fact that its basic meaning is much wider: "deserved reward or punishment; merit; a quality that merits reward." In Dryden's greatest poem, Timotheus sings at the feast of Alexander, "So should desert in arms be crowned!" But today's English language, incomparably the largest hoard of words that has ever existed, no longer permits such melodious locutions. They wouldn't be understood.

Words are effectively lost when their range is reduced to a pinpoint of specialization. On the other hand, the need (sometimes the supposed need) for a specialized term often results in the creation of soulless words, spawned like orcs, creatures destined to be employed in battle and no place else (probably because they're so ugly). Undocumented is such a word. It is never used of a person who simply left some documents at home; it's used only as a silly euphemism for illegal, as in illegal alien. Sex, as in sex worker, is a second such term. It was agitators for legalizing prostitution (of the which I am one, by the way), who came up with that phrase. Shame on us: if there's anything that can take the joy out of sex, it's a coupling of sex with work, in any form. And imagine using the phrase in normal, nonpolemical conversation: "John's broke; he spent all his money on sex workers." Nah. It won't play. I say legalize hookers, and have done with it.

Moving from polemical words on the Left to polemical words on the Right, consider the current abuse of family (as adjective). We still find the word in neutral or unfavorable contexts (e.g., "family life," or "all that family bondage," as Ed Chigliak said on "Northern Exposure"), but its preferred current use is in such icky phrases as family values. We may see the day when family becomes a word like don, garb, and restroom: a niche word, restricted to a small and very special range. In modern America, family is indeed endangered.

Our nation's founders designed our government to include something like planned obsolescence. Efficient governments have never been a friend to humanity, so the architects of our nation put together a government that would be as inefficient as possible. It was kind of like building a car with wobbly wheels, so it would be impossible to drive more than five miles an hour.

They knew how the egos of men (especially lawyers and politicians) work, and pitted those men against each other. They knew that the struggle for power within the government would be so strong and omnipresent, it would stall. What we now call "gridlock" was entirely intentional.

Much like the damper on Ben Franklin's stove kept wood slowly burning, the separation and balance of powers worked to contain government. Even though crises like recession often led to encroachment of liberties, the damage here was minimal compared to the fires that ravaged Europe at such times.

Not only did our founders give us a republic, they gave politicians a place to argue, while the rest of us go about our lives, relatively unnoticed. Happy Independence Day.

— Tim Slagle

Getting one Wright — Rev. Jeremiah Wright, the crazy uncle in the back room of Barack Obama's presidential campaign, has made some ridiculous statements. Probably his biggest whopper was the accusation that the U.S. government had created the AIDS virus to kill black Americans. Not that our government isn't capable of nefarious deeds — witness the notorious Tuskegee syphilis experiment — but come on, even if it did make the AIDS virus (and it didn't), just how would it then use the disease to target blacks? AIDS is not easy to get. The reverend's take, I fear, is just another example of . . . political correctness prevents me from completing the sentence.

But does it therefore follow that everything Wright has to say is a canard? Not quite, in my view. Take his statement that 9/11 represented America's Middle East chickens coming home to roost. Nothing has aroused greater indignation in certain quarters than this. But is it really an outlandish assertion?

What motivated the suicide hijackers to attack the Twin Towers? It wasn't their hatred for liberal democracy, women's rights, or Western sexual mores. U.S. policy in the Middle East led them to act. The stationing of American troops on the Arabian Peninsula, the backing we give to dictators like Mubarak in Egypt, and our support for Israel's suppression of the Palestinians caused them to strike out against us. Why were people in the Arab world dancing in the streets after 9/11? It wasn't because they hated America per se. Rather, they saw themselves as receiving blow after blow from us, and they had finally gotten one back. Let me hasten to say that I felt revulsion and anger at their display of joy — but I understood why they were celebrating. After 9/11, both pundits and average Americans asked, "Why do they hate us so?" That's how ignorant many of us were back then, and still are now.

Obama of course repudiated Wright's 9/11 remarks. To do otherwise would have been political suicide. But in this case, Wright was by no means wrong. — Jon Harrison

Nanny says "chill" — Despite extremely rare, and totally unexplainable, spurts of rebellion, such as the election of Jesse Ventura, the ideological default in my home state of Minnesota is the grinding conformity of nanny statism. Most folks in Minnesota still believe that government actually works — that is, if the right people are running things, and government is "our collective voice."

A recent illustration is a new Minneapolis law prohibiting vehicles from idling more than three minutes except in traffic. No doubt while wagging her finger, City Council member Sandy Colvin Roy lectured that cars no longer need more than a minute to warm up. Does this include the people in them too?

My bet is that Roy reflects the dominant view in the state. Most Minnesotans would more readily risk pneumonia than be branded selfish troublemakers. After all, those who stoically endure frostbite are more likely to become good citizens, as any Minnesotan will tell you. — David Beito

Sue and sue alike — This has been a rare year in the history of trial lawyers. Dickie Scruggs, one of the most successful of the breed, recently pleaded guilty to criminal conspiracy in the attempt to bribe a judge, and faces up to five years in jail. He's famous for the massive tobacco case settlement and the endless asbestos litigation. In addition, three Kentucky trial lawyers are being tried for ripping off millions from their clients' settlement for the drug Fen-Phen. And a few months ago, William Lerach, one of the major partners at the Milberg Weiss law firm, who was under indictment for participating in hiding illegal payments to plaintiffs, pleaded guilty and was sentenced to two years in prison. Milberg Weiss was a dominant player in lawsuits against corporations.

At the time of Lerach's sentencing, the judge expressed regret that he couldn't give him more jail time, but was bound by the plea deal he'd made with prosecutors in exchange for his testimony against others in the firm. But the prosecutors have proven shrewd, indeed. They charged the law firm's head, Melvyn Weiss, with numerous offenses, and in a rare move, they criminally charged the business itself.

Well, it has just been announced that Weiss has pleaded guilty to racketeering conspiracy and has been sentenced to two and a half years in prison. It appears that the law firm will be forced to settle with fines and penalties in the neighborhood of $75 million. Score another one for justice.

— Gary Jason

Shall make no law — On "The Colbert Report," June 4, Libertarian presidential candidate Bob Barr was asked by Stephen Colbert if his move to libertarianism was stimulated in part by concern that the government would try to register his mustache ("because it's a lady-killer").

Fortunately Barr did not reply "They'll get my mustache when they pry it from my cold, dead face." That would have just made him sound silly. — Ross Levatter

For lack of a wand — With the death of Robert Knox, an 18-year-old actor in a "Harry Potter" movie, Americans have learned of an "epidemic" of crime among young people in England. Along with four other men, Knox was knifed in a fight outside a pub. He was one of 14 teenagers who have been the victims of similar crimes in London so far this year. Murders and street violence among teenagers have approximately doubled during the past three years, robberies of

teenagers by other teenagers are reported as common, and many teenagers are reported to be scared to death to leave their neighborhoods — this, in the country whose freedom from the 2nd Amendment is often considered crucial to its record of public safety.

Perhaps if Robert Knox had been carrying a gun instead of a knife, he would be alive today. And perhaps violence increases because of violent or subtle changes in culture, not because law-abiding people are denied effective means of self-protection. Perhaps, just perhaps. — Stephen Cox

As goes Mississippi . . . — Democrat Travis Childers recently won a stunning victory in a heavily Republican district in Mississippi, a district once represented by Trent Lott, by stressing such themes as support for a balanced budget amendment and opposition to gun control.

A less noticed, but equally important, factor in Childers' victory in this pro-military district was his call to bring the troops home "honorably, safely, and soon."

This Republican loss reinforces the election post-mortem I wrote for Liberty in 2006. The best hope for a winning candidate in these times is to combine a fiscally conservative agenda with a call to extract the United States from Iraq.

— David Beito

Suffer the children — In late May, Texas district court judge Barbara Walther approved a deal that instructed state child welfare officials to return some 400 children to their parents.

The children had been in state custody for nearly two months; their parents are members of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), a radical offshoot of the Church of Jesus Christ of Latter Day Saints — the Mormons.

Walther was working under orders from the Texas state supreme court, which had criticized Texas Child Protective Services officials for exceeding their authority in taking the children away from their parents. (FLDS members are still under criminal investigation; and, as a condition of the children's return, the sect must cooperate with state authorities.) Whatever the provenance of her decision, it was the right resolution to some bad circumstances.

"We were hoping for something more along the lines of laissez-faire. . . ."

The child-welfare bureaucrats in Texas — like their counterparts in other parts of the United States — are among the most ambitious and self-righteous statists in the land. The good works that some do (getting young children out of abusive or destructive situations) is overwhelmed by the collectivist zealotry that others exhibit.

The Texas bureaucrats argued that FLDS members, living near the city of Eldorado in a compound that they called Yearning for Zion Ranch, were abusing their children. The bureaucrats were repulsed by the notion that the radical Mormons were "marrying" girls barely in their teens to men well into their 60s.

The bureaucrats let their repulsion cloud their reason and overstepped their bounds.

The episode started when Texas Child Protective Services received several telephone calls from a person claiming to be a 16-year-old girl inside Yearning for Zion Ranch who was being beaten and forced to have sex with a 50-year-old man. In March, state bureaucrats — accompanied by armed Texas Rangers — invaded the ranch, arrested some FLDS members, and forcibly separated all resident children from their mothers.

Recently, investigators have admitted that the telephone calls may have been a hoax perpetrated by critics of FLDS.

It's hard to have sympathy for FLDS. There may be truth to allegations that the sect systematically indoctrinates and dehumanizes its own members. According to some former members, sect elders examine young girls' bodies and clothes for signs that they've begun menstruating — and are therefore eligible for "marriage" to, er, sect elders. The public faces that the sect chooses to put forward — creepy, self-satisfied elders and vacant-eyed women dressed in 19th century-style clothes — don't suggest well-balanced interior lives. And the sect is no model of the self-sufficiency that mainstream Mormonism values; it manages its population by dumping "excess" teenage boys and insubordinate girls on the streets of Texas, Arizona, and Utah, leaving them for state welfare agencies to raise.

Most ironically, the sect apparently follows its own form of collectivism, keeping precise family lineage obscure even from members. In other words, Yearning for Zion Ranch is the kind of village that Hillary Clinton argues it takes to raise a child.

Maybe that's why the Texas Child Protective Services bureaucrats responded against FLDS so quickly and so excessively. They saw a competing form of child-rearing collectivism. — Jim Walsh

The Brazilian — As we dig ourselves ever deeper into a self-induced energy recession, we might look around the world to see what other countries are doing to increase their energy supplies. In particular, we might ask whether ethanol is the key to solving our dependence on foreign oil, a dependence that is funneling hundreds of billions annually into the coffers of countries, many of which are intent on inflicting as much harm on us as they possibly can.

Now, as it happens, we have an instructive model we can examine. Decades ago, after the severe oil crisis of the 1970s, Brazil made a major effort to develop ethanol as an alternative fuel. And, Lord knows, if any country were in a good position to achieve energy independence by pushing ethanol, it would be Brazil. It has a huge amount of land with a perfect climate for the perfect plant, sugarcane. And the government pushed biofuels heavily to achieve energy independence.

But Brazil didn't abandon the search for oil. And its efforts are paying off handsomely. Petroleo Brasileiro (Petrobas), the state-controlled oil company, has discovered major new fields of oil offshore. Two years ago, it discovered a huge oil field — the biggest found in the Western hemisphere during the past 30 years. And recently it's found another major field in the same general area.

These finds are in deep water, which means that Petrobas will have to lease more drilling ships and semi-submersible oil platforms. But the finds make it likely that Brazil, which was an oil importer until a few years ago, will become a major oil exporter in the near future. All this has caused the price of Petrobas stock nearly to double over the last year. Its market capitalization now exceeds that of Microsoft and GE!

The message is clear: biofuels are no substitute for the continued exploration for and use of new oil fields, even under the best of circumstances. And need one add that the ethanol program in the United States is far from the best biofuel program? — Gary Jason

Another poseur passes — On May 12, the artist Robert Rauschenberg died of a heart attack, aged 82. Encomiums flowed in from every corner of the art world. The New York Times referred to him as a "titan," one who "time and again reshaped art in the 20th century." He was, we are told, of a quality with Marcel Duchamp and Jackson Pollack. Together with Jasper Johns (his longtime boyfriend), he formed the link, the vital bridge between abstract expressionism and the art scene of today.

A giant, then — or was he but a pygmy? Rauschenberg was famous for working in many media. Examining his work, one cannot but conclude that he spread himself too thin. This is heresy in the contemporary art world, a world utterly separated from the thoughts, feelings, and indeed the lives of the remaining 99.9% of humanity. Heresy, however, sometimes equals truth. Sometimes garbage is simply garbage, no matter who the beholder may be.

Rauschenberg's black canvases and white canvases, his combine paintings and transfer drawings all resonate with the time-servers (pardon me, critics) and the pathetic poseurs (artists, I should say) who populate what passes for the world of art today. But do these works live for anyone else — does anybody in the real world find truth, beauty, or any meaning at all in these things? Of course not.

The fact is that so-called modern art — Dada, Surrealism, Abstract Expressionism, and all the movements since — is simply higher fakery. Western art had its thousand years to ripen and flower (as with the Greeks), and then it died. In the plastic arts, what followed the Post-Impressionists and the school of Rodin was (in the words of Evelyn Waugh) great bosh, nothing more.

The counterpart to modern art was the insipid classicism of the totalitarian states — Stalin's wedding cake architecture, the soulless paintings and sculpture produced under Hitler. Western art was finished, over — but no one wanted to admit it. And so decadents and philistines vied for supremacy, with the decadents coming out on top.

In a hundred years, the works of Rauschenberg and Duchamp and Pollock will be curiosities at best. Quite possibly, they will have vanished in the garbage heap, their proper place. — Jon Harrison

Gas guzzlers — Whether you believe in global warming or not, officials at all levels of government are making policies based on its existence. The latest news is a number of reports claiming — from the scantiest data — that cities should emphasize rail transit and high-density development (where have I heard that before?) to reduce their greenhouse emissions.

A dose of sanity is provided by a new report from McKinsey & Company that finds that the United States can reduce its greenhouse gas emissions by a third by 2030 if we invest in technologies that cost no more than $50 per ton of reduced emissions. In fact, McKinsey finds, many policies will cost very little because the long-term energy savings will repay the up-front costs.

Making cars out of lighter materials, for example, will actually save car owners $75 per ton of reduced emissions. Hybrid cars, however, will cost about $100 per ton and so may not be a good investment.

McKinsey didn't evaluate transit or compact development strategies, and with good reason. My own calculations, based on data from U.S. DOT, reveal that most transit systems actually produce more greenhouse gases, per passenger mile, than automobiles. Many produce more than SUVs. For example, Denver's light-rail system, which is powered by electricity generated by burning fossil fuels, produces 15% more gases per passenger mile than the average SUV.

Some states, such as Oregon and Washington, get most of their electricity from hydro, and so don't contribute as much to greenhouse gases. But my calculations show that the most efficient rail systems still cost at least $5,000 per ton of reduced emissions — well above McKinsey's threshold.

Meanwhile, my colleague Wendell Cox has used data from Australia that shows that dense housing actually generates more greenhouse gases than low-density suburbs. While compact development proponents in the United States say their figures differ, Cox estimates that, at best, compact development would reduce greenhouse emissions at a cost of $65,000 per ton.

Next year, Congress is going to revisit the federal gas tax. The danger is that it will impose all kinds of inane rules that will make transport more costly but do little to reduce greenhouse gases. While we can argue about whether global warming is happening or whether humans can do anything about it, we should also make sure that whatever policies Congress makes are, at the least, cost effective. — Randal O'Toole

Source of change — One of the first rules of writing is this: whenever possible, avoid clichés. Following close after are these: if you must use a cliché, *don't* draw attention to it by adding other words, and *do* find out what it originally meant, to make sure it really says what you think it does.

Of course, rules are made to be broken, sometimes to great effect — even if it is unintentional. Consider a recent example: for an article on how Hillary Clinton lost the Democratic presidential nomination, the London Telegraph consulted one Mark Mellman, a Democratic pollster somehow unaffiliated with either campaign. Mellman said, "We have known for two years that Democrats and voters in general are much more interested in change. Yet for reasons that are inexplicable, the Clinton campaign chose to be on the short end of that message stick."

Mellman here introduces the overused word "message" into the cliché: can anyone picture what a message stick would look like? A bat, maybe, even though the messages it can convey are fairly limited — not to mention that the short end, or at least the narrow end, is the one held in order to hit something.

Besides, only a minority of sources derive "short end of the stick" from a bat or staff or other weapon: most dictionaries of slang have it as a softening of "shit(ty) end of the stick" — that is, the stick isn't used to whoop ass, but rather to wipe it. This derivation would have the phrase linked to medieval times, and the conspicuous lack of toilet paper. Instead there was a stick with an end you didn't want to grab — the "short" end.

Thus what Mellman would seem to be saying is that the Democratic message of "change" is nothing more than fecal matter. And Clinton, by insisting on her experience, had her hand on the end of the stick still encrusted with the remnants of previous Democratic "messages" — whereas Obama grabbed the clean end, and scraped away at the fresh stuff.

A poorly turned phrase? Sure. But if there's a better description of the Democratic race out there anywhere — intentional or not — I haven't seen it. — Andrew Ferguson

Triangulation — The usual explanations for the rise of the American Southeast are the advent of air conditioning, the absence of unions, and the desire of Northeasterners to escape their entrenched political and regulatory rigidities. All these are undoubtedly factors.

I recently moved to North Carolina, a star of the Southeast. United Van Lines reported that in 2007, among all the states in the country, North Carolina had the largest net in-migration (61.6% of its moves were inbound).

Once here, though, I was puzzled by North Carolina's success. Politically, it's a mess. Gerrymandering is blatant. The previous House majority leader went to jail for accepting bribes. The state is riddled with dubious efforts to bring in industry through costly "incentives." The government built a "global transportation park" that finally snagged its second client after 18 years, and the state is now paying companies for merely staying in North Carolina. Taxes are high, crime rates are nothing to be proud of, and racial relations are still uneasy.

So what's unusual about North Carolina? Well, there's Charlotte, where two homegrown banks became aggressive and created a major national banking center. And in central North Carolina, where I live, the state's success has a lot to do with Research Triangle Park.

This 7,000-acre area near Raleigh claims to be the nation's largest research park and is often viewed as the third high-tech success after Massachusetts' Route 128 corridor and Silicon Valley. Many people probably mistake it for a government entity because it has a big government lab as a client.

But Research Triangle Park was, and is, a private effort, with something like 160 research firms and organizations. A land developer started it in the 1950s, arguing that North Carolina's old industries (tobacco, furniture, and textiles) were dying and should be replaced. He had to persuade a reluctant governor to give even lip-service support and he had to woo the three complacent universities — UNC, Duke, and N.C. State — that had the gold he was trying to mine (faculty and facilities).

The state of North Carolina never put significant money into the project, and the stunning thing about RTP is that it has no government to speak of. It is run by a private foundation, which has special zoning rights granted by the two counties it straddles.

There is no residential property in RTP, and therefore no "town" with families worried about property values, zoning issues, schools, transportation, etc. (Families do worry about all these, just not in RTP.) Instead, it is a center of entrepreneurship, innovation, and practical research. It takes advantage of the brainpower and quality of life that universities foster, while providing the economic engine that keeps that quality of life high. Over the years, its impact on growth and lifestyle has expanded, giving much of North Carolina a university-town image that draws out-of-staters (including me).

North Carolina is a big state, and it has other advantages (as well as some downsides I haven't mentioned). But the heart of its growth, I believe, is relatively unfettered business.

— Jane S. Shaw

The last evil empire — Back in the Cold War days, some perceptive people pointed out that the Soviet Union was not really a revolutionary power, but rather a traditional territorial empire. Certainly, it was far more dangerous and repressive than the European empires that fell apart after World War II (hence the well-deserved label "evil empire" given to it by Ronald Reagan), but essentially it was a traditional imperium ruling over subject peoples that yearned to be free.

When the USSR collapsed in 1991 (an event in some ways reminiscent of the fall of Nineveh — for which see the Old Testament book of Nahum), many people (including some of the clever ones mentioned above) averred that the last of the old empires had disappeared. Not so! For the empire of Han China still exists, and is growing more powerful and assertive with each passing year.

China is the last traditional imperium on earth (America is an empire in a different sense, and we are not, for all our faults, evil). Anyone unaware of this should have been disabused by the recent riots in Tibet. Tibet and Xinjiang to its north are colonial possessions of Han China. The peoples of both provinces are not ethnically Chinese, nor do they wish to be governed from Beijing. The iron hand of the People's Liberation Army grips both provinces. The indigenous cultures in these lands are under threat, as tens of thousands of Chinese settlers pour into the region. This is imperialism, pure and simple.

It was just an accident of history that the Tiananmen Square uprising of 1989 took place before the fall of the Berlin

Wall. The George H.W. Bush administration, engaged in the Cold War end game with the Soviets, made no move to assist the Chinese students who were clamoring for a free society. In the geopolitical circumstances of the time, this was understandable. But in time, this accident of history may prove to be the seed of tragedy.

China's long-range imperial goals represent a threat to the rest of the world. These go far beyond creating the world's largest economy, or recovering Taiwan. China wants to dominate an area stretching from the Persian Gulf to the Pacific. It would like to thrust American power back to Hawaii (if not California), eliminate Japan as a potential rival, and absorb mineral-rich eastern Siberia. While it does not yet possess the ability to project power far from its shores, it cannot but look at Australia as potential *lebensraum* for its surplus population. When it possesses a blue-water fleet, only American military power will stand in the way of a Chinese conquest of the island continent.

The realization of these imperial goals would make China *the* superpower of Eurasia, and quite possibly the greatest power on earth. Even if this proves beyond China's reach, consider the situation that will exist only 25 years from now, when 1.5 billion Chinese will be consuming at an American level. Look at the price of oil today, with Chinese automobile use equivalent only to that of the U.S. in 1918. How will our economy hold up in a world where 1.5 billion Chinese are eating up resources at an American pace?

As the Olympics open in Beijing this month, Americans should recall the 1936 games in Berlin and the 1980 games in Moscow. The first was followed by the most catastrophic war in history, the second, fortunately, by an empire's peaceful dissolution. Now China is rising in the East. Which turn will history take this time? Personally, I'm not betting on a peaceful outcome. — Jon Harrison

Sicko ideal — In the last issue of Liberty, where I reviewed a movie called "Indoctrinate U," I had occasion to mention the Moving Picture Institute (MPI), based in New York City. MPI is devoted to producing and distributing films that celebrate liberty, something that has been very unfashionable in Hollywood for decades.

Two of MPI's feature-length releases have already done well at the box office. "Indoctrinate U" is one of them. It's a documentary about intolerance of libertarian and conservative speech on campus. "The Singing Revolution" is the other — a powerful documentary about Estonia's peaceful struggle to be free from the Soviet Empire. Both saw modestly wide distribution, especially in large cities.

But if you want to get the flavor of MPI, I recommend that you visit the "FreeMarketCure" website. There you can download (free of charge) several compelling short documentary films by MPI fellow Stuart Browning on Canada's socialized healthcare system. Given that a big part of the upcoming presidential campaign will center on schemes for further socialization of America's healthcare system, these films couldn't be more pertinent and timely.

The first film, "A Short Course in Brain Surgery," has been viewed more than two and a half million times. It tells the story of a hapless Ontario man who suspected that he might have a brain tumor and was told by the Canadian health service that he would have to wait four months for a simple MRI to discover the truth. Because of Ontario's "single-payer" system, he couldn't see a private physician — in Canada. So he went to the United States for his MRI, and got it immediately. The MRI did reveal a large brain tumor, and he showed that to his Canadian doc. He was told that he would get an operation — in three months! So he went back to Buffalo and was operated on immediately, and successfully. He got the appropriate care eight months quicker than under Canada's "free" system. The speed of care probably saved his life.

The moral of the story: "free" healthcare isn't all that great, if you ever actually need it. "Free" care is rationed by wait lists, and if you have a fast-growing tumor or other rapidly developing disease, that kind of care can cost you your life. Free, indeed.

The second film, "The Lemon," critiques single-payer healthcare systems, likening them to single-payer automobile industries (such as that of East Germany), which produced nothing but "lemons." The film presents the story of another real medical case. In this one, a woman with a horribly painful arterial blockage went through intense misery, waiting be given the necessary surgery in Canada; but she was able to get help in the United States within two weeks. Rationing by wait list is a cruel form of deciding who gets help.

There are two other short documentaries to the same effect. We all know that the Canadian health care system is what the Left dreams of for our country. And the criticisms of the Canadian system are fairly well known. But nothing conveys the problems with the same vivacity and power as film.

Alas, while Michael Moore's film "Sicko" — which I had at first supposed to be his autobiography, only to discover that it is a paean to socialized medicine — gets wide distribution, you have to seek out Stuart Browning's films on the internet. Unfair. Still, thank God there is some small balance here, a balance due in great measure to MPI. — Gary Jason

For sale: carbon footprint — A recent cap-and-trade bill came far too close to Senate passage for my comfort, and since no major presidential candidate is willing to veto such a bill if it passes in the next Congress, perhaps I should prepare myself for the next eight years.

Carbon substitution credits could become lucrative. The idea is that someone who wants to burn a lot of fuel pays money to someone who does not, thereby lessening his impact on the environment. I know that environmentalist Robert F. Kennedy, Jr. is a big proponent of carbon substitution credits, so I've designed these with him in mind:

For a nominal fee of $600, you can fly your private plane to anywhere in America, and I will buy a similar round trip coach ticket. If you send me $10,000 dollars, I will buy a sailboat, and you can powerboat to your heart's content. A mere $200,000 dollars will buy me a small cottage in Cape Cod in which I will never use the heat or air conditioning, so you can turn the thermostat way down at the sprawling Kennedy Compound this summer without a thought to how hot the planet is getting.

For those of you who don't have the resources of a Kennedy but would still like to buy a little environmental forgiveness, I could sell you some carbon sequestration. I could use a little landscaping around my house. — Tim Slagle

Americans for appeasement? — John McCain and George Bush have charged that Barack Obama, who states that he will talk with adversaries, such as Iran, is guilty of appeasement.

If their goal is to paint Obama as out of step with ordinary Americans, however, they are barking up the wrong tree. On this issue it is Bush and McCain, not Obama, who are on the political fringe. According to a Gallup Poll in May, a whopping 79% of Americans (including about half of all Republicans) think it is a "good idea" for the president to meet "with leaders of foreign countries considered enemies of the United States." — David Beito

Fearless forecast — Obama needs to win some states that Kerry didn't win. Which will they be? Not New Mexico, Colorado, Nevada, or Florida — Hispanics have been stampeding to vote against him. Probably not Mississippi or Virginia — not quite enough African-Americans there. And probably not Ohio or Iowa — not after the things Obama said about small-town Americans. On that basis, he has a good chance of losing Wisconsin, Pennsylvania, and Michigan, which Kerry won.

Obama's strategy was to beat Clinton by scooping up the Democratic ideologues in states that never vote Democratic. It worked. It also revealed his weakness. The only really large state he won was his own, Illinois. Other big states went to Hillary, by large margins.

The youth vote? In primary states there were slightly more very young voters who turned out for the Democrats, and slightly to many more 60+ voters who turned out for the Republicans. Which group would you rather have supporting you? The 60+ voters, of course. They actually *vote*.

The more Hillary campaigns for Barry, the phonier both of them look. And if the Republicans simply buy air space to play Obama's remarks about how Americans will have to give up their precious SUVs in order to make the rest of the world stop hating us, they will have a hard time not picking up states like Michigan.

Well, maybe they'll manage not to. The depths of the Stupid Party's stupidity have never yet been plumbed. Still, unless McCain makes some enormous, Gerald Fordlike error, Obama will not beat him. — Stephen Cox

In praise of Pandora — I confess that I am a man of antique taste in music. Though I grew up in the rock era, I've always preferred and still listen to music from the jazz era of the 1950s and 1960s. Cool jazz (Mulligan, Getz), Latin Jazz (Puentes, Tjader), and late big band jazz (Kenton especially) still sound terrific to me. In the '50s and '60s, torch singing from the great American songbook was at its mature best: Sinatra at Capitol, Mel Torme, Julie London, Irene Kral, and of course Tony Bennett. And Bossa Nova was at its best then too, with Tom Jobin, Joao Gilberto, and the incomparable Astrud Gilberto.

This sort of music has had something of a comeback over the last decade, with Diana Krall, Jane Monheit and many others selling well — not to mention the fact that Tony Bennett is still packing them in at his live performances. But jazz of any sort gets little airplay. What little does get played is the current highly synthesized stuff on college PBS stations — Kenny G Radio 24/7.

Here is where the internet has proven invaluable. First, of course, the internet lets you listen to jazz stations from all over the world. Even handier is a free website called Pandora Radio. This site allows you to pick out your favorite artists, for each one of which it designs a "virtual radio station" devoted to music either by that artist or by artists of a similar style.

You can listen to song after song, hour after hour — and again, all for free. The site even allows you to refine your choice by giving each song a thumbs up or thumbs down. And it allows you to click on any album for easy ordering, should you wish to do so.

If you also have arcane tastes in music, you should check out Pandora. She'll treat you right. — Gary Jason

Full load — I watch a lot of movies, but they tend not to be brand-new ones because my family and I watch DVDs. The other night we watched two: "Inherit the Wind" (1960) and a newer one, "Bordertown" (2007), with Jennifer Lopez as an investigative reporter unearthing a rape-and-murder ring in Ciudad Juarez, Mexico. Much different movies, but both carried a load of propaganda.

"Inherit the Wind" turned the fascinating Scopes "evolution" case into a liberal cartoon (with much of which I agreed, but still a cartoon). "Border Town" traced the rape-and-murder problem to NAFTA, which had allowed the rise of corrupt Mexican oligarchs who liked having young women to exploit economically and, occasionally, sexually. The movie never asks: where would Mexican women, and their families, have been without NAFTA? What was the net effect on Mexico of opening up trade with the United States? Instead, it suggested that commerce equals rape.

Contrast a Hong Kong movie called "The Drummer" (2007). It's about a gangster's son who gets his dad, a gang boss, in trouble by bedding a rival gang leader's wench. The rival leader demands that the son's hands be cut off and given to him. But the young man's dad spirits him away from Hong Kong to rural, mountainous Taiwan (the sticks), where he meets a troupe of traditional drummers, in the Japanese style. He joins them, and goes from being an immature playboy to something like a monk. Later he goes back to Hong Kong, his dad is killed, he runs down the killer and has a chance to kill him in turn. Because of the life he has learned with the drummers, he doesn't pull the trigger. It's a very Asian movie, and without a wide market here; but it's a fine story, and not at all a cartoon. — Bruce Ramsey

Tragedy of the McMansions — Boulder, Colorado has a well-deserved reputation for boldly regulating territory that few bureaucrats have ever trod upon. Back in the 1990s, the city council explored the concept of expanding individual property rights along the south, east, and west boundary lines of real estate while at the same time restricting rights along north perimeters. The altered regimen would be based on a "right to sunshine."

As councilman Steve Pommerance explained to me, with conventional energy sources becoming dearer, more people would be turning to solar power for a cheaper alternative. But their ability to do this might be infringed by any new, taller construction sunward of existing structures because taller buildings might block the sun. The "right to sunshine" had to be protected.

Besides the "right to sunshine," Boulder cherishes its "freedom from unpleasant development." For many years this freedom has been preserved through restrictive zoning that has severely limited chain stores, trailer parks, private campgrounds, and so forth, and has decisively raised the cost of what development is allowed. Unsurprisingly, this has effectively cleansed Boulder of service personnel: there's just no affordable place for maids, janitors, waitresses, and bus boys to live.

Not that it matters too much, since most chains find the business atmosphere too restrictive, and businesses that do make a go of it tend to be sole proprietorships. When cheap help is needed though, thank the University of Colorado for an endless pool of never-on-time, pot-saturated, dreadlocked, slack-jawed employees — students, part-time students, wanna-be students, and dropouts — that businesses recycle every pay period.

But now restrictive zoning has turned around to bite the other cheek. Boulder County planners have diagnosed an epidemic of McMansions that is threatening to devour the rural character of the community. New homes in Boulder County average 6,500 square feet, versus 2,400 sq. ft. nationally. To stem the onslaught, planners are considering a cap-and-trade arrangement labeled "voluntary development-rights transfers" (DRT's). DRT's would be encouraged through one-time payments and reduced property tax assessments. As Michele Krezek, Boulder County land-use manager, explains, we "want to allow property owners who either have or want smaller-scale homes to be able to sell a portion of their 'unused' square footage" to people who want to build homes larger than the maximum permissible size (4,500 square feet on the plains or 3,000 square feet in the mountains).

When Milton Friedman first proposed a cap-and-trade scheme, it was to correct market failure inherent in "tragedy of the commons" situations. He applied market mechanisms to mitigate industrial air pollution. One wonders — is an "excess" of interior livable space a tragedy? — although we can at least be thankful that Boulder bureaucrats have discovered market forces.

Cap-and-trade is a concept whose time has come. It's now been adapted in Europe to create a market in carbon emissions to relieve global warming. And it's coming to the United States. Perhaps it would have been nice if New York City Health Commissioner Dr. Thomas R. Frieden had gotten on the bandwagon and followed Boulder's lead by instituting a cap-and-trade system to regulate fast-foods' trans-fat footprints ("gutprints") instead of hamhandedly outlawing the guilty grease. Then gourmands could trade fat credits before ordering their fries.

Beam me up Milty! — Robert H. Miller

Two wheels, two sides — Bike to Work week is held each year in Chicago during the second week of June, since it is probably the best time to be on a bike in Chicago. Cool lake breezes, bright blue skies, and extended daylight hours make a bicycle ride in Chicago a very pleasant proposition. In June it is easy to forget that not every day in Chicago is as nice.

I think that someone should organize a "Why We Drive" week in the middle of January, when icy conditions, gale force winds, single-digit temperatures, and treacherous nighttime commutes on both sides of the workday would remind everyone how grateful they are to pay four bucks a gallon for gas.

This year's Bike to Work week has been met with tragedy. By June 11th, two bicyclists had been killed during their commute. Rather than being an encouragement for people to ride a two-wheeler to their job, the tragedies serve as a grim reminder why a lot of people prefer the metal and glass safety cage of an automobile. Perhaps we have already hosted that "Why We Drive" week. — Tim Slagle

Freedom phobia — I never pass up the opportunity to mention a free-market institution, and a recent article of interest allows me to do so now.

The James Madison Institute is a free-market thinktank based in Florida, founded 20 years ago by Dr. J. Stanley Marshall, former president of Florida State University. (Disclosure: I am a proud contributor.) The institute has done useful work publishing scholarly material.

In the current issue of its major publication — The Journal of the James Madison Institute, Winter/Spring 2008 (downloadable from its website) — Susan Riggs has an excellent piece on fallout from a 2005 ruling by the Supreme Court of Quebec, a ruling that roiled the Canadian healthcare system.

Suit had been brought by a Quebec doctor on behalf of a patient who needed hip replacement surgery and who had wound up on a long waiting list. The court ruled that it was unconstitutional to deny a patient the right to seek private care, in the face of the long wait times for service in the public system. The immediate effect was a modest reform: Quebec established set waiting times for certain surgeries (such as hip replacements and cataracts), after which patients may go to approved private clinics (or, if none are available, to clinics in the United States).

Considering that the long wait times in the Canadian healthcare system have been getting longer, many observers expected a cascade of similar lawsuits throughout Canada. But that hasn't happened. Riggs' view is that the reasons vary, from the fact that the court system in Canada isn't as powerful as it is here, to the fact that Canada has a strong central government. But, she ruefully notes, the main reason that more Canadians haven't challenged the government health system seems to be that they don't welcome the new freedom. Many of them apparently fear that it will lead to a system like that of the United States.

Riggs, a Canadian herself, notes that this fear is ungrounded. She reviews the salient facts. First, wait times in Canada are generally double what doctors consider reasonable. Second, Canadians generally have fewer doctors, less modern medical equipment, and fewer cutting-edge drugs than Americans. Third, Canadians have fewer diagnostic tests (such as PSA screens and Pap smears) than Americans, and higher mortality rates for prostate, breast, and colorectal cancer. Canadian hospitals (average age, 40 years) are much older (nine years, on average) than American ones.

Basically, it appears that after twoscore years under their socialized system, Canadians are now totally dependent and too afraid to change. This is a point for Americans to consider. If we do indeed nationalize our system, as the major candidates for the Democratic presidential race all seem to favor, it

will likely be impossible to privatize it again, even after we see what a disaster we have on our hands. — Gary Jason

Fogs of war — The situation in Iraq deteriorated over the first three months of this year, culminating in late March with a bloody nose given to the Iraqi defense forces by Muqtada al-Sadr's Mahdi Army. April and May, however, saw an improvement in the situation. Only 21 U.S. soldiers died in May. Meanwhile, Iraqi civilian deaths fell from 1,080 in April to "only" 532 in May. Additionally, to the surprise of many observers, Iraqi forces made gains on three major fronts — Basra, Sadr City in Baghdad, and Mosul in the country's north.

In Basra, the Mahdi Army ceased fighting and let Iraqi forces occupy the city. U.S. and British technical support, and above all Allied air power, were crucial to the Iraqi success. The Sadrists and the criminal elements that had controlled the city largely blended into the background, allowing them to try for a comeback in the future.

In Sadr City, the same formula was applied. U.S. support, on the ground and in the air, tipped the battle against the Sadrists. The Iraqi troops did not fight particularly well, but they didn't run away either, and that, in the circumstances, was enough. A ceasefire was signed on May 11.

In Mosul, the enemy was al Qaeda. It too chose the path of least resistance. Its fighters, who have had the worst of it since the Anbar Awakening commenced over a year ago, slipped away from the city and found new rat holes to hide in.

So Iraq is looking up, right? Well, it's not quite that simple. On the plus side, the people of Basra seem delighted in the relative freedom they have found in life under government control. The people of Mosul, I daresay, are not unhappy that al Qaeda has left their city. Violence throughout the country is down again, but not, unfortunately, because the militias, terrorists, and criminals have been defeated. These, as I said, have chosen to live to fight another day. This is a sensible strategy on their part. They have no chance of victory so long as substantial U.S. forces remain in Iraq. To wait us out is the better course for them.

The current U.S.-Iraqi government strategy seems to be victory through the infliction of a thousand cuts. This might work against al-Qaeda. The Sadrists, however, are too numerous. To crush them would require a real fight, with U.S. troops in the lead.

The truly critical event in May was the breakdown of talks aimed at bringing Sunnis into the government. Reconciliation between Shiite, Sunni, and Kurd seems as far away as ever. That almost certainly means big trouble at some point in the future.

Meanwhile, the complex dynamic among just the Shiites, that is, the struggle for power between Prime Minister al-Maliki's Dawa Party, the Sadrists, and the Supreme Islamic Council, with Iran in the background (favoring first one group, then another, in a true wilderness of mirrors), remains the key factor in determining Iraq's future. Unfortunately, U.S.-Iranian talks on Iraq were broken off in early May by Tehran.

As the U.S. election nears, will we see violence flare up again? Continued quiet would help Republican candidate John McCain, who wants to prolong our involvement in Iraq. Therefore, one would expect the Sadrists and al-Qaeda to try something in the fall, in order to further the election prospects of the Democrat, who will be running on a platform of withdrawal.

On the other hand, perhaps Iran would actually like to see us remain in Iraq. They may prefer to have our forces tied down there, rather than free to strike elsewhere, i.e., at them. They may seek to restrain the Shiite in order to help McCain and keep us in the country.

In any case, the one thing the next U.S. administration, be it Republican or Democratic, *must* realize, is that the road to peace and a stable Iraq leads through Tehran, and only Tehran. — Jon Harrison

Beautiful burqas — One thing you realize on Zanzibar is that the mullahs have way too much say in what women wear in public. And that it doesn't do them a bit of good. The fact is, those boys could have learned a thing or two from our grandmothers. It's not what she shows that makes a woman sexy, it's what she leaves to the imagination. And the more the mullahs force the ladies to dress in bags, the sexier they become.

Every pretty woman understands how to make sure you know, and the ladies on Zanzibar must spend hours customizing their bags — until some are as form-fitting as slinky ballgowns. Crisp and black, embroidered, perhaps, in silver with vines and leaves curling around the skirt and up the sides, flared at the bottoms and the cuffs, all that cloth only exaggerates the grace and suppleness of the bodies inside. Those bags turn what, in America, would be vacuous teenaged girls at the mall strutting pudgy flesh nobody much cares to give a second glance to, into gorgeous, light-footed silhouettes skipping and traipsing and whirling down the street, awkward teenagers into a full-court tease of fluid movement and swirling cloth, of subliminal images and imagination, ordinary girls into bewitching, sparkling-eyed houris you can't stop looking at.

Quite a few sport — I kid you not — glittering tiaras around their black hoods, and kick their heels just high enough to give you a glimpse of flashing, gold slippers. Hugh Hefner never made his women half as sexy as the mullahs have managed to make theirs.

This upwelling of life must drive those old prigs nuts. Issue a fatwa that nobody can decorate her robes with embroidery and, next morning, the streets will be a-twirl with the most exquisite lace. Outlaw lace, and there will be a run on the sequin market. The dead hand of received prudery doesn't have a chance against the overflowing life of young womanhood. I love it. — Bill Merritt

Drained of energy — Bush's recent combative news conference, in which he rightly attacked Congress for doing nothing about meaningful energy policy, brought to mind a few thoughts.

He hit Congress for not allowing drilling in ANWR and elsewhere, as well as doing nothing to allow more refineries and nuclear power plants to be built. He has credibility on those issues. Under Clinton, the then Republican controlled Congress voted to open up ANWR to oil development, but Clinton vetoed it, arguing that we didn't need the oil. A few years into his presidency Bush pushed to open ANWR, but

this time it was Congress that blocked it (with the votes of a handful of turncoat Republicans). Go figure.

With oil at $120 a barrel, how much higher must it go to get people to allow development in that barren waste? Again, to give Bush credit, he has suggested building new refineries on abandoned army bases. And despite his reputation as an oil man — not to mention his inability to pronounce its moniker correctly — Bush has been staunch in his support of nuclear power.

But the Dems, as much the thralls of ecological ideologues as they are of trial lawyers, oppose nuclear, oppose oil, and oppose gas. What they want is "alternative sources of energy." Wind, solar, and biofuels — all proven winners!

As it happens, biofuels are now prominent in the news. Specifically, our demented policy on ethanol — which, to his discredit, Bush supports — is getting increased public scrutiny. A number of recent articles, in periodicals as diverse as The Wall Street Journal (April 18), The New York Times (April 15), the New York Sun (April 25), and the Weekly Standard (April 28), have reported on the worldwide inflation in food prices. This inflation, which has caused food riots in a number of countries, is showing up as a major concern of voters in this country. And ordinary folk are beginning to notice the linkage.

The linkage is clear. Under our truly daffy ethanol program, we subsidize American farmers to divert food crops such as corn away from feeding people and livestock into making ethanol for cars. (And the American taxpayer shells out over 50 cents of subsidy for every gallon of ethanol.) At the same time, we put massive tariffs on ethanol that is produced far more efficiently in Brazil, where sugar cane is abundant and has been used to produce ethanol as fuel for decades.

Both the International Food Policy Research Institute (based in Washington, DC) and the Food and Agriculture Organization of the United Nations (based somewhere on Venus), have pointed the finger at the American and European biofuels programs as partial causes of the recent rise in food prices. The FAO estimates that these programs have caused 10–15% of the price increases; the IFPRI puts it between a quarter and a third). Indeed, a panel of environmental experts with the European Union recently advised it to suspend its biofuels goal.

The estimates make sense. Already, 20% of America's huge corn crop is used for ethanol. Remember: to produce 25 gallons of ethanol requires 400 pounds of corn. So it is no surprise that in the last few years corn prices have more than doubled. And as farmers switch fields from soy and other crops to corn, there is a shortage of these crops too (as well as the cooking oils made from them).

Ethanol takes a huge amount of energy to produce: the tractors that plow, the combines that harvest, and the trucks that haul the corn all eat diesel like crazy, and the fertilizer that is used is typically petroleum based. So it doesn't yield an impressive gain in energy — maybe 25% at best. (One researcher, David Pimentel of Cornell, says that ethanol results in a net loss in energy.) So we will have to convert vastly more lands to agricultural use, just to make a dent in our oil usage.

All this should have been bloody obvious from the jump. But not to the idiots that govern us. Dumbbell of the Year Award has to go to Rep. Jim McGovern (D-MA), who recently admitted that Congress made a mistake in backing biofuels. No, really?

There is only one serious energy policy, and it is as simple as it is proven. Short-term, open up more of our country to oil production. To get over NIMBY opposition in the various states, do as is done already in Alaska: pay citizens a share of the proceeds. If Floridians will consent to offshore drilling — and why not, since it will soon be done by the Cubans in league with the Chinese — pay each citizen of the state a yearly bonus from the proceeds.

And long-term, start a massive nuclear plant program. Settle on one reactor design, start building plants by the hundreds, and make sure the fuel is reprocessed. Start now, and in a decade plants will begin coming on line. — Gary Jason

Hang 'em high — A toast is in order to Deborah Palfrey, the notorious "D.C. Madam," who apparently committed suicide by hanging recently at her mother's home in Florida. Her suicide note recorded her rejection of a six-year prison term, the sentence expected at her pending hearing.

She may have planned her fate well in advance, for she had previously stated publicly that her escort service was a legitimate business and that she would not spend even one day in prison as a result of her "racketeering" conviction. She kept her word. That act demands some respect, quite unlike most of the actions of the "respectable" Americans who contributed to her condemnation.

It is a time-honored (if tawdry) tradition for a prosecutor to establish his reputation as a "crimefighter" by selecting some party engaged in a "sinful" business (nice enjoyable sin always being in popular demand), and persecuting him to the full extent of the law. The laws used in this career exercise are typically those written to impose the Christian community's theological concept of "sin" on the entire citizenry, whether Christian or otherwise. That such "crimes" normally occur by willing agreement between parties reflects the faith-based nature of such laws. (At least the punishments in Christianity's version of "sharia" are less extreme than Islam's — confinement or fines instead of stoning or beheading.)

The target in this particular case, Ms. Palfrey, tried to defend herself by threatening to release her customer list, including politicians and persons of public repute who might have been expected to discourage the prosecution. Unfortunately, the trial judge was apparently not among them.

Whether one considers Ms. Palfrey's last act to be one of courage or cowardice, it was certainly one of finality, an unanswerable reassertion of control over her own fate. So, more power to her. Now let us adjourn respectfully to the bar and suitably honor, with demon rum, an act of defiance by one of us base human beings against those paragons who would impose "salvation" upon us. — Anthony Teague

Aversion therapy — Since Brown University is often portrayed as an incubator of PC piety, may I note that among its alumni are the conservative writer David Kinghoffer, '87; the libertarian radio personality, Larry Elder, '74; the Republican governor of Louisiana, Bobby Jindal, '92, and me, '62, as well as some other deviants, no doubt. Try as hard as PC ideologues might, they are no less effective educationally than Catholic priests, say. — Richard Kostelanetz

The Battle for the Libertarian Party

by Andrew Ferguson

The 2008 LP Convention saw the party nominate its highest-profile candidate ever — and nearly tear itself in half in the process.

When Bob Barr emerged from an exploratory committee ten days before the 2008 Libertarian Party Convention and announced that he would seek the party's nomination for president, two stories were quickly and widely distributed: one, that Barr's ascent was inevitable, more coronation than nomination; two, that Barr's campaign would steal the election — and with it, the party — by busing to Denver hundreds of extra delegates solely to mark the former congressman's name on the presidential ballot. In writing style, place of publication, and level of detachment, the stories could hardly have been more different: the former appeared in mainstream newspapers, so uniform and uncaring as to crib each other's factual errors; the latter popped up on radical* libertarian blogs and message boards, often peppered with the obsessive hyperlinking that makes it difficult to discern any signal in the noise.

But this pair of stories did have one thing in common: both were wrong. Yes, Barr would eventually stand before the delegates as the party's nominee — but not by conquest and not by chicanery. Instead, his victory came after a grueling weekend of arm-twisting, in back rooms that avoided cliché only because Colorado's laws forbade filling them with smoke, culminating in a six-ballot slugfest that could at any moment have gone for one of Barr's rivals. The deals made — and not made — along the way to that nomination very nearly caused a major schism within the party — until, with literally seconds to spare, that disaster was averted by a hallway speech that even the most cynical, jaded observer (meaning myself) had to acknowledge as heroic.

This, then, was the LP Convention 2008, in Denver, Colorado: a battle for the party's heart and soul, for its meaning, and, perhaps, for its continued existence.

Thursday, May 22

The convention's opening night saw it off to a slow start, with a belt of tornadoes in northern Colorado keeping planes away from the Denver airport and attendees away from the opening ceremonies. But conventional talk and Scotch were flowing freely at the Capitol, the bar in the hotel lobby that quickly became the unofficial hangout for Barr's delegates;

*I use "radical" throughout, not as a pejorative, but as the preferred term for those LP delegates allied (or nearly so) to the LP Radical Caucus. Their statement of purpose may be found at lpradicals.org; briefly, they support an absolutist rather than a gradualist approach to achieving the LP platform.

upon finding out that I was not yet a delegate, they offered to seat me in any one of five different states.* I hasten to note that the offer came with no strings attached: they did not ask me to pledge for Barr; I had only to pay to join the state party of whichever state I ended up in. Deciding that money would be better spent on bourbon, I chose to remain professionally unaffiliated.

So much, then, for the influx of Barr ringers: if they were recruiting singleton delegates down in the hotel bar, surely there was no cohort on the way. True, much of the delegation from Georgia had driven the 20 hours in a van to support their state's former congressman — but they were obviously there to take in the entire convention, every last bylaw and ballot, and besides they had stopped along the way to pick up blogger Thomas Knapp, an adviser to radical candidates Dr. Mary Ruwart and Steve Kubby. Seen from the Capitol Bar patio, the conspiracy theory seemed farther and farther-fetched: how would any campaign, given ten days' time to get organized and win a nomination, at the same time coordinate bus trips (or afford plane trips) for several hundred people?

While I was pondering that, the congressman himself strolled by; seeing a group of his supporters in a festive mood, he sat down for a cigar and a quick chat. This would be the last time in the next 72 hours that I would see him without an orbital ring of black-suited staffers: had I known that, I might have tried to draw him out on his past with the CIA or his history as a drug warrior; his vote for the PATRIOT Act or his authorship of the Defense of Marriage Act — in short, the issues that, Road to Damascus moment or not, continued to make him persona non grata to many libertarians today. But it wasn't long before one of Barr's suits came over and whispered in his ear; with a disdainful "I'm supposed to worry about this shit?", Barr left to worry about that shit, and the chance was gone.

With a disdainful "I'm supposed to worry about this shit?", Barr left to worry about that shit, and the chance was gone.

But it wasn't really a night for pestering: more a night for camaraderie, a calm (tornadoes aside) before the storm. Out on that patio I talked with libertarians from Maine, Kentucky, Arizona — almost every state, it seemed (other than North Dakota, which couldn't scrounge up a delegate), plus a couple from foreign parts. Many of these were their state's chair, which in the LP is less about prestige or pecking order than about who's willing to shoulder the load for a while. Even among the ubiquitous Georgians there was diversity: my introduction to the state chair, who would later sport a Stetson on the podium during Barr's acceptance speech, came via a young construction worker who would, seat on the van be damned, vote for Ruwart on all six presidential ballots.

Later on, once the Bulgarian waitress had given us the "you don't have to go upstairs but you can't stay here" stare, I ran into perennial LP candidate-for-office Barry Hess, strolling out in the crisp nighttime air. Hess was talking — politicking without really meaning to — about his political evolution, about how none other than Ronald Reagan told him he was a libertarian . . . and then reined himself in. He wasn't there to run for office: he'd exchanged his presidential bid for a speaking slot at the convention, the better to spend time with his family. "They would like to see me once in a while," he said. A wise choice — Hess had next to no effect on the 2000 race against a much weaker field — and one all aspiring LPers would do well to keep in mind. The ideal level of decision-making, after all, is the individual household: while it is important that we run national candidates, our successes at that level will be measured, not by how many states we rack up, but by how many people stop and think, You know, maybe the government shouldn't make that choice for me.

Friday, May 23

Mark Rand and I were up early on the Friday to secure press credentials — a process that should be a formality but (to the surprise of no one who has read Liberty's coverage of previous LP Cons) always seems to get complicated somehow. While we waited outside the press room for the LP's media liaison to answer his cell phone, I perused the rather confusing conference schedule, and answered a nagging question from the night before: why did the party bother cutting a deal to give Hess a speaker's timeslot? A glance over the featured speakers revealed a decided slant to the Right: though I had given little credence to the conspiratorial "conservative takeover" rhetoric, with recently-Republican fundraiser Richard Viguerie delivering the keynote address, and Barr booster (and subsequent nominator) Mike Ferguson the opening speaker, the deck seemed stacked even before taking into account the cancellation of war-hawk Neil Boortz. In a year that had brought unprecedented breadth of opinion to the LP stage, from Barr on the right to Sen. Mike Gravel on the left, the party needed a few radicals to make the schedule appear better balanced.

About then the liaison arrived; he'd gotten stuck over at the Barr campaign booth (though as an official representative of the LP, his work with Barr was of course in an unofficial capacity). After a bit of wrangling, we were officially approved, and set about loitering with purpose.

The delegates were in session discussing bylaws; between the constant calls for quorum counts, and the belief of many libertarians that freedom of speech implies an obligation to speak, it wasn't long before I fled to the comparatively more exciting world of the booths. There one could find a mini-bookshop run by Laissez-Faire Books, a Matrix-ripoff video imploring passersby to "Reform the LP!", a chess board and Go set accompanied by a bizarre topographical diagram claiming to supersede the Nolan chart, and a table full of feathered boas that on closer examination was set up to advertise Shotgun Willie's, "Denver's finest gentleman's club." Now there's a business that knows its target market.

As for the candidates, Hess' deal had brought the field down to 11, most of whom had a booth up. (There had been

*This geographic flexibility is not at all unusual at LP conventions: Liberty's founder Bill Bradford, a Michigan-born resident of Washington, once found himself seated with the delegates from Missouri.

14, but Robert Milnes failed to show up, despite sending desperate pleas for help and also travel money to every email address he could find, and John Finan's presence was a publicity stunt — his campaign booth consisted of the motorcycle he had driven a couple thousand miles to Denver, a handful of pictures taken along the way, and no employees to discuss any of it.) Mary Ruwart's staff had staked out a prime spot, greeting all comers and goers with her weirdly Catholic red-heart-and-Mary! logo.

Barr's booth was the only one taking up two spaces, and had enough staffers milling around that they probably could've taken over a couple more, and then at least had room for their multiple TVs. It was on this Friday that the anti-Barr push really got going, and the congressman's campaign didn't help matters: the radicals felt like the party was being invaded, and the campaign was doing its best to come off as invaders. To disguise weakness, put your strongest foot forward; treat the election as if it is already won. That might have made sense, had the voters in question not been the contrary, bloody-minded creatures known as libertarians. As it was, the dark-suit, black-hat approach came off as mere posturing and bravado, compounded by Barr's decision to skip the night's "unofficial debate" deep in the bowels of the hotel, in favor of a solo meet-and-greet.

Perhaps it was a no-win situation for him. The audience was packed with radicals: if there were any undecideds there, they were undecided between the candidates who weren't Bob Barr. But his chair was the only one of 11 that was empty; even the right-leaning Wayne Allyn Root (who, whisper whisper, could just be a Republican plant or somethin') came down into the arena to fight for votes he was unlikely to get — on the first ballot.

But then, it wasn't votes that the candidates were scrapping for, not yet. The first cull of the field came in the form of scraps of paper confusingly called "tokens." Each token represented the support of a delegate; once the candidate reached the required amount — no one was quite sure yet how many that was — the tokens could be transferred by the candidate

The radicals felt that the party was being invaded, and the Barr campaign was doing its best to come off as invaders.

as seen fit. Once everyone got the hang of it, the token system was brilliant, offering intrigue — who would be kept in the race by others, and what's the quid pro quo — and keeping the field to a reasonable size. Or at least, it would have, if they hadn't ratcheted down the required number the next day. But no matter the number, some of the candidates would be left on the outside; thus was organized this "unofficial" debate, so everyone had a chance to address whichever delegates chose to attend.

The LP frowned on this subversion of debate procedure, forcing the event out of the main convention area, where a room had been secured at a cost of $400, into the bomb shelter across the street, where the price tag was $2,400. The event was organized and partially funded by candidate and minimalistic Liberty advertiser Jim Burns, who used his forum to give inoffensive (well, to Libertarians, anyway) answers to the moderator's softball questions.

Another donor and no-hoper was Alden Link, whose most pressing concern was the need to build more nuclear power plants, in support of which he quoted Fidel Castro. His voice was Elmer Fudd's, if Elmer Fudd ever quoted Fidel Castro. He said, at one point, "The problem of violence in the Middle

Christine Smith grew ever more exclamatory and orgasmic, working herself into a glassy-eyed frenzy that culminated in her shouting her real age to a group of strangers.

East only started recently. Saddam Hussein kept peace in his country. It was through violence, but it was peace."

Then there was Daniel Imperato, who gave and gave and gave, but only out of the wealth of his soul. A papal knight and one-time semipro hockey player, Mr. Imperato has spent all of the last 30 years on transcontinental flights, learning how to say "Pillow, please" in 75 different languages; having worked on ID cards around the world, he knows all about the 666 chips we are implanting in children, some of which, in Abu Dhabi at least, call him "Uncle Danny." Shabat shalom!

(The next day, once it was clear that Mr. Imperato would not be "marching on the White House," nor indeed entering the C-SPAN debate, he endorsed Bob Barr and then promptly announced — in a press statement exclusive to Liberty — the formation of his own new political party; however, he hadn't yet made up his mind whether he would accept the party's nomination for president.)

Throughout the debate, Christine Smith, who claimed to stand for "the libertarian wing of the Libertarian Party," grew ever more exclamatory and orgasmic, working herself into a glassy-eyed frenzy that culminated in her shouting her real age to a group of strangers during her closing statement. The suspicion that this was not the act of a sane woman, intensified by the confusion felt by the audience that anyone could have doubted Smith's constitutional qualifications in this area, made her "one to watch" once Imperato was gone. She would not disappoint.

This quartet would not make it in front of the bright lights of the C-SPAN cameras; only Smith would eventually be nominated. This was undoubtedly good for the party, in terms of the image it presents to the outside world. But it wouldn't be a proper LP Convention without some off-the-wall speechifying; the unofficial debate offered candidates, legitimate contender or not, the chance to play to a raucous libertarian audience, as opposed to a raucous libertarian audience plus whatever weird souls were tuning in to C-SPAN on a Saturday night. Thus, for instance, Dr. George Phillies could

reference, with questionable hand motions, the Nolan chart (though not, for some reason, in connection with chess or Go), without needing to explain it. The only ones who didn't seem to play the debate theatrically were the latecomers to the LP: Sen. Gravel, whose entire weekend seemed little more than a commercial for his asinine national direct-democracy initiative; and Root, who to be fair is theatrical all the time.

The winner of the debate, if there was one, was Steve Kubby, a walking advertisement for medical marijuana (check his Wikipedia page for the full story) who had the biggest applause line of the whole night, going after Barr on the PATRIOT Act; the biggest loser, obviously, was Barr, for not being there to defend himself and thus allowing the entrenchment of an anyone-but-Barr mentality among the assembled radicals. But lost among the candidates who were there was Mary Ruwart, whose quiet intensity didn't register amid the more bombastic performances of her fellow debaters. Though she was in no danger of missing the C-SPAN debate, she would certainly have to lift her performance if she was to be more than the anyone-but-Barr candidate.

Apart from being held in a death trap of a room (seriously, if Barr had been the evil overlord type that the wildest-eyed delegates depicted him as, he could've sewn up the nomination right then by simply locking the single exit and introducing the poisonous compound of his choice), and going over time (one of the biggest applause lines of the night was when the moderator announced he'd be forgoing the last few questions to go straight to closing statements), the event was a hit, exactly the sort of freewheeling affair needed to loosen up after a day of stifling professionalism. Perhaps next year the LP will see fit to allow it a place, as a "roundtable" if not a debate, in the hotel proper.

Saturday, May 24

In the convention hall, the delegates were hammering out the new platform; in the war rooms and among the booths, campaigns were trying to gather tokens. At 83 (10% of the registered delegates at the 2004 Atlanta convention) tokens, entry to the debate would be in the hands of the three highest-polling candidates: Barr, Root, and Ruwart. At 57 (10% of the confirmed delegates from the present convention), there were a lot more extras to distribute, so the goal shifted from consolidation to maximum representation: Kubby and Phillies made the total with some to spare (both would likely have cleared the higher bar, Kubby through a mutual agreement with Ruwart and Phillies from across the spectrum); Gravel made it thanks to a substantial wedge from Barr's campaign (the better to siphon votes from Ruwart, for a couple ballots at least); and Michael Jingozian, an up-and-coming businessman outsider who must have thought he was done the night before, cobbled together a few extras from everyone to scrape through at the deadline.

"Maybe you can't legislate morality, but you can have a lot of fun trying."

Left on the outside was Christine Smith: when I asked her if she'd made it, she said no, but insisted she "wasn't out of it" because she still had enough tokens to get nominated (a prize which required only 20-odd tickets, I mean tokens). "The debate's only a beauty contest anyway," noted her underling; as Reason's David Weigel said at the time, that's a funny argument coming from a candidate whose campaign literature is built around glamour shots that can't be less than five years old. Regardless, the crazed look in her eye made me wonder if her previous night's performance was not theater, but rather in dead earnest; if so, I thought, the LP really dodged a bullet by keeping her off of national TV. (How shortsighted I was!)

Meanwhile, Mary Ruwart was giving a speech amongst the rental booths; clearly she'd picked the time so she could answer a few questions and then lead the crowd over to triumphantly turn in her tokens. But she was completely upstaged by the Barr crowd: a few minutes before the deadline, Barr came on his booth's PA system, volume cranked way up, and organized his own black-hatted march. But again, the gesture seemed liked a miscalculation: several delegates, and not just radicals, jeered the procession as it went past, one even humming the Imperial March from "The Empire Strikes Back." It smacked of overcompensation, conveying a "resistance is futile" message that would make almost any undecided libertarian determined to resist. If Barr had ended up losing the nomination, this is the moment when it would all have started to go wrong.

The imperial-march stunt, combined with the absence from the unofficial debate, left Barr needing a stellar performance in the C-SPAN debate to salvage his candidacy — and to his credit, he delivered: although the words "I'm sorry" didn't quite escape his lips, he partially repudiated his Defense of Marriage Amendment, thoroughly rebuked the domestic War on Drugs (or at least pot), and thunderously denounced the PATRIOT Act (as president he would "work with a broad coalition to put a stake through it, burn it, bury it, burn it again, and scatter the ashes"). But even as one of the night's acknowledged winners, the mood at his post-debate reception was apprehensive.

The apprehension centered around Barr's campaign manager Russ Verney, who came recommended by Ross Perot after working with that groundbreaking 1992 third-party run and guiding the 1996 follow-up. In his initial memo for the Barr campaign, Verney had laid out a schedule for replicating Perot's 19% vote total in 1992 — a tall task, especially considering how much more difficult it has become for a third-party candidate to crash the network TV debates. Yet by the Thursday night of the convention, he'd revised his

numbers upward: Verney told me that the plan now was to start by entering the national debates (which would require a level of poll support dwarfing anything the LP has ever come near), and end by making the race a genuine three-way contest, "taking 34% in a plurality of states" — one assumes the other candidates would be evenly splitting the remainder — thus installing a Libertarian in the White House.

By Saturday night, Verney — who was behind the imperial-march stunt and the in-your-face attitude more generally — could not even say with confidence that his boss would gain the party's nomination. This was a startling shift, especially considering that the performances of the other two frontrunners, Root and Ruwart, received mixed reviews at best.

One of Root's gimmicks, at the end of any of his public appearances, is to ask for a show of hands: "Who thinks I have energy?" — and when the inevitable 90% oblige, he takes it as a sign of approval. But when you have "the comportment of a Ronco pitchman with a squirrel in his pants," in the words of Jesse Walker, energy is never the problem: rather, it's knowing how to pull back when a deft touch is what's needed. But his dynamism was unquestionable, and by gearing his campaign toward small businessmen, parents with school-age children, and online gamblers, he was aiming primarily at the same pool of Right-leaning voters, perhaps 60% of the delegates, that Barr had targeted. If Root were to outpoll Barr on the first ballot, it could signal the end of the campaign.

Whichever of Barr or Root took the lead on that side, Verney (like most people) expected the radicals to line up behind Mary Ruwart, who fit the profile that the LP had used several times for its presidential nominee: longtime party activist, given the flagship role as a reward for services rendered. And in a normal cycle, that would be enough. But Barr was a different order of candidate from what the party usually sees: the presence of cameras from CNN and MTV News, and journalists from major syndicate newspapers, testified to that. The Barr campaign's performance had opened up the possibility of an upset, if Ruwart could keep the radicals organized ("herding cats," the old joke goes; which was also the name of the South African wine given out to speakers at the conference) and siphon away some of the Barr and Root voters; recognizing that party service and ideological purity alone were insufficient, Ruwart found another point of emphasis: her vagina. Blunt? Yes, but no more so than Ruwart herself insisting from the platform that, with Hillary out of the race, disaffected women might turn libertarian "just to have the chance to vote for a woman for president." This, instead of playing up her long-term experience in and expertise on health care, an issue about which average Americans worry as much as any other.*

Of the other candidates, Jingozian was clearly along for the ride: honest and engaging if a little unsure on basic concepts, he was looking to establish himself in the party for future endeavors. And Gravel, despite a few really big hits, was treading water, on some issues barely even addressing the question that had been asked.

Phillies continued to prove a pleasant surprise, displaying noteworthy charisma for a man who had been most highly regarded before this convention as a number cruncher; without his patient scouring of spreadsheets, the full extent of the financial manipulation between the LP and the Harry Browne campaign would likely never have been revealed. But accountants rarely make good candidates, and Phillies still shows a few signs of the personality in one-on-ones: he has a tendency toward eye-rolling, and a disconcerting hand-wringing gesture that reminds one almost of Montgomery Burns. But on stage he was a different man: he presented himself as the "moderate" candidate, "a candidate everyone can live with" — not perhaps the most inspired approach, but a niche nonetheless. He gained the endorsement of the Outreach Libertarians, the LP's GLBT group, giving him a soapbox to hector Barr on the Defense of Marriage Act. His laugh lines, on the whole, went down well; if he had a failure on stage, it was his refrain that he "started campaigning two years ago"; again, in a normal cycle this and his service (Browne loyalists aside) might have pitted him against Ruwart for the nomination, but with bigger names involved the emphasis on his campaign machine was only going to make it sound ripe for takeover.

Recognizing that party service and ideological purity alone were insufficient, Ruwart found another point of emphasis: her vagina.

But the night's real winner was Steve Kubby. He got easily the biggest laugh of the night: going last on the question of the War on Drugs, hearing condemnations of it from all the other candidates, the full spectrum of libertarian thought, he started with, "I'm getting a major buzz up here." Which pointed, as well, to the major concerns about him as a national candidate: first, his health (though he looked quite fit); and second, the reaction of middle America to Kubby's condition. How would they take a candidate who was most certainly taking to the podium under the effects of demon weed? In the words of his adviser: "Who the fuck cares?" To them, medical marijuana is a winning issue; as even my staunchly Republican grandmother has expressed support for it in recent years, I believe that if we're not yet at that point, we're damn close to it.

One thing I found, in canvassing delegates on candidates' performances, was thoroughgoing agreement on the debate as a whole: nearly everyone thought it was the best they'd seen. The seven candidates on stage were articulate and engaging; needling each other without sniping (this, however, could have been the result of a debate rule allotting a

*It could've been worse, I suppose. Ruwart was among those who signed the Libertarians for Justice pledge, which was allied if not identified with the 9/11 Truth movement. No doubt there is much to investigate about 9/11, especially the incompetence of our federal law enforcement agencies and the grotesque failure of then-Mayor Rudy Giuliani to provide adequate safety equipment to workers on the cleanup site. But in an interview with Liberty, Ruwart went further and admitted to being skeptical about the official account, mentioning the possibility of explosives in the towers in addition to two jumbo airliners. As Robert Stacy McCain, on site for the American Spectator, pointed out, one doesn't need the definitive Popular Mechanics report to disprove the demolition theory; Occam's Razor will suffice.

30-second rebuttal to any candidate who was directly attacked; the provision went unused), often finding themselves in full and hearty agreement on those issues — the necessity of ending the War on Drugs, the evils of the PATRIOT Act — where full and hearty agreement is most needed, not just in the LP but in society as a whole. On this night the LP showed its best face on national TV. It wouldn't last long.

Saturday night is when things actually start to happen: hospitality suites are opened, operatives are dispatched, deals are brokered rather than just kicked around. Kubby's performance had raised his stock; his night, like many others', was spent in hopping from one suite to the next, but unlike most of us who were simply hoovering up the food and drink on offer,* he was receiving offers for vice-presidential endorsement.

At Wayne Root's suite, the candidates spotted a delegate wearing both their buttons, with the Root one first. Root asked how that sounded to him; Kubby responded it was just fine — if they were only reversed. And besides, that way it'd be the true grass-root ticket! Ah, convention humor . . .

Barr's staff went for the home run first, approaching Ruwart about a potential VP gig: an arrangement that would have settled the ballot right away. But she had no interest in propping up a ticket many of whose positions she felt philosophically unable to support; when asked later what she'd been offered in order to endorse, she would answer, "Nothing of substance." So Barr too turned to Kubby, who would certainly have brought a poetic sort of balance to a ticket with the ex-drug warrior; Rob Kampia of the Marijuana Policy Project was one of several emissaries sent to sell the medical-marijuana patient on Barr's "Road to Damascus" moment about drugs. Gravel had been working him "from day one," according to his campaign manager, but though it was not too late, it was too little: Kubby told him that the Fair Tax proposal would have to go before he could even think of supporting the senator as "standard bearer," and Gravel is nothing without grandiose ideas such as the Fair Tax and the Direct Democracy Initiative. (Have I called that asinine yet? Because it's asinine.)

Kubby's closest ties, of course, were with fellow radical Ruwart, a personal friend as well as the primary provider of his access to the debate. A joint effort (ha!) between the two of them seemed a guarantee, should Ruwart top the ticket, so there wasn't much reason for Kubby to linger at her "Alternative Hospitality Suite." Hell, Ruwart herself didn't even see out her scheduled time at the Supreme Court, a bar across the street from the hotel; on a night when all the other candidates were shaking hands well past midnight, she headed off to bed shortly after 11. It was just as well: unlike the Capitol, which catered almost exclusively to the hotel guests and thus closed down early, the Supreme Court was a full-service dance club; by the time Ruwart retired, her supporters had ceded most of the room, save for one corner and the patio outside, to those patrons for whom it was just another Saturday night.

Back in the hotel proper, the parties wound down or, as often, migrated to other locations. The stragglers eventually wound up at Michael Jingozian's — probably because he was too polite to just tell everyone to leave. Holding court at that late hour were Starchild (an activist, scholar, and sex symbol from San Francisco), Thomas Knapp, and some random bloke from Australia who'd come to the States to visit a pair of girlfriends and thought he'd check things out. But on the whole, for a group who often had to distinguish itself from "libertines" until that word fell out of vogue, the parties were a tame affair: not a snip on the antics that take place during a major-party convention. Perhaps the Libertarians are becoming more conservative, after all.

Sunday, May 25

The action on Sunday kicks off with a prolonged formality: the nomination speeches. It's the last chance for candidates to make an impression before balloting begins; the nominating speakers are usually chosen either to identify or reinforce a connection between the candidate and a particular organization — for instance, Barr bringing ex-adversary Rob Kampia out to underline the about-face on drug policy, and give him the opportunity to, at last, say he was wrong about much of what he supported in Congress. Another strategy is to use someone from within your own campaign — or, more cloyingly, your own family. That was Root's route, sending out his daughter Dakota (who is a couple years away from being old enough to circle her dad's name at the polls) to introduce him for a candidate speech that leaned heavily on the "plain-spoken citizen politician" rhetoric.

Christine Smith provided more unintentional humor with her extended diatribe against the neoconservative conspiracy, complete with statistics on her kill rate at the local gun range; this was prefaced by a couple of guys who didn't seem too sure who she was. Jingozian provided a bit of theater by giving his candidate speech, then turning around and speaking as a nominator for Sen. Gravel — a de facto endorsement that caught Ruwart's staff by surprise, as they had helped Jingozian into the national debate with the apparent understanding that he would throw his support to them when he was knocked out in the early balloting.

But before those ballots could get underway, Barr's supporters had time to do something stupid and juvenile: they gathered at the front of the grand ballroom, waving campaign signs before the eyes of the C-SPAN cameras — and, of course, the eyes of the other delegates. Though later I would have it confirmed that this parade was spontaneous exuberance, not organized from the top, it's hard to imagine it happening without the campaign leadership setting a precedent with Saturday's blustery march. The stunt was met, as it should have been, with a cascade of boos — thanks to the TV debate, the zone covered by the cameras had been a place for demonstrating party unity amid the wide spectrum of contemporary libertarianism. Barr's delegates invaded that space and all but staked a flag: another aggressive blunder that served, for many, as confirmation of the conspiratorial "takeover" rhetoric.

It certainly did for Christine Smith, eliminated after garnering only six votes on the first ballot; during her concession

*I should note here that I consistently and knowingly violated a long-standing principle of R.W. Bradford's: that of never accepting anything from candidates other than access. I chose instead to accept *everything* from candidates — partly because camaraderie and information go hand in hand, but mostly because, at any gathering of political animals, what a man really needs is a good stiff drink.

speech, she launched into a tirade against neoconservative infiltration, and about the LP no longer being "the party of principle" if it nominated a man like Barr. She too was booed, and again justly so, but the ill feeling between the Barr and anti-Barr factions was clearly intensifying, and risked spilling over in full view of the nation.

That was not, however, an immediate concern for the congressman's supporters: Barr took an unexpected lead, pipping Ruwart by a vote and Root by a comfortable 30. The result surprised and relieved many of the congressman's faction who expected a three-way heat on the first ballot — or worse, a Root victory, which would have installed the self-proclaimed "King of Vegas" as the man to beat. Now Root would need help from the radicals to defy the odds: an unlikely scenario, given the disdain between the two delegations — indeed, between the two candidates. Nonetheless, Root, believing that Ruwart could not rally half the delegation behind her, attempted to make a deal from a position of power, presenting himself as the only candidate who could beat Bob Barr head-to-head.

Root-Ruwart was never a possible ticket; Ruwart was not going to be anyone's VP. If Root's deal with the radicals had gone through, it would've been in the form of a Root-Kubby pairing. In fact, it seemed at this point that Kubby would end up as right-hand man no matter the candidate, such was his rise in stature over the convention weekend. All of which highly spiced the second ballot: with delegates having fulfilled their pledges in the first round, many now began to vote as they felt the situation warranted. The results were startling: Barr picked up an extra 35 votes and Ruwart 10, while Root dropped 15. Gravel picked up only a couple; despite receiving the expected endorsement the round before, he picked up only two of the 23 Jingozian delegates now in play.*

In this round, Steve Kubby was low man out; in his concession speech, he endorsed Ruwart, all but ending Root's hopes for the 2008 presidency, and infuriating Gravel supporters who believed that Kubby had backed out on an earlier deal (this would be comprehensively refuted by the Gravel campaign and Kubby himself). If the radicals were going to push back, this was the time.

The third ballot had Ruwart and Barr (losing two votes!) in a dead heat, with George Phillies making way. But he endorsed no one in his concession, instead giving an impassioned speech for party unity: "The enemies are not in here. The enemies are out there!" He left to a standing ovation, a fitting end for a campaign that probably deserved better than it got. With this "centrist" libertarian gone, his delegates scattered, going half for Barr and half for Ruwart, both of whom were busying themselves making pitches to Gravel.

The day before, according to Independent Politicial Report, the senator had organized a strategy meeting in Phillies' suite, inviting as well Kubby and Ruwart. The latter never showed; and it appeared later that she had not been informed of the summit, though her staff had. This lack of organization, as much as anything, could have cost her Gravel's support; though he did not make a concession speech ("Not my style," he said), he let it be known that given a choice between the two, he would take Barr.

From that point, it should really have been academic: without Gravel's full delegation and a chunk of Root's, Ruwart could not assemble the majority she needed; Root would have been eliminated, and his delegates broken mostly to Barr. But a moment of panic on the congressman's side created an opportunity Root was quick to exploit, shepherding Barr and Verney into his war room to hammer out a kingmaker's deal: in exchange for his endorsement, Barr would in turn not only endorse Root for VP — when many thought Kubby was a better choice for party unity — but also train him to run for president in 2012.

Root's dictation of terms was a final and forceful demonstration of the Barr campaign's weaknesses: the relief among his supporters when he took the final ballot over Ruwart, 54–46%, obscured the fact that it should never have been that close. Yes, the campaign started late, late enough that the exploratory committee was no formality: they had to be all but certain that Barr would win the nomination before he could commit to sacrificing all his income from Republican sources — up to half a million, by one account. To run and lose would have been a calamity, and that fear of defeat must have played into the decision to approach the convention as if Barr could not be defeated. How much better it would have been, if he had apologized out front for everything, instead of waiting for the nomination speech! How much better, without the bush-league stunts and the stern black suits! He could have taken this thing on the second or third ballot.

Root's deal points as well to the failures of Mary Ruwart's campaign: Barry Hess pointed to it, unintentionally, while nominating her, mentioning that certain candidates (cough-BarrRootcough) were "the darling[s] of the old media. The new media has Mary." Do they? The anti-Barr movement seemed content to express its message through well-worn forms: buttons, fliers, press statements . . . where were the video montages? The cut-ups documenting Barr's (recent)

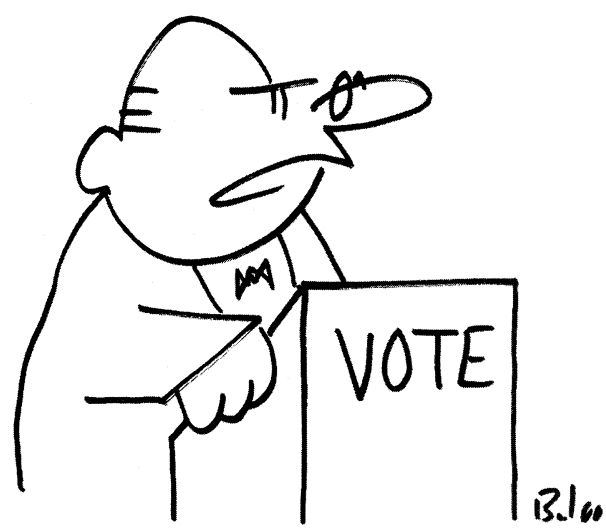

"Yes, I said '#$%!%', but it was taken out of *context!*"

*A contrast in styles: Jingozian, whose knowledge of libertarian doctrine was scant but who demonstrated decorum and general decency, would go on to be elected vice chair of the LNC; Christine Smith, who in her increasingly rare moments of lucidity demonstrated a solid grasp on the principles of the party of principle, would after the convention resign her party membership.

anti-Libertarian statements, juxtaposed with bits on his congressional record, designed to cast doubt on his entire "Road to Damascus" shtick? Yes, she too was a latecomer to the race, but anyone who has been heart-and-soul into libertarian politics for a few decades now, and anyone who has a technically savvy delegate base, should have been able to use that "new media" to appeal to a roomful of people whose propensities she knew and shared. Instead, contrary to Hess' assertion, Ruwart remained wedded to "old media": even during her nomination speech, the extent of her technical display was a slideshow making note of her popularity on a few internet forums, a Life Extension magazine cover, and some circled paragraphs out of a handful of newspapers — one of which was The New York Times. How "new media" is that?

The problem of organization would bite the radicals again in the vice-presidential election. In his acceptance speech, Barr gave Root a somewhat endorsement — enough of one, anyway, that the assembled contingents could use "Barr-Root! Barr-Root!" chants to drown out the "Mary! Mary!" of the radicals. But not all, apparently, were on board: Kubby, working with endorsements from Ruwart and Gravel (though not Phillies, even though he and especially his Massachusetts delegates were dissatisfied with a Barr-Root ticket), benefited as well from a number of Barr voters working the convention floor on his behalf. But he was let down by his own core constituency: 20 to 25 Ruwart voters (who "look like they've had their heads shoved underwater," Weigel said), evidently taking the VP race as a foregone conclusion, left without voting — and therefore couldn't influence a race that was decided by 30 votes, in a room that was looking for an excuse to buck Barr's endorsement and "balance the ticket."

Defeated on both fronts, some of the radicals turned

There and Back Again

As my return shuttle neared Denver International Airport (DIA, or more often now DEN), I got to talking with the driver about that odd, caterpillar-shaped congelation, which provided so much amusement for Rush and the right-wingers in the Clinton '90s. Begun in 1989 under the mayorship of Federico Peña, the airport was a money pit from day one. Between design changes, disputes with airlines, and a millwright's strike, the airport opened 16 months behind schedule and about $2 billion over budget — almost twice the expected outlay. Typical of the airport's early days was a test run by officials in April 1994 to demonstrate the capacities of DIA's new-fangled baggage-handling system: reporters whooped as the belts ground clothes and toiletry kits into their treads, and flung entire suitcases to the floor below.

Peña, whose name adorned the airport's main access road, had by this point moved on: his reward for kick-starting the boondoggle was a cabinet appointment, first as Clinton's secretary of transportation, then as secretary of energy. Every new mishap at DIA became another stick for conservatives to use on Clinton's back — and deservedly so: Peña wasn't fit to run a shoeshine stand, much less a major infrastructure project, much more less a metropolitan area. And when he, like seemingly all of Clinton's cabinet appointments, ran into ethics problems over (what else) a shady land deal, the picture of Democratic governance was complete: DIA — Denver's Invisible Airport. Democrats in Action.

About this time the driver pointed out DIA's newest feature, a 30-foot tall sculpture of a rearing horse, bright blue in color — a piece that took, according to the Rocky Mountain News, "Sixteen years, four missed deadlines, two lawsuits and one death" to deliver. The death was the sculptor's, killed while finally assembling the sculpture when a hitch broke and the mustang's Brobdingnagian torso came tumbling down on top of him. For the city, this may almost have come as a blessing: Jimenez had failed to meet every deadline up to that point. Once the sculpture was out of escrow, the city picked it up and had it repaired and installed, at a cost of $350,000 on top of the initial $300,000 grant. But because it was, obviously, Jimenez's last work, the sculpture is now valued (this according to the driver) around $2 to 3 million.

Thus also Denver International Airport. It cost too much, it was held up for ages, and the parts never seemed to fit together right. However, it's now the 11th-busiest in the world, and up near the top in the on-time standings. Sure, the baggage system proved incorrigible, and the airport switched in 2005 to having manual laborers, rather than electric belts, hurl your bags and break your memorabilia. And of course there remains the vigorous, corrupt circlejerking that has marked every large-scale public works project since the Romans accidentally invented concrete. But if this is Democrats In Action, say this for them: once they take their slice, at least there's something left behind — if only because they're too busy bitching amongst themselves to snatch it all. Thus, too, Clinton: his (wife's) plan for a grandiose social-statist makeover of the U.S. came to naught; even with a majority in both houses and a kindly-disposed Supreme Court, they couldn't make universal health care or much of anything else stick (at least, nothing that couldn't be gotten out with a little club soda).

The driver pulled to the curb and grabbed the bags, I thanked him for the ride and the talk. I'd cut it close getting here, but figured the lack of traffic and travelers on Memorial Day would balance it out. At the ticket counter, they told me they could *just* get my bag on and I could *just* make it, if I hustled on down to sec — hmm. Well. Let's see what else we've got heading to Tulsa today!

The reason for this about-face was a couple of letters on my boarding document that meant I would be routed through one of the *other* lines at security. In my heart of hearts, I was hoping I'd get sent through the brand-new toy, the machine reported in the Denver Post of a few days earlier. I say reported, but advertised might be more apt: there's something about the mix of technology and violations of the Constitution that really sets media-syndicate hearts a-flutter — and when the machine is designed to

their attention to assuring representation on the Libertarian National Committee in the next day's elections — comedian Doug Stanhope was even passing out paper bathroom cups of Scope, "to wash the bad taste out of your mouth." But not everyone was so sanguine: suddenly, talk of a schism within the party, of turning backs on the ticket — as one delegate did, literally — no longer seemed far-fetched; as more and more disaffected radicals poured out into the halls, they began to swirl around Steve Kubby, who held the option of addressing the delegates to concede the VP race.

Over the course of the convention, Kubby had earned respect from all factions; he seemed to have answered the questions about his health, and was proving that he could be more than just a one-issue candidate. With Mary Ruwart proving an ineffective leader of men, Kubby had emerged as the de facto leader of the radical anti-Barr faction. Had he gone before the assembly and refused to endorse the ticket, the radicals would have followed him out the door — and there was no shortage of people clamoring for him to do just that. Faced with the decision of a political lifetime, Kubby turned to Thomas Knapp and asked him whether he should make the speech. "If you go up on that stage and do anything other than announce your support for the ticket," Knapp said, "I will never speak to you again." Not that Knapp was any friend of the ticket; at the time he too refused to endorse Barr-Root, even claiming that he would return to his home in St. Louis and withdraw from the congressional race in which he was the Libertarian candidate (a position he would shortly back down from). But he made the point forcefully that the stage at the convention was *not* the place for such gestures, and Kubby was convinced.

Instead, it was decided that a meeting would be assembled for Kubby to address the radical rank-and-file; the question of place was made moot when the assembly gathered around him in the hallway. His speech began more as an explanation of why he wasn't going on stage even to thank his supporters, but opened up into a call for party unity, remarkable considering its spontaneity:

> Because I can't get up there and endorse the ticket, and because I don't want to see people leaving this party, it's very important that we all get together and pick up the pieces, get our strategy together, get our group together. This takeover by the neocons absolutely depends on one thing: *forcing* this coalition to get out of the party so that they have a free shot at it.
>
> And that can't happen. We have to have our *libertarian* wing of the party back in the *mainstream* of this party. I believe that this event can be a unifying experience for all of us, because we understand that this party is not for sale, and we do not accept a hostile takeover. We're not going to trash our ticket, we're not going to hurt our ticket, but we are going to do everything we need to do to recover from this setback, take back our party, and kick those goddamn neocons off to the freakin' moon!

Applause thundered through the hallway, and Kubby continued, appealing to all present to work *for* the party rather than *against* Barr and Root. "That's what they want you to do, they want you to walk out and leave this party . . . so that they can loot the mailing list and steal ten years of work on ballot access" — "Oh hell no!" said one delegate. Kubby wrapped up by asking for a show of support: "How many people are willing to remain and work to keep this party together?" At least 90% raised their hands. "You guys are awesome!"

The other 10% — those who, one assumes, were not awesome — remained unconvinced, and they have been bitching loud and long on the blogs ever since. They can generally be spotted by their support for Christine Smith, who capped her weekend of embarrassing behavior with an attempt to disrupt Barr's post-election press session; that having failed, she settled on making strident proclamations on the death of the LP to any TV camera that so much as panned across her.

But no matter how much noise her ilk made, they were clearly in the minority: all those with standing in the party — i.e., those who through long experience have learned to work for change within the bylaws when things don't go their way, rather than just tossing their toys out of the stroller and

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nude X-ray everyone who goes through it, the way sunglasses in comic books promised half a century ago, other body parts might start fluttering, too. But, alas, I was routed to the puffer; after I had cleared that and the usual shoes-belt-liquids-laptop checkpoint, and had presented my papers and possessions to the bag-swabber, I passed the time pondering our reactive, overreactive security protocols. One moron with wires sticking out his shoe gets through: years later, we know to remove them without being told. One chemically improbable plot to produce, en route, liquid explosives out of unstable ingredients, is detected: a couple years on, and three-ounce plastic bottles are still the travel accessory of choice.

How soon will it be, I wondered, until we will be asked to provide spit, hair, or blood in order to board our cloud-hopping commuter flights? (After all, we're already allowed to extract blood by force at traffic checkpoints.) And what would happen if there was another actual disaster, say, someone detonating a truck bomb at the ticket counters? Would airports be locked down, garrisoned by U.S. troops newly freed from posse comitatus? Where would it end?

It wouldn't, I thought. New steps would keep getting added, while the old ones remained — if the torso falls off the statue why, just keep strapping new ones in there. Eventually we'll either find one that fits, or we'll run out of sculptors. And keep tossing those bags on the conveyor belts — sure, they'll never get to the passengers at the destination, but maybe one of them will fly off and hit a truck-bomber terrorist. It's not a failure, it's a feature!

At last I got my bags back and pulled off to the side to reorganize everything that had gotten mussed up, before strolling leisurely to the gate my new flight would leave from three hours later. I surveyed the building around me, and the TSA gauntlet behind me, and found myself thinking more kindly about DIA, and especially about the big blue horse. Hate it or love it, at least it's there, being noticeable without really bothering anyone. Not asking you questions, not stealing your consumer electronics. Not sniffing your shoes, not taking pics of you naked . . . what's that? Yes, of course, here's my license and passport right here. As you can see, I am licensed for both intrastate and state-to-state travel. Oh, no, no, no problem at all. No, thank *you* — have an excellent day, sir! — Andrew Ferguson

leaving — got behind Kubby's call for unity, announcing support for the LP (if not yet support for the ticket). Party cofounder David Nolan, despite his frustration at the unbalanced ticket, even seemed to suggest that Barr and Root could still "surprise" him.

With that possibility open, all that was left for the Barr and anti-Barr factions was to take baby steps toward each other. Kubby put in an appearance at the celebratory banquet — the only losing candidate to do so — and another at the private bash up in Barr's hospitality suite, where he received a standing ovation (well, everyone was standing already, but you get the idea). Word circulated that, as a token of thanks, Barr and his campaign would lend Kubby support for a 2010 gubernatorial bid in California — a race ideally suited for him: staying in-state, he won't have to worry about running out of the medicine that keeps him alive, or about facing uppity sheriffs who want to bust him for using that medicine.

Both banquet and bash were successes from the now all-important perspective of fundraising: the soirees pulled in somewhere between $60,000 to $70,000, a record for a first-night haul. But the goal Russ Verney set for the national campaign is $30 million: to get anywhere near that, Barr will need to tap the network that earned millions for Ron Paul's ultimately quixotic run (or better yet, tap the millions themselves). Trouble is, much of that network is in the hands of radicals such as Ernest Hancock, a fiery activist from Arizona who was running for LNC chair, and who told me earlier in the convention that, whereas "Ron Paul is an A-minus libertarian, Mary Ruwart is an A-plus" — as close to an endorsement as he was allowed to give under FEC guidelines.

Arizona is a famously contentious state for the LP, with radicals and moderates generally maintaining an uneasy peace. But the convention had made that peace less easy than at any time since the party split in 1983, and rumor had it that it would be a struggle for AZLP leadership to get the ticket registered over the objections of the radicals. So Barr left his own celebration for an informal chat with Hancock,

Phillies went out to a standing ovation, a fitting end for a campaign that probably deserved better than it got.

Barry Hess, and a few others down at the Capitol patio, to see what if any agreement could be reached. The discussion ranged widely, from jury nullification to the Fed, but kept returning to the War on Drugs. Hess and Hancock good-cop, bad-copped Barr on the issue, noting that they were eager to work with the campaign, and predicted that most of the other radicals would also come around, *if* an unyielding, unequivocal statement of opposition was forthcoming in the first couple weeks of Barr's run — assurance, basically, that the campaign would not veer rightward as soon as the convention was over. The ex-congressman spoke frankly of the main points he expected to hit in the early going, but also admitted there was much still to formulate. Barr listened more than he talked, and excused himself only when he was down to three hours of sleep before his early morning radio appearances — to be fuelled, no doubt, by his perpetual stream of quintuple Starbucks lattes.

The impromptu forum — no suits looming, at least within a ten-foot bubble — was a nice touch from the now-presidential candidate, showing that he recognized the mistakes

Barr has come a long way from his days as a PR-disaster-in-waiting: so long as he avoids whipped cream, supporters' handguns, and Sasha Baron Cohen, he will not bring the LP into disrepute.

he had made at the convention and that he was prepared to learn from them. Which is, more or less, the entire narrative of his candidacy, one that he has elaborated at many of his campaign stops since, including an appearance on "The Colbert Report." That segment is as good a confirmation as any that Barr should prove a wise choice for the LP: speaking in front of a national TV audience of 20- and 30-somethings who are interested in politics, Barr carved out a niche for himself in this election, rejecting the spoiler role that would have him pulling from McCain, insisting that the LP offered a real alternative to the two-party dominance of American politics. What other candidate would have gotten that audience, or, having gotten it, would have had the savvy or the confidence to trade jokes with Colbert, a man known for his humiliating interviews of public figures? Barr has come a long way from his days as a PR-disaster-in-waiting: so long as he avoids whipped cream, supporters' handguns, and Sasha Baron Cohen, he will not bring the LP into disrepute.

Meanwhile (and fortunately), none of the rest of us had just won a presidential nomination, and thus would not have to answer a 4 a.m. wakeup call. Instead we floated from patio to pub and back again, a party in search of a place. At last those final few of us determined to celebrate, to mourn, or to experience every last moment gathered ourselves in the hotel lobby, to drink our way resolutely through a handle of Old Crow. The talk moved as quickly as the booze, but kept coming back to the one thing rued by the radicals and puzzled over by the Barrites: given the situation on Saturday, *Mary Ruwart should have won*. But that advantage was squandered through organizational failings and a comparatively lackluster debate performance; even with the spontaneous stupidity of the sign parade reminding the delegates of the Barr campaign's blunders, the radicals still couldn't rally behind Ruwart and push the advantage home . . . and somewhere in there I fell asleep, glass in hand. Those late-nighters at the LP Cons can really pack it away!

continued on page 54

Ron Paul and the Republicans

by Bruce Ramsey

With Ron Paul out of the Republican race, what's next for supporters of the rEVOLution?

In April and May at state Republican conventions, the forces of Ron Paul hit a stone of resistance. The Paulians had a naive innocence about them. They were trying to take over a political party. The party might have opened its gates had they offered a triumphant nominee, but Paul had mostly collected between 4 and 8% of the votes in the early primaries, before his more pragmatic rivals dropped out. Because Paul's supporters were fueled by ideas and were willing to attend boring meetings, he did better in the caucus states. Still, nowhere did he receive more than 25% of the votes.

By April, there was no scenario short of a comet striking the earth to make Dr. Ron Paul the Republican nominee.

The Republican Party is run by people who aim to win elections. What are they to make of the Ron Paul Revolution?

It has youth. John McCain is almost 72 and looks it. Paul is one year older, though somehow it doesn't show. His supporters occupy a much broader spectrum of age than the McCain people. Paul fired up MySpace, Facebook, and YouTube. He stunned his rivals with supporter-organized internet "money bombs." He has a book on The New York Times bestseller list.

In September 2007, I saw Luke Esser, chairman of the Washington State Republican Party, at Ron Paul's Seattle rally. Esser marveled at all the new people — and asked me whether I thought they would be voting for the party's nominee in 2008.

Are they Republicans? That was the real question, and the answer is still not obvious. You get hints of it, though, in what has happened in the states.

Nevada had been won by Mitt Romney; and in the January caucuses Paul had taken only 14% of the vote. But Romney dropped out. The Paul delegates showed up at the local conventions and, on April 26 at the state convention in Reno, the Ron Paul Revolution briefly began to roll.

The candidates for national delegates had been narrowed down by a party committee. Paul's Southwest coordinator, Jeff Greenspan, told Liberty that nobody in the Paul camp knew who was on that committee. The McCain people on the

floor didn't know, either. The Paul people didn't trust it.

Paul was at the convention and was allowed to speak. A young Paulian ("FurkDaJerk") who did a six-part YouTube video on the affair described how Paul swayed the crowd: "Ron Paul . . . changed those undecideds' minds, and we had the power." The convention rose up and heaved out the party slate by a two-thirds vote and took nominations from the floor. It accepted 112 names, which ate up time.

Late in the day the voting started for the first nine delegates, three per congressional district.

The Paul people put up three candidates in each district. The McCain people were divided. "I'm doing the math," says Furk. "There's no way we're going to lose."

But there was. The count finished on two of the districts with four Paul delegates and two local politicians winning. Halfway into the count on the third district, with Paul apparently winning two more delegates, convention chairman Bob Beers announced that time had run out. The convention was *recessed*.

"Didn't finish counting," says Furk. "Didn't want to."

At press time, Nevada Republicans are scheduled to reconvene July 26 — three months later — and the Paul campaign is ready to resume.

In other states, the Paul forces didn't get that far. In Oklahoma, Paul forces had taken only 5% of the vote in the March 4 primary. At the convention in early May, blogger Holly Shelves wrote:

> A coalition of Ron Paul supporters and John McCain opponents had a slight majority when the folks running the show wouldn't allow a roll-call vote [on] who would be convention chairman.

The decision was delayed until after lunch, when, she writes, "the convention reconvened with about 500 more delegates" and the McCain forces had control.

On February 4 in Minnesota, Paul had won 16% of the caucus vote. At the convention on May 30, party chairman Ron Carey said he had about 25% of the state delegates. Marianne Stebbins of the Paul campaign put this figure at closer to 40%.

"We want the Ron Paul people to be part of the party. They are part of the party. But the game has been played, and won, by McCain."

As in Nevada, the party offered a vetted slate of delegate candidates. But unlike in Nevada, Paul was not allowed to speak inside — he spoke outside — and his forces weren't able to win any more delegates at the convention.

Speaking to the Minneapolis Star-Tribune, Carey defended the stacked deck. Being a delegate at the national convention, he said, "is not an entry-level job. We looked at people who truly had quality, not just people who raised their hand at the last minute." And, he said, "We have our presumptive nominee. We want the Ron Paul people to be part of the party — they *are* part of the party. But the game's been played, and it was won by McCain."

I heard the same sentiments from Republicans in the state of Washington, one of what The New York Times called (along with Idaho, Montana, and North Dakota) "the libertarian strongholds." Washington had caucuses and a primary both

The McCain people ordered their delegates out of the hall, then asked whether there was a quorum. But many of the McCain delegates hadn't left, and there was a quorum.

(don't ask why) and is the best example of how a candidate of conviction does better in caucuses. In February, Paul had garnered 8% of the primary vote and 22% of the caucus vote. And the Paulians had gone on to do dramatically better than that at county conventions, mainly because of their doggedness in showing up. In Clark County (Vancouver) Paul had collected only 6% of the primary votes, but his supporters won a large majority of county delegates, running an uncommitted slate. A non-Paul delegate afterward declared this "deceptive and creepy." In most places the Paul people ran openly.

Washington's convention was held May 30–31 in Spokane, in the conservative side of the state. There was an anticipation of a fight. But the top Paul and McCain people had been talking. The McCain people cared about national convention delegates, and when the delegates were won, the national McCain people left for the airport.

The Paul people cared more about the state platform and resolutions, and would be satisfied with what they had already won: four delegates out of 40.

Modifying and approving the platform took most of the final day. Then came the resolutions, which had been vetted by a party committee. The committee had divided the resolutions into "do-pass" and "do-not-pass."

The convention was not going to have enough time to get to the do-not-pass list, where some hardcore Paul resolutions lay. But many of the McCain people had left. The Paul forces sensed an opportunity and moved to approve the remaining do-pass resolutions in one vote.

They did it.

The McCain people ordered their delegates out of the hall, then asked whether there was a quorum. But many of the McCain delegates hadn't left, and the chairman said there *was* a quorum.

A Paul delegate stood up to offer a "do-not-pass" resolution: that America involve itself in no more wars without an official declaration by Congress. Another Paul delegate moved that the convention vote immediately, with no debate. The motion passed, and the antiwar resolution passed with a hurrah.

The Paul forces had control.

continued on page 52

Privatize the Profit, Socialize the Loss

by Jim Walsh

The Fed is not solely to blame for the housing crisis. It's a classic illustration of the unintended consequences of government regulations.

The recent meltdown of the subprime mortgage market may turn out to be the first stage of a broader social and political reckoning of America's flirtation with the welfare state. This reckoning won't be limited to the price of a four-bedroom Tudor in Burbank or a cute colonial in Bethesda.

To understand the scope of these changes, let's start a little off the beaten path.

Longboat Key, Florida, is a resort town on the Gulf of Mexico, about 90 minutes south of Tampa. The key boasts more than 20 miles of white-sand beaches. The south end is more heavily developed, with high-rise condominium towers staring out at the mild tides; the north end is a little more rustic — but "rustic" in the Ralph Lauren sense of the word.

My parents live on Longboat Key, so my family knows the area pretty well.

Bridges connect Longboat to the coast in two places: at its southern tip, to conspicuously affluent Sarasota; and, at its northern tip, to blue-collar Bradenton. Cortez Road runs between the northern tip and Bradenton, passing through a couple of fishing villages before turning into a major commercial artery lined with big box stores.

When we're visiting, we do most of our shopping in Bradenton. And we've spent more time that I'd like to admit in the Wal-Mart on Cortez Road. Two years ago, while we were unloading beach toys at the cash register, my wife noticed a handmade sign in front of the branch of SunTrust Bank inside the Wal-Mart. It read:

> Flat Screen TV: $4,000. Diamond Earrings: $2,800. Sony PlayStation: $500. Using a Home Equity Line of Credit to Get Everything Your Family Wants: Priceless.

She wondered, "Can you believe people borrow against their homes to buy PlayStations?"

They do. Borrowing is how the people in Bradenton "keep up" with the wealthier consumers in Sarasota.

That handmade sign became a refrain in our house. My wife and I try not to press adult wisdom on our kids too forcefully; but we do try to instill a few basic points about personal

finance. Chief among these: only borrow money to buy things that hold or increase their value — homes, college degrees, profitable businesses. Pay cash for things that lose value: cars, clothes, electronics. PlayStations.

What is a subprime mortgage?

There's no single answer to that question; any good definition has a that-which-is-not quality. Subprime mortgages are loans that traditional banks don't want in their portfolios. (Although, increasingly, banks don't want to carry *any* loans in their portfolios.)

Banks have gotten out of the business of holding mortgages for many reasons. Perhaps the biggest: government-supported entities like the Federal Housing Authority, Fannie Mae, and Freddie Mac buy loans and repackage them as securities sold on Wall Street. This repackaging frees up banks' capital for other activities — like originating more loans which can be repackaged and sold as securities.

But those government-backed repackagers won't take just any loan. They don't want loans that are too big or too risky. They focus on mortgages that conform to their risk management guidelines — so, the banks have to hold on to really big mortgages and really risky ones.

(Banks don't mind holding really big loans to "high-net-worth individuals." Those people tend not to default; and they tend to need lots of other financial services that mean profit for banks.)

So, subprime mortgages are loans banks don't want because the government-supported repackagers don't want them. Said another way, a subprime mortgage is one with any of the following traits:

- the borrower has a poor credit history;
- the borrower doesn't have proven income or liquid financial resources;
- the ratio of the loan amount to the value of the underlying property ("loan to value" or LTV ratio) is greater than 90%;
- the terms of the loan include an interest rate eight percentage points or more above the current rate paid on U.S. Treasury notes;
- the terms of the loan include zero or negative amortization.

Of course, there has always been a market for risky mortgages. In the old days — that is, 20 years ago — such loans were called (in declining order of credit quality) Alt-A, B, C, or D "paper." Most banks held a few of these loans; but the market was dominated by non-bank finance companies and entrepreneurial "hard money" lenders. Since banks weren't a big part of the market, bank regulations didn't usually apply. It was a Wild West realm of high interest rates, fat origination fees, and frequent defaults.

Lenders with a tolerance for risk could — and did — make a lot of money in the C and D paper market. They were financial gunslingers. In time, blinded by a fog of government assurances and *implied* assurances, the rest of the mortgage industry followed their lead.

Researching this story, I spoke with dozens of people who've worked in various aspects of the U.S. residential mortgage market over the past decade. Of these dozens, three spoke most vividly about why the subprime meltdown happened as it did.

All three insisted on anonymity in exchange for candid answers; all three made reference at some point to Quentin Tarantino movies when describing the ruthlessness of the mortgage industry. Following their lead (and the colorful pseudonyms used by the characters in Tarantino's "Reservoir Dogs"), I'll call these sources Mr. Taupe, Mr. Beige, and Mr. Magenta.

Lenders with a tolerance for risk could and did make a lot of money. They were financial gunslingers. In time, the rest of the mortgage industry followed their lead.

Mr. Taupe and Mr. Beige are a lot alike. Both have traditional Wall Street backgrounds; they graduated from top-notch colleges, logged a few years of entry-level employment on Wall Street, went to top-notch universities for graduate degrees, and ended up on career tracks that started in New York City but eventually took them elsewhere. They don't know each other, though they travel in many of the same circles. In fact, both have worked for the brokerage and investment bank Bear Stearns & Co. (though not in the same place or at the same time).

Mr. Taupe has a trader's mentality. He's a smart guy but, when it comes to making money, he believes that it's best not to look too hard for the Big Picture. You do your job well and cash your bonus check each year with no angst.

Asked about the reasons for the subprime meltdown, he answers immediately:

> What do you think it means to say we've become a debtor nation? You think it means nothing? It means people don't save to buy the things they want. They borrow. Credit card companies made a fortune on that in the '80s and '90s. Then mortgage lenders saw the chance to get in on the action. And we helped them get the most of that market, most efficiently.

How did Wall Street do that? Mr. Taupe continues, barely missing a breath:

> Do you know how hard it is to get a 12% yield? Start-up companies can generate that — but start-ups are risky. And established companies? Almost never. They won't pay that kind of money to borrow and they don't generate those kinds of dividends. If you time it perfectly, you might get 12% for a year or two. These subprime loans were 30-year contracts paying 12%. Sometimes more — 13%, 15%. Incredible cash flow. There's risk, of course. But

these are people's homes we're talking about. They'll find a way to make their payments.

He goes on to retell an old story in lending circles: the "perfect loan" is one in which the borrower goes into technical default immediately but keeps making the monthly payments. *Barely*. Mr. Taupe says when a borrower is in that position, he's reached "credit equilibrium."

Though it seems hard to believe that being in default — even "technical" default — is any kind of balance.

Mr. Beige is more philosophical. He tries to see the Big Picture. Asked the same question about the reasons for the meltdown, he says:

> Derivatives. We've been dealing in derivatives for 20 years — longer, really, but we've called them "derivatives" for 20 years. Now, derivates are a good way for an airline to hedge against spikes in the cost of jet fuel. But they can be used for less noble purposes. Some people use them to separate the underlying value of a commodity from its movement in the markets. They call it "stripping." This *can be* profitable but . . . if you strip stupidly or if you strip too much, you have unintended consequences stacking up faster than you can do anything about them. Risk flight. Erosion of the underlying asset value. Bad stuff. All because you think an asset is worth *X* but it's trading at *Z* — and that you can make money on that 'cause you're smart and everyone else is dumb.

Mr. Beige believes strongly that *no one* is smarter than everyone else:

> The undeniable truth about financial markets is that aggregated intelligence is always more valuable than specific intelligence. Always. But this runs against everything you're taught as a smart guy on Wall Street. With the subprime situation, you had guys at Bear [Stearns] and other places stripping the spread on these high-interest-rate home loans. They were repackaging the loans as investments that guaranteed a 10% or 12% return with no risk. If a bucket of mortgages was paying 15%, they'd buy them, hold them — and the default risk — and make a derivative that paid 12%. They figured that they could manage the default risk with the 3% or 4% they kept. The rest of the interest cash-flow they'd sell as a derivative. And *that* was pure profit.

In this version, investment banks like Bear Stearns saw an opportunity in the risky, non-confirming loans that banks couldn't sell to Fannie Mae and Freddie Mac. The smart guys at the investment banks would act like private-sector mortgage repackagers.

This was bound to be a growth market. As the U.S. became a debtor nation, the average borrower's credit was bound to worsen. And, as the Federal Reserve avoided recessions by lowering interest rates, the prices of houses and sizes of mortgages were going to go up.

Everywhere, Americans were encouraged to borrow to buy consumer goods like jewelry and video game systems. Their impatience was part of the worsening of their credit; it would drive them to loans with high interest rates. And the smart guys in Wall Street would develop investment vehicles that would push consumers to the "credit equilibrium" so close to default.

Investors grabbed up the investment vehicles — after all, they paid handsome interest and seemed to carry relatively little risk. So, the smart Wall Street guys went looking for more "product."

That started the market bubble.

Irvine, California, is a suburb of Los Angeles. A planned community, it was essentially created by real estate mogul Donald Bren. In the manner of a rich man's child, the local government is quirky left-wing (there's a campus of the University of California nearby). Some locals describe the vibe as "BMW communist."

Mr. Magenta worked in Irvine during the critical years of the subprime mortgage market boom.

Magenta's personal background isn't as elite as Taupe's and Beige's. He went to a state university on the west coast in the early 1990s; he majored in business but doesn't like to talk much about his college days. He's vague about whether he graduated.

When he was done with school, he moved to southern California. He answered an ad in the newspaper and ended up working for a "financial services marketing company." In fact, it was a boiler room — dozens of aggressive young men on telephones, selling everything from gold coins to real estate limited partnerships. The young men worked on commission and would sell whatever the bosses gave them, even though some of the investments were shady.

Mr. Magenta didn't make as much as he expected in the boiler room. He suspected no one but the bosses was making what he considered "real money." And, in time, he realized that the bosses *expected* heavy turnover among the aggressive young men they hired. Sooner or later, they'd fire even the top performers.

All around Irvine, Mr. Magenta saw people his age driving fancy cars — Porsches, Mercedes, obscure BMWs. They were working for the various real estate companies that seemed to dominate the Irvine economy. New Century Financial, LandAmerica Title, and others. He found out that a "mortgage processor" working for a company like New Century could make $80,000 a year easily — and six figures if he was even slightly motivated.

It didn't take him long to switch jobs. He got into the industry in 2002 as a processor specializing in loans to people with bad credit. His company did the underwriting and due diligence work on mortgages — almost always refinances of existing loans — and then quickly sold the loans to big

"The undeniable truth about financial markets is that aggregated intelligence is always more valuable than specific intelligence."

companies like Countrywide and New Century. His company might hold on to the loans it made for as little as one day.

Most of the time, Mr. Magenta didn't have to work very hard. All he had to do was show up to work and log into the phone system. A steady stream of phone calls would come his way. (His company advertised heavily in newspapers and on websites that promised homeowners competitive bids on refinancing packages from multiple lenders.)

He'd ask the caller a series of simple questions that determined what kind of loan would work best. Then, he'd take the borrower's personal information, run a credit report, and "qualify" the prospect; he'd also arrange an appraisal of the property. When he gathered all of the documents and data, he'd hand the package over to his bosses for review. If his bosses approved the loan, he'd generate prefabricated loan documents and send them to the borrower or a local freelance notary, as the law in each state required.

The company had about half a dozen loan programs; one would work for just about everyone who called in. It didn't matter much to the company which type of loan the borrower took. Its money came from various fees attached to the loan. Loan processors were trained to direct borrowers' attention away from those fees.

Mr. Magenta figures that three-quarters of the loans he processed took the form of 2/28 hybrid adjustable rate mortgages. The 2/28 meant that the loans had a fixed "teaser" rate for the first two years; this rate was lower than loans would normally carry. After that, the loans would switch to a much higher interest rate which would rise or fall with the Federal Reserve's prime lending rates or other benchmarks. Most borrowers didn't mind, though; they focused more on the temporary teaser rate or — more often — the cash they would take away from the new loan.

They were borrowing to buy PlayStations.

Magenta did well with this company. He was promoted to a position with some supervisory authority over other loan processors. He leased a German sports car.

He didn't ask too many questions about how his company sold the loans it originated to the secondary market. Most went to big, well-known consolidators; but some were sold to "investors" whose identities the bosses guarded.

Back on the east coast, Mr. Taupe has a good idea who was buying the loans that Mr. Magenta processed: New Century and Countrywide both had deals with Bear Stearns and five or six other banks. These deals were great for the lenders — they'd originate their own loans and pick up additional inventory from smaller originators. They would bundle these into buckets and resell them to Wall Street, which would slice and dice them into various mortgage-backed securities. Everyone was looking for the debt instrument that pays like an equity investment. That's what these subprime things were. The thing to remember is that everyone was looking for their fee. The originators took fees. The bundlers took fees. The Wall Street firms took fees.

Borrrowers focused more on the temporary teaser rate or — more often — on the cash they would take away from the new loan.

The focus on fees was important. When a company changes its business model from making good loans and collecting the monthly payments to processing "product" or "inventory" and passing it along for a fee, it changes from being a cautious banker to a commission-seeker hungry for volume at almost any cost. This is what happened when the lending community shifted its emphasis from mortgages to mortgage-backed securities.

What are mortgage-backed securities?

The most common kind are Collaterized Mortgage Obligations (CMOs). Technically, CMOs are bonds — that is, they are debt-related instruments that are supposed to pay reliable interest dividends on a scheduled basis. In other ways, CMOs resembled stocks; they usually paid bigger dividends than traditional bonds.

Wall Street firms like Bear Stearns created CMOs by buying portfolios of hundreds (or thousands) of individual mortgages from lenders like Countrywide, Bank of America, Washington Mutual, or New Century. The monthly payments made on these mortgages provided a stream of cash that the Wall Street sharpies could organize and pay to investors as dividends.

Most CMOs were organized and combined to create categories or "tranches" of risk and value. (Usually, the term "tranches" referred to positions within a single portfolio of mortgages; sometimes, however, the term was used more broadly to describe different portfolios.)

To simplify slightly, the riskier the tranche, the higher the dividend. Investors could buy safer tranches and earn less interest or buy riskier tranches and earn more.

For several reasons, these investors tended to underestimate the risk of the CMOs:

- since the underlying assets of a CMO were residential mortgages, investors believed there was an implied state subsidy; the belief was that the Fed "wouldn't allow" the housing market to collapse entirely;
- many investors overestimated the diversity of the loan portfolios underlying the CMOs (in fact, the organization and structuring of tranches worked against whatever diversity existed in the underlying portfolios);
- some Wall Street firms implicitly or explicitly guaranteed the safety of CMO investment by making formal contracts that seemed to limit the risks of even the riskiest tranches;
- in addition to creating the CMOs, Wall Street firms like Bear Stearns traded them — in investment circles, the firms "made a market" in the CMOs; this implied

that the investments were liquid or easily sold should the need arise. Big investors put a lot of importance in the liquidity of exotic investments.

When a real estate market is doing well, even the riskiest mortgage investments can seem like safe bets. And, the longer a bull market lasts, the more likely investors are to buy the riskiest CMOs — since the higher interest dividends seem to come at little additional risk.

This, of course, is an illusion. All capital markets have risk; long periods of expansion and appreciation merely delay corrections and losses. Human psychology confuses this delay with actual *decrease* in risk. But the risk posed by an investment (or any market activity) rarely decreases. What it actually does is transfer to another party or another time.

It's difficult to characterize the real estate market nationally. As realtors and other industry insiders say, all real estate markets are local. But, in the United States, residential real estate markets generally follow a cycle of seven to nine years of growth and two to three years of reductions or "correction." There are variations on this model, according to local conditions and general economic factors. However, the United States experienced an unusually long real estate growth period from the early 1990s through late 2006. That's a growth period two or three times longer than historical norm; and it saw U.S. homeowners draw on the equity in their homes to spend their way through several points that might have been recessions in other circumstances.

Everyone, from Wall Street sharpies to suburban soccer moms, had grown accustomed to rising housing prices lifting all economic boats.

When the correction finally came, it was bound to be a hard one.

The psychology of traders is that a market correction isn't close until it's here. And, through 2005 and 2006, it wasn't here. Institutional investors (the big mutual funds and pension plans that buy most of the product and inventory that Wall Street firms offer) became so blind to the risks posed by mortgage-backed securities that they kept asking for more exotic versions that would pay more interest. Wall Street investment banks and brokerages obliged, coming up with derivative investments that were collateralized by the subprime mortgages that Fannie Mae and Freddie Mac wouldn't touch. Some, like the briefly popular Credit Default Swaps, attempted to separate the default risk inherent in subprime loans from the cash flow generated by those loans.

Everyone was looking for their fee. The originators took fees. The bundlers took fees. The Wall Street firms took fees.

According to Mr. Beige:

> The reason a C or D paper loan pays such high interest is that it comes with a real default risk. To try to separate this — to get one investor to bet against the default risk while another treats a dodgy loan as if it were a good one — numbs the market to the risks posed by dodgy loans. But the big investors couldn't get enough subprime action. In fact, they were pushing for more and newer derivatives. They really believed they were so smart they could outthink the market. Bad idea.

Bear Stearns was a leader in cooking up these derivatives.

There was also a kind of risk flight within the marketplace for CMOs based on subprime loans. The more Wall Street developed exotic derivatives, the less the collateral backing up the whole market actually collateralized.

Bankers and traders started calling the subprime derivatives "toxic waste." And this kind of toxic waste flowed upstream.

That's how the derivatives dragged standard mortgages into the subprime world.

Bankers and traders started referring to the subprime derivatives "toxic waste." And this kind of waste flowed *up*stream.

Like everyone else in the chain of securitization, the hedge funds tried not to hold the investments for very long. They preferred to serve as short-term market makers — assuring a liquid marketplace for the investments.

Being a market maker in a security requires two things: good credit with commercial lenders, and the full confidence of the buyers and sellers in your market. For Bear Stearns in the mortgage-backed securities market, these two requirements were often, effectively, the same thing.

Back in Irvine, Mr. Magenta started to see a change in the kind of loans he was processing. The FICO scores (FICO stands for Fair, Isaac & Co., a risk management company that sells credit-evaluation software to banks and other lenders) were getting worse. Also, the mix of loans being approved changed. There weren't so many 2/28 loans; now, there were more new programs that extended the low "teaser" rates to three or four years and loaded more expense on the back end of the mortgages. Also, the company started emphasizing the use of stated-income loans; these "no doc" mortgages didn't require proof of income — like pay stubs or tax returns. They merely required a signed statement from the borrower of how much he or she made.

The bosses told the processors that this was all part of a plan. They were seeking higher-risk borrowers because the loans made to them could justify higher fees. This made sense; but Mr. Magenta was starting to recognize some elements from his old boiler room days.

The new hires were more aggressive; they talked disparagingly about their borrowers — calling the stated-income programs "liar loans." They talked about tricks they could use

to make people with really bad credit or heavy existing debts look better to the software programs that sorted the risks. And they kept referring to their clients as "deadbeats" and "liars."

Mr. Magenta figures he noticed the shift in his company's business in the fall of 2006. He was thinking of buying a new house; he wondered if he was being paranoid.

He wasn't. A few months later, in February 2007, big news rocked Irvine. New Century announced that it was restating its financial reports for the previous several years. The mortgage-repackaging giant had improperly reduced the cash reserves it was supposed to hold against potential repurchase liabilities for mortgages it sold to the Wall Street guys.

The "counterparties" to complex interest-related contracts with Bear Stearns were many — on Wall Street and around the world.

When New Century sold its loans to Wall Street firms for slicing and dicing into mortgage-backed securities, it agreed under certain circumstances to repurchase loans that went into default or foreclosure. Working with its outside accounting firm (New York-based KMPG), it manipulated the definition of those "certain circumstances" to minimize the default risks posed by the loans.

When more loans went into default than New Century expected, it was caught without enough cash on hand to honor its commitments. Banks that had been lending money to New Century to fuel its growth quickly demanded their money back; the banking world turned against New Century and it filed for bankruptcy protection and liquidation.

Trouble quickly flowed up the chain. Within weeks, in the summer of 2007, two Bear Stearns hedge funds that had made a market in mortgage-backed securities based on New Century "product" were stuck with repurchase problems of their own — they'd guaranteed their derivatives against default, based on New Century's guarantees to them. When New Century came up lame, the hedge funds were stuck with their guarantees.

Bear insisted its financial position was solid. But these summer 2007 problems foreshadowed more trouble to come. According to Mr. Taupe:

> Really, Bear was hemorrhaging through all of 2007. By all rights, they should have announced firm-wide insolvency that fall. But the Federal Reserve kept money flowing into the system and allowed the damage to stay obscured. You've got to figure they had some idea what was going on. But they kept Bear alive long enough to get all of its bonuses out for 2007.

Starting in early March 2008, Bear Stearns was having trouble keeping up the good face. While many of its operations were profitable, the mortgage-backed securities trading operation was not. The trouble wasn't so much Bear Stearns' fundamentals as it was the discontent felt by its partners in the derivates trading. The "counterparties" to complex interest-related contracts with Bear Stearns were many — on Wall Street and around the world.

The total direct value of (and theoretical liability caused by) the investment contracts various firms had with Bear Stearns was more than $30 billion. If Bear filed for bankruptcy protection, these contracts would be worthless or nearly so. And the problem may have been even bigger than the direct value of the contracts. The talk on Wall Street was that Bear was counterparty to contracts that indirectly affected more than $2 trillion in real estate and other assets. If all of those contracts had been made worthless by a bankruptcy filing, the entire banking industry would have been in danger. *That* was the real exposure the Fed was trying to avoid.

In mid-March, the Fed used an unusual procedure to bail out Bear Stearns. The deal involved a company controlled by JP Morgan Chase borrowing some $29 billion from the Fed's discount window — the mechanism by which the Fed can loan money directly to banks. (As a bank, JP Morgan had access to direct loans from the Fed; as a stock brokerage with some bank-like parts, Bear Stearns did not.)

A loan from the Fed's discount window was not, by itself, unusual; but some of the terms of the deal were:

- the Fed allowed JP Morgan to use Bear Stearns assets as collateral for the loans;
- the Fed, not JP Morgan, would bear the risk if the loans were not repaid;
- the Fed would keep any profits earned from the sale of the Bear Stearns assets, after JP Morgan had recovered its costs.

Some Fed staffers referred to JP Morgan not as a borrower but as a "conduit" in the deal. And, in fact, one way of explaining the bailout was that the Fed was loaning money to JP Morgan Chase, which was in turn using the money to bail out Bear Stearns.

Some politicians — conspicuously, Sen. Christopher Dodd — complained that the Fed was acting more like a banking industry cheerleader than a regulator. But these complaints mischaracterized the problem. The real issue was the Fed's piecemeal approach to handling the Bear Stearns collapse. While a cautious step-by-step approach often makes sense from a managerial perspective, it tends to encourage moral hazard.

Decisive, broad strokes discourage moral hazard.

These derivative investment contracts should have gone to nearly worthless, because that was the fair-market value of a contract with Bear Stearns. But the bureaucrats at the Fed believed they knew better than the markets — and that the temporary panic about Bear Stearns' condition was an anomaly.

While the Fed was setting up its $29 billion bailout of Bear Stearns, the other main financial regulators — including the Treasury Department, the Securities and Exchange Commission, and the local New York branch of the Federal Reserve, mostly stood by and watched. The SEC even issued a public statement that it was "in close contact" with the Fed staffers structuring the solution. "We will continue to work closely together in a way that contributes to orderly and

liquid markets," the SEC said.

There are two hard questions about financial markets for anyone dedicated to a limited state. First: is one of the legitimate purposes of financial regulators to prevent — or reduce the effects of — financial panics? Second: if so, is it possible to "manage" a panic without sliding down a slippery slope toward a "managed" economy?

Fond of Wall Street tough-guy sayings, Mr. Taupe cobbles several together when he explains the deal brokered by the Fed and JP Morgan:

> There are no atheists in foxholes. There are no libertarians during financial crises. Privatize the profits; socialize the losses. Amen.

The financial markets reacted skeptically to the word of the Fed-sponsored bailout. The broad market indexes didn't crash; but smart traders predicted that the only real resolution to Bear Stearns' problems was for JP Morgan to buy it outright. Then, maybe, the counterparties could be certain that the contracts they'd made with Bear were still enforceable.

So, Fed staffers began to press for an outright acquisition. Like good negotiators, JP Morgan's senior executives threatened to back away from an acquisition unless their conditions were met. And their conditions included no exposure to financial risk from Bear's worst derivative contracts and, paradoxically, a purchase price that seemed to imply JP Morgan *was* accepting that exposure.

The Feds were desperate; the JP Morgan execs stood firm. They ended up drafting a deal in which JP Morgan would pay $2 per share for Bear Stearns — effectively, $240 million — and JP Morgan would be insulated from any loss related to mortgage-backed securities trading.

The terms of the deal were absurd. Bear Stearns' headquarters building on Madison Avenue in Manhattan was alone worth more than $1 billion. And the parts of brokerage not affected by its subprime investments (including a unit that "clears" transactions for other brokerages) were worth several billion more — even by conservative standards.

After the JP Morgan/Bear Stearns deal was announced, the Fed increased and extended the funds available through its Term Auction Facility, set up to lend funds to banks on the basis of a wide range of collateral, including mortgage debt.

A few weeks later, JP Morgan caved to pressure from the Fed to raise its purchase price for Bear Stearns shares from $2 to $10. This was still a brutal discount from where the shares had been trading; but it gave shareholders a little more money. And it shielded the Fed from criticisms that it had forced the acquisition just days before announcing a generous credit facility that might have eliminated the urgency of the deal.

Mr. Beige says that the sale to JP Morgan wasn't a bailout of Bear Stearns:

> It was a bailout of all the counterparties to Bear's mortgage derivative contracts. They're the ones getting the break. If Bear had gone bankrupt, their contracts would have been worthless. Banks all around the country would have had to write billions of dollars in assets down to zero.

Willem Buiter, a London School of Economics professor, made a more succinct criticism. He called the Fed's moves "socialism for the rich, which is both inefficient and morally objectionable."

There's fairly recent precedent for Fed actions that would be questioned closely if they were better understood. In 1998, the big hedge fund Long Term Capital Management was saved from bankruptcy by a syndicate of Wall Street banks assembled (and some say *coerced*) by the Fed.

LTCM had invested heavily in foreign government bonds in a manner similar to Bear Stearns' investment in subprime mortgages.

In late March, as the financial and political dust from the JP Morgan acquisition of Bear Stearns settled, the Bush administration did what it has done before — and what may be its lasting legacy. It proposed a major expansion of federal regulatory powers.

Treasury Secretary Henry Paulson unveiled a 200-page plan for replacing what he called a "collection of overlapping jurisdictions" with a streamlined regulatory apparatus managed primarily by the Federal Reserve and the Treasury Department. The new system would centralize the activities of dozens of federal and state agencies; and it would apply federal rules to Wall Street brokerages, as well as local insurance agents and mortgage brokers.

As the dust cleared, the Bush administration did what it has done before. It proposed a major expansion of federal regulatory powers.

Despite the scope of this power grab, Paulson admitted that more bureaucracy wouldn't prevent future meltdowns:

> I am not suggesting that more regulation is the answer or even that more effective regulation can prevent the periods of financial market stress that seem to occur every five to ten years.

Free marketers argued that home prices needed to return to their historic relationship with incomes — which, in the United States, has usually meant a median home price of about three times the median household income. In the mid-2000s, in most markets, that ratio was over 4x; in some hot spots, it was 6x or even 8x. Subprime loans were a big part of that historical anomaly.

The recent series of Federal Reserve interventions — starting with the LTCM bail-out, moving through the forced Bear Stearns sale and into the direct loan of operating capital to banks — turns bankers into fee-seeking salesmen. Eventually, this will lead to a financial crisis that will be too big for the Fed to socialize.

This is the compounding moral hazard of interfering: government bailouts have an insidious, corrupting influence on financial choices that ordinary citizens make. The citizens believe that the Nanny State will "take care" of their losses; and they disconnect financial cause from effect. They become mindless consumers, ripe for exploitation. They borrow against their homes — traditionally, mechanisms for saving — to buy PlayStations. ❑

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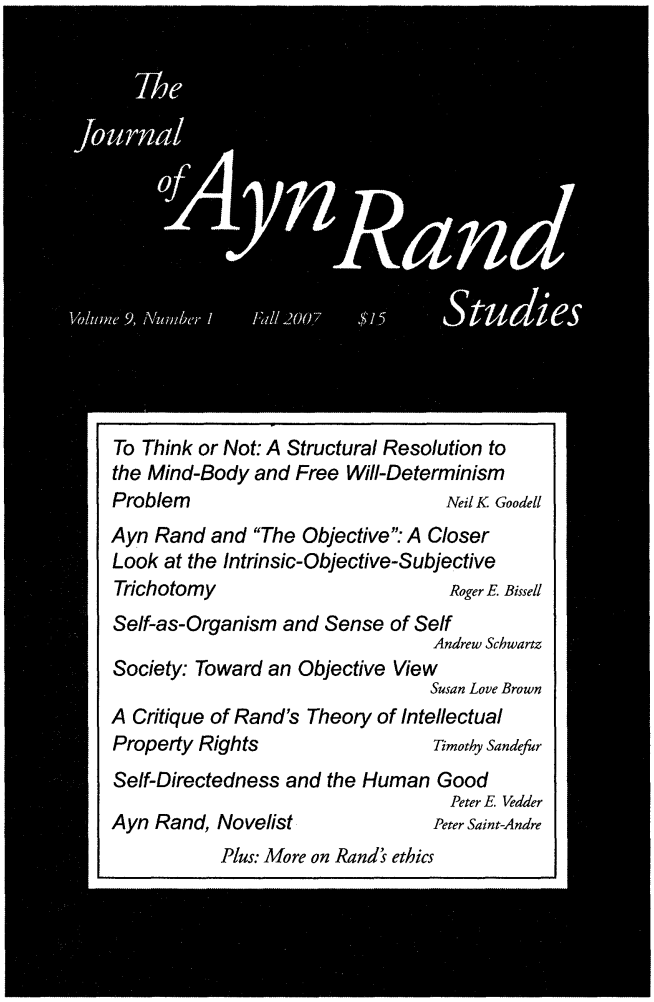

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The Soft Touch

by William E. Merritt

If you feel you're being watched, it's because you are — by the rest of an Americanized planet.

It's not going to surprise any reader of Liberty that America's astonishing ability to remake the world in its own image doesn't have much to do with sending our military into unlikely places. Still, it can come as a surprise to bump headlong into the physical reality behind the cliche.

A while ago I was walking along the corniche in Dar es Salaam. Beat-up vehicles were sputtering and fuming and honking to my right. A sunlit bay on my left led to the Indian Ocean.

Not as exotic as I had imagined, but definitely a landscape to catch your eye, when something really eye-catching came down the sidewalk toward me.

She was a Masai swinging along in full, glorious, flowing, maroon tribal regalia. Tall and athletic. Early 20s, I would guess. Slender and haughty, she could have been Queen Hatshepsut, or Sheba, from the aristocratic way she carried herself.

Now Masai are famously aristocratic people and, maybe, there are ladies from other cultures who are just as elegant, but I have yet to see one. The ladies I have seen who fancy themselves something special or, more usually, the ladies I have seen pictures of — Princess Di comes to mind, along with Chyna of WWE fame — never pulled it off the way this Masai did. Beside her, all the actual royalty I have seen in pictures just look tawdry.

In one hand she held a short staff, like the sticks British army officers strut around with. In the other, a modest-sized boom box playing . . . "My Darling Clementine" in full-throated nasal country-western-twang American. Nobody needed to send an army to corrupt this woman out of hundreds of years of proud, ancient tradition.

All it took was the soundtrack from a 62-year-old John Ford movie.

I was thinking about her the other day when I ran into a British newspaper reporter named Steve Bevan. We were visiting the same game park in South Africa and fell to talking. He asked my opinion about various aspects of American politics and, since I have lots of opinions about the subjects,

some straightforward, some subtle, many obscure, and way too many that turn out to be contradictory, I was charmed.

After a bit, the fascination of listening to me wore off, at least as far as Steve's wife and sons were concerned, and they drifted away to more interesting pursuits: the sons to check out the action on their individual handheld PlayStations and the wife to remind them that, hey, we are in one of the great game parks on the planet, here. You might want to look around a bit. There could be animals, you know.

Steve didn't say much about himself and, looking back, I wish I had asked. At one point he mentioned he had spent time in a Zimbabwe jail along with a New York Times correspondent named Barry Bearak, then pretty much let the subject drop.

When I got home I began to wonder what I had missed by spending so much time rattling on about my own opinions, most of which I already knew, and not asking Steve more about that Zimbabwe jail and what he was doing in it. And how he got out. And what it was like. So I googled him.

What I learned was that he and Bearak had been rousted from their hotel by about 40 cops from the scary-sounding Law and Order Division of the Zimbabwe Republic Police and hauled off to the Central Harare Police Station on suspicion of "practicing journalism." That was the crime Steve was busted for: practicing journalism.

He was arrested because, in fact, the Law-And-Order cops were right. He had been practicing journalism. The London Telegraph had sent him to Harare 36 hours earlier to try and get a line on when, if ever, Robert Mugabe was going to release the results of the presidential election that had been held a few days before.

The Central Harare Police Station, né the Central Salisbury Police Station, is a grim, Orwellian fortress where the old regime used to disappear black revolutionaries in the '60s and '70s. Conditions inside were pretty much what you would imagine, at least in the generally accepted standards of cleanliness department. Bearak and Bevan spent a few long days inside, and a few much longer nights, before being released.

The proximate cause of their release was their lawyer's discovery that practicing journalism is no longer against the law in Zimbabwe. Now, the crime is "holding oneself out as an accredited journalist," and the prosecutor had charged them with the wrong thing. So, in the finest tradition of our shared common-law heritage, they skated on a technicality.

The ladies I have seen who fancy themselves something special never pulled it off the way this Masai did. Beside her, all the actual royalty I have seen in pictures just look tawdry.

But it wasn't the sort of technicality that was going to keep them out for long. All the prosecutor had to do was refile the charges under the right law, and as soon as Steve and Barry showed up at the airport for their flight out, they were going to be rearrested — this time, probably forever.

So, in the time-honored tradition of reporters on the run, they tried not to do what the police expected. Instead of heading for Harare International, they beat feet straight for the most popular tourist border-crossing into Zambia, made themselves look as casual as they could, and scooted to freedom by land.

What grabbed me about Steve's story was the topic of conversation inside the prison: the Pennsylvania primary.

What grabbed me about Steve's story, other than the fact that I had no idea that anybody ever got sprung from a totalitarian prison on a technicality, was the topic of conversation inside the prison — at least the topic among the policemen who ran the place.

At a time when the inflation rate of the Zim dollar was running at 118,000% per year, and accelerating; at a time when real inflation lurked behind the artificial monetary inflation that President Robert Mugabe had set in motion because there were no goods to be had for any currency, no matter how hard; at a time four days after Chairman Bob had clearly lost his bid for reelection but showed no signs of giving up power, and the country seemed on the brink of flying into factional violence; at a time when the new president of Botswana was a couple of days away from casting Zimbabwe into outer darkness by cutting off bulk-fuel shipments; at a time when the Southern Africa Development Commission was about to say naughty-naughty to the first revolutionary leader in history it had ever said naughty-naughty to; at a time when thousands of fellow citizens were fleeing to Botswana and South Africa as fast as they could slip under the barbed wire — the hot topic in the Central Harare Police Station was . . . Obama's and Hillary's showing in the Pennsylvania primary.

Here's something just as interesting. The article that Google referred me to when I typed in Steve's name turned out to be on the Al Jazeera website. I had never logged onto Al Jazeera before, and the first thing that struck me wasn't the sober quality of its reporting. (I actually had to read some of the articles to find out that, for my money, Al Jazeera covers world news with the quality and depth of the BBC. In fact, if you don't see the fancy Arabic Al Jazeera logo, you could easily think you had logged onto the BBC.) The first thing that struck me about Al Jazeera was a big, round button with the wavy red-and-white stripes of the American flag — that's right, Old Glory, right there on Al Jazeera — superimposed with the number 08 and the words "Cast your virtual vote."

Cast your virtual vote?

continued on page 54

Reviews

"The Myth of the Rational Voter: Why Democracies Choose Bad Policies," by Bryan Caplan. Princeton University Press, 2007, 286 pages.

Garbage In, Democracy Out

Ross Levatter

Americans love their democracy. Of this there can be no doubt. As to why they love it, the answer is less clear. Granted, as Churchill said, it is the worst system of political rule, except for all the others; but to say it is better than totalitarianism is not exactly a strong compliment. Beating out monarchism isn't clearing a very high bar, either. A general thrust of democratic theory, as explained to all those paying attention in high-school civics classes, is that under democracy "we the people" are the rules-makers; our representatives make rules that reflect our common judgment about how we want society to run. There are, however, some problems with that theory. There is, in fact, a growing literature about them.

Bryan Caplan's "The Myth of the Rational Voter" makes an exceptional contribution to that literature. The book is exceptional in several ways. For one, it is a book on economic theory and application that is easily accessible to those with little or no background in economics. In addition, this is a work that enlightens by using political science as well as economics, a work that delves into practice as well as theory. I think Caplan's book is a major theoretical breakthrough, extending the explanatory power of the Public Choice model. And through it all, Caplan makes his book an easy read.

For several centuries, it's been empirically obvious that voters are ignorant. Political scientists have copiously documented an almost incredibly high level of ignorance, with majorities of Americans being unable to name the two senators from their own state, or even to remember that their state has two senators. Many Americans think foreign aid payments are greater than Social Security payments. In a land where many have learned that "ignorance of the law is no excuse," most people are abysmally ignorant about how laws are made, what guarantees exist in the Constitution, or how to tell the Declaration of Independence from the Communist Manifesto.

A half-century ago, a book in the economics literature ("An Economic Theory of Democracy," by Anthony Downs, 1957) provided a theory to explain the mountain of empirical evidence: voters allow themselves to be "rationally ignorant" (a term coined in the 1960s by Gordon Tullock) about politics because their single vote has virtually no chance of affecting an election.

Now economists use "rational" in a technical and strict sense. To act rationally, for economists, simply means that you allocate scarce resources available to you efficiently among competing uses, that you always use a scarce resource for a more valued end. The key is calculating the value.

When you decide between two cars that you might purchase, you assume the full cost of purchasing badly. So you have strong incentives to choose carefully and study up before making your choice. It is rational to invest time and effort in this way, given the high value attached to making the right choice.

But when you decide between two candidates, you assume virtually no cost, because your single vote has only an infinitesimal chance of changing the outcome. A rational comparison of costs and benefits, of expending time and effort in getting it right, leads to another conclusion from the one you might reach in choosing a car.

What is the value, to you, of your vote? What is the value, to you, of your lottery ticket? It's not the full value of the $1,000,000 prize, because you're not guaranteed to win. The expected value of the ticket is the value of the ticket should you win, multiplied by the probability of your winning. If there is a 1 in 10 million chance of winning, then your ticket is worth only 10¢.

Similarly, the expected value of your vote (the value to you of your

candidate's winning over the other candidate, multiplied by the probability that your vote is determinative) asymptotically approaches zero rather quickly as the number of voters grows much beyond that of local PTA meetings. If your vote doesn't affect the outcome, there is no cost to you of voting "wrong." When the cost of ignorance is so low, people are naturally (rationally, in the economic sense) ignorant. It is rational not to expend much of one's time and effort — scarce resources that could be used on more valuable ends — to educate oneself on an election when the value of one's knowledgeable vote is so pitifully close to zero.

Yet how can democracy work when people are grossly ignorant? The last 60 years have seen a number of attempted explanations. Caplan quickly moves us through many of them — the Median Voter theory, for example: if people are ignorant, they vote randomly. Imagine, for simplicity, a national election fought not over candidates but over a particular policy. For every ignorant voter supporting a policy that is bad for the country, there is another ignorant voter opposing it. Say 90% of the electorate is ignorant. Then their votes split 45–45% on the policy at issue. As to the 10% that is knowledgeable (about, for instance, a policy such as free trade, which hurts some but benefits most): let's say it splits 60–40% in favor. Then free trade wins 51% to 49%, as we would want democratic theory to guarantee, even though 90% of the voters were ignorant.

But here's the problem. There is no evidence that voters make random mistakes; actually, they make systemic mistakes. In other words, there is no evidence that voters are simply ignorant; they are, instead, irrational. Ignorance can be easily corrected if sufficient information is provided. Irrationality is another matter entirely.

Caplan, who teaches economics at George Mason University, notes four common, routine, persistent errors that survive generation after generation of correction by economists, only to continue vibrantly alive in the hearts and minds of the "man on the street":

• Anti-market bias: "a tendency to underestimate the economic benefits of the market mechanism." As Caplan notes, "the public . . . focus[es] on the motives of business, and neglect[s] the discipline imposed by competition."

• Anti-foreign bias: Caplan notes that even those who see the benefits of free trade domestically are often of the opinion that if trade helps other countries it must be hurting us. In part this is because they don't understand David Ricardo's famous (to economists) law of comparative advantage, so they think that if we can make a product at home it is always a loss to buy it from abroad. Non-economists, even if they themselves are only second-generation Americans, often see only the jobs that immigrants take, not the jobs that they create; see only extra mouths to feed, not extra hands to work.

• Make-work bias: "a tendency to underestimate the economic benefits of conserving labor. Where non-economists see the destruction of jobs [through more efficient methods of production], economists see the essence of economic growth — the production of more with less."

• Pessimistic bias: "a tendency to overestimate the severity of economic problems and underestimate the (recent) past, present, and future performance of the economy." Caplan quotes Adam Smith's one-line retort to this bias: "There is a great deal of ruin in a nation."

Caplan quotes economists from the 19th century bemoaning public acceptance of these universally recognized economic fallacies; yet, as he assures us in his role as university-level economics teacher, they are just as evident today. We have all the economic theory and empirical data necessary to dispose of

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them forever, yet they persist. We may conclude that their continued acceptance does not result from ignorance, rational or otherwise. What, then, is the cause?

Caplan contends — with reasoning analogous to that tending to show that voters are rationally ignorant — that voters are also rationally irrational! They have rational incentives for maintaining irrational ideas.

How can that be? Caplan argues that beliefs are not neutral. People have preferences for certain beliefs. Certain aspects of belief that go beyond their truth value cause them to have value for us. And like other preferences, preferences for beliefs respond to economic incentives.

Changing one's beliefs is not cost free. Consider religious beliefs. On reading a book by George Smith or (the younger) Antony Flew, few religious people just up and surrender their religious beliefs, even if they cannot answer any of the objections raised by these atheist writers. Why? Because people prefer to believe in their religion.

True, there may be costs associated with maintaining false beliefs. Although the average Muslim, like the average Christian or Jew, faces little personal cost in holding a religious belief, the religiously motivated suicide bomber pays a very large cost. Caplan has written elsewhere about the empirical data supporting the claim that most Muslims, when they reach the point of choosing for or against the "career" of suicide bombing, are willing to slip somewhat in the rigidity of their belief system. Similarly, a businessman in the computer industry who because of anti-market and anti-foreign biases refuses to buy or sell across national boundaries and refuses to hire immigrants would quickly find himself at a severe competitive disadvantage. Thus, in many social contexts false beliefs are self-correcting.

But in the realm of voting, Caplan notes, there is little cost in indulging your preciously held but irrational views, just as there is little cost in being significantly uninformed about politics. In both cases your vote has essentially zero chance of impacting the outcome.

If an election leads to more free trade, you are likely to win, because free trade is better for the country in general. But whether the election leads in that direction is not significantly affected by your single vote. If free trade is going to win, it will almost certainly win with or without your single vote. So people pay little cost for indulging their irrational preference — their belief that free trade is bad — and voting against free trade. Granted, what is individually rational, in the economic sense, may be socially unfortunate. If everyone embraces his irrational opposition to free trade, free trade will lose at the ballot box, but it will still lose if you (and only you) take the time and effort to discipline yourself rationally on this topic.

As Caplan explains throughout the text, his new theory expands logically from widely held and accepted views, makes only very basic and logically impeccable assumptions (such as the assumption that people have preferences for certain beliefs), and explains a number of otherwise hard-to-reconcile contradictions in both economics and political science.

Since "The Myth of the Rational Voter" was published, Caplan has frequently been on radio and TV discussing the topic. This allows him to tell the public that most of them are pretty irrational as voters. I don't know Bryan Caplan personally, but I'm guessing that this opportunity is an additional subjective preference he gets to indulge as a result of writing his fascinating and (for democratic theory) devastating book. ❑

"Indiana Jones and the Kingdom of the Crystal Skull," directed by Steven Spielberg. Paramount, 2008, 124 minutes.

Lots of Skull, Little Brain

Jo Ann Skousen

For months I felt the thrill of anticipation whenever the trailers rolled. My heart began racing as soon as I heard John Williams' familiar score and saw that trademark hat drop into the dust. After nearly 20 years, the greatest "indie" of all time was returning — Indiana Jones, of course!

This is the kind of film that needs to be seen at 12:01 on opening day, the proverbial "midnight showing" that is becoming so popular with hyped up blockbusters and cult classics. Fans arrive early to stand in line, challenge each other to trivia matches, quote favorite lines from the original films, and show off their outlandish costumes. There's nothing like it. Tension rises as the lights dim, cheers erupt when the famous logo appears on screen, and the fans go wild when the first strains of the score begin. It's like being at the reunion concert of your favorite band, only better.

"Indiana Jones and the Kingdom of the Crystal Skull" has enough new pizzazz and old nostalgia to satisfy most critics and fans. Twenty years later Indie's new archnemesis is a Cold War Russian (Cate Blanchett) searching for a strangely magnetic crystal skull, and the new world threat is not a Nazi takeover but aliens, atoms, and an army of ants. Indie still has his shy charm, his reluctant heroism, his hat, and his whip.

Spielberg and Lucas give so many nods to nostalgia, it's a wonder their heads haven't fallen off. A mad race through the woods between a Jeep and

an amphibious vehicle while stormtroopers — oops, I mean Russian spies — fight the good guys is lifted from "Return of the Jedi." Pictures of characters from the previous films appear in Indie's office and home. Indie still relies on his bullwhip for getting out of close calls, and he still hates snakes. Indy still "has a bad feeling about this," although it's Marion who says "Trust me" this time. The cliches are more tired than the 20-years-older professor, and made even tireder by the fact that we have seen the best lines already in the trailer. But the film offers a reasonably satisfying mix of comedy and adventure for what is, after all, a high school reunion for director Spielberg, writer Lucas, composer Williams and star Ford.

Nevertheless, the film is just a little too preciously self-indulgent for my taste. Two examples will make this clear. First are those damn prairie dogs. Lucas just couldn't learn his lesson from the "Jar Jar Binks" disaster in the first of the Star Wars prequels or the jarringly cuddly Ewok warriors of "Return of the Jedi." And just when we think the mechanical furballs are behind us for good, Spielberg brings on the mechanical flying monkeys, with Shia LaBeouf (Indie's blank-faced new sidekick) swinging through the trees so ridiculously that he makes Brendan Fraser's campy Tarzan look almost classic.

Then there is the self-indulgent intrusion of the producers' families, in a bout of hubris reminiscent of the Medicis (who commissioned works of religious art during the Renaissance with their own faces painted in the crowds). In the malt shop scene, when Mutt (LaBeouf) delivers the exposition by explaining to Indie their quest, the background is crowded with extras hamming it up and wearing lettermen jackets emblazoned with "Marshall," ostensibly for the college where Indie teaches, but obviously the name of producer Frank Marshall and his wife, producer Kathy Kennedy. One girl was so distracting, mouthing family names (I could read "Kathy" on her lips at least three times) that I looked up the credits when I got home. On the list? Sasha Spielberg. Big surprise.

Such overindulgence has no place in a nine-figure production, no matter how famously successful its makers have been. Pay attention to the filmmaking, and leave the family videos for the handheld video recorder back home. Moreover, figure out that George Lucas' longlasting contribution to filmmaking is his Industrial Light & Magic studio, not his storytelling. He hasn't written a good script since the original "Star Wars," and even that gets lost during the dialogue. Please, take the man's pen away from him before he inflicts bodily harm. ❑

"Manufacturing Dissent," directed by Rick Caine and Debbie Melnyk. Liberation Entertainment, 2007, 97 minutes.

Filmmaker, Heal Thyself

Gary Jason

A fascinating little documentary is now available in video rental stores. Produced in Canada late last year, "Manufacturing Dissent" examines Michael Moore's career as a documentary filmmaker. Clever idea: a documentary about a documentary maker — indeed, the most successful one around. Moore's major movies ("Roger & Me," "Fahrenheit 9/11," and "Bowling for Columbine") have generally done great at the box office, especially for documentaries.

Melnyk and Caine frame their movie along the lines of Moore's first successful documentary, "Roger & Me," in which Moore, a self-appointed spokesman for the downtrodden working class, tries unsuccessfully to get Roger Smith — then head of GM — to explain why GM closed its Flint, Michigan plant, crunching the town's economy. Obviously thinking that turnabout is fair play, Melnyk and Caine followed Moore around, trying to get him to sit down to talk about his work, and got shunted away — first with bogus promises of a later interview, then with outright physical rejection.

This sort of role reversal against Moore is nothing new. Talk-show host Larry Elder did it beautifully in "Michael & Me," his documentary supporting gun-ownership rights in rebuttal to Moore's "Bowling for Columbine." However, in contrast to Larry Elder and other critics of Moore, Melnyk and Caine started out admiring Moore and sharing his general leftist political worldview before becoming disillusioned with him as they examined his life and filmmaking techniques. The result is a balanced and nuanced critique.

For example, even though Melnyk and Caine are obviously highly critical of the Bush administration, they criticize the way in which Moore's "Fahrenheit 9/11" presents selective clips from Bush's humorous speech at the Al Smith memorial dinner — an annual event at which major political figures are expected to poke fun at themselves — as if his remarks were intended to be serious.

Similarly, Melnyk and Caine examine the deception in Moore's "Bowling for Columbine," such as the scene in which he walks through a neighborhood in Ontario, trying front doors to see if they're unlocked. His film edited out the doors that were locked, giving the impression that all Canadians feel

safe. Moore's producer has confessed that fewer than half the doors were unlocked. Moore's film also downplayed the fact that ownership of rifles and shotguns is quite prevalent and quite legal in Canada.

The most fascinating revelation in "Manufacturing Dissent" is that the whole premise of Moore's "Roger & Me" was apparently a baldfaced lie. Not only did Roger Smith not duck Moore; he in fact talked with him twice. This uncowardly footage was edited out, naturally.

The point Melnyk and Caine make is that Moore's filmmaking techniques involve outright deception. Thus their movie raises (but alas, doesn't explore in any depth) a number of interesting questions about documentaries as a film genre. What editing and other techniques are legitimate in making a documentary? And given the fact that virtually all documentaries are made from some political or social perspective, are they all inherently just cinematic propaganda? Certainly, contemplating Moore's work would give you that impression.

"Manufacturing Dissent" is an even-handed critique of a major moviemaker, one that makes the viewer think about the obligations of documentary makers generally. It is well worth renting. ❑

"The Reluctant Fundamentalist," by Mohsin Hamid. Harcourt, 2007, 208 pages.

Cultures Collide

Jo Ann Skousen

As this novel begins, two strangers meet, apparently by chance, on a street in Lahore, Pakistan. Changez, the bearded young Pakistani who narrates this tale, firmly but politely guides his unnamed guest to a particular cafe where the two strangers sip tea and then share dinner. As the afternoon changes to dusk and then to night, Changez relates his story to his increasingly reluctant guest. The son of a once-privileged Punjabi family, Changez studied at Princeton, landed a job as an analyst for a top Manhattan valuation firm, and fell in love with the daughter of a privileged New York family. He loved his American life.

Then, on a crisp September morning, while Changez was in the Philippines examining a potential takeover acquisition, the Twin Towers were destroyed by Muslim fundamentalists, and Changez began to change, or to change back, reexamining who he was as he tried to understand his reaction to the news: "Despicable as it sounds, my initial reaction was to be remarkably pleased."

"The Reluctant Fundamentalist" is not about fundamentalist religion but about examining the fundamentals of what we value, and what contributes to our own value. Changez's job examining the fundamentals of companies ripe for takeover — "teasing out the true nature of those drivers that determine an asset's value" — becomes a subtle metaphor throughout the book for a new kind of war, demanding firmly but politely that readers evaluate the fundamentals of the community in which they live, a community that just might be ripe for takeover.

Changez's name is another subtle metaphor, with more than one meaning. Obviously it refers to change, and one point of the novel is to reveal how an ally, one who felt that he was "immediately a New Yorker," changes into a terrorist sympathizer. We see our world through his eyes, eyes that look out from a bearded Pakistani face. He describes returning to New York after 9/11:

> I was struck by how traditional your empire appeared. Armed sentries manned the check post at which I sought entry; being of a suspect race I was quarantined and subjected to additional inspection; once admitted I hired a charioteer who belonged to the serf class lacking the requisite permissions to abide legally and forced therefore to accept work at lower pay; I myself was a form of indentured servant whose right to remain was dependent upon the continued benevolence of my employer.

On another level, Changez's name reminds us of the currency exchange kiosks we see when traveling through foreign countries, and this is another underlying theme of the novel: America is on the cusp of being "changezed" by a world increasingly reluctant to accept its domination. Changez observes that "finance was the primary means by which America exercised its power," but we are at a point of "sea change" today, when America's currency, once so strong and dominant, is being replaced by the euro as the international currency of choice. And note the double meaning of the word "currency"; it refers to money, but also to relevance. "Most people don't recognize that," he warns. "They try to resist change. Power comes from becoming change."

Nevertheless, there is no overt hostility in our narrator; his tone is gentle, polite, and considerate, reminiscent of butler Stevens in Kazuo Ishiguro's "Remains of the Day," as he urges the unidentified American to take tea and then dinner with him. The book is written entirely as a one-sided conversation, with the American's actions and words revealed through the narrator's words, in the way that comedians like Bob Newhart deliver a phone

conversation skit: "Where are you walking? The Pearl Continental you say? I will walk you. No, it is not far." The technique emphasizes the young Pakistani's complete control of the situation, despite numerous hints that the American is packing a pistol and is uneasy enough to use it.

Despite Changez's solicitious politeness toward his guest, we become increasingly aware of the tension developing between them. When the American chooses a seat "with [his] back so close to the wall," we initially relate to him as a tourist; who wouldn't be nervous, traveling through a country where allies and traitors all look alike? But there is a hint of something sinister about this American visitor with the "bulge [that] manifests itself under the lightweight fabric of [his] suit." Is it, as Changez helpfully suggests, simply his "wallet"? We don't know for sure who is the hunter and who the hunted, but we become uneasy that something sinister is afoot.

"The Reluctant Fundamentalist" is powerfully evocative, drawing the reader reluctantly toward an understanding of this likable Muslim's attitude toward the events that occurred on, and more importantly after, 9/11. "As a society you were unwilling to reflect upon the shared pain that united you with those who attacked you," Changez tells his guest, reminding us of the squandered good will that was poured out toward the United States in the early aftermath of the attacks. "You retreated into myths of your own indifference, assumptions of your own superiority. And you acted out these beliefs on the stage of the world, so that the entire planet was rocked by the repercussions of your tantrums, not least my family, now facing war thousands of miles away," in Pakistan, an ally of the United States.

Changez's contention that his family is innocent is valid. But does that make retaliatory terrorism valid as well?

"Tantrums" may be an unfair characterization of our community's fundamental reaction to the senseless killing of thousands of innocent people, but Changez's contention that his family members, and the families of most Iraqis for that matter, are just as innocent is disquietingly valid. But does that make retaliatory terrorism, even reluctantly applied, valid as well?

Hamid never reveals on whose side he stands, the American's or Changez's. His narrator's polite demeanor and compelling story belies the mind of a madman as cunning and vengeful as Fortunato's foe in Edgar Allan Poe's "The Cask of Amontillado," yet he subtly suggests that behind the American's growing unease is a story just as sinister. ❑

"Nanking," directed by Bill Guttentag and Dan Sturman. Thinkfilm and HBO Documentary Films, 2007, 88 minutes.

Forgotten Horror

Gary Jason

A brilliant but profoundly disturbing documentary from last year is now available in video rental stores. "Nanking," written and directed by Bill Guttentag and Dan Sturman, tells the story of the brutal conquest and violation of Nanking — then the capital of the Republic of China — by the Japanese in 1937. The project was conceived and financed by Ted Leonsis (vice-chairman of AOL) after he read Iris Chang's best-selling history of the battle for and occupation of the city. (Indeed, the movie is dedicated to her memory).

I can't recall ever seeing as well-done and moving a documentary. The directors use three mutually reinforcing and powerful techniques for advancing the story. First, they use actual news footage of the events covered in the narrative, footage that was smuggled out of the city during the pitiless occupation. Second, they interview (now quite elderly) witnesses to the events, both Chinese who recount the horrors which they endured, and — in my view the most potent device of all — Japanese troops who participated in the atrocities who recount the horrors they inflicted. Third, they use actors, including Woody Harrelson, Mariel Hemingway, and Jurgen Prochnow, who read from the letters and diaries of Westerners who were in the city during the Japanese occupation.

These dramatic readings are crucial in driving the narrative. I don't think it is widely known among the public that there were a fairly large number of Westerners living in Nanking before the war — mainly businessmen, missionaries, and teachers. A group of them elected to stay as the Japanese conquered the city in order to help save the local population.

The story is built around the Westerners' establishment of and their attempt to maintain a neutral "Safety Zone," which angered the occupying Japanese enormously. For one thing, the presence of Westerners guaranteed there would be witnesses to the

ongoing depredations. But the Japanese were limited in what they could do, because some of the Westerners were Americans (and Japan was not yet at war with the United States), others were clergy (so hurting them would risk bad publicity), and — in one of the great ironies of history — one of them was a powerful German businessman well-connected to the Nazis (Japan's allies).

The Westerners managed to save an estimated 250,000 from being slaughtered by the depraved troops. Watching the footage and listening to the narration of the mass killings, rampant looting, and the endless orgy of raping of young women and girls is absolutely agonizing. Japanese soldiers executed tens of thousands of Chinese soldiers who had surrendered — in one case, the Japanese gave the helpless POWs the choice of being shot, bayoneted, or burned. In one memorable scene, an elderly Chinese man weeps as he tells about seeing his mother bayoneted as she nursed his baby brother.

In another riveting scene, a Japanese ex-soldier cries as he says he can still hear the screams of the POWs who were shot and bayoneted.

Any documentary takes a strong point of view. But this one rings true to history, I believe, although many Japanese have denounced it as propaganda. In one of the closing scenes, reference is made to the enshrinement of Japanese war dead from this period. The brutalizing of China by the Japanese in World War II remains a very hot issue, with the Japanese failure to acknowledge the war crimes committed by their military causing intense resentment among the Chinese to this day. So it is no surprise that while this movie premiered in Beijing, it has yet to be shown in Japan — and likely never will be.

This is a stark, dark, emotionally unsettling movie, but a vital one. Rent it and watch it, but be prepared to be overwhelmed by sorrow. ❑

"Journals: 1952–2000," by Arthur M. Schlesinger, Jr., Ed. Andrew Schlesinger and Stephen Schlesinger. Penguin, 2007, 908 pages.

Survival After Death?

Robert Watts Lamon

Arthur M. Schlesinger, Jr. (1917–2007), is a name I first heard and read about in the '50s, when he was a liberal bete noir of the early editors of National Review. I read two volumes of his "Age of Roosevelt," never realizing that they were the frog kicks that kept him financially afloat in the brisk stream of elite-liberal social life. This tidbit and a sea of such minutiae, along with passing comments on issues and events, are contained in Schlesinger's "Journals," a book noteworthy for the string of famous names that runs through it like Rapunzel's hair.

Well educated and with a famous father, Schlesinger entered the halls of power — there's a swinging door for Harvard graduates — which led, at length, to a multiplicity of social attachments and luncheons, dinners, and parties, including the famous Kennedy affairs in which people leaped fully clothed into the swimming pool. Apparently, Schlesinger delighted in these saturnalias. The Kennedys took him into their circle and Adlai Stevenson into his, and he got to know Mick Jagger, Averell Harriman, Pamela Harriman, Joe Alsop, McGeorge Bundy, Antonia Fraser, George Kennan, Jean Kennedy, Fidel Castro, Yakov Malik, Margaret Thatcher, Diana Trilling, Marietta Tree, and so on, and on, and on. So great were his social entanglements that he was never able to complete the final volume of his series on FDR and the New Deal. He preferred the best food and a good supply of strong drink. He hated curry and denounced it tactlessly, and his drinking included a routine lunchtime martini — the Century Club's were hefty — and bourbon before dinner. Amazing that elite drinkers are so long-lived.

Like his hero, Franklin Roosevelt, he preferred the company of women. Toward conservative women — such as Peggy Noonan, Kay Bailey Hutchison, and, yes, the lioness Margaret Thatcher — he was forgiving. Toward conservative men, he was frequently harsh in his judgments, to the point of irrationality. He was likely to find liberal men intelligent, entertaining, with a grasp of the issues; he reserved his bile for neoconservatives like Norman Podhoretz and Charles Krauthammer. As for his Harvard '38 classmate, Cap Weinberger: "he had the quiet lucidity of a madman." There were exceptions, one of whom was William F. Buckley, Jr., whose wit and learning matched his own. Another was George Will, an "affirmative government conservative" and hence acceptable. Still, the author of "Journals" liked to repeat stories of Ronald Reagan's supposed goofiness and tendency to bore, even as he treated George Kennan with near reverence. But in the end, it was President Reagan who rescued the West from the fear and uncertainty promoted by the Kennans and the Schlesingers. On this point, Peter Schweizer's book ("Reagan's War," Doubleday, 2002) is worth reading.

Henry Kissinger is often mentioned in "Journals." Schlesinger was his apparent confidant, especially on the subject of Richard Nixon. Kissinger confides that Nixon was "both more evil and

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Killing for Public Health: Stephen Cox, Bruce Ramsey, Jo Ann Skousen, and others expose just how far government nannies go in their fervor to banish personal freedom.

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Talks

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Teaching in Sing Sing: Jo Ann Skousen

Legal Systems Very Different From Ours: David Friedman

Learning from the Socialists: An Action Plan for Promoting Liberty: Randal O'Toole

Schedule

Friday — 9:00 a.m.: **Teaching in Sing Sing**. 10:30 a.m.: **Learning from the Socialists**. 11:30 a.m.: **Schools Against Education**. 1:30 p.m.: **Future Imperfect**. 2:30 p.m.: **Killing for Public Health**. *Saturday* — 9:00 a.m.: **Eco-Crazies and Energy**. 10:30 a.m.: **Legal Systems Very Different From Ours**. 11:30 a.m.: **Housing Market, Bubble and Bailout**. 1:30 p.m.: **IQ, Race, and Gender**. 2:30 p.m.: **Who I'm Voting For, and Why**. There is a coffee break and a lunch break both days. As with any event-packed conference of this size, the schedule is subject to change.

Speakers

Charles Murray is a scholar at the American Enterprise Institute and author of the still-controversial "The Bell Curve." His most recent book is "In Our Hands."

Bruce Ramsey is a journalist in Seattle and a senior editor of Liberty.

Doug Casey is Chairman of Casey Research, LLC, a bestselling author, international investor, and a contributing editor of Liberty.

Jo Ann Skousen is an adjunct professor of English at Rollins College and is the entertainment editor of Liberty.

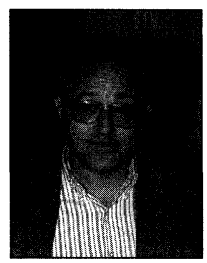

David Friedman is a professor of law at Santa Clara University, and author of "The Machinery of Freedom," "Future Imperfect," and other books. The paperback edition of his novel "Harald" has just been released, and the first two chapters of his newest novel, "Salamander," are online at www.DavidDFriedman.com.

Stephen Cox is editor of Liberty and has appeared in every issue since its founding. He is a professor of literature at the University of California, San Diego, and is the author of "The Woman and the Dynamo: Isabel Paterson and the Idea of America," "The New Testament and Literature," and other books.

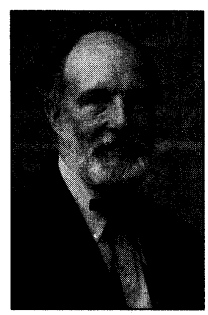

Randal O'Toole is a Cato Institute Senior Fellow who specializes in transportation, land-use, and environmental policy. His latest book, "The Best-Laid Plans," calls for the repeal of "planning" laws and regulations, and offers specific reforms for social and environmental problems.

Gary Jason is an adjunct professor of philosophy at Cal State University, Fullerton, the author of "Critical Thinking" and "Introduction to Logic." His company, Global Access Telecom, is an independent telecom agency.

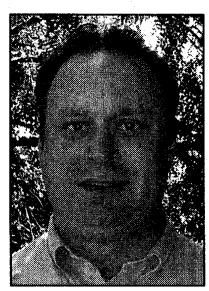

James Walsh is an assistant editor of Liberty, and the author or co-author of several books on politics and popular economics. His latest books are "Scams & Swindles" (co-author) and "Libertarian Nation: The Call for a New Agenda" (scheduled for release in Fall 2008).

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better than people suppose," and further describes him as lazy and weird, but not weak. More: Nixon lied "without point or purpose." Yet the author worries about Kissinger's duplicity: "I cannot rid myself of the fear that he says one sort of thing to me and another sort of thing to, say, Bill Buckley." Kissinger mentions the need to preserve institutional authority. "Lugubrious ruminations," says Schlesinger, "Teutonic habits of thought."

Schlesinger takes out against Herman Wouk's "The Caine Mutiny Court Martial"; his friend Marlene Dietrich thought it was a Nazi play. Actually, it was a very fine representation of the conflict between an officer's duty to rank and precedence and his immediate responsibilities to an endangered ship and crew. Schlesinger is partial to the character Tom Keefer, writer, intellectual, and officer-for-the-duration-of-the-war, who, on the witness stand, backs down rather than defend his own opinions. In the end, the defense counsel, Barney Greenwald, throws a drink in Keefer's face. Odd that Schlesinger should side with the craven intellectual, and show no sympathy for the broken old sailor, Queeg.

Schlesinger entered the halls of power — there's a swinging door for Harvard graduates.

I noticed, with a kind of nostalgia, that Schlesinger uses the word "democracy" in the same way that conservatives and libertarians use "freedom" and "liberty." Apparently, he saw majorities as naturally infused with divine wisdom — a common attitude among campus liberals in the 1950s. Indeed, "Journals" effulges with the '50s pragmatic liberalism that radiated from Harvard like a death ray. But pragmatic solutions to whatever the liberals labeled as problems had a way of making things worse, despite the fact that they had at least the tacit approval of the majority of American voters.

The Bay of Pigs fiasco, which Schlesinger dwells on, was a bizarre example of both the pragmatic liberal mind at work and of the way in which government solutions emit unintended consequences like so many neutrons. It was a patchwork operation, relying on rusty old tubs, obsolete aircraft, and a vastly undermanned, underequipped assault force. The idea that the Cuban people would rush to support the landing brigade was a delusion. Castro knew the invasion was coming and rounded up people of questionable loyalty to himself. Once ashore, the Cuban exiles fought with great courage and skill and, man for man, were better fighters than Castro's militia. They deserved better than they got from Washington.

The new Kennedy administration wanted the operation to defeat Castro but also wanted to conceal its American support. It failed to achieve either objective. As James Burnham points out, the operation "used just enough force to assure the worst possible result from all points of view." "Liberalism," Burnham concludes, "is the ideology of Western suicide."

Indeed our foreign policy remained in the hands of nuts-and-bolts pragmatists, as half of Europe and all of China were lost, and our sworn enemies infested the Third World. Schlesinger quotes pragmatic liberal Clark Clifford: "Every other President has tried at some point to get along with the Soviet Union. This President [i.e., Reagan] has chosen not to get along with the Soviet Union." As Peggy Noonan might say — that was Reagan's secret.

But "Journals" seldom comments at length on the issues. Its tone is chatty, and its commentary more casual than detailed. Although Schlesinger resented the post-mortem gossip about President Kennedy, the sales of "Journals" will likely derive from the same curiosities that were fed by Ben Bradlee and Seymour Hersh. The Schlesinger gossip is relatively tame, although it occasionally startles, as when he reveals Adlai Stevenson's delight at the death of President Kennedy. Startling, too, but not surprising, are the insults hurled at Attorney General Robert Kennedy by James Baldwin, Lena Horne, Harry Belafonte, and their associates. The adulterous habits of Nelson Rockefeller are far more sad than interesting.

Given the tenor of "Journals," the author's omissions are curious. Perhaps he was too gallant to mention the strange case of Mary Pinchot Meyer and too much a friend to mention Philip Graham's ordeal prior to his suicide.

Mary Meyer was an elite Leftist, a follower of Timothy Leary, and the ex-wife of a CIA official. She was also the mistress of President Kennedy at the time of his death. Eleven months later, on Oct. 12, 1964, while walking along an old towpath in Georgetown, she was shot to death. The murder remains a mystery and the source of predictable speculation.

Phil Graham was married to Katharine Graham and became President and CEO of the Washington Post. Given to strong drink and mood swings, he took a mistress to an editors' convention, uttered provocative words there, and, in the process, revealed the affair between Mary Meyer and JFK. For such conduct, he was bound in a straitjacket and hauled off to a psychiatric hospital. Thus we treat unhappiness. On Aug. 3, 1963, after his release for good behavior, he took his own life with a small-bore shotgun.

Certainly, as history, the Mary Meyer and Phil Graham cases are far more interesting than Cy Coleman's opinion on the Gulf War, which, for some reason, the author (or his editors) chose to include.

Schlesinger does mention Jacqueline Kennedy's evaluation of Richard Nixon — "that scurvy little thing." Nixon is a persistent villain in "Journals," and his faux pas are always fair game. At de Gaulle's funeral, did he really say, "This is a great day for France"? As the author's new neighbor in New York City, Nixon was worthy only of scorn,

Schlesinger was likely to find liberal men intelligent, entertaining, with a grasp of the issues; he reserved his bile for neoconservatives.

rather than a courteous welcome and a handshake. Perhaps the author's Kennedy friends had tied his hands.

Even Nixon's greatest claim to achievement — the opening of Communist China — is denied him. The two Communist powers, China and the USSR, had separated for their own reasons, "Journals" informs us; the United States had nothing to do with it.

Apparently, he saw majorities as naturally infused with divine wisdom — a common attitude among campus liberals in the 1950s.

But didn't Nixon's pilgrimage widen the schism and use it to our advantage? For some years, the Soviets and the Communist Chinese had differed over the proper posture to take toward the Free World. China under Mao Tse-Tung was actually the more bellicose. In light of this, Nixon's accomplishment becomes obvious. In a moment, he transformed our most determined enemy into a nation leaning away from the Soviets, with a tilt toward the West.

Nixon was a poor man's son. I suspect this led to the awkwardness he displayed in the sophisticated world in which he later traveled. And he lost two brothers to tuberculosis. TB is a demon that never stops pursuing the family it strikes, and it likely added to his sense of isolation. He was shy, introverted, yet he forced himself into public view, even in college, and eventually sought the most public job on earth. I've often wondered about Nixon's struggles, about how he must have steeled himself every day of his political life. By comparison, Schlesinger's life was only semi-public, a life among the educated elite begun under his father's tutelage. He was, to a degree, sheltered by the regiment of prominent people who were his friends.

He was a whisperer to the political horses of modern liberalism, especially to the Kennedys, who remained the great white hope of American liberals until the Chappaquiddick disaster dimmed, though didn't quite extinguish, the Kennedy glow. Ted Kennedy ran dutifully for president, even though it was clear that the incident at Dike Bridge had made victory impossible. He was nudged along by the Kennedy entourage and certainly shared their snobbish disdain for Jimmy Carter. Carter appeared too conservative and was one of those "Southern bastards." Odd that Jacqueline, who had predicted Robert Kennedy's death when he ran for president, should have been "rather thrilled" by Ted Kennedy's challenge to Carter.

Speaking of attacks on men's lives, Schlesinger manifests his anti-conservative bias in his response to the assassination attempt against President Reagan: "I could care less about Reagan and am sure Bush would make a better president, but the whole business rekindled old emotions and left me surprisingly upset." Surprisingly upset? By the shooting of President Reagan? Perhaps we should be grateful for such civilized emotions, even though they took him by surprise.

Inevitably, "Journals" takes us through the dreary debate over the Vietnam War. Schlesinger, a McGovernite dove, describes Ralph Ellison's complaints about being isolated for his hawkish position on the war. In her book "Innocents of the West," Joan Colebrook details the isolation of James T. Farrell, who believed our victory in Vietnam was essential. It may be that the elite Left wasn't granting its dissidents the same tolerance it granted to any hooligan who kicked in a storefront window.

Schlesinger reveals that Sen. J. William Fulbright — an early opponent of the war — was President Kennedy's first choice for secretary of state. But as a Southern segregationist, he could have, as a nominee, excited black and Jewish opposition. Adlai Stevenson, who wanted to be secretary of state more than he wanted to be president, was rejected as too controversial. And so, Dean Rusk assumed the office and during his long tenure, with its endless war and endless promises of victory, became a chief villain to the doves. Half a war was worse than none.

I suppose that, with all his credentials, awards, enormous writer's oeuvre, and wide circle of friends, Arthur M. Schlesinger, Jr., spent much of his life missing the point. He certainly overestimated the stability of the Soviet Union. His deeper thinking, when it wasn't wrong, produced little that didn't arise from the obvious flow of events. The same can be said for his friend and Harvard colleague, John Kenneth Galbraith, who extended pragmatic liberalism to the point of Saint-Simonianism.

As to Schlesinger's justification for welfare — "the price we pay for social peace" — it's just plain nonsense. Paying people to be poor produced an enormous underclass, whose warrens became oceans of unrest, especially during that "slum of a decade," the '60s. When President Clinton signed the Republican welfare bill in 1996, he was simply acquiescing to the public mood, as expressed in the 1994 elections and, to a degree, created by the 1992 Los Angeles riots. Wasn't the Clinton signing an example of democracy as Schlesinger himself envisioned it?

"Journals" will appeal to New York's elite society and its buffs, the Vanity Fair readership, and their Washington counterparts. (They should beware the typos in the hardcover edition — perhaps the price of rushing a timely book into print.)

The Schlesinger gossip occasionally startles, as when he reveals Adlai Stevenson's delight at the death of President Kennedy.

P.J. O'Rourke sees the book as on its way to being forgotten, along with its author, but his witty review for the Weekly Standard may underestimate both. The Schlesinger series on Roosevelt may well remain an important contribution to historiography and to letters. And "Journals" should thrill those who remain nostalgic for the days when the Kennedys were America's royal family, and statist liberalism was its political cynosure. ❑

Ron Paul and the Republicans, *from page 30*

But it was 4:45, and the convention could not take on new business after 5:00 unless the rules were suspended by a two-thirds vote. The McCain people ordered their delegates back into the hall, and the Paul forces lost the two-thirds vote. The convention was automatically adjourned.

Few of the Paul people had ever attended a political convention before; some of them tended to interpret every loss as cheating. Many were angry at the McCain supporters' undemocratic exit from the floor. But walking out to frustrate a quorum call is a legal tactic — just as it was legal tactic for the Paul people to gain a majority by sticking around. Paul had won only 8% of Republican votes in the Washington primary; McCain had won 50%. The Paulians' claim to represent the party was not the strongest.

Then there was the question of behavior. Watching on TV, I thought the two sides seemed fairly civil. And the convention chairman, KVI-AM host Kirby Wilbur, who had been a Fred Thompson supporter, told me that from the dais it seemed as if "both sides behaved themselves pretty well."

Up close, however, it was not always decorous — and it would do libertarians good to hear some of the criticisms of the Paul people. Wrote McCain supporter Ken Howard on SoundPolitics.com: "When we voted not to add an amendment to the platform opposing animal tracking ID . . . we were called fascists and were accused of wanting the government to track each one of us."

A McCain delegate told me he saw two guys carrying a McCain sign with the "C" made into a hammer and sickle — a preposterous libel of a man who was held in a communist prison camp.

Another McCain delegate told me he had talked to seven Paul delegates for more than an hour, and was surprised at how "paranoid" four of them were — two of them saying they thought Bush was going to cancel the election, that the country was on the verge of a dictatorship, and so on. There is even a name for such people: "Ronulans."

Only a minority was like that. The average Paul person minded his manners — but still was seen as an immovable ideologue. Wrote Seattle delegate Brian White: "I appreciate much of what Dr. Paul stands for, and believe the GOP needs to be more attentive to the issues raised by the Paul campaign. However, the Paul supporters, in general, were not interested in being part of a compromise." White wondered whether the Paul people would continue to work for the party "or if they will drift back to their Libertarian dens."

Few of the Paul people had attended a political convention before; some of them interpreted every loss as cheating.

These are criticisms worth hearing. The Republicans are a big-tent party. If they are willing to admit the Paul supporters, they have to accommodate them, and stop questioning their *bona fides*.

But the Paul people also have to make accommodations. They do not have to give up their ideas of limited government, constitutionalism, a strong dollar, and an America first foreign policy. But they can't be nutty. If they start talking about ID chips embedded in human flesh and the dollar being replaced by the amero, they take on an odor of weirdness. And they have to be civil. You don't use verminous names like "fascist" on somebody in *your* party.

A delegate saw two guys carrying a McCain sign with the "C" made into a hammer and sickle — a preposterous libel of a man who was held in a communist prison camp.

And being in the party probably means, at the least, that they not campaign *against* the party's nominee after he is nominated.

All easily said — but ask a McCain man what accommodations cannot be made and the first thing is the war. A man on the state platform committee writes: "The Republican Party cannot put the war on the table."

He suggests that at the state level, the party might focus on "fiscal discipline, limited government, judicial restraint" and "less discretionary rulemaking power to unelected bureaucracies." Agree not to talk about the war, and the McCain and Paul people could work together at the state level. "But I don't know if the Paul people would buy that argument," he writes.

Maybe not. Paul's movement has not been *about* the states. It has been about the federal government; and at the center of Paul's criticism of America's military, fiscal, and constitutional overstretch is the war.

I asked Luke Esser, the party chairman who was at the Paul rally last year, whether he thought the Paul people are Republicans. Yes, he said. Most of them are. He welcomes them — to *join*.

I asked whether the war was debatable. Yes, he said, carefully, it was. But he added, "They have to be prepared to lose that debate." Mentally I added the words, "at least for now."

To a person in the Paul camp I suggested that the chance for a change in the party's view on the war will come after Bush is gone and America leaves Iraq. Our forces *will* leave, I said. Then the Republicans can start their foreign-policy thinking fresh, with some new Paul people in and some of the old neocons out.

"Maybe," the Paul guy said.

Better than maybe, I think, given that enough Paul supporters stay in, stay civil, and stay focused. *If* they do. ❑

Letters, *from page 6*

universities, would that prove there was no anti-Semitism in the Third Reich? It is a fallacious argument.

Going farther afield from the point of the film, Rand defends Darwinism by declaring it to be science, and claiming that Intelligent Design is not worthy of the term. As evidence for the latter point, he states that "ID theorists . . . do not publish in peer-reviewed journals." Such as the paper published by Dr. Sternberg that drew Darwinist wrath down upon him? Little wonder Intelligent Design theorists do not publish, if the journals prejudicially deny them access because "they do not practice science." That is the point of the film.

At this juncture, it is clear Rand is not evaluating the message of the film, but is caught up in his own opposition to Intelligent Design. He concludes by condemning Intelligent Design as a "Trojan Horse" because some of its investigators have a frankly Christian motive. One could as well condemn the time-tested laws of mechanics because their discoverer, Isaac Newton, had frankly Christian motives. This is another fallacious argument. Finally, there is no film review left to consider. Rand denounces the film as dishonest, and refuses to offer even lip service to the idea that free inquiry should take precedence of Darwinist dogma. By this omission, he has identified himself as part of the problem.

Intelligent Design vs. Darwinism is only a particular example of the profoundly troubling problem of contemporary scientific dogmatism (though the film does not develop this general problem in detail). When Emmanuel Velikovsky brought out his theory of historical planetary encounters ("Worlds in Collision," 1950), the science community notoriously attempted to squelch its publication. We see it in the press today with attempts by global warming advocates to claim that "the science is settled," that "a scientific consensus" for anthropogenic global warming is established, and that critics are no better than "Holocaust deniers" (therefore, they should just shut up). It has shown up in astrophysics with the ostracism directed against Halton Arp, whose astronomical observations threatened a refutation of Big Bang theory, and who was ultimately denied observing time at American telescopes (he had to move to Germany in order to continue his research).

Liberty in politics cannot exist without liberty in thought and speech. If any among us hold anything higher than this, they need to search their souls.

Michael J. Dunn
Federal Way, WA

Rand responds: I agree with Michael Dunn that "dogmatism . . . should not stifle free inquiry." Our disagreement stems from my conviction that "free inquiry" in science involves an honest and informed search for truth. I will not here rehash the evidence that the makers of "Expelled" have no such concern; interested readers may refer to my review at www.libertyunbound.com. I will address those of Dunn's claims which have not already been addressed.

Dunn maintains that "Darwinism" "contributed directly to the motivations of the Nazi regime." To support his assertion, he accurately parrots the film's misquotation from Darwin's "On the Origin of Species," and makes what is to my mind a horrific assumption: that if somehow "Darwinism" entails eugenics, it's only natural that its adherents would decide to exterminate the Jews.

One might make an argument that "survival of the fittest" implies standing by while the weak perish; one might even argue that it implies actively culling the herd. I believe that even the former is mistaken, but it's irrelevant to this case, because the Jews are no weaker or unfit than any other group of humanity. What's more, neither Hitler nor the German people had any reason to believe that the Jews were weak or unfit. Hitler clearly hated the Jews (for reasons that are unclear, but cannot be blamed on Darwin) and discovered that by demonizing them he could expand his power. Persecution of the Jewish people predates the Crusades — it even predates Christ. (Probably also Darwin's fault.)

Dunn also maintains that I've "garbled the facts of" Dr. Sternberg's firing, and points out that he had "not resigned his position; he had intended to resign his editorship." First, as Dr. Sternberg's own website verifies, he had not *intended* to resign his editorship — he *had tendered* his resignation before publishing the ID article. Second, I make no pretense (now or in my original review) of understanding which of Dr. Sternberg's three positions "Expelled" claims he lost. As I noted in my original review, and as is documented in the U.S. House of Representatives Staff Report Appendix (2006) regarding Sternberg's complaint (available online — there's a link from Sternberg's website), he resigned the editorship before the controversy, and was (and still is) an unpaid research associate at the Smithsonian, and was (and still is) an employee of the National Institute of Health. Mr. Dunn, are you claiming to have more knowledge than Dr. Sternberg about his positions? I have "hear[d] the defense of the accused"; it appears you have not.

Nowhere do I make the claim that "discussion of ID at '100+ universities and colleges' . . . disproves the film's complaint that critics of Darwinism have been unjustly treated." Although I maintain that critics of "Darwinism" have in fact been treated fairly, my claim regarding the teaching of ID at those universities and colleges is only that it demonstrates that, contra Stein, contra Dunn, ID proponents are allowed to argue their case within the walls of the academe.

I stand by my condemnation of ID as a Trojan horse designed to sneak Christian fundamentalism into public schools, but not because "some of its investigators have a frankly Christian motive." Every one of its prominent proponents belongs to the Discovery Institute, whose goal "[t]o replace materialistic explanations with the theistic understanding that nature and human beings are created by God" was obvious even before its infamous "Wedge Document" was leaked in early 1999. Even more tellingly, the first modern use of the term "Intelligent Design" was in the *public school science textbook* "Of Pandas and People," where it served as a last-minute replacement for over 100 instances of "creation," "creationism," and "creation science," (while "design proponents" replaced every instance of earlier drafts' "creation scientists").

Dunn's reference to Newton is not surprising; pseudo-scientists and their defenders are quick to claim kinship with famous scientists of old. (The scientist most often used for the purpose is Galileo; for obvious reasons, that analogy would not serve Dunn well.) Dunn

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is correct that Newton was a devout Christian whose work was motivated by his desire to understand the work of his Creator. The relevance of the comparison ends there, however, as Newton's work assumes a Creator who *never intervenes* in the workings of his creation. Among other things, Newton's work definitively removed the need for angels to keep the planets in their orbits. ID "science" is nothing more than an attempt to find new roles for those displaced angels.

The comparison with the supposed suppression of science disputing anthropogenic global warming is ideal. Why? Because prestigious journals of science continue to accept and publish papers which dispute the claim that anthropogenic global warming is anything to fear. The specifics of these papers vary, but they have several things in common: they make specific, testable, falsifiable predictions; they present data that supports their argument and consider alternative explanations; they refrain from depending on supernatural intervention.

As for Halton Arp, although his major hypothesis has been more or less refuted, he continues to do legitimate scientific research, and therefore still manages to have new papers published in scientific journals. As always, the criteria for publication are unrelated to the popularity of the hypothesis.

Finally, I can hardly suggest a more apt analogue for ID scientists than Emmanuel Velikovsky. It seems we've finally found something on which we can agree.

Letters to the editor

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The Battle for the Libertarian Party, *from page 28*

Monday, May 26

By the next morning, all that was left unsettled was the election of an LNC, and the staking out of a seat on the airport shuttle. I took to the floor one last time to say goodbyes and ask for parting thoughts. Near the front of the stage I caught Mary Ruwart, with Steve Kubby alongside, waiting on the results that would see Ruwart and her campaign manager into LNC at-large seats. Any last things to say about the 2008 LP Convention? Ruwart, staring daggers, said nothing: not a word about the position she was expecting to win, not a word about how this would give her both the opportunity and the authority to keep the Barr campaign on message, not a word about how the assembly had seemingly endorsed (and the Barr-Rooters conceded) this authority by making the at-large committee majority radical. After a few awkward seconds Kubby came to the rescue in a small-scale recapitulation of his Sunday heroics: "We're here to support the ticket. It'll be a great year for the party, and a great year for liberty."

Barr-Root should deliver the biggest vote total and percentage ever for an LP presidential ticket, so Kubby ought to be proved right. If so, thanks are due him for rejecting the all-or-nothing, purge-or-walkout approach that has too often characterized the party — and thanks are due as well to those radicals, including Mary Ruwart, who however hesitantly have followed his lead and found positions from which they can respect both the mandate of the delegates and their own consciences. With the nomination in hand, Barr's campaign could pull in votes with or without the backing of the "libertarian wing of the Libertarian Party." But any gains he realizes at the national level will never carry over to 2010 or '12, nor will they translate into gains for state and local candidates, unless all factions of the party are working toward those ends. If the LP is to mean anything, if it is to present a vision of liberty compelling enough to hold the attention of the American public, it needs both radicals and moderates, idealists and gradualists: those who can maintain the vision, and those who can show the steps it will take for that vision to become reality.

If Barr holds strong on his rhetoric, showing that his journey down the "Road to Damascus" has only just begun . . . and *if* the radicals can keep the schismatics from creeping back in and bringing down the alliance through snipes and purity tests . . . then the LP stands to enter 2009 the strongest it's ever been. But those are big ifs, and 2008 has a while yet to go. The battle continues. ❑

The Soft Touch, *from page 40*

People in Yemen or Sudan or Iran, people who, by and large, don't seem to like America very much, care enough about our politics that the major — maybe, even, the only — universally accepted news outlet in the Muslim world gives them the opportunity to vote in a straw-version of our Democrat primaries.

Al Jazeera has discussion groups, too. Under the heading of "Most active discussions," right along with "Should the Israeli Prime minister step down?," "60 years of Israel, your views," and "What does Egypt's emergency law mean for human rights?" Al Jazeera had: "Should Clinton pull out of the Democratic nomination race?"

People from Syria use Al Jazeera to debate people from Qatar about whether Hillary is gutsy for staying in or just a plain jackass.

I'm not sure what to make of all this. Thoughts of the corrosive soft power of our culture run through my mind. Thoughts that if we would just leave our army at home the entire planet would be American within a generation cross my mind, too. My mind could probably come across with a lot more thoughts that everybody else has already had, but the thought I like best is from Steve Bevan: "People all over the world who have no power in their own politics feel like they can participate in yours. That is something that should make you Americans very proud."

John Ford movies make me proud of America, too. ❑

Terra Incognita

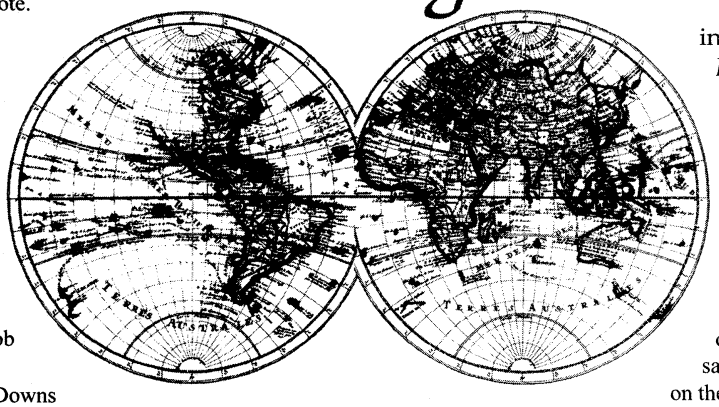

Denver

Forward- and upward-looking legislation, reported in the *Rocky Mountain News*:

A video that purportedly shows a living, breathing space alien was to be shown to the news media May 30.

Jeff Peckman, who is pushing a ballot initiative to create an Extraterrestrial Affairs Commission in Denver to prepare the city for close encounters of the alien kind, said the video is authentic and convinced him that aliens exist.

An instructor at the Colorado Film School in Denver scrutinized the video "very carefully" and determined it was authentic, Peckman said. "It shows an extraterrestrial's head popping up outside of a window at night, looking in the window, that's visible through an infrared camera." The alien is about 4 feet tall and can be seen blinking.

In 2003, Peckman authored an offbeat ballot initiative that would have required the city to implement stress-reduction techniques. The "Safety Through Peace" initiative failed, but garnered 32% of the vote.

Palm City, Fla.

Hubris in the Sunshine State, from the *Port St. Lucie News*:

Margot "Peggy" Cioffi, the leader of a Treasure Coast-wide agency established to provide classes for people convicted of driving under the influence of alcohol or drugs, was suspended from her job in the wake of her DUI arrest.

An auto accident on Martin Downs Boulevard in Palm City led to Cioffi's arrest about an hour and a half later at her home in the Lighthouse Point subdivision, a deputy's report says. Cioffi was accused of striking another car with her Nissan SUV near Matheson Avenue, driving home, pulling away from a deputy as he tried to handcuff her, and screaming so loud neighbors came out of their homes.

"Peggy grew that organization from just a DUI school into a four-county program that was not only educational, but also handled probation services," Suzanne Caudell, now acting director, said. "She has done a lot of good for the community over the years."

Cioffi, whose blood alcohol level was measured in a breath test at 0.336, could not immediately be reached for comment.

Seattle

Provision for appropriate levels of innuendo in a cultural event, in the *Seattle Times*:

After incoming executive director of the Lifelong AIDS Alliance David Richard ordered drag queen Glamazonia to clean up her act, she said she was "canned with no further comment." Lifelong disputes that, saying that the drag queen failed to complete the proper anti-harassment training.

Glammie (aka Thom Hubert) was the reigning queen of Lifelong's signature fundraiser, Gay Bingo. She was asked to ease up on the sex talk, and stop using two words that offended some Gay Bingo sponsors and participants. "I think we can still have a gay, sassy Gay Bingo without having to go to those depths," Richart said.

Des Plaines, Ill.

Weeping and gnashing of teeth, from the *Chicago Sun-Times*:

A teacher at Maine West High School claims in a lawsuit that he was defamed and suffered "immediate emotional distress, embarrassment and humiliation" after he left a phone message on the private parish line of the Rev. Luis Alfredo Rios, who then played the phone message during two Sunday mass services.

The message: "Father Rios, this is Angel Llavona. I attended mass on Sunday and I have seen poor homilies, but yesterday broke all records."

According to Llavona, Rios told the congregation, "This is the person in charge of religious education here last year. . . . What should we do? Should we send him to hell or to another parish?"

"Disharmony or disagreement between a priest and his parishioners is always unfortunate," said diocese spokeswoman Penny Wiegert.

Lewiston, Idaho

The high standards of investigative journalism at the *Lewiston Tribune*:

The Tribune unintentionally busted a suspect right on its own front page. An above-the-fold photo and caption identified Michael Millhouse painting Christmas signage on a store window. Below the fold, an unrelated article featured a security camera image of the same fellow, wearing the same clothes, stealing a wallet left on the counter at a convenience store. The caption asked for help identifying the man. The police nabbed him, and the suspect confessed, shortly after the papers hit the streets that morning.

Flitwick, England

Literal interpretation of "getting sauced," reported in the *Liverpool Echo*:

A Tesco store refused to sell barbecue sauce to a customer because it contained a tiny amount of alcohol and she couldn't prove her age.

Claire Birchell, 25, was told she could not buy the Jack Daniel's barbecue sauce which has an alcohol content of 2%. Staff at the store also refused to sell the bottle to her brother-in-law, Philip Dover, 27, who did have ID, because they believed he would just give the bottle to Miss Birchell.

Manhattan

Good old-fashioned police work, noted by *The New York Times'* City Room blog:

Police Commissioner Raymond W. Kelly, speaking to reporters at 1 Police Plaza, said, "I am not certain he has been arrested," then added, "He put up signs indicating the assassination of Sen. Clinton and Barack Obama. And we notified the Secret Service. This individual is being spoken to. He apparently made statements that had to with their reputation. This is all under investigation."

The commissioner's statement was in response to a performance artist's exhibition called "The Assassination of Hillary Clinton/The Assassination of Barack Obama."

Special thanks to Russell Garrard and Tom Isenberg for contributions to Terra Incognita.

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"Let us not be unmindful that Liberty is power." — John Quincy

Mises

You might think you know about him. We all did—until there appeared Jörg Guido Hülsmann's *Mises: The Last Knight of Liberalism.*

Ten years in the writing, based on research in five countries and from materials in six languages, this 1143-page treatise not only tells the true and astonishing story of Mises the man; it reconstructs the history of ideas of the last 100 years.

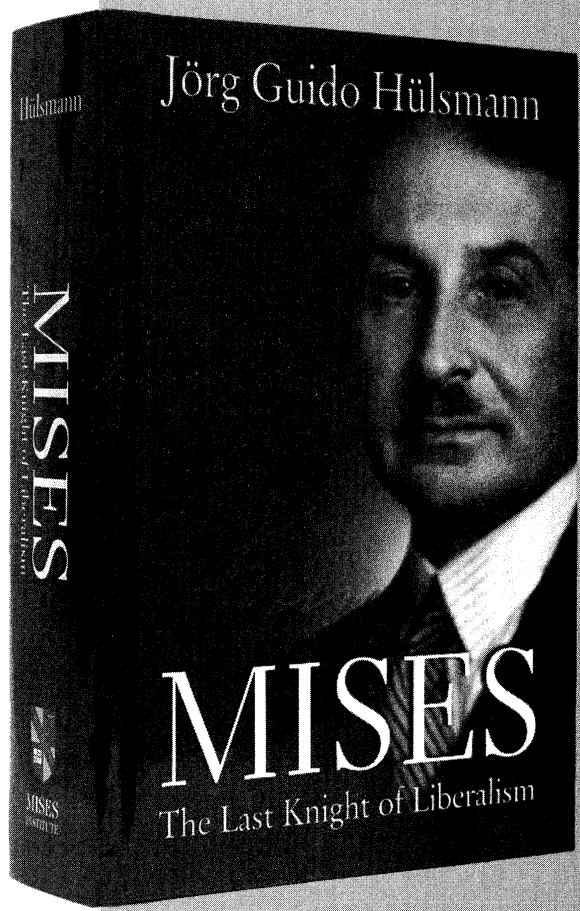

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September 2008
Volume 22, Number 8

4 Letters Never say die.

7 Reflections We argue with Churchill, smoke some bowls, listen to old fascists, defend speculators, pump for offshore drilling, admire a few straight shooters, and say goodbye to a Bay Area libertarian radical.

Features

21 The Fall of a Royal House Democracy, *Jayant Bhandari* argues, is not the solution for the Third World's problems.

23 The Dog That Didn't Bark It isn't the obvious and much heralded forces that are to blame for the housing crisis, explains *Randal O'Toole*, it's the land-use planners.

27 On the Beach in an Arab City *Jacques Delacroix* demonstrates that more faith should be placed in human nature, even when it has powerful opposition to contend with.

29 Corruption and Hope in South America *Doug Casey* explores the social ruin that lies at the heart of South America.

35 Global Warming, Global Myth Why trust the media accounts of global warming, when you can consult the evidence? *Edmund Contoski* provides a guided tour.

41 Who Wrote "The Final Conceit"? *Jane S. Shaw* seeks the truth about an important libertarian book.

43 Defense of an Unlikely Choice *Lance Lamberton* defends the Libertarian Party's nominee, a refugee from the Republican Party.

Reviews

45 Half True What is a fascist? Do you know? *Warren Gibson* investigates the definitions.

49 Warlord Revisited In a new movie, *Jo Ann Skousen* finds an ancient warlord presented in a new, and very interesting, light.

50 Guys and Dolls *Gary Jason* shows how explorations of fear link two unlikely films.

51 Love Among the Robots *Todd Skousen* invites viewers of "WALL-E" to stand up, if they can, and say that humanity is not devolving.

52 Squatters or Seers? *Jo Ann Skousen* visits a film that urges us to enter a universe that is curiously like our own.

53 Booknotes Hot buttons, a slow hand, and an uncut diamond.

46 Notes on Contributors The source of it all.

55 Terra Incognita Someone has use for idle hands.

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Letters

Irgun and Hamas

In July's Letters section, Jon Harrison defended Carter's talking with Hamas, arguing that since Menachem Begin and Ariel Sharon were also terrorists (during Israel's fight to establish the state of Israel) that talking with the terrorist leader of Hamas was acceptable. The following facts were obtained from Wikipedia:

Ariel Sharon became a member of Gadna, the paramilitary battalion, in 1942 at age 14 and joined Haganah during Israel's War of Independence in 1948. Sharon engaged in no acts of terror against anyone. The Haganah was the main Jewish military force fighting for independence and a state at that time.

Menachem Begin was an active member and leader of the Irgun, an underground military group that split from the Haganah in 1931. The Irgun engaged in no terrorist activities; it only targeted the British military and its facilities. The Irgun did not target civilians. The Irgun did bomb the King David Hotel, but this hotel was the main headquarters of the British Army in Palestine and the Irgun had warned the civilian staff to leave the hotel over 30 minutes before the explosion.

On the other hand, Khaled Meshal, the leader of Hamas, has "claimed in public the responsibility for numerous suicide bomb attacks." Hamas' "willingness to target civilian facilities including buses, supermarkets, and restaurants is the reason why some governments classify it as a terrorist movement." Since 1993 Hamas has murdered 482 Israeli civilians and wounded over 2,500. Hamas has also sent over 3,500 rockets and 3,700 mortar shells into Israeli cities, murdering dozens and wounding hundreds.

Most people consider terrorism to be "violence against civilians to achieve political or ideological objectives by creating fear." Harrison's comparison of Meshal with Begin and Sharon can only be described as either or both anti-Israel bias and anti-Semitism.

Ivan M. Lang
Glendale, Wisc.

Into She'ol

In a response to criticisms of one of his articles, Jon Harrison wrote of his opinions on the Middle East, "Nothing would please me more than to see America turn its back to the wretched Middle East and its peoples — both Arabs and Israelis. If tomorrow the earth swallowed up the entire region from Morocco to the Persian Gulf, I would wonder at it, but shed not a tear."

Most everyone is frustrated with the never-ending quicksand of the modern Middle East, but this is an absolutely ridiculous comment. Not only is it generalizing and a bit xenophobic, it seems like something that an intellectually undeveloped teenager would say, not someone who writes articles for a serious publication.

In addition to being "wretched," the Middle East is the cradle of civilization, where history began and continues to occur. The dawn of Islam brought us algebra and modern mathematics while the Europeans were still in the Dark Ages. I, for one, would much rather hope for the people of this history-rich region of the world to somehow overcome their adversities, as Europe eventually managed to do, than theorize about them being eaten up by the earth.

Michael Powell
San Francisco, Calif.

Harrison responds: I had to shake my head as I read these two letters. Let's consider the arguments of each in turn.

I was rather taken aback by Mr. Lang's use of Wikipedia as a source. I picture the typical Liberty reader as

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being rather more sophisticated, intellectually speaking. But I'll go ahead and use the same source, to make it easier for Lang to look up the facts he conveniently ignores.

Regarding Ariel Sharon, please take a look Wikipedia's article on Qibya. On Oct. 14, 1953, Qibya was the site of a massacre of 69 Palestinian civilians carried out by Israeli troops under Sharon's command. According to Wikipedia, the massacre was condemned by the U.S. State Department, the UN Security Council, and by Jewish communities worldwide.

We then come to Sharon's role in the Sabra and Shatila massacres of 1982, in which as many as 3,500 Palestinian refugees were murdered by Lebanese Christian militiamen. Sharon, then Israel's defense minister, provided logistical support for the killers. According to an Israeli commission that investigated the massacres, Sharon bore personal responsibility for the deaths.

It is uncertain whether Sharon committed any atrocities during his military career before 1953. But the copious amount of civilian blood on his hands is obvious.

Regarding Begin, just go to Wikipedia's article on the man. The Irgun under Begin certainly did target civilians. In the Deir Yassin massacre of April 1948, carried out by the Irgun in conjunction with the Stern Gang, over 100 Palestinian civilians were slaughtered. This was by no means the Irgun's only terrorist act. As early as 1946, the World Zionist Congress voted to condemn the Irgun for its "shedding of innocent blood as a means of political warfare."

You can find the facts on Wikipedia. There's simply no denying that Sharon and Begin were cold-blooded murderers and terrorists. I don't deny that Khaled Meshal is of the same ilk. I just think that if we are going to be involved at all in the Middle East, we should talk to the thugs on both sides. Sadly, the fact remains that one man's terrorist is another man's freedom fighter. In any case, ignoring important facts doesn't help Lang's argument. It simply appears dishonest.

Let me finish with Lang by saying that I cannot be intimidated by use of the term anti-Semitism. I utterly reject that perverse doctrine. Nor am I biased against Israel. I find our involvement with Israel and the Arab states equally distasteful.

Mr. Powell, in his letter, combines name-calling with tiresome platitudes. My earlier comment, "If tomorrow the earth swallowed up the entire [Middle East], I would wonder at it, but shed not a tear" was obviously (or so I thought) meant as hyperbole. I'm sorry if Powell took me literally, but I could hardly have anticipated such obtuseness.

I'm sure we're all grateful for Powell's penetrating insight, viz., that "the Middle East is the cradle of civilization." I read most of James Henry Breasted's works before my 16th birthday, thank you very much. Unfortunately, while geography is virtually unchanging, culture is not. The Middle East of Hammurabi and the prophets and Harun al-Rashid is long gone. Today it is a culturally insignificant region inhabited by little peoples whose quarrels should be ignored by Americans.

Are we libertarians or are we Wilsonian world-improvers? I for one regret every American life lost and every penny spent on the troubles of Arabs and Israelis. The fate of the American people is what concerns me. You may call that xenophobia if you like; I call it prudence and common sense.

Convention Watch

Kudos to Andrew Ferguson for writing a splendid report on the 2008 LP national convention ("The Battle for the Libertarian Party," August). It was thorough, fair, and even loving, despite its deliciously barbed humor (aimed mostly at Christine Smith). I couldn't stop laughing at Jesse Walker's apt characterization of Wayne Allyn Root as having "the comportment of a Ronco pitchman with a squirrel in his pants."

Having said that, I also must say that I think Mr. Root is a terrific guy, and I hope he'll get the nod in 2012 as the LP standard bearer. I met him at this year's Pennsylvania LP convention, and can confidently state that he's not your typical high-pressure salesman. He actually provides solid libertarian reasons for every position he holds, and can educate non-libertarians like no one else I know, including Michael Cloud or the

From the Editor

It's interesting to see that much of this issue of Liberty is devoted to debunking popular myths and crazes. Edmund Contoski goes after global warming; Jayant Bhandari provides a skeptical assessment of that great elixir of health, "democracy"; Gary Jason takes on America's fear and hatred of oil; Leland Yeager conducts a luminous exposé of the myth of "speculators" as the demons who produce economic distress. And there's more. And it's all good stuff.

Reading the works of these fine writers, I was reminded of how much I don't know about greenhouse gases, the former kingdom of Nepal, the price of oil in Pittsburgh, and many other things. I was also reminded of how important it is to maintain an open forum for discussion of issues that, some people tell us, have already been settled. And I recalled how many crazes Liberty has survived.

It wasn't too long ago that people thought the great threat to the environment was global cooling; that the logging industry was exterminating whole species of vertebrates; that right-wing militias were on the point of seizing the government; that the Japanese were going to monopolize the farmland of America and . . . pack it off to Japan, I suppose; and that the Soviet Union would lay us waste unless we granted its every strategic demand, and give it money too. If you're over 40, you may have forgotten these mighty threats — and Liberty deserves some credit, because this magazine has always been in the business of exposing nonsense and getting people to forget it all.

But why does anybody want to be petrified by fear? I don't know. I wish I did. Maybe it's because some people like to dramatize their emotions, but don't have any good ones to dramatize. Maybe it's because they're cowed by "intellectual" authority. But whatever the reason for other people's fears, Liberty's authors have never been afraid. No, not for a moment.

For Liberty,

Stephen Cox

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late great Harry Browne.

Anyway, thanks again to Mr. Ferguson. I'd planned to attend the convention as a delegate, but decided against it at the last minute. With the C-SPAN coverage and Ferguson's report, I now feel that I'm probably better informed about what went on than if I'd been there myself.

Harold Kyriazi
Pittsburgh, Penn.

Political Onanism

I enjoyed Andrew Ferguson's report from the Libertarian Party Convention. However, despite its entertainment value, the LP is and will remain a fringe party. This year's fight for the party's presidential nomination illustrated the conundrum the LP faces: should it remain ideologically pure and politically irrelevant, or should it sacrifice its principals and remain politically irrelevant?

Selecting Bob Barr as its nominee revealed a desire in the LP to play with the big boys of American politics. However, Barr isn't going to get the 4 to 6% of the vote he says he's aiming for. If he matches the 1% the LP obtained in 1980, I'll be surprised. A more ideologically pure candidate probably would fare no better.

Face it, membership in the LP is a form of political onanism. It provides a release for libertarian frustrations, nothing more. If Libertarians actually wanted to achieve something, they'd turn the party into an advocacy group. They'd focus on issues and influence, instead of pretending they count as office-seekers. They should grow up and try to achieve something real, instead of playing at being a political party.

Jon Harrison
Poultney, Vt.

Ferguson responds: Four to six percent? Probably not, but failing to top Ed Clark's 1980 numbers would be quite a letdown. Barr's people have proven savvy enough to get him seen and heard; it remains to be seen if the money will come through. Still, a "more ideologically pure candidate" would come nowhere near 1%; if nothing else, the convention showed that the "libertarian wing" of the party was not prepared to run or counter a modern multimedia political campaign. Next time around, I expect they will be.

As to the LP being onanistic, well, sure, but only insofar as electoral politics is inherently so, especially in our mutually-masturbatory two-party system. If libertarians are to "achieve something real," it will be by working local elections, running for unglamorous county- and city-level positions, making people consider specific proposals rather than confronting them with philosophies. And if, in the meantime, Bob Barr is getting national press to talk about the evils of the War on Drugs, or the stupidity of our leaders rattling the spears for war with Iran (a good issue for him: he went to high school there), I'm all for that, too — given the preeminence of corporate interests, labor unions, and all the other hangers-on of the American social state, I think interviews on CNN and in Vanity Fair are about the best soapboxes libertarians can hope for, until the American public loses its taste for authoritarianism.

Erratum

The introductory blurb for Sandy Shaw's "Libertarian Like Me: The Search for the Libertarian Brain," (July, 2008) was, like most such blurbs, written by an editor to "tease" the article. At her request, Liberty's editors wish to clarify that the blurb, "Recent studies confirm evolved minds prefer liberty," is not an accurate representation of her thesis.

On the War Path

Although I am a great admirer of George Smith's writing, I believe that concentrating too hard on the finer points of philosophy can sometimes lead the unwary down ludicrous paths. When I read his question in "Thinking About War" (May), asking "Why should an innocent nation be constrained by the same rules of warfare that a guilty nation should observe?", I had to conclude that we had wandered down one of those paths.

First, since no nation will ever admit to being the guilty party, this question has zero practical application in the real world.

Second, real people in an actual war are daily consumed by precisely the opposite of this question: namely, how can a moral combatant compete effectively against an immoral combatant who thinks nothing of ignoring inconvenient restraints? This suggests that the other question is way off the mark.

Perhaps I'm just too much of an old

continued on page 54

Reflections

Good and hard — I'm not much of a fan of Winston Churchill's political thought. His most famous quote in that sphere, perennially trotted out by believers in polite mob rule, is "Democracy is the worst type of government. Except for all the others."

I'm much more sympathetic to his much less-known words: "The best argument against democracy is a five-minute conversation with the average voter." — Doug Casey

We're number one . . . in drug use — The United States has fallen behind in many international measures but still has the lead in a few. Despite draconian drug laws, a survey of 54,000 people in 17 countries finds that we are now number one in the percentage of the population experimenting with cocaine and marijuana. The drug war continues to bear out Herbert Spencer's dictum that the effect of shielding people from their own folly is to create a world of fools.

— David Beito

Talk is cheap — I have before me the June 16 Wall Street Journal, in which there is a full-page ad from the Federal Deposit Insurance Corporation. The top half of the page reads: "Insuring deposits up to $100,000 without anyone losing a penny." Except that instead of "$100,000," there is a picture of a $100,000 bill, and instead of the word "penny," there is a picture of a penny.

Of course, the pictured $100,000 bill is actually a gold certificate, and that denomination was used only among banks, not by individuals.

Is it merely a slip-up by a graphic artist on an internship, or a sick joke by an FDIC functionary, that the government reassures us of the soundness of our demand deposit accounts with a picture of a type of certificate — redeemable in gold — which the government long ago decided it would not honor?

I don't have the answer, but I'll try to rest easy knowing the FDIC insures my accounts for up to $100,000 — which is about 40% of the price of a full-page color advertisement in The Wall Street Journal. — Patrick Quealy

New blood — I recently sat next to Grover Norquist, the head of Americans for Tax Reform and the doyen of Washington, D.C., rightists. I asked him about the effect of the Ron Paul campaign. "Nobody came out to vote for McCain who wasn't already on his team," he said. "The new blood in the Republican Party this year was all Ron Paul blood." He added, "By staying inside the Republican Party and organizing for his ideas, he is replicating what the Christian Coalition did. This is going to be very helpful for the Republican Party for the next 20 years."

I asked him whether Paul would be expected to endorse McCain — something I had said in an article in Liberty. "It is not necessary," he said. "As long as he's not overtly hostile."

— Bruce Ramsey

EDDY IN AMERICA

Underwhelming conversion — If you needed any more evidence of the media's Obama bias, try this from the Associated Press, June 26: "WASHINGTON. Barack Obama has won over more than half of Hillary Rodham Clinton's former supporters, according to an Associated Press-Yahoo! News poll that finds party loyalty trumping hard feelings less than three weeks after their bruising Democratic presidential contest ended."

Of course, the ordinary victor in a major-party primary soon gets virtually all the support of his former rivals. In this case, the victor is getting (as one learns in paragraph nine of the article, if one happens to read that far) a whopping . . . 53%! And this disastrous performance, compounded by the fact that a quarter of the Clinton voters intended to vote for McCain, is billed as if it were good news. — Stephen Cox

It is as it does — I'm a great believer in using words correctly and defining them precisely. After all, if you don't know what a word means, how can you possibly know what you're talking about?

Take the word "stupidity." Members of the public, who themselves have a theoretical average IQ of 100, use it to denote someone of low intelligence. That's a fair enough definition. But it's a word often used in a thoughtless manner, as a pejorative. I too use the word "stupidity" often, but I like to think it's in a more technical and precise manner. There are two definitions of it I'm partial to. One is: "to be purposefully ignorant." The other, even better, usually, is: "to exhibit an unwitting tendency towards self-destruction."

Stupidity is a pervasive characteristic of government.

Indeed, the main problem one has when analyzing officials' statements is to determine whether they constitute evidence of stupidity or malevolence. It's often hard to tell the difference, as my second definition implies. In other words, are we dealing with a knave or a fool? Or both?

Let's take Rep. Maxine Waters (D-CA) during a House of Representatives hearing with oil executives, where she and her colleagues were basically accusing the oil executives of charging too much for gas. Waters said: "And guess what this liberal will be all about. This liberal will be about socializing . . . uh . . . um . . . will be about basically taking over, and the government running all of your companies. . . ."

Based on her grammar and diction, we might conclude that she simply suffers from low intelligence — but how somebody speaks doesn't necessarily prove anything. Let's now use my first preferred definition. Is she purposefully ignorant? Clearly, the knowledge of what happens when a government nationalizes a business is everywhere; so she's either stupid or she does know what will happen, which makes her malevolent. But the most likely case is that she neither wants

Word Watch

by Stephen Cox

Isabel Paterson said, "What this country needs is a lot less of all sorts of things." She was thinking primarily about governmental institutions. But what she said is also true of words, of expressions that infest the media long after the year or so to which strange new expressions are (perhaps) entitled.

Here are some words we can do without:

Around: "She's an advocate around inclusiveness issues." There's nothing wrong with "she's an," but every expression that follows those six letters is diseased. *Issues* has no content; *inclusiveness* is a pious cover-up for "forcing schools and businesses to hire, promote, and admit people whom they otherwise would not find qualified"; and *advocate* should be followed by *for*, so that the sentence would be forced to state exactly what proposals the advocate is advocating. But "around" is the worst word of all. It increases the sentence's intentional vagueness, while evoking a picture of the "advocate" whirling about the circumference of her "issues." Maybe the picture is accurate. It probably is. But we've seen enough of it.

As a nation, as a people, etc.: "It's time that we, as a nation, tackle the serious problem of . . . whatever." Thank you. For a minute there, I thought we might have to tackle it as a herd of aardvarks, but now I see I was wrong.

Behind: "I am proud to say that I have always been behind inner-city schools." Being *behind* used to mean "being secretly responsible for": "Nixon was behind the Watergate affair." Now it means something on the order of *liking, giving money to, making favorable mouthings about*, or simply *advertising one's affection for*. Let's try another usage: "Get thee behind me, Satan."

Cutting edge: "The federal government needs to get behind cutting edge research to convert our industries to clean burning alternate fuels." First, *alternate* should be *alternative*, and *behind* shouldn't even be in the sentence (see above). Second, getting behind a *cutting edge* sounds a little dangerous to me, although I guess it's better than getting in front of one. Third, and most important, cutting edge is a cliche that was tiresome in 1975. It's been eligible for retirement for many years. Why won't it go?

For the children: "This initiative is for the children of California." Any time you see the definite article in a context like this — "for the children," "for the veterans," "for the working people" — you know that someone is lying to you. For the children? All right, which children? For your cousin, age 16, who can't master arithmetic because he spends all his time texting and smoking weed? For the veterans? Which veterans? For the jerk in your office who can't be fired because he's a "Vietnam era armed forces member," and who can't work because he spends all his time texting and smoking weed? For which working people? You? Me? Are we the people who are going to benefit from the proposed bond issue? You see my point.

Homophobia, Islamophobia, and other *phobias*: "In the wake of 9/11, there's a wave of Islamophobia sweeping the country." *Wake* and *wave* are hardy cliches; we'll never get rid of them. But action needs to be taken against *phobias*. It's wrong (also stupid, silly, childish, and sometimes murderous) to hate people because they are homosexual or Islamic or whatever else. That doesn't mean that everyone who hates his neighbor does so out of fear (*phobos*). The use of *phobia* in political and moral contexts originated in the 1960s, as a neat way of propagandizing for the (perfectly correct) view that gay people have the same rights as others. But rather than meeting silly objections to homosexuality *as* objections, advocates for gay rights made the unfortunate decision to psychologize their adversaries, insisting by their choice of words that these people were secretly afraid of gays and, perhaps, of being gay themselves. That was dumb. Still dumber is the idea that fear of Islam must be opposed, simply because it is fear of Islam. Of course, Christians, Jews, and atheists are afraid of Islam "in the wake of 9/11." The question is, *should* they be afraid, and if so, of what kind of Islam? My own idea is that no one would use the term *Islamophobia* if he had a plausible answer to that question. And if you don't have plausible answers to obvious questions, you ought to stop making noise.

If it saves just one life: "If it saves just one life, this otherwise idiotic action will be worth the cost." In May of this year, in a high school in Oceanside, California, highway patrol officers entered 20 classrooms and announced the deaths of a number of students who had allegedly just been slain as a result of drunk driving. Later, the "dead" students' friends, who not unnaturally had become hysterical upon hearing this news, were told that it was all just an act, designed to illustrate the horrors of drinking. Some students objected to the vile trick that had been played on them, but others were cowed by the rationale of the supposed adults: "If it saves just one life, it's worth it." Now, there may be a situation, somewhere in this world, to which "if it saves one life" may be applicable. It may be true that we should all drive 15 miles an hour, in cars built to resemble tanks, and blow our horns every time we think we see a pedestrian, or another car, because this conduct may "save just one life." But I don't think so. I think

to be actively destructive nor is purposefully ignorant. She's probably just unwittingly self-destructive. I'd say it's a pretty airtight case, almost any way you cut it, that Maxine is actually, truly, stupid. But no more stupid than a large majority of her colleagues.

As proof of that assertion, I offer the fact that on May 20, the House of Representatives passed a bill, 324–84, which sets up a task force to investigate, and allows the Justice Department to sue, OPEC members for limiting oil supplies and colluding to set crude prices, thus subjecting foreign countries to U.S. antitrust laws. If the Senate passes its version, then presumably foreign heads of state will be required to testify in Washington and their countries' assets held hostage. Talk about an unwitting tendency to self-destruction . . . these people are really out of control. There will shortly be no foreign assets in the United States if the bill passes the Senate and succeeds in overriding a White House veto. — Doug Casey

Uppity with people — Shortly after Karl Rove referred to Barack Obama as "arrogant" there was outrage.

that "if it saves one life" is a substitute for logic — indeed, one of the most dangerous substitutes available. By using this cliche, one can justify any action whatever (short of actually killing someone on the spot) that could conceivably prevent a death. "If it saves one life" can justify the scrapping of every vehicle, the junking of every ladder, the closing of every restaurant, the smashing of every liquor bottle, the prohibition of every romance, the suppression of every political journal in the world. It can even justify the use of the public schools to lie to young people and frighten them into convulsions, which is what went on in Oceanside. "If it saves" is a noxious phrase, and it should be put in the convenient receptacle where other noxious things are put.

In the tank: "NBC is completely in the tank for Obama." I don't know how this expression got started, or what the "tank" originally was, but it's a pretty poor replacement for remarks about *favoritism*, *prejudice*, *bias*, and *journalistic hypocrisy* (all words that are fully and ripely applicable to the media's romance with liberal politicians.

In this country: "We have a healthcare crisis, in this country." This moronic sentence additive continues to grow more popular. Originally, it was confined to the fulminations of left-wingers. It was used to imply an unfavorable comparison of *this country* to all other countries, to lands of bliss such as France or Paraguay or the Republic of Central Africa that don't have "crises" over healthcare (often because they have neither health nor care to worry about). But now, even the Republicans are using it — one more proof that there's nothing backward about the Grand Old Party.

Negative and *positive*: "The New York Times painted a very negative picture of Sen. McCain." "Negative" and "positive" belong to the worlds of photography and mathematics. Period. I don't care how often you find them in other contexts — when they're used in those ways they are illegitimate substitutes for real adjectives: *unfavorable*, *sickening*, *gruesome*, *grotesque*, *absurd*, *repulsive*, *dangerous*, *Satanic*, *stupid*, and just plain *bad*; or *favorable*, *pleasant*, *nice*, *beautiful*, *wonderful*, *sexy*, *luscious*, *splendid*, *miraculous*, *angelic*, and just plain *good*. Why would you give up on all those other words, just so you, like The New York Times, could use "negative" or "positive" in every sentence you produce?

People who aren't like you, people who don't look like you: "And it's not surprising then they get bitter, they cling to guns or religion or antipathy to people who aren't like them . . . " (Barack Obama, on Americans who live in small towns). *Aren't like you*, *don't look like you* are ways of calling your opponents racists, without actually having to call them racists, and produce the evidence. They are hit-and-run terms. They deliver the blow, then act as if nothing was said. And, literally speaking, nothing *was* said. The literal accusation is meaningless: nobody dislikes other people just because they're not exactly like him or don't look exactly like him; otherwise, no one would ever have sex. So there's no reason to accuse anyone of this psychological misdemeanor, unless you intend something worse, unless you intend something so dreadful that you have to employ a euphemism — a euphemism for race hatred. That's how these expressions work. They're nasty stuff, and they're everywhere on the Left.

Proactive: "I think we need to be proactive about the fight against global warming." Barbara Branden tells me that she considers *proactive* one of the most repellent locutions on the planet. "If you're *active*," she points out, "you're *active*. What does *pro* add to it?" The answer is: Nothing, except the pompous person's delight in making words fatter.

White picket fence: "The nice little house with the white picket fence is becoming obsolete in America." I don't know whether people who use this cliche like or dislike the obsessively *white* picket fence, but I'm sick of it. I'm especially sick of it right now, because my neighbor has been waking me up every morning for the past three months, working on his stupid white picket fence — extending it, repairing it, and painting it the most glaring shade of white he could possibly find. But I suppose this doesn't matter. The idea that Americans like to own their own homes, and usually do so, shouldn't be ridiculed, either by me or by the multitude of pundits who hate the idea that Americans actually enjoy their little private capitalist homes with their silly white capitalist fences. These are the same pundits who shed crocodile tears whenever they think the modest abodes of the middle class have been rendered *unaffordable* by the capitalist system (a.k.a. *the banks and big lenders*). Well, make up your mind. Tell me which you want, private homes or state housing projects. Then you can talk about fencing.

Um: "The rich complain that they pay more than their share of taxes. Um . . . Is that because they already own the whole country?" The answer to that question is "No, rich people don't own the whole country; see 'White picket fence,' above." But here's what *um* is doing in the line I just quoted. *Um* is doing what *duh* often does (especially on blogs); it's just doing it more coyly. *Um* means, "I'm pretending to consider your idea for a whole, long second, so I can insinuate, without stating any reasons, that it's a stupid idea, so stupid that it's ridiculous even to consider it." This is grossly offensive. If you want to argue about something, go ahead and argue; but don't come out with this childish stunt: *Um. Duh. You're a tard, bro.* Bruce Ramsey alerted me to the threat of "um." He says he's tired of getting *ummed*. No wonder — and there's no one who merits it less than Bruce.

A message to readers who noticed that I put "Um" after "White picket fence," thereby violating alphabetical order: I apologize. I just wanted "Um" to be last, because, as Samuel Johnson said about "patriotism," it's the last refuge of a scoundrel.

Apparently "arrogant" is a code word for "uppity" and people have reacted to Rove's remark as if he really called him that. This has been going on for a while now. Last April, David Shipler alleged in the LA Times that " 'Elitist' is another word for 'arrogant,' which is another word for 'uppity.' "

I didn't even realize that "uppity" is an offensive word. If I remember correctly it was actually the word that often followed "uppity" that everyone took issue with. By itself, "uppity" doesn't have racial connotations. Any person who is acting insubordinate is "getting uppity." If Oprah's French maid refused to refresh the guacamole at Nancy Yi Fan's book signing, she would be getting uppity with Oprah.

It all seems to have started when we gave the political correctniks the right to start taking words out of the English language. Once the offensive words were gone they started on the rest. The only reason why "arrogant" has supplanted "uppity," is because we are no longer allowed to use "uppity" — a legitimate word, with a legitimate meaning. Perhaps it is not one of the nicer words, but all words have a purpose. It is just as important to have words that describe the darker side of human nature as ones that describe the good parts.

But if now we can't use the word "arrogant" to describe arrogance, then are we going to have to find a code word for *arrogant*?

Much like the popular "six degrees of Kevin Bacon" game ends with the realization that everybody is linked with Kevin Bacon; if we continue with this word game, we will shortly learn that every word in the English language is "code" for an ethnic slur. George Orwell himself couldn't have concocted a better device for destroying the English language.

Regardless, I see no purpose in Rove insulting Obama in a secret code. In fact, I think he just wanted to call him arrogant. — Tim Slagle

Blackout — African-American males are falling behind in the race to get a college education. Although black high school graduates attend college at a lower rate than whites (about 41%, compared to 47%), the major discrepancy is one of gender: about half as many black males attend college as black females.

The missing men were discussed at a recent symposium in honor of the distinguished black educator John Hope Franklin, held at Duke University. It turns out that there are quite a few initiatives to address the problem, ranging from the state-government-supported "African American Male Initiative" in Georgia to the private Student African American Brotherhood, which has motivational chapters around the country.

But it's not clear whether these programs are tackling the big problems. The biggest, in my view, is the schools.

Indeed, the educators at the symposium, mostly members of minorities, spoke persuasively about how badly African-American boys are treated by the public school system, starting at least in middle school. There were comments about how kids must start algebra by ninth grade or they will never get to college. Yet, one speaker said, public school teachers haven't been taught how to teach math, and the kids are "expelled" and "shuttled" and left to fend for themselves. In fact, said another speaker, African-American males are diagnosed for special education at twice the rate of white males.

But when I asked a panel whether vouchers and charter schools might improve this dismal situation, only one panelist spoke up. He focused entirely on the charters that had sprung up in New Orleans after Katrina (he did say that the public school system was "dysfunctional" before Katrina, too). But he warned against too many vouchers because they could erode the public system (the one that was dysfunctional before Katrina). No one else said a thing.

Attendees, both those at the podium and in the audience, made clear what the problem was. But there was no appetite to tackle it. There is too much emotional investment, I suppose, in our sick public schools. Yet little will be done about the missing males until something happens to our public schools. — Jane S. Shaw

Scrying game — If anyone had any doubts about whether occupational licensing exists solely to protect the various licensed occupations and not to protect the public, he only need look at the results of a recent Mesa, Arizona, city council meeting. Someone on the city staff had realized that the previously passed licensing of fortune tellers was really silly and put it on the "consent agenda" to be repealed. (The consent agenda is used for those matters that everyone is obviously in agreement on and, therefore, need no discussion.)

But when this came up, two fortune tellers demanded that the city retain its regulation because, they alleged, there are charlatans out there and the reputation and credibility of the licensed fortune tellers is at stake.

This is the situation with all occupational licensing. It is always promoted as protecting the public, but its real purpose is to protect the regulated professions. How about doing something that actually benefits the public, such as repealing these ridiculous laws? — Roy Miller

The energy civil war — As the economy continues to crumble under the weight of spiraling oil prices, there is a growing divide among Americans about how to respond. There seems to be a coalescence of public opinion into two broad camps, which I call Growth and Green. Several recent articles in The Wall Street Journal reinforce this perception.

The Greens, to use their own preferred label, broadly oppose fossil fuels and (in most cases) nuclear power. Faced with the question of what they want us to use for reliable energy on the huge scale we use it, they generally suggest "alternative sources" such as solar, wind, biofuels, or — a new one I heard from a Green participant on a recent talk show — "microalgae." And they want widespread, massive "conservation" — generally meaning artificial shortages, governmentally coerced by various means (such as taxes, cap and trade schemes, regulations, and various fees).

Indeed, given the clear high cost of their so-called alternatives, one suspects that Greens aren't really serious about increasing our supplies at all, but only want a rapid economic contraction. Their view seems to be that the sooner sinful humanity dies off, the sooner will Mother Earth begin to heal, with bunnies and wolves dancing through pristine forests paw in paw.

The first article (May 12) reports data from an independent federal agency, the U.S. Energy Information Administration, about how much taxpayer money is used to subsidize various sources of energy. As of last year, almost $17 billion was spent to subsidize the production of energy. In terms of

federal dollars per megawatt hour, the costliest forms of power are precisely the Green ones: "clean" coal ($29.81 per megawatt hour), followed by solar power ($24.34) and wind power ($23.37). Vastly less costly to the taxpayer are the traditional, i.e., the Growth, forms of power: nuclear ($1.59), hydroelectric (67 cents), normal coal (44 cents), and natural gas (25 cents).

To the inevitable Green reply that solar and wind power are new, so require more "start up" subsidies, the article notes that wind and solar have been heavily subsidized for many years, and still only generate about 1% of our electricity — compared to over 20% for nuclear power, even though no new nukes have been built for 30 years (thanks to Green opposition).

Again, if you look at the amount of taxpayer funding per BTU, you see that the Green sources again require an order of magnitude higher level of support than the traditional ones: biofuels require $5.72 of taxpayer funds per BTU, solar $2.82, and clean coal $1.35, as opposed to *3 cents* for oil and natural gas.

The proponents of growth, by contrast, support expansion of the proven, efficient sources of heat and electricity, while also supporting continued research into new sources of energy. The Growths don't want the *possible* best to be the enemy of the *actual* good: they want alternative sources of energy, but ones that actually work on the scale needed to allow the continued moderate economic growth that is needed for humans to flourish. The view here is that when human beings are able to have at least a decent level of affluence, they are most likely to be peaceful and productive — as Aristotle pointed out, a decent level of material wealth is necessary to allow virtue to develop. In particular, people are more apt to take care of their natural environment if they are first able to take care of their families and themselves.

For decades, the Greens have been able to advance their agenda in Congress and the courts, as low oil prices (because of slow growth in Asia and vast pools of oil in the Mideast) made it easy for the Growths just to give in. But in the face of the real likelihood of economic hardship caused by high energy prices, the struggle between the Growths and the Greens is becoming intense.

This is illustrated by a Journal report (June 9) that the Greens have once again been able to use their power to manipulate the federal EPA to thwart even moderate steps toward expansion of the supply of gasoline. Conoco-Philips had received approval from the Illinois EPA to expand one of its *existing* refineries (note, not to build a new one) to handle more of the heavy crude that Canada produces. Now, you would think that any measure that would help us switch from buying oil from the Middle East (where the money often helps to fund groups of people devoted to blowing us up) to buying it from Canada (whose citizens at worst evince a snooty disdain for us) would be welcome. But no, not to Greens.

The Illinois chapter of the Sierra Club, together with another Green gang, the American Bottom Conservancy, got the federal EPA to block the expansion, sending it back to the Illinois EPA for yet more review. In their filing, the Green groups alleged that the company wasn't using the best available technology (a charge that the company disputes). But it is obvious that whatever technology the company had proposed, the Green gangs would have attacked it with endless legal challenges. The Green agenda opposes all new exploration, drilling, and refining here in the U.S.; indeed, it proposes to destroy what we already have.

This brings us to a third Journal piece (June 12), an editorial criticizing the "dysfunctional" federal energy policy. ("Dysfunctional" I take to be a euphemism for "insanely self-destructive.") The piece points out that our lack of domestically-produced oil — now at its lowest level in 60 years — is the result of our own deliberate policy.

For example, Congress has renewed a ban on offshore drilling every year since 1982, and a 1990 executive order banning offshore drilling has seldom been waived, even by the supposedly pro-oil Dubya. This blocks us from extracting an estimated 86 *billion* barrels of oil (which would produce 2.32 *trillion* gallons of gasoline and diesel), not to mention 420 *trillion* cubic feet of natural gas.

In addition, Congress has continuously blocked the development of the over 10 billion barrels of oil (equivalent to over 270 billion gallons of gas and diesel) in ANWR, even as late as last month — while unemployment jumped from 5 to 5.5%! Last year, the same crazy Congress blocked the leasing of federal lands containing 80% of America's oil shale, estimated to hold 1.8 trillion barrels of oil (or almost 50 trillion gallons of fuel, which is roughly equivalent to 200 years' supply).

To Growths, this is just plain nuts. We can address our energy needs by simply moving toward nuclear power for our electricity and opening up our own immense fossil fuel resources for use. But the Greens will fight bitterly every step of the way.

The Journal article contains one ray of good news, at least for us Growths. The most recent Gallup poll shows that 57% of Americans favor opening wilderness and coastal areas, with only 41% opposing. And only 20% blame high oil prices on big oil companies — this, after months of Democratic demonization of those companies. In truth, the Democrats need to bash the oil companies, in order to obscure the fact that it is their party, so dominated by Greens, that has created this crisis. But the Growths may be starting to turn the tide. — Gary Jason

Men in black — I state in "Corruption and Hope in South America," (page 29) that unlike socialists, the fascists

"Keep it under your hat, but I want you to enrich some uranium."

don't have a philosophy — if you care to so dignify their assertions. But they do, after a manner. Take this quotation from Mario Palmieri ("The Philosophy of Fascism," 1936):

> Economic initiative cannot be left to the arbitrary decisions of private, individual interest. Open competition, if not wisely directed and restricted, actually destroys wealth instead of creating it. . . . The proper function of the State in the Fascist system is that of supervising, regulating and arbitrating the relationships of capital and labour, employers and employees, individuals and associations, private interests and national interests. . . More important than the production of wealth is its right distribution, distribution which must benefit in the best possible way all the classes of the nation, hence, the nation itself. Private wealth belongs not only to the individual, but, in a symbolic sense, to the State as well.

It's a great description of how most Americans think and feel. It could come out of the mouths of any of hundreds of popular economic and political pundits, or any of hundreds of Congresscritters. They like the idea of fascism; they're only embarrassed that previous fascists were so stuck on those silly black uniforms. — Doug Casey

Lament of the FBI — Robert Mueller, the director of the FBI, is upset about the *Heller* decision. Flanked by armed FBI agents, he declared that "weapons harm people, and more often than not they harm the people carrying them." It is understandable why Mueller would think this. It was his agency, after all, that gave us the legendary Lon Horiuchi, a graduate of the Barney Fife School of Marksmanship.

— David Beito

This is not a distinction — Brad Jayakody, a British IT consultant, was not allowed to board a flight at Heathrow airport because he was wearing a T-shirt showing the Transformer Megatron holding a gun. Transformers are robots that can convert themselves into other objects. Megatron can convert himself into a gun. So, as Stephen Colbert put it, for all the TSA agent knew, the T-shirt was actually a picture of Megatron holding another Megatron, "and, obviously, we just can't have that."

Is this simply an example of one idiot working for a government bureaucracy? Or is it policy?

Consider the plight of Marnina Norys, who was prevented from boarding a plane in Canada because of her silver necklace with a 1.75 inch Colt .45 replica. Norys explained that the small silver ornament was not actually a real gun and couldn't actually shoot real bullets. But an official with the Canadian Air Transport Security Authority, in justifying their decision to the press, stated, apparently with a straight face, "How do you know it wasn't a real gun?"

The French painter René Magritte is known for his highly realistic painting of a pipe, under which he painted the words "*Ceci n'est pas une pipe*" ("This is not a pipe"). The painting, titled "The Treachery of Images," makes the point that there is a difference between a thing and an image of a thing. One would be making a category error if one tried to light up the painting after stuffing it with tobacco.

Perhaps a libertarian entrepreneur could make a T-shirt of a Glock semiautomatic, under which would be written "*Ceci n'est pas un fusil.*" Granted, those hired for TSA positions are not known for their philosophical acumen, to say nothing of their sense of humor, but the shirt would make a statement, and possibly even a Supreme Court case. It would be ironic indeed if the Supreme Court, having just ruled that Americans have 2nd Amendment rights to own a gun, would subsequently conclude that we don't have First Amendment rights to wear a t-shirt with a picture of a gun, making a political statement to the gray-shirts of the TSA.

Ceci n'est pas un pays libre. — Ross Levatter

Presidential politics — So, Bob Barr carries the standard for the LP in this year's presidential election. The former Republican congressman from suburban Atlanta is a convert to the ideals of limited government and classical liberalism.

He carries some heavy baggage — the heaviest being the central role he played in drafting and sponsoring 1996's odious Defense of Marriage Act.

There are many reasons to dislike the DoMA. It is a state intrusion into the private realm of personal relationships. It's a pretext: a law clearly aimed at preventing same-sex marriage while claiming instead to uphold so-called "traditional" values. It was drafted and supported by hypocrites, men like Bob Barr and Bill Clinton who were trying to hide their own contempt for traditional marriage behind legislative gestures.

Barr has been divorced twice and married three times. Apparently (and against all physical evidence), he has long been a womanizer — according to some media outlets, he cheated on his second wife with the woman who would become his third.

A weakness for the ladies and multiple divorces don't make Bob Barr a bad presidential candidate. What does? Shamelessness and hypocrisy. Having a nontraditional approach to marriage while enforcing "traditional" marriage on others.

Barr spent an entire career drafting and supporting laws that tried to dictate how people should live. He was a staunch supporter of the War on Drugs. He was a willing cog in the machinery of an expanding state.

It bears note that Barr lost his congressional seat, in part, because the Libertarian Party in Georgia targeted him for attack because of his support for the War on Drugs. Barr's father was a military officer and a disciplinarian; perhaps there is a Freudian quality to the officer's son seeking the nomination (and approbation) of the party that punished him.

The LP should have chosen someone else.

Barr's rise within the LP illustrates the Party's fatal shortcomings. Its decentralized nature (its main appeal) leaves it prone to being overrun by charlatans and hypocrites.

In the meantime, Ron Paul does more for the cause of limited government by working within one of the establishment political parties. GOP operatives, aware of the shortcomings of their presidential candidate, talk a lot about making room in their party for "the Ron Paul people." In other words, the Republican Party needs to do things that will attract — or refrain from doing things that will repel — principled, limited-government advocates.

Paul does something for people who love liberty by reminding porcine Republican leaders to make room for "his" people. Barr does little for anyone with his very public journey of self-discovery. — Jim Walsh

Bury his heart . . . — My old friend Russell Means recently reappeared in the news. That's because he is in back of the Lakota Nation's "declaration of continuing independence" from the United States, issued December 21, 2007.

"We are no longer citizens of the United States of America and all those who live in the five-state area [parts of Nebraska, South Dakota, North Dakota, Montana and Wyoming] that encompasses our country are free to join us."

Russell went on to say the new country would issue its own passports and driving licenses, and living there would be tax-free.

Sign me up.

It's true the Indians (and Russell prefers that term to the politically correct "Native Americans," believing that when Columbus met them, he referred to them as people who lived "in Dios," or with God) have generally gotten a bad deal. But throughout history, technologically backward people have always had their lands taken from them by more advanced invaders — not that that makes it right. And it certainly seems true that the U.S. Government has violated all of its treaties with not only the Sioux, but every Indian tribe. Russell argues that withdrawing from the treaties is entirely legal because Article Six of the Constitution states that treaties are the supreme law of the land.

But since the whole U.S. Constitution is essentially a dead letter anyway, it's a meaningless point.

It's easy to understand why a self-respecting Indian would be unhappy about his ancestors' bad luck, and the fact that many billions of dollars that were supposed to go to them were misappropriated by the criminally mismanaged Bureau of Indian Affairs. And, since they've been treated as wards of the state — basically welfare cases — for generations, Indians as a group suffer more alcoholism, chronic unemployment, high crime rates, and bad health. The same problems as among blacks, and for the same reasons.

Indians have a justifiable beef with the U.S. Government. But my advice, unless you want to be a Professional Indian, is to get over it; revanchism creates nothing but problems. Instead, stop drinking, adopt good work habits, and open a casino. Professional Indians, like Professional Irishmen, can easily become parodies of themselves. I prefer to associate with people who see themselves first as people, not as members of ethnic groups, which are simply accidents of birth.

Russell has opted for a different path. He's a cross between Crazy Horse and Al Sharpton; Sitting Bull and Jesse Jackson. He loves the spotlight, and since he joined the American Indian Movement in 1968, he's basically been a professional activist, participating in AIM's occupation of Alcatraz in 1970, Mt. Rushmore in 1971, and the Bureau of Indian Affairs in 1972. He led the famous standoff at Wounded Knee in 1973. In 1984 he ran as a Republican VP candidate with Larry Flynt. He ran against Ron Paul to be the 1988 Libertarian candidate for president. But he's best known for his acting roles, notably in "Natural Born Killers" and "Last of the Mohicans."

I spent a few days with Russell when he came to a couple Eris Society meetings, and then we were on the board of the Fully Informed Jury Association together for a while. I found him to be the kind of guy you want to like, but he's got such a chip on his shoulder, it's offputting. He's always looking for a real or imagined slight, making him volatile company. It's true that he has libertarian inclinations. But, to Russell, everything takes second place to being a Professional Indian, and going down in history as another Geronimo, or King Philip, or Pontiac.

The Lakota independence movement is a step in the right direction — in that I'd like to see the United States break up into about 300 million sovereign entities — but it's unlikely to get anywhere. One reason for that is that Russell and his co-conspirators don't actually have standing to speak for 100,000 Sioux. They couldn't even keep AIM, where everybody shared a common goal, together in the '70s. The Lakota independence movement is, regrettably, basically a publicity stunt, if only because most Indians are — as Russell will readily admit — complacent, apathetic, and corrupted by the negative aspects of the White Man's civilization.

But it's symptomatic of what's going on all over the Western Hemisphere. Morales in Bolivia and Chavez in Venezuela aren't simply socialist throwbacks to the '60s; they're also Indian nationalists. It's why Russell's group visited the Bolivian and Venezuelan embassies, as well as the U.S. State Department, when they made their declaration. In September 2007, the United Nations adopted a nonbinding declaration on the rights of indigenous people. Of course, resolutions like that are worth nothing, but they're indicative of the tenor of the times. You can absolutely plan on more lawsuits, roadblocks, protests, and grandstanding all over the world from indigenous people whenever there is proposed development (often meaning a mine) on what they consider to be disputed land. At a minimum, a politically correct shakedown is worth a few million bucks.

If, by some chance, Russell gets some traction with a significant number of Indians, or starts getting money from Morales or Chavez, the U.S. Government will take action. Which would suit Russell just fine. He's not a "hang around the fort" Indian, and, at 67, probably wouldn't mind going out in a blaze of gunfire with the Federales. Then I'd feel saddened to do another obit. — Doug Casey

Blame speculators — Conservative talk show host Bill O'Reilly has joined the chorus of voices who blame the soaring prices of oil and gasoline largely on speculators and who suggest that Congress could rein in the evildoers, if only it would. As Joseph Schumpeter observed in "Das Wesen des Geldes" (1970, p. 59), it is an old, old "theory" that market disorders, in foreign exchange in particular, are "the work of evil speculators, enemies of the country, whose activities must be put down."

The chorus of blame does not utterly ignore the "fundamentals" of oil. These include growing demand in China and India and at home, geological and political obstacles to discovering and exploiting oil deposits, and restraints on production by the OPEC cartel.

Less often emphasized is weakness of the currency in which oil is priced. Several years of too loose a monetary policy have been eroding the dollar's purchasing power and foreign-exchange value, besides causing other disruptions. (I don't particularly blame Ben Bernanke and his colleagues, though; for, without hindsight, I wouldn't have known how better to operate the flawed Federal Reserve system.) Anyway, as Irving Fisher regretted already in 1911, people

are inclined to blame inflation on conditions affecting specific markets: crop damage, bad fishing, natural disasters, monopolies, unions, and so forth ("The Purchasing Power of Money" [1985 reprint, pp. 174-183]). The underlying monetary cause is obscure because inflation proceeds raggedly, raising some prices before others and making those that respond earliest or most sharply appear to cause the whole upward procession. Nowadays, the price of oil is one of those symptoms mistaken for causes.

No conclusion follows from how cheaply oil from existing wells could be gotten out of the ground and transported. That expense is only part of the full cost, which in this case includes the so-called opportunity cost of losing future supplies by premature exploitation. Part of the logic of private property in land and resources and of their markets and prices is that they promote conservation. Here this means sensibly spacing exploitation over time, to the extent that unavoidably imperfect knowledge and foresight permit. If something is likely to be relatively scarce and high-priced in the future, that is reason to start economizing on it now by allowing those expectations to affect its current price. In a well-functioning market, the current price includes opportunity cost in the sense explained.

Free-market prices in effect move some of a currently abundant good or resource into the future of relative scarcity (or, in the opposite case, move some of a relatively abundant future good into today's time of scarcity). Prices and responses to them in effect transform a relatively abundant and cheap good into a more valuable one, creating wealth like the wealth that physical production creates. Astute speculators contribute to this price determination and wealth creation. They earn profit as a fraction of what they create. Speculators have a profit-and-loss incentive to get their facts and assessments right. Those who are consistently wrong lose money and tend to abandon the market. Even when speculators are wrong and lose money, the other market participants arguably benefit.

In active commodity markets, much more of the trading takes place in contracts for future settlement than for current actual delivery of the good traded. Few traders in futures are in a position to make or take actual delivery of the thing traded; rather, as everybody understands, profits and losses will be settled in money.

Nothing is scandalous about this arrangement. More traders can apply their knowledge and assessments to the market than if trading were limited to deals for actual delivery. The activities of these traders in mere paper, often so scorned, make the markets more active and liquid than they would otherwise be, and less vulnerable to manipulation by one or a few big players. They make the markets more available and dependable for hedgers, who are actual producers and users of the things traded and are trying to shed price risk by agreeing in advance on prices to be received and paid at a future time. Again, speculators are productive.

Arbitrage links futures and spot prices (prices for actual present delivery), so a rise or fall in the futures price contributes to a spot-price move in the same direction. (Spot/futures differentials hinge on such factors as interest rates, storage costs, and transactions costs.)

Am I painting too rosy a picture of speculation? Market manipulation, as by collusion and false rumors, would be a different matter. Speculation by index funds trading in preestablished baskets of commodities, as distinguished from speculation on individual commodities in the light of conditions specific to them, is an issue on which I reserve judgment.

At any rate, before heeding popular clamor, members of Congress should try to pinpoint the specific market distortions, if any, to be addressed. They should consider whether contemplated remedies might do more harm than good.

Unfortunately, to judge partly from committee hearings shown on C-SPAN, they prefer to make speeches in the guise of posing questions; they badger witnesses for predictions about how quickly the proposed legislative or administrative remedies would take effect.

One witness, however (to judge from the snippets of testimony that I saw), provided an admirable example of diplomacy. Badgered to agree that speculators were to blame for the high price of oil, the head of the Commodity Futures Trading Commission did not identify the questioners' economic ignorance, but tactfully replied, "So far, we have no evidence to that effect" (or some such words).

Senators and representatives should spend less time sitting and speechifying in hearings and save some time to learn the pertinent economic analysis. Their behavior is, however, readily understandable in the light of Public Choice theory. So are the reasons why economic ignorance is an actual advantage for honest politicians: they can practice economic demagogy with a clear conscience, not knowing any better.

— Leland Yeager

Impossible expectations — Recently, I overheard this exchange between two supporters of Sen. Obama:

"He's really going to change *every*thing."

"I *know*. He knows what it feels like to be ignored; he's going to change everything."

An agent of change whose core support is from the SEIU and teachers' unions? Someone used to being ignored — at Punahou prep, Columbia, and Harvard Law?

If Obama is elected president, get ready for the backlash: a generation of cynics whose hearts were broken by the messiah who turned out to be just another silver-tongued statist hack.

— Jim Walsh

Game of kings — Economics studies how people go about producing and consuming. Politics studies how some people decide who gets to consume what others produce. It's not a game. At its most artful, it's a swindle. Far more commonly, it's a large-scale mugging dressed up with slogans, rhetoric, bunting, and those jaunty straw hats with the red, white, and blue bands the delegates sport at conventions.

The political story of the U.S. is one of persistent and entirely un-American growth in government. America was once unique, being the country where — to a great extent, anyway — an individual was sovereign as long as he just observed the two great laws: 1) Do all that you say you will do, and 2) Don't impinge upon other people or their property.

"Democracy" and "majority rule," contrary to popular belief, have little to do with the essence of America. Liberty, not democracy, was the central virtue; democracy of an attenuated sort was valued largely as a barrier to the tyranny of kings. Indeed, America is much more an idea than a nation or a place.

That said, although the United States still has many advantages over most other places, it no longer represents the values that once made it stand out. It's become highly politicized, a country where perhaps half the people are net recipients of largesse from the state. What you can do, how you can do it, and when you can do it, are pretty much determined by law. No swimming. No fishing. No talking. No running. No jumping. No loitering. No speeding. No smoking. No drinking. No privacy. No joking. No shoes. No sassing. And you pay about 40% of what you produce for the privilege of asking for a hall pass.

It's not just that the president resembles an emperor. It's that the huge bureaucracies that rule in his name — most prominently now the Department of Homeland Security — have lives of their own. They're mindless, predatory robots that can't be killed, and they're very, very dangerous.

Is there any hope of a change in trend? On the contrary, there's every reason to believe the trend is going to continue accelerating. The Reaganites once said, "If not us, who? If not now, when?" That question has been definitively answered.

And each of the candidates for president seems worse than the other. It's pretty much the situation the Romans confronted after Augustus. When Tiberius died, they thought things would get better. Then they got the moron Claudius. And then Nero. Surely it couldn't get any worse . . . but then came Caligula. Etc. Etc. — Doug Casey

Third-party tug-of-war — Ron Paul will not be leading his supporters this November as a third party or independent candidate, which means that the Paul vote is officially up for grabs. Neither Sen. Obama nor Sen. McCain has paid any attention to them since they secured their respective party's nominations, but they haven't been ignored. Actually, the race for the Ron Paul vote has pitted against each other the two largest third parties in the country: the Constitution Party and its candidate, Chuck Baldwin, and the Libertarian Party, led by Bob Barr. Although Paul failed to win a single state in the Republican primary and only garnered about 50 delegates, Baldwin and Barr have recognized in his voters a few elements that could jolt a third party into respectability: high energy, deep commitment, expertise in internet programming, and enthusiastic willingness to donate huge amounts of money, mostly online.

The two candidates' approaches have been different: Baldwin is targeting the traditional, Buchananite conservatives while Barr is focusing his appeal to the staunch supporters of radically limited government. They've made their pitch to the Paul voters directly and unmistakably.

Baldwin, the CP's 2004 vice-presidential candidate, had been a vocal supporter of Paul's presidential campaign, which he officially endorsed, throughout the primary season. After Baldwin captured the CP nomination in the last week of April, he made clear his intention to reach out to Paul voters in an email he sent out to supporters, which contained an essay entitled "If I Were President." This essay, a basic summary of the goals of a Baldwin Administration, mentioned Paul's name five times, cited two pieces of legislation that he sponsored — the Sept. 11 Marque and Reprisal Act of 2001 and the Sanctity of Life Act — and reminded readers of his endorsement of Paul's candidacy in the Republican Primary.

If you browse through Baldwin's official campaign website, www.Baldwin2008.com, you will also find numerous references to Ron Paul and his ties to Chuck Baldwin. In the "Issues" section, Baldwin cites the two aforementioned bills sponsored by Congressman Paul and discusses them at length. If you're looking for websites that Baldwin recommends, simply visit the "Links" section and you'll find a list containing a number of sites explicitly devoted to Ron Paul and his work.

Are Paul and Baldwin friends, you ask? Check out Baldwin's "Media Center," flip through his picture montage, and you'll come across one with Paul and Baldwin standing with each other, smiling amiably.

What does Paul have to say about Baldwin? If you visit the "What People Are Saying" tab under the "Supporters" section, you'll find two complimentary quotes by the Texas congressman. In one, Paul states, "(Chuck Baldwin) is a good friend. He's worked very hard for my campaign." In the other, he notes that, in regard to Baldwin, "His views are very close to mine."

If you stay in the "Supporters" segment of his website, but click on the "Endorsements" tab, you will find a list of Baldwin supporters divided into "Endorsement Groups," ranging from military officers to Christian ministers to businessmen, and many more. One of these groups is aptly named "Ron Paulers," former supporters of the Paul campaign who feel that Baldwin is best fit to continue the "revolution" — as opposed to Bob Barr, who is targeted in some of these endorsements and dismissed as an untrustworthy neocon with no place in the Ron Paul movement. Which brings us to the Libertarian nominee.

Bob Barr, the former Georgia congressman and leading figure in the Clinton impeachment, has made similar efforts to woo the Paul voters through his website and television interviews. When discussing his appeal to these voters with Neil Cavuto on Fox News, Barr stated, "Certainly, the message that we bring to this campaign, and that is of limited government, and greatly enhanced individual liberty, shrinking the size of the government, government spending being dramatically cut, will appeal, we believe, very strongly and very clearly [to Ron Paul's supporters]." In order to reach out to this bloc, Barr includes "Talking with Ron Paul supporters" as one of the activities that he encourages of his volunteers on the "Get Involved" page of his website.

And then, when Ron Paul officially terminated his campaign for the presidency, Barr released this statement: "Congressman Ron Paul has fought tirelessly in both the Libertarian Party and the Republican Party to minimize government power and maximize individual liberty. I want to thank him for all that he has done for liberty in this nation, and encourage him to continue his fight through whatever avenues he sees fit." Clearly, Barr hopes that one "avenue" comes in the form of an endorsement for his candidacy; to his disappointment, Paul has made very clear that this is not going to happen.

When asked by CNN's Wolf Blitzer about whether he would endorse Barr's campaign, Paul said this: "Well, I think he's running a very important race and I'm encouraging him. I haven't endorsed him, but he's saying the kind of things that I like to be heard said and I hope he does real well. But we also have Chuck Baldwin, who runs on the Constitution Party. His

views are very, very close to mine, and he worked very hard in my campaign, so for me to pick one over the other is not easy. I hope they both, together, get a lot of votes."

This semi-endorsement of both of their campaigns is more than Paul has ever given fellow Republican John McCain, whom he has thus far refused to endorse. Paul has never publicly stated that he hopes that McCain will get "a lot of votes," or even that he will get more votes than Barack Obama. In any case, it seems that Paul will vocally support only these third-party candidates, but endorse none.

This leaves the movement of the Paul vote completely up to the voters themselves. Disgruntled Republican primary voters who voted for Paul only as a "protest" vote against his competition may be more inclined to remain with their party in the general election and cast their vote for McCain. But those deeply committed to his campaign — the internet wizards, the vocal cheerleaders at the televised debates, and, of course, the money bombers — will almost definitely not vote for either major-party candidate. Whether they move into the Baldwin or Barr camps, or simply stay home this November, the decisions of this small group of supporters could very well have a profound influence on this election and may even make third-party history. — Matt Varvaro

Jimmy the bigot? — In July's Liberty this reflector told you about former President Carter's journey to Damascus, which resulted in a dispute between Carter and the State Department over whether the former president was officially warned not to meet with Hamas leader Khaled Meshal.

Israel's ambassador to the UN, Dan Gillerman, commented on the Carter-Meshal meeting by calling Carter a bigot. Gillerman used that exact word. Bigot, of course, is another term for anti-Semite.

Now, Carter may or may not be much of a diplomat (though he did broker the Israeli-Egyptian Camp David accords). He may be a liar. But I don't believe he can realistically be called an anti-Semite.

Gillerman's attack on Carter is an example of what Ayn Rand called "the argument from intimidation," which, she stated, "is not an argument, but a means of forestalling debate . . . [it] consists of threatening to impeach an opponent's character by means of his argument, thus impeaching the argument without debate."

Gillerman doesn't like Carter's view of the Israeli-Palestinian dispute, but rather than argue his case on its merits, he dismisses the ex-president by libeling him. Given the historical precedents, Gillerman should be ashamed of himself. — Jon Harrison

Obama's war? — A friend of mine who's an unreconstructed bleeding-heart liberal rues the future — although he thinks Barack Obama will be elected president in November. My friend is a pacifist who tries to apply his beliefs consistently. He believes that both major U.S. political parties are captive to what he calls "imperialist" corporate interests; and he thinks that Obama will prove to be as much a warmonger as W. Bush has been.

Obama may withdraw from Iraq. And he may not engage Iran militarily. But, my pacifist friend predicts, President Obama will send the Marines and more into Darfur.

This scenario makes some sense. For years, the American Left (and particularly the Hollywood Left) has been calling for military intervention to stop Sudan's war against its breakaway province. These people believe military action is justified to prevent genocide — even though one man's genocide is another man's civil war.

A political bonus: that justification might also give political cover to more Machiavellian goals.

China's political and economic ties to the Sudanese regime could draw the rising superpower into a North African quagmire. According to my pacifist friend: "All those Kissinger wannabes at Harvard will look at a proxy war in Darfur as a chance to bleed China."

Obama would seek international support for a war to achieve the humanitarian goal of Darfur's independence. Doing so, he would rebuild diplomatic bridges burned by his predecessor. And he would isolate China in its support of Sudan, which would cost China money, military resources, and world opinion.

What about Obama's professed opposition to foreign military entanglements?

My pacifist friend scoffs: "That's just campaign rhetoric. These guys are all the same. They're like junkies and military entanglements are like heroin. Wars make them feel important."

Maybe so. Maybe, come 2016, we'll hear hair-splitting arguments about how they were always against war in Darfur (despite their voting records) from the next crop of candidates. — Jim Walsh

Offshore flippers — The looming possibility of a severe recession — if not an outright depression — caused by skyrocketing oil prices is making a number of politicians publicly revise their previous opposition to offshore drilling. Those who have flipped to favor finding and using any oil located on the American outer continental shelf now include Reps. Roscoe Bartlett (R-MD) and James Walsh (R-NY). They join Gov. Charlie Crist of Florida, who had earlier changed his mind on the issue. All three had been prominent critics of the idea, but now want to see the federal ban lifted so that states can pursue the policy.

And Sen. McCain has joined the bandwagon. He has long had the reputation of being pro-environmentalist — if not a deep Green, at least a sort of mint color. He now favors removing the federal bans on offshore drilling, and leaving it to the states to decide what to do. People in California would likely oppose drilling offshore there — as of last year, a poll showed that Californians were opposed by a 52% to 41% margin, and Gov. Schwarzenegger has restated his opposition. But with recent polls showing that the majority of Americans have now come to favor the policy, Floridians seem to be warming to the idea, not just for the oil revenues but also for the large number of high-paying blue collar jobs it would bring.

Unfortunately, McCain's position doesn't seem to square very well with his continued opposition to drilling in ANWR. After all, Alaskans are generally supportive of opening up ANWR, or at least the one-tenth of 1% of the area that would actually be involved. Perhaps that is because all Alaskans get an annual check for their share of the state's oil revenues.

Part of the reason for the new willingness to consider offshore drilling is, of course, the price of gas. But part, too, is

the growing realization that the drilling technology is much safer today than 40 years ago, when a large oil spill despoiled the beaches at Santa Barbara. Despite a number of major hurricanes in the Gulf of Mexico — including Katrina — the oil rigs have not leaked any appreciable amount of oil. Indeed, on average, offshore rigs leak only about 870 thousand gallons of oil annually, compared to the 47 million gallons of oil that leak out naturally from the seabed. — Gary Jason

Urban legends — On a recent walk through my local video store, I noticed how many of the titles fit into the horror genre. While that kind of film lost its appeal to me years ago, I still get a kick out of them. The plots today are as predictable as Scooby-Doo cartoons, and the idea of suspense has been replaced with gallons of fake blood spraying under pressure that would be impossible to find in a human body.

But it goes to show how much humans like to be scared. These films rake in billions of dollars satisfying a primal urge to face mortal danger, without the discomfort of leaving your living room. Ditto for the popularity of roller coasters, a market entirely based on tickling that part of your brain that reacts when you are about to plummet to your death.

So it should be no wonder why bad news stories are always the more popular. Nobody wants to hear good news; they're looking for a scare. Just like nights around a campfire are most often spent telling ghost stories, news outlets like to tell people that their untimely end could be lurking in the basement.

I think that any story about global warming, health risks, or impending economic chaos should be treated the same way: like a ghost story, a roller coaster, or a monster movie. It's a great ride, but don't for a minute think that it's real.

For those of you who have a propensity to believe these things, remember: the stories of New York someday being submerged are just another version of the little girl, who died 30 years ago tonight, right here, on a night much like this . . . — Tim Slagle

If only it was Ponzi — All residents of British Columbia are getting a check for $100 as a "climate action dividend . . . to make it easier . . . [for them] to choose a lower carbon lifestyle." The letter accompanying the check is signed by Premier Gordon Campbell.

The wife of a friend of mine is looking for ways to use this money to make a better world; my friend is fuming. He says that all the government is doing is taking a lot of money away from him in taxes, then returning a very small bit of it — literally stealing thousands of dollars with one hand and returning pennies with the other.

His wife and children may look at the government as a benevolent entity, but isn't it funny that government did absolutely nothing and still gets the credit for doing something, while my friend's slogging for his family is seen by them as his own responsibility? No wonder the situation with families in the West just keeps getting worse.

But that is not the point to think about today. One must think about the check itself, and wonder why the very educated people of Canada cannot see this utterly childish farce for what it is. This is not a complex pyramid scheme created by crooked businessmen, but a scheme created by extremely dumb and lazy people in the government.

The people should be able to see what is right in front of them . . . the government is mailing the checks to millions, spending money on tons of paper and postal resources, and creating a huge carbon footprint. Even with my agnostic views on climate change, I find this a destructive waste. Anyone not suffering from a warped sense of reality should feel angry, very angry. — Jayant Bhandari

The poverty of nations — It's a funny thing, how in each era leaders all around the world seem to mirror one another. It's as though they all read the same political fashion magazine. Hitler, Stalin, Mussolini, Franco, Roosevelt, Mao, Peron, De Gaulle, etc., etc. — all of them strong, nationalistic, collectivist-minded leaders. They typified the '30s and '40s. When the '80s arrived, Reagan, Thatcher, Deng, Yeltsin and many others of similar orientation resembled each other — believers, to a fair degree, in the market, globalism, and more individual freedom. What's the next crop going to be like? Putin and Bush certainly aren't a happy start. But leaders tend to be products of their societies.

I'm of the opinion that the nation-state — a perfectly horrible idea that's only been around for a few hundred years, even though people think it's part of the cosmic firmament — is on its last legs. That's thanks to things like cheap jet travel, truly global businesses, and the internet. But its demise won't come next week.

Because people are tribal when you agglomerate them, they immediately tend to see any other agglomeration as a potential enemy. My nation (whether I'm Chinese, Indian, American, Russian, Somali, or whatever) is smarter, more righteous, more deserving, and generally better than any other simply because that's where I live.

One result of this atavism is that governments are embargoing the export of farm commodities all over the world, to keep domestic prices down. Of course this is idiotic, because lower food prices within productive countries only mean less food will be produced, lowering the standard of living for both producers and consumers everywhere. Governments in a number of countries are also levying confiscatory taxes on the production of oil and minerals, which will have exactly the same impoverishing effects. These things are likely to be seen as hostile moves by other countries that can be expected to reply with economic counter-measures. Or perhaps military ones. Surpluses make for easy living; shortages are a *casus belli.*

I don't believe the Romans had truly friendly relations with any of their neighbors. Ever. If they weren't client states that rolled over, they were conquered — or at least attacked. But it's a bad model. In those days it was possible to steal wealth, and it was acceptable to massacre entire populations. Genocide wasn't a crime, it was proof of success. Today, wealth actually disappears when it's stolen, as "Atlas Shrugged" explains at great length. Wealth is increasingly the energies of people, as opposed to stuff. — Doug Casey

Geek twilight — Bill Gates completed his last full day at Microsoft on June 27. He's stepping back to focus mostly on the work of his philanthropic foundation.

Good things come out of Microsoft; parts of the Office suite come to mind. But the real innovators often leave Microsoft, and Bill Gates, in the dust.

The product that put Microsoft on the map was MS-DOS, which was a tweaked version of software it bought from another company. Gates' role was not that of a programmer, but a broker, between IBM and geeks who had less business sense than he did. That formula worked well, so he used it again. The Windows operating system was a sloppy copy of Apple's more elegant MacOS (which in turn was based on a design by Xerox).

Google, with its flagship search functionality and a googolplex of successful side projects, has delivered on the internet-enabled software revolution that Microsoft hoped to own. Internet Explorer has a tortured and buggy history compared to its major competitors. Amazon's Kindle, a wireless, digital attempt to replicate some of the best features of paper books and improve on others, has sold well. AOL beat Microsoft to offering a free, ubiquitous chat client. YouTube uses the internet to deliver streaming video; Netflix cornered the market on brick-and-mortar-style DVD rental.

So much for the software empire: Microsoft plays catch-up more than it innovates. Now Gates is revered for his philanthropy.

When he decided to do something with the pile of money he'd accumulated — with billions of dollars and experience as a supposed information-age wizard at his disposal — with what goal did he task his foundation? "To help reduce inequities in the United States and around the world." What a new and exciting idea.

I'll bet there are many bright, young capitalists who, with a hundredth of the Bill and Melinda Gates Foundation's endowment, could do more to end poverty, hunger, and AIDS than the Gates ever will — and because they'd unashamedly turn a profit for themselves at the same time, they probably won't see any of the foundation's money.

I don't begrudge Gates his wealth or success. If the market thinks he's earned them, he has. He found a niche (operating systems) and recognized it wouldn't remain a niche. That was perceptive, but that's where his brilliance ends: he's a capable geek and a good businessman. The reputation he enjoys of being a visionary is disproportionate.

I'm not criticizing Gates, but his adoring fans; and I do not overlook his greatest contribution to humankind. It's not Windows, nor the Gates Foundation, but the collection of stupid, counterproductive typesetting features Microsoft Word has turned on by default. It is thanks to these features that Dan Rather was caught making an elementary journalistic mistake (so elementary, it looked like an attempt at libel) when he failed to authenticate documents reflecting poorly on President Bush's service in the Texas Air National Guard. The documents, purportedly produced in the 1970s, were obvious fakes produced in the 21st century with Word; if the typeface hadn't given it away, Word's cutesy habit of superscripting the "th" in ordinal numbers would have. — Patrick Quealy

Five straight shooters — Judicial activism is unquestionably a major threat to individual liberty. Of course, life is complicated and it's a fact that activist judges have at times advanced liberty's cause. It's hard to dispute that *Brown* v. *Board of Education* in 1954 didn't advance the cause of black Americans' freedom. The Warren Court in the 1960s, despite its excesses, helped to curb abuses of police power.

However, in the last 40 or 50 years, judges have too often gone beyond the role foreseen for them by the founders, and have usurped functions reserved for the other two branches of government. In my home state of Vermont, and in neighboring New Hampshire, the citizenry faces crushing property tax burdens imposed by the judiciary, which directed the legislatures of both states to change the method of funding education. Technically, the judges weren't legislating, but by severely restricting the legislature's freedom of action, they were in fact imposing a tax regime on the voters of the two states. This, simply put, is judicial tyranny.

The Supreme Court of the United States has recently handed down a couple of awful decisions. The single word *Kelo* should be enough to get every reader's jaw grinding. That 2005 decision concerning eminent domain was probably the worst the nation's highest court has rendered since *Dred Scott*. In this term, the court decided that habeas corpus must be extended to enemy combatants captured on the battlefields of Afghanistan and Iraq. While that decision was not a blow to individual liberty per se, it was based, as Justice Scalia stated in his dissent, on an inflated notion of judicial supremacy.

But as the current term came to close, the court (by a 5–4 vote) struck a great blow for liberty by preserving the meaning of the Second Amendment. Because of its decision in *District of Columbia* v. *Heller*, citizens will retain the fundamental right to keep and bear arms. Thank you, Justices Roberts, Scalia, Thomas, Alito, and Kennedy.

The decision was finely rendered. The majority did not open the floodgates by finding a right for citizens to own machine guns, or by giving felons and lunatics the right to arm themselves. Reasonable restrictions on firearms, as determined by legislatures, will still be possible. The five justices showed wisdom and restraint — the opposite of what their activist brethren typically display.

The case, I should mention, got to the court thanks to the efforts of libertarians, specifically people at Cato. The victory was a shining moment for the libertarian cause.

Additionally, we must admit — shocking as it is — that George Bush's presidency has produced some good after all. Justices Roberts and Alito would not be sitting on high today if John Kerry had won the 2004 election. With Kerry appointees on the court, that 5–4 majority probably would have gone against us. God knows what would have followed from that. Here in Vermont, reflexive leftism does not extend to guns. No state in the union is more pro-Second Amendment than we are. Had the court denied us our rights, there would have been outrage — possibly even revolution. — Jon Harrison

Laws for thee — I trust you've heard about the Liechtenstein bank official who stole its list of clients and sold it to the German government for something on the order of $7,000,000. As far as I know, this is unprecedented on a number of levels. While I'm sure that various agencies have always had moles in banks (especially in poorer tropical countries), it's unprecedented that an advanced "rule of law" country like Germany would bribe an official to commit a common crime and then receive stolen goods. And then forward relevant data on to tax authorities in other countries, which apparently have no problem receiving the fruits of the theft.

Even more appalling is the total lack of protest from any

quarter. Even the Nazis and the Soviets were unable to pull off this crime. And if they had, there would have been international outrage.

The arrest warrant issued for the thief by Liechtenstein states that he may have been issued a new identity and passport by the German government.

The consequences of this are profound. It means there can be truly no expectation of financial privacy anywhere any longer. If the thief gets away with this, his actions could be duplicated by opportunistic sociopaths working in tax havens the world over.

It also throws a lot of grease on the slippery slope that Europe has been on for many years. I've long said that the only things that keep the intensely regulated, grossly overtaxed socialist welfare continent above water are 1) centuries of accumulated capital, which will take a long time to dissipate, and 2) black money. Unlike in the United States (and other Anglo countries), tax evasion in the rest of the world is considered self-defense, and an obligation to one's family. The money kept from the clutches of the State has been a massive underpinning to productive investment. Now that money either won't be saved at all, or it will make its way to East Asia — probably after being sheltered in a nominee-owned company. It won't stay in Europe.

Europeans, who as a group are even more shamefully like whipped dogs than their American cousins, will ultimately be rewarded for this type of stupidity. The continent will eventually be no more than a source of houseboys and maids for wealthy Chinese.

In the shorter run, however, it's another indicator of the renewed vigor of collectivism almost everywhere.

— Doug Casey

Hypocrisy about hypocrisy — Humans are sensitive to hypocrisy. It is ingrained in us by our evolutionary history. We maintain the group cohesion so essential to our survival by enforcing our tribal rules, and this involves detecting cheaters who break those rules. To put it simply, people just don't like hypocrites.

But the mainstream media, dominated as they are by the Left, are very selective about their outrage over hypocrisy.

For example, when a televangelist was caught buying the services of a hooker, the press went crazy over the story. Here is one of those awful Christians who tell us that we should be faithful in marriage, breaking his own vows! There is no doubt that the televangelist was despicable. Yet a recent story of a prominent preacher breaking the tenets of his faith has gone unnoticed by the mainstream media. I refer to the Right Reverend Al Gore.

Gore is the high priest of Ecofaith, the religion that views human beings as sinfully defiling Mother Earth. We have had no end of sermons from him about how we are raping the hapless Goddess of Nature.

But Rev. Gore has been far from faithful to his own creed. A recent report by the Tennessee Center for Policy Research, a free market research institute based in Nashville, shows that Gore's mansion used more than 213,000 kilowatt hours of electricity last year, roughly 20 times what is used by average American homes.

Worse still, his usage is up by 10% over the previous year. His personal wealth is also up — by $100 million — because of his investments in "global warming technology" and his fees for sermonizing around the country.

A second illustration of hypocrisy that fails to excite the media is the recent decision by Barack Obama to break his promise to use public financing in his run for the presidency. He will be the first presidential candidate to forego matching funds since the passage of the public financing bill 30 years ago. This means that McCain, who has reaffirmed his pledge to accept the $85 million spending limit, will be outspent by Obama by a three to one, or perhaps even a five to one, margin.

Now, Obama has portrayed himself as a believer, like McCain, in campaign finance reform. But when he saw that he stood to gain a huge advantage by opting out of the system, he did so. His rationale, that McCain's allies are going to spend millions smearing him, was obviously just a fig leaf — after all, his own allies are already running attack ads on McCain.

Obama's hypocrisy notwithstanding, who has any sympathy for McCain? He is one of the main architects of the campaign finance reform movement, which has restricted free speech while screwing things up even more. That he's been had by Obama is only cause for yawning. — Gary Jason

An armed society . . . — You may have seen the bumper sticker that reads "I love my country but I fear my government." Those of us displaying this sticker recognize that there is an important distinction between our country and our government. With the recent Supreme Court decision confirming that gun ownership is an individual right protected by the Constitution I feel that I can now remove that sticker from my bumper.

It is instructive to note that most of the liberty that is lost in the world is taken away by one's own government, not by some invading force. The Second Amendment is a check on this. It is not needed, as some suggest, to protect hunting or gun collecting. Its importance is in self defense and, sadly, it is occasionally needed to defend against the armed agents of our own government who, in their zeal, would take our freedoms.

The War on Terror is only the most recent example of an excuse that government uses to take away individual rights, through such legislation as the PATRIOT Act. With this Supreme Court decision Americans at least have the assurance that our right to defend ourselves is recognized and protected. — Roy Miller

All too common — There is nothing that brings out the homages, the exaggerations, and the outpourings of superficial grief from national journalists, more than the death of a national journalist.

One cannot imagine the days of coverage granted to the untimely death of Tim Russert — a power broker in Washington who made his living by interviewing other power brokers in Washington — if it had been, say, Steve Jobs who had died. Why spend more than a couple of minutes reporting on the death of someone who just created and designed products that add to the happiness and productivity of millions?

I don't recall days of mourning and reminiscing among the overpaid talking heads when Sam Walton died. After

all, he never did anything except make life better and goods less expensive for millions of people of the sort that Tim Russert grew up with and, more recently, sometimes tipped extravagantly.

No, the honor of solipsistic, never-ending, pretentious tear production is reserved for those who dress up on Sunday to make sure that people watching at home — fewer and fewer each year — are up to date with the talking points and bromides of those who rule over us.

It was constantly repeated that Russert was an excellent interviewer — fully prepared, thoroughly researched. That meant, of course, that his staff was very good at finding statements that politicians made decades earlier that were in conflict with statements they made more recently. "You say you support No Child Left Behind, Senator, but as this clip shows, you spoke against its implementation in the Senate educational subcommittee in 2002." Of course, Russert's renowned research never involved questions relating to whether or not some regulation or law was actually constitutional. Although he had a law degree, the idea that there was any limit to power in Washington was never something that came up on his Meet the Press.

A few months before his death, Russert interviewed Ron Paul, then a Republican presidential candidate. Russert was struck that a Republican candidate for president not only opposed the invasion and occupation of Iraq without a clear congressional mandate but actually opposed modern American foreign policy that involved interventions anywhere in the world, on almost any rationale. Russert's crack research didn't lead him to ask Paul if he agreed with Eisenhower's warning about the military-industrial complex. It didn't lead to his asking Paul to explain how the Republican Party had evolved its views since 1940, when it ran Sen. Robert Taft (the son of a former president and chief justice of the Supreme Court) on the basis of his call for strict neutrality and not getting Americans into another foreign war.

He didn't ask Paul whether he thought it was right and proper for Truman to send troops to Korea without a congressional declaration of war, or whether it was right and proper for LBJ to lie to Americans about the Tonkin Gulf and send American troops into harm's way on the basis of that lie. No, Russert's deep research led him to ask Paul whether he opposed Lincoln for fighting the Civil War — a completely neutral question, certainly not meant to imply on national television that anyone who opposed Lincoln must have favored the continuation of slavery.

This is gotcha politics, and Russert was a master of it. That is what all his colleagues were bemoaning as being lost every Sunday morning in the foreseeable future, now that Russert is dead.

Russert, of course, began his career in Washington by working for Sen. Daniel Patrick Moynihan and later for Gov. Mario Cuomo, both Democrats. So it's not surprising that his deep questioning each Sunday morning ranged from "How can you say you're in favor of families, Mr. [insert name of Republican politician] when you voted against an increase in funding for job training for single mothers?", all the way to "You voted to support an increase in the minimum wage, Mr. [insert name of Democratic politician], but frankly it only increased from $5.15 an hour to $5.85 an hour, and isn't scheduled to reach $7.25 an hour until the summer of 2009. Do you really think that's doing enough to help poor families?"

Asking questions of this depth got Russert out of the middle class he was raised in and into a very rarefied atmosphere of wealth and power. Yet it amused him to claim, as he jetted from one of his houses to another, that he was still a "common man." All too common, in Washington, D.C., where so many go to do good and end up doing very well.

A week or so after Russert's death, the world lost another man who got a lot of airtime when he was alive, at one point using seven words that one couldn't say on television to make a point about civil rights and freedom of speech — an act which got him some jail time. The death of George Carlin four days after the Kennedy Center announced that he was to be honored this November with the Mark Twain Prize for American Humor grieves me more deeply than Russert's passing. Carlin could see hypocrisy and political pomposity that managed to escape Russert's eye, great researcher that he nevertheless was. Yet while Carlin's death certainly made the news, it won't be constantly reflected on for days on end, save maybe on the Comedy Channel. But thinking about Carlin's last honor, I'm guessing that Twain would have known just what to say about Tim Russert and the coverage of his passing: "The reports of Tim Russert's death were greatly exaggerated. . . ."

— Ross Levatter

Vince Miller, R.I.P. — As I write, I have just learned of the death, on June 28, of my friend Vince Miller, who devoted the last three decades of his life to making sure that libertarian ideas found an audience outside the English-speaking world.

Though I had thought he seemed his usual chipper self when I last saw him at the Libertarian Party's presidential nominating convention on Memorial Day weekend, my wife Suzanne, who looked more closely, thought he seemed a bit tired. And she noted that he spent several hours of each day of the convention resting in his room. As usual, Suzanne was right. Vince wasn't feeling up to par. And by the time he got back to California, where he had lived for the last 20 or so years of his life, he felt even more subpar. It wasn't long before he was hospitalized with what was at first believed to be pneumonia. He was never released. He did not live to see his 70th birthday in December. He will not see how the Libertarian nominee does at the polls in November.

I first met Vince Miller in 1978, when he had just signed on as editor of The Mercury, a new libertarian magazine financed by Roger MacBride. Before that meeting I had known him only by reputation, as the Canadian libertarian who, with Marshall Bruce Evoy, had put out Libertarian Option, probably the second most professionally edited and printed libertarian magazine (after Reason) of the early '70s. But Vince wasn't destined to be the editor of The Mercury for very long. It survived for only a few issues before MacBride apparently decided he'd chosen a poor time to get into the libertarian magazine business (at the same time that the much wealthier Charles Koch was launching major new ventures in the same market) and pulled the plug.

By 1980, Vince was announcing a new project, an organization called Libertarian International, which would work

continued on page 34

The Fall of a Royal House

by Jayant Bhandari

When things go wrong, it's easy to blame an incompetent leader, or a degenerate political system. But what about the society that fostered them?

On May 28, 2008, King Gyanendra Bir Bikram Shah Dev of Nepal was deposed by a democratically elected parliament. His security was immediately reduced, and he was given detailed instructions about his transition to the life of a "common citizen." After these humiliations, he quietly conceded, understanding that the masses were not with him, and vacated his palace. The palace will become a museum; Nepal will become, at least in its own estimation, a proud, democratic country, joining the mainstream world.

When Gyanendra was born, his father, following the advice of an astrologer, refused even to look at him, packing him off instead to live with his grandmother. Astrologers were again consulted during the fall of the monarchy, when Gyanendra solicited their advice on how to look for a new home. He also appeared in public to participate in an animal sacrifice ritual designed to preserve power. During the ceremony, the throats of five animals were slit in front of him. Their livers were then cut out and placed in a small container that the king took to his palace. Religious rituals and mysticism, not action, have been a cornerstone of the history of Nepalese royalty.

Religion doesn't necessary mean morality. Gyanendra is believed by some to have been behind the killing of his brother, King Birendra, and other members of the royal family who were massacred by his nephew, Crown Prince Dipendra, in 2001. This belief appears to be the product not of solid evidence but of the unpopularity he incurred by his other misdeeds. He illegitimately dismissed the parliament in February 2005, taking over complete control of the government, and followed this act with repression of dissent. His son, Crown Prince Paras, even less liked than Gyanendra, lived a life of violence and drunk driving, with complete impunity. It's hard to argue that such people don't deserve to be humiliated and removed.

Yet, while Gyanendra's political conduct may be distasteful, there is really nothing special about it — except in its degree. Every government in the world kills people and abuses the political system for personal advantage. And the degree of abuse is mostly ordained by the masses. They are the

ones who provide the cues by which governments define their limits. If the "revolution" that Nepal recently experienced had anything to do with liberty, social awakening, or development of a sense of self-responsibility and respect for the individual, the removal of the king would have been completely justified. Alas, this is never the case with political "revolutions." And it has certainly not been the case with the events in Nepal.

Did the royals merit the treatment they got? The answer to this question will depend on the answers to several others. What kind of goons will come next? What are the implications of the democratic mindset for the future of Nepal? Was monarchy really the fountainhead of Nepal's poverty?

Not too long ago, the Nepalese king was seen as the living God — the reincarnation of Lord Vishnu, one of the three major Hindu gods. People had complete and absolute respect for him. They stood up when his photograph appeared before them. They dared not speak against him. Barely two decades ago, Nepalese living in India were considered the country's most trusted community, one composed of brave and responsible people. Not only in India, but during the British times, Gurkha people from Nepal and parts of northern India were noted for their courage and loyalty, so much so that their brigade still survives in the British army. Yet, behind the romanticized respect for the king, and the courage, resilience, and responsibility of his people, there was something else.

The people's respect for their monarchs came not from an appreciation of their competence, for they likely had none; and, if they did have any, the Nepalese would not have had the eyes for it. The respect was simply a conditioned response, borne out of mysticism. So was the case with the "bravery" of the Nepalese. It had nothing to do with a commitment to any principles of life. It was a non-thinking devotion to the orders of their superiors.

The social system in Nepal is extremely rigid, conformist, hierarchical, and ridiculously superstitious. Animal sacrifices are common, difficult to avoid seeing when one visits. The low status of women and children is immediately evident. Many young women are lured into slavery or sold by their families for minimal money. Most of those sold never run away, never report to the police. Can it be that as sex-slaves living in dingy and abusive brothels in India, they find life better than they did back home in Nepal? So rigid is Nepalese society that even in India, where critical thinking is deeply discouraged, Nepalese were seen as non-thinking, albeit trustworthy, idiots. Typically, Nepalese in India have worked as guards, servants, maids, army personnel, and prostitutes.

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But something happened during the past two to three decades. Did Nepal change for the better? Did people start thinking for themselves? Did they become more confident of themselves?

No, people don't change that quickly. Certainly societies don't. Watching the Western world on TV, the intellectuals of the developing world have started thinking that it is "democracy" that has the capacity to resolve their predicament. And why should the people not listen to them? Societies deeply engrossed in mysticism and superstition inhabit a worldview in which some higher authority always has the power to generate wealth and happiness.

Since the Nepalese did not enjoy wealth and happiness, it was suggested, the king must be responsible. According to the democratic mindset, this must be true.

Since the Nepalese did not enjoy wealth and happiness, it was suggested, the king must be responsible. According to the democratic mindset, this must be true, despite the fact that his removal leaves the core of Nepal's problems unaltered. In effect, democracy replaced monarchy as the higher power from which all benefits must be expected.

But hasn't democracy roused and inspired people around the world? Hasn't it empowered them? Not if you are talking about Zimbabwe and the rest of Africa, or Afghanistan, Iraq, Iran, Pakistan, or Bangladesh, or many of the ex-Soviet countries.

Really, it is hard to think of any country that has changed for the better as a result of democracy. Until very recently, the world was euphoric about East Timor (The Democratic Republic of Timor-Leste). It now lies in ruins, mired in poverty, and dependent on the charity of foreigners, its inhabitants so lacking in trust for one another that foreign forces must stay there to maintain peace. But the Western mind, with its fanatical belief in democracy, refuses to see this truth, rationalizing away the evidence when challenged.

No, democracy does nothing. It is when individuals awaken that their condition improves. The Western world was on the path to development long before it became democratic.

So, what is the future of Nepal? Deeply imbued with mysticism, Nepal has taken up democracy, but nothing else has changed. Perhaps the situation has become worse. "Democracy" has dissolved the aforementioned "respect" and "bravery" — the glue that kept the deeply ritualistic, backward Nepalese society from disintegrating and falling into chaos. Some consequences of this are already visible.

Today, the Nepalese are among the most distrusted people in India. Indians shy away from employing them. And the possibility that Nepali society will awaken has receded further,

continued on page 26

The Dog That Didn't Bark

by Randal O'Toole

Both the bubble and the rubble can be attributed, not to the usual suspects, but to land-use planners.

Numerous economists, pundits, and reporters have blamed the recent housing bubble and subsequent mortgage meltdown on the Federal Reserve Bank, Fannie Mae and Freddie Mac, loosely regulated banks, unscrupulous mortgage companies, or all of the above. But any explanation of the crisis must account for the dog that didn't bark.

Sherlock Holmes fans will remember the case in which the police arrested a stranger for the murder of a horse trainer, but Holmes pointed out "the curious incident of the dog in the night-time." "The dog did nothing in the night-time," said the policeman. "That was the curious incident," Holmes replied. Since the dog did not bark, Holmes reasoned, a stranger could not have been responsible for the murder.

In the case of the housing crisis, the dog, or dogs, that didn't bark are Houston, Dallas-Ft. Worth, and Atlanta. In terms of sheer numbers, these are the three fastest-growing metropolitan areas in America, each of them gaining more than 130,000 new residents per year. Yet housing prices in these regions did not bubble in the early part of this decade, and did not decline — even by 1% — in the latter part.

Federal banking and housing policies and the finances and ethics of the mortgage industry apply just as much to Atlanta and Houston as to San Diego or San Francisco. Yet housing prices in the San Diego and San Francisco metropolitan areas, which are growing by fewer than 20,000 people per year, doubled between 2000 and 2006 and now are rapidly falling.

This suggests that local factors had more to do with the housing bubble than national and international credit markets. And the most important factor that distinguishes such places as Atlanta and Dallas-Ft. Worth from such places as San Diego and San Francisco is the amount of regulation imposed on landowners and developers.

In short, the housing crisis was caused by land-use planners. And unless someone stops them, the next housing bubble will be even worse.

More particularly, the crisis was caused by artificial housing shortages resulting from a form of land-use planning called growth-management planning. Growth management

(one form of which is also known as smart growth) attempts to control either the rate or location of growth. Smart growth, for example, uses urban-growth boundaries or other regulations to limit growth in rural areas even as it uses subsidies and minimum density zoning to force denser growth in already developed areas.

Growth management creates artificial shortages of land, which in turn drive up housing prices. So it is not surprising that there is a strong correlation between the recent housing bubbles and states and regions that do growth-management planning. There is also a correlation between the date of state growth-management laws and the time when housing prices start to accelerate upwards.

Cities have been planning and zoning since the 1910s, but this form of planning did not significantly reduce housing affordability. As smart-growth critic Wendell Cox notes, most early zoning was "responsive" in the sense that planners designed zoning codes to provide the cities people wanted. Existing neighborhoods were zoned to allow most of the uses found in those areas. When developers wanted to build on vacant land, planners would zone the land to allow the kind of development that the builders thought would sell. So, in many ways, zoning was really market-driven.

Contrary to claims by the National Association of Realtors, housing prices do not normally double every ten years. In U.S. markets unfettered by government regulation, prices keep pace with family incomes, which means they grow by 1 or 2% a year above inflation. In fact, house sizes have grown as well, so it is likely that the inflation-adjusted cost per square foot has remained constant.

As recently as 1970, housing cost about the same throughout the United States. From San Francisco to Miami, from Houston to Minneapolis, you could buy a median-priced home for about twice the median family income. At that price, a median family devoting 25% of its income to a 6% mortgage with a 10% down payment could pay off a median home in 14 years.

The one exception to this rule was Honolulu, where the home price-to-income ratio was 3.4, meaning it would take 23 years to pay off a mortgage. Not by coincidence, the Hawaiian legislature had passed the nation's first growth-management law in 1961. This allowed state planners to designate "growth areas" (mainly existing cities) and to rule most of the other land in the islands off limits to development.

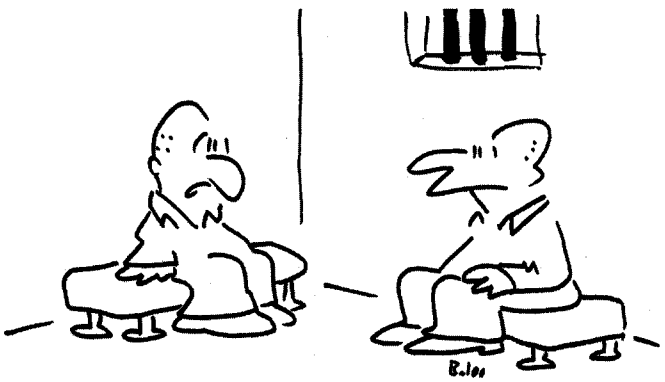

"I didn't know my mortgage was *that* adjustable!"

In the early 1970s, a number of cities and states around the country began to try to manage growth. In 1970, Ramapo, NY (a suburb of New York City) passed the first adequate public facilities ordinance, stating that the city could approve new developments only after the capital improvements needed for the developments were fully financed. Also in 1970, Vermont became the second state, after Hawaii, to pass a growth-management law.

Contrary to claims by the National Association of Realtors, housing prices do not normally double every ten years. In markets unfettered by regulation, prices keep pace with incomes.

In 1972, Petaluma, Calif. passed a rule limiting new home permits to no more than 500 per year. Soon after, Boulder, Colo. limited its building permits to no more than 2% of the existing housing stock each year. Boulder also decided to try to control where growth would take place by buying a "greenbelt" of land around the city boundary. To date, it has purchased an area eight times larger than the city itself.

In 1974, San Jose took a more direct approach to locating growth: working with Santa Clara County, it created an urban-growth boundary that forced all new development to take place within the city. Oregon's 1973 growth-management law created a state commission that directed all cities and counties in the state to draw similar growth boundaries. Eventually, the commission ruled nearly 98% of the state off limits to almost any development.

In the 1970s, housing prices rose rapidly in Oregon cities, as well as in Boulder and other cities that had passed various growth rules. Most of these cities ended the decade with price-to-income ratios of three or more. But the biggest surge in home prices was in California, which had not passed a growth-management law but which saw median home prices rise to more than four times median family incomes. This gave planners in Oregon and elsewhere comfort that it was something other than their plans that was making housing unaffordable.

In fact, California's housing problems resulted from an obscure 1963 law designed to deal with disputes over which cities would get to annex particular pieces of developable land. The law created commissions in each California county consisting of representatives of the city councils of all cities in that county. All annexations, incorporations of new cities, and creations of special districts aimed at funding and operating water, sewer, and other infrastructure required the approval of these commissions.

The cities quickly realized that, if they denied all proposals for annexations, new cities, or new service districts, then

all new development would have to take place in the existing cities. The law became a de facto growth-management act, allowing the cities to keep all future taxpayers within their boundaries. By the year 2000, 95% of the people in California, the nation's most populous state, were jammed into just 5% of the land area of that state. No other state has forced its residents to be so concentrated.

In 2001, Dartmouth economist William Fischel proposed the homevoter hypothesis to explain why governments pass land-use rules that drive up housing prices. At least since 1950, a majority of voters have been homeowners, so they have supported policies that increase the value of their properties, to the detriment of future residents of the region. While there is some truth to this, in most cases the decisions are made by city officials, and their goal is to protect their tax base from migrating into some nearby jurisdiction.

Once cities gain control of areas outside their boundaries, they feel free to impose lengthy and expensive requirements on new development.

California's experience revealed that the key to keeping housing affordable was the presence of developable land outside of city limits. So long as developers could step across the city boundary and find land to build housing and other developments, cities would do what they could to make developers feel welcome. But once cities gained control of the rural areas outside their boundaries, they felt free to impose lengthy permitting processes, high impact fees, and expensive planning requirements on all new development.

In Texas, by contrast, developers typically assemble 5,000 to 10,000 acres or more outside of Dallas, Houston, San Antonio, or another city, and privately plan a complete community: schools, parks, shops, offices, and, of course, homes. They form municipal utility districts that sell bonds to fund construction of roads, water, sewer, and other services. They write deed restrictions governing the size and design of homes in various parts of the development, then sell lots to homebuilders or homebuyers. Homeowners are assessed an annual fee, similar to a property tax, to repay the bonds that financed the municipal utility districts. Developers can do all this with minimal government permitting or oversight. Such master-planned communities are virtually impossible in states with growth-management planning.

Like salt, housing is an inelastic good, meaning people need a place to live (and salt in their diet) no matter what the cost. In a growing region, even minor restrictions on the construction of new homes can have a major effect on the price of new housing. On top of that, sellers of existing homes are highly aware of the price of their competition, new homes. So when local governments try to raise money by imposing impact fees on new homes, they make all housing less affordable and create windfall profits for existing homesellers.

The 1970s saw housing bubbles in California, Hawaii, Oregon, and a few other places, with prices collapsing when the Federal Reserve Bank raised interest rates to fight inflation. Though California's housing market is huge, these were too few states to have a significant impact on the economy as a whole. California saw another bubble in the late 1980s that collapsed when defense spending declined in the early 1990s.

In 2002, California homebuilders compared the costs of building homes in San Jose with those in Dallas. A 7,000-square-foot lot in Dallas cost $29,000; because of San Jose's urban-growth boundary, a 2,500-square-foot lot there cost $232,000. Getting a permit in Dallas cost an average of $9,900 per home. But because San Jose's permitting process can take years and carries a strong risk that the permit will never be granted, the average cost is $100,000. San Jose also imposed $29,000 in impact fees, compared with $5,000 in Dallas. On top of that, because housing is so much more expensive in San Jose, labor is also more expensive, which added $43,000 to the cost of a three-bedroom home.

In addition to boosting prices, growth management also makes them more likely to fall during a recession. But when housing prices crash, they don't fall to pre-bubble levels. Instead, they decline only about a third of the increase in prices during the bubble. This means that each successive bubble makes housing more expensive and less affordable. California prices, which were four times median incomes in 1979, reached five to seven times median incomes in 1989 and eight to eleven times in 2006.

At seven times median incomes, a family would have to devote half its income to pay off a median-priced home in 30 years. This leads people to stretch their budgets and take higher risks. Worst off are those who buy a home near the top

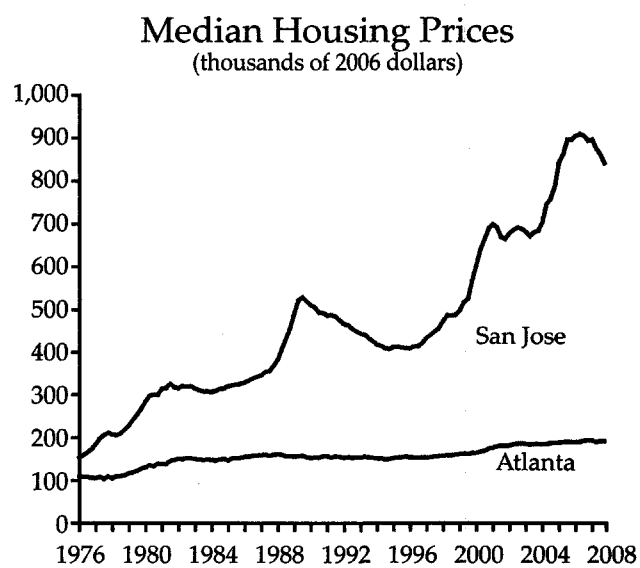

While housing prices in places like San Jose ride a roller coaster of booms and busts, prices in places like Atlanta have grown slowly but steadily. In 1976, a median home in San Jose cost about 40% more than in Atlanta, partly due to higher incomes. Today, the median San Jose home is nearly five times more expensive than the median Atlanta home.

Source: Office of Federal Housing Enterprise Oversight, Census Bureau

of the market and then, for whatever reason, have to sell during the bust, when the total value of their house may be less than the amount they still owe on it.

Planning advocates laid the groundwork for the recent housing bubble when they convinced several more states to pass growth-management laws between 1985 and 2000. These included Arizona, Florida, Maryland, Washington, and many of the New England states. In addition, even without state laws, several major urban areas, including Denver and Minneapolis-St. Paul, wrote their own growth-management plans restricting development outside of some urban-growth boundary.

The recent housing bubble began when the dot-com bubble collapsed in 2001 and investors looked for someplace else to put their money. Rising home prices in California, Florida, and other growth-management states attracted some of that money, contributing to a speculative boom. This boom was certainly fed by looser credit, particularly the availability of no-down-payment loans, interest-only loans, and other new forms of mortgages. But without the planning-induced artificial housing shortages, fast-rising prices would not have attracted the speculators in the first place.

This speculation was obvious in San Jose, which lost 17% of its jobs between 1999 and 2004. Office occupancy rates declined from 97% to 70%. Yet housing prices grew by 60%.

In Texas, Georgia, and most other states with no growth-management planning, the lack of government regulation allowed developers easily to meet the demand for new housing that had been sparked by easy credit. Because families in these states did not have to take such risks to buy homes, their foreclosure rates are expected to be lower than those of states like California and Florida.

With so many states having passed growth-management laws, the latest housing bubble was much more significant than previous ones. By 2006, American housing was overpriced by more than $6 trillion. Nearly half of that was in California alone, and more than 95% was in just 13 states, including Arizona, Florida, Hawaii, Oregon, and Washington.

With one exception, all the states with overpriced housing had state or local growth-management laws or plans. The exception was Nevada, whose land is 90% owned by the federal government. The rapid growth of Las Vegas and Reno had been fed by sales of federal land to developers, but such sales slowed after 2000 because of environmental issues. In essence, Nevada suffered from federal growth management.

On the other hand, with one exception, all the states with growth-management laws had overpriced housing. The exception was Tennessee, which passed its growth-management act in 1998. The urban-growth boundaries that Tennessee cities drew under this law included so much vacant land that developers were easily able to meet demand for new homes. Expect Tennessee housing prices to bubble in the next boom.

Planners are quick to deny that their actions have contributed to housing shortages. Instead, they see prices solely as a function of demand. Their plans have made their communities more livable, they believe, leading people to pay more to live in them.

Planners' usual response to rising prices is to blame the greedy developers. Their solution is to require that developers devote 15–25% of all new housing units to "affordable housing," meaning selling or renting the units at below-market prices to people with less than median incomes. Typically, buyers of such affordable housing are not allowed to resell them for more than a fixed percentage increase over what they paid. Of course, such policies simply lead developers to build fewer homes and pass the cost of the below-market sales onto the buyers of the remaining homes they build. The result is a housing market that is even less affordable.

Undaunted by the chaos they have caused, planners hope to extend the dubious benefits of growth-management planning to even more states. In many states that have not yet passed a growth-management law, some gullible representative of the people introduces a growth-management bill in almost every session of the legislature. If some of these bills pass, the next housing bubble will affect even more states, and the subsequent crash will wreak even more havoc on the nation's economy.

Unfortunately, nearly all media attention to the housing crisis has focused on subprime lending, which is actually only a small part of the problem. Without subprime mortgages, we still would have had a housing bubble. Without growth management, the subprime mortgages and other signs of loose credit might have created a problem for some families, but they would not have caused a worldwide financial meltdown.

To protect the economy from future housing booms and busts, states with growth-management laws should dismantle them. Any laws that give cities control over land uses in the countryside around them should be repealed. Legislators in states that haven't passed such laws should be educated regarding the cost of growth management.

Most important, perhaps, urban planners, and the city officials they advise, should be required to take courses in basic economics. ❑

The Fall of a Royal House, *from page 22*

for its focus on the means of changing their predicament has decidedly moved to the Western weed, "democracy."

As Nepal's situation predictably worsens, the media and the pro-democracy intellectuals will simply forget all about it. The world is so complex that as time passes there will always be a scapegoat. If challenged for reasons why Nepal still suffers, the intellectuals will always find a reason to keep their eyes off the real problem, which is Nepalese society's utter and total backwardness.

Compared with that, the monarchy was merely a ripple, and perhaps the best political option that Nepal had. It doesn't take much imagination to foresee who will come to power when hordes of superstitious people vote.

Nepal should not be seen as a young country. It is an ugly, old, feeble country. The last thing it needed was democratic plastic surgery, which gives the patient the ability to look in the mirror and ignore any signs of his inner weakness. If he remains weak, he can blame others, instead of seeking the sole possibility of redemption, which is searching within. ❑

On the Beach in an Arab City

by Jacques Delacroix

Life in an Islamic society is not as predictable as one might think.

I don't remember the 100,000 Muslim Men's March on the Mall in Washington to protest terrorism. The reason I don't remember it is that it never happened. Neither did a 10,000-man march or even a 5,000-man march. Like many other literate, open-minded Westerners, I often wonder silently whether Muslim rationalists are so few, or so few and far between, that they never meet, or that they meet at such a low density that they are unable to catch the media's attention.

Islamofascists, on the other hand, do grab media attention all the time. For this difference in visibility, I am tempted to blame the media's love of sensationalism. Live decapitation on the internet is newsworthy; a small-town school teacher — who happens to be a Muslim — affirming the self-evident virtues of religious tolerance is just a bore. Yet, today, my enlightened system of self-protection against bad news is breaking down.

As I write, I am in the capital of a moderate and conservative Muslim country where I have been before. There is not much presence in the local media of the voices of moderation one sometimes hear in the Muslim diaspora of Western, democratic countries. In fact, there is little presence of anything in the local media.

To enter this country is to fall into a sort of informational vacuum. On the national television as well as in the periodicals, published locally in a language I understand, a girls' team basketball victory can easily occupy second place in the news. That would be right after the complete text of the head of state's speech to visiting foreign dignitaries. There may be a paragraph's worth on Iraq and another on the Palestinian-Israeli conflict (or the Palestinian-Palestinian conflict).

In today's edition of what local intellectuals assure me is the best periodical in the country, a page and a half is dedicated to the allegedly growing problem of cheating at national exams. (A persistent local legend is that some female students wear a head veil only on exam days, as a cheating prop used in ways that bedevil the imagination.)

By the way, the story on cheating is competently told and well written, in a European language.

The source of information that is most like what I am used to in America — the most attractive, the most familiar in appearance — is incontestably the Arabic-language television network Al-Jazeera. Often accused of anti-American bias, Al-Jazeera is clearly patterned after CNN. It supplies, at a fast clip, a mixture of pictures of events of international interest and important statements by world actors.

I don't understand Arabic, so I can't speak to content, but Al-Jazeera's format looks modern, contemporary — "globalized," I would be tempted to say. The fact that every tyrant in the Middle East has, at one time or another, demanded that the network be shut down makes me slow to condemn it. Each time, the emir who funds and protects the network has sat on his broad Gulf ass and declined with an equally broad smile.

The city I am in, aside from a small, picturesque old quarter, is the most Western of Arab cities. It's airy, built along broad avenues; its traffic is moderate and fairly disciplined. Pedestrians seldom seem to die on the street; occasionally, a car even stops to let an old lady or a family with small children cross. Traffic cops don't ask for bribes. Taxi drivers don't cheat foreigners; or, if they do, it's on the moderate scale of 5% or so — a nearly imperceptible tax on the more fortunate, which one would have to be a curmudgeon to question.

This capital is cleaner than a number of American cities I could name.

The local people, as I found in a previous, longer stay, are universally affable, even charming. They are as easy a people to love on sight as I have ever met. Remarkably, this is true even when they are in a position to pull rank.

One evening, at the riverside, I was mindlessly treading on a marble promenade still under construction. A young security guard approached to let me know that I was breaking the rules. He stood at attention three feet from me, gave me a military salute, delivered his message in a contrite voice, then apologized for doing so and shook my hand. I suspect he came close to kissing me on both cheeks, as he would do with a beloved uncle. If that isn't sweet, there is no sweet!

As a capital, the city attracts the usual diplomatic, bureaucratic, and degree-ed fauna. Many of the locals speak noticeably better French than you are liable to hear in France today. It's grammatically correct, precise, and richer in vocabulary than the childish patois that seems to afflict the whole French nation. More surprisingly, even the man in the street knows enough French — sometimes enough Spanish — to send a lost tourist on his way.

Many of the locals speak better French than you are liable to hear in France today. It's grammatically correct, precise, and rich.

On the national television, entertainment programs in Arabic alternate with programs in French, all of great variety. Late in the evening, it shows old American movies, dubbed in French, of course. A large fraction of the population works in Europe or has worked there. It's difficult to imagine a native person who does not have relatives elsewhere, usually in Europe but sometimes in America. The city looks and feels so Western that it disappoints tourists, who soon flee southward in search of thicker local color.

Six out of ten women you see on the street or in public places wear the hijab, the Islamic head veil. I don't think the hijab makes an innocent statement.

But yet, yet, it's a Muslim city. If you missed the numerous mosques or the muezzin's call five times a day, the large number of women wearing Islamic dress would soon alert you to this fact.

I estimate that six out of ten women you see on the street or in public places wear the *hijab*, the Islamic head veil. Other items of pious Muslim dress are everywhere. A tiny number of women hide behind full face covering, but they might be foreigners. The women who go around in Western clothes apparently do so unmolested. A few sport short skirts and high heels. The push-up bra is *de rigueur* among them.

Vacationing adolescent children of emigrants carry on arrogantly in the manner of such young people everywhere. Some of the emigrant girls exhibit themselves in outfits that would be daring in Nice. Although they draw stares, this could be more from interest than disapproval. No one makes any nasty comment.

I don't think the *hijab* makes an innocent statement, nor does female Islamic attire in general. For one thing, I can't imagine a God who would want women to wear a gabardine overcoat and a thick scarf tightly wound around their heads in 100-degree weather, while their menfolk walk before them sweating in their athletic shirts. Secondly, there is no way I can avoid noting the similarity between the *hijab* and the former headgear of Catholic nuns, women who have explicitly renounced the pleasures of the flesh and thence any sort of seductiveness, however light or innocent.

Virtuous women have no obvious reason to deny themselves the pleasure of showing off a little. Since there is no monasticism in Islam, I should think unmarried women *must* exhibit themselves in some way, to attract a mate — unless, that is, mating is entirely in the hands of parents and other relatives. So there is no escaping the fact that the *hijab* is not a neutral cultural item; it's an instrument for the subjection of the individual's will with respect to one of the most important aspects of life.

Incidentally, and contrary to a belief widespread among both unlettered Muslims and many naive Western "multiculturalists," the wearing of the *hijab* does not appear to stem from an obligation imposed by religious doctrine, strictly

continued on page 34

Corruption and Hope in South America

by Doug Casey

Nazis, priests, and black markets: Paraguay is a land trying to crawl out of its history.

Paraguay is far off most people's radar screens. It's landlocked and isolated. You could say it's the Tibet of South America, except that the California-sized country is basically as flat as a pancake. The western side of the country is the Chaco, which is dry, scrubby and generally looks like West Texas. The eastern side is green and lush and could pass for Mississippi or Louisiana. Sociologically it's unique in Latin America, as far as I know, because the conquistadors truly assimilated with the Guarani, the dominant local Indians. Roughly 95% of the population consider themselves *mestizos* (people of mixed blood), and almost everybody speaks not just Spanish but Guarani as well, both of which are official national languages.

This is very unlike, say, Bolivia or Peru or Guatemala, where most of the population are unassimilated Indians who still speak their native tongue, even though Spanish is the only official language. But it's very much like the other Latin countries — and, it seems, like the United States too, now — in that wealth is very much concentrated in the top 10% of the population and poverty in the other 90%.

Paraguay has traditionally had one of the worst reputations in the world, in many ways. Until 1989, when the country's last (and longstanding) dictator, Alfredo Stroessner, was himself deposed by a coup, its governments were without exception changed by military coup. But the place is in the throes of major change.

The Boys from Brazil

On a flight from Capetown in 1980, I sat next to the South American rep for Bally Corporation (the world's leading maker of gambling equipment at the time). The guy was, obviously, an old hand, so I spent as much time as he'd allow asking his opinion on various countries on the continent. I don't remember much of what he said, except about Paraguay. He said he was a dual national of the United States and Israel, and that he wouldn't dream of using his Israeli passport there. He'd been to Paraguay once and had no desire to go back.

Actually, my first contact with someone who'd been there was a couple of months earlier, when I was invited to give a speech at a conference in Washington, D.C., sponsored by a notorious ultra-rightist tabloid called the National Spotlight. The main themes that I recall were the righteousness of owning silver and accepting the tenets put forth in "The Protocols of the Elders of Zion" (a widely promoted anti-Jewish hoax).

The publisher of the Spotlight was Willis Carto, who sported (I kid you not) a right arm wrapped in black leather; he was rather reminiscent of Dr. Strangelove. Anyway, one of the other speakers was a Graf Sixtus von P., who I spent some time talking to. He was a German Junker, old enough to have been in the Hitler Youth during most of WWII, and possibly the Waffen SS at the very tail end. Sixtus was good looking, well educated, charming, and well spoken. He lived mostly in Spain, a situation that during the Franco years was a bit suspicious for someone with his background. I mentioned to him that Paraguay was in my travel plans in the months to come, and he said: "Ach, zat is fery gut. You must call my zon, Bertram, who is in Asunción." I made a note.

The publisher sported a right arm wrapped in black leather; he was rather reminiscent of Dr. Strangelove.

When I arrived in Asunción, I called Bertram. After the usual pleasantries, we decided to have lunch together at the Hotel Guarani, where I was staying. Bertram asked: "Und how vill I know you?" I said: "Well, I'm tall, have blue eyes and brown hair." Bertram said: "Ah, zat iss fery gut. Und I alzo am tall, mit blue eyes. ***Und blond haar!***" I knew it was going to be a fun lunch.

After 28 years I can't recall many of the other details, but his self-description and one other incident are burned in my consciousness forever. After a superb meal of surubi, a fish that flourishes in the Parana River, and a bottle of Chilean white wine, I got around to telling Bertram about my encounter with the Bally guy on the plane over. He nodded sagely at its implications. Picking up on the mood, I asked him, quite innocently: "So, are there many Jews here in Paraguay?" Bertram didn't respond immediately. But after a few moments he leaned forward in his chair, and said, thinking we were reading from the same page of "Mein Kampf," "Vell, zere are people who keep track of zese things . . . und zere are about 467."

My bona fides apparently established, he invited me to a party that evening with about a dozen other young guys, aged from about 25 to 40. They mostly seemed to be barons, counts and princes, and were all definitely of a like mind. The party started out well enough but . . . I have a hard time keeping my views to myself. Even though I thought I was being quite circumspect, suspicions were soon aroused. It's a good thing I had been introduced by Sixtus and was not just some American who showed up. It was actually a frightening situation. I promise you they were scary guys. I made my excuses, had a cab called and was glad to bail.

Where are they now? I didn't have the time to conduct as thorough an investigation as I would have liked. But an acquaintance who was good enough to show us around Asunción for a few days, assures me that there is one old hotel where Germans of a certain age and background tend to hang out. Paraguay under Stroessner was a refuge for people like Josef Mengele, Adolf Eichmann and, it is said, Martin Bormann.

There are at least 50,000 people of German descent living in Paraguay today, but almost all of them are Mennonites, who populate an area of the Chaco, farming quietly and successfully. I'd like to see their community someday.

There's a possible change of political culture with the new government, to be headed up by ex-Bishop Fernando Lugo come August.

President Priest

Latin American priests tend to be either arch-conservatives that support the most repressive government available or radicals that promote things like "liberation theology," "agrarian reform," and '60s-style socialism. Lugo resigned his bishopric because both the Catholic Church and the Paraguayan constitution have prohibitions against priests serving in political office. My impression is that, although he has spoken of himself as "the priest of the poor," Lugo is not a socialist ideologue. He does see that the average guy has gotten very little over the years, while those who control the government (and therefore the economy) are essentially thieves. Any decent person would want to change that. The problem is that, like most would-be reformers, indeed most people generally, he's economically illiterate, reflexively conflating capitalism and the free market with the fascist ruling order. Although regrettable, it's an understandable leap of logic, in that the long-ruling Colorado party has historically been supported by the supposedly capitalist United States because they're anticommunist. My enemy's friend is probably also my enemy.

Here I think it's important to define some widely misunderstood terms. Those who use words in a sloppy manner, without knowing what they mean, can't know what they're talking about.

A "communist" is one who believes in state ownership and control of both the means of production and distribution (factories, fields, stores and the like), and of consumer goods (houses, cars and the like). Mao's China, Kim's North Korea, and Hoxha's Albania came close to that ideal.

A "socialist" is one who also believes in state ownership and control of the means of production, but allows private ownership of consumer goods. The old Soviet Union and today's Cuba are fair examples.

A "fascist," from a strictly legal point of view, is one who allows the private ownership of both the means of production and consumer goods, but strict state control of both. In economic reality, fascism tends to foster a regime of economic regulation so extensive that private ownership is reduced to little more than a legal formality. Almost all of the world's countries — prominently including the United States, the UK,

After a few moments he leaned forward, thinking we were reading from the same page of "Mein Kampf."

Russia, and China – are economic fascisms. Or, more precisely, a mixture of fascism and socialism. Because fascism is closely associated with Nazi Germany and Mussolini's Italy, people tend to think its essence is jackboots and aggressive militarism. But those things can occur in any statist system.

Only pure laissez-faire capitalism allows for total private ownership and private control of everything. The closest example in modern times is probably Hong Kong under the British. A side note: democracy has no essential connection to any of these things. It's simply a method of deciding who runs the government.

In any event, socialists have always said they wanted to help the little man. And they have a coherent-sounding pitch, however unsound in reality, that appeals to people's gentler instincts. The fascists have never had anything that passes for a philosophy; at best they say that their system is more efficient or productive than socialism. But humans care more for what seems moral and just than what might be more efficient. Regrettably, the human animal probably isn't evolved enough, is too fearful, too atavistic, and too innately collectivistic to embrace pure capitalism. So even good-hearted reformers have usually styled themselves socialists, for lack of what seems like an acceptable alternative.

The one definitively bad thing going on in Paraguay today is that they're almost certainly putting in a graduated-scale income tax, with a 35% maximum. You can almost smell the involvement of the U.S. government. Incidentally, with the exception of Iraq, the United States supposedly has its largest (in terms of square footage, though not personnel) embassy in Asunción.

The important thing to remember is that Stroessner's Colorado Party ruled the country for 60 years. They still control the bureaucracy and the legislature, and Lugo was elected through a coalition of a half-dozen minor parties, all of them with differing, short-sighted, self-interested agendas. The Colorados can probably best be compared to Richard Daley's Democratic Party in Chicago in the '60s, especially considering that Paraguay's population of 6.5 million is comparable to that of a U.S. city. It will be impossible to break all those rice bowls anytime soon.

So while there are not likely to be any major changes in the way the country works, there will be some changes around the edges. One consequence will be more foreign visitors, ideas and capital. I see Lugo, therefore, as mostly a good thing. And, in any event, an inevitable thing.

Searching for the Star Wars Bar

I spent the first couple of days on this trip in Ciudad del Este, located on the eastern tip of the country, only a few miles from the giant Itaipu Dam and Iguazu Falls. The falls are fairly spectacular, resembling a smaller version of Victoria Falls on the Zimbabwe-Zambia border. You can see them in the excellent Robert de Niro/Jeremy Irons movie "The Mission," which recounts part of the story of the Jesuit colonization of this part of the world.

Ciudad del Este (often referred to as CdE or just "Ciudad") has the reputation as the most wide open, lawless place in a notoriously wide open country. My friends in Argentina all appeared to think I was quite daring to want to go there, as if they were expecting gun battles in the streets. For years I'd heard of at least one bar that was supposed to be a real life version of that famous bar from the first Star Wars movie. In CdE, it's said, you can buy any weapon, any drug, any new identity, and anybody. It certainly sounded like my kind of place. But, as with most things, the legend exceeds the reality. For example, CdE is supposed to be a hotbed for Hamas and Hezbollah operatives, but the closest we could come to finding any were some guys smoking water pipes in a Lebanese restaurant after lunch.

Ciudad's *raison d'être* is to be an entrepot in low-tax, unregulated Paraguay, on the border with its much bigger and much more heavily taxed neighbors, Brazil and Argentina. You can drive across the border into Brazil and back at any time, without being stopped. (I never tried crossing back into Argentina, whence I came.) From there, you can go anywhere you want in Brazil, a place where American passport holders need a visa. U.S. passport carriers also need a visa for Paraguay. (They don't for Argentina, fortunately.)

Getting a visa is an expensive nuisance and serves no purpose except to infringe on the individual's right to go where he wants, when he wants. Of course the same is true for passports, which were once an optional document, originally intended to increase the convenience of the bearer.

It was refreshing not to need no stinkin' visas or passports to cross back and forth between Paraguay and Brazil; it gave the wonderful and welcome illusion we were free men. Why go to Brazil? Although everything costs about twice as much, it was nice to see the Brazilian nightlife. Ciudad is all business and pretty much rolls up the sidewalks at the end of the day. One rather up-market nightclub in Brazil featured rhythmic music so loud I could feel it through the soles of my feet. It made the fabric of my shirt pulse and the surface of my beer ripple. No one could talk. Well, that's not exactly true; you could talk in the way you can talk if you're standing next to a jet engine or a jackhammer. About 1,000 people, perhaps all deaf-mutes, just stood there on the dance floor, not dancing, just staring at each other, almost all of them trim, well dressed, and good looking. It was quite surreal, which is good. But entirely too tame.

So we told our driver we wanted a place *"un poco más interesante y peligroso."* He took us to a giant cowboy bar, like a Latin Gilley's or Billy Bob's. It was a rougher crowd, lots of trucker's caps on the men and about 20 pounds of extra weight on the women. The bouncer made sure we complied with the sign advising that no knives or guns were allowed on the premises. Most of South America, like most of the United States, is reasonably gun-friendly. After a couple more hours of roaming around, we gave up the search for the Star Wars Bar.

Paraguay under Stroessner was a refuge for people like Josef Mengele, Adolf Eichmann and, it is said, Martin Bormann.

The essence of Ciudad is commerce. Evidence of this is the

obvious mix of races and nationalities — Chinese, Koreans, Japanese, Arabs, East Indians, Africans in addition to lots of locals from the region. This mixture is actually quite unusual in South America. The fact that it stands out in CdE is a sign of dynamism, an excellent indicator. The streets fill up with stands selling merchandise of every description during the day — electronics, DVDs, clothing, you name it. Pretty much like Bangkok, pretty much the same prices. I examined the latest generation of fake Rolexes at one stand, and have to say the quality keeps going up, and the price keeps going down. Now, for $20, you can get something that's nearly indistinguishable from the real thing, except that its electronic movement will actually keep good time. I hate Rolexes, which are unquestionably the most overrated and overpriced watches in the word. Heavy and clunky. Need an expensive cleaning every couple years. Ostentatious and very nouveau riche. And, of course, rotten timekeepers. Montblanc pens and Louis Vuitton luggage knockoffs were also extremely well done, and about 5% the price of the originals. But, as with the Triple Frontera and Ciudad themselves, the legend almost always exceeds the reality.

Ciudad probably deserved more of its rep in the old days, before globalization reduced duties and taxes in its neighboring countries. And when it was younger and less established. It's quite perverse, but by the time something has been around long enough to gain an international reputation, the party is already over.

The Dam

The Itaipu Dam was just starting construction when I was there in 1980. The thing is one of the largest engineering projects in history and is correctly described as one of the seven wonders of the modern world, stretching 4.8 miles across the Paraná River and reaching a height of 643 ft., using 12,800,000 m^3 of concrete and enough iron and steel to build 380 Eiffel Towers. It impounds a reservoir 125 miles long, and its 13 gigawatts of power make it equal to approximately 13 mid-size nuclear plants.

Half of the project belongs to Paraguay, and it used to be said that the country, with its small population, was going to be the Saudi Arabia of electric power. Of course, as Saudi Arabia — and absolutely every other oil-rich country — has proven, a resource does about as much good for a "developing" country as a Lotto win does for somebody who lives in a trailer park. All it does is enrich the merchants that sell him trinkets before it's all frittered away and he's left with nothing but even more bad habits.

Democracy has no essential connection to any of these things. It's simply a method of deciding who runs the government.

Paraguay has the right to 50% of Itaipu's power — but only for its own consumption, not for resale. The Brazilians buy the excess at a rate that was fixed, for 50 years, back in 1973. On the face of things, this was a stupid deal, except, it's widely presumed, for the guys who actually cut the deal. Since it was done when both countries were under military rule, there can't be any question there are some very rich ex-generals in both countries.

As a matter of equity, however, I would say the Brazilians should get the lion's share, simply because they put up almost all the capital and expertise. The Paraguayans brought nothing to the party except the good luck to live on one side of the river. Paraguay's new president, Lugo, has said the treaty will be adjusted. I suspect it will, as much as the Brazilians will protest, and somewhere between several hundred million and a couple billion new dollars per year will eventually flow into Paraguay.

I don't know whether this dam "should" have been built. The price 25 years ago was $18 billion, which, realistically, makes it like $100 billion today. Not counting the value of submerged land, and compensation that should have been paid to displaced people. It was probably a misallocation of capital. But it's impossible to tell when politics are involved. How do you factor in the political favors? How do you back out greased palms and inflated costs? And, as a practical matter, the dam probably couldn't even be built today, because the reservoir displaced tens of thousands of people. But in those days, the generals did pretty much what they wanted, and didn't need trouble themselves with legions of lawyers catering to scores of NGOs in today's world of heightened eco-consciousness. And the power has to come from somewhere. All things considered, even though hydro isn't as good as nuclear, it's superior to coal, oil, or gas.

One good thing about the dam is that when asked exactly how much Paraguay should be paid for its theoretical half of the power, Lugo said, "the market price." Once someone makes a statement like that, it could be we're no longer dealing with a socialist. And, likely, someone who isn't corrupt. At least not yet.

Corruption

With low taxes, minimal enforcement of what tax laws there are, and minimal regulation, plus its status as an entrepot for almost everything, I had to ask myself why Paraguay wasn't as prosperous as Hong Kong.

Part of the answer lies in a joke that's popular throughout Latin America (although I first heard it in Argentina). An American politician is feting his friend, a Paraguayan politician, at his beautiful riverfront estate outside Washington, D.C. The Paraguayan asks him how he can afford such a nice place on a public servant's salary. The American points to a bridge in the near distance and says: "See that bridge?" The Paraguayan nods. The American politician then pats his pocket and says: "Ten percent, right here." Later, the American goes to visit his friend in Paraguay, at his magnificent estancia in the Chaco, and asks him how he can afford it on a public servant's salary. The Paraguayan politician points off over plains and says: "See that bridge?" The American looks hard, but says: "What are you talking about? There's no bridge there." The Paraguayan then pats his pocket and says: "100%, right here."

I had an appointment set up with the newly elected vice president, and I hoped to get some measure of the new

government. But it turned out his ailing father died that day, and the meeting was canceled. Plan B was to see the number three guy, the new president of the senate. He seemed very conventional and a little dim. My colleague, in his inimitable style, diagnosed him immediately and correctly (in my opinion) as one of the younger sons of a wealthy family, who was neither fit enough for the army nor bright enough to take over the family business. So they got him into politics, with a minority party, where he was unlikely to get into much trouble. And then lightning struck, moving him into a position of prominence.

It was refreshing not to need no stinkin' visas to cross between Paraguay and Brazil; it gave the wonderful and welcome illusion we were free men.

We received a politician's meaningless answers to our questions until I brought up the new income tax and asked him, "Don't you realize that you're going to have to pay 35% of your income too?" Here, one of corruption's many possible facets came through. He responded: "Well, I'm not so sure about that. . . ."

Let me digress briefly on the nature of corruption. In a free-market society, corruption (which can be defined as a betrayal of fiduciary trust, or the non-observance of rules for one's personal benefit) is, without exception, unethical and despicable. It's completely black and white. The problem arises when the state inserts itself into the picture. As Tacitus observed almost 2,000 years ago: "The more numerous the laws, the more corrupt the State." Once you go beyond the Two Great Laws – "Do all that you say you're going to do," and "Don't aggress against other people or their property" — you're inviting corruption. Almost all the laws that fill libraries with tomes of law books have nothing to do with these principles. Instead, they regulate social and economic relationships between otherwise willing parties, imposing rules and costs on third parties. Giving substance to the psychological aberrations of the legislators. Forcing people to do things that benefit the government (and those who court its favors). An abundance of law makes corruption necessary, the only way to get anything done. Perversely, the dead hand of the state turns corruption into a good thing.

The real problem arises when people start confusing laws that should be broken or disregarded with laws that at least have some basis in the Two Great Laws. From there on, it's a slippery slope.

The big problem with Paraguay is that — despite its huge potential advantages — there's been little development simply because everybody in the government has to be paid off to allow something to happen. It's like having to pay blackmail to everybody, forever. This is why there are no factories in the country to manufacture goods and employ workers. On paper, Paraguay seems like an investor's dream. The location is great. There's unlimited low-cost power. Wages are very low. Land and construction costs are very low. Taxes are very low. But the government here exists only to enrich the people who work for it. So there's an informal tax system, bribery, that inures to the direct benefit of the bureaucracy. It's arguably even worse than an official tax system, because you never know how much it's going to be or how they may choose to make your life miserable. The fact that you can count on a shakedown, but for an unknown and perhaps unknowable amount, and still may not get what you want, makes it almost impossible to plan, and that makes investment very hard, at least above the small-business level. And it's become part of the culture.

The exception to this is agriculture.

Agriculture

Farming and cattle are good businesses here. It's possible to get up to two crops a year. Out in the boondocks, you can do what you like on your own land. There are no property nor income taxes. There are no price controls or quotas.

The big drawback to agriculture in Paraguay is the meager facilities for carrying crops to market. You can't use a freight train because there aren't any. As backward and corrupt as the country has always been, nobody has bothered building a railroad. No railroad, and marginal roads. The roads are why it took us five hours to drive from Ciudad to Asunción, a distance of less than 200 miles. The country's main road is a two-lane blacktop filled with trucks hauling grain and cattle. This has been an immense disadvantage for an agricultural country.

One good thing about Paraguay is that land titles are solid, once it's established that you actually have good title. The lack of this is one of the reasons Africa is going nowhere fast; they have a long history of simply taking land on that continent if they want it. As in Argentina and Uruguay, that's never happened here, and I consider it unlikely.

Speaking of land, you've probably heard the rumor that the Bush family has bought something like 40,000 hectares in the Chaco, near the Bolivian border. And also near a reputed huge American airbase, called Mariscal Estigarribia. I could discover no evidence it's true, and we had several amused denials from people who should know the facts. Another reason to discount the rumor is that those floating it usually conjecture that Bush bought the land because Paraguay doesn't have any extradition treaties, and he's planning on hiding out there after he's indicted for war crimes. Of course, I think he should be indicted for war crimes, but the thought of his going on the lam to Paraguay belongs in a comedy sketch. In fact, the country actually has had an extradition treaty with the United States since 1998. Brazil has one too, incidentally. It's not like the old days. ❑

Now, for $20, you can get something that's nearly indistinguishable from a real Rolex, except that it will actually keep good time.

On the Beach in an Arab City, *from page 28*

speaking. It's not mentioned in the Qu'ran (which limits itself to generalities about "modesty"). It is recommended by some *hadiths* (post-Qu'ranic religious commentaries), but without clear attribution. And, according to Islamic intellectual tradition, a *hadith* with no known scholarly, credentialed author is no *hadith* at all. (I associate this insight with the *"Contre-prêches"* of the Tunisian philosopher Abdelwahab Meddeb.)

Thus, on admittedly superficial examination, religious justification for this particular form of head covering appears to vanish into thin air.

What I find deplorable in the widespread wearing of the *hijab* is that it seems to express compliance with the most narrow-minded, abusive, and probably fallacious interpretation of Islam, and that it is found precisely where I would least expect it. It's an undramatic but highly visible signal of the failure of individual modernity where one could reasonably hope it would keep its place. It confirms my worst, most illiberal suspicion: a few mad, bloody-minded zealots are steadily imposing their absurd, narrow, regressive view of the culture claimed by hundreds of millions. And there appears to be little resistance to this step backward.

I can't hide my unfavorable perceptions behind the usual academic copout, to the effect that I may not understand the finer points of psychology behind the practice, because of my cultural ignorance. First, I remember well that until the '60s, women were expected to cover their hair upon entering a Catholic church, probably for the same reasons that Muslim women are expected to cover theirs. Second, I fear that I understand all too well the repressiveness inherent in much religion, because I am familiar with world history. About a thousand years ago, my ancestors put to the sword every last inhabitant of Jerusalem after they stormed the town to free the nonexistent Tomb of Christ. On their way there from Europe, they had taken a detour to slaughter the Rhineland Jews — for practice, I suppose.

Soon, I am chewing on these somber thoughts on a beach just outside the capital. It's the first Sunday of school vacations. The sand is black with people, mostly in families. Here too, on this hot, sunny afternoon, most women, including very young ones, are wearing the *hijab*. Almost all the males are in some version of a bathing suit, more or less as in California. The separate daily fates of the sexes could not be more pronounced. Of course, many guys are enjoying a refreshing swim, or they have just been swimming in the temperate ocean.

Then, from the corner of my eye, I notice a couple of young mothers following their small children into the water. Both have on the *hijab* as well as long dresses with full sleeves. Soon, they are immersed to their shoulders. When they come out of the water, the effect is impressive. (I have seen something similar in India. I called it "the wet sari contest.") I can't believe that much younger men than I fail to see what I am seeing. Yet, there is no fuss at all. Perhaps good manners trump almost everything.

Gradually, my eyes open to other anomalies. Two girls in their teens walk arm in arm. One is wearing full Islamic dress, head to toe, the other, a bikini straight out of the French Riviera. They are obviously together; neither acts the least embarrassed about the other. Perhaps they are cousins separated by emigration. In back of the beach, two groups of teenagers play beach volleyball. The boys boast surfer's trunks of the O'Neill brand, designed in my very own town of Santa Cruz, California. The girls wear tiny skirts over bathing suit bottoms and halter tops (a risky garment anywhere, in conjunction with volleyball). No ogling or reproachful crowd is in sight.

Girlish squeals draw my attention. Twenty yards from the dry sand, a very young couple is fooling around in the water. Drawing on old beach memories of my own, I would bet the little rascal is making her feel his virility.

A willowy silhouette appears in front of me out of nowhere — a very pretty girl in her early 20s. She is wearing an elegant white-on-gray thin cotton outfit. Her long skirt, worn low on the hips, exposes her slender bare feet. Her round brown arms emerge from half-sleeves. Silver bracelets circle her thin wrists. Her undulating stride enhances likely curves in all the right places. Lovely rich brown hair peeks from under her *hijab*. She leaves behind her a wake of admiring male gazes.

This is not chance, not even luck. The whole effect is exquisitely calculated! Suddenly, my mood is transformed. Perhaps I am worrying about nothing. Perhaps, I should place more faith in human nature, especially in human nature of the female persuasion. ❑

Reflections, *from page 20*

to encourage the spread of libertarian ideas around the world. After merging with the venerable, '60s-era Society for Individual Liberty nearly a decade later, Libertarian International became the International Society for Individual Liberty — ISIL. To the world at large, for the next two decades, ISIL was an outfit that sponsored international conferences (in settings as diverse as Russia, Costa Rica, Estonia, Swaziland, Lithuania, Mexico, New Zealand, and most of the capitals of northern and western Europe), introducing thousands of students in other countries to libertarian ideas. ISIL sponsored translation and publication of libertarian classics in former Iron Curtain countries and in other countries where libertarian ideas had made little headway up to that time. It also published and distributed leaflets, brief introductions to and overviews of the most basic libertarian issues, that were typically printed on both sides of a single 8½ x 11 sheet, and distributed these leaflets everywhere.

But for those who lived in the San Francisco Bay Area during those years, ISIL was more than just the outfit behind these activities, important as they were. In the '90s, ISIL was also the proprietor of a libertarian bookstore and mail drop in a somewhat seedy section of Market Street in San Francisco. Local Libertarian Party meetings and other sorts of libertarian gatherings took place there. And its managers, Vince Miller and Jim Elwood, were to be found anywhere in the Bay Area where any sort of libertarian event was happening.

continued on page 54

Global Warming, Global Myth

by Edmund Contoski

"Unless we announce disasters, no one will listen."
— Sir John Houghton, first chairman of the Intergovernmental Panel on Climate Change (IPCC) and lead editor of its first three reports.

During the 20th century, the earth warmed 0.6 degree Celsius (1 degree Fahrenheit), but that warming has been wiped out in a single year with a drop of 0.63 degree C. (1.13 F.) in 2007. A single year does not constitute a trend reversal, but the magnitude of that temperature drop — equal to 100 years of warming — is noteworthy. Of course, it can also be argued that a mere 0.6 degree warming in a century is so tiny it should never have been considered a cause for alarm in the first place. But then how could the idea of global warming be sold to the public? In any case, global cooling has been evident for more than a single year. Global temperature has declined since 1998. Meanwhile, atmospheric carbon dioxide has gone in the other direction, increasing 15–20%. This divergence casts doubt on the validity of the greenhouse hypothesis, but that hasn't discouraged the global warming advocates. They have long been ignoring far greater evidence that the basic assumption of greenhouse warming from increases in carbon dioxide is false.

Manmade emissions of carbon dioxide were not significant before worldwide industrialization began in the 1940s. They have increased steadily since. Over 80% of the 20th century's carbon dioxide increase occurred after 1940 — but most of the century's temperature increase occurred before 1940! From 1940 until the mid-1970s, the climate also failed to behave according to the greenhouse hypothesis, as carbon dioxide was strongly increasing while global temperatures cooled. This cooling led to countless scare stories in the media about a new ice age commencing.

In the last 1.6 million years there have been 63 alternations between warm and cold climates, and no indication that any of them were caused by changes in carbon dioxide levels. A recent study of a much longer period (600 million years) shows — without exception — that temperature changes precede changes in carbon dioxide levels, not the other way around. As the earth warms, the oceans yield more carbon dioxide to the atmosphere, because warmer water cannot hold as much carbon dioxide as colder water.

The public has been led to believe that increased carbon dioxide from human activities is causing a greenhouse effect that is heating the planet. But carbon dioxide comprises only 0.035% of our atmosphere and is a very weak greenhouse gas. Although it is widely blamed for greenhouse warming, it is not the only greenhouse gas, or even the most important. Water vapor is a strong greenhouse gas and accounts for at least 95% of any greenhouse effect. Carbon dioxide accounts for only about 3%, with the remainder due to methane and several other gases.

Not only is carbon dioxide's total greenhouse effect puny, mankind's contribution to it is minuscule. The overwhelming majority (97%) of carbon dioxide in the earth's atmosphere

comes from nature, not from man. Volcanoes, swamps, rice paddies, fallen leaves, and even insects and bacteria produce carbon dioxide, as well as methane. According to the journal Science (Nov. 5, 1982), termites alone emit ten times more carbon dioxide than all the factories and automobiles in the world. Natural wetlands emit more greenhouse gases than all human activities combined. (If greenhouse warming is such a problem, why are we trying to save all the wetlands?) Geothermal activity in Yellowstone National Park emits ten times the carbon dioxide of a midsized coal-burning power plant, and volcanoes emit hundreds of times more. In fact, our atmosphere's composition is primarily the result of volcanic activity. There are about 100 active volcanoes today, mostly in remote locations, and we're living in a period of relatively low volcanic activity. There have been times when volcanic activity was ten times greater than in modern times. But by far the largest source of carbon dioxide emissions is the equatorial Pacific Ocean. It produces 72% of the earth's emissions of carbon dioxide, and the rest of the Pacific, the Atlantic, the Indian Ocean, and the other oceans also contribute. The human contribution is overshadowed by these far larger sources of carbon dioxide. Combining the factors of water vapor and nature's production of carbon dioxide, we see that 99.8% of any greenhouse effect has nothing to do with carbon dioxide emissions from human activity. So how much effect could regulating the tiny remainder have upon world climate, even if carbon dioxide determined climate?

Since carbon dioxide is a very weak greenhouse gas, computer models predicting environmental catastrophe depend on the small amount of warming from carbon dioxide being amplified by increased evaporation of water. But in the many documented periods of higher carbon dioxide, even during much warmer climate periods, that never happened. During the time of the dinosaurs, the carbon dioxide levels were 300–500% greater than today. Five hundred million years ago, the level of carbon dioxide in the atmosphere was 15–20 times what it is today. Yet the catastrophic water-vapor amplification of carbon dioxide warming never occurred. Today we're told catastrophic warming will result if carbon dioxide doubles. But during the Ordovician Period, the carbon dioxide level was 12 times what it is today, and the earth was in an Ice Age. That's exactly opposite to the "runaway" warming that computer models predict should occur. Clearly the models are wrong; they depend upon an assumption of amplification that is contrary to the climate record of millions of years. There is no reason to trust the computer predictions — or base public policies on them. Reid Bryson, founding chairman of the Department of Meteorology at the University of Wisconsin, has stated, "You can go outside and spit and have the same effect as doubling carbon dioxide."

There are other examples where the computer models fail to agree with reality. According to the greenhouse hypothesis, the warming should occur equally during day and night. But most of the warming that has been observed has occurred at night, thus falsifying the models.

All of the models agree — for sound theoretical reasons — that warming from a greenhouse effect must be 2–3 times greater in the lower atmosphere than at the earth's surface. This is not happening. Both satellites and weather balloons show slightly greater warming at the surface. These atmospheric temperature measurements furnish direct, unequivocal evidence that whatever warming has occurred is not from the greenhouse effect.

During the Ordovician Period, the carbon dioxide level was 12 times what it is today, and the earth was in an Ice Age.

Everyone knows the sun heats the earth, but the public is generally unaware that the sun's heat is not uniform. Solar radiation is affected by disturbances on the surface of the sun, called "sunspots," which correspond to the sun's 11-year magnetic cycle. There are also several solar cycles of longer duration. Superimposed, these cycles might augment or cancel each other. There are also periods when sunspots "crash," or almost disappear, which can lead to dramatic cooling of the earth for several decades. This is what happened 400 years ago during the Maunder Minimum, which was the coldest part of the Little Ice Age. During one 30-year period during the Maunder Minimum only about 50 sunspots were observed, compared to a typical 40–50 *thousand.*

Sunspots have now virtually vanished. You can check out pictures of the sun day after day after day for the last few years at http://tinyurl.com/6zck4x. Very few show more than one sunspot and many show none. We are currently at a solar minimum, awaiting the start of the next solar cycle. If sunspot activity does not pick up soon, we could be in for some seriously cold climate. The jury is still out on sunspot numbers.

In any case, some climate scientists believe the length of past solar cycles points to a cool phase in this century. Professor Habibullo Abdussamatov, head of the Pulkovo Observatory in Russia, believes a slow decline in temperatures will begin as early as 2012–15 and will lead to a deep freeze in 2050–60 that will last about 50 years. Climatologist Tim Patterson thinks that by 2020 the sun will be starting its weakest 11-year sunspot cycle of the past two centuries,

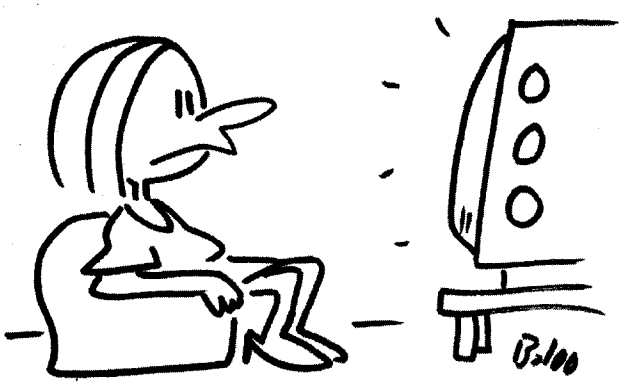

"Mighty strange weather tonight, followed by downright weird tomorrow. . . ."

likely leading to unusually cool conditions on earth. He says, "If we're to have even a medium-sized solar minimum, we could be looking at a lot more bad effects than 'global warming' would have had."

The global warming advocates make all sorts of false claims about dire consequences of global warming. They claim it will result in the spread of malaria, food shortages, more human deaths, more violent weather, and a loss of biological diversity through the extinction of species. All untrue. The largest number of species — the greatest biological diversity — is in the tropics. As you move away from the equator, you find fewer and fewer species, until you reach the earth's poles, where there is zero diversity because nothing can live there.

Agricultural productivity is also reduced by cold climate, not a warmer one. That's why Siberia and Alaska are not noted for agricultural abundance. A warmer climate would mean longer growing seasons and would make agriculture possible in areas where it isn't today. And there are at least 300 studies showing plants and forests grow faster and more luxuriantly under conditions of increased carbon dioxide.

Our bodies require heat. We are warm-blooded and have no fur. We wear clothes, build homes, and heat them with fires, all as protection against the cold. Far more people move to Florida, California, or Arizona because of warm climate than move to Alaska, North Dakota, or Montana. Canada is the world's second largest country, but 90% of the population lives within 100 miles of its southern border. Worldwide, far more people die every year from cold than from heat. So why should global warming be bad for us?

Global warming will not result in the spread of malaria. Paul Reiter, of the Pasteur Institute in Paris, is one of the world's foremost experts on insect-borne diseases. He says, "The global warming alarm is dressed up as science, but it is not science. It is propaganda. I was horrified to read the [IPCC] 2nd and 3rd Assessment Reports because there was so much misinformation." For example, the IPCC states "mosquito species that transmit malaria do not usually survive where the mean winter temperature drops below 16–18 degrees C." This is "clearly untrue," says Reiter. "In fact, mosquitoes are extremely abundant in the Arctic. The most devastating epidemic of malaria was in the Soviet Union in the 1920s. There were something like 13 million cases a year and something like 600,000 deaths, a tremendous catastrophe that reached up to the Arctic Circle. Arkhangel [a city 300 miles further north than Helsinki, Finland] had 30,000 cases and about 10,000 deaths. So it's not a tropical disease. Yet these people in the global warming fraternity invent the idea that malaria will move northward."

Atmospheric temperature measurements furnish direct, unequivocal evidence that whatever warming has occurred is not from the greenhouse effect.

New York City and Boston had long histories of malaria. In 1933, when President Roosevelt authorized the Tennessee Valley Authority, a third of the population in the area had malaria. Malaria was not eliminated in the United States until 1951. It was done through the use of DDT — which the environmentalists prevailed upon the United States to ban, resulting in 40–50 million unnecessary deaths from malaria since 1972.

The environmentalists have also invented the idea that the polar bear is threatened by global warming. Today there are 22–25 thousand polar bears, compared to 8–10 thousand 40 years ago and only 5,000 in 1940, before the big rise in carbon dioxide. Eleven of the 13 polar bear groups in Canada today are stable or increasing. The two that are decreasing are in an area where the climate has gotten colder! Furthermore, the polar bears survived many periods of much warmer temperatures, some lasting thousands of years. They survived the Medieval Warm Period a thousand years ago, when the Vikings settled both Iceland and Greenland. Greenland actually was green then and could support agriculture; but when the cold returned a few centuries later, the people there all starved to death. Today Greenland is covered by a sheet of ice. Six thousand years ago the earth's climate was much warmer than now, and the polar bears survived. Ten thousand years ago the earth's climate was a whopping six degrees C (11 degrees F) warmer than now, and the bears survived. Polar bears have been a distinct species for 125,000 years (they descended from grizzly bears) and they've survived far warmer climates than anything they face today or in the foreseeable future. A Canadian polar bear expert, Mitch Taylor, says, "They are not going extinct, or even appear to be affected."

The argument that a warmer climate will bring more violent weather can only be made by people who have no knowledge.

The argument that a warmer climate will bring more violent weather can only be made by people who have no knowledge of climate history or simply dismiss it because it contradicts their propaganda. And they rely on the public — and the media — being uninformed enough and gullible enough to believe them. There is abundant historical evidence that the earth had far more violent weather in times of colder climate, such as the Little Ice Age, than in warmer times. It is well known, too, that what determines violent weather is the temperature differential between the equator and the poles. All the computer models predict the greatest warming from the greenhouse effect will be at the poles, which will reduce that differential and violent weather.

There are four sources of global temperature measurements: NASA, The UK Meteorological Office's Hadley Center for Climate Studies, the University of Alabama at Huntsville,

and RSS (Remote Sensing Systems). NASA is out of step with the other three. The others show global temperatures declining since 1998 while NASA shows them increasing at a record pace. How can that be? Statistician Steve McIntyre tracks climate data closely at www.climateaudit.org. Recently he ran an article titled "NASA is Rewriting History, Time and Time Again." It explains that NASA has "adjusted" recent temperatures upward and older temperatures downward, which creates the appearance of warming. The man behind these changes is James Hansen, the scientist who started the whole global warming hysteria by testifying before a Senate committee in June 1988 that he was "99% sure" greenhouse warming was already under way. The same media which scarcely a decade earlier were touting a coming ice age now seized upon Hansen's unsupported testimony and began touting global warming. Hansen has been trying ever since to come up with evidence to support his claims, now even tampering with the actual temperature record. Steven Goddard asks, "How could it be determined that so many thermometers were wrong by an average of 0.5 degrees in one particular year several decades ago, and an accurate retrofit be made? Why is the adjustment 0.5 degrees one year, and 0.1 degrees the next?" Statistically, the odds are 50/50 of an error being either up or down. But Hansen adds an upward correction to the average of thousands of temperature measurements annually across the globe in more than 55 years out of 70. That's like flipping a coin 70 times and having it turn up heads 55 times. The odds of that happening are about one in a million.

NASA has "adjusted" recent temperatures upward and older temperatures downward, which creates the appearance of warming.

Nor is that the only example of manipulation of data for the good of the cause. The centerpiece of the IPCC Third Assessment Report was the "hockey stick" graph by Michael Mann, et al. It showed a thousand years of "reconstructed" global temperatures as a long horizontal trend looking like the long handle of a hockey stick — with a sharp rise since 1900 looking like the blade of the hockey stick, due to global warming. This work has now been thoroughly discredited. It was the product of multiple inaccuracies from errors, omissions, obsolete data, and manipulations in "reconstructing" data, all of which was then processed through an invalid statistical procedure. That procedure was found to produce a "hockey stick" even from random inputs, and Mann himself later admitted it would find a "hockey stick" where there wasn't one. The National Academy of Sciences found a "validation skill not significantly different from zero." The issue was presented to the National Academy of Sciences by the Wegman Panel, consisting of three independent statisticians chaired by an eminent statistics professor, Edward Wegman, who also testified about it at a congressional investigation. After explaining the incorrect mathematics in Mann's procedure, Wegman stated: "I am baffled by the [Mann] claim that incorrect mathematics doesn't matter because the answer is correct anyway[!]" Ideology trumps mathematics! (Incidentally, this graph is still being used on TV programs on global warming. I was on one such program less than a year ago that displayed this graph four or five times in an hour and allowed Mann plenty of airtime to tout it, and the program provided no rebuttal. And I have been told by students and parents that the "hockey stick" graph is still being used in schools.)

Here's an example of the global warming alarmists completely ignoring contrary data, or even denying it exists. Some scientists assert that the current level of carbon dioxide in the atmosphere (about 380 parts per million) is the highest in 800,000 years. The media sucks this up and broadcasts it all over the airwaves and the newspapers, and the public, not knowing any better, believes it must be true. But how could such learned men be so ignorant in their own field of expertise as to not know of the abundant temperature records that give lie to their claim? How could they not know of the monumental compilation by Ernst-Georg Beck of more than 90,000 direct carbon dioxide measurements, between 1812 and 1961, from 175 published technical papers? Zbigniew Jaworowski, M.D., Ph.D., D.Sc., says these measurements were ignored for three decades "not because they were wrong. Indeed, these measurements were made by top scientists, including two Nobel Prize winners, using techniques that are standard textbook procedures. . . . The only reason for rejection was that these measurements did not fit the hypothesis of anthropogenic global warming. I regard this as perhaps the greatest scientific scandal of our time."

What about the ice core samples? Same story: omission or denial of whatever doesn't fit the global warming doctrine. The 2007 IPCC Summary report states: "The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 ppm to 379 ppm in 2005. The atmospheric concentration of carbon dioxide in 2005 exceeds by far the natural range over the last 650,000 years (180 to 300 ppm) as determined from ice cores." In fact, the ice cores show measurements of over 400 ppm as recently as about 1700 A.D. and 420 ppm about 200 A.D. Ice cores show similar carbon dioxide levels intermittently over the last 10,000 years. So who is wrong, the ice cores or the IPCC? Just who are the "deniers" of reality?

What about the ice core samples? Same story: omission or denial of whatever doesn't fit the global warming doctrine.

Jaworowski has studied climate for over 40 years, organized 11 glacier expeditions researching 17 glaciers in the Arctic, Antarctic, Alps, Norway, Himalayas, Peruvian Andes, and other mountainous regions. He has also published about 20 papers on climate issues, most of them about ice cores. He writes that the ice core information in the 2007 IPCC Summary

Report was "plagued with improper manipulation of data, an arbitrary rejection of high readings from old ice, and an arbitrary rejection of low readings from young ice, simply because they did not fit the preconceived idea of man-made global warming ."

Furthermore, from over 90,000 direct measurements of carbon dioxide, Beck graphed five-year averages, which further discredit the IPCC claim. These show 440 ppm carbon dioxide for the years 1820 and 1940, and 390 ppm for 1855. Can there be any doubt that the IPCC is distorting science for political purposes?

Why is it that the global warming advocates are unfazed by any contrary evidence, no matter how strong? All their claims of disasters from global warming have been debunked. All their computer models have been shown to be false, to be based on flawed assumptions, incapable of being reconciled with the observable facts. Vaclav Klaus, President of the Czech Republic and a university professor before he became president, is the author of a book on global warming and has spoken often on the subject. He says, "What frustrates me is the feeling that everything has already been said and published, that all rational argument has been used, yet it does not help." It does not help because global warming alarmism is not based on rational argument. It is not based on science. It is not based on reality. It is based on political ideology. If rational argument doesn't fit, then phony arguments must be invented: the spread of malaria, the loss of biological diversity, polar bears disappearing, etc. If computer models can predict disaster scenarios only by programming unrealistic assumptions, then that will be done. If global warming does not fit the observable temperature measurements, then a new "reality" must be invented to fit the ideology: the actual temperature records must be altered or dismissed. The global warming advocates are not disturbed by all this because, in their view, ideology trumps reality.

Patrick Moore, a cofounder and director of Greenpeace, resigned because of its "trend toward abandoning scientific objectivity in favor of political agendas." After the failure of communism, he says, there was little public support for collectivist ideology. In his view, a "reason environmental extremism emerged was because world communism failed, the [Berlin] wall came down, and a lot of peaceniks and political activists moved into the environmental movement bringing their neo-Marxism with them and learned to use green language in a very clever way to cloak agendas that actually have more to do with anticapitalism and antiglobalism than they do anything with ecology or science."

James Hansen revealed his hatred of capitalism in an impassioned email denouncing the attention paid to errors in NASA data.

"I think if we don't overthrow capitalism, we don't have a chance of saving the world ecologically," said Judi Bari, principal organizer of Earth First!

James Hansen revealed his hatred of capitalism in an impassioned email denouncing the attention paid to errors in NASA temperature data: "The deceit behind the attempts to discredit evidence of climate change reveals matters of importance. This deceit has a clear purpose: to confuse the public about the status of knowledge of global climate change, thus delaying effective action to mitigate climate change. The danger is that delay will cause tipping points to be passed, such that large climate impacts become inevitable . . . the ones who will live in infamy if we pass the tipping points, are the captains of industry, CEOs in fossil fuel companies such as EXXON/Mobil, automobile manufacturers, utilities, all of the leaders who have placed short-term profit above the fate of the planet and the well-being of our children."

Why is it that the global warming advocates are unfazed by any contrary evidence?

Klaus states:

> We succeeded in getting rid of communism, but along with many others, we erroneously assumed that attempts to suppress freedom, and to centrally organize, mastermind, and control society and the economy, were matters of the past, an almost-forgotten relic. Unfortunately, those centralizing urges are still with us. . . . Environmentalism only pretends to deal with environmental protection. Behind their people and nature friendly terminology, the adherents of environmentalism make ambitious attempts to radically reorganize and change the world, human society, our behavior and our values. . . .
>
> The followers of the environmentalist ideology, however, keep presenting us with various catastrophic scenarios with the intention of persuading us to implement their ideas. That is not only unfair but also extremely dangerous. Even more dangerous, in my view, is the quasi-scientific guise that their oft-refuted forecasts have taken on. . . . Their recommendations would take us back to an era of statism and restricted freedom. . . . The ideology will be different. Its essence will, nevertheless, be identical — the attractive, pathetic, at first sight noble idea that transcends the individual in the name of the common good, and the enormous self-confidence on the side of the proponents about their right to sacrifice the man and his freedom in order to make this idea reality. . . . We have to restart the discussion about the very nature of government and about the relationship between the individual and society. . . . It is not about climatology. It is about freedom.

Do you ever wonder how communism could last for 70 years in Russia? Surely there was plenty of evidence, for decades, that the system was failing: food shortages, declining life expectancy, increased infant mortality, low standards of living, primitive hospitals, and sanitation facilities lagging far behind those in Western Europe and America — not to mention pollution far worse than in the West. But to diehard communists, the facts did not matter. All the observable negatives of collectivism were trumped by ideology. The same is true of the ideology behind global warming. ❑

A DISQUISITION ON THE METHODOLOGY OF

Sneaking Around!

"**The travel deity we worship** today is the motor vehicle, and streets and highways are its pantheon. We go to homes, stores, and jobs on roads; commerce flows on the same surfaces in vans, pickups, and semis. My instincts told me that to find an unexplored world I would have to leave motor vehicles and this web of asphalt and convenience behind."
– from the Introduction to **One Inch above the Water**

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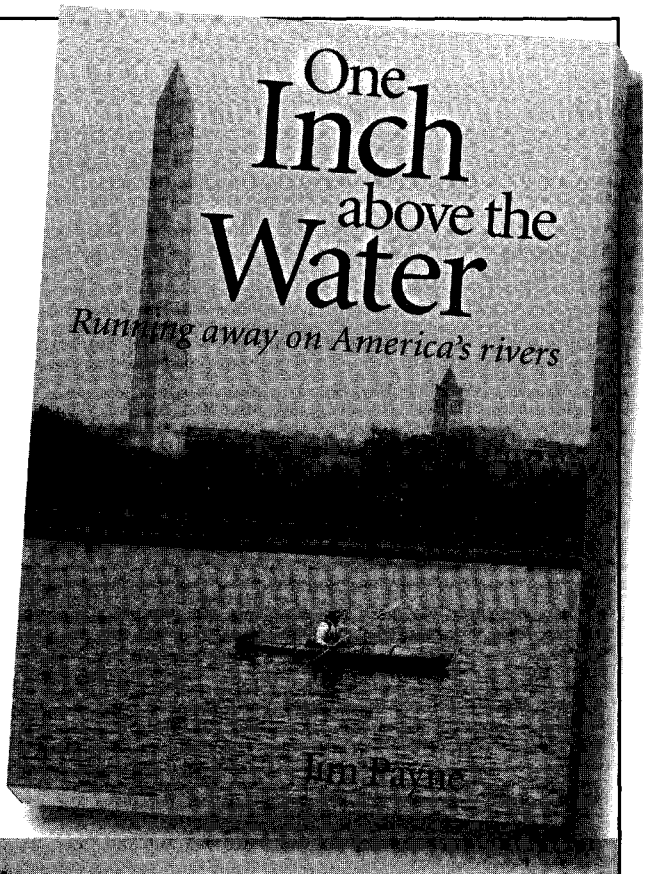

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Who Wrote "The Fatal Conceit"?

by Jane S. Shaw

"The Fatal Conceit" is the last book by the great libertarian thinker F.A. Hayek — or is it? The controversy involves much more than literary history.

In March 2005, Liberty published "The Fatal Deceit," in which Lanny Ebenstein gave a devastating critique of "The Fatal Conceit" (University of Chicago Press, 1988), which was to be the initial volume of F.A. Hayek's collected works. Ebenstein contends that the book's editor, the late W.W. Bartley, had an inordinate influence on its composition and that much of the book may be Bartley's writing, not Hayek's.

Ebenstein is undoubtedly right up to a point. The author of a luminous biography of Hayek, he speaks authoritatively. But — until more information emerges — I would prefer not to go overboard in condemning Bartley or assuming that the content does not encompass Hayek's views.

Let me note up front that I love "The Fatal Conceit." For me the major message of this short book (179 pages) is that the extended market order is a slow-to-develop but permanent change in history. This change is the culmination of thousands of years (perhaps hundreds of thousands of years) during which humans moved from primitive tribalism to a world of global cooperation, and traces of those earlier times explain much of the modern antipathy to capitalism.

One of the points of contention, however, is whether this is even the topic of the book. Ebenstein says that the "essential message" is "that people do not like capitalism because it relies on an unseen extended order over time to produce goods and services, and people instinctively like to see immediate, visible good." He also sees the book as a critique of "constructive rationalism." These are relatively familiar parts of the Hayek canon, and not controversial or surprising.

But Ebenstein also says that the genesis of the book was Hayek's essay "The Three Sources of Human Values." This essay (published in 1979 as an epilogue to "Law, Legislation, and Liberty") dealt with what Ebenstein calls the "subconscious sources [of human values and institutions] that emerge through group selection." The latter topic, which Hayek was working on late in life, seems closer to the point of the book.

Much may hinge upon whether this statement on p. 18 is Hayek's or Bartley's: "The topic of this book thus resembles, in a way, that of [Freud's] 'Civilisation and its Discontents'

(1930), except that my conclusions differ greatly from Freud's." Hayek either meant the book to be an alternative to Freud or he did not.

Certainly, the evolution of the market order was what struck me the most when I first read "The Fatal Conceit." At the time, I knew little more about Hayek than his seminal essay "The Use of Knowledge in Society" (and Thomas Sowell's wonderful riff on it, "Knowledge and Decisions").

Hayek's work helped me reconcile my love for religion with libertarian agnosticism.

"The Fatal Conceit" gave me a view of world history that I hadn't had before, extending Hayek's "spontaneous order" to historical (and prehistorical) change. Further, it helped me reconcile my love for religion with libertarian agnosticism.

Is what I understood wrong? Not Hayekian? An interpolation by an editor? I'd like to offer a modestly different interpretation.

Admittedly, a few statements in Ebenstein's essay are pretty much fatal to full authorship by Hayek. Critical Review editor Jeffrey Friedman says that he had offered suggestions for improvement of an early manuscript, and he found some of his comments verbatim in the final publication.

Disturbing remarks also come from Hayek's longtime assistant, Charlotte Cubitt. Ebenstein writes that "when Hayek received a copy of the published 'The Fatal Conceit,' he told her that Bartley's changes were so significant that he hardly recognized it."

But let's look at this from the perspective of an editor, which I am. I'm glad to say that no one has ever told me that he or she "hardly recognized" a version I edited. If it had happened, I would know that I had gone too far. On the other hand, how far out of bounds would I have been? Perhaps, especially if Hayek was referring to the form rather than the content, not as far as it seems.

Ebenstein says that Bartley "rearranged, reorganized, and retitled chapters. He introduced much extraneous material, deleted paragraphs and sentences, added others, and rewrote many more. He inserted paragraphs from individuals who reviewed the manuscript and added citations (including to his own work). He changed terminology and emphasis. He apparently composed the conclusion of the work on page 140, Hayek's final word."

This may sound worse than it was. When the goal is to reach a broader public (which I believe "The Fatal Conceit" was meant to do), an editor has significant leeway. When we take into account James Buchanan's comment (quoted by Ebenstein) that he and his colleagues despaired for the future of the original version of "The Fatal Conceit," heavy editing may well have been appropriate.

Good editors sometimes rearrange, reorganize, and retitle chapters. They delete paragraphs and sentences and add others. Sometimes inserting paragraphs (but not extraneous ones) may even be all right. All of this, of course, should be subject to the author's approval.

Bartley clearly went too far, dropping in complete paragraphs from reviewers and adding citations to his own work. (Adding citations per se is not necessarily wrong, subject to approval.) Misrepresentation, in which Bartley apparently engaged, is reprehensible.

It is evident that the author was not in sufficiently good health to accurately review and restrain his editor. But we still don't know how close the final book was to achieving the goals Hayek originally set out to achieve. Ebenstein, who appears to have seen some of the early drafts, may have a better idea. Comparison with the manuscripts, now in the Hoover Institution library, will be extremely important.

But here are a few comments from a professional editor and amateur reader.

For one, the appendices surely are original. They appear as appendices because, undoubtedly, the editor couldn't quite fit them into the narrative.

Similarly, the last chapter has the ring of authenticity. It is what the text calls Hayek's "informal remarks" about religion. Like the appendices, these didn't fit conveniently into the design of the work, but there they are. Could Bartley have written, "I long hesitated whether to insert this personal note here, but ultimately decided to do so because support by a professed agnostic may help religious people more unhesitatingly to pursue those conclusions we do share" (139–40)? Surely not.

And then there is the chapter on population. As I was preparing an article for Liberty about population growth, the noted economist Julian Simon referred me to the chapter on population in "The Fatal Conceit," saying that Hayek's insight here was very important.

It was. What I took from the chapter was that the buildup of population over time reflects productivity-enhancing specialization (Malthus didn't see this, he says) and there is a natural limit to population density in a market-oriented world.

"Human population grew in a sort of chain reaction in which greater density of occupation of territory tended to produce new opportunities for specialisation and thus led to an increase of individual productivity and in turn to a further increase of numbers," the text says (126). And this process will continue until "all the fertile or richly endowed parts of the earth are similarly densely occupied" (127). I interpret these comments to mean that Europe today illustrates the limits of "natural" population density. In contrast, the high population growth on the periphery of market economies is a temporary matter. Could this have been Bartley's insight? I doubt it.

And some of the book is non-controversially Hayek. The chapter "The Mysterious World of Trade and Money" explains the difficulty that many people have in accepting the value that traders, financiers, and speculators create (due to what Thomas Sowell, building on Hayek's earlier work, called the "physical fallacy"). This incorporates what Ebenstein views as Hayek's essential point.

In my view, the apparent subject of the book, the personal remarks, and the powerful insights of "The Fatal Conceit" add up to a book that is probably still mostly Hayek's. I may, of course, be wrong. Over time, scholars who study the early and intermediate versions will help inform us (perhaps they already have — I'm late in addressing this topic) how much of the text reflects the voice and thought of Hayek and how much Bartley embellished. For me, the jury is still out. ❑

Defense of an Unlikely Choice

by Lance Lamberton

Should writing the Defense of Marriage Act, voting for the PATRIOT Act, and supporting the War on Drugs permanently enjoin Barr from being considered a true libertarian?

I've been a Libertarian Party activist for a long time. I pounded the pavement gathering ballot access signatures for Fran Youngstein and Jerome Tucille in the early '70s. Neither got much in the way of votes, but in my youthful idealism I was unconcerned; I reasoned that was to be expected for a fledgling party.

Fast forward to 1980 and I became a supporter of Ed Clark, the LP's standard bearer for president. Considering that the Republicans had a charismatic candidate who espoused ideals similar to those of the LP, I was not disappointed when Clark garnered nearly a million votes. I viewed that as a solid base upon which the party could build.

Alas! That was not to be. Little did I anticipate that would be the high water mark for the LP in national politics. Not even Ron Paul, in his 1988 campaign, was able to approach Clark's 1980 result.

Consequently, when the 2008 presidential campaign began in earnest in 2007, I was resigned to expect another confirmation that the LP is, and always will be, politically irrelevant.

Then, something funny happened on the way to the forum. Much to my astonishment, hundreds of Paul meet-up groups sprang up overnight, millions of dollars were raised, and Paul was receiving media attention which dwarfed anything obtained by any past LP candidate, including Paul's own 1988 candidacy. Moreover, Paul obtained vote percentages well into the double digits in a number of Republican primaries, and thousands flocked to Ron Paul rallies throughout the country.

Obviously, something significant was going on here. Ron Paul's campaign for peace, freedom, and prosperity was resonating with a segment of voters that I thought had long since become extinct. But once McCain became the presumptive nominee, I again resigned myself to another disappointing showing for the LP.

Then former Rep. Bob Barr announced, three weeks before the LP's national convention in Denver, that he would seek the LP's nomination.

Barr's candidacy was met with a great deal of skepticism,

continued on page 54

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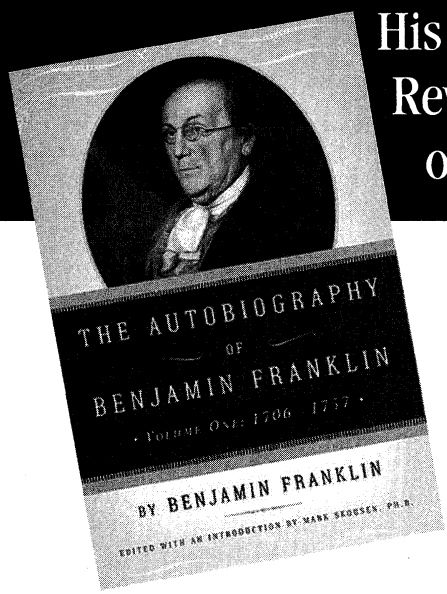

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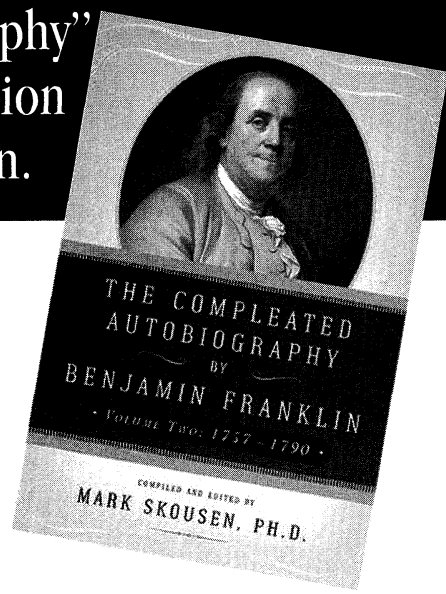

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- shifting opinions on racism, and how Franklin became the president of the first anti-slavery league in the US.
- Franklin's fascination with science, including his inventions of the Armonica, magic squares, bifocals, and daylight savings.
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Reviews

"Liberal Fascism," by Jonah Goldberg. Doubleday, 2008, 496 pages.

Half True

Warren Gibson

In 1962 the novelist and philosopher Ayn Rand delivered a talk entitled "The Fascist New Frontier" (reprinted in the recent collection "The Ayn Rand Column"), an analysis of President Kennedy's New Frontier social and economic programs. When she offered a written version of the talk as part of a projected volume of essays, her publisher, Bennett Cerf, "absolutely hit the roof." As he related in his memoir, "At Random," "I called her and said we were not going to publish any book that claimed Hitler and Jack Kennedy were alike." Rand refused to back down, and soon thereafter ended her association with Random House.

Cerf's reaction has to be understood in the context of the times. Only 17 years had passed since the great crusade against fascism had ended in victory. Kennedy, who enjoyed a reputation as a war hero, was taking the war victory a step further by proclaiming that not only had a bad ideology been defeated, but that the end of all ideology was at hand. "What is at stake in our economic decisions today," he declared in a 1962 speech, "is not some grand warfare of rival ideologies, but the practical management of the modern economy." The public, perhaps as weary of ideological conflict as it was of military conflict, warmed to Kennedy's message. It was ready for the cool technocrats with their butch cuts, white shirts, and narrow black ties to run the economy according to scientific management principles. To call Kennedy or his program "fascist" in those times was considered very bad taste, to put it mildly.

In fact the article shows us Rand at her nonfiction best. True to form, she defines her terms explicitly: fascism is "a governmental system with strong centralized power, permitting no opposition or criticism, controlling all affairs of the nation, emphasizing an aggressive nationalism"; and she emphasizes that under fascism, in contrast to socialism, "men retain the semblance or pretense of private property, but the government holds total power over its use and disposal." She presents several Kennedy sayings along with similar sayings by fascist leaders. For example, she pairs Kennedy's famous "ask not what your country will do for you — ask what you can do for your country" with this from Hitler: "If we then understand national solidarity aright, we cannot but see that it is based on the idea of sacrifice. In other words, if somebody objects that the continual giving involves too heavy a burden, then we must reply that . . . true national solidarity cannot find its sense in mere taking."

She concludes with this call to action: "If you wish to oppose [statism], you must challenge its basic premises. You must begin by realizing that there is no such thing as 'the public interest' except as the sum of the interests of rational men. And the basic, common interest of all men — all rational men — is freedom."

Rand's talk drew little notice, but Kennedy's New Frontier began to disintegrate even before his death. Then Lyndon Johnson's Vietnam war tore the country apart. His "war on poverty" left poverty unscathed while taxpayers bled. The 1970s brought simultaneous inflation and recession, which was impossible according to the Keynesian theory that Kennedy had taken as gospel. As a result of these and other events, a "grand warfare of rival ideologies" broke out after all, and in full force; it continues to this day. Classical liberal ideas, which could only simmer underground during Kennedy's time, burst onto the public stage under the directorship of Friedrich Hayek and Milton Friedman; Ronald Reagan and Maggie Thatcher carried the battle to the political arena.

By 1980, inflation was raging and Harry Browne was writing bestsellers about hoarding gold and stocking a

hideout in the country. Rand's thesis might have gotten a more respectful hearing, had it appeared then. In fact, 1980 was the publication date of "The Ominous Parallels: the End of Freedom in America," by Rand's disciple Leonard Peikoff. The book had taken Peikoff 14 years to write, much of that time spent "reeling from the onslaught of [Rand's] literary criticisms and insistence on re-writes," according to Rand's biographer, Barbara Branden. We will probably never know how much of this book is due to Peikoff, and how much to Rand. In any event, it shows the persistence of the radical critique of American politics undertaken by libertarians and other followers of Rand.

The first half of "Ominous Parallels" attempts to trace the intellectual roots of the Nazi horror to the philosophy of Kant, Hegel, and their successors. For Kant, according to Peikoff, objective reality exists but is unknowable to man. Morality consists in absolute obedience to categorical imperatives, regardless of, or preferably in opposition to, one's personal desires. Hegel carried on where Kant left off, explicitly rejecting Aristotelian logic and proclaiming the State as the "Divine Idea as it exists on earth." The second half of Peikoff's book, "Practice," recounts the rise of the Nazis and how they strove to destroy not just the bodies but the souls of the concentration camp inmates. Finally, it identifies trends in American culture that parallel the early years of Nazi Germany.

The book was lucidly written, though flawed by shoddy scholarship. Like Rand, Peikoff is sometimes quick to dismiss some idea as "altruism" or "mysticism," and to blame it for distant political events, without showing that he knows what he is talking about. Two examples that I feel qualified to comment on are his dismissals of quantum uncertainty and Gödel's Incompleteness Theorem. He appears oblivious to the thorough experimental verification of quantum phenomena and to the rigorous logic by which Gödel proved his theorem. Peikoff gave no credit to any thinkers except Rand and Aristotle, so it is not surprising that his book got no attention outside of the tiny circle of her intellectual followers.

The scene shifts to January 2008, when Doubleday published Jonah Goldberg's "Liberal Fascism," subtitled "The Secret History of the American Left from Mussolini to the Politics of Meaning." Goldberg is a writer for the Los Angeles Times, National Review, and other publications. The book spent seven weeks atop The New York Times Bestseller list, gaining him the audience that eluded Peikoff's book and Rand's essay.

The introduction, "Everything You Know about Fascism is Wrong," is a disappointment. (Is anyone else getting tired of being told that everything we know about this or that subject is wrong?) Goldberg had to force himself to offer a definition, and not a good one at that: "Finally, since we must have a working definition of fascism, here is mine: Fascism is a religion of the state. It assumes the organic unity of the body politic and longs for a national leader attuned to the will of the people. It is totalitarian in that it views everything as political and holds that any action by the state is justified to achieve the common good. It takes responsibility for all aspects of life, including our health and wellbeing, and seeks to impose uniformity of thought and action, whether by force or through regulation and social pressure. Everything, including the economy and religion, must be aligned with its objectives. Any rival identity is part of the 'problem' and is therefore defined as the enemy."

While these may be accurate descriptive phrases, applicable to many phenomena of modern liberalism and socialism, from political correctness to state healthcare schemes to idolatry of a dynamic government, they miss the

Notes on Contributors

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specific, and crucial, similarities and differences among socialism, fascism, and modern liberalism. And it's mostly uphill from there.

Chapter 3 recounts the fascist aspects of the Woodrow Wilson administration. This is the chapter that prompted The New York Times to title its dismissive review "Heil, Woodrow!" The progressives of Wilson's time, admitted by all to be forerunners of today's liberals, "were convinced that the state could, through planning and pressure, create a pure race, a society of new men . . . Fascists and progressives shared the same intellectual heroes and quoted the same philosophers." Well, not entirely the same. But Wilson, like many other progressives, did worship power: "I cannot imagine power as a thing negative and not positive," he once wrote. Taking dead aim at the Declaration of Independence, he said, "[A] lot of nonsense has been talked about the inalienable rights of the individual, and a great deal that was mere vague sentiment and pleasing speculation has been put forward as fundamental principle."

Wilsonian "fascism" had many faces. His Sedition Act banned "uttering, printing, writing, or publishing any disloyal, profane, scurrilous, or abusive language about the United States government or the military." The Postmaster General was given the teeth to enforce this act and proceeded to ban at least 75 publications outright. Criticizing Samuel Gompers, suggesting that the war be paid for by taxes rather than loans, or reprinting Thomas Jefferson's view that Ireland should be a republic — all these were trespasses that triggered censorship. Needless to say, the effects of censorship spread far beyond the overt shutdowns of small publications, as "the threat of being put out of business focused the minds of other editors." Criticism of "Mr. Wilson's War" could get you fired if you were a professor at Columbia. On the cultural front, German authors were purged from libraries, sauerkraut became liberty cabbage, and performances of Beethoven disappeared from customary venues.

Goldberg ably summarizes the parallels between progressivism, the ideology of Wilson's time, and fascism: "Progressivism was largely a middle-class movement equally opposed to runaway capitalism above and Marxist radicalism below . . . [The Progressives'] chief desire was to impose a unifying, totalitarian moral order that regulated the individual inside his home and out. The Progressives also shared with the Nazis a burning desire to transcend class differences within the national community and create a new order."

Readers who were unaware of the fascistic nature of Franklin Roosevelt's New Deal will be shocked by some incidents from that era recounted by Goldberg, particularly those involving Hugh Johnson, an outspoken admirer of Italian Fascism and czar of Roosevelt's "National Recovery Administration," known by its "Blue Eagle" emblem. The NRA was designed to organize all businesses into cartels and set wages, prices, and business practices for the entire country. At its peak, it managed to enlist businesses employing 85% of American workers (according to Johnson), before being declared unconstitutional by the Supreme Court. On Sept. 13, 1933, businesses in New York were ordered closed at noon for a Blue Eagle parade of a quarter million marchers, with military planes flying overhead. A British visitor was "horrified by such pageantry, saying it made him feel like he was in Nazi Germany." In another incident, a tailor served three months in jail for charging 35 cents to press a suit when the approved price was 40 cents.

But did the American brand of fascism include an essential characteristic of European fascism, namely racism? Not overtly, but in effect, yes. By granting special privileges to unions that were often "viscerally racist," FDR gave them the power to lock blacks out of the labor force. In the countryside, white farmers were paid to slaughter pigs and plow crops under, thus raising prices, which meant that black farm workers went hungry. Little wonder that some black newspapers spelled out NRA as "Negro Run Around" or "Negroes Robbed Again."

A chapter entitled "Fascism Takes to the Streets" moves forward to the 1960s, tagging the New Left, Herbert Marcuse, Abbie Hoffman, et. al., with the fascist label; the next chapter indicts Johnson's Great Society. Easy targets, all. Oddly, though, Goldberg skips over the Nixon era, seemingly a rich source of fascist analogies. Why? Goldberg asks himself that question and gives this unsatisfying answer: "I told the story I thought needed to be told." For Goldberg, Nixon was at worst a "caretaker of the welfare state." It's pretty clear that he goes easy on Nixon because he wasn't a Democrat, and Goldberg has a distinct dislike for Democrats.

More impressive is Goldberg's discussion of current "diversity" and sexual harassment training, as parts of modern fascist indoctrination. Readers who work for big companies or government agencies probably know all about such things. I didn't, but found out fast during the writing of this review. As a lecturer at Santa Clara University, I was required to endure

"You don't need any more handouts — the Democrats are back in control of Congress!"

an online training course regarding harassment and discrimination on the job. It was a hair-raising demonstration of modern liberal fascism in action. Politicians and bureaucrats at the federal level have inserted themselves into the workplace in a big way, dictating what may or may not be said and done about many things. Private institutions such as Santa Clara have fallen in line just as neatly as the universities and corporations fell in line with the Nazis in Germany or the Fascists in Italy. Of course, most of the proscribed behavior mentioned by my training course was the sort of thing that no sensible person would engage in. But it is very easy to see the next steps: suppression of dissent, glorification of the state, and ultimately totalitarianism.

The public was ready for the technocrats to run the economy according to scientific management principles.

Goldberg correctly identifies the fascism of contemporary ethnic and gender distinctions: "When you hear a campus radical denounce 'white logic' or 'male logic,' she is standing on the shoulders of a Nazi who denounced 'Jewish logic' . . . The white male is the Jew of liberal fascism." He reports that "white studies" departments have sprung up in at least 30 colleges. These are not departments devoted to glorifying whiteness. "The key to solving the social problems of our age is to abolish the white race," writes one "scholar" in the "field." Hip-hop culture has incorporated a shocking number of fascist themes: the glorification of violence, the romance of the street, racial solidarity, and misogynism. And we are all too familiar with the physical intimidation of dissident speakers that is allowed on many college campuses (but not at Santa Clara, I hasten to add).

Hillary Clinton gets a whole chapter as "the First Lady of Liberal Fascism." Goldberg recounts her political upbringing at the knee of Saul Alinsky, a radical organizer whose disciples also trained Barack Obama. Of Alinksy, Goldberg says, "His descriptions of the United States could have come from any street corner Brownshirt denouncing the corruption of the Weimar regime. His worldview is distinctly fascistic. Life is defined by war, contest of power, and the imposition of will." Donald Jones, Hillary's former youth minister, says of her, "You have to use power. And there is nothing wrong with wielding power in the pursuit of policies that will add to the human good . . . She is very much the sort of Christian who understands that the use of power to achieve social good is legitimate." Another mentor was Rabbi Michael Lerner, a colleague of the communist theorist Herbert Marcuse and an LSD fan. This man of the cloth "couldn't resist interrupting his sister's wedding with an impromptu speech denouncing the guests as 'murderers' with 'blood on your hands' for not doing more to stop the war in Vietnam."

But Hillary's specialty is children. She wants control of them in the early years so as to mold them into obedient little citizens of her new order. To this end, she needs to separate them from their mothers by means of a proliferation of programs: Head Start, day care, prenatal care, maternal care, child-development programs. "Multiple attachment to others will become the ideal . . . New treatments will be developed for children with exclusive maternal attachments," says Sandra Scarr, a Clinton ally. In like manner, says Goldberg, the Nazis "brilliantly replaced traditional stories and fairy tales with yarns of Aryan bravery and the divinity of Hitler . . . Loyalty to Hitler was drilled into children, while loyalty to one's own parents [was] discouraged in myriad ways."

Ratting on one's parents has been a staple of totalitarian states of all stripes, and one can see it coming in Hillary's Brave New World. On this front, resistance to Hillary is futile, or nearly so, according to Goldberg. It's not just that everybody experiences a good feeling about a smiling lady who projects concern for children's welfare. The real problem, he says, is that conservatives concede (and libertarians should concede) a role for the state in protecting children who, after all, are incapable of functioning as autonomous agents. This makes it difficult to draw the line where state involvement must cease.

Al Gore gets a good scolding under the heading "Green Fascism." Goldberg quotes a typically unctuous Gore-ism: "the froth and frenzy of industrial civilization mask our deep loneliness for that communion with the world that can lift our spirits and fill our senses with the richness and immediacy of life itself." This is pure 19th-century Romanticist pap, the stuff that led to Hitler's worship of "nature" and "vitality," both surrogates for the quest for total dominance of a total world. Gore has struck a gold mine with his global warming crusade because it means (quoting Goldberg) that "we must surrender to the global nanny state and create the sort of 'economic dictatorship' that progressives yearn for. The beauty of global warming is that it touches everything we do — what we eat, what we wear, where we go. Our 'carbon footprint' is the measure of man. . . . Gore alternately blames Plato, Descartes, and Francis Bacon as the white male serpents who tempted mankind to take the wrong turn out of an Edenic past." Peikoff and Rand located the demons of the past in the "mystical" philosophies of Hegel, Kant, and, yes, Plato too. Gore apparently locates them in the great analytic and scientific philosophers. Plato can obviously be construed in either way.

"Liberal Fascism" is an engrossing read and a rich source of comparisons between modern American political and social trends and those of other times and places. But these virtues make the flaws of the book more maddening. Time and again, having shown the fascist nature of some idea or policy, Goldberg pulls the rug out from under himself with an apology or backslide. "Now, when I say that the politics of meaning, and Hillary Clinton's ideas in general, are fascist, I must again be

Is anyone else getting tired of being told that everything we know about this or that subject is wrong?

clear that they are not evil." Dammit, if Hillary's ideas are fascist, and they are threats to liberty, prosperity, and just about everything else we hold dear, then they're evil. I'd like to know what else they could be.

Unlike Rand's and Peikoff's efforts, "Liberal Fascism" lacks philosophical foundations, leaving Goldberg without a consistent set of concepts and principles that could have unified his arguments. Lacking Rand's understanding of the evil that is altruism, for example, Goldberg quotes someone who makes the virtually incredible statement, "Service is the rent we pay to be living. It is the very purpose of life and not something you do in your spare time" — and lets it pass without comment, as if he knew if was wrong but couldn't quite figure out why.

Goldberg describes himself as a conservative, but adds this interesting aside: "If libertarianism could account for children and foreign policy, it would be the ideal political philosophy." That libertarians haven't paid enough attention to the status of children is a fair criticism. That they have failed to sign on to the disastrous Bush mission to spread democracy around the world, which Goldberg explicitly supports, is no failure at all.

Hillary wants control of children in their early years so as to mold them into obedient little citizens.

And a key question remains: was it a good idea to tag modern liberalism with the f-word: fascism? Goldberg surely knew that critics would give him hell for doing so, which may explain the numerous apologies and backtracks that so frustrated me. Given that nearly all meaning has been drained from the word in popular usage, leaving only a smear term, was it worth it? Should it have been "liberal totalitarianism" or "liberal statism" instead? This is a tactical question, not easily answered, but I think "fascism" is the right term, after all. I give Goldberg considerable credit for using it and using it courageously. I also credit him for using the term "classical liberal" many times. This is a phrase we libertarians should use more frequently to emphasize the perversion that is modern "liberalism."

All the protagonists in contemporary political battles line up on one side or the other of a great divide. Proponents of individual liberty, dignity, responsibility, peace, and prosperity face off against the forces of submission, helplessness, hatred, war, and destruction. The figures Goldberg criticizes all occupy various plots on the wrong side, and they all aid and abet one another, knowingly or not. This story cannot be told insistently enough. So — one and a half cheers for Jonah Goldberg, who has bravely tried to tell it and has gotten a hearing. No, make that two cheers. But let us hope that writers closer to Rand's caliber step forward to retell it. ❑

"The Mongol," directed by Sergei Bodrov. Andreevsky Flag Film Company, 2008, 126 minutes.

Warlord Revisited

Jo Ann Skousen

Whether a man is remembered as a traitor or as a hero is often determined not so much by his character as by the point of view of the historians who record his deeds. For centuries, the history of Mongolia has been written by its invaders and by those whom it invaded: the Chinese, the Russians, the Arabs, the Europeans. Keep this in mind as you watch "The Mongol," a splendid film about the early years of Genghis Khan.

Like "The Motorcycle Diaries" (2004), which chronicles one formative summer in the life of Ernesto Guevara de la Serna, (before he became known as Che), "The Mongol" tells the pre-Khan story of Temudjin, the son of a minor chieftain who spent many years as a slave before amassing an army and uniting the Mongol tribes into one powerful nation of Mongolia.

The film, written and directed by Russian film veterans Sergei Bodrov and Arif Aliyev, is based on documents written in Mongolian by sympathetic historians of the 13th century. It glorifies Genghis Khan as a hero in the classic sense, protected and guided by Tengri, God of the Blue Sky, to fulfill his destiny as the uniter and lawgiver of the Mongols. All the supernatural legends surrounding his early exploits and miraculous escapes are brought to the screen against the magnificent backdrop of Mongolian vistas. It's a fascinating study in historical revisionism, and a cinematic beauty as well.

Before Genghis, the Mongols consisted of independent tribes with a shaky detente based on a loosely observed moral code: you may steal horses but not wives, kill adults but not children, attack an enemy on the move but not at an oasis. You must never offend the khan of another clan by exhibiting mistrust, and you must never go to war over a woman. (If your wife is kidnapped, just get another one.) These rules made it possible for Mongol

warriors to sleep at night, albeit with their hands wrapped around the hilts of their swords rather than slung over the shoulders of their wives.

As the film opens, 9-year-old Temudjin is being taken by his father to choose a wife from among the Mekrits, an enemy tribe whose anger will be appeased, and an alliance forged by the marriage. But Temudjin stubbornly chooses a girl he has met along the trail — and this, as he tells us in voice over, will change his life forever. Offended by the snub, the Mekrits vow revenge, and young Temudjin spends the rest of his early years being captured and recaptured by the Mekrits or rescuing and re-rescuing his wife — the rule against going to war over a woman be damned.

Temudjin woos soldiers into his army by giving them 90% of the spoils of war, and justifies taking soldiers from the khan of an allied tribe by reminding him, "Mongols change their masters when they want to. Mongols have the right to choose." Sounds pretty libertarian, right? Motivate workers with profits, and give them the right to choose. Everyone wins. But later Temudjin adds, "Mongols need laws. I will teach them to obey, even if I have to kill them." This is more like the Khan I thought I knew.

Along the way, the heroic Temudjin creates a moral code of his own. "Finding a good woman is the hardest thing," he has learned from his father (and will teach his son). Protecting that woman is therefore the most important goal. Although standard Mongolian warfare calls for leaving families behind to distract the enemy and then coming back to rescue them later, Temudjin refuses to abandon the families of his tribe and provides for their safety first. He uses strategy instead of brute force to prevail against armies ten times the size of his. And he seems to have God on his side.

Genghis Khan is known as the lawgiver as well as the uniter of Mongolia. Like Moses, who came down from Mt. Sinai with the Ten Commandments, Khan discovers his "four simple laws" while communing with the God of the Sky at Blue Mountain:

> Never kill women or children.
> Pay your debts.
> Fight to the end.
> Never betray your khan.

Bodrov and Aliyev wisely end their film where most historians would begin it: as Temudjin becomes Khan, heading off to unite the Mongols. Yes, there will be battles to come with the Chinese and the Russians, bloody battles that will have an impact for centuries. Like Alexander before him, Khan will lead his armies across continents, slashing and burning and plundering along the way. But this film focuses on the boy who discovered that "finding a good woman is the hardest thing," and protecting her is the noblest.

"Genghis Khan, the Love Story." That's a film I never thought I'd see. ❑

"The Kite Runner," directed by Marc Forster. Dreamworks SKG, 2007, 128 minutes.
"Lars and the Real Girl," directed by Craig Gillespie. Sidney Kimmel Entertainment, 2007, 106 minutes.

Guys and Dolls

Gary Jason

Two limited-distribution (read: art house) flicks that were released last year are now available for rent or purchase. Both are excellent movies. Although they are quite dissimilar — one a dark drama, the other a light romantic comedy — they have similar themes.

"The Kite Runner" is based on Khaled Hosseini's bestselling novel of the same name. The story is built around two protagonists, Amir and Hassan, boyhood friends in Kabul, Afghanistan. Amir and Hassan are, indeed, best friends; Hassan is the kite runner referenced in the title, the kid who chases after the kites that Amir is able to cut loose by adroit maneuvering of his own kite in a traditional Afghan celebration of spring.

Amir is the son of Baba, a wealthy and courageous man of the upper class, while Hassan is the son of Baba's servant, and a member of the Hazara tribe, apparently considered inferior by some other Afghans. As the story opens in Kabul before the Soviet invasion, we see that there is tension in the family. Amir is a budding writer, creating stories that his father doesn't seem to appreciate, though the father's trusted friend Rahim Khan does appreciate them. Amir's father favors Hassan, clearly the braver and tougher of the two boys.

The crucial moment in the drama occurs when a group of young thugs, led by Assef, a sadist with Nazi sympathies, corners Hassan and demands that he give them the kite he has run down. Amir observes as Hassan bravely refuses to surrender the kite, but he hides during the brutal confrontation instead of helping his friend. At this moment we see Amir's central flaw: cowardice.

His act of cowardice leads to profound feelings of shame in Amir, despite Hassan's continued friendship and devotion. How Amir deals with this shame leads to a fascinating character study, as he is forced to grapple with his cowardice, to fulfill his obligations to old friends and new family.

The acting in the movie is generally very good, with particularly fine performances by the boys who play Amir and Hassan when young (Zekeria Ebrahimi and Ahmad Mahmoodzada), as well as by Homayoun Ershadi, who plays a clearly brave and wise, but also clearly judgmental, Baba. "The Kite Runner" is intensely moving and thought-provoking. It explores what can drive a person to confront and overcome his fears; it shows the importance of consanguinity and friendship. We also see a vivid vision of just how evil the Taliban were, as a crucial part of the story takes place during their regime.

"Lars and the Real Girl" is certainly less intense; indeed, it is a comedic gem. But it is just as thought-provoking. Here again, the protagonist must struggle to overcome his fears.

The action takes place in a small town somewhere in the northern Midwest. The lead character is Lars Lindstrom, an extremely introverted office worker living in the garage of his parents' house. His brother and sister-in-law live in the main house, inherited from the parents. Lars is prodded by his sister-in-law and friends to become more socially involved. After hearing a coworker talk about how one can order life-size, "anatomically correct" sex dolls on line, Lars decides to order one — the lovely if inanimate Bianca.

Lars introduces Bianca to his brother and sister-in-law as his Brazilian girlfriend, who is unfortunately "confined to a wheelchair." He begins introducing her (it?) to his friends as well. In one scene, he takes her to an office party, causing a good deal of confusion.

His brother, dismayed at Lars' delusional behavior, takes him to the family doctor, who patiently treats Bianca as if she were a real person suffering from some unknown ailment (observing that her blood pressure is "very low"). The townspeople are at first mocking, but then begin to play along with Lars's delusion. The situation gets resolved with the help of the townspeople and the doctor, all obviously sympathetic to and supportive of a troubled young man. The movie handles the transition from the comic to the dramatic very deftly, and the result is charming.

The acting is always superb. Ryan Gosling (Lars) gives an exceptionally fine performance, for which he picked up a Golden Globe award. Kelli Garner is also good as the sweet and slightly ditzy Margo, a co-worker attracted to Lars. But I found especially effective Patricia Clarkson's portrayal of Dagmar, the understanding and quiet doctor.

The two movies noticed here explore the same moral failing, fear — fear of physical combat in "The Kite Runner," fear of social interaction in "Lars and the Real Girl." And they suggest that part of what helps a person overcome that failing, thus achieving a measure of courage, is one's family and circle of friends. This idea — that friendship has an important effect on character — is as sound as it is antique. ❑

"WALL-E," directed by Andrew Stanton. Pixar, 2008, 103 minutes.

Love Among the Robots

Todd Skousen

Pixar is one of the most successful film studios today, releasing a computer-generated film every June that immediately breaks records. One of the reasons for Pixar's continued success is that its people do not limit themselves to the children's market. Like the original Disney animated films, Pixar has created an art form that tells a great story. Yes, it appeals to children, but it never plays down to their level. In fact, the real story is often too advanced for children.

Director Andrew Stanton has said in interviews that "WALL-E," the latest film from Pixar Studios, is simply a tale of love between two remarkably charismatic robots. This is substantially true: the bond formed between "the little trash compactor that could," WALL-E, and the sleek and sexy EVE is both touching and quite convincing. Imagine R2-D2 having a crush on a female robot, and you get a sense of the sentimentality. Of course the audience is going to root for the cute little guy.

More striking, however, is the environment in which this film is set. Stanton, who also wrote and directed "Finding Nemo," creates a bleak outlook for humanity. Garbage towers mingle with skyscrapers. No living creatures are seen, except, of course, cockroaches. Stanton, as much as he shies away from the "message movie" label, has created a broad indictment of mass consumerism, multimedia overindulgence, and most importantly, the general malaise of human beings in the face of it all. This is not your typical kids' cartoon.

As the film begins, we see the earth from outer space. Brown continents are visible through the haze of satellites and other orbiting refuse. A closer look reveals cities filled to capacity with garbage reminiscent of "Idiocracy," Mike Judge's futuristic dystopia. WALL-E, the only robot left on earth, constantly gathers up small amounts of scrap, compacts them, and stacks them neatly into his next trash tower. It's a lonely existence, not unlike that of Will Smith's character in "I Am Legend."

While WALL-E motors about, an old holographic screen reveals that

the humans have packed up and gone away for an extended vacation on a massive spaceship until one of their Extraterrestrial Vegetation Evaluators (or EVEs) finds evidence of a rebirth of life on earth so they can return. The humans don't feel like fixing the problem, but would rather walk away and hope that over time, everything will somehow turn out all right. Now if that doesn't sound like a message movie, I don't know what does.

Criticism of humanity becomes even more apparent when WALL-E meets EVE, falls in love, and follows her to the Axiom, a sort of Noah's Ark for the remaining humans. Inside the Axiom, grotesquely obese people float about on hovering entertainment centers, oblivious to the world around them, drinking foods in shake form — they can't even exert enough effort to chew. The first two humans we encounter talk to each other on the phone while sitting right next to each other. Another human falls from his chair and lies wallowing on the floor, unable to stand under his girth until WALL-E helps him back up. Humans in this world are incapable of living without machines.

This dark depiction of the future of humankind culminates with one of the funniest parodies I've ever seen. As the Captain of the Axiom, played hilariously by Jeff Garlin, awakes from his virtual coma of a life, he must first stand on his own two feet (literally) before he can manually return the Axiom to Earth. With Strauss' "Thus Spake Zarathustra," famous for its use in "2001: A Space Odyssey," blaring thunderously, the Captain struggles mightily and eventually stands up. The message seems to be that in nearly 30 years of filmmaking, the outlook for humanity has devolved from the Starchild to, well, at least humans can still stand upright.

Is Pixar right in its assessment of the path humans are taking? Some indications point to that fact. Americans are overweight. Many of us talk on the phone, surf the internet, and watch television all at once. We waste too much. In fact, Pixar will be filling shelves with WALL-E toys that will someday end up in our growing landfills.

But Pixar itself is evidence to the contrary. Its films have been some of the most successful and widely praised movies of the past 15 years. Yes, they are populated by computer-generated characters and voiced by unembodied actors, seeming to foreshadow the coming of "WALL-E World." But behind this mechanical world are brilliant humans who continually find original and engaging ways of telling stories. Even within the story of "WALL-E," you have to wonder at some point, "Who designed these incredible robots, if all the humans are complete morons?" Unlike HAL, who takes over the ship in "2001: A Space Odyssey," the humans are very much in control of the machines at Pixar, and they are producing magnificent works.

In the end, despite Andrew Stanton's best efforts to make it so, "WALL-E" is not just a simple love story. Many young moviegoers will see it and love it, but WALL-E's cuteness will not overshadow the austere outlook of the film for adult audiences. ❑

"The Visitor," directed by Thomas McCarthy. Overture Films, 2008, 108 minutes.

Squatters or Seers?

Jo Ann Skousen

"The Visitor" is one of those quiet little films that worms its way into your center and stays there, returning to memory long after the credits have rolled. The film, about an immigrant couple in New York and the lonely man who befriends them, is funny and sad, wonderful and devastating. In a summer filled with superheroes and franchise blockbusters, it is the first one about which I have said, "This is the best film I've seen this year."

Walter Vale (Richard Jenkins) is a burned out economics professor who seems more interested in working on his next book than teaching his next class. The film opens in Walter's stately Connecticut home, during a painfully basic piano lesson with an equally burned out teacher (Marian Seldes) — his fourth piano teacher, as it turns out, and he's obviously still a beginner. We don't know why he's taking lessons, or why it is so painful for him, until much later in the film.

But isn't that the way it is with most of the people we meet? We say hello, we make assumptions, and we judge them on the basis of where they live, how they speak, what they wear, and what they do for a living. When their actions don't fit our expectations we may feel off balance, we may even laugh uncomfortably; but as we learn their background, their actions begin to make sense and we begin to empathize — perhaps even to like them, even to think of them as family.

This is what happens to Walter when he meets Tarek and Zainab (Haaz Sleiman and Danai Jekesai Gurira), illegal immigrants, whom he encounters under unusual circumstances. Without his knowing it, they have been living in his Manhattan condo while he has been living in his Connecticut house. Technically, these immigrants are not squatters, because they have paid rent; they just paid it to someone other than the owner. Evidently it is not uncommon for underground "real estate agents" to "sublet" apartments they know are empty most of the time.

Lonely, depressed, and perhaps

even ashamed of the fact that he has more homes than he can fill, Walter invites the couple to stay. A friendship develops between the two men. Zainab and Tarek may be the immigrants, but it is apparent that Walter is the "visitor" as he slips through the looking glass into their world and begins to see what he thought was his own world through their eyes.

Richard Jenkins is one of those fine character actors who seem to have just walked in off the street, yet he has appeared in over 100 films and television shows, most recently as the dead father in "Six Feet Under." He doesn't waste words, but every movement and expression communicates what his character is thinking and feeling. Director Thomas McCarthy's ear for natural dialogue contributes to this sense of realism. Haaz Sleiman and Danai Jekesai Gurira also exhibit such natural skill that you almost feel as though you were sitting on a park bench, overhearing a conversation.

Without documentation, the immigrant couple must find jobs that pay cash (Tarek is an ethnic drummer; Zainab makes jewelry), find housing that doesn't require references, and above all, stay out of trouble. Even a minor infraction could lead to deportation. This point of the film may seem too politically motivated for some and downright untrue for those who believe in locking down the borders and throwing away the key. (One reviewer wrote of this film, "I almost wanted to regurgitate that shawarma I once ate.")

However, those who are willing to enter a parallel universe with open eyes and open mind may find themselves swayed by this charming film. You don't have to be foreign-born to be a visitor. ❑

Booknotes

Pleasures bizarre — People often ask me, when they see me reading a book on political philosophy, "What about reading for pleasure?" The implicit premise, that I don't find philosophy pleasurable, is not just false, but bizarre, given what I do for a living, which is to teach philosophy. But I understand the general intent behind the question, so I usually say that besides philosophy, I also enjoy history, biography, and various sorts of fiction. As it happens, I have some of each of these to recommend to readers of Liberty.

First, philosophy: James Otteson's "Actual Ethics" (Cambridge University Press, 2006, 368 pages) is a terrific book about morals and living. As the title suggests, Otteson connects ethical theory to ethical practice. This produces a defense of classical liberal, limited government politics. It also allows Otteson to address hot-button issues such as animal rights, public schooling, political correctness, and poverty programs. Another virtue of the book is that while it ties the practical to the theoretical, at no stage does it rely on jargon or obscurity, or lapse into wonkery. It's a book about ethics that can be read and valued by anyone.

Not that there's anything wrong with wonkery. Depending on what one is trying to accomplish, sometimes there's no substitute for doing the hard work that comes with roll-up-the-sleeves, put-on-the-eyeshade analysis. Daniel Shapiro's new book "Is the Welfare State Justified?" (Cambridge University Press, 2007, 344 pages) is a book in this vein, and it is a first-rate example of how to use this approach. Shapiro examines various systems (and proposed reforms) of Social Security and other welfare-state concepts. What he discovers is that even if one begins from the moral presuppositions of welfare statism, the institutions of the welfare state do not work. He shows why one would do better to embrace more libertarian alternatives. This approach has the advantage of not depending on getting people to renounce their moral intuitions about, say, egalitarianism or communitarianism, in order to convince them to embrace market-driven reforms.

But I hear you screaming that it's summer, and you want a few weeks off from politics and philosophy. So are you a music lover? Over the winter I made time to read the recent autobiography of Eric Clapton — called, not surprisingly, "Clapton: The Autobiography" (Broadway, 2007, 352 pages). If you have any interest at all in popular music or its history, you ought to read this too. Clapton has been a central and highly influential figure in rock and blues since the mid-1960s, so his firsthand recounting of his journey is fascinating. (Actually, if I have to explain to you who Clapton is, then you definitely need to read this book.) And it really is a firsthand account: Clapton decided to forego the usual ghostwriter dodge, and literally wrote this himself. He turns out to be remarkably knowledgeable about film and literature as well as music, and the book is extremely well-written. It's also sad in many ways, especially in its honest recounting of his self-destructive addictions (in a twist on the usual narrative, he kicks his heroin addiction and *then* becomes an alcoholic); but it's also, in the end, triumphant and life-affirming, as he eventually conquers the addictions and lives happily ever after.

As to fiction: I am finally almost caught up with the works of Neal Stephenson. It took a while, but I have read and thoroughly enjoyed "Snow Crash," "Cryptonomicon," and the three-volume "Baroque Cycle." The next Stephenson novel that I plan to tackle is "The Diamond Age" (Bantam, 1995, 512 pages). I can't actually recommend something I haven't yet read, but all the other Stephenson novels I've read are entertaining and worthwhile, so his credit is pretty good. Stephenson is interesting in that even when he writes historical fiction, it's still science fiction in the true sense: a reflection on the impact of technology on the human condition. Most of his works have vaguely libertarianish themes, which is a nice bonus. So, I feel confident recommending "The Diamond Age" or any Stephenson for those of you interested in fiction. I'll be spending the rest of the summer with Hayek, Aristotle, and Stephenson. — Aeon J. Skoble

Defense of an Unlikely Choice, *from page 43*

and some outright antagonism from the so-called purists in the party. In response to the skeptics, I argued that those who knew Barr best were the ones most likely to support him — enthusiastically. How else to explain the near unanimous support for Barr from his home state of Georgia, whose delegates unwaveringly supported him, through six ballots, by a margin of 33 to 2?

Barr earned this overwhelming support by demonstrating over the past four years that his commitment to libertarian principles is genuine. For the past several years the former supporter of the War on Drugs has been a passionate advocate of medical marijuana. He has used his clout, contacts, and influence to further that cause on Capitol Hill. This has not gone unnoticed by the Marijuana Policy Project, whose president, Rob Kampia, provided Barr with one of the seconding speeches when his name was put into nomination.

Barr has also provided much needed financial support for the Georgia LP. At the party's 2007 state convention, its executive director was fretting over how the party was going to cover the costs of the event. He need not have worried; Barr presented him with a $1,000 donation at the convention's closing banquet to help defray the costs. Following the banquet, members were invited to shoot the breeze with Barr at a local pub, where Barr picked up the tab for single-malt scotches and the finest cigars this side of Havana.

Barr's involvement is not confined to major events like the aforementioned state convention. He frequently makes unannounced appearances at more mundane gatherings such as monthly county affiliate meetings and breakfasts. He is consistently accessible, despite the fact that his support for local and state party organizations has no doubt caused him to receive considerable flak from his Republican former colleagues.

As I pointed out in a letter I distributed to delegates at the national convention, "we all had to come to libertarianism from somewhere" and the fact that Barr once held positions antagonistic to libertarianism does not, and should not, disqualify him for the nomination.

Barr has attributes that no other LP candidate has ever provided in significant measure: credibility, experience, and that certain intangible quality which I would describe as being "presidential." He has the potential to capture the Ron Paul voters.

Millions of Americans are disenchanted with politics as usual, and with both major parties' shallow calls for change without substance. Barr represents a breath of fresh air which can attract untold numbers to the libertarian fold. A new chapter in American politics may be about to unfold, with the LP, and liberty itself, finally having a place at the table. ❑

Reflections, *from page 34*

(I sometimes thought the store's third manager was the gigantic .44 Magnum that Vince kept under the front desk.)

There were actually two libertarian bookstores in San Francisco in the 1990s: the ISIL bookstore on Market, and Laissez Faire Books on Howard in the South of Market District. Laissez Faire Books held a frequent schedule of author appearances and book signings (always with copious wine and cheese), and sometimes played host to other sorts of libertarian events. Whatever it was, if it had anything to do with the libertarian movement, Vince and Jim were always there. They were always there, too, volunteering themselves and their pickup truck whenever a local libertarian moved. Characteristically, Vince kept on providing this service long after his by now perpetually aching back started telling him to retire from that line of work.

I was on hand for about 15 of Vince's nearly 20 years in the Bay Area. He attended my 50th birthday party in 1997. Suzanne and I attended his 60th nearly two years later. We were there to witness the closing of the Market Street bookstore and the departure of ISIL and its stash of books and trusty printing press to nearby Benicia — hotter and more remote but much cheaper than increasingly pricey San Francisco. Over the years, Vince's back got progressively worse, and he got progressively more deaf. But his good cheer, his willingness to lend a helping hand, and his love for his Sunday morning visits to the firing range ("going to church," he called it) never flagged. Neither did his commitment to liberty. He will be missed.

— Jeff Riggenbach

Letters, *from page 6*

empiricist to understand the attraction of discussing the consequences of impossible situations.

C.D. Tavares
Morristown, Ariz.

God Is in the Details

One of the least meaningful questions on any survey ("The Liberty Poll," June) is "Do you believe in God?" One respondent believes in a personal God who guides his life and offers eternal salvation. Another believes God created the universe, then turned its operation over to the laws of nature. Still another believes the laws of nature themselves are the supreme force in the universe and we have given this force the name "God." All answer "Yes" and we learn nothing about their fundamental beliefs.

Let's tighten this up the next time around.

C. Hugh Campbell, Jr.
Hartsville, S.C.

Crocked

I loved your mag for years until Bill Bradford died. Then you went more and more conservative Republican until I couldn't stand it. Conservative opinion comes nickel a crockful, so I didn't feel much like paying full price for it.

If you ever drop the Rush Limbaugh crap, let me know — I'll resubscribe.

Richard Vajs
Franklin, W.Va.

Letters to the editor

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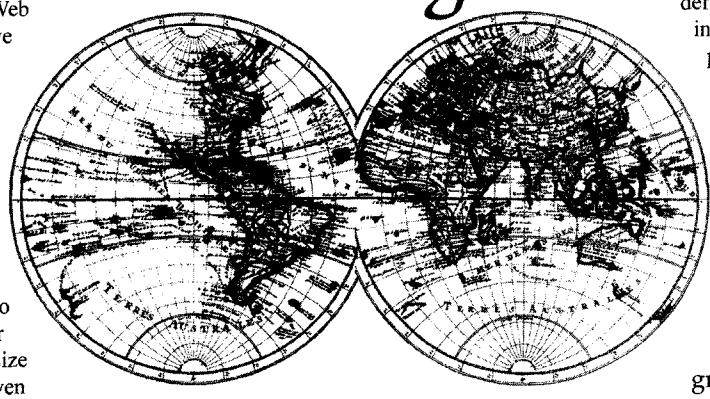

Switzerland

The Reich makes a comeback, from the *Guardian* (U.K.):

TV chiefs have apologized after broadcasting the Nazi lyrics to the German national anthem during a European Championship football match. Stunned viewers were asked to sing along to the wartime "Deutschland Uber Alles" song which has been banned for 63 years. Bosses at Swiss station SF2 blame the outrage on a junior researcher. Executive Gion Linder said: "This was a profound mistake."

Raleigh, N.C.

Snags in modernization at the DMV, as reported in the *Winston-Salem Journal*:

North Carolina drivers whose license plates have the potentially offensive "WTF" letter combination can replace the tags for free.

Officials learned last year the common acronym stands for a vulgar phrase in email and cell phone text messages. The DMV recently realized the same letters appeared on the sample license plate on its own Web site. Officials are trying to remove the plate from the site.

Portland, Ore.

Heartfelt mea culpa, recorded in *The Oregonian*:

In the first public meeting on the project in almost three months, Multnomah County officials admitted publicly that planning errors linked to the budget-busting Justice Center help explain why the building's size could be slashed nearly in half even while total projected costs could likely double.

Most glaringly, the original building concept called for a building with 70,000 square feet of usable space — requiring an even larger facility for such basics as walls and hallways. That wasn't reflected in the plan.

"That's a basic part of the project," Chairman Ted Wheeler said. "We left out a basic part of the project in our original estimates?"

There was a long pause from John Lindenthal, manager for the county's capital improvement program.

"Yes," he responded.

Düsseldorf, Germany

Innovation in mass transit, from *Der Spiegel*:

The Benrath Senior Center has come up with a novel idea to stop Alzheimer's patients from wandering off: a phantom bus stop. It is an exact replica of a standard stop, with one small difference: buses never stop there.

"It sounds funny," said Franz-Josef Goebel, chairman of senior care group Old Lions, "but it helps. Our members are 84 years-old on average. Their short-term memory hardly works at all, but the long-term memory is still active. They know the green and yellow bus sign and remember that waiting there means they will go home." Errant patients now wait for their trip home at the bus stop, before quickly forgetting why they were there in the first place.

"We will approach them and say that the bus is coming later today and invite them in to the home for a coffee," said home director Mr Neureither. "Five minutes later they have completely forgotten they wanted to leave."

Cannes, France

A politician held to a higher standard, chronicled in *Le Figaro*:

The Cannes Film Festival got off to a lively start with Sean Penn, president of this year's jury, sounding off about U.S. presidential hopeful Barack Obama.

"I hope that he will understand, if he is the nominee, the degree of disillusionment that will happen if he doesn't become a greater man than he will ever be," Penn said.

Switzerland

Long overdue consideration for the other kingdom, in *Nature*:

The Swiss federal government's ethics committee has mapped out guidelines to help granting agencies decide which research applications deeply offend the dignity of plants — and hence become unfundable.

Although most people might be bewildered that a discussion on how to define "plant dignity" should be taking place at all, the stakes for Swiss plant scientists are high. The Gene Technology Law, which came into effect in 2004, stipulates that '"the dignity of creatures" should be considered in any research. The phrase has been widely criticized for its general woolliness, but it indisputably includes plants.

San Francisco

Encomium to America's greatest statesman, found in the *San Francisco Chronicle*:

Barack Obama isn't really one of us. Not in the normal way, anyway.

It's not merely his youthful vigor, or handsomeness, or even inspiring rhetoric. It is not fresh ideas, or cool charisma, or the fact that a black president will be historic and revolutionary in about a thousand ways. It is something more. Even Bill Clinton, with all his effortless, winking charm, didn't have what Obama has, which is a sort of powerful luminosity, a unique high-vibration integrity.

Many spiritually advanced people I know identify Obama as a Lightworker, that rare kind of attuned being who has the ability to lead us not merely to new foreign policies or health care plans or whatnot, but who can actually help usher in a new way of being on the planet, of relating and connecting and engaging with this bizarre earthly experiment. These kinds of people actually help us evolve. They are philosophers and peacemakers of a very high order, and they speak not just to reason or emotion, but to the soul.

Narita, Japan

Making security worth the wait, in the *Japan Times*:

An unwitting passenger arriving at Japan's Narita airport received five ounces of cannabis after a customs test went awry, officials say.

A customs officer hid a package of the banned substance in a side pocket of a randomly chosen suitcase in order to test airport security. Sniffer dogs failed to detect the cannabis and the officer could not remember which bag he had put it in.

Anyone finding the package has been asked to contact customs officials.

Special thanks to Marilyn Burge, Russell Garrard, and Tom Isenberg for contributions to Terra Incognita.

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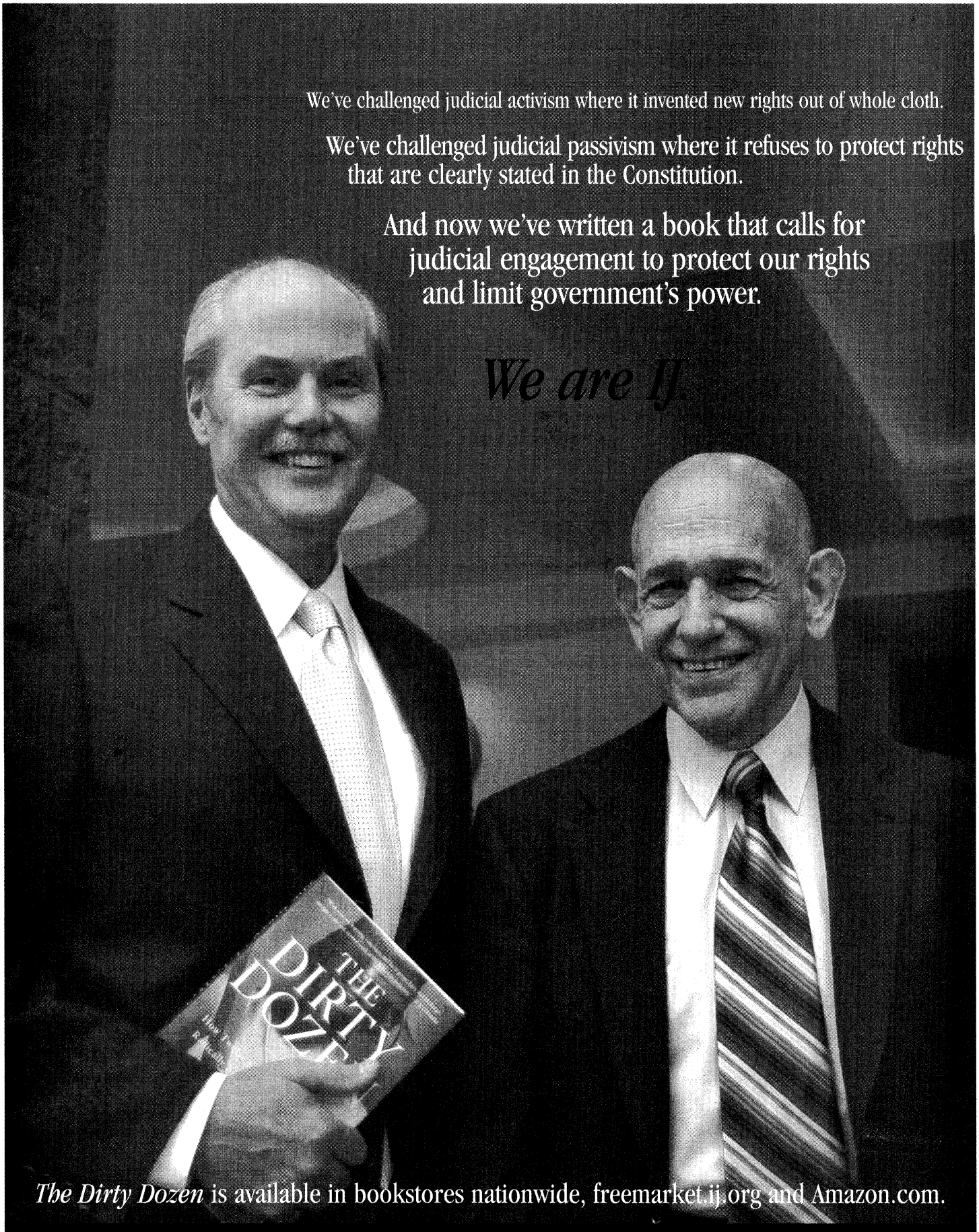

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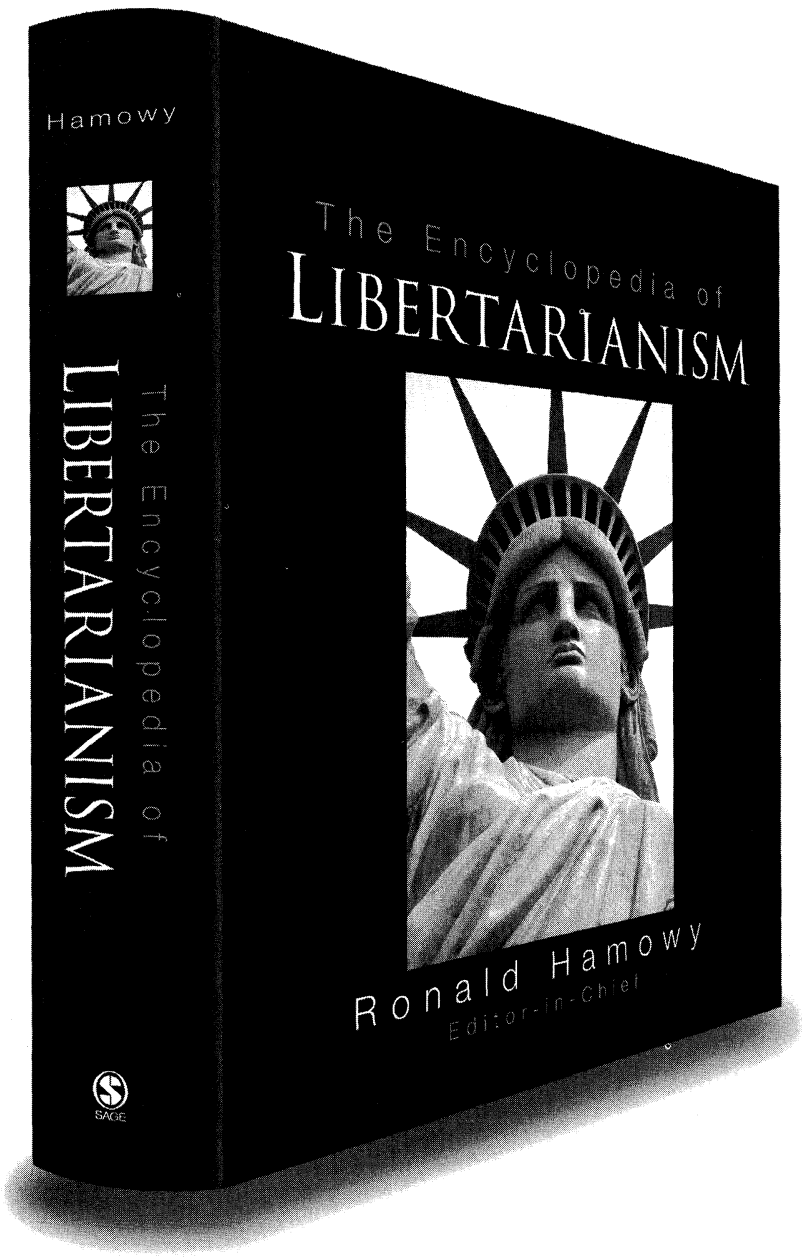

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Inside Liberty

October 2008
Volume 22, Number 9

4 Letters Our readers get the first word.

7 Reflections We prep for a party, hit the dirt, eat some lead, say no to saying no, double down at the buffet, wonder about Waziristan, dismiss the French, foment a fast food rebellion, and make a deal with the devil.

Features

17 The Next President, the Next War Bush has made a lot of mistakes in the Middle East, and there's little chance that his successor will do much better. The region, as *Jon Harrison* explains, remains a structural nightmare.

25 Bob Barr: Enter the Pol *Bruce Ramsey* interviews the Libertarian presidential candidate and finds a wily and experienced politician.

27 The Calvinist Connection *David Kopel* shows why religion and liberty need not be opposites.

Reviews

33 Supreme Injustice *J.H. Huebert* diagnoses the damage the Supreme Court does to liberty.

35 Darwinian Capitalism *Martin Morse Wooster* surveys the evolution of the free-market.

36 Capitalist Fiction "Harangue," "The Cinder Buggy," "Satan's Bushel" . . . there's something special, *Bruce Ramsey* says, about a novelist who comes up with titles like that.

42 Invasion of the Superheroes Never before, *Jo Ann Skousen* says, have movies had so many superheroes. What's the meaning of this?

42 The Domestication of Hellboy *Andrew Ferguson* on "Hellboy II: The Golden Army."

44 Anarchy, Law, and the Joker *Jim Walsh* on "The Dark Knight."

46 The Rise of the Comic Book Movie *Gary Jason* examines the government's role in the spawning of superheroes.

48 Flouting Convention *Tim Slagle* on "Hancock."

49 Adrenaline for Fun and Purpose *Jo Ann Skousen* on "Wanted."

50 Too Incredible *Todd Skousen* on "The Incredible Hulk."

52 Booknotes

51 Notes on Contributors Blame them.

55 Terra Incognita Reading is almost believing.

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Letters

Inculcating Ignorance

In reference to Ross Levatter's review of Bryan Caplan's book "The Myth of the Rational Voter," Caplan made a strong case that voters' beliefs are wrong, which is worse than being ignorant. If 90% of voters were only ignorant then their votes would cancel each other out, with half of them just as likely to vote one way as the other. This would allow the voters with knowledge to prevail.

Why do so many voters hold so many wrong beliefs, especially when it comes to economics? To me the answer is obvious. I am a voter and I had all those wrong beliefs by the time I graduated from high school.

I remember in sixth grade having an epiphany. The teacher was telling us about a problem with our society that could be fixed, if only our government had enough money to do so. This particular problem could have been anything — poverty, drugs, hunger, whatever.

At that time in our history (1958), tax, at all levels, was 25% of the GNP. So, my solution (epiphany) was: "Increase taxes to 50%." This would allow our government to fix all those problems and I could live my life without having to worry about them. Beliefs such as this came from one source and one source only, my public education.

After high school, the media and my college professors continued to support my beliefs. Yes, I was aware that people who were crazy or evil held different beliefs, but they were not worthy of consideration.

Then at 3 a.m. in 1980 I accidentally heard a political TV ad by Ed Clark, LP candidate for president.

Although I disagreed with a lot of what he said, I was struck by the strong case he made for his positions. Shortly thereafter, I took the World's Smallest Political Quiz, which told me exactly which libertarian issues I did not agree with. This allowed me to study them at every opportunity, in search of flaws in the LP positions. Even though libertarian articles and books almost always had many times the better argument for their positions, it took me ten years to cast off my old wrong beliefs.

If a parent or teacher tells a young child something a hundred times, without any contrary views to clutter the message, that child will believe it to be true and will be very resistant, even as an adult, to changing that belief. So, let's give credit where credit is due: our public school system is responsible for voters having wrong views.

Clyde Garland
Bryan, Texas

Fed Waffle?

In the September Liberty, Leland Yeager writes in a note on oil speculators (Reflections): "Less often emphasized [as a factor for rising oil prices] is weakness of the currency in which oil is priced. Several years of too loose a monetary policy have been eroding the dollar's purchasing power and foreign-exchange value, besides causing other disruptions. (I don't particularly blame Ben Bernanke and his

Erratum

In our coverage of the 2008 Libertarian Party Convention ("The Battle for the Libertarian Party," August 2008), we referred to the party's LGBT caucus as "Outreach Libertarians." The LP's LGBT caucus' name is in fact "Outright Libertarians" (www.outrightusa.org). We apologize for any confusion.

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colleagues, though; for, without hindsight, I wouldn't have known how better to operate the flawed Federal Reserve system.)"

What hindsight is Dr. Yeager speaking of? Why do we have to examine the data like an empiricist when the knowledge of the end-results exists a priori?

Are we looking to blame? To some extent, because their ignorance has consequences that are criminal. What we really want is to educate the ignorant and to tear down the institutions that promulgate fallacies.

Dr. Yeager, either through blaming or educating you are in a distinguished position and, in my opinion, that requires something other than waffling.

Bruce Koerber
Cedar Rapids, Iowa

Yeager responds: I included my single sentence about Mr. Bernanke in order not to seem to be making a smartalecky claim to superior wisdom and talent. Given what he had inherited from Greenspan, the political situations that Bernanke had to deal with inside and outside the Fed, and the economic information and prospects available at the time, I am not sure that I could have done better. I do recognize that the Federal Reserve is a flawed monetary system. And I did agree with the warnings that The Economist had been giving for several years that monetary policy was dangerously loose. I do not plead guilty to waffling.

Hide Your Liberty Away

I had to smirk at Richard Vajs' letter (September), saying Liberty has gone "more and more conservative Republican."

My nephew and roommate, a huge fan of Rush Limbaugh's, used to enjoy reading Liberty as much as I. Since the election of George W. Bush, I have learned to hide my copy of Liberty to

continued on page 52

From the Editor

In July I attended the Liberty Editors Conference, an event we held in conjunction with FreedomFest, the great annual gathering of libertarians and conservatives in Las Vegas. I was glad I went.

Since I've mentioned Vegas, I feel I should add that I don't gamble. It bores and confuses me. And the temperature outside was 120 degrees — either Fahrenheit or centigrade, take your pick. If you stayed outdoors, your life wouldn't be worth the price of a pair of sunglasses. But there was no lack of excitement indoors.

Friends of individual liberty often feel like soldiers in enemy territory. Yet here were hundreds of libertarians, all in the same place, all looking happy and prosperous, energetic and inspired. That was good. Even better was the lineup of speakers at the Editors Conference. Doug Casey, David Friedman, Gary Jason, Charles Murray, Bruce Ramsey, Jo Ann Skousen, Randal O'Toole, Jim Walsh — that's a group that can't be beat. I was expecting a lot, but the results exceeded my expectations. This was no mere conference palaver. I'd pay to hear these speakers, gladly — any time, any where.

Two other people I would pay to talk with me (all day, if they wanted to), Kathy Bradford and Mark Rand, managed Liberty's table at FreedomFest's main concourse. Actually, Mark and Kathy managed the whole of the Liberty Conference, but you'd never know they had any other business than to greet our friends. If you stopped at the Liberty table, you'd be certain to have a warm welcome and a great conversation. This is Our Town, wherever Mark and Kathy happen to be.

It was a great experience, meeting writers and readers who'd been friends of this journal for a long time, but whom I'd never seen — people who turned out to be even more fun than they were online. And there were so many people that raiding parties had to be mobilized to confiscate chairs from other auditoriums and move them to the Liberty room. Nobody predicted these over-the-top crowds. But yes, Liberty is much bigger than it looks up there on the middle row of the newsstand.

For Liberty,

Stephen Cox

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Reflections

Party prep — Whenever we throw a party here at the Slagle compound, my wife and I play a little game. We jokingly refer to our deceit as playing a round of "We don't live like that." We run around the house for a day or two, picking stuff up, trying to make our house look like it doesn't on the other 364 days. Shelves not normally dusted get the once-over with the Swiffer, and mounds of cast-offs that need to be sorted into Salvation Army piles get shuttled into the "off-limits" rooms.

I've since learned that although our names for this pastime might be different, many other couples share our dedication to the sport. Even countries do it. China has invited the world to come visit them this summer for the Olympics, and they are going out of their way to show all teh other countries a clean modern Beijing, rather than the Industrial Age concrete jungle it has become — makes you wonder what they've chucked into their off-limits rooms. — Tim Slagle

Salvia me — California has passed a law restricting access to the herb salvia divinorum, a mild euphoric about which the drug warriors are trying to create a sense of panic, which is how they increase their power. Restricting access by minors might or might not be the first step to a more general prohibition, which would be really stupid. For drug warriors, there are only benefits to prohibition, since they get the jobs and the self-righteous feeling that they are doing something to — there it is again, see Obama, the religious right, all the tinkerers with poor imperfect humanity — straighten out poor, benighted human beings who just wouldn't be able to cope without their betters telling them what they can and can't ingest or experiment with. — Alan W. Bock

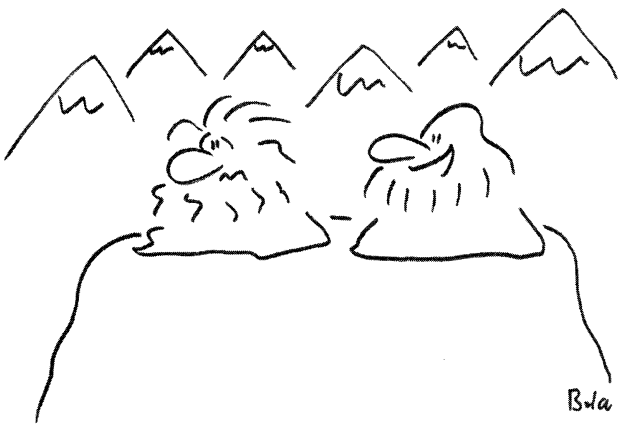

"It's normal — Enlightenment freaks a *lot* of people out."

A sign of life? — To say that, so far, McCain's presidential campaign has been lackluster is an understatement of majestic proportions. McCain is currently on course to win the Bob Dole Award for Feckless Campaigning. But his appearance before the NAACP was an interesting moment.

It is obvious that the NAACP is totally in the tank for Obama, so for McCain even to show up took some moxie. But what was really fascinating was what he said. He used the occasion to urge his African-American audience to support his call for vouchers to allow students to escape their failing schools.

This is clever politics. Polls typically show strong support for school choice among Latinos and African-Americans, and Obama — who has the support of the teachers' unions, natch — has publicly opposed vouchers. — Gary Jason

Picture this — You're at home, attending to whatever sort of business you get up to on a lazy afternoon. Your mother-in-law screams; before you can see what's wrong you hear wood splitting and glass breaking, and black-clad intruders are bursting into your kitchen. A burst of gunfire and your dogs lie dead; next the gun is held to your head and for several hours you are forced to lie facedown and handcuffed beside their corpses as you are interrogated.

That's what happened to Berwyn Heights, Md., mayor Cheye Calvo, whose house was raided by the Prince George County SWAT after a large package of marijuana was delivered, addressed to his wife — a package missed by the courier for whom it was really intended; it was never supposed to reach the Calvo house. But, operating under the assumption that the mayor was ordering a fair brick of dope, and that he was likely either to constitute a lethal threat to officers (you know, the way mayors usually do) or to destroy the evidence (all 30 pounds of it), they stormed the place in a no-knock raid.

But this picture doesn't have to be Calvo's house. It could just as easily have been yours. The same things happen every single day, all over this country: Calvo's case got more attention simply because he's an elected official, and photogenic to boot. And even he couldn't get the police chief to so much as apologize for the killing of his dogs, much less pay for the damages.

Perhaps he should feel lucky. Had he or his mother-in-law reached for anything or done anything other than comply absolutely, the dogs' corpses might not have been the only ones cooling on the kitchen floor.

Perhaps you should feel lucky, too, if it hasn't happened yet to you or to someone you love. I do. — Andrew Ferguson

Little Brothers are watching you — This summer, New York Police Department Commissioner Ray Kelly announced that the NYPD was launching a formal service whereby citizens can upload video or photo evidence to a police website. "It's a fact of life," Kelly said. "Everybody has a camera in their telephones. When people can record an event taking place that helps us during an investigation, it's helpful."

Civil rights advocacy groups generally supported Kelly's announcement — as a response to several recent cases of police misconduct that bystanders had caught on video. (The best known of these involved video posted on YouTube.com of an NYPD officer shoving a bicyclist to the ground in Times Square.)

Responding to Kelly's response, the executive director of the New York Civil Liberties Union blathered on about the NYPD having "a long way to go. . . ."

But the cops aren't the only ones who have a long way to go. Citizens in New York — and everywhere else — have to get accustomed to using technology to free themselves of the glorified daycare that urban law enforcement has often become. If Big Brother is, in fact, a legion of Little Brothers, we may see everyone grow up some. And that will be good.

— Jim Walsh

Mailing it in — Washington state's new primary election system — the third in this decade — has cut the filings by Libertarian Party candidates by 95%.

Word Watch

by Stephen Cox

My town has a pretty humane way of handling jury duty. You're asked to show up at the courthouse on a certain day, but you're told that if you don't want to show up then, you can put it off for a while. Or you can come a few days early. When you sit down with the other prospective jurors in the courthouse lounge, a nice elderly judge greets you, makes some dull but kindly remarks, and says that if you're not assigned to a jury that day, you've fulfilled your duty for at least the next twelve months. After he's through, you settle down to reading, pacing, and listening to periodic messages on the PA system, each of which summons a random group of people to a courtroom, where they are questioned and perhaps "empanelled."

There is, however, one highly objectionable feature of this routine, as I noticed when I was called for jury duty in May. Maybe I'm oversensitive, or maybe I don't have enough to think about when I'm just sitting around, but I was increasingly disturbed by the announcements that came over the loudspeakers. The metallic voice kept telling John Doe and Mary Roe and 22 other people to "report" to courtroom such and such. *Report*, I thought. Why that word? Do they think they're inducting us into a boot camp? Why not ask us to *go*, *walk over*, or, if somebody wants to get pompous about it, *proceed* to Room 302? I didn't like the tone of *report*.

This year, thank God, I was not empanelled. I was never even called to *report* to one of those rooms. I was *dismissed* at 2:30 p.m. But there it was again: we weren't told that we were *free to leave* or *welcome to go home*. We were given military orders.

On my way out, I turned my Juror Satisfaction Survey Form in to the people in the jury office, and I found them unusually nice and polite. They always have been that way. Why was it, then, that their vocabulary was so reminiscent of an army, or a penal institution? Was it the mere act of sitting behind an official microphone that turned nice people into verbal martinets? Or was it their overweening desire to busy themselves and do a good job?

Then, in early summer, I started reading, really reading, the signs. In California, we have electronic billboards stationed at various points along the freeways. Sometimes they advertise "abducted" or misplaced children. Sometimes they tell you that a slowing has happened up ahead, so you can take an alternative route. Often, especially when traffic is really snarled, they decline to comment (that's government for you). But when otherwise unemployed, they generally carry what are euphemistically known as *public service messages* — messages that are revolting, once you stop accepting them as part of the highway wallpaper and start getting interested in them as actual attempts to communicate.

One of them became very common in June, because my state had enacted a law decreeing that as of July 1, no one would be permitted to use a hands-on cellphone while driving. To make sure that everyone heard about this new accomplishment of the nanny state, and heard about it a hundred times a day, the lighted signs began to preach: "July 1: Hands-Free Cellphones Only." And that wasn't enough. They had to add, "It's the Law."

I'd seen this kind of thing in other states. Usually the signs were about wearing a seatbelt, and they declared that "It's Our Law." Now, thinking it over, I couldn't decide which formula I detested more, "the law" or "our law." *The law* made the damned thing sound like the enactments of the Medes and the Persians, which once proclaimed could never be revoked, and thus were incorporated in the essential fabric of the universe. To think that some guy in a cube was sitting there punching buttons to give me the latest news about the cosmic Law, and about how I ought to respect and obey it — notice, simply because it's the Law — was enough to put my nerves on edge. But to have him get chummy and call it *our law*, when everyone knows quite well that virtually none of *us* had any part in making it — that was a contemptuous and insulting lie.

Now that I was growing more aware of my surroundings, I found even ickier things on the highway. I suddenly realized that there were signs all over the place — signs with lights, signs without lights, signs overhead, signs in the grass, signs that were new, signs that were old and rusty — and all of them said, "Click It or Ticket." *Click it or ticket. Click it or ticket.* What?

It's a coy remark, with a meaning that's far from immediately obvious. It's so far from obvious that the other day a woman called up a talk show in Los Angeles and asked what it meant. The talkers, who sympathized with her plight, told her that at first they hadn't understood what it meant either, but they'd eventually deduced that it was a cute way of saying, "Fasten your seatbelt, or you'll get a ticket." Then they said some other things, which I'm too delicate to repeat, but with which I agreed completely.

I didn't have to call a talk show to divine the meaning, but once I got it, I was really mad. I was so mad that I get mad all over again, just thinking about it. It's bad enough to see my tax money, lawfully and obediently remitted to the government, being used to lecture me about obeying the law. It's worse to see my tax money going for messages that threaten me. It's ten times

Since the 1930s, the state had a "blanket" primary. It was simple. You did not register by party. You could vote for a candidate in any party: a Democrat for legislator, a Republican for insurance commissioner and a Libertarian for governor. Voters liked it. The thought of registering by party, of publicly stamping yourself with an "R" or a "D," was an alien, East Coast, messed up idea. Most people still feel that way.

Washington's system might have gone on forever, but California adopted it, the parties there sued, and the Supreme Court dynamited it. Allowing Democrats to vote for Republicans, and vice versa, violated the parties' constitutional right to choose their nominees, the court said.

By 2006 Washington had a new system, the pick-a-party primary. Voters still didn't register by party and still got the same ballot. You could vote for the candidates of one party only. The ballot was color-coded by party, and if you voted in more than one color zone, your ballot was thrown out. There was much grumbling about this. There was also an issue of who was a "major" party and who wasn't, because the system applied only to the major ones. The minor ones got on the

worse to see those messages trying to be cute and funny at my expense. If I get a ticket for driving down the block to the grocery store without fastening my seatbelt — something that I often do, now that I've noticed those signs — I guess I'm supposed to laugh at myself. I'm supposed to say, "Gawsh, I got a *ticket*, cuz I didn't *click* it! Ain't that funny! From now on, I reckon I'm gonna have to obey that durn law!"

I mentioned the woman who called the talk show. After explaining what the sign meant, the two men and one woman who run the program began to discuss public service advertisements in general, and (thank God) they brought up the expression *busybodies*. This is an expression that my aunt, who lives in the Midwest and is 92 years old, remembers fondly. She believes it should be used more frequently today, even in her own little town, and even as applied to her contemporaries. There's plenty of occasion to use it, because America is absolutely full of busybodies.

Think of it. How many minutes, hours, days, perhaps years of your life do you spend being forced to attend to these people's words and "thoughts"? Of course, most of the damage is done by busybodies who get your attention by passing laws. But significant damage also results from busybodies who obtrude themselves on TV, radio, the roadways, and other places where they have a more or less captive audience.

My neighborhood, which is bohemian and largely gay, is infested by billboards advertising the dangers of drink, drugs ("I Lost ME on METH"), and "unprotected sex." Evidently the people who fund these ads are convinced that without them, everyone would be thoughtlessly drinking, drugging, and sexing all the time. (Hmm. Sounds interesting.) But my neighbors are far from the only targets. On a recent drive from Riverside to Indio, I found the desert road blockaded with huge signs emplaced by a sinister organization that devotes itself to advertising "the virtues." You've seen their ads: at the top, there's an appealing picture of some personality, and under it there's a message about the virtue it illustrates. We see the 95-year-old grandmother who graduated from college: this is determination. We see Helen Keller: she "perceived" despite her blindness. We see Desmond Tutu, who believes in equality. We see the Dalai Lama: "He doesn't just want peace — he works for it." Does he? I wonder. But whether he does or not, it's hard to comprehend the mentality of people who are willing to raise and spend millions of dollars to demand that I imitate the behavior of the Dalai Lama.

And these ads are conservative and mildly reticent, compared to the busybodies' other interventions. Along the same stretch of highway I was repeatedly advised that "Driving Buzzed Is Driving Drunk" (which brings up the obvious though unanswered question: why, then, do we have two different words for it?). I was also informed, with equal dogmatism, that "Animals Are Children Too," and that I should therefore "Love Them." Well, I love animals, at least some of them, but it's stupefying to consider the fact that there are people in this world who believe they can turn other people into humanitarians by equating their children with their pets. It evidently doesn't occur to them that their premise might lead to unwelcome deductions. If animals are children, then perhaps children should be treated in the same way as animals — which, unfortunately, is what some people already do.

In short, the drive from Riverside to Indio can be undertaken only if you are willing to endure insults to your intelligence that hit your windshield every 20 or 30 seconds. But it's worse on TV and radio. You can quickly avert your gaze from an obnoxious sign, but unless you're better than I am at moving from channel to channel, a large percentage of your electronic media time is going to be occupied by lectures from busybodies. The radio stations I listen to are loaded with "public service" messages about disease prevention, "heart health," "happy family life," and every other busybody cause you can think of. Television never stops lecturing me about the horrors of smoking, racism, drunken driving, and failure to vote in the next election. And half of this ad time is donated by the stations, as if they just couldn't resist the temptation to waste my time, without even making any money on it. I can understand ads for soap, cars, and get-rich-quick schemes. I cannot understand why anyone would want to interrupt my quiet enjoyment of "South Park" by gratuitous lectures about my conduct.

Further: I cannot believe that anyone, anywhere, was ever prompted to love his neighbor, give up smoking, arrange for a designated driver, or even wear a seatbelt, just because he saw a *@(#)!*# ad for it. I imagine that there are a lot of people like me, people who take pleasure in driving unprotected whenever feasible, just because the busybodies have been wasting our lives with unwanted advice on the subject. The main struggle for me, when I gave up smoking, was to repress all thoughts about busybody ads against smoking. Just recalling those ads produced an almost irresistible desire for a cigarette.

So where does this lead? I'm not sure. But the next time you come into contact with a busybody, please *use that term*. Then use it at least once a day. When you're watching TV, and the program stops for a "public service ad," remark to everyone in the vicinity, "Great! Just great! Here come the *busybodies*!" When you're going out to dinner, and you stroll past a billboard advertising morality and public health, remark, as if you were making a scientific observation, "I see that the *busybodies* are at it again." And when you get unsolicited mail demanding that you contribute to some organization that runs "public service" ads, scrawl *Busybodies*! across the thing, preferably using red nail polish, and mail it back in the busybodies' self-addressed, postpaid envelope. Never miss a chance — because, believe me, the busybodies never miss one either.

November ballot by petition. For a while the LP was considered major, and then it wasn't.

The new system was not popular with voters. The Grange, the farmers' organization that had created the original blanket primary in the 1930s by voter initiative, put an initiative on the ballot for a third system, the top-two primary. Voters approved it.

The top-two primary (which does not apply to the presidential election), gives the parties no standing at all. They can nominate candidates, have conventions, etc., but this makes no difference to the ballot. Anyone can get on the ballot and describe himself after the word "prefers." You can say, "Prefers Democrat" whether the Democratic organization even considers you one. You can say, "Prefers Libertarian," or "Prefers Salmon Yoga." That is the system that went into effect in August 2008.

See what it did to the Libertarians.

In 2000, under the blanket primary, 46 minor-party candidates filed for federal, congressional, and legislative positions in Washington. Of these, 37 were LP.

In 2004, also under the blanket primary, 49 minor-party candidates filed, of which 46 were LP.

In 2006, under the pick-a-party primary, 8 minor-party candidates filed, of which three were LP.

In 2008, under the top-two primary, 22 candidates filed "preferring" a party other than "Democrat," "Republican" or "G.O.P." Two were Libertarian. Others filed as Constitution, Green, Independent, Reform, Party of Commons, America's Third Party, Cut Taxes G.O.P., Progressive Democrat, Progressive Party and — yes — "Salmon Yoga."

The LP complains that the new system has discouraged candidates from filing, which it obviously has. One of the two candidates who did file, Ruth Bennett, is in a Seattle district where the only other candidate is the Democratic incumbent. She was not winnowed out.

It is obvious why the LP doesn't like the system. It never elects any of its declared candidates — it has never come close — but under the old blanket primary its candidates were on the final ballot. But if you think about actually selecting people for public office, it is questionable whether it makes sense to offer on the final ballot candidates who can act as spoilers.

Consider Bennett's race for governor in 2004. Running as a Libertarian, she got more than 63,000 votes. Meanwhile the Democratic and Republican candidates deadlocked, and after two recounts the Democrat, Christine Gregoire, won by 129 votes. Her victory was thus not by a majority. This year Gregoire runs against the same Republican, Dino Rossi; and for all its faults, the system will produce a winner approved by a majority of those who voted. — Bruce Ramsey

Perverse course — News and conversation about spectator sports fascinate me much less than the same about politics or even the weather. (What fills the sports pages is distinct from athletics engaged in for personal pleasure or exercise.) Still, to each his own taste.

What does annoy me is fundraising for the United States Olympic team. The games have become heavily politicized. Issues arise about whether national leaders should attend the opening ceremonies, about boycotts (as of the Moscow games in 1980), and about pressures to win even through drug violations. Further political aspects are scorekeeping of medals won by various countries and struggles among and within countries over hosting future games. Sportsmanship becomes subordinate.

Considering what the Olympics have become, do they deserve imitation? I regret fundraising for the Special Olympics or Paralympics, which structure games for intellectually or otherwise challenged participants. They encourage people to divert their energies into fields where they suffer disadvantages. The games exalt competitive sports as an exceptionally worthy activity and promote unnecessary interpersonal rivalry.

Ideally, in a psychologically and economically healthy society, people should not feel pressure to compete for status. More exactly, they should have diverse opportunities to find satisfaction in self-chosen niches, even ones as narrow as researching ancient Mesopotamia, brewing boutique beers, knowledgeably collecting old coins or cars, faithfully performing some humble but essential task, or memorizing old baseball statistics. Artificially elevating athletic performance as a criterion of self worth, even in games twisted to accommodate players whose relative strengths lie elsewhere, is profoundly perverse. — Leland Yeager

Light railroaded — High gas prices stimulated media reports that Americans are abandoning their cars and swarming to mass transit. The American Public Transportation Association (APTA) is using such reports to promote more subsidies for transit. "If only we had diverted some of the highway money to transit," William Millar, APTA's head, told The Wall Street Journal, "there is no doubt in my mind we would be using far less foreign oil."

In fact, since 1990, the federal government has diverted more than $65 billion of highway money (your gasoline taxes) to mass transit, most of it to build expensive rail lines. And what has been the result?

In the first three months of 2008, urban auto travel declined by more than 15 billion passenger miles from 2007. Urban transit, meanwhile, grew by 450 million passenger miles. In other words, transit only made up for 3% of the decline in driving. The biggest decline in driving was in March, and transit ridership in March 2008 was actually lower than in 2007. Even with tens of billions of dollars in subsidies, transit doesn't go where people need to go.

Even if more people had switched to transit, transit doesn't save energy. On average, cars use 3,445 BTUs per passenger mile, while transit uses 3,444. So people who ride transit because of high gas prices aren't saving energy; they are merely passing their energy costs onto someone else.

— Randal O'Toole

Fat chance — Lacking any sort of artistic pretensions, I have never entertained the notion of indulging in hard drugs. Yet I've always been haunted by the thought that I view fried chicken and pineapple upsidedown cake in the same way in which Miles Davis viewed black tar heroin, namely, with deep, visceral longing.

And now the kind folks who occupy the laboratories and rock the lab coats down at Tulane University have confirmed this suspicion after conducting a study discovering that obesity, instead of being strictly a metabolic condition, is more

akin to an addictive disorder. This scares me.

Not the science, mind you; I take the slogan "Better living through chemistry" as one of the guiding principles of my life, right up there with classic admonitions to beware the Ides of March and never to fry bacon while nude. Rather, I'm afraid of what misuse the information may come to in the hands the government. The U.S. is already awash in agencies that no advocate of personal liberty could support. The ATF and the DEA are enough. The last thing this nation needs is ARC, the Adipose Regulatory Commission.

The mission of the ARC would seem fairly easy to accomplish. After all, who would be easier to spot and apprehend; a hardened gun runner who (if TV has taught me anything) will undoubtedly have a facial scar and an eastern European accent, a drug kingpin hidden away in a fortified plantation replete with henchmen and nubile young women in various stages of undress, or a 350-pound man in orange hunting garments who is making his third trip of the day to Burger King?

But given the history of the War on Drugs, I can only imagine that the War on the Obese would be similarly disastrous. Not only will our kids continue to be overweight, but there will be an added mystique, similar to that which surrounds underage drinking, associated with eating greasy food. And to be honest, the day that consuming four elephant ears and half a gallon of Mr. Pibb becomes an act of youthful rebellion is the day I officially become old. — Bill Shepherd

That burns — If you ask the state to provide your food taster, be prepared for the Keystone Kops to answer the call.

Some 1,300 people in the United States have fallen sick with salmonella since June of this year. This is the basic kind of food poisoning that the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) are supposed to prevent from becoming widespread in America. Instead, the episode has devolved into finger pointing and recrimination.

In late June, the FDA announced that the source of the salmonella was tomatoes imported from Mexico. This resulted in tomatoes being pulled from the shelves in most grocery stores and many restaurants. But, a few weeks later, the Feds admitted tomatoes weren't the problem; instead, they said, it was Mexican peppers — jalapenos and serranos. "We have a smoking gun, it appears," said Lonnie King, director of the CDC's center for food-borne illnesses. The FDA advised consumers to avoid raw peppers from Mexico and any foods that contained them.

Mexican food safety authorities didn't agree with these conclusions. They saw the Americans' efforts as an attempt to scapegoat their country. Enrique Sanchez, director of Mexico's Farm Food Quality Service, said that the salmonella sample King had called a "smoking gun" had been taken from an irrigation tank that hadn't been used for more than two months. Since that tank contained rain water, Sanchez said that roaming cattle or other factors could have contaminated the water in it.

Sanchez went further, saying that U.S. officials "lacked scientific evidence" to make their conclusions and that they had broken a confidentiality agreement by announcing findings before the investigation had been completed. He said: "We're eating this same produce in Mexico and we haven't had any problems."

He suggested that the FDA officials had confused the source of the samples. The tainted water tank had been found on a farm in the state of Hidalgo — not in Nuevo Leon, as the FDA had reported.

Mexican officials said the confusion could have stemmed from the fact that produce grown in Hidalgo (where several sources of salmonella had, in fact, been found) had been processed and packaged in Nuevo Leon. Since produce from several farms had been packaged at one plant, it was possible that tainted peppers (or tomatoes . . . or something else) had been mixed with clean produce there.

The FDA issued a statement later saying it was "surprised and disappointed" by the Mexican response.

While the bureaucrats blamed each other, U.S. customs officials were holding up fresh Mexican peppers at the border. And the number of reported salmonella cases trailed off — though no one was sure, yet, where it had originated.

— Jim Walsh

Sex, war, and spectacle — As we headed to press, three large-scale stories broke, the least important of which got the most breathless coverage. I refer of course to John Edwards' affair. About his choice in mistresses, one can only say: once an ambulance chaser, always an ambulance chaser.

More visually appealing by far was the the opening ceremony at the Summer Olympics in Beijing. China used the event to confirm two things: 1) we are now a superpower, with a clear view of how we see ourselves and the world; 2) we are opening up a bit, just don't rush us. Responsibility for the spectacle was given to director Zhang Yimou, by the same government that has in the past banned his movies and actively lobbied against his films. Zhang's program, which included giant firework footprints (later revealed to be a clever and meticulous CG "fake"),a portrait painted by human Etch-A-Sketch, and a Chinese lantern-planet, revitalized the idea of the opening ceremony, dulled by decades of incomprehensible parading and children dressed as vanishing ethnic groups. (Okay, so maybe the ceremony did still have both of those things in bulk, but the other technological marvels were worth it.)

Sadly, the show hosted by China was no match for the drama playing out in the boondock region of South Ossetia, on the Russia-Georgia border. The motivations of the actors seem to be this: the Russians want to absorb their old satellite nations, and are trying to isolate and nationalize Russian-majority populations in those states to create friction; the Georgians want to reassert control over these populations, which have been operating for years with a sort of semi-autonomy, as a precursor to joining NATO.

Russia's leaders, and Vladimir Putin in particular, will not accept NATO expansion without the buffer of the old satellites. Putin has been waiting years for a chance to really flex his muscles (crushing the Chechens was just a sort of annual workout) and Georgian president Mikheil Saakashvili has eagerly provided that chance, apparently relying on the U.S. and Britain to come bail out his country in a fight it cannot possibly win.

Our neocons, of course, are calling for war in Churchillian terms, with ringing pronouncements of support for our stalwart Georgian ally. But Georgia is no humble Poland, trying to fend off a rapacious neighbor, and Saakashvili is no people's hero. If we go to his aid — and why would he have attacked, without a firm expectation that we would join in? — this could be the first theater of a renewed Cold War. And, unlike the fight against Communism, we cannot be unambiguously certain that ours is indeed the right side.

— Andrew Ferguson

Up the Wazir — On August 3 it was reported that a United States air strike in the boondocks of the Pakistani region of South Waziristan (come on, are these names for real?) had liquidated Abu Khabab al-Masri, an al Qaeda bomb expert and trainer of the fanatics who attacked the USS Cole several years ago, killing 17 sailors.

Al Qaeda commented, in its usual pious style, "We tell the enemies of God [you'd think these people regarded everyone in the Western world as a clone of Christopher Hitchens] that God has saved those who will be even more painful for you. As Abu Khabab has gone, he left behind, with God's grace, a generation of faithful students who will make you suffer the worst torture and avenge him and his brothers."

That style alone is some of the worst torture I can imagine. What must be the mental state of those exposed to it 24/7? If you weren't crazy to start with, you'd soon start to develop the symptoms. Maybe this is why we have trouble infiltrating Islamic terrorist groups. Anyone who has to listen to that stuff as part of his professional duty probably runs off and puts a bullet in his brain.

Anyway, Abu Khabab will never test biological weapons on another dog. And in case you haven't guessed, I'm not sorry that he's gone. This, to me, is exactly the kind of foreign aid that the United States ought to give. — Stephen Cox

Mental blocks — People put up with a lot of statist nonsense because they can't imagine anything different.

Until recently, for example, a generation of Eastern Europeans had no idea what a financial market was. They couldn't imagine it. Even a few years after the fall of communism, the Poles, although pretty enthusiastic capitalists, simply could not believe that financial markets weren't rigged. In fact, they thought that "rigged" was just normal, maybe even inevitable, and not especially bad. When I was working in Poland, young, highly educated, obviously intelligent professionals in the Ministry of Finance repeatedly asked me who set the prices in the Eurobond market. My answer, "buyers and sellers," did not compute.

France, like the United States, has a mixed economy. But some economies are more mixed than others. Part of the mix in France is a very general dislike of free competition, including competition among domestic companies. (And goodness knows, they hate competition from foreign companies.) There is a law that prohibits retailers from selling below cost. There is also a law that prohibits big retailers from negotiating freely with suppliers — in other words, from hammering them on price a la Wal-Mart. Another law forbids any retailer except a pharmacy from selling over-the-counter drugs. Consequently, a mixed bag of consumer goods in France costs 30% more than the same bag right next door in Germany, a country with the same currency, the same goods, similar income levels, and no trade barriers with France.

This has a direct, substantial effect on the Frenchman's standard of living. Yet it has persisted, because that's just the way it is.

It seems always to take something special to cut back the state. I blame a lack of imagination and a natural acceptance of the status quo. Even sincere small-government conservatives regard some of the small-government policies of libertarians as unimaginable. Privately owned power plants make sense to them, but privatization of all roads seems impossible. In France, privately owned power plants were unimaginable. A bastardized, partial privatization of the French national power monopolies, EDF and GDF, is controversial.

Still, freedom sometimes catches on. The Poles were brave enough to take on revolutionary change without really knowing where it would lead. I think this is partly because their anticommunism was bolstered by strong anti-Soviet feelings. And now, thanks to leadership from President Sarkozy, there is open debate in France about the laws that hold back competition.

Most Americans, too, think of certain "basic" government functions as inevitable and unprivatizable. The post. The roads. The currency. Police forces. The courts. The primary schools. The FDA. The FBI. The IRS. Because that's just the way it is. I pray for more imagination, courageous citizens, and some good leaders. — Michael Christian

Never trust a trial lawyer — As this issue went to press, the news was breaking that former NC senator and Democrat presidential hopeful John Edwards admitted to having an extramarital affair with a sometime contract employee of his presidential campaign. A politician caught in an affair isn't news. But Edwards has always been one of the most preening, sanctimonious hucksters on the circuit — and his campaign, desperate over its failure to connect with voters, had made a big deal about the nobility of his marriage and his wife's battles with cancer. By cheating on this woman, Edwards seems to be either: 1) unaware of the meaning of the words he spoke every day on the campaign trail; or 2) totally unhinged. In either case, by splitting the votes of so-called "traditional" lefty Democrats with Hillary Clinton, Edwards effectively handed the Democrat nomination to Barack Obama. So Hillary is wronged yet again by a slick southern liar with a cheating heart. — Jim Walsh

Great to good grief — A couple of years ago, on the recommendation of two economists, I read "Good to Great," a business bestseller by Jim Collins, published in 2001. I was interested in business strategy, so it was a good fit, although you couldn't help but feel that this was mostly a followup to a previous bestseller, "Built to Last," written to keep the dollars flowing in.

Collins had a crew of people study stock returns to ferret out not just good companies but spectacular companies — ones that had "made the leap from good results to great results and sustained those results for at least fifteen years." It turns out that there aren't very many of these companies— only 11 in total. The book was about what the companies did to achieve this rarely matched performance.

There were some helpful lessons in the book (for one thing,

the CEOs tended to be unassuming fellows, not overweening tyrants). But I did wonder how the experiences of 11 companies — out of thousands — could be all that relevant to most managers (or to me).

The other thing that made me queasy was that one of the companies was a government-spawned entity. How great could that be? And the company was Fannie Mae.

We've heard a lot about Fannie Mae recently. It fell, and it fell hard. It's in the process of being rescued by the U.S. taxpayer. Its deterioration first became visible, according to Paul Gigot of The Wall Street Journal, in 2001, the year "Good to Great" was published.

Jim Collins viewed Fannie Mae (and the other stellar companies as well) as succeeding through the "hedgehog concept" — focusing on one big idea rather than trying to do a whole lot of different things. Fannie Mae's idea was that it could develop "a unique capability to assess risk in mortgage-related securities." Thus it could shift from "profit per mortgage to profit per mortgage risk level." This big idea lifted it to stratospheric heights.

Could that idea have something to do with the fact that the government was implicitly backing everything that Fannie Mae invested in?

The conclusion of this little story is wonderment, not just about Collins' misstep, but about the reaction to the latest news. To his credit, Steve Levitt ("Freakonomics") has observed on his New York Times blog that not only Fannie Mae but also Circuit City and Wells Fargo, two of Collins' other featured companies, have done deplorably since his book came out. But that's all I see about this matter on the Web. The book is still being used in seminars on business strategy and according to Levitt has been selling at 300,000 per year, in hardcover. To me, something's weird. — Jane S. Shaw

They call him Flipper — When a skater executes a triple spin over the ice, it's amazing to watch. No less acrobatic is Barack Obama's triple reverse on oil policies.

After long deriding Hillary Clinton's (and John McCain's) advocacy of a suspension of gas taxes in the face of record-high prices, now Obama proposes to give a $1,000 tax rebate to help families with high gas taxes, said rebate to be financed by higher taxes on the Evil Oil Companies, exactly as Clinton had proposed.

Obama had also opposed tapping into the Stategic Oil Reserve — another Clinton idea — but he now favors it.

Yet the most majestic flip of all had to do with offshore drilling. Obama recently bashed McCain for flipping in favor of getting rid of the congressional ban on offshore drilling; now he says he would be willing to allow it as part of a biparisan deal on energy policy. Oh, he still hates the idea of drilling offshore — it just isn't a "particularly meaningful" solution, don't you know. But he will roll with it.

What is driving all flipping are the flipping polls. The most recent Quinnipiac University survey showed that high energy prices have become the biggest election issue, and McCain's quick use of that issue has eroded Obama's lead — obviously a good reason, in Obama's mind, for reversing his ideas.

— Gary Jason

Irrational pessimism — One of my tasks at the Liberty Editors' conference at FreedomFest in Las Vegas this July was to moderate a panel on the housing and mortgage morass. I was struck by the gloom of several attendees. A man in the audience stood up and expounded. He had seen the numbers, he said. It was unarguable: America's debt was going to sink it. And one of the panelists seemed to think so too.

The one who didn't was David Friedman. Always in the past, Friedman said, when hard-money people made such dire predictions — and FreedomFest was partly a hard-money conference — the predictions turned out not to be true.

Of course that is an argument from history, not data. And yet I like it. Friedman is right about the gloominess of the gold guys. They have an ideological (and financial) interest in gloom, and they overshoot on their prognostications. I remain confident that "Helicopter Ben" Bernanke will disburse enough greenbacks to float Fannie Mae, Freddie Mac, and whatever other large logs may threaten to sink. The dollar will become a bit soggier. America will go on. We will not become Zimbabwe. — Bruce Ramsey

Don't worry, be happy — Could there be light at the end of the tunnel concerning the economy? 2008 may be remembered as the year when there wasn't a recession.

Notwithanding prognostications to the contrary, the economy grew at about a 1.5% rate during the first half of the year. That's nothing to write home about, but consider history: from the 1970s to the early 1990s, growth of 2–2.5% per year was regarded as good. The fact that current economic activity is considered a downturn indicates just how productive the national and world economies have become. Unemployment remains below 6%, which was once considered to be near the natural rate of unemployment.

For so many people around the globe, times have never been so good. The world as a whole is in the midst of the greatest economic boom ever. As Johan Norberg of the Cato Institute and others argue, the increase in economic wellbeing throughout what used to be considered the third (or developing) world has been phenomenal in recent decades. As great as economic growth in the United States, Europe, and Japan has been, it is as nothing compared to the revolutionary changes in material circumstances that billions of people throughout Asia and Latin America have experienced since the 1960s. The past 40 years have been the period of greatest economic growth in world history.

This reflector is disinclined to consider dislocations in economic activity, or temporary downturns, as anything but relatively momentary aberrations from a longer term upward trend. This is not to say that economic downturns shouldn't be thoughtfully considered, and alleviated to the greatest extent possible. They should be. But the forest of economic development should not be lost in the trees of momentary economic news. — Lanny Ebenstein

Say anything — The World Trade Organization's Doha Round of trade talks ended in failure this summer, the first time since the establishment of the generally trade-promoting GATT regime after WWII in which a round of talks failed to produce some kind of liberalization agreement. This time they couldn't even come up with a token move. Editorials lamenting this failure rang out across the land. I think, however, that the Cato Institute's Dan Ikenson has convinced me

that the death of moves toward freer trade has been exaggerated. While political leaders may denounce globalization and free trade in public, the record of recent years has shown that the countries that trade the most tend to enjoy the most economic growth. So even as India undermined the WTO talks to popular acclaim in India itself, it has liberalized both its internal and external business and trade policies and begun to enjoy growth and some measure of affluence.

It's still a major mystery to me. Free trade, which anyone who has ever taken Econ 101 or thought for more than a moment understands, is beneficial to the society that adopts it (though there may be short-term disruptions and losers, as always happens in a dynamic economy), is so easy to denounce in the political realm. Dan says, however, that some of the same politicians (maybe Barack Obama?) who demagogue against free trade and globalization privately understand that the stance is stupid populism and in action take steps to increase trade. Count on politicians to be hypocrites.

— Alan W. Bock

Mid-Libs — Pollster John Zogby's new book, "The Way We'll Be: The Zogby Report on the Transformation of the American Dream," which went on sale August 12, has interesting comments on libertarians. In some ways, Zogby finds them like moderates. One way is the simple question of who is the funniest comedian. For liberals and progressives, the answer was Richard Pryor; for conservatives, Red Skelton; for moderates, Bill Cosby. For libertarians the funniest is also Cosby.

Maybe, Zogby speculates, that is because libertarians appreciate Cosby's cultural message of self-responsibility, which, of course, they do. But Zogby sees some substance. "Libertarians and moderates are not so far apart in core beliefs," he asserts. "Together they could be a vital new political force waiting to happen, one that shuns both the God talk of the religious right and the let-government-solve-it mentality of the traditional left."

There are some issues in which I'm close to moderates: abortion and immigration. But I have trouble with the statement that libertarians and moderates "are not so far apart in core beliefs." I wish he would have argued for it more.

— Bruce Ramsey

Just us — A recent ad I saw showed two roommates accusing each other of using all the mayonnaise. A third roommate started dusting the jar for prints, while the voice-over asks: "Interested in justice?" Turns out it was not an ad for mayonnaise, but for a school that offered degrees in criminal "justice."

It made me think of how badly that career is named. People don't go into that profession with a hunger for "justice." I imagine that a person who would dust his own apartment for prints isn't really worshiping the statue with the blindfold and scales as much as he is just nosy. A lot of people are attracted to the career, not because of an altruistic pursuit of fairness, but because they love to poke around other people's apartments and rifle through their drawers, trying to find their secrets.

Many jobs considered "public service" have nothing to do with service. Politicians more often run for the respect and power than for the service. Many lawyers gravitate toward the profession, not out of an interest in the law, but because they like to argue — the long contracts that are required today for even simple tasks like installing software are testament to the constant pursuit of loopholes by a profession with a surplus of idle hands. Too many people become policemen, not because they want to clean up a community, but because they want the power of a badge and a gun.

But despite this inherent flaw, our system seems to work, for the most part. It is a division of labor, and people with talent find places to use it. Fortunately there are limits on the type of people that get hired. Whereas we try to lock up our serial killers, under some darker governments, sadistic sociopaths too are gainfully employed.

— Tim Slagle

From the couch to 1600 Penn. — I was going to write a reflection on the meaning of the Green Party's nomination of former congresswoman Cynthia McKinney as its presidential candidate. At that party's convention in Chicago, she gave a stemwinder of an acceptance speech that — for a few fleeting moments — described what ails American today in terms that any libertarian could applaud. She decried nation building, corporate welfare, and the institutional corruption of the establishment parties.

But then her eyes widened and she moved on to the solutions she proposes . . . and the berserker (who was once arrested for assaulting a Capitol Police officer who "dissed" her) began to show. McKinney seems a damaged person — a second-generation career politician whose reptilian sense of political spectacle exploits the weaknesses of her oft-exploited supporters. But she can talk. Here's a small bit from her acceptance speech:

> Even while George Bush has made himself an international climate change villain by not signing onto the Kyoto Protocol, his own scientists at the U.S. Climate Change Science Program have predicted more heat waves, intense rains, increased drought, and stronger hurricanes due to the worsening effects of climate change. . . . In a Green Party USA, health care would be provided for everyone here through a single payer, Medicare-for-all type health care system. We would have no homeless men and women sleeping on our streets and everyone who could work would have work. . . . We would have apologized for genocide against the indigenous peoples of this land and the abomination of chattel slavery. Our country would have dignity on the world stage and in every international forum. . . . At a time when the United States is under review, itself, by the United Nations for its poor record on domestic respect for human rights, particularly in the aftermath of Hurricanes Katrina and Rita, a real discussion of race and gender is needed now more than ever.

What she doesn't seem to be able — or chooses not — to do is see the similarity between statist elements of the Bush administration and the statist elements of the United Nations. The worldviews of the people who run Halliburton and administer the Kyoto Protocol are closer than she admits. Of course, objective reality means little to someone like Cynthia McKinney.

My main reflection on this? Not that McKinney is especially crazy but that the presidency seems to attract psychologically damaged aspirants. The current officeholder is a recovering alcoholic who apparently had trouble finding his place in his extended family and the world until he was well

into his fourth decade. Both of his likely successors have pasts full of Freudian drama.

The senator from Arizona attended the U.S. Naval Academy in the shadow of a father and grandfather who'd been admirals — royalty in that realm. He was tortured as a prisoner of war in a foreign land. By all accounts, he held up well in those hellish circumstances; but, upon his return to the States, he channeled his trauma into womanizing that destroyed his first marriage. And he seems an inattentive husband to this day; his current wife developed and, eventually, kicked a dependency to prescription pain pills without his notice.

The senator from Illinois was abandoned, as an infant, by his father. He wrote a book about trying to come to terms with that abandonment; his conclusion that he's done so rings hollow. Those who knew his mother say that she was a "free spirit" (a euphemism pregnant with allusions to egotism and social failure). Like many children from broken homes, he was raised at times by his grandparents. Then prep school, Columbia, Harvard. He seems the archetypal high achiever who carries the hope of a dysfunctional clan.

When was the last time a well adjusted person lived in the White House? Clinton? A posthumous child, raised by a woman who entered a series of abusive marriages, who in turn married — and then systematically humiliated — a castrating harridan. The elder Bush?

The comedian Chris Rock says that, when you're the father of a daughter, you have one job: keep her off of the stripper's pole. But that's a joke. I think a father has one job: keep his kids away from a career in politics. — Jim Walsh

White power — Nearly two decades ago, I had a girl friend who worked at MBIA, the municipal bond insurance company that had developed a highly successful racket of credit enhancement, if paid fully in advance. Nonetheless, she privately thought her bosses "dumb white boys who will screw up," as indeed they did, notwithstanding superior educations and smug self-confidence. I was reminded of her judgment when I saw a photograph reproducing the faces of 62 early Cuban guerrillas who died before Fidel took power. Nearly all of them were white; a few were brown; none were black. None. The revolutionaries advocating a society of equals, regardless of race or social class at birth, were scarcely a reflection of the Cuban population, or indeed the population of nearly every country in North or South America.

Needless to say, the survivors running Cuba since 1959 have been a bunch of white boys who have screwed up. Were Cuba merged into MBIA, no one outside would recognize any racial difference. — Richard Kostelanetz

Vox populi — Well, I've seen it all. Los Angeles has prohibited fast food restaurants in certain districts of the city — just as Mayor Bloomberg (who doubtlessly has a Ph.D. in nutrition) has banned trans fats in NY eateries. Where is the vaunted voice of the people? Why, in violation of all the tenets of freedom, do we allow government to dictate our diet?

Why aren't there mobs in the street chowing down on trans fat soaked fries? Why doesn't the joyful munching of hamburgers fill the air, daring the polizei to arrest , say, 5,000 hamburger and deep fried chicken lovers? Why not! What irritates the trans fat in my system and sets it a boiling is the supine cowardice of us victims. Where is the wrath of the people?

My theory? We poor serfs don't realize our power. We think the pols (who may next decree mandatory gastric bypass surgery for all fatties) hold all the cards. Lemme tell you that mobs in the street — not violent, just chewing and shouting against such intrusive, nonscientific, freedom stealing legislation — well, they're anathema to politicians. They're uglier than a $5 campaign contributor. Rather than face such an unpleasant spectacle, they'd take Uncle Ned, Cousin Betty, and three brothers-in-law off the health commission. History tells us that even Hitler, guarded by the Gestapo, bent his racial laws when a meager demo by 2,000 Berlin wives paraded in the streets, because their one-quarter, one-eighth, and one-sixteenth Jewish husbands were clubbed into the camps. Even the men with guns couldn't stomach a few thousand women making the regime look bad. Poisonous PR.

As some ancient Athenian philosopher must have said (or should have said), "The power of the people is lethal to tyranny." — Ted Roberts

Harvesting the wind — T. Boone Pickens came around to the editorial board of my newspaper to discuss his plan for energy independence for America. As near as I could gather, it's to move toward using more natural gas for vehicles, and using wind to power more of the electrical generating plants now powered by natural gas. He's not against more drilling for oil, but thinks the yield in the United States (offshore and ANWR) will be disappointing to those who view this as the answer. Only natural gas can give us the immediate boost we need to start weaning ourselves from the sheiks (and the Mexicans and Venezuelans).

Pickens is a smart (and extremely charming) guy, and he may well be right about natural gas as the next likely alternative. And he has invested some $58 million of his own money in a wind farm in Texas, not to mention the TV ads and all. But he also says that for his plan to work "fast enough" will require continuing tax credits for wind power and the use of eminent domain to build electrical transmission lines to get all that power from the places where there's wind to the places that need energy. The problem here is that such subsidies distort the market by concealing the true prices of various kinds of energy, without which it is impossible to determine what varieties of power generation are really more efficient.

Everyone from Barack Obama to John McCain to Boone Pickens seems to want the government to have an energy policy to guide the country along the path to energy independence. Leaving aside the fact that energy self-sufficiency is probably chimerical for the United States and more than likely not really desirable, I think the government has already done more than enough. If we want efficient energy markets, the government would do better to get out of the way than to decide in advance what the proper mix is and micromanage our way to that goal. — Alan W. Bock

These are awful; keep 'em coming — The notion that "today's children are tomorrow's leaders" is quite frightening. I came to this disheartening conclusion during the first group activity on the first day of a program on leadership and politics that I attended with other high school students this summer in Washington, D.C.

The activity was called "Community Build." When the group — about 75 students in total — entered the activity room, we found the floor divided into four rectangular sections by lines of duct tape: one very large section, one medium-size section, and two very small sections. We were divided into four groups; each group of students was assigned to one of the four sections and given a bag of materials that included construction paper, writing utensils, tape, scissors, and some hypothetical "money." We were told to build the ideal city within our section with the materials provided. We were not allowed to step outside our respective sections, and before we could "build" anything, we were required to get a permit from a board of teachers sitting at the front of the room.

I'm always skeptical about arts and crafts projects, but I had a good idea where this was going, and it actually looked promising. Sure enough, when the activity officially began, everything that I expected to happen did. Building permits were extremely hard to get, we had to make many revisions to our designs before they were approved by the board, and for the duration of the activity, teachers playing the role of police walked among the students and removed from the room anyone who happened to step outside of his rectangle. As you can imagine, with dozens of people trying to squeeze into a relatively small space, "arrests" were frequent.

As we worked on our city, I thought to myself that this was turning out to be surprisingly worthwhile; bureaucratic inefficiency, burdensome regulation — it had a strong, if unintended, libertarian undertone.

When the teachers announced that time was up, we all sat down around the "cities" and compared the different groups' work. The largest rectangle, obviously symbolizing the upper class, had a wide variety of buildings with a lot of space open and available for more. The smaller rectangle — the middle class — had some buildings and was well-developed, but was tighter and could not fit many of the buildings that the upper class could afford to build. The two tiny, poor sections had hardly any buildings and were a mess compared to the larger areas next to them.

The teachers then asked us what problems we encountered in building our cities. Some people said that the board forced them to make useless changes to their building designs before they would be permitted to construct them, others said that the board completely rejected designs for no reason at all, while others described how they were thrown into "prison" for violating rules that they never even knew existed. This is great, I thought — growing discontent and outrage over the bureaucratic nightmare that we just experienced. Now it was time for the final discussion: what should be done to fix this absurd process?

I expected to hear the obvious answers: regulate less, make permits easier to obtain, stop arresting people for frivolous violations. But for some reason, when the first student (who worked in one of the tiny rectangles) raised his hand, I felt a sinking sensation in the pit of my stomach, as if I somehow anticipated the words he would speak.

"The rich group should have given us more money," he complained. More hands shot up.

"We should have an agency specifically designed to oversee the poor neighborhoods' buildings," another said.

"The poor people couldn't build cities for themselves, so the government should help them out and build some things for them."

"The rich people have so much land in their section. Give some of it to the poor cities. This would promote equality and fairness."

"What about the environment? The board should have taken that into account."

Dumbfounded, I listened as my peers demonstrated how completely backwards their perception of society, government, and simple cause-and-effect was. Nobody seemed to comprehend that if A causes B, and we don't like B, then we shouldn't ask for more A! I was shocked to see that these future "leaders" took away all of the wrong lessons from this seemingly worthwhile activity. But I learned a lesson myself, specifically the direction in which our country is headed if these kids really do lead it someday. — Matt Varvaro

Betting on Ben —It doesn't take Karl Rove, James Carville, or the ghost of Lee Atwater to see that the cost of energy is shaping up to be the hot topic for this election season. Barack Obama seems to face the bigger challenge on this one.

To start, his Democrat colleague House Speaker Nancy Pelosi has positioned their party poorly. During the summer, she gave an interview to the politico.com news site in which she explained her opposition to increased domestic oil drilling in laughably messianic terms. Of her refusal to allow any debate on the question on the floor of the House, she said: "I'm trying to save the planet."

And then she ordered House microphones cut off when her opponents tried to discuss the matter against her will.

In the wake of the bad press that followed, Obama announced a change in his own position on domestic drilling. As president, he would allow "limited" offshore drilling, if it were part of a larger plan for developing and delivering energy to Americans. (Although, true to his style, he said that his support would have no effect — since offshore drilling doesn't supply much oil. It's a signature Obama move to support or cast votes for policies that he admits are not effective.)

This was seen as apostasy among the more radical of his environmentalist supporters; but they have nowhere to turn. Most of his core supporters considered it savvy triangulation. If he's elected president, it will be interesting to see what effect his move — essentially undermining Speaker Pelosi's hard line — will have on their relationship.

Even more convoluted is Obama's plan for a $1,000 stimulus check for each American household to be funded by a "windfall profits" tax on oil companies. According to Obama:

> This rebate will be enough to offset the increased cost of gas for a working family over the next four months. Or, if you live in a state where it gets very cold in the winter, it will be enough to cover the entire increase in your heating bills. Or you could use the rebate for any of your other bills or even to pay down debt.

These windfall profits taxes have proven ineffective — which may be why Obama likes them. They don't improve the economy much. They have little effect on oil industry

continued on page 24

The Next President and the Next War

by Jon Harrison

Is a Middle East conflagration on the horizon?

On June 13, Taliban fighters successfully stormed the main prison in Kandahar, Afghanistan, freeing some 1,200 inmates, at least one-third of them Taliban members. During the month of June, 46 Allied soldiers died in combat in Afghanistan, as against 31 (29 U.S.) in Iraq. It was the second straight month in which combat fatalities in Afghanistan exceeded those in Iraq.[1] On the same day as the Taliban's brazen attack on Kandahar, the outgoing U.S. commander in Afghanistan, Gen. Dan McNeill, spoke gloomily about the situation at a Pentagon press conference. The Taliban, he said, is "resurgent in the region . . . it's going to be difficult to take on this insurgent group . . . in the broader sort of way."[2] "Difficult" is an understatement, because the Taliban are operating from the safety of sanctuaries in northwest Pakistan. McNeill, by the way, had previously stated that it would require 400,000 troops to master the situation in Afghanistan,[3] an assessment that has received remarkably little media coverage in the U.S.

On June 5, Israeli forces completed major military exercises over the eastern Mediterranean. More than 100 F-15 and F-16 strike aircraft took part. Long-range refueling and search and rescue operations were practiced by the Israeli forces. The exercises were carried out some 900 miles from Israel, a distance that just happens to equal that between Israeli air bases and Iran's nuclear facility at Natanz. According to The New York Times:

> Several American officials said the Israeli exercise appeared to be an effort to develop the military's capacity to carry out long-range strikes and to demonstrate the seriousness with which Israel views Iran's nuclear program.[4]

Israeli officials were more direct. Sallai Meridor, Israel's ambassador to the U.S., stated, "Israel prefers this threat [i.e., the Iranian nuclear program] be dealt with peacefully . . . But time is running out."[5] Simultaneously, Gen. Mohammed Ali Jafari, commander of Iran's Revolutionary Guards, threatened to respond to any attack by launching missiles against Israel and blocking the Strait of Hormuz.[6] His threats were followed by Iranian missile tests carried out on July 9 and 10. The missiles fired by the Iranians, while hardly state of the

art, supposedly have ranges of up to 1,240 miles. The tremors were felt worldwide. Mohamed ElBaradei, the director of the International Atomic Energy Agency, told Al Arabiya television that an Israeli strike on Iran would "turn the Middle East [in]to a ball of fire."[7]

The Iran pot is being further stirred by the Bush administration, which in 2007 launched an expanded program of covert operations inside the country with the objective of regime change.[8] Up to now the administration, despite its obvious desire (especially on the part of the vice president) to strike Iran, has had its hands tied by the U.S. commitment in Iraq. With the situation there apparently improving, Bush could decide to settle accounts with the regime that, since the fall of Saddam Hussein, has been his enemy number one.

The Iran pot is being further stirred by the Bush administration, which in 2007 launched an expanded program of covert operations.

If not Iran, then perhaps Pakistan. Northwest Pakistan is not only the springboard for the resurgent Afghan insurgency; it also harbors a Pakistani Taliban that threatens Pakistan's stability[9] and a reconstituted al Qaeda that is said to be preparing fresh attacks on the U.S. homeland.[10]

Time is running out for the Bush presidency. On balance, it seems likely that Bush will hand off to his successor without having started a new war in the Middle East. Certain circumstances (including U.S. electoral politics) could change the odds in favor of war, and these will be discussed below. Whether the next president inherits a new war or not, he will certainly face critical problems in the region.

How will it all play out over the next twelve months? In part, of course, this depends on who wins the November election. A President McCain would almost certainly continue, broadly speaking, the policies of the Bush-Cheney years. That means, first, an ongoing presence in Iraq. We currently have 15 combat brigades there. By next summer, we may be down to ten or twelve. A force of that size would be sustainable over the long term, assuming the United States does not dramatically increase its commitments elsewhere. However, given the worsening situation in Afghanistan, it seems likely that the next president will be forced to escalate the war there — first by introducing more troops, and then, perhaps, by expanding it into northwest Pakistan.

Until recently, McCain had not articulated a detailed policy for Afghanistan. On July 15, however, the day after Sen. Obama called for the deployment of at least two additional combat brigades there next year, McCain came out in favor of sending three. Previously, he had maintained that our NATO allies should supply any additional troops for Afghanistan.[11]

The problem for McCain is that unless a substantial reduction of U.S. forces in Iraq happens soon, no brigades will be available for deployment to Afghanistan in early 2009. In June, Adm. Michael Mullen, Chairman of the Joint Chiefs of Staff, stated that he wanted three additional brigades for Afghanistan, but that "troop constraints" prevented such a move. If our troop strength in Iraq is reduced by another five brigades between this fall and next summer, additional forces will be available for Afghanistan. But as of this writing, candidate McCain has not committed himself to any further withdrawals from Iraq.

Regarding Iran, McCain has made it clear that he will not tolerate that nation becoming a nuclear power. Every indication is that Iran cannot be prevented from building a nuclear weapon by peaceful means. The logical consequence of this would seem to be war.

Given an ongoing, major U.S. presence in Iraq, and an expanding commitment to Afghanistan, it becomes difficult to see how an effective war against Iran could be waged, short of introducing conscription (something McCain has not proposed).

Obama has called for new directions in U.S. policy. In a July 14 New York Times op-ed piece, he reiterated his call for the withdrawal of all U.S. combat brigades on a 16-month timetable.[12] As already mentioned, he also proposed simultaneously to increase our presence in Afghanistan.

Obama's essay, it should be said, was a through-and-through political document, revealing a merely superficial understanding of the strategic and tactical issues. Why, for example, a 16-month timeframe, beyond the fact that it's probably the longest one that MoveOn.org will accept? Why only two additional brigades for Afghanistan, as opposed to the three the nation's top officer advocated?

Obama long ago called for strikes, if needed, against al Qaeda in the tribal areas of Pakistan. In addition, he has advocated opening a dialogue with Iran, although he has also said that he will not countenance that country's going nuclear. That he would actually use force against Iran to prevent this, however, seems unlikely.

The overall picture, whoever becomes president, remains endlessly complex and fascinating, though darkened by countless and ongoing human tragedies, not to mention shadows of doom. For the sake of clarity, I will examine in turn the situation on the ground in the four areas of crisis — Iraq, Afghanistan, Pakistan, and Iran.

Obama long ago called for strikes against al Qaeda in the tribal areas of Afghanistan. In addition, he has said he will not countenance Iran going nuclear.

Iraq: Should We Stay or Should We Go?

At the moment, the picture in Iraq looks brighter than at any time since Bush declared major fighting over in May 2003. The past year has witnessed a remarkable series of ups and downs in both the military and the political situation.

Violence declined markedly in the last four months of 2007, for reasons I elucidated in an earlier essay.[13] As 2008 opened, violence flared up once more. In April, Iraqi civilian deaths again exceeded 1,000. Since then, however, violence has fallen to levels unseen since early 2004. What happened?

At the end of March, Iraqi Prime Minister Nouri al Maliki ordered and personally oversaw an Iraqi government offensive against militia and criminal elements in Basra, Iraq's second city and the key to the country's oil-rich south. The main target was the Mahdi Army of radical cleric Muqtada al Sadr, al Maliki's erstwhile ally. Poorly organized and carried out, the offensive quickly stalled. Over 1,000 government troops deserted, and al Maliki's representatives had to travel to Iran to negotiate a ceasefire with al Sadr.

But the seemingly hapless al Maliki wasn't done in by this highly unsatisfactory outcome. With a determination and nimbleness that startled virtually every observer (this writer included), he returned at once to the attack. Wisely coordinating his plans with the Americans this time, he sent his forces back into Basra, supported now by American and British airpower, intelligence, and logistical support, as well as U.S. and British special operations units. The Sadrists and criminal elements backed down before this show of force, and government troops took control of Basra by April 19.

When the initial Basra operation commenced, the Sadrists began making trouble in Baghdad, lobbing rockets and mortar rounds into the Green Zone and engaging in street battles with government forces. At the same time, they offered to negotiate with the government. Al Maliki instead chose to take on the Sadrists. Sadr City, the vast (population 2 million) section of the capital under Sadrist control, was first partitioned by an enormous blast wall set up by U.S. forces. Adopting salami-slicing tactics, Iraqi troops (again backed by U.S. ground and air power) attempted to take over Sadr City block by block. They encountered considerable resistance, and would not have succeeded to the extent they did without major help from the Americans. In any case, it never came to a final showdown. A ceasefire was signed on May 11, and nine days later Iraqi government troops completed the occupation of Sadr City.

With a determination and nimbleness that startled many observers, Maliki returned at once to the attack . . . supported now with American and British air power.

This was followed in June by a sweep through Amara, another Sadrist stronghold, where little resistance was encountered.[14] Simultaneously, U.S. and Iraqi forces were engaged in winkling out al Qaeda fighters in the northern city of Mosul, Iraq's third largest.

Too much can be made of these successes. The Shiite government's victories over Shiite fighters in Basra and Sadr City were largely negotiated.[15] They could not have been achieved without U.S. support. As for al Qaeda, whether it is driven from Mosul or not, it continues to find havens from which to mount attacks.[16]

Critical to the Iraqi government's position is the continuation of the Sunni Awakening. Adequate forces were available for the Basra and Sadr City operations because units could be borrowed from Sunni Anbar province and elsewhere. The Sunnis are, for the moment, content to receive U.S. dollars and arms in return for remaining quiet. But Sunni-Shiite reconciliation remains a distant and perhaps unreachable goal.[17] The ongoing Helsinki talks between various Iraqi political leaders may hold out a slender thread of hope.[18]

The Sunnis are, for the moment, content to receive U.S. dollars and arms in return for remaining quiet. But Sunni-Shiite reconciliation remains a distant goal.

The Iraqi government also depends on the goodwill of Iran. A three-cornered power struggle among Iraq's Shiites, involving al Maliki's Dawa Party, the Islamic Supreme Council (ISC), and the Sadrists took a sharp turn with the scheduling of provincial elections for this fall (recently rescheduled to December). Al Maliki and the ISC joined forces to prevent an electoral victory by the Sadrists. While Dawa and the ISC both dispose of militias (the latter's is the Badr Brigade), their combined strength does not equal that of the Sadrists (the Mahdi Army). Hence al Maliki's decision to use the Iraqi Army to clear Basra — a move supported not just by the United States and Britain, but by Iran as well.

Iran gave its full political and moral support to al Maliki's move against the Sadrists in Basra — and this despite the fact that Muqtada al Sadr sits in Qom, protected from al Maliki and the Americans by the Iranians! On the other hand, it condemned the Sadr City operation and supported the May 11 ceasefire. It would seem that Iran wants to keep the Sadrists in play as a safeguard against the possibility of al Maliki's government becoming too independent and assertive. Its closest ties to Iraq's Shiite community are with members of the ISC, some of whom spent decades in exile in Iran.[19] The primary Iranian policy goal in Iraq is probably the continuation of a Shiite-dominated but weak central government.[20]

Fragile though it may be, al Maliki's newfound prestige has wrought a change in Iraq's political atmosphere. The Iraqi prime minister, formerly perceived as a milquetoast, has "made his bones" and won the respect of friend and enemy alike. He won a potentially important political victory on July 19, when Tawafiq, the largest Sunni political bloc, which had been boycotting the government for the previous eleven months, returned to the fold.[21] Al Maliki now apparently feels strong enough to stand up to the Americans.[22]

Nor are the changes confined to politicians. The Iraqi Army has gained experience and with it a modicum of cohesion.[23]

Indications are that sections of the population may be rallying to the government and the armed forces.[24] As with al Qaeda in its heyday, the Shiite extremists overplayed their hand in imposing on the populace their version of Islamic law. People in both Sadr City and Basra were clearly relieved to be liberated from the heavy hand of the militias.[25] In short, an Iraqi center may be forming, and perhaps it may hold.[26]

Still, signs of real reconciliation between sects and ethnicities are hard to find.[27] Reconstruction, despite huge oil revenues, has hardly begun. Corruption remains endemic. The wounds of the past five, indeed the past 50 years, are still raw. It is by no means clear whether we are witnessing the birth pangs of an Iraqi democracy or the preliminaries to another Lebanon.

The imperial aspects of America's Iraq policy are complicated by the Iraqi government's growing confidence.[28] After a conversation with al Maliki on July 17, President Bush accepted "a general time horizon" for a U.S. withdrawal,[29] though the administration has so far refused to be pinned down to definite numbers and definite dates.

With this concession (nebulous though it was) the Bush administration suddenly assumed the centrist position in the Iraq debate, with Obama on its left calling for a definite timetable for withdrawal, and McCain on its right opposing any timeline.[30]

McCain has been advocating a long-term U.S. presence in the country, which would entail spending tens of billions of dollars annually for years, along with some level of U.S. military involvement (100,000 troops? 50,000?) and casualties. Of course, whether U.S. voters will support such a policy remains to be seen.

Obama would enter office with a plan that would virtually end our involvement by mid-2010. His plan does call for a "residual" force to be left behind after the combat brigades are withdrawn. This would be assigned various duties, amounting in substance to protecting the president's political backside should trouble start brewing again on the ground in Iraq.[31]

On July 19, at the outset of Obama's grand tour of the Middle East and Western Europe, al Maliki came out and said that U.S. troops should leave Iraq "as soon as possible," and that Obama's 16-month timetable was "the right timeframe for withdrawal."[32] The Iraqi prime minister was clearly feeling his oats after his victories in Basra and Sadr City. The danger for both al Maliki and Obama is that the extremists will lie low until the United States withdraws, and then begin the civil war anew.

While a recrudescence of violence over the next year could lead al Maliki to embrace the McCain position,[33] Obama's plan may actually represent the most the United States can do. As everyone admits, U.S. ground forces are badly stretched and in need of a period of rest and recuperation. They are not, unfortunately, likely to get it. For it appears that forces withdrawn from Iraq will be needed in Afghanistan, to prevent a Taliban-al Qaeda victory there.

Afghanistan: Looming Defeat?

At present, we are losing the war in Afghanistan. The situation there was deteriorating even before NATO took on its "peacekeeping" role in 2006. As already noted, U.S. combat deaths in Afghanistan now exceed those suffered in Iraq. According to U.S. military sources, militant attacks in the first half of 2008 were well up over the same period a year earlier.[34] In April, the Taliban just missed assassinating Afghanistan's president, Hamid Karzai. On July 6 a massive suicide car bombing outside the Indian embassy in Kabul, the Afghan capital, killed 54 people and injured over 100.

U.S. forces are caught in a deadly day-to-day struggle with the Taliban and other militant groups,[35] all of which use the civilian population as a shield. Heavy civilian casualties and serious psychological problems for many of our troops result from this type of war.[36] Afghanistan is and remains a failed state. President Karzai — our man in Kabul — is little more than the mayor of that city (nor has he shown any qualities beyond those of a small city executive). The drug trade has grown exponentially since the Taliban's ouster. A solution, if there is one, will likely be military in nature, and not entail nation building. There appears to be little basis for the latter in this society dominated by obscurantism.

But where to find the 400,000 troops that Gen. McNeill says are needed to master the insurgency? In July, Defense Secretary Gates and the Joint Chiefs of Staff decided to reinforce Afghanistan. However, although the last of the surge brigades had just departed Iraq, none was available for immediate deployment to Afghanistan. Oddments, small units, were all that was available for quick (i.e., within weeks) deployment. The fact was that at that moment, the strategic reserve (ground forces) was empty.

Given an ongoing U.S. presence in Iraq, there is no way to reach the 400,000 figure without reintroducing conscription. The presidential candidates, of course, are mum on this. There's no quicker way to lose an election than to tell the citizenry that their kids will be compelled to fight and die in a rat hole like Afghanistan.

As already mentioned, candidate Obama has said that if elected he will deploy "at least" two additional combat brigades to Afghanistan. Admiral Mullen called for three. Neither constitutes enough boots on the ground, if McNeill's figure of 400,000 troops is to be taken seriously.

Some libertarians want to end the Afghanistan intervention. Writing for the weblog Liberty and Power (July 14), David Beito (a fellow contributing editor at Liberty) took Obama to task for advocating a reinforcement of the U.S. presence there:

> Not recognizing the contradiction [with his policy for Iraq], Obama proposes the exact opposite solution for Afghanistan. Instead of letting the Afghans take "responsibility for the security of their country," he wants to make them even more dependent on American welfare.

Ivan Eland, writing for The Independent Institute's email newsletter "The Lighthouse" (July 28), took a somewhat similar line:

> The al Qaeda that threatens the United States is in Pakistan, not Afghanistan or Iraq. Thus, the U.S. should withdraw all of its forces from Iraq and Afghanistan and concentrate on dealing with al Qaeda in Pakistan.

One is puzzled by this reasoning. There is no way to "deal with" al Qaeda in Pakistan except from our position in Afghanistan. A U.S. withdrawal from Afghanistan would

be followed by a Taliban takeover of the country. A militant-controlled Afghanistan, in addition to posing an increased threat of a new 9/11, would serve as the base for the growing Islamist campaign in Pakistan. And a militant, Islamist Pakistan possessing nuclear weapons would constitute a real danger to the United States (unlike Iran, which practices realpolitik despite what Bush, Cheney, and McCain would like you to believe).

That it should be so is regrettable; but libertarian wishful thinking cannot undo 60 years of mistaken U.S. policy toward the Islamic world. The fact is that al Qaeda and the Taliban, supported by elements of the Pakistani military and security services, are aiming to establish Islamist regimes in both Afghanistan and Pakistan.[37] If we allow this to happen, we condemn ourselves to a decades-long conflict with militant Islam, a conflict that could transform our society beyond recognition, with personal liberty lost in the quest for security.

Pakistan: A Nest of Vipers

Pakistan is undoubtedly the critical area. Here militant Islam and the terrorist threat must be taken on and, if possible, defeated. The first thing to recognize is that Pakistan is, practically speaking, an enemy of the United States.[38] Undoubtedly, there are Pakistanis who are relatively pro-Western. Unquestionably, the Pakistanis have helped us hunt down some members of al Qaeda.[39] However, the average Pakistani, outside of the major urban areas, by no means wishes us well or shares our values.[40] As for the Pakistani establishment, who was it that supplied North Korea and Libya with nuclear expertise?[41] It is beyond dispute that members of the armed forces, and particularly the security services, infected with Wahabism, share the goals of al Qaeda and the Taliban. Recall that when Undersecretary of State Richard Armitage was sent to Pakistan after 9/11, his first words to the Pakistani leadership were "prepare to be bombed back to the stone age" (i.e., unless you cooperate). What friend would require such language after the slaughter of 3,000 American civilians?

Kashmir means more to the Pakistanis than their relationship with the United States. They will never sacrifice the jihadists who are fighting against both the United States in Afghanistan and India in Kashmir. At some point, the United States would do well to forego the false friendship of Pakistan, while drawing India into an ever-closer relationship.[42]

McCain has advocated a long-term U.S. presence in Iraq, which would entail spending tens of billions of dollars annually for years.

The Pakistanis, in playing the great game, may be riding a tiger that will consume them. The tribal areas of the country's northwest are under the control of the Pakistani Taliban and al Qaeda. The recently elected Pakistani government, adopting a policy first tried without success in 2006, has negotiated a series of peace deals with the militants.[43] Meanwhile, Peshawar, a city of 3 million people, is virtually besieged by militant forces.[44] On June 28, the government began an "offensive" in the North-West Frontier Province, which resulted in a few score deaths on each side. Several Taliban were arrested, including one or two mid-level commanders. The Taliban retaliated by seizing several dozen hostages, including police officers and government employees, and threatening to kill them unless their comrades were released.[45] The whole affair calls to mind the Keystone Cops, albeit with some bloodshed. The ground truth appears to be that the Pakistani government cannot cope with the militants. Indeed, as previously mentioned, the state apparatus itself is honeycombed with radical Islamists who support the goals of the Taliban.

Kashmir means more to the Pakistanis than their relationship with the U.S. They will never sacrifice the jihadists who are fighting there.

Thanks in large part to intelligence and training provided to the Taliban by members of the Pakistani security forces, attacks across the border into Afghanistan have grown more deadly.[46] The Pakistani government has refused permission for U.S. forces to cross the border and clean up the tribal areas.[47] Even if the United States could persuade Pakistan to give the green light, a cross-border campaign would not necessarily solve the problem, given limited U.S. resources, the difficult terrain, and the ability of the insurgents to blend into the populace.

Al Qaeda camps in the northwest reportedly now contain upwards of 2,000 fighters.[48] Some terrorism experts are warning that another major terrorist attack on U.S. soil is inevitable.[49] Meanwhile, high-level U.S. intelligence officers and military men regularly make the journey to Pakistan to consult with the government of our "ally." They inevitably return with promises that prove to be empty.

Apart from Obama's call to hit al Qaeda in Pakistan, no one has put forward a serious proposal to deal with the threat stemming from the tribal areas.[50] McCain's July 15 speech contained nothing but bromides. The call to send two or three additional combat brigades to Afghanistan may help stabilize the situation there, but it's unlikely to bring victory. It seems then that we will be bogged down in the area for a very long time, while waiting to see whether disaster, in the form of another 9/11, strikes us at home.

Speaking of disaster, another may be brewing in the case of Iran, to which I now turn.

Iran: Casus Belli?

It's anybody's guess what current U.S. policy toward Iran truly is. The administration's goals are clear, but how it plans to reach them remains in question. Its principal aim is to put a stop to the Iranian nuclear program. A second goal has been to curb Iranian interference in Iraq — but with the current quiet on the Iraq scene, that effort has faded somewhat into the background.

Trying to look behind the scenes, one discerns competing interests jostling for influence. The vice president and the neocons are set on regime change, by force if necessary; Defense Secretary Gates and Secretary of State Rice are advocating diplomacy and, if that fails, a ratcheting up of sanctions; the military seeks to avoid a resort to arms, given our overstretched Army and Marine Corps. The president, it appears, tacks first one way, then another. The result has been most unsatisfactory for U.S. interests.[51]

A sensible approach to Iran and the nuclear issue was laid out by former National Security Adviser Zbigniew Brzezinski and retired Gen. William Odom (a former director of the NSA) in a May 27 Washington Post op-ed.[52] Unfortunately, the administration has not followed their advice. The U.S. approach to the June-July round of the international talks on Iran's nuclear program, in which it at first held back from sending a representative, then dispatched the undersecretary of state for political affairs simply to hear Iran give its response, baffled observers.[53] On the other hand, the United States has announced plans to open an interest section in Tehran, a small but long overdue step.

The U.S. approach to the June-July round of the international talks on Iran's nuclear program baffled observers.

At the moment, the administration seems to be counting on the threat of new sanctions to persuade the Iranians to yield on the nuclear issue. Simultaneously, it is pursuing wide-ranging covert operations inside Iran, including support for Baluchi and other Sunni separatists — a very dicey proposition indeed, given that these are hardcore Islamists.[54]

If neither talking nor attempts to destabilize the regime produce results, will this administration resort to a military attack? Almost certainly not. For two years, I have been saying and writing that there will be no U.S. attack on Iran, for the simple reason that we don't have the forces available. Airpower alone is not enough, and we certainly don't have the ground troops to spare. The military, with its hands full in Iraq and Afghanistan, wants no part of another war. With the generals and admirals opposed, I don't believe Cheney and his friends will be able to pull off a "Persian Gulf incident" in this administration's waning days, though I have no doubt they'd like to.[55] Defense Secretary Gates is known to oppose military action against Iran. So long as he remains in office, there will be no U.S. attack.

What of the Israelis? It depends in part on the course of the U.S. election. If McCain, a fervid supporter of Israel, is trailing badly in the polls as election day nears, they may choose to strike. If they do, it will be a very serious blunder, no matter how successful, tactically speaking, the operation may be. The shock waves will reverberate for years, possibly decades, with effects not just in Israel but around the world, including inside the United States. Gates is said to have told the Democratic Caucus, in an off the record talk, that if Iran is attacked "our grandchildren will be fighting jihadists."[56]

There is no foreseeable scenario under which a President Obama would order strikes to take out the Iranian nuclear facilities. Whatever the Illinois senator's shortcomings, he is smart enough to realize that deterrence can work against Iran (a point well made by Brzezinski and Odom). What Obama could do to prevent an Israeli attack on Iran remains to be seen. What McCain might do to assist one is too easily imagined.

The Choice

Which of the two presidential candidates is more likely to prevent a Middle East conflagration? Obama is short on experience but a quick learner. While his foreign policy apparatus contains all too many Clinton administration retreads, the fact that he chose Jack Reed and Chuck Hagel to accompany him to the Middle East inspires confidence. He would enter office with the goodwill of much of the Islamic world and Western Europe. This could be particularly helpful in that the war in Afghanistan will certainly expand under Bush's successor — both the tempo of the fighting and, quite possibly, its geographic extent.

The tribal areas of Pakistan, not Iraq or Iran, should be the number one national security priority for the next president. To his credit, Obama recognized this some time ago.

McCain, the old warrior, is a man of honor, though obviously not an ideal candidate from the libertarian point of view (neither, of course, is Obama). We would all be far better off today if he had been the Republican nominee in 2000. Possibly, however, his time is past. For all his vaunted national security expertise, he has been wrong about Iraq, Afghanistan, and Iran. Nor is his knowledge of the Middle East as profound as his supporters like to assert.[57] He is an old man with a bad temper — not, perhaps, the right figure to take on the responsibilities the next president will face.

Obama has a good chance of winning the election — first because voters are scared about the economy, and second because (as with John Kennedy before him) the mainstream media overwhelmingly want him for president. These factors will probably outweigh the electoral drag of his race. The danger is that, like Kennedy, he will come into office all too sure of himself. One hopes that the counsel of men like Hagel and Reed would prevent a replay of Kennedy's first year in office.

What of the Israelis? If McCain is trailing badly in polls as election day nears, they may choose to strike Iran.

Whatever can go wrong often does. Who would be better at the helm — a young and flexible man or an old man who has known battle? In a few short weeks, America's voters will give us their answer. ❑

Notes

1. Figures for July once again revealed higher losses in Afghanistan than in Iraq. In a single Taliban attack on July 13, nine U.S. soldiers died.
2. "A Sober Assessment of Afghanistan," Washington Post, June 15, 2008.
3. McNeill interview with Susanne Koebl, Spiegel Online, Sept. 24, 2007. In June 2008 there were approximately 65,000 U.S. and allied troops in Afghanistan. According to official sources, trained Afghan army and police forces totaled about 75,000, leaving a shortfall of some 260,000 troops.
4. "U.S. Says Exercise by Israel Seemed Directed at Iran," New York Times (June 20, 2008).
5. "Bush May End Term With Iran Issue Unsettled," New York Times (June 21, 2008).
6. The Strait of Hormuz is the "chokepoint" at the entrance of the Persian Gulf. The U.S. could undoubtedly keep the strait open, though the possibility of U.S. ship losses (and therefore war with Iran) would be a constant danger. According to a Reuters dispatch of July 2, 2008, the commander of the U.S. Fifth Fleet, Vice-Adm. Kevin Cosgriff, told a conference on Gulf naval security held at Abu Dhabi that "Iran will not attempt to close the Strait of Hormuz and we will not allow them to close [it]."
7. Associated Press report, June 21, 2008.
8. See the important article by Seymour Hersh, "Preparing the Battlefield," in the July 7 issue of The New Yorker. Hersh, like Bob Woodward a celebrity *über*journalist, resembles the latter in maintaining a rather convoluted relationship with officialdom. Like Woodward again, he has sometimes been wrong about the big stories he has reported over the past 30 years. This particular piece, however, has the ring of truth.
9. See for example "Taliban Imperils Pakistani City, a Major Hub," New York Times (June 28, 2008).
10. See for example the New York Times articles "Amid Policy Disputes, Qaeda Grows in Pakistan" (June 30, 2008) and "Intelligence Chief Says Al Qaeda Improves Ability to Strike in U.S." (Feb. 6, 2008).
11. Could it be that McCain's presidential prospects were so tied to the Iraq surge that he was willing, in large part, to ignore Afghanistan? The July 15 speech (the text of which is widely available online) revealed a surprising lack of knowledge about the situation on the ground there.
12. Barack Obama, "My Plan for Iraq," New York Times (July 14, 2008).
13. See Jon Harrison, "A Successful Surge?" in the March 2008 Liberty.
14. It is this observer's opinion that the Sadrists probably blundered by not waging all-out war against the government and the Americans in 2008. Without doubt, a Tet-style offensive would have failed militarily, but the resulting chaos and bloodshed would have spelled political doom for the Bush strategy of deliberate drawdown and a long-term U.S. presence.
15. An estimated 700 Sadrists were killed in the fighting. On the other hand, The New York Times on June 21 quoted an unnamed "American defense official" as saying, "We may have wasted an opportunity in Basra to kill those that needed to be killed." This would not be the first such opportunity wasted, going back to the initial confrontation between U.S. forces and al-Sadr in 2004.
16. A suicide bombing killed 63 people in Baghdad on June 17; another in Baquba on July 15 killed 35 army recruits and wounded twice as many more. Al Qaeda in Iraq has been degraded but by no means eliminated.
17. See for example "Big Gains for Iraq Security, but Questions Linger," New York Times (June 21, 2008). For indications of reconciliation on the ground, see The New York Times articles "Iran Halts Talks With U.S. on Iraq" (May 6, 2008) and "Iraq City Has Brittle Calm and War Scars" (July 7, 2008).
18. The meetings were organized by a Tufts University trustee, which speaks volumes about the lack of imagination and diplomatic finesse in the U.S. State Department. See "Iraqi Parties, After Meetings in Finland, Agree on Principles to Guide Further Talks," New York Times (July 6, 2008).
19. For background on Iraqi Shiite Politics and the role of Iran, see Vali Nasr, "The Shia Revival," (Norton, 2006), especially 187–204 and 223–25.
20. Whether Iran supports a unitary Iraqi state (as do the Sadrists) or an autonomous Shiite south (as does the ISC) remains unclear. Perhaps the Iranians are divided or uncertain on this question. A Shiite-dominated south (and most of Iraq's oil is located in the south), would be easier to manage, it would seem. Another question is whether Iran really wants the United States out of Iraq. U.S. support for the Shiite-led government furthers rather than hinders the main thrust of Iranian policy, while the tying-down of U.S. forces in Iraq makes a U.S. attack on Iran less likely. At the same time, Iran, employing its client Hezbollah, is training Shiite fighters (including Sadrists) to kill Americans in Iraq. The multiple layers of Iranian policy are beyond the comprehension of most American voters and politicians.
21. "Sunnis End Boycott and Rejoin Iraqi Government," New York Times (July 20, 2008). At the same time, members of the Shiite United Iraqi Alliance replaced four Sadrist ministers who had been boycotting the government since May 2007.
22. See The New York Times articles "Talks With U.S. on Security Pact Are at an Impasse, the Iraqi Prime Minister Says" (June 14, 2008) and "A More Confident Iraq Becomes a Tougher Negotiating Partner for the U.S." (July 10, 2008).
23. In some parts of the country, even the Iraqi police have been dying like men. See "Iraq City Has Brittle Calm and War Scars," *op. cit.*
24. "Shiite Militia in Baghdad Sees Its Power Ebb," New York Times (July 27, 2008).
25. For Basra see "Drive in Basra by Iraqi Army Makes Gains," New York Times (May 12, 2008).
26. However, see the biting comments by Iraqis in the July 16 New York Times article, "Suicide Bombers Kill 35 Iraqi Recruits."
27. On July 28, after suicide bombers killed dozens in Kirkuk, mob violence broke out, pitting Kurds against Turkmen – this despite the fact that the bombings bore all the hallmarks of Arab al Qaeda.
28. Perhaps the most striking evidence for Iraq as imperial project was the recent awarding of no-bid contracts to Western oil companies to service Iraqi oilfields. This marked a return of the companies to Iraq after a 36-year hiatus. More importantly, it effectively cut Russia and China out of the Iraqi market. On the security side, the United States, in negotiations for a security pact, has sought the right to establish no fewer than 50 long-term bases on Iraqi soil.
29. "Bush, in Shift, Accepts Idea of Iraq Timeline," New York Times (July 19, 2008).
30. In late July, however, McCain seemed to be edging toward endorsement of a timeline for withdrawal. See "Bush and McCain Seem to Diverge in Foreign Policy," New York Times (July 26, 2008).
31. For the views of Iraqis on Obama and his plan for their country, see "In Iraq, Mixed Feelings About Obama and His Troop Proposal," New York Times (July 17, 2008). The article is an interesting snapshot of Iraqi attitudes toward the U.S. presence.
32. Maliki interview with Spiegel Online (July 19, 2008). The Bush administration was on the phone with Maliki's office almost immediately. However, claims that al-Maliki's remarks were mistranslated proved incorrect. Al-Maliki's spokesman, Ali al-Dabbagh, told reporters on July 21 "We are hoping that in 2010 that all combat troops will withdraw from Iraq."
33. To some extent, his support for Obama's position is tied to Iraqi electoral politics. Once the provincial elections are over, he could if necessary cozy up to the Americans again.
34. "Afghan Death Toll Up as Iraq's Falls," New York Times (July 2, 2008).
35. The conflict also resembles a World War III by proxy, with Pakistan, Iran, and Russia involved, as well as NATO and the various nonstate actors. On this see Ullrich Fichter, "Why NATO Troops Can't Deliver Peace in Afghanistan," Spiegel Online (May 29, 2008).
36. See the sobering article by Elizabeth Rubin, "Battle Company Is Out There" in the February 24 New York Times Magazine. A great piece of reporting.
37. See for example the Associated Press article by Jason Straziuso, "U.S. think tank: Pakistan helped Taliban insurgents" published in The Washington Post on June 9. The RAND Corp. study, "Counterinsurgency in Afghanistan," on which the article was based, can be downloaded from RAND's website. See also The New York Times articles "Pakistanis Aided Attack in Kabul" (Aug. 1, 2008) and "CIA Outlines Pakistan Links With Militants" (July 30, 2008).
38. *Ibid.* The Pakistani prime minister, Yousaf Raza Gilani, visited Washington on July 28–30. Interviewed on the PBS program "The NewsHour with Jim Lehrer" on the 29th, he denied any links between Pakistan and militants. "We would not allow that" he said. Whether Gilani is a liar or a fool remains to be seen.
39. But not the big two.
40. In contrast to Iran, where the great mass of the people are pro-Western, despite the insults they have suffered at Western hands.
41. The idea that this was some sort of rogue operation is patently absurd.
42. Unfortunately, the main supply route for U.S. forces in Afghanistan runs from the port of Karachi through Pakistan and the Khyber Pass.
43. See "Amid Policy Disputes, Qaeda Grows in Pakistan," *op. cit.*
44. Taliban Imperil Pakistani City, a Major Hub," *op. cit.*
45. See "Taliban Threaten to Kill Officials Held Hostage," New York Times (July 19, 2008).
46. "U.S. think tank: Pakistan helped Taliban insurgents," *op. cit.*
47. The Pakistanis have allowed predator strikes against some high-value targets, principally al Qaeda Arabs, but nothing more. In 2003, the Pakistani government pressured the Bush administration to halt joint U.S.-Pakistani special forces operations on Pakistani territory.
48. "Amid Policy Disputes, Qaeda Grows in Pakistan," *op. cit.*
49. *Ibid.*
50. Obama has been derided by some for "wanting to attack a U.S. ally." It is unclear whether those (like Sean Hannity) who employ this phrase simply lack understanding of the situation or are indulging in a political cheap shot.
51. Space constraints prevent any extensive exploration of the policy background here. The reader is directed to the Iran studies published by Ted Galen Carpenter of the Cato Institute, which can be found on Cato's website.
52. Zbigniew Brzezinski and William Odom, "A Sensible Path on Iran," Washington Post (May 27, 2008). Odom died three days later at his vacation home in Vermont, a great loss to supporters of sensible U.S. policies in the Middle East.
53. "Nuclear Talks With Iran End in a Deadlock," New York Times (July 20, 2008).
54. "Preparing the Battlefield," *op. cit.*
55. Cheney was undoubtedly the driving force behind the resignation in March of Adm. William Fallon, the head of Central Command, who opposed military action against Iran. But the Pentagon brass, with Bush and Cheney only months away from leaving office, was not intimidated. Fallon, by the way, reportedly referred to Gen. David Petraeus as "an ass-kissing little chickenshit."
56. Audio remarks of Seymour Hersh on newyorker.com.
57. See "McCain, Iraq War and the Threat of 'Al Qaeda,'" New York Times (April 19, 2008) and Matthew Yglesias, "McCain's Mixed-up Timeline," theatlantic.com (July 22, 2008).

Reflections, *from page 16*

practices . . . and they don't seem to influence foreign producers.

Maybe Obama's triangulation on the oil issue will work. Or maybe his personal charisma will make the matter moot. But the simple fact is that the Not In My BackYard philosophy shared by many Obama supporters has made American energy policy incoherent. No surprise there. And no surprise in the fact that high gasoline prices are one result.

— Jim Walsh

The libertarian mainstream — In case anyone missed it, Time magazine had a several-page feature on "The (Not So) Lunatic Fringe" — i.e., libertarians — in its July 21 edition. Time summarized: "The Libertarians' freedom agenda isn't kooky — it's transforming America's political landscape."

Time suggests that Libertarian presidential candidate Bob Barr could "Naderize" John McCain by pulling votes away from him in a few states. But this seems unlikely. Barr is a personally unattractive candidate, and his past positions have often hardly been libertarian. It's hard to understand why he was the LP's presidential nominee.

John McCain is the type of Republican who will energize libertarian Republicans. He's from Arizona, home of the avatar of libertarian Republicanism, Barry Goldwater. He has an independent streak that often appeals to libertarian-inclined voters. He would be more likely than any president since Ronald Reagan actually to keep domestic spending under control.

Time notes, perhaps most significantly: "It's tempting to think of Libertarianism as nothing more than old-school Republicanism, but it's always been partially left-wing, drawing from a long history of American anarchism." This element of libertarianism is little part of Barr's message. Nevertheless, Time optimistically concludes: "Libertarians are getting ready for the mainstream, and mainstream America may finally be ready for them."

— Lanny Ebenstein

Nuketoberfest — If any country can be called ideologically Green, it is Germany. Germans are the über-Greens. But a recent piece in The Wall Street Journal (July 10) indicates that the energy crisis is causing the same doubts there as it is here.

Chancellor Angela Merkel's government is a coalition of parties of differing ideological hues. To get the leftist Social Democrats on board, she agreed to continue the prior administration's policy of shutting down nuclear power plants, with the goal of eliminating nukes entirely by 2021. This plan was first enacted in 2000 by a coalition government of the Green Party and the Social Democrats.

But now conservative members of Merkel's government are pushing her to break the pledge and keep the plants on line. There seem to be three reasons motivating this reconsideration of nukes, reasons similar to the ones driving the resurrection of nuclear power here.

First, the price of energy is going through the roof. Germany's nukes provide 22% of its electricity (about the same percentage as our own), so shutting them down would hurt the economy enormously.

Second, Germany's growing dependency on Russia's natural gas is costing it geopolitically as well as economically. Russia wants to reassert hegemony over its former colonies, and this is a threat to Germany. So Germany, like us, is in the position of generously funding its potential and actual enemies.

Finally, and ironically, the German Greens have done a fabulous job of panicking people about global warming. But only nuclear power can provide energy in the amounts necessary, and in the most reliable way, while producing virtually no greenhouse gases. To replace nuclear power with coal-fired plants in the face of global warming is simply insane. And the Greens offer no other real alternative. — Gary Jason

Linguistic drift — I saw something the other day that really got me to thinking. A neighbor boy upset his older brother by calling him "special needs" (particularly because the brother is a "special needs" child). What I found curious was that I always thought of "Special Needs" as a check box on a government application, not as an insult.

"Special needs" (at least in this case) is the politically correct way of saying "mentally retarded." When I was growing up, "mentally retarded" was the politically correct way of saying "moronic." But through the mouths of mean little boys, the word "retarded" took on a whole new meaning: It became a vicious insult. Both it and its vulgar cousin "retard" became unspeakable words in polite company.

"Retarded" was originally intended as a gentle way of saying slow, or underdeveloped. It wasn't meant as a derogatory word, it was only through the mouths of boys that it took on that meaning.

There are similar words to describe what we now call "African-Americans." Originally we referred to them as "Negroes" (and that word also spun off a more vulgar cousin.) By the 1920s the appropriate word was "colored" which was the choice when the National Association for the Advancement of Colored People was founded. (Today, calling anybody "colored" is just as bad as calling them "retarded.") "Colored" became "black," and eventually "black" was considered a slur.

Perhaps the Correctniks need to review Shakespeare's quote about the name of a rose. It is not the word that is bad, but the intent behind it. You cannot remove the intent just by eliminating the word. Bigotry and hatred are emotions that run too deep to eliminate just by sending a few words down the memory hole. As the little boy next door proved, you can turn any word into an insult.

I wonder if the "geniuses" who enforce political correctness will ever figure that out? — Tim Slagle

Casino risk flight — In early August, the Connecticut-based Mohegan Sun Indian casino announced a weak financial quarter ended June 30. Its quarterly profit was $5 million — down nearly 90% from the same period in 2007.

These days, a company reporting an off quarter isn't news. And Mohegan Sun was in better shape than many; although its profit was slim, it was still a profit.

continued on page 53

Bob Barr: Enter the Pol

by Bruce Ramsey

Cowboy boots, Hershey's Kisses, and some ambiguous answers: the Libertarian candidate for the presidency.

Bob Barr's booth at FreedomFest in Las Vegas was right next to Liberty's. Unlike the Spartan table that Liberty offered, the booth of the Libertarian Party candidate for president was bursting with pamphlets, stickers, and a bowl of candy, like bait to attract bottomfish.

I bit on a Hershey's Kiss, introduced myself to a PR woman with a large hat, and was ushered to the seat next to the candidate. Barr was wearing a blue blazer, a red tie, and brown cowboy boots. Legs crossed, he was expounding to a man about immigration.

This is one of several issues that divide libertarians — among themselves and from conservatives. Ron Paul, the libertarian candidate in the Republican primaries, had a position on immigration that tried to satisfy both sides. Paul had said that in a free-market America, he would be for free immigration; but, right now, he was for the federal government's building a fence and stopping the illegals from swarming over it.

Barr was offering a different answer, with the same dualistic quality. He was against a border fence. But "I have no problem with immigration," he said.

He was willing to let anyone in as long as he had a valid ID and could convince the border agents he was not a threat to the national security or public health.

That is a variant on open borders. But then Barr said his position was actually a toughening, because at the Tijuana crossing, Customs are under orders to "just wave 'em through" if the line gets too long, and he would have the Customs agents really check people's documents.

Later I thought about this. Much of the immigration issue is not about people who cross at Customs, but about people who cross where there are no Customs. Also, the hard nut of the problem is what to do with illegals who are already here. In outlining his position in the way he did, Barr dug a tunnel under these issues and, as Paul did, made himself sound simultaneously for and against.

Barr has done this, I think, for the same reason Paul did: because his political base is divided.

My general thought on Bob Barr is that he is less radical than Ron Paul. Consider their pasts. Paul is a congressman but he has never been in House leadership. He is an idealist.

Paul is a campaigner of the heart. He is an idealist. He believes in liberty, and his crowds adore him. Barr is not so lovable.

He believes in liberty, and his crowds adore him. They put up signs and stickers for him, organize "money bombs" for him, even hire blimps for him. Paul is a campaigner of the heart, a candidate for which one could have the sign, "R*evol*ution," with those four italicized letters in red and set in reverse — the backwards spelling of "love."

Barr is not so lovable. Yet he has been closer to power. In the army of Newt Gingrich, he led the drive to block gay marriage and impeach Bill Clinton. He has since changed some of his positions, though he offers a lawyer's explanations of why his new ones are not so radically different.

For example: he wants to repeal most of the PATRIOT Act, including the national security letters and the sneak-and-peek searches. In 2001, when he was a Republican congressman from Georgia, he voted for the PATRIOT Act. He says the reason was to get on the conference committee, which wrote the final bill. You cannot get on the committee unless you have voted for the bill, and Barr says he wanted to be on it so he could put in sunset clauses on the grants of power.

That is, he voted *for* the bill in order to *weaken* it.

Barr argues that he did more good by voting for it — and he may be right. But this argument does distinguish him from Paul, who voted against it.

Barr's answers on other issues are often close to Paul's and yet more responsive to the gravitational pull of pragmatism. For example, Iraq. Both say it was a mistake to get in, both want to get out, and both make it clear that they would not attack Iran on the present evidence. But in the crucial vote of October 2002 — essentially a declaration of war — Paul voted no and Barr voted yes.

Barr said to me, "I voted for the initial resolution. They assured us it was legitimate intelligence that the regime of Saddam Hussein posed an imminent threat to this country. As it turned out, it didn't." He adds, "What I didn't vote for was an occupation."

And now? Paul would get out. Barr said, "I would begin immediately drawing down the military and economic support."

In practice, those might amount to the same thing — and they might not. Barr's position does give more wiggle room.

Barr said, "I believe in a very robust defense. We need a very strong military." He added, "But maintaining U.S. troops in 105 countries around the world is not necessary at all." There is a duality there again, though it is a pullback position, which is bold in the context of American politics.

Consider Barr's position on drugs. He focuses on marijuana, which is the only drug for which legalization is remotely on the table. He defines it as a states' rights issue.

"I support California's right to reform its drug laws," he said, referring to the California law that allows marijuana for medical clients. "Let the people of the states make their own decisions. Federal law enforcement ought to focus on truly federal issues."

To those who believe that all laws against recreational drugs should be repealed, this may seem a namby-pamby position. But, in the world of American politics, this one is also bold. It is a constitutionalist position that has implications beyond the drug laws.

When the federal government regulated employee-employer relations in the 1930s, when it regulated racial discrimination in the 1960s, and when it limited — as it recently did — the kind of light bulbs that Americans will be allowed to buy, it acted under one small sentence in the constitution: the commerce clause.

Said Barr, "The whole notion that interstate commerce provides a nexus for everything the federal government wants to get involved in has been stretched beyond all recognition." So it has, as Justice Clarence Thomas pointed out in his concurrence in *United States* v. *Lopez* in 1995. In taking Thomas's position, Barr is being radical. But he is not quite coming out for legal cocaine.

I didn't ask Barr about the Federal Reserve; but Paul, in his campaign, had made an issue of it. Paul often attacked the existence of the Fed, and his crowds loved what he said. Sometimes he did it in a way that would make the lefties think he was a populist and the righties think he was a gold-money man (which he is). Barr didn't bring it up. I see on a blog that the radio host Glenn Beck did and Barr replied:

> If I could wave a magic wand and the Federal Reserve Bank would disappear tomorrow, I would do so. It's a group of unelected governors that are not answerable to or accountable to the people of this country and yet they wield considerable influence over the economy by basically setting rates at which banks and other financial institutions can loan money.

Barr went on to talk about the mortgage problem.

As the blogger noted, an elected Federal Reserve Board might well be worse. But most of all, to say "if I could wave a magic wand I'd do X" is to say there's no way you can do X. And there Barr is on solid ground. No president could abolish the Fed. First, it would take an act of Congress to do so,

"The notion that interstate commerce provides a nexus for everything the federal government wants to get involved in has been stretched beyond all recognition."

continued on page 32

The Calvinist Connection

by David Kopel

The roots of liberty go deep. They reach to places where modern libertarians might never expect to find them.

Many modern libertarians assume that religion and liberty are necessarily in opposition. Many modern people in general assume that religion and revolution are opposed. At times, of course, they are; but the history of the American Revolution indicates that more care is required in making this kind of judgment.

In the American colonies, the hotbed of revolution was New England, where the people were mainly Congregationalists — descendants of the mainly Calvinist English Puritans. The Presbyterians, a Calvinist sect that originated in Scotland, were also spread through the colonies, and the network of Presbyterian ministers provided links among them. The Congregationalist and Presbyterian ministers played an indispensable role in inciting the American Revolution.

To understand why they were so comfortable with revolution, it helps to look at the origins of Calvinist resistance theory, from its tentative beginnings with John Calvin himself to its full development a few decades later.

Born in 1509, Calvin was a small child in France when the Reformation began. By 1541, he had been invited to take permanent refuge in Geneva, which provided a safe haven for the rest of his life. Geneva was a walled city, constantly threatened by the Catholic Duke of Savoy and others. Pacifism was never a realistic option for Calvin, or any of the Swiss Protestants.

Calvin always believed that governments should be chosen by the people. He described the Hebrews as extremely foolish for jettisoning their free government and replacing it with a hereditary monarchy. He also came to believe that kings and princes were bound to their people by covenant, such as those that one sees in the Old Testament.

In Calvin's view, which was based on Romans 13, the covenantal duties of "inferior magistrates" (government officials, such as mayors or governors, in an intermediate level between the king and the people) required them to protect the people against oppression from above. Calvinism readily adopted the Lutheran theory of resistance by such magistrates.

In a commentary on the book of Daniel, Calvin observed that contemporary monarchs pretended to reign "by the grace of God," but the pretense was "a mere cheat" so they could "reign without control." He believed that "earthly princes depose themselves while they rise up against God," so "it

behooves us to spit upon their heads [rather] than to obey them."

The "Institutes of the Christian Religion" was Calvin's masterpiece. It was first published in 1536, and revised editions appeared until 1560. In this work, he argued that legitimate governments rule with the consent of the governed and in covenant with God and the people. Therefore, a soldier's service on behalf of a just government "doth not offend God in going to the wars, but is a holy vocation, which cannot be reproved without blaspheming of God."

Calvin believed that "earthly princes depose themselves while they rise up against God," so "it behooves us to spit upon their heads [rather] than to obey them."

When ordinary citizens are confronted with tyranny, he wrote, ordinary citizens have to suffer it. But magistrates have the duty to "curb the tyranny of kings," as had the Tribunes in ancient Rome, the Ephori in Sparta, and the Demarchs in ancient Athens.

That Calvin could support a right of resistance in theory did not mean that he thought such resistance prudent in all circumstances. At least publicly, he disagreed with the Scottish Calvinist John Knox's call for revolution against Mary Tudor, the Catholic Queen of England.

Some Reformation leaders went further. Among them was John Poynet, an Englishman who had been Bishop of Winchester during the reign of Edward VI, Mary's Anglican predecessor. When Mary came in, he fled into exile, where in 1556, he published "A Shorte Treatise of Politike Power, and of the true obedience which subjects owe to kynges and over civil governours." He asked "Whether it be lawful to depose an evil governor and kill a tyrant?" The answer was definitely "yes."

But who is a tyrant? According to Poynet, one of his characteristics is that "he spoileth and taketh awaye from them [the people] their armour and harnesse, that they shall not be hable to use any force to defende their right." Tyrannical disarmament had happened in England, where William the Conqueror "toke fro the people their weapons ad harnesse."

Poynet's ideas thus lie in the background of the Constitution's second amendment. In his "Defence of the Constitutions of Government of the United States of America," John Adams pointed to three periods of English history when intellectuals confronted tyranny and considered how governments should be constituted. According to Adams, the English reformation was the first period, when Poynet set forth "all the essential principles of liberty, which were afterward dilated on by Sidney and Locke."

Several other refugees from Queen Mary are important in the history of liberty. The Italian preacher Peter Martyr Vermigli brought Calvinism to England during the reign of Edward VI, but after Mary ascended the English throne, his position became untenable, and he fled to Zurich. In a commentary on Romans (1558) and another on Judges (1561), he argued that inferior magistrates, though not the people themselves, have a duty to overthrow a ruler who violates his covenants. The key part of the Judges commentary was reprinted in Common Places, a collection of Vermigli's works that Calvinist preachers used as a teaching resource in following decades.

Christopher Goodman was another of the English Marian refugees. In 1558, he wrote "How Superior Powers Ought to Be Obeyed by Their Subjects: And Wherein They May Lawfully By God's Word Be Disobeyed And Resisted." The subtitle was the point of the book.

Going beyond the theory of resistance under the leadership of inferior magistrates, Goodman argued that "it appertains not only to the magistrates and all other inferior officers to see that their princes are subject to God's laws, but to the common people also." While it would be better for magistrates to lead the revolution, "if it is not done by the consent and aid of the superiors, it is lawful for the people, yea, it is their duty to do it themselves." St. Paul's command in Romans 13 for Christians to be obedient to government applied only to governments that "are orderly and lawfully instituted by God." Tyrannical government came from Satan, not from God. A tyrant who violated God's laws was no longer a real ruler; he had lost his position and become a private person, who must be judged by the people. To obey a tyrant was to rebel against God — "to forsake the Laws of our God, and to continue in our wonted rebellion, by yielding to the ungodly commandments of wicked men."

Goodman (who said that Calvin had read his book and approved its contents) was the first mainstream Protestant writer to go beyond the doctrine of inferior magistrates. His book was popular with later resistance theorists such as John Knox, John Locke, and Thomas Jefferson.

French Calvinists were also important to the theory of liberty. Calvin had been very reluctant to propose the shedding of blood in resistance to tyranny, fearing the awful consequences that would flow from exercising that right under current conditions in France. But fear of violence from Catholic extremists led the French Protestants, the Huguenots, to start posting armed guards during church meetings, and organiz-

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ing church-based militias. Some of these groups vandalized or took over Catholic churches. The typical pattern of Protestant reformers was to suppress Catholic worship wherever they themselves attained sufficient local power.

That course was far from libertarian. Their self-arming was more to the point. In the Edict of St. Germain (January 1562), Catherine de Medici (head of the regency that was ruling France) granted toleration to Calvinist worship, except within walled towns. Many Catholics were outraged, and some Parisian priests warned that a government that tolerated Protestants would lose its claim to obedience from Catholics.

In March 1562, a Calvinist congregation at Vassy, France, was massacred by Catholic extremists under the leadership of the Duc de Guise. When the Duke was praised rather than admonished by the monarchy, even more Huguenots took up arms. The Presbyterian church structure was used to organize the formation of armed forces, under the supervision of Calvin's successor, Theodore Beza. Despite some initial successes, the Huguenots lost the ensuing civil war, settling for a peace that allowed Calvinist worship only in the religion's historic regions. Despite having previously opposed resistance in France, Calvin denounced the compromisers who accepted the peace terms.

More Catholic-versus-Protestant conflicts took place in France. The most horrific incident came in 1572, when thousands of Huguenots were slaughtered in the government-approved St. Bartholomew's Eve massacre. The massacre was ordered by the king, and perpetrated by Catholic mobs who used edged weapons to hack thousands of people to death. "Huguenot-hunting" became a national sport — not unlike the genocidal human-hunting in Rwanda in 1994.

The massacre radicalized many Huguenots. After fleeing to Calvinist Geneva, François Hotman, a professor of law, wrote "Francogallia" (1573). The book drew on French history to argue that France's ancient constitutional law, which was still valid according to Hotman, recognized the separation of powers and the right of the people to overthrow a bad dynasty. Like other Calvinists, Hotman was less inclined than the Catholics to rely on natural law, preferring to focus on the contractual relationship between the ruler and the people. His argument for the importance of the long-ignored Three Estates of France was consistent with Calvinist theory that sovereignty did not reside exclusively in the supreme magistrate. The king might be the ruler, but he did not possess all the sovereignty.

Like some English works that sought to revive ancient Anglo-Saxon liberties and deploy them against modern despots, "Francogallia" does not always hold up well as history, but it did inspire Calvinists with ideas about the legitimacy of resistance, and of the people's right to restore the ancient social contracts.

In 1574, Beza, one of the most influential Calvinists, published "On the Right of Magistrates over Their Subjects and the Duty of Subjects Towards their Rulers," to advance Calvin's doctrine on the rights of intermediate magistrates. His book begins by examining the nature of government. Jesus said, "The Sabbath was made for man, and not man for the Sabbath" (Mark 2:27). Beza echoed this language: "peoples were not created for the sake of rulers, but on the contrary the rulers for the sake of the people, even as the guardian is appointed for the ward, not the ward for the guardian, and the shepherd on account of the flock, not the flock on account of the shepherd."

Turning to 1 Samuel 8, where the Israelites decide to establish a monarchy, Beza found that the people and king were bound to each other by covenant. Therefore, he surmised, the people (acting through "estates" — that is, intermediate magistrates) have the right to remove the crown that they have awarded, if the king does not obey his part of the covenant.

A tyrant who violated God's laws was no longer a real ruler; he had lost his position and become a private person, who must be judged by the people.

Calvinists were much more favorable to contract theory than were the more authoritarian and submissive Lutherans. Parts of Beza's book applied pure contract law. Like many other Calvinist writers, Beza also admired the ancient Romans. He cited a famous remark of the Emperor Trajan, recorded by the historian Dio Cassius:

> [W]hen he [Trajan] was appointing Sura as military tribune and handing him the customary unsheathed dagger, he remarked: "Take this weapon which you shall draw on my behalf only if I have given a just command; but if you should learn that anything wrong is being done by me, I would have you use it for my destruction."

Beza agreed with St. Augustine that evil governors are simply a type of robbers. Just as people had an obvious right to resist highwaymen, they have a right to resist the tyranny of the state:

> Hence it comes about that the man who meets with highway robbers, by whom no one is murdered without the consent of the will of God, has the power in accordance with the authority of the laws to resist them in just self-defense which incurs no blame because no one forsooth has [received] a special command from God that he meekly allow himself to be slain by robbers. Our conviction is entirely the same about that regular defense against tyrants which we are discussing.

More than any previous resistance writer, Beza looked not only to ancient Israel and Rome, but also to more recent polities. Examining Denmark, Switzerland, Scotland, France, Poland, Venice, Spain, England, and the Holy Roman Empire, Beza found many examples of intermediate magistrates representing the people as a whole, enforcing their contract with the king, and leading armed revolution against tyranny when necessary. Beza lauded the Lutheran resistance at Magdeburg against the Holy Roman Emperor (who had been trying to wipe out the Reformation) as a perfect example of intermediate magistrates restraining an evil prince. Government, wrote

Beza, was not created by God so that people were born into servitude. Instead, "man's fundamental condition must be one of natural liberty."

Beza's anonymously published "Right of Magistrates" was reprinted in French ten times and in Latin 17 times over the following several decades. Because Beza wrote in broad, general terms, rather than discussing only the rights of Calvinists or only the situation in France, the book was used by people of various creeds in a wide variety of situations.

Government, wrote Beza, was not created by God so that people were born into servitude. Instead, "man's fundamental condition must be one of natural liberty."

Another notable resistance writer was Pierre Viret, the leading Calvinist preacher in the French-speaking part of Switzerland. Viret endorsed resistance by intermediate magistrates in his 1574 book "Remonstances aux Fideles qui Converssent entre les Papistes." In cases when "a people have an honest means of resisting . . . a tyrant by means of their legitimate magistrates," then they should follow the advice of St. Paul: "if you can gain your freedom and enjoy liberty, then avail yourself the opportunity" (1 Corinthians 7:21).

The Huguenots went to great lengths to make the case that they were acting lawfully, which is one reason why they paid such attention to contract theory. One of their major sources for the legal right of resistance was the Corpus Juris, the 6th-century compilation of Roman law that was still a major source of legal authority a millennium later.

The provisions of Corpus Juris about the proper authority of the king were analyzed to show that he was granted his authority by the people, and that a king who broke his agreement with the people — by exercising ungranted powers, or by using his powers tyrannically — was a traitor and could be resisted with force.

Roman law stated that "A person lawfully in possession has the right to use a moderate degree of force to repel any violence exerted for the purpose of depriving him of possession, if he holds it under a title which is not defective" (Code Just. 8.4.1). This text was cited by the Huguenots in the 16th century as justification for armed resistance to France's central government. The argument was that that the undisputed right of self-defense in "the case of a Christian assaulted by brigands in the forest" could be applied to national self-defense against an invader or a domestic tyrant (Pierre Fabre, "Traitte Du Quel on peut apprendre en quel cas il est permis à l'homme Chrestien de porter les armes" – "Treatise by which one can learn in what case it is permitted for a Christian man to carry arms").

A Huguenot using the pen-name Marcus Junius Brutus (the Roman senator who assassinated Julius Caesar) went further with the 1579 book "Vindiciae Contra Tyrannos" ("Vindication Against Tyrants"). "Vindiciae" was organized like a Roman Catholic scholastic treatise. Like the other Geneva writers, Brutus owed a great debt to Catholic thought on the subject of Just Revolution.

Brutus praised the heavenly merit of the Crusaders, then turned the lesson of the Crusades on its head by arguing that the oppressive Catholic kings in France were even worse than the Muslims who had been the target of the Crusades. The Muslims did not deny Christian subjects liberty of religion, but the French government did. Accordingly, resisting the French government was even more meritorious than crusading, which was even more meritorious than martyrdom.

"Vindiciae" presented four basic questions, along with objections and responses to the objections.

The first question was whether subjects must obey a ruler who commands an act that is contrary to God's law. The easy answer was "no," for Calvinists were part of a long Christian tradition against carrying out blasphemous government commands. But since disobedience could include passive resistance, the answer did not necessarily imply a right to revolution.

Question Two raised the issue of forceful resistance, in the context of a king breaking God's law and trying to destroy the church. "Vindiciae" argued that resistance was required. However, individuals lacking leadership from intermediate magistrates were not supposed to fight against the government. Individuals should fight against tyrants without title — such as a mere conqueror who had no claim to legitimacy.

Brutus acknowledged that there were cases where private individuals had fought tyrants who had legitimate title — such as Ehud in the Book of Judges. But these were special cases of direct orders from God. A person who thinks that he may be the recipient of such orders "should certainly make sure that he is not puffed up with pride, that he is not God to himself." The failed Bar Kochba rebellion in Roman-ruled Israel, and the failed Peasants War led by Thomas Müntzer "not long ago in Germany" were cited as examples of unwise rebellions led by individuals.

Question Three went beyond the traditional Lutheran-Calvinist focus on resisting kings who suppressed Protestantism, and asked the broader question of the lawfulness of resisting a king who oppressed the people. The general rightness of self-defense was obvious: "natural law teaches us to preserve and protect our life and liberty — without which life is scarcely life at all — against all force and injustice. Nature implants this in dogs against wolves . . . the more so in man against himself, if he has become a wolf to himself. So he who disputes whether it is lawful to fight back seems to be fighting nature itself."

Among differences between good and evil rulers were their treatment of weapons and self-defense. A good prince ruled according to law — "He will punish a bandit with death, but should acquit someone who killed a bandit while repelling force with force" — while a tyrant used foreign armies to protect himself from his subjects. Then "he disarms the people, and expels it from fortifications." In contrast, a lawful king relied on the nation's armed people for defense. Thus, the Old Testament kings of Canaan were "truly tyrants" because "they forbade free passage and arms."

Looking at the Old Testament, "Vindiciae" argued, in a now familiar way, that kingly rule was based on a covenant with the people. A king who ruled badly violated the covenant and lost his right to rule. While the intermediate magistrates who embodied the people are "below the king as individuals," they "are above him when taken as a body." Therefore, they had the right "to use force against a king." If a tyrant could not be otherwise expelled, it would be lawful for the magistrates "to call the people to arms, to conscript an army, and to move against him [the tyrant] with force. . . ."

Finally, Question Four inquired whether neighboring kings could rescue the subjects of a tyrant. "Vindiciae" answered "yes." Brutus used the Roman lawyer Cicero and the parable of the Good Samaritan to prove that failure to come to the aid of an innocent victim was contrary to natural law.

This question has important contemporary implications, as evident when some 21st-century Christian theologians argue that it is immoral for one nation to use military force for humanitarian intervention in another country. Brutus would have disagreed. He would also have disagreed with the argument that the king of France had no right to help the American colonies extricate themselves from British rule.

"Vindiciae" gained extremely wide influence; it was printed twelve times in Latin, and translated into English in 1581, 1648, and 1689 (the latter two being revolutionary years in England). In 1683, the despotic Stuart monarchy in England ordered the book burned.

That the Calvinists could be revolutionaries does not mean, of course, that they were anarchists. The Confessions of the various Reformed Churches continued to emphasize submission to government. (Gallican Confession [1559], article 39; Belgic Confession [1561], art. 36; Second Helvitic Confession [1566], art. 30.) Significantly, the Huguenot writers (who were collectively known as the "Tractarians") still focused on the necessity of intermediate magistrates to legitimate a revolution. The Calvinists had not yet advanced as far as the Catholics in recognizing a right of the people themselves to overthrow the government.

Still, it was the liberation theology of the Tractarians that would carry the day in Reformed thought in the coming centuries. While the early Protestant resistance writers had been mainly concerned with governments that violated religious laws, the Tractarians broadened the purely religious focus to a more inclusive vision of just government.

"He who disputes whether it is lawful to fight back seems to be fighting nature itself."

When the Dutch people rose in 1580 against Spanish domination, they drew inspiration from the Tractarians. The English who twice overthrew a dictatorial monarchy in the next century also looked to them. The Calvinists drew on Catholic sources, and the Catholics returned the favor. Catholic scholars such as Juan de Mariana and Jean Boucher adopted Tractarian principles of liberty — when French Catholics after 1584 began to worry that the Protestant Henry of Navarre was next in line for the throne.

John Adams called "Vindiciae" one of leading books by which England's and America's "present liberties have been established." For the Americans in 1776, and the Glorious Revolution in England in 1689, there was no need for the revolutionaries to worry about popular revolution that was *not* led by intermediate magistrates. The Glorious Revolution was led by many elements of the aristocracy and the two houses of Parliament. The American Revolution was led by the most legitimate intermediate magistrates of all, the state governments.

The Huguenots went to great lengths to make the case that they were acting lawfully, which is one reason why they paid such attention to contract theory.

Like Adams, we should realize that the ideas enacted in our Revolution, and passed down to us, were complex and full of intellectual precedents. Just in the Calvinist branch of these precedents we see a mobilization of powerful concepts derived from many sources — biblically based covenant theory, natural law theory, Roman law, Catholic scholasticism, and a wealth of experience with the tyrannical state. These precedents, and these concepts, have been extended in the later libertarian tradition, but their significance remains. ❑

Further reading

Philip Benedict, "Christ's Churches Purely Reformed: A Social History of Calvinism" (New Haven: Yale University Press, 2002).

Douglas F. Kelly, "The Emergence of Liberty in the Modern World: The Influence of Calvin on Five Governments form the 16th Through 18th Centuries" (Philipsburg, NJ: P&R Publishing, 1992).

Robert M. Kingdon, "Calvinism and Resistance Theory, 1550–1580," in "The Cambridge History of Political Thought 1450–1700," ed. J.H. Burns (Cambridge: Cambridge University Press, 1996).

Kathleen A. Parrow, "From Defense to Resistance: Justification of Violence During the French Wars of Religion," Transactions 83, part 6 (1993).

Richard Tuck, "Natural Rights Theories: Their Origins and Development" (New York: Cambridge University Press, 1979).

David Mark Whitford, "Tyranny and Resistance: The Magdeburg Confession and the Lutheran Tradition" (St. Louis: Concordia, 2001).

Bob Barr: Enter the Pol, *from page 26*

whereas getting out of Iraq, laying off the California marijuana co-ops, etc., would not. Second, the Fed is too central to the economic workings simply to bring down. Third, there is no business constituency for abolishing it. A libertarian candidate might bring up the issue of sound money, and campaign for the Fed to act more like the Swiss. He might even express an interest in a dollar defined by real assets. But simply to say, "abolish the Fed" is not credible. Politically it is not.

Barr is taking his run seriously, and trying to keep on the right side of the credibility line. Maybe he crossed it when Glenn Beck asked him about the prospect of a Europe-like "North American Union." Some on the Right have raised an alarm that leaders of the United States, Canada, and Mexico plan to do this. I think it is a false alarm, but Barr disagreed.

"I think it's a very real possibility," he said. "It is a process they are serious about and they are moving forward with that very quietly. This is an issue that needs to be on the table. We intend to put it on the table. It is not a nut job."

That Barr had to say it's "not a nut job" shows that he knows he is on the edge of credibility here.

There were a few campaign questions. Was Barr going to be on the ballot in all 50 states? All but Oklahoma, he said — and that is a shame, because he polls higher there (10%) than anywhere except New Hampshire.

When I asked him whether he was prepared for the accusation that he may spoil John McCain's chances, Barr said:

> There is no such thing as a spoiler. If Mr. McCain loses it is because Mr. McCain loses. It's because his party did not present a vision the majority could buy into. I think it's laughingly weak for the Republican Party to be laying the groundwork for an excuse for losing.

As I scribbled this down, Liberty contributing editor David Friedman was pondering it. When Barr left, Friedman said, "That was an evasive answer."

So it was, though I hadn't thought of it that way; I had been around too many politicians to register a mental objection. Not even a journeyman politician admits that he expects to lose. Barr, who said he was at 6% nationwide, told me he "certainly could" meet the 15% hurdle used four years ago to exclude Libertarians from the presidential debates. He said his goal is to win, though "I know it is a long shot." Of course he knew he wouldn't win, and that I knew he knew, which I verified by not challenging him.

I asked him whether he expected an endorsement by Ron Paul, another question for which I didn't expect a straight answer.

"Ron Paul is a good friend," he said. "I stay in touch with him. The Libertarian Party and our campaign owe him a debt of gratitude. We need to reach out to Ron Paul supporters . . . Whether he will decide to do anything I have no idea."

That is how a professional politician talks, and a professional politician is what the Libertarians have.

If he's polling 6%, Barr can sink McCain, and if he sinks McCain he — and the LP — will at last have made a difference in the race for president. ❑

"At age 57, I ran away from Home"

Writer Jim Payne (*The Culture of Spending, Overcoming Welfare*, etc.) follows the waterways of America, living a Tom Sawyer life, getting scared, soaked, and bailed out of trouble by Samaritans he discovers along the way. His escapades span the country, from the Hudson River to the Columbia, from the Mississippi to the Florida Keys.

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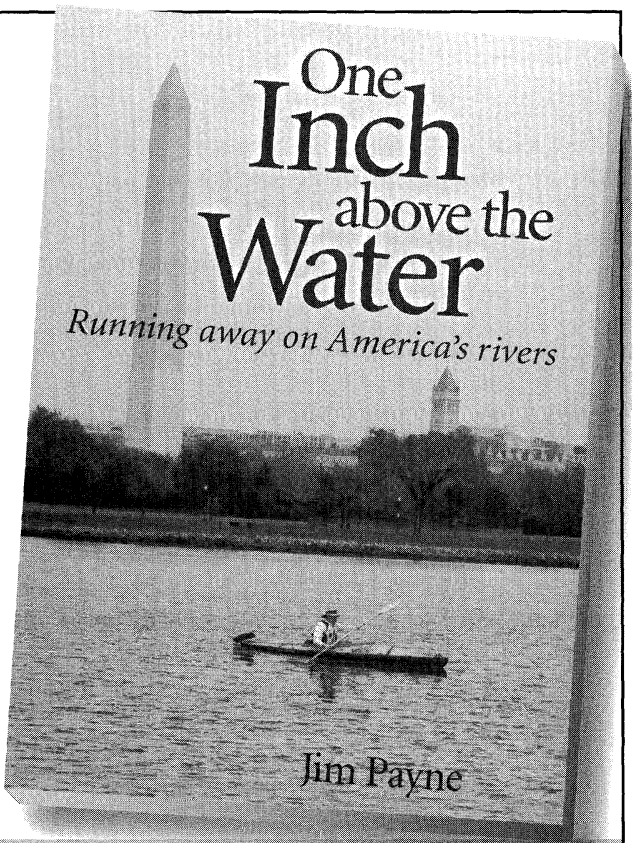

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Reviews

"The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom," by Robert Levy and William Mellor. Sentinel, 2008, 302 pages.

Supreme Injustice

J. H. Huebert

The U.S. Supreme Court has done a lot of damage to liberty, interpreting government powers broadly and many constitutionally protected rights narrowly.

Cato Institute senior fellow Robert A. Levy and Institute for Justice co-founder William Mellor have catalogued some of the Court's worst offenses in their new book, "The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom."

For the most part, the cases they've selected for derision are appropriate, and their discussions leave no doubts about their genuine concern for personal and economic liberty.

Which cases have they chosen? Here's the list:

- *Helvering* v. *Davis* (1937) — allowed spending for virtually any purpose under the Constitution's "General Welfare Clause."
- *Wickard* v. *Fillburn* (1942) — gave rise to Congress' almost unlimited power under the Commerce Clause.
- *Home Building & Loan Association* v. *Blaisdell* (1934) — weakened the Contract Clause, which forbids government interference with already-existing private contracts
- *Whitman* v. *American Trucking Associations, Inc.* (2001) — reflected the extreme deference the Supreme Court gives to administrative agency regulations.
- *McConnell* v. *Federal Election Commission* (2003) — upheld the McCain-Feingold restrictions on political speech against a First Amendment challenge.
- *United States* v. *Miller* (1939) — threw doubt upon gun owners' rights under the 2nd Amendment. (The recent *District of Columbia* v. *Heller* decision casts new light on this issue, of course.)
- *Korematsu* v. *United States* (1944) — approved FDR's Japanese internment camps.
- *Bennis* v. *Michigan* (1996) — approved civil asset forfeiture against the wife of a man who used his car to pick up a prostitute.
- *Kelo* v. *City of New London* (2005) — approved use of eminent domain for economic development to increase tax revenues.
- *Penn Central Transportation Co.* v. *New York* (1978) — held that a property owner wasn't entitled to compensation under the Takings Clause despite losing the right to use the airspace above its current building height.
- *United States* v. *Carolene Products* (1938) — in a footnote, essentially gave state and local governments carte blanche to restrict economic liberties.
- *Grutter* v. *Bollinger* (2003) — upheld the University of Michigan's law school's affirmative action program against an "equal protection" challenge.

In each of these cases, liberty lost and the government won in some precedent-setting way. (Except, arguably, in the affirmative-action case, as Richard Epstein points out in his foreword.)

But is that the only criterion we should use in determining whether a Supreme Court case is good or bad? Levy and Mellor apparently think so — they say that the " 'worst' cases should be defined in terms of their outcomes, not merely bad legal reasoning."

Because they're concerned more with a given case's outcome than with

its reasoning, the authors unquestioningly embrace the idea that the 14th Amendment allows federal courts to strike down laws that don't comport with liberty.

But those who value federalism may be troubled by this. Such a broad reading of the 14th Amendment centralizes power in the federal courts. No libertarian denies that it's bad for state governments, local governments, or anyone else to violate rights — but it doesn't necessarily follow that an appropriate solution to this problem is to give federal judges more power. After all, what happens after we've put the fate of our liberties in the judges' hands and they decide that the 14th Amendment contains various positive "rights" that they like even more than libertarian rights?

A benevolent dictatorship could be an extremely effective means of implementing the libertarian program, too, but presumably none of us would want that because there's no telling what the next dictator will do. Although judges don't directly command armies or police, we should be similarly wary of empowering them.*

Still, one might reasonably argue that the federalism battle was lost long ago, rightly or wrongly — and because the federal courts will go on making decisions for all of us whether we like it or not, we might as well be in those courts protecting people from the government. If states' rights are a lost cause, it makes sense to sell federal judges on liberty, using whatever arguments the judges will buy. With this much, I could agree.

But Levy and Mellor are more ambitious than that in calling for "judicial engagement" on liberty's behalf. They seem to think that restoring liberty is really only a matter of overturning a handful of bad court precedents. If we can just get in front of judges and do that — apparently through the irresistible power of our arguments and our lawyers' outstanding legal skills — we can finally achieve liberty across the land.

Such a plan is not only arrogant, it's also doomed to failure. Federal courts, after all, are the government. Judges must be appointed by the president and confirmed by the Senate. What president would choose a judge who would severely limit that president's own power? What senators would confirm a judge who won't just let them do whatever they want? To be confirmed, a would-be libertarian Supreme Court justice would either have to spend an entire academic or judicial career hiding his true views, or he would have to have a late-in-life road-to-Damascus conversion once he's already on the bench and employed by the very federal government he's expected to restrain. Unlikely.

You'd think beltway-libertarian lawyers would understand by now that they're playing in a rigged game. After all, they took *Kelo* v. *City of New London* (the eminent domain case) and *Raich* v. *Gonzalez* (the medical marijuana case) to the Supreme Court, and failed, creating terrible anti-liberty precedents that are unlikely to be reversed in our lifetimes.

As an example of success, they might point to the public outcry and state-level reforms *Kelo* prompted. At best, though, this demonstrates that the states are a better place to be fighting these battles in the first place. And, unfortunately, many states' responses have been mostly superficial — typical efforts by politicians to appear to be doing something — and are unlikely to meaningfully protect property rights.†

They'll also point to the recent *District of Columbia* v. *Heller*, in which the Supreme Court struck down the D.C. handgun ban. And, yes, it's pleasant to see protection of individual rights increase, even a little bit, even if the main beneficiaries are D.C. dwellers.

But *Heller* is likely to be a very limited victory. The decision acknowledged that lesser restrictions on the right to bear arms — registration requirements, bans on carrying guns, bans on certain types of guns — probably will pass muster. In fact, lower courts are already citing *Heller* to uphold other gun laws.

If you're not convinced that *Heller* is a mostly hollow victory, take a look at almost every case that's followed the supposedly revolutionary *United States* v. *Lopez*. That 1995 decision struck down the federal Gun-Free School Zones Act of 1990 because, the Court found, gun possession at a school does not affect interstate commerce enough to bring it under Congress' Commerce Clause power. Conservatives and libertarians understandably hailed the decision because it was the first time since the Great Depression that the Supreme Court recognized any limit on Congress' Commerce Clause power. Since *Lopez*, though, courts have gone right back to rubber-stamping their approval on just about anything Congress wants to do, as long as Congress makes some "finding" (that is, baseless assertion) that the activity they're controlling affects commerce.

It's nothing short of bizarre to think that courts would start protecting liberty because of brilliant libertarian legal arguments. To believe this, one would have to take the naive view — which, incidentally, animates much of the Cato Institute's work — that government officials are really reasonable, serious people who are just waiting to have the right ideas put in front of them. But how silly is it to think you can make the government want liberty before many or most of the people want it?

Granted, all the federal judges I've known have been genuinely nice people on a personal level — so perhaps our D.C.-based lawyers' views have been skewed by exchanging pleasantries at a few too many beltway cocktail parties.

They may be hopelessly deluded, but the rest of us should keep in mind that the important work to be done is in the realm of education, not the halls of government. When people understand and want liberty's benefits, they'll cast off their government entirely, or at least elect representatives who will respect their rights. When that happens, no bad Supreme Court precedent will stand in their way.

Until then, "The Dirty Dozen" offers a mostly decent education on the harm the Supreme Court can do — but shouldn't lead us into thinking the Court could somehow become an equivalent force for good. ❑

*Gene Healy made a strong argument against such "libertarian centralism" in various articles, including "Liberty, States' Rights, and the Most Dangerous Amendment," (Liberty, Aug. 1999), also available at http://tinyurl.com/6xdaho, and "Roger & Me" (Liberty, Feb. 2000), available at http://tinyurl.com/5qg4h2.

†The Castle Coalition provides a state-by-state breakdown at http://tinyurl.com/6lmlbl.

"The Mind of the Market: Compassionate Apes, Competitive Humans, and Other Tales From Evolutionary Economics," by Michael Shermer. Times Books/Henry Holt, 2008, 261 pages.

Darwinian Capitalism

Martin Morse Wooster

Most readers of Liberty are very familiar with the philosophical and economic arguments against the state. But what if there were a scientific case for capitalism? What if laboratory researchers could conclusively show that free markets were a better way to organize economies than the state?

That's the premise of Michael Shermer's "The Mind of the Market." Shermer is an industrious fellow: he is the publisher of Skeptic magazine, a columnist for Scientific American, the organizer of a science lecture series in Southern California, the author of nine books, and the editor of one.

Shermer is also a devoted libertarian. He explains that in the mid-1970s, while studying at Pepperdine University, he ran into psychology majors who were studying Ayn Rand's "Atlas Shrugged": "I trudged through the first hundred pages (patience was strongly advised) until the gripping mystery of the man who stopped the motor of the world swept me through the next thousand pages."

He adds, "Although I now disagree with her ethics of self-interest (science shows that in addition to being selfish, competitive and greedy, we also harbor a great capacity for altruism, cooperation, and charity), reading Rand led me to the extensive body of literature on business, markets, and economics."

Among Shermer's teachers was Andrew Galambos, the legendary libertarian whose importance was reduced by his insistence that his ideas were proprietary and could never be written down. Galambos' "towering intellect," Shermer writes, "took him to great heights of interdisciplinary creativity, but often left him and his students tangled up in contradictions, as when we all had to sign a contract promising that we would not disclose his ideas to anyone, while we were also inveigled to solicit others to enroll. ('You've got to take this great course.' 'What's it about?' 'I can't tell you.')"

Shermer combines his love of liberty with a commitment to accurate scientific reporting. The result is that "The Mind of the Market" is a book about economics for people who enjoy well-written science books but who know little about such important libertarian economists as Ludwig von Mises or Friedrich Hayek. Although Shermer is a good writer and is worth reading, he is, ultimately, not persuasive.

I'll say why. But first, I want to note that Shermer's graduate training was in psychology, and much of this book is occupied by reports about experimental economics, the field in which economists conduct experiments about human behavior. Two recent Nobel Laureates, Vernon Smith and Daniel Kahneman, are experimental economists.

And much of the research is interesting. Take, for example, the hoary idea that capitalism is a battle of the "survival of the fittest," in the sense that the strong thrive and the weak are crushed. Shermer conclusively demolishes this notion in two ways. First, he compares the corporate cultures of Enron and Google. Enron's office politics was a war of all against all. Ten percent of the workforce was sacked every six months, and survivors spent their days fighting, scheming, and manipulating to keep their jobs. Google, by contrast, believes in openness, transparency, and a nonhierarchical workforce. The result: Enron lies in ruins, in part because its leaders didn't receive accurate information from their terrified subordinates. But Google's policy of openness and playfulness has helped create one of the world's great companies.

Shermer also analyzes the work of Claremont Graduate University "neuroeconomist" Paul Zak. In the laboratory, Zak shows that subjects who choose to trust strangers produce more oxytocin in their brains, which makes them happier. Zak combines this brain research with more traditional economic analysis that shows that countries whose citizens trust each other are substantially richer than countries where suspicion rules.

There's a great deal of research in this book, and Shermer shows that people who trade with each other are happier than those who do not. He's also persuasive in showing that most of us are not cool, calculating, rational actors when we make economic decisions. For example, we tend to exaggerate the profits we receive from gambling and minimize the losses. This psychological principle is fully understood in every casino in the country.

Yet, while the research Shermer deftly summarizes suggests the advantages of a free market, the psychological findings do not prove its virtues. The limits of experimental researchers are comparable to the limits of neurologists who can show that certain portions of the brain correlate with particular emotions, but cannot derive principles of

ethics from these findings. Similarly, a philosophy of liberty cannot (and probably should not) be derived purely from brain research.

The keys to advancing liberty do not reside in the neurons and biochemicals of the human brain. They lie instead in the human mind, in the as-yet-undescribable processes that enable champions of freedom to create the arguments, and take the actions, that are necessary to check the growth of the state. ❑

"The Driver," 294 pages. "The Cinder Buggy," 357 pages. "Satan's Bushel," 207 pages. "Harangue," 258 pages. By Garet Garrett. Ludwig von Mises Institute, 2007.

The Capitalist Fiction of Garet Garrett

Bruce Ramsey

In 2007, the Ludwig von Mises Institute reprinted the four novels written by Garet Garrett (1878–1954), one of America's leading financial journalists and a libertarian. Garrett, who for unknown reasons had renamed himself so that both parts sounded alike, was a writer of distinctive ideas and a forcefully distinctive style. I have edited three volumes of his essays published by Caxton: "Salvos Against the New Deal" (2002), "Defend America First" (2003), and "Insatiable Government" (2008). But none of his novels had been reprinted since the 1920s, and they have been difficult to find on the used-book market.

As I write, abebooks.com is offering only two Garrett novels from those years: one copy of "Harangue" (1927) at a bookstore in Vancouver, Wash., at $124.99, and one copy of "The Cinder Buggy" (1923) at a bookstore in England, at $530. No original copies of "Satan's Bushel" (1924) or "The Driver" (1922) are available at all. A determined reader can find these stories in bound copies of the Saturday Evening Post, or in the case of "Satan's Bushel," in another old magazine, called Country Gentleman. But then you have to photocopy them on 11x17 paper or read them at the library.

I'm an admirer of Garrett, and have long wanted his work to be easier to obtain. The Mises Institute reprints — photocopies of the original E.P. Dutton editions, bound in new paper covers and offered at $20–$25 — now make his novels available once more.

Garrett was famous as a journalist and essayist but not as a writer of fiction, and there are some reasons for that. Still, his work should be of interest to libertarians, particularly those who grew up on the fiction of Ayn Rand. Many thought Rand was the only novelist with capitalist heroes. Those people hadn't read Garrett. Of the four novels, one is about a railroad tycoon and another about a pioneer of the steel industry. All four have messages about the market and the essence of American capitalism.

I should note that Garrett also wrote another book, "The Blue Wound" (1921), that is ostensibly fiction. In this work, a journalist meets a time traveler who gives him a tour of human history and a look 30 years into the future. The story takes the form of a novel, but really it is an essay. And because it promotes a theme of national autarky it will not be of great interest to libertarians.

Garrett's first real novel, "The Driver," is the one libertarians tend to know about, because of the argument Justin Raimondo made in "Reclaiming the American Right" (1993). Raimondo supposed that Ayn Rand had lifted her protagonist's name "Galt" and the "Who is John Galt?" device from "The Driver." I don't know whether she did or didn't. Raimondo may be right, though Garrett does not use the "who is" device in the same way that Rand does. Both "The Driver" and "Atlas Shrugged" have to do with running railroads during an economic depression, and both suggest pro-capitalist ways in which the country might get out of the depression. But in plot, character, tone, and theme they are very different.

"The Driver" is set in 1894, a year after the great panic of '93, the harshest depression of the laissez faire era. Perhaps a quarter of the people are unemployed, and there is a thought running through the land that government should borrow money and put men to work building roads. There is also a deep resistance to that thought, and the government of President Cleveland is in principled opposition to it.

Garrett's story is narrated by a young journalist who has come from the march of Coxey's Army, a populist "petition in boots" for zero-interest government bonds. The young man has written private reports on the Coxeyites for the president of the Great Midwestern Railroad, and he has defended their good intentions. He goes to work for the railroad president, who calls him "Coxey." The road soon falls into receivership, but there is one man with an idea of how to make it go — a stock speculator named Henry Galt.

He takes over, and he saves the business. A few years later, when he is famous, he is attacked by his rivals in a stock-market raid, amidst accusations that he is a monopolist. He beats them. Then he is hauled before a committee

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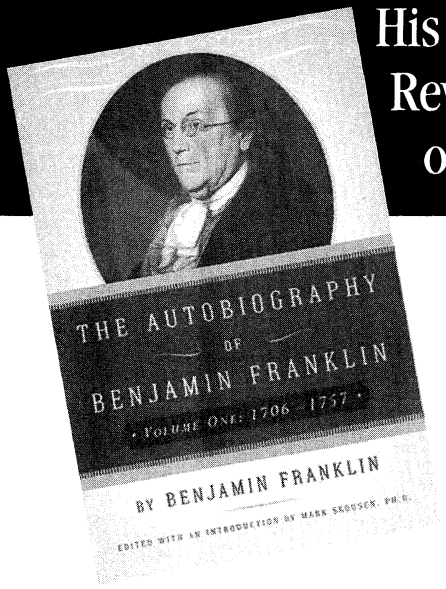

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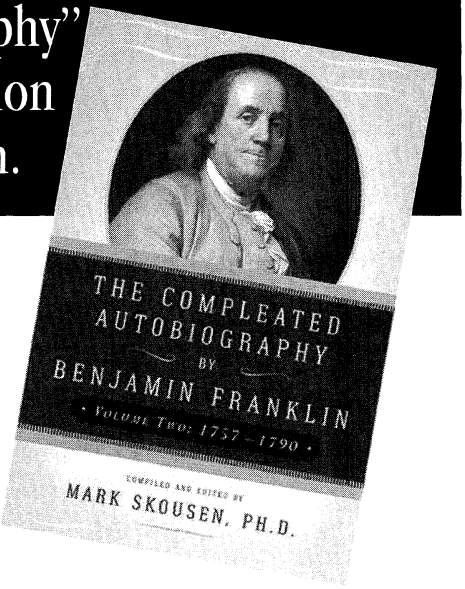

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- gradually deteriorated of his marriage to Deborah; bitter fallout with his son, William, who "saw everything with government eyes."
- personal philosophy as a radical democrat--and libertarian!
- practical ideas on paying off war debts, including his shocking defense of runaway inflation in America.
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- shifting opinions on racism, and how Franklin became the president of the first anti-slavery league in the US.
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WHAT HISTORIANS ARE SAYING

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of Congress, whose attorney grills him like this:

> "Your occupation, Mr. Galt, — you said it was what?"
> "Farmer."
> "Yes? What do you farm?"
> "The country."
> "Do you consider that a nice expression?"
> "Nicest I know, depending on how you take it."
> "Well, now, tell this Committee, please, how you farm the country, using your own expression."
> "I fertilize it," said Galt. "I sow and reap, improve the soil and keep adding new machinery and buildings."
> "What do you fertilize it with, Mr. Galt?"
> "Money."
> "And what do you sow, Mr. Galt?"
> "More money."
> "And what do you reap?"
> "Profit."
> "And what do you do with the profit, Mr. Galt?"
> "Sow it again."
> "A lovely parable, Mr. Galt. Is it not true, however, that you are also a speculator?"
> "Yes, that's true."
> "To put it plainly, is it not true that you are a gambler?"
> "That's part of my trade," said Galt. "Every farmer is a gambler. He gambles in weather, worms, bugs, acts of Congress and the price of his produce."

Garrett is here on familiar turf. He had grown up on a farm, and had written about farming. He had been in Wall Street and written about finance and railroad tycoons. He had advised Bernard Baruch, who, when called before Congress, famously declared his occupation as "speculator."

And Garrett uses "The Driver" to make a capitalist point about recessions. It is not the government that gets the economy out of its funk, but people like Galt who have the courage to invest. To the congressmen Galt says, "I bought Great Midwestern when it was bankrupt and people thought no railroad was worth its weight in junk." He tells them, "No railroad I've ever touched has depreciated in value."

It is a good scene, but "The Driver" is not the novel it might have been. It is weighed down by an unnecessary story about Galt's mother and two daughters, and the narrator's love interests. Garrett is not good at this sort of thing, and he doesn't do enough with it to justify including it in his story. He also underplays the drama of business. Galt's takeover of a great railroad is a chance for drama, but Garrett has him assume power by osmosis. Galt absorbs shares, befriends the CEO, concocts a plan, and then, when bankruptcy is filed, goes to the bankers and talks to them off-camera — an excellent way of depriving the story of color and interest.

And there is no real railroading in "The Driver." Compare it with "Atlas Shrugged." In that story, the heroine awakens on a train that is stopped at a broken signal. She strides along the track to the men held motionless under the false red light and issues orders that get the train moving again. In Rand's book, the heroine fights an unseen "destroyer," pleads with key employees not to quit, armwrestles with the CEO, insists on rebuilding a branch line with a new, "dangerous" kind of metal, rides the engine on its triumphal first run — and is later left on a motionless train abandoned by strikers. You feel the railroad; you feel the heroine's proprietorship over it. In Garrett's book, you don't. There the most emotion-laden thing is the stock market.

Many thought Rand was the only novelist with capitalist heroes. Those people hadn't read Garrett.

"The Driver" offers two superb historical scenes, both of which have been excerpted in this magazine: the launch of Coxey's Army ("The Paper-Money Crusade of 1894," Liberty, Aug. 2005) and the New York Subtreasury run ("Crisis of the Soft-Money Plague," Liberty, Dec. 2004). It offers a message that will be appreciated by fans of the free market. But it is not a great novel.

Garrett's second novel, "The Cinder Buggy: A Fable in Iron and Steel," tells the story of a pioneer of the steel industry who battles it out with the producers of iron. It was a battle that happened in the decades following the Civil War.

Garrett does not make the same mistake he did in "The Driver"; he doesn't ignore the look, feel, and sound of his subject. "The Cinder Buggy" gets wrapped up in the stock market only at the end, where it tells a story that Garrett covered in 1900 as a young Wall Street reporter. It tells the story well. The rest of the book has iron rails that could be bent like a hairpin, iron nails that were cut from a sheet, inventors' struggles to make pure steel, and even a scene in which an iron man is cremated in his own blast furnace. The novel personalizes turning points in industry:

> John went to Europe with a plan to form an international pool in which the nail business of the earth should be divided up . . . He returned unexpectedly and appeared one morning in Slaymaker's office.
> "Did you get your pool born?"
> "Chucked the idea," said John. "I found this." He laid on the banker's desk a bright, thin, cylindrical object.
> "What's that?" Slaymaker said, looking at it but not touching it.
> "That," said John, "is a steel wire nail. It will drive the iron nail out. It's just as good and costs much less to make. You feed steel wire into one end of a machine and nails come out at the other like wheat."
> Enter the steel wire nail.

The author is at his best when describing the industrial atmosphere in the world of laissez faire:

> They were free egoists, seeking profit, power, personal success, everyone attending to his own greatness. Never before in the world had the practice of individualism been so reckless, so purely dynamic, so heedless of the Devil's harvest. . . . Business as it was in the last quarter of the nineteenth century also is far away. Nothing like it can ever happen again. It was utterly lawless, free in its own elemental might, lustful and glamorous. . . .

Unlike "The Driver," "The Cinder Buggy" makes romance part of the business story: at the moment when the blast furnace is about to accept its corpse, the man in cowhide leggings and skullcap stoking the white-hot fire grabs the lone woman observing him and kisses her "once hotly on the mouth." But Garrett is only passable at telling a love story, and it is a slow-moving story. The man who kisses the woman for the first time in his life is her husband, and has been married to her for *six years*.

Garrett begins his book in the 1920s, in a Pennsylvania town he calls New Damascus. It sounds like Danville, a town that once led the nation in the production of iron rails. Clearly it is a real town Garrett visited. By starting with this town, he makes a mystery of it: why did the iron industry grow here and the steel industry did not? Why has the town become a refuge of wrought-iron craftsmen — workers who are "dogmatic, stubborn and brittle"? These are interesting questions, and they help to hook the reader. But to do them justice Garrett takes until page 83 to introduce his main character. Until then, he is talking about the character's grandfather and father.

It is not the government that gets the economy out of its funk, but people like Galt who have the courage to invest.

As a novel, "The Cinder Buggy" runs hot and cold. When Garrett describes the process of industrial creation, he is unsurpassed:

> Pittsburgh at this time was not a place prepared. It was a sign, a pregnant smudge, a state of phenomena. The great mother was undergoing a Caesarian operation. An event was bringing itself to pass. The steel age was about to be delivered.
>
> Men performed the office of obstetrics without knowing what they did. They could neither see nor understand it. They struggled blindly, falling down and getting up. Forces possessed them. Their psychic condition was that of men to whom fabulous despair and extravagant expectation were two ends of one ecstasy. They were hard, shrewd, sentimental, superstitious, romantic in friendship and conscienceless in trade. They named their blast furnaces after their wives and sweethearts . . .

I cannot dislike a writer who writes that well. But this is the strength of an essayist — and it is the descriptive parts, not the interactions of characters, that are written to the highest standard.

Garrett's third novel, "Satan's Bushel," reads like a fable, but at the end you are not sure what the moral is. A journalist — maybe Garrett — is telling a story to four men of the Chicago wheat pit. The story was passed on to him in backcountry Burma by an American with the odd name of Dreadwind. This man and his lady friend went on a three-year quest to find a tree that appeared in a vision, and they found it. The why and how of the tree are not explained; the story is the one that led up to the vision. It is Dreadwind's story. He had speculated in wheat because it was the only gambling table with unlimited stakes. And one day the meaning of his work — or its lack of meaning — struck him:

> In a week he had gone through the motions of buying and selling ten million bushels of wheat. That wheat had no reality . . . There was in all that buying and selling only the idea of wheat. Simply, he had been gambling in the price of it. Suddenly it occurred to him that he would not know wheat if he saw it.

He dropped everything to go see it. It is an odd action, in a story of odd actions. Anyway, he did it. He found himself walking through the green wheat fields of Kansas, listening to the sound of wheat — "the rhythm of phantom castanets playing just on and under the lowest pitch audible to the human ear." Then came a gust of wind:

> In that very instant he was startled by a whispering that arose everywhere at once, grew louder, came swiftly nearer, and became suddenly a prolonged hiss. It ceased abruptly as it began.

"Satan's Bushel" is alive with the sound and feel of the wheat, the farming life and the harvest. Garrett had a unique talent for description. But a novel is a story, and the story is — well, it is strange.

In his quest to understand the wheat, Dreadwind comes across a farmer trying to sell a wagonload at a grain elevator. The farmer says his wheat is No. 1 quality, and the buyer offers a No. 2 price. An old man argues on behalf of the farmer. He browbeats the buyer into accepting the wheat as No. 1, thus earning the farmer five gold dollars. Then the old man walks away.

Dreadwind finds him at a meeting at which farmers have gathered to hear a sales pitch for agricultural cooperatives. The old man stands to speak, and says something one would not expect from his earlier exhortation. He tells them that cooperation is useless, that nature's way includes "no sick religion of equality." His thought is bluntly Darwinian.

> If farmers, like elm trees, had a common fighting instinct, then every individual selfishly attending to his own profit would be working for the good of the race without thinking of it and cooperation would be what it is and should be — namely, a natural means and not an end to which you shall need to be exhorted.

Farmers are not forests. Farmers depend on markets, and markets don't allow them to set their own prices with the agreement of all others. The market even auctions off the wheat before the farmer grows it. Really it auctions off the farmer's labor, and with seemingly nonrational results. If the market wants ten bushels and he grows only nine, it pays him well for the nine; if it wants nine and he grows ten it pays him poorly for all ten. The bushel that breaks the market is "Satan's bushel."

Unlike the manufacturer, the farmer cannot fully control how much he produces. He is at the mercy of bugs, disease, and the weather. Though sympathetic to him, Garrett does not advocate a socialist farm program, either in this book, written nine years before the New Deal limited the wheat farmer's acreage, or later. He wrote many articles opposing federal intervention, before the New Deal and during it. His solution was individual: farm intelligently and avoid debt. The novel ends on such a point. But that is not the sum of it. Its message is more of absurdity, not the least of which is the old man, a Christlike figure of agricultural altruism

To Garrett, the larger fact was that socialism was an imported idea that did not suit America.

who preaches a Spencerian ethic. The book is evocative, mystical, romantic, and earthy. It has an enchanting quality that makes it easier to enjoy than to explain. Perhaps it is like the farmer, as Garrett describes him, who "belongs to a race apart. We have forgotten the language in which he thinks."

Garrett's last novel, "Harangue," is his best. The subtitle, "The Trees Said to the Brambles, Come Rule Over Us," was the title used by the Saturday Evening Post. It refers to a parable in the book of Judges (9:7–15) in which the woody plants try to elect a ruler, and none of the productive flora wants to rule over the others. The one that is willing to rule is the bramble.

"Harangue" is a novel about socialism. Garrett set it in his own time and made it about things he knew: East Coast intellectual socialists and an upper Midwest farming state. He calls the state "New Freedom," but it is obviously North Dakota, which was taken over by a socialistic group called the Nonpartisan League in 1916, when Garrett was a newspaper editor in New York.

Garrett had grown up on a farm in Iowa and by 1927 was living on a farm in New Jersey. During the farm depression of the 1920s the Saturday Evening Post sent him to North Dakota. His first story from there came with a large photo of the state grain elevator, one of the monuments of its socialist experiment. From North Dakota newspaper editors and country bankers Garrett

More Ways to Burst a Bubble

For anyone who believes the principal cause of the Great Depression was stock speculation on Wall Street, Garet Garrett's "A Bubble That Broke the World" (1932) should be an eye-opener. There was, of course, a bubble that broke on Wall Street in October 1929. This book, reprinted by the Mises Institute, which has also reprinted Garrett's novels, is about a second disaster, the foreign payments crisis of 1931, which complicated the situation considerably.

The 1920s had begun with Britain and France owing billions to America in debts from World War I, and Germany owing billions to Britain and France in war reparations. After trying to inflate their way out, the Germans borrowed their way out. They borrowed from the U.S. Treasury and by selling bonds in New York, whose bond houses resold them to small-town banks across America. The money went in a great circle: from American savers to Germany, then to Britain and France as reparations, and back to the Treasury as British and French debt repayments. Around and around — until it froze, and everyone was relieved of an obligation except the United States, which was stuck with bad loans.

Billions were also lent to South American borrowers who did not repay. And that was disastrous. Wrote Garrett:

> If we lend our credit for skyscrapers and railroads and power plants to be built in foreign countries and they turn out badly we cannot send the sheriff to seize them. Where is the State of Minas Geraes? You would not be expected to know. We loaned sixteen millions of American credit to the State of Minas Geraes, and all we know about it is that the bonds of Minas Geraes are in default. If Amarillo, Texas, had lost sixteen millions of American credit we should at least know where to go to look for it.

In "A Bubble" (which the new publisher mistakenly calls "The Bubble" on its book cover) Garrett tells the story of how these things could happen. Garrett was a financial reporter and editor during the first 15 years of the century. He was also a superb writer. In the book's first two essays, "The Cosmology of the Bubble" and "The Anatomy of the Bubble," he is at his best, showing how depressions come about through mass lending of money on projects that don't pay. Investors expect a return and get none. So they pull back. Asset values fall. Ventures that were in the black slide into the red. Horizons shrink. People adjust.

In all this there is a reversal of the streams of money. In the boom phase, money flows outward from the savers and investors. In the crash, they demand it back. Garrett shows what that does to the banks, particularly to those that used their depositors' money to buy 8% Argentine bonds.

The latter half of the book has four essays on the particulars: "On Saving Europe," which ran in the Saturday Evening Post (Oct. 17, 1931); "The Rescue of Germany" (Sept. 26, 1931); "Operating the Golden Goose" (Dec. 12, 1931); and "Book of the Debts" (March 19, 1932). The first is about the Hoover debt moratorium; the second, about the crisis that knocked Britain off the gold standard; the third, about the problem created by having a moratorium on what A can collect from B but not what B can collect from A — a problem Hoover had not taken seriously enough.

The last is an extended rebuttal to the "internationalist" claim that Britain and France had never been expected to pay their war debts back. Oh yes, they were, Garrett says. Well, it was an important point in 1932, America's last full year on the gold standard, but it is the least interesting part of the book now. Besides, the essay is too long on quotations and too short on Garrett.

The general reader will get the most out of the first 56 pages — the first two essays — and these are Garrett at his best. They contain a strong strain of nationalism, the nationalism of a man who is not about to be talked into sacrificing his country's interests, in war or peace, to a gaggle of whining foreigners:

> It had long been the darling theme of a few world minds among us that as a people we should learn to "think internationally." We never had. Then suddenly we found ourselves in the leading international part, cast there by circumstances, with no experience, no policy rationally evolved, no way of thinking about it. To "think internationally," if it had ever been defined, was a way of thinking not of ourselves alone, but of others too, as all belonging to one world. In our anxiety to overtake this idea we overran it . . .

"A Bubble That Broke the World" is quite a different explanation of the Great Depression from the one that Americans learn in high school. I recommend it highly. — Bruce Ramsey

had heard an earful about that experiment and its sponsors.

His story ran in the issue of April 12, 1924, and focused on the call for federal help. Garrett denied there was a general problem requiring a general solution. With the end of the World War I inflation had come new conditions in agriculture. Some farmers had adjusted to them and some had not. Garrett restates these observations in "Harangue":

> Success and failure divided by a road. Independence and well-being on one side; aching discontent and poor living on the other side. The same soil, the same sun, the same seed . . . The successful farmers were not necessarily more intelligent than the unsuccessful, though very often they were; invariably, however, their intelligence was practical, not imaginative, and they had besides a kind of restraining wisdom.

The nut of wisdom was not to overborrow. Many farmers had feasted on credit during World War I, when food prices, and therefore the value of farmland, were high. They borrowed to buy more land and equipment. When prices came down, borrowers were in trouble. Garrett had the bad manners to point out that they had done it to themselves.

Garrett's story brought complaints from North Dakota's conservative governor, who had followed the socialists in office and had to clean up their mess — yet who still wanted sympathy for his constituents. Garrett defended his story but promised the governor that he would return to North Dakota and write another report, which he did the following year.

North Dakota, farming, and farmers are all background to "Harangue," which is about the socialists. The state's real-life socialists were locals; the founder of the Nonpartisan League was a failed flax farmer and Socialist Party organizer named A.C. Townley. But to Garrett, the larger fact was that socialism was an imported idea that did not suit America, and specifically heartland America. In his book he personifies this by imagining the Townley character recruiting a cabal of socialists in Manhattan to be the brain trust of his revolution in the upper Midwest.

The first third of the novel introduces these brain trusters, who go by the odd, non-heartland names of Capuchin, Dwind, Semicorn, Fitzjerald, and Jael Saint-Leon. Capuchin, the Townley character, has been a promoter of failed irrigation schemes in the West, a story Garrett also covered for the Post. He is the revolution's salesman. Dwind is the economist, who will lie on a sofa amid a pile of books and rewrite the constitution of a state he does not know. Semicorn, the volcanic son of a Colorado miner, is a Wobbly and a man for whom "revolution" really means blood (which is what Garrett himself thought it meant). Semicorn will take over a newspaper and staff it with "red card" comrades in an alliance of convenience with the social democrats. Fitzjerald is the voice of honesty — really of Garrett — who diagnoses his fellow radicals' psychology, at the story's beginning, and their failure, at its end. Saint-Leon is the heiress of a Wall Street wolf who wants to do something socially redeeming with her inherited millions. She bankrolls the socialists' newspaper and state bank. Her theory is mistaken, but there is much of her father in her and she is ultimately rational about her investments.

The book follows this crew to North Dakota, whose government is already in the hands of the League. Soon it fast-forwards four years. The state enterprises have become sinkholes of the taxpayers' money, the state bank is bust, and the voters eject the socialists from office. Something like this did happen between 1916 and 1920: the Nonpartisan League governor, Lynn Frazier, was recalled, the only U.S. governor recalled in the 20th century. But Garrett's version of the story is fictional. His portrait of the League is somewhat different from the historical reality, and so is his portrait of the opposition: he has rolled the opponents into one hard-headed country banker, Anx. Plaino, who closes the loan window of his bank for the entire four years of the socialist administration.

The real Nonpartisan League fell short of revolution. It aimed at what socialistic things were possible in a U.S. state: such things as a state-owned bank (the Bank of North Dakota, saved by the conservatives and still in business), a state flour mill, etc. It implemented its program in 1919, a year of upheaval that saw Lenin and Trotsky in power in Russia, a soviet republic proclaimed in Hungary, a failed Spartacist putsch in Berlin, and a leftist-led general strike in Seattle. None of this background is in "Harangue." The story is focused on Capuchin's cabal and how they follow their ideas in a place that flirts with them but isn't really suited to them.

"Harangue" is the only novel in which Garrett disagrees politically with all the main characters, most of whom he treats with a measure of sympathy. He extends such sympathy even to the character he disagrees with most, Semicorn. To Garrett, the creed of the Wobblies is juvenile, a "romantic order" of unmarried and uncivilized men. But at least it is American; the Industrial Workers of the World is, "notwithstanding its great big name, peculiar to this country and could not have come to exist anywhere else in the world." And Semicorn is an honorable man. He follows his creed, and when it leads to his doom, he accepts it.

The farmer cannot fully control how much he produces. He is at the mercy of bugs, disease, and the weather. Though sympathetic to him, Garrett does not advocate a socialist farm program.

"Harangue" ended Garrett's career as a novelist — just as he was getting good at it. One imagines the novels he could have written about the Depression and New Deal — or the short stories, for that matter. He wrote several of these in the years before and after 1920. Still, he was a better essayist than anything else; and in 1927, when he was done with "Harangue," all his best political essays were ahead of him.

What remains are four novels of what might loosely be called capitalist fiction. They are of definite ideological interest to libertarians, and of some artistic interest. My advice: if you like politics, start with "Harangue." If you like a bit of strangeness, try "Satan's Bushel." Take it from there. ❑

"Hellboy II: The Golden Army," directed by Guillermo del Toro. Universal Pictures, 2008, 120 minutes.

The Domestication of Hellboy

Andrew Ferguson

Superhero comics are a serialized, discontinuous art form: a hero, once created and established, will typically be passed from his Olympian creator down a demiurgic chain of increasingly mediocre writers until he reaches the abyss of kitsch, at which point he languishes until he is handed over to some visionary to be "reinvented." This new version of the character shares one thing with the old: the same downward motion after the visionary jumps to another project. And the wheel turns on: comic characters are rarely so dead that they can't be revived in, at the very least, an alternate universe. (The major comic companies each maintain one highly convoluted universe that is "canonical," but routinely offer writers apocryphal universes in which they can actually experiment with something interesting.)

This is the precise formula for a successful cinematic franchise: once the first film is deemed a hit, simply bring the lead actor back for more — doesn't matter how improbable the subsequent installments get, it's the style and the allusions to earlier chapters that really matter. (And, obviously, a blockbusting catchphrase.) But superhero films are even better suited for such ventures, because there's always the possibility of killing the old to bring in the new. John McClane dies with Bruce Willis, but Batman — the whole spectrum of Batman, from Christian Bale to Adam West — lives on. Ultimately, "living on" is the quality that defines a superhero.

And that's the trouble with Hellboy as a superhero: he shouldn't live on.

Let me explain. The first film in the series was a minor miracle in that it remained largely true to its comic-book source material, the "Hellboy" series created by Mike Mignola. A stylish, gallows-humor burst of unabashed pulp, "Hellboy" told the story of a Nazi occult experiment, led by the deathless Russian madman Rasputin, gone (of course) horribly wrong: instead of bringing down the gods of Chaos to destroy life on Earth, they succeed only

Invasion of the Superheroes — In this issue some of our finest contributors review several of the superhero films released this summer.

In every mythology, from the stories of Mt. Olympus to those of Mongolia's Blue Sky Mountain, superheroes have reflected the desires and fears of the societies that created them. In the 1930s, America stood between two world wars while facing a catastrophic economic depression and the threat of a communist superpower. Popular literature responded with the creation of comic book legends such as those of Superman and Batman, superheroes who could be trusted to appear in the nick of time, assert moral rectitude, and save the day with superhuman strength. Superman in particular represented the *deus ex machina* of classic Greek drama, arriving from a different planet to fight for "truth, justice, and the American way." How could we be wrong, when Superman was on our side?

In the 1970s and '80s we suffered the effects of another bone-wearying war followed by the economic uncertainty of double-digit inflation and interest rates and the continued threat behind the Iron Curtain. Hollywood responded with the first of several installments of Superman, Batman, and the Indiana Jones franchises. Since then, military threats have never entirely left us alone, and superheroes have never entirely left the screen; every summer we find an offering of X-Men, the Fantastic Four, or one of the lone heroes — Spiderman, Batman, or the Hulk, for example.

But we have never experienced such an outpouring of comic-book characters and superheroes as we have in the line-up of movies presented this summer, with blockbuster episodes of "Iron Man," "The Incredible Hulk," "Hancock," "Batman," "Hellboy," "Wanted," "Indiana Jones," "The Mummy," and "Get Smart," (okay, that one might be a stretch), and with "The Punisher," "Watchmen," and "Spiderman 4" scheduled for release in the next few months.

What does this say about the state of angst in America? Today we are engaged in another drawn-out war and another frightening economic downturn; in the words of Bonnie Tyler from "Footloose," we appear to "need a hero . . . a white knight upon a fiery steed . . . a superman to sweep [us] off [our] feet." Enter the superheroes.

I've seen them all this summer, looking for common themes and conflicts that might help us understand today's American psyche. Judging by the movies, we don't place our first priority on superheroes immigrating from a distant planet, a la Kal-El from Krypton (Clark Kent); we prefer heroes who come from ordinary circumstances but do extraordinary things — a little like ourselves. We prefer quasi-natural explanations for their superpowers — a spider bite, a chemical spill, a nuclear reaction, or a genetic predisposition — and we want them to be reluctant men or women who are not motivated by lust or greed and would just as soon not have the responsibility of possessing super powers. (From this point of view, Hillary should have spent a little more time at the movies and a little less time

in pulling through a small, violently red child.

The child is dubbed Hellboy, but his real name is Anung un Rama, the Beast of the Apocalypse. The question of his being alive is a vexing one because it would be vastly better for humanity if he were not to exist, or were at least to die immediately: every day he lives brings him one closer to fulfilling his destiny and engulfing the world in holocaust.

If all this sounds overwrought — well, admittedly, it is. It's H.P. Lovecraft, Montague Summers, and the Thule Society all wrapped into one. But, crucially, it's all played straight-faced: Hellboy takes a punch as well as he delivers one-liners; and his jokes are as grim as the subject matter. The effect is greatly enhanced by Mignola's art, which uses the German expressionist palette — black, white, dash of primary color, and more black: a perfect match for a universe of existential heroism, in which the hero's every success is weighed against the knowledge that his existence is a greater danger than any of the black-magic beasties he kills.

When Guillermo del Toro began adapting "Hellboy," he came to it as the director of "Blade 2," a relatively straightforward sequel for the Wesley Snipes vampire vehicle. Now that he was approaching a new creative universe, he turned for help to its creator, who had never before given up any control over the Hellboy character. And the result, naturally enough, was Nazis and mad Russians and chaos gods — and an anemic haul at the box office.

When del Toro came back for the second "Hellboy," it was as the director of "Pan's Labyrinth" — a marvel of a fairy tale that catapulted him into the directorial stratosphere. This lofty perch seems to have positioned him well above a mere comic-book writer like Mignola, for in "Hellboy II" del Toro follows his own instincts as to how the franchise should proceed. And the result is elves and goblins and golden armies — and, amid a poor crop of competitors, a #1 opening.

The shift in mythological focus is accompanied by a change in look: del Toro returns to his Labyrinthine palette, where every color is oversaturated, the better to provide the patina of the fey. He alters as well the prevailing mood. In a recent interview with the Onion, Mignola said, "If I had gotten to make the exact movie I wanted to, it wouldn't have opened at number one. [Laughs.] I like stuff that's spookier." But he bowed to del Toro's sensibility in the end, telling him, "You're having so much fun, just go with it."

And del Toro did go with it, reinventing — domesticating, even — the Hellboy universe. Every character is softened, given a more human (or at least less neurotic) makeup — though I hadn't realized just how far removed it was until the Barry Manilow song came on, and Hellboy and his fish-man colleague Abe drunkenly warbled along to it while commiserating about their girl problems. Del Toro's Hellboy isn't a conflicted being stuck between humanity and demonkind: he's a big galoot in a silly get-up; i.e., a run-of-the-mill superhero. (There is one anomalous scene in which the Angel of Exposition reminds the viewers and Hellboy's girlfriend of just what Hellboy is: by that point in the film, we could be excused for forgetting.)

All this could be forgiven. After all, the only reason my disappointment is so acute is that the first film was more faithful than I expected, making this second look much worse in comparison.

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demanding her entitlement as president.)

But there is an unsettling undercurrent about the superheroes that Hollywood is producing this season. The new breed of superhero still stands for "truth, justice, and the American way," but the new truth seems to be that the American way isn't really full of "justice." In fact, the new episodes released this summer focus more on the damage left by the superheroes than on the good deeds they perform — a not-so-subtle jab at America's self-imposed role as the world's policeman.

This is seen particularly in "Hancock," in which the protagonist dons an Eagle costume that is clearly designed to represent America. As the film opens he is reluctantly chasing down a carload of Chinese vandals; this is followed by an altercation with a pipsqueak French bully. But our hero is a far cry from the calm, courageous, wholesome Superman. Hancock is gluttonous, uncouth, and insensitive, leaving behind billions in damage as he carelessly polices the world. The social commentary is obvious.

The new Batman, too, has started to grate on the nerves of Gothamites who are tired of his traffic-snarling, high-speed chases and suspected corruption. If he's so good, they wonder, why does he wear a mask? Clearly he has something to hide. The title of the film, "Dark Knight," also adds a sinister twist to our need for "a white knight upon a fiery steed."

Even this summer's vacuous animated kiddie flick "Space Chimps" chastises humans in general and Americans in particular for sending space-age technology to a foreign land and corrupting its leader — though the movie leaves unchallenged the absurd proposition that the alien leader wouldn't have become a despot without the introduction of technology. Of course, it requires our simian cousins to clean up the mess made by the humans. Clearly a movie not for impressionable children, or politically impressionable adults.

Nevertheless, despite the weaknesses of this summer's films, we find ourselves cheering for the superheroes by the end. They clean up their acts and images, and we acknowledge (or are intended to acknowledge) that we may have to endure some turmoil and damage if they're going to do their jobs. We may not like the collateral damage, but we need a hero, no matter what.

Today's superhero is a maverick, an outsider, someone who thinks for himself. He recognizes that he has a responsibility thrust on him by his unique powers, but he does not want to be controlled. Like Iron Man, he is on the edge of crazy. Like Spiderman, he would prefer to leave the heroics to someone else. Like Batman, he is motivated by revenge; like the Incredible Hulk, he isn't someone you want to make angry. Today's superhero is a person who can break free from a dead-end job, figure out who the bad guys really are, garner a little revenge, and not get hurt. He is super — but curiously limited. Perhaps this is the way in which today's Americans imagine themselves.

— Jo Ann Skousen

And the movie *is* beautiful: del Toro's creatures remain the best in the biz (especially the Angel of Exposition . . . err, Death).

What can't be forgiven are the lapses in filmmaking art. Where Mignola's comics and the first movie flirted with pulp clichés, "Hellboy II" falls head over heels for them. I don't want to spoil anything for anyone, but there's precious little to spoil: when you have a monster whose main weapon is a fist attached to a chain, and there is a rotary crushing machine very prominently on display, it's not really difficult to figure out how the monster will exit the film. "Hellboy" should be smarter than that, dammit, and so should del Toro.

Even the ostensible theme of the film, that the elf prince has chosen now to renew an ancient war with humanity, because we're spending all our time building parking lots and shopping malls — I mean, really, Guillermo, is that the best you can do? And if so, then when you're depicting Hellboy killing a forest god, "the last of its kind," shouldn't there be some, I don't know, *consequences* to his action?

Del Toro's answer, obviously, is no. And for what he's fashioning, he's right: superheroes don't deal with consequences; they just come back, again and again, "living on." It's just a pity he chose "Hellboy" for his franchise, taking the series out of Mignola's universe, and planting it in a lurid, stupid shadow of his own. ❑

"The Dark Knight," directed by Christopher Nolan. Warner Brothers, 2008, 150 minutes.

Anarchy, Law, and the Joker

Jim Walsh

Comic book superheroes have become big business. The movie industry is increasingly reliant on them — this summer, studios released five major movies based on superheroes. More are coming.

Against the stereotype of sunny American exceptionalism, Batman remains the country's most popular superhero. He is a brooding, damaged character who often does the right things for the wrong reasons. He's not a welcomed figure in his beloved, crumbling Gotham City. Police and politicians don't trust him because his presence underscores their institutional corruption. Citizens aren't sure whether he's their champion or a dangerous vigilante.

In the latest movie treatment of Batman, these conflicts are portrayed in timely ways. "The Dark Knight" is an interesting hash of vivid images, sharp dialogue, and — here's the dangerous part — bits of political philosophy.

The movie includes the late Heath Ledger's critically-praised portrayal of the Joker — Batman's nemesis and one of the great villains in popular culture. Movie-industry insiders have predicted Ledger's menacing version of the Joker may win a posthumous Academy Award.

So, it makes sense to start a discussion of "The Dark Knight" with Ledger's interpretation of the Joker. It's deeper than previous ones — including Jack Nicholson's famous turn in the 1989 "Batman." Nicholson's Joker was . . . well, Nicholson. Ledger's version aims at something more. You can draw a path from the Marquis de Sade through Frederich Nietzche to this Joker.

Visually, Ledger is memorable. With smudged clown makeup and greasy, stringy hair, he looks more dangerous than most versions of the Joker. According to some media reports, Ledger and the movie's makeup designers based his look on Francis Bacon paintings; the result is just as frightening.

But an actor can take only part of the credit for creating a movie character; the screenwriter and director have a lot to do with the final result. In "The Dark Knight," director Christopher Nolan and his screenwriting partner/brother Jonathan use the Joker to explore notions of social order, chaos, anarchy, and terrorism. The results aren't always profound or consistent, but the Nolan brothers should be applauded for at least trying to add some depth to a summer blockbuster.

Their Joker calls himself an agent of chaos and uses some of the academic rhetoric of classical anarchists. In fact, he sounds enough like a graduate student that it's hard to believe he comes from the streets of a crime-ridden city. Where did he learn to talk about dialecticism and the symbiotic nature of Good and Evil? Have you ever heard a street criminal speak? Even the ruthless and supposedly "smart" ones (think John Gotti) sound excitable, egocentric, and incoherent.

Then again, you might ask whether the Nolans' Joker even is a criminal. He kills. But most of the people he kills (on-screen, anyway) are other bad guys. After that, he kills law enforcement agents in pursuit of him — arguably "soldiers" in his war against order. He has contempt for the motive of most criminals, i.e., money. He seems to embody pure evil: he influences other characters, but no one influences him. He claims to be motivated by revenge, but we never hear or see the cause. His origins are never explained; the contradictory stories that he offers about his background seem to be lies that he tells in order to mock the people around him.

And this Joker is unusual in other ways. At one point, an overwhelmed detective notes that he carries no ID, his fingerprints and DNA aren't in any

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database, and his pockets contain only "knives and lint." This sounds like an existential *hero* to me.

Some versions of Batman — both in comic books and movies — portray him as nearly mad, too. Christopher Nolan flirted with this idea in his earlier Batman movie, "Batman Begins" (2005). But in "The Dark Knight," Bruce Wayne (Christian Bale) seems to be relatively sane. He wishes he could stop being Batman but accepts that the people of Gotham City need a symbol of justice. For better or worse, Batman is it.

In the structure of the Nolans' story, the Joker serves an unusual role — a little to the side of the central protagonist-antagonist conflict. Partway through the film a third character, the villain Two Face, emerges from the ashes of Harvey Dent (Aaron Eckhart), Gotham City's ambitious and vain district attorney. This character carries a lot of dramatic and thematic cargo for the Nolans. Early on, Dent embodies Batman's best hope for retiring from his thankless work; but, later, Two Face represents the dark side of the failed hero driven mad by the thirst for revenge.

Why are psychopaths and homicidal maniacs so beloved in popular culture? Perhaps because they reject the social contract that law-abiding people grudgingly accept. The real power that the Joker, Hannibal Lecter, and various gangster rap icons share is the freedom of not being constrained by conventional social mores.

This may also explain our fascination with vigilante heroes going it alone. But one interesting point that "The Dark Knight" makes (perhaps unintentionally) is that Batman relies on a network of sympathetic supporters — police Lt. Jim Gordon (Gary Oldman); Wayne Enterprises CEO Lucius Fox (Morgan Freeman); his childhood friend Rachel Dawes (Maggie Gyllenhaal); and, of course, Bruce Wayne's loyal butler Alfred (Michael Caine) — all of whom either know or suspect his true identity. With this support, it's hard to consider Batman a lone vigilante.

What is a vigilante, anyway? The popular definition is an ordinary citizen who "takes the law into his own hands." This is a statist's take, however. In fact, the law is always in the citizens' own hands. The citizen merely loans the law to the state because the state promises to enforce it more efficiently than any individual could. If the state fails to keep its end of that bargain, the citizen is well within his rights to take the law back.

Early in "The Dark Knight," one

The Rise of the Comic Book Movie —

Looking at the hit movies released by Hollywood over the past 20 years, one is struck by the large number that are based on comic books (aka "graphic novels"). X-Men, Spiderman, Batman, Iron Man, Superman, the Transformers . . . why?

Whether you find these movies interesting or puerile, entertaining or boring, it's an interesting question. The answer seems to lie in some major changes both in the film industry and in society at large.

Let's begin with the film industry.* It's important to remember that this is a business like most, aimed at making money by providing a service or product for a market. Nothing has changed in this regard in over a hundred years of American cinema. But during the first half of Hollywood history, up to about 1950, Hollywood studios were vertically integrated companies, with a business model tied to that structure. That is, the studios produced movies internally, choosing actors, writers, directors, and so forth from employees under contract; the studios then distributed their product to theaters they often owned. The vast majority of their capitalization was actually in real estate. And from the 1920s until the 1950s, there were five major studios, built up in several cases from mergers along the way: Loews (MGM); Paramount; Warner Brothers; Fox (Twentieth Century Fox); and the short-lived RKO.

Their general business model, which I call the buffet model, was to produce a continuous flow of movies of all genres: westerns, thrillers, mysteries, "women's movies," comedies, and so forth. They also put out a lot of shorts — brief documentaries, cartoons, and the like. The idea was to target all kinds of audiences, having different kinds of tastes, and keep their theaters filled. Remember, they earned money directly from ticket sales and concessions.

In this they succeeded. In 1925, over 300 films were released — in a nation dramatically smaller in population than it is today. Between 1930 and 1940, the time of the Great Depression, the figure was over 350 a year — a movie a day. Production dropped during the war, to a low of 225 in 1945, but rebounded to over 250 by 1950. During the ensuing 25 years, however, production of new films dropped linearly, hitting about 100 in 1975 and staying fairly constant until rather recently. During this decade the number has averaged about 190 per year.

One of the biggest factors in all this was the 1948 *Paramount* decision by the U.S. Supreme Court, which viewed the major studios as an oligopoly — a small group of businesses exercising monopoly control of a market — and ruled that henceforth they could not control exhibition as well as production and distribution. Studios could produce flicks and peddle them to theaters, but not own or run the theaters. The Great Hollywood Divorce did not end the studios, of course; but by depriving them of their reliable source of income, the exhibition side, it made them change their business model. They had to focus on making money from the production side, from the widespread rental of their films to the now independent theaters. (The Court's ruling didn't help the theaters. Their number dropped by over half from 1947 to 1963.)

The new way of doing business was what I call the blockbuster model. The idea was no longer to produce a large number of movies, most making modest profit by appealing to audiences of different tastes as the movies circulated to theaters across the country over a two year period. No, it was now was to produce fewer movies and keep aiming them at a mass audience, releasing them simultaneously at theaters nationwide, hoping for huge revenues from a

*The sketch I give here is filled out by Richard Maltby, "Hollywood Cinema," Cambridge, MA: Blackwell, 2003. The figures I cite when discussing the change in the Hollywood business model come from that source.

character asks sarcastically "Who elected Batman?" to which Harvey Dent replies, "We did" — when the citizens allowed Gotham City to become so corrupt that ordinary police couldn't enforce the law. This is an interesting idea — that a marketplace for law enforcement will seek equilibrium if state agencies fail. One can assume the same would hold true when state-run education fails. Home-schoolers become a kind of superhero.

"The Dark Knight" also draws parallels between the Joker and terrorists in the real world — and the state's responses to each. Bruce Wayne and Lucius Fox develop surveillance technology that allows Batman to track cell phone users and "see" their surroundings — without their knowledge or consent. Batman needs this technology to prevent the Joker from attacking local hospitals. But, in a slap at Homeland Security bureaucracy, Fox warns him that the system concentrates too much power in the hands of one person.

Another reason for the popularity of comic books and comic book movies might be that they give their audiences the color lacking in real life. The face of statism and tyranny is unimpressive; sometimes it's not even noticeable. FDR thought Josef Stalin was a reasonable man with whom the U.S. could "do business." The 9/11 terrorists were successful, in part, because they weren't remarkable. In "The Dark Knight," the villains *look* villainous.

A few movies in the last decade have tried to handle anarchism seriously — or as seriously as popular movies can. This magazine reviewed the 2005 movie "V for Vendetta" from several perspectives and found it lacking as a reflection on the conflict between statism and liberty. But that movie — based on a graphic novel written by Alan Moore (who's also written a couple of influential Batman stories) — did reference many of the touchstones of anarchist writing. It even included a garbled version of Emma Goldstein's great quote about not wanting to be part of any revolution without dancing.

Ultimately, "V for Vendetta" suffered as a film because it focused too much on the elements of revenge in its masked hero's motivation and less on citizens' rights to think and act for themselves. A better portrayal of anarchism in a contemporary context comes in 1999's "Fight Club," based on the novel by Chuck Palahniuk. In that movie, a nameless narrator with a severe personality disorder attracts a band of followers whom he trains to disrupt the

successful competition with TV. In the '60s it was movies such as "The Sound of Music"; in the '70s, "The Godfather," "The Poseidon Adventure," and especially "Star Wars."

As the blockbuster model developed into its "Star Wars" phase, it involved not just producing a big hit in theaters (with lots of sequels) but also retaining merchandise tied to the hit. "Star Wars" earned more from merchandise sales than from ticket sales. The 1989 "Batman" earned four times as much from its merchandise as from tickets. Merchandise used to be just T-shirts and other branded items; it now includes video games and a great variety of other stuff.

Now, the audience most likely to go to a theater is often a younger one, from early teens to twenty-somethings. This is, not coincidentally, the age group most likely to buy film merchandise; it is a rare 50-year*old who is brave enough to wear a Batman T-shirt. Here we have come to the social change.

During the past few decades, the amount of reading — especially of literature — that is done by elementary and secondary students has dropped significantly. There are several interconnected reasons for this, involving the decline of the family and the mediocrity of the public schools, which have dropout rates of roughly one-quarter for white students and one-half for black and Latino students. It's no surprise that reading has suffered.

And of course, TV viewing has risen since the 1960s. A recent study reports that the average student spends 12 hours a week watching TV, and only one hour reading.†

Studios produce most of their fare for a young American audience that has a declining exposure to and appreciation of literature. To appeal to this audience, they turn to the material that young people spend their leisure on. This naturally includes comic books, video games (hence movies such as the "Lara Croft, Tomb Raider" series), and TV shows (hence the "Charlie's Angels" movies, and the current "Simpsons" and "X- Files" films).

The studios are doing exactly what their business model and their understanding of their target market dictates: trying to come up with blockbusters that appeal to a mass audience with a high number of nonreaders in it.

Where the studios see literature that does have a popular following, they are happy to produce movies based on it. "The Lord of the Rings" and "The Chronicles of Narnia" come to mind here, as does (perhaps) "Harry Potter." When Ang Lee produced "Sense and Sensibility," and it was a surprise hit, other Jane Austen books became flicks as well.

But for the foreseeable future, you will see American studios continue to produce movies based on pop culture of the lowest level of literacy. The economics of the industry and the quality of American education pretty much dictate it. And it's worth noting that both these things were pretty much dictated by government.

This is not to say that pop culture movies are all we will have from now on. To begin with, there are an increasing number of independent films that occasionally make it into wide distribution (such as Mel Gibson's "The Passion of the Christ"), and even when they receive only limited distribution, they can be rented for home viewing rather quickly. DVD sales and rentals have been a godsend for independent films.

Also, there has been a rapid spread of cinematic technology abroad. Gone are the days of grainy art flicks with low production values. What foreign producers now create has all the cinematic quality of American flicks, but often with more depth and diversity.

We are seeing the globalization of the film industry, and thank God for it. — Gary Jason

†Sandra Hofferty and John Sandberg, "How American Children Spend Their Free Time," Journal of Marriage and the Family, 63 May 2001).

mechanisms of consumerist culture.

A consistent theme in these movies is that the voice of anarchy is either disfigured, insane or both. So, the connection of anarchy to the Joker seems a logical extension of recent cinematic lore. Still, there are some thematic problems with the Nolans' Joker. He claims to be an agent of chaos — but he stages elaborately structured heists and pranks designed to bring out the worst in people and institutions. Hardly chaos.

The main set piece of the final section of the movie is a massive prisoner's dilemma experiment involving two passenger ferries rigged to explode in the midst of their commutes (for the dull in the audience, one of the ferries is carrying, err, prisoners). To my point, the Joker has set up himself as the authority in the experiment. So, he's not an anarchist; he's just another tyrant vying for control of the masses.

Does Batman's approach to privatized law enforcement represent a libertarian perspective? Gotham City's government and law enforcement agencies can't clean up the streets, so a wealthy and politically-connected native son takes the initiative to restore equilibrium to the social contract. There are unforeseen consequences, as there always are. Batman can't prevent every crime; but he moves his city a little closer to social stability.

As others have done, the Nolans develop the theme that Batman and the Joker are similar in many ways — but that Batman has found a more constructive direction in which to channel the effects of his damaged psyche. The Joker, as the wise Alfred observes, just wants to see the world burn. This offers a crude but effective distinction between the libertarian and the anarchist.

Is there any practical effect in all of this for our beloved, crumbling republic?

In the movie, a minor character answers this question. When the Joker is trying to provoke the people aboard the two ferries to blow each other up, one of the prisoners takes the remote detonator from an indecisive warden and throws it into the water. He rejects the Joker's premise.

That's how you respond when a tyrant — or a terrorist — gives you a false choice. Who cares whether the Nolan brothers' Batman would vote for Ron Paul? Their minor characters know what's what. ❑

"Hancock," directed by Peter Berg. Columbia, 2008, 92 minutes.

Flouting Convention

Tim Slagle

Here's a topic that is rarely broached: why are superheroes expected to be altruistic? Most superheroes never think of taking payment, which never made sense to me. Granted, Bruce Wayne is a gazillionaire, but even gazillionaires have to make rent. I imagine the electric bill for the Bat Cave alone would make Al Gore shudder.

I mean, just because someone has great talents, is he expected to dole them out on command? And for free? I would think that a real life superhero would rather contract himself out, sort of like a one-man Blackwater Security.

When a city gets overrun with costumed arch villains, it should have to hire a superhero, the same way it would hire an attorney or an exterminator. There should be a retainer, and bills calculated on an hourly basis, plus ordinary expenses. Of course the city would have to initiate a proposal to the city council, and draft a resolution whether to retain the superhero. It would also need to conduct reviews of several proposals and take bids from competing superheroes. Eventually, rather than hiring a real superhero, it would probably end up with a sidekick having political connections, an incompetent wiseacre who is somehow related to the mayor.

The other option, of course, is the superhero who just doesn't want to be one, someone who is resigned to saving humanity but not terribly happy about it. Enter Hancock, a superhero who clearly doesn't like his job, a "hero" who would rather sleep off a hangover than fight crime. His drunken, antisocial behavior has made him more of a villain than a hero. We learn later that he lacks for love, and this lack has compounded itself, making him still more antisocial. (Apparently love is the only thing a superhero requires.) "Hancock" is the story of a clumsy superhero who lands in the middle of a suburban family, and finds himself.

This film breaks from the traditional superhero mold, and actually seems a little more realistic than most. Rather than a mythical comic book landscape, full of cartoonish policemen and screaming newspaper editors, Hancock has been dropped into a world we all find quite familiar. This film strays from the format for good reason: it's the only summer superhero release that wasn't based on a previous comic book (or "graphic novel," as adults who still read comic books call them).

The movie opens on Hancock (Will Smith) sleeping one off. He runs into a PR guy, Ray Embrey (Jason Bateman) who is also down on his luck. Ray has been trying to sell a new idea to

Bad Beat — The second half of this film introduces an interesting mythology behind the Hancockian super heroes. "Gods, angels, now they call us superheroes," is the explanation given for their existence through the ages. These immortal superhumans risk becoming mortal when they fall in love, a twist on the Adam and Eve story in which immortals become mortal and subject to death after coupling. By now all the immortals

corporations: the idea that they should give away their products for free. The corporations sneer at him, as any reasonable "for profit" entity should. I enjoyed seeing that these corporations were not made to look mean or cruel because of their refusals. Their protests seemed quite reasonable, and Ray was made to look like a sap for even asking.

So Ray invites Hancock over to have dinner and spend a little time with his wife Mary (Charlize Theron) and his son Aaron (Jae Head). He decides that all Hancock needs is a good PR job, and a friendship is struck. But I couldn't help wondering where Hancock gets his money. He certainly seems un-hireable, and most people seem to resent his help. It is always well intentioned, but clumsy because of his drunkenness and his disregard for other people. He is never shown doing any work for hire, yet he always seems to have a couple of bucks on him. But I guess if you've bought into the idea of a flying superhuman, this one detail isn't going to disappoint you much.

When he finally manages to conduct a successful heroic feat and act on Ray's PR suggestions, he is welcomed by the community. Eventually he learns where he came from, and his destiny. The film wraps up with Hancock willingly going back to the work he was made for, with a whole new attitude. Because (as he is told by Mary), "Fate doesn't decide anything; people get to choose."

In the very end he commits an act that would certainly infuriate most environmentalists. But as I said, this isn't the first time you have to ignore your knowledge of reality.

The special effects are incredible, and if you love big loud computer generated car crashes this is the film for you. (Although all the best effects were used in the trailers, so you've probably seen them already.) There is also a good amount of comedy, and I was surprised to find myself laughing from time to time. Judging by the uproarious laughter in the theater, kids just love this film. It's a great teen flick (for those who already know most of the bad words). If I were to choose a movie to enjoy with a teenager, this would certainly be at the top of the list. It is also great for adults who are willing to suspend reality for an hour and a half. ❑

have paired up and died off, leaving Hancock a lone man in the Garden.

This back story provides an interest-ng concept to ponder: in a modern age vhen so many choices are available to us, ınd when marriage limits those choices ɔy requiring a second opinion, is mar-iage worth giving up one's superpow-ɪrs? Hancock is reminded, "Fate doesn't lecide. People get to choose." But are ve happy with the consequences of our hoices? — Jo Ann Skousen

"Wanted," directed by Timur Bekmambetov. Spyglass Pictures, 2008, 110 minutes.

Adrenaline for Fun and Purpose

Jo Ann Skousen

Heart-racing car chases. Hard-driving music. Bullets flying. Blood spurting. Expletives not deleted. And a story with a philosophy worth contemplating. Either you like this kind of movie or you don't.

Frankly, I don't. But I can set aside my aversion to blood and vulgarity long enough to appreciate the production values and recognize why it is popular among the class of moviegoers who do like this sort of thing.

Based on a fairly new graphic novel series by Mark Millar and J.G. Jones, "Wanted" is a film in which director Timur Bekmambetov ("Night Watch") recreates the comic book world through subtle cartoonish imagery. Outlandish characters populate this world, especially the hero's employer, Janice (Lorna Scott), and the goons who train him to become an assassin. The cartoonishly voluptuous seductress, Fox (Angelina Jolie), juts her jaw, stares contemptuously, and poses like a pole dancer, a comic-book character as two-dimensional as Jolie's acting. Characters recover from fistfights with nary a scratch — although we are provided with a scientific reason for their quick recuperation. Close-up views of posters and products provide natural cartoon balloons (which are much classier and cleverer than the old "Pow" and "Zing" of the Batman TV series). Watch for the letter U formed by a man's tooth in a particularly satisfying scene.

So who is this new superhero? Wesley Gibson (James McAvoy) is a dead-end accountant at a nondescript firm, a man without a backbone who is constantly dumped on by his employer, his girlfriend, and his best friend. Filled with rage, anxiety, and self-loathing, he has no control over his life, thus appearing to embody the angst of the average 21st century American. We're all fed up; we all wish we didn't have to take it anymore. But what can we do about issues of global size?

While buying anxiety medication at a drug store, Gibson suddenly finds himself in the middle of a shootout. Fox rescues him both from the shootout and from his malaise, explaining (after a wild car chase) that he is a chosen member of a secret assassination society whose purpose is to protect the world from evil. Joining the "guild," Gibson learns to control his anxiety attacks, embrace what makes him different, and use the adrenaline to become a superhero. Sound familiar?

With the twisted suggestion that God (or Fate, as the controller of the universe is called in this film) ought to prevent evil by assassinating potential perpetrators before they act, the guild of executioners blindly obeys its leader, Sloan (Morgan Freeman, once again

playing the Deity), who interprets otherworldly messages that are in fact a hit list. Sloan tells Wesley, "For the first time in your life, you're in control," and it does seem that way; he punches out the people who used to bully him, and he has a new sense of purpose. But the word "execute" doesn't just mean "to kill," it also means "to follow or carry out." These assassins are truly executioners, blindly following orders from their leader. Wesley is only in control so far as he has chosen to be controlled by Sloan.

Now, I have no problem with the assassination society's concept of "Kill one, save a thousand," if the one being killed is a known despot and the thousand being saved are innocent civilians. I would much prefer a system in which Hitler, Stalin, and Saddam are assassinated, while the other Germans, Russians, and Iraqis are left alone. But I do have a problem with reading tea leaves, bird entrails, or, in this case, random mistakes in a weaver's loom, to determine who is going to commit an evil act and then take him out before he can commit it. If that concept seems familiar, you're probably remembering Tom Cruise in "Minority Report."

And if you're remembering that film, you're also realizing that we don't want superheroes today who punish people for crimes they might commit tomorrow, or superheroes who won't think for themselves, blindly obeying laws that don't make sense. This film is a timely, though perhaps unintentional, reminder that blind obedience often leads to jihad, and that the greatest evil in the world could be a Machiavellian prophet who manufactures his own revelations. ❑

"The Incredible Hulk," directed by Louis Leterrier. Universal, 2008, 114 minutes.

Too Incredible

Todd Skousen

No superhero would be complete without an alter ego, a mild-mannered milquetoast or hedonistic playboy no one would suspect of being a courageous hero with super powers. This characteristic stands out in the Incredible Hulk, where the separation of two personalities is not just a method of hiding the hero's true identity but a metaphor for the transformative power of rage.

Physiologically, anger is a by-product of fear. Fear induces the secretion of adrenaline, which gives the body temporary strength to fight or flee the source of fear. Anger is the body's natural reaction to the dissipation of adrenaline after the moment of fear has passed. This is the reason we curse the driver who has just cut us off or yell at the child who has wandered away. Finding a way to induce that strength without incurring the rage that goes with it is the premise underlying the Incredible Hulk stories.

In a season when superheroes across the board have become reluctant and introspective, "The Incredible Hulk" stands supreme. He is the original reluctant hero. His alter ego and true self, Bruce Banner, spends every episode in every incarnation, from popular Marvel comic book to campy television series to major motion pictures, desperately trying to banish the beast that lurks within him.

Since his creation by Stan Lee and Jack Kirby in 1962, the Incredible Hulk has become one of the most popular superhero characters in print and on screen. And I, for one, have absolutely no idea why. Almost everything in the Hulk franchise has turned into a disappointment, except maybe the roller coaster ride at Universal Studio's Islands of Adventure. Kids watch it, but they resist it. No little boy wants to be the Hulk when playing Superheroes with his friends. Only out-of-control bully types identify with him.

Here's one reason why: the Hulk has a superpower but is not a superhero. Unlike the other superheroes, he is not the go-to guy when the community is in trouble. He has always left destruction in his path — he can't even hang onto a pair of pants. He is simply a government experiment (that alone should raise red flags) gone awry. He's a fluke that can't be controlled, reversed, or repeated.

Until this episode, that is. While Banner attempts to find a cure that will reverse his curse, U.S. General Thaddeus "Thunderbolt" Ross (William Hurt) gets hold of his serum and uses it for yet another experiment: to create a prototype for a race of super soldiers by injecting super soldier Emil Blonsky (Tim Roth) with the serum. This leads to a harrowing climactic fight scene between the two super powers, full of ripped up cars and special effects.

Despite my reservations about the Hulk franchise (awesome roller coaster notwithstanding), I had high hopes for this new film when Edward Norton signed on to play Dr. Bruce Banner, the unfortunate scientist who goes through many a dollar on new pants after each Hulk outbreak. (In one humorous scene, Banner goes to a flea market to purchase the cheapest, largest, and stretchiest pants he can find, holding them up to a big-bottomed woman for size.)

In movies like "American History X" (1998) and "Fight Club" (1999), Norton brilliantly portrayed emotionally troubled characters, capable of delivering savage beatings while struggling against both society and government. Did Hollywood at last find the perfect actor to bring out the psychological complexity of the Hulk?

In one way, yes. Norton's portrayal of Banner as a reverse hero, protecting the world by suppressing his powers, is interesting and initially satisfying. As this new version of "The Incredible Hulk" opens, we find Banner hiding out in one of the endless shantytowns of Brazil. Personally, I would think that a white doctor living in a Brazilian slum would tend to garner at least some attention, but aside from that, the opening scenes are some of the film's best. Through ju-jitsu training, Banner has learned to control his heart rate and keep the Hulk locked up inside while he works, by internet, with an anonymous scientist, trying to find an antidote.

Banner's search for a cure is violently interrupted when General Ross discovers his location and sends in a team to pick up Banner and bring him back to Washington. Ross considers him government property because his superpowers are the result of government experimentation and because of his potential use as a secret weapon. Talk about eminent domain in the extreme! This pretext alone should raise the hackles of a libertarian — or of any intelligent American.

Norton and director Louis Leterrier, who masterfully directed the action sequences of "Transporter 2" (2005), work well together in setting up an incredible chase scene through the narrow alleyways and dense rooftops of the slum. Norton captures the intensity of a man literally running for his life while trying to stay as calm as possible to keep from releasing the beast inside. Not an easy thing to do. And in the end, Banner cannot help but give in to the brute inside himself.

This is where the film, amazingly enough, becomes boring.

Although it has great psychological potential, "The Incredible Hulk" does not successfully represent repressed male aggression, which Norton's character Tyler Durden symbolized in "Fight Club," or as Robert Louis Stevenson explored in "Dr. Jekyll and Mr. Hyde" (1886). Banner and Hulk are different from Jekyll and Hyde in that Jekyll never wants to banish his brutish, animalistic nature; he simply wants to separate the two sides of his personality, to enjoy the lusts of the flesh in one incarnation while maintaining his respectable Victorian reputation in the other. He wants to live in both worlds.

By contrast, Bruce Banner does not have any deep-seated anger lurking inside that he wants to isolate and then enjoy. In fact, Banner knows this is not possible. Left unchecked, the brutish side becomes more and more powerful, or so Stevenson concludes in his novel. Banner wants to overcome his anger entirely, not just protect his wardrobe. And he definitely does not want to become a weapon for the military, either defensively or offensively.

If Leterrier had been a bit more ambitious, this Hulk could have been turned into a more complex superhero. Banner could have developed a lust for the Hulk's power in the way in which Dr. Jekyll is drawn to the hedonism of Mr. Hyde. Like his character Derek Vinyard in "American History X," Norton would have been excellent at encompassing this dark side of Banner as well as expressing the remorse and regret that should eat at him after the fact. By engaging Banner in an internal

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conflict with the acts of the Hulk, the story would have become much more engaging.

Instead, the Incredible Hulk is completely disconnected from Dr. Bruce Banner. The Hulk is simply a foreign body injected into him by the experimenters. The Hulk is a giant, brainless (and very poorly rendered) gorilla only able to yell phrases like "Hulk smash!" He's virtually invincible, so we aren't worried about his safety, but even more, he in no way continues to be Norton's Banner. Without Banner's personality, the Hulk is nothing more than badly done special effects. Yes, we root for him, but only because his opponent is even worse. That may entertain young audiences for a moment, but special effects alone rarely compensate for boring characters. Are you listening, George Lucas?

In the end, Norton's talent is wasted on this pseudo-superhero whose flawed psychology could have produced a fascinating character study along with the thrilling action sequences. That's a shame, because how rage transforms a person is important, and probably the reason that Hollywood keeps going back to the Hulk.

The Hulk remains one of the least interesting of the superheroes. Unlike Batman or the Punisher, he experiences no inner conflict about whether he is doing the right thing. The Hulk just "is," without any thought. And no one can make a winning movie out of that. Not Leterrier or Ang Lee, or even Christopher Nolan ("The Dark Knight"). So unless you are stuck waiting for an airplane, as I was when I saw the Hulk, I'd suggest just going for a ride on the Hulk roller coaster at Universal. It only takes a minute, which is about the time needed to understand the Hulk as character. ❑

Booknotes

Racism, cops, and cons — Three issues ago, Liberty ran a feature giving advice about summer reading. Maybe it's time to make some suggestions about reading for this fall.

The season can begin with a terrifically entertaining and thought-provoking book, co-edited by Steven M. Sanders and Aeon J. Skoble, entitled "The Philosophy of TV Noir" (2008, 272 pages). It's part of the University Press of Kentucky's "Philosophy of Popular Culture" series and includes chapters on "Dragnet," "The Naked City," "Secret Agent," "Miami Vice," "24," "The Sopranos," "CSI," "The X-Files," "The Prisoner," "Twin Peaks," and (this is my favorite chapter, one written by Skoble himself): "Action and Integrity in 'The Fugitive'." While reading that chapter, take a look at the original "Fugitive," with David Janssen as Dr. Richard Kimble, which is finally being issued on DVD. It's an amazing morality play from a golden age of television.

Back in 2006, I recommended in these pages a book by Douglas Den Uyl and Douglas Rasmussen, "Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics." This year I can wholeheartedly recommend a follow-up anthology, "Reading Rasmussen and Den Uyl: Critical Essays on 'Norms of Liberty,'" which is also edited by Skoble (Lexington Books, 2008, 238 pages). The volume is packed with critically reflective essays on the Rasmussen-Den Uyl work, situating its neo-Aristotelian defense of liberty within the larger field of contemporary political philosophy.

One work I strongly recommend is John F. Welsh's "After Multiculturalism: The Politics of Race and the Dialectics of Liberty" (Lexington Books, 2007, 240 pages). It helps that Welsh uses my own dialectical-libertarian model of power relations, but even if I were not mentioned in the book, I'd praise it for its comprehensive survey of libertarian and individualist thought on race and multiculturalism. Welsh develops a fundamentally radical critique of racism that challenges the traditional left-right continuum. This kind of multidimensional analysis of racism is a welcome — and much needed — addition to the literature of liberty.

Finally, with the passing of Charlton Heston, who won a Best Actor Oscar for my all-time favorite film ("Ben-Hur"), I'd like to recommend his autobiography, "In the Arena" (Berkley Trade, 1997, 592 pages), as well as two other books authored by him: "The Actor's Life: Journals 1956–1976" (Dutton, 1978, 482 pages), and "Charlton Heston's Hollywood: 50 Years in American Film" (GT Publishing, 1998, 223 pages). These works give us a glimpse of a lost era in Hollywood, while deepening our appreciation of an actor's epic career.

— Chris Sciabarra

Letters, *from page 5*

avoid his spitting wrath over your treatment of this administration.

Keep up the good work!

Dan O'Neil
Grand Terrace, Calif.

Coase Overthrown

Regarding David Friedman's "How to Think About Pollution," I have an alternative view of who should bear the cost of economic externalities, based on the ethical foundation of individual rights. Please forgive me for this sketchy presentation but a full treatise is beyond my present inclination. An example might be best.

Suppose a given individual is the first to enter upon previously uninhabited land and begins to farm it. This individual has the right to the fruit of his own effort, unless he has previously harmed others and they have not been made whole. The produce of his farm is his by "right" to use and dispose of as he wishes. Also, no one has a prior claim to this land, by definition, and so he may use and dispose of it as he wishes. The only limitation to his prerogatives regarding the land relate to "rights" he does not possess.

So, how are his rights to the land to be defined? A further example: his neighbor invents an airplane and flies

over the farmer's land at an altitude of 5,000 feet. At this altitude the farmer's activities are unaffected. What claim could he have against the pilot? If on the other hand the farmer, in addition to farming, also engages in the hobby of kite flying and his neighbor's plane interferes with his "prior" kite flying activity, then wouldn't the farmer have a just claim against the pilot to cease and desist from flying over the farmer's land at that altitude or lower because, the farmer has the right to live his life as personally chosen so long as he doesn't interfere with another's prior rights, and over his own farm land there are no prior claims, as previously described.

In other words, "rights" have their foundation in "self ownership" and by extension in the fruits of that self ownership, provided that those fruits are not in whole or in part derived from the violation of the rights of others. Fundamentally, the boundary between one's own rights and those of others consists of the application of one's energies to previously unclaimed resources and the products of such activity. This is the ideal situation. Unfortunately, modern societies have not consistently applied this perspective to the establishment of rights and the derivation of subsidiary rights, but equity requires that this perspective be employed to reestablish just boundaries.

Howard Shafran
Shelter Island, N.Y.

Letters to the editor
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Or mail to: Liberty, P.O. Box 1181, Port Townsend, WA 98368.

Reflections, *from page 24*

The striking part of the media coverage was that major outlets (like the Associated Press) passed along the casino's explanation that its poor performance was the result of what the AP, echoing management's words, described as "gamblers' extraordinary luck."

You've got to admire the pluck of Mohegan Sun management trying to spin their bad quarter into an advertisement. Mohegan Sun seemed to be inviting fools to come gamble — because it was in the midst of a historic losing streak.

Mohegan Sun's thin quarterly profit has nothing to do with luck. It has to do with a recession and some rational choices.

In 2007, middle-class guys heading out for a bachelor party at the casino were less likely to stagger up to the $25 Blackjack table and hit an 18 against the dealer's six. Casinos count on tipsy people making such stupid bets.

According to Mohegan Sun's CEO, the total wagered at table games during the weak quarter — $611 million — was actually up more than 6% from the year before. But the house only kept about 12% (some $75 million) of that, down from about 17% in 2007.

This isn't bad luck, though; it's what economists call risk flight. Take away the drunk guys cheering bad bets with their buddies and the house is left with dedicated gamblers quietly playing the odds. In fact, the serious players may be upping their bets because they're desperate to win. That's a kind of double-whammy for the casino: fewer people making dumb bets and serious players raising the size of their informed ones. That lowers the house's take.

Like many economic phenomena, risk flight happens at the margins of financial decision making — so it seems to have an unusually large effect on behavior in the short term. Large enough that the casino management hopes dullards will confuse it for luck.

Nota bene: Mohegan Sun still enjoyed a 12% advantage over its players. Walking past the gaming tables remains the smartest play. And, in that, the drunk guys at the bachelor party are acting rationally. — Jim Walsh

Cornered — The continuing evolution in public opinion about how to deal with our energy crisis is a fascinating if dizzying spectacle. After several decades of environmentalist special interest groups controlling congressional energy policy — stifling nuclear power, domestic oil drilling, domestic refining, and pretty much anything else that's practical — the public seems to be rising in anger, as it sees gas prices soar.

The issue of offshore drilling has become especially interesting. Several recent Wall Street Journal articles are illustrative.

The first (dated July 15) reports that Bush has formally lifted the federal executive ban on offshore drilling, put in place in 1992 by the Clinton administration (the same one that vetoed drilling in ANWR and killed advanced research into closed fuel cycle nuclear power). A month earlier, Bush said he would lift the ban if Congress removed its own ban, but that offer was met with derision. In essence, Pelosi and Reid replied "Drill this!" But by unilaterally rescinding the executive ban, the president put Congress on the spot.

The Democrat Congress has a dilemma; in chess parlance, Bush has forked them.The congressional ban, which has to be renewed every year, expires September 30, not long before the national elections. So either Congress ends the ban, an action that would anger a key element of the Democratic base (environmentalists), or it renews the ban, and risks angering voters in general.

And risk there is. As the second Journal article (July 17) makes clear, even Californians are rethinking their opposition. A recent poll shows that support for drilling has risen from 39% three years ago to 43% now, while opposition, during the same period, has dropped from 56% to 51%. Considering that California is a very blue state indeed, and that offshore drilling has been in disfavor since the Santa Barbara oil spill in 1969, this is a striking shift.

Also indicative of a public shift is McCain's conversion to offshore drilling. He is now making an issue of it in his presidential campaign. And a recent CNN poll showed 73% support among Americans for increased offshore exploration.

In response, a number of congressional Democrats now seem willing to consider cutting a deal with the Bush administration. These include Senators Durbin and Conrad, among others. Obama has opposed offshore drilling in the past, but

considering how quickly he's been changing his positions lately, who knows — he may yet come around. What a difference a little oil crisis makes.

Bush's action certainly had one effect — it dropped the price of oil dramatically in just a couple of days. If Congress acted in the same way, we would likely see another drop.

— Gary Jason

A. Solzhenitsyn (1918–2008), R.I.P. — The death, on August 3, of the Russian writer Alexander Solzhenitsyn aroused remarkably little interest in the popular press. Even at Liberty headquarters, few comments have been received. But the departure of this important figure cannot be allowed to pass without notice in these pages.

In 1945, Solzhenitsyn, a soldier in Stalin's army, was arrested, tortured, and sent to a labor camp for including some sarcastic remarks about the Father of Peoples in his private correspondence. Eight years later he was exiled for life to Kazakhstan. Eventually he was permitted to return to European Russia., where he produced the manuscript, which he did not expect to see published, of "One Day in the Life of Ivan Denisovich," a novelistic account of life in the camps. Unexpectedly, the regime allowed its publication, as part of the de-Stalinization program.

Then, however, the leadership became aware that Solzhenitsyn had a great deal more to say. He was at work on the vast historical account of the Communists' ways of punishing dissenters, from Lenin to his own time — the work that became "The Gulag Archipelago." It is a work on the largest scale, a work of almost incredibly detailed and meticulous research. The cruelty of the events it narrates would be unbearable, were it not for the literary skill of the author and the transcendent importance of his subject. This work could not be published in the Soviet Union. It came out in the West, and Solzhenitsyn was accordingly banished to the West. He lived for two decades in America. Only after the fall of the Soviet Union, and when he himself was good and ready, did he come home to Russia.

After "The Gulag Archipelago," Solzhenitsyn wrote in a variety of genres, including historical fiction and polemical essays and histories. My limited reading of the fiction gives me the impression of a bad imitation of Tolstoy; my limited reading of the later nonfiction makes me think that Solzhenitsyn had a screw loose about Mother Russia and her spiritual importance.

Nevertheless . . . Maxim Shostakovich, son of the famous Soviet composer, said of Solzhenitsyn: ""He was our savior, the savior of our morals, our dignity, our consciousness." That was not hyperbole. Solzhenitsyn showed that an individual human being could know and announce the truth, that he could stand for it, no matter what; and that if he could do it, so could others. They did.

Western intellectuals ignored, diminished, or concealed the appalling nature of the Soviet tyranny. They particularly ignored the fact that the basic tenets of Soviet society — political, economic, and, if you will, theological — were such as many of them shared, though they might not possess the honesty or intelligence to recognize that fact. They revealed their hatred for bourgeois capitalist values and practices in many ways, but very notably by their long campaign to justify American communists and fellow-travelers as crusty individualists, persecuted for their failure to conform to an oppressive society. In truth, the Soviet Union, like every other socialist regime, was a vast system of mindless conformity. In this particular case socialism murdered millions, tens of millions, and tortured millions of others, as Solzhenitsyn was tortured in the gulag archipelago. Meanwhile, even members of the CIA actually worried that the Soviet slave system would manage to out-produce the decadent capitalist West.

It was Solzhenitsyn who provided the final, exhaustive evidence of the moral and practical degradation of communism and, by extension, of all collectivist societies that rule by force, as collectivists always need to do. His testimony will endure, as long as the world endures, as a monument to individual courage and a warning against the horrors that attend the demise of individualism in society.

Solzhenitsyn was a great individualist; unfortunately, he was not a libertarian. He was an eccentric Russian conservative who believed that the culture ordinarily associated with Western individualism was spiritually degraded and useless for Russia. He wanted a regime of small independent farms, local councils, economic autarky. He thought that only a strong presidency could restore Russia to her traditions. His antiquated prescriptions disappointed virtually everyone. This helps to account for the general decline of his reputation in the 20 years preceding his death.

But the major reasons why Solzhenitsyn's death wasn't noticed as it deserved to be were suggested 300 years ago, when Alexander Pope produced the following lines:

> Vice is a monster of so fearful mien
> As to be hated, needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

The monstrosity of communism grew so familiar to the West that it was first endured as an historic inevitability, then pitied as the regrettable accompaniment of a backward country's modernization, then embraced, in countless American social circles, as a giant step on humanity's journey to utopia. When you see some young "individualist" sporting a Che Guevara T-shirt, think of this. Why isn't it a Solzhenitsyn t-shirt? Because the socialist vices — intellectual arrogance, superficial sympathy for the poor, a self-deifying faith in "equality," a reflexive belief in planning, "commitment," and "leadership" (i.e., force) as the solutions to social problems — seem so much sexier, so much more dynamic, than anything Solzhenitsyn had to offer.

But Solzhenitsyn's greatest difficulty, and his greatest achievement, is mentioned in Pope's first two lines. He enabled the monster of collectivism to be seen. Once this happened, it was necessarily hated, even by some people who had loved it before. In the West, however, it tended to be hated as a foreign object, as something that need imply no criticism of the socialist premises that have permeated our own culture. Those who felt this way could go back to ignoring Solzhenitsyn, whom the end of the Soviet Union appeared to have made irrelevant. As for the people who understood Solzhenitsyn's devastating impact on their own ideas — sand there are a lot of those people in America's intellectual culture — they hated him and hoped to forget him. They still do. We should not.

— Stephen Cox

Terra Incognita

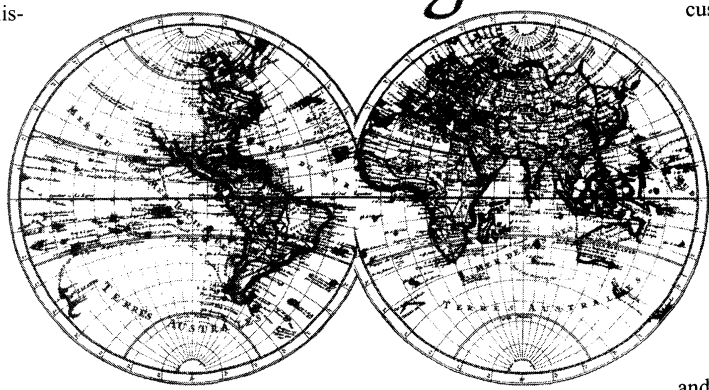

Cincinnati

Pastoral guidance, from the *Cleveland Plain Dealer*:

The Archdiocese of Cincinnati has issued a detailed list of inappropriate behaviors for priests, saying they should not kiss, tickle, or wrestle children.

The newest version of the archdiocese's Decree on Child Protection also prohibits bear hugs, lap-sitting, and piggyback rides. But it says priests may still shake children's hands, pat them on the back, and give high-fives.

Washington, D.C.

Your elected officials hard at work, in the *New Orleans Times-Picayune*:

Federal officials vastly overestimated the value of hurricane relief supplies given away earlier this year, the Federal Emergency Management Agency reported.

The General Services Administration, which manages federal property, over-counted cases of toilet paper, plastic sporks and other cutlery, by mistakenly counting a single item as being worth as much as multiple items contained in a package of goods. For example, each spork was assigned the value of an entire case, inflating the original estimated value of the supplies a thousandfold to $36 million from $36,000.

St. Louis

Innovation in the liturgy, from the *Kansas City Star*:

Two prayer services will be held at St. Louis gas stations to thank God for lower fuel prices and to ask that they continue to drop. Darrell Alexander, Midwest co-chair of the Pray at the Pump movement, says prayer gatherings will be held Monday afternoon and evening at a Mobil station west of downtown.

Participants say they plan to buy gas, pray, and then sing "We Shall Overcome" with a new verse, "We'll have lower gas prices."

Dallas

Waiting for the Man, in the *Dallas Star-Telegram*:

Police didn't have to go far to find $400,000 worth of cocaine — it was in an undercover car they'd been driving for two months.

An officer cleaning the car at a patrol station Wednesday discovered the nearly 50 pounds of cocaine carefully hidden in hydraulically controlled compartments. "These compartments have recently been more and more popular with drug operations," said Deputy Chief Julian Bernal, commander of the narcotics division.

Edinburgh, Scotland

Novel explanation for student underperformance, from *The Scotsman*:

Wikipedia and other online research sources were blamed for Scotland's falling exam pass rates. The Scottish Parent Teacher Council (SPTC) said pupils are turning to websites and internet resources that contain inaccurate or deliberately misleading information before passing it off as their own work.

Eleanor Coner, the SPTC's information officer, said: "Children are very IT-savvy, but they are rubbish at researching."

St. Petersburg, Russia

New development in judicial activism, from the *St. Petersburg Times*:

An unnamed 22-year-old executive was hoping to become only the third woman in Russia's history to bring a successful sexual harassment action against a male employer. She alleged she had been locked out of her office after she refused to have intimate relations with her 47-year-old boss.

The judge said he threw out the case not through lack of evidence but because the employer had acted gallantly rather than criminally. "If we had no sexual harassment we would have no children," the judge ruled.

Aix-les-Bains, France

Who bathes the bathers? From *The Wall Street Journal*:

Since 1860, when Napoleon III appropriated this ancient Roman spa at the foot of the Alps for his empire, the National Baths of Aix-les-Bains have been a symbol of France's cushy health-care system.

These days, however, Aix-les-Bains is in hot water. Vowing to trim the fat in France's bloated public sector, President Nicolas Sarkozy has announced 23,000 civil-service job cuts. That includes half the spa's 165 state-employed physiotherapists.

"Of course we went on strike," said Martine Claret, a 52-year-old physiotherapist who has worked at the spa since 1979 and doubles as a union representative.

All the physiotherapists are paid to work full time all year, even though the resort fills up mainly in summer. The decline in business has been so bad for the therapists' morale that 27 are currently on sick leave, most of them for depression.

Seatac, Wash.

Flying the unusual skies, reported in the *Seattle Times*:

A United Airlines flight bound for San Francisco from Seattle-Tacoma International Airport Sunday evening was forced to make an emergency landing after a row of seats gave way during takeoff and slid into the row behind it, injuring one passenger.

The Federal Aviation Administration and National Transportation Safety Board are investigating the incident, which authorities called unusual.

New Delhi

The holy smell of campaign finance, from the *Times of India*:

Allies of India's ruling Congress party performed a massive goat sacrifice for the "well-being and stability" of the government to time with a confidence vote last week.

The regional Samajwadi party, which propped up the government after its left allies withdrew support, sacrificed at least 267 goats and 15 buffaloes in a prayer for the longevity of the government. Samajwadi party politician Kishore Samrite apparently spent 1.2 million rupees ($28,000) on the sacrifice that saw priests and temple devotees gifted with packets of consecrated goat meat.

Special thanks to Russell Garrard, and Tom Isenberg for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

In Arizona, parents of children with disabilities and foster parents had been set free to choose the best school, public or private, to meet our children's unique needs.

But the education establishment wants to stop us.

I am fighting for school choice because parents, not bureaucrats, know our children best.

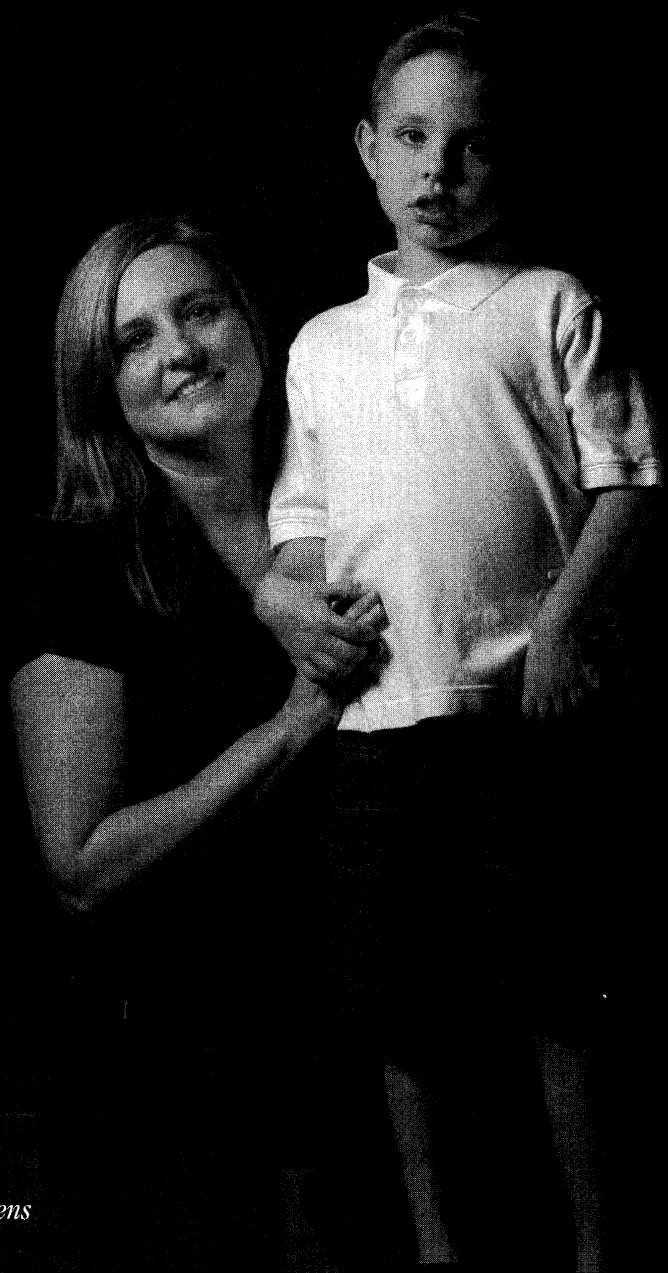

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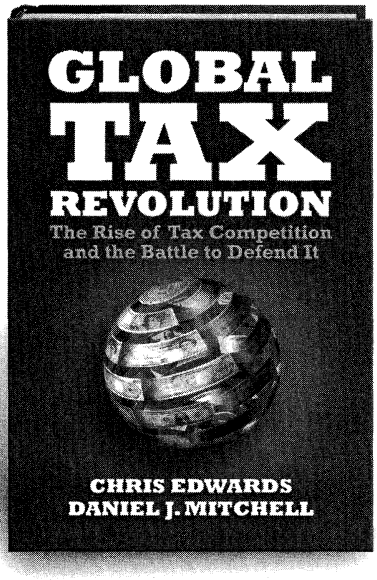

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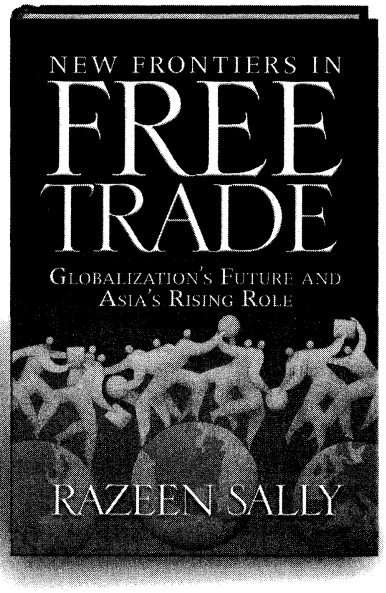

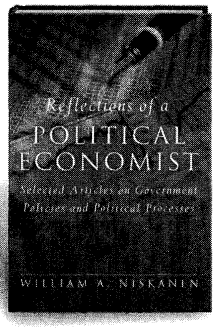

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Inside Liberty

November 2008
Volume 22, Number 10

4 **Letters** An inconvenient subject.

7 **Reflections** We may be cursed, line up our sights, amend our worst-ever lists, let the state raise our kids, ride the white elephant, grasp at a straw, split our enemies, ask what VPILF means, trade freedom for convenience, throw the bums out of court, and prepare for FDR's return.

Features

The Intelligent Person's Guide to Presidential Politics

25 **Not Just for Libertarians** The Libertarian Party candidate, *J. Bradley Jansen* maintains, is more than just the protest candidate.

27 **The Case for Obama** *Bruce Ramsey* admits Obama's platform may not be what libertarians want, but it's better than "more of the same."

28 **The Case for McCain** *Stephen Cox* asks, "Do you really want to vote for the greater evil?"

30 **None of the Above** Nothing could be plainer, *Doug Casey* argues, than the reasons for boycotting the polls.

31 **Warfare, Workfare, and Nation Building** Why is it that the enormous U.S. Army is said to be "spread too thin"? *Peter Allen* provides one answer.

33 **Restoring the House of Mencken** *Bruce Ramsey* visits an abandoned house of liberty.

Reviews

39 **War From Six Sides** *Bettina Bien Graves* discovers books that take us to the heart of World War II through the experiences of its victims.

43 **Vamps & Tramps** From Goth to twee: *Jo Ann Skousen* reads the conclusion of the cult series "Twilight."

Far From the Madding Crowd

Summer had its inevitable blockbusters — but the fall menu has more than leftovers. *Jo Ann Skousen* alerts you to some of the year's best indie films.

45 **In a Dark Wood** Hollywood just doesn't make thrillers like this.

46 **Over the River and in the Trunk** Necessity is the mother of immigration.

47 **One Small Step** Performance art as it should be.

50 **Those Who Can't, Teach** To be or not to be, there is no question.

51 **Hollywood Against Itself** What would happen, *Todd Skousen* asks, if people made a film they actually enjoyed?

40 **Notes on Contributors** None but the brave.

54 **Terra Incognita** Is nothing sacred?

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Letters

Revolting Calvin

Regarding David Kopel's article, "The Calvinist Connection," (October): the odious John Calvin a libertarian? A proponent of state-administered capital punishment and torture for heresy. The Michael Servetus controversy. Sanctioning the murder (i.e., "execution") of a young woman for the crime of striking her mother.

Mr. Kopel, you have chosen an exemplar of liberty in John Calvin. Congratulations. Perhaps it would have better to conclude your article after the first sentence.

Ronald A. May
Lebanon, Ohio

Kopel responds: I never wrote that Calvin was a libertarian. I did say that the principle of revolution against tyranny, which is one important part of libertarian principles, has Calvinist roots, which it does.

Revolting Greens

Given my feeling of a certain kinship with Mr. Contoski, having myself spent the last 20 years as an environmental consultant, I would, after reading his debunking of global warming and the IPCC ("Global Warming, Global Myth," September), like to see him write on the state of science within environmental agencies in general.

Specifically, I would like to see someone with Mr. Contoski's clout write about the Green "sustainable revolution" adherents who have infiltrated and nearly taken over federal, state, and local agencies implementing a new brand of arbitrary and capricious, even whimsical, administration of environmental laws and regulations. Not only do these individuals ignore the law in favor of regulating based on the fears and fantasies of their own minds, in many locales they also seem to be involved in conspiracies with questionable legal firms to foment baseless and hugely expensive claims to wreak havoc on industry under the guise of protecting human health, welfare, and the environment.

If Contoski thinks unethical data selection within the warmist camp is rampant, he ought to take a look at data selectivity to spread fear within such pursuits as the new vapor intrusion craze. (This being just one example of many.)

Unfortunately, the American citizenry has no idea what is happening and is even green-brainwashed to naturally fall on the side of evil. Sure, a few people understand the utter criminality of the global warming hucksters, but few if any realize that on a much smaller scale we are all being swindled daily and quite mightily with far less sexy, yet very economically damaging, nonissues.

After my years observing from the inside of the environmental-industrial complex, I can come to no other conclusion — we are being screwed by yet another revolution that will lead, like the majority of revolutions in history, to tyranny.

Galen Davis
Federal Way, Wash.

A Matter of Degrees

In the September issue, Edmund

Letters to the editor

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Contoski writes about what he thinks is the myth of global warming. In his first sentence he writes that the earth had a temperature decrease of 0.63 degrees Celsius from 2006 to 2007. Although he does not give a reference for this specific data, he does state later that there are four sources of global temperature measurements: NASA, the Hadley Center for Climate Studies in the UK, the University of Alabama at Huntsville, and Remote Sensing Systems (in Calif.). If you look at the data from these four organizations, here is what you will find:

From NASA (http://tinyurl.com/2qv7x9) there was a 0.03 degree increase from 2006 to 2007. From the Hadley Center (http://tinyurl.com/2wp27p) there was a 0.02 degree decrease in temperature. From UAH and from RSS there was a 0.02 degree increase in temperature. Since there is likely an uncertainty of more than 0.05 degree C in this data perhaps the best we can say is that the global temperature was nearly the same in 2006 and 2007. Where did Mr. Contoski get his 0.63 degree decrease number from?

Additionally, Contoski claims on page 35 that "Global temperature has declined since 1998." This is cherry picking. If we use one of Contoski's acceptable sources of data (the Hadley Center in the UK), we find that yes, there was a small decrease if we compare 2007 with only 1998. But how about comparing 2007 with 2000? How about with 1999? How about 1997, or 1996? All of these choices and all years from 1997 back in time for at least the last 2,000 years show 2007 to be warmer: The graphs of data are here:

http://tinyurl.com/3nx3a
http://tinyurl.com/56yblz
http://tinyurl.com/7avvb

So why 1998? That year just happened to have a big rise due to an El Niño event. Here is what Wikipedia says about it:

> The El Niño of 1997–1998 was particularly strong and brought the phenomenon to worldwide attention. The event temporarily warmed air temperature by 3 degrees F, compared to the usual increase of 0.5 degrees F associated with El Niño events.

This is why you will probably find the year 1998 as the comparison year in all of the articles trying to deny global warming.

Contoski also claims that regarding the 20th century, "most of the century's temperature increase occurred before 1940." Using one of his accepted sources (the Hadley Center) we find that there was a 0.2 degrees C increase from 1900 to

From the Editor

Bruce Ramsey has an interesting article in this issue about the fate of a building that should be an American shrine, H.L. Mencken's house in Baltimore.

Now, every libertarian can find mistakes in Mencken's work. I found some, I thought, and itemized them in my biography of Mencken's fellow cultural critic, Isabel Paterson. You can go out and find your own. But after you've done that, just try generating the kind of excitement about individual liberty that Mencken did. Good luck.

Two decades ago, when R.W. Bradford was planning this journal, he talked with me about three journalistic precedents: the Freeman, edited in the early 1950s by the gentle and sincere John Chamberlain; the beautifully produced New Individualist Review (1960s), whose keen-witted editor, Ronald Hamowy, Liberty now boasts as one of its own Contributing Editors; and the American Mercury, Mencken's magazine (1924–33). The Mercury was a literary earthquake. No journal of American letters has ever been more influential; no journal has ever exposed more hypocrisy, lies, and pomposity, or inspired more intellectual revolt against them.

Bill Bradford called me the night after he'd visited Mencken's house. In those days, the great editor's abode was still filled with his own possessions. When Bill sat at Mencken's desk, in Mencken's chair, in the little second-floor room that was the epicenter of the earthquake, his happiness was complete. So is mine, every time I reflect on my own good fortune in watching the tree of liberty branch and flower, as it did in Mencken's life and Bill's life, and as it continues to do in the life of the journal you're reading.

For Liberty,

Stephen Cox

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1940 and a 0.4 degree increase from 1940 to 2000. This is in the first of the three graphs cited above and is exactly opposite to what he claims.

Regarding Contoski's four sources of temperature data, he writes: "NASA is out of step with the other three. The others show temperatures declining since 1998 while NASA shows them increasing at a record pace." Wrong. NASA shows no significant change from 1998 to 2007:

http://tinyurl.com/5er9jn

http://tinyurl.com/2qv7x9

The other sources show relatively small changes from 1998 to 2007. From the Hadley data above the temperature increase from either 1999 or 2000 to 2007 is much greater than the decrease from 1998 to 2007.

My concern is that if there is careless and biased writing about scientific issues in libertarian publications, the general public may conclude that everything else in these publications is nonsense as well. Again, I am not an expert in this field, but nothing more than high school science is needed to see the serious errors in fact and logic.

Gaylord Olson
Princeton, N.J.

Contoski replies: The four sources of global temperature measurements, NASA (GISS), the UK's Hadley Center for Climate Studies, the University of Alabama at Huntsville, and RSS (Remote Sensing Systems) all show large temperature drops January 2007 to January 2008. This is the period I was referring to although the article said simply 2007. The average here from the four agencies is -0.640 degrees C, very close to the -0.63 I used.

In Olson's comparison of the warming 1900–40 with that of 1940–2000, he seems to have simply misread the chart. I do not question his statement regarding the temperature increase 1900–40, but in going from 1940 to 2000 he apparently has used the figure for 2001 or 2002, rather than 2000. The second website he cited is also of the Hadley data for this period and shows the same pattern. However, in addition to showing "best estimate", it also shows three bandwidths with varying degrees of uncertainty, including "total uncertainty." For clarity, Figure 1 displays only the Hadley "best estimate." From this, one can clearly see that "B" is greater than "A", i.e., the warming was greater in the earlier period.

NASA and Hadley obtain their data from surface-based thermometers. The other two global temperature-measuring agencies get theirs from satellites, which are far more accurate. This satellite information has been available only since 1979, but it shows important differences from the surface data. Figure 2 is a chart from a paper by Baliunas and Soon, astrophysicists at the Harvard-Smithsonian Center for Astrophysics. Its satellite temperature measurements do not show the strong uptrend for the same period in the Hadley chart (Figure 1).

S. Fred Singer, in a paper in 2000, noted that since 1979 conventional thermometers have shown a rise of about 0.1 to 0.2 degrees C per decade but "satellite data, as well as independent data from balloon-borne radiosondes, show no warming trend between 1979 and 1997 in the lower troposphere, and could even indicate a slight cooling (if one ignores the unusual warming of 1998 by El Niño.)" He also notes, "Direct temperature measurements on Greenland ice cores show a cooling trend between 1940 and 1995 [Dahl-Jensen et al.]. It is likely therefore that the surface data (from poorly distributed land stations and sparse ocean measurements) are contaminated by the local warming effects of 'urban heat islands.' "

On Aug. 26, 1996, some of the nation's preeminent scientists involved in climate issues sent a letter to Timothy Wirth, Undersecretary of State for Global Affairs and the man most responsible for setting up the Kyoto Treaty. The letter stated: "We wish to remind you that *at least two-thirds of the warming in this century occurred before 1940*, i.e., before most of the increase in greenhouse gases" (emphasis added). The letter also stated "the highly accurate global temperature data from weather satellites show no warming whatsoever in the last 18 years." Among those signing the letter were Frederick Seitz, past president of both the National Academy of Sciences and the American Physical Society; William Nierenberg, director emeritus of the Scripps Institute of Oceanography; and S. Fred Singer, professor emeritus of environmental science, University of Virginia, president of the Science and Environmental Policy Project, and founder of the U.S. weather satellite service.

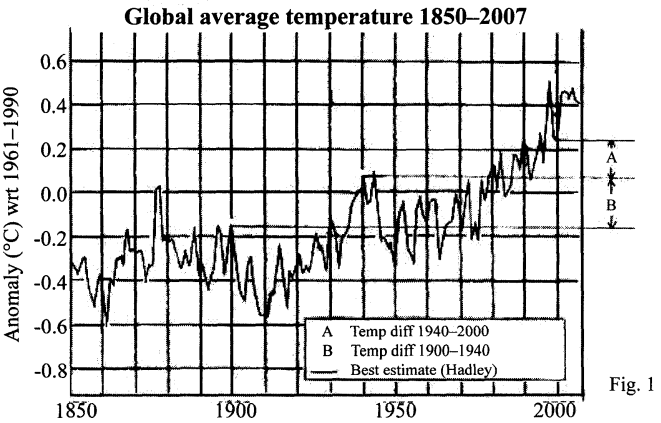

Fig. 1

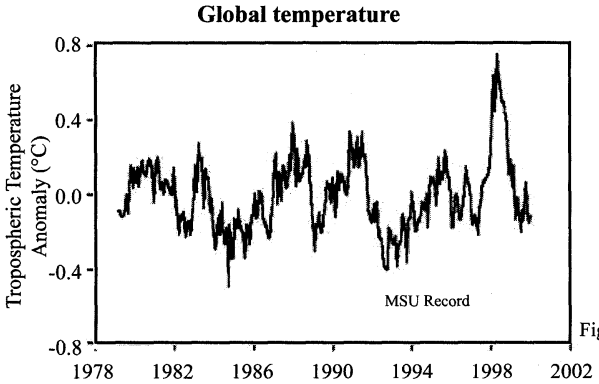

Fig. 2

Olson has missed the significance of my comment "NASA is out of step with the other three." The point is that the other three topped out in 1998 while NASA went on to make a new high in 2005. The two charts below (Figure 3, Figure 4) contrast the NASA highs with the downturn shown by Hadley.

Steven Goddard describes the difference: Hadley data "shows worldwide temperatures declining since 1998. According to Hadley data, the earth is not much warmer now than it was in 1878 or 1941. By contrast, NASA data shows worldwide temperatures increasing at a record pace — and nearly a full degree warmer than 1880." Note, too, how far the 2007 NASA figure remains above the years around 1940, compared to the Hadley chart. Goddard also states that both the satellite data sources (UAH and RSS) "show decreasing temperatures over the last

continued on page 52

Reflections

Good and hard — A new variant of the Obama campaign slogan that came out during the Democratic Convention is "The Change America Needs." I myself am not convinced that Obama is the change America needs. Sadly, and with apologies to the writers of "The Dark Knight," I suspect he is the change America deserves. — Ross Levatter

A pox upon our house — Obama has a National Security adviser a heartbeat away from his presidency; McCain has a beauty queen a heartbeat away from his presidency. Now we get to see if the far-right evangelicals love national security more than they hate *Roe* v. *Wade*.

This reminds me of the old Chinese curse: may you live in interesting times. — Marilyn Burge

He chose . . . poorly — I despise nearly everything McCain stands for and hope he loses but his choice of Palin was extremely clever. It reinforces his conservative base and helps him with women as well as independent and libertarian-leaning voters. He might just win this — a depressing thought.

Obama's selection of Biden, by contrast, was singularly uninspired. Biden's record as the ultimate insider and spear carrier for the war party directly contradicts Obama's "change agent" message. Obama's best hope was to have reinforced that message by picking an independent Democrat or Republican, such as Sen. Chuck Hagel of Nebraska or Gov. Brian Schweitzer of Montana. So much for that.

It increasingly looks as if I'll have to pay off a sizeable bet on election day. If that happens, my only consolation will be that it was Obama's fault, and only Obama's fault, for blowing nearly a sure thing. — David Beito

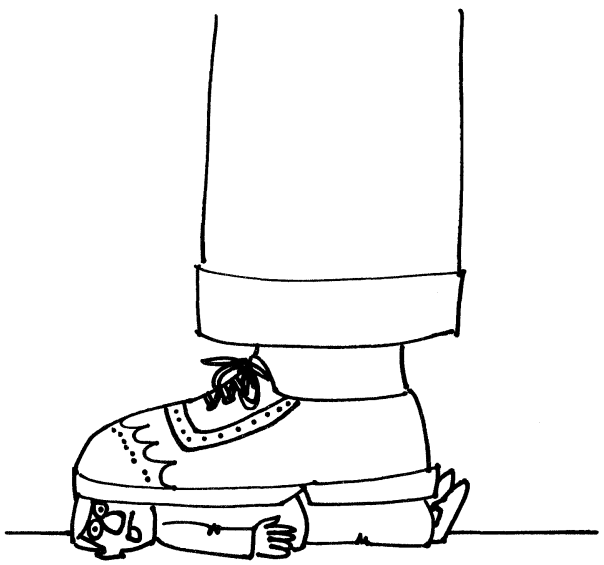

BIG OIL MEETS BIG GOVERNMENT

S. H. Chambers

Barr: none — The libertarian wave that was so strong during the Ron Paul campaign fizzled out under Bob Barr. It turns out that a libertarian running as a Republican works a lot better than a Republican running as a Libertarian. — Tim Slagle

Strange crew — Now that the fog of the primaries is behind us, we can more easily view the results — and they are strange indeed. Experience dominates on the presidential side of the Republican ticket and the vice presidential choice on the Democratic side (not always a reassuring thing). In contrast, while the Dems go for youth and novelty on the presidential side, the Republicans do the same for their vice presidential selection (but, of course, in politics, what you don't know can hurt you). One wonders about the whole process — 300 million people in this country and this is the best we can do?

Still, we know what three of these candidates stand for — more regulations, restricted speech, and higher taxes (I know what Obama says, but the cap-and-trade system, if actually implemented, would represent a $5 trillion[!] tax increase). One candidate might not be disastrous . . . "in the world of the blind, the one-eyed man is king," and all that.

It promises to be an interesting contest and aftermath. No matter which team prevails, free-market types will be operating in a target-rich environment. — Fred Smith

Bottling it — In 1996, Michael Sanera and I wrote a family-friendly book, "Facts, Not Fear," to counter alarmist environmentalist claims. The book had a free-market, self-help orientation.

In the chapter on water pollution, we suggested (as an activity for parents and children) a shopping trip to learn about "products that help people get cleaner or better water." We mentioned bottled water. We implied that for some people, it has merit, even though it is much more expensive than tap water. "The point of these discussions," we wrote, "is to show that people can take action on their own to make sure that their drinking water is to their liking."

Did we handle that gingerly! Mentioning bottled water sounded elitist; who would buy bottled water except the rich? I was afraid that readers would attack us for favoring the wealthy — there is already a tendency to make that charge when you champion markets.

Twelve years later, bottled water is ubiquitous. Teenagers who browbeat their parents for overusing energy and not recycling newspapers are blithely drinking out of water bottles, paid for by parents, wherever they go. It is chic. There are so many water bottles that they, too, are the object of recycling drives. But no one is ashamed of drinking "private" water. No one complains that we are paying $6.00 a gallon. I guess we're all wealthy now. — Jane S. Shaw

Panderphonics — I might otherwise vote to reelect the Republican incumbent of the Alabama Congressional

district where I live, but his much-repeated TV advertisement turns me off. It is full of promiscuous pandering, including promises to do something about the price of gasoline and to help working families in unspecified ways. The candidate even takes pride in having abandoned his party's line by enacting (single-handedly?) a minimum-wage increase. To make matters worse, he pesters voters with recorded phone calls. I, for one, resent having my attention preempted and my time consumed by a caller who has a machine make his pitch to avoid consuming his own time. — Leland B. Yeager

Voter's remorse — When I attained my 18th birthday, it was a wonderful time to be a Republican. The operative word was *gridlock*: Bill Clinton was president, Congress was up in arms against him, and between the two the federal government could barely agree on anything. Hell, they couldn't even keep the lights on.

So stupidly I assumed that, given control of government, the Republicans would continue deflating our capital bloat; I believed (foolish child!) that candidate Bush would maintain the isolationist policies educed on the campaign trail: no more Serbias, no more Sudans, just four to eight years to mop up Great Society detritus while our juggernaut economy jagged on. I went from casting a vote against Al Gore (which I would gladly do again . . . and again . . . and again) to casting a vote for Walker Bush. And I have rued it ever since.

A decade on, it seems to be a great time to be a Democrat. Theirs is the sole antiwar candidate; theirs the opposition to a man who will surely go down as one of the worst presidents in our nation's history. (I wait, and not exactly on the edge of my seat, for the day when Woodrow Wilson, Franklin Roosevelt, and Lyndon Johnson take their well-deserved places above him.) I can understand the excitement of pulling the lever that will dump the Republicans out of power. But so many people I've spoken with seem to be making my mistake, of confusing a vote against McCain with a vote for Obama, and I suspect many of them will come to regret it.

Obama would have to work hard to lose this election: anti-Bush sentiment has seen the GOP suffer heavy losses in con-

Word Watch

by Stephen Cox

There are some issues I just can't leave alone. In my last column, I talked about all those nosy people who burden radio, TV, and "public service" billboards with their unwanted advice. I suggested that the old expression *busybody* should be kept in the verbal arsenal of every intelligent man or woman, and that it should be taken out and used at least once daily by everyone interested in mental or linguistic health.

Now I want to discuss the genus of which *Busybody Americanus* is a species: *Do-gooder horribilis*. These creatures are numerous and active. Their cries are many, raucous, and grating. I can mention only a few of them here. The main thing to remember is that there's nothing so terrible as an organism that's determined to Do Good.

Do-gooders (or do-goods, if you prefer the old-fashioned short form, which requires you to spend less time on the varmints) have started more wars, oppressed more people, and confused more impressionable children than any outright villains or nihilists who ever lunged through the portals of history. True villains rarely last long; they are parasites that kill their hosts. Do-goods, by contrast, may do awful damage, yet still not destroy all life. Their venom may, indeed, have a stimulating effect on their victims, not unlike the effects of alcoholic beverages — euphoria, delusions, manic behavior, lachrymose displays of sympathy for all those miserable people whose chemistry has not been altered in this way. When the hallucinations wear off, the victim often discovers that he did something dreadful the night before, such as writing a check for some political cause. Sometimes there are even worse results. The victim becomes addicted to the venom and remains a do-good for the rest of his life.

Do-goods are actually good for only one thing. They are good for this column. They never cease to provide amusement, dark though it may be. They're always talking and writing, and consequently they're always making fools of themselves in entertaining ways. The important thing is not to let these fools make a fool of you.

Some degree of immunity is provided by the ability to ask, "What the *hell* are you talking about?" If more Americans had asked what President Wilson's friends could possibly mean by a "war to end war," or what President Johnson specifically meant by a "war on poverty," they wouldn't have been so enthusiastic about enlisting in either of those conflicts, or have been so disappointed afterward. The same can be said about the current do-goods' proposals to "end global warming," "end the healthcare crisis," "end obesity," and, indeed, end just about everything on the planet.

It's strange that Americans, in particular, have so much difficulty keeping up their immunity to phrases like this. Some of the do-goods' tricks are so outlandish that it's hard to see how anyone could fall for them. A small example: a friend informs me that he attended a communion service at which the minister described the Last Supper as an occasion on which Jesus distributed bread and wine "to all the men and women at the table." Of course, no one at the Last Supper happened to be female; the do-good simply thought that somebody *should* have been, and was determined to right the wrong. Childish — yes. But the congregants put up with it. They let the preacher keep making fools of them; some expressed their pride in his "orientation toward social justice." And what the hell was *that* supposed to mean?

I'm sure you've heard well educated people say things like, "Each of the nuns wore their habit" and "every mother took their child to school," as if gender equality didn't permit the use of gender-specific pronouns, even when every member of the target group is a woman. Strange! You'd predict that people who worried about women's equality would be eager to put feminine pronouns into every sentence they write — and some do-gooders do this, in ways that never seem strange to them. I'm thinking especially of the current custom among academic philosophers of using "she" and "her" in every place where "he" and "him" for-

gressional races, and McCain is in dead heats even in states that have been GOP locks since Reagan. His election will likely be accompanied by a consolidation of Democrat gains on the Hill: he should have the numbers, even if not filibuster-proof, to push through any bill he wants.

Thus his acolytes are expectant. They believe in him. They look to him to end the war in Iraq, and dish out the goodies. But Obama's chest-thumping over Afghanistan and, of greater concern, Pakistan, indicates that he will reallocate rather than reduce military expenditure. (Confirmation comes in the form of the punchably-faced Joe Biden, who spent much of his Denver convention speech agitating for a new Cold War.) It will be interesting then to see which campaign promises he chooses to break, and how deeply he disappoints. Bear in mind that when Democrats really hit the heights, they tend to get involved in major wars.

But maybe it'll be 1993 all over again, and Obama will be forced to spend most of his time dealing with a newly recalcitrant Republican minority. Maybe his supporters' regrets will be limited to complaints about not getting enough largesse. Maybe glorious gridlock will return. No matter what, like his Democrat predecessors listed above, President Obama's name will never, ever appear on any list of "worst presidents." Let us hope it doesn't deserve to. — Andrew Ferguson

Prognosis — The white, middle-aged, upper middle class right-wingers that I know all seem to believe that McCain is going to win the election. I tend to think their status insulates them from the real pain many people are feeling. $4.00 gas and $4.50 heating oil doesn't mean all that much if you have a six-figure income. The well-to-do for the most part don't have sons or daughters in Iraq or Afghanistan, either.

Of course, left-wingers in the same demographic are likely to believe Obama will win. These folks are insulated from reality, period — that's what makes them leftists. But they happen to be right about this particular election.

As I write this, it's still a long way to November 4. Something extraordinary — a big foreign crisis that threatens to involve the country in another war, for example — could

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merly appeared: "The original reader would have understood how she should interpret Hume's irony"—as if, in the 18th century, readers of philosophic treatises were chiefly women. You would think that anyone who really cared about the history of women's former exclusion from intellectual life would hesitate even to hint at such a falsehood. But a do-good never hesitates.

And do-goods don't care about the truth; they care about their own bad consciences. Only someone who feels guilty about fighting a war feels inspired to call it an attempt to end all wars. Only someone who feels guilty about "social inequality" conducts a constant verbal war on it. Only someone who is guiltily eager to prove his *sensitivity* can mangle history, language, and common sense in the ways I'm noting here.

There's a popular Christian hymn (a good one, too) that proclaims, "The darkness shall turn to dawning, and the dawning to noonday bright." Concise, dramatic, euphonious phrasing — but some *sensitive* and *inclusive* hymnals now find substitutes for "darkness" ("midnight," for example). Well, why in the world would anybody want to destroy the alliteration? Apparently some people's bad consciences make them see "darkness" as a slight to African-Americans. Who but a person with a bad conscience would imagine that metaphysical "darkness" had anything to do with skin tones — and then become anxious to prevent anyone from sharing their sordid thought?

It wasn't a bad conscience, however, that motivated a radio announcement I heard this summer. It was a plea for a certifiably good cause — organ donations. But there's something about a good cause that makes the do-gooders' heads come off. The radio ad went on for a long time, in the way you'd expect it to; then it came to a climax: a command that every listener sign an organ donation card, because "you, or someone you know, could live tomorrow, because of your gift of life today!"

I ask you: How can I live "tomorrow" because I donated my heart "today"? Remember, what I'm being urged to do is sign a card to let someone else use my organs *after I'm dead.* Admittedly, there are theologians who argue that good works in this life can purchase happiness in the next. St. Paul didn't believe it, and neither do I, although the doctrine is virtually irresistible to do-goods. Yet I don't think the Gospel of Works was being invoked in that radio ad. Do-goods and their victims are simply so prone to hysteria that they seldom know or care what they're actually saying.

You can see this tendency in a more threatening form in the current craze for *community* service. In some high schools, public and private, kids are required to do "community service" in order to graduate. Other kids are coerced into "service" so they can increase their odds of getting into college. Once in college, they're expected to "volunteer" to work for some do-good organization, so they can increase their odds of getting into a professional school. And now they're being told, by politicians of various stripes, that after they graduate they should do "community service" to "pay back" what "society" has spent on their "education." Yes, I put "education" in scare quotes, because most contemporary "education" has nothing to do with learning or thinking. If it did, why would all the "educated" people be advocating nonsense like this? If you think that kids can demonstrate their fitness for higher education, or life in the real world, by running a Xerox machine, making sandwiches for bums, or taking dogs on visits to old people's homes, you're not educated; you're merely one more victim of the do-good mentality.

I've had many conversations with people who "just feel," for reasons unknown to either them or me, that community service is a wonderful thing; and I've always asked them, "So what are these servants supposed to *do*?"

"Oh," they reply. "Oh . . ." They have no idea.

"Let me put it this way," I continue. "Do you want them working in *your* office (or shop, or lab, or classroom)?"

"Uh . . . no, I guess not," they always say. "I wouldn't have anything for them to do. They're not . . . they're not, uh . . . trained . . . or anything." Meaning, they're not *educated.*

"Besides," I ask, "who's going to pay for all this?"

"Well," they say. "I don't know."

"Maybe," I suggest, "they'd do more good by getting normal jobs, if somebody wanted to hire them. That's what you did, isn't it? You went out and got a job."

"Yes," they say. "I think you're right. I guess community service isn't a very good idea."

So that's my way of doing good.

change the dynamic and elect McCain. The extraordinary event most likely to occur, however, is a meltdown by McCain in the debates. The man is crankier and far less sharp than he was eight years ago. The betting here is close to even that he will implode during one of the debates. That would mean a big Obama win in November.

Assuming McCain doesn't implode, Obama is still the next president. Despite the Clintons' best efforts to ruin his candidacy, despite the tepidness of his support among blue hairs and Bud drinkers, Obama will benefit from bigger than usual youth and minority turnouts. Combine that with bad economic times and you get Obama, by my count, winning between 275 and 302 electoral votes. The popular vote also will be close; I'd say Obama gets less than a million votes more than McCain.

Oh, and what does the election portend for the Libertarian Party candidate, Bob Barr? This crystal ball says Barr gets 0.7% of the popular vote, tops. "Wait till next cycle," I can hear the LP members chanting. Or will they simply pine for the good old days of 1980, when they got 1%?

You read it here first. — Jon Harrison

Loco parentis — A 12-year-old sixth grader in Quebec was disciplined by her dad for posting her photos on a dating website. He kept her from going on a school trip. Was this too harsh a punishment?

Well, any person can have views on this, but really, what they do as a family is pretty much their own business. Or at least that is what any sensible person with the slightest of dignity and respect for other people's personal lives would have thought. But not the most Honourable Madam Justice Suzanne Tessier, to whom the sixth grader went with a case against her dad. Tessier, instead of laughing the case off, reprimanded the father for having been too harsh, insisting that the girl be allowed to go on the school trip.

My suggestion to the dad: pack your daughter's bag and leave her at the Tessier's door. Your daughter will quickly learn the most important lesson of life — the world very often is not what it seems, and bleeding-heart folks like Tessier are no benevolent judges, but people who like to do charitable things as long as such things don't involve risking their own money, time, or personal enjoyment. Instead of getting attracted toward these "benevolent" characters, the daughter should learn to feel repelled. — Jayant Bhandari

California schemin' — This November, a $1 billion light-rail line is on the ballot in Kansas City. A $400 million commuter-rail line is on the ballot in Sonoma and Marin counties, California. A $45 billion high-speed rail project, promising 220-mile-per-hour trains from Sacramento and San Francisco to Los Angeles and San Diego, is on the ballot in California.

All these propositions depend on persuading voters that rail lines will reduce congestion. In fact, Kansas City's light rail will make congestion worse. The Sonoma-Marin train promises to take less than 1% of cars off the road. California's high-speed train is predicted to take less than 4% of cars off the road. Yet every piece of campaign literature for these measures mentions congestion relief.

This is an example of what Bent Flyvbjerg, author of the book "Megaprojects," calls "strategic misrepresentation." Flyvbjerg says that these types of projects suffer from "optimism bias," meaning that their proponents deceive not only the public but themselves with overly confident assumptions.

For example, most of the predictions for California's high-speed train are based on estimates that the train will carry 30 times as many people each year as Amtrak's 150-mile-per-hour Boston-to-Washington trains, which serve a higher-density corridor. Meanwhile, given past experience, it is reasonable to add 40% to the cost of all these projects.

Because of its high cost, the California high-speed rail is most frightening. If this measure passes and construction begins, it will create a high-speed rail lobby in the U.S. that will promote white elephants so expensive as to make all our light-rail boondoggles look cheap. — Randal O'Toole

Mustang Sarah — I just wrote to L. Neil Smith, author of speculative fiction, and accused him of writing the backstory and bio in secret, and then hiring an excellent actress to portray Sarah Palin. I'm still not sure that didn't happen. Of course, she might also be from an old unpublished manuscript of Heinlein's. At any rate, we have here a unique opportunity to help get an ideal American type into the vice-presidential office. Before this happened, I would have bet it would be impossible for John McCain to do anything at all that could persuade me to vote for him. I was wrong.

Is McCain the Yeltsin of America? Yeltsin did two great things — he got up on that tank, and years later he named Putin his successor to clean up the mess he'd made in his own years in office. McCain survived a captivity that would have destroyed most of us, and years later he named Palin.

It may be the one of the few genuine acts of genius in American political history, and ol' McCain did it.

Not only is the opportunity to get her in office, and maybe to elect her president in a few years, a wonderful thing, but the icing on the cake is to experience the reaction of the Left. It's hard to oppose her without opposing the very fabric of the American soul, and that's what they're doing. She's not a typical American type, as many have said — she's the ideal American type. Annie Oakley and June Cleaver. Dana Scully, Nancy Drew, Molly Brown . . . the list goes on.

I'm off to get a bumper sticker. — Rex May

Why feed the bear? — Russia has used the billions the West has poured into its coffers to rebuild its military and stoke its revanchist plans to get its empire back. If this wasn't obvious from Putin's words over the last few years, as well as his ruthless suppression of dissent and freedom of the press in his country (including targeted assassinations of journalists critical of his regime), it is now crystal clear with his invasion and dismemberment of Georgia.

Putin, the crafty chessplayer, played the game deftly. He flooded money, arms, and citizens into the two rebellious regions of Georgia (Abkhazia and South Ossetia) after France and Germany blocked Georgia's (and Ukraine's) admission to NATO. When the Georgians — in a tactical blunder Putin was waiting for — tried to reestablish control of over those regions internationally recognized as their territory, the Russians moved in rapidly and in force. The result is that Russia now has de facto annexed those regions, and its tanks are close to the capital. All the while Europe and the U.S. have looked on passively.

Besides wanting Georgia back in their empire, the Russians have a larger objective: to control the energy supply of Europe. Georgia just happens to have a major oil pipeline (the Baku-Tblisi-Ceyhan pipeline, owned by BP), through which a million barrels a day flows. This pipeline is a vital source of oil for Europe, and Russia intended the message to be sent that the pipeline is now under its control. In case the Europeans — obtuse to be sure — didn't quite get the message, the Russians underlined it by hitting the pipeline with 50 missiles.

Putin's plan is to achieve, by controlling Europe's energy supplies, what Stalin couldn't achieve with his armies: hegemony over the continent.

Absent some stern response from Europe and the United States, we can expect Ukraine to be hit next. Ukraine has a large number of ethnically Russian citizens loyal to Russia, and is a democracy — something which authoritarian regimes like Russia despise. More to the point, Ukraine has the Crimea — a strategically important peninsula where a large Russian fleet is harbored. This fleet is supposed to be leaving by 2017, though that is unlikely now that the Bear has gotten away with attacking Georgia. I doubt it will be even a year before Putin attacks Ukraine.

We should consider some peaceful but meaningful measures here. Certainly we should end the joint operations with the Russians on the space station and boycott the 2012 Olympics scheduled in Russia. But more importantly, we should end all connections with Russia vis a vis our nuclear power industry. Earlier this year, for example, Bush submitted to Congress the "123 Agreement," which would allow the transfer of nuclear materials and technology to Russia, allowing Russia to reprocess spent fuel from our reactors. The deal was already suspect because of Russia's enabling of Iran's nuclear weapons program. It should now be off the table permanently. The last thing we need is to have the Bear's claws on our nuclear power in the way they are on Europe's oil and natural gas supply.

Most importantly, we need to quit feeding authoritarian regimes like Russia, Venezuela, and Iran the billions for energy that we currently do. We need to build nukes, drill domestically, allow importation of ethanol from places where it is produced more cheaply than here, and continue to develop alternative sources of energy. — Gary Jason

Hire purpose — Chicago Mayor Daley recently asked city employees to take unpaid furloughs as a way to meet the budget shortfall without layoffs. I don't really understand this. Most municipal government positions are necessary things; if the garbage man doesn't show, eventually someone else has to pick up the trash. So how is it possible that so many employees can take off so much time and the city can still function?

In the private sector, those employees would be considered unnecessary, and have to find more productive places in the economy to apply their talents. But in a city that counts on the assistance of municipal employees around election time to maintain the power structure, layoffs are unheard of.

It is a big part of why the government can never outperform the private sector. In the private sector, people are hired when there is a task that needs to be done. In a government, people are just hired. — Tim Slagle

Natural enemies — With environmentalists increasingly upset about bottled water, energy independence, resource waste, landfill adequacy, and so forth, one might hope to harness their energy to a useful cause. Why shouldn't they take on the TSA? Think of the billions of bottles of cosmetics, hairspray, fast drinks, and even (gasp!) water that have been confiscated at airports throughout America. (Full disclosure: I lost a bottle of Laphroaig scotch myself.) Sure, they argue that it makes us safer. But what about the safety of our planet, now menaced by dumpsites loaded with confiscated fluids?

Could we divert the Greenies' political clout into repealing the Homeland Security Act? — Fred Smith

Olympic pillage — Who won the 2008 Olympics? For all the talk about the Olympics being an individual event in a post-Communist world, it's still a war of ideology. Communist China ranked first in the official Beijing Olympics website because it garnered the most gold medals, 51, compared to the USA at 36, and Russia, 23. But surely silver and bronze mean something, and in terms of total medal count, the United States came in first at 110, followed by China at 100, and Russia at 72.

Given that pundits confidently predicted that China would surpass the United States in the total medals count, I think that's a victory for the decentralized free-enterprise model of the United States, versus the centrally planned, government controlled model. China and many other governments spent millions, if not billions, funding their Olympic athletes, but not the United States. The U.S. Olympics Team is financed almost entirely from individual, corporate, and community sources, a feature that sets American amateur sports apart from athletic programs in much of the rest of the world.

South Korea far outdistanced North Korea, 31 to six in total medals, though unfree Cuba won 24 medals, compared to only 11 for free Jamaica. Venezuela earned only one bronze medal, an indication of the instability in that oil-wealthy nation.

But what about Russia? It came in third, but if you count all the old Russian satellite countries, such as Belarus, Georgia, Lithuania, Kazakhstan, and the other stans, the old Soviet regime received almost 170 medals, much better than China or the United States. Apparently breaking up the Soviet system was a good thing. Any way you slice it, freedom wins.

— Mark Skousen

Drug thugs strike again — Now for the latest in the government's war on personal liberty . . . oops, I mean the War on Drugs. On July 29, in Prince George's County, Maryland, law enforcement officers raided the home of Berwyn Heights mayor Cheye Calvo, kicking in the door with guns drawn and seizing a package that contained 32 pounds of marijuana.

Unfortunately for Mayor Calvo, the package was delivered to his door as part of a smuggling scheme involving a Federal Express employee who left drugs on innocent people's porches, to be picked up later by a confederate. Coincidentally, the police got wind of the scheme just before the mayor's home was selected as a dropoff point.

Did I mention that the cops kicked in the door with guns drawn? Yes, I did. They also handcuffed the mayor and his

mother-in-law for six hours. Oh yes, and they shot and killed the mayor's two black Labradors, saying they felt "threatened" by the dogs.

Mayor Calvo claimed the thugs — I mean, the police — killed the dogs "for sport." One was shot while running away from the storm troopers. Officials later stated that the Calvos were "most likely" innocent victims (in fact, there's no doubt they were just in the wrong place at the wrong time), but they refused to apologize for killing the dogs. Black labs, for you non-dog lovers out there, are gentle creatures and don't pose any threat to big, grownup cops, armed or not.

The official response to this act of official terrorism: the conduct of the police is being "reviewed" by the FBI. I don't know about you, but I'm not particularly reassured that the Felonious Bureau of Investigation is on the case. One hopes that the mayor will sue, and that he wins damages large enough to reduce the county's budget for waging the "War on Drugs" for years to come. The officers who conducted the raid should of course be hamstrung, but alas, there's no provision in the law for this. — Jon Harrison

The dignity divide — Watching Sarah Palin during the initial days of wonderment, the thought came to me: if she and John McCain win, the Left is going to be so angry. That the victory goes to this woman and not a progressive feminist like Hillary Clinton will make them feel cheated by history. The Left will feel even more wronged and ashamed at a defeat of Barack Obama, a man they feel is owed the White House because of who he is, and who for months, they thought, had it in the bag. Big figures will accuse America of cultural sickness, of uneradicated racism, of being a nation unworthy.

If the Republicans lose, they will be disappointed, of course, but they will take it quietly. The Democrats will howl.

— Bruce Ramsey

Economy: stupid — Barack Obama is going to win in a walk. I make this prediction with mixed feelings. Obama will boost our standing in the world's eyes. He will inspire a young generation of blacks and other minorities to believe that they can succeed in America. But his economic policies will prove disastrous. — Randal O'Toole

The liberty club — In our study "The Libertarian Vote," David Kirby and I estimated that about 15% of American voters hold libertarian views — not libertarian in the ideological sense held by many readers of Liberty, but views that are neither liberal nor conservative and that tilt in a broadly libertarian direction, skeptical of government involvement in both economic and personal matters. One of the questions we got in response was, "Then why don't libertarians have more influence?"

You can argue that libertarian voters do have a lot of influence. In the past generation or so, the United States has ended conscription and Jim Crow laws, slashed marginal tax rates, ended the tight regulation of the transportation and telecommunications industries, and revolutionized the roles of women, blacks, and gays.

Nevertheless, there have been plenty of policy changes in the other direction, the Libertarian Party remains infinitesimal, and libertarian voters are frustrated in every election by a choice between big-spending Democrats and religious-right, military-interventionist (and, ahem, big-spending) Republicans. So if 15% of voters would like something different, why can't we organize them into an effective faction?

Here's one hypothesis: One reason why libertarians underperform politically is that they are politically split, not just between radicals and incrementalists, as can happen in any political movement, but also among various political movements — while being too small to influence any of them very much.

It seems to me that libertarians come in several political groupings:

(1) Those who care primarily about free markets and thus support conservative Republicans. Given the candidates on offer, that means helping to move the GOP to the right on social issues (and war and civil liberties) as well as on economic issues. This group would include the Club for Growth, Republican "Leave Us Alone" activist Grover Norquist, many donors to free-market thinktanks, and probably most libertarian-leaning politically active people.

(2) Those who want to make the GOP more socially tolerant and thus support moderate Republicans, which effectively means Republicans who aren't very free-market. This would include Log Cabin Republicans, pro-choice Republicans, and lots of Wall Street and Silicon Valley businesspeople.

(3) Those who think the GOP is irredeemably bad on social issues and civil liberties and thus support Democrats. This would again include some Silicon Valley businessmen who are pro-entrepreneurship and fiscally conservative but just can't support a party that is opposed to abortion rights and gay rights. A dramatic example is Tim Gill, the founder of Quark, who calls himself a libertarian but has contributed millions of dollars to Democrats because of Republican opposition to gay rights. There are also broadly libertarian people involved in the ACLU, the drug-reform movement, and other civil libertarian causes.

(4) Those who support the Libertarian Party. They don't get many votes, but they include a large percentage of libertarian activists.

It would be a better world if libertarians of the Cato-Reason-Liberty stripe were the intellectual vanguard of a broadly libertarian, or classical liberal, or "fiscally conservative, socially liberal" party or faction. But that's not the case. I don't have a real solution for this problem. We could hope for a libertarianish politician to emerge who could appeal to all these groups. But that's very difficult, given the existing divides both between the parties and within the Republican Party. And it may also be that libertarians just don't have the drive for power that characterizes major political leaders. I wrote back in 2006 that "three libertarian-leaning governors — the brilliant lawyer William Weld, the eccentric entertainer Jesse Ventura, and the true citizen-politician Gary Johnson" — all walked away from politics sooner than most politicians do.

Since then, of course, Ron Paul has emerged as the most successful libertarian politician around. He did have some crossover appeal, attracting young antiwar people as well as free-marketers and constitutionalists. But his support seemed more intense than widespread, and his seeming hostility to trade and immigration would limit his appeal to the broader libertarian constituency.

One possibility might be to create a nonpartisan libertarian advocacy group. Right now there are lots of libertarian (or at least free-market) thinktanks. But there's no libertarian equivalent of MoveOn.org, the Family Research Council, or other such mass-membership organizations. In the February 2001 issue of Liberty, Randal O'Toole suggested converting the Libertarian Party into the Liberty Club, which like the Sierra Club could organize, inform, educate, agitate, and lobby on a wide range of issues without requiring its members to support particular candidates or parties. Maybe he had a point. — David Boaz

Mocha Manicheans — The weekend before the Republican National Convention, I fled my loud house and took my laptop to a nearby Starbucks and its less distracting white noise. The only available table was near one of the doors and a small newspaper rack; I took it and plugged in. Over the next two hours, I witnessed a kind of focus group of frappuccino drinkers heading out to the beach.

The two newspapers most clearly visible in the rack each featured above-the-fold photos of John McCain. Just about everyone walking by commented. And the most common responses involved a lot of stammering and some use of the word "evil." "My God, he's like — I mean he looks — evil." Or just a click of the tongue followed by a hissed "Evil!"

Now, I'm no fan of Sen. McCain. I think he's a statist and his campaign finance "reform" schemes amount to an effort to regulate political speech. But I don't feel the need to express my criticism in stark moral terms. "Evil" invests too much power in a politician; the truth is that most, almost all, are clerks. They're too trivial to warrant categorical damnation.

I could understand if Sarah Palin's evangelical Christian acolytes described Sens. Obama or Biden as "evil." Such crude terms fit their manichean cosmology. But Obama's *bien pensant* supporters are supposed to be worldly and sophisticated. Not the sort who'd liken an avuncular, gray-haired politician to Beelzebub. Yet, there they were. "He's just, I mean, evil." "I can't believe anyone'd, um, ever, you know, vote for that evil old fuck."

There were too many "evils" for this to be coincidence. I did a quick check online to see whether any popular pundit or comedian had called McCain evil. I couldn't find a smoking gun. Nothing from Jon Stewart or talk radio's likely suspects. DailyKos contributors call McCain evil a lot . . . but the people walking through Starbucks didn't look like the sort who'd drill deeply into the NetRoots.

Maybe the explanation is simpler. Among Sen. Obama's appeals is that he conveys a cheap sense of sophistication upon his supporters. And crude, ignorant people — conditioned to categorize people they've never met as "good" and "evil" — are drawn to this cheap appeal. — Jim Walsh

Faith-based technology — The papers are rife with the distortions to rational science policy stemming from the power of religious groups. The bulk of that criticism has been aimed at right-of-center Christian groups. But I'm not too worried about that aspect of the problem. The drive toward medical advances is unlikely to be slowed appreciably by bans on government-sponsored embryonic stem cell research (note that adult cells turn out to be more adaptable than once believed) and science can fairly easily handle creationism without my help.

But, today's dominant religion (at least among the *soi-disant* intellectuals) is "statism," not Christianity, and that form of religious interference is more troublesome.

Perhaps the best example of the fervor of leftist religiosity is the push for technology mandates. Everything from our refrigerators to our light bulbs to our SUVs must adhere to a leftist vision of energy "efficiency" (no matter how much product quality and reliability must be sacrificed to achieve it). America itself must return to energy use levels last met at some date in the virtuous past. Cars would be required to achieve fuel efficiency levels of 35 mpg (by legislation pushed by Republicans and Democrats alike). But to our more devoted advocates this isn't enough. They argue for ever more restrictive standards and much shorter compliance periods.

All agree that the environmentalists' plans will require technologies that don't yet exist or that do exist but at levels well beyond those commercially feasible (that is, levels that you and I can afford). No worry, say the efficiency advocates; technology will soon exist to do all this while also lowering costs, increasing employment, reducing imports, and increasing workforce diversity! And that's from the Republicans!

Faith in God can be troublesome, but faith in the state can be downright dangerous. — Fred Smith

Beyond the Palin — America is absolutely smitten with Sarah Palin. She's pretty, well spoken, and not afraid to speak her mind. She supports the 2nd Amendment, is not ashamed of her youthful experiments with marijuana, and is rumored to have joined a secessionist party. I can't help but wonder why she isn't on our side.

If Sarah Palin had ever wandered into an LP event, I imagine that she would have been so overwhelmed with the attentions of lonely Libertarian men that she would have felt like a stray dog wandering the streets of North Korea.

Normally a candidate with John McCain's actuarial tables is scored negatively. But with Palin in the bullpen, McCain's advanced age is quite an asset. — Tim Slagle

Thoughtless crime — Recently, I read an article in the Atlantic about the excessive number of traffic signs in America as compared to England, and how many fewer accidents occur in England than in America. The point was that having too many traffic signs decreases driver discretion. In other words, American drivers don't think; they let the signs tell them what to do. It is a good article, and I recommend it. But beyond general agreement with its critical view of the state of the American road, it got me thinking.

Here in America, we pride ourselves on a society that operates under the rule of law. Most people likely think of this as it is defined by Black's Law Dictionary (6th ed.): "The rule of law, sometimes called 'the supremacy of law,' provides that decisions should be made by the application of known principles or laws without the intervention of discretion in their applications." Or, more generally, we are governed by set laws and not by the capriciousness of men.

Sounds good, but in America today, that definition is increasingly alien from what we citizens regularly experience.

Whether we call it a nanny state, or creeping socialism, or some other phrase, "rule of law" is very steadily becoming

"Rule of Law." Instead of laws that guard against governance by whim or selective application, we face multiplying sets of statutes, acts, regulations, and litigation that effectively to govern almost every bit of our lives. Thanks to "well-intentioned" law, the act of purposeful decision-making — and the necessary independent thinking that precedes it — is in danger of becoming a relic.

Think about it (as I know Liberty readers do). We can smoke in fewer and fewer areas (some residential configurations even ban smoking in one's own home); we can drink less and less socially as states continue to ratchet down legal blood alcohol limits for driving; our fast-food and trans fat intake is being regulated; we must "click it or ticket"; in some states we can't talk on handheld cell phones while driving . . . just to name a few legal intrusions. The list does not even begin to touch more fundamental issues, such as suicide.

Sure, I'm no fan of smoke-filled rooms; I detest drunk drivers; I automatically put my seatbelt on when I am in a car, calculating that my accident survival odds are better if I'm strapped in. And I can appreciate some of the good intentions behind these measures. But, well meaning or not, this Rule of Law is creating a fundamental problem. Making choices for oneself, no matter how large or small, requires much independent thought, calculation, and deliberation. To function, a free society must be made up of citizens equipped with the deliberative ability to make their own decisions, people who accept responsibility for the consequences of their actions. By allowing government, through Rule of Law, to make our choices for us, we abrogate both independent thought and responsibility.

Sometimes decision-making and its required forethought are inconvenient or aggravating, and at first glance it might seem pleasant to be free of responsibility. Surely we have all played silly party games about "what would you do, if you knew you would never get caught." But, in real life there is a price to pay. By giving up responsibility for our actions, we ultimately give up the right to choose our actions, and we give up the thought process that goes into decision-making, ceding independence to the reflex of doing what's chosen for us. We go from being the governing to being the governed.

When citizens lose their ability to think, they are no longer free to govern themselves, and society itself is no longer free.

— Marlaine White

Waste line — The fact that Medicare, Medicaid, and Social Security, even if run honestly, will consume the entire budget of this nation in a couple of decades is already tough to take. But when you hear of fraud and waste committed in those programs, it gets even tougher. Two recent Wall Street Journal articles bring this home.

The first (July 9) reports that Medicare is grossly overpaying for rentals of "durable medical equipment" (DME). DME prices were set in law in the 1980s and have been increased since then to allow for inflation — even while the cost of DME has gone down, like that of most high-tech equipment.

So an oxygen concentrator (something that delivers oxygen to patients by means of a tube) that goes for $600 on the open market gets rented by Medicare for $7,142 (over a three year period). Of that cost, the taxpayer eats $5,714.

Attempts to institute competitive bidding have been tried, starting in 2003. What little of this has been done has cut DME costs by over a quarter. But not only is Congress not broadening competitive bidding, it is entertaining a bill crafted by lobbyists for the equipment makers in order to delay what little we have.

The second article (also July 9) reports on outright Medicare fraud. It turns out that crooks, during the years 2000 to 2007 alone, ripped off Medicare to the tune of over $90 million. They filed about half a million fake claims under the names of 16 to 18 thousand dead doctors!

The GAO, the Fed's fiscal watchdog, estimates that Medicare alone shelled out over $12 billion in 2005 (and over $21 billion in 2004) in fraudulent or inflated charges. Quite a record, indeed.

— Gary Jason

In limbo — In July's issue, this reflector told you about Susan LeFevre, the San Diego housewife who was arrested after 32 years on the lam from a Michigan drug conviction, for which she had received a 10–20 year sentence. Despite her youth at the time of her offense, and her spotless life since, officialdom has exacted its pound of flesh and more: LeFevre will serve at least five and a half years on her drug conviction. In addition, Michigan is pursuing an escape charge against her. Michigan governor Jennifer Granholm ought to commute her sentence for the drug conviction and pardon her on the escape charge. Will she? Of course not. She wants to be Obama's attorney general. The irony here is that the man she hopes to serve is an admitted former user of illegal drugs — only, he never got caught.

What a purgatory we have made in this country, as we ruin the lives of thousands of people in the name of suppressing victimless crimes.

— Jon Harrison

An evangelical libertarian? — Like many limited government advocates, I am usually unimpressed and unsatisfied with the candidates put forward by the establishment parties. And my skepticism about his road-to-Damascus conversion from conservative statism prevents me from voting for Bob Barr. But I am intrigued by Alaska Gov. Sarah Palin — though I have little interest in the rally-the-base role the McCain campaign has designed for her as its vice presidential nominee.

I'm more interested in the reformist, limited-government persona that she had developed before her ascent to the national stage. Politics in Alaska are, like many things about the 49th state, unique. The Republican Party dominates the scene up there. But it's not the limited-government GOP of the rest of the West or the evangelical GOP of the New South. It's a mutant, big-government party that's institutionally corrupt, addicted to taxes on oil production, and marked by cronyism and nepotism. Sen. Ted Stevens' recent arrest on corruption charges highlights the extent of the trouble.

You might say that the Alaska GOP is an extreme version of what the national GOP has become during the W. Bush years. So, it's easy to see why McCain saw potential in Palin. She ran against Alaska's mutants and won. Her reformist persona resonates well with ordinary Alaskans. (Plus, there's something viscerally appealing about a woman who knows how to handle a firearm and field dress game.) This all implies the common sense and self reliance that are essential to individual liberty. And Palin has called herself a limited-government

advocate throughout her political career.

Of course, this is not the aspect of Sarah Palin that we're likely to see and hear in the days leading up to the election. The McCain campaign will emphasize her appeal to social conservatives and — very likely — her evangelical faith. The Obama campaign and its proxies will emphasize the tawdriness of her working-class lifestyle . . . and her evangelical faith.

This gets to an issue of interest to all libertarians, especially if limited-government beliefs and evangelical faith are both on the rise: can evangelical faith and limited-government philosophy coexist in the same person?

I think the answer is yes.

The genius of the Establishment Clause and the spirit of our separation of church and state is that it allows a person to support and participate in government regardless of his religious faith (or lack of religious faith). Of course, some Christian evangelical sects make proselytizing and active conversion central tenets of their faith. They charge their members to proselytize everywhere — at work, in business, and in government if they reach public office. This runs against the spirit and the letter of the Establishment Clause.

To participate effectively in a rational limited government, evangelicals will have to curtail some of their proselytizing fervor. My guess is that the leaders among them understand this.

Palin would add value to the public discourse by talking how she balances religious faith with belief in a limited government. I suspect that that's not something that will fit in the frenzy leading up to the 4th. But the prospect of hearing her talk about it is just about enough to make me fill in the oval next to her name. — Jim Walsh

Between Barack and a nut case — OBAMA! Whenever my friend Porter Stansberry refers to Barack H. Obama, he does so with caps and an exclamation point, as if he were a NEW! and IMPROVED! product that's being marketed. It's an astute observation on Porter's part, and I'll follow his lead.

I suspect OBAMA! will be our next president. My main reservation in saying so is that I haven't been a great handicapper of U.S. political races. I just don't have my finger on the pulse of *Boobus americanus*; as cynical as I am about politics, I'm not cynical enough. In moments of realism, I've come to recognize that if I like someone, the average American will probably hate him; and if I dislike him, the mob will probably love him. This year I wonder how anyone could like any of the candidates for president. The left wing of the Demopublican party offered a choice between OBAMA! and Lady Macbeth. The right wing of the Republicrats offers a tired, hostile, mildly demented old man. You'd think that out of 300 million people, there would be a wider choice.

My colleague Marin Katusa, who is not only academically smart but almost preternaturally street-smart, believes McCain will win simply because people are still essentially tribal. They may talk a politically correct line about supporting a young black man, but in the privacy of the voting booth they'll atavistically vote for someone more like themselves — which is to say, an older white person. I don't disagree, but point out that OBAMA! would actually be our third black president, after Bill Clinton, and then Morgan Freeman who, you'll recall, was the president in that movie about an asteroid hitting the earth. We have a bottle of Johnnie Walker Blue hinging on the outcome, but the truth is that, no matter who wins, we all lose.

My case for OBAMA! winning rests on three premises.

One, he says he's against the war in Iraq. However belatedly, this disastrous, unprovoked attack has become almost as unpopular as it deserves to be. Many people will vote for OBAMA! largely for the reason they voted for Nixon in 1968, because he claims to be a peace candidate. McCain, as an outspoken warmonger, isn't even an option.

Two, the economy is on the edge of a precipice, and the collapse will be attributed (not incorrectly) to the stupidity of the Baby Bush Regime, with which McCain is associated. As Bill Clinton correctly observed: it's the economy, stupid! With a depression in the offing, they'll reflexively vote for the other party. Especially considering the mythos that surrounds Franklin Roosevelt, who they mistakenly believe brought the country out of the last depression.

Three, I believe one reason Bush was elected and was so popular early on is that he's demonstrably dimwitted and ignorant. This resonated with the average voter, who, lacking a more substantial basis for self-esteem, could reasonably feel he was at least as well qualified as Bush to be president. But with serious trouble on the way and the basic survival instincts awakened deep within their reptilian brains, they'll prefer someone who is bright and knowledgeable, or at least someone smarter than they are. Someone who can not only express coherent thoughts but was even an editor of the Harvard Law Review. Someone like OBAMA!

Of course *Boobus americanus* will again be disappointed, Fooled Again, as The Who have observed. Which is, of course, both completely predictable and totally just for anyone who expects good things from politics. They won't get what they want, but they will get what they deserve. Why?

First, Barack was only against the Iraq War on technical grounds, however valid. He is a supporter of the adventure in Afghanistan and has said he wants to send at least two more combat brigades there. He's not against aggressive war in general, saying he'd strike against the Taliban in Pakistan, and defend Israel against its enemies; and as for Iran, it's "a threat to all of us" and the United States "should take no option, including military action, off the table." Although it would appear he's less bloodthirsty than the Republicans, he'll unquestionably continue to involve the United States in all manner of foreign squabbles, treaties and wars. And considering that the generational clock is again coming around to a time like the '30s and '40s, the conflicts are likely to be much more serious than those Bush has gotten us into.

Second, contrary to popular belief, government intervention is the cause of, not the solution to, the economy's problems. As bad as Bush was, OBAMA! promises to be much, much worse. It seems a cinch he'll prove a Roosevelt wannabe. And he'll begin with a government that's vastly more powerful than it was when Roosevelt began his mischief and with a public vastly more sanguine and accepting about the state. He'll give us many more agencies, laws, taxes, and regulations. And much more inflation.

It's possible, of course, he'll do the opposite of everything he appears to stand for. Roosevelt, after all (and, again, com-

pletely contrary to popular belief), campaigned on an almost libertarian platform against the interventionist Hoover. Proving once again, when in doubt, politicians almost always err on the side of more state control. The only exceptions are when the wheels have fallen off and there's almost no alternative to less government, as was the case in New Zealand and Ireland during the '80s or Russia in the '90s. Perhaps things will get that bad in the United States by around 2016, but it seems most unlikely that OBAMA! will make an about-face during his term.

Third, although intelligence is, in fact, always better than stupidity, it's no guarantor of good times. Lincoln, Wilson, Teddy Roosevelt, Johnson, and Nixon were all quite intelligent but disastrous leaders (at least if what is important to you are peace, prosperity, and personal freedom). The fact OBAMA! has a high IQ gives me little comfort.

Although imperfect, the best predictors of a person's future actions are his past words and actions. So let's see what we know about OBAMA!

He's a lawyer who has practiced civil rights law. That likely means he's not very money-oriented, placing instead a high importance on what he sees as social injustice. And he's inclined to use the power of the state to enforce his views on other people. This impresses me as dangerous. In fact, for anyone who values economic and social freedom, almost all his notions promise disaster.

OBAMA! opposes privatizing Social Security because he believes it would lead to Social Darwinism. He opposes education vouchers for use at private schools because he believes they would undermine public schools. He was, and still appears to be, a supporter of the counterproductive biofuels initiative. He opposes oil exploration in "sensitive" areas and appears negative on nuclear power. He's strongly in favor of a scheme of national health insurance. He believes in eliminating any remaining tax loopholes for "the rich" and raising taxes on those who can "afford" them. His proposed budget would substantially boost federal spending. He would significantly increase foreign aid. He's quite green and believes that something must be done about global warming. He's adamantly and radically hostile to private gun ownership. He voted for reauthorizing the PATRIOT Act. The advisers he's gathered around himself all appear highly conventional, big-government types who either already live within the Beltway or can't wait to get there once he's elected. Not least among them is his reputed number-one consigliera, his wife Michelle.

Michelle offers significant clues to the man. It appears she takes being black, an accident of birth, very seriously. I consider this a major flaw, preferring to view people strictly as people, not as members of racial groups. My experience is that people who see themselves first as being black (or white or whatever) generally have a chip on their shoulder. A cum laude Princeton graduate, she wrote a thesis titled, "Princeton-Educated Blacks and the Black Community." While she was earning her J.D. from Harvard (1988), she demonstrated for the hiring of more minority professors. On her first date with OBAMA! they went to see a Spike Lee movie. She has a long history of involvement in NGOs and nonprofit, socially conscious organizations. She resigned as a salaried director of TreeHouse Foods, a big Wal-Mart supplier, immediately after OBAMA! made comments critical of Wal-Mart at an AFL-CIO meeting; this bit of grandstanding impresses me as at once too self-righteous and disingenuous by half. My impression is that she's very comparable to Hillary and, although if less corrupt so far, much more ideological.

Is there a bright side to this grim litany? OBAMA! is vaguely and mildly in favor of decriminalizing marijuana. He's in favor of liberalizing laws that discriminate against gays. He believes in stem cell research — although that should be an academic point, unless you think the state should be even more involved in science. That's about it. It's a very thin soup that OBAMA! will serve up to civil libertarians, while those interested in economic freedom and technological progress are going to find they're on a starvation diet.

Could I be wrong about OBAMA! winning? I think the only way Republicans have a prayer (and I certainly am not rooting for them) is if they had dumped McCain. The party hacks know there's no way in hell that evangelical Christians, who may constitute a quarter of the United States, will countenance the man; that must be why Sarah Palin is in the VP slot. They also know that libertarians and classical liberals — I'll guess 10% of the population — wouldn't dream of voting for him, even if the dream were a psychotic nightmare. And those are two very important groups, when most elections are almost 50-50 and OBAMA! will definitely get all the black, green, and red votes. Not to mention the Blue states. Have you ever met an enthusiastic McCain supporter? I suspect not.

It's the ignominious end of the line for the WASP establishment. The real contenders in this year's election will then have turned out to be: a dykey female, a rich Jew, a black with a Muslim father, and a decrepit old white guy. That's after they eliminated a hillbilly preacher, a Mormon, and a cross-dresser. Well, in with the new and out with the old, and good riddance. Thomas Jefferson would be amused.

Could I be wrong about what the OBAMA! era will be like? Of course. But I continue to think the Roman Empire remains an excellent model for the United States, and the good news is that it not only survived but grew larger and wealthier even while it was politically and socially deteriorating, starting, I'd say, with the Gracchi Brothers in 133 B.C. Thereafter, civil wars under Sulla and Marius, Pompey and Caesar, a brief respite, then one disastrous emperor after another. Even then, terminal military and economic rot didn't set in until the mid-3rd century CE.

I don't think we're quite there yet, so life will go on. But I plan to monitor the situation on a widescreen TV in a pleasant location, instead of from my front window. — Doug Casey

The cure the same as the disease — I hate the fact that the media is calling the FannieMae/FreddieMac bailout a failure of free-market economics. Only a myopic bureaucrat would call Fannie and Freddie "free-market" anything. They were statist, pseudo-capitalist, and destined to fail precisely *because* they tried to regulate the mortgage markets.

— Jim Walsh

What can't government do? — Shortly before the 1992 election, a column by George Will asked Bill Clinton if there was even one thing that Clinton thought government should not try to do. Sixteen years later, Barack Obama answered this question in his acceptance speech.

"Government cannot solve all our problems," he admitted. But the only specific thing he suggested that government could not do was "turn off the television and make a child do her homework."

Among the things he thinks government can do, and which he promised his government would do, are "protect Social Security" without privatization, end dependence on Middle Eastern oil in ten years, reduce health insurance rates for people who already have insurance, give those who don't have it "the same kind of coverage Congress gives themselves," give every child "a world-class education" by recruiting "an army of new teachers" at higher salaries, and "take out Osama bin Laden" — all the while cutting taxes "for 95% of all working families."

Many of these things are frankly impossible. Others are unaffordable. How would Obama pay for them? "By closing corporate loopholes." That might save a little money, but nowhere near the $15–20 trillion his promises will cost.

Oh yes, he is also going to "go through the federal budget line by line, eliminating programs that no longer work and making the ones we do need work better and cost less." The Clinton administration tried that with its reinventing government program. It didn't work.

John McCain says that Obama isn't ready to be a commander in chief. I suggest that a bigger problem is that Obama doesn't understand how government works and what its limitations are. — Randal O'Toole

Make mine Malthus — The new cry is for "sustainable development." A strange policy. Does anyone favor unsustainable development? But the slogan doesn't mean what one might hope — the rational response of a free people to changing values and increased scarcity. That would lead its proponents to adopt the views of the late Julian Simon, who noted that as a substance becomes scarce (and thus more expensive), there are three normal responses: the Supply Side effect — find more of it; the Demand Side effect — use existing supplies more efficiently; and the Substitution effect — find other institutional and technological ways of meeting the need (fiber optic cables instead of copper wire, telecommuting rather than driving to work). These are the normal responses of the market, of capitalism; and, as Julian noted convincingly, those responses had made materials ever more available and affordable, even as demand and population increased dramatically.

The sustainable developers are thinking of something else, something that is never clear, except that its goal is "beyond the normal market response." Mostly their policies consist of rationing (the current push for "energy efficiency" at the expense of actual efficiency) and technology mandates to force adaptations that aren't yet feasible. Their policies would supplant the market with politics, consumer choices with planner fantasies. They fight against any effort to expand supply ("We can't drill our way out of this!" so we shouldn't do anything). Given the record to date, their obstructionist tactics have been all too successful. And, if they do succeed, they'll be right. We will face a future that will be the subsistence existence that the Reverend Thomas Malthus worried about, centuries ago.

— Fred Smith

Dangerous game — Here's an interesting story from my days as a state prosecutor. Don't resent me because I wielded the full power of the state. You can trust that, as a libertarian, I wielded it sparingly. Besides, you'll like this one; I used my power for good.

One day during criminal arraignments — when cases first come to court to determine whether the defendant will plead guilty or not guilty — in my long list of juvenile misdemeanors and felonies I came across a defendant with a charge that stopped me in my tracks. This was no ordinary juvenile sexual assault, burglary or offensive touching. No, this delinquent was charged . . . by the game warden . . . with possessing and using the wrong buckshot.

Yes, there was an unreasonable and confusing statute on the books, and yes, it carried a fine. "But are you kidding me?" I thought, as I went to talk to the defendant and his father. As both appeared to be normal citizens, they looked distinctly out of place among the repeat customers I so often dealt with in court.

I asked this young defendant what he had been doing that brought upon him the wrath of the ever-vigilant game warden.

He had been hunting.

On public land?

No, private property.

Well, how did the game warden know what buckshot you were using? Did you shoot at him?

No. He came on the property and insisted on looking at my shells.

Well, do you know why he was there? Were you shooting at other people?

No. I don't know why he was there. I just thought he could go anywhere.

I was puzzled. There was no indication on the charge as to why the wrong buckshot was a concern. The game warden — though he thought it important enough to issue the charge — was not present for the arraignment. And the kid had been hunting on private property, hunting in season, and not hunting humans or game wardens.

Not aware of any armor-piercing or otherwise insidious buckshot, I used the small amount of discretion I had as agent of the state and nolle prossed (dropped) the charge against this child.

There is no doubt that certain state powers would have been perturbed if they had known my off-the-record parting advice to the family, should this happen again: 1. Do not offer to show the game warden your shells. 2. Inform him that, as you are hunting in season on private property, you are not *prima facie* breaking any law. 3. Contact your attorney if the game warden wishes to pursue the matter. The family left grateful and relieved.

I realize that my story is not "The Fountainhead," but I rolled back some irritating Mid-Atlantic state government intrusion — for one day at least. And my conscience is clear. The state for which I prosecuted has, to this day, never suffered a crime wave of juveniles terrorizing the countryside by using the wrong buckshot on private property during hunting season. — Marlaine White

Parisian touch — In attacking Barack Obama, John McCain worked to paint him as a mindless celebrity. He

compared him to Paris Hilton, thus putting Hilton in a bad light, despite the fact that her parents had made maximum contributions to the McCain campaign.

If you haven't seen it, you must watch Hilton's satiric response, readily found by googling "Paris Hilton Responds to McCain Ad."

Its best aspect is not its humor, which is very good; neither is it the clear if surprising fact that Paris is by no means stupid. No, the best aspect is the underlying assumption, clearly accepted by her, by the people who helped make and distribute the clip, and by many of the millions who viewed it: McCain is an ass, probably Obama is not much better, and it's perfectly proper and acceptable to satirize those running for the office of president.

On that, Paris has my vote. — Ross Levatter

The future is now — What is it that drives people to seek control? I often wonder if it isn't a bad case of obsessive compulsive disorder. Just as afflicted people will obsess about arranging spilled beans into nice even columns and rows across a table, some wish to arrange people the same way. I was thinking of this during China's opening Olympics ceremony.

The performance was amazing: 15,000 comrades of similar appearance moving with perfect synchronization, and in matching spandex outfits. I used to think that budget constrictions led science fiction films to dress future people in matching tights and sweater sets. I am beginning to think that perhaps those costume designers were more prescient than I realized. The OCD are inheriting the earth. — Tim Slagle

Legacy economics — Recently, while I was away, my two eldest daughters borrowed my car to go see an early-evening movie at the local multiplex, which is the anchor tenant of our town's struggling shopping mall. While they were watching the movie, someone slashed all four of my car's tires. And the tires of several other cars in the lot.

When my daughters came out from the theater, two exasperated policemen were standing by. One of the other slashed-tire car owners had called 911; the cops were waiting around to take incident reports. The policemen were as helpful as they could be — but there wasn't much they could do. And they seemed cranky about having to show up at the mall again.

Yes, again. The tire slashings had been going on for a couple of months. According to the cops, the M.O. of the crooks was to single out cars that looked valuable and slash all four tires. Standard, harness-style tow trucks won't tow cars with four damaged tires; you need a flatbed tow truck for that work. Since there's only one flatbed tow truck in our town, a car with all four tires slashed usually has to stay where it is for a while.

You'd expect that a mall parking lot would be a reasonably safe place to leave a vandalized car overnight. But this mall, struggling to stay open, didn't provide security for its parking lots — a fact the crooks seemed to know. They would come back, well after midnight, and break into the cars they'd immobilized earlier. They'd take the usual stuff, stereos, speakers, personal property; but they also would cannibalize some parts.

Working the phones, my daughters arranged for my car to be picked up first thing in the morning by the flat-bed tow truck. Fortunately, there was a seasonal fireworks stand in a far corner of the parking lot. It had a person on site 24/7. So, my daughters and several of the other car owners negotiated a deal with the guy watching the fireworks stand to keep an eye on their cars. They moved their wounded vehicles close by, like pioneers circling their wagons. This was enough to prevent any further damage.

The next morning, the flatbed tow truck came and took my car away. Six hundred dollars later, it had four new tires.

Back in town, I asked around about the tire slashings. Few people had heard about them. This was an unusual thing in our small town. Apparently — and understandably, I suppose — the management of the mall had been trying to keep the matter quiet. The mall is owned by an out-of-state real estate investment trust. Its strategy seems to be to drag out the mall's fate as long as possible. Aside from the movie theater, there are two other anchor tenants on different ends of the building; but they're fighting a losing battle against the big box stores and popular retail chains just 45 minutes away in Olympia.

The mall has slowly emptied out, except for the movie theater and the two big stores. The local managers have assumed the retail version of a bunker mentality; maintenance has grown slack and, clearly, they've cut back on security. Rather than deterring vandals, they count on the town police to show up after the fact. Hence, the cops' crankiness about dealing with the slashed tires.

But the multiplex theater still does decent business. Why doesn't it provide security?

Again, the answer seems tied to legacy business decisions. When the mall was first being planned, its developers were desperate to have a multi-screen movie theater in the place; but they were having trouble attracting one. So, they offered subsidized rent — rumored to be $1 a year — and got a lease signed.

Now, although it draws reasonable crowds, the theater's corporate owners consider it a marginal operation. One local mandarin told me, "If they upped the rent to $2 a year, they'd be gone." No budget for overnight security there.

So, my family doesn't go to evening movies at the mall any more. Locked into their legacy leases and bunker mentality, its managers watch life fade away from their building.

While I'm no fan of the corporate ethics that many big box chains force on suppliers and others, those chains do seem to be efficient. Our hapless local mall exudes the kind of inefficiency that must have made Sam Walton eager to get to work every morning. — Jim Walsh

Taking initiative — "How many times must we relearn the lessons of Prohibition?" That's the question asked by the 130-odd college presidents and chancellors behind the Amethyst Initiative, an effort aimed towards "rethinking" our nation's 21-and-over age limit for the purchase of alcohol.

Until 1984 (natch), it had been left to individual states to set their drinking age, at which point the federal government behind spokesmarm Liddy Dole ordered them to get in line or else lose their yearly allowance. Since then (quoting from the Initiative's statement), "A culture of dangerous, clandestine 'binge-drinking' — often conducted off-campus — has

developed. Alcohol education that mandates abstinence as the only legal option has not resulted in significant constructive behavioral change among our students." Wipe away the academese, and what these 130 or so administrators are saying is that the 21-plus drinking age encourages college kids to get ripped to the tits.

It's a little sad that the Amethyst Initiative has to be considered bold or brave, but as it's about 24 years past time for someone in an official capacity to stand up and say that this is not working, and as those who must deal daily with 18, 19, and 20-year-old problem drinkers are probably the best placed and best qualified to say it, bold and brave it is. What they are up against is, as they correctly diagnose, a resurgent prohibitionist movement, led by the anti-alcohol fanatics who have taken over Mothers Against Drunk Driving. Our new Carrie Nations are on the record as opposing sub-21 drinking even in the home, under the direct supervision of parents: no glass of wine with Thanksgiving dinner, no can of beer while watching the game.

Surely alcoholic appreciation in the home is a better educational model than turning teetotalers loose at a welcome-to-campus kegger? One would think, but for now the Initiative is simply calling for "an informed and dispassionate public debate" on the issue. M.A.D.D., of course, finds this "deeply disappointing," and recommended that parents refuse to send their kids to any of the schools on the list.

Meanwhile it's the first week of school and already I'm stepping around the broken brown glass littering the sidewalk between parking lot and school hall. Trashcans hold cashed kegs waiting for pickup and refill; fuzz-faced bros and apple-cheeked girls slump between classes (if they get up at all), learning about hangovers the hard way. And, per M.A.D.D., we can't even debate the methods we're using? That places the drinking age in the category of "received truth"; kudos to the Amethyst signatories for seeing past the preachery and putting their reputations on the line. — Andrew Ferguson

Going negative — Nowadays pundits urge candidates to stop negative advertising — casting aspersions on each others' characters — and instead concentrate on "the issues." This is a ridiculous expectation.

Realistically, candidates try to outdo one another with attractive promises. They pay little attention to the costs of keeping them, as in the costs represented by other public and personal goods that would necessarily be sacrificed, and in the long-run fiscal consequences. Promises are not analysis. Nowadays they cover the price of gasoline, personal and national economic conditions, taxes, disengagement from Iraq, supposed or genuine issues of energy and global warming, emotional distractions such as abortion and gay marriage, and unspecified "change." Discussion of some issues necessarily crowds out discussion of others.

"It's the economy, stupid." But the current stage of any business cycle does not depend on what party controls the White House or Congress. Over the long run, true enough, the accretion of policies, adopted piecemeal and haphazardly, does improve or worsen prospects for prosperity and economic growth; but no single cohort of politicians deserves special credit or blame.

Candidates especially avoid talking substance on such tough issues as the long-run impossibility of servicing the avowed national debt and also keeping Social Security and Medicare commitments, without crushing tax increases. The likeliest eventual outcome is partial repudiation disguised by inflation. This fiscal recklessness traces to the short time horizons and personal irresponsibility of politicians, all of which Public Choice theory can explain and none of which politicians will examine.

A political campaign just is not a format for serious discussion of deep issues. Candidates do not have the time and money required, and probably not the factual and analytical understanding. The average voter would not pay attention anyway. A lesson lies in the failed 1948 reelection campaign of Sen. Joseph Ball, who reputedly went around Minnesota delivering gloomy lectures on political economy. The best to be hoped for is that ongoing research and discussion among academics and thoughtful journalists might eventually inform broad philosophies such as classical liberalism, left-liberalism, and conservatism. Voters might eventually come to make choices based on candidates' broad economic and political philosophies.

Meanwhile, negative campaigning, even attacks on opponents' personal characters, remains legitimate. Character matters more than conjectured stances on specific and often unexpected issues. To character and to human-interest vignettes, voters will pay attention, relatively. Clues to a candidate's character appear in his or her personal as well as public behavior, truthfulness or prevarication, consistency or chameleonism, and current and past associates. Sound negative advertising must be honest, of course — neither misrepresenting the opponent's behavior and statements nor citing them out of context. Dishonest advertising, quickly identified, is a black mark on the character of a candidate who uses it or tolerates its use by campaign assistants. — Leland B. Yeager

Generation gap — I'm tired of two kinds of Gloomy Gusses: first, those who claim that the economic sky is falling; second, those who refuse to recognize the material abundance that's produced by the cornucopia of America.

No, man can't live on a loaf of sourdough alone. You need a couple slices of roast beef, some turkey, some salami, mustard, pickle, slaw, and tomato. Now, that's a sandwich. With a little work, a little luck, we can all sit down at the American kitchen table and enjoy.

Take my grandparents. No, not like Henny Youngman. I mean really. Consider my grandparents. They lived in two dusty rooms above their Main Street store. They did not own a car; neither had a driver's license and they had no extra money for private transportation. The bus would do.

They didn't pay a lot of attention to the young boy who was me in the late 1930s. They were my grandparents. But it was a half century ago, when grandparents were too busy making a living to dote on kids.

Their two attic rooms were an inauspicious beginning in a new land, but it certainly beat a wood-planked frame dwelling with an al fresco bathroom where the north wind from the Baltic was the only visitor, besides murderous Cossacks.

In the background were the grandparents. Literally, in the background. They were not at our sides with constant comfort. They didn't service our childish whims, like today's

grandparents. Such behavior wouldn't be canonized in the grandparents' instructional manual for another three decades.

Hugging and kissing? Go to the movies where professionals were paid to do it. My grandmother's conversation was loaded with:

1. "He looks pale. Have a piece of bread and butter."
2. "Did he have a BM this morning?"
3. "Teddy, have a nice chicken back — it's the best piece, so full of flavor, besides the neck."
4. And remarkably, "Why don't the kids visit us more often?" Why would we visit, if there was only inquisition?

They were short on gifts and expressions of love. That tide in those days flowed from us to them. Our parents, with whispered guidance, instructed *us* to pamper *them*.

"Get your grandmother a glass of water."

"Get up so Pop can sit in the armchair. He's been on his feet all day, you know."

It was their world, not ours. And their motto was *survive*. They needed the armchair and a cool glass of water because they worked 12-hour days — six days a week. Who had time for hugs and kisses for grandkids? Hugs and kisses were for customers. The American Promise of the '30s was opportunity, not security.

Sunday — a day of Christian rest edicted by Memphis blue laws — they sipped hot tea at the kitchen table and congratulated themselves on paying the bills for one more week. They did not spend the day meditating on a list of toys for their grandson.

Joe and Lizzie, my grandparents, lived in three drafty rooms, essentially an attic above their downtown store. But the next generation, my parents, had a neat, brick, three-bedroom home in Midtown.

My generation came along and outdid its parents by two baths, two bedrooms, and a tree-shaded lot in the suburbs. Then my kids, with more opportunity and usually fewer kids than their grandparents or me, bought a palatial house that the richest landowner in Vilna couldn't imagine. The monthly mortgage payment equals my grandparents' annual income. That's the way the wind is blowing from generation to generation. Yes, there are exceptions, but the opportunity is there to correct them. — Ted Roberts

Title nined — A recent article in The New York Times (July 15) provides a lot to think about. It is interesting on several levels — the political, the psychological, the economic, and the moral. The article, "A New Frontier for Title IX: Science," by John Tierney, raises the touchy issue of using the power of the federal government to enforce equality of results in science.

Specifically, Tierney notes that many members of the present, very leftist Congress, spurred on by various feminist organizations, are pushing the federal government to use the tool of Title IX, the federal law banning gender discrimination in education, to make the number of women in math, engineering, and physical science equal to the number of men. That is — to speak bluntly, which Tierney refuses to do — the push is on to use gender quotas, set-asides, and preferences to ensure numerical parity between the sexes in these fields.

Tierney notes that women have overcome whatever handicaps and impediments were set by patriarchal society to the point where they now constitute half of all medical students and the majority of Ph.D.s in the life sciences and social sciences, virtually dominating such professions as biology and psychology. He doesn't mention this, but women now predominate as undergraduates generally, at about 56% of total enrollment. Yet men still receive the bulk of the doctorates in math, engineering, and the physical sciences.

Naturally, victimologists have argued that this statistical disparity in the physical sciences is conclusive evidence that women are being massively discriminated against. But Tierney cites a number of psychologists whose studies indicate another, more plausible explanation: a simple difference in interests. Statistically — we're only talking statistically here, not individually — these studies indicate that women tend to be more interested in subjects involving living things (including human beings) and less interested in subjects involving machines and other inanimate things. So, he suggests implicitly, perhaps the government should not use the Title IX axe to chop away at the physical sciences.

Now, the fact that the Times published this timorous piece is in itself interesting. The Times is the Pravda of the modern liberal power elite. It crafts, elaborates, and promulgates the party line, which is then absorbed by left-liberal policy makers of various sorts. That this politically correct rag, which has been such a major player in creating and loosing the elaborate and powerful affirmative-action machine that has been such a wickedly intrusive force in American higher education, is now allowing a note of questioning, albeit an extremely timid and politically correct one, is fascinating in its own right, and calls out for explanation. Why is this propaganda organ now piping a note of feeble dissent against an obvious extension of the very policies it itself is so responsible for spreading?

I can hazard a guess. On the sociological side, you have a conflict at the center of leftist ideology that goes back at least to the French revolution. On the one hand, leftists are devoted to equality (of result, not just of opportunity). Hence their insistent push for redistributing wealth through "progressive" taxation, not to mention outright theft and in some cases butchery. But the Left also has traditionally set great store on identifying itself with Science, conceived of as a secular force of reason, perfect for eliminating the "superstitions" of tradition and religion. This goes back at least to Auguste Comte's positivism. The Marxists were typical in this regard, viewing themselves as "scientific socialists," wielding an ideology designed to remake society along more rational lines.

On the economic side, left-liberals such as the denizens of the Times are not out to destroy the economy. In this regard, they aren't like (say) ultra-Left anarchists, Earth-worshipping environmentalists, or drug-addled Yippies still living in the 1960s. And they are aware that an affirmative-action war on physical science and engineering would have disastrous economic effects.

Let's face it. Title IX was very effective at killing off a lot of male sports programs. But however unfortunate it has been for male athletes deprived of aid in pursuing their chosen sport, it was and is of little economic impact. Most athletes in college don't enter pro sports, and pro sports are in any case merely a small part of the total entertainment industry, and that industry as a whole is not a large part of the economy.

But start denying a large part of the highest-achieving engineering, math, and physical scientific talent a chance at higher education, and the shock to society will be severe. Our economy is very high-tech, computerized, and science-based.

However, Tierney is strangely quiet about two other issues that one would expect he would address in his daring little intellectual voyage. First, his entire emphasis is on whether there is a difference in women's and men's interests in physical science. But also interesting is whether there is any statistical gender difference in cognitive traits and abilities. There is a fairly robust literature suggesting that indeed there is. (For a recent survey, see for example Doreen Kimura's "Sex and Cognition"). If indeed there are differences in cognitive abilities in mathematical ability, say, or spatial reasoning, then the case for quotas and the other methods of affirmative action warfare to ensure gender equality in the physical sciences may simply collapse.

As to why Tierney doesn't mention this issue, I think it is obvious: fear. When Lawrence Summers, good liberal boy that he is, and briefly president of Harvard, had the bad form to suggest that perhaps the underrepresentation of women in the physical sciences was possibly due to differences in relevant abilities, well, he came to grief. For that heresy he was castrated by the faculty and forced to resign.

The second issue Tierney avoids is the obvious one about the morality of affirmative action schemes. Given the figures he cites, the moral question doesn't just beg to be asked; it positively grovels. He notes that women are now 60% of biology majors and 70% of Ph.D.s in psychology. Well, if the fact that men earn 80% of all Ph.D.s in physics necessarily means that the Title IX flamethrower must be used to lower that perfidious percentage to 50%, why doesn't the fact that women earn 70% of Ph.D.'s in psychology require that it now be used to lower that percentage to 50%? Doesn't the consistency (or, in philosopher's jargon, universalizability) of moral principles demand as much?

The answer is clear. Racial or gender preferences are inherently immoral, but Title IX was crafted to be a weapon in a political rather that an ethical struggle. And it is inevitable that it will next be wielded against the physical sciences. But Tierney doesn't explore this, because he is in the snare of political correctness. That is, he accepts the moral legitimacy of such preferences, as a good NYT modern liberal must, no matter how much he may squirm about their consequences.

Such moral obtuseness is seldom met in ordinary life — just in journalism. — Gary Jason

Making sausage — McCain and Obama both advocate getting money out of politics! A wonderful world, they argue, would result if only the monied interests were denied any role in determining the policies that govern our lives. And there is indeed much corruption in Washington and the state capitals of America.

But politics is about interest groups, sub-units of the citizenry who have a special interest in and often special knowledge about specific policy questions. The interplay of economic groups (often business people but also labor and state or city governments) and ideological groups (environmental and human rights and, yes, an occasional free-market alliance also) determines the policies that govern our lives.

Imagine if only the ideological groups were allowed to influence this process. I don't trust business just because it is business, but it is somewhat constrained by market forces. Statists — especially the coercive utopians that dominate statist movements today — face far fewer disciplines. Can one imagine a better economic future if the Greens dominate the process?

Ideological groups have done far more damage to humanity than have even the most rapacious businesses. As far as I can tell, Hitler and Stalin weren't motivated by the profit motive. — Fred Smith

Chicago insurgency — Across the wires came the news that more Americans were killed in Chicago over the last summer than in Iraq. In fact the score was almost double: 125 to 65. It is also curious that Illinois is one of only two states left in the Union where concealed carry is still prohibited. Chicago is proudly defying the recent Supreme Court decision which threw out a similar handgun ban in D.C.

Chicago claims that the Supreme Court decision does not apply to Chicago. Much like the citizens of Iraq do not have rights guaranteed by the U.S. Constitution, Chicago residents are under the exclusive jurisdiction of the city council. — Tim Slagle

Muckrakers — When I was a kid, in my city in India there was no flush-toilet system. The toilets were basically holes, with platforms at the bottom, which could be accessed from the toilet-alleys. There was no running water. Human scavengers would come mid-morning to scoop off what was collected. When they arrived, they always made noise to avoid mutually embarrassing situations. They then carried their collection on their heads, in pots, muck dripping down their bodies.

I asked my grandmother if this was not a smelly job. She agreed, but insisted that it was a job that had to be done and that there was no reason to look down at what the scavengers did. However, we kept a very safe distance from them, as I still would, for bathing facilities at their homes — if where they live could be called homes — simply do not exist.

There are about 340,000 scavengers working in Indian villages and towns. This is perhaps a low estimate because the majority of Indians do not have access to even the above mentioned toilet system. They still go out in the open to relieve themselves. Millions more work as ragpickers and whatnot.

In early July 2008, a group of Indian scavengers attended a conference in New York to celebrate the UN's International Year of Sanitation. They participated in a catwalk parade along with Indian top models. The UN paid for this.

Is this what the UN should be doing? With all due respect, could a scavenger really understand the proceedings of a conference, particularly one conducted in an alien language in an alien country?

An Indian scavenger earns $30 a month, perhaps less. Primary school mathematics would show that the UN spent on each scavenger an amount comparable to what he would earn over a lifetime. Was this by any measure a good use of the money? But what can you expect from the UN, the results of whose work are not assessed by any cost-benefit analysis? Indeed, was there any kind of benefit at all, or was there only harm? If the UN invited the scavengers to the plush corridors

of New York to sensitize them about how "demeaning" their work is, and to spread such a message through them to the other scavengers in India, it did a huge disservice.

The UN's work has all the unintended consequences that come when outsiders try to impose their value judgments on others. The scavengers will go back to India thinking of modeling as a high-class job. (This is an idea that has become ingrained in mainstream Indian culture over the last couple of decades, although a discussion on this topic is for another day.) They will have been told, again and again, that scavenging is demeaning. But who am I, or the UN, either, to decide which work is demeaning and which is not?

In fact, for India to move one step up, it must increase scavenging, as people change from defecating in the open to defecating in holes. And what will happen to the UN scavengers and those others who eventually receive the messages emanating from the UN conference? After all, these uneducated scavengers can do pretty much nothing else. There will be only one consequence: discontent, and hatred for those they serve in India.

A sustainable solution to most problems, if they really are problems, belongs to the locals, not to the dreamy people in the UN. By raising people's expectations in the developing world, which does not have the capacity to sustain such expectations, and by inculcating a culture of entitlements and positive rights, the UN and foreign NGOs only create an environment of violence and chaos.

But, there is a problem with scavenging, and there are indeed some demeaning jobs. Given today's level of technology, there is no reason for scavenging to continue. The real problem is that more than 60 years after independence, India has grossly failed to provide basic sanitary and water facilities. Making provision for such facilities is not financially impossible, but Indian public servants are so corrupt and so utterly cheap that they steal every single penny that can lay their hands on. I have never once met an honest public servant in India.

Contrary to what my grandmom believed, there is one kind of profession that is indeed demeaning, that of irresponsible living, of wasting other people's money. And that is the profession of people working in the UN programs as well as the corrupt people in the Indian government. Perhaps they should participate in a conference organized by the scavengers on the dignity and morality of productive work.

— Jayant Bhandari

Emptiness and guilt — The issue of Barack Obama's early-career experience as a "community organizer" has come up as a minor issue in this election cycle. Too bad it hasn't been a major one. His opponents ridicule the politically-correct vacuousness of the resume line. His defenders (including several of the humorless halfwits who write for the Huffington Post and the pretty but addled NBC news personality Norah O'Donnell) insist that blue-collar voters will relate to the senator's early work.

Yeah. The same way that Micronesians related to Margaret Mead.

Obama's defenders don't seem to understand the fundamentally condescending nature of so-called "community organizers." Drawn from the ranks of unemployed liberal arts majors from elite colleges, these do-gooders go to work for self-styled social justice organizations run by lefty anachronisms like the notorious Chicago-based mau-mau artist Saul Alinsky. To call these people statists doesn't do justice to their politics — they're often unrepentant communists.

Their skill is in collecting money from universities, utopian charitable foundations, and the occasional state agency. This is where the term "community organization" really comes into play. Its earnest emptiness is the perfect jargon to fill in the blank spaces in a grant proposal. It can mean anything from helping laid-off workers apply for unemployment benefits to getting out the vote on election day.

As I noted last fall in my review of Obama's book "The Audacity of Hope," the senator worked as a community organizer in both New York and Chicago. The high point of his work seems to have been to convince the state of Illinois to open a welfare office in a poor neighborhood on Chicago's South Side.

While the downtrodden locals may have been grateful for Obama's help, there's little chance that they related to the Columbia and Harvard grad. Regardless of the color of his skin, it's more likely that he remained as alien to them as any of the other posh visitors searching for a simulacrum of . . . authenticity . . . in the Church of Alinsky.

Who believes that this condescension creates genuine personal or social connections with the poor? People guilty about their own wealth. People who give money to the utopian foundations that subsidize community organizations. The overpaid screenwriters and TV actors who scrounge for intellectual legitimacy on Arianna Huffington's website and millionaire pundits feeding on the carcass of legacy media.

Ayn Rand really had a point when she wrote that altruism is a racket.

— Jim Walsh

Enough already — In case you're convinced by Olympic furor that sports are more important than life, you will appreciate the following. It's a report about the reaction in the country of Georgia to that nation's initial victory in South Ossetia (hey! are you still awake?):

"David Womble, National director of WorldVision, a Christian humanitarian NGO with operations in the country," quoth Time magazine's online news, dated August 9, "said, thousands and thousands of cars filled the streets of the capital, honking their horns and with their passengers waving Georgian flags. Says Womble, 'It was as if Georgia had won the World Cup and was celebrating.'"

Imagine! They were treating an apparent military victory as if they were watching a bunch of guys in shorts getting more points for kicking a rubber ball than another bunch of guys in shorts! That certainly proves their patriotic enthusiasm. What next? Will they show more spirit than the contestants on cooking shows?

Look. I don't want to bring back World War II, but I'm sick of the tyranny of Sport. Something has clearly gone out of life, if people around the world are now expected to care more about ball games than they do about war, and commentators are surprised when they don't.

— Stephen Cox

Two cheers for Heller — The recent landmark Supreme Court ruling in *District of Columbia* v. *Heller* is cause for most libertarians to celebrate. Although the case sets a

relatively limited precedent, and D.C. officials are reticent about letting the decision actually take practical effect, the ruling itself sent a clear judicial message that the 2nd Amendment entails an individual right to possess firearms. I've particularly enjoyed watching the case progress, not the least because it heavily involved a couple of people I met more than a decade ago during my internship with the Cato Institute in Washington.

Some people, however, make it their mission to highlight the cloud that comes with every silver lining. Regarding Heller, I've seen the argument crop up a few places online that, far from being a (small) victory for freedom, the ruling is one more nail in the coffin of federalism. This has long been a contentious issue among libertarians of various stripes — whether or not the 14th amendment and the subsequent "incorporation doctrine" has, on net, advanced freedom.

I've always found it easy to sympathize with both sides of this argument. On one hand, when a city or state violates somebody's fundamental rights, it's gratifying to be able to appeal to a higher authority. On the other hand, there's no reason we should trust a powerful central government to protect freedom from violation by lesser jurisdictions, more than we might expect it to violate those freedoms itself. And as a central authority becomes stronger, subordinate units are less likely to act as effective checks on abuses.

A reflection is hardly enough space to settle this issue definitively — and I don't claim any special ability to sort out the complicated legal theory and counterfactuals involved. Those of you who save your back issues of Liberty would be well served in pulling out the issues from 1999 and 2000 that contain a back-and-forth set of essays about the 14th Amendment by Cato's Gene Healy and Roger Pilon. Regardless of which side you take, Richard Nixon's compliment to P.J. O'Rourke applies just as well to both these guys: "Whether you agree with him or not . . . he writes a helluva piece."

As much as I love to imagine how history could have played out differently, given a slightly changed set of circumstances, the fact remains that the 14th amendment is now in effect — and it won't be repealed any time soon. The federal government is actually exercising an overarching level of oversight. That being the case, I'll celebrate individual instances in which genuine violations of liberty by state governments are scaled back by federal court decisions. If a few more people in D.C. get to protect themselves with firearms because of *Heller*, it's a victory — no matter how much we might have preferred a long counterfactual string of alternative precedents.

Considered in the wider history of constitutional jurisprudence, this ruling reminds me of a single-panel "Bizarro" cartoon, by Dan Piraro, that I first encountered about 20 years ago in a collection of the strip. In it, we see a guy hiking away from the scene of his smoking, broken-down car. He suddenly finds, at the side of the road, a pair of roller skates that fit him. The caption: "Suddenly it was all very clear. Life would be a series of great disappointments followed by minor windfalls."

So it goes. If the Anti-Federalists had prevailed 221 years ago (defending, ironically, the concept that we today call federalism), thereby avoiding the increasingly expansive readings of the Constitution we've seen ever since, people living within the United States may well have managed to secure more overall freedom than we actually have today. But they didn't, and we're long removed from that particular counterfactual. So, in my book, *District of Columbia* v. *Heller* definitely counts as a windfall. — Eric D. Dixon

Failed state — Gen. David Petraeus, who has just left Iraq to take over as head of Central Command, deserves credit for the current state of affairs there. Violence is way, way down from its 2006–07 high. The Iraqi government and armed forces are functioning in a fairly cohesive manner. The Iraqi people are enjoying a merciful respite from the psychological toll of witnessing daily scenes of mayhem in their streets and neighborhoods.

There is absolutely no doubt that the counterinsurgency tactics introduced by Petraeus were an important factor in these improvements. Putting troops among the people, instead of isolating them on large firebases, was critical for success against al Qaeda and the various militias, both Sunni and Shiite, which had brought Iraq to the verge of collapse.

Nevertheless, we should not confuse tactical success with strategic victory. Iraq remains a ravaged country with a state apparatus that is more corrupt than competent. One hundred thousand Sunni gunmen, the so-called Sons of Iraq, have not been integrated into Iraqi society. The United States pays them $25 million a month to keep quiet. There is good reason to believe that the Shiite-dominated government will never allow them to become a power in the army or the state. There is equally good reason to believe that the Sons of Iraq will not meekly accept such an outcome.

Kurdistan is a de facto independent country. It will never allow itself to be ruled from Baghdad again. It will fight for Kirkuk and the oilfields surrounding it. Violence broke out among Kurds, Arabs, and Turkmen in Kirkuk over the summer, and there is undoubtedly more to come.

The Shiite militias no longer present the military threat they once did, and they have lost support among the civilian population, but they still exist and are waiting in the background. There is reason to believe they will return to their violent ways. (I should mention that I never imagined Shiite or Sunni would fight their co-sectarians while the occupiers remained on Iraqi soil. I was wrong. The extremists of both sects have shown themselves not only vicious and cruel, but remarkably stupid as well.)

Tactical success does not necessarily lead to strategic victory. If five years from now Iraq is in chaos, or in the grip of an anti-American regime, what will the surge have achieved? Additional loss of American life, additional treasure thrown away — in short, less than nothing. — Jon Harrison

Kidneys for sale — As readers of this journal are doubtless aware, I set considerable store in observation. Plain, simple observation. The fool learns from his experience, as the old saw has it; and the wise man learns from the experience of others.

To put this in another way, one must respect the law of unintended consequences. Logic may lead to a certain policy recommendation, but if no one has ever enacted that program, when you enact it, results can happen that you never dreamed of, much less wished for.

Descending now to the particular, I have argued (Liberty, October 2007) for a free (though suitably regulated) market

in human organs. Now, it might be asked if other countries are already doing this. The answer is, yes, at least one — Iran. This anomaly is explored by Dr. Benjamin E. Hippen in a paper available from the wonderful Cato Institute (Policy Analysis, March 20, 2008, downloadable from the Cato Institute website).

Hippen notes that kidney transplantation policy in America is by any reasonable reckoning a flop, and a costly one at that. The National Organ Transplant Act of 1984 (the product of the perfervidly moralistic imagination of the Reverend Al Gore) prohibits sales of organs. The result is a disaster. As of 2005, over 340,000 Americans with advanced kidney disease require dialysis. That will swell to between 400,000 and 520,000 by 2010, and between 525,000 and 700,000 by 2020, as the Baby Boomers approach the ultimate trip. 73,000 Americans are on the waiting list for kidney transplants, and by 2010 the number will hit 100,000. Over the past nine years alone, 30,000 Americans have died waiting for a kidney. No surprise, really: the five-year survival rate for those who receive kidney transplants is more than double that for those on dialysis.

By contrast, Iran legalized the sale of kidneys in 1988, after it saw its own waiting list getting large. By 1999, the waiting list was empty, and there has been no waiting list since then.

Iran's system, Hippen notes, is a tightly regulated market. Potential kidney recipients are screened by teams of doctors for suitability. They are advised to try to find family members willing to donate. Failing that, they must wait up to six months for a deceased donor. Only if no deceased donor becomes available is a kidney vendor made available.

The team of screeners works purely pro bono. They receive no money from the transaction. Nor do they advertise or otherwise seek potential vendors — who must voluntarily contact a coordinating group called the Dialysis and Transplant Patients Association (DAPTA). They are vetted by the team for suitability, mental and physical. If approved, the vendor gets about $1,200 from the Iranian government, plus limited health insurance, and receives anywhere from $2,300 to $4,500 from the recipient directly or (if the recipient is poor) from a charity.

Only Iranian citizens are allowed to participate in the system, as opposed to visitors from impoverished third-world countries.

While not perfect, the Iranian system has accomplished a good deal. Not only has it eliminated the waiting list of recipients; it has also ended the black market in organ sales, as well as the fraud and coercion that might occur if you had "freelance brokers" not just locating vendors but also evaluating them and informing them of the risks involved.

Hippen does not claim that Iran's system is flawless. It appears there may be a slightly lower quality of organs from vendors than from unpaid donors, because the vendors are typically very poor, and their organs may therefore be more apt to be diseased. Also, there isn't consistent long term follow-up of the vendors after organ removal, so there may be a higher rate of problems for them (such as higher kidney or other disease rates).

Finally, there is the question of whether allowing organ vendors to be paid discourages people from giving organs away for free. Hippen replies that there is no clear evidence for this having occurred, and any loss of kidneys from potential donors is apparently made up for by vendors. Remember, Iran has completely eliminated a patient waiting list.

When compensation is allowed for kidneys, Hippen notes, it is likely that some potential altruistic donors will switch to becoming vendors — after all, even a family member may prefer being compensated for allowing a kidney to be removed than doing it for free. But in either case an organ becomes available, so the fact that there may be fewer donated organs doesn't mean that there are fewer organs available.

Hippen says that the United States would do well to adopt a similar market in kidney sales, to supplement the living-related-donor and deceased-donor programs. He suggests that such a system include some features that the Iranian system lacks. The long-term health of vendors should be included as part of the responsibility of the vending system, which would create a pricing incentive for brokers to choose the fittest vendors available. Some neutral party should screen potential vendors and inform them of the true risks involved. And here Hippen makes a good point: there is no compelling evidence that poor folk selling kidneys in Iran are in any way coerced, but they can be defrauded, if the risks are not fully revealed to them. Hippen also suggests that information regarding organ sales should be collected in a database accessible to all potential donors, vendors, and recipients.

I would add two more suggestions. First, obviously, all vendor contracts should be voidable at any time (with return of any compensation paid). That is, there should be an indefinite "cooling off period." If I agree to sell you my kidney for $20,000, and on the day of the operation I change my mind, I return your money and the deal is off.

Second, and more importantly, we ought to put the focus on allowing insurance companies, which make their profit from the law of large numbers, to pay adults now for the right to harvest body parts upon death. Count up the hundreds of thousands of Americans who die from accidents, workplace injuries, and natural causes. If most of them of them had signed organ insurance policies, taking lump-sum checks in exchange for the right to harvest their organs after their deaths, you would have little if any need of brokers seeking living vendors. — Gary Jason

Black-market Mallomars — According to Perth Now, there is a problem with students in Western Australia smuggling contraband into the schools and selling it to other students. No, it isn't grass or mushrooms, or any of the assorted pharmaceuticals that were available when I was a child in the public schools. It's junk food.

Because of a concern about obesity, a school district south of Perth banned junk food from their cafeteria. Kids responded by bringing junk food from home, and in some cases selling it to other kids. According to the article, teachers were quite frustrated that they were powerless to prevent kids from carrying in their own food.

And so another chapter in the world history of the nanny statism begins. Now that smoking bans are almost universal throughout the world, the focus shifts to eating habits.

— Tim Slagle

Turbine envy — A recent New York Times story noted

continued on page 36

The Intelligent Person's Guide to Presidential Politics

Choosing among those who seek the presidency is not necessarily an easy task for the intelligent libertarian. Liberty's editors do their best to help.

Not Just for Libertarians

by J. Bradley Jansen

In the August 2002 issue of Liberty I extolled the virtues of then-U.S. Representative Bob Barr, who was up for reelection in the Republican Party primary in his home district in Georgia. In a recent article in the American Spectator, I updated my libertarian defense of Barr. I won't repeat myself here. I will say that Barr is the best qualified candidate in the current election and is especially well suited to deal with the challenges the country faces today. Serious challenges require serious responses and real leadership. Barr has the right mix of experience and commitment to lead the country.

Our policies of foreign interventionism have created an environment ripe for terrorist recruitment against us. The tragic events of September 11, 2001, brought that lesson home. But already in spring 2000, back in the period of our naivete about the threats to our country from international crime, terrorism, and weapons of mass destruction, Barr was there testifying before the House Intelligence Committee. Besides explaining the need to update our laws so as to reflect changing technologies and threats, the former Central Intelligence Agency analyst offered leadership and clear guidance about protecting our liberties as well as our lives. His words are worth quoting at length:

> While Americans remain solidly in support of a strong foreign intelligence gathering capability, they are not willing to do so at the expense of their domestic civil liberties. Any blurring of the heretofore bright line between gathering of true, foreign intelligence, and surreptitious gathering of evidence of criminal wrongdoing by our citizens, must be brought into sharp focus, and eliminated. Failure to take the steps to do so will erode the public confidence in our intelligence agencies that is a hallmark of their success.

> Failure to take steps to do so is a serious breach of our public duty to ensure the Bill of Rights is respected even as our nation defends itself against foreign adversaries and enemies.
>
> The importance of effective foreign intelligence gathering, and of constitutional domestic law enforcement — both of which must respect U.S. citizens' right to privacy — demands more than stock answers and boilerplate explanations. What is required is a thorough and sifting examination of authorities, jurisdiction, actions, and remedies. This is especially true, given that an entire generation has come and gone since the last time such important steps were taken.

Still further back, in 1998, Barr alone stood with Ron Paul in explaining to their fellow House members why a proposed national ID system would violate our privacy and civil liberties without making us safer. Imagine how much better off we would have been had a Barr Administration responded to the tragedies of September 11.

Bob Barr has a long record working with broad coalitions to make policy. Although a drug warrior in Congress, he often worked with drug war opponents in coalitions to protect privacy and other civil liberties. There is no other choice for those who value our rights and liberties — and our desire to work together to achieve legitimate goals.

Barr, of course, is the candidate most likely to follow a noninterventionist foreign policy and keep America out of unnecessary wars. He not only voted to stop Clinton's military strikes in Yugoslavia but joined a few other congressmen in suing the president for peace. The man who led the impeachment against President Clinton also led the charge against the lawlessness of the Bush Administration.

One of the main functions of the federal government is to protect our national security, but a Barr presidency will keep us safe and free. Barr understands that the two go together. He rejects the false dichotomy that makes people think we need to choose between them.

Turning to economic policies: Barr's background is that of a fiscal conservative. He came to Congress as one of the Republican revolutionaries voting to get rid of whole cabinet departments — a position not articulated again in national politics until Ron Paul's run in the Republican presidential debates. The growth in government spending under President Bush denies Republicans running on his record any right to be rewarded. The Bush record on fiscal issues is certainly not one that deserves to be renewed.

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We need a change, not warmed-over New Deal redistributionist policies. Unfortunately, however, the two major parties offer only small variations of more of the same. One of President Clinton's greatest achievements was the far-reaching welfare reforms that gave states more power to try new policies. Escaping the one-size-fits-all approaches from major party candidates continues to be crucial.

Regarding social policies, Barr's positions have evolved. Many Americans share his concern about drug abuse, for example; but more than anyone else in the libertarian camp, Barr has the authority and insight to explain why using the heavy hand of the federal government is not the best approach. His preference for devolving changes to the state and local, or nongovernmental, level best illustrates the way to avoid what F.A. Hayek called the "fatal conceit," the idea that a few planners at the top think they know more than all of the rest of us combined.

Relying less on the centralized solutions of the past and respecting the spontaneous order of modern life offers the best way of addressing the varied problems we face. Only by allowing maximum flexibility and openness can we realize in public policy the potential of new solutions, just as the internet has increased accountability and transparency in our public life.

In the real world, issues are often not as easy as ideological platitudes suggest. Barr retains his paramount concern for protecting this country, and our rights, against real threats. While he wants to end government policies that fail to produce results (including the drug war), he recognizes the interrelationships of the drug trade, which finances terrorists, with other issues. This explains his positions on the Andean conflicts. Insight and realism show his leadership.

In 2002, David Keene of the American Conservative Union defended Barr, saying, "[The] man's ubiquitous. He fights for his beliefs in committee, on the House floor and in the media. [He's] brimming with ideas, unwilling to compromise on matters of principle, and ready to take on all comers in the fight for what [he sees] as right."

That sentiment is shared by the civil libertarians of the Left. "Social issues journalist" Walter Brasch observes: "[Barr] has spoken out against the neo-conservative movement for its super-patriotic suppression of dissent, rising beliefs in a 'tax-and-spend' bureaucracy, and unqualified support of the PATRIOT Act . . . Bob Barr isn't the ogre portrayed by many liberals and moderates, nor is he the saint that the conservatives believe. He is just a man of principle who believes our Constitution must be protected and defended against all enemies — foreign and domestic."

Barr has earned the respect of the Left and Right as a man willing to stand up for his beliefs. He has demonstrated in office and out that he works for change. His willingness to work with everyone on a variety of issues and try to broker agreements that move the ball in the right direction demonstrates the experience — the principled experience — that is lacking in other choices.

If you approve of the status quo, vote for one of the two major party candidates. They are the candidates of the status quo. But if you want real change based on a new framework, vote for Bob Barr. Only a vote for Barr is a vote for smaller government and respect for individual rights, privacy, and civil liberties. The other choices offer parts of what the country wants and needs. Only Barr offers the best of the two other choices, and the long overdue political realignment that we need.

Barr's name evokes images from many past fights, and the one constant has been his strong defense of the rule of law against transgressions of the Right and the Left. When Republicans excuse current policies, they have forfeited your vote. When Democrats, elected to end a senseless war, end up retroactively endorsing lawless spying and surveillance on Americans, they also have forfeited your vote. But Barr has been tried and tested. He is the best choice to stand up for Americans' rights and liberties.

When I worked in Ron Paul's congressional office, a former staffer wrote a memo explaining that our job was to be leaders and set the goal posts. Dr. Paul did that in the Republican primaries. Now we need a fighter, a person who is not afraid to get his hands dirty, to run the ball down the field. Bob Barr is that man. Not only is he the right candidate to take the freedom movement to the next level, but he is the right choice to lead the country. ❑

The Case for Obama

by Bruce Ramsey

Barack Obama is not a libertarian, and Bob Barr, the nominee of the Libertarian Party, is. The libertarian case for Obama has to begin with strategic voting: one does not waste one's vote on self-expression but casts it for the greater good, as if one vote could determine the outcome.

The libertarian case for Obama, then, is not a tub of enthusiasm. It is negative: that he is not John McCain.

McCain has his points. From a free-market and self-reliance point of view, McCain's rhetoric and voting record are better than Obama's. McCain is famously anti-pork and is for retaining the relatively low Bush tax rates on ordinary income and capital gains. Obama promises to raise them. McCain is an enemy of the ethanol witchcraft. Obama is for it. McCain would preserve a greater space for private medicine. McCain is a relative free trader. According to the Cato Institute, McCain has voted in favor of trade 86% of the time, and Obama 31%.

Why, then Obama? War, the bringer of death, taxes, and restraints upon liberty.

McCain was for starting a war with Iraq. Obama was against it. When the occupation went bad, Obama talked about taking soldiers out. McCain talked about bringing them in. McCain, having been a prisoner, was sensitive to the issue of torture, and that is to his credit. But a vote for McCain is a validation of Bush on war and the other things, financial, legal, and cultural, that come with war. And on this issue, McCain is worse than Bush. Military service has defined McCain's heritage and his life. His moral touchstone is honor. He's got war written all over him.

That is why some libertarians will cast their vote this year for the nominee of a party that libertarians do not usually support.

One such made the news in February: Scott Flanders, CEO of Freedom Newspapers, owners of the Orange County Register. Flanders publicly disagreed with the Register's libertarian adviser, Ayn Rand scholar Tibor Machan, who said he expected to support the Libertarian nominee. Flanders, who had voted for Libertarian Ed Clark in 1980, Democrat Bill Clinton in 1992, and Republicans otherwise, announced his support for Obama because of the war.

He was not alone. Megan McArdle, libertarian blogger at the Atlantic, wrote on August 20 that she was "wavering between [Obama] and Bob Barr" but two days later wrote, "I'll probably vote for Obama." Her explanation expresses the feeling of many libertarians:

> I am not excited about this election. I do not believe that my vote is going to immanentize the eschaton. I do not think that I am engaged in a titanic battle, in which the forces of good must beat back the cosmic evil that threatens to engulf us all. I think I'm deciding which of two politicians to hand a lot of power I don't want either of them to have.

Some libertarians said they preferred Obama but might not go so far as to vote for him. One was David Friedman, law professor at Santa Clara University and contributing editor of Liberty, who wrote on his blog on May 7:

> McCain strikes me as a nationalist, likely to be comfortable with retaining and even expanding on the increases in executive authority claimed by Bush. He is also the one pro-war candidate . . . Perhaps I am too optimistic about Obama, but I do not think he is going to turn out to be an orthodox liberal.

Friedman noted a hopeful difference between Obama and Hillary Clinton: Clinton wanted the government to require every American to buy health insurance, and Obama did not.

Friedman also noted that Obama had taught at the University of Chicago — the place where Friedman's father had led a worldwide movement of free-market economics — and that Obama's chief economics advisor is Austan Goolsbee, a Chicago man. Goolsbee isn't quite Milton Friedman, but he is a believer in markets.

On August 24, The New York Times Magazine picked up the same theme in David Leonhardt's long piece on Obama's economics. Leonhardt noted the Chicago connection, and wrote: "By surrounding himself with economists, however, Obama was also making a decision with ideological consequences. Far more than many other policy advisers, economists believe in the power of markets."

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To Fortune magazine, Obama had said: "I am a pro-growth guy, and I'm a pro-market guy. And I always have been. What I do get frustrated with is an economy that is out of balance, that rewards a very few — with rewards that are all out of proportion to their actual success."

A libertarian who might be expected to support Obama is Brink Lindsey, the Cato Institute research director who

argued in the New Republic (Dec. 4, 2006) that the libertarian-conservative alliance was dead and that libertarians ought to consider "a new progressive fusionism" with the Left.

I asked Lindsey where he stood on the election, mindful that the folks at Cato, with a 501(c)(3) tax exemption, would be cautious about endorsements. He replied (speaking for himself, not Cato):

> I think McCain is terrible on foreign policy, and Obama is terrible on spending and regulatory issues. But since the president generally has much greater influence over foreign affairs than he does on domestic policy, I give the edge to Obama. Furthermore, my sense of fundamental democratic accountability says that when the party in power messes up royally, it should be thrown out on its ear. For Republicans to be rewarded with another term in the White House after eight years of Bush seems really wrong to me. So put me down as preferring Obama to McCain, but I can't come close to calling myself an Obama supporter.

Gene Healy, a vice president at Cato, author of "The Cult of the Presidency" (2008) and a contributing editor of Liberty, gave this answer:

> I'm certainly not *for* Obama. I generally vote for people who can't possibly win; that way I don't have to feel guilty for what they do when they're in office. After our recent experience with a "conservative" president who launched the greatest expansion of the welfare state since LBJ, I find it hard to take seriously the notion that libertarians need to line up behind another Republican in order to save the country from looming socialism. Particularly when that Republican is a bellicose TR-worshiper and the dream candidate for the National Greatness Conservatives who've done so much damage to the country over the last seven years. . . . Obama's public positions on war and executive power — even after the recent flip-flop on wiretapping — are preferable to McCain's from a libertarian perspective. But Bush's positions on spending and nation building were better than Gore's in 2000, so who can predict?
>
> Perhaps the best argument for Obama is found in the snarky bumper sticker currently offered for sale at CafePress.com: "Obama '08: Get Disappointed by Someone New."

Here is my take on it. I argued in Liberty ("Our Allies, the Conservatives," December 2006), that libertarians will never fit on the Left. Since then, the "Ron Paul Revolution" happened on the Right, and made more of a splash than I thought was possible. But libertarians are not strong enough, which is why Paul lost.

Do you really imagine that we are living in the kind of social democracy in which nothing happens unless it appears on the ballot? Of course you don't.

In any coalition, if the weaker party is to have influence, it has to be willing to leave. Most of the time it will not do that; it will support people it doesn't totally agree with, in exchange for their support on some things, and the hope of greater influence in the long run. But it always has to be willing to walk out. If it won't, then it is nothing more than the majority's poodle.

In the presidential race, 2004 was a time to walk out. I could not vote Republican. Four years later, I still can't.

Why? Because in 2004 the Republicans won. Had they lost, they might have changed. But they won. Their war was validated. The neocon ascendancy in the Republican Party was affirmed.

If libertarians are to have any influence on the Right, the neocon-led coalition (and not all Bush voters are neocons) has to be defeated. This already started to happen in the midterm elections of 2006, when the Republicans lost the Senate and the House. But the party hasn't gotten the message that war is an election-loser. The party still has the White House, and it has nominated a neocon-backed military man to keep it. If McCain wins, the neocons win and the "War on Terror" continues under a leader who promises victory at all costs. On foreign policy, Republicans need to rethink what they think. And for that to happen, the Republican nominee has to lose.

And *that* means, as surely as Aardvark comes before Zoology, that Barack Obama has to win.

And that is the case for Obama. ❑

The Case for McCain

by Stephen Cox

My message is simple: Vote Republican, because whatever you may say against McCain (and it will probably be true), Obama is much worse.

I'm not going to list all the debits and credits of either McCain or Obama — or Barr, the Libertarian Party nominee. Readers of Liberty have covered this territory already. My major purpose is to examine the fallacies that lead good people either to vote only for candidates who express their highest moral aspirations or to refuse to vote at all.

Let's consider the second matter first. To many people, the argument for not voting appears invincible. A single vote almost never decides an election; therefore, why vote? This logic evidently appeals to a large proportion of the populace, the proportion that doesn't turn up at the polls.

But the issue isn't as easy as it looks. Think about all the things you do, and believe in doing, despite the fact that they have little or no practical effect. When strangers on a plane interrupt you with inane small talk, you treat them civilly, even though you'll never see them again. When you have the chance to jump the queue at the checkout stand, you resist the temptation, even when there's no significant chance that anyone will retaliate against you if you don't. When you're paying a one-time visit to Nome, you still tip the waiter.

Why do we do things like that? Because we're voting, in effect, for a world where everybody does things like that, a world in which life is somewhat better instead of somewhat worse. We don't imagine that other people will necessarily follow our example. We hope they will, but we probably won't know whether they do or not. But if we and people like us didn't do what we do, the world would be a pretty

miserable place. The ignorant, uncaring, and uncivil would simply take over.

Now, to come a little closer to actual politics: Have you ever entered an argument that you knew you'd lose, in the sense that you knew you wouldn't convince the other parties? I'll bet you have. It's part of being human; it's part of being who you are, and showing it. And do you ever take a few minutes to participate in telephone polls? I'll bet you do that, too. Admittedly, it makes little or no practical difference that when somebody calls me up I take a few minutes to state my view, thus raising the percentage of Americans who want smaller government by a decimal point or less; but that just means that I wish more libertarians were willing to take part in those surveys. If they were, politicians would take us a lot more seriously. But if none of us responded, they would be sure to write us off completely.

Yet actual voting, you may say, is different. It isn't just a statement of views; it's part of the process by which officials are installed and policies are imposed. If you insist on taking part in this process, don't you have a responsibility to vote for the candidate who is closest to your own views — to vote for the Libertarian Party candidate, not the Republican or the Democrat? How can you spend all your waking life denouncing the actions of the two major parties, then haul off and cast your vote for one of them?

Those are good questions. They bring us back to the first fallacious idea I mentioned, the notion that you have a duty not to vote for anyone with whom you have a principled disagreement. Many libertarians take this position, refusing to give their "moral sanction" to anyone except a candidate of the Libertarian Party (should one of these candidates be found sufficiently pure). They assume that to vote for a Republican or a Democrat is to make oneself responsible for every rotten thing that person may do in office.

This, I believe, is nonsense — well-intended nonsense, but nonsense nonetheless.

Do you seriously believe that the function of voting in a presidential election is to decide every act and policy of the U.S. government? Do you really imagine that we are living in the kind of social democracy in which nothing happens unless it appears on the ballot? Of course you don't. Then what do you think the function of voting is?

Clearly, it's to select a single winner out of a long list of candidates. If I thought the Libertarian candidate had a decent chance to win, I would vote Libertarian. But I still wouldn't consider myself morally responsible for anything, anything at all, that Bob Barr did as president.

It's fair to say that to most libertarians, this will look like a sad attempt to relieve myself of guilt. Why shouldn't you feel responsible? they'll ask. You *voted* for him!

But no, I reply, I am not responsible. In strict terms, I didn't even vote for him. I voted against his opponents. Isabel Paterson was right when she argued, in "The God of the Machine," that the proper function of voting is to say No, I *don't* want So and So. It's impossible to vote *for* all the things that a candidate may do in office, with any reasonable expectation that this is what he will do. What's clear is that one can vote *against* the candidates from whom one expects still worse things. When they lose, they no longer have the ability to do any of those things.

And this, by the way, is what political moralists urge you to do when they say you should vote Libertarian, or not vote at all. They want you to say No to the Republicans and the Democrats. The problem is that, except if they get very lucky, these moralists don't actually manage to exclude the worst of the great-party candidates. They just identify themselves as members of the great company of people whose views can be written off.

With no more intellectual or experiential qualifications than those sufficient to become a corrupt Chicago alderman, he considers himself a great moral and spiritual leader.

This year, it's conceivable that Obama may gain a state, and thus win the election, if there's an outpouring of antiwar conservative and libertarian votes for Barr. I doubt that will happen, because my humble opinion is that most voters agree with me and vote for one of the major-party candidates, trying to exclude the worse one from the presidency. But now we've returned to the only real political issue: Would you rather exclude Obama or McCain? That's what the presidential election will decide. To say "I'd rather exclude them both" is like answering a survey question, "Would you rather (A) have lower taxes; or (B) have higher taxes," by saying, "Not applicable: I'd rather have no taxes." Of course you would. So would I. But that isn't the question. The question in the 2008 election is simply: Which candidate will be excluded, Obama or McCain?

I say, exclude Obama.

Of course, there are plenty of reasons for excluding McCain. Unlike Obama, he's a (qualified) supporter of our strange adventure in Iraq. And he's a desperate lunatic about "campaign finance reform," having learned nothing from the failure of the McCain-Feingold Act. Like Bush, he's a jerk and an obscurantist about illegal immigration. And he's a crabby old guy. I don't like him. Actually, I detest him.

But now let's talk about what Obama is. The worst thing is that he has "charisma," which is something you get when The New York Times says you have it. With no more intellectual or experiential qualifications than those sufficient to become a corrupt Chicago alderman, he considers himself a great moral and spiritual leader, and he has been accepted as such by millions of deluded followers. There is nothing more dangerous than the cult of the Messiah, and that's what the Obama movement is. This alone is sufficient reason to vote against Obama, by voting for McCain.

And the list of reasons goes on and on: Obama's glad embrace of black nationalist "liberation" (i.e., neocommunist) theology, until the nature of his church was miraculously revealed; his willingness to lie about his background and associations, many of which can be justified by his followers only on the basis of his cynical willingness to cadge support from nuts and demagogues; his life (and the life of his

influential spouse), spent in the service of racial preferences; his slanderous description of people who vote against him as bitter folk who cling like mollusks to their guns and their religion and their "antipathy to people who aren't like them"; his amorphous political positions, each one dedicated to the proposition that he must be president, for whatever reasons he wants to dream up (if he's an antiwar candidate, God help the cause of pacifism); and finally, and most egregiously, the pompous condescension that he manifests in every moment of his public being.

It's remarkable that Hillary Clinton, who was filled higher with hubris than any other person on the political scene, lost a great deal of it when she found herself slipping beneath Obama's tires. Contrary to all expectations, she learned from her experience. She acknowledged (some) mistakes. She talked without condescension to people who weren't her followers — to people who actually disagreed with her. But when Obama was in danger of losing, during the Reverend Wright affair, what did he learn? He learned to blame one revered friend after another for his mistake of associating with them. He went so far as to suggest that his grandmother was a racist. He cultivated his habit of finding coyly disingenuous ways of putting the verbal knife into other people. And soon he was Himself again, radiating his rightness in every possible respect.

It was an amazing performance, and it did not bode well for the republic, should this star-struck nonentity be elected president. You thought Bill Clinton was bad? He at least had a sense of humor. Often he knew that he was gaming the people. But Obama doesn't have a clue about himself.

Yet the greatest problem about voting Democratic, even when the Democratic candidate isn't a little Napoleon, is always that Democratic presidencies bring to Washington tens of thousands of counselors, bureaucrats, judges, and social action profiteers, an invading force that is always even farther to the big-government left than their boss, who at least had to be elected by the nation as a whole. The greatest problem with voting Republican is that Republican presidencies bring to Washington tens of thousands of stumblebums who haven't a clue about how to reduce the size of government, or even to govern intelligently. Is there a clearer political choice? The worst you can say about the Republicans — and this is very bad indeed — is that they behave like Democrats. The best you can say — and it's not very good, but it is important — is that they are not Democrats. Occasionally they nominate a Justice Thomas. Occasionally they lower taxes. Occasionally they raise speed limits, abolish conscription, or defend the 2nd Amendment. And they never nominate a Messiah.

It's very unfortunate, but in one way or another we all end up voting for either the Republican or the Democrat. If you refuse to vote for the lesser of the two evils, you'll do nothing to exclude the greater of the two evils. Is that really what you want to do? ❑

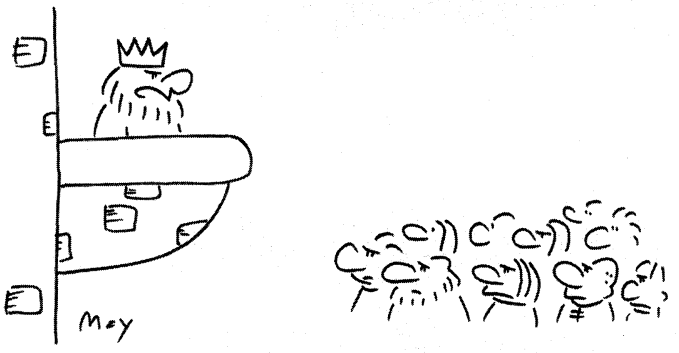

"I'm beginning to think that you're *willfully* apathetic."

None of the Above

by Doug Casey

Once again we find ourselves in the midst of the quadrennial American circus, when shameless powermongers come out to blather moronic and vacuous platitudes in hopes of getting *Boobus Americanus* to "get out and vote," granting them the power of life and death for the next four years. Regrettably, they won't be disappointed.

But one can hope they will be. I think back to the '60s, when the wistful saying "Suppose they gave a war, and nobody came" was current. It was a noble sentiment. In that vein, I also like "Suppose they gave a tax, and nobody paid," around April 15. And "Suppose they gave an election, and nobody voted," now.

You've heard all the reasons why you should vote. Most of them are humbug at best, and some — such as "It doesn't matter how you vote. Just vote" — are simply idiotic. Voting today has nothing to do with the "civic duties" you learned about in grade school. Your fellow citizens aren't Jimmy Stewart and Gary Cooper lookalikes earnestly trying to do the right thing. Well over 50% of U.S. citizens are now net tax recipients, and they've trundled down to the polls in their tank tops and shower slippers only to help ensure that they stay on the gravy train.

It's sickening to hear thoughtful nonvoters, who can sense in their gut that something is terminally wrong with the process, make lame excuses because they feel guilty for not participating. I would, therefore, like to give you five reasons why you shouldn't vote.

1. Voting in a political election is unethical. The political process is one of institutionalized coercion and force; if you disapprove of these things, then you shouldn't participate in them, even indirectly. As Mao, a leading expert on the subject, famously said: The power of government grows out of the barrel of a gun."

Sure, if government limited itself to defending its subjects from domestic and foreign aggression and adjudicating disputes, you could argue that there was nothing unethical in voting for who plays the night watchman. But the fact is that elections have long been, as Mencken observed, nothing but advance auctions on stolen goods.

If you want something, vote with the dollars you've earned, in the marketplace.

2. Voting compromises your privacy. It just gets your name in another government computer bank, one they can use to call you up for jury duty and other forms of involuntary servitude. The less the government knows about you, even in small ways, the better off you are.

continued on page 36

Warfare, Workfare, and Nation Building

by Peter Allen

The U.S. Army plays several different and sometimes conficting roles in American society. It's a military force, a workfare program, and a nation-building venture. That's too much.

Ask most Americans about the track record of their army and they will tell you proudly that it has never lost a war. Despite the result in Vietnam — where, many people will tell you, we did not lose; we just stopped playing after losing interest — Americans see their army as an invincible force, feared and respected all over the world.

Yet, as we continue to fight in Iraq and Afghanistan, it is clear that the force that won the world wars of the 20th Century needs a makeover, and soon. The U.S. Army has grown haphazardly out of control and is so far removed from its original mission that chaos is the only possible result.

The Army is proud of its roots, and rightly so. It is older than the nation itself, tracing its roots to June 14, 1775, a full year before the signing of the Declaration of Independence. Whenever there has been a crisis, throughout the nation's history, the Army has been there to help out — for better or for worse. Whether it was fighting off the British a second time in 1812, or subjugating the native population on the frontier, the Army was there. Afterwards, the Army, which had anticolonialism at its roots, was often a force of liberation for foreign peoples.

But a funny thing happened on the way to self-congratulation. After defeating the Axis powers in WWII and facing the threat of the Soviet Union, the Army had to deal with a new world of urban fighting and microscopic inspection of casualties. A bevy of international organizations such as the UN, IMF, World Bank, and Amnesty International, just to name a few, now hold any military operation to an unprecedented human rights standard. While in the past the U.S. Army was respected for the military results it produced, now one civilian death can be enough to jeopardize an operation that, in theory, might free millions of people from oppression.

Once, dictators could commit any number of atrocities and be fairly sure that word would be so late in reaching potential opponents that the deed would already be done and accountability would be impossible. Hitler is said to have asked his commanders when they expressed concern over what the consequences would be of his order to exterminate all Poles who stood in his way, "Who remembers the Armenians?" History had taught him to be heedless of the outrage of the world community.

Today, fortunately, the fate of the Armenians could not go unnoticed. The rich nations of the world have not yet proven

able to stop genocide from happening; but the international spotlight has made it nearly impossible to hide this or other atrocities. Everyone knew what was going on in Kosovo and Rwanda while it was going on, and the outrage over Darfur would not be possible without our modern technology and watchdog agencies.

Couple these facts of the contemporary world with the unquestioned strength of the U.S. military and its invincibility in any conventional war and you begin to understand the current controversies.

Today, the Army has to balance a bewildering array of tasks that range from its traditional mission of protecting the nation from international threats, to rebuilding shattered nations, to providing health care, education, and recreation to the families of its members.

To understand what has happened, it is important to realize that the Army now is as much a workfare program as it is anything else. I refer not to the average income of those who join its ranks but rather to the Army's provision of a social safety net for people who are not sure what to do with their lives, or who have goals — other than protecting the country — that Army enlistment can help them attain.

If you are feeling unsure about your future, dislike your job, have a pregnant girlfriend, desire U.S. citizenship, or despise school so much that you will do *any*thing to get your parents to stop asking you about college, then you can join the Army. After doing so you will have a taxpayer-funded job, the credibility imparted by an organization with a storied history, and the ego boost of hearing millions of people thanking you for your "selfless sacrifice for our country." It doesn't matter that you may not have any idea what it truly means to serve in the Army. You are now part of something larger than yourself, and that's enough.

Because the Army has set itself up as a workfare program, and because those at the top of the organization have a vested interest in keeping their budget large, in the neighborhood of $420 billion at latest count, there is no incentive to make real cuts or shift the mission. The inevitable truth about government agencies remains unchallenged — they can only get bigger. Our military accounts for 43% of the entire world's military spending, and eats up over 20% of our own budget.

To understand what has happened, it is important to realize that the Army now is as much workfare program as it is anything else.

This prompts a number of questions. Just what is a bigger Army doing? Is it doing those things well? Could someone else do them better?

To answer the first question, let's look at the tasks now being undertaken by the U.S. Army in Iraq and Afghanistan. Despite campaign pledges to the contrary, the Bush administration is now fully involved in nation building. It became clear long ago (and by long ago I mean in the 19th Century, with the experiences of the European colonial powers, not within the last couple of years in Iraq) that combat operations are not going to bring peace and stability to the third world. Prosperity will come to these nations only when locals reach the point where they can provide their own security.

A change in foreign policy that recognizes this fact was necessary. To that end we started using our soldiers like Peace Corps volunteers. Handing out flyers, giving candy to children, spreading goodwill, and teaching the locals how to provide basic medical and veterinary care are now part of the job. Never mind that at Fort Benning's Sand Hill you were taught the basics of the wedge formation, how to conduct a hasty ambush, and other more properly military skills. Now you will be handed a card with extremely restrictive Rules of Engagement, and told not to look at the women in the village while your commander attends a shura in which the local leaders complain about how their generator no longer works. Soon after this meeting, however, you will be called to the site of an IED where you will be required to shoot at someone who may well be a member of the family to whom, at the shura, you swore you meant no harm. Your unit will also be supplemented with "civil-military operations" units that will pass out money for building projects, and "psychological operations" units that will make colorful flyers depicting smiling locals receiving a free prayer rug for agreeing to stop shooting at coalition forces.

During the 15 months in which your unit is deployed, pending a phone call that increases that duration, a contingent of uniformed soldiers will remain at your home station. Some are injured and cannot deploy; others just got selected to remain behind. These soldiers will look after the garrison and provide needed support to the deployed unit, but inevitably they will also answer questions from lonely family members about who is going to mow their lawns, now that the husband is gone.

This additional force is, nowadays, just as important as the force actually deployed; assisting families is the next closest thing to combat duty.

All of this started benignly enough. Families have always come together to cope with the stresses of war and wartime. Now, however, managing this stress has become a central military function, performed by uniformed soldiers.

Is the military performing its nonmilitary functions well? Could someone else do them better? The answers are "No" and "Yes."

First and foremost, the military is a fighting organization. Soldiers are recruited and trained to fight wars. This is the Army's most important obligation and the one dictated by the Constitution. The Army is supposed to be an institution that provides physical security. The U.S. has always maintained that the military is a tool of the government and does not make policy or political decisions, but the truth on the ground is quite different.

In her book "The Punishment of Virtue," Sarah Chayes, former NPR correspondent turned resident of Kandahar, talks about her dealings with the U.S. representation in Afghanistan. For every State Department representative she meets, there are thousands of military personnel. The military rank and

continued on page 38

Restoring the House of Mencken

by Bruce Ramsey

H.L. Mencken's house is a monument to a great writer, and a great libertarian. Can it be saved?

"I have lived in one house for 40 years," wrote H.L. Mencken in 1925 in the Baltimore Evening Sun. "It is as much a part of me as my two hands. If I had to leave it, I'd be as certainly crippled as if I lost both legs."

Mencken's house at 1524 Hollins Street in southwest Baltimore is one of America's most famous literary addresses, and the most famous of any writer thought of as libertarian. It is listed on the National Register of Historic Places. Owned by the city government, it is now closed and somewhat run down, though a serious effort is underway to save it.

I visited the Mencken House in July 2008.

It is 5 p.m. on a weekday. The neighborhood is quiet and tired, and I have no problem finding a place to park. Across Hollins Street is Union Square, which has leafy trees and a few old men on benches taking in the afternoon sun. In the center of the square is a round black fountain gone dry. Along its edges are plaques for Mencken's prominent books: "Prejudices," "Happy Days," "In Defense of Women," "The Mencken Chrestomathy."

The men, I think, probably have never heard of H.L. Mencken. The desk people at my downtown hotel had not.

Mencken's house is three stories of red brick squeezed between others like a book on a shelf. In Greenwich Village such a house would be worth more than a million dollars, but here and in this condition maybe a quarter of that.

My host is Oleg Panczenko, a middle-aged software guy who wrote code for point-of-sale terminals until his employer went out of business. He arrives in a beat-up car. He says he has been "a big fan of Mencken's since high school," when he encountered the "Chrestomathy." He is now secretary and archivist of The Society to Preserve H.L. Mencken's Legacy Inc. He has worked with the nonprofit group since 2001, when, he says, it seemed that saving the house might take two or three years.

Mencken's home has stone steps, white double doors, and a white cornice. The property is 18 feet by 150 — the same shape as two sticks of Juicy Fruit laid end to end. To fit inside it, the main-floor rooms are strung in a line like meat on a skewer: parlor, sitting room, dining room, kitchen. Behind is the long, narrow garden, with a brick wall on one side doing quiet battle with the ivy. Mencken built much of that wall, inserting colored tiles here and there. He mounted Ludwig van Beethoven's death mask over a block carved with the

opening notes of the Fifth Symphony. Another block is carved with the engineering equations of Mencken's brother August. At one end of the wall is a tile that says, "1905 Tessie 1921"; Tessie was a dog. At the other end is a gate onto the alley, but it is locked and we do not go out.

Panczenko scrapes the leaves off two small tiles on the ground behind the kitchen. I look at the tiles dumbly: a design of thick black lines in a kind of decorated X. He says a reporter for the Baltimore Sun once claimed it was a swastika and therefore had political meaning — and then, yes, I can see it: erase the forked parts and flip it over. A *disguised* swastika. Such imaginations people have.

Mencken's prose is the antidote to timidity and political correctness. He is the antigrovel. He is liberty.

The inside of the house used to require a good deal less imagination. Wrote Christopher Corbett in the New York Times: "Mencken's home seems as if he might return at any moment . . . The dining room at the rear of the first floor is replete with a sideboard groaning under the weight of various bottles of Mencken's favorite drinks, including a flask of bathtub gin and a pint of an ominous looking elixir labeled 90 proof corn whiskey." The writer's second-floor study, which faces Union Square, "has also been restored, including paste pots and a battered Underwood typewriter, along with a spike."

That was 20 years ago. From 1983 to 1996 the house was a museum, and it had Mencken's things in it. No more. The nonprofit organization that ran it — Baltimore City Life Museums Inc. — closed in 1997. "The furniture went to the Maryland Historical Society's warehouse," says Panczenko. Mencken's books are at the Pratt Library, downtown. The house is empty of his furniture save for a piano and a few chairs.

I notice the floors first. They are hardwood, narrow floorboards, and in a herringbone pattern in the dining room. They creak, and some of the floorboards are loose. Water has damaged the floor in a few places, and in Mencken's small third-floor bedroom — the room where he died — someone has scarred the floor with a hot iron. In the doorway between the kitchen and dining room, the floor sags. Termites infested it, Panczenko says, and in 2002 the Society asked city officials for permission to call an exterminator, his fee to be paid by the Baltimore Sun. Permission came in nine months, during which time the insects multiplied. They are gone now, but the structure is not repaired.

Here and there on the walls is water damage. The big damage, however, was done by the central air conditioner installed after Mencken's death. The city people left it on, the drainage pan overflowed, and the water wrecked the ceiling below. That was fixed.

A Room of His Own

A mile or so from Mencken's house is the Mencken Room at the downtown branch of Enoch Pratt Free Library. No deterioration here: the room is burglar-alarmed, climate-controlled, and wood-paneled. It is clearly a prized asset of Baltimore's public library.

Mencken's biographers — Fred Hobson, Terry Teachout, Marion Elizabeth Rodgers, and others — have come here. The Sage of Baltimore wrote 10–15 million words — that's 27 to 41 years' worth, at 1,000 words a day — and virtually all of them can be viewed here. His personal library is here. Watching over it is a painting of Mencken as a young man, relishing the vigor of words.

The money for such a room came from Mencken himself. A room was set up at his death in 1956. The present room was set up in 2003. Except on the Saturday closest to September 12, when fans gather to celebrate his birthday, it is open by appointment only.

On my visit here, I meet Davis Donovan, who is researching the Saturday Night Club, a group of prominent German-Americans, including Mencken, who made music and drank beer together for 46 years. In going through the files of the music they played, Donovan discovered several original compositions, including an entire symphony by one of the club musicians. Donovan is planning to make recordings available on compact disc.

The curator is Vince Fitzpatrick, 58, who has worked in the Mencken collection for 28 years and has been a Mencken enthusiast since college. Fitzpatrick's 1979 Ph.D. thesis at SUNY Stonybrook was "The Beast in the Parlor: the Dreiser-Mencken Relationship." He, too, has written a biography, "H.L. Mencken" (1989), which analyzes Mencken as a writer.

Fitzpatrick says that a crucial thing about Mencken is that he learned the craft of writing while he was on the job at newspapers and, to a great extent, while he was at home by himself. "Mencken's schooling ended at 15 years and 9 months," Dr. Fitzpatrick says. "He did all this with a high school education." Perhaps he was able to develop such a distinctive style because his prose was not homogenized by schooling.

Mencken's politics sound and feel libertarian, though he was so dismissive of ideology that many have denied that he was a libertarian. Fitzpatrick says he was: "Mencken was an old-time Jeffersonian liberal who believe that the best government governs least. . . . I think from the libertarian perspective Mencken definitely fits because of his support of First Amendment rights, his fiscal conservatism, and his belief in the right to be left alone."

Fitzpatrick started his biography assuming that the 1920s would be the most interesting period, because it was the time of Mencken's greatest influence. Instead, he says, the most fascinating period was the 1930s, when Mencken's hammering at Franklin Roosevelt put him out of fashion.

Mencken never made peace with the New Deal, but in 1936, Fitzpatrick says, "he reinvented himself" by writing the first of the stories that went into his three autobiographical books, "Happy Days," "Newspaper Days" and "Heathen Days." "So many people when they reach that age — 56 — can't reinvent themselves," Fitzpatrick says. "Mencken did."

— Bruce Ramsey

The parlor has a chandelier that wasn't Mencken's, and the dining room has a red tiled fireplace that was. Upstairs is another fireplace, with inlaid wood done by August Mencken. It needs repairs to the inlay work. Other fixtures in the house are not worth saving. From 1967, when August died, to 1983, it was used to house University of Maryland students in sociology — a group that no doubt had little reverence for H.L. Mencken. Probably it was during this time that the main floor kitchen was redone in Apartment Cheap, and a small kitchen was built next to August's bedroom on the third floor. In the narrow, dirty basement, where H.L. Mencken once stashed his liquor, are a Whirlpool washer and dryer. In the bathrooms are toilets such as you might find in any abandoned house.

The Society to Preserve H.L. Mencken's Legacy aims to restore the house. It has some impressive members, money, and a business plan. What it did not have at press time was an agreement on the house, though the group's president, Henry Lord, said the ball is finally rolling and he and the city were "85–90% there, on matters of substance" for a lease-purchase.

Lord is a retired trial lawyer, partner emeritus at the firm of D.L.A. Piper, a trustee of Preservation Maryland, a former regent of the University System of Maryland, and a man with "a strong libertarian streak." He has been a fan of Mencken since reading one of the "Prejudices" books about 1957. He says he can still remember the thrill of first reading Mencken's acidic obituary of William Jennings Bryan.

Photograph by A. Aubrey Bodine • Copyright © Jennifer B. Bodine • Courtesy of www.aaubreybodine.com

The group's first vice-president is Marion Elizabeth Rodgers, who wrote "Mencken: The American Iconoclast" (2005). The group has support from cultural celebrities: William Styron, Gore Vidal, Susan Sarandon, Garrison Keillor, David McCullough, and Tom Lehrer.

The Society's business plan of June 2007 estimates that restoring the house will take $486,025, which includes $33,519 in city permits and fees. The Society received a surprise bequest of $2.5 million from retired Navy Commander Max Edwin Hency, but the money is for operations only. Lord is negotiating to lease the house from the city for a nominal sum in exchange for restoring it and operating it as a museum.

My guide is not so optimistic. The city has been slow, Panczenko says. "We meet with the city bureaucrats, they smile and are very sympathetic, and it seems that the moment we leave everything is forgotten . . . We're not politically important. In fact, Mencken might be a bit of a liability."

With some people, he is. David Thaler, vice president of the Maryland Historical Society, told the Philadelphia Inquirer (Sept. 24, 2006), "There are no schools named for him. There are no statues."

Mindful that Baltimore is now a majority-black city, the Society makes much of the history of Mencken's help for African Americans. He published the poetry of Countee Cullen in 1924, and an article by W.E.B. DuBois in 1922. At the American Mercury, Mencken promoted black editorialist George Schuyler, a writer I remember from the 1960s. Schuyler was a conservative, though others weren't. Richard Wright wrote in his autobiography, "Black Boy" (1945) that Mencken opened his eyes to the fighting power of words. And the last thing Mencken published before his stroke in 1948 was an attack on the racial segregation of tennis courts in a Baltimore park.

Still, he used words like "blackamoor" and "Ethiop" (along with names for other ethnic groups) in ways that nobody would do today. His fans sometimes wince, but they delight in his general method. Mencken was a Zorro of the polemical style. His prose is the antidote to timidity and political correctness. He is the anti-grovel. He is liberty.

Marion Elizabeth Rodgers recalls how, as a museum, his house was once an inspiration to college students. "I have led tours of freshman and sophomore students through the House. Their interest is palpable," she writes. "They are able to look out the very same windows that he looked out of, see his garden, the very rooms where he met with so many other famous writers, the office where he wrote. He becomes a tangible figure, not a fossil."

The Society's business plan includes a Writer in Residence program, patterned after the program at the Thurber House in Columbus, Ohio; programs for schools and scholars; writers' workshops; evenings with authors; a Mencken gala; and Mencken Prizes.

Before that will come a drive to raise the $500,000 to restore the house, plus more to add to the endowment. It is a fine vision. Meanwhile the Mencken house sits, empty — a red-brick row house three windows wide facing a square with a dead fountain.

Panczenko rips away a line of ivy bearding the face of Beethoven. "We make sure the garden is weeded," he says. That, at least, requires no new permission. ❑

The Intelligent Person's Guide to Presidential Politics, *from page 30*

3. Voting is a degrading experience. Voting (as well as registering) involves spending possibly considerable time standing in line, hanging around government offices, filling out forms, and dealing with petty bureaucrats. Most people can find more enjoyable or productive things to do with their time.

4. Voting just encourages them. I'm convinced that most people don't actually vote for a candidate; they vote against the other candidate. But that's not how the guy who gets the vote sees it; he thinks it's a mandate for him to rule. It's ridiculous to justify voting by endorsing the lesser of two evils.

Incidentally, I got as far as this point in 1980 when, as luck would have it, I did an hour alone on the Phil Donahue Show on the very day before the election. The audience had been very much on my side up to the point at which Phil accused me of voting for Mr. Reagan, and I had to explain why I wasn't. Unfortunately, telling them they shouldn't vote was just more than they could handle. The prospect of their stoning me precluded my explaining the fifth and possibly most practical point.

5. Your vote doesn't count. Politicians and political hacks like to say that every vote counts because it gets everybody into busybody mode. But statistically, one vote in scores of millions makes no more difference than a single grain of sand on the beach. That's completely apart from the fact that, as voters in Chicago in 1960 and Florida in 2000 can tell you, when it actually is close, things can be rigged. And anyway, officials manifestly do what they want — not what you want — once they're in office.

The only way your vote counts is to make you complicit in the crimes that will inevitably be committed by its recipient.

My sentiments on the topic have little, incidentally, to do with the fact that both candidates in this presidential election are certifiable liars, lifelong ne'er-do-wells, and borderline sociopaths. But when has that not been the case? It's rare that someone of quality goes in for politics. My arguments are based on principle. How much principle is involved in a popularity contest between a slick, highly socialistic young black man and a tired, mildly demented old white man?

There are certainly romantics among you who, despite your better judgment, will go out and vote anyway, perhaps for the Libertarian Party candidate, despite the fact that there are few indications that Barr is a libertarian. But, I suppose, since there's zero chance he'll be elected, it's a good way to register a protest vote, for what that's worth.

Of course if you really want to treat the elections with the respect they deserve, and insist on voting, you might consider a write-in for, say, "Donald Duck." ❑

Reflections, *from page 24*

the growing popularity of residential-size windmills. Fads are common among the Chattering Class, and many have the wealth to pursue the latest status symbol. The article notes that there is little chance that anyone would ever recover an investment from electricity cost savings; still, as one person said, "I don't care how much it costs, it makes me feel better!" And the article goes on to explain why: some neighbors complain about noise, or interference with their sight lines, but the major response is *envy*. That envy factor probably explains much of the popularity of small cars, wind turbines, and CFL (compact fluorescent lighting) among the insecure but passionate residents of our coastal communities. — Fred Smith

A bright line? — As a persistent political issue — or distraction — abortion needs to be further clarified. Three questions seem to dominate the discussion:

(1) When does human life begin? (2) Does the fetus have rights that may override the rights of the woman carrying it? (3) Is abortion murder? These questions are more about words than substance. A human being does not exist before conception but does exist at birth; indeed, he or she quite arguably exists when ready for birth, that is, when labor could be accidentally or deliberately delayed or hastened for a few days without harm to the baby. It is a red herring to expect science and its latest supposed findings to pin down just when, between conception and birth, human life does emerge. Calling the fetus a mere potential rather than an actual human being does not change the realities at all.

Development of the embryo and then fetus into a live baby is a gradual process, well understood. Even the ability to survive outside the womb develops gradually rather than suddenly. Science identifies no sharp break in the nine-month process. The issue of when "human life begins" is an issue of when to apply those words, not one to be settled by science. A controversialist typically applies the words to the point before which, if ever, he or she considers terminating a pregnancy acceptable.

Question (2) involves talk of rights. In typical contexts, a right is best understood as an entitlement to treatment by other persons that entails a duty binding on those other persons with a high degree of moral and perhaps legal force. A party to a valid contract has a right to the agreed performance by the other party. By usual standards of morality, a parent has a duty to care for his infant children, who have the corresponding right. To say that an unborn child has a right to life even contrary to his mother's wishes is simply to say that he must not be aborted. To say that a woman has a right to determine the use of her own body, even contrary to any right of the fetus, is to say that other persons must not interfere with an abortion. In either case, the word "right" may allude to an argument that might be made to the intended effect, but it itself is no argument and not even a substitute for one. Without such an argument, the word "right"merely adds emphasis to a bare assertion.

Question (3) concerns applying the legal term "murder." Not all killing, even though regrettable or reprehensible, counts as murder — for example, killing in self-defense or through gross negligence. To say that abortion in specified circumstances is or is not murder is simply to say that it should not or should be legally tolerated. Without a supporting argument, the word "murder" in controversy over abortion, like the word "right," merely adds rhetorical flourish to a bare assertion.

continued on page 38

MOVE OVER, SAMUELSON!

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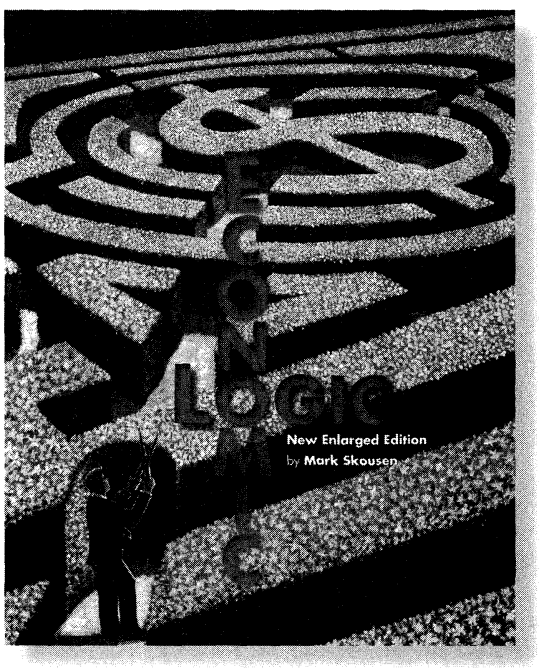

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Reflections, *from page 36*

Substantive argument over abortion, as opposed to mere verbal maneuvering, must consider likely consequences in various circumstances. How are the prospective parents and siblings affected, psychologically and otherwise? Does a developing baby suffer from being aborted or from otherwise never being born? How is respect for human life reinforced or impaired? How are attitudes toward and the prevalence of promiscuousness affected? How are interpersonal respect and cooperation and the general tone of society affected, with consequences for human happiness? To what extent can restrictions on abortion in specified circumstances be enforced, and with what possible adverse side effects? (The War on Drugs comes to mind, as well as the general point that not everything morally wrong should be illegal.) And genuine argument should take account of still other kinds of consequence. To recognize all this is not to preach moral relativism or situation ethics.

Still, by its very nature, abortion is not the sort of issue that admits of a black or white, all-purpose answer. How did the pregnancy come about — by rape, by incest? Will carrying the fetus to term or to miscarriage threaten the life of the woman? Is abortion less reprehensible early in pregnancy rather than later? (I could give reasons, though not necessarily conclusive reasons, for a "yes" answer.)

Particularly challenging is the case of a fetus that would be born badly deformed and with prospects of a miserable life. To assert the deformed baby's right to nondiscrimination would put the interest of the self-righteous moralizer, who might get a cheap feeling of nobleness, ahead of the interest of the child, who would have a painful existence thrust upon him. There is no way to leave the decision to the unborn child himself. The prospective parents, duly counseled, cannot shed moral responsibility for the decision. To the believer who objects that making the decision would mean playing God, the answer is that God may effect his will through inspiring the decision of the parents.

The question of abortion involves medicine, psychology, social science, and broad philosophy; it needs calm consideration in scholarly and similar contexts. It cannot get proper consideration in political campaigns, when anything beyond a soundbite is likely to tax voters' patience. Because abortion policy must be carried out by governments, however, there is no way to keep the issue from contaminating any political discourse. It would help, though, to recognize that abortion policy constitutionally belongs to state governments, not the national government.

People should realize that mere words about when life begins, about rights, and about murder cannot settle the question.

As a political issue, it is diversionary and should be deemphasized. It should bring discredit on candidates who misuse it.

— Leland B. Yeager

Warfare, Workfare, and Nation Building, *from page 32*

file are the ones the locals see and deal with most. The U.S. military is the de facto foreign policymaker in the area. It is the effects of its decisions that the people most feel; it is military uniforms that the people most often see. By creating a military that is simultaneously an armed force, a workfare program, and a diplomatic enterprise, we have handed the reigns of our foreign policy over to the leaders of the military.

The Department of Defense and the Department of State have been at odds for so long that their strife is taken for granted.

One of the latest tussles, between former Defense Secretary Rumsfeld and Secretaries of State Powell and Rice, is just the most recent spasm. But as the military fails yet again to set up stable governments in third world countries, meanwhile cracking under the stress of constant deployments, it is time to reassess exactly what we are asking it to do.

I suggest a reversion to the actual mission of the Army. Take away the civil-military affairs units — and take the Psychological Operations units along with them. If the government wants to nation-build, employ people who are trained in economics and engineering, rather than people trained in the wedge formation and the hasty ambush. If you want to do information operations, hire a contractor with knowledge of marketing and the effective use of radio and television, and let the soldiers be soldiers. Let them provide security for the experts in other fields.

In a recent symposium in Harper's ("Undoing Bush," June 2007), Edward Luttwak suggests using the military to destroy terrorist infrastructures, training camps, supply depots, etc., in raids that would not entail the nation-building of the current campaigns. The State Department could issue warnings, brandishing reports from the CIA, about the bad actors at work in the area; then the military raids would happen as a last resort, an instrument of foreign policy, not another movement by a permanent force embedded in the landscape and conducting what amounts to a unilateral foreign policy. Once a foreign government sees, through the exercise of military strength, how serious the U.S. intentions are, its own nation-building can begin. Our military's only job would be to provide the baseline amount of security necessary for our advisers on the ground.

Other areas will require extensive reform as well. In the same symposium, James Bamford points out the need for intelligence services to be independent of the military. While the military will have to play a major role in intelligence gathering, the department calling the shots should be the CIA, not the Pentagon.

This would cut down on some of the turf wars that facilitated the intelligence failures leading up to 9/11, and make it harder for the Pentagon to sell a war without solid proof of the weapons that are the justification for intervention.

The military has many other MOS's (Military Occupational Specialties, or "jobs" in civilian parlance) that can be eliminated once it stops being a workfare program.

Great cuts can be made in health care, finance, and supply that would free the U.S. Army to become again what it had been since 1775, the greatest fighting organization in the history of the world. ❑

Reviews

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"So Sad to Fall in Battle: An Account of War," by Kumiko Kakehashi, based on General Tadamichi Kuribayashi's letters from Iwo Jima. Ballantine, 2007, 240 pages.

War From Six Sides

Bettina Bien Greaves

Most histories of war are written by the victors — generals, statesmen, or historians. And most deal with strategy, diplomacy, heroics, and victories. Few are written from the viewpoint of the victims, most of whom leave behind no written record of their experiences.

The books discussed here are all works about World War II. They are based on notes, letters, or diaries written at the time, by people who suffered behind the lines or were killed at the front. They reflect an immediacy that few books researched and written later can possess. These are all, however, recent books. They were published long after the battles ended, because (as in the case of "The Diary of Anne Frank") the written materials were discovered much later. It took time to organize them, translate them, edit them, and turn them into proper books. Proper — and of immense human interest.

A Woman in Berlin

It is 1945. The Germans have given up trying to defend Berlin before the Russians arrive. The only soldiers to be seen are the dirty, tired, retreating German conscripts — old men and boys too young to shave — straggling in from the eastern front. Berlin is a dead city. It has been mercilessly bombed. The streets are littered with rubble. There are no trams, buses, phones, electricity, or running water. All shops are closed. Most Berliners are starving.

"A Woman in Berlin" vividly describes their struggle for survival. Many whose homes had been destroyed were camping out with friends, in basements, vacated apartments, and air raid shelters. After the Russians arrived, their soldiers took over the streets, looted liquor stores, and were soon drunk and looking for women. The anonymous author of this diary, a journalist, knew a little Russian. She intervened to stop two drunken soldiers from attacking the baker's wife, only to have the two men turn on her, grab her, rip her clothes, and rape her on the stairs to her apartment. Another woman — a teenage girl — was more fortunate. She was saved by her parents, who concealed her in the crawl space above their apartment's drop ceiling.

During the Russian occupation, our diarist wrote by the light of candles or kerosene lanterns at odd times and in odd places — to keep her mind off her stomach, she says — in notebooks and on miscellaneous sheets of paper. An edited version of her diaries was published in English in 1954, then in 1959 in Germany, where it was criticized

for "besmirching the honor of German women." Finally, now that the author has died, as well as all persons mentioned in her manuscript, it has been published in full.

Flory

On May 10, 1940, the Nazis occupied Holland. The Dutch could offer little opposition. Germany's announced goal was to rid Holland of all Jews.

The real terror began in September 1940. All Jews had to be registered and wear the yellow Star of David. Their entry to parks, theaters, schools, and many restaurants was forbidden. Their radios were confiscated, their books, papers, documents, bank accounts, and other valuables seized. Jewish businesses were taken over. Jewish professionals were no longer allowed to work. A 6 p.m. to 6 a.m. curfew was imposed. And deportations of Jews to Germany began.

One afternoon, 16-year-old Flory biked to the grocer's for food. A man on a bicycle spoke to her. He told her to take that "damned star" off and follow him. He was Piet Brandsen, a member of the resistance. He arranged for her and her boyfriend, Felix, to go into hiding in his home — although, as a Catholic, he insisted that they be married. Hiding Jews was dangerous business. Flory and Felix helped the Brandsens with the housework. They helped the Brandsen girls with their Catholic catechism and the resistance by typing the names of those who needed food and counterfeit food coupons. Felix began a diary.

Two years passed. Then the Gestapo raided. They didn't find Flory and Felix, but they arrested Piet. Flory and Felix were then placed with another resistance family. Piet was released four months later. And the war continued. Food became scarcer. Members of the resistance continued to hide Jews. They helped 19 U.S. paratroopers escape to England. They stole grain out from under Nazi noses by digging a tunnel into a warehouse and dragging the grain through the tunnel in cloth sacks.

When the end of the war was near, the neighborhood of the family that was hiding Felix and Flory became a battlefield. There was no way to escape on foot or bicycles, but they located an old circus wagon and a horse that was stabled nearby. Everyone piled in, and the old horse dragged the wagon slowly across town to the home of another Resistance family. Finally, on May 9, 1945, the Germans surrendered. Peace at last!

A few old Jewish friends and relatives turned up, but most had died at the hand of the Nazis. Of pre-war Holland's 140,000 Jews, only 6,000 survived. Two brothers of Felix in New York had served in the U.S. army, and they helped Felix and Flory obtained U.S. visas. In April 1948, they left Holland and settled in California. In 1984, Flory started organizing the papers and documents that she had buried in the backyards of the three homes where they had lived during the war, and with Felix's war diary she wrote this tale of their "miraculous" survival.

Sala's Gift

Life for Jews in Poland became difficult soon after Hitler's forces invaded on Sept. 3, 1939. The Germans began conscripting able young men and women. Eighteen-year-old Raizel, shy, frail, extremely devout, was ordered to report to a German labor camp for six weeks. Her sister, 16-year-old Sala, tomboyish, daring, and eager for adventure, volunteered to go in Raizel's stead; after all, she said, it was for only six weeks. But the six weeks became five years of harsh labor at seven different camps.

To maintain the pretense that service at the camps was voluntary, correspondence was permitted. Sala, lonely and isolated from her family, treasured every letter she received, hiding them under her bunk, entrusting them to friends, or taking them with her

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surreptitiously whenever she moved. The letters dwindled in number and frequency after Aug. 12, 1942, when all Jews in Sala's home town were summoned to the sports stadium, registered, and separated into groups according to their ability to work. Hundreds were ordered to German labor camps; an estimated 8,000 were sent directly to the crematoria of Auschwitz. In the confusion at the stadium, 20-year old Blima managed to pull her sister Raizel, destined for Auschwitz, into her group of able-bodied workers.

As the years went by, Sala and the other labor camp women heard little or nothing about how the war was going. But finally one day at Sala's seventh camp, when she and her fellow women inmates were digging trenches to protect German soldiers, white papers came fluttering down from the sky — Allied leaflets written in three languages, telling them that the war was over. The SS guards disappeared immediately; Russian tanks appeared with food; the town baker arrived with bread. The girls began making plans to go home.

Sala and a friend set out. Having no money, they were not allowed on trains or buses. So they hitchhiked and walked to Sala's home town in Poland. Sala found her old apartment occupied by strangers who welcomed no Jews. She learned that the British had liberated Bergen-Belsen and that her sisters, Raizel and Blima, had been there, but they were very ill and had been sent to Sweden for care. Sala and her friend continued wandering, finally arriving in the American zone, which had become a refuge for many Jewish survivors. Sala's friend went to Bergen-Belsen to look for her sister, but Sala stayed in Ansbach. On Sept. 7, 1945, she came to the old synagogue for the New Year services. There she was spotted by a young American soldier, Corporal Sidney Kirschner, who arranged a meeting. Their acquaintance became friendship; their friendship ripened into love. It took time to work out the marriage arrangements; then he had to return home. A couple of months later she followed, bringing with her the box of precious letters.

Sala never spoke of her five years in the Nazi camps and brushed aside all questions about that time. Finally, when Sala was 67 and heading to the hospital for triple bypass surgery, she fetched her box of letters, thrust it into the hands of her daughter Ann, and said, "This is yours, now." Then she began talking. At Ann's prodding, she gradually told the story of her years spent in the labor camps, her "gift" to her sister.

The Forger

Life was not hard for Cioma, an 18-year-old German youth, in the fall of 1941. He had two weeks leave from the "voluntary" Jewish work camp and was studying art at the Jewish art college. And he was learning about girls. As long as the Germans were winning in the east, Hitler left the Jews more or less alone. But when the Russians started winning and the United States entered the war, Hitler began clamping down. In June 1942, the Schönhaus family was deported. Young Cioma was exempt because he had a job in armaments. Yet when he said goodbye to his parents, it was forever; he never saw either of them again. Alone in Berlin, Cioma stayed for a time in his family's bombed-out home. But soon he started using his skill as an artist full-time, forging passes and ration cards. Then he went illegal, staying with friends in the underground.

In 1943, he lost his wallet; it was picked up by the police, his photo appeared on "wanted" posters all over Berlin, and he had to escape. It was June. He bought maps of southern Germany, a bicycle on the black market, and with forged documents set off for Switzerland. At the border, he heard shots, thought he was being followed, and abandoned his bike. He dashed across the stream and pond that marked the border, arriving in Switzerland soaking wet. Cioma Schönhaus wrote these memoirs and at 84 years was working on a TV film based on the book.

A Stranger to Myself

Willy Peter Reese fought in the German army against the Russians. He called himself a "wicked warrior." But he suffered deeply from the war; he was a true victim. He was 20 years old when he was conscripted. He had delighted in music, the arts, nature. His ambition had been to write. His mother sent him pencils and paper after he was consigned to the Russian front. And Willy wrote — under dreadful conditions. Recording his experiences and thoughts, he said, helped him retain his sanity, despite his "baptism of fire":

"For the first time we heard the whistling of mortars, the whipping of machine-gun bursts, the wild shrilling and bright brutal crash of shells. And it wasn't a game. . . . [W]e saw men fall, saw blood and wounds. . . . We spent endless hours in the ice and snow, with no protection against the biting wind. . . . We soon lost all feeling in our feet. Some suffered frozen toes, ears, and hands if they were carrying munitions chests, and failed to notice the blood stopping in their hands, or were forced to lie motionless in the snow for hours while

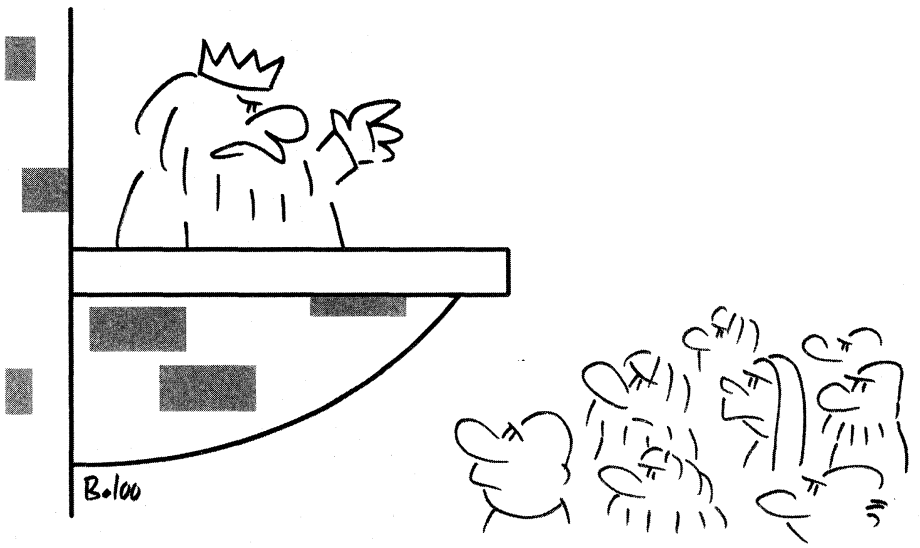

"Of course the war is expensive! — you have to spend money to make money!"

enemy fire shrilled over their heads. We were bitter and irritable and then dull and indifferent."

He and his fellow soldiers "were all sick and irritable. Outbursts of rage and hate, envy, fistfights, sarcasm and mockery stood in for whatever might have remained of comradeship. . . . We didn't attend to our dead and didn't bury them either, just put on their coats and gloves. Things and values changed. . . . . Death, the blind strangler, had failed to find me, but a human being had died in Russia, and I didn't know who it was." They were all simply "soldiers, dulled beings, vegetating in trenches and bunkers, wasting our time without hope, bragging, swearing, worrying, enduring, obeying: dehumanized caricatures." Their "totems," he says, "self, tobacco, food, sleep, and the whores of France."

She intervened, only to have the men turn on her, grab her, rip her clothes, and rape her on the stairs.

Apparently, however, Willy was not completely dehumanized. He was wounded and sent home on leave several times, and he spent each of those few weeks of leave feverishly typing up his copious notes. Amid "pondering and self-scrutiny," which "revolved unceasingly around the war," he "found some hope again . . . Life went on." And then, unexpectedly, he volunteered for the front.

"Once more the vast expanse of Russia lay outside the windows. Gray skies, meadows, scattered trees, rarely a building. It was raining. Hay and grain were rotting away. I slept and drank . . . I was happy. In the middle of Russia, I at last felt at home. This was where I belonged; nowhere other than in this world with its horrors and sparse joys was it good to be. Only here did my soul find its strange element. . . ."

"I lay in my hurriedly dug rifle pit and, in spite of the proximity of the crashing shells, soon fell asleep. I was awoken by an intensification of the firing and a hail of splinters. . . . We went over into counterattack. . . . Most of our little platoon had fallen. We got back to our gun and seconds later, began firing. The last of the Russians fled past us. The battle was over . . . The Russian soil was quick to accept corpses of any description — those of sons, as much as those of others. But I was alive. . . . I had seen and experienced death. Perhaps I would be marked by it as long as I lived."

Willy probably met his end on a June day, in or near Vitebsk. His mother held on to his papers until she died. A 70-year-old cousin inherited them, considered them valuable, and sought a publisher. Finally they reached a journalist with the newsweekly Stern who arranged their publication as "A Stranger to Myself," a 2003 bestseller in Germany.

So Sad to Fall in Battle

The battle for the Japanese island of Iwo Jima is the stuff of which legends are made. Author Kumiko Kakahashi has done remarkable research; he studied all General Kuribayashi's letters and interviewed all his surviving friends and relatives. Kakahashi wonders why Kuribayashi was sent to Iwo Jima in the first place. "Initially the Imperial General Headquarters had regarded Iwo Jima as important"; 20,000 Japanese soldiers were sent to defend it; "but as the Americans' invasion got nearer, the island was suddenly labeled worthless and cut off. The Japanese forces on Iwo Jima ended up having to fight with almost no support from the air force or the navy." Kakahashi believes that one reason Kuribahashi was sent to Iwo Jima was because he was a brilliant general. But another reason was undoubtedly his antiestablishment position about Japan's war with the United States. He opposed it. By sending him to Iwo Jima, headquarters got rid of him, and he became a victim.

The island had strategic importance for the United States, then anticipating an invasion of Japan, because its airfields could be used to launch a bombardment of the home islands. Kuribayashi was assigned the task of defending Iwo Jima, keeping the airfields out of U.S. control, and thus protecting the Japanese mainland. He was given to understand that he and his men must fight to the death to keep the island out of U.S. hands. This book tells how he planned and conducted the island's defense against overwhelming odds, maintained the morale of his men under grueling conditions, and inspired them to fight and kill with ferocious tenacity.

On Feb. 23, 1945, six Marines hoisted the U.S. flag on the summit of Iwo's highest point, Mt. Suribachi. The flag-raising photo became an icon of the U.S. victory over Japan; it was reproduced on U.S. postage stamps and a huge bronze statue of it was erected in Arlington National Cemetery. The flag-raising, however, did not mark the end of the struggle; the battle for Iwo Jima had only begun. General Kuribayashi had made his plans.

He arrived on June 8, 1944, and walked around the entire island. Except for Suribachi, it was mostly flat, with little surface soil or vegetation, no fresh-water spring or brook — only whatever rainwater could be caught to drink. Contrary to the recommended practice of the Japanese top command, Kuribayashi decided that he would not attack the Americans upon landing but wait until got further inland. Also he decided that the island's defenses must be underground. He set his 20,000 men digging with picks, axes, and an occasional stick of dynamite. They encountered sulphur vapor and temperatures of 140 degrees Fahrenheit and could work in ten-minute shifts only. There was no entertainment on the island, and no liquor or "comfort women."

They stole grain from under Nazi noses by digging a tunnel into a warehouse and dragging the grain out.

But Kuribayashi was a remarkable leader, always thoughtful of his men. He led by example, sharing their living conditions and their meager rations of food and water (one canteen per man per day). He encouraged them to write

letters home. He awarded military commendations and reported them to the emperor, so their families would learn of their exploits. He succeeded in maintaining their morale under gruesome conditions, all the while explaining not only that they must fight to their deaths but also that each of them should try to kill at least ten of the enemy.

On Dec. 7, 1944, the anniversary of the Japanese attack on Pearl Harbor, the Americans began bombing. On that single day, 192 fighters and bombers dropped more than 800 tons of bombs on Iwo, and cruisers and destroyers fired a naval barrage of 6,800 shells. This carpet bombing destroyed every tree, even every blade of grass on the island. But the underground world was untouched. At night the Japanese would climb out of their bunkers, repair their defenses, and retreat underground again. For 74 days, the Americans kept bombing. But Japanese ships continued to reach Iwo Jima with supplies, ammunition, and mail — until Feb. 11, 1945. Eight days later, the Americans landed.

They expected it would take five days to conquer the island; it took 36 days of vicious fighting. The place became a "hell on earth" for both sides. "Kuribayashi," we are told, "had instructed his men to live a life more agonizing than death; ordered them to wring the very last drop out of their lives. But in a battle where neither victory nor a safe return home could be hoped for, he also would not allow his men to die heroic deaths." The Japanese "conducted surprise attacks on the American camps at night . . . well planned operations. . . . In time the Americans devised countermeasures, and few of the attackers made it back alive. The underground bunkers echoed with the groans of the wounded and were suffused with the smell of sulfur and the stench of death. The Japanese had no way of burying the men who died in the bunkers and were forced to share their living space with their dead comrades."

Finally, on the early morning of March 26, 1945, about 400 remaining Japanese soldiers, under the 50-year-old General Kuribayashi — formerly hale and hearty, but by then emaciated and frail from stress and starvation — attacked an American encampment. The Americans by then did not believe that the Japanese could offer any organized resistance, and they panicked. "After a furious fight at close quarters lasting for around three hours, the Japanese had inflicted 170 casualties on the Americans. The surviving Japanese soldiers then made a charge on the airfields, where the majority of them were killed." Iwo Jima was finally captured by the United States after 74 days of ruthless bombing and 36 days of vicious fighting. The Americans suffered 6,821 killed, 21,865 wounded; the Japanese lost 20,129 men, including General Kuribayashi. His body was not located, but his experience of war endures — in literary form. Like the experience of the other people whose lives have been recounted here, it survives as a witness to the horrors of the 20th century. ❑

"Breaking Dawn," Book Four of the Twilight Series, by Stephenie Meyer. Little, Brown, 2008, 754 pages.

Vamps & Tramps

Jo Ann Skousen

If you walked into any bookstore or airport this summer, or Target or Kmart, for that matter, you saw the ubiquitous black book with a white chess queen protecting a red pawn. Barnes & Noble even commissioned a special-label chocolate bar from Godiva displaying the cover design. Looks interesting, right? Sort of reminiscent of Ursula LeGuin's fine "Left Hand of Darkness." Several Liberty readers have asked me what I know about the "Twilight" series by Stephenie Meyer that culminates in "Breaking Dawn," and whether they should be reading this "runaway bestseller."

My answer is yes and no. Yes, I have read all four books of the series, about a teenage girl who moves to the Pacific Northwest and falls in love with her lab partner, who turns out to be a vampire. And no, if you are just finding out about the series, you shouldn't bother climbing on board. The destination simply is not worth the journey.

I began reading "Twilight" last summer, shortly after Book Two of the series, "New Moon," knocked the final episode of Harry Potter out of first place on the New York Times list after just two weeks. What could be so good that it supplanted one of the most successful fantasy series in such short order?

Frankly, it was the luck of a publication date and the lack of originality of the author. By the time Book Seven of Harry Potter came out, everyone who planned on reading it was waiting with the intensity of a five-year-old watching for Christmas morning. If you were going to buy it, you bought it within the first week. So, of course, it skyrocketed to number one, and then plummeted just as quickly. Meanwhile, fans of "Twilight" were anxiously awaiting their own Book Two, and they scurried to the bookstores when it was released two weeks later. Since both books are populated by teenage members of the world of magic and the occult, reviewers began calling "Twilight" "the new Harry Potter," and readers like me succumbed to the hype.

What I found was a pair of reasonably well written, reasonably interesting books with a target audience of teenage girls. The heroine, Bella Swan, is an average girl with average looks and average grades, clumsy and a bit accident prone, with no hobbies, interests, or particular skills. Not much of a role model. Nevertheless, she apparently is the soulmate of a devastatingly handsome, permanently 17, "vegetarian vampire" from the Edwardian age. ("Vegetarian" is Meyer's way of describing vampires who survive on animal instead of human blood.) They fall deeply in love, but because Bella is human, she will continue to age. The only way they can be happy together for eternity is for her to be "changed" as quickly as possible — that is, Edward needs to drink her blood and turn her into the undead so they can always be the same age.

The story introduces some fairly interesting metaphoric conflicts about the nature of marriage and growing up. Marriage does indeed change a girl into a different person. She does have to give up the multitude of choices available in childhood and choose one permanent path. She does incur physical changes that can be painful and unpleasant at first. So even though Book One wasn't a great book, I was able to bring to the reading my own set of values to contemplate.

Book Two, "New Moon," brings in a new teenage character, Jacob, who turns out to be a werewolf whose job is to protect the community from vampires. When vampire Edward runs away to protect Bella from himself, she turns to Jacob for friendship. With Jacob she goes to movies, works on cars, rides motorcycles, hikes, swims, and in short, has a life. Again, this book introduces a topic worth contemplating, especially for its target audience. Should you choose the guy who turns your heart to mush but never takes you anywhere or does anything besides look longingly into your eyes, or should you choose the guy who is your best friend, the one who warms your heart as well as your body? (As a vampire, Edward is cold and hard like marble.)

Book Three, "Eclipse," continues in this vein, with Edward returning but trying to convince Bella that human life is too wonderful to throw away. If he changes her into a vampire she will experience agonizing pain and insatiable desire for human blood. To protect her family from her new personality, she will have to leave and never see them again — somewhat reminiscent of the biblical injunction to "leave father and mother and cleave only to" one's spouse. With Jacob, on the other hand, she could enjoy normal physical experiences, college, hobbies, career, and eventually motherhood. But all Bella wants is to stare into Edward's gorgeous eyes and touch his gorgeous body, yada yada ad infinitum. Surely Meyer's target audience will see that friendship is preferable to lust! Surely that's where she is leading . . . isn't she? Just wait for Book Four.

Besides the romantic issue of how to choose the right guy, each book contains exciting showdowns with dangerous non-vegetarian vampires who want to kill Bella, and Edward and Jacob both risking everything to protect her. What teenage reader wouldn't love that? The books aren't great, and as a role model for today's young woman, Bella is probably the worst. But they're entertaining enough for a long airplane ride or car trip (and, as a teacher, I like to stay up to date with pop culture.)

Meanwhile, I have avoided the Twilight website, fan sites, and especially anything Stephenie Meyer writes or says about herself or her books. She is the worst kind of narcissistic, self-adulating author. She seems to think she is the first person to have written a successful novel, and her postings are little more than fanatic self indulgences, full of uninteresting details about how she writes and what she thinks about. Spare me.

So I shouldn't have been surprised to discover that the final book in the series is 754 pages of self-indulgent drivel. Instead of continuing the love triangle and resolving it with an appropriate sense of loss for the one who isn't chosen, or even demonstrating the conflict of having to give up human activities in order to be with Edward, Meyer marries Bella off to Edward in the first scene and then sends them off on a mortal-immortal, headboard breaking, pillow thrashing honeymoon, during which Bella becomes pregnant — she didn't have to give up any of those human experiences after all.

When Bella's half-vampire spawn literally kicks her to death in utero, Edward quickly injects Bella with venom to change her into a vampire — injects, as in "hypodermic needle." Here is a man whose lust for blood has been kept in check for more than a century, waiting for the perfect moment with his perfect soul mate to ingest the blood he so carefully avoids. Talk about saving yourself for marriage! The premise calls for a scene at least as erotic as those in the original "Dracula," by Bram Stoker. But Meyer gives Bella a hypo to the heart.

So now Bella must begin her agonizing initiation into vampiredom, right? Not quite. Seems that Bella is immune to the usual lust for human blood. So she doesn't have to give up her association with human friends and family after all. Then there's the other leg of the romantic triangle — Jacob, whose heart ought to be breaking. At least then the fans would have something to swoon over and continue to discuss. But guess what? Werewolves "imprint" when they meet their soulmates, and Jacob imprints with Bella's baby (talk about taking the "wolf" metaphor to new heights — or lows). So no unrequited love, no eternal longing, no reason for fans even to continue the Edward-Jacob debate. Edward gets Bella, and Jacob gets Bella's baby. Everyone is happy. Yuck!

After 550 pages of this goo, a standoff with the nonvegetarian vampire emperor finally looms, with the promise of a good battle for the baby (seems they have a rule against infant vampires). At last, some action! But despite the foreshadowing of a detailed escape plan that might at least have led to some excitement, the potential battle is resolved with a few choice words, and everyone shakes hands and goes home.

This is just too much "happily ever after" for anyone to take. Nothing happens. Nothing. In 754 pages. Irate fans are calling Meyer's final book mere "fanfiction" of the worst caliber, and I agree. This book should signal the end of the Stephenie Meyer Fan Club, and not a moment too soon. Meyer needs to be put out of her misery as an author. She is her own number one fan and worst enemy. Kathy Bates, where are you? ❑

"Tell No One," directed by Guillaume Canet. Eurocorp/Music Box USA, 2007, 125 minutes.

In a Dark Wood

Jo Ann Skousen

This is the time of year when movies that were featured at Sundance and the spring film festivals begin trickling in to local art houses. While these movies seldom enjoy wide release or big box office receipts, they often are the most interesting and well-made films of the year. In this issue I review four award-winning independent films that caught my attention this month.

"Vertigo" meets "The Big Sleep" in this French thriller, and the result is movie magic. Even if you didn't hear the dialogue you would know this was a French film, beginning as it does with the camera panning a large outdoor dinner party populated by happy, boisterous folks eating enthusiastically, drinking wine, gossiping, and arguing politics congenially. So French!

At the center of the party are pediatrician Alexandre Beck (François Cluzet) and his beautiful wife, Margot (Marie Josée Crozee). On the way home from the party the two stop at their favorite lake for a midnight swim. As she runs playfully (and nakedly) through the woods, Margot suddenly screams. When Alexandre dashes frantically to find her (equally naked — hence the decision of the distributors to run the film without a rating) his head is bashed, and the screen goes black.

Now it is eight years later, and Alexandre is still grieving the loss of his wife when he receives a stunning email that appears to be from her, setting up an internet appointment and warning him, "Tell no one." When he opens the link at the appointed hour, he sees a video in real time of Margot entering a subway station. From that moment the film becomes a Hitchcockian thriller,

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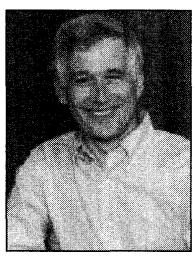
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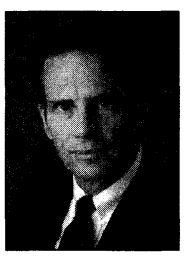
Jeffrey Rogers Hummel

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full of hairpin plot twists, gargoylean characters, and limitless suspects. Characters come out of nowhere to help or to thwart our hero as he desperately tries to find out whether his wife is alive, while simultaneously having to prove yet again that he did not kill her.

Hollywood doesn't make films like this anymore, but thank goodness the French do. Like classic film noir, "Tell No One" takes us into the often seedy world of the elegant upper class, with a story that works, start to finish. The plot is complex, sexy, and deliberately, deliciously confusing; it never makes a misstep. Tense, tender, and even funny at times, it's one of the best films I've seen this year. ❑

"Frozen River," directed by Courtney Hunt. Cohen Media Group, 2008, 97 minutes.

Over the River and in the Trunk

Jo Ann Skousen

This film is about an unlikely pair of women smuggling immigrants from Canada to the United States, but I promise you it is not a message film and it has no political agenda. It doesn't make a case for or against immigration; it doesn't even make a case for better welfare benefits for poor families. In fact, the final scene seems to argue that the government ought to butt out and let every community govern itself. "Frozen River" is a film about families, and what some people will do to provide for them.

As the film opens, a disheartened Ray Eddy (Melissa Leo) realizes that her husband has run off to Atlantic City with their savings. Nothing much is said about the missing husband, but an "Easy Does It" sticker pasted on the bumper of his car gives us a clue.

All Ray wants is a doublewide trailer with good insulation for the winter. It's almost Christmas, and she finally had the money to have it delivered; but now it's gone, and she's going to lose her $1,500 deposit as well if she can't come up with the balance within a week.

While trying to track down her husband at the local Bingo parlor, Ray catches Lila (Misty Upham), stealing his car. A tough, single mother who lives on the Mohawk reservation, Lila knows a man who needs a car with a button-operated trunk. What she doesn't tell Ray is that she needs the car to make extra money smuggling immigrants across a frozen expanse of river that marks the border between Canada and the United States.

Promising to take her to a man who will buy the car for $2,000, Lila tricks Ray into making a smuggling run with her. At first Ray is aghast, but after her initial fears subside, she chooses in desperation to continue smuggling until she has enough money to pay for the trailer. The two women experience several harrowing moments during the drops leading up to their ominous and inevitable One Last Run.

What makes this film remarkable is how well it takes the viewer into a world we often see but don't acknowledge. Everything about it is naturalistic, from the mismatched wardrobe to the unadorned sets to the unselfconscious acting. We are drawn in by the strength and determination of women whom we might describe as weak and inconsequential if we met them on the street.

Melissa Leo's Ray is worn out but determined. Her wiry figure and weathered face, now etched with worry and weariness, belie a beauty of long ago. She has a part-time job at the Dollar Store, but the full-time position she was promised has been given to a younger and cuter sales clerk. She's a conscientious mother, determined to keep her boys in school and out of trouble. She doesn't want much — just a trailer with insulation — and she doesn't ask for handouts: her kids don't even seem to take advantage of the free lunch program at school. (She searches the couch cushions for lunch money every morning.) We see people like her every day, but do we bother to know them?

Meanwhile, Ray's teenage son T.J. (Charlie McDermott) is experiencing desperation of his own. With his father gone on a gambling junket, he has to step up and be the man of the house. He wants enough money to stop eating popcorn and Tang for dinner, and he wants to buy his little brother Hot Wheels for Christmas. Is that so much to ask? His mother won't let him get a job to supplement the family income, so he turns to a job outside the legal sector — stealing a credit card number and selling it to a classmate. The juxtaposition of mother and son as they reluctantly enter a life of crime while tenderly caring for the younger son is touching and heartbreaking.

She doesn't ask for handouts: her kids don't even seem to take advantage of the free lunch program at school.

Lila, too, is motivated by good intentions. Her baby has been taken away from her by his paternal grandmother, and she needs to earn enough money to provide a decent home in order to get him back. She is caught between two generations, an adult because she is a mother, but still a kid like T.J. by

age, with a tribal community trying to keep her out of trouble. Upham plays her perfectly, capturing the bravado of youth and the despair of lost opportunity — a girl forced by circumstances to act like a grownup. She pretends she doesn't care and isn't afraid, but we can see past the facade.

None of these characters wants to take advantage of others or break the law. Each is willing to work, and work hard. But there isn't enough money at the Dollar Store, or the bingo parlor, or shoveling snow after school, to provide even the basic standard of living that you and I take for granted. "Frozen River" captures the bleakness of a landscape in which no matter how hard you try, you can't get ahead. Still, you can't stop trying. It's the indefatigable spirit of the three main characters that makes this a powerful film. ❑

"Man on Wire," directed by James Marsh. Discovery Films/BBC, 2008, 102 minutes.

One Small Step

Jo Ann Skousen

Standing taller than any other edifice for many years, the World Trade Center presented a manmade Mt. Everest, virtually begging to be conquered. And conquered it was, near its birth (1974), in its heyday (1993), and at its death (2001). "Man on Wire" is the story of the first assault on the Twin Towers, shortly after it was dedicated, made by an unlikely Edmund Hillary and his motley band of Tenzing Norgays.

In 1993, Islamic terrorists attacked the towers, with only limited success. But in 1970, when only one tower was open and the other was still under construction, an assault was already underway. Philippe Petit, a boyish street entertainer and high wire walker, happened to see an architect's sketch of the Towers in a magazine he found in his dentist's waiting room, and his dream was born: to walk on a wire strung between the two buildings, 200 yards apart and 1,350 feet above the ground.

Walking on air was nothing new for Petit. As a street performer, he was always looking for new challenges for his high-wire act. While planning his walk between the towers of the WTC, he walked on a wire cable strung between the towers of Notre Dame and on another strung between the pylons of the bridge in Australia's Sydney Harbor. This was quite illegal, of course, but as Petit's partner in artistic crime, Jean François, explained, "It was against the law, but not wicked or mean." Finally, on Aug. 7, 1974, when construction crews were still finishing the top floors, Petit was ready to tackle the towers.

Being outside the law was part of the allure; walking on air was the other. Director James Marsh called it "the artistic heist of the century." Indeed, the film opens more like a spy thriller than a documentary, with television shots of Richard Nixon intercut with reenacted footage of the perpetrators planning their assault. Marsh's intent, I think, is to provide an historic reference point: this happened in 1974. But it makes Petit's plottings seem almost like an assassination attempt, and sets the tone early for the documentary: these men were artists, but also rebels who enjoyed flirting with the other side of the law.

Petit seems to have been a showman with a sense of history even in his youth. As he planned his walk, he apparently surrounded himself with a production team and camera man, making this a documentary literally "40 years in the making." "Man on Wire" comprises a combination of media, including recent interviews with those who planned and executed the walk, original footage and photographs taken 35–40 years ago, and reenactments filmed in grainy black-and-white to fill in the gaps. The original footage is the most compelling. It was taken by a gifted but uncredited cinematographer who captured Petit's buoyant, persuasive personality, and almost Manson-like control over his long-time followers, most of whom were older than he. The cameraman moves in for intimate closeups and pans out for humorous frolics with a talent far beyond that of the average friend with a movie camera.

The film drags occasionally, especially during the interviews, but watching how they did it, and how they were nearly caught and prevented, makes the accomplishment that much more amazing. Unfortunately, the cinematographer seems not to have been present during the walk, or for some reason was not able to film it successfully; perhaps no one realized just how far away 1,350 feet would be. But the still photographs taken by his cohorts on the roof are breathtaking, especially when backed by the airy strains of Erik Satie's "Gymnopédie."

Eyewitnesses say he cavorted on the wire for 45 minutes, dancing and bouncing on the cable as he became increasingly confident. Even 35 years later, the perpetrators tear up as they speak of the wonder of that moment, watching a man cross the wire eight times before he finally returned to the safety of a steel structure and accepted his honors — not a medal around his neck, but bracelets around his wrists.

What makes this documentary so fascinating is its obvious allusion to the later assault that would destroy the Towers. Petit's footage of the crew

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breaking ground to begin the building is eerily similar to the rubble of Ground Zero after its demise. Petit filmed the ironworks that formed the skeleton of the Towers whose twisted remains would become iconic. Like the devout Muslims who destroyed the buildings, Petit's accomplices were fanatically devoted to a dream. They plotted the entrance and execution of their assault with the same stealth as a gang of bank robbers — or terrorists. We see footage of Petit carefully practicing his high-wire walk, just as the later terrorists would carefully train to fly a jet. In one photograph of Petit's amazing walk, an airplane is seen in full view, seeming to head right for the Tower, grimly foreshadowing 9/11. After the walk, Petit, now a media hero, took full advantage of the opportunity for wanton sex with women who threw themselves at him — not exactly 72 virgins, but close.

The terrorists who destroyed the Towers were, like Petit, driven by a zealous sense of mission. Did they also see it as an artistic endeavor? Did they plot their assault with the same youthful exuberance? Did they too find an "inside man" to help them accomplish their goal, as conspiracy theorists suggest? Did they face death with the same tear-filled elation? Marsh never overtly makes the connection, and he doesn't show film from the 2001 destruction. But he seems to imply, through the visual impact of his documentary, that the Towers were built to be conquered.

Marsh even seems to imply that art is art, and that one assault is equal to the other in its artistry. But Petit's assault was harmless, "against the law, but not wicked or mean," as Jean François asserted. He risked his own life, but no one else's. As Petit began his walk, he dropped his cloak, and for several seconds, perhaps even minutes, as it floated down, his friends on the ground thought it was his body, and that he had fallen. One cannot watch this part of the documentary without thinking, angrily, about the victims who plummeted to earth 30 years later. That was no joke, and it wasn't art: it was wicked and it was mean.

But this jarring juxtaposition is Marsh's, not Petit's. Philippe was just a man totally absorbed in the dream of walking between buildings higher than any others in the world, on the thinnest of cables. What he accomplished was breathtaking and exhilarating, a masterpiece of performance art never to be equaled. ❑

"Hamlet 2," directed by Andrew Fleming. Fox Searchlight, 2008, 92 minutes.

Those Who Can't, Teach

Jo Ann Skousen

How could there be a sequel to Hamlet? They all die in the end, right?

That's part of the joke in "Hamlet 2," an irreverent, profane, laugh-out-loud parody of the Earnest Inspirational Teacher film genre. Dana Marschz (Steve Coogan) is the epitome of the adage, "Those who can, do; those who can't, teach." Not even good enough to be a has-been, he's a never-was actor with deep unresolved father issues and a handful of lousy television commercials to his credit. Now he teaches high school drama, roller skates to school because he can't afford a car, wears caftans and no underwear to improve his sperm count, takes in a boarder (David Arquette) to help pay the rent, yet models himself as a teacher on a par with those in "Dead Poets Society," and "Goodbye, Mr. Chips."

While he is nothing like any of the teachers in these iconic films, Marschz does manage to inspire, in a goofy, pretentious way. That's largely because Coogan will stop at nothing to demonstrate the shame and degradation of his character. Coogan rises above parody because he plays Marschz with such complete and utter lack of dignity.

When budget cuts require the school to cancel the shop classes, Marschz's class of two earnest young white actors (one girl, one gay) is invaded by 20 Latinos who otherwise would be in shop. Yes, the stereotypes are broad and irreverent, but because the film revels in its political incorrectness, it isn't offensive. When further budget cuts threaten to end the drama program as well, Marschz realizes that he has one chance left to prove himself and save the program. He decides to write and produce a musical called "Hamlet 2." He writes feverishly, and when it is finished exults to his wife (Catherine Keener), "This is the hardest 47 billion hours of my life!"

While telling Mr. Marschz about the invasion of new students, his fresh-faced young wannabe actress (Phoebe Strolle) confesses, "In prayer circle I pray for racial understanding, but I still get anxious around ethnics. I can't help it — I'm afraid of ethnics!" Of course, the ethnics save the day and the play, meanwhile smashing the stereotypes, but not before providing hilarious moments in the movie.

One of the funniest continuing gags is the presence of actress Elisabeth Shue ("Leaving Las Vegas,") playing herself as an actress who is now a nurse because acting was just too hard on the ego. What does she miss most about acting? Kissing, she tells the drama class. "You don't get to make out with your patients when you're a nurse."

This is a film to see when you're in the mood for a silly, over-the-top, profane romp with friends who are ready for the same. I hate to compare anything to "Napoleon Dynamite"; it has become so trite to do so — but with Marschz's pageboy hair, buck teeth, roller skates, and deadpan sincerity, I couldn't help thinking that he is what Napoleon would be when he grew up. ❑

"Tropic Thunder," directed by Ben Stiller. Dreamworks, 2008, 106 minutes.

Hollywood Against Itself

Todd Skousen

The first few minutes of "Tropic Thunder" are like nothing you've ever seen. You're snacking on your popcorn, watching the previews, waiting for the movie to begin, when a crazy commercial for Alpa Chino's "Booty Sweat" sports drink flashes across the screen, followed by "previews" of sequels to movies you've never seen. By the time you see Robert Downey, Jr. and Tobey Maguire as two priests staring longingly into each other's eyes during the preview of "Satan's Alley," the audience is rumbling with confused excitement, and friends begin asking "Are we really seeing this?"

It won't be the only time that question will be asked during this wacky comedy about the best "fake true war hero story ever made." "Tropic Thunder" is a comic gem that is part "Blazing Saddles," with its lampooning of Hollywood and the process of filmmaking, part Vietnam parody a la "Hot Shots," and mostly an illustration of what happens when some talented actors make a movie they actually enjoy.

This is not just another Hollywood film that studio execs green-lighted because it had the star power, explosive special effects, and cheap one-liners that are needed to make a few bucks at the box office. "Tropic Thunder" is Ben Stiller's creative baby. Having worked on the project for nearly a decade, he refused to allow what he knew was something special to be rushed out before it was ready. And it clearly was worth the wait.

As the hilariously raunchy fake previews come to a close and the real film begins, we find ourselves immersed in a bloody "Platoon" parody full of overacting and stereotypical war scene characters. There's the tough nut walking around swearing up a storm (Jack Black), the black guy shouting ghetto slang (Robert Downey, Jr.), and the new man (Jay Baruchel), who, of course, dies early on as a bayonet rips out his intestines. Violence and gore abound, culminating in what is supposed to be a very touching scene in which Downey holds what's left of Ben Stiller's blown-off hands, and the two actors attempt to outcry one another. That's when the director has had enough and shouts "Cut," intruding on the audience and reminding us "this is only a movie."

"Director" Damien Cockburn ("Hamlet 2" star Steve Coogan) cannot deal with these pathetic actors anymore. He has to find a way to manage their egos and lack of talent. He decides to take them off the grid and out into "the shit" to see what happens when prima donnas are confronted by the "reality of war" — created by fake explosives, of course. But as they venture into the jungle, the plan goes awry in a shocking way, and the actors must come to grips with their new reality.

The shifting of reality and illusion continues throughout the film. "Tropic Thunder" lampoons the confusion of actors who take their craft and their "tools of human emotion" too seriously. Downey carries the film with his depiction of Kirk Lazarus, an Australian actor (poking fun at Russell Crowe?) who undergoes a pigment-changing operation and becomes the African-American character he plays. Lazarus is the epitome of the method actor taking his craft to ridiculous levels and nearly losing himself in the process: "I'm the dude playing the dude disguised as another dude."

The funniest part of the film is probably the discussion between Lazarus and Tugg Speedman (Stiller) about why Speedman did not win an Academy Award for his role in the fake movie "Simple Jack," where Speedman played a retarded farm boy in the most stereotypical of ways. His stutter, stare, and curious body motions made his performance as offensive as it could possibly be, and therefore very funny. Speedman expected an Oscar, in the tradition of Tom Hanks ("Forrest Gump") and Dustin Hoffman ("Rain Man"); but Lazarus explains, "You went full retard. Sean Penn, 'I am Sam,' full retard: no Oscar. Never go full retard." Fortunately for the audience, "Tropic Thunder" does not follow this mantra. Every performance is full out, no holds barred, no dignity spared. Full funny.

"Tropic Thunder" lambastes everything about Hollywood, including the babied stars, the fawning agent (Matthew McConaughey), and most certainly the callous studio head (Tom Cruise). Ironically, while making fun of actors and their "me-first mentality," Stiller actually displays his considerable talent for directing a large group of big-ego actors. The many talented people in this film come together so well and are given such freedom in their roles that we end up with some great performances.

Nobody benefits from this controlled-chaos directing style more than Cruise, whose unadvertised participation in the film was supposed to be a cameo surprise until shots of him with a bald head, big nose, and fat suit began appearing on the internet. Now he's the character you can't wait to see. Perhaps it's the anonymity of hiding behind the prosthetic makeup, or perhaps it's just the opportunity of being on set with some of the funniest actors in the business, but Cruise seems to forget that he's Tom Cruise "playing the dude

disguised as another dude" and lets himself embrace the role of Les Grossman, studio mogul.

Of course, in Hollywood the guy who controls the money is always the bad guy, but Grossman, a role developed by Cruise (who was originally hired to play the agent), nearly steals the show. His ass-kicking of subordinates (he orders the key grip to punch the director in the face), his disregard for the safety of his actors, and his sadistic glee in telling his assistant that "a nutless monkey could do your job" are outrageously funny. Cruise may have created his most memorable role.

As a comic director, Stiller has proven himself once again. He encounters a few setbacks in this film, but they are minimal. Jack Black, though funny, is underutilized — or maybe it would be better to say he is outshone by his fellow actors. And the plot, while serviceable, is not all that engaging. Once into its third act, the movie begins to drag: the drug dealer antagonists are somewhat generic, and their leader, a young boy, is a terrible actor who makes no sense as a character. But these drawbacks detract very little. Stiller couldn't get everything right, but he came close.

Just consider that this movie makes audiences appreciate Tom Cruise again. If you've taken on that challenge and succeeded, I'd say you've made a pretty darn good movie. ❑

Letters, *from page 6*

decade, with present temperatures barely above the 30-year average."

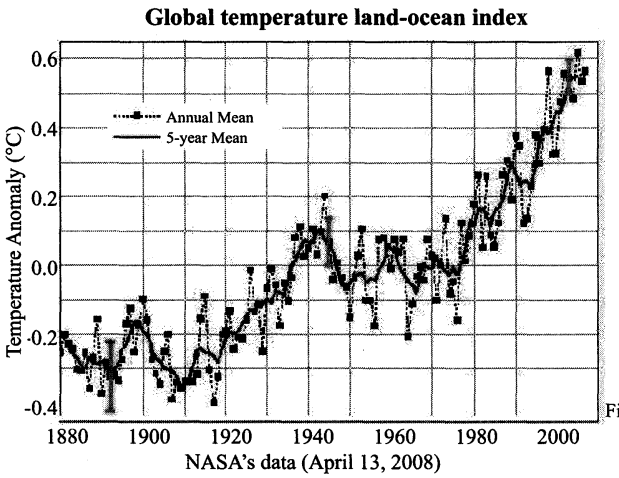

Fig. 3

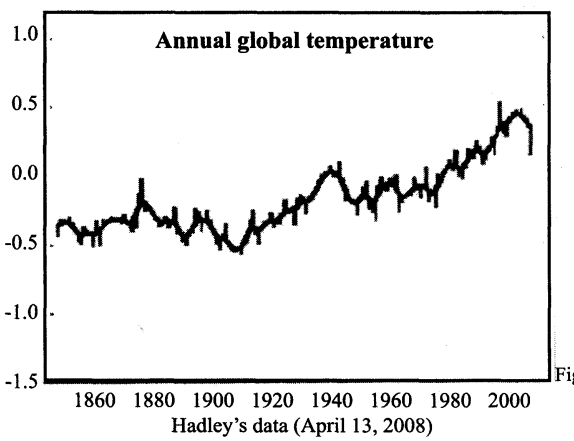

Fig. 4

Finally, Olson asks why not compare 2007 temperatures to other years in the 1990s, rather than to 1998, which was the high point (at least in three of the four data sources). He claims 2007 was warmer than all of these years "and all years from 1997 back in time for at least the last 2,000 years." He cites Wikipedia as the source for this assertion. First of all, Wikipedia is not an authoritative source for anything. Anybody can put information on Wikipedia whether it is true or not. In this case, the Wikipedia address Olson used for temperature comparisons (http://tinyurl.com/6yp2n8) lists as references three studies involving Michael Mann, including his "hockey stick" study. This study, as my article pointed out, has been thoroughly discredited by climatologists, statisticians, and the National Academy of Sciences, which declared it to have a "validation skill not significantly different from zero."

The chart in Figure 5 shows the earth was much warmer 500 and 900 years ago and that there were even warmer times around 500 BC and 1000 BC. All of these times had no factories or automobiles. They also had far smaller human populations, who devoted much less land to agriculture and cut far fewer trees. Note, too, that now we have barely reached the average temperature for the last 3,000 years. The chart also shows the current warming trend began more than 250 years ago, before the Industrial Revolution. It was a natural recovery from the Little Ice Age.

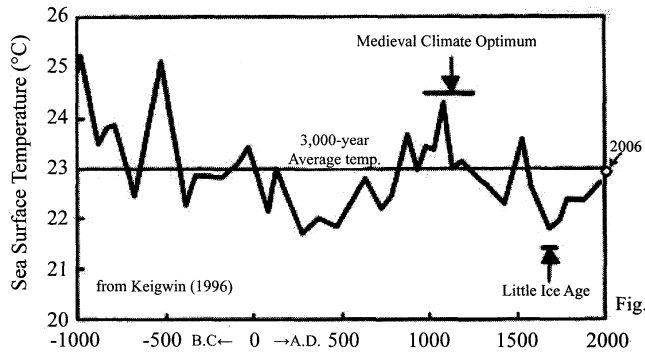

Fig. 5

The widely publicized melting of ice sheets in the Arctic, Antarctic, and Greenland was due to decadal oscillations in ocean and air currents that are unrelated to carbon dioxide or greenhouse warming. On July 17, 2008, the Science & Public Policy Institute stated: "Towards the end of the 20th century, the two most powerful of these oscillations, the Pacific Decadal Oscillation and the Atlantic Multidecadal Oscillation, were both in their warming phases. In 1998, their effect, combined with an exceptional but not unprecedented El Niño Southern Oscillation, caused a very strong upward spike in temperature. . . . [R]esearchers at NASA last year concluded that the reason for the record shrinkage of the Arctic ice-cap was an acceleration of poleward sea and air currents caused by the warming phase of the Atlantic Multidecadal Oscillation." Those oscillations have now reversed.

The disappearance of Arctic ice is by no means anything new. The areas where ice melted in recent years were, in fact, open water a century ago. We know this because Roald Amundsen and other explorers sailed their ships in these waters. This area has been freezing and thawing for millions of years, and at times the Arctic icecap completely disappeared. It always recovered,

and Environment & Climate News recently reported "the 2005–2007 data confirm Greenland's ice melt has returned to normal." Data from weather stations on the southern coast of Greenland show almost all decades between 1915 and 1965 were as warm or warmer than the 1995 to 2005 decade. In the 1920s, when mankind's emissions of carbon dioxide were nine times lower than now, Greenland's temperature increased 2 to 4 degrees C in less than ten years, which is against all the predictions of the climate models. Summer temperatures are the most relevant to Greenland's ice sheet melting rates, and summer temperatures at the summit of the ice sheet have declined 2.2 degrees C per decade since 1987.

The chart below (Figure 6) shows 4,000 years of temperatures from ice cores drilled into the Greenland ice sheet. Note that for most of this time temperatures were well above more recent times, and some periods were markedly warmer and show far larger swings than the latest uptrend.

Temperatures from Greenland ice-cores from GISP

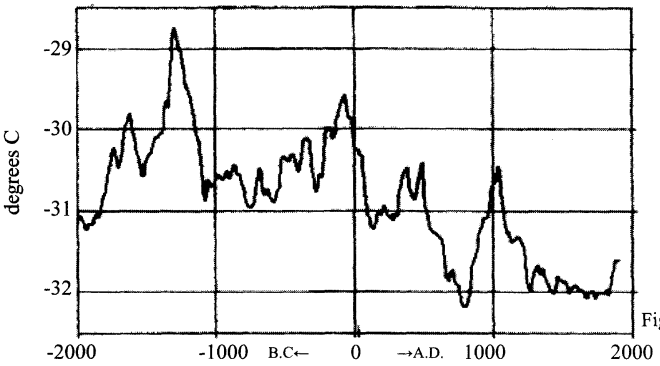

Fig. 6

The National Oceanic and Atmospheric Administration reported that Antarctic ice in 2007 reached its largest extent in recorded history. In April 2008 climatologist Patrick Michaels wrote "the coverage of ice surrounding Antarctica is almost exactly 2 million square miles above where it is historically supposed to be at this time of year. It's farther above normal than it has ever been for any month in climatological records." James Taylor of the Heartland Institute noted that "photographs distributed by the National Oceanic and Atmospheric Administration showed penguins and other cold-weather creatures able to stand further north on Southern Hemisphere sea ice than has ever been recorded."

Most of the scare stories about warming in the Antarctic have focused on the peninsula, which has been warming for decades. What those stories don't tell you is that the peninsula comprises only 2% of Antarctica while the other 98% has been cooling, that there are both surface and subsurface volcanoes in the area, and that there is no basis for inferring that what is happening on the peninsula will determine the climate for the rest of the continent. That would be like the tail wagging the dog.

Alarms have also been raised about glaciers disappearing, but the public is usually not told about the glaciers that are advancing. A recent issue of 21st Century Science and Technology states: "Since 1980, there has been an advance of more than 55% of the 625 mountain glaciers under observation by the World Glacier Monitoring group in Zurich. (From 1926 to 1960, some 70–95% of these glaciers were in retreat.)" A CBS program on global warming last year focused on the extensive retreat of the O'Higgins glacier in Patagonia, the fastest-melting glacier in South America. The program did not tell you that the Perito Moreno Glacier — the largest glacier in Patagonia — is advancing at the rate of seven feet per day. Nor did it mention that Chile's Pio XI Glacier, the largest glacier in the southern hemisphere, is also growing.

In Europe many glaciers have not retreated back to their positions in the Medieval Warm Period, when there was no industrial civilization producing greenhouse gases. The Aletsch and Grindelwald glaciers (Switzerland) were much smaller between A.D. 800 and 1000 than now. The latter glacier is still larger than it was in 1588. In Iceland today, the Vatnajokull glacier — the largest in Europe — and also the Drangajokull glacier are far more extensive than in the Middle Ages, and farms remain buried beneath their ice.

Figure 7 is an intriguing chart by J. Oerlemans of 169 glacier records. It shows glaciers have been receding since 1750, with the trend accelerating after about 1820. The electric light bulb hadn't been invented yet (Thomas Edison wasn't even born), and the first commercial electric power plant was not built until 1881–82. Henry Ford began assembly line production in 1913, but by then half of the glacier loss from 1800 to 2000 had already occurred. And 70% of the glacier shortening occurred before 1940.

The retreat of glaciers

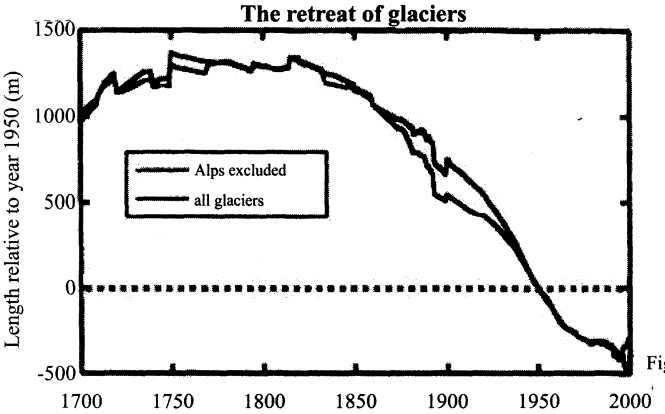

Fig. 7

Siberia's Lake Baikal is the world's deepest lake. It contains more water than all five of North America's Great Lakes combined. Fed by over 300 rivers and far from the moderating effects of any ocean, it offers a pristine, uninterrupted sedimentary record that permits a highly accurate reconstruction of temperatures over a broad area. Environmental researcher Anson Mackay has found increased biogenic silica in sediments correlates with warmer temperatures. Figure 8 is a graph showing temperature changes from the Baikal sedimentary record.

800,000-year Siberian temperature history

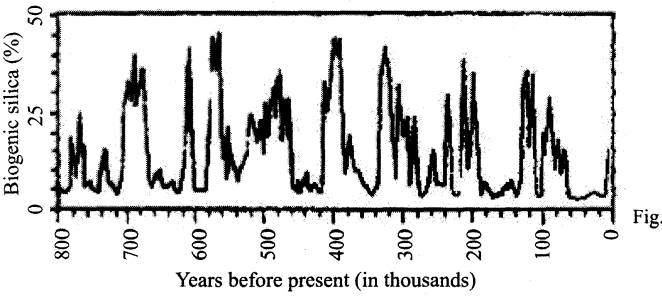

Fig. 8

Three things stand out about this graph: (1) as Mackay states, "Warming in the Lake Baikal region commenced before rapid increases in greenhouse gases," (2) the warming trend began from one of the coldest periods in the last 800,000 years, and (3) the latest warming is puny compared to many periods in the past. ❑

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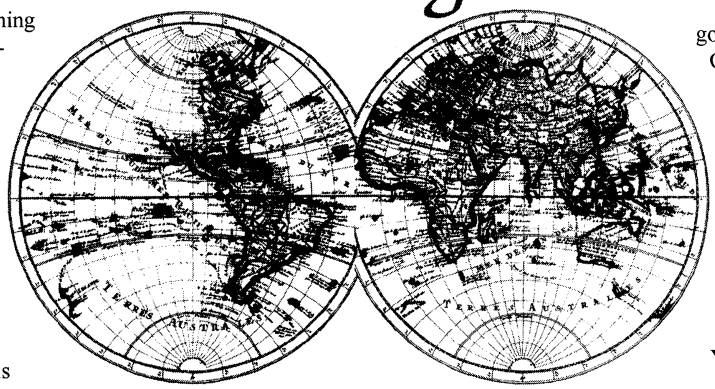

Dallas

The cultural construction of advanced physics, from the City Hall Blog at the *Dallas Morning News*:

In a special meeting about Dallas County traffic tickets, County commissioners were discussing problems with the central collections office that is used to process traffic ticket payments.

Commissioner Kenneth Mayfield, who is white, said it seemed that central collections "has become a black hole" because paperwork reportedly has become lost in the office. Commissioner John Wiley Price, who is black, interrupted him with a loud "Excuse me!" He then corrected his colleague, saying the office has become a "white hole."

That prompted Judge Thomas Jones, who is black, to demand an apology from Mayfield for his racially insensitive analogy.

Mount Isa, Australia

Necessity is the mother of aesthetics, from the *Melbourne Herald-Sun*:

The mayor of an outback mining town has come under fire for urging unattractive women to move in, assuring them they will find a man because there is a shortage of women.

John Moloney, mayor of Mount Isa in northwestern Queensland, said his town was a place for "ugly ducklings to flourish into beautiful swans" and called on the "beauty-disadvantaged" to flock there.

In the face of outrage over his remarks, Moloney stood by his comments, telling national radio that "Beauty is in the eye of the beholder. Beauty can be a good set of teeth, beauty is nice wavy hair. Beauty can be blue eyes or green eyes."

Beaumont, Texas

All in a day's work, from the *Beaumont Enterprise*:

From the witness stand, officer Keith Breiner gave lurid testimony where the most intimate details of a bungled felony prostitution investigation were revealed.

Breiner is one of two officers suspended indefinitely without pay for engaging in sex acts during the undercover investigation. Breiner stated that Lt. Curtis Breaux told him he would have to have sex with the women to make the case, and argued that because he did what he was asked to do, the punishment violated his constitutional rights.

"I don't agree that he should have had sex. I don't agree that Breaux told him he should have sex," police chief Frank Coffin said.

Assistant City Attorney Joseph Sanders asked Breiner if he enjoyed having sex with the women. "If you are asking if I had an orgasm, yes. It was a job, sir," Breiner said. "I didn't have pleasure doing this. I was paid to do it."

Mountain View, Calif.

A case of mistaken identity, from the police report log in the *Mountain View Voice*:

Police received a report of a newborn infant in a trash can. Upon investigating, officers discovered it was only a burrito.

Seattle

Enhancement of general awareness in Ecotopia, reported by KING5-TV:

"Car-free days" is part of Mayor Greg Nickels' campaign to encourage people to walk, bike, or take mass transit.

One neighborhood is closed off to car traffic during selected weekends this summer. On Sunday it was the area around 14th and Republican on Capitol Hill.

"I think it promotes awareness of whatever we're promoting awareness of," said resident Thomas Hubbard.

Xenia, Ohio

Extraordinary compliance with the requirement that food-service employees wash their hands, reported by the *Cleveland Plain Dealer*:

Some workers at the Burger King on Orange Street in Xenia are in hot water with the health department, after an employee took a bubble bath in a store sink.

"My first thought was 'oh my god,'" said Greene County Health Commissioner Mark McDonnell.

Fort Hays, Kan.

Bad moon on the rise, reported by KCTV:

A professor at a Kansas university who dropped his pants and mooned a room full of students and teachers is under investigation after video of the incident was posted on YouTube, officials said.

"We're sure that there's probably some facts and information that's just not available. I mean, you see a lot on the video, but we need to make sure everything is revealed before we take any action," said Fort Hays provost Larry Gould.

Chicago

One step closer to victory in the War on Drugs, from the *Chicago Sun-Times*:

Tiny plastic bags used to sell small quantities of heroin, crack cocaine, marijuana, and other drugs would be banned in Chicago, under a crackdown advanced by a City Council committee.

Lt. Kevin Navarro, commanding officer of the Chicago Police Department's Narcotics and Gang Unit, said the ordinance will be an "important tool" to go after grocery stores, health food stores and other businesses.

Health Committee Chairman Ed Smith said the ban is part of a desperate effort to stop what he called "the most destructive force" in Chicago neighborhoods. "We need to use every measure that we possibly can to stop it because it is destroying our kids," he said.

Berne, Switzerland

The perils of great art, as noted by the AFP:

A giant inflatable dog turd created by the American artist Paul McCarthy was blown from its moorings at a Swiss museum, bringing down a power line and breaking a window before landing in the grounds of a children's home.

The exhibit, entitled Complex Shit, is the size of a house. It has a safety system that is supposed to deflate it in bad weather, but it did not work on this occasion.

Special thanks to Russell Garrard, Tom Isenberg, and Philip Todd for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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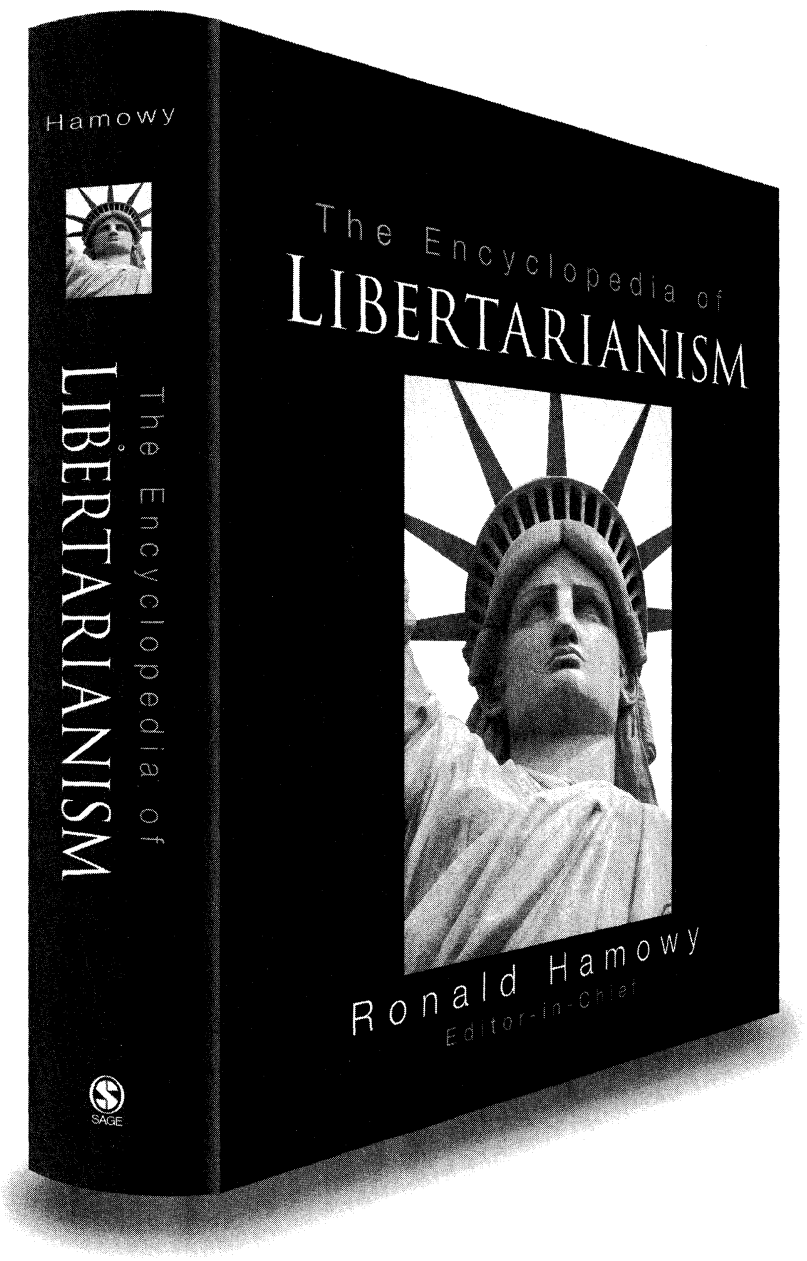

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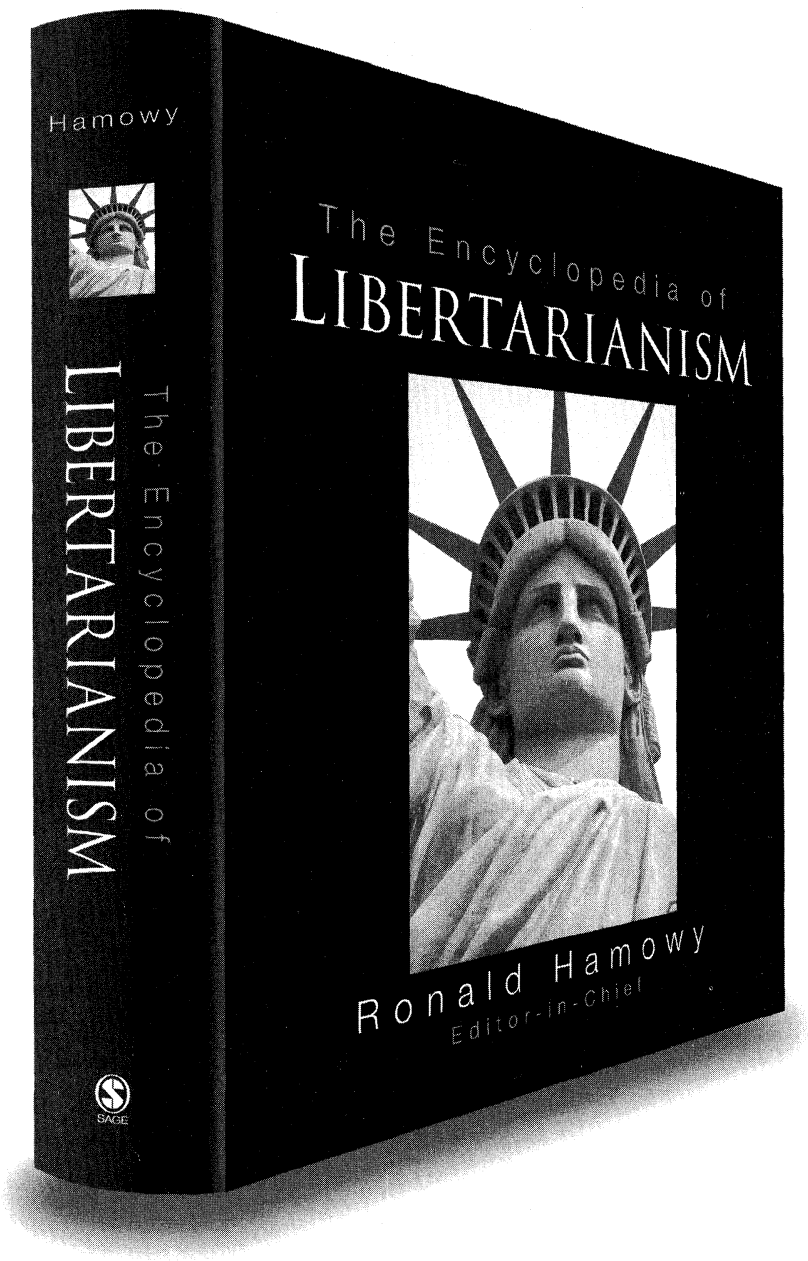

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Inside Liberty

December 2008
Volume 22, Number 11

4 Letters The temperature's rising.

7 Reflections We long for Mussolini, hear the impossible, stand up to "Big Wind," see what the government *really* guarantees, ride the easy-money roller coaster, play "separated at birth," deny accusations of insanity, build a bigger bubble, can't say stupid isn't smart, second-guess Flash Gordon, and realize we're in a glass house.

Features

21 To Judge or Not to Judge Is an activist judiciary bad news for limited government? Sometimes, yes . . . but an unrestrained legislature is worse, contend *Robert A. Levy* and *William Mellor*.

25 From Reform to Crisis It wasn't a *lack* of government regulation, argues *Jim Walsh*, that caused the economic crisis.

33 A Nation Still at Risk The use of school vouchers was one of Milton Friedman's great ideas. A generation later, it remains controversial. Why? *Gary Jason* takes a hard look at the state of affairs in public education.

Reviews

43 The Big Man of American Politics *Stephen Cox* considers the nearly-forgotten film star Robert Taylor, whose life and politics tracked Ronald Reagan's . . . but whose connection to ordinary Americans may be closer.

46 Tanks for the Memories Libertarian thinktanks, as *Gary Jason* discovers, have both a fascinating history and a promising future.

50 Better Miller *Jo Ann Skousen* revisits the work of Arthur Miller, and finds that a left-wing play can transcend its origins.

52 A Good Vintage *Gary Jason* savors a jug of wine, a loaf of bread, and a fine light movie.

53 Two "Women" *Jo Ann Skousen* enjoys a classic from Hollywood's Golden Era and suffers through a witless remake.

44 Notes on Contributors We few, we merry few.

55 Terra Incognita 'Tis but a mooncalf.

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Letters

Let Them Compete

Please tell me I missed Leland Yeager's humor (Reflections, October) and that he didn't seriously suggest that Special Olympians would derive a healthier measure of self-esteem by engaging in their "self-chosen niches" than by diverting their energies to competitive sports where they "suffer disadvantages" and which "promote unnecessary interpersonal rivalries."

Most Special Olympians suffer disadvantages in almost every aspect of their lives, including their "self-chosen niches," by virtue of some mental impairment that qualifies them as Special Olympians in the first place. The Olympics serve as a rare social event for many. It's an opportunity to exercise, to experience a sense of camaraderie and yes, Mr. Yeager, to compete — even if, in truth, there is little emphasis on winning. The games usually begin with the "athletes" reciting the Special Olympics motto: "Let me win, but if I cannot win, let me be brave in the attempt." What I find profoundly perverse is Yeager's attempt to string together the reporting on sporting events, the Olympics, the Special Olympics, and the Paralympics in a half-baked intellectual critique of the psychological and economic makings of a healthy society. I suspect somebody still feels the sting of being the last pick for dodgeball.

Mike Rex
Royal Oak, MI

Swedish Message

"Global Warming, Global Myth" by Edmund Contoski (September) was educational and interesting. I noticed past global warming during my lifetime (I'm 75); I have been aware of a warming trend here in the northeastern United States. Some signs of this have been the northward movement of termite infestations (Eastern Subterranean Termites) and changes of species here in Ulster County, NY, such as the more southern living gray squirrels replacing red squirrels. (These are my observations. I haven't found other data to back it up.) Also I did a little survey of some city temperature histories online. The coldest years in New York City, Chicago, Minneapolis-St. Paul and Los Angeles were 1888, 1948, 1843, and 1875 respectively, and their warmest years were 1990–91, 1980, 1931, and 1921. This seems to indicate that there was warming taking place here in the United States in the past.

Al Gore's "An Inconvenient Truth" tries to tie this warming to the growth of CO2 in the atmosphere. When Gore went to Sweden to publicize his movie, there was at the same time a technical meeting on climate change that concluded that climate change turned around in 1998, the same as in the Contoski article. Though the Swedish media virtually ignored the meeting, many Swedes have, like me, observed the slow warming of their country apart from manmade

Letters to the editor

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considerations. Sweden, where my ancestors mostly came from, has been warming for thousands of years, even when carbon dioxide in the atmosphere was lower.

In conclusion I want to make this observation. Until global temperatures cool sufficiently the polar caps will continue to melt but at a slower rate before coming back. I'm sure as long as they're melting the media will still see this as continued global warming.

Jan-Erik Janson
Highland, NY

In the Air Tonight

In his response to Gaylord Olsen (Letters, November), Edmund Contoski writes that "S. Fred Singer, in a paper in 2000, noted that since 1979 conventional thermometers have shown a rise of about 0.1 to 0.2 degrees C per decade but 'satellite data, as well as independent data from balloon-borne radiosondes, show no warming trend between 1979 and 1997 in the lower troposphere, and could even indicate a slight cooling (if one ignores the unusual warming of 1998 by El Nino).' "

Contoski's evidence is out-of-date. In the Aug. 11, 2005 issue of Science, three papers were published which reconciled temperature data from ground stations, radiosondes, and satellite data. Carl Mears and Frank Wentz of Remote Sensing Systems, in "The effect of diurnal correction on satellite-derived lower tropospheric temperature," identified an error by previous researchers at the University of Alabama at Huntsville (UAH), which when corrected brought satellite measurements in line with ground-based measurements. Roy Spencer at UAH acknowledged the error and noted that UAH provided their own set of corrections to their method, which produced comparable results. A second paper by Steven Sherwood of Yale University, "Radiosonde daytime

From the Editor

As this issue of Liberty goes to press, there is absolute certainty about two things: the nation's finances will remain in shambles, and the next president of the United States will be someone who never saw the crisis coming.

Now, with all appropriate modesty, I have to mention the fact that Liberty's writers and readers did see it coming. Even I saw it coming.

No magic was involved. We didn't study Nostradamus. We didn't use a Ouija board. We didn't visit the witch of Endor. We didn't haruspicate or scry. But somehow we — and millions of other people — managed to know all those important things that the wizards of government and commerce now proclaim they did not know, and could never have even guessed.

We knew that the housing market was a bubble, that bubbles burst, and that people who keep investing in bubbles lose their money. We didn't know exactly when that would happen to them, but we knew it would happen soon, and the effects would be enormous.

We knew, in addition, that the bubble was the joint product of Democratic and Republican politicians — some of them eager to gain money or influence for themselves and friends, some of them eager to help poor people own what they couldn't afford, and all of them eager to buy votes with easy money. There was a strange kind of sincerity about them; they seem really to have cherished the belief that debts never have to be paid, so long as you can get more and more individuals and institutions to contract them. A quaint idea! And mainstream thinkers call libertarians unrealistic.

This journal is especially unrealistic. It continues giving its advice, even when its advice is scorned. The advice has been: freedom and prosperity have a price, which is the responsibility to use your head; and the beneficence of government has a price, which may well be the loss of everything you own.

You might give these maxims a try, if you want to rebuild the country. Meanwhile . . . we'll still be here, giving our advice.

For Liberty,

Stephen Cox

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biases and late 20th century warming," showed that construction artifacts in radiosonde instruments resulted in higher daytime temperatures on older measurements, which, when corrected for, also showed a warming trend consistent with ground measurements. A third paper by Ben Santer of Lawrence Livermore National Laboratory, "Amplification of surface temperature trends and variability in the tropical atmosphere," examined the theory about how temperatures in the troposphere should relate to surface temperatures.

Roy Spencer of UAH, writing a critical response to these three papers, offered some critical questions but concluded that "at least some portion of the disagreement between satellite and thermometer estimates of global temperature trends has now been removed. This helps to further shift the global warming debate out of the realm of 'is warming happening?' to 'how much has it warmed, and how much will it warm in the future?'. (Equally valid questions to debate are 'how much of the warmth is man-made?', 'is warming necessarily a bad thing?', and 'what can we do about it anyway?'). And that is where the debate should be." (See http://tinyurl.com/3g6ysf and http://tinyurl.com/dwvu8.)

It was these Science papers that changed Reason science writer Ron Bailey's mind about global warming in 2005, when he wrote "We're All Global Warmers Now: Reconciling temperature trends that are all over the place."

It looks like Contoski — and Liberty — hasn't caught up yet.

Jim Lippard
Phoenix, AZ

Contoski replies: The three papers in 2005 cited by Lippard have not, as he claims, "reconciled temperature data from ground stations, [weather balloon] radiosondes, and satellite data." Roy Spencer and John Christy of UAH conceded they had made a mistake but said it was within the margin of error of their work. They said their revised calculations still produce a warming rate too small to be a concern. "Our view hasn't changed," Christy said. "We still have this modest warming."

In August 2007 Singer declared the claim "that the mismatch between surface and troposphere warming has now been resolved . . . is not supported by actual observations. According to the authoritative CCSP (Climate Change Science Program) issued by NOAA (National Oceanic and Atmospheric Administration) in April 2006 there is considerable disparity between the two warming trends. Greenhouse models (GH) indicate that the tropics should provide the most sensitive location for validation; trends there should increase by 200–300% with altitude, peaking around 10 kilometers — a characteristic for GH warming. However, data from weather balloons (and satellites) show the *opposite* result — no increasing trend with altitude and a *lower* trend than at the surface." (Italics by Singer.)

In 2008 Singer noted, "The Executive Summary of the CCSP report inexplicably claims agreement between observed and calculated patterns, the opposite of what the report itself documents. . . . Unfortunately, many people do not read beyond the summary and have therefore been misled to believe the CCSP supports anthropogenic warming. It does not."

Halfway and Retreating

I no longer care for, or agree with, your magazine. I'm pretty libertarian, but I think many of our problems can be traced to government giving the corporations everything they want. I want more regulation of big corporate donors.

I think the repeal of regulations of banking/financial businesses caused the current financial meltdown.

I also want more money to be spent on programs for the poor, and an end to the war on some drugs.

J. Abelmard
Ewing, NJ

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Reflections

Radio wave — Since 2001, I have found it almost impossible to listen for more than five minutes to the likes of Limbaugh, Beck, and Levin. Their zealous cheerleading for war, overflowing xenophobia, and constant shilling for the GOP does not take long to grate on the nerves. During the bailout crisis, however, rightwing talk radio performed admirably. Without the pressure it exerted, the House would never have rejected the bailout on the first vote.

The contrast between rightwing talk radio and mainstream media outlets on the bailout issue is striking. I made the the mistake of listening to "All Things Considered" (formerly sponsored by Fannie Mae and Freddie Mac) and heard a litany of pro-bailout voices. For all its vices, talk radio provided a needed counterweight to the MSM's attempt to manufacture a consensus on this issue. — David Beito

Fight dumb with dumb — As both a history buff and a hoity-toity know it all, I have, with great pleasure, recently dived into the classic book "Democracy in America," by French writer Alexis de Tocqueville. Anybody who has read extensively on American history has doubtless seen him quoted many times.

Tocqueville offers perhaps the best theoretical foundation for the concept of the "tyranny of the majority." In a nutshell: in a time of equality, the opinion of the majority is so prized that it seems sensible to enforce that opinion, by state action if necessary.

It seems he was right. Just let your mind span across all the laws that have sprung out of common consensus. Want to go without a seat belt in your own car? What, are you suicidal? Everyone knows that's a bad idea. Think that, simply because you're an adult, you should be free to smoke marijuana or marry whom you wish? Fat chance, hippie. Take a bath and reconsider.

But the problem may also be the solution. We simply have to convince the general public that messing with personal liberty is a bad idea. Then just wait for the public outcry for a law that protects us from intrusive laws. It's jurisprudence in the form of ju-jitsu. So educate those around you, compete in the market place of ideas, give free reign to your impulse to be an opinionated jerk, and if people don't take kindly to it, just tell them the French are on board with the idea. — Bill Shepherd

"'Faith can move mountains'?
— That's actually a little *disturbing*."

Hazy accounting — Throughout the recent discussion of the poor state of the American economy and the justifications for bailing out some banks, public figures have talked about the particular hardships put on businesses that count on borrowing to make payroll. Politicians lament for these businesses. So do pundits. Showing their uselessness, so do some economists.

A relatively few seasonal businesses rationally draw on lines of credit to keep their staffs working during their slow months. But, generally speaking, a business that has to borrow to make payroll is a business that was in trouble before the credit troubles started. It needs to lay some people off.

Of course, statist politicians would have little sense of this basic business truth. They borrow all the time to make their bloated government payrolls. — Jim Walsh

Whispered to the conservatives — Bush's eagerness to bail out the economy by government acquisition and management amounts to nothing less than state socialism. It goes far beyond anything imposed on us by Franklin Roosevelt or Lyndon Johnson.

Bush early on adopted a Wilsonian, interventionist foreign policy (after campaigning against nation building). His restrictions on civil liberties are the most severe since Wilson's administration — or should I say the Alien and Sedition Acts?

Two years ago I called the man a modern liberal. I was wrong. He's something even worse — a corporatist. Mussolini with a Texas twang.

This is the end product of conservatism? How is it that that well-reasoned and indeed noble tradition has fallen into such intellectual and moral bankruptcy? What in God's name do you people have to say for yourselves? — Jon Harrison

Can't do that — Congress' temporary rejection of a $700 billion bailout package was no reason for optimism. The blowhards in DC, faced with a problem — any problem — can either 1) throw your tax dollars into someone's screaming maw, or 2) admit they've got no clue, and do nothing. The latter option is invariably true and more appropriate, and is never tried. — Mark Rand

Getting our groove back — People laughed at John McCain for saying the economy is fundamentally strong.

Surprisingly, however, he was right. Unemployment is lower than the average of either the 1970s or 1980s. Inflation is low, and our email in-boxes are still filled with offers for low-interest loans.

The financial meltdown is not a failure of fundamentals, it is a crisis of confidence. Our entire economy is based on a near-universal faith that pieces of paper with no intrinsic value other than black printing on one side and green on the other are worth something. Once that faith disappears, we are back to tending goats and bartering for survival.

It is surprising yet true that confidence can dwindle when the fundamentals remain strong, which was exactly the point McCain was trying to make. Of course his statement, like so many others on both sides, was taken out of context. Whether the $700 billion bailout will work or not I cannot say, but its sole purpose is to restore confidence, not to deal with fundamentals like employment, inflation, or productivity.

— Randal O'Toole

A radical base — As I write this, Liberty is caught in the dead zone that all political magazines navigate around elections. The presidential vote hasn't yet occurred — but the outcome will be known when you read this. The standard

Word Watch

by Stephen Cox

This column objects to cliches. It particularly objects to cliches that are delivered with an unctuous sense of superiority, as if to say, "Hah! I'll bet you couldn't think up an *original* phrase like *this*!" Well, I could, and so could everybody else; and none of us would have to think very hard. We could just turn to the next TV channel and hear exactly the same kind of expression from exactly the same kind of fool.

Election years are always infested with egregious cliches. Cliches come naturally to politicians, because the American electorate is almost evenly divided about almost everything, and the pols don't want to offend any marginal person who might conceivably side with them, just by making some untried, untested remark. A cliche has at least been weighed in the balance and found inoffensive. That's what the politicians think. And the media analysts, who criticize everything else, never, ever criticize a cliche. Rightly so. Without cliches, neither they nor the politicians would have anything whatever to say.

So here's a list of political cliches that have made themselves objectionable to this department. In the words of a humble cliche of a past era: *Read 'em and weep.*

"At the end of the day." Many readers have commented on this phrase. These people are already at the *end* — the end of their wits. Why, they wonder, couldn't somebody — anybody — say simply, "Vice presidential candidates may not matter much to people when they actually vote," instead of launching into, "At the end of the day, I believe we'll find that the specific choice of a vice presidential candidate, by either of the two major parties, may have only a minimal effect." Children of a future age, reading this indignant page, will know that this is the way that 21st-century "intellectuals" actually talked.

"Backs," as in "on the backs of." A leftwing cliche: leftists are always objecting to "balancing the budget on the backs of the poor," and other picturesque activities. Now comes Sen. Obama: "We should not be bailing out banks on the backs of American taxpayers." Simultaneously, Sen. Obama was supporting plans to do exactly that. But no matter. Imagine a bank. Now imagine a bunch of guys bailing it out, presumably with pumps and buckets. Finally, imagine all this happening on top of millions of human backs. Wild, man.

"Broken." A church in my neighborhood solicits my business by sending me an election-oriented postcard: "Election years remind us that there is broken leadership on both sides of the political aisle. Join us as we study the book of 1 Samuel, which looks at broken leadership . . ." It's true; 1 Samuel, the world's first book of serious political analysis, happens to be a study of bad leadership. But as for "leadership" being "broken" . . . this is not a picture that one can visualize. Leadership isn't a beer mug; it isn't even a "relationship" — the kind of thing that, as we know, gets *broken* all the time. But because everyone in our society has been trained for the past 30 years to think in metaphors of "relationship," everything in our society is now said to be *broken*. "Leadership." "The middle class." "Capitalism." "The political system." All *broken*. All needing to be *fixed*, by some *fixer*. And that's not a nice word.

"Gate." As soon as there was a whiff of scandal about Palin's alleged meddling with the Alaska constabulary, the Democrats came out with "Troopergate." Look. Watergate was a place where a political crime took place, over 30 years ago. What's the statute of limitations on this silly suffix? Have we all been sentenced to cliches without parole? Shall we call every questionable homicide a "Lizzie," after Lizzie Borden? Or every children's fantasy a "pooh," after that bearlike thing in the old books?

"In history." This little dog started barking a long time ago — at approximately the time when people started writing articles calling somebody "the greatest drummer" or "greatest singer" or "greatest guitarist" in "all of rock 'n' roll history." Today, "history" is as all-pervasive as Mary Baker Eddy's God. Every blip in the polls is the greatest blip in *history*. And "history" has a near relation: "historic." America is the only country in the world in which buildings from the 1970s are targets of "historic" preservation. So it's natural that all American political candidates should proclaim that "we have a historic opportunity" to do thus and so (including, of course, obliterating real history; consider Biden's absurd remarks about Roosevelt defeating the Great Depression by lecturing the public on TV). It's natural that McCain's choice of Sarah Palin should have been insta-labeled as "historic"; it's natural that Obama's big speech in Denver, which was watched by fewer people than Palin's big speech in St. Paul, should have been considered even more "historic"; it's natural that the pundits should have pre-approved the whole election of 2008 as "historic." Sure: just as historic as the election of 1908 (I hope).

"Initiative." Politicians have *initiatives* like Lassie has worms. If they didn't have them, political journalists would have little to write about, for many days at a time. They're dependent on the

operating procedure is to avoid mention of the elections. But I have an observation about Barack Obama that may be useful whether he's the president-elect or the angriest lefty prig in the U.S. Senate.

Win or lose, Obama may be the first major American governmental figure who is a product of government. Other politicians have been beholden to groups of government employees; but Obama has been essentially created by them. Like the robots created by the self-aware computer system in the Terminator movies.

From the first days of his political life, Obama was shaped by two government-focused labor unions — the Service Employees International Union (SEIU) and the Illinois Education Association (IEA, his home-state version of the National Education Association).

The IEA has 125,000 members drawn exclusively from public elementary and high schools. Like its national parent, the IEA twists itself into logical knots to oppose any form of school choice.

The SEIU claims some 2 million members and, while it's cagey about exactly how many are government employees, its website indicates that more than half are — most of these

candidates for most of their copy. What would happen if the two major-party candidates couldn't get headlines by *unveiling* a new *healthcare initiative*? What would happen if neither of them ever *seized the initiative on foreign policy*? A lot of good things, I imagine. But politicians just can't help themselves; they've gotta *seize* stuff, in the same way that a drunk's gotta seize his next Johnny Walker (red label). You're lucky when they don't seize your wallet. Nevertheless "seize the initiative" is nothing more than a cliche to substitute for "deliver a silly speech."

"In the tank." Conservative commentators (are you listening, Sean?) have convinced themselves that saying a journalist is "in the tank for Obama" means something much, much more important than saying that he or she is an advocate for Obama. I don't like these Obama guys either, but for God's sake, they're not the lobsters in the lobby. Maybe I wish they were. Maybe I wish that a hand would come down and take every partisan news "reporter" off to the cooking pot. Still, I hope I would use fresher terminology to describe the event.

"Out of touch." During the campaign, we heard a lot about McCain's being out of touch because he's old, and Obama's being out of touch because he's a latte liberal. But what *out of touch* really means, as my colleague Bruce Ramsey notes, is "He doesn't agree with us!" Bruce says it's a "herd word" — now *that's* a good phrase! Granted: all libertarians are by mainstream definitions *out of touch*, because we don't agree with any of the nonsense noted above. But we shouldn't have to listen to commentary from people who think that no one knows anything unless he's *touching* every item in the store.

"Proactive." I've noticed this cliche before, but despite my best efforts (and those of my friend Barbara Branden), it's becoming steadily more frequent. "Proactive" is a monster, seeking whom it may devour. Recently it devoured Obama, whose "proactive stand" (on something or nothing) was lauded by his captive press. It's bad enough to rush around and be proactive, but how can you be proactive when you're *standing* someplace?

"Somehow." This is a candidate- and partisan-analyst word. It is never used in situations in which there is any actual ambiguity about the subject under discussion. People never say, "I don't know how my political party is going to deal with healthcare, but *somehow* we'll come up with something." People always use somehow for things that are perfectly clear, but appertain to the other party: "My opponent believes that somehow his proposals will end the economic crisis." Mainly, *somehow* is a Democratic word, expressing the Democrats' favorite tone of snotty but baffled intellectual superiority: "The Republicans are somehow suggesting that Sen. Obama is a candidate of the Left!"; "The Republicans believe that Sen. Obama somehow valued the ideas of the Reverend Wright!"; and so on. Well, the Republicans suggest those things, because they're true — *somehow*. But because the snotty speaker has said the word "somehow," the audience is supposed to laugh at such *preposterous* ideas. I have a modern liberal friend who refers to the "ridiculous conception" that *somehow* capitalism made America the most prosperous nation the world has ever seen. He thinks it was labor unions that done it. Or maybe it was something in the water, *somehow*.

"When the fat lady sings," "The fat lady hasn't sung as yet," "We're all waiting till the fat lady sings," "I think the fat lady may already have sung," and other invocations of overweight opera singers. Listen. The fat lady has been singing, by means of this cliche, for more than three decades. Beg her to stop.

"You know what?", "It turns out," "But hey!", and other *hip and clever* ways of injecting *flair* into news reports. We've heard enough people saying, "While Sen. Obama was two points ahead on Monday, it turns out that he's only one point ahead on Wednesday," and, "I'm Vickie Smith, reporting from Lansing, where Sen. McCain says, you know what, I'm gonna win the great state of Michigan. Well, only time will tell. But hey! This is election year!" Right. And indeed, time will tell. Hey!

But you know what, there was once a time when cliches came close to realities. At least one of them did. Up through 1920, it was generally regarded as demeaning for presidential candidates to run around the country giving speeches. Instead, they remained at home — on their *front porch* — and let other people *stump* for them. In the election of 1920, Warren Harding conducted such a *front porch campaign*. He stayed at his house in Ohio, and when delegations of supporters got off the train and walked over to his place, he came out on the porch, gave them a little speech, and walked back inside. Because so many delegations arrived, he added onto the front porch. It's a very nice porch, and his campaign was as near as you can imagine to the homey cliche about porches.

No one had to hear about Harding contesting "battleground states" or "invading" Michigan. No one had to watch him "crisscrossing America." He stayed at home, nursing his native cliches. He had been a newspaper editor, after all; so in his inaugural address, he invoked the grand cliche of Jefferson in his first inaugural. Harding said that he wanted no *entangling alliances*: "Confident of our ability to work out our own destiny, and jealously guarding our right to do so, we seek no part in directing the destinies of the Old World. We do not mean to be entangled."

Not bad. If you want to use a cliche, use one from Jefferson, and use one that makes sense. But Harding is the person whom our modern cliche-spouters call "our worst president." Clearly, the quality of cliches is deteriorating.

coming from non-teaching employees of public schools and people working in facility management for government buildings. It is, by common reckoning, the most radical and collectivist union in America today. Also, the fastest-growing.

When Obama was an unlikely candidate for the U.S. Senate, the IEA and SEIU were his first and loudest supporters. They pushed him through his presidential-primary battles with Hillary Clinton. It's common to see scores of IEA, NEA, or SEIU T-shirts behind Obama when he speaks in public. He hasn't merely aligned with these unions along his way to the front of American politics; they are his political base.

— Jim Walsh

Yo quiero bailout — Who sounds more farblundjet? Veteran politicians talking about the financial crisis, or sometime investment bankers talking about how government intervention can resolve it? There's a chihuahua race.

— Richard Kostelanetz

Market returns — Here's the reason why a private insurance program will always be a better option than Social Security: there was a slump in the market this week, but it will recover. Almost all the value it had will come back in time. On the other hand, everything you have ever paid into Social Security has been spent. It's gone. Social Security is completely bankrupt, and trillions of dollars in debt. If it were a private corporation, its administrators would all be in jail.

So if you had your choice, whether to put 15% of your income into Social Security, or the stock market, where would you put it? And in a free country, shouldn't you be entitled to make that choice? — Tim Slagle

Billionaires behaving badly — In The Wall Street Journal (Sept. 11), Edgar Gartner made a nice observation about T. Boone Pickens' much touted plan to move America to energy independence. As you probably know, Pickens, a man who has made billions in the oil business, has run commercials suggesting that the solution to the energy crisis is wind power.

Gartner reports an interesting fact about Europe's experience with wind power. Spain and Germany have extensive experience with wind power. Indeed, Spain gets about 8.7% of its power from wind. But wind power (like solar power) is unreliable: during times of the year when the winds are calm, wind farms produce little if any energy. So wind farming needs to be supplemented by a more reliable power source.

This backing is invariably fossil-fuel plants. Since coal plants that are capable of generating large amounts of power on short notice have a costly "standby" mode, the preferred backup plant is gas-turbine powered. The result is that both Spain and Germany have been building gas-turbine plants just as quickly as wind plants. As Gartner notes in his fascinating article, perhaps this is why most oil and gas companies are pushing "renewable" energy projects: it is "just a very clever business strategy."

But the growing use of natural gas — ironically increased rather than decreased by wind power — is putting Spain and Germany under the thumb of the major gas producers, especially Russia. Eighty-three percent of Germany's natural gas and 99% of Spain's is imported.

In America, we see billionaire Pickens, along with Shell, BP, and Chevron, pushing for wind power. With Gartner, I suspect this is a ploy to add value to their enormous natural gas assets. In this regard, Pickens is similar to George Soros, the billionaire pushing ethanol (not to mention Obama). It turns out that Soros has immense interests in the Brazilian ethanol industry.

Beware of wolves in Green clothing. — Gary Jason

Eight-ball says "punt" — The "Emergency Economic Stabilization Act of 2008" covers many things with great specificity. It details which cars qualify for which tax breaks, it establishes commissions to study alternative energy sources, it spells out that certain toys will be exempt from excise taxes, and mandates that insurance companies pay for twelve-step and rehab programs.

But although Congress fancies that it knows enough about the economy to decree in this act that "to protect home values, college funds, retirement accounts, and life savings," it is vital to tweak the "rum excise tax to Puerto Rico and the Virgin Islands," and extend the "development credit for American Samoa," the act is remarkably vague about the specifics of the bailout itself. In effect, the act simply gives the Secretary of the Treasury a supply of blank checks to be used as he sees fit. The only restrictions are 1) checks larger than $250 billion must be counter-signed, 2) if he buys something that's not mortgage-related, he must first proclaim that it's necessary, and 3) there's only $700 billion in the account (for now).

If you really expected better, please, please . . . don't vote.

— Mark Rand

Commons tragedy — Hugh Morton, who died in 2006, was the owner of North Carolina's most famous scenic site, Grandfather Mountain, the highest peak in the Blue Ridge mountain range. Under his management, the area was open to tourists but preserved under an agreement with the Nature Conservancy. Morton is a legend because of his successful battles to protect the mountain from intrusion by state and federal highways.

This September, less than two and a half years after his death, Morton's family announced the sale of the mountain to the state of North Carolina. They announced it with chatter about how the stunning acreage will be "protected for good."

My thoughts: first, it had been preserved, just fine, privately. Second, both the roads that Morton kept off the mountaintop were government roads, one of them proposed by the state of North Carolina, now the owner. Third, the history of government protection of parks is less impressive than most people think.

One of the earliest articles I wrote for The Wall Street Journal (jointly with Terry Anderson) was about Ravenna Park in Seattle, Washington. In the late 1800s, Ravenna Park was filled with Douglas fir trees, at least one of which was as high as 400 feet. Privately owned, the park was carefully protected and it drew (according to press reports) thousands of tourists a day.

Because of Seattle's growth and worries that private owners could not preserve such a place for long, the city of Seattle began condemnation proceedings to take over the park. In 1911 it forced the owners, Mr. and Mrs. W.W. Beck, to sell it to the city.

By 1925, all the giant trees were gone, cut down by people (probably city employees) who were seeking firewood. By the early 1970s the park had become a hangout for drug users.

Government ownership is no guarantee — of anything good. — Jane S. Shaw

They're coming to your town — I don't know about you, but the following sentences scare me almost (almost!) beyond words: "The 3rd Infantry Division's 1st Brigade Combat Team has spent 35 of the last 60 months in Iraq patrolling in full battle rattle, helping restore essential services and escorting supply convoys. Now they're training for the same mission — with a twist — at home."

The words are from an article posted Sept. 30 on ArmyTimes.com, "Your online resource for everything Army." The piece is puff, or as puff as the military gets least-aways — happy stateside stays for our hardworking boys and girls, out there defending freedom — but there is a hard, hard question beneath the fuzzy feeling of finally getting some of our troops out of the godforsaken desert: how the hell did we allow our country to get to the point that we are allowing our own military to patrol our own country?

"After 1st BCT finishes its dwell-time mission," the article continues, "expectations are that another, as yet unnamed, active-duty brigade will take over and that the mission will be a permanent one." A permanent deployment upon ourselves — surely the skills developed for combat and counterinsurgency scenarios outside our borders are not suited for state-side deployment? Not to fear: "The 1st BCT's soldiers also will learn how to use 'the first ever nonlethal package [i.e., armaments] that the Army has fielded' . . . The package includes equipment to stand up a hasty road block; spike strips for slowing, stopping or controlling traffic; shields and batons; and, beanbag bullets."

With the addition of Tasers (mentioned next in the article), this is the same "nonlethal" array available to our police forces, meaning the deployment marks the complete eradication of any line between the two functions. An undated correction appended to the article indicates that this nonlethal "package" (and how much more swaggering, how much more engorged with crotch-bulging machismo can jargon get?) is only to be deployed in war zones — but first, what's to say that in the event of a domestic emergency, the military, or the commander-in-chief, can no longer declare war zones on domestic soil; and second, if they aren't armed with nonlethal gear, are they then armed with lethal force, or unarmed? If the former, our junta is complete; if the latter, why the hell are they being used for theaters in which the National Guard — under control of the state governments, rather than the federal — is already waiting to perform?

Either way it's happening, right now, in the sweet land of liberty. The military term for all of this, incidentally, is "homeland mission": a euphemism winking at empire. Remember, these troops are being redeployed — taken out of brigades so starved for manpower that they had to be subjected to stop-loss restrictions, to what are effectively violations of 14th-Amendment rights — not to Afghanistan or any other trouble spot, not to Korea or any other of the 130-odd countries in which we presently garrison troops, but in America itself. If there is an upside, it might be in the rediscovery of our rarely exercised 3rd Amendment rights; in the meantime, I hope you'll pardon me for asking again: how the hell have we allowed this to happen? — Andrew Ferguson

Over easy — For years the Fed and the banks have devised innovative, creative, and ingenious ways to make money "easy," to make dollars plentiful. They have declared paper dollars to be "legal tender." They have reduced reserve requirements, and substituted commercial paper and government bonds for gold reserves. They have furnished loans to borrowers at lower interest rates than private savers were willing to offer. In order to make still more loans they have expanded credit on the basis of bundled and "securitized" questionable assets, including failed mortgages and loans to deadbeat college students. They have loaned money at bargain interest rates, thus flooding the market with new dollars and credits. When over-extended borrowers fail to pay — on time or in full — the assets held by the lenders as security "go south," and the lenders are "up a creek without a paddle"; they are broke and have no more funds to lend. In effect, this is the cause of the present crisis.

The Fed, the banks, and the monetary experts did it to themselves. It is the system that is at fault. It is based on a dangerous idea — that the quantity of money should be flexible, "easy." When money is made "easy," people are misled by the availability of dollars. When loans are offered to borrowers at interest rates below what private savers would provide, would-be borrowers are tempted to borrow more than they can afford, and funds find their way into the hands of non-credit-worthy borrowers. Investors dare to embark on riskier ventures than they otherwise would. The result is economic waste.

The monetary officials know full well that if they make money too easy for too long a catastrophic decline in the value of the dollar will ensue. Therefore they have followed a stop-go policy — expanding until they think prices are rising too high and too fast, and then raising interest rates bit by bit to halt the expansion. The result of the Fed's stop-go monetary manipulations has been intermittent expansion, together with mal-investment (Silicon Valley, real estate, etc.), and one crisis after another.

The crisis is traceable directly to a monetary expansion that surpassed anything our ancestors could have anticipated. New techniques of monetary expansion were developed, and the expansion got ahead of even the money managers' expectations. Hence the crises at Merrill Lynch, Countrywide, and Lehman, and the bailouts of Bear Stearns, Fannie Mae, and so on. The proposed scheme for a new agency to bail out and rescue more failing banks and investment houses worldwide will undoubtedly lead to more of the same: more over-borrowing, more over-lending, more mal-investment. Insofar as the costs are paid through taxes or the creation of more dollars (inflation) and continued credit expansion, everyone will be forced to pay.

There is no way to turn back the clock, to undo the mal-investments and to make the losers whole. Compensating one loser for his loss only shifts the cost to another. Contracting the quantity of money to that which existed at some earlier time is no answer; it would only compound the problem. The only way to end the continuous boom-bust cycle is to stop the

expansion and to stop bailing out failed businesses. Once the expansion is halted, once everyone — savers, investors, producers, entrepreneurs — is assured that the increase in the quantity of money and credit is really at an end, once people have confidence that the monetary manipulation will actually stop, that it will not disrupt their calculations, entrepreneurs will begin to feel confident to embark on new enterprises and start rehiring workers. Step by step, one by one, they will begin once more to undertake production, trading, and investment. Then, and only then, will the economy start to recover.

The great economist Ludwig von Mises explained the boom-bust cycle in this way in his book on money, published in 1912 — even before the establishment of the Federal Reserve system. He developed his explanation of the boom-bust cycle further in his works on economic crises published in 1928 at the height of the 1920s boom, and also in a work published in 1931 when the depression was in full swing. He continued to explain and amplify this explanation of the boom-bust cycle in his later works. But so far the financial authorities haven't recognized the logic of his presentation and its application to the real world. Today everyone, including all the monetary experts, are imbued with the belief that the quantity of money must be flexible and be kept "easy" to maintain economic "prosperity." No one except Mises' fellow economists of the "Austrian" school even consider the possibility that the quantity of money should not be manipulated by statistical economists or government bureaucrats to meet "the needs of business."

The Misesians point out that only a commodity money could hope to prevent governments from expanding the quantity of money as they see fit. Therefore, they advocate market or gold money. Even today, and *especially* today when the economy is in crisis, they urge the re-introduction of gold money as the way to help the economy to recover and prosper. Defenders of the Fed and advocates of monetary expansion argue that there wouldn't be enough gold to handle today's tremendously increased volume of production and trade of goods and services. But the Austrians explain that that is not the case. If the ratio of gold were set at a realistic ratio to the dollar, any quantity of gold would suffice.

Let us assume that people once again began to buy and sell in terms of gold. The new demand for gold would produce increased exploration for gold, increased production of gold, and the conversion of gold from other uses — industrial, jewelry, dentistry, etc. As buyers and sellers of gold competed with one another to acquire goods and services, the ratio of gold to goods and services would rise until its purchasing power tended to equal the amount of goods and services offered on the market. No one can even begin to guess what the ratio of gold to paper dollars could be — perhaps one thousand or more paper dollars to an ounce of gold — but trade would continue as the prices of all goods tended to reflect their value in gold.

Once gold was the world's money again, producers would have a relatively stable monetary unit in which to calculate costs and plan production, and savers would no longer fear the erosion of their savings as a result of the evaporation of the dollar's value because of government-induced and government-fostered inflation. — Bettina Bien Greaves

Read to Reed — Good news for libertarians: Larry Reed, founder of the Mackinac Center, the highly successful Michigan thinktank, is the new president of the oldest libertarian thinktank, the Foundation for Economic Education (FEE). He should do wonders to resurrect it. In fact, many of us like to think that Larry Reed is the reincarnation of Leonard Read, the founder.

The first Read was a promoter par excellence of the freedom philosophy, and made FEE and its standard-bearer journal The Freeman familiar to conservatives and libertarians. Ronald Reagan used to read The Freeman religiously. Larry has a lot in common with Leonard. He enjoys the same initials as the founder, and like him, he has a pet dog. More importantly, he is a great speaker, writer, and campaigner for libertarian causes, and has traveled the world (69 countries so far) preaching the gospel of free markets. My wife Jo Ann and I, along with our two oldest children, spent an unforgettable week with Larry in the Soviet Union before its demise. And the FEE board is happy to have a seasoned fundraiser.

I met with him at the old FEE mansion in Irvington-on-Hudson, NY, and he looked enthusiastic and up to the task. As longtime Liberty readers know, FEE has had a tempestuous history since Read died in 1983. The board has struggled mightily to find the right person to run the foundation; meanwhile, FEE has been surpassed in popularity by numerous other free-market organizations, such as Cato, Reason, Heritage, Fraser, IHS, and ISI. There has been a succession of FEE presidents, including Hans Sennholz, Don Boudreaux, Richard Ebeling — and me. Larry takes the place of Ebeling, who after five years as president is moving on to teach economics at nearby Trinity College in Connecticut.

Larry told me that he has a mandate to expand FEE, including the option of selling the 35-room mansion and holding FEE seminars for students outside New York. I've thought for some time that the mansion should be converted to the Leonard E. Read Museum of Free-Market Economics. Maybe that will happen some day. But in today's weak real-estate market, the sale of the property might have to be postponed. Meanwhile, Larry told me he will divide his time between New York, Michigan (still his home), and traveling to speak and meet FEE supporters. For years, I've been trying to get him to speak at the annual FreedomFest in Las Vegas, and now that he's heading up a national organization, he's agreed to come.

I always thought that FEE should be a household name. Now, under the new LR initials, that just might happen.

— Mark Skousen

When in doubt — I don't know about this bailout package. I find it really hard to believe that the credit markets would have remained frozen had the bailout not passed. There is a lot of money sitting around (especially now with everyone pulling it out of the market) and it's relatively worthless if it's not being invested somewhere (inflation makes uninvested capital evaporate). Eventually interest rates would rise high enough to make lending attractive again.

Laissez-faire is my default setting, and I always rush back there, when I don't quite understand an issue. While there is a chance that government intervention could soften a crash, there is as much an opportunity for the government to make

it worse. And the historic propensity of Congress towards the latter option does not reassure me. The additional $150 billion that got tacked on right before it passed seems to support my suspicion.

I also don't like the precedent this sets. Even cracking the Constitution just a little bit leaves a scar that future infections can enter through. Were it not for the Chrysler bailout, Fannie Mae and AIG would never have been considered. I can only imagine the financial behemoths awaiting future Congresses, since a trillion dollars is no longer a large number.

Finally, it scares me a little. As a former conspiracy nut, this whole thing reeks of a New World Order. With the banking industry nationalized, how much room is there for capitalism to breathe? Is it possible that this was the final key that needed to be turned for the central planners to lock this nation in serfdom? — Tim Slagle

Reinflating the bubble — From Warren Buffet to economist Tyler Cowen, many reputable people are suggesting that, since the financial crisis resulted from declining home prices, there must be a housing surplus. Cowen's "modest proposal," only slightly tongue-in-cheek, is for the federal government to buy foreclosed houses and destroy them to raise the price of the remaining homes.

This is a dangerously wrong view of recent events. In fact, paradoxically, the reason why home prices are declining is that there is a shortage of homes. Bubbles don't happen to goods that are abundant; bubbles require shortages. Such shortages not only cause prices to rise, they make them more volatile: that is, they rise and then fall.

Recent housing shortages, mostly attributable to government planners, are no exception. Home builders did not exuberantly overbuild in response to credit-driven demand. Instead, in the dozen or so states that suffered bubbles, they were denied the opportunity to meet ordinary demand for housing. This led to a run-up in prices, which led in turn to congressional demands that lenders provide risky loans to people who would have been able to afford a house were it not for the planning-induced shortages. Any efforts to shrink housing supply will simply make the next bubble worse. — Randal O'Toole

Can't make an omelet . . . — To revise Dickens' phrase: for libertarians it is the worst of times, it is the most horrendous of times. Nothing we've tried seems to work. Ludwig von Mises' concern that regulations lead to problems that in turn lead to further regulations is increasingly confirmed. Robert Higgs' concept of the ratchet effect, with government increasing its power at every crisis, is less theory and more history.

Libertarians have tried libertarian candidates. But most libertarians make bad candidates, and most people that are credible as candidates are not strong libertarians.

Libertarians have tried term limits, on the theory that the more time one spends in Washington, the less libertarian one votes. There is an excellent Cato policy analysis from several years ago demonstrating that fact quantitatively. But term limits at the federal level, where they count, have been found unconstitutional. And there's zero evidence that the court decision will be revisited any time soon.

Libertarians have tried establishing their own political party, and after a quarter century of running mostly buffoons, they actually have a credible candidate in Bob Barr. But Barr is raising very little money and getting limited coverage. While I certainly hope he surpasses the 1980 Clark vote of just shy of one million votes, I doubt he'll play a significant role. Somehow, the media always finds the race tightening to a "dead heat" in the week before the election, pushing many would-be third-party voters into holding their noses and voting for the lesser of the two evils.

So here's a suggestion, based on the following observations:

- In 1994, the Republicans were successful in "nationalizing" what are typically local races by having Republican congressional candidates pledge a Contract with America.
- Both freshmen conservatives and freshmen liberals have better libertarian (i.e., less pro-government) voting records than more established, incumbent congressmen from either major party.
- Fundraising for non-partisan issues may be easier than fundraising for partisan campaigns, if only because you can appeal to all voters, not simply those of one party or another.

Given that, imagine a simple national effort, bipartisan, with a few major spokespeople from both Republican and Democratic parties, dedicated to one and only one proposition: *vote against all incumbents*!

It is a quickly, easily understood principle.

Insanity is defined as continuing to do the same thing, while expecting different results. Vote out *all* incumbents.

There is a cognitive dissonance suggested by a less than 10% approval rating for Congress and a majority approval rating for most congressmen in their own districts. Vote out *all* incumbents.

Don't let them continue to get away with this. Vote out *all* incumbents.

If you really want change in Washington, Vote out *all* incumbents.

The political class will of course attack this idea with vehemence. That will make it more popular. The political pundits will say that it takes years of experience for people to work well in Washington. The campaign will respond with a long and growing list of the corruption scandals and special-interest deals for which incumbents are known.

We might lose libertarian-oriented congressmen like Ron Paul (R-TX) and Jeff Flake (R-AZ). But that's the price of applying a simple rule that is easily marketed and implemented.

Do you want to change Congress? Then you have to give up your congressman, even if you love him. That's what it takes. Your district is the only one you can affect. But know that throughout the country other people just like you will be voting down congressmen whom they like but whom you see as the problem, just as they see yours as the problem. Washington tells us that Americans must make sacrifices. Washington tells us that we must give up things we love for the sake of the common good. Okay, let's give them up, for the common good. Let's sacrifice the current members of Congress. All of them.

Obviously, many races are viewed as noncompetitive, and some would argue that a national campaign of this sort will not make them competitive. But I seem to recall some very powerful incumbents being unexpectedly swept out of office

in 1994, and again in 2006. I don't think the mood of the country is better now, and I doubt very much if it will be better in 2010.

The political class, as I noted, will predict doomsday if "professional" politicians are turned out en masse. That actually can play to our advantage. If we are successful just once, in the ensuing two years the lie will become evident to all, at which point it will become easier and less expensive to urge the electorate to "do it again."

Those concerned about the effect of completely recycling Congress every two years needn't worry. There is no reason to expect, even if this idea is wildly successful, that it will be 100% effective. So there will be guiding hands for the freshmen — though relatively few, one hopes, and much less secure in their sinecure.

The late William Buckley said something to the effect that he preferred being governed by the first 100 names in the Boston phone book to being governed by the faculty of Harvard. And I would prefer being governed by 435 random congressional freshmen, without reference to their political philosophies, to being governed by a Congress filled 98+% by incumbents.

To put this plan into action requires money and coordination. I offer it not with assurance that it will work, but with confidence that, from a libertarian perspective, nothing else has. — Ross Levatter

The (very) bright side — In China, it was reported that "53,000 babies were poisoned" (though only four actually died) by tainted milk supplies. Many commentators offered this as proof that China's experiments in liberalization are going sour.

While the death of one baby is an unimaginable tragedy, it should be pointed out that, 20 years ago, before the economic boom, thousands of babies would starve to death every month because there wasn't enough milk to go around.

Of course, those deaths went unreported because the state-controlled media never found it newsworthy — so not only is the lowering infant mortality rate a sign of a better China, but the fact that we know about the tragedy is an even brighter sign. — Tim Slagle

Which "South Park" mascot? — Over the next few weeks, I expect to hear frequent explanations that despite Obama's sizable lead in the polls, the "Bradley effect" will push McCain to electoral victory. In brief, the Bradley effect posits that a significant minority of whites will tell pollsters they plan to vote for Obama when they actually plan to vote for McCain.

Don't believe it. The original evidence for the Bradley effect (the 1982 California gubernatorial election) was hardly conclusive. More to the point, the past quarter-century has not seen any major elections that clearly fit the Bradley pattern, and it's seen plenty that defy the pattern.

Barring a major scandal in Obama's camp before the election, he's going to be our next president. — Mark Rand

Outrunning pork — Explanations of the credit crisis mention such difficult matters as subprime mortgages; their multiple securitization into tiers of bonds built on other bonds, with various tranches supposedly made secure by the large numbers of underlying assets; special-purpose vehicles to hold dubious loans off banks' balance sheets; various derivatives, including insurance against default by issuers of bonds; reliance on credit-rating agencies operating in unfamiliar territory; marking to market of assets (an accounting practice recently insisted on); deficient familiarity with the complex new financial innovations on the part of market operators and regulators — and still more.

Let's go at it in another way. In a complex web of interconnections, banks and other financial institutions do two types of things: they borrow (as from depositors) to make personal and business loans, and they buy government and corporate and even mortgage-backed bonds.

Financial specialization, traditionally drawing on banks' knowledge about borrowers' projects and creditworthiness, promotes economic efficiency and development; it helps channel even short-run savings into capital construction. And ordinarily, borrowing and buying are interdependent. But on rare occasions (such as now), matters start to unravel.

Institutions that have invested heavily in dubious loans and investments incur the danger of going bankrupt, and institutions that have lent to them become reluctant to extend their loans. The market for interbank loans shrinks. Worry extends to depositors and investors in banks and money-market mutual funds; and if these suffer withdrawals, they become less able to make loans (as by buying commercial paper) and even to honor preestablished lines of credit. Businesses that have relied routinely, and prudently, on short-term credit are then drawn into the downward spiral. Credit freezes up. Even quite innocent firms, together with their employees and stockholders, suffer.

Bad business news and stock-market plunges intensify actual fear and contagion (although to say so is pop psychology, not strictly economics). Some rescue operation — almost anything plausible that would contain the fear — becomes an urgent concern. To the regret of us libertarians, the U.S. government is the only institution with enough immediate clout to undertake the operation. Amidst the spreading panic, and despite much insistence on taking enough time to get the proposed legislation right, speed becomes a key aspect of being right.

Speed should limit opportunities to decorate a rescue bill with all sorts of bright ideas and sweet plums for local and special interests, including, as the slogan goes, something for Main Street as well as Wall Street. Speed should also, arguably, hold down the total cost of the rescue operation. For these reasons, the Sept. 29 defeat of the proposed rescue bill, imperfect as it was, shook me.

It is true that a rescue would worsen the already serious problem of "moral hazard," further encouraging people to take undue risks, as of building in flood-prone and hurricane-prone areas. Perhaps penalties could be devised to discourage irresponsible people from requiring rescues in the future. But the purpose of the Sept. 29 bailout was not to protect wealthy financiers; it was to save millions of innocent victims from further contagion.

Arguably, furthermore, the government has a moral obligation to help clean up a mess that is largely of its own making (if the government may legitimately be personified). Such government agencies as the Federal Home Loan Banks

encouraged even dubious mortgage loans by standing ready to buy them from the original lenders. This was massively true of Fannie Mae and Freddie Mac, government-sponsored companies enjoying special privileges maintained by intense lobbying, especially the privilege of borrowing cheaply with the support of an implicit government guarantee of their bonds (a guarantee recently made explicit). The Community Reinvestment Act pressured banks to make mortgage loans even in sections of a city where a prudent person would be afraid to walk; the Federal Reserve banks helped administer the pressure.

As for the Federal Reserve, it had been practicing what hindsight now identifies as too loose a monetary policy. Low interest rates and abundant funds tempted investors to seek higher yields on risky loans and speculations. Chairman Greenspan and then Chairman Bernanke, echoed by President Bush, tried to blame low interest rates on a world savings glut. But what prompted the heavy flow of capital into the United States?

Government was largely responsible. One factor was heavy borrowing to cover the government's chronic deficit. Another was the ongoing accumulation of U.S. government bonds by the central banks of China and other countries. This accumulation traces largely to foreign authorities' anxiety to keep their currencies from rising much against the dollar. Their interventions on the foreign-exchange markets, along with U.S. government deficit spending and loose monetary policy, count as government interventions.

Ironically, it is common to blame the current crisis on deregulation, on a free-market ideology. Yet our trouble traces in large part to perverse regulation, as illustrated above, and to regulation by regulators who didn't quite understand what they were doing.

I am not an anarchist. I don't deny that some regulation can be useful, especially to reinforce ordinary ethical strictures against force and fraud and trading on other people's innocent ignorance. But what would more regulation consist of? And where would all the required new regulators come from — equipped with the necessary intelligence, honesty, resistance to political pressure, and intimate knowledge of the evolving financial scene?

Another familiar strand of blame points to "greed." Condemning it sounds noble but betrays superficiality. The slogan suggests something evil about self-interest, meaning concern for oneself, family, associates, and favorite projects and causes. Money is a means to those ends; and striving for it, as such, is admirable and has generally healthy effects (think of Adam Smith's invisible hand). The greed that warrants condemnation is pursuing those ends by lying, cheating, stealing, or deception. The methods are what deserve condemnation.

Alternatively, "greed" means a personal character defect: so extreme an obsession with narrow, material self-interest as to blot out broader aspects of a good life. That is mainly the greedy person's own problem, although he might benefit from being lectured at. Still, all kinds of (honest) people can contribute to the gains that accrue from specialization and trade and that help to produce a good society. Even people pathologically obsessed with material wealth can contribute, provided they do not employ illegitimate methods, such as deception, coercion, and intimidation. Ranting about "greed" contributes nothing to explaining the credit crisis.

Politicians, like other people, are self-interested. They have scant personal incentive to consider the possible long-run consequences of the measures they so blithely enact. They do have a personal incentive to conduct appeals to "rationally ignorant" voters, many of whom have antimarket, antiforeign, and make-work biases. The recent economic news, and its interventionist background, are more arguments in favor of limited government, if only it could be achieved.

— Leland Yeager

Risk, uncertainty, and profit — The libertarian thought about bailouts is to be against them. Investors ought to absorb the losses from their bad decisions. That is what the ideology says, and in most times there is no question about it. It is a good principle.

Then there are emergencies. They come perhaps once in a lifetime, and they raise the price of the principle very high. Here is a typical view: "I made no bad decisions. But my home value and retirement account are being wiped out. I'll be damned if I'm gonna watch my entire net worth disappear just to save a theory."

You can argue that this individual did make bad decisions — he bought the house and retirement investments that now irritate him — but it is a tautological argument, a kind of ontological argument. It has no fuel.

The emergency broke in September. Fannie Mae and Freddie Mac collapsed, Lehman Brothers collapsed, American International Group collapsed, Washington Mutual collapsed, and Wachovia essentially did. Silent runs drained Morgan Stanley, Goldman Sachs, and the money market funds, and a Putnam institutional fund briefly fell to 97 cents a share, scaring the Federal Reserve into guaranteeing all money-market funds.

Across the Atlantic, European governments bailed out the largest bank in Belgium, the second-largest property lender in Germany, the third-largest bank in Iceland, and a mortgage company in Britain. Ireland led the way in guaranteeing all bank deposits.

Big institutions were being shunned by other institutions afraid to touch them — ostracized, unofficially quarantined. A market system may do that — there is freedom of association among corporations — but in this case if Fan and Fred and AIG and WaMu and all these European lenders fell, then their securities would become infected as well, and bring disease to the healthy.

This was not an ordinary economic sickness. It was a financial Ebola, a plague of fear that could infect and kill a century-old institution within 48 hours. A theoretician might apply the normal rule: "Let the chips fall where they may." But they were not chips and the people with actual responsibility were not going to do that. The one big place where they did it — Lehman — convinced them not to do it again. Lehman had helped drag down AIG, as well as the Hypo bank in Germany.

The question for libertarians was: if panic could be stopped through government application of public credit, why not do it? Would you watch your entire net worth disappear, just to save a theory?

On Sept. 25, Reason magazine asked ten economic thinkers, at George Mason, Harvard, Duke, NYU, libertarian institutes, and in the press and blogosphere, the same set of questions, starting with "How bad is the current market situation?"

Five said it was bad, very bad, "standing on a knife's edge." The others said in various ways that it was not so obviously bad. Two said they didn't know. Chris Dillow, economic writer at Investor's Chronicle, said, referring to the late Chicago economist Frank Knight: "No one knows! Our problem is one of Knightian uncertainty; we just don't know (and banks themselves don't know) what those illiquid mortgage derivatives are worth."

Dillow's answer was about balance sheets — about how much certain mortgage-backed securities will really pay. It was a risk question, about the future, and maybe no one knew. Reason's question was different. It was about market conditions, such as whether you can put certain mortgage-backed securities for sale and get any bids on them. It was a sentiment question, about the present. There you could know, and it did seem that things were on a knife-edge. The collapses said so. Henry Paulson's behavior said so.

Now, to the "bailout."

It is a loaded word. A bailout has come to mean a government act to make good the losses of big institutions. It is, on its face, an unfair thing, because some are bailed out and others pay for the bailout. It is the socialization of loss.

Do nothing, then? That was the libertarian consensus. But the supposed do-nothing option is not without government. When Lehman Brothers was allowed to fail, what happened? Lehman filed for protection under the federal bankruptcy law, which puts a judge in charge of it. That is government involvement. It is not the same kind as a taxpayer bailout, and is generally preferable, but it is not the absence of government.

If putting big financial companies in bankruptcy causes unacceptable losses to third parties, maybe there is something wrong with bankruptcy as applied to big financial companies. The law is a human construct. It can be changed. When Treasury Secretary Paulson talked about a "conservancy" for Fan and Fred, with them growing for a time and then radically shrinking, it sounded like a variant of bankruptcy, not a bailout as such. Fan and Fred were taken over. So was AIG. Selling off the assets of AIG in an orderly manner also sounded like a bankruptcy.

What is not available under ordinary bankruptcy, of course, is public credit. That is what the FDIC had when it seized Washington Mutual and sold off its branch network and portfolio to JP Morgan Chase. WaMu's funders (including depositors) were protected, but not its shareholders. The stock, which had been above $41 two years earlier, plunged to 11 cents. In none of the big failures were the shareholders any more than minimally "bailed out," though bondholders did better.

The Treasury's $700 billion fund for buying "toxic assets" is troublesome. Opponents made it sound very much like free day at the dump — bring in your old mattresses and computer monitors and give 'em to us — but it, too, might be more reasonable than that. The Treasury could pay what these securities would fetch in a normal market. Not cost. Not a puffed-up value, but a kind of objective value, an estimated normal-market value as distinguished from value during a panic. The Treasury would hold the securities until the market calmed down, and then collect on their real value. The net cost to the public would likely be far less than $700 billion. The public liability — and the state power — would be temporary.

That's what the Treasury's sales pitch sounded like. Whether they'll do it that way is another matter. And it is not the only possible rescue. Given that the financial problem is an impairment of capital, another rescue would be an injection of new capital, as the European governments had done, perhaps also with a "haircut" for creditors.

I don't know what's best: there are hazards in not acting and hazards in acting. The hazards identified by libertarian opponents include some very real ones. But if there is a way to use public credit to keep the system from seizing up in a panic and having financial institutions around the world go down in a heap, then I swallow hard and consider supporting it, still not liking it. I don't want all my savings wiped out for a theory.

I note that this was all happening six weeks before a presidential election in which the frontrunner was an admirer of Franklin Roosevelt. That raises another concern. I don't want capitalism in ruins in the first hundred days of a president who wants to redo the New Deal. One of those was enough.

— Bruce Ramsey

Opportunity doesn't knock, runs well — Last week, someone called me about a motorcycle I'm selling. It's in good condition and has very few miles, but it's almost 30 years old, so I'm asking only a pittance for it. The potential buyer — I'll call him Bob — asked if I would let him pay in installments, and added that he's lived in this town for decades.

Bob doesn't have a few hundred dollars on hand, and apparently none of the people he's known for the past few decades will trust him with a small loan, and neither will his bank. So Bob thought that I, a complete stranger, might carry the note. Ridiculous? You may think so. But to a banking regulator, it's a great solution.

For decades, government regulations have pressed banks — sometimes directly, more often indirectly — to give loans to individuals whose credit is, well, subprime. Banks which kept those loans on their books were required to maintain substantial capital reserves as a precautionary measure. But when the loans were bundled together and sold, regulators decided they became less risky (not in the bundling, but in the selling!), and relaxed the capitalization requirements.

Let's say that Bob's friends give him a 50% chance of paying off a loan. Based on that, the regulators will conclude he's almost certain to pay me. If this strikes you as logical, please call; you can help Bob purchase a bike. — Mark Rand

You've got Sarah's mail — In mid-September, a computer hacker (or group of hackers) accessed a Yahoo.com email account that GOP vice presidential candidate Sarah Palin had used for personal and state business as governor of Alaska. The hacker(s) posted Palin's email password on a site popular with internet pranksters and some hardcore online criminals. Readers of the site rooted through Palin's account without her knowledge; copies of her correspondence, contact lists, and family pictures popped up all over the internet. Finally, someone reset Palin's password — triggering a

standard Yahoo.com security measure that alerted Palin to the breach. She (or her handlers) quickly cancelled the account.

While the McCain-Palin campaign ginned up outrage over the hack, the mainstream media wondered why the governor was using a rather public email service in the first place. The Associated Press sniffed:

> The disclosure . . . raises new questions about the propriety of the Palin administration's use of nongovernment e-mail accounts to conduct state business.

Palin's critics argued that she was following a duplicitous tactic developed by GOP schemer Karl Rove, who used so-called "off-site" email addresses to confound investigations of his activities while a member of the W. Bush administration. These critics hinted ominously that Palin may have discussed secure state matters over insecure lines.

What rubbish. Very few state matters need to be kept so secret that they can't be discussed in a public forum — which electronic mail, no matter how secure the server, surely is. The outrage of the Palin email hack wasn't that Alaskan state secrets might be revealed . . . or even that her political opponents might have been up to some dirty tricks. It's that anyone would expect an email account, even a government-run email account, to be secure.

For my part, I'd be content if all politicians had to use Yahoo, Hotmail, or Gmail. And post their email correspondence for public review. This would provide some useful transparency. — Jim Walsh

Letter from France — "We have to point the finger at ourselves," said Number 6, and Number 4 clapped so hard and so long that he almost convinced Number 5, who was seated next to him, that these were truly unprecedented words. So when the microphone lit up for Number 5, he decided that he, too, would speak his heart. "This assembly must do something, as opposed to nothing," he said. "A hard act to follow," Number 22 appeared to be thinking; but he avidly agreed, except that he stressed even more strongly the council's "principles and moral authority." Both of those, incidentally, were well represented in the words of Number 1, a severe woman, who announced, to great applause, that "we must have the guts to show what the Council of Europe stands for."

As she spoke, the men looked tenderly on, especially Number 5, who was, by the victorious but forgiving look of him, thinking that she had lifted his phrase. "The Council of Europe is about values," Number 5 had said, and now said Number 1, in very much the same words, from her desk at the Council of Europe's headquarters.

In Strasbourg, a charming cobblestone city just shy of France's border with Germany, hundreds of European parliamentarians had arrived in late September to discuss Georgian-Russian relations and to find out, in the process, whether or not Europe actually had any values to its name. The problem in this case was that the council's discussions could not be held in black and white, but were condemned to the shades of gray. This was, anyway, the observation of Terry Davis, who was no number, but rather the slick secretary general, with hair remarkably smooth, abundant, and at least three shades of gray. Davis keeps a mansion in Strasbourg, which may explain why a stately lady MP, who had been knitting at her desk toward the back, put her instruments down and turned on her earphone.

The real story began after the meeting, as it usually does with these things, when the parliamentarians descended on the town in unlikely groups. The Georgian shook hands with the Russian, the young Turk kissed the Armenian three times, while the communist and the conservative compared climates over schnitzels and croissants. "How wonderful these post-political friendships!" a passerby would've thought — and he did, along with many others. But the more he observed the pleasantries, the more he came to believe that, oddly enough, the parliamentarians were being more honest when their badges were on — when state interests "compelled" them to be sharp — than when they were off.

Literally, the badges never came off, even after the sessions. That's the remarkable thing about it. The blue ribbon kept hanging on everyone's neck. Only the name tags were self-consciously hidden. Some were pushed behind ties. Others were slid into coat pockets. Still others were turned around. But the blue ribbons never came off! And so, for a whole week of evenings in Strasbourg, the windy streets were filled with men and women wearing blue ribbons around their necks. Blue ribbons, but no name tags. All of which meant, by the locals' interpretation: "I'm really trying really hard not to be better than you."

In the end, it wasn't clear what the badges meant. Almost certainly, they meant nothing. But for me they helped show that Europe still doesn't know how to wear its democratic badge. Europe has identity complexes. It awkwardly avoids owning up to its values — as it did in delivering light spankings to Georgia and Russia and calling for a "new unity" — but it alludes to them. Democracy. Human rights. Freedom. Of course it doesn't practice them.

That Europe is so hypocritical, so awkward, so vain in appearance is, by all logic, not a good sign. But Europe's moral stutters were, for me, the best indication that the continent still has hope, that it knows the names of its values and is too polite to disown them — that it has not forgotten the language of liberty.

Of course I should've known this from the very beginning, when I checked into room 328 of the Maison Rouge Hotel of Strasbourg and opened my closet. I just hadn't read the sign carefully at first: "For the safety of your values, a safe is at your disposal at the bottom of the cupboard." — Garin Hovannisian

Arnold's trainset — With his state facing a $15 billion budget deficit, California Governor Arnold Schwarzenegger signed legislation putting a measure on the November ballot to sell $10 billion worth of bonds to start building high-speed rail. This would add at least $650 million to the state's annual deficit for the next 30 years (and probably much more, as $10 billion is only a downpayment on the project, whose total cost would likely be north of $60 billion).

The day after the U.S. Senate passed the $700 billion bailout bill, Schwarzenegger sent a letter to Treasury Secretary Paulson warning that California may needs its own bailout of as much as $7 billion. Can you say moral hazard?

Incidentally, if you don't live in California, don't think the state's vote on high-speed rail won't affect you. If California voters approve the measure, Congress will almost certainly

match state funding for rail construction. That will lead members of Congress from other states to demand federal funding for high-speed rail in the rest of the country, including a line from Albuquerque to Casper, the crucial Fargo-to-Missoula route, and (if Senator Byrd is still alive) a return of the legendary turbotrains to West Virginia.

I estimate the total cost of a national high-speed rail system would be at least $430 billion, at least half of which would be paid for by federal taxpayers. This is about the same as the inflation-adjusted cost of the Interstate Highway System. Yet interstates paid for themselves out of gas taxes, and they move at least four times as many people, and thousands of times more freight, than a high-speed rail system can ever hope to carry. The main effect of a subsidized high-speed rail system would be to put unsubsidized short-haul air service out of business. — Randal O'Toole

Continuing education follies —Two recent newspaper articles illustrate again the need for fundamental reform in our educational system, beginning with (though not limited to) expanding free choice.

The first is an AP report (Sept. 3) reporting that the infamous Belmont Learning Center in Los Angeles has finally opened. Now christened the Edward R. Roybal Learning Center (after some ancient hack Democratic politician), it embodies all that is wrong with the public school bureaucracy. As Los Angeles DA Steve Cooley put it some years back, it is "a public works disaster of biblical proportions."

The school took well over a decade to build, at a cost of $350 million. That's right — over a third of a billion taxpayer bucks. First there were environmental problems (when it was discovered that the school site had been a toxic waste dump), then legal problems (when it was discovered that it was built on a seismic fault). The result was a school with some big buildings (including a gym that seats 3,000, a dance studio with cushioned hardwood floors, and underground parking for nearly 500 vehicles), but also a "toxic gas mitigation system" that costs a quarter million dollars a year to run. All this to accommodate a mere 2,400 students.

The second article appeared in The Wall Street Journal (August 27). It reported the latest data on the national SAT scores, and the news was not comforting. The average scores in 2008 were identical to those in 2007, on all three SAT component tests (critical reading, math, and writing). The reading score thus remains the lowest in over a decade, and the math score the lowest in almost a decade.

African-American students have a 15% lower average on the reading and math tests than the general population. Asian-Americans score higher than the general population in math, and outperform in reading and writing. Girls score higher than boys on the writing test, and are almost even on the critical reading test, but they score lower in math — as they have for a decade.

The ACT scores for 2008 also showed no improvement.

The Journal article just touches on a big question. The No Child Left Behind Act greatly expanded federal funding for K-12 education and mandated that schools show steady improvement. Many state tests have indicated improvement, but in light of the frozen SAT and ACT scores — neutral tests administered by private companies, not public school bureaucracies — it would appear that those gains were faked.

Early on, the No Child Act was stripped of its voucher (i.e., school choice) requirement by Ted Kennedy and his fellow Democrats. Bush should have just killed it then. He didn't, and the result looks like more money poured down the public school rathole. — Gary Jason

Pudgy carbon footprints — Energy crisis? Baloney! How can there be an energy crisis when those big eight-wheeled enchiladas, stuffed with our flabby-legged kids, dominate the morning streets?

My city, like most, has left its budget in the rear-view mirror. Yet the streets in early morning and mid afternoon are plugged up by yellow buses that move like mononucleotic squirrels. School buses — like all vehicles — pollute, impede, collide, and worst of all expend city money, preventing little legs from strengthening themselves. But noble-hearted municipal planners have the best of intentions. Leave no child behind, plodding along sidewalks.

How bizarre. How shocking, given the fitness neurosis of our society. We deny youngsters the very exercise that we compulsively continue to shove down the throat of the more mature consumer. Whole government agencies are devoted to the mission of counting, correcting, and reprimanding the lardy kids in our population. You can hardly pick up a magazine without an article on the benefits of exercise. Yet school buses roam far and wide. So, instead of carrying oneself to school on one's own flabby legs, our fragile student sits on a bus bench and pulls the hair of the little girl in front of him. Not nearly as exercising as ambling to school down urban pathways.

I say pile 'em in a heap and burn 'em. (The buses, not the flabby kids.)

Again note this anomaly: popular culture preaches phsyical fitness but neurotically carts kids to school by motorized transport.

Now don't misunderstand. For young or old, I think a game of tennis or a daily 30-minute walk or bike ride is all to the good and extends your vertical time on earth. That's why kids should walk instead of ride (with a few exceptions imposed by distance or physical handicap). Sinews and tendons and muscles are much more vulnerable in adults than kids. A kid's two-mile walk to school strengthens the bondage of knee caps and calf muscles. An adult's feverish pedaling on a $500 machine may cost him his ambulatory status.

I pass an exercise emporium on my way to work. It has a huge glass wall to advertise its wares. It's mobbed by people literally working their hindquarters off. You'd think you'd stepped back into the Industrial Age. They're generating enough power with their pedaling and pushing to air condition and light the building for a month.

Just a thought. If it's so healthy for these people to sweat buckets, why is it salubrious for our kids to be couch potatoes on the school bus? And shockingly, those health addicts pay for the privilege of regressing to the middle ages. Several decades ago, toiling in farm or factory, they would have received a weekly paycheck. Where did we go wrong?

Why do American parents, obsessed with conditioning, feel that kids with young, healthy legs have a right to iPods, acne medicine, jury trials, and credit cards, crowned with a

ride to and from school? Wouldn't it be healthier to walk? What's sauce for the goose and gander should be sauce for the gosling. — Ted Roberts

Change must come from within — During the Ron Paul campaign I wrote that after the Republican convention, of course Paul would have to endorse John McCain. Not enthusiastically, but at least he would have to say he preferred McCain to Barack Obama. My reasoning was that Paul was leading a movement within the Republican Party — a movement that was being dismissed as not really Republican. That is what party people were doing when they identified Paul as the 1988 Libertarian candidate.

Liberty magazine ran some letters by readers who thought my suggestion outrageous, and I guess Paul did, too, because he did not endorse McCain. Probably that was why he was not invited to the Republican convention in St. Paul, though the other losers, Mitt Romney and Mike Huckabee, were invited.

Paul formed his Campaign for Liberty and drew 10,000 supporters to his own convention, billed as an alternative to the Republican one. No doubt it was fun, but it also sent a message of separatism. Then, in mid-September, Paul had a Left-Right press conference with the third-party presidential candidates Ralph Nader (Independent), Cynthia McKinney (Green), and Chuck Baldwin (Constitution). Bob Barr, the Libertarian nominee, was invited but didn't show up. He didn't want to share the stage.

The three minor candidates presented a short list of things on which they agreed, starting with a quick end to the U.S. occupation of Iraq. It was an unusual thing, coming together like that, and for organizing it Paul got some national press. But again, the message was pro-third party. Then, two weeks later, Paul said he was endorsing Baldwin, a preacher and nominee of the Constitution Party. That party agrees with libertarians on some things — it opposes conscription, a hegemonic foreign policy, and the welfare state — but is also part of the Christian Right, being against abortion, pornography, and any state recognition of homosexual unions.

None of which is important, because the party is not important. Baldwin is not important. But Paul was.

He had a movement, an enthusiastic, sign-posting, money-contributing following. Baldwin doesn't. Barr doesn't, really. Paul did, and still does.

Crucial to the significance of Paul's movement was that he was a Republican, going for major-party nomination. He was also attempting to bring a new set of ideas into the party, and a new set of people. He was attempting to change a major party. He never had enough support to do it, but he did have enough for a faction that would have to be accommodated. But in order to capture that status, the Paul people had to stay inside the tent. And Paul led them out with his separatist convention, his confab with third-party candidates, and, particularly, his endorsement of the nominee of a party that doesn't matter, except that it could siphon some votes away from the Republicans and cause their nominee to lose.

I will say it again, and attract the abuse of Paultards: Paul should have stayed loyal to the Republicans. He should have endorsed McCain — quickly, rhetorically holding his nose, and with an immediate statement of disagreement over the war and civil liberties, and later on, over the Wall Street rescue. Paul would not have had to change his political line, but an endorsement of McCain would have said: "I am a Republican. My Campaign for Liberty is within the party — and you guys will to have to make room for us."

Now they are under far less pressure to make room for him. He has cast himself out. — Bruce Ramsey

The best disinfectant — After wreaking havoc on the residents of his city and leading a scandal-plagued administration for more than than five years, Detroit Mayor Kwame Kilpatrick has resigned his high office. The charismatic 38-year-old son of a congresswoman, who led a life more akin to that of a Hollywood celebrity than that of a Midwestern city official, had attempted to cover up an affair with his chief of staff by firing the deputy chief of police who was investigating alleged illicit activity in the mayor's office. What had begun as a shielding of private marital infidelity (both parties were married to other people at the time) became abuse of taxpayers and the public trust.

Kilpatrick spent more than $8.3 million in taxpayer funds to conceal the personally motivated firing, which was the subject of a whistle-blower lawsuit by the deputy police chief and another police officer. The mayor alleged under oath that no affair had happened. And his settlement of the case would have been kept secret, had a local newspaper not submitted a Public Records Act request to discover it. Once evidence of the affair and the settlement became public knowledge, Kilpatrick was charged with perjuring himself. Perjury merely added to his long list of notorious acts in office, including spending more than $210,000 in government credit card debt on personal luxury goods and services, and using taxpayer funds to lease a Lincoln Navigator for his family.

Facing ten felony counts, Kilpatrick pled guilty to two counts of obstruction of justice, and no contest to assaulting a police officer who had attempted to serve a subpoena on Kilpatrick's friend. Kilpatrick now faces up to four years in prison, five years on probation, and the payment of restitution in the amount of $1 million.

Though Detroit's city hall soap opera may be over for now, Kilpatrick's raucous time in office brings perspective to the importance of watchdog laws in local government. Michigan's state constitution, which decrees that all government financial records be public, opened the details of the whistle-blower settlement. Certainly, Kilpatrick is not the only elected leader of Detroit who has been embroiled in controversy, nor is he the only mayor in America to have crossed the law in office. A quick search finds that in just the past five years, seven mayors of the 15 largest cities in the United States have been implicated in financial or ethical scandals. But stronger open government laws can protect citizens from self-indulgent politicians who would exploit them to secure their own personal futures. Making all financial transactions and intergovernmental communications public would be a step in the right direction. Unless cities want antics like Kwame's, they should demand greater citizen oversight of those they empower to protect the public interest. — Vince Vasquez

Good for gander, poison for goose? — In a prior reflection, I noted that the pragmatist philosopher Charles Peirce held that logic is a species of ethics — the ethics of belief, to be precise. Just as you ought to act as you would

have others act, so you should reason as you would have others reason. An article published earlier this year brought this to mind; indeed, I haven't been able to stop thinking about it.

The article was a sniveling column in Time called "Affirmative Action for Boys" (April 3). Its author, Nancy Gibbs, bemoaned the fact that in the face of a widening gender gap in college enrollments, admissions committees are apparently using affirmative action to close that gap. Well, nothing new here, right? For over three decades, governments and other organizations have taken racial or gender gaps as automatic proof of discrimination, to be remedied by reverse discrimination, in the form of quotas, set asides, and other preference programs.

Ah, but what caused Gibbs to pen her lamentation is that the gender gap now has men (whom she condescendingly calls "boys") at the lower end, and the affirmative action is now allegedly being done in their favor.

Oh, the horror!

After 30 straight flippin' years of aggressive affirmative action in their favor, undergrad women now outnumber men on American campuses by 58% to 42%, probably soon to hit 60% to 40%. Now, when men outnumber women in some field, feminists instantly infer that this is because of insidious discrimination against women, and they demand that the government use any means necessary to compel equal results. Witness the furious push to use affirmative action to achieve equal gender numbers in such fields as natural science, engineering, and mathematics.

In response to the "shortage" of men on campuses, some vacuous administrators have been — at least according to Gibbs — discriminating against women. But if a statistical disparity in favor of men has for decades been taken as proof positive of discrimination against women, shouldn't an identical disparity in favor of women be considered proof positive of discrimination against men?

Not by Ms. Gibbs. She and the college deans she has talked to conclude that the gap is due to the general educational or developmental inferiority of "boys." Perhaps the "boys" are inferior, but if so, this raises two interesting questions.

First, if the "boys" are so horribly inferior to the high-achieving women, can we at least end all the massive reverse discrimination that continues to benefit women? That is, if Ms. Gibbs and her friends are so twitter-pated about affirmative action favoring men at colleges, and want it ended, would they be willing to see it ended for everyone across the board? Including the push for making women equal numerically in the natural sciences?

Second, if men are now generally so developmentally and educationally inferior to women, might that not be caused in part by the gender jihad, the massive governmental affirmative action movement that has targeted men for decades? The attacks on all-boys schools and men's sporting programs, the discrimination against men in hiring, must have exacted some price. Perhaps triumphal feminists such as Ms. Gibbs might consider that. Or perhaps they don't care — now that they are out front, they just want to keep it that way, and men can go to hell.

— Gary Jason

Plank in eye — This past weekend, while I was waiting for Congress to "do something" about the ongoing financial crisis, I happened to rent and watch the old Clark Gable movie "Command Decision." This movie tells the story of a WW2 Air Corps Wing Commander, Clark Gable, who is faced with the dilemma of knowing that a decision to send his B-17s deep into German territory to bomb the production facilities of a new and very powerful fighter jet, is the right decision in the long run because it will shorten the war but a difficult decision in the short run because it will mean the death of many crew members and will incur the wrath of Congress. When he decides to make the right long-term decision he is relieved of command and replaced by a general who is known to be more "compliant" and "politically astute." The conclusion of the movie, happily, shows the newly assigned general accepting his grave responsibility and making the right "Command Decision."

Unfortunately for the American taxpayers and their children and grandchildren, neither Clark Gable nor Barry Goldwater nor Ronald Reagan was in the bailout negotiations. The "politically sensitive" group that was there decided to do the expedient thing and go for the short-term solution, that is, more government intervention in the financial markets, precisely the action that caused the problem in the first place. Unlike the result depicted in the movie, those entrusted to make the "Command Decision" for the country failed us and, if their recommendations are accepted, the losses down the road will be horrendous. Those losses, however, will occur long after the current group of "deciders" is gone. It is a sad day for the cause of liberty.

The next time Hugo Chavez or Vladimir Putin decides to nationalize a company, we will now have to be much less critical.

— Roy Miller

Head east — We live in a country where nationalization of an entire sector of the economy can occur with little protest, and virtually overnight.

We live in a country where rules and principles are deemed valid only when there is no emergency, but where emergencies are perpetual.

We live in a country where no problem is too great for the government to solve, and no problem too small for the government to identify as a problem.

We live in a country where inequality is suspect, unless achieved by celebrity or stark political power.

We live in a country where voting is the essence of political morality, but knowledge is deemed elitist.

A Shining City on a Hill? I think they were talking about Hong Kong.

— Ross Levatter

A few good men? — I always hesitate before I criticize the U.S. military. Many of my ancestors fought in America's wars. Our armed forces today face huge challenges — multiple wars to fight, with limited human and material resources.

That said, the military has displayed a serious problem with truthtelling. It has produced some real whoppers — sometimes for propaganda purposes, and sometimes just to protect its cammie-covered ass.

Remember Jessica Lynch emptying the last clip in her rifle before the Iraqis captured her? Great story; didn't happen. Remember Pat Tillman's heroic death in a hail of Taliban

continued on page 32

To Judge or Not to Judge

by Robert A. Levy and William Mellor

The Founders were uncharacteristically vague about the role the judiciary should play. Little surprise that the scope of judicial review has been hotly contested.

"The courts of justice," wrote Alexander Hamilton in Federalist 78, "are to be considered as the bulwarks of a limited Constitution against legislative encroachments." That role was significantly expanded with the ratification of the 14th Amendment after the Civil War. Until then, the Constitution constrained only the federal government. Americans discovered, however, that states more than occasionally violated the rights of their citizens — slavery being the obvious example. And so a second generation of Framers revisited the federalist model and added a new power for the national government — above and beyond the powers enumerated in the original Constitution: Whenever any state "shall abridge the privileges or immunities of citizens . . . [or] deprive any person of life, liberty, or property, without due process . . . [or] deny to any person . . . the equal protection of the laws," the federal government is authorized to intervene and stop the offending state acts.

Both the Congress and the federal courts are empowered by the 14th Amendment to prevent state and local governments from misbehaving. Regrettably, the courts have been derelict in their duty. They have acquiesced in a vast enlargement of state power and a corresponding diminution in individual rights. That, in major part, is why we wrote "The Dirty Dozen," which catalogs the twelve worst Supreme Court cases of the modern era.

In his review of our book ("Supreme Injustice," October 2008), J.H. Huebert applauds our "genuine concern for personal and economic liberty" and acknowledges that the "Supreme Court has done a lot of damage to liberty, interpreting government powers broadly and many constitutionally protected rights narrowly." But he nonetheless disparages our thesis that judges must be more vigorously engaged in securing those rights. Huebert's critique is threefold: first, judges have abused their 14th Amendment powers to find "various positive 'rights' that they like even more than libertarian rights." Second, judicial engagement is "doomed to failure" because "federal courts, after all, are the government." Third, "the important work to be done is in the realm of education. . . . When people understand and want liberty's benefits, they'll cast off their government entirely, or at least elect representatives who will respect their rights."

We examine each of those arguments in turn.

The Abuse of Judicial Engagement

For starters, Huebert protests that we "unquestioningly embrace the idea that the 14th Amendment allows federal courts to strike down laws that don't comport with

liberty." Guilty as charged. Like it or not, the 14th Amendment is part of the Constitution. It unambiguously declares that no state can abridge privileges or immunities, or deny due process or equal protection. Unless the text of the amendment is ignored or the institution of judicial review is discarded, federal courts can and should "strike down laws that don't comport with liberty."

That said, we agree with Huebert's warning against merely giving federal judges more power. When guarantees of equal protection and due process are misused to restrict private rather than state conduct (*Shelley* v. *Kraemer*, 1948), or discover a constitutionally sheltered property interest in expected welfare receipts (*Goldberg* v. *Kelly*, 1970), the anti-liberty implications are obvious. But abuse of the 5th and 14th Amendments — by both Congress and the courts — is no reason to pretend that the amendments do not exist.

The answer to bad judging is good judging. That means we need to appoint judges who have a theory of rights and an understanding of the Constitution grounded in the principles that animated the Framers: federalism, separation of powers, individual rights, and limited government. "The Dirty Dozen" is dedicated to that goal — not so much as a teaching device for misguided judges, who may be irredeemable, but rather as a means to influence politicians who select judges, and voters who select politicians.

Notably, if judges overreach, our system of checks and balances provides numerous remedies — including Senate confirmation and impeachment, restrictions on the Supreme Court's appellate jurisdiction, re-passed legislation that satisfies the Court's objections, discretion in enforcement, and constitutional amendments.

Moreover, the 14th Amendment is not an open-ended invitation for Congress to make mischief that the courts must undo. The amendment confers on Congress a preventive or remedial power, not a power to create law from whole cloth. First, Congress must find evidence that states have systemically violated constitutionally secured rights. Only then may the federal legislature intrude on the states' traditional police power to regulate health, safety, and welfare. And if Congress does intrude, its remedy must be congruent with and proportional to the observed violation. (See *City of Boerne* v. *Flores*, 1997.) Those safeguards are no guarantee against abuse of our federalist scheme, but they do suggest that the Supreme Court is conscious of the potential for federal meddling.

"We'll need a supreme court or something to *interpret* these."

The Futility of Judicial Engagement

Having reminded us that judicial engagement can be abused, Huebert goes a step further: He contends that even responsible engagement by the federal courts will prove to be an exercise in futility. Huebert cautions that restoring liberty is not just "a matter of overturning a handful of bad court precedents." Indeed, he notes, presidents will not "choose a judge who will severely limit that president's own power." And senators will not "confirm a judge who won't just let them do whatever they want." A judge is "employed by the very federal government he's expected to restrain"; he's part of a "rigged game."

Unless the 14th Amendment is ignored, federal courts can and should "strike down laws that don't comport with liberty."

That assessment is far too cynical. In the real world, for the foreseeable future, federal judges will continue to work for the government: the president will nominate them and legislators will confirm them. Federal judges are, however, substantially insulated from the political process by lifetime tenure. And no one, to our knowledge, has suggested a better structure that would immunize government employer and judicial employee from possible conflicts. Nor has anyone suggested that blanket deference to the executive and legislative branches would neutralize, rather than exacerbate, undue influence from politicians. The cure for judicial abuse is most certainly not legislative and executive abuse. If we've learned anything in more than two centuries, it's that input from multiple branches inhibits excesses.

To illustrate his futility hypothesis, Huebert points to several cases. First, he claims that *Raich* v. *Gonzales* (the 2005 Commerce Clause case involving medical marijuana) "failed, creating terrible anti-liberty precedents." But *Raich* relied almost entirely on *Wickard* v. *Filburn*, another Commerce Clause case from 1942 that is one of "The Dirty Dozen." That precedent is 66 years old, not newly created. Second, Huebert points to *Kelo* v. *City of New London* (2005), in which eminent domain was utilized (unconstitutionally) to take private property for private use. Huebert facilely dismisses the public outcry that *Kelo* prompted — asserting that post-decision events merely prove that state courts would have been a better venue than federal courts. Nonsense. State-level reforms in 43 states, including a unanimous opinion from the Ohio Supreme Court, could never have happened were it not for the Supreme Court's outrageous decision in *Kelo*.

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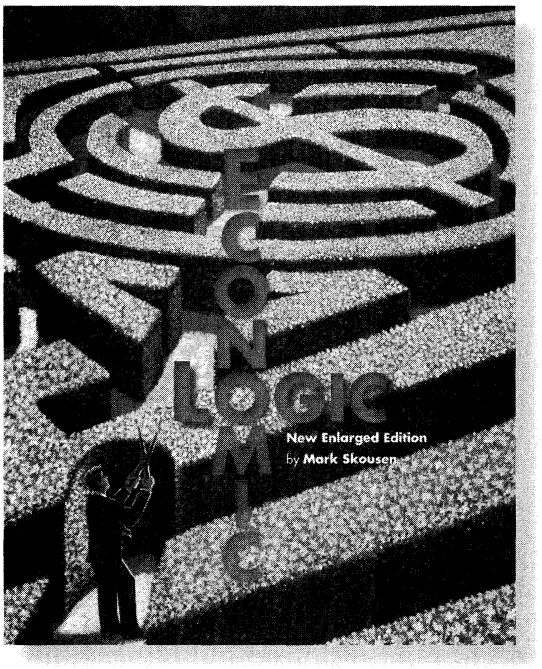

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4. It makes frequent references to **major economic events** in history, such as the invention of money, the Enlightenment, the Industrial Revolution, and the Great Depression.
5. **Top economic thinkers** are highlighted at the end of each chapter, including **Austrian** and **Chicago** economists, including a **major critique** of the anti-market theories of **Marxists** and **Keynesians**.
6. It devotes an entire chapter (13) to the **financial markets**, which are playing a growing role in the expanding global economy.
7. It introduces a **powerful new "Austrian" four-stage universal macro model** of the economy (resources, production, distribution, and consumption/investment), and shows how *micro and macro are logically linked together.*
8. Using a **new national income statistic** called Gross Domestic Expenditures (GDE), Skousen explains why GDP over-emphasizes consumer spending in the economy, while his statistic GDE reflects a proper balance between consumption and investment.
9. It introduces a **new "growth" diagram** far superior to the standard "circular flow" diagram found in other textbooks, and demonstrates why saving and investing drive the economy, not consumer spending.
10. It provides a new diagram to show the **optimal size of government**.

What Economists Are Saying

Prof. Charles Baird, CalState East Bay
"An excellent balance of theory and the real world that no other text has achieved. I'll use it next time."

Prof. Harry Veryser, Walsh College, Michigan
"After using Economic Logic *this semester, I will never go back to another textbook."*

Milton Friedman, 1976 Nobel Prize economist
"Mark Skousen is an able, imaginative, and energetic economist."

Ian Mackechnie, University of Wales
"Clear and provocative. Skousen presents real business economics in a simple and logical fashion. I will be using Skousen's work in the future. It is better than any book out there!"

K. Au, home school instructor
"This book is perfect for any economics student -- simple, direct, and comprehensive. I love the final chapter, 'What Do Economists Do?' which discusses career opportunities and trends. Skousen's book is designed to maximize learning while minimizing monotony."

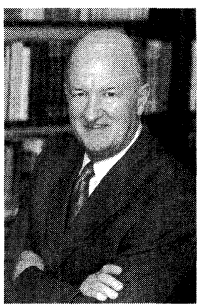

Mark Skousen, Ph.D., has the unique background of teaching at a major institution (Columbia University), working for the government (CIA), running a non-profit organization (Foundation for Economic Education), and operating several successful multi-million dollar businesses (Skousen Publishing Co., FreedomFest). He is the editor of *Forecasts & Strategies*, a popular award-winning investment newsletter (www.markskousen.com), has written for *Forbes* and *Wall Street Journal*, and is a regular contributor to CNBC's Kudlow & Co. His bestsellers include *The Making of Modern Economics, Investing in One Lesson*, and *EconoPower*. In honor of his work in economics, finance and management, Grantham University renamed its business school, "The Mark Skousen School of Business."

For his third example of futile judicial engagement, Huebert strangely targets *District of Columbia* v. *Heller*, this year's blockbuster Second Amendment case invalidating Washington, DC's gun ban. *Heller*, insists Huebert, "is likely to be a very limited victory" because restrictions other than a ban on certain types of weapons "probably will pass muster." Hmm. *Heller* challenged three provisions of the D.C. code — the most extreme provisions — and sought no relief beyond a declaration that those three provisions were unconstitutional.

The alternative is business as usual and the continued upward ratchet of government powers and erosion of personal liberty.

The Supreme Court granted Heller 100% of the relief that he requested. Not bad for a limited victory. Before *Heller*, federal appeals courts covering 47 out of 50 states had ruled that litigants have no redress under the Second Amendment if their right to keep and bear arms is violated by state law. Now, after *Heller* — and after incorporation, which is imminent — litigants in every state will have redress under the Second Amendment if their rights are violated. That means Chicago's gun ban will fall; many of San Francisco's laws will fall; parts of New York's regulations will fall. If that's an example of futile judicial engagement, we embrace it.

Finally, Huebert mentions *United States* v. *Lopez*, the 1995 case that temporarily limited Congress's power under the Commerce Clause to regulate the possession of guns near schools. After the Supreme Court did its job, Congress circumvented the Court's decision by reenacting a nearly identical law requiring that the weapon must first have traveled in interstate commerce. Judicial engagement yielded the right result, until the legislative branch contemptuously undid the Court's handiwork.

That single example of judicial engagement turned sour must be weighed against multiple examples of constructive actions by the Supreme Court ameliorating the pernicious effects of several cases in "The Dirty Dozen." Consider the Court's recent decisions in the areas of campaign finance reform (*Wisconsin Right to Life* v. *Federal Election Commission*, 2006; *Davis* v. *Federal Election Commission*, 2008), racial preferences (*Parents Involved in Community Schools* v. *Seattle School District No. 1*, 2007; *Meredith* v. *Jefferson County Board of Education*, 2007), and civil liberties (*Hamdan* v. *Rumsfeld*, 2006; *Boumediene* v. *Bush*, 2008). The past three years have demonstrated that judicial engagement can work.

Education as an Alternative Approach

According to Huebert, it is "silly . . . to think you can make the government want liberty before many or most of the people want it." His solution: education. Forget about litigation as a means to promote liberty. Reject the "naive view . . . that government officials are really reasonable, serious people who are just waiting to have the right ideas put in front of them." Instead, advises Huebert, teach the masses to appreciate a free society and they will bind the politicians with the chains of the Constitution.

If you're seeking real naivete, here's the Huebert manifesto: advocates for liberty should educate the public, wait until the newly-educated public reaches voting age, rely on the voters to elect pro-liberty politicians, assume the democratic process will yield pro-liberty outcomes (despite gerrymandering, special interests, and public choice theory), and set aside efforts to engage the judiciary in the fight for limited government and individual rights. In return, the anti-liberty forces will fold their tents, ditch their own brand of education, and happily abandon the judicial battle that has enlarged the power of government and invented rights nowhere secured by the Constitution. If that's the Huebert program, it's a recipe for failure.

Education can play an important role, of course, but not the exclusive role. First, a quantum change in the educational climate could take a generation or two to implement. Second, statists will press vigorously for their opposing views. Third, books like "The Dirty Dozen" are essentially educational — directed at nonlawyers, not only the community of legal scholars. Fourth, if the public can be educated to elect politicians who respect liberty, those politicians can be expected to appoint judges who are philosophically sympathetic. Much is gained, and nothing is lost, by interpositioning one more set of hurdles, in the form of judicial review, between the citizenry and the laws to which we must conform.

When it comes to law and public policy, education is not a self-fulfilling end. There must be an objective. If our Constitution is to be restored to its rightful place as the guardian of our freedoms, some corrective process must be put in place. We have urged constitutional amendment as the most principled route — presumably where effective education must lead — with judicial engagement as a fallback alternative. The third route is business as usual with its continued upward ratchet of government powers and erosion of personal liberty.

It is indeed alluring to depend on the voters rather than the courts. Yet we have experienced the destructive downside of that process, which pits majoritarian rule against inalienable rights. In The Tempting of America, Judge Robert Bork characterized the clash as the Madisonian Dilemma: "In wide areas of life majorities are entitled to rule, if they wish, simply because they are majorities. . . . [T]here are nonetheless some things majorities must not do to minorities, some areas of life in which the individual must be free of majority rule." The vindication of inalienable rights, which are often countermajoritarian, is what constitutions and courts are all about.

Yet Judge Bork understates the problem and reverses the priorities. The Framers plan — limited government with delegated and enumerated powers — preserved liberty in "wide areas" while constitutionalizing majority rule over "some areas," not the opposite. Since 1789, the Supreme Court has overturned 150 acts of Congress and roughly 1,200 state and municipal laws. We haven't looked at each of those cases, but we're confident that libertarians who believe in tightly constrained federal and state government powers, coupled with expansive individual liberty, have been well-served by the Court's invalidation of (mostly) oppressive laws. ❑

From Reform to Crisis

by Jim Walsh

If there's one thing the government is good at stimulating, it's economic distress.

An old college friend of mine is just about the perfect rational economic actor. Backed by some family resources, he did well in business early in his adulthood. Now, in his 40s, he doesn't have to work in a conventional sense. He isn't married and doesn't have children, so he's not tied to a certain place. He owns houses in desirable locations and travels a lot. He invests, in both the stock market and directly in small businesses. The most remarkable thing about him is that he has few pretensions, personal or professional. He says that his investments, regardless of the legal forms they take, are basically loans. And here's what he says about lending money:

> I've followed a sort of bell curve. At first, I wasn't comfortable about being a lender. So, I avoided lending to people for that reason. Especially to family and friends. Then, I started getting used to it. So, I loosened up a little. It went okay, mostly; I never got completely "burned," so to speak. But, lately, I've moved back again from the family and friends part. Lending to people isn't good for personal relationships. [Lending] is an inherently unequitable activity. No matter how professional you make it, the lender will always be skeptical and the borrower will always be resentful. It's human nature.

The United States is a debtor nation. As the country's "family and friends," American citizens should pay attention to that rational decision-maker. As the country plunges into a recession, it is asking us to lend it money. Again. We're making the loan; but our relationship is going to change.

My rational friend has been spending a lot of time in the last few years outside of the United States.

"Reform" and "crisis" are words that no politician can resist. They can make a dim-witted hack seem a visionary leader. But, in practical terms, they mean very little.

The details of the economic "crisis" of late September and early October aren't exactly simple, but they follow a fairly predictable narrative. (That's part of the reason it's hard to use the word "crisis" seriously in regard to these downward economic turns.) And they follow from statist reforms.

In the second half of 2007, after more than a decade of coaxing and prolonging a boom in the U.S. real estate market, the statist sausage-makers at the Federal Reserve and the Treasury Department ran out of ways to keep the party going.

The Feds had been using various accountancy tricks and monetary manipulations to extend the boom. And they'd done a pretty effective job through the 2000s. The bubbling housing market had lifted many boats. Private-sector real

estate lenders had followed the Feds' tricks — and pressed them far beyond anything the Feds envisioned. The resulting loose credit drove up residential real estate prices and allowed debt-based consumer spending to create the impression of financial expansion. Americans borrowed against the rising value of their homes to buy lots of stuff.

Some statists say that the current economic problems are the result of deregulation. That's false. They're the result of a disorienting cycle of crisis and reform.

The recent real estate bubble began in the late 1970s, when Jimmy Carter signed the Community Redevelopment Act (CRA) into law. The CRA was designed to encourage private home ownership in poor neighborhoods — a noble goal. It did this by loosening some of the credit standards applied to applicants for mortgages that would be guaranteed or subsidized by existing government housing programs. The bankers doing business under the CRA euphemistically called the resulting loans "subprime" and tried to keep them a small part of their portfolios.

It's an under-realized fact that Carter signed several "deregulation" bills into law. (In fact, the Carter-era measures shared a common theme of partially deregulating industries and markets. And partial deregulation is often worse than no deregulation at all.) The peanut farmer from Georgia rightly considered deregulation a reform of cronyism and other institutionally-corrupt government practices. The part he got wrong was overestimating the power of his good intentions and underestimating the unintended consequences of his partial measures.

During the Reagan and the first Bush administrations, many of the deregulation programs that had begun under Jimmy Carter were substantially expanded. New deregulation plans were enacted; and Reagan, especially, made deregulation a prime directive. All the while, the CRA languished as an obscure program in a field that Reaganauts didn't care for much. Of course, in Washington, even obscure laws have a way of lingering.

When Bill Clinton moved into the White House in the early 1990s, he saw potential in the CRA as a tool for his brand of aggressive statism. He expanded and strengthened the law, setting it up as a tool for social engineering. The once-obscure law would channel money into inner-city and racial minority communities. Using the rhetoric of "reform," the Clinton administration advised banks that they would either make loans through the CRA or face regulatory scrutiny and punishment.

The peanut farmer from Georgia considered deregulation a reform of cronyism and other institutionally corrupt government practices.

Clinton also built up the connections between banks making CRA loans and the so-called "government-sponsored enterprises" (GSEs), the larger Federal National Mortgage Association (known commonly as Fannie Mae) and the smaller Federal Home Mortgage Corp. (Freddie Mac).

The GSEs weren't government agencies; they were private companies created and maintained by special laws. They were designed to buy high-quality mortgages from banks, combine the loans into geographically and demographically diverse pools and then sell interest in the pools to private investors as "mortgage-backed securities." The process was called "securitization" or "repackaging." It allowed banks to remove loans from their own balance sheets and reallocate the capital elsewhere — usually into making more loans.

Investors who bought Fannie Mae and Freddie Mac securities (usually bonds) received regular dividends or distributions based on the monthly mortgage payments that flowed into the mortgage pools. Fairly basic stuff.

But the combination of the lax underwriting standards of the CRA loans and the securitization of the GSEs' mortgage pools changed the home loan industry fundamentally. Banks making subprime loans under CRA didn't have to worry about keeping the loans on their books. The reason most banks had written only a few subprime mortgages was that the things had a higher default risk than the "conforming" mortgages that could be repackaged through Fannie Mae and Freddie Mac. No bank wanted to keep a lot of that risk; and the state regulators who examined the bank's books didn't like to see a lot of subprime loans there.

When banks could move subprime loans off of their books and into GSE loan pools, they didn't have to worry about the default risk anymore. They didn't even need to have loan portfolios in the traditional sense anymore; they could write as many subprime loans as they wanted and sell the things through the GSEs or a group of Wall Street firms that offered similar services. The higher application and processing fees that banks charged subprime borrowers stopped looking like a sign of trouble and started looking like a feature. Word spread and the business boomed. The party was in full swing.

Between 1996 and 1998, the Clinton administration relaxed the GSEs' loan requirements for down payments on conforming loans and made other changes that allowed more creative securities based on mortgages (or based on other securities based on mortgages). Clinton said these reforms would help America's lower classes get into home ownership.

These may have seemed like small steps to the Clinton administration. In fact, they were a major signal to the mortgage marketplace. The government was supporting looser credit standards.

Once the mortgage industry realized it could unload subprime loans on the market for mortgage-backed securities, it wanted more. The fat origination and underwriting fees that subprime loans generated were irresistible. Wall Street investment banks smelled this opportunity, too. They offered to provide the same securitization services that Fannie Mae and Freddie Mac did — but with even fewer underwriting guidelines or restrictions.

The GSEs ended up in a statist version of the innovator's dilemma. Private investment banks were taking away market share for the securitization business that Fannie Mae and Freddie Mac had invented. The GSEs were seen as being too conservative, their loan guidelines too strict. A principled limited government would have let Wall Street have the go-go securitization market. But Bill Clinton wasn't running a

principled limited government. His Treasury Secretary, former Goldman Sachs head Robert Rubin, knew that the Wall Street firms didn't care about social justice; they were creating capacity for subprime loans to anyone. The Clinton administration could earn political points on the Left by focusing the GSEs on the social justice elements of loosening mortgage credit.

In 1999, Clinton named his friend and long-time political operative Franklin Raines chairman of Fannie Mae. Raines quickly adapted the rhetoric of reform and social justice. In the process, he allowed the inference that the government's legal guarantee of the GSEs was a guarantee of the whole subprime mortgage market. This was a fundamentally fraudulent proposition — and it led to various, smaller fraudulent activities that took place during Raines' six-year tenure at Fannie Mae.

Soon after Raines' arrival, Fannie Mae launched a "pilot program" that it promoted as something that would — in the credulous words of The New York Times — "help increase home ownership rates among minorities and low-income consumers." The program actively encouraged banks to extend home mortgages to individuals whose credit was not good enough to qualify for conventional loans. Raines pitched the deal as follows:

> Fannie Mae has expanded home ownership for millions of families in the 1990s by reducing down payment requirements. . . . Yet there remain too many borrowers whose credit is just a notch below what our underwriting has required who have been relegated to paying significantly higher mortgage rates in the so-called subprime market.

He said that Fannie Mae hoped to take the program nationwide by the spring of 2000.

Of course, getting into the subprime market exposed Fannie Mae to default risks that it had traditionally worked hard to avoid. Amidst its breathless words of support, the Times noted, presciently:

> In moving, even tentatively, into this new area of lending, Fannie Mae is taking on significantly more risk which may not pose any difficulties during flush economic times. But the government subsidized corporation may run into trouble in an economic downturn, prompting a government rescue similar to that of the savings and loan industry in the 1980s.

So, the crisis was predictable — and predicted — a decade before it took place.

In the meantime, Raines made a lot of money; he paid himself nearly $100 million during his reign.

In 2000, Sen. Phil Gramm coauthored the Commodity Futures Modernization Act. The CFMA expanded the scope of futures trading and removed several types of investment from direct federal regulation. Gramm called the CFMA a necessary reform of patchwork futures trading rules.

Among the investments that the CFMA sheltered from regulatory scrutiny was something called the "credit default swap" (CDS). This was a kind of insurance one bank could exchange with another, making it safer for banks to make riskier loans. By removing government regulatory control of CDSs, the CFMA gave the sharp guys from Harvard and Wharton a tool for obscuring credit risks. They picked up this tool quickly.

There were a number of errors and bad assumptions that affected how the Wall Street whizzes priced CDSs and related derivatives. The biggest was their focus on cash flow rather than underlying asset value.

Also, most of the investment banks that created and traded CDSs seemed not to understand fully the concept of "duration" as it applies to mortgages. Duration is a calculation that takes into account the prepayment rates for pools of mortgages. These rates include voluntary prepayments (usually the result of a house being sold) and involuntary prepayments (usually foreclosures — but also things like insurance payoffs after natural disasters). The investment banks focused their analysis on voluntary prepayments and ignored involuntary ones. This, on a very mechanical level, reflected the assumption that the bubble would last forever.

Once the industry realized it could unload subprime loans on the market for mortgage-backed securities, it wanted more.

W. Bush's administration saw problems looming for the GSEs. In 2003, it proposed some reforms that would have pulled Fannie Mae and Freddie Mac out of the subprime securitization market. But congressional leaders (most vocally, Massachusetts Rep. Barney Frank), still clinging to the social justice justification, resisted. In 2003, Frank said:

> These two entities — Fannie Mae and Freddie Mac — are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

The younger Bush decided that the GSE reform wasn't a hill worth dying for. Loose credit was as important to the continuing real estate boom as the low interest rates maintained by the Federal Reserve under chairman Alan Greenspan and his successor Ben Bernanke.

So, W.'s administration backed away from the reform proposals that might have dampened the effects of Clinton's earlier reforms.

The U.S. real estate market was still booming. And it would keep booming through 2004 and 2005. Pushing through the pinhole created by the CRA, subprime mortgages quickly flooded the home loan industry. Their easy credit terms created a debt version of Gresham's law: subprime loans chased out conforming loans. A creditworthy homebuyer who wanted to keep a standard, fixed-rate loan had to bid against breathless competitors pre-approved for no-documentation, 100% loan-to-value adjustable rate mortgages (ARMs). The creditworthy bidder couldn't keep up. If he really wanted a particular house, he'd have to offer a price that only a shady loan could cover.

In some areas, houses would be listed for sale and have dozens of offers within hours. Speculators and "house flippers" talked about making money on properties that they sold

the day after they'd received title. Realtors, mortgage brokers, and bank lending officers had so much business they could afford to turn new clients away.

On Wall Street, the market for mortgage-backed securities was also booming. The smart guys who worked for investment banks and stock brokerages were creating, in addition to CDSs, all kinds of new investments based on mortgages and other loans. And they had lots of willing buyers.

The Sarbanes-Oxley Act of 2002, a financial reporting reform passed into law after the Enron and Tyco accounting crises became big news, substantially raised compliance costs for publicly-traded companies. Unintended consequences followed. The higher compliance costs chased money — and people — into the privately-held investment vehicles known as hedge funds. Free from the most stringent reporting requirements, hedge funds could act decisively, compete ruthlessly, and didn't care so much about transparency in their dealings.

Actuaries calculate risks and make sure that insurers keep enough money on hand to pay expected losses. In the Wall Street version, no one was making such informed analysis.

Many hedge funds bought MBSs and CDSs based on subprime loans; many of these also bought even more complex derivative securities that focused investment on certain levels of risk within subprime risks. One east coast hedge fund trader says that between 2004 and 2006 he

> must have listened to a hundred pitches that all said the same thing. "Americans are borrowing more and their credit is getting worse. But they're hooked and are going to keep on borrowing. Here's a derivative security we've cooked up that gives you the prime cut of these fat interest spreads." At first, it was just one or two investment banks pitching this shit. But, pretty soon, it as all of them. Sharp guys from Harvard and Wharton selling glorified payday loans. They knew [this] was really bad.

The derivative securities that worked like bets on the various outcomes of the subprime mortgage market went by various names: credit default swaps, structured investment vehicles (SIVs), collateralized mortgage obligations (CMOs), and collateralized debt obligations (CDOs) — to name some of the most popular. Basically, these derivatives divided and reassembled pools of mortgaged-backed securities in various ways. SIVs and CMOs were pools of standard MBSs sliced up (often into 64 equal parts) and reassembled according to their riskiness, geographic concentration or other standards. In some cases, Wall Street whiz kids would break a 30 year mortgage into individual securities based on each of 360 monthly payments; then they would bundle thousands of the one-month payments into larger securities offerings.

Finally, CDOs were pools of CDSs sliced up and reassembled to reflect default risks more precisely. The important thing to keep in mind about these insurance-like investments was that the Wall Street whizzes needed rich and patient clients to buy them. Entities (called "counterparties") that bought CDOs and CDSs received regular income and saw their investments appreciate as long as the party kept going but, when and if it ever stopped, the investments would lose value. Perhaps completely.

The sharp guys from Harvard and Wharton needed to sell the CDOs and CDSs, so that they could convince investors — and bank regulators and credit rating agencies — that mortgage-backed securities were "hedged" or "insured" or "guaranteed." Most were ready and willing to be convinced.

So, CDSs and CDOs were a kind of investment insurance. But, despite their claims, Wall Street firms have never been good at risk assessment. They are dominated by the trader's mentality, which values the adrenaline rush of doing deals over the cautious work of actuarial analysis.

When you write insurance, you get a lot of people to pay you a little more than their share of what it could cost if a bad thing happened to one of them. Then, if the bad thing happens, you pay the injured person back. You need to have money available to pay people who have been injured. Or there will be trouble.

What happened with the CDSs is that traders and investors made bad (that is, favorable to them) assumptions. They jumped at the cash flow that the investments offered and ignored the potential losses that would result if the mortgages underlying the derivatives actually defaulted.

An insurance company succeeds if its premiums are lower than its competitors' but still higher than its actual cost of claims. When it comes to structuring health, home, and car coverages, actuaries calculate the relevant risks and make sure that insurers keep enough money on hand to pay expected losses. In the Wall Street version of insurance, no one was making such informed analysis. Why not? Because the "insurance" wasn't covering actual mortgages or even simple mortgage-based securities; an actuary could analyze the default risks of those, based on relevant local market data, loan-to-value ratios, etc. Instead, the "insurance" was covering the default risk of derivatives like SIVs and CMOs — that had been designed to obscure risk factors.

How did the Wall Street whizzes calculate the value and dividend payments on derivatives that were insuring other derivatives? They based everything on cash flow, not actual risk. This is like pricing a person's car insurance premium based on his income, not on the value of his car or his driving record.

The people trading these derivatives didn't understand them. But there was so much excitement in the trades that they didn't hesitate to join the party.

Through the go-go years of the early- and mid-2000s, CDSs and CDOs were traded like stocks or other simple investments. They changed hands dozens or scores of times,

growing in value with each trade. Some of the firms that traded swaps — effectively insuring billions (or tens of billions) of dollars in subprime loans — only kept a few million dollars (or less) in cash on hand to cover any losses.

Similar things had happened in insurance circles before. In the 1990s, Lloyd's of London suffered what its executives would come to call a "risk spiral." The combination of insured losses related to storm damage to some offshore oil rigs in the North Sea and asbestos liability lawsuits in the United States had much-worse-than-expected effects on Lloyd's investors. These investors — called "names" in Lloyd's jargon — functioned just like the counterparties to CDO and CDS contracts. They bought into "syndicates" which essentially paid them to be standing by with checkbooks ready in case of major losses.

Some of the "names" had been making money this way for so long that they'd forgotten about the potential liability. They expected to keep getting distribution payments . . . forever. When the losses mounted and they had to pay money into the syndicates, many weren't prepared. The resulting shortfalls almost wiped out Lloyd's of London.

Lloyd's survived. But it had to turn to the British government for financial aid. And it had to restructure its syndicates, demanding more formal capital investment and clearly-written liability agreements with its "names."

Who was buying CDOs and CDSs? Some domestic hedge funds — but, more often, quasi-governmental banks in Asia. The Asian banks saw buying complex derivatives as a way to keep the U.S. debt party going, keep their goods flowing into American markets, and make some investment profit along the way.

You shouldn't be embarrassed to admit that you don't understand these derivatives. The people who traded them didn't understand what they were. But there was so much excitement in the trades that they didn't hesitate to join the party.

Roger Altman, a former executive at the Wall Street investment bank Lehman Brothers and a deputy Treasury Secretary under Bill Clinton, has written:

> The lack of transparency was stunning. Many big lenders did not disclose off-balance-sheet risks. In some cases, they did not understand these risks themselves. More fundamentally, we allowed a second, huge financial system to develop outside the normal banking network. It consisted of investment banks, mortgage finance companies and the like. It was unregulated, not transparent and way too leveraged. But with nine separate and mostly ineffective financial regulators, these risks were ignored. That is, until this second system crashed.

Why did the second system crash? Because all markets have cycles of boom and bust. By 2006, at least some of the sharp guys from Harvard and Wharton had realized the party couldn't go on forever. They started trying to get the potential liabilities off of their banks' books. But risk transfer is a zero-sum game. In order to get the toxic waste off of their books, the smart guys had to find someone willing to take it on.

The fact that no one seemed to know what any of the derivatives were really worth made deals difficult. In economics jargon, the complexity of the derivatives meant that price discovery was nearly impossible.

Price is the mechanism that balances differences in supply and demand. Price discovery is the process by which markets clear — that is, assign efficient values to goods or services. For mortgage-based securities, the price should be the net present value of expected future cash flows. But the real market prices bid for the securities didn't always match that formula. Why? Again, unintended consequences.

Throughout the 1990s and early 2000s, federal banking rules required financial institutions to follow so-called "mark-to-market" pricing models when reporting the value of their investments. These models — justified as reforms that would prevent Enron-like accounting abuses — required banks and other financial institutions to report the current market value of any securities they owned at the end of every trading day. And adjust their balance sheets accordingly.

The Bush administration encouraged Fannie Mae and Freddie Mac to purchase troubled securities to prop up the market.

Transparent, no?

Yes. But this transparency made MBSs and more complex derivatives attractive to financial firms (including Fannie Mae and Freddie Mac) precisely because they defied clear reporting and simple analysis. The MBSs were backed by blocks of thousands of mortgages. Even as the mortgage market turned bad, most of the loans underlying any particular MBS were still good, a smaller segment might be good with some minor adjustments, and only a small segment — perhaps 10% or 15% — were foreclosures. The challenge was that identifying specific loans in each category was designed to be difficult. The slicing and dicing that Wall Street firms had done meant that payments from a single 30-year mortgage might go into one MBS pool for the first five years, another for the second five years, a third for the third five years . . . and so on.

Even more complex: some of the derivative securities sliced and diced risk "tranches" within various pools or mortgages so that — effectively — part (say, $1,000 of $1,500) of a specific mortgage's monthly payment went in to one investment's cash flow and the rest (say, the remaining $500) went into another's cash flow.

So, these SIVs and CMOs were designed to defy transparency requirements. On this count, they were extremely successful. Very few people understood how they worked. As long as real estate prices continued to rise, no one cared to know.

In May 2006, the Office of Federal Housing Enterprise Oversight (OFHEO), released an investigation report that described a culture of corruption at Fannie Mae that rivaled the worst of Enron or Tyco.

The OFHEO investigation covered the years 1998 to 2004, which included most of Franklin Raines' tenure as chairman. According to the report, during that period, Raines and his senior management team grossly overstated Fannie Mae's

earnings — by approximately $10.6 billion — for the purpose of paying themselves big bonuses.

The report stated:

> By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders. . . . Fannie Mae reported extremely smooth profit growth and hit announced targets for earnings per share precisely each quarter. Those achievements were illusions deliberately and systematically created by senior management with the aid of inappropriate accounting and improper earnings management.

In other words, Raines cooked the books.

This had sent another signal to the mortgage marketplace: that even congressionally-chartered companies, designed to serve the public good and achieve utopian "social justice" ends, were gaming the system.

As billionaire investor Warren Buffet said, the 2000s were like a beach where lots of people had waded into the water at high tide. As long as the tide stayed high, everything was fine. But, when the tide went out, everyone would find out who was wearing a bathing suit and who wasn't.

By early 2007, the tide was going out. The loose lending standards and low interest rates were starting to lose their effect. Home prices in some regions (like San Diego, which many real estate experts consider a leading indicator of national trends — either up or down) were plateauing and even dipping.

In February 2007, California-based New Century Financial — a major player in subprime mortgage origination — announced that it was having trouble selling its loans and was going to have restate several years of financial reports. The sharp guys from Harvard and Wharton were starting to realize that the party was over. They started backing away from MBSs, CDSs and the various other derivatives. Loose credit started to tighten up.

About that time, the Bush administration made a 180-degree turn from its earlier position and encouraged Fannie Mae and Freddie Mac to buy up some of the most troubled mortgage-backed securities in an effort to prop up the market that was just beginning to crash. The GSEs did — and hastened their own insolvency. Just like the "no money down" home buyers whose mortgages they were supporting and the lazy Lloyd's of London "names" who thought losses would never come, the GSEs didn't have enough cash to withstand the collapse in the mortgage derivatives market when housing started to slump.

The sharp guys were starting to realize that the party was over. They started backing away from the various derivatives.

On Sept. 7, 2008, U.S. Treasury Secretary Henry Paulson (another ex-Goldman Sachs head) announced that Fannie Mae and Freddie Mac were both being taken over by the government and placed in a specially-designed receivership.

The GSEs had always been in an impossibly conflicted position. They competed against aggressive capitalists — the investment banks — for securitization services; but they were quasi-state agencies that were supposed to support altruistic ends. It was an impossible mix.

The fact that Chinese state-owned banks owned billions of dollars of Fannie Mae and Freddie Mac bonds made it impossible to let the GSEs fail without incurring disastrous international repercussions. It would be a crisis.

Soon after its takeover, Paulson's Treasury Department authorized Fannie Mae and Freddie Mac to increase the size of their loan portfolios, allowing them to buy more mortgages. The plan was that, as the GSEs bought more mortgages, new cash would be freed up to lend to new home buyers. But shifting more troubled loans to the GSEs would also increase the strain on their finances, increasing the risk that taxpayers would lose more money when loans went bad.

About ten days later, the Federal Reserve bought nearly 80% of the American International Group (AIG), in exchange for an $85 billion loan. A giant company in the insurance field, AIG had operations all over the world. Most of its business was sound, conventional insurance underwriting and finance. But a small part of the company had been a big market-maker in and trader of CDSs and other mortgage-related derivatives. (Paulson would later describe AIG as a group of insurance companies with a hedge fund on top.) That one division exposed the entire company to tens of billions of dollars in financial liabilities, which made other companies and traders hesitant to do business with AIG.

That hesitation took concrete form when several major credit rating agencies — Standard & Poor's, Fitch, and Moody's Investors Service — had cut AIG's rating a few days before the government takeover. The lower rating triggered larger capital requirements under some of AIG's operating capital agreements; immediately, the insurer had to raise over $14 billion in cash to honor its contracts. And more demands were coming.

In Washington, D.C., the conventional wisdom among statist experts was that the blooming "crisis" was going to require broader reform. The ad hoc bailouts from Treasury and the Federal Reserve wouldn't do.

In one day (September 16), the London interbank offered rate (LIBOR) — which financial institutions charge each other to borrow — more than doubled, to 6.44%. The rate had been as low as 2.07% one day earlier. This was a troubling sign, because many subprime ARMs used LIBOR as the basis for their adjustable rates. So, the interest rates on many loans were set to jump dramatically.

In a manner reminiscent of W. Bush's urgent advocacy of the USA PATRIOT Act after the 9/11 terrorist attacks, Paulson made public pronouncements demanding quick congressional approval of a $700 billion bailout of the financial services industry at large.

The "crisis" was a hangover. And the statists' first impulse was to take some of the hair o' the dog.

According to Paulson's plan, after the government jump-started the real estate market with massive purchases of the riskiest mortgage-related derivatives, private investors (read:

the Asian banks) would follow back in.

On Sept. 21, 2008, Paulson appeared on the TV news show Meet the Press to scare up support for his plan:

> This is an urgent matter, and we need to move quickly. [The estimate of $700 billion] is not an expenditure . . . The cost won't be anything like the cost of buying up these assets [because] these costs will come back. . . . Here, we're preventing failure. Once we get this stabilized, there's a lot we can talk about in reform. There have been excesses for a long time . . . irresponsible practices. It's terrible, inexcusable, and we need to deal with it.

There was an element of self-fulfilling prophecy in the plan. By buying up distressed MBSs and derivatives, the Feds would establish a market value for them. Even if this value was low (say, 20 cents on the dollar of face value), it would give investors and, ultimately, lenders the clarity they needed to get back to business.

But some legislators rightly questioned the kingly powers that Paulson's plan gave the Treasury Secretary. His actions in allocating the billions from the Big Bailout were essentially unsupervised. They weren't even reviewable. He could not be questioned, stopped, or sued by any party — private or governmental.

Some of these kingly prerogatives were reined in by congressional modifications to the original plan's language.

Another problem with the plan: Paulson had to keep a careful balance in how much he paid for the distressed derivatives. If he paid too little, the buyout wouldn't help financial institutions much (they'd still have to account for the losses somehow); if he paid too much, the government would subsidize the selling banks and probably lose money when, sometime later, it sold the derivatives back into a recovered marketplace.

One proposal for keeping the balance was to use a "reverse auction" whereby banks that wanted to get rid of distressed derivatives would secretly offer the lowest price they'd accept for the things. The government would then rank the bids and buy the securities, starting with the cheapest offers and working up the list.

Reverse auctions had been used with some success by alternative investment banks, usually far from Wall Street, for initial public offerings of corporate stock. But some sharp guys from Harvard and Wharton argued that there were issues with reverse auctions. They might solve one problem — setting a market value for the derivatives — but they would not recapitalize specific distressed banks. Exchanging one asset (a bunch of shady derivatives) for another (cash from the government) does nothing to improve a bank's asset-to-capital ratio, unless the derivatives are sold for more than they are worth.

But these criticisms were warped by a statist bias toward using blunt tools to achieve specific ends. A nearly trillion-dollar government bailout shouldn't occur at all. But, if it must, it should be directed at preserving the system — in this case, keeping the credit markets from collapse — and not at helping any one institution.

And, again, a recurring flaw in the proposed state action is that the assets being priced and purchased aren't analyzed on their fundamentals; they are valued on the basis of how much the sellers are willing to accept.

Nevertheless, Paulson (with some mealy-mouthed assistance from Fed chairman Bernanke) convinced Congress that "something" needed to be done.

Paulson reserved the right to bail out individual homeowners by buying up their loans. This proposal created some political problems, though. There was widespread opposition to bailing out homeowners who'd borrowed more than they could afford to buy big, fancy houses. Free-market advocates argued that people who'd made bad choices should suffer the consequences — and, more importantly, people who were prudent shouldn't have to pick up the tab. Otherwise, the Feds would be creating moral hazard — the encouragement of destructive behavior.

If Paulson paid too little for the distressed derivatives, the buyout wouldn't help financial institutions much; if he paid too much, the government would lose money.

An alternative proposal to buying mortgages was to use bankruptcy courts to implement forced renegotiations of the terms of specific subprime loans. The Bush White House and some Republican legislators argued (rightly, in this narrow context) that forcing lenders and investors to accept these "cramdowns" would only make matters worse. Lenders would be wary of extending any new credit if borrowers could go to court to have terms changed.

The beauty (from the statist's perspective) of the real estate bubble plan was that the blow-up would be so widely distributed among common folk that no plan to work out individual cases could possibly be devised.

Who was responsible for the subprime bubble? As with any bubble, there is no satisfying answer to this question. Bubbles aren't the result of one party's bad actions; they result from various parties manipulating and/or misunderstanding pricing signals. In the U.S. real estate boom of the 2000s, these parties included:

- government agencies that loosened regulatory standards to achieve social policy ends;
- borrowers who bought houses they couldn't afford or refinanced houses so they could afford to buy cars, electronics, jewelry, or vacations they couldn't afford;
- mortgage brokers who pressed appraisers for high valuations and pocketed big commissions on loans or refi's they knew were unsustainable;
- Wall Street banks that obscured critical information about unsustainable loans with intentionally confounding derivative securities and ersatz "insurance";
- investors who didn't bother to check carefully what they were buying;
- rating agencies that tacitly (and, sometimes, actively) approved of the confounding derivatives and the balance sheets that included opaque assets.

This last member of the rogue's gallery — the rating agencies — was a critical enabler of the bubble. The swaps and other derivatives were important (and profitable for Wall Street firms) because investors looked to the rating agencies for coverage in what they bought. The Wall Street firms convinced the rating agencies that CDSs and other mortgage-related derivatives were a viable form of insurance. So, until the last stages of the bubble, banks and hedge funds that owned a lot of derivatives were rewarded with higher credit ratings, despite their significant exposures to loss.

Watch the credit rating agencies. Influenced by the sharp guys from Harvard and Wharton, they have enabled some very bad choices by banks and insurance companies. To their credit, the rating agencies . . . eventually . . . caught on to the problems of the worthless credit derivatives and "insurance." The question is: will the rating agencies be more cautious going forward or will they be seduced by the next fashion trend in financial jimcrackery?

Once the Feds got involved in the mortgage market with implied guarantees of subprime mortgages and social justice policies, the Big Bailout was inevitable.

That next trend may be hamfisted regulation of the banking, financial services and insurance industries. Self-regulation or "counterparty supervision" might have been effective in these markets, if not for the warping effect of an implied taxpayer guarantee of home loans (even subprime loans). Once the Feds got involved in the mortgage market with implied guarantees of subprime mortgages and social justice policies, the Big Bailout was inevitable.

Given enough time, any system of government regulation will become obsolete. It's best for an economy to accept this fact and remove sources of moral hazard wherever they occur.

The state's proper role in relation to capital markets is not pushing social justice policies or trying to engineer particular outcomes for specific parties. It's not a utopian quest for zero risk. Some businesses, and some investments, will always fail. Instead, a principled limited government should encourage multiple sources of information and analysis; it should discourage vehicles or practices designed to obscure information. It should develop and maintain robust programs to wind down the inevitable failures.

Campbell Harvey, a professor of finance at Duke University, told BusinessWeek magazine:

> In years to come, the real story will not be the subprime crisis or some housing bubble. It will be the spectacular failure of risk-management systems in our so-called leading financial institutions.

There's another way to phrase this. The Federal Reserve, the Treasury Department, and the federal government in general have engaged in reckless monetary policy. They've been doing this for more than 60 years — but the pace and degree of the recklessness has sped up in the last 10 or 15. Multibillion dollar government bailouts aren't good government; they are a sign of statism in excess.

Politicians and central bankers can create money out of thin air . . . but this creation rarely ends well.

There's plenty of real money in the world. If it seems as if money's tight here in the States, that's because America has transferred much of its wealth to Asia through years of steady trade deficits. The Asians are buying up some marquee banks and financial services firms at the end of this housing bubble. But they're in no rush to get (any more deeply) involved in shady mortgage-related derivatives. They'll let American taxpayers take on the risk of dealing with those — and buy the relatively safe bonds that the U.S. Treasury will issue to finance the bailout.

What else is coming? Very likely, more bad government policies — focusing on statist shibboleths like "CEO pay" and "predatory lenders."

According to the always useful Atlantic Monthly online columnist Megan McArdle:

> This was not some criminal activity that the Bush administration should have been investigating more thoroughly; it was a thorough, massive, systemic mispricing of the risk attendant on lending to people with bad credit.

And there's a reason the banks got it so wrong — the federal government had used regulatory incentives to blur lenders' judgment about borrowers with poor FICO scores.

Once judgment has been blurred, it's hard to regain. America is a debtor nation. Everyone's credit will keep getting worse until the nation changes its profligate ways. Or until the Asians stop buying Treasury bonds. ❑

Reflections, *from page 20*

bullets? Oops, it was actually his own comrades who killed him, whereupon the Pentagon lied to everyone about it. Recently, the military was claiming that an August 22 air strike in Afghanistan killed only five to seven civilians in addition to 30 to 35 Taliban militants. Afghan claims that 90 or 95 civilians, about 75 of them women and children, were killed, were met with firm denials. Then cell phone footage and other evidence revealed that the Afghan reports were true. U.S. forces killed scores of civilians, then persisted in lying about it. They'd still be lying today if irrefutable evidence hadn't turned up.

It's important to note that the air strike was launched because of a false tip provided by an Afghan informant who held a grudge against some of the victims. The attack was a terrible mistake, not a deliberate criminal act. But the lying afterwards was deliberate.

Granted, all organizations lie about their mistakes. But the military, to whom we grant the power to kill, is supposed

continued on page 54

A Nation Still at Risk

by Gary Jason

The public education bureaucracy continues to resist school vouchers — and choice, generally. Why? What can be done?

The notion that there is a crisis in American public education is nothing new. Indeed, this year is the 25th anniversary of the 1983 national report, "A Nation at Risk," which caused a furor at the time, and initiated the school reform movement.

There is little doubt that the crisis continues. Some current statistics make this fact as clear as it is depressing. Only 17% of low-income fourth graders are at grade level in reading, and only 15% are so in math. Only 14% of African-American and 17% of Hispanic fourth graders are at grade level in reading. In math the figures drop to 11% and 15%.[1] And Hispanics are among the fastest growing segments of our population.

Two reports, about which I have written elsewhere,[2] highlight the crisis. The first was the report issued by the nonpartisan America's Promise alliance on graduation rates in the major cities. These school systems educate 12% of America's students, but produce 25% of its dropouts.

Graduation percentages in public school districts such as Atlantic City, Dallas, Denver, Los Angeles, Milwaukee, and New York are in the mid-40s. In Baltimore, Cleveland, and Indianapolis, they are in the mid to low 30s; in Detroit, they are 25%.[3] And while suburban school districts typically produce markedly higher graduation rates (usually 25% higher), they are still nothing of which to be proud. The costs to society are enormous. Around 22% of white students, 45% of African-American students, and 47% of Hispanic students drop out.

Let's begin with the economic costs. In terms of earning power, male dropouts earn about $22,125 per year, compared to $31,715 for males with a high school diploma, and $55,446 for males with a bachelor's degree. The figures for women show a similar disparity: $13,255 for dropouts, $20,650 for those with a high school diploma, and $36,875 for those with a bachelor's degree. The Alliance for Excellent Education[4] estimates that the collective lifetime cost in lower wages for the 1.2 million dropouts in 2007 alone is $329 billion.

Next consider the social costs: 75% of state prisoners and 59% of federal prisoners are high-school dropouts.[5] The most recent figures are shocking[6]: more than 1% of all adult Americans are in jail. That is 2.3 million people. The prison costs alone amount to $55 billion a year (state and federal combined). In both percentage of population and absolute numbers, we incarcerate more people than any other country, China included. America has 5% of the world's population but 25% of all the world's prisoners.[7] Among African-Americans,

the figures are especially worrisome. Quoting directly from the U.S. Department of Justice/Bureau of Justice Statistics website, "At midyear 2007 there were 4,618 black male sentenced prisoners per 100,000 black males in the United States, compared to 1,747 Hispanic male sentenced prisoners per 100,000 Hispanic males and 773 white male sentenced prisoners per 100,000 white males."[8] That figure doesn't include those awaiting trial, ex-prisoners, or those on probation.

The second report explores the costs of our mediocre educational system in a different way. A team of economists headed by Eric Hanushek set out to measure a bad education's cost to a nation's wealth.[9] The team looked at international student test scores, this being a more reliable indicator of actual educational level than, say, years in school. It found that American students placed 14th during the 1960s and 1970s, then dropped to 19th in the 1980s, then down to 21st in the 1990s. They have slipped even lower — to 24th — in this decade. The team calculated that had America scored at the top in science and math in 2000, by 2015 it would have resulted in a 4.5% higher GDP, which ironically is about what government at all levels spends in total on K-12 education now.

It might be asked, if 25 years ago the mediocrity of the American elementary and secondary school system was a "crisis," and the nation survived, why is it a bigger deal now? I would suggest several reasons why the crisis is now a threat.

Let's begin with the change in our global competitors. Twenty-five years ago, the economic disadvantage of our bad educational system was more than counterbalanced by the advantage of our relatively free economy. In competitive terms, we were lucky that half the world was communist. That is no longer the case.

Another reason our K-12 schools pose a more acute danger now is the increasing global shift from an industrial economy to an epistemic one. The relative number of high-paying blue-collar manufacturing jobs is diminishing, not just in America, but worldwide. Even China has been shedding manufacturing jobs.

Finally, there is an unprecedented national demographic shift underway. The aging Boomer generation — roughly 27% of the population — comprises a higher proportion of whites than the younger population, and the minorities that are the fastest growing segments of the population are disproportionately stuck in failing public schools. We are living off stored educational capital, which will decline rapidly over the next decade or so.

The rate of job satisfaction among charter school teachers is more than three times higher than among regular public school teachers.

The Case for Vouchers

To keep the discussion manageable, let me identify my target audience. I am addressing fellow minarchists (advocates of small government) rather than anarchists (advocates of no government). Government funded vouchers are, of course, indefensible from the anarchist perspective. Yet explaining why I am not an anarchist is for another time, another place.

But even if we agreed that government is legitimate for the common defense, the court system, policing, and so on, why should that include public support of schools? Granted, public support of education has usually been considered a legitimate function of government by classical liberals, but why shouldn't schools be left entirely private? As one of my readers pungently asked me, why should I be responsible for the spawn of others?

Here again, space is limited, so I will be brief. As it happens, many, possibly most, of today's parents could pay for adequate schooling. But a large minority could not. Do we want a society in which many poor children could not be schooled? We can expect that charity would step in to some degree, but experience suggests it would not get the job done fully. Hence many children, through no fault of their own, would be consigned to the bottom, permanently.

Public education is at least justifiable from every moral perspective I can think of, including the utilitarian, Kantian, natural rights, and virtue ethics perspectives. Perhaps the only one that doesn't obviously suggest guaranteeing every willing child an access to elementary and secondary education is the egoist one, but even there, I would argue that it does upon reflection.

Why should I pay to help that poor man's spawn? Because if I don't, the spawn will probably be less productive and more likely to wind up in criminal enterprise, which in turn may have a serious impact on me.

The interesting argument about vouchers takes place among those who accept the legitimacy of government support of education. And it is interesting, because from the premise that government should support education, it does not follow that government should either own or even run any schools.

Schooling can be government funded but privately run. Some small towns in Vermont and Maine have had a program like this since the mid-1800s. It's called "township tuitioning." The towns are too small to have public schools, so they just give checks to the parents to select a local private school or a public school in another town.

Between this option and the monopoly state-run school lie various forms and levels of school choice: charter schools, tuition tax credits, voucher systems. Charter schools are public schools, supported by money from the public school system, but set up by independent groups with the intention that they be run in significantly different ways from the standard public schools. Because they are part of the public system, some charter schools are just "more of the same." But many of them are able to maintain their special character.

Tax credit schemes vary. Tax credit scholarship programs allow individuals and sometimes corporations to earn a full or partial tax credit for donations made to private charities that offer scholarships at private schools. Personal tax credits and deductions allow parents to deduct some or all of the cost of their children's private schooling.

Vouchers are, in effect, government checks given to par-

ents for use at private or public schools. They can be full or partial, meaning they can give the child an amount of funding equal to the average spent per child in the public schools of that district, or only some fraction. They can be universal or limited in some way, say, to special-education or disadvantaged children.

My ideal would be a completely privatized system — give all students in a district an equal share voucher, and nothing but private schools from which to choose. But I regard that as a bridge too far, for my own lifetime. So my preference, here and now, is for vouchers within public school systems. Vouchers have the merit of being possible (though difficult) to achieve.

This is not to say I don't cheerfully support weaker forms of school choice. If the choice is between (say) allowing the deductibility of private school tuition and not allowing it, of course I will work hard for the former. It liberates some more children. When it comes to freedom, I'll take whatever I can get now, and fight for more in the future. That having been said, I'll focus my remarks on vouchers, though the merits of voucher systems often apply to lesser forms of school choice.

The best known arguments for vouchers are familiar. They give parents the right to choose where to send their children. From the perspective of natural rights, that seems good in itself. Vouchers tend to liberate children from dysfunctional public schools; they also encourage bad public schools to become better, to keep from losing their client base.

These arguments are broadly confirmed by experience. Voucher programs have been implemented in over 20 places in America, not to mention other countries. At the college level, they have been around for decades, in the form of Pell Grants and the GI Bill of Rights. As Jay Greene documents in his book "Education Myths,"[10] all the random-assignment studies of the American voucher programs indicate that vouchers work as the standard arguments suggest.

But I have other reasons to offer, besides those standard arguments.

One argument — an ironic one — is this. Despite the desperate opposition of the teachers' unions to all forms of school choice, especially vouchers, there is cause to believe that it benefits teachers, and helps in the recruitment and retention of good teachers. As Vicki Murray has noted,[11] teacher retention remains a major problem, regardless of all the state and federal programs designed to improve it. The average national public school teacher turnover rate, not due to retirement, is 14% per year. Teachers earn reasonably good money, but they quit in droves.

Murray notes that in California, the majority of regular public school teachers who quit cite job dissatisfaction as the reason. The most common complaints are excessive bureaucracy, lack of collegiality, inadequate support from administration, and lack of influence on management. By contrast, she adds, the rate of job satisfaction among charter school teachers is more than three times higher than that among regular public school teachers. Indeed, nationwide, more than 25% of charter school teachers say they would quit if they could not teach in their charter school. Seventy-five percent of former teachers say they would be open to returning to teaching if job conditions were better.

Murray's conclusion is that district-run public schools are increasingly unattractive models — really, just dinosaurs — and that we need to move toward diversified systems with schools founded and run by educators rather than by bureaucrats. This is intuitively obvious and empirically well established. I would add that her conclusion is just as relevant to voucher schools as to charter schools. And as I have pointed out elsewhere,[12] Sweden's experience, when it adopted vouchers nationwide, was that teachers were more satisfied with their jobs — to the surprise of the Swedish teachers' unions, which had initially opposed the system.

Vouchers foster the creation of markedly different schools, in the same way that choice in restaurants leads to greater variety among them, as each aims at a different niche.

This argument suggests another. As I suggested earlier, in my discussion of dropout rates, we face a crisis not only of teacher retention but also of student retention. Vouchers can help reduce those rates, for several reasons.

To begin with the most obvious, when parents and children are "condemned to be free," that is, forced to choose which schools the children will attend, they become (in the parlance of psychologists) entrenched. They become committed to their school, because they have chosen it. Moreover, as I have explained elsewhere,[13] vouchers foster the creation of markedly different schools, in the same way that choice in restaurants leads to greater variety among them, as each aims at a different niche. Being able to choose a school specific to their interests will increase the likelihood of children staying and graduating.

You already see glimmers of this in charter schools. My daughter attended the Orange County High School of the Arts (OCHSA), which is, if I am not mistaken, the largest charter school in the nation. OCHSA has no football, basketball, or track teams, much less cheerleaders — but it offers first rate training in various performing arts, along with a fairly solid academic curriculum. Because kids compete for admission, it is no surprise that the dropout rate is low, and it is easier for the staff to maintain discipline. Another famous example is the Bronx High School of Science, a public school that has produced seven Nobel Prize and six Pulitzer Prize winners. Although these results can hardly be expected universally, vouchers allow the cultivation of many school types, promoting military, prep, religious, science, arts, sports, vocational, business, and healthcare specialties. Vouchers mean variety, and variety stimulates interest.

This brings up yet another argument for vouchers. Many secularists are repelled by the idea of religious schools being supported by state money. But while I am as secular as they come, I think public funding of religious schools is fine. My interest in my money funding your child's education begins and ends with the common good: if your kid learns to read, write, and understand the basics of math, history, and

science, the general economy stands to gain. Whether he or she also learns to worship God is irrelevant — which is why most other countries that have adopted vouchers allow them to be used to fund religious schools. In the U.S., the Supreme Court has ruled that as long as the vouchers go directly to the parents, as opposed to the schools, it is legal for them to be used at religious schools.

I ought at least to mention here the valuable contribution made by Catholic schools for many decades, in educating inner city kids. As a recent piece in The Wall Street Journal noted,[14] "One University of Chicago researcher found that minority students at Catholic Schools are 42% likelier to complete high school than their public school counterparts — and two-and-a-half times more likely to earn a college degree. In difficult circumstances, and for an increasingly non-Catholic student body, these schools are doing heroic work." Amen to that. But equally allowed under my preferred form of vouchers would be schools of an atheistic orientation — say, the Madalyn Murray O'Hair School of Atheism and Numismatics — not to mention schools of Buddhist, Muslim, or some other religious variety.

While I am as secular as they come, I think public funding of religious schools is fine — most countries that have adopted vouchers allow them to be used at religious schools.

Religious schools, or antireligious schools, may be controversial, but two enormous disputes about public schools can actually be resolved by adopting vouchers.[15] Consider first the never-ending dispute about sex education, whether contraception-based or abstinence-based. Advocates of abstinence-based sex ed have often been successful in getting their approach adopted in public schools, irking many secularists and others. Contraception-based approaches have been adopted by many others, irking many religious folks and others. Neither side can convince the other of the rightness of its approach. But with vouchers, the problem disappears. Send your kid to whatever school teaches the program you support, if it is so important to you.

Again, the endless debate over teaching Intelligent Design shows no sign of ending. With vouchers, it disappears. Send your kid to the kind of school that teaches, or doesn't teach, ID.

Of course, the free market has consequences. If you send your kid to Creation Science High, don't be surprised if he can't get into a biology program at a good college. You get to choose, but you also suffer the consequences.

Statist Objections

As compelling as the case is for vouchers (and school choice generally), not everyone buys it. The main and most powerful PSSIGs (pronounced "piss-ig": public school special interest groups) are the teachers' unions. They are the storm troopers of the public school education monopoly. But there are other PSSIGs as well: public school administration bureaucracies; education and "labor studies" departments at colleges; liberal thinktanks; even K-12 textbook publishers.

There are four arguments that these people commonly use against vouchers. I call them the Money Drain, the Brain Drain, the No Place to Go, and the Incompetent Parent arguments.

The Money Drain argument is that vouchers will starve public school systems of the money needed to educate students remaining in them.

But even under a strictly pro rata system, where a student gets a voucher in the full amount of the average spent per pupil in that system, the Money Drain argument is silly. If half the students used the vouchers to move to private schools, yes, the district would lose half its revenues, but it would also lose half its expenses. And most voucher programs are only partial — they don't give the students who leave a pro rata share, but only a fraction of it. So under such schemes, as students leave, the amount left on a per student basis actually grows.

The Money Drain argument only works on someone who never learned basic math — such as many public school students. The PSSIGs who offer this sophistry are almost always being disingenuous. You can see this by remembering that teachers' unions went after the Utah voucher plan, spending $3 million to defeat it, even though the voucher funding came from a separate fund from the public school system funds!

The Brain Drain argument is that vouchers will "skim the cream" from the public school system, with the brightest and most ambitious young people fleeing, making the public schools mere holding cells for the less than bright.

This argument assumes that the only kinds of voucher schools that will arise will be elite prep schools catering to the college bound. But the natural course of business, as I argued earlier, is specialization. With vouchers, you will see all kinds of specialty schools, many aimed at the non-academically inclined — vo/tech, sports, military, performing arts, Montessori, and so on.

Nothing stops people from starting voucher schools for dyslexic and other special needs students. Georgia recently enacted a voucher program for such students — the Special Needs Scholarship Program, which has proven a hit with parents. Both Arizona and Florida have voucher systems for disabled students. But please note that the PSSIGs who push the Brain Drain argument do so (again) in bad faith, for they have fought special needs vouchers just as viciously as they have fought every other form of school choice.

Of course, if you send your kid to Creation Science High, don't be surprised if he can't get into a biology program at a good college.

The third common argument against vouchers is the No Place to Go argument, which holds that if we offer vouchers to all public school system kids, so many will leave the school system that they will have no place to go.

This is almost too dumb to discuss. The argument overlooks the economic dynamics: even if not all students who want to move to a private school can do so instantly, more private schools will soon open to serve the new voucher-enabled customers. In the meantime, children waiting in the public schools will be no worse off than they are now. Most important, experience (both in the United States and in Sweden) confirms what economic logic predicts, that the mere threat of losing students to their competition will motivate the public schools to improve their service.

Nevertheless, if the argument were even slightly plausible, it would make the case for vouchers, because it concedes that so many parents are currently unhappy with the monopolistic public school system that they would want to leave it immediately.

The fourth contention, the Incompetent Parent argument, is rarely trumpeted by voucher opponents, but it is never far from their minds. It is that parents, especially minority single mothers, are simply incompetent to choose a school for their own children; they are simply too stupid to figure out which schools are any good.

When you put this argument bluntly, its asininity stares you in the face. If the public school administrators are such soaring intellects, why is the school system they have devised so full of failing schools? And children of incompetent parents would be no worse off than they are now — they would remain at their local schools.

Moreover, a parent doesn't have to have an Ed.D. to figure out with a reasonable degree of probability which local schools work. He or she can talk to other parents, look at graduation rates, look at SAT scores, and check police records online at the local library to get the needed information. It doesn't take long. Free market thinktanks could help. When the Fraser Institute of Canada started collecting school performance data, newspapers and magazines competed to publish them. In Quebec, this was followed by a 30% increase in private schools.[16]

In any event, it is bizarre to suggest that while a woman has the competence to raise her child, she is not to be trusted to choose where to send the child to school. And what does observation tell us? Far from being uninterested in their children's schools, whenever voucher and charter schools become available in a district, so many of the supposedly incompetent inner-city parents apply for the openings that lotteries have to be held. A recent report on Minneapolis schools showed that African-Americans are rapidly fleeing the public schools for charter schools.[17] This is hardly evidence of parental incompetence. It is the same parents whom the PSSIGs ask to vote against vouchers. But if a single mom is too dumb to choose a school for her own child, why is she able to vote on the right school system for her child and everyone else's?

Conservative Objections

The arguments I've reviewed are to be expected from left-liberals who hate school choice, and hate free markets generally. What is surprising is the arguments now coming from the Right.

Let's start with a conservative (or perhaps neoconservative) critique. I call this the No Panacea argument. It has been articulated by Sol Stern[18] and echoed by Daniel Casse.[19] Stern is a longtime fighter for school reform — if they gave combat medals for that fight, he'd be a Medal of Honor winner. In his recent influential article, he begins by noting that voucher initiatives have lost in five straight elections. And he notes that many Catholic schools — preferred by parents with partial vouchers — are closing at an increasing rate. He asserts that despite the fact that vouchers have forced improvement in the public schools, the gains have stalled. No "transformation" of the public schools has happened.

Stern then points out that the school reform movement, as symbolized by the Koret Task Force — formed in 1999 and including the movement's major stars — has split into the "incentivist" camp, which focuses on markets and choice, and the "instructionist" camp, which focuses on curriculum and instruction. (In truth, these "camps" go back to the start of the school reform movement in the '80s, with school choice advocates pushing their views, and "Back to Basics" and "cultural literacy" proponents pushing theirs.) Stern says that while he started with the incentivist camp, he is now in the instructionist camp. Several things convinced him. One was the failure of choice to improve Milwaukee's public school system. Another was the failure of the free market to improve the nation's 1,500 ed schools. Students are free to choose whatever ed school they want, but this market choice hasn't resulted in ed schools improving their quality; they are still swamps of mediocrity and zany progressive nonsense (fuzzy math, new math, whole language reading methods, and so on). He says that Massachusetts schools have improved more than most other states over the last 15 years, although the state has very little school choice, and certainly no vouchers. The improvement was the work of the instructionists (especially John Silber, Sandra Stotsky, and Abigail Thernstrom), who forced a rigorous curriculum and tests at all levels.

The public school special interest groups have fought special needs vouchers, just as they have fought every other form of school choice.

Yet I find the No Panacea argument unpersuasive. Stern concedes that the students receiving vouchers and other forms of school choice have seen their educations dramatically improve. I should think that that alone would make a good case for vouchers. And in fairness to Stern, he says he still believes in them — but that fact has been lost in some of the commentary on his article. Further, Stern's key claim — that voucher systems don't force the rest of the public schools to improve — seems quite debatable. Greene, who reviewed all random-assignment studies on vouchers, says the data support the hypothesis that public schools do respond to competitive pressure to improve. Jason Riley[20] concurs, citing four studies of Milwaukee's voucher program and four of Florida's A+ voucher program, which show that public schools do respond to competitive pressure by improving their quality.

Stern doesn't note the obvious point about Milwaukee's voucher program. It is limited to a small number of students, and they are given small partial vouchers — only enough to get into a Catholic school, typically, not an exclusive prep school. That such a small voucher program has improved the massive public school system as much as it has is remarkable.

But how are you going to get curriculum reform without the force of consumer pressure? The case of Massachusetts is hardly as compelling as Stern makes it, because in 1993 Massachusetts (under the Education Reform Act) did introduce charter schools. And as Stern himself notes, in the ensuing 15 years the system has improved. As Riley puts the point,

> In Mr. Stern's view, education reformers would do better to de-emphasize choice and focus instead on improving curriculums and teacher quality. The reality is that the former fuels the latter. Researchers at the Urban Institute, by no means a bastion of conservatives, recently collected information on how public schools respond to competitive pressure. It turns out that one response is to put in place instructional reforms, including more rigorous standards. In other words, instructional reform is a product of competitive pressure and is less likely to occur in the absence of school choice.[21]

The point that ed schools are bastions of mediocrity is one that I agree with entirely.[22] But the idea that they prove that free markets don't work is fallacious. The problem is that anyone wanting to be a public school teacher is forced to go to them to get a teaching credential as a condition of employment. If we have vouchers, and more schools are free to hire teachers without an ed school certificate, then the ed schools will be forced to compete.

The argument that if we offer vouchers to all public school system kids, so many will leave the school system that they will have no place to go is almost too dumb to discuss.

In reality, the No Panacea argument is a false dilemma. Few school choice supporters hold that choice is all you need for all students to succeed. Most advocates of school choice are also big supporters of rigorous curricula and meaningful testing. For example, Jay Greene says that there are four school reforms that have been shown to be effective: accountability programs (including testing), school choice (including vouchers), early intervention for kids having difficulties, and the teaching of specific skills and factual knowledge (aka basic education).

As I have written elsewhere,[23] schools and kids fail for all kinds of reasons: lousy curricula, bad teachers, lack of discipline or standards, toxic parents, toxic peer groups, and so on. I doubt that one medicine can cure all these problems. But a free market allows parents to access different solutions for different problems.

Libertarian Objections

The idea of vouchers, though first devised by a libertarian thinker of impeccable credentials, Milton Friedman, has met resistance from libertarians who view themselves, I think, as more ideologically pure than everyone else. Their major weapon is what we might call the Trojan Horse argument.

Perhaps the classic expression of this doubt goes back nearly a quarter of a century; it's by Dwight Lee.[24] Using Public Choice Theory (PCT), Lee argued that a voucher system — which he lumped together with tuition tax credits — will be gamed to hurt existing private schools. In particular, the public school lobby would use vouchers to extend their control to private schools.

> Vouchers or no vouchers, as long as education is financed publicly, control over education will be exerted through political power, not through consumer choice. Educational vouchers may, for a time, give the appearance that consumers are exercising genuine choice. But consumer choice can, and will, be circumscribed by restrictions on the vouchers; restrictions that will reflect the interests of the politically organized public school lobby, not the interests of the politically unorganized public.[25]

I find this argument weak for a variety of reasons, reasons based upon common sense, observation, and careful consideration of the PCT.

First, note that the government doesn't need vouchers to pass laws applying to children in private schools. In some countries in Europe, private schools are highly regulated, with curricula and other matters dictated by the Ministry of Education. The government can do the same here at any time. Just recently in California, a Court of Appeal judge, H. Walter Croskey, ruled that parents without teaching credentials cannot homeschool their children. Parents who disobey his order face jail and having their children taken away by the state.[26]

Moreover, even though states don't routinely impose curricula on private schools, they do impose a welter of anti-discrimination laws, building codes, and health and safety regulations, as well as educational regulations such as mandatory minimum numbers of school days. The government can add to these at any time, vouchers or no.

Common sense suggests that not all requirements that might be built into vouchers would be bad in themselves, or something that private schools would find burdensome. It also suggests that even if a voucher system were enacted with Trojan Horse provisions in it, that wouldn't mean it would take over the existing private schools. The vigilance of the parents would be a deterrent. Let's say that my public school system goes voucher, and the existing private school that my kids attend — Chastity Prep — sees a number of applications for the admission of students from public schools who now have vouchers to cover the tuition. Suppose Chastity Prep has up to now set great store on teaching abstinence-based sex ed (under a program called "Don't Even Think About It!"). But the crafty PSSIGs have made a Trojan Horse: the voucher plan includes a requirement mandating that any school accepting vouchers must teach contraception-based sex ed (under a program called "Do It Till You're Satisfied, So Long as You Use a Condom!").

Faced with this threat, the parents of the current students could simply tell the school that if it accepts any voucher

students, they will take their kids elsewhere. Likely the school will cave to the parents. If it doesn't, they are free to resort to a similar school ("Virgin Prep") or start one up.

That is not to deny that whenever voucher laws have been enacted by state legislatures, the public school interest groups haven't tried to twist the legislation closer to their hearts' desire. But typically the effort is to limit the number of students who can avail themselves of the vouchers, not to build in specific curricula, hiring standards, or whatever. Really, the interest groups just don't want to lose any of their captive clientele.

And why, if vouchers will dramatically enhance the power of the PSSIGs to control education, sucking private school students back into their control, are the interest groups so uniformly and bitterly opposed to vouchers? Are we to suppose that when teachers' unions devote tens of millions of dollars to stopping voucher programs (and charter schools, and tuition tax deductions, and even home schooling, for that matter), they either don't understand what they are doing, or else they desire less control of the educational system than they already have? This is absurd. Obviously, the PSSIGs oppose vouchers and all other types of school choice precisely because school choice empowers parents, as opposed to bureaucrats and union leaders, and causes a permanent change in that shift of power.

Next, consider what observation teaches. In the decades since Lee put forward his prediction, the experience of vouchers has not been that teachers' unions have been able to use them to take over private schools by regulation. In America, they have used our flawed legal system to conduct endless suits to overturn the voucher systems (and charters, and home schooling). Nor do you see unions co-opting vouchers in other countries, where lawsuits are more difficult. Indeed, charter schools — which, remember, are part of the public school system and so are directly open to control by public school bureaucratic and union control — have been typically able to maintain their different standards and characters. And with vouchers, that independence is amplified enormously.

Again, remember that we already have many decades of experience with vouchers in higher education — Pell Grants and the G.I. Bill of Rights, programs in which federal support for college students follows them to whatever colleges, including religious colleges, they attend, without stipulating anything about curricula, hiring, grading standards, or much else. Neither program has forced, say, Notre Dame to abandon its religious orientation.

But let's turn to what underlies the Trojan Horse argument. We need to be clear on what Public Choice Theory says and does not say. To put it crudely, PCT holds that the people directly involved in government, including voters, bureaucrats, and special interest groups, are motivated primarily by self interest. Voters usually have little incentive to follow specific legislation, because they are usually not greatly affected by it (nor can they greatly affect it), whereas special interests do, because they are (and can). The voters are "rationally ignorant" in the sense that it is not worth their time to study the details. So legislators typically write laws that benefit the special interests.

But this theory does not suggest that it is always rational for me to be ignorant. There is a limit: when the price paid by voters gets high enough, they notice it, and ignorance is no longer "rational." Let's call this the public choice tipping point, the point at which the price that a politician must pay for carrying out the agenda of a special interest group exceeds the benefits he gains from that group's support.

So I would argue that PCT doesn't spell doom for consumers; it predicts that special interests will rip them off in ways small enough to escape easy detection — but at some point the situation tips. When that happens in the field of education, voucher programs will be easier to get through, because the public will be aroused. After vouchers pass, the special interests' ability to pervert the systems will be greatly diminished. A school choice program creates a countervailing special interest group, a pool of parents with a vested interest in their free school or tax credits. This group will now pressure legislators to keep the freedom it has won, and even to increase it.

This is why, once a narrow school choice initiative succeeds, broader measures often follow. In 2007 Georgia passed a special education voucher scheme that proved popular; in 2008 it passed a universal tax credit program that gives a matching credit on state taxes for donations made by individuals and businesses for scholarships for students to attend private schools.

When I look at the weakly grounded resistance of some libertarians to what is clearly a major step toward free markets in education, I cannot help thinking that people sometimes seek ideological purity for its own sake, rather than trying to improve things as much as they can in a given time and place. With friends like that, liberty has no pressing need for enemies. Indeed, she'd best watch her back and start packin' heat.

Robert Enlow expresses my view exactly, when he says,[27] "In most cases, having a school choice program is better than not having one. More freedom is better than less and we understand that, while we should strive for the gold standard, we don't want the perfect to be the enemy of the good." Or as I would put it, if it is only in my power to free 10% of the slaves held in bondage, I will, and hope that later it will be in someone else's power to free the other 90%.

If the public school administrators are such soaring intellects, why is the school system they have devised so full of failing schools?

I would add one last point. It is better to fight on offense than defense. If you give up on school choice and retreat to your closed private school or home school, don't think that the PSSIGs will just go away. No, they will then attempt to close those "loopholes" as well — witness Justice Croskey's ruling against homeschooling.

The Real Causes of Defeat

As a philosopher, I am by nature focused on the arguments for and against a given issue. As a realist, however, I

understand that often reasons are not causes. Often they are rationalizations for decisions that were made on other grounds, for other motives — typically, self-interest or tribal feeling. This, I believe, is especially true in the case of opposition to vouchers. The arguments against vouchers are transparently flimsy, yet they are often put forward by intelligent people, as rationalizations for such real motives as rent-seeking; misplaced coalition politics; and suburban complacency.

Virtually all political opposition to vouchers has come from the army of PSSIGs. There is no doubt what the real motive is when public teachers fight vouchers so fiercely. It is pure rent-seeking. The unions freely use the immense financial resources obtained from compulsory dues to defeat school choice of any kind because they fear that their members' jobs or working conditions might be threatened if students were free to go elsewhere. (Think of that $3 million used to defeat vouchers in Utah, a huge amount for a small state).

Another contention is rarely trumpeted by voucher opponents, but it is never far from their minds. It is that parents are simply too stupid to figure out which schools are any good.

If the unions really worried about what sort of educational system would benefit the students, they would do what medical investigators do when they worry about what benefits the sick: they would allow large-scale clinical trials of alternative systems. But the teachers' unions oppose all trials of any form of school choice. In many places, upwards of half the public school teachers send their own children to private schools. Yet their unions do their best to keep others from following their example.

Next we have to look at one of the great voting anomalies of all times. African-Americans and Latinos support school choice overwhelmingly (many polls show support in the 70+% range), but they vote en masse for the political party that opposes choice, the PSSIG party in all its forms. Until that coalition breaks down, school choice will continue to be hard to enact.

Many suburban white parents oppose vouchers, and for a variety of reasons, but the least of their motivations is any kind of libertarian squeamishness about the taint of government support. Their main motive seems to be a fear that if the inner city (read: Latino and African-American) students are given vouchers, they will try to attend suburban schools. Amid the liberal gloating over the Utah voucher defeat, and the conservative and libertarian clucking, few have mentioned this factor directly. One of the few was William McGurn,[28] who noted that "suburban voters of both parties are not enthusiastic about school choice. Many of these voters see increasing options for inner city kids as enabling blacks and Latinos to find their way into their children's schools."

There is a morally legitimate concern that one's own children may be crowded out of the schools they already attend and like. Also legitimate is the desire to preserve the existing cultural environment of those schools. (I have noted elsewhere that parental concern for the peer groups to which their kids belong is justified by recent psychological work.[29]) Less morally legitimate is a complacent "I've got mine, Jack!" attitude, which leads people with reasonably good schools not to care whether students elsewhere are trapped in failing schools. Even less legitimate is an exaggerated competitiveness that makes some parents happy to see other kids trapped in failing schools, because it means that their kids have less competition for good colleges and careers. And downright despicable are racist feelings towards children of other groups.

Of course, this suburban fear of seeing schools swamped by a flood of inner-city kids — with smiles on their faces and vouchers in their hands — is overwrought. Few inner-city parents want to see their kids bused to faraway schools. No, they want good local schools, and school choice is what they need to get them.

Prospects

Although special interests have great power to squelch free choice in education, the school choice movement has been able to succeed to a surprising degree. Over the past 20 years, the number of voucher systems in the United States has grown from only two to 21, with the majority of the new programs coming in the last eight years. Something like 190,000 students now use vouchers to attend private schools. Internationally, vouchers are finding favor too. Various sorts of voucher systems have been adopted in Belgium, Chile, Colombia, Denmark, Japan, The Netherlands, New Zealand, and Sweden.

Charter school enrollment has grown from essentially nothing to 1.1 million students, with over 4,000 charter schools nationwide. One-third of Washington DC schools are now charter, as are most of New Orleans schools. Many charters have distinguished themselves. In 2007, the Harlem Success Academy moved 6-year-olds, only 11% of whom were at grade level in math at the beginning of the year, to a point where 86% achieved grade level by the end.[30] The Knowledge is Power Program is a chain of 57 charter schools, most located in inner cities. They are focused on basic education. Eighty percent of the students who attend KIPP schools in grades 1 through 8 wind up in college.[31]

Tuition tax credit and tax deduction schemes are now fairly widespread. The parents of almost 650,000 students receive tax credits. In addition, the number of homeschooled students has now hit over 2,000,000, with the homeschooling rate increasing by nearly 30% between 1999 and 2003. We should note that on standardized tests, homeschooled kids outscore kids who attend traditional schools. In 2006, for example, homeschooled students averaged a 22.4 composite ACT score, compared to the national average of 21.1.

The pace is quickening. Three-fourths of the states introduced new or expanded school choice legislation in 2006–2007. As Chester Finn, a long time school reform advocate and education scholar, recently noted,[32]

> We're . . . far more open to charter schools, vouchers, virtual schools, home schooling. And we no longer suppose kids must attend the campus nearest home. A majority of U.S. students now study either in bona fide "schools

of choice," or in the neighborhood schools their parents chose with a realtor's help.

You can detect a sea change by looking at the number of Democrats now favoring school choice — despite the fact that the Democratic party is the home of teachers' unions. And African-Americans are voting with their feet whenever they have the chance.

It's true, the smackdown of the Utah universal voucher plan has taken the tuck out of some school choice advocates, such as the aforementioned Sol Stern. But I believe they are overreacting. Despite the loss, prospects for school choice remain good. It seems to me, in fact, that we are reaching the public choice tipping point in education. It took losing the Vietnam War to get an all-volunteer military. It is taking a severe energy crisis to get overly restrictive environmentalist regulations on domestic oil production put aside. It will take the prospect of losing our high-tech industry to the Indians and Chinese to get people finally to accept the need for school choice.

While I support continuing to push for tax credits, charter schools, home schooling, and so on, we should still continue to aim at full voucher proposals. I am responding here to a suggestion by Adam Schaeffer of the Cato Institute,[33] who argued after the Utah defeat that the voucher program is dead, so school choice advocates should just push for tax credits, which have more bipartisan support. He claimed that many Utahans feared more government control, whereas with tax credits, that wouldn't be the case.

But while some libertarians may fear that vouchers run the risk of greater government involvement in the schools, it is very unlikely that this is the reason Utahans voted against vouchers. Anyway, tax credits are not much easier to pass. Half-measures don't placate the rent-seeking opposition. Teachers' unions have opposed even the ridiculously small vouchers, such as Milwaukee's. They opposed Utah's plan, which separately funded the vouchers; if a student left the public school system to go to a private school, the public school didn't lose one damn nickel in funding. The PSSIGs have attacked charter schools, trying to cut their funding, cap their numbers, or even close them down, in such states as California, Ohio, Nevada, and New York. There is a move in Congress to end the charter school experiment in the District of Columbia. The PSSIGs attack tax credits too.

Recommendations

Let me offer some suggestions to those who want to continue the fight for vouchers.

First, and most importantly, you should always be aware that enacting significant policy changes in governance requires a brutal political fight, not a polite philosophic debate. You don't win by merely making an intellectual case. You have to do the political work. This means fundraising, to create campaigns of anything like the size of those that the unions mount. It means running effective ads, and being astute about politics in general.

For instance, voucher initiatives need to go on a general election ballot, especially a presidential election ballot. This is just Public Choice Theory 101: rationally ignorant voters tend to skip minor or special elections, but the union Myrmidons do not. In the Utah vote, only a small minority of eligible voters showed up, giving members of the PSSIGs a much larger influence than justified by their numbers. Additionally, you have to gear your political campaign to address the real motives that people have for opposing vouchers, instead of merely offering arguments for them and refuting the rationalizations put forward by the opponents.

Start with the rent-seekers. Here we can borrow from our leftist opponents (remember Saul Alinsky's "rules for radicals"?): make the political personal. Show the unions for the rent-seekers they are; show that they are people who profit by denying freedom and equality to downtrodden children. Mindful of the fact that members of teachers' unions oppose freedom of choice, but often avail themselves of that freedom for their own kids, run TV ads that show teachers dropping their children off at private schools, and then show poor kids walking to crappy public schools where those same union members teach.

Mindful of the political oddity of overwhelming support for vouchers among a group that votes solidly Democratic, show African-American students filing into lousy schools, while a voiceover recites the names of the local Democrats who oppose vouchers. Run testimonials by African-American parents describing how well their kids are doing since choosing their new schools. And make it personal. Run ads asking Obama why he opposes vouchers, even though his own children attend private schools (as did he).

But while holding the PSSIGs' feet to the fire, we should avoid demonizing public school teachers. Most teachers are just trying to do their jobs, and many are outstanding. A personal disclosure: I left parochial school in the third grade, in a cloud of disgrace, and spent the rest of my academic career — through graduate school — in public schools. Many of the wisest and most wonderful people I have met have been public school teachers. We oppose the system, but not the teachers who are doing their best.

Also, work hard to develop coalitions — with religious groups, minority advocacy groups, and so on. Voucher proponents (who are often libertarians) need to work hard to help home-school proponents (who are often religious conservatives). They also need to court the support of more Democratic politicians, especially by running ads praising prominent Democrats who are willing to speak out. We don't care which party supports school choice — we simply support those who do.

Enacting significant policy changes in governance requires a brutal political fight, not a polite philosophic debate. You don't win by merely making an intellectual case.

It is vital, in any new voucher campaign, to address suburban parental resistance. To address the legitimate concern of parents who are happy with their public school and fear their kids will be "bumped" by newcomers, design your

legislation so that preference is given to people who live closest to the voucher school, and guarantee that existing students aren't bumped. Hammer home the economic costs to everyone of America's huge numbers of poorly educated people. What will it profit your kids to have a better shot at college if the price is that he or she will wind up paying massive taxes to support the unemployable and the incarcerated? You need to remind people of the difference between enlightened and unenlightened egoism.

Consider running ads reminding complacent suburban parents that the high-quality education their kids are supposedly getting in their nice local schools may be an illusion. At many schools, an A average merely indicates that a student hasn't succeeded in killing anyone yet. Radio and TV ads featuring Eric Hanushek reviewing the rapid decline of our students' international ranking in academic achievement might help here.

Fight fire with fire. Whenever a group of legislators is working on school choice legislation, the various pro-choice organizations should join forces to hire trained lobbyists to counter the opposition lobbyists. It would help if those of us who favor school choice supported the pro-choice organizations financially. I refer to such groups as the Alliance for School Choice and the Friedman Foundation for Educational Choice.

There are many reasons for vouchers: don't neglect any of them. Vouchers are justifiable on ethical egoist and utilitarian grounds, but also on the essential grounds of freedom and autonomy.

To advance these arguments, you need a network of articulate scholars, especially economists, from free-market think-tanks ready to speak on behalf of any proposed school choice initiative, and ready to counter any new propaganda the rent-seekers dream up.

An illustration of where this would have been useful comes from the last major attempt to allow freedom of choice in California's notoriously bad public school system a few years back. Initial polls showed strong support for the voucher initiative, especially in minority school districts. But literally a few days before the election, some PSSIG professor suddenly published a study "showing" that if the voucher system were enacted, so many kids would instantly leave the public schools that they would overwhelm the private ones (the No Place to Go argument). This was trumpeted by the teachers' unions. The proponents were taken off guard, and the rent-seekers won. Had a group of scholars been ready to contact the media with the obvious rebuttals, this might never have happened. (Progress is being made: the Friedman Foundation has set up a School Choice Speakers Bureau — a useful step forward.)

Another suggestion is that voucher supporters need to support other measures as well. The power of unions to stop or slow free choice in education comes from their ability to misuse their members' dues, in defiance of the members' rights under the Supreme Court's *Beck* ruling (which held, in essence, that workers cannot be compelled to pay dues to support political activities with which they disagree). Several states have passed initiatives requiring a union to get written permission from its members before it uses dues for political activity; in each case, union dues for politicking plummeted. So if you want vouchers in your state, work also to enact paycheck protection bills. Similarly, I recently argued that America should adopt a "loser-pay" system to cut down on the huge number of frivolous lawsuits we have to endure.[34] Such a system would help deter unions from their relentless lawsuits against school choice.

While fighting for related causes, however, we must make sure to keep our own proposals well focused. Part of the reason the Utah intuitive failed was that it brought in a mandate for testing, not just for vouchers. Standardized testing makes sense, but school choice needs to be the focus. Don't worry — as schools compete for students, they will automatically have to consider how well their students do on tests.

But if you'll permit me to make a final suggestion . . . I believe it's high time that I and everyone else came up with a better name. Instead of talking about "vouchers," we should talk about "Freedom of Education." ❑

Notes

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11. Vicki Murray, "Why So Many Teachers Are Quitting," Orange County Register (September 12, 2007).
12. Gary Jason, "'Voucher' is Swedish for Success," Orange County Register (December 8, 2006).
13. Gary Jason, "Free to Choose," Liberty (October 2006) 16.
14. William McGurn, "McCain's School Choice Opportunity," Wall Street Journal (April 29, 2008).
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25. *Ibid.*
26. "Home-schooling in the Cross Hairs," Orange County Register, March 9, 2008.
27. Enlow 6.
28. McGurn.
29. Gary Jason, "Peer Pressured," Liberty (June 2007) 15.
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33. Adam Schaeffer, "A Voucher Defeat in Utah," Wall Street Journal, November 8, 2007.
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The Big Man of American Politics

Stephen Cox

In 1944, MGM released a film called "Song of Russia." The picture was written largely by communists. Its technical advisor was Anna Louise Strong, one of America's most famous communists. Both the Soviet embassy and the American government provided generous and genial advice. The result, not surprisingly, was a film that made life in the U.S.S.R. look like life in Nebraska, or in the Wonderful Land of Oz. Later, defenders of MGM, defenders of the New Deal, and defenders of communist stooges wherever they may be found dismissed the effort as nothing more than a "pat on the back for our then ally, Russia" (to quote the words of MGM's exalted leader, Louis B. Mayer). Well, but that was the problem, wasn't it?

At about the same time there was formed in Hollywood an organization called the Motion Picture Alliance for the Preservation of American Ideals. Like "Song of Russia," this entity was largely the product of people at MGM, but it was devoted to exposing the prevalence of communist influence in the film industry. First clutched to the bosom of big-name Hollywood, then slowly strangled by its disapproval of critical publicity, the Alliance managed to do very little. Practically nothing, in fact.

More was done, in its way, by the House of Representatives Committee on Un-American Activities (HUAC), which had already begun investigating reds in Hollywood and, in 1947, held a series of showboat hearings in Washington. Writers and other functionaries who were known to be communists were summoned to the capital, where they either refused to give testimony or used their moment under the lights to abuse anticommunists as "stool pigeons, neurotics, publicity-seeking clowns, Gestapo agents, paid informers, and a few ignorant and frightened Hollywood artists." Among the anticommunist witnesses was the star of "Song of Russia," Robert Taylor (1911–69), the subject of the book now under review.

This work is one more in the interesting stream of books and articles that challenge the simpleminded idea, now almost universally taught and believed, that a few "liberal" denizens of Hollywood were just sitting there, faithfully doing their under-remunerated work for American culture, when suddenly they were attacked by The Great Witch-Hunt, a political inquisition perpetrated by — well, by the kind of people that the communist just quoted said they were. His name was John Lawson, a writer, who alleged that he himself was dedicated to the "free-exchange of ideas." The result of his devotion to freedom appears in the fact that all who dared to challenge his ideas are currently viewed as exactly what he slanderously accused them of being: stool pigeons, informers, etc.

But tell me: how can you be a stool pigeon or informer, if there aren't any offenses to inform about? Suppose you knew that a person of public influence was actually a Nazi ("Gestapo agent"). Would you be a "stool pigeon" if you mentioned it? Maybe you shouldn't tell Congress; you should just tell the L.A. Times (if they'll listen). All right. As a libertarian, I don't believe that Congress has the right to investigate the beliefs of private citizens, as if

beliefs were crimes, or Congress had any jurisdiction in regard to them. But communists and fellow travelers aren't precisely libertarians. If they had their way, there wouldn't have been any liberty for Congress to violate. So they had no cause to object. And "stool pigeon" implies that, yes, there were crimes, all right, but you have to censor yourself—you can't say anything about them. Why? Because we say so, that's why. We can call you anything we want, but you can't call us anything — even what we are.

Robert Taylor wasn't any of the things that Lawson mentioned. He was an unassuming, unpretentious man who came, like the more assuming, more pretentious Anna Louise Strong, from Nebraska. He loved the ladies, many of them — too many to let him stay married to a serious and accomplished woman, the great Barbara Stanwyck. But when he discovered a lady he really loved, he became a devoted family man. He also loved the outdoors and outdoor sports; he loved to fly his plane; he loved the feeling you get when you work hard and pay your bills. In 1944, and for decades afterward, he was a big star. In the 1940s he was considered the prettiest man in Hollywood. He was at least a decent actor. And he was, according to Linda Alexander's book, "rabidly anti-Communist" and "ultra-conservative."

Unlike other people who routinely use those terms, she is not being critical. She is an enthusiastic admirer of Robert Taylor. She devoted long and energetic research to his days and works. She wanted to bring him to life as a talented, likeable, many-sided individual. She succeeded. Unfortunately, however, she did not conduct a detailed analysis of his political ideas. "Rabid" and "ultra" are mere cliches, used casually, without animus, and without any attempt to identify the particular concepts that might distinguish a traditionalist conservative from an ideological conservative, a libertarian conservative from a nationalist conservative, or even a "moderate" from a "radical" or "ultra" conservative.

Certainly the fact that Taylor was a *reluctant* witness at HUAC's hearings in Washington hardly indicates that he was "rabid." His testimony was brief, yet not particularly coherent. It showed that he hated communism, as he hated fascism; it also showed that he was reluctant to identify Hollywood colleagues as communists. Though he had a sharp wit and understood the tactics of communists who were trying to take over the Hollywood unions — as, for instance, by coming to a meeting and pretending that they didn't understand the motions on the floor, so that speeches and explanations and points of order would keep things going until everyone else had gone home, and the communists could vote their own program — he didn't get a chance to say much that was worth the effort. Alexander's evidence indicates that he thought the committee was obnoxious and incompetent.

So much for HUAC. Let's look at the Motion Picture Alliance. Taylor was an important figure in the organization, joining it when few other real stars were willing to do so. We may assume that he subscribed to its ideas. Here they are, as quoted by Alexander, from its Statement of Principles:

> We believe in, and like, the American way of life: the liberty and freedom which generations before us have fought to create and preserve; the freedom to speak, to think, to live, to worship, to work, and to govern ourselves as individuals, as free men; the right to succeed or fail as free men, according to the measure of our ability and our strength. Believing in these things, we find ourselves in sharp revolt against a rising tide of communism, fascism, and kindred beliefs, that seek by subversive means to undermine and change this way of life; groups that have forfeited their right to exist in this country of ours, because they seek to

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> achieve their change by means other than the vested procedure of the ballot and to deny the right of the majority opinion of the people to rule.

The first sentence would be acceptable to any libertarian, any conservative, and almost any modern liberal ("the right to succeed *or fail*" notwithstanding). The second sentence expresses the view of most conservatives and modern liberals of the time: the Communist Party was the agent of a foreign power, bent on subverting and, if possible, overthrowing the U.S. government; as such, it should be outlawed. This idea, whatever libertarians may think of it, stops short of demanding that all the fools, dupes, and stooges, or even all the plotters, agitprop leaders, and would-be dictators then extant in Hollywood be arrested, or even fired from their jobs writing plays like "Song of Russia." (In any case, there wouldn't have been enough jail cells to hold them all.)

Taylor said that he would refuse to work with anyone he thought to be a communist, that he wanted studio heads to fire all such people (while recognizing that Hollywood's captains of industry might have their own reasons not to follow through on this), and that he thought the federal government might help, through "some sort of national legislation or an attitude on the part of Government as such which would provide them with the weapons for getting rid of those people." He seems to have been looking for a means of preventing the studios from getting sued if they fired the communists, but that's not clear. Alexander says that Taylor was best friends with Ronald Reagan, but he apparently did not share Reagan's detailed and often wily thoughts on government.

Alexander records no process of development of Taylor's political ideas, and no event that precipitated his becoming, in a small way, a political activist — unless it was his performance as the hero in "Song of Russia." He didn't want the role. He didn't want to play the part of an American symphony conductor who visits Russia and finds nothing whatever that isn't beautiful, true, and heroic. But he was persuaded by Mr. Mayer and a government agent that he needed to make the film. It is probable that he was moved by the threat that otherwise he would be kept from active service in the Navy, and that he regretted and was confused by his decision.

Yet Taylor is an interesting person, politically. He is the type and symbol of a potent — perhaps the most potent — figure in American politics, the average intelligent voter. Let's call this figure the Robert Taylor American.

The Robert Taylor American is that enormous, instinctively conservative part of our populace that supports and rejects ideas it doesn't think necessary to define, yet adheres to its ideas, once chosen, with a virtuous and lifelong tenacity. Ideologues (including libertarian ideologues) never understand him. Pundits and college professors never succeed in measuring his stature. Yet the Robert Taylor American is, in many ways, much more interesting than the people who study, or fail to study, him. They never stop talking about who they are and what they think; their talking points never cease to advertise themselves; their political lives are lived on the surface, for all to see. Robert Taylor Americans are harder to get at.

At one moment, they may look like ideologues, flying off the handle and signing onto the program of some political action group. They raise money; they give interviews; they go to seminars; they may even be elected officers of some group (Taylor served a term as head of the Motion Picture Alliance), or run for some public office (Ronald Reagan, George Murphy, and Clint Eastwood come to mind; Taylor at least joked about running for governor of California.) At another moment, they're willing to go along with the crowd, go along with their spouse, go along with their boss (as Taylor went along with Mayer in agreeing to film "Song of Russia"), or go along with the government, and hope that it will all turn out right, despite their curious sense that what they are advised to do by these authorities is subversive of their own ideas. They'll put up with a lot; they're the kind that joins the Navy and makes sure to pay its taxes.

But there's a limit to what they'll put up with. They're the kind that gaily, though privately, violates the laws of society and the state, while insisting, sometimes for good reasons, that public revolt must be avoided. Taylor's public performance before HUAC was extorted by subpoena. He didn't mind denouncing communism, though he wasn't very good at doing it; still, he thought there was something unseemly about showing off before a committee. The Robert Taylor Americans won't always be obedient, even in public, to the social and political proprieties. You can't predict when they'll rebel — they aren't pundits or college professors, so they don't worry a lot about the appearance of consistency. They revolt when they feel good and ready to revolt. But meanwhile, there may be a consistency in their thoughts and actions that other people cannot see, simply because the Taylor folk aren't chiefly interested in advertising themselves, even if they

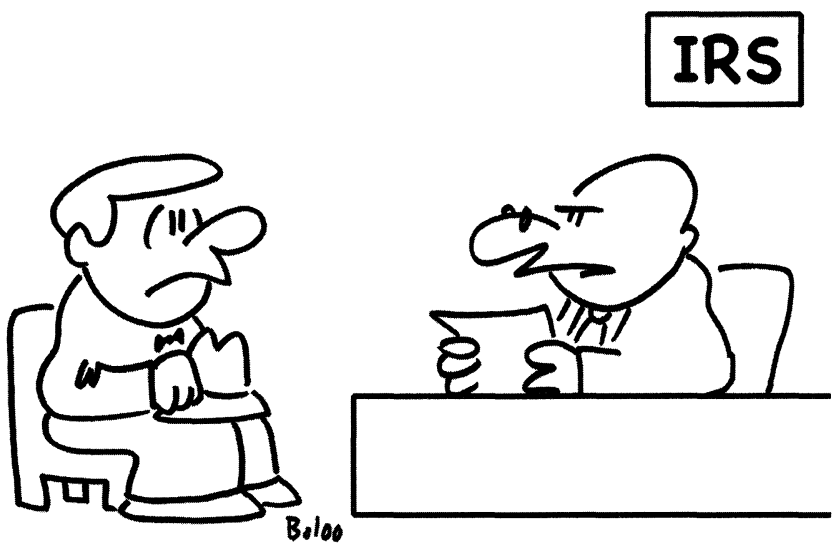

"You filed your tax return two days late — Why do you hate America?"

happen to be movie stars. They think they *know* things about America, and about themselves, and they're prepared to *act* on these things, in their own good time. Each of them has an instinctive affinity with others who share this hidden (though to them, obvious and necessary) knowledge of America. So when a Taylor American does revolt, the revolt is likely to happen all over the continent.

Of what do these people's ideas consist? Not, certainly, of a worship of authority. Authority is something they often seek to qualify, or overtly disobey. And not, certainly, of the ignoble bigotries of which statesmen from Woodrow Wilson to Barack Obama have accused them. These normal Americans have a maddening ability to hang out with gays, write episodes of "South Park," or become experts on rap, animal rights, or the plight of indigenous peoples. In social practice, they are probably the most liberal group in the country. They're willing to take you as you are, make the necessary allowances for your difference in "background," and take you fishing with them, if they think you can keep quiet enough for the fish to come.

Because political ideologies often are, as the communists insist, the back-formations of social customs, the Robert Taylor Americans are unlikely to confuse what they regard as knowledge and experience with the arcane lore of a new ideological movement. (Let the failure of the John Birch Society stand in witness here.) Their own customs are not those of the editorial office or the debating society. The meaning of America seems clear to them. They need no ideology to define it.

As far as I'm concerned, the ideas of the Robert Taylor Americans are inadequate, but they are by no means contemptible. And when you come right down to it, every ideologist solicits the support, or at least the forbearance, of these people, whenever ideas are contested in the marketplace or at the ballot box. That's when the Robert Taylor Americans appear, and ask you quietly what you've got to show. If you mention liberty, they may be interested. ❑

"Taming Leviathan: Waging a War of Ideas Around the World," edited by Colleen Dyble. Profile Books, 2008, 178 pages.

Tanks for the Memories

Gary Jason

The Institute of Economic Affairs, based in London, has just brought out this valuable collection of essays by people who have started free market thinktanks in countries with traditionally statist economies. The volume that is a useful guide to anyone wanting to start a new thinktank, as well as anyone who wants to understand why such organizations are useful, and why they succeed as well as they do.

The essays take up 13 cases, which together offer a worldwide view.

Greg Lindsay, current president of the Mont Pelerin Society, reviews his evolution from math teacher to think-tank founder. His organization, the Center for Independent Studies (CIS), is Australia's oldest free market think-tank. It was crucial in helping Australia reform its economy after a disastrous period of economic stagnation and inflation in the 1970s. It became a key player during the 1980s, when both Labour and Conservative governments committed themselves to opening up free trade, reducing regulations, and privatizing industries. Lindsay finishes his piece with a cautious observation that all the gains that have been made in Australia (and I would add, elsewhere) can be reversed at any time, so the need for continuing the fight is still there.

Margaret Tse discusses the founding of the Instituto Liberdade in Brazil. She points out that the legacy of Portugese colonial rule — which included a huge slave trade, patrimonialism (a system in which the ruler treats the government as a personal affair to be run for his own and his family's benefit), and corruption — made infertile ground for free market economics. Brazilian universities and other cultural institutions harbored a statist mindset, derived from the positivism of August Comte (which favored a "scientific" approach to government) and the Marxism of Antonio Gramsci (which turned social and educational institutions into instruments of propaganda and state control). Against this formidable opposition, the Instituto Liberdade has worked to change public opinion and policy.

Michael Walker, economist and lawyer, tells the story of the Fraser Institute, a Canadian organization that he cofounded with Sally Pipes and John Raybould. The Institute has done much to influence policy discussions in Canada, especially with its reports on long waiting times for surgeries under the national health care system and on the poor performance of public schools. Both those reports have gotten great play in the Canadian press.

Christian Larroulet, dean of the economics faculty at the Universidad de Desarrollo and a Mont Pelerin Society member, discusses the history of Chile's only private free market think-tank, Libertad y Desarrollo, founded nearly 20 years ago. It now has the most visited website in Latin America and has played a major role in preventing a rollback of the free market reforms instituted decades back after the fall of Allende. It has helped Chile rise from 14th (in 1995) to 8th (in 2008) in the Heritage Foundation-Wall Street Journal Index of Economic Freedom. It

has monitored the Chilean government budget and helped increase the World Bank's fiscal transparency rating from 63% in 1998 to 87.5% in 2006. It has worked tirelessly (and successfully) to liberalize Chile's international trade. But there have been areas (such as education) where Chile has retrogressed. Admitting this, Larroulet draws the same conclusion Lindsay drew, that the battle for classical economics is a never ending one.

Giancarlo Ibarguen, another Mont Pelerin Society member, describes how a thinktank in Guatemala — the Center for Economic and Social Studies (CEES) — took the next logical step of founding a university to counter the socialist domination of the existing ones. The Universidad Francisco Marroquin (UFM) was founded in 1971. The UFM is run like a for-profit business: it doesn't offer tenure, has real business people on its board, and forces department chairs to balance their books. While it offers its students a variety of majors, it requires all of them to get a basic education in classical economics, taught in four semester-long classes based on the major works of Hayek and Mises.

The UFM looks for top students, and offers needy ones a free education. And it has produced scholars who have started another free market thinktank, along with public policy pressure groups and a public choice center — not to mention its production of talk show hosts and op-ed writers. One big success of UFM's graduates was pushing through the privatization of the telecom industry.

Parth Shah, who holds a doctorate in economics and is also a member of the Mont Pelerin Society, recounts his return to his native country of India in 1997 to set up a thinktank. The thinktank he founded was intended to combat the stifling statist policies of the Indian economic system. Shah felt from the outset that Indian culture does not accept freedom from the state as a norm. He called his organization the Center for Civil Society (CCS), choosing the language of civil society to frame the debate.

The CCS has done all the sorts of things that thinktanks elsewhere have done: conducting research, publishing policy papers and studies, lobbying policy makers, conducting seminars, and running campaigns for such policies as school choice. But it has been special in focusing on the causes of the very poor — street vendors, rickshaw drivers, small farmers.

Daniel Doron, economist and sociologist, reviews his role in setting up the Israeli Center for Social and Economic Progress (ICSEP). Israel, like India, is a political democracy with a cultural legacy of statist economics. That legacy permitted public toleration of economic inefficiency that Doron felt was as much a long-term threat to the survival of the nation as attacks from its neighbors.

The ICSEP has focused on free market reforms of small business regulation, financial markets, the tax system, housing, and government structure. One of its major reforms was opening up the banking system to more companies. It has also fought the Marxist domination of the universities. Many of its policy prescriptions in the '90s were adopted by Prime Minister Netanyahu during his time in office. Besides the usual mechanisms for disseminating research, the ICSEP has conducted workshops for immigrants. Since the early 1990s, it has helped thousands of people from the former Soviet Union learn the basics of classic economics.

Alberto Mingardi, political scientist and journalist, recounts the story of the Istituto Bruno Leoni (IBL) in Italy. While that nation has produced notable free market economists (such as Vilfredo Pareto), it evolved in a statist direction, with the government now consuming roughly half the nation's GDP. Mingardi discusses the history of classical economics in Italy in the late 20th century, with the 1990s seeing a rise in interest, and an attendant wave of privatizations. But Italy had to wait until 2003 for its thinktank, the IBL. It has concentrated on the publication of articles by free market thinkers, both well known and up and coming.

Masaru Uchigama weighs in with his story of the founding of Japanese for Tax Reform (JTR), an organization that is less a thinktank than an advocacy group (influenced by Grover Norquist's Americans for Tax Reform).

Elena Leontjeva, former State Councilor on economic reform in Lithuania, describes how her youth in the former Soviet Union led to an understanding of the need for classical economics. When Lithuania achieved independence in 1990, she helped found the Lithuanian Free Market Institute (LFMI). This organization helped structure the commercial banking industry, struggling against the central bank, which resented upstarts getting such attention. The LFMI was also helpful in moving Lithuania more rapidly to privatization than many of the other former Soviet colonies. It fought the central bank to make sure that Lithuania's currency was backed by gold and foreign reserves. It then helped enact massive deregulation, and a flat income tax. Unfortunately, it was only able to push through a partial reform of social security, and is currently fighting the resurgent statism imposed by the European Union.

Reform in the Philippines was blocked and even reversed by a well-organized coalition of leftist groups.

Alexander Magno, professor of Political Science and a director of the development bank of the Philippines, describes the economic milieu in the country in the mid-1990s. Short-sighted government policies such as subsidies for oil and protection of the domestic rice farmers led to a stagnating economy. Reform was blocked and even reversed by a well-organized coalition of leftist groups. Magno — ironically, himself a former leftist — realized that a free market advocacy organization was needed. The Foundation for Economic Freedom (FEF) was founded in 1996.

FEF began by pushing for deregulation of the oil industry, which eventually happened, resulting in the end of subsidies. It also pushed for breaking up the Philippine telecom industry, again, a battle that was eventually won. It went on to help achieve tax reform, as well as the privatization of the state energy industries. It fought with the organized left over liberalizing the retail sector, and it again won. It is currently fighting to open up the airline industry.

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Future Imperfect: David Friedman analyzes the technologies that will be used to control the populace — and the tools that will enable you to fight back. Government agencies have an ever-expanding array of tools designed to monitor and restrict your behavior. Can you afford *not* to learn how you can protect yourself? (CD 0807A)

Legal Systems Very Different From Ours: David Friedman regales his audience with a fascinating exposition on real-world legal systems. If you've ever wondered whether it's plausible to do away with police, what kind of system a "mad economist" might devise, or what happens when rulers are selected by lottery, you must hear this one! All these systems, and many more, have been used with varying degrees of success. (CD 0808A)

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Finally, Leon Louw, journalist and member of the Mont Pelerin Society, discusses the creation of the Free Market Foundation of Southern Africa (FMF). The FMF started struggling for free markets before apartheid had ended, when it worked to make the Ciskei a free market enclave, with zero corporate income taxes, a flat 15% income tax, and exemption from regulation for small businesses. The FMF then worked with the South African government to liberalize its economy when it ended apartheid, and to adopt a constitution that protected personal liberty.

Looking at these many and various stories, one can see why thinktanks are important for pushing forward the freedom agenda.

For one thing, they provide a stable home for "dissident" scholars. In virtually all countries, even the most relatively free ones, the dominant voices in the cultural and educational institutions are leftist. Scholars supportive of classical economics are often discriminated against in hiring, promotion, tenure, and the awarding of grants. It is vital that such people have a place where they can do their work and earn a living. For young scholars, thinktanks serve as mentoring centers. Many contributors to this volume emphasize the crucial role that meeting famous free market advocates played in their own intellectual development.

Thinktanks serve as centers for public education as well. They not only support original research, but they promulgate it to the public at large by putting out books, newsletters, magazines, articles, and op-eds. They make scholars available for talks and interviews, and they have become especially adept at maintaining useful websites and otherwise working with the "new media."

Obviously, thinktanks serve as policy prescription generators, exploring and crafting market-based solutions to policy issues. They make public policy ideas available for politicians to advocate in election debates or interviews with journalists, ideas that then may find their way into legislation. They are idea and argument generators for journalists as well. Many an influential article has been produced by a scribbler who has read a thinktank policy piece. (I confess that I speak from experience.) Thinktanks serve as "go to" sources for journalists needing relevant factual information. If a journalist wants a reasonably accurate estimate of the amount of money lost to the proverbial waste, fraud, and abuse in a particular government program, he is more apt to get it from a thinktank than from that government agency.

Free market thinktanks are international arenas for the exchange of ideas and approaches. Learning from experience is great, but learning from the experience of others is even better. Defending the idea of, say, moving to a flat tax is easier if you can point to other nations (now over 20, as it happens) that have done so already, and successfully. This is creative cultural diffusion — the spread of good ideas across national boundaries. You can observe another culture try an innovation, see that it works, and adopt the same practice.

Finally, free market thinktanks often force government programs to increase their efficiencies. For example, by publishing "report cards" on public schools, the Fraser Institute has forced public schools to scramble, because parents have shown that they follow those reports closely.

All this having been said, I think it is worth emphasizing that thinktanks alone are not going to reform statist societies to their cores. There is no substitute for other organizations, specifically designed for political action. ❑

"All My Sons," directed by Simon McBurney. Play by Arthur Miller. Schoenfeld Theater, New York.

Better Miller

Jo Ann Skousen

"All My Sons," Arthur Miller's powerful play about family ties, corruption, and lies, set just after World War II, opens with a massive wind storm that knocks over a large tree while a woman stands watching, transfixed. She makes her way through a screen door that marks the house, and the storm dies down. But the real storm is just beginning.

The rest of the barnlike stage is nearly bare — just a patio table, a chair, a door, another large tree, and the entire back wall painted with bricks to indicate a gigantic gray house looming over the scene. The wings of the stage are uncurtained, revealing the offstage cast sitting formally in the dark, hands in their laps, as they wait their turns to enter the scene. Their silent presence suggests a jury of our peers, witnessing the action and casting judgment not only upon the characters onstage but also, perhaps, upon the audience as well. This is, after all, Arthur Miller. No man stands alone.

We quickly learn that the tree was a memorial, planted when son Larry was reported missing and presumed shot down in the South Pacific more

than three years earlier. Brother Chris (Patrick Wilson) and father Joe (John Lithgow) have accepted Larry's death, and Chris has invited Larry's former girlfriend Ann (Katie Holmes) to their house for the weekend with the intent of asking her to marry him. But mother Kate (Dianne Wiest) has refused to accept Larry's death and still expects him to return from the war, even though it ended long ago. Her fragile mental state makes it difficult for the family to move forward.

Added to this conflict is a slowly unfolding who-done-it about Ann's father, who had been in business with Joe Keller until he was convicted of selling faulty parts to the Air Force. Ann and her brother have not been back to town since their father's conviction, and they have refused to speak to him because of the shame he brought to their family.

These two themes — the relationship between fathers and sons and the corrupting nature of capitalism — are recurrent in Miller's plays and a reason they don't generally appeal to libertarians. They are traditionally directed with a heavy dose of cynicism and bitterness, and business bashing is de rigueur. But recent directors have infused Miller's characters with a greater complexity, allowing the fathers to reveal an inner struggle and a softer emotion that humanizes them, even if it doesn't quite acquit them.

Lithgow's Joe Keller is a charming "good old Joe" as he chats with quirky friends from next door, banters with a little neighborhood boy, and warmly welcomes Ann. The neighbors who live on either side of their house are funny and disarming, infusing the first act with an unexpected lightheartedness. Birds chirp and a radio plays happy dance tunes. Ann flits around the stage like a bird herself, first alighting in front of one character and then behind another's chair, swirling and twittering about the stage. This is a friendly, happy neighborhood, willing and ready to let bygones be bygones. It seems.

But Kate's neurotic refusal to accept Larry's death (and thus Chris' engagement to Ann) casts a deepening pall on the happy scene. Chris is just a little too perfect, Ann just a little too cheerful, Joe just a little too forgiving, Kate just a little too sure that her dead son will return to them alive. I think it's significant that the father is named Joe and his son is named Chris, providing a postmodernist, irreverent twist on the iconic Christ figure that subtly adds gravity to the story.

What carries this play (and will carry it all the way to the Tonys in June, despite its limited fall run) is the powerful performance of the actors. Every one of them is spot on, from the bubbly goofiness of the next door neighbors to the powerful intensity of the parents and their pain. Wiest's unvoiced howl of despair as she curls into herself in the final scene is bloodcurdling in its silence. Wilson brings a natural movement and inflection to his performance, and Lithgow is — well, he's just magnificent. At times feeble with age, at times powerfully physical, he simply fills the massive stage.

Katie Holmes is good in her Broadway debut. She is lovely, charming, and sprightly in Act I as she flits from character to character, smiling brightly at everyone. I found McBurney's frequent staging with Ann's back to the audience disarming as well — rather like the depth Giotto

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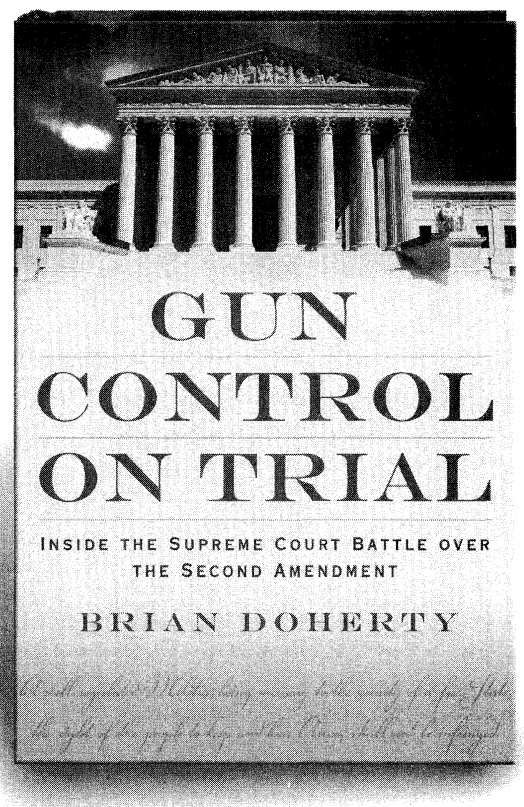

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created in his paintings by having some characters face into the painting rather than out. But Holmes has not yet learned how to reach the rafters without shouting, and it is especially apparent when she is onstage with these veteran actors. Emotions that should be raw and hesitant in the second act become angry and harsh instead. She seems more suited for screen than for stage at this point. One hopes she will learn to use her diaphragm before she loses her voice.

As for the business bashing — well, it's Arthur Miller. Of course it's there. But it seems less universal in this production, which focuses more on the flaw in an individual than on corruption in the business system. Joe blames the system, but he has become an unreliable voice, so we don't have to take his word for it.

The true evil in this production stems from self-deception, from trying to cover up a mistake instead of accepting responsibility and correcting it — a tragic weakness that many of us have experienced. It happens to a businessman in this play, but it doesn't have to happen to every businessman. As a member of my party said while we were leaving the theater, "There are corrupt people in every walk of life — doctors, plumbers, politicians, bankers. But the free market provides the surest way for identifying and eliminating them."

Don't let Miller's left-wing reputation keep you from attending this production of "All My Sons." This is theater at its best, with a thought-provoking script and a top-notch cast. If you are in New York this fall, it should be at the top of your list. ❑

"Bottle Shock," directed by Randall Miller. Intellectual Properties Worldwide, 2008, 110 minutes.

A Good Vintage

Gary Jason

For some of us, wine is a serious subject, indeed. Well, fellow oenophiles, there is a small movie out in limited release that will intoxicate you: "Bottle Shock."

"Bottle Shock" is a fine little comedy/drama based on true events. It tells the story of the characters behind the history-making 1976 blind wine tasting that took place in Paris. As the story opens, we meet Steven Spurrier (Alan Rickman), a British wine merchant in Paris, struggling to find some way to make his wine shop unique. So he decides to travel to the wine-growing county of Napa, California, to see for himself if the stories were true about California producing world-class wines — which then meant as good as French wines. His intention was to run them in a blind taste test against French wines.

We then shift to the Napa region, and meet the other main characters. Jim Barrett (Bill Pullman) is a struggling vintner with a somewhat troubled relationship with his long-haired, apparently lazy son Bo (Chris Pine), and his top hand Gustavo Brambia (Freddy Rodriguez). They are joined by a gorgeous intern Sam (Rachael Taylor), who wants to learn the winemaking trade. She quickly manages to get both young men to fall for her.

Much of the town's social life is centered in Joe's Bar, run by another lovely girl, Joe (Eliza Dushku). (It's odd that both the female leads have men's names.) Napa Valley in the 1970s was still Hicksville — not the Yuppie haven it is today. We learn that Gustavo is an expert wine judge, with a major secret that will inevitably strain his relationship with Jim.

Much of the great comedy comes from the culture clash that ensues when Spurrier, the supercilious Brit, meets the locals while trying to select wines to take home for the contest. The look on his face as he tries Kentucky Fried Chicken, guacamole, and other "authentic" American dishes is hilarious.

The story builds nicely as the American wine makers get behind the project, and select Bo to represent them in Paris. At the airport, Spurrier finds that he can't carry all the bottles with him (there is a two-bottle limit for carry-ons) — which means that the wine would have to be put in the cargo bay, subjecting them to "bottle shock"(hence the movie's title). In a nice scene, with Bo's prompting, the other passengers help out. One can't help but think of the calmer, gentler nation we were, before we were considered potential terrorists if we carried more than three ounces of liquid onto a plane.

The acting in this gentle gem never disappoints. Bill Pullman plays Jim Barrett to earnest effect, and Chris Pine conveys convincingly a young man formerly devoted to partying as he grows into a man of serious commitment to what is, it seems, his destiny. Freddy Rodriguez as the decent but ambitious Gustavo and Dennis Farina as Spurrier's somewhat moochy friend Maurice are especially good in supporting roles.

But extremely effective is Alan Rickman as Spurrier. Rickman is a superb actor who plays any role well, but in playing a supercilious snob he truly excels. His line (which I hope I am quoting correctly), "I know you think I'm an asshole. But I'm not really. It's just that I'm British and you are not." comically captured a lot of truth.

The final scenes of the movie were richly rewarding. Pop the cork on this treat and savor this interesting, entertaining, and well-crafted little film. ❑

"The Women," directed by George Cukor. MGM, 1939, 133 minutes.
"The Women," directed by Diane English. Picturehouse Entertainment, 2008, 114 minutes.

Two Women

Jo Ann Skousen

Directed by George Cukor, with a screenplay by Anita Loos and Jane Murfin, based on a play by Clare Boothe Luce, the original version of "The Women" is a nearly perfect movie, one of the masterpieces of 1939, the Golden Year of movie making. Populated entirely by women (reportedly even the dogs and horses in the film were female), it presents a witty, sophisticated, and stylish view of the catty and competitive world of Manhattan's high society matrons.

The story centers on Mary Haines (Norma Shearer), seemingly the most grounded member of a diverse group of friends whose most common denominator is that they have time to shop and do lunch. She is happy, intelligent, kind, and dignified, enjoying a successful partnership in which her husband manages the business while she manages the home. But the partners spend little time together, as the film's all-woman cast and all-female settings subtly point out.

When two of her friends discover that Mary's husband is having an affair with a perfume-counter girl, Crystal (Joan Crawford), they contrive a way for Mary to find out. Then they sit back to watch what she will do. They don't care about her; they just want to watch the cat fight and have a great story to share at the next dinner party.

Mary's instinct is to look the other way. If she doesn't know about his infidelity, he just might get over it, and it won't have to affect their marriage. Othello reacts the same way (at one point, anyhow) when Iago suggests that his wife, Desdemona has been unfaithful:

> I swear 'tis better to be much abused
> Than but to know't a little. . . .
> What sense had I of her stol'n hours of lust?
> I saw't not, thought it not, it harmed not me;
> I slept the next night well, fed well, was free and merry . . .
> He that is robbed, not wanting what is stol'n,
> Let him not know't, and he's not robbed at all . . .
> I had been happy if the general camp,
> Pioneers and all, had tasted her sweet body,
> So I had nothing known.

This "ignorance is bliss" approach is, in fact, the advice Mary receives from her mother, who confesses that she has been there and done that, and kept her own marriage intact. "Go away for a few days," she recommends. "There's nothing like a good dose of being left alone to make a man appreciate his wife." Indeed, the tactic seems to be working; in a one-sided phone conversation at the perfume counter, Crystal has to wheedle and connive to convince the cooling Stephen Haines to see her.

But Mary's catty, gossipy friends can't let it drop. Led by her best friend, Sylvia Fowler (Rosalind Russell), they manipulate a humiliating confrontation between Mary and Crystal (one of the most delicious scenes ever filmed) while both are trying on negligees at a fashionable boutique. Publicly devastated, Mary now has to act. Like Othello, she is pushed into a decision she does not want. Urged by her friends to place her reputation above her happiness, she travels to Reno and obtains a divorce.

Her husband now has no excuse but to marry the other woman, who begins looking for greener pastures even while she is the new Mrs. Stephen Haines. He, too, is miserable, or so says Little Mary, their daughter, to her sad but stoic mother. Most divorced women would delight in this outcome as the ultimate revenge. But not our Mary. She misses her husband.

Armed with the knowledge that he misses her too, she confidently manipulates a confrontation of her own in an even more delicious scene in one of the sumptuous ladies' lounges of the 1930s night clubs. As Mary heads out of the lounge to rekindle her marriage, Sylvia demands, "Have you no pride?" With the glow of love shining from her eyes, Mary responds, "No pride at all. That's a luxury a woman in love can't afford!"

The film's ending has been much debated in recent years. Doesn't she sell out to conventional mores? Shouldn't she assert herself? Establish a career? Is she just too weak to imagine a life by herself? The answer is more in Norma Shearer's face than in the words or action of the script. That glow is unmistakable — she is not selling out. She is, indeed, asserting herself by going after the one thing she wants: her marriage. It's one of my all-time favorite scenes.

Deciding to remake such a time-honored classic as "The Women" would be risky even in the hands of a talented and seasoned director. Why would a first-time director even bother? Perhaps Meg Ryan, Annette Benning, Eva Mendes, Debra Messing, Jada Pinkett Smith, Candice Bergen, and Cloris Leachman consider themselves on a par with Norma Shearer, Rosalind Russell, Joan Crawford, Paulette Goddard, Joan Fontaine, and Marjorie Main. If so, they are sadly mistaken — and they have made their mistake abundantly clear. The only cast member who could possibly qualify is Bette Midler, and she is woefully underused.

As expected, the remake of "The Women" is a mere caricature of the original, more sitcom than film presence. And no wonder — director Diane

English's career has been in television, mostly writing episodes of "Murphy Brown" and "The Mystery Files of Shelby Woo." She doesn't seem capable of eliciting nuanced performances or complex emotion. Every character is a stereotype, every movement and expression an overaction.

Moreover, the film doesn't transfer well to the 21st century. Developing a stage play and then a film with an all-woman cast was far from gimmicky in the 1930s, when husbands and wives often lived parallel lives in separate universes. The all-woman scenes take place naturally in the beauty salon, health spa, kitchen, fitting rooms, and perfume counters — all strictly off limits to the 1930s male. Not seen but implied is a similarly one-sided environment in which men spent time only with other men. These two mutually exclusive environments, Luce implied, were damaging to marriage.

But while she made an excellent point about the power of peer pressure, even among adults, the all-woman strategy feels utterly contrived and unnatural today. Men and women now show up side by side — getting hair cuts, running the tread mill, shopping for groceries, caring for children, running the board room. In the 2008 version of the story, having an all-woman cast makes no particular point; it just seems jarring and odd. Even the one woman (Debra Messing) who seems happily married (judging by the fact that she has four young children and another on the way) announces that her husband is living in an apartment downstairs. Say what?

The most ridiculous scene of all takes place as the nanny delivers a blow-by-blow report to the housekeeper about Mary and Stephen's fight over Crystal. Why don't we just go into the bedroom and see it for ourselves? The implication in the original is that Mary and Stephen probably didn't have a confrontation at all. She was more likely to have quietly packed her bags and left him a dignified note, because that's what convention and her wounded pride would have dictated. In a modern film not letting us see the husband makes no point whatever.

English seems to recognize this flaw, so while she goes ahead with the all-woman cast, she resorts to bodily fluids to make her point about the difference between men and women. Her characters continually refer to sex, peeing, breast milk, menstruation, collagen injections, and amniotic fluid, and there's a raunchy reference to saliva, a nail, and a board that I'd rather not repeat. If bodily fluids are indeed the only remaining distinctions between women and men, then maybe there was no need for this remake.

What's really missing from this new film is class. I miss the cool, subtle, imperious delivery of Clare Boothe Luce's catty zingers, the kind that, followed by a sweet smile, can make the recipient almost feel guilty for taking offense, while causing the audience to gasp with shocked delight. I miss Joan Crawford's natural sexiness as she admires herself in the mirror — her Crystal did not see herself as a slut, nor did Crawford play it that way. By contrast, all Eva Mendes needs is a pole — she has the chair and the garter belt.

I also miss the acknowledgement that a woman can find joy and satisfaction in being married to a man — or even having a conversation with one. Luce takes some well-deserved punches at the dangerous peer pressure of the women's club, landing a few knockouts in the process. But English seems honor bound to celebrate '70s-style sisterhood throughout her film. At one point Sylvia says to Mary, "We'll be each other's wives." Fine, if that's what you both want, but Mary wants to be Stephen's wife! Why can't that be acceptable?

The joyfully anticipated reunion at the end of the original is lost as Mary must first establish a career as a fashion designer before her friends will allow her to consider reconciling with her husband. She must be "true to herself" before she can be true to him, they explain. Yet early in the film she is seen happily gardening, cooking, parenting. Why can't a woman be "true to herself" in the kitchen? Is a paycheck the only measure of value today? This is peer pressure in the extreme, and it goes unnoticed and unresolved in this unnecessary film. ❑

Reflections, *from page 32*

to follow a higher code than mortgage lenders or car salesmen. It's been clear for some time that America's top civilian leaders, almost without exception, have trouble telling the truth. One had clung to the hope that our soldiers, sailors, and airmen, and their leaders, were of a higher caliber. Increasingly, it seems they were not. — Jon Harrison

Fish market — There is a sort of order, a thermostatic process, built into the free market system. Amazingly a similar model of checks and balances resides in nature: more predators, less prey — and vice versa.

This obvious observation came to my mind when I read in my local paper that government suppression of bear hunting in the Appalachians had led to the attrition of the southern Appalachian brook trout. I think most 3rd graders who couldn't even spell "Appalachian" could have deduced that fewer bears, more fish. The situation is complex but, trust me, fish didn't like it. Good thing they don't vote.

Now another violation of the order of checks and balances: a $700 billion intrusion into the credit markets. No, it won't decimate the southern Appalachian brook trout, but it might decimate the taxpayer. Here again, government has the same thin understanding of the financial system as we do of dead fish.

Man is the only creature that has the hubris to think he controls the world he lives in. He pays for this sin with dead fish and empty pockets. Ecology or economics, it's all the same. — Ted Roberts

Who sees what — The great story of 2008 is not only government inability to deal with economic crises but public realization of the truth, long familiar to libertarians, that economic disasters can't be solved by government, just as the great story of 1989 was that command economies collapse.

State-jiggled capitalism suffers from contradictions causing its own demise. Will the worldwide intelligence gained by this realization inform the current elections first in Canada and then in the United States? — Richard Kostelanetz

Terra Incognita

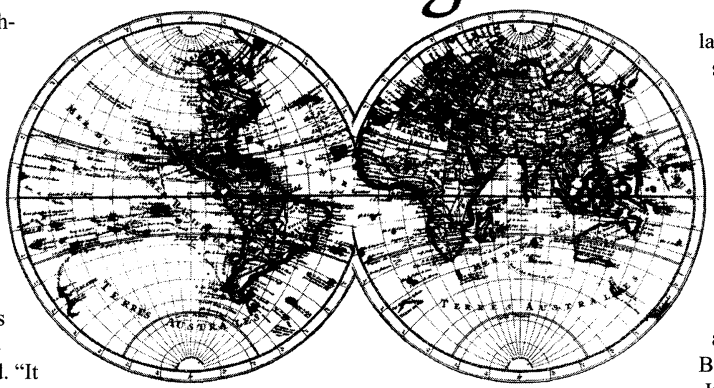

San Diego, Calif.

Provocative suggestion to help reduce airport congestion, as reported in the *Los Angeles Times*:

A San Diego City Council 8th District candidate has proposed that a second major airport be built in San Diego so that Lindbergh Field "can be used just for incoming flights."

Hayden, Idaho

Advance in exorcism technology, recorded in the *Seattle Times*:

A man who believed he bore the "mark of the beast" amputated one of his hands, put it in a microwave and summoned authorities, Kootenai County sheriff's deputies say.

"He put a tourniquet on his arm before, so he didn't bleed to death," sheriff's Capt. Ben Wolfinger said.

Seattle

Legal note, from the *Seattle Post-Intelligencer*:

Seattle City Councilman Richard McIver used city money to pay a $1,000 fine levied by the Seattle Ethics and Elections Commission last month after finding that he had given the appearance of favoritism in awarding city contracts to a longtime friend.

Ethics and Elections Director Wayne Barnett said he will return the money to the city's law department, which issued the check. "It is absurd," Barnett said. "It violates the public trust to pay the fine with public money."

In a brief response, McIver said he and the law department believe the Municipal Code allows the city's judgment claims fund to pay the fine, because the violation happened during the course of his work as a city councilman: "It is regrettable that I am now caught in the middle of a disagreement over the interpretation of the law."

Bucharest, Romania

Putting on a happy face, from the AFP wire:

Upbeat news would have to make up half of all newscasts on all of Romania's radio and television stations, under legislation adopted unanimously in the senate.

The measure is the idea of two senators who bemoan the "irreversible effect" of negative news "on the health and life of people." Its aim, they said, is to "improve the general climate and to offer to the public the chance to have balanced perceptions on daily life, mentally and emotionally."

Zheleznovodsk, Russia

The unveiling of a masterpiece, from the *Moscow Times*:

A monument to the enema has been unveiled at a spa in the southern Russian city of Zheleznovodsk. The bronze syringe bulb, which weighs 800 pounds and is held by three angels, was unveiled at the Mashuk-Akva Term spa.

"There is no kitsch or obscenity, it is a successful work of art," spa director Alexander Kharchenko told reporters. "An enema is almost a symbol of our region."

Narva, Estonia

New take on the underground economy, from *The Telegraph (U.K.)*:

A group of suspected smugglers are to go on trial for pumping thousands of liters of cheap Russian vodka into the European Union through an underwater pipeline.

Prosecutors said the men had tried to sell a vast amount of vodka in November 2004, but found no takers since the quality was so poor. They later sold their stock in Tartu, an idyllic university town that is Estonia's second largest city.

Hundreds of Russians die each year from drinking ultra-strong homemade vodka, and many who live in the country's poorer regions resort to drinking shoe polish and cologne in an attempt to get drunk.

Hilton Head Island, S.C.

Ridding our schools of the scourge of school supplies, from the *Hilton Head Island Packet*:

A 10-year-old Hilton Head Island boy has been suspended from school for having something most students carry in their supply boxes: a pencil sharpener. The problem was his sharpener had broken, but he decided to use it anyway.

A teacher at Hilton Head Island International Baccalaureate Elementary School noticed the boy had what appeared to be a small razor blade, according to a Beaufort County sheriff's report. It was obvious that the blade was the metal insert commonly found in a child's small, plastic pencil sharpener, the deputy noted.

Canton, Ohio

A peculiarly specific message, passed along by the *Peoria Journal-Star*:

The liquor license for a Canton business will be suspended for 60 days because two women wrestled topless at a recent "midget wrestling event." Bar owner Kim Scott said she had a contract with the Micro Wrestling Federation for male wrestlers to perform. When the group arrived, Scott said, two women in oil were wrestling topless while she was outside smoking.

The penalty is substantial, Mayor Kevin Meade said after the city liquor commission voted unanimously to suspend the license for Outskirts Bar and Grill. "It's meant to send a message to other businesses in town that this won't be tolerated."

Seattle

New direction in immunology, from the abstract of a presentation made at the Seattle Bioneers Conference, Oct. 17–19, 2008:

Gaia's Immune System: Restorative and Sustainable Medicine
Presented by Christy Lee-Engel

A presentation on what "natural medicine" is and how it relates essentially to environmental restoration and social change work.

This presentation will be followed by a facilitated discussion, tapping into the group's collective wisdom to find out how we can all support each other in being Gaia's immune cells.

Special thanks to Russell Garrard and Tom Isenberg for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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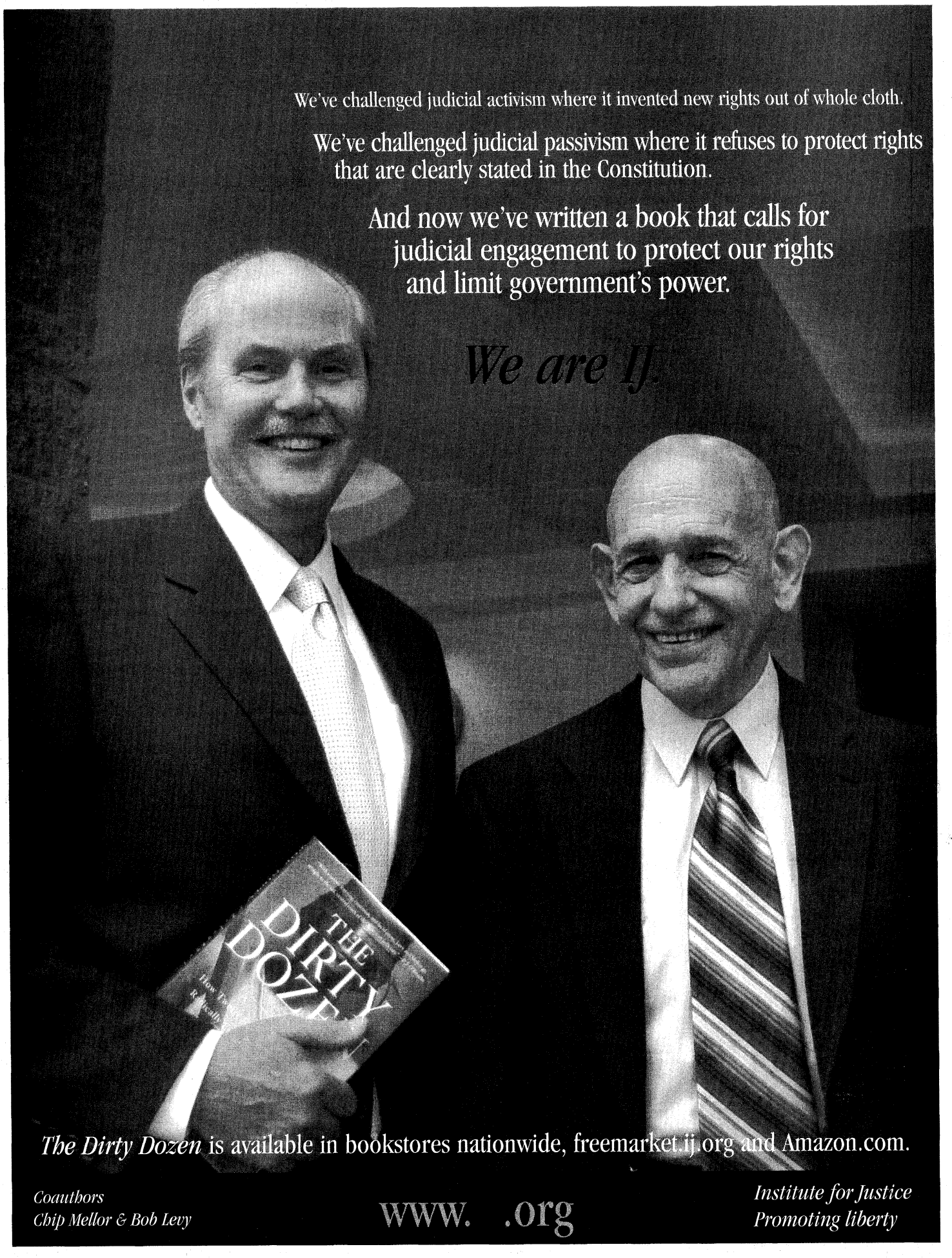

The Dirty Dozen is available in bookstores nationwide, freemarket.ij.org and Amazon.com.

Coauthors
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Is the Constitution Dead?

Election 2008:
Beyond the Pundits' Palaver

by the Editors & Contributors

The Greatest Place Where No One Goes

by Doug Casey

Confessions of a Government Planner

by Warren Gibson

Also: *Barbara Branden* exposes political hypocrisy, *Gary Jason* cracks down on unions, *Jim Walsh* explores the best and the worst of the internet, *Ross Levatter* examines the failures of government-run schools . . . plus other articles, reviews & humor.

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Inside Liberty

January–February 2009
Volume 23, Number 1

4 Letters Our readers fire back.

16 Reflections We waste our votes, call shenanigans, shed a tear, abandon ship, and realize we can't afford "free."

Features

7 Election 2008: Beyond the Pundits' Palaver We analyze the quadrennial national tragicomedy.

21 Report From the Battlefield *Bruce Ramsey* takes a libertarian view of the races and issues in the recent election.

25 Confessions of a Planning Commissioner *Warren Gibson* becomes part of a little group of well-meaning people.

31 The Greatest Place Where No One Goes Go to Uruguay, *Doug Casey* urges, before everyone else does.

35 Masters of the Blog *Jim Walsh* looks for gems in the internet jungle.

41 Beyond Open or Closed Borders *Laurence M. Vance* argues that solving the immigration issue is more difficult than opening borders.

45 The Year I Could Have Shaken the World *Jacques Delacroix* remembers his youthful discovery of a communist world.

51 The Ethics of Closed Shops Should the law constrain adults' freedom of contract? Sometimes, *Gary Jason* argues, it must.

Reviews

55 Education, Real and Unreal Charles Murray sheds light on our schools; *Ross Levatter* examines the results.

58 Revised and Incomplete *Mark Skousen* finds that "Basic Economics" misses some bases.

59 Unchained State Who turned loose the state? *Robert P.Murphy* spreads the blame widely.

61 History Lite *Jon Harrison* discovers in "W." an impressive surface and very little depth.

62 Ease on Down "The Road" *Jo Ann Skousen* travels a route that is both ugly and poetic, tragic yet redolent of hope.

63 Bureaucrats of Easy Virtue *Bruce Ramsey* turns the spotlight on the waste of resources used to fight AIDS.

65 An American Gargle *Stephen Cox* watches a film he wants to like, and runs screaming from the theater.

67 Empty and Ugly *Jo Ann Skousen* views a film that has the director, the star, the topic — and falls flat.

68 Filmnotes Naked capitalism and cold calculation.

56 Notes on Contributors The people who count.

71 Terra Incognita Who pays them to do these things?

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Letters

Running the Numbers

Before making "The Case for McCain" (November 2008), Stephen Cox apparently didn't bother to read Bruce Ramsey's "Case for Obama." Cox wrote, "Obama may gain a state, and thus win the election, if there's an outpouring of antiwar conservative and libertarian votes for Barr."

But many libertarians (like Bruce Ramsey) are antiwar! Therefore, many of those libertarian votes would otherwise have gone to Obama. The November Reason just reported that a July Rasmussen poll found that libertarians "favor Barack Obama over John McCain, 53% to 38%." If McCain wins, will Liberty analyze how libertarian voters cost Obama the election?

Unlikely. In his writings in Liberty, Cox consistently assumes — as does the mainstream media — that a libertarian is simply a dissatisfied Republican. As a staunch libertarian, I am repelled by the Republican drive for a theocratic police state, and I would rather endure a century of Democrat presidents than four years of a Republican one.

Thomas Giesberg
Rosharon, TX

Who to Blame

Mr. Cox, if you are a libertarian (and I think you are not a strong one), you need to stay away from your Republican friends. They have filled your mind with a pessimistic loser attitude about libertarianism. Both Republicans and Democrats have similar views. They have both socialist and socialist-leaning views.

Your view that McCain might have a libertarian idea once in a blue moon is not enough. Obama might have one too. But they're both socialists.

If you want to be happier with our political system, think about this: I have heard of surveys that as many as 20% of the U.S. population at one time or another have had essentially libertarian views. So think about this: the Republicans survey around 30%, the Democrats survey around 33–35%. So, if the libertarian vote could be inspired to vote for the Libertarian candidate, the Libertarian Party could be a substantial third-party choice. But the attitude of people like you always decreases that vote.

Richard Howard
Canberra, Australia

Cox responds: Despite Mr. Howard's suggestion that the Libertarian Party would be getting a huge proportion of the vote if people like me weren't so pessimistic about it, I have no such power to deprive the LP of votes. What has inspired virtually everyone's pessimism is simply the consistent electoral failure of the Libertarian Party, over many years.

Mr. Howard associates ("strong") libertarianism with voting for the LP. Mr. Giesberg associates libertarianism with never voting Republican. Since the majority of Americans cast Republican votes at one time or another, and very

Letters to the editor

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few Americans cast Libertarian Party votes, this is itself a very pessimistic way of looking at the prospects of libertarianism.

I am not the least bit pessimistic about the future of liberty. I believe that liberty, as libertarians understand it, will endure and triumph. Its political triumph, however, requires some strategic thinking, some freedom from sloganeering, and some willingness to work with Republicans as well as Libertarians and Democrats. Incidentally, my party registration is Libertarian.

Know When to Walk Away, Know When to Run

As an active participant in the beltway game, Catoite David Boaz understandably wants to know how to corral the libertarian vote and spends several paragraphs (Reflections, November 2008) musing about this electoral predicament. He concludes with the possibility of a nonpartisan libertarian advocacy group to advance the cause.

I'll save Boaz and his band of libertarian brothers the time required to plot their power and the pain of inevitable failure — first, playing the game of collectivism is wrong and second, it will never work.

Trying to pin your hopes on a "libertarianish" politician who might crusade for things like drug legalization, lower taxes, and a cessation of the Iraqi

continued on page 70

From the Editor

A few years ago, when Al Gore announced his formal retirement from electoral politics, I was deeply distressed. It wasn't because I had any liking for him, or for the causes he espoused. It was because he was a dependable inspiration for political analysis and good, old-fashioned fun. With Gore around, you could never run out of copy; everything he said or did alerted you to some . . . uh . . . interesting fact about American political life. And with Gore, you could never run out of laughs.

In the 1990s, there were a lot of political figures like that. Bill Clinton was one. His wife and numerous friends were others. And so were most of their pitiful adversaries on the Republican side of the aisle. The 2008 primaries guaranteed that this tendency would continue. To my mind, each of the major-party candidates was an encyclopedia of political folly, a virtually endless syllabus of errors, and awful errors, too.

I'm not a fan of Will Rogers; and if he had ever encountered me, I think he would have modified his declaration that he'd never met a man he didn't like. Yet on at least one subject Rogers said something true. He said that the greatest comedians were in politics, but the problem was that every time they made a joke, it was a law.

Like the jokers who lost the 2008 election, the jokers who won it are exponents of big government who have learned almost nothing from the history, economics, political thought, or common sense of the past two centuries. They are virtually at the end of the intellectual chain of command. And yet, they will make the laws.

I want you to know, by the way, that these words were written several days before the election. I'm not writing out of disgruntlement with the specific results. I'm writing out of disgruntlement with the current political culture.

I also want to tell you, however, that this journal has no intention of giving up its case for liberty. No intention whatever.

Our editors and contributors are a diverse and quarrelsome bunch. Pugnacious. Prickly. Fractious. Hypercritical. But determined. Regardless of whom we voted for, or considered ourselves forced to vote for — and regardless of whether we voted or refused to vote — we are not going away. We'll be right here, exposing the errors of both the winners and the losers. And we'll be right here, rejoicing in the knowledge that America's great heritage of liberty and prosperity can be restored, enhanced, and enriched beyond anyone's ability to imagine, whenever people of courage and intellect discover it, understand it, and decide that they will act on it.

That has always been Liberty's message. That is Liberty's message now.

For Liberty,

Stephen Cox

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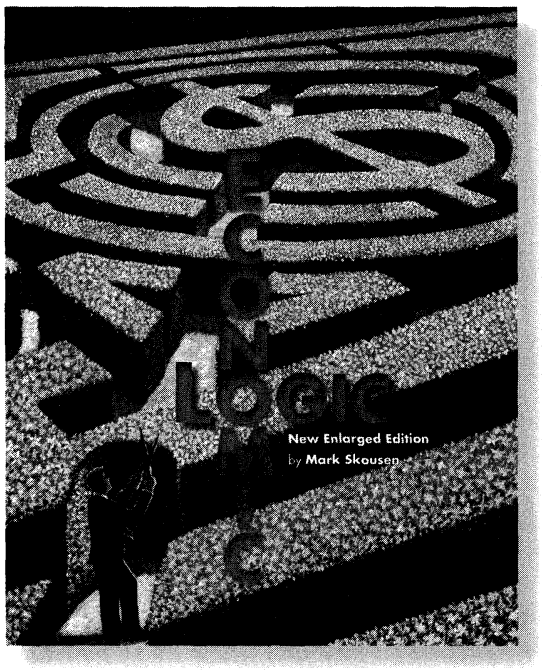

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K. Au, home school instructor
"This book is perfect for any economics student -- simple, direct, and comprehensive. I love the final chapter, 'What Do Economists Do?' which discusses career opportunities and trends. Skousen's book is designed to maximize learning while minimizing monotony."

Mark Skousen, Ph.D., has the unique background of teaching at a major institution (Columbia University), working for the government (CIA), running a non-profit organization (Foundation for Economic Education), and operating several successful multi-million dollar businesses (Skousen Publishing Co., FreedomFest). He is the editor of *Forecasts & Strategies*, a popular award-winning investment newsletter (www.markskousen.com), has written for *Forbes* and *Wall Street Journal*, and is a regular contributor to CNBC's Kudlow & Co. His bestsellers include *The Making of Modern Economics, Investing in One Lesson*, and *EconoPower*. In honor of his work in economics, finance and management, Grantham University renamed its business school, "The Mark Skousen School of Business."

Election 2008

Senate-stein — As of press time, there is apparently no answer as to whether alleged comedian Al Franken will be elected to the Senate. In fact, I highly doubt there will be any resolution by the time this is published. Those who dispute me are forgetting Franken's career as a talk show host. His show on Air America was unlistenable from day one, yet it persisted, like an untreated toenail fungus. His show was only curtailed by his entrance into the Minnesota senatorial race, a move that gave him the chance to exit his failed show with his pride still intact. It has to be difficult for a man who has made a career lampooning senators and talk show hosts as simpletons to learn he is unqualified for either job. — Tim Slagle

Most important election this year — "Every four years, someone tells us this is the most important election in our time," notes PBS news anchor Jim Lehrer. "But the 2008 election truly is the most important presidential election in my life."

But how can we tell how important an election is until well after it is over? Looking back over my life, I'd have to say the 2000 election was the most important. America survived Lyndon Johnson. America survived Richard Nixon. America survived Bill Clinton. But America, as we know it, may not survive George Bush.

Bush got us into an unnecessary, expensive, and immoral war. Bush greatly increased deficit spending and unfunded obligations. By these actions, he effectively destroyed the value of the dollar on world markets, imposing huge burdens on American consumers.

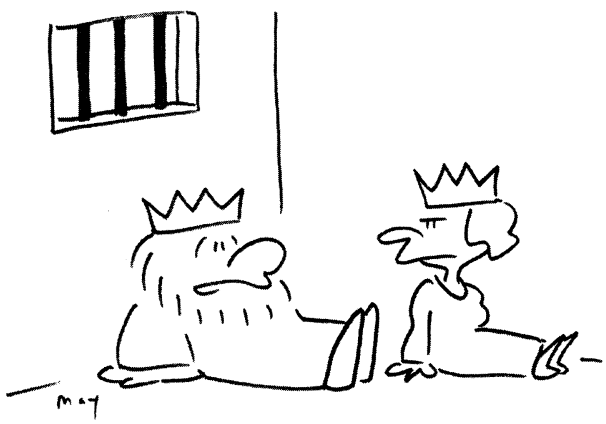

"I was all ready to deal with the military, but I never expected an *IRS* coup!"

One candidate this year promised to fix Bush's foreign policy mistakes but continue spending. The other promised to fix Bush's budgetary mistakes but continue an aggressive foreign policy. So it is hard to see this election as important as the one in 2000. — Randal O'Toole

One down? — Take a moment to pat the back of those jurors who rang up Alaska Sen. Ted Stevens on seven felony counts of corruption. Stevens has made a career out of transferring money from taxpayers to Alaskan corporate interests, and a fortune off making sure that some of that money falls into his pocket along the way. It's likely to be a symbolic victory — Stevens, amazingly, looks to have beaten back the challenge of Anchorage mayor Mark Begich, and no judge will sentence an 84-year-old sitting senator to jail time.

Stevens has insisted that he "will fight this unjust verdict with every ounce of energy I have." And at 84, who knows how many ounces of energy he's got left? No matter, it's — at best — one felon out of Congress, a few hundred left.

— Andrew Ferguson

Disaster management — Free-market supporters have already largely abandoned the GOP after eight years of Bush. Those remaining have trouble explaining to the many populists why the events of the past several months do not mean that government intervention in markets is a good idea.

Thomas Sowell described this election as a choice between a disaster and a catastrophe. Who could disagree? But it is perhaps more than a mere catastrophe that individual freedom continues to slip away, amid economic troubles that most pundits think were caused by laissez-faire. — Ross Levatter

Yes he might — I am writing this Tuesday evening, with 66% of the precincts reporting. As predicted, Obama won, although his margin in the popular vote is less than most of the polls predicted. The Republicans have 40 Senate seats with four more still undecided; while the Democrats will have majorities in both houses, it is not yet clear if they will be filibuster proof.

What remains to be discovered is what sort of president Obama will be. Judged by his past record, he will be a very liberal one which, combined with Democratic majorities in both houses, could be very bad news. If, on the other hand, you judge him by the academics around him, people such as Cass Sunstein, Larry Lessig, and Austan Goolsby, and by the better elements of his campaign oratory, he might turn out pretty well.

My hope — I think the odds are less than even but well above zero — is that part of his idea of change involves reshaping the policies that define the Democratic coalition, abandoning much of the New Deal consensus and accepting a considerable part of the free-market ideas associated with Chicago and Reagan. The coalition would still define itself as Left, but a Left defined by support for income redistribution rather than extensive intervention and regulation, and also by support for greater liberty in social matters and, with luck, less arbitrary federal power.

If that happens, one result might be to shift a large part of the libertarian vote, broadly defined, away from the

Republican Party, a party that has given us very little of what we want over the past two administrations. An administration that limited its efforts to help the poor to giving them money, while substantially reducing the degree to which helping the poor was used as justification for policies that make most of us, including most poor people, poorer, would be a considerable improvement over what both parties have been giving us. It would be very much less than what we want, but probably as much as we have any basis to hope for.

There is one result of special interest to libertarians. The LP this year took the gamble of nominating a not very libertarian candidate, a person with a national reputation instead of a hardcore libertarian, whom nobody outside the movement had ever heard of. A few months back it looked as though it might pay off with a lot more votes than LP candidates have gotten in the past. Now that the votes are counted, however, Barr seems to have gotten about .4%, a little worse than the party's best past showing. — David Friedman

McDrain — Where did John McCain blow it? He was looking rather steady up until the second debate, right after the trillion dollar bailout was passed. I've talked to many people who claim that he made two big mistakes. He promised to veto pork-barrel spending, then signed onto a bill after it had been inflated with $150 billion of pure pork; it made his veto threats as useless as Bob Dole before the invention of Viagra. Secondly, he went into the debate and announced that the federal government would buy up all the upside-down mortgages, and let home owners refinance them at a reduced value. I think at that point most people decided that there wasn't really too much difference between the candidates.

I also wonder why John McCain's military service was not more of an issue In past elections, military heroes have often risen to the presidency: George Washington, Andrew Jackson, Ulysses S. Grant, Teddy Roosevelt, Dwight D. Eisenhower, and John F. Kennedy were just a few of our military heroes to assume the office. John McCain might have been a hero, but he was a hero from a lost war, a war that many would like to forget. Bill Ayers, who might as well have been fighting alongside the Viet Cong during that conflict, was on the winning side of this electoral battle. Perhaps the popular comparisons between Iraq and Vietnam have taken firm root in the national zeitgeist. — Tim Slagle

Revenuers' resurgence — One of the underappreciated qualities of W. Bush's administration was its deemphasis on aggressive tactics at the Internal Revenue Service. Despite the late-night television ads that scream about liens, levies, and seizures, the IRS has in fact trod relatively softly on individuals and small businesses.

Expect those days to be over. The combination of the recession and Obama's plans for sharing the wealth will almost certainly mean a return to aggressive assessment and collection tactics. The antibusiness and antiindividualist nature of IRS collection practices has been well-documented. It is a political vulnerability of the leviathan; and we need to hammer it constantly. — Jim Walsh

The black establishment — It seems to me that the Democrats should take a lot of blame for the country's having to endure eight years of George W. Bush as president. It's not as if they gave us much choice. In 2000, they nominated a crackpot, the man who both claimed to have invented the internet and to have been the model for the Ryan O'Neal role in "Love Story." Compared to Al Gore, Bush looked like the soul of common sense and steady leadership.

Then, in 2004, the Democrats came up with a truly loathsome character, a man who had launched his political career by telling a Senate committee that, in the rape-murder-pillage department, American soldiers in Vietnam were worse than the hordes of Genghis Khan — and went on to lose the popular vote by almost exactly the number of Vietnam veterans in the country.

It wasn't that way in 2008. This time, the losing side nominated a man most Americans would have been proud to have as president. When John McCain lost to a man with an African father, it's not because the Republicans tripped over their own toes. It's because the country really wanted Mr. Obama to be president. Which says an awful lot about our country.

To me, it says that it's time for the civil-rights industry to shut the hell up. The election of an African American to the presidency didn't come about because of some sudden racial awakening on Nov. 4, 2008. It came about because of a fundamental shift in racial attitudes that took place decades ago. Anybody who grew up in the '60s knows that the hearts-and-minds work had been completed for a quarter of a century. Minimum.

Since then, whatever racial divisiveness may still hold African Americans back hasn't come from the white community, at least for the most part. It's come from the people who have made good lives for themselves by claiming to represent the grievances of African Americans.

Which is my long-winded way of saying that the real lesson of yesterday's election is that, not only isn't America particularly racist anymore, it hasn't been for a long time. And those people who made their careers by trying to see to it that the racial divisions of our past were never healed owe all of us, and especially our African American brothers and sisters, a huge apology. Don't you think so, Mr. Jackson? Wouldn't you agree, Mr. Sharpton? — Bill Merritt

Self-medicating — The Medical Choice for Arizona Amendment, Proposition 101, sought to place in the Arizona Constitution the right of citizens to opt out of any government healthcare program and spend their own money on their own health as they saw fit — a seemingly innocuous claim. If passed, it would potentially have set up a Supreme Court case on federalism if a universal care program were passed by Congress (according to Clint Bolick of the Goldwater Institute). As I write, on the morning after the election, it is failing by fewer than 1,000 votes out of more than 1.68 million cast, despite being outspent four to one by pro-government groups. Ironically, efforts to raise money for this proposition from out-of-state libertarian political philanthropists failed because they thought the amendment had no chance of passing. It may still pass; over 100,000 mailed ballots will be counted tomorrow.

Meanwhile, Arizona's Prop 102, amending the state constitution to add to the existing clause on marriage "Only a union of one man and one woman shall be valid or recognized as a marriage in this state" is currently passing, 57–43%. Prop

8 in California, which amends the California constitution to eliminate the recent judicially-recognized right of same-sex couples to marry in that state has passed. It seems that as the economy shrinks, so does people's empathy for the other guy's problems, concerns, and desires. — Ross Levatter

You're doing it wrong — I occasionally get emails from a meetup list of Ron Paul supporters in the area around Olympia, Wash. The day before the election, a number of frantic emails were sent to people on the list. Among these was one that included the following:

> We are on the verge of electing a man that cannot put his hand on the Bible and swear to uphold the Constitution against enemies foreign and domestic. He can't do it, he can say it, but he can't up hold the oath because he already said he doesn't believe in it as written. He even believes Jesus was black, as does his Afro-centric - non-American-centric "pastor!" . . . I hope to God the Manchurian Candidate McCain wins and the *despicable* Marxist, Kenyan-born, Indonesian citizen, mulatoo-in-chief wannabe loses. That son-of-a-bitch will appoint judges that make Ruth Bader — the anti-christ Jew — Ginsberg look like a moderate. The Founding Fathers will be spinning like tops in their graves and it is our greatgrandparents,our grandparents and our fault.

I've written before about the cranks that the libertarian movement, like any group assembled around a political philosophy, attracts. In the months ahead, as Obama takes office and we debate how the support of limited government should go forward, we have to be mindful of the small-mindedness and hatred that still exist in the world. And we have to make sure there's no place for it in the rational opposition to the new president's statism. Obama's ideas about individual rights and property — not the color of his skin or the church he frequents — are the problem. — Jim Walsh

Rolling right along — There are several good things I can say about the election. First, thank God the disgusting campaign we have had to endure for almost two years is now over. Second, the election signals the end of the disastrous presidency of George W. Bush. Third, and best of all, the Republican Party lost, and lost big. The bad thing, of course, is that the American people elected the most liberal and most radical member of the U.S. Senate. But what are we to expect, since the election was nothing but a choice between a socialist and a national socialist?

This has been an extraordinary campaign. The arrogant Libertarian Party candidate, who spent his entire political life as a Republican, campaigned more as a former member of Congress than he did as a libertarian. When will the Libertarian Party realize that since it has no chance of winning the presidency, it might as well run on a radical libertarian platform to get the libertarian message out? Meanwhile, the best candidate in the Republican Party primaries was the true libertarian. Even so, he was treated shamefully by some libertarians, and with utter contempt by others.

This election signifies a wholesale repudiation of the despicable Bush presidency. With his unnecessary wars, infringements of civil liberties, violations of the Constitution, establishment of an imperial presidency, and destruction of the economy, he will go down in history as the worst Republican president since Lincoln.

The Republicans deserved to lose as badly as they did, and more. Their crony capitalism, profligate spending, massive government, mockery of the Constitution, open-ended wars, acceptance of the neoconservative agenda, and empty rhetoric of free markets and limited government earned them the wrath of voters, who, in response, finished the job they started in the last congressional election.

Unfortunately, the Republican Party's loss is the Democratic Party's gain. This is the party that Strom Thurmond left in 1964, saying, among other things, that it was "leading the evolution of our nation to a socialistic dictatorship." Barack Obama, with his radical associations, his life spent in the service of racial preference, his aberrant Christianity, and his plan to further redistribute the wealth of taxpayers to tax eaters will certainly lead us closer to the promised land of the hard-left state feared by Thurmond. We can expect a bigger, more intrusive, and more interventionist government.

As a Christian, I find Obama's position on abortion reprehensible. But because I believe that pro-life sentiments should be extended to foreigners outside of the womb, I have equal contempt for McCain's support of perpetual war. As usual, no matter who won the election, the American people who treasure more liberty and less government lost. The welfare-warfare state will continue unabated. — Laurence M. Vance

Our Founders' failures — Many proponents of gun control justify the obvious constitutional violation by noting that our founders could never have conceived the weaponry available in a modern world. Muskets and cannons were the most technologically advanced weapons of their day; even simple repeating rifles were still years away. This forgivable oversight on the part of our founders is the reason why the Second Amendment is often reinterpreted, even by strict originalists. Only the most ardent libertarians recognize an individual's right to bear a nuclear missile.

I believe another oversight was the founders inability to foresee mass media. In a day when news traveled at the speed of horseback and electricity was a strange force Benjamin Franklin pulled out of the sky, who could have imagined telegraphs? Today radios, televisions, and computers bring candidates into our homes and cars, and it is very easy for the audience to imagine a personal relationship with candidates.

Nor did the founders imagine that their distain they held for democracy would ever be forgotten by the American people. They assumed that the task of appointing a president would always fall to the legislature, unless by rare circumstance the nation would need to rally behind a single candidate. The founders believed that only a handful of men would ever gain the type of national popularity that George Washington held, but in today's political arena he would seem like a folk singer.

So imagine our founders' dismay had they foreseen the election we all witnessed on Nov. 4th. An election that was not based on any real knowledge of a candidate's position or accomplishments, but one based entirely on a cult of personality. The more cynical among us might actually consider Barack Obama the highest level affirmative action appointment in the entire history of equal opportunity. Meanwhile, consider all the wonderful things we have to look forward to: energy rationing, nationalized health care, and mandatory public service have all been suggested. Not to mention

a couple Supreme Court appointments that will make Noam Chomsky look like a moderate.

Perhaps, if our founders had known how presidents would be elected in our time, they would have secured the reins a little bit tighter; but the horse is out of the barn. There is no way Americans would ever tolerate a tightening now. They are convinced that voting for president is a basic constitutional right of every citizen, no matter how ignorant or uninformed that citizen might be. Even the Electoral College, one of the last mechanisms in place to prevent a populist president, is under scrutiny in some political quarters, and many want to eliminate it.

So what do we have left? Perhaps we do need to regulate the First Amendment with the same enthusiasm and rationale some have for regulating the Second. Or perhaps we need to reconsider the ban on nuclear missiles. — Tim Slagle

The need for liberty — The morning after the election, CNN's online service reported that Wall Street might be happy enough with Obama: " 'The people have spoken and it's wonderful that the Supreme Court didn't have to decide the election. Obama has a pretty clear mandate,' said Phil Dow, director of equity strategy for RBC Capital Markets in Minneapolis." Meanwhile, the stock market fell 486 points.

As I emphasized after the last presidential election ("Politics vs. Ideology: How Elections Are Won," February 2005), American elections are ordinarily won by slim margins. Talk about "mandates" is always heard from adherents of the winning party, but it almost never amounts to anything. Further, both the winning and the losing sides are composed of such diverse voters, swayed by such diverse interests and priorities, that attributing a candidate's victory to public agreement on some idea or philosophy is preposterous.

Victory can, of course, be speciously attributed to almost anything that might have provided a winning margin: a small gaffe made by the opposition, a rise or fall in economic indicators, some local proposition that drew certain voters to the polls in a state that happened to be crucial. Any of these factors, once identified, can be used to explain the whole thing — at least by people who are professional advocates or adversaries of special causes and interests.

After the 2004 election, we heard much about how the religious Right had engineered a victory for the Republicans by attacking gay marriage and so forth. Shall we now hear that the religious Left, of whom Sen. Obama is the most distinguished representative (even ahead of Bill Moyers, who routinely calls himself "this Baptist"), engineered the 2008 election by supporting its own causes and interests? Or shall we hear that it was antigay bigots in California who elected Obama, because the state simultaneously voted for him and for a ban on gay marriage? Naturally, we won't hear either of these things — but only because the media are overwhelmingly in favor of Obama and are overwhelmingly sympathetic to the religious Left.

Yet the point is made: it was not one issue, cause, or ideological principle that in 2008 gave the Democrats an electoral victory that was well within the normal range of American voting patterns. I would argue that the Democrats' ideology was actually so evanescent, its candidates so weak, its policy suggestions so unpopular, that their opponents almost stopped them, despite the country's massive economic problems and the Republicans' obvious incompetence.

However that may be, I am with those who believe that the defeat of the Republican Party will be good for *it*. It now has the chance to throw out the country-club Republicans and RINOs (Republicans in Name Only) who have dominated it during this administration, and return to a sincere advocacy of limited government, thus returning meaningful choice to party politics.

Clearly, libertarian thought, and libertarian thinkers, will be needed if the GOP is to stage a comeback. Libertarians should keep in touch with whatever forces exist in the Democratic Party that are favorable to personal liberty, reminding them always that liberty is liberty, and that granting my freedom to sleep with whom I want is no different, in moral principle, from granting my freedom to spend my money as I want. But the Democrats, heady with victory, neither need nor want us. The Republicans — who claim to be the party of limited government, which the Democrats never do — have a real need for us now, and many of them know that they do.

This is no time for libertarians to give up on American political life, or to sacrifice opportunities to influence it. It is the best time of all for libertarians to interest themselves in the Republican Party and in every caucus, thinktank, petition drive, and political action group that can give it an impetus toward liberty. — Stephen Cox

Getting rid — The election is finally over, and the Democrats have gained the presidency and increased their majorities in both houses of Congress. Politically, they seem to have come full circle from 1968, when the New Deal coalition, which had dominated U.S. politics for a generation, began to disintegrate. Perhaps more importantly, the voters have elevated an African American to the highest office, a result few expected when Barack Obama declared his candidacy almost two years ago.

What caused this outcome, and where could it take us in the future?

It is quite clear (to me, at least) that the country has not truly veered that far to the left. The heavy Republican defeats in 2006 and 2008 were the result of the failed policies of the Bush administration. Those policies, labeled "compassionate conservatism" by the administration's defenders, looked suspiciously liberal to the detached observer. Out of control spending at home and nationbuilding abroad were never part of the Republican agenda before 2000. The former was the product of the Rovian conception of sacrificing principles for votes. The latter was something that Bush explicitly rejected in the 2000 campaign, then took up as president – partly, I believe, as a fig leaf to conceal the oedipal nature of his drive for war in Iraq, and partly as a concession to the idealistic (or, to be plain, soft-headed) quality often displayed by the American people in foreign affairs.

At the same time, the Bush administration signally failed to police the nation's financial markets. To set the rules of the game and see that they are enforced is a classic conservative principle of government going back to Adam Smith and beyond. The administration's failure in this basic task led to the mortgage bubble, its inevitable bursting, and the credit crunch and economic slowdown that followed.

The Democratic victory, then, was a "throw the bums out" affair, as opposed to a major ideological swing. Indeed, Republican losses should have been even heavier than they were. The standardbearer, John McCain, ran a terrible campaign. He selected as a running mate a woman of vast inexperience and mind-numbing banality, though her shapely legs and come-hither winks apparently won over some goofy right-wing pundits, as well as some voters of the yokel variety who might otherwise have stayed home.

A blowout of 1964 proportions should have hit the Republicans. It didn't quite happen, first because the country has not moved that far to the left, and second because Barack Obama was the Democratic presidential candidate.

Obama can almost be called an accidental president. Had he failed to win the Iowa caucuses, he would today still be the first-term senator he was when he boldly declared his candidacy. Hillary Clinton, who defeated him first in New Hampshire and then in a string of head-to-head contests in some of the biggest states, would today be the president-elect had she (or for that matter, any other Democratic candidate) defeated Obama in Iowa. A few thousand Iowa Democrats decided who the next president would be.

Had the financial panic that began in September occurred after the election, I believe Obama would still have won. He never trailed in the polls, save for a brief period immediately after the Republican convention. But his margin, I think, would have been razor-thin, despite the fact that 2008 was going to be a Democratic year. Absent the meltdown on Wall Street, Obama's race, and his inexperience, would have made the election much closer than it turned out to be.

But I come to praise Obama, not bury him. Like fellow right-wingers Chuck Hagel, Peggy Noonan, Christopher Buckley, Ken Duberstein, and Susan Eisenhower, I favored him over McCain. Speaking for myself only, I regard his victory as possibly the last chance we have to rein in the American empire before it brings us to ruin. Obama may not be able or perhaps even willing to do much about this. But I am convinced that McCain would have been far worse, continuing the Bush line toward Iraq and Iran and pushing a forward policy in places like Georgia, with potentially terrible consequences for our country.

Of course, the very fact that an African American has won the presidency is itself something to celebrate. America suffers from two original sins. The first, unredressed to this day, is its treatment of the aboriginal peoples. The second was slavery. We fought the Civil War in large part to expunge that sin. The Civil Rights movement of the 1950s and '60s marked a further step. Now, with the elevation of an African American to the highest office, we may perhaps be approaching (though it is no doubt still distant) the day when race no longer matters in America.

Obama is a smart and disciplined person, but he lacks experience. Much will depend on the quality of the people he chooses to advise him and manage the machinery of government. I tend to believe he will choose wisely, but perhaps this is mere wishful thinking.

There are undoubtedly people in the Democratic Party who want to move policy far to the left. Despite Obama's liberal record in the Senate, I believe he will try to govern more from the center, which in a Democratic context means along the lines of Bill Clinton. The latter liked to refer to his administration as the "Eisenhower Republicans," and there was truth in this.

The fact that we are awash in debt should do something to restrain the Democratic impulse to spend, while the severe slowdown in the economy ought to make even the most liberal Democrat hesitate before raising taxes.

I don't want to sound too optimistic about the future. The problems ahead are enormous and perhaps intractable. Obama may rise to the occasion; he may have within him the makings of a great president. Nevertheless, we could be in a decline that no individual, however gifted he might be, can do anything to reverse.

Where the Republicans go from here is a mystery. During the Bush years, the party was cannibalized by a combination of Rovians and the God boys and gals of the obscurantist right; what remained of the old GOP was betrayed by the free marketeers gone wild at places like Enron and Countrywide Financial. They have no one. Palin? Romney? Louisiana governor Bobby Jindal? Please. The Republican Party is in serious disarray, and in danger of being completely absorbed by the social conservative movement. If libertarians have their wits about them, they will try to take advantage of what may be a once in a lifetime opportunity. — Jon Harrison

My day was worse, and we liked it — A lot is being made about the tough job President Obama will face when he takes office. Comparable to the situation the incoming president faced in 1968, a lot of people say.

Obama definitely has some things to deal with. The economy is in the tank. Most of the rest of the world would like to wring our necks. We are ashamed of ourselves for what our government let happen in Guantanamo and Abu Ghraib, and we are mortified by how cataclysmically incompetent our outgoing president has been in identifying and protecting our national interests. But tough like 1968? Gimme a break.

The things President Obama will confront aren't even close to what President Nixon had to deal with. In 1968, the country was burning down. Robert Kennedy had been murdered and, a few weeks later, Martin Luther King. This morning (it was morning here in Africa, anyway) when Sen. McCain gave his concession speech, the news showed pictures of Jesse Jackson with tears streaming down his face. This is not the same racial climate we were in 40 years ago.

In August of '68, we had to watch while Soviet tanks put an end to the Prague Spring. Tears still stream down my face, sometimes, when I think about that. This August, we watched while Russian tanks rolled into parts of a tiny, former Soviet republic to protect separatist Russians from having artillery pieces fired at them. And now, that same former Soviet Republic is lobbying to join NATO. This is not the same situation America faced in Europe 40 years ago.

Today we are on the verge of easing our way out of a war in the Middle East, a war we never should have gotten into. The fact that the president of Iraq has asked us to go just makes the going that much easier. In '68, we were trapped in a war in Southeast Asia, another war we never should have gotten into. The fact that the president of South Vietnam was desperate to keep us there made it almost impossible to leave.

Today, the biggest threat from China is tainted milk and

poisoned dog food. In '68 we were fighting Chinese troops in Vietnam. Okay, so you didn't know that. It was a pretty tightly-held secret. Seemed to Uncle that the war might become even more demoralizing if the folks back home got wind that their boys were involved in a land war in Asia with China. The only people in on the secret were our government, the Vietnamese, the Chinese, and our boys. As a sergeant of mine put it, when some six-foot-six-yahoo in a strange uniform starts shooting at you, it don't take Margaret Mead to know he ain't Vietnamese.

In '68, I spent election night in an evacuation hospital in Vietnam watching the returns on television. Nixon vs. Humphrey vs. Wallace. Now there's a set of candidates for you. Those three alone show how much better things have become. I spent this election night asleep. In the morning I went over to the embassy. It was the Africans who were bleary-eyed from watching television all night. From watching *our* elections. And the goodwill they felt for what we had done . . . well, it wasn't like anything I saw in '68.

Here's what I would like President Obama to do: cut back on the fear rhetoric. One of the things I resent, maybe the thing I most resent, about President Bush is how he has spent the last seven years trying to turn our brave citizens into a nation of scaredy-cats.

Sure, just short of three thousand people died on Sept. 11, 2001. But here's another statistic. Just short of 700,000 Americans have died in combat. That's just in combat. If you count the ones who died in service during our wars, the total is well over a million. All those people giving their lives to defend the freedoms of our citizens, and our outgoing president wants to toss it aside because of 3,000 people at home?

The way we keep faith with our dead soldiers is to cherish what they gave their lives for. I agree with a note in the Atlantic a few months ago. We should declare the victims of 9/11 Martyrs for Freedom, forget about all these security measures, and go on with our lives. — Bill Merritt

Out, damned blot — Polls showed that most voters thought McCain was best on foreign policy and Obama best on the economy. I thought just the opposite, so after long inner debate, I mailed in my Oregon ballot with a check in the McCain box.

But as the returns came in election night, I realized that I would be angry if McCain won. When the networks called it for Obama the moment Pacific Coast polls closed, I was surprised by the tears streaming down my face.

"That's his Nobel Peace Prize — he captured it from the King of Sweden."

For too long, much of America's black population has effectively been outside of our economy. Forty years ago, black per-capita incomes were 57% of white's; today they are still just 59%. We can debate the causes, but fundamentally this lack of improvement is a blot on America.

A big part of the problem is that blacks did not believe they had the same opportunities open to whites. Now they see they do, so maybe we can finally put to rest all of our past problems with slavery, segregation, and Jim Crow. This alone makes Obama's election something to be proud of.

Obama's economic policies may prove to be a disaster, and we will have to deal with that. For the moment, I am proud to live in a country that elected its first minority president.

— Randal O'Toole

Prix fixe — Spending as a percentage of GDP was 18.4% in 2000, Clinton's last year. It was 20.0% in 2007. It will certainly be larger in 2008. My guess is that by the end of an Obama presidency, looking up the percentage of GDP spent by government will be like reading the menu at a very expensive restaurant. No itemized figures — just a little note at the bottom of the page saying "If you have to ask the price, you shouldn't have come in here." — Ross Levatter

Watching for Obama's Mixner — With a heralded Democrat heading to the White House, I've been thinking back to the last time we were in this position. One useful episode from the early days of Bill Clinton's administration was his treatment of David Mixner.

Who's that? you ask.

These days, David Mixner lives in relative obscurity in upstate New York. Back in the early 1990s, he was a political *macher* in southern California and the man to see for "gay money" on the West Coast. He was an early and major supporter of Bill Clinton, raising critical funds for the charismatic Man from Hope and securing what he thought was Clinton's commitment on changing U.S. military policy to allow gays to serve openly in the armed forces. At one of Clinton's inaugural balls, Mixner gave a speech looking forward to years of working with Clinton on progressive causes.

But Clinton's definition of "progressive" was not the same as Mixner's. Clinton quickly concocted "don't ask, don't tell" as military policy on dealing with soldiers' sex lives. Many political activists — including Mixner — opposed "don't ask, don't tell" as a sleazy compromise and unacceptable affront. Clinton quickly cut all ties to Mixner, whose image changed from connected political insider to foolish political naif. In current political argot, Clinton threw Mixner under the bus.

As the author of "The Audacity of Hope" moves into 1600 Pennsylvania Avenue, who will *his* David Mixner be? The answer to that question may offer a tactical foothold for countering Obama's statist ambitions. — Jim Walsh

The archetypal president — As early as March 2007, LA Times columnist David Ehrenstein, an African-American on the Hollywood beat, was writing a column identifying Barack Obama as a "magical Negro." This stock character, typified by Will Smith in "The Legend of Bagger Vance" or Morgan Freeman in about a hundred different

movies, is the ethnic minority who appears on the scene at just the right time to say just the right thing to produce an epiphany for the bumbling white protagonist. He has no history and no goals of his own; he exists solely to further the formulaic plot.

The last year and a half of campaigning has only served to validate Ehrenstein's diagnosis. As he noted then, Obama's appeal has nothing to do with anything that he has done, written, or said — likely because there is so little actual content in any of his actions, writings, or speeches — but rather with the way that he says things: comforting, mildly passionate, never outright threatening: what his now-VP Joe Biden once embarrassingly termed "articulate."

I was astonished, over the course of the election, how many people I knew whose judgment I generally trusted in day-to-day life who went absolutely mad over Obama (in the words of one of them, "drinking the Obama Kool-Aid"). It wasn't until I went back and found Ehrenstein's article, much lampooned by Rush Limbaugh at the time, that it finally clicked: for all his true believers, we really are living in a movie, and Barack Obama really can, yes he can, walk onto the screen and help our bumbling white country out of the mess it's gotten itself in: "Like a comic-book superhero, Obama is there to help, out of the sheer goodness of a heart we need not know or understand. For as with all Magic Negroes, the less real he seems, the more desirable he becomes. If he were real, white America couldn't project all its fantasies of curative black benevolence on him."

Trouble is, the problems we face are not limited to a wonky golf swing or a lack of social graces. Obama's first term would have to be considered a success if there is even a gradual drawdown of troops in the Middle East, coupled with a return of some idea of fiscal responsibility as measured by a decline in the national debt. These realistic goals, and no more, should be the expectation — but it is not for his realism that he was selected.

If Obama fails to deliver on all that is expected of him — and how could he not? — the disillusionment will be pervasive and vicious. And archetypes, for all the life we pump into them, do not die peacefully. — Andrew Ferguson

In a giant's footsteps — The phrase of the moment is "Transformational Presidency." President Obama's election will transform our politics, so the phrasemongers say. I'm pretty sure he will. In fact, I'm pretty sure he already has. But, transformation-wise, he has some big shoes to fill.

I don't think we give outgoing President Bush sufficient credit in the transforming-our-politics department. Nobody in my lifetime, nobody in many lifetimes, has transformed our politics as quickly or as thoroughly as our current president. When President Bush took office, the House and the Senate were controlled by Republicans, the budget was running huge surpluses, we were at peace, and the only gripe most foreigners had against us was that we were a bit smug about it all. In just two terms, he has managed to turn all this around.

Think what a historical achievement this is. President Reagan and Speaker Gingrich transformed our politics away from the corruption and arrogance of congressional Democrats who had been entrenched for generations. President Bush quickly changed it back. President Obama has his work cut out for him if he wants to compete with his predecessor in the transforming-our-politics department. I know it's unfair but, sometimes, as in the case of Andrew Johnson, a president has the ill fortune to follow a giant and, no matter how great he really is, just looks ordinary in comparison. — Bill Merritt

The message is the method — Obama won not because he captured the center, but because McCain abandoned it. McCain's selection of Palin as running mate and his campaign focus on Obama's "socialism" pandered to the Republican base but alienated the independents who tip the balance in our national elections.

Where do conservatives-libertarians-Republicans go from here? Two groups — the social and neoconservatives (who are fiscally ambiguous) and centrists (who tend to be fiscally conservative but are socially ambiguous) — will struggle for control of what is left of the Republican Party.

The social conservatives, represented by Palin and Huckabee, represent a recipe for a permanent minority party as they will never attract the independents. The centrists, represented by people like Arnold Schwarzenegger and Indiana Governor Mitch Daniels, have a better chance even if their positions seem inconsistent and less principled.

Some claim that libertarians can tip the balance in national politics, but I haven't seen it. They can, however, tip the balance in Republican politics. One goal should be to make sure the neocons have no influence on the centrist wing. Another should be to present the centrist platform in a way that attracts the social cons without supporting their somewhat theocratic agenda. Finally, libertarians can firm up the fiscal conservatism of the centrists.

Remember, no one after Bill Clinton's election in 1992 expected the Republican takeover of Congress in 1994. No one after Bush's election in 2000 expected the Democratic takeover of Congress in 2006. The pendulum will swing back, but its return will come sooner if we can present a coherent message to the nation's political middle. — Randal O'Toole

Treating the symptoms — I've lived in the St. Louis area for about a year and a half now, and during that time have received several invitations to attend local Libertarian Party events. I finally availed myself of the opportunity on election night.

I worried at first that showing up might seem hypocritical for a confirmed nonvoter like me. After all, third parties are constantly struggling to maintain the tiny sliver of total returns that will keep them automatically on future ballots, so individual votes matter much more to them than they would to either of the major parties.

I also felt slightly guilty about not having registered to vote before this election, because I had the chance to pick as my congressional representative none other than Tom Knapp, a guy I've known (online, at least) since the halcyon days of Free-Market.net.

As it turned out, nobody seemed to mind — least of all Tom, who says he doesn't want to be in charge of anything anyway. But an even weightier topic that didn't arise that night was the fact that I'm not sure I want the Libertarian Party to succeed at all. I think electoral politics in general is a poor strategy to change the world for the better, because the political process is largely concerned with tackling only the symptoms

of larger, more fundamental, problems. The more that people who genuinely care about improving society embroil themselves in partisan bickering, the less time they have to spend on more productive, lasting forms of social change.

Similarly, I've always viewed the Libertarian Party as sort of a "make-work" project for libertarian activists, the electoral equivalent of digging ditches and filling them in again. Just as that kind of planned-economy job acts as a dual drain on the economy, by taking workers out of the productive labor force and by supporting them with tax dollars that could have gone to private use, the Libertarian Party attracts both funding and activists that might have otherwise have been employed in any number of activities that would have spread libertarian ideas in more useful ways. I think the prospects for freedom suffer somewhat as party activists persist in playing Sisyphus year after agonizing year.

To the extent that the Libertarian Party succeeds electorally, it will do so either by becoming more mainstream or by appealing to a society whose views have changed to embrace the ideas of liberty. Yet if the party waters down its platform to gain votes, there's little point in its existence as an alternative to the two-party system. On the other hand, if it's possible for the prevailing philosophical winds to change first, that would demonstrate that intensive interest in electoral politics was a red herring all along.

Still, as long as the Libertarian Party does exist, I'm happy to root for its small successes, and I'm always glad to see the thousands of votes that are cast in a bid for freedom, however small a percentage they turn out to be. As Tom Knapp put it, he tries to spread the attitude that "every time we run, we win." He may have something, at that. I can at least join him in thumbing my nose at both major parties. — Eric D. Dixon

Bailing in — McCain lost the election (and I can't say I'm unhappy about it) in late September when he did not distinguish himself from Obama and Bush by opposing the bailout. Even if he didn't think opposition was the best economic move (and I think it would have been), he is so ignorant of economics it's hard to believe he had a strong opinion on the matter. Opposition was so clearly the only political move leading to the checkmate of Obama that he was extremely foolish not to oppose it.

One can only imagine the McCain ads that could have been run: "Wall St. Fat Cats want $700 *billion* of *your* money. And Bush and Obama want to give it to them. Only McCain believes that taxpayers shouldn't be on the hook for Wall Street's mistakes. Don't continue to accept Bush-Obama policies. Vote McCain for Change." The irony alone would have been worth risking the economy for. — Ross Levatter

Going nowhere fast — It is widely agreed that government failure caused the current economic crisis, though not everyone agrees on just what that failure was. Ironically, as NBC anchor Brian Williams noted during Tuesday night's election coverage, the response is that "more people are now viewing government as the solution and not the problem." It will be sad indeed if we end up suffering from more government failures as a response to government failures of the past.

To use one example, despite the serious economic conditions we face, voters in Seattle, Los Angeles, and Sonoma and Marin counties, California, approved sales-tax increases to pay for ridiculously expensive rail transit projects. The L.A. and Sonoma-Marin projects actually gained more than the two-thirds majorities that California requires for tax increases, and San Jose voters fell just 0.4% short of the two-thirds required for a tax increase for a $6.2 billion extension of the BART system that, planners admit, won't relieve congestion anywhere.

From the viewpoint of sensible transportation policy, the worst news of the election was California voters' approval of the state's selling $9 billion worth of bonds for a high-speed rail system. California can't afford to repay those bonds, but since no tax increase was involved, the 52% support was enough to pass the measure.

Because the total cost is likely to exceed $60 billion, California's high-speed rail will be the mother of all mega-projects. No one knows where the money will come from, but once they spend $9 billion, project advocates will argue that someone will have to pony up the rest to "complete the system."

The real danger, as I previously noted here, is that California's congressional delegation will get Congress to match California's funds, which will lead Florida, Illinois, and other states to demand their share of high-speed rail funds. The federal government can no more afford to do this than California, but don't count on a Democratic Congress to take that into consideration. — Randal O'Toole

Cutting our losses — Is Obama's victory better for liberty or worse than a McCain victory would have been?

McCain would "stay the course" in Iraq for another couple of years, accomplishing nothing at a cost of thousands of lives, find some pretext for declaring victory, and withdraw the majority (but probably not all) of our troops. Obama will quickly appoint a task force to come up with a timetable for a complete withdrawal of our troops — a withdrawal that will probably take a couple of years and cost thousands of lives, but may indeed be complete. Huge advantage in rhetoric, but only a slight actual advantage for Obama.

Under Obama, our tax burden will rise, and his administration's actions will increase the duration and the severity of the current economic disruption. Under McCain, our tax burden would have risen, although his administration's actions would not be nearly as detrimental to our economy. Slight edge for McCain.

Obama will continue the War on Drugs, as McCain would have. Obama will appoint justices who find Constitutional justification for almost any tax, regulation, or restriction; McCain would have done the same. Neither Obama nor McCain will do anything to address the looming unfunded liabilities (Social Security, Medicare, etc.) crisis. The two men are equally bad in these areas.

Obama will triumphantly increase funding for government schools, teachers, and unions; and do his utmost to ensure that neither the students nor their parents have any alternatives available. McCain would heroically increase funding for government schools, teachers, and unions; and occasionally tout the benefits of school choice, but probably do little to actually implement educational reform. Slight edge to McCain.

Obama will fill his "administration of hope and change" with "outsiders" who've been in DC for as little as half a

lifetime, whose policies will run the gamut from middle Left to fully socialist. McCain's administration would be filled with "mavericks," some of whom might have once held real jobs (but most from DC) whose policies would run the gamut from middle Left to neoconservative. McCain's administration might be marginally more efficient, meaning it would require less energy to pick our pockets and restrict our liberties. I think this one's a wash.

McCain is a statist who would, like W. Bush, ignore civil liberties and expand the reach of the federal government. Obama, especially given the Democrat-controlled Congress, will do even more to accelerate the government's growth. And yet I think the country is better off under Obama. Once a President McCain's big-government policies proved ruinous, the electorate would embrace something even closer to outright socialism; when President Obama's policies prove ruinous, there is an off-chance that the electorate will realize that government is the problem, not the solution. — Mark Rand

Delayed response — In the hours after Obama won the presidential election, I felt no passionate reaction. Neither cathartic joy nor consuming dread. How dangerous can he be? One more careerist mediocrity from Harvard with an exalted sense of self-importance. But, as the hours have turned to days, a strong impulse has worked its way up from the far recesses of my consciousness. I feel the urge to buy a handgun. Maybe two. I suspect they're going to be harder to come by, legally. — Jim Walsh

Buddy list — I first remember hearing "guilt by association" debated during the HUAC hearings of 1948. The people whose Communist Party cards were produced at the hearings were considered by the Left as victims of guilt by association. The Left held that to be a member of a closed, secret political organization that advocated the overthrow of the American government and engaged in acts of espionage, sabotage, and murder was irrelevant to one's convictions, loyalties, character, values, judgment, or actions. Of course, these same liberals would not have dreamed of saying that condemning members of the Nazi Party was the error of guilt by association.

During this year's election campaign, Barack Obama's many years of close association with such far-left radicals as the Reverend Wright and the terrorist William Ayers — not to mention radical supporters of Near Eastern causes — and his acceptance of friendship, sponsorship, and money from such people, was deemed irrelevant to his convictions, loyalties, character, values, judgment, or actions upon becoming president. It cannot have been easy for him to have befriended, over the years — by chance, so he claims — so many on the far Left, and to have avoided forming chance friendships with radicals of the Right. And oddly, he does not appear to have any friends, mentors, or "old uncles" among libertarians.

To place a man under suspicion because of the people he associates with is sometimes unjust and sometimes not, depending on the nature and extent of the associations. If Obama had dinner with a man who later that night robbed a bank, the police would legitimately question him to discover the nature of their relationship and to learn whether Obama had any knowledge of the man's criminal activities. But if it were shown that Obama scarcely knew the man and had no knowledge of his activities, he would be cleared of any suspicion or guilt.

Suppose, however, that the two had been friends for many years, that the other man had a well-known history of illegal activities, that he had often publicly denounced bankers and said that their property should be seized by anyone who could take it, that he had contributed to Obama's political campaigns and raised money for him, and that he had received favors and support from Obama, and funding for his radical organizations. Surely then there would be serious questions about Obama's values, judgment, and ideological commitment to legality, These questions would not lose their legitimacy simply by being labeled "guilt by association." They do not lose their legitimacy simply because of his election. — Barbara Branden

Bad beat — McCain's decisive loss to Obama resulted from numerous factors, some obvious, some not.

Certainly, he was up against tall odds. Start with money. Obama, reneging on his promise to stay within the voluntary campaign finance reform rules that both he and McCain had said they favored, was able to outspend McCain by a huge margin. Obama spent over $600 million, an all-time high. Here, McCain fell victim to his own silly law — he had cooperated with the Dems, and they used it to their advantage. He "reached across the aisle" to them, and they screwed him. So much for bipartisanship.

Again, McCain's lack of communicative skills, recognized all along as a problem, certainly hurt him. Obama is a slick speaker. He is able to lie with breathtaking coolness. He makes Bill Clinton look like an amateur, no doubt part of the reason Clinton so obviously dislikes him.

Then there was the unprecedentedly blatant media bias in favor of Obama. It is easy to lie or rapidly change your professed views when the media won't call you on it. NBC in particular went crazy, spending more time examining Joe the Plumber's record than Obama the next president. When the independent investigator looking into Palin's firing of an appointee issued a report exonerating her — only 12 hours before the election! — the mainstream media said virtually nothing. And they said virtually nothing about the numerous misstatements and gaffes made by both Biden and Obama.

And while McCain had to struggle to shore up his base (deeply divided over immigration), Obama had a base eager to support him.

But in the final analysis, McCain failed because his populist instincts rendered him unable to control the final narrative in the race.

By "the narrative" I mean the public understanding of the past causes of a given crisis and one's proposed solution to it, going forward (which is much more important to the public than one's past position on the issues). As Orwell put it, whoever controls the past controls the future.

There were three major issues in this long campaign, issues that drove both races and that needed "big picture" explaining: first Iraq, then the oil crisis, and finally the financial market meltdown. McCain managed to turn the narrative his way on the first two but failed miserably on the third, a failure that will allow the leftists in the Democratic party greatly to increase the power and reach of government.

On Iraq, the conventional wisdom was that since the majority of Americans had come to regret the invasion, Obama would win on that alone. It certainly won him his primary victory. But McCain, who had pushed for the surge, benefited from the Iraq issue in the end. As violence dropped and the political situation in Iraq firmed up, McCain pulled even in the polls. He got the narrative right: while the public viewed the war as not being worth its costs, this did not mean the public felt our country was evil for fighting it, much less that losing it would be a good thing, an appropriate punishment for our wickedness (which is precisely what many on the left felt). By the last debate, Obama was backpeddling on pulling out on the short, fixed timetable he had earlier advocated.

The second issue was the sudden energy crisis, with oil prices rising to nearly $150 a barrel, and gasoline prices shooting through the roof. The Democratic Congress did the predictable thing: it blamed Evil Big Oil and held hearings on oil profits, with at least one member speaking openly of socializing the industry. McCain dropped in the polls again, as people initially blamed the party in power. But McCain, a populist who himself had earlier bashed oil companies and opposed offshore drilling, did a quick turnaround and began pushing the "drill here, drill now" agenda articulated by Newt Gingrich and others. (It helped that Sarah Palin winked at the voters in her debate, while she told them that she was working on McCain to come around to favoring opening ANWR).

Very rapidly, the public rallied behind the radical idea of relying more on our own oil, and that the blame for the crisis lay in great measure with the environmentalist wing of the Democratic party, which has blocked domestic oil, natural gas, and coal extraction, along with nuclear power. Obama's response was the stock enviro position that we can just build windmills and lay out carpets of solar panels. McCain got the narrative right again, and surged in the polls, catching up with Obama. In the end, Congress was forced to let the federal offshore oil drilling ban expire, and the wily Obama began to say he was open to offshore drilling and even nuclear power.

But the issue that undid McCain was the crisis in the financial markets. The Dems put out the narrative that this was "the worst economic crisis since the Great Depression," a mantra repeated endlessly by Obama in ads and speeches. Yet the crisis was another problem that originated with the Democratic Party itself. It had pushed the lowering of loan standards to allow people who had bad credit to obtain loans; it pushed the expansion of Freddie Mac and Fannie Mae to buy the dicey paper. The result was classic moral hazard: the government enabled mortgage brokers to push as many loans as they could, even the dicey no-money-down, stated-income, and adjustable rate loans that are so risky. It enabled banks to buy bundles of this risky paper and sell it off. And it enabled buyers to become speculators, buying properties they really couldn't afford, hoping to become rich. Yes, Wall Street was greedy — but so was Main Street. And their greed was empowered by liberal government. The fundamental cause was the federal government, whose actions will go down in history as the most egregious, deliberate encouragement of moral hazard ever committed.

But here McCain's populist instincts cost him. He began to mimic the Dems, bashing the greed of Wall Street and giving a pass to the greed of Main Street and especially the greed and stupidity of the federal government. He floundered around, looking for some kind of solution to a problem he couldn't publicly explain, and he dropped in the polls like a stone. Only in the last week or so did he finally bring himself to mention the real culprits, including most notoriously Democratic congressman Barney Frank, who five years ago repeatedly shut down attempts to reign in Freddie and Fannie and restore some semblance of standards in home loans. But it was too little, too late. The Dem narrative stuck.

This failure cost McCain the election. But the real problem is what it will cost us in the future. The Dems have won the White House and increased their majorities in the Congress, all on a narrative about the need for big government to come to the rescue and save us from the greed of evil business, by jacking regulations up through the roof. The damage to our future prosperity will be incalculable. — Gary Jason

Reflections

Deporting the DEA — Evo Morales has done very little right in his time as Bolivia's president, but he deserves credit for his recent boldness in expelling from his country agents from the Drug Enforcement Agency. For good reason: the DEA terrorizes peasant farmers in Bolivia, Colombia, southern Mexico, et al., burning up their fields, destroying the lone crop (coca leaves) from which they can expect to turn a profit — a crop, moreover, which most of those farmers rely upon in order to get through their long, hard days.

In one respect, the move smacks of ingratitude; without the past couple decades of DEA antinarcotic activity in Central and South America, Morales and his fellow left-wing autocrats, especially Hugo Chavez of Venezuela, wouldn't have had a ready-made bogeyman to campaign against. But in these countries, America's War on Drugs often means war, period, as the use of fire and poison against the coca crop strengthens the standing of warlords and drug barons among the peasantry, making thugs into heroes. Morales is right to refuse cooperation, even at the cost of trade privileges; I can only hope that other countries follow his lead.

— Andrew Ferguson

Let them shine shoes — My good friend John Wander and I debated the causes of the current mess among financial institutions. He kicked it off by sending me a link

to an editorial that contrasted bubbles of the past (railroads, internet) with today's credit crunch. You will notice my snotty tone in the correspondence. Maybe that had something to do with the half million dollars I lost in the markets (and by the way, the fact that I outperformed the markets was skinny solace). Anyway, I was grumpy.

Me: The author of this editorial is a ninny. The contrast is very weak. The parallel is very strong. The burstings of the railroad and internet bubbles were associated with excess capacity in railroads and bandwidth. The bursting of the housing bubble is associated with excess capacity in housing. Exactly the same. He tosses away the parallel offhandedly by suggesting that the excess in housing consists of condos in Florida that "should never have been built." He implies that the current bust is different, worse, more evil, because it did not relate to the creation of useful assets. But a condo in Florida can be quite useful. In their day, you could find a lot of railroads and optical fiber networks that "should never have been built" too. So, in conclusion, this is stupid. Journalism is in a pitiful state.

He: Do you think that housing's not the problem, nor subprime, nor greed? We need to take the inflation out of many markets, and I'm not sure how easy that is. If an $8 loan on a $10 house generates $40 in credits through structured products and a $10 or $11 loan on the same house does the same, the rising tide will lift all boats until at one point no one's afloat.

Me: The problem is the proliferation of mortgage loans that were undersecured and made to borrowers who could not afford them. Freddie and Fannie made many of these loans and encouraged the making of many more. You can call much of this phenomenon "subprime." Why do you think that happened? I know why. Do you?

Greed is not a "problem" in the financial markets or in any other business. Greed is a very common vice. Any system that does not function well in the presence of much greed is perverse. For greed, the cobbler wants to raise his prices. For greed, the banker wants to raise interest rates. Most businesses make exactly as much as they can. Most businesses are not subsidized by Freddie or Fannie. Most businesses do not enjoy federal guaranties of their debtors' debts. By the way, your hypothetical "an $8 loan on a $10 house generates $40 in credits . . ." never happened, and nothing like it ever happened in the U.S. mortgage market.

He: I don't think it was those loans alone, and I thought a lot of them were written to enable mortgage brokers to get paid upfront origination fees with little concern as to whether they'd be paid, and bankers to insure them with derivative products. I'd be interested to know why you think it happened. I've seen figures suggesting the subprime tranche of bank portfolios was insufficient to bring them to their knees, though the derivative backwash gamed their asset ratios. Of course greed (a vice) is not a problem, but it's a word bandied about by candidates and congressmen, incorrectly attributing the blame, which ensures that the solution will be wrong — in the same way that the political decision to encourage home ownership gamed the market.

What I meant by the $10 to $40 figure, which came from interviews with bankers who dealt in swaps, CDOs, CMOs, and CDSs, was that an initial fixed-rate loan could be swapped with a variable one, packaged before or after into a CMO, that was then protected by a CDS. This enabled banks to maintain "assets" that weren't assets, all based on a shaky initial instrument, whose failure multiplied its way through the system.

Me: Ultimately the bad assets currently coming home to roost are indeed the mortgage loans. (Credit card debt and car loans, also securitized, may be next, because much consumer debt was supported by cash from second mortgages and refinancings of home loans.) Banks and non-bank mortgage companies typically get origination fees. Nothing wrong with that. But why did they have little concern as to whether they would be paid? Because they sold the loans to other institutions that had little concern or that could get them guaranteed by other institutions that had little concern.

By dollar volume, by far the biggest buyers and guarantors of bad mortgage loans were Fannie and Freddie. That outlet for risk (that vast moral hazard) quite simply caused the current problems. Full stop. It provided a large, strong incentive to gin up liquidity for these loans. The liquidity came in part from securitization — in other words, from selling securities that were backed by mortgage obligations. Some of these securities were also guaranteed by Fannie and Freddie. Some were guaranteed by AIG. But importantly, securitization is just a way to raise more cash to make more loans that could then be sold on to Fannie or Freddie or guaranteed by them.

Meanwhile, there was of course an asset price bubble in real estate. That bubble helped banks and other mortgage lenders make loans that appeared to be sufficiently secured but weren't. It also promoted expansive consumer debt in the form of second mortgages, mortgage-backed credit cards, and mortgage-backed lines of credit.

The unwashed masses were parading around saying things like, "ya gotta unlock the equity in your home." In my neighborhood, these stupid jerks were zipping by me in their new BMWs. Little education and lousy jobs. In fact, a lot of them were manning the phones in boiler rooms dedicated to selling second mortgages to other jerks who couldn't afford their debts or their expenses. Now the Republican president and Democratic Congress want me to bail those guys out.

Let 'em shine my goddamned shoes.

The rest of what I said was unprintable, so I'll stop there. My main point is that, despite the apparent complexity of securitization, credit swaps, options, and other derivative securities,

"Oh, we don't teach history any more — it's just too depressing."

the root of the problem is clear — lenders did exactly what the U.S. government and its monstrous public-private chartered bastards (Freddie and Fannie) asked them to do and encouraged them to do and paid them to do. I don't much blame them. I blame both the government and the borrowers who took out unaffordable loans just because they could.

— Michael Christian

The nine stigmata of banking — Washington Post, Oct. 15, 2008, regarding the federal bailout of lending financial institutions: "The first $125 billion will be divided among nine of the largest U.S. banks, which were forced to accept the investment to help destigmatize the program in the eyes of other institutions."

Because forcing institutions to accept money is, you know, so destigmatizing . . . — Ross Levatter

A dose of realism — When I read Alan Greenspan's testimony before Congress October 23, I knew some libertarians would denounce it. I accept it. The man is a realist. He tests his ideas against facts. In his testimony Greenspan recalled that he had warned in 2005 that the market was underpricing risk, but that the crisis "turned out to be much broader than anything I could have imagined." Because of that, he said, something like the $700 billion rescue plan was necessary to avert a much worse seizure.

Many libertarians predictably blamed the crisis on the government, because that is the explanation they wanted. And you could make a case for that. It just wasn't a very good case.

The guts of the problem, said Greenspan, was that big institutional investors didn't see the risk of mortgage-backed securities and bought too eagerly, sending the wrong message back down the line: "Demand became so aggressive," he said, "that too many securitizers and lenders believed they were able to create and sell mortgage-backed securities so quickly that they never put their shareholders' capital at risk and hence did not have the incentive to evaluate the credit quality of what they were selling. Pressures on lenders to supply more 'paper' collapsed subprime underwriting standards from 2005 forward. Uncritical acceptance of credit ratings by

Word Watch

by Stephen Cox

There are certain kinds of writing that one shudders even to think about.

One is sports writing. Have you ever noticed that almost every headline in the sports section is a pun, and not a very good one? I mean, how many times have you seen "Amazing Grace" above a story about a halfback's running style? And how many times have you seen a coach's claim that "we've got a real good ball club here" reported as a weighty piece of news? There have been, and there are, fine sports writers. There have been, and there are, ten times more sophists of the sports section, betting that their audience is stupider than *they* are.

Another predictably bad kind of writing is anything having to do with electronic or mechanical devices. It's a remarkable fact that no one ever expects to understand anything he reads after he clicks the "help" button on the computer. No one ever thinks that reading the manual will give him any help at all. There's a mystery here. Corporations pay people lots of money to write technical descriptions and directions. But everyone is aware that readers can't understand them. This is a standing joke. It was a joke even before Rex Harrison ("Unfaithfully Yours," 1948) tried to deal with the instructions for using the "Simplicitas" recording machine ("So simple it operates itself!"):

"To change from 78 RPM to 33 1/3 RPM merely lift the Cam Dog A-1-a-3 (see simplified drawing on page 6) and holding it between the thumb and index finger of the left hand push the sliding spindle shaft bell crank rotator (B-1-a) *in and over*."

You can well imagine what the simplified drawing on page 6 looked like. Get the movie, and you'll understand the full dimensions of the problem.

Techspeak was bad enough in 1948. Today it's much, much worse. Suppose you go to your email inbox, as I recently did, and find that it no longer puts your unread messages in bold type. How will you get it to start doing that again? How will you even find out what the secret name of that "function" is? Click on "help" — see whether that will tell you. Then go to the software company's "user-friendly" website. Then google all over the universe, to see whether anyone else has ever encountered the problem. Go on. Try it, dude. You'll see a lot of fine phrases that you never saw before, but it's very unlikely that you'll understand a single one of them.

So why don't the information companies *fix* these information problems? Why don't they find somebody who can tell you what to do in English? Nobody knows — although everybody cares.

Academic writing is another standing joke, and another mystery. But I should be more specific: it's not *academic writing* as a whole that's risible; it's mainly academic writing in the humanities, which is precisely the place where you ought to expect good writing. What you get, instead, is millions of sentences that look as if they'd been written by the people who wrote your computer manual: "Emily Dickinson, while almost explicitly bracketing all privileging of what Gramscians reference as 'the subaltern,' yet appropriates this very present absence whenever theological/historical contingencies provide the provocation for her project."

This kind of guff commonly alternates with plain statements of ideas so ridiculous that you have to keep going back to make sure you read them right. I eagerly anticipated studying a recent book about the search for the real, historical Muhammed, until the author finally told me that he didn't want to say anything in his book that Muslims wouldn't acknowledge as true: "The aim of an outside scholar writing about Islam is to elicit Muslim approval." Huh? Really? So why should I read his (or is it the whole Muslim world's?) 100,000-word investigation of the *real* Muhammed?

Do I have to bring up politics as a source of bad writing? I think not, but I will. I'm especially concerned about the places where politics verges on economics, or economic reporting. Has there ever been so gay a festival of economic nonsense words as

purchasers of these toxic assets has led to huge losses."

The center of the blame is on the institutional buyers, the credit raters and the securitizers — all in the private sector. Greenspan might have added, and didn't, that his monetary policy was loose during the early part of the period, and tended to make the situation worse. Also that two big securitizers, Fannie Mae and Freddie Mac, had been created by government, and though they were private, had still been treated with special government favor. Libertarians pointed out both of these things — though the ones who tended to build their whole explanation on these tended to be theoreticians, not practitioners.

People from the world of finance knew better.

— Bruce Ramsey

Dividing America — Rich Karlgaard, Forbes Magazine publisher, had a column ranting against American innumeracy, which he claimed was worse than American illiteracy. It was based on an email he received from "Angry American," an email that seems to have gone viral and obtained much internet support. People urged that Treasury Secretary Paulson be replaced by Angry American. What was AA's idea?

Noting that the bailout plan for Wall Street was estimated to cost $700 billion, and that there were approximately 200 million adult Americans in the country, AA argued that the Treasury should just cut checks to every adult American for $425,000 each. That would stimulate the country more than saving Wall Street. Karlgaard notes that the actual result of dividing 700 billion dollars by 200 million Americans is $425, not $425,000.

Karlgaard's column is dangerous and irresponsible. Now it is only a matter of time until some politician points out that all we need to do to solve that problem is to make the bailout payment $700 trillion . . .

— Ross Levatter

Henri Antoinette — I daresay all readers of this journal are scandalized by Washington's $700 billion (so far) bailout of Wall Street. Although I mentioned the possibility of national bankruptcy on these pages in August 2006, I never thought we'd see socialism in this form, i.e., for the wealthy

the one we saw this fall, when the news was dominated by the presidential campaign and the economic crisis, conjoined? Politicians, pundits, and news writers faced a challenge: Talk, and keep on talking, about an important subject, which you know nothing about. The result was a garish display of silly economic metaphors, and noise that can't be dignified with the name of metaphor.

When it comes to empty rhetoric, Sen. Obama has always possessed a great advantage. He has never been limited by any instinct of self-criticism. So, this fall, he was always happy to say *something*, confident that his followers would continue to be astonished by his brill-yunce. Last month's Word Watch cited Obama's reproof to the Republicans for their handling of the banking problem: "We should not be bailing out banks on the backs of American taxpayers." I commented that, because Obama simultaneously advocated that "we" (his synonym for "the government") should go ahead and bail out the banks, it was far from obvious how "we" could do it without charging the taxpayers.

What attracts attention, however, isn't just the emptiness of his reproof; it's that outlandishly mixed metaphor, in which *banks* are being *bailed*, as if they were the hulls of ships, and the operation is taking place on the *backs of people*. In Sen. Obama's improved cosmology, the earth doesn't rest on the back of a genie, who rests in turn on the back of an elephant, which rests in turn on the back of a turtle, and so forth. No, America and its financial institutions rest on a leaky boat, which rests on the backs of the taxpayers — and if I know the Democrats, it will be taxpayers all the way down.

Obama has always had a passion for the kitschy and the flatulent. His gusto for the insipid is less well known. It is much in evidence, however, when he talks about money. The trick, again, is to mention the subject without saying anything specific about it. Here's Obama on October 13: "We need to scale down our deficits, and grow our savings." Ah, Senator, if I only knew how! Or if you only knew how! Then there's that little word "grow," which has shown such strange properties of mutation during the past 10 or 15 years. President Clinton was always using it. He was proud that his administration was "growing the economy." It didn't mean much, and I guess it was fun for him to say, so he said it. But neither he nor Obama, master of the English language though each of them is admitted to be, has ever asked himself whether there are certain things that simply cannot be *grown*. If you can *grow* your savings, can also you *grow* your house? Can you *grow* your relationships with friends? Can you *grow* your children? Can you *grow* your contribution to the Methodist Episcopal Church? No, actually, you can't. It's a problem with English language, I suppose: unless we're politicians yapping about the economy, we can't actually grow much of anything except plants. But here's the danger: if politicians used an alternative expression, they might have to specify exactly what they thought they were doing with the economy. Are they *cutting taxes*? Are they *protecting private property and entrepreneurship*? Are they *ending failed government programs*? Well, no, I don't think they are. So whatever they're doing with the economy, I don't think they're *growing* it.

The awful thing is that the people who use such metaphors actually treat them as tools of thought. They actually think that the economy will just naturally grow if the government distributes "seed money" upon its previously fallow fields. They actually think that plunking more guv'mint money into the economy is "pump priming" — never considering such alternative images as "throwing bad money after good" and "putting money down a rat hole." Their vision of politics consists of either an opposition or a harmony between "Wall Street and Main Street." When they're in a genial mood, they find interest in "another roller coaster ride on Wall Street"; when they're in a bad one, they spread panic by talking about "the Wall Street tsunami" or "the Wall Street meltdown," or "the latest earthquake that has ripped through the world's financial markets." Nothing is to be learned from language like this; its only function is to dramatize intellectual emptiness.

I don't want to put the final blame on politicians. They usually get their language from the media. Here's a news report chosen at random. It happens to be from the Associated Press. Within just a few lines, it says that the government's "rescue plan," an effort aimed at "rebuilding economic confidence" and "stav[ing] off a worldwide recession" by "shovel[ing] more money

and the banks. Is the bailout necessary to prevent an economic collapse reminiscent of the 1930s? I frankly don't know; I don't think anyone does. However, without question, it represents one more terrible blow delivered by the Bush administration to American freedom.

If the bailout fails to revive the economy, will we then have reached a revolutionary situation? The actions of Treasury Secretary Henry Paulson and his old pals on Wall Street certainly bring to mind the *ancien régime*. Paulson went to Congress in September asking for hundreds of billions of dollars and untrammeled authority to spend them as he wished. He got the money on the understanding that the government was going to buy up banks' "toxic assets." Then he decided to give the big banks a cash infusion, supposedly to get them lending again.

Yet, according to an October 25 New York Times article written by Joe Nocera, the banks intend to use the money for mergers and acquisitions, not new loans to businesses and individuals. Public money for the strictly private enrichment of the banks, in other words. This looks a lot like stealing to me, even if the money comes courtesy of the U.S. Congress.

Add to this the AIG execs who took 85 billion of your dollars and mine and then went off junketing, first across the country and then across the pond for a shooting party and fine dining in England, and you have a definite flavor of prerevolutionary France, right here in the good old USA.

If the bailout fails, then what? It has been said that this panic resembles those the nation experienced in the 19th century. But there is a difference: never in the past was the nation burdened by so much public and private debt. Moreover, we weren't spending trillions of dollars on an overseas empire, as we are today.

That weight of debt could come crashing down on us, with incalculable consequences. If it does, I would not be completely surprised to see a march on Washington, D.C. — not like that of Aug. 28, 1963 (Martin Luther King's "I have a dream" rally), but more like the one of Oct. 28, 1922, on Rome. Check your history books if the date doesn't ring a bell.

— Jon Harrison

Finding a constituency — It's the weekend before the election, and I'm watching TV coverage of McCain in Ohio. McCain waits patiently for more than a minute while the crowd chants "USA! USA! USA!"

Then he delivers what I'm guessing his handlers have told him is a strong line: "My friends, Senator Obama recently said that his primary win in Iowa vindicated his faith in America!" Here he pauses for loud "BOO!!"s from the audience. McCain, scoundrel and patriot that he is, goes on, "My country has never had anything to prove to me, my friends. I have always had faith in it, and I have been humbled and honored to serve it."

The crowd goes wild.

The dictionary defines "vindicate" as "show or prove to be right, reasonable, or justified."

Obama was not saying he didn't have faith in America, or the political process, before Iowa; merely that a largely white

continued on page 69

into the banking system," has actually "sound[ed] a global alarm" and "trigger[ed] a . . . sell-off." Within another few lines, it suggests that "interest rates could be slashed" by the Fed to get people to "spend more," "thereby restoring confidence to the system." Meanwhile, it says, "markets around the world" have been "tumbling." You'd tumble too, if you saw the government coming after you, staving, slashing, and shoveling. It would probably *trigger* some nervous reaction in you. I mean, you might not have your *confidence rebuilt*. And if you *suffered a meltdown*, wouldn't you just be following the lead of the Associated Press?

It's interesting to see how few facts and how little analysis even the AP's "business writers" provide. Here's a sample: "Icelandic banks expanded rapidly after deregulation of the domestic financial market in the 1990s and now have combined foreign liabilities in excess of €100 billion (US$138.34 billion) — dwarfing the tiny country's gross domestic product of €14 billion (US$19.37 billion)." Poor little Iceland, "dwarfed" still further by the effects of "deregulation." The article doesn't say that, but that's what it means. So, what kind of deregulation? What were its specific provisions and results? Not said. But the impression is created that once you start deregulating them, banks automatically puff up like toxic frogs, and then you're *dwarfed*, buddy, *dwarfed*.

We've come to that word toxic, which appears in the newest and, in its way, the most interesting and effective image that this fall's financial and electoral season produced: "toxic loans" or "toxic assets." The image is effective because, unlike *grow* or *bailing on the backs*, it's genuinely vivid and visualizable — and there's something in it, too. The bad loans from which large segments of the financial world derived their illusion of wealth represent more than just so much money lost to the original lender; like a toxic substance, they can pass the harm to others. Indeed, much of the point of this metaphor is lost when people use it to advocate the government's gobbling up these loans and thereby, somehow, detoxifying them. Won't the government be damaged by the contact? Won't it become toxic?

But there's a problem with this metaphor that goes beyond the ways in which pundits and pooh-bahs are using it. Strictly speaking, a toxin is a biologically produced object, a part of nature. But a *toxic loan* is something that people created, in its entirety. If we want to neutralize its effects, it may be interesting to discover how they created it. *Toxic*, however, is often used to emphasize the idea that it's here, we've got it; now let's just find a way to "contain" it.

There's often another implication, which is different but almost equally misleading. *Toxic* means *poisonous*; it originally referred to the poisons put on arrow tips. So to call something *toxic* may falsely imply that somebody on Wall Street is intentionally trying to poison Main Street. Democratic leaders are close to saying that. They're held in check only by the realization that many of the alleged poisoners are associates of the Democratic leadership. But of course, no matter how fraudulent these plutocrats may have been, they weren't trying to *poison* people. They were just trying to *rob* them, with the government's help.

If you're losing money right now, these distinctions may seem meaningless. If you want to keep from losing more money, however, you may find it useful to insist on them.

Report From the Battlefield

by Bruce Ramsey

Libertarians have little reason to celebrate the results of the 2008 presidential election, but ballot measures allowed voters to demonstrate they don't yet entirely renounce liberty.

In the election of 2008, libertarian voters were split among Barack Obama, John McCain, Bob Barr, and not voting at all. Most of the Obama voters were voting for Not McCain, and most of the McCain voters were voting for Not Obama. The Don't Vote folks were, of course, invisible, and the Barr voters were but a flicker.

Bob Barr's campaign was a dud. When I met the Libertarian Party nominee at FreedomFest in Las Vegas in mid-July, he was a jaunty fellow. He was polling at 6% nationwide, he said, and was hopeful he could meet a 15%-in-the polls-hurdle to participate in the presidential debates. Fifteen percent would have been more than 18 million votes, and was never likely. Even 6% would have been a huge breakthrough.

On Sept. 10 Ron Paul had a press conference to bring together Libertarian nominee Barr, Green Party nominee Cynthia McKinney, Independent candidate Ralph Nader, and Constitution Party nominee Chuck Baldwin. These four — two from the Left and two from the Right, would announce their common stand on four subjects. First, they were for bringing the troops home from Iraq and elsewhere, and for a nonbelligerent foreign policy generally. Second, they were for a restoration of civil liberties, repeal of the PATRIOT Act and the FISA Act, and an end to presidential signing statements and imperious executive orders. Third, they agreed to a zero increase in the national debt, which implied a zero federal budget deficit. Fourth, they opposed bailouts of corporations by the Treasury or Federal Reserve.

For Paul, aligning himself with third-party candidates was not the smartest move if his goal was to build influence within his own party. The press conference did create a national news story for him. Part of the story was that Barr stood him up. The other nominees came, but Barr had his own news conference. He said he wasn't interested in electing third-party candidates; he was interested in electing Bob Barr. Then he invited Paul to become his running mate in place of Las Vegas entrepreneur Wayne Allyn Root, who had been nominated by the party.

Paul did not appear to take this well. Shortly after, he endorsed Chuck Baldwin, the Baptist pastor nominee of the

Constitution Party, a fundamentalist Christian and nationalist party even tinier than the Libertarians. Baldwin's web page touted his doctrine that "no foreign government or world government body or entity . . . [should be] allowed to own any portion of U.S. roads, airports, homes, buildings, lands, waters, resources (oil, gas, precious metals, minerals, etc,), religious facilities (no matter what faith), stocks, bonds, U.S. treasury notes, businesses, banks, military bases or military assets or manufacturing facilities in the U.S."

Imagine that: the central bank of China should not be *allowed* to own a Treasury bond!

LP Founder David Nolan may have been right when he wrote on Sept. 11 that Barr's campaign was "effectively over." Nolan noted that the Barr people had been "throwing around numbers like $20 million" for fundraising, but that the figure by Sept. 11 was such that the total was likely to be "barely more than $1 million." Not a bad estimate: as I write, it is $1.28 million.

Barr's campaign went on, and the mainstream media paid no attention to it. They would have, had it threatened to tip the election. But it never did. On Nov. 4, Barr took 0.4% of the national vote. In context of the LP's history, it was like this:

1972	John Hospers	3,674	0.00%
1976	Roger MacBride	172,553	0.21%
1980	Ed Clark	921,128	1.06%
1984	David Bergland	228,111	0.25%
1988	Ron Paul	431,780	0.47%
1992	Andre Marrou	290,087	0.28%
1996	Harry Browne	485,799	0.50%
2000	Harry Browne	384,516	0.36%
2004	Michael Badnarik	397,265	0.32%
2008	Bob Barr	487,103	0.40%

Barr's figure is preliminary, as are all the 2008 vote totals in this article. His final total will be a bit higher, but the percentage won't change much. It shows clearly that it makes little difference whether the LP nominates a politician or a purist. Its nominee broke the decimal-point barrier once, in 1980. Since then it has been stuck, and remains stuck, in tenths-of-a-percent territory.

In 37 years it has elected 12 state legislators, and in 2008 some of its candidates for the Texas, Indiana, and Delaware legislatures scored in the low double digits. Its highest-status winner in 2008 was probably John Buttrick, judge of the Maricopa County Superior Court, Phoenix, Arizona. Buttrick won almost 75% of the vote, but it was a yes-no retention vote with no opponent, and for a nonpartisan job. Buttrick was originally appointed in 2001 by Gov. Jane Hull, a Republican.

Blogger Timothy Virkkala predicted of the LP three days before the election: "Even with its best candidate ever, [it] will make no real dent in the elections." And it didn't. The libertarian relevance to the 2008 national elections was the Ron Paul Revolution. Paul was a big story. Barr was not.

Ballot Measures

On Nov. 4, voters in 36 states decided 152 ballot measures, several of interest to libertarians:

Preferential Treatment

Following victories in California (1996), Washington (1998), and Michigan (2006), Ward Connerly's American Civil Rights Institute made a big push in 2008 for state ballot measures to ban racial preferences in state and local government contracting, hiring, and education. Opponents, organized in Michigan as By Any Means Necessary, used lawsuits and the bullying of signature gatherers to keep measures off the ballot. Other opponents (ACORN, Jobs with Justice, ACLU) helped keep them off the ballot in Missouri, Arizona, and Oklahoma, where the measures did not have enough valid signatures.

The measure made the ballot in Colorado as Amendment 46. Sponsors called it the Colorado Civil Rights Initiative. Opponents, organized as Colorado Unity, declared the measure a "fraud." At press time it was narrowly failing, with 49.65% Yes, but was too close to call.

The measure also made the ballot in Nebraska as Initiative 424, the Nebraska Civil Rights Initiative. Opponents tried to keep it from the ballot by lawsuit and failed. They also tried to have a judge change the measure's ballot title to say it would end "state and local programs designed to improve opportunities for and eliminate discrimination against women and minorities." They failed in that also. The campaign against the measure was led by Nebraskans United, a group including the Greater Omaha Chamber of Commerce and the state's richest man, Warren Buffett, who contributed $50,000.

The citizens of Nebraska voted 58% Yes — the same percentage by which voters had approved the Michigan and Washington measures years before. Nebraskans United said they would sue to have the election declared invalid because of fraud by signature gatherers.

Marijuana

In passing Proposal 1 by a 60.2% vote, Michigan because the first state in the upper Midwest to legalize medical marijuana, continuing the pressure for a medical exception to the federal anti-marijuana law. Similar measures had already passed in such modern liberal strongholds as Ann Arbor, Detroit, Ferndale, Flint, and Traverse City.

In Massachusetts, voters passed Ballot Question 2, the Sensible Marijuana Policy Initiative, which effectively decriminalized possession of up to an ounce, making it a civil offense with fines no greater than $100. Favoring it was investor George Soros, who contributed $400,000. Opposing it were the organized sheriffs and police chiefs, Mothers Against Drunk Driving, and Gov. Deval Patrick. It won a 65% Yes.

California voters were offered Proposition 5, which would have lowered penalties for nonviolent drug offenses generally. Opponents, including former governors from both major parties — Gray Davis, Pete Wilson, and George Deukmejian — together with 32 district attorneys, demonized the measure as "the Drug Dealers' Bill of Rights." Soros put in $1.4 million to back it, but voters saw it as too radical. The vote was 59.8% No. It passed only in Santa Cruz, San Francisco, Marin, Mendocino, and Humboldt counties on the northern coast, all seats of influence for the counterculture.

Medical Care

Several skirmishes were fought on the issue of government-provided health insurance, and none, it appears, to a libertarian result. Most notable was Arizona Proposition 101, the Freedom to Choose Act. It would have added to the Arizona constitution this language: "No law shall be passed that restricts a person's freedom of choice of private health

care systems or private plans of any type. No law shall interfere with a person's or entity's right to pay directly for lawful medical services, nor shall any law impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan."

This language would block mandated employer coverage such as the kind imposed in Massachusetts, or "pay or play" plans, under which employers must either pay for employee health coverage or pay a special state tax.

Opponents organized against it as Save Our Healthcare, and argued that passage would raise medical costs. At press time the vote count was almost even, at 50.1% No.

In Montana, voters were offered Initiative 55, the Healthy Montana Kids Plan, to require parents to buy health insurance for all uninsured children and teens. The measure raised the maximum income to get welfare medicine for kids (SCHIP) from a family income of 175% of poverty to one of 250% — $53,000 for a family of four. In conservative Montana, the measure won with a vote of 70% Yes.

Abortion

The 2008 ballot had two strong antiabortion measures, both of which failed.

Most radical was Colorado Amendment 48, a state constitutional amendment that would have defined a legal person from "the moment of fertilization." Sponsors organized as Colorado for Equal Rights, using liberal rhetoric for a deeply conservative measure. Republican contender Mike Huckabee endorsed it, but Colorado's (unsuccessful) GOP Senate candidate, Bob Shaffer, declined to take a position, and in June the state Republican Party refused to give initiative sponsors a booth at its state convention. Opponents argued that defining personhood in that way would criminalize in-vitro fertilization. The measure went down hard, 72% No.

South Dakota offered Initiated Measure 11, which would have banned abortion except for rape, incest, or a danger to the health of the mother. Two years before, a slightly tighter ban failed, 56% No; this one failed also, with 55% No.

In California, voters knocked down, with 52% No, Proposition 4, which would have required notifying parents, but not asking their permission, for an abortion on a minor.

Assisted Suicide

Washington became the second state, after Oregon, to legalize assisted suicide for the terminally ill. Initiative 1000 was opposed by the Roman Catholic Church and probate attorneys, who warned that it could be misused by greedy heirs. It was supported by the big Puget Sound newspapers, by former Democratic Gov. Booth Gardner, who is suffering from Parkinson's disease, and by the Libertarian Party. It passed, 58.7% Yes.

Same-Sex Marriage

Ultimately unstoppable, this one is not quite ripe for most Americans. Before Nov. 4, 2008, voters in 26 states, most of them conservative states, passed gay-marriage bans. All that were offered were successful, except for one in Arizona in 2006. On November 4, Arizonans made up for their previous lack of intolerance by passing Proposition 102, a constitutional ban, by a 56.5% vote.

In liberal California, which had same-sex marriage because of a court ruling in May 2008, voters put a gay-marriage ban into the state constitution by passing Proposition 8. The ban got 52% of the vote and was passing in all counties except the liberal central-to-northern coast from Arcata to Big Sur, and in a couple of high desert counties on the Nevada line.

Florida voters passed Amendment 2, banning same-sex marriages. It needed a 60% vote, and it got 62.1%.

Arkansas voters passed Initiated Act 1, which bans unmarried couples from adopting children, with a 57% vote. It effectively bans adoption by gays.

Treatment of Animals

California voters, with a 63.2% vote, passed Proposition 2, which decrees a minimum space for calves, pregnant pigs and egg-laying hens. It was the first measure of any U.S. state to decree housing rights for hens. Opponents said it would raise the price of eggs and drive the egg industry into Mexico. It was supported by the Democratic Party, the Sierra Club, the Humane Society, and the Center for Science in the Public Interest, and it passed everywhere in the state outside the farming areas and the far northeastern district of Rep. Tom McClintock, a conservative Republican endorsed by Ron Paul.

Massachusetts voters passed Question 3, banning commercial dog racing: 56% Yes.

In conservative states, voters weren't so sentimental about animals. Oklahoma voters passed Question 742, with 80% of the vote, establishing a state constitutional right to fish and hunt. And on Aug. 26 Alaska citizens had voted 56% against a proposed ban on the hunting of bears, wolves, and wolverines from helicopters.

Energy

Environmentalists put two spendy and feel-good measures on the California ballot.

Proposition 7, dubbed "Big Solar," would have imposed mandates on all electric utilities to have 40% renewable power by 2020, and 50% by 2025. It was supported by Tom Hayden and Danny Glover but opposed by the Democratic Party, the Sierra Club, and the Solar Energy Industries Association, as well as by the large private utilities and virtually the entire California press. It went down, 64.9% No.

Proposition 10, dubbed "Big Wind," would have authorized $10 billion in borrowing to subsidize high-mileage cars and research into alternative fuels. T. Boone Pickens' company,

S. H. Chambers

Clean Energy Fuels Corp., donated $17.7 million to pass this one, which was opposed by the Sierra Club and others. It didn't help that the California government was broke and asking for a bailout from the U.S. Treasury. The measure failed, 59.9% No.

Property Rights

Nevada voters passed with a 60.7% Yes vote Question 2, which declares that no use of private property shall be considered a "public use" in order to justify a taking of the property from one private owner and passing it to another. This was the required second vote on a measure Nevadans passed in 2006 — and was about the only ripple in this election from the great property-rights wave started by the Supreme Court's *Kelo* decision.

Oregon voters defeated, by a 52.9% vote, initiative entrepreneur Bill Sizemore's Measure 63, which would have exempted home or farm projects under $35,000 from needing a building permit. Opponents called themselves Defend Oregon and Oregonians Against Unsafe Housing.

Foreigners

In Amendment 1, Florida voters were asked to repeal a part of their constitution adopted in 1926, during the Florida land boom, authorizing the legislature to ban land ownership by noncitizens. Florida has no such law, and voters were asked to rescind the constitutional authority to create one. Repeal required a 60% vote but fell short at 47.9%.

In Oregon, voters rejected Measure 58, which would have banned teaching children in a non-English native tongue for more than two years: 54% No.

Missouri voters approved Constitutional Amendment 1, requiring English only in government meetings: 86.3% Yes.

Arizona voters rejected Proposition 202, which was labeled Stop Illegal Hiring, but said by opponents to be just the opposite. Voters were confused, and 59% voted No.

Employee Rights

In Colorado, union opponents backed by a $200,000 donation from beer heir Joseph Coors put a "right to work" measure on the ballot as Amendment 47. It would have banned the union shop and made union membership voluntary. It was opposed by the Service Employees International Union and by the Denver Metropolitan Chamber of Commerce. It failed, 53% No.

Colorado Amendment 49, to ban the deduction of union dues from public-employee paychecks, also failed, 60% No. But Colorado Amendment 54, banning campaign contributions by unions or other entities doing business with the state, was passing with a 51% vote at press time.

In Oregon, Measure 64, the third effort by Bill Sizemore to ban political contributions from public-employee union dues, appeared to be passing narrowly, with 51.2% Yes. This was in spite of $4 million spent to fight it by one of those unions, the Oregon Education Association.

Election Systems

Oregon voters nixed Measure 65, with 66% No. This would have created a top-two primary election like the one that went into effect in neighboring Washington in 2008. Under that system, voters are not registered by party, candidates can identify themselves as "preferring" any party or no party, and voters can vote for any candidate. The top two candidates for each position go on the November ballot, no matter how they label themselves, and can both be from the same party. In Washington state, this system has almost eliminated the Libertarian and other third parties from the November ballot.

Taxing and Spending Issues

There were many of these, and the radical ones tended to fail.

In Massachusetts, voters had a second crack at complete repeal of the state income tax with Question 1. The measure was proposed by libertarian activists Michael Cloud and Carla Howell. It would have deprived state government of 40% of its revenues, and the entire establishment opposed it. In 2002, 54.7% voted No. This time, 69% did.

California voters added a gay-marriage ban to the state constitution. Arkansas voters effectively banned gay couples from adopting.

In North Dakota, voters were offered a one-half cut in state individual income tax rates and a 15% cut in corporate rates. The teachers' unions and AARP opposed it, and it went down hard: 69.8% No.

In Oregon, a state with a high income tax, voters rejected Bill Sizemore's Measure 59, which would have allowed federal income taxes to be deducted on state returns. It was opposed by public employee unions and Greens, who argued that it would benefit high-income taxpayers. The vote was 63% No.

Anti-tax forces scored some victories. In Maine, citizens repealed the Dirigo Tax on soft drinks, beer, and wine that had been passed to fund health insurance, voting 64% for repeal.

On spending questions, voters in several states ignored the recession and voted to spend. In California voters passed Proposition 1A, which would offer a $9.95 billion state subsidy for a 220-mph train from San Francisco to Anaheim. The Orange County Register's libertarian editorial page called this "Fantasyland"; the Los Angeles Times called it a fine measure to "cement California's place as the nation's most forward-thinking state." Voters drank the "progressive" Kool-Aid and voted 52.2% Yes.

In the "blue" part of Washington, voters approved a $17.9-billion extension of light rail. It adds half a cent to the sales tax in the Seattle-Tacoma region, pushing it in most areas to a colossal 9.6%.

In Minnesota, voters were offered a 0.3-point increase in the state sales tax to fund the "Clean Water, Land and Legacy Amendment" to pay for environmental *and arts* spending. Support came from Eleanor Mondale and Ducks Unlimited. Opponents said it was ridiculous to raise taxes for public art such as the brown pile at Franconia Sculpture Park dubbed "The Big Poo." Minnesotans disagreed, and this execrable amendment passed in the body politic. ❑

Confessions of a Planning Commissioner

by Warren Gibson

Even well-intentioned people achieve dubious ends when they join the bureacracy.

If you're a libertarian and you get tired of huddling with fellow believers, you might decide to take a run at politics. What to do?

It should be easy to get the Libertarian Party nomination for your local congressional seat. Likely result: you collect one or two percent of the vote and retreat to your huddle with your scrapbook of back-page newspaper articles and leftover campaign signs.

Or you could aim for an office that's much easier to get into, but has a lot less power and influence. I took the latter tack. I got myself appointed to the Planning Commission in my home town of Belmont, California.

Every city and county in California has a planning commission, consisting of five to seven citizen members, usually appointed by the city council and serving without pay or for nominal reimbursement of expenses. The commission's job is to review residential and commercial building projects that meet some threshold of size or complexity, to see that they conform to the zoning ordinance and the general plan that the ordinance implements. When a project is proposed, the professional city staff does the groundwork, which can be quite extensive, and the commission is supposed to apply "community values" as only it, presumably, can. It may approve a project as is, send it back for revisions, or reject it. Its decisions can be appealed to the city council. I suspect this is pretty much what happens in other states as well.

A commissioner's job can be a demanding one. I attended bimonthly meetings, one of which ended at 1:30 a.m. Sometimes I devoted a good bit of the preceding weekend to reviewing a thick stack of reports and drawings, and visiting the sites of proposed projects. During meetings we were expected to pay attention, ask intelligent questions, think carefully, follow protocols, and vote fairly. Sometimes we got flak from neighbors for decisions they disliked, and once in a blue moon we got some praise. This was all fine with me — I enjoyed it, mostly.

It would be silly to get on a planning commission and then cast every vote on High Libertarian Principle — crossing your

arms and declaring that the very notion of city planning is illegitimate, for example. You have to take the zoning laws and building codes as given and then hope you can find enough latitude to do the right thing. New appointees, regardless of their political orientation, often overestimate that latitude. Some start out thinking, "Well, I just won't vote for any bad projects." You can't follow that policy, and if you try, the city planning staff or the city attorney will come down on you. Belmont's zoning ordinance spells out criteria, called "findings," on which commissioners must base their votes. If you find that a project satisfies all those criteria, your vote is yes. If you can't make one or more of the findings, you have to explain why, and your vote is no. Of course, some of these findings can be a bit vague (would a new structure significantly block views of "ridge lines"?). That vagueness can be either a source of confusion or an opening to vote against projects you just plain dislike.

My background as a professional engineer was my most valuable asset on the commission. I know how to read drawings, and I try to reduce issues to numbers whenever I can. It surprised me to learn how little aptitude some people have for these things. Sometimes I found problems in drawings or calculations that the professional staff had missed, and I believe the staff and the other commissioners appreciated these insights. But at first I knew nothing about how things get done in a political environment, and it took me a long time to learn to express myself in ways that would influence others without unduly antagonizing them. Eventually I was elected chair, which gave me an opportunity to learn how to run a meeting smoothly.

Although I enjoyed learning about laws and politics, making new friends, and acquiring new skills, I left the commission feeling frustrated. Yes, some good projects turned out better because of our work, and a couple of bad proposals didn't get done. But what troubled me most was not the few bad projects that got through, but the good ones that didn't, or almost didn't. Two of the many projects I saw may cast some light on how planning works these days — or doesn't.

Belmont's main drag is called El Camino Real. Its romantic name — The Royal Road — belies its true nature. Our two-mile stretch is dotted with used-car lots, motels, fast-food places, a tattoo parlor, a 99-cent store, and a check cashing store. You have to get away from El Camino to realize that you're in an area where the average house price exceeds $1 million. Given our town's affluence, given the city's official policy favoring "economic development" (backed by a Redevelopment Agency that provides tax funds to private businesses), and given our Downtown Specific Plan, which was supposed to foster coordinated retail development, one might expect to see more upscale businesses drawn to El Camino. But very few have materialized. Why? The story of Golara and her restaurant provides some clues.

Golara Mokhtari had a career in computer software that ended with the dotcom bust. She then got into real estate, acquiring a tiny house on El Camino with the idea of using it as an office. Late one night in 2004 she got a call from the Belmont police, who informed her that her house was on fire. She was relieved to discover that it was actually the restaurant directly adjoining the house that had caught fire, and her little house was undamaged. Golara saw an opportunity to acquire the damaged building, repair it, and open a new restaurant.

To the professional planner, the world of rules, regulations, reviews, and fees is like water to the fish — not to be questioned.

Though she knew little of the restaurant business, her attitude was, "Why not?" She had worked her way up to a management position in a major software firm and had succeeded in real estate. These successes had given her the confidence necessary to tackle the restaurant business. After the fire department assured her that the damage to the building was less than 20%, meaning that the place wasn't too far gone to be repaired, she bought it. The location is the corner of El Camino and Broadway. (Yes, we have a Broadway. It's three blocks long.)

That was late in 2004, and she hoped to be open for business within a year or so. Little did she know what lay ahead.

I first learned of Golara's plans when her project was presented to the planning commission for review in 2005. I was delighted to see that a burned-out eyesore might be fixed up and put to productive use. After taking a look outside and inside, and reviewing the plans, I was ready to vote yes, though my final decision had to await the public hearing, where all the evidence would be presented. But, we were told, there had been a snag.

Golara's original plan called for an entrance on El Camino, which would have required a short ramp projecting onto the sidewalk. This "encroachment" was acceptable to the staff and the commission, but because El Camino is a state highway, Caltrans, the mammoth bureaucracy that is responsible for thousands of miles of California freeways and highways, would have to approve the three-foot ramp. Golara dutifully submitted an application to Caltrans, paid the requisite fee, and waited. Eventually she gave up and redrew the plans with an entrance on Broadway.

Now another player enters the story. The Americans with Disabilities Act (ADA) is a federal law that imposes all sorts

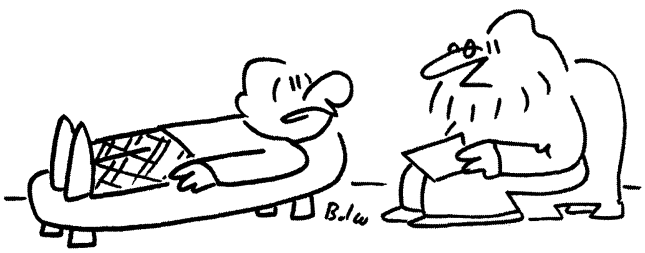

"I want you to put me in touch with reality, but be ready to break the connection *fast*."

of accessibility requirements on businesses and local governments — in direct contradiction to the 10th Amendment to the Constitution, I might add. ADA became a major problem for Golara. Two fully accessible rest rooms were required, taking up a lot of scarce space in her small building. But the most vexing problems came from the fact that the building is on a gently sloped lot and has three floor levels. It ended up with a switchback ramp in the center of the restaurant — an obstacle to almost every customer and especially to the servers, who have to navigate it to get to the kitchen.

Golara took the trouble to consult a state ADA expert, who was quite helpful. But she found the local officials more restrictive on ADA matters, perhaps because they were not ADA experts and therefore tended to err on the side of conservatism. So she had to forego the small stairway that could have bypassed the ramp.

Golara does not dispute the need for rules that are grounded in genuine health and safety concerns. But she does think those rules ought to be applied with a healthy dose of common sense. Otherwise, she told me, "When rules get too cumbersome, nothing gets done." She thinks the city planning staff could have been more supportive, given the favorable externalities she was generating. The process dragged on far longer than she ever imagined, and all the while she had to make mortgage and insurance payments.

Carlos de Melo, Director of Community Development for the City of Belmont, has another point of view. Part of Golara's problem, he says, is that her building lies in the Downtown Specific Plan area (more about which later) and was therefore subject to special design rules. He says he and his staff tried to guide her through the process and ended up spending far more staff time than such a small project would normally require. He has a mandate from the city council to cover his expenses with fee income, and says he "took a bath" on her project.

Who is right, Golara or Carlos? As in some Greek tragedy, each is right within his or her own context. Golara expected that a person of intelligence and determination, though inexperienced in retail business, would be able to make this restaurant happen in reasonable time without unnecessary obstacles. Under that assumption, she is right to feel aggrieved. Carlos, on the other hand, is a professional planner, and to him, the world of rules, regulations, reviews, and fees is like water to the fish — not to be questioned. He clearly worked hard within those rules to help Golara get going. In his context, he was right. But the bottom line in my estimation is that three layers of government — federal, state, and local — imposed substantial costs on Golara, with little in the way of benefits to offset those costs.

Golara opened for business this past July, two and a half years later than she had anticipated. Few entrepreneurs or investors would have stuck it out so long. Only Golara's exceptional determination and resourcefulness got her through to opening day. She and her partner have transformed the burned-out wreck into the Café Mossant, a lovely spot with good food and a warm atmosphere. It's a little gem that brightens a stretch of El Camino that badly needed brightening. She feeds the city government through sales tax revenues, just as she literally feeds some of the nearby city hall workers. In addition to the direct benefits she provides to customers, employees, and eventually, she hopes, investors, she provides indirect benefits — which economists call "positive externalities" — to neighbors and passersby who may never set foot in her restaurant.

When I joined the planning commission I had to take the planning process as given. Now that I'm off, I feel free to question it.

What is the worst that might have happened if there had been no planning process at all? What if she had built whatever she wanted without benefit of any design review, entitlements, or permits? What mischief might she have done? Painted the place an ugly color? Make it inaccessible to handicapped people? Cut corners on materials? Conceivable, but unlikely. It's not just Golara's personal standards that would have prevented such things; the highly competitive restaurant market simply wouldn't have allowed them. Restaurant customers are a fickle lot, demanding high standards of food, service, decor, economy, and convenience. It's very difficult to see how the planning process prevented any significant unfavorable outcome that the market wouldn't have prevented. In short, the fault as I see it lies not with Golara, not with Carlos, but with the system. Regulation has gotten such a stranglehold on development — and not just in Belmont — that often only those with deep pockets or political savvy can get anything done.

Moving on from Golara's, if you take a left onto Ralston Avenue you soon come to a vacant field. This brings us to the story of Brad Liebman, and the senior residences that were not to be.

Since 1901 Belmont has been the home of various sanitariums. By the mid 1990s the remaining psychiatric hospital had been struggling and was up for sale. When Brad Liebman came to look at the property he saw it as an ideal setting for a facility where he could pursue his novel ideas about treating people suffering from Alzheimer's disease. He and his partners bought the land and began to do just that. Townspeople, passing his place on busy Ralston Avenue, may have appreciated the nicely kept grounds but likely gave no thought to the opportunity that was there, should an elderly relative ever require the kind of care he offered. Nor did most of us realize that part of the lovely wooded hillside that frames the valley was his property, off limits for development.

It's difficult to see how the planning process prevented any significant unfavorable outcome that the market wouldn't have prevented.

I know nothing about Alzheimer's disease, but I will never forget making the rounds with Brad one day and seeing the loving personal care he lavished on his people. Later he told me that the head of neurology at UC San Francisco had brought his team to visit Ralston Village and had declared Brad's program the finest he had ever seen. Brad tells me he had visions

of establishing the Village as a model center for Alzheimer's care, and perhaps even of creating a special degree program in that field at Notre Dame de Namur University, located across the street from his property. He could see this program achieving national recognition and "putting Belmont on the map." He also expected that revenue from the new residential development that he envisioned would help support this undertaking.

None of this came to pass.

One end of the property is now an empty field, amounting to about four acres, where the Alexander Sanitarium once stood. In 2004, Brad and his partners approached city hall with a proposal to build a large condominium development for active seniors. The idea was that many people in and around Belmont — empty-nesters — would be ready to give up their large houses and move into a high-quality environment that would liberate them from most of the burdens of home ownership. Residents would not need assistance in daily living but would appreciate the common facilities and the proximity to Twin Pines Park and Belmont's little retail area. And a relatively easy transition to a higher level of care would be available to them if they should ever need it. I was given a tour of a similar facility nearby that had been built by Brad's development partner, and I was most impressed with its quality. I imagined that Merrilee and I might make the move ourselves some day.

I expected approval, perhaps naively, because so many issues had been raised and answered. The council voted to deny the project.

The economic viability of a condominium project depends strongly on getting enough salable units to support the common facilities — the meeting rooms, exercise rooms, driveway, landscaping, and so forth. So the project as first presented to the city was pretty big. It was to be four stories tall with 101 units covering about half the empty land. Because most people aren't adept at visualizing projects from drawings, Brad's architect employed a new and expensive technology — a simulated drive-by video that seemed to show minimal visual impact from Ralston Avenue. Although I was a little uneasy about the size of the project, I supported it. But many of the neighbors, led by the Hortons, whose residence bordered the project, opposed it. Most of the commissioners likewise disapproved. It was just too big. So it was back to the drawing board. The project was scaled down to 82 units and then reduced again, to 55.

Many people were worried that the project would worsen the traffic situation on Ralston Avenue, which was already bad. So Brad and his partners paid for a professional traffic study that came back with the commonsense conclusion that there would be minimal impact because seniors don't drive much at all, and especially not at rush hour. Brad's partner conducted about 30 neighborhood meetings, and eventually the Hortons became enthusiastic supporters of the project. Many other neighbors eventually came around as well. But their support was not enough.

Brad says that he and his partners spent more than two years, over a million dollars, and no end of personal energy working on their plans. Their scaled-back version was considered by the planning commission at a public meeting in April, 2005. We were to render opinions on the necessary Mitigated Negative Declaration, General Plan Amendment, Conceptual Development Plan Amendment, and Vesting Tentative Subdivision Map. The City Council would have the final say on these actions. Brad came to the evening meeting with his development partner, landscape architect, civil engineer, community relations consultant, and health care consultant in tow, all expensive professionals, no doubt. One could almost hear the meter ticking. But commissioners raised more questions than could be answered in that hearing, so it was held over so that answers could be gathered and presented to us at a later date — five months later, as it turned out. Meanwhile, Mrs. Horton had taken a seat on the Planning Commission but was not allowed to vote, because the law presumes that anyone owning property nearby has a conflict of interest. Six of us were left to vote at the October meeting, meaning at least a 4–2 vote would be needed to pass anything.

By this time I thought the whole thing had dragged on far too long. I really hoped for approval. And I expected approval, perhaps naively, because so many issues had been raised and answered. Following lengthy discussions, I introduced a motion in favor of the project, gave it the best rhetoric I could muster, and accepted friendly amendments, but my motion failed on a 3–3 tie. We could only report to the council that we had failed to reach agreement on a recommendation. I left feeling frustrated and angry. In November, the council voted 4–1 to deny the project.

By the time of that council meeting, the benefits were clear: an ugly vacant lot would be transformed into 55 nice new homes in a handsome new building. The city government would reap considerable fee income, capped by a "park-in-lieu" fee of $700,000, supposedly to mitigate the effects of a few additional senior citizens on the city's parks, but in reality a form of legalized extortion. The downside hadn't been reduced to zero: the building wouldn't be wholly invisible, totally noiseless, or completely free of traffic, but the applicants had bent over backwards to mitigate those problems. The only citizens who got up to speak at the meeting were three neighboring homeowners, all of whom spoke in favor of the project. Ignoring the facts in front of it, the council spat out a 4–1 denial. The video recording of that meeting conveys more through the members' facial expressions, body language, and tone of voice than through their actual words. The two leaders of the opposition projected bitter personal animosity; another projected cowardice; a fourth cluelessness. That evening may have been the low point in a long history of some pretty ugly politics in this town.

Not long after his defeat, Brad sold his property to Sunrise Assisted Living, a national chain, and left Belmont. The lot remains vacant. Sunrise ran the facility for a while, then gave up and sold it. The seniors who might now be enjoying their new homes in Brad's development remain in their oversized houses, if they haven't left town. The Park Department

didn't get its $700,000. I have no idea what sort of care the Alzheimer's patients are getting from the current owner.

Without question, these two projects are a black mark on Belmont's planning process and on the concept of government planning in general. Notwithstanding Carlos's helpfulness, Golara's struggles send a message to small developers: beware of Belmont! And a grave injustice was done to Brad Liebman, to the nameless potential beneficiaries of his project, and to everyone in Belmont, save a few politicians.

I must add that I saw other proposals that the city staff or the planning commission did seem to influence favorably.

The city government would reap considerable income, capped by a "park-in-lieu" fee of $700,000, a form of legalized extortion.

And I do not for one moment question the ethics or professionalism of the planning staff. I know them personally and believe they really wanted to do what was best for Belmont. But government planning is a system — an ideology, or a religion — that just doesn't work, and they are immersed in that system.

What if there were a privileged class of property owners who were somehow exempt from planning rules? If there were such people, the kinds of projects they might build could give us some insight into how well the planning process achieves its stated goals.

You think this can't happen in our democracy? Think again. There is a privileged class that can build whatever it wants without any review by the city staff or the planning commission. I refer to other governmental agencies. Our school district, for example, built a large gymnasium without any city review, while a private school that wanted to do something similar was shot down by the planning commission and the city council. The water district built two pumping stations without any review. Both projects seem all right to me.

Churches are another quasi-privileged class. I live in a remote canyon, where the idea of a business starting and attracting customers from far and wide would be ludicrous, absolutely forbidden by the zoning code. Surely if zoning ordinances do anything at all, they ought to restrict such outrageously nonconforming land uses. Yet there is an Indian Orthodox Christian church near my house, the home of an obscure denomination that draws congregants from all over the Bay Area. Some of my neighbors were upset when this congregation announced plans to set up shop. But the church couldn't be stopped, in part because a federal law called RLUIPA (don't ask) makes it all but impossible to use zoning to restrict religious activities. But now that the church is in business, the consequences have turned out to be minimal: some parking issues and a little extra traffic on Sundays is about all.

Okay, what about building standards? How far would anybody get with a proposal to build a one-room shack in my million-dollar neighborhood, in violation not only of the zoning code but also of virtually every provision of the building code as well? Beyond the pale, right? Yet there is just such a shack within spitting distance of my house. It's "grand fathered," meaning that it can remain pretty much as it is until somebody decides to replace it. Seventy years ago, when our area was a good distance from town, that was a hunting cabin. It hasn't changed much, and we neighbors just think of it as part of our area's charm. We look out for the elderly widow who lives there, and not long ago a group of teenagers from a local church swarmed over the place and painted it.

The school gym, the church, and the shack are the sorts of things that planning tries to stop, but legal quirks allow them to exist, and they seem just fine. If unplanned projects can turn out fine, while lots of planned ones don't, do we really need government planning? Randal O'Toole says flatly: No. O'Toole has devoted his career to studying such issues as forest management, smart growth, light-rail transit, and affordable housing. In his recent book, "The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future," he makes the bold claim that "almost everything that planners do could be done better, at lower cost, and with less intrusion into people's lives, with properly designed user fees, markets, and incentives." He advocates restrictive covenants (as currently practiced in Houston) as an alternative to zoning. General plans, he says, are useless at best because no one can foresee the future for a large and diverse group of people and properties over a long period of time. But what is a general plan, and why do we have such things?

All California cities are required to prepare a general plan, which is sometimes likened to a constitution. It sets forth general policies and goals. Subsequent ordinances regarding building and planning are supposed to conform to the general plan. The plan is intended to reflect the values of the residents, which is why citizen workshops are emphasized when general plans are adopted or revised.

That's the theory. The reality is — no surprise — a bit different. I attended citizen workshops when Belmont began its general plan revision in 2002. They were run by friendly consultants, and the meetings were kind of fun. Who doesn't like

There is a privileged class that can build whatever it wants without any review. I refer to other government agencies.

to be asked his opinions? Who wouldn't like to be given a big sheet of paper and some colored pencils so he could make some sketches of what "downtown Belmont" ought to look like? But as O'Toole points out, the consultants are skilled at framing the sessions in a way that will lead to the predetermined results. "Do you want more pollution?" they might ask. "Do you think your downtown should be more friendly to

pedestrians?" The results of our workshops were put together in a festive event held in the college gymnasium, complete with music, balloons, and catered food. That little event cost the city $90,000 and attracted hardly anyone except the prior workshop participants. A few weeks later, the general plan revision came to a screeching halt because of the economic downturn and the consequent municipal budget crunch. It is just now being revived.

Belmont's current general plan includes an element called the Downtown Specific Plan, prepared in 1990. A lot of thoughtful effort clearly went into it, much of it contributed by volunteers. It has flowery language like this: "An attractive, visually cohesive appearance should express a sense of vitality and provide a focal point for public activity and a community lifestyle." It has nice sketches and maps of what the "downtown" (which never really existed) ought to look like. Years later, a little of what was envisioned happened, sort of. We did get some nice new retail at Ralston and El Camino, including a restaurant and a toy store that both went bust. The Starbucks is doing fine. The fancy new train station is all but deserted.

In 2003, along came yet another plan, the Belmont section of a plan for all of El Camino as it runs through the county. This plan makes no specific mention of our existing Downtown Specific Plan, saying only that many past downtown plans have been put forth but that "the community has not shown significant support for these efforts in the past." Translation: those pesky civilians don't see the obvious benefits of a community lifestyle and insist on pursuing their own private interests! So it just starts all over again. The language in this latest plan isn't so flowery, but the acronyms, the graphics, and the buzzwords are fancier. Mind you, the El Camino plan is completely separate from Belmont's general plan, and the two might well end up contradicting each other.

What are the lessons here? Why do grand government plans almost always fail? O'Toole says one reason is the design fallacy. This is the hubristic notion that architectural design is the most important determinant in shaping human behavior: design it, and they will come. Now design surely plays some role, but real people are driven by much more complex and diverse considerations, which can be very hard to anticipate, as anyone who has tried to succeed in retail can attest. But design is what planners do, so they cling to the fallacy and blame everyone but themselves when they fail.

If unplanned projects can turn out fine, while lots of planned ones don't, do we really need government planning?

Another reason is that general plans attempt to project far into the future and for a wide area; and that's simply impossible. Thus, our 1982 general plan did not foresee the major changes in senior health care and senior housing that took place in the intervening years, nor did it foresee the push for higher-density development that has arisen lately. But the outdated general plan was in force, and it provided a hook for the council to hang its prejudices on. Yet another important reason for failure is that planners are not accountable for their mistakes. For one thing, those mistakes often don't become apparent until many years have passed: the people listed in the front of the Downtown Specific Plan have either died, left town, or retreated to private lives. More importantly, planners and citizen volunteers have nothing to lose if they fail. They have no invested capital at risk, and they are unlikely to lose their jobs, no matter what. In contrast, competitive business is a harsh master that focuses the mind of any business person with the constant possibility of financial failure.

Translation: those pesky civilians don't see the benefits of a community lifestyle and insist on pursuing their own private interests.

When I reread our 1990 and 2003 documents with O'Toole's insights in mind, a big omission jumped out at me: there was no attempt to figure out what customers might really want! Despite asserting the need for more and better retail, no one suggested that Belmont residents lacked places to shop, either in their own or neighboring towns. (The real driver is more sales tax revenue, I'm sure.) But since human behavior is so unpredictable, they did what they could and produced nice text and graphics. Maybe government planning doesn't work so well, but surely we can't leave people free to do whatever they want with their property. This would invite chaos, ugliness, noise, and just about every form of social ill, right?

Not necessarily.

To begin with, no one is condemning planning as such. Survival requires that we all engage in planning on some scale. But as Friedrich Hayek so ably demonstrated, the knowledge required for successful planning is dispersed and often tacit. Where there are free markets, price signals connect islands of specialized knowledge, and the result is economy-wide coordination that no individual or agency could have planned. Government planning tries to cover too broad a base, over too long a time span, and is not subject to market discipline. The skills and motives of the planners aside, people and circumstances are just too diverse; things just change too fast. When private business people try to plan beyond the range of their knowledge or ability, they are forced out of business. Failed government planning simply elicits more planning to fix the old broken plans, and the cycle continues.

Externalities do exist, says O'Toole: "There are a few problems that markets cannot fully solve." Yet "they are far less common than planning advocates will admit . . . Even for those problems . . . there are nongovernmental alternatives that work far better than comprehensive government

continued on page 34

The Greatest Place Where No One Goes

by Doug Casey

Does any place still exist where the beaches are clean and the people are few? If you time it right, Uruguay can be that place. But the crowds may be getting wise to its charms.

It's not that Uruguay is — necessarily — the next great thing. It's simply that when it's the dead of winter in the Northern Hemisphere, summer at the beach is a lot more fun. In this part of the world, that basically means either Brazil or Uruguay.

Argentina, of course, has a couple thousand miles of coastline, but not much in the way of beach resorts, besides Mar del Plata. The reason is that its latitude, combined with the curvature of the coast, means that the coast is washed by cold currents from Antarctica.

Brazil has lots of spectacular beaches, but it also has lots of poor people, which means lots of petty crime. Uruguay has almost no crime, and excellent beaches. So in January and February, Punta del Este, which is "the place," is packed with vacationing Argentines, lots of wealthy Brazilians, a good number of Europeans, and a fair sprinkling of glitterati from all over the world.

I'm generally in Argentina from October through December but, with so much of the team in Uruguay, it seemed like a good idea to get an apartment and spend some time there too. I've been there numerous times over the last 25 years, taking the short flight or the pleasant three-hour ferry ride from Buenos Aires, but I've never really written about it. And it's about time because, although Uruguay is unquestionably one of the nicest, safest, and altogether most desirable places in the world, it's among the least known.

Let me start in the manner of Caesar: *Omnes Uruguay in tres partes divisa est.* These are Montevideo, the beach, and the pampa. Hmmm . . . and maybe a fourth, the banks.

The City

Montevideo is the country's one real city. It's a slow, somewhat down-at-the-heels kind of place, where you'll still see quite a few horse-drawn wagons hauling trash. It's a city where the maté gourds they sell in the shops aren't for tourists, but still for local consumption. When I first visited in 1980, the place was truly in a time warp. They were still using those old black bakelite telephones. There were still a

lot of cars from the '20s, '30s, '40s, and '50s circulating in daily usage; now they're to be found as heirlooms in numerous classic car lots. When I was in college, in the '60s, one of my Latin friends pointed out how cars were priced at about triple the U.S. level. The idea occurred to some of us that it would be worth the trouble to drive an appropriate model down, sell it, and catch a clandestine banana boat out of Dodge with the profit. It would have been a fine adventure.

As cheap as property is in Buenos Aires, it's even cheaper in Montevideo. The problem is that Montevideo doesn't vibrate. It's just a nice, quiet place.

Even today, it's easy to imagine the crew of the German pocket battleship *Admiral Graf Spee* sitting at the docks, desperately trying to make repairs to its fuel system after her battle with three British cruisers at the mouth of the River Plate in December 1939. It's an interesting story. The *Graf Spee* couldn't complete its repairs within the time limit for its stay. Its captain, Hans Langsdorf, took the ship just outside Uruguayan waters and scuttled it. That was partly because he feared that if the assembling British fleet came in to get him, it would result in needless damage to the city, and partly because he knew it was a battle he could only lose. In the two months it had been a commerce raider, the *Graf Spee* captured and sank nine ships, but never killed an enemy sailor. Langsdorf, reputed to have been quite an exceptional person, lay down on his ship's battle flag and shot himself three days later, after negotiating terms with the Argentines for his crew's internment. The ship is in the process of being raised, and will be part of a museum in Montevideo.

The Beaches

During January and February, Punta del Este is among the most happening places on the planet. The city — which has elements of places like the Hamptons and Rehoboth, with a touch of Atlantic City because of the casinos and high rises — has bumper-to-bumper traffic in some areas until 4:00 a.m. The other ten months of the year, especially in the winter, it's a veritable ghost town, like summer beach resorts everywhere. Personally, I far prefer the off-season for a couple months on either side of the peak. Many of the facilities are still open, but the crowds are gone.

I'm confident that most beach resorts (and most ski towns) will increasingly become year-round communities. Today's transportation and communication makes it possible for people with some money to live and work where they want. And they want to be in the kind of place they'd like to vacation in, where others like themselves are to be found. I suspect lots of boomers in the years to come are going to sell their main house (assuming there's a bid) and transplant to their vacation homes. So Punta, and places like it, are going to do better than "average" places. Right now, condominiums on the beach go for about $300 a square foot, while detached houses are typically half that. This isn't atypical in resorts; people like the security and convenience of the condo, even though a detached house is both cheaper and superior for living. If a place is rented, 80% of the year's revenue comes in during the two months of the season. My guess is that both these things — whether in Punta or on the U.S. East Coast — will change, to the advantage of current owners.

My advice, if you want a place on the beach, is to come down and take a look. Uruguay has about 500 miles of coastline, and most of it is deserted. And pretty cheap. One quite pretty piece I'm attracted to, close to a small beach town, is 400 acres, with about a mile of beach, for US$4.5 million. Until recently, anyway, that's what some people were paying for hideous McMansions on a quarter acre in the United States. A lot of those McMansions have now been deserted, since few of the buyers could afford the mortgages — forget about the utilities, taxes, and maintenance. Not good. The beach is nice, however, because it's always deserted.

The Pampas

Most of the country looks like Kansas or Nebraska, Missouri or Illinois. Not unpleasant, but mostly flat to gently rolling. Nothing there but endless fields. Some growing corn, or wheat, or soy, or alfalfa. But mostly they're grazing cattle. Cattle alone, even at current low prices, amount to 35–40% of the country's total exports. This leads me to remark on the published economic information on this country, which is, like that for most places, at once superficial and misleading. Most statistical compendiums say Uruguay's economy is on the order of 10% agriculture, 40% industry, and 50% services.

Forget what you read in statistical compendiums, especially if their source (as most are) is the government. Or at least treat them with skepticism. Who knows how the dog's breakfast of numbers is really being put together, and for exactly what reasons? I far prefer to eyeball the situation personally and draw my own conclusions, rather than letting a reporter interpret the spreadsheet put together by some clerks. Anyway, kicking rocks is more interesting than culling through questionable numbers.

So in that spirit, we were fortunate to chance upon a small fair featuring a rodeo, more or less in the middle of nowhere in the pampas. Pretty much the type of thing you can still find in Colorado, Wyoming, or Alberta, with livestock and handicrafts. What was different was that, with the sole exception of ourselves, it wasn't overrun with tourists. Everybody was either a gaucho, or a member of a gaucho's family.

I go to rodeos in the United States and have got a lot of respect for cowboys. But these gauchos are something else. When cowboys ride broncs, if they're not using a regular saddle, the horse at least has a saddle pad and a cinch around it that a rider can grab onto. And he gets on the horse in a pen. The gauchos simply hold on to the horse's mane, after just jumping on it while it's tied to a post — much harder. Cowboys have a standard uniform, consisting of Stanley boots, Wrangler jeans, a western shirt, and a Stetson or Resistol. So do gauchos: soft black leather boots, bambachos (a very loose-fitting pant), a shirt with blousy sleeves, and a flat brimmed hat. Cowboys sport two-inch-wide belts with flash buckles; gauchos go to a much wider belt, similar to the type lifters wear at the gym. One big difference is the gauchos do their bronc busting wearing their knives in their belts. And they always wear spurs. I was impressed. These hombres do this stuff for day-to-day work, not just to win prizes on the circuit.

An aside. Have you ever wondered how cowboys keep their Stetsons on during a rodeo? Very often, they use chewing gum to snug the fit.

Back to Uruguay. The climate is excellent year round. And

there are only about 3.5 million people, most of them concentrated in Montevideo. The industry here is almost all related to harvesting, processing, and shipping beef, hides, dairy, grains, and wood pulp. The services are mostly dependent on exactly the same things. Plus the sale of real estate, which is treated like just another commodity here. The exceptions are banking and tourism.

Banks, Money, and Taxes

Uruguay has always been Latin America's answer to Switzerland, at least as far as bank privacy is concerned. Latins are notoriously averse to paying taxes. More than most places, the daily news in these countries amounts to a recitation of government stupidity; few people want to subsidize it with their own money. And most people with any money, prudently, want to keep it out of the reach of their own governments. So Latins have historically shipped as much spare cash as possible to — mostly — either Switzerland, the United States, Panama, or Uruguay. In today's world, however, very few will be sending more money to the United States. They have seen what's happened to the U.S. property market, they don't trust the dollar, and they don't even want to visit the United States anymore. Especially for Argentines and Brazilians, Uruguay is a convenient and neutral place for their capital.

It would be good as an alternative for Americans, too, except that, like Switzerland, banks here simply don't want American business. Seriously don't want to touch it. Example? A South African friend of mine, who's living down here, wanted to open an account with a large international bank, but they wouldn't do it until he signed an affidavit stating that he was neither a U.S. citizen, nor a U.S. resident. It's apparently standard operating procedure, even though he showed his South African passport. The small local banks will take U.S. accounts for the purposes of normal expenditures, of course. But the message emanating from the Empire is quite clear.

The bank privacy this country offers is anomalous at first glance. You wouldn't expect a socialist welfare state that has destroyed its currency as aggressively and consistently as any country in the world to be a bank haven. The answer lies in the fact Uruguay started out as a haven for Argentines and Brazilians much the way Switzerland did for the French, Germans and Italians. It just took a wrong turn in political philosophy. But since banking was such a cash cow, the government left the sector alone. It's one of the two intelligent things the Uruguayan government has ever done that I'm aware of. The other was not having an income tax. Actually, let me rephrase that. It was not a question of doing intelligent things, but — and this is basically the most one can hope for from the institution of government — not doing really stupid things.

That's past tense. Until last year, there was also no income tax here. The election of the new government in 2004, the Frente Amplio, composed of a bunch of refugees from the '60s and '70s — ex-communists, ex-Tupamaros, current Greens — was centered on "reforming imbalances" they saw in society. Which, as everywhere, translates into more power to the state. People assumed it would just affect "the rich," but — what a surprise — now almost everybody has to file forms and pay up. Some can even see that it will leave "the rich" with less money to make investments and employ people than would otherwise be the case. It would seem people voted for the Frente mainly because they were neither the Blancos (equivalent to Republicans) or the Colorados (Democrat-equivalent); anything other than the two parties that were responsible for many decades of economic stagnation seemed like a good idea at the time.

Will the Frente be reelected in 2009? On the one hand, the average guy is unhappy about the new income tax his rulers have imposed, and may want to kick them out. I can only think of one time in all of history when a government repealed an income tax (the United States, over Lincoln's dead body, after the Civil War), so I'm not holding my breath. And since commodities have boomed, so has the local economy, boosting the Frente's popularity. It's a lot like the Americans when Clinton was in office; he didn't cause the boom — in fact he was a drag — but he got to take credit for it.

This provides an interesting object lesson in the supposed link between education and voting. Uruguay is among the most educated countries in the world. If education correlated with intelligent voting, then the place would be a paradise. But there's no reason to believe that education — or lack thereof — correlates in any way with the choices of political candidates. Rather, it's a matter of psychology. Or to be more exact, the degree to which people feel driven to dramatize their psychological aberrations. Which, unfortunately, seems to be a constant across both time and space.

However, the imposition of tax on locally earned income needn't be a pressing concern to you because, even if you become a permanent resident, foreign earned income is exempt. They understand and appreciate rich foreigners in Uruguay.

The Bottom Line

Here's a place that should have been on top of the world. A small but highly educated and demographically homogeneous European population. Crime free. Great climate. Hundreds of miles of empty coast. Perhaps the world's premier beach resort. Socially liberal. Religiously agnostic. Huge agricultural production. A tax and bank haven. Next door to two big and vibrant neighbors. What's not to like?

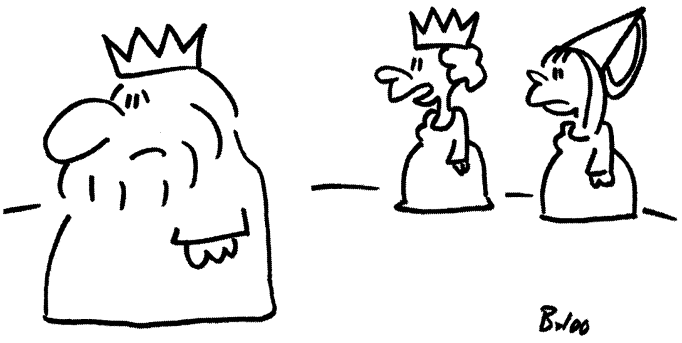

"He slew all the dragons on the border, and now we have a big illegal alien problem."

The answer lies in another question that will inevitably arise as you spend time here: why, with all its apparent advantages, isn't Uruguay one of the richest counties in the world? The answer, as almost everywhere else, is the same: political stupidity. In so many ways — size, climate, ethnicity, economy, ambience — the place resembles New Zealand. Including in mistakes and stupidities.

In good part because of its high level of education, Uruguay was influenced by the Fabian socialists, who specialized in capturing universities and subsequently corrupting the student body. As a result, Uruguay became the first "socialist democracy" in Latin America at the turn of the 20th century. That was the start of the slippery slope.

Next, the country placed itself under embargo. It did this by enacting some of the highest duties and quotas in the world on imports. That effectively cut it off from knowledge and technology from anywhere else. That's bad enough if you're a big country, but it's death if you only have a couple million people.

As a result of the social democracy and the self-imposed embargo, any bright, ambitious person with enough money to go elsewhere did so. Uruguayan doctors, engineers, and other professionals with transportable skills left for the United States or, at least, Buenos Aires. Uruguay, perversely, with its educated population, and indirectly because of it, has always suffered from a brain drain.

That's exactly what was happening in New Zealand until the country reformed in the mid-1980s, out of desperation. Kiwis with at least a lukewarm IQ and cash for airfare would take off for Australia (if not the United States or the UK). And it's exactly what happened in Ireland, until it reformed out of desperation. Irishmen with any moxie headed for London, New York, or Boston. Like Uruguay, these countries were rapidly transforming themselves into the shallow end of the gene pool.

The speculation is that, not being completely oblivious to reality, the Uruguayan government may go in the same direction. I'm not looking for, nor predicting, a free-market revolution. I just think that, after having tried every cockamamie collectivist scheme that came down the pike over the last 100 years, lightning may strike or desperation might set in. The next government just might look at what happened in New Zealand and Ireland, see the completely obvious similarities, and put two and two together. Stranger things have happened.

Even if that doesn't happen, my guess is that, as in Argentina, you're going to see much more immigration of wealthy Europeans, deserting that sinking continent. Emigrants are always the best, which is to say the most opportunistic and freedom-seeking, people. And because Uruguay is so small, they'll have a proportionately much bigger effect than on their neighbor to the south. The prognosis is very good. The place stands a high chance of transformation from a quiet backwater into a booming hotspot.

I expect to do more things there in the future. But if Uruguay is tomorrow, Argentina is still my choice for today. The nice thing is that they're just a ferry ride across the Plate from each other. ❑

Confessions, *from page 30*

planning." This strikes me as a realistic answer, unlike that of the late libertarian icon Murray Rothbard, who waved off all negative externalities with a call for enforcement of private property rights. That won't work in cases where a direct link between perpetrator and victim cannot be established. But negative externalities are far less extensive or problematic than the planning ideology assumes. Those that are real can very often be resolved in terms of property rights, using compensation agreements, tort law, forbearance, etc. But for the knottiest problems, purely voluntary solutions sometimes can't be found. Air pollution is the primary example. In these especially thorny situations, most economists agree that government sanctions are necessary.

Nobody believes in socialism anymore. Hayek and Ludwig von Mises showed very well that it can't work. Yet it continued for a long time in the communist countries, in part because it was accepted as a religion, not to be questioned. Only when events overtook those countries did socialism collapse. Is government planning a form of socialism? Not really, if you define socialism as government ownership of industrial and commercial property. It is more accurate to call government planning a form of fascism. Let me hasten to justify this incendiary term.

In his recent book "Liberal Fascism" (which I reviewed in the Sept. 2008 issue of this magazine), Jonah Goldberg ably shows the fascistic nature of many facets of 20th-century and present-day American politics. Fascism entails two defining characteristics: first, in its economic aspect it allows nominal private ownership of productive property, with control actually in the hands of government officials. Second, it entails nationalism or racism in some form.

Planning fits the first characteristic to a tee, but where do we find racism? Nowhere is it explicit, of course, but it's just below the surface in many specific instances of planning. For example, the people with political power in Belmont are all above average socioeconomically. They mostly live in the hills and drive fancy cars. None is Hispanic or Asian. But somebody, either resident or transient, is patronizing the 99-cent store and the check-cashing store — very likely, it's low-income Hispanics. These are people who are more likely to worry about raw survival than about the lack of a nice spot to relax and sip their capuccinos. Council people have told me they wished they could have suppressed those two stores, and by implication their undesirable minority customers.

Meanwhile, the planning juggernaut rolls on from fad to fad: City Beautiful, Urban Renewal, Smart Growth. Plan n is hatched to correct the failures of plan n-1, and around and around we go. Can we learn from the failure of socialism and get off this merry-go-round, or must we wait for things to get really bad? Randal O'Toole has done a fine job of exposing the planning myth. Let us hope that others continue the job. ❑

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Masters of the Blog

by Jim Walsh

As the power of the Mainstream Media wanes, a new power is arising — the power of the political blog.

In the course of the presidential campaign, I made a habit of reading a number of prominent internet websites dedicated to political opinion from both the libertarian and statist perspectives. Initially, I was looking for some insight into those who felt passionately about either of the two major-party candidates, whom I found equally uninspiring.

I didn't find this insight — the respective stands didn't make any more philosophical sense than a football fan's support of the Oakland Raiders or Dallas Cowboys. The water carriers for statism were predisposed to read vision and inspiration into the empty suit that is Barack Obama; the trenchermen for limited government labored to find virtue in the tin-eared populism that John McCain has developed in his post-Keating Five years.

But I did learn something from my daily ritual.

The internet pundits differed in more than just the objects of their partisan attentions. They differed significantly, even systematically, in their rhetoric. The differences are worth pointing out because they may help curious readers to recognize biases and bents in things they read online.

My daily reading list included four websites with a statist slant:

- DailyKos (www.DailyKos.com),
- The Huffington Post (www.HuffingtonPost.com),
- The Kaus Files (www.slate.com/kausfiles), and
- Eschaton (www.eschatonblog.com).

These were balanced by four sites exhibiting a libertarian lean:

- Instapundit (pajamasmedia.com/instapundit),
- The Volokh Conspiracy (volokh.com),
- Asymmetrical Information (meganmcardle.theatlantic.com), and
- Ann Althouse (althouse.blogspot.com).

A couple of quick notes. The writers on some of these sites would probably object to my crude categories. Several that I put on the limited-government side question standard libertarian tenets (and at least one endorsed Obama); a couple that I lump in with the statists call themselves libertarian or polit-

ically agnostic and share concerns about the leviathan state with most Liberty readers. However, for the purpose of this piece, the categories are useful.

There are, of course, many other political websites — some prominent — whose authors fall on various points along the political spectrum. I checked in, from time to time, with many of these. They generally comport with the conclusions I draw from my Big Eight.

Finally, there are a number of interesting websites operated by traditional political magazines (among these, the Weekly Standard, National Review, Reason, the New Republic, and the Nation) as well as so-called "aggregators" of reportage and columns such as The Drudge Report, Townhall.com, and CommonDreams.com. But I focus my discussion here on media outlets that began as internet sites and are native to the online world.

Frankly, it's fun to read the Huffington Post because the columns and comments are so stupid. The prevailing style is ignorance.

This having been said, let's start with quick reviews of the Big Eight.

DailyKos.com is the brainchild of Markos Moulitsas, a U.S. Army veteran and left-wing political activist. The "Kos" of the site's name comes from the founder's nickname. This site has considerable influence within the so-called "netroots" — the most extreme statist faction of the Democrat Party. The site is structured around "diaries," long (by internet standards) columns written by a handful of regular contributors. Most of these diarists write under pseudonyms. Kos posts some columns; but many of his contributions involve mathematical analyses of polls, including some that DailyKos.com itself commissions.

The site's most interesting features are the readers' comment sections that follow the columns. Here, members of the DailyKos "community" — called "Kossacks" in internet jargon — add their thoughts on the news of the day.

This community toes a doctrinaire statist line. Its style is angry simplifcation. Kossacks lionize statist politicians or pundits (chief among these, Obama) and vilify others (chief among these, Sarah Palin). They also vilify each other for any deviations from doctrine. DailyKos.com has been properly criticized by other sites for its violent rhetoric and stereotypically Old Left "disappearing" of divergent opinion.

In an interesting turn, Kos himself has shown some signs of apostasy. He has tried to incorporate some libertarian policy points into his version of statism. His readers have responded coldly to these efforts.

DailyKos diarists and commenters are generally humorless — though they do occasionally try to be funny. The jokes fail, mostly because they are scornful rather than wry — and relentlessly partisan. No jokes about liberal Democrats; jokey comments dripping with disdain about moderate Democrats and all Republicans. Ideological purity isn't funny.

Here's an excerpt from an Oct. 26, 2008 rant by the popular DailyKos diarist "Devilstower" slamming Alan Greenspan and Ayn Rand:

> A casual observer might be forgiven for thinking that discovering that the desires of corporate officers didn't always run parallel to those of investors as being so obvious a dead parrot might notice. But then, a casual observer doesn't have a lifetime invested in a philosophy that says otherwise. [Greenspan] apparently never noticed that the desires of individuals, the security of corporations, or the needs of societies in which those companies were embedded don't always lie side by side. He never saw that the incentives built into his more pure system, were aimed at tearing the system apart.
>
> Rather than reveal some ultimate truth of Objectivism, Greenspan's new revelations show only that for forty years, his indecipherable proclamations — those Palinesque chains of detached verbs and adjectives — haven't been the carefully-parsed parables of a financial oracle. They've been the nonsensical mumblings of a blind believer.

This is bad writing. But Devilstower should at least be recognized for discussing political ideas that lie outside his readers' regular rounds. The comments that followed his post show the predictable tenor of Kossack debate:

> When [Ayn Rand] reached middle-age, while still married and living with her husband, she started screwing her male assistant. Sexual morals didn't matter for her, either. And she made a point of embarrassing the bejesus out of everybody involved. A very public rub-all-our-noses-in-poop scandal. Zero people skills — other than worshiping sociopaths. Sociopaths, always and forever, will find her intellectually compelling.

And:

> Of all the Orwellian hackdom that Ayn Rand preached, this was the deepest and most troublesome — and, for those virtuous Christians I might add — deeply unethical on almost every level. . . . The libertarians that espouse only a belief in the virtues of the market as the ultimate arbiter of human action has abandoned whatever they might have had for souls.

Orwellian hackdom? George Orwell was a vivid, evocative writer. As far as I'm aware, the term "Orwellian" means rhetorical manipulations that are frightening because they are effective. It doesn't mean hack work.

Some commenters defended Rand's skepticism about altruism. Then the Kossacks bared their bodkins:

> I have read her works, as well as multiple works on her works, and the overall take-away regarding altruism is that she thought it was evil, that NOTHING good could come of it, and that altruism always brings negative effects. The major problem with ALL of her poorly thought out ideas is that people will necessarily act reasonably. Most people don't. And markets are NOT rational. They cannot be.

Sound enough like a grad school coffee klatch? Note the ALL CAPS emphasis on the negations in this comment. That conveys the overwrought anger typical of Kossacks.

But the worst comments were still to come. A hard fact of the DailyKos "community" is that it allows no variation from statist orthodoxy. A free exchange of ideas — even about the politics of Ayn Rand novels — will not be tolerated:

> These assholes (ayn rand, alan greenspan) were ethically wrong from day one. Rand's dead and Greenspan's just getting around to mentioning that he might have been "tactically" mistaken.
>
> Um, no. It's worse than that. The entire under pinning of his sick philosphy just imploded. He wasn't just "wrong," his entire existence was a fucking mistake.

This post is the distillation of Kossack rhetoric: angry, slapdash, obscene, and intolerant. (Freud might say the typographical error "philosphy" says something about the commenter's aversion to ideas.) This is the netroots. And it's Barack Obama's core demographic.

The Huffington Post was created by quasi-celebrity and political dilettante Arianna Huffington. Its structure copies from DailyKos.com, though it adds more straight news stories from the online versions of the Associated Press and other wire services.

Huffington's distinctive feature is to publish columns written by minor Hollywood celebrities — a motley collection of TV actors, singers, standup comedians, and their spouses. The site encourages readers to register as "fans." The prevailing style is ignorant and blindly loyal support of the Democrat Party line. This is a considerable irony, since Arianna Huffington began her political life in the United States as the wife and informal campaign manager of a clueless one-term Republican congressman from Santa Barbara.

Frankly, it's fun to read the Huffington Post because the columns and comments are so stupid. One risible example: in October 2008, the site ran a hit piece on Sarah Palin under the byline of the geriatric cabaret singer Barbra Streisand. It included various outraged allegations of incompetence and malfeasance, some of which may have been true but several of which had been proved false before the publication date — thus undermining the whole piece. The comments that followed congratulated Streisand for being wonderful.

Arianna Huffington has embarrassed herself not, as you might expect, by publishing idiotic invective based on California Democrat Party talking points but by boasting publicly about her site's supposed value as a media property. She's pegged its worth in the hundreds of millions. She's alone in this opinion.

Let me give you a bit of La Huffington's equally, er, unique political analysis:

> McCain is running a textbook Rovian race: fear-based, smear-based, anything goes. But it isn't working. The glitch in the well-oiled machine? The Internet.
>
> "We are witnessing the end of Rovian politics," Eric Schmidt, CEO of Google told me. And YouTube, which Google bought in 2006 for $1.65 billion, is one of the causes of its demise.
>
> Thanks to YouTube — and blogging and instant fact-checking and viral emails — it is getting harder and harder to get away with repeating brazen lies without paying a price, or to run under-the-radar smear campaigns without being exposed.
>
> But the McCain campaign hasn't gotten the message, hence the blizzard of racist, alarmist, xenophobic, innuendo-laden accusations being splattered at Obama.

Ad hominem attacks, arriviste name-dropping, florid adjectives, paranoia: this is amateurish stuff.

According to Huffington's biography, she was an ace debater during her time as a student at Cambridge. Her wit must have dulled since then. Here's how her dullard fans responded to her insights into Rovian splatter:

> Thanks Arianna — I've been saying since the primaries . . . this is the Techo-Gen. If we hear something that sounds fishy it takes about 1.5 seconds to Google not only the statement but the author, his past affiliations, motivations and voting record. An obscure quote by Prof So and so meant something 10 years ago because we didnt know who the Prof was. Now-we can discover — OH he's rightwing loon from NRO and throw him out for his obvious bias. NOTHING goes unchecked. Everything is real time. Everything is on video and if you are lying, WE WILL FIND OUT . . . and then politely proceed to both defend TRUTH and destroy the liars and whoever is swallowing their lies.

And:

> I believe we would be remiss, Arianna, in NOT recognizing that HuffingtonPost has been equally, if not more, responsible for the political information awakening of the last 3 years — as YouTube has been. Credit where it's due, I'd bet the neoCON republicants hate HuffPo denizens just as much as those evidence videos that expose their lies and hypocrisy — whenever they try to redefine meaning or rewrite history. There's nobody over at YouTube blogging un-spun truths outside the corporate msm controlled talking points. You, the others at HuffingtonPost, and your magnificent celebrity bloggers gave voice and location to the counter-neoCON dialog a year and a half before the '06 election, and the republicants have not been the same since.

Ech.

KausFiles is a different style of opinion. It is product of one person — Los Angeles-based journalist and veteran political pro Mickey Kaus. Kaus comes from a family of prominent Democrats (his father was a judge and his brother is also a published writer); but he broke slightly from party orthodoxy by publishing some influential economic research in the 1980s that supported what would later become Clinton-era welfare reform.

The site, which focuses on the mechanics of political campaigns and the manufacture of political issues, began as an independent venture. After gaining a loyal following among political insiders during the early years of the internet, it

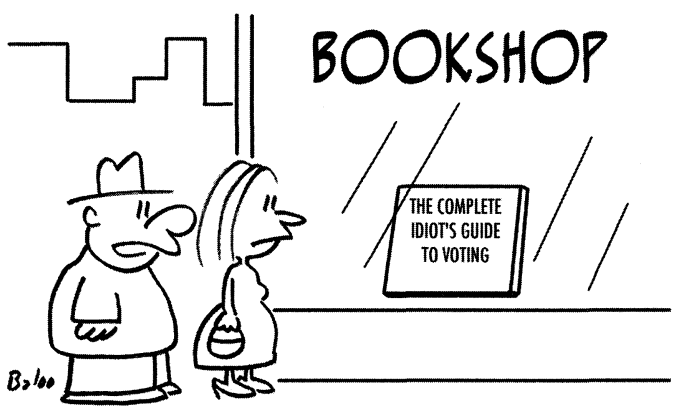

"Well, it's an idea whose time has come."

was purchased by and incorporated into the online magazine Slate.com (currently owned by the Washington Post Co.) in 2002. However, Kaus remains its sole contributor and voice. His style is genuinely ironic; he started a much copied practice of including parenthetical notes from an imaginary editor in many of his posts. Some critics have called him "counterintuitive."

From KausFiles:

> Why was I undecided at this point in 2000? It seems crazy to me in retrospect, given George W. Bush's performance. At cocktail parties recently, I've been unable to explain why . . . Well, here's my explanation at the time. It turns out I was worried about the combination of a Dem Congress and a Dem president. That was egregiously wrong . . . or eerily prescient! (See next item) . . . 12:08 A.M.
>
> In an hour long interview with Charlie Rose last week (as accurately summarized in The Hill)
>
> [Nancy] Pelosi dodged a question about whether Democrats would be able to bring about universal healthcare. Pelosi instead cited electronic recordkeeping as a preliminary step.
>
> So we don't get health care but we do get card check? And immigration semi-amnesty? Is there a market where I can bet on Republicans in the 2010 midterms? . . . Of course, maybe Pelosi is hiding the ball and really plans an ambitious health care agenda. But then what else is she hiding the ball on? . . . P.S.: Note that Pelosi adopts the new, Luntz-style tough-sounding language on immigration:
>
> "I'm just saying register so that we know who you are," said Pelosi, who added that for those who are not willing to register: "You got to go back."
>
> Register or go back! Of course, if you are an illegal immigrant and you register and nothing happens — i.e. you get to stay — then you've in effect been granted a form of legalization or amnesty. . . . This reminds me of the stage in the welfare reform debate when defenders of the old AFDC dole began to adopt the language of its critics without the substance — demanding "work" programs that really only mandated registering for work that was never actually required. Of course, they managed to sustain a wildly unpopular welfare program for several decades using this con. . . . 8:22 P.M.

My quibble with KausFiles is that it tends to focus too much on the day-to-day "horse race" aspects of politics. But the author is a reliable tout.

Like Kausfiles, EschatonBlog is the work of one intelligent writer. He has continued to use the pen name "Atrios" even though he was identified years ago as Duncan Bowen Black, a Philadelphia-based journalist who has worked for Air America Radio and the left-leaning watchdog organization Media Matters.

Althouse receives vitriolic attacks; being a relative conservative on a notoriously leftist campus may have something to do with this.

For my money, Eschaton is the most interesting and useful statist political site. Atrios focuses on issues and ideas — rather than personalities or spurious scandal and canned outrage. (Though, like most journalists, he does occasionally slip in some personality stuff to enliven his coverage.)

Here's Atrios:

> Pennsylvania
>
> The idea that the McCain campaign is going to make a real effort to beat Obama in this state now is amusing. Or, to put it another way, if McCain does win Pennsylvania then all the polling in this election is completely wrong for whatever reason and McCain's going to win a bunch of other Kerry states too. Pennsylvania was close in '04. Very close. 51–49. But the polls before the election were also close. Very close.
>
> The Pennsylvania polls are now not close at all. Many months ago I thought PA would be hard for Obama. But it turns out I was wrong, probably because I underestimated the number of moderate Republicans in the Philly suburbs who will actually vote for a Democrat and overestimated the number of conservatives and old people (this is a very old state) in the 'T' who won't vote for Obama.

And:

> Matt Drudge Still Rules Their World
>
> While Boehlert is right that Matt Drudge hasn't been as influential over this election as he has at other times, I don't think it's correct to discount completely his mind control powers over our nation's editors and TV news producers. Those powers still exist, even if he hasn't been using them very effectively recently. Drudge is good at what he does, but he's in part only as good as the stuff they feed him.

This is partisan politics. But compare Atrios' version with the rants from DailyKos and Huffington Post. It's clear, concise, and cogent.

Instapundit may be the most influential political site on the internet. It is the work of one author — University of Tennessee law professor Glenn Reynolds (although Reynolds, juggling his day job with a burgeoning career writing for traditional media outlets like Forbes and The New York Times, does occasionally have guest writers contribute to his site).

Why is Instapundit so influential? Timing, partly. Reynolds was one of the first credentialed people to publish regularly in what has become known as the blog format. Style, partly. Reynolds was an early adapter of what has become the prevailing mode of blog writing — extremely concise, ironic commentary that contains hypertext links to the sources of "straight" news stories.

Reynolds' signature line is the three-letter exclamation "Heh" linked to a news story. His "heh" conveys much, including ironic or sarcastic "agreement" with the absurdity of the linked news piece.

Here are Instapundit's posts from one three-hour period (here, the words in ALL CAPS aren't for emphasis; they represent hypertext links to other websites):

> posted at 10:13 PM by Glenn Reynolds
>
> MCCAIN VS. OBAMA on scientific integrity.
>
> posted at 09:47 PM by Glenn Reynolds
>
> TAKING SANCTUARY IN BARACK OBAMA. As Chris Mead has noted in his terrific biography, Joe Louis was treated as a secular saint by some parts of the African-American community. But Barack Obama seems to be

inspiring this messianic fervor among a much wider cohort of the politically involved.

posted at 09:37 PM by Glenn Reynolds

COMPARING MCCAIN AND OBAMA'S VOTING HISTORIES with their statements about space.

posted at 08:18 PM by Glenn Reynolds

CAR LUST: When tuning goes horribly, horribly wrong.

posted at 07:00 PM by Glenn Reynolds

ROGER KIMBALL: Is Obama a "transformational figure"? You don't know the half of it!

posted at 06:57 PM by Glenn Reynolds

THE RUSSIAN Cyber Militia: "Georgia was not just invaded by Russian troops last August, it was also hammered on the Internet, with the same Cyber War techniques used against Estonia last year. An investigation by a large team of Internet experts concluded that, as with the attacks on Estonia, the Russian government was not directly involved in the Georgia attacks. The Cyber War attacks on Georgia were coordinated from a non-government web site. If there was any Russian government involvement, it was indirect." How convenient.

You get a good sense of the Instapundit style from this excerpt. Reynolds is heavily referential. He's tight. And he's focused on ideas rather than personalities — even when those ideas have to do with public personalities. He does not allow readers to post comments on his site, though he has written about changing this policy.

There's another reason for Instapundit's influence: Reynolds is generous to other writers. A link from his site can drive so much traffic your way that your ISP's servers crash if they're not prepared. These so-called "Instalanches" are badges of honor on the internet. Reynolds has used his influence to make stars of other bloggers he likes — such as Stephen Green, Michael Yon, and Ann Althouse (who's also in my Big Eight).

Instapundit approaches politics from a fairly consistent libertarian perspective. But Reynolds also posts comments and opinions that show a refined taste in cars, guns, food, and electronic gadgets. He conveys a distinctive and even eccentric take on law, politics, and society. This distinctiveness makes his site interesting.

The Volokh Conspiracy is a group project started by UCLA law professor Eugene Volokh. Structurally, the site resembles DailyKos. Its "conspirators" post longish columns, just as Kos' diarists do. These are followed by comments — which, unlike the Kossacks' ravings, are often as interesting as the columns.

Consider an excerpt from a column by Volokh conspirator Ilya Somin:

> [P]roperty rights play a role similar to that of freedom of speech. But while the importance of freedom of speech in protecting unpopular minorities is widely understood, many people still believe that property rights mostly benefit only the wealthy, powerful, and popular. As the very different examples of Ayers and the Chinese gays demonstrate, that is not so.
>
> Of course some of those who take advantage of property rights are far from admirable, as is certainly true of [William] Ayers. But the same can be said for free speech rights. Many of the Supreme Court's most important First Amendment precedents vindicated the rights of communists, KKK leaders, and others who would surely abolish freedom of speech for the rest of us if they ever had the power to do so.

And, from among the comments following Somin's post:

> Property rights are extremely important. You are pretty free on your own property. Those living in rural areas are very free. Very little or no regulation by a .gov entity. For 2nd amendment supports this is very paramount. Own enough property and you can shoot away whenever with whatever as you wish. Chronic Urban dwellers have no idea of the freedom owning a few hundred acres gives to a person. Nothing better than looking 360 degrees around ones house and seeing nothing but your own property.

The tone of the Volokh Conspiracy is clearly different from that of DailyKos. The conspirators — most of whom are law professors — write in a more disciplined style than the Kos diarists. Their tone tends to be patient and rational — as opposed to angry and accusatory. Likewise, comments on the VC aren't as vituperative as those on Kos. VC commenters tend to be more intellectually curious and open-minded than their Kossack counterparts.

Statist bloggers' red meat is a personal hatred of Bush, McCain, and Palin. They move quickly to invective and obscenity.

If the Volokh Conspiracy has any fault, it may be that its analyses and takes on the news of the day tend to be a little too cerebral. Some of the conspirators occasionally get caught in their own webs of professorial verbosity.

Like Instapundit and most of the conspirators at Volokh, Ann Althouse is a law professor (in her case, at the University of Wisconsin). Hers is a one-woman site, but she allows comments. While she can be as heady as the Volokh conspirators, her writing is more personal. And perhaps even more distinctive than Instapundit's. She's angry sometimes, and she takes

"Of course I can spell — I just can't spell *conventionally*."

personal shots at others more often than other right-leaning bloggers.

In defense of her vinegar, Althouse receives more vitriolic attacks than Reynolds or Volokh; her status as a relatively conservative woman teaching on a notoriously left-leaning campus may have something to do with this.

From Althouse:

> Monday, October 20, 2008
>
> "Not only did you murder your victim by cutting his throat and stabbing him but you cut him up, cooked him and ate part of him."
>
> Said the judge, sentencing Anthony Morley to a minimum of 30 years in prison. What do you have to do in Britain to get a life sentence?
>
> Labels: cannibalism, crime, law, UK
>
> posted by Ann Althouse at 9:20 AM

And from her commenters:

> . . . since Britain has now permitted the creeping introduction of sharia law enforceable by civil courts, it is only a matter of time before such matters are turned over to a rougher justice. (We are told that these judgments won't be upheld if they run contrary to British norms. But I no longer have any confidence that Britain has any sense of British norms. Reading from afar and on occaisional visits to albion, the country has become unrecognizable to me in less than a decade. How wrong John Major — a good and decent man thrust into an impossible situation — has been shown to be; he prophesied that "fifty years on from now, Britain will still be the country of long shadows on cricket grounds, warm beer, invincible green suburbs, dog lovers and pools fillers and, as George Orwell said, 'Old maids bicycling to holy communion through the morning mist' and, if we get our way, Shakespeare will still be read even in school." Less than twenty years later, it's gone to the dogs: the country of chavs, rotten multiculturalism and a leaden, cloying intellectual and ideological uniformity that has englaciated the political process.

This is better than most of the main contributors to other sites.

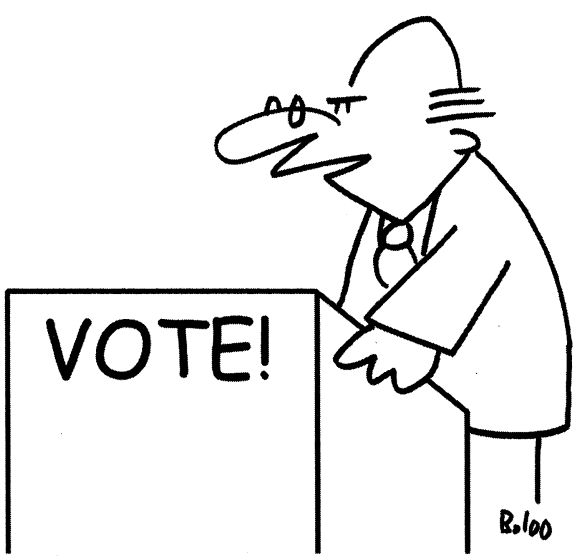

"Who cares about some stupid sex scandal? — Let's talk about global warming!"

Last among the Big Eight — and my personal favorite — is Asymmetrical Information, a site dedicated primarily to discussion of economics and politics from a libertarian perspective. The sole author is journalist Megan McArdle, whose career has included a stint as an economics correspondent for The Economist.

McArdle, like Mickey Kaus, started her site as a standalone venture but was eventually acquired by a larger media company. In her case, the corporate overlord is the Atlantic. Also like Kaus, McArdle operates independently of her left-leaning parent company. (If one were to anthropomorphize the Atlantic, the magazine would be an underperforming Upper East Side trust-funder who can't resist hipster lefty causes. Megan McArdle is none of that. Although she did end up endorsing Barack Obama.)

This is an excerpt from a recent post by McArdle on the $700 billion bailout:

> Democratic lawmakers are considering a stimulus package targeted at infrastructure spending, aid to states, food stamps and jobless benefits. The White House has so far been cool to the Democrats' proposals. . . .
>
> The Democrats' proposals will not do much to improve access to credit. And infrastructure spending almost certainly won't work at all, because the time lags are too great. Unless the government bypasses its procurement process, and also suspends winter, infrastructure projects are not going to get done in the time frame that we'd like to see stimulus.
>
> On the other hand, expanding jobless claims to 52 weeks seems like a no brainer — not because it's awesome stimulus, but because it would be nice if people who can't find jobs in a severe economic contraction don't have to take up a second career as bank robbers.

Again, this is just an excerpt. McArdle's pieces are longer and more journalistically ambitious than Instapundit's.

McArdle has a comments section on her site; and this one easily outclasses any I've seen on other sites. Here are some comments that followed her joke that part of the government's economic bailout plan should be free lithium for all traders:

> I'm still waiting for Soma. You'd think that it would have become at least a street name for a drug. I guess Drug Dealers have no idea how to market to the intellectual elite. Which is foolish since their the ones that have a lot of money, always pay more than street value, and will buy the harder stuff.
>
> On a side note, being back in school is a vicious, life sucking void. Better than the Army by far, but still I'm enslaved to my professor's coursework.

This comment thread then turned into a lengthy discussion on government-run health care. A surprising number of commenters were for it, as a way to get the cost of medicine off of employers' P&Ls (at least directly). But most commenters maintained a free-market perspective:

> It would be much easier to repeal the Wagner Act than to "fix" health care. Go back to the mid-90s and make GM's union employees take the same health and retirement benefits cuts that its white-collar employees got, and suddenly the company would have actually had a chance. Add the sort of work rules and grievance procedures the non-union

continued on page 69

Beyond Open or Closed Borders

by Laurence M. Vance

The United States should encourage more immigration — as soon as it eliminates noncitizens' entitlements to education, health care, and social welfare benefits.

Human migration is an ancient, inevitable, and unstoppable global phenomenon. Yet immigration is an issue that divides liberals, conservatives, and libertarians unpredictably. Some advocate a completely unhindered immigration policy ("open borders"), while others favor a total moratorium on immigration for a period of time. Most people are somewhere between these two extremes. Although there are many differences among people of all parties about the economic, political, social, and cultural advantages of immigration, there is one thing that all sides should agree on: there is no "right" to immigrate if it means trespassing on someone else's property.

Some advocates of "open borders" just don't seem to get it. It is bad enough that they insist that the free market requires free immigration and that free trade and free migration go hand in hand. It is worse, however, when they imply that those who support some restrictions on immigration are racists, xenophobes, and bigots. I wish they would refrain from insinuating that any restriction on immigration is incompatible with laissez-faire capitalism.

I also want them to quit misrepresenting the views of their opponents. The opposite of "open borders" is not "closed borders." Libertarians who reject "open borders" are not "anti-immigrant" or "anti-immigration." No proponent of restrictions on immigration wants to close the borders and completely end immigration — no matter how much he is concerned about immigrant lack of assimilation and immigrant use of taxpayer-paid health, education, and social services (on these issues, see also Stephen Cox, "The Fallacy of Open Immigration," October 2006).

"Open borders" libertarians in particular can be quite vocal about what they consider to be the fundamental human right to move, associate, and contract. Many of them will acknowledge that the right of individuals to move freely about the surface of the earth may be limited by the property rights of others. But this, they say, is not true when it comes to public property, because public property is government property. They reason that one cannot trespass on government property because governments are illegitimate and have no right to own property.

But are all governments illegitimate? Suppose a group of property owners voluntarily sets up a "government" in a geographical area and cedes it some property in the form of streets, parks, and office buildings, along with an annual appropriation for their upkeep. Are residents of other geographical areas permitted to drive on the first group's streets and relax in their parks *without permission* because, after all, it is just public property?

Even if it were true, as libertarian anarchists believe, that a governmental entity has no right to own property, all government-controlled property would actually be owned by the taxpayers, and uninvited immigrants would therefore be trespassers.

But whether a government that controls property is viewed as the legal owner or merely as the caretaker is irrelevant. Surely citizens still prefer that all public property be managed as if it were privately owned, and this management must include basic rules regarding usage. The ultimate goal should be to reduce the property of the state as much as possible. But is it wise to allow people to drive on the wrong side of the public highways until they are all made private?

Taxpayer-funded education should be limited to legal residents. They are, after all, the ones who pay for it.

The property along the northern, southern, eastern, and western borders of the United States is owned by individuals, associations of individuals, small businesses, corporations, local governments, state governments, and the federal government. The same goes for the ownership of airports, ports, and any other points of entry. Whether a governmental entity should or shouldn't own an airport, a port, or property along the U.S. border is immaterial. No one has a right to step foot on any piece of U.S. property (public or private) because no one in any country has the right to trespass on someone else's property — in his own country or in any other country.

The most diehard *proponent* of "open borders" and *opponent* of government as a legitimate property owner must at least agree that no matter who owns or claims to own the property in the United States, it certainly isn't owned by anyone seeking to immigrate here. The right to *immigrate* doesn't necessarily follow from the right to *emigrate*. The freedom to move does not include or imply the freedom to trespass.

Under what circumstances, however, would advocates of some kind of a restricted immigration policy — and I'm one — give three cheers for more immigrants? Most of us would simply prefer that, as An Act to Regulate Immigration (1882) required, "any person unable to take care of himself or herself without becoming a public charge" be denied entry to the country. If this truly were the case, then the cheers would be immediately forthcoming.

I would give the first cheer for unrestricted immigration if public schools were not forced to educate people who are not American citizens. In the case of *Plyler* v. *Doe* (1982), the Supreme Court required the states to provide all children — American citizens or foreigners, legal immigrants or illegal immigrants — with a free public education. The case began as a class action lawsuit on behalf of Mexican children in Texas who were in the United States illegally. The state of Texas had passed a law in 1975 that denied state funds for the education of children not "legally admitted" to the United States. Although the Court acknowledged that "unsanctioned entry into the United States is a crime," and that "those who have entered unlawfully are subject to deportation," the Court ruled that the Texas statute violated the "equal protection" clause of the 14th Amendment.

Now, public schools are not allowed to question the immigration status of families seeking to enroll their children. Some states even allow long-term unauthorized immigrants to receive in-state tuition at state colleges and universities if they meet certain requirements. This is a direct consequence of unrestricted immigration. Yes, the federal government should not have any control over local schools. And yes, state-supported education should be eliminated. But as long as we have it, it should be limited to legal residents. They are, after all, the ones who can be billed for it.

I would give a second cheer for unrestricted immigration if hospitals were not forced to provide health care to those with no ability to pay. As part of the Consolidated Omnibus Budget Reconciliation Act of 1985 (PL 99-272), Congress included the Emergency Medical Treatment and Active Labor Act, which states that hospitals that receive federal assistance, participate in the Medicare program, or are nonprofits cannot deny emergency treatment to anyone — including noncitizens and illegal aliens — because of an inability to pay. This includes pregnant women in labor.

The result of this law is that hospitals in border states like California, Arizona, New Mexico, and Texas are forced to spend millions of dollars treating the "emergencies" of illegals lest they are charged with "patient dumping." Some of this money is reimbursed by — you guessed it — the American taxpayers. The children of both legal and illegal immigrants born in the United States are granted instant citizenship by the current interpretation of the Constitution, and "anchor babies" account for about 50% of all immigrant births in the southwestern border states.

Again: the federal government should not require any business to serve any customer. The federal government should not have any control over health care. But as long as we have laws like this, free health care, like free public education, should be limited to Americans who can be billed for it.

I would give the third cheer for unrestricted immigration if welfare benefits were not available to immigrants. Opponents of "open borders" have unfortunately discredited that position with erroneous statements about immigrants — legal or otherwise — coming here so they can receive generous welfare benefits. That may have been true to some extent before 1996, but cannot be said to be the case now. Up until 1996, some federal programs prohibited illegal immigrants from receiving benefits, others mandated benefits regardless of immigration status, and still others did not address the issue. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193), better known as the Welfare Reform Act,

excluded undocumented immigrants from most federal welfare programs and gave states the option to restrict immigrant access to other public benefits.

Nevertheless, some welfare programs are still open to illegal immigrants, while others are only available to "qualified aliens." The U.S. welfare system has a complex maze of rules and regulations, especially as it relates to immigrants. I will try to summarize benefit eligibility for both classes of immigrants, legal and illegal.

Undocumented (illegal) immigrants are not eligible for Supplemental Security Income (SSI), the Earned Income Tax Credit (EITC), food stamps, Temporary Assistance to Needy Families (TANF), or Medicaid. They are eligible for Women, Infants, and Children (WIC), the National School Lunch Program, Head Start, emergency disaster relief, and non-Medicaid funded public health services such as immunizations and testing for communicable diseases.

The availability of welfare benefits for aliens depends on how long they have been in the country and whether they were here before Aug. 22, 1996 (the enactment date of the Welfare Reform Act). Legal immigrants are, of course, eligible for the same assistance as illegal immigrants: WIC, Head Start, etc. The difference between the two classes of immigrants concerns their eligibility for SSI, the EITC, food stamps, TANF, and Medicaid.

SSI benefits are available to legal immigrants if they were receiving SSI before Aug. 22, 1996, or were disabled subsequently. The benefits are available to other legal immigrants only if they have both been here for five years and have (or have in combination with parent or spouse) 40 "quarters of coverage" from working. The EITC is available to anyone with earned income who files a tax return. Since the EITC is a refundable tax credit, it is possible not to pay any income taxes and still receive a tax refund.

Legal immigrants are eligible for food stamps once they have been in the country for five years, but those who were receiving food stamps before Aug. 22, 1996, and were 65 or older at the time, or disabled, or disabled subsequently, as well as those who are under 18, are also eligible for food stamps. TANF assistance is available at the option of each individual state. This aid is a state option (using federal money) for legal immigrants who have lived in the country for five years; it is a state option (using *state* money) for those who do not meet the federal residence requirement. According the Department of Health and Human Services, about 100,000 "qualified" immigrants(!) are receiving TANF assistance. Medicaid is generally only available to legal immigrants after they have lived in the country for five years, and only at the discretion of the individual states.

Yes, the plethora of federal welfare programs should be eliminated. Likewise, every federal income transfer program ought to be eliminated. No American should have a portion of his income confiscated and redistributed to another American. In the meantime, however, citizens are clearly giving welfare benefits of many kinds to noncitizens, usually without their knowledge.

The astute reader will notice that I gave some reasons why, under certain conditions, I would be willing to give three cheers for unrestricted immigration, but that I did not say "open borders."

"Open borders" means, in essence, that there is no border and hence no immigration. Any number of people from any country for any reason can come and go across any U.S. border just as if it weren't there. Criminal on the run — we welcome you to our country. Disease carrier — please don't breathe on us. Islamic terrorist — we hope you will live peaceably among us. Advocate of *Reconquista* — come on down.

Does "open borders" really mean "open borders"? What else are we to make of this statement on immigration from the 2004 Libertarian Party Platform?

> We call for the elimination of all restrictions on immigration, the abolition of the Immigration and Naturalization Service and the Border Patrol, and a declaration of full amnesty for all people who have entered the country illegally.

If there are no restrictions, no INS, and no Border Patrol, then there is nothing to prevent anyone who can make it across the nonexistent border from coming to the United States. (Fortunately, the Libertarian Party has significantly changed its statements on immigration in its latest platform.)

With "open borders" it would be permissible for the whole population of Mexico to walk across the border and permanently turn the entire Southwest into a Newer Mexico. It would be aggression against them if anyone tried to stop them. Being indifferent to a massive influx of immigrants — still more massive, surely, than anything we see today — is ludicrous; claiming that it would never happen is evading the issue.

Unrestricted immigration is still immigration, and as such recognizes that the United States has borders that should be respected. Even the National Council of La Raza (NCLR), the largest national Hispanic civil rights organization, is opposed to illegal immigration, open borders, and amnesty programs.

It is hard to take some conservative advocates of "open borders" very seriously because they are so inconsistent. They reject the idea of the state limiting immigration as incompatible with the free market, then turn around and support government-managed trade agreements instead of real free trade, and taxpayer-funded vouchers for education instead of a free market in education.

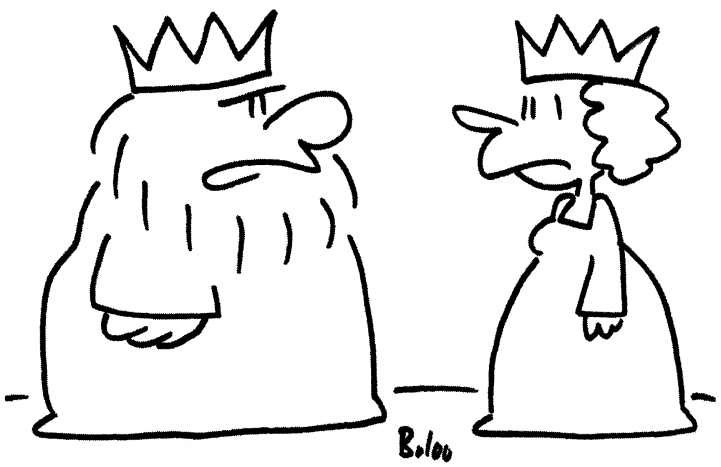

"If your mother's such a great Queen, how come we keep getting her *refugees*?"

"Open borders" libertarians can go even farther astray. The right of a nation to control noncitizens who *enter* its borders in no way implies a right to control the movement of citizens who *exit* them. Likewise, there is no comparison between a border fence, which is designed to keep people *out*, and the Berlin Wall or the Warsaw Ghetto, which were designed to keep people *in*. It is also wrong for "open borders" libertarians to imply that libertarian opponents of "open borders" are a small minority who have adopted a bizarre theory, especially when this group is anything but small and includes such libertarian icons as Ludwig von Mises, Murray Rothbard, and Ron Paul.

Writing during World War II, after he had immigrated to America, Mises advocated restricting the access of whole peoples to America's frontiers:

> These considerations are not a plea for opening America and the British Dominions to German, Italian, and Japanese immigrants. Under present conditions America and Australia would simply commit suicide by admitting Nazis, Fascists, and Japanese. They could as well surrender directly to the Fuhrer and to the Mikado. Immigrants from the totalitarian countries are today the vanguard of their armies, a fifth column whose invasion would render all measures of defense useless. America and Australia can preserve their freedom, their civilization, and their economic institutions only by rigidly barring access to the subjects of the dictators.

Writing after the end of the Cold War, Murray Rothbard rejected "open borders":

> On rethinking immigration on the basis of the anarcho-capitalist model, it became clear to me that a totally privatized country would not have "open borders" at all. If every piece of land in a country were owned by some person, group, or corporation, this would mean that no immigrant could enter there unless invited to enter and allowed to rent, or purchase, property. A totally privatized country would be as "closed" as the particular inhabitants and property owners desire. It seems clear, then, that the regime of open borders that exists *de facto* in the U.S. really amounts to a compulsory opening by the central state, the state in charge of all streets and public land areas, and does not genuinely reflect the wishes of the proprietors.

Were Mises and Rothbard merely pseudo-libertarians?

Certainly, there are fallacies on both sides of this debate. Contrary to what many opponents of open borders appear to believe, the fact that Mexico has very stringent immigration laws is irrelevant.

Our immigration policy should be based on what is just, humane, and beneficial for the United States, not a policy formulated or influenced by Mexican immigration policies, however illogical they may be. I am also not impressed by arguments that we should disparage illegal immigrants merely because they came here illegally. I am more concerned about illegals taking advantage of the laws that aid them than about their violating the law by entering illegally.

About 800,000 legal immigrants enter the United States every year. About 150,000 of them have refugee or asylum-seeker status. Over half come from Latin America. There are about 3 million children in the United States who are citizens but whose parents are here illegally. About 12% of American residents were not born in this country.

I am not saying that these things are good or bad. I have expressed my opposition to "open borders," and have mentioned the circumstances under which I might give three cheers for unrestricted immigration. I have also said nothing about passports, visas, deportation rules, guest worker programs, quotas, amnesty, or profiling. (But can it really be argued that it would make no difference from which country a massive influx of immigrants arrived on our shores?)

Because we have a state, because we have a border, because we have public property, because we have a welfare system, because we have birthright citizenship, because we have an interventionist foreign policy that incites hatred of the United States, because we have the War on Drugs, because we have a corrupt government, and because we have a huge and inefficient immigration bureaucracy — the issue of immigration (legal or otherwise) is not an open and shut case. There are many "solutions" to the immigration problem, but throwing open the borders is no solution at all.

I have concentrated on citizenship as a solution to the immigration problem. There should be a distinction between citizens, whether native-born or naturalized, and immigrants, legal or illegal, when it comes to the benefits of citizenship. Birthright citizenship should be ended — immediately.

But even with a focus on citizenship, one still cannot ignore the border. It is not true, as some advocates of "open borders" insinuate, that calls for restrictions on immigration have to lead to employer sanctions, making criminals out of landlords, domestic spying programs, a national registry of workers, national ID cards, the destruction of civil liberties, or a police state — not if the focus is on the border.

If an immigrant still manages to enter the country illegally, then he should be on his own. In addition to no free public schooling, no free medical care, and no welfare benefits, there should be no affirmative action privileges, no community reinvestment acts, no mandatory bilingual education, no minimum wage laws, no hate-crime laws, no antidiscrimination laws, no fair housing laws, and no subsidies of any kind. All official government business should be conducted in English.

As mentioned above, the statements on immigration in the 2006 Libertarian Party Platform have significantly changed. Now we see a healthy emphasis on securing the borders:

> Ensure immigration requirements include only appropriate documentation, screening for criminal background and threats to public health and national security. Simplifying the immigration process and redeployment of surveillance technology to focus on the borders will encourage the use of regular . . . entry points, thus preventing trespass and saving lives. End federal requirements that benefits and services be provided to those in the country illegally. Repeal all measures that punish employers for hiring undocumented workers. Repeal all immigration quotas.

Regardless of how many immigrants show up at the border, regardless of where they come from, regardless of why they are here, and regardless of how restricted or unrestricted U.S. immigration policy is, immigrants should be required to enter lawfully. I don't mind visitors to my home, but instead of hopping my fence, climbing through a window, and then announcing that they are here, I want them to knock, ask permission to enter, and then come through the front door. ❑

The Year I Could Have Shaken the World

by Jacques Delacroix

The world that was offers some insights for the world that is now, and perhaps for the world that is to come.

The last four decades have been strange. On the one hand, most of the world has experienced unprecedented economic growth, and life expectancy has increased a great deal nearly everywhere, especially in the poorest countries. (I except those where sexual promiscuity and recreational injections are widespread.) On the other hand, the world has failed to shake lose the statist, redistributive fantasies born in the squalor and misery of the 19th century.

Though called by other names, socialist and quasi-socialist dreams have largely maintained their hold on the imagination of our contemporaries. (If I were not self-conscious about my French accent, I would say "their hold on our contemporaries' *imaginaire*.") Perhaps this is because old men seldom admit openly that they used to be dead wrong, in the days of their youthful glory; while the young, like all the generations that preceded them, believe that the world began with them. They have no memory to erase; they also have no memory to warn them.

The problem is not a lack of documentation about the bad old days. We have plenty of that, more than we can digest — although it's being disseminated by the media in ever more accessible format. Rather, much of what we see and hear today shows a bias toward the dramatic, the pathetic, the heroic, the odious, and the collective. It's difficult to remember, or to imagine, that there was once a Communist Camp, inhabited by real, ordinary people who did their best to have good lives despite the grotesque conditions imposed on them by "socialism as it exists." There were also ordinary people from the comparatively more prosperous West who came into contact with those who were trying to live in spite of everything. Such westerners were mostly dupes, but many were only half-credulous types who wanted to see for themselves. I was one of those. Here is a story about my brief foray into that other world.

My experience was personal; it was not odious, it was not pathetic, and it was not heroic. It filled me with the sadness of great things wasted, for no reason at all.

The year 1968 was exceptional, for the world and also for me. I keep getting the two ideas confused. I try to separate them below.

Take the world first. It shook: with big political earthquakes, with minor tremors too. At the time, it was not completely clear which was which. In the United States, Martin Luther King, Jr. and then Robert Kennedy were assassinated. In Mexico, the police prepared for the Summer Olympics by shooting hundreds of unarmed student demonstrators. In Eastern Europe, the governing Czech Communist Party bravely tried to invent socialism with a human face. The country's president was named "Svoboda," "Liberty." That period was dubbed the "Prague Spring."

Nevertheless, that same spring, the French held most of the front pages worldwide because of their superior flair for showbiz. They had one of their periodic mass theatrical frissons. It lasted about one month, the month of May. In less than 30 days, they had a general strike, a venerated president who was also a national hero disappeared for a few days, and the powerful French Communist Party tried to confiscate the revolution. Then, it changed its mind and failed, and it never recovered its prestige. When the smoke of tear gas grenades dissipated, only a couple of people had died, mostly by accident. The French are good that way. They know what to do and they have a historically-induced sense of style. No crude, undirected, unlimited, haphazard, deadly rioting for them! Burn cars only!

Although the Tet Offensive was a military catastrophe for the communists, it encouraged the forces of wussdom in the United States.

It turned out to have been mostly a cultural revolution. Afterwards, young French men stopped wearing ties to school, jeans sales rose, and contraception became widespread. Looking back on it as a distinguished social scientist, I discerned that what the anarcho-Maoist convulsions of May 1968 also did in France was to usher in real, modern capitalism. What existed before was a paternalistic, noncompetitive simulacrum of capitalism. The French May movement also left behind some of the most poetic slogans ever, like this: "Be realistic; demand the impossible," and also, while rioting students were following old tradition by prying off street paving stones to lob them at police: "Under the paving stones lies the beach." That was a paradoxical, unconscious affirmation of collective lucidity about their deep frivolity. The events in France were well covered by the world media because they were taking place mostly against the backdrop of historically attractive central Paris.

We seldom saw Eastern Europeans then, but we could hear them sigh behind the Iron Curtain. The response to the Czechoslovak reform was a full invasion by brotherly communist countries, with hundreds of thousands of soldiers and thousands of tanks. People died; we will never know how many. Many more fled the country for good. There was enough press coverage to show tanks pointing their guns at throngs of civilians. The U.S. administration was obviously caught by surprise. That made it difficult to blame the CIA, as was usually done whenever a people tried to rise against tyranny anywhere in the world. At last, communism begun to lose its remaining thin veneer of respectability. In Europe, it was shown for what it had always been under its pedantic, pious language: thug rule. But, I am ahead of my story. The fraternal invasion happened in August, while Western Europe was at the beach.

In Asia, in early 1968, the communists had earned a little self-esteem by dying by the tens of thousands in the futile Vietnam Tet offensive. Although it was a military catastrophe for the communists, it encouraged the forces of wussdom in the United States. The country lost its nerve and pushed its hapless ally to the first steps toward capitulation. This would eventually lead to the communists' complete victory and thence, indirectly, to the self-genocide of millions of Cambodians and to the execution by various means of hundreds of thousands in Vietnam. Asian communism then lost much of its credibility, and eventually stopped believing in itself when tens of thousands of Vietnamese "boat-people" chose death at sea rather than life in their workers' paradise. Today, Vietnam is just about the best place for multinational corporations such as Nike to exploit local labor. It has a well-educated, smart, hard-working labor force that never makes trouble for employers: no strikes, no work stoppages, no unreasonable demands for higher wages or better working conditions.

It took a while in China but it happened there too. In the early '60s, the gonorrhea-ridden dictator Mao Tse-Tung tried to give away the country to high-school students, and he almost succeeded. This was called "the Great Cultural Revolution." Then, the Chinese Communists, who had faithfully armed their neighbors for years to fight the U.S. imperialists, tried to kick their neighbors' ass. They thought the Vietnamese communists had become too uppity. The Chicoms got their own asses kicked instead. Then they said, "Screw it," and decided to drop all pretense. They talked to President Nixon, and they started turning toward market mechanisms. The Chinese economy took off like a rocket and the Chicoms quickly became what they are today: the most admired and effective mafia in the history of the world.

I am fast forwarding, of course. In the spring of 1968, I did not know any of this was going to happen. I participated in the French revolution but only in a limited way. First, I was working in Nancy, in eastern France so, I could do the revolution in Paris only on weekends, and only when I was able to find gas. Second, I never joined and never thought of myself as part of the many Communist, Marxist-Leninist, and Maoist groups that flourished then. I was always allergic to

After the May revolution fizzled, we did what everyone else was doing: we planned our summer vacation.

communism, although it was un-chic not to join, and although I admired Karl Marx. I suppose I was a member of the anarchist branch of the movement. I don't feel much like apologizing about this, for several reasons: "anarchist" means pretty much the same thing as "libertarian." It's another way to say "antiauthoritarian." Then, the anarchist wing is actually the wing that won a little: post-1968 France was much less hierarchical, much less rigid, much less constipated than pre-1968 France. (I take partial credit for the spread of contraceptives there, incidentally.) By contrast, all the Marxist groups lost some or all of their credibility on that occasion.

Mostly, in 1968, I was 25. That was a good age to be. I had graduated from Stanford, against odds and with honors of sorts. I had landed such a good job back in France, in urban planning, that I soon realized I would have to give it up. (I knew I did not know what everyone else thought I knew.) I had been accepted in a doctoral program. I was richer than I had ever been in my life, earning a good salary working for the government after years of living off small temp jobs in California. Moreover, I had all my teeth and lots of hair.

I had bought an elegant yet virile Peugeot convertible, a two-seater-plus-dog-seat. You froze your butt in it when you drove to the skiing slopes, but I always thought it was worth it. I did downhill skiing through cow pastures in the Vosges Mountains of eastern France, sometimes skiing all day without having to go back up. At nightfall, my friends and I would return to the Hotel du Lac des Corbeaux for a seven-course dinner, including homemade blueberry pie. The local yellow plum clear brandy, "mirabelle," was our second dessert.

There was a woman in my life, an American. She was then my future ex-wife. I don't want to talk much about her because the wounds have not yet healed. I will just say she was strong, adaptable, and adventurous like me. She was also quite noticeable.

After the May revolution fizzled, as I'm happy to say, we did what everyone else was doing: we planned our summer vacation. Actually, we took two summer vacations. The first was a cruise on a small sailboat with my brother and his wife on the Costa Brava of Spain, then and now, a beautiful and civilized place.

For a second vacation, in mid-July, ludicrously, I decided to drive to communist Romania and back in my convertible. It was ludicrous because the situation in Czechoslovakia had not yet been resolved. The Soviets feared — openly, and rightly, I think — that the country would throw off the communist yoke and even join the West. All of communist east Europe was tense, but Romania seemed to stand aside. Its Communist Party defied the Soviet Big Brother. It was pointedly not joining in the condemnation of the Prague Spring.

We drove straight eastward. I am not sure the woman in my life understood exactly what we were doing. I am not sure I did either. I was just curious and filled with the sense of invincibility that well-channeled testosterone intoxication confers on young men.

We crossed southern France and northern Italy in a jiffy. We traveled more slowly through northern Yugoslavia (a country I knew a little from a previous trip). There was not much reason to linger there. The Serbs were sullen. I have this image of Serbs as nearly always sullen. I saw them that way even before they waged war on just about everyone in their neighborhood in the '90s. I know my judgment is unfair, but it's their problem, not mine; they should care more about public relations. The trip from Spain to the Romanian border — 1,200 miles of it — is more or less a blur in my memory.

But when we got into Romania, everything changed at once. I never experienced such an abrupt transition until I crossed from Russia into Finland by train, much later, in the early '90s. That was when I went in five minutes from the world of lukewarm vodka at 6 in the morning to the world of hot coffee and pastries. But I digress.

There were only two border officials on the Romanian side. They waved us in with a smile. Then, although most national border areas are busy places, there was only countryside with no houses for several miles. We reached a wooded area on the side of a river with colorfully painted buildings garlanded with bright red Chinese lanterns. There was music, accordion music but also other kinds. Although it was about 2 p.m. on a weekday, there were plenty of drinkers, and even some dancers. My companion and I spontaneously commented that it felt like Latin America on a fiesta day. This is a fetching notion, given that most Romanians speak a language related to Spanish, however distantly. I am referring here to the Romanian tongue of the majority population. Most of the few Jews who are left there are the descendants of those who were thrown out by the "Catholic Kings" of Spain, Isabel and Fernando. They speak a 15th-century Spanish that I understood well because I had enjoyed a classical education. It was moving conversing with them — like speaking to a distant country cousin of Cristóbal Colón. But there I go, digressing again.

On second look, most of the buildings were tiny wooden chalets of a kind I had seen in German campgrounds, rustic dwellings for people who don't like the hard ground or the thin shelter a tent provides. Some communist official had studied tourism as practiced in the West and convinced the government to build a vacation camp to bring in foreign currencies. No one had thought of asking why any westerner would want to spend any vacation time in a nondescript provincial part of provincial Romania, with no sea, no mountains, and no ancient ruins. No matter, on that afternoon, all the chalets appeared to be rented. The workers' state was generously subsidizing midweek nooners. That was the happy face of communism, not the reforms the silly Czech Communists were trying to cobble together, two countries away.

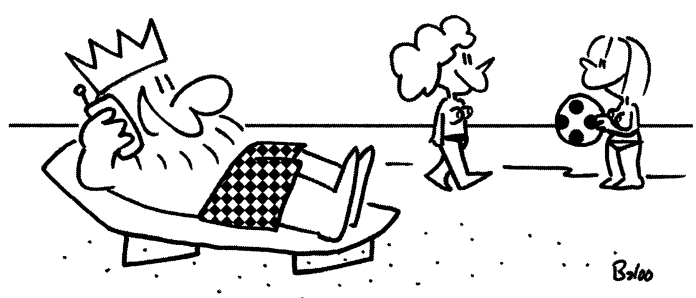

"Tell the press that I'm staying in St. Tropez until I've completed my mission."

In the morning, we drove to Bucharest, then a charming city.

I was impressed because when I took a one-way street in the wrong direction twice in a row, a traffic cop yelled at me in French, "Do not rape the street sign, Monsieur!"

Traveling through the countryside did not tell me much about communism. It did teach me a lot about the 19th century. There was nearly no traffic on the country roads, except for occasional horse-drawn carts, often led by gypsies. There were surprisingly many dark-skinned gypsies, who looked like people from the Indian subcontinent. They would inquire whether my companion was also a gypsy, because she was dark-skinned, although from different origins. The gypsies cooked rabbits on small wood fires on the side of the road. At least, I hoped it was rabbits; every other guess was worse. It was like 1568, except that some of their carts had rubber tires.

In the north, in the hills of Romanian Moldovia, people were tall, handsome, and richly dressed. The men wore hand-stitched, ankle-length sheepskin overcoats with the wool inside, and felt hats. One old guy bragged that his fur collar was wolf pelt. (How would I have known otherwise? I was reared in Paris.) The women mostly stayed indoors in their frilly embroidered blouses. The countryside reminded me of Maupassant, writing about the France of the 1860s. There were hamlets with big, thatched-roofed houses, all rather clean, despite the chickens running in and out. The pigs lived separately.

We stopped in such a hamlet and negotiated hospitality for the night. The farmer's bed was comfortable and covered with a stuffed quilt. There were no bedbugs, just mosquitoes. The toilet, well, let's say it was a good thing that both of us had experienced such places as rural Bolivia and the bush country of West Africa. The farmer was old enough to let me understand that he missed the good old days of the Austro-Hungarian Empire (known in more innocent times as "a prison for peoples").

Everywhere we went in the countryside, we were offered mamaliga, boiled corn grits, the Romanian version of polenta, but not much else. A little money offering added a couple of eggs or a slice of cheese to the fare. We learned to figure out when the hosts had struck what they considered a good bargain, because they opened the bottle of tsuica that was kept near the fireplace. Tsuica is alcohol distilled from red plum; it's like the Yugoslav slivovitz, I think. One could almost have conducted a sophisticated, non-intrusive study of geographic variations in local standards of living by recording carefully what level of spending triggered the tsuica.

When I took a one-way street in the wrong direction, a traffic cop yelled at me in French, "Do not rape the street sign, Monsieur!"

Every time we stopped at a village square, all life suddenly stopped. People dropped what they were doing, first to gawk at the splendid convertible, and then, shamelessly but good-naturedly, at us. Invariably, a spontaneous leader would step from the crowd and ask, "*De unde sunteti?*" It wasn't hard to guess that he was asking if we were Martians, or out of a movie, or what. I felt more or less as Columbus must have felt when he met his first Native Americans: clearly humans, but from another reality altogether.

Yet there is always common ground of some sort or other. Several times, we ended up in a drinking establishment in the middle of the afternoon with a crowd of Romanian men.

The exchange rate conversion was hopeless, because the government rate and the illegal street rate were almost unconnected.

There was even some real conversation. Some guy knew school French, even in the boondocks. A surprising number were studying Italian, with ill-defined plans to go and work in Italy. And again, it wasn't difficult to guess at the Romanian language, even for my companion, because she had lived in South America.

Mostly, the locals wished first to settle the bets they had made about our origins. (No one ever guessed right.) Second, they wanted to talk about cars in general: did most people really have cars in western Europe or was it just propaganda? Was my father a millionaire who had given me the Peugeot as a gift? What were the best brands of car? How much did the smallest Renault cost when new? That was an interesting issue in itself. The exchange rate conversion was hopeless, because the government rate and the illegal street rate were almost unconnected. I answered the question in terms of a journeyman carpenter's daily wage. In the end, that satisfied everyone and earned me big compliments for my clarity. Initially, though, they kept trying to add a zero to my estimate of the number of days of labor needed to buy the car. And how long did you have to wait between the day you ordered it and the day it was delivered? My answer, "several hours," caused genuine consternation.

We visited the famous and truly impressive medieval painted monasteries. Then we wanted to see the Danube delta, where the biggest river in Europe empties itself in the Black Sea across a vast swash of swamp. I was interested in the swamp wildlife and, childishly, wanted to know how black the Black Sea was.

On the way to the delta, with our top down, we stopped for a hitchhiker. He was a ruddy-looking older man with abundant white hair. He radiated health. He carried a staff. He was dressed for walking, with solid, expensive-looking hiking boots. Although it was July he had on a light blue wool sweater. My sixth sense told me that he flagged us down not out of need but out of curiosity. The plates on my car were French. He addressed us in very good French. "If you take me to the next town," he said, "I will buy you a good dinner."

My companion moved to the demi-seat in the back to give the old guy the passenger seat. He was a newly retired lawyer from Bucharest taking his vacation on foot, the better to see his country.

He was also a man of considerable literary culture. How did I know? He seemed to know every French, American, English, and Spanish author my companion and I mentioned during our several days together. In the first 30 minutes, he talked to us about the Spanish philosopher Miguel de Unamuno as if he had known him. I realized later that he just might have known him, during the Spanish Civil War, only 30 years before.

Ceausescu ruined the economy, razed hundreds of villages, and was responsible for the death by AIDS of thousands of orphans.

He was not working much anymore, he said; and he had been imprisoned by the communist regime. The two facts might have been related; he did not say; we did not ask. He declared that things were looking up in Romania at last because the country had a new Communist Party leader. This new leader was young and a "real Romanian." I guessed he meant that in that country, the earlier generation of communist politicians had been mostly ethnic Germans and Jews. He had told us he was Jewish himself. "Secular Marxist humanism" or not, the Balkans were the Balkans. That's the part of Europe where people feel more like their ancestors of 500 years ago than like their neighbors across the street. The promising, young, new, really Romanian leader's name was Nicolae Ceausescu.

Ceausescu was summarily executed on Christmas Day, 1989, after fleeing a mass meeting in Bucharest's main square that turned spontaneously against him, a meeting where the "working masses" booed him and demanded his death. It was then he discovered that he was not really *Iubitul Conducator*, "Our Beloved Leader" (that's where the current North Korean tinpot dictator filched the name, I think). He had ruined Romania's economy, razed hundred of villages, as well as historical central Bucharest, forced women to bear children, and made himself indirectly responsible for the death by AIDS of hundreds or thousands of orphans.

Our old guy was a good guide. He told us where to turn and where to go straight; we went deeper into the delta than we would have been able to under our own power and direction. The place was attractive, precisely because it was so backward. The commercial fishermen — grouped in cooperatives for mutual surveillance, of course — could not afford even small outboard motors. They rowed their picturesque wooden boats everywhere. I saw there the cleanest pigs in the world. They swam from island to island among the many armlets of the Danube, to meet their comrades for a cell meeting, I presume.

The old man hired a young fisherman to row us around and cook us a meal. The fisherman took us to his traps and pulled out a pike and a bunch of crayfish. He grilled the first on a rusty bicycle basket. He boiled the others in a pot he used as a scoop and that looked like a recycled metal chamber pot. (A great deal of recycling went on in communist Romania, a worthy role model for our contemporary California greenies. Want people to be conscientious about recycling? Easy! Keep them dirt-poor.) It wasn't a bad meal but it was a strange one — pure protein, barely any salt, no pepper, no bread, no wine, no beer.

I insisted we go all the way to the point where the main branch of the Danube meets the Black Sea. It was technically a beach but not the kind of beach the French rioters expected to find under the paving stones. There were no buildings of any sort, the sky was overcast, wet mist hung over the mud-colored sand, and the sea was a dirty gray instead of black. The only building was a tall watchtower. A soldier in an incongruous greatcoat tumbled down a ladder and ran toward us, shouting and gesticulating, with an automatic weapon swinging from his neck. We stayed put. When he reached us, he grabbed our hands and shook them with loud emotion, and his tears welled up. He was bored to death, or rather, to tears. After several days alone with his binoculars, he was delirious to have visitors.

"What does he do?" I asked the old man.

"He spends all his days spotting and counting Soviet naval vessels."

Socialist solidarity, yes. Mutual trust? Not so much.

I gave the soldier half a pack of French cigarettes to help him stay vigilant.

The old man had taken a liking to us. He had only one son, from whom he was estranged, and who was well-off anyway, because of Party connections, he hinted darkly. He wanted to make us his heirs. He wanted to deed us his small vacation house in Transylvania, among other items. The thought of owning property in Romania was perplexing but intriguing to an American girl and a young French guy with more than one foot in California, on the other side of the world. Then he made some phone calls and announced with mist in his clear gray eyes that it could not be done, that if he made us, strangers, his heirs, the inheritance taxes would wipe out almost his entire estate. It's the thought that counts, we said. For a few hours, we were almost Romanian landlords in our minds, and possibly neighbors to Count Dracula.

A dominant feature of centrally planned economies: chronic shortages of everything that was not obvious.

When we split from the old man, we asked if we could do anything to thank him. "There is one thing," he said. "When you are back in Paris, please mail me two meters of this material." He took a square-inch white lacy sample out of his wallet. It looked like bridal gown material. "You will find it in

one of the two following stores on such and such a street. I will reimburse you in this manner." There followed a description of a circuitous money route too complicated for me to absorb. A dominant feature of "centrally planned economies": chronic shortages of everything that was not obvious, like steel and flour.

Back in Paris, I found the stores and sent him the material. How did an old man of knowledge and culture, a man important enough to have been a political prisoner, ever become an expert on purchasing bridal fabric?

But first we had to return to France. On our way out we stopped one rainy night near a roadside cafe to manhandle the cartop into position. The manager came out to watch us. When we were done, he invited us inside and treated us to some kind of meat pasties and coffee with tsuica. After a while, he made us a complex offer: If we gave him the convertible, he would hand us two first-class (index finger raised) plane tickets to Paris, two heel-length embroidered sheepskin coats, and a handful of rocks he represented as valuable. All this he explained entirely with sign language and pencil sketches. It was a blue-collar cafe, catering to workers from the nearby river quarry (hence the valuable stones). No one knew any foreign language except, for some reason, Ukrainian; and Ukrainian was not my best language, regrettably.

We liked the offer. We were due to return to the United States in a month and a half. The car would do nothing in Paris except collect parking tickets. The off-white sheepskin coats would look fabulous in the snow at Tahoe. I had no opinion about the rocks, but you never know. We drove back to Bucharest with the manager, a half-day trip, to get permission from the ministry. When he came out, the prospective buyer was crying. Couldn't be done, unless I re-exported the car and sent it back to Romania on a flatbed railcar. Adieu sheepskin coats!

We drove north and west, figuring to go through Hungary to avoid mean-spirited Serbia. I always prefer secondary roads because they show you more of the real country, but there were no freeways in Romania anyway, once you got five miles outside the capital. We didn't meet much traffic but, as we neared the Hungarian border, there was even less: no cars, no trucks, no buses at all. As I was becoming alert to this fact, my companion exclaimed, "Look to the left! Look to the right." On either side, the bushes were swarming with gray-clad soldiers. One stepped into the middle of the road and motioned us to a stop by waving his submachine gun above his head. He leaned on our door and asked us to park and get out of the car. "Merde," I thought. "Just as we are about to leave this communist heaven we are in trouble for God knows what."

Incongruously, there were three kitchen chairs behind a bush. In good French he bade us sit down. (By now, I was taking the French for granted.) When he offered us tea from a thermos, I knew we were in no trouble.

"I am lieutenant Sososocu," he declared in his charming accent. "I am in charge of this detachment you see all around you. The Hungarian border is only two kilometers away. My command is leaving us without news. You being a foreigner and all, I was wondering if you knew what is happening."

A gray-clad soldier stepped into the middle of the road and motioned us to a stop by waving his submachine gun above his head.

A communist army officer was asking a foreign tourist about the likelihood that another communist army would soon start shooting at him and his soldiers. The Warsaw Pact! A couple of weeks later, Czechoslovakia was invaded from all sides. The People's Republic of Romania was pointedly not invited to join the invasion — and it was not invaded itself.

I hope I haven't given the wrong impression about the people I met. I found Romanians easy to like. They were a friendly and gregarious lot.

That was 1968. Communism appeared to be in the ascendancy. Yet looking back, I can't understand why no famous pundit proclaimed the utter failure of that barbarous utopia. This absence of early warning has taught me to be critical of the criticality of experts and to pay attention to what is unsaid. I have also come to think of the Cold War as partially a fraud. The Soviet Union had nuclear-tipped intercontinental missiles aimed at us, and its leaders were a bunch of unscrupulous brutes; that part was obvious. But even in 1968, I didn't see how the communist camp could hope to invade and then occupy any part of the West when its intellectual elite was preoccupied with procuring bridal gown fabric from us through tortuous means.

In my 1968, I did not shake the world, even in a tiny way. Instead, I took a fairly innocuous trip, for mostly frivolous reasons, with no sense of direction, and during which little happened. I would be the first to argue that the cultural merits of foreign travel are routinely overrated. Yet that trip was the onset of a journey of intellectual discovery. At about the same time, the American New Left was proclaiming that "the personal is political." The slogan became reality for me, independently and in a strangely roundabout way: what did not happen in that small and unimportant segment of the communist world while I was there, and the trivial observations I made, all of them about matters never discussed in the world media, ended up shaping my subsequent understanding of the main confrontation of the 20th century. ❑

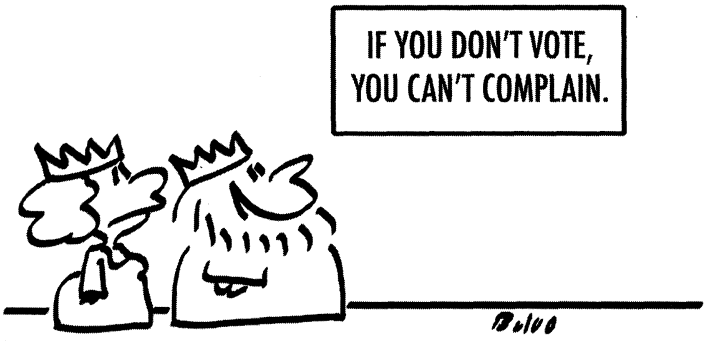

"Sounds like a good system to *me*."

The Ethics of Closed Shops

by Gary Jason

Does the state have a right to insist that unions sell rather than compel?

In American parlance, a closed shop is one in which a union has a contract with an employer requiring all employees to be union members. Although this is, strictly speaking, a private contract, various forms of the closed shop are sanctioned by law, and the two big political parties constantly squabble over the laws surrounding these entities.

From the natural rights view, closed shops clearly require justification, because they seem at least a *prima facie* violation of freedom of association. If people want to unionize and collectively bargain a contract with management, that is their right. But why should they be allowed to force others to join them?

Several arguments are offered to justify closed shops. The first two are broadly consequentialist, while the third takes more of a natural rights course. We can call them the free rider argument, the unequal power argument, and the freedom to contract argument.

The free rider argument, such as found, for example, in Joseph DesJardins' "An Introduction to Business Ethics," holds that employees who join a unionized company without joining the union are free riders. They are reaping the benefits of collective bargaining — presumably, higher wages and better benefits than they could get on their own — without paying their dues, literally and figuratively. This, on the face of it, appears unfair. As DesJardins puts it,

> If one receives benefits from a process that entails costs, it seems only fair that you share the costs. Especially if there is evidence that workers would receive lower wages and benefits without the union, mandatory union membership allocates the benefits and burdens of union membership in a fair and equal manner.

Proponents of this argument often cite statistics to buttress the claim that unions are able to negotiate better contracts. Twenty-two states are "right to work" states, i.e., they have laws prohibiting closed (and union) shops. The U.S. Department of Labor statistics are often cited to show that workers in right-to-work states earn less than workers in union-shop states (4% was the figure given by the Economic

Policy Institute in 2001, controlling for differences in living costs), and that they also have more workplace fatalities.

But the free rider argument is unconvincing for a number of reasons. First, it is unclear why I should consider myself obligated to share the costs of some process that benefits me, if I don't want to be a part of that process. Suppose I live in a crime-plagued neighborhood, and some of my neighbors form a vigilante group that kidnaps gang members and lynches them. Even if it does lower crime, thus benefiting me, why am I obligated to support it, when I consider its actions reprehensible?

Second, the free rider argument applies, at best, only to the average worker. What about workers who are exceptionally talented, well-educated, or hard-working? Such people might well be able to get a better contract on their own.

Third, and more generally, what compelling evidence is there that unions *always* negotiate the best contracts? It may well be true that unions historically have often gotten higher wages and better benefits, but they have also in many cases put companies out of business because they saddled them with such high labor costs that they couldn't survive competition, or forced them to close under the pressure of a prolonged strike. Workers may get more short-term benefits, but at the cost of long-term security. So if workers can be compelled to pay dues to a union under the theory that the union gives them benefits, shouldn't a union be compelled to pay workers when its actions cost them their jobs or other things they value?

The comparative data are interesting on this point. For example, Census Bureau statistics indicate that during the 1982–2001 period, the number of manufacturing companies grew by 7% in right-to-work states, while shrinking by 4.9% in union-shop states. Moreover, data from the Department of Commerce (Bureau of Economic Analysis) indicate that, during the 1993–2003 period, real personal income grew by 37% in right-to-work states, compared to only 26% in union-shop states.

Fourth, we have to consider other factors besides wages, benefits, and job security when assessing the consequences of union activity to the workers involved. In particular, unions spend (and have historically spent) much of their members' dues on political campaigns. The argument here is that unions are providing such good benefits that allowing them to compel all workers to belong is justified, but it doesn't take into account this other cost: the union may elect politicians who increase the workers' taxes, abridge their right to own weapons, deprive them of choice about their children's education, or deny their children equal opportunity (by passing affirmative action schemes that give other children preference).

This is no purely abstract point. In recent elections, unions have spent 60% of their members' dues on lobbying, political donations, and other political activities. And 90% of those political donations go to Democratic Party candidates, even though up to 40% of union members vote Republican in any given election. Much of the opposition to closed and union shops comes from this opposition to dues being used to further projects that workers despise. Doesn't compelling someone to pay for causes that he religiously, economically, or philosophically opposes violate that person's rights in a profound way?

Agreements that limit the parties' later rights and freedoms are inherently suspect, even if entered into freely.

Granted, in 1988, the U.S. Supreme Court ruled (in the *Beck* case) that employees have a right to refuse to pay that portion of their dues that is used for political purposes. But unions have been very successful at blocking implementation of the *Beck* ruling. Typically, a union will demand that any dissident employee wanting a dues rebate put his or her request in writing, which is an inconvenience, and subjects the worker to the possibility of reprisal. Several states have passed "paycheck protection" acts that put the burden of getting worker approval for spending dues on political campaigns squarely on the union. When Colorado and Utah passed paycheck protection laws that required unions to get written permission from members before using their dues for political campaigns, dues collections dropped by more than two-thirds.

Needless to say, unions that have ties to organized crime have an especially poor argument for the closed or union shop. Any benefits the union delivers must be balanced against the costs of criminal activity.

The unequal power argument rests on the idea that management is typically in a position to say "take it or leave it" to the individual worker, and the worker will have to submit to a bad deal. Only if there is a union to represent the workers will they have a fair chance in negotiation, and unions can exist only when there is solidarity.

The truth of this argument is debatable. Even if unions always, or typically, negotiate the best deals, why would that require total "solidarity," that is, total membership of the workforce? Why couldn't a union representing (say) 80% of the workers still have the power to negotiate a good contract?

But even if we answer "It could," there is a problem with the logic — it is an *ignoratio elenchii*. At most it shows that unions are generally necessary for empowering the worker. If this is true, it only shows that workers ought to join the union

Defining Terms

While the Taft-Hartley Act of 1947 outlawed "closed shops," it allowed two closely related entities: "union shops" and "agency shops." A union shop is a workplace in which all new hires are required to join the union (usually after a short period of time), and the company is required to fire any employee who refuses to pay dues (though not employees kicked out of the union for other reasons). An agency shop is a workplace in which new hires are not required to join the union but *are* required to pay union dues. The comments in this essay apply generally to union and agency shops as well as to Taft-Hartley "closed shops." — Gary Jason

for their own good, not that it is morally permissible for them to be compelled to do so as a condition of employment.

By far the most philosophically interesting argument, and the one that is bound to be most interesting to libertarians, is the freedom to contract argument. It seeks a reversal of sorts: to use classical liberalism, viewed by the political left as a pro-business ideology, to justify a practice that greatly benefits unions. Under classical liberal economic principles, employers are free to offer any compensation package they want, and potential employees are free to accept or reject the package, or counter with any proposals they want. As long as no coercion is involved, the government should stay out of the matter. Why, then, should unions not be able to contract with employers for a closed shop?

Before critiquing this argument, I want to make two observations about it. The first is that, as Charles Baird noted in The Freeman (April 2007), the same argument would equally support the view that the government should not — as it currently does — prohibit "yellow dog" contracts, contracts that require employees to surrender their right to form unions as a condition for employment. Needless to say, leftists never advocate permitting *those* contacts.

The second is that the key qualification, that the employer (and employee) not be coerced, is seldom honored in the real world. To get a closed shop contract from a company, unions historically have threatened or resorted to strikes (which typically involve the breaking of an earlier agreement to work, in the classical liberal view) and have in many cases harassed or even assaulted dissident and replacement workers, sabotaged equipment, vandalized property, or committed other coercive acts. The presence of a closed-shop agreement has often signified the fact that coercion has been used to get it.

But let's waive these points and focus on the argument itself. Must someone who holds classical liberal principles necessarily accept the legitimacy of closed shops? I think not.

We need to remember that, from the classical liberal point of view, agreements that limit the parties' later rights and freedoms are inherently suspect, even if entered into freely. A classic example is the one given by John Stuart Mill in "On Liberty," where he argues that the law should not allow a person to sell himself into slavery. For the same reason we look askance at free elections in which one of the candidates clearly intends to eliminate free elections if he wins. We derisively, and rightly, refer to such elections as "one man, one vote, once." For a similar reason, Congress is barred from passing laws that restrict later Congresses' powers, such as a law that would require future tax bills to get a two-thirds vote to be passed.

In a similar vein, it is morally questionable that I should be encouraged to join an organization that will not allow me to quit — which is what a union shop amounts to. While it makes sense, in general, to say that I should be free to enter into contracts, this is not the same as entering into contracts that limit my freedom to make new contracts. To put it another way: while I am ethically bound by prior agreements (that is, my freedom is limited to some degree by the contracts I've entered into), that doesn't apply to my freedom to make new agreements, going forward.

Something like this principle is found in the common law on contracts. For centuries, common law has held that contracts to compel someone to perform some job cannot be enforced; this smacks too much of slavery. Suppose an opera singer agrees to sing on a given night, signing a contract to do so and accepting partial payment, and then refuses to perform. The managers of the opera house cannot sue to compel the singer to sing. They can sue the singer to get their advance back, to get compensatory damages for lost revenues, and perhaps even to get punitive damages — but they cannot compel the singer to perform.

One might reply that if a person doesn't want to work for a closed shop, he or she can just go elsewhere — as can the worker who doesn't want to work for a company that has a yellow-dog contract banning unions. But the problem with this reply is that it allows for the possibility of clearly coerced choices. It is possible that in some future place or time open shop companies may not exist (if, for instance, a union manages to get closed shop contracts from all the companies in a worker's field). In such a scenario, the employee would either have to join a union or go without work: join or starve. That is hardly the paradigm of free choice. (The same holds for yellow-dog contracts: if all companies in the economy managed to get them, then any worker who wanted to be allowed to join a union would either have to give up that right or starve.)

This is not merely a theoretical problem. Admittedly, in the contemporary private sector economy, we are far from that scenario. The percentage of private-sector workers who are members of unions has dropped steadily, from 35% in the 1950s to 20% in the '80s to about 7.4% today. Meanwhile, however, the percentage of public sector employees who are members of unions has been growing apace.

Suppose I want to be a college instructor in California. Public colleges in California are, generally speaking, agency shops. (The University of California is not, insofar as ladder-and-rank faculty are concerned, but it is in respect to its vast army of teaching assistants, "instructors," and "lecturers.") So if I go to work for a public California college or university, I have to pay dues to the teachers' union. Well, someone might ask me, are you compelled to work for a California public college? Why don't you just go to work for a private college?

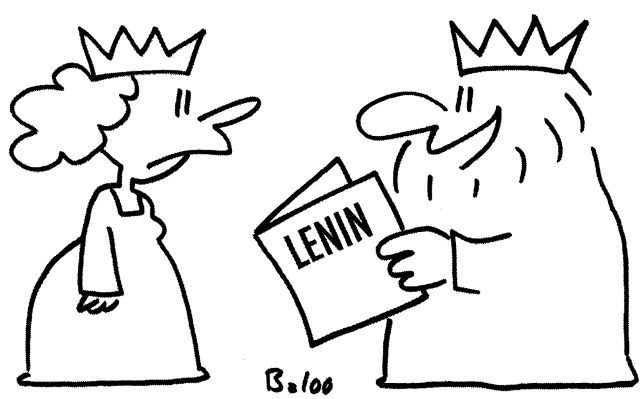

"Hey — *this* guy says we can skip capitalism and go straight to state socialism!"

My rejoinder is that because of the power of taxation, the public sector of education has virtually crowded out the private sector. The California community college system has 109 campuses, and 2.5 million students. The California state university system has 23 campuses and upwards of a half-million students. Two hundred thousand students are enrolled in the ten campuses of the University of California system. By comparison, the Association of Independent California Colleges and Universities, which has as members the vast majority of California private colleges, represents 75 campuses and about 250 thousand students. The state's power of taxation ensures that the billions poured into the public system dwarf employment opportunities in the private college system. Given that this crowding out continues to increase, the theoretical problem of a totally closed (or at least union) shop society is not so theoretical after all.

Even stronger examples might be given. Perhaps, as libertarians argue, roads and road-building should be privatized, but right now it is virtually a monopoly of the state and can easily be made a monopoly of closed-shop employment practices.

I have examined the most common arguments used to justify closed shops, and found them wanting. But are there compelling ethical reasons that support the view that closed shops should not be allowed? I believe there are.

Obviously, we have the natural-rights consideration raised at the beginning of this essay. Closed shops (as well as union and agency shops, and for that matter yellow-dog contracts) manifestly violate freedom of association. Absent compelling ethical reasons to the contrary, a person should be able to join or not to join, support or not to support, any group at any time. And, as mentioned above, there are consequentialist reasons to regard closed shops as undesirable.

But I also want to sketch a neglected line of ethical thinking on this issue — the line that might be taken by "virtue ethics"; that is, by the method of evaluating practices by asking how they support or hinder the development of virtue. On this ground, there is a very good reason to criticize closed shops. Simply put: they corrupt unions.

For centuries, common law has held that contracts to compel someone to perform some job cannot be enforced; this smacks of slavery.

Unions, no less than businesses, flourish as socially useful organizations when they aim to produce something that people want. This only reliably occurs in free markets, because the force of competition requires the organization to take seriously what the consumer wants, and deliver it.

But with unions no less than businesses, the temptation is always present to "compel rather than sell," to coerce consumers rather than letting them choose a good or service freely — enticing them with a superior product or service. A well-run union can play a valuable economic role. It can help many workers negotiate better wages and benefits than they might get on their own, enhance job security, and provide other services (such as pension options, banking services through credit unions, and discounts from merchants).

Unions, no less than businesses, flourish as socially useful organizations when they aim to produce something that people want.

When workers are free to belong or not, or to choose among competing unions, these organizations are forced to focus on the workers' preferences. Allowing unions the power of coercion makes them more interested in enhancing their political power. It also makes them lazy and neglectful about improving their services.

The push for closed, union, or agency shops is just one of a variety of inherently coercive tools that are too often favored by organized labor. Organized labor's efforts to coerce membership (or at least the paying of dues), use member dues to further the union leaders' political agenda (in violation of the workers' *Beck* rights), and get Congress to end secret ballots in votes to unionize workplaces, all ultimately corrupt the unions. In their attempt to achieve such coercive powers, unions come to resemble those desperate businesses that try to save themselves by protectionism.

In sum, there is a strong case based upon converging lines of ethical thought that closed shops are inherently bad. My hope would be to see all states adopt right-to-work laws, not just the 22 who do so now. Given the stranglehold organized labor has on many states, this will probably require a federal law.

To those who (understandably) distrust the federal government to make such a major change in labor contract law, I would make several points.

Both state and federal law already set the conditions in which contracts are allowable and enforceable. The federal government, through the Wagner, Taft-Hartley, and other acts, sets conditions for the unionization of workplaces, conditions that are generally helpful to unions (although Taft-Hartley disallows closed shops in the narrow sense). Over 20 states have right-to-work laws, and the state governments have had no problem enforcing them, ordinarily with good results.

Modifying the Taft-Hartley Act to disallow union and agency shops as well as closed shops, narrowly defined, would certainly not end federal interference in the marketplace, but it would impart more balance to patterns of government action that are often skewed in favor of unions. It would implement the freedoms vouchsafed to workers by the Supreme Court under its *Beck* ruling, it would increase freedom of association, and it would bring labor law closer to common law principles of contract. Those would be real gains. ❑

Reviews

"Real Education," by Charles Murray. Crown Forum, 2008, 219 pages.

Education, Real and Unreal

Ross Levatter

Speaking obvious but uncomfortable truths . . . in the history of philosophy, Socrates might come to mind. In contemporary psychiatry, I think of Thomas Szasz. But when it comes to social policy, the name that immediately springs to mind is Charles Murray.

Murray's "Losing Ground: American Social Policy 1950–1980," published in 1984, revolutionized the way in which social scientists looked at welfare policy by pointing out that those in poverty, including minorities, actually had done better by many standard parameters in the 15 years before enactment of the major Great Society welfare policies than in the 15 years afterward. Many people credit this book for laying the groundwork for the major welfare reforms of the 1990s.

"The Bell Curve: Intelligence and Class Structure in America," which Murray co-authored with Richard Herrnstein, explored facts about intelligence (facts that, contrary to heated denunciations at the time, were not controversial among experts who studied this area), and what their implications were for optimal social policy. Highly controversial at its publication in 1997, its claims are considered more mainstream a decade later.

Now Murray turns his ability to obvious if uncomfortable truths in education. This is not a book about problems with a government monopoly in primary education; it is not a rant against multiculturalism or political correctness in our nation's educational system; it is not even an assault on the current fad of "maintaining self-esteem" among young students (though this is discussed in passing). Instead it is a call for fundamentally rethinking what does and doesn't work in education, both public and private. It is a call for ending the endearing but false romanticism involved in believing that every child can excel in academics.

Murray begins with a discussion of intelligence, dissecting Howard Gardner's "multiple intelligences," the idea that there are seven, eight, or more "core intelligences," and that people who seem unintelligent according to ordinary measures may actually be as intelligent as others. Murray focuses primarily on logical-mathematical and linguistic intelligence. And he makes two claims that cannot be denied, while at the same time cannot be stated in polite company:

> Level of ability varies.
>
> Half of all children are below average.

Murray notes (he has mentioned this in earlier works, but it is well worth repeating) that although most of his readers understand that there is wide variability in some of Gardner's other "intelligences" — such as the musical and the bodily-kinesthetic "intelligences" — his readership does not appreciate the wide variability that actually exists in mathematical and linguistic intelligence. While people we know vary widely in their ability to play sports or musical instruments, people we know usually do not vary widely in their mathematical and linguistic abilities. But this is not evidence that mathematical and linguistic abilities vary only slightly. It is evidence that the people we know are a highly filtered subset of society.

For example, the fact that a professor

of English feels he didn't do well in math most likely means he "only" got a 600 on the math SAT, while most of his friends in the math department got over 700. But a 600 on the math SAT puts the English professor in the upper third of the country in math skills.

Murray explains in gory detail what it means to be "below average" in intelligence. Here are some examples.

"There were 90 employees in a company last year. This year the number of employees increased by 10%. How many employees are in the company this year?"

A) 9, B) 81, C) 99, D)100

This is a basic math question from the National Assessment of Educational Progress (NAEP), on a test given to nationally representative samples of children in the fourth, eighth, and twelfth grades. It has been used for 35 years by the federal government to track academic progress. Murray notes, "The test is . . . the gold standard for measuring academic achievement" in elementary and secondary education.

Sixty-two percent of eighth-graders got the above math question wrong. If you include those who didn't know the answer but guessed correctly, over 77% of eighth-graders didn't know how to figure out the answer.

Twenty-seven percent of these eighth-graders didn't know "how many sides are there to a cube." Forty percent didn't know "what is 4 hundredths written in decimal notation."

Now, we can blame this on poor schools, doing poor teaching. But if academic ability varies (and it does), and half of all students are below average (and they are), approximately half of all students won't be able to answer questions of average difficulty. Those of us who read books about social policy may not have a clear understanding about what a question of "average difficulty" is, since we probably don't know anyone who is below average in mathematical and verbal intelligence, or at least know that person well enough to get a sense of the person's intellectual world. But as anyone who has watched Jay Leno's "Jaywalking" or recent responses from Miss America contestants can affirm, "average difficulty" questions are much easier than most readers of this article anticipate.

Objections can be made, as follows.

The measurement of academic ability is invalid. But Murray notes that "g," the general mental factor measured in IQ tests, accounts for 80–90% of predictable variance in scholastic performance — a conclusion based on more than 11,000 citations of studies on the relationship of IQ scores to educational achievement listed in "Psychological Abstracts."

We can raise academic ability. But, summarizing a wealth of data accumulated over decades, Murray says, "The most we know how to do with outside interventions is to make children who are well below average a little less below average."

The schools are so bad that even low-ability students can learn a lot more than they learn now. This view, which is characteristic of libertarians, has a kernel of truth. Some inner-city urban schools are so bad that they are physically dangerous. No learning can occur there. But that's not true of the majority of schools. And while it is true that most

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public schools are a poor value — they are economically inefficient; they charge far more than is justified for the educational value they provide — that is not the same as saying students can learn a lot more than they do. U.S. mail delivery is inefficient as well. Mail could be delivered faster and more cheaply. But the fact is that virtually all of the mail does get through. Students could be educated faster and more cheaply, but Murray cites extensive data to back up his claim that most below average students in most schools are learning all they can learn. As regards private or charter schools, Murray, a strong advocate for school choice, says that while these alternatives may nurture gifted students, "the evidence does not give reason to expect that private or charter schools produce substantially higher test scores in math and reading among low-ability students who would otherwise go to normal public schools."

He then goes on to discuss two other obvious truths:

> Too many people go to college.
>
> America's future depends on how we educate the academically gifted.

To gain the benefits of a classic "liberal education," one must be intellectually prepared to read and digest material significantly more challenging than what one is given in high school. So it is not surprising that Murray can cite evidence that no more than 20%, arguably no more than 10%, of students truly benefit from this type of four-year residential college experience. Yet 28% of adults 25 years of age or older have a B.A. Not surprisingly, many drop out of college; many find themselves facing adulthood with no training in vocational skills that really could have helped them make a better life for themselves; and too many people attempt to get a B.A. by means of economically inefficient investments in "easy" courses of no use to them, solely to signal to employers that they have the B.A. employers now use as evidence of persistence and at least a minimal level of intellectual achievement. Murray argues that society would be better off with less emphasis on a B.A. and more standardized certification (*not*, attention libertarians, licensure) for a wide variety of employment.

As for the intellectually gifted, Murray notes, as an empirical fact and not as a value judgment, that these are the elite who will be running our country in the future. He argues that they are by definition intelligent. We would be better off if we had mechanisms in place that could also make them wise. He argues for improved attention to many things: verbal expression, judgment formation, thinking about virtue and the good, and humility. His arguments are nuanced and not easily summarized, but they quickly give the lie to suggestions that Murray is a 21st-century Social Darwinist.

Murray has written a book about human happiness ("In Pursuit of Happiness and Good Government," 1988). He noted there, as the literature supports, that people are happiest when they are challenged by what they do, but not so challenged that they cannot realistically succeed. "Real Education" forcefully argues that we are not merely wasting large amounts of money, we are

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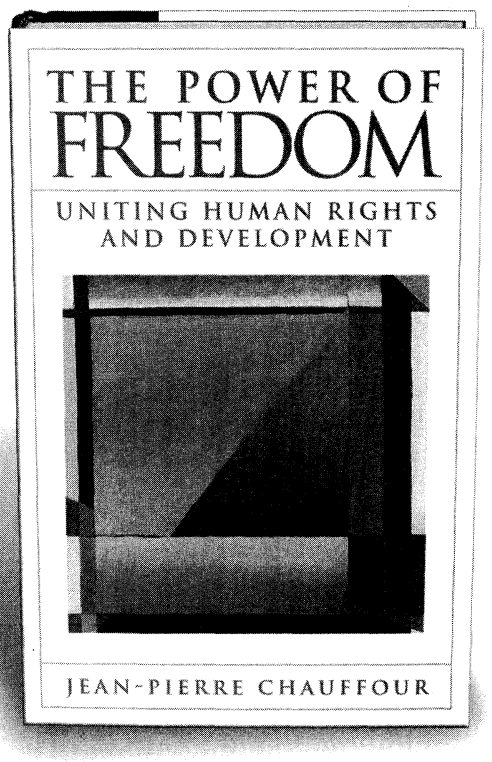

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not merely ignoring the reality of what social science has to teach us about education, we are not merely doing poorly at preparing our children for the future, but we are also making both low-ability and high-ability children unhappy (miserable, inconsolate) by pretending that the former can be force fed intelligence while ignoring the latter's insatiable need for guided knowledge.

People don't need to be intelligent to be happy. But they do need not to be puppets in the plays of social reformers, lab rats in the experiments of the well-intentioned but ignorant educational romantics who have harmed both halves of the bell curve our children inhabit. ❑

"Basic Economics: A Common Guide to the Economy," 3rd edition, by Thomas Sowell. Basic Books, 2007, 627 pages.

Revised and Incomplete

Mark Skousen

Readers of Liberty should be familiar with Thomas Sowell, a prominent economist who considers himself more libertarian than conservative (he favors decriminalization of drugs, for example). Sowell has had a fascinating career, growing up in Harlem, graduating magnum cum laude from Harvard, earning a Ph.D. from Chicago, teaching at UCLA, writing a syndicated column, and authoring more than 30 books. Since 1980, he has been a senior fellow at the Hoover Institution at Stanford.

He is now 78 years old and has written his memoirs ("A Personal Odyssey" — highly recommended). But he is not slowing down. He can accomplish a great deal because he is reclusive and hardly ever travels. Rumor has it that he always charges a speaking fee so far above the market price that no one dares pay it. (I'm constantly asked, "Why don't you invite him to speak at FreedomFest?", an annual conference that I direct. Now you know.)

Sowell has written extensively on economic topics, including Marxism, Say's law, and classical economics. But he extends his expertise to education, social issues, culture, civil rights, and politics. My favorite is "Knowledge and Decisions" (Basic Books, 1996).

With the third edition, "Basic Economics" has become a fat book, and a popular one, especially for home schoolers. This new edition is 40% longer than the first and second ones.

What's its appeal? Unlike standard textbooks, Sowell's guidebook is free from graphs, charts, abstruse mathematics, and professional jargon. When Sowell does use an uncommon term, such as "externalities," he does a good job explaining it. He uses statistics sparingly, citing data from The Economist, The Wall Street Journal, and Business Week. In that sense, his book is more a treatise for a general audience than a textbook.

On the topics he covers, I see nothing to argue about. He does an excellent job exposing the errors in the popular policies of protectionism, progressive taxation, minimum wage laws, affirmative action, antitrust, wage, price, and rent controls, and central planning. He has helpful chapters on the stock market, risk and insurance, money and banking, international trade, labor markets, and the dynamics of the economy. He has also added chapters on myths of the marketplace, such as the fallacy of predatory pricing and issues involving fairness and greed.

My only beef with Sowell is the remarkable number of sins of omission in this book, despite its 40% increase in size. The method is strangely hit or miss. One wonders, in a course in "basic" economics, where is the discussion of Adam Smith's doctrine of the invisible hand? Where is the treatment of Say's law, which introduces the profound supply-side concept that savings, productivity, entrepreneurship, and technology drive the economy, and that consumption is the effect, not the cause, of prosperity? One would think that a man who has written whole books on Say's law and on classical economics and its adversaries would address these vital issues.

Sowell's chapter on money, credit, and the Federal Reserve is grossly inadequate, given today's intense concerns about the stability of the global financial system. There's virtually no

"If you knew that economics was the 'dismal science,' why did you become an economist?"

discussion of asset bubbles, the boom-bust cycle in real estate, and the highly leveraged debt structure currently under stress, nor even of the Fed's manipulation of interest rates and the supply of money.

Sowell is a student of George Stigler and Milton Friedman of the Chicago school of economics, and he does make one or two passing references to Friedman's claim that the Great Depression was caused (or exacerbated) by the Fed's "inept" deflationary policies in the early 1930s. But he makes no reference to Ludwig von Mises and Friedrich Hayek's Austrian theory of the business cycle, which is critical to understanding what is going on today.

It's unfortunate that Sowell fails to inform his readers about the great contributions of such Austrians as Mises, Schumpeter, and Hayek (he cites Hayek twice, but not on his decentralized information theory), the supply-side economists (he does not mention the Laffer curve or the flat tax revolution), or even great thinkers such as P.T. Bauer, Ronald Coase, Vernon Smith, and James Buchanan. Sowell could improve his book tremendously if he added a chapter on the warring schools of economics. As it stands, there's not enough material on the advances of the various free-market schools, and too little systematic criticism of the anti-market schools of Keynes and Marx.

Given that we are facing the greatest threat to the free-market capitalist system since the Great Depression, the world cries out for a clear-cut analysis of the current financial crisis, how government intervention in the monetary and banking system has brought about this debacle, and the sound free-market solutions to the problem.

The third edition of Thomas Sowell's "Basic Economics" does not go far enough in providing this much needed analysis. As it stands, it serves primarily as supplemental treatise. It cannot take the place of a comprehensive guide to sound economics. There's a lot of work to do if the next edition is to live up to its title. ❑

"Who Killed the Constitution? The Fate of American Liberty from World War I to George W. Bush," by Thomas Woods and Kevin Gutzman. Crown Forum, 2008, 202 pages.

Unchained State

Robert P. Murphy

Tom Woods and Kevin Gutzman are both bestselling authors in Regnery's "Politically Incorrect Guide" series, and their latest joint project will not disappoint their fans. "Who Killed the Constitution?" is the perfect topic for them. Woods as a historian and Gutzman as a legal scholar combine to explain exactly how it was that the federal government escaped the constitutional chains allegedly restricting its power. Their answer is that all three branches were in on the jailbreak, a more nuanced position than the standard cries against "activist judges." They illustrate their thesis through a "dirty dozen" — examples of federal abuse of the Constitution, ranging from school desegregation to marijuana criminalization.

What is most entertaining about the book — and most frightening to proponents of smaller government — is the sheer mental gymnastics necessary for government officials to evade the plain language of the Constitution. Some potential readers may be intimidated by the book's topic, fearing an excruciating analysis of fine legal points.

Fortunately for the reader — though unfortunately for citizens in general — the issues really aren't that complicated. The most specious rationales were offered each time new bounds were crossed, until we've reached today's situation, in which the president and members of Congress (with one notable exception) sometimes don't even bother asking about constitutionality.

Perhaps the most blatant example of simply ignoring the Constitution involved the celebrated 1954 decision in *Brown* v. *Board of Education*. Whatever one thinks of the underlying policies (and I personally think they are wrong), the simple fact is that the "equal protection" clause of the 14th Amendment could not possibly have prohibited segregated school districts. That is why the Court famously ruled in 1896 in *Plessy* v. *Ferguson* that segregation did not violate the 14th Amendment.

So did the Supreme Court in 1954 stumble on some new clause, buried in the Constitution or its amendments, that caused them to reverse this precedent? Not at all. Justice Felix Frankfurter asked his law clerk Alexander Bickel to review the circumstances under which Congress had drafted the 14th Amendment. Bickel reported to his boss that "it is impossible to conclude that the 39th Congress intended that segregation be abolished; impossible also to conclude that they foresaw it might be, under the language they were adopting."

Bickel (and, by extension, Frankfurter) was not alone in this interpretation. Justice Robert Jackson circulated a memo to explain why he would concur in the prohibition of segregation under *Brown*, while rejecting the majority's reasoning: "I simply cannot find, in surveying all the usual sources of law, anything which warrants me in saying that [the Court's decision invalidating school segregation] is required by the original purpose and intent of the Fourteenth or Fifth Amendment." Jackson thought the Court was correct

to go ahead and outlaw such segregation, but at least it should plainly admit that it was "declaring new law for a new day."

As a libertarian reader, I admired Woods and Gutzman for having the courage to point out federal power grabs that might not resonate with the typical Rush Limbaugh fan. They devote an entire chapter to the federal infringement of a state's right to allow medical marijuana within its borders. They also devote a chapter to exploding the myth that the military draft is consistent with the Constitution. Sadly, many rank and file conservatives who carry pocket Constitutions around with them focus only on "liberal justices" and don't realize that enlarging federal power has been a bipartisan effort.

Even so, conservatives will appreciate Woods and Gutzman's demonstration that the wartime powers claimed by George W. Bush really aren't as "unprecedented" as some of his shrillest critics claim. For example, in 1918 the government sentenced Socialist presidential candidate Eugene Debs to ten years in prison for the crime of giving a speech claiming that capitalists were responsible for World War I. (In one of the most touching parts of the book, Woods and Gutzman recall that Warren Harding mercifully pardoned Debs because, "I want him to eat his Christmas dinner with his wife.")

Even when it comes to extrajudicial hanky-panky, there is nothing new in the Bush administration's official positions. For example, in 2005 John Yoo — author of the infamous "torture memo" excusing the use of torture even in defiance of congressional bans — debated Doug Cassel, director of Notre Dame Law School's Center for Civil and Human Rights. Cassel was trying to pin down just exactly how sweeping Yoo thought the president's powers were, and asked: "If the president deems that he's got to torture somebody, including by crushing the testicles of the person's child, there is no law that can stop him?"

Yoo first answered, "No treaty." When Cassel pressed him by reminding Yoo that he himself had written in his memo that no law of Congress could restrain the president either, Yoo replied, "I think it depends on why the president thinks he needs to do that." It is fortunate indeed that here in America, the rule of law prevents child testicle crushing merely for sport. The president has to have a pretty darn good reason before he can unilaterally decide to do it.

Yet shocking as this exchange is, it is nothing new. Worried that a brewing strike by steelworkers could disrupt the war effort in Korea, in 1952 President Truman ordered his secretary of commerce simply to seize the steel mills for the federal government. In justifying this bold move, Truman referred to his powers "as President of the United States and Commander in Chief of the armed forces."

Naturally the steel companies filed suit. Assistant Attorney General Holmes Baldridge, representing the government, pointed to no particular statutes but "the inherent executive powers of the president" to justify the seizure's legality. Judge David Pine was curious just how far this "inherent" power went, leading to the following exchange:

> PINE: If the President directs Mr. Sawyer [the Commerce Secretary] to take you into custody, right now, and have you executed in the morning you say there is no power by which the Court may intervene even by habeas corpus?
> BALDRIDGE: If there are statutes protecting me I would have a remedy.
> PINE: What statute would protect you?
> BALDRIDGE: I do not recall any at the moment.

Although legal analysts in the 1950s were too modest to discuss testicle crushing, the point remains: then, just as now, the executive branch found legal experts to claim that the Constitution gave the president the power to do anything in his role as commander in chief.

What is particularly chilling in these charades is the fact that the public will generally go along with the government "if there's a war on," thus providing presidents with another reason to go to war. Some citizens might hope that no American official could be so callous, but after reading Woods and Gutzman's book, they might not be so sure.

Because of its subject, "Who Killed the Constitution?" is not as snappy as the "Politically Incorrect" volumes. This is both a strength and a weakness. Readers who want more than talking points will appreciate the historical background given for each issue, as well as the careful examination of possible objections to the book's narrative. On the other hand, a few times I found myself wanting to skip ahead to the next chapter, which sounded more exciting.

My only other complaint is with the book's tepid conclusion. It begins with a bold declaration that "The Constitution is dead." Then our authors quote the 19th-century writer Lysander Spooner, who looked at the behavior of the federal government — behavior that was unacceptable even in his day — and remarked that the Constitution "has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist."

Woods and Gutzman elaborate on

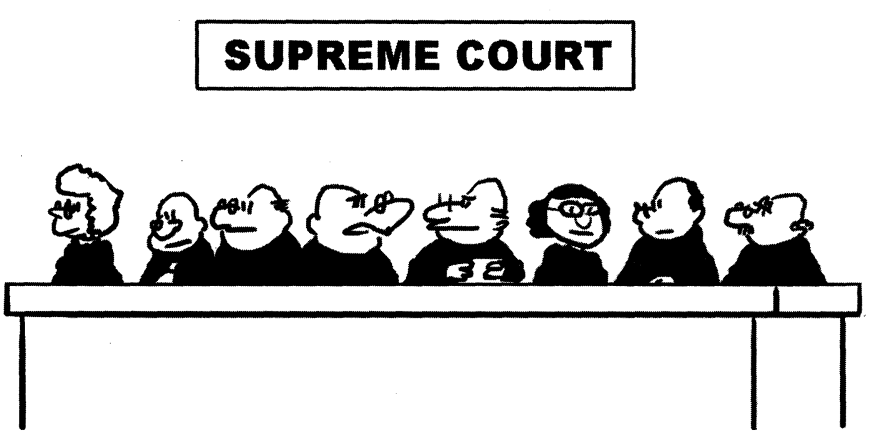

"Yeah? — Well, there's a thin line between being a strict constructionist and being a stupid jerk!"

the point, arguing that no government can ever be bound by a written constitution, since — guess what? — it is always the same government that rules on its own fidelity to law. It is no surprise that the president appoints, and the Congress confirms, Supreme Court justices who permit continued growth in federal prerogatives.

Yet after telling their readers that governments cannot be bound by constitutions, Woods and Gutzman claim that "the Constitution can still serve a purpose, as it remains a useful bludgeon to employ against government power grabs." This in a book devoted to showing that the "bludgeon" is actually a spork when it comes to beating back federal encroachments. Libertarian purists may feel that the only thing to do now is to make the direct case for liberty to the American people, rather than citing a document that even Woods and Gutzman tell us is dead.

Despite its lukewarm conclusion, "Who Killed the Constitution?" is an excellent review of the absurd devices by which politicians and black-robed seers have neutralized the checks and balances installed by the founding fathers. The book will challenge both liberal and conservative readers, and will be sobering to all who care about American liberty. ❑

"W.," directed by Oliver Stone. Lionsgate, 2008, 129 minutes.

History Lite

Jon Harrison

Oliver Stone's films have been called "melodramas for the masses," and not without reason. But there is more to Stone the filmmaker than this. Consider some of his signature productions. "Platoon" (1986), his directorial debut, was informed by his own experience as a combat infantryman in Vietnam, where he was twice wounded and decorated for valor. Despite its excesses, it remains the best treatment of the Vietnam War ever filmed. "Wall Street" (1987), while at times tiresomely preachy, looks prescient today, after Enron and the Wall Street shenanigans that brought about the current financial crisis. "JFK" (1991), though it failed to present a persuasive alternate history of Nov. 22, 1963, spurred the creation of the Assassination Records Review Board (ARRB), which unearthed some startling facts about the tragic death of the nation's 35th president, and the coverup that followed it.

Criticism of Stone has been strongest among conservative intellectuals, many of whom, it must be said, possess far less life experience than he does. It is rather peculiar to witness lifelong public intellectuals — persons who have never seen a shot fired in anger — question his take on Vietnam, for example. Equally strange is their apparent failure to recognize that movies are a business, and that, therefore, compromises must sometimes be made in the name of profit. Stone long ago established a reputation for bringing his films in on budget, something conservatives could learn from, given their recent follies with the public purse.

That said, this reviewer must nevertheless give Stone's latest production, "W." — a satirical and searing look at our nation's 43rd president — only a very qualified thumbs-up. It succeeds as entertainment. As an accurate portrayal of contemporary history, it fails.

Stone, of course, is a technically competent filmmaker. The visuals and other production values in "W." are first-rate. So too is the acting of Josh Brolin, who plays George W. Bush, and James Cromwell in the role of W's father, George H.W. Bush, our 41st president. Elizabeth Banks and Ellen Burstyn, as the wives of W and "Poppy" respectively, turn in solid performances, but their roles lack sufficient depth to bring out their true influence on the Bush men.

I'm afraid that almost exhausts the good things one can say about this film. As an attempt to recount how the Bush 43 administration brought the country to the mess it's now in, the movie never rises above the level of a cartoon. The events of Sept. 11, 2001, are not explored. The run up to the Iraq war, and its tragic aftermath, are treated in a manner a smart eighth-grader could achieve. Assessing events and personalities without the benefit of distance — both in time and emotion — is a very difficult task. Here Stone fails completely. Many of the principal actors in the real-life drama — Don Rumsfeld, Condoleezza Rice, Colin Powell, Tommy Franks — are portrayed in an overdrawn, baroque manner. It matters not whether Stone likes or dislikes the person. He clearly admires Colin Powell, again and again putting just the right words in the general's mouth — yet undermines his hero by having him meekly knuckle under to Bush's will to war. If that was, indeed, the alpha and omega of Bush's secretary of state, then Stone should have tried to show us how Powell could embody that dichotomy and still live with himself.

Perhaps Richard Dreyfuss' portrayal of Vice President Cheney can be excluded from this general criticism of the supporting roles as written and acted. Reviewing the film for National Review Online, Tom Hoopes says that Dreyfuss "plays Dick Cheney . . . as a soulless being who will do whatever it takes to make sure it's always winter but never Christmas." Hoopes, apparently, sees this as an inaccurate or overdrawn depiction. I don't.

Hoopes also avers that Toby Jones plays Karl Rove "like a Herblock caricature of him." I disagree. I don't think that Jones and Stone succeed in bringing out the real evil that exists in this man.

The film does perform a service to history, or rather, to the great viewing public that knows history not, by refusing to pin all blame on the president. "Why wasn't I told?" W whines when he discovers one foulup after another in the implementation of Iraq policy. The message we should take from this, whether Stone intends it or not, is that we cannot blame one man for the events of the past eight years. The decider bears the first responsibility, but his subordinates must share it, and so in part do we, the larger society, which raised them up.

"W." is at its best when tracing the oedipal conflict between the two Georges, and how it motivated the younger man to reach for the highest office. Churchill was ignored and demeaned by a powerful and (until felled by sickness) very successful father, but he overcame this handicap and far surpassed the elder man in achievements and fame. Here we see character and application at work. Churchill, though an indifferent student, read deeply and had an active life in the British army and government before he achieved the first place in the state. George W. Bush, though his grades at Yale were better than John Kerry's (a fact that invariably gets brought up by some assistant professor or other, as if it meant something), was an incurious, callow youth who grew into an ignorant and troubled man. He never worked in the way Churchill did; he never truly earned anything he managed to achieve. Perhaps the late Victorian Age provided a more bracing atmosphere than postwar America. On the other hand, perhaps W's mistake was giving up drinking for religion, something Churchill would never have contemplated. Certainly, booze and agnosticism did more for Britain than sobriety and piety have done for us.

To do justice to his subject, Stone would've needed a broader outlook, and about four hours. At barely two hours running time, he spreads himself too thin. Go to the movie for Josh Brolin's performance, but don't expect to come away much the wiser about the disasters of the past eight years. ❑

"The Road," by Cormac McCarthy. Alfred A. Knopf, 2006, 241 pages.

Ease on Down "The Road"

Jo Ann Skousen

In the century after this nation was born, families headed west along paths with names like the Oregon Trail, carrying their meager belongings in wagons or handcarts. In the century that followed, those dirt trails gave way to tarmac and the roads became Highways 70 and 80, transporting families and trucking goods from sea to shining sea.

Although it is never identified by name, Cormac McCarthy's "The Road" is most assuredly one of these two highways, broken up and sometimes still steaming from apocalyptic fires. The setting is a not too distant future. An unnamed father and son trudge along the road, pushing their meager belongings in a shopping cart and carrying their most important belongings in knapsacks in case they have to run from other survivors who roam the same road, looking for food. While their ancestors had moved westward with hope and handcarts, these survivors move eastward with futility and a rusty shopping cart.

They carry a road map with them and inspect it frequently, opening and refolding it so many times that it falls into pieces. It's a map to nowhere, really; the towns are abandoned or obliterated. But the father holds onto it with the reverence of a scriptural guide, describing for his son the world that used to be.

This cautionary tale of survival in a gray, postapocalyptic world is unlike any futuristic novel you've read. Yes, you'll find the usual elements one expects in a dystopian novel — the threatening bands of scavengers, the barren wasteland, the futile vestiges of technology, the desperate attempt to reestablish order out of chaos, the ultimate conflict between good and evil.

But unlike, say, David Brin's dense "The Postman," this book doesn't provide long, detailed descriptions or philosophy or explanations of what has happened. "The Road" stands out for its spare style, its haunting imagery, and its focus on the gentle, intense relationship between an unnamed father and his son as they journey to escape the gray of winter and inevitable death.

"A long shear of light and then a series of concussions" is all that McCarthy tells us about what caused the calamity a few years earlier, but a thick cloud of ash still covers the sky, blocking the sun and moon, and suggesting that the disaster has been worldwide. The father and son's only food is what they can scavenge from abandoned homes or stores, while always on the alert for other scavengers who would surely kill and eat them if they were caught.

Yes, eat them — though it isn't said in so many words. The language of this book is not just spare, but sparse, the sentences fragmented, the contractions written without apostrophes, signaling on the very first page that this is a society in which normal structures have broken down. In a world without renewable food, no energy can be wasted, not even for place-holding subjects, verbs, and quotation marks. Details are seen, but not explained. In fact, most of what does happen takes place offstage, just out of sight, the way in which the best

horror films were made. At one point the father turns his son's head away from a grisly scene, with this exchange:

> The things you put into your head are there forever.
> "Its okay Papa."
> "Its okay?"
> "Theyre already there."
> "I dont want you to look."
> "Theyll still be there."

The book is like that. It stays in your head a long time, the unwritten images recurring with such clarity that you swear you have seen it on a movie screen, even though McCarthy has given you only the barest of details. The father and son hide in the woods as a group of marauders passes by, leading "a supplementary consort of catamites illclothed against the cold and fitted in dogcollars." You know their fate, even though you never see them again. On a mattress "darkly stained" they find "a man [who] lay with his legs gone to the hips and the stumps of them blackened and burnt," and you know what has happened, and worse, what is going to happen, without being told. The pictures visit your dreams and wake you before dawn. It stays in your head. I hope not forever.

Yet there is such beauty in McCarthy's poetic prose! "Lying there in the dark with the uncanny taste of a peach from some phantom orchard fading in his mouth," he writes. "By day the banished sun circles the world like a grieving mother with a lamp."

He creates an almost allegorical relationship between father and son as they journey inexorably toward an ocean: "He knew only that the child was his warrant. He said: If he is not the word of God God never spoke." Their all-encompassing love is revealed through simple conversations as the father tries to shield his son from their inevitable outcome, conversations that often resolve into the gentle reassurance, "It's okay. Okay? Okay," even when it's not okay.

In the midst of this grayness, the boy offers a shining light of hope. He has never seen goodness, having been born a few weeks after the holocaust, yet when they see people in the distance or meet a stranger dying on the road, his reaction is always the same: "Can we help him? Papa? Cant we help him Papa?" He hasn't learned this by example. No one has ever given anything to them, nor has his father taught him to share with others. His goodness is innate, imprinted in his DNA somehow. What is its source?

That seems to be the point of this novel. Much has been made by critics and fans of the cryptic final paragraph of the book, which I can reveal without giving away the story: "Once there were brook trout in the streams in the mountains. You could see them standing in the amber current where the white edges of their fins wimpled softly in the flow. . . . On their backs were the vermiculate patterns that were maps of the world in its becoming. Maps and mazes. Of a thing which could not be put back. Not be made right again. In the deep glens where they lived all things were older than man and they hummed of mystery."

Some say this paragraph lends the story a message of hope for the future, that fish are returning to the streams, while others focus on the bleakness of the words "not be made right again."

I think the answer is found earlier in the book. Juxtaposed against the "limp and rotting" map detailing the boundaries of a dying manmade world, there is a different kind of map, McCarthy hints, a map found in nature — "the vermiculate patterns . . . of the world in its becoming" that lie inside the earliest form of a fish, when life sprang out of the sea containing the DNA that would eventually produce all animal life. But this is not a paradise. On the other side of that paragraph the boy learns that "the breath of God was his breath yet though it pass from man to man through all of time." More than DNA swirls inside man. And though "a thing . . . could not be put back," it can be started again — a spiritual thing that is "older than man [and humming] of mystery."

You may find something entirely different when you journey down "The Road." That's the magic of McCarthy's poetic style, with its multiple layers of potential meaning. The book is being made into a film starring Viggo Mortensen as the father and Kodi Smit-McPhee as the son. But I recommend you read the book first — it is a journey well worth taking. ❑

"The Wisdom of Whores: Bureaucrats, Brothels and the Business of AIDS," by Elizabeth Pisani. Norton, 2008, 372 pages.

Bureaucrats of Easy Virtue

Bruce Ramsey

Americans have long known that there was hucksterism around AIDS. Some 20 years ago we were harangued like communist peasants by the "everyone-is-at-risk" campaign. Even then it was fairly clear that everyone was not at risk. Once the blood bankers cleaned up their product, the risk was centered only on people who did certain things — having multiple sex partners, being the receptor in unprotected anal sex, or using an unsterilized doper's needle. The message eventually got through. Risk takers used condoms or clean needles at least some of the time, and the geometric momentum of the human immunodeficiency virus (HIV) was broken.

But HIV had exported itself. The AIDS industry followed. As epidemiologist Elizabeth Pisani shows in this

impassioned and well argued book, they took their hucksterism with them. Some of them believed it, and in any case it was useful.

AIDS is spread by specific behaviors, and the most dangerous ones are widely considered wicked or disgusting. Many partners often means prostitutes, and multiple-partner anal sex often means transsexual prostitutes. Drug injectors means junkies. Politicians shy away from programs to protect these groups, not because they are deaf to their people's will, but because they hear it. The average voter does not want to give free condoms to prostitutes and free needles to junkies. But that's what stops HIV.

Of course if people stopped injecting drugs and paying for sex, it would work just as well. Even better. The social conservatives argue for a world of cleanliness, but how to make it real? Usually the formula includes putting down wickedness by force, and that requires a moral story of victimization. With drugs, it is the old idea of the pusher. With prostitution, it is the idea of the sexual trafficker.

Both are generally false. Pisani, who has interviewed hundreds of "sex workers" in Indonesia and elsewhere, says, "I have only ever met one girl who said she was trafficked." Sexual slavery does exist, she says, but it is not common. Women mostly do sex work, Pisani says, because "it is the best gig they can get," and because it pays "a better living than capitalism and free trade have yet to offer" (by which she means stitching shoes in a Nike plant).

AIDS is spread by specific behaviors, and the most dangerous ones are widely considered wicked or disgusting.

Most women who get into prostitution stay for three or four years and get out. Some have paid for their sisters to go to school or their fathers to get medical treatment; or they have built up a nest egg for themselves. Some get AIDS. Some don't.

One gets the impression that men in the sex trade more often get into it because it is exciting — though they also do it for the money.

Pisani takes the reader through the lurid world of Indonesian brothels, transsexual streetwalkers, rent boys, and drug injectors, some of them in more than one of these roles. Into this subculture, which has sprouted in a largely Muslim society, come officious investigators with lists of questions and demands for blood samples and anal swabs. Much of Pisani's book shows how difficult it is to find out what people's behavior really is, and gives the impression that the closer you look the wilder it gets.

How to stop the spread of AIDS? Early in her AIDS career, Pisani was part of a group trying to scare governments into spending money on HIV-AIDS prevention. They used the "everyone at risk" argument, which focused on risks to wives and newborns from HIV-infected fathers. It was baloney, Pisani says. The risk to wives and newborns in the general population is very low except in eastern and southern Africa, where HIV has infected an unusually high proportion of men and women.

The reason the virus has run rampant there, she argues, is that eastern and southern Africans tend to have sex with more people, more often across age barriers, and more often intentionally unlubricated. She says she wrote a piece for The Economist saying this, and it was rejected by an editor who thought it was racist to say Africans had more sex. But surveys show it, she says. And it's not about all Africans, but a geographic subset. In Senegal, which is an African country, less than 1% of adults were infected with HIV in 2006. In the southern African microstate of Swaziland, it was 43%. When 43% of the people are infected with a virus, it's not just being spread by junkies and whores, or by gays.

The ultimate in political correctness has been to declare that HIV-AIDS is not fundamentally a sexual or drug-user issue at all, but a "development issue" caused by poverty and gender inequality. The World Bank said something like this in 1997. Pisani denounces it as the purest bunk. South Africa has the highest HIV rates in sub-Saharan Africa and also the highest incomes. Bangladesh is one of the poorest and most gender-unequal countries on the planet, and it has very little HIV. There is some correlation between poverty, etc., and AIDS, but none of these factors spreads HIV, and fighting them instead of the behaviors that do spread it is a waste of money.

The development thesis is nevertheless popular with poor-country politicians. It means they can get HIV-AIDS money without the embarrassment of having to spend it on druggies and whores. Thus, in Ghana, Pisani says, 76% of new infections are from paid sex, but 99% of the AIDS money goes to general-population programs like micro-credit and workplace outreach. In Nigeria, the most populous country of black Africa, 90% of the Bush administration's anti-AIDS money goes to "general population" measures.

These women do sex work, Pisani says, because "it is the best gig they can get."

And because the general population is not much at risk, Pisani says, these programs don't work.

Libertarians will appreciate her comments here:

> If you're asking for money in any other industry, potential investors would ask you to run the numbers. They want you to show how you'll maximize profits. In the case of HIV prevention, the profits are saved lives. You maximize them by providing effective prevention services to the people who are most likely to pass on an HIV infection, and those who are most likely to be exposed to someone else's infected body fluids. And yet none of the major funders asks us to run these numbers. . . . The result is a colossal waste of taxpayers' money.

A few pages later, she says it again:

> The AIDS industry isn't a free market . . . You can be judged a success for just doing what you said you were going to do, like build a clinic, or train some nurses to give leaflets to 400 out of the nation's 160,000 drug injectors. It's a bit like declaring that Ford is doing

> really well in the car market because they've got factories and floor managers and an advertising campaign, instead of looking at sales figures. Or even checking that they make cars that run.

Pisani isn't a libertarian, and she isn't advocating that AIDS prevention be left to the marketplace. She is a public-health worker, and she allows at one point that "public health is inherently a somewhat fascist discipline" because "it accepts that we must sometimes violate the rights of the few to protect the health of the many." And sometimes that is so, as much as libertarians might not like it. In 2003 the super-infectious pneumonia SARS was stopped by coordinated government action, and it's a good thing it was. Public-health authority can easily be taken farther than a libertarian would like, but libertarians must have a believable way to protect people from epidemics.

Harm reduction is, at least, a better way than putting prostitutes or drug injectors in jail — a place that in many countries is full of drug injection, anal sex, and HIV. Harm reduction does, however, use taxpayers' money for condoms and needles.

Regarding condoms, there is a common idea that prostitutes don't have the bargaining power to make their customers use them. "Hogwash," Pisani says. When female prostitutes insist, they mostly get their way. "Their bargaining power seems to be higher than we thought." When the brothel owner insists, condom use becomes more frequent still.

Regarding clean needles, there is a common idea that addicts won't take the trouble to use them. But if needles are made truly free and available, instead of being rationed out, many addicts will use them. And since many drug users do eventually quit, the health issue is whether they spread HIV when they're using, and whether they end their drug career HIV-infected. Writes Pisani:

> All the evidence suggests that harm reduction programs help people quit drugs, and increase the chances that people will not be infected with a fatal virus when they do manage to get off drugs.

A libertarian might ask, "But why does it have to be the government that pays?" It doesn't have to be; it's just that AIDS suppression isn't a profitable enterprise. It has been easier to get the money from governments, including the socially conservative government of George W. Bush. Indeed, Pisani says, "The sheer volume of money now available washes away the need to use what we have well." Waste is particularly noticeable, she says, with money from democratic governments. China and Iran, she says, have used anti-AIDS money more effectively than Western countries, partly because they are not democratic and don't have to justify their spending to squeamish voters.

There is a thought here. "What we really need," Pisani writes, "might be more people like Bill and Melinda Gates and squillionaire Warren Buffett. These New Philanthropists have the potential to change the face of international public health, because they have gobs of cash and no voters to answer to." She notes approvingly that the Seattle-based Gates Foundation has an anti-HIV project in India that spends most of its money on services for whores, johns, and junkies. ❑

"An American Carol," directed by David Zucker. MPower Pictures, 2008, 83 minutes.

An American Gargle

Stephen Cox

I have a warm fondness for propaganda films, so long as they're ridiculous, as they usually are. I've gotten almost as much fun out of "Mission to Moscow" (1943), "Gabriel Over the White House" (1933), and "Wilson" (1944) as I have out of "The Palm Beach Story" (1942). The first is a no-rock-left-unturned defense of Joseph Stalin, sponsored by Franklin D. Roosevelt's former ambassador to Russia. The second, produced by William Randolph Hearst and acclaimed by Franklin Roosevelt, is a fascist fantasy about how wonderful it would be if a president of the United States achieved dictatorial power and used it to Put America Back to Work, while simultaneously Achieving World Peace. The third is a modern-liberal fantasy about a president who tried to do that and failed completely, but what the heck? — he was a great man, anyhow. These films are adorable; they never run out of laughs. And I enjoy seeing how many tricks they come up with to bamboozle their audience. It's like watching a magician who somehow manages to extract all 50 species of leporidae from his battered old top hat.

By the way, I hope I don't have to tell anyone what "The Palm Beach Story" is. It is not a propaganda film. It is a work of art. And that's the important thing.

Now comes "An American Carol," a satire of most of the things I detest on the American political scene: self-righteous modern liberals, the blame-America-first mentality, academic intolerance, media bias and ignorance, history as interpreted according to the precepts of the Howard Zinn school of "thought," and the whole boatload of feces that goes by the name of political correctness. "American Carol" is propaganda that I should like for its own sake, as well as for any laughs it happens

to provide. And I probably would like it, if it were managed even half as well as any of the propaganda films I've just mentioned. Too bad — it isn't.

This is not just my opinion. I saw the movie with a friend who is even more gung-ho, right-to-bear-arms, America-first, and American-dream than I am. We were both embarrassed.

"An American Carol" is the story of Michael Malone, played by Kevin Farley and aimed at Michael Moore. Malone is an irresponsible filmmaker who consorts with communists, lies about America, and receives awards from communist sympathizers in the movie industry. Yet this Michael is capable of growth. He is visited by three spirits (yes, now we get to "Carol," as in Dickens' "Christmas Carol"): General Patton (played by Kelsey Grammer), General Washington (played by Jon Voight), and country singer Trace Adkins (played by himself). Malone also gets himself involved, without knowing better, with some crazed Islamic terrorists. The strange result is that he stops being a communist sympathizer, learns to love America, and turns up at an Adkins concert to support our troops in the Middle East. His soul is saved. Hallelujah.

Could this movie have worked? I guess so, if it had stuck to one plot. But two plots — the Dickens retrospective and the terrorist adventure — are at least one too many. The filmmakers should have left the Islamicists out, especially because most of the ones we see on screen are charmingly feckless young men, as if the filmmakers had fallen victim to their own kind of political correctness. More important, they should have provided some coherent intellectual or at least conceptual message. As my friend observed, the movie's strategy is to equate "America" with "liberty," without suggesting any definition, concept, or exemplification of liberty, except a patriotic rally with country music.

The music is actually pretty good. I mean, Adkins has a good voice. But it doesn't mean a thing. Throughout the movie, we're invited to laugh at, and be horrified by, mobs of brainless leftists demonstrating their hatred for America. The climax features a mob of brainless rightists demonstrating their love for America. Big deal. It isn't funny, even unintentionally. It's just a bore.

If you want to make a satire about Michael Moore, you will never run out of jokes.

Conscience prompts me to say that there are good things about this film. Kevin Farley is very good. He turns Michael Moore, a disgusting slob, nag, and fool, into an oddly complex and lovable Michael Malone. His performance is well worth watching, especially in the second half of the movie. Kelsey Grammer, whom I regard as one of the great comic actors of our time, is adequate. He looks good, but he lacks his usually exquisite sense of timing and implication. (Maybe he tired of the script; I would have.) Dennis Hopper does a good job as a judge who sits on the bench shooting zombies — soulless ACLU lawyers who keep coming back and coming back to court. Jon Voight, of whom I have long despaired, is exactly the George Washington one would want to see, perfect in every way, miraculously good. But damn, he's given only a few brief minutes on the screen.

Leslie Nielsen appears as the narrator of Malone's adventures — and this brings up another problem.

If you're writing social satire, you can take it slow or you can take it fast. On the one hand, you can gradually let the impression develop that something, somewhere, must have gone wrong, terribly wrong, in some strange and absurd and ultimately funny way. This is the technique of "The Graduate" and "Network" and "Dr. Strangelove." If you follow that method, you're not depending on immediate outbursts of laughter; you're depending on the viewer's steadily growing sense of his or her superiority to the people on the screen. On the other hand, you can take it fast, and try to provoke a big laugh every 60 seconds. This is the method of TV, and of "His Girl Friday" and the "South Park" movie and "It's a Mad, Mad, Mad, Mad World" — and also of the "Scary Movie" and "Naked Gun" series, in which Leslie Nielsen and David Zucker, director of "An American Carol," were both involved.

Each method can work, and it does work in all the titles I've listed. The question is: Does your audience assume from the beginning that your characters are ridiculous? If it does, you shouldn't spend a lot of time proving it; get on with the jokes. That is what "American Carol" fails to do. It assumes that it needs to demonstrate that Michael Moore (aka Michael Malone) is ridiculous. But virtually everyone already regards Michael Moore as ridiculous, and those who don't are assuredly not going to see this movie.

If you want to make a satire about people like Moore, you will never run out of jokes. Their follies are so many, and so familiar, that you can make a joke every 10 seconds, not just every 60. But "you" are not the makers of "American Carol." They get stuck to two long, tiresome stories, in which their characters keep yapping at the audience, providing arguments for a case that is obvious from the beginning. Nielsen, the master of the quick scene and the big laugh, is made the unfunny teller of these tales.

"Sorry, Professor Kleinzweck — your 'Chaos Theory' program just crashed."

What a waste.

The whole thing is a waste of talent. There's a scene in the movie in which Michael Malone is given a Leni Riefenstahl Award for Documentary Filmmaking. Leni Riefenstahl, as you remember, directed two propaganda films for Hitler. I'm not sure whether this business about the award is funny or not. I am sure that if propaganda for American ideals is going to avoid embarrassing even its core audience, it needs to display some of the purely cinematic virtues of its morally detestable right-wing and left-wing rivals. In fact, it needs to display the purely cinematic virtues of any normal Hollywood film. ❑

"The Changeling," directed by Clint Eastwood. Universal/ Imagine, 2008, 141 minutes.

Empty and Ugly

Jo Ann Skousen

You've probably seen previews for "The Changeling," with Angelina Jolie pounding her breast and wailing, "I want my son back!" before she is carted off to a psychiatric prison ward. The previews promise corruption in the police department, a mad psychiatrist, and a tantalizing mystery, all in one film. Who wouldn't be interested?

Christine Collins (Angelina Jolie) is a single mother who comes home from work one evening to an empty house. She has no idea where her son has gone. No one in the neighborhood has seen him. He hasn't eaten his lunch. It is every mother's worst nightmare. Five months later the police find a boy in Illinois and bring him back to be united with his mother — but she doesn't recognize him. When she complains to the police and begs them to continue their search, the police chief has her committed.

In one sense, the film delivers on its premise. Jolie's character does fight the system and expose corruption at several levels, including a loophole that allows the police to incarcerate unruly whistleblowers without a trial — sort of a precursor to Gitmo. The film reveals the perversity of a system in which it is virtually impossible to prove one's sanity. Since the doctor has deemed her unbalanced for not recognizing her son, the only way she can get out of the mental institution is to sign a false statement that she now accepts that he is her son. But signing that confession would demonstrate that she had indeed not recognized him, thereby proving that she was mentally unbalanced . . . the classic Catch-22.

It's a frightening issue, one that hasn't gone away: many states have an equivalent of Florida's Baker Act, under which a person can be committed to 30 days in a mental institution without recourse, if a psychologist deems the person dangerous to himself or others. (And when the psychologist is employed by the police department, it's pretty easy to predict whether the detainee will be so deemed.) My own daughter came frighteningly close to being Bakered when she was 17, so I know how quickly it can happen. (See "Splish Splash, I Was Taken to Jail," Liberty, November 2003.)

But previews are supposed to do more than just give an idea of what a film is about. They also need to foretell its tone and subject matter accurately, so the viewer can decide when and whether to see it. Sometimes I'm in the mood for a comedy, sometimes for a thriller, sometimes for a romance or a drama. I don't want to know the whole storyline in advance, but I do want to know what emotions are going to be piqued before I go to a movie. And that's where I felt duped by Eastwood this time.

So let me warn you here: the official previews — and also the reviews I've read — leave out the brutal second story line, the one that shows the horrifying fate of 20 kidnapped boys. I felt completely blindsided by the grisly side of this film. Eastwood presents it masterfully — the strategically placed "smoking gun" as the detective searches the old farmhouse (in this case the "gun" is a scattering of hatchets and cleavers), the suspense-laden soundtrack, the close-up shot of the detective's untapped cigarette ash demonstrating his own horror as he interviews a young witness. Great filmmaking. But come on, Clint. Couldn't you have warned me?

The main storyline, about Collins' victory over the police force and the psychiatric institution, seems incongruous in light of what happened to those boys. How could a mother smile about sticking it to the police department when she has imagined her son calling out for her in terror before he was hacked to pieces? I found nothing to cheer about.

I also found it hard to accept how unkind Jolie's character is to the boy masquerading as her son. He's a little boy, for heaven's sake. Something terrible must have happened to him to make him try to pass himself off as someone else. Couldn't we offer him a little compassion? I felt the same way about the young witness to the crime.

But here's the really strange fact about the film: despite its horrifying storylines, despite Eastwood's gorgeous sets and attention to detail, and despite Jolie's constant tears and emotion, I felt strangely detached. It seems

as though Eastwood comes at the story from all different directions, but never with any conviction. As a result, it falls flat.

Moreover, for all her tears and agony, Jolie herself is emotionally detached. Notice I use the actress' name, and not her character's. That's because she never connects with Christine Collins. Watch the best actresses in the business — women like Meryl Streep, Ingrid Bergman, Bette Davis. Notice how they react in a scene with their whole bodies, listening intently to the other character, seeming to gather their thoughts spontaneously, from the situation, not from a script. By contrast, I'm always aware of Angelina Jolie pretending to be someone else. She's too aware of how the camera will capture her profile, her lips, her tear-stained makeup. She's not afraid to look grimy, but even then she seems to be thinking, Look at me, see how I throw myself into this scene! Now give me another Oscar!

In short, Eastwood can go to bed early on Oscar night this year. After directing a string of remarkable successes ("Mystic River," "Flags of Our Fathers," "Letters from Iwo Jima," "Million Dollar Baby"), he produced a real stinker with "The Changeling." Can someone take this changeling back and find the real Clint? ❑

Filmnotes

Intermittent Victory — Years ago I had an argument with a well known libertarian about a popular film. He maintained that "Trading Places" with Eddie Murphy and Dan Aykroyd was "antimarket" because it lampooned two rich old commodity traders who, he believed, represented "naked capitalism" while I argued that the fact that Murphy and Aykroyd's characters turned the tables by using market mechanisms (rather than, say, calling the cops) showed that the movie was actually "procapitalism."

I thought of that discussion from many years ago while enjoying the delightful "Flash of Genius," (directed by Marc Abraham, Universal, 2008, 119 minutes) which, unlike "Trading Places," is based on a true fight between the inventor of the variable speed windshield wiper and the automotive giant that claimed the device. By coincidence, I have often used the variable-speed windshield wipers as an example of the market in action. When compared to U.S. medical care, where no competitive model exists and an outmoded approach to evaluating patients may persist for many years based on personal physician preferences, local inertia, third-party payment mechanisms, and so on, I note that it didn't take years for Chrysler, GM, and others to follow Ford after they had initially developed the variable-speed wiper.

But before seeing "Flash of Genius" I hadn't known the whole story. It's a true David vs. Goliath drama, where an invention made by a simple electrical engineer, Robert Kearns (played brilliantly by Greg Kinnear, who was also wonderful in the recent "Ghost Town"), was stolen by the Ford Motor Company after he shared with them the basic working model. What could one man do against a such a great and powerful company? (Granted, seeing Ford depicted as a great and powerful company is somewhat nostalgic when they are now close to bankruptcy.) Could he sue them? In front of a Detroit jury?

Turns out the answer is "Yes," although the fight drags on for 12 years and costs him his marriage and his job. Along the way Ford offers several financial settlements, but reminiscent of Howard Roark, Kearns refuses Ford's offers because they won't include a public apology and acknowledgement that the idea and invention were his.

Kearns represents himself in court, having spent years reviewing countless legal documents on the case. And he wins. He receives public acknowledgement and over $18 million, as well as the respect of his six children.

So is that an anticapitalist movie? I'm not sure. Big business is portrayed as the bad guy. But the entrepreneur and inventor won in the end. Rand once said that at the root of her defense of capitalism was her defense of individualism. And this is certainly a movie that pays proper homage to the individual. Robert Kearns died in 2005, sadly before he could see the story of his invention honored on screen. That surely would have meant more to him than the financial settlement he received. His story is worth honoring. I highly recommend this movie. — Ross Levatter

Kill 'em All — "Eagle Eye" (directed by D.J. Caruso, DreamWorks, 2008, 118 minutes) is a tense and fun thriller. Granted, it's unrealistic. But in a real sense, after the invention of CGI (Computer Generated Imaging) all adventure thrillers are unrealistic. Actions that would kill even the ablest stunt doubles in real life barely leave characters contused on film. Our barely contused hero in this case, Jerry Shaw (Shia LaBeouf), is joined by FBI agent Thomas Morgan (Billy Bob Thornton) and fellow victim Rachel Holloman (Michelle Monaghan), as they try to survive the manipulations of a governmental supercomputer guiding them perilously through a series of actions to an unknown end.

The libertarian perspective? The supercomputer, run by the American military, has been given the command to defend freedom. On observing the actions of the U.S. government, the supercomputer determines that defending freedom requires assassinating the president, vice-president, speaker, president pro tem, and most of the cabinet, working its way along the chain of presidential succession until it reaches someone who believes in a less aggressive foreign policy. I knew computers were getting smarter, but this computer is smarter than the humans in the cast, who try to shut it down!

Will they succeed? What does Jerry's twin brother, killed in an apparent traffic accident, have to do with this? What role does Rachel's young son, on a school field trip to Washington, DC, play? These questions will be answered by the end of a solid, fun thriller with a libertarian bent. I hope you enjoy this movie as much as I did.

— Ross Levatter

Masters of the Blog, *from page 40*

> transplants in the U.S. have, and they'd be beating Toyota today.
>
> Sure, we don't have a time machine, but at least we could kill the UAW stranglehold and see if some sort of domestic auto industry can survive.
>
> Instead, Obama's going to give us card-check, and union thugs are going to intimidate manufacturing in the whole country into being as sclerotic and inefficient as the Big Three.

And:

> Health care hasn't prevented Toyota and other foreign auto companies from profitably building cars in the U.S., and it hasn't prevented American manufacturers in other industries from succeeding either. Health care hasn't kept United Technologies from profitably building elevators and helicopters, and it hasn't prevented John Deere from profitably building tractors. Detroit's problems stem from locking in labor costs with the UAW that it can no longer afford. Those labor costs include gold-plated health care benefits for retirees.

There aren't many sites on the internet where a joke about lithium morphs into a reasonably informed discussion of legacy costs at GM. This is why I like McArdle's site.

A fellow libertarian whose opinions I respect once asked me contemptuously why I liked Asymmetrical Information. He complained that McArdle was too "intentionally quirky — like the artsy girl everyone dated for two weeks in college." And McArdle does describe herself in elfin terms from time to time.

But that intentional quirkiness doesn't apply to her posts. More than anything else, McArdle is a fluid writer who tackles big issues seriously and has built a following of rational readers. One of her most-quoted quips about the endless, self-serving bickering between the Democrat and Republican Parties: "The devotees of the party in power are smug and arrogant. The devotees of the party out of power are insane."

In many ways, McArdle is a sort of political mirror image of Atrios. And a universe away in both tone and style from the sophomoric ranters at DailyKos.

What conclusions can one draw from a rhetorical analysis of these political sites?

One is that brevity is the soul of wit. Concision is the essence of good writing — especially online. Statist ranters are neither brief nor concise. Libertarian bloggers write more tightly.

Irony and satire stay sharp only if they cut both ways. The humor of the statist Left online doesn't find objects evenly across the political spectrum, so its efforts at irony end up tinny and, well, humorless.

The writing of many statists online (perhaps like the writing of statists everywhere) takes the form of the graduate student screed — long-winded, wordy rants that struggle desperately to prove their intelligence by the verbal pound.

The online writing of many small-government advocates takes an epigrammatic form. Short bons mots layered with referential links. Wildean at its best; Seinfeldian at its not-quite-best.

Statist bloggers and, particularly, commenters move quickly to ad hominem attacks. Their red meat is a personal hatred of George W. Bush and, by extension, John McCain and Sarah Palin. They move quickly to invective and obscenity.

These foul-mouthed commissars clearly believe in the power and centrality of the president in American politics — and society. This may explain their passionate feelings (for and against) presidents and presidential candidates. Just like the Dick Cheney they despise so passionately, these statists believe in a strong executive. And this belief drives the urgency of their ad hominem attacks.

Last: most limited-state political sites remain decorous because they position themselves against establishment icons like the Brookings Institute and The New York Times. Statist blogs position themselves against the twin *bêtes noires* Rush Limbaugh and Sean Hannity. Lefty commenters bring those two up explicitly and repeatedly — regardless of the topic in question. Many comment threads on DailyKos include references to "hate radio." For example:

> I just went to an article on HuffPo about a woman in a NC diner shouting "Socialist" at Obama. To read the article, I had to link to it. After the article, I read some of the comments from readers. Nauseating comments mixed in with some good ones. I would guess that most of the people who comment below those newspaper articles are similar to those who call hate talk radio.

And:

> The Ayers and Wright stuff has stuck — hate radio and Fixed Noise have done a pretty good job . . . it takes a very long time to disassemble the web of lies here, even when dealing with the rare persuadable who will listen.

If the statists on Capitol Hill manage to rein in talk radio by use of a revivified FCC Fairness Doctrine, the Kossacks will need to find another reason for being.

They'll no doubt find one; they've gotten used to being angry. ❑

Reflections, *from page 20*

state voting for a black candidate showed his faith to be right, reasonable, and justified.

What a horrible thing to say!

One possibility is the Republican crowd in Ohio simply doesn't know what "vindicate" means, but picked up nonverbal cues from McCain that it had to be bad. This would be just an additional piece of evidence that in only a generation the Republican party has gone from the party of ideas to the party of *boobus americanus*.

Alternatively, perhaps the Republican crowd thought it better to have a political process one must believe in despite any evidence it is right, reasonable, or justified. If so, they are fortunate. That's exactly the political process they have.

— Ross Levatter

Moon before hunger — The Indian government has launched a mission to the moon. By running its printing presses overtime, it has produced inflation in the double digits. The real rate of interest is negative. Lack of jobs is making the youth increasingly frustrated. The sex ratio between male and female children is becoming increasingly skewed. The majority of the Indian population does not remotely know about the basic conveniences of life. The majority has

no access to clean water or sanitation facilities or electricity. Indians still go out in the open to relieve themselves. Health facilities are few to nonexistent. Educational facilities are very limited. Malnutrition is commonplace. Using a $1.25 per day benchmark used by the World Bank, 41% of India's population lives below the poverty line.

Despite the media hype, India is an abysmal place to live. The moon mission might make India more visible and recognised in the world. Indians might feel proud. But, whatever ego-aggrandizing purpose the moon mission aims at fulfilling, does India's poverty make such a mission worth it?

— Jayant Bhandari

Federal Emergency Management — In the 2006 congressional elections, the mainstream media dutifully followed the script written for them by the Democratic National Committee, namely, that the Republicans in Congress had created a "culture of corruption." Exhibit one was Rep. Mark Foley of Florida, a genuine creep who had sent suggestive emails to young male pages. He resigned amid a blizzard of bad press, and although later cleared of any criminal behavior, dropped into a well-deserved obscurity.

The Democrat running for his seat, one Tim Mahoney, another bona fide creep, won by tarring his opponent with the Foley scandal and by preaching about his strong commitment to family values and strong marital ethics.

Mahoney in office has hardly been a saint. It turns out that he kept a mistress, one Patricia Allen, and got her a cushy federal job (something the FBI is examining). She later sued him for sexual harassment, and he coughed up $121,000 to settle the matter out of court (or hush it up, one suspects).

The randy Mahoney also started another affair with a high-level official in Martin County. The Feds are now investigating whether Mahoney, in exchange for the sex, helped her get a $3.4 million grant from FEMA for her district. I personally don't mind if the dude hires hookers, but when he uses my tax dollars, I find it annoying.

None of this has made much news. The same mainstream media that annihilated the career of Foley is strangely quiet about the Mahoney baloney. But then, he's a Democrat. This is just the same old game: bash Republicans for pork-barrel spending, but ignore the issue when the Dems rule Congress. Bash Republicans for sex scandals, but pass over those of the Dems.

— Gary Jason

Dreaming of other livestock — Whoever becomes president will inherit a mess, a net of disasters so deep that neither Democrats nor Republicans will be able to resolve them, leading to the decline of both donkeys and elephants and, thus, to opportunities for more nimble third parties. Bored with the current election, which strikes me as a contest between equally incompetent dreamers, may I look forward to the next?

Need another Lenin predict that state-subsidized captalism will collapse of its own contradictions?

— Richard Kostelanetz

Good intentions — McCain told journalists he would follow Osama bin Laden "to the gates of Hell."

Wow! Two for the price of one. — Ross Levatter

Letters, *from page 5*

debacle is foolish. Cobbling together a loose coalition of disparate libertarians that still have designs on the lives of others is inherently unsound.

Most imporantly, people — many libertarians included — simply don't want freedom. Any libertarians who want to curry favor with the elite or persuade the masses of the virtues of individual liberty will be rebuffed every time and when they concede vitally important points like the necessity of government they've already lost the game.

But by all means, form a mass-membership organization for libertarians and evangelize away for the liberty club even though the error of your ways is so apparent.

Bruce Korol
Calgary, Alberta

Worth a Try

Back when I was still doing a radio talk show, I started a movement to *always* vote against incumbents, as Ross Levatter suggested in his Reflection (December 2008). It was called D.R.I.P. "Don't Return Incumbent Politicians!" Our battle cry was "DRIP on 'em."

The result? Many listeners said, "I'm with you on this! I'm not voting for any incumbents." But, despite those assurances, the same people kept getting reelected. One defense of such voting was, "I don't like those people in office . . . but my representative is different, so I'll vote to reelect."

I wish Levatter well in his attempt to "vote the rascals out," but I don't have much hope that it will happen. I expect a lot of the current bunch will still be there in January.

Jim Eason
Auburn, CA

Levatter responds: Congratulations to Mr. Eason in beating me to the punch.

I, too, expect to see most (especially Democrat) incumbents reelected this year, but, after all, a Reflection in Liberty is not exactly a national campaign effort.

The idea, if it were to be taken up and done seriously, would require millions of dollars, several nationally recognized and respected Democrat and Republican spokespeople, and extensive polling. It couldn't take place until November 2010 at the earliest.

I myself am in no way confident it would work. But I'm also convinced that nothing else has.

You Tell 'em

Long live the goose that lays the golden eggs. Long live Joe the Plumber and other productive businesses like his.

Aesop wasn't very much liked among the redistributors of his time. But today the Obamanites are still experimenting in how many feathers they can pluck from the goose and from Joe and still have a live goose and a live Joe.

The tricksters wish Aesop would for once shut up. His quips are dangerous. What! Someone might start thinking. But the fables have survived in print.

So let's boost 'em along whether or not we live in an Obama-nation.

Jacob Lapp
Cassadaga, NY

Terra Incognita

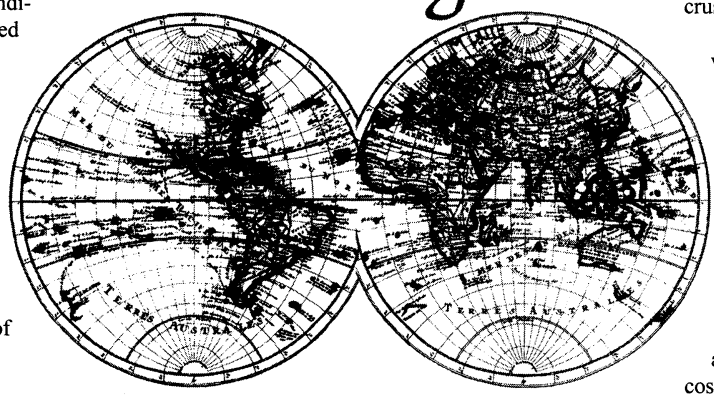

Washington, D.C.

Another good thing not overshadowed, from the *Newark Star-Ledger*:

A New Jersey councilman who allegedly urinated on a crowd of concertgoers from the balcony of a Washington, D.C. nightclub swore off booze two days after he was busted for an incident he called "deeply humiliating, very embarrassing and troubling."

"I've resolved not to touch alcohol again," said two-term Jersey City councilman Steve Lipski. But the 44-year-old Democratic councilman refused to admit outright to the lewd stunt, claiming instead he "spilled a drink and someone may have thought it was urine." He added, "I can't comment on that. I'm going to continue to do all the good things, and I'm not going to let this overshadow me."

Helena, Mont.

Righteous retort to a scurrilous accusation, from the *Billings Gazette*:

Republican gubernatorial candidate Roy Brown this week accused Democrats of spreading a false rumor that he is a vegetarian in this meat-loving state.

"I am not and have never been a vegetarian," Brown said. "I am disgusted by the baseless allegation that I am a vegetarian and that my personal eating habits should somehow be construed as opposed to the economic interests of Montana's livestock industry."

London

Expansion of the War on Obesity, in the *Daily Mail*:

Owners of fat cats and obese dogs could be fined or jailed under controversial Government rules.

New beefed-up codes of practice for pet owners published today state that overfeeding pets is a "serious welfare concern" that can lead to unnecessary suffering.

People who refuse to put seriously fat pets on a diet could be prosecuted under the Animal Welfare Act — and face a fine of up to £20,000 or even 12 months' jail.

United States

A view from the outside, as seen in the *Sydney Morning Herald*:

A hideous new affliction is creeping through the ranks of America's creative community. The further Barack Obama edges ahead of John McCain in the million and one polls that are coming out, the more pernicious the nagging fear becomes.

What if he loses?

For many, the dread is nameless and paralysing. Erica Jong, author of the 1970s feminist bible Fear of Flying, has developed a new complex in recent weeks — the fear of an Obama flogging.

"If Obama loses it will spark the second American Civil War. Blood will run in the streets, believe me. My back is also suffering from spasms, so much so that I had to see an acupuncturist and get prescriptions for Valium.

"Yesterday, Jane Fonda sent me an email to tell me that she cried all night and can't cure her ailing back for all the stress that has reduced her to a bundle of nerves."

Akron, Ohio

A debtor gives a novel debt relief tactic a shot, reported by the *Cleveland Plain Dealer*:

Mortgage finance company Fannie Mae said it is forgiving the mortgage debt of a 90-year-old woman who shot herself in the chest as sheriff's deputies attempted to evict her.

"Just given the circumstances, we think it's appropriate," Fannie Mae spokesman Brian Faith said. "It certainly made our radar screen."

"She said it was a crazy thing to do, now that she's had time to think about it," said Polk's longtime neighbor, Robert Dillon.

Salem, Ore.

Governmental definition of "compassion," as reported in the *Eugene Register-Guard*:

The news from Barbara Wagner's doctor was bad, but the rejection letter from her state-run insurance company was crushing.

The 64-year-old Oregon woman, whose lung cancer had been in remission, learned the disease had returned and would likely kill her. Her last hope was a $4,000-a-month drug that her doctor prescribed for her, but the insurance company refused to pay.

What the Oregon Health Plan did agree to cover, however, were drugs for a physician-assisted death. Those drugs would cost about $50.

Albany, N.Y.

The pressures of office, diagnosed in the *New York Post*:

N.Y. Gov. Paterson's chief of staff now says he owed nearly $300,000 in back taxes, $100,000 more than was previously known — and his lawyer blamed the problem on "non-filer syndrome."

Charles O'Byrne's attorney, Richard Kestenbaum, mentioned the virtually unheard-of ailment at a briefing for reporters intended to quell the firestorm surrounding O'Byrne's failure to file income-tax returns from 2001 to 2005. "Many times, that syndrome causes them not to be able to file their tax returns," he explained.

Rhondalee Dean-Royce, a spokeswoman for the American Psychiatric Association, said there is no such disorder or syndrome in the Diagnostic and Statistical Manual of Mental Disorders, a standard reference.

Washington, D.C.

Refreshing candor in central planning, from the *D.C. Examiner*:

Elizabeth Edwards — wife of former Democratic presidential candidate John Edwards and currently a health care advisor to Sen. Barack Obama's campaign — isn't 100% behind the Democratic nominee's health care plan.

However, Edwards' critique of Obama's plan doesn't mean that she's saving any love for McCain's health care proposals. Edwards said McCain's plan fails in all-important areas by leaving the decision-making process up to individuals, who can frequently "make stupid economics decisions."

Special thanks to Russell Garrard and Tom Isenberg for contributions to Terra Incognita.

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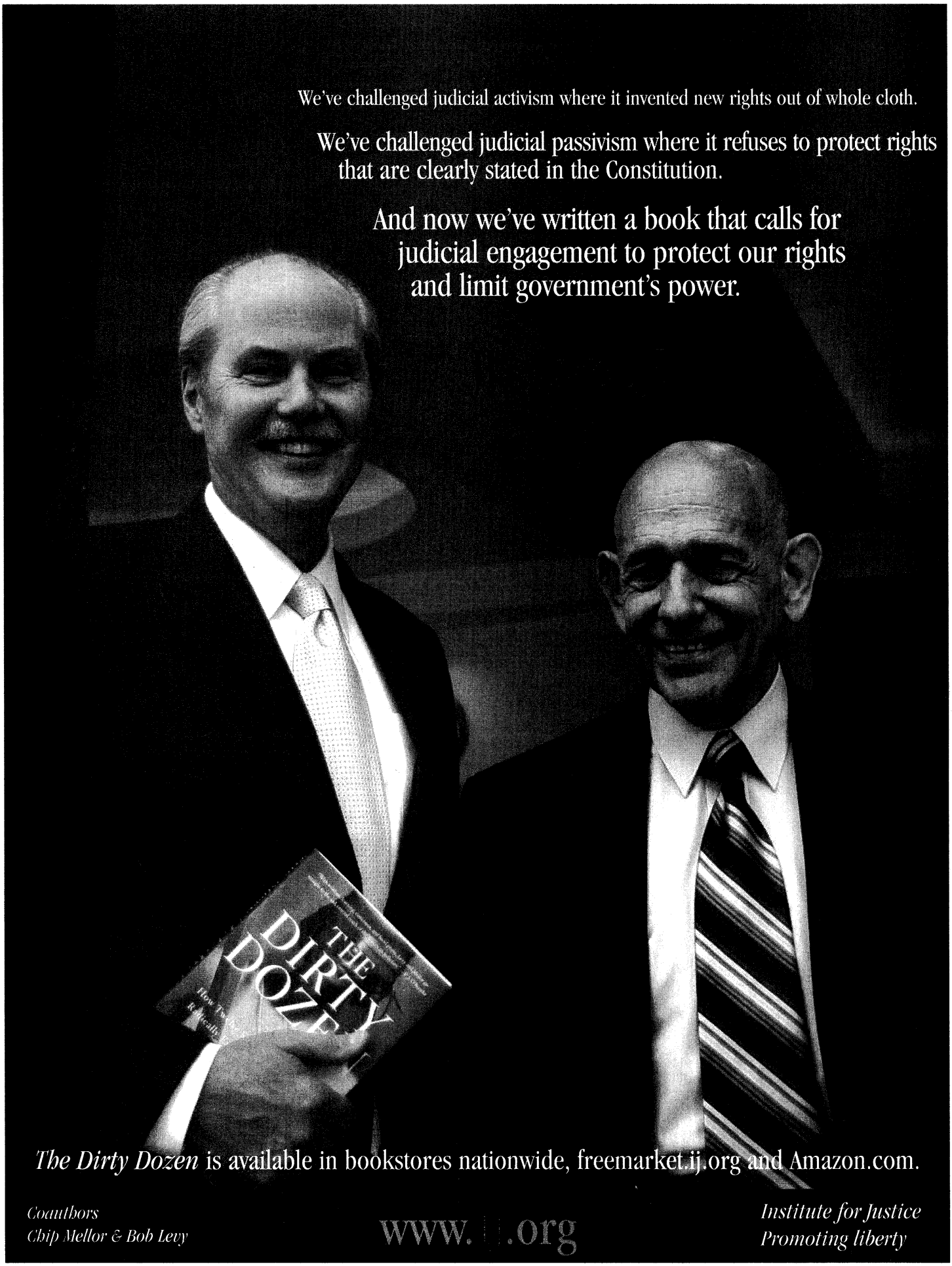

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by Bruce Ramsey

Bombs Away in Old Bombay

by Jayant Bhandari

Bullet Train to Bankruptcy

by Randal O'Toole

How Psychiatry Serves the State

by Thomas S. Szasz

Also: *Jo Ann Skousen* tracks the Valkyries, *James L. Payne* investigates who's responsible for 9/11, and *Gary Jason* wonders why liberals are only charitable with other people's money . . . plus other articles, reviews & humor.

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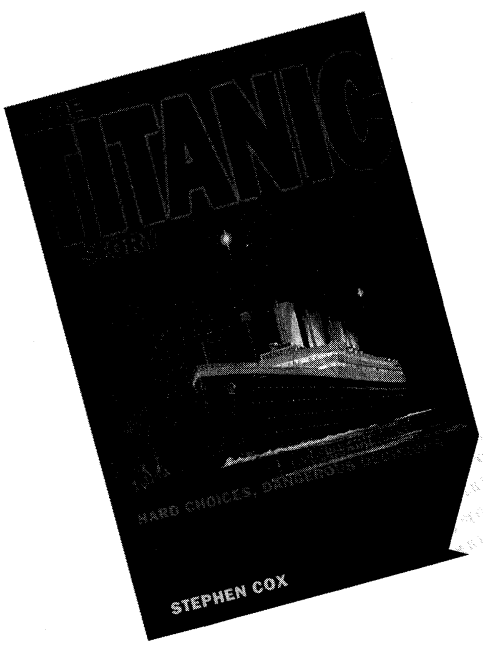

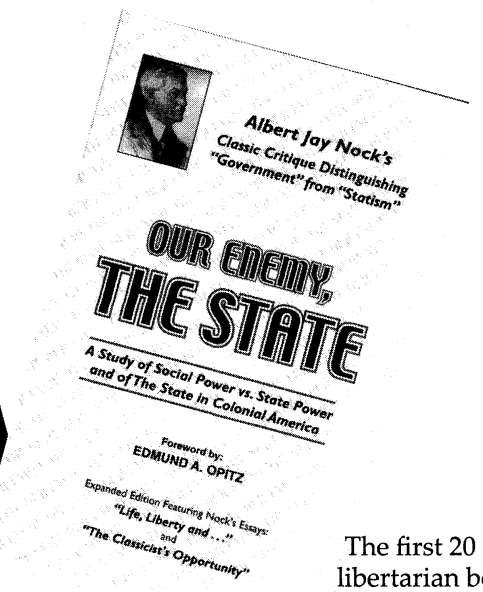

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Inside Liberty

March 2009
Volume 23, Number 2

4 Letters Words in edgewise.

9 Reflections We co-sign America's subprime mortgage, text while we drive, marvel at chutzpah, can't win for losing, defend Marxism, fishtail around icy streets, refuse to kneel, follow the money, and pay our respects.

Features

23 Same as the Old Boss? *Bruce Ramsey* analyzes Obama's first moves, and concludes he's not as radical as some might fear.

27 Questioning One's Insanity Even libertarians, contends *Thomas Szasz*, often turn a blind eye to psychiatric slavery. If so, *Jo Ann Skousen* maintains, she is not one of them.

29 Promise Now, Pay Never The death of the leviathan state, argues *Jim Walsh*, will start with a crisis caused by unfunded political promises.

35 Bullet Train to Bankruptcy Their state is broke, so California voters decided to spend tens of billions of dollars on the world's largest toy train set. *Randal O'Toole* investigates.

39 India, Behind and Beneath The reality of India, as *Jayant Bhandari* reports, is more interesting, and more troubling, than anything revealed by the attacks in Mumbai.

Reviews

43 Who Gives, and Why It Matters Scorned by some, exploited by many, the charitable impulse, *Gary Jason* argues, is still important.

46 Why Don't They Resign? Why does accepting "responsibility" no longer entail accepting any consequences? *James L. Payne* puts the blame where it belongs.

48 Liberty in 623 Pages *Ross Levatter* hails the completion of an essential book on the libertarian movement.

50 Cruising Hitler The new Tom Cruise film would be merely ordinary, says *Jo Ann Skousen*, if it weren't for the presence of some libertarian ideas.

51 Bond-Aid Why do libertarians like James Bond? *Ross Levatter* hazards some guesses, and diagnoses the new Bond film.

52 Rags to Rupees From the streets of India comes a film about an intrepid individual. *Jo Ann Skousen* reviews.

53 Curiouser and Curiouser *Jo Ann Skousen* considers the story of a man who is, well, very different from other people.

44 Notes on Contributors The real culprits.

55 Terra Incognita Absurdity just keeps breaking in.

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Letters

CRA-ing Wolf

Jim Walsh in his essay "From Reform to Crisis" (December 2008) puts some of the blame for the subprime crisis on the CRA — the Community Reinvestment Act enacted in 1977, which was to apply to depository banks within said communities. But nowhere in the language of the CRA did it force banks to make risky loans. Nowhere did it force mortgage companies to offer loans for no money down, or throw underwriting standards out the window, or encourage mortgage brokers to aggressively seek out new markets. Nor did the CRA force the credit-rating agencies to slap high-grade ratings on packages of subprime debt.

What it says is each applicant must be taken on his own merits, and people in urban neighborhoods given the same chance at a mortgage that everyone else in their state would. Something that is very important and was missing from your essay was the facts, critical analysis and a correct historical perspective.

An analysis of Home Mortgage Disclosure Act (HMDA) data in the country's 15 largest urban areas found that 84.3% of the high-cost loans made in 2006 were originated by non-CRA lenders including 83% of high cost loans to low and moderate income individuals. The Fed notes that, across the country, non-CRA lenders were twice as likely as CRA lenders to issue subprime loans to vulnerable borrowers. In Massachusetts, for example lenders not subjected to CRA regulations made 98.4% of sub-prime loans in 2006. In that same year, 24 of the 25 top subprime lenders nationwide were not regulated by the CRA.

Why were the first signs of this mortgage meltdown crisis seen in the million-dollar condominium communities in Florida and California ? Nowhere near the CRA. Alan Greenspan gave testimony on the Hill, in front of a Senate committee, and the CRA was not mentioned as a cause of this financial crisis.

CRA was enacted in 1977 and the subprime explosion took place between 2002–7. If it was to blame, why did it take so long?

Andrew Jones
Killeen, TX

Walsh responds: The subprime lending bubble was, like most statist policy disasters, the result of various factors working together to produce unintended consequences. Mr. Jones is correct that the CRA, by itself, didn't force banks to make bad loans. However, its loosening of mortgage underwriting standards combined with the regulatory policies of later administrations did establish the lending practices that put poor credit risks into McMansions. I think that my essay made this chronology clear. And the larger point of the piece remains: well-intended "reforms" lead to unintended "crises" which justify more "reforms." It's a cycle that statists in DC enthusiastically perpetuate.

Educational Gymnastics

Gary Jason begins "Schools Still at

Letters to the editor

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Risk" (December 2008) with an accurate recitation of the failures of public education, citing abysmal test scores and graduation rates of 50% or less for certain socioeconomic groups. Then, in an intellectual somersault, he claims that compulsory education taxes benefit all citizens because, without compulsion, a segment of the population would be poorly educated and thus inflict social and economic cost on everyone else.

Jason goes on to make an unsubstantiated claim that private schools and charities wouldn't educate the poor in the absence of compulsory taxation, despite evidence to the contrary prior to the public education movement of the mid-19th century — a movement that had a goal in the United States of closing "Papist" schools and educating Catholics in WASP values and the King James Bible.

Ah, then Jason admits that his daughter attends a public charter school, which means that he is subsidized by taxpayers who are childless or have children but don't use public schools. The typical married couple in that situation will pay more than $170,000 over their adult lives in education taxes in Jason's home state of California. I wonder if Jason sends them a thank-you note for the subsidy.

Even if we assume that Jason is correct about the poor not being educated in the absence of compulsory taxation, why shouldn't tuition subsidies be restricted to the poor instead of being extended to the non-poor like Jason? After all, that's how food stamps work. Is he admitting that he wouldn't educate his kids without other people's money?

Granted, Jason is right about the political reality of compulsory education taxes never going away, but he

From the Editor

Whenever we get to March, I think about my childhood experience with "The Old Farmer's Almanac." At that time, it was much better than it is today. It had the same daunting displays of astronomical information and the same kind of low-end ads. But it was still, essentially, an 18th-century magazine, fond of sentences like, "Yet in these things, man can only propose; God is the true disposer." In the back of the issue that I pored over for a year or so there was a reprinting of Coleridge's "Rime of the Ancient Mariner," with the strange Doré illustrations — all of it far too mature for me. But that was my first real acquaintance with poetry.

Now, in that same issue, the editor made a big deal out of moving the month of March from the "spring" to the "winter" column. He said that March was traditionally assumed to lie in spring, because that's the month when spring arrives, astronomically. But snow and sleet don't obey the astronomical charts. Up here in New England, he said, the weather in March just gets worse and worse.

I live in California, but I'm beginning to understand what he meant. March 2009 should be a time when the country liquidates its bad investments, puts new roofing on any banks that are still left standing, digs out its copy of the Constitution, and starts to repair the old republic. It's a time to reopen for business. That would make March what it really is, according to the stars: the beginning of spring.

Unfortunately, although every survey reveals that most Americans agree, in general, with the idea just stated, the weather in Washington remains uncertain. Instead of shoveling out, the politicians are still generating blizzards of new debt. Instead of repairing the nation's sound and comfortable 18th-century house, they're adding new wings to the structure, in atrocious taste, and mortgaged to the hilt. They've gone back to the ideas of the past, but only to the discredited ones. From this perspective — this sullen, sludgy, earthborn, political perspective — we appear to remain in the depth of winter.

Yet nothing can change the stars. To paraphrase another Coleridge poem, spring may come slowly up this way, but it will come, as long as anyone still sees the lights of liberty. We do.

For Liberty,

Stephen Cox

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could have skipped the intellectual somersaults in making the point.

Craig J. Cantoni
Scottsdale, AZ

Jason responds: In his reply to my article, Mr. Cantoni objects to my acceptance of the notion that government has a legitimate role in supporting (though in my view, preferably not running) basic education. Cantoni is entitled to his opinion, but not to his own facts.

The first public school in this country was established in 1643, 150 years before we adopted our federal Constitution. From the beginning, the federal government favored partial support of public education. By the 1830s, there was already a major push (led by Horace Mann and other education reformers) to provide universal basic education. While private schools remained the majority up until then, by the mid-1800s public schools became the norm. By 1870, every state in the Union had free elementary schooling. Catholic and Jewish private schools saw their rise in the mid-1800s, in reaction to the (then) Protestant bias of some public (and established private!) schools, but the public school system was well established before that time. (And by the way, one reason I favor vouchers is precisely to encourage private schools).

And keep in mind that in 1800, 95% of all American jobs were tied directly to agriculture. By 1900, that had dropped to 41%. (By 2000, it had dropped to less than 3%). So our founders foresaw the need for a broadly educated populace even in an agricultural economy, and mass public education became established policy by the time we became a manufacturing economy. Does Cantoni think that policy is crazy, now that we have a predominantly knowledge-based economy? Talk about an intellectual somersault!

As to his ad hominem dig that, because my daughter went to a public school, I owe my fellow citizens a thank-you note, it is idiotic. My point about vouchers is that they can rebate some of the taxes paid by the middle class, so that they can send their kids to private schools if they wish. But my own self-interest is not the reason I favor this policy. As it happens, my daughter (our only child) attended public school for precisely six years (before that, we sent her to private schools). During that time, the State of California spent roughly $9,000 per year for that schooling. Also during that time, my property tax bill alone was $15,000 each year, even as I also paid much more than that in combined state income taxes (10.3%) and sales taxes (8%). And I paid those taxes long before I had a child, and I am paying now that she is in (private, out-of-state) college. So as it happens, the state has gotten far more in taxes from me than it has paid out to me, and if (God willing) it ever does adopt vouchers, I will not see a penny of the money.

My advice to Cantoni is to be sure of your facts before personally attacking someone. Otherwise, you run the distinct risk of looking like a horse's ass.

"Saving" Theory

I see that my good friend, Bruce Ramsey, defends the $850 billion bailout (Reflections, December). Other articles in the same issue explain the folly of this action (notably, Jim Walsh's "From Reform to Crisis"), but I am obliged to point out two conceptual errors in Ramsey's motto: "I don't want all my savings wiped out . . . just to save a theory."

The first error is to think of "theory" as being merely an argumentative contention with no consequence in real affairs. Naturally, why risk anything just to "save" a point of conversation? To the contrary, theories are hard-won descriptions of how the real world works. In the physical sciences and engineering, we commonly use them to design machines and processes upon which people depend for their lives. We utilize Bernoulli's theory, for example, to sustain an airplane in flight. Economics is less scientific, but supposedly the theory of the free market gives us the most realistic and therefore most accurate understanding of how markets work, and of the consequences of market interference. Theories are never actually in danger; they never need to be "saved." If they are true, they will manifest themselves relentlessly, regardless of human opinion. But our lives or livelihoods can be in danger, and when we have no knowledge of the future, we need to employ theory to save ourselves. Otherwise, what good is it? Confronted with a market upset, should we not rely on free market theory? If so, we have deluded ourselves, and free market theory is a complete fraud. But if it is not a fraud, how can Ramsey abandon it?

The second error is for him to pretend he is abstaining from saving theories. He has actually committed himself to a very particular theory — one that libertarians doth not profess aloud: Keynesianism . . . the idea that government manipulation of the market by deficit spending can promote economic health and prosperity (or, in this case, avert a credit crisis). I should not need to argue against Keynesianism for this readership. When the chips are down, what we do and say reflects our true convictions.

The problem this poses for a business journalist is that it impeaches his credibility regarding a number of important free-market positions. Given this capitulation in extremis to Keynesian manipulation, in order to "save" favored elements of the banking and finance business, Ramsey is very ill-positioned to argue for privatization of Social Security — which would depend on long-term stability and growth of the stock market (and on the long-term stability of underlying financial institutions). "I don't want all my retirement wiped out, just to save a theory." Similarly, he is ill-positoned to oppose government intrusion into medical care, in order to guard against losing medical insurance coverage. "I don't want all my health wiped out, just to save a theory." And, ultimately, he has no defense against government intrusion into any business whatsoever. "I don't want all my livelihood wiped out, just to save a theory." If one's life savings are a value not to be sacrificed "for a theory," how much more important are one's retirement income, health insurance, and working income?

This credibility problem is illustrated by his delusion that the U.S. Treasury would purchase "toxic assets" by paying "what these securities would fetch in a normal market. Not cost. Not a puffed-up value, but a kind of objective value, an estimated normal-market value as distinguished from value during a panic." First of all, we have Mises to thank for the insight that market value is subjective at its root, being a human balance of risk, gain, and loss attending transactions. To speak of "objective value" is to engage in some

other economic theory (perhaps the Marxian labor theory of value, or the Technocratic energy theory of value). Secondly, to suppose an "estimated normal-market value" is definable in the context of a market perturbed by $850 billion of new capital is, by definition, not possible. Nor are the reflexes of financial panic likely to be soothed in the face of President-elect Obama's socialist agenda. Finally, when these assets are liquidated in some happier future, to say "the net cost to the public would likely be far less than $700 billion," is — I'm sorry to say — dishonest. Ramsey knows that no one will receive a remittance check in the mail. The government only spends, and, so far as I and my fellow citizens are concerned, this vast fortune will have been utterly squandered.

If a theory is true, its predictions cannot be nullified by averting one's eyes and praying to a golden calf. By embracing a step he hopes will prevent his savings from being wiped out, Ramsey has condoned an increase in inflation that can only destroy everyone's savings.

Michael J. Dunn
Federal Way, WA

Ramsey responds: Free-market theory is a general theory, applicable in a general way to all firms at all times. It would work here, too, if people were willing to pay the cost: Let the weak fail, let the healthy firms survive, and rebuild from there. But in this case the cost would be larger than any similar event in our lifetimes, because it was spreading from one financial company to another like a venereal disease. A large proportion of the big financial institutions — probably all of the big six Wall Street investment banks — would have been wiped out, along with the largest savings bank in America, the second or third-largest commercial bank in America, the largest insurance company in America, the largest mortgage institutions in America, a bunch of institutions abroad and other stuff we don't even know about. Theory and experience tell us the downturn would have been even more terrifying than it was. The consequences would have been more than economic. They would have been political, and to the detriment of liberty. In my judgment — and reasonable people can disagree about this — in September and October the crisis had to be prevented from getting any worse. That said, I think the criticisms of the bailout are mostly true. There are all kinds of problems with it. The crisis being over, I would end the bailouts — now.

Answers on Abortion

Leland B. Yeager makes a valiant effort (Reflections, November 2008) at illuminating the battlefield upon which the abortion wars have been fought. He starts strong by identifying the three questions that dominate the discussion: (1) When does human life begin?; (2) Does the fetus have rights that may override the rights of the woman carrying it?; and (3) Is abortion murder?

But he fumbles the flashlight with his answers. As to when human life begins, I would submit that a fetus, at any stage of its development, is alive according to any Biology 101 definition of "alive." Additionally, a human fetus would undeniably be classified as Homo sapiens. Ergo, a human fetus is a live human. In reasoning *Roe* v. *Wade* the U.S. Supreme Court came to the same conclusion, which immediately brought them to Yeager's second question concerning the rights of the fetus versus the rights of the mother.

The court reasoned that both individuals had equal rights, neither one trumping the other — a Solomonic conundrum if ever there was one. Using the doctrine of conflicting rights, the court arbitrarily declared the mother's rights to be paramount. They then mitigated the fate of the fetus by requiring that every effort should be made to save the fetus — according to its viability and the state of our technology.

As to Yeager's third question, concerning murder, again, he starts strong recognizing that not all killing is murder, and, inevitably, raising questions about state vs. federal jurisdiction. I agree that the regulation of abortion ought to be left to the states. But as to the questions of when human life begins and when it has rights, the federal government should weigh in. On the one hand, it is empowered with the duty to protect life; on the other hand, it just wouldn't do to have different states define "human being" differently.

Robert H. Miller
Prescott, AZ

Yeager responds: I took a stand neither for nor against abortion. (Perhaps *that* is Mr. Miller's complaint.) I wrote for an election-oriented issue of Liberty. In the same issue I also reflected on "Going negative" — on futile and diversionary as well as relatively sound aspects of political campaigning. The question of abortion, as commonly argued, is indeed a diversion. The politically prominent strands of the argument focus on mere words, not substance. The biology of conception, prenatal development, and birth is not seriously doubted. Debate centers on words like "human," "rights," and "murder."

It might usefully narrow the discussion away from empty verbal maneuvering to recognize that the substantive questions are psychological or medical, sociological, and philosophical. I also thought that it might be helpful to respect the constitutional division of powers between the national and state governments.

Beyond the Palin

I have read Jon Harrison's columns with great interest for a few years, but his Reflection on Sarah Palin (Jan.-Feb.) moves me to reply. I am a voter of the "yokel variety" originally from New Hampshire and now from Iowa. Incidentally, we in New Hampshire look across the river at Putney and immediately think of yokels where the nearest one room school must be 40 miles away by boat. That said, let's look at Sarah Palin's "vast inexperience and mind-numbing banality." I would imagine that a man with your command of the language would use banality in place of "commonplace" and "vast" in place of none. It becomes obvious to me that you consider Obama and McCain as not commonplace and have vast experience in comparison. This is the point at which I question your ability to accept a woman as equal to a man.

I have lived long and hard as a scientist, a world marketing director for a major company in agriculture, and a business owner selling my business to Cargill, also a large agricultural company. I love agriculture and farmers that work for a living and not on the government dole. (Yes, many farmers in poultry, cattle, fruits, and watermelons receive no subsidies.) I have been elected to several political offices, been

on several boards, developed many budgets and hired many managers. I also have not been elected a time or two, missed a budget or two, and had to fire a few mistakes. After 81 years of treading this globe and gaining some degree of knowledge about evaluating people's ability, I chose Sarah for her commonplace approach to life and her experience in politics. As Adam Smith points out, we learn from others, if we want to learn, by apprenticeship to those of experience. So in science we judge a scientist by who he studied under.

If I were to set up an apprenticeship program for president I would start their early experience in a city government. I would let the citizens grade the apprentice at election time. Personally, I would not say a city like Chicago would be acceptable to me, but many people like yourself think only of size and not of quality. My journeyman years would be at the state level and here again I would let the folks vote to tell me if they are now ready for the big time and to be called a "master." Again I would look to the evaluators to determine if I want that type of master. I would accept the opinion of voters in New Hampshire and Iowa, and I believe Alaska to best represent my libertarian beliefs. I can assure you that Vermont, Massachusetts, and New York do not fit my bill. Sorry, Jon.

I am such a yokel that in my entire life, voting in every election since 1948, I have only voted for a Democrat or Republican presidential candidate once, Bush in 2000. But I would work for Sarah who is commonplace and well-trained, despite the fact she is a woman of beauty.

Just a word for Mark Rand (Reflections, Jan.–Feb.). I was in World War II and called back in the Korean War, but was outspoken against the Vietnam War immediately and also outspoken against Iraq II immediately. Nevertheless, we need to convince people with facts and not scare tactics. We will not lose "thousands of lives" in Iraq in the next couple of years. In the future don't hinder those of us that fight these wars with facts and not fiction.

Courtney P. Allen
Panora, IA

Harrison responds: I'd like to thank Mr. Allen for his letter. It's always a pleasure to learn that one's writing is taken seriously by another human being. Additionally, let me say that I honor Mr. Allen for his service to our country in two wars.

Just for the record, Mr. Allen, I live in Poultney, not Putney. Poultney, with a population of about 3,600, is a little bigger than Putney. The latter was the hometown of the late George Aiken, who served as U.S. senator from Vermont for over 30 years. Poultney's main claim to fame is that Horace Greeley for a time lived here. It is also the birthplace of William Miller, the founder of Adventism. I quite agree with you that the voters of Vermont are, generally speaking, not to be taken seriously. Rutland County, where Poultney is located, is the most conservative part of the state. I have written in statewide forums that we would be more comfortable as a part of New Hampshire. That of course is not going to happen. In the fullness of time, I hope, reality will set in and Vermonters as a whole will return to the self-reliant ways of their ancestors.

By the way, I'll take quality over size every time. And I too love farmers "that work for a living and not on the government dole." I was attacked in Vermont for advocating the abolition of dairy price supports.

I do not regard everyone who voted for Ms. Palin as a "yokel." I'm sure there are yokels who voted for Obama. But I would venture to guess that the McCain-Palin ticket carried the yokel vote by a wide margin.

I do plead guilty to sexism. I have long considered women to be the superior sex. The longer I live, the more clearly I see this to be true. I just don't see Sarah as having a place in the front rank. I applaud her for looking very beddable in her mid-40s, but as a thinker and a leader on the national scale, she's a joke.

Rand responds: "Scare tactics"? There is no definitive source reporting the number of casualties in Iraq, but no credible data undermines my expectation that there will be thousands of casualties in Iraq over the next couple of years. In 2008, according to iCasualties.org there were 322 Coalition military casualties, and the official Iraqi count of civilian deaths was 5,714. (Some estimates are far higher.) While I hope Mr. Allen is correct in his assertion that "we will not lose 'thousands of lives' in Iraq in the next couple of years," I cannot share his confidence.

Shifting the Debate

I was lucky enough to see Milton Friedman's "Free to Choose" as a high-school student, which inoculated me from leftist indoctrination during college. Since then I've been a casual libertarian, voting the Libertarian ticket when my vote didn't matter, and Republican when the stakes were higher. The fact that I have so many otherwise intelligent and capable university-educated friends and acquaintances who have absolutely no concept of economics, and therefore no idea of the tragic consequences of their own center-left leanings, shows that my experience was indeed rather unique. I do not believe, however, that one must be treated at 17 years of age to a miniseries featuring Friedman and Thomas Sowell in order to become an enlightened citizen. In fact, I think that we're on the verge of a great teaching moment. Cognitive dissonance is beginning to set in, as well-meaning traditional liberals have to somehow reconcile government growth over the past 50 years with the accelerating breakdown in our economic and social lives. Ron Paul's surprising popularity during the Republican primaries represented, in my opinion, the first manifestation of increased public scrutiny of previously unquestioned leftist doctrine. As typically happens in the evolution of ideas, the work of a few deep thinkers (Rand, etc.) slowly gains acceptance after the truth of it becomes too apparent to ignore. The mainstream media-academic complex will likely be the last to follow.

As someone who doesn't know the players, I was amused to read about the Libertarian presidential convention ("The Battle for the Libertarian Party," August 2008). The intense interest which a few libertarian hobbyists had in the proceedings, which, in the wider world meant very little, reminded me of folks at a comic convention. While Rome is burning, you guys are deciding who gets to wear the Batman suit. If your intention is to sit back and say "tsk, tsk" and "I told you so," then keep doing what you're doing. If, however, you're mostly concerned with the future

continued on page 34

Reflections

Stupider still — I recall a discussion, very sober, with a libertarian friend back in the early '70s, when we were both in high school. Looking out at the vast landscape of regulation and taxation we faced (in what, in retrospect, seems a virtually minimal state), my friend noted, "Most people are so stupid as to not see any problem with this. They deserve the government they get." I noted then, and it is true today, "Sadly, *we* also get the government they deserve."

— Ross Levatter

Uncle Sam's subprime mortgage — The total size of the current system of "economic stimulus" programs is almost $8 trillion. The dollar figures have passed the point of practical comprehension — and that may be partly by design. The best metric of all this Keynesian kerfuffle is that the statist spending is roughly equal to one year's total Gross National Product. And it may be greater than that before the year ends.

This is not sustainable. My own guess is that the current administration has enough political capital to sustain this massive mortgage on the American economy. But this is the last subprime loan Uncle Sam will sign without reading. The next "crisis" is going to require real change . . . and a reckoning beyond the understanding of complacent statists.

— Jim Walsh

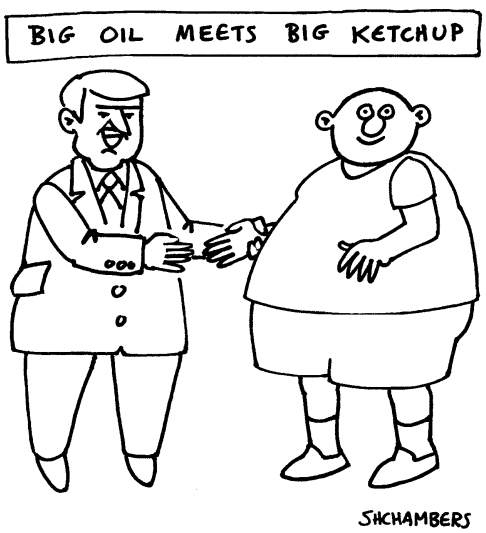

Voodoo redux — Trickle-down Reaganomics is commonly referred to as a failure. Yet when Ronald Reagan took office, nobody but rich people had VCRs. By the time he left office almost everybody had one. By the time Bill Clinton took over everyone did.

Here's why VCRs became so cheap: rich people bought them. More companies wanted to make money selling these luxury items, so more companies started manufacturing them. Eventually there were so many on the market that the price came down. Middle-class people bought them. When it proved too expensive for the middle class to purchase tapes, the video-rental business was created. Then rentals became cheap enough for poorer people to afford, so even cheaper VCRs were manufactured for that market. The whole thing is repeating now with DVD players, and will again with Blu-Ray or whatever comes next.

Trickle-down proven.

— Tim Slagle

Banning bad luck — Three years back, in British Columbia, a young gas-station attendant was run over and killed by a car that had stolen petrol from his station. The parents of the youth fought for a new regulation, which now requires all gas stations to take payment before you fill up. Who wouldn't feel sorry for the youth who died, or for the parents' suffering? But should the provincial government have passed such a law? Is it trying to fine-tune our lives by preventing one-in-a-million deaths?

— Jayant Bhandari

Union man — Obama, the darling of the teachers' unions, repeatedly proclaimed his opposition to vouchers during his campaign. He argued that vouchers would help only a few students at the top, leaving most kids stuck at the bottom. In short, it was the old, lame argument that is trotted out every time to oppose vouchers.

Now that he is moving into the White House, however, he has chosen for his own children the same tony prep school that the Clintons chose for their daughter and Vice President Biden chose for his grandchildren. Naturally, the Clintons and Biden also oppose vouchers.

Wealthy hypocrites are happy to keep their own offspring out of failing public schools; they just don't want poor parents to have the same opportunity. The irony is that Obama, whose education policies will screw over black people, got virtually all their votes.

— Gary Jason

Enough — Sixty-one years are enough. (I am counting from 1947–48, particularly from May 14, 1948, although the roots of Israeli-Palestinian conflict date back to Ottoman times.) Hindsight shows that the British ended their mandate over Palestine too soon. If they could no longer bear the military and financial burdens, other countries should have shared them. Now let us at least salvage a lesson from the mistakes of 1947–48.

Too long now the conflict has plagued even countries distant from the Near East — plagued them through diplomatic tensions, military costs, oil insecurity, terrorism, and even complications in domestic politics. The major powers, in the interest of their own peoples, are now entitled to try drastic measures.

Albert Einstein reputedly defined insanity as "doing the same thing over and over again and expecting different results." Well, outside diplomatic pressures have repeatedly brought no better results than fragile cease-fires and occasional photo-ops of Israeli and Palestinian leaders shaking hands. The powers should now impose a solution unless, improbably, the two sides find a definitive one themselves within, say, a year.

A solution should take account of Ludwig von Mises's explanation, in "Nation, State, and Economy," of why democracy cannot function in territories inhabited by disputatious ethnic-linguistic factions. Outside rule should displace democracy in Israel and the rest of Palestine. Suspicion would hamper rule by countries known to be biased toward one side or the other, such as the United States; so a mandate should be entrusted to countries considered relatively benevolent, neutral, and corruption-free. These might be the Scandinavian countries. They would not have to bear all the military and financial burdens themselves, since the major powers would provide the great bulk of the necessary support. The occupying countries would merely enforce peace and security and otherwise administer the territory. Some of their legislators could probably enhance their personal reputations by diligently monitoring how well their fellow countrymen performed.

Democracy is a political arrangement, not a prerequisite for economic and cultural progress and personal happiness; consider Hong Kong during many decades of British rule.

I suppose that most people in Palestine, like people elsewhere, want to get on with their lives and plan their own futures without suffering from fighting among others. Ideally, they are loyal chiefly to themselves, their families, and their friends and close associates, while reaping gains from honorable dealings with others. Devotion, instead, to national or ethnic greatness or purpose, as preached by Theodore Roosevelt, Mussolini, Hitler, Jimmy Carter, and miscellaneous contemporary neoconservatives, is ominous. That doctrine, combined with frustration caused by ongoing conflict, invites joining totalitarian movements and armed factions.

Perhaps foreign rule will not have to last forever. Self-rule and democracy can be introduced gradually as Jews, Arabs, and Christians learn the benefits of living together in peace. This approach may not work, but the one tried so far has notoriously failed. For the sake not only of the local inhabitants but of people throughout the world, the major powers are now entitled to learn from their failures and try a drastically different approach. — Leland B.Yeager

Asking price — Both the media and the government, for slightly different reasons, have a huge stake in keeping the populace terrified. The first headline in the business section of a recent Denver Post reads, "Home prices in record plunge . . . Experts fear it's bound to get worse." Worse? For whom? Am I supposed to be frightened that housing is finally becoming affordable? In the second headline, a couple of pages later, we learn that gas prices have dropped to 2004 levels. And then discover that these low gas prices suggest "the U.S. is headed toward the worst recession in decades." Yep. I'm scared to death that I can now afford to fill my tank.

The truly scary thing is that the government has been working so hard, for so many years, to distort the pricing of everything, that no one knows any longer what anything is worth, particularly the dollar. Is a gallon of gas worth $1.75 or $4.75? Is my house worth $175,000 or $475,000? Nobody knows. Pricing is information, set most accurately by free men exchanging goods and services for their mutual benefit. We distort that pricing information with a roller coaster of bad regulation, bad policy, and now bailouts, and wonder why investors are not confident enough to invest, lenders are not confident enough to lend, and consumers are not confident enough to consume.

Yep, I'm terrified, but not by low home prices or low gas prices. — Doug Gallob

American Meddling Association — Have you heard the latest futile crusade being pushed by the AMA? They want the government to outlaw texting while driving.

No reasonable person thinks it's a good idea to text while operating a car, but it takes a special kind of mind — the kind that is used to giving people orders and having them followed — to think that passing a law against it will stop the practice.

The AMA believes it is the perfect lobby to speak out against this, because if people get into a car accident while driving, they will have injuries requiring the skills of a physician, and the AMA generally assumes that anything, no matter how remote, that can lead to an injury constitutes a medical etiology on which it is the expert. The organization sees lobbying Congress as a form of prophylactic therapy.

This is yet one more piece of evidence that Thomas Szasz was right: we live in a therapeutic state, a pharmocracy run by physicians instead of priests, capable of seeing all the world's problems through the medium of medical-colored Lasik therapy. Whether the issue is secondhand smoke or single-hand texting, physicians stand eager and ready to wipe out the disease that vexes them most: autonomy. — Ross Levatter

Remedial education — Like most libertarians, I have the continuing bailout travesty on my mind. Government's imposing a social engineering project on the housing market caused this mess. Regulating banks and other mortgage institutions into bad lending practices for politically correct goals was a bad decision. Bad consequences, inevitably, followed. Government is the last thing we need to "remedy" the situation.

Letting the market sort it out, as libertarians — and most other Americans — wanted, would have allowed those involved to learn a valuable lesson. Generally, a person, or a group of people, is supposed to learn from the unfortunate consequences of unfortunate decisions.

At least, it used to be that way. Now our free society is freeing its citizens from those consequences. Several factors contribute, but litigation deserves much blame — particularly the idea of remedy. Trust me when I tell you this. I'm a lawyer.

Remedy is defined as "[t]he means of enforcing a right or preventing or redressing a wrong; legal or equitable relief" (Black's Law Dictionary, 8th ed.). In other words, a plaintiff can be made "whole" by recovering monetary or equitable compensation for injuries. More simply, wrongs can be righted — or "remedied."

As litigation has become more commonplace in our society, so has the idea of "remedy." Though it may not have been put in this way before, we know it all too well. It's the increasingly common belief that any problem or inconvenience — even self-imposed — can be compensated for by suing anyone and everyone, based on the depth of their pockets. Litigation contributes to our society's moving from "rule of law" to "Rule of Law" — a condition in which, instead of operating to protect citizens from the caprice of the governing, "law" penetrates and exercises varying degrees of control over every

aspect of their lives. It's a collective belief in "remedy" that is incrementally letting us off the hook for our bad decisions — and, as this bailout mess shows, is letting the government further into our lives.

Friction of daily life produces injuries, harms, and wrongs. Some result from others' actions: e.g., a careless driver runs a stop light and hits your car as you drive through an intersection. Some injuries, however, simply can't, or shouldn't, be remedied. Sometimes, things just happen. Sometimes people make bad decisions that bring unfavorable consequences upon themselves. Yet with ever more litigation, especially class actions (despite some reform), the consequences of one's bad decisions (along with the opportunity to learn from them) are being eliminated. If you smoke and suffer lung disease, litigation has forced cigarette companies to bear the monetary costs of your choice. If you eat a diet of unhealthy foods, you can sue the restaurants that served you. Even if you use a ladder inappropriately, disregarding the warning sticker with simple stick figure illustrations, in English and Spanish, alerting you not to use the wrong side of the ladder, you can threaten litigation and very likely get a settlement out of the company . . . even though you acted stupidly.

Rampant litigation and an increasingly pervasive belief that any problem or inconvenience can be remedied by suing or threatening to sue creates a context in which maintaining a free society is increasingly difficult. The litigation-remedy combination works to absolve individuals or groups from consequences of mistakes. Like other aspects of the "Rule of Law," it discourages them from thinking about their actions by shifting the burden of consequence onto others. Thought becomes unnecessary; no matter what happens, someone else will pay for it. As society becomes inured to this situation, government more easily shifts the consequences of its mistakes onto others — us. And after so long, those tasked with bearing the consequences of others' bad decisions may remedy the situation by taking the possibility of decision away. (Some, no doubt, would give it up very easily.)

But like regulation, litigation "can't fix stupid." Nor should it. A free society allows its citizens to fail or to suffer consequences of their bad decisions, so they can learn. An atmosphere of no consequences rewards childlike behavior; the AIG executives' partying and treating themselves to lavish trips despite the devastation around them is a shameful example. When a citizenry becomes childlike, the government becomes the parent who makes decisions.

So, if you burn yourself as you place your just-purchased hot coffee between your legs as you drive away from the take-out window, don't sue the merchant. Instead, consider it an inopportune improvement on your decision-making skills, teaching you not to repeat that behavior. And, while we still have a government by the people and for the people, let's hold our government to the same standard, insisting that the best remedy is to let those making bad decisions suffer the consequences. — Marlaine White

Whoremonger's progress — Two days after the November election, the U.S. attorney in Manhattan, Michael J. Garcia, announced that New York's disgraced ex-governor, Eliot Spitzer, would not face charges for his patronage of prostitutes — which included transporting them across state lines in apparent violation of the Mann Act.

It doesn't require a cynical outlook to perceive that attorney Garcia was reading the election returns. Garcia was doubtless hoping to retain his position under the new Democratic administration in Washington. The prosecutor's public statement on the case was, in any case, remarkable. He first asserted that, "on multiple occasions, Mr. Spitzer arranged for women to travel from one state to another to engage in prostitution." He then went on to say that his office had determined "that there is insufficient evidence to bring charges against Mr. Spitzer." I must say, only a lawyer, a politician, or an idiot would attempt to marry those two statements.

Once the threat of prosecution was removed, Spitzer began reinserting himself (sorry) in public life. In December, he started writing a column for Slate, focusing, at least at the outset, on the economic crisis. It remains to be seen if his next step will be to sit down with Katie or Diane or Charlie and bare his soul (assuming he has one), in preparation for an attempt to return to elective or appointive office. The arrogance and presumption of the man is stunning.

I hasten to say that I strongly favor the legalization of prostitution. The law has no place in the sex lives of consenting adults (except, perhaps, to restrain the Larry Craigs of the world from committing sodomy in public). But I worry about a man of Spitzer's mentality regaining influence and power. It has been reported that the "escort service" he patronized charged clients up to $5,500 an hour. Any man who'll pay that much for a Jersey whore needs to be kept well away from public funds, and public office. — Jon Harrison

Sweet Caroline — There was much tumult on both sides on the prospect of Caroline Kennedy as the replacement for Sen. Hillary Clinton. Those opposed to her argued that if her name were Caroline Schlossberg (as does Hillary Rodham Clinton, Caroline Kennedy Schlossberg changes her name effortlessly, depending on which way the political winds blow) she would never be thought of, much less seriously considered. Those supporting her nomination argued that she was eminently qualified, a graduate of Columbia Law and a coauthor of books on the Constitution. Opponents noted that Sarah Palin had more experience in government (elected mayor, elected governor) than Caroline Kennedy (elected to nothing). They suggested that she knows very little of New York beyond the confines of New York City (which is only 42% of New York). Supporters replied that she was at least more qualified than Hillary Clinton, since Caroline had actually lived in New York before being considered for junior senator from New York. The two groups had different views of what is required to be a good senator. One group thought that past experience — winning elections, prior government service — is needed. The other held out for gravitas — Ivy League law school, book writer. One thought it's a matter of nurture, the other, of nature. One thought it's a matter of what you've done; the other, of who you are. Sadly, no one seemed to believe it's a matter of what you think, of what your views of government are. I haven't seen one Kennedy interviewer, even one knowing that she cowrote books on the Constitution, ask her about her views on the constitutionality of, say, the economic bailout. And of course no one asked her if she thought it constitutional for Clinton to become Secretary of State, in

rather obvious violation of the emoluments clause in Article 1, section 6. It seems to me no one is qualified these days to be a member of the United States Senate — the world's greatest deliberative body, handling powers and making decisions more properly reserved for selfless demigods. In the presence of a raft of poseurs — some convicted of felonies, some under investigation, many unscrupulous, and even more lawyers, people having nothing in common beyond the ability to trick a majority of voters in their respective states into the fantastic belief that they would be less bad than their opponents — I can find no reason why Caroline Kennedy should not be seated.

— Ross Levatter

Pension peril — Amidst the hoopla of the election and the stock market turmoil, some recent developments have escaped general notice. But they point to some far more serious problems downstream.

First is the fact (upon which I have reflected before in these pages) that 2008 saw the first Baby Boomers turn 62 and thus become eligible for Social Security. Most of them are taking it, even though (in theory at least) they would get more if they waited until hitting 65.

Second is the fact that the Social Security Trustees — whose job is to monitor the two biggest entitlement programs, Social Security and Medicare — have recently released the latest estimates of the unfunded liabilities of these programs. In a prior Reflection I reported the figure as about $74 trillion, but the new estimate raises it to a staggering $101 trillion. Yes, that's trillion with a T, and that stands for trouble. The liability is seven times our current GDP.

Put in other terms, this means that every citizen of the United States, children included, is on the hook for $300,000 to cover these liabilities. Please note, the liabilities are obligations for entitlements already in existence, over and above all projected tax revenues.

Things get worse. The projected tax revenues don't factor in a major recession (much less a depression), so the gap between what the programs pay out and what taxes actually come in will likely exceed the projected hundred-plus trillion.

Word Watch

by Stephen Cox

Washington has a new Capitol Visitors' Center, which for some reason is expected to divert tourists from the real Capitol. At the inauguration of this innovative structure (which like everything else in Washington came in more than 100% over-budget), Senate Majority Leader Reid gave a folksy little speech. In it, however, he candidly said what he thought of the American folk, and of himself.

What! How can that be? A senator confessing the truth?

Yes. Continue.

"In the summertime," Reid said, thinking of the bad old days when tourists just turned up on Capitol Hill, wearing their Hawaiian shirts and everything, and expected to view their national monuments without any ritual ablutions or preliminary instruction by museum guards, "you can literally smell the tourists coming into the Capitol. That's descriptive, but it's true." In other words, Reid is an elected representative of the people who admits he can't stand how the people smell.

Almost equally interesting was Reid's distinction between words that are "true" and words that are "descriptive." He clearly doubts that "truth" can exude from mere "descriptive" facts: "That's descriptive, *but* it's true." I always thought that when somebody succeeded in *describing* something, he or she must also have succeeded in stating the *truth*. So what does the senator mean by contrasting the two? Is he a disciple of Hume's radical skepticism? Of Pyrrho's? Was he trained in the cunning logic of the Buddhist sages? How deep does this go with him?

Not very deep, perhaps. Reid may not have intended to make any metaphysical distinction. He may have just been saying something obvious about Washington politics — specifically, about the gambler's buffet of words and "thoughts" that stays open day and night in the nation's capital, the banquet at which he has been fattening himself these 25 years. For the men and women who frequent Washington's ideological steam tables, description really is quite different from truth. Truth, for them, is something that can never be seen and described, much less relied upon. Truth is a web of mysterious abstractions — *ethnic diversity, social welfare, fair trade, industrial policy, undocumented workers, the challenge of history, the duties of our elected representatives, the wisdom of the American people* . . . nobody knows what these things mean, though they're the leading items on the menu, every day. Then along comes a *descriptive* phrase. Or along comes a fact, such as the fact that *the people* . . . smell! Oh horror. Get them away from the Capitol. Let them eat the Capitol Visitors' Center.

Well, speaking of the hoi polloi, I must now quote Michael Bloomberg, mayor of the city of New York, who on December 16 was asked to appraise the political qualifications of Caroline Kennedy, then bucking for a Senate appointment. That should have been an easy question to answer: Ms. Kennedy has no qualifications. None at all. But the mayor answered in a more elaborate way. "Caroline Kennedy can do anything," he opined. "She's as smart as anyone." Think about that. Did he mean she's as smart as Sir Isaac Newton — or as smart as A.J. Soprano? In either case, what exactly is meant by "she *can do anything*"? Can she invent a better mousetrap? Can she inadvertently destroy the solar system?

Perhaps she could just destroy Detroit. According to a large segment of the Detroit media, that's what the Senate did when, in early December, it temporarily killed the auto bailout — before George Bush, the greatest "conservative" in history, agreed to give his enemies even more of his supporters' money.

Here is the Detroit Free Press on the night it happened: "The final sticking point apparently was when — not whether — UAW workers would have the same wages as the foreign automakers pay. That will seem like an incredibly minor dispute in the face of an industry collapse, and — in many people's eyes — an anchor to hang around organized labor for the rest of recorded history."

Obviously, the Freep thought the Senate was engaging in

Moreover, this unfunded liability is for the Medicare and Social Security entitlement programs only. It does not include that other spawn of Leviathan, Medicaid. Nor does it include the pension liabilities of the USPS. Nor does it include the Pension Benefit Guarantee Corporation, the federal program which takes on the pensions of workers from defunct private companies. The PBGC already has a large unfunded liability, which will swell enormously if any of the Big Three automakers fails — as seems increasingly likely.

And of course, the hundred-plus trillion dollar figure doesn't include any new federal programs that the next administration may devise, such as an entitlement program for the 45 million or so Americans currently without health insurance.

Worse yet, all these are just liabilities on the federal level. Most states are looking at huge gaps between foreseeable tax revenues and the estimated costs of the pension and guaranteed health care of state employees.

How will the government pay for all this?

I can think of only two ways.

1. It can simply run the mint's printing presses overtime — i.e., it can inflate the currency. Social Security owes you $1,500 per month? No problem — here's your $1,500! Sorry it's only worth $50 in 2008 dollars.

2. It can massively seize assets, through taxation or other means. Taxation alone seems unlikely to do the trick. To cover the obligations from Social Security and Medicare Part A alone, the current 15.3% payroll tax (half paid by the employee, half by the employer) would have to be raised to about 20%. To cover Medicare Part B as well, it would have to rise to more than 30%. This would be on top of federal income taxes, not to mention state income, sales, and property taxes. A self-employed professional in California might well wind up with a 90% marginal tax rate.

What is more disturbing is the prospect of a future administration pulling what Argentina's President Cristina Kirchner (channeling Evita Perón) did in October. She announced that to "protect" private pensions, her government would move those assets (in the Argentine equivalent of 401k plans) into the public system. Of course, global markets have been down,

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an "incredibly minor dispute" when it refused to hand over 34 billion dollars *right now* to the auto companies and the unions — though the same paper didn't think it was "incredibly minor" for the unions to refuse to take a pay cut *in 2009* instead of some hazy future. What impresses me more, however, is the comment about the anchor. Here we see that rare thing, a completely incomprehensible statement. *What* is the anchor? *Who* is "hanging" it? And what does it mean to make forecasts about "the rest of recorded history," when *recorded history* is, by definition, something that is in the past, completed?

The verbal gyrations of the Free Press were truly arresting; those of the Associated Press were merely annoying. "Their efforts in Congress squashed," it said, "U.S. automakers are depending upon a reluctant White House . . ." Picture *efforts* being *squashed*. What do they look like afterward? Mashed potatoes? Chickens that wandered too close to the road? One Detroit car that happened to bump into another at 1 mph?

The word, O highly remunerated journalists, is *quash*, not *squash*.

Word Watch has no desire to *quash* anyone, but if quashing be necessary, let it begin with Nancy Pelosi. My God! I thought that Bush was bad. Every time Pelosi opens her mouth, it's like one of those medieval pictures of the Devil vomiting damned souls. Who knew there were so many bromides in this world, and all of them so bad?

Try this selection, cribbed at random from one or two of Pelosi's recent public statements: "viable option" (a *choice* that is somehow *capable of supporting independent life*), "grow the economy" (as one *grows* rhubarb), "Congress is prepared to hit the ground running" (the last time the members of Congress did that, they were exiting the Capitol on 9/11, and they left a lawnful of shoes behind), "rebuilding our infrastructure" (but what about our *extra*structure?), "jump start industry" (git on yo chopper an ride!), "not in a generation have workers faced such challenges" (come, come, every morning I go to work and *face the challenge* of Highway 5), "tough love for the auto industry" (a good one — picture those CEOs and union execs checking into rehab for their dose of *love*).

Want more? I'm happy to oblige:

"I commend Chairman Frank [who was as much responsible for the current economic mess as anyone else on the planet] for his persistence in bringing a very focused and disciplined [economic bailout] bill to the floor" (ten hut! shape up, you maggot piece a legislashun!).

"As Speaker of the House [gosh, what happened to her role as Cruella de Vil?] I am pleased to rise [what a thrill it is for her to get out of that chair!] to quote another Speaker of the House, Sam Rayburn — a legend [whew! I'm relieved to find that he didn't exist, after all] in our country [as opposed to Latvia], certainly in this Congress [it's a long way down from 'our country' to 'this Congress': maybe the legend of Mr. Sam hasn't been so broadly diffused as folklorist Pelosi would lead us to suppose]. He served here with great distinction [ah! There's the stuff of legend!]."

Now go ahead; I dare you — visit http://www.house.gov/pelosi/ and enjoy Pelosi's other public utterances. This is the Xanadu, the El Dorado, the Shangri-La, the Cloud-Cuckoo Land, the widow's cruse, the bottomless well, the eternal font, the acme and the aegis, the teacup within the teacup of moronic cliches. There's a peculiar genius here — though not, perhaps, so striking a genius as that of one of Pelosi's non-"legendary" predecessors, Thomas B. Reed (1839–1902), who was Speaker of the House in the 1890s.

So far, the current speaker hasn't mentioned this congressional *legend*, and I think I know why. Reed was a notable wit, and he was said to have "detested shams, humbug, and pretense." You can see he wasn't a politician that Citizen Pelosi would revere. Pelosi, who has been acclaimed as "one of the richest members of Congress" (and that's saying something), is apparently not yet rich enough, because she never speaks on any subject without aligning herself with the downtrodden of the earth, while associating the Other Party with the malevolent rich. Reed, by contrast, refused to cater to the worst of human emotions, envy and spite. And unlike Mr. Rayburn, or Ms. Pelosi, Reed had the quality of self-reflection. He said that when he walked through New York and saw the difference between "the brownstone fronts of the rich merchants" and "the unrewarded virtue of the people on the sidewalk" (he wasn't talking about UAW members, now;

but those pensions had averaged a 13.9% annual return. After Kirchner made her announcement, Argentina's stock market dropped 23% of its value in just two days, for a nearly 60% loss since January.

The Argentine Congress has said it will "guarantee" the pensions after seizure, but the reality is that 3 million Argentineans will see their hard-earned savings spent simply to buy Kirchner some support. Her government increased socialist ("redistributionist") spending by 40% this year alone.

I suggest that this is what a future Democratic administration will try — perhaps very soon. — Gary Jason

Sun: down — Though the recent death of the New York Sun is disappointing to anyone doubtful about the venerable New York Times (to whose Sunday sections I have occasionally contributed since 1963), I should confess that this daily newspaper, new to the 21st century, always struck me as insufficient, repeatedly failing to realize its aim as a successful alternative. Mismanaged, the Sun was typically tardy in putting its articles gratis on the internet, which meant that until recently impatient readers went first to the Times site.

Founded by a former editor of the weekly (Jewish) Forward, and funded by rich men, the Sun wanted to be classier than the Times. However, within the subtle demography of Manhattan, it seemed aimed more at the old-rich Upper East Side than at the nouveau Upper West Side, where the Times holds a monopoly. With the same page size as its antagonist, the Sun was certainly classier than the new, smaller throw-away tabloids that are designed to compete with the Daily News, also venerable, still distributed gratis around the City. For one measure, know that I clipped-and-filed some of the better Sun reviews.

Even though the daily cultural coverage in the Sun was more considered and trusted than the Times', the former failed to attract ads from retailers desiring a classier audience. (Two exceptions were an antiquarian book dealer, which wouldn't advertise, say, in the NYT Book Review, and Victor Niederhoffer's libertarian junto, which would take ads in the Sun to announce its monthly meetings.)

I knew sophisticated readers so distressed by the Sun's support of the Iraq invasion that they would go straight to its second section while chucking its first fold of news and editorials. I usually did. It was quoted by conservatives lacking any other paper to quote. Libertarian this Sun wasn't.

Familiar with gutless wonders, I knew that the Sun would be dead. You can't beat publications that lack respect for their purposes; they eventually beat themselves. Too bad it didn't issue stock that I could have sold short, much as I've successfully shorted the Times recently. (When I read of a postmortem party in which Sun staffers doffed the ties and jackets they were previously required to wear, I recognized a sure sign of lethal CMSA — contemporary misplaced status anxiety.) One truth I learned decades ago from the management consultant

their virtue has been well rewarded), his "gorge" rose: "I do not feel kindly to the people inside. But when I feel that way I know what the feeling is. It is good honest high-minded envy. When the gentlemen across the aisle have the same feeling they think it is political economy."

That says pretty much all that needs to be said about Pelosi, with "gentlemen" changed to "lady," and "think" changed to something more visceral.

Of course, she wasn't the only linguistic horror of the Christmas season. Some of its terrors have become routine. How many times can you hear "at this season of joy and giving" without tearing up your checkbook and smacking the first orphan who crosses your path? Then there's the annual pretense that Christmas is not a religious holiday. Paul Beroza tells me that the pretense seemed even more threadbare than usual during the festivities at his daughter's preschool, where parents and children celebrated "The Twelve Days of Holiday," faithfully eschewing the dreaded C-word ("Christmas"). After that, Paul says, he went about singing "It's beginning to look a lot Like Thursday," and "Good person Wenceslaus went out, on the day of Friday." No "King," of course: too male-hegemonist. And "feast" connotes — nay, denotes — some Christian observance or other. "And all should cry, Beware! Beware!" — et cetera.

Well. One good thing about Christmas is the gifts that readers like Paul give this column. I want to thank Skip Premo, who made a valuable contribution to the great Word Watch campaign against gender abuse. He wrote to say that he'd caught The Week magazine discussing someone's "maternal parent." He's pretty certain that it wasn't a joke, and I have to agree with him. It's serious business, being a parent: you've got to be either maternal or paternal; there are no other options.

Thanks also to James Richardson, who brings before this bar of justice two sets of aberrant usages ("abusages," as he calls them). Both are weird forms of civility. The first appears to have rooted itself into Public Radio, where people who say "thank you" are routinely answered by another "thank you." "What happened," asks Mr. Richardson, "to the simple phrase 'you're welcome'?" Good question. But I think he may be expecting too much. I can go through a whole day of buying things without getting even one "thank you" for my money. If the folks on NPR want to thank me for something, I'll be happy to thank 'em back.

The second set of abusages represents inflated moral currency. As Mr. Richardson observes, death is becoming synonymous with heroism. "When I was in school," he says, "all students who met an untimely death got upgraded to 'honor students,' regardless of their actual grades." I remember something like that too. Tom Wolfe noticed it in his novel, "The Bonfire of the Vanities." It's reminiscent of the Salvation Army's synonym for "death": "promoted to heaven." Mr. Richardson quite sensibly refuses to worry very much about the "honor students"; he knows they won't "be using those grades to get into college." But lately he's noticed "how many adults become heroes when they die," even if they haven't performed any "heroic act" (beyond, perhaps, working for the government). "Heroic" currency has become so "debased," Mr. Richardson says, that he's decided it's no longer worth the effort to become a hero.

I suppose that also makes sense. After all, why should Dorothy Gale go around killing witches, only to "be a bust, be a bust, be a bust" in the Munchkins' Hall of Fame? But I suspect that Mr. Richardson is not completely serious. At the end of his message, he compliments this column's "great work — or should I call it heroic?" Now I know he's kidding.

Bernard Muller-Thym is that people reveal what they think of themselves: don't dispute those revelations.

The New York Review of Books, which began as an alternative to a venerable section of the Times, succeeded precisely because its editors respected their mission. That's always a sure measure. — Richard Kostelanetz

Boots on the ground — Notwithstanding the hopefulness that greets every new president, the presidency of Barack Obama is not off to an auspicious start. The notion that what the United States needs right now is $700 billion of public works in the next two years is out of touch with reality.

As a Californian, I recognized that Gray Davis — our former governor, recalled when Arnold Schwarzenegger was elected in 2003 — was out of touch when, upon entering office in 1999, he called for construction of a new University of California campus within 18 months. "Hey Gray," I felt like saying, "you can't add a room to your house or build a garage or deck in 18 months," because of the reviews and regulations through which even tiny building projects must pass. The notion that it was possible to build a whole University of California campus that quickly was, well, simply out of touch.

Unfortunately, it appears the same perspective typifies President Obama. There simply are not $700 billion of "shovel ready" public works projects across the country. And it's not just that there is an extremely lengthy and expensive development and review process through which every project must pass; it is that public works projects are put out to bid and the workers who are employed on them are paid at "prevailing" (i.e., union) wages.

Government capital projects are generally not run directly by government, but are contracted through a bidding process to private contractors who pay the prevailing wage. Public employee unions generally discourage funding that takes away their jobs. Watch for the funds the Obama administration is requesting to be transferred in time to local and state governments for existing projects and personnel. The notion that it will be possible to get $700 billion of new projects going in the immediate future is, like Gray Davis's approach, out of touch. — Lanny Ebenstein

Will the real abuser please stand up? — Last spring, Texas law enforcement raided the Yearning for Zion ranch, a polygamist community in the little town of Eldorado. Four hundred thirty-nine children were separated from their parents and dispersed far and wide because Child Protective Services claimed that they were being abused physically and sexually. There followed weeks of inflammatory discussion about the case in the media, led by CNN's Nancy Grace. Then it was learned that the raid came about as the result of a crank call placed by an out-of-state individual who had a grudge against Yearning for Zion. As the case began to fall apart, it was dropped from prime time and the front pages.

Just before the presidential election, small notices appeared revealing that the case had, in the words of the Associated Press, "largely evaporated." Only 37 of the children remained under court oversight. All the remaining children, save one who had been returned to foster care, were back with their families. The Texas Supreme Court found that CPS had exceeded its authority by placing all the children in foster care, when in fact it could only show that a handful might have been abused.

We can be thankful that none of the children died at the hands of the state — unlike at Waco, where dozens of "at risk" children were immolated in a fire provoked by Janet Reno and Bill Clinton. But it's clear that many of the children and their parents were traumatized by the actions of the Texas authorities.

I don't want to be in the position of defending Yearning for Zion, a typical American cult whose beliefs leave me cold, but I find more distasteful the state's willingness to harass and threaten those whose only crime is their rejection of the thinking and lifestyle of the mainstream. In a truly free society, there is no place for morality police, or for those who egg them on to sell advertising. — Jon Harrison

Global coaling — A recent article by Alexis Madrigal on the Wired blog reports some research that creates a new wrinkle in the global warming debate. Dave Rutledge, chairman of engineering and applied sciences at Cal Tech, has issued a controversial calculation of extractable coal reserves. According to his model, man will extract a total of 662 billion tons of coal, including what has been extracted already. That is far less than the most recent estimate from the World Energy Council, which puts the amount of coal remaining to be extracted at 850 billion tons.

Rutledge's work, if accurate, has two clear implications, one of which the article notes, and one of which it doesn't.

The noted implication is that since mankind's use of coal for energy is by far and away the leading cause of global warming, the new low estimate of coal reserves means that there will be much less of an impact of human activity upon the Earth's climate. As Madrigal puts it, "So the new estimate, which opens the slim possibility that humankind could do nothing to mitigate carbon dioxide emissions and still escape some of the impacts of climate change, comes as quite a shock."

Indeed, Rutledge's research has predictably angered the more strident global warming devotees, who desperately want to shut down the coal industry ASAP. If it is accurate, we could burn all the fossil fuels we can ever extract, and the amount of carbon dioxide would only rise from the present level of 380 ppm to about 460 ppm, resulting in a rise in global temperatures of something on the order of 2 degrees Celsius — hardly unmanageable. I suspect that Prof. Rutledge will be subjected to attempted reprisals for this implication of his work.

But the second clear implication is that the world may be closer to exhausting its extractable fossil fuels than both the optimists and the pessimists believe. This means that we would need to promote a reliable, scalable, and realistic alternative to fossil fuels — that being nuclear power. Wind and solar simply can't do the job (as useful as they are in limited contexts).

If in fact the direst predictions of global warming are accurate, we need to move rapidly toward nuclear power, which produces no greenhouse gases. If Rutledge is right and in fact we may run out of fossil fuel before it can destroy the planet's climate, then again the obvious choice is nuclear. Add in the

powerful case for nuclear power based upon national security considerations, and the idea of rapidly ramping up those nukes becomes compelling indeed. — Gary Jason

On the dole — More than 30 million Americans are taking food stamps from the federal government. And Obama — whose mother, it is often noted, received food stamps for a while when the Anointed One was a child — is expected to expand the program.

In the aftermath of the "symbolically important" crossing of the 30 million threshold (symbolic how? and to whom?), federal bureaucrats have been scuttling about issuing press releases and holding special briefings for what the Washington Post called "advocates and administrators of state food stamp programs."

Most of the bureaucrats generating self-propagating data about food stamps are employed by the U.S. Department of Agriculture. It's important to remember that food stamps are subsidies on two levels: first, of the recipients receiving the aid; and second, of the farms whose products are subsidized and supported by the program. Stamps are a twofer; they're both individual and corporate welfare.

As the program expands, you won't read much about the corporate welfare elements of food stamps. You'll hear a lot about "hunger in America" and little children with large eyes. But keep in mind the logos of Archer Daniels Midland, Tyson Chicken, and ConAgra. — Jim Walsh

Be afraid — Despite the groundswell of interest in the Ron Paul effort, despite the Americans' growing distaste for American troops in Iraq and Afghanistan, the public is always just one small terror tantrum away from being gulled into another war. I doubt that when FDR said that the only thing we have to fear is fear itself he meant that we have to be on guard against our politicians manipulating our fear to expand their power and take away our freedoms, but that would be the most reasonable take on that famous phrase.

— Ross Levatter

Affirmative inaction — We have elected a black man as president of the United States, quite possibly the highest accomplishment for a human today. Not the only or best reason to eliminate affirmative action, but certainly the most compelling one. However, rather than a goal accomplished, it will be considered a step made on a never ending journey. The need for AA will be continually redefined, not for the benefit of a minority, but for the benefit of those who gain profit and power from the rancor. If we need AA for any group, it is for people with courage. An obvious minority. — Gregory Nunn

The thin red line — The Democratic Party now has a hold on the executive branch and both houses of Congress, not a happy situation for those of us who look to divided government for checks and balances on govermental power. The fools and knaves of the Democratic Party (not to be confused with the fools and knaves of the Republican Party) now have almost unchecked power, save for a divided and erratic Supreme Court which may yet fall under their sway.

Fortunately, the Democrats did not win the 60 Senate seats that would have given them a filibuster-proof majority. This is good. The filibuster may be our last best protection from the worst excesses of the party's idealogues. But while, at this writing, the final tally is still incomplete because of recounts and runoffs and the Illinois mess, it appears that the Democrats will be just short of 60, leaving the Republicans with a margin of perhaps two — the Republican thin red line.

The metaphor comes from British army formations of the 19th century. The British line, typically four deep, was designed to withstand warlike hordes of Zulus, Cossacks, Russians, Fuzzie-Wuzzies, the French. The term was coined after the Battle of Balaclava in 1859 when the badly outnumbered British thinned their line to two deep. Discipline and luck saved the day. The line held.

Will a Republican thin red line have the discipline and luck to prevail? The audacity of hope. — Bob Marcus

Sugar pill — There are many within my political camp who think that Marxism should be eliminated. Personally, I believe that Marxism is quite necessary. In the medical field, to prove the effectiveness of one treatment, it is imperative to give a different set of patients a completely worthless treatment. Marxism is the placebo that proved the validity of capitalism during the clinical trial known as the Cold War.

— Tim Slagle

Bailout baloney — As the auto makers get their bailouts, the government seems intent on proving anew two principles of economics: the law of unintended consequences and the perils of moral hazard. Two recent stories illustrate this amply, if not comically.

We can see unintended consequences already. Bush foolishly gave $15 billion to GM and Chrysler. GMAC (half owned by the Cerberus Group, which also owns Chrysler) has been infused with $5 billion in taxpayer money, intended to help boost sales of cars, which have dropped as a consequence of the recession caused by the subprime mortgage meltdown.

But GMAC immediately announced that it will start offering auto loans at 0% for up to 60 months on some of its models, and below-market rates on other models, and give loans to people with lower credit scores. So the taxpayer is paying to create subprime auto loans to clean up the mess caused by the subprime home loans of recent years, which by the way were subsidized by taxpayer-supported Freddie Mac and Fannie Mae.

The brilliant idea here is to fight the consequences of past moral hazard with new moral hazard. Pure genius!

But one unintended consequence is that now Ford (which didn't take taxpayer cash), not to mention the foreign auto makers who don't need it, will have its sales pushed down by Uncle Sam's subsidy of GM and Chrysler. So some auto workers will lose their jobs to help save the jobs of other auto workers, all with taxpayers paying through the nose. Great.

A second unintended consequence is reported by a recent Reuters story (Jan. 2). Seeing the auto makers get bailed out has excited the lust of state governors. Five Democratic governors are now asking Obama to kick down to the states some of this happy cash. The governors of Massachusetts, New Jersey, New York, Ohio, and Wisconsin — states legendary for their fiscal chastity! — have humbly suggested that the federal government give the states $1 trillion to help bail them out of their individual fiscal problems.

So it is that bailing out one industry has led to a cascade of requests by other industries for taxpayer support, and now to

the request by state governments for the same. No doubt city governments will be next, followed by whoever else is left — the Girl Scouts, perhaps. — Gary Jason

The tyranny of options — Interviewed in front of a Sunoco gas station, Marilyn Cronen of Oaksville, Ohio was beside herself with rage. "This is the fifth gas station I've been to this morning," she fumed. "All of them have plenty of gas at much less than I budgeted. Each station has prices lower than the last!! I don't know what to do! If I buy this gas, my husband will go out and get drunk on the $50 I have left after filling the tank. Just when I thought he was finally on the wagon, the wagon became much cheaper to fuel. I'm writing my Congressman!"

Cronen is not alone in her frustration, and Congress is responding. Hearings are being called to search for the causes of the precipitous drop in gasoline prices over the last month, which many congressmen feel is "unnatural" and "due to speculator manipulation of the market." Prices have unexpectedly and rapidly fallen from over $4 a gallon to little more than $2 a gallon in many states, leading to tragic disruptions of family plans throughout the country. Previously unaffordable vacations have had to be scheduled at the last minute. Buyer's remorse is increasing for new Jetta owners who realize they could have afforded the Hummer after all.

One congressional aide, requesting anonymity, said, "The head of Exxon-Mobil is claiming it is just a matter of supply and demand, but my boss isn't buying it. We think corporate altruism is at fault. These CEOs think they can drop prices any time they want, without ever thinking about the little guy.

Family after is family having to go through the torturous process of deciding which of the many things they've postponed getting they can now have. These decisions are painful, but does Big Oil care?"

Katie Couric's Special: "Cheap Gas; Why It's Bad, Who's At Fault" can be seen at 7 p.m. EST, on March 1. On the same day, Hardball's Chris Matthews will be interviewing Nobel laureate Paul Krugman as well as an as yet unnamed "opponent of laissez faire." "We're hoping for a balanced interview," Matthews said. Rumor has it that Matthews plans to ask Krugman to explain which of the oil executives is most at fault, and whether or not "jail is too good for him."

— Ross Levatter

Saline solution — For two weeks in December, snow sealed the roads of Seattle. I had 8–10 inches at my house, the largest amount since 1996. This time the city put down no salt on the arterial streets. A bit of sand only — just enough to make the ice look unclean.

The state used salt on the highways, but the city would not. The mayor said it was bad for Puget Sound. The city's political DNA is anti-car anyway; its major road projects reduce the number of lanes for cars. To say the salt was "bad for Puget Sound" was supposed to end the discussion.

Except that it didn't. Seattle's lefty press corps was having a hard time getting to work. From columnists and editorial writers rose a rumble of resentment. I was housebound with an ill spouse and didn't pay much attention to all this until I had to take a relative to the airport. Then I found out.

I live on top of a ridge. With snow, the way down is on an arterial. It is not that long or steep — hardly noticeable in normal times. Salted, it would have been fine. This time it was snow compacted into gray ice, rutted like a dirt road through the jungle, and crawling, at about 1 mph, with vehicles, most of them without chains. They slipped in and out of grooves and holes, lurched to the side, rear wheels slamming the curb, desperately trying not to overshoot the stoplight at the bottom of the hill, on old U.S. 99.

Seattle is an 80%-plus Democrat city. A green city. It will do almost anything that's supposed to be good for salmon, but not this.

On SoundPolitics.com, the city's conservative political blog, Jim Miller castigated the mayor and a letter writer named Wiggins over the decision not to use salt:

"I don't understand why they don't know it already, but here goes: Puget Sound already has salt in it."

The left-wing blog HorsesAss.org, which disagrees with SoundPolitics on everything, made an exception for this one. Geov Parrish, who lives on the same hill I do, was outraged at being without wheels for ten days:

"I've lived in any number of places in the South — Houston, Memphis, South Carolina, Virginia — where it snowed in amounts roughly comparable to Seattle: a couple times a year, maybe, and one big storm a decade. Some of these places have hills, too. They cope."

Seattle didn't.

And it wasn't only the government. I gather that in the East, businesses and homeowners routinely shovel snow off their sidewalks and drives. I've heard that kids make money by doing it for others. Not here. I've never seen it. Maybe one homeowner in 30 shoveled off the sidewalk in front of his house. Here we accept the snow as an act of Mother Nature, and wait passively until she takes it away. — Bruce Ramsey

Blood money — Bernard Madoff ran a $50 billion Ponzi scam that collapsed in the 2008 financial downturn. His lack of morality is stunning to many. He was considered to be of a better class of people; those who do not conduct their affairs in so shabby a way.

One horrific consequence of Madoff's scheme was the suicide of Rene-Thierry Magon de la Villehuchet. He lost not only his own money but also that of trusted friends and clients. So on Monday, December 22, Villehuchet went to his Madison Avenue office, took a handful of sleeping pills, then slit his his wrists. While Madoff's behavior may engender feelings of contempt for the upper classes, Villehuchet restored some hope that the elite really deserve to be respected. You see, the press reports said: "A security guard found his body Tuesday morning, next to a garbage can placed to catch the blood."

— Paul Rako

Chattering class — Many of the Democrats who now own Congress have made it clear that they will target "conservative" talk radio when Obama takes office. Specifically, they want to reinstate "the Fairness Doctrine" (ended in 1987), which required radio stations to provide equal time for opposing political views whenever a political opinion was aired. President Obama, no fan of talk radio (and especially of Sean Hannity), may well sign such a bill.

Should the Democrats succeed, it would be clear that they were trying to silence an opposing channel of communication. They already dominate TV and print journalism, the

entertainment industry and academia; without talk radio, they would have to face one less medium of criticism.

But an interesting question is whether it would really be in their best interests to target talk radio. A case can be made that Obama's win was caused in great measure by the so-called "conservative" talkerati.

The fact is that the majority of radio talk show hosts are more populist than conservative. Yes, they typically have socially conservative views, such as opposition to abortion and gay marriage. But they are also often economic populists, opposing immigration and (in many cases) free trade. And they very likely cost McCain the election.

The major stars in talk radio vociferously denounced illegal immigration, screaming endlessly about illegals stealing jobs, driving down wages, and being dangerous criminals. They bashed "Big Business" for trying to get some kind of compromise immigration legislation though Congress in 2007. The proposed compromise would have increased legal immigration, at a time when unemployment was less than 5%, and legal immigration was restricted to less than one-third of 1% of the population annually, a paltry amount in the face of the need for labor. And they turned with fury on McCain, who tried in vain to resolve the issue in 2007.

This set the stage for McCain's loss in 2008. By continuously bashing McCain throughout the primaries, the talkerati helped turn part of the Republican base against him. A significant number of Republicans either stayed home or even voted against him.

The tone on talk radio got very ugly, and explicitly anti-Latino. The harsh attacks gave Obama a decisive edge in that community. Bush, who ran in 2004 as a moderate on immigration and took time to praise legal immigrants, won 44% of the Latino vote. McCain, who was forced to spend much of his time during the primaries trying to prove to the base that he was not weak on illegal immigration, drew only 31% of that vote. It is clear that had an even stauncher opponent of immigration, such as Tom Tancredo, won the nomination, he would have fared far, far worse.

Moreover, the number of Latino voters jumped from 7.8 million in 2004 to 10 million in 2008, a whopping 28% increase. There was an intense anger among them at being unfairly singled out for abuse. Obama cleverly ran ads replaying unfortunate remarks by Rush Limbaugh about Mexican immigrants — remarks taken out of context, but still repellent. Obama picked up southwestern states that had earlier voted Republican, winning 73% of the Latino vote in Colorado and 76% in Nevada.

Populist radio hosts thus deepened divisions among Republicans and alienated Latinos, who are in most regards culturally and economically conservative. With "friends" like the talk show superstars, the Republican Party hardly needs enemies.

Indeed, several of the most popular of them now brag about being "Reagan conservatives," not "Republicans first." That is especially strange to hear, given that Reagan, proud descendant of immigrants, never passed up an opportunity to praise them, and (ironically) signed the last major amnesty bill. He also famously pushed the 11th Republican commandment, "Thou shalt not attack other Republicans."

Democrats are fond of bailing out dysfunctional industries. Perhaps instead of trying to kill talk radio, they should shovel money at it, with an eye to destroying Republican chances once and for all. — Gary Jason

Sentimental monarchism — The outrage was unanimous after it was reported that the governor of Illinois had put Barack Obama's Senate seat up for private sale. Outrage was less than unanimous, however, when it was reported that Hillary Clinton's Senate seat in New York might be offered to Caroline Kennedy.

The grossest curtsey to this idea came from Ruth Marcus, columnist for the Washington Post. She wrote, "What really draws me to the notion of Caroline as senator, though, is the modern-fairy-tale quality of it all . . .

"In this fairy tale, Caroline is our tragic national princess. She is not locked away in a tower but chooses, for the most part, to closet herself there. Her mother dies, too young. Her impossibly handsome brother crashes his plane, killing himself, his wife and his sister-in-law. She is the last survivor of her immediate family . . . What a fitting coda to this modern fairy tale to have the little princess grow up to be a senator."

But America is a republic, not a monarchy. We don't have princesses here. Offering a U.S. Senate seat to a citizen who has never run for office or achieved any great thing solely because she is of the Kennedy clan is worse even than putting it up for bid. At least in an auction there can be some competition, and an ordinary rich person has a chance for it. And at least then the corruption is obvious, even to newspaper columnists. — Bruce Ramsey

Fat chance — I recently bought a soft drink at McDonald's, when the firm was in the midst of its annual, highly popular Monopoly game.

My soft drink cup was advertising the game. It quoted a $1 million winner who said, "I was able to purchase my dream house with Monopoly money."

Four possible endings to this Reflection:

1. I'm not used to overt political commentary from McDonald's.

2. Hmmm . . . Freddie Mac . . . McDonald's . . . it's all beginning to make sense.

3. The problem is that this winner wasn't the only one who did that.

4. Sometimes you just can't write funnier commentary than what you're given. — Ross Levatter

Stagflation nation — I'm getting ready for Great Depression number two. But it's kind of hard to prepare for.

First of all, I can't really say what Great Depression number one was like. I know about the pictures of men in bread lines (but prosperous cities have had men in breadlines for decades) and James Agee's compelling portraits of poverty in Appalachia (or was that the 1920s?). In the past, when I asked middle-class people of my parents' generation about the Great Depression, I got mixed comments. "There were no jobs, so you just went to school," said one. "It was the Depression, so everybody had to work," said another.

The prolonged depression of the 1930s was caused (according to the conservative chapbook) by protectionism (especially the Smoot-Hawley tariff), Herbert Hoover's tax cuts of 1931, and, above all, the Fed's decision to make a

drastic cut in the money supply. FDR's policies then prolonged the Depression.

But our coming Depression has been launched by too much liquidity. Apparently what Alan Greenspan and Ben Bernanke learned from the past is that more money never hurts, even if it is printed from thin air.

And this time around, they save banks rather them throwing them to the winds. I remember Milton Friedman saying that a pivotal factor in creating the Depression was the decision to let the New York Bank of the United States fail. It was a private bank, but the name sounded so official that its collapse sent terror through the world.

If the cause of the Great Depression number one was insufficient liquidity (thanks to the Fed), we now have too much liquidity (thanks to the Fed and the Bush administration), or at least too much money floating into questionable places.

Yes, we have commodity prices sinking, consumer spending falling, unemployment rising — all signs of economic decline. But we have hundreds of billions of dollars floating around propping up banks in trouble, plus banks that aren't in trouble: since we're giving out money, why not reward those that were discreet as well? Those funds must either be forked over by the taxpayer or, more likely, paid through inflation (taxation without representation).

So I'm beginning to get the picture. Great Depression number two might be a lot like the 1970s, but done up in a big, global package, complete with gas lines.

The 1970s mystified Keynesians, with inflation and recession occurring at the same time. But eventually everyone came around to agreeing that you could have both if you really messed things up.

And we've really messed things up. So welcome to the Great Stagflation. At least the best minds understand how it happened. Heck, they brought it about. — Jane S. Shaw

Hailing Caesar — Why, when the president visits anywhere, is the Constitution suspended? In fact, any and all laws seem to be at the mercy of the traveling executive. Eleven thousand troops at the inauguration? A rather princely life, isn't it? Roads and streets are closed, airspace is closed, vehicles are stopped, people are kept in their respective buildings by armed government agents, snipers look at you through their rifle scopes, gunships ply the skies doing the same. Speak out and you will get a visit by some of the same agents. Offhand comments, anyone? How about detention without arrest? Safety and liberty tradeoffs have been frequent topics in America since the days of Franklin. Should the citizens question the loss of liberty when elected servants to the people drop by, usually for political self-promotion? Dare we ask? — Gregory Nunn

Pensions and organs — Two recent articles in The Wall Street Journal allow me to revisit topics I have reflected upon before.

The first (Nov. 28) reports on the growing concern at the Pension Benefit Guarantee Corporation (PBGC). Most people in this country have been watching the pathetic attempts by the American auto makers to try to stay in business with taxpayer funds. But the PBGC — the U.S. government agency that guarantees the pensions of workers in private industry — is watching with special interest. The auto makers are planning to tap their pension funds to "buy out" superfluous workers. That puts the PBGC in considerable danger, because if the companies use up their pension funds on buyouts and then go out of business, the PBGC would be stuck with the pensions of hundreds of thousands of auto workers.

The PBGC already insures the pensions of 44 million Americans, and it ran a $14 billion deficit last year. We can only guess what the deficit will balloon to if the Big Three fail after draining their own pension funds. It is estimated that if just GM were to fail and lay its pension burden on the PBGC, the deficit would double to $28 billion. But that estimate is probably low, and anyway, any scenario in which GM fails would likely include the failure of Ford and Chrysler as well.

The second article (Dec. 17) reports the sad news that the number of Americans now waiting for an organ transplant has hit the 100,000 mark for the first time in history. Very likely 6,000 a year will die while waiting. As I wrote in the October, 2007 Liberty, this is entirely a result of the crazy National Organ Transplant Act of 1984, the brainchild of the brainless Al Gore, then senator from Tennessee.

This bill threatens potential donors and recipients with a possible $50,000 fine and 5 years in prison in cases where any "valuable consideration" is given to prompt an organ donation. It is so draconian that when Pennsylvania passed a modest bill that would have paid organ donors' funeral expenses, state workers refused to carry it out for fear that the feds would prosecute them.

The Journal advocates that Congress pass a modest law proposed by Sen. Arlen Specter to clarify the federal law to allow small state tax deductions. I think it is time to allow outright sale of organs under reasonable regulation, the kind of policy I sketched in these pages earlier. How many thousands will die before America gets real about organ sales, beginning with repealing Gore's damnable law, God alone knows.

— Gary Jason

Leviathan promises — In the weeks before last fall's presidential election, the head of the American Federation of Government Employees requested that Barack Obama write a series of letters to the union's members expanding on campaign trail promises the candidate had made. Obama complied with enthusiasm.

In the letters, Obama promised to scale back contracts with private firms, remove censorship from scientific research, and expand environmental regulations. Of greatest interest to the government employees was what Obama wrote about his intention to "erase the backlog" of Social Security disability claims and grant Transportation Security Administration workers full collective bargaining rights (previously denied them under the guise of national security concerns).

Even some of Obama's supporters worried that his letters to the government-employee unions laid the promises on too thick. Some of the program changes and worker benefits he described are practically impossible to achieve. But porcine statists didn't mind. According to one Jeff Ruch, executive director of a special interest group called Public Employees for Environmental Responsibility, "That strikes me as smart politics."

Public Employees for Environmental Responsibility must use a peculiar definition of "smart."

As I've noted before, Barack Obama is essentially a product of government-employee unions. They are his core constituency. For the first time in American history, the leviathan has elected its own president. We're in an undiscovered country.

— Jim Walsh

Give them more rope — Many of us are outraged over the housing crisis and subprime loan atrocity, courtesy of government-backed Fannie Mae and Freddie Mac. We're also worried about the cost and long-term effects of the government bailout. But, you probably did not know that taxpayers have been funding this subprime area for quite some time, courtesy of the United States Department of Housing and Urban Development.

There's more to the subprime mortgage story than has so far been told. And you guessed correctly, it involves government's very visible hand using your tax money to interfere with the housing market.

One of my main assignments as a local government attorney was to advise and assist the locality's community services department, which distributed HUD funding to various recipients. A large part of these funds went to low-income "clients" in the form of down payment-settlement help loans (ranging from $3,000 to $5,000) to cover settlement costs for first-time home purchases. In other words, our tax dollars were "loaned" to people to cover settlement costs they otherwise could not afford, for home purchases they otherwise could not afford. How did I know most loans went to people who could not afford the houses they were to inhabit? Because, besides having to read each file, my job was to petition the sheriff's office for remaining proceeds from each weekly sheriff's sale — from bank-initiated foreclosures on many of these same houses.

One day, I questioned the department's program supervisor as to why the locality continued issuing loans when so many ended in foreclosure, especially considering the fact that our sheriff's sale recoveries were usually pennies on the dollar. I was told that all the money had to be distributed, or it would have to go back. To which I responded, you mean back to HUD, or back into my pocket, where this tax money actually belongs? I was met with a blank stare. She muttered something about hoping to increase repayments over the next year. I responded that I didn't think the locality's commitment to collection at foreclosure was going to fix the problem. After doing this job for several years, I can tell you, it didn't.

I would venture that the supervisor with whom I worked is typical. Rather than reworking or jettisoning such an unsound program, her response was to spend all the HUD funds, lest the locality receive less the next year. When the government taxes citizens for programs that are obvious failures, rest assured that the bureaucratic and governing class will not stand in its way. At all levels, it will work tirelessly to keep spending your money.

So, as we citizens rant and rave about the housing crisis, Freddie Mac, Fannie Mae, and the resulting credit crunch, don't forget that for a long time, the nexus of local and federal government, through HUD, has been doing its part to hinder the economy by using your tax dollars to fix socioeconomic inequities of the housing market.

Halloween may be long over, but if you want to give yourself a scare by seeing just how deep the problem goes, submit an FOIA request to your locality's community service department or housing authority asking how much, and to whom, HUD funds are distributed. Don't say I didn't warn you.

— Marlaine White

Nuclear madness — Every 10 or 15 years, it seems, statesmen in their dotage come out in favor of abolishing nuclear weapons. First, back in the '80s, it was that old war criminal — I mean defense secretary — Robert McNamara. Then, in the '90s, retired general Andrew Goodpaster (a man of honor, by the way) took up the crusade. Last fall, four old Cold Warriors — Henry Kissinger, George Shultz, Sam Nunn, and Bill Perry (the latter three men of honor) have called for a policy of reducing, eventually, the American nuclear arsenal to zero.

Both Barack Obama and John McCain voiced support for the goal, though November's loser, McCain, showed more sense than consistency by stating that our nuclear arsenal should be reduced "to the lowest level we judge necessary." McCain was right, for the simple reason that the abolition of nuclear weapons is nothing more than a pacifist's dream.

Consider a world in which the United States had no nuclear weapons. Even if we assume that Russia and China would honor an agreement to destroy their own arsenals, what would the strategic situation then be? Clearly, China would be the greatest power on earth. With a population more than four times our own, her conventional forces would be able to dominate the area between the Persian Gulf and Hawaii.

Nuclear weapons are nasty things, but they prevented the Cold War from turning into World War III. Many of you reading this page would not be here today otherwise. No other weapon or combination of weapons possesses the deterrent capability of nukes.

Nuclear weapons-making expertise would not vanish from the earth if existing arsenals were destroyed. What would we do if a North Korea or an Iran secretly built up a stockpile of weapons? That is a prospect we need never fear, if we reject the folly of total disarmament.

When Averill Harriman negotiated the Test Ban treaty with the Russians back in 1963, he had a revealing conversation with Soviet leader Nikita Khrushchev. Harriman said to Khrushchev, "Suppose that the United States and the U.S.S.R. came to an agreement to abolish nuclear weapons. Suppose that both sides carried out the agreement in good faith. Suppose, further, that after the United States had destroyed its weapons, the U.S.S.R. found a dozen of its own that it had quite innocently overlooked. What would happen then?"

"Our ultimatum would follow immediately," Khrushchev replied.

Secretary of Defense Gates, in an October 28 speech to the Carnegie Endowment for International Peace, outlined the reasons why the United States must maintain and upgrade its nuclear arsenal. He welcomed the prospect of fewer and better weapons, as opposed to none. The secretary and his boss, the soon to be ex-president Bush, deserve kudos for their realism and refusal to bow before feel-good policy prescriptions for disarmament. Loser McCain also deserves credit for not traveling that primrose path. One hopes winner Obama will not go down it, either.

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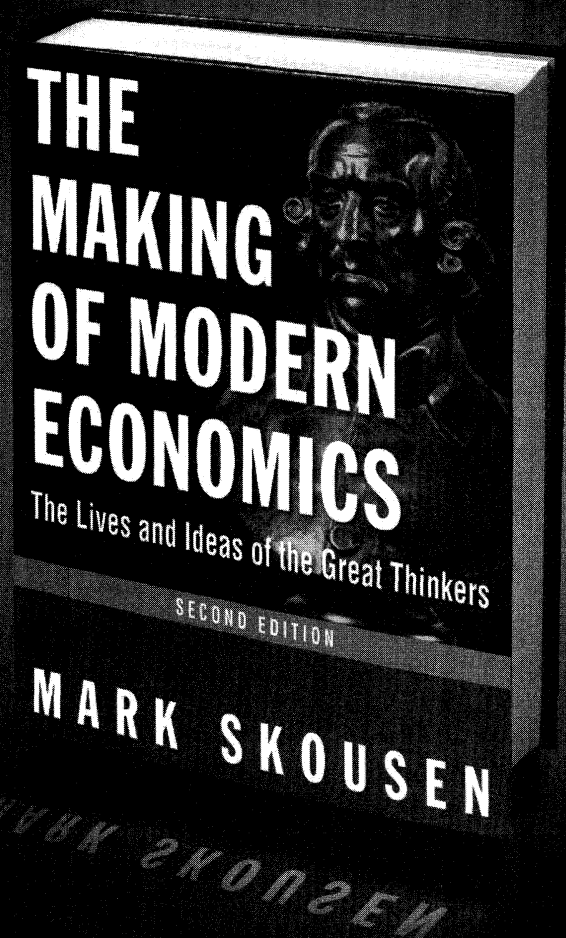

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Why old soldiers and statesmen pursue the will-o'-the-wisp of total nuclear disarmament is beyond me. Perhaps it can be attributed to idealism, though aging is more likely to breed cynicism, I believe. Sad to say, the utter impracticality of the idea makes the onset of senile dementia seem the most likely cause. — Jon Harrison

Slash away — If, as seems likely, the economy continues to tank in 2009 (the only question appears to be how much), get ready for screaming by public employee unions across the land — in every state, municipality, village, and hamlet. By some measures, governments at all levels already employ about one worker in five in the United States.

Government has been a super-growth industry in recent decades. Typical economic growth of 2–3%, plus inflation, new taxes, and fees, has meant that most government agencies have had increases in their nominal budgets of 6–7% a year, every year, for decades. The overwhelming bulk of this new money has not gone toward new services but for more pay and benefits for existing jobs, together with the creation of millions of more administrative, clerical, and bureaucratic positions. As Friedrich Hayek wrote, even in 1979: "It can scarcely be doubted that quite generally politics has become much too important, much too costly and harmful, absorbing much too much mental energy and material resources." Amen.

The challenge that governments at all levels face is that their employees have become used to almost inevitable 5% per annum raises in pay and benefits. But even the nominal economy may show a decline in the 2008–09 or 2009–10 fiscal years, or both. Rather than a 5% raise, government employees may have to take a 5% cut. That's a 10% swing.

Expect an outcry from public employee unions as the awful truth dawns that the long expansion in government revenue is over. There will be innumerable calls to raise taxes and fees, and to shift expenses into future fiscal years and income into the current year. The idea that, in the face of a severe economic downturn, government employment and expenditures should be substantially cut, as is the case in the private sector when revenue declines, will hardly be heard.

Now is the time to redouble efforts for less and more effective and efficient government. The exorbitant pay and benefits that many government employees receive have finally become so out of line with the rest of the economy that genuine opportunities for reform exist. — Lanny Ebenstein

Thinning the herd — Over the holidays, my family traveled to visit grandparents and cousins. Because of our older children's school schedules, we flew in two groups, which meant that my wife and the older kids flew out of Sea-Tac on a red-eye in the midst of a December snow. The Seattle area doesn't get much snow, so chaos ruled at the airport. (You may have seen a picture of the crowds of stranded passengers that The New York Times ran on its front page.)

With people backing up everywhere, the senior clerk at the customer service desk for one airline made the announcement that Sea-Tac Airport was closed and would remain so until the next morning. She said that there wouldn't be any seats available out of Sea-Tac until the day after Christmas. Many people, by my wife's reckoning more than half the crowd, left.

But the announcement wasn't true. The airport was still open; only the one airline had canceled its flights for the one night. My wife said it was strange to hear the announcement that Sea-Tac was closed while airplanes were visibly taking off in the background. But many people took the clerk's word for the truth, because, on a basic level, she was in a position of institutional authority. She wanted to thin out the crowd of disgruntled people, and she saw the crowd as a monolithic unit rather than as individuals who wanted to see family for Christmas.

This is the essence of institutional decadence. People are not treated as individuals.

When the line had thinned, the clerks helped the remaining passengers reschedule their flights. Some were placed on other airlines. My wife and older kids were rescheduled on the first flight out the next morning. Their delay ended up being a few hours — the worst hours, to be sure — but they got to the rest of us later on the day originally planned.

About the same time, my father, who recently had heart bypass surgery, mentioned some shortness of breath to his cardiologist during a regular appointment. The doctor noticed some irregularity in his heartbeat and suggested that he check in at the local hospital for a standard battery of blood tests. (Bypass patients live on a heavy combination of blood thinners and other drugs in the months after their surgeries. Often, the mix of meds needs to be adjusted.) The cardiologist told my father that checking into the hospital would be best for everyone; if he needed to stay in overnight, he could be out in time for Christmas.

Things changed once he was at the hospital. His regular cardiologist was no longer in charge. Instead, the staff heart surgeons at the hospital were the authorities. And they thought my father might need a pacemaker. And this would take a few days to determine.

To the hospital staff, my father wasn't simply a guy trying to get his shortness of breath resolved quickly. He was more like a fully-insured (even richly-insured) "whale" whose plan would pay all hospital bills in full. He ended up staying in the hospital for five days — through Christmas. The staff specialist in charge of implanting pacemakers wasn't available until the day after.

Like dissembling airline clerks at Sea-Tac, the staffers at my father's hospital treated people impersonally.

The United States is in the process of socializing large parts of the economy. Get ready for the impersonal affronts of institutional decadence to proliferate. — Jim Walsh

Corruption breeders — The Democrats captured Congress in 2006 and strengthened their control in 2008, boasting loudly that they were going to clean up Washington. But the last year has revealed that their own house needs to be put in order. Luckily for them, the mainstream media (MSM) are not reporting much of the rampant corruption.

Take the most obvious recent case, that of Governor Blagojevich of Illinois, caught trying to sell President Obama's vacated Senate seat. While the MSM covered the story — rather hard to ignore, given that the crook was recorded discussing the sale to whomever would take his calls! — the press has generally been as unaggressive as lambs when it comes to demanding from Obama a release of all records on

continued on page 26

Same as the Old Boss?

by Bruce Ramsey

Reports of Obama as radical, revolutionary, or messianic have turned out to be exaggerated.

Rahm Emanuel, Obama's chief of staff, was reveling in the political possibilities of disorder: "You don't ever want a crisis to go to waste," he said. And in the weeks after the election of Barack Obama, there were thoughts and images of Obama as a 21st century Franklin Roosevelt, who had made the most of a crisis 76 years before.

As 2008 ended, however, the danger seemed somewhat smaller than that. Emanuel is representative of the men and women whom Obama has brought in. They're different from Roosevelt's crew. Emanuel is no Rexford Tugwell, no Henry Wallace, no academic dreamer of the sort that Roosevelt brought to Washington. Emanuel was an investment banker. He was a fixer for President Clinton and a member of the center-left Democratic Leadership Council. The remark about not wasting a crisis was a tactical thought only. Certainly he had an itch to use state power for such things as health insurance, non-petroleum energy, and at least a dozen other things, but his ideas were the mainstream ideas of the Democratic Party.

Republicans had tried to paint Obama as a Marxist. They had made a big deal of the fact that Obama served on the board of trustees of the Woods Fund, a Chicago money pot for "community organizing," "housing advocacy," etc., and had sat on the board simultaneously with one Bill Ayers, who had been a founder of the Weathermen, a seriously radical organization. During Obama's time in elementary school, the Weathermen engaged in what Ayers later called "symbolic acts of extreme vandalism [and] . . . attacks on property." But in 1980 Ayers had turned himself in, had not been charged with a crime, and had eventually become a professor of education at the University of Illinois.

Meanwhile, Obama had managed *his* life without blowing things up. Rightists said that Obama's voting record was about as far left as you can get in the United States Senate. This was true enough, but it was a self-limiting statement. Obama was no Dennis Kucinich. He had not run for president on a Left-Democrat platform. Among the main Democratic contenders, John Edwards (he of the enormous mansion and the beloved wife) was the leftiest. And Obama had not run as a candidate of ideas. His slogan had been "Change," a word that he kept purposely vague. In large part, it seemed, the change would simply be Obama himself.

To the nonideological American the main worry about him wasn't socialism but youth and inexperience. The sins of youth are hotheadedness and romanticism. So Obama took

pains to be cool and soothing, as Reagan had done in 1980 when accused of being a warmonger. Having so little experience, Obama surrounded himself with jobholders who had sacks of it. As a junior senator in his first term, he chose a Senate lifer, Joe Biden, to run for vice president on his ticket. As president-elect, he accepted Bush's much praised secretary of defense, Robert Gates, as his own, and Clinton crony Bill Richardson as secretary of commerce. Obama took the Democrats' equivalent of Alan Greenspan, Paul Volcker, out of retirement and named him economic adviser. He took the boss of the New York Fed, Timothy Geithner, and named him secretary of the treasury. For secretary of energy, he selected Steven Chu, head of the Lawrence Berkeley Laboratories and winner of a Nobel Prize.

For Iraq, Obama's intentions were becoming less dramatic. . . . By December, he was talking about "a responsible drawdown."

The Left was not happy with these choices. "Liberals are growing increasingly nervous — and some just flat-out angry — that President-elect Barack Obama seems to be stiffing them on Cabinet jobs," wrote Capitol News. "He's stocking his White House with anything but stalwarts of the Left. Now some are shedding a reluctance to puncture the liberal euphoria . . . to say, in effect, that the new boss looks like the old boss."

In the leftist weekly the Nation, Christopher Hayes ruefully noted how often Obama had been labeled with those sandpaper words "pragmatic," and "non-ideological." Hayes went on to recall that others had been called that who really were not: Alan Greenspan, for example, who was a close associate of the ideologist of radical capitalism, Ayn Rand. Maybe there was still a leftist hope. (Hayes did not note the facility with which Greenspan shed Rand's ideas in practice.)

Libertarians, by contrast, were hoping that Obama would be a huge disappointment on the ideological score. But they were hardly sanguine. Fred Smith of the Competitive Enterprise Institute worried about energy and environment. Obama had been promising "an ambitious and complex energy policy" that would really, really, *really* wean America from petroleum. The center of the campaign would be new taxes and rules, with an Obamian team of rulemakers. Smith emphasized the fact that Obama had picked Clinton's Environmental Protection Agency chief, Carol Browner, as his environmental adviser. "Browner's not moderate," he said.

He worried that the EPA could declare carbon dioxide a pollutant, unleashing a soda fizz of regulations. He worried also about cap-and-trade, a system of tradable rights to pollute designed by the regulatory state. "That will be a fight," he said.

As gasoline slid below $2 a gallon and business conditions worsened, Obama dropped talk of immediate repeal of the Bush tax cuts and of bleeding Big Oil to death. The job of the day was economic rescue. Bush had done it big and Obama would do it bigger — maybe blasting a trillion paper dollars into the stream of commerce. On the campaign trail, the Democratic nominee had offered a gift package of expensive stuff, including flexible training accounts for workers, a fund to protect homeowners from foreclosure, more after-school programs, more child care, more Head Start, more solar and wind energy, switchgrass energy, a bigger army, more Marines, an expanded Medicaid, an expanded State Children's Health Insurance Program, more Border Patrol agents, more community block grants, more money for farmers, yet more money for *small* farmers, and more services for veterans.

He even suggested a new government program to help entrepreneurs.

For Iraq, the president-elect's intentions were becoming less dramatic. In July 2008 he had said, "I intend to end this war . . . responsibly, deliberately, and decisively." "Decisively" sounded solid, but how much did "responsibly" and "deliberately" liquefy it? Libertarian blogger Justin Raimondo observed on Antiwar.com (Aug. 25, 2008) that Obama's VP pick, Biden, had supported Clinton's air attack on Serbia in 1999 and Bush's invasion of Iraq in 2002. As chairman of the Senate Foreign Relations Committee in 2002, he had allowed no testimony from opponents of Bush's impending war. Wrote Raimondo, "The 'new politics,' it turns out, is pretty much the same as the old politics, of which Biden — a Washington insider for the past 35 years — is the exemplar."

The selection of Gates as defense secretary confirmed this. So did the choice of Biden. The VP choice had been a reliable signal eight years earlier, when George W. Bush had picked Dick Cheney. Bush would go on to talk about a "humble" foreign policy, but the Cheney pick betrayed that as unlikely. Maybe it would be the same with Biden.

And it wasn't just Biden and Gates. It was Hillary Clinton, who had supported the war from the start, and for long after most of her fellow Democrats had given up on it. Hillary was an exception to Obama's pattern on appointments: her experience did not qualify her for the job. Her appointment was designed to keep her "inside the tent." Her appointment suggested that Obama planned to concentrate on domestic, not foreign, issues — though 95 years earlier, when another not-too-experienced Democrat, Woodrow Wilson, had appointed his primary rival, William Jennings Bryan, as secretary of state, it hadn't worked out that way. Bryan had differed with Wilson's fake neutrality in World War I, and had resigned in protest.

Long term, health insurance is probably the big thing to worry about. But the worry would have been the same under any Democrat.

We shall see how long Hillary Clinton lasts as Obama's secretary of state.

In any case, the foreign-policy appointments showed that Obama was unlikely to make a quick end to the Iraq occupation, or, as he had said in July, a *decisive* end to it. By December he was talking about "a responsible drawdown" — again a cautious word, *responsible* — that would leave behind an undefined number of forces (military and civilian) to "maintain stability."

But that was *Bush's* policy.

Obama had said during the campaign that he would renegotiate the North American Free Trade Agreement, presumably more to the benefit of the United States and less to that of Canada and Mexico. His economic adviser, Austan Goolsbee, had whispered to the Canadians not to worry about it, a hint that some dumb Canadian leaked and Obama had to deny. Traders assumed that Goolsbee had been telling the truth, but it worried them that Obama had voted against the Central American Agreement and had been supported in his election campaign by the unions. George W. Bush had been no purist — his farm subsidies had sabotaged the multilateral negotiations — but his administration had negotiated quite a number of two-country trade and investment deals. The most important was with South Korea, but that agreement remained unratified on either side. Obama was less likely to ratify it and less likely to pursue more two-country deals. Yet he was not fundamentally anti-trade, as Ross Perot had been 16 years before.

People forget that Roosevelt did not run on a radical platform in 1932. He reached for power because he sensed the opportunity.

In sum, the future was clouded. There seemed to be no revolution in prospect. Nevertheless, the economic earthquake of 2008, the vision of Obama as a messiah, and the Democrats' gain of two-score seats in Congress suggested that the changes could be greater than usual. Evoking modern liberal hopes and libertarian fears, and summoning something like the shade of FDR, the New York Times left-liberal columnist Paul Krugman commented on Nov. 10: "Progressives hope that the Obama administration, like the New Deal, will respond to the current economic and financial crisis by creating institutions, especially a universal health care system, that will change the shape of American society for generations to come."

Hillary Clinton had been for mandatory health insurance. Obama had been against it. But both had been for extending the offer of subsidized coverage, which already exists for the old and the poor, to every American not otherwise insured. Indeed, Democrats had been preparing the country for this idea for 60 years, and polls suggested that they now had a majority with them. In the matter of medicine, most Americans want to be taken care of. But most of them already are taken care of, either by an employer or by the government, and they don't want to lose what they have. Fomenting fear of such a loss is how the insurance industry killed Bill and Hillary Clinton's plan for government health insurance in 1993–94.

For that reason, and for financial reasons, the Democrats will likely enact a plan for the uninsured only. Doctors and hospitals, whose interest is in getting paid, will be inclined to support it. Republicans will play from a weak hand. Their alternative, health savings accounts, have been successful only with the self-employed. They are a niche product only. Republicans, too, like to be taken care of.

Among long-term political changes, health insurance is probably the big thing to worry about. But the worry would have been the same under any Democrat, and whether there was an economic crisis or not.

Obama also supported card-check for union representation elections, a scheme to which the Democrats have given the Orwellian name, "The Employee Free Choice Act." Since the New Deal, the system to unionize workers has been a work-group election with a secret ballot. Libertarians have never approved of union representation by election because elections decide for the group as a whole, winner take all, and the libertarian view of the worker's right of contract is that it is individual and can be delegated only by the individual. To a libertarian, asking each individual to sign a card to accept the union is fine, *if* the workers who signed would be in the union and the workers who refused would not. But that isn't the proposal.

The proposal is for a group election with a non-secret ballot. Because membership of the whole group is potentially at stake with each worker's vote, and the union rep can put the card in the worker's hand and ask that he sign, this system offers *less* freedom of choice than the current one. And so the Republicans will be opposing it *by defending the labor law of the New Deal.*

Expect a big fight over card-check, with Republicans talking about the sacred right of the secret ballot.

The card-check bill also includes another thing that weakens free negotiation: a provision for binding arbitration. That, said Fred Smith, "may be more dangerous than card check." And there are other proposals that libertarians would fight: bringing back the Fairness Doctrine (another Orwellian name) to kill talk radio, for example. Obama has not endorsed it, but leading Democrats in Congress, such as House Speaker Nancy Pelosi, have done so with enthusiasm.

The degree of boldness of the new administration will depend only partly on what Obama believes. It will also depend on his mantle of sainthood, to what extent it still exists, and how long it may last; on how courageous Republicans are, and how well they fight; on the media; on the public mood; and on events generally. People forget that Roosevelt did not run on a radical platform in 1932, or have a radical vice-president, at that time. He reached for power because he sensed the opportunity, which existed partly in the reigning ideas of the day and partly in the circumstances in which he operated. The ideas are different today — less systematically socialistic, though not necessarily less enamored of state power.

Much will depend on how far business falls. In the month before Obama's inaugural there was a feeling that the stock market might be near a bottom and business might be within six months of an upturn. If so, the opportunity Rahm Emanuel spoke of will be nothing special. But if there is another lurch downward, everything will change. ❑

Reflections, *from page 22*

the involvement of his staff, especially that of his chief assistant Rahm Emanuel.

But the scope of Democratic corruption, recently revealed, is much broader and deeper than just the Blago story. Consider next the case of the greatest private Ponzi scheme ever perpetrated, Bernard Madoff's fraudulent investment firm. Now, again, the MSM covered the story, but as simply that of another Wall Street wizard ripping off the public. What the MSM has been virtually silent upon is Madoff's record of campaign contributions.

Despite some early, modest contributions to a few Republicans, Madoff was a major Democrat contributor. During the last four years alone he contributed $100,000 to the Democratic Senatorial Campaign Committee. At other times he contributed $8,300 to Senator Chuck Schumer's (D-NY) campaigns and various lesser amounts to such luminaries as Hillary Clinton (D-NY), Jon Corzine (D-NJ), and Frank Lautenberg (D-NJ), not to mention a dozen other prominent Democrats.

Another prominent congressional Democrat who received Mad Madoff Money was Rep. Charles Rangel (D-NY). But Rangel is embroiled in even bigger ethics scandals. First, it turns out that he channeled nearly $80,000 from his campaign funds to his son's company for "web design." (The company is headquartered in his son's house.) This is the same son for whom Rangel had earlier found a job in the FCC. While these actions may be technically legal, they reek of nepotism at the least.

The ever industrious Rangel is also facing four major House ethics panel investigations on other matters, such as his use of a rent-subsidized New York flat as an office, and his failure to report rental income from a palace he owns in the Dominican Republic.

Then there is the curious case of Ohio's Director of Job and Family Services, one Helen Jones-Kelley. She is just one of apparently a number of high state officials who used their positions to dredge up dirt on Samuel Wurzelbacher, aka "Joe the Plumber." Jones-Kelley, an ardent and unprincipled Obama supporter, was furious at the sight of an ordinary citizen daring to ask Obama a tough question (something the MSM never does). So she took it upon herself to search the state's database to find dirt. She has now resigned, along with the department's assistant director Fred Williams.

The real scandal is that these partisan hacks weren't fired and hit with criminal charges the moment it came to light that they misused their offices to destroy a citizen in an effort to advance their preferred chosen candidate. It appears that Mr. Wurzelbacher was subject to as many as 18 computer checks by various state employees, and unfavorable information given to the press about him, yet Democratic Governor Ted Strickland has been predictably limp about dealing with this blatant abuse of power. Nor has the MSM cared much about the story of a vicious attempt to destroy an ordinary person who dared to speak truth to power. Had he been a terrorist at Guantanamo the press might have cared more about his rights.

Now that the Democrats control Washington completely, we can expect that corruption will soon reach flood proportions. As Acton famously remarked, absolute power tends to corrupt absolutely. And the MSM will continue to underreport the facts.

— Gary Jason

Marshall Fritz, R.I.P. — With his booming voice, towering figure, and rapid-fire mind, Marshall Fritz (1943–2008) was the embodiment of the old Reader's Digest title, "My Most Unforgettable Character." Marshall died of cancer on November 4, a sad loss to the libertarian movement.

I met him in 1987. I was excited by the new organization he had created, the Advocates for Self-Government. Its mission was crucial: to help libertarians successfully communicate the ideas of liberty, avoiding the disastrous communication errors that were hampering the growth of the libertarian movement.

I invited Marshall to use my home as a base when he came to Georgia for the 1987 Democrat National Convention. That weekend, he and his co-conspirators converged on the convention with the newly-invented "World's Smallest Political Quiz," based on a chart created by Libertarian Party co-founder David Nolan. Marshall added ten simple questions on political issues. At the convention, he introduced thousands of people to libertarian ideas.

Marshall's quiz quickly spread around the world. Since 1987, over 10 million card versions of the quiz have been distributed. On the internet, the quiz has been taken over 11.5 million times. It is taken thousands of times every day. It reached still more millions by being reprinted or discussed in newspapers and magazines, including the Washington Post, the Atlanta Journal Constitution, the Miami Herald, and the London Sunday Times.

Marshall became my friend and mentor. He inspired and encouraged and challenged me, as he did countless other libertarians. He traveled around the world sharing his passion for liberty with everyone he met. The quintessential extrovert, he loved people and he loved sharing ideas. Being with Marshall was always an adventure. In a restaurant, you would find yourself in lively conversations with numerous strangers — waiters, fellow diners, the restaurant owner — all irresistibly drawn to this witty and provocative figure. Still others might be sharing in the same conversation long distance, via Marshall's ever-present cell phone. Marshall never missed an opportunity to open minds and hearts to libertarian ideas, and to bring together people to work for liberty.

In 1994 Marshall founded the Alliance for the Separation of School & State. He became a leading spokesman for ending government involvement in education. He was almost single-handedly responsible for bringing the phrase "separation of school and state" into the vernacular.

In reading tributes to Marshall, it is remarkable how many people say he literally changed their lives. His optimism and enthusiasm gave many libertarians hope for the future and encouraged them to stay in the fight.

Texas Representative Ron Paul recently read a moving tribute to Marshall into the Congressional Record. He concluded: "All of us who care about building an effective freedom movement owe a debt of gratitude to Marshall Fritz." Amen.

— Sharon Harris

Questioning One's Insanity

by Thomas S. Szasz

On one thing our authors agree: psychiatry can be a dreadful thing, especially when it's sponsored by the state.

"The Changeling," the recent Clint Eastwood movie, "reveals the perversity of a system in which it is virtually impossible to prove one's sanity," writes Jo Ann Skousen (Jan.–Feb. 2009). This statement completely misses or avoids the point about the problem psychiatric incarceration poses for many libertarians.

To begin, the term "sanity" ("insanity") refers to a judgment, not a phenomenon or illness or fact. In "The Changeling," Angelina Jolie's character has no trouble proving to her son's dentist and teacher that the boy impersonating the child is not her son. She has trouble proving it to the police and the psychiatric system. Why? Because they are corrupt and destructive, each having its own fish to fry. The police's fish is staging a publicity stunt to enhance its soiled image. Psychiatry's fish is convincing the world and itself of the lie that insanity is an objectively identifiable illness "like any other" is true.

When psychiatrists categorize ("diagnose") an unwanted individual as "mentally ill" or "insane," they do not describe or identify a disease, they delegitimize a person or behavior — formerly homosexuality, now substance abuse. However, our culture and laws authenticate psychiatrists as bona fide medical doctors and define the "conditions" they call "mental illnesses" as diseases on a par with cancer and diabetes. At the same time, psychiatrists continue to incarcerate "mentally sick" persons and possess the power to compel "patients" to submit to unwanted invasions of their bodies with toxic chemicals and electrically induced grand mal seizures.

How do friends of freedom deal with the conflict between elementary libertarian principles and prevailing psychiatric practices? This is the question I addressed and answered in my book "Faith in Freedom: Libertarian Principles and Psychiatric Practices" (2004). The distinguishing feature of the libertarian philosophy of freedom is the belief that self-ownership is a basic right and initiating violence is a fundamental wrong. In contrast, psychiatric practice is based on the belief that self-ownership — epitomized by suicide — is a medical wrong and that initiating violence against persons called "mental patients" is a medical right.

Are self-medication and self-determined death exercises of rightful self-ownership, or manifestations of mental diseases requiring deprivation of liberty? Does deprivation of liberty under psychiatric auspices constitute odious preventive detention, or is it beneficial, therapeutically justified hospitalization? Should forced psychiatric drugging be interpreted as assault and battery or medical treatment?

These questions point to delicate, embarrassing, uncomfortable human dilemmas that most people prefer to avoid.

Although "Faith in Freedom" received glowing prepublication endorsements from several prominent libertarian scholars, neither Liberty nor Reason reviewed it.

Skousen, describing Jolie's character's psychiatric imprisonment, writes "When she complains to the police and begs them to continue the search [for her kidnapped son], the police chief has her committed." Skousen realizes that there is a problem here that stares us in the face and yet we do not want to look at:

> It's a frightening issue, one that hasn't gone away: many states have the equivalent of Florida's Baker Act, under which a person can be committed to 30 days in a mental institution without recourse, if a psychologist [sic, not psychiatrist] deems the person dangerous to himself or others. (And when the psychologist is employed by the police department, it's pretty easy to predict whether the detainee will be so deemed. My own daughter came frighteningly close to being Bakered when she was 17, so I know how quickly it can happen.)

Nevertheless, Skousen avoids a more serious moral engagement with the routine use of psychiatric coercions (and excuses) in the United States. She is not alone.

Deirdre McCloskey — the Tinbergen Distinguished Professor at Erasmus University in Rotterdam — is an internationally recognized economic historian, teacher, and writer. In addition to numerous works on economics, she is the author of "Crossing: A Memoir" (1999), an autobiographical account of her journey from Donald to Deirdre McCloskey. What makes McCloskey's "Memoir" of particular interest and importance is that she is, to my knowledge, the only prominent libertarian who has been personally violated by psychiatrists: she was "hospitalized" — twice — because she "suffered" from a dread disease called "transsexualism." If not for her professional and social status, good attorney, and financial ability to fight the Chicago psychiatric machine, McCloskey might still be languishing in some Illinois state mental hospital. And she, too, probably wisely, chose to not engage the psychiatric Leviathan.

In a review of "Crossing" in The New York Times, the poet and writer Maxine Kumin attributes McCloskey's ordeal in part to mistakes by poor psychiatrists:

> His sister and one of her academic colleagues played a sinister role in trying to thwart him. They conspired to have him committed as mentally incompetent — unfit to sign papers for optional surgical procedures. . . . Twice during his determined journey into womanhood, they managed to have him incarcerated — handcuffed, locked away where he could not harm himself, at first in the University of Iowa Hospital's mental ward and later in the University of Chicago Hospital — to await evaluations by psychiatrists whose knowledge of his situation was less than rudimentary.
>
> The shrinks he had the misfortune to encounter seemed still to be operating at a pre '60s level.

The truth is that the psychiatrists McCloskey encountered were among the leaders of the profession. In Iowa, McCloskey's psychiatrists were Raymond Crowe, Professor of Psychiatry, an expert on Genetics and Developmental Neurobiology, a "seasoned, well-funded researcher"; and Robert Robinson, Professor and Chairman of the Department of Psychiatry, a recognized researcher in neuropsychiatry, and former Chairman of the Neurosciences Review Committee, National Institute of Mental Health. In Chicago, McCloskey's psychiatrist was Fred Ovsiew, a Member of the American Psychoanalytic Association, Associate Professor of Clinical Psychiatry at the University of Chicago, and director of its Inpatient Psychiatric Unit. These men cannot be dismissed in the way Kumin dismisses them. The fact that she assumes the doctors who abused McCloskey were bungling psychiatric troglodytes speaks for itself.

Revealing her inability to see past the psychiatric rhetoric to the psychiatric slavery it conceals, Kumin remarks, "Gender crossers are still waiting for the gender identity disorder to be removed from the list of mental illnesses." After their experiences with the mental health system, I would expect at least some gender crossers to scoff at psychiatric diagnoses and not care what unpopular behaviors psychiatrists classify as diseases. During my own lifetime, psychiatrists have removed masturbation, fellatio, cunnilingus, and homosexuality from the list of mental illnesses, yet managed to triple and quadruple the number of disorders listed in the American Psychiatric Association's (APA) "Diagnostic and Statistical Manual," adding, for example, caffeinism, nicotinism, dysmorphobia, and pathological gambling.

The legitimacy of psychiatry rests entirely on its being a branch of medicine. It has no legitimacy as a quasi-theological system allied with the state for the forcible resolution of family conflicts and social problems. Sadly, there is, in modern society, no legitimate space for thinking and speaking clearly about psychiatry. Even emphasizing the differences between consensual psychiatric practices helping patients and coercive psychiatric practices harming them is now anathema.

The practices of psychiatric slavery are deeply embedded in our society. Even an account as fine as "Crossing," written by so eminent a witness as Deirdre McCloskey, makes no impact on the unquestioning approval of this peculiar institution by bioethicists, journalists, writers — and many libertarians. ❑

Jo Ann Skousen responds:

I appreciate Thomas Szasz's eloquent and informative response to my review of "The Changeling." Although I would not go so far as to agree with him that psychiatry is a "quasi-theological system aligned with the state," or that there is no such phenomenon as mental illness, I don't think we stand in opposite camps on the issue of psychiatric abuse and incarceration.

Szasz writes: "To begin, the term 'sanity' ('insanity') refers to a judgment, not a phenomenon or illness or fact." In my review I wrote: "the doctor has deemed her unbalanced." "Deemed" means "judged," so I don't see where we disagree. The doctors judged her unbalanced. That did not make her so "in fact."

Szasz takes umbrage at my use of the phrase "prove one's sanity" because he does not accept the idea that sanity is a condition that can be proved or disproved. But I used the word "prove" in a legal sense, not a scientific one. Christine Collins was incarcerated by court order, so she would have to be released through a reversal of that order, which meant she

continued on page 34

Promise Now, Pay Later

by Jim Walsh

Among the states, the question isn't who is most likely to succeed — it's who is most likely to default.

For a fleeting moment, between tabloid outrage over the crooked Illinois governor and Bernie Madoff's Ponzi scheme, we caught a glimpse of the coming reckoning. Bureaucrats at various levels of American government play a game of hot potato with financial responsibility for the benefits that politicians promise voters. The game involves trick plays — unfunded mandates, off-balance-sheet transactions, and imaginary "trust funds" that don't contain any money. But these tricks won't prevent the potato from dropping to the floor. It may not drop this time. But it will drop.

Already, in September of last year, California's state legislature was struggling to close a $15 billion budget deficit, one of the largest in state history. But its projections for the troubled 2009 fiscal year proved, almost immediately, to have been too optimistic. State tax revenues — from income taxes, sales taxes, and property taxes — were all down. Substantially. And within 90 days, the state predicted, it was facing an additional $11.2 billion deficit for 2009. Gov. Arnold Schwarzenegger had run out of jokey references from his old movies. He suggested an increase in the state sales tax; but legislators in his own (nominal) party, the Republicans, rejected the idea. He was left to admit that the Golden State might not be able to pay its bills.

California wasn't the only state having money troubles. Many states along the east and west coasts were pinned between the Scylla of collapsing real estate values and the Charybdis of constitutional mandates for balanced budgets. Some were reporting that their unemployment insurance reserves were running out, just as claims were starting to spike. They didn't have many options. To balance their books, they had to cut budgets or raise taxes.

So they appealed to the federal government for financial aid. Schwarzenegger spoke openly about his plan to appeal to the incoming president for direct federal support to California's operating budget. His assumption — which seemed to be shared by other state officials — was that the $720 billion Troubled Asset Recovery Program that Congress had created in the fall of 2008 could be used as a multipurpose slush fund. (And the Bush Administration's cagey use of TARP money only encouraged these conclusions.)

Some disgruntled Californians blamed the fiscal crisis on state benefits offered to illegal aliens and their "anchor babies" born in the U.S. And that is a major and growing expense. The real flashpoint, however, lies somewhere else. And it doesn't even show up in the red ink-stained 2009 budget.

During the 13 months ending in early December 2008, the investment portfolio of the California Public Employees' Retirement System (CALPERS) lost almost a third of its value — an $81.4 billion drop from just over $260 billion to just under $180 billion. CALPERS manages retirement money for a range of government employees, including firefighters, police officers, social workers, and some teachers. Fund managers said that capital reserves designed to protect against market downturns were helping offset the losses, but they reserved the right (accorded specially to CALPERS by California law) to require state and local governments to contribute additional cash to support the defined pensions promised to CALPERS beneficiaries.

CALPERS fund managers invested in risky ventures. If they screwed up, they could always rely on local governments.

This statist version of a capital call is unique in the American labor market. Only government entities can do it. But, as CALPERS executives reviewed their investment losses and mulled their options, local government officials insisted they didn't have any additional cash to contribute. CALPERS' response was that it would sue local governments that didn't pay up if the investment portfolio was still in the red by June 30, 2009. In terms of draining resources from the commonweal, illegal aliens are amateurs when compared to CALPERS pensioners.

California Treasurer Bill Lockyer, who sits on the CALPERS board, predicted that if local government agencies had to dig deeper to fund pension obligations, "state and local government employers would be spending more on retirement than on some immediate program needs." Legacy labor costs were overwhelming current operations. The beleaguered executives at General Motors could tell you about *that*.

It wouldn't take Friedman or Hayek to see that a rational solution to actuarily-unsound pensions for government workers would be to convert their pensions to a 401(k)-like defined contribution system. In 2005, Schwarzenegger had proposed converting California's public pensions to just such a system, but government-worker unions (chiefly the Service Employees International Union, but also some teachers' collectives) went on the warpath against the reforms. The Governator backed down.

Why is CALPERS in such financial trouble? If it funded reserves against market volatility, why does it have to go back to local governments, like a child at summer camp who's blown through his spending money and is now writing mom and dad, and asking for more?

In part, CALPERS is in a pickle because it didn't just invest in Treasury securities and index funds. Impaired by moral hazard, its fund managers mistook themselves for Donald Trump; they invested in high-flying real estate projects and other risky ventures. And why not? If they screwed up, they could always rely on the help of local governments.

As day follows night, they did screw up.

In June 2008, southern California-based LandSource Communities Development LLC filed for Chapter 11 bankruptcy protection — another victim of the subprime mortgage market collapse. LandSource's business plan had been to develop 23,000 houses on 15,000 acres of land it had purchased in the far outskirts of Los Angeles. The houses would be marketed to low- and middle-income buyers, precisely the people pushed out of the homebuying market when easy-credit mortgages disappeared.

But how did this longshot failure affect CALPERS? Badly. Just a year earlier, the pension fund had invested about $900 million in cash and property in LandSource, receiving in exchange a 62% interest in the development project. The original developers, which included real estate firms LNR Property and Lennar Homes, pocketed CALPERS' cash. At the time of this investment, LandSource's property was valued at $2.6 billion; a little more than a year later, in June 2008, it was valued around $1.8 billion. If you believe that losses don't matter, you're more likely to incur them.

LandSource wasn't CALPERS' only bad investment. It had purchased or guaranteed financing on more than $3 billion of real estate in several California markets. The guarantees had a disastrous impact on its portfolio. In many cases, it had bought undeveloped land using 75–80% debt, and then hired other firms to develop, build, and sell houses on the property. When the single-family home market collapsed, some projects dropped below the value of the underlying loans. Because CALPERS had guaranteed the financing, it risked taking losses on entire projects, not just on its cash investment.

Promiscuous use of the term "guarantee" is something common to CALPERS ventures. In early 2008, CALPERS investment executives started hiding behind money-management jargon that sounded more like sleazy Enron doublespeak than the populist righteousness they'd historically favored. According to one report, they "made [it] clear that those March [2008] valuations did not represent market value and that staff expects to provide net assets at fair market value in its next quarterly real estate report." And:

Because CALPERS had guaranteed the financing, it risked taking losses on entire projects, not just on its cash investment.

> The board hired additional real estate consultants and advisers to help assess each project to determine whether to continue holding the property, build smaller homes on some parcels to pay down the debt or sell it off entirely.

Hiring consultants. The last act of desperate people.

For decades, government employee pension funds have been some of the easiest and most reliable sources of capital management fees for Wall Street firms. Despite (or maybe because of) this lucrative connection, many Wall Street sharpies say that the pension funds remain underfunded because the managers are stupid.

In the summer of 2008, CALPERS realized that it was going to have to do something to make up for losses it had suffered in its residential real estate adventures. It needed to maintain an overall investment return of about 7.75% to meet its financial targets. Its real estate projects were deep in the red, and its conventional stock portfolios were struggling. So, it cashed out billions of dollars from its stock portfolios and transferred that money to funds run by legitimate but aggressive investors like Leon Black and Wilbur Ross. In short, it got into the hedge fund market just as *that* market started to drop.

What's the upshot of these money mistakes? Forbes.com quoted one pension expert as predicting that CALPERS might have to cut benefits and payouts by 30% because of investment losses. CALPERS, of course, sees things differently. According to an October 2008 article that CALPERS supplied to a firefighter union website:

> The U.S. economy is experiencing the biggest financial crisis since the Great Depression. . . . CALPERS remains financially sound, our members' defined retirement benefits are guaranteed by law, and our highly diversified portfolio and long-term market position will help us weather the storm. We will have a voice in much-needed market reforms.

That "guaranteed by law" part is an urgent theme for CALPERS. It appears three times in the firefighter article alone, and CALPERS repeats the phrase often, as if it has some talismanic quality. It doesn't. Laws have no magic that defies actuarial gravity.

In the article for firefighters, CALPERS went on to offer advice for "steps to fix the market":

> • Continuing federal action is needed to restore stability — step by step, market by market — to remove leveraging and take losses.
> • The federal rescue plan is a positive first effort of what should be a comprehensive, thoughtful review of the federal role in overseeing the financial markets. The focus should be on solving the problem and implementing the lessons learned.
> • There's talk in Washington, D.C., of changing the regulatory environment to eliminate gaps in oversight and make it more comprehensive. These changes might entail stronger capitalization rules, realistic leveraging limits, and better reporting rules.

This was ironic: an insolvent pension fund presuming to recommend financial market reforms.

It's easy to talk about deleveraging and taking losses when your own mistakes are "guaranteed by law." In standard legal contexts, a contractual guarantee from an insolvent party is dismissed in bankruptcy court. But this resolution doesn't apply to the guarantees that local California governments give CALPERS. Those are required by statute. So the proper question is: What happens when one government entity makes a law that involves a "guarantee" by other government entities, which may not be solvent?

The short answer seems to be that all sides turn to President Obama for financial aid.

While CALPERS positioned itself to make a capital call that local governments couldn't afford, New Jersey's pension fund was creating similar discord in the Garden State. The New Jersey fund had lost more than half its value in the year ending in November 2008, dropping from a value of $118 billion to just under $58 billion. (This endowment funds pension payouts of about $5.2 billion each year.) Some of its bad investments included late purchases of stock in CitiGroup, Merrill Lynch, and several other ill-fated Wall Street firms, just as their troubles were becoming public knowledge.

CALPERS investment executives started hiding behind jargon that sounded more like Enron doublespeak than the populist righteousness they'd historically favored.

While New Jersey Division of Investments chief Bill Clark ran through the wretched numbers with the State Investment Council, Gov. Jon Corzine promised a convention of local government officials that he would let them postpone half a billion dollars in payments that they were scheduled to make to the pension fund this spring. The local governments would gradually work their way back to full payments by 2012, the money to come, of course, from taxes. Corzine's proposal was moral hazard run amok. In trouble with bills coming due? Okay. Then stop making *any* payments, until you can find someone else to pay them.

The New Jersey approach seems, at first glance, more supportive of local governments hurt by the recession. Yet it is, ultimately, not very different from the California appeal to Obama. It just gets to the same point in another way. Corzine wasn't as direct as Schwarzenegger; in New Jersey, they'd count on the indirect effects of Obama's massive stimulus package to resuscitate state tax revenues. This was naive, to put it mildly.

The absurdity of New Jersey's situation wasn't lost on anyone. One government bond analyst replied:

> The state of New Jersey is insolvent. Bankrupt might be a better word. New Jersey is $60 billion in the hole on pension funding and the Governor is planning on skipping payments in a "pension payment holiday" until 2012 so as to not increase property taxes. To top it off, the ongoing plan assumptions are 8.25%. Sorry NJ, that simply is not going to happen.

As in California, New Jersey's pension problems follow from bold promises and bad actuarial assumptions. On average, state workers contribute less 4% of their total expected pension return. In other words, some New Jersey employees invest $80,000 and get back defined benefits of $2 million over the course of their retirements.

As in California, some serious people suggested moving the New Jersey pension system to a defined contribution program. But others warned that, even if new government employees were given 401(k)-type retirement benefits, the existing employees would remain stuck in an unsound program. And, in many circles, the suggestion of moving existing state employees into 401(k)-type plans was deemed political suicide. Few elected officials in New Jersey will even *discuss* that scenario, at least on the record.

Another budget-buster was health insurance for retirees before they become eligible for Medicare. If New Jersey enacted legislation that required all state and local retirees to pay half their health care costs, the other commitments to pensioners would become manageable almost immediately. Few will talk about this. But denial isn't a solution. Pensions built on credit aren't viable in the long run. Supposed "guarantees" can't trump hard numbers.

What happens when one government entity makes a law that involves a "guarantee" from a separate, and insolvent, government entity?

Even before the investment losses of 2008, two actuarial factors were driving New Jersey's pension costs to unsustainable levels. First, the number of public employees on the pension rolls has increased dramatically in recent years; second, politicians had granted state and local government workers several unscheduled bonuses and cost-of-living raises. Taxpayer income and state revenue didn't keep up with the escalating public employee payroll costs, including guaranteed pension obligations.

State officials should have been honest about their pension obligations and made the necessary payments to fund them fully. Instead, they spent the early- and mid-2000s on a manic spending spree. In late 2008, the bill came due. Corzine recommended hiding it, unopened and unread, at the bottom of the stack, until he talked either New Jersey taxpayers or President Obama into taking care of it.

The thing to keep in mind, despite Corzine's rhetoric, is that the nearly $60 billion he was seeking was not money owed by New Jersey taxpayers. It was money already paid that government fund manager had lost. So, again, the relevant question: Is a guarantee from an insolvent government worth anything? During the summer of 2008, John Bury, a columnist for the Newark Star-Ledger, wrote:

> Will participants in the New Jersey state retirement plan lose their pensions if the plan runs out of money? The answer I kept getting was that they won't because those benefits are safeguarded by the state constitution. After some research, I concluded otherwise.

In the precedent decision *Spina* v. *Consolidated Police & Firemen's Pension Fund*, the New Jersey state supreme court had declined to apply conventional contract rights to a retirement plan because a defined-benefit plan must, by its nature, assume solvency that a contract doesn't. "We think it more accurate to acknowledge the inadequacy of the contractual concept" as applied to retirement plans, the *Spina* court concluded. In other words, any contractual "guarantee" in a retirement plan is inherently suspect.

This is a key point: if you make a contract with a bankrupt entity, that contract is suspect. There's no guarantee of solvency. Claims of pension moneys being "guaranteed by law" are dubious. If the plan is bankrupt, its solvency is obviously not guaranteed. Public officials (and, for that matter, pensioners) who count on these supposed guarantees are being reckless.

Corzine wasn't alone in his recklessness. He was merely following a rogues' gallery of New Jersey governors in playing games with government employee pension accounting. In the 1990s, Gov. Jim Florio had the assets of the public pension funds reevaluated, since their book values were based on their purchase price, and they'd risen in value. He had fund investments revalued to show a rolling five-year historical average. Florio's adjustment gave the assets a higher value, which allowed any more contributions to be decreased or eliminated.

Five years later, Christie Todd Whitman was governor through the dot.com bubble. During her tenure, the New Jersey pension fund invested heavily in tech stocks. The return on those investments was good, but not good enough for her to keep taxpayer monies away from the pension funds. So she revalued the assets from Florio's five-year average to a market value average that boosted the paper value of the stocks even higher. And she told local governments they could take a holiday from contributing pension money.

Private-sector money managers avoid market-pricing asset models for retirement portfolios that are close to having to distribute funds to owners. The closer you get to needing to take money out of a retirement fund, the less the market value of holdings matters. What matters is the cash flow generated by those assets — which is why conventional money management strategies move retirees into fixed-income securities. Fixed-income investments (including corporate or government bonds) are more about paying dividends than about rising in value. But statist bureaucrats can't resist the go-go allure of booming asset values.

Rather than buying bonds, Christie Todd Whitman sold them. She approved issuance of $2.2 billion dollars in bonds with a 30-year term, paying 8% interest. Most government bond interest rates at that time were a couple of points lower, but Whitman argued that these bonds were special. They made no payments for the first 12 years and then, during the last 18 years, they paid both the deferred interest and the current interest. She appeared to assume that high interest rates would be no problem because dot.com-type investment returns would go on forever. She was wrong — sort of like the current CALPERS and New Jersey fund managers.

The interim governor who followed Whitman after she joined W. Bush's administration wanted to keep the job, so he kept using Whitman's grand assumptions and even raised government pension payments by about 9% in a shameless attempt to curry favor in and around Trenton. He failed. James McGreevey was elected governor. His treasurer came up with

the idea of privatizing some of the investments to hedge funds, which were doing better at that time than conventional stock investments. This move wasn't immediately catastrophic, but it moved New Jersey several steps down the path to a high-risk pension portfolio. The pension funds dropped in value to $53 billion in 2003. By the end of fiscal 2007, they'd climbed back to $82 billion; but realistic actuaries argued that this was still at least $24 billion below being fully funded.

McGreevey had some personal-life issues and resigned. Corzine won the next election. To his credit, he did try to restore some local government contributions to the underfunded pension fund. But in actuarial terms his efforts were too little, too late . . . and he backed away even from these when the economy turned bad.

In both California and New Jersey, mistakes have been made by various administrations and both major political parties. From the perspective of government workers, Schwarzenegger, Corzine, and the others have all been stealing, because — whatever the mechanics of the various schemes — they haven't put in enough money to fund the supposedly guaranteed payouts. Even if the state of California or the New Jersey pension fund gets direct injection of cash from President Obama, there's little reason to expect that local politicians won't siphon it away again (perhaps indirectly, by putting in less than actuaries would require).

How can Schwarzenegger and Corzine get away with this stuff? What prevents Obama from telling them to solve their own problems?

The answer to both questions is government employee unions. The influence of public-sector unions (specifically, teachers' unions and the SEIU) in California and New Jersey leads to unsustainably generous benefit and pension packages. These have made California, Michigan, and New Jersey the General Motors, Chrysler, and Ford of state governments.

State officials spent the early- and mid-2000s on a manic spending spree. In late 2008, the bill came due.

Private-sector workers watch their retirements wiped out by Fed-induced market bubbles; financially responsible citizens watch their savings wiped out by Fed-induced inflation. All the while, government workers insist that their money is "guaranteed" by the spendthrift state.

The risks posed by the budget problems in California and New Jersey — which are, particularly, pension problems — are only beginning to surface. Similar issues will occur elsewhere. Limited-government advocates worry that, in the end, the only way Obama can save the pensions of the SEIU member who were his early supporters will be to copy Argentina and seize the savings of those who have saved for themselves.

Ambrose Evans-Pritchard, a tart financial columnist for the English newspaper the Telegraph, wrote a piece in November that looked at speculation among European traders that various nations and American states will declare bankruptcy, or default on their debts. These traders had developed markets for derivative securities that set present value on the risks that governments will default. According to British traders, the American states most likely to default, and their relative risk "scores," are:

Michigan	192
California	165
Nevada	164
New Jersey	150
Ohio	104

There were some limits to this exercise. The original models for calculating default risks were designed for sovereign nations. California doesn't print California dollars. (If it did, it would probably be debasing that currency even more aggressively than the U.S. is doing now.) Most of the British traders expected that, if an American state went bankrupt, the federal government would intervene.

Private-sector workers see their retirements wiped out by Fed-induced market bubbles while government employees insist their money is "guaranteed" by the spendthrift state.

Evans-Pritchard looked at the prospect of a state bankruptcy in the same way that a rational investor would look at a troubled company. If a company's risk was increasing, as reflected in a share price consistently below industry average and a cost of borrowing consistently above, what would investors want sound management to do? It would probably do five things, in the following order: replace some or all of the firm's directors, cut discretionary and operational expenditures not linked to wealth creation, dispose of assets that don't contribute to immediate wealth creation, pay down debt, innovate and improve performance to regain market share or develop new markets.

How does a financially troubled state government do any of these things? The judgment of governors and state pension managers is often clouded by moral hazard. This is the reason that government-employee pension funds (like some private-sector pension funds) are chronically underfunded. Employers, whether government or private-sector, make the rational decision that childlike demands for "guaranteed" pension benefits will result in some kind of subsidy or bailout at a later date.

The same phenomenon occurs when a young adult spends too much money because he assumes his parents will bail him out. Some young people never make this kind of mistake. Of those who do, most make it only once. A handful, from particularly indulgent families, make the mistake repeatedly. The United States has been particularly indulgent to its government pensioners.

The best solution is to privatize state pension funds and put them in the control of the beneficiaries. It's the only reliable way to keep politicians' hands out of the pension cookie jar and, ultimately, out of the taxpayers' pockets. It would force local governments to budget for and fund (in real time) new benefits granted or new employees hired. If the pensioner hands all of her money over to Bernie Madoff, that's her folly. The current crisis is a joint-and-several folly forced on all of us. It would be a little harder for politicians (the Madoffs of the "guaranteed by law" swindle) to lie to and steal from taxpayers if state employees controlled their own pensions.

Limited government advocates may have a hard time mustering excitement about the issue of government employee pensions. But the death of the leviathan state will start with a pension debate. Already, the post-World War II generations are finding Social Security benefits — which are even less actuarially sound than CALPERS' promises — smaller, and harder to earn for current recipients. If you're under 50, you know the feeling: you're not going to collect the way your parents have or did. You're going to pay more and longer into the system and you're going to withdraw less for a shorter time.

Inflation-indexed, defined-benefit pension plans and gold plated post-retirement health care benefits for government employers are the greatest off-balance-sheet financing trick of the post-World War II era. These actuarially unsound programs have a corrupting influence on *all* pension programs. They encourage citizens to think in childish terms about financial planning, crying about "guaranteed" benefits whenever times get hard. As the current and wretched state of these pensions suggests, they seem likely to drive all participating states to eventual bankruptcy or default.

Barack Obama probably has the political capital to prevent the current recession from becoming the crisis that kills big government. But a president's political capital is merely a function of America's overall financial capital. Sometime soon . . . maybe next time . . . the hot potato is going to drop and the game is going to end once and for all. ❑

Questioning One's Sanity, *from page 28*

had to prove to the court that she was sane. If Szasz does not think it possible to "prove one's sanity," then surely he sees the "perversity of the system," as I described it.

More importantly, I agree with Szasz that psychiatric incarceration is a serious issue, because it gives government agents the power to condemn without trial any behaviors of which they do not approve. That's why I compared Collins' experience to what is happening at Gitmo through Homeland Security today. In short, I did not say the issue isn't important to libertarians or indeed to all people; the point of my review is that I didn't think this particular story, dramatic and emotional though it was, gives us cause for celebration. Collins' tormentors were found guilty, but the practice of psychiatric incarceration did not end with her case, so it was a limited victory. Moreover, 20 boys were brutally terrified, tortured, and murdered. The film gave audiences plenty of reason to be horrified, but nothing to cheer about, in my opinion.

One final point: Szasz's "sic" notwithstanding, it was indeed a psychologist, not a psychiatrist, who interviewed my daughter in preparation for incarcerating her under the Baker Act. A psychiatrist surely would have been the next step if the police had been successful in their bid, but the initial interview was performed by a psychologist, who sent me a letter later that week informing me that she deemed my daughter a danger to herself. Fortunately, by that time our attorney had secured my daughter's release and we filed the letter under "C" for "Crackpot." But let me warn you: Never throw a water balloon at a parked car in Orlando. ❑

Letters, *from page 8*

of our republic, then please, get with Cato and others to start an intensive PR and education effort. As the statists now in power inevitably continue to work to ruin our economy and take our liberty, a focused media campaign might begin to soften up the electorate. How about starting with a remake of "Free to Choose," possibly narrated by John Stossel? With the benefit of such a campaign, a fresh, articulate Republican candidate with a real understanding of the free market and the ability to explain what are actually pretty simple (and at this point, almost self-evident) concepts might shift the debate during the next Republican presidential primary.

William Mostow
Phoenix, AZ

Small Change

Ross Levatter quotes an email that had made the rounds with an argument that instead of a $700 billion bailout, the Treasury should just cut a check to each of the 200 million American adults in the amount of $425,000 (Reflections, December 2008). Levatter comments that "the actual result of dividing 700 billion dollars by 200 million Americans is $425." Not quite. The answer is $3,500.

Warren C. Gibson
San Carlos, CA

The editors respond: As Mr. Gibson, among others, pointed out, the innumeracy of the American public found an outlet in this reflection; the error, however, was ours and not Dr. Levatter's. The original calculation in his reflection was based on a different figure for the bailout; when the text changed we failed to change the numbers as well. Our apologies.

Hot Topic

Jim Lippard engaged in the fallacy of extrapolating past trends indefinitely into the future when he wrote "This helps to further shift the global warming debate out of the realm of 'is warming happening?' to 'how much has it warmed, and how much will it warm in the future?' " (Letters, December.) Just because the cooling trend in the middle of the 1900s turned into a warming trend in the 1970s doesn't mean that this trend can't reverse once again.

Mr. Lippard inadvertently hit on the nub of the debate when he then commented, "Equally valid questions to debate are 'how much of the warmth is manmade?' " Indeed. If most of the observed warming from the 1970s until

continued on page 54

Bullet Train to Bankruptcy

by Randal O'Toole

What should people do when their state runs out of money? The answer from California voters is: spend billions on a new rail line.

Having used a number of one-time-only accounting tricks to close a $15 billion gap in the state's 2009 budget, the California legislature now faces a $28 billion gap in its 2010 budget. What better time to embark upon a risky megaproject that will likely put the state another $20–$30 billion in debt and add several billion dollars to the state's annual deficit?

Incredibly, some 52% of California voters agreed last November when they decided to build the first leg of a high-speed rail project from San Francisco to Los Angeles. Their decision could cost federal taxpayers as much as $250 billion.

If you live in California, the high-speed rail vote will require increases in your taxes or cuts in other state services. The rest of the country won't be insulated from this: California fully expects the federal government to pay for at least half the cost of its high-speed rail. If Congress agrees to do so, other states are certain to demand matching funds for their own expensive high-speed rail plans.

California's November ballot measure called for selling $9 billion worth of bonds so the state can start construction on the 220-mile-per-hour San Francisco-to-L.A. line. But the California High-Speed Rail Authority estimates that the total cost of this line will be at least $33 billion.

A business plan that the Authority did not bother to release until after the election anticipates that the federal government will put up $12–$16 billion and local governments $2–$3 billion. That still leaves a gap of at least $6 billion. The Authority hopes to fill this by enticing private investors to put up the money in exchange for being given exclusive rights to operate and, they hope, profit from the line.

The business plan projects that the line will earn $1.1–$1.4 billion in operating profits each year. In exchange for putting up 20% of the costs, the private investors would get to keep 100% of these profits.

Not surprisingly, the Authority has injected a huge amount of wishful thinking into these numbers. To make operations appear profitable, the Authority assumes that 40–55 million people per year will ride the high-speed rail line. Yet Amtrak carries only about 10 million people per year on its Boston-to-Washington high-speed line, which is comparable in length.

California expects to run its trains faster than Amtrak's maximum of 150 miles per hour. But Amtrak's corridor has more people today than the California corridor will have a decade after the high-speed rail line opens for business.

Moreover, most of the people in the Boston-to-Washington

corridor are at intermediate stops, while almost all the people in the California corridor are near the end points. This is important because high-speed rail is far more competitive with airlines at distances of 100–200 miles than at the 400-mile distance from San Francisco to L.A. New York City, Philadelphia, Baltimore, Bridgeport, and Providence are all considerably larger than Fresno, the largest urban area in the California corridor between the San Francisco Bay Area and Los Angeles.

The California High-Speed Rail Authority promises that people will be able to travel from downtown San Francisco to downtown Los Angeles in two hours and 40 minutes. That is also a fantasy, say critics Wendell Cox and Joseph Vranich in a report prepared for the Reason Foundation, because no trains in the world go as fast in regularly scheduled service as California is planning. Vranich should know: he is the former president of the U.S. High-Speed Rail Association.

Even if the under-three-hour time prediction comes true, most people don't live or work in downtowns. Los Angeles has more jobs near its airport than in its downtown, and when all three major Bay Area airports are counted, the same is true for San Francisco. This means that only a small fraction of travelers will actually see any time advantages from rail, especially if airports find ways to speed their security procedures.

If the Authority's ridership numbers are a fairy tale, private investors won't put up billions of dollars to build the line unless the state guarantees them a profit no matter how much the trains lose in operations. Thus, with or without private funding, the state will be on the hook for a lot more money than voters were told about in the November election.

Nor will the Authority stop if it manages to complete construction of the San Francisco-to-L.A. line. Instead, it wants to then build branches to Sacramento, Riverside-San Bernardino, and San Diego. The Authority estimates these branches will cost at least another $12 billion.

U.S. rail projects go an average of 40% over budget, so Cox and Vranich think a more realistic cost of the entire system will be $60–$80 billion. Even at $45 billion, California's high-speed rail will be the most expensive state-built megaproject ever.

Any share paid by federal taxpayers will be just a downpayment. The Federal Railroad Administration (FRA) has proposed a national high-speed rail network extending more than 9,000 miles and serving more than half the states. If Congress gives California $12–$16 billion or more for 220-mph trains, you can bet that Florida, Illinois, New York, Texas, and other states on the FRA network will demand similar amounts of money for trains that are just as fast.

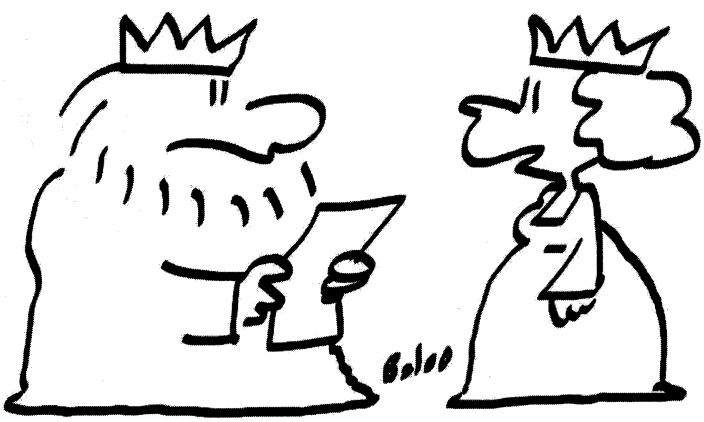

"You're the King — you're not in *any* tax bracket."

At the costs projected by the California High-Speed Rail Authority, taking into account local topography, construction of the FRA's complete network will cost about $450 billion. That's more than the inflation-adjusted cost of building the 47,000-mile Interstate Highway System. Yet the interstate highways move several times as many passenger miles, and far more freight, than would ever be carried by a 9,000-mile high-speed rail network.

And the FRA system is not the end of high-speed rail proposals. Rail advocates in Colorado want a high-speed rail line from Albuquerque to Casper, Wyoming, with a branch to Aspen and other Colorado ski areas. Montana rail advocates are pushing for a line from Fargo to Missoula. Given the way we know Congress works, there will be no end to the inane proposals until all 50 states have their share of rail money.

Advocates of California high-speed rail say their plan will reduce traffic congestion, air pollution, and greenhouse gas emissions, and give people alternatives when energy costs rise. In making these claims, they had to hope that few people would carefully read the environmental impact report that the Authority prepared for the project.

The report projected that high-speed rail would take only 3.8% of traffic off parallel freeways. Since California rural highway traffic grows by more than 3.8% every two years, the state would spend nearly a decade constructing a project whose benefits would disappear just two years after opening. High-speed rail would have its biggest effects on air travel, not highways. The environmental impact report projected that, if the high ridership projections were achieved, the heavily subsidized high-speed rail would divert nearly two-thirds of local air travel to the trains, which naturally would lead the airlines to cut service to communities on the rail lines. While rail might benefit downtown-to-downtown travelers, it would reduce the options to the far greater number of travelers who live or work closer to airports.

The environmental impact report estimated that operational energy savings would repay the energy cost of constructing the high-speed rail lines in a mere five years. To reach this conclusion, however, planners assumed that air and auto energy efficiencies would be frozen at current levels. In fact, both planes and autos are expected to become 2% more fuel-efficient per year. After adjusting for this, high-speed rail won't save any energy at all.

The same is true of pollution and greenhouse gas emissions. Even given the Authority's inflated ridership estimates, high-speed rail will simply not carry enough people to have a significant effect on emissions. The introduction of, for example, unsubsidized plug-in hybrid autos will do far more to reduce pollution and greenhouse gases than construction of high-speed rail.

In addition to being a colossal waste of money, high-speed rail gives urban planners greater justification for regulating land uses to try to get more riders. Planners will try to impose high-density developments near rail stations and restrict

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development elsewhere. California already has a surplus of such land-use regulation, but introduction of high-speed rail in relatively unregulated states like Texas, North Carolina, and Illinois will almost certainly lead to a rapid expansion of this sort of intrusive government planning.

Advocates of California's high-speed rail argued that America needs to catch up with the rest of the developed world. Outside of Amtrak's Boston-to-Washington corridor, America has no trains that go more than 90 miles per hour, and most go less than 80. By comparison, Japan and Europe are well known for their numerous high-speed rail lines that go 180–200 mph.

The California legislature faces a $28 billion budget gap. What better time for a project that will add another $20–$30 billion in debt and several billion dollars to the annual deficit?

Some people point out that Japan and Europe are more suited for high-speed rail because they have much higher population densities than the U.S. But the truth is that despite higher densities, high-speed rail doesn't work all that well in Japan or Europe either.

Japan introduced its 130-mph bullet trains to the world in time for the 1964 Tokyo Olympics. While generating lots of favorable publicity, these trains proved a disaster for Japanese National Railways. The state-owned company had earned a profit in every year since its formation in 1949, but it went into the red building the bullet trains.

In 1964, trains carried about 70% of Japanese travel, while autos accounted for only about 10%. The railway company responded to the increased costs of the bullet trains by raising fares, but this merely hastened a shift to the automobile. Meanwhile, local politicians pressured the company to build more high-speed rail lines.

By 1987, bullet trains were going 160 mph, but expansion of bullet-train service had increased the company's debt to more than $200 billion. Meanwhile, the automobile had captured half of all passenger travel, while rail's share had declined to a third. In the face of an economic crisis, Japan ended up privatizing the railway company, but not before absorbing all of its debt.

Italy, France, and Germany started building high-speed rail lines in the late 1970s and early 1980s. Today, trillions of euros later, Europe has an extensive high-speed rail network connecting London, Paris, Berlin, Brussels, and many other major cities.

Yet construction of this network has not halted the decline of rail's share of European travel. In 1980, when Europe had only one high-speed rail line, intercity rail carried 8.2% of passenger travel in the EU-15 (the 15 members of the European Union in 2000). By 2000, rail's share had declined to 6.3%. Auto's share has grown from 76.4 to 78.3%, and air travel has grown from 2.5 to 5.8%.

Rail has continued to lose share since 2000. In the EU-25 (the 25 members of the European Union in 2005), rail's share fell from 6.2% in 2000 to 5.8% in 2004. At best, high-speed rail has slowed the decline of rail's importance in passenger travel.

Because France and Germany have the most high-speed rail lines, rail has a higher share of travel in those countries than in the rest of Europe. But this is at the expense of buses, not autos: the automobile's share of travel in France and Germany is also higher than in the rest of Europe.

Rail advocates are gleeful to report when opening a new high-speed rail line leads European airlines to reduce or eliminate their parallel service. But just how do taxpayers benefit by replacing a for-profit airline with a heavily subsidized rail service?

Meanwhile, rail has had little effect on European highway traffic. "Not a single high-speed rail track built to date has had any perceptible impact on the road traffic carried by parallel motorways," says Ari Vatanen, a member of the European Parliament.

Americans drive for 85% and use intercity trains for only 0.1% of travel. Europeans drive for 76% of their travel, using intercity trains for 5.8%. This suggests that spending $450 billion on a high-speed rail network might get, at most, about 5.7% of Americans out of their cars. But it is unlikely to do even that much because, despite massive subsidies, rail's share of European travel continues to decline.

Though there was no organized opposition to the California high-speed rail proposition, proponents of the measure spent $2.75 million on their campaign. This mostly went for radio and television ads claiming that rail would reduce traffic congestion. The vast majority of campaign contributions came from engineering companies, construction companies, and unions, showing that rail really isn't about transportation; it's about pork.

The same is true of pollution and greenhouse gas emissions. Even given the Authority's inflated ridership estimates, high-speed rail will simply not carry enough people to have a significant effect on emissions.

There is still a good chance of preventing this boondoggle. The November proposition only provides the California Authority with enough money to build high-speed rail from San Francisco to a little beyond San Jose. As I read the proposition, the Authority can go ahead and build that portion even if no matching funds are available.

The big question is whether Congress will give matching funds to the project. Given the current economic situation and the tremendous demands for federal funds for other transportation projects, there may simply be no money available. If there isn't, we might be able to stop high-speed rail in its tracks. ❑

India, Behind and Beneath

by Jayant Bhandari

Behind the terrorism at Mumbai, and beneath the glitter of India's developing economy, lie problems that few Westerners understand.

On November 26, terrorists occupied the vast, modern Oberoi-Trident and Taj Hotels, among several other places in Mumbai. Two days later, commandos had retaken the structure. Two days after that, the hotels were already being renovated.

But the end of the terrorists was not the end of India's problems. Few Westerners appreciate how deep those problems go — far deeper than the economic progress that glistens on the nation's surface.

For me, the traffic in India's streets is a metaphor for what is wrong with the country.

India is a place where people simply park, four abreast, in the middle of the street. Even if it makes no rational sense, drivers crowd into every small crevice of a traffic jam — and honk. There is nothing dictating niceties like which side of the road you should be on.

India is a place where policemen park in the fast lane to catch traffic defaulters. When an accident occurs and a policeman gets crushed, it is always the driver's fault. India is a place where pedestrians hover at the side of the road, watching the merciless stream of traffic, which is heedless of their existence. Slowly the group at the side grows larger. When a critical mass is reached, it suddenly starts crossing the road. This is the only sensible way.

It is sad to be handicapped in India. You are as likely to be called "crippled" as to be called by your name. On the street, as in other spheres of life, it is not about who is right, but about who has the power. I always dress up well and drive a swanky car in India, to ensure I get respect.

India is a place where road barriers are always made of massive iron. The barriers save money for the police; if they are hit, they can still be used. Of course, many people are killed by the barriers, which are often invisible at night. Hit one, however, and the courts will decide against you. It's a way — a very typical way in India — of externalizing the largest costs on others. Every time you are out on the street, you experience a close encounter with death. You cannot sue anyone if you get hurt.

India is a place where there are hardly sidewalks, anywhere. When they do exist, people find other uses for them. Similarly, when the roads are broadened, people simply use them for parking space. The population density of India is less than that of Japan, Belgium, Holland, South Korea, Singapore, or Hong Kong. But in India, people have a tendency to create congestion.

India is a place where city workers, repairing a traffic roundabout, leave big pieces of concrete lying in the street. Again, if you run into them, it's your mistake. In December, when I visited Delhi, my taxi driver barely managed to avoid such an accident. Meanwhile, young women walk in the street, past the roundabout, with not a care for their lives. India is a place where this is natural. But in the long run you must sync yourself with the system, maneuvering your way when you get an opportunity rather than when it is your right to do so — on the road, in society, and at work. That is the only way to get somewhere. It is a sort of Orwellian life, crushing those who want to live a dignified life.

South India is developing so much faster that it is increasingly worried about the immigration from people in the north.

I witnessed several accidents while on my trip. In one of them, in Hyderabad, a bus had crushed someone. There was a lot of blood on the road. I hoped the death was quick; I hoped it was as graceful as possible. Ambulances never get there in time, if they ever come. Most people just watch the scene, obstructing traffic, becoming a part of the problem. Ironically, while the victim bleeds to death, people may beat up the driver.

I do not think that emotions that swept India after the Mumbai event had anything to do with sympathy for the dead. My belief is that the reaction was a hysteria, a way to express people's hatred for Pakistan and hence, in a very warped way, to unite India. But such ways to feel warmth about being Indian cannot last. India is too divided for that.

In my last reports on India (Liberty, May 2006 and March 2007), I mentioned certain social divisions, but there were many divisions that I did not talk about. South Indians mostly do not like north Indians. Even today, a lot of them would not speak in Hindi even if they knew the language. The south is developing so much faster that it is increasingly worried about the "immigration" from people in the north. Just three months back there were widespread riots in Mumbai itself. The riots were conducted by a group of Hindu fanatics to oust people who had come there from Bihar. Bihar is one of the biggest provinces in India and so poor that were it a country, it would be among the world's poorest, even poorer than Zimbabwe. When people call someone Bihari, they usually do not consider the need to put adjectives like "stupid" or "uncivilized" before the noun.

Sikhs are keeping a low profile, but there is still a temptation for them to secede. And, each year, scores of policemen and army people are killed by Naxalites. You wouldn't hear about it because Islam is not involved. The name "Naxalite" is derived from a village in West Bengal, but Naxalism is not a secessionist movement. It is a form of Marxism. It endures.

So do tribal dissensions. Many of the tribal regions in India are off-limits for the state. When India became independent, it became difficult for tribals to fully use their traditional lands. Even today, confiscating the properties of poor people isn't frowned upon by pseudo-capitalistic urbanites. I have never met an educated person in India who does not support this confiscation, for "the larger good." You may recall that earlier in these pages I said I had never met an Indian who supports the demand of the people of Kashmir to decide their own fate. But more people die of "terrorist" violence in the northeastern provinces of India than in Kashmir.

All in all, India is a very fragmented country, whose people carry strong dislikes of fellow Indians of other religions and regions. When a large disturbance takes place, when people are looking for scapegoats, these stresses always erupt.

In 1991, I went to the UK to study. There, most people talked to me as if I were from a country of snake-charmers and elephant riders. If I tried to explain to them that this was not the case, they thought I was being too defensive. Now, given the wonderful lobbying work that the Indian government and the Indian diaspora have done, and the increased political correctness in America, people seem to think that India has become a country full of software engineers. Nothing could be further from the truth.

Westerners also see India as a frontier in the fight against Islamic terrorism. This is also completely wrong. Fanaticism, whether Hindu or Islamic, is ugly; and there are plenty of Hindu fanatics in India. Not accepting such truths will lead to wrong political decisions. Weren't Afghanistan and Pakistan seen as frontiers in the fight against communism, until a mere two decades back?

Westerners also see India as a frontier in the struggle for economic progress. It's true: 5–10% (or conceivably 20%) of the Indian population has experienced economic improvement during the past two decades. But it seems that the lives of the poorest have actually worsened. Part of the blame goes to Keynesianism. The Indian government prints a lot of money, and the income of poor people does not keep up with inflation. The elites have no problem with inflationary practices; they think that the benefit accrues to them.

Another part of the blame goes to the regulatory morass that India has become, a product of socialist thinking. I recall, only five years back, when I wanted to close a company that I owned in India, and my accounts, submitted to the tax office by registered post, were deemed not received because the bureaucracy had as always misplaced the paperwork, for it did not accompany a bribe. I sent it again and it was still deemed not received. In response I received a letter telling me that if I did not submit the documents at a date earlier than the letter was dated, a non-bailable warrant would be issued against me. This was a rather simple matter, in the larger scheme of

When people call someone Bihari, they usually do not consider it necessary to add adjectives like "stupid" or "uncivilized."

things. Those who are brave enough to enter manufacturing have a horrendous time dealing with the obnoxiously petty bureaucrats. The result of the general wastage and chaos of India is that it is cheaper and easier to import manufactured goods from China, which otherwise has a much higher cost base.

On my recent visit to India, a shoe polish bought in a store cost me $5. A can of Coke cost $1.25 in a restaurant. A cheap restaurant in Mumbai cost $10 for a meal. If I had eaten non-vegetarian food, I would have paid twice as much. My hotel in Bangalore cost $360 per night, after a 30% discount that I was offered because of the recent Mumbai standoff. I bought a pair of casual trousers and a shirt for $60. Such prices are not much different from what you would pay in America. Sometimes they are higher. Yet in India you can get your shoes polished by a real person for 15 cents. You can take an overnight trip by train for $5 or so. My clothes got ironed for anything between 1.5 cents and 4 cents — picked up from home and delivered back. The minimum wage is $1 per day. One must wonder why the prices of some things are the same as or higher than they are in the West. Why for God's sake should clothing be so expensive? What goes wrong when a $1 per day person tries to add value?

It is hard to explain in numbers why the costs add up the way they do. In a way, economic life is like driving on an Indian road, full of potholes, stones, and dangerous turns. Watching it gives a better sense of what goes wrong in the economy. People take shortcuts, they compromise, they risk their and other people's lives for petty gains. In the end, it is the same kind of thinking, the same kind of mindset that you see in everyday transactions. The result is a pathetically poor existence. Foreign aid and charity of course cannot help, and it is not easy to change the behavior, which is founded on a generous helping of fatalism, apathy, and superstition. You cannot change this merely through regulations, if any sensible regulations can be formulated in such a climate.

A healthy economic system requires a healthy legal framework; but Indian courts, rather than fighting crime, are the centers of crime. Their common law, inherited from the British, is all BS. Even in cases of death and rape, one does one's best to avoid the courts and cops. When Hindus are cremated, all evidence is destroyed within a few hours. A close family doctor certifies the death as cardiac arrest; cremation is performed; no evidence remains.

Nevertheless, the surface legalities are punctiliously observed, especially when they are ridiculous. In Bangalore, I visited the courts and found that manual typewriters are still required. Even if you have prepared your case and typewritten it yourself, you must have it redone by the professional typists who congregate around the courthouse (read: pay money to the court mafia) if you want to have your file accepted inside. As they say in India, once raped, the law rapes you again. While I was taking pictures of this operation, an advocate spotted me and rushed to make me stop. After a heated exchange, having understood that I was too much for him, he retreated. He had no authority to stop me. But in this environment what is right and fair has practically no value. What matters is who has more physical and financial power. I cannot but recall why I left India. I knew that to survive, I would eventually need to fall in step with the system. Maybe as a young man, I could fight. But these are not one-of-a-kind events. When they kept happening, despite my ability to put on a harsh facade, I would eventually give in to the sheer volume of the resistance against me.

From this it isn't much of a digression to discuss another form of power, the power of sexuality. When I first went from Bhopal to the UK in 1991, I had never met anyone who was divorced. You would never see couples walking hand-in-hand in Bhopal, the city where I grew up. Promiscuity, if it existed, was all hidden. A woman in our area who had a child out of marriage was the talk of the town. Women mostly wore clothes that did not show cleavage.

Today, Bhopal is a different place. A relative, who is a pathologist, says that scores of schoolgirls now visit him everyday to be tested for pregnancy. Divorces are very common. Most of these changes have happened in the last five years, as people brought up on high doses of TV mature (there was not much TV until about two decades back). The changes

Even in cases of death and rape, one does one's best to avoid the courts and cops. . . . As they say in India, once raped, the law rapes you again.

started in cities like Delhi and Mumbai, which is perhaps the reason why, when I returned from Britain, I stayed in Delhi longer than I should have. Now, throughout metropolitan India, there is (as I saw in Delhi then) a huge peer pressure to look "cool" and "modern." Alas, people are exposed more to Hollywood films than to the real life of the West. They are prone to mistake Americans in films for real Americans.

But to return to the economic life of India: I would like to make three points.

1. My immediate view is that apart from certain specific companies who specialize in information technology, this is a very risky place. American companies that started cost centers in India failed to understand the delays and wastages and other problems of operating in India. A lot of the cost centers eventually proved unviable. Also, offshoring is not as easy as it sounds. It entails the costs of maintaining a back office in India and its connection with the front office in the United States, whic requires a stream of people travelling between the two countries. And there may be a glut of software engineers developing in India. Increasing competition means that Indian IT companies are now increasing their price cutting. Offshoring will continue to be done, but I don't know whether, going forward, there is a great deal more money to be made in it.

2. Infrastructure will eventually get built, which will be good for the demand of commodities, but the process will be slow and risky. The Indian government runs a very high deficit and must inflate to finance infrastructure. You hardly hear much about the high inflation rate in India, the effect it has on those living on fixed salaries, or the fake boom and the

eventual bust it will cause. Yes, for the so-called urban capitalists, it is all right to screw the poor people, as long as it is for the so-called larger good. The only thing that stops the government from printing too much money is its understanding of the fact that rural people are getting increasingly frustrated. What will generate the real money that is needed to finance large infrastructure projects?

3. The sectors that provide the best fundamentals seem to be education (Indian parents are doing whatever they can do to get their children educated), consumer goods (Indian children prefer to be self-indulgent, operating under peer pressure and that of the media), and health (even the poorest people prefer to go to a private hospital, just as they prefer to educate their children in English-language private schools). In my view, these are currently the best sectors, with very low risks. There is not only a lot of money to be made here, but these sectors will likely be immune to larger social problems and the tensions with Pakistan.

This brings me to India's chronic international conflict, now exacerbated by the actions of the Mumbai terrorists. Indian TV and social talk were all full of Mumbai. There were many bleeding hearts and many busybodies outside the terrorized hotels, lighting candles and signing petitions. But why should India be so concerned about a few hundred deaths, when death on this scale happens on a daily basis, on the roads?

With the wonderful lobbying work that the Indian government and the Indian diaspora have done, Americans seem to think that India has become a country full of software engineers. Nothing could be further from the truth.

Readers who are offended by my question would do well to watch a new movie that is just out, "Slumdog Millionaire." It is a story of life in the slums of Mumbai. Those who didn't grow up in that environment may not have enough hard-wired emotions to react to the scenes in this film, but it will at least give a glimpse of why, in the conflicts, the stress, and the cesspool of violence that India is, Pakistan and the recent Mumbai event are truly insignificant.

My guess is that the current outpouring of sympathy for the dead of Mumbai is merely a facade. What is at play is nationalism. Young Indians are very nationalistic. And nationalism will eventually have very bad consequences for economic and social development. Not unlike fatalism and superstition, nationalism creates a wrong framework for decision making. Today, Indians are vehemently asking for more state control. The state is more than eager to comply. A new law instituting an organization similar to the U.S. Department of Homeland Security has just been passed. The law provides for much increased powers to the security forces. Amazing how short the human memory is! The Indian security forces will now rape and plunder at will. In a way, the terrorists have actually won.

While I was in India, after Mumbai, I found the country deifying its soldiers and commandoes — a very, very serious mistake that will take India on a very wrong path. Ask any Indian if he has personally met anyone in the security forces who conducts himself properly. You will get a response in the negative. But then, Indians have a superstitious belief in people they have never met. Or is it that, despite economic progress, India has failed to learn about critical thinking and belief in oneself? I do wonder how many of the 500 people shot in Mumbai (of whom about 170 died) were hit by the bullets and bombs of the security forces.

I think of my hotel in Mumbai. It was earlier a government hotel — not an oxymoron in India. The structure is like that of a stadium, with rooms in the periphery. I am told that it is the biggest structure of its kind in the world. In fact, it is an obscene waste of energy and space, something only the government would do. But despite the government's abject failures, Indians continue to have very high expectations of it. They recognize that politicians are bad, but somehow think that bureaucrats and the soldiers are great. The current crisis has made them strong believers in government intervention. Girls now look for men working in the public sector. Even Indian girls living in America are looking for such partners in India. People are craving public sector jobs.

My own experience is that politicians are usually much better than bureaucrats. The former have to go back to the market once every five years; the latter have no feedback system. They have lifelong jobs, further secured by the labor unions. It is hard to believe that Indians have forgotten so quickly how bad their bureaucrats and security forces are.

Here's a clue: Indians never really believed in capitalism; they merely accepted it as long as it was making them money. Those who think that the shift in India from socialism to capitalism was a one-way street could be proven very wrong.

Many things come to mind.

The colors, smells, and noises of India, so celebrated by foreign visitors: I wonder if they are simply a way to escape from inner turmoil.

A policeman, directing traffic. No one pays the least attention to him. Can you blame everything on the government?

Pedestrians, never looking when they cross the street. They are fatalists — and for some, looking around would be too girlish. This attitude is not going to change quickly, despite the waste of lives, property, and time that it entails. It shows the compromises that people make, the shortcuts they take. It shows their lack of basic discipline. The net effect is that the productivity in India is very low. This cannot be changed by changing the laws. Nothing in India is ever clean and properly done. People are exasperated. But what is their own contribution to the predicament?

And I don't think the security situation will improve. Guards are not properly trained, and it is very easy to play with their minds. At most government facilities that I visited recently, I avoided being checked. Not that checking IDs make any difference; I entered the airports simply by using my Hostelling International card as identification. In India, entropy commonly sets in once the initial euphoria is over.

Somehow, I think, it is not infrastructure that India needs, but a lesson on how to use it well. ❑

Reviews

"Who Really Cares? The Surprising Truth About Compassionate Conservatism," by Arthur C. Brooks. Basic Books, 2006, 250 pages.

Who Gives, and Why It Matters

Gary Jason

Arthur Brooks, professor of public administration at Syracuse University, is a rare scholar. He is astonishingly prolific, his research topics are of broad interest in social science, public policy, and philosophy, and he has an exceptional degree of intellectual honesty: while he is inclined towards modern liberalism, he will tell you what his data tell him.

In "Who Really Cares," he surveys the data on American charitable giving, and he has much to report — much, he admits, that surprised him, going against his own cultural prejudices. The facts show that all the common myths about giving are exactly opposite to reality.

Take the perception that Americans are generally indifferent to other people's suffering, a view that St. Jimmy Carter once trumpeted. The reality is that around 75% of American families give to charity annually, to the tune of an average of 3.5% of their household income. Only a third of this largess goes to churches; the rest goes to secular charities. All this giving adds up to $250 billion a year in private giving, a figure that exceeds the GDP of Sweden or Denmark. And more than half of American families give their time as well as their money. This is, please note, over and above the copious amounts of aid (including foreign aid) that the government gives at all levels.

But, Brooks notes, there is a major difference between the charitable and the noncharitable. The majority of Americas, the charitable, the ones who give time and money, give a lot. They also give in other ways, such as donating blood. Moreover, the donors are three times more likely to help strangers than nondoners are, and they are less likely to harbor prejudices against other people. The noncharitable are just the reverse.

By charity, Brooks quite rightly means giving that is consensual, rather than coerced, on both the giving and the receiving end. As he puts it, taxing people to pay for public services, or jailing the criminally insane may be good policy, but in neither case is it charity (7).

Among those who give to charity, the most commonly cited reason (80%) is a sense of duty. The least common is the tax deduction (only 20%). Among those who don't give, the main reason cited is that they don't have the money (roughly 66%). That this is most likely an excuse is indicated by the fact that the working poor give more of their income to charity than do people in the middle class.

While race and ethnicity are not predictors of charity in isolation from the other factors, age and gender are. Older women are more likely than the general population to give to charity, while young males are less likely. Brooks urges that far and away the biggest predictors of charitableness are religious belief, skepticism about powerful government, strength of family, and personal entrepreneurism. The bulk of his book is devoted to an exhaustive analysis of the data demonstrating this. Along the way, he refutes some of

his own most deeply held prior beliefs — that the rich want tax cuts because they lack charity, that Americans are less charitable than Europeans, and that American liberals are more compassionate than conservatives. He goes farther, arguing that charity is associated with personal responsibility, prosperity, happiness, and even health, so that "the policies, politics and cultural forces that compromise the willingness and ability of people to give charitably induce a personal flaw into citizens that impoverishes them, stunts their opportunities, and has negative repercussions for our communities" (13). Here he strikes a note of virtue economics — the idea that the virtue of charity is tied to other virtues conducive to human flourishing.

Brooks' first chapter debunks the common myth that people who are politically "progressive" are more charitable than others, a myth endlessly promoted by the Left. The data show that at every income level, self-identified conservatives donate more than self-identified liberals, despite the fact that liberals average 6% more income. The difference remains even if we look at registered party affiliation rather than self-identification. And this difference holds for nonmonetary donation, such as donations of blood. Young liberals turn out to be one of the least generous groups of people. Liberals younger than 30 belong to roughly a third fewer community organizations, give about a third less blood, and donate over a tenth less to charity than young conservatives.

To put it bluntly: red-state America is more charitable than blue-state America. States that voted for Bush by 60% or better gave an average of 3.5% of household income to charity; states that voted for Kerry by 60% or more gave 1.9%. People in the top five Bush states were more than 50% more likely to volunteer to help others, and twice as likely to volunteer to help the poor, than people in the top five Kerry states.

Brooks then takes up the issue of religion. In theory, being religious might either increase charitableness (because all major faiths enjoin their followers to be charitable) or decrease it (by encouraging tribal animosity toward those of different faiths). But the facts speak unequivocally: religious people are more prone to giving than others, even when the recipients are not members of their faith.

This difference continues when we take out of the comparison donations made to religious causes. The religious are more likely to give to nonreligious charities (such as the United Way) than are the secular (71% to 61%) and are more likely to volunteer (60% to 39%). They give 14% more money. They are also more likely to give to family and friends, and give in much higher amounts (46% higher). When asked, secularists often give implausible excuses for their meanness ("I gave at the office," "I was never asked," or "I can't afford it.")

Next, Brooks considers differences in charitableness as it relates to ideology. Specifically, he raises the question of whether people who favor the forced redistribution of income by government ("redistributionists," estimated by one large 1996 survey at 33%) give more to charity than people who oppose government redistribution ("nonredistributionists," about 43% in the same survey). The answer is — drum roll, please! — Hell, no!

Nonredistributionists give four times more money to charity than redistributionists. The gap remains even when you look at donations to nonreligious charities. Nonredistributionists

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give three and a half times more to such charities than do redistributionists. The gap persists even if you use a more favorable definition of "redistributionist" (as did a 2001 survey). And it persists if you correct for the fact that redistributionists earn about 13% less than nonredistributionists.

Indeed, if you hold income as well as age, ethnicity, religion, gender, marital status, and political affiliation constant, you find the redistributionists less likely to give to charity, to volunteer, to give directions to someone on the street, and even to return extra change to a cashier. If everyone in the general population gave blood at the same rate that redistributionists do, the national supply of blood would drop by 30%.

Brooks asks whether the reason for this disparity between redistributionists and nonredistributionists can be attributed to what economists call "the public goods crowding out effect," which means that when the government spends for a public good, private citizens cut back their own spending on it. Many studies suggest that two dollars spent by government for a given public good results in up to a dollar less in private giving. But while Brooks' studies empirically confirm that public spending for eleemosynary purposes does indeed crowd out private charity, if one holds that constant, it is still the case that the redistributionist mentality discourages charitableness.

Brooks notes that in the first two years of the Bush presidency, when one would have expected the Left to increase its giving (in the face of a president perceived by them to be insensitive to the poor), charitable giving by the Left dropped 10%, while giving by the general public went up by 5%. He quotes John Steinbeck to the effect that charity makes the giver feel superior and reinforces social hierarchy, and recalls the standard Marxist line that charity is actually intended to hurt the poor. He suggests that from the Left's point of view, charity is, at worst, a definite evil, and at best, in a "just" society (one with lots of income redistribution), it is unnecessary.

Brooks then turns to the relationship between work and charity. While wealthy donors give more to charity in absolute terms, the poor actually give a higher proportion of their income (4% to 5%) than the rich (3% to 4%), and both the rich and the poor give more to charity than the middle class. But the situation is more complicated than that. As one might expect, the poor are divided into the givers and the nongivers. While some of them are very charitable, others give virtually nothing. Those who donate to charity give 7% of their income. But the poor are also four times more likely not to give than are the rich.

The difference between the charitable poor and the uncharitable poor appears to result from the origins of their incomes. People who have earned their money tend to be more generous with it than those who got their money through welfare. The working poor give three times as much money to charity as welfare recipients at the same income level, and they are twice as likely to give and to volunteer. In essence, welfare tends to make people less self-sufficient and responsible, and creates communities where people have no models of hard-working people striving to improve their lives. In short, welfare programs impede virtue in both the person and the community.

This analysis is corroborated by the fact that the rate of giving among people who were on welfare in 2001 but left it after 2003 (the year of the major welfare reform legislation passed by Congress) was a third higher in 2003 than it was among those who stayed on welfare. The implication, again, is that redistribution is a charity-killer.

Brooks also examines the interrelation between family structure and charitableness. If you hold all other relevant variables — age, gender, income level, party affiliation, etc. — the same, people with kids are more likely to give to charity than those without. At first glance, this is surprising, because kids take up time and money. But, as Brooks nicely puts it, "We have already seen that charity is *not* just a by-product of income or wealth — it is not primarily a financial phenomenon at all." Instead, it is a "human value" (98).

Having shown that religion, a nonredistributionist mindset, a strong family, and working for your own income are strongly associated with charitableness in America, Brooks asks how America compares with other countries. He recalls UN bureaucrat Jan Egeland, who labeled America "stingy" because it didn't give 0.7% of its GDP to foreign aid. (That mysterious percentage was conjured up by a group of other bureaucrats called the Commission on Sustainable Development.) But Egeland was simply ignorant: he didn't count private charity. When you do that, America is close to the bureaucrats' arbitrary goal: the combined private and governmental international aid given by Americans totals $73 billion a year, or about 0.5% of our GDP. And that $73 billion, please note, represents only 2% of all American charitable giving.

The misperception by Europeans that Americans are uncharitable results primarily to the fact that there is very little private charity in Europe. Per person, *even after one adjusts for differences in incomes,* Americans donate twice as much of their income as the Dutch, three times as much as the French, five times as much as the Germans, and ten times as much as the Italians. The disparity remains when you look at nonmonetary gifts, such as volunteer work.

Of course, Europeans have a reply: we pay higher taxes, and those taxes fund what you Americans use charity to cover. But that won't wash. The average tax burden on Americans (counting federal, state, and local taxes) isn't generally lower than the burden on Europeans. And the underground economy in Europe is double what it is in America, meaning that much of European income isn't taxed at all.

How does charity relates to prosperity? Brooks argues that J.D. Rockefeller was right to view them as closely related. As he puts it, "Without prosperity, large-scale charity is impossible. And without consistent and responsible charity, prosperity will not continue" (139).

That prosperity enables charity seems obvious. But why suppose that charity causes or leads to prosperity? Here Brooks cites the research of Robert Putnam, who has detailed how "social capital" promotes health, wealth, and happiness. Charitable acts promote social bonds. He also cites some possible reasons for the charity-prosperity association. Perhaps those who feel impelled to give money then feel impelled to work harder to recoup the expenditure. Perhaps being charitable

gives people more self-esteem, which leads to greater success. Perhaps being charitable gives people a sense that they have the power to help improve the world, which increases their happiness, which increases their industriousness.

Brooks offers the virtue-libertarian argument that despite the seductive appeal of redistributive government, big government hurts us. Welfare makes people less charitable, hurting their communities, and government subsidization of nonprofit organizations "crowds out" personal charity, reducing people's happiness and prosperity. Only libertarians who believe in "the virtue of selfishness," and interpret the phrase very narrowly, will be opposed to the act of giving to people and causes in aid of one's own values

Turning to taxation, he proposes that we consider ending the built-in bias in our tax system against charitable giving by poor people. Poor folk seldom itemize deductions. He suggests giving tax credits for donations, or (better in my view) just adopting a flat income tax.

The implications of Brooks' work are important. Antiredistributionists should use his data to combat the pernicious lie that only liberals are "generous." Brooks makes it clear that those who scream loudest for redistributionist policies are likely to be hypocrites. People are, and should be, averse to hypocrisy. The aversion is built into us. Our evolution as an extremely social hominid species means that maintenance of social norms has survival value, and we maintain those norms by detecting cheaters — hypocrites.

The first thing that any free-market candidate should do is check the tax returns of his or her opponent for charitable donations, and hammer away if there are few or none. I was amazed, watching the Palin-Biden debate, that Palin didn't twit Biden about the fact that while he loudly proclaimed that rich people should welcome being fleeced because it is the "patriotic" thing to do, he himself was as niggardly as a miser. In a decade in which he earned nearly $3 million, he gave a lousy *three grand* to charity. Holy skinflint, Batman, how miserably cheap can you get?

A modest criticism I have about Brooks' book is that while it establishes brilliantly the virtue-ethical point that charitable giving improves the character of the givers, in a way that high social welfare spending by government does not, it overlooks important consequentialist reasons to favor private charity over public social welfare. One big issue is efficiency. Public charities, which have to answer in a direct and immediate way to donors, and have to compete with other charities for donor support, are better able to spend the money wisely. They are closer to the ground and freer to make important distinctions than government generally is. I have in mind the distinction between people who can't find a job because they need more training, and people who simply need to get off drugs.

Moreover, just as pricing is an information mechanism, so is labeling. Private charity, labeled as charity and understood by the recipients as charity, tells those recipients important things. It tells them that the money comes from people who are entitled to keep it, so some gratitude is appropriate. It tells them that they need to address some issues in their lives. It tells them that resources are limited. Government redistributionist giving tends to be interpreted as a right, as a natural consequence of living in society, and as indication that resources are endless.

Brooks has written a clear, empirically well-grounded, intellectually honest work. It should appeal to people who are as intellectually curious as he is. ❑

"Your Government Failed You: Breaking the Cycle of National Security Disasters," by Richard A. Clarke. HarperCollins, 2008, 408 pages.

Why Don't They Resign?

James L. Payne

On April 19, 1993, Attorney General Janet Reno ordered the FBI to make a tank and chemical warfare assault on the Branch Dravidian compound in Waco, Texas. It was a misguided, bumbling attack that resulted in the deaths of 76 people, including 21 children. When she learned of the disastrous outcome, Reno's reaction was significant: verbally, she took "full responsibility" for the episode, but *she did not resign.*

This has become a frequent pattern for federal officials in positions of responsibility during serious blunders: they concede the miscues but they do not resign, and thus pay no penalty in terms of their position, income, or career.

Richard Clarke's book on government failure is something of an unintentional study of this disturbing pattern. When the Twin Towers attack occurred, Clarke was National Coordinator for Security and Counterterrorism, a position he had held since 1998. So if there is anyone who should have offered a mea culpa for 9/11, it is Clarke, the government's "terrorism czar." And Clarke did offer an apology, telling the victims of the attack, "I failed you." But words are cheap. Clarke felt it unnecessary to back up his apology with any material sacrifice. He did not resign, but continued to collect his government paycheck for over a year. When he did step down, it was not in shame, but in arrogance. He went onto the book and TV circuit, turning himself into a commercially successful talking head whose stock in trade is criticizing public officials for their misjudgments.

While Clarke, a 30-year veteran of executive branch employment, was unwilling to sacrifice his position, he doesn't hesitate to condemn others for not risking theirs. He castigates top military leaders of the Iraq invasion, Generals Richard Myers and Tommy Franks, for being "silent or complicit" about the inadequacy of invasion plans. He also faults General Ricardo Sanchez, top Iraq commander in 2003–4. After he retired, Sanchez called the Iraq war plan "catastrophically flawed," but he didn't say so at the time, taking the position that active-duty officers are obligated to endorse lawful orders. Clarke finds that no defense: "He could have resigned his command."

It may be amusing to watch the pot call the kettle black, but we are still left with the puzzle of officials who don't feel any real responsibility for failures on their watch. To understand their attitude, one needs to begin with the observation that government is a horrendously complicated enterprise that no one controls. It involves a multitude of players with different values and perspectives, each of whom plays only a small part in the decision-making process. Government thus epitomizes the classic problem of too many cooks spoiling the broth.

Clarke draws this picture of policy-making confusion very well. He takes us through "mind-boggling and inexplicable" errors in the CIA and FBI; he reviews the multitude of cross purposes that paralyze action in fields such as immigration and border control; and he excoriates the "bloated counterterrorism bureaucracy" that has grown up as diverse participants irresponsibly shovel money at pet causes. In the field of cyberterrorism, he finds "a crazy-quilt hodgepodge of government regulation [that] has been largely unsuccessful at dealing with the epidemic of hacking, identity theft, data loss, fraud, and espionage."

Beyond particular failures, he notes systemic weakness. These include the tendency of government agencies to distort information in their favor, and their tendency to engage in "groupthink," that is, to reject contrary views. He also points out that politicians and administrators often adopt wasteful and ineffective measures simply to look good. Finally, he recognizes that "there are no market forces in government," and hence no economic penalty for failure. An agency can become ineffective or even counterproductive, but it will not die because the tax dollars keep flowing in.

So Clarke knows that government is flawed and complicated. If you asked him why he didn't rend his garments in response to his "failure" over 9/11, he could say that it really wasn't his fault: he was merely a cog in a giant, blundering machine. In fact, this is how he does excuse himself: "I could see a 'clear and present danger' to the United States but, despite my warnings and those of others, the U.S. government remained complacent until it was too late."

It's a fair defense as far as it goes, but it leaves unanswered a deeper question: if officials know government is flawed, why do they continue working for it? Surely Clarke knew in, say, January of 2001 that the federal government was too complex and disorganized to listen to his "warnings." So why didn't he resign then? Many other officials have been in the same position: they witness, and complain about, government incapacity, but they continue to be a part of the system. Why?

The explanation, I think, is that they have an underlying confidence in government, and this leads them to overlook the failure they observe with their own eyes. It's like the attachment some sports fans have for their hapless home team. They see it lose game after game, but refuse to draw the conclusion that it is a bad team. They still believe it can come back and win the pennant.

This primitive faith in government is widespread in this country, and, indeed, in the world. It is the product of wishful thinking, economic illusions of the "free lunch" variety, and centuries of pro-government propaganda bought and paid for by rulers to boost their stature. The fallacies and brainwashing lead most people to believe that government could fix all our problems if it would just try hard enough, or if the right people were in power. It should not surprise us to find that officials share this belief.

Clarke exemplifies this shallow thinking and vague optimism. He makes dozens of policy recommendations without analyzing whether they would ever be adopted, or would make any difference if they were. Some of his proposals are embarrassingly contradictory. For example, he scorns the creation of new governmental units ("creating new organizations generally diverts attention of personnel who should be working on the substance of the issue"), yet advocates the formation of many new governmental units, including a "National Security University System," a new domestic security agency to be split off the FBI, and three new agencies to be broken out of the Department of Homeland Security. He urges setting up "czars" to oversee policy areas, naively hoping that they would have more power than he had as terrorism czar. Often he lapses into simple platitudes, such as, "We need to organize our government to be efficient and effective . . . in reducing vulnerabilities."

Another sign that Clarke's mind drifts with the zeitgeist is his easy acceptance of media bromides. One notes, for example, that he uncritically adopts the entire Gore global warming position, unaware of the staggering uncertainties at many levels of this policy issue.

Revealing his shallow grasp of history, Clarke accepts the belief — taught to him by his parents, he says — that "government had ended the Great Depression" through its "regulation and targeted investment." As generations of economic historians have pointed out, this view turns reality upside down. Government didn't cure the Depression; it caused it through "an almost incredible stream of wrongheaded, harmful policy moves," as economists John Makin and Norman Ornstein ("Debt and Taxes," 1994) put it. Amity Shlaes summarizes her study of the period saying, "Government intervention helped to make the Depression Great" ("The Forgotten Man'" 2007).

Misinformation, wishful thinking, and superstition have led generations of Americans to believe that government is vastly more capable than it really is. It is mainly this blind faith, I believe, that leads embarrassed public officials to continue to serve in office even as they sit in the middle of fiasco. It also prompts them to propose reams of shallow and ineffective reforms to address past miscues. They just can't believe that the government failures they bemoan are par for the course. ❑

"The Encyclopedia of Libertarianism," edited by Ronald Hamowy. Cato Institute and SAGE, 2008, 623 pages.

Liberty in 623 Pages

Ross Levatter

How does one review an encyclopedia? Well, at only 623 pages, in this case one could actually read it from cover to cover. This encyclopedia concisely considers hundreds of topics related to the history and nature of libertarian thought. It runs from an entry on Abolitionism, contributed by libertarian autodidact George H. Smith, to an entry on Mary Wollstonecraft, by libertarian feminist Wendy McElroy. Smith and McElroy are separated by 325 other entries and an additional 163 authors. The volume begins with a wonderful essay by Manchester historian Stephen Davies, laying out the development of libertarian ideas from the 16th century to the present. It concludes with a detailed 76-page index.

The "Encyclopedia" has been gestating for many years. Hamowy, a brilliant and sardonic historian who earned his degree under Hayek at Chicago, was not its first chief editor, and this shows in a number of ways. For example, the entry on Roy Childs (1949–1992) was written by Joan Kennedy Taylor, who herself died in 2005. The entry on philosopher Robert Nozick (1938–2002), by Ellen Frankel Paul, purports to list all of Nozick's books, but it doesn't include his last one, "Invariances: The Structure of the Objective World" (2001). The entry on Liberty, Presumption of, by Anthony de Jasay, does not list under "Further Readings" any work by libertarian legal theorist Randy Barnett, himself another contributor, despite the fact that the presumption of liberty was the ground for his theory of constitutional interpretation (best captured in his "Restoring the Lost Constitution" [2003]). The entry on Thomas Szasz states that he has written "two dozen books (the number increases almost yearly)." And that is true; in 2008 the number reached 33. The entry on "Right to Bear Arms" has no mention of the 2008 *Heller* case, not even as something scheduled to come before the Supreme Court, saying instead, in the final paragraph, "The future of the right to arms is in considerable doubt as a matter of constitutional doctrine." I do note several entries with Further Readings that include material as recent as 2007, despite the understandable problem of keeping a work up to date when it requires much time to produce and covers a rapidly developing field.

The contributors constitute a veritable Who's Who of modern libertarian academic thought, from Anthony Flew to Alan Charles Kors; from Robert Poole to Richard Epstein; from Robert Higgs to Jeff Hummel. And Cato is so catholic as to include among the contributors David Gordon of the Mises Institute. Among the contributors from various disciplines are philosophers Douglas Den Uyl, David Kelley, Roderick Long, Jan Narveson, and Eric Mack; historians David Hart, Leonard Liggio, and David Beito, in addition to Hamowy and Davies; legal scholars Nelson Lund, Bradley Smith, Alexander Volokh, Clint Bolick, and Randy Barnett; economists Bryan Caplan, Bruce Benson, Daniel Klein, Larry H. White, Don Boudreaux, Michael Munger, Mark Skousen, Peter Boettke, Deirdre McCloskey, Leland Yeager, Israel Kirzner, and Tyler Cowen, as well as Nobel laureates James Buchanan (1986) and Vernon L. Smith (2002).

Cato's own analysts contribute: David Boaz, Tom Palmer, Gene Healy, Dan Griswold, Christopher Preble, Brink Lindsey, James Dorn, Ian Vásquez, Johan Norberg, Will Wilkinson, William Niskanen, Ted Galen Carpenter, Michael Cannon, and Michael Tanner. Contributors as obscure as Stephen Cox, a professor of literature at UC San Diego, are also included.

Unfortunately, the book has no separate index of contributors, so one cannot easily determine which, or how many, essays one's favorite libertarian writer has generated, though there is, of course, a list of contributors.

The individual entries are concise. The entry on World Slavery by Stephen Davies appears to be the longest (four and a half pages). Few offerings (e.g., Spontaneous Order and French Revolution) are longer than three full pages. The entries for Classical Liberal, Murray Rothbard, Ayn Rand, Milton Friedman, and Ludwig von Mises are each about two pages, those for Friedrich Hayek and Henry Hazlitt each about a page and a half. The biographical essays seem slightly shorter than the topical or policy-related articles.

There is an entry on Islam, but none on Israel. There is an entry on Military-Industrial Complex, but no entries on Standing Armies or Militias. There are entries on Pornography and Sexuality, but not on Prostitution or Sex Workers. There is an essay on George Washington, but not on Abraham Lincoln; an essay on Thomas Jefferson, but not on Theodore Roosevelt (only the more libertarian half of Mount Rushmore finds its way in). There is an article on William Wilberforce, a member of Parliament involved in the British abolitionist movement, but no article on the more libertarian Thomas Clarkson, who, while a private figure, had perhaps more influence in that movement. At first glance, I thought that writing an entry might preclude an author from having one, and that this explained why David Friedman was not a contributor, but I found that at least Richard

Epstein, James Buchanan, and Israel Kirzner both contributed essays and had essays written about them.

The article on the Great Depression follows immediately after the article on Government. The editor alleges that this is simply due to alphabetization, but the implication is there to consider.

Let me mention three of my favorite essays:

David Beito, author of "From Mutual Aid to the Welfare State: Fraternal Societies and Social Services, 1890–1967" (2000), wrote the contribution on Charity/Friendly Societies. Many current writers caricature libertarians as curmudgeonly Scrooges who care nothing for the poor; this essay is therefore must reading for those unaware of the extensive, spontaneously developed network of mutual aid that developed in America before being crowded out by the welfare state, a web of institutions that has, sadly, been less interested in offering true aid and more successful in fostering dependence. In analyzing the differences between mutual aid and the welfare state, Beito distinguishes "reciprocal relief [decentralized, spontaneous, and informal] from "hierarchial relief" [large, bureaucratic, and formalized]. Referencing de Tocqueville's writings, Beito notes, "With the possible exception of churches, more Americans in the mid-19th century belonged to fraternal societies than any other kind of volunteer organization." Tax-financed welfare undermined one of these organizations' most important reasons for existing. Yet they had been both feasible and flourishing alternatives to the state, as well as a method of social cohesion and networking that made American life much better for many people.

Christopher Preble's essay on the Military-Industrial Complex notes the famous warning passage from Eisenhower's "farewell address" but correctly points out that the intimate relationship between industry and the military did not start with World War II, the conflict with which Eisenhower was so intimately familiar. In fact, he says, "many trace the development of interlocking political and economic interests among the military and leading industrialists to World War I, when the Council of National Defense and its successor, the War Industries Board . . . mobilized billions of dollars for the war effort." Preble notes that analysts on the Left, who flourished during Vietnam, incorrectly link crony capitalism with the free market; he argues that leftist class analysis completely overlooks labor's role in the defense industry, observing that "defense workers are by far the largest, and therefore the most powerful, constituency driving the military-industrial complex . . . [D]efense workers fight to protect their jobs by supporting politicians who steer money to their employers . . .[D]efense spending has served as a thinly veiled jobs program that has created powerful, entrenched political constituencies who oppose reductions in military spending in peacetime."

George Smith's essay on "Religion and Liberty" is erudite. While I cannot do justice to his discussion in a brief summary, he recalls that the case for liberty of conscience, including religious toleration, was among the first liberties historically fought for and established. He also discusses Lord Acton's argument that by establishing a second and competing source of power, the church

NEW BOOK FROM THE CATO INSTITUTE

"While not disputing the existence of man-made global warming, they demonstrate that the alarmist narrative is wholly unfounded. This is a 'must read' for anyone seriously interested in the climate change debate."

— NIGEL LAWSON

Secretary of State for Energy in Prime Minister Margaret Thatcher's Cabinet

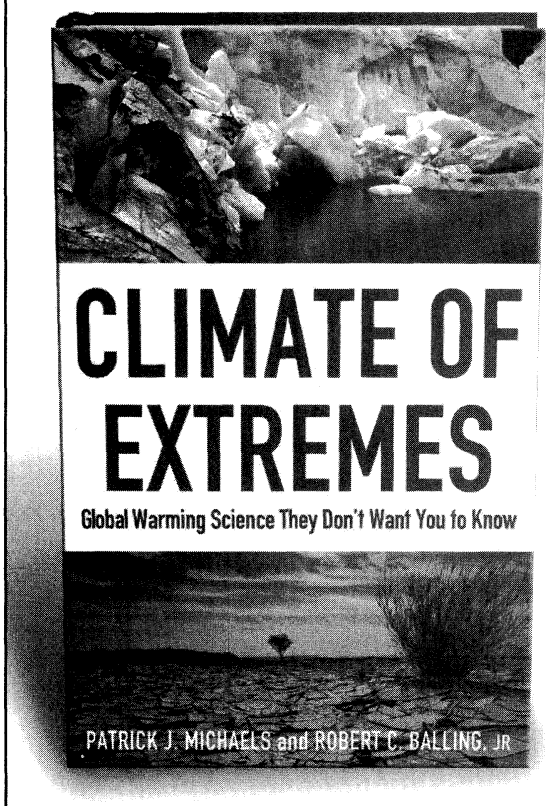

How did the conversation about climate change become so apocalyptic? When it comes to global warming, dire predictions seem to be all that are being reported. The authors compellingly illuminate the other side of the story, detailing how the impact of global warming is far less severe than is generally believed and far from catastrophic. However, because that perspective is not infused with horrific predictions, it is largely repressed and ignored.

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forced the state to compete with it for the favors of the people. "While competing for allies, they [church and state] granted sundry immunities and privileges to towns, parliaments, universities, guilds, and other corporations. These institutions were eventually able to resist the power of both church and state, so there evolved a decentralized system of power unknown to the ancient world and the East." In that decentralization, liberty could grow.

Entries that would surprise no libertarian include (glancing just at the "A" list): Abolitionism, Affirmative Action, American Revolution, and Anarcho-capitalism. Some that you might not know to find in an encyclopedia of libertarianism are Children, Cities, Conscience, Culture, Dutch Republic, Epicureanism, Evolutionary Psychology, Family, Internet, Italian Fiscal Theorists, Vincent and Elinor Ostrom, Roscoe Pound, and Progress. The less familiar topics add to the reader's depth of understanding and appreciation of libertarianism, showing the many intertwining historical and philosophical roots of liberty.

The encyclopedia is beautifully produced, though not inexpensive at $125. It is a worthy addition to the library of Liberty readers, a coffee-table book that will likely stimulate your caffeine intake as you read one wonderful essay after another. ❑

"Valkyrie," directed by Bryan Singer. United Artists, 2008, 120 minutes.

Cruising Hitler

Jo Ann Skousen

In Norse mythology the Valkyries are warrior maidens who gather the souls of fallen heroes and bear them to Valhalla, the Hall of the Slain. "Die Walküre" is also the title of an opera by Richard Wagner. In the film "Valkyrie," Adolf Hitler describes them as "handmaidens of the gods choosing who will live and who will die." As leader of the National Socialist party, Hitler considered himself a protected hero, and in some unfortunate ways, he was. As a soldier during World War I, he claimed, he was eating lunch with his platoon when he heard a voice telling him to cross to the other side of the road. Within moments a mortar hit the exact area where he had been sitting, killing his comrades. During World War II, at least 15 assassination attempts were made on his life, and he survived them all, only to die by his own hand in a bunker in Berlin, when the city was about to fall.

"Valkyrie" tells the story of the final known attempt to assassinate him, an attempt that, of course, failed. The plot was organized by a German underground movement that was about as above ground as possible — a group of officers in Hitler's highest command. One of its leaders was Colonel Claus von Stauffenberg (Tom Cruise, in this film), a German war hero and chief of staff for the reserve army. This was not an easy choice for men who had risen to power with the belief that they were members of a chosen race, following an almost godlike leader. It took courage to realize that "in serving my country, I have betrayed my conscience," as Stauffenberg says. "My duty now is not to my country but to save human lives." Such libertarian ideas are unexpected from German soldiers, and they keep this otherwise ordinary film interesting.

Early in the film Hitler says to Stauffenberg, "One cannot understand national socialism, if one does not understand Wagner." I have continued to reflect on that remark, and offer you no pat explanations. In fact, I welcome your reflections on what it means. Partly, I think, the meaning lies in the Wagnerian idea that heroes are more important than normal mortals, partly in Wagner's belief in the superiority of the Aryan race, and partly in Wagner's music itself, so heroic and stirring that it evokes emotional heroism and national pride. In the opera, Siegmund's father, Wotan (interestingly, a one-eyed character like Stauffenberg), acquiesces in his son's death. Fittingly, "Operation Valkyrie" was the name given to Hitler's backup plan for putting down an uprising among his erstwhile followers in the event that the Secret Service or someone else in his inner circle rose up against him.

Like Stauffenberg, most of the plotters are motivated by conscience. Bound by oath to "render unconditional obedience to Adolf Hitler," by 1944 they have come to realize that they are following a madman. "We have to show the world that not all of us are like him," Henning von Tresckow (Kenneth Branaugh) urges the others. "Otherwise, this will always be Hitler's Germany." Their goal is to restore Germany to the Germans.

But some members of the group are motivated by self-preservation rather than conscience. "I always come down on the right side," General Friederich Fromm (Tom Wilkinson) warns the conspirators when they carefully suggest their plan without revealing the plot. For the resistance movement, the "right side" is the side of conscience, but for Fromm and military careerists like him it is simply the side that will win. He tells them he will support the plotters or arrest them, depending on the outcome.

Originally the role of Stauffenberg was offered to Patrick Wilson. Tom Cruise became interested when he noticed the similarity between Stauffenberg's physical profile and his own, and the film became a Tom Cruise project. Cruise has the star power to carry a film, but he doesn't do accents. Rather than make him struggle with clunky Germanic sounds, director Singer decided to film in what he calls a "neutral English," which unfortunately sounds very British and upper crust. Terence Stamp in particular,

dressed in a suit rather than a uniform "to look more like a man of the people," seems as if he ought to be judging an episode of Project Runway instead of running a plot against a head of state. Pragmatically "neutral English" was a good idea — no one wants to endure a bad accent, a la Brad Patt in "The Devil's Own" or Kevin Costner in "Robin Hood." But symbolically, the decision negates the point of this story, which is that the Germans themselves began to turn on Hitler.

I would have preferred to see the movie filmed in German with English subtitles, so as to create the full effect of Germans taking charge of their future and resisting their government. But that would have required a different cast, with a lower budget. Moreover, it is often difficult to keep the minor characters straight in the film. They all wear the same uniforms and speak with the same British accent. Often the camera focuses meaningfully on a soldier's face, but we aren't sure what the meaning is. Is the character about to betray the plotters? Is he about to be betrayed himself? I'd like to say that the director is deliberately creating the same uneasy suspense the conspirators feel as the plot unfolds, but unfortunately I think it's an example of inadequate editing that slows the film and distracts from the forward action of the story.

The magnificent strains of "The Ride of the Valkyries" that open the third act of "Die Walküre" has been trivialized in popular culture. It brings to mind Petunia Pig in Viking horns and Elmer Fudd singing, "Kill the wabbit, kill the wabbit." Ironically, in the movie "Valkyrie," killing the wabbit is the plan. Like all opera goers, we know that tragedy is the inevitable conclusion, but we watch because we care about the characters and what the story reveals about human nature.

Meanwhile, the Valkyries wait in the wings to take the fallen heroes to Valhalla, where, after martyrdom, they lead the fight posthumously to restore Germany to free Germans. They did indeed show the world that "not all of [them] were like [him]." Today the spot where they were executed is a revered national memorial. It is no longer in "Hitler's Germany." ❑

"Quantum of Solace," directed by Marc Forster. EON Productions, 2008, 105 minutes.

Bond-Aid

Ross Levatter

Why do libertarians enjoy James Bond movies? I'm assuming I'm not alone in that regard. When you analyze it coolly (and isn't that just what Bond would do, perhaps while enjoying a Vesper martini?), there really is no reason to admire a paid government assassin who brashly destroys people and property, motivated only by "duty" without giving much thought to what precisely that duty entails.

Nonetheless, we love the character. I suspect it is one part emotional enjoyment of the thrill and excitement; one part admiration for the autonomy represented by a man who can casually incapacitate four highly trained enemy agents between floors in a crowded elevator; and, of course, one part the alpha male ease with which he moves through the world, never at a loss as to what to do. More intoxicating than a Vesper martini. More dangerous.

But there it is: even libertarians are entranced by this character. That's why it's sad to announce that this sequel to 2006's "Casino Royale" doesn't live up to its predecessor. That's frequently the case with sequels. Here the problem involves both technique and plot.

"Quantum of Solace" picks up literally within hours of the end of "Casino." But immediately one can see a cinematographic difference that mars the entire movie. Director Forster, who did not direct "Casino," films action and fight scenes with rapid-fire closeup shots, using what one friend calls "shaky camera" technique: so close and so fast that one can hardly distinguish the flow and action of the scene. This was true of the initial car chase, true of the fight scenes, true of the airplane scene. It was much harder to understand, and consequently enjoy, the action here than in "Casino."

Further, the action scenes lose their sense of realism in "Quantum." "Casino's" fight scenes were fairly realistic. People got banged up when they had significant injuries. In "Quantum," Bond (Daniel Craig) falls more than 20 feet with his ankle entangled in a rope, ending suddenly as his entire body weight comes to an abrupt stop when the rope becomes taut. Yet he maintains his wits sufficiently to grab a gun lying at the base of his fall, twist, aim, and dispatch his opponent, and walk away, without a limp, into the next scene. In fact, such a fall would likely lead to a fracture and dislocation of hip and ankle. This is but one example among many of directorial ignorance of physiology and, often, physics. For example, opening a parachute a few hundred feet above the ground does not typically lead to a survivable landing, to say nothing of a walk-away-unharmed landing.

Then there was the change in Bond's enemy. In "Casino," it was a vague international terrorist organization, financing military actions through manipulations of the stock market. Now Bond's main enemy is Dominic Greene (Mathieu Amalric), CEO of Greene Planet. This big businessman — ooh, I wonder if he's going to be a villain? — is assisting in a military takeover of Bolivia so that the newly installed military dictator will cede to Greene's company barren land that, unbeknownst to the Bolivian but not to Greene, contains 60% of the country's water supply. Now the Bolivians can be held for ransom, water being a necessity of life. It seems Greene lives in a world where

one can become the CEO of a multinational company without any sound understanding of basic economics.

Greene's goal, you see, is not to monopolize oil, but to capture majority holdings in the much more valuable product, *water*. Water is required for life; therefore water must, by Greene's thinking, be worth more than diamonds. Greene hasn't kept up on his economics reading, or he would be aware of the marginal revolution of the 1870s that explained the diamond-water paradox.

Once acquiring this incredibly valuable monopoly, Greene seems unworried that water could be purchased and transported from Peru, Brazil, Chile, Paraguay, or Argentina, all of which border Bolivia. Although I've not heard of Bolivia pulling out of the world market, it seems their stores, unlike ours, do not offer bottled water for purchase. We have desert nomads throughout the world able to afford sufficient water to live, but a country in the middle of South America will dehydrate en masse if they don't give in to a company that presumably can forever charge a supramarginal fee for *water*?

I also found amusing that one can acquire major assets of this sort by having a newly-installed Bolivian dictator sign a piece of paper, which seems to constitute a valid contract, solemnly upheld by the Bolivian judicial system as people throughout the country pay or die.

By movie's end, Greene himselfis left to die of dehydration in the middle of a desert (though Quantum, the secret international cartel that Greene works for, apparently finds him first and shoots him dead, which seems a waste of bullets), and water flows again for the poor Bolivians, courtesy of the British Secret Service. This movie is far less realistic in plot and tone than its predecessor.

The movie plot does do justice to Bond's conflicted feelings of love, betrayal, and shame over his inability to save Vesper. That was resolved nicely. Though Greene is dead, White, captured by Bond at the end of "Casino" and escaping at the beginning of "Quantum," is still on the loose, and the organization, Quantum, is still functioning. So there will be further adventures of 007. I hope they are better written, plotted, filmed, and staged. ❑

"Slumdog Millionaire," directed by Danny Boyle. Fox Searchlight, 2008, 120 minutes.

Rags to Rupees

Jo Ann Skousen

In 1951 Ray Bradbury wrote a collection of short stories entitled "The Illustrated Man" in which a vagrant man is completely covered with tattoos. These tattoos come to life as the foundation for each of the stories in the collection. It was a clever and creative gimmick that united several unrelated stories examining technology and psychology. I've never forgotten it.

"Slumdog Millionaire" uses a similar storytelling device to unite several stories in the life of a young street urchin growing up in the slums of India. I deliberately avoid the word "gimmick" here, because there is nothing slick or gimmicky about this fine film, rich in culture and deep in emotion, with its Dickensian atmosphere and Faganesque mentor (Ankur Vikal).

When 18-year-old Jamal Malik (Dev Patel; also played at different ages by Tanay Chheda and Ayush Mahesh Khedekar) a virtually homeless and unschooled street orphan, manages to work his way up to the final question on India's version of the TV game show "Who Wants to be a Millionaire?" he is accused of cheating. After all, the show's emcee reasons, an impoverished ignorant boy from the slums can't possibly accomplish a feat that no privileged, educated contestant has been able to do. So the emcee calls in the goons.

Similar questions have been asked about other seemingly impossible accomplishments in history. How could the son of a glover in rural England with a minimal primary school education have written the most profound plays in all literature, for example? How could a man of ordinary background and education have become the greatest statesman, philosopher, scientist, and diplomat in American history? Innate genius seems to be the answer.

But Jamal is no genius. So how does this uneducated street urchin correctly identify an obscure poet, the face on a foreign currency, the holder of an obscure record in cricket? How does he know the inventor of the revolver, or the items held in the hand of one of hundreds of obscure mythological gods? Surely he is cheating. His interrogators beat him up as they try to elicit a confession of outside help or find a listening device or microchip.

Instead, while his tormentors review video tape of the show and focus jeeringly on each question, the boy relates the stories that explain why these particular objects are seared into his memory. Like Bradbury's "Illustrated Man," Jamal's trivial pursuit questions becomes the backdrop for his own "Thousand and One Nights," a collection of stunning, horrifying, uplifting, and ultimately indelible stories about survival on the streets of Bombay and Delhi. There are stories of brotherhood, betrayal, sacrifice, determination, and the indefatigable search for his one true love. The juxtaposition of this nightmarish childhood against the backdrop of a meaningless game show of trivial

pursuit for idle entertainment highlights what it means to be educated. It also elevates this film above the genre of underdog-wins-the-game movies.

Coincidentally, when I returned home from seeing this film on November 26, I watched the news reports of the terrorist attacks on Mumbai that killed over 100 and injured hundreds more. My first reaction was a horrified, "I was just there!" That's how powerful this film is. You will feel as though you are there with this little boy, running from his tormentors, digging through sludge, sleeping on trash heaps, and never, never, never giving up. ❑

"The Curious Case of Benjamin Button," directed by David Fincher. Kennedy-Marshall, 2008, 159 minutes.
"The Curious Case of Benjamin Button," by F. Scott Fitzgerald, 1921.
"The Confessions of Max Tivoli," by Andew Sean Greer. Farrar, Strauss and Giroux, 2004, 288 pages.

Curiouser and Curiouser

Jo Ann Skousen

Have you ever wished you could go back to your childhood, especially your adolescence, and do it over again, using the wisdom you have acquired through age and experience? What would you do if you were born old and then became progressively younger? In 1921, F. Scott Fitzgerald, musing on Mark Twain's observation that "It's a pity that the best parts of life come at the beginning, the worst parts at the end," wrote a short story called "The Curious Case of Benjamin Button," exploring this very issue. David Fincher has turned it into a remarkable film. But several works have examined the prospect of aging backward, and each has focused on a different effect of the condition.

In Fitzgerald's short story, the unfortunate man is born nearly full-sized, with normal speech, reading skills, and wisdom. As he devolves in age, his mind devolves too; as a 60-year-old in a 20-year-old body he can discuss philosophy, but by the age of 3 he is unable to count. Most interesting about this version of the story is the father's insistence on raising his son "by the rules." The old man must therefore drink milk when he would prefer to smoke a cigar, and play with a rattle when he would prefer to read the newspaper, simply because he is, chronologically, a baby.

I like this approach, because it demonstrates the absurdity of categorizing people by such arbitrary measures as age or gender. "There's a right way of doing things and a wrong way," Benjamin is scolded in the Fitzgerald story. "If you've made up your mind to be different from everybody else, I don't suppose I can stop you, but I really don't think it's very considerate" — as though he has any choice in the way he was born.

Like all good fantasies, Fitzgerald's story is meant to be read metaphorically rather than literally. Many people do things backwards — or at least differently from the norm. When I met my husband, he was the right man at the wrong time. I was 18, a freshman in college, and he was completing his master's degree and leaving for a career in Washington, DC. I chose to go with the man rather than the age, and virtually skipped a decade, moving into his world and leaving mine behind. I raised children in my 20s, went to college in my 30s, and began a career in my 50s. I understand a character who lives life backward.

But Fitzgerald's "Curious Case of Benjamin Button" bears very little resemblance to the film of the same name, other than the protagonist who ages backward. In the film, Benjamin is born the size of a baby, but with the wrinkled skin and arthritic bones of an old man. Now everyone knows that babies are born with wrinkled skin, absurdly shaped heads, wispy hair, and rickety curved legs, so this alone should not terrify the father. But it does. This Benjamin cries like a baby and suckles like a baby. Fitzgerald's idea of the baby spilling out of the bassinet and asking for a cigar is much more shockingly satisfying.

What is shockingly satisfying about the film is watching Brad Pitt age and then grow young. We've come to expect actors to age believably through skillfully applied makeup and prosthetic wrinkles. Pitt adds to the effect with a marvelous ability to blend the physicality of an old man with the exuberance and wonder of youth. His body and facial expressions work perfectly against each other. But to see him continue regressing past his current (and handsome) 45 to the breathtakingly gorgeous youth we saw 16 years ago in "A River Runs Through it" and, even younger, to a lanky, carefree youth of 17, is nothing short of amazing. It was worth the three-hour movie just to see the beefcake — er, I mean, to observe the computer technology.

The film is also a beautiful work of cinematography. The lighting is exquisitely natural, the costumes are perfect for the time and financial status of the characters, and the minor characters are well cast. The setting envelops you,

and the story moves surprisingly fast. In this version, Benjamin is abandoned by his horrified father on the steps of an old-folks home where he is rescued, like Moses from the bulrushes, and raised by a childless woman named Queenie (Taraji P. Henson). At the home, where "death and old age felt normal," he fits right in.

Daisy (Cate Blanchett), the love of his life, is the granddaughter of one of the residents. She comes and goes in his life until that magical moment when they "meet in the middle" and are the precise age to fall in love with each other. But this is Hollywood, where relationships last only as long as they are mutually satisfying. When Benjamin grows too young and Daisy grows too old, Benjamin leaves, "for the sake of their daughter," so Daisy can find another man to marry and become a father figure to their child(!). He narrates in voice-over: "We're meant to lose the people we love. How else are we supposed to know how important they are to us?" (Huh?)

The film version focuses more on the cycle of aging than on the stages of life. "We start out in diapers and we end up in diapers," Queenie says pragmatically. Benjamin starts out in an old-folks home, and he ends up there as well. As he becomes younger and younger, he loses his memory, very much like a victim of Alzheimer's. It's a sad thought, losing a loved one to dementia, and I have heard more than one caretaker of a parent stricken with Alzheimer's describe it as "caring for a baby." In that respect, the film is philosophically sound and emotionally moving.

The movie's storyline is more closely linked to Andrew Sean Greer's best-selling novel, "The Confession of Max Tivoli," than to Fitzgerald's "Curious Case of Benjamin Button." In Greer's story, an age-reversing man meets the love of his life three times, at three different ages, just as the film character does. And like the movie, which unfolds as a diary written to Benjamin's daughter, "Max Tivoli" is a memoir written to Max's son.

Greer's book uses the story indirectly to examine the Oedipus-Electra complex. Max meets his Alice first when she is a young teen turning to him for fatherly comfort, then as a woman who marries him, and finally as a mother who adopts him. At each stage she loves him, but in a different way. Max, however, loves her the same way every time — as an old man he wants to kiss her, and as a young boy he wants to zip her dress. Kind of creepy, actually, when seen from her point of view.

Interesting though each version is, none of these stories allows the protagonist to take advantage of the wisdom of age. There are so many things I have wished I could redo in childhood and especially adolescence, using the wisdom I have gained over five decades. Benjamin has that chance. I wanted to see the early Benjamin make a bad choice in his aged body and then use that wisdom to make the right choice in his youth. But he doesn't. In fact, the later Benjamin's decisions are as shallow and self-serving as those of any teenager I've met. Daisy, by contrast, develops a much clearer understanding of love and devotion as she ages.

Twain and Shaw both jokingly suggested that youth is wasted on the young. But as Henry David Thoreau observed in "Walden," "age is no better, hardly so well, qualified for an instructor as youth, for it has not profited so much as it has lost." Each of these stories about reversed aging ends in a profound sense of loss. People meet loved ones in the middle of their lives, then veer off in different directions. If anything is learned from their stories, it is the importance of staying on the same path with those we love, and walking hand in hand into the distance. ❑

Letters, *from page 34*

recently was due to greenhouse gas emissions, then we could confidently predict that this portion of the trend would continue, albeit modified by the underlying nonhuman warming and cooling fluctuations that would occur. But if, for example, 1% of the warming was due to human activities, and 99% due to nonhuman causes such as variations in solar output, then it would be the height of folly to conclude that temperatures in the future will rise because of increasing greenhouse gas emissions, since that slight increase would be little better than background noise in the much larger temperature fluctuations due to nonhuman causes.

The reality is that if you try to google scientific studies that try to quantify this ratio of human to nonhuman influences, you come up with no credible estimates. We simply don't understand the underlying natural forces well enough to have reliable computer models that would accurately tease out the relative importance of these different forces underlying climate variations. And so it would be a terrible and unnecessary blow to liberty to use government coercion to reduce greenhouse gas emissions when we don't know whether this would significantly affect climate.

Jim Henshaw
Kailua, HI

Still Burning

Bill Merritt says of 1968 that "Robert Kennedy had been murdered and, a few weeks later, Martin Luther King" (Reflections, Jan.–Feb.). Merritt has it reversed King was shot in early April of 1968 and Kennedy was shot in early June of 1968, two months apart. This writer was 14 years old at the time and in the 8th grade. I recall discussing it in class under "current events" — I shocked the living hell out of my liberal teachers when I said that the loss of King and Kennedy was nothing to be upset over, since they both believed in an expanded welfare state here at home. I still feel that way 40 years later; those two scumbags weren't heroes and shouldn't be treated as such. My youthful involvement with the John Birch Society and the Wallace-for-president movement around that time is what eventually led me to libertarianism in high school and college.

While Merritt was dodging Commie bullets in Vietnam, I was saying let's win it and get the hell out and don't ever go back! I was against the war because our country was led by traitors (then as now) who were getting our forces killed for nothing in a war they had no intention of winning. I'm 54 now and it still pisses me off!

Mark Richards
West Milford, NJ

Terra Incognita

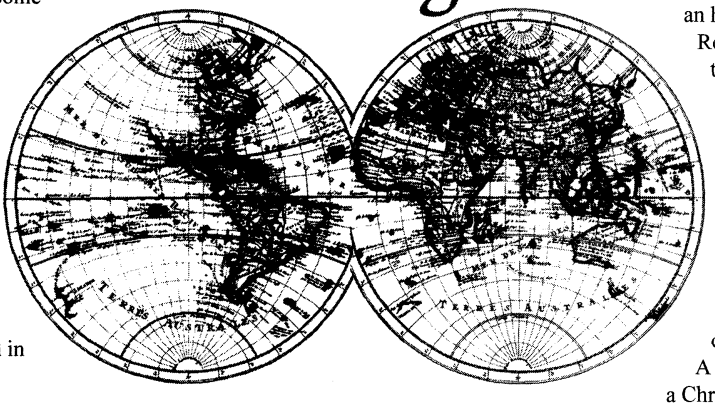

Morrisville, N.Y.

Laudable effort in the perpetuation of a stereotype, from the *Syracuse Post-Herald*:

State police say an upstate New York college campus policeman was helping himself to free pastries at a local convenience store.

Sgt. Steve Brody of the Morrisville State College University Police stopped daily to buy a newspaper and pick up the free coffee offered by the store. He also routinely stuffed a pastry into his coat.

Brody, 55, of Morrisville, was ticketed for petit larceny.

70 Mile House, Canada

Animal activists find a new bête noire, from *The B.C. Province*:

A B.C. man who clubbed a bear to death in self-defense is now defending himself from a smear campaign.

Jim West says angry animal-rights crusaders have been harassing him at home and impersonating him in emails to media outlets. "I figure this is someone from PETA because I've had some people tracking me down and giving me the gears," said West, 45.

West says he's also been receiving phone calls. "One woman asked me why I killed the bear and why I didn't run away. Well, you can't outrun a mother bear," said West who is recovering from the 60 stitches to his skull, upper lip and left arm he received in the attack.

Las Vegas

Legal note, from a report from *Courthouse News*:

A man claims Simon & Schuster defamed him in the book "Hot Chicks with Douchebags." Michael Minelli says two pages of the book are dedicated to him illustrated with a photo, but the douchebag label is "false as it pertains to plaintiff."

Minelli says he "has been, is now and continues to be called a douchebag by friends, acquaintances, coworkers, employers and strangers alike." Minelli seeks damages and attorney's fees.

Boston

The thin blue line separating society from chaos, in the *Boston Herald*:

Jennifer Davis was stuck in bumper-to-bumper traffic, her contractions just 3 minutes apart. Her husband, John, was trying to appear calm for his wife's sake, driving in the breakdown lane of Route 2. They pulled up behind a state trooper to ask whether they could continue using the lane to reach the next exit, near Alewife Station.

Not only did the trooper say no, he gave them a $100 citation for driving in the breakdown lane, made them wait for their citation while he finished writing someone else's ticket, and even seemed to ask for proof of pregnancy, Davis said.

State Police spokesman David Procopio noted that state law prohibits driving in breakdown lanes on Route 2. "The trooper made a judgment call to enforce the law governing the use of the breakdown lane," said Procopio. "If the couple does choose to submit a letter of complaint, we'll review it in accordance with our procedure."

Subkowy, Poland

Defending nature from itself, in the *Austrian Times:*

Green campaigners called police after discovering an illegal logging site in a nature reserve — only to find the culprits were a gang of beavers.

Environmentalists found 20 neatly stacked tree trunks and others marked with notches for felling at a beauty-spot in Subkowy, northern Poland. But when officers followed a trail left by a tree which had been dragged away, they found a beaver dam right across the river. A police spokesman said: "The campaigners are feeling pretty stupid. There's nothing more natural than a beaver."

Detroit

Petition the Lord with prayer, from the *Detroit Free Press*:

With sport-utility vehicles at the altar and auto workers in the pews, one of Detroit's largest churches on Sunday offered up prayers for Congress to bail out the struggling auto industry.

"We have never seen as midnight an hour as we face this week," the Rev. Charles Ellis told several thousand congregants at a rousing service at Detroit's Greater Grace Temple. "Lives are hanging above an abyss of uncertainty as both houses of Congress decide whether to extend a helping hand."

Local car dealerships donated three hybrid SUVs to be displayed during the service, one from each of the Big Three. A Ford Escape, Chevy Tahoe, and a Chrysler Aspen were parked just in front of the choir, behind the pulpit. At one point, Ellis summoned up hundreds of auto workers and retirees in the congregation to come forward toward the vehicles on the altar to be anointed with oil.

Willich, Germany

New definition for "going postal," in the *Stuttgarter Zeitung*:

A manhunt is underway near Dusseldorf for a convicted drug dealer who escaped by mailing himself out of jail.

The 42-year-old Turkish citizen had been making stationery with other prisoners destined for the shops. At the end of his shift, the inmate climbed into a cardboard box and was taken out of prison by express courier. His whereabouts are still unknown.

Anchorage, Alaska

A new civil rights movement gets its start, reported in the *Anchorage Daily News*:

A giant snowman named Snowzilla has appeared again this year — despite the city's cease-and-desist order. For the last three years, Snowzilla has been a very large feature in Billy Powers' yard. This year, Snowzilla is estimated to be 25 feet tall. He's wearing a black stovepipe hat and scarf.

City officials deemed Snowzilla a public nuisance and safety hazard. A cease-and-desist order was issued. The city tacked a public notice on Powers' door.

In response, a group of snowman protesters appeared on Christmas Day in front of City Hall. They carried signs that read "Snowzilla needs a bailout" and "Snowmen have rights too."

Special thanks to Russell Garrard and Tom Isenberg for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

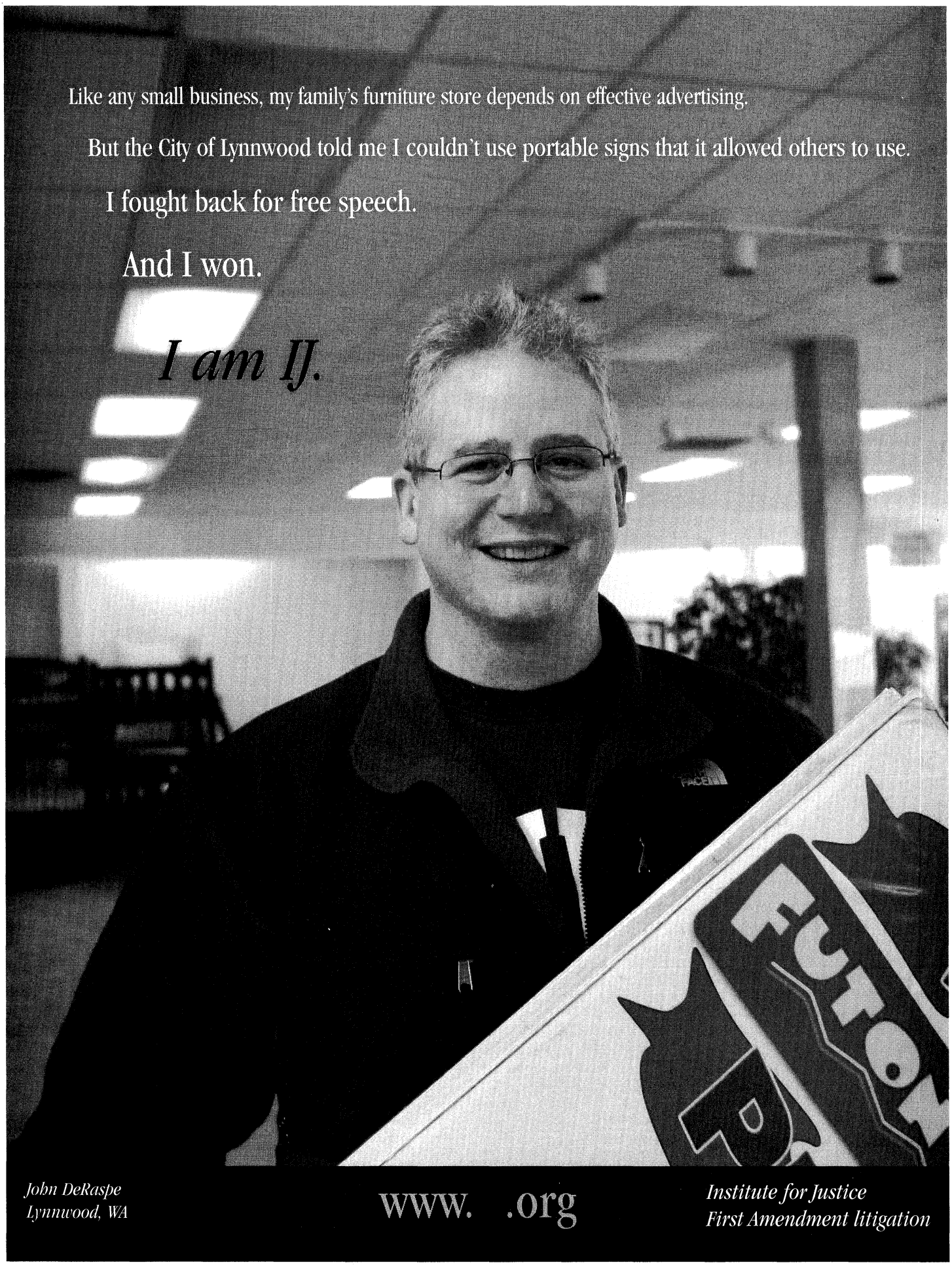
Like any small business, my family's furniture store depends on effective advertising.
But the City of Lynnwood told me I couldn't use portable signs that it allowed others to use.
I fought back for free speech.
And I won.
I am IJ.
John DeRaspe
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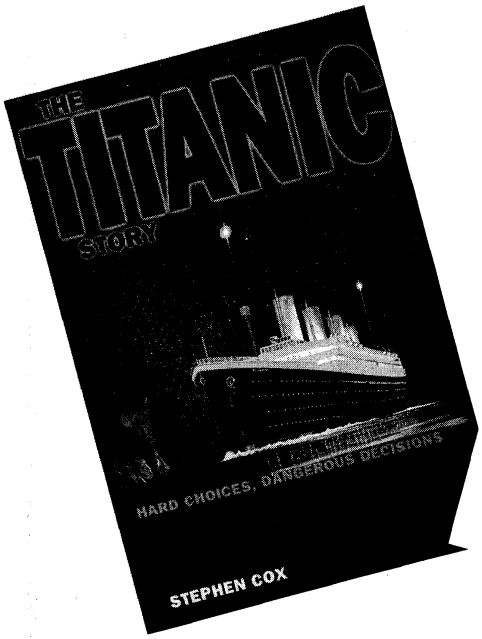

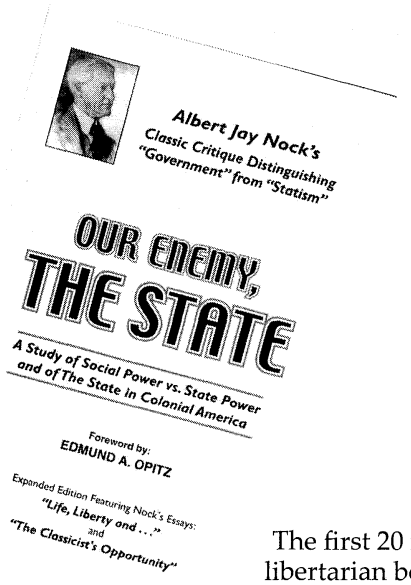

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Inside Liberty

April 2009
Volume 23, Number 3

4 Letters Who's on first.

7 Reflections We hoard cigars, rewrite the Constitution, share our debt, claim she's eighteen, and take food from the mouths of babes.

Features

21 Seizing the Initiative Officials are cracking down, *Bruce Ramsey* warns, on the scourge of government by the people.

23 The Great Man Speaks How did President Obama's inaugural speech compare to the others? Ask *Stephen Cox*, the only man to read them.

27 Teaching to the Lowest Common Denominator If you care about children, *Don Crawford* maintains, it's time to talk sense to educators.

31 What's Left of the American Left *Jacques Delacroix* discovers that the blessings of laissez faire are most pronounced when you're surrounded by those who hate capitalism.

33 Freedom vs. Fairness *Charles Barr* shows how to find new buyers for liberty.

37 Peak and Trough Is the business cycle inevitable, *Fred E. Foldvary* asks, or is it only human nature?

41 Get Your Hands Off My Urine! *Wesley J. Harris, M.D.* wonders, how much should government intervene in women's health?

Reviews

45 Sex Slaves and Rationing Even in North Korea, as *Paul Karl Lukacs* discovers, individual initiative survives.

47 Another Summit *Jo Ann Skousen* finds, again, if you want something done right, do it yourself.

48 The Graceful Science *Bruce Ramsey* enjoys the final harvest of Paul Heyne's writing on economics, and on human nature.

49 How Does Music Mean? *John Hospers* considers the question.

51 Into the Sunset? *Jo Ann Skousen* reports on Clint Eastwood's "last" movie.

52 Old Genre, New Treat Strangers, drugs, Russian cops. *Gary Jason* enjoys the simple pleasures.

53 Mall Crap How is it, asks *Mehmet Karayel*, that a film could blow so many chances to be funny?

54 Filmnotes Big Ben, airport coffee, and longshots.

46 Notes on Contributors Those who make it possible.

55 Terra Incognita Into the wild.

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Letters

Voting No to Getting Along

In "Confessions of a Government Planner" (Jan.–Feb.), Warren Gibson writes: "It would be silly to get on a planning commission and then cast every vote on High Libertarian Principle — crossing your arms and declaring that the very notion of city planning is illegitimate, for example. You have to take the zoning laws and building codes as given and then hope you can find enough latitude to do the right thing." Why bother?

When I vote for a Libertarian candidate, I do so with the assumption that he will uphold libertarian principles, primarily the principle of smaller, less intrusive government. Otherwise, there's no point to voting Libertarian. When you abandon your principles under the guise of "getting along," you do nothing to further the cause of liberty. We don't manage to elect many Libertarians. Those who are elected need to do whatever is necessary to further libertarian ideals and principles.

This past summer, in order to garner more mainstream media coverage, the Libertarian Party totally abandoned its principles by nominating that idiot Bob Barr as its presidential candidate. Bob Barr has no libertarian ideals and his campaign quickly faded into obscurity. My advice to Mr. Gibson is to run as a Democrat or a Republican next time he runs for office and save the Libertarian spot for someone who is actually a libertarian.

Danny Gray
Birmingham, AL

Gibson replies: The Planning Commission is not a policymaking body. I was appointed by the City Council, not elected, with the understanding that I would work within the provisions of the Municipal Code. I thought I might do some good within that constraint. Whether I did or not is for others to decide.

On another occasion I did run for office as a Libertarian, for the local "Health Care District," on a pledge to abolish the district. Had I won, I would have done everything in my power to do just that. But I likely wouldn't have succeeded right away, and as a board member might have had to vote for some bad program to avoid an even worse one. That's the sort dilemma libertarian politicians inevitably face.

And on yet another occasion I led the opposition to a ballot measure restricting development rights and have the scars to show for that effort.

I now focus my efforts on teaching sound economics, and while I do not openly advocate for libertarian ideas in my classes, I often lead students to conclusions that leave only a small remaining step to libertarian policies.

In short, I am proud of the efforts I have made for liberty, modest and imperfect as they may have been.

Unswallowed Principle

In the December 2008 Reflections, Leland Yeager said with regard to solving the economic crisis that "the U.S. government is the only institution with enough immediate clout to undertake

Letters to the editor

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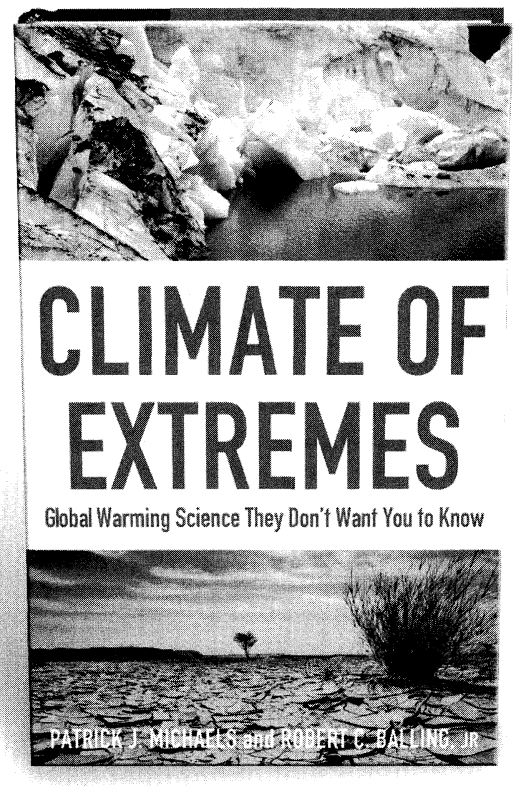

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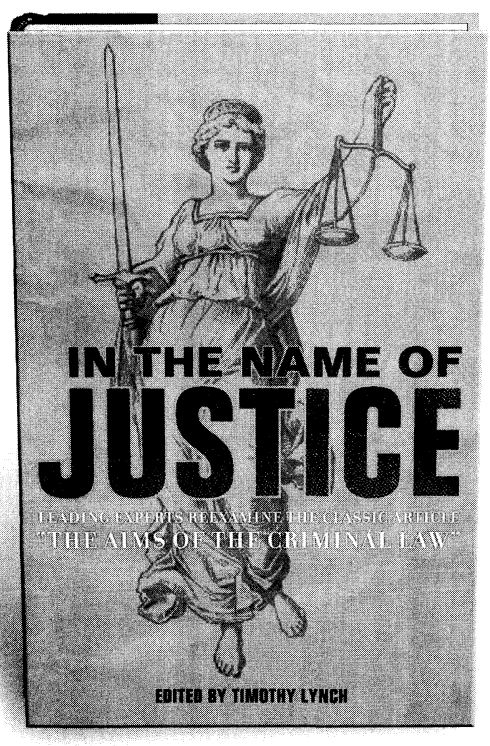

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the operation." I would ask that we remember the old saying "Never in the history of the world has there been a situation so bad that the government can't make it worse."

Just as Hoover and FDR turned a recession which should have been short-lived into a depression that lasted about a decade, so too Bush and Obama can cause real harm to our wellbeing with the interference by the politicians and bureaucrats in Washington, DC.

In the same section Bruce Ramsey said, "If there is a way to use public credit to keep the system from seizing up in a panic and having financial institutions around the world go down in a heap, then I swallow hard and consider supporting it, still not liking it."

Mr. Ramsey gives us a false choice. Giving $700 billion at a cost of $850 billion (that is $150 billion in pure pork) to Treasury Secretary Henry Paulson to spend as he sees fit is insane. The secretary said at the time that he did not know if his program would work!

Some might suggest that the secretary wanted to use the money to reward his friends and punish his enemies. Bailouts for Freddie and Fannie, you know, that is where ex-political activists with juice go to get very, very rich, and they use the taxpayer's money to lobby their cronies in Congress to maintain and improve their deal. Bailouts for AIG whose people go to luxury hotels to "work"; bailouts for Goldman Sachs where Paulson used to work. People Paulson used to work against, i.e., Lehman Brothers, get no bailout (not that they deserve it). Maybe I'm just paranoid?

I shall not swallow hard. I shall not support stealing or the promise to steal from the taxpayers. I shall use what proper powers I have to persuade those who will voluntarily listen: the politicians and bureaucrats in Washington, DC caused this problem! If there is a true lack of credit, it will respond to the laws of supply and demand.

The politicians and bureaucrats in Washington have been supporting the

continued on page 54

From the Editor

I'm not sure that you're going to believe me, but let me tell you what happened in my condo complex the other night.

The electricity went off. Several of us went down to the basement to see what had happened, and we soon found out. At least we found out where it had happened. It was someplace in that black box, over there, the one that was flashing and crackling. We made an emergency call to the electric company. One of their agents showed up and told us that a "bolt" was shot. Not your normal bolt; this one cost us $2,600 to replace, the next day.

Anyhow, the emergency guy shut off the offending circuit and bade us good night. We were congratulating ourselves on what libertarians call the principle of spontaneous order — the way we all voluntarily gathered together to investigate our problem and make an intelligent decision in our own interest — when two of our residents started another kind of conversation.

One was complaining that because his power was off, he couldn't watch TV. The other said — I swear to God, this is what he said — "Well, why don't you just watch a DVD?"

The first one was quiet for about 30 seconds. Then he said, "I don't think that'll work. The power is off."

"Oh," the other one said. I'm not sure he was convinced.

When I heard that conversation, I thought it was funny. Then I realized that this guy is nothing compared to the people who have been trying to run the government these past God knows how many years. When the lights go out, their advice is: don't worry. Just keep doing what you've done before. Vote for us.

That's not Liberty's idea. We're down in the power room, finding out how to fix the problem. And we won't charge you $2,600. $29.50 a year is all we need.

For Liberty,

Stephen Cox

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Reflections

Profiles in privilege — Obama has ordered the temperature fired up at the White House because he doesn't like the cold. So much for shared sacrifice and green alternatives. He, of course, follows in a long tradition of presidential double standards.

The story of Kennedy and his cigars is a classic example. Before he signed the trade embargo in 1962, banning Cuban cigars, he had his press secretary, Pierre Salinger, get him 1,000 of them. Salinger secured 1,100. Then the president said: "Now that I have enough cigars to last awhile, I can sign this."

Martha Stewart went to jail for far less than this, but it seems that presidents, including those known to preach about "public service" and "sacrifice," are exempt from the moral codes that apply to the rest of us. — David T. Beito

The Ponz — With the arrest of Bernie Madoff for the second largest Ponzi scheme in America, my focus turns to the largest Ponzi scheme ever concocted: Social Security. Why are so many people still wedded to this financial debacle, now in its eighth decade? Apparently Ponzi schemes are not illegal; it is just that the Social Security Administration has been granted a government protected monopoly. Just like money printers and nuclear weapons, only the Fed gets to run a Ponzi. — Tim Slagle

Googles per gallon — Do we need to tax the internet to save the planet? A new study concludes that Google's computers emit 7 grams of carbon dioxide for every Google search. Since burning a gallon of gasoline releases 8,880 grams of CO2, you can calculate your car's Google-equivalent by dividing your miles per gallon by 1,269 (8,880 divided by 7).

My 22-year-old car still gets 33 mpg, and I do about 40 Google searches a day, equal to driving about a mile. Of course, I visit dozens of web sites for every Google search. If each of those web servers generates as much CO2 as Google, my internet usage is equal to driving about 20–30 miles a day. — Randal O'Toole

Warning: content — Watching some movie trailers on iTunes recently, I noticed for the first time that the R and PG-13 ratings have become more detailed and explicit. Parents are being informed of the dangers their children face in watching movies.

For example, an upcoming movie involving people with superpowers (called "Push") is rated PG-13 (Parents Strongly Cautioned). Why? "For Intense Sequences of Violence and Action, Brief Strong Language, Smoking and a Scene of Teen Drinking."

Sadly, the ratings system does not yet inform as to scenes where children eat meals high in saturated fats and not fully balanced as regards the food pyramid. — Ross Levatter

Rakish angle — Today my Gmail box offered me, not a news link or an ad, but a "Recycling Tip": "You can make a lovely hat out of previously-used aluminum foil."

And I thought, "That just may be the least stupid thing I've ever been told about recycling." — Andrew Ferguson

What, me invest? — We're in the worst recession-downturn-crisis in 30 years. Yet my husband can't find a parking spot at our nearest upscale shopping center — it's too full of shoppers. In fact, earlier in January, the manager of Harris-Teeter (a grocery store in that shopping center) said he was having the busiest day ever. True, Raleigh, NC was expecting a snowstorm, but he also said he simply hadn't seen a downturn in his business.

What's the explanation?

Some of those shoppers may be browsing rather than buying. But a lot of people are like us. We'd rather spend our dollars on consumption goods than invest them in risky ventures that will repay us, if at all, in increasingly worthless dollars. — Jane S. Shaw

State of the union — On January 30, President Obama continued his blitzkrieg against the free enterprise system by giving Big Labor three more treats.

He signed three executive orders reversing earlier Bush policies. The first order requires all federal contractors with contracts above $100,000 to post a "balanced notice of their employees' rights" under the National Labor Relations Act. The second requires that when a federal agency switches contractors, the new contractor must offer jobs to all the old contractor's nonsupervisory employees. The third prohibits federal contractors from being reimbursed for money spent to "support or deter" unionization.

What is troubling about all this is that it was presented in a televised celebration of Vice President Biden's being given his major role in the Obama administration: Official Protector of the Middle Class. Biden's whole pitch was that the middle class was a product of Big Labor. Translation: to "protect" the middle class, the feds will shove unionization down the throats of every business in America. January 30 was just a taste. — Gary Jason

Ancien regime — Readers of Liberty may recall that I recently pointed out some parallels between present day America and pre-revolutionary France ("Henri Antoinette," Reflections, Jan–Feb). Since then fresh evidence has surfaced to support my thesis.

In late January, John Thain "resigned" as CEO of Merrill Lynch. Thain, who succeeded the egregious E. Stanley O'Neal in 2007, did little to mend Merrill's foolish subprime ways. However, he did manage to sell the company to Bank of America in September 2008, avoiding bankruptcy and thereby saving his shareholders from being completely wiped out.

In early 2008, with Merrill in a downward spiral and Thain preparing to slash costs and lay off thousands of employees, he decided to redecorate his office. We're not talking a fresh coat of paint here. Thain hired celebrity decorator Michael Smith to do the job. The bill for improving Thain's surroundings came to $1.2 million. Included in the price tag were an $87,000 area rug, a $35,000 commode, and a $1,400 wastebasket.

At the time, there was no such thing as the TARP, so the bill for Thain's megalomania was paid by Merrill's shareholders. Thems the breaks in free market capitalism; it's up to boards of directors and shareholders to police this sort of nonsense. And on Jan. 26, Thain apologized for his self-indulgence, say-

Word Watch

by Stephen Cox

"Behold my servant," says the prophet, "mine elect, in whom my soul delighteth . . . He shall not cry, nor lift up, nor cause his voice to be heard in the street" (Isaiah 42:1-2). I wish this prophecy would be fulfilled, right now. I wish that all people — God's servants or otherwise — would lower their voices so as not *to be heard in the street* — or by me.

Unfortunately, this concept is as foreign to contemporary Americans as it used to be to workmen in boiler factories. Never have people insisted more on everyone's right of privacy, and never have people done more to destroy privacy by ranting, bleating, blabbing, yammering, and simply blasting the insipid stories of their mediocre lives into other people's ears. It's a gross violation of liberty. There's no reason for it. It's getting worse all the time. It's got to stop. And I haven't the faintest idea of how to stop it.

The odd thing is that privacy-obsessed Americans have no compunction about violating their own privacy as well as everyone else's, by shouting their personal business into everyone's ears. This wasn't always so common in the English-speaking world.

In the 18th century, when politeness was considered the mark of a real person, Lord Chesterfield complained about the loud yappings of some of his friends — aristocrats who, because of their loudness, didn't deserve to be considered aristocrats. He told them to lower their voices, so that "the passengers in the street" wouldn't hear what they were discussing in private. But that was a no-brainer, either for him or for the many people who read what he wrote on the subject.

In the 17th century, decorum wasn't yet a craze west of Paris. Nevertheless, King James II was derided for violating his own privacy. "His Majesty," as Macaulay says, "could not keep any secret from anybody."

But today, after centuries of education (much of it public education, admittedly, but you take it where you can get it), no one has any compunction about acting like the monarch who got kicked off his throne for being, among other things, a blowhard. Today, no one hesitates for a second before broadcasting his or her financial standing, religious views, family relations, and political prejudices to anyone within the range of, say, a city block.

When you sit down in a hash house and order a cuppa joe, you have no reason to complain if you're forced to listen to the conversation of the other guys who are squatting at the counter. But when you're in one of the most expensive restaurants in an expensive town, and you can't focus on the menu because of a "conversation" that is proceeding 60 feet away, and you ask to move to the bar, and after doing so you can still hear every syllable of the distant strangers' discourse *through the wall*, then you know we've got a serious cultural problem here. (A true story, and I can vouch for it. In Whitman's words, I am the man, I suffered, I was there.) When, in the same kind of venue, you're conversing quietly with your friend, and the elegant waiter walks up, cuts off your conversation in mid-sentence, points at your plate, and screams, "*So — you still workin' on that?*", you know there is some essential concept that our fellow countrymen have forgotten. Again, it's a true and common story — and I know that you can vouch for this one. When is the last time someone interrupted you and said, "Excuse me"?

So what's the forgotten concept? Freedom from other people's noise? Respect for the privacy of everyone? Yes, that's right. But there's a third concept. I think it's the idea that other people have a real existence.

I mean it. The attitude that the screamers and screechers — the people now in control of our streets and stores, restaurants and offices — adopt toward other human beings is the same that a 16-year-old sagger adopts toward the wall where he's bouncing his basketball. For him, the wall isn't really there. It isn't an independent entity. It's only a background for what *he's* doing. And neither are you an independent entity, from his point of view. If you open your window and ask him to stop making so much noise, he'll stare back at you, as if you were a wall. Then he'll return to bouncing his ball.

Try an experiment. The next time your waitperson comes over and yells at you, without so much as an "excuse me" or a "may I interrupt?", try continuing your conversation in spite of him. You'll find that your effort has no effect. He'll just keep talking. And the next time your life is made miserable by the blowhard on the other side of the doctor's waiting room — the guy who's busy telling his wife, who's found a comfortable chair about 30 feet away from him, what exactly is the matter with his prostate — try showing him that you're listening intently to his words, and that you're not amused. He'll just stare back at you, as if, again, you were a wall.

How many times have you stood in a supermarket aisle, trying to decide which brand to buy — how many times have you stood in such a former asylum of decorum as a bookstore or library, making your choice of reading — when a strange voice shrieks in your ear: "Don't do that! *I said, don't do that!!!*" What?!

ing he would reimburse Merrill for the redecorating.

But it seems to me that this mea culpa came rather late in the day. And Merrill's acquisition by Bank of America was subsidized by billions of taxpayer dollars. After Thain sold Merrill to BofA, he lobbied (unsuccessfully) for a $30 million bonus for himself. He secretly paid out millions in bonuses to his subordinates in the last days before the deal became official on Jan. 1. That's our money he was playing with.

Once the BofA-Merrill entity took public dollars, its officers had a responsibility to act with the utmost probity and circumspection. Thain, however, continued to behave like a degenerate noble of the ancien régime. Now, I don't advocate bringing back the guillotine, but it seems to me a good old tar-and-feathering would be in order. — Jon Harrison

Object lesson — Price of the Communist Manifesto in the Apple iPhone app store: 99 cents. Price of the complete works of Shakespeare in same: free. — Andrew Ferguson

Ferry tale — When U.S. Airways flight 1549 landed in the Hudson in early January, most of the passengers and crew were rescued by 14 boats from the NY Waterway ferry fleet. Not many people know that this system of ferries between New Jersey and Manhattan is almost completely unsubsidized.

Supporters of America's socialized transit systems love to

you ask. Is this Homeland Security, about to make a bust? Is it the book police, warning you against "The Charterhouse of Parma"? Is it the Jolly Green Giant, insisting that you boycott his competitors' peas? You whirl, ready to fly or fight — only to discover that the sound was emitted by a tanned, svelte, twice-face-lifted little soccer mom, standing six inches behind you and screaming into her cellphone about her daughter's plan to visit the girl next door.

Well, does she notice your alarm? Does she notice your *existence*? Why ask? She notices you no more than she notices the fact that a cellphone will easily convey one's remarks to the other party, if one will only speak in a normal tone of voice. Both these things would be news to her, if she were interested in news about anything but herself.

Some people, I know, have better voices than others. They're just naturally better at projecting. I wish I had a voice like that. But some people are taller than others, too. They just naturally take up more space. That doesn't mean they can't learn to let other people have some room on the sofa. In the same way, people who are blessed with carrying voices have the capacity to learn that they don't *need* to force others to listen to them. They can *lower* their voices. (That's right — try it. Speak to the person who's right in front of you, not to the person who's a block away. Go on, try. I know you can do it.) If that obvious thought has never occurred to them, it's a good sign that neither their privacy nor that of other people matters to them in the least.

This isn't a good thing for the Republic.

Not long ago, I was sitting in my office at the university when a loud voice began declaiming words in my ear, lines from some modern play. (Yes, I knew it was modern, because it wasn't any good.) At first I took this as proof that dementia had finally caught up with me, but on the faint chance that there was another cause, I leaped up and slammed my door. The voice continued, undiminished. Look, *you* try writing an article for Liberty with *#!@&% like that going on in your ear. Desperate, I ran to the end of the hall, slammed the outer door, and went back to my office. *The voice continued.* God in heaven, I thought; Dante was onto something.

Finally I left the office, left the hallway, and entered the large concourse that connects my hallway to other people's offices and classrooms. There, in the middle of the concourse, at a great distance from my point of origin, sat a young woman, reciting the lines of a play she was apparently trying to memorize.

Oh, I thought; I know how to deal with this. After all, I am a college professor; she is obviously a student; this is a good opportunity to teach an important lesson, but to teach it in a kind, courteous, and actually complimentary way. I can inculcate a measure of civility, while enabling the student to feel good about herself. It's all a matter of *modeling* the *role* of the courteous person, the libertarian person who respects other people's rights.

So I walked up to her and said, "Excuse me" (a valuable part of the lesson, no doubt), and continued in this manner: "I wanted to tell you that you have a great voice. Great projection. You know, I can hear you in my office, way down there, on the other side of that door." (Gesture toward a distant object.) "But, you know, I was wondering whether you could possibly lower your voice a bit, or maybe find another place to practice, because, well, it's hard for me to work while I'm listening to your play, and as you know, there are a lot of other offices here, and classrooms, too, and maybe other people who have the same problem. I'd really appreciate it. Thanks." Smile.

I felt good. I appreciated my own performance. But the actress did not. For a moment, I thought she hadn't heard what I said. She gave me the same blank stare that I mentioned above, the stare you see on the face of everyone who's orating, apparently to himself, while he stands in public, talking into a hands-free cell. The stare of a cow, standing in a vacuum.

Then, suddenly, she got it. She noticed my existence. She comprehended the situation. Here was someone, a stranger, perhaps another human being, who was requesting to be *left alone.*

"This isn't your hallway!" she said, projecting perfectly. "Leave me alone!"

It was a new take on the Garbo idea. Garbo wanted to be left alone, but she was perfectly willing to leave other people alone as well. It's a basic libertarian concept, one that has many implications, most of them more important than anything I'm implying here. Yet liberty does depend on cultural and social assumptions, not simply political ones. If you assume you have the right to play your radio so loudly that I have to hear it, you are not a good candidate for a libertarian society. If you assume you have the right to intervene in other people's quiet conversations, even when those people are paying you to serve them and be respectful of their privacy, you are not a good candidate for a libertarian society. If you are so unmindful of other people that you don't care whether you not only are sharing your private conversations with them but are actually forcing them to listen, you are one horrible freakin' candidate for a libertarian society. But that's what many of our dear fellow citizens are. They want to be *left alone* so they can *drive you crazy.*

It doesn't look good, comrades. And the worst thing is, one almost never hears anything interesting about these people's not-so-private lives. If they were really dishing the dirt about themselves, I might have occasion to moderate my view. But awful to say, they're not even scandalous. They're just loud and dull.

say that all public transit is subsidized, in order to justify their insatiable hunger for more tax dollars. NY Waterway proves them wrong. Though New York and New Jersey have numerous government transit agencies, none of them thought of starting ferry services across the Hudson.

That idea was developed by Arthur Imperatore, a trucking company owner who had acquired some land on the New Jersey waterfront. To promote developments on that land, he decided in 1986 to start running ferries between the developments and midtown Manhattan. The developments never went very far, but the ferry service took off, and today his ferries earn nearly $12 million in profits each year.

The only subsidies he ever received were some loans and grants after 9/11 to start running ferries to downtown Manhattan in order to replace the Port Authority subway whose World Trade Center station was destroyed in the attack. When rail service was restored in 2004, he sold those ferry routes to another entrepreneur who also operates without subsidies.

NY Waterway shows that, if government-subsidized transit disappeared, it would be quickly replaced by private transit that would probably be more efficient and more innovative. Anyone who assumes that transit requires subsidies both lacks faith in entrepreneurs and has too much faith in the altruism of government bureaucrats. — Randal O'Toole

Into the void of ideas — Much has been written in these early days of the Obama administration about the GOP's lack of effective leadership in opposition. In truth, the lack seems to be a more general void of substantive political ideas in American discourse. Into this void, Rush Limbaugh has waddled happily.

As we've noted previously in this space, opposition is good for media ratings. The surprise is that Obama would recognize Limbaugh, by name, as a voice (if not *the* voice) of the other side, and reprove his influence. It seems an odd choice for an elected leader to elevate an entertainer in such a way.

Some nervous people on the GOP's side are quick to remind anyone who will listen that Limbaugh played a useful role in the Republicans' "Contract with America" bid for congressional control in the mid-1990s. But there are some critical differences between then and now. Most important: In the 1990s, the Republican Party, led by Newt Gingrich, had a coherent (this doesn't mean good, just coherent) ideological platform to present to voters as a check on President Clinton's statist overreach. For all his admitted personal (and less-admitted philosophical) failings, Gingrich was a good political tactician. Today, none such stands in his place.

Back then, Limbaugh was merely the loudest of many media talkers who supported the "Contract with America." It was already a dumbed-down document; they dumbed it down even more and repeated it frequently. Radio talk show hosts are good for doing this; they aren't so good at generating ideas.

Why is there a dearth of ideas in the Republican Party? In part, because its rank-and-file members remain focused on false issues such as gay marriage and stem-cell research. Principled limited-government advocates may not be ready to fill the GOP's ideological void; but some are trying. Remnants of Ron Paul's presidential campaign exist at the local and state levels in many parts of the GOP; and such groups as the Campaign for Liberty are trying to expand their influence. But even if they are ultimately successful, their ascent will take time. It will be years before the Republicans emerge from their evangelical hangover.

Limbaugh isn't the only media figure who has flirted with stepping into the void. Fox Channel buffoon Sean Hannity considered — apparently seriously, but who can tell? — a bid for governor of New York. And of course it's not just the GOP whose lack of substance has drawn celebrity poseurs. MSNBC buffoon Chris Matthews considered running for U.S. senator in Pennsylvania (Democratic); and what can be said of Caroline Kennedy's bizarre bid for appointment to the U.S. Senate (also Democratic), other than that it proves the depth of the void of ideas in politics right now? — Jim Walsh

No, we can't — "Change" and "hope" were the mantras that got Obama elected, but he appears to be offering us the same old gruel: perpetual war and futile Wilsonianism in foreign policy. Richard Holbrooke, Obama's envoy to Pakistan and Afghanistan, predicts that the Afghan War (now in its eighth year) will outlast the longest war in American history (Vietnam, 14 years).

There are some problems that can't be solved by shouting "yes we can," even if we back up the shout with more U.S. blood and treasure. This is one of them. — David T. Beito

At the summit — The opening day of the World Economic Forum in Davos, Switzerland, illustrates the fact that the world superpower leaders have now reached unity.

Mr. Putin, unrepentant Soviet KGB agent that he is, wasted no time in blaming the economic mess in his own country on the United States. Putin railed that excessive reliance on one currency (ours!) is dangerous for the global economy, and gloated that "today, investment banks, the pride of Wall Street, have virtually ceased to exist."

His triumphalism was shared by China's premier Wen Jiabao, whose country has experienced a slowdown as well. Wen, no closet communist, blamed the world recession on "some economies" (ours!) that are buying too much and saving too little, and on financial institutions in "blind pursuit of profit." Rather cheeky comments, from a leader of a country whose rise in prosperity has been facilitated by our purchases of its goods.

In short, Russia and China are not in trouble because of their rigidly state-controlled systems, but because of — Wall Street! Of course, this is precisely what our own dear leader has been saying for months. The U.S. recession has nothing to do with the government, Dear Leader has proven. It resulted from vicious, unregulated greed on Wall Street. And he'll soon end that.

We now have worldwide agreement on the cause of the economic distress. The cause is capitalism. Loose money from the Fed, the lowering of commercial standards by the Barney Franks of Washington — they had nothing to do with it.

Putin has expressed admiration for Stalin, and Obama for FDR. Wen no doubt has pinups of Mao in his bedroom. I can see them all gathered together in a summit meeting, just as in the Golden Age when Stalin and FDR brought peace and prosperity to the world. Perhaps they might meet at Yalta — awfully pretty, this time of year. — Gary Jason

Sitting bull — In the halls of the modern-day Congress, political grandstanding and partisan rhetoric leave little room for the United States Constitution. Nothing illustrates this more clearly than Senate Majority Leader Harry Reid's repeated assertion of a nonexistent constitutional authority to deny Roland Burris the Senate seat to which Illinois Governor Rod Blagojevich appointed him. Although Sen. Reid eventually capitulated to political pressure and Burris was sworn in as the junior senator from Illinois, it is nonetheless important to examine Reid's constitutional argument, as it provides a revealing insight into our leading senator's creative interpretation of this country's most important document.

Reid's antics took center stage in a recent interview on "Meet the Press" when, challenged on the constitutional grounds of his assertion, he responded, "We determine who sits in the Senate, and the House determines who sits in the House. So there's clearly legal authority for us to do whatever we want to. This goes back for generations." Reid apparently derives this authority from Article I, Section 5 of the Constitution, whose first clause states, "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members." The second clause permits each house to "punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member."

It is unclear where, in either passage, the right to bar entry of a sitting governor's senatorial appointee is enumerated. Surely he could not have been referring to the Senate's right to judge the "qualifications" of its members. After all, these qualifications are clearly articulated in Article I, Section 3: "No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen." By these criteria, Mr. Burris is fully qualified for office. There are no stipulations concerning the appointer's ethical repugnance or the political "cloud" surrounding his appointment. The dirtiest politician in the land — which Gov. Blagojevich may very well be — is still permitted to make the appointment.

If Reid is not convinced by the actual text of the Constitution, he can at least examine the "legal precedents" to which he alludes in this very interview, which supposedly validate his own interpretation of the document. Unfortunately for the senator, these precedents do no such thing. In *Powell v. McCormack* (1969), the Supreme Court ruled that New York Congressman Adam Clayton Powell, reelected amidst corruption charges, could not be denied his seat in the House. The Court held that expulsion from Congress (in the form of impeachment) is perfectly legal, but that outright exclusion is not.

The Senate made a brief effort to make good on the majority leader's threat. In his first attempt to officially claim the seat, Burris was turned away from the Senate chamber after being told that his credentials "were not in order" because Illinois's secretary of state had refused to sign his certificate of appointment, an excuse that clearly fails to pass constitutional muster. Were the Senate truly adamant about keeping Burris out of Washington and committed to do so in a way that abides by legal precedent, Burris would have to be impeached — but only after he is seated.

In the end, it did not come to that: Blagojevich won the dispute and Burris had his seat. Still, it's a shame that such a historic turning point in American government began with a display of political showmanship at the expense of the document that each senator has sworn to "support and defend." With Reid at the helm of a significant Democratic majority, it is likely a sign of things to come. — Matt Varvaro

Roll call — Let's look at Obama's choices for the big cabinet posts — State, Defense, Justice, Treasury, and Health and Human Services — and see what they tell us about the new administration and its prospects.

It's Hillary at State. Why, beyond the fact that she's a political "star," should she be America's top diplomat? Obama gave her the job so that she'd be "inside the tent, pissing out," rather than the opposite. Of course, she may make a mess inside the tent. But for Obama, it neutralizes his only real rival within the Democratic Party. That he chose her for this reason, and not for her geopolitical skills, is evident in the creation of special envoys for the critical Middle East and South Asia hotspots — George Mitchell for the Israeli-Palestinian dispute, Richard Holbrooke for Afghanistan-Pakistan-India, and someone (but not, one hopes, Dennis Ross) for Iran. There's good reason to believe that these guys (or at least Mitchell) will have negotiating power independent of Hillary, and that they will have a direct line to the president. Let's give Barack a C on the Hillary appointment. It may be a smart move politically, but what matters is how it works out from the foreign policy perspective. Time will tell on that.

At Defense, Robert Gates will remain in place, at least for a year and possibly longer. This is undoubtedly Obama's best appointment. Gates prevented the worst from happening in the last two years of the Bush administration. He's smart and not an ideologue. He has the support of both Democrats and Republicans. The military trusts him. He is the indispensable man when it comes to winding down the Iraq war. Give Obama an A for this one.

Eric Holder is Obama's attorney general. There's one big problem with this appointment, and its name is Marc Rich. Rich, a fugitive from justice who had traded with Iran while the Iranians were holding Americans hostage, was given a twilight pardon by Bill Clinton in 2001. (Rich's chief advocate, by the way, was Scooter Libby.) Clinton's motive was obvious: Rich's family had given lots of money to the Democrats and the Clinton Library. Deputy Attorney General Holder's reason for signing off on the pardon was equally obvious: he wanted to keep advancing in Democratic Party politics. His sights, no doubt, have always been set on the attorney generalship. An ignoble business, made worse by Obama's promise to "change the way Washington works." I give Barack a D for choosing Holder.

Does Secretary of the Treasury Tim Geithner scare you? He probably should. The former president of the New York Federal Reserve bank has a strange look about the eyes. Worse, he has a terrible record — I don't care what Paul Volcker says. This fellow played a key role in the Bear Stearns and AIG bailouts. He was then heavily involved in the decision not to bail out Lehman Brothers. Consistency, it would seem, is not his strong point. In a time of major economic uncertainly, an older, wiser head would seem preferable. And there's that problem with his taxes. Geithner neglected to pay

$35,000 in self-employment taxes from 2001 to 2004, when he was working for the International Monetary Fund. Without going into the details, it stretches credulity to think that he made an honest mistake. After being audited by the IRS in 2006, he paid the money for 2003 and 2004. Because the statute of limitations had run out, he didn't have to pay for 2001 and 2002, and he didn't. I don't blame him for that; I wouldn't have paid the money to the government either. But after he was nominated for Treasury, he did pay for those years. He actually claimed that his failure to do so before he was nominated was an oversight. That's the biggest whopper told in Washington since Clarence Thomas claimed he'd never had a serious conversation with anyone about abortion. Is Geithner incompetent, or a liar? Perhaps he's both. A resounding F for this appointment.

As I write this, Tom Daschle's nomination as secretary of Health and Human Services is hanging fire. Seems Tommy Boy neglected to pay a whopping $128,000 in taxes he owed on a car and driver provided to him by a private equity firm (run by Democratic fundraiser Leo Hindery Jr.) for which he worked. Leaving aside the question of whether anyone's use of a car and driver ought to generate $128,000 in taxes, Daschle's "oversight" cannot but raise eyebrows. Since his defeat for reelection to the Senate in 2004, Daschle has followed the typical path paved with gold. He joined Alston and Bird, a law firm heavily involved in lobbying (its D.C. office is on K Street). He claims that he was not a lobbyist, but one can be excused for thinking that in this matter he is being economical with the truth. His compensation for not being a lobbyist came to $2.1 million. He received another $2 million from the aforementioned private-equity firm, and over $300,000 from health care-related concerns that he would regulate as HHS secretary. Daschle plans to steer health care toward a single-payer system. The merits of that, of course, are hotly disputed. In any case, you can feel certain that his former corporate clients will come out just fine. The entire business smells. This appointment too deserves an F.

The more things change, the more they stay the same, at least in Washington, D.C. — Jon Harrison

Never apologize, never refrain — Portland, Oregon, had the nation's first woman mayor. Now it is the nation's largest city to have an openly gay mayor. Moreover, it is the first city to have a scandal in which its openly gay mayor allegedly had an affair with a 17-year-old.

In September 2007, Portland city commissioner Sam Adams was getting ready to run for mayor. One of his platforms was a promise that no new single-family homes would be built in the city of Portland. Instead, all new housing would be in high-density, mixed-use developments along one of Portland's light-rail or streetcar lines.

But Adams's campaign hit a snag even before he announced his candidacy: another potential candidate spread rumors suggesting that Adams, who is gay, had recently had an affair with a 17-year-old legislative intern.

Adams immediately went on the attack, claiming only to be a "mentor" to the intern and smearing his opponent (who is also gay). The opponent quickly dropped out of the race, which Adams easily won.

Now, just a few weeks after being sworn in as mayor, Adams has admitted that he did, indeed, have a sexual relationship with the young man — but that he waited until he turned 18. Adams refuses to apologize to the candidate whom he smeared and, despite calls for him to resign, has decided to remain in office.

Personally, I think Portland can be proud of having elected a gay mayor, just as the United States can be proud of having elected a black president. But, just as I question Obama's economic policies, I question Adams' land-use policies.

The main market for high-density, mixed-use developments is singles and gays. It is no more appropriate for a gay mayor to try to impose gay lifestyles on the rest of Portlanders than it would be for Obama to try to impose African-American lifestyles on the rest of the country. It is too bad that it takes sex scandals like this one for Portlanders to question the city's inane land-use and transportation policies. — Randal O'Toole

Musical chairs — My enjoyment of the spectacle of Tom Daschle being forced to give up the minor Cabinet seat he so obviously coveted — he'd even drawn up a bunch of cute charts and everything, showing how he was going to fix the nation's health care problems (which are, of course, "made more urgent by the recession") — was tempered when I remembered the precedent for a Democrat president twice being embarrassed by his cabinet appointees failing to clear the low congressional bar.

Back in the vaunted period of his "first hundred days" (notice how Obama's handlers have so far managed to keep that phrase off media lips?), Bill Clinton lost first Zoe Baird and then Kimba Wood to allegations of hiring illegal immigrants as nannies. The upshot was that the nation got as its attorney general a woman who would have no problems in her past whatsoever with nannies, Janet Reno.

Longtime Liberty readers will remember, perhaps to the very words of R.W. Bradford and Alan Bock, exactly how well that worked out. And so I worry: with Daschle out of the picture, will Obama's new secretary manage to do for American health care what Reno did for American justice? — Andrew Ferguson

Californication — Three recent articles on California made me reflect again upon the parlous position of my home state, and what it portends for other states.

The first and most comprehensive is a piece by eminent writer and social observer Joel Kotkin in the American (Nov. 12, 2008). Kotkin notes that California once led the nation economically and in population growth, but over the last generation that began to change, and the change has now accelerated. He points out that since 2000, job growth in California has been nearly 20% less than the national average. There has been rapid outmigration, especially of the middle class, hitting 260,000 in 2007.

The flight of the middle class has hurt the already reeling housing market. In 2008, four out of the six housing markets with the steepest price drops were in California (Los Angeles, Riverside, Sacramento, and San Diego). Several Central Valley towns (Merced, Modesto, and Stockton) have the highest foreclosure rates in the country.

Kotkin also notes that, while California led the nation in per capita income right after World War II, it now is below the national average, and has the 15th highest poverty rate in the country.

An article by Devin Nunes in The Wall Street Journal (January 10) adds some other information. It observes that California is facing a budget deficit of over $40 billion, even though it has the sixth highest tax rate in the country. California now has an unemployment rate of over 9%, while the nearby states of Idaho, Utah, and Wyoming have unemployment rates of only 5%.

The third article, an AP report by Michael Blood (January 12), chimes in with more bad news. California had a record 236,000 foreclosures in 2008, and commercial property vacancy rates in L.A., San Diego, and San Jose are way above the national average. While median housing prices are down by a third from their peak in 2006, homes are still far beyond what middle class workers can afford. And the state lost 100,000 jobs in 2008.

Blood doesn't offer any suggestions about how California might handle its crisis. Nunes does. These include passing a law that requires the state to adopt the governor's proposed budget if it contains no tax hikes and the state legislature can't pass one on time, capping spending increases to just the rate of inflation, and refunding any future budget surpluses to the taxpayers.

None of this is likely to happen. A few years ago, California's feckless governor tried to pass an initiative capping spending increases, and failed miserably.

The real problem is one identified by Kotkin. Since the regime of Gov. Jerry Brown, the public employee unions and the environmentalist lobby have gained the power to siphon off more and more resources. Brown, an arch-Green who allowed public employees to unionize, was rightly tagged with the moniker Governor Moonbeam. Unlike previous governors, such as his father Pat Brown and Ronald Reagan, Governor Moonbeam refused to build any new freeways, dooming present drivers to endless gridlock. Amazingly, he now seems likely to become the state's next governor.

What I find equally amazing is how the outmigration of people from California and New York affects other states. Essentially, it screws the states into which the refugees flee. As a longtime resident of Colorado put it to me recently, "You Californians vote in the big-spending Democrats, and when they fuck up your state, you move here and vote the same way!" Let's coin a phrase for this: Californication, to mean what happens when people from a blue state massively migrate to a red state, and ruin that one, too. Colorado and Florida are just two of the most recent victims.

The question is, where will people move when the whole country has been Californicated? — Gary Jason

Throwing stones — December not only brought a cold snap to the Chicago area — unprecedented since Global Warming became a catchphrase — it marked the debut of one of our most beloved politicians, Rod Blagojevich, on the national stage. For the first time in his political career, the wacky governor with the pretty hair saw his difficult-to-pronounce Serbian moniker become a household name. But it must be hard for someone with his national aspirations to hear it in this context: Patrick Fitzgerald, the U.S. attorney who put Illinois' last governor in jail, caught Blagojevich demanding political favors (including cash) in exchange for the U.S. Senate appointment that rested in his hands.

Around these parts, Blagojevich (or the more popular contraction "Blago") has been a convenient punchline for quite some time. Political legend around Chicago is that Rod Blagojevich has his own version of the presidential football (the case containing the nuclear codes) — a gubenatorial briefcase, carried by a state policeman, that has to be within arm's reach at all times. However in Blagojevich's case, his "football" contains hairspray, several brushes of differing diameters, and a blow dryer.

He refused to move down to Springfield and live in the governor's mansion, because his wife felt Springfield is a hick town. (She's right, of course. Springfield is more representative of Illinois' agricultural roots.) Since she prefered their Chicago bungalow, he spent hundreds of thousands of dollars, courtesy of the Illinois taxpayers, commuting for all state business by private jet.

Blagojevich's arrest didn't stop the patronage either. Barack Obama recently named Superintendant of Chicago Schools Arnie Duncan to head the Department of Education. He publicly stated that Arnie "could signal a whole new day for America's students and schools." Yeah right. The Chicago public school system is one of the most violent in America, with dozens of shootings reported every year. It also has one of the highest rates of failure, with half its student population never coming close to graduation. Only in politics could the head of such a failed institution be promoted so far. What are his qualifications? He played basketball with Barack Obama.

In Mecca during the Hajj, followers are asked to throw 21 stones at a pillar that is supposed to represent Satan. And although most Muslims are good and decent people, a lot of terrorists — men who were ready to strap on explosives and ball bearings and walk into an elementary school — are also out there throwing pebbles at a pillar, claiming to denounce Satan. I think for most politicians today, Rod Blagojevich is the political Satan Pillar — set up for them to throw stones at while they carry on doing exactly what they claim to detest.

— Tim Slagle

A is A — Or has government found an exception? Recently Treasury Secretary Timothy Geithner, echoing an old complaint of American politicians, blamed the Chinese for manipulating the exchange rate. That means keeping the yuan weak against the dollar, a practice that keeps Chinese goods cheap for Americans and swells our trade deficit. Now, how do the Chinese keep the yuan weak? Their central bank buys dollars, specifically U.S. Treasury securities, incidentally helping to finance our government's budget deficit.

Does Geithner really want the Chinese (and a few other central banks) to stop these purchases and stop supporting the dollar? Or does he want them, with similar effect, to "stimulate" their own economy, inflating yuan prices and cutting back their saving, which had been helping finance America's trade and budget deficits?

I dread the consequences if foreign purchases of our Treasury securities should suddenly stop, and the even worse panic that would result if foreigners actually began unloading them. Our government would be tempted to print money to cover its debts and deficit, inflation would loom, the dollar would collapse on the foreign-exchange markets, and interest rates would soar. Thus the Chinese have a

powerful threat with which to control American foreign policy, if they should ever decide to use it. Years of profligacy by the American government and people, together with the shortsightedness of politicians, have landed us in this precarious position.

Does Geithner really expect the Chinese to both continue and not continue buying dollar securities? — Leland Yeager

Requiem for a dream — My favorite senator left office in January. Chuck Hagel, who embodied the virtues of the old Republican Party — before W, Cheney, and Rush turned it into a 21st century version of the Know-Nothings — has retired from elective office.

Although a pariah to the Republican establishment, Hagel has been on the right side of every major issue since 2000. He did not run for president in 2008 at least in part because it appeared the party base would reject his anti-Bush, antiwar stance. In retrospect, however, it seems that voter dissatisfaction was strong enough to propel a true conservative "maverick" to victory in the Republican primaries. And it is virtually certain that Hagel would have defeated his friend Barack Obama in the general election.

In a sense, I'm pleased it didn't happen. I'm almost convinced that, given the political realities of today, no leader or administration can solve the enormous problems confronting America at home and abroad. With the unwillingness of America's ruling class (and, indeed, the great mass of the citizenry) even to contemplate the radical changes needed in both domestic and foreign policy, any president is hamstrung from the start. Hagel's well out of it, I think.

Good luck, Chuck. I'll miss you. — Jon Harrison

Stop the presses! — As we muddle through a recession, the concept of legacy costs keeps coming to my mind.

An example: recently, a group of smart businesspeople I know learned that their local daily newspaper might be for sale. The corporate owner was interested in getting rid of some of its peripheral papers in order to raise cash to sustain its larger ones.

Most readers know about the troubles that newspapers have had in the past few years. Journalism scandals have eroded the public's trust in so-called "traditional media." But, more importantly from a business perspective, newspapers have been losing advertising dollars, especially classified ad dollars, to the internet. The result has been a troubling cycle of budget cuts and revenue drops.

So, the group of would-be Hearsts contacted the corporate newspaper chain and expressed some interest in the local paper. The corporation played it cool but was interested in discussing a sale. Both sides signed the usual nondisclosure agreements and the corporation sent financials for the locals to review.

The paper had annual revenues of about $3 million. Against the trend in the newspaper business, that number had held steady in recent years. But the paper wasn't making money; it had alternated between narrow losses and wafer-thin profits for more than a decade.

The locals didn't know the newspaper business; but they knew business. They drilled down into the paper's financials and saw that the corporate parent had been charging various overhead costs and sly "allocations" that meant the publication was probably more profitable than it seemed. They concluded that they could put out the paper with fewer employees.

And there were other ways to save money. The paper owned its own presses (which seemed to be losing resale value by the hour) and its own building (a little less so). The building was probably more space than the operation needed; the potential buyers figured they could lease out some of it or sell it altogether.

More promising, on the upside: the locals thought the newspaper's website could be developed and expanded to generate more clicks and ad revenue. Its region didn't qualify (yet) for a page on craigslist.com or other well-known classified ad web sites; so there was still time for the local paper to claim that space.

After they'd done their due diligence and teleconferenced with corporate managers several times, the locals put together what they thought was a good offer: a total purchase price of around $1 million, with a third paid immediately in cash, a third paid in installments over three years, and a third (whose final amount would be subject to several performance standards) offered in a balloon payment at the end of three years.

The corporate parent turned down the offer immediately and indignantly; the locals' main contacts made dismissive comments about the offer being "unserious." Through all the bluster, the corporate parent never indicated, and may not have known, what price it was seeking. One of the locals figured it probably wanted something like $1.5 million, and all in cash. "Which just isn't rational."

The corporation was mired in the legacy cost structures of its newspaper assets. Decades of annual reports, profit-and-loss statements, and shareholder meetings were based on valuations that aren't rational any more. The firm resisted realizing that change.

After the talks broke down, it replaced the newspaper's longtime publisher with a young ad sales whiz from another part of its empire. The locals concluded that the corporation's plan was to squeeze as many monthly "allocation" payments as it could from the paper, then close it down or sell it at a liquidation price. They were content to wait for that time to come around.

For the time being, the corporation can cling to its legacy valuations. Laying off employees and selling assets will postpone the reckoning for a quarter or a year. But the realization is coming. Maybe this recession will hasten that. — Jim Walsh

Bum-rush — The media and others have shamelessly taken out of context Rush Limbaugh's statement that he wants Obama to fail. Rush may be a defender of perpetual war and an enemy of civil liberties, but on this issue he is right.

Here is what Limbaugh said: "I hope he fails. [What Obama is] talking about is the absorption of as much of the private sector by the U.S. government as possible, from the banking business to the mortgage industry, the automobile business, to health care. I do not want the government in charge of all of these things. I don't want this to work."

Limbaugh's essential point was that he hopes Obama will fail in his policy goal of expanding governmental control over the economy. To interpret this, as some have done, as claiming that Limbaugh wants the "country" to fail, bears no relationship to the facts. — David T. Beito

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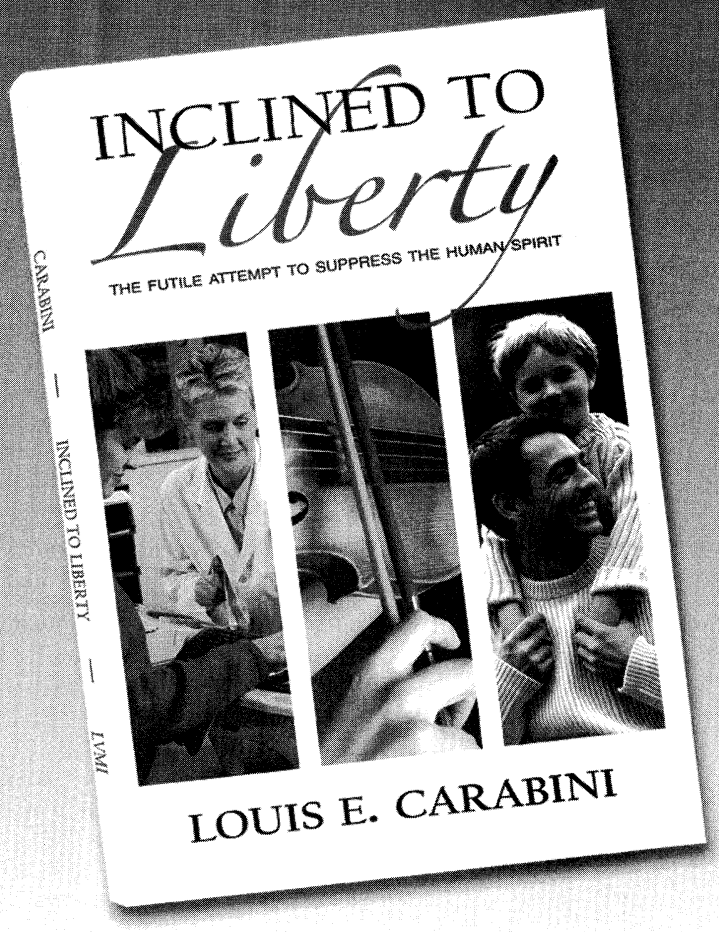

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Stimulate the sycophants — The stimulus package looks more like a Democratic reelection package. A huge portion goes for K–12 education (read: increased teacher salaries). Another big chunk goes for "saving public sector jobs." It sounds as if the package is a thank-you note from Obama to the unions that supported him.

I have my doubts that any government stimulus can hasten economic recovery. But this kind of stimulus — payoffs to people who already have jobs — certainly won't. Instead, if we have to spend a few hundred billion, I would like to see low-interest loans to state and local governments, big corporations, and small businesses to make investments that can be repaid out of the revenues earned on those investments. Nearly all "infrastructure" should be financed by user fees anyway, while flat-out grants are just another payoff to the politically powerful. — Randal O'Toole

Separation anxiety — One libertarian truth is that social problems consigned to the state can instead by resolved by the free market. Since I've previously advocated that divorce be made illegal, so tacky and unnecessary is government intervention in the termination of relationships, may I take pleasure in noting that the current decline in personal assets discourages divorce? People sharing a house don't want to be forced to sell in a soft market, and it's hard to claim alimony from someone who is unemployed. On Bloomberg Radio here in New York, I heard one matrimonial attorney complain that his biz was down a whopping 50%. Good-bye, with good riddance.

When a contractual marriage ends, may I repeat, simply move out and move on. Most, if not all, resulting problems can be resolved by the participants talking to each other, sometimes with the help of a disinterested third party. "The children" are no excuse for government intervention in a problem that can, instead, be resolved economically.

— Richard Kostelanetz

Digging a hole — Remember back, well, two or so months ago, when the stimulus package was to be for $700 billion of "shovel ready" public works? Well, it turns out that it's not so easy to get big public capital projects ready in contemporary America.

So, where will the money now go? It is becoming evident that the stimulus package is a "bail out the states" package, with perhaps most money, excluding tax cuts, going to states for existing services.

The federal government is, from an economic perspective, merely assisting state governments in their wasteful ways rather than encouraging genuine reform. Obama's slogan, "Change you can believe in," is quickly morphing into preservation of the status quo. — Lanny Ebenstein

Let the show begin — As I predicted back in November, the Senate race in Minnesota is still in question. Since a horse race is always more fun when you have some money involved, I have decided to endorse Al Franken. Norm Coleman is more an opportunist than a Republican: he was a Democrat until 1996. And his record as a Republican has been closer to Nixon than Goldwater. So, if it's going to be another big government politician in the Senate, I'd rather have an incompetent one.

Franken is an idiot, and too arrogant to realize it. The next six years are going to be a lot of fun. Meanwhile, Minnesotans who had their vote stolen from them aren't going to look on his ascendancy very kindly. There is already a huge rift between urban and rural Minnesota; this will only deepen it.

— Tim Slagle

Small towns, here and there — The president skated nimbly away from his one-time political ally, the disgraced former governor of Illinois. With ham fists, his critics tried to tag Obama with Blagojevich's venal vulgarity. Hasn't worked.

Of course, the story isn't over. Blago still faces criminal corruption charges; and he could build his defense around incriminating (or merely threatening to incriminate) the president. Despite all the fun that people make over his hair, the former governor has the ruthlessness and shamelessness that seem bred into typical, unfunny Chicago pols.

Why did the fast-rising Obama deign to have any connection with a character like Blagojevich? Well, Chicago is a small town.

Let's move on. At a higher level of statecraft, Obama says he will open lines of communication with the inept thugs of Hamas, the half-wit princeling who runs Syria by hereditary claim, and other mischief-makers in the Middle East. Few people with political capital want to spend it criticizing this approach. After all, the president said all along that this would be his Middle East policy; and it's hard to argue with an open-minded willingness to listen to all sides.

But Obama's open-mindedness may cause unintended consequences in the months and years ahead. The Middle East is too kaleidoscopic in its perversity for any mortal to predict just what the consequences will be. But here's one guess: it won't take long for his listening to convince the Israelis to grab their guns and veer right. Binyamin Netanyahu seems to be a man who'd like to be prime minister again. And one who'd take action while Obama listened.

It's hard to defend the odd, collectivist state that is Israel. But, compared to its neighbors, the place is a Jeffersonian democracy. And just because the Israelis are paranoid doesn't mean Hamas and Syria and Iran aren't out to get them.

If a right turn in Israel further enflames Middle East tensions, we may look back in a few years and wonder what Obama hoped to gain by entertaining the region's villains.

And we'll conclude that the Middle East, like Chicago, is a small town. — Jim Walsh

This land is our land — The recipients of the current stimulus package include the Park Service, Forest Service, and other federal land agencies. These agencies already cost federal taxpayers $7 billion a year to manage resources and lands (630 million acres) whose capital value is something like $1 to $2 trillion. Each year, Congress appropriates about $8 billion to the agencies, which also collect about $5 billion a year in user fees from miners, loggers, ranchers, and recreationists. They keep $4 billion of that, returning less than $1 billion to the Treasury.

Here is the real kicker: 80% of the $5 billion in revenues comes from coal mines and oil wells on less than 0.1% of the land. Thanks to various congressional laws giving resources away to loggers, ranchers, recreationists, and other special

interest groups, the other 99.9% of the federal lands are just a black hole sucking in tax dollars. — Randal O'Toole

Still to come — The conventional wisdom has quickly settled on an early opinion of Obama as surprisingly moderate, not the extremist radical some right-wingers had feared. But in this as in so many other areas, conventional wisdom is wrong.

Now, I'm not sure what some on the right feared — perhaps that Obama was a closet Marxist. I certainly never thought that. I took him to be the most liberal member of the Senate, who if elected would move the country to the left farther and faster than any other president since his hero FDR. Now that he has appointed his cabinet and started to govern, I see nothing that allays my fears, and already some confirmation of them.

Let's be clear on the difference between Marxists, say, and extreme modern liberals. First, Marxists want to eliminate private enterprise. Even extreme liberals don't. Liberals want to control private enterprise, usually to their benefit. They view businesses in the way vampire bats view cattle, as something to live off of, not to kill entirely.

Second, Marxists loathe the use of the American military. Liberals don't. FDR, JFK, LBJ, and Clinton all used the military freely. Liberals tend to use it for internationalist purposes (such as bombing the Serbs to stop "ethnic cleansing"), but use it they do.

So viewing Obama as an extreme liberal rather than a Marxist, I never figured that he would live up to the fantasies of many leftists (and some libertarians) that he would immediately pull out of Iraq and end the war on terror. He might even expand the latter. As I pointed out in an earlier reflection, he has spoken about going after bin Laden in Pakistan if need be.

And I never figured Obama would try to end our capitalist system, any more than FDR did. No, he will try to "fix" it by dramatically increasing regulation, taxation, and unionization, as did FDR, and do so far more quickly and extremely than did, say, Clinton. Remember, he has a huge majority in Congress to help him. He views himself as a "transformational" president, and what he wants to transform us into is France, minus its nuclear power.

Obama is moving quickly. He has already approved the plan of the Democrats in Congress to freeze the estate tax at this year's level, instead of letting it disappear as it is currently slated to do in 2010.

Even more depressing is the bill just passed by Congress and signed into law by an eager Obama. Called the Lilly Ledbetter Fair Pay Act, it is a double liberal payoff: it hands Big Labor and the trial lawyers, vampire bats all of them, a huge victory.

This law will massively expand the number of gender discrimination lawsuits and will be a nightmare for business. Under present law, any employee who feels that she was discriminated against in compensation has to file her claim within six months of the first alleged discriminatory act. Under the new law, the employee only has to file within six months of receiving her most recent paycheck, even if the alleged discrimination occurred much earlier. So employers will now face lawsuits by people claiming discrimination at the hands of managers who may no longer be with the company — indeed, may even be dead. You can imagine how much of an edge this will give the tort attorneys, who can sue companies knowing that they may not be able to get the witnesses or find the records of the incident.

Worse yet, the new law will allow suits by individuals "affected by" the alleged discrimination (such as family members). You can imagine how liberal judges will interpret that phrase.

This is only the beginning of a tsunami of increased regulation. The unions spent $450 million in cash and donated roughly the equivalent of that in time to elect Obama and his gang, and they have a long list of what they want in return. They are especially focused on eliminating secret ballots in votes on unionization. And considering that Obama picked Rep. Hilda Solis, who cosponsored the "card check" bill in Congress, as his Secretary of Labor, pretty clearly that will be signed into law, too.

In addition to expanding regulations to please organized labor and trial lawyers, Obama will work to expand them on behalf of environmental activists. He clearly aims at "greening" the economy. Expect cap-and-trade to begin with. Additionally, he will get to appoint a record number of federal judges — and they will be as leftist as he can find.

I suspect that those soi-disant libertarians who voted for Obama, hoping to trade a free economy for a dovish foreign policy, are going to get neither. — Gary Jason

First blackberry president — In late January at the Davos, Switzerland, World Economic Forum, Maria Bartiromo interviewed the Chief Technology Officer (CTO) of Hewlett-Packard. Her first question involved the likelihood that the technology business would be big in the next few years because Barack Obama is our "first technology President," which is to say someone who knows how to use and can't bear to part with his Blackberry.

The CTO responded in the affirmative. There was no discussion about the face that Barack Obama is but one consumer among billions. The subtext that a business sector will take off simply because the leader of a state is a fan was not questioned, despite the fact this is an assumption more appropriate to Kim Jong-il than Thomas Jefferson.

I guess if someone controlling the distribution of upwards of a trillion dollars in bailout money likes tech, then tech is a good place to be. Too bad Apple's Steve Jobs spent more time cozying up to Al Gore and less to our first technology president. Inventing the internet, it seems, is old hat.

— Ross Levatter

Dress for success — I can't help being struck by the difference in the ways in which the mainstream media (MSM) treats what women in politics wear.

When it was revealed that — horrors! — the GOP invested something like $150,000 for Sarah Palin's wardrobe so she would look her best in her campaign for VP, the MSM had a field day. Oh, how outrageous it was for a woman to spend that much money for clothes when millions of American babies starve to death every moment of every day!

But when the noticeably well-dressed and notoriously filthy rich Caroline Kennedy briefly ran (or stumbled) for the Senate seat vacated by Hillary Clinton (who is also rich and

also persnickety about clothes), reporters never once asked her how much she spent on her wardrobe. No, that was her own business.

The hypocrisy is now reaching Olympian heights in regard to Madame Obama. In the $170 million dollar extravaganza that was the inauguration, the coronation — nay, the ascension — celebration, much talk was excited by her dress. It was an ab fab yellow wool lace shift (with matching overcoat, natch) by designer Isabel Toledo. Plebe chicks can eventually buy an imitation version at Barney's for a mere $1,500. The dress was accessorized by green movin'-on-up pumps, with diamond brooch and studs. Some catty remarks were made to the effect that Michelle glam-slammed the conservatively dressed Laura Bush and showed that style change was coming.

Curiously, no mention was made of the starving babies who could be saved with the money that Ms. Kennedy and Ms. Obama spend on their clothes. No, such commentary is reserved for Ms. Palin. Could there be a reason?

Personally — maybe it's a guy thing, who knows — it doesn't matter to me what any of these women wear. Let all of them dress in the way they feel is most flattering. As long as it is their money (or that of some private person or organization, such as the RNC, DNC, Steve flippin' Spielberg or whomever), God love them, let them wear whatever. If it isn't my tax dollars, baby, I just don't care.

But I really get tired of the double standard, under which Dems can spend to the hilt on luxuries, and nothing is said, but when anyone else does it, we are subjected to lectures on conspicuous consumption. — Gary Jason

Collectivism and infantilism — Recently, the Weyerhaeuser Co. closed the last of several timber mills and associated facilities it had run in and around Aberdeen, Washington, since the mid-1950s. The closings meant 200 layoffs and, for all practical purposes, the end of the timber business in the town where I live. This was a bad beat for an already battered economy. Over the last four years, the small town has lost more than 1,000 timber industry jobs.

When Weyerhaeuser consolidated its operations here in 1955, Aberdeen was one of the busiest mill towns in the Pacific Northwest. There was a lot of money to be made in the tree business. Able-bodied kids could and did stumble out of the local high schools and earn middle-class wages cutting trees and milling logs into lumber. It could be dangerous work, to be sure; one bad decision could cost a man his fingers — or his life. So Aberdeen was a union town.

Around the turn of the century, the Industrial Workers of the World — the Wobblies — had organized nearby; and their extreme beliefs still influenced local labor. But there was so much money to be made that the timber companies didn't mind the politics or the extra costs. The unions focused their efforts on improving safety metrics back in the hills and down in the mills. Safety has remained the unions' reason for existence.

It's hard to say exactly when profit margins shrank and the situation began to turn. Most locals peg the change on enforcement of the Endangered Species Act. (But, incongruously, they keep voting for the statists who shanked the area with that rotten law.) People who know the timber business say the problems started before then. Non-union plants farther south on the coast and some Canadian operations father north had economic advantages over Aberdeen.

Those other plants were more productive and more profitable. They attracted capital for improvements, automation, and expansion, which led to other advantages as well. Year after year, Aberdeen's union shops fell farther behind the state of the art. They could boast steadily improving safety records, but those boasts sounded childish in the context of lower output and thinner profit margins.

Childishness was most pronounced several years ago, during an earlier round of plant closings. At that time, upset mill workers filled the local newspaper with remarks that betrayed their insulation from economic reality. One woman complained that, since some of the Weyerhaeuser plants were marginally profitable, the company should be prohibited by law from closing them. A union official asked, without a trace of irony, where kids without high school diplomas could expect to make $50,000 a year if the plants closed.

In the wake of the recent closings, there was less atavistic outrage. All the unions could manage were some mumbled mentions of how the plants' safety records had gotten better every year.

To soften the effects of the mill closings, our local Mother Courage, Gov. Christine Gregoire, has promised to locate a major Department of Transportation project for building bridge components in this area. If the project comes, it may do some of that. But the shop stewards complain that the jobs generated by building bridge parts don't pay as well, and some environmentally-minded locals are worried about the pollution that might result.

A few local curmudgeons make a similar complaint in a different way. They say that the state DOT contract is just busy work, little better than welfare. This complaint bumps up against the hard truth that the main option, for many affected workers, is to go on state aid. Local offices of the state government eagerly sell their services, helping displaced workers apply for unemployment benefits and qualify for a maze of training and education benefits.

Mid-career education is the right response to a changing economy. But it seems evident that such interim benefits as unemployment "insurance" simply train people to be comfortable on the dole.

A poisoned progression emerges. The local labor pool was infantilized by a booming timber business in which profit margins weren't so important. This begat cost structures that couldn't be sustained. When the reckoning finally came, the childish could shift to government busy-work or state aid. Once-proud mill workers cling to the trappings of middle-class life — new trucks and consumer electronics — but they lose their houses and move into apartments.

There are some rays of hope. A couple of months ago, I had a long talk with the father of a girl on one of my daughter's fast-pitch softball teams. He and his brother, people whose family has been in the timber business for three generations, were buying parcels of land, harvesting the wood on it, and driving it south to mills. All by themselves. He said, "It's kind of on the QT. I mean, I don't think we're breaking any laws. But, you know, we're not exactly asking anyone's permission." To harvest trees on his own land.

Lots of people are on the dole. But that guy and his brother will survive the current troubles — and keep their kids in gloves and cleats. — Jim Walsh

Atlas slipped — Does "Atlas Shrugged" still carry weight with young readers?

I don't know how many copies AS still sells per year, but I hear it is still in the six figures — not bad for a book over 50 years old.

But does it still lure adolescents in search of a unifying view of the world? Does its mystery still compel? Does the action draw people who grew up after Reagan was in office?

Why wouldn't it? Because the book was written to be timeless, but it can't be timeless.

"Atlas" is set in the near but indefinite future. At the time it was written, it was an exciting future, a future in which masters of industry all knew how to fly planes as well as run major companies.

But neither the planes nor the cars in "Atlas" have built-in GPS systems. No one uses cellphones, or computers. What is now known as the Rust Belt is falling apart, because of a mysterious force that the book pushes us to understand. But the Rust Belt fell apart years ago, and not in the near but indefinite future.

The female protagonist of "Atlas" is a young woman who runs a railroad. But few people travel by rail today. She is depicted as an autonomous and independent woman, and Rand plays her as sexually provocative, as an advocate of Rand's radical views on female sexuality. She is free of guilt and hungry for passion. She doesn't justify her choices to society. She is an unmarried woman who sleeps with three men over the course of 20 or more years. But I'm not sure this impresses the latest college women as overly courageous.

The male protagonist is an inventor who created an energy machine that defies the second law of thermodynamics. But he never talks about black holes, string theory, or other major topics of physics developed in the last 50 years. We are 50 years farther along a scientific road that makes the undoing of the second law seem more and more farfetched. It is harder and harder to believe that someone like Rand's Quentin Daniels would have a road to Damascus moment on seeing Galt's equation.

All of the book's heroes smoke. They even make it a philosophical good. But is describing a two-pack-a-day habit as holding fire in one's hand, as if one were Apollo, really a satisfying view of the world for today's youth?

Philosophy is timeless, perhaps, but Rand's goal was to develop a story that drew out and explained her philosophy, and that story is in part technological. The technology is 50 years out of date, and to a degree, therefore, harder to take seriously. Can one stretch an author's creative license enough to say that none of this matters? I don't know. But I'd be very interested to find out what the sales of "Atlas" have been doing in the past decade, and especially whether or not it is still read on college campuses. — Ross Levatter

Losing the plot — McCain's decisive loss to Obama resulted from numerous factors, some obvious, some less than obvious.

Certainly, McCain was up against tall odds. Start with money. Obama, reneging on his promise to stay within the voluntary campaign finance reform rules that both he and McCain had said they favored, was able to outspend McCain by a huge margin. Obama spent over $600 million, an all-time high. Here, McCain fell victim to his own silly law — he had cooperated with the Dems, and they used it to their advantage. He "reached across the aisle" to them, and they screwed him. So much for bipartisanship.

McCain's lack of communicative skills, recognized all along as a problem, certainly hurt him. Obama is a slick speaker. He is able to lie with breathtaking coolness. He makes Bill Clinton look like an amateur, no doubt part of the reason Clinton so obviously dislikes him.

Then there was the unprecedentedly blatant media bias in favor of Obama. It is easy to lie or rapidly change your professed views when the media won't call you on it. NBC in particular went crazy, spending more time examining Joe the Plumber's record than Obama the next president. When the independent investigator looking into Palin's firing of an appointee issued a report exonerating her — only 12 hours before the election! — the media outlets said virtually nothing. And they said virtually nothing about the numerous misstatements and gaffes made by both Biden and Obama.

And while McCain had to struggle to shore up his base (deeply divided over immigration), Obama had a base eager to support him.

But in the final analysis, McCain failed because his populist instincts rendered him unable to control the final narrative in the race.

By "the narrative" I mean the public understanding of the past causes of a given crisis and one's proposed solution to it, going forward (which is much more important to the public than one's past position on the issues). As Orwell put it, whoever controls the past controls the future.

There were three major issues in this long campaign, issues that drove both races and that needed "big picture" explaining: first Iraq, then the oil crisis, and finally the financial market meltdown. McCain managed to turn the narrative his way on the first two but failed miserably on the third, a failure that will allow the leftists in the Democratic party greatly to increase the power and reach of government.

On Iraq, the conventional wisdom was that since the majority of Americans had come to regret the invasion (which they had originally favored), Obama would win on that alone. It certainly won him his primary victory. But McCain, who had pushed for the surge, benefited from the Iraq issue in the end. As violence dropped and the political situation in Iraq firmed up, McCain pulled even in the polls. He got the narrative right: while the public viewed the war as not being worth its costs, this did not mean the public felt our country was evil for fighting it, much less that losing it would be a good thing, an appropriate punishment for our wickedness (which is precisely what many on the Left felt). By the last debate, Obama was backpedaling on pulling out on the short, fixed timetable he had earlier advocated.

The second issue was the sudden energy crisis, with oil prices rising to nearly $150 a barrel, and gasoline prices shooting through the roof. The Democrat Congress did the predictable thing: it blamed Evil Big Oil and held hearings on oil profits, with at least one member speaking openly of socializing the industry. McCain dropped in the polls again,

as people initially blamed the party in power. But McCain, a populist who himself had earlier bashed oil companies and opposed offshore drilling, did a quick turnaround and began pushing the "drill here, drill now" agenda articulated by Newt Gingrich and others. (It helped that Sarah Palin winked at the voters in her debate, while she told them that she was working on McCain to come around to favoring opening ANWR).

Very rapidly, the public rallied behind the radical idea of relying more on our own oil, and that the blame for the crisis lay in great measure with the environmentalist wing of the Democratic party, which has blocked domestic oil, natural gas, and coal extraction, along with nuclear power. Obama's response was the stock enviro position that we can just build windmills and lay out carpets of solar panels. McCain got the narrative right again, and surged in the polls, catching up with Obama. In the end, Congress was forced to let the federal offshore oil drilling ban expire, and the wily Obama began to say he was open to offshore drilling and even nuclear power.

But the issue that undid McCain was the crisis in the financial markets. The Dems put out the narrative that this was "the worst economic crisis since the Great Depression," a mantra repeated endlessly by Obama in ads and speeches. Yet the crisis was another problem that originated with the Democratic Party itself. It had pushed the lowering of loan standards to allow people who had bad credit to obtain loans; it pushed the expansion of Freddie Mac and Fannie Mae to buy the dicey paper. The result was classic moral hazard: the government enabled mortgage brokers to push as many loans as they could, even the dicey no money down, stated income, and adjustable rate loans that are so risky. It enabled banks to buy bundles of this risky paper and sell it off. And it enabled buyers to become speculators, buying properties they really couldn't afford, hoping to become rich. Yes, Wall Street was greedy — but so was Main Street. And their greed was empowered by liberal government. The fundamental cause was the federal government, whose actions will go down in history as the most egregious, deliberate encouragement of moral hazard ever committed.

But here McCain's populist instincts cost him. He began to mimic the Dems, bashing the greed of Wall Street and giving a pass to the greed of Main Street and especially the greed and stupidity of the federal government. He floundered around, looking for some kind of solution to a problem he couldn't publicly explain, and he dropped in the polls like a stone. Only in the last week or so did he finally bring himself to mention the real culprits, including most notoriously Democratic congressman Barney Frank, who five years ago repeatedly shut down attempts to reign in Freddie and Fannie and restore some semblance of standards in home loans. But it was too little, too late. The Dem narrative stuck.

This failure cost McCain the election. But the real problem is what it will cost us in the future. The Dems have won the White House and increased their majorities in the Congress, all on a narrative about the need for big government to come to the rescue and save us from the greed of evil business, by jacking regulations up through the roof. The damage to our future prosperity will be incalculable. — Gary Jason

Grave misunderstanding — In death, we are all equals.

But I lost this consolation, too — lost it on the grounds of Cimetière du Père-Lachaise on a spooky, wind-swept Paris afternoon.

H.L. Mencken defined a cynic as "a man who, when he smells flowers, looks around for a funeral." But I swear there was something infinitely more cynical in the movements of this wandering tourist who, in desperate search for a funeral, began to look around for flowers.

My cemetery map had proven useless, you understand, so I quickly realized that I had no other recourse but to find my favorite graves by their flowers. That is how I found Chopin and Molière. That is how I all-too-quickly found Jim Morrison of The Doors, who lay under a pile of grandiose red roses.

Balzac, Proust, and Wilde were much less decorated — and more elusive.

Oh, but Wilde — the poorest of them all! Only a few defeated tulips lay by his gravestone. The inscription had all but faded, along with its meaning. I read out loud: "And alien tears will fill for him / Pity's long broken urn / For his mourners will be outcast men / And outcasts always mourn." These outcasts, they should mourn with flowers, I thought.

Hours I spent in the cemetery, and afternoon swelled into evening, but I felt so unfulfilled by my visit, so disappointed and humiliated by the flowers game.

I attempted to dissolve my humiliation in a cup of coffee at the historic Hôtel des Beaux Arts. I sat on a sofa next to a bookshelf and admired the old volumes of literature assembled there. Then I noticed the two framed photographs. The first was of a middle-aged Oscar Wilde; he had died at this hotel in 1900. The second was of a young Argentine boy who would grow to be Jorge Luis Borges, the great man of myths and letters whose imagination these very alcoves had once unleashed.

Two women sitting nearby noticed my interest in the photographs.

"Are you a writer?" the brunette asked in English.

I looked at her for the first time and noticed she was young and beautiful and, by the look of the few strings that were her clothes, wasn't trying to deny it.

"Yes," I said.

"How nice," said the blonde, equally beautiful. "We are here with a writer, too."

"Who?" I asked.

"He's very famous here," the blonde said.

"What does he write?" I asked, wondering if they were going to sleep with him.

"Trash," the brunette said, laughing mischievously.

"Cocaine and parties," the blonde clarified — meaning, probably, yes.

And in walked the tall, bearded man of maybe 40, sat down, yelled out for drinks, and turned his attention onto me.

"Thank you for entertaining the girls," he said sincerely. "Ahh, women. Beautiful and painful. Don't you agree?"

"I agree," I said, "but you must find more beauty than pain."

"Now they are beautiful; later they will be painful," he said, and I told him those were wonderful words and that I would like to use them.

continued on page 54

Seizing the Initiative

by Bruce Ramsey

A way for people to keep their elected officials in line? Can't have that, now, can we?

Paul Jacob has won his battle against the state of Oklahoma. At issue was the right of a person to circulate petitions in a state where he does not live. On Dec. 18. 2008, the U.S. Court of Appeals for the Tenth Circuit, in Denver, ruled that Oklahoma's ban on out-of-state signature gatherers was an unconstitutional violation of the First Amendment, which protects the right "to petition the government for a redress of grievances," and of the citizens of any state to have the "privileges and immunities" of the United States.

Jacob himself had not brought the civil case at the Tenth Circuit. He and two others were in the crosshairs of a criminal case brought by Oklahoma in its own courts. The criminal case could have sent the three of them to prison for conspiracy to violate the ban on out-of-state signature collectors. But because the civil case led to a ruling overturning the ban, and the refusal on Jan. 21, 2009, of the full panel of Tenth Circuit judges to rehear that case, Oklahoma's attorney general dropped the criminal charges against the "Oklahoma three."

Jacob, 48, is a longtime libertarian activist. In 1980, when Jimmy Carter brought back draft registration, Jacob, then 20, refused to register; and in 1985 he was convicted at trial. "Ron Paul testified at my trial," he recalls. Jacob also recalls the penalty. "I have the dubious distinction," he says, "of serving the most prison time of anyone post-Vietnam for failure to register: five and a half months." After he got out of prison, Jacob worked on Rep. Paul's Libertarian presidential campaign in 1988. In the 1990s, Jacob was a leader in the term-limits movement. Currently he lives in Virginia and is president of the Citizens in Charge Foundation, which works to defend the rights of initiative and referendum.

Jacob's fight with Oklahoma began in 2005, when he signed on as an adviser to Oklahomans in Action, a group pushing a Taxpayers Bill of Rights. It was a ballot measure to limit state spending.

Oklahoma is one of the tougher initiative-and-referendum states. Qualifying a measure for the ballot takes as many signatures of registered voters as 15% of the vote in the most recent general election for the statewide position in which the most people voted. All signatures have to be collected in 90 days. Meeting these requirements almost always requires professional signature gatherers, who are paid per signature. In a small state, that usually means out-of-state people.

Oklahoma's law made it a crime for out-of-state people to ask for signatures from Oklahoma citizens. It also said the signatures collected by such people couldn't be counted, even if the signatures themselves were all right. But there was a loophole, Jacob says: Oklahoma's law did not say what to do to become a resident. In 2002 there had been a ballot measure against cockfighting. Out-of-state people had come to Oklahoma, declared themselves to be residents, and gone to work on the measure, unmolested. Oklahomans in Action asked two different state offices dealing with petitions if they could do the same thing, and were told it was okay.

Tim Eyman passed a measure to cap the property tax in Washington state, and the politicians hate him. They use his name as a political smear. One called him a terrorist.

"We should have got it in writing," Jacob said.

Probably that would not have satisfied Oklahoma's Democratic attorney general, Drew Edmondson. A limit on state spending was directly threatening to Democratic politicians and those who live off state programs, in a way that a ban on cockfighting was not.

State employee unions mobilized to keep the measure off the ballot. They hired someone who had run keep-it-off-the-ballot campaigns before — ironically, a woman from Oregon. Their campaign was to harass signature gatherers by blocking them and shouting at them.

Even so, Oklahomans in Action collected 300,000 signatures. But the state refused to count signatures if their collectors had come from out of state, and the measure never got on the ballot. A case about it went to the Oklahoma Supreme Court, which ruled for the state.

Two years after the election in which the state spending limit was not on the ballot, Attorney General Edmondson brought a felony indictment against Jacob, Rick Carpenter of Oklahomans in Action, and Susan Johnson of National Voter Outreach. They were ordered to appear on Oct. 2, 2007.

Jacob was at home in Virginia. "I had to fly in, on my own nickel — they don't give you any notice — and be taken into custody, handcuffed and led through cameras," he said. "Nobody was any too pleased about that."

After the show for the press, the three were shackled together in leg irons and taken to jail. That was the worst.

"It was not something they had to do," Jacob said. "Their goal in doing that was to slap at a national group that was lending support to Oklahomans. I think they also wanted to scare Oklahomans from doing a new Taxpayer Bill of Rights drive."

The maximum penalty was ten years and $25,000. In January 2008, while out on bail, Jacob said, "I haven't given the $25,000 a thought, but 10 years in prison is a very chilling prospect."

Jacob had advantages that most people don't: as a long-time activist, he had financial supporters who would pay his legal bills, and friends in the mainstream media. The Wall Street Journal editorialized on his behalf. Forbes magazine denounced "Oklahoma's Soviet-minded political establishment." The media in Oklahoma didn't say much about it, but enough of the national media did to make a difference. A campaign in the blogosphere helped. Oklahoma government was put in a bad light.

Meanwhile a civil case was testing the constitutionality of Oklahoma's underlying law. That case, *Yes on Term Limits* v. *Savage*, was brought by another activist group, Yes on Term Limits Inc., by its leader, Robert Murphy, and by out-of-state signature gatherers Sherri Ferrell and Eric Dondero Rittberg. It attracted *amicus curiae* briefs from the Center for Individual Rights and the Seattle office of the Institute for Justice.

The state of Oklahoma argued that it had compelling interests — two of them — to narrow the petitioner's rights. The first was more easily to police the elections process in order to protect it from fraud. The second was an interest in "restricting the process of self-government to members of [Oklahoma's] own political community."

The circuit court ignored the second claim and accepted the first. One of the key pieces of evidence was the history of Eric Dondero Rittberg, who had gotten in trouble as a petition circulator in Missouri, Colorado, and Montana. In the last state, according to the appeals court ruling, he had been accused of telling citizens they had to sign one petition in three places while the other two places were really on unrelated petitions.

Rittberg, known in libertarian circles as Eric Dondero, is a former employee of Rep. Ron Paul who was either fired by Paul or quit, depending on who tells the story. Dondero broke with Paul over the Iraq war and championed the war policy of George W. Bush. At one point he briefly announced his intention of challenging Paul in his Texas district, then backed out. He has been a figure of controversy on blogs, and a lot of libertarians dislike him. The lower court relied heavily on stories about Dondero in its ruling for the state of Oklahoma.

This was the ruling overturned in December. The Tenth Circuit did not question the tales about "plaintiff Rittberg," but said the state could not make its case about all out-of-state signature gatherers by citing "allegedly fraudulent or uncooperative practices of a handful." Furthermore, the lower court had ignored evidence that professionally gathered signatures are more likely to be valid than signatures gathered by amateurs. Therefore, the appeals court said, Oklahoma had not made its case, and its ban on out-of-state signature gatherers had to end.

And so it was a victory—for Murphy, Ferrell, and Dondero; also for Carpenter, Johnson, and Jacob, and for the initiative process generally.

Some libertarians dismiss that process because it is based on voting, and they have given up on voting, or because they believe in constitutionalism rather than direct democracy. And in an ideal world they might be right. In this world voter initiatives are useful because they can be used to check government.

continued on page 40

The Great Man Speaks

by Stephen Cox

To say that President Obama's inaugural address followed tradition is, at best, a backhanded compliment.

On January 20, 2009, Barack Obama took the presidential oath of office. Following the custom established by Washington at his first inaugural, he then delivered an address. Two days beforehand, the AFP news service was already calling it "the historic speech." Was it? And was it any good? What was its place in the long tradition of inaugural orations?

Few inaugural addresses have been the least bit historic, in the sense that they made anything happen or even made anyone remember them, at least in a good way. Very few have had any literary merit.

Among those that can be called real literary works, Lincoln's two speeches are preeminent — not simply for their overtly poetic passages about the "mystic chords of memory" and the "just and lasting peace" but also for their passages of peculiar directness and simplicity:

> I am loth to close. We are not enemies, but friends. We must not be enemies. (First inaugural).
>
> All thoughts were anxiously directed to an impending civil war. All dreaded it; all sought to avert it. . . . And the war came. (Second inaugural).

Next in literary value is Jefferson's first inaugural, which repays the closest study from a political as well as a literary point of view. It is a handbook of republican and libertarian principles, composed by a master rhetorician. Kennedy's inaugural address is a thousand times more familiar to contemporary Americans than Jefferson's, and this is unfortunate, since its political tenor is quite different. But compared to most other inaugurals, it is actually a good speech. True, it is burdened with a quantity of hackneyed, inane, or positively repulsive remarks: "the torch has been passed . . . abolish all forms of human poverty . . . ask not what your country can do for you, ask what you can do for your country." But it is simultaneously vigorous and solemn, making good use of traditional rhetorical devices. It is exactly the right length. And although its rhythm is often too heavy, it does have rhythm.

Two of the closest literary analogues of Kennedy's address, with its firm and concise phrasing, heightened antitheses, and other forms of self-conscious rhetoric, are the inaugurals of President Truman and the much maligned President Pierce. Neither of these gentlemen was famous for literary attainments, but each was able to produce a speech of some interest, a speech that is more than adequate to its purposes. But imitations of the Kennedy speech, such as President Nixon's two inaugural addresses, always fall flat, and never so flat as when they most clearly betray the source they are imitating. "In our own lives," Nixon says in his second inaugural, "let

each of us ask — not just what will government do for me, but what can I do for myself?" It's a fine thought, but how did "in our own lives, let each of us" get into it? President Reagan did better in his workmanlike first inaugural, which does not read like a Kennedy imitation: "In this present [economic] crisis, government is not the solution to our problem. Government is the problem."

Franklin Roosevelt's first inaugural is memorable — and these days, inescapable — because of its declaration that "the only thing we have to fear is fear itself. " But anyone who reads the rest of his speech will be astonished by its hatemongering ("money changers" are anti-Christs), its bizarrely militaristic imagery, and its weird economics and sociology. Among the important duties of his administration Roosevelt includes an effort to "redistribute" the "overbalance" of the urban population, which sounds as if he wants to "redistribute" the excess populace of Queens across the steppes of North Dakota.

Roosevelt's first address was bad enough, but after that his inaugurals went speedily downhill. The third and fourth set the pattern for a number of his successors, who assumed that an inaugural address should be written as a series of sound bites. That was the idea behind Clinton's first inaugural, which is full of bites that appear less and less significant, the more you look at them. "There is nothing wrong with America," Clinton announces, "that cannot be cured by what is right with America." Now where do we go with that thought? Carter's inaugural also seems to have been written as a tissue of "memorable" statements, none of which anyone remembered for longer than 30 seconds — perhaps because the speech was produced without any recourse to critical thought. It is as close to a random assemblage of phrases as any public discourse could possibly be. Carter says, "We know that if we despise our own government *we have no future*." No one reading the first part of that sentence could imagine that the second part was coming — although both parts are about what everyone is supposed to *know*.

This is preternaturally bad writing, but inaugural addresses have usually brought out the worst in people. John Adams, one of America's great writers, produced an address that is turgid almost beyond belief. It offers a list of Adams' qualifications for office, in a sentence that is sufficient to disqualify anyone for anything: the sentence is 727 words long. Theodore Roosevelt devoted only 987 words to his whole speech. Yet Roosevelt, who was far from a contemptible writer on other occasions, still managed to surround himself with enough abstractions to annoy even Dante Alighieri.

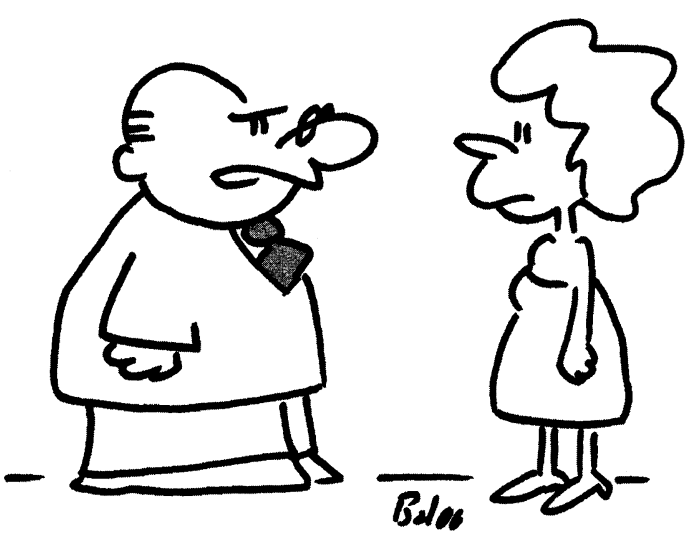

"Do you think it's *easy* being a pompous ass?"

Woodrow Wilson could also be a good writer, technically speaking, but how many people will consent to accompany him through the swamps of his first inaugural? "Some old things," he says, "with which we had grown familiar, and which had begun to creep [!] into the very habit of our thought and of our lives, have altered their aspect as we have latterly looked critically upon them, with fresh, awakened eyes; have dropped their disguises and shown themselves alien and sinister. Some new things, as we look frankly upon them, willing to comprehend their real character, have come to assume the aspect of things long believed in and familiar, stuff of our own convictions. We have been refreshed by a new insight into our own life."

What?!

No other president has ever sounded the depths of Wilsonian mysticism, but some have gone pretty far. There is a fair approximation in Eisenhower's first inaugural, which is overshadowed by meditations about an atomic Armageddon, and in Lyndon Johnson's kitschy speech: "They came here, the exile and the stranger, brave but frightened; to find a place where a man could be his own man. They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of all mankind; and it binds us still." No, wait a minute — *who* made that covenant? And *what* did it say?

Then there are the Barney the Dinosaur parts of Johnson's address: "Think of our world as it looks from the rocket that is heading toward Mars. It is like a child's globe, hanging in space, the continents stuck to its side like colored maps. We are all fellow passengers on a dot of earth. And each of us, in the span of time, has really only a moment among our companions. How incredible it is that in this fragile existence, we should hate and destroy one another."

Yes. Damned near incredible.

If you want a treasury of jejune phrases, mercilessly subordinated clauses, goofy disquisitions about "soil and climate," odd reflections on world history, mysterious proverbs, and utterances that can be comprehended only by a kind of verbal algebra, America's inaugural addresses are waiting to make you rich. It's not a surprise that these speeches contain only one reference to literary "beauty." It appears in the address of William Henry Harrison — an oration that, nevertheless, is fully typical of inaugural ugliness. The speech is loaded with sentences that *dare* you not to fall asleep: "Unpleasant and even dangerous as collisions may sometimes be between the constituted authorities of the citizens of our country in relation to the lines which separate their respective jurisdictions, the results can be of no vital injury to our institutions if that ardent patriotism, that devoted attachment to liberty, that spirit of moderation and forbearance for which our countrymen were once distinguished, continue to be cherished."

Faced with sentences like that, one leaps with joy over the homely phrasing of President Grant in his first inaugural,

where he discusses repayment of the nation's debts: "Why, it looks as though Providence had bestowed upon us a strongbox in the precious metals locked up in the sterile mountains of the far West." Even Grant's mystical speculations are plainly expressed. Try this, from his second inaugural: "I believe that our Great Maker is preparing the world, in His own good time, to become one nation, speaking one language, and when armies and navies will be no longer required." I'm not sure that I agree with Grant, and his syntax is a little uncertain, but at least I can understand him, and I didn't fall asleep.

So what did President Obama's speech contribute to the strange and often ridiculous history of the inaugural address?

From the beginning, Obama showed that he understood the conventions of the genre. Like every other president (except Washington, in his 135-word second inaugural), Obama warmly invoked the deity. Like many of his predecessors, he emphasized the astonishing fact that he *had* predecessors, at the same time illustrating, as almost all of them had illustrated, a fervent love for cliches — single, double, and even quadruple cliches: "Forty-four *Americans* [as opposed to Martians] have now taken the presidential oath. The words have been spoken during *rising tides* of prosperity and the *still waters* of peace. Yet, every so often the oath is taken amidst *gathering clouds* and *raging storms*."

Anyone who worried that Obama might still be a radical "community organizer" was soon reassured by the fact that his thoughts on public policy could easily be expressed by the emptiest of cliches: "Today [not yesterday] I say to you that the challenges we face are real [not imaginary]. They are serious [not funny] and they are many [not just one!]. They will not be met easily or in a short span of time [can't do without that 'span of']. But know this, America — they will be met [what a relief!]."

There were livelier passages. Yielding to his flair for poetry, or words that he mistakes for poetry, Obama showed that he could give his predecessors some strong competition in the field of awkward images. He referred to "a network of violence and hatred" (al Qaeda, presumably). He insisted that "petty grievances," "false promises," "worn-out dogmas," and "recriminations" (what, no adjective?) "for far too long have *strangled* our politics." And he made promises about the weather: "We'll work tirelessly to lessen the nuclear threat, and roll back the specter of a warming planet."

Picture a specter, a ghost. Now picture a planet having a ghost. Now picture people *rolling back* this ghost. I submit to you that forming such a picture is a greater *challenge* than designing a new economic program for the United States. It's a challenge that no one is up to. You can't *meet* this challenge. You can't picture this thing — unless, as a number of people have speculated, trying to find some explanation for Obama's apparently nonsensical image, he doesn't really believe in global warming. In that case, his sentence might make some kind of sense: the *idea* of "a warming planet" would be a delusive "specter," and people *could* (in a way, sort of) "roll back" this idea. And perhaps this is the correct interpretation, though one cannot prove it. After all, most of Obama's inaugural address seemed calculated to be interpreted in one way by rightists and in another way by leftists.

That, I suppose, is "moderation." But Obama might have shown still more of this valuable quality. He might have declined to discuss any specific political proposals. Other presidents have done so. Washington, in his first inaugural, refused to make any recommendations to Congress, spending most of his speech confessing his incapacity and unwillingness to assume the office and urging his countrymen "to acknowledge and adore the Invisible Hand which conducts the affairs of men." John Adams provided a disquisition on America's "amiable and interesting system of government," as did Jefferson, in his first inaugural. Contemporary political issues became a besetting concern only in Jefferson's second inaugural, which defends the conduct of his administration, and in Madison's first, which is preoccupied with the danger of foreign war — without, however, getting specific about what Madison intends to do about it. His second inaugural discusses the war into which he has entered. Again, however, there are few specific proposals for the country's future.

Anyone who reads the rest of FDR's first inaugural will be astonished by its hatemongering, its bizarrely militaristic imagery, and its weird economics and sociology.

It is in President Monroe's first inaugural, with its proposals for the construction of roads and canals, the "systematic and fostering care of the Government" for manufacturers, and the removal of the federal debt by the sale of public lands, that the inaugural address becomes the outline of a political program. Monroe's second inaugural contains many specifics about how to deal with issues foreign and domestic, including "the present depression of prices." President Van Buren resisted the temptation to go into details, saying that such an attempt "would be as obtrusive as it is probably unexpected." This observation, unhappily, went unheeded by most of his successors.

In 1881 we find President Garfield discoursing about bimetallism and declaiming against the practices and influence of the Mormon church. In 1901 President McKinley devotes the (long) climax of his speech to a discussion of the insurrection in the Philippines. In President Taft's inaugural, eight years later, there is no apparent principle of exclusion. Everything goes in, from a critique of laissez-faire economics to an admonition to lessen the "fire in the rear of [our] agents" in Panama. What he meant by that, I'm not sure.

President Obama chose the middle of the road: he talked about specific issues, but in the vaguest and most general words he could find. Some would call these weasel words. There was some stuff about putting "a watchful eye" on "the market," so it doesn't "spin out of control," and a remarkably inane comment about how "a nation cannot prosper long when it favors only the prosperous." Figure that one out. In foreign policy, there was a good deal of interventionist rhetoric: "Know that America is a friend of each nation and every man, woman, and child who seeks a future of peace and

dignity, and that we are ready to lead once more." Virtually everything about foreign policy, however, took the form of generalities and bromides. "Forge a hard-earned peace in Afghanistan" probably meant fighting harder in Afghanistan; "we will begin to responsibly leave Iraq to its people" probably meant that Obama believes he has a plan to end the war but won't promise any results.

Obama made a clearer, and certainly more compelling, announcement to professional haters of America: "We will not apologize for our way of life, nor will we waver in its defense. . . . You cannot outlast us, and we will defeat you."

Carter's inaugural is as close to a random assemblage of phrases as any public discourse could possibly be.

He created a memorable image in his offer to foreign "leaders" who "blame their society's ills on the West," and to other bad guys: "We will extend a hand if you are willing to unclench your fist." That was a good line, perhaps the best literary moment in the speech. But what the handshake might entail, in material terms, was left undefined — along with almost everything about the president's domestic program. Here descended a great cloud of promises about things that the government ("we") will do, which were invariably things that private individuals are doing now, or would do if the government managed to leave them alone: building "digital lines," "wield[ing] technology's wonders," "harness[ing] the sun and the winds," "transform[ing] our schools and colleges."

What Obama meant was "pork," but direct language is not this president's friend. His way of discussing his $825,000,000,000 economic stimulus program was simply to mention "some who question the scale of our ambitions — who suggest that our system cannot tolerate too many big plans." That's as clear as he got about that.

In Franklin Roosevelt's first inaugural, there is a strange, inverted reflection of Barack Obama's *big plans*. Amid a mishmash of his own proposals, Roosevelt denounces bankers: "Faced by failure of credit they have proposed only the lending of more money. Stripped of the lure of profit by which to induce our people to follow their false leadership, they have resorted to exhortations, pleading tearfully for restored confidence." This is exactly what President Obama now urges — stimulation of credit by the lending of more money — and this is what he now does, attempting to create confidence by *exhorting* people to have it.

Obama studied Roosevelt's address while writing his own, but he failed to see its ironic portrait of himself. He would have done well to study some other addresses that were written in times of financial insecurity. President Hayes' inaugural (1877) notes that a great depression has been continuing for three years, and suggests that the antidote is a sound currency, based on precious metals. President Cleveland's second inaugural (1893) takes up the same theme, reminding the nation that "we will be wise if we temper our confidence and faith in our national strength and resources with the frank concession that even these will not permit us to defy with impunity the inexorable laws of finance and trade." Such humility would have been becoming in the current president — as would Cleveland's consciousness of the evils of economic "paternalism," "bounties and subsidies," and "wild and reckless pension expenditure," the very things that are bankrupting the republic now.

Obama likes to cast himself in the role of the deep political thinker, but we have heard his philosophy advocated before, by countless other figures of this and the last century, and it's not much of a philosophy. "The question we ask today," he says in one of his attempts at aphorism, "is not whether our government is too big or too small, but whether it works." Yes, but suppose someone asks whether big government or small government is more likely to *work*? Obama doesn't entertain that question — although he does try to answer the one that obviously comes next: how can you tell whether a government *works*? He responds in the narrowest way possible: "Whether it helps families find jobs at a decent wage, care they can afford, a retirement that is dignified." By that standard, many authoritarian governments have been said to "work."

Yet that was his standard for action, in so far as he provided one: "Where the answer is yes, we intend to move forward. Where the answer is no, programs will end." Then followed the good-government boilerplate that is characteristic of political pragmatists: "Those of us who manage the public's dollars will be held to account to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government." For Obama, the paramount issue is apparently whether people trust the government, and trust it "vitally."

Of course, every politician wants to be trusted; but as political thought, this is completely, though elaborately, empty. It's like that Escher engraving in which a staircase goes up and around and then comes back to the place where it started. Why do I trust the government? Because it does things "wisely." What's the result of its doing things "wisely"? I trust the government. Don't bother to ask what is "wise," or what the usefulness of "trust" may be.

President Obama chose the middle of the road: he talked about specific issues, but in the vaguest and most general words he could find. Some would call these weasel words.

In its dealings with current events, Obama's speech resembled that odd pair, Franklin Roosevelt's first inaugural and James Buchanan's only one. Roosevelt jumped right into the issues of the Great Depression; Buchanan jumped

continued on page 40

Teaching to the Lowest Common Denominator

by Don Crawford

One of the most powerful reasons to support school choice has seldom been articulated.

As a longtime educator, I have spent my career working — and training others to work — with students who are "hard to teach," both in special education classes and in high-poverty minority schools. I am passionate about ensuring that these students be taught effectively. In this setting, gains are hard won, and nothing happens serendipitously; but we know that all children can learn, if we work smart and don't weaken. Yet every once in a while, I look up from the grindstone and realize that it isn't fair to keep abler students waiting while we work intensively with students who find learning quite challenging. And I wonder what the abler students would be capable of doing if we pushed them as hard as we are pushing our lowest performers.

So here is, arguably, the most potent rationale for school choice, for breaking up the K–12 school monopoly. Because the learning potential of our children varies, we need many different kinds of schools, with different expectations and outcomes. Large differences in mental capacity mean that children learn at very different rates. These different rates of learning imply that to make the most of our investment in education, we ought to allow parents and children to choose from a variety of schools, with a variety of different expectations.

What I am saying is pretty much the opposite of the ideas and policies implicit in the No Child Left Behind Act, advocated by President Bush and passed by Congress in 2001. The act mandates uniform statewide skills tests for schoolchildren, so that the "accountability" of their schools can be measured and, in return, federal money can be given to the states.

And by the way, I am not buying into the popular "learning styles" misconception that some children are kinesthetic learners and therefore must learn everything through movement, while others are auditory learners and must hear everything they learn. I know that, while there is no scientific support or basis in fact for the learning styles notion, there will continue to be people who believe it makes a good rationale for different kinds of schools. Instead I'm pointing out the inconvenient truth that some children are smarter than others, and sometimes a lot smarter.

Don't get me wrong. I am not an elitist. I have devoted my career to working with the least able students. In fact, I've never had the opportunity to work with large groups of highly motivated, gifted children. And I'm very proud of the fact that Americans are a fiercely egalitarian people. When traveling in

Europe I've enjoyed the fact that Americans stand out because we are always so self-sufficient. We Americans would prefer doing things for ourselves, even if some person has the job of serving us. And not to avoid tips — but because we hate the implication that we think we are above doing something menial, such as carrying our own bags. But that commendable egalitarian spirit is exaggerated in our K–12 school system, which interprets the phrase "created equal" as meaning that everyone is the same. You lower your voice and whisper if you speak about intellectual differences in educational circles.

The recent publication of Charles Murray's "Real Education: Four Simple Truths for Bringing American Schools Back to Reality" (2008) emboldened me to write about how recognizing that there are differences in mental abilities heightens the need for school choice. Murray survived an onslaught of criticism for his earlier work "The Bell Curve" (1994), which acknowledged differences in IQ. As a result he is one of the few people in America who has built up sufficient immunity to be able speak out on the issue of intellectual differences.

Most people in this country really don't seem to have a clue about how much we are missing by operating on the assumption that all students are "equal enough" in ability to have the same academic expectations up through grade 12. I am reminded of a (probably mythical) story of Indian students in the early years of the infamous Native American Boarding Schools. Staff tried to get their students to run races. Yet Native American culture had taught them to be careful of everyone's feelings and not try to outdistance others. As a result, there was no race. The children all jogged together at a pace slow enough so that the littlest could easily keep up. This is an image of how we are running our government monopoly school systems. I suspect we are paying a terrible price.

My encouragement to speak about this comes from the first two of Murray's "four truths," the ones most associated with K–12 education. At first glance, these "truths" may not seem especially controversial. The first is that all ability, and specifically academic-intellectual ability, varies. The second is closely related: half of all children are below the average in ability (gasp!).

We really don't seem to have a clue how much we are missing by operating on the assumption that all students are "equal enough."

This idea is neither shocking nor discreditable to the children. True, it is hard for many people to accept — when it appears in discussions of academic ability. But as Murray shows, we ordinarily accept it in areas in which our collective determination to ignore the fact of variation is not so well ingrained. After we acknowledge that many of us are below average in musical, athletic, and other abilities, we have to admit that half the population must also be below average in purely academic ability.

While our minds are open to the possibility that intellectual ability varies, Murray shows us what this means. He gives examples of items from the tests used for school accountability. These test questions have been causing no end of frustration for educators like me, who are working with populations with less-than-desirable test scores. We are frustrated because we teach and teach and then a small quirk in the wording causes our students to answer a question wrong. Here's an example that Murray gives:

> There were 90 employees in a company last year. This year, the number of employees increased by 10%. How many employees are in the company this year?
>
> (A) 9 (B) 81 (C) 91 (D) 99 (E) 100

As Murray points out, the arithmetic skills involved in solving this problem correctly are quite elementary (pun intended). But nationally, 62% of eighth grade students chose something other than the correct answer (D), not because they hadn't been taught how to do the math, but because they were low-average to below-average in mathematical reasoning and so didn't set the problem up correctly in their minds.

After looking at this problem, I took it as a personal challenge. I devised a teaching method that, when carefully used, would enable most students to set up and then solve such problems correctly. I taught my new method to a student who had previously been missing questions having to do with percentage increase or decrease. The method worked. I watched my student come to a point where he could reliably solve these problems correctly.

This is an example of what is called Direct Instruction (DI) — innovative instructional structure combined with careful, explicit teaching. DI is the instructional methodology I studied for my doctorate, although the educational establishment disdains its accomplishments, claiming that to teach rote methods of problem solving doesn't make students into mathematical thinkers. But this is exactly the kind of curriculum one must have in order to teach lower performing students who would not "get it" any other way. Ironically, the carefully thought out, highly structured DI approach is very efficient in helping higher performers too. But the critics of DI aren't at all impressed by the efficiency with which DI teaches a specific skill. They are concerned, instead, about whether students can puzzle out new kinds of problems for themselves.

The critics of DI may have a point, because admittedly, as soon as my below-average student moves on to another type of problem he is dependent upon me to devise a new problem-solving structure and to teach it to him. The height of educational fashion today would be for a teacher simply to pose this problem to a group of students and leave them to figure it out for themselves. Students who do so are better mathematical thinkers than my student, but is their thinking a result of the process, or of being above average to begin with?

Almost everyone would agree that students who have figured out how to solve the problem without instruction have "something more" than those who had to be taught how to find the answer. That "something more" is very valuable. We want our school system to produce more graduates with

that "something more." But there may be a problem with that goal, because, as Murray points out, the "something more" is greater intellectual ability. And that's something students bring with them to school, rather than value added by the teacher. It is really intellectual ability that is valued, and rightly so; but that is not an effect of the schooling; it is rather the cause of the school's success.

This fact has a jarring implication. Our educational system and our society both value intellectual ability, or untaught knowledge, more than hard-won specific skills, or knowledge that is taught. And this implies that our efforts at bringing below-average students up closer to average may not be as important as getting higher performing students to exercise their potential to the fullest.

Murray provides other examples of test questions that show the meaning of cognitive differences, including items from tests that look at "reading." Someone unfamiliar with the way in which accountability tests are constructed may ask, What could be clearer than what it means to be "proficient in reading?" It means you can read all the words correctly, and as long as not too many of the words are above your grade level you'll understand what the text literally means. But these high stakes reading tests do not limit themselves to literal questions. Instead they ask students to infer the feelings or relationships of the characters, or the author's purpose in writing the passage, or the rationale for a given word choice. Almost none of the questions are literally answered in the passage. They require students to make less than obvious inferences.

Murray observes that what is required to be "proficient" in reading on these tests has more to do with intellectual ability than with skills that can be imparted by a reading teacher.

> Put yourself once again in the position of the teacher. How does one teach a child to make inferential leaps? Drilling in vocabulary will not help. Diagramming sentences will not help. The skills that the child must master do not involve learning words or the mechanics of reading, but putting two and two together in novel settings. . . . Many of the wrong answers reflect nothing more complicated than low academic ability.

Having recently looked over the shoulders of students taking our state's high-stakes test, I can attest to the truth of that statement. I was in classrooms where rigorous, intensive instruction had been provided to students who had mastered exactly the same curricular objectives. The school and the teachers were diligent about ensuring that all students achieved mastery before leaving each lesson. So I knew that the students had learned the same things. But as I walked around, I saw many fall victim to slight variations in wording or nuance that made the obvious choices incorrect. Their brighter classmates would catch the detail, see the implication, and get the answer correct. With the same teacher and the same instruction, some of the students would get the items right, and many would get fooled into making the wrong choice.

The fact that brighter students do better on academic tests is hardly a disturbing fact. Why did it frustrate me? Because test scores are being used to evaluate the school, not the student. The school is considered a success or failure because of the percentage of students who get a certain number of test questions right — enough to be classified as "proficient." But what is being tested is in large measure the academic ability students bring to the school, rather than any skills that the school and the teacher can take responsibility to be sure to impart.

The problem is somewhat analogous to that of judging the worth of a car wash by the shininess of the cars coming out of it. In one neighborhood the cars leaving Car Wash A are gleaming, recent models of expensive luxury cars. In another neighborhood the cars leaving Car Wash B are equally clean but older vehicles with oxidized paint jobs. Unless one is careful to factor out everything but the "cleanliness" it would be easy to conclude that Car Wash A is superior to Car Wash B. But the shininess difference is one that was there before the cars entered the car wash, and therefore cannot be rightly attributed to the quality of the car wash.

Murray leads us to realize that the reading and math tests we value so highly are largely a measure of students' underlying intellectual ability. The stunning implication of this fundamental fact is that the primary measure of the worth of K–12 schools is wrong. Test scores of students' reading and math cannot be the main way we judge schools. Murray says it quite bluntly to advocates of school choice: "Stop focusing on math and reading test scores to make your case. They are the measures of educational achievement that are most closely tied to the child's underlying academic ability."

But using math and reading test scores to evaluate schools is part of the bedrock of the educational profession. For a half a century we have been evaluating our schools based on academic achievement of the students, as measured by test scores in reading and math. (For half a century we have also been relatively unsuccessful.) The whole of No Child Left Behind is based on the assumption that we can improve the test scores of all students, in all basic subjects, up to the level of proficiency. Yet as Murray shows, this is sheer educational romanticism.

When the NCLB Act was first passed, I was encouraged. At last, here was government support for solid results. I hoped it would force a change to more effective instructional practices, especially in beginning reading instruction, where so many children waste so much time trying to break an easily taught code. Then I began to see that the tests we are using for accountability are not like the curriculum-based measures we use to monitor progress within our schools. Our curriculum-based measures are designed very carefully to test only the

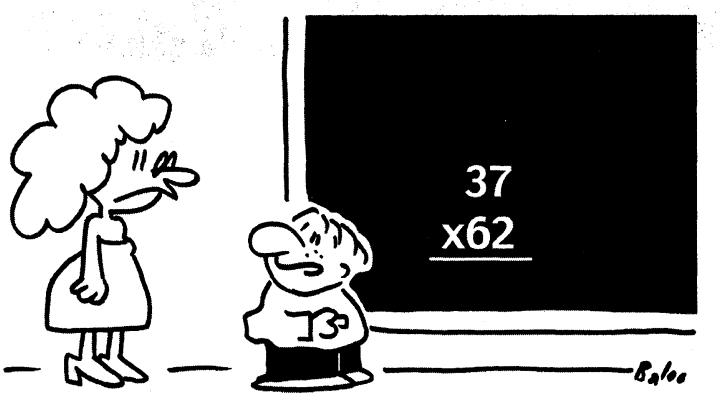

"Maybe this is a question that should be left to the philosophers."

specific things we have taught, without anything new or any tricks for the unwary. While such tests are good at telling us whether we taught specific skills to mastery, they don't measure what's most important to society as a whole. So tests for accountability will probably always measure student ability — because the ability to think on one's feet and not be fooled by changes in test items is what we value most. So test scores will always tell us how smart the students are, rather than how much they have learned in class.

Murray's second simple truth, that half of all children are below average, is not well received in our fiercely egalitarian society. We laugh nervously, but the thought evaporates before we can really take it in. Somehow we think everyone should be at worst, average. Certainly if someone is below average, something must be wrong — something that we can fix, and ought to fix, if it is something as important as intellectual ability.

If we aren't socially comfortable with the idea, it should come as no surprise that our government bureaucracy has not accounted for the fact. We need to realize that half of our students are below average — and the other half are above average. All our governmental efforts at accountability have ignored this basic truth. We have built an edifice of accountability on a foundation of reading and math test scores, which largely reflect children's native ability rather than their teacher's efficacy.

Ignoring the fact of unavoidable discrepancies in intellectual endowment has two complementary results. On the one hand we have given credit to schools that don't deserve it. Schools that enroll students with high ability and therefore high test scores are applauded for things their students brought with them. They are routinely credited with doing a great job at instruction, when in fact they may be coasting. Meanwhile, other schools are unfairly condemned. A single-minded evaluation of schools, based on measures of the students' academic ability, denies the possibility that schools which enroll a majority of students with below-average ability, and therefore low test scores, could possibly be doing a good job. While the latter is a personal challenge for me, the former has disastrous consequences for our society as a whole.

Children with above-average ability are not being adequately challenged in our system. I remember this from my own elementary school years. And I see the same thing in my daughter's schooling. Even in schools where bright students are being given enough homework, they aren't learning as much as they could. They can't move at the right pace because they are in class with students who can't learn as fast as they do. It is much like having a uniform speed limit in a skating rink. The least able skaters (like me!) would be forced to go dangerously fast, while the pace would be unbearably slow for experienced skaters.

What happens to bright children in this one-speed-fits-all academic system? They revisit topics they learned fully in previous years. They mark time and wait, listening to material they've already mastered being repeated again and again. They ace tests without ever having to study. They don't acquire a work ethic because it is all too easy for them. But the school looks fine because these bright students score well on tests. The scores don't tell us whether schools that enroll above-average students could really be doing a better job than they are.

As for the personal challenge for me, I work in inner-city charter schools filled with hardworking students, many of whom evince below-average academic ability. I know we work a lot harder than people do in my daughter's school. The way things stand now, NCLB and the state government think they ought to revoke the charter of any schools that continue to have too many students with below-average test scores. The laws say the charters should be revoked even if parents continue to enroll their children in large numbers. But closing schools like ours simply on the basis of test scores would be a terrible shame.

Well, if we can't use test scores to evaluate schools, how can the states hold schools accountable for good results? Murray doesn't answer that question, because he doesn't look to the state to make a prescription for all schools to fit. Instead, he supports the idea of school choice in all its various forms. As do I. The school choice model says that the individual customers, parents in this case, should be free to make their own evaluation of what makes a good school. Somewhat like Obi-Wan, advising Luke to "Trust the force," the school choice movement says, "Trust the parents."

Most of my educator friends tell me we can't trust parents to make good educational decisions because they are not trained as educators. In reply, I tell them that I can choose a good car brand even though I'm not an engineer. I don't know how to make a car better, but I can recognize a brand that runs better and lasts longer than others. And if I care more about safety, or more about gas mileage, I can choose on that basis — without knowing how it is achieved.

And here I can testify from my own experience in inner city charter schools that when parents have the opportunity to choose schools, they intuitively understand the relative importance of test scores. Safety, for one, is far more important than scores. Given a choice, parents take their children out of dangerous schools and put them where they are safe — even if the safe school doesn't have any higher test scores. Duh! It takes someone like Murray to point out to the rest of us that there might be more to a school than the test scores of its students. Parents, like all other consumers, are out ahead of government officials in deciding what they want.

The inner city charter schools I've been lucky enough to work with have all had rigorous curricula, disciplined classrooms, hardworking teachers, and at the same time below-average test scores. Even so, the schools are full or have waiting lists. Unlike distant state officials, parents come into the school and see what is going on. They can tell these are not failing schools. These are safe, orderly, down-to-business schools, doing everything right. Regardless of test scores, the parents know their children will flourish if they attend these schools.

Perhaps we can move toward a system that trusts the parents instead of relying on government accountability measures based solely on test scores. Parents can tell when their children are being challenged in school and are learning. Their assessment is far wiser than that of educators and politicians who expect test scores to prove that, like the populace of Lake Woebegone, all children will be above average in every important way. Parents understand the simple truths. ❑

What's Left of the American Left

by Jacques Delacroix

Capitalism seems to shower an inordinate amount of bounty on the people who hate the free market.

My wife and I are driving down a small section of Florida's Gulf Coast, exploring. I have always wanted to grow old where I could swim in warm water every day. I mean wild water, not a swimming pool I would have to share with old ladies and little boys I don't really trust, when it comes right down to it. The vulture motive is not lacking either. This part of Florida suffered one of its periodic devastating hurricanes a few months back. Secretly, we count on real estate prices being depressed: sell in pricey California where we live; buy a twice larger house in Florida for half the price, with feet in the Gulf of Mexico. Easy!

It turns out the real estate market does not work that way. House prices are hot and getting hotter by the minute, it seems. Yet, the trip is not a waste of time because it allows me (and my wife) to clarify my relationship to the Left of the American Left. I mean the Marxist Left of my youth, not the pale Green Social-Democratic Left of today

Through miles of commercial highway, between Tampa and Fort Myers, we keep tuning the car radio, searching for any kind of real music. It sounds like six out of ten stations play Jesus music — not black Gospel music, chicken-breast-white Jesus music. The remainder plays "pop country." When we stop for coffee, unless we chance on a Cuban shop, rare in that part of Florida, the brew is awful, the way coffee used to be in the '80s all over the country, including California. Traveling along a commercial artery, the way we must if we are going to catch real estate offices, we eat in chain restaurants. It's hard to believe, but the food is worse than the food at Denny's in California. The service is uniformly horrible, with uncleared tables forming the main decor.

One evening, walking toward an upscale restaurant to relieve the blahs, we browse through a still-open bookstore. It contains no foreign periodicals, no literary ones, and no books, just current bestsellers. It's almost a print-free bookstore. Worse, from my standpoint, is the fact that in most places the Gulf of Mexico and the Inland Waterway are miles away by car, even if you are staring right at them 20 yards across a fence.

The nadir of our voyage of discovery occurs in pretty, seaside Venice. We look at two houses near the beach.

One is plywood-thin and cluttered with faux-crystal chandeliers. There is assembly-line pseudo-art on every wall. It is thickly carpeted, Wisconsin-style. The other house is small but pleasantly furnished for the tropics and fully tiled. It has a Hemingway-in-Key-West feel to it and a small, promising

yard with banana trees. It's one block from the beach and within our price range.

Our hopes are up and we begin to inquire about the town itself.

It has the full complement of shopping centers, utilitarian and chi-chi. Florida being what it is, demographically, health establishments, large and sumptuous, dominate the urban scenery. (We don't care about schools because we have no minor children.)

Then, we find that Venice, population 22,000, does not have a single operating movie theater. "But we have a very active amateur theater company," declares the real-estate lady. We visualize a chorus line of varicose-veined legs emerging from pink tutus. Hello! End of Florida project.

"So what does this have to do with the American Left?" you might ask, your patience thoroughly tried.

Here it is:

In my town of Santa Cruz, California (population c. 50,000), there are six or seven coffee shops. Some serve very good coffee, others merely good coffee but in good company, in pleasant surroundings. All offer an exotic choice of beans. (It does not bother me that most of it is "fair trade" coffee. I believe your money is your money. You can do whatever you want with it; give it away, or even throw it away for all I care.)

One coffee shop harbors daily more creative people than all the Left Bank cafes of Paris in their heyday (in my uncredentialed historical estimation). There are four permanent movie theaters, one showing nothing but esoteric and foreign movies (including generous helpings of French art films that no one ever comprehends).

The music scene is so rich that for a year you could go out every night of the week to a different venue, without a single repeat experience. Locally produced and syndicated radio fare is so varied that even retired people can't take it all in.

Most restaurants are mediocre, but both good sashimi and okay French-style food can be had without much of a struggle. And, except for the occasional dropped-out, zonked-out surfer, the help keeps to middle-class standards of deportment (as well it should, since it's made up of the college professors of tomorrow).

It sounds like six out of ten stations play Jesus music — not black Gospel music, chicken-breast-white Jesus music.

There are three large bookstores and several minor ones. All actually sell books. All stock some foreign periodicals. Of course, the beaches are beautiful, varied, clean, open to everyone, and of easy access. We just can't move away. That's it!

To what do we owe this cultural cornucopia, this superabundance of small pleasures, this quality of life that makes you feel rich — even if you are not? The uncomfortable but incontrovertible answer is: to that time warp, the University of California at Santa Cruz, where girls are LUGs (lesbian until graduation) and guys sublimate their sexual energy into saving the (wholly unthreatened) natural environment.

Santa Cruz, gown and town, is one of the Covenant Arks of the American Left. Angela Davis, the beautiful black Communist fugitive of the '60s, she of the big Afro, is a (full) Professor of the "History of Consciousness" (no shit, and bless her heart!).

At UC Santa Cruz, history professors with endowed chairs continue imperturbably to teach the hope that capitalism will ultimately collapse "under its own inner contradictions." They keep recording their lectures about the increasingly impoverished ("immiserated") working class, even as they get run over by giant SUVs, blaring rap music from expensive sound systems, and driven by overfed members of that same working class. (Incidentally, the drivers look more and more like their SUVs.) In the meantime, the temporarily radicalized undergraduates keep electing "progressive" city council*people,* all of them prosperous store owners. The city council does a great job of keeping the town spick-and-span and functioning, even attractive. It has passed regulations making it illegal to sleep in public (the target is the large and vehemently incoherent homeless population, but rich people who would attempt to sleep in the street would be treated with the same impartial severity).

Professors with endowed chairs imperturbably teach the hope that capitalism will ultimately collapse.

The students cheaply staff all kinds of lifestyle enterprises. Their very presence in large numbers keeps the labor unions at bay. Hardly anyone earns more than $9 an hour. The same students (and their parents' money in some, or in many, cases) and a significant legion of professors patronize these establishments. Life is good.

After our Florida epiphany, it would be ungracious for us not to admit our debt: the university gives us both leftism and the good life. Leftists take an active part in creating and supporting the good life.

In my youth, I was a leftist — both because of my youth and because I failed to understand the magic of markets until embarrassingly long after I got a Ph.D. Also, I thought a little intellectual dishonesty helped to get me laid. (It was superfluous help, I realized later.) My wife was a high-born yet poor Hindu lady with no interest in politics. Today, we are both registered Republicans, of the libertarian wing of the party. We are also patriotic immigrants (patriotic *because* we are immigrants), practically Bushite neocons.

Nevertheless, after Florida, we are appreciative of the gifts from the Left; we have to be. I, personally, am fully reconciled with the American Left, because it has gone in 30 years from a force to wreak havoc on the world to a cultural institution in charge of the foo-foo factor. It's accomplishing its mission fabulously, and all is going better than ever in this great country of ours. ❑

Freedom vs. Fairness

by Charles Barr

Libertarians have the best product in the world: individual freedom. Why can't they sell it to others?

Libertarian political activists support candidates and policies that uphold the ideal of individual liberty. However, the overwhelming majority of voters consistently elect candidates whose policies are destructive of a free society. Certain libertarian positions, such as opposition to foreign entanglements, opposition to the activist, regulatory state, support for free trade, and support for freedom of personal expression, resonate strongly with large segments of the voting population. Still, a "values gap" between libertarians and the mainstream public severely limits the political influence of the libertarian philosophy as a whole.

A loosely defined sense of "fairness," rather than freedom, appears to form the core of most people's ethical and political values. If this is the case, it helps explain why the bedrock principle endorsed by most libertarians, and embedded in the Libertarian Party oath — noninitiation of force to achieve political or social goals — frequently promotes policies that fail to attract broad public support.

Here is the oath one must take to join the party. "To validate my membership, I certify that I do not advocate the initiation of force to achieve political or social goals." Remember this; I will return to it. For now, the important point is this: as the oath implies, a person's political values typically arise from his or her ethical principles. But for the majority of people lacking a well-defined philosophy, such principles exist as "rules of thumb" rather than clearly defined concepts, and are likely to be centered on emblems of fairness such as the "golden rule," rather than on narrowly focused abstractions such as noninitiation of force.

Advocates of expanded government power take advantage of the public's ethical priorities by framing arguments for "fairness" in a manner that is difficult for libertarians to counter. This is because the noninitiation-of-force principle does not fully address numerous issues that are encountered in everyday life and resonate with voters. Many situations arise that enable one person or group to obtain an advantage over others, without directly or indirectly initiating force. The prevention of such occurrences is used as a pretext for the intrusion by government into the marketplace, through passage of laws regulating or prohibiting such behavior.

Consumer-protection laws are an example. These statutes deal with perceived inequities in trade between people with varying access to information, mental capacities, and economic power. Another example is military conscription. For

decades, the draft enjoyed strong public support, not because it promoted individual freedom (it did precisely the opposite) but because it appeared "fair" in its attempt to distribute the risks and hardships of military life without regard to wealth, social status, or political connections.

Proponents of activist government manipulate the average voter's concept of fairness to generate support for redistributive programs such as welfare, government schools, and progressive taxation. These programs are perceived to be fair because the public sees them as compensating for inequities resulting from accidents of birth, physical or mental incapacities, and random misfortunes. It is no accident that Social Security, Medicare, and many other forms of wealth transfer are known as entitlements. That designation is crucial to creating an appearance of fairness, implying that recipients in some way have deserved or earned their benefits and are therefore entitled to them.

Libertarians tend to draw a hard and fast distinction between the earned and the unearned. But to the general public, these distinctions are less absolute. Most people acknowledge that ingenuity and hard work are important components of success. But random factors such as inherited wealth or "being at the right place at the right time" are also thought to play a role. Thus, partial transfers of property from those who "earned it" to those who "did not earn it" are justified in many voters' minds as a means of compensating for outcomes resulting from such variables.

An implicit fairness principle can even outweigh economic self-interest, if the two are perceived to conflict. An example from game theory, pointed out by Sandy Shaw in a recent issue of Liberty ("Libertarians Like Me," July 2008), shows two persons splitting an offered sum of money, with one of the recipients deciding how the money will be split. The other can accept or reject the offered share, but if he or she rejects it, neither person will receive anything. If an offer is perceived to be grossly unfair — for example, $20 out of a $1,000 total sum — the second recipient will usually reject the offer, punishing the perceived offender by denying him or her the other $980, even though it costs $20 to do so.

"This is a lot of trouble! — Why can't I sign up online?"

Let's examine this hypothetical decision through the lens of libertarian ethics. According to this set of ideas, a person has the right to pursue his or her own values, but may not infringe on the rights of others to do the same. In the above example, the person making the offer has not initiated force or otherwise prevented the other person from pursuing his or her values. The second recipient's decision constitutes an explicit value judgment, in which narrow economic self-interest collides with a sense of being treated unfairly. Which is the higher value, receiving $20 or denying the other person $980 as punishment for the unfair offer?

It is no accident that many forms of wealth transfer are known as entitlements. That designation is crucial to creating an appearance of fairness.

This is not a trivial academic exercise. Examples of this type of conflict abound in the real world, from splitting an inheritance to determining executive compensation, and its underlying dynamic goes to the heart of what most individuals perceive as fair. In the example above, the more powerful person is seen as abusing this power to take advantage of the other person, attempting to keep as much as possible while relinquishing as little as possible. In negotiations between equals, behavior like this is considered to be a legitimate aspect of bargaining, but in other instances it can create a strong perception of unfairness that generates an intense emotional response. Such a response can even be triggered over a seemingly minor breach of fairness, such as an attempt to cut into a line.

A major fairness issue dividing libertarians from the majority of voters concerns the limits of responsibility. Libertarians and most others agree that people should be responsible for the consequences of their actions, but to what extent should they be responsible for their immediate situation? People can find themselves in desperate circumstances for reasons that range from factors that are entirely their own fault to factors that are entirely beyond their control. Most of the time, of course, it is a mixture of the two. Nevertheless, the standard libertarian response is that such personal crises (if not caused by the criminal activity or negligence of someone else) should be addressed by the affected people's own resources, or by private charity. Most voters, however, see this as a less than ideal solution, given that in many circumstances, people can fall between the cracks when they lack resources, and private aid is not available. Voter behavior indicates a preference to live in a society that provides a government safety net, at least as a last resort.

It is easy to construct realistic scenarios of bad luck in which the victim is clearly not at fault, and in which private means of assistance may be unavailable or inadequate. A 5-year-old child is badly injured in an automobile accident that kills

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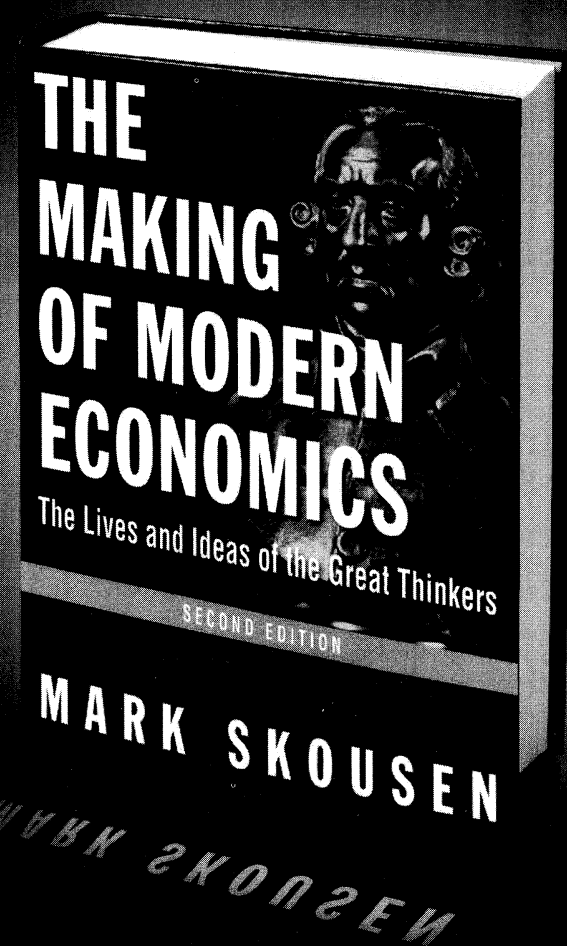

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her destitute parents. According to the most restrictive interpretation of libertarian ethics, no one has a moral obligation to come to the aid of the child. Although not all libertarians share this opinion, the Libertarian Party oath is clearly consistent with this viewpoint in terms of public policy — even a minimal tax-supported safety net is not permitted, because that would be an initiation of force, taking taxpayers' money for social-welfare purposes. So do we make exceptions, such as government-financed medical care, for extreme cases such as this? If so, where do we draw the line? If not, how can our moral code compete effectively in the political arena?

Recent polls indicate that the majority of voters oppose bailouts. But it will take more than a discourse on efficient markets to inspire them to join the libertarian movement.

Individuals form hierarchies of personal values, subordinating their lower values to their higher ones. They likewise form hierarchies of ethical and political values, reflected in the political and legal systems that they are willing to support. If most voters consider absolute property rights to be a lower value than saving an orphaned child's life, then property rights will lose out whenever these two values appear to conflict.

Yet this does not mean that private property rights are considered unimportant. It means only that such rights exist as part of the voting public's hierarchy of political values, and do not necessarily occupy the top position within that hierarchy.

While the example of the injured child is extreme, it is representative of the dilemma that faces libertarians when we attempt to promote our positions on mainstream issues such as the minimum wage, access to healthcare, and "free" public education. Libertarian arguments regarding these issues generally focus on individual rights, with an emphasis on property rights. Government interventionists' arguments focus on protection from exploitation and promotion of equal opportunity and a level playing field. Both sets of arguments are value-laden, with the libertarian arguments invoking freedom and the pro-government arguments appealing to fairness. Given the priorities of the average voter, the fairness arguments are generally more persuasive.

Under these circumstances, an inflexible application of the noninitiation-of-force principle is an invitation to permanent political irrelevance. We cannot realistically expect to attract a majority of voters to a moral and political standard that conflicts with their general sense of fairness. By presenting prospective converts with what appear to be draconian applications of libertarian ethical priorities, we cede much of the fairness landscape to proponents of activist government, making their jobs immeasurably easier.

A possible response to this dilemma is to recognize that most people (and most voters) value both freedom and fairness, but generally assign a higher value to fairness. Libertarian efforts best succeed when they incorporate strong components of both, as was recently shown in the favorable public response to the libertarian position on eminent domain. When eminent domain was pushed to an extreme by local governments and was fought all the way to the U.S. Supreme Court (courtesy of the libertarian-minded Institute for Justice), an almost universal public revulsion against government power took place — very much along the lines of traditional libertarian positions and principles. People thought it unfair that government should be able to seize people's houses and lands, to do with according to its pleasure, simply because it was more powerful than they.

With this example in mind, our best opportunity may be to begin promoting our own issues from a fairness perspective. This would involve a shift in marketing strategy rather than a change in policy. For instance, voter attention is currently focused on the rapidly worsening economy and the government's attempts to rescue it through an escalating series of bailouts. The response on the Libertarian Party's website has been low-key, conveying little sense of urgency or moral outrage. It describes the government's approach as well intentioned but mistaken, and it analyzes both the bailout of the domestic auto industry and Obama's upcoming public works programs from the perspective of economic efficiency. In most respects the Libertarian Party's analysis is no different from what one would find on a fiscally conservative Republican website. The issue of fairness is given little or no attention.

Yet much of the public opposition to the bailouts is fueled by a strong conviction that it is unfair to reward politically connected financial, manufacturing, and real estate interests while refusing to help less favored businesses and employees who face an equally dire future. This perception drives much of the heated "Wall Street vs. Main Street" rhetoric. Many recent polls indicate that a majority of voters are on our side in opposing any and all bailouts. But it will take more than a discourse on efficient markets to inspire them to join our movement. On this issue as on many others, it will take imaginative marketing of our views and recommendations, in a manner that appeals to people's sense of fairness as well as their desire for freedom.

Admittedly there are limits to fairness marketing. It cannot be employed in all situations. Invariably, government misconduct will lead to problems for which no free and fair solutions are possible. For example, there is no way to achieve an immigration policy based on libertarian values in a welfare state with a shrinking economy. For issues such as this, the best strategy may be simply to increase public awareness of government policies that make free and fair solutions impossible.

Scarce libertarian resources can be directed toward promoting political goals that are, simultaneously, consistent with our principles and appeal strongly to voters' fairness values. This will increase our political effectiveness and enhance our reputation. If fairness rates more highly than freedom as a motivation for voters, then the long-term success of the libertarian movement will depend upon the term "libertarian" being identified in voters' minds with fairness as well as freedom. ❑

Peak and Trough

by Fred E. Foldvary

It isn't a mysterious cycle that keeps ruining the American economy — it's our government.

Economists call the periodic fluctuations of the economy the "business cycle." A few decades ago they called it the "trade cycle." Some economists believe there is no regularly repeating cycle, but only random fluctuations in response to economic shocks. Either way, the terms "business cycle" and "economic fluctuations" make it seem as if the market economy were inherently unstable and subject to booms and busts. The implication is that we need government intervention to smooth out the peaks and troughs and provide economic stability.

That idea is false, as I will show.

The reason there has not been a consensus on the "business" cycle is that there are several types of fluctuations that run concurrently, making the ups and downs look random, but if we separate out the major and the minor patterns, we can see a regularly occurring major cycle that has gone on for 200 years. An analysis of major cycles shows that the cause of booms and subsequent downturns is government intervention. A pure free market is not inherently unstable. The major booms and recessions should more accurately be called "the interventionist cycle" or "the economic distortion cycle."

The Austrian school of economics — the school of Carl Menger, Ludwig von Mises, and others, whose work is especially familiar to libertarians — offers a theory of the business cycle in which money, interest rates, and capital goods play key roles. To make the theory more complete, however, we need to include the roles of land and of fiscal (tax and spend) policy. When we apply this expanded theory to the actual economy and to economic history, we can see that the enhanced Austrian cycle theory provides a powerful explanation of how government interventions cause the booms and busts.

The saga of the interventionist cycle begins during a depression. A "recession" means a significant fall in output; then, when the economy bottoms out, it is "depressed" relative to its long-run trend. But output recovers naturally; prices have fallen, bad debts have been liquidated (written off), and new investments are now profitable.

But past expansions have not occurred naturally, since governments seek to speed up recovery with interventions. When the economy is depressed, the monetary authority usually intervenes to increase the expansion of the money supply in an attempt to stimulate a faster recovery. During

2008, Congress and the Federal Reserve sought to stimulate the economy, at first to prevent or lessen the impact of a feared recession, and then to bail out financial firms and real estate interests when the recession became more severe.

Another example is what followed the 2001 recession, when the Fed reduced its interest-rate target way down to 1%, to some extent accommodating an inflow of funds from abroad. (When it manipulates the money supply, the Fed targets the "federal funds rate," the interest rate that banks charge for loans to other banks. That rate then influences other interest rates, such as the "prime rate" for loans to businesses.) During 2002–2004, billions of dollars of foreign savings poured into the United States. This, aside from the actions of the Fed, drove down interest rates.

Federal and state governments are seeking bailouts and other interventions to deal with symptoms, not the causes of the crash.

But such global movements of money and their effects are also outcomes of interventions. The fundamental monetary intervention is the worldwide use of fiat money — money, such as paper dollars, that is established by law rather than being based on a commodity, such as gold, that became money by means of market dynamics. The quantities of fiat money are controlled by governments and their central banks. Some governments (for instance, that of China) also control the exchange rates of their currencies. These manipulations of money, interest rates, and currency exchange rates distort the signals of economies throughout the world.

To understand the economic distortions, we need to analyze the economic function of the interest rate. It is the job of the free-market interest rate to equalize savings and borrowing. If more people save, the interest rate falls, increasing borrowing to match the greater savings.

People borrow either for consumption or for investment. Suppose George saves $1,000, while Susan borrows $200 for consumption and Lucy borrows $800 for an economic investment. In economics, "investment" means the production of capital goods such as tools, buildings, and inventory. George has foregone consumption by saving $1,000, but Susan offsets this by her $200 consumption. So the net amount of savings available for investment is $800. If we net out borrowing for consumption, the rest of the borrowing is for investment. Net savings equals investment.

Investment is paid from savings, but savings and investment are not automatically balanced. The natural rate of interest adjusts so that net savings equal investment. If folks save more, they are consuming less, and the lower interest rate increases investment by the amount of reduced consumption. So the economic job of the interest rate is not just to equalize borrowing and savings, and savings and investment, but in so doing to ensure that all production gets spent on consumption and investment. If intervention pushes the interest rate away from its natural free-market rate, this creates trouble with a capital T. The economic distortions include inflation, excess inventories, recession, and "malinvestments," the term that Austrian-school economists use for investments that turn out to be unprofitable, and thus not only a waste of resources but also a cause of instability.

Foreign trade and financial flows are complicated by currency fluctuations. A truly free global market would converge into a common global currency, as gold was prior to World War I, so there would be a worldwide free market in which political boundary lines would be irrelevant. Global savings would be in balance with global investments, and savings that flowed into the United States from China would have as little significance as today's savings from New York that flow into California. There would be a global natural rate of interest that would have the job of balancing total savings with total investment.

Capital goods also play an important role in the interventionist cycle. Menger, the founder of the Austrian school, recognized that some capital goods, such as inventory, turn over quickly and are therefore not sensitive to the interest rate. But investments in capital goods that have a long duration are strongly influenced by the rate of interest. Consider trees that take 50 years until they mature and get chopped down for lumber. If the trees grow in value at 3% a year, they are worth planting if bonds pay only 2%, but they are not worth planting if bonds yield 4%.

Now we can see the effect of pushing interest rates below the natural free-market level. A great expansion of money makes banks reduce interest rates in order to loan out the new money. The low interest rates induce excessive investment, especially in capital goods of long duration. The most important type of capital goods affected is buildings.

Easy money stimulates the purchase and construction of residential and commercial real estate, not to mention such associated durable goods as furniture, office equipment, and appliances. Real estate also employs brokers and much of the financial and insurance industry. Investment leads the economic expansion, and real estate is the locomotive of the investment train.

Government has very direct means of intervening in real estate. To the extent that governmental goods and services are beneficial, they can make real estate more profitable. Public works get "capitalized" into higher land values. Even if streets, highways, parks, security, fire protection, education, public transit, and even courts of law would be more effectively provided by private enterprise, these government works provide wanted benefits. The greater productivity and attractiveness provided by these works increase the demand for real estate located in the areas that are comparatively well served. This drives up land rent and site values.

In a pure free market, there would be private communities with privately provided civic works. For example, the streets would be financed by a residential association whose members would pay assessments or dues to the association. Streets raise site values in either case; the problem is that financing by private owners, based on their property holdings, reduces their net gain. The gain is higher if the real estate owner gets a subsidy from the government, if the street is paid for by somebody else, whom the government taxes to finance it.

Such is the case today. Most taxation falls on wages, business profits, buildings, and the sale of goods. Consumers, workers, and entrepreneurs pay higher rents in order to benefit from civic goods; then they get taxed to pay for these goods. A worker-tenant gets double-billed, while the landowner gets an implicit subsidy in the form of higher rent and site value. And the subsidy to landowners is even greater, because they enjoy special tax reductions. Owners of real estate can deduct mortgage interest and property taxes from their taxable income. The sale of real estate is mostly free of capital gains taxes. Owners of investment property enjoy the legal fiction of depreciation deductions, even when there is little true economic depreciation.

Other government interventions consist of various loan guarantees and requirements that banks make riskier loans in lower-income neighborhoods. Low interest rates, tax reductions, loan guarantees, and so on and so on — the countless means of government intervention — all increase the demand to buy real estate, boosting both construction and land values. As the economy expands, vacancies decrease, and rents and real estate prices rise. Then speculators jump in to buy properties, because huge profits can be made with leverage. A speculator puts down 10–20% and borrows the rest. As his property rises in value, he can realize huge gains, using his borrowing of easy money as the leverage. Real estate investment trusts (REITs) and real estate mutual funds allow many people to invest without having to deal with bad tenants and broken toilets.

In a pure free market, there is no problem with speculation. If real estate owners had to pay free-market rates of interest on borrowing, and if they had to pay for infrastructure, security, and other civic services, then real estate investment would respond to the demand for use, and land values would usually rise only modestly. But in the intervention-distorted real estate market, speculation exploits easy money and implicit subsidies.

Changes in investment drive the business cycle. Speculation carries real estate prices to levels based on expected future demand rather than actual present-day demand. One thinks of the winner's curse in auctions: the most optimistic speculators win the real estate bids, but eventually real estate becomes unaffordable for actual use. The rise in real estate becomes unsustainable, as folks can no longer afford to buy property. Easy money runs out. Rising interest rates and rising real estate prices make investment too expensive. Costs rise faster than demand. As profit expectations fall, investment slows, and a recession follows.

We can see this pattern in U.S. history:

Peak in land value	Peak of construction	Start of Recession
1818		1819
1836	1836	1837
1854	1856	1857
1872	1871	1873
1890	1892	1893
1907	1909	1918
1925	1925	1929
1973	1972	1973
1979	1978	1980
1989	1986	1990
2006	2006	2008

Peaks in land values and construction had an average period of 18 years and occurred with remarkable regularity until the Great Depression. The number of years (18) may be coincidental, or it may respond to some set of phenomena typical of the ways in which Americans invest and expect government to assist their investments. In any event, every peak in real estate was followed by a major recession and depression. Likewise, every major depression was preceded by a real estate boom.

The next real estate boom after the 1920s would have occurred during the 1940s, but World War II interrupted the real estate cycle. With millions of Americans overseas and with production shifted to military goods, there was no boom in home construction or land values, and thus there was no post-war depression. But the real estate cycle came back during the 1950s, culminating in an apartment boom in the late 1960s and early 1970s, after which there was a severe recession in 1973.

The next peak came at the end of the 1970s because of the high inflation during that decade. All tangible goods went up in value — gold, silver, coins, stamps, gems, and land. The Fed hit the monetary brakes in 1980, and the economy fell into recession. The real estate boom of the 1980s was followed by a recession in 1990, 17 years after the recession of 1973.

The recession of 2001 was not related to real estate; indeed a continuing real estate boom helped to pull the economy out of the slump of that year. But the 18-year cycle pattern came right on schedule in 2008, as residential real estate prices fell by 20% and in some places by 50%. Everybody now knows that mortgage defaults can create large losses for brokerage firms, banks, and hedge funds. A crash in real estate brings down the financial industry, which in turn reduces credit for households and business.

This time, however, the real estate problem was exacerbated by yet another intervention, the government-sponsored enterprises popularly called Fannie Mae and Freddie Mac. These firms buy mortgages from banks and then package them into securities to sell to financial companies. In our time, that practice spread the risk and the mortgage loan losses worldwide. The stocks of many companies rode on top of the mortgage and real estate values, then fell when the underlying loans and real estate values fell.

Federal and state governments are now seeking further bailouts and other interventions to deal with the effects of the real estate crash. But these treat the symptoms; they do not address the fundamental causes. The interventions that cause the boom-bust cycle are deeply embedded in government's monetary and fiscal policies. To eliminate the cycle, we need to eliminate its source. The monetary intervention of central banking has to be replaced by free-market banking ("free banking") so that the interest rate can be allowed to do its economic job of equilibrating or making equal savings and investment.

The fiscal interventions involved in taxing labor, goods, and enterprise, and implicitly subsidizing real estate, can be eliminated by privatizing community governance. Let proprietary communities — shopping centers, hotels, apartments, and office buildings — provide or contract for civic infrastructure offered by private enterprise. Let residential associations, condominiums, and housing cooperatives

provide civic services. Networks of private communities could offer services now offered by government. Contractual payments for services received would replace both the taxation that stifles enterprise and the subsidies that artificially inflate land values. Free markets are efficient not only because prices reflect scarcity and value, but because they can discover the real extent of ever-changing scarcity and values, and point the way to sound investments.

Elimination of the monetary and fiscal interventions that create the interventionist cycle would be a radical policy change. It is not likely to come soon. However, it is important for the public to understand that the boom-bust cycle is not caused by business or the market, operating by themselves. If economists and the public can realize that this is a cycle of economic distortion, then we will have learned the right lessons from the current real estate crash. ❑

The Great Man Speaks, *from page 26*

right into the controversy over slavery. Both spoke with high confidence, proposing simple solutions to mighty problems. Both were utterly mistaken — Roosevelt, in launching the feckless New Deal; Buchanan, in declaring that no political "question" about slavery "remain[ed] for adjustment." Sadly, I believe that a similar judgment must be passed on Obama. His address was a feckless attempt to grapple with the problems it tried to dramatize.

But Obama did get one good idea from a predecessor — the idea that America, the real, free, and productive America, remains in existence, despite the economic storms that periodically sweep across it.

Here is Franklin Roosevelt, in his first inaugural:

> Our distress comes from no failure of substance. We are stricken by no plague of locusts. Compared with the perils which our forefathers conquered because they believed and were not afraid, we have still much to be thankful for. Nature still offers her bounty and human efforts have multiplied it. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply.

And here is Obama:

> We remain the most prosperous, powerful nation on Earth. Our workers are no less productive than when this crisis began. Our minds are no less inventive, our goods and services no less needed than they were last week or last month or last year. Our capacity remains undiminished.

Neither passage is good literature. Roosevelt's, which isn't especially grammatical ("perils" compared with "we"), gets whatever force it has from its allusion to the book of Exodus (the plague of locusts). Obama's has no literary force at all. But what they say is true. America can survive even its presidents. It can survive even their inaugural addresses. ❑

Seizing the Initiative, *from page 22*

"I'm a libertarian," says Jacob. (His sister, Kathleen Nelson, used to run Laissez Faire Books.) "I've voted for only one person in my life who's won, and I still regret it. I'm not thinking I'm going to somehow enact my agenda through the initiative process, but it's a great check on entrenched power."

So it is. Though a century ago the initiative was created, mostly in the Western states, by the progressive Left, it is being used by the populist and libertarian Right to limit the terms of politicians, cut taxes and state spending, limit the use of eminent domain, and limit racial preferences. Those are things politicians are not likely to do on their own.

Some states have seen the rise of initiative entrepreneurs — in my part of the country, the Pacific Northwest, Tim Eyman in Washington and Bill Sizemore in Oregon. In my home state, Eyman was responsible for rolling back the annual cost of car tabs, which reduced the tax on a Saab I owned from $600 to $80. Eyman passed a measure to cap the property tax, and at this moment is circulating petitions to cut taxes in another way. Washington is a Democratic state, and most of the politicians around here hate him. They use his name as a political smear. One called him a terrorist — which only proves Jacob's point. Says Jacob on the value of initiatives: "Exhibit A is the reaction of all politicians to petitioning."

Every year politicians try to restrict it. In Washington state there have been bills to require signature gatherers to sign each petition on the back, to provide photo IDs, to disclose their home addresses, to wear a badge, and to get a state license; there have also been bills raising the number of required signatures. The ostensible reason for these things is to clean up the system and get it out of the hands of "special interests." The effect is to reserve it to some interests — big ones with ties to elected politicians — and not others.

A major battle has been over how signature gatherers can be paid. Years ago Colorado banned payment altogether, but in 1988 its law was unanimously struck down by the U.S. Supreme Court in *Meyer* v. *Grant*. More recently, Alaska limited payment per signature to one dollar, and Oregon banned payment per signature altogether. In the following election cycle Oregon's law more than tripled the cost of getting a measure on the ballot, from $150,000 to $475,000.

In Oregon, opponents sued the state and lost. Jacob said they sued too soon, before they had the evidence that the law had limited ballot access without improving the quality of signatures.

The fight to use the voter initiative — and to keep it available for that use — is ongoing, state by state. It pits initiative entrepreneurs against public employee unions and very often also against chambers of commerce. Republicans are sometimes the enemy, and Democrats almost always so. But sometimes allies can be found on the Left. Ralph Nader has been a supporter.

"There are a lot of folks on the Left who are about things like stopping torture," Jacob says. "Those are folks I like a whole lot."

Jacob says he is not optimistic about preserving liberty by electing liberty-friendly politicians. As our interview comes to a close, I asked him who was the one politician he voted for who won — and it is the one question he refused to put on the record. It is a matter of deep embarrassment.

"Change is going to have to come from the people, not the politicians," Jacob says. "As much as I love term limits, my true love is the initiative process. At Citizens in Charge, our mission is to stop politicians from undermining and wrecking that process." ❑

Get Your Hands Off My Urine!

by Wesley J. Harris, M.D.

"It's for the children," runs the common refrain — but just what, exactly, will prenatal drug testing do to help them?

As the head of obstetrical services at our hospital, I was sitting in a meeting one day when the idea was broached that local obstetricians should routinely perform drug screening on the urine of all pregnant women. We were told that at a community hospital such as ours, 15–20% of women would test positive for illicit drugs. At present, the obstetrical service at our institution identifies drug use in only about 5% of our patient population. Therefore, we must be missing quite a few cases that could be identified by routine maternal drug screening. Furthermore, the hospital down the road was preparing to initiate such a plan. We must, after all, keep up with the competition.

At this point in the meeting, the role of government was introduced. It was suggested that an even better plan would be for our state (Tennessee) to mandate routine maternal drug screening. This, naturally, would mean one more state-sponsored loss of dignity for all expectant mothers. And for some, the effects would be more far reaching. Once women were identified by a positive urine drug screen, the results would go to the appropriate state social service agency. Big Brother, or rather Big Sister, would then come knocking on the door for the euphemistically named "home visit." The mother would be encouraged to mend her ways. Of course, if she did not mend her ways in a manner satisfactory to the state, her children could be removed and sent to foster care.

Maternal drug use in pregnancy creates many problems for both the infant and mother. In relation to expectant mothers, such terms as "drug problem," "drug addiction," and "drug abuse" have much more serious meanings than they may have for other people. Maternal cocaine use in particular results in a wide range of morbidities — low birth weight infants (infants weighing less than 2,500 grams or five and a half pounds), infants admitted to intensive care units, and infant mortality. Amphetamine is probably the next worst drug for expectant mothers, causing many of the same types of problems as cocaine, though on a somewhat reduced scale. Maternal opioid use is most commonly associated with infant withdrawal syndrome. While it is rarely lethal, it is emotionally troubling to those who witness an infant coping with this unjust inheritance. Marijuana, while not as damaging as the other drugs, has been shown to result in smaller infants with smaller head circumferences.

It might be surprising to learn that the majority of infants born to drug-using mothers actually do fairly well. One of the best determinates of neonatal health is whether the newly born infant is admitted to the neonatal intensive care unit (NICU) instead of the regular well-baby nursery. A study from the

Minneapolis-St. Paul area looked at the number of NICU admissions among women who tested positive for illicit drugs (cocaine, opioids, and marijuana). This number was then compared to the remainder of mothers, who had negative tests. The results were a 20.7% NICU admission rate for mothers who were drug-test positive versus a 12.3% NICU admission rate for mothers who tested negative. One can argue whether this glass is half full or half empty. Maternal drug use resulted in a 69.7% increase in admissions to the intensive care unit. However, 79.3% of infants born to women who used drugs were admitted to the regular well-baby nursery. Perhaps the best way to look at the data is to say that maternal drug use conferred an additional 8.4% risk of bad outcomes beyond the baseline rate. In considering this drug-induced penalty, one should also note that many babies who are initially admitted to the NICU eventually have a good outcome.

Reduction of the 8.4% increase in infant morbidity among drug-exposed children is a worthy goal. Since drug-abusing mothers often lie about their habit, routine universal drug screening has been increasingly advocated. Routine urine drug screening is often touted as highly accurate and inexpensive. Once women are identified as users of illicit drugs, they can be directed towards comprehensive programs. These programs, which concentrate on drug abstinence counseling and obstetrical care, have shown progress in lessening infant morbidity. While this certainly sounds good, it can be shown that each of the premises is highly problematic.

First, maternal drug testing is not the only way to identify substance abuse. While it is true that over 50% of women who abuse drugs will not admit to doing so, there are other ways of identifying most drug-abusing women. Think of it as a type of profiling.

Several studies have shown that carefully designed questionnaires identify the majority of drug-abusing mothers. In one study from the University of California, Davis, 93% of women whose urine tested positive for drugs had one of the following three characteristics: actual admission of drug use, poor or no prenatal care, and cigarette smoking. By asking the right questions and noting salient patient characteristics, one could identify the women most likely to be using drugs.

Secondly, routine drug screening is neither straightforward nor cheap. Abstaining from cocaine and opioids for a 72-hour period prior to testing often leads to a negative drug test; consequently there is ample opportunity to beat the system. In addition, some drugs, such as amphetamines, have a high false-positive rate; i.e., the urine tests positive even when no amphetamines have been taken. Confirmatory testing with gas and liquid chromaphotography is necessary to confirm a positive drug screen. This sounds expensive, and it is. As an example, the average charge to our office for routine prenatal blood work is $77. The charge for urine drug screening is $19. But adding a confirmatory test for a positive drug screen costs another $70. By this measurement, the cost of drug screening plus confirmation exceeds the cost of routine prenatal lab work.

Since drug-abusing mothers often lie about their habit, routine universal drug screening has been increasingly advocated.

The most problematic idea, however, is the notion that once drug-using mothers are identified, they can be counseled, supported, and nurtured to the betterment of themselves and their infants. Several studies have been undertaken of this noble cause. The best one, perhaps, is from Brown University, and was published in 2000. This study also showed the most encouraging results. Eighty-seven women were recruited over a three and a half year period. They received extensive support from Project Link, an organization that offers patients individualized therapy, including group and individual psychotherapy, nutritional advice, home visits, and transportation services. The 87-member study group was compared to a control group of 87 substance-abusing women who received the same care but after delivery. Compared to the control group, the study group showed a reduction in the number of premature infants, low birth weight infants, and infant admissions to the intensive care unit.

This appears to provide encouragement, but a closer look at the numbers is more sobering. The obstetrical service involved in the study was delivering approximately 9,000 babies per year. If we assume a 15% rate of maternal substance abuse, the 87 women enrolled in this study represent less than 2% of the substance-abusing women delivering at the hospital. The authors also stated that each of the women in the study group self-reported their addiction and volunteered for the program. This is clearly an unusually dedicated group of women who wanted to do the best for their infants. Unfortunately, it is also a small group of women. The vast majority of substance-abusing mothers would not comply with such a program. The noncompliant mothers were aware that their behavior was harmful to their babies, yet their addiction to the drug was just too strong. Inchoately, they know what the apostle Paul knew: "I do not understand what I do. For what I want to do I do not do, but what I hate I do" (Romans 7:15). No matter how good the intentions of large hospital systems and state government, these entities cannot loosen the grip that addicting drugs have on a mother.

Of course, there is one option for drug-abusing mothers that might prove successful. In a study done through the

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North Carolina state penal system, pregnant inmates were followed closely throughout their gestations. Their prison-based pregnancies were compared to their other pregnancies. Specifically, infants who were delivered when their mothers were in prison were compared to their siblings, delivered when their mothers were not in prison. Pregnancies that came to term in prison resulted in the birth of larger infants with fewer premature deliveries. It was speculated that the women received more regular prenatal care and better nutrition while in prison. Also, they presumably had forced abstinence from drugs. Still, the authors of this study concluded that the benefits of slightly larger babies were overridden by problems inherent to incarceration, such as familial separation and maternal anxiety. Mercifully, there are no serious voices suggesting this level of governmental intervention.

A final argument is that routine drug screening in pregnant women might keep them from seeking prenatal care. In researching this paper, I identified no studies that quantitated the effect that routine maternal drug screening would have on attendance for prenatal care. It is a well-accepted fact that under the current system, where drug testing is usually not mandated, drug-abusing women show up less often and more sporadically for prenatal care. There is reasonable concern that mandatory drug testing, and the resultant governmental demands for drug abstinence, would still further decrease attendance at obstetrical clinics.

Some drugs, such as amphetamines, have a high false-positive rate; i.e., the urine tests positive even when no drugs have been taken.

There is, to be sure, a fairly sizable group of women who will not commit to drug abstinence but still show up for prenatal care. Many of these women attend methadone clinics. Methadone can best be viewed as opiate-lite. It should not be viewed as a treatment for all drug-abusing women as it is only prescribed for women with opiate addictions. (Opiates include such well-known drugs as heroin, morphine, oxycodone and hydrocodone.) As an example, methadone would have little benefit for a woman with a crack cocaine problem. In general, however, methadone does seem to have three distinctive advantages over illicitly obtained opiates. First, there seems to be less morbidity for the newborn infant. Second, a user of methadone is less likely to need escalating doses of the medication to get the desired calming effect. Third, withdrawal from methadone is somewhat easier than with other opiates.

But probably the greatest good derived from methadone prescription is that it tends to keep pregnant women within the prenatal care system. There is much evidence to show that women who both receive methadone in a controlled manner and also receive enhanced prenatal care have superior outcomes to women who get their opiates off the street. The prenatal care focuses on fetal growth, which can be followed fairly reliably with ultrasound measurements. It is a general truth that babies who grow well in the womb do well in the nursery. For fetuses who do not grow well, enhanced fetal surveillance is performed. This sometimes allows the delivery of infants prior to the development of fetal compromise.

In my opinion, the way in which we care for mothers who receive methadone should be a model for how we should treat all women at high risk for drug abuse. Pregnant women should be carefully questioned at the beginning of their prenatal care. Women deemed to be at high risk for drug abuse should receive the same type of prenatal care as pregnant women who are taking methadone. The growth of their fetuses should be monitored closely with ultrasound measurements. For infants who do not grow well, more intensive testing and occasionally early delivery should be offered.

This article has outlined two basic arguments against routine maternal drug screening. One is based on human nature. The other is more pragmatic. From a practical standpoint, a positive drug screen is not a secret between a patient and her physician. The test results are routinely reported to hospital social service workers who in turn report them to the appropriate state agency. The more intrusive the state becomes in monitoring drug-using women, the more each allegation of drug use will be challenged. Routine drug testing would invariably result in expensive retesting and confirmatory testing; it would therefore lead to thousands of bitter and costly legal contests. It would also lead many women who need prenatal care to decide not to get it, for fear of the tests and consequent legal involvements.

A drug-abusing woman who discovers that she is pregnant is heavily conflicted. There is the desire to do what is the best for her baby, but there is also the pull of a strong addiction. Only a few, highly motivated, strong-willed individuals are likely to benefit from comprehensive drug abstinence programs. Such women are not waiting to be notified by a hospital or state agency that they have a problem and need help. They sign up without such prompting. But for women who are either untruthful about their drug use or unwilling to commit to drug abstinence, it is unlikely that being notified of a positive drug test will materially change their behavior, unless they are in fact imprisoned.

A positive drug screen is not a secret between a patient and her physician. The results are routinely reported to a state agency.

As mentioned previously, there is an 8.4% increase in intensive-care admissions for infants born to drug-abusing mothers (20.7% versus 12.3%, for women who are not involved with drugs). While this number is not high enough to warrant extraordinary measures (e.g., incarceration) in order to protect the fetus, it is high enough to make some recommendations for closer concern and careful medical monitoring — not for a large, new extension of state power, fraught with its own possibilities of abuse. ❑

Reviews

"The Reluctant Communist: My Desertion, Court-Martial, and Forty-Year Imprisonment in North Korea," by Charles Robert Jenkins (with Jim Frederick). University of California Press, 2008, 192 pages.

Sex Slaves and Rationing

Paul Karl Lukacs

Not even North Korea can control everything.

Within the world's most totalitarian state — a prison society in which jobs and homes are assigned or revoked at the whim of the government — pockets of freedom still exist.

To the few Western tourists who visit North Korea, control is omnipresent and liberty unthinkable. From the time you board an Air Koryo jet in Beijing (as I did in 2007) you are in the presence of North Korean minders. The first stop in the capital city of Pyongyang is an obligatory session of bowing before a massive outdoor statue of the late strongman Kim Il-sung, and every day of the tour is scripted by the government from 8 a.m. to 10 p.m. Tourists are usually housed at the Yanggakdo Hotel which sits on a guarded island in the Taedong River, making it impossible to wander off and explore the city.

Yet clandestine capitalism occurs even in the Democratic People's Republic of Korea or "DPRK," as it likes to call itself. People surreptitiously exchange North Korean won for euros, yen, or other hard currencies, with middlemen taking a cut. Those with access to land grow vegetables and other foodstuffs for resale. The privileged minority who live in Pyongyang can walk around the city relatively unimpeded (although only Party functionaries have access to cars, and the city's trolley system is as balky as the power supply on which it relies).

Charles Robert Jenkins is one of a tiny number of U.S. citizens — fewer than 2,000 since the 1953 Korean War ceasefire — who have witnessed life in the DPRK. But Jenkins is not a traveler, diplomat, or journalist; he is, as far as the United States government is concerned, a criminal.

On the night of January 4, 1965, Jenkins, a U.S. Army sergeant commanding a patrol along the South Korean DMZ, fortified himself with ten cans of beer and defected to North Korea by walking across the line. At the time, Jenkins' plan was to avoid distasteful and dangerous day patrol duty and a possible reassignment to South Vietnam by temporarily deserting. He expected the North Koreans to hand him over to the Soviets, who would ultimately transfer him back to U.S. custody. Instead, the North Koreans forced Jenkins to remain in their country for almost 40 years.

"Obviously, it didn't turn out at all the way that I intended," Jenkins writes in his autobiography "The Reluctant Communist," the English-language version of which has been released by the University of California Press. "I did not understand at the time that North Korea was not particularly close diplomatically to the Soviet Union. It certainly did not see the Soviet Union (or even China, for that matter) as its big brother and wasn't going to be handing anybody over to anyone" (p. 20).

"The Reluctant Communist" is a unique primary document, a first-person account by a Westerner of four decades in an isolated dictatorship, a life without the most basic freedoms. Jenkins, like everyone in the DPRK,

was ordered to perform various tasks. Officially classified as an office worker for the Peaceful Unification Committee, Jenkins initially had to devote his days to memorizing the philosophies of Kim Il-sung. Later, he would teach English to military cadets, act in propaganda films, and translate foreign radio broadcasts (which kept him informed of current events).

Solicitous of Jenkins' sexual needs, his handlers assigned him a series of "cooks," infertile North Korean divorcees who were to act as wives in all but name. But the women were reassigned without notice, regardless of the emotional impact of the transfer. The government viewed sex as just another staple that it could ration and regulate.

Or kidnap. In 1978, DPRK commandos abducted 19-year-old Hitomi Soga from her home on Sado Island, Japan, one of an unknown number of abductees who were to be used as breeding stock in a demented scheme to create a corps of Eurasian spies. Soga was assigned to live with Jenkins, and the two quickly married. (Jenkins believes, without much evidence, that the spy program was not created until after Soga and other Japanese citizens were abducted.)

Although Jenkins was presumably a high-value captive, daily life in the DPRK's almost preindustrial society was a hardscrabble existence. Many of his assigned homes — he could be told to pack and move in as little as a day — had no indoor plumbing. Rations were distributed once every two weeks. Electricity rarely worked, so Jenkins and his wife made candles from paraffin. The family was constantly cold, despite wearing four or five layers of clothes.

Soga and Jenkins had two daughters, and it was a given that the schools would be stronger on anti-American indoctrination than on math or Korean literature. Schools also doubled as requisition centers. A school would demand that all students' families contribute, say, one kilo of lead or two kilos of brass, and the families were required to do so. Students were then ordered to stand guard at the school to prevent army personnel from stealing the supplies.

Yet, in the face of this smothering totalitarianism, individual initiative and capitalism existed in chilly, dimly lit corners. Jenkins and his wife grew vegetables for barter. Corn for moonshine was a popular trade. Currency exchange skills became critical after the government began paying the family in Western currency in the early 1990s. An old-fashioned sense of Farmer's Almanac ingenuity is what helped Jenkins survive until, in 2004, the Japanese government secured his and his family's release. After pleading guilty to desertion and aiding the enemy, he was sentenced by a U.S. military court to 30 days in prison and a dishonorable discharge.

We can't choose history's messengers, and Jenkins is an imperfect diarist. His recollections are uneven; he remembers every step needed to create fishing nets from nylon and pig's blood, but he has little to say about Kim Jong-il or the famine of the 1990s. His account is like looking through a keyhole: you see glimpses of what life was like for ordinary North Koreans, as well as random, tantalizing encounters with members of Pyongyang's ghostly expat community, but you know you're missing most of the picture.

Still, of the handful of U.S. servicemen who have defected to North Korea, Jenkins is the only one who has written a book. Its lesson appears to be that not even the most repressive regime on earth has total control of its citizens. ❑

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

Charles Barr is a writer, economic researcher, and longtime libertarian who lives in Las Vegas.

David T. Beito is an associate professor of history at the University of Alabama, and author of *Taxpayers in Revolt* and *From Mutual Aid to the Welfare State.*

Scott Chambers is a cartoonist living in California.

Stephen Cox is a professor at UC San Diego. His most recent book is *The New Testament and Literature.*

Jacques Delacroix lives in Santa Cruz, with his wife, the artist Krishna Delacroix.

Lanny Ebenstein teaches economics at UC Santa Barbara and is the author of biographies of Friedrich Hayek and Milton Friedman.

Fred E. Foldvary teaches economics at Santa Clara University. His books include *The Depression of 2008.*

Andrew Ferguson is a contributing editor of *Liberty*. At present he is working on a biography of science-fiction writer R.A. Lafferty.

Wesley J. Harris is a practicing obstetrician/gynecologist in Bristol, Tennessee.

Jon Harrison lives and writes in Vermont.

John Hospers is author of *Human Conduct: Problems of Ethics, Meaning and Truth in the Arts,* and *Libertarianism.* He was the presidential candidate of the Libertarian Party in 1972.

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"Three Cups of Tea," by Greg Mortenson and David Oliver Relin. Penguin, 2006, 331 pages.

Another Summit

Jo Ann Skousen

Greg Mortenson was just hours away from reaching the summit of K2, the second highest peak in the world, when a fellow climber suffering from severe altitude sickness had to be carried down. With a long yearning glance backward, Mortenson volunteered to help carry the man to safety, giving up his own dream of mastering the mountain. That's the kind of man Mortenson is. A nurse by training, he will stop at nothing to help someone in need.

Exhausted after the grueling rescue, Mortenson rested at base camp and then lagged behind his group as it headed down the mountain, ending up lost and disoriented. By luck he stumbled into the small village of Korphe, where he was welcomed, warmed, fed, and befriended. Spending several weeks with the villagers as he recuperated, he came to respect and appreciate his Pakistani hosts. When he saw that their children gathered in circles with sticks to draw multiplication tables in the mud, he vowed to return and build them a school.

Many mountaineers vow to return and "do something" about the poverty in the villages where their Sherpas live; to the surprise of the Korpheans, Mortenson actually did. The Korphe villagers told him, "Here we drink three cups of tea to do business; the first you are a stranger, the second you become a friend, and the third, you join our family. And for our family we are prepared to do anything — even die."

Mortenson has drunk those three cups of tea with the Pakistanis. In the past 15 years he has risked his life to help them build over a hundred schools in remote villages, raising the funds and doing much of the work himself. It is a remarkable achievement.

What makes his school-building campaign even more remarkable is that Mortenson was in Pakistan while al-Qaeda terrorists were preparing their attacks on New York and Washington. He describes the disgruntled Islamic fundamentalists who were slipping across the border from Pakistan to training camps in Afghanistan where they formed the Taliban. He was there in September 2001, when the planes hit the Towers and the Pentagon.

In the days after the attacks, he sat near the journalists holed up in the safety of the Marriott Hotel, far away from the actual conflict, writing their stories based on hearsay and rumors that filtered up from outlying villages. Meanwhile, he met personally with leaders of the various groups, speaking their language and respecting their culture as he deftly convinced them not to shut down his schools. He offers a unique, firsthand report of the complex situation.

One of the reasons for Mortenson's success is that he stays focused on education. Twice he has been the subject of a fatwa, condemned by zealous tribal leaders who believe he has the ulterior motive of teaching Christianity in his schools. Each time he has been vindicated by Islamic leaders who recognize his sincerity in simply wanting Pakistani children, both boys and girls, to be educated. "Dr. Greg," as they call him, has become a quiet hero throughout Pakistan and Afghanistan.

"Three Cups of Tea" is, in the words of Tom Brokaw, "thrilling . . . proof that one ordinary person, with the right combination of character and determination, really can change the world." The book details the problems of sending humanitarian aid to developing countries, where graft, corruption, and Mafia-like protection rackets prevent money from arriving at its intended destinations. Mortenson often met teachers in the government schools who had not been paid their meager $40 a month in a year or more. Mortenson would pay them out of his own funds. When village women came to Mortenson asking for vocational training so they could earn a living, Mortenson added technical wings to his primary schools, using something similar to the microloans popularized by Nobel Peace Prize winner Mohammed Yunus of the Grameen Bank. Mortenson also set up training sessions for the Sherpas.

Greg Mortenson has been making friends and building schools in Pakistan, and now in Afghanistan, during the war in Iraq and the entire War on Terror. I think he has found a better way to solve the problem. As one of his contacts, Brigadier General Bashir Baz, told him, "You have to attack the source of your enemy's strength. In America's case, that's not Osama or Saddam or anyone else. The enemy is ignorance. The only way to defeat it is to build relationships with these people, to draw them into the modern world with education and business. Otherwise the fighting will go on forever."

Building relationships is precisely what Mortenson has been doing for the past 15 years, one village and one school at a time. He has overcome tribal barriers and aggression by appealing to the desire of all people: to provide a better life for their children. He is living proof that Muslims and "infidels" can be friends when they work together for a common cause, drinking "three cups of tea" to seal the bond. ❑

" 'Are Economists Basically Immoral?' and Other Essays on Economics, Ethics and Religion," by Paul Heyne. Edited by Geoffrey Brennan and A.M.C. Waterman. Liberty Fund, 2008, 483 pages.

The Graceful Science

Bruce Ramsey

I should have known Paul Heyne better. For 24 years he taught economics in Seattle, my hometown, at the University of Washington. He was an evangelist of the market; I was a business columnist on the morning daily paper. I called Heyne a few times on economics things, but the one time I interviewed him over lunch, to discuss the trade deficit, I ended up not quoting him because I thought he was too theoretical. He told me the trade deficit wasn't a problem: if you counted everything it all balanced out and there could never be any deficit to worry about. I shook my head. It wasn't a problem that could be solved by redefining categories, I thought. But I liked Paul Heyne. He was a good man.

I saw him one more time, in 1999, a few weeks before the trade ministers of the World Trade Organization came to Seattle and faced a leftist insurrection. Heyne was in a debate with a leftist at Seattle Central Community College. The debate was about the Multilateral Agreement on Investment, a proposed treaty I had never heard of and that had already been sunk. To the Left — and that's who the audience was — the debate was about an onrushing pact for global rule by corporations. Heyne was ostensibly there to support the agreement, except that what he supported instead was the idea of investment, and why investment is necessary for a commercial society and what conditions it needs to thrive.

The lefties wanted a demo, and he was giving them Econ 101, with kindness. That time I thought Heyne was right, but not many in the audience did.

The next year he got cancer and was gone.

Several years later I ran across an article of his on the webpage of the Federal Reserve Bank of Minneapolis: "Moral Misunderstanding and the Justification for Markets." It was an essay not so much on economics as on social philosophy. In it, Heyne rejected the idea that economics is value-free, which the Chicago folks had claimed and the Marxists had denied. In Heyne's view the Marxists were right. "Economic theory," he wrote, "is in large part an elaborate justification of commercial society."

That statement stuck in my mind. There was another one. In confronting the claim of selfishness, Heyne did not define selfishness as a benign concern with one's own interest, as Ayn Rand had done, and defend it. He took the common definition of "selfish" — greedy, deficient in consideration for others — and denied that it was necessary for economics. Gordon Gekko, the "Wall Street" movie character who famously declared, "Greed is good," was not illustrating an axiom of economic theory. "Economic theory," wrote Heyne, "assumes only that people pursue the projects that interest them."

And I thought: that's a way to look at it. Most of the people I know are trying to make money — though not all of them. But all of them might be said to be pursuing the projects that interest them.

Readers who have not heard of Heyne might look up this essay, which is still posted on the website of the Minneapolis Fed. If they like it, they will like Heyne's posthumous collection, "Are Economists Basically Immoral?"

The 483-page collection contains 26 essays. They are reprinted from such periodicals as Policy, Cultural Dynamics, This World, The Journal of Private Enterprise and Research in Law and Economics; and such books as "Belief and Ethics"; "Religion, Economics and Social Thought," "Morality of the Market," and "Morality and Work." One was a Cato Institute paper. Several were papers presented at conferences of the Liberty Fund, the collection's publisher. Some were unpublished typescripts. All are written in clear English, and not one of them has a chart, an equation, or even one letter of the Greek alphabet.

Heyne was not interested in mathematics, the ignition key for a full professorship in economics. He did not have tenure and never sought it. At the University of Washington he was a lecturer only — and was, I heard from several sources, loved by his students. He wrote a very successful introductory textbook called "The Economic Way of Thinking," and several of his essays here are about that. He taught economics by telling stories, as Henry Hazlitt had in "Economics in One Lesson."

"I think storytelling is a legitimate form of science," Heyne writes. "But if those who guard the citadel of Science decide that it's not, then I will let them have their Science and I'll stick to storytelling."

Heyne was a Christian who had begun his higher education in the 1950s at a Lutheran seminary. The book's introduction by Geoffrey Brennan and A.M.C. Waterman says that Heyne was tried by the Lutherans for heresy and said he won on a technicality. It does not say what the heresy was — and more's

the pity. Heyne, who later became an Episcopalian, said he had had left-wing views, and had "wandered into economics." He became, he said, "like a Christian biologist whose thought has been so thoroughly penetrated by the theory of evolution that he simply cannot read the Book of Genesis in a way that rules this theory out."

Much of the current book, including the title essay, concerns economics and Christianity. Heyne allows that the two don't look like pieces of the same puzzle. "The New Testament," he says in one essay, "advocates a degree of recklessness with regard to consequences that is sometimes hard to reconcile with the calculating perspective of Homo economicus." Heyne, however, has his differences with Homo economicus. He is interested more in the whole man.

Heyne also argues that economics and theology are about different things. Theology is ancient; economics is new, having started in 1776 with Adam Smith. Theology is about the soul, the individual, a way of life in which people know each other. Economics, said Heyne, is a way of thinking about exchange and markets. It is about how markets coordinate "the initially incompatible projects of diverse individuals." It is an explanation of commercial society.

Many of these ideas come from other places. Heyne was well read, and liberally quotes F.A. Hayek, Lionel Robbins, Frank Knight, Milton Friedman, George Stigler, Philip Wicksteed, Karl Polanyi, and theologians whom many libertarians will never have heard of. Most of all he quotes Adam Smith in "The Wealth of Nations" and "The Theory of Moral Sentiments." Smith, Heyne says, did not have the concept of "the economy," which arose about 1800. Smith was writing about society. In a sense, that is what Heyne is doing here. This is a collection of essays in social philosophy.

Heyne wrestles with some of capitalism's opponents, and occasionally concedes a point. The Marxists, he writes, "have long complained that conventional economic analysis takes for granted the existing system of property rights." He admits it. He goes on to argue, quoting Robert Nozick, that the same assumption underlies the distinction between acts that are voluntary and acts that are coerced. If I grab a book out of your hand and intend to keep it, and it's your book, it's coercion. If it's my book, it's not.

This book is not a unified whole, but a collection with overlaps and some repetition. A few times Heyne seems to contradict himself. In one essay he says, "I'm not really sure what greed is, especially not in people other than myself," and in another he writes, "Greed or selfishness, by contrast, is a matter of claiming for the self more than is due." Heyne is sometimes too theoretical for my taste, as he was in the lunch we had. He is, however, unfailingly thoughtful and never nasty. He must have been an extraordinary teacher. ❑

"The Rest Is Noise: Listening to the Twentieth Century," by Alex Ross. Farrar, Straus, and Giroux, 2008, 638 pages.

How Does Music Mean?

John Hospers

There are books about composers, musicians, and performers both instrumental and vocal. If you are interested in biographies, or accounts of the period in which the works were written, there should be no problem locating the books or articles that contain such information. "But I want the music itself," one may say. What, however, is the precise subject of this inquiry? One may examine a musical score and count the measures or the combination of sharps and flats the score contains, or the number of pianissimos and fortissimos. But what does this tell us about the music itself?

One of the first questions one tends to ask here is what is music about? What is its subject matter? Edward Gibbon's six-volume history is about the decline and fall of the Roman Empire. Michelangelo's statue "David" is about David, the David depicted in the Bible, and this would be so even if this David were wholly a creature of the sculptor's imagination. Would the sculpture still be about David even if there were no resemblance at all between the David depicted in the Old Testament and the David in the sculpture? Some would say there has to be some resemblance; others would say there need be no resemblance at all: all that is required is that the sculpture has been given this name by the artist; the alleged subject may not exist in the world outside the work of art.

What then of music? Do works of music have a subject — are they about anything? Vocal music, such as songs and operas, has a subject because it contains words. But what of purely instrumental music — can it also have a subject?

Many would say yes, there is "program music" — musical works with a title (usually provided by the composer) that depict objects or actions. Richard Strauss' tone-poem "Don Quixote" contains no words but has a title indicating a depiction-subject. Most people would not guess it from the title, but once that title is known, some listeners can "see a connection" between Don Quixote and certain aspects of the music, as in the Don's tilting at windmills.

Many listeners, however, would question any connection between the two, and can do their listening quite well without any such "program." A work of music, they would say, is a series of notes — or rather, a series of tones and rests. After all, music is an auditory art; music is something you hear; the notes are merely sets of instructions as to what tones to play.

Musical sounds without accompanying words are, unlike a novel or a drama, not about anything at all. A Beethoven string quartet has no subject; it has an opus number.

I will return to these matters — after introducing the work that is the subject of this review.

Alex Ross' book is about (has as its subject matter) the history of classical music during most of the 20th century. That is what the book — not the music — is about. The book provides us with many things: the lives of the composers, a discussion of the composers and compositions that influenced them, and a history of the periods in which their own compositions were written, such as the history of Europe between the two world wars. Separate chapters are devoted to Strauss, Mahler, Stravinsky, Britten, Sibelius, Prokofiev, Messaien, Gershwin, Copland, and many others whose works are more briefly characterized.

Ross' book contains a lot of history, including a history of the Soviet Union under Stalin. There are, for example, many pages on the overlapping careers of the Soviet composers Prokofiev and Shostakovich. The two accounts are fascinatingly intermingled, describing many events in the life of one of them that influenced the life and work of the other. Both were creators with enormous talent — Prokofiev for his many symphonies and concertos, ballets such as "Romeo and Juliet," and operas such as "War and Peace," and Shostakovich for his 15 symphonies and a series of acclaimed string quartets. I had virtually memorized the First Symphony, written at age 19, before he completed the most popular one, the Fifth; a Fifth was also the most performed symphony by Prokofiev. Both these composers were aware that Stalin himself sometimes attended performances of their works (seated behind a curtain) and that the life or death of each of them, as well as other Soviet composers, depended on his continued tolerance. Composers who did not please Stalin often paid for his tastes with their lives. The "Testimony" of Shostakovich describes how he lived in constant fear of a phone call from Stalin that might seal his doom. In the end it was only the popularity of his film scores that saved him.

It is significant that during the 1960s, a friendship arose between Shostakovich and his Finnish counterpart, Jan Sibelius. Sibelius, says Ross, was a lonely, troubled man. "The two composers formed a lasting bond. What they had in common was the ability to write elusive emotions across the surface of their music" (p. 413).

Ross describes in some detail the late string quartets of Shostakovich, written largely to escape the eye of Stalin (who didn't pay much attention to chamber music) — especially the eighth quartet, "one of the most extraordinary autobiographical pieces in musical history." It was written following a visit to Dresden, the scene of the heavy Allied bombings of February 1945; in Ross' account, it is tragic, disquieting, apprehensive, and pessimistic (257).

Now, this having been said, what if anything is the connection between such adjectives and the qualities of the music? Some passages of music are referred to as "restless" — staccato, quavers, rapid accelerandos and crescendos, and wide jumps in pitch, reflecting in some way the characteristics of restless people. Music referred to as "sad" is usually slow, downward-turning in pitch, with no great tonal leaps. As philosopher O.K. Bouwsma writes, "Sad music has some of the features of people who are sad: it will be slow, not tripping, and low, not tinkling; people who are sad move slowly and when they speak they speak softly and low." It's not that the music is about these feelings, but that the music and the feelings have certain (quite objective) qualities in common.

All this can be seen vividly in the work of Olivier Messaien. Messaien was in a German prisoner of war camp in 1942 when he wrote his "Quartet to the End of Time." After the war came his sensuous "Turangalila" symphony, based on passages of music from India and including many rare instruments with exotic sound effects. He devised a "chord of resonance" (C, G, B flat, D, E sharp, G sharp), powerfully dissonant, used earlier by Mahler in his posthumously performed Tenth Symphony. Messaien's most acclaimed work is "From the Canyons to the Stars," based on his experience of the scenic wonders of Bryce Canyon, Cedar Breaks, and Zion National Park. It includes some of the composer's favorite bird songs — "to glorify God in the beauty of His creation."

Does the fact that it was inspired by these Utah canyons make it a programmatic work? Well, a musical composition, as well as a performance, could be inspired by practically anything. This does not cause the music to be "about" canyons or give it a high degree of aesthetic value. In aesthetic experience we enjoy sounds, words, and colors for their own sake, not for what they might be alleged to be about, nor what the experience leads to in later life, or where it comes from, or in whose mind it had its origin.

Ross' book naturally cannot convey these experiences. It does tell us much about the conditions, cultural and biographical, in which they can be enjoyed. ❑

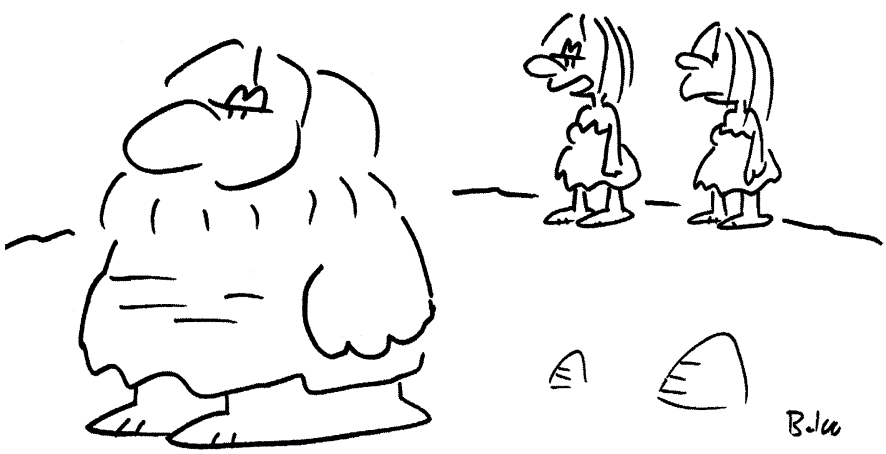

"He gets credit for inventing language, but he was just belching."

"Gran Torino," directed by Clint Eastwood. Double Nickel Entertainment, 2008, 116 minutes.

Into the Sunset?

Jo Ann Skousen

As "Gran Torino" begins, Walt Kowalski (Clint Eastwood) is standing at the front of a church, watching the mourners file in for his wife's funeral, and growling at them — yes, growling like a cur — because he doesn't approve of his grandchildren's clothing. Granted, it is entirely inappropriate to wear sweats or an exposed belly button ring to one's grandmother's funeral, but surveying the mourners is a bit much, too. Shouldn't he be seated with his back to the congregation?

Eastwood continues to glare and growl with disapproval at his family, at his neighbors, even at the priest, taking his trademark sneer to a whole new height. It's hysterical, and deliberate, a wink at his fans without ever breaking character. He gives us permission to laugh, and laugh we do, throughout the film, despite the pathos of the story. For a film being touted as Eastwood's last (at least as an actor) it is a masterly salute to the past. No one could ask for a better wake.

But back to our story. Kowalski is a Korean War veteran and retired Ford worker who just wants to be left alone. He takes care of his house, mows his lawn, polishes his beloved 1972 Gran Torino, chain smokes, and chugs beer. He misses his wife. "Crusty curmudgeon" doesn't begin to describe this guy. He's downright mean and bigoted.

His neighborhood has gradually been taken over by Asian immigrants, mostly Hmong, although he calls them all "gooks." When Thao (Bee Vang), the neighbor boy, is beaten up by an Asian gang he has refused to join, Eastwood breaks it up. He just wants them to get off his lawn, but the family next door interprets his actions as heroic. Suddenly they are bringing him gifts of food, flowers, and service. "Get off my lawn!" he barks. "Leave me alone."

But, as can be expected, Kowalski's bigotry begins to thaw as he takes an interest in the boy, his sister Sue (Ahney Her), and their family. (The Hmong actors were selected through open casting calls, by the way, and only one, Doua Moua, who plays the gang leader, had any previous acting experience. Unfortunately, it shows — especially in Sue.) When Thao and Sue are threatened with violence, Kowalski protects them with violence of his own, backed up by his Korean war rifles. The action is classic Eastwood: coolheaded threats, a loaded gun, a couple of fistfights, and that trademark sneer. Also, as expected, the tension keeps rising.

Kowalski could have become a predictable caricature, a final-season Archie Bunker, crusty on the outside but warmhearted on the inside. In fact, the initial growl is disconcerting, so cartoonish and over the top that one fears a return to the 1970s Eastwood with Sondra Locke and that blasted orangutan.

But Eastwood infuses this character with a believability that harks back to Dirty Harry and the Man with No Name. He's a man haunted by a past that won't let go of his present, making the film's Christmas release date ironically appropriate. Kowalski is haunted by his experiences in Korea, haunted by his memories of shooting people he didn't even know. He says he hates his "gook" neighbors, but what he really hates are the memories.

Into the mix comes a young, pink-cheeked parish priest (Christopher Carley) who is determined to keep a deathbed promise he made to Kowalski's wife, who asked him to hear Walt's confession. Walt isn't having it. "I'm not confessing to a 27-year-old virgin priest fresh out of seminary," he taunts, his lip upturned in that trademark snarl.

The priest won't give up, and eventually Walt does come to confession. But he doesn't broach the big stuff, the problem that has been eating him for more than 50 years. "I wish I had developed a better relationship with my kids," he confesses.

"Is that it?" the priest queries.

"Yep," Walt responds.

"Say ten Hail Marys and five Our Fathers," the priest tells him.

"Is that it?" we wonder.

The value of going to confession is not just in receiving absolution from the priest but in being able to forgive oneself. Walt needs more than a few "Our Fathers" to receive absolution for what he considers his war crimes. He's doing some good works — he's helping Thao learn marketable skills, he's watching over Sue, he's learning to love his neighbors — but for the kind of sin he has committed, blood atonement is required.

Eastwood has explored the theme of faith and redemption in numerous previous films, the ones that marked his rise from simple movie idol to legendary filmmaker. The list includes "Million Dollar Baby," "Unforgiven," and "Pale Rider." In a way, this film's ending seems to be Eastwood's way of atoning for the gratuitous violence of his earliest films and the ease with which his characters pulled the trigger. If this is indeed his final film as an actor, the denouement is a fitting and masterly ending to an outstanding career. Clint, thanks for the memories. ❑

"Transsiberian," directed by Brad Anderson. Filmax Group, 2008, 111 minutes.

Old Genre, New Treat

Gary Jason

One of the film genres that has been enduringly popular from the beginning of cinema is the mystery flick. In the hands of directors such as Alfred Hitchcock and John Huston, mystery films have achieved the highest levels of artistic and commercial success. A recent mystery movie, "Transsiberian," released in art houses some months back and now available for rental, is no exception. It is a rare treat.

While this movie is a fresh and unusual mystery story, it does draw on some classic devices. Like so many Hitchcock movies, it involves ordinary people who unwittingly get caught up in the machinations of criminals, with the mystery being to discover which characters are involved in the criminal activities, which aren't, and what exactly those activities are.

In addition, this movie takes place in a confined setting — a train. This brings to mind a number of good movies in which mysteries occur during train trips, such as "Murder on the Orient Express," "Strangers on a Train," and the neglected gem "Silver Streak." I suspect that the reason this plot device — forcing the characters to interact in a confined setting — heightens the tension is that it robs the characters of the option that we commonly use in real life when confronted with strange people or dangerous situations; namely, the option of simply fleeing.

The story opens with Ilya Grinko (Ben Kingsley), a Russian narcotics cop investigating the scene of a murder of drug dealers in a Russian city. The scene then switches to Beijing, where we meet an American married couple, Roy (Woody Harrelson) and Jessie (Emily Mortimer), who have just finished a tour as missionaries doing charitable work in China. At the urging of Roy, whose lifelong passion is trains, they decide to return home by train across Manchuria on the legendary Trans-Siberian Express from Beijing to Moscow.

As the story shifts to the train in Siberia, Roy seems to be a big, outgoing and uncomplicated fellow, while his wife Jessie is more subdued, her apparent passion being photography. As they settle into their compartment, Roy befriends a Spaniard, Carlos (Eduardo Noriega), and his American girlfriend Abby (Kate Mara). There is an immediate tension between Jessie (whose reserved demeanor belies her past) and Carlos, who shows Jessie a set of matryoshka dolls he is carrying. He claims they are expensive, and she (along with us) begins to suspect he is into something illegal.

When Roy misses the train in Irkutsk, Jessie decides to get off at the next town and wait for him. Abby and Carlos get off as well, staying at a hotel until Roy can join them the following evening. In the morning, Carlos shows up in Jessie's room, claiming the shower in his room isn't working. We see that the tension between them is partly sexual. Carlos convinces her to accompany him to an old church just outside of town to take photographs, setting up the major turning point of the plot, as the innocent tourists become ensnared in a drug-running scheme gone awry.

Director Brad Anderson does a fine job of keeping us in suspense throughout the film. Are Roy, Jessie, and Abby all as innocent as they seem? Are the Russian narcotics police to be trusted? You will find yourself in suspense to the very end.

Woody Harrelson is fine as the open, earnest Roy, as are Eduardo Noriega as the officious, ominous Carlos and Kate Mara as the enigmatic, naive Abby. But I think the best performances are given by Emily Mortimer and Ben Kingsley. Mortimer portrays Jessie as a woman with tremendous pent-up emotions and fears. And the always outstanding Kingsley portrays Ilya Grinko as a tough, threatening man with a fierce focus.

All this adds up to a mystery flick so well done that it will be enjoyed even by those who aren't normally into such movies, and is not to be missed by mystery buffs. ❑

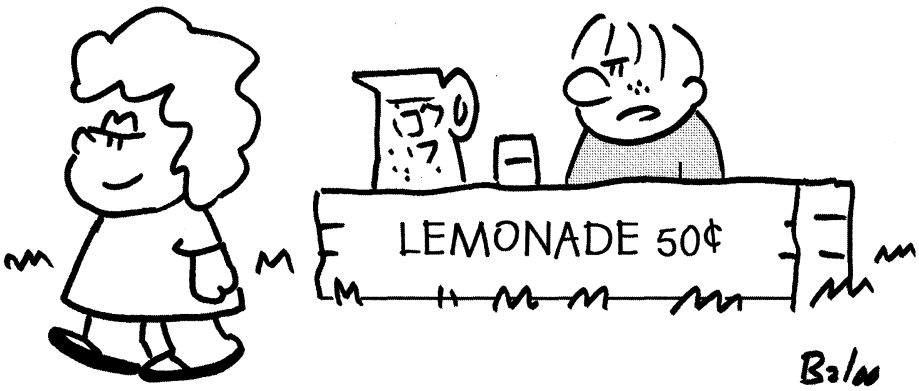

"Of all the lemonade joints in all the world . . ."

"Paul Blart: Mall Cop," directed by Steve Carr. Columbia Pictures, 2009, 91 minutes.

Mall Crap

Mehmet Karayel

Paul Blart (Kevin James) is a mall security guard entirely devoted to his self-sworn duty of upholding mall safety and protecting shoppers. At the same time, he is trying desperately to improve his unfortunate personal life. When an organized band of criminals tries to hijack the mall, Blart must draw upon his professionalism, coolheadedness, and adeptness at maneuvering a Segway in order to thwart this menace and save the ones he loves.

This movie would appear to have very good potential as an action-comedy. But viewers beware! Anyone trying to make sense of the plot would be wasting his time.

It is not enough to haphazardly replace the corporate moguls and multinational crime syndicates of "Die Hard" with hapless mall vendors and a gang of X-Games rejects. The story loses its credibility when these highly skilled criminals decide to stage their heist in a New Jersey mall, exercise the poorest judgment in their choice of hostages (in front of whom they have no problems discussing the details of their plan), then inexplicably manage to be foiled at every turn by a bumbling mall cop.

Blart's love interest, Amy (Jayma Mays), does very little in the way of communicating emotion or demonstrating genuine human qualities. All the other characters fall neatly into two general categories: they are either heartless jerks or helpless fools. Not one of the hostages is interesting or likable enough to justify the screen time wasted on Blart's bumbling attempts to save them. The supporting cast is so weak and lackluster that by the end of the movie the audience should be fantasizing about creative ways to wrap up the exhausting hostage situation and bring everyone's agony to an early close.

But is it fair to hold a satire to the standards of cinema seria? The answer is no, so long as the movie adequately spoofs the mainstays of its subject genre. I am a person who is naturally drawn to movies that poke fun at other movies. In these films, I expect that a cohesive story line will be tabled in favor of a run of jokes aimed at Hollywood cliches or the mismatch between characters and their situations. But "Mall Cop" comes up shamefully short in this department. Seeing the same slapstick gags continually recycled becomes tiring.

Blart's misguided dedication to the line of duty is funny in the beginning, when he tries to issue a speeding ticket to a senior citizen on a motorized scooter, or when his attempts to subdue an unsatisfied customer backfire and he gets the worst of the exchange. But seeing him stealthily walking and crawling, nay, bumbling and sliding all around the mall in order to conduct covert reconnaissance is an overreach and becomes simply irritating. So much of the movie relies on watching Blart flipping, fumbling, and colliding with things that the motions become routine and predictable, not funny.

The group of crazy criminals and the gung-ho FBI agents who arrive on the scene fashionably late would easily lend themselves to spoofs and parody. But nothing is done to make fun of their formulaic appearances. The comedic undertakings are left entirely to Kevin James. While he may have all the luck and dedication necessary to protect his mall and thwart the bad guys, the burden of singlehandedly trying to save a movie is something that even he is not cut out for. Making sense of the plot holes would require viewers to do more than suspend their disbelief; it would require them to suspend rational thought altogether.

On the other hand, a person who's just looking for a few good laughs would find the jokes too weak and widely dispersed to be of any value. It is sad to see how little is done to take advantage of the natural parody fodder scattered throughout the movie, shameful to watch these chances for easy laughs fly harmlessly on, then off, the screen. The only thing a viewer should expect to take away from this film is moviegoer's remorse. ❑

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Filmnotes

Unlikely romance — In Joel Hopkins' "Last Chance Harvey" (2008), Dustin Hoffman is Harvey Shine, a middle-aged musician desperately trying to hang onto his job writing background music for television commercials. It is a job that he hates, but it is the only job he has. On a quick trip to London for his daughter's wedding, he spends most of his time calling the office and is treated more as a guest than a father. Somehow, while Harvey was busy earning a living, he forgot how to live. When Harvey's boss tells him that an important meeting on Monday morning is his "last chance," it isn't just his last chance for the job; it is his last chance to find happiness.

Meanwhile, Kate Walker (Emma Thompson) is a public opinion surveyor at Heathrow Airport who spends all her time taking care of her mother. She watches people traveling to and from faraway places, she reads about adventure in romance novels, but her own life is going nowhere. Neither of these characters is happy, but neither will admit it. Both have accepted the idea that it is too late to follow their dreams, so they cling tenaciously to what they have, afraid of losing what little it is.

A chance meeting at the airport changes all that. Kate puts down her novel and begins to sparkle. Harvey follows Kate around London like a lost puppy, eventually convincing her to attend his daughter's wedding reception with him. Both are middle-aged and rumpled, but their smiles light the screen when they look at each other.

"Last Chance Harvey" is a charming film about taking risks, following dreams, and finding friendship. It's also about letting go — letting go of the security of a dead-end job, and letting go of the defense mechanisms we use to protect our emotions. Janis Joplin said it well when she sang, "Freedom's just another word for nothing left to lose." Sometimes we have to let go of what we have in order to embrace the things we truly want. As "Last Chance Harvey" reveals, opportunity often knocks loudest when everything seems lost.

— Jo Ann Skousen

Letters, *from page 6*

war. Not only does the war kill and injure people and break things, it also costs a lot of money, and I mean a *lot* of money. Add all the other contemptible and destructive government programs and they are spending an obscene amount of money. They pay by stealing (taxes), counterfeiting (inflation), and borrowing. The amount of borrowing done by the politicians and bureaucrats in Washington has left little room for the rest of us. Therein, the shortage. The solution: cut spending by the politicians and bureaucrats in Washington, DC. The solution: uphold the Constitution.

We do have a real choice.

We may have rich and powerful politicians and bureaucrats in Washington, or we may have rich and powerful people. We may have wars, poverty, and tyranny, or we may have peace, prosperity, and progress.

Libertarianism and the Constitution, if followed, can remove the obstacles of the politicians and bureaucrats in Washington and allow the peace, prosperity, and progress that human liberty brings.

No more bailouts, loans, subsidies, grants, loan guarantees, stock purchases, no more other special privileges — or theft and larceny of the taxpayer's money. Stopping these activities should be of major concern to libertarians.

We should abolish legal tender laws and the Federal Reserve System. Laws against fraud should be enforced and all currency of the federal government should be backed by silver or gold.

We will not achieve libertarianism by swallowing our principles, nor should we consider supporting those policies or politicians who would steal our money and our liberty.

Jim Burns
North Las Vegas, NV

Reflections, *from page 20*

We spoke of Camus and swimming pools and all sorts of things (except cabbages and kings), and we scribbled our identities in notepads, and promised to read each other.

I was in a softer mood now and, outside, so were the winds. I walked down toward St. Germain, past the cozy cafes where Sartre once sat, and past the brasserie where once Hemingway had a serving of some very inspirational potato salad. I was happier with Paris now.

I expressed my happiness that night to my Parisian friend. I sat at his kitchen table and told him about my day and the flowers and the kind, quick-witted man I met at the Hôtel des Beaux Arts.

"What was his name?" my friend asked.

I pulled out my notepad, flipped it to the 73rd page, and handed it over.

My friend drew a grand smile.

He shouted: "You met F---!"

"I did?" I said. "But who is he?"

"He's very, very famous," my friend said. "He's a novelist. He's been in movies." My friend drew another smile. This time there was a trace of envy. I smiled, too, marveling in my unexpected literary moment, until my friend continued to speak.

"But I hate him," my friend announced.

"Why?" I asked, almost defensively.

And here my friend fell back into form and went on and on, pretending he had never smiled, saying how that man F--- was a shallow, womanizing fraud, a pretender, a bourgeois-bohème, and how that line about women and beauty and pain, it wasn't even his; F--- had stolen it!

"From whom?" I asked sorrowfully.

"Baudelaire, of course!" my friend said, smiling again.

"Right," I said, and I began to wonder how many flowers Baudelaire had on his grave. — Garin Hovannisian

Terra Incognita

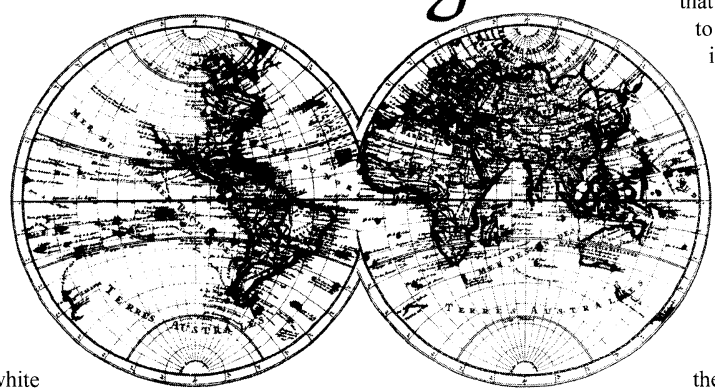

Boston

Heartening display of holiday cheer, from the *Boston Herald*:

Before Christmas, Boston Police Capt. Christine M. Michalosky spent hours rooting through the shelves and racks at TJ Maxx for the perfect presents — not for herself or her family, but for the needy children at Bromley-Heath, a public housing project in the district she commands. All told, she filled six shopping carts with toys and clothes for kids.

Days later, a dozen police cruisers and the Metro SWAT team converged on her Braintree home after a report that she had barricaded herself inside. Her quiet street became a cordoned-off spectacle. Neighbors were barred from re-entering their homes. Those already inside were ordered to stay clear of the windows.

In an age when the bottled-up stress of cops too often turns tragic, BPD was concerned about her being potentially depressed — and they wanted to be sure Michalosky's recent spending wasn't a sign of imbalance.

Ottawa

Search for affirmative action in epidemiology, in the *Ottawa Citizen*:

The Carleton University Students' Association has voted to drop a cystic fibrosis charity as the beneficiary of its annual Shinearama fundraiser, supporting a motion that argued the disease is not "inclusive" enough.

Cystic fibrosis "has been recently revealed to only affect white people, and primarily men" said the motion read to student councilors, who voted almost unanimously in favor of it.

CF is diagnosed just as often among girls as boys, although the health of girls deteriorates more rapidly. It is commonly considered an illness that affects "Caucasians," but that includes people from the Middle East, South America, North Africa and the Indian subcontinent.

Tampa, Fla.

Justice unhooded, in the *Tampa Tribune*:

Batman has had a slew of enemies over the years — The Joker, The Riddler, Catwoman — but in Ybor City last year, he added a new nemesis: Tampa police.

Ybor City's version of the Caped Crusader — his real name is Walsh Ian Nichols — was sitting on a curb eating when an officer arrested him for wearing a mask on a public street. "They actually didn't let me finish my sushi," Nichols said.

The law under which Nichols was arrested was created in 1951, and aimed at combating hooded Ku Klux Klan members.

United States

Modern-day update on Barry White and satin sheets, from a report by MSNBC:

The Obamas represent a welcome change as an openly affectionate and romantic couple for many Americans. Some experts say that the new first couple embodies the ideal healthy relationship, and that they can stir up love around the country. Some even predicted a baby boom attributed to election night friskiness inspired by the Obamas.

Tokyo

Romance in the modern age, from the Japanese bureau of the AFP:

A Japanese man has enlisted hundreds of people in a campaign to allow marriages between humans and cartoon characters, saying he feels more at ease in the "two-dimensional world."

Taichi Takashita launched an online petition aiming for 1 million signatures to present to the government to establish a law on marriages with cartoon characters. Within a week he has gathered more than 1,000 signatures through the internet.

Wrote one, "For a long time I have only been able to fall in love with two-dimensional people and currently I have someone I really love. Even if she is fictional, it is still loving someone. I would like to have legal approval for this system at any cost."

Washington, D.C.

Insults to Old Glory, passed on by the *Washington Post*:

Chief Justice John Roberts said that Congress should be as generous to judges as it already has been to itself, by approving an inflation-related increase in their pay.

His report takes account of the economic downturn and evokes the Smithsonian Institution's recent repair and preservation of the American flag that flew over Fort McHenry during an attack by the British in 1814. The flag was the inspiration for the national anthem.

"The flag bears scars from the pitched battle, but it also shows blemishes, regrettably, from later neglect," said Roberts, who also is the Smithsonian's chancellor. Likewise, he wrote, "the judiciary's needs cannot be postponed indefinitely without damaging its fabric."

Rio de Janeiro, Brazil

Mayhap she doth protest too much, from the redoubtable *U.K. Daily Mail*:

Feminists around the world have reacted with horror to a new line of lingerie that comes equipped with a GPS tracking system.

Lingerie maker Lucia Lorio of Brazil says her design targets the "modern, techno-savvy woman." The lingerie combination set consists of lace bodice, bikini bottom and faux pearl collar, with the GPS device nestled in the see-through part of the bodice next to the waist.

The range of underwear has been described as a modern-day, high-tech chastity belt. "It is outrageous to think that men can buy this, program it and give it to their partners and then monitor them," said Claudia Burghart, leader of a Berlin feminist group.

California

Difficulties in restitution, reported in the *San Francisco Chronicle*:

A homeless man has been ordered to pay more than $101 million for starting two fires, including one that burned more than 163,000 acres in California two years ago.

Fifty-year-old Steven Emory Butcher was convicted in February of starting blazes in the Los Padres National Forest in 2002 and 2006.

Special thanks to Russell Garrard and Tom Isenberg for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

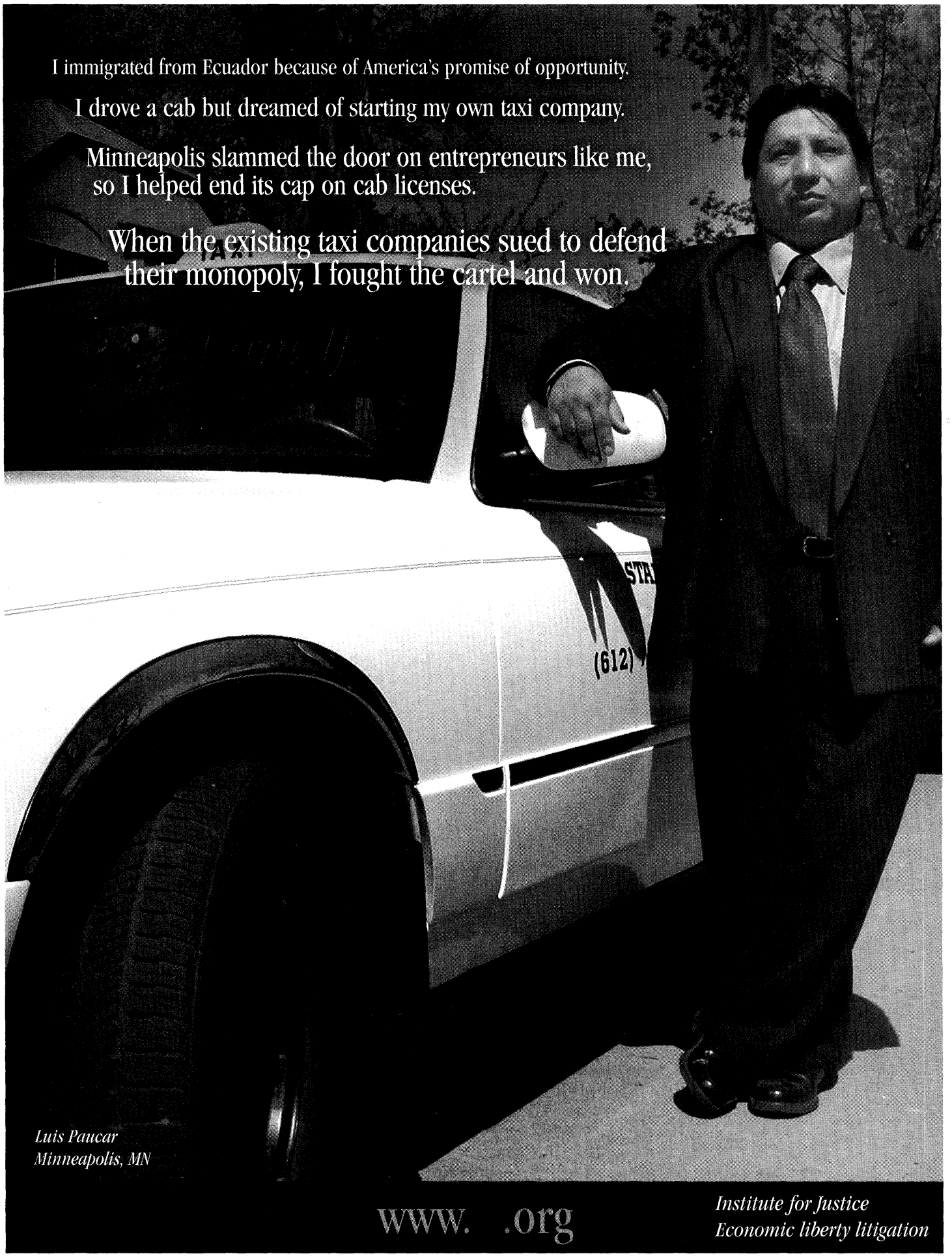
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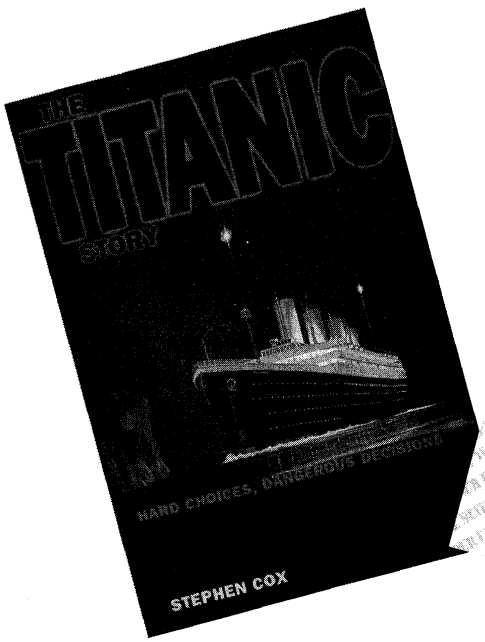

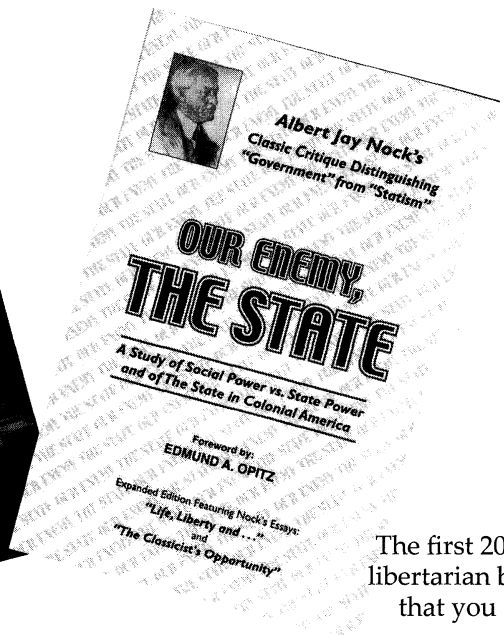

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Inside Liberty

May 2009
Volume 23, Number 4

4 Letters Our readers call us out.

9 Reflections We lose track of trillions, liberate employees, can't operate our televisions, outsource shysters, jump on bandwagons, and light up with Michael Phelps.

Features

25 Obama: The Hollow Man The president, *Jim Walsh* argues, is an empty suit with high poll ratings.

31 Iraq: Now and in the Future In Iraq, *Jon Harrison* reports, sending good money after bad seems to have worked — but only for a while.

35 What Your Doctor's Not Telling You *Bill Merritt* discovers that "the truth shall set you free" is not the motto of many conscientious physicians.

37 The Day They Closed Outside A lot of strange things can happen to you when you think you are free. *Robert A. Kelly* elaborates.

41 Brother, Can You Spare a Decade? Depressions, *Mark Skousen* chronicles, do not have to be depressing.

Reviews

45 Not So Eminent Domain *Bruce Ramsey* examines the compelling case of Susette Kelo.

47 Things to Come? *Ross Levatter* enjoys a *Liberty* editor's vision of tomorrow's many possible forms.

48 Simple Advice Will political leaders ever understand the hard realities of spycraft and war? *Bruce Ramsey* recommends some practical advice from a man who's been in the world.

50 Shattering the Looking Glass *Andrew Ferguson* savors a new kid's-lit classic that bucks all expectations.

51 No Easy Answers People want clear answers. *Jo Ann Skousen* watches a film that deals with reality, which is messy.

53 No Excuse A highly-praised film doesn't seem to understand its own victims and victimizers. *Jo Ann Skousen* tries to straighten out the confusion.

54 Hard Knocks *Jo Ann Skousen* appreciates the beauty of weathered faces and spirits that don't back down.

46 Notes on Contributors Philosopher kings.

55 Terra Incognita The lines on the map move from side to side.

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Letters

Not Entirely Fornicated

Gary Jason complains about "Californication" (Reflections, April). He lists a lot of problems with California. He attributes them to unions and Greens and criticizes Jerry Brown for not building freeways.

Jerry Brown left office in January 1983, 26 years ago. In those 26 years we have had Republican governors for 21 years and three months. We have had not one tax increase passed by the legislature except ones backed by Republican governors. Our taxes are lower than they were in 1998. When we were a "tax and spend" Democratic state spending on roads and colleges, we were doing great. Twenty-six years of tax reduction and lower spending is ruining us and driving people out of the state, not Greens and unions. Mr. Jason is also off base on our taxes. Considering all the taxes, we are in the middle of the pack.

Jay C. Smith
Bakersfield, CA

Jason responds: Mr. Smith's assertion that California is in the middle of the pack when it comes to taxes is silly, and the claim that people are fleeing low taxes (to go to the high-tax states of Nevada and Texas?) is — to put it bluntly — delusional. Let's go over the figures, and we'll let those of you in other states compare where you stand.

Start with the state income tax — a tax which many other states don't even have. At a mere $47,000 in yearly income, a Californian must pay 9.8% in state income tax. (For those few earning a million bucks a year, it rises to 10.55%). This rate is way above the national median for state income tax rates (6.0%). And please note, Mr. Smith, that under California's putative tax regime, "income" here includes capital gains!

Next, turn to the sales tax. The state has a base rate of 8.25%, onto which cities add an additional rate. So in L.A., our biggest and most proudly dysfunctional city, the total sales tax is a whopping 9.75%. In world-famous South Gate, the sales tax is 10.75%. This is nearly double the national median of state sales tax rates (5.5%).

Now we turn to property taxes. True, our rate is 1% of assessed value, a lower percentage rate than some other states. But note several important things. First, precisely because of environmental and other anti-growth and anti-business regulations, the price of housing is inordinately high. For example, as of 2006, a four-bedroom, 2,200-square-foot home in a middle-class neighborhood cost over a million dollars in the major California cities, but about $150,000 to $250,000 in the major Texas cities. So a resident here will pay about $12,000 yearly in property taxes, despite what appears to be a moderate rate.

Second, many areas of California are "Mello-Roos" districts, wherein homeowners have to pay extra property taxes, almost as much as the regular property taxes, so the homeowners wind up paying nearly double.

Third, property taxes would be even higher, but for the property tax initiative passed decades ago ("Proposition

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13") which limits how much property tax appraisals can increase yearly for existing homeowners (though when they move, the property is then reassessed).

Fourth, please note that while many (if not most) states have only two of the three types of aforementioned taxes (income, property, and sales). California has all three.

Finally, there are the taxes-we-don't-call-taxes, for which California is infamous. The most obvious is the car license "fee" of 1.15%. So a car worth $35,000 will cost you over $400 to license every year. A luxury car will cost upwards of a grand a year just to license. That, Mr. Smith, is a tax.

As to blaming the Republican governors, Smith talks out of both sides of his mouth — saying that they are responsible for lowering taxing and spending (thus driving the state to ruin!), but then saying all recent tax increases were approved by them. Please spare me. The legislature is now and has been for decades controlled by the Democrats, with at best tepid opposition by the Republican governors, who tend (like the current one) to be Republican In Name Only. While Schwarzenegger ran on lower taxes, he just signed a huge increase, before heading off to a global warming conference. I blame both him and the Democrat legislators for not controlling spending. In 2003 the state budget was about $65 billion; by 2008 it had grown to $105 billion. That is apparently not enough spending for Smith or the public employee unions. But for the rest of us it is more than enough already.

Two Takes

In response to Jacques Delacroix's comment that it was "wussy" to pull out of Vietnam, I have to disagree. The Tet Offensive was a tactical victory for the United States but it was a disaster strategically because it showed that victory was not as simple as the official story laid out. However, I was born in this country, a land where we don't pride ourselves on killing

From the Editor

What did you pay for today, as a result of President Obama's economic initiatives?

Did you subsidize the mortgage of that guy down the block, the guy who's lived for years in a house that's better than yours, despite the fact that he couldn't afford it then, and he can't afford it now?

Did you finance a college education for the kid next door, the kid whose only apparent qualification is an eagerness to party?

Did you fix the bridge on Fourth Street, the bridge that's been falling apart for years, so that the city, which "is desperately short of funds for essential infrastructure," can devote your taxes to higher salaries for the mayor's staff?

But perhaps you are of an artistic nature. Perhaps you bought another Composer in Residence for the local symphony. Perhaps you funded a grant to keep the symphony from shutting down, once the patrons get to hear what the composer has composed.

Maybe science is your interest — Big Science, the kind that can only be done when an economic crisis disables the country, and the government can therefore spend billions of dollars on projects that no one was willing to fund before. Or maybe —

But why continue? It's obvious that none of us knows how our money is actually being spent. And we're in good company. Neither Congress nor the president knows, either.

Yet there's one thing you still control. In one case, you know exactly what you're getting for your money. When you buy a copy of Liberty, you aren't getting a hazy idea of where the country is going. You're getting facts you can check, propositions you can quarrel with (or possibly, even endorse), and visions that present . . . dare I say it? a true alternative to the state of the nation as it is today.

For Liberty,

Stephen Cox

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millions of our soldiers and still losing. Furthermore, the whole Vietnam War would never have happened if France had shown the same wisdom that Britain did and given independence to its empire. But France, always self-important and trying to expunge yet another defeat by Germany, decided to hold on to every last bit of territory it could. Unfortunately, the United States supported this thinking so the torch of anti-imperialism was passed to the Communists, who created the idea that only they believed in a country's right of self-determination. So, in the end, a large swath of Indochina went red, the United States spent two decades cleaning up the mess, and France showed how much it had learned by trying to hold on to Algeria.

Also, Jon Harrison's comparison of George W. Bush and Winston Churchill is flawed and ignorant. Bush has a great many sins and stupidities to live down but he left this country in better shape than Churchill left his. He did lead his country to victory over Nazi Germany, but at what cost? Half of liberated Europe went to Stalin, the economy was in shambles, the empire became an over-costly extravagance, and Great Britain became little more than a vassal of the United States. (For example, consider how only a cold stare from Eisenhower made England [and France and Israel] abandon its invasion of Egypt and go home with its tail between its legs.) On some level, Churchill probably realized all this, but, with his family's characteristic opportunism, he spent the rest of his life building his myth — that of a man who saw further than anyone else, first about the threat of Nazi Germany, then about Soviet Communism. His army of slobbering admirers (e.g., John Lukacs) have elevated this nonsense to holy writ. What is most galling is that American conservatives who bristle at any admiration at anything foreign are the most fervent worshippers at his altar.

Jordan Simmons
Laurinburg, NC

Delacroix responds: Obviously the word "wussy" is shorthand for something I thought many people already knew. It refers mostly to the fact that the U.S. political class lost its nerve after we pulled our forces from Vietnam: Congress then declined to give the South Vietnamese the resources they had been promised to defend themselves against Communist aggression.

What I wrote, I wrote as a conservative and as an American patriot. I must congratulate you on having had the good sense to be born in the right country, unlike me. That's the same country I had to choose, repeatedly, because a return to Europe always was and still is feasible. My original choice was made more than 40 years ago when I emigrated for good (in every sense of the word).

Your ability to detect my remaining French accent in printed expression is also impressive.

By the way, I agree with most of what you wrote about the lamentable 20th-century history of France, and also about the national vainglory that is still widespread there, though perhaps not as widespread as you seem to think.

I am surprised it did not occur to you also to blame me for Napoleon III's wanton and failed expedition to Mexico.

Harrison responds: I wish Jordan Simmons had called me stupid rather than ignorant. My bookshelves positively groan under the weight of the Churchill books I own. I am the only person I know who has read every word of Martin Gilbert's six volumes of official biography, covering Churchill's life from 1914 on. While I have not read quite as much about George W. Bush, I did have the sorry experience of living through eight years of his rule. Ignorant I am not.

It may surprise Simmons to learn that we agree to an extent. In comparing Churchill favorably to Bush, I did not mean to imply that I accept uncritically the Churchill hagiography put out by most mainstream historians. The best biography of Churchill I have encountered is John Charmley's "Churchill, the End of Glory" (Harcourt Brace, 1993). Following the school of Alan Clark and Charmley, I believe Britain both could and should have made peace with Germany in 1940 or 1941. Why? Because it would have saved Britain from becoming, as Simmons says, a vassal of the United States. The collapse of the British Empire led directly to the creation of the American national security state — a continuation of the British Empire "by other means" which has had profound and deleterious effects on the American people and their way of life. Churchill did not intend for this happen ("I did not become the King's first minister in order to preside over the liquidation of the British Empire," he said in 1942), but happen it did, and he bears great responsibility for it (as does Franklin Roosevelt, who unlike Hitler desired the empire's dissolution).

Nevertheless, Simmons should remember that Churchill inherited a losing hand in 1940. If we accept that defeating Hitler was necessary for the preservation of Western civilization, then Churchill did pretty well. Had he come to power earlier, perhaps the outcome for Britain would have been happier. There are those who believe, not without reason, that war could have been avoided altogether had Churchill's policies been followed in the 1930s.

George W. Bush, on the other hand, entered office with his country prosperous and at peace. The government was running a budget surplus of over $200 billion per annum. When he left, the nation was gripped by the worst economic crisis in history, brought on to a great extent by the reckless overspending and underregulation of his administration. He further involved us in an unnecessary war in Iraq, to the tune of 4,400 American dead and a trillion dollars down the drain. Whether America will emerge from these crises better off than Britain was in 1945 remains to be seen.

Cold Lampin'

I was amazed at the naivete displayed by Leland Yeager's March Reflection "Enough." Professor Yeager proposes to resolve the Israeli-Palestinian dispute by having "the major powers" impose a solution. Outside rule, in the form of a mandate overseen by said powers (but with day-to-day administration in the hands of "countries considered relatively benevolent, neutral and corruption free" — qualities, in Yeager's view, possessed by the Scandinavian states) is his formula. Wow!

We are not living in the days of the Congress of Vienna, or even of Versailles, when the great powers could decide the fate of continents. Today there is no Holy Alliance before which

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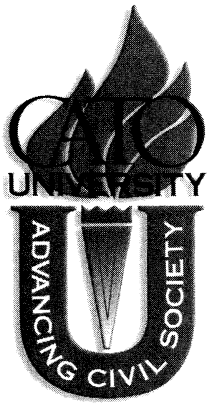

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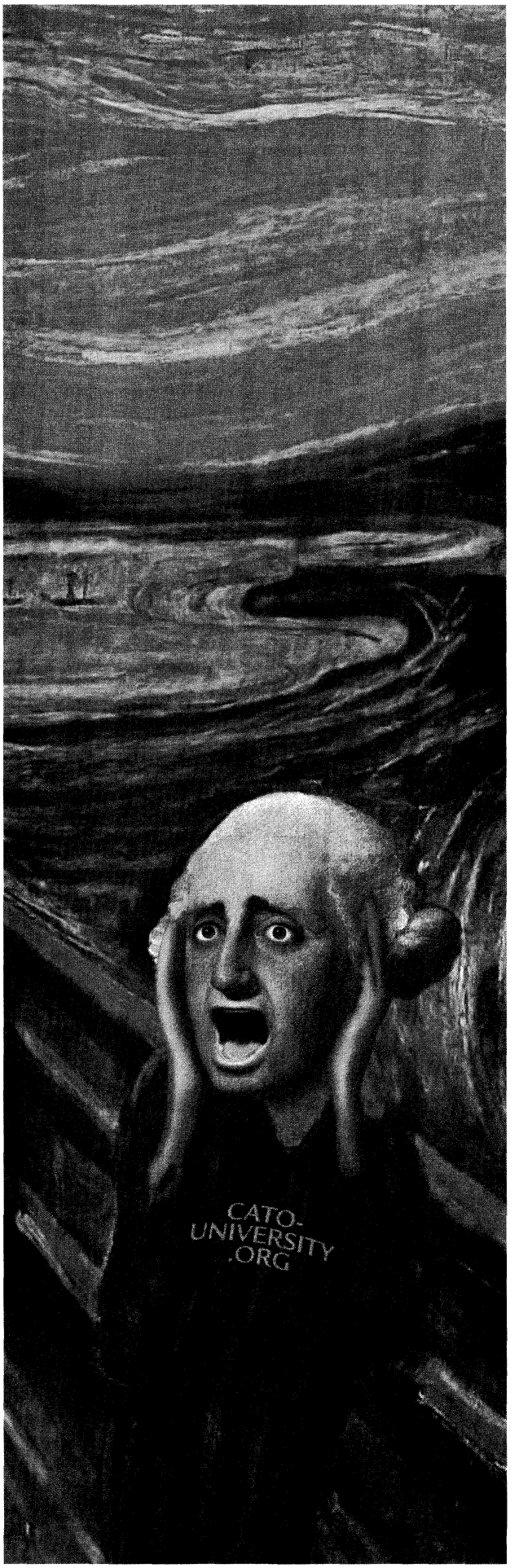

small states must bow. There is absolutely no chance of the United States, the EU, Russia, and China agreeing on a solution to the problem of Palestine, and then imposing that solution upon the people living there.

One would like to believe with Yeager that "most people in Palestine . . . want to get on with their lives and plan their own futures without suffering from fighting among others." But history tells a different story. There is absolutely no reason to believe the Israelis would agree to give up their existence as an independent state, which is what Yeager's proposal would entail. And there is very little reason to believe that most Palestinians can be reconciled to the loss of lands that their ancestors inhabited for centuries.

Like Yeager, I personally believe that only a one-state solution — a united Palestine inhabited by Jews, Arabs, and Christians living together on a basis of equality — can bring peace to that troubled land. Getting there is the problem. Perhaps mutual exhaustion will eventually bring the peoples of Palestine to their senses. There are small glimmers of hope — in the West Bank town of Jenin, for example. But these are mere dots on a black canvas.

In any case, a call for the great powers to occupy and administer Palestine would find no takers. Neither Jew nor Arab would countenance such an arrangement. There is simply no support anywhere for the idea. Yeager's proposal is utterly impractical — it smells of the lamp.

Jon Harrison
Poultney, VT

End the Aid

Apparently even a good libertarian can harbor a totalitarian streak. Leland Yeager's evident frustration that the Arab-Israeli conflict continues to this day shows his ignorance of a more balanced if not more complete history of the conflict. His subsequent proffer of an imposed solution show decidedly non- (if not anti-) libertarian impulses when he is confronted with a situation not easily amenable to solution.

Consider the fact that the United States is financing this ongoing disaster to the tune of $7 billion-plus annually: three to Israel for military assistance (80% is U.S.-supplied) plus some direct-purposed humanitarian aid; 2.5 to Egypt for much of the same, including general aid so that Mubarak's regime can maintain food and fuel subsidies to keep itself in power; one to Jordan to enable the kingdom to survive; and 500 million to UNRWA (30–40% of its budget) to maintain third-generation refugees in their misery.

End all the aid. Iran can't afford to pick up the slack, so its influence would wane. Israel would be better off without it. Egypt would have to publicly choose between the delusion of leading the Arab world and the necessity of improving an inadequate economy. Syria would be reduced to a pain in the rear. Lebanon would be able to reassert itself internally. Most importantly, the Palestinians would have to take responsibility for their own future.

David Peters
South San Francisco, CA

Yeager responds: I stand accused of ignorance, naivete, the smell of the lamp, and a totalitarian streak.

Doesn't Mr. Peters, in particular, understand why libertarians rank peace and security, the rule of law, and the opportunity for individuals to move about freely and otherwise run their own lives in uncoerced mutually beneficial interaction with their fellows — in short, personal freedom — above any particular form of government? What counts is whether a government does indeed protect personal freedom. Doesn't he understand that libertarians welcome elections, when they can function well, simply as a means of disciplining government to serve these ends? Hasn't he ever heard about totalitarian democracy? Democracy in itself is not personal freedom. Neither is national independence.

No, I do not advocate totalitarianism for Palestine and Israel. I recommend facing up to 61 years of lessons that democracy does not work for that territory under anything like conditions so far. Mr. Harrison sees glimmers of hope that "mutual exhaustion will eventually bring the peoples of Palestine to their senses." When? After another 61 years? What about the continuing ruin of individual lives in the meanwhile? Mr. Harrison, rather like me, does "believe that only a one-state solution . . . can bring peace to that troubled land."

I hope that most inhabitants of the territory, if not their rulers, will welcome an international mandate as a transition to a happier future. Conceivably they will agree by plebiscite. The great powers should make that approach available, but not by armed conquest. The threat of withholding aid might help obtain assent. If the Palestinians and Israelis reject a mandate, well, the powers offering it will have done their part and will be even more entitled than now to try washing their hands of the whole business. No one should expect them to go on tolerating the infection of their international and domestic politics.

Yes, my suggestion seems naive and unrealistic. I notice, though, that neither Mr. Peters nor Mr. Harrison offers a specific alternative. Anyway, let's contemplate approaches drastically different from the failures so far.

I applaud Mr. Peters' remarks about how U.S. aid and meddling have intensified the "ongoing disaster" in the Near East. They are just one more example of politicians' propensity to apply their supposed bright ideas to all sorts of problems, real and invented, domestic and foreign.

The Relevance of Rand

Ross Levatter's reflection on "Atlas Shrugged" (April) was timely for me, in that, what with the unfolding collapse of Western civilization, I had just dusted off one of my copies of that august tome and commenced to reread it. Mr. Levatter makes some salient points as to its somewhat dated tone, but I must point out that all great literature descends and ascends through an ever-changing relevance when reflected in the mirror of current culture. How many "immortal authors" now lay on the ash heap of literary history because their great, urgent message became dated, refuted, and discredited? (I refer to angry young men of a leftist slant from Ms. Rand's era.)

I was a small boy when "Atlas Shrugged" was written. The world she depicted was still very much present. My brother, who was in college at the time, returned from his studies with a copy that soon fell to my father. The political tone of our family was changed forever. The name lodged in my mind and when the day came for me to pick it up,

continued on page 40

Reflections

Profiles in Privilege — In his book, "The Cigar," Barnaby Conrad III writes that before John F. Kennedy signed the trade embargo in 1962 banning Cuban cigars he had his press secretary, Pierre Salinger, get him 1,000 cigars. Once Salinger had secured 1,100, the president said: "Now that I have enough cigars to last awhile, I can sign this."

Martha Stewart went to jail for far less than this but it seems that presidents, including those known to preach about "public service" and "sacrifice," are exempt from the moral code that applies to the rest of us. — David Beito

Left jab — The central failure of modern liberalism is that it confuses hypothetical means of effecting a favorable outcome with the outcome itself.

Leftists do not say that they want a country full of healthy people; they only say that they want "universal health care." There is no question in their minds that a nation of healthy people will be the result. They may be concerned with how well situated the human species will be in a hundred years, but they are far more concerned with whether the United States adopts the Kyoto Protocol now. And they do not seem concerned so much with whether children are intellectually, physically, and morally strong, as with whether they possess a talisman called a diploma or degree. That is why, in his big speech on February 24, President Obama was able to say this with a straight face:

> It is our responsibility as lawmakers and educators to make this system work. But it is the responsibility of every citizen to participate in it. And so tonight, I ask every American to commit to at least one year or more of higher education or career training. This can be community college or a four-year school; vocational training or an apprenticeship. But whatever the training may be, every American will need to get more than a high school diploma.

It is an insulting, stupid, and obviously false thing to say, but never mind that. Here is modern liberalism: attend to the symbol, and the rest will take care of itself. — Patrick Quealy

Car alarm — Amid all the chatter about Obama and his attempts to save our country by socializing its economy, a small news story escaped general notice. The Financial Times of London reported on February 4 that for the first time in history, China had surpassed the United States in new auto sales. More Chinese than Americans are buying new cars. In fact, China now has the greatest market for new cars of any country on earth.

Now, the article points out that the American auto market is down because of our recession. Fair enough. But what it doesn't note is that the Chinese auto makers are not encumbered by militant unions driving up the price of their vehicles, or by a government driving up regulations on the types of cars they can build. — Gary Jason

Castration anxiety — I forget who it was, alas, but one of the Republican talking heads on one of the cable news shows remarked that at this stage in the Obama ascendancy, the Republicans are a little like eunuchs at a Playboy party. They'll be able to observe and offer commentary and criticism on the various goings-on, but won't be able to do anything about it. — Alan Bock

Capitol accumulation — As noted on the blog of Reason magazine, Illinois Senator Burris has set up a website for his 2010 campaign. Katherine Mangu-Ward humorously noted that if you click on "Accomplishments" at Burris' site, there is literally nothing listed.

That's funny, but I think Katherine is being a tad unfair. Clearly, the site is designed to list Burris' senatorial accomplishments, and at this writing he's been in the Senate little more than a month. I'm sure, come election time in 2010, he'll have a list of accomplishments. Should he still be running at that time, accomplishment no. 1 will be: "Avoided Indictment." — Ross Levatter

CONGRESS

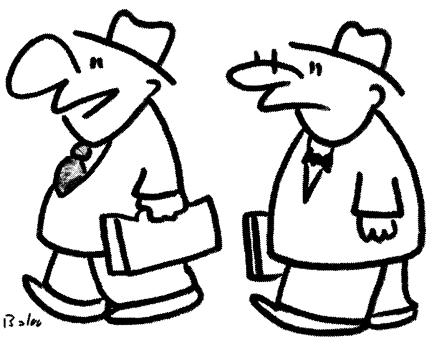

"I don't know about other problems, but it always helps to throw money at my *wife*."

Taking on Obama — On February 10, the morning after the crucial Senate vote on the $838 billion kitchen-sink spending bill, the Washington Post bannered, "New Bailout May Top $1.5 Trillion." Libertarians barely had time to contemplate having failed to stop the largest spending bill in history before they were hit with another one, this time to funnel money to banks and other lenders. And this one (which other newspapers estimated at as much as $2.5 trillion, but what's another trillion here or there?) doesn't even require congressional approval — much like last fall's Monday-morning announcements of what Czar Henry Paulson had done over the weekend.

Back in September and October, I think that libertarians, conservatives, and even Republican politicians were shell-shocked by one blow to free-market capitalism after another: the federal "takeover" of Fannie Mae and Freddie Mac, the collapse of Lehman Brothers, the bailout of AIG, the all-power-to-Paulson plan, the collapse of Washington Mutual, congressional passage of the power-to-Paulson-plus-pork plan, the 22% drop in the Dow Jones average in one week,

the Federal Reserve Board's unprecedented decision to lend directly to nonfinancial companies, the government's partial nationalization of major banks, Paulson's announcement that he would use his bailout money for something other than what he asked Congress to authorize, the auto bailout in direct defiance of a congressional vote, and so on and so on.

There was no time to fight these measures. Most of them were announced as done deals, others as measures to be taken by the Treasury or the Fed without any request for congressional authorization. With the incumbent president in charge, both presidential candidates going along, and most of Congress afraid to challenge the dire warnings of catastrophe, it was impossible to create any real political debate. Defenders of capitalism were reeling.

And there were two other problems. Too many small-government advocates always felt some ambivalence about ripping into the Bush administration. Republicans, they thought, really do believe in smaller government and free markets, no matter how many trillions in new spending they run up or how many Americans they incarcerate without access to a lawyer. That misperception limited libertarians' ability to organize a broader freedom movement to oppose the Bush administration. And during the height of the financial crisis, some business people and even some free-market economists felt uncertain about opposing the emergency measures being taken by Paulson and Fed chairman Ben Bernanke. "If Bernanke has seen all the data and really feels this is necessary," one economist told me, "I'm inclined to believe him."

Things are different now. Smaller-government folks feel no compunction about vigorously taking on the Obama-Pelosi-Reid government. And instead of a financial "rescue package," which one conservative called an attempt to "save the capital markets on which the process of creative destruction depends," we moved on to debating an old-fashioned, Keynesian, throw-money-at-the-problem spending bill described as "economic stimulus." Most free-market econ-

Word Watch

by Stephen Cox

Readers of this column have always been generous. They've overlooked its frequent failings, they've hailed its infrequent shows of strength, and they've cheerfully participated in its expeditions through the dismal swamps of the modern American language. If you want to know why this column is still running, *blame the readers.*

Many readers have shown an even deeper commitment. They've acted as the column's spies behind enemy lines. Whenever a windbag stands before the camera, spouting political mumbo-jumbo, his audience is sure to include a Word Watch spy. Whenever a daily newspaper hits the streets, a gloved hand reaches out to snatch a copy and carry it back to a lair of Word Watch sympathizers, prepared to ransack the thing for evidence of treason to the language. (Their search is never long.) And woe betide the congressman, CEO, or "educator" who opens his mouth in private, presuming that he is safe. If there are three people gathered in the room, one of them will be a Word Watch spy, and in minutes the exalted person's disgusting gaffe will be transmitted to Word Watch HQ.

Lately, the efforts of these spies have been greeted with particular success. Here are some samples of their work.

I want to begin by crediting Carolina Barnes for communicating to Word Watch the deepest secret of the Bush regime. She found the evidence in a sentence stashed in a place that almost nobody visits — the news columns of the London Sunday Times: "President George W. Bush has enlisted British special forces in a final attempt to capture Osama Bin Laden before he leaves the White House." Carolina immediately identified the significance of this remark. "Bin Laden," she reported to Word Watch, "has been hiding in the White House all this time! And they need British special forces to arrest him."

Some Word Watch agents (Ms. Barnes is a distinguished example) don't mind being outed. They consider their work a patriotic duty, and they are willing to let people know they've done it. Others prefer to remain anonymous. From a deep source comes word of Senator Dick Durbin's comments about qualifications for public office, as understood in the inner circles of our nation's capital. On February 3, the senior senator from Illinois commented on the withdrawal of his former Senate colleague, Tom Daschle, from nomination as secretary of Health and Human Services. "It really sets us back a step," Durbin said. "Because he was such a talent. I mean he understood Congress, serving in the House and Senate; he certainly had the confidence of the president." This is it! The secret formula for *talent* is known at last! Talent = serving in Congress + being liked by the president. It won't cure cancer or send a rocket to the moon, but it explains a lot about how things work in Washington.

From the recesses of the national bureaucracy come other indications of strange goings on. At this moment I am looking at a transcript of a Peace Corps email about the safety of American volunteers in Madagascar. "Over 811 Peace Corps Volunteers," it reveals, "have served in Madagascar since the program was established in 1993." Now consider the implications. The number is precise: 811. If 812 or 813 volunteers had served in Madagascar, the message would have specified that number. So how could there have been "over 811" volunteers? Clearly, the Peace Corps traffics in fractional volunteers! I am assured by the Word Watch Department of Intelligence Analysis that this conclusion "is not wholly out of the realm of probability."

Still more disturbing, however, are intelligence reports about the mental condition of people now suffering behind the lines in the War of Economic Stimulus. Sadness, frustration, and bewilderment prevail. Morale has sunk to historic lows. I quote the report of Carl Isackson, a Word Watch spy whose front it is to operate a construction business in Northern California — a region on the point of succumbing to economic and linguistic distress. Among other evidence, Mr. Isackson instances his own inability to adapt to the Obamistic phrase "shovel-ready": "I'd like to do something constructive around the house this weekend, but I don't believe I have anything shovel-ready. Oh wait, the sandbox. But that's an ongoing project. No stimulus there. I've been in this biz for 30 years and I don't believe I've ever

omists felt no ambivalence about opposing that bill. Robert Barro of Harvard called it "probably the worst bill that has been put forward since the 1930s."

The reaction to the so-called stimulus bill may have been the beginning of the renaissance of the free-market movement. Freed from the burden of feeling some connection to a big-government Republican president, Republicans voted overwhelmingly against the bill in both houses of Congress. Libertarians played leading roles in galvanizing the opposition. The Cato Institute ran full-page ads in almost every major newspaper in the country, with the names of more than 200 economists who "do not believe that more government spending is a way to improve economic performance." The ad was talked about on television, was waved by Republican senators at a press conference, and seemed to energize free-marketers who felt their voice hadn't been heard in national debates over the past few months. Gov. Mark Sanford of South Carolina was all over the media, warning that the spending bill would "mortgage our children's future," Jerry Brito of the Mercatus Center created StimulusWatch.org, and Americans for Prosperity invited people to sign a petition at NoStimulus.com.

So the bad news is that the federal government has now committed at least $7.8 trillion in loans, investments, and guarantees since the beginning of last year. But the good news is that the free-market movement is back in gear. The movement is in much better shape than it was in the FDR era. No one in today's government is actually calling for abolishing private business, as some of FDR's pals did; but we may be starting over in building a broad movement against ever-bigger government. — David Boaz

Null set — Can I be the only one to notice that none of the economic bailout packages from Washington have beneficially affected anyone I know? That's none. Count 'em, if you can. — Richard Kostelanetz

heard the term 'shovel-ready' before." Reports from Special Agent Isackson project the vision of a society in which the old words, the old customs, and the old morale are rapidly perishing, all victims of Obamization.

Disquieting reports have also been filed on the state of the American media. Analysis suggests that the few literate people who were responsible for the prestige of the modern-liberal propaganda machine have all emigrated, defected, or died. What's the proof? Consider this — a headline from Yahoo News (February 3), delivered to Word Watch by an anonymous source: "Analysis: Economic stimulus package will increase federal debt." *Really! And will the sun rise tomorrow?* Obviously, it's only fanatics and hopelessly naive, untrained conscripts who are trying to fill the gaps in Obama's lines.

There's plenty of confirming evidence. Take, for example, this AP report on the stimulus package (February 6, emphasis added): "Officials put the cost of the bill at $827 billion, including Obama's signature *tax cut* of up to $1,000 for working couples, even if they earn too little to pay income *taxes*." A certain level of math skills is necessary to operate a civilization. Nothing is more ominous than the loss of those basic skills. But here is information, obtained from the Obama camp, indicating that in those precincts it is generally assumed that when you start with zero, and subtract from it, you end up with $1,000. And what does "signature" mean? It means that Obama is actually proud of the whole thing.

Some of Obama's cadres sense that something is wrong, but they are encouraged to trust in the regime to reform itself. On February 7, the AP issued the following communiqué: "Analysis: Obama may learn from slips on stimulus." In other words, we now have a president who may, conceivably, learn from the mistakes he committed when he stole and spent nearly *one trillion dollars*.

Evidence of cultural decay doesn't come strictly from the self-important media. The whole population appears to be reaching an unprecedented stage of demoralization. Here's a report from Word Watch Agent Deron Gormish, commenting on a recent adventure in intelligence gathering:

> I watched television for about two hours yesterday. I know I probably shouldn't have. In that time I heard the phrase 'if you will' eight times on different programs. Yes, I counted them. The speakers were using it in the same way in which a teenage girl would a giggle after saying something slightly amusing but out of place for the subject.

Word Watch technicians, monitoring broadcasts from Greater Obamaland, have confirmed the report of Agent Gormish. "If you will" has become almost as frequent as the incorrect usage of "begs the question" (and that's saying something). How shall we explain the phenomenon? Perhaps in this way. In the last stages of a war, the losers become cynical. They laugh; they joke; they *giggle*. Morale is gone. That seems to be the situation now. The majority of the American people waged war on reality. They spent without saving. They followed leaders and advisors without noticing what crooks and fools they were. Now, instead of making their peace with reality, they put it in quotes: "if you will."

In these circumstances, any kind of nonsense can be spoken. A correspondent from Illinois caught Senator Burris (you know, the one that Governor Blagojevich appointed) uttering these astounding words: "I've always conducted myself with honor and integrity. At no time did I ever make any inconsistent statement." I wish I could say that, but if I did, nobody would believe me. Nobody would believe you, either. And nobody believes Senator Burris. But what difference does it make? He's still a senator, if you will. And Joseph Biden is still the vice president, even after saying that the administration wants to use the stimulus program to "drop kick" the economy. Sure and it's a manly thing for the big guy to say so, but I'm not certain that *kicking* the economy will do it much good.

I realize that by shrinking from contact with the vice president's boot, this column runs the risk of being considered *out of touch* — a condition that, according to Agent Bruce Ramsey, is becoming a major offence. Ramsey reports that he's "getting very tired of that epithet 'out of touch.' So often it's just a hard word that seems to mean, 'You don't agree with us.'" Indeed, according to analyses of recent data, it always means that.

So, despite the loss of morale, loss of literacy, and loss of brains that currently afflicts the Other Side, it's apparent that Word Watch and its sympathizers, overt and covert, are in for a long, hard struggle. But know this: we shall fight in the participles, we shall fight in the metaphors, we shall fight in the subordinate clauses; we shall never surrender — not as long as Word Watch continues to have so many intelligent and faithful readers.

The money pit — I have often reflected on runaway unfunded government pension and healthcare liabilities, such as Social Security, Medicare, the Pension Benefit Guarantee Corporation, and the various state and municipal employee health and retirement systems. But I must commend Henry Olsen and Jon Flugstad (of the American Enterprise Institute) for bringing to light yet another rapidly metastasizing entitlement problem ("The Forgotten Entitlements," in the February 2009 issue of Policy Review).

Olsen and Flugstad note that the public (to the extent it even notices) understands that Social Security and Medicare are exploding. By 2082, these programs alone will take 18% of GDP, roughly the cost of the entire present federal budget! But unnoticed are two disability programs that are highly problematic: Social Security Disability Insurance (SSDI) and Medicaid Long Term Care (LTC).

Already, SSDI and LTC together account for about 6% of the federal budget. If they were one program, they would already be fourth in terms of federal spending, behind Social Security pension outlays, Medicare, and defense spending. And they are growing like a rash.

SSDI supports individuals who are below the Social Security age but are disabled. Now, there's the rub: what does "disabled" mean, exactly? You think immediately of quadriplegics, but far and away most SSDI beneficiaries are disabled for such conditions as mental problems and chronic back pain. As the government has increasingly subsidized disability, disability cases have swelled. Over the decade from 1996 to 2006 alone, 2.5 million more people became SSDI beneficiaries. Currently over 8.9 million are on SSDI.

Medicaid LTC is also growing rapidly. It is a program that helps the elderly pay for nursing-home and other institutional care. In theory, the program is limited to the "poor." In fact, it is fairly easy for middle-class families to transfer assets ("spend down") so as to qualify for assistance. The result is the predictable entitlement expansion. From 1996 to 2006, total Medicaid LTC spending grew by 100%, to about $111 billion.

With the coming "Boomer Bust," the total number of elderly will grow from 34.8 million in 2000 to 77.2 million in 2040. You can expect programs to grow even more dangerously unless they are reformed. Olsen and Flugstad suggest some commonsense reforms. But common sense is in short supply these days, so I expect that the less well-known programs will just continue to get worse, along with all the other, more familiar entitlement programs. — Gary Jason

Night of the banking dead — For all the rhetorical horrors visited upon us by our mass-mediated society — many of them hunted down and speared by Stephen Cox in his "Word Watch" — occasionally there will burst forth an image so apt that you could swear someone had actually thought about it before propelling it out of his mouth. Such, by my estimation, is "zombie bank." The term has come into vogue to describe those financial institutions that are bankrupt, yet thanks to the government's largesse continue to operate: they are dead, and still they walk.

Of course, the metaphor runs deeper than this quite limited usage. For, like old-style voodoo zombies, these banks have a master whose will they are bound to — just check out the proposed limits on executive salaries, etc., being pushed by the Commerce Department. And, like new-style John Romero nihilist zombies, these banks consume everything they come across — that's how they got into this mess, snapping up first "toxic" loans and now massive gobs of bailout money. And the more we allow them to consume, the more virulent will be the infection — which brings me to my favorite thing about "zombie bank." The term suggests a simple strategy for dealing with the problem: shoot them in the head. For the love of God, before it is too late, shoot them in the head.

— Andrew Ferguson

Inadvertent libertarians — So, Timothy Geithner and Tom Daschle both cheat on their taxes. Each makes a ritual mea culpa and one takes his place in an administration eager to spend a lot of other people's money. Some people are outraged at all of this. They cry "elitism" and "hypocrisy!"

I feel no outrage — a slight sense of vindication, perhaps. For more than two decades, statists have been using the U.S. tax code as means of redistributing wealth. The result is a corrupt system that no one, not even the statists themselves, trusts. I suspect there will be more controversies about government appointees with tax problems. And, in the long run, the public will be more open to the idea of a flat (or at least flatter) tax.

Nice work, guys. — Jim Walsh

In the stocks — President Obama's facade of competence began cracking on the day he started assembling his administration. A huge chunk of the upper story fell into the street when, on March 3, he started talking about movements in the stock market.

The market had been falling farther and farther since he took office, with many of its motions linked directly to the confusing and irresponsible acts of his administration. On March 2 it reached levels not seen for 12 years. Obama's response was to slight the importance of the market. "You know, it bobs up and down every day," he said, as if no one had ever noticed its mobility before, or as if no one had noticed that, right now, it was pretty consistently bobbing *down*. The sage continued: "And, you know, the stock market is sort of like a tracking poll in politics." He indicated that he therefore wasn't paying much attention to it.

Obama's remarks were of special interest, coming as they did from a man who had spent the past several years of his life governing his career by political polls, and making his oratory bob up and down in response to them. Further: the society in which this man functions is one in which the political leadership has imperial power over the economy. His every political deed has been aimed at extending that power. At this point, however, he affects to scorn the idea that the daily activity of the stock market has anything significant to do with the actions of the president.

Either Obama doesn't know that the stock market is the greatest and most serious poll on the president's performance, or he knows this thing that all others know but brazenly seeks to deny it. In either case, his incompetence is manifest.

— Stephen Cox

If I had a hammer — I recently flew from Washington, DC to Phoenix, AZ, and had the pleasure of sitting for several hours next to a gentleman in his late 20s who turned out to

be a good conversationalist. Although not in uniform at the time, he was a member of the U.S. military, had been for nine years, and had done a term in Iraq in 2003, part of the original invasion force. We spoke on many related topics — he was not surprised by Abu Ghraib, for example — but the thing he said that struck me most was when I asked whether the people he knew in the military were resentful toward Bush as commander in chief for putting them in harm's way — invading a country halfway around the world, on what turned out to be grossly inaccurate if not false and fabricated claims of "Weapons of Mass Destruction." He answered as follows:

> The military is like a large finely tuned instrument, and those in it joined to play that instrument. The military buys the best equipment — best ships, planes, bombs, and after a while if you never get to use them as they were meant to be used — fighting wars — you get very antsy. Frankly, Bush could have told us Iraq was hoarding purple dragons and it was vital to invade and capture them, and we would have been happy to go in.

I can understand the sentiment. I've been frustrated in my medical career, knowing there is great imaging equipment (say, a 128-multislice CT or a 3 Tesla MRI) available but not being able to use it in my practice. And the practice of a standing military is war. It's like the old saying about a carpenter with only a hammer: any nations that our politicians designate as evil (no matter how backward and economically feeble), any political figure from abroad that our leaders choose to call the next Hitler, no matter how limited his reach — and they all begin to look like nails, with our guys just itching to hammer them.

Many Americans today either don't know or can't imagine why the Founding Fathers opposed standing armies. Today we know that our powerful military (the U.S. military budget is about half the entire world military budget, more than the next 46 largest military budgets combined) is all that prevents us from hostile takeover by countries whose average per capita income is a small fraction of that of the United States. A fledgling American nation in the late 18th century may not have had to worry about weapons of mass destruction (though, as it turned out, neither did we), and it seems not to have realized how dangerous Islam was, but it knew about hammers and nails, and human proclivities, and factions, and power. People in that America knew about things we have forgotten, or never learned, or are too easily frightened to recall.

— Ross Levatter

Trading spaces — It will be interesting to see how international trade fares in the current global downturn. In a recession, the almost universal temptation for governments of every stripe is to turn toward protectionism. President Obama insisted that the "Buy American" provision regarding steel for infrastructure projects be amended to make it clear that it would be implemented only to the extent that it didn't violate existing trade treaties. And he finessed the NAFTA issue during his visit to Canada, saying little except that any reassessment of NAFTA would have to wait a while. And Obama appointees Larry Summers, Tim Geithner, and Christina Somers come from the relatively pro-trade wing of the Democratic Party, such as it is, although none of his top aides is anything close to being a trade specialist.

On the other hand, even the amended provision brought protests from Canada and Europe (although the supposedly free-trade European Union is rife with beggar-thy-neighbor trade moves), and it seems apparent that the rest of the world is ready to pounce, should the administration veer sharply from a pro-trade position. There's a huge hole in the WTO agreement as well, in that the agreement to allow competition for government projects is a side agreement to the main WTO treaty to which China and India are not signatories. If they are frozen out of bidding on U.S. infrastructure projects, they could decide to impose retaliatory barriers and buy the heavy equipment for their own extensive infrastructure plans from Europe rather than the United States, which is why Caterpillar and other heavy-equipment makers were so alarmed. And the AFL-CIO will be looking for payback in the form of such restrictions as labor and environmental mandates on developing countries — in exchange for all it did to help Obama get elected.

— Alan Bock

Return of the goons — In the last election, Big Labor spent a record amount of time and money to capture the federal government. It spent $450 million in donations to candidates at all levels and gave roughly that much in donated manpower to elect candidates — virtually all Democrat — to do its bidding. And it is wasting no time attempting to achieve its ambitious agenda.

At the state level, Big Labor directed its hostility at efforts to pass "paycheck protection laws," which seek to implement the right given to workers by the Supreme Court (in the *Beck* ruling) that their dues not be taken from them and used for political advocacy unless the workers agree to that in writing. Sixteen states have such laws, much to the fury of unions, and the unions want those laws repealed. In 2008, in Colorado alone, Big Labor spent $13 million — ironically, forced contributions by workers — to defeat a paycheck protection ballot measure. No doubt it will push for a federal law against state payroll protection measures.

Also in Big Labor's crosshairs is last year's Supreme Court ruling (*Chamber of Commerce* v. *Brown*) that struck down California's law that prohibited private companies who received state contracts of over $10,000 from arguing against unionization — in effect, eliminating those companies' right to free speech. The court held that only the federal government has the power to do that. So count on a push in Congress to force such laws upon the states.

But the real centerpiece of the Big Labor agenda is elimination of the right to secret balloting in votes to unionize workplaces, a right currently protected by federal law.

Big Labor has already set up a propaganda machine called "American Rights at Work," which has already spent $3 million on an ad blitz called "Hope and Change," using President Obama's trademark slogans. Playing the class-warfare card, the ads feature workers saying that they aren't CEOs, and they deserve more money and free health care. These ads are clearly aimed at bolstering Obama's push for a national health service.

The propaganda machine is ready to start the campaign for the Orwellian-named "Employee Free Choice Act," which will eliminate secret ballots and substitute the infamous card-check system. Under card-check, employees are confronted by union organizers and publicly asked to sign a card authorizing

the unionization of their worksite. If the majority of workers sign the cards, the workforce is automatically unionized.

Of course, the reason that unions are desperate for this legislation is that only 12.4% of workers are now in unions, and the unions want to make that figure much closer to 100%. By forcing workers to vote publicly, they know that they can easily intimidate them. If you don't sign, you had better watch your back. And if we win, we will control the workplace, and we will retaliate against you seven ways from Sunday.

Walking the point for this legislation are Sen. Tom Harkin (D-IA) and Rep. George Miller (D-CA). They will be joined by Hilda Solis, Obama's choice for labor secretary, who survived her husband's tax scandals and won confirmation. Solis was treasurer and a member of the board of American Rights at Work, and was a cosponsor of the card-check bill when she was in Congress.

On February 4, hundreds of union activists demonstrated on Capitol Hill for the card-check bill, presenting to Congress a million signatures of supporters. Harkin and Miller rallied the crowd. As for Obama, that America's first African-American president should be instrumental in taking away the voting rights of millions of hard-working citizens is as despicable as it is ironic.

A couple of organizations have stepped up to fight the union power-grab. One is the Workforce Fairness Institute, which has mounted a website to collect petitions against the card-check bill to present to Congress. The other is Save Our Secret Ballot, which is organizing at the state level to write guarantees for secret ballots into state constitutions.

One can only hope that they succeed, but given the unions' total control of this government, it will be an uphill fight.

— Gary Jason

Gutenberg's decline — The old-fashioned print media — books, magazines, newspapers: all passe. The pundits, from their TV pedestals, have announced the death of reading. It's the internet, they say. Or the movies, the TV, maybe.

But a more comprehensive explanation would include the idea that decades ago only the written word and the reality of life itself portrayed our time on earth and all its bittersweet components. Death, love, envy, cupidity, lust, success could only be experienced in the pages of a book, in your imagination, or in reality.

A few decades back, if you wanted to see beloved Uncle Jack pass away and share the emotional throbs of his loved ones, you could read about it. Or suffer it. Want to see Galahad parry and thrust with evil? Read a book. Want to see goodness shine and change a crummy world? Read a book. Want to see Guinevere in the arms of Lancelot? Read a book. But who needs books now? I can see it, hear it, with no exertion of mental image-making. And the entire world is my stage.

Formerly, there was nowhere, except in books, where we received the vicarious depiction of life's joys, sorrows, and in-betweens. And only rare lives played out on a huge stage could boast such drama in reality. How many readers in 1882 had crossed swords with a foe, found a buried treasure, dodged the flaming breath of a dragon? Not to mention lying beside Princess Matilda and caressing her snow-white limbs.

Ah, the movies were the first trespassers on reality. They wrecked the spell of those rectangles of bound pages. Then TV. Every emotion, every cycle of life, every incidental flick of life's pen was drawn 10,000 times in a single TV series.

Well, today these and 10,000 other experiences are on TCM, NBC, and ABC all day long. You're bored silly with deadly contests, verbal battles, life-changing decisions, the making of love, birth, and death — all the flickering faces of life. If you want to know the height of the Andes at the Uspallata Pass, ignore your ten-pound tome and punch up Google. Books no longer are the monopolists of life and knowledge. The internet — and TV and electronic mines of knowledge yet to be imagined — deliver the coup de grace to books.

However, now that I have said all this, allow this crusty curmudgeon to admit that the Encyclopedia Britannica — if I walk into the den, find the volume, extract it from the bookshelf, walk it to the table, and look up "Andes" — does a better job than Wikipedia. But come to think of it, Britannica's on the web, too. Technology in general has emptied our bookshelves.

— Ted Roberts

Ratings wars — The latest ratings of presidential greatness (WCBSTV.com, Feb. 16, 2009) tells us more about the priorities of historians than they do about the presidents. In a survey organized by C-SPAN, the following were rated as the greatest presidents: Lincoln, Washington, Franklin Roosevelt, Theodore Roosevelt, and Harry Truman.

There is merit to the high rating for Washington. As to the others, they include a president who did nothing to stop lynching, needlessly prolonged the Great Depression, sent a shipful of Jewish refugees back to their doom in Germany. They include another president who fried thousands of Japanese babies (thus violating all the dominant theories of just war). They include a president who shredded the ancient constitutional right of habeas corpus. Finally, they include a president who openly defended war and imperialism. Between them, they brought the United States into three major wars that resulted in over a million American deaths.

Rated by the historians in the "worst" category is, you guessed it, Warren G. Harding: a president who successfully promoted economic prosperity, cut taxes, balanced the budget, reduced the national debt, released all of his predecessor's political prisoners, supported antilynching legislation, and instituted the most substantial naval arms reduction agreement in world history. Go figure.

— David Beito

Conversion experience — In a grand concession to the stupid, Congress bumped the deadline for the transition from analog to digital TV from February 17 to June 12. I was really disappointed, because I wanted those annoying commercials off the air. I couldn't believe that there was one single American left that didn't know he needed a converter box if he watched TV over an antenna. (I can hardly believe there is one American left who still gets his TV signal from an antenna.)

This means we're going to have to sit through another four months of the deadline commercials. Here's an idea. How about you just make the switch, and people who see their television sets go blank will go to the store and ask someone what happened? Or they'll call their grandkids. (I can't tell you how many times I've had to reset my mother's set, because she tried to watch a DVD and now the TV doesn't work

anymore.) Leave the rest of us alone!

Meanwhile, Congress allocated another 650 *million* dollars for more $40 converter box coupons. I'm not sure what this will do, other than raising the cost of converter boxes 40 bucks, since the units (which cost about a buck to make in China) are now going to be inflated 40 bucks beyond their worth (see: Econ 101). I wish the FCC was as concerned about the lack of economic knowledge in this country as they are about the stupid digital changeover. Because essentially we're shipping 2 billion tax dollars off to China, so they can buy $2 million of T-bills.

But there is something wrong with the math here: we have now spent over $1.4 billion on those coupons. That means there should be 35 million converter boxes out there. That means there should be boxes in one out of three households already. Yet in the "stimulus" bill, there is enough money for another 17 million boxes. That means close to half of American households will soon have converter boxes — and I don't know anyone with an antenna and an analog set. It seems that the TV conversion program has morphed into another one of those federal programs, like the Rural Electrification Act, that will live a century past its stated goal. I wonder what kind of holographic display we'll be watching when the converter box program is finally closed down?

— Tim Slagle

Nuclear future — In a prior Reflection ("Nuketoberfest," October 2008) I noted that Germany, long a stronghold for Green thinking, has begun to rethink nuclear power. To placate the Green Party, Chancellor Merkel had agreed to shut down all Germany's nukes by 2021. But the soaring price of energy, and the growing Soviet — oops! Russian — use of natural gas and oil as a geopolitical weapon to reclaim a former empire has made many in Merkel's government rethink that commitment.

A recent piece in The Wall Street Journal (Feb. 6) shows that the reevaluation is spreading. Sweden has announced that it is planning to rescind the ban on new nuclear power plants that it enacted in 1980, right after the Three Mile Island accident. At that time it had ten plants, which still supply nearly half the country's electric power. According to a bill that the government will shortly introduce in parliament, the plan to close nuclear plants will be replaced by a plan to keep the ones Sweden has and build new ones.

One motive, of course, is continuing fears of global warming. Nuclear plants emit almost no greenhouse gases. And the recent do-wop between Russia and Ukraine, which interrupted supplies of natural gas throughout Eastern Europe during a frigid winter, concentrated European minds wonderfully.

Indeed, that interruption prompted Slovakia to announce that it would reopen an old Soviet-design reactor that it had closed when it joined the EU. It backed off from the decision when Russian gas started flowing again, but it is just a matter of time before Slovakia builds nuclear plants.

Other European countries are warming to nuclear power again. Bulgaria is seeking to reopen two obsolete nukes. Italy, which banned nuclear power in 1987 after Chernobyl, has moved to end the ban. The U.K. gave the green light last year for a new generation of nukes to replace its aging plants. And

News You May Have Missed

Feds Call It Quits

WASHINGTON — The federal government went out of business Tuesday, after former President Obama revealed that it was losing money hand over fist, with costs far outstripping profits. All federal employees, including Obama and Vice President Biden, were told to clean out their desks and were sent home at noon Tuesday, except for the nine justices of the Supreme Court, since nobody was sure who was authorized to present them with pink slips. The problem was solved when the court itself, in a controversial 5–4 decision, voted to knock off work early and head for a nearby strip club. Then, in a unanimous decision early Wednesday morning, the justices declared themselves unconstitutional, which meant that they didn't have to get out of bed.

Many leftover government programs were marked 50–75% off, but there were few takers despite the huge "Going Out of Business Sale" banners in windows along the Mall. "I mean, who wants a used Earmark, or an unwieldy Teen Pregnancy Prevention program that doesn't even work when you plug it in?" said shopper Page Turner as she ignored the crates of pungent pork and the clutter of clunky, obsolete initiatives and headed home empty-handed, passing newly dismissed government employees huddled against walls with signs saying "Will Pretend to Work for Food."

Congress, which had dug itself into a deep hole with unaffordable new spending bills, tried to recoup some of its losses by designating the hole Budget Deficit National Park. Taxpayers and other sightseers were encouraged to make a wish and throw a few coins, or their entire life savings, into the scenic, apparently bottomless abyss, but it had to be closed after several visitors threw themselves in instead. They had apparently looked at their 401(k) plans.

An initial attempt to outsource all federal jobs to Bangalore broke down when no Indian workers could be found to take over such positions as Associate Assistant to the Temporary Subassistant to the Accounts Supervisor of the Case Manager of the Headache Division of the Department of Health and Human Services, or the Certified Public Clown at the Office of Management and Budget, even for wages as high as $2.25 an hour. An attractive 19-year-old woman with limited English named Macharandee Rupeesari was believed to be in Moscow for talks with Vladimir Putin, after Secretary of State Hillary Clinton was let go.

Economist Flagrante Delicto of the now-disbanded Council of Economic Improvisors believes that the government went broke because printing money costs too much. Ex-Secretary of the Ex-Treasury Tim Geithner has admitted that the American government was losing money on every dollar it printed (much like Detroit companies on their cars). The cost of paper and ink, plus labor (including that of the artist who draws George Washington on each and every bill), plus distribution has meant that the average one-dollar bill costs the government approximately $286,357.16 to manufacture. But Geithner argued that it was necessary to keep printing currency so that there would be enough on hand to meet the demands of the staff at the U.S. Mint, who were refusing to make more money unless they made more money. — Eric Kenning

Poland, rightly fearing a resurgent Russia, has announced that it will build its first nuclear plant.

Of course, we in America are now ruled by President Obama, who has made it clear that he wants wind power, not nuclear. He is Jimmy Carter *redivivus*. — Gary Jason

Court-ordered jubilee — The statists on Capitol Hill are hiding much mischief within the president's "stimulus package" and behind more general calls for the federal government to "do something" about the current recession.

House Judiciary Chairman John Conyers' mortgage modification bill is one such bit of mischief, an especially nasty piece of work. To simplify it some, it allows bankruptcy judges to modify home mortgages, adjusting both the interest rate and principal amount of a loan. Hello, moral hazard!

Responsible homeowners around the nation are complaining, rightly, that these adjustments will be a windfall for foolish borrowers and a big loss for lenders, a loss that will be transferred to all taxpayers by the various bailout programs.

Approximately 800,000 households in the United States filed for bankruptcy in 2007. The number climbed to just under one million in 2008. At these levels, according to one bankruptcy judge, the system was "swamped." Under Conyers' plan, things would get much swampier. About 5 million U.S. homeowners have fallen behind in their mortgage payments; and more than 12 million are "underwater" on their homes. If mortgage modification includes reducing the principal amounts of loans, these millions will have a strong incentive to file for bankruptcy. And if half of the 12 million have negative equity of $50,000 in their properties, Rep. Conyers will have added $300 billion to the current crisis. Those additional losses will surely scare lenders away from the mortgage markets and drive housing prices down even more.

Adjusting the interest rates on pricey home loans is bad. Adjusting the principle amounts on those loans is disastrous. If either Congress or the president has any sense, at least that part will be cut out of the Conyers bill.

Here's the important thing to remember when you hear that someone is underwater on his home mortgage: that only matters if he intends to sell or refinance the house right now. If he stays put, the current market value of the house doesn't matter. All he needs to do is keep making his mortgage payments and wait for a better market to sell or refi.

But Conyers' bill gives that homeowner an incentive to use bankruptcy as a government-subsidized refi. He may owe more on his house than it's worth because he refinanced or took out a home-equity line (or did both . . . multiple times) to buy consumer goods — cars, electronics, vacations, clothes — that he couldn't otherwise afford. If he files for bankruptcy, he can ask a judge to wipe out the debt he took on to buy those things. Then, if he makes payments for five years and the housing market recovers, he can sell the property and keep any profit. Good for him. Bad for the rest of us. — Jim Walsh

Phonocracy — According to a February Rasmussen Report: "44% of voters . . . think a group of people selected at random from the phone book would do a better job addressing the nation's problems than the current Congress, but 37% disagree. Twenty percent are undecided."

I'm not surprised by the large plurality of people who think that random appointments would be better than the current system. On this point, the survey is likely correct.

I am shocked, however, by the 20% who are undecided. One in five people are actually undecided about whether random choices from the phone book are better than holding elections to fill seats in Congress? What does it even mean to be undecided on a question like this?

"Hmmm . . . random people chosen from the phone book versus our actual elected officials; gee, that's a tough one. I guess it might depend on the phone book. Are we talking, like, the Manhattan and Boston phone books, or randomly sampling all phone books throughout the nation? How is the sample made? Are we talking dartboards, or is there a pseudo-random number generator? What about people who have unlisted numbers or have only cellphones? I think it's wrong not to include them. Sex offenders and felons are listed in phone books . . . oh, wait, we already have some of them in Congress, so I guess that's not a problem. You know, there are a lot of undefined variables here . . . I guess I'd have to say I'm undecided." — Ross Levatter

As ye reap . . . — You've heard, in various forms, the idea that "civilization is measured by the way it treats the poor." But this also needs to be said: civilization is measured by the way the poor treat it.

An Associated Press report, February 26: "Three and a half years after Hurricane Katrina, the National Guard is pulling the last of its troops out of New Orleans this weekend, leaving behind a city still desperate and dangerous." Reason for the Guard's withdrawal is said to be a shortfall in Louisiana's budget.

One resident of New Orleans said, "This is still a spooky place after dark." Another said, "People would put the things to rebuild in their houses and thieves would come along and take them right out again." In 2007, New Orleans was "the murder capital of America." The rate was almost as high in 2008.

Three and a half years. — Stephen Cox

Afghan again — If there is anything encouraging about the fact that the Obama administration has committed 17,000 more troops to the desultory war in Afghanistan, it is that various administration spokesmen have said that the purpose of the additional troops at this point is to stabilize things in Afghanistan (where the various insurgents are getting more active as the snows melt), while the administration does a thorough reassessment of the situation to come up with a new strategy.

If it really is a thorough reassessment, things might not be so bad. I talked recently with George Friedman, CEO of Stratfor.com, a thoroughly "realist" outfit, about a piece he did suggesting a nonmilitary approach to Afghanistan. He pointed out that the real strategic interest of the United States in Afghanistan is to be sure that al Qaeda is not using the country as a base from which to plan or execute further attacks on the United States or Europe. Whether the country is ruled by Hamid Karzai, the Taliban, or somebody else is of not strategic interest to us, so long as al Qaeda is denied a base of operations there.

That goal has actually been accomplished as of now, given that al Qaeda, to the best of our knowledge, is holed up in the Pakistani mountains along the border with Afghanistan, and

its operational ability is considerably less than it was before 9/11. So the thing to do is to pull the U.S. and NATO military forces out and inform whoever rules – nominally, given that Afghanistan has seldom had an effective central government and doesn't seem to want one – that if we detect any al Qaeda operations in Afghanistan, we will take them out, perhaps after giving the government five minutes' notice or so. Then focus on al Qaeda in Pakistan, with intelligence activities and maybe a Special Forces operation from time to time as appropriate.

The thing to remember is that from an Afghan perspective, the Taliban is indigenous and will be around for the duration. Al Qaeda consists largely of foreign fighters, foreign both to Afghanistan and Pakistan. Pakistan's shaky government is facing an indigenous insurgency as well, and since it has nukes the situation is worth paying attention to. While al Qaeda may be contributing to that problem for Pakistan, the core U.S. interest is containing it so that it has trouble operating internationally. That should be doable, and probably more doable without a significant U.S. military presence in the region than with one. — Alan Bock

Caste away — Over the past decade, India has been making amazing economic gains, as it has begun to shed its quasi-socialist economic system. Its growth rate hit almost 9% per year over the last four years before the global recession. Also amazing is the fact that this world-historic economic transformation has typically been overlooked in the American press, which is generally focused on China. But I suspect that the future looks brighter for India than it does for China, for several reasons, reasons owing in great part to India's cultural legacy from Britain.

First, China has an increasingly aging population, because of its aggressive — nay, fascistic — population control program. Under this "one-child" program, parents face draconian measures (including forced abortion) if they try to have a second child. This has led, in particular, to many female fetuses being aborted. An unintended consequence of the one-child program is that a large number of Chinese men will in the future never find mates — bad for them, but perhaps good for the People's Liberation Army.

However, India has a youthful population, thanks primarily to its generally democratic political system, a legacy of British rule. India has a culture supportive of reproduction, and its democracy makes a Chinese-style authoritarian population-control program hard to enact or enforce.

The resulting demographic figures are astounding. One-third of India is under 15 years of age, and over the next five years, India will contribute one-fourth of all the world's new workers. By contrast, China's working-age population as a percentage of the general population will shrink from over 67% today to about 57% by mid-century.

Second, in India, English is spoken widely, again as a legacy of its colonial past. This puts India in a great position to take advantage of the transformation of the world's economy from industrial- to knowledge-based enterprise. Manufacturing jobs are being lost even in China. The future belongs to the brain, not the hands. But high-end service work is increasing rapidly in India.

Third, because India is a democracy, other countries are more likely to welcome it as a trading partner. If we don't need to worry about a trade surplus being used to fuel a military machine that is aimed at our destruction, we can be more accepting of it.

Fourth, India has a legal system surprisingly similar to ours, because both our systems are grounded in the British legal system. As an article in The Wall Street Journal reports, this has led to a surprising new type of outsourcing. Indian lawyers are now busily doing work for Wall Street banks, now inundated in a flood of lawsuits filed by victims of the subprime mortgage meltdown.

The high cost of American legal talent and the increasing prevalence of Indian legal talent mean that it is increasingly cost-effective for companies to contract out routine legal work (document review, due diligence, research) to Indian firms. The cost savings is considerable: American lawyers typically charge $200 per hour, compared to $75–$100 per hour charged by Indian lawyers. Indian legal firms such as Pangea3 and Computer Patent Annuities are growing rapidly, and the type of work they are taking on is increasing in sophistication.

An unintended but favorable consequence of India's rapid growth is that it is helping to eliminate the deeply ingrained caste system. One thing about the free-market system that infuriates its enemies but often escapes its defenders is its power to sweep away traditional hierarchies. The same creative destruction that sweeps away old industries sweeps away old elites. Because India's economy is expanding and wages are rising, members of the lowest castes are able to send their children to school, where along with useful facts they discover the revolutionary idea that they are as good as anyone else.

Moreover, new sectors of the economy are opening up, such as insurance, travel, and the burgeoning distribution and retail sectors, which are freer than the traditionally upper-caste dominated IT and medical sectors from the heavy hand of India's still statist government — another, but less advantageous, legacy of British rule.

The children of the Dalits (the "untouchables," the caste that was locked into the most menial and despised jobs) can now move up the economic ladder.

It is easy to see the downside of capitalism's creative destruction, especially if you are a member of the elites that are challenged or dispossessed by "lower" classes moving upwards. But rapid economic mobility serves as an effective instrument for battering down unjust social barriers — a feature that creates enemies for capitalism on both the Left and the Right.

India still faces formidable problems: massive poverty, an educational system plagued by inefficiency, endemic corruption, and so on. But we should keep in mind that no system is free from difficulties. The Chinese economy has boomed for well over a decade, despite the heavy hand of an authoritarian regime, and massive human rights abuses. Our own country is hardly an ideal Misesian-Hayekian paradise. Yet as India continues to liberalize its economic system, its resulting prosperity will help eliminate ethnic and caste frictions. There is cause for optimism. — Gary Jason

The new conformity — Since an architect was the hero of an Ayn Rand novel, "The Fountainhead," that has

been forever in print, why don't I know any Randian architects? Or any architects whose politics are anything other than moderately liberal? Likewise any therapists, whether psycho- or physical?

I once swam at NYU with a post-doc untenured university professor whose politics were decidedly conservative. He was last heard teaching in the Turkish interior. (No joke.)

My simple answer is that these people depend on pleasing their bosses and customers and thus feel they must bite their tongues before saying anything that might offend too many of their benefactors. When I passed through my teenage years we spoke of the Age of Conformity, which I feel has come around again 50 years later, albeit with mostly different pieties. That explains why Rand remains relevant and, more specifically, why her books continue to sell so well.

— Richard Kostelanetz

Verbally handicapped — According to the Seattle Times: "The term 'mental retardation' would no longer be used in new state laws, under a bill that has passed the state House." From now on, people who fall under that category will have an "intellectual disability." As I mentioned on these pages in the past (Reflections, October 2008) it doesn't really matter what you call the mentally disabled, it will always become an insult, and eventually need to be replaced again.

As we work our way up the intellectual ladder, trying to find a label for the retarded that won't make them feel retarded, we will eventually run out of options. Some day we might find ourselves using the term "Rhodes Scholars" to address the mentally challenged.

On second thought, some of us already have. — Tim Slagle

The many faces of herding — The current recession is only one among many examples of herding — following the crowd, jumping on bandwagons, getting swept up in mass psychology.

Each of us gets only a tiny fraction of our knowledge from direct personal experience. Most of it necessarily comes from other people, with their enthusiasms and fears. Many people join in a speculative boom, as for tulip bulbs in 17th-century Holland, or dotcom stocks in the recent history of the United States, not because they themselves grasp underlying fundamentals but because they assume that the supposed professionals know what they are doing.

The collapse of a mania for profit on houses triggered the current recession. Arguably, that mania can be traced to irresponsible government promotion of housing credit in many ways and over many decades, and more recently to credit from excessively easy Federal Reserve policy. The bursting of the bubble impinged on a financial system already rendered fragile by two types of contagion.

The first, which we might call "structural," involves multiple tiers of securities and derivatives based on other securities based ultimately on mortgage and other debt, as well as the financial leverage so sought. But a second, closely related type is largely psychological: actual or rumored losses of some firms devalue others, which are holding their debt, throwing some into bankruptcy, intensifying a general panic, and driving investors into supposedly safe assets (such as U.S. government securities).

Even today the U.S. economy remains "fundamentally strong" in the sense that productive capacity survives, along with willing workers and creative entrepreneurs. Millions of consumers would eagerly spend money if only they could be confident of jobs, while thousands of companies would hire or retain workers if only they could count on selling their products. Desires to trade work and products for one another remain strong, but discoordination keeps these desires from meshing.

The financial structure is a large part of the difficulty, certainly, but so is an atmosphere of apprehension and fear, emphasized by a bearish stock market. Gloom pervades the media; for, in contrast with routine prosperity, bad news is, well, news. The president keeps threatening "catastrophe" unless he gets his way on legislation. (As H.L. Mencken used to explain, politicians thrive on promising salvation to a terrorized public.) Businesses and consumers alike hesitate to spend money, prudently from their individual points of view, yet intensifying each others' distress. Measures to "stimulate" spending seem plausible in the short run; yet paradoxically, a record of profligacy and debt by both the public and the government forms the long-run background of our woes.

Bringing pop psychology into diagnosing economic trouble may seem lowbrow and imprecise. It lacks the cachet of high-powered abstract theory and mathematical models. What does one do, though, if psychology really belongs in the story?

Furthermore, "behavioral economics" is now gaining adherents and academic respectability. That new field recognizes how decision makers depart from the hyperrationality postulated by standard theory, and depart in ways that may be explained by natural selection operating on the human race many millennia ago.

As I suggested at the start, herding and bandwagon effects are not confined to strictly economic affairs. Politicians and ignorant celebrities and even energy companies echo politically correct alarm over global warming to the point where the rest of us can hardly know what to believe as solid science. Many scientists accept grant money that they would hardly receive if they expressed doubt over the very phenomenon to be investigated. Auburn University recently announced that an entomologist who specializes in butterflies has received a grant to study the impact of global warming on butterflies.

Being politically correct, the university has an Office of Sustainability to reinforce pressures on people to change their behavior. Dormitories are pushed to compete on cutting consumption of water and electricity and who knows what else. Also following fashion, the university has an Office of Diversity and Multicultural Affairs.

The War on Drugs as waged so far is lost. I do, however, applaud warning teenagers, honestly and emphatically, about the dangers of drugs. Still, I am squeamish about an approach being taken here in Auburn. Retailers are urged (pressured?) to issue discount cards to teenagers who take a pledge to abstain from drugs and submit to random testing. Doesn't that carry intrusiveness and presumptuousness too far?

But one thing is certain: anyone who tries to explain contemporary events, and neglects the importance of herding and bandwagon effects, theorizes at his own peril.

— Leland Yeager

Ink by the thimble — Newspapers are dying like flies. The Rocky Mountain News folded, the Miami Herald and the San Francisco Chronicle are on the auction block, and the Tribune Company and the Philadelphia Inquirer went bankrupt. Here in Raleigh our News and Observer gets smaller and smaller — on March 1, it cut its comics from six pages to four.

We are beginning to hear recriminations, as if this were the fault of the newspapers, in the same way in which the collapse of the American automakers can be traced to the companies themselves. In Howard Kurtz's gloomy Washington Post article (March 1) lamenting the decline of the industry, Nicholas Lemann, dean of Columbia University's journalism school, says that the newspapers made a big mistake in offering their content free online. Jeff Jarvis, a former newspaperman, now a blogger, asks in the same story, "Why didn't we take more aggressive action and use the power of our megaphone to promote the product and change the organization?"

Okay, newspapers made mistakes, but this is a tsunami, not a suicide. The Big Three automakers self-destructed with their high costs, but newspapers are up against a massive new technology. Just as the automobile reduced carriages and horses to a niche market; the internet is transforming demand and supply.

We also hear the alarm that society is going to suffer because no one will report on the difficult, important stories. "In a world where all content is free, original newsgathering doesn't happen," Lemann told Kurtz.

This is arrogance. If there's a demand for those stories, they will be written. Some people are going to figure out new internet-based business models. If I may say so, nonprofit organizations such as the one I head may have a role. The Pope Center currently produces three new articles a week about higher education — serious, journalistic articles, not just blog postings.

The John Locke Foundation, a thinktank in North Carolina with which we are loosely affiliated, publishes a monthly newspaper, the Carolina Journal (print and online), which is known for its investigative reporting. This is the paper that revealed presidential candidate John Edwards' 28,000-square-foot new house, at a time when he was best known for empathizing with the poor.

And the Tennessee Center for Policy Research, another nonprofit, revealed that Al "Inconvenient Truth" Gore spent nearly $30,000 for electricity and natural gas at his Tennessee home in 2006.

Believe me, I am sorry to see the newspapers go. I hope that the print version of the News and Observer hangs on and that it continues to be delivered to my door. And I'm sorry for the reporters who are going to have to do something else.

But journalism isn't dead. It may even get better.

— Jane S. Shaw

Calling them out — I recently had an unpleasant experience, arising from a column I penned for a local newspaper, a column that was somewhat critical of our new president. I had written that I felt he was hypocritical for calling for more taxation, while nominating a man to head the Department of Treasury who had (in my humble opinion) evaded taxes.

The result was a person calling my employer — the head of the department for which I am an adjunct professor — demanding my termination for spreading "nutcase, rightwing propaganda" directed at our Dear Leader. I was called in to explain my article — an unpleasant situation for an instructor who is unprotected by tenure. Since the McCarthyite didn't feel confident enough to contact me personally, I couldn't speak to him directly, so I thought I would put some thoughts into writing.

The idea that anyone objecting to any of President Obama's appointments, policies, or proposals is disloyal — even unpatriotic — has become widespread in our political culture. I don't recall that criticism of Bush was widely regarded as disloyal. Indeed, criticism of our former president was nearly universal in Washington. Yet today, those of us who have questioned Obama in any way are told, sternly, that we must "give him a chance." The mantra here is, "Don't you want him to succeed?"

Now, I confess a certain amusement at the thought that a man who was able to raise the better part of a billion bucks for his campaign, so as to outspend his opponent two-to-one in the general election, received slavish coverage by a fawning press, and won a complete victory (including complete control of Congress), needs much of a chance.

But I am piqued by the question about whether I want him to succeed. The problem here is really a logical one — namely, an equivocation involving the description of goals. When people put the question, "Don't you want Obama to succeed?" they are deliberately playing on an ambiguity. Specifically, when somebody does something, he often has both immediate and ultimate goals, which can be quite different. This makes the question of whether you want someone to succeed ambiguous: succeed at what, exactly?

Consider the grotesque legislation that Obama is currently trying to push through Congress. I take him to be a well-meaning man, so let's agree that his ultimate goal is to revive the economy. Do I want him to succeed in that goal? Of course. I, too, am a well-meaning person. But his immediate goal is the passage of enormous, poorly thought-out spending legislation, loaded with pork, which will require either massive tax increases or enormous deficits, leading inevitably to high inflation. That immediate goal, his method, is what I don't agree with, and it is that at which I hope he fails.

This idea — that you can share someone's ultimate goal and so hope that he reaches it, but oppose his method (because you think it will fail or worse) and so hope that he fails in that respect, is surely obvious. It should be obvious even to those on the Left who are, for example, bitterly denouncing Rush Limbaugh for saying he hopes Obama fails. They all know exactly what Limbaugh meant.

After all, those who attack Limbaugh (and attack any other critics of Obama too) were the same people who said, when Bush was asking Congress for authority to invade Iraq, that while they shared the goal of keeping America safe from terrorism, they opposed invading Iraq because they thought it was a counterproductive way to achieve that ultimate goal.

I'll take the thought a step further. Since all Americans share the basic goals of safety and prosperity for the nation, loyalty doesn't just permit, it demands, that if we see someone using a method to achieve those goals that we feel strongly

is exactly the wrong one to use, we should say so loudly and publicly. — Gary Jason

Change you can believe in — Barack Obama promised us change, and less than two months after his inauguration it can be seen he was as good as his word. Our budget, already historically high under the profligate spending of the Bush administration, has skyrocketed. His 2009 deficit is, in just one year, even after accounting for inflation, barely less than the combined deficits for the six years it took to fight World War II.

Can't say that isn't change. Change is difficult, so the psychiatrists tell us, but Obama makes it seem easy. Deficits as far as the eye can see, reaching the point where foreign concerns over U.S. default on treasury bills become a growing concern? Yes, we can.

I'm guessing that when this is all over, change is all we'll have, and that only if buddy can spare a dime.

— Ross Levatter

Fit for the gods — The way Cairo has been creeping up on Giza, the time has arrived when you can sit in a Pizza Hut and gaze out on the Sphinx and all three pyramids while munching multi-grained pizza crust topped with anchovies and garlic and olives. It's a pretty good view from that window, although you can't see everything. The hole in Menkaure's pyramid modestly faces away from you.

The hole dates back to the 12th century when one Malek Abd al-Aziz Othman ben Yusuf set out to demolish the pyramids — presumably because they were built for the wrong gods.

Divinely ordained as the project may have been, it didn't go well. M.A.a-A.O.b. Yusuf started on Menkaure's pyramid because it was the smallest, and kept a crew on the job for eight months. But the most the crew was able to work loose was two stones a day. When ben Yusuf gave up, he left a hole as empty as his religious sensibilities.

The Pizza Hut in Giza is just the kind of thing I imagine a modern-day ben Yusuf might want to dismantle, although ridding the world of pizza is going to be a lot more difficult than he might suppose.

When you think about it, the people who heaved the stones up into the pyramids didn't just hop the Metro back to Cairo when it got too dark to work. They bedded down in workers' villages right there on the Giza plateau, on the very spot where the Pizza Hut is today. And, I'm pretty sure, they ate a lot of unleavened bread topped with olives, garlic, and salted Nile perch. And washed it down with good fourth-dynasty beer.

Things have picked up since Menkaure's day. Today, anybody with a few Egyptian pounds can go out to Giza and enjoy a meal as enduring as the pyramids, while looking out on some of the most remarkable handiwork of all time — through a window marked with the words tuH azziP.

— Bill Merritt

Obamanomics — If anybody had a notion that Obama was going to govern "from the center" rather than from the Left, as some of the early appointments and much of the president's rhetoric indicated (to the hopeful as well as the disappointed), it was blown out of the water by his massive $3.55 trillion budget proposal. The "stimulus" bill, with its pork and spending projects, was an early indicator, but a case could be made that this was largely the work of Nancy Pelosi and the Democrat-controlled Congress, which threw in just about everything on the Democrats' wish list for the last several years. But the budget suggests, as both the Washington Post and The New York Times noted, an effort to create an ideological shift in the country on an order of magnitude similar to what Reagan is said to have accomplished in the 1980s. At various times during the campaign, Obama talked about the importance of markets as the ultimate wealth-generators, but the budget indicates that he believes the key to the good society is that the economy is not just prodded but led by large-scale government programs and initiatives.

Putting grand ideas into the form of budgets has a way of concentrating the attention and inducing a certain realism. The happy talk about getting millions more into some kind of government-provided health care, while getting enough efficiencies in the process to bring the total cost down, is belied by the fact that the budget includes some $680 billion over ten years as a "down payment" on a more comprehensive approach.

The EPA, newly empowered to treat CO2 as a pollutant, will have its budget increased by 34%. The foreign aid budget is to be doubled. And there's a $250 billion TARP "reserve fund" that's actually $750 billion; it gets to $250 billion when one assumes that the government will be able to resell "toxic assets" to the tune of $500 billion, probably an unrealistic assumption.

The notion that all of this can be funded by increasing income taxes on "the rich," who make more than $250,000 a year, by 4 to 7% (depending on how you calculate the reduction in the amount they can claim for charitable contributions and the like) is the stuff of fantasy, of course. The real kicker is the cap-and-trade energy scheme, which is designed to raise the cost of energy so that "alternative" energy isn't all that much more expensive. This will hit the pocketbooks of rich, middle-class and poor alike (with the impact felt disproportionately by the poor, of course) and raise oodles of money for the government.

I think there will be resistance — will we hear from the Blue Dogs? — but you can't deny that this is an ambitious budget, intended to change the nature of political debate for decades. — Alan Bock

House rules — We can get a sense of how the Democrats will use their absolute power by reflecting on a recent development that has been passed over in silence by the mainstream media.

House Speaker Pelosi has recently rewritten the House rules to minimize the ability of the Republican minority to influence legislation. Under her new rules, Republicans will be unable to offer alternative bills or even have serious debate with motions to recommit legislation — that is, to send bills back to the committees that approved them with recommendations for new amendments.

In the past, minority party members could use that tactic to delay or even halt a bill. The Democrats used it when the Republicans were in power, and the Republicans used it when the Democrats were in power. But the new rules allow the House to reconsider bills almost immediately, blunting the

former power by restricting motions.

Pelosi has also reversed the rules that Newt Gingrich crafted in 1995, designed to open up the legislative process. Those rules opened House committee meetings to public scrutiny, imposed term limits on committee chairs, guaranteed minority party rights to amend legislation, and included other measures aimed at transparency.

Those rules are now gone. Pelosi's preference is obviously for opacity, not to mention unchecked power for the majority party — as long as it is hers. — Gary Jason

My gun is my car — Whenever an antigun advocate tells me how many people are killed by guns, I necessarily remind him that automobiles kill many more and that the AAA is the NRA waving a different flag. Would he want to ban autos? Of course not, he replies, because he uses them. Didn't Thomas Sowell somewhere mock do-gooders who want to ban boxing, even though blacks become millionaires from the sport, but can't accept statistics about skiing being more dangerous, because do-gooders ski?

Since I don't own a car, I wouldn't lose much if they vanished. In New York City, public transportation can get me almost everywhere. So I celebrate the great discovery of 2008 by people around the world that they can survive quite well, thank you, without purchasing new cars. The economic downtown rationalizes this new sentiment, one that may persist when the economy revives. The deadly car problem is vulnerable to an economic solution, wholly without any changes in the law; and that's how it should be.

But I do find it hard to imagine a time when someone socially vulnerable wouldn't want to own a gun.

— Richard Kostelanetz

Two-ply — Greenpeace recently issued a guide to which toilet papers were best for the environment. Strangely, the soft brands most preferred by Americans were the hardest on the environment. They suggest that Americans switch to recycled paper.

Perhaps we could start with the ICCC report?

— Tim Slagle

Mock heroic — On February 16, after approximately two weeks of investigation — read: two weeks of getting international coverage for himself — Richland County, SC Sheriff Leon Lott announced that he would not be charging Olympic swimmer Michael Phelps for smoking pot at a party in Columbia, SC, last November.

Lott *did* manage to arrest eight other people connected with the party, all but one on simple possession of small amounts of marijuana found during raids on their homes. Phelps' home was never raided. A single charge of distribution of marijuana was filed as well. So eight peaceful people have their lives torn up because a British tabloid ran a cellphone photo of a famous person taking a bong hit at a party.

Sheriff Lott said of the Olympic swimmer, "Michael Phelps is truly an American hero." It seems to me — someone who admires Phelps and is not at all concerned that he might have won even more than 14 gold metals if only he had not occasionally inhaled the Devil Weed — that in addition to his other obvious limitations, Sheriff Lott has a poor understanding of the English language. Michael Phelps is not a hero. He is an athlete, and an excellent one.

Heroes are different: they show valor in the face of oppression, they strive for justice against overwhelming odds, they work for freedom against tyranny. They are people like Harriet Tubman, who before the Civil War took 18 trips on the underground railroad, risking her own liberty to free over 300 slaves. Lott would have felt compelled to arrest her for violating the Fugitive Slave law.

Heroes are people like Oskar Schindler, who kept over a thousand German Jews from Hitler's death camps, although if Lott were a German constable at the time, he no doubt would have felt the need to arrest him because of the bribes and black market purchases — all illegal — with which he depleted his fortune, trying to save his employees' lives.

Heroes are people like the men and women, black and white, who violated Jim Crow laws and were arrested by Leon Lott's Southern brethren. Heroes are people like the gay men who at last stood up to thugs in police uniforms at the Stonewall Inn in Greenwich Village, refusing to accept second-class citizenship from people who, like Lott, and like the German officers tried at Nuremberg, were just following orders, just enforcing the law.

So Lott is wrong: Michael Phelps is not a hero. It's not surprising, though, that Lott has difficulty with the concept. He probably thinks of himself as a hero, too. — Ross Levatter

She blinded me with junk science — In mid-February, a special federal court ruled that vaccines don't cause autism. One of the three special masters writing the opinion concluded:

> The evidence presented was both voluminous and extraordinarily complex. But [the experts denying any link between autism and vaccines] were far more qualified, better supported by the weight of scientific research and authority, and simply more persuasive on nearly every point in contention.

The ruling dealt a major blow to purveyors of junk science and thousands of American families with autistic children who are seeking compensation from the drug companies that make the vaccines. It vindicated the bulk of the scientific establishment, which has maintained that there is no cause-effect relationship between childhood vaccines and a growing number of reported cases of autism.

The ruling makes enemies of two groups that are usually aligned in the public policy realm: spoils-seeking victims of alleged wrongs and federal government agencies. The mother of one of the autistic children seeking damages said: "We are terribly disappointed by the decision. I feel [my daughter] was vaccine-injured and should be entitled to compensation."

The ruling involved three separate cases, originating in Tennessee, Arizona, and Florida, each of them involving its own theory of how vaccines might cause autism. (The three cases were selected as representatives of nearly 5,000 similar claims.) The conclusions were especially damning because the

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rules of a special "vaccine court" established by the federal government don't require plaintiffs to prove their claims with scientific certainty; they merely need to establish a "preponderance of the evidence." According to the court, they didn't.

Most credible scientific studies have concluded that there is no causal link between vaccines and autism. (And government public health officials warn that fewer immunizations will endanger children.) In reply, attorneys for the plaintiffs in the vaccine cases argue that vaccine manufacturers, scientists, federal agencies, and mainstream media outlets have engaged in a conspiracy to silence inconvenient truths.

One of the many problems in linking autism to specific causal factors is that autism isn't one disease; it's an umbrella term used to describe dozens of specific syndromes. In fact, most health experts refer to an "autism spectrum" of mental and brain-related disabilities. Such broad, and constantly broadening, definitions are one reason that the number of reported autism cases has risen.

Purveyors of junk science, who seem to share a statist bias for arranging "compensation," have sensed an opportunity lying among heartbroken parents and vague definitions. Some of these junky types have included celebrities, such as the ditzy TV comedienne Jenny McCarthy and the unintentional political comedian Robert F. Kennedy, Jr.

After the February ruling, high-profile plaintiff attorney and antivaccine activist James Moody told one newspaper:

> The government does not fund the science to show a connection between vaccines and autism, and the courts say there isn't enough evidence to show a connection. When the vaccine court says you haven't met the standard of evidence, that is a call for more science, not that this controversy is at an end.

This is logic? The government should pay for certain people's suffering. And it should fund scientific research that proves its liability. If it doesn't fund this research, it's obstructing justice.

I keep coming back to the observation that statism devours its own children. — Jim Walsh

School choice for us, not for them — When President Obama, hero of the teacher unions and ardent foe of vouchers, moved to Washington, he and his wife chose an elite private school for their kids. Not surprisingly, it was the same tony prep school to which the Clintons — also beloved by teacher unions and opponents of school choice — sent their kid. (Obama is nothing if not a big admirer of the Clintons — his cabinet proves that!)

Obama's compliment to private schools, though hypocritical, is justified by a recent study by Martin West and Ludger Woessman in the Winter 2009 edition of the journal Education Next. West, professor of education at Brown University, and Woessman, professor of economics at the University of Munich, studied extensive data from the Organization for Economic Development (OECD) Program for International Student Assessment (PISA).

Specifically, they examined whether school choice (vouchers, charter schools, and tuition tax credits) improves education in public schools. The common-sense theory here — hotly denied by opponents of school choice — is that competition by private schools will force public schools to offer better service. Until now, studies have focused solely on the effects of competition within a single country, and they have been indecisive, because any positive correlation between private schooling could be explained by the possibility that people with the means to send their children to private schools are more interested in education generally, or that private schools "skim" good students away from public schools.

So West and Woessman used the rich PISA treasure trove of international data. These data measure the literacy, scientific knowledge, and mathematical skills of about 220,000 students in 29 countries, from both public and private schools.

Countries range widely in the percentage of their students who attend private schools. In countries such as Greece, Iceland, Italy, Norway, and Poland, only about 5% of 15-year-old students go to private schools. In the United States, the figure is about 10% (although in the PISA sample it is about 6%). In Belgium, Ireland, and Korea it is about 50%. In the Netherlands, the figure rises to about 75%.

West and Woessman found that, indeed, the greater the percentage of private schools, the better is the overall (i.e., public and private combined) student achievement. A 10% larger enrollment in private schools raised PISA math scores in a country by about a tenth of a standard deviation (roughly a semester's worth of learning). In reading and science, a 10% larger enrollment in private schools produced about 5% of a standard deviation in better scores (about a fifth of a grade level difference). Raising the percentage of private schools in the United States merely to the level of Belgium or Korea would likely raise the math scores by four semester's worth of learning, overall. And a 10% larger enrollment in private schools will result in a savings of about $3,200 per student.

Moreover, to address the issue of competition directly, they reanalyzed the PISA data after removing all the private school students. The results were not significantly different statistically from the data for all students combined. Public school students in countries with high enrollments in private schools did better than public school students in countries with lower private school enrollments. This indicates that much (if not all) of the better school performance of school systems with higher levels of private school enrollment can be attributed to the pressure of competition from private schools on public ones.

In short, private schools not only educate their own students better; they force public schools to do the same, and simultaneously reduce the costs of education.

Of course, in the real world, this would seem obvious. We routinely expect restaurants to serve appropriately good food for the price they charge, because those that charge high prices for lousy food soon lose their customers and go out of business. And we shudder to think what would happen if, as in the old Soviet Union, the government owned 90% of the restaurants. They would offer lousy food at exorbitant prices, tossed at the customers by surly food servers.

Ah, but the world of education is the wonderland of anti-common sense. In that daffy world, the news that competition works is news, indeed. — Gary Jason

Past is prologue — In the wake of 9/11, the Bushies quickly marshaled the PATRIOT Act, whose back pages included a mess of proposals that otherwise couldn't get through Congress. In the wake of economic decline the

Obamas quickly assembled a stimulus bill, whose hundreds of pages contain a mess of dormant proposals that couldn't otherwise get through Congress. In both cases, as the great Robert Higgs reminds us, real crisis is exploited to expand unnecessary governmental activities. Does this represent "change"? — Richard Kostelanetz

Follow the money — In late February, the Seattle City Hall had a program on the future of daily newspapers. The speakers and commenters included people from the Seattle Times, which was financially suffering, and the Seattle Post-Intelligencer, which was about to close. It was a gloomy time. I know newspapers. Despite the crowing on the Right, their sickness has little to do with political bias, which is a low-level affliction that they have always had. It has to do with a big shift of advertising money.

Printed newspapers used to get 10% of their revenue from subscribers and 90% from advertisers — and half of that from classified ads. The classified business has been taken away by Craigslist and is not coming back. Much of the display-ad business has stayed with newspapers, printed and online, which is why they are still around; but the revenue is smaller.

Many at the Seattle hearing seemed to think the problem could be fixed with new owners. Nobody mentioned the Washington Times being owned by the Unification Church, but that was the idea. The problem was, someone might want a newspaper in Washington, DC, for ideological reasons, but who would be willing to lose $14 million a year, which is what Hearst had lost in 2008, to have a daily newspaper in Seattle? Or Denver, where the Rocky Mountain News had just closed?

Some say they will get their news from the internet. But where do they think the internet gets it? Well, from lots of places, including organizations that cover themselves. The internet can function without advertiser-sponsored journalism, but the quality of information will not be as good.

— Bruce Ramsey

For the want of a spine — In the March edition of Liberty, I compared the Republican margin in the Senate that denied the Democrats a supermajority to the 18th-century British military formation — the famous Thin Red Line. Unfortunately, the Republican line fell at its first test, the so-called stimulus bill. The rout was as complete as it was inglorious.

The Democratic strategy came right from Rahm Emanuel's playbook. He preached that an economic crisis was "an opportunity to do things you could not do before . . . You never want a serious crisis to go to waste." Led by Obama and Pelosi, the Democratic hordes took up the war cry of "Crisis!" the Republican line wavered and fell, and the conquerors rode roughshod over the American people. A pork-ridden, ideologically suspect, and economically flawed bill was foisted on us. We and our children will pay with a longer than necessary recession, higher taxes, and quite possibly a lower standard of living for a long time. Such is the price of defeat.

After the Bush administration's malfeasance and the McCain campaign's ineptitude, it was clear enough that there wasn't much left of the Grand Old Party. I don't want to get overly nostalgic here; I'm not a Republican. But what happened to the party of Barry Goldwater, Ronald Reagan, and dare I say it, even Newt Gingrich? At least the GOP was once a champion of small government and a bulwark against the worst excesses of the Democratic Party. Now, even that is gone. *Sic transit gloria.* — Bob Marcus

How low can the economy go? — The 2008 fourth-quarter GDP figures have been revised, and they were even worse than originally projected. At an annual rate, the economy declined by 6.2% in the fourth quarter of last year, which was the worst quarter since the 1982 recession.

In response, the Obama administration and Congress passed the massive $800 billion stimulus plan, the "American Recovery and Reinvestment Act of 2009" — as mislabeled and pork-riddled a package as has ever emerged from Congress. Hundreds of billions of dollars will be directed to states to allow them to continue to pay public employees' wages and benefits that employees in the private sector do not receive.

The federal budget deficit will now exceed $1.5 trillion, about 10% of gross domestic product. The federal government will borrow slightly less than half of what it spends.

In the short run, it is possible — perhaps even likely — that the economy will experience an upturn, perhaps as soon as the second half of 2009. But in even the slightly longer run, the economy is likely to hit a wall as increased monetary and fiscal expansion leads to inflation and higher interest rates.

The crucial battles this spring will be about nationalizing health care, higher taxes, and even more spending. The only silver lining is that the worse the economy does, the less likely further changes will be. Voters must look forward to 2010 — and the chance, as in 1994, to change direction.

— Lanny Ebenstein

Working for no one but him — Tax Freedom Day — the day, calculated by the Tax Foundation, on which Americans have theoretically earned enough to pay all their taxes for the year — has not come before April 15 since 1967. The dreaded day has even twice fallen in May.

Although Americans are burdened with numerous local, state, and federal taxes, the federal income tax is the one that generally infuriates them the most. And infuriate it should. Americans who are familiar with the welfare states of Europe may be tempted to think that taxes in America are low compared to the world in general, but such is not the case. The United States ranks high in personal income taxes, and even higher in corporate income taxes.

According to the Heritage Foundation's 2008 Index of Economic Freedom — an index that compares personal and corporate tax rates, along with other economic measures, across the globe — there are 86 countries with a lower personal income tax rate than the United States and 124 countries with a lower corporate rate.

As the collector of the income tax, the agency of the federal government that Americans fear and loathe more than any other is the Internal Revenue Service (IRS). But contrary to proponents of the so-called Fair Tax, a progressive, revenue-neutral national retail sales tax on all new goods and services, the only way to eliminate the IRS is to eliminate federal taxes altogether. Changing the name of the IRS and exchanging one tax for another is not real tax reform.

Any hope of abolishing either the IRS or all federal taxes is, of course, a pipe dream. However, there is a way to

substantially lessen their impact on individual Americans. Individual income taxes could painlessly be eliminated if federal spending were simply reduced to about the level it was at the beginning of the Clinton administration. This would still leave the federal government with revenue from corporate income taxes, social insurance taxes, excise taxes, estate and gift taxes, customs duties, and miscellaneous receipts. With no income tax, there would be no capital gains tax, no withholding tax, no alternative minimum tax, and no refundable tax credit income transfer programs.

But because the currently projected federal deficit was not too long ago the total federal budget, I am not optimistic that any real change will be forthcoming. Looking at the Republican Congress under Bush and now the Democratic Congress under Obama, I fear that nothing short of a Congress made up of Ron Paul clones can stop the congressional spending juggernaut. — Laurence M. Vance

Pleading allegedly guilty — Beware! According to television news, we are facing a frightening new category of crime: the "alleged" crime.

Did you think that ACORN was under investigation for voter registration fraud? The truth is much worse. In late October a television commentator announced that "ACORN is under investigation for alleged registration fraud." We knew we had alleged representatives of the people (most of Congress), alleged spokesmen for various interest groups (Al Sharpton, Jesse Jackson, et al.), alleged businesses (Fannie Mae and Freddie Mac), and alleged juries (i.e., the ones for O.J. Simpson's murder trial). We surely have no shortage of alleged facts, alleged experts, alleged political polls, alleged trends, and alleged diseases — but the mind boggles at the thought of all the committers of alleged crimes that our society now must deal with. How can we possibly contain them in our prisons?

And what is happening to our beautiful English language? — Barbara Branden

Popeyenomics — Shouldn't we learn from past mistakes and reduce both borrowing and long-term debt instead of allowing them to grow year after year? The debt of cities, states, and Uncle Sam now adds up to over $11 trillion. It reminds me of the cartoon character Wimpy, who would "gladly pay you Tuesday for a hamburger today." Is this the inheritance we wish to leave future generations? Taxpayer dollars should be spent prudently, with minimal taxation, balanced budgets, and means testing for any assistance programs.

Government at all levels needs to do a better job with the trillions of dollars already confiscated, rather than pick the pockets of its citizens for even more. Local, state, and federal government all need to return to pay-as-you go financial management. In the long run, this is the only way to introduce fiscal responsibility and reduce debt.

Under former President Bush and a Republican-controlled Congress, federal long-term debt increased from under $6 trillion to over $9 trillion. During this time, pork-barrel projects or "member items" numbered in the tens of thousands, at a total cost of several hundred billion dollars.

President Obama and the Democratic majority in Congress were elected on promises to control deficit spending and eliminate earmarking. Talk is cheap. It appears both President Obama and the Democrat-controlled Congress intend to continue conducting business as usual.

Under the Democrats' control of the White House, the Senate, and the House, the deficit will increase by $1.75 trillion in less than one year. Within the proposed $410 billion supplemental appropriations bill to fund all federal agencies for the balance of 2009 are over 8,500 member item earmarked projects worth over $8 billion. President Obama promised an end to this pork barrel spending frenzy. Will he use the veto as promised? Does he have the strength to take on Senate majority leader Harry Reid, Sen. Charles Schumer (D-NY), and House Speaker Nancy Pelosi? Schumer sees nothing wrong with Democrats' earmarking, pointing out that Republicans did the same. While that is true, it hardly justifies repeating the mistake.

How ironic that, after winning the Cold War, our weakened economy may end up being our Achilles heel. America may be on the way to becoming the world's super debtor instead of the world's superpower. — Larry Penner

Paul Harvey, R.I.P. — When I was 7-years-old or so, growing up in the small town of Albert Lea, Minnesota, Paul Harvey was one of the first voices I heard in the morning. His memorable over-the-top radio delivery kept me entertained as I gulped my mother's signature "mush" (which, contrary to the name, was a tasty Norwegian dish of cream, cinnamon, and butter). None of the reserved Minnesota adults I knew sounded like that. Harvey's bracing "Good Day!" helped get me in the right frame of mind for the coming day in school — one my least favorite activities.

After we moved to Minneapolis, I rarely heard him. Even the old fogey stations didn't seem to carry him. His fan base was always in small towns, where he often preceded or followed the daily crop report. Like many other people, I eventually came to dismiss Harvey as an antiquated vestige from a 1950s time warp, a sort of precursor to such bumbling and pretentious fictional new announcers as Les Nessman ("WKRP in Cincinnati") or Ted Baxter ("The Mary Tyler Moore Show").

But later, during research for my book on tax revolts, I gained a new appreciation for Harvey. He stood out as one of the last prominent survivors of the once powerful Old Right of the 1940s and '50s. Old Right conservatives had fought a dogged rear-guard action against the New Deal welfare and warfare states. The man who published Harvey's first books in the '50s was John M. Pratt, an ardent FDR hater who, while in Chicago during the '30s, had led one of the largest tax strikes in American history. He obviously saw something in young Harvey.

While Harvey moved away from his earlier Old Right isolationism, events sometimes pulled him back to it. It was Harvey, along with Walter Cronkite, who was instrumental in turning the heartland against the Vietnam War. In 1970, when Richard Nixon was still popular in countless small towns, Harvey announced dramatically in his daily commentary: "Mr. President, I love you . . . but you're wrong." He was deluged with angry mail and phone calls.

For this expression of old-fashioned Midwestern horse sense alone, Paul Harvey deserves the recognition and thanks of all Americans who value peace. — David Beito

Obama: The Hollow Man

by Jim Walsh

The president's supporters regard him as a great political thinker. His detractors often regard him as an evil genius. Unfortunately for him, neither is the case.

Normally, I try not to think too much about presidents. The mainstream media focus excessively on them, cheapening the quality of political discourse. As a result, American citizens who are inclined to talk about politics regurgitate pointless trivia about the White House occupant and staff — things they've heard on National Public Radio or seen on TV.

But we have a new occupant in the White House, one whom the popular media laud as a visionary and transformative figure. To anyone who loves liberty, this overwrought praise is by itself a cause for skepticism. And skepticism is surely warranted, on many grounds.

The early days of the Obama administration have been a mixed bag of minor successes and middling failures — pretty much what an objective observer might expect from a politician with native intelligence but little experience on the national stage. The stock markets have gone lower; the general economy remains stalled. The bureaucratic captains of Big Business have worn a groove around Capitol Hill; they sense opportunity in a statist government and seek subsidies to help them survive the current recession.

Around the world, states and leaders who don't much matter rave about Obama; those that matter more comment in a reserved manner. At home, Obama's supporters continue their childlike focus on the man's surface qualities — his overestimated eloquence, his physical elegance, his fashionable wife. And, inexorably, the color of his skin.

As for Obama's critics, they have stumbled through some early efforts to vilify him. They've had a few successes, but they characteristically return to whining about his supposed radicalism and harping on stale conspiracy-nut stuff about his slightly-misstated oath of office, his place of birth, and his "true" religious faith. This is a losing strategy.

Obama does pose serious threats to the republic. But they have nothing to do with his being a sleeper agent for al Queda. By most accounts, the president is a decent fellow who means well. The threats he poses aren't in his person; they're in his politics and his philosophy . . . to the extent he has one.

There's a rational, libertarian case to be made against the public policies that this president favors. And, because every president's public self is a product of his policies, it's also a case against Obama the man. At least Obama the public man.

I have no interest in *ad hominem* attacks . . . but I have some interest in *ad principium* ones.

As I see it, the case against Obama can be arranged under five main headings, five main points to take away with you. These are the points to bring up in conversation, when you find yourself talking with people who've taken the easy path and babble about Obama's greatness and historical significance.

People who love liberty need to make this case, in casual conversation and in public forums, as calmly and forcefully as they can. American voters may fall in love from time to time, but they are, at core, practical creatures. At some point, they will see through Barack Obama. The only question is: will this happen before or after he stands for reelection?

1. Obama is no visionary; he's an empty vessel.

The complaints that Obama's nontraditional childhood and young adult years made him a Manchurian candidate are delusional. That said, his background does offer some useful insights into the public man. I've read both "Dreams of My Father" and "The Audacity of Hope," the two volumes of Obama's memoirs — the first primarily personal and the second primarily political.

I reviewed "Audacity" for Liberty in the May 2007 issue, and I stand by my conclusion that it's not a very good book. The strongest impression it leaves is that Obama is a passive character, a cipher — a more verbal version of Chance the Gardener from "Being There." No firebrand of populism or progressivism, the president has always positioned himself as a consensus-builder and champion of compromise. That has been his approach since his days on the Harvard Law Review (where he was elected president despite his merely average grades) through his time as a community organizer in New York and Chicago and into his early elected career in the Illinois state legislature.

Champions of compromise are an important part of the legislative process; but, they tend to be more involved in sausage-making than the vision thing. Obama rose above such porky concerns by using personal traits that make him an effective campaigner — and a dangerous proposition as chief executive.

Specifically, his great political strength is the ability to allow others to project their preconceptions and assumptions onto him. It's his genius, really: the chameleon-like capacity to look and sound like whatever an audience wants. One example of this protean skill was manifest on the campaign trail in 2008. Obama, an Ivy League graduate born in Hawaii and raised in Kansas (among other places), developed an ersatz Southern accent. This was a ridiculous affection — like the fake English accent that the singer Madonna adopted during her brief marriage to a British movie director. But the explanation was simple. Obama's crowds wanted that accent. The American Left has made a fetish of black politicians from the South, so Obama shaped himself to carry the projection that he was *part* of this tradition. Jesse Jackson was so infuriated by that cultural swindle that he threatened (metaphorically, I think) to castrate Obama.

This is exactly the kind of foreign entanglement that George Washington warned against. And it's exactly the kind of bad situation Obama is likely to make worse.

The danger in being whatever your audience wants is that you can end up losing any sense of identity or integrity. And the results can be embarrassing. In February, stumping for his statist stimulus plan, president Obama stopped at a Caterpillar tractor plant in Peoria, Illinois. There he said:

> Yesterday, Jim, the head of Caterpillar, said that if Congress passes our plan, this company will be able to rehire some of the folks who were just laid off. And that's a story I'm confident will be repeated at companies across the country.

Jim Owens, Caterpillar's CEO and a supporter of the stimulus plan, was asked if he agreed with Obama's remarks. His response: "I think, realistically, no. The truth is we're going to have more layoffs before we start hiring again."

Another downside of Obama as chameleon is that he has made poor choices of political allies and friends. That is a weakness that his critics on the Right have hit hard. They repeat the names Saul Alinsky, Jeremiah Wright, and William Ayers like spells. They portray the men behind the names as dangerous villains, but the men are not. Alinsky and Ayers are (or were — Alinsky is dead) pathetic radical poseurs driven by middle-class self-loathing. Wright is a media whore who will say outrageous things as if on command, whenever cameras roll. Their significance comes merely from the fact that Obama didn't have the sense to distance himself from them. He claims that he didn't know about Ayers' criminal fugitive past when he first met him. Well, maybe the president is really that stupid. More likely, the other people in the room accepted Ayers, so Obama did too. No integrity.

A similar story with Jeremiah Wright. Obama claims he attended Wright's church for 20 years but never heard a word of the fiery minister's signature anti-American rants. More likely, Obama needed some *local* cultural credibility and could get that in big chunks by sitting in the pews of Wright's church. The substance of Wright's sermons didn't matter to the up-and-coming Obama; the size of Wright's congregation did.

A public person who will stand next to anyone will necessarily stand next to some bad people.

The president has tried to make political virtue of this promiscuity by saying that he will, in matters of foreign policy, meet with any nation and any leader at any time. This may turn out to have been campaign trail rhetoric rather than actual policy. And that's probably a good thing. In the meantime, some nations have taken notice of Obama's lack of philosophical integrity. After a decade of wandering in the political desert, Benjamin Netanyahu has retaken the prime minister's chair in Israel, largely because Israelis fear that warmed-over Clinton-era foreign policy will be bad for the Jews. This is the no-win situation America faces in the Middle East. Our support of Israel is often halfhearted, which means that Israelis and their dedicated defenders in the United States

are never satisfied. At the same time, Israel's many enemies in the region consider our halfhearted support half a heart too much. This is exactly the kind of foreign entanglement that George Washington warned against in his too little regarded and too little read farewell address. And it's exactly the kind of bad situation Obama is likely to make worse.

When we turn to domestic issues, we see the same lack of intellectual energy and integrity. The recently enacted stimulus plan included various provisions that reinstate politically poisonous welfare benefits. Why didn't Obama see the danger in this? Because he doesn't have the political insight.

Welfare reform was the key to rebuilding confidence in statist notions of "affirmative government." Bill Clinton's political successes during the 1990s were built in part on his recognition that voters didn't trust statists to spend government money in productive ways. Clinton understood that voters worried that traditional American liberals would do foolish things, such as using government subsidies to create a nearly permanent underclass of nonworking female heads of shattered households.

As political writer Mickey Kaus has noted, Clinton didn't arrive at these realizations because he was a clear-eyed small government advocate. On the contrary, Clinton realized that "even if welfare spending was only a tiny portion of the liberals' spending agenda, it poisoned the rest of it." Obama doesn't seem to have the instincts or wisdom to build on that insight.

2. Obama's statism comes from political expediency, not philosophy.

This is something of a corollary to point one. Obama owes his political rise to the money and logistical support of government employee unions, particularly the Service Employees International Union (SEIU) and a group of teachers' unions. The SEIU organizes janitors and other office workers — most of whom are engaged by government agencies. They were among his earliest and most ardent supporters.

The president is not some dedicated European-style socialist; he's a political hack from Chicago who's made grubby deals with spoils-seeking collectivist groups. Most of his elected career has been spent representing an inner-city Chicago district in the Illinois state legislature. Since the only spoils-seeking that goes on in those Chicago neighborhoods involves government contracts, his market was limited to unions representing teachers and low-level government employees.

When he started his presidential campaign, Obama had to draw heavily on this base of government-employee unions. Hillary Clinton had sewn up most of the high-end Democrats on Wall Street and in Hollywood and the Silicon Valley. So Obama attacked her from the statist Left by tactical necessity rather than idealistic commitment.

One of his first moves after he'd been elected was choosing the same Hillary Clinton to be his secretary of state. In other words, he chose as head of foreign policy a woman whose main qualification is that eight years ago she spent several months "listening" to bumpkins from Buffalo whose only cogent thought was that the Bills haven't had a solid quarterback since Jim Kelly. Admittedly, she has spent 30 years enabling her hillbilly husband's adulteries. That may take a kind of diplomatic skill.

Madame Secretary is making an early habit of bowing before cash-rich Asian totalitarians. She makes an unlikely supplicant. But opportunism, far more than ideology, defines Obama's administration. He's not a communist or socialist. He's a modern-day ward heeler from Chicago with a good fashion sense. In naming Hillary Clinton to State, he was following Vito Corleone's advice to keep your friends close and your enemies closer.

The clearest example of Obama's opportunism is his economic stimulus plan, the American Recovery and Reinvestment Act of 2009. This aggregation of statist graft will hurt the economy more than if the government did nothing; but accomplishing actual economic good is of secondary importance. The principal purpose is to flood state programs and their administrative satrapies with money.

In a February letter intended for then-Secretary of Commerce appointee Judd Gregg, the Congressional Budget Office concluded that the new law would help in the short term but result in so much government debt that within a few years it would crowd out private investment, leading to a lower gross domestic product by the late 2010s than if the government hadn't taken any extraordinary steps. According to the letter, CBO economists and actuaries used the assumption that, in the long run, each dollar of additional federal debt crowds out (that is, takes the place or prohibits issuance of) about 33 cents of private-sector capital. This is an interesting metric to keep in mind. Remember that capital is capital and debt is debt.

Clinton's successes were built in part on his recognition that voters didn't trust government to spend money in productive ways.

Obama's stimulus plan is an orgasmic shudder of statist takings. And the K Street sharks were fast on the scene. During the absurdly short time it took the bill to move from the House to the Senate, lobbyists for big pharmaceutical and high-tech companies were adding a new plan to repatriate overseas profits that would yield major tax savings. California winemakers and Florida citrus growers were changing the phrase "ready to market" to the word "planted," thus creating windfalls from a new bonus depreciation incentive. This undisciplined subsidy and spending is like driving a car with no headlights on a road at night. You might get somewhere. Or you might get wrapped around a tree.

If you don't like the image of driving in the dark, try another: Obama's stimulus plan is like paying your utility bills on credit cards while you spend your cash on dinners at fancy restaurants. You can probably manage that for a while. But, some months or years down the line, you'll run out of credit on your cards, and you'll have to pay off the balance. Oh, and you'll also have to keep paying your utility bills. This will force you into some hard choices. You can stop eating out — perhaps stop eating — or you can declare bankruptcy.

Former U.S. comptroller general David Walker, who's been doing good work for several years to educate Americans about their government's spendthrift ways, has noted that Obama's stimulus plan has no mechanism for directing expenditures. That's left to state and local officials, who often don't have the means or skills to spend money intelligently. The plan makes it possible to track the money, but only after it has already been spent. Walker says this is likely to result in "a series of disappointments that it's too late to do anything about."

Problems like these aren't new. Sixty years ago, Henry Morgenthau, FDR's treasury secretary, said this:

> We have tried spending money. We are spending more than we have ever spent before, and it does not work. . . . I say after eight years of this administration, we have just as much unemployment as when we started — and an enormous debt to boot.

Does Obama, the supposed intellectual, have any knowledge of history?

The media's "we're all socialists now" claptrap is just that — claptrap. Much of the justification for government intervention comes from the assertion that the financial markets have failed. That is false. The markets haven't failed; they've given people some hard answers about the condition of America's debt-clogged economy. But the people want a second opinion. Or, more accurately, a do-over — one that has nothing to do with economics, or with common sense.

We don't have much room left. We can't keep paying the bills from our statist utilities with government credit cards. We're getting close to a global crisis of confidence in the U.S. economy, a crisis that could involve a run on the dollar and a hyperinflation that would wipe out the American middle class. There won't be any do-overs then. That's the problem with opportunism: it often seems smart and cagey, right up to the point at which its context collapses.

3. Obama believes in a warped form of meritocracy.

To the extent that Obama has exhibited a political philosophy, it's a shallow version of meritocracy. He believes in a brand-name social hierarchy, purchased retail. Like Bill Clinton, he has surrounded himself with striving Ivy League graduates who are much better at repeating the wisdom of their professional schools than at developing original ideas.

What's wrong with this? Isn't that the American Dream? Well, no. The dark side of manic meritocracy is the elitist idea that education and social standing give a person or group of people an inherent right to coerce others. This is wrong in many ways. The most important is suggested by the fact that our Constitution requires the protection of individuals from the tyranny of consensus, which is precisely the tyranny that Obama and his associates represent.

Liberty protects nonconformists; elitism punishes them, rewarding conformists and social strivers instead. The self-styled elites are the Pharisees of our day. They are dogmatic, shrill, and tyrannical. They don't hesitate to use any means available, starting and ending with state power, to coerce others to do as they say.

Obama himself is a pliant conformist to the conventional pieties of the American Left. His memoirs indicate the degree to which he's been so since he was young. Upon his graduation from the elite Punahou School in Honolulu, he didn't matriculate in an Ivy League college. He was admitted, instead, to slightly eccentric Occidental College in Los Angeles. Oxy has a good regional reputation; but the striver Obama apparently considered his admission a grievous failure. Rather than making the best of his experience at Oxy, he sent out transfer applications and moved as quickly as he could to Columbia University, a school in the bottom tier of the Ivy League — but at least in the Ivy League.

Elitists adhere rigidly to social conventions; and their rigid adherence results in spiritual and intellectual weakness. Also, dangerously for politicians, elitism results in hypocritical exceptionalism when members of the elite fail to maintain the social conventions to which they adhere so strictly. Much ink has been spilled over candidate Obama's ill-advised answer to some unexpectedly hard questioning from a regular citizen he met at an Ohio campaign stop. Samuel Joseph Wurzelbacher ("Joe the Plumber") complained that Obama's proposed tax policies would make it impossibly expensive to take over an existing plumbing business. Flummoxed, Obama made what was apparently an ironic or humorous crack about the need to "spread the wealth around" by means of higher taxes.

Some commentators on the Right screeched about the Marxist qualities of the remark. But they missed the real insult in Obama's response. It dripped with contempt for the working-class plumber who was trying to buy his own shop. The candidate didn't take seriously the aspiring small business owner's worries. He sized up Wurzelbacher's appearance and banked on the idea that a blue collar voter from Ohio would instinctively support a vague income redistribution scheme.

This was a low point in Obama's campaign. Confronted with polls that showed strong opposition to his "spread the wealth" talk, he fell back on Jesuitical word games: he insisted that there was an obvious difference between "redistributing" wealth (bad) and "rebalancing the distribution" of wealth (less bad).

Obama's slavish elitism explains some of the poor choices he made after his election. It explains why he picked Tom Daschle, Timothy Geithner, and would-be Performance Czarina Nancy Killefer. They were bona fide members of the Democrat elite. It's also the reason why he abandoned Daschle

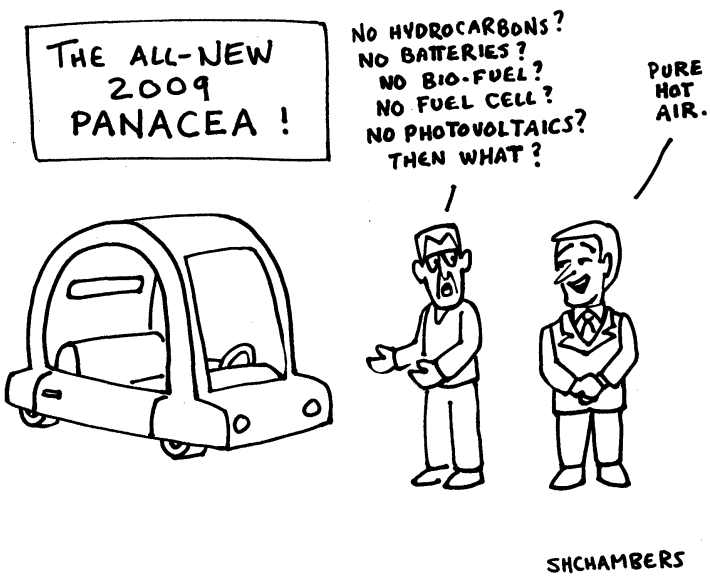

and Killefer. As Pharisees, they didn't think the rules that apply to nonmembers of the elite — say, plumbers from Ohio — applied to them. Obama, as a Pharisee himself, couldn't afford to be seen condoning their hypocrisy.

Daschle was supposed to become health and human services secretary, but his dirty laundry included more than just unpaid taxes. He had been getting $1 million a year from a big D.C. law firm — and he's not a lawyer. He had been getting another million a year (plus the limousine and chauffeur that became the flashpoint of his tax evasion) for unspecified services to an investment firm. Why were these companies paying Daschle so much money? Because he was an elitist in good standing and would use his influence to their benefit.

The markets haven't failed; they've given people some hard answers about the condition of America's debt-clogged economy.

Obama couldn't defend Daschle because he'd used a lot of his own political capital defending Treasury Secretary Geithner's failure to pay significant amounts of his taxes over a period of several years. Geithner, the former head of the New York Federal Reserve, an ally of W. Bush Treasury Secretary Henry Paulson, and a maker of some of the economic policies that Obama criticized on the campaign trail, defended his deadbeat behavior with the preposterous explanation that he didn't think he owed Social Security or Medicare taxes on moneys earned from the IMF while living and working in the United States. Obama endorsed that lame explanation because he needed Geithner's credibility with the banking and investment communities.

It's not the resistance to pay taxes that's the problem with the likes of Geithner. Any rational libertarian has considered the ethics of tax resistance. The problem is the hypocrisy. I would welcome a federal government official who admitted that he hesitated to pay taxes that support waste, inefficiency, and worse. Sadly, that's not Geithner. Nor is it Obama.

Geithner, like his boss, is at heart a bureaucratic sausage-maker. Earlier this year, he announced plans to allocate $175 billion in funds from the Troubled Asset Relief Program (TARP) to a so-called "Mo Mod" (mortgage modification) platform.

Mo Mod is a mortgage processing program that uses algorithms to rewrite groups of home loans. It resets individual mortgages to reflect the current market value of the underlying properties, and then applies those new values to the various tranches and categories of derivative investment securities that were based on those mortgages. It's a whiz-kid application that gets a lot of technical details right but ignores one major, philosophical problem: resetting mortgages will cause massive moral hazard in the residential real estate marketplace. It will reward and encourage bad investments.

Elitism makes the mistaken assumption that Middle America is stupid. It's a kind of logical fallacy: I'm smart and have the degrees to prove it. You're different from me; you don't have the same degrees. Therefore, you're stupid. But businesses, especially small businesses, aren't stupid. They can't afford to be. They're not going to invest in equipment and new hires based on one-time, short-term stimulus checks. What they need is permanent tax cuts.

4. Obama believes, as Dick Cheney did, in an imperial presidency.

There's an irony about the claims of power that presidents make. In fact, the more powerful a chief executive is, the less he needs to make extraordinary claims of executive power. The less powerful the president, the more he hides behind political artifice.

Bush and Cheney seemed the nadir of this grasping weakness. But Obama has followed W to an unexpected degree. The man who swore to change the way the White House operated has maintained some of his predecessor's worst practices. He has continued W's policy of using the terms "state secrets" and "national security" to justify White House obscurantism. He has kept extraordinary rendition alive as a federal law enforcement option. He has even planned to move direct oversight of the politically sensitive Census Bureau from the Commerce Department to the White House — more specifically, to the bailiwick of his chief of staff Rahm Emanuel, a bare-knuckles political bully.

Some of these moves, considered out of context of the others, might make tactical sense. But together, they indicate a statist urge for a regal leader. Little wonder, then, that Obama transition team co-chair Valerie Jarrett told NBC News personality Tom Brokaw that the new president would be "prepared to really take power and begin to rule on Day One." Begin to *rule*? Apparently, he was.

The president's assertion of the "state secrets privilege" to shield the workings of the White House staff from disclosure — usually in the course of some deposition or testimony — is emphatic evidence that he wants all the powers that Bush and Cheney claimed. During his presidential campaign, Obama promised to abandon their approach to governmental secrecy and to create more transparency within the executive branch. But faced with the appeal of a lawsuit that had started against the Bush administration, Obama decided to carry forward the Bush position.

Obama's belief in a strong executive shouldn't come as a surprise. He and Bush are both statists, though they come to their abiding beliefs in the power of the state from different starting points along the American political spectrum. The Founders believed strongly and surely in a balance of power among the branches of government. The strong executive theory that Obama and W share is an aberration from that balanced approach. It's un-American, in the strict constitutional sense; and it's fascist at its logical extension.

Our Constitution requires the protection of individuals from the tyranny of consensus, which is the tyranny that Obama represents.

Because of the proposed Census Bureau heist, Republican Sen. Gregg — who as commerce secretary was supposed to be a sign of bipartisanship in the Obama cabinet — declined nomination. He was replaced by Gary Locke, a Democratic hack with a long record of ethics issues, including allegations of arranging illegal campaign contributions and no-show government jobs for dim-witted family members. And recall that Locke is Obama's third choice for commerce secretary. Before Gregg came on the scene, New Mexico Governor Bill Richardson had withdrawn his name because of ethics problems. Obama's commerce secretaries begin to resemble the drummers for Spinal Tap — a series of unremarkable guys who spontaneously combust.

The Census Bureau power grab fits with Obama's general desire for "czars" to rule over government functions. Characteristically, the imperial president doesn't trust his own appointments to traditional posts. Criticism of this dubious practice has come from an unexpected source. West Virginia Sen. Robert Byrd, who is no one's libertarian, wrote an open letter to Obama complaining about the decision to create White House offices on health reform, urban affairs policy, and energy and climate change, taking important policy decisions away traditional cabinet departments. Byrd observed that

Obama's appointees begin to resemble the drummers for Spinal Tap — a series of unremarkable guys who spontaneously combust.

> White House staffers are not accountable for their actions to the Congress, to cabinet officials, [or] to virtually anyone but the president. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

This may be the first time you've read a favorable reference to Robert Byrd in Liberty. The creep of statism has that effect on traditional political lines.

5. Obama encourages a cult of personality.

This point may say more about Obama's supporters than the man himself. His fans — and "fans" is certainly the right word — don't look on him as a manager they've hired to make sure the Department of Housing and Urban Development keeps its graft to a minimum. They regard him as spiritual leader.

Reaching back to my first point, if Obama is a sort of human Rorschach Test whose meaning is whatever the viewer projects, his election says more about the electorate than it does about the president.

Some voters wanted to elect a black man president to repay some karmic burden of debt. The justification goes something like this: American blacks won't get the financial reparations that some of their leaders have sought, but they will get one of their own in the White House. People who believe this are likely to natter nonsense about Obama being a "transitional figure."

Other voters wanted to wave a white flag to world opinion. They wanted to send a signal to the world that America doesn't want to be the global policeman any longer. Or a global leader any longer. Or the object of stone-throwing hatred any longer.

Still others — and I know you may have trouble believing this — were actually inspired by Obama's rhetoric.

Well, politics has always been a kind of cultural shorthand: citizens care as much about the social meaning of their vote as they do about its philosophical grounding. But Obama's supporters take this shallowness to an extreme. The best-known example: the television talk show host Chris Matthews, who made a fool of himself, talking about the sight of Obama sending chills down his legs. It's hard to find amusement, even schadenfreude, in this. Before Obama came along, Matthews was pleasant to watch; he had a keen knowledge of the political process and took a happy warrior's joy in hashing out the details of this bill or that campaign. But servitude to the Obama cult dashed all of that.

Clarity again comes from an unexpected place. Roman Catholic Archbishop Charles Chaput of Denver has warned that Americans should be wary of

> a spirit of adulation bordering on servility. . . . Modern life, including life in the Church, suffers from a phony unwillingness to offend that poses as prudence and good manners, but too often turns out to be cowardice. Human beings owe each other respect and appropriate courtesy. But we also owe each other the truth. . . . President Obama is a man of intelligence and some remarkable gifts. . . . But, whatever his strengths, there's no way to reinvent his record . . . with rosy marketing about unity, hope, and change.

The shallowness of Obama's hopey "change" marketing plan has been borne out by his move from hope to fear as the principal topos of his rhetoric. Stumping for his stimulus plan, he gave up the sunny platitudes of his campaign speeches for statements like "A failure to act, and act now, will turn crisis into a catastrophe."

Political cults of personality are bad for another reason, besides their intellectual shallowness. They blur the proper distinctions between public and private life. Although you'd never know this from recent history and popular culture, America (like most functioning republics) assumes clearly-drawn distinctions between public and private lives. These distinctions apply to all citizens, not just public office holders. The blurring of public and private realms, such as we see in the idolatry of public figures as if they were revered family members or respected religious leaders, is a troubling sign for liberty.

Obama didn't start this blur. He's carrying forward a Clinton program. Among his many betrayals, Bill Clinton beguiled his feminist supporters into hypocrisy by making his private affairs part of his public life and getting feminists to endorse his sordid conduct. As a result, Gloria Steinem now spends her days muttering to her cats that politicians' sex lives don't matter.

continued on page 40

Iraq: Now and In the Future

by Jon Harrison

The Surge was a short-term success. But the long-term prospects for our engagement in Iraq aren't good.

Iraq held provincial elections on January 31. The results were encouraging. The voting took place without significant violence. Religious parties for the most part suffered setbacks, while secular candidates prospered.

The elections highlighted the vast improvement that has occurred on the ground over the past ten months. As recently as March 2008, Iraqi forces were thrown out of Basra by sectarian militiamen. At that time, close to 1,000 Iraqi civilians were still dying every month. In January 2009, civilian deaths totaled 138, the lowest figure since the U.S. invasion began in 2003. As for the militias, they have lost public support and practically vanished from view. The Iraqi people, thankful for their government's restoration of relative calm in the streets, seem to have embraced a new national consciousness. "We are witnessing the revival of Iraqi nationalism," an analyst for the Gulf Research Center, a thinktank based in Dubai, told The New York Times (Feb. 3).

The government of Nouri al-Maliki, which had to be prodded by the United States to hold these elections, can only be pleased by the results. Maliki's Dawa Party was the leading vote getter, though it did not achieve an absolute majority. Its biggest rival, the Islamic Supreme Council of Iraq, an Islamist party that favors an autonomous Shiite state in the south, suffered a major defeat. Its vote in Baghdad fell from 55% in the elections of 2005 to a mere 5% It lost ground in the south as well, failing to carry even the Shiite holy city of Najaf, home of the ISC's leader, the cleric Abdul Aziz al-Hakim.

The other major Shiite faction, led by the cleric Moktada al-Sadr, fared better than the ISC. It supported parties whose message was Islamist but also nationalist. However, while it has benefited from the eclipse of the ISC, it now finds itself overshadowed by Maliki and Dawa. This is a turn of events that no one would have predicted as recently as a year ago.

Al-Sadr is now a diminished figure. He is young and indifferently educated, and his missteps have cost him stature and influence. He removed himself to Iran two years ago, weakening his hold on his movement and opening the way to factionalism. He attempted to remedy the situation by having the armed wing of his movement, the Mahdi Army, stand down unilaterally in August 2007. This allowed U.S. and Iraqi forces to arrest many of his key people. There followed the setbacks

suffered by the Sadrists in Basra and Baghdad in April and May 2008. (On this see my "The Next President and the Next War," Liberty, October 2008.)

Unquestionably, Maliki's show of strength in Basra and Baghdad was a turning point. The tenor of Iraqi politics and the attitude of the average Iraqi changed because of Maliki's successes against the Sadrists and criminal elements in both cities. The Islamist balloon was popped. It was revealed that the Iraqi people, tired of the Islamists' fanaticism and mindless violence, not to mention their unfulfilled promises to provide jobs and services, were longing for a leader who could reduce violence and oppression and create a semblance of stability. Maliki achieved this, and Iraqi voters rewarded him at the polls.

Despite the public relations glow surrounding the Iraq elections, major difficulties remain on the road to long-term stability.

Maliki's growing strength has led to a reduction in Iranian influence, which of course pleases Washington, not to mention Riyadh, Cairo, and Tel Aviv. Combined with the outcome of the November election in the United States, the Iraqi vote well may represent a decisive turn away from war in the Persian Gulf. At least for the moment, neither a U.S. or Israeli strike on Iran nor a general Sunni-Shiite conflagration seems at all likely.

The U.S. role in Iraq is now almost a watching brief. U.S. forces played a part in providing security for the elections, but stayed very much in the background. The main U.S. combat role is in the north, particularly in Mosul, Iraq's third largest city, where al Qaeda remains strong. Only 16 U.S. soldiers died in Iraq during January 2009 — continuing a four-month trend of very low losses. Only 13 U.S. troops were killed in October 2008, 16 in November, and 13 in December.

The good news, then, appears to be substantial and real. However, there is bad news as well. Despite the public relations glow surrounding the elections, major difficulties remain on the road to long-term stability and the creation of an effective democracy.

Nationally, only 51% of eligible voters bothered to vote. In Sunni Anbar province, where it was expected that voters would turn out in big numbers, only 40% cast ballots. This was a big improvement over Anbar's boycott of the 2005 election, but hardly a ringing endorsement by Sunnis of the current political dispensation.

In the north, Sunnis echoed al-Maliki's nationalist sentiments, preferring to present a united Arab front against the Kurds, who have been angling to add Mosul to their three autonomous provinces. Kurdistan proper is an independent state in all but name. How the Arab-Kurd dynamic will play out is difficult to judge. It seems certain that the Kurds will never agree to submit to the central government's authority. It seems almost as certain that a revived Iraqi state will refuse to let Kurdistan go its own way. With the struggle over Mosul as a flashpoint, a future war between the two ethnic groups cannot be ruled out.

Within the Arab community, Sunni-Shiite tensions remain high. Fighting between the sects largely ended once sectarian cleansing was completed in 2007, although al Qaeda in Mesopotamia has repeatedly tried to provoke renewed conflict by means of assassinations and suicide bombings. Sectarian violence flared up again after the elections. Suicide bombers killed dozens of Shiite pilgrims traveling to and from the holy city of Karbala. Clearly, these were attempts to reignite sectarian warfare. Particularly worrisome is the fact that insurgent forces can still operate in Baghdad and beyond, despite coalition claims to the contrary.

Sunni-on-Sunni violence is growing. Jockeying for power among various Sunni groups in Sunni majority provinces has led to violence. Several prominent Sunnis were assassinated in the run-up to the elections, and others have died since.

The truth is that the vast problems created by the American invasion and subsequent civil war have yet to be dealt with. Millions of Iraqis are without jobs. Much of the country's infrastructure is in ruins. Millions lack electricity in one the world's most energy-rich countries. Corruption is still pervasive. Nearly one million Iraqis are displaced persons waiting to return to homes that in many cases are occupied by others, or are simply gone, destroyed.

When the Obama administration took office, it began a review of Iraq policy. Secretary of Defense Gates, the Joint Chiefs of Staff, and Gen. Odierno, the commander on the ground, have given the president their views on the situation, focusing on the risks involved in speeding up the troop withdrawals outlined in the U.S.-Iraq security agreement signed in late 2008. Under that agreement, all U.S. troops are to be withdrawn from Iraq by December 31, 2011.

It should be a no-brainer for the new administration simply to adhere to the terms negotiated by its predecessor. Iraq is relatively peaceful, U.S. casualties are low, and the war is being virtually ignored by a U.S. public obsessed with economic difficulties. Politically, Obama can't lose if he sticks to Bush's policy. If the agreement proves a success, he will share some of the credit. If it collapses, Bush will get the blame.

Smart as he is, Obama must realize this. There is absolutely no reason, given the current situation, for him to honor his campaign promise to pull out all combat forces by June 2010. Where do leftwing Democrats go if he sticks with the Bush program? Nowhere. It's hard to imagine them staying home in 2012 because Obama decided to stretch out our withdrawal until 2011. The betting is that Obama, acting like the politician he is, will choose a compromise timetable for withdrawal, splitting the difference between June 2010 and December 2011: see the February 21 Associated Press report, "Obama faces split opinion on Iraq future." According to another AP report of the same date, U.S. forces are already testing the routes for a withdrawal through Jordan and Kuwait.

Yet the outlook for Iraq remains murky. The improvements of the last ten months are real, but are they sustainable?

The obstacles to a united, peaceful, and democratic Iraq are formidable indeed. It is still this writer's opinion that Iraq is more likely to become another Lebanon than the model

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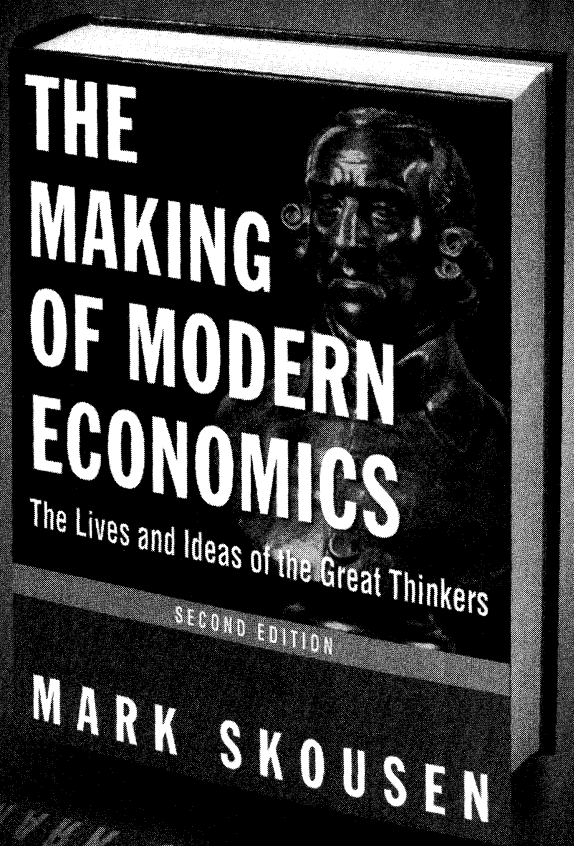

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democracy for the Arab world that Bush, Cheney, and the neoconservatives envisioned.

Nevertheless, one can almost hear the collective sigh of relief emitted by the neocons as they contemplate the recent turn of events in Iraq. In the words of that sage of Alexandria, the Weekly Standard's Fred Barnes, "Iraq is a victory, thanks to the surge." Given how bad these people looked only a year ago, one understands their desire to crow. But are they right?

The surge, strictly as a military operation, did not get us to where we are today. As I have said in these pages ("A Successful Surge?", March 2008), General Petraeus deserves credit for the introduction of new tactics, and for instilling a renewed will to victory in the forces he commanded. His success stands in stark contrast to the performance of his predecessors, generals Ricardo Sanchez and George Casey, officers best described as mediocrities. Casey's reward for lack of success was promotion to Army Chief of Staff. Like the award of the Presidential Medal of Freedom to Paul Bremer, our incompetent viceroy in Baghdad, it was a classic Bushism — incongruous, inexplicable.

Nevertheless, the combat operations of Petraeus' forces, though deserving of praise, played only a part, and a relatively small one at that, in the stabilization we have witnessed on the ground.

We should remember that 100,000 guns opposing us were removed from the battlefield by the Sunni Awakening. This development was utterly unexpected and had absolutely nothing to do with the surge. Members of the Awakening decided independently to end their insurgency and join the fight against al Qaeda. It was the first stroke of luck to come Petraeus' way.

The second was Moktada al-Sadr's unexpected decision, in August 2007, to stop fighting. Whatever may have caused his stand down, it wasn't pressure from the U.S. and Iraqi militaries, which up to then were treating him gingerly. But the result was that U.S. forces were able to arrest hundreds of Sadrist leaders almost without firing a shot.

The Iraqi civil war that began with the destruction of the Golden Mosque in Samarra on Feb. 22, 2006 ran its course over about 18 months. Nothing done by Petraeus hastened its end or moderated its effects. Sectarian cleansing stopped when there was no more cleansing to be done. The Sunni-Shiite conflict burned down to embers, embers that still smolder today, and may flare up in the future.

"Give me lucky generals," Napoleon said. I don't mean to imply that Petraeus lacks skill. But fortune unquestionably smiled on him, and blessed the surge. Petraeus Felix.

In the March 2008 issue of Liberty, I wrote:

> Perhaps the surge itself was a prerequisite for at least some of these developments. That is to say, without more U.S. troops on the ground, the local actors (Sunnis, Shiites, al Qaeda, and the Iranians) might have behaved differently (i.e., worse). If the purpose of the surge is defined simply as the creation of a more peaceful environment – one that would permit Iraqi political factions to reach some sort of compromise concerning their country's future – then, obviously, this much has been achieved.

That statement is as accurate now as it was then. Without the surge, al-Maliki's campaigns in Basra and Baghdad (April–May 2008) probably could not have succeeded. Today those successes look like a turning point, in the sense that they created the conditions for an honorable and relatively speedy U.S. withdrawal. That is no small thing.

But it remains to assess George W. Bush's January 2007 decision to undertake the surge. Was he right to increase our involvement when events appeared to be spiraling out of control? The answer, it now seems to me, is yes.

Once the United States began the war, Bush was essentially trapped. There were two, and only two, opportunities for withdrawal in 2003. After the fall of Baghdad, we could have handed the country over to one of "our" Iraqis and pulled out. The other opportunity came with the capture of Saddam Hussein. Withdrawal at that point would have been a messier affair, but a case could have been made to "declare victory and go home."

But from the beginning of 2004 to the end of 2006, there was no realistic possibility of leaving. To invade a country and then abandon it in a state of anarchy and civil war would have been deeply irresponsible and dishonorable. As the frenzy of violence reached its peak in late 2006, Bush could perhaps have thrown up his hands and ordered a retreat. It would have made the United States look like a "pitiful, helpless giant," but a majority of the American people would have supported such a decision.

Bush, whatever his motives may have been, chose a more difficult path. Though confronted with the outright skepticism of many of his supporters, and the hostility and even hatred of millions of people at home and abroad, he still went forward. In doing so, we can now see, he laid the groundwork for an orderly U.S. exit. He also preserved the honor of the Army and Marine Corps. An evacuation of Iraq in early 2007 would have been a humiliation for the U.S. military.

There is absolutely no reason, given the current situation, for Obama to honor his promise to pull out all combat forces by June 2010.

Bush, then, though terribly wrong in starting the Iraq war, was right (indeed, courageous) in ordering the surge. Of course, one action does not a great president make. Bush remains a disastrous figure in our history.

The war in Iraq that began with the U.S. invasion in 2003 is not over. Episodes such as the march on Baghdad, or the civil war of 2006–07, or the surge, fade into history, while peace remains elusive. We will never celebrate a V-I day. We will leave, perhaps fairly soon, but it will be years at least before we know whether the mission to create a stable, democratic, pro-Western Iraq has succeeded.

Was it worth the cost? Over 4,000 Americans dead, tens of thousands wounded, a trillion or so dollars added to the national debt. Perhaps 100,000 Iraqi civilians killed, some of them by our own forces. Whoever gives this cause a resounding yea must reckon with a multitude of ghosts. ❑

What Your Doctor's Not Telling You

by Bill Merritt

It's easier to manage other people's lives than just to tell them the truth. At least, that's what some physicians believe.

The other day I was driving in the African bush and came across a pickup truck smashed against a tree. And three guys who had been seriously rattled around. It was 45 minutes until dark, nobody else was likely to come along before morning, and I had a first-aid kit in the car. So I pulled over and bandaged the guys up.

What I did not have was surgical gloves. The first-aid kit was left over from when my wife and I used to hike in Oregon, and I wasn't worried about coming into contact with her blood. Whatever she might have coursing through her veins was already coursing through mine. It's not the same down here. In Botswana, there's stuff in 37% of young adult veins that I would just as soon keep out of mine and my wife's, both. Botswana has the second-highest HIV infection rate on the planet. And, since I had been camping for more than a week, I had open cuts on my hands.

There was a lot of blood on the guys I patched up, but I was careful and I don't think I got any on my cuts. Still, you never know, so once I had the last bandage on, I pulled out a bottle of whiskey and gave my hands a thorough J&B disinfecting. I'm no doctor, but it sure stung like it was disinfecting something.

One of the reasons I didn't worry too much about the blood was because I was in on one of the unpublicized secrets of the HIV industry. Post-exposure prophylaxis, a course of pills waggishly referred to as "PEP," cuts your chances of actually catching the virus by 80%. The day after the accident I drove into a town, called the embassy nurse and, two days later, met the shipment of pills at an airport.

The following week I was in a doctor's office discussing what had happened when she let me in on some other not-widely-publicized HIV facts. To start with, I had assumed that blood-to-blood contact was the primo way to transmit the virus — get a single drop of infected blood into a cut and you have an almost 100% chance of becoming HIV positive.

Not so, she said. The chances of becoming infected from blood-to-blood contact are lower than the chances of becoming infected from a needle-stick, and needle-sticks are, well . . . the chance of becoming infected if you are stuck by a hypodermic needle that has previously been used on a person with full-blown AIDS (in other words, a needle that's been dipped into blood with the highest possible viral load) is 0.3%. Three

in a thousand. And, as the doctor said, the infection rate from blood-to-blood isn't even that high.

The chances of becoming infected drop even more if the HIV-laced blood came from somebody being treated with anti-retrovirals. In that case, the blood carries fewer viruses and the odds of contracting anything go down proportionally.

The rate is lower still, if you wash your hands afterwards. Whiskey, as it turns out, is an especially good disinfectant, HIVwise.

The odds are even lower if you have a healthy immune system, because, contrary to what you would expect, since HIV is a virus that eats the immune system, your body really can fight it off.

By the time you multiply the less-than-100% chance that any of the three gentlemen I patched up had the virus, by the what-seemed-to-me remote chance that I had actually gotten any of their blood into a cut, by the less-than-three-in-a-thousand chance of becoming infected if I had, reduce again by the less-than-full-blown viral load that the blood would have been carrying since it was obvious that none of the guys had full-blown AIDS, reduce again by however much good the whiskey did, take a fifth of what's left and reduce some more by the ability of my own body to fight off whatever viruses managed to get through . . . and the chances of actually contracting something must be in the order of millionths. Maybe hundredths of millionths.

Now, I don't want to belittle the dangers of HIV. And I certainly don't want to catch it. But I would like somebody to explain to me why I didn't already know that the risk of getting HIV from helping out at a traffic accident was so low. I consider myself a reasonably well informed layman. My wife is better informed than I am. She works in HIV prevention and she didn't know the numbers. Why is this? Wouldn't we all be better off not scaring people away from lending a hand when somebody gets hurt? For that matter, why don't more people know about PEP?

My doctor said it's because the medical profession doesn't want people taking unnecessary risks, and, I suppose, that makes a perverse kind of sense . . . if the people are children. But they aren't always. In fact, the world seems to be flooded with people who aren't children. Besides, once somebody, child or not, takes the risk, wouldn't the risks to the people who might deal with him in the future be cut by 80% if he took the pills?

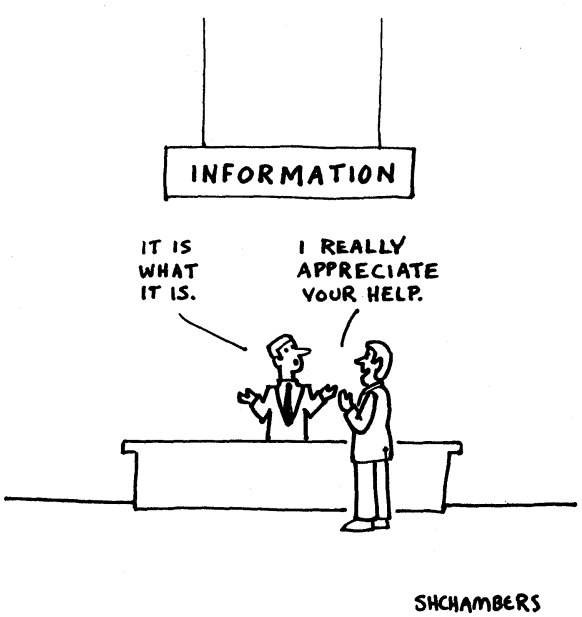

Why aren't we told about simple self-help prophylaxis, such as washing your hands with whiskey? I blundered into that one because I had whiskey in the car, and washing my hands seemed like a good idea. The reason I had whiskey in the car is that I have been forcing myself to choke down the stuff, which brings up another sore point between me and the medical profession.

Fifteen or so years ago, I started hearing rumors about Frenchmen with unhealthy lifestyles who were living much longer than they should. All the red wine they swilled seemed to dissolve the cholesterol off the insides of their arteries and prevent heart attacks. And not just by a little, but by a whopping 40%. I asked my doctor about this and got a very evasive answer. "Maybe," he said, "it's the grapes. Try drinking grape juice."

What I didn't know, but my doctor did because he got his information from actual peer-reviewed medical journals instead of rumors, is that I had heard right. Drinking alcohol does make you live longer. Not just red wine, *alcohol*. Articles about the beneficial affects of drink on ischaemic heart disease have been appearing in the medical literature since, at least, 1958. Only the medical profession in general, and my doctor in particular, stonewalled the fact well up into the '90s.

It came out, of course. Probably from aging doctors with high cholesterol counts blabbing their hearts out in taverns but, however it came out, in their sober moments those same doctors were more worried that the rest of us might find an excuse to drink too much than that we would stay alive.

I say this in all seriousness: the doctor who fogged the alcohol question with me was very likely the single best doctor I have ever had. He was compassionate, slipped me drug samples because he knew money was an issue, and was probably the most skilled diagnostician who has ever treated me. But at some basic level he would rather I had died than that I learned the truth about alcohol and heart disease.

So if you are like me and find that red wine keeps you up at night, but that a couple of shots of bourbon are soothing and restful, you are in luck. And if you didn't know this already, you are still being stonewalled — or, at least, firewalled — by a medical establishment that's afraid to decant too much of that particular genie out of the bottle and into your bloodstream.

Come on, guys! All of us would have been better off knowing back in the '50s about a fun, nonprescription way to grab a 40% across the board reduction in clogged-artery-related heart attacks.

And we would all be better off knowing right now that, horrible as AIDS is, we're probably not going to catch it from putting bandages on somebody on the side of the road. As my doctor down here said, everybody in southern Africa knows that. Not because the medical establishment in Botswana is more forthcoming than it is in the States, but because everybody here has nursed a relative through AIDS. Eaten from the same plates. Gotten their sweat on their bodies. Dabbed up their blood. And they know that you really don't catch it that way. ❑

The Day They Closed Outside

by Robert A. Kelly

From Central Park to managed care, from bell-bottoms to track suits: the story of the Woodstock generation.

Peter and Paula met at a peace rally in Central Park in the summer of 1969. Peter liked her as soon as he saw her tossing a frisbee on the great lawn in the park. She nicely filled her bellbottom jeans, and her round face had a wholesome openness that beguiled him. She liked him too when she saw him retrieve an errant throw. His bellbottom jeans were well worn but clean, and a flaming red bandana kept his flowing curls in place. He threw the frisbee with practiced authority.

They laughed at the alliteration of their names when a mutual friend introduced them. After the rally broke up with a huge circle dance they went out for some wine and cheese at a cafe on 59th Street. They were delighted to find that they shared a common political philosophy. They both believed people have to be free, unless they behaved inappropriately. They both knew war was wrong, and that we simply had to give peace a chance. They agreed that money was the root of all evil, but they knew it was a temporary necessity, and they were both glad that their parents had enough. Astounded by their common worldview, they soon became inseparable, spending long nights in discussion groups, desperately searching for ways to save America.

Years later they both still clearly remembered the night they'd become radicalized. They had been to the peace rally in the park that afternoon, and they had lingered behind long after the final group dance. The trees in the park gave them a sense of freedom.

Evening turned to night; they had brought a blanket and some wine and cheese. They smoked a joint and dreamed of one day moving to Amsterdam. Shortly after midnight the revolving red light of a police cruiser blew away their buzz.

"The park is closed," an officer announced without leaving the car.

Peter and Paula were astonished and disturbed. The park was outside. How could they close outside?

"What?" Peter asked, walking towards the squad car.

"I said the park is closed. It closes at midnight."

"Why?" Peter asked the question of his generation.

"It's for your own good," the officer patiently explained. "The park is dangerous at night."

"We'll take the risk," Peter replied when Paula appeared at his side.

"Don't smart mouth me, preppy," the officer snapped. "Now get out of the park."

Peter knew when he was being threatened, and although he was outraged by the cop's Gestapo tactics, they promptly left the park and returned to his downtown dormitory. They stayed up half the night, finishing their wine and cheese, and discussing their brush with the emerging police state. Something had to be done, they agreed.

Twenty-five years later life was a lot more complicated. They had both found success in their jobs. Peter had graduated at the top of his training class and was now a high level securities dealer with clients all over the city. He'd traded in his bellbottoms for a finely tailored suit, and his hair was stylishly shorn, but he felt that he still held the convictions of his youth.

Paula had pursued a career in sociology and was now working with victims of alcoholism at a local rehabilitation center. Most of her clients had been sentenced to her services so they tended to be thankless and unruly, but Paula never gave up. She knew there was good in everyone, and she desperately wanted to save those who had lost their way.

Their three-bedroom condo on East 84th Street was comfortable but not opulent. The mortgage took a good chunk out of their sizeable income. Add to that the cost of garaging their BMW, and clearly they both had to work to make ends meet. But they had not forgotten the dreams of their youth. Peter still wrote now and then, and often thought of novel plots in his spare time. Paula still sang regularly, and sometimes strummed her guitar late into the night.

They had no children, at least not yet. Paula was only a little over 40, and she still talked of maybe having a baby someday. In the mean time they bought a poogle to fill the void. The poogle is a designer dog, a cross between a poodle and a beagle. The distinctive looking animal often drew praise and admiration from their neighbors. They named her Mary and signed their photo Christmas cards with Peter, Paula, and Mary. They still remembered the night they'd been thrown out of the park, and they often walked Mary there after midnight as a sort of civil disobedience.

"I hate to tell you this, but there was a hole in my pocket, and I lost the budget surplus."

Religiously they attended the monthly wine and cheese parties hosted by the NYU alumni association. Peter particularly enjoyed himself there. He liked the way Paula looked at him with respect and admiration when people sought his opinion on the course of current events, or the quality of the wine and cheese spreads.

On the night of their 25th anniversary the party was particularly interesting. In accordance with current trends the wine was mostly local, but the cheese was excellent, as was the quality and variety of the shellfish. Billy Brannigan, the current chief of police, was running for mayor on a law and order platform that would curl the toes of any self-respecting member of the ACLU. Brannigan was an NYU graduate, but almost all the alumni were ACLU members, so it surprised Peter and Paula when many supported him.

"If Brannigan wins they'll be a cop on every corner," Peter said to a particularly avid supporter of the chief. Peter made a mental note to pick up some brie and winked at Paula.

"Maybe that's just what we need," his fellow alum replied. Peter knew his friend had recently been mugged, and was understandably upset.

"Eventually you wouldn't be able to walk out of your house," Peter countered. Paula thrilled at how deftly he predicted the dire results of wrongheaded policy.

"Can't go outside today without taking your life in your hands," the victim replied. A murmur of assent rippled through their circle of friends; Peter and Paula drifted away. And so it went; everywhere they stopped to chat they found the same disturbing level of support for policies they'd have marched against not so long ago. They were glad to get out into the cold and drizzly night, even though it took them ten minutes to find a cab. By the time the taxi dropped them off at 84th Street it had stopped raining and their spirits had lifted a bit. Upstairs Paula prepared a platter of cheese while Peter popped a bottle of chardonnay and rolled a joint. They changed into jeans and curled up on the sofa in front of the gas fueled fire. Soon they felt better. Once again they talked of going to Amsterdam, but this time with a sense of urgency. At 11:45 their poogle Mary barked at the door. They looked at each other and shared the thought: time for a walk in the park.

At midnight pools of light dotted the deserted tree-lined street. They stopped for the light at Park Avenue, gazing with wonder at the massive cathedral bathed in soft white light. As they approached Fifth Avenue a vague sense of fear seemed to hover over the park, and Peter had an urge to turn back and head to the safety of their home. Paula felt the same way, but neither knew what the other was thinking, so they crossed the broad, well lit avenue and plunged into the park.

Fifty yards into the winding, lamplit path, they were sorry they ever had. It started when a boy-man on a bicycle appeared from the darkness and almost knocked Paula over as he sped by and lunged at her bag. "Here chicky, here chicky," he seemed to growl. As soon as he'd swooped by a second rider appeared and attacked in the same fashion, yapping

like a wolf as he roared by. Soon they were encircled by eight or more yelping assailants who took turns buzzing by them. Peter, Paula, and Mary stood in the middle of the circling riders, frozen in fear. The leader almost knocked Peter over as he skidded to a halt and got right up into his face. "Give me the money, asshole," he said. Peter reached for his cash, hoping to save the charge cards, but the leader just snatched the wallet from his hands. Paula handed him her wallet and kept her eyes on the ground.

"Drop your pants, asshole," the leader barked. Peter was dumbfounded but dropped his trousers. "The undies too," his assailant ordered, while the pack howled with laughter. Peter complied.

"You too, bitch," he said. Paula rapidly complied, never looking up. Peter and Paula heard the whooping laughter of the pack as it disappeared into the darkness. Tears of shame welled up in their eyes as they gazed at each other's nakedness. They knew that laughter would long echo in the corridors of their minds.

On the way back home they decided not to report the crime; it would be useless and embarrassing. Both were silently bitter over the lack of adequate police protection. They hadn't gotten a good look at their assailants; they all wore hooded sweatshirts. They noted that the description, young men in hooded sweatshirts, would narrow the suspect pool to a million or so, and they laughed. At least they still had their sense of humor.

They woke the next morning and dressed for work as if nothing had happened, but they knew they were kidding themselves. Paula had left the cheese out on the coffee table last night, and it had clearly spoiled. They shared a sense of emptiness, as though they had lost a dream, or an only child. When Peter took Mary out for her morning walk he avoided the park; the magic was gone.

Twenty-five years later they still looked back on that night as a milestone in the evolution of their political thinking. Both had voted for Brannigan that day, without any prior consultation. It was a no-brainer. People have a right to be protected; it was right there in the Declaration of Independence: Life, Liberty, and the pursuit of Happiness. After their night of terror in the park, they both knew why Life was the primary right, the *sine qua non*. The electorate agreed with them and Brannigan won in a landslide. Crime did go down as the jails and prisons filled up. Peter, Paula, and many others happily paid additional taxes earmarked for prison expansion. When rumors of police improprieties surfaced, they looked the other way. Urban guerrillas were just as dangerous as Middle Eastern terrorists, and none of the people they knew were affected yet.

They had retired, down to a pleasant gated community 20 minutes north of Miami. The city was a cesspool, but Secure Horizons was like heaven on earth. Security guards manned the checkpoints 24 hours a day, and one hardly ever had to leave the grounds, so comprehensive were the community services. Every two-bedroom unit had a manmade lakefront view. The entertainment options seemed endless: an 18-hole on-site golf course, 12 tennis courts, a well equipped gym with indoor and outdoor pools, whirlpools and saunas, and the latest in exercise equipment. The adjacent fruit bar sold light lunches and a wide variety of health drinks. For those less athletically inclined there was a 250-seat movie theater with nightly showings and a well stocked book and video store with all the latest titles, and a cozy coffee shop tucked away inside. Of course, there was a beauty salon that offered the latest in spa services. For the shoppers there was a store in the clubhouse that offered a wide variety of sporting wear, and two upscale shops adjacent to the beauty salon, for those interested in more formal wear.

There were several dining options. A bewildering variety of gourmet food was available for home delivery. Happily a dietician was on staff to help the residents plan their menus. Several wine and cheese clubs were popular with the residents. The dining room offered an a la carte menu and was open for breakfast, lunch, and dinner every day. It also offered monthly plans, the best value for those who planned to eat all their meals there. Peter and Paula first feared that the dining room crowd would make them uneasy, but they soon felt perfectly at home. The others weren't so old after all; most were about their age. Some nights it almost felt like a Woodstock reunion there in the dining room.

Mary the poogle had passed on, of course, but Secure Horizons allowed residents to keep dogs under 50 pounds, with some breed restrictions, so they adopted a beagle from the local shelter. They named her "Mary Too," and signed their Christmas cards Peter, Paula, and Mary Too.

All was well on the surface, but something seemed missing to Peter, and slowly a plan formed in his mind. For weeks before their 50th anniversary Peter furtively made plans for the trip to Amsterdam they had dreamed of all these years. He booked the best hotels and made flight plans for the three of them, a daunting task with a dog involved. Peter worked the chores with relish as he knew Paula would be deeply moved. Finally the day drew near.

Peter had planned for some candlelight romance on the night before their scheduled departure. He had saved the best cheese from his last three shipments, and carefully matched it with light fruits and crackers. But while checking the temperature of the vintage chardonnay he realized they were out of smoke. His regular supplier, a fellow resident, was away on vacation, so Peter decided to drive into town to pick up a bag or two. It had been a while since he'd been there, but he thought he could still find his way around, so he hopped into their BMW and drove up to the entrance. The wrought iron gate was locked shut. When he tapped his horn the guard pointed to a large sign attached to the gate.

> OUTSIDE WILL BE CLOSED UNTIL FURTHER NOTICE
> People have a right to a safe environment. Due to ongoing and escalating criminal activity, outside will be closed until order can be restored. We regret any inconvenience this may cause. If accessing outside is absolutely necessary please contact your local sheriff's office to make the necessary arrangements.

Peter took it well, all things considered. He knew he could get some smoke in Amsterdam, although he was somewhat concerned as he drove back to his townhouse. He contacted the local sheriff's office and was informed that vacations were not considered an absolute necessity and his petition was therefore denied. Naturally he was despondent, but he took solace in the fact that he hadn't told Paula of his plans. He felt better when his neighbor knocked on his door, just back

from Mexico and flush with product. Peter bought a quarter pound. After his first joint he felt even better, and after his second, a plan began to hatch in his mind. Perhaps they could have their adventure after all, he mused. He got on the phone to facilitate his change in plans.

The next day was Paula's busy day and she left right after breakfast. First she went to her swim class, then an hour with her personal trainer, followed by lunch with the girls from her weight-loss team. After lunch they played a round of golf, stopping twice for drinks, once at the turn and again back at the clubhouse.

She was stunned when she returned to their unit. A huge flat screen HDTV hung on their living room wall. Peter sat on the sofa across from the big screen, dressed in his faded jeans, and sporting his bright red bandana. A splendid array of cheese and crackers sat beside the wine bucket beneath the glow of two candles. The room faintly smelled of incense, and a gas fire glowed in the corner fireplace. Paula couldn't resist. She ran into the back and came out in her jeans, then snuggled up next to Peter on the couch. They shared a joint, the brie was excellent, and the wine was chilled to perfection. "Are you ready for some adventure?" he asked, and she murmured her assent while nibbling at his ear.

He flipped on the TV and an aerial view of a city appeared, so large and lifelike as to make the viewer dizzy. As the camera zoomed in they could see the canals come into focus, the endless tulip stalls and the famous red light district. "Welcome to Amsterdam," a soothing voice intoned. "If it's your first time in Amsterdam, hold onto your hats. You're in for a heck of a ride."

Peter and Paula smoked another joint and snuggled together, mesmerized by the sights of the city of their dreams. The pictures were so large and lifelike that they almost felt they were there. In a way it was better than being there. Certainly the wine and cheese were better than airline fare, and they didn't have to fear the large concentration of Muslims in Amsterdam, as they were largely left out of the film.

And so it was that Peter, Paula, and Mary Too found peace and happiness in their new arrangement. Peter still wrote now and then, and Paula kept up with her singing. Most importantly they had each other, and they were safe and secure. On occasion they got an urge to see the sunrise on the beach, but they soon got over it. They had a view of the sunset from their balcony. In fact they had everything they needed at Secure Horizons, and at times they even forgot that there was a place called outside. ❑

Letters, *from page 8*

it was in a used bookstore in Vientiane, Laos during the Vietnam War. The millions of used copies sit in their various locations like intellectual bombs waiting to go off. The looters and anti-men still fear it. A recent YouTube video was posted showing a copy being burned by some unseen chuckling thugs, probably from Evergreen State College. I recently gave an extra copy to a young friend who is now sleep-deprived from excessive reading. A bit dated? Sure. So is the code of Hammurabi or the Canterbury Tales. But as I listen to Obama or Harry Reid spout their insincere bromides, they sound ever more like Wesley Mouch or Tinky Holloway. Eternal truths still ring loud from faded pages.

David Roberts
Tacoma, WA

Obama: The Hollow Man, *from page 30*

Obama is apparently much less sordid but he also injects the private and personal into the public domain. His more wholesome personality only makes the erosion between public and private worse. Citizens don't need and shouldn't care to know the intimate family details of the executive they've hired to oversee the federal bureaucracy. Private affection (or a media-fueled illusion of affection) doesn't equal efficacy in public affairs.

The erosion of the boundary between private and public realms is not accidental. Statists encourage personality cults because they want to concentrate political power in a single person, rather than spreading it across a system of checks and balances, in which people are judged by what the legitimately accomplish, not by what they or their followers claim that they existentially are.

A strong sense of privacy is essential to individual liberty. So here's to staying confident that America's innate sense of privacy survives Barack Obama. I believe that it — and the other first things, basic principles — will do so. He's not transitional enough to change those things. ❑

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Brother, Can You Spare a Decade?

by Mark Skousen

Few things other than a New Deal can be more painful than an economic depression. But few eras were more vital and enjoyable than the private side of the last depression.

One of the rare books in my financial library is "I Like the Depression," by Henry Ansley, the "Jackass of the Plains." This amusing little volume was published by Bobbs-Merrill in 1932, and the price was a buck fifty.

Ansley, a newspaperman from Amarillo, Texas, described a prosperity in the 1920s that wasn't that great. He burned candles at both ends, became a financial hotshot, and ultimately overextended himself. Then the depression hit: "Good-by twin beds, frozen salads, indigestion, credit and swelled head. Hail to the old-fashioned nightgown, buttermilk, sow bosom [a kind of food], comfort and cash." He lost his job but found happiness by rediscovering leisure, friends, and neighborliness. Hard times taught him the value of a dollar and not to take things for granted: "My dog is my pal again; my wife my lover and my Dad my advisor."

Ansley's book was never a bestseller, but it started me thinking. Can the worst of times also be the best of times? The history books are replete with the evils of the 1930s — soup lines, bank closings, Hoovervilles, dustbowls, bear markets, demoralizing despair. It's all been retold countless times, in such books as Milton Meltzer's "Brother, Can You Spare a Dime?," John Steinbeck's "The Grapes of Wrath," and most recently Amity Shlaes's "The Forgotten Man." The Great Depression brought us Nazi Germany, the New Deal, Keynesianism, and, some say, World War II.

Not surprisingly, everyone from Wall Street to the halls of Congress is worried that the current recession will turn into the dreaded D, and has seized on desperate rescue measures. But was the Great Depression all bad? Did anything good come out of the 1930s? I started doing some research and was amazed to find a bright side to the gloomy '30s — a lower cost of living, great new inventions and other technological advances, new forms of entertainment, more sports and reading, and a return to sober social behavior.

Start with leisure. Henry Ansley describes the free time he had during the depression. Indeed, millions of Americans had a lot more leisure time. Before the depression, almost everyone worked a six-day week. In the 1930s, the five-day work week became commonplace. "Spread the work!" was the rally cry. By 1937, wage earners in 57% of all manufacturing companies enjoyed a five-day week. Saturday was now a free day,

and the Saturday rush hour was replaced by the Friday rush hour.

As a result, there was a tremendous increase in sports and leisure-oriented jobs. People began getting out into the sun and open air and taking a greater interest in golf, tennis, skiing, roller skating, and bicycling. Softball became a national pastime; by 1939, there were nearly half a million teams and 5 million players of all ages throughout the country. Expensive private club golf courses withered, but inexpensive public courses grew. Miniature golf was all the rage in the early '30s. Bobby Jones became the first and only person to win the Grand Slam of golf in 1930. And black athletes became national idols for the first time, Joe Louis in boxing and Jesse Owens in track and field.

Americans traveled more. House trailers became a very big business. Camping, canoeing, and other inexpensive outdoor activities increased in popularity. People took their cameras with them, and photography became a craze of remarkable dimensions. Americans took tons of pictures with their small German cameras. Life and Look — big, glossy picture magazines — became popular.

Dancing, all the rage in the '20s, continued to rage in the '30s. Americans would dance their way out of the depression! Young people everywhere danced the swing, the jitterbug, and the boogie woogie to the music of Benny Goodman, Tommy Dorsey, and Louie Armstrong.

Indoors, parlor games such as bridge and the ingenious "Monopoly" were popular. People read more, and circulation at local public libraries increased. Kids loved comic books, especially "Superman," the world's first comic book superhero. Books "condensed" by Reader's Digest saved time and money. There was an intense interest in epic novels — Pearl Buck's "The Good Earth," A.J. Cronin's "The Citadel," Margaret Mitchell's "Gone with the Wind" — as well as such how-to books as Dale Carnegie's "How to Win Friends and Influence People." (1937, with 17 printings right away).

"When more than half of them are lying down like that, it's called a 'recession'."

In the same year, Lin Yutang, the Chinese-American Taoist, published "The Importance of Living," which was to become especially popular among libertarians. It encouraged Americans to stop worrying and start "letting go." One chapter was entitled "The Art of Loafing." "I am quite sure," Lin wrote, "that amidst the hustle and bustle of American life, there is a great deal of wistfulness, of the divine desire to lie on a plot of grass under tall beautiful trees of an idle afternoon and just do nothing." Whether fortunately or unfortunately, in their own opinion, millions of Americans got to live Lin's upbeat message of idleness.

New Entertainments

Idleness — and its companion, entertainment. People wanted to forget their troubles, and radio and motion pictures provided an escape. Radio really came of age during this period, with up to 80 million listeners on some evenings. There was a lot more to radio than FDR's fireside chats. It was the way to hear worldwide news bulletins, good music, and such half-hour comedies as "Amos 'n' Andy," the first syndicated program, and "The Jack Benny Show." In the late 1930s, NBC was carrying broadcasts of symphony orchestras, especially its own orchestra, conducted by the immortal Arturo Toscanini, to 10 million listeners every week. And who can forget the night of Sunday, October 30, 1938, when Orson Welles broadcast his version of H.G. Wells' "The War of the Worlds"?

Hollywood blossomed during the '30s. In one decade, the motion picture industry went from silent films to talkies in Technicolor. Films brought the American public together as never before. Gary Cooper, Fred Astaire, Ginger Rogers, Katharine Hepburn, John Wayne, Mickey Rooney, and Clark Gable were welcome alternatives to Adolf Hitler, Benito Mussolini, Josef Stalin, and other demagogues of the era. Many considered Shirley Temple a gift from God during the gloomy depression. The motion picture event of 1938 was the first full-length animated cartoon, Walt Disney's "Snow White." The same year saw one of the first films in Technicolor, the blockbuster "The Adventures of Robin Hood," starring Errol Flynn. A burst of classic award-winning films came out the next year, including "The Wizard of Oz," "Mr. Smith Goes to Washington," and the greatest of all epic films, "Gone With the Wind."

The '30s was the era of the first great horror films, "Frankenstein," "Dracula," "Dr. Jekyll and Mr. Hyde," and "King Kong." For a dime, Americans could go to the Saturday matinee and see double features of cowboys, adventurers, and gangsters. The silver screen brought us science fiction, serial thrillers and the Singing Cowboy (Gene Autry). The theater was filled with humor — Laurel and Hardy, W.C. Fields, the Three Stooges. Americans would laugh their way out of the depression! There were reasons why Chicago economist Robert Lucas, Jr., called the 1930s "one long vacation."

New Technology

Alvin Hansen and other Keynesian economists developed their "stagnation thesis" in the late 1930s, arguing that the United States was indefinitely stuck in an economic rut. They claimed that there was no new technology, no new frontier to drive the American economy. They ignored the tremendous economic progress that took place throughout the

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depression — the invention of plastics, artificial fibers, plywood, the 2-cycle diesel engine, and lighter, tougher steels.

Ernst Ruska and Max Knoll invented the electron microscope in 1932. Howard Armstrong created FM radio in 1933. Wallace Carothers manufactured nylon, and Robert A. Watson-Watt discovered radar in 1935. Hans Pabst von Ohain developed the jet engine in 1937 and the first jet airplane in 1939. Chester Carlson originated xerography in 1938. Igor Sikorsky made the first practical helicopter in 1939. Several people, including Philo T. Farnsworth and Isaac Shoenberg, developed television in the 1930s. CBS and NBC began broadcasting TV during this decade.

Few bull markets have ever equaled the summer of 1932, when the rails tripled and the utility averages doubled. Wall Street went on a rampage for the next four years.

Manufacturers weren't idle in getting new technology to market. New household products included electric mixers, pop-up toasters, vacuum cleaners, refrigerators, and irons. For the first time, consumers enjoyed sliced bread and packaged frozen foods. Union Pacific came out with fancy new streamlined, air-conditioned trains. Mass-market automobiles could now accelerate to 60 mph, carrying passengers along new highways with underpasses and cloverleafs. The dirigible, a new form of air transportation, appeared in 1936 (but disappeared with the fiery destruction of the *Hindenberg* a year later). The Douglas DC3 came out in 1936, traveling at 200 mph, compared to the 1932 passenger airplane speed of 110 mph. Coast-to-coast travel in overnight air sleepers was now possible. New ocean liners, such as the *Queen Mary*, appeared in a crowded New York harbor. Everyone came to witness the building of the 102-story Empire State Building and the Rockefeller Center (the only skyscraper group to rise in the 1930s). And who could not marvel at the Golden Gate Bridge, opened to traffic on May 28, 1937?

Social historian Frederick Lewis Allen, author of "Only Yesterday" (1931), a bestselling history of the 1920s, summed it up best when he wrote in a sequel, "Since Yesterday" (1940), "the American imagination was beginning to break loose again." At the end of the decade, the New York World's Fair had as its theme "The World of Tomorrow."

Society and Economics

The depression brought about a change in American social trends. People attended church more. Many retreated from the sexual revolution of the roaring '20s. The mood was more somber and prudent, even after Prohibition was repealed in December 1933. (By the end of the decade, Alcoholics Anonymous was founded.) There was greater approval of marriage and family life. The divorce rate dropped sharply, by 23% from 1929 to 1932, though so did the marriage rate and the birth rate — possibly because marriage and children cost money.

Not all economic news was bad. The most favorable statistic was the decline in the cost of living. During the period 1929–32, retail prices dropped by an average 24%, wholesale prices by 31%, farm prices by 51%, and raw commodity prices by 42%. Of course, wages, salaries, dividends, and other forms of income declined as well, but for those who kept their jobs and held onto their assets, the loss of nominal income was offset by sharply lower prices for all consumer products. "Everything was all right in those years," said a woman quoted in Amity Shlaes' book, "but only if you had a job."

Unemployment reached 25% and higher in some regions at the depths of the depression, causing enormous hardship for millions of Americans. But see it in another light: three out of every four people were employed in the worst parts of the depression. Total employment rose after 1932, reaching 90% by the end of the decade. In a sense, the Democrats were right: happy days were here again!

Businesses adjusted to the new deflation by downsizing, cutting costs, and implementing labor-saving devices. Even the farming industry mechanized. By 1936, despite persistent unemployment, real national output had nearly recovered to predepression levels. Auto sales exceeded all previous years except 1928–29. The steel industry was operating at close to capacity. Even the building industry was climbing briskly. Miami was having its best season since the collapse of the Florida land boom. The race tracks were crowded, lavish debutante parties flourished in the big cities, and the night clubs were full.

For bulls and bears alike, the 1930s was the most fantastic period in stock market history. Stock prices collapsed between 1929 and 1932, losing an average 88%, but industrial, rail, and utility stocks all shot up from their lows in the summer of 1932, anticipating the end of hard times. Few bull markets have ever equaled the rocket performance of the summer of 1932, when the rails tripled within eight weeks and the utility averages doubled. Wall Street went on a rampage for the next four years. The Dow rose 67% in 1933, 4% in 1934, 38% in 1935, and 25% in 1936. After a sharp 32% correction in 1937, the market resumed its upward trend until war broke out in Europe in September, 1939. There were also plenty of speculative opportunities on the long side of gold and other natural resource stocks during the '30s. In sum, the bulls, not just the bears, had plenty of chances to make money in the 1930s.

There's an old saying, "It is the irritation in the oyster that forms the pearl." The Great Depression was an irritation that most people didn't expect. A few people couldn't take the hard times and jumped out of windows, but most responded to the challenge. Adversity often demonstrates the virtue and creativity of humankind. Bad news often creates good news and opportunities to learn and advance. The 1930s were no exception. ❑

Where will you be July 9–11?
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2009 Liberty Editors Conference. *Shouldn't* it be?
Conference details are on page 2.

Reviews

"Little Pink House," by Jeff Benedict. Grand Central Publishing, 2009, 389 pages.

Not So Eminent Domain

Bruce Ramsey

On June 23, 2005, the U.S. Supreme Court said that New London, Connecticut, could force the sale of Susette Kelo's house. The question before the court had been whether the city's plan for her neighborhood — private condos, a privately owned hotel, and laboratories for a private-sector corporation, Pfizer Inc. — was a "public use" under the 5th Amendment of the Constitution. The city said it was, because it would generate taxes and jobs. Five of the nine members of the court swallowed that argument. By one vote, Susette Kelo lost.

The firm representing her, the Institute for Justice, a libertarian public-interest firm, also lost. It was aiming to establish a new rule in law, and it ended up with the court's establishment of a rule even worse than the previous one. Because Susette Kelo could not appeal to a higher legal authority, the case looked like a disaster for the Institute and its libertarian donors. But it wasn't. In America, you can appeal to public opinion — and the Institute did.

The result has not been as decisive as the Supreme Court victory it wanted, but it is a remarkable story of how, in a battle of law, one may lose the war, yet win much of the peace.

In 2007, I was in a discussion with land-use thinktank intellectuals in New England. They were not sympathetic to the property-rights movement. In their view, public redevelopment of old cities like New London was necessary, and without property takings you couldn't do it. It was altogether proper, they thought, that Kelo had lost her case. And it was outrageous and exasperating that the right-wing, antigovernment Institute for Justice had convinced the media that everyone's home was in danger. Look what had happened: Americans had been made afraid of their own government and were backing a movement to take away some of its socially legitimate power.

Terrible.

The story of all this — Susette Kelo and New London and the Institute for Justice — is told in "Little Pink House." Its author, Jeff Benedict, went to law school, then decided he could make more of a difference as a writer. He made a name for himself covering the Kobe Bryant rape case for Sports Illustrated, and with the book, "Out of Bounds: Inside the NBA's Culture of Rape, Violence, and Crime." He wrote "No Bone Unturned," a work about the legal fight between anthropologists and Indian tribes over ancient remains. These aren't libertarian books particularly, nor does "Little Pink House" aim specifically at that audience. Its target audience is general. Benedict tries to be fair to both sides. But he starts and ends with Kelo, and his sympathies are clearly with her.

The key to a marketable book of journalism is a story that has conflict and human character. "Little Pink House" has both. In choosing a story to write about, Benedict told me, "I'm looking for characters — characters who evolve over time." In Kelo he found a woman who began by being afraid to talk to a newspaper reporter. By the end,

however, she was standing on the steps of the Supreme Court and meeting the national press. She also testified before the U.S. Senate.

Benedict was living just two towns away from her when he approached her by making a cold call at her house. As he introduced himself, she said, "I know who you are. What took you so long?"

That's Susette Kelo. I met her in early 2009, when she was accompanying Benedict on his book tour. She insists she's just "ordinary folks," and in many ways she is exactly that. She is not highly educated, not wealthy, and not otherwise prominent. She answers questions with simple, blunt statements of fact and will. She is extraordinary in one respect: determination. When it comes to her rights, this Yankee redheaded woman is like the snake on the flag that says "Don't tread on me." She is the sort of person who could stand up in a public meeting and yell, "This is bullshit!"

For the Institute for Justice, Susette Kelo was the perfect defendant. Donor-financed, it demands no money of its clients. But it demands other things, principally that its clients not give up and settle, but fight — publicly, passionately, and persistently — for matters of principle. In New London, IJ's aim was not to get Kelo a better price for her land, though in the end it did. Its aim was to beat the government, and thereby stop the use of eminent domain for "economic development" in New London and everywhere. To do that, it needed a champion who would have the public's sympathy.

Kelo had been pregnant at 16, had married young, had borne five kids, had been twice divorced, and in middle age had become a nurse. Never in her life had she been to New York City, 100 miles away. She had no wealth other than her house, a cottage more than a century old on a postage-stamp lot. It had cost her just $53,500 in the late '90s, because it was in the wrong part of a depressed town, within sniffing range of a sewage plant. She didn't care about that. It was her house, she had put her sweat into it, she loved it, and she didn't want to give it up at any price.

"It was never about the money," she told me.

Of course libertarians and genuine conservatives would be on her side. Government-connected progressives, including the entire leftwing bloc on the Supreme Court (Stephen Breyer, David Souter, Ruth Bader Ginsburg, and John Paul Stevens) would be against her, because they understood that her case was against state power. But many ordinary left-liberals would not see it that way. Here was a woman standing up against a pharmaceutical company. Would a liberal side with Pfizer?

The general public, which is neither conservative nor liberal, would of course be on her side. And it was. She received mail from all over America, saying, "Good for you!"

Kelo v. *City of New London* put the issue of eminent domain in the spotlight, and put government on the defensive. The result has been a movement that has restricted the power of eminent domain in more than 40 states, and that still continues. In some states the gains are marginal and may wash away; in others they make a real difference. America still falls short of the rule which Justice Clarence Thomas wanted, "that the government may take property only if it actually uses or gives the public a legal right to use the property." But *Kelo* allowed Thomas to make an historic argument for that position, and for Justice Sandra Day O'Connor to end her career with a strong dissent that will be quoted for decades. It includes

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these memorable lines:

> The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

"Little Pink House" tells the story of the case in a straightforward, chronological way. It starts with two threads, Kelo leaving her second husband and buying a house, and the organizers of the New London Development Corp. concocting their project to redevelop part of the city for Pfizer. The stories start at the same time and are like two satellites whose orbits are destined to intersect.

The reader sees Kelo knowing nothing as the fight begins, reaching almost blindly for allies, and slowly feeling strength. "Fighting's a hard job," she told me. "I had a lot of support from my neighbors." But not all of them: in the book you meet neighbors who want to fight, but are too old. You meet the ones who give up and decide to sell. You also meet the ones who say they'll give up but are inspired to hold out. You meet the neighbor who dives into the New London Development Corp.'s garbage in the middle of the night, looking for evidence, and finding it. You meet the only local politico who sides with Kelo — the elected mayor of New London, who has no support on his city council and at one point is dragged away from a demolition site by his own cops. You meet the local newspaper editor, the first of many newspaper people on Kelo's side.

The other fetching figure in "Little Pink House" is Claire Gaudiani. She is bright, articulate, and self-driven — the high-energy president of the local private college who, after being challenged by a minority student to help the poor, takes upon herself the mission of bringing an economic future to the depressed city of New London. With persistence, charm, and an un-PC dash of sex appeal — "She was the closest thing New London had to a diva," Benedict writes — Gaudiani sets out to create something new and good by clearing the ground of everything and everybody in her way.

Gaudiani is far more entrepreneurial than the typical bureaucrat. She clashes with the old-line Democrats of New London and with the professors of Connecticut College. In another story she herself would have been the heroine. But in this story she was the user of state money and state power, forcing real people to sacrifice for a planner's vision.

That vision has only partly come to pass. Pfizer did build a research institute at New London, but the company is now cutting back, and Kelo says that everyone in town expects the company to leave. The rest of the property taken, including the site of Kelo's house and the houses of the neighbors who joined her lawsuit, was supposed to be developed by another private company. But the company couldn't get financing, and the land remains vacant.

Kelo moved her "little pink house," which is now a museum in New London, took the money, and bought a house in the next town. She still has a job as a nurse — ironically, a job with the city she sued. On the day I interviewed her, she had to take a transcontinental flight back to New London, so she wouldn't miss any more days of work. ❑

"Future Imperfect: Technology and Freedom in an Uncertain World," by David D. Friedman. Cambridge University Press, 2008, 357 pages.

Things to Come?

Ross Levatter

What can you do with a doctorate in physics and a job teaching economics in a law school?

If you're David Friedman, you can generate 22 very interesting chapters on various futures we might (or might not) live through in the next three decades or so. What will technology bring us? Will it make life better or worse? What are the economic implications? How will these various futures affect our legal system? Friedman explains, clarifies, enlightens, and entertains.

Consider copyright. There are laws on the books. But how effective can they be when you can burn a disk in the privacy of your home? Back when it was expensive to copy and pirate material, legal penalties argued against pursuing a course of action that was difficult and not terribly profitable to begin with. Now the actions that can violate a copyright (to a program, a movie, a piece of music, an online text) are cheap to perform and usually very difficult to detect and prosecute. What follows? Should the law become more draconian, to stabilize the deterrence while the likelihood of capture is decreasing? Or should intellectual property owners develop technological methods of defending their property since they can no longer count on the state to do so?

And then there's encryption, which, combined with "e-cash," can make internet transactions both very safe and impossible to link to specific individuals. With public-private key encryption, you can develop a reputation online for quality and service, be paid with e-cash (computer monetary equivalents that can be transferred from one encrypted account to another), and run a business (legal or illegal) without ever having to know exactly whom (in "meat space")

you are dealing with, and without those people ever having to know who you really are and where you're really located. As a result, it may become hard to collect taxes.

And just in time, too, because technology is rapidly developing to the point where many guards against privacy will disappear. Everything done in the public sphere, and perhaps even the private sphere, will be so subject to videocapture, download, and computer analysis that venturing anywhere in public will imply that you don't have an expectation of privacy. We'll see "1984" in 2020, or sooner.

If you're networked into the internet, your computer can be "broken into." But from a legal perspective, what does it mean to "break into" a computer? It's different from a real-world burglary. Your home or office wasn't physically entered. Your computer is still there. And because data can be copied without being erased, it's probable that none of your property (in the form of computer data) was taken. It's still there on your computer; it's merely been duplicated. Figuring out whether it is best to analogize computer break-ins to housebreaking, fraud, or perhaps even an unwanted (but not necessarily illegal) communication is, Friedman argues, something that courts will have to get better at answering.

Friedman's book provides an introduction to these problems. And it covers much more than computer technology. There's also biotechnology. Even today, clear and previously unchallenged legal rules can no longer be easily applied. Friedman tells of the baby with five parents. A married couple is infertile. The man is sterile. His wife cannot produce a fertile egg; nor is her uterus capable of carrying a fetus to term. But modern medicine is not stymied. A sperm donor provides sperm. An egg donor provides an egg. The fertilized egg is implanted in a gestational donor who is willing to carry the fetus to term for a fee — a rent-a-womb situation. All goes well until, in the third trimester, the original couple divorces. Who has the legal rights and obligations of parenthood?

Standard law in California (where this case occurred in 1998) had been that the mother is the woman who delivered the baby, and the father is her husband. This is an example, Friedman thinks, of the law not keeping up. The court actually decided the case in question by finding that the parents were the infertile couple without whom the situation would not have developed. The case made new law.

Technology affects death as well as birth. What are the legal implications of freezing yourself? Now, in many states, you cannot do this until you die — not much help for a person with a disease that cripples and debilitates before it ultimately kills. You'd rather freeze yourself now, when you're relatively healthy, so you might be awakened when medicine knows how to cure your disease. But the company that freezes you is illegally assisting in suicide if it follows your preferences and your request. And what if a prisoner with a life sentence freezes himself? What is his legal status when unfrozen in 100 years?

When medical technology allows women to choose just when they wish to have babies, and select the babies' characteristics, while preventing sex from leading to unwanted births, the choice of sex and the choice of parenting are divorced. What will be the ultimate effects on marriage, legally and culturally?

And what of nanotechnology, mood-altering drugs, and drugs that improve intelligence and physical abilities? What happens when people can become near-immortal? What does planetary travel imply? What about deep virtual reality (simulated reality you not only see and hear, but feel, smell, and touch)? Friedman discusses them all.

This is a delightful book, written by a creative mind. A character in Alan Moore's novel "Watchmen" once suggested that the future is a race between the Four Horsemen and the Seventh Cavalry. Friedman helps us to bet on the spread. ❑

"Advice to War Presidents: A Remedial Course in Statecraft," by Angelo Codevilla. Basic Books, 2009, 300 pages.

Simple Advice

Bruce Ramsey

War on terror. Weapons of mass destruction. Islamofascism.

Nation-building. Exit strategy. Peace process.

In foreign affairs, real names were long ago replaced by hucksterism and magic. A nation that once was usually at peace but occasionally had *enemies* and *made war* now spends billions "advising, aiding or just hectoring inconclusively in all the world's quarrels."

The key word is inconclusively. Modern America is incompetent about war, says Angelo Codevilla in "Advice to War Presidents."

Codevilla is a former Foreign Service officer. He is a professor of international relations at Boston University and vice chairman of the U.S. Army War College Board of Visitors. He has a warrior streak that some libertarians would like and some would not. He wrote in another place that libertarians are part of a "noble American tradition" and that they make good points about America minding its own business. But of "The Empire Has No Clothes" (2004), written by Ivan Eland

of the Independent Institute, Codevilla wrote, "His answer for every actual or possible controversy with foreigners is to blame America, and then advise us to give in."

I think of Codevilla as a foreign-affairs classicist. He readily quotes the Greek historian Thucydides and once prepared a translation of Niccolò Machiavelli's "The Prince." Anyway, I like him. He is blunt. He is realistic without being a Kissinger-and-Nixon type of "realist." Codevilla wrote a fascinating book about how the Swiss kept out the Germans in World War II: "Between the Alps and a Hard Place," which I reviewed in Liberty (April 2001).

And he does aphorisms. His new book has such fine one-liners as these:

> A war on terror is "a war on nobody in particular."
>
> Phony war fools only the phonies who wage it.
>
> "Disarmament" disarmed those who believed in it.
>
> Power is likelier to compel money than money is to buy power.
>
> Seldom will economics alone accomplish political ends.
>
> War's most important front is at home.
>
> Losing the peace means you lost the war.
>
> If you can't celebrate [victory] in peace and safety, with flags flying, bands blaring and enemies dead or cringing, chances are it's not the real thing.

Codevilla says that the three main schools of foreign-policy thought — the internationalist, the realist, and the neoconservative — all use the "language and assumptions of early 20th century's Progressive movement." All favor technocratic fixes to conflicts of blood and belief. The liberal internationalists "want to put America's muscle at the service of international institutions" that can be trusted to vote for law and justice. The neocons want to barge into foreign lands and make the people "more and more like us." Codevilla might be called a realist, except that the self-professed "realists" believe that beliefs don't matter and that allegiance is based on material interests. It's an assumption, Codevilla writes, that "offends foreigners by telling them not to care about things they care about." To assume that money makes the world go 'round, and that sophisticates should "follow the money," is to be a kind of capitalist rube. What starts wars usually isn't greed, but fear.

To be successful in foreign affairs, you have to try "understanding foreigners as they understand themselves." That's not "multiculturalism," which Codevilla sees as siding with the other guy rather than yourself, as long as he's "moderate." It means understanding him — because you can get what you want more often if you understand what he wants, how much he wants it, and what he'll do to get it.

All three foreign-policy schools, Codevilla writes, "want to reform, to teach, to stabilize — somehow to better — the world, to remake it in their image of America: secular, peaceful, orderly, emancipated, and cosmopolitan." The three schools are three flavors of international do-goodism.

Codevilla writes:

> Our statesmen have assumed that if we don't try to resolve others' quarrels, tell them how to live, mind their business by force to some extent, then we are shirking our duty. That is because supposedly our government has a duty not just to the American people, but to all mankind. That duty erases the difference between our business and other peoples' business.

But there is a difference. "On planet Earth," he writes, "other people resent you for presuming to tell them how to live — for minding their business instead of your own."

Codevilla's principle is the classic one: American independence. The primary objective of the U.S. government abroad should be "to make sure people leave us alone." Terrorists are more likely to leave us alone if we leave their own societies alone. But if they don't, the American government needs to respond with violence toward them or the governments that harbor them. "Doing this," he writes, "requires a military force conceived to dismay and defeat enemies."

Our enemies. "We should enlist only in our own cause," he writes.

Codevilla does not call for withdrawing from all alliances, as many libertarians do. But he suggests that "the bottom-line question about alliances must be 'who's willing to do what, and why?' " Most purported allies of America are actually protectorates.

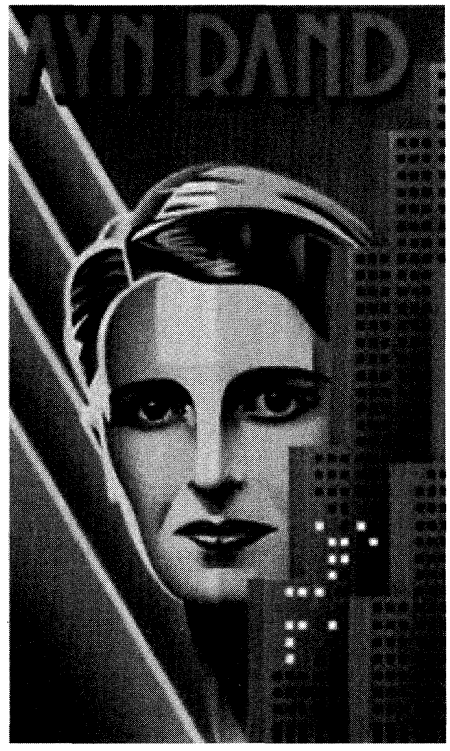

THE PAST,

PRESENT,

AND

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OF OBJECTIVISM

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Call things by their right names. Don't be so clever that you end up believing your own fantasies.

These themes appear over and over in this short, blunt book.

Do you believe in diplomacy? Good. Diplomacy is essential. But always know what you want to say, and have a good answer for the classic question: "Why should anything you say lead anyone to accommodate you?"

Beware the fuzzy label — or the clear label slapped on the fuzzy reality.

Victory, for example. We all remember George W. Bush landing on the carrier, declaring it. Five years later, supporters of the Iraq occupation were declaring it again. "You should subject any claims of an American victory," Codevilla writes, "to the question: Who precisely won what?"

This is a clarifying book. Like the little lines in a car's rear window, it makes the fog go away. I recommend it. ❑

"Un Lun Dun," by China Miéville. Del Rey, 2007, 474 pages.

Shattering the Looking Glass

Andrew Ferguson

"Un Lun Dun" is a young-adult novel written by a British Marxist. And, for those of you who are still with me, it is also a testament to a political truth that every day becomes more important for lovers of liberty: take your allies where you find them.

Miéville built his reputation as a writer on his created world of Bas-Lag, settings for the steampunk fantasies "Perdido Street Station," "The Scar," and "Iron Council." In the first, a plot that is frankly nonsensical is compensated for by the richness of invention displayed in his city New Crobuzon, a megalopolis as richly textured as (and slightly less fanciful than) London. In the second, Miéville took the bold step of leaving this city behind, forgoing the many stories that could be set in it for a larger epic set on that old libertarian favorite, the floating anarchic piratetown. Miéville overcomes his plotting problems here through the expedient of, point-by-point, subverting the structure of the sea-shanty adventure tale. In "Iron Council," he tried to do the same for the ensemble-cast Western, but got bogged down in labor politics, much like today's unions.

Miéville, then, as readers of this magazine might expect, is effective to the degree that his politics stay in the background of his stories. (There are many libertarian novelists of whom this is also true.) And since "Un Lun Dun" is pervaded with, but never dominated by, a healthy distrust of government, it is accordingly very effective — so effective, in fact, that it not only joins Cory Doctorow's "Little Brother" and "The Order of the Phoenix" from the Harry Potter series in the recent wave of great antiauthoritarian YA fiction, but also aspires to the higher canon of wonderfully imaginative fiction ostensibly written for a young-adult audience, alongside such classics as Lewis Carroll's Alice stories and Norton Juster's "Phantom Tollbooth."

Having said that, the book does start slow, and the fact that it's on purpose doesn't mitigate much. Zanna is a young blonde poor-but-proud council-housing girl, which is to say, prime YA heroine material. More to the point, after she is referred to by several societal misfits as the "Shwazzy" — a bastardization of the French *choisi*, or "chosen one" — it is clear, by the standards of the genre, that a quest is in order, one that will probably involve some sort of grand fetch-errand through a grungy but lovable underworld in order to secure the one item that can defeat the all-encompassing enemy threatening that underworld and through it, the mundane world above. And so it seems to be, as Zanna and her best friend Deeba journey into UnLondon ("Un lun dun," we find out later, is a battle-cry version) in order to take on the Smog, a particulate pollutant cloud-mind that "learns" by burning and absorbing everything around it. After a series of getting-to-know-you encounters in the "abcity" (one of the better puns in a book bristling with them), Zanna prepares herself and her newly acquired motley following for their first confrontation with the Smog's minions — a confrontation that lasts exactly as long as it takes her to get whacked over the head by one of them.

Zanna's fall is accompanied by the collapse of the prophetic structure whose step-by-step fulfillment would pass for plot in most YA fare. This assembly-line narrative is represented within "Un Lun Dun" by the Book (a speaking character) that had predicted the coming of the Shwazzy, and outlined the steps her journey would take. As it becomes clear that Zanna will not be taking any steps for a while, the battle appears lost at its very beginning — until a master of unbrellas (broken umbrellas — don't ask) comes along with a plan to ward off the Smog.

With UnLondon seemingly safe, it is left to Deeba to convey the Shwazzy back to London; as weeks go by, the memories of the place, as is so often true of childhood places, begin to fade. But Deeba worries about those she left behind: how are they faring in their fight? How can she even find out what's happening in a place that only tenuously exists? Curious, she heads to the internet for answers, and what she finds shows her not only that the fight is going badly, but that the plan to save UnLondon has been a sham from the start.

So Deeba — mentioned in the official prophetic Book only as "The Funny One" in the entry on "Sidekicks of the Shwazzy" — steps into the spotlight. Making her way back to the uncity, she finds it in a state of all-out war: a war, moreover, that she knows is unwinnable. To save the place, she must fight not only the assorted forces mustered by enemy, but also the established hierarchs of UnLondon, who, following the plan of the unbrella maven as blindly as they once followed prophecy, obstinately insist that nothing can go wrong.

Thus Deeba is caught between two evils: the egalitarian nihilism of the Smog, and the technocratic statism of the supposed resistance — evils that are, with or without the knowledge of the "good guys," working in concert.* Trying to stay a step ahead of both leads to entanglements with a third: brutal opportunistic pragmatism, in the form of British security forces threatening Deeba with the deportation of her parents. This intrusion of real consequences, so much more imminent than any fairy-tale peril could ever be, shatters the divide traditionally separating the real world from make-believe, raising the horrific possibility of the government tunneling even into the imagination in order to impose its version of events.

But "Un Lun Dun" resists the government's narrative as much as it does the worn-out archetypal quest pattern: Miéville shows at every turn the power the unfettered autarchic mind has over preordained structures. Deeba becomes an antiheroine, not in the presently debased sense of a purposefully unlikeable lead character, but rather as someone who persistently refuses to do what is expected of her. In a time when so much of our culture seems to revolve around Shwazzy-types about whom so much is promised and so little delivered — and I don't mean here just the president and those courtiers jostling for position around him, hoping one day to be invited to the modern equivalent of the toilette — Deeba represents a type that we could use a lot more of: those who, whether through native ingenuity or sheer desperation, figure out how to do what needs to be done.

Miéville deserves credit for introducing such a character, and such an imaginative setting, to this generation of YA readers. If he can combine the consistency he displays in "Un Lun Dun" with the greater complexity of his Bas-Lag books, then perhaps in the next few years we'll be treated to the sight of an avowed Marxist accepting the award for Best Novel from the Libertarian Futurist Society. ❑

*Beneath the obvious contemporary relevance to our present "terrorists vs. forces of enlightenment and democracy" fight is the Hitler-Stalin pact: perhaps the sole moment of the 20th century that makes perfect sense, and hence the moment that most often eludes the memory of those trying to explain that century.

"Doubt," directed by John Patrick Shanley. Miramax Films, 2008, 104 minutes.

No Easy Answers

Jo Ann Skousen

Innocent until proven guilty. This is the principle upon which our legal system is based, and it has served us well for over 200 years. Yes, it means that occasionally a guilty person goes free for lack of sufficient evidence, but we would rather see ten guilty men go free than one innocent man incarcerated. That has been our creed, and it is one of the founding principles that has made our nation great.

But what if the suspected crime is so heinous that further incidents must be prevented at all costs? What happens when we simply can't afford the risk of letting a suspect remain free? This is a question we have had to face since the beginning of the war on terror, when we started sending suspected terrorists to holding cells in Guantanamo. It is echoed forcefully in the opening line of John Patrick Shanley's timely and thought-provoking film, "Doubt": "What do you do when you're not sure?"

The film is set in a Catholic school in 1964, one year after the assassination of President Kennedy and two years after the Bay of Pigs invasion, a time that not so coincidentally mirrors our current heightened state of alert. Sister Aloysius (Meryl Streep), the headmistress, is a strict, no-nonsense nun who keeps an eye on everyone, students and teachers alike, to make sure no one crosses the line. She imposes the same strict standard of obedience on herself. When she suspects that Father Flynn (Philip Seymour Hoffman), the gregarious new priest, may be making improper advances toward an altar boy, she watches them both closely, enlisting the aid of a young teacher, Sister James (Amy Adams), as her classroom eyes. Despite her obedient nature, Sister Aloysius crosses the line to become "the cat that catches the mouse." As Father Flynn warns in his sermon, "In the pursuit of wrongdoing one steps away from God."

The film is more than a crime investigation, however; it is a film about authority and culture, teaching and discipline, certainty and doubt. As a woman lacking official authority, Sister Aloysius must work in the shadows to bring her suspicions to light. Shanley uses awkward camera angles to demonstrate the awkward imbalance of authority, and darkness and light as

powerful metaphors. Sister Aloysius's light bulb keeps going out in her office; a gale-force wind screams around the school as she conducts her investigation; the women's dark bonnets shield their faces and create the appearance of witch-like crones.

Through artful juxtaposition, Shanley reveals the difference between the life of a nun and the life of a priest: during dinner the women sit somberly around an austere kitchen table, silently shoveling food into their mouths, nervously aware of Sister Aloysius' watchful glare. Meanwhile, the priests dine in a well-lit, nicely appointed room, laughing jovially at Father Flynn's stories and smoking cigars. The life of a nun is obviously much harder than the life of a priest.

In addition, the three main characters represent three different approaches to teaching and discipline: Sister Aloysius is the strict disciplinarian who believes that instilling fear is the only way to build strong moral character; Sister James is the nurturing, enthusiastic, idealistic new teacher who sweetens her lessons with bright smiles; and Father Flynn is the guidance counselor who considers developing a student's wellbeing and social skills as more important than teaching multiplication tables and grammar. They have the same profession, but decidedly conflicting personalities.

All three major actors provide masterly performances, but Streep stands out as the unyielding headmistress. Sharp-nosed, firm-lipped, black-garbed, she glides down the aisle during Father Flynn's opening sermon, her hand darting out to slap an inattentive boy on the back of the head. She bends to the posture of a sleeping boy who is resting his head on the bench in front of him, draws her face to within an inch of his, and spits imperiously in his ear, "Straighten!" He jumps to attention.

But she also brings softness to her character. During dinner, she gently pushes a fork into the reach of a nun who is trying to hide her growing blindness. And watch for the way she cradles her crumpled shawl to her chest during her confrontation with Father Flynn. She wraps both arms around the bundle of wool and unconsciously leans her cheek against its softness as he claims his attention to the boy is merely friendship. Without a word, she asserts her higher authority as a woman with maternal instincts.

The big question, of course, is "Did he do it?" Has the boy indeed been molested? Writer-director Shanley doesn't reveal the answer. He told it privately to Hoffman and to the actors who played Flynn onstage to help them understand and present the character, but no one else involved in the production knew. This kept the actresses who play Sister James, Sister Aloysius, and the boy's mother, Mrs. Miller (Viola Davis in the film) off balance, torn between certainty and doubt.

Clues abound on both sides. "You have the right to ask a girl to dance," Father Flynn tells a young boy preparing for a social evening at the school, "but she has the right to turn you down." Does this imply that he believes he has the right to make advances toward a boy, as long as he can say "No"? On the other hand, the boy is an outsider in need of a friend, the only black boy in the school. The gregarious Father Flynn might simply be offering an arm of fellowship to a lonely student.

Streep's performance is so strong that it almost creates a flaw in the film. The story is intended to remain ambiguous to the end, the audience unsure and thus uncomfortable with either outcome. In the stage play Cherry Jones (who won a Tony for her role) created a more sympathetic headmistress, strict but caring. But Streep's Sister Aloysius is so unlikable, her sharp nose so firmly in everyone else's business, that we instinctively side against her, in favor of the more inviting Father Flynn. Like the sweet Sister James, we want him to be innocent. And yet, there is something in his eyes. . . . Perhaps this was Shanley's intent: to demonstrate the idea that molesters often get away with their crime, because they are so likable. Or maybe he's innocent.

More important: if he did it, will he do it again? This threat of continued wrongdoing, the film suggests, may be a weakness of our judicial presumption of innocence. "You have no proof!" Father Flynn reminds Sister Aloysius when she finally confronts him. "But I have my certainty!" she roars back. If she's right, then action needs to be taken. But judging by the many trials-by-journalism we see in the news today, "certainty" seems to trump proof with chilling regularity. Recently a friend said to me in all earnestness, "I'd like to move to Florida just so I could get on the Caylee Anthony jury and convict that awful woman." So much for a fair trial. Certainty is all that matters.

So what should we do? Take a priest off the streets and away from the altar boys while we are investigating, at the cost of losing a fine teacher if he is innocent? By extension, should we remove potential terrorists from our communities while we are deciding what to do with them, at the cost of turning innocent immigrants into lifelong enemies? This film is particularly timely as President Obama prepares to close down the holding cells at Guantanamo and release hundreds of prisoners who have been incarcerated without trial.

It's about time. When the mere possibility of crime, the mere suspicion of terrorism, threatens to negate our fundamental political protections, then perhaps, after all, we have more to fear than fear itself. ❑

Rewarding Craftsmanship

This month, Liberty reviews three films with seven acting nominees among them, including the winner of the award for Best Actress in a Leading Role. But one thing about this year's Oscar nominations is of particular interest. They proved that a film does not need a big budget to earn recognition from the Academy of Motion Picture Arts and Sciences. Many of the nominations went to independent films with modest budgets. In fact, "Slumdog Millionaire," my favorite film of 2008, was so low-budget that it almost went straight to video for lack of a distribution company — until Fox Searchlight decided to pick it up. Yet it won eight Oscars, including Best Director and Best Picture. Clearly, while exploding helicopters, high-speed chases and complicated visual effects are impressive and exciting, they aren't necessary for a great film. All that's really needed is a compelling story presented by believable actors.

— Jo Ann Skousen

"The Reader," directed by Stephen Daldry. The Weinstein Co., 2008, 123 minutes.

No Excuse

Jo Ann Skousen

From its title and its nomination for Best Picture, one might expect "The Reader" to be an erudite, intellectual film about a shy, retiring man or a prim and proper spinster. "The reader" probably spends his or her life in the company of books rather than in the company of people. To a certain extent, that turns out to be true. But not as expected.

In actuality, "The Reader" could as easily have been titled "The Bather," since the first third of the film takes place in a bathtub. Hanna Schmitz (Kate Winslet) is a middle-aged tram conductor with a penchant for cleanliness and a secret to hide. When 15-year-old Michael Berg (David Kross) becomes ill on her tram and then vomits in the street near her flat, she washes the paving stones vigorously with buckets of water and firmly escorts him home.

When young Michael returns to her flat to thank her for her help, he finds her in the middle of doing her washing. Specifically, she is carefully ironing her bra, sneaking sideways glances at him but otherwise ignoring him as she touches her underclothing. What an eyeful for a young boy! Later, when he returns to thank her, she asks him to bring up a bucket of coal and orders him to strip down and bathe to get rid of the coal dust. Cowed by her orders, Michael nervously obeys, becoming even more nervous when a naked Hanna begins toweling him off.

But the nervousness doesn't last for long. Hanna does a lot of scrubbing and toweling as the two spend a "summer of '42" in the bathtub, Hannah teaching "Kid" the Kama Sutra while he reads to her from dozens of books — "The Odyssey," "Huck Finn," Chekhov's "The Lady with the Little Dog," even "TinTin" comics and "Lady Chatterley's Lover." Then suddenly, one day, Hanna disappears. Simply packs up her apartment and leaves. No strings, no attachments, no pregnancy. Cozy, romantic, and sexy, right? Every young boy's dream come true.

But wait a minute. He's 15. And she's 38.

And he never gets over it.

The adult Berg (Ralph Fiennes) is unable to sustain a relationship. Divorced, he is estranged from his daughter, scarcely visits his family, and has sex with women but doesn't sleep with them. In short, he has been traumatized by a sexual predator who is nevertheless portrayed as a victim. Am I the only reviewer who has noticed this fact?

At times I felt as if I had walked into one of those peep shows on 8th Avenue rather than a highly acclaimed, Oscar-nominated film. The Weinsteins must have known there was something wrong with all the nudity; after all, they waited until David Kross turned 18 to film the nude scenes, to avoid any problem with statutory rape or child porn laws.

Nevertheless, we are expected to feel sorry for Hanna because, poor thing, she has a secret to hide, one that limits her employment opportunities. Several years after his summer with Hanna, Berg is a law student attending the trial of Nazi war criminals. To his amazement, Hanna is one of the defendants, accused of sending dozens of women to their deaths in the concentration camps and, more brutally, of not allowing 300 women out of a burning building. "It was our job to guard them," she explains to the judge, adding, when he seems unmoved by that defense, "Well? What would you have done?"

This is perhaps the most important line of the film, one worth pondering. What would you or I do, if faced with a similar dilemma? What moral crimes might we commit at work or at war, simply because it is our job? How many of Madoff's employees suspected what was going on, but signed off on audits and reports because the benefits were good? Is it more heroic to obey "my country, right or wrong," or to act and think for ourselves? As jobs become scarcer in our shrinking economy, standing on moral ground may become more difficult — and more lonely.

But Hanna's question is quickly lost as Berg discovers her seemingly more shameful secret: Hanna is illiterate. She cannot read, and therefore could not have written her offending report. If Berg reveals this fact to the judge, Hanna will not be given the more severe punishment as the ringleader of the guards. But Berg cannot bring himself to betray this shameful secret. Being an SS guard is one thing. But illiteracy? It's not her fault that she decided to become an SS guard, he thinks; it was the economy. He decides to keep her secret.

I don't mean to downplay the hardship of illiteracy. As a teacher, I work with semiliterate students regularly. But to suggest that illiteracy is a more shameful secret than sending innocent women to their deaths? More shameful than sexually preying on a 15-year-old boy? I don't buy it.

And I didn't buy this film as a Best Picture nominee. Yes, Winslet's performance is haunting as Hanna; she does amazing things with the snap of her dark, sorrowing eyes. Kross is brilliant as the young, besotted, confused Michael. But a film must be carried by the story, not by the actors alone. Winslet, winner of the award for Best Actress in a Leading Role, demonstrates admirable ability to ignore her nudity in front of the cameras and remains intensely in character. (Sadly for Winslet, pregnancy and motherhood have not been kind to her breasts.) But

nudity is no excuse for an Oscar. And when the nudity is so flagrant that the producers have to postpone production until the actor's 18th birthday, and the imdb website discusses his circumcision as a "goof," I consider that over the top. Someone needs to wash their brains out with soap.

Contrasted with the bathtub lovemaking are scenes of what Michael's life could have been: carefree scenes of his friends swimming at the local lake — as he runs off to spend the afternoon in Hanna's bathtub. Michael thinks he's the luckiest guy in the world; he's having a much better time than his inexperienced and innocent friends. But Hanna is a lifelong victimizer, not a victim. Illiteracy is no excuse for murder. ❑

"The Wrestler," directed by Darren Aronofsky. Fox Searchlight, 2008, 115 minutes.

Hard Knocks

Jo Ann Skousen

If any lesson is to be learned from "The Wrestler" it is this one: dreams don't pay.

Randy "The Ram" Robinson (Mickey Rourke) is a pro wrestler on the downhill side of success. He was once the best on the circuit. Nintendo made a video game about him; Mattel made an action figure; success was sweet. Now he's living in a broken-down trailer, driving a broken-down van, hanging out in a broken-down strip joint, and working part-time as a stock clerk in a broken-down store. He makes phone calls from broken-down pay phones because he can't afford a phone. He attends autograph events in broken-down rec centers with other Hall of Famers where, for $8, fans can purchase a signed Polaroid of themselves with their favorite former wrestlers — several of them arriving in wheelchairs and walkers.

As the film opens, a wrestling match has ended and The Ram is preparing to go home. His body is a mass of protective wraps and ices. For the first ten minutes of the film, the camera follows his back from the arena to his car to his trailer — locked because he hasn't paid his rent. Metaphorically, the backside of his life is all that is left. We see only hints of his face through the shadows until his aged and battered countenance, pumped up on steroids, is finally revealed. The effect is stunning.

No, life isn't easy for the dreamer. The Ram's body is still ripped and muscular, and he's still performing in the ring. He loves what he does, and he loves the people he does it with. The backstage camaraderie among the wrestlers as they choreograph their match for maximum thrills and minimum injuries is impressive. But with his hearing aid, his reading glasses, his thinning hair, his pharmaceuticals, and his battle scars, it's clear that this wrestler has become a broken-down echo of a man who once dreamed of being a star.

Juxtaposed with the wrestler is Cassidy (Marisa Tomei), a close-to-broken-down stripper living the life Thoreau characterized as "quiet desperation." Exotic dancing isn't her dream; it's just the way she makes a living. It puts food on the table and a shelter overhead for herself and her young son. She doesn't like what she does, but it pays the bills. Now that her body and face are aging, it doesn't pay as much. She is shy and almost embarrassed about her own dream: a condo in Trenton, where the schools are better and the cost of living is lower. She probably won't ever get it.

Rourke and Tomei, both nominated for Oscars, give masterly, heartbreaking performances as the dreamer and the cynic in this character study of a film. It's not a pretty setting and it's not a pretty film, but it's a pretty wonderful piece of acting from them both.

The day after I watched "The Wrestler," Whole Foods founder John Mackey addressed the MBA students at Yale University. "Follow your dreams," he told them when asked what fields they should enter. "You have to do something, so you may as well do what you love." Good advice, especially for Yale MBA students. But the contrast between the idealistic dreamer's anticipated lifestyle and the one portrayed by Rourke in "The Wrestler" is profound.

The sad reality is, few dreamers are successful enough to make a decent living doing what they love. For every George Lucas, Julia Roberts, Michael Phelps, or Kelly Clarkson there are hundreds of John and Jane Does, living in substandard housing, typing the Great American Novel, rehearsing in a garage, pitching inventions, practicing free throws, and going to auditions. It costs a lot to be an artist, a performer, an athlete. Lessons and equipment are expensive. Part-time jobs pay part-time wages. Traveling with a performing group often means living in cheap hotels, cooking on a hot plate, and doing laundry in the sink. Lovers, family, and friends eventually tire of the dream always coming first.

So go ahead and pursue that dream, but don't expect the house with the white picket fence to go with it. Isadora Duncan, the famous dancer, discovered this truth early on in her career. "I need a millionaire," she wrote with all seriousness. She found one in sewing machine mogul Paris Singer, who funded her passion for dancing and teaching. But finding a Sugar Daddy isn't as easy today as it was then. The rest of us may have to accept this truth: dreams don't pay.

But for the true dreamers, it isn't about the money, or the white picket fence. It's about passion. For them, the pursuit is worth any sacrifice, no matter what the cost. ❑

Terra Incognita

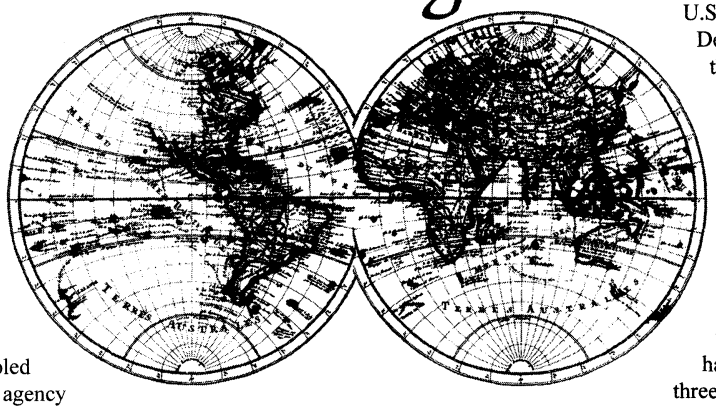

South Jordan, Utah

Misjudgment in situational friendliness, reported in the *Deseret News*:

Some Utahns attending the weekend opening of Disney's biggest movie of the year were exposed to a little more than they were expecting.

Managers at the Megaplex Theatre switched one of the showings of "High School Musical 3: Senior Year" to a larger auditorium to accommodate more people. They forgot, however, to switch the movie that had previously been scheduled for the room.

So rather than the family-friendly, G-rated "High School Musical 3," the beginning of the very nonfamily-friendly R-rated "Sex Drive" came on the screen. The opening minutes of the movie include nudity.

Ottawa

Solomonic division of the morbidly from the merely obese, in the *Toronto Star*:

Canada's two largest airlines must give disabled and morbidly obese passengers an extra free seat on domestic flights, beginning in January, after the Supreme Court refused to consider the carriers' appeal of a federal order.

A possible sticking point is how to decide when obesity is a disability. The free seats need not be provided to obese people who are just uncomfortable in their seats or are not disabled by their size, said the ruling. The agency has recommended the airlines adopt a policy used by Southwest Airlines, which gives a free seat to people who are too big to lower their armrest.

Seattle

Fourfold source of civic pride, from the newsletter of the King County Equity and Social Justice Initiative:

King County has joined partner agencies to launch a new program with the mission to create a multicultural bicycling community where teenagers have equal opportunity to spend time outdoors and on a bicycle.

In its first year, four bicycle clubs will introduce seventy 13-to-17-year olds in targeted south King County neighborhoods to different types of bicycling. King County is excited to support such a visionary project that responds to mobility, health, climate change, and equity concerns.

Santiago, Chile

Most sensible response yet to the financial crisis, snagged from the Reuters wire:

For those trying to drown their sorrows in drink, a bar in Chile's capital is promoting a "Crisis Menu" of discount-priced cocktails. Drinks at the Catedral bar near Santiago's financial center include The Subprime, In Recession, Pyramid (scheme), Bailout, and The Madoff Nectar. "The crisis names grab your attention straight away . . . and the price is good too," said bank executive Angelica Quezada, 38, sipping a "Down Jones" — a mix of peach and orange ice cream and vodka.

New York

Next stage in the fight against eugenics, from the sports section of *USA Today*:

The animal rights group PETA, which every year stages a protest at the Westminster Kennel Club Dog Show, had two of its members dress in Ku Klux Klan garb outside Madison Square Garden.

"Obviously it's an uncomfortable comparison," said PETA spokesman Michael McGraw. But the American Kennel Club is trying to create a "master race" when it comes to purebred dogs, he added. "It's a very apt comparison."

The group passed out brochures implying the Klan and AKC have the goal of "pure bloodlines" in common.

Blaine, Wash.

Cultural misunderstanding, reported in the *Bellingham Herald*:

A Canadian says he got a face full of pepper spray after repeatedly asking a U.S. border inspector to say please.

Desiderio Fortunato says he thought the inspector who told him to turn off his engine was rude and asked him to say please.

The British Columbian said that the inspector repeatedly ordered him to turn the car off and then said he would spray him if he didn't. Fortunato was stunned and blinded by the pepper spray and was pulled out of the car and handcuffed. He was detained about three hours.

Washington, D.C.

Experience as the harshest teacher, from the pages of the *Washington Post*:

For 5 1/2 years, a basement room in the Shaw neighborhood has been part store, part resource center for radical activists in Washington — a nonprofit cooperative run by volunteers, following anarchist principles.

For the past two weekends the Brian MacKenzie Infoshop has held a going-out-of-business sale, to help pay off its remaining bills. Everything must go: buttons, patches, books, and records.

"Just because we are anarchist doesn't mean we don't exist within a capitalist structure," said David Combs, as he worked the store's cash register. "If we want to have a social space, we have to pay rent."

Battle Creek, Mich.

Romance in the Wolverine State, from the Binder Park Zoo website:

Tired of the same old dinner and a movie on Valentine's Day? Do you want to surprise your special someone with a unique, exciting and educational experience that neither of you will ever forget? Then join Binder Park Zoo on February 14th for a special "ZOOROTICA" tour.

Experienced and unabashed staff will lead you on a tour exploring the sexual lives of animals. Biting, clawing, scratching and mid-air acrobatics, animals have a way of reproducing that can be beautiful and brutal at the same time!

Special thanks to Russell Garrard, Tom Isenberg, and Bruce Ramsey for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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The Two Watchmen

Inquest on a Beheading

by Thomas Szasz

Government as God

by James L. Payne

The Real Threat to America's Infrastructure

by Randal O'Toole

Also: *William D. Curl* wonders if there's a legitimate alternative to anarchy, *Vince Vasquez* slaps away the hand of the nanny state, *Bruce Ramsey* reads last rites for the American newspaper . . . plus other articles, reviews & humor.

"Now we go in content to Liberty." — William Shakespeare

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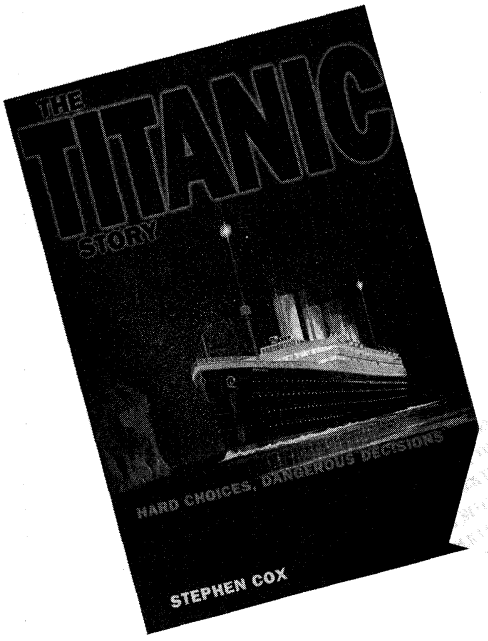

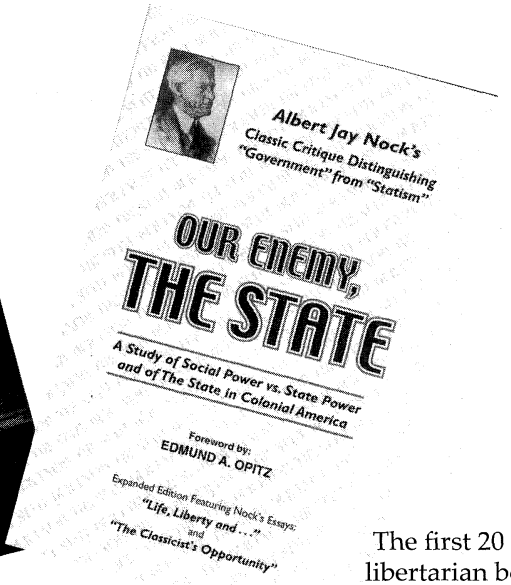

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Inside Liberty

June 2009
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4 Letters Our readers provide the overture.

7 Reflections We hit the lights, cross the line, shovel out the aid, cut off the bonuses, fire the board, wreck the neighbors, play the percentages, empty the asylum, and root, root, root against the home team.

Features

23 The Real Threat to America's Infrastructure The United States has serious problems with its transportation infrastructure. As *Randal O'Toole* explains, they are the result of government's misplaced priorites.

27 Beheading on a Bus *Thomas Szasz* describes the way in which doctors cooperate in relieving people of responsibility for their acts.

29 At the Death of a Newspaper Many people — including many libertarians — regard the imminent demise of daily papers as unimportant. *Bruce Ramsey* dissents.

33 Bringing Sunshine to the Nanny State Urban progressives have us on the slippery slope to totalitarianism, according to *Vince Vasquez*.

Reviews

39 Anarchy Again Most libertarians accept the existence of a minimal state. Some argue we should not. *William D. Curl* reviews the controversy.

41 Government as God There is a point at which faith in government becomes religion. *James L. Payne* explains.

42 The Two Watchmen *Ross Levatter* explores the worlds of "Watchmen": the film and the graphic novel.

44 Hurry Up and Own There is actually a film, *Jo Ann Skousen* discovers, that celebrates the business of making a profit.

45 Hurry Up and Waste *Jo Ann Skousen* considers a story about a woman who lives beyond her means — or was it a story about the U.S. government?

46 Hobbesian Hell *Gary Jason* suggests that, contrary to what some people think, a world with no government is anything but pretty.

47 Garrett the Unique *Stephen Cox* studies the new biography of a great libertarian writer.

40 Notes on Contributors Cognoscenti.

54 Terra Incognita Yet there be method in't.

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Letters

Lose the Labels

Must we perpetuate the stale old "left-right" slogans ("What's Left of the American Left" by Jacques Delacroix, April)? When you start labeling people, thinking stops and prejudice begins. I can appreciate good vs. bad, or right vs. wrong, but left vs. right? Please. As Ronald Reagan once said, "There's no left or right, only up or down."

Mark Skousen
Irvington, NY

Delacroix responds: "Left" and "right" labels have lost none of their force even if they denote imprecise distinctions. "Left" means "collectivist." That's what it has always meant since the early days of the French Revolution, ever since people began to realize regretfully that they must leave behind the "idiocy of village life," to crib Karl Marx. We are witnessing, right in this country, one of the most ambitious collectivist upsurges since October 1917. This is not a good time to abandon useful simplifications for the benefit of one-sided openmindedness. I realize that, historically, there are threats to individual liberties that come from other quarters. So, when the forces of monarchism raise their ugly heads in the country of my choice, I may use different language.

Fair's Fair?

I agree with Charles Barr, and avidly support his concern about this seemingly unbridgeable gap between liberty lovers and their "fairness" minded opponents; it's certainly the most fundamental political issue facing us, whether we're Libertarian Party members, or not.

As Barr correctly notes, however, people these days have "a loosely defined sense" about what "fairness" means to them. Consequently, his suggestion of fighting fire with fire by promoting a wider interpretation of the term, while of immediate practical use in some areas, would ultimately only make things worse unless it is clearly defined first.

Well, there's metaphysical unfairness — I can't sing like Caruso and my girlfriend ain't no fashion model. Then, there's fairness under the law, i.e., everybody playing by the same rules, the true "level playing field" we supposedly learned about in the schoolyard. Because the two are incompatible (and one is achieved only at the other's expense), I don't see how you'd go about it unless some major compromises were made along the way.

Frank Barr
New York, NY

Barr replies: I'm not proposing that we expand the definition of fairness, or promote a wider interpretation of the term. I'm saying that libertarians in general, and the Libertarian Party in particular, must raise the issue of fairness more forcefully when promoting our positions and goals.

Even if their definition of fairness is somewhat fuzzy, voters take the issue of fairness seriously when determining their political priorities. Mainstream

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politicians recognize this fact, and seek to advance their statist agendas by convincing voters that their proposals are "fair." Libertarians often ignore this important component of voter sentiment when framing their responses.

This needs to change. To compete effectively in the political arena, we must be prepared to counter government activists' fairness arguments with fairness arguments of our own. We can easily defend most of our policy proposals using a fairness perspective, without compromising our commitment to freedom.

Both freedom and fairness are important influences on voter behavior. Addressing both of these issues, rather than freedom alone, will make us more effective in inspiring people to join our cause.

Carry That Weight

In the April issue, Ross Levatter asked whether Ayn Rand's "Atlas Shrugged" still carried weight with young readers (Reflections). As a 22-year-old reader who attempted to read this book last year (I eventually gave up 700 pages in), I can say that it wasn't able to with me.

"Atlas Shrugged" is a deeply flawed book, in my view. The book is filled with multiple-page-long paragraphs that get progressively more incoherent. While the plot of "Atlas Shrugged" is one that is potentially very captivating and the characters of Hank Rearden and Dagny Taggart are unique and interesting, the story is betrayed by Ayn Rand's angry, absolutist rants.

Another book, about ten years older than Rand's novel, effectively makes the case for libertarianism. That book is "1984" by George Orwell. While Orwell described himself as a socialist, "1984" portrayed a totalitarian state that is far more horrifying than Ayn Rand's vision of statist market intervention. (It should be noted that Rand did come close to achieving what Orwell did in "1984" in her excellent dystopian novel "Anthem.") "1984" is an excellent example of a book that remains timeless. While it was written as a harsh critique of Stalinism and portrays a dystopia in a year that is more than two decades past, it remains fresh and poignant.

Michael Powell
Shelton, CT

Talk Back

Stephen Cox has hit on one of my pet peeves, as he does frequently, with his essay on loud talking. It is increasingly difficult to find quiet with TVs to entertain us in line, advertisements in elevators, and so on. As he indicates, the perpetrators all-too-often seem to believe that it is their right to impose

From the Editor

In one of her poems, Emily Dickinson mentions "a certain slant of light" that has a particular meaning for her. My neighborhood has a certain slant of streets, a slant that seems meaningful to me.

The place was laid out by a number of different people, all of whom evidently had their own, very individual ideas. So there are several intersecting plans. You're rambling down a street of cheap, depression-era bungalows and suddenly, whoa! a cliff of modern masonry rises up before you, with a hundred expensive condos nesting inside. Or you're wandering along a boulevard as wide as the Champs-Élysées, and at its climax you see nothing but a line of punky little restaurants and tatty used-book stores, each with its own colorful clientele.

I like it. I think it's exciting. And it reminds me of the journal you're reading.

This journal, Liberty, runs at a slant to contemporary American culture. We're in the same neighborhood, that's for sure — and we're not moving out — but Liberty opens vistas you'd never see if your walk were confined to the ordinary grid. Here you always get a different view from the one you might expect.

I'm not expounding subjectivism or relativism. I'm not saying that truth is just a matter of perspective. I'm saying that you see things in Liberty that you won't see anywhere else. And that's because of a certain slant of light.

For Liberty,

Stephen Cox

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their noise on the rest of mankind

My answer, when stares, politeness, and sarcasm fail to elicit the appropriate response, is to join in the conversation. If someone screams into a phone, "The train has stopped at Philadelphia; I'll be two minutes late," I hold my index and little fingers to my ear in mock phone, and announce loudly, "Well, I'm not sure if I can wait that long." You get the idea. Even if it doesn't have the desired effect, I can at least amuse myself, and other passengers seem to enjoy it. But sometimes, albeit with annoyance, the loud conversation is ended.

Adrian Day
Annapolis, MD

That Wagnerian Manner

In Jo Ann Skousen's "Cruising Hitler," her review of the movie "Valkyrie" (March), she writes that she is pondering the remark made by the actor portraying Hitler, "One cannot understand national socialism, if one does not understand Wagner." She asks for readers' opinions, and I am happy to comply.

My explanation of this is the following: it's bunk. Pure idiocy.

Allow me to elaborate. The Führer liked Wagner, it's a fact. He also liked American movies, dogs, and vegetarian cooking. For some reason, Hollywood (which unfortunately infects popular culture with its stupidity) decided to focus on Hitler's love of Wagner and decided to paint Wagner as a proto-Nazi. Curiously, moviegoers, dog lovers, and vegetarians escaped this fate.

Hitler certainly wanted people to believe that Wagner would have been a supporter, but why do so many Americans swallow this particular piece of Nazi propaganda?

Wagner was a romantic, and he embraced the new ideas that were agitating Europe — and particularly Germany — at the time. His idealism consistently led him to support the principled but losing sides, and he had to leave his country to escape the consequences of his vocal support for the underdogs. It is quite a stretch to imply that this bohemian artist would have supported Nazism if he had been born 70 years later. Wagner's track record with the authoritarian regimes of the time does not support this view.

Next, you write that Wagner believed in the superiority of the Aryan race. On this, I take exception. I have read "My works" and "My life" by Wagner, and I have yet to see anything supporting this assertion.

Wagner was accused of anti-Semitism because of his disputes with his Jewish publisher. But an insult written in anger does not constitute a political vision. To the contrary, you might recall that Nietzsche, an on-again, off-again friend of Wagner, created scandal in the bourgeoisie when he not only refused to look down upon the Jewish immigrants flocking to Germany from Central Europe, but even rejoiced about this "influx of new blood that will refresh the fossilized Germans" (I am quoting his maxims from a French translation.) To the best of my knowledge, Wagner did not write anything to let one suppose he was put off by Nietzsche's Judeophilia. Note as well that some of the greatest interpreters of Wagner are Jewish (Lorin Maazel, for example).

The actor's sentiment is not founded on hard evidence, but merely hearsay. Feel free to prove me wrong.

Fred Mora
Shelton, CT

Skousen responds: I have no desire to "prove you wrong." In fact, I very much appreciate your thoughtful and intelligent remarks. I knew I could count on Liberty's readers when I wrote, "I welcome [our readers'] reflections on what [Hitler] meant." Thank you for writing.

How Little Indeed

Mark Skousen "was amazed to find a bright side to the gloomy '30s" ("Brother, Can You Spare a Decade?", May). Here's a bright side that Will Rogers found: "It's almost worth the Great Depression to learn how little our big men know."

Roger Knights
Seattle, WA

Howard Roark Lives!

To answer Richard Kostelanetz's question (Reflections, May), indeed there are architects who have been greatly influenced by reading Rand. Myself for one, John Gillis for another (see, respectively, www.millikenarchitecture.com and www.architetto.com).

Both live in the same city Richard does. There must be others.

Barry Milliken
New York, NY

Tilting at Windmills

I thoroughly enjoyed Don Crawford's "Teaching to the Lowest Common Denominator" (April). It is the sort of article that I have enjoyed and expected from Liberty over the years. As a flight instructor since 1969, and an amateur psychologist, I know that what he says is too true. His observations should be required reading for every member of Congress and the Department of Education.

And it is with some measure of sadness and disappointment that I write this letter, for I also received notice that April was my last issue of Liberty. I will not renew my subscription.

Not renewing is my only option of meaningful protest to the Liberty organization over its failure, indeed, apparent refusal, to address the events of September 11, 2001. Not even eight years after the fact. It took me four years to realize the fraud, and a group of well educated and clear-thinking journalists appears unable, or perhaps unwilling.

Today even the most orthodox of the mainstream media is finally publicizing a few of the many crimes of Bush, Cheney, Yoo, Addington, Rice, etc. Many of the more perceptive amongst us knew of those crimes, or the extremely high probability of those crimes, some years back.

All of those crimes, abuses, and usurpations and assaults upon the U.S. Constitution were based upon the events of September 11, or rather The Official Conspiracy Theory of the events of September 11.

There is a veritable alphabet soup of groups today who have proven various elements of the Official Conspiracy Theory to be a lie. From Pilots for Truth to Architects and Engineers for Truth to lately Medical Professionals for Truth, groups of citizens, including many members from around the world, ordinary citizens with the ability to examine evidence and judge for themselves have come out calling for another investigation.

I am not naive enough to think for one second that the government will conduct another investigation, but it is good to see common sense making a fairly strong appearance.

And Liberty sits in denial.

Richard Sinnott
Fort Pierce, FL

Reflections

Maybe so — Stephen Chapman, the excellent syndicated columnist for the Chicago Tribune, said of Congress' effort to tax away the bonus money of AIG employees: "Maybe the people in Congress are smart enough to figure out a way to sneak this act of targeted revenge past the courts. Maybe, in other words, they have more brains than scruples."

To be fair, Congress could be filled with anencephalics and still have more brains than scruples. — Ross Levatter

Generous to a fault — In February the White House announced that it planned to put the United States on a path to double the dollars it sends abroad in foreign aid. A month later, The New York Times ran an article on the disturbing growth of shanty towns, or as the Times called them, "modern-day Hoovervilles," across the land.

Now, I am not one of those people who believe that the United States should eschew all foreign aid (a little money spent is occasionally cheaper in the long run). Nor am I arguing for government anti-poverty programs here at home. But in a time of economic crisis and shrinking household wealth, should our government really be seeking to send more money abroad? Shouldn't Americans have first call on their own money?

In the immortal words of Dr. Henry Lee (of O.J. murder trial fame): "something wrong here." — Jon Harrison

Medium and message — The death of the Rocky Mountain News and the print version of the Seattle Post-Intelligencer have led to lots of hand-wringing about the future of newspapers and an open society. "If newspapers go bust there will be nobody covering city hall," says The New York Times. "Corruption will rise, legislation will more easily be captured by vested interests and voter turnout will fall."

Hogwash! In most American cities, newspapers have been the biggest proponents of wild schemes promoted by the often-corrupt denizens of city halls and the various special interests that will benefit from those schemes. Want to build a convention center, light-rail line, or stadium at taxpayers' expense? Your major newspapers are far more likely to back you than oppose you.

The notion that bloggers and other internet media can't replace newspapers is similarly absurd. The two most reliable reporters on Iraq, Michael Yon and Michael Totten, are bloggers. Jack Bogdanski, a law professor-blogger in Portland, has done more to uncover the shady finances behind the city's rail transit and real estate deals than any reporter with the Oregonian. Squandered Heritage, Humid City, and similar blogs have kept the pressure on the screw-up politicians who have mismanaged New Orleans since Katrina. And Autoextremist.com is a much better source of information on the auto industry than the Detroit News or any other paper.

Both the Rocky and the P-I have published my op-eds and I was sorry to see them go. But personally, I find I get better, more balanced information from blogs, thinktanks, and other web sources than a single newspaper that is most likely biased in favor of big government. — Randal O'Toole

Stuffing the box — As the Democrats continue their long march through our institutions, aiming to turn this country irreversibly Left, more news comes out. In a story that was buried in a busy news cycle, it was quietly reported that Sen. Dick Durbin (D-IL) and Rep. John Larson (D-CT) will soon introduce legislation aimed at castrating corporations when it comes to campaign contributions.

Under this sly attempt to socialize elections, congressional candidates who agree to tight limitations on corporate contributions will get campaign money from a public fund. This fund in turn will be filled with money obtained by taxing businesses that are recipients of government contracts. Cute, no? These crafty leftists want to tax corporations and use the money to choke off the ability of corporations to "lobby" — a.k.a. to petition the government for redress of grievances.

"Oh, I'm not a guru — I'm just up here on the advice of my tax accountant."

Bob Edgar, the head of Common Cause, an organization that purports to be a nonpartisan reform organization but is in reality little more than a front group for the Democrats (Edgar, for instance, is a former Democratic member of Congress), is out in front supporting the bill, bemoaning the "corrosive influence" of money in Washington. Of course, the lobbying that Common Cause does is good lobbying, unlike the bad lobbying done by businesses.

But the intent is clear: to tilt the playing field decisively in favor of the Democrats in elections. What is the name of this bill? Durbin and Larson have the brass to call it the "Fair Elections Now Act." Such duplicity is breathtaking.

— Gary Jason

Angel and the badmen — February 6, 1788; James Madison publishes "The Federalist" No. 51: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control

on the government; but experience has taught mankind the necessity of auxiliary precautions."

March 30, 2009; Barack Obama removes the CEO of General Motors and announces that the federal government will stand behind all GM warranties.

No doubt to some Obama supporters this merely reinforces their belief in his angelic nature. — Ross Levatter

Pandering — Former New York governor Eliot Spitzer has begun an attempt at reputational rehabilitation. His main device has been a series of columns spewing conventional wisdom across the virtual pages of the internet magazine Slate. One such discharge focused on the fat AIG executive bonuses. Spitzer argued that public outrage was misdirected. Fair point. He botched things, though, when he argued that the real outrage was that the Treasury Department cash infusion was being used to fund payments to the counterparties (mostly big banks) to AIG's dubious insurance contracts.

Strapping on some unconvincing populism, Spitzer wrote: "Workers around the country are being asked to take pay cuts and accept short work weeks so that colleagues won't be laid off. Why can't Wall Street royalty shoulder some of the burden?"

Close, but no cigar. There isn't much royalty on Wall Street. The financial services market is dominated by fast-buck artists who have a lot in common with the professional hookers that Client Number 9 patronized. Always has been.

The *real* real outrage is that the Treasury Department structured its subsidy of AIG to involve equity ownership. The federal government effectively bought the troubled insurance giant. So, the government has become proprietor of a house with the illest repute on the Street. The term "moral hazard" doesn't do justice to the bad precedent this sets.

Spitzer isn't ready for a return to prime time yet. Maybe he was never really ready. Once you grow accustomed to paying people for their enthusiasms, it can be difficult to see things clearly for what they are. — Jim Walsh

Bandwagoning — Sometimes I wonder about the mentality of those who choose politics as their career. What childhood trauma, what formative experience of powerlessness led them to actively seek the control over others' lives wielded by those in this most disreputable of professions? By the time they achieve a national stage, most pols are too well coached to let anything slip; all content has long since been replaced by platitudes.

Fortunately, there is Joe Biden, whose career as a centrist Democrat has somehow not been affected much by his habit of speaking with a Sperry Top-Sider lodged halfway down his throat. And true to form, the vice president revealed more than he intended when guesting in the commentator's booth for an Opening Day baseball game between the Yankees and the Orioles. As a Delaware senator, he might be expected to pull for the Orioles; as a native of Scranton, PA, he might have turned out a Phillies fan. (Hell, as VP of the nation he might be expected to pull for the dreadful Washington Nationals, in their indefensible near-billion dollar taxpayer-funded stadium.) But no, he said, he grew up a Yankees fan, which in a neighborhood evenly split between the Phils and the Orioles, made him "hated" by all the other kids.

Now, he's already stretching the truth a little, since he would've become aware of baseball in the late '40s and the Orioles weren't a major league team until 1954, when the Browns moved from St. Louis to Baltimore and changed names. But spurning the Phillies for the Yankees would have been obscene, especially in 1950 when the routinely-awful Phils made their first World Series for 35 years, only to be swept by that same team of Bronx heavyweights. Now, perhaps Biden got caught up in granddad's excitement over series wins in 1947 and '49, or perhaps he switched over in 1950 amid the crushing childhood disappointment of watching his local team make it almost, but not quite, to the top. But either way, the effect was for him to side with entrenched, centrally-concentrated power against the innovative upstarts — and to turn a deaf ear to the criticism and scorn, however legitimate, of his peers and neighbors. If all of that doesn't indicate a mind destined to grub for power in DC, what does?

— Andrew Ferguson

The audacity of a dope — As the stock market plummeted below the 7,000 mark, reporters asked President Obama what he thought of the way the market was responding to his budget plans. He had the audacity to reply with a dismissive air, "watching the market is like tracking an opinion poll in politics." An opinion poll! As though the stock market doesn't represent the real savings, investment, and retirement hopes of millions of Americans. As though businesses don't matter. As though jobs can be created and protected by companies that are closing. What have we done to America?

The only true stimulus plan is one in which tax credits are given to companies that hire and train new workers. The government needs to stop taking money away from business, and let businesspeople keep their money to use in hiring, producing, and expanding. Only then will the economy start moving again. — Jo Ann Skousen

Intensifier — Use of "incredible" or "incredibly" as a vogue word to mean "extreme" or "very" or even nothing at all is rampant. Much less familiar is use of the word in its core sense, and on purpose. And occasionally the word is appropriate in its core sense, though contrary to the user's intention. Christina Romer, chairman of the Council of Economic Advisers, provided an example in a TV interview on March 22. Reacting to congressional Republican warnings of doomsday if President Obama's massive spending plan should be enacted, Mrs. Romer said that she was "incredibly confident" of economic recovery within a year. — Leland B. Yeager

Soo-ey — Congressman Barney Frank, President Barack Obama, and other government officials are suddenly stunned, shocked, even outraged that AIG is spending millions of dollars on executive bonuses.

Few would argue that the entitled aristocracy running AIG aren't pigs, but had those pigs been left alone, they would have perished or moved on, once they had trampled and devoured all their resources. You cannot teach a pig to sing or to be anything other than a pig.

To hand out billions of dollars of free money with no strings attached, then to feign shock and outrage when that money disappears, is the lowest, slimiest form of deception. What the hell did they think would happen? Am I angry at the

CAPITALISM DIDN'T CAUSE THE CRISIS ...

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The conventional wisdom holds that deregulated or unregulated capitalism caused the financial crisis. As usual, the conventional wisdom is wrong.

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- deposit insurance
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- mark-to-market accounting

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Among the other contributors: Nobel laureate Vernon Smith, with a new theory of the parallels between 2008 and 1929; and John B. Taylor, father of the "Taylor rule" of monetary policy, with a now-famous paper attributing the crisis to Fed policy under Alan Greenspan.

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CAUSES OF THE CRISIS

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pigs at AIG? No, actually. I'll reserve my outrage for the people who raided my garden and tossed all my fresh vegetables into the trough. — Doug Gallob

Magyar meltdown — Being the son of an immigrant from Hungary, I can't help but notice stories about that charming country with the notoriously difficult language. As it happens, Hungary has made the news for an unfortunate reason: it is near an Iceland-style economic collapse (Wall Street Journal, March 25). And its plight has a lesson for us.

Central Europe has generally been hit hard by this recession, since its nations had, to begin with, smaller and more fragile economies than the other European countries. This, in turn, was the result of having two generations of economic growth stolen from them by Soviet-imposed socialism. But Hungary is in far worse shape than the other Eastern European lands, and it is begging for help from the EU and the IMF. Its currency has plummeted in value, and although it was able to float bonds to cover its burgeoning deficit, investors stopped buying them late last year.

The cause of Hungary's financial crisis is its runaway pension system. The numbers are astonishing: there are 3 million people receiving government pensions — in a nation of only 10 million! That's right: 30% of the country is on government support. Pension outlays are now 10% of the entire GDP.

Why? To begin with, Hungary has a wide variety of categories of people eligible for state pensions. It gives pensions not only to retirees and the disabled, but to ordinary accident victims, military veterans, police veterans, widows, farmers, and miners. And the criteria for receiving a pension in any category are loose.

For example, the average age of people on retirement pensions is only 58. By comparison, more than 50% of Americans between 60 and 64 are working, but only 14% of Hungarians in that age range are.

The Socialist Prime Minister, Ferenc Gyurcsany, has just resigned. Whoever replaces him faces a tough challenge: cutting back the pension system is absolutely essential, but such a huge percentage of the population is on the dole that getting reforms through the legislature will be difficult. As Peter Holtzer (chairman of the panel of experts appointed by the government to study the pension crisis) put it, the ultimate problem the nation faces is that 40 years of communism have left a legacy of dependence on the state.

Our country is headed in the same direction. We, too, have retirement, disability, and healthcare obligations that are exploding at all levels of government, and 70 years of the New Deal have left us also with a mentality of dependence on the state. Our president wants to increase that dependence.

— Gary Jason

Generous assessment — The flamboyant professor Ward Churchill, who taught at the University of Colorado at Boulder until he was fired in 2007, was the victor on April 2 in his wrongful termination suit. But the jury, after deliberating a day and a half, awarded him just one dollar.

Although he was notorious for an essay calling the victims of 9/11 "little Eichmanns," Churchill had been terminated

Word Watch

by Stephen Cox

The subject for this month is linguistic mysteries — the things you hear or read that make you wonder, sometimes with amusement, sometimes with disgust, "*Why*?"

Some mysteries are purely psychological. Why would anyone say "utilize," when "use" means precisely the same thing and is three times faster? Why would anyone say "facility," when "building" is so readily available? The obvious answer is, "They're choosing the most pretentious phrase they can find," but that doesn't solve the problem. Why should anyone want to sound pretentious? The obvious answer to *that* question is that many people simply don't know that they're being pretentious. But . . . *why* don't they know? They're just as smart as everyone else. But it never occurs to them. They even go out of their way to say, "We need to optimalize our utilization of this facility." So I give up. It's a mystery.

Now consider the San Diego Union-Tribune, reporting on an enormous war protest (150 people!) featuring "activist mom Cindy Sheehan." That peculiarly cloying phrase, "activist mom," is no mystery; it's what you call a crazed political fanatic when you want to make her look like something other than a crazed political fanatic. Whenever you see the word "mom," you should make sure you keep track of your brains, your political theory, and your wallet, too; because "mom" is out to get them.

But here's the mysterious language in the U-T's report: "One person held a sign that echoed her thought. It said: 'Stop throwing away lives and money on occupations and wars in the Middle East.'" Memorable phrasing! After those pungent words, I'm surprised that wars still go on. And ponder the journalistic insight revealed in "One person held a sign that echoed her thought." Stop the presses! There's a woman *holding a sign*! And wait! What do I see? I think . . . yes, I think the sign she's holding actually *echoes her thought*!

Now, why would human creatures write things like that? Nobody knows; nobody can even guess. It's as mysterious as the Oak Island treasure, or the slaying of Andrew Borden and his wife. It's as mysterious as the origin of "the whole nine yards," an expression that no one has yet been able to explain — a cliche, wrapped in a riddle, and tucked, for good measure, inside an enigma.

And why do people say things, and persist in saying things, that they must know make their audience gnash their teeth and tear their hair? Much political speech is of that kind; it's a ritual enacted by Satanic priests, pontiffs who realize that their formulas are detested by everyone, even by themselves, but who nevertheless feel a duty to keep saying them. "We will balance the budget by 2012"; "Our program will create 5 million new jobs"; "I have complete confidence in my associate John Smith" — these are all ritual phrases that anyone can penetrate, and everyone knows that everyone else can penetrate. So what makes politicians report to the Conclave of Lucifer and continue to chant this stuff?

for plagiarism, fabrication, and similar academic misconduct. During the trial, the evidence of shoddy and fraudulent research was powerful, but the jury apparently concluded that his political views were a factor in his dismissal; without those views, he would not have been fired. Thus, legal precedents for protection under academic freedom prevailed.

I don't criticize this Solomonic decision — granting him a win but holding back compensation. It will be a shame, though, if he gets back his job as ethnic studies professor (for which, it appears, he was poorly qualified in the first place).

The jury probably did what it had to do. But the trial showcases a dysfunctional higher education system. Churchill came to public attention only because he was invited to speak at a small college in New York state, Hamilton. Some faculty there objected to the invitation because of Churchill's leftist and anti-American views (which, until then, hadn't attracted much notice). They publicized his writings, including the "Little Eichmanns" essay, creating a firestorm of outrage, especially in Colorado, and forcing the university to examine his record. The discovery of plagiarism was the result.

A professor copies the work of others, makes up information, and fails to meet accepted academic standards. And nobody notices? How many other tenured faculty are getting away with such conduct because our universities are looking the other way? — Jane S. Shaw

Got some 'splaining to do — Pundits are now sitting around concocting elaborate explanations for the poor performance of their beloved capital markets. I remember watching Wall Street Week, listening to Louis Rukeyser's clever, acerbic monologue. He rambled on about the bond market and the transportation sector, blah, blah, blah. Then, they'd interview some CEO, and finally the "elves," the technical analysts, made their picks. It was the '70s, the market was flat, we had one fairly major recession, rampant stagflation, (coming soon in the current debacle), an oil crisis, and a big, fat war debt. The economic woes of the '70s were arguably less severe than today's crisis, but they were spread out over a decade, and the cumulative effect and enduring damage to the economy may rival this "depression."

Oh, and we ain't any kind of done with this one, yet. But somehow banks and hedge funds being a half a trillion dollars overleveraged is much more interesting than the U.S. government being more than $10 trillion overleveraged. Maybe there isn't an obvious, direct correlation between the War on Terror expense and the housing bubble or credit default swaps, but any engineer should recognize that the world economy is an insanely complex feedback system. Stress on one part of that system may have profound repercussions in a seemingly unrelated remote component. Take an already inefficient, bloated, deficit-spending government that piles on a half trillion dollar additional debt, with an already overstressed financial system teetering on the brink. Now tell me the effect is insignificant. What if that "tiny" stress was the trigger that caused cascade failure? In the end, I suppose we'll never know, but I'll bet the "experts" will be inventing reasons for years to come.

— Dave Ruigh

Well, what makes the president recite the word "responsibility" on every public occasion? One incident out of many: On March 19, commenting on all the "finger pointing" about who authorized the AIG bonuses, he said, "Listen, I'll take responsibility. I'm the president." Formerly, and within living memory, when a public figure said "I'll take responsibility," the next phrase was always "I therefore resign my office," or at least "I therefore promise to change my way of doing thus and so." It wasn't a cultic incantation; it was simple logic — cause and effect. It's my responsibility; I resign, or I will change. But since the Clinton administration, when everyone was always taking responsibility for everything but nobody ever considered changing his way of doing anything, much less resigning from any office he might happen to hold, the word "responsibility" has been a public joke. President Obama is smart enough to know that. So why doesn't he act, and speak, accordingly? I have no idea. Probably he doesn't either.

For that matter, what permits the president to say a lot of the things he says? He's an author. He went to school. He has the capacity to understand the rules of English grammar. So why does he constantly make errors of case ("for you and I")? Why does he talk, as he did in his March 24 press conference, about the importance of people looking after their "fellow co-workers" — as opposed, I guess, to looking after co-workers who are not *fellow* workers?

Why, on March 29, did he say, "We think we can have a successful U.S. auto industry. But it's got to be one that's realistically designed to weather this storm and to emerge — at the other end — much more lean, mean and competitive than it currently is." I pass over the "weather this storm" cliche. A *brilliant author*, such as our president is purported to be, is surely entitled to give *new life* to other people's unbearably hackneyed expressions. Yet the president apparently believes that the comparative of "lean" is "more lean," and the comparative of "mean" is "more mean," as in, "Tom was a more mean man than Jason." And the president apparently believes that "lean and mean" is fresh, young, and presidential. Also "competitive." So — to take the discussion to a deeper level — why is it, exactly, that anyone thinks this man is a master of the English language?

Let's go from the ridiculous to the sublime. Sometimes bad writers or thinkers come out with inexplicably good words. So far, Obama hasn't, but it remains a possibility. Henry James, the novelist, specialized in long, lumbering, sadistically dull, and pointlessly complicated sentences. He was said by T. S. Eliot to have had "a mind too fine to be violated by an idea." Hmm. With or without irony, I doubt that there was anything particularly *fine* about James's *mind*, and I know that his sentences are very far from fine. But somehow, when it came to the titles of his works, he was a different man. "The Turn of the Screw," "The Beast in the Jungle," "The Jolly Corner," "The Golden Bowl," "The Spoils of Poynton," "What Maisie Knew" — what titles could be better? But where did those titles come from? Could they possibly have come from Henry James? Impossible! Yet that appears to be the case. But *how*?

There are other mysteries. Why do certain expressions flock like starlings around a trash can, then disappear for decades, only to migrate back again? Reflect, if you can stand to do so, on the word *dude*. It existed before the 1960s, usually as a synonym for

The half-a-percent solution — On March 20, The Wall Street Journal reported, in respect to the AIG bonuses: "The Obama administration said that it was pursuing all avenues for recouping the money. It said that it would seek to deduct the $165 million from its most recent $30 billion infusion to the company."

Great! Now if only we could do something about getting the other 99.45% back. — Ross Levatter

Down Mexico way — The drug wars in Mexico are devastating that country. Thousands are dying, the tourist economy is affected, and fear and intimidation have become facts of daily life.

The United States is entirely responsible for these problems. It is the U.S. appetite for drugs that fuels the Mexican trade. It is weapons from the United States that cause the deaths.

We could, of course, solve the problem by simply legalizing drugs. But our government and law enforcement honchos are utterly opposed. They prefer to let chaos and death reign over the border.

Under the Bush doctrine, Mexico would be completely justified in initiating military operations against us. Our territory is where Mexico's problem originates. Just as we went to Afghanistan to avenge 9/11, the Mexicans could legitimately come here to avenge the ongoing tragedy in their country.

It has in fact come to this: we in the United States are no better than the Taliban. We should be thankful that Mexico's military is far too weak to threaten us. — Jon Harrison

Deductive reasoning — A March 17, 2009 MarketWatch report out of San Francisco announced that the IRS will grant a break to victims of Bernard Madoff's $64 billion Ponzi scheme, allowing Madoff investors to take a "theft loss" deduction on their 2008 tax returns.

Does this also allow us to deduct from our federal income tax the 12% or so we pay into Social Security, the greatest Ponzi scheme of all? — Ross Levatter

Floating to the top — I don't feel I've said enough about professional American corporate executives in the past, partly because it's impossible to say enough about this generally despicable class of empty suits. Once upon a time, most large companies were run by the men who founded them, and those men were almost always the controlling shareholders. Their interests were aligned with those of the other shareholders.

Few, if any, of today's execs in big corporations have major share positions (and if they do, it's strictly because they were granted cheap options), and few, if any, have actual technical expertise with the products their companies produce. Take Rick Wagoner, the ex-CEO of GM. This suit basically has zero interest in cars; he's expert mainly in the infighting and bootlicking it takes to climb a corporate ladder. He's a political hack, like all the managers that preceded him for the last 40 years. And he's typical of top management in most large public companies.

Why is this? It's worthy of at least a long essay. My guess is that nobody has an interest in seeing things done well the way a founder does, and the further you get from the source, the more diluted things become. As a company that's become rich gets older, it naturally, like an animal in the wild, picks up more parasites. The bigger the corporation, and the further from the production lines the management, the more important backslapping and backstabbing becomes, as opposed to any kind of technical competence. So the worst people, not the best, rise to the top like scum.

"tenderfoot" or "effete and wealthy person," as in *dude ranch*. There were many variants. Remember Fred Astaire, singing about "dudin' up my shirt front, / Puttin' in the shirt studs, / Polishin' my nails." And here's a book called "The Men Behind the Bars," written in 1903 by the chaplain of the Indiana State Prison. It contains a poem by Will Carleton (the author of "Over the Hill to the Poor House"), describing a convict traveling to prison on a railroad train:

> I'd rather sit here, Mr. Sheriff — up near to the end of the car;
> We won't do so much advertising if we stay in the seat where we are.
> That sweet little dude saw the bracelets that you on my wrists have bestowed,
> And tells the new passengers promptly you're "taking me over the road."

Now "dude" means "young person."

In 1919, the Michigan legislature passed a law requiring all public schools to teach Will Carleton's poetry. That's another mystery. Anyway, in the 1960s "dude," after long absence from almost everyone's vocabulary, suddenly became the universal and sufficient label *bestowed* by young males upon themselves. It was a compliment, of course, but what did it mean? It didn't mean you thought of yourself as a Park Avenue swell or a sweet little kid in a railway coach. But beyond that, who knew? And then *dude* went away, replaced by the formerly omnipresent but much less intrusive *guy*. Everyone breathed a sigh of relief. Celebrations were held in many homes.

Yet just when we thought we were seeing progress . . . *dude* returned. And it was worse than ever. Today, *dude* isn't simply the young male's generic term for "young male"; it's the nation's most common interjection and invocation, as predictable as "hwaet!" in Anglo-Saxon poetry. "Dude! If you're gonna, like, say stuff like *dude*, dude, you're, like, maybe you're gonna get in trouble with some other dude, know what I mean, dude?" But why this word, rather than any other word? And when will this word go away again?

Again, no one knows. *Dude* should be classified as a social mystery, like the mysteries of social behavior that Lord Keynes tried to identify when he was asked about the reasons for the crash of 1929. According to the common story, Keynes answered, "Sometimes you see the fish all swimming one way, but then they turn around and start swimming the other way." As you can see, that doesn't explain anything, so I'll proceed to the mystery of middle names and initials.

Just why is it that William Howard Taft is never, ever, called simply "William Taft"? Why is it that Julia Ward Howe is never, ever, just "Julia Howe"? Are we trying to distinguish William Howard Taft from some other president named William Taft?

The current system of corporate governance, guarded by the SEC, cements them at the top. Management, not shareholders, appoints the board of directors — who in turn, instead of acting as watchdogs for shareholders, become lapdogs for management. Management shouldn't even have a seat on the boards of public companies, much less the chairmanship, which is usually the case these days.

With current laws, it's almost impossible for shareholders to dethrone management — even if they grant themselves huge salaries, giant options, and insane bonuses. That's because shareholders would have to mount proxy battles at a huge expense, while management defends itself with the shareholders' treasury. Have you ever noticed on a proxy that you as a shareholder can only vote "For" or "Abstain" for a director nominated by management, while it's impossible for shareholders to put forward a new slate?

Some of this is likely attributable to the simple fact that most shareholders don't directly own shares anymore. Rather, their investments are held through pension funds and mutual funds, which rarely get involved in trying to correct management; if they don't like it, they just sell the shares and management goes on its merry way.

Even so, my basic contention stands — that the people who rise to the top in large corporations are exactly the same types that rise in government. As a case in point, I offer Edward Liddy, the CEO of AIG, the ex-director of Goldman appointed by his crony Hank Paulson to run the company last year. He impresses me as a particularly duplicitous and smarmy bastard, trying to hide misfeasance and malfeasance behind a glib smile and honey-coated words.

Get a load of this: "The marketplace is a pretty crummy place to be right now. When the world catches pneumonia, we get it too." As if it was the fault of the market that management turned an insurer into a hedge fund. He went on to say AIG was being "consumed by the same issues that are driving house prices down and 401K statements down and Warren Buffett's investment portfolio down."

Only a sociopath on the ragged edge of insanity would try to disguise the fact that the giant, bankrupt company is still sucking down hundreds of billions of taxpayer bailout money by comparing himself to Warren Buffett. It's almost as if he was trying to model himself on one of Rand's antiheroes in "Atlas Shrugged" or "The Fountainhead." But society has become so corrupt, I haven't seen any outrage about his words in the media. No surprise there.

By the time this period of history comes to an end, the whole financial, economic, and political landscape will have changed. I just hope it won't look like it's been painted by Hieronymus Bosch. — Doug Casey

Guarding the asylum — Says Chinese Premier Wen Jiabao: "We have made a huge amount of loans to the United States. Of course, we are concerned about the safety of our assets. To be honest, I'm a little bit worried. I would like to call on the United States to honor its words, stay a credible nation and ensure the safety of Chinese assets."

Deadbeat lectures from communist apparatchiks, followed by nervous assurances from their U.S. counterparts. Forget Dave Ramsey's folksy bromides; *this* is what happens when we live beyond our means. In a world gone mad, only the lunatics are sane. — Jim Walsh

Capital idea — Our government is turning us all into guilt-ridden idiots. Can anyone truly believe that the way we are going to come out of this recession is by the government borrowing massive amounts of money and throwing it around? The government says they are injecting capital but

Was there some other Julia Howe who wrote a "Battle Hymn of the Republic"? And why is it that President Kennedy turns up so often as "John F. Kennedy" or even "John Fitzgerald Kennedy," while Dwight Eisenhower and Ronald Reagan do very well without their middle monikers?

Some people think that these things happen because the people involved wanted them to happen. But what's the evidence that JFK insisted on his middle initial? What's the evidence that Rose Wilder Lane refused to be called "Rose Lane" (a poetic name, if ever there was one)? Actually, people called her "Rose Lane" all the time, and Kennedy was commonly known as "Jack." So why all the *F*'s and *Fitzgeralds* and *Wilders* and so on?

And, let's face it, middle names and middle initials aren't necessarily honorific. In that terrific film "Advise and Consent" (1962), Charles Laughton, playing a gloriously "flannel-mouthed" old Southern senator, keeps making fun of the president's nominee for secretary of state, a man named Leffingwell, by insisting on this man's middle initial: "Was there no other man than this, this, *Robert A. Leffin'well*? Is our storehouse of brainpower so impoverished that for this office, which can affect the destiny of our nation and of the world, there is no other man but *Robert A. Leffin'well*?"

But this introduces another mystery — why is that speech funny? Probably the answer is that laughter is our response to the sudden revelation that we shouldn't be intimidated by the things that normally do intimidate us, such as people with pompous names. So that's one mystery solved. But it reminds me of another mystery of nomenclature.

Several years ago, Mehmet Karayel was trying to convince me that I should watch the TV series "Family Guy." He mentioned several amusing things about it. Then he said that it featured a talking dog. "What's his name?" I asked. "*Brian*," Mehmet answered, with great satisfaction, and we both cracked up. That was *one funny name* for a talking dog. But why was it funny?

I've discussed this with several people. The usual answer is that it's funny because it gives hominid characteristics to a canine. Yes, it does. But I'm not satisfied. "Tony" is an equally hominid name, but it's not funny. It's just nothing. (And, for all those Tonys out there who want to be as funny as talking dogs, I admit it: "Stephen" isn't funny either, all right?) Calling a giant ape "King Kong," thus assigning him the political characteristics of a human being, doesn't make him funny. And "Brian" isn't funny at all, except in this single context. But *why is it funny there*? Surely it's not because Americans are intimidated by Irish people, or by little dogs with Irish names. And it's not because the name "Brian" is incongruous. A lot of incongruous things aren't funny.

If you figure any of these mysteries out, please write to Liberty. I want all of them to be solved. Then we can go on to the other linguistic mysteries. All ten million of them.

capital is the same as savings. Capital is supposed to be what you have left over after producing all that you need to consume. But our government is broke. Therefore, they have no capital to invest. What they are investing is debt, no matter what they might choose to call it. Do reasonable people believe this makes sense, especially when it was excessive debt that got us into the problem? Of course not!

Why then do so many people seem to support the Barack Obama plan? We seem to go along even though we feel guilty and stupid. Why? Because we all want stuff and, if the government is willing to steal stuff from someone else (via borrowing and taxation) and give it to us and our friends, then we go along.

We are routinely encouraged to do so when we look around and see that everyone else is going along with these ideas. We are, thereby, encouraged to do the same thing. We know in our hearts that this "rob Peter to pay Paul" philosophy is wrong but, nevertheless, we go along. Meanwhile, our own government is telling us that this is the only way to prosperity. We are reminded of that comment by Ronald Reagan in the presidential campaign against Jimmy Carter, following a Carter remark that he loved a cold shower every morning. Reagan's response was that "anyone who will tell you that he likes a cold shower in the morning will lie about other things too." Our government is lying to us about the solution to the crisis and they will lie about other things too.

Feeling guilty for accepting the stolen property and feeling like idiots for going along with the ridiculous concepts that justify such actions today seems insufficient to jolt us back to reality. This is tragic all by itself but its real harm is that it deadens our minds from being on the lookout for other similarly incredible things that our government preaches. Such actions on our part will inevitably lead to an even more tragic outcome, for example, the one predicted by Alexis de Tocquevlle when he reminded us that "The will of man is not shattered, but softened, bent, and guided; men are seldom forced by it to act, but they are constantly restrained from acting. Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd." — Roy Miller

Uprooted — I can't remember where I picked up this metaphor, though I'm quite sure I didn't invent it: the free market as a natural ecology, totalitarian economies as machines.

I would add that today's mixed, national economy attempts to be a walled garden, fertilized with the artificial nutrient of state-controlled money. And every time I read today's headlines, I get the image of President Obama cruising around the garden in an enormous bulldozer, pruning its fruit trees with awkward swipes of the machine's gaping bucket, weeding the just-budding perennials by gouging up great chunks of earth. — Jamie McEwan

Give 'til it hurts — At his March 25 press conference, President Obama answered questions about his plan to drop the charitable deduction of the top 5% of income earners from 39% to 28%. Some people, it seems, have been concerned that this might retard charitable giving. Obama's response: "Now, if it's really a charitable contribution, I'm assuming that that shouldn't be the determining factor as to whether you're giving that $100 to the homeless shelter down the street."

Let's see, I wish to donate $61 of my post-tax wealth to the homeless shelter down the street. Because of my deduction bracket, I give the shelter $100. This costs me $61. With the Obama plan, I still wish to donate $61 of my post-tax wealth to the homeless shelter down the street. But because of my new deduction bracket, I give the shelter only $84.72, so that the gift will still cost me $61.

The change in tax brackets was not "the determining factor" in the amount of my giving. I gave the shelter exactly as much of my wealth, post-tax, as I had done before. I was not, therefore, giving to get the deduction. Yet the shelter is in fact $15.28 less well funded, because of the Obama-induced bracket changes.

Obama is an intelligent man. Surely he can understand arguments as basic as this. Are we really to think that when he says that his tax proposals "shouldn't be a determining factor" in charitable giving, we should interpret his statement to mean that you should be willing to give even more to compensate for the fact that the government is taxing you more?

No. We should more reasonably assume that, like all other politicians, Obama is disingenuous and rationalizing. Despite pre-election promises, he provides less than hope, and leaves charities with less change than they had before.

— Ross Levatter

Cold, hard cash — Recently, the Chinese have urged the "world community" — read, countries like theirs — to adopt a new currency as a counterbalance against the U.S. dollar, and as a competing reserve currency. The Chinese, it would appear, are very nervous about the value of all those greenbacks they have accumulated by selling us stuff for all those years. Quite honestly, I don't blame them — I'm just as nervous about the value of our currency as they are, and I live here!

But what was interesting is who hopped on board with the program. Virtually every other authoritarian regime in the world backs China's hand. Putin in Russia, Hugo Chavez in Venezuela, and the Mullahs in Iran, not to mention the Saudis, have all called for a new currency to rid the world of the vile dollar. Why, even our own Treasury Secretary Geithner, representing the authoritarian regime currently in possession of the White House, has come out in favor of an alternative to the dollar.

Since I share the concern of the Chinese, I am moved by the spirit of globalist solidarity to give them some suggestions about this new currency.

First, it will need a name. Since it will not be tied to a single nation, it needs a broad name. For example, the common currency adopted by the European nations is appropriately called the "euro." Since the nations clamoring most loudly for a new currency aren't all on one continent, but instead share only an authoritarian or dictatorial political system, may I suggest we call their new currency the "authoro"?

Having settled upon a plausible name, we need to design this currency. In my admittedly limited acquaintance with currencies, America's is (alas) unique in its ugliness. Dull green, dead presidents — *tres* tacky! No, the authoro needs to be aesthetically stimulating, as befits the elegance of its origins.

So, on the front side of the authoro I suggest that we put the mugs of dead dictators. I realize this may be a tad controversial — living dictators such as Putin, Chavez, and Fidel may be appalled at the thought that they won't be honored, but we must insist on standards.

Yet even here, questions remain. By what criteria should we select dead dictators' portraits? I confess this is a knotty issue, but I would humbly suggest that we do it approximately in accordance with the number of people they killed.

So, for example, the one authoro note ("A1") might feature Ur-fascist Benito Mussolini, who strutted a lot but in fact killed relatively few people, compared to his followers Hitler and Stalin. The A5 note should bear Lenin's visage, since he also killed relatively few, not for want of desire or effort, but because he was felled by a stroke before he could kill the millions he certainly would have, had he lived to old age.

The A10 note might well feature the Ayatollah Khomeini, the Iranian Islamo-fascist so admired by Jimmy Carter. Khomeini killed hundreds of thousands of "undesirables." The A20 might display Pol Pot, who managed to kill about 2 million Cambodians. For the A50 note, surely Hitler would be appropriate. His death camps killed 11 million.

Now, I know what you Pol Pot supporters will argue. You will say that while your guy only killed a couple of million innocent people, far fewer than Adolf, he killed a higher percentage of the population. I will not gainsay you. I am open to all suggestions.

Still, can we not all amicably agree on Josef Stalin for the A100 note? I mean, come on folks, even the most niggardly reckoning would put his killing total at 20 million. Why, his trick of starving the nation of Ukraine would, by itself, have to give him a score of 6 million.

And I simply will not brook contradiction regarding the A500. It has to feature Mao, who exterminated 60 million — no piker he.

But what of the reverse side of the authoro? Its symbolism must capture the flavor of tyrannies as disparate as those of Russia, Iran, China, and Ho Chi Minh's Vietnam. That immediately rules out (say) Lubyanka prison, since it looks nothing like (say) the killing fields of Cambodia.

This calls for some creativity. Being only an American, the best I can do is suggest George Orwell's image of a boot stomping on a human face. Add a catchy title, such as "In Secret Police We Trust," and you have a world-class currency.

— Gary Jason

Kick the ball, Charlie Brown . . . — One of the running jokes in the much-missed television sitcom "Arrested Development" involves the characters, in their extremely rare moments of self-reflection, pondering the choices that have led them into an awkward sitution and saying, "I've made a terrible mistake." Now certain writers on civil liberties and watchdog groups — foremost among them Glenn Greenwald of Salon, and the Electronic Frontier Foundation (EFF) — are evaluating Obama's performance in office, and beginning to have the same epiphany.

It would be naive, of course, to suggest that any of the presidential candidates would have dismantled the audacious structure of state secrecy and executive privilege built

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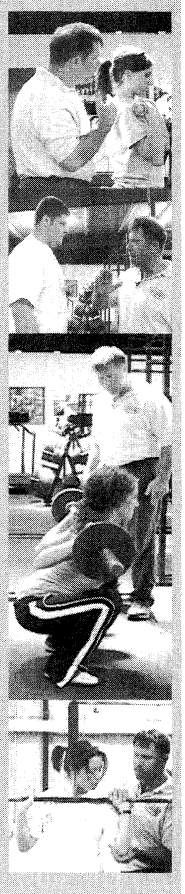

up by the Bush Department of Justice. Of course, there were many naive enough to suggest just that; most of those naifs, blinkered by partisan allegiance, refuse to see that Obama is not merely *preserving* the Bush doctrine, but actually *extending* it. During the peak of the debate over granting immunity to telecom corporations who cooperated with the Bush administration's program of illegal domestic wiretapping, a refrain arose: wait till Obama's in office, then he can sort all this out. So, the EFF waited, and filed suit, and gave Obama's folks time to think it over. And once they had, they declared that not only had that other guy been right about everything, but also that the government would be right to break its own laws and eavesdrop on whoever, provided they didn't publicly disclose the information and claimed it was on grounds of national security. Oh, and the case would have to be dismissed because, you know, national security.

As Greenwald notes, "It is difficult to overstate how extremist is [this] argument." The only comparison that will suffice is to the president's economic policy so far, which (as reported by Andrew Napolitano) extends to forcing banks to accept bailout money, and then refusing to allow them to repay the loans. This is a takeover more hostile than any Wall Street has ever devised, because it is backed by an entity that claims the full might of the American people. And we have given control of this leviathan to a man who has already at one time or another disquieted absolutely everyone, regardless of political conviction, all in the interest of aggregating more power to himself.

We've made a terrible mistake. — Andrew Ferguson

Less light — The World Wildlife Fund urged people around the world to help save the planet by switching outdoor lighting off during Earth Hour on the evening of Saturday, March 28. That project is one more example of sermons and pressures from demonstrators and miscellaneous celebrities (and the Nobel Peace Prize committee) to proselytize their position on global warming. That is no way to illuminate complicated and largely technical issues.

I am no authority on those issues, but the economic principle of general interdependence leaves me ready to believe in *some* connection between human activity and climate change. Questions remain. How steep is the uptrend in global temperature, if any continues? What factors account for such a trend, and how important, relatively, is the human factor? By how much would a doubling (to about 0.08), say, of the CO2 percentage of the atmosphere raise global temperature? What would be the benefits as well as the costs, estimated in dollar terms, of a specific rise? If the costs should exceed the benefits, what remedies or adaptations are available? By how much would each remedy impair the growth of wealthy countries and the development of poor ones? By how much would nonparticipation by populous countries such as China and India dissipate expected net benefits? How might enforcement of proposed remedies impair personal and economic freedom? What problems other than climate change might have a better claim on financial and material resources? Is scientific controversy over such questions really settled, as often alleged?

Natural selection endowed human beings with a propensity to run and think with the herd, as was advantageous before and during the age of hunter-gatherer bands; and some of that propensity persists. Politicians, journalists, researchers seeking grants, corporate executives seeking subsidies and favorable publicity, and ordinary citizens counting themselves as informed and public-spirited have reason nowadays to climb aboard the bandwagon of opinion. In Hans Christian Andersen's fable, persons unable to see and admire the emperor's new clothes were stigmatized as intellectually and morally deficient. Wariness of such a stigma, as well as what Ayn Rand called the "argument from intimidation," may be at work.

Al Gore and his disciples, including the celebrities and demonstrators, may conceivably be right. Like Marxians and Freudians, they can always claim evidence supporting their favorite doctrine. (Some ice is always melting somewhere, or unusual weather or coastal flooding occurring, or species disappearing from particular habitats.) Their posing of virtue against vice, their stigmatizing of questioners, sheds some light on the tactics of the alarmists but none on the substance of the issues. — Leland B. Yeager

Value-less — For years Warren Buffett was, by most reckonings, the richest man in the United States. And for years, as if to confound his fans and followers, he advocated a larger government and higher taxes. He endorsed statist proposals for government-run healthcare; he supported Barack Obama for president.

Now Buffett is no longer the richest man in the land. According to Forbes magazine, that title reverts to its previous holder: Microsoft Corp. founder Bill Gates. Buffett's estimated net worth has fallen from over $60 billion to about $37 billion in the past 18 months.

Is there a connection between Buffett's support of big government schemes and his humbler financial standing? Markets don't punish billionaires for their politics. A truer take might be that Buffett saw trouble on his horizon and supported policies and politicians that would help his portfolio. There's pragmatism in that; but also some hypocrisy.

Buffett runs Berkshire Hathaway, Inc. The man and the company have become virtually synonymous. Berkshire Hathaway owns various businesses and makes investments in other large corporations. It's a kind of mutual fund, with a heavy concentration in insurance companies and other financial services firms. Why insurance companies? Because Buffett believes Wall Street doesn't value them fully.

Buffett has long espoused the investment principles of Benjamin Graham, an investor and writer who championed so-called "value investing." This involves detailed analyses of the financial reports of publicly traded companies and then broader analyses of the marketplaces in which those companies operate. It's a labor-intensive process.

But Buffett's bets on insurance have never matched up well with Graham's model. Insurance is a heavily-regulated industry; success in the field is often based on close relations with regulators. For decades, insurance has been a quiet channel for statist influence on the larger economy. From this angle, Buffett's support of state-run healthcare isn't surprising. Many insurance executives consider health insurance a money-loser that they'd just as soon be rid of to concentrate on more profitable lines such as auto, homeowners', and exotic life coverages.

Berkshire Hathaway owns the auto insurance giant GEICO and specialty insurers General Re, Central States Indemnity, United States Liability, and others. Through the specialty firms, Buffett has been a player in the market for various types of derivative investments. Not good. The investment rating agency the Fitch Group says that it "views [Berkshire Hathaway]'s potential earnings and capital volatility derived from its large, unhedged market exposures as inconsistent with the stability required at the 'AAA' level." Those "exposures" include Berkshire Hathaway's equity holdings in insurance companies as well as its investment in derivative contracts tied to equity and credit markets. Fitch lowered Buffett's credit rating to AA+.

What would Benjamin Graham say? Would a value investor have gotten involved in derivatives? Buffett argues unconvincingly that investors should distinguish between his use of derivatives and those that made banks "almost impossible for investors to understand." *His* use of derivatives hedged his insurance companies against economic volatility. Of course, that's what the guys at Bear Stearns said.

In September of last year, Berkshire Hathaway started boosting its investment in banks, which include holdings in Bank of America, Wells Fargo, and US Bancorp. It also bought $5 billion worth of preferred shares in the investment bank Goldman Sachs. Preferred shares, as Buffett uses them, are really something like a payday loan for companies that are in trouble. They're good business, but they're not value investing.

In the wake of his Goldman Sachs investment, Buffett told CNBC: "If I didn't think the government was going to act, I would not be doing anything this week. I am, to some extent, betting on the fact that the government will do the rational thing here and act promptly."

That's *definitely* not value investing.

Berkshire Hathaway has been a major beneficiary of federal bailout money. By some reckoning, it's among the top five recipients of TARP assistance; Buffett has had a direct interest in the government actions he's advocated over the past nine months. So, next time you read that the Sage of Omaha favors single-payer health coverage, don't mistake that for altruism. Or anything other than corporate statism. — Jim Walsh

Ecce Obama — I have up until now been stunned at the adulation that many people on the Right have given to Obama. They swoon at his intellect, his commitment to a new politics, and his — well, OMG! — sexiness. Witness Peggy Noonan, who talks about the guy in the way Patricia O'Neal talked about Paul Newman in "Hud" — with a breathless "when I see you with your shirt off why I just drop my dishtowel" kind of mushiness.

But I, too, am beginning to be seduced by the president's soaring Kennedyesque oratory, brilliant Jeffersonian intellect, and Lincolnesque honesty. Indeed, I have come to see that he isn't just a one in a million; he's a one in a trillion kind of guy.

Two recent stories have brought me to this fever pitch of admiration. The first is a Tom LoBianco piece in The Washington Times (March 18), reporting that one of Obama's chief staffers admitted in testimony before the Senate that Obama's cap-and-trade proposal to "solve" global warming will cost industry $2 trillion over eight years. An earlier "estimate" of the cap-and-trade bill that Obama co-sponsored in the Senate said it would cost $366 billion over eight years. Then, once he became president, his advisers estimated it would cost maybe $646 billion over that period. Now his own lapdog advisor Jason Furman says a truer figure is $2 trillion. Of course, this represents only business taxes.

Yeah, right. First, business doesn't pay taxes; taxes are passed on to consumers in the form of higher prices. And when you count the direct costs, along with costs from unintended consequences and lost opportunities — as business dies in America and surges ahead abroad — the true costs could well be $2 trillion a year.

Then there is a report from AP News (March 20) that Obama's proposed new budget will create deficits of about $1 trillion a year for the next ten years! Now, brother, there's some brave spending. Forget Bush's deficits — Obama will increase the national debt more in 20 months than Bush (the miserable piker) did in eight years.

The estimate comes from the Congressional Budget Office, hardly a right-wing organization. Its estimate is that under Obama's policies, the deficit will total $9.3 trillion from 2010 to 2019. It will constitute at least 4% of GDP every year, until, by 2019, it hits 5%. Though White House budget chief Peter Orszag disputes the CBO estimate, he does admit that budget deficits in the 4–5% range would be "unsustainable." Gee, ya think?

Brian Riedl of the Heritage Foundation estimates that Obama will double the publicly held national debt to $15 trillion. Hell, the deficit this year is already projected to be something like $1.7 trillion, roughly the GDP of Italy or Canada.

The likely result will be massive new taxes, even beyond what Obama has proposed. Riedl estimates that the tax increase will be at least $1.4 trillion over the next decade.

The scales have fallen from my eyes, and the dish towel from my hands. I now understand the full majesty of our new president. — Gary Jason

Accidental honesty — On March 16, former President George W. Bush announced in Calgary that he is planning to write a memoir "so when the history of this administration is written at least there's an authoritarian voice saying exactly what happened."

I'm glad to see that his well-known garbling of words has resolved itself, now that he has left office. — Ross Levatter

The price is right — A newscaster just informed me that "the market" was up yesterday. This man was quite chipper, presumably because "the market" has been plummeting for months. Nevertheless, I am skeptical. What does it mean for "the market" to go up or down? If you tell me that the price of corn has gone up, I can understand what that means. If you tell me that the price of flat-screen TVs has gone up, or the price of gold, or even the price of stock in a service company, I can understand that. I can even understand clearly and painfully that the average price of all the stock in my retirement portfolio has dropped precipitously.

But when almost every item being exchanged in the market rises or drops by a similar percentage, what does that mean? Did all these items suddenly become less valuable because the price dropped? Obviously, they are not less valuable in

relation to one another, since they all dropped by a similar percentage. I find this true in my own life. The relative value I place on my home vs. my groceries vs. my entertainment vs. my car repair is really about the same as it's ever been. I haven't suddenly decided that my groceries are less valuable than my car repair. Have you?

In relation to what, then, are all these things worth less? Perhaps one of Adam Smith's Big Three? Labor, rent, interest? I'm not an economist. I don't know. Actually, I'm not sure the economists know either, at least not the ones quoted by government administrators and newscasters.

When the relationship between two items changes radically — for example the relationship between U.S dollars and goods and services exchanged in the market — it is good to look at both sides to see what's really happening. U.S. dollars are money, and money is, by definition, the receptacle of pricing information. In this particular case it seems obvious to me that "the market" is not really changing so drastically. Rather, pricing information is being distorted drastically.

That may seem merely semantic, but the language we use to describe a problem affects our ability to solve it. If you imagine the problem from the perspective of "the market," you will see it plummeting or bouncing like a yo yo. You will imagine, as Congress and newscasters and presidential administrations have, that the only way to stop it is to prescribe more and more drastic price distortions. Only when you imagine the problem from the perspective of pricing information do you realize that "the market" is not going anywhere. Rather, pricing distortions are wreaking havoc on our ability to trade.

Why are we so enamored of the wrong semantics?

Alexis de Tocqueville noticed that historians in aristocracies worked to identify the individual action of an individual man as the cause of a given historical event. They would go out of their way to find this individual attribution, ignoring most other, external causes. He noticed that historians in democracies tend to do just the opposite — to attribute grand, abstract, external causes to even the most trivial events, ignoring the individual actions of individual men. Because men in democracies tend toward equality, and hence mediocrity, an individual in a democracy is obviously not interesting enough or powerful enough to be the sole cause of any event. De Toqueville also noticed our love of the abstract over the specific, and traces that love to similar characteristics of democracies.

News gatherers, journalists, and commentators combine as our modern-day, de facto historians. They collude with us, their audience, to give us the historical explanations we want. And they follow de Toqueville's recipe to the letter. Although they haven't identified it yet, our journalists see some vague, abstract force out there affecting "the market." And we (yes, that is the collective "we") should be able to counteract that vague abstract force if we can just apply enough hope and tinkering.

It is this same love of abstract sloppiness that causes us to wage our wars against abstract concepts and inanimate objects, be they poverty, drugs, or terror. Our journalists slop out these vague words because we lap them up. It is much more difficult and complex to think about the more semantically accurate "war against marijuana users" or the "war against the citizens of Iraq" or the "war against the homeless."

Unfortunately, because of our inability to think about our world in a semantically accurate manner, I have no doubt the tinkerers will have the same amount of success in affecting "the market" as they have on poverty, drugs, and terror.

— Doug Gallob

Hot air, cool heads — The Cato Institute, fresh from its excellent ad telling President Obama that he was, with all due respect, not telling the truth about the uniformity of opinion among professional economists regarding the solution to our economic crisis, now has a second full-page ad that does the same thing regarding climate change.

The ad begins: "'Few challenges facing America and the world are more urgent than combating climate change. The science is beyond dispute and the facts are clear.' President-Elect Barack Obama, November 19, 2008. With all due respect Mr. President, that is not true."

The ad is an open letter, signed by 116 scientists. The signatories are of interest. Ninety-three Ph.Ds are listed, with 27 labeled as retired or emeritus. At least 39 of the signatories are from outside the United States (not all have affiliations that easily allow determination).

I think the last two bits of data are of particular interest. The final one suggests that domestic politics (grant applications, for example) may be playing a significant role in limiting American scientists' comfort in speaking freely. The former suggests that people feel more comfortable speaking freely once they have retired (though in the alternative it could be said that acceptance of climate change represents a Kuhnian paradigm shift).

By the way, among the 116 signatories the amazing intellectual savant Freeman Dyson is unfortunately not listed, despite the recent, widely publicized article in The New York Times that stressed his opposition to Gore's view of climate change. That review came out just days before the Cato ad, so I doubt that his absence from the list indicates his disagreement with the ad.

In any case, congratulations to Cato. I'm sure I'm not the only one who hopes that full-page ads with bold headlines saying "With all due respect, Mr. President, that is not true" are part of a continuing campaign.

— Ross Levatter

Line break — In the March edition of Liberty, I compared the Republican margin in the Senate, the one that denied the Democrats a supermajority, to the 18th-century British military formation — the famous Thin Red Line. Unfortunately, the Republican line fell at its first test, the badly named Stimulus Bill. The rout was as complete as it was inglorious.

The Democratic strategy came right from Rahm Emanuel's playbook. He preached that an economic crisis was "an opportunity to do things you could not do before . . . You never want a serious crisis to go to waste." Led by Obama and Pelosi, the Democratic hordes took up the war cry of "Catastrophe," the Republican line wavered and fell, and the conquerors rode roughshod over the American people. A pork-ridden, ideologically suspect, and economically flawed bill was foisted on us. We and our children will pay with a longer than necessary recession, higher taxes, and quite possibly a lower standard of living for a long time. Such is the price of defeat.

After the Bush administration's malfeasance and the McCain campaign's ineptitude, it was clear enough that there wasn't much left of the Grand Old Party. I don't want to get overly nostalgic here; I'm not a Republican. But what happened to the party of Barry Goldwater, Ronald Reagan, and dare I say it, even Newt Gingrich? At least the GOP was once a champion of small government and a bulwark against the worst excesses of the Democratic Party. Now, even that is gone. Sic transit gloria. — Bob Marcus

Fire at will — I find myself in no-man's land defending (almost) the unimaginable action of a government official firing the CEO of a publicly owned company. Stormed at with shot and shell, liberals to the left of me, conservatives to the right of me, I hunker down in my foxhole and remind you of what Cal Coolidge said when the Brits whined about their World War I debt: "They hired the money, didn't they?"

If the bondholders had "taken a haircut" (the current Wall Street jargon), it might not have happened. Certainly if the rapacious UAW had shown some mercy — maybe not even on bread and butter wages but only on healthcare — Richard Wagoner would still be screwing up and building 300,000 battlefield-size SUVs a year. But screw up he did.

Of course, his culpability is not the question. He works for the board of GM and ultimately a million or so shareholders, not for Obama and his minions. (Hmm, but as ol' Cal said, they did take the money — and for money you always get power.) And I wonder if reptile-green Obama let his bigotry over those monstrous fuming SUVs get out of hand . . .

Further, GM belongs to the shareholders, and the Head SUV Builder works for them — not for the Man of a Thousand Faces.

But trouble is, their acceptance of the government money in a sense represented the sale of their prerogatives. At any time during the ride through Hell, the company could have reasonably chosen bankruptcy and dumped the taint of governmental interference for the rule of law. Obama-UAW would have hated that, though it still may happen. But it might have been better sooner than later. — Ted Roberts

Cui bono — Obama and his lackeys Christopher Dodd and Barney Frank continue their orgy of populist bashing of AIG for daring to honor pre-existing contracts awarding executive bonuses. But three articles in The Wall Street Journal on the same day (March 19) indicate the staggering hypocrisy of the whole campaign.

The first, by Brody Muller and T.W. Farnum, pointed out the amusing fact that while Obama and Dodd are conducting their Orwellian Two Minutes' Hate against AIG — greasing the skids for their plan to start setting limits to compensation in private industry generally — they were themselves the top recipients of AIG campaign donations in 2008. Sen. Obama was number one, receiving $104,332, and the odious Dodd came in second, receiving $103,900 — both way above all other recipients' donations. (Another major recipient of AIG contributions was Sen. Charles Schumer [D-NY)] who has also spoken out against the bonuses).

The second story, by Jonathan Weisman, points out that the crucial amendment to the stimulus bill that allowed the payment of those bonuses was authored by — Christopher Dodd! Dodd originally denied knowledge of this, but then said his "staff" changed his original language at the behest of the White House, specifically that of Treasury Secretary Geithner (who had earlier professed ignorance about the AIG bonuses). But then why did Dodd leave his name on it?

Finally, the third article, by James Hagerty and Aaron Lucchetti, reports the interesting fact that Fannie Mae and Freddie Mac, both bailed out at massive cost to the U.S. taxpayers and both the key enablers of the mortgage mess (though not tax cheats like Geithner!), have announced that they are paying bonuses to *their* executives. These bonuses are being given, even though the Treasury has promised to pony up $200 billion to keep the corrupt agencies alive.

And the bonuses aren't chump change, either. Fannie says she will be handing out bonuses between $470,000 and $611,000 each. (Freddie has yet to announce the size of its bonuses.) Between the two, they will be giving $210 million in "retention" bonuses. Eighty percent of Freddie's employees, and 61% of Fannie's, will receive bonuses.

Why have Obama, Dodd, Schumer, Barney Frank, and other prominent Dems not criticized the Freddie or Fannie bonuses? Because those are government-sanctioned entities, and government is never to be criticized. The metanarrative they are propagating is that it is wicked private enterprise that is to blame for all our ills. — Gary Jason

Slack jawing — The administration's response to the current economic recession and the mainstream media's coverage of the resulting statist schemes has degraded political rhetoric. During W. Bush's two terms, vitriolic attacks on the president and lame defenses of him (often made through mouths stuffed with pork rinds) got really boring. The fiftieth or hundredth angry rant against the war in Iraq and W's simian stupidity drew little interest; but at least the vitriol gave the boring subject an edge.

But now, mainstream political discussion involves a boring substance, combined with lazy rhetoric. The president, despite his reputation for eloquence, is part of this degradation. His world view seems confined by a hacky, local party pol's descriptive powers. On his first trip to Europe, he posed for the cameras more often than he spoke. And maybe that was for the best.

Listen to him talk. Jobs are always for "teachers and cops." Commerce always involves public works projects. The man has no sense of the private sector. Yet he presumes to repair the woes of capital markets.

How can this man have fallen, rhetorically, so fast? Maybe he never stood so tall in the first place. Or maybe sanctimonious statists are sharp in opposition, dull in power.

Think back to the popular 1970s sitcom "All in the Family" and Archie Bunker's leftwing son-in-law, whom he called Meathead. The son-in-law was memorable when he was living in Archie's basement and serving as his foil. As the show progressed and the son-in-law became the head of his own household, he lost his comedic edge. Maybe Barack Obama is the 21st century's Meathead. — Jim Walsh

Jet set — President Obama appeared on the "Tonight Show" with Jay Leno on March 19, during the AIG bonus imbroglio.

He said, per FoxNews.com, that "he was stunned when he learned of the bonuses that bailed-out insurance giant AIG

was paying its employees, and the payments raise moral and ethical problems. 'The administration's going to do everything it can to get them back,' he said. But Obama added the bigger problem is the culture that allowed traders to claim them. He says that's got to change if the economy is to recover."

He says this of retention bonuses that AIG gave to people with relatively low salaries, to entice them to stay the entire year, when a majority of their compensation would be paid as year-end bonuses. These bonuses were as much as $3 million for a small handful of people.

President Obama, who had just flown cross country on his personal military jet to appear on an entertainment show at a cost to the taxpayer of several million dollars, concluded, "The larger problem is we have to get back to an attitude where people know enough is enough."

He says this to Jay Leno, a man who in 2002–2003 reportedly made $20 million for his work on the "Tonight Show." I didn't watch his March 19 show, but I've always thought Leno was a smart guy, so I'm sure he didn't bring up his own financial rewards.

We live in an asylum called America. — Ross Levatter

Augean stables — Yet more scandals have surfaced about Democrats in Congress — you remember, the ones who ran on the solemn pledge to clean up corruption? And since most of the mainstream news media consist of people ideologically predisposed to cover up for those politicians, the stories were not widely reported.

First is yet another questionable real estate deal by Sen. Chris Dodd (D-CT). Dodd, who is already under investigation by the Senate Ethics Committee for sweetheart deals he got from Countrywide Mortgage while he was on the Senate Banking Committee pushing Freddie Mac and Fannie Mae to buy all those NINJA (No Income, No Job or Assets) loans. Dodd, along with Barney Frank in the House of Representatives, are the two people most responsible for the toxic mortgage bubble.

Well, in Dodd's latest caper, it turns out that he purchased an estate in Ireland in partnership with one Mr. Edward Downe. This Downe pleaded guilty to securities fraud in the early 1990s and had to pay $11 million in civil penalties, along with taking a felony rap. (Downe was pardoned by President Clinton at the behest of Dodd in 2001.) In 1994, Downe's business partner, William Kessinger, bought two-thirds of the estate (then valued at $160,000) with Dodd, Downe signing the deed as witness.

Kessinger sold his majority share to Dodd in 2002 for $122,3512, meaning that his gain was only slightly more than 2% per year for the time he held onto his share, at a time when Irish property was quadrupling in value. A cottage similar to the one Dodd now fully owns is now on sale at a price four times higher than Dodd's highest declared appraisal (in his Senate financial disclosure documents). All very cozy indeed.

Turning next to the House of Representatives, we find that Rep. Maxine Waters (D-CA), who serves on the House Financial Services Committee, has had extensive ties to a bank in her district, OneUnited Bank, while also doing favors for it. The ties include her direct ownership of a quarter to a half million dollars of its stock, and her husband (Sidney Williams) owning a similar amount as well as serving on its board of directors (also receiving cash payments from the bank in the same range). Meanwhile, executives at the bank have donated over $12,000 to Waters' election campaigns.

Waters has used her position to work on behalf of OneUnited, which through various acquisitions has grown to be (it claims) the largest African-American-owned bank in the country. She pushed regulators to prevent minority-owned banks from being taken over by "white-owned" banks, and pushed the FDIC to do the same. The particular focus of her ire was the fact that a "major white bank" based in Illinois (FBOP Bank) was trying to take over African-American-owned Independent Bank of Washington, DC, and another such bank, apparently Family Savings Bank of Los Angeles. It turns out that OneUnited had tried to take over both banks at various times. In 2002, after her intervention, FBOP Bank backed out of the acquisition and let OneUnited take over Family Savings Bank.

More recently, Waters made a call to the Treasury Department, urging it to provide capital for OneUnited, which lost most of its own capital when its investments in Freddie Mac and Fannie Mae evaporated, when they were taken over by the Feds. The Treasury Department did indeed wind up bailing out the bank with TARP money. All very cozy as well.

Neither of these stories made any news. After all, they don't fit the mainstream-media metanarrative of altruistic, nay, noble leftist solons trying to combat the greed of Wall Street. — Gary Jason

Making sense of the census — The Obama administration's talk of transferring oversight of the U.S. Census Bureau from the Department of Commerce to the White House staff turned over a rock that sent all kinds of dazed, statist bugs scurrying.

Case in point: Angelo Falcon, president of the National Institute for Latino Policy (NILP) and a member of the "National Steering Committee of the Census Information Centers Program of the Census Bureau" (that acronym would be NSCCICPCB) was a vocal critic of once Commerce Secretary-designate Judd Gregg. Falcon fretted that Gregg might politicize the census process by not budgeting enough money to produce accurate counts of hard-to-poll communities. So, Falcon supported the planned move of the census from Commerce to the West Wing. Here's an excerpt from his defense of the power grab:

> It is also not possible by the White House or anyone else to easily manipulate the 2010 population count to rig reapportionment or redistricting in favor of one party or the other. The Census Bureau has a well developed set of protocols and procedures to assure as objective a population count as possible. No one, whether it is a powerful figure like Emanuel or even the president, can manipulate this process. . . . Finally, influencing broader policy issues on the use of Census data, such as with the issue of the use of sampling to adjust the population counts, is most definitely a political process beyond the purview of the Census Bureau. This would not be affected by who the Census Bureau reports to, since whether it is the White House or the Commerce Secretary, this is an issue that would be framed by whoever is President. The use of sampling for adjusting the Census numbers was something that is ultimately under the jurisdiction of the federal courts. In addition, the political redistricting process is something that

is overseen by the Department of Justice in its administration of the Voting Rights Act. And as we have seen with the Bush Administration, the Justice Department has certainly not been kept "independent" of politics.

The arguments against the move were more coherent. But Falcon's rambling betrays characteristics of the contemporary nitwit statist. Specifically:

• intense partisanship limited to establishment political parties ("one party or the other," as if there were just two);

• endemic relativism ("as objective . . . as possible" — objectivity is an absolute value);

• supplication to dubious characters ("a powerful figure like [White House chief of staff Rahm] Emanuel");

• apparently unwitting acceptance of cynical politics ("an issue that would be framed by whoever is president," oblivious to the fact that "framing" is a tool of political manipulation);

• blind faith in judges ("was something that is ultimately under the jurisdiction of the federal courts");

• reflexive hatred of the White House's previous occupant ("as we have seen with the Bush administration . . ." blah, blah, blah).

The grammar and syntax aren't too strong, either. It's rare to see such a banquet of errors — disagreement of tense, failure of parallelism, subject-object case confusion, twisted referents, verbal blockades of every kind — in just a couple of hundred words.

And pay attention to a process that this nitwit described: "the use of sampling for adjusting the Census numbers." There's the rub. The statists who bow worshipfully before Barack Obama intend to manipulate the results of the census with statisticians' tricks. And, to deconstruct Falcon's mangled sentences, it doesn't matter whether Commerce or the West Wing is nominally in charge; they're still determined to game the results. — Jim Walsh

Hara kiri, American-style — On March 15, Senator Charles Grassley (R-IA) suggested that executives of AIG should consider suicide. You may recall that on that date the furor erupted over the awarding of $165 million in bonuses to people who had run the company into the ground. Grassley told an Iowa radio station that the execs should "follow the Japanese example and come before the American people and take that deep bow and say, I'm sorry, and then either do one of two things: resign or go commit suicide."

Bravo, Chuck! At last, a politician cutting through the BS and telling it like it is — or rather, should be. I thought Grassley's remarks were the best thing I'd heard since Ron Paul talked about abolishing the IRS and the CIA. It was especially delightful to hear such sentiments voiced by the ranking Republican on the Senate Finance Committee.

Of course, Grassley's office later issued a statement saying that the senator didn't really want the execs to kill themselves. But for one day at least, a public figure had actually said something profound about consequences and honor. If such a code obtained among our ruling class, the credit crisis — and much more besides — might well have been avoided. — Jon Harrison

Not fit to print — In this post-9/11 world, the takeover of a United States embassy by foreign nationals is the kind of thing you'd think you'd hear about — even the takeover of a not-very-important embassy in a minor African country. You'd think.

So, why haven't you heard that on April 22, 2004, the security guards at the American embassy in Liberia mutinied and held hostage the embassy staff, including the ambassador, until Pakistani soldiers showed up to free them? Nothing, as far as Google can tell, ever appeared about it in any place where you would have seen it. Not a single article in a magazine or newspaper. Not a word on CNN or Fox or ABC or any of the others. Nothing on the radio. Nary a rant by Limbaugh, or Sharpton, or Coulter, or Hannity, or Huffington.

In fact, the only mention I could find that anything unusual happened at all came from two short pieces on a website called The Perspective, which is devoted to goings-on in Liberia. The first, dated April 23, 2004, was by one Josephus Moses Gray (someone for whom, evidently, English is not the mother tongue). The second was a press release put out the next day by Christina Porche, the Public Information Officer at our embassy in Monrovia — who, presumably, uses English quite clearly, at least in private. Clarity, however, does not appear to be the point of her press release.

Gray's article is entitled "Inter-Con Security Guards Stage Mutiny at U.S. Embassy In Liberia," and is notably short on the sort of details an American reader would like to know. It does tell us that the mutiny started in the morning hours when "aggrieved" security guards besieged the embassy compound and blocked the main entrances "in protest for job benefits reportedly due them."

What, exactly, these missing job benefits were is difficult to winkle out, but it had something to do with the mutineers' not receiving "their 'just' benefits from their employer despite of their commitment to duty." According to the guards: "family members of their colleagues who died on duty during the last rebel war on Monrovia received benefits while they have been left out. They stated that they work for eight hours standing on their legs daily without a break, adding: 'we have not received our medical and transportation benefits' "

You can read the entire text at the Perspective, if you wish. But what, exactly, happened at the embassy, or why, isn't going to become much clearer.

To give Gray his due, initial dispatches from conflict zones are often pretty confused. It's the follow-up reports you look to when you want to know what really went on — which is where Porche's press release should come in. But embassy press releases are government documents, and searching for truth in government documents can be like looking for a dropped contact lens by the glow of a black hole. What you hoped might illuminate the situation sucks light away.

Her press release informs us that:

> . . . some employees of Inter-Con Security Services, Ltd., performed a work stoppage at the U.S. Embassy Compound at Mamba Point near Monrovia. They temporarily impeded access to and from the compound by Embassy employees and visitors. . . .
>
> The vast majority of Inter-Con employees have served the Embassy faithfully, including during the assaults on Monrovia last summer, providing the critical security necessary to keep our Embassy open. We are grateful to them for this and therefore attempted to mediate. However, we were unsuccessful in alleviating their concerns. Their grievances appeared to be about bonuses that they felt they were owed . . .

> When it became obvious that a resolution was impossible, the Embassy requested assistance from the Liberian National Police (LNP) and UNMIL security in order to reestablish control over its entryways and remove all protesting Inter-Con guards from the compound.

And that, friend of Liberty, is that. The written information available in America for civilian consumption about the day the security guards mutinied at one of our embassies contains nothing more of any substance. If you want to know more, you are going to have to rely on word on mouth.

One of the joys of living overseas is that you hear plenty of words from a lot of mouths. Here in Gaborone, Botswana, almost every American in an official capacity knows other Americans in similar official capacities in other countries. The Regional Security Officer has counterparts at all our embassies around the world. They talk on the phone, they email one another, they get in touch by secure transmission to exchange secret messages that the rest of us aren't supposed to know about, and sometimes they meet in person and discuss security matters and whatever gossip pops into their heads. Ditto the Chief of Mission at the Centers for Disease Control, the Post Commandant for the Marines, the Deputy Chief of Mission at the embassy, and whatever it is they call the lady who runs USAID. Sometimes, some of them even talk to unofficial me. Here, as close as I can make out, is what happened in Liberia:

As part of the great American legerdemain of pretending that our government really isn't as big as it really is, routine security duties at our embassies are regularly contracted out to private firms. In Monrovia they were handled by an outfit called Inter-Con, which used Liberian nationals to do the actual guarding.

Embassy staff reporting to work at about 7:30 on the morning of April 22, 2004 were intercepted by Inter-Con's security guards, told that the embassy had been taken over, and herded into the chancellery. The guards were armed, but only in the sense that Fred Flintstone was armed. They carried clubs. The few embassy employees who allowed that, no, they had better ways to spend their day than locked in the chancellery were clubbed for their temerity, but not very hard. This lockup is, apparently, what Porche was referring to when she mentioned that the guards "temporarily impeded access to and from the compound by Embassy employees and visitors."

One interesting part of all this is that the embassy folks liked the guards. They had worked with them, sometimes for years, and had developed some real friendships. During the Liberian civil wars, the guards had lived in squalid conditions in a camp across the street, just so they could get to the embassy and protect Americans lives. The Marines more than liked the guards. They admired and respected them. Guards had died fighting beside Marines when the embassy was attacked by one or the other of the ragtag armies roaming around Monrovia. This is what Porche refers to as "services during last summer." The Marines weren't about to turn their M-16's on the guards after service like that. They went into lockup along with the other Americans.

Another interesting part is that there was nothing political about the mutiny. The whole thing was a job action, albeit the kind of job action that Old Joe Hill could have only dreamed of. As a job action, it was aimed at Inter-Con, not at the United States. And plenty of Americans at the embassy thought that Inter-Con had it coming. Now I don't pretend to know what Inter-Con's true personnel policies were in Monrovia in April of 2004, but I have heard some pretty Dickensian stories. In fact, it was stories like Inter-Con's that caused mill owners in Charles Dickens' time to pull handfuls of gold from velvet pouches to send to the downtrodden in Africa.

I have heard that Inter-Con security guards worked 365 days a year. None of this frou-frou business of vacations or holidays, or time off to attend the birth of your first child, or your wife's funeral; or, certainly, time off to be sick. You miss a day at work, you are fired. "Oh, just a touch of malaria," was a reply an embassy staffer was likely to hear when he asked a guard why he was shivering so violently in the 105-degree heat. Security guards who'd put their lives on the line to defend Americans when the embassy came under siege a few months earlier couldn't even get the day off to stay home and die. So whatever the embassy staff were thinking as the guards herded them into captivity, it wasn't the same thoughts that would have been running through their heads if they had been carried off by a mob of Iranian students chanting "God Is Great."

The ambassador tried to talk the guards down, couldn't, and called for help. By 4:00 in the afternoon, the embassy was filled with Pakistani troops armed a lot better than Fred Flintstone, the security guards decided they had made their point, the siege ended, and the staff were let out in time to tell their families over supper, "You won't believe what happened at work today." That eight-and-a-half hours of foreign occupation of our embassy appears to be what Porche meant by a "work stoppage."

The next day, as far as I can tell, the guards were back on the job, staff members greeted them cordially, bygones were bygones, Christina Porche began to consider how she was going to frame her press release, and no hard feelings all around.

As takeovers of embassies go, Americans have seen worse. In fact, the most damaging thing to come out of the whole affair was the embarrassment suffered by the Security Officer who saw his embassy occupied by guards from the very guard-service he'd contracted to do the securing. Or perhaps it was the embarrassment felt by the American government, which didn't want it getting around — at least not back home — that in this day and age, our embassies are still so easy.

It's hard to know what to make of all this. In a world in which our government seems to have a talent for overreacting, it's a relief to learn that sometimes it doesn't. At a time when the news media seem to be in a constant bay of hysteria, the relief comes doubled. Still, a forcible takeover of a U.S. embassy by foreign nationals, and you don't read one word about it until nearly five years later? And even then, only in a journal of opinion?

Whatever . . . it mainlines directly into my libertarian fantasies about how the government, the press, and plenty of bigwigs I don't even know about work hand in glove in glove to make sure the rest of us hear only what they want us to hear. Make of it what you want, but the way this bit of news went nowhere for so long might be the most suggestive part of the entire episode.

— Bill Merritt

The Real Threat to America's Infrastructure

by Randal O'Toole

For years, Americans have been told that much of our country's infrastructure is obsolete, dangerous, and underfunded. The problem is not lack of funds, but misappropriation.

The 2007 collapse of the I-35W bridge in Minneapolis led to a great hue and cry about the need to repair the nation's infrastructure. Within days of the bridge's failure, groups such as the American Society of Civil Engineers presented their lists of trillions of dollars worth of projects that are supposedly needed to bring infrastructure up to modern standards.

The nation's media dutifully generated a crisis atmosphere by showing videos and photos of crumbling concrete and rusty steel bridges. "Nearly 30% of bridges in the United States are structurally deficient or functionally obsolete," CBS News breathlessly reported. "You heard that right: one-third of the bridges in the United States should have a sign that says, 'Use at your own risk.' "

Many politicians were quick to jump on this bandwagon. Minnesota Congressman James Oberstar quickly offered proposals to raise gas taxes anywhere from 5–40 cents per gallon in order to replace and repair bridges. As chair of the House Transportation Committee, he promised a gathering of steel company lobbyists that the next federal transportation bill would spend $550 billion over six years (the previous bill was only $285 billion). "We're talking about a lot of steel," he emphasized.

Barack Obama latched onto this issue in his presidential campaign, promising to spend $60 billion to rebuild national transportation infrastructure. When the economy tanked in September, Obama and various members of Congress started talking up an infrastructure bill aimed at stimulating the economy. With great fanfare, Congress passed this stimulus bill in February.

All this publicity and debate no doubt led most Americans to believe we are suffering some sort of infrastructure crisis and that the stimulus bill went far towards solving that crisis. Both these ideas are flat-out wrong. The crisis was entirely fabricated by special-interest groups seeking to attract more pork. Fully aware of that, Congress dedicated less than 20% of the $787 billion stimulus bill to infrastructure — and much if not most of that will go to new construction, not repair or replacement of existing infrastructure.

The first clue that the infrastructure crisis was phony is the report of the National Transportation Safety Board on the Minneapolis bridge collapse. The bridge failed, the report found, because of a design or construction flaw: certain parts

were one-half inch thinner than they should have been. The board was unable to determine whether the designers had specified the wrong parts or the builders had substituted cheaper parts to save money, but it was clear about one thing: no amount of bridge maintenance would have detected or fixed the problem.

What about the "one-third of the bridges in the United States" that are risky to drive upon? That's based on Department of Transportation reports that 12.1% of roadway bridges are structurally deficient and 13.3% are functionally obsolete. Note that CBS News rounded up the total — less than 26% — to "almost 30%," which it immediately inflated to "one third" (which, of course, is 33.3%).

At most, however, the real number was 12.1%. "Functionally obsolete" bridges are not in any danger of falling down; they merely have narrow lanes, inadequate overhead clearances, overly sharp on- and off-ramps, or other outdated design features. These bridges pose no risk to auto drivers unless the drivers themselves drive recklessly.

The 12.1% "structurally deficient" bridges have suffered enough deterioration or damage that their load-carrying abilities are lower than when they were built. But that still doesn't mean they are about to fall down; though they may be closed to heavy loads, the most serious problem is that they cost more to maintain than other bridges.

A close look at the data reveals that more than 90% of structurally deficient bridges have local, not state or federal, ownership; and more than 80% are rural. The average structurally deficient bridge is also less than three-fourths the size of the average bridge in good condition. In other words, we are not talking about the George Washington Bridge; the vast majority are small rural bridges that receive little use. Moreover, far from being a growing crisis, the number of structurally deficient bridges has declined by nearly 50% since 1990.

Bridge collapses because of poor maintenance are rare, and none has taken place in the United States in the past 20 years. Of 20 notable bridge collapses in the past 50 years, nearly half were caused by collisions with ships or barges, motor vehicles that caught fire, or — in one case — an airplane. Three resulted from earthquakes or a tornado, two — including the Minneapolis bridge — failed because of design or construction flaws, and one was overloaded when someone drove a 90-ton vehicle onto a bridge rated to hold 17.5 tons.

Most Americans believe we are suffering some sort of infrastructure crisis and that the stimulus bill went far towards solving that crisis. Both these ideas are flat-out wrong.

Between 1960 and 1990, four bridge collapses were blamed partly on maintenance issues. The 1967 collapse of the Silver Bridge across the Ohio River at Point Pleasant, West Virginia, led to radical changes in bridge maintenance and inspection procedures. Yet the collapse itself was caused more by design flaws than by lack of maintenance. The 1928 bridge was an unusual design, known as a chain suspension bridge. A notable flaw in the design was that a failure of any component would lead to a catastrophic failure of the entire bridge.

The bridge had been inspected and found structurally safe just two years before the collapse. After the accident, the National Transportation Safety Board found that corrosion had led to a minute crack in one of the thousands of pieces holding the bridge up. The corrosion, the board concluded, was inaccessible to visual inspection and could not have been detected by then-state-of-the-art inspection methods, unless the part had been disassembled. The collapse, which killed 46 people, led to an increase in the frequency and intensity of bridge inspections. But, perhaps more important, it led to the closure of the only other chain-suspension bridges in existence and to requirements that future bridges be designed with built-in redundancies so that, if one part fails, other parts will still bear the load.

Legislators prefer "ribbons over brooms," that is, they prefer to fund capital projects over maintenance.

Despite stepped-up inspections, three more bridge collapses in the 1980s were blamed on maintenance failures. Connecticut's Mianus River Bridge failed in 1983, killing three people. Analysis showed that openings for draining water had been paved over a few years before. Collected water led to corrosion that should have been detected by bridge inspectors. But Connecticut had only 12 inspectors, responsible for 3,425 bridges. Better maintenance procedures and inspections could have prevented the collapse.

The collapse of a New York Thruway (I-90) bridge over Schoharie Creek, which killed ten people, was also blamed on poor maintenance. A 1955 flood had removed rip-rap protecting the bridge supports, and that rip-rap was never replaced. When the creek flooded again in 1987, the unprotected supports were undermined. Finally, in 1989 a U.S. 51 highway bridge in Tennessee killed eight when it collapsed into the Hatchie River. Investigators determined that the bridge's timber supports, which had been dug into dry ground in 1936, had rotted after the river changed course and flooded the area. They blamed the state for failing to follow the recommendations of its own inspectors to correct the problem.

All these accidents led the National Transportation Safety Board to order more intensive inspections and maintenance. The United States has more than 600,000 highway bridges, and the fact that no more than four failed because of maintenance problems in the last 50 years — and none in the last 20 years — suggests that there is no evidence of an infrastructure crisis.

Mary Peters, the Secretary of Transportation under George Bush, tried to introduce some calm into the debate by pointing out that transportation infrastructure problems, to the

extent that they exist, are largely a matter of misplaced priorities. Legislators, she noted, prefer "ribbons over brooms," that is, they prefer to fund capital projects over maintenance. Moreover, the increasing trend has been to spend gas taxes and other highway user fees on transit and other non-highway projects. No new taxes are needed to repair structurally deficient bridges, Peters argued; instead, the existing funds should simply be spent more responsibly.

For example, the Sellwood Bridge, which crosses the Willamette River in my former hometown of Portland, Oregon, is structurally deficient and has been closed to trucks and buses. Rather than replace it, the city is hell-bent on building a new light-rail bridge, which will cost more and carry a tiny fraction of the traffic of the Sellwood Bridge. Virtually all the spare cash that the region can find for transportation is being funneled into light-rail and streetcar expansions.

As Peters' voice was overwhelmed by a cacophony of demands for increased infrastructure spending, it became clear that supporters of higher gas taxes have a hidden agenda. Neither Oberstar nor Congressman Peter DeFazio (D-OR), who chairs the House transportation subcommittee on highways and transit, supports new roads. Instead, they want to spend more money on transit, particularly rail transit.

The federal gas tax "sunsets" every six years, meaning that Congress must reauthorize it to keep federal transportation funds flowing. Since 1993, Congress has dedicated about 15% of those taxes to transit. Another 15% is "flexible," which means that states can spend it either on highways or on transit. The result is that 20% of the federal gas taxes you pay go to transit, not highways.

For the stimulus bill, however, Oberstar proposed to spend 30% of surface transportation funds on transit and only 70% on highways. Many thought such a precedent would lead Congress to increase transit's share of funding in the next reauthorization. Oberstar, DeFazio, and others are using the manufactured infrastructure crisis to boost funding for their pet transit projects.

Historically, gas taxes and other user fees have funded nearly all our highways and most local roads and streets. This has encouraged state and local transportation planners to be efficient, since they know that if they build bridges to nowhere, they won't generate any user fees to pay for them.

In contrast, 75% of funds spent on transit come from taxes, a situation that has turned transit agencies into tax addicts always seeking their next big fix. The fact that over half of federal transit funds (which come, remember, from highway users) are dedicated to the 7% of urban areas that have rail transit has contributed to a rail construction boom: cities deliberately choose high-cost transit systems in order to get a larger share of federal dollars.

The credit crisis revealed one example of transit agencies' addiction to tax subsidies. Many agencies reported that because of the AIG meltdown many banks were demanding immediate repayment of loans. The agencies portrayed themselves as innocent victims of circumstances, especially since they had never missed a loan payment.

The truth was somewhat darker. In the early 1990s, the Federal Transit Administration began encouraging agencies to take advantage of a loophole in tax law. If a private company makes capital purchases, it can depreciate those

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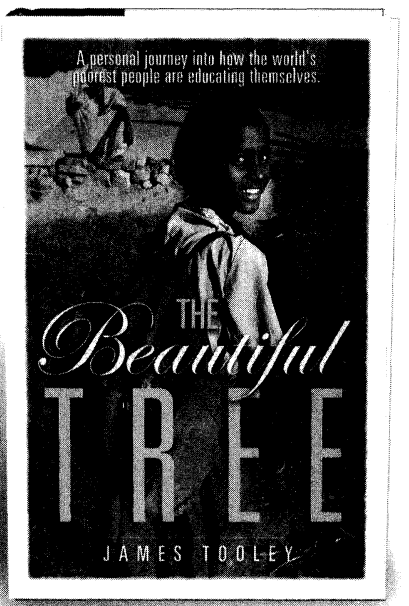

The Beautiful Tree: A personal journey into how the world's poorest people are educating themselves

BY JAMES TOOLEY

An inspiring journey into the lives of families and teachers in the poorest communities of India, Africa and China who have successfully created their own private schools in response to failed public education.

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purchases and save money on its taxes. Since public transit agencies are not taxpayers, they can't do this. So they started selling their buses, rail cars, and other assets to banks. The banks would depreciate the assets and lease back the equipment to the transit agencies.

For every $100 million in capital assets, the banks saved about $6 million on taxes, which they split with the transit agencies. In other words, these leaseback arrangements allowed transit agencies to turn $100 million into $103 million — but taxpayers lost $6 million for every $3 million gained by the agencies. Fortunately, the IRS closed this loophole in 2004. The dozens of lucky transit agencies that arranged leasebacks before 2004 often insured their leases through AIG, and when AIG's credit rating fell, the banks were entitled to demand immediate repayment, which led to demands for another federal bailout.

Although the final stimulus bill passed by Congress and signed by the president in February totaled $787 billion, the vast majority of that money had nothing at all to do with infrastructure. Most of the bill goes for tax breaks or tax credits ($376 billion), health care ($154 billion, including aid to state Medicaid programs), state "fiscal stabilization" ($56 billion), and education ($51 billion).

Deducting these and a few minor programs from the package leaves about $142 billion, or 18%, for infrastructure — although even some of this isn't really for that purpose. The Forest Service, for example, gets a half-billion dollars to "reduce fire hazards" by thinning forests. I'm not sure how this qualifies as infrastructure.

It is likely that most of the real infrastructure money will go for new projects, not repair or replacement of existing obsolete or deteriorating infrastructure. Nearly $51 billion is for windfarms and other "green" energy projects. Another $7.2 billion is for broadband telecommunications. Some $25 billion goes to various federal agencies for things like new buildings and making existing buildings more energy efficient.

After all the hullabaloo about crumbling bridges, Congress did not specifically allocate a single dime to bridge repair. Instead, it dedicated $27.5 billion to highways. Most of this will go to metropolitan areas and cash-strapped states that are not likely to share much with the rural counties that own most of the nation's structurally deficient bridges. However, it is likely that most of this money will go for repaving and other maintenance needs rather than new construction, partly because of intense opposition to new highways.

Another $8.4 billion is for transit, most of which will be spent on new construction, not maintenance. Cincinnati, Milwaukee, Portland, Washington, and other cities have announced their plans to dedicate a large share of their funds to new streetcars or light-rail construction. Even if these rail lines are completely funded by federal stimulus funds, all they will do is obligate cities to divert funds from other worthwhile programs to pay for operations and maintenance.

Rather than replace the existing bridge, the city of Portland is hell-bent on building a new light-rail bridge, which will cost more and carry a tiny fraction of the traffic.

This brings up a curious contradiction. When it comes to highways, the mantra of the anti-mobility crowd is "fix it first," meaning don't expand highway capacities until all maintenance needs are met. When it comes to transit, however, the same people want to spend money building new rail lines even when existing lines are in desperate need of repair.

Were it not for diversions to transit and resistance to toll roads (which is particularly strong from people who want no new roads at all), highway user fees would be more than sufficient to pay both for new roads and for the maintenance of existing ones. So there should be no reason to adopt a fix-it-first policy for roads.

Transit, particularly rail transit, is different. Like highways, rail transit lines must be completely rebuilt about every 30 years, but unlike highways, few transit agencies have the funding to do such reconstruction. Most rail transit agencies are in desperate financial straights: New York City has only $13 billion of the $30 billion it needs to maintain its subways and commuter lines. Washington DC's subway riders have to deal with frequent breakdowns because the agency has none of the $12 billion it needs for rehabilitation. San Francisco's Bay Area Rapid Transit (BART) has about half of the $12 billion it needs for reconstruction.

Given these dire conditions, you would think the agencies would adopt a fix-it-first policy. Instead, New York has started construction on the 8-mile Second Avenue subway line that will cost $16.8 billion — $2.1 billion per mile. Virginia twisted arms in the Bush administration to get approval for a $6 billion rail line from Washington DC to Dulles Airport. BART is building another $6 billion line to San Jose, a line which — the agency's environmental impact report predicts — will not save a single traveler a single minute of time during rush hours. At least in the latter two cases, buses running on high-occupancy vehicle lanes would have worked as well as rail, and at a tiny fraction of the cost.

continued on page 38

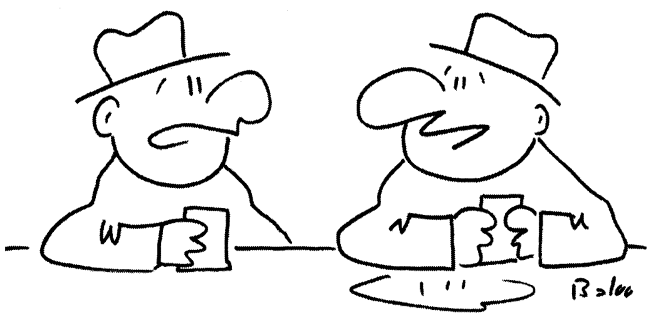

"You're a grown man and you're still afraid of *clowns*?"

"Just the ones in Congress."

Beheading on a Bus

by Thomas Szasz, M.D.

How do we explain the mentality of a killer?

In August 2008, Canadians were shocked to learn that Edmonton resident Vincent Li had stabbed to death and decapitated a stranger on a bus. On March 4, 2009, Li was declared "not criminally responsible," that is, not guilty by reason of insanity.

Why did Li commit this crime? Queen's Bench Justice John Scurfield answered: "These grotesque acts are appalling. However, the acts themselves and the context in which they were committed are strongly suggestive of a mental disorder. He did not appreciate the actions he committed were morally wrong."

That interpretation was contradicted by Li's behavior when he was arrested, immediately after the killing. Li apologized, asking police to kill him — evidence that he knew what he had done and that he knew it was wrong. The authorities, however, wanted to treat him as a madman. Defense and prosecution alike called for a finding of NCR, "not criminally responsible." In his closing argument, Li's lawyer, Alan Libman, told Justice Scurfield that there was "no contradictory evidence" to NCR, and other people apparently had no trouble agreeing. They were acting on the widely shared cultural premise that only mentally ill persons commit heinous crimes in broad daylight. So prevalent is this idea that anyone who believes otherwise invites being dismissed as a loony or a vengeful sadist. How, then, could other "evidence" have been presented?

The history of modern law and psychiatry suggests that we do not want to understand the murderer's mental state, which requires us to identify with him, lest he seem more human to us than we imagine him to be. Understanding a deed such as Li's requires paying attention to the defendant's behavior, verbal and nonverbal, and, if necessary, asking him to explain the reasons for his lawlessness in his own words. But we do the opposite: we do not let the defendant speak at all. Instead, we ask fake experts, called "psychiatrists," to explain the culprit's crime. They tell us what we want to hear, illustrating the adage, "He who pays the piper calls the tune." They reflexively "discover" that, at the precise moment when the accused committed the crime, he was "insane." Thus, the crime was not an act; it was an event, the "product of mental illness."

Timing is all-important in this fable. The defendant must be found to have been insane during the commission of the crime; subsequently, he must be found "mentally fit" to stand trial. Yet, though fit to stand trial, he cannot confess to his crime and plead guilty. He must plead innocent, so that we can declare him "not criminally responsible" ("not guilty by

reason of insanity"). Such are the rules of the game by which he must play, and by which we must (mis)understand him. Not surprisingly, his crime "makes no sense to us."

Returning to the beheading, what kind of explanation do we look for? The Jacobins beheaded people because they believed that those beheaded deserved to be guillotined for their crimes against the French people and state. But if Li said that his victim deserved to be beheaded, we would interpret his statement as a symptom of his own madness, not as an explanation for the beheading of his victim. Hence, we must ask: what kinds of statements do we accept, or not accept, as "explanations"? What kinds of people are entitled to offer, or not entitled to offer, (credible) explanations?

Only we — ourselves — can be the agents of our actions. Therein lies the problem of the relationship between law and psychiatry.

Different people often have different views about what counts as an explanation. In attempting to explain the development of the human race, some people prefer naturalistic explanations (evolution); others opt for supernatural ones (creationism). Similar principles are often invoked to explain good or bad behaviors. It is remarkable, however, that while in the natural sciences we use the same principles to explain why airplanes fly and crash, or why drugs heal and harm, in the "(mis)behavioral sciences" we use one set of principles to explain ordinary behaviors, and another set to explain extraordinary misbehaviors. We attribute the former to free will, the latter to lack of free will, a feature intrinsic to (severe) mental illness. In other words, we explain the ordinary behavior by attributing it to the actor's reason for it, and extraordinary misbehavior by attributing (nonexistent) mental illness as its cause.

The truth is, there are reasons for murder, but not for melanoma. There are causes for melanoma, but not for murder. However, the idea of insanity — and especially the insanity defense — is a matter of law, not logic. "The life of the law," Oliver Wendell Holmes, Jr. reminded us, "has not been logic; it has been experience."

For more than a half century I have maintained that "mental illness" is a metaphor and that it is absurd to attribute horrifying crimes to "it." Gods, devils, and mental illnesses do not cause murder or anything else. Under all circumstances and at all times only we — ourselves — can be the agents of our actions. Therein precisely lies the problem of the relationship between law and psychiatry.

We attribute bad actions to possession by demons or disturbed minds in order to relieve ourselves, and our fellow humans, of the relentless responsibility we must bear for how we live. Because mental illness performs this essential service, we cling to it as we do to life itself. Declaring a defendant NCR masquerades as a "determination" or "finding" by psychiatrists and judges. In fact, it is a collective societal decision about how we — the agents and agencies who control the culprit — ought to deal with him. Saying that we will "treat" him makes us feel better than acknowledging that we are punishing him. American government psychiatrists have been "treating" John Hinckley, Jr., President Reagan's "hospitalized" would-be assassin, for 25 years. They are still trying to cure him. And Santa Claus still brings Christmas gifts.

Mental illness is often said to be mysterious. It is not. "There is method in madness," Shakespeare told us. But of course we can't see the method if we don't want to see it. Li and the press told us enough to understand what happened. A Chinese immigrant, Vincent Li could not make a go of his life in Canada, or in China. Years before the murder, hopeless, homeless, penniless, Li left Toronto on foot, supposedly to walk back to Manitoba. Picked up by the police and committed to a mental hospital, he was given room and board, which he wanted, and treatment, which he did not want. Although deemed psychotic and dangerous, he promptly escaped. The authorities made no attempt to find him. Managing a person like Li as if he were a medical patient is a pretense, and everyone knows it is. However, in the Age of Folly, psychiatry defines social reality, just as in the Age of Faith the Church defined it.

Li's liver or lungs did not fail him. His life did, and he knew it. There is no medical treatment for failed lives. Beheading a stranger on a bus, like "walking" from Ontario to Manitoba in an emaciated state, was a message. What was Li saying? Let us listen to him.

"Since his arrest," reported the press, "Li has declined to speak to prosecutors and his court-appointed attorney. When asked again by the judge after the recess [in the proceedings] if he wanted a lawyer, Li shook his head and then quietly said 'please kill me.' Li's remark was heard by reporters and confirmed by court clerks, but was not acknowledged by the judge." It was also not acknowledged by the doctors who "examined" Li. Prosecution psychiatrist Dr. Stanley Yaren told the court that "Li has a very strong chance to recover and was an otherwise 'decent person' who was clearly out of his mind when he believed he was acting on God's commands."

Hopeless as his situation was before the murder, it is worse than hopeless after it, and Li knows that too. Perhaps he hoped to die on his failed death-march to Winnipeg. Perhaps he lacked the courage to kill himself. In any case, he wants to die now and does not say that God tells him that death is the proper punishment for his deed.

In the Age of Folly, psychiatry defines social reality, just as in the Age of Faith the Church defined it.

Nothing and no one can bring back the dead. Nor can a deed like Li's be expiated or "treated." In the past, people understood tragedy. Today we choose to misunderstand it as a malady — manifested by "meaningless" deeds. ❑

At the Death of a Newspaper

by Bruce Ramsey

Across the country, the news is no longer considered fit to print. But are we better off without newspapers?

I sense little grief from libertarians at the possible extinction of newspapers. It's the market — and anyway, except for the Orange County Register, newspapers have not been notably libertarian. A thought arises: "Then to hell with newspapers."

I'm a newspaperman, and I don't feel that way. The daily paper where I worked for 16 years, Hearst's Seattle Post-Intelligencer, has stopped printing. It was not a great paper; it didn't have enough people, and only some of them were really good at what they did. I knew many of them. Now, apart from a handful still at the P-I's web page, they are gone, and the city is the poorer for it.

Since 1983 the Post-Intelligencer had shared printing plants, delivery trucks, advertising, and revenues with the larger Seattle Times and split the pot under a "joint operating agreement." In the '80s this had been a way to save the P-I and make money for both owners. It changed after 2000, when the Times switched from afternoon delivery to mornings in order to avoid daytime traffic congestion. The result of the two papers' sharing the same time slot, and of all the other things going on, was a slide in P-I daily circulation from 195,000 to 114,000. Revenue sharing spread the pain to both of them, and in the past year it has threatened to sink them both.

Struggling to stay alive, the Seattle Times had two rounds of buyouts and layoffs in 2008. Until January 2009 there had been no cutbacks at the P-I. In January a Hearst executive flew out from New York and announced that the paper had lost $14 million in 2008 (which works out to $80,000 per employee) and that unless a buyer stepped forward, the paper would stop printing in March. On March 18 the P-I's red coin boxes stood empty.

Of the five publications I've worked for in my career, three have stopped printing, one is for sale, and the fifth, where I work now, has shrunk its staff in an effort to survive.

The major cause of all this is not the *bête noire* of libertarian and conservative critics, liberal bias. That malady does exist. But what is one to say when Bill Anderson claims (at LewRockwell.com) that "there is no entity in this country that is more statist than the typical newspaper," or when Walter Block proclaims that the typical newspaper business page

says "that taxes and welfare payments must always and ever be increased." I've worked on newspapers for 30 years — and I had to be a hell of a lot more careful with what I said than these guys are.

Steven Greenhut of the Orange County Register is more accurate when he says the typical chain newspaper is imbued with a "bland left-of-centerism" — with the emphasis on "bland." The Seattle P-I was like that. Its editorial columns were left-liberal but not stridently so, and left-liberal assumptions might be found in some of its feature stories and columns. But the P-I's core market, the city of Seattle, is at least as lefty as it was; the city voted more than 80% for Barack Obama and elects the leftwing Jim McDermott to Congress. The P-I's reputation as a liberal paper did hurt it with part of its market, but that was the smaller part.

There are stronger reasons than bias for the decline of newspapers. One is the decline of reading; video has lowered Americans' attention spans. Another is the rise of a new kind of reading, on screens. In the 1990s newspaper management decided to provide content on the internet for free. The salaries of reporters and editors were already covered by the newspaper's advertisers. The internet paper required no pressmen or truck drivers, and though there was some fixed cost, the incremental cost of a new reader was nearly zero. "Free" fit the internet ethos, and it was good marketing.

But that was a fateful decision. Newspapers' internet sites have inexorably gained readers, while their dead-tree product has lost them. Yet the dead-tree product had paid for the reporters and editors. Now the printed newspaper has weakened, and it can carry fewer employees. News executives thought that by and by the internet would carry the weight, but it hasn't. Google has taken the great share of internet advertising, because it tailors ads to match search requests, and newspapers can't do that. Google brings users to newspaper sites, but (from the newspapers' viewpoint), it collects too much of the ad revenue.

An even more important result of the internet has been the newspapers' loss of classified ads. The metro daily I work for used to have pages and pages of ads for jobs, houses, cars, and garage-sale goods. We charged a steep price for those ads, and they accounted for 40% of our ad revenue. In today's paper, as I write, the classifieds have shrunk to one page, plus four columns of public notices. The classifieds have shrunk to the same space as the paid death notices.

Much of the classified business has gone to craigslist. I met the famous Craig at a dinner once. His business card did not identify him as a corporate CEO but simply as "Craig Newmark, customer service rep. & founder." He is a short, soft-spoken man who writes his company name and job title in lowercase letters. He denied to me in a tone of innocence that he is the carnivore eating my industry's lunch, but he was trying to be nice. He's killing us by offering a classified-ad service that works better than ours and that costs most of his customers nothing.

Craigslist is killing the newspapers by offering a classified-ad service that works better than theirs and costs most of its customers nothing. Better product, price of zero; what can the newspapers do?

Better product, price of zero: what are you to do?

Maybe you do something else.

Maybe you go out of business. The printed Seattle P-I folded in March. Denver's number two paper, the Rocky Mountain News, closed on February 27. In Michigan, the Ann Arbor News said that it will go internet-only in July. Time printed a list of the other U.S. newspapers most likely to implode, and the list's major failing was that it left out too many names.

Every year newspapers shrink — in the width of pages, the number of pages, and what's in them. The sports section stops covering high-school games. The business section drops the stock tables and second-tier public companies. Book reviews are discontinued. The rock 'n' roll critic retires. The consumer-complaint columnist dies and is not replaced. The political cartoonist is laid off. The letters editor goes on medical leave. The travel editor takes a buyout.

This is the world I live in.

Well, so what?

Think of what a good newspaper is: a group of people paid to write about the world around them. Government especially. A good paper will have at least one person at the state legislature, and a really good paper will have several there and one in Washington, D.C. It will have a reporter at the county government and another at city hall. It will staff cops and courts. There are also regional governments, suburban governments, special-purpose governments, and school boards. As libertarians know, all these agencies have power, and they need to be watched.

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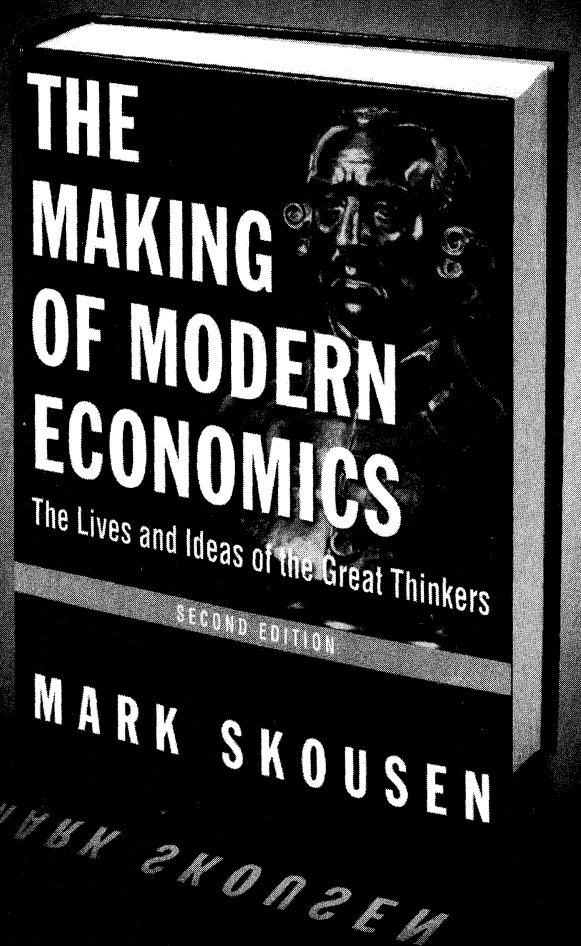

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I worked at the P-I in the business section. We covered mergers, strikes, proxy fights, and initial public stock offerings. Those were the big things. The grunt work was the stockholder meetings and the earnings of every local public company, with comments on the company's stock and on its business plans. All these are important.

A good paper also covers cultural things: art, music, plays, dance, movies, novels, restaurants. Without newspapers, some of these things would be covered anyway. Seattle has the subscription-only Puget Sound Business Journal, and for entertainment, the ad-supported Seattle Weekly and The Stranger. But they are weeklies. They can't cover breaking news.

Some will say, "Breaking news? Forget newspapers. I get my news from the internet." And where does the internet get it? From newspapers. That's where radio gets its stories — from newspapers and from the wire, and the wire gets them from newspapers. TV also gets stories from newspapers.

There are internet sites such as RealClearPolitics, which carry lists of newspaper stories; these are *aggregators*. They are like Google: they provide a shelf for other people's work. That's fine, but someone has to create the stuff *on* the shelf.

What, then? At Reason.com, Jesse Walker suggests that local people will spontaneously fill the vacuums left by departed news reporters. What sort of people? One is the gadfly, the "character who sits through those council meetings, or the school board meetings," because that's the most interesting thing in the world to him. Another is the activist, who follows public policy for a cause. Another is the insider, who works for an institution and wants to get a story out.

These people do exist. But, being unpaid, they are subject to only such reliability as they impose on themselves. Sometimes they don't show up. They are often partisans with narrow interests. A big-city school board may attract activists for one ethnic group only, gifted students only, or one neighborhood only.

And most of these folks don't write. They *talk*.

Without newspapers, there would still be information — mountains of it. Already government puts bills, laws, budgets, and court rulings on line. Public companies put quarterly earnings, annual reports, and Securities and Exchange Commission filings on line. But these things are boring, and most people won't read them. For years, my job was to read them and tell the stories in them, for a daily newspaper.

A good paper will have people in Washington, D.C., at the state legislature, at the county government, at city hall, and at school boards. As libertarians know, all these agencies have power, and they need to be watched.

Without newspapers, organized business, labor, and political groups would cover the things their members cared about, such as the state legislature. Some do this now, and offer their work on the internet for free. But they care about only some things, and they take a partisan view about them.

Real internet newspapers — that is, sites that report their own news — may arise if someone can figure out how to make them pay. Hearst is trying it with seattlepi.com, but the site is a shadow of the old Post-Intelligencer. As I write, two groups of former P-I journalists are said to be organizing their own web papers as nonprofit ventures, which is an admission that they expect to be subsidized. In Seattle the private wealth exists to do that; the question is whether Bill Gates, Paul Allen, or any of the other rich folks around here would want to shrink his hoard for such a purpose. I am not optimistic. A report in the Seattle Times said that one ex-P-I group had raised $4,000 and that some journalists wanted to get to work right away. God bless them, it sounds like people I know. I wish them luck, but I fear that web curmudgeon Fred Reed was right when he said, "The crucial fact about web journalism is that there is no money in it."

Admittedly, some reporters have a political bias. Still, if newspapers go away, big, powerful institutions will be left to cover themselves.

It boils down to this: newspaper reporters are the largest group of people *paid to gather information for the public*. They are trained in reporting and writing; they are not intellectually trained about the institutions they cover, and they get the story wrong sometimes. Some of what they write is fluff. Much of it is handed to them by people who are paid to influence information, and sometimes the reporters are influenced. Some of them become shills for the people they cover. Some have a political bias. Admit all this. Still, if newspapers go away, big, powerful institutions will be left largely to cover themselves.

Do you want that? I don't.

You may say, "If there's a market for news, someone will provide it." If there is a paying market, yes. If the market expects it for free, maybe not.

News has typically not been sold. It has been sponsored. One of two classes of the newspapers' sponsors — classified ads — is gone. The other is display ads, and they are still there, which is why newspapers are still there. If display ads go, newspapers go.

Walker ends his piece for Reason.com with the anarchistic thought that if newspapers disappear, the thing to do "is to tap the information already flowing from citizen to citizen without any journalist's intervention." For some things that idea may be the best there is, but think of what it consists of: trained, managed, and paid workers are to be replaced by untrained and unmanaged volunteers, volunteers of undependable knowledge, undependable literacy, and all too dependable partisanship.

To me, that is not progress — but then, I am a newspaperman. ❑

Bringing Sunshine to the Nanny State

by Vince Vasquez

Urban progressives are infecting our cities with totalitarianism. A little sunshine is the best disinfectant.

In 1996, President Bill Clinton declared that "the era of big government is over." In America's cities, however, it has only just begun. City officials are making ever more ambitious grabs at power. Their goal is to protect their constituents from themselves. Their means are regulations, bans, and moratoriums on common goods and practices. The results? More Jay Leno jokes about the daily wackiness of American politics — and something more serious, too: economic harm and curtailment of freedom. When Belmont, CA, recently banned all smoking except inside the doors of owner-occupied houses, it was going a long way toward assuming the power to tell people what they could do about everything.

It remains to be seen how far this will go, but the omens are, well, ominous. Try this one:

In June 2007, the town council of tiny Delcambre, LA, unanimously passed an ordinance banning low-hanging "sagging" pants within city limits. Those found committing the fashion faux pas could face a $500 fine or a sentence of up to six months in jail. In a community devastated by Hurricane Katrina in 2005 and still in the process of recovering, it would seem that local leaders would have more pressing priorities. But, despite the avalanche of criticism that Delcambre's official class received for its abuse of the legislative process, more than a dozen municipalities across the country followed suit, passing or considering similar ordinances.

Lamenting the success and popularity of fast-food restaurants in low-income areas, Los Angeles Councilwoman Jan Perry has asked her colleagues to consider a "health zoning law" that would impose a one- to two-year moratorium on new fast-food establishments in her inner-city district, giving time for government planners to attract restaurants "with broader and more healthful food offerings."

Perry suggested still more limits, arguing that "fast food is primarily the only[!] option for those who live and work here. It's become a public health issue that residents be given healthier choices." In Perry's view, government action is "primarily the only" solution for her poor, undereducated — but, apparently overfed — constituents.

Of course, many of the businesses that Perry wants to get rid of have spent millions of dollars crafting healthier menu options, as well as providing nutritional information to enable their customers to make more informed decisions. And Perry's constituents, like all other Americans, vote with their feet. If

they don't feel like a cheeseburger and fries on Friday, they don't have to order them, or even step into a restaurant that sells them. If they make that choice, the food industry — managed to maintain profits — will respond to changing forces or file for bankruptcy. Wonder Bread, a longstanding staple in American pantries, has in recent years closed up shop in Oregon and Washington. In August 2007, its corporate parent announced that it would stop baking and selling its famous white loaves in Southern California. Industry experts agreed that Wonder Bread had failed to respond to shifting West Coast trends toward more healthful diets.

While news like this might mean something to sensible people, it makes no impression on the advocates of the nanny state. And it isn't just "health" that's at stake for them. It's morality, or what they define as "social policy." They need laws to make people good.

In addition to policing consumer health, a key goal of nanny-state intervention is the raising of "sin taxes" on goods and services that don't comply with social policy goals. This tactic has been employed in many municipalities — most notoriously, perhaps, in New York City.

In both 2006 and 2007, Mayor Michael Bloomberg pleaded with New York lawmakers to raise the city's cigarette tax — already the highest in the nation — by 50 cents a pack. He declared the higher tax "would save the lives of thousands," especially children. Quoting the mayor's February 2007 remarks: "experience demonstrates that raising the price of smoking is the surest means of discouraging teenagers from becoming addicted to tobacco." Fifty cents may not seem like much money — and one doubts that it will mean much to teenagers carrying both a pack of cigs and a thousand dollars worth of electronic equipment — yet it would provide about $20 million dollars for local pork-barrel projects.

But I digress. Bloomberg's proposal was merely the latest assault on New York City smokers. Launching a number of new antismoker initiatives in 2002, Bloomberg convinced lawmakers to raise the city's cigarette tax from eight cents to $1.50, a 1,775% tax increase, which he claimed wasn't nearly high enough. As he said at the time: "if it were totally up to me, I would raise the cigarette tax so high the revenues from it would go to zero." Did I hear "prohibition"?

Despite Bloomberg's pieties, it's clear that, with city and state tobacco taxes raising the price of a pack of cigarettes to more than $7, smokers have become the love-hate interest of politicians who are unable to balance their budgets. After the 2002 tax hike, NYC cigarette tax revenue soared from less than $30 million to nearly $160 million a year. Yet the nanny retains her piety. Bloomberg is trying to take his cigarette tax global, with the help of the United Nations. The UN's World Health Organization announced in 2006 that Bloomberg had pledged $125 million of his own money for a Tobacco Free Initiative (TFI) designed to end "the global tobacco epidemic." The special target is 15 nations (including Bangladesh, Brazil, China, Egypt, India), upon which an international cadre of nanny-state activists, funded by Bloomberg, is preparing to descend. Their lofty social-policy purpose is to levy high cigarette taxes, to restrict tobacco advertising, to ban smoking in public places, and otherwise, by nagging and restricting, to "help make the world tobacco-free."

"Talk about tough — he uses the Surgeon General's warning labels to roll his own."

Bloomberg discussed his passion for the cause in an op-ed published by the British medical journal Lancet (May 19, 2007). He touted the accomplishments of his antismoker campaign in New York City and noted with pride that "tax increases raised the legal retail price of cigarettes by 32% . . . virtually all indoor workplaces, including bars and restaurants, were made smoke-free, despite vocal opposition. Hard-hitting print and broadcast antitobacco advertising campaigns were initiated . . . smokers were provided with free courses of nicotine-replacement treatment to help them quit; nearly 20% of smokers were reached over 3 years. Rigorous surveillance was established."

Few government officials in the Western Hemisphere have tried to institute the sudden and radical nanny-statism of Venezuelan president Hugo Chavez, who in the fall of 2007 announced new and higher taxes on tobacco products, alcohol, luxury cars, and even artwork. It was a puritanical attempt to mold Venezuelans into his conception of the socialist "New Man." Said Chavez: "There are people who spend what is necessary, but then there are some who spend and spend. I am looking to put a tax on this." Whether we are supposed to understand that the New Man is modeled on Chavez's own personal choices is unclear, although news agencies quoted the leftist leader as confessing to have enjoyed a drag and a sip from time to time. His aim, however, is to make such activities unaffordable by others.

It's worth noting that the recent wave of sin taxes followed an earlier Chavez decree to ban alcohol sales nationwide during Holy Week — a move that observers suspected had less to do with appealing to Christians at home than with appeasing the leaders of the Islamic Republic of Iran, which prohibits the sale and consumption of alcohol carte blanche. Chavez has sought stronger diplomatic ties with them.

Whatever their specific motivation, these nanny-state policies are easy to ridicule for their elitist "humanitarianism" and boutique authoritarianism. But their effects are more pernicious than denying Marlboros or Big Macs to hoi polloi. There's a damaging economic effect as well.

Peripheral government regulations introduce inefficiencies that cause suboptimal asset allocation by businesses and consumers, impairing their ability to respond to market forces efficiently. Optimally, a firm would seek to maximize profits by setting its marginal revenue equal to its marginal costs. However, when an economic disincentive is imposed, a "wedge" is driven between the price paid by the consumer and the price charged by the producer.

The costs to society that are created by artificial marketplace inefficiencies are known as "deadweight losses," as they are foregone economic outputs that could have yielded greater productivity, greater revenue for businesses, and lower prices for consumers. Such disincentives arise from the imposition of taxes or government mandates that yield fewer incentives for markets to produce greater outputs and control higher costs.

Despite the popular perception that new nanny-state taxes and red tape will be somehow absorbed by commerce, their costs get passed onto the consumer, who in turn pays them through higher prices and limited choice. To suggest that business taxes are simply absorbed by private industry is cynically misleading. A June 2005 study of San Francisco's myriad local business fees and taxes found that excessive municipal government surcharges inevitably seep into the costs of consumer goods and services; it was estimated that a $2 cup of coffee from an outdoor cafe in San Francisco includes 64 cents, or 32%, in fees and taxes (and that figure excludes state and federal income and payroll taxes).

Despite the popular perception that nanny-state taxes and red tape will be absorbed by commerce, their costs get passed to the consumers.

Anyone who knows that he has to work through a maze of local, state, and federal regulations and tax codes before launching a new business may well just give up, especially if the business plan lies on the uncertain edge of innovation. It's impossible to measure all the costs of niggling, nanny-state regulations. But some of the compliance costs of new and higher taxes (record keeping, education, shipping, form preparation, etc.) are measurable, and they have been proven to reduce economic output significantly. In 2001, the Tax Foundation estimated that for the hours that businesses and individual taxpayers take each year simply to comply with the federal tax code, the overall compliance cost was almost 12 cents for every dollar collected in federal taxes — a gargantuan amount.

Nanny-state laws don't just take money from the taxpayers and consumers; they also increase the size of government by raising higher collection costs for new taxes and fees, as they require additional municipal manpower and resources for implementation and operations. Treasury or tax collector staff may need to be augmented, or existing staff may be assigned these new responsibilities, requiring costly overtime hours. Physical costs — such as postage and mailing, purchasing industry computer software and hardware and other implements — add to the overhead. None of this, mind you, has anything to do with the real functions of government — preventing force and fraud.

Strangely — and, from the standpoint of the municipal nannies, quite unexpectedly — people react to this interference.

Faced with rising red tape and government fees, businesses pick up and move to less-regulated jurisdictions. Consumers who are able to live or shop in other jurisdictions do so. Among those who stay, some will seek out a black market to purchase cheaper stolen or smuggled goods. Since Sept. 11, 2001, the Bureau of Alcohol, Tobacco, Firearms, and Explosives has noted a spike in illicit cigarette trafficking, as people reap profits from buying mass quantities of cigarettes in low-tax states and selling them on the black market in high-tax states. The profit in these activities can be rich. And deadly. As the Washington Post reported in 2004, federal authorities have uncovered numerous schemes to exploit nanny-state policies for the benefit of al Qaeda, Hamas, and Hezbollah.

Using the state to enforce the social standards and moral agenda of a few results in a loss of personal freedom for all. The rapid rise of the nanny state in America's cities speaks to the pervasive political incentive to overreact and overregulate in the face of crises and calamities that are sensationalized — or created — by the 24-hour news media cycle. It also speaks to the breakdown of true community. Neighborly relationships foster communication, cooperation, and friendship — a factor that is vital in such cities as Los Angeles, where the assimilation of newcomers is particularly important. In a real community, most differences can be resolved privately. In the nanny state, by contrast, people are encouraged to depend on the state when there is any dispute about noise or land use, or even plants or toys in people's front yards. Few circumstances could be worse for the sense of individual responsibility and thoughtful consideration of other people on which community depends.

The nanny state also harms the core social unit, the family. Not allowing parents to educate their children on the importance of personal responsibility and the consequences of their actions inhibits the growth of self-reliant adults. Of course, statists *want* citizens to be immature and malleable. As economics professor Glen Whitman suggests, "when individuals bear the full costs and receive the full benefits of their own actions, the justification for government involvement is much weaker." There's no place for a nanny once the children have grown up.

As Michael Bloomberg said at the time: "if it were totally up to me, I would raise the cigarette tax so high the revenues from it would go to zero." Did I hear "prohibition"?

Many nanny-state laws attempt to wrestle individuals away from their desire for modern material goods — video games, automobiles, the internet, fast food, cigarettes — that the nannies don't like. But the freedom to choose how one spends his income, time, and other resources is meaningless if it is limited to a handful of options approved by the city council.

Ceding even piecemeal losses of personal freedom can have adire effect down the road. UCLA law professor Eugene Volokh made a study of how the "slippery slope" phenomenon relates to government regulations ("Mechanisms of the

Slippery Slope," Harvard Law Review 116 [Feb. 2003]). Volokh concluded that taking small steps to control the use of something can facilitate later steps to ban it completely; for instance, mandatory gun registration makes firearm confiscation more feasible. Using the example of local legislation in New Jersey to outlaw cigarette machines in 1993, Volokh noted the progression from regulation to prohibition. According to a 1993 New York Times article:

> Sandra Starr, vice chairwoman of the Princeton Regional Health Commission . . . said there is no "slippery slope" toward a total ban on smoking in public places. "The commission's overriding concern," she said, "is access to the machines by minors."

In June 2000, the Record (the major newspaper in Bergen County, N.J.) noted that

> the Princeton Regional Health Commission took a bold step to protect its citizens by enacting a ban on smoking in all public places of accommodation, including restaurants and taverns. . . . In doing so, Princeton has paved the way for other municipalities to institute similar bans.

So, when it comes to cigarettes in New Jersey, the slippery slope of the nanny state is approximately seven years long.

With all the threats nanny-state laws pose to economic and other personal freedoms, it's clear that champions of liberty must move beyond merely mocking the nannies. Ground zero in the fight against oppressive government will be America's cities. As David Harsanyi, author of the book "Nanny State," remarked in a 2007 interview, "most nanny state initiatives begin on a local level." As the success of nanny-state ordinances continues, free-market forces should consider a collaborative effort to end the erosion of individual liberties. It's already begun, in fact. Some free-market advocates have published quantifiable comparative analyses or "indexes" to raise awareness of encroaching laws. The Cato Institute, along with more than 70 thinktanks across the globe, publishes the "Economic Freedom of the World," an annual index that assesses the state of sovereign laws affecting businesses, consumers, and entrepreneurship. The Heritage Foundation releases an annual Index of Economic Freedom,

The rise of the nanny state in America's cities speaks to the incentive to overreact and overregulate in the face of crises and calamities.

which examines the regulatory treatment of ten specific freedoms in 161 countries. Other thinktanks effectively examine narrower regulatory issues. The San Francisco-based Pacific Research Institute publishes an impressive array of indexes of regulatory environments across the 50 states, including an "Economic Freedom Index," "Tort Liability Index," and "Health Ownership Index."

This should go farther. Advocates and researchers should weigh the merits of an urban "citizen's freedom index" that measures the strength of nanny-state regulations in at least the 20 largest U.S. cities. This index would examine the comparative strength and activity of nanny-state ordinances in New York, Los Angeles, Chicago, Houston, Phoenix, Philadelphia, San Antonio, San Diego, Dallas, San Jose, Detroit, Jacksonville, Indianapolis, San Francisco, Columbus, Austin, Memphis,

When it comes to cigarettes in New Jersey, the slippery slope of the nanny state is approximately seven years long.

Fort Worth, Baltimore, and Charlotte. These metropolises are ideal for greater regulatory scrutiny, since they all have pertinent data readily available to the public and mass media outlets that local elected officials respect.

What would such a study measure? Nanny-state laws seem to come in four areas:

1. The use and availability of federally-controlled goods, such as alcohol, tobacco, and firearms;
2. The use and availability of property, such as houses, food, and clothing;
3. The levy of new and higher excise taxes, fees, and surcharges on consumer goods and services;
4. The imposition of restrictions on advertising and other mass communication.

Results could be published in an easy-to-read format and publicized through localized press releases that would bring greater public awareness to the losses and gains of freedom in each city. Lawmakers in notoriously pro-nanny cities could be identified, and lawmakers who seek to expand freedom could receive an annual award of esteem. Such an index would thus be useful in increasing public accountability of lawmakers, while it gave incentives to local officials of all political stripes to expand consumer choice, encourage personal responsibility, and protect individual liberty.

Did I say "personal responsibility," yet again? I did. Some of the nanny state's pet causes — consumer safety, smoking, obesity, substance abuse, over-indebtedness — are serious problems; but they are problems that should be met by individuals. The internet can help; so can watchdog organizations such as the Consumers Union; so can private organizations devoted to education and encouragement of helpful action. But if you want to see the results of government social engineering, I would advise you to look at the wreckage of the Great Society programs of the 1960s and 1970s. The fact that they are now being replaced by an infinity of Little Society nanny programs does not mean that government interference is any likelier to achieve the results intended.

Ronald Reagan said, "Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves." Pressuring individuals through law to make "better" decisions in their lives is contrary to the spirit of our Founding Fathers — and has no place in the town halls and city councils of America. ❑

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The Real Threat to Infrastructure, *from page 26*

In addition to increasing the ratio of funds going to transit, the stimulus bill also included a surprise: $8 billion for high-speed rail. This was specifically inserted at the request of President Obama, who said he wanted to make high-speed rail his "signature issue" in the stimulus package.

Aside from the sheer waste of money, lovers of freedom should oppose rail transit because of what it means for property rights. While buses can go anywhere people want to go, rails are inflexible. To spur ridership, rail transit agencies become land-use czars, promoting minimum-density zoning codes that mandate high-density housing near rail stations. These codes are often paired with "anti-sprawl" zoning aimed at preventing owners of land outside of urban areas from developing their properties. Residents of California, Oregon, and Washington are familiar with these sorts of laws; rail proponents are actively seeking to expand them to other states.

Seventy-five percent of funds spent on transit come from taxes, a situation that has turned transit agencies into tax addicts always seeking their next big fix.

High-speed rail will only exacerbate this trend. Rather than keeping his promise to "rebuild America," it seems likely that Obama's true goal is to "re-socially engineer America" by heavily subsidizing transit and discouraging auto driving.

Although all the high-speed rail money will effectively go for "new" construction, it remains to be seen how much will go for each of the two different kinds of high-speed rail. One type, which should be called "moderate-speed rail," consists of upgrading existing freight lines to allow passenger trains to run as fast as 110 miles per hour. The other, which is true high-speed rail, consists of building brand-new rail lines capable of running trains as fast as 220-miles per hour. Though the second type is only twice as fast, it costs at least ten times as much.

The Federal Railroad Administration has designed a national high-speed rail network that extends about 9,000 miles. Adding other active proposals brings the total to 11,000. Constructed to moderate-speed standards, this network will cost about $50 billion; at true high-speed standards, it will cost more than $500 billion. Even then, it will not allow coast-to-coast journeys: there are gaps between New York and Chicago, Houston and Dallas, Jacksonville and Orlando, and nothing at all between Kansas City and California, even though this area includes some of the fastest-growing cities and states in the nation. Completing the network by filling in these gaps would significantly increase the cost.

Rail advocates from the Midwest, where Obama is from, have proposed a network of moderate-speed rail lines connecting Chicago with Minneapolis, Detroit, Cleveland, Cincinnati, and St. Louis. California wants true high-speed rail between its major cities. While the $8 billion is more than enough to fund the entire 3,150-mile Midwest rail plan, it is less than half the money that California wants from the federal government for just the first leg of its high-speed rail plan.

Given that the infrastructure crisis was entirely fabricated and that transportation and most other infrastructure should be able to pay for itself out of user fees, the stimulus bill was entirely unnecessary. If Congress really wanted to stimulate the economy, it should have offered state and local governments low-interest loans that would be repaid out of future user fees. This would have ensured that any infrastructure built from the loans was actually necessary.

Even though the stimulus bill is a one-time-only package, it set many ugly precedents. Of course, they create moral hazards because entities from banks to transit agencies have learned that they can engage in risky behavior and expect the federal government to bail them out when the risks explode in their faces.

Just as serious as the moral hazards are the effects of deficits and new construction on the nation's future economy. For me, the $8 billion for high-speed rail, though only 1% of the bill, is the scariest part of the entire package. If we end up building a $500-billion high-speed rail network, or even a $50 billion moderate-speed rail network, every city of modest size on that network will want to build its own expensive rail transit lines. This will lead to intrusive zoning aimed at forcing more people to live in high-density projects along such lines rather than in the single-family homes that are the housing of choice for the vast majority of Americans. As years go by, it will also lead to continuing demands for tax increases to maintain, rebuild, and augment rail lines that never should have been built in the first place.

What is the likelihood that high-speed rail and urban rail transit can transform America, as Obama and his supporters hope? The best answer can be found by looking at other countries that have built high-speed rail. Japan has spent as much, and France has spent about half as much, per capita, on high-speed rail as we spent on the Interstate Highway System. The average American travels 4,000 miles a year and ships 2,000 ton-miles a year on the interstates. By comparison, the average residents of France and Japan travel only 400 miles per year on high-speed trains, which carry virtually no freight. While almost every American regularly uses interstate highways, it is likely that a few French and Japanese use high-speed rail a lot and most rarely or not at all.

San Francisco is building another $6 billion line which, the agency's environmental impact report predicts, will not save a single traveler a single minute of time during rush hours.

Interstates paid for themselves out of gas taxes, and most Americans use them almost every day. Moderate- or high-speed rail would require huge tax subsidies and would regularly serve only a small elite. Which is the better symbol for the America that President Obama wants to build? ❑

Reviews

"Against the State: An Introduction to Anarchist Political Theory," by Crispin Sartwell. State University of New York Press, 2008, 135 pages.

Anarchy Again

William D. Curl

One doesn't usually think of a book on political philosophy as an entertaining read, but "Against the State" by Crispin Sartwell is the exception. It is a book about libertarian political philosophy, which the author calls anarchism. He defines anarchism as a social order characterized not by force but by voluntary association. The distinction between minimal-government libertarian philosophy and anarchism is not explained. Perhaps it does not need to be explained.

Those who are familiar with the works of such anarchists as William Godwin, Emma Goldman, Lysander Spooner, and the late Murray Rothbard (a founding editor of Liberty) will find interesting insights on anarchism itself. Sartwell's book is both interesting and entertaining, filled with perceptive insights and unusual comments. Sartwell has obviously been fighting in the ideological trenches and has, I assume, some scars derived from ad hominem attacks. "Everyone's political philosophy," he says, "is the result of a personality disorder." It probably isn't true, but it makes for an interesting turn of phrase.

Sartwell believes the state is not a legitimate institution because it rests not on voluntary association but on coercion and violence. This is not new to anyone familiar with the 19th-century works of Spooner or with such contemporary authors as Rothbard and Hans-Hermann Hoppe, but Sartwell's logical exposition is an engaging discourse on difficult topics and authors. He takes aim at three political theories used to justify the existence of the state: contract theory, utilitarianism, and the theory he calls justicial justification.

Social contract is discussed, of course, with references to Jean-Jacques Rousseau and Thomas Hobbes. Sartwell explains the role and importance of "the state of nature" — conceived by Hobbes as a state in which life was "nasty, brutish, and short" — in supporting the argument for the social contract. He characterizes Hobbes' state of nature as "a defense of European culture against an imagined critique by the savages of America" (43). The social contract theory in its classical form, provides for a process of "transcendence," in which the state imparts a moral dimension to nature, by virtue of the fact that people have agreed — contracted — to erect a state. This, of course, is mythical nonsense. In reality, nature has not changed, and any theory based on such an idea is flawed from the very beginning.

In Sartwell's view, government is simply part of the chaotic violence of the state of nature. There is no moral dimension to an institution based on violence and coercion. The clarity, simplicity and deftness with which Sartwell disposes of Hobbes' assertions shows that he has been over this ground before.

An early critique of contract theory was provided by Edmund Burke, who offered another, essentially utilitarian, way of justifying the state, which it pictures as a means of constraining the viciousness of human nature. Sartwell asserts that this theory also fails to justify the state. It rests on a less theoretical, more practical basis than contract theory, but "in fact this argument in

its most general form is just another transformation of state power into an idol, into something that transcends the mere human beings who operate it. Otherwise its proponents would understand perfectly well that what they propose is no solution to the problem: to cure people of the selfishness and violence at our heart, we will heavily arm some of them and authorize them to restrain, imprison or execute others of them. If it is people you are authorizing this way you are liable to be exacerbating the problem of your own premise" (62).

Sartwell dismisses the currently fashionable rational choice theory, including that of libertarian Nobel laureate James Buchanan, "as a variety of contract theory" and "a hypothetical or idealized or utilitarian justification of state power: if there were no state, it would be Pareto-Optimal to invent one." He stipulates that one way in which this theory "is different from classical utilitarianism is that it legitimates the state as a result of individual utility-maximizing decisions rather than as a question of sheer greatest good for greatest number" (68). Nevertheless, it provides no security from the overwhelming force of the state. After quoting the utilitarian philosopher Jeremy Bentham at some length, Sartwell points out that his argument is more likely to "counsel resistance than obedience."

Turning now to the third theory with which he finds himself at odds, the justicial justification of state power, Sartwell takes as his exemplar John Rawls, perhaps the most famous of contemporary political philosophers. Here, I believe, Sartwell should have argued seriously against Rawls' proposition that state power can be justified by the state's unique ability to redistribute wealth in a "just" manner. He seems to accept this proposition, though with the caveat that a state that has the power to distribute wealth is a power that "can at any given moment be turned to unjust purposes." Instead he treats Rawls simply as an exemplar of modern utilitarian theory. "A Rawlsian just social system," he says, with heavy verbal irony, "is justified in virtue of its justice and not by anyone's actual consent to it" (76).

Ultimately, for Sartwell, all justifications for state power fail. We are left with the author's view of a political philosophy based on anarchism by default. Sartwell does provide what he calls "a silhouette of anarchism" in which he explains "self-sovereignty." This idea is not new. Previous approaches, such as that of Hoppe, have proceeded to build a political philosophy from Locke's assertion of self ownership. This seems a logical beginning, but Sartwell states that the individualistic philosophy of Thoreau and Emerson is his beginning point. It may be the familiar argument, but now labeled "Thoreau" instead of "Locke."

The author does admit that there is one individualist political theory that may work without resort to anarchism, the theory embodied in Randy Barnett's "Restoring the Lost Constitution." Barnett offers a libertarian interpretation of the Constitution as a document authorizing a very limited sphere of state activity. This, Sartwell indicates, might actually justify state power.

A serious flaw in this book is the author's decision to defer a full exposition of the anarchist political philosophy to a future volume. Obviously this is the usual academic practice of publishing the same work over and over again under different titles, with slightly changed content. Perhaps academic tenure and promotion require this, but a full exposition of the author's philosophy should have been included in this volume and not a future one.

Notes on Contributors

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Another flaw is that Sartwell fails to mention Walter Block, Hans-Hermann Hoppe, or Murray Rothbard, all of whom arrived at a political philosophy similar to his own by studying the work of Ludwig von Mises and the "Austrian" school of economics. I don't know whether this omission results from choice or oversight. Nevertheless, political scientists, together with many libertarians who are not professionals in the field, will find this "introduction" to anarchism insightful and worthwhile. ❑

"A Government Ill Executed: The Decline of the Federal Service and How to Reverse It," by Paul C. Light. Harvard University Press, 2008, 278 pages.

Government as God

James L. Payne

We have seen quite a string of books recently by authors who severely criticize big government for waste, error, and corruption, yet who continue to have a passionate faith in it. Perhaps the first was Philip Howard's 1994 jeremiad, "The Death of Common Sense." Paul C. Light is the latest to join this genre. He begins his work pointing to 18 recent failures in federal administration, including security breaches at nuclear labs, Hurricane Katrina miscues, porous borders, and the subprime mortgage meltdown. He says the federal government is burdened with bloated upper management, cumbersome hiring systems, loss of accountability, and uninspired employees mainly interested in pay and benefits. "The federal service," he says, "is suffering its greatest crisis since it was founded."

This wouldn't surprise those familiar with the writings of von Mises and Hayek, who pointed out that a central coercive agency could never have the knowledge to wisely manage the millions of comings and goings in a large society. Inefficiency and folly are inevitable, and, just as inevitable, the public scorn that mismanagement reaps. Alas, Light never glimpses this problem of complexity. He still believes big government can succeed. It just needs to be reformed — some more.

His 28 remedies are remarkably lame.

Aware that the federal government is somehow overloaded, he proposes that somebody develop and impose "a sorting methodology for determining the importance, difficulty, and success of the federal government's mission, and jettison missions that are no longer relevant." He fails to notice that we already have such a mechanism. It's the cumbersome maelstrom called politics, and the idea that senators, governors, mayors, employee unions, mass media, lobbyists, and Al Gore would sit quietly by while this commission jettisoned government missions is embarrassingly naive.

Another of Light's proposals is "a moratorium on reform." He's right to complain that decades of executive branch reforms, piled on by every Tom, Dick, and Harry, have multiplied confusion and inconsistency. But where does that leave Paul, with his suitcase-full of 28 additional reforms?

One of his proposals would delight paleoconservatives. He wants to take a meat-ax to the higher bureaucracy. "Reduce the number of managers by half at all levels of government," he urges. Light is, understandably, vexed by the "thickening" of management layers in the federal government. Between the line employee carrying out policy and the top brass there are now between 25 and 60 layers of command: deputy undersecretaries, associate deputy undersecretaries, and so on. (Organization charts show there's even an "Associate principal deputy assistant secretary," I kid you not.) As Light points out, these many layers mean that commands going down are garbled or ignored, and information flowing up is distorted or blocked.

But Light fails to realize that all of these positions have responsibilities stemming from law, regulation, or presidential directive. You couldn't eliminate 3,000 federal executive positions without jettisoning thousands of programs that someone thinks are important. Indeed, even to attempt it, you would have to first create, in every agency, a deputy assistant secretary in charge of eliminating deputy assistant secretaries.

Light is concerned about low employee morale. To improve it, he proposes (this is his "reform" D7) that everyone "Talk incessantly about the important contributions federal employees make through their service." To protect sensitive souls in the bureaucracy, "Congress and the president can help by stopping their constant attacks on big government." Again, Light exempts himself from his advice: federal administrators will hardly be cheered by his book about "government ill-executed."

The solution to cumbersome, disgraceful big government is, of course, much smaller government, but this solution eludes Light. He does not suggest even one federal program that should be cut or abandoned, nor does he note any principles to limit federal involvement, such as the idea that Washington should not do what local government can do. He is convinced that the federal government could do everything well if people would heed his sugges-

tions (and ignore everyone else's), and if they would stop trying to "starve" it (yes, Light considers $2,800,000,000,000 a starvation diet).

Light notes that he was a senior consultant for the first National Commission on the Public Service in 1989, and observes that all of the dysfunctional trends reported then "have worsened since." Yet 19 years later, he still believes that effective, efficient big government is possible.

The only explanation I can see for his steadfast loyalty is that the federal government is his church. Something of his reverent attitude is revealed in his observations — entirely unexplained — that "the federal government accomplishes the impossible every day," and that federal employees "make miracles every day." This is the language of swooning faith, not empirical analysis.

Treating government as a metaphysical entity, as Light seems to do, puts it beyond rational evaluation. When one prays to a god for an end to floods or epidemics and the floods and epidemics get worse, one does not conclude there is no god. One prays some more. ❑

"Watchmen," by Alan Moore. DC Comics, 1986, 420 pages.
"Watchmen," directed by Zack Snyder. Warner Brothers, 2009, 163 minutes.

The Two Watchmen

Ross Levatter

"Watchmen" is a graphic novel written in the mid-1980s, a complex work combining text and images to create an alternative reality, a world where "superheroes" really exist. What would a world be like where masked vigilantes roam the streets, and where an apparently all-powerful super being — nigh unto a god — rises from the ashes of an American physicist, a "living H-bomb" ominously named Dr. Manhattan by the American military? How would their continued presence affect culture, science, and American foreign policy and military capacity?

How would police react? Would they get tired of competition and go on strike, telling American citizens they have to choose between "Badges and Masks"? If Congress passed a bill that outlawed masked vigilantism, would the superheroes simply retire, or might one of them refuse to be told by authorities that he can no longer right wrongs and pursue injustice?

Moore's world is one of increasing military tension, as a superhero-backed America wins in Vietnam, repeals the 22nd Amendment, and allows Nixon — in his 5th term as the story begins — to outlast FDR. This is a world of military overreach (the United States rather than Russia invades Afghanistan in the 1980s) and a world without Watergate (rookie investigative journalists Woodward and Bernstein are found dead in a garage before breaking their story; some suspect a masked vigilante, the Comedian, who continues to work as a government operative).

As the story starts, in late 1985, with all apparently looking well for the American empire but with the Bulletin of Atomic Scientists advancing the Doomsday Clock toward midnight, the Comedian is thrown through his 30th floor apartment window, dying in a pool of his own blood on the pavement below.

Thus begins a 420-page novel that has the literary texture and density of the works of Thomas Pynchon. An entire back history of masked adventurers is created, beginning in the late 1930s — the same time superheroes first appeared in comics in our world — some joining together to fight crime as a league, some assisting the Allies in fighting World War II.

As this group ages and dies, a new generation comes into existence, including the godlike Dr. Manhattan. Mixed in with the book's blending of background history and murder mystery, one finds references — some clear, others oblique — to Martin Scorsese's "Taxi Driver," Orson Welles' "Citizen Kane," and the "cut up" technique of William Burroughs' "Nova Express," as well as various Egyptian, Roman, and Greek deities; the Bible; and works of 20th-century science fiction and music, just to scratch the surface.

The graphic novel format — which combines the advantages of books (you can easily go back and reassess passages) and movies (you can make points visually, not just textually) — is fully exploited. Philosophic issues of determinism vs. free will are evoked, and a major conflict of the novel can be posed as the choice between deontologic and teleologic ethics. The psychological drives of people who would choose to become superheroes are explored in depth.

"Watchmen" contains a comic-within-a-comic — "Tales of the Black Freighter" — similar to Hamlet's play-within-a-play. "Black Freighter" tells the tale of a shipwrecked sailor, desperately trying to get off an island and reach his town prior to the arrival of a pirate death ship that will rape and pillage the community. It is a tale of moral ambiguity, the sailor pursuing what seems to be the right course throughout, but with a disastrous result. The pirate comic provides a subtext and allegory for the main story but is a fascinating read on its own.

With every indication of a deterioration in international political stability, with the Doomsday Clock ticking

inexorably closer to midnight, one former masked adventurer, Adrian Veidt, honed to physical and intellectual perfection, has decided that the only way to stop World War III and the death of billions in a nuclear holocaust is to trick the two world powers into uniting and cooperating. To achieve this accord, he designs a "big lie" to convince the world that it has been invaded by an alien species, teleporting what appears to be a single giant alien scout into central Manhattan, and causing the death of half the city of New York.

Here is the moral dilemma of the novel: is it moral to kill over 3 million people in an effort to save over 6 billion? If your answer is an immediate "No," ask yourself what you think of President Truman, who used this very justification to drop atomic weapons on the citizens of two peaceful Japanese cities in August 1945, in order to save lives.

Here is the political dilemma of the novel: how do you protect yourself from your protectors? Who watches the watchmen? Who guards the guardians? *Quis custodiet ipsos custodes*? How can you protect yourself when power tends to corrupt and superpowers corrupt absolutely?

The novel is a literary and artistic triumph. It is the only graphic novel to appear in Time's list of the 100 most influential novels of the 20th century. It is still widely sold, read, referenced, quoted, and adored two decades after its original publication.

And, until recently, it was considered unfilmable. The book has justly been described as having a crystalline structure, multifaceted and densely connected, with an internal lattice linking each part to all the others. There's simply too much to include in a movie, and yet nothing can be cut without a significant loss of integrity. A series of producers and directors has looked into the possibility of filming it, but all gave up. Until recently.

Director Zack Snyder, a "Watchmen" aficionado already familiar with transforming graphic novels to the silver screen from his work on "300," offered to try. It was a courageous effort. But did it work, or did it turn out like the Batman wannabes seen at the beginning of "Dark Knight": well-intentioned, wanting to imitate a noble hero, but just getting into trouble in the end?

The movie captures well the moral bleakness of the novel:

- The implacability of Rorschach, the lone masked vigilante who refuses to stop fighting crime after passage of the Keene Act, outlawing masks: "We do not do this because it is permitted . . . We do this because we are compelled."
- The gradual distancing from human concerns by Dr. Manhattan, a god who more and more seeks to be free of people and their petty squabbles: "Don't you see the futility of asking me to save a world that I no longer have any stake in?"
- The railing impotence, physical and existential, of being unable to control events, a feeling that vanishes for Nite Owl once he puts on the mask: "No matter how black it got, when I looked through these goggles . . . everything was clear as day."

Snyder renders the scenes from the novel with devotional detail, recreating many scenes directly. The surface of the crystal looks amazingly realistic, capturing the novel as a glove does a hand, a mask does a face. But when we look more deeply, the lattice is incomplete, the connections less clear, the motivations underdeveloped. Questions remain unresolved:

- Why does the Comedian confide in Moloch, an arch-enemy? His motives are clear in the novel but not in the movie.
- Why does Dr. Manhattan agree to go along with Veidt? It is clear in the novel but less so in the movie.
- What is (and what is the point of) the New Frontiersman office at the movie's end, where Rorschach drops off his journal? It is a clever ending in the book but a confusing deus ex machina in the movie.

To pack so dense a novel into less than three hours, a few things had to go. Snyder modified the ending — no giant alien creature is transported into New York — though millions still die and the moral dilemma of killing millions to save billions remains; lost, also, are the crystalline linkages of the novel. No fake giant alien means no island of scientists and writers creating a giant alien. The movie never explains how the Comedian comes across this information (chancing on the island is how the Comedian discovered Ozymandias' plot to kill half of New York), making the scene between him and Moloch unmoored, or should I say unMoored.

Other modifications are meant, I suspect, to satisfy Hollywood's concerns about morality. The movie mysteriously ages the original Silk Spectre two years (from 65 to 67) and ages Blake, the Comedian, six years (born in 1918 rather than 1924). Why? I can only imagine it's because Hollywood is more comfortable with a 22-year-old man attempting to rape a 22-year-old woman than a scene in which a 16-year-old boy tries to rape a 20-year-old woman.

The movie shines most when it adds touches not in the book but consistent with the mythos Moore created. This is most striking in the opening montage, which creates some clever vignettes not found in the novel. For example, while "The Times, They Are A-Changin'" plays in the background, there's a six-second scene of the 1930s, with the original Nite Owl in his prime stopping a gun-toting petty criminal in an alleyway. Behind Nite Owl, on a wall, are posters of Batman. These posters represent the cover of "Detective #27," which contained the first appearance of the Batman. Along the left side of the screen are two well-dressed men and a woman with a pearl necklace. No doubt most moviegoers fail to get it, but they represent Dr. Thomas Wayne; his wife, Martha; and their butler/driver Alfred. Nite Owl (a Batman archetype) is stopping the killing of Bruce Wayne's parents, preventing the very act that turns Wayne into Batman. It's a very clever riff for the comic geek crowd. The movie is full of stuff like this, suggesting good sales of the Blu-Ray DVD, which fans will study frame by frame.

The "Watchmen" movie closely adheres to the novel's theme and plot, much more than the movie "V for

Ross Levatter, Liberty Contributing Editor, has completed a 240-page book analyzing the popular novel "Watchmen." For more information on **"The Watchmen Guide:** A detailed reference to the mythology, ethics, philosophy, references, and hidden 'Easter Eggs' in Watchmen," contact him at dav_ross@me.com.

(*advertisement*)

Vendetta" did to Moore's other famous graphic novel. A significant amount of Moore's felicitous prose is retained in the movie, a major plus. But the movie often feels hollow, like a shelled-out crystal, unable to hold the weight of the plot. It would have been better as a two-part movie, much like "Kill Bill," Volumes 1 and 2, with the second movie released a few months after the first.

Snyder has something similar in mind. Remember that comic-within-a-comic? "Tales of the Black Freighter" doesn't appear in this movie, but it will be coming out in late March as a DVD-iTunes download. It will be done in animation, and I expect it will be a fairly literal translation of Moore's pirate tale. Later in the year, an expanded DVD will be released with scenes cut from the movie, adding and interweaving the pirate story.

Who watches the Watchmen? It's a question Hollywood and political philosophers have long asked. One week after its debut, the movie is doing very well among the initiated (a niche audience). It is doing less well with the general public. It is more cerebral than many want in a "superhero" movie, yet less thoughtful than it could have been. At 2 hours, 43 minutes, it is longer than most movie viewers prefer, yet shorter than true fans would have preferred. The desired political answer to the question of who watches the Watchmen — all of us — is sadly not going to be the response this well-intentioned attempt at the possibly impossible will receive. ❑

"Sunshine Cleaning," directed by Christine Jeffs. Backlot Pictures, 2008, 102 minutes.

Hurry Up and Own

Jo Ann Skousen

While President Obama tries to equalize Americans by taxing the rich and giving to the poor, along comes a dark little comedy that celebrates the business of business: making profits.

"Sunshine Cleaning" tells the story of a close-knit but somewhat dysfunctional family trying to get ahead. As the film opens, Norah (Emily Blunt) waits tables at a diner for minimum wage and hates it; her sister Rose (Amy Adams) cleans houses for minimum wage and hates that too.

When Rose's policeman boyfriend (Steve Zahn) covers a suicide and overhears a crime-scene clean-up crew bidding $3,000 for the job, he immediately thinks of Rose. He offers to send some jobs her way, and "Sunshine Cleaning Company" is born. Rose hires her sister, buys an old van, and slaps on her rubber gloves. Business is business, and this business can be lucrative if you can just hold your nose.

"Sunshine Cleaning" is a dark comedy that's just a little too dark to be hilarious. Yes, there are the expected humorous scenes of gore and smell as the two pretty and petite women scour crusty blood with tooth brushes and haul bloodstained mattresses to the dumpster (before they learn that this is not the accepted way to dispose of hazardous materials). But the film tries a little too hard and loses the frothiness of, say, "Little Miss Sunshine." Moreover, the undercurrent of sadness caused by the film's slowly revealed backstory is just too strong, pulling the actors under time and again. It's a good film, but not a great one.

What I really enjoyed about this film was the tenacity with which the family members pursue business opportunities. When she isn't cleaning up bodily fluids, Rose is enrolled in a real estate course. And she and Norah aren't the only entrepreneurs in the family; their father (Alan Arkin) and Rose's young son, Oscar (Jason Spevack), are hustling business too — first wholesaling fancy popcorn to candy stores and then supplying fresh-frozen shrimp to local restaurants.

When Oscar befriends Winston (Clifton Collins, Jr.), the man who owns the cleaning supply store that Rose uses, he immediately begins wondering aloud how Winston might turn his hobby, building model airplanes, into a money-making enterprise. They all seem to have learned two important truths: you don't get rich working for someone else, and no one is going to hand you a golden ticket. But entrepreneurship can be one of the surest and most satisfying ways out of poverty.

The students I teach in my night job have figured this out too. By day I teach English classes to traditional students at Mercy College, located on the Hudson River in Dobbs Ferry, New York. But two nights a week I head up the river to Sing Sing, a maximum security correctional facility where my husband and I teach in Mercy's degree-seeking program for inmates (privately funded, I am proud to add).

There we have met some of the best motivated, hardest working students of our teaching careers. They flock to Mark's classes on economics and eagerly sign up for his elective on entrepreneurship. One of his students recently told him with a sheepish grin, "Professor, you're turning me into a Republican!" "Libertarian, I hope!" Mark corrected him good naturedly. So far, not a single graduate of the prison's college program has returned to prison; the recidivism rate is an astounding zero. College has been their ticket to both self-respect and success. They also recognize that starting their own business is their surest road to independence.

What President Obama seems to lose sight of in his eagerness to level the playing field is that there is a reason some jobs pay more than others. Some people have sacrificed time and money to attend college. Others have risked their savings and sacrificed short-term pleasures to invest in a business. Still others are just born smarter or luckier.

And sometimes the reason a particular job pays more is simply that no one actually wants to do it, but if the price is high enough, someone will take it. Usually those jobs do not require higher education, smarts, or luck. They just require willingness. The free market in wages may not be perfectly fair, but it is preferable to the medieval way of getting undesirable jobs done: conquering a country and forcing the losers to become slaves.

Rose is embarrassed when a high-school friend sees her cleaning houses for someone else's company, but she is proud and invigorated by owning her own company, even though she is still cleaning up other people's messes. That's an important insight, and worth the price of a movie ticket. ❑

"Confessions of a Shopaholic," directed by P. J. Hogan. Touchstone Pictures, 2009, 104 minutes.

Hurry Up and Waste

Jo Ann Skousen

"Confessions of a Shopaholic" is based on one of those ubiquitous "pink books" you see on bookstore display tables with whimsical sketches of modern young women on their pink and white dust jackets. Usually set in Manhattan, these pseudo-autobiographical stories reveal the joys and foibles of trying to find success in the tantalizing but shark-infested waters of publishing (usually for fashion magazines) or entertainment (usually as assistant producers).

In "Confessions," the protagonist, Rebecca Bloomwood (Isla Fisher), dreams of becoming a fashion writer for "Alette," a knock off of "Vogue." When her first interview doesn't work out, she applies for a job at the magazine's sister publication, "Successful Saving," hoping to be transferred to "Alette" from within the company. Ironically, lovable Becky knows nothing about saving, having maxed out all of her credit cards by purchasing closets full of high couture fashions and accessories.

In fact, Rebecca proudly defends her credit-card sprees by explaining, "I earn 1% back on everything I buy!" How's that for successful saving? Somehow it works and she lands the job, googling her way through research projects to popular success.

The film is formulaic to a fault: boy-meets-girl under the obligatory false pretense; they break up when the pretense comes to light, just before she is going to confess it to him; they reunite as she rejects a financially lucrative but somehow morally reprehensible job offer from the company that has been her lifelong dream. (Being financially responsible doesn't seem popular in Hollywood right now.) Modern romantic comedies such as this one trace their lineage to the great madcap movies of the 1930s ("It Happened One Night" being the best), but the formula is beginning to wear thin.

Moreover, veteran actors John Goodman, Joan Cusack, Lynn Redgrave, and Kristen Scott Thomas are wasted in cartoonish performances that have to be blamed on P.J. Hogan's heavy-handed direction. The film is simply not very good.

Nevertheless, it is worth viewing — or at least discussing — as a parable for modern life, when easy credit and consumer spending have nearly bankrupted the nation. "They didn't need money. They had magic cards!" Rebecca gushes about her childhood discovery of credit. Her naivete is matched by our modern Congress, which has discovered the "magic" of creating money by "selling bonds" — a clever euphemism for deficit spending, which is itself a euphemism for borrowing money.

Rebecca is able to continue her spending sprees in the way Congress finances its own sprees — by using other people's money. When she loses her first job before landing her new one, her roommate and best friend Suze (Krysten Ritter) generously tears up the rent check Rebecca has just given her. Then, lest we feel sorry for Suze, she adds, "It's my parents' apartment anyway." Like Congress, she sees nothing wrong with forcing those who have saved and invested to bail out those who have borrowed and consumed. Predictably, Rebecca responds to her friend's generosity by gushing, "I'm going to buy you the best gift!" Rebecca also turns to her parents for help. She does everything except stop spending.

The film highlights several tricks of those on the edge of solvency. For example, when her coworkers purchase a group gift for a retiring employee, Rebecca gathers all the cash and puts the purchase on her credit card. By the time her statement comes, of course, the money has been spent. In another scene, she buys a $120 scarf by charging it in increments of $10–$30 to five different, nearly maxed-out cards and bumming the final $20 from a complete stranger at a hot dog stand. She does this with the perky pride and feisty determination that are endemic to the genre.

Hounded by debt collectors, Rebecca decides to rid herself of "toxic assets" by selling all her clothes, shoes, and accessories. But unlike most garage sale impresarios, whose assets are sold at pennies on the dollar, Rebecca manages to rake in enough dough to pay off all her debts — a whopping "sixteen thousand, twelve hundred dollars, and change." (Why it isn't simply $17,200 I'll never know — but that alone demonstrates how little the writers understand about money.)

Many compulsive shoppers suffer from depression; they use shopping to give them a short-lived lift. In one revealing scene, Rebecca exudes, "When I shop the world gets better." Then she adds seriously, "And then it's not anymore." One of my roommates in college was like that. Lonely and

depressed, she went shopping nearly every day. Periodically she would grow disgusted with her binge spending and initiate a purge, selling everything she owned at a fraction of its cost. Days later, depressed about school and realizing that she literally had "nothing to wear," she would pull out daddy's credit cards to go shopping again.

Rebecca has a similar attitude. By the end of the film she has used up all her credit with her banks, her parents, and her friends. But does that end her spending sprees? *Au contraire*! After turning down a lucrative job for ludicrous reasons, she hooks a wealthy sugar daddy (Hugh Dancy), who "speaks Prada" and returns to her first passion: fabulous shoes. Like Obama, she has figured out how to buy what she wants and stick it to the wealthy. Watch out ants! The grasshoppers are now running the show.

All of this could have created a humorous, revealing, cautionary tale, if Rebecca actually sacrificed pleasures to get out of debt and eventually learned something from her experience. But although she does acknowledge that she has a problem, she never overcomes it. In fact, she revels in it, like a dog in poo. With millions of Americans losing their hard-earned savings while being forced to bail out those who took on too much debt, this simply is not the right time for a film that celebrates waste. ❑

"Gomorra," directed by Matteo Garrone. Fandango, 2008, 137 minutes.

Hobbesian Hell

Gary Jason

The Camorra is a crime syndicate, based in Naples, that has been around since the 18th century — making it one of the oldest such organizations in Italy. Comprising about 150 "clans," with perhaps 7,000 hardcore members and many times more people associated with it in varying degrees, the Camorra makes its money the old-fashioned way: through drugs, extortion, gambling, prostitution, "protection," and general racketeering. It then uses the proceeds to gain control of legitimate enterprises. For example, it now controls the milk, fish, and coffee trade in the area, as well as thousands of bakeries. Recently it has discovered a new racket: the illicit disposal of toxic waste.

Directed by Matteo Garrone, "Gomorra" is a gritty, realistic movie about the Camorra's effect upon Neapolitan society, based on a book by Roberto Saviano. The title cleverly plays on the similarity of the organization's name to that of the biblical Gomorrah, one of two cities (the other was Sodom) where corruption had become so pervasive that God removed the few good people and then utterly destroyed the rest.

For fans of American gangster flicks, this film will be jarring. In the "Godfather" series and a hundred clones thereof, gangsters are often portrayed as sympathetic family men, with the leads almost always played by handsome, charismatic actors. The mobsters in this film are portrayed as brutish, nasty mutts — which is altogether more realistic, in my view.

To cite one instance: in the opening scene, we see several gangsters in a tanning salon, laughing and strutting in their Speedos, shortly before being assassinated by rival mobsters. The scene is portrayed convincingly, to say the least.

The movie weaves together five interacting stories of people affected by the Camorra. The first story is of two punks, Marco (Marco Macor) and Ciro (Ciro Petrone), who dream of making it big as gangsters. They can recite lines from "Scarface" by heart and act out scenes. When the boys spot some Camorra men stashing stolen guns, they steal some for themselves, eventually using them to hold up a casino. As the story develops we see how these enterprising young men are treated by the mob.

Then there is the story of Franco (Tony Servillo) and Roberto (Carmine Paternoster). Franco is teaching Roberto the toxic waste business. To cut costs and increase profits, the Camorra businessmen mix highly dangerous industrial waste with ordinary garbage, or surreptitiously bury it in abandoned mines. This pollutes the groundwater and poisons people. In one fascinating scene, a drum breaks open at one of the mines and the contents spill on a driver, who is severely burned. When Franco refuses to send for an ambulance, the other drivers refuse to drive the trucks, so he replaces them — with local boys! Roberto is ambivalent about this "trade," and we learn how he deals with the conflict.

The third story tells of Toto (Salvatore Abruzzese), a 13-year-old delivery boy who worms his way into the good graces of a gang of dope dealers by returning a gun to them, and some drugs that they ditched. He is initiated into the gang by being shot while wearing a bulletproof vest, and there is a nice scene of him admiring the resulting welt as though it were a badge of courage. The eventual role he is called upon to play is something he never anticipates.

The fourth story is about a minor player in the organization, Don Ciro (Gianfelice Imparato), who gets caught up in a violent clan schism. His story is the least compelling, since it has no clear resolution. But the fifth story is fascinating. In it, a fashion-design tailor, Pasquale (Salvatore Cantalupo), decides to take the job of training Chinese immigrant garment workers at night. One problem, though: the Chinese are up

against clothing manufacturers who are controlled or protected by the Camorra. The outcome is melancholy.

Though I have never seen these actors before, I found them excellent across the board. Especially compelling were Salvatore Cantalupo as the hapless tailor and Carmine Paternoster as the conflicted Roberto.

The cinematography is extremely effective, conveying a bleak, urban underclass world of dreary poverty. This film is not likely to increase tourism to Naples. But it is refreshing that this film does not suggest, as so many do, that everyone in Italy is a member of the mob. Most Neapolitans try to live their lives productively in spite of the Camorra, not because of it.

I recommend this movie especially to people of an anarchistic bent, who believe that a world without government would be a paradise. I view these folk as "mirror Marxists," since Marxists believe that a world totally controlled by government would be a paradise. Garrone's Gomorra suggests that an anarchistic setting, in which stable law enforcement doesn't exist, would result in a Hobbesian hell, with gangs fighting internecine mini-wars with rival gangs and making normal, productive life impossible for everyone else. Watching "Gomorra," you get the feeling that having a few Untouchables on hand wouldn't hurt. ❑

"Unsanctioned Voice: Garet Garrett, Journalist of the Old Right," by Bruce Ramsey. Caxton Publishers, 2008, 304 pages.

Garrett the Unique

Stephen Cox

Liberty senior editor Bruce Ramsey has written the first real biography of Garet Garrett (1878–1954), an important precursor of today's American libertarian movement. There was an earlier attempt at biography, Carl Ryant's "Profit's Prophet" (1989). That was a brief, primitive, naive effort. Ramsey is so far from naive as to stipulate that his book is only a "kind of a biography," because many of the documents on which a "fully fleshed-out" history of his subject would be based — letters, diaries, financial papers, and so on — have so far not been discovered (ix).

But Ramsey is too modest. True, he can't answer every biographical question. He can't say, for instance, why Garrett turned up, at some period of his life, missing a few of his fingers — an odd fate for one of America's leading journalists. But Ramsey has done an extraordinary job of putting his story together — pursuing documentary evidence, contacting people who knew Garrett or who knew people who knew him, gathering and learning from Garrett's millions of words of fiction, history, and journalism. For several years, Ramsey has been bringing out edited volumes of Garrett's newspaper and magazine writing — "Salvos Against the New Deal" (2002), "Defend America First," (2003), and "Insatiable Government" (2005). Now, drawing on many years of research, he caps his achievement with the current volume.

But energy and devotion are only partial qualifications for a good biographer. Equally important are taste and judgment, and Ramsey shows both in abundance. He knows how to gather evidence, but he also knows how to weigh it, how to speculate beyond it, and how to keep speculation from going too far. He communicates the known facts (usually known because he has found them) and lets readers make their own informed judgments about debatable issues. Another qualification for biographical writing, one that is usually helpful but always dangerous, is a primordial sympathy with one's subject, the kind of sympathy that feels its way into motives and intentions that only people who share them may be able to identify and explain. Many biographers are conquered by their sympathies; they write not about their subjects but on behalf of them, as mere spokesmen and apologists. Ramsey never does this. He maintains the same objective distance from Garrett that Garrett tried to maintain in his own assessments of the world.

At the start of "Unsanctioned Voice," Ramsey discusses his puzzled first acquaintance, at age 16, with Garrett's "The People's Pottage." He discovered it in a rightwing bookstore; yet it appeared to be a work of the ideological left, criticizing America's transformation into an "empire." On second thought, however, it didn't seem to fit on the left side of the aisle: "the language was wrong." Much later, Ramsey knew why; he identified Garrett's positions as libertarian (1–3).

My first acquaintance with Garrett was puzzling too. I bought one of his books because R.W. Bradford, the founder of this journal, told me it was interesting. It was the same book, "The People's Pottage." What struck me was that the author had a peculiar name and wrote in a peculiar style. The essays that comprised the volume had titles like "The Revolution Was" and "Ex America." It was as if the author were slapping the English language to see whether it was still alive. Although the book was supposed to be about the intricacies of 20th-century American history, it began in a purely philosophical landscape, as naked as a desert: "A time came when the only people who had ever been free began to ask: What

is freedom? Who wrote its articles — the strong or the weak? Was it an absolute good? Could there be such a thing as unconditional freedom, short of anarchy? Given the answer to be no, then was freedom an eternal truth or a political formula?" I didn't know how I would respond to those questions. I didn't know which "people" had been asking them, or to what purpose. Garrett's approach put me off.

I did understand the title of his book. It was a biblical allusion, and a good one. In Genesis 25:29–34, Esau "despise[s] his birthright" and sells it to Jacob for a mess of pottage. In the same way, Garrett argues, Americans sold their birthright of liberty for the material benefits, the pottage, of the welfare state. But I was mystified by what the author said about himself in the packaging of the book. He said that he dwelt in "a cave on a riverbank at Tuckahoe, New Jersey" (4, 249). That was too biblical for me. I wasn't sure that I wanted anything to do with a prophet who lived in a cave, and bragged about it. I couldn't know, before Ramsey explained it, that the "cave" was what Garrett called his study.

The false impression was Garrett's fault, not mine. Or was it a fault? Garrett was a man who published what he thought, in the way he thought it. The price of that privilege might be an occasional misunderstanding in the mind of a teenage boy, or the minds of other inattentive people, and a consequent loss of audience. But Garrett must have thought it was worth it, and he may have been right. Few really attentive readers would want him to write in any other way. The price of my own inattention was many years without the enjoyment of Garrett's unique literary gifts.

More about them later. First, the man. Ramsey's writer was the scion of a midwestern farm family, among whom he was known by the generic name of Edward Peter Garrett. "Garet" was a pen name he gave himself at some point, and "waited too long to abandon" (21). At an early age he absconded from the humble home from which all good American writers are supposed to abscond, bummed around, then somehow landed a job with a newspaper. After that, he had many jobs with magazines and newspapers. By the time he reached early middle age, they had become very good jobs — member of the editorial council of The New York Times, managing editor of the New York Tribune, manager of the editorial page of the Saturday Evening Post, the premier journal of the American middle class.

Garrett specialized in financial reporting, and for more than two decades was the confidential crony, unofficial adviser, and sometimes secret messenger of high-level politicians and financiers (AS 218–25). He wrote books about economics and technology; he also wrote novels with economic and technological themes. His interest, and besetting concern, was the economic flourishing of the United States, which he believed could happen only in the context of limited, and normally minimal, government. His fear of foreign involvements and the influence of European political systems made him an isolationist. He opposed America's entry into World War II and had to leave his last good job when the Post repented of its isolationism. He spent the final years of his life meditating on America's past and future, and sometimes writing about it. His final book, posthumously published, was a history of America, "The American Story." It is actually an anthology of essays summarizing his thoughts about economics and history.

In the 1950s and 1960s, what remained of Garrett's popularity crystallized in obscure parts of the conservative and anticommunist Right. That is where it stayed until Ramsey began introducing him to a wider intellectual audience. Ramsey's work is an important part of a larger project, the continuing work of many hands: the reconstruction, in detail, of the early history of libertarianism. After H.L. Mencken, Garrett was probably the most prolific American author with radical libertarian ideas. He was even more prolific than Isabel Paterson, whose newspaper columns alone came to about two million words. And in his good years, Garrett was probably the most prominent American of libertarian leanings — again, after Mencken. He was more prominent than Paterson, more prominent than Albert Jay Nock, and much more prominent than Rose Wilder Lane. When, on Jan. 18, 1930, Garrett was shot three times by a bandit in an exclusive speakeasy in New York — he had contemptuously confronted the holdup man, exclaiming, "What's this? What's this all about?" — the affair was front-page news (139–43). The remarkably detailed reporting featured Garrett, "one of the best known authors in America on financial and economic themes," hospitalized and in "considerable pain, becom[ing] angry at some of the questions put by detectives" and "throwing a small porcelain cuspidor" at one of them ("Garet Garrett Shot in a Cafe Attack," New York Times, Jan. 19, 1930; "Hunt Bandit Suspect in Garrett Shooting," New York Times, Jan. 20, 1930). When, later in that year, he went to Los Angeles and was hospitalized for indigestion, he again made national news: "Garet Garrett Is Ill"; "Garet Garrett Recovering" (New York Times, July 23, July 25, 1930).

Sinclair Lewis, who was by no means sympathetic to "rightist" or procapitalist ideas, nevertheless had good judgment about Garrett's character and stature. In "It Can't Happen Here" (1935), Lewis' novel about the coming of an American dictatorship, Garrett is one of 13 journalists who have the honor of being arrested because they refuse to become "little disciples" of fascism (Lewis 264) . A few years later, according to Time magazine, Garrett's editorials were read like the Bible by American isolationists (196).

Of course, his writings have never been anything like the Bible to libertarians; libertarians have never had a Bible. Before Ramsey started writing about him, most late-20th-century libertarians had never heard of him. Further, as Ramsey observes, Garrett was far from "a doctrinaire libertarian" (3). He accepted the Federal Reserve System, conscription when "necessary," an ideal of national autarky, which he hoped would prevent war, and government direction of the economy in case war did break out. (It's poetic justice that, during World War II, one of his monographs, an attack on the New Deal, ran into problems because his publisher's supplies of paper were limited by the War Production Board [208].) Unlike many of today's libertarians, Garrett was alarmed by the possibility that immigration would destroy American institutions. He was afraid that "the copper woman," the

welcoming Statue of Liberty, would turn out to be an opponent of the freedom she symbolized (AS 396).

But it's time to admit the truth. Very few of the people to whom today's libertarians trace their origins — very few of the people who stood for individual liberty against the state, when the state was almost universally acclaimed and individualism was regarded by almost all thinking people as the wave of the past — were without some shocking divergence from 21st-century libertarian orthodoxy (or momentary opinion). Paterson and Lane came very close to orthodox positions, indeed contributed mightily toward creating them. Nock, however, was an advocate of the economic and political theories of Henry George, who wanted to limit the size of government but held that, ultimately, individuals have no right to own real property (see Cox, "Albert Jay Nock"). Friedrich Hayek, who had no substantial influence in America before his "Road to Serfdom" (1944), said in that book that "there is no incompatibility in principle" between individual liberty and "the state's helping to organize a comprehensive system of social insurance" (Hayek 121). He also failed to be politically correct on the immigration-and-welfare issue (Hayek 120).

It isn't clear to what extent Garrett considered himself a theorist of liberty, like the people just mentioned. If, as a chronicler and sometimes a practitioner of American politics, he fell short of today's ideals, he still understood, as few people have, the power of economic and psychological individualism, the dangers of state power, and the virtues of minimal government. His career as a financial journalist, and as an astute observer of human life, had taught him those things. And even when he wasn't being a libertarian, he had interesting reasons for the positions he took. For instance, he was not opposed, at first, to the federal income tax, because it "made the people conscious of how much government cost" — not a bad insight. (Another was the idea that the tax shouldn't just hit the highest earners, because any such policy "punished success" [31, 33].)

One of his unorthodox ideas is more important and interesting than the others. Unlike many doctrinaire libertarians, he declined to believe that every significant issue presents a contrast between good and evil, black and white. Of the Covenant of the League of Nations — which from a pacifist point of view was actually a compelling document, one that might deserve admiration from libertarians who considered war "the health of the state" — Garrett said, "In an ideal world it would have been a perfect moral contract; only, in that kind of world it would have been perhaps unnecessary. In a world with right always on one side and wrong always on the other, a clear line between, it still would have been a grand commitment. But what did we know to be true of the real world?" (AS 218–19).

Garrett wasn't saying that we don't know anything, that we can't make any decisive judgments. Far from it. He didn't hesitate to use the word "wicked" when he found himself on firm moral ground (e.g., at AM 226). That word, in fact, grew frequent with him. It's refreshing to find a writer on economics and history using such words, instead of insinuating his ethical judgments as if they were written in a spirit of pure amorality. It is somewhat less refreshing to see modern libertarians exhausting their store of adjectives, once they've used up their supplies of "wicked" and "heroic." Every religion — even the pure cult of the Manichees — has honored moral ideals and the elect who are thought to attain them, but it has also acknowledged that most people cannot or, perhaps, should not try to do so. A powerful ideal is a powerful temptation, to all kinds of bad conduct. And some of our ideals may, just possibly, be mistaken.

What do we know to be true of the real world? It was Montaigne's question, long before it was Garrett's. We know some things, but we can't know everything, and in our lust for sainthood we may destroy our own cause. Garrett had seen many causes destroy themselves. Some of them he had endorsed, only to find out better. As he grew older, he became more vigorous in advocating unpopular notions, but also more inclined to identify purism as the enemy of justifiable ideals.

In "The American Story," he discusses America's "devastating" disappointment with World War I. He knew what he was talking about: he had fervently supported the war effort, once America joined the war. He presents his own devastating history of our involvement (AS 195–213). Yet there is another point he wants to make. He is concerned that people like him — intellectual idealists, mostly — can go too far in criticizing patriotic fervor. There are genuine ideals that they may fail to discern, ideals that rise up behind the sordid facts of chauvinism and obscurantism and provide the only perspective from which such things can rightly be condemned. After the Great War, he wrote, "Intellectualism turned cynical and destructive. The foundations of belief began to erode; all the admirable myths with which the people had lived happily from the beginning of their national life were submitted to objective treatment, the question being not whether they were good or bad, but whether they were factually true. Heroes back to Washington, the motives of the Founding Fathers, the story of the Constitution, the legends of patriotism, were all alike, as the word was, debunked" (AS 227).

Garrett was not calling for a larger production of lies or a repudiation of objectivity; he was calling for the preservation of a national idealism that respects the "good," even when it expresses itself in "myths." The Apollonian myth was admirable; so was the myth of the Founders — although, as Garrett knew and said, that myth was mainly true.

One of Ramsey's canny observations is this: "Garrett would not follow an idea for the sake of consistency." This may not sound quite right. Consistency is akin to honesty. How can you embrace A and not reject not-A? But then Ramsey quotes a letter from Garrett to his friend Bernard Baruch: "Intelligence . . . wants to solve all the problems at once; it is wisdom that knows better" (188). That puts a brighter light on it. You may be faced with a fact; let's call it A. Another fact appears; call it not-A. You don't know how to reconcile the apparent contradiction. Should you pretend to do so, and call your work a theory or an ideology? Are you willing to attract followers on that basis? No, surely not. Wisdom waits. It may seem feckless, but it waits. That may be one reason why Garrett, unlike some other libertarian thinkers, didn't try to attract disciples. He didn't want them. He was

content with whatever facts he found, and whatever judgments he could make of them, subject to revision. (Disciples never want revisions.) Writing to Lane about certain problems of metaphysics, he says, "I am the measuring worm that comes to the top of the stalk, feels into space, then turns and goes down again — to its rational world" (244). The rational person knows that some questions may never be answered. He doesn't mind admitting it.

The "measuring worm" comment was about philosophy and perhaps religion. Politics and economics were something different. In those fields, his thought could more easily locate a "rational world," a world susceptible of understanding and improvement by individual, rational minds. The main objective of the armies of words he wrote was the documentation and defense of a social order in which individuals are allowed to climb whatever stalks they want. He portrays that order as the source of wealth unbounded. He also portrays it as a realm of excitement and imagination, a place where wonders of invention are always being wrought and problems of space and time are always being miraculously solved, as by an invisible hand.

Garrett never got over his admiration for "the wonders of America's physical achievement" (AS 227). He never lost his interest in finding out how things are made and done, and in talking to the people who make and do them. That, together with his superlative intelligence and his distinctive, self-assertive style, made him a great financial journalist. He was also, as I have noted, a novelist — not a very good one, in terms of novelistic technique, but an interesting one intellectually, because, in Ramsey's words, all his fiction "is about work, industry and making a living" (123). He showed how intellectually interesting these purportedly mundane things are. He also showed some of the conclusions that might be drawn from them. There are few finer tributes to minimal government than the chapter on laissez faire in "The American Story."

If Garrett was an American nationalist, as Ramsey indicates, he was also a vigorous anti-imperialist, just as one would expect from his commitment to minimal government. Nationalism, to him, would mean an advocacy of the American national values of self-respect, self-determination, and self-responsibility. When America, as he thought, stopped understanding these concepts, he wrote the republic's obituary, not its justification ("Ex America"). The nation, he wrote in one of his many elegies for a libertarian America, had surrendered its wildness: "Tame grass is sweet poison. From the eating of it the way of life on the plains is soon forgotten." Tame grazers are easily herded — but their "gentle," social-democratic "herders are rough with the few who try to start a stampede" (Garrett, "Pottage" 114).

About some issues — including his (pessimistic) assessment of America's future — Garrett was one-sided, or just plain wrong. Ramsey recognizes this (e.g., 210, 233), thereby confirming his own status as Garrett's ideal interpreter. The ability to admit the mistakes of one's favorite author — an ability that is in notably short supply among the disciples of Ayn Rand and Rose Lane — is crucial to making a plausible case for that author's virtues. I greatly respect Garrett, and now that I have some literary sense I greatly enjoy his work, but I think there are areas he would have done much better not to have visited.

One is religious history. Garrett had the curious idea — common among Eastern literary folk but very uncommon among the midwesterners with whom he originated — that Christianity was on its way out in the 1800s, the very age of America's great evangelical revivals. "Humanitarianism," he says, "was the new religion," as if the second faith had replaced, not supplemented, the first (AS 95).

He also makes serious mistakes about American political history. He claims that until the Missouri Compromise (1820), Congress outlawed slavery from the territories. No, not from the Old Southwest it didn't. He asserts that "Lincoln had never imagined" allowing black people to vote. No: read Lincoln's speech of April 11, 1865 (AS 171, 93, 117). Garrett is far from clearheaded about American territorial expansion. "The American Story" associates "manifest destiny" with the imperialism of the late 1890s, not with America's expansion to the Pacific during the 1840s. The term "manifest destiny" originated in 1845, and it was good enough in its time: by 1846 it was manifest that America would expand to the Pacific. And when something is virtually unstoppable, it is destiny. But America's destiny to occupy the Philippines was anything but manifest.

Other mistakes resulted from Garrett's interest in autarky, or economic self-isolation. As Ramsey, with his gift for clear expression, summarizes the idea, Garrett thought that wars happen when industrial countries compete and "try to sell each other the same things"(90). Well, wars sometimes have happened in that way, but they have also happened when countries tried to isolate themselves economically. The solution, which most countries have now discovered, is simply to specialize in different things from those that other people specialize in. There is no reason, beyond nationalist reasons, why every industrial country should compete with every other in steel production; all that's needed is that at least one free nation should be making steel. There is no reason, beyond hysterical reasons, why every country should be its own rice bowl. And why should Cuba try to sell snow to the Eskimos, when it can sell them sugar instead? That this idea seems never to have occurred to Garrett, who was a very good economic journalist, is a tribute to the power of *ideés fixes*.

When, however, Garrett stops writing economic theory and starts writing economic history — whether the history developing around him or the history of the distant past — he is unsurpassed at evoking its events and situations. If you don't know anything about the fluctuations of American agricultural prices, or the depression of the 1890s, or even the depression of the 1930s, Garrett will tell you, and he will show you a world in every grain of sand.

Describing the run on gold at the New York Subtreasury office in 1895, he pictures a "writhing line" of people that, like a snake, "moved steadily forward by successive movements of contraction and elongation," thrusting "its insatiable head inside the doors" until "each day at three o'clock the Subtreasury, slamming its doors, cut off the monster's head. Each morning at ten o'clock there was a new and hungrier head . . . " The "integrating

principles" of the monster were "greed and fear . . . Human beings were the helpless cells . . . Its writhings were sickening. The police handled it as the zoo keepers handle a great serpent. If once it should begin to coil the panic would be uncontrollable" (18).

Garrett writes from a personal perspective. He maintains his distance, but he never loses his warmth of observation. And although the people he observes may look like "cells," he knows that, "helpless" or not, they're always much more than that. They are whole beings, and as warm as he is. But he knew their dismay and bewilderment, and he found the right words to evoke it, whether it was the bewilderment of farmers and small businessmen in America's Great Depression, or the malaise of the British in the years following World War I, when he described them as "totally absorbed in the act of taking [their] own pulse" (163). Among the bewildered were the rich and powerful as well as the poor and weak. Garrett understood the economic value of rich people, people who can concentrate capital and make capital investments. He met them, he lunched with them, he drank with them, he enticed their thoughts. He liked them. Yet he never succumbed to them. Mentioning one of their watering holes, the Detroit Athletic Club, he wrote that "it's fine for reasons it does not know" (187).

Its patrons were, perhaps, finer than the politicians. Garrett recorded the fact that he tried to give advice to Alf Landon, the Republican candidate for president in 1936, but, as he said, it was "like dropping it down a dry well. There is no splash." He told Lane that politics was "a parade of competitive masks and images. The people are not so much fooled; but they have to vote, wherefore they vote cynically, or as parasites, and the thing goes on" (177–78).

Some individuals appeared without a mask, and to them Garrett the writer gravitated, like a comet to the sun. Here is Henry Ford in 1914: "He is a wisp of withering nerves, no one of which lies amicably against another. He can not be still. He neither smokes nor drinks, nor eats very much, having found a man in a book who lived to be 104 on fourteen ounces of simple food a day. While talking he twists his watch chain, pinches his lips or his nose, and strokes his face. His hands are always moving. They reflect the mind which can hardly wait for a question to be finished. Its decisions are nervous and sudden" (35). You can look a long way in books without finding a more perfect union of summary and fact, sympathy and ironic distance ("having found a man in a book").

Certainly Garrett knew human beings, and human life. And certainly he knew how to represent them in words that were common and colloquial, yet fully original in their use. He describes a representative specimen of American manhood as someone who is "always much tanned and about to be drunk" (43). He describes his boss, Adolph Ochs, publisher of The New York Times, as a person who opposes getting involved in World War I but doesn't understand his own motivation: "He wants to think he is for peace with honor, because honor is a word he likes, but really (there is no doubt of this) he is for peace at any price" (55).

Around Garrett's character sketches, as around his ruminations about historical fact, there is often a sheen of speculation. I don't know whether he ever read Plato's "Symposium," in which Aristophanes speculates that love is a desire for the other half of yourself, the half that the gods have violently rent away, but his own view of love is similar. What it lacks is the optimistic turn that Plato managed to give it, in his account of love's ascent from the partial to the final. Garrett's soul remains riven: "A man wants only one woman. Everything he has in the world he would give to find her — that one, the other part of himself. But she either does not exist or has been so widely scattered by the life accidents of a million years that he finds her in fragments, a glimpse of her here and a thought of her there and never enough in any one place to be satisfied with" (86).

More than Garrett's speculations, domestic or public, Ramsey emphasizes his style, and he is right to do so. If it weren't for that style, Garrett would not have won his place as a writer of distinction, or as a progenitor of the libertarian movement. As John Chamberlain observed, America's early libertarians weren't the people one would expect to found a political movement. They weren't, for the most part, economists or businessmen. They weren't political office holders. Mainly, they were authors and critics (Chamberlain 136). Their influence depended on their style and approach. Nock led his readers through an adventure land of wry allusion and self-obscuring irony, until they reached a clearing where plain words were suddenly applied to plain, and often shocking, facts; the effect, sometimes, was unforgettable. Mencken was the scholar and master of what he called "the American language" — brisk, colloquial, freighted with ingenious terms of abuse, but genial in its marriages of adjectives and nouns. Somewhere he mentions a friend who came East for an ecclesiastical conference — "a Methodist orgy of some sort." Paterson joined her mastery of the colloquial language to an instinct for classical rhetoric — for exclamation and allusion, affirmation and interrogation, and all the ways of joining verbal pairs and triads until they mount to an insuperable intellectual climax.

Garrett, like Mencken, Paterson, and Nock, had a style that could not be mistaken for anyone else's. This is an unusual literary accomplishment — when the style is good. Even a fool can write differently from other people. Dr. Johnson, speaking of James Macpherson's absurdly popular poems, said that "a man might write such stuff for ever, if he would abandon his mind to it" (Johnson 183). A personal style is more than self-abandonment. It is not just being oneself; it is becoming oneself by becoming one's subject, by seeing it and communicating it so intensely that other people can also make it their own, even when it is evoked as no one but you could possibly have evoked it. The early libertarians weren't the equivalent of today's op-ed writers, telling readers what to think, in "styles" completely indistinguishable from one another. They were fighting for intellectual survival. They had to have a genuine style.

Garrett's was one of the most memorable — a style abounding in inversions, truncations, biblicisms, and, as Ramsey says, "familiar words in unfamiliar senses" (249–49). Then there were images, images, images. Francis Parkman took nine volumes of rotund sentences — each of them wonderful in its way, and an enduring manifestation

of Parkman's own sense of style — to depict the audacity and fragility of the French empire in the New World. Garrett simply says, "New France was pure adventure, an explorer's dream, a canoe empire, capsizable" (AS 7). He knew there was more to say on the subject, just as there is more to say about the "x" and the "y" in "x + y = 10." You can go to Parkman and find all the "x's" and "y's." But Garrett has already given you the capsizable canoe, and that is what you are most likely to remember.

Chamberlain was correct when he said that Garrett could "make a single image or metaphor do the work of a whole page of statistics" (38). He could also make a handful of statistics do the work of a whole page of metaphors. Garrett reports that "in the balance sheet of the Ford Motor Company there is no entry of the item, 'Henry Ford,' " although that "one man's mind" was the source of the company's 2,400% profit (42). Garrett's attention to luminous details, including some that are almost universally forgotten by professional historians, makes his accounts of America's entry into the Great War, of the vexed issue of the European war debts, and of Franklin Roosevelt's dealings with financial markets irreplaceably lucid introductions to these subjects (AS 195–213, 256–64; Garrett, "Bubble").

In its turn, "Unsanctioned Voice" provides a peculiarly lucid introduction to Garrett's way of thinking, seeing, and imaging the world. But if a book engages your attention, as Ramsey's does, you'll obviously find something about it that you want to quarrel with. My most important reservation has to with "the Old Right." Ramsey uses the phrase very lightly in his text, giving it no particular emphasis, but it's also there in his subtitle, which says that Garrett was "of the Old Right." The phrase is worth talking about. What was the Old Right? When was it born? Who was in it? And why does it matter?

The Old Right is, as some people think, the genus of which early American libertarians were the species. The name was popularized by economist and historian Murray Rothbard (1926–1995), an editor of this journal and an esteemed libertarian activist. (I knew Murray, and at his best, which was frequent, there was no conversationalist in the world like him, no writer of greater felicity, and no thinker of greater clarity and force.) The idea's best exposition is an article by Sheldon Richman (Richman, "New Deal"). In clear and persuasive prose, Richman argues for the significance of a group of public figures who in the 1930s dissented from the prevailing obeisance to state power. Richman lists about three dozen individuals: Garrett, naturally; H.L. Mencken, the culture critic; Herbert Hoover, the former president; Charles Beard, the historian; Louis Bromfield, the novelist; Isabel Paterson, Rose Wilder Lane, and Ayn Rand, novelists and theorists of individualism; and several members of Congress, such as William Borah and Robert Taft. So long a list makes the Old Right seem substantial indeed. It sounds yet more substantial when Richman refers to "a group" and "a distinctly identifiable political coalition" (2).

Yet few of these people were friends or associates. Some of them weren't even chance acquaintances. Many of them loathed most of the others, and had reason to do so. Paterson, for instance, never tired of attacking Hoover, claiming, as was true, that his administration had originated most of the key economic policies of the New Deal. She amused herself by writing vigorous political attacks in the margins of books by her former friend Louis Bromfield. She had put up with the disgust for capitalism that suffuses his novel "The Green Bay Tree" (1924; for the title's allusion see Psalm 37:35–36), but he finally became too much for her.

To take another core sample from Richman's list, consider Charles Beard. As Richman acknowledges (3), Beard was a social democrat, and that's a long, long way from libertarianism. Beard's intellectual biographer, Bernard Borning, shows that throughout his career he "fought the advocates of laissez faire." When Hayek published "The Road to Serfdom," Beard wasted no time in attacking it (Borning xvi, 33, 89, 99, 191–92). Writing as a sympathizer of the New Deal, he proclaimed that capitalism had been "rejected" by "history" (Beard 170). His own, very influential, contribution to history was "An Economic Interpretation of the Constitution" (1913), which argues that the Constitution should be regarded largely as an attempt to safeguard the personal property of the men who wrote it and got it ratified through undemocratic means. A generation later, conscientious historians discovered that Beard's book was incompetently researched, grossly biased, and full of "outright misrepresentation of evidence" (Brown 111). Nevertheless, it was one of those books that had, as Garrett said, "debunked" the motives of the Founding Fathers, in the minds of millions of college-educated people. It continues to exert its influence.

In what sense can Charles Beard be considered a member of an Old Right grouping, genetically related to libertarianism? Only in the sense that he, like Garrett, Paterson, Lane, and Rand, opposed America's involvement in World War II. Indeed, the only thing that appears to unify the list of Old Rightists is their opposition to an interventionist foreign policy. This accounts for the omission, for example, of Lewis Douglas, Roosevelt's one-time budget director, who courageously broke with him and provided one of the era's most libertarian treatises on economics and public policy, "The Liberal Tradition" (1935). The problem with Douglas, presumably, is that he later became an architect of NATO and the Marshall Plan (Cox, "Woman" 207–9). Yet he has as much reason to be called a Rightist as most of the other people on the "Old Right" list.

The sad truth is that the Old Right was born, not in the 1930s, but in the 1980s, in the minds of libertarian intellectuals. But why does it matter?

In certain ways, it doesn't. Some libertarians will honor this affiliation with the Right, and some will resent it, but virtually no one will be either more or less attracted to ideas of liberty just because he thinks that Herbert Hoover or Senator Borah shared those ideas.

Yet in some respects the idea of the Old Right does matter. The first is that, literally, it's not true. Literally, there was no "Old Right." The second is that discussion of the idea can nevertheless have some good effects. By positing the existence of such a group, whose members, though diverse, had at least one connection with libertarian thought, Rothbard, Richman, and now Ramsey have drawn attention to the possibility that libertarians can make useful alli-

ances with people either to the Right or to the Left of them, on one issue or another. This is an important thing to keep in mind. Had such alliances actually been made in the 1930s, American politics might have assumed a different shape.

Another reason why the idea of the Old Right matters has to do with libertarianism as such. When today's libertarians feel isolated, when they feel that they are the sole living exemplars of America's tradition of limited government, they may be cheered by the realization that other people have felt that way too — and that these people have been active and influential, even if they were many fewer than advocates of the "Old Right" account of history suggest.

Very few people were involved in the origins of the modern libertarian movement. They tended to exist in small clusters. One cluster centered on the great emigré economists Ludwig von Mises and Friedrich Hayek. Another centered on Isabel Paterson, who had as her intellectual protegés John Chamberlain and Ayn Rand, with Rose Wilder Lane as a sometime friend and distant interpreter of Paterson's concept of creative "energy." A third paid its devotions to Albert Jay Nock, who mixed his anarchist libertarianism with uncritical devotion to the single-tax theories of Henry George. One of Nock's disciples was the brave journalist Frank Chodorov (one of whose own friends would turn out to be William F. Buckley, Jr., assembler of the modern conservative — not libertarian — movement [Judis 88, 118–19, 130]). Other clusters existed: associates of the du Pont family, illustrious forever because of their contributions to the repeal of Prohibition (Wolfskill, "Revolt"); Leonard Read's Foundation for Economic Education, with links to Paterson and most of the rest of them; R.C. Hoiles, the Orange County, California, newspaper publisher, a group in himself . . . But they were not many, and they knew it. None of them seems to have suspected that he or she was surrounded by an "Old Right."

These men and women weren't presidents or senators, or leading historians. Most of them suffered for their unpopular ideas, some of them greatly. If they lived long enough, as Hayek did, they could see a potent movement gathering around them. Most of them didn't live that long. But they weren't mere historical precedents or examples of intellectual trends. They were nothing so dull as that. They were individual men and women whom one can admire for their independence of thought and their ability to continue learning and teaching in a hostile intellectual environment.

How does Garrett fit into this picture? He was a friend of Herbert Hoover. He read Mises and Hayek with respect. He had a love affair with Lane. He published an article by Paterson. Otherwise, he was just Garet Garrett, thinking his own thoughts and writing what he wanted to write. Even if the Old Right had actually existed, he wouldn't be interesting because he was a member of it. He would be interesting because he gave fascinating expression to important concepts and experiences.

I've dissented from Ramsey, and from prevailing libertarian opinion, about the Old Right. I want to emphasize another dissent from him: I don't regard his book as only a "kind of a biography," no matter what its author says. The book does what a biography should do: it tells us who its subject was, and it shows us how he was. With this book in hand, no one will be able to misunderstand Garrett, as I once misunderstood him; and no one will be able to forget him, either.

Ramsey complains that sources are missing for a full biography (ix), but I believe that "Unsanctioned Voice" will prove magnetic. It will draw new sources out. Somewhere, in libraries that don't index all their holdings, in attics that haven't yet been exposed to eBay, in the files of friend-descendants who haven't yet learned to place any value on Garrett's peculiar handwriting, important documents exist. Many of them. They will emerge. When that happens, aided no doubt by Ramsey's own inquisitions, he will write the ultimate version of Garrett's story, and that will be even more interesting than this, the penultimate one. ❑

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Terra Incognita

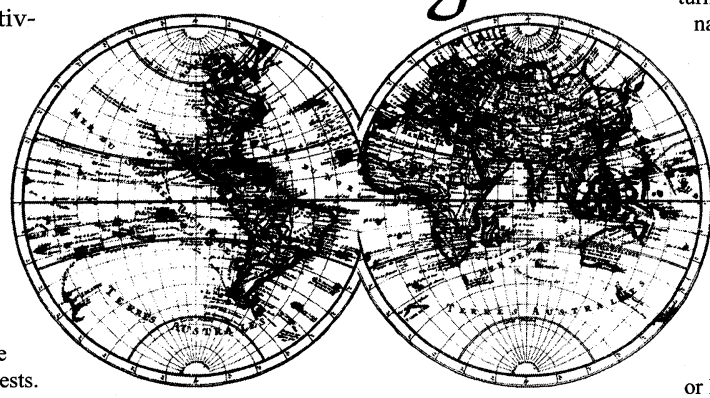

Paris

The difficulties of entrepreneurship, from a profile in *The Wall Street Journal*:

When French foes of capitalism want to mount an effective protest, they phone Xavier Renou. As one of France's top protest consultants, Renou teaches activists how to chain themselves to trees, damage genetically modified crops and withstand police interrogations. These days, his phone is ringing off the hook, as the tumult in the global financial system has led to a boom in protests.

Despite a surge in demand for his services, Renou is struggling to capitalize on the travails of capitalism. He charges students as much as €50 ($67), for which they learn key techniques, such as blocking roads by lying on the ground.

Still, he says, it's hard to make a living from protest. Renou has already widened his range of clients, particularly to growth areas such as "Free Tibet" activism. This week, Mr. Renou is teaching wheelchair-bound protesters how to demonstrate for more state aid.

New York

New frontier for labor activism, captured in the *New York Post*:

Already reeling from a series of local prostitution raids, New York's dominatrixes have also had to grapple with disobedient clients who can't afford to pay for their punishments. To address the double-whammy hitting their industry, many of them want to form a political-action committee and union to represent their interests.

The paperwork is underway to start DomPAC, which will lobby lawmakers to rewrite prostitution laws to protect BDSM practices. Dommes hope this will pave the way for them to unionize, so that one day, they can have 401(k)s, health insurance and unemployment benefits.

Moscow

Russian opinion poll, noted by *The Wall Street Journal*:

Putinka vodka piggybacked on the cult-like popularity of Vladimir Putin to become one of Russia's top-selling brands of spirits. For a new vodka named after Mr. Putin's presidential successor, Putinka is proving to be as tough an act to follow as Mr. Putin himself. Medvedeff vodka showed up in shops in December but has yet to show up in Russia's top 20 vodkas, unlike Putinka, which ranks as No. 2.

Stanislav Kaufman, the man who dreamt up Putinka, says he can't take Medvedeff seriously. "Mr. Medvedev is not a vodka personality," he says. "Mr. Putin is."

Springfield, Ill.

Victory for the little guy, from the *Cook County Daily Herald*:

State lawmakers are considering restoring little Pluto's planetary status, casting aside the scientific community's 2006 decision downgrading it.

The push for a state decree on Pluto comes from state Sen. Gary Dahl, a Republican whose downstate district includes the birthplace of Pluto discoverer Clyde Tombaugh. Dahl told colleagues Pluto is important to the local community, which considers the vote to downgrade Pluto to "dwarf" planet unfair.

Haverstraw, N.Y.

Pedagogical note, from the *Albany Times Union*:

A Rockland County teacher is under fire for binding the hands of black students and having them sit under a desk during a lesson on slavery.

In a social studies class at Haverstraw Middle School, teacher Eileen Bernstein chose two students for a demonstration of conditions on ships that carried slaves out of Africa. "She taped their hands together, taped their feet together, and she had them crawl under the desk as if they were on a slave ship," one mother said.

Principal Avis Shelby apologized, calling the slave ship demonstration a "bad decision."

London

Life imitating art, from the *Daily Standard*:

Buildings were evacuated, a street was cordoned off and a bomb disposal team called in after workmen spotted a suspicious object.

But the dangerous-looking weapon turned out to be the Holy Hand Grenade of Antioch, made famous in the 1975 film "Monty Python And The Holy Grail."

Spokane, Wash.

A black market for everything, from the *Spokane Spokesman-Review*:

The quest for squeaky-clean dishes has turned some law-abiding people in Spokane into dishwater-detergent smugglers. They are bringing Cascade or Electrasol in from out of state because the eco-friendly varieties required under Washington state law don't work as well.

Supporters of the ban acknowledge it is not very popular. "I'm not hearing a lot of positive feedback," conceded Shannon Brattebo of the Washington Lake Protection Association, a prime mover of the ban. "I think people are driving to Idaho."

La Paz, Bolivia

Accomplishment in constitutional law, noted in *Transitions, serving the Prescott College Community*:

Environment Las Americas developed and successfully lobbied for five key changes in the new Bolivian Constitution, Adam R. Zemans, J.D., M.A., Ph.D. said. "This shows the effects a few committed environmentalists can have in countries like Bolivia and what they can go home feeling they accomplished."

The changes include broad rights to sue for groups who are not directly affected by environmental harm, and for potential future harm, without a statute of limitations.

Oklahoma City, Okla.

Exercise in rebranding, from the *Tulsa World*:

Rep. Shane Jett said one exclamation point has gotten him more attention than the rest of his work during his four years as a legislator combined.

Jett, as chairman of the House International Relations and Tourism Committee, introduced a bill this legislative session to italicize the word "Oklahoma" on the state flag and put an exclamation point at the end.

The bill also would create an official state abbreviation: OK!

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July 2009
Volume 23, Number 6

4 Letters Throwing out the first pitch.

7 Reflections We sashay down the aisle, scare ourselves to death, hold your tongue, play the lottery, ration health care, raise the Jolly Roger, change the course of history, take our ball and go home, dress to the nines, fully expose government schools, full-frontally expose students, and ponder a Freudian slip.

Features

23 The Start of Something Big? *Bruce Ramsey* reports on an old American custom — exorcising taxes.

27 Street Fighting Man We live in interesting times. As he explores the state of the world today and tomorrow, *Doug Casey* explains why that is not *necessarily* a curse.

35 Tombstones and International Trade What could be better than a glorious day by the sea? Free trade, answers *Jacques Delacroix*.

37 The Books of Summer The editors and contributors of *Liberty* offer their suggestions. Amazingly, there's no consensus.

Reviews

47 Slapping the Driveway Is journalism a dying profession? *Jo Ann Skousen* considers the cinematic evidence.

48 Chords and Discords Here is a film, *Jo Ann Skousen* says, that aims at the Academy Award — but nevertheless has something to say.

50 December Song *Jo Ann Skousen* enjoys a film demonstrating that age is what you make of it.

51 Overload Strangely, says *Todd Skousen*, there's a difference between being shocked and being entertained.

52 Booknotes Black-ops, psychics, secrets, and goats.

49 Notes on Contributors Those who know, write.

54 Terra Incognita The cliffs of insanity.

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Letters

Charity Begins at Home

Charles Barr hits the nail on the head by instancing the libertarian ethic "no one has a moral obligation to come to the aid of the [injured and orphaned] child" as a perceived reprehensible quality of libertarian thought ("Freedom vs. Fairness," April). I have considered myself a libertarian since 1972, when I voted for John Hospers, yet I too find this statement reprehensible, and I would shun any politics coming from those who express it. That others would also is no mystery.

Had the statement been limited to "no one has a *legal* obligation," it would seem much less objectionable, and that would be the way I would introduce the subject to a nonlibertarian. But that limitation would artfully cover over the regrettable fact that many libertarians adhere to Barr's version of the statement. How many of us movement old-timers have encountered the sort of libertarian for whom the end justifies the means, or who callously takes the principle of *caveat emptor* as license to cheat someone? They are walking evidence of libertarianism's moral emptiness.

We should be mature enough to understand that a society must develop bonds among its members if it is not to disintegrate into an anarchic, Hobbesian "war of all men against all men." The market does not solve this problem, for the nature of trade is that economic relationships are commodities and conveniences, such that we must resort to law to forbid trade based on theft or slavery. It comes down to these alternatives: either a society is constrained by coercion, or it is drawn together by sympathy and benevolence.

I therefore thank Barr for prompting the insight that the proper complement of libertarianism is Christianity, with its emphasis on the ethic of the Good Samaritan (and its explicit concern for the wellbeing of orphans and widows). There is no problem taking care of the injured orphan; we will do so as private individuals, out of our personal responsibility. This allows us to frame our answers to social questions into those that involve the government (enforcement of law based on man's rights) and those that involve individual conscience and responsibility (charity and public service). The corollary of Matthew 22:21 ("Render unto Caesar what is Caesar's, and to God what is God's.") is that we have a moral duty to refuse the intrusion of Caesar into those aspects of life that demand our personal attention.

Not only would this be more acceptable to nonlibertarians, by dispelling their moral hesitancy about us, I believe it would also be more acceptable to libertarians, in that it allows us to stand forward as volunteers, offering deeds rather than airy evasions on the theme of "the market will solve it somehow."

Michael J. Dunn
Federal Way, WA

Barr replies: I don't believe that libertarianism is necessarily compatible (or incompatible) with Christianity — there are Christians and non-Christians

Letters to the editor

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across all points of the political spectrum. Nor do I think that a neat division between the realms of proper government action on one hand, and private charity on the other, resolves the dilemma of what to do for an innocent victim of circumstances, when private charitable resources are unavailable or inadequate.

I don't believe that libertarianism suffers from "moral emptiness." Rather, the problem is that the noninitiation-of-force principle, applied mechanically and without regard to context, leads to advocacy of policies that often conflict with the average voter's sense of fairness. This severely limits the effectiveness of libertarian outreach.

Most voters value both freedom and fairness, but value fairness more. We need to address both of these issues if we are to inspire more people to join our cause.

View From the Front

Jon Harrison provided a good assessment of the future perils Iraq faces ("Iraq: Now and In the Future," May), but as a U.S. Army Intelligence Officer who lived in Baghdad and Diyala Province in 2006 and 2007 I take exception to some of his conclusions regarding how peace was achieved.

It's true that the Anbar Awakening, ceasefire by Sadr, and reduction in sectarian violence were key events that led to an overall reduction in violence, but Harrison's assertion that U.S. forces played a "relatively small" part in the stabilization is grossly false.

It's true that the Anbar Awakening was initiated without much U.S. involvement when one particular Sunni Tribe decided to stand up to al Qaeda. This initial resistance to al Qaeda was recognized by American commanders on the ground, encouraged, developed, and formalized into what became nearly 100,000 local, friendly militia (who weren't all Sunni, by the way). Without the backing of U.S. combat power, who condoned and encouraged these groups to walk the streets armed, the original uprising likely would not have spread. In Diyala specifically, local friendly militia were not recruited and employed until the U.S. Army had first secured their neighborhoods. Additionally, without constant U.S. backing and firepower, these groups would have been eliminated either by al Qaeda, or by Iraqi security forces who for the most part did not endorse their activities.

Regarding Muqtada al-Sadr's militia, Jaysh al Mehdi (JAM), we were not treating them "gingerly." While Sadr's exact motivations may never be known, I can assure you that the senior

From the Editor

"Of making many books," wrote King Solomon in one of his own books, "there is no end." He added, "And much study is a weariness of the flesh."

Yes, I suppose so. But imagine how awful it would be if you were at home, getting ready to fly to Chicago . . . you picked up your bag . . . you made sure that the windows were closed . . . you looked around . . . and you discovered that you had no book that you wanted to take with you. Imagine finding out that *you'd read all the good books*!

No science fiction movie has ever equaled the horror of that event.

Fortunately, as both Solomon and the authors of this issue's "Summer Books" feature testify, the end of books is much less likely than an invasion from Mars. Come to think of it, H.G. Wells wrote a pretty good book about *that* . . .

More likely to happen, some people say, is the end of intelligent commentary about political and economic affairs. According to some, we are on the brink of a world in which we do nothing but hunch over our computers while weird, implausible things — swine flu, American Idols, economic promises and projections — whiz across the screen, never to be comprehended or witnessed again.

But I don't think so. I don't think there will be an end of intelligent comment, any more than there will be an end of good books. There won't be an end of those things around here, anyway.

For Liberty,

Stephen Cox

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leaders of JAM (Sadr himself excluded) were being targeted relentlessly by coalition forces, and that during the first six months of 2007 significant numbers of JAM brigade and battalion commanders were captured, as well as key leaders in JAM Special Groups who were responsible for sectarian death squads and other nefarious acts. It is quite possible that this effective targeting by coalition forces is exactly what led Sadr to cry uncle.

Your view of what reduced most of the sectarian violence is perhaps most troubling. The violence did not simply "run its course." The statement that "nothing done by Petraeus hastened its end" is completely false. Coalition forces drastically reduced sectarian violence in many ways, among them the effective targeting of al Qaeda's car-bomb network in Baghdad, from which much of the violence emerged. The surge also enabled U.S. forces to deploy more troops to small combat outposts and live among the people. This action improved security, built trust, and increased reliable intelligence collection. Thirdly, tribal reconciliation became a major component of our strategy. In Diyala province we saw a direct and immediate correlation between reconciliation and a reduction in sectarian violence.

All of the points I'm making above were enabled to a greater effect because of the surge. Without the surge, the violence would have continued to escalate, and the U.S. mission would still be viewed as a failure.

Maj. Scott Pettigrew
Sierra Vista, AZ

Harrison responds: It's great to see a letter come in from someone like Maj. Pettigrew. I do take issue with some of the major's points.

It's true that the U.S. military backed the Sons of Iraq (the movement that began with the Anbar Awakening). But we did not create that movement. Additionally, neither the major nor anyone else can say that but for the surge the Awakening would have been nipped in the bud by al Qaeda. Concerning Diyala Province specifically, the major may be right, but in Anbar Province, for example, the Sunnis rose spontaneously against al Qaeda, and were well on the way to defeating it before we came to their aid. U.S. military intelligence had in fact written off Anbar at the very moment the Awakening was beginning. As for the possibility that the Iraqi security forces could have suppressed the Awakening groups, I don't know of a soul who believes that. The Iraqi forces simply lacked the ability to do it.

There is no evidence that Moktada al-Sadr "cried uncle" because we were arresting his people. It's generally believed that he stood down in August 2007 either because the Sadrists were fighting amongst themselves or because Iran told him to do so (perhaps it was both). During the period from February to August 2007, U.S. and Iraqi forces did indeed treat al-Sadr gingerly. At that time we were focusing primarily on al Qaeda and other Sunni extremist groups. After August 2007, we arrested hundreds of Mahdi Army leaders, who surprisingly offered little resistance. No one knows why Sadr and his followers acted in this way. But more than a year into the surge, in March 2008, Sadr's forces were still strong enough to rout Iraqi government troops in Basra. The government's subsequent successes in Basra and Sadr City (April–May 2008) were won in large part because U.S. and British forces strongly backed those enterprises. But even then the Sadrists avoided a real showdown. The Mahdi Army remains a force in being, very much in the background at this time, but capable of reemerging after U.S. forces depart.

My article states the following: "The Iraqi civil war that began [in Feb. 2006] ran its course over about 18 months. Nothing done by Petraeus hastened its end or moderated its effects." If I could rewrite that now, I would drop the words "or moderated it effects." Without question, Petraeus' tactics did much to reduce the bombings and other violence that were plaguing Iraq's cities, especially Baghdad. I have said so on other occasions, including in this journal. When I wrote that sentence I was thinking more about sectarian cleansing, which began in earnest in 2006, and was largely completed by the time the surge began. The surge forces did not prevent its last stages from being carried out. Be that as it may, I clearly made an overstatement — one that I should have caught. I alone am to blame for not doing so.

The analyst at a distance, assuming he's any good at all, gathers all the information he can find from every reliable source available to him, weighs it, and then offers his judgment. True, he lacks the immediate experience of the man on the ground. The man on the ground, however, must guard against parochialism. Both must guard against groupthink. Examining what we know as objectively as I can, I must reject most of Maj. Pettigrew's arguments. There seems every reason to believe that Shiite and Sunni extremists (including even al Qaeda), while hurt by the surge, have lived to fight another day, and that this will become ever-clearer as U.S. forces leave Iraq.

Tabula Rasa

Jim Walsh describes Obama ("The Hollow Man," May) as a blank slate on whom everyone projects his own idea of what he represents. He then proves the point by asserting that Obama isn't a radical Marxist, despite considerable evidence to the contrary. Perhaps Mr. Walsh could present some evidence in support of Obama's "moderation"?

Walsh also excuses Obama's long association with the contemptible Jeremiah Wright on the basis of political expediency. This judgment is based on what? The simplest explanation for Obama listening to and socializing with Wright for so many years is that he agrees with him.

Finally, Walsh writes that by all accounts Obama is a decent fellow who means well. Mr. Walsh, people who wish to treat me and my family as livestock are not decent and they don't mean well. They are evil. One would expect people who write articles in a magazine named Liberty would understand that.

Ray Wrisley
Bucyrus, KS

Walsh responds: The purpose of my piece was to give readers good arguments to make against Obama's starry-eyed worshippers; using excited rhetorical bits like "radical Marxist" and "evil," Mr. Wrisley plays into the hands of those basically emotional people. We who disagree with the president's political philosophy and approach to governing (neither of which I've ever connected to "moderation") need to state our criticisms in a calmer tone.

continued on page 53

Reflections

Truth or dare — I listen to the Sunday talk shows and I never hear the journalists who interview major political figures ask either of two simple questions.

They never ask, concerning matters of fact: "Would you be willing to say that under oath?"

They never ask, concerning matters of opinion, "How much of your own money would you be willing to bet on that?"

I think these two simple questions, once asked, would quickly provide the American public with more insight into the political process, as the public would then observe that no one would remain willing to be interviewed on Sunday morning. — Ross Levatter

Here comes the tide — Liberal Vermont has just legalized gay marriage through a vote of the legislature — the first time this has been done by a vote of elected representatives rather than a state supreme court. This is a leading cultural indicator — a much more important event than the narrow rejection of gay marriage by the voters of California.

Same-sex marriage may take a while to get to your state, but it is inevitable. What made it so was mainly that gays stood up and asked for it, demanding cultural inclusion using language that had been sanctified by the civil-rights movement. Further, once they adopted children and the kids didn't all turn out gay, adoption was going to be okay with the straight majority. With childrearing comes marriage, which is an institution designed to protect children and the spouse who looks after the children. And with childrearing and marriage comes acceptance.

It doesn't all happen at once, but once it gets going I don't see what stops it. Old people may not change their thinking about it, but the younger generation will. And in the long run, that is all that matters.

— Bruce Ramsey

Now fear this — The cycle of hype-to-panic-to-retrenchment that followed the recent outbreak of swine flu was entirely predictable. Same with hurricanes, same with terrorism, same with shark attacks. The mainstream media work hand-in-glove with statist bureaucrats to cultivate these neurotic episodes. Power accretes to the state when people are frightened, so the state nurtures fear. Eventually, people become desensitized to the panic; but, in the meantime, Leviathan grows.

A pox on the merchants of fear. — Jim Walsh

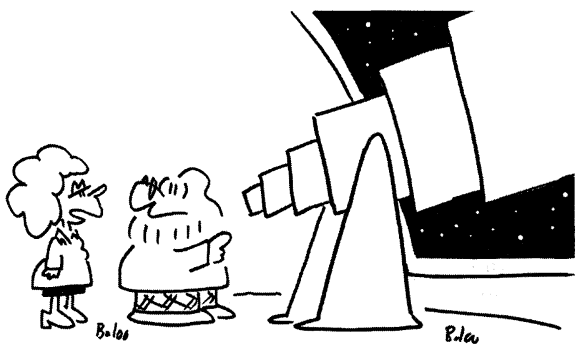

"I doubt if Jupiter is really three weeks ahead of schedule — try cleaning your glasses."

Self abuse — Wise men, from the first millennia suburbs of Athens to today's Ph.D.s in linguistics at MIT, have long observed that if a problem, social or otherwise, is to be solved, it must be stated accurately. This is an observation shared by many of us, wise or unwise, who simply seek the truth. "Going out" is not enough of an elucidation of my son's nocturnal activities to support a meaningful discussion. More words, more data are needed to obtain the blessings of him who pays the note on the family car and is, as yet, responsible for the behavior of this son.

It is particularly dangerous to use empty or misleading words today, the era of legislative explosion, since we favor words for their social innocence and gentility. But sharpness of definition is always required; especially for social and legislative purposes. Take "drug abuse," "substance abuse," and "alcohol abuse."

What deceptive, inaccurate phrases! We don't punish the drug; we punish ourselves.

"Abuse" means to mistreat. We don't mistreat drugs or alcohol. Literally the word might mean that we punish a fine imported beer by pouring it into the gutter. "Take that, you devil." But that's not usually what we mean. Notice how differently we use the term "spouse abuse." There, in fact, the first term in the phrase is what's mistreated.

Drug abuse is mistreatment of our own bodies, which belong to us. We have a right to do with our bodies as we will. But my point is not our freedom to do so; it's the grammatical clumsiness of the term and the false and thorny paths of thought it leads to.

The real statement of the problem, the statement that our culture shies away from, is that drugs, smokes, and alcohol are pleasurable, and many people are willing to buy present pleasure with future pain. That we don't say. — Ted Roberts

Fiat lux — Isn't it amusing that the suitor forced on Chrysler, which the auto company expected to rescue it from bankruptcy, has a name in English — Fiat — that means an authoritative and arbitrary command? — Tim Slagle

Outspoken — When I first joined the Pope Center for Higher Education Policy, I was puzzled by my fellow reformers' positions on free speech at universities.

On the one hand, FIRE (Foundation for Individual Rights in Education) aggressively defends students' rights to free speech and goes to court if necessary to protect them against

restrictive codes. On the other hand, the American Council of Trustees and Alumni (ACTA) chastises faculty members for expressing too much freedom of speech by letting their personal political opinions intrude into the classroom.

These actions both involve "academic freedom" — a term of some uncertainty. I wondered, "Should I be against it or for it?"

Thanks to a paper that the Pope Center commissioned from Donald Downs, a professor of political science, law, and journalism at the University of Wisconsin, Madison, I now have a better understanding. It turns out that, based on tradition, contracts, and legal decisions, lots of people have academic freedom — students, faculty, faculty departments, and institutions themselves (i.e. administrators).

These claims to freedom are sometimes at odds with one another, which keeps the courts busy. In the United States, legal precedents suggest that academic institutions (and sometimes departments) can set standards that individuals must adhere to. Otherwise, however, individual faculty members can largely teach what they please. And students are free to say what they want (courts have turned down most student speech codes, but schools keep enforcing them).

Another point I learned is that an individual's academic freedom is both stronger and weaker than the normal freedom of speech guaranteed by the first amendment. It's stronger primarily because of tenure. Tenured faculty can say what they want without losing their jobs; non-tenured faculty have less protection in practice, but in theory they too are protected under academic freedom.

Academic free-speech rights are weaker than the typical American's rights, however, because they must be balanced by academic responsibility. As an individual, I can say that the world is flat; a geologist would be flouting his or her academic responsibilities to say the same thing.

For me, there's still an unanswered question. Why do people in ivory towers have these special rights, anyway? Downs writes, "Liberal democracies protect academic freedom on the grounds that the open pursuit of knowledge and truth provides substantial benefits to society." That's a little squishy to me; my guess is that the cause is a historical development that reflects the power of elites at specific times in history. But if you have academic freedom, use it. We need all the freedom we can get. — Jane S. Shaw

The incompetent parent principle — One of the major arguments given against educational vouchers by opponents of school choice is that parents — meaning poor, inner-city parents — are intellectually unequipped to choose schools for their children, if they are allowed to do so. No, these parents (unlike affluent parents and school administrators) are just too stupid to choose good schools. So it is better to keep their kids in the existing, bad schools.

Those of us who support vouchers have always found that argument specious on the face of it. To begin with, the people who say parents are not competent to choose their children's schools have no problem with those same parents choosing

Word Watch

by Stephen Cox

There are two types of communication: those intended to inform, and those intended to deceive.

Neither needs to be put into written form. Just as honesty may express itself in an open countenance and a candid glance, so dishonesty can present itself in gestures and grimaces. Politicians are good at pounding the table about issues they have no intention of doing anything about, and smiling beneficently on people whose throats they are about to cut. When Speaker Pelosi rambles on and on, describing the perilous state of the economy, she usually wears an enormous smile. She wears the same smile when she's announcing some draconian action against her political opponents. To some people, the smile looks like the crinkles of a kindly grandma. To others, it looks like the smile of a grandma who can't resist informing you that you are a miserable little piece of crap. And to others, it looks like a grinning skull.

No matter: the facial contortions are intended to deceive. This lady always claims to be in a good mood, but her moods are no different from those of her counterpart, Majority Leader Reid, who seldom bothers to disguise his emotions. It's always the good mood that Judge Hathorne was in, just before he pronounced sentence. Hathorne was the only one of the judges at Salem who never regretted what he'd done.

And yes: I'd say the same thing about Dick Cheney, and his own strange facial expressions. This is not a partisan column. My aim is to imitate President Obama, who promised that he would labor day and night, with all his might, with malice toward none and charity for all, with firmness in the right, as God gave him to see the right, to bind up the wounds of America's partisan strife. Following his lead, I will blame Republican smarm, wherever I see it, as well as Democratic smarm.

It must be admitted, of course, that the president has not *actually*, and *in point of fact* (to use two of his favorite locutions), administered the healing touch. The congressional vote of April 29 demonstrated how far he is from binding any wounds. Not a single Republican voted for his $3.4 trillion spending plan. Well, good for them. But there was as little attempt at *healing* in that legislative process as there was at saving money. The president was not about to work with the loyal opposition. And no one in the mainstream media paid the least attention to whether he had. The promise of healing was enough, despite the fact that Obama's polls simultaneously indicated that he is an even more "polarizing" figure than his ill-fated predecessor. Think of that.

But to continue. It's curious that people's deceit-detection devices typically function very well in the private sphere but not at all in the public one.

I'm sure that during your lifetime you've received many a private message that made your heart leap up, and even dance among the daffodils, only to discover, on a second reading, that all was false and hollow within.

Remember when your first love said, "I just wish we could be

their children's doctors, or (for that matter) choosing elected representatives who oppose vouchers — as, ironically, many inner-city parents do.

But there is a limit to the persuasive power of mere argumentation. Observational data are always of welcome use. The fall edition of the Cato Journal has a nice article on this very issue: "Parental Valuation of Charter Schools and Student Performance," by James VanderHoff.

VanderHoff, an economics professor at Rutgers University, consulted New Jersey's fairly extensive data on charter schools. In particular, he was able to look at waiting lists for these schools. This allowed him a measure of control in analyzing the data. Different charter schools have different educational missions, but looking at the length of the waiting lists allows us — as will be shown — to assess the degree to which an academic focus (as opposed to, say, a focus on sports, or the newness of the schools' facilities) attracts parental interest. Remember, charter schools cannot charge tuition or use academic entrance exam scores to select for admission. Instead, they use a random lottery admissions process when the number of students desiring admission exceeds the available slots.

In New Jersey, the average waiting list for the 42 charter schools is 184 students, and the average number of openings is 40. Thus, a survey restricted to parents of students now in a charter school will leave out of the data set 80% of the relevant pool (on average). Moreover, some schools have longer waiting lists than others, so weighting schools equally is apt to overlook crucial determinants.

So VanderHoff looked at the size of the waiting list compared to a variety of other factors, including such variables as: the test scores at a school at a given time; the test scores of the grade equivalent students at regular public schools in that district at that time; the race and economic status of the students; and other school characteristics (class size, teachers' salaries, student-teacher ratios, instructional time, and so on).

Given the great diversity of schools in New Jersey, the state's long history of comparatively free school choice (i.e., limited, but larger than that of most other states), and the fact that it is one of the few states that keep waiting list figures, it is a good data source to use for this kind of analysis.

The result of his statistical analysis of the data is clear. The primary factor in what makes parents want to send their children to a school is that school's academic success and its endorsement of academics. Indeed, a 10% increase in a charter school's test scores causes the number of students on the waiting list to rise over 60%. And schools that push academics in their mission statements had a 75% increase in the number of students on the waiting list, all other factors held constant. Those other factors had either a small or a statistically insignificant impact on the size of waiting lists.

The results support the idea that parents are indeed both desirous of seeing their kids succeed academically and able to figure out which schools will focus on academics. The parents are *not* incompetent, despite the slanders of the teachers' unions.

— Gary Jason

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as close as this forever"? Meaning: I am through with you.

Remember when your boss said, "We all appreciate your work, and look forward to many opportunities of collaboration in the future"? Meaning: You're fired.

Remember when you submitted that project proposal, the one that took you weeks to write, the one on which your entire career seemed to depend, and the recipient replied, "We are delighted to have the opportunity of reviewing your work. We will get back to you as soon as possible." Meaning: You will never hear from us again.

With experience, most people learn to interpret such deceptive remarks correctly. But the core audience for public, political remarks is incapable of learning from anything it has ever experienced. Its mental age is always that of the befuddled 17-year-old, or the gullible spouse of a hopeless alcoholic.

Millions of our fellow citizens think that it *means* something when a city councilman promises to *review* the tax code.

Millions of our fellow citizens think that it *means* something when a Republican candidate promises to *clean up the immigration mess*, *restore public decency*, and *bring fiscal integrity to our government*.

Millions of our fellow citizens think that it *means* something when a Democratic candidate promises to *provide state of the art healthcare to all Americans*, *ensure that all children receive a first-class education*, and *end poverty in America*.

On May 19, millions of California taxpayers went to the polls and voted to keep taxes at historic highs, because they accepted the following argument, as presented in their voter pamphlets:

"We have to take action now to start reforming our broken budget system. We're all frustrated . . . Year after year, politicians deliver late budgets that harm our schools, healthcare systems, police and fire services and more. The perpetual budget problems also hurt taxpayers as we see our taxes raised or services cut because of the legislature's failure to budget responsibly."

And so on and so forth. It will not surprise you to learn that this promise of reform was initiated by the very *politicians*, the very *legislature* that it so furiously claimed to oppose. The ballot proposals at issue were written for the purpose of ensuring that tax raises enacted to cover the legislature's enormous deficits would be cemented into law by the voters of the state.

It's 5 a.m., and your husband still hasn't come back from the bar. Instead, he dispatches his drinking buddy to tell you that he's got this wonderful scheme. This wonderful, wonderful scheme. Oh yes. He will *actually* get a job, and he will *actually* stop spending *more* of your money than you give to him. All you have to do is give him some *more* of your money right now, so he can pay off the drug dealer who, he asserts, is currently holding him hostage. No, *really*. This time he *means* it

There are millions of people in America who would never believe this at 5 a.m. on a bleary Sunday morning, but they devoutly believe it at 10 a.m. on election day.

Incidentally, the TV campaign for the California fiscal propositions featured an ad in which an unstylish, thoughtful, thirtyish father-figure looks into the camera and reports that he just happens to have been "reading about" a way to keep politicians from overspending the budget, and he's so sold on this *way*, this series of propositions, that he's concluded that there are just two things he can do for his young son — "teach him to play ball, and vote for Propositions 1a–f." Oh, and also teach him to lie with a straight face.

Mr. Obama, tear that embargo down! — Back in 1980, as a response to the United States' continued appeal to Fidel Castro to tear down Cuba's sugar cane curtain, and to our uncritical welcome of any and all Cuban refugees, El Máximo Líder decided to call Jimmy Carter's hand. Castro opened Mariel Harbor and gave a get-out-of-jail-free card to anyone who could get there and get out. Between April and October of that year over 125,000 Cubans took up his offer.

Many who left were *encouraged* to go. In a Machiavellian attempt to teach the United States a lesson, Castro cleared his prisons and insane asylums. The lesson worked. Now, only refugees who actually touch U.S. soil are granted asylum.

But turnaround is fair play. Castro has repeatedly called for the United States to lift what he calls "the blockade." It's time to call his bluff. Now is the time for President Obama to lift the trade embargo unilaterally.

Imagine a reverse Mariel Boatlift, with thousands of tourists, hardcore capitalists, and Cuban-Americans inundating the island with curiosity, dollars, criticism, and subversion. It's Fidel's worst nightmare. That's probably why he said that Obama had misunderstood Raúl Castro's willingness to discuss any issue at the recent interchange of ideas. Still, as John Lennon said, "Imagine!" — Robert H. Miller

Dark clouds gathering? — April proved a bloody month in Iraq. Just as U.S. troops were closing up shop in the cities, violence spiked. Suicide and car bombings caused the civilian death rate to soar — over 300 died, most of them in spectacular attacks inside Baghdad.

The Sunnis are complaining that the Shiites are not granting them the status and share of resources that they were promised. Shiites are angry with the Maliki government for not suppressing Sunni violence. Voices have been raised in the Shiite community for the Mahdi Army of Moktada al-Sadr to take up arms again actively. Everyone, it seems, is angry with the Iraqi security forces, which appear to be rife with corruption and ineffective without handholding by American troops.

Meanwhile, the U.S. command is seeking to retain U.S. combat troops in Mosul, Iraq's third-largest city. It is also al Qaeda's last big urban stronghold and a bone of contention between Sunnis, Shiites, and Kurds.

It seems clear that al Qaeda and diehard Baathists are working to reignite the flames of sectarian warfare just as the United States is starting to stand down. If they succeed, will the Obama administration re-escalate U.S. military involvement? Unlikely. Will we then witness a return to the bad old days of 2006–2007? It may be too early to tell, but I keep see-

Meanwhile, California's governor was reported as "upbeat" about promises that the federal government would soon *fix* the world economy. Chatting with reporters, he "said the federal government played a role in precipitating the world recession and has a responsibility to help fix things." In other words, the kid who threw that stone through your window must necessarily have the skill to fix it.

Well, maybe Arnold Schwarzenegger is as silly as the woman who trusts her drunken spouse for the 92nd time. But I'm betting that he's not that silly. I'm betting that he was attempting to deceive the voters, at least long enough for the economy to kick in, on its own account, so the state can appear to balance its budget — for which he can then take credit.

But the same question can be asked about all purported do-gooders in official spheres: Are they trying to deceive us, or are they just dumber than everybody else, and believe their own sayings?

Here's a curious but regrettably typical illustration. It's provided by S.C., a loyal reader from the Volunteer State. It's a saying, or motto, that seems to be appended to all documents issued by a certain university in that state. This inspiring statement proclaims that the university is "an equal opportunity employer committed to the education of a non-racially identifiable student body."

Huh? you say. What could that mean? S.C. comments, "I could understand *diverse*, but *non-racially identifiable* defies the common sense and rational thought of most people who read that statement."

You're right, S.C., but unfortunately that may be exactly what it's intended to do.

Let's think about the various things it *might* mean. It might mean, "We practice affirmative action, with a vengeance." Or it might mean, "We are working toward a color-blind society in which affirmative action has no place." (What a radical idea!) Or it might mean, "We intend to put bags over our students' heads and issue them voice distorters, so that no one will be able to identify their race."

But probably, given the presence of that king of all weasel words, "committed," the statement means nothing at all.

I should mention that the words about race that grabbed S.C.'s attention appeared on the program of a concert of choral music. This elicits a further question: Why *there*, of all places? Very few things excite suspicion so much as seemingly unmotivated announcements. I mean, what if the orchestra conductor walked on stage, and before raising her baton (for in this case, the conductor was a woman, a person who had fortunately escaped any necessity of working toward a non-*gender* identifiable music program) she took a few moments to announce something apparently irrelevant to music. Suppose she simply announced that her husband was sitting in the audience. Imagine the inferences that would be drawn from that simple statement:

My husband is *sitting*, not lying drunk in the aisle.

Rumors of our divorce were premature.

Contrary to rumor, my husband isn't out stealing jewels, at least not tonight.

But the seemingly unmotivated announcement concerning race has clearly not aroused any suspicions, except those of Liberty's correspondent. Why not? Are people who frequent universities as sheeplike as they look? Or do they enjoy being told things that they're not supposed to understand?

For the general population, some of the most dependable occasions for words that obscure or deceive, or otherwise exploit the unwary, are crises, real or imagined. On April 27, Time's online news service used the tried and true method of getting one's audience to snap to attention: it communicated the words *could be*. "Concern," Time said, "that the world could be on the brink of the first influenza pandemic in more than 40 years escalated Sunday." Yes, and the world *could be* on the brink of yet another

ing visions of Beirut in the mid-1970s, which were the beginning of years of sectarian violence in Lebanon. Only when an outside power (Syria) occupied the country, did the violence stop.

Will we be occupying Iraq 10 to 15 years from now? Not likely. Will Iranian forces, in alliance with Iraq's Shiite majority, be the occupiers instead? It could happen, and if it does what will the United States have achieved through its efforts? Answer in a word: nothing. — Jon Harrison

Acid test — On April 10, I watched former Republican Congressman John Kasich guest-host "The O'Reilly Factor." He was interviewing Sunsara Taylor, a self-designated anti-war protester. The topic was left-wing supporters of Obama who are upset with the president for making claims on the campaign trail about pulling out of Iraq, then reneging once he was in office. Taylor wanted all American troops in Afghanistan and Iraq to come home immediately. The following dialogue is, I think, instructive:

Kasich: "Look, take Afghanistan for a second. I have my concerns about what we're getting into — it sounds amazingly like Vietnam — but, Sunsara, over there they're taking young women, if they want to go to school, and they throw acid in their faces."

Taylor: "That's true."

Kasich: "So what do you do? You just let that go?"

So it seems that we now live in an America in which John Kasich — known as a budget cutter during his time in Congress, chief author of the Balanced Budget Act of 1997 — now believes that during a recession, a time of massive new government spending, a time of deficits that dwarf anything he fought against in the 1990s, the United States must deploy troops to countries that he himself has concerns about becoming other Vietnams, not because any Americans are in danger but because domestic violence has been reported there.

— Ross Levatter

Californinsanity — A recent report on the L.A. Times blog (April 16) gives us additional insight into how stupid laws come about, and why California has such a lousy economy.

State Senator Leland Yee (D-San Francisco — God, need I say more?) took umbrage at the fact that the Ladies Professional Golf Association considered last year a proposal to bar competitors who did not speak fluent English, under the theory that giving speeches and interviews is important to the association's promotional work.

Granted, this seems like a silly proposal. Anybody with the patience to watch a golf tournament (which competes, for

bout of hysteria. It usually is. And it certainly was on April 27.

At the same time, government officials were doing what they could to demonstrate their own capacity for obscurantism. A Customs and Border Protection flack assured the public that U.S. border officials were "watching for signs of illness." But in case any visitors to America might become alarmed, he added that the officers were "just taking a second look at folks who may be displaying a symptom of illness." According to the AP summary of his remarks, he became even more explicit, specifying that "if a traveler says something about not feeling well, the person will be questioned about symptoms." This, I suppose, is the same procedure that the government uses to detect illegal immigrants. If somebody *says something* about how he's faking his documents and jumping the queue, why then he'll be questioned. Surely that's enough, isn't it?

But let's return to the idea of *commitment.*

I'm sorry to say that President Obama, like most recent presidents, has been an enormous fan of that concept. The idea, as Wordsworth expressed it, is that there is "something evermore about to be." It's a matter, as Wordsworth said, of *hope*, "hope that can never die." Virtually all Obama's speeches are about this *commitment to the future*, this audacious *hope.*

Let me quote a typical Obama utterance, one so typical that it didn't get onto the White House website (which is appropriately selective in offering the president's remarks in cold, hard type). It came from a speech about the East African pirates, a speech that took place on April 13, the day after U.S. forces liberated an American captain from the pirates' clutches. Now, *that* was a gesture you could believe in. But the president began in this way: "I want to be very clear."

Whenever you hear that Nixonian phrase, you can be pretty sure that someone is trying to mislead you. Otherwise, why would he insist on his own *clarity*? But the president went on: "We are resolved to halt the rise of piracy in that region." Interesting. But notice: having "resolved" to do something is not the same as doing it, or even promising to do it. (Do you remember *resolving* to lose 20 pounds?) "And to achieve that goal, we're going to have to continue to work with our partners to prevent future attacks." Same thing. I'll just *have to continue* exercising. And notice that special little ploy, so characteristic of the current president: we don't just have to *work*; we have to keep *working with our partners.* So if nothing happens, guess who's responsible?

He went further: "We have to continue to be prepared to confront them *the pirates, not the partners* when they arise, and we have to ensure that those who commit acts of piracy are held accountable for their crimes." There, again, is the idea that we're *continuing* something, although in this case, we're not and we couldn't be. We can't be prepared to confront all pirates, "when they arise." It's physically impossible. (Oh, are you objecting to my equation of *when* with *as soon as*? Fine. Then what does *when* mean? How far after the pirates *arise* does *when* kick in? How many months? How many years? How many lifetimes?) And there again are some words — "We have to be prepared . . . we have to ensure" — that seem like a promise to do something, and aren't.

Meanwhile, Obama's employee, Secretary of State Clinton, was generating other headlines. Here's her Associated Press headline for April 25: "Clinton: U.S. stands by Iraqis, withdrawal on track."

How many times a day do you thank God you're not an Iraqi? Either way — America goes; America stays — you guys lose. It's another brave commitment to the future: We'll stand right next to you — while we're taking the first train out.

Of course, you might ask whom she most wants to deceive — the people who want us to stay, or the people who want us to leave? But probably even she doesn't know. It's the nature of deception finally to deceive itself.

excitement, with watching a postal clerk sullenly performing his work or a glacier moving majestically down a mountain) surely has the patience to wait for the translation of some golfer from (say) Thailand explaining her views of the game: "Yes, even as a child, I understood the importance of knocking the little white ball in the direction of one of those little holes in the ground."

But the LPGA abandoned the proposal, and anyway, it is a small organization. There is no evidence such policies as the one that was proposed are widespread in business. And for obvious reasons: why the hell would any self-interested business owner turn away paying customers, even if he or she gave a rat's rear about properly enunciated English?

Yet this aborted case, together with his putative recollection of an instance in his childhood in which his uncle was "mistreated" because he couldn't speak proper English, was enough to prompt Senator Yee to introduce a law prohibiting any business in California from discriminating on the basis of language — a gloriously vague enactment that would be open to endless interpretation.

Naturally, the state Senate (voting along party lines, with the Democrats supporting the bill) passed this proposal. The Assembly will vote on it next, and no doubt pass it. Our governor will then probably sign it. He is himself a victim of language discrimination, having been forced in his movies to speak English in a stilted if not endearing way.

As the Republicans noted, the law, if enacted, will open yet another floodgate of lawsuits in a state inundated with them already. Need I remind everyone that some of the largest contributors to the Democratic Party are the trial lawyers?

So it is that an airhead legislator, seeing a major social problem where none had been shown to exist, will enable lawyers to make money by suing the hell out of businesses. I mean, if some drunk tries to harass one of my employees, but does it in less than fluent English, and I refuse service to him, why, I can guess that the next day his lawyer will file a discrimination lawsuit against me on behalf of the psychically wounded and linguistically challenged customer, hoping to steal every business asset I have ever acquired. Of course, if I don't refuse service to the customer, the selfsame parasitic lawyer will sue me on behalf of my employee, for failure to correct a hostile work environment. A great deal for the trial lawyers, indeed!

The result will be fewer businesses, and thus even higher unemployment, in a state where the unemployment rate recently passed the 11% mark, together with higher prices charged by businesses that decide to remain. Thanks to a silly legislator with too much time and power on his hands, the state's business climate will get even worse than it is right now. — Gary Jason

Free car care for all — In one fell swoop, President Obama made the federal government the new owner of General Motors. So rather than allowing the company to reorganize on the other side of bankruptcy, the auto company is now the property of the U.S. government. I hope other companies in line for a handout have seen what happens when you beg from people with shadowy intentions. When the Godfather does a favor for you, you are indebted to the organization forever.

Now Washington will finally have the opportunity to try its hand at running an auto company. They've been pretty content to armchair quarterback for years, but now they will be on the field calling plays.

Most threatened by the recent moves is Ford who will now have a monopoly on the consumer-driven auto market, and will be able to produce the cars people want, rather than those that the government thinks you should have. Woe to them who threaten to profit from customer satisfaction.

As for the new American Motors, imagine all the efficiency of the post office, with the speed of Amtrak. Destination: breakdown. But never fear, President Obama assures us those warranties will be backed up with the full faith and credit of the U.S. government. How about that — we now have the very first universal health-care system for cars. — Tim Slagle

Capitalist tools — I started reading Forbes magazine in college. It was a good break from the more esoteric stuff that I spent most of my time studying. Malcolm Forbes ran the magazine then and gave the serious financial coverage a patina of libertine joy. (You might remember that he called his private jet "Capitalist Tool.") I wouldn't have guessed, then, that my life would follow a path closer to how I spent those breaks than to the rhetorical analysis of Seneca's plays that occupied most of my waking hours.

I've kept reading financial publications since. Even worked on a couple. This explains, in part, how I came to be a subscriber — evidently, one of the few — to Conde Nast's short-lived business magazine, Portfolio.

This disaster (said to have incinerated $100 million of its parent company's development money) was launched at the beginning of a severe recession by a publishing company best known for fluffy fashion magazines. Still, I read each issue; they started out quirky and quickly turned bizarre. The cover of the final one featured the careerist mendicant Timothy Geithner staring nervously back at the reader. The cover copy — reflecting some thematic twaddle about "leadership" — implored "Lead Us. Please"; the would-be leader looked, as he often does, like he was about to cry.

Portfolio had many problems. The most fundamental was that it was a business magazine directed at bureaucratic middle-level managers. The people who look for leadership from Treasury Secretaries aren't the kind of people that business-magazine advertisers pay to reach.

But even Forbes has lost some of its brightness in these perplexing times. One recent issue included a column by Robert H. Frank (an econ prof at Cornell and, dubiously, a regurgitater of conventional wisdom for The New York Times). Frank examined the tax preferences of these strange animals, "libertarians," for Forbes readers. His sociological tone might work with impressionable undergraduates and the peasants who read the Times; but Forbes readership likely contains many people who know what the term "classical liberal" means. They probably don't like being condescended to by some guy who doesn't even teach at Yale or Harvard.

And Frank's analysis didn't match the pretentious photo portrait that accompanied his words. He called John Stuart Mill "Libertarianism's patron saint." Er, no, Herr Doktor. Even if we limit consideration to dead British guys, I can think of two (Adam Smith and John Locke) who come closer

to patron sainthood. The rest of the column was some elementary stuff about consumption taxes being less bad than other taxes. Yeah, okay, so what? It must have been a slow week in Ithaca when they hired this guy.

The fact that journalists of this kind are trying to figure out libertarianism is a hopeful sign about the direction of conventional wisdom on economic policy. But I sort of miss Malcolm Forbes' reign at his family's magazine. — Jim Walsh

Goose and gander redux — Part of Obama's stimulus package is to fund $1.1 billion for comparative-effectiveness research on medical treatments, to determine "best practices" in health care.

This is a very useful concept. Who wouldn't want to get the best care possible for the money spent? This will be touted as one of the benefits of further government control over medicine.

The only problem is that this is what private health insurers have been doing for decades, only they haven't exactly received accolades for their efforts. They have the statistics from millions of cases to show what is most effective, and cost-effective as well, and use them every day in deciding what care to insure.

When the insurance companies do this, we hear complaints that they are depriving people of care because "clerks" decide to disallow certain practices for reimbursement on the basis that they are not best practices. And then those complaints are used to demand government control of health insurance and care.

So Obama could get his comparative-effectiveness research much more cheaply by just asking the insurers, and save that billion. The questions I have are these: Why is this such a bad thing when private insurers do it, but good when the government does it? When the government, instead of private insurers, starts "rationing" health care, will the socialists still be so happy about government control of health care?

— John Kannarr

Granola works — My former hometown of Portland, Oregon, is proud of its international reputation for sustainability and land-use and transportation planning. But lately the city government has descended to the level of a sitcom.

Episode 1 — The Election: In the wake of a scandal in which a former mayor (and covert leader of the city's light-rail mafia) admitted statutorily raping a 14-year-old girl when he was mayor, voters elect city commissioner Samuel Adams to the mayor's office. Adams becomes the first openly gay mayor of a large American city despite rumors — which he vociferously denies — that he had had an affair with an intern in a legislative office.

Episode 2 — The Confession: Three weeks after being sworn in, Adams admits to reporters that he did have an affair with the intern — though he claims he and the boy did nothing more than make out in the city hall bathroom until the kid turned 18 (and Adams was 42). Portland voters begin counting the days until they can recall him, which Oregon law allows them to do after he has been in office for six months. Meanwhile, clothing merchant fortunes are boosted by sales of T-shirts advertising Portland as a city where "you only have to be 18 to enjoy a Sam Adams."

Episode 3 — The Stadium: In a bizarre effort to save himself, Adams starts transferring as much public money as he can to potential campaign contributors while he has a chance. First, he signs an agreement with the owner of a soccer team — who happens to be the son of former Treasury Secretary Henry Paulson — to spend $65 million in public money converting a baseball stadium into a soccer stadium. The city still owes nearly $30 million on the last remodel of that stadium in a failed attempt to attract a major-league baseball team.

Episode 4 — The Hotel: The mayor wants to spend $300 million of public money building a hotel next to the city's failed convention center. Back in the 1990s, when the convention center was half empty, the city argued that it needed to double the center's size to attract really large conventions. Despite voter rejection of the plan, the city carried it out, so now the place is three-quarters empty. Despite the fact that other Portland hotels, including at least one built with millions of dollars of public subsidies, are already suffering high vacancy rates, Adams says that another hotel is needed to help fill the convention center.

Episode 5 — The Sign: Mayor Adams' allies on the city council, Randy Leonard and Nick Fish, have a hissy fit when the University of Oregon buys a downtown building and announces plans to change the sign on top of the building to read — what else? — "University of Oregon." In the midst of a deep recession, Leonard and Fish propose to exercise eminent domain and spend half a million dollars buying the "historic sign." Historically, the sign has always had the name of the building's occupant, first "White Satin Sugar" and later "White Stag Sportswear." But Portland newcomers only remember the current sign, which reads "Made in Oregon" after a local chain-store. The debate is settled when the University agrees to change the sign to read just "Oregon."

Episode 6 — The Bridge: Portland's Sellwood Bridge, the busiest two-lane bridge in Oregon, is falling down; it has a sufficiency rating of 2 out of 100, and any bridge scoring less than 50 is recommended for replacement. When Mayor Adams decided to spend the city's share of federal stimulus money on a new streetcar line instead, the commission chair of Multnomah County, which owns the bridge, asked the mayor to help get funding to replace it. The mayor replied that he would support replacement only if the county commission supported the convention center hotel.

Episode 7 — The Accident: In early May, the mayor rammed a GMC pickup into a Subaru and pushed that car 50-70 feet across a Car Toys parking lot until it ran into a Honda. A witness said Adams then proceeded to "peel out" for another 100 feet before coming to a stop. A Car Toys employee told reporters Adams "smelled like beer," but Portland's police chief claimed officers on the scene lacked "reasonable suspicion" to perform a sobriety test. Apparently, playing monster trucks in a shopping center parking lot isn't suspicious enough. Even the most credulous Portlanders wonder why "Mayor Greenie," who wants everyone else to ride light rail and streetcars, drives a full-sized pick-up and patronizes Car Toys. Watch for T-shirts advertising Portland as "the city whose mayor is taking cars off the road, two at a time."

Episode 8 — The Legislature: Fourteen members of the Oregon legislature tell a reporter that Portland has been missing in action as the state decides how to allocate its funds among cities. "The leadership of the biggest city in the state

is not respected in the legislature," says one committee chair. "No one from the city has talked to me about what it wants," says another. Apparently, Adams has been too busy planning soccer stadiums and hotels to work on getting Portland's share of state funding for such things as the Sellwood Bridge.

Who knows what kind of wacky shenanigans the mayor and his council will get themselves into before July, when the Sam Adams recall effort will officially begin. The more serious question is whether the new power vacuum will be filled by anyone who has more sense than the people who have been running the city for the last 35 years. — Randal O'Toole

Vox populi — In April Rasmussen Reports noted: "Only 53% of American adults believe capitalism is better than socialism."

Rasmussen's national telephone survey found that 20% prefer socialism.

The age breakdown is as follows: "Adults under 30 are essentially evenly divided: 37% prefer capitalism, 33% socialism, and 30% are undecided. Thirty-somethings are a bit more supportive of the free-enterprise approach with 49% for capitalism and 26% for socialism. Adults over 40 strongly favor capitalism, and just 13% of those older Americans believe socialism is better."

It's certainly good to know that the large majority of Americans on the Social Security dole favor capitalism. Sad that the iPod crowd is harder to convince. — Ross Levatter

Bring back the Q-ship — A solution to the plague of piracy in the Indian Ocean off Somalia has so far eluded the world community. The rescue of Captain Richard Phillips of the *Maersk Alabama* by U.S. Navy Seals on Easter Sunday was an isolated success not likely to be repeated. The killing of three pirates in the operation has led their fellows to threaten reprisal attacks against Americans. There is every reason to believe that the pirates will now kill Americans when they have the opportunity to do so.

It is not possible for the U.S. Navy to protect every merchant vessel that sails through the expanse of ocean in which the pirates operate. Theoretically, all merchant shipping off the Somali coast could be organized into convoys that would be invulnerable to pirate attack, assuming they received naval protection. There is no indication, however, that any nation or combination of nations is prepared to use its naval forces to carry out what would be a complex, expensive, and ongoing operation. Moreover, it is by no means clear that the owners and captains of the hundreds of merchant ships to be protected would agree to participate in a convoy system. Many would doubtless rather take their chances sailing alone than accept the delays and costs associated with sailing in convoy.

There is a relatively cheap and easy way to eliminate piracy off Somalia. It involves reviving an old naval ruse: the Q-ship.

In 1915, when British seaborne commerce was being threatened by Germany's U-boats, the British Admiralty introduced the Q-ship. To all appearances the Q-ship was a tramp steamer, easy prey for the submarine. Torpedoes being too valuable to use on such a target, the U-boat would surface in order to sink the victim with its deck gun. But as it approached for the kill, the ruse would be revealed: the dummy trappings of a merchant ship would be swiftly stripped away by the highly trained naval crew, to reveal a warship bristling with guns. Surprised and outgunned, the U-boat would be blown out of the water.

The Q-ships did not contribute decisively to the defeat of the U-boats in World War I, partly because they were too few for an operational area that encompassed the North Atlantic, South Atlantic, and Mediterranean, and partly because the U-boats could remain submerged and use torpedoes. The Somali pirates, however, must close with their prey to make a capture.

Fifteen or 20 Q-ships, equipped with the latest surveillance and communications technology, and manned by U.S. Navy crews, would be enough to end piracy off Somalia. If the pirates believe that any ship they target could be a disguised U.S. warship with orders to capture them or send them to the bottom of the sea, they will soon lose their taste for piracy — or else, eventually, they will lose their lives.

For obvious reasons, it would be necessary to change periodically the disguise of each ship. But the expense of maintaining a flotilla of Q-ships off Somalia would hardly dent the enormous U.S. defense budget. In time the number of ships could be reduced as the pirate threat receded.

The Q-ship is a remedy for piracy on the high seas whose time has come — again. — Jon Harrison

Line management — On a recent flight I was dismayed to see a long line behind the metal detector. As I approached the end of the line, I was even more dismayed to see a perfectly good metal detector lane completely unused. Even more frustrating were the ten TSA employees (actually ten, I counted) standing around just chatting amongst themselves. It's not as if they were contributing to security, because they were all wrapped up in their own personal conversations, and not even looking at the passengers.

One way grocery stores compete for business is a "next in line" policy. Whenever there are too many people waiting in any line, someone in the store grabs the keys to a cash register, and opens another line, to insure that the customers never have to wait very long to do business. Newer McDonalds restaurants actually have dual-lane drive-thrus, because they've learned that hungry customers will only wait a couple minutes before they run across the street to Burger King, or change their mind entirely and grab a taco. The oil-change place I frequent has an old school gas station air hose bell, and when it rings, everybody in the service station (including the owner) drops whatever they are doing and rush into the oil change bay with the military precision of a marching band. It's on the pricey side, but I've never spent more than ten minutes getting an oil change. The value of my time more than compensates for the extra ten bucks.

The longer I waited in line, the more inane and grating their conversations became. I could care less about how nice the baby shower buffet was catered, or how much Costco is charging for 15-ounce cans of Niblets. I wanted to tell those jerks exactly what they could do with their buffet and their Niblets, but the prospect of a missed fight and strip search kept my demeanor polite.

I thought about how GM and Chrysler employees were going to be idle all summer long, and how these TSA uniforms were not doing much more work and getting paid, and

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it really irked me. Why was there nobody to tell them to open a second lane? And if for some reason that perfectly good metal detector isn't functional, why aren't those unnecessary employees being told to go home? And ultimately, what will happen when these same dedicated souls, are in charge of rationing health care? — Tim Slagle

More environmentalist nonsense — How quickly the new Democratic regime is moving this country left, especially in environmental matters! Late in March, Congress completed action on an "omnibus" or combined bill consisting of 160 other bills — legislation that totals 1,300 pages. The president promptly signed this legislation, which pushes the enviro agenda even farther than it had been pushed before.

The bill adds yet another 2 million acres to the federally owned "wilderness areas." Already, the feds have locked away 107 million acres of our country in this manner, making it virtually impossible to access and use those acres for anything of human value or the satisfaction of any human need.

We have now permanently frozen a mass of land larger than Montana! The Census Bureau estimates that there are only 106 million acres of developed land in our entire country. We have now sealed off more land than we inhabit!

Most of the two million acres newly taken from public use are in Wyoming. In freezing the land, the feds have forbidden the citizens of this country from using nearly 9 trillion cubic feet of natural gas and 300 million barrels of oil. Think of that when oil and gas prices spike again, as they surely will.

This is on top of an earlier decision by Obama's Interior Minister Ken Salazar to cancel 77 oil and gas leases in Utah — leases that had survived seven years of scrutiny by various planning agencies — merely because any drilling work would be visible from national parks over a mile away. Most of the sequestered land is in the oil-shale regions of the country, where there's 200 years worth of oil at our current levels of consumption.

These are the kinds of unbalanced priorities that will drive national policy for as long as the current gang controls the levers of government. These people live in a fantasy world where windmills will give us all the power we need, and where we will all drive tiny little electric cars made by the People's Motor Corporation, formerly known as General Motors.

During the presidential campaign, when oil prices shot up and McCain started to pull ahead by promising to open up more of our country for drilling, Obama said that he, too, would support more access to domestic resources. It is now clear that this was one more lie in a series of lies.

Obama promised to consider the option of nuclear power, but he has completely turned his back on it. He promised to end earmarks, but he jammed through a bill with over 8,000 of them. He promised that for every dollar in new spending, he would cut spending by that amount, but his spending bills have been all new spending, with no cuts. He promised transparency, by publicly posting major bills on the internet so that the public could review them for five(!) days before the vote, but he shoved through a huge spending bill (and the SCHIP and other major bills) with no chance for journalists or the public to review them. He promised not to appoint lobbyists to his administration, and then did so repeatedly.

Our dependence on foreign oil will only deepen under Obama, no matter what lies he told about making us energy independent. — Gary Jason

The horseshoe nail — Today, as I approach my 91st birthday, I have many retrospective thoughts, some pleasant and some not. In human life, so much often depends on so little. Fewer and fewer people alive today will be with us to tell of their personal observations of historical events — observations that can deepen our understanding. In particular, I am reminded today of an apparently small event that changed the course of history.

One of the first political broadcasts I can remember occurred in July 1944 — 64 years ago, this month — during the Democratic national convention at Chicago. It was widely assumed that Franklin Roosevelt would be the nominee, although that would lead to an unprecedented fourth term as president. But what was most controversial was the question of who would be the party's nominee for vice-president.

Henry Wallace had been Roosevelt's vice-president since 1941, but Roosevelt was the "supreme ruler" and never paid much attention to his vice-presidents. John Garner, who had been vice-president during Roosevelt's first two terms, had said that the vice-presidency was "about as important as a bucket of warm piss." Roosevelt had never paid much attention to Wallace either, not even informing him of many of his major decisions.

But this time there was a difference: many of Roosevelt's associates did not expect him to live through another term, and for them the office of vice-president naturally assumed an enormous importance. It presented a great opportunity for left-leaning Democrats, who thought of Wallace as a potentially great president, especially from the perspective of his Soviet-inclined friends. In May 1944 Wallace had given a speech at Magadan, a remote location on the Pacific coast of the Soviet empire. Magadan was a center of the infamous system of slave labor camps, in which many thousands of coerced workers had died, many of them perishing while mining gold to support the socialist economy. Wallace, deluded by his hosts, extolled the Soviet labor camp system and praised Magadan for its "efficiency" as a center for labor camps, and for its "healthful fresh air."

Most radio listeners (there was no television then) had never heard of Magadan and took no note of Wallace's remarks. Some of them apparently felt sincerely that the Soviet system was superior to the American system of free enterprise. Thousands of them shouted at the convention, "We want Wallace!"

Roosevelt himself had remained in at his home in Hyde Park, New York, away from the convention, until word reached him that some delegates were opposed to Wallace as possible future president. Robert H. Ferrell, the Democratic Party chairman, took a voice vote of the delegates (which I heard on the radio); by a large margin they favored Wallace. It was clear to the listeners that Wallace would have a clear victory when the votes were counted.

But meanwhile, Roosevelt had been warned that Wallace must not be the nominee. Had the party chairman not ignored any "official voice vote," Wallace would have won. In a decision for which I will forever praise him, the chairman announced that the final vote would be postponed until

the following day — at which time the delegates were able to regroup, and a senator named Harry Truman, hitherto little known except for his personal honesty and fiscal integrity, received Roosevelt's approval by telephone and became the Democratic nominee for vice-president.

Few persons sensed at the time that this was one of the historic decisions of the century. Without the Truman vote, Wallace would have become president of the United States on Roosevelt's death the following April. The United States might well have become part of the expanding Soviet empire, and Stalin might have become in effect the "ruler of the world."

As things turned out, Truman was as suspicious of Stalin as Churchill was, and Stalin was left with something less than the dictatorship of all Europe. Much of what America salvaged from the war can be attributed to the doggedness and courage of Harry Truman. Seldom in history has the seemingly inconsequential decision of one man — in this case, the Democratic Party chairman who delayed a vote for a few hours — so decisively altered the history of the world. — John Hospers

Equality just isn't fair — In modern economic parlance, the terms inequality and inequity are sometimes used interchangeably to mean unfair. This is not good.

Used properly, inequality is a descriptive term, while inequity is normative. So, if the wealth of two people differs, that difference is an inequality. It is a matter of arithmetic. In order to be an inequity, that inequality would also have to be unfair. If it were the case that every inequality were, by its very nature, unfair, things would get tricky very quickly. To illustrate:

President Obama, among many others, is wealthier than I am. This is an inequality. Now, if an inequality is, by its very nature, unfair, then this inequality would have to be considered an inequity, which is to say, an injustice.

Mr. President, if you wish to stamp out this injustice, do as follows: (1) Add together my net worth and yours, (2) divide by two, (3) subtract the quotient from your net worth, (4) write a check for the amount of the remainder, (5) make it payable to me, and (6) hand it over.

But of course I'm kidding. Here's why. First, it would be unconscionable to take advantage of someone who actually held such an odd notion of injustice. I mean, every kindergartener knows that sometimes equality just isn't fair. Second, the president made his money through good, old-fashioned hard work, not unlike Lincoln splitting rails. It's his and he deserves to keep it. Third, the president's contributions to the soundness and growth of the American economy make my own efforts seem puny.

Hmm. On second thought, if the tax laws of the country were jiggered ever so slightly so as to compel him to hand over the money, I guess I would take it, but only with great reluctance and for the sole purpose of furthering the cause of social justice. — Scott Chambers

Let them wear sneakers — A recent report highlights a thorny problem for any and all would-be populists — class envy, the leveler, is blind to what nail it pounds back to flatness. It appears that America's First Lady, Michelle Obama, had the bad grace to appear at a D.C. food bank dressed in a pair of sneakers that retail at over $500 per. The hungry mob disapproved.

Mrs. Obama, through her reps, dug her "progressive" sneakers into the ground and stood fast; "they're *shoes*" was the firm reply to all the finger wagging. Yes, her ultra-trendy Lanvin sneakers are shoes — much in the same way that a Ferrari is a car.

I would suggest that Mrs. Obama use the White House's ample closet space to hang a few hair shirts to be worn at all future charitable functions — for the sake of appearance, if nothing else. — C.J. Maloney

Carter redux — I recently visited an old friend who's been through some trouble in his personal life: a death in his family and the death of his marriage. One of the ways in which he's coped has been to trade stocks actively. He says it gives him some sense of control in his life; and, he says, he's been successful. So, even though active trading is usually a money-losing strategy in the long term, I didn't hammer that point when I saw him. A wise man once told me not to interfere (in fact, he used a shorter and cruder verb) with people's coping mechanisms.

Our plan was to get lunch. But my friend didn't want to leave the TV news and the stock ticker. He was buying a drug company that makes a flu vaccine and wanted to hear what the president had to say about the possibility of the federal government stockpiling the drug in the wake of the swine flu scare.

My friend had a big high-def TV set up in his study and obsessed over the feed like the villain from a James Bond movie. We listened to the president talk. And talk. And talk. It occurred to me, while he blathered on about how people should wash their hands with hot water, that this was some serious micromanagement! Dan Ackroyd satirized Jimmy Carter for this kind of thing back in the early days of "Saturday Night Live."

Why wasn't the health secretary or a CDC spokesman saying this stuff? (In fact, one of the TV commentators eventually raised the same question.) After half an hour, I pried my friend out of his lair. The stock wasn't moving much. We left the transformative micromanager, the Jimmy Carter of the 21st century, to drone on about flu vectors. — Jim Walsh

Union dues — There has been such a flurry of leftist initiatives being shoved through by the Democrats in Washington that it is hard to keep track of them all. Indeed, those in power seem to count on the fact that when you have omnibus bills mandating thousands of new programs, the citizens will be unable to monitor what is being done. But a particularly vicious attack on school choice stands out.

The District of Columbia has had a notoriously dysfunctional school system for decades. A few years back, Congress allowed the District to run a modest voucher program as a test. Called the Opportunity Scholarship Program, it gave poor parents — 99% of whom were black or Hispanic — a $7,500 voucher for each child they chose to send to a private school. The program was modest in two senses: $7,500 is less than a third of what the DC public school system spends on average to educate a child; and only 1,700 vouchers were allowed. But the teachers' unions can't allow even such tiny competition as this, and they vowed to destroy it.

These unions are intoxicated with power. They contributed $50 million to Obama's campaign, and vastly more to

the congressional races. The result is a federal government that is most eager to do their bidding. Congress, led by Dick Durbin (D-IL), voted just last month essentially to kill the DC pilot program.

Obama's Education Secretary Arne Duncan was complicit in this nasty piece of work. Duncan, who (like his boss) is the master of the head fake — first feign openness to something, then do precisely the opposite — actually suppressed the latest report on the voucher test program, even as Congress was debating the program.

The report was mandated by Congress and overseen by the U.S. Department of Education. It showed statistically significant improvement in the academic performance of the voucher kids. They are reading at nearly a half-grade ahead of their peers, meaning the kids who applied for the vouchers but weren't awarded them, and so remained in public schools. (The voucher kids scored no better than their peers, but no worse, in math.) Add to this the fact that the voucher kids were significantly less likely than their peers who remained at public schools to have been *robbed* at school.

This is no doubt why there have been four applicants for every one of the available slots in this meager program. Voucher schools not only educate better; they are safer. The teachers' unions know this, and hate those schools with a passion that one wishes their members would bring to their own schools.

So not only are the kids in the rotten DC public school system going to have to stay there, but the pathetically small number who have temporarily escaped will be rounded up and sent back.

In all these tawdry dealings, Obama has been as mendacious as he has been hypocritical. He is hypocritical for denying 1,700 poor kids a chance to go to a decent private school, even while his own children go to the very best. (But then, his children have millionaires for parents.) And he is mendacious for saying during his campaign (to the Milwaukee Journal-Sentinel, which quizzed him on vouchers) that if he were shown evidence that vouchers work, he would accept them. He got the evidence, but he also got millions from the teachers' unions, so the kids got the shaft. It is hopeless to expect educational change from his administration. — Gary Jason

A Global Warning in a Galaxy Far, Far Away

The land of Hysterica trembles
at the plagues Lord Gassington preaches:
"Nature her forces assembles,
angered that man overreaches.
Your cattle will die; lice and comets,"
quoth the lord in earnest palaver,
"descending and swarming like hornets
will render your world a cadaver!
Time is short to escape from this mire,"
intoned he with solemn alarm.
"Lo, the astral projections require
that each must slice off his right arm!"
That shocked them at first, then they wondered,
"Lord Gas has an arm right and true.
Why hasn't this member been severed
for humanity, red, white and blue?"
"I'll answer your query with pleasure,"
said the lord, not giving an inch.
"My arm is a national treasure,
and I need it to wave, scratch and pinch."

— Jim Payne

Voluntary requirement — As founding treasurer and director of American International Group, my father is turning over in his grave at the shenanigans of AIG's finance arm and the entire company's subsequent government bailout. But the proposed Obama plans for the health insurance industry — and New Jersey's actual fiasco — have probably flipped him over so many times I have no idea which way he's pointing now.

As you may already know, Obama would like the federal government to offer cheap, affordable, and voluntary health insurance in the hope that the 47 million uninsured will suddenly see the light and join the plan. Problem is, according to Michael Tanner of the Cato Institute, the government could price its policies so cheaply that it would crush its competitors.

Right now, according to The Economist, hospitals enjoy a 48% profit margin on privately insured patients but suffer a 44% loss on Medicaid patients. The privately insured patients cross-subsidize the government insured. If the privately insured stampede to join cheaper government insurance programs, hospitals will be squeezed and have to cut back. Expect European-style queues and rationing if the proposed program materializes.

But New Jersey, always in the vanguard of economic moral hazard schemes, is already bankrupting the health insurance business. By passing a law requiring that insurance companies deny coverage to no one, in spite of any preexisting condition, they've incentivized the population to defer or drop existing coverage. May as well wait till you get sick to buy insurance.

Of course, the elephant in the room is every state's statutory requirement that hospitals refuse treatment to no one, regardless of their ability to pay. If Nevada had a similar law requiring prostitutes to take on all comers, would we call it rape? — Robert H. Miller

One flu over — The little pandemic that couldn't seems to have petered out, and by the time this article is published, there is a very good chance that tit will be as consequential to America as killer bees and the millennium bug. In the meantime, the precautions that are just now going online will probably still be in place. Government always moves much slower than science or public sentiment.

I hope the panic won't soon be forgotten. Because right now there is a debate taking place on how America should prepare for the upcoming global warming epidemic. Scientists that were trained in the same classrooms and laboratories of the same universities as these health alarmists are prophesying the arrival another Horseman of the Apocalypse. The fellow alumni of these World Health Organization and Center for Disease Control prognosticators are debating what precautions we should be legislating to protect ourselves from the certain doom of global warming.

Meanwhile, scientists are now wondering about whether we are entering into a new ice age. Recent evidence indicates that solar output has been declining for the past couple years.

If the world might be entering a new Ice Age then global warming is not only not problematic, it might also be quite beneficial. (It's much easier to find a way to cool off in the summer than to grow vegetables on a glacier.)

I don't mind astrologers and psychics. There are a lot of people who enjoy hearing the advice of those who pretend to see into the future. The big danger is when we elevate these prophets into a position of power. Just like the ranting racist is amusing at the end of the bar, but dangerous in a seat of power; it is best to keep these illuminated persons locked up in laboratories, rather than testifying before Congress.

— Tim Slagle

Crunched by numbers — In early April, a Cato op-ed by Adam Schaeffer described the way in which congressional Democrats had buried a provision in the omnibus spending bill that will spell doom for the DC Opportunity Scholarship Program, DC's voucher system for poor children. They did this despite recent reports that found voucher students were equal in math to public school students and strongly outperformed them in reading. All at 25% of the cost: $6,620 vs. $26,555 per pupil per year.

I want to focus on just one aspect of this: $26,555 per pupil per year for the privilege of attending the DC school system, one of the most dangerous and decrepit school systems in the country! Think about this: With 30 students in a classroom, that's just shy of $800,000 per year to educate *one class* of children. Keep that in mind the next time you're told the problem is that we don't spend enough money to educate our children. How can people continue to make that argument with a straight face?

— Ross Levatter

When elites go bad — On April 21, the Supreme Court heard arguments on the case of Savanna Redding.

Six years ago, when Miss Redding was a 13-year-old eighth grader, she was subjected to a strip search by school officials. Was she carrying, or suspected of carrying, a lethal weapon — a bomb, a knife, or a loaded gun? Nope. Rather, school officials thought she was carrying prescription-strength ibuprofen. I kid you not.

According to The New York Times (March 24), the search was ordered by an assistant principal when another child, caught with ibuprofen, claimed that the pills belonged to. Redding. The assistant principal said he had good reason, beyond the other child's accusation, to suspect that Redding was carrying drugs, for she and other students had been "unusually rowdy" at a school dance *a couple of months* before.

A strip search conducted on the basis of an accusation leveled by a child who was in trouble and was no doubt looking to shed or share the blame, together with an incident of alleged rowdiness that had occurred two months earlier. A *strip search*. For *ibuprofen*.

Miss Redding, understandably, has sought justice in the courts. So far they have ruled in her favor. A majority of the 9th Circuit Court of Appeals concluded that the school's actions violated "any known principle of human dignity." Yet one judge dissented, writing that "I do not think it was unreasonable for school officials . . . to conduct the search in an effort to obviate a potential threat to the health and safety of their students." Judge, speaking as a parent, I can tell you that the government need not strip search one of my daughter's classmates in order to keep her safe from ibuprofen, even (gasp!) if it's prescription strength.

The Justice Department, in a friend of the court brief, said that the search was unreasonable — but only because there was no reason to believe she was carrying ibuprofen. In other words, the federal government is saying that if she had been in possession of the pills, well then, by all means, strip away! The federals added that the assistant principal should not be subject to a lawsuit, because of previous case law.

So, in April, the case was heard by the Supreme Court. The justices' comments from the bench did little to comfort friends of personal liberty. Justice Stephen Breyer said he thought it logical that a child would use underwear as a hiding place. Unfortunately, Savanna's attorney merely disagreed with that contention. He did not say what should have been said: "Your honor, you don't strip search a child for a few painkillers."

Justice David Souter made the right point. "Having an aspirin tablet does not present a health and safety risk." Thank you, judge. But then Souter went on to say this: "I would rather have a kid embarrassed by a strip search . . . than to have some other kids dead because the stuff is distributed at lunchtime and things go awry." Well, okay, if there's a reasonable suspicion the kid is carrying heroin. But ibuprofen?

Justice Antonin Scalia took the line that if no drugs were found in the child's backpack or outer garments, then the undergarments were the next logical step. "You've searched everywhere else," he stated. "By God, the drugs must be in her underpants." So that tower of judicial restraint sees no problem in stripping a child to see if she's got some ibuprofen.

Chief Justice John Roberts actually chose to differentiate between the girl's bra and panties. Searching her bra, he said, "doesn't seem as outlandish as the underpants." So the top judge in the land might allow school officials to get to second base, but third — well, maybe not.

Generally I prefer not to criticize elitism, of which we actually have too little in America, but here we have a case of elitism gone bad — very bad. Supreme Court justices are among the most privileged members of our society. They are not subject to indignities at the hands of petty officialdom. In this case it seems clear that the justices lack empathy for a girl who was humiliated over a matter of a few painkillers — painkillers she did not in fact possess. I am particularly unhappy to see people like Roberts and Scalia coming down in favor of the nanny-nazi state. To those who know the facts of this case, it is clear there was no reasonable suspicion that Savanna Redding possessed any drugs. And I say again, the drug in question was not smack or coke or meth, but ibuprofen. Shame on the Court.

— Jon Harrison

Turtle power — My wife and I are avid technical rock climbers. Our favorite cragging area is Red Rocks Recreation Area, a BLM park outside Las Vegas, Nevada. It's a sandstone Yosemite and world-class destination for mountaineers. Every fall and spring thousands of climbers fly and road-trip to Red Rocks from all over the world. And demand has been increasing so rapidly that the one campground is now full almost constantly. Of course, at-large camping is prohibited and there is no overflow camping. Campsites are $10.

Anticipating the increased demand, some forward-looking

functionary, years ago, suggested expanding and improving the campground, located well away from the compelling geology in flat, creosote-bush-covered Mojave desert. The inevitable environmental impact statement was commissioned.

Enter the endangered desert tortoise. In spite of the fact that absolutely no sign of the reclusive reptile has ever been recorded anywhere near the campground, the improvement proposal has gotten nowhere.

Hoping to find a camp spot, my wife and I arrived early on a recent Sunday evening. We were amazed to find that not only was the campground full but much of the surrounding desert was strewn with tents and cars. We tracked down the campground host. He told us he'd instituted a new policy: no one was being turned away; they were taking on all comers. And he liked people, particularly climbers. He told us to park anywhere, pay our fee, and climb to our hearts' content. We couldn't believe it. We wondered about the poor desert tortoise impact study.

But of course, it was too good to be true. Two weeks later, the policy had been reversed by higher-ups, the campground was now full and restricted, and the campground host had nearly lost his job. So what's "good" for private hospitals (see "Voluntary requirement," above) isn't good for government campgrounds — even if people can pay. — Robert H. Miller

Coffee, tea, or me? — I did not hear the remark when it was first made. I read about it later. For those who do not follow world events by watching CNN, here is what happened.

On April 15, Tea Party protests were held around the country. At a few of them, tea bags were tossed, some over the White House fence. The following day, on CNN, David Gergen, referring to the Republican Party, said, "They're searching for their voice." To this, Anderson Cooper replied, "It's hard to talk when you're teabagging." Mr.Gergen laughed.

Get it? "Teabagging" refers to the lowering of the scrotum into an oral cavity. A quick perusal of the internet suggests, unsurprisingly, that it is a practice favored primarily by gay men.

What is one to make of this? Forgive me for taking this seriously, but possibilities cry out to be examined.

First, there is the possibility that Mr. Cooper was unaware of the meaning of the term.

It is possible. If he has said otherwise, I haven't heard it. He may have been innocently trying to coin a term that would succinctly describe the actions of the protesters. Supporting this hypothesis is the fact that he did not so much as crack a smile when he made the remark.

On the other hand, to believe that the remark was innocent, one would also have to believe that he is unsophisticated, that he is ignorant of the rich variety of erotic practices in postmodern, urban America, that he is a rube who had simply never heard of this particular practice and the word that describes it so well. His misappropriation of the term would have to have been coincidental.

Fiddlesticks. I refuse to believe that Anderson Cooper is an ignorant rube. He is, after all, the son of Gloria Vanderbilt, a Yale graduate, and an heir to the Astor fortune. I do not know if he is wise, but he is almost certainly worldly. He knew what he was talking about.

To the second possibility, then: maybe he intended it to be a harmless little joke.

The line of reasoning goes something like this: sure, he knew what it meant, but it was not intended as a slur against citizens peacefully protesting the fiscal policies of their government. He has no animosity toward them. And it wasn't a sly partisan crack aimed at Republicans. It was just a silly pun, a throwaway line, not intended to be offensive.

This is also possible. But we need to pause here and test its plausibility by posing what will seem to many a rather tasteless hypothetical question. Bear with me.

If CNN were filming Fidel Castro having lunch with, say, Barack Obama, who appeared to be struggling to get a word in edgewise as El Comandante pontificated, and tea was served, is it at all within the realm of the possible that Anderson's whispered voiceover remark would be, "It's hard to talk when you're teabagging."?

Let me be the first to answer: of course not. The idea is absurd. I cannot believe that Anderson Cooper would make such a remark. Why? Because it is so obviously offensive. Yet we know that he did say those words on the other occasion. So, with the help of this hypothetical question, it can be safely inferred that Mr. Cooper's remark was not intended to be inoffensive.

(And if Mr. Cooper really did use that particular gag line when referring to two such beloved world leaders, would it be ignored, or brushed off as a harmless little joke? Not likely. Would David Gergen laugh? I have no idea.)

We are left with a third possibility, which is that Mr. Cooper knew exactly what his remark meant, that it was calculated mockery of the protesters, that it was partisan, and that, in terms of journalistic and social standards, it was far beyond the pale. And yet he said it anyway.

Why? Two explanations come to mind.

First, he may believe himself to be so powerful that he can flout journalistic and social standards with impunity and continue to be considered a highly respected journalist. He may believe that in 21st-century America his integrity, reputation, and credibility will not be ruined as word of his remark spreads. If that is what he believes, well, he may be right. But why would he engage is such high-risk behavior?

But it is the second explanation that solves the puzzle with all the pieces: He may have grown weary of the straitjacket of journalism. The strain of pretending to be unbiased and always having to ape fairness may have grown tiresome for him. Journalistic standards and ethics may feel to him like a closet that confines his creativity and doesn't allow his ego to spread its wings. In other words, he may be feeling the need for bigger things.

He probably wants to tell ribald jokes about conservatives, Republicans, and wingnuts. He wants to make fun of Christians and rednecks and gun nuts and hear the progressive mob roar with laughter. Leaving respectable journalism behind, he longs to say naughty things, outrageous things to America and get fame and fortune for saying them!

Here, then, is the only explanation that really connects the dots: Mr. Anderson Cooper wants nothing more in life than to be a sort of bizarro Rush Limbaugh.

Now, I wonder whether David Gergen would find that funny. — Scott Chambers

How is our skools doing? — Four recent articles allow us to reflect again on the state of education in America, its costs, causes, and consequences.

The first, "Few Gains are Seen in High School Test," appeared in The Wall Street Journal on April 29. Reporting on the latest results from the federal government's own tests — the National Assessment of Educational Progress — it provided grim news. Over the nearly four decades during which the government has been testing our K-12 students, a period when school funding has exploded, scores have been essentially flat. More money has brought no progress.

Well, to be precise, scores for 9- and 13-year-olds improved modestly from 1971 to 2008. But these modest gains get washed out when students reach high school. Among 17-year-olds, on a score scale that ranges from zero to 500, the gain in reading skills over 37 years was exactly *one point*. In math, the gain was vastly more impressive: a massive *two-point rise*.

This moved Obama's Secretary of Education Arne Duncan to observe that the results were "especially troubling." (But of course, we have to remember that this is the same cat's-paw of the teachers' unions who just played a key role in the termination of DC's voucher program.) The WSJ drily notes that colleges and employers are complaining that high school grads very often lack the skills needed to succeed in college and in real life — which as we know is altogether more challenging.

The second article, "Study Cites Dire Economic Impact of Poor Schools," is from The New York Times (April 23). It reports on the results of a study done by the independent consulting firm McKinsey & Company, which shows major gaps between students of different races and ethnicities (black and Hispanic students lag behind whites), students of different economic classes (poor kids lag behind rich ones), students of different regions (kids from some states lag behind others), and students of different nationalities (American kids lag behind kids from most other countries).

Thus far, the report simply discloses the obvious. One might wonder how much taxpayer money it took to enable the excretion of so much banality. But interestingly, the report estimates the cost of these achievement gaps. McKinsey puts it at about $3 to $5 billion dollars a day in lost GDP.

The third article, "Teach for (Some) of America," appeared in the WSJ on April 28. It's concerned with the curious response of poor public school districts to the availability of Teach for America graduates. Teach for America is a privately funded organization that pays for first-rate college grads to work in poor public schools. This year it had 35,000 applicants from highly ranked colleges. An amazing 11% of Ivy League seniors applied. The program pays $20,000 to train each grad to enter the classroom.

But rather than seeking out these high-achieving, highly motivated graduates, the public school interest groups (mainly, unions and administrators) limit the number of positions available for them to 3,800 for the whole country.

The rationalization is that Teach for America grads haven't taken the education courses that "normal" public school teachers take. As if ed courses offered expertise which couldn't be learned elsewhere. The real reason is that the interest groups are afraid of being shown up by bright young people who come from outside the Union-Educational Complex.

Finally, there was a story in the WSJ on April 28 about the over-supply of college grads in China, which vastly expanded its college system over the last decade. It built huge new campuses and increased enrollments by 30% year after year. This year alone Chinese colleges will graduate 6.1 million people.

There are problems with this expansion. Recent Chinese college grads have a high unemployment rate, the current recession having had its effect. Many are saddled with large college loans. And many colleges are not particularly good. Of course, the same points could be made about our system. But so can another point: the expansion of college education enables the transition from a manufacturing economy to an epistemic one.

China's story fits a narrative that all advocates of free choice in education need to keep telling. The story is uncommonly clear. It is that the world is transitioning itself from basic manufacturing to types of economic activity that are more knowledge-based, and that all the unionization, protectionism, and nativism in the world will not stop it. If America wants to keep its relative standing in prosperity, it must fix its broken educational system. Years of educational stagnation, with low test scores and high dropout rates, cannot be prolonged. We got by with this cesspool of educational failure in the past only because our largest competitors were hobbled by totalitarian socialist economies. But a generation ago the Communist bloc collapsed, and now the countries that once composed it are becoming formidable competitors. And they take education seriously.

But we can't fix the system by shoveling more money into it. We've more than doubled spending only to see test scores remain flat, with high school dropout rates hitting 50% to 75% in most of the major-city public school systems. We need school choice, honest testing of our students by a neutral third party, rigorous curricula, and faculty that face accountability for what they do. But the Union-Educational Complex will fight these reforms viciously, every step of the way.

— Gary Jason

Doesn't take a weatherman — I'm in a lousy mood since the weatherman just ruined my weekend. "Torrential storms, hail, and frozen cannonballs," she ranted. Reality — nothing but blue skies.

Have you ever heard a weatherperson apologize? "Sorry folks, that I ruined your weekend by mistaking a few zephyrs for a tornadic wipeout. I'm really sorry you cowered in the basement for two full days with your wife and kids and two cats in heat." Weather mavens (they like to call themselves climatologists, even when they're wrong) are as unrepentant as traffic engineers who put red lights at deserted rural intersections.

And where do they learn words like "tornadic disturbance," instead of tornado; and "thunderboomers," a term kindergarten teachers use on five-year-olds while buttoning up their raincoats. "Thunderboomers, kids! Button up snug! It's gonna be a ducky wucky, quack quack day."

The science of climate prediction began simply enough. A skinny guy, Bennie, in a bearskin diaper stared out of the cave entrance. "Gray day — not good for stegosaurus hunt," he announced to the anxious crowd behind him. "Very gray."

"Yeah I guess so, Quartzhead. You gotta roll that big stone away first," said one of the audience.

And once Bennie learned to roll that stone aside, his record improved significantly. Bennie was now a star. He learned to comb his hair with a wishbone and smile even when his empty belly made embarrassing noises that interfered with his presentation.

But why is nobody keeping score on Bennie's successors who are supported by radars, computers, and barometers? Economists and bookies are fired when their predictive batting average dips in the low 30%. If I owned a TV station, I'd keep a daily log on my weather guy. At the end of the year, I'd call him in. Review time. He'd be all red-eyed and sniffly and umbrellaless because he had called for a bright, fair morning. Wrong!

"Schlemiel," I'd say, "you were wrong 75% of the time, including your Christmas forecast that prevented thousands of families from visiting their old rheumy-eyed Mom and Pop on that day of Yuletide warmth. Also, you missed the Halloween snowstorm that entombed most of the kids in town. Just last week they found six more with their candy bags — smiles frozen on their little angelic faces. So I'm docking you 75% of your salary. Have a great year. Relax, spend ten unbroken hours on the Florida turnpike while your wife, beside you, reads last year's inaccurate predictions, out loud."

Once I lived in the Boston area. The weather, to this exiled Southerner, was always lousy except for three days in late July when the Snoqualmie glacier receded, maybe three inches. The weather guys never got it right. To the west, where many of the weather fronts originated, they had friends and professional comrades. They'd call Worcester.

"Hey Ron, what's the weather there?"

"Snowing like hell — it'll be on you in an hour or two."

A foolproof system. They also had pals north and south with radars and computers. They had an effective early warning system. Sentinels that almost boxed the compass. But not quite. Because to the east lay the boiling Atlantic, a hellish hotbed of tornadic, squallic, stormic, cataclysmic activity. (And sometimes thunderboomer bummers, too, kiddies.) They had no strategically placed associates, 50 miles out to sea, floating on their backs with cell phones. The picket line was incomplete.

What they needed was a $7 million weather boat, they said. We taxpayers bought 'em their boat — and we're still smothered under three surprise snowstorms. And they never apologized. I think they used the boat for water skiing.

— Ted Roberts

Stayin' alive — In light of the news that the Dems plan to ram through Obama's desired changes to our healthcare system in the "budget reconciliation" procedure — a gambit never used before, and one being used now because the Dems know that these changes wouldn't pass the Senate if put to an honest vote — two recent articles caught my eye.

First was an piece by Dr. Scott Atlas, professor at the Stanford University Medical Center and senior fellow at the Hoover Institution, called "10 Surprising Facts About American Health Care" (National Center for Policy Analysis, Brief Analysis No. 649, March 24, 2009). Atlas points out that survival rates for most cancers are better in America than in European countries. For example, the death rate for breast cancer is 88% higher in the United Kingdom and 52% higher in Germany than in the United States. The death rate for prostate cancer is 604% higher in the UK and 457% higher in Norway. The survival rates for cancer are better here than in Canada as well.

The explanation is indicated in the second article, an editorial in The Investor's Business Daily (March 6). The IBD observes that one reason for the disparity in survival rates is that many drugs readily available to Americans are denied to Europeans by their national healthcare systems. For example, the UK's National Health Service will not supply Lapatinib (which prolongs the lives of breast cancer patients), Sutent (which prolongs the lives of stomach cancer patients), and Tarceva (which prolongs the lives of lung cancer patients).

In addition to noticing the greater availability of new medicines in America, both articles call attention to another drawback of state-run systems — the long wait times for patients needing major treatment. Atlas notes that British and Canadian patients wait about twice as long for elective surgery, for specialist consultations, and for radiation therapy, as do Americans.

Another interesting fact adduced by Atlas (I won't review them all), is that Americans have better access to new medical technologies than patients in the UK and Canada. For instance, if you look at CT scanners, we have 34 per million citizens, but the Canadians have only 12 per million and the UK only 8 per million. MRI machines? We have about 27 per million, while the Canadians and the British have only about 6 per million.

Most striking to me were the statistics that Atlas cites on the rates of innovation in our system. To cite one example: since the mid-1970s, more Americans have received the Nobel Prize for medicine or physiology than people from all other countries put together. That is an amazing fact seldom mentioned by those inclined to bash our healthcare system.

That system has its drawbacks, including high costs and the fact that many who want insurance cannot afford it, and therefore must rely on emergency hospital care. But the socialized schemes favored by the Left have worse problems: rationing not by cost (which at least funds continuing innovation in medicine) but by wait time, lack of innovation, and lower availability of new medicines and technology. But balancing costs and benefits is something that those on the Left are not interested in doing. They have a religious faith in big government, and a burning missionary zeal to impose what they view as equality on all institutions, no matter how many deaths may result.

— Gary Jason

Corporate comeuppance — Someday soon, let's hope, corporate *goniffs* will discover that they can't raise prices without risking failure, serious failure. Just as American automakers lost their futures to Japanese companies, so private American universities that are forever raising tuition will sometime find themselves unable to fill their seats. Prospective students will go to state universities or even Canada.

For now, may I hope that the new Yankee Stadium will suffer a setback? Whether fans prefer the new one, built across 161st Street from the traditional Stadium, won't be known for a while. But I know from experience that the old one was good

continued on page 45

The Start of Something Big?

by Bruce Ramsey

No, they weren't organized by Big Business, the Republican Party, or Fox News. The Tea Bag protests were something much more interesting.

On April 15, 2009, several hundred thousand Americans demonstrated in more than 700 cities and towns. These were the "tea bag" protests, named after the Boston Tea Party. The protesters were peaceful and even well mannered. They flew the American flag and the yellow Gadsden flag with the snake and the *Don't Tread on Me*. They hoisted such signs as:

Don't Leave Your Debt To Me

You Are Not Entitled to What I Have Earned

Change It Back: Yes We Will

Read My Lipstick: NO New Taxes

Pay your own @#$%^ mortgage!

Spread My Work Ethic, Not My Wealth

No More Bailouts

No New Taxes

Readers of this journal would have no problem deciding what these protesters meant. These were free-market conservatives and libertarians and their friends attacking the Obama administration's volcano of spending and corporate alms. They were making a preemptive rumble against new federal taxes, and often new state taxes as well.

The protests were about liberty. Said a protester in Olympia WA: "We're for individual rights and small, limited government." But connecting spending to the idea of liberty takes a dash of ideology, and the mainstream media didn't have that ideology, or maybe they had a different one. To them the talk of liberty was hypocritical.

At the Chicago protest a man holding a baby told CNN reporter Susan Roesgen that he was there because he heard "a president say he believed in what Lincoln stood for. Lincoln's primary thing was, he believed that people had the right to liberty, and they had the right —"

Roesgen interrupted him: "Sir, what does this have to do with taxes? Do you realize that you are eligible for a $400 —"

"Let me finish my point," the protester insisted. "Lincoln believed that people had the right to share in the fruits of their own labor, and that government should not take it."

"Did you know," she asked, "that the state of Lincoln gets $50 billion dollars from this stimulus? That's $50 billion, sir."

But before the man could reply she moved away, speaking to the camera. "I think you get the general tenor of this. This is antigovernment, anti-CNN. This is highly promoted by the right-wing conservative network, Fox."

The message: *these people are idiots who have nothing to complain about. They're getting government money!*

In Seattle, Hearst cartoonist David Horsey drew an image of a fat, middle-aged, scowling white man holding a sign saying, "Taxed Enough Already." Yelling in his ear was a hip young man: "Excuse me, but it's a fact that income tax rates are at their lowest point in decades, plus Obama just gave your family an $800 tax credit." In the next panel, the fat man says: "Obama is Hitler!"

The message: *these people are complaining about taxes when they're getting government money. And they are idiots, besides.*

It was true that in his first three months in office Obama offered a shower of rebates and grants to state governments. Many Americans were expecting to receive checks in the mail. But that was also the worry. The Congressional Budget Office was forecasting that federal spending for the year ending Sept. 30 would be 27.4% of gross domestic product — the highest share of the people's output going to government since World War II. Federal revenue would be only 15.5% of GDP, leaving an enormous gap to be filled with money creation and debt.

And further: the CBO projected that federal spending, which had been about 20% of GDP for most of the decade, would henceforth drop no lower than 22%. If Obama's tax and revenue proposals — his *early* proposals — were enacted, the federal share of GDP would rise back toward percentages in the high 20s.

Were there not tax implications of that? Big, important tax implications?

Having received a Treasury check, was the citizen obliged to be silent? (And what does *that* imply?)

The protesters were not idiots. But there was an effort to make them look that way. Enemies of their protests homed in on statements that were politically outlandish, or could be made to seem so.

New York Times columnist Gail Collins and Washington Post columnist Eugene Robinson each made an issue of remarks by Texas Governor Rick Perry. After some Tax Day protesters yelled, "Secede," Perry made off-the-cuff remarks about how Texas had never learned to submit, that he knew how they felt, that things might get so bad that the state would have to secede again someday. Later he said he had just been trying to assert Texas's 10th Amendment rights, and that the Union was a wonderful thing.

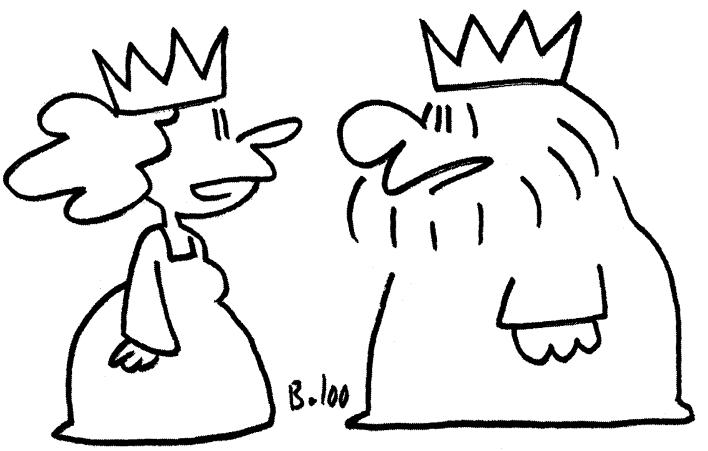

"Do you believe in democracy?" "You bet I do — I've seen it *happen*!"

Secession had never been a serious proposal, and everyone knew it. But it was outlandish enough to be portrayed as nutty and irresponsible right-wingism that needed to be denounced by civilized, good-government progressives.

Which also meant the protesters were nuts.

Noting protesters' signs about immigration, gay marriage, and gun rights, Robinson wrote, "The protests were all over the map, and thus hard to take seriously."

Hard to take seriously: the take-home thought.

Another jab aiming at the same conclusion was that the protests were not "grassroots" but "AstroTurf" — protests that didn't represent real people. The tactic here is to trace the protests to a rich sponsor and declare them to be reflective of cash instead of passion.

New York Times columnist Paul Krugman wrote:

> It turns out that the tea parties don't represent a spontaneous outpouring of public sentiment. They're AstroTurf (fake grass roots) events, manufactured by the usual suspects. In particular, a key role is being played by FreedomWorks, an organization run by Richard Armey, the former House majority leader, and supported by the usual group of right-wing billionaires. And the parties are, of course, being promoted heavily by Fox News.

Added left-wing columnist Joe Conason:

> Most of the money that funded Armey's activism in the past was provided by tobacco, pharmaceutical, and banking interests — and there is no reason to think that has changed.

Think of what is being said here: that hundreds of thousands of Americans who don't really care about an issue can be made to protest about it through the influence of "tobacco, pharmaceutical, and banking interests," and "right-wing billionaires." This is a preposterous thought. And anyway, the protests were not focused on the interests of billionaires; they had nothing to do with tobacco or pharmaceuticals. They did have something to do with banking interests: they were *against* banks getting government funds.

Yes, the plans for protests were covered by Fox News (and were ignored by other major media). But news organs can't force an unwilling people to take to the streets. Nor were the protesters paid to go or ordered to go. Their signs were mostly not made at the print shop — and, as Robinson and others charged, were not always on message.

As for organization: of course the protests were organized. All nationwide protests — antiwar protests, for example — are organized. But they had not been started by fat cats. The first anti-stimulus event — dubbed a "porkulus" protest — had happened two months before, on President's Day, February 16, in Seattle. It had been started by a political novice, Keli Carender, 29, a fan of free-market economist Thomas Sowell who calls herself "a conservative with streaks of libertarianism." On February 10, Carender, an adult-school math teacher and stand-up comic, had used her blog to call for a protest a week thereafter:

Date: Monday, February 16th
Time: 12:00 p.m. to 3:00 p.m.
Where: Westlake Park in downtown Seattle, 401 Pine St., in the open area by the big arch.
The idea is to use what we've learned about dissent over the last eight years. We need loud protests with lots noise and visuals. So, what should you bring?
Bring AS MANY PEOPLE AS YOU CAN! Bring your families, your friends, neighbors, bring everyone!
Bring SIGNS!! Get those craft making juices flowing and make signs and banners and pictures and paintings. Just imagine that you are a left-wing college student with nothing else to do and that should help you get started!

Talk-show host Kirby Wilbur on KVI-AM, the Seattle Fox affiliate, brought Carender on his morning radio show. Carender also got internet help from Steve Beren, twice the Republican candidate against Seattle's left-wing congressman, Rep. Jim McDermott; and from syndicated columnist Michelle Malkin, who had worked at the Seattle Times in the late 1990s. Malkin flew out from Washington, DC, and brought a big tub of pulled pork for the "porkulus" protest.

But at that first protest, 120 people showed up. It received almost no media coverage.

Carender collected email addresses from the people at the protest, and began networking on the internet. Then came another internet event. Outraged at the proposed federal aid to people who hadn't paid their mortgages, CNBC correspondent Rick Santelli made what has been dubbed "the rant of the year." Speaking on February 19 from the floor of the Chicago Board of Trade, Santelli said that the system should "reward people who could carry the water instead of drink the water."

Santelli boomed to the traders on the floor around him: "This is America! How many of you people want to pay for your neighbor's mortgage that has an extra bathroom and can't pay their bills? Raise their hand!"

"Boo!"

Unwinding from his rant, Santelli said he was "thinking of having a Chicago tea party in July." Santelli's outburst went on YouTube and was quickly watched several hundred thousand times. As of April 25, it had been watched 1,045,115 times.

The movement went from there. And, yes, it was organized on the national level by Dick Armey's FreedomWorks, Tim Philips's Americans for Prosperity, and Eric Odom's DontGO Movement.

Americans for Prosperity is probably the most conservative of the three groups. Odom is a libertarian: he voted for Bob Barr, and he did the most to avoid connections to the Republican Party. Dick Armey is the former Republican congressman and House majority leader: he was noted for being an opponent of the minimum wage and of farm subsidies, and a supporter of Social Security privatization. He was also against the invasion of Iraq, when George W. Bush proposed it: Iraq had not attacked us, he said, and an invasion was not justified. He was talked out of that stand by Vice President Dick Cheney, and voted for the war. Later he complained that Cheney had lied to him.

"I consider FreedomWorks a very libertarian organization," says its president, Matt Kibbe. Not all the protesters were libertarians, Kibbe said, but he added, "It's always the most philosophical, informed, energized people who create movements."

Kibbe told Liberty that the organizers tested the concept with protests in St. Louis and Florida, saw that there was public sentiment behind them, and then planned the big protests for Tax Day. Most of the cost was staff time.

Other organizations took up the job at the state level. In my home state, Washington, the largest protest, in Olympia, was organized by the Evergreen Freedom Foundation, a libertarian-leaning conservative group known for its fight against the political use of mandatory union dues. The group's effort was "mostly staff time," and mostly for internet work, said the group's in-house counsel, Mike Reitz. Much of the work was coordinating what was going on already. "Someone would call and say, 'I'm coming with 300 people.' "

The tax protesters were not idiots. But there was an effort to make them look that way. Enemies of their protests homed in on statements that were politically outlandish, or could be made to seem so.

Reitz, who attended the Olympia protest with his kids, said it was the largest protest Evergreen Freedom Foundation had ever organized. The group carefully allowed two politicians to speak: one Republican (a state legislator) and one Democrat (the state auditor).

Wilbur, the Seattle talk-show host, attended the protest in Microsoft's hometown, the Seattle suburb of Redmond. Wilbur lives near there, and he has been active in the Republican Party. "I saw maybe three people out of 200 I recognized from Republican politics," he told Liberty. "These are not Republican activists. . . . And I tell my Republican friends, 'Don't take these guys for granted.' "

Organizers told me that more than 1 million people protested on April 15. I was more inclined to believe a figure of 300,000, simply because 1 million seemed preposterous. But I don't know. The protests were said to have happened in more than 800 places — was *that* number correct? — and, as Wilbur told me, many were in rural towns. That a couple thousand protested in Manhattan is no big deal; that 200 protested in Okanogan, WA, population 2,352, is impressive.

The left-liberal commentariat does not see places like Okanogan. It sees Manhattan, and it sees Newt Gingrich speaking there; it sees anti-Obama signs, and it knows what it thinks.

It thinks of ways of not answering what the protesters are saying.

One way is simply to remind everyone that Obama won and his enemies lost.

You lost. Shut up.

This was very common.

Commentators noted that polls showed average Americans still supporting Obama. It was true; they did. They

also opposed the bailouts, and the commentators didn't mention that. That they supported Obama meant that the protesters could be ignored. Robinson used that argument. So did Conason.

Then there was the hypocrisy argument. These protesters were, obviously, Republicans. Why had these outraged Republicans not protested overspending and bailouts under George W. Bush?

It wasn't just the left that was making this point. It was made repeatedly on the libertarian website LewRockwell.com. Ryan McMaken wrote of attending the protest in Denver:

> I was too polite to ask any of the protesters questions like 'How exactly is it that you just suddenly realized that tax rates are high and that government spending is out of control?' Or perhaps: 'I like your little sign that says, "Stop the Spending!" How 'bout we save hundreds of billions immediately by bringing all the troops home?' "

On Bloggingheads.com, libertarian Matt Welch said: "I want to go there and ask people, 'Why weren't you out there doing this a year ago? Where were all these principled people when their people were in power?' "

In response to such accusations, the original Seattle organizer, Keli Carender, wrote, "I fully admit we are late to the game. I wish I had been on the ball a long time ago." Carender had voted for Bush and for McCain. But wasn't it better to be protesting now than *not* protesting now?

The left had chided Bush for overspending but had not been against overspending as such. It had been against Bush. Its accusations of hypocrisy were not about a position it actually held.

The libertarians did hold that position. But what political sense did it make for libertarians to bash the protests? Doubtless many of the protesters had voted for Bush: so what? Three key people who promoted the "porkulus" protest in my hometown — Wilbur, Beren, and Malkin — are supporters of the war. So what? The protests were not about the war. They were against the bailouts, the stimulus, the trillion-dollar increase in the federal debt, and the associated borrowing, fiat money creation, and eventual taxes. The protests were against a new and scary increase in the size of the state.

Then there was the hypocrisy argument. Why had these outraged Republicans not protested overspending under George W. Bush?

And libertarians oppose that?

Well, no; we don't oppose that. But these people are not *consistent*.

So what?

Some people are so focused on being right about everything that they can't cooperate with anyone who isn't just like them. Show these dainty libertarians an ally, and they wrinkle their noses. They see a hypocrite. But hypocrisy is a small sin, and one you can learn to overlook politely. This is not academia. This is politics — and in politics, what matters is who prevails.

What more can be learned from the Tax Day protests? Three obvious things.

First, a matter of tactics. Enemies will use any nutty or nasty things to label and dismiss the whole movement. Most particularly, anything smacking of racism — and a suggestion of secession by the governor of a former Confederate state can be portrayed as that — will be jumped on instantly by the left, which believes that racism is the secret cement binding all non-progressives together. Thus, for example, a lefty blog in my hometown pictured, without comment, Tax Day protesters with the signs:

Three key people who promoted the "porkulus" protest are supporters of the war. So what? The protests were not about the war.

Obamanomics: Monkey see, monkey spend

Impeach the Kenyan

Given American history, it's hazardous for anyone on the right to make a personal attack on a black president. It's poison to make an issue of his Kenyan ancestry. Whether Obama's birth certificate is in order is irrelevant now: it was filled out when he was an infant, it's been vouched for by the State of Hawaii, and the man has been elected president of the United States. People who make signs like "Impeach the Kenyan" should be made unwelcome.

The "monkey see" sign was held proudly by a child who probably did not know that it could be taken as a racist slur. His parents should have known, and so should the organizers. You don't allow signs like that. With 300,000 protesters, there will be a handful of such signs. Your enemies will find them if you don't.

Second, the protests showed that America has hundreds of thousands of supporters of a free-market economic policy. We saw this in the Ron Paul campaign, but might have wondered if it had ended there. Well, it didn't.

That is important. Protests rarely make a government turn on a dime, but they do have an effect. They intimidate the politicians who support a policy and embolden the politicians who oppose it. And that can be worth a lot.

Protests energize and organize. People meet others who think and feel as they do. They swap names and addresses. They form groups. Other groups recruit them. All the organizing groups were recruiting on April 15.

A third thing: Republican politicians.

This is a more difficult one. The Tax Day protests had not been created by or for existing Republican politicians. One blogger noted that in Wichita "an informal poll by a television reporter revealed that less than half the attendees were

continued on page 53

Street Fighting Man

by Doug Casey

We live in interesting times, but we are not necessarily cursed.

Longtime readers know my standard response to questions about the severity of the Greater Depression: it's going to be worse than even I think it's going to be. "Coming Collapse" books will undoubtedly accumulate into an entire genre in the next few years, as they did a generation ago. This time it's not just fearmongering, although things won't get as bad as in James Kunstler's book "The Long Emergency" and certainly not as rough as in the movies "Road Warrior" or "I Am Legend." But it's a good bet that a lot more is going to change than just some features of the financial system. Let's engage in a little speculation as to the shape of things to come.

I've long believed that this depression would not only be much different but much worse than the unpleasantness of the '30s and '40s. In those days, only a few people were involved in the financial markets; now almost anyone with any assets at all is a player. In those days, there were no credit cards, consumer debts, or student loans; now those things are ubiquitous. It's true that nobody will lose any money because of bank failures this time around; instead, everybody is going to suffer a loss from a collapse of the U.S. dollar, which is much worse.

In the '30s and '40s, the U.S. population was still largely rural in character, including people living in the cities. The average American was just off the farm and had a lot of practical skills as well as traditional values. Now he has skills mainly at paper shuffling or in highly specialized technologies, and it doesn't seem to me that the values of hard work, self-reliance, honesty, prudence, and the rest of the Boy Scout virtues are as common as they once were. In those days, the United States was a creditor to the world and the world's factory to boot; now there are perhaps $8 trillion outside the United States waiting to pour back in, and the country is now all about consuming, not producing. Even with what the New Deal brought in, there was vastly less regulation and litigation, leaving the economy with much greater flexibility to adjust and innovate; today, few people do anything without consulting counsel.

Of course things are immensely better today than 80 years ago in at least one important way: technology. I love technology, but unfortunately, improvements in that area do nothing to prevent an economic depression or many of the ancillary

problems that will likely accompany this one. In fact, it can be a hindrance in some ways.

So, accepting the premise of a depression, let's examine some of its likely consequences.

Civil Unrest

I've puzzled over who will go into the streets as the depression deepens and when they'll do it. Nikolai Kondratieff, of Long Wave fame, was of the opinion that the natives tend to get restless at economic peaks (like the late 1960s, when riots broke out all over the world) and at economic troughs (like the 1930s, when the same thing happened). His reasoning is not dissimilar from that of Strauss and Howe. At peaks, people are just feeling their oats, which can evidence itself domestically in riots inspired by rising expectations, and internationally in optional sport wars, like that in Vietnam. Such peak-time disturbances are troublesome but don't really threaten society. That's largely because when times are good, people feel they have a lot to lose and they believe things can get even better. In prosperous times, people don't usually feel like overthrowing the government or transforming the basis of society.

Not so at economic troughs. People believe they have little to lose, they're eager to hang those they believe responsible for their problems, and they'll listen to radical or violent proposals. We're now just entering what will likely be the worst economic trough since the Industrial Revolution.

But why do humans tend to riot when the going gets rough? How can they think that solves anything? Do they believe it's going to make their jobs or money reappear? Perhaps I ask that question only because I can't see myself rioting. You and I might discount the thought of Americans going wild, because we wouldn't likely join them. But we're not, I suspect, the average American. People, throughout history, have always been prone to violence when times get tough. Is there any reason that should change now?

Recently, there have been — really for the first time in this downturn — reports of large, angry demonstrations all over the world. The UK, France, Eastern Europe, now China. If a place like Iceland, as placid and homogeneous as any in the world, can blow up, then any place can. And probably will.

A rioter is typically an angry person looking for vengeance because he blames someone else for his problem. So far, rioters seem to be directing their attention at governments. Correct target, of course, but they don't have the rationale quite right. They're not angry because governments inflated the currency, promoted fractional reserve banking, and nurtured all the cockamamie socialist programs that caused this crisis. Not at all; they rather liked all that. They're angry only because their governments haven't adequately protected them from the consequences of what they did. So as conditions worsen, we can expect governments worldwide to pull out absolutely all the stops to show they're "doing something." And round up scapegoats to satisfy the mob and divert anger from themselves.

In prosperous times, people don't usually feel like overthrowing the government or transforming society. Not so at economic troughs.

I fully expect civil unrest to spread everywhere, simply because the depression will spread everywhere. It will be worst in places that have been most overextended, most debt-leveraged, most urban, and have the largest numbers of unemployed workers — the United States, Europe, and China.

In the last couple of generations, most rioters in the United States have been students who basically just raise some hell on their campuses and inner-city blacks who burn down their own neighborhoods. Maybe the students who've wasted a huge amount of time and money in gender studies and sociology will get angry as they figure out they're not going to have jobs when they graduate — forget about making $100,000 plus as an investment banker. Maybe blacks, who have apparently been hurt the worst by subprime lending and still may be the last hired and first fired, will take to the streets. Maybe. But I think it's more likely the turn of the Mexicans and other Latinos. They're the ones raided by *la migra* and stopped at checkpoints, whether they're legal or not. They're the ones who may be implicated in the wave of violence flowing up from northern Mexico. There is a real strain of revanchist nationalism throughout their community that hopes for the *reconquista* of lands the Anglos stole in the 19th century. And they have all the other problems you might expect with an ethnic underclass.

But will ordinary middle-class Americans riot? I don't expect it until later in the game. Union members will be treated well by the Obama regime. And most whites live in the suburbs; it's tough to get people who live in detached houses out into the streets. Ozzie and Harriet just don't seem likely to burn down their house, even if the bank owns it. Besides, a lot of the parents are on Prozac and their kids on Ritalin. Of course, on the other hand, most of the people who perpetrated mass murders over the last 25 years were on some type of psychiatric drug.

Is there a catalyst that could turn your neighbors into a mob? Two possibilities are gun control and higher taxes, discussed below. But my guess is that riots will be headed off by the police, who are far more numerous, militarized, and better equipped than ever before, and by the military itself. You may think the cops and the military (and today most cops are ex-military) would never turn on their fellow citizens, but you'd be wrong. Cops and soldiers are far more loyal to their colleagues and their organizations than they are to either some Constitution or, absolutely, the mob that's throwing bricks and bottles at them. They are also among the forces pumping for gun control.

Gun Control

This issue is potentially explosive. Although, sadly, gun culture in the United States isn't nearly what it was even a generation or two ago, it's still pretty strong in some regions. Most states make the open or concealed carrying of handguns a simple matter, and there's evidence lots of people are taking advantage of it. Personally, I find it hard to fathom the psychology of people who want to disarm society. From a strictly

practical point of view, the idea of having to engage in hand-to-hand combat, half naked, with an intruder in the middle of the night is most unappealing. Especially since the odds of that happening are going way up in the near future. Everyone should have a gun in his nightstand, at a minimum.

But that's only a fraction of what gun ownership is really about. A free person should have the right to possess whatever he desires. End of story. And only slaves, or those with a slave mentality, comply with no thought of resistance when they're told what they can or cannot own, especially if compliance means disarming themselves.

I've often wondered what would have happened in Germany after *Kristallnacht* if every Jew had been armed. None were, of course, because strict gun control had been imposed shortly after Hitler came to power, and like good little lambs, the population complied with the law. But my guess is that few would have defended themselves against the Gestapo anyway. Partly because they would have figured they were certain to get into serious trouble if they resisted, and partly because they couldn't imagine the fate that actually awaited them. It wasn't until the Warsaw Ghetto uprising in 1944, very late in the game, that people could finally read the writing on the wall and summoned the courage to fight.

If you follow these things, you'll note that there's been a lot of buzz about severe firearms regulation since Obama's inauguration. Bills are being discussed about things like a national firearms registry, reinstituting the so-called "assault weapons" ban, requiring secure locks on all weapons, prohibiting the import of ammunition, and levying a substantial tax on ammunition, among other things. No outright prohibition, because they know that would catalyze gun owners. But they keep dialing up the pressure, moving toward a de facto ban.

I'll guess there are at least 2–3 million Americans who adhere to a couple of succinct mottos: 1. You can have my gun when you pry it from my cold, dead fingers, and 2. It's better to be tried by twelve than carried by six. This is a group that could catch fire at some point. But I don't think it's imminent, simply because the chances of outright prohibition of gun ownership are slim. The analogy of the frog in a gradually heating pot is apt. The taxpayer must also feel like a frog.

Tax Revolt

State and municipal governments all over the country are operating with rising outlays and radically declining incomes and so are running large deficits that add to their already massive debt. Since they can't print dollars, they'll raise taxes further, as New York and California have recently done. Most people don't have any philosophical objection to taxes; they accept them, considering them part of the human condition, like disease or death. That's unfortunate, of course, in that taxation is neither moral nor necessary. But such fine points of philosophy absolutely never enter the public debate.

What will be debated is the level of taxation. The last time we had widespread agitation on taxes was during the last serious recession, in the late '70s. The result was things like Prop 13 (which capped property taxes in California for some homeowners) and the Reagan tax reforms.

I expect there will be serious whining about taxes this time around as well, but little will come of it. To start with, like every other organism on the planet, government puts its own interests first; society comes in a distant second. Actually a distant third, after powerful individuals who are wired to politicians and bureaucrats, and groups that hire the right lobbyists. Every level of government is more desperate for money than ever. Your taxes are going through the roof, and you're going to see lots of new ones. Don't expect any support from *Boobus americanus*. About half don't earn enough to pay income tax. Most are net tax beneficiaries. And low taxes have somehow become associated with the late disastrous crack-up boom and the corrupt Bush regime. So a popular tax revolt looks like a real long shot.

At the same time, a portion of the productive people in the country feel genuinely resentful at having to subsidize the losers and ne'er-do-wells. What are they going to do? I think they have only two alternatives. Tax evasion, which is both hard and increasingly risky, since the IRS will be hiring plenty of freshly unemployed financial workers. And expatriation. My guess is that scores of thousands of Americans are going to make "the Chicken Run" (as Rhodesians called it) in the next few years.

But the biggest danger to your personal freedom and your wealth, as well as to the United States as a whole, is likely to be war.

War

It always impressed me as odd that while Obama ran on a platform of ending the pointless and counterproductive adventure in Iraq, he wanted to ramp up the war in Afghanistan. What possible reason could anyone have for wanting to fight an optional war in what may be the most backward and xenophobic place on the planet? Even if every Afghan made a personal pledge of Death to America (which they eventually will, thanks to the occupation), who cares? Who cares if the Pygmies of the Ituri Rainforest or the Yąnomamö of the Amazon join them? It's strange that no one ever questioned Obama on this nonsensical and contradictory policy.

Now it seems he's very slow in leaving Iraq. I expect the reason is that the United States has built elaborate bases the size of small cities that they're loathe to leave, partly on general principles and partly because they might be needed to

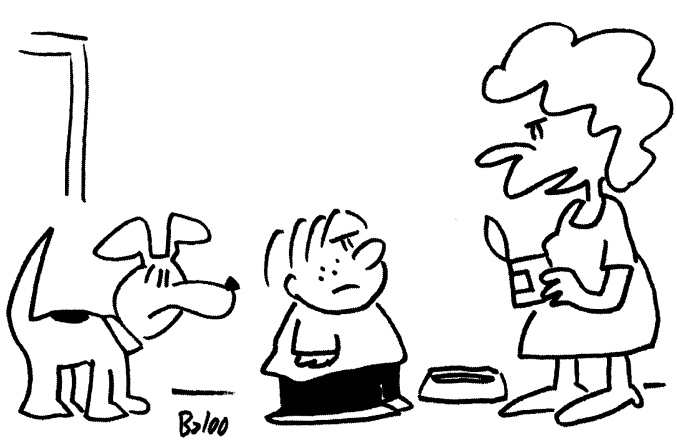

"Feeding dog food to dogs is *not* ethnic stereotyping!"

attack Iran or Pakistan. The Obama regime is literally asking for trouble in both places. And partly because he knows that the collaborators set up to run the Iraqi government will promptly be deposed, and probably executed, by whoever might win the civil war that would ensue if the United States really left. The U.S. government is apparently set on having a stooge in charge of both Iraq and Afghanistan.

The National Security State has a life of its own. Renditions haven't been stopped. Guantanamo still operates, as do other overseas prisons holding thousands. Military spending not only won't be cut, it will likely rise.

Wars start for all kinds of reasons. But tough economic times probably rank number one as a cause. The 1930s were a natural overture for the '40s. Politicians like to find a foreign enemy to blame problems on. Theft of foreign resources can seem like a good idea. And part of the economic mythology fabricated by the malevolent and repeated by the ignorant is that World War II cured the last depression.

I've often wondered what would have happened in Germany after Kristallnacht if every Jew had been armed. None were, of course.

Will there be another 9/11? It's a good bet, but there's no way it will involve airplanes; the 50,000 zombies employed by TSA serve absolutely no purpose except to accustom Americans to being treated like prisoners. One possibility is the surreptitious placement of one or more nuclear devices in U.S. cities. As Pakistan disintegrates, their nuclear arsenal may fall into irresponsible hands. Or, perhaps, devices could be procured in a number of ways from Russia, India, Israel, or North Korea. Another, much more likely scenario is a repetition of what happened in Mumbai recently. A small force of dedicated and well-armed operatives could create unbelievable havoc in a U.S. city or in several at once. And probably will. Americans just don't appreciate how little people in the Islamic world like having aggressive, blue-eyed teenagers kick their doors down in the middle of the night, among other pranks.

You may be thinking that, with the American military the most powerful in the world, it's not about to lose a war. I question that. The bloated military is a major factor in bankrupting the United States, and a bankrupt country can't win a war. Its $6 billion carriers, $1 billion B-2s and $400 million F-22s are all built to fight a kind of enemy that no longer exists. They're sitting ducks for massive numbers of cheap missiles and jihadists that can swarm them where they're parked. The military wanted to fight World War I with cavalry and World War II with battleships. They're seemingly doomed to a repeat performance in the next major conflict.

In short, everything on this horizon looks very grim for a long time to come. Incidentally, the U.S. military is by far the world's largest single consumer of oil.

Peak Oil

There hasn't been much discussion of this since oil has come down from its July 2008 peak near $150 to its recent low of close to $30. Longtime readers know I'm philosophically quite reluctant to give credence to any theory that would seem to imply we can run out of anything. I come down firmly on the side of Julian Simon. Which is to say resources are essentially infinite, and technology and capital can solve almost any problem in the material world. That said, there are problems that need to be solved. One is presented by the geological theory of M. King Hubbert, who predicted in the 1950s that the production of light sweet crude in the continental United States would go into irreversible decline by the early '70s. He was correct. He also predicted that the same would happen on a worldwide basis in the first decade of this century. It now appears production has maxed out at about 80 million barrels a day and is headed down.

This isn't the time or place for a detailed discussion of why and how this is true. It's certainly not the end of the world, as some appear to believe. Just a major inconvenience. Practically infinite power is available from a wide variety of sources, starting with nuclear. The problem is that oil is a particularly concentrated, convenient, and (in the past) cheap source, so the entire world's economy has been built around it. It will take a decade or so to adjust to the much, much higher prices that will be needed to bring consumption into balance with production. And absolutely everything that relies on oil is going to become much more expensive — especially transportation (for obvious reasons) and food. Food is interesting in that mass production is highly mechanized and oil intensive, as well as fertilizer and pesticide intensive — which again rely on hydrocarbons. The oil-food problem is aggravated by so much of what we eat being shipped very long distances.

Anything is possible, of course, but I think the most likely scenario is simply a large reorientation in patterns of production and consumption as a result of $200 oil. This would be tough enough by itself. But it's going to put tremendous extra strain on the average American at exactly the time he's already under maximum strain from a shrinking economy.

Right now things aren't so bad, because energy prices are low. The depression has cut oil consumption and, conveniently, prices as well. That's taken a lot of pressure off the average American's pocketbook and at a felicitous moment. And prices may stay low for a year or so as people the world over economize. But oil consumption doesn't need to rise to put pressure on the price; from here, the main pressure is likely to come from falling supply, not rising demand. So oil prices are likely to start heading up, for strictly geological reasons, even as the depression grows deeper. That will prove most uncomfortable. And will have significant consequences for two mainstays of U.S. culture: cars and suburbia.

Collapse of Suburbia and the Car Culture

Suburbs are creatures of the automobile. I've been a car buff my entire life. I love cars for their technology. I love them because they're fun. But most of all, I love them because even more than the ship, the train, and the airplane, they liberate the average person to — cheaply and quickly — go anywhere he wants, whenever he wants. They've made it possible for people to break the mold of the medieval serf tied to the

community he was born into. I don't think cars are going to disappear, but the internal combustion engine is, as a result of Peak Oil, on its way out. I suspect battery power will start rapidly replacing gasoline and diesel. The problem lies in the transition, which is going to be expensive, considering the huge sunk investment in the current technology. There's going to be an interim period, when people can't afford to drive their pickups, SUVs, or practically anything else hundreds of miles a week to distant workplaces and kids' soccer games or on promiscuous shopping trips. But neither will they be able to afford a new electric car.

American culture revolves around the car. The car facilitated the growth of suburbs and exurbs, shopping malls and big boxes, most of which will become completely uneconomic with the rapid decline of the car. That's entirely apart from the suburbs and exurbs being exactly where people already can't make their mortgage payments. And can't afford to shop. They can't get by even at current bargain oil prices in the $40–$50 range. It's going to be much tougher when gas is $8 a gallon; if they can get a job, they're going to have to live within a few miles of it.

Entirely apart from that, people aren't going to be buying much stuff to store in the houses they can't afford. As George Carlin pointed out in his famous routine about "Stuff," that's what houses are for — storing stuff. And people are going to be liquidating what they have, not buying more, when they won't even have a proper place to store it. I'd hate to be in the furniture business over the next decade. Even if unemployment weren't going much higher.

Unemployment

The official numbers say unemployment is 7.6%. But just as the definition of inflation keeps evolving to accommodate a number that looks better than the reality, the same is true for unemployment figures. John Williams' Shadow Government Statistics (www.shadowstats.com) computes the figures the way the government used to — mainly by adding back in part-time workers and those considered "discouraged." They show 17.5% as the historically comparable unemployment figure.

Society has been living above its means for well over a generation, long enough to ingrain unsustainable patterns of production and consumption in the economy. Did everybody need a personal trainer 20 years ago? Was "shopping" a major recreational activity in the days before everyone had a pocketful of credit cards? Do all kitchens really need granite counter tops? I think not. As people cut down to the bare basics to enable themselves to rebuild capital, millions and millions more workers are going to have to find other things to do. And, while they're figuring out what, cut back their consumption drastically as well.

I suspect the readjustment will push unemployment to at least the levels of the Great Depression, which would mean going past 25%. But some will argue: "Yes, but we now have a safety net to catch the fallen. That will make it less serious." No, it will make it more serious and more prolonged as well. The so-called safety net consumes capital that could have been used productively. It decreases the urgency for each person of finding a solution to his own problems. And it has given people a false sense of security, leaving them to save less for a rainy day. The looming collapse of things like Social Security and Medicare will be a bigger disaster than all the banks failing. The Social Security "trust fund," which has been a swindle, a Ponzi scheme in slow motion, and a moral wrecking ball almost from its beginning, is going to go much deeper into the red. Before they collapse, Medicare, Medicaid, and their cousins will be expanded by some form of free care for the legions of the newly unemployed. Will doctors and nurses be made indentured servants (such as through mandatory voluntary community service) to provide care for everyone who may need it? Perhaps not as long as taxes can be raised further on the middle class.

The earth's climate has been changing constantly for at least 500 million years and has generally gotten much cooler over that time.

Sorry this has all been so gloomy so far. Now that the mood is set for recounting all the problems that are going to beset us, some of you are probably saying to yourselves: "Yes, and that's on top of global warming."

Global Warming

This is on just about everybody's list of Big Problems. Except mine. I'm not a professional climatologist, or even an amateur, so I lack any technical qualifications for commenting on the subject — like almost everybody else who does, prominently including Al Gore. But my guess is that in the next decade, the global warming hysteria (and that's exactly what I believe it is) will be viewed, with embarrassment, as one of the great episodes in the history of the delusions of the crowd.

Have you noticed that "global warming" is gradually being supplanted by "climate change"? The fact is that the earth's climate has been changing constantly for at least 500 million years and has generally gotten much cooler over that time. It has certainly warmed since the end of the last Ice Age, 12,000 years ago, and was much warmer at the height of the Roman Empire than now. It cooled during what became known as the Dark Ages, warmed again during medieval times (when grapes grew in Greenland and northern England), and cooled again during the Little Ice Age (which ended about 200 years ago). During the '70s, as you may recall, some magazines ran cover stories featuring glaciers intruding into New York City. And for the last ten years, it appears the earth has been cooling, although that's not widely reported. Change is a constant when it comes to the climate, and warmer is generally better.

Is the science "settled" on the subject? The very concept strikes me as ridiculous, in that science is rarely "settled" on anything short of it being proclaimed a law of nature. And, contrary to popular opinion, it seems most scientists with credentials in the field are either agnostic on the question or debunk the proposition of anthropogenic global warming. But the intellectual climate is such that most scientists are afraid

to question out loud the reality of warming. Since almost all funding today comes from politically correct sources, namely the government and foundations, the money goes to those who are known to be looking for the "right" answers. Science has been corrupted.

Of course man can change the environment. But our power to do so is trivial next to the sun, volcanoes, cosmic rays, and the churning ocean. None of those forces gets any mention in a popular press fixated on carbon, which has replaced plutonium as public enemy #1. Carbon may be the basis of life on earth, but it's supposed to be our new enemy nonetheless. The masses, who don't even know carbon is a "natural" element and think the periodic table is a piece of antique furniture, now feel guilty about breathing, because exhaled breath is a source of carbon dioxide.

At that point, the authorities will feel compelled to round up dissidents, constitutionalists, libertarians, and the other usual suspects.

Interestingly, a rise in atmospheric CO2 levels doesn't precede but follows, by several hundred years, phases of global warming. Everything you hear about saving the planet through carbon credits is as ridiculous and counterproductive as recent disastrous programs to turn corn into ethanol. In any event, carbon dioxide's effects as a greenhouse gas are completely overwhelmed by those of water vapor. God forbid anyone warns the public of the numerous dangers posed by compounds like dihydrogen monoxide (also known as hydroxic acid).

As a lifelong science buff, I find the whole subject quite interesting and am tempted to do an article on it. The reason I mention it here, however, is that the global warming hysteria, as opposed to possible cyclical global warming itself, has serious economic consequences. The chances are excellent that governments will direct scores of billions of dollars into further research, devising computer projections of catastrophe to come, and fighting the presumed warming. Much more serious are the laws they'll pass in the war against carbon (and methane, which amounts to a war against cattle and sheep), which could retard the economy by hundreds of billions of dollars. Most serious, in the long run, is the likely discrediting of science itself in the eyes of the common man once anthropogenic warming is exposed as a giant false alarm.

It's actually been quite a while since I've gotten an outraged letter. I expect and will welcome furious letters for denying Anthropogenic Global Warming. But writers, do me a favor, in the interest of intellectual honesty, and also because I always like to learn something new: give me a reference as to why you're a believer. Please don't include Al Gore or any tertiary news reports as evidence.

The Political Future

We can be quite confident the economic future is going to be grim. The military future, ugly and busy. The social future, turbulent. So is it reasonable to expect politics as usual? That would be rather anomalous. Especially since the trend towards much more state power, centered strongly on the executive, has been in motion, and accelerating, for at least four generations in the United States, even during the best of times. No surprises there. That is pretty much what observers of history from at least Plato on would expect.

In that America is recently deceased and only the United States survives, I see no reason that the trend won't continue accelerating, to be supercharged by the next Black Swan that might land. After the next real, fabricated, or imagined 9/11-style incident occurs or major war begins, it will be surprising if a state of emergency isn't declared. Perhaps martial law in the United States will, perversely, provide the impetus needed to "bring the troops home," in that they'll be needed more in the United States than in Fuhgedabouditstan or wherever.

I leave the practical implications of that entirely to your imagination. But to maintain what little will be left of domestic tranquility at that point, the authorities will almost certainly feel compelled to round up dissidents, potential troublemakers, "un-American" activists, constitutionalists, vocal malcontents, libertarians, and the usual suspects generally. It seems inevitable to me, and I'd prefer to be somewhere else when it happens. I'm loath to make outlandish political predictions, if only because the inevitable isn't necessarily the imminent. But if the United States survives the current crisis in its present form, I'll be surprised.

As always, there's a bright side. Obama will be a one-term president. And, as middle- and upper-middle-class Americans come to see the government less as a cornucopia — that's inevitable, because the cupboard is empty — they'll start to see it ever more as a predator. The government will become increasingly delegitimized in the eyes of what's left of the middle class. But what will they do? If they still have a home in the suburbs or a condo in the city, they're not going to burn it down like the poor. I'm not even sure they'll riot. But they will seethe with discontent. New affinity groups will coalesce. And they'll wait until something really catalyzes them. Is another revolution possible? Why not? The United States is just another country at this point.

I'm convinced that the nation-state, which is to say countries with governments based on geography, is on its way out fairly soon. And good riddance. Perhaps the United States will be among the first. What form of social organization will replace it?

In the near future, though, there will be a struggle between the best features of what little is left of America and the worst elements of humanity, whom we have in some abundance.

Emigrants and Sociopaths

Americans no longer appear to be a special breed. Of course, absolutely every nation likes to think it's a special, better breed — the Chinese, the Japanese, the British, the French, the Germans, absolutely everybody. It's a stupid but universal conceit, like the one putting God (presumably Yahweh) on their side during a war.

I used to fancy Americans actually could be a cut above simply because they're all the progeny of emigrants, and there are at least three reasons emigrants tend to be the "best" kind of people — at least from the point of view of someone who

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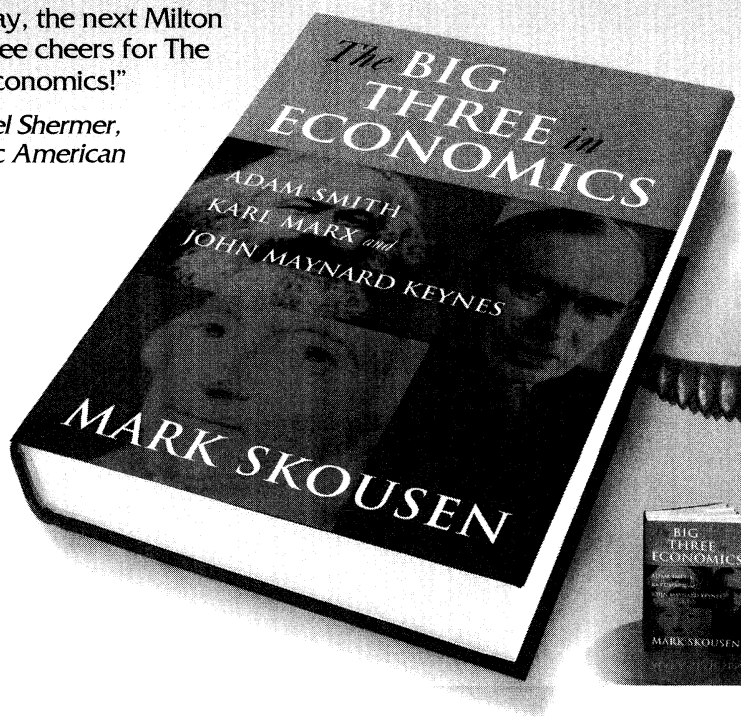

About the Author

Mark Skousen, Ph. D., has taught economics at Columbia University, authored 25 books, and edits the financial newsletter "Forecasts & Strategies" (www.mskousen.com).

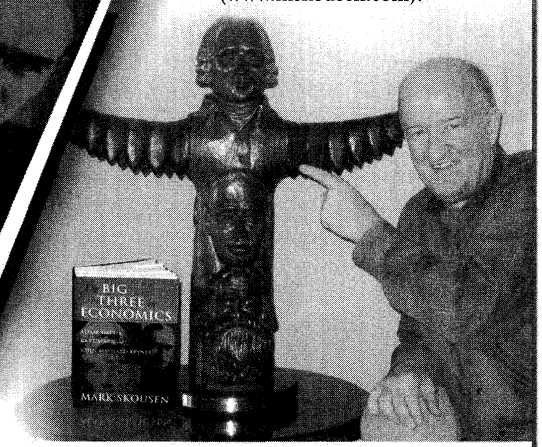

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values freedom. First, emigrants tend to be more enterprising than their neighbors at home, willing to leave everything they have to pursue opportunity. Second, they tend to work harder, since they know they'll get nothing they don't earn from strangers in a new land. Third, they tend to be anti-political, since political elites and conditions are usually what caused them to emigrate in the first place. Whether these things are because of a genetic predisposition or whether it's simply a cultural artifact within some families and groups, or both, I think it's a fact.

From the founding of the country, America has always had a strong emigrant ethos, and that's one of the things that has made it different and better. But all things degrade and revert to the mean with the passage of time. The country is now a fugitive from entropy.

Another reason for taking a pessimistic view is that — notwithstanding the point I made above — there's no reason not to believe there's a fairly uniform distribution of sociopaths across time and space, including in America today. All countries, in all eras, have them — but in good times, they stay under their rocks. Who would have guessed that the Germans of the last century, who had a well-educated, orderly population, much more than their share of writers, composers, philosophers, scientists, and plain middle-class shopkeepers, would have bred the Nazis? The Turks in the '20s, the Russians in the '20s and '30s, the Chinese in the '50s and '60s, the Serbs in the '90s, the Rwandans. . . . It would be easy to recount dozens of recent examples of perfectly ordinary countries that have gone bonkers. The fact is that your neighbor or your mailman, who pets his dog, hugs his kids, and plays softball on the weekends, might exhibit a much less appealing, indeed an appalling, side when social conditions change.

You've, of course, heard of the Milgram experiment, wherein researchers asked members of the public to torture subjects with electric shocks, all the way up to what they believed were lethal levels. Most of them did it, after being assured that it was "all right" and "necessary" by men in authority.

The problem arises when a society becomes highly politicized. In normal times, a sociopath stays under the radar. Perhaps he'll commit a common crime when he thinks he can get away with it, but social mores keep him reined in. However, once the government changes its emphasis from protecting citizens from force to initiating it with laws and taxes, those social mores break down. Peer pressure and moral opprobrium, the forces that keep a healthy society orderly and together, are replaced by regulation enforced by cops funded by taxes. And sociopaths start coming out of the woodwork and are drawn to the state, where they can get licensed and paid to do what they've always wanted to do. It's very simple, really. There are two ways people can relate to each other: voluntarily or coercively. The government is pure coercion, and sociopaths are drawn to its power and force.

After a certain point, a critical mass is reached. The sociopaths who are naturally drawn to government start to dominate it. They reset the social mores of the country they control. And it's game over. I suspect we're approaching that point.

A Happy Note

There's no telling how bad things will actually get. The worst thing that could happen is a major war. But, barring that, what's happened in Zimbabwe, surprisingly, actually offers cause for some optimism. I was last there a couple of years ago, when, although it was a disaster, it hadn't descended into the absolute catastrophe that's going on now. Still, with draconian taxes, regulations, and hyperinflation, life goes on. Plumbers, electricians, and mechanics still repair things. Farmers still grow things — albeit on a much smaller scale. Stores still stock merchandise, even if there's not much of it. And I just heard yesterday from an ex-Zimbabwean that some of his friends there still play polo. And Zim is about as bad as it gets. But maybe it's also reason for pessimism. Why, out of the whole damned country, wasn't there at least one man with the courage to shoot Mugabe?

Look at Eastern Europe. After a horrible depression that lasted from about 1930 to 1990, the whole region blossomed in the space of a decade. It went from the grimmest dystopia, a veritable hologram of Mordor itself, to being almost indistinguishable from Western Europe. It shows how quickly things can improve, as long as there isn't a backdrop of purposeful stupidity. Try as governments may to destroy it, there's an immense amount of capital that the world has built up over the past few centuries. Individuals and small groups will continue building their capital everywhere, notwithstanding any kind of state action. The pace of technology should continue, if not accelerate.

As someone who always looks at the bright side, the final bit of good news I can offer you in this extraordinarily troubled milieu is that things are likely to be very interesting, even quite exciting, over the years to come. Notwithstanding the well-known Chinese curse, I'm not completely averse to interesting times. For one thing, you don't have to be adversely affected by them; they set up opportunities for greater profits than even the wildest bull market. They will also give some reality to what is probably my favorite rock song: The Rolling Stones' "Street Fighting Man." It used to be the bumper music for my radio talk show ten years ago. Both the show and the song used to outrage middle-class Americans nationwide. Turn up your speakers (as Ed Steer is often wont to advise in his daily blog, "And then there's this . . .") ❑

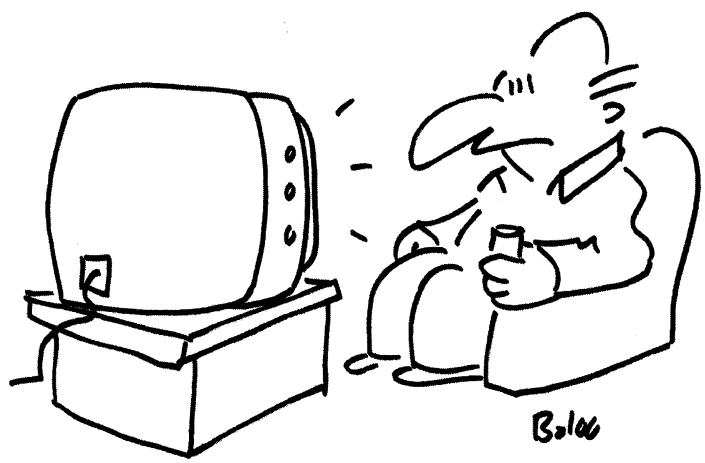

"Fighting broke out today between rival U.N. peacekeeping factions . . ."

Tombstones and International Trade

by Jacques Delacroix

An afternoon in the Bay Area leads to thoughts about free trade, the price of wheat, and French burial customs.

Here are two stories in one. The first story is about a near-hallucination, of the nonfrightening variety. The second is a cleverly disguised brief lecture on the theory of international trade and a savvy comment on the "buy local" movement. Yet the two stories are linked.

It was one of those bone-warming, sunny fall afternoons that I have only known in the San Francisco Bay Area. I had a slow day somehow, in the midst of a long period of hard work. I went to sit right on the edge of the bay to relax. The Marina Green, where people play soccer on Sundays, was at my back. Alcatraz Island was ahead and to the right, emerging from a light mist. Before my eyes, the unusually calm waters reflected the red gold of the late afternoon sun. I relaxed so well that I was soon in a pleasant, sensuous daze, nearly in a state of self-hypnosis.

I woke with a start, realizing that I had been staring vacantly at something odd right between my knees. I was sitting by the water, my feet resting on the large debris rocks that were used to create new land in the bay, a long time ago, on the occasion of an international exposition that celebrated the opening of the Panama Canal in 1914. What was so eerie that I thought I was dreaming was the half-erased but legible writing on two of the rocks, less than three feet from my face. The rocks were actually shaped, regularly cut, rectangular black granite stones. The inscription on one read, "Marie Le Pen, née [erased] décédée le 4 Avril 1842." On the second stone, you could barely decipher the words, "[Erased] Guillou, [erased] — dée, le [erased] 38, Saint-Brieuc."

Now, Saint-Brieuc is a middling-size port town on the English Channel, in the north of Brittany, the westernmost province of France. My grandmother had a house not ten miles from there, a house where I spent the only memorable moments of my childhood. "Le Pen" and "Guillou" are typical Breton names from that area; in fact, they are almost stereotypical names for the area. Granite is the common building material of the region. Almost all houses are made of it. "Décédée" means, of course, "deceased."

I was looking at the tombstones of women from an area I knew well, an area in France, of all places, while I was on the other side of the globe. The material and the inscriptions indicated that these two women had died at home, not in exile in America. I may not be the sharpest knife in the drawer, but I

was pretty sure that granite does not float. The question then was: how did the stones make it to San Francisco, thousands of miles from their place of origin?

Now, if you have read so far, it's worth your time to close your eyes for a minute and try to answer this simple question. (It took me more than a minute to answer it, I must admit.)

The dates on the stones are the starting point on the way to a solution: one woman died in 1842, the other, probably in 1838. Their simple rectangular gravestones, of the most common material, indicated that they were not rich. In the unsentimental, rather implacable French municipal graveyard system, you buy a burial plot for 20, 30, 50, or 100 years. Once your lease expires, you are out. Your bones, your gravestone, and all other personal accoutrements are removed to make room for others. Period! It's simple: the richer you are, the longer you are allowed to stay put. These two women, then, had not been wealthy. Hence, the grave markers must have arrived on the west coast of the United States sometime between the twentieth year following the burial, about 1860, and 1914. The next question was: Why?

If you crave paying six times more for organic local apples than for the same variety of nonorganic apples, bless your heart!

Stones used to fill up a watery area are obviously not worth importing deliberately. Besides, there are plenty of rocks in California; San Francisco itself is partly built on a granite substratum. Thus, the two tombstones must have been brought over by accident, or for some other purpose, and had only incidentally been dumped into the bay. They would probably have come by sea and around Cape Horn, since they had arrived before the opening of the Panama Canal, and they were not valuable enough to be freighted overland across the isthmus.

In the second half of the 19th century there were plenty of steam freighters, but there were still many sailing ships left. They were used to transport cargo that wasn't very perishable or in any other way in a hurry. Fast sailing ships cannot travel with their hulls empty; a crosswind would capsize them. They need ballast!

The two stones must have come from western France as ballast. They were dumped somewhere in San Francisco, near the bay, or in the bay proper, so that the ships could load something for the return trip. What then was the east-bound cargo?, I wondered.

California doesn't have any valuable minerals, except gold, of course, but there was never enough of that to keep filling ships. The last three-mast sailing ships carried up to 10,000 tons. That's enough for all the gold in California and most of the silver that trickled out. In any case, the Gold Rush lasted only a short time. Entrusting gold to sailing ships would not make sense when there were steamships and even trains that were much less hazardous.

What cargo, then, could travel slowly from the west coast of the U.S. to the west coast of France and still be price-competitive when it arrived? That is, even after all the expense of going down North, Central, and South America, around the Horn, up to Brazil, and diagonally north and east across the Atlantic to the English Channel? It must have been some kind of agricultural commodity.

Cotton comes to mind, because California now exports vast quantities of cotton to Europe. But that's relatively new. Large-scale cultivation of cotton didn't begin until California's Central Valley was irrigated, thanks to federal investment, in the 20th century. What is left, by process of elimination, is grains — probably wheat, because Western Europeans didn't use much corn until recently, and because other cereals were falling into disfavor in the 19th century (see below).

So here we have it: Sometime before 1915, possibly as early as 1860, little more than 10 years after the large white settlement of California, wheat was produced there so efficiently that it could compete in price in the European market with wheat produced in Europe itself, even after a slow 10,000-mile journey. It could compete despite the fact that the carrying vessels might have made the return trip partly empty and needing to take ballast aboard. Saint-Brieuc, the port town where (according to my explanation) the California wheat was unloaded, is itself in the middle of a wheat-growing region. Apparently, California wheat was able to compete with the wheat grown a mile or less from the harbor where the product was unloaded.

As I and my betters have pointed out many times, "globalization" — whatever exactly that means — is not a new phenomenon. But what of its social consequences, ask my concerned, militantly localist friends? Well, some French wheat farmers may very well have been displaced, beginning with those who were not very good to begin with, but including those who could not produce wheat efficiently for a variety of other reasons, not their own fault. In the middle run, it does not really matter why; less expensive wheat beats more expensive wheat of the same quality. That's what a high standard of living means: you don't have to spend a lot, or work long hours, for necessities.

Some displaced farmers went to work in industry, leaving behind what Karl Marx called "the idiocy of village life." Many adapted by switching to other agricultural products. Today, Brittany supplies much of Europe with fresh green vegetables and strawberries, both enormously more remunerative for small plots than wheat.

What we know for sure — because the French, for all their faults, keep good statistics — is that during the period when California wheat was conquering France (and much of Europe), its population was becoming richer and healthier year by year. That particular kind of globalization seemed to have caused no misery. It must have made bread — and, indirectly, chicken and pork — cheaper for all. It was a common phenomenon: the much-preferred wheat displaced inferior local cereals such as barley, which then become available to feed small farm animals. Everyone benefited, except perhaps the chicken and the pigs. Barley was not siphoned off from breweries, as one might fear, since beer production also grew

continued on page 53

The Books of Summer

Each year at this time, Liberty invites a number of interesting people to recommend books that they find interesting, for pleasant or challenging summer reading. The invitation says, "You may recommend one book, or many, and on any subject. The only requirement is that the books you recommend must be available for purchase." The idea isn't just to review a book; it's to express an enthusiasm that may possibly become contagious. The idea is to let people know about a good book they might otherwise miss.

Here are the results.

"Fellow Travelers" (Vintage) is a love story set in Washington, DC, against the backdrop of the McCarthy hearings. It is unusual in two ways. First, the lovers are gay. Second, it just might be the only novel about the 1950s that suggests that the communists were at least as bad as Joe McCarthy. No surprise, since author Thomas Mallon calls himself a libertarian Republican and assisted Dan Quayle in the writing of his memoirs. Mallon is best known as an essayist (for GQ, the New Yorker, and other magazines) and as the author of such historical novels as "Dewey Defeats Truman" and "Henry and Clara."

"Fellow Travelers" displays his dedication to historical research. He talked to a lot of oldtimers and did a lot of digging in newspaper files. The book includes historical figures such as McCarthy and his aides Roy Cohn and David Schine, as well as lesser-known characters from the period such as Sen. Charles Potter (R-Mich.) and his aide, Robert L. Jones, who went back to his home state of Maine to run a McCarthyite campaign against Sen. Margaret Chase Smith. (Yes, he really did; I looked it up.)

The novel's protagonist is an invented character — handsome Hawkins Fuller, an old-line WASP who has just enough family money to keep him in Park Avenue circles. He works at the State Department, which was regarded by anticommunists as a den of "cookie pushers" reluctant to stand firmly against the Soviet Union. He sets his sights on Tim Laughlin, a young Irish Catholic from the lower middle class who believes fervently in Bishop Sheen and the fight against communism. "Nazism and communism were the same thing; every man in the street knew it," he muses at one point. Only poli-sci professors thought the differences mattered. But as he pursues his affair with Hawk and gets a close-up view of McCarthy and his committee, Tim finds himself becoming "a believer in contradictions: that McCarthy was the devil doing the Lord's work; that Christ was Lord and yet His laws could be disobeyed."

For Tim the affair is tender and passionate, joyful and miserable, but always hidden. Homosexuality was not just against

the law, it was despised. And it could cost you your job. Scott McLeod's "Miscellaneous M Unit" (McLeod is another real character) was diligently searching out suspected homosexuals in the State Department, creating a Lavender Scare to accompany the better known Red Scare. Gays had few attractive options. Different people made different choices, and in the end Hawk and Tim choose very different paths.

If you like American history and politics, this is a fascinating book. Mallon is a graceful writer, and the historical accuracy makes it a great way to learn about both the facts and the feeling of the early 1950s.

In the last line of the book, set decades after the main story, Fuller reflects on "a world grown unexpectedly, and increasingly, free." Mallon elaborated in an interview: "If you asked me when I was 18 and I was going off to college, what were the two biggest political developments I would want to see in my lifetime, my internal answer — because I wouldn't have dared say the second part — would have been the collapse of communism and the liberation of homosexuals. By the time I was 40 both of those things had been in large part achieved." That's why this novel of a doomed relationship in a frightening time is not ultimately a bleak story. — David Boaz

David Boaz is the author of "Libertarianism: A Primer" and "The Politics of Freedom," and is the editor of "The Libertarian Reader" and the "Cato Handbook for Policymakers."

The message of the pundits is that this is the summer of "presidential greatness," at least as defined by the legacies of Franklin Roosevelt and, to a lesser extent, Abraham Lincoln. It is likely that FDR was never so much in fashion, even during his lifetime. The hosannas continue to be heard across the conventional political spectrum, ranging from neoconservative Conrad Black to left-liberal Paul Krugman. For this reason, the appearance of Burton Folsom's Jr.'s "New Deal or Raw Deal? How FDR's Economic Legacy Has Damaged America" (Simon and Schuster) is a very welcome corrective.

Folsom, a seasoned professional historian who knows his subject inside and out, is well prepared to take on what John Flynn called the "Roosevelt Myth." He relies on extensive primary archival research at the Roosevelt Presidential Library and other places. Brick by brick, he demolishes the edifice so lovingly erected by Roosevelt worshipers over the generations, showing that New Deal policies not only needlessly extended the Great Depression but also systemically undermined Americans' economic liberties. Through his National Recovery Administration, Roosevelt both delayed recovery and had businessmen tossed in jail for doing nothing more than charging low prices. Most dramatically, Folsom describes in detail Roosevelt's long and unsavory record of unleashing the IRS on his enemies and converting New Deal programs into a personal political machine.

Another well timed reexamination of presidential power is Ivan Eland's "Recarving Rushmore: Ranking the Presidents on Peace, Prosperity, and Liberty" (Independent Institute). He surveys every president from Washington to G.W. Bush and comes up with surprising results, reversing the usual rankings of such people as Roosevelt and Wilson ("greats") and such people as Harding ("failures"). He makes a compelling case for believing many of the so-called "greats" were not so great after all when it came to preserving liberty, peace, and prosperity. Libertarians will especially appreciate Eland's method of giving high marks to such presidents as Cleveland, who championed limited government, free trade, and avoidance of foreign entanglements. Eland's choices are not often predictable. He makes a provocative case, for example, that Carter was a better president than Reagan, the alleged champion of small government.

My final selection is on a very different historical theme. It is Jim Powell's "Greatest Emancipations: How the West Abolished Slavery" (Palgrave-Macmillan). Powell treads on "forbidden ground." Historians almost universally agree that the Civil War was the necessary precondition for emancipation, but Powell argues that the more violence that was involved in the process, the worse the outcomes tended to be. Among other things, war led to a backlash that nobody could control, a backlash that subverted civil rights for decades. Readers will be interested to see Powell's reasons for believing that equal rights probably would have been achieved decades sooner if war had been avoided. He shows that other places (the British Empire, Brazil) offer lessons — valuable lessons, though often ignored — about how slavery could be peacefully abolished.

Powell provides a refreshingly abolitionist, yet antiwar, argument, which hasn't been heard in a long time. He marshals convincing reasons for concluding that the United States would have been better off if it had chosen the nonviolent alternative put forward by Lysander Spooner and others. Warning: apologists for the Confederacy will not find any solace in this book. — David Beito

David T. Beito is an associate professor of history at the University of Alabama, and author of "Taxpayers in Revolt" and "From Mutual Aid to the Welfare State."

Global warming is a somewhat intimidating topic, because the debate hinges on specific, nontrivial scientific questions. Unfortunately, there is also a great deal of open intimidation being exercised by members of the scientific community. I have repeatedly found myself in contexts in which truly outstanding scientists have asserted with apparently complete assurance that there is no question that global warming is occurring, that a major component relates directly to human activity, and that we are clearly risking catastrophe unless huge resources are immediately committed to correcting the situation.

For a somewhat more nuanced view, I highly recommend "The Deniers," by Lawrence Solomon (Richard Vigilante Books). Solomon establishes that the subject has not yet been clearly resolved, and he does so in a well-written, informative book. In my view, too many scientists with too much to gain personally have taken positions that are not defensible. It is time for concrete predictions that can be tested.

For example, "Will it be (on average) warmer or colder next year?" In fact, it got colder this year. As far as I can tell, this has not altered anyone's position on global warming. So how about, "How many of the next 10 years will have average temperatures warmer than this year?" These are simple questions. Getting the answers is somewhat complex, and the answers will not resolve the overall dispute. However, the

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Nathaniel Branden said it best, "I feel an electricity here I haven't felt in years."

Why Las Vegas?

Conservatives (CPAC) meet in Washington DC, but we hate Washington and all it stands for. Doug Casey calls it "death star." We prefer Las Vegas, the world's most libertarian city.

Every year we attract a growing number of free-market speakers and authors. This year we've confirmed Larry Kudlow, Charles Murray, Steve Forbes, John Mackey, David Boaz, Brian Doherty, Doug Casey, Michael Shermer, Stephen Cox, David Friedman, Lawrence Reed, Floyd Brown, Dan Mitchell, Tom Palmer, Al Regnery, Bob Tyrrell, Christopher Ruddy, and Matt Welch.

Larry Kudlow

Matt Welch

Steve Forbes

Why Steve Forbes and John Mackey Love FreedomFest

My favorite story is **Steve Forbes**. Last year he was going to fly in, give a speech, sign some books, and fly back to New York. But when he saw the lineup of speakers, he decided to stay all 3 days. Attendees were amazed to find Mr. Forbes walking in the exhibit hall or sitting next to them in the workshops. And he's coming back this year -- all 3 days.

Libertarian CEO **John Mackey** also makes a point every year to take time from his busy schedule running Whole Foods Market to come for the entire conference. "I love FreedomFest," he told me. "Wonderfully interesting people and non-stop intellectual stimulation. I'm really looking forward to FreedomFest 2009."

Last year 1,427 individuals came from all 50 states and around the world (as far away as New Zealand), a 42% increase. This year we expect even a bigger crowd.

Representatives of all the top free-market think tanks and organizations make it a point to be there, including **Reason, Cato, Heritage, Fraser, FEE, and Hillsdale College. Liberty Editors Conference** holds their annual conference there. And **Laissez Faire Books** is our official bookstore. (C-SPAN films us every year.)

GREAT NEWS! Campaign for Liberty will be joining us: Meet **Congressman Ron Paul, Judge Andrew Napolitano**, and **Tom Woods**.

What's it all about?

Think of it as a Renaissance weekend where, once a year, we come together to debate everything from philosophy, history, science/technology, economics to geo-politics, healthy living, and money.

As Jerry Cameron of St. Augustine, Florida, says, "FreedomFest was like having access to all the greatest intellectual food in the world and you just couldn't eat fast enough to sample it all. I can't remember an event in my life that was more gratifying than this convention."

"Clear and Present Danger"

At every FreedomFest, we also hold our **World Economic Summit**, and this year commands your attention. Our theme is "Clear and Present Danger," with keynote speakers **Larry Kudlow, Steve Moore, Charles Gasparino, Tyler Cowen,** and **John Fund**, and an "All Star Forecasting Panel," with financial gurus **(Peter Schiff, Alex Green, Rick Rule, Fred Foldvary, Bert Dohmen)** who warned attendees in the past two years about the growing financial crisis, and what they are predicting now.

The theme for this year's event is **"Imagine the Possibilities."** This year we are planning 9 debates, including: "US Foreign Policy--isolationist or imperialist?.... Should hard drugs be legalized?...Keynes, Hayek, Friedman: Who Best to Solve the Financial Crisis?" See **John Mackey** take on the **Objectivists** in **"Randian vs. Conscious Capitalism"....Prof. Richard Vedder** take on **Al Norman** on "Wal-Mart, Good or Bad?"

Plus we're organizing a science fiction/fantasy mini-festival, highlighting the works of Ray Bradbury, Robert Heinlein, and Ayn Rand.... **Prof. Steve Watts** on juvenal and adult fantasy in post-war America (Walt Disney's Fantasyland vs. Hugh Hefner's Playboy).... Sacred text project (Rabbis, priests, Sikhs and other true believers talking about the Bible, Koran, Tao Te Ching, etc.).... Professors showing how to write a classic.... **Prof. Art Benjamin** on the magic and mystery of mathematics.... and two Canadians tell us "Why 60 Million Frenchmen Can't be Wrong!"

Grand Finale: We Save the Best for Last

Attendees always love our grand finale, the Saturday night banquet. Last year's George Bush impersonator brought the house down—one attendee told us, "I haven't laughed this hard in ten years." This year, enjoy another induction ceremony of the **Free Market Hall of Fame**, an unforgettable surprise music group (you can "imagine" who it is), and a "Dance with the Stars" contest!

To paraphrase Ben Franklin, let's all hang out together in Vegas, or surely we shall all hang separately. Fly there, drive there, bike there, be there!

Yours for liberty, AEIOU
Mark Skousen, *Producer*

P. S. Good news! We just renegotiated our hotel contract, and Bally's is now offering us room rates at $74 per night!

For all the details, go to our newly designed website, www.freedomfest.com.
(And while you're at it, listen to our new theme song, "Freedom and Gold." It's intoxicating.)
Only $495 per person, $795 per couple.
To register, call Tami Holland at Toll-free 1-866-266-5101

scientists who exhibit such certainty would do well to consider whether or not they are willing to make clear, simple predictions that can be tested. Remember when everyone was certain that overpopulation was the major threat, or when it was clear that we were running out of oil?

Recently, I went through the experience of watching major components of my retirement fund evaporate. You may have experienced something similar. I had thought of myself as reasonably well educated. I had studied economics a bit — certainly not as assiduously as many other writers in Liberty, but I fancied myself at least literate. Upon reflection, I realized that I was pretty clueless about many of the details. I decided that I should try to understand what happened (which is almost always much easier than predicting it). I have now read five or six books of varying complexity. Some of the effort was enlightening, and much was just painful. If you find yourself in my position, let me suggest that you start with two books: "The Mystery of Banking," by Murray Rothbard (Mises Institute), and "Meltdown," by Thomas Woods, Jr. (Regnery). I found both books at the Ludwig von Mises Institute, which has an offering of books that is truly wonderful.

Roosevelt delayed recovery and had businessmen tossed in jail for doing nothing more than charging low prices.

Woods' book is an attempt to clarify, from the perspective of Austrian, free-market economics, what happened in the recent financial crisis. His comments on the background events are clear and interesting. His two-page summary of the Austrian theory of the trade cycle is elegant.

"Edward de Vere? — give me a *break!*"

Rothbard's book is somewhat dated, but it is still an excellent place to begin learning about banking. His tutorials are clear, and he enlivens them with unorthodox conclusions that are always worth pondering (e.g., his position, which deserves discussion, that fractional-reserve banking should be illegal). I had never understood what was meant by "open-market operations," let alone their implications, although this is something I should have understood.

I doubt that these two books will assuage the pain of what is happening today, but they may help you endure it with more understanding. — Ross Overbeek

Ross Overbeek is a cofounder of the Fellowship for Interpretation of Genomes.

Laughter is proper to man, Aristotle wrote, and I'll not argue. I've long harbored doubts about the humanity of those unfortunates who do not know how to laugh, or when. This entry, then, is not for them. Primarily, it is for myself, to pass along authors who have made me laugh, in the hopes of finding others of kindred humor.

Along the great grotesque line that runs from Aristophanes to "South Park," there is no more outré, gonzo comedian than François Rabelais (1494–1553). His mock-epic tale of the giant Gargantua and his even more giant son Pantagruel overflows all boundaries, in form and content. There are many levels on which it can be read, and all of them are funny; check the "List of fictional works" entry on the novel in Wikipedia for a heaping sample. The Donald Frame translation (University of California Press) generally gets the plaudits, Burton Raffel's version (Norton) is very readable and cheaper.

At the opposite pole of decorum are the society horror tales of H.H. Munro (1870–1916), who wrote as Saki. His stories (complete in a Penguin paperback) are fey, malicious and graceful, whether inspired by the supernatural ("The Open Window") or just the idle cruelty of a traveling companion ("The Unrest-Cure").

You may notice that I am sticking with fiction; I figure that most libertarians in the market for a laugh already know to pick up P.J. O'Rourke, or follow him back to the source in H.L. Mencken. But how many think to pick up Mencken's favorite author, James Branch Cabell (1879–1958)? For someone who was officially denounced by the New York Society for the Suppression of Vice, and who successfully fought off an obscenity charge, *and* who had a further revenge by writing his inquisitors into the book as prurient Philistine pill-bugs, Cabell is woefully unknown. Start either with his "Jurgen" (the "obscene" one, you'll know the passage when you hit it) or "The Silver Stallion," and laugh along with the Sage of Baltimore. They're in print by Overlook and Kessinger, respectively.

One last, and with it full disclosure: I am (slowly) writing a biography of this man, and one way or another my career will be bound up in his writings. But it would be a shame not to recommend to you R.A. Lafferty (1914–2002) and his tall tales, whoppers in which cities are destroyed and rebuilt three times in a night, or a love affair can continue through several layers of geologic strata. It's a brew of science fiction, frontier lie, and blarney that Lafferty offers up, and he pours it forth in a prose that casually shatters every rule about storytelling dished out

in workshops. "Show, don't tell?" But all the fun is in the telling, when you have the crookie tongue of the Irish, and the neverending vista of the midwestern imagination. Pick up his anthology "Nine Hundred Grandmothers" (Ace), or search out his novel "Okla Hannali" (University of Oklahoma Press), which details the 19th century through the eyes of a Choctaw giant and folk hero. — Andrew Ferguson

Andrew Ferguson is the critic-in-residence at the Institute for Impure Studies.

By now you may have seen the film "Watchmen," or read about it in these pages (Liberty, June 2009). Whether you've seen the film or not, if you have not read the book by Alan Moore and Dave Gibbons on which the film is based, my top pick for your summer reading is that. The graphic novel takes place in an alternate 1985, at the height of Cold War tensions, in a world remarkably like the real world, except that it has superheroes. What would it be like, the book asks, if people really did put on costumes and become crimefighters? What kinds of people would do that? And how would they be regarded?

The book is deeply thought-provoking, raising questions about power, corruption, responsibility, and freedom, as well as questioning the nature of its own medium. If you have already read "Watchmen," and if you enjoy puzzling out such things, you may also enjoy reading some discussion of its themes, which you can find in two recent collections: "Superheroes and Philosophy," edited by Tom Morris and Matt Morris (Open Court), and "Watchmen and Philosophy," edited by Mark D. White (Wiley).

If you have never read Herodotus, you really should, and if you're going to do it this summer, you're in luck, since by the time this sees print, Pantheon will have released the paperback edition of "The Landmark Herodotus," edited by Robert Strassler. Generally regarded as the first actual history book in the Western world, "The Histories" is Herodotus' account of the wars between the Persian Empire and the autonomous but allied Greek city-states, and Strassler's Landmark edition features a wealth of helpful features such as maps, annotations, and appendices by leading scholars. In stark contrast to the insane and self-destructive Peloponnesian Wars of a generation later, the Greco-Persian conflict is an inspiring story of the way in which small communities dedicated to preserving their own autonomy cooperated to repel multiple attempts at conquest. The recent film "300" tells one small part of this tale, and both admirers and detractors of that film will be interested to learn more about the actual Battle of Thermopylae. You have probably heard the spurious tale of how the marathon run got its name, but here you will learn what really happened, and you'll be pleased to discover that the truth is even more interesting than the myth.

Remember when everyone was certain that overpopulation was the major threat, or when it was clear that we were running out of oil?

I have frequently recommended the work of Neal Stephenson in these pages, and if your preference for summer reading is for fiction, I will follow in my own footsteps and recommend his latest, "Anathem" (William Morrow). Stephenson has worked in both science fiction and historical fiction, as well as their overlap, and his latest is science fiction-alternative history about a world in which scientists, mathematicians, and philosophers are the ones who live in isolated monasteries. Stephenson often incorporates libertarian themes into his work, although rarely with any obviousness, and in any case he's an engaging and entertaining writer.

— Aeon J. Skoble

Aeon J. Skoble is Professor of Philosophy and Chair of the Philosophy Department at Bridgewater State College, in Massachusetts.

"He had a certain kind of greatness, but he kept it to himself. He never gave it away. He never gave anything away. He just — left you a tip."

In "Citizen Kane," that's what Jed Leland, Charles Foster Kane's former best friend, says of the great man who is the film's protagonist. The movie is preoccupied with the question of whether Kane was a "great American" or only a "big American."

Many libertarians ponder this question when they review the ranks of allegedly great and small figures in American political history. For me, some of the answers are easy. Washington was the greatest of them all — brave, yet judicious; nobody's idea of an intellectual, yet fully in command of the profound ideas on which America's tradition of constitutional liberty is based, and fully intending to apply those ideas, come what might.

Then there are figures who are seldom esteemed by any but the most bookish of libertarians — yet some of them were great people, nonetheless. The most lovable person in this category is perhaps Grover Cleveland. Again, he was nothing of the intellectual, but he was a brave man who understood the principles of limited government and applied them, no matter what. It is to people like Washington and Cleveland — and few presidents have been like enough to them — that we owe the present possession of our liberties. Allan Nevins' classic biography, "Grover Cleveland: A Study in Courage" (American Political Biography Press), will never disappoint a libertarian reader — even though it was written by someone who was *not* a libertarian.

Now, Abraham Lincoln. He is a man worshiped by the world at large; he is a man who has been reviled (often with justice) by libertarians. He freed the slaves, but at what a price! He terrorized the Supreme Court, turned habeas corpus into a laughingstock, provoked a horrible war by refusing to make an open statement of his aims and policies, promoted, in his domestic programs, the old Whig version of activist government . . . what more shall I say?

I say that Lincoln is more interesting than any of his policies, or any of the hallelujahs or anathemas directed at him. No president can be more interesting than Washington, but Lincoln comes close, if only for his deep psychological conflicts; his union of insatiable ambition with despairing

lassitude, of high idealism with desperate ruthlessness; his unequaled gifts of charm, persuasiveness, and real folk wisdom; and a closely allied gift, the possession of superb literary skill, unique and unaccountable by his environment, training, or general reading.

If there is a key to Lincoln's peculiar, and mysterious, personality, it would be "Herndon's Lincoln" (University of Illinois Press), a biography published in 1889 by William Herndon, Lincoln's law partner. After 1865, Herndon devoted himself to collecting records and anecdotes of the Great Man, a friend whom he sincerely loved. Nevertheless, his book gravely offended Lincoln worshipers with its home truths about his strange life before the presidency. Herndon is a good writer — not a fine writer, but a strong and continuously interesting one. He never bores, and he never loses touch with Lincoln's strangeness and mystery, with the way in which the commonest, grossest actions of his life become questions, both about his own inner reality and about the life and meaning of his time and nation. Herndon was one of the many people to whom Citizen Lincoln left nothing more than "a tip," but Herndon knew what to do with it.

And speaking of presidents, I want to add recommendations of books about three of these gentry who will never qualify as "great" but are nevertheless much more interesting than they are usually given credit for.

One is a brilliant account of Warren Harding and the mess that historians have made of his reputation. It's "The Strange Deaths of President Harding," by Robert H. Ferrell (University of Missouri Press). In 200 pages of crisp, precise, amusing, beautiful prose, Ferrell disposes of the silly and demeaning myths that have surrounded Harding's life and death, and provides an intelligent and well-balanced reassessment. The "deaths" of President Harding are his assassinations by historians, and this book can be read as an education about how history can go wrong. Ferrell's work is one of the four or five best that have ever been written on the American presidency. It's worth at least half of a college education.

Contrasted with the modesty of Warren Harding is the pomposity of James Monroe, the popular chief magistrate who presided over the Era of Good Feeling, and who spent enormous amounts of time, bluster, and prevarication trying to get the federal government to pay him money that he imagined it owed to him. An instructive, and consistently amusing, book has been written about this, a book that illustrates what a mass of littleness a president may be. The book is "James Monroe: Public Claimant," by Lucius Wilmerding (Rutgers University Press). It's a book that ought to be better known. In fact, it's a hoot.

Less of a hoot but even more instructive is Lewis L. Gould's "The Presidency of William McKinley" (Regents Press of Kansas). This is an objective, scholarly biography — though much, much better written than scholarly biographies usually are. It is focused on McKinley's role as manager of the Spanish-American War and creator of an American "empire." We who are anti-imperialists often pay insufficient attention to how empires of various kinds are actually created. We scoff at the idea that they could ever be invented by people of intelligence, acting without a specific intention to rule the world or even to acquire any territory. Gould, himself a critic of imperialism, shows otherwise. The point, I suppose — *my* point, anyway — is the essentially libertarian idea that individual people are usually a lot more interesting than the political isms they are thought to represent. — Stephen Cox

Stephen Cox is a professor at UC San Diego. His most recent book is "The New Testament and Literature."

Robert J. Norrell, a historian at the University of Tennessee at Knoxville, is getting a cold shoulder from other historians. His newest book "Up from History" (Belknap Press) is the first major biography of Booker T. Washington since 1972.

The book is a big (500-page), detailed, and emotionally involving biography, set against the increasingly virulent racism of the post-Reconstruction South. It is a readable introduction to the life of a person, once famous, whose story has been lost to most of us.

Adding interest is the fact that Norrell has offended historians who like the old historiography, which had pretty much blotted Washington out of American history. Louis Harlan's 1972 biography (which echoed views of the famous Southern historian C. Vann Woodward) had painted Washington as an Uncle Tom and self-interested conniver who placated Southern whites and undermined other blacks' successes.

During his lifetime (1856–1915) Booker T. Washington became the most famous — and admired — American black man. His undisputed legacy was the creation of the Tuskegee Institute in Alabama, and the pivotal event in his life was a speech in Atlanta in 1895 in which he said, "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress." He offered Southern whites a soothing message of cooperation from blacks.

Norrell's analysis of Washington's actions reclaims his moral standing. For example, Norrell reveals that Washington made behind-the-scenes efforts to end lynching, racial discrimination by railroads and labor unions, and restrictions on voting. He gives a more nuanced view of the conflicts between Washington and W.E.B. Du Bois, an important founder of the NAACP. Above all, Norrell argues that the rising tide of white supremacy forced Washington to demonstrate that blacks were not going to challenge the hegemony of whites. Norrell contends that it is "anachronistic" to blame Washington for failing to be a civil rights advocate a la the 1960s.

Here you will learn how the marathon really got its name, and you'll discover that the truth is even more interesting than the myth.

But historian Ralph Luker says that Norrell presents Washington as a "model of leadership," which he finds distasteful. Another historian, Joseph Lowndes, says that Washington's policy was "more of a choice than a constraint" — implying that a true leader would have aggressively challenged the tightening Jim Crow noose (not a phrase used lightly, since during some of the years in question there were 200 lynchings in the South). These people commented on a

left-wing blog, the Talking Points Memo Cafe, which had a week-long chat about Norrell's book. (I also participated in the discussion.)

So, these days, modern and (if I may say) politically correct historians are arguing that Booker T. Washington was either cowardly or greedy to propose a conciliatory position with whites. Yet they are in the odd position of arguing that race relations in the South (in a period of lynchings, mounting discrimination, vastly disparate funding of education, and vicious racial stereotypes) should not have deterred Washington from overt challenges to the white power structure. Since he was, instead, accommodating, they treat him disdainfully (and many, it appears, just ignore him).

The backdrop of Norrell's biography is the extremely dangerous environment for blacks during Washington's life. (An even fuller description can be found in Norrell's 2005 book "The House I Live In: Race in the American Century" [Oxford University Press].) If the picture is correct, then Washington's "choice" of policy was indeed highly constrained; another policy might have destroyed Tuskegee or Washington or both. No one has actually denied the accuracy of this picture, as far as I know. Those who condemn Washington have simply deleted it from their analysis — and deleted Washington, too. But Norrell brings him back. — Jane S. Shaw

Jane S. Shaw is executive vice president of the John William Pope Center for Higher Education Policy.

In past reviews of favorite books, I have neglected to mention one of my favorite authors, the ever-prolific Mark Skousen, whose works I have enjoyed immensely. Skousen recently brought out another delightful book: "The Big Three in Economics" (M.E. Sharpe).

This volume nicely complements some of his earlier work, which gives us laymen an historical introduction to economics. Here he focuses on three major economists, Adam Smith, Karl Marx, and John Meynard Keynes, surveying their distinctive economic philosophies with his characteristic clarity and panache.

Skousen rejects the traditional academic view that likens the history of economic thought to a swinging pendulum, with Smith representing the rightward swing, Marx the leftward, and Keynes the enlightened, moderate center. Instead, Skousen suggests a totem pole image of achievement, with Smith at the top, Keynes in the middle, and Marx at the bottom.

Skousen gives lucid and even-handed summaries of each thinker's major work. For example, he credits Smith with a brilliant refutation of mercantilism, and with his seminal idea that the division of labor drives economic growth, and GDP is the proper measure of a nation's wealth. However, he notes that Smith's ideas had their flaws, such as the distinction between so-called productive and unproductive labor, and — most importantly — a usual adherence to the erroneous labor theory of value. Skousen's treatment of Keynes is equally balanced.

Politically correct historians argue that Booker T. Washington was cowardly or greedy to propose a conciliatory position with whites.

In attention to his extensive discussion of the three central figures, Skousen covers a number of other important economists as well.

My only disappointment concerns Karl Marx. Now, I'm just the layman here, but I was hoping Skousen could explain exactly why Marx is considered a great economist. He was influential, to be sure — Lenin, Stalin, Castro, and Pol Pot saw to that. But what elements of his economic thought have enduring value? His predictions (as Skousen notes) have proven thoroughly wrong, indeed, ludicrous. The core tenet of his economic theory — the labor theory of value — was as wrong as it was unoriginal. So what made him a great economist?

The three contributions with which Skousen credits him — economic determinism, class analysis, and a stress on "modern" issues such as alienation and income inequality — seem to me either dubious or in any case not the concern of economics as a modern science.

As for economic determinism: no one disputes that economic structures influence other social institutions — family, law, government, religion, and so on. But is it the sole influence? And don't the other institutions influence the economic ones? All of them causally interact in a chaotic, unpredictable way. Religion influences economics and vice versa; law influences economics and vice versa; religion influences family structure and vice versa; and so on. Endless intertwining feedback loops make talk of ironclad causal historical laws something beyond stupid.

Class analysis? Perhaps I have had to listen to too many PC academic discussions about whether it is "really" gender, or race, or social class that "determines" "consciousness." But it strikes me that these discussions have proven remarkably sterile when it comes to interpreting literature or

"I invested in a completely new economic system for the country, but the instructions are in Japanese."

understanding science and philosophy (for example). Just how has class analysis improved economics?

Skousen mentions Marx's discussions of "contemporary" issues such as alienation, greed, income inequality, gender, and the environment. But these issues were discussed long before Marx (who did have a degree in classics, so was familiar with Plato and Aristotle, and was aware of Rousseau's writings on the environment, Mill's on feminism, and so on). Where does any of this constitute a contribution to economics as a modern science?

But this is a minor quibble about an excellent and informative book. We all wish we could write as well as Skousen.

— Gary Jason

Gary Jason is a contributing editor of Liberty.

An ideal world, modestly conceived, wouldn't differ too much from this one. The nature of things, and of their creator, would be the same — but humor and justice would be a little more prominent in the way they'd be arranged.

In that modestly ideal world, you would drop off your five-year old nephew at his friend's birthday party, where Al Franken would make a balloon for him. At the corner bookstore, you'd find a prominent display of "Ball Two," an erotic baseball thriller by George F. Will. Enticed by the cover, you might buy a copy.

Sin and nuisance would continue, and you would have every horrible experience you've ever had in reality; but this time, every lousy person, every Election '08, every Buddhapest and "Shock Doctrine" and "straight shooter" would have an unexpected value. They would meet a light in your mind that would convert them into knowledge, if not outright pleasure.

That distinguished politician from New York will make his usual scene on C-SPAN. Except now you will understand why: *rudeness is the weak man's imitation of strength.*

Your cousin will declare herself to be a better, humbler person. Yet you will know: *humility is not the renunciation of pride but the substitution of one pride for another.*

Even that free-spirited English teacher who forced you to question authority will suddenly make sense: *though dissenters seem to question everything in sight, they are actually bundles of dusty answers and never conceived a new question.*

The whole parade of lies, snickers, and delusions — by the time you realize your own baton-twirling role in it — will become for you a glorious striptease of human vanities. Just as it was once for Eric Hoffer, the "longshoreman philosopher" whose legacy has suffered unjust neglect since his death in 1983.

Best known for "The True Believer" (Harper) — a slim, timeless study of mass movements and fanaticism — Hoffer was for most of his life a dirt-poor California tramp whose seminal literary influence was Montaigne; a gentle agnostic whose favorite book was the Old Testament. Hoffer was a rugged individualist in the truest sense, and perhaps the finest American master of the aphorism that means more than it says.

"The Passionate State of Mind" and "Reflections on the Human Condition" (Hopewell), composed entirely of aphorisms, are the two Hoffer titles that never leave my bedside. The suspicious mind's utter lack of skepticism, the way in which solitude sometimes feels like an escape from the self, the likeness between secrecy and boasting: these are among the paradoxes not merely cited but explained, in terms of the dramas and delusions that produce them. Anyone wishing to dust his mind with some new, cliche-killing questions should read these books immediately. – Alec Mouhibian

Alec Mouhibian is an author based in Los Angeles.

This surely will be the most unlikely book review you've ever read in Liberty. My recommendation is "Beat the Reaper," by Josh Bazell (Little, Brown). You might not be able to imagine why anyone would recommend this book. But I do, enthusiastically.

We're at a horrible Manhattan hospital with one of the interns, Peter Brown. He's having his typical lousy day, but this one gets worse than usual. A patient fingers him as Pietro "Bearclaw" Brnwa, a former hitman for the Mafia. The patient mentions this to someone on the phone. So our "hero" needs to disappear quickly in order to Beat the Reaper. But he has some ethical concerns for a couple of his patients, concerns that require him to stick around for awhile.

The action is grisly and the street language totally graphic. And yet . . . and yet, this is the most exhilarating book I've read in years. Don't dismiss it because it sounds sordid or wacko. The author, a doctor himself — I don't know about the rest of it — has an exciting career ahead of him, and this book is a really great read. There's even a chance for moral redemption, which may or may not pan out.

Just get it. And read it. I know I'm right.

— Andrea Millen Rich

Andrea Millen Rich heads Stossel in the Classroom, John Stossel's project to develop critical thinking among high school students by introducing challenges to conventional wisdom.

I first read William Saroyan's "My Name is Aram" (1940, Harcourt) a collection of short-stories about a young Armenian-American boy, when I was about twelve and a young Armenian-American myself. I had developed some literary ambitions by then — the sonnets I wrote to imaginary mistresses very often depended on words like "eschew" and "exacerbate" — so you understand that I was disappointed to find Saroyan, that famous Armenian man of English letters, to be so ordinary, so childish, such a simpleton.

It was ten years before I returned to Saroyan, and this mostly because — having achieved a few of my literary ambitions, and eschewed several others — I was expected to talk about the man with the huge moustache. He had won the Pulitzer, after all, and an Emmy, and there was no Armenian writer more famous and more anthologized than he. The guilt had accumulated over the years, and so I sought atonement in "The Human Comedy" (1943; Harcourt), the story of a telegraph boy from Ithaca, a fictional town in the non-fictional San Joaquin Valley of California, John Steinbeck territory.

And yet again: William Saroyan was so ordinary, so childish, such a simpleton.

But something must have happened in the past ten years, because the ordinary, the childish, and the simple were suddenly charming to me. I was on page three and already "The

Human Comedy" had returned me to my childhood — to the kingdom of smaller things, the time when clouds carried prophesies and death did not exist. I found myself in the San Joaquin Valley, that great, fertile expanse of nothingness between Los Angeles and San Francisco, the jurisdiction of a boy named Ulysses. "There it was, all around him, funny and lonely — the world of his life," Saroyan writes. "The strange, weed-infested, junky, wonderful, senseless yet beautiful world."

I could not know "nostalgia" when I was 12; I had not lost anything. Now I felt it, but I confess that I felt it in such a strange way, because this "nostalgia" was ushering me back to a childhood I never actually had. I did not grow up in the San Joaquin Valley. I never did witness the miracle of a gopher emerging from the earth. And yet I felt this "junky, wonderful, senseless yet beautiful world" in me. I even missed it. And I knew that everyone, especially every writer, deserves some version of it — a San Joaquin Valley of the imagination, where people are neither from Los Angeles nor from San Francisco.

The world of William Saroyan is the freest world I've known, a place where laws and literary theories do not afflict us, where the only point of life is to learn from the living of it, where no one cares to make an impression, where people are themselves the symbols of greater things and all of life is a mystery: a boy finding an egg in the nest. "He looked at it a moment," Saroyan writes, "picked it up, brought it to his mother and very carefully handed it to her, by which he meant what no man can guess and no child can remember to tell."

Reading these lines, I knew that I, too, had forgotten some great secret, and in that moment I almost knew what it was — a vague memory of my uncle taking me to a basketball game — but the more I tried to analyze it, the more I drilled into the past with my tools, the more distant and unknowable everything became. — Garin Hovannisian

Garin K. Hovannisian is a freelance writer living between Los Angeles and Erevan, Armenia.

Reflections, *from page 22*

enough. (So was the public park that the new one replaced.) Most games sold out, even when the Yankees stumbled, as they often do.

What is known in advance is that the new Yankee Stadium is smaller and that tickets will become more expensive. When Rudy Giuliani was asked recently why the proposed new stadium (and the loss of McCombs Park) was never submitted to the voters, he frankly acknowledged that they would have turned it down. Given the unfavorable sentiment already building, I would suggest that if Yankee Stadium *bis* doesn't attract enough customers, future schemers will be scared to try anything similar.

Long a Yankees fan, I might switch my allegiance to the New York Mets, were they not also building a new stadium across the street from the old one, albeit with less fanfare and yet only slightly further away from the planes that suddenly come over home plate from nearby LaGuardia Airport. That leaves us New York baseballists who lack automobiles with the option of minor league teams, the Brooklyn Cyclones and the Staten Island Yankees, both in smaller stadia and reasonably priced. They'll prosper until they too jack up their prices.

— Richard Kostelanetz

Behind the veil — I happened to be in Cairo for the most recent bombing. In fact, I'd spent the entire day the day before at the Kahn al-Kahlili bazaar with my son, mostly not buying soapstone pyramids and gaudy sheets of papyrus and plaster-of-Paris scarabs.

I was racked out in my hotel room, watching Egyptian television, when somebody at the Kahn al-Kahlili decided to send a 17-year-old girl to Paradise, instead of back home to France, and 24 other people, a lot of them kids on the same class trip as the girl, to the hospital. To make sure nobody overlooked the consecrated nature of the event, the bomb was left in the only place in the whole bazaar that bordered a mosque. And it went off during evening prayers.

Pictures afterwards, even grainy internet pictures, showed ghastly spatters, dark pools, and shreds of something that looked a lot more solid than clotting blood desecrating the square in front of the Al-Husseini mosque.

As far as I could tell, nothing on Cairo television that evening mentioned anything about the bombing. But, then, I couldn't tell very far because the set in my hotel room just carried whatever programming it could pluck out of the Cairo air, which was all in Arabic except for a single, bad American movie about a black prizefighter and his beautiful young blonde manager. I imagine that the movie, along with its Arabic subtitles, provided a good way for young Cairenes to bone up on inner-city American scatology. The ads were familiar, too, even to someone who doesn't speak Arabic.

You've seen them. One that comes to mind is about the lady who shows up at a friend's house, only to learn that the friend knows more about toilet-bowl cleaners than she does. This discovery is followed by a sisterly trip to the bathroom. A close-up of a dirty toilet. The dumping of two liquid cleaners into the bowl. The magical way each liquid coats exactly 50% of the ceramic. The flush that leaves half the bowl dirty, the other half prepped and ready to conduct underwater surgery in.

There were other ads, too. Most of them involved babies and small children and wet mops. And mothers wearing hijabs around the house.

That's the part that sticks in my memory: how thoroughly these ladies were swathed in cloth: cloth over their hair and around their necks, and down the fronts of their modest sweaters. These were not cute scarves such as you might see on Sophia Loren, sporting along some Neapolitan highway in a Fiat Spider. These were serious, mummy-tight wrappings that left only the pinched oval of the face showing. The toilet-bowl ladies were even more shrouded up. They were decked out in burqas, head to toe in matching blue cloth, as if they shared a husband who did the family shopping.

This wouldn't have seemed creepy if the ladies had been out in public, but they weren't. They were mothers in their own kitchens, forced to hide themselves in front of their children — friends meeting in private who couldn't so much as show their hair to one another. And there was something else you would never see in an American ad. The cameraman-lady was there with them. On camera.

In fact, the camera panned around to give a glimpse of the entire television crew, to prove that, even in an advertisement filmed on a set in front of an entire production staff, nobody in the fantasy house was anything but purest female. And none was wearing anything other than regulation burqas. It was like a private synod of the Blue Sisters of Suppression. Clearly, the husband bought in bulk.

This wasn't just some adman's dream of the perfect world. It was the same on the street. I spent a lot of time walking around Cairo, and not one Egyptian woman showed more flesh than Darth Vader with his mask pulled off. The ones who sported hijabs and full-length overcoats in the beautiful spring weather were the wild-and-crazies. Their modest sisters were decked out in full nun regalia.

This is not what I remember from the last time I was in Cairo. What I remember from six years ago is that some ladies were covered with enough cloth to become major product spokeswomen. But others had on hijabs with sweaters and skirts. Or Sophia-Loren headscarves. And plenty were just wearing sweaters and skirts. But not now. Now, something seemed to be pushing these international, worldly, almost-Mediterranean people back to the Middle Ages.

Another ad suggested what that something might be. This ad had no actresses, no voiceovers. Just light piano music and images. But what images! Piles of rubble tumbling up through the air to form into undamaged buildings. Blasts sucking back into intact windows. Smoke billowing to the ground and disappearing.

At first, I didn't pay much attention.

Then I paid a lot of attention. The ad reminded me of Kurt Vonnegut's lines about watching war movies backwards so he could see explosions form into bombs, then tumble up to airplanes and be carried back to England or America to be taken apart and scattered underground in mines so they would never hurt anybody again.

At the end of the ad, in English for some reason, the first words of any sort scrolled across the images: "You can change everything. Bring Gaza Back."

I have been informed by the editor of this worthy journal that some observers might find reasons for Middle Eastern countries to circle their cultural wagons that don't have anything to do with what recently happened in Gaza. Those observers may be right, for all I know. Getting through the Enlightenment is always a bitch. It cost 600,000 American lives in our Civil War and a century of religious murder and strife in Europe. The Enlightenment isn't going to go away. The Islamic world will have its struggles reaching the other side regardless of anything we do.

Furthermore, said editor is under the impression that gender customs in society don't require outside help to evolve. And, as far as I know, the toilet-bowl ladies weren't even in Gaza when the bombs and tanks and soldiers fell on the people there. Nor were their sisters whom I saw in the street. Past that, people in the Middle East have always had a penchant for covering their women in cloth, so a lot of those ladies would have been pretty-well bagged up regardless of anything that happened across the border.

But my God, 60 years of watching helplessly as neighbors are expelled from their homes in an endless, rolling land grab, of looking on while people you care about are embargoed, starved, deprived of medical supplies, attacked with tanks, and blown up from the air, that's going to make any culture harden its values.

It took a single morning of terror in Washington and New York for our government to ditch traditions going back to Magna Carta and begin imprisoning without trial, and torturing without conscience, people who, in some cases, seem to have been no more than bystanders. It's a good thing we didn't catch a 17-year-old French girl in Afghanistan, or she might have wound up in Guantanamo, too. Or maybe we did, and nobody told us about it.

Now I know people do bad stuff to one another all the time. And what's going on in Palestine and Gaza may not even be the worst. But here's the thing. The evil in Rwanda was done with the blessing of the Hutu. Our government didn't drag us into it. The evil in Cambodia was done with the blessing of the Khmer Rouge, not in our name. But it's very hard to think that what's happening in Gaza and the West Bank could have lasted anywhere near as long without the acquiescence of the United States.

I don't know what the State Department has said in private to try to make it stop, but actions speak louder than diplomats, sometimes. And in the Middle East, America's actions are screaming to high heaven. For two generations our ambassadors have wrung their hands while weapons made right here in the United States have been unleashed on hospitals and orphanages; our politicians have clucked and mumbled excuses while waves of soldiers crossed national borders and destroyed property, killed peaceful citizens, and invaded private homes; our delegation to the United Nations has vetoed resolutions attempting to question any of it and, then, our leaders have congratulated themselves on being "honest brokers" and the authors of "peace processes" none of them ever takes the first step to enforce.

For more than 40 years those who represent us to the world have grinned like imbeciles while the decency of our people, the financial resources, the material wealth, and the political cover of our great and powerful nation have been perverted by a foreign country into killing and maiming, into ghettoizing and beggaring entire populations for reasons that hold no relevance to us.

America is the only country in the world with the power to put an end to this evil. The fact that we don't not only betrays our beliefs, it squanders our good name and endangers our nation. It drags us into a dispute not of our making and not in our interest. And leaves it to impoverished Cairenes to make up for the moral blindness of our leaders. — Bill Merritt

Remembering Jack Kemp (1935–2009) — Generally reluctant to vote Republican, I would have nonetheless supported Jack Kemp for president simply because of his passionate positions on free enterprise and race relations. Having been a small quarterback protected by linemen mostly black, he couldn't fall for racial prejudice. I always relished hearing him speak.

Though some obituaries mention that he graduated from the predominantly Jewish Fairfax High School in Los Angeles, where his classmates included the musician Herb Alpert and the baseballer Larry Sherry, none acknowledged that during

continued on page 53

Reviews

"State of Play," directed by Kevin Macdonald. Universal, 2009, 127 minutes.

Slapping the Driveway

Jo Ann Skousen

"State of Play" is a good old-fashioned newspaper thriller in which the curmudgeonly journalist solves the case using wits, not guns. The film is fast-paced without being manic, the story full of satisfying twists without abandoning credibility.

Cal McAffrey (Russell Crowe) is an old-school journalist in a new-school market. He eats vending machine junk food while chasing down a story, drives a 20-year-old Saab, and writes on a clunky computer with a 15-year-old monitor. He won't file a story until he is sure it is accurate. His journalistic nemesis is Della Frye (Rachel McAdams), the smart young blogger for the paper's new website, who posts stories hourly instead of filing them weekly and never has a pen on hand. The two team up on an intense story (written by Tony Gilroy) that involves murder, politics, sex, and corruption — who could ask for anything more?

In many ways, "State of Play" is a comment on the State of Journalism, a paean to old-fashioned newspaper reporting in an age when print journalism is dying. Shots of the Watergate complex subtly remind us of 1972 and the pinnacle of investigative journalism. A key scene of the film even takes place in a parking garage. Ah, those were the days!

When Congressman Stephen Collins (Ben Affleck), Cal's friend and former college roommate, is implicated in the apparent suicide of a beautiful young research assistant, Cal vows to find the truth and clear his friend. With the congressman's reputation about to be destroyed by the blog-now, ask-questions-later generation of journalists, Cal urges Collins to "build a plausible alternative story" to counter their jumped-to conclusions while he tracks down evidence that will clear him. The plot widens to include two other, seemingly unrelated, murders and a healthy dose of corruption.

Della is ready to file her story at every turn, and managing editor Cameron Lynne (Helen Mirren) urges the same, cynically explaining, "We print the story now. If it's wrong, we'll print a retraction tomorrow. And we'll print a correction the day after that. The public will read every story — and they'll read it in our pages. The new owners are interested in sales, not discretion!" But Cal is determined to get the story right.

Soon PointCorp, a private military company providing soldiers to fight in the Middle East, a company that Congressman Collins is investigating, is implicated. Naturally. Modern Hollywood bad guys have to be financed by a giant corporation, and throwing in the military connection makes them that much worse. Ironically, when America is actually being nationalized and socialized faster than we can say "Bailout!", the characters in this film are horrified that Homeland Security might be privatized, with billions of dollars being directed to PointCorp to handle domestic emergencies, terrorism, and surveillance issues.

Frankly, I was ready to stand up and cheer for PointCorp, or any movement toward private solutions to our nation's security problems. But that's a different story. Meanwhile, I was almost shocked when the lead cop responded to the reporters' theory by saying, "So you think a corporate conglomerate is behind all this? I've only ever seen that on TV."

Ben Affleck contributes a solid performance as the congressman, and

Robin Wright Penn is fine as his lovely and long-suffering wife. Jason Bateman is superb in his small role as public relations CEO Dominic Foy, with just the right mix of moxie, polish, and sleaze.

Crowe and McAdams work well together as the investigative team, with their personality conflicts focusing on the differences in their ages and experience rather than on their genders. Similarly, the role of editor Cameron Lynne, originally played by Bill Nighy in the BBC television miniseries "State of Play," was given to Helen Mirren without changing a word of the dialogue. We crossed the gender bridge long ago, so it's refreshing to see a film in which gender simply doesn't matter.

The towering character in this film, however, is the newspaper itself. Be sure to stay for the final credits, and watch the process by which the story is finally printed and distributed. It's a beautiful but dying art. But print journalism's strength is also its weakness: more time is taken to investigate and write a print story than a digital story, and it will include more background and detail. But more time is also required to deliver it to the reader, and by that time it's already yesterday's news.

The sad truth is that, by the time Cal's story reaches the front page of the Globe, the talking heads in the electronic media will have been scooping him for hours, repeating their headlines every 15 minutes with live footage of the eventual arrest. If it's juicy enough, YouTube will pick it up, and millions more will see it that way. But that's all it is — headlines. The newspaper veteran has done the work, but the coiffed blondes on cable will get the story. Meanwhile, three hours after Cal's story slaps the reader's driveway, it will be wrapping the garbage or lining the cat's litter box. This well-crafted film is a salute to a dying institution. ❑

"The Soloist," directed by Joe Wright. Dreamworks, 2009, 117 minutes.

Chords and Discords

Jo Ann Skousen

"The Soloist" begins in the way that "State of Play" ends: opening credits roll as newspapers are printed, bundled, and delivered. The papers are a blur of color as they whiz through the machinery, a tribute to the pressmen who invented the processes that have sped up delivery of the news. It isn't so very long ago that letters were fished individually from the upper and lower cases of a printer's workshop and set individually into pages that were inked and pressed onto newsprint. Not long from now, newsprint itself may be obsolete. From town criers to internet bloggers, the process of telling stories has changed, but the desire to hear those stories has not changed. What we all want is to hear a good story.

There's a difference between a reporter and a columnist. The reporter investigates, follows the leads, checks the facts, and presents the story in as unbiased a manner as possible. At least, that's the goal. A columnist, on the other hand, wants to engage the reader's emotions with stories that incite humor, outrage, joy, or pathos. The columnist is always on the lookout for human interest stories that can be turned into 700 words for a weekly column.

Steve Lopez is such a columnist for the L.A. Times. He writes a weekly column entitled "Points West." A couple of years ago, while experiencing a particularly dry point in his career, he happened to hear the strains of a violin in a park. Following the sounds, he met a homeless man with two strings on his violin and multiple voices in his head. Nathaniel Anthony Ayers, Jr., turned out to be a former Julliard virtuoso who dropped out when the voices in his head made it impossible for him to continue in school.

Lopez wrote an article about the man, and a friendship developed. The friendship became a series of articles, the articles became a book, and the book became a movie starring two of the finest and most versatile actors in Hollywood today: Jamie Foxx as the schizophrenic musician and Robert Downey, Jr., as the columnist with a heart. The result is an earnest and powerful look at mental illness, homelessness, journalism, and the transformative power of both music and friendship.

The film aspires to be an Oscar contender, and this is certainly the type of film that the Academy favors. But occasionally director Joe Wright tries a little too hard, as, for example, when he gets his actors to step on each other's snappy dialogue during scenes in the newspaper office. Director Robert Altman perfected this natural style of delivery, and many directors have tried to imitate it. Altman's characters speak naturally, listening to one another and jumping in, as we do in a two-way conversation, when we catch the gist of what the other person is saying, and then stopping when the other person does the same to us.

But the problem with this film is that the actors don't wait for the "gist." They interrupt each other during important points of dialogue, listening for their cues but not really listening to each other, and consequently not allowing the audience to listen either. Instead of feeling natural, this is merely annoying. Fortunately, there are few scenes in the newspaper office; and outside, where

Foxx and Downey interact with each other, the scenes are close to brilliant.

One of the most difficult challenges in making a movie like this is how to portray schizophrenia from the inside, showing the audience what, in this case, Ayers actually feels, not merely what Lopez sees. Wright shows it in a variety of ways, through the use of kaleidoscopic color, grainy photography, soaring music, and especially through skillful use of the theater's sound system, isolating and overlapping the voices in Ayers' mind so they come at us from the left, the right, behind, and in front, projecting the confusion and panic Ayers feels.

He also demonstrates the euphoria Ayers experiences when he is playing or listening to music. While playing Beethoven under a highway overpass on a cello donated to him by one of Lopez's readers, Ayers sees psychedelic music in his mind. Pigeons begin flapping; images from GoogleEarth demonstrate the infinite eye of God; a full orchestra joins the soundtrack, and as the music crescendos, the birds fly up. I couldn't help thinking of the scripture and hymn, "He will raise you up on eagle's wings." Ayers has said that Beethoven is his God; fittingly, his music soars on wings. Later, Lopez tells his editor and ex-wife, "I've never loved anything the way he loves music."

A third way in which Wright demonstrates the experience of mental illness is by using non-actors to portray the hundreds of mentally ill people who live on the streets of L.A. Using cello and music lessons as bait, Lopez lures Ayers to the LAMP Community, a nonprofit homeless center and health facility in L.A.'s skid row, a place that Lopez describes as "a lost colony of broken, hopeless souls." (LAMP is a real organization that provides permanent housing and basic services for people with severe mental illness, no strings attached. I hope the movie leads to a well-deserved boost in donations.)

In a scene that is pure documentary, Wright pans the LAMP plaza, focusing on several non-actor residents. One of them, a woman, explains repeatedly to whoever will listen, "Lithium stops the voices. The voices comfort me. If you stop the voices you stop the comfort. Lithium stops the voices." Some of the most intense scenes of the movie occur as Lopez moves through the crowded streets and plazas of LA's skid row, trying to look brave and nonchalant but clearly moved by the conditions he sees, and never knowing whether he is safe.

Lopez cares about the gifted but troubled musician he has befriended. He wants to help him live a safer life by moving him off the streets and into an apartment. He urges LAMP's director to prescribe medications that will ease the schizophrenia and allow Ayers to return to a more normal life. "Just two weeks," he pleads. "What if two weeks of meds could change him?" But the director barks back, "What he doesn't need is one more person telling him he needs medication! What he needs is a friend. Don't betray that."

Lopez's columns about Ayers and LAMP eventually reach City Hall. In a voiceover from one of the columns he intones, "Every now and then the hearts, minds, and wallets of the people open at one time," as Mayor Villaraigosa pledges to spend $50 million to help people on skid row. Lopez exults, but I groaned. Yet again the press promotes a public solution to replace a private one.

Several scenes later, the police arrive and begin arresting hordes of previously peaceful street residents for such crimes as "possession of a shopping cart" or "possession of a milk crate." That's one way to clean up an area, but I don't think it's what Lopez had in mind when he suggested that these people needed some help. Score one for the filmmakers after all.

When everything has been said and done, Lopez acknowledges that there

Notes on Contributors

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are no easy answers. He wanted Ayers to exorcise the demons in his head, play with a symphony, sleep on a bed, live in a room with a roof and a door — in short, be like "everyone else." What Lopez learns is that some things can't, and maybe even shouldn't, be fixed. But they can be transcended. "The simple act of being someone's friend can change his brain chemistry," Lopez reports. Today Ayers is living a safer, and apparently happier, life. In the end, Lopez tells us, "Loyalty will carry you home." ❑

"Young @ Heart," directed by Stephen Walker. Fox Searchlight, 2008, 107 minutes.

December Song

Jo Ann Skousen

Like newspaper columnists, film documentarians are always on the lookout for a great story. The difference is, they have to begin filming the story before they know how it's going to end, or even whether it's going to turn out to be a story worth telling. But a gifted documentarian can sense a story as it begins to develop, and knows where to take the cameras so they will be in just the right place, with just the right focus, at just the right time. Such is the case with Stephen Walker, a British documentarian who smelled a good story in "Young @ Heart."

Walker was astonished by the sell-out concert of a singing group composed of senior citizens whose average age is 81. Their shtick? They sing rock, punk, and heavy metal songs. The film about them is much more than a "making of" concert documentary; the story itself is pure gold.

Bob Cilman is the enthusiastic, upbeat, no-longer-young-himself musical director whose gray hair betrays the 25 years he has been directing the Chorus. He demands professionalism from his singers as he puts them through the paces of learning such difficult songs as "Schizophrenia," James Brown's "I Feel Good," and "Yes I Can" (try getting your head around a lyric that simply says, "Yes I can, yes I can can, oh yes I can" about 93 times with various rhythms and various numbers of "cans"). One of the reasons it works is that Cilman directs the concert on stage and performs along with the singers, helping them stay on time with the often intricate rhythms.

Of course, this is a documentary about old people, and old people have health problems. Sometimes serious ones. And sometimes they die. If Cilman keeps this in mind as he selects his soloists and rehearses their numbers, he doesn't let it show. It must be a great and dreadful occupation, producing a concert so full of life when death is always lurking around the corner. But despite the performers' age and health problems, Cilman expects them to be on time for rehearsals and to sing with gusto. "I don't want to lose my solo," one member explains seriously when he comes to rehearsal just a day after being hospitalized.

These people do not particularly enjoy the songs they perform. They often wrinkle their noses and roll their eyes at some of the material Cilman selects. Their own musical backgrounds range from opera to church choirs to dance bands; they like songs with lovely melodies and harmonies and lyrics. But they have learned an important principle of the free market: supply does not create its own demand; demand creates its own supply. Nobody wants to hear a bunch of old people singing old songs. But they love hearing these old people singing contemporary songs in a new way, as evidenced by the sellout crowds wherever they go.

The popularity of their concerts does not result simply from the anomaly of watching old folks sing punk rock. Young @ Heart brings a fresh interpretation to songs that are familiar to their audiences, but not to themselves. Because it's harder for them to memorize at this stage of life, they have to think more about the sense of what they are singing, and that deeper understanding of the lyrics comes through in their performances. Moreover, because of their classically trained technique, they enunciate better; the audience understands the lyrics of familiar songs, perhaps for the first time. Their different stage of life can also bring an entirely different meaning from the one intended by the composer. For example, Sting's song "Every Breath You Take (I'll Be Watching You)" tells a whole new story when it is sung gently by a chorus of nurses to an old man hooked up to an IV.

The magic of the movie is in the singing itself, and in the real life stories of the singers. Walker takes his film crew into their homes, their cars, even their bathrooms, pulling together scenes that are heartwarming, funny, and wise. The film would have been tedious if it were just constructed as a behind-the-scenes concert documentary. Instead, Walker turns several of the songs into staged music videos with the chorus members strutting their stuff in a bowling alley while they sing "Stayin' Alive" or ending up in a field surrounding a tour bus while singing "Road to Nowhere." The music videos are just plain fun, and you can see how much fun the members had being part of the filming.

One of the most poignant scenes in the movie occurs when Cilman decides to present a concert for inmates at the local jail. These men are spending what should have been "the best years of their lives" incarcerated. You can see it in their faces as they hear the lyrics to Bob Dylan's "Forever Young." They may be old when they get out. But as they watch the enthusiastic chorus, older still but full of life and singing with joy and animation, it seems to give them renewed hope that they, too,

can be forever young. Several of the inmates unashamedly wipe away tears as they sit in the sunshine, listening to the concert.

The song that will stay with you the longest is Coldplay's "Fix You." From early rehearsals to final performance, the lyrics and the performers tell a poignant story of dreams deferred, friendships lost, and memories dimmed in a way that Chris Martin and his young mates, talented though they are, simply can't achieve: The gentle chorus reinforces the power of friendship and hope, even as life draws ever closer to its end. ❑

"Crank: High Voltage," directed by Mark Neveldine and Brian Taylor. Lionsgate, 2009, 85 minutes.

Overload

Todd Skousen

"Boorish, bigoted, and borderline pornographic." "Tasteless, trashy, and over the top." "Big, loud, and brainless." These are the words reviewers are using to describe Jason Statham's new action-crammed flick "Crank: High Voltage." My reaction to their criticism: "All right! My type of movie!"

Now, don't get me wrong. I'm not just some stereotypical American male who demands big explosions and hot chicks to enjoy a movie (although I admit it doesn't hurt). I thoroughly enjoy movies of all kinds. But sometimes I'm in the mood for a video game without my thumbs getting sore, and that's what the new genre of fast-paced, mindless, assassin-oriented films is all about. When I found out that Chev Chelios (Statham) of the original "Crank" was not dead after all and that a sequel was on its way, I was excited.

"Crank: High Voltage" — or "Crank 2" as I prefer to call it — starts out with about the most ridiculous premise a movie could have. At the end of the original "Crank," Chelios, retired hit man and all-around badass, has just fallen about half a mile out of a helicopter, bounced off a car, and landed face down on the ground. The credits roll on a closeup of his head. Fortunately for him, the car must have been a nice plastic "green" car instead of a steel gas guzzler, leaving him almost completely unharmed. As "Crank 2" begins, a group of Triad organ harvesters scrape him off the pavement and move him to their lab to pull out his superhuman heart. When Chev wakes up to find an electric heart in its stead, he's understandably upset. He's got to get that heart back quick, and he has to keep his electric heart charged up while he does it. So begins the 85-minute rampage that is "Crank 2."

As preposterous as this premise is, it's no more unbelievable than the first "Crank," in which Chelios has been poisoned and must keep his heart pumping with adrenaline to stay alive. To do so, he engages in scene after scene of heart-pumping races, chases, and shootouts. In "Crank 2," his new heart requires continual jolts of electricity. But therein lies the problem of "Crank 2." It's not really a new movie. It's just "Crank" redone — the same preposterous ideas rehashed, except with more blood, more explosions, and more nudity.

In "Crank 2," directors Mark Neveldine and Brian Taylor take everything fans loved about the first movie and raise it to another level. In the first movie, Chev injects himself with epinephrine to keep his heart pumping; in "Crank 2," he electrocutes himself with jumper cables. Same game, different board.

Instead of a shootout in a gangster's club, in "Crank 2" there's a full-on

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bloodbath at a strip club — including a stripper's silicon boobs getting shot and quickly deflating. Instead of Chev having a brief public sex scene to keep his adrenaline up, there's a nearly full-on porn scene on a horse track about midway through the film. The premise behind that scene: static electricity from friction will keep his heart going. Just a bit of a stretch.

The film can be fun if you're willing to suspend your disbelief completely. It's just that about halfway through, you realize that they aren't really trying to tell a story at all. This is just plain shock theater (pun intended). And to that end, the film succeeds. The problem is that being shocked isn't the same as being entertained. For me the entertainment officially ended when for absolutely no reason at all, the movie turned into a Godzilla-style fight sequence. It was so shocking and strange that it almost became boring.

That's not to say that there isn't anything good about "Crank 2." Neveldine and Taylor have proven that you can turn a low-budget movie shot on hand-held cameras into a summer blockbuster. They also have a knack for paring everything down to nonstop, in-your-face action: sex, violence, and rock 'n' roll stripped down to the core. That's what I loved so much about the first "Crank." But that movie had some substance and a plot holding the action together. "Crank 2" is like asking for a second piece of cake and getting only a giant plate of icing.

When you look back at some of the great action movies of the late '80s, you find that they always have an emotional storyline at heart. In "Commando," Schwarzenegger's daughter is kidnapped. In "Death Wish," Bronson's wife is murdered. Even in Liam Neeson's recent movie "Taken," in which Neeson takes out board after board — I mean scene after scene — of video-game-style bad guys, his sappy relationship with his daughter is the substance that allows us to care when he starts kicking ass. "Crank 2" has none of that. It's more like watching a stuntman's highlight reel.

When the guns stop blasting away and the boobs have finally been covered up, you wonder what was the point. That's when a burning Jason Statham — literally on fire, skin melting as he walks — comes up to the camera and flips the audience off. Roll Credits. That sums up the movie pretty well. It's a big F.U. to us for coming to watch it. Of course, if you want to be shocked and slightly entertained, I say go for it. But personally, I'd rather watch Van Damme do splits in "Blood Sport." ❑

Booknotes

Patchy intel — Truth may be stranger than fiction, but the government can be stranger than truth, as a couple of short books amply demonstrate.

"The Men Who Stare at Goats" (by Jon Ronson, Simon & Schuster, 259 pages) is a novel about high-ranking U.S. military officers who set up a facility to attempt psychic killing of "one hundred de-bleated goats" in furtherance of national defense. The goats are only the beginning, as the story expands to include Uri Geller, Manuel Noriega, a couple of the 9/11 hijackers, Art Bell, the Heaven's Gate cult, the CIA's infamous MK-ULTRA program, and the torturers at Abu Ghraib and Guantanamo (who dragooned Barney the Dinosaur into the torture squad), and what all of this has to do with the Army's First Earth Battalion.

An author whose real-life characters are staples of conspiracy theories could easily become heavy-handed and dull. Ronson instead lets the characters tell their own parts of a story that may or may not be as weird as it looks. It is certainly entertaining.

In "I Could Tell You But Then You Would Have to Be Destroyed By Me" (Melville House, 136 pages), Trevor Paglen has collected images of uniform patches worn by American black ops personnel. "[T]he military has patches for almost everything it does," he writes. "Including, curiously, for programs, units, and activities that are officially secret."

This is a good coffee-table book; it's mostly pictures, though some of the programs associated with the patches are discussed in Paglen's book "Blank Spots on the Map: The Dark Geography of the Pentagon's Secret World." There are explanations in various degrees of detail for each patch, depending on what is known about it. Among them are several patches associated with Area 51; a patch from the Rapid Capabilities Office, with a Latin inscription that translates as "Doing God's work with other people's money"; and a patch depicting a goat sprawled in an unfortunate power relation to an aircraft rapidly approaching from the rear, under the inscription "GOAT SUCKERS." Our black-budget tax dollars at work.

I don't know what it is with the military and goats. — Patrick Quealy

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Reflections, *from page 46*

the early 1950s many of these Fairfax students were the children of European refugees, Holocaust survivors, or communists. Some of their parents worked (or had worked, until blacklisted) in the film industry, residing in Fairfax because they weren't wealthy enough to live in Beverly Hills. (This inside dope comes from red diaper babies I knew long ago.) Little is said about what effect Jewish leftwing culture might have had upon Kemp, who was a WASP jock at Fairfax.

Knowing what I did about Fairfax High, I always regarded Kemp as a crypto-Jewish activist who quaintly called himself "a bleeding-heart conservative," clearly to distinguish himself from heartless cons and neocons. Though he cofounded the NFL Players Association (aka union) and later directed it, Kemp nonetheless realized, as did Ludwig von Mises before him, that free-market economics could better realize socialist ideals of spreading prosperity, especially among America's minorities. Too bad he's gone, because no Republican now resembles him. — Richard Kostelanetz

The Start of Something Big?, *from page 26*

Republicans." Still, given politicians' love of crowds, it was predictable that elected Republicans would offer themselves as speakers. In Texas, Gov. Perry did; in Kansas, Sen. Sam Brownback did; in South Carolina, Gov. Mark Sanford did; in New York, former House Majority Leader Newt Gingrich did.

Republicans were not always well received. In South Carolina, the crowd booed Rep. Gresham Barrett because he had voted for the Troubled Asset Relief Program.

In Chicago, organizer Eric Odom turned down a last-minute request by the Republican national chairman, Michael Steele. Odom wrote: "We respectfully must inform Chairman Steele that RNC officials are welcome to participate in the rally itself, but we prefer to limit stage time to those who are not elected officials, both in Government as well as political parties. This is an opportunity for Americans to speak, and elected officials to listen, not the other way around."

The Republicans are compromised and their label damaged. Why associate with them? That was the argument. Then again, if the protesters' ideas were eventually to prevail, which party did they expect support from? The Democrats? If Republican politicians came to the events, publicly praised them, and maybe even made promises at them, wouldn't that be a start?

I think Odom was probably right, for the moment: don't let the Republicans co-opt the movement. But don't kick away a supporter because you disagree with him on the war, or because he voted for McCain.

The "tea bag" protests of April 15, 2009, were not purely a libertarian thing. But they were about opposing the growth of government, and that is essentially a libertarian thing. It would be foolish to join one's enemies in dismissing it. A movement this big does not come along often. It has power, and it might do some good. ❑

Tombstones and Trade, *from page 36*

at vertiginous speed during the same period. Life expectancy rose fast, while infant mortality steadily declined.

There is a fetching economic sequel to this story. Today, Saint-Brieuc is an important global center of food production, in particular of wheat flour biscuits. I don't know why, and I am not necessarily crediting California wheat for this source of local prosperity, but it doesn't seem to have hurt much.

To wrap up: this has been a story about facts and their logical implications only. As a libertarian, I believe entirely that your money is your money, that you may spend it in any way you wish. If you crave paying six times more for organic local apples than for the same variety of (nonorganic) apples from somewhere not next door, bless your heart! The local apples may even taste better if they really reach your table faster. If you want to pay 50% more for local organic peaches than for equally organic Mexican peaches, go right ahead! Be aware, though, that Mexican growers buy stuff from American producers — lots of stuff, it turns out, if you care to look it up. And isn't it true that they have to earn money by selling someone peaches in order to pay for the things they buy from your neighbor — or, possibly, your employer?

At any rate, please, please, don't go all sanctimonious on me. I have already conceded that you are entitled to your folly. ❑

Letters, *from page 6*

Two Observations

1. Stephen Cox repeats, in "The Great Man Speaks" (April), Obama's statement that "Forty-four Americans have now taken the presidential oath. Mr. Cox takes Obama to task, and rightly so, for saying "Americans," as if Martians could take that oath.

But no one (including those who wrote, and should have fact-checked, the speech) seems to notice or care that Obama's statement simply isn't true. Only 43 people have taken the presidential oath, including Obama, even though Obama is the 44th president.

This oddity stems from the fact that Grover Cleveland served two nonconsecutive terms, and thus was both the 22nd and 24th presidents. But our 44 presidents (or, more accurately, 44 presidential administrations) include only 43 people.

2. Cox in his "From the Editor" piece notes that, during a power outage, one resident of his condo complex complained about not being able to watch TV. Another resident (unbelievably, to Cox), suggested he watch a DVD instead.

During law school in Chicago, I experienced several power outages that rendered TV impossible. In fact, TV was impossible for me because I didn't own a TV. However, I still watched plenty of DVDs, power outage or not. How? I watched them on my laptop computer, which has its own self-contained power source.

This probably is not what the resident was suggesting, and he probably was every bit as clueless as Mr. Cox suggests, but I just wanted to chime in that it wasn't *necessarily* a stupid comment.

Cheers on another great issue!

A.J. Sharp
Los Angeles, CA

Terra Incognita

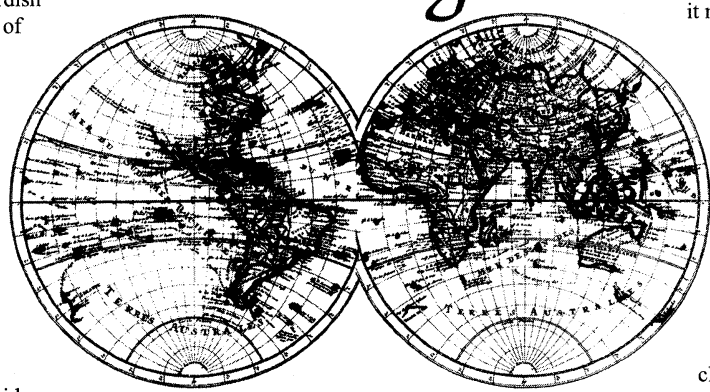

Tel Aviv, Israel

Innovation in diplomatic relations, passed on by the Israeli media consortium, the *Yedioth Group*:

After weeks of preparations for the largest sex event of its kind in Israel, organizers were forced to cancel it this week due to public pressure and threats exerted on the owner of the venue where the sex fest was to take place.

The event in question, which was scheduled to take place on "International Orgasm Day," aimed to bring together some 250 participants seeking to promote world peace through multiple orgasms reached by masturbation or sex.

Batman, Turkey

New frontier in intellectual property disputes, reported in *Variety*:

The mayor of Batman, an oil-producing city in southeastern Turkey, is suing director Christopher Nolan and Warner Bros. for royalties from mega-grosser "The Dark Knight."

Huseyin Kalkan, the pro-Kurdish Democratic Society Party mayor of Batman, has accused "The Dark Knight" producers of using the city's name without permission. "There is only one Batman in the world," Kalkan said. "The American producers used the name of our city without informing us."

Tallahassee, Fla.

Considering a point of order, from the *Miami Herald*:

The act of bestiality is a step closer to becoming illegal in Florida now that a Senate agriculture committee voted to slap a third-degree felony charge on anyone who has sex with animals.

The legislation would target only those who derived or helped others derive "sexual gratification" from an animal, specifying that conventional dog-judging contests and animal-husbandry practices are permissible.

That last provision tripped up Miami Democratic Sen. Larcenia Bullard. "People are taking these animals as their husbands? What's husbandry?" she asked. Some senators stifled their laughter as Sen. Charlie Dean, an Inverness Republican, explained that husbandry is raising and caring for animals. Bullard didn't get it.

"So that maybe was the reason the lady was so upset about that monkey?" Bullard asked, referring to a Connecticut case where a woman's suburban chimpanzee went mad and was shot.

Washington, D.C.

The Lavender Menace waxes, from the *Washington Times*:

Democratic gains in the past two elections have created the possibility Congress will let gays serve openly in the military. "Homosexual activists are overconfident because they have not yet seen a counterforce emerge as occurred in 1993," said Robert Knight of the Media Research Center.

"But as the threat grows stronger, we will see groups forming and the resistance building," he said. "Americans go about their business and are not activists until they have a Pearl Harbor moment. That has yet to happen, but it will."

He added that most Americans "are unaware that gay activists have the military in their gun sights."

Canberra, Australia

Humble suggestion for MADD's next crusade, lifted from the *Sydney Daily Telegraph*:

Politicians in Australia's most populous state could be breath-tested for alcohol before voting on laws after a series of late-night incidents that have embarrassed the center-left government.

"Honestly, if you are going to have breathalyzers for people driving cranes you should have breathalyzers for people writing laws," said MP John Kaye.

Attleboro, Mass.

Fiscal responsibility in the *Attleboro Sun-Chronicle*:

A 74-year-old blind woman has been told a lien will be put on her South Attleboro home if she doesn't come up with a penny she owes on an outstanding utility bill.

The city is holding firm on the amount due. City Collector Debora Marcoccio, who called the whole situation "ridiculous," said the city will not waive the balance. "If there's a bill, it must be paid," she said.

Harrisburg, Pa.

Relaxation of a state monopoly, detailed in the *Pittsburgh Tribune-Review*:

Pennsylvania's Liquor Control Board is spending more than $173,000 to try to make workers friendlier and more well-mannered at the nearly 650 stores it operates. The board says it wants to make sure clerks are saying "hello," "thank you" and "come again" to customers shopping for wine and spirits.

It has hired Pittsburgh-based consulting firm Solutions 21 to help coach store managers so they can instruct their clerks on issues such as how to greet customers and where to stand.

Nigeria

A solution in search of a problem, from the Lagos desk of the BBC:

The number of motorcycle taxis in big cities has exploded in recent years, causing concern about road safety. Often untrained and illiterate, the drivers are considered a menace by many motorists. Fatal accidents are common. Road safety authorities say almost every collision in Nigeria's cities involves a motorcycle.

Local government authorities often give motorbikes to jobless young men, saying it gives them a way to make a living.

Salzburg, Austria

Promising new field for the EEOC, from the *London Daily Mail*:

A Salzburg insurance company posted an advertisement in major newspapers seeking employees for sales and management that were born under certain constellations, claiming statistics indicated that they were the best workers: "We are looking for people over 20 for part-time jobs in sales and management with the following star signs: Capricorn, Taurus, Aquarius, Aries and Leo."

It was followed by a wave of protests from equality groups and led to an investigation by the country's antidiscrimination authorities.

Special thanks to Russell Garrard, Tom Isenberg, and William Walker for contributions to Terra Incognita.

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Inside Liberty

August 2009
Volume 23, Number 7

4 Letters Questioning our authorities.

7 Reflections We vote early and often, redistribute nukes, submit to torture, refute economics, open a speakeasy, opt for treatment, rewrite the Constitution, and are branded terrorists.

Features

21 With the Paul Brigades *Bruce Ramsey* reports on a training camp for Ron Paul activists.

23 The World's Shortest Political Quiz, Improved *Jeff Wrobel* refines one of the best-known marketing tools in the limited-government arsenal.

27 Coercion Free for 70 Years Serving up minarchy, with a cup of hot coffee on the side. That's what *Don Crawford* found in a private service organization.

31 Internal Exile *Jacques Delacroix* explains why he failed to join the tribe in a remote northern California enclave.

33 Commencement and Climate Change *Andrew Ferguson* invites you to join the wild rumpus of the contemporary college graduation.

37 The Contagious Crisis The economic crisis, as *Leland B. Yeager* shows, can be traced directly to the state.

Reviews

43 Without a Central Government *Michael Stahl* reconsiders a much-maligned era of history.

45 Who's to Blame? True, says *Bruce Ramsey*, the government kept the bottle on the bar. But a lot of people took a drink.

47 Vindication *Robert Watts Lamon* recounts how a sex scandal became a scandal of political correctness.

49 Keep on Trekkin' J.J. Abrams' "Star Trek" attempts to breathe new life into an old story. *Valerie Durham* judges its success.

50 Return to the Future There are good reasons, *Jo Ann Skousen* reports, why "Salvation" is the right name for the latest "Terminator" film.

52 Broadway Review A seance, middle-class violence, and Godot.

46 Notes on Contributors Our eyes on the inside.

55 Terra Incognita Democracy in action.

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Letters

Farm, Yard

Stephen Cox refers to "the origin of 'the whole nine yards,' an expression no one has been able to explain" (Word Watch, June). We Air Force veterans did not know it was inexplicable. The guns of the P-47 fighter, the famous "Thunderbolt," were loaded, it is said, with nine yards of belted .50 caliber ammunition. To give something the whole nine yards was to shoot everything you had, a maximum effort.

If you Google the expression (see straightdope.com in particular), you'll find several other explanations, so the "common knowledge in the Air Force" explanation may be as flawed as other Air Force pronouncements. Has anyone established when the expression was first evident? If it was in use before World War II, I'm wrong.

On a related topic, there seems to be no consensus on the origin of "bought the farm," meaning crashed. Several "authorities" say it's an American expression, dating from 1955, but I suspect it goes back to World War I. Since service-specific slang was believed to enhance morale, such expressions were encouraged.

Erik Buck
Liberty, MO

Cox responds: I appreciate Mr. Buck's response about these continuing mysteries. On "bought the farm": I believe that when people find alternative expressions for death, especially comic ones, they signal an inner triumph over the event.

Giving the Business

In the Reflections section of the June Liberty, Gary Jason wrote "business doesn't pay taxes; taxes are passed on to the consumers in the form of higher prices." I disagree with this statement. The rest of Jason's piece is well written, germane, and helpful.

A business is not a person and does not pay taxes, but the owner of a business is a person and money is, to put it kindly, taken (to put it accurately, stolen) from him by the politicians and bureaucrats in Washington for U.S. government taxes.

If the manager of a business could pass taxes along to the consumers by raising the price, the price that was being asked was too low. As a general rule, if you raise the price of something fewer people will buy. What happens when taxes are imposed or raised is that there is less profit for the owners.

The consequences of taxes on business owners affect not only the people being taxed but also most if not all of the rest of us. If business is less profitable that means there will be fewer businesses, which means that we will have fewer choices of what we can buy and where we can buy it, as well as fewer opportunities for employment.

We are faced with a choice. We may have rich and powerful politicians and bureaucrats in Washington, DC, and the taxes they bring. Or, we may have a rich and powerful people and the peace, prosperity, and progress that liberty brings.

Letters to the editor

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I ask that we remember some words of Albert Jay Nock: "In proportion as you give the state power to do things for you, you give it power to do things to you."

Jim Burns
Beatty, NV

Jason responds: I thank Mr. Burns for his letter, and I accept his correction, at least in part. Near as I can determine, the current consensus among economists is that the corporate tax falls not on consumers, nor on owners alone, but on the workers and owners, with the burden being higher on the workers. Economist Rob Norton (in his "Concise Encyclopedia of Economics" article on corporate taxation) cites a survey of public finance economists that reports the average estimate of the share of the burden falling on owners as 41%, with the rest falling on workers and other groups. But I believe Burns and I agree that the corporate tax has harmful consequences, which he has spelled out nicely. I suspect this is behind the recent moves by many of the industrialized countries to reduce corporate tax rates.

To Breathe as One

I am afraid that Richard Sinnott (Letters, June) is absolutely right: you guys are most definitely guilty of being lily-livered wimps — or stupefied denial masters — take your pick — with regard to the "fishiness" of the events of 9/11. Both Pilots for Truth and Architects and Engineers for Truth point out huge discrepancies and ask very probing questions. I realize that many libertarians may take a kind of perverse pride in being "above" conspiracy theories, but the fact is that human history is riddled with conspiracies — both successful and unsuccessful. Caesar's assassination, the Russian Revolution, and Rommel's attempt on Hitler are just a few that immediately come to mind.

Most conspiracies come into being because of two enormously powerful and literally unstoppable forces of human nature, greed and the lust for power — Lord Acton's two dicta are well-known today because of their unfailing accuracy. In connection with the first force, greed, it is certainly worth asking the famous question about 9/11:

continued on page 54

From the Editor

Recently I had an interesting experience. My state, California, held a referendum on several propositions largely designed to ensure that our incompetent government remains well funded. All the propositions lost, except one vaguely intended to limit the salaries of state legislators. On the morning after, I visited the webpage of the California Secretary of State and clicked on the map that showed how each county had voted. For every proposition but one, all the counties were colored the same; every single county had voted against taxes and for limitations on legislative salaries. The sole exception had to do with a gimmicky proposition favorable to public school funding. That lost in every county but three.

Is there vitality in the limited-government movement? Oh yes, there is.

Now, this movement isn't like the county map of California, reporting yes-no decisions by the people who vote in elections. The movement takes many shapes.

The mother who won't put up with the public school's plan to indoctrinate her children. The factory worker who won't support his union's political causes. The scholar who won't ignore evidence, even when ignoring it would make him politically correct. The judge who points out that, yes, the Constitution really does use certain words, and those words have certain meanings. The libertarian activist who spends his free time supporting "hopeless" political causes. The scientist who contests the state's influence on her field of research. These people are all part of the movement, and the list could be expanded till it filled the rest of this magazine. They have different motivations and a lot of different ideas. But they are standing for liberty.

So does this journal. No matter what the election returns may be.

For Liberty,

Stephen Cox

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Schools Against Education: Gary Jason, David Friedman, and **Jo Ann Skousen** explain why public schools don't care about educating children, and debate the proper remedy. This is much more than another argument for vouchers or privatization! The panel covers a wide range of topics, from the performance of students in various environments, to what subjects should be taught, to what makes a good teacher, to the most effective ways of teaching. (CD 0804A)

The Housing Market — Bubble and Bailout: Randal O'Toole, Bruce Ramsey, and **Jim Walsh** discuss careless homebuyers . . . and the politicians who can be counted on to clean up their mess at your expense. Liberty's experts explain what really happened, and where and when we'll see the next bubble. (CD 0805A)

Learning from the Socialists: An Action Plan for Promoting Liberty: Randal O'Toole explains why socialism remains popular despite its miserable track record. More importantly, he explains how libertarians can use similar techniques to increase individual freedom. (CD 0806A)

Future Imperfect: David Friedman analyzes the technologies that will be used to control the populace — and the tools that will enable you to fight back. Government agencies have an ever-expanding array of tools designed to monitor and restrict your behavior. Can you afford *not* to learn how you can protect yourself? (CD 0807A)

Legal Systems Very Different From Ours: David Friedman regales his audience with a fascinating exposition on real-world legal systems. If you've ever wondered whether it's plausible to do away with police, what kind of system a "mad economist" might devise, or what happens when rulers are selected by lottery, you must listen to this one! All these systems, and many more, have been used with varying degrees of success. (CD 0808A)

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Reflections

Drowning pool — The radio talk show host Mancow now concedes that waterboarding is indeed torture. He had been trying to prove otherwise.

"It is way worse than I thought it would be, and that's no joke," Mancow reluctantly admitted after undergoing the experience. "I got voted to do this, but I really thought 'I'm going to laugh this off'" (NBC Miami News, May 22, 2009).

So far only two defenders of Bush's (and increasingly Obama's) policy of perpetual war, Mancow and Christopher Hitchens, have been waterboarded. This firsthand experience led both to classify the procedure as torture. Apparently, this is the only way to convince pro-war conservatives, or their fellow travelers, of the obvious.

Stunningly, Mancow still thinks that the government (now led by his nemesis Obama) should be able to use waterboarding. Perhaps it is time to try something else. Let's bribe Mancow and his pro-torture allies to skip the next episode of "24" and devote the time to reading what Lord Acton wrote about power. — David Beito

Nukes for thee but not for me — I read a short news report in The Wall Street Journal (May 21) that simply amazed me. It announced that Obama has officially endorsed a nuclear power program. At last, I thought, our environmentalist wunderkind has grasped reality: the need to develop more nuclear power, and not just shovel money at limited or failed "alternative energy" sources such as wind, solar, and ethanol.

But the joke was on me. Obama had come out in favor of our government's developing nuclear power in *the United Arab Emirates*, not in the United States of America. Yes, we will share our nuclear power technology with the UAE, which has promised not to enrich uranium or reprocess plutonium, supposedly guaranteeing that it won't develop nuclear weapons. Obama will send this proposal (which the State Department proposed during the waning days of the Bush administration) to Congress. Congress will then have 90 days to amend or kill it.

So Obama will help *others* develop their nuclear power. During his campaign he promised to consider increasing its use domestically, but he has refused to make good on that promise. His hypocrisy and dishonesty are simply breathtaking. — Gary Jason

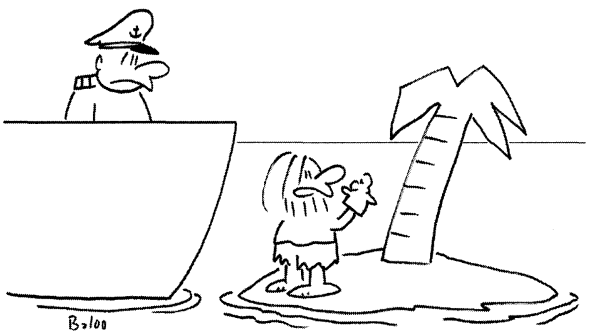

"Why, I don't exactly know — how long *have* we been here, Bobo?"

Populist pandering — Congressman Eric Cantor, one of the rising stars in the Republican Party, seems to think that the way to reinvigorate the Republican Party is to hold Town Hall meetings and take polls. This is precisely the reason that the Republican Party is in the tank. Eric, if you really don't know what positions to take regarding ethics and virtue, then I suggest you read the Bible or the Koran or Bhagavad Gita or any of the other works of the world's great religions. And if you really don't know what positions to take regarding political and economic issues, then I suggest you read the works of Milton Friedman, Friedrich Hayek, William Buckley, Ayn Rand, Barry Goldwater, Ronald Reagan, and the many other philosophers of liberty. Let the Democrats take polls to determine their philosophy. The precepts of our philosophy are eternal. — Roy Miller

Lemon aid — Which of the following headlines is true?

"Chrysler To Begin Selling Car Company Assets To Fiat"
"Obama To Begin Selling Car Company Assets By Fiat"
Answer: Both. — Ross Levatter

Auto asphyxiation — George Will recently accused Obama's token Republican, Secretary of Transportation Ray LaHood, of being the "Secretary of Behavior Modification." Rather than making our transportation systems work better, says Will, LaHood's goal is forcing people to drive less.

An outraged LaHood responded by confessing that Will is exactly right. "About everything we do around here is government intrusion into people's lives," said LaHood, as if that justified even more intrusion. Admitting that Obama's policies are, in fact, "a way to coerce people out of their cars," LaHood commented, "The only person that I've heard of who objects to this is George Will."

Apparently, LaHood has never heard of the Cato Institute, Reason Foundation, Heritage Foundation, Liberty magazine, or (from the state LaHood used to represent) Heartland Institute.

Will's article focused on the inappropriateness of government's doing anything more than "defend the shores, deliver the mail and let people get on with their lives." For many, a little behavior modification would be tolerable if it actually produced some benefits. Yet all the evidence shows that Obama's plans will impose huge costs on people without producing any significant benefits. — Randal O'Toole

Nocking about — I recently finished reading Albert Jay Nock's "Our Enemy, the State" (1935). I can think of few works so appropriate for navigating what's currently going on in our country. I recommend it to everyone, as a re-read or new read. It's chilling to realize the extent to which Nock is

writing about today, as much as he is about the "progressive" era. It's equally chilling that despite all our self-perceived modern sophistication, so many citizens remain ignorant about the nature of the state.

An illustrative passage:

> It is a curious anomaly. State power has an unbroken record of inability to do anything efficiently, economically, disinterestedly, or honestly; yet when the slightest dissatisfaction arises over any exercise of social power, the aid of the agent least qualified to give aid is immediately called for. Does social power mismanage banking-practice in this-or-that special instance — then let the State, which never has shown itself able to keep its own finances from sinking promptly into the slough of misfeasance, wastefulness and corruption, intervene to "supervise" or "regulate" the whole body of banking-practice, or even take it over entire.

I need not say more, but I will — just a little.

Not only does Nock's work predict our future from the past, it is one of the best discussions of the distinction between state and government I have read. So, being a government and politics Ph.D. candidate, I did a quick search to see whether it graced any syllabi that I've had or that may be easily accessible online.

No. It didn't.

In undergraduate and graduate classes, I've had to read a pile of literature on the nature of man and the nature of the state. I've had to read (among others) Aristotle, Plato, Hobbes, Locke, Dewey, Nietzsche, whole hosts of Marx and of Lenin — even the Marquis de Sade and Rimbaud. No Nock.

Given this conspicuous absence of Nock's work and other libertarian-flavored literature, ignorance about the real difference between the state and government is unsurprising. It's no wonder our society is poised to repeat the mistakes of the past, no wonder that Nock might as well be writing about the current administration. To borrow the words of a famous icon of academia, even the most educated among us, by virtue of that education, operates under a "false consciousness" about the nature of the state. — Marlaine White

Hainted hill — It's amazing how close Marx came to getting it right: "There is a Specter haunting Congress . . ."
— Ross Levatter

Enemies list — You have to hand it to Obama — he is nearly as bold as Nixon when it comes to using presidential power against his real or imagined enemies. He dealt with Chrysler's creditors who were holding out for a better deal by threatening to publicly pound them as greedy hedge fiends. The creditors caved. They had seen the relish with which he bashed Limbaugh and others.

Especially noteworthy was the release of the Department of Homeland Security's report to law enforcement agencies warning them about right-wing terrorism. Cheerfully entitled "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment," it went out to the country's police and sheriff's departments.

Apparently, the people who are especially worrisome to

Word Watch

by Stephen Cox

Recently I had the pleasure of explaining an old expression to my young friend Liam Vavasour. We were discussing electoral predictions, and I mentioned that 40% of the electorate will always vote Democratic, no matter what, because these people are *yaller dog Democrats*. Liam wasn't familiar with the phrase, so I was the lucky person who got to tell him what it means: yaller dog (or, more properly, *dawg*) Democrats would even vote for a yellow (yaller) dog, so long as the animal ran on the Democratic ticket.

Liam was duly appreciative. He knew he would be able to use that expression, and teach it to his descendants. Possessing a phrase like that, and being able to share it, is one of life's great, unalloyed pleasures. Picture an old, toothless, moth-eaten, mangy, scruffy, dirty, nasty, yellow dog. Now picture it running for office, and 40% of the populace revering it as a statesman. Isn't that a wonderful image? It's too bad that a similarly pungent expression hasn't been invented about people who insist on voting Republican, no matter what. There is one expression — related, but on the other side of the fence — that isn't bad: RINO ("Republican in name only"). It suggests that these folk have all the intelligence and wit of rhinoceroses, or even rhinoceri. But it doesn't get right down in the dirt like *yaller dawg*.

Some expressions should never be allowed to die. Start with some words about death. Isabel Paterson cherished the African-American saying, "The only thing I *gotta* do is die." She took it as metaphysically accurate; she also took it as a banner of freedom. She saw its relationship to one of her favorite book titles, the name of a collection of essays and aphorisms by Frank Moore Colby: "Imaginary Obligations." Get a pad and pencil and make a list of your own *imaginary obligations*. After you do that, you'll find yourself starting to shed them. Then you'll have much more time for your friends.

Now, every pair of friends — real friends — treasures certain phrases that are shorthand terms for their shared understanding of life. Paul Beroza and I have a ton of them. One originated in the ancient movie musical "Forty-Second Street," where a young actress's bad behavior receives the following review from an onlooker: "In a star, it's temperament, but in a chorus girl, *it's just bad taste*." You can imagine how often Paul and I have occasion to use that phrase in commenting on the performances of contemporary Republican and Democratic politicians.

Another expression for which we find many uses is *she's probably been murdered*. There's a scene in "Citizen Kane" in which the protagonist, a newspaper publisher, is trying to make a scandalous story out of the rumored disappearance of one Mrs. Silverstone, an otherwise unknown resident of Brooklyn. "Now," he says hopefully, "she's probably been murdered." He expresses irritation when reminded that there's no evidence that any murder has taken place. When Paul and I encounter a media scare campaign, we know how to respond. Global warming? The death

Obama's administration are pro-lifers, gun rights supporters, military veterans, immigration opponents, and of course white supremacists. Since according to the Gallup poll pro-lifers alone are now a majority, Obama's list targets rather a large majority of Americans. Conspicuously missing from the report was longtime Obama friend Bill Ayers, who actually did bomb federal buildings before he got tenure in an Illinois institution of higher learning.

DHS Secretary Janet Napolitano issued a half-apology for some of the language in the report when some veterans groups (such as the American Legion) expressed anger at its focus on vets as potential recruits, using Timothy McVeigh — who blew up a federal building, but was executed before he could get tenure — as an example. The vets pointed out that there are tens of millions of people like them who haven't blown up anything (on American soil, at least). But the DHS apparently thinks that the sight of an African-American president will drive veterans into the hands of the domestic jihadists.

I confess that I am now a bit nervous. While I am moderately pro-immigration and pro-choice, I am also a devout believer in gun rights. Worse yet, I'm a skinhead — though not by preference, I hasten to add. My hair fell out of its own accord when I was relatively young.

Still, I guess it is just a matter of time before the DHS puts me on an enemies list. At least I will have lots of company.

— Gary Jason

Delivering opacity — Hope has failed. The man who strode into office on the promise of "transparency" has made one thing perfectly clear: big government doesn't work. Burqas are more transparent than this administration. Why did anyone think differently? You don't expect openness from a man who refused to show his birth certificate.

According to the Washington Post, President Obama spent $84 million assembling a team empowered to create a website for tracking stimulus spending. The verdict? The money will probably be gone before the website is up and running. It is the equivalent of needing a photo finish for the Preakness Stakes, and having the flash go off sometime next January. Or finally finding the security tape from the Lindbergh baby kidnapping.

Meanwhile, Onvia, a private company, has produced Recovery.org, a stimulus tracking website, with their own resources. The information available there on stimulus spending has already surpassed the government website, Recovery.gov. The government website has been a black hole for taxpayer money, producing little or no results, while the private sector did a better job, with no taxpayer stake. Why does anyone believe in government promises anymore?

They blew it again with the multibillion-dollar bailout of GM and Chrysler. It was supposed to prevent both companies from entering bankruptcy, and both companies are still entering bankruptcy, only now Americans have lost close to $30 billion on them. Certainly, if the Treasury wanted to blow 30 billion, they could have come up with more imaginative ideas. How about passing out hundred dollar bills to every American, so we could have lit cigars with money? Imagine

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of the middle class? Swine flu? "Well," one of us says to the other, "she's probably been murdered."

It's the truth, and I don't mind saying it: many Americans, including me, would find it virtually impossible to think if it wasn't for the expressions they've acquired from movies. I mean, can you really get through a day without recurring to "The Wizard of Oz"? Even the witch standing there screaming "*Fly! Fly!*" to her winged monkeys — can you really picture Richard Nixon without thinking of that? When you're scheming with your pals at work to do something that will really upset your nonpals at work, don't you always think, "But it has to be done *delicately, delicately*"? And as for *the Lollipop Guild*, what political party or advocacy group doesn't remind you of that?

What we want from language isn't just a reproduction of life. We want *more* life — life with intensity, life in abundance. We want life as it is and as it's emphasized, criticized, satirized in interesting words, life as it's made gaudy and mysterious, threatening and comical by every intense expression we can bring to it. When someone says, "The only thing I gotta do is die," she's laughing at death. When I hear the old song "East is east, and west is west — *and the wrong one I have chose*" (from "The Paleface" [1947]), I recognize Kipling's lines, "East is east, and west is west / And never the twain shall meet," which are themselves a concise critique of life. But the song makes them more dramatic, more critical. And it makes them funny. It's bad to make a bad choice in life, but the illiterate descent to *chose* makes all the wrong choices in this world seem consolingly laughable. It's not logical, but it happens. I can hardly give east-west directions to someone who stops me in the street, without thinking, "And the wrong one I have chose." And laughing at it. The same phrase recurs when I'm ruing any wrong directions I have given my own life. Comedy is transcendence.

But speaking of transcendence, what about all those pungent expressions that come to us from religious traditions? Once basic to our language, most of them are now unknown even to Christians. (I know about this; I often teach literary courses on the Bible, and half of my students are evangelical Christians. They don't regard their Chemistry texts as incomprehensible, but they do have that opinion of the King James Bible.) Nevertheless, how can we do without *the quick and the dead*? Enshrined in the old-language version of the Book of Common Prayer, in its translation of the 4th-century Nicene Creed, the phrase means simply "the living and the dead." But the Old English "quick" acquired more than a literal significance. Picture the dead. They are *still*. Now picture the living. They are *quick* with life and movement. Who would want to forfeit that expression?

And who would want to forfeit expressions that enshrine the inchoate economic understandings of our linguistic ancestors? One of particular value is *the game isn't worth the candle*, meaning that the profits you anticipate from whatever game you're playing won't be worth the price of the candle that sheds light on the game. It's a phrase that Henry Watson Fowler, author of the formidable "Modern English Usage," uses for verbal techniques that may be worth a little something but aren't worth . . . *the powder to blow them up with*. That's another way of putting it.

The other great expression of this kind is *that's what makes horse races*. I've commented on this expression in these pages before — and I'm still trying to keep it going. Its proper use is as

how much fun that would have been, and at least we'd have the memory of a big cigar party in exchange for our grandchildren's debt.

— Tim Slagle

Expect in one hand . . . — There is, *really*, a federal government website called "expectmore.gov." The Office of Management and Budget set it up so that the public could determine whether the government programs it pays for are "effective."

I think there's another way to interpret expectmore.gov.

— Ross Levatter

Leveraged flameout — In February the Obama administration announced a $75 billion program to keep homeowners who are either behind or in danger of falling behind on their mortgages from landing in foreclosure. The idea was to provide incentives for the mortgage holders to modify the loans, essentially reducing monthly payments to affordable levels. The Treasury Department grandly announced that as many as 4 million homeowners would obtain relief under the program.

A May 25 New York Times article quotes a Treasury spokesperson as saying that "more than 10,000 but fewer than 55,000" homeowners have actually been helped by the program. A far cry from 4 million! In fact, the mortgage companies are playing a game of chicken with the government. As the number of foreclosures continues to rise, the companies are betting that the government will be forced to do another bailout. Why write down mortgages when Uncle Sam can be counted on to pour billions into your coffers to avert a financial meltdown? That this is the mortgage companies' game plan I am virtually certain, based on what I have heard from people who have sought relief from their mortgage holders, plus the paltry number of mortgages modified so far.

When will we learn that public-private partnerships invariably yield the worst of both worlds? Fannie Mae, Freddie Mac, AIG, General Motors (and let's not forget the Postal Service): how many examples do we need? The American financial system, despite gains in the stock market and an apparent return to something like normalcy, is an Augean stable that awaits its Hercules. In this case we need someone who will stand aside and let the system wash itself out. But who among the political-bureaucratic elite has the courage simply to let it happen?

— Jon Harrison

Anything goes — As I write, America's chattering classes are wondering, worrying, and waiting with bated breath to see whether President Obama's pick for Supreme Court Justice, New York City's Sonia Sotomayor, will be thought fit by the Senate to replace retiring Justice David Souter, the man best known as the private-property seizing ogre of *Kelo* fame.

Our country's media outlets have been in overdrive, pouring out a torrent of information regarding Sotomayor: her upbringing in a Bronx housing project, her love of the New York Yankees, favorite color, food, movies, ethnic background, everything, in fact, but her view of the Constitution that she will ostensibly protect from political assault. Luckily, there is no need to rely on the news media to learn her view about what W is said to have called "a goddamn piece of paper."

Mr. Obama spelled out his main requirement for the job in his book, "The Audacity of Hope"; to wit, "the Constitution . . . is not a static but rather a living document, and must be read in the context of an ever-changing world" (p. 90). Any new justice must, in order to pass Obama's interview, adhere to the same blase attitude towards the law. Doubtless, Sotomayor does, else she would not have been chosen.

An "activist" president, whether of the left or right wing, must have as an ally a court that does not take a hard view that A means A. He requires a court that says A means A, unless our "ever-changing world" (meaning the whims of the powerful) wishes it to mean something else.

This reactionary view, deeply popular with America's political elite, leaves a hole in the law that any sort of mischief can be driven through. What sort of law changes and morphs with "an ever-changing world"? What sort of protection does that afford the working masses from the endless predations of the political class?

This lack of a solid legal foundation allows Mr. Obama's "I support freedom of speech" on page 4 to morph, by page 90,

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a conciliatory riposte when somebody disagrees with you, but it expresses two important truths: (1) opinions can be expected to differ, (2) differences of opinion are valuable, because without them, there would be no contests, about horses or anything else, and life just wouldn't be very entertaining.

I recently mentioned the expression to a friend, complaining about the difficulty that most people have in understanding it. "But the phrase is perfectly clear," she said, "if you've ever been to a horse race." Then she laughed at all those people who've never taken the trouble to do that. It's an unfortunate fact: the obsolescence of a phrase often indicates the obsolescence of an experience. I'm not concerned about the shrinking prestige of *Equus*, but I don't want experience to be limited to the kind of thing that goes on inside the ordinary shopping mall or condo complex. No, more than that: I'm unhappy about the obsolescence of interest in gaining new kinds of experience — new to modern people, anyway.

My students at the University of California have no trouble rattling off the nine-syllable Greco-Latin words they learn in Bio class, but they're stumped by *agora*, *Absalom*, *Alcibiades*, and the other fascinating syllables of ancient civilization. Even when these students are Christians, *thee* and *thou* intimidate and depress them. How will they ever find the beauty of *whither thou goest, I will go*? My grandmothers, though by no means intellectual, and not much closer to the ancient world than my students are, suffered from no such disabilities. Their literary — and perhaps their emotional — experience was incomparably richer.

Or consider a much less intellectual experience. Consider farming. The families of the vast majority of people in this world left the farm three or four generations ago. Their descendants have no conception of how the soup gets into the can, or the hamburger into the *supermercado*. This may account for the decline of such useful expressions as *that dawg won't hunt, I haven't heard anything like that since the old cow died*, and even *quiet as a hole in the ground*.

It certainly accounts for the popular mistranslation of *a*

into "it [the Constitution] doesn't tell us what such freedom means in the context of the internet." A reading of his book put to rest my wonder as to how Obama, a former professor of constitutional law, can support the destruction of our right to trial by jury, not to mention toleration of domestic spying on Americans, and the Bush doctrine of preemptive war.

Each and every lawless act, certain to be followed by others yet unknown, will find in the Obama administration as familiar and friendly a home as it did in W's, doubtless fully endorsed and supported by Sotomayor. — C.J. Maloney

Overcaste — The results are now in from India's general election. It was widely believed that the outcome would be a hung parliament. Instead, Sonia Gandhi's Congress Party has obtained a virtual majority.

Several good things happened.

Communists lost a lot of seats. In the last government, they created many problems, sabotaging reforms; and people seem to have punished them. Now that Indians have voted against communism, liberalization will be much easier politically.

The coalition of Hindu fanatics has lost a lot of seats, meaning that Indians have voted against fundamentalism.

The party of Mayawati, Chief Minister of Uttar Pradesh, who was starting to be seen as a possible candidate for the prime ministerial post, is down to 20 seats from the earlier 35. Her sole competency is to win votes from the lower caste by creating caste conflicts; so with respect to her, the election means that those from the lower caste have decided not to be tribal in their voting patterns.

A large section of Indian parliamentarians are known criminals. In the last parliament, one out of four members faced serious criminal charges. Some are serving prison sentences (hence, in this election, they fielded their wives). Yet even in dirt-poor Bihar, whose GDP per capita compares with that of North Korea and Zimbabwe, the electorate ousted many dons and their dummies. Even there, the people may be awakening.

Yet not all the signs are favorable.

I see the current prime minister, Manmohan Singh of the Congress Party, as spineless. Given that he has no personality of his own — a descendant, as it were, of Ellsworth Toohey — he was seen as malleable by Sonia Gandhi, who herself could not become the PM because of her Italian origin. Singh was made PM to keep a place for another Gandhi, Rahul. He will likely be made the PM at an opportune time within a couple of years. He is naive, inexperienced, and badly lacking in any comprehension of the realities of Indian life.

In the end, the reasons cited above for why Congress won and the communists, fundamentalists, and "casteists" failed could all be wrong. The people may just have voted for the continuation of the Gandhis' dynastic rule. After all, as La Rochefoucauld said, "It is not always from valor that men are valiant, or from chastity that women are chaste."

But whatever the real reasons may be for the Congress Party victory, people have certainly voted for stability. Will Congress, with its virtual majority, bring reforms? Like the outcome of an Indian election, this is too risky to predict. But would Congress really want to take politically risky reforms when they are grooming Rahul for the PM's post?

— Jayant Bhandari

Divine prerogative — I glanced at Fox News on May 8, 2009, coming across Sean Hannity's new format, specifically his panel discussion segment. They were talking about the torture memos and whether or not legal sanctions should be pursued. I heard Democratic pollster Doug Schoen say, "The real problem we're facing as a country is because we're having these debates the hands of the president — whether he be Democrat or Republican — are necessarily tied. It hurts our country because the president shouldn't have to play politics with our security."

And there you have it. Obeying his oath of office to defend the Constitution and support the laws of the land, including the ones outlawing torture, is tying the president's hands. Insisting that evidence of torture should be investigated and if credible should be prosecuted is "playing politics with our security." This from a Democratic pollster.

Truly, it makes no more sense to consider punishing major political figures today than it would have made sense to consider punishing the Olympian gods in Roman times. Both

tough row to hoe as *a tough road to hoe*. People don't know what a *row* is, and they aren't interested in finding out. They'd rather just change the word. It never occurs to them that it would be ridiculous to go out and start hoeing a *road*. Maybe they don't know what a *hoe* is, either, unless they listen to hip-hop, where they discover quite a different usage. Commenting on this sort of ignorance, my friend who goes to horse races predicted that *he's just a broken record* will soon be misunderstood as meaning something about shattering records in the Olympics.

Yet obsolescence doesn't just come from ignorance. Part of it comes from fear. No one in our polite, politically correct modern society wants to describe the notes emitted by a bad opera singer — or, a hundred times worse, a bad "Christian contemporary" songster — as *a sound I ain't heard since the old cow died*. If anybody did, he would be denounced for gross incivility, if not impiety to animals — although no one will criticize you if you use the drably polite, drably ignorant, language of the modern age. By the way, when was the last time you heard someone actually denounced as *ignorant*? Today, our fellow citizens may be *insensitive*, *selfish*, *unprofessional* — but *ignorant*? That word never comes to mind.

Suppose you *hauled off* and used an expression that nobody in your audience could immediately *cotton to*? Would any of those people think that *they* might have something to learn or experience? Not likely. Many don't want to have any particularly vivid experience of language. They cherish a settled irritation, the form of ill will that people used to call a *scunner*, against words and meanings that don't conform to the lowest common denominator. In our time, *amazing grace*, a crucial theological concept for generations of Americans, has come to mean (A) that song you hear at funerals, the one that makes you cry; (B) a quality manifested by top sports stars, as described by daily newspapers.

Ignorance, resentment, boredom; boredom with words, boredom with thoughts . . . I suppose it was predictable. In this state-guided and state-educated world, children are fed two decades of verbal mush and conclude that words are largely unappetizing. In this world of the wordless, Obama is king.

groups are fickle and control power without limit, but they're all we have to protect us. We cannot tie their hands. *Quod licet Jovi non licet bovi.* — Ross Levatter

Up to their necks — Even before Ben Bernanke and Ted Geithner were born, the great libertarian economist Ludwig von Mises explained the causes of the boom-bust trade cycle and how to avoid economic crisis. See, for instance, Mises' "Monetary Stabilization and Cyclical Policy," 1928 (translated in "On the Manipulation of Money and Credit," 1978). But Bernanke and Geithner are like plumbers who, called on to stop the bathroom sink from overflowing, pay little or no attention to the fact that the water is flowing briskly. Instead of turning the faucet off, they turn it on still further to make the water run faster and harder. It is as if they wanted the water outside the sink to come up to the level of the water in the sink. Their bailout schemes and stimulus packages will inevitably result not only in fantastic increases in the number of dollars (inflation) but will distort prices and make it impossible for market participants to calculate an enterprise's potential income and outgo with any degree of certainty.

The economy, we must remember, is not a consolidated "thing," a single entity that can be pushed, pulled, prodded, and controlled. Instead, it is the outcome of countless actions and interactions of individuals buying, selling, speculating, saving, consuming, and investing, each in accordance with what he considers his own best interest, under the circumstances. And the economy is always in flux; all economic conditions and all aspects of the economy are always changing. The mechanics of our banking system have changed, but the principles remain the same. — Bettina Bien Greaves

No-hoper — President Obama promises that his healthcare plan will be efficient and save money. Exactly what in his past gives anyone the assurance that this is possible? His resume is quite lean in the administrative experience department. During the campaign, critics were quick to point out that he lost $150 million administering the Annenberg Challenge, a program designed to improve Chicago schools that had no measurable effect.

Chicago schools would be the worst in the nation were it not for the DC public school system. Half of Chicago public-school students never graduate. Not only did we reward an administrator who failed to make any difference with the White House, the administrator of those schools was rewarded with the Department of Education. Yes, Chicago School Superintendent Arne Duncan is now the national cabinet-level secretary of something he proved incapable of providing for even half of Chicago's children. Clearly this president is more interested in rewarding political buddies than in hiring the best or the brightest.

In fact, Chicago public schools were so miserable that Obama would not let his daughters attend them (as he holds them out of DC public schools now). Kind of strange isn't it? Why would you give such an important position to someone you couldn't even trust with your own children? (This is nothing new for Chicago Democrats: birthday clown John Wayne Gacy, was once a Chicago Democrat precinct captain.)

Who will be in charge of the Department of Universal Health Care? Well if his appointment of Duncan was any indication, I think Dr. Kevorkian might make a good candidate. Since Kevorkian spent the majority of the last seven years in the custody of the federal government, it is unlikely that he would have any tax problems to embarrass His Presidency during confirmation. And let us not forget, doctor-assisted suicide is a great way to reduce healthcare costs; it is one reason why suicide is such a popular home remedy for terminal illness in those countries already blessed with socialized healthcare. — Tim Slagle

Big rock candy mountain — Since I have reported quite often in these pages about the many government pension and health benefit liabilities this country faces, it is always a surprise when I stumble across a new problem in this area. But I recently read two articles written by Walt Bogdanich for The New York Times, surveying an obscure federal agency that is yet another example of the liability crisis we face.

It turns out that railroad workers have their own version of Social Security. It is overseen by a federal agency called the Railroad Retirement Board, located in Chicago. It was established in the 1930s. While the railroad industry has declined over the decades, this board still administers benefits to over 600,000 people. There are three board members, all paid $150,000 a year, and all presidential appointees. Bogdanich (and his co-researcher Nicholas Phillips) have uncovered some interesting facts about this little fiefdom.

First, the board almost never meets. When the president of the Long Island Rail Road, Helena Williams, asked to sit in on its next meeting, she was told that it hadn't had a formal one in two years — and no meetings were scheduled! The members "telecommute." It seems that 150K a year doesn't quite cover a car in Chi-town.

Now, the reason why Ms. Williams wanted to sit in on one of the meetings of this shy little board was to find out why the yearly approval rate for Long Island Rail Road employees' disability and early retirement fees is so high. By "high" I mean in the mid-to-high 90% range. Last year the board approved 98% of *all* the disability claims it received, no matter what the rail company was or where the employees lived.

Indeed, the long-term approval rate for disability claims by the Railroad Retirement Board is 70%, compared to 55% for the already generous Social Security disability program. Nine years ago, an internet audit by two doctors — one appointed by labor, one by business management — estimated that 20% of the disability awards granted by the board were unjustified. That was almost identical to the estimate of 21% unjustified disability grants given by the General Accounting Office in 1984.

Apparently, the labor member of the three-person board, and labor leaders generally, view disability as just another benefit due the workers, and have resisted bringing it under fiscal control. Labor fought updating the archaic categories of disability (such as "middle-class moronism," or having a "repugnant scar") that are used as bases for disability benefits. It has also fought independent medical screening tests for disability applicants.

The money we are talking about can be quite high. For example, one married couple, both members of which are retired and disabled, draws $280,000 in yearly benefits, and will do so until they die. In another case, an engineer, by using

the work rules negotiated by his union, was able to pull down $277,000 in one year — five times his base salary. He then retired and got disability, at age 56. Yet another engineer, age 60, is getting $170,000 a year in disability and retirement payments, and will get them for life.

By the way, many of the "disabled" are white-collar workers. Quite a few can be found on the golf course.

The fund that pays all the disability, retirement, unemployment, survivor, and sickness benefits is supported by taxes on railroad workers and companies. So the attitude of labor, expressed by the United Transportation Union's legislative director is, "If labor and management put the money in the pot and we decide how our money is distributed, and the only role government plays is to be the holder of that money — what is the problem?"

The problem, you clown, is that these taxes are ultimately paid by consumers in the form of higher prices. Moreover, because of a 1951 law, most of the liability for all these retirees (disabled and regular) falls under the regular Social Security program, so any unfunded liabilities come out of the pockets of every other retired person. (For 2007 alone, Social Security had to cough up $3.6 billion.) God, talk about suffering from middle-class moronism! — Gary Jason

Neo-bootlegging — Times are hard for capitalism right now. With the state taking over more and more aspects of our economy, less and less innovative activity will stay aboveboard. And with more and more behavior-restricting legislation, and higher taxes, citizens are less and less free to enjoy what used to be life's simple pleasures. Liberty and other journals have chronicled the state's many legal encroachments, demonstrating that the busybody spirit of the temperance movement is alive and well. And it's not just the federal government: states are only too happy to enact "well-meaning" restrictions of freedom.

Since so many in our midst seem so ready to repeat history, the entrepreneurial among us ought to get a jump on the next booming sector. With the current administration's growing stranglehold over the economy, there may be only one sector poised to actually turn a profit.

Speakeasies.

Not simply the stuffy, beer-in-a-pail speakeasies of the Prohibition era. Prohibition only covered alcohol. That left little room for diversifying one's opportunities. Because the contemporary heirs of temperance and their statist partners really mean business, today's daring entrepreneurs can serve a much wider customer base.

The choices for today's speakeasies and their clients are almost unlimited. As the state keeps intervening more and more, there will be something for every taste. The more traditionally-minded can experience the old days by drinking alcohol in amounts that will register .08 or lower on the breathalyzer; they'll just need to walk home afterward. More adventuresome risk-takers can feast on hamburgers and cheeseburgers, nonorganic fruits and vegetables, trans-fat laden donuts, cream-filled snack cakes, and other delicacies that were once commonplace in restaurants and cafes. Patrons can smoke cigarettes — filtered or not! They can even dare to be comfortable with BMI indexes of more than 25%.

This is a guaranteed moneymaker! So plan now: you can be the first in your neighborhood to ride out the economic crisis by exploiting the latest round of state-created forbidden fruits. — Marlaine White

Tomato? Tomahto? Nazi — Have you ever argued with any people on the public payroll? I vaguely recall something that Mencken wrote, appropriate to the situation. I cannot find his clever words, but I've created an updated version of his thinking:

You say you're opposed to excessive taxation, and they explain you hate children and oppose education.

You say only those who benefit from particle accelerators and space exploration should pay for them, and they explain you're a Luddite.

You say businesses should be allowed to fail rather than get taxpayer money, and they explain you want to destroy the capitalist system.

You say you think adults should not be forced into a government retirement system against their will, and they explain you want old people to die in the cold.

You say you are against the drug war, and they explain you just want to get high.

You say they should bring our soldiers home now, and they explain you do not support the troops.

You say charity should be voluntary, and they explain you hate the poor.

You say you oppose coercion, and they explain you are a danger to all mankind.

You say that perhaps they should stop suckling at the taxpayer's teat, and then they really get mad. . . . — Ross Levatter

Don't grease the squeaky wheel — There's not much question that North Korea, as headed by Dear Leader Kim Jong-il, is a reckless and irresponsible regime whose abuse of its own people is exceeded only by its self-defeating recklessness toward its neighbors. But from Kim Jong-il's perspective, it must also be amusing to see just how predictable the United States can be, regardless of what president is in power. He has definitely figured out how to pull our chain.

Whenever the leader of the Hermit Kingdom is feeling unduly ignored, he tests a rudimentary nuclear weapon, fires off a missile or makes a few irresponsible statements, and suddenly he finds himself at the top of everybody's agenda once again. So in one week he did all three, and sure enough, President Obama blustered that "North Korea's nuclear and ballistic-missile programs pose a great threat to the peace and security of the world," while Secretary of State Hillary Clinton huffed that there would be "consequences" and trotted off to gather votes for an even sterner UN Security Council resolution than the previous one, which North Korea ignored, and the world forgot.

It would be preferable to step back and view the situation a little more cold-bloodedly. North Korea is a pitiful, isolated, near-irrelevant failure of a country. It has had the wherewithal to build a rudimentary atomic weapon, though not to deliver it, and fire off missiles for years. The recent tests and threats don't change the strategic balance one bit.

North Korea can bluster, not because it has taken a few steps toward a nuclear weapon, but because it has thousands of artillery guns and conventional missiles aimed at Seoul,

South Korea's capital, less than 35 miles from the north-south border. For that reason, although the infinitely richer and more capable South Korea could probably defeat the North in a war, eventually, it is unlikely to start one. And for the same reason the United States is unlikely to take military action against the North. Because it understands the correlation of forces, North Korea is unlikely to do more than bluster, since it knows that if war came, even though it could wreak great damage on the South, it would be obliterated.

Especially because the United States can do little or nothing to affect North Korea's behavior, it would be smarter to *under*react than overreact. The country with the best ability to influence North Korea is China, which seems more upset at its erstwhile satellite than at other recent provocations. Our best course is to let the Chinese know we are looking to them to handle the problem of that tinpot dictator. — Alan W. Bock

Start the presses! — Before the mid-1800s, the inability to pay one's debts could land one in prison. For the next century, bankruptcy laws progressively tended to favor the debtor. This trend reached a peak in the late 20th century with Chapter 11 reorganization-type "bankruptcies" becoming alternatives to complete liquidation.

In 1998 the trend began to reverse itself. During the Clinton administration, the bankruptcy discharge of student loans was significantly restricted. Ten years later, under the Bush and Obama administrations, corporations deemed "too large to fail" (AIG, GM) were "saved" from bankruptcy, at least temporarily, at taxpayers' expense. For the benefit of whom, you might ask? Hard to say.

Now, under the Obama administration, creditors' rights have been trashed extrajudicially for the benefit of workers. Bankruptcy divides a shrunken pie according to heretofore well-established rules. All claims are not equal: secured creditors rank above shareholders and employees. On April 30, those well established rules were ignored when Chrysler entered a "modified, prepackaged" Chapter 11 that promises bondholders 28 cents on the dollar for some $7 billion in claims, while giving an employee health-care trust run by the United Auto Workers union 43 cents per dollar on its $11 billion-odd claims, as well as a majority stake in the restructured firm.

Is anyone objecting to this new workers' paradise? As The Economist reports, "The many creditors who have acquiesced include banks that themselves rely on the government's purse. . . . The objectors have been denounced as 'speculators' by Barack Obama."

So much for our president's much vaunted intelligence. The TARP was set up to grease the cogs of a seized credit system. (Never mind that instead of lending more money with TARP funds, lenders used them to shore up their bottom line.) Now the president has thrown a wrench directly into the gears. He can't see that undermining confidence in the credit markets is no way to loosen credit.

Meanwhile, back here in Arizona, the Tucson Citizen, a 138-year-old newspaper, is trying to go bankrupt responsibly. In a small step for legal theory but a giant leap in sophistry, Arizona Attorney General Terry Goddard filed an antitrust lawsuit in federal court to force the state's oldest continuously published daily to keep publishing. Yes, you read that right: *antitrust*. Brace yourself for the reasoning.

Sometime back, in order to save costs, the Citizen and its one competitor, the Arizona Daily Star, agreed to a joint operating agreement through which they share profits and losses, and a subsidiary operates all noneditorial functions. This arrangement passed the Attorney General's muster. Now, the AG's suit alleges that closing the Citizen would "substantially lessen competition."

What's next, affirmative action quotas for failing businesses? Sagely, U.S. District Judge Raner Collins threw out both the lawsuit and the motion for a temporary restraining order. But the respite is only temporary. Terry Goddard is the Democrats' front runner for Arizona's next gubernatorial election. — Robert H. Miller

On boiling frogs — Despite its having been instituted back in the summer of 2005, New York City's policy of permitting the police to rifle through any would-be subway rider's bags has never ensnared me — until this week. As I was walking into the entrance for the 7 trains a heavily armed officer politely directed me to move over to a table and allow another heavily armed officer to rifle through my bag.

I turned around and walked out. You do not have to consent to the search (not yet), but you may not enter that station if you don't. Neither officer really cared. It's as if everyone knew what a brainless farce it all is. With the easy availability of alternative entrances to every subway platform, it's a quick walk, half a block usually, to re-enter through another portal for the same station. How hard would it really be to sneak a bomb onto a subway? Not very.

It is not so much the obvious impossibility that the searches will keep the populace safe from terrorist attack that riles me; it is the principle behind the policy. To see, day in and day out, heavily armed police officers randomly selecting an unarmed subway rider so that he or she may be searched will, over time, inure New Yorkers to the danger to liberty that is inherit in arbitrary searches. And as time goes by, the right of a would-be passenger to refuse to be searched will be taken away, and instead of simply walking to another entrance and being on my way, I will feel a taser shot, followed by a knee in my back.

My New York ancestors would have taken any politician infected with the power-lust necessary to call for such an odious policy and thrown him, tarred and feathered, into the Hudson River. Those days are gone, thinks I, as I walk to the subway amidst all the police loitering about, their machine guns slung across their Kevlar encased bodies, ready, waiting to be used. — C.J. Maloney

All the news that's easy to print — I have enjoyed many an hour reading newspapers, but I have also been enormously frustrated over the years. I don't wish to malign the professionalism of newspapermen, but they have a remarkably narrow viewpoint, and it shows. I once asked my Colombian boyfriend his impression of America. He replied "It's so peaceful here." I asked him to explain. He pointed to the umpteenth rehash of the shootings at Columbine High, which had been covered nonstop for two or three weeks. "In Colombia, that story wouldn't last four hours; we'd have another bombing, shooting, kidnapping, or assassination." By reciting stock phrases about"industrialized

nations," the media avoids ever noticing that there places in the world far more violent than the United States.

I would turn to the paper for coverage of an event where I had been — for example, a gay pride parade. The coverage would be snotty, and would mention only the half-dozen drag and leather queens, not the thousand participants who would have been inconspicuous in any shopping mall.

I come from Pittsburgh, which had a big "stadium tax" proposition some years back. All the media and all the corporate bigwigs were behind it. The corporations threw $6 million into a glitzy no-holds-barred campaign, which was slavishly covered. Meanwhile, the opposition had a budget of less than $50,000, a few allies on talk radio, and enormous grassroots support. The proposition was slaughtered, by a margin of two to one. You would think the media would be all over us, wanting to find out what had happened. Nope. Grassroots people don't buy enough ad space to matter. Our research was careful, accurate, and thoughtful. The media chose instead to cover inaccurate speculation emitted by CMU at the behest of the sports teams as if it were factual.

People turn to the internet because they want more information than the media are willing to give. People want to read the stuff that isn't supported by powerful corporate interests. They want to read about today's financial crisis, but not from the folks who created that crisis, who have a vested interest in obfuscating the issues. Today's newspapers are not providing those alternative viewpoints; they are too wed to their corporate advertisers, who usually want more corporate welfare. Thomas Jefferson would rather have newspapers and no government than government and no newspapers; I certainly agree, but newspapers which are mere apologists for the government might as well not exist, for all the good they do. Press releases make a poor substitute for news. — Terry McIntyre

Chinese econ drill — As our country continues in its government-induced recession, we would do well to reflect on China's continuing economic success.

China has passed some important milestones recently. Last year it overtook Germany as the world's third largest economy. Earlier this year it overtook the United States in domestic car sales. Now, according to The Telegraph of London, China has just surpassed the United States as Brazil's largest trading partner: monthly total trade between Brazil and China has hit $3.2 billion, exceeding by almost half a billion dollars that between Brazil and the United States. Considering that the United States was Brazil's biggest trading partner for upwards of eight decades, this is a big change.

The Telegraph also notes that China is now Chile's biggest trading partner. And China is naturally close to the four leftist regimes of South America (Bolivia, Ecuador, Peru, and Venezuela).

In sum, it would appear that China has been moving steadily towards replacing the United States as the primary foreign power in Latin America. Given our trajectory and theirs, this is not apt to change any time soon. — Gary Jason

Pinko Cadillac — I'm frustrated by President Obama's takeover of General Motors. Not for the obvious reasons, either.

I've long argued against state mandates for health insurance. One reason so many people can't afford basic health insurance policies are these government mandates, which basically say, "If you want to sell anyone health insurance in this state, the policy has to include . . .," followed by a laundry list that varies from state to state depending on the relative power of various lobbying groups, but includes such things as pregnancy coverage (even in policies for single men), chiropractic and acupuncture, alcohol rehabilitation programs (even if you're a teetotaler), and in some states even hair transplants. All these mandates, of course, increase the cost of insurance, leaving more people choosing to go without.

What does the government takeover of GM have to do with this? Well, one of my strongest arguments against health insurance mandates was, "It's like passing a law saying that if you want a car you have to buy a Cadillac." Now they might actually pass such a law. — Ross Levatter

One small step — Susan Lefevre, the fugitive from "justice" who spent 30 years on the lam as a California housewife, has been liberated from the clutches of the state.

I first wrote about Lefevre on these pages in July 2008. She had been convicted of possessing drugs back in the 1970s and, though only a teenaeger at the time, sentenced to a long prison term in Michigan. She managed to escape and began a new, utterly respectable life in the San Diego area, where she and her husband raised three children.

In April 2008 she was discovered and arrested. At the time it looked as though she might be spending a very long time in prison. Michigan authorities indicated they would make her serve out the old drug sentence, and were planning to prosecute her for the escape.

Reason, however, has prevailed in this case. In January the Michigan parole board voted to release her from the old drug charge. And the escape charge too has been dropped. Unfortunately, the state could not quite let it go at that. Lefevre was placed on probation. She is barred from owning firearms or drinking alcohol.

But at least, on May 19, she was freed to return to her family. When will Leviathan set free all the other human beings it holds for possessing drugs? — Jon Harrison

Brain food — I greatly enjoyed reading the article in the April Liberty by Charles Barr ("Freedom vs. Fairness"). I couldn't agree more with the article's basic point, that there are probably more Americans concerned about issues of fairness than of freedom and, hence, libertarians must do better at understanding how the bias toward "fairness" causes people to make antifreedom collective political choices and to overcome these biases, to the greatest extent possible.

My particular interest is in following scientific research that explores neurological mechanisms that may underlie decisionmaking that promotes fairness, regardless of how expensive that may be in terms of other values, such as freedom. The findings of neuroeconomic game theory that people will frequently, if not usually, reject an offer of $20 in order to prevent somebody else from taking $980 in an "unfair" division of $1,000 between two people, is a good example of what would seem to be an irrational bias. Twenty dollars is a whole lot better than nothing and I wouldn't turn it down, even though the other guy gets to keep $980. But then, that only shows that I do not highly value "fairness."

A newly published scientific study provides a clue.

The study's authors hypothesized that low serum levels of omega-3 fatty acids, having been associated in prior studies with increased hostility and decreased impulse control, might have a measurable effect on the willingness of people to accept offers made to them in the ultimatum bargaining game.[1] As you may recall from my article in an earlier Liberty ("Libertarian Like Me," July 2008), in the uiltimatum bargaining game, two players negotiate over the division of a given amount of money. The proposer (who initially has the money) offers a split with a responder. If the responder accepts the offer, they make the division and both keep their share. If the responder rejects the offer ("unfair"), neither proposer nor responder gets any money.

In this new study, the researchers measured fasting serum levels of omega-3 fatty acids (alpha-linolenic acid [ALA], eicosapentaenoic acid [EPA], and docosahexaenoic acid [DHA]), as well as linoleic acid (an omega-6 fatty acid) and arachidonic acid (a product of omega-6 fatty acids) in 60 undergraduate economics students. The results showed that the ratio of serum omega-3/omega-6 fatty acids was significantly lower in individuals who rejected "unfair" offers as compared to those who did not. There was a significant depletion of ALA, EPA, and DHA in the rejectors of "unfair" offers.

What can we do with this information? For saving the world, perhaps nothing much at the present time. However, this may be a useful "secret" in matters of individual-level negotiation. I make no guarantees concerning the outcome of your negotiations, but the results of this study suggest that it is possible that you could reduce the likelihood of irrational rejections of perfectly reasonable offers on the basis of biases concerning "fair" and "unfair" by feeding those with whom you are negotiating a leisurely cold water fatty fish meal (rich in EPA and DHA) at a good restaurant before you get down to business. (The question of whether a large enough acute dose of omega-3 fatty acids would do the trick or whether it would take chronic ingestion of increased levels of omega-3 fatty acids was not answered by this single study.)

Political Implications: interestingly, the ingestion of omega-3 fatty acids in supplements has been increasing for years, especially among older people attracted to the protective effect of omega-3 fatty acids against sudden death heart attacks. (References available upon request.) A new breed of hogs has even been developed which has meat enriched in omega-3 fatty acids and omega-3 fatty acids are being fed to farmed salmon to allow them to achieve the same high tissue levels as in wild salmon. The FDA has approved a "qualified health claim" for omega-3 fatty acids: "Supportive but not conclusive research shows that consumption of EPA and DHA omega-3 fatty acids may reduce the risk of coronary heart disease. One serving of [name of food] provides [x] grams of EPA and DHA omega-3 fatty acids." This weak claim (far weaker than justified by the scientific literature) was achieved after two petitions, two courtroom victories against the FDA, and encouragement from the FDA commissioner who said that this was the largest body of evidence the agency had ever received for a claim.[2] Few supplement manufacturers actually use this claim, though, because it is not only weak but wordy, thus hard to fit on a label. But this is typical of the FDA's approach to health claims for natural products, which would otherwise compete with products sold by the FDA's big pharma "clients."

Could a change in diet or the ingestion of important dietary components eventually alter the political landscape? Why not? It's happened before. — Sandy Shaw

Not so currency — The U.S. Treasury offers would-be buyers a beautiful Liberty Walking silver "Eagle" coin, clearly labeled "One Dollar." However, it is currently out of stock and not available for sale. The price at which it is listed, when it is available, is not one U.S. dollar (Federal Reserve Note). The U.S. Treasury lists it instead at $37.95.

Is this stupidity? False labeling? A sad commentary on the decline of the value of the U.S. dollar? Or all three?

In the days when gold and silver money circulated and paper dollars were freely convertible into gold or silver dollars, denominating coins in terms of dollars made sense. But today, the rising dollar price for monetary metals makes the "One Dollar" label a lie. Shouldn't the government label its coins by weight? — Bettina Bien Greaves

The burden of office — In a recent interview, President Obama said he doesn't want to be in the auto or banking business, and I recall Bush saying that he didn't want to interfere with the market back when he started bailing out businesses.

I must confess to being ashamed of the many things we Americans force our presidents to do against their will.

— Ross Levatter

California under alles — As if to prove that the Republican Party is as virulently socialist as the Democratic, California governor Arnold Schwarzenegger is doing his bit to push America off an economic cliff. His idea of how best to close his state's budget gap (estimated to be around $24 billion and growing) is not to stop spending other peoples' money as if it were water but to borrow more and, since private lenders are reluctant to continue funding California's endless spending spree, to have federal politicians force taxpayers from other states to back the new loans.

Returning from DC with an empty begging bowl, Arnold and his tax-funded friends were dealt another blow on May 19, when the unwashed voters of the state shot down every tax scheme the politicians had proposed, despite the childish and irresponsible scare tactics that California's politically connected unions used in a well-funded media campaign.

Naturally, this has refocused attention on the quandary California's politicians have put themselves (and the sad sack taxpayers) into. The promises they made to buy votes are turning out to be just that — promises. There is no money left in the vault to pay for the lavish salaries, pensions, and perks that California's political class and their friends have come to expect at the taxpayers' expense.

Needless to say, this will turn into a problem for Obama and the members of Congress who call California home. The

1. Emanuele et al, "Serum omega-3 fatty acids are associated with ultimatum bargaining behavior," Physiology & Behavior 96 (2009), 180–183.
2. Hagen, "The Power of a Qualified Health Claim," U.S. Canola Digest Nov./Dec. 2006, 6–8.

state has some of the most virulently aggressive and politically active unions, and they expect to be paid for mustering the votes. Already California Congressman Brad Sherman has declared, "There's simply no better stimulus than guaranteeing state and local bonds, particularly those that are being used to get through the crisis and avoid layoffs."

Of course, the layoffs he fears will hurt the parasitic class that feeds off the California working masses, layoffs that I declare would be a positive benefit to the state. As anyone who paid any attention in Economics 101 will tell you, when you hit a depression reducing the burden on the working masses is not only the correct thing to do from the economic point of view, but from the moral as well. — C.J. Maloney

Litmus test — A meme that has been circulating lately is that if you are not onboard with Obama's Supreme Court appointment, you are anti-intellectual. This grows so wearisome. It's not intelligence I oppose, it is arrogance. I don't want anyone on the bench who thinks they could have written a better Constitution than the original framers did; nor do I want anyone trying to change that Constitution outside of the proper amendment process. — Tim Slagle

Treatment complex — Among the current administration's many alarming big-government initiatives is universal healthcare. There are many arguments, both familiar and meritorious, against the government's taking over the health care of the citizens, but a tangential aspect to think about is what might be called the legal-medical-state complex. This is an expanding entity, with which I became familiar when I was a prosecutor.

It seemed that no matter what the infraction, juvenile defendants were always funneled into "treatment" by the cooperative efforts of defense counsel and the state. For light matters such as school fistfights, the sort of episode in which one or two punches settle adolescent frictions, defendants were offered diversion programs (anger management counseling and the like). For more serious offenses, treatment inevitably included a state-funded mental health report compiled by a state-employed psychiatrist or psychologist, recommending medication, monitoring, and an extended stay at a for-profit facility.

For first-time offenders, the counseling programs were often accepted by defendants' parents in order to keep the kids' records clean. More serious offenders had no choice. Mental health measures were simply part of plea agreements and part of sentencing.

This never sat well with me. There were indeed a few defendants who had fairly obvious "mental issues" that were not just odd behavior the state considered aberrant, but behavior that was dangerous to everyone. Mental health intervention may or may not have been helpful, but it couldn't hurt. But, for the rest, two things raised my concern.

First, I was surprised at the ease with which the legal-medical-state arrangement worked. Mental health evaluation, diagnosis, and treatment, including medicating and monitoring, were part and parcel of the state's handling of criminal matters. No questions asked. It was expected. All professionals and bureaucrats were invested in the arrangement.

Second, I was struck by the ease with which defendants opted for treatment instead of punishment. As this was juvenile crime, punishment — depending on the infraction — consisted mainly of paying costs of property damages, losing a driver's license, undergoing probation, doing "community service," or sometimes going to boot camp. Not pleasant, but nothing anyone would consider hard time. And, with certain exceptions, juvenile records were routinely expunged upon petition once a certain time period passed. Neither parents nor defendants nor defense attorneys balked at, or even seemed to consider, the amount of control being ceded to the state and its mental health workers when choosing treatment (at any level) over punishment. Everyone simply accepted the joint presentation by the state attorneys, defense attorneys, and counselors that "treatment" was the best course.

Frankly, it seemed dangerous. Once the state took over diagnostic duties, there was no turning back. What might have originally seemed like a good idea in some cases turned into the way in which all cases were handled. Once the state, the legal professionals, and the mental health professionals hit upon a propitious relationship, there was no getting rid of it.

As I said in the beginning, this discussion may be tangential to the universal healthcare issue, but it is instructive. If we cede to the government the ability to control health provision, this will quickly become an irreversible event. It is reasonable to foresee that as with the arrangement I witnessed as a prosecutor, once government bureaucrats, medical professionals, and legal professionals hit upon a cooperative relationship, there will be no getting rid of it. Too many will be inclined simply to accept the presentation by a legal-medical-state complex of the best course of "treatment," no questions asked. The amount of control "treatment" over young citizens' lives now offered by the state through the court system is alarming. The potential amount of control over citizens' lives that is offered by the state within a universal healthcare system should be no less alarming. — Marlaine White

I'll take Manhattan — One of the opinion journals I most love to read is the plucky City Journal, published quarterly by a center-right thinktank called the Manhattan Institute. City Journal produces some of the most thoughtful and well-written journalism around today. As it happens, the latest edition (Spring 2009) contains articles that bear on two of my favorite topics for reflection: demographic change and school choice.

The first piece, "Spendthrift Sunbelt States," is by Nicole Gelinas. She reviews the current fiscal woes of three states — Arizona, Florida, and Nevada, which she calls the JetBlue states — polities that were formerly the economic envy of the nation. After years of double-digit population growth and booming economies, the JetBlues are facing slow growth, major budget cuts, and rising unemployment.

The proximate cause of their plight was of course the collapse of the real estate bubble, but the underlying cause was — what else? — dramatic increases in state spending. Like California and New York, commonly called the People's Republics, the JetBlue states jacked up their spending at a crazy clip. Faced with the revenue drop, their choices are now the same: either cut services or increase taxes. And, as in the People's Republics, public employee unions and other special interest groups in the JetBlue states refuse to give back an inch

of the mile they have been able to grab. It would appear that the JetBlues are looking at tax increases.

Now why did states that were formerly paragons of fiscal probity turn into clones of the People's Republics? Gelinas points to several causes, including one that was the subject of an earlier Reflection of mine ("Californication," April): the rapid population growth of the JetBlues was driven by a massive outmigration of middle-class people from the Socialist Utopias.

Ironically, when these people flee California and New York to escape high taxes, crime, unemployment, and the cost of living, they never look themselves in the mirror and ask what the cause of the decline may have been in the state they are fleeing. (The answer would be staring them back in the mirror). They flee the results of their choices, but they retain the same attitudes that led to them. As Byron Schlomach, a researcher at Arizona's Goldwater Institute, put it, "They are fleeing California, but don't have any notion of why it's expensive to live there." Oh, well, these refugees are usually graduates of our public school system, where they don't even learn arithmetic, much less basic economics.

But this does raise the interesting question of how welcoming other states should be to refugees from the People's Republics — after all, they are carriers of a kind of plague, the plague of welfare statist mentality. Texans in particular should worry; their state appears to be one of the last bastions of economic freedom.

Perhaps Lyle Lovett, whose music charms me, should change the lyrics of his famous song, from "That's right, you're not from Texas, but Texas wants you anyway," to "Damn right, you're not from Texas, and Texas hopes you'll stay away!"

The second article, "LAPD High," was written by Laura Vanderkam. It reviews a type of "magnet school" of which I was hitherto unaware. Magnet schools are a moderate form of school choice: they are public schools, but can take students from different neighborhoods, have a special orientation, and require students to apply to get in. This allows the creation of widely different schools, enabling greater student interest, a point I have urged in earlier reflections (such as "Free to choose," October 2006).

Vanderkam looks at the successes of six particular magnet schools that are affiliated with the Los Angeles Police Department. These schools (five high schools and one junior high) were set up during the tenure of Mayor Richard Riordan as a way to encourage minority students to consider law enforcement as a career. Their current enrollment is around 1,300, with student bodies at each school between 70% and 95% Hispanic.

The schools have the same academic requirements as others (same amount of math, English, and science classes). Courses are taught by regular public school teachers. But they also have active duty police officers on site, mentoring and helping students in other ways. And there is an intense focus on physical fitness, far beyond ordinary gym class, with weight lifting, mile runs, obstacle course runs, and so on.

The major success of these schools is the relatively high graduation rates. Fewer than half of ninth graders in regular LA public schools graduate from high school. Only 16% of Latino students graduate with the courses that qualify them to enter the California university system. But at the LAPD magnet schools, the graduation rate is 70%–90%, and most of the students who do leave transfer elsewhere rather than drop out of school entirely. Indeed, in one school (Reseda High), 100% of the 2008 graduating class either went to college or joined the military.

This touches on a point I have long urged. While it is important to focus on the role that school choice plays in improving academic performance — that is, intellectual virtue — we shouldn't neglect the usefulness of school choice in other areas, such as increasing student retention and the improvement of moral virtue.

City Journal is an outstanding source of insightful and provocative writing. If you haven't read it yet, take a look.

— Gary Jason

Ask the local gentry — Did you ever see such a festival of bad logic as the one that has consistently attended the gay marriage debate?

Each side maintains that marriage (as each side defines it, of course) is an *inherent right* that nevertheless has to be provided by the state. In the absence of the state, marriage — not, mind you, any of those legal mechanisms that protect a couple's private property, contracts, and so forth, but marriage itself — could not *exist*. Marriage has to be *granted by the state*, in the form of a *marriage certificate*. Still, it's an *inherent right*.

You might as well argue that people can't have free speech unless the government authorizes what they say, or be free to publish what they want, unless the government gives them a printing press. But that's the kind of thing that each side of the great gay marriage dispute chose to argue.

Neither side devoted a moment to the obvious libertarian idea that if marriage is so important, it should be left to individuals, with no involvement by the state except to enforce the contracts about property that people are always free to make — inside or outside formal marriage. If you want to get married, there are plenty of churches that will marry you. Or you can conduct a marriage yourself. The Christian contingent (gay or straight) already believes, supposedly, that marriage is a religious rite. The non-Christian contingent (gay or straight) believes, supposedly, that it is a private rite. So go ahead. Marry and be given in marriage.

But now come the voters of the state of California — responding to impassioned pleas that gay marriage be "legalized" — and proceed to ban gay marriage by law. Then the Supreme Court of the state of California refuses to let the voters do that, discovering in the state constitution a hitherto unknown guarantee of the *right* to be married by the state.

The voters retaliate by passing an amendment to the constitution, stipulating that gay marriage is not a constitutional right. Then the forces of gay marriage respond in a way that seems logical to them: they stage wildcat demonstrations designed to cause the maximum amount of disruption in . . . gay neighborhoods! (I know; I live in one.) They also start a legal case, maintaining that this particular amendment to the constitution is, well, *unconstitutional*.

If anything was ever a contradiction in logic, this was it. By what kind of rhetoric could anything like that be justified? Well, said the win-at-any-intellectual-price proponents of gay marriage: the constitution guarantees equal protection of the

laws; laws allow straight people to marry; therefore, the laws must allow gay people to marry.

Of course, the voters had just passed a *law* against gay marriage, so what about that? No answer.

On May 26, the same Supreme Court that had ruled in favor of gay marriage was constrained to rule against it, validating the ability of voters to amend their own constitution. The one dissenting justice — who, according to The New York Times, has been considered by President Obama for the Supreme Court of the United States — insisted that the ruling "strikes at the core of the promise of equality that underlies our California Constitution" and "places at risk the state constitutional rights of all disfavored minorities."

Indeed, many well-meaning people have suggested that the libertarian principles on which the U.S. Constitution is based should be used to override any unlibertarian provisions that are actually and explicitly present in that document. Good hearts, but bad logic. What will these people say about all the various "principles" and "promises" that other, less libertarian people allege to underlie the explicit language of real documents? The California dissenter writes of the "promise of equality." Well, suppose the legislature decides to confiscate all incomes above 50K and distribute them among the populace. That's equality, right? Oh no! we libertarians shout. But what's the problem? Aren't we going by *principles* instead of *explicit words*?

Or suppose the voters of the state of California endorse a referendum to cut taxes for some classes of property holders, and a case comes to court in which the plaintiffs argue that the will of the voters must be overridden because of the principle of *equal protection of the laws*. (This is actually what happened when Proposition 13 passed in California, a generation ago.) Would the court be right in deciding that this principle trumps the will of the voters? Oh no! we say again. Yet that is the same kind of obscurantism that was exerted in the cause of gay rights — which is, in my own opinion, one of the best causes under heaven.

But what were the arguments of the majority of the California Supreme Court? They wouldn't have a very difficult time, one would think, just noting that an amendment to the constitution is an amendment to the constitution, and letting it go at that. But no. Everyone in this drama has to maintain the cause of flagrant, ridiculous, preposterous illogic.

The majority did say, luckily, that "our role is limited to interpreting and applying the principles and rules embodied in the California Constitution, setting aside our own personal beliefs and values." But they added:

> Nor does Proposition 8 [the anti-gay-marriage amendment] fundamentally alter the meaning and substance of state constitutional equal protection principles.... Instead, the measure carves out a narrow and limited exception to these state constitutional rights, reserving the official designation of the term "marriage" for the union of opposite-sex couples as a matter of state constitutional law, but leaving undisturbed all of the other extremely significant substantive aspects of a same-sex couple's state constitutional right to establish an officially recognized and protected family relationship and the guarantee of equal protection of the laws.

In other words, people have *rights*, but you can *carve out exceptions*.

So, that's what a right is — correct? It's something like an old tree, that you can carve your initials in, and that's OK, because it may not kill the tree, but there's some point at which you, like, go too far, and then you've gotta call in the... uh... whaddya call 'em... tree surgeons, yeah, that's it... Or was it judges? Whatever. Somebody will tell you when you've gone too far in meddling with *officially recognized* rights.

If these are *rights*, give me *duties*. Such as the duty to make some sense. — Stephen Cox

Diplomatic impunity — During the campaign Barack Obama at least implied that he wouldn't indulge in the age-old practice of giving cushy ambassadorial posts to big campaign donors. Now that he's in power, of course, it's another story. He named retired Citigroup executive Louis Susman (a $500,000 donor) our ambassador to Britain. Former financial analyst Charles Rivkin (who donated $100,000–200,000) will be our man in Paris. And biotech lawyer John Roos (a $500,000+ donor) will be heading to Tokyo.

— Alan W. Bock

Ballot boxing — It never fails. Whenever I attend a political gathering — such as the ever-delightful FreedomFest — I am approached by someone pitching a third political party. I tell him that I don't vote for third parties, as they almost never win, whereupon he tells me I'm a fool for voting for the lesser of two evils, and I reply that it's better than voting for the greater of two evils. For my efforts, I get a hostile stare.

Let me see if I can clear this up a bit. I am by no means opposed to third parties. But we live in a democracy that uses the plurality method of voting. In this system, you can only vote for one candidate, and the candidate who gets the most votes wins. (On the presidential level, of course, the system is modified by the Electoral College mechanism). This is almost invariably a candidate of one of two parties, which tend to have major policy differences (with variation among individual members). In the plurality method of voting, you get only one vote, so to vote for anything but the lesser of two evils in the case where only two candidates have a chance of winning is in practice to vote for the greater evil.

This is not merely an abstract concern. I can recall several races in which if the few votes that went to the Libertarian Party candidate had gone instead to the conservative one, the conservative would have won, and would have voted for a number of policies I favor, such as lower taxes, tighter restrictions on welfare, fewer regulations, and increased school choice.

Moreover, if I am not supposed to vote for the person closest to my belief set who has a real chance of winning, but instead vote for the person closest to my belief set regardless of his chances of winning, even then, why would I vote for a third-party candidate? Faced with a mainstream candidate who shares maybe 70% of my views, or a third party candidate who shares maybe 80%, my best choice under the theory we are entertaining would be to write in my own name — thus voting for a candidate who shares 100% of my views!

So it is that I prefer to work within a large, traditional party, which is a coalition of disparate subgroups, funneling my money and efforts through the libertarian subgroup with the intention of moving the coalition more in that direction.

This choice is based upon the reality of our political system. I am certainly open to changing our electoral system in ways that would make me more inclined to vote for a smaller, more ideologically pure party. Such systems exist. Indeed, there are a surprisingly large number of other voting schemes, some merely proposed, others actually in use. While I certainly don't want to get into grisly, statistical political science, perhaps a sketch of the alternative voting regimes might be useful.

Let's focus on single-winner elections, i.e., those in which only one person is to be elected. And let's focus on single-round elections, in which voters go to the polls just once per election. What are some alternatives?

Perhaps the biggest class of non-plurality, single-round voting schemes is called "ranked choice" or "preferential voting" systems. Probably the best known among preferential voting methods are Borda counts, Bucklin voting, Condorcet methods, and Instant Runoff voting. In all these methods, the voter begins by ranking the candidates (for the given office) in order of preference. So if Barack, Gary, John, Ralph and Ron are the candidates running for president, I might put "1" for Gary, "2" for Ron, "3" for John, "4" for Barack, and "5" for Ralph.

In Borda counts, for each ballot counted, any candidate ranked 1 would get 5 points added to his total (assuming in our imaginary case that there are five candidates), any ranked 2 would get 4 points, and so on down. The candidate with the highest point total (as opposed to the one with the highest number of 1's) wins the race. This system is used to some degree in a few countries — Kiribati, Nauru, and Slovenia come to mind.

In Bucklin voting, first-choice votes are tallied to begin with. If any candidate wins a majority, that ends the election. If none wins a majority, then the second choices are added in, and so on till a winner emerges. Bucklin voting was once rather widely used in the United States in the first part of the 20th century, but was eventually repealed or declared unconstitutional in all of them.

The Condorcet "method" actually refers to a group of similar counting techniques, and is somewhat more complicated. The aim is to select that candidate (if there is one) who would beat every other candidate in a one-to-one election. For each possible pairing, you count the number of ballots that rank the first candidate higher than the second. If one candidate wins all the possible pairings, he is the winner. Otherwise, some tie-breaker method is employed.

This is what one might expect from the mind of a great French philosopher and mathematician: sophisticated but depressingly intricate. Perhaps that is why no country I know of uses this method, although many private organizations do.

Finally, in Instant Runoff voting, the first count is of the candidates ranked first. If one of the candidates wins a majority, he is elected. Otherwise, the candidate with the lowest total of the first preference ballots is eliminated, and those ballots on which he was ranked first are recounted with the second ranked candidate now counted as first. Again, if a candidate now has a majority, the election ends. Otherwise, dump the lowest scoring candidate and repeat. (In a sense, this method simulates a multiple-round election; hence the name "Instant Runoff method.")

This system is used to some degree in a fairly large number of jurisdictions, including Australia, Canada, Fiji, Great Britain, Ireland, Malta, Papua New Guinea, New Zealand, Northern Ireland, and Scotland. It is also used in a few places in the United States.

I don't want to leave you with the idea that the Borda, Bucklin, Condorcet, and Instant Runoff methods are the only types of preference or ranked choice methods. There are others, but this is not a comprehensive study of voting methods. Nor do I want to leave you with the impression that the only kinds of single-winner, single-round voting schemes are either plurality or preferential voting ones (i.e., just schemes that ask the voter to pick one candidate or rank them all).

For example, in Approval Voting, the voter doesn't rank the candidates, but simply marks the ones he approves (or at least can stomach). So, on the ballot consisting of Barack, Gary, John, Ralph, and Ron, I might mark "Gary," "John," and "Ron." All the ballots are tallied, and the candidate with the most votes wins. I don't believe this is used in any political venues, but it is used by a number of private associations.

Now, I am not quite as reverential toward our Constitution as many conservatives are. While I certainly view it as a creation of genius, and amending it as a matter to be undertaken with the greatest care, I certainly do not view it as perfect, now or ever. Nor did the Framers, I suspect, which is why they built in a perfectly useful mechanism for amending it.

So among the half-dozen amendments worth adding, I might include one permitting the adoption of ranked preference voting. I especially favor the Instant Runoff system. But as I don't see that happening any time soon, I'll keep voting against the greater of two evils, if you don't mind.

— Gary Jason

Constitutional reboot — I am ceaselessly amazed at the reverence people in this country have for the Constitution. Most haven't read it. Most who have read it don't really understand it. Yet everyone reveres it. It is revered because it immutably protects our rights and liberties — even while our government expands without limit and now represents an unimaginably greater threat to liberty than George III ever could have posed.

I suspect that the reverence is really for the name. The document is obviously not the same as the one penned in 1787. I refer not merely to the fact that it has been amended, but more importantly to the large sections that have been virtually redacted by judicial interpretation, as Georgetown law professor Randy Barnett discusses in his book "Restoring The Lost Constitution: The Presumption of Liberty." Yet after all these changes — while the supposedly identical document that created a small and limited government in the late 18th century now justifies the workings of the leviathan that towers above us today — the name "The Constitution" has not been altered.

I wonder what would happen if founding political documents were like computer programs — if every time an explicit amendment or a substantive judicial modification was made, the name had to be changed. How much reverence would Americans have for The Constitution, OS 27, version 2384.7, last updated 3/7/08? — Ross Levatter

With the Paul Brigades

by Bruce Ramsey

Ron Paul's campaign for president aroused enormous public enthusiasm. Will the movement outlive the election cycle?

I wondered about Ron Paul's Campaign for Liberty. It had begun to offer regional conferences, and the second one, in late May, was in a suburb of my hometown, Seattle. A free event was scheduled with Congressman Paul on a Friday evening and a conference on political organizing all day Saturday.

At the Friday event, Paul gave a speech on liberty, sound money, and the Constitution, to a crowd of 700 supporters. At the conference next day, there were 210 attendees, mostly white, aged 20 to 70, mostly from Washington and Oregon but some from Montana, where Paul won 24% of the vote in the 2008 primary. In the Seattle crowd were more women than one would usually see in a crowd of libertarians, and even a few school-age kids: homeschoolers. Like Paul, most people in the audience were pro-life, judging from some of the applause. The favored issue on buttons was the Federal Reserve: the middle-aged woman next to me, a Republican precinct committee officer munching on sliced apples, wore a button that said "END the FED." Paul has a bill in Congress to audit the Fed.

Tom Woods of the Ludwig von Mises Institute did the opening. It was history from 1798 to 1812 about the states defying the federal government over the Alien and Sedition Acts and President Jefferson's ban on foreign commerce. Woods was presenting the issue of state nullification of federal laws — not to benefit slavery, as it is usually presented, but to benefit freedom of trade and freedom of political speech. And for the benefit of the Constitution itself.

Here was history few had heard. In it was a message: it is all right for a state to make its own decisions about what is constitutional, and to defy the federal government. A county or a city could do this. Resistance was part of the American tradition. And the audience was ready.

Now comes the main speaker, Michael Rothfeld. He is a "liberty-loving conservative, pro-gun and pro-life," from Falmouth, Virginia, and has a direct-mail and political consultancy called SABER Communications. He is wiry, intense, nervous, and one of the only men in the hall wearing a suit. From behind he looks like Barack Obama. He speaks in short sentences and expertly works the crowd. Right at the beginning he asks the audience: "What will be the legacy of Ron Paul?"

Pause. Then he says: "A return to sound money?"

"Yes," a few voices reply.

"An end to big government?"

"Yes!" more say.

"A return to the Constitution?"

"YES!" the crowd roars.

"No!" he bellows. "That is *not* the legacy of Ron Paul."

He pauses.

"You are the legacy of Ron Paul."

Several hours later he asks us if we think we are normal Americans. No one answers.

"You are *not* normal," he declares. "Normal people do not sit here on a beautiful Saturday afternoon and listen to someone like me." The audience applauds.

Rothfeld's first lecture starts with a warning of blunt truths ahead. Here is the first. The American political system is fine. Forget about its being "broken." It's not. "It works *exactly* as it's designed to work," he says. The point of activism is to make it work for you. "I am going to tell you how to seek and use power," he says.

All those schoolmarm maxims about compromise and working together and being patient — when you hear that kind of stuff, Rothfeld says, always ask yourself: *"How does the political class benefit if I believe this?"* He returns to this line many times during the day. If you accept the politician's offer of "access," he says, it benefits the politician, not you. *You* were trying to influence *him*. And then you stopped, and let him influence you.

"Don't," Rothfeld says.

As an activist, your central work is not to educate the public. It is to mobilize that part of the public that already agrees with you. Let them educate. You mobilize.

That your group is a minority is all right. If you do not vote you do not count, and in America only a minority votes. Often the outcome is determined by only a handful, a minority of the minority.

The implication: if you can mobilize 1% of the people and put their votes in play, you can have power.

"This is not an argument for third parties," he says. Third-party votes are not available for a winning coalition and therefore are not in play. Nor is it an argument to be a loyal Democrat or Republican, because then your votes are also not in play, and you will be ignored. "This is what the evangelicals have become in the Republican Party," Rothfeld says. "They are captives on the plantation."

"Communications is not about you!" Rothfeld shouts. "It is not about what you think. Nobody cares what you think."

To have influence, you have to be willing to bring pain and ridicule on those who cross you, especially on your supposed friends. You have to be *feared*. "If you are not politically feared you will not be respected," he says.

You have to prove to the political establishment four things:

"First, that you are serious; second, that you are backed up by numbers; third, that you will inflict pain during election season; and fourth, that you will be back next year."

Don't shy away from the negative. "Pain is a stronger motivator than pleasure," he says. "I've never regretted being negative in a campaign. I have *deeply* regretted remaining positive, which was usually because the candidate didn't want to go negative."

Most times you will not win. The more ideological you are, the less likely you will succeed. But winning is not all that matters. "You think winning is all that matters?" Rothfeld says. "I guess Ron Paul shouldn't have run, huh?"

We are all there because Paul ran for president.

"Money and volunteers come out of losing campaigns even more sometimes than winning campaigns," Rothfeld says, recalling Barry Goldwater's long-term investment of 1964.

Political movements are built when out of power. "When George W. Bush was president, we could never mobilize against big-government programs," says Rothfeld. "Now we can." Now Republican legislators can be pressured into actually doing something good.

Then he delivers a lecture on communications. "Communications is not about you!" Rothfeld shouts. "It is not about what you think. Nobody cares what you think. It is about them." Listen to what other people care about. Speak to that. If you're in a battle over a single issue — and those are mostly the battles you should be fighting — find people who agree with you on that issue. If you are campaigning against a tax increase, don't start talking to them about guns or the Fed or ending the War on Drugs. You are not recruiting one precious mind at a time. You are trying to block a tax increase with a phalanx of "No" voters.

The subject of communications morphs into the ways of money raising. Rothfeld is a junk-mail operator, proud of it, and tells some of the secrets of that tribe. Everything in the piece of mail — the type of paper, the type of postage, whether there is a return address, etc. — is calculated to move a person who does not want to give.

Most junk letters will be thrown away. Junk mailers know that; but if 2% give, that's okay. Three percent is good, 4% is very good and 5% is fabulous.

Do you think fundraising letters are too long? You are wrong, and it is not a matter of opinion. It is a fact, verifiable in dollars and cents. Long letters work better than short ones. Some people read the whole thing; some look only at the bullet points and italics — that's why they're there, to catch the eye — and some skip right to the end. The junk mailers know this.

"All direct mail contains a P.S.," he says. It isn't because the writer had a belated thought. "It's because repetition is the key to learning. . . . And also because we know a lot of people didn't read the letter."

A candidate raises money by asking for it over the phone. Rothfeld has advice about that, too. List everyone you know. *Everyone*. Don't mind their politics. If they give, it is because *you* are asking them. Put down a figure you think they can afford, then call them and ask them for twice as much. "Then shut up," he says. "Whoever speaks next, loses."

continued on page 42

The World's Shortest Political Quiz, Improved

by Jeff Wrobel

The Nolan Chart is one of the best-known marketing tools in the limited government debate. But there are ways in which it can be improved.

Most readers of Liberty are familiar with the Nolan chart. Created by Libertarian Party founder David Nolan, it tries to illustrate, clearly and graphically, the reasons why libertarianism has no place on the simplistic, one-dimensional left-right political spectrum.

Nolan separated freedoms into two types: personal and economic. He claimed that the Left favored personal freedoms over economic freedoms and the Right favored economic freedoms over personal ones. He made a two-dimensional chart with each type of freedom on an orthogonal axis, as shown in diagram 1 (on the next page).

For decades, this chart has been used at county fairs and college campuses to educate the public. Typically, libertarians manning a Nolan chart booth ask each visitor a set of ten questions; five about personal freedoms and five about economic freedoms. The visitors are then shown where their opinions put them on the chart. A large percentage of people discover that they belong in the libertarian quadrant. The chart has had great value in explaining libertarianism and recruiting converts.

But the chart has some problems. First, it is an overgeneralization to say that the Left supports more personal freedoms than the Right. The best example is the right to bear arms. This personal freedom is favored much more strongly by the Right than by the Left.

Another problem is the way the chart deals with authoritarian political systems. When communism and Nazism are plotted on the chart, they end up in essentially the same location, near the corner indicating the absence of both types of freedom. But these two philosophies are quite different in many ways, and in the real world, advocates of the two systems rarely cooperate politically. An accurate political map should not show them co-located.

A third problem with the chart is that the center is not well defined. Two centrist visitors to a Nolan chart booth could answer every question differently from each other, yet end up together in the middle of the chart.

But the fundamental problem with the Nolan chart is that it is a mistake to categorize freedoms. Freedom is freedom. Categorizing freedoms lends legitimacy to the Left-vs.-Right political battle that garners so much of the public's attention. It diverts notice from what many freedom-loving people

consider the real battle: the struggle for the individual's freedom from the state.

These difficulties with the Nolan chart provide motivation for searching for a better chart.

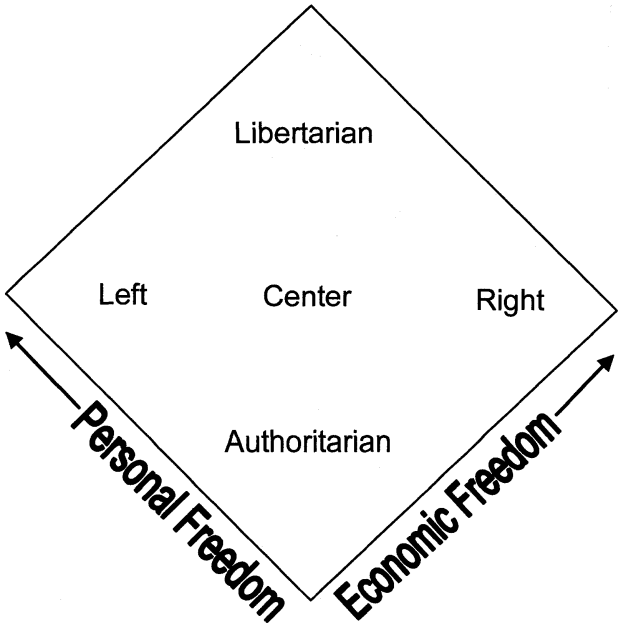

Diagram 1

Pournelle Chart

Another attempt at a two-dimensional political map was made by science fiction writer Jerry Pournelle in his doctoral dissertation in political science (diagram 2). The axes of Pournelle's chart measure how much power a person believes the state should have, versus how much power the person believes that the application of reason can have in solving society's problems.

With respect to categorizing freedoms, the Pournelle chart is an improvement on the Nolan chart. Pournelle's has only one axis of freedom, and it includes all freedoms.

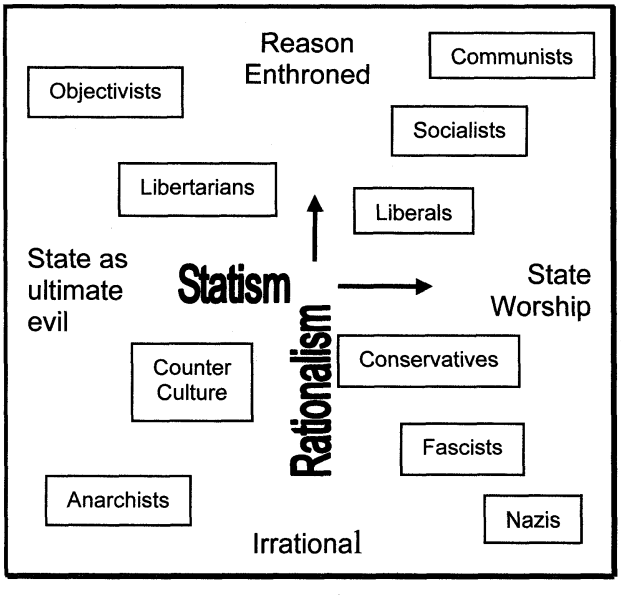

Diagram 2

But the Pournelle chart also has problems. One is that it separates "libertarians" from "objectivists," although most of today's libertarians dislike the state as much as objectivists do. And if the chart is to be used to show how close one philosophy is to another, libertarians in general would like to be at least as far away from liberals as they are from conservatives.

The chart also shows a wide separation between libertarians and anarchists. One definition of a libertarian society might be "as close to anarchy as possible without social breakdown." But according to the chart it is not possible to be on the border between "libertarian" and "anarchist."

Pournelle's chart would be a little more accurate as a political map if the left side were much smaller than the right, as shown in diagram 3. The purpose of the chart is to show how various groups view the role of the state. Groups on the left side of the chart see a much smaller role for the state than those on the right side. So as you move toward the left, it becomes less relevant whether you believe in rationalism or not; the role of the state is diminished in either case. Therefore the Rationalism axis should be smaller for non-statists. If a modified Pournelle chart were to include pure anarchists, the left side should diminish to a point, resulting in a triangular chart.

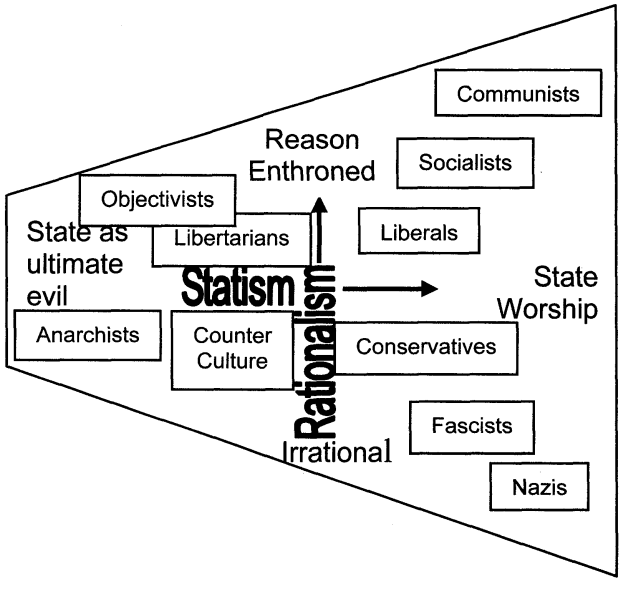

Diagram 3

A further difficulty with the chart is that in common language the word irrational is almost always used in the pejorative sense. That was not Pournelle's intention, and in fact, Pournelle describes his own philosophy as irrational, meaning that he tends toward using time-honored traditional, as opposed to rationalistic, methods to solve society's problems. But the dictionary definition of rationalism is not understood by the average person. Describing conservatives as irrational will do more to anger than to educate people. It is counterproductive to make college-level philosophy courses a prerequisite for understanding a chart like this.

The Pournelle chart is less suitable than the Nolan chart as a tool for educating the public about the meaning of libertarianism. Yet the idea of using a triangular political map is useful.

Rummel Chart

It happens that the idea of a triangular chart is not a new one. Professor R.J. Rummel of the University of Hawaii presented such a chart in his book "Understanding Conflict and War" (vol. 2, Sage Publications, 1976). The chart looks something like diagram 4.

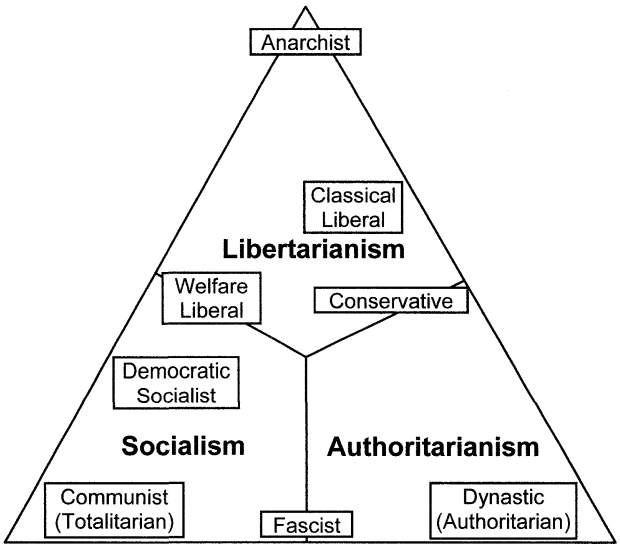

Diagram 4

This chart shows libertarianism as one of the world's three main competing political philosophies. For the purpose of advancing liberty, this is a more desirable depiction of the political landscape — though like the other charts, Rummel's is not much use in educating the general population.

One problem is Rummel's distinction between totalitarianism and authoritarianism. His chart separates these two as widely as possible. Yet the general public views these two words as virtually synonymous. A booth at a fair is not a convenient place to attempt to explain the difference; indeed, many well-educated people may not even agree with Rummel's idea on this point. In general, individuals are hard to place on the Rummel chart. It would be difficult to invent a series of questions that would allow the questioner to plot a respondent.

A New Chart

To be a useful tool in plotting individuals, a political chart should have labeled orthogonal (or at least nearly-orthogonal) axes, and it should have a triangular shape. For simplicity's sake the chart should show the Left on the left and the Right on the right. Libertarianism should be placed at the highest point in the chart, to create a favorable impression.

The next step in designing the chart is to choose the definitions for the two axes.

The vertical axis is easy to assign. What separates libertarians from both the Left and the Right is their belief in individual autonomy over the state, so the vertical axis should measure that.

Assigning a label to the horizontal axis is more challenging. A determination must be made as to what differentiates Left from Right. As discussed earlier, this is not just a matter of specifying a preference for personal or economic liberties. And Rummel's distinction of totalitarianism vs. authoritarianism is too cloudy. Pournelle comes closer with his claim of rationalism over irrationalism, but it still slightly misses the mark.

To determine a difference, a table of contrasting viewpoints can be compiled and an analysis made. The following table compares the general attitudes of people on the Left with those of people on the Right:

Issue	Right	Left
Taxes	less	more
Global Military Action	pro	anti
Gun Rights	pro	anti
Abortion Rights	anti	pro
First Amendment Rights	anti	pro
National Health Care	anti	pro
Gay Marriage	anti	pro
National ID	pro	anti
Welfare	anti	pro
Death penalty	pro	anti
Global Warming Belief	anti	pro
Meat Eaters	more	fewer

This is by no means a comprehensive list. It is mostly a list of some of the issues in the news at the time of this writing. Its intended purpose is to facilitate the discovery of a pattern of traits that distinguish Right from Left.

The first (disturbing) characteristic that becomes apparent from looking at the list of the things the Right favors is that most of them are in some way or another overtly associated with violence. However, some things favored by the Left are also violent, though in a subtler way. Both Right and Left are equally anxious to use the power of the state to promote their ideologies, so both advocate the use of force against peaceful citizens — violent force if resistance is encountered. So it is a mistake to label the Right as more violent than the Left.

A better distinction is that the Right believes in more traditional values while the Left prefers what might be termed modern values. This is similar to Pournelle's axis of rationalism but is more easily understood and is less likely to offend.

Applying these labels, the chart now becomes the one shown in diagram 5.

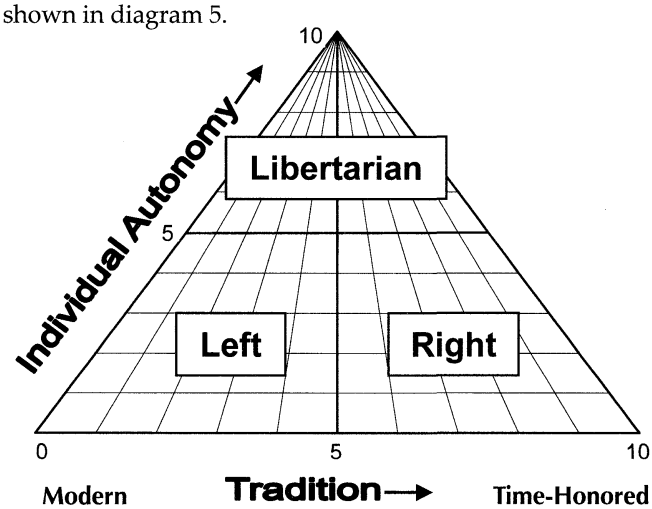

Diagram 5

More clearly than the other charts presented here, this one shows the essence of the political landscape. Simplicity is its most important trait. At a glance the general idea of libertarianism is presented.

The chart could be made more complicated by adding labels for some major political factions in approximately the same places they occupy on Rummel's chart. If they are added, these labels should be kept smaller than the three main labels, and the fascists should be moved to the right. An example is shown in diagram 6.

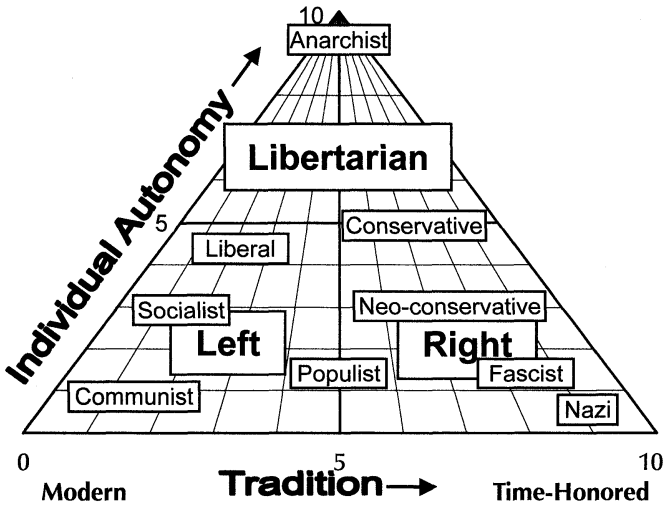

Diagram 6

Should this chart be used as the Nolan chart is today, a set of questions could easily be developed to help respondents find their places on it. As with the Nolan chart, two sets of questions should be asked. The first set would attempt to determine a person's position on the horizontal scale. The second set would determine his or her attitude toward self-government. But unlike the questions annexed to the Nolan chart, the questions for this chart could use the same topics for both axes.

For instance, one topic could be Discipline. The question for the horizontal axis might be, "Choose the sentence that best describes your beliefs:"

1. Criminals are mostly victims of society and need rehabilitation. The death penalty is wrong.
2. Our current criminal justice system is mostly fair. I'm undecided on the death penalty, and I like the appeals process.
3. Strong punishment is the best solution for handling criminals. The death penalty should be consistently applied where appropriate.

The questions for the vertical axis should also contain one set of statements on the topic of Discipline, such as the following:

1. More police are needed to enforce the laws. We need longer prison terms.
2. Our current level of police and imprisonment seems about right.
3. There are way too many laws and way too many people in prison.

Using the same topic for both axes solidifies the idea that the state does not have to be involved in all areas in which people disagree.

Advantages

The biggest advantage that this new chart has over the Nolan chart is that it does not give people the mistaken idea that freedoms are classifiable. After visiting a Nolan chart booth, many people walk away with the idea that Republicans and Democrats are champions of one or another type of freedom. The new chart shows that both parties in their current form are enemies of individual freedom.

Many people think that libertarians are a wing of the Republicans. Nolan's chart gives credence to that notion by showing libertarians in agreement with Republicans on economic issues. The chart presented here does not result in that impression.

The new chart, and its associated questions, can also deal better with the issue of gun rights than Nolan's does. This is a personal freedom that is generally supported by the Right, not the Left, even though the relationship should be opposite, according to Nolan's concept. When viewed as a traditional value, as the new chart would enable people to view it, the right to own a gun is properly placed in the realm of the Right.

Like the Nolan chart, the new one has an ill-defined middle, but this is less of a drawback for the new chart. When the axis of individual autonomy is emphasized, as in the new chart, it is not so much of a problem for people to be co-located. The chart makes the vital point that Right and Left can coexist more peacefully the further up the vertical axis they move. In contrast, the vertical axis is missing, or at least very poorly defined, in Nolan's chart.

Time explaining rationalism or the subtleties of totalitarianism versus authoritarianism is time not spent explaining libertarianism.

The new chart has an advantage over both the Pournelle and Nolan charts in showing the distances between various political ideologies more accurately. Libertarians are shown near the anarchists, and communists and Nazis are widely separated.

Lastly, the new chart avoids labels that are potentially confusing or offensive. A chart needs to make the most use of the brief moment when a responder is interested in the topic. Taking time to explain rationalism or the subtleties of totalitarianism versus authoritarianism is time not spent explaining libertarianism.

The Nolan chart has gone a long way in educating the public. But its shortcomings have prevented a clearer understanding of liberty in general. It teaches that the Left and the Right are both defenders of some type of liberty. The new chart refutes that myth; it shows that both are pro-state and anti-freedom. Whereas the Nolan chart shows libertarianism as just one of many legitimate political ideologies, the new chart redefines the political landscape, identifying libertarians as the only champions of freedom. People who are passionate about promoting liberty — true, unclassified liberty — should consider switching to the chart presented here. ❑

(Grateful acknowledgments to David Nolan, Rudy Rummel, and Jerry Pournelle, www.jerrypournelle.com.)

Coercion Free for 70 Years

by Don Crawford

Personal responsibility and minarchy in the real world.

I wasn't raised as an anarchist, so I didn't think it would be possible for an organization to function effectively without rules and leadership. But one of my friends seemed to be claiming that there was a group that operated with neither. She told me there was only a temporary person in charge, and a different person was chosen for each meeting.

At this point in the conversation, my inherent skepticism was already showing. "How is this temporary, one-night-stand leader selected? Do they start each gathering with an election? And who runs the election?"

"There isn't an election. The leader is chosen by the secretary."

"Well, now we are coming down to it. The secretary is actually the leader, like the Communist Party Secretary. I don't want anything to do with communists."

"God, you're so paranoid! No, the secretary isn't the leader. The secretary is the person who has to arrive early and make the coffee, set up the chairs, unlock the doors, and get the room ready. And part of what the secretary does is pick the person who will lead that night's meeting. That person isn't supposed to talk much. He or she just keeps the meeting running on time and sees that everyone gets heard."

This was unlike anything I'd ever heard of, and it didn't make sense. I later learned that the customs she was describing were part of a subtle but powerful set of checks and balances designed to keep anyone from amassing any power in the organization. But I'm getting ahead of my story.

I peppered my friend with questions. If this wasn't some kind of communist organization, it was probably a religion. "Do you have to believe in God? Because you know I don't, and I can't just start believing again."

"You don't have to believe anything. It's not like that. Listen, I can't really explain this very well. If you want to find out more, you have to investigate this for yourself." She gave me a little book and a pamphlet. Then she walked away.

Her hands-off attitude also puzzled me. She had always been a big promoter of whatever she was "into" at the time. She tended to beat one about the head and shoulders with advice and recommendations — but this time, she just left it up to me.

The lack of proselytizing fervor was refreshing. And when I finally got to a meeting, I was ignored, which was a big relief.

There was, as she said, a leader to run the meeting but not do the talking, and everyone there seemed to know what to do. When I came to a second meeting it was all different people with a different leader. Although there were commonalities, the activities were different.

I enjoyed the discussions and the break from work, so I kept attending. There were no dues or fees for membership, nothing to sign. There was nothing official at all, ever. I couldn't tell you when I became a member, although I think I did. Nor can I tell you when I stopped being a member, although I certainly have. There are no written records of my ever having been a part of this anarchistic organization. But there were a great many important lessons written into my heart, lessons about how well people can manage without any authority telling them what to do. I had become a libertarian in my thinking, thanks to years of participation in the near-anarchy called Alcoholics Anonymous.

The lack of proselytizing fervor was refreshing. And when I finally got to a meeting, I was ignored, which was a big relief.

For seven decades A.A. has been a natural laboratory for how civil society can operate effectively without government authority. I've been surprised, therefore, to have seen A.A. mentioned only once in libertarian publications. It was in a rant that appeared some years ago in Liberty, complaining about the apparent collusion between A.A. and the judicial system: courts have sentenced people to attend A.A. meetings, thereby enriching the organization.

Having seen the phenomenon of court-ordered attendance at A.A. meetings from the inside, I found the rant deliciously ironic. People in trouble for drunk driving are commonly assigned to attend some number of meetings, over a period of time. The judge gives them a "court card" to get signed at each meeting they attend, and they return the completed card as proof that they were there. The courts have a variety of inducements, such as avoiding jail, to make sure that these cards are returned completed.

So here's the irony. There is nobody in charge at A.A. No one ever signed a contract (who would be authorized to sign it?) and agreed to do this service for the courts. In fact, there are some folks in A.A. who don't think they should sign the cards — and this made for some interesting exchanges, like the following.

The adjudicated drunk, we'll call him Jared, walks up to Lisa, the meeting leader, with his unsigned court card, saying, "I think you forgot to sign the court card. I put it in the basket when it went around, but there's no signature on it."

Lisa says, "This is my first time being the meeting leader. I've never done this before. But I don't think I can sign court cards. I'm not really anybody official. Maybe you should take it to the secretary."

Jared, who isn't crazy about being forced to attend A.A. meetings in the first place, is a bit put out by this. "Jesus, can't you people get your act together? I attended the whole damn meeting. Every other meeting I've gone to you put your card in the basket and picked it up at the end of the meeting — signed. Why are you giving me the run around?"

Lisa, quite embarrassed by this time, says, "I'm sorry I don't know how this is supposed to be done. This was only my third time coming here and I told Al — he's the meeting secretary — that he shouldn't have asked me to be the leader. But he wouldn't listen. He said I only had to read this script and call on people. He didn't say anything about signing court cards. I'm not even a regular member. C'mon, let's go ask Al to sign your card."

When the two reach Al, Lisa starts to explain, while Jared thrusts his court card at Al. Raising his hands palm forward and shaking his head, Al leans backward: "I ain't signing no effing court cards. Those bastards got no effing right to try to force you guys to attend meetings. You don't even belong here. Like the Big Book says, you're welcome if you have a sincere desire to stop drinking. But they can't make you."

Jared rolls his eyes. "I don't want to be here either, old man. But I've got to attend 20 meetings or I go to jail. I don't have time to attend meetings I don't get credit for. The judge said I have to get this court card filled up. Just sign it here."

Al's voice gets louder. "I told you I wasn't signing anything. I'm frigging anonymous here. The judge didn't say nuthin' to me — so I don't gotta do nuthin' bub."

At that point, Larry strolls over. "It's okay, Al. You're right, you don't have to sign anything. And I agree it is shitty what the courts are doing to these guys. But hell, this guy is kind of jammed up here. No sense making him suffer. Here, give me your card. Um, I didn't catch your name?"

"Jared. Thanks. Here you go."

Larry scribbles on the card and hands it back. Jared looks at it and says, "You signed three lines, two with yesterday's date and one for today."

From "Twelve Steps and Twelve Traditions" (Alcoholics Anonymous World Services)

A.A. Tradition 7: "The A.A. groups themselves ought to be fully supported by the voluntary contributions of their own members. We think that each group should soon achieve this ideal; that any public solicitation of funds using the name of Alcoholics Anonymous is highly dangerous, whether by groups, clubs, hospitals, or other outside agencies; that acceptance of large gifts from any source, or of contributions carrying any obligation whatever, is unwise. Then too, we view with much concern those A.A. treasuries which continue, beyond prudent reserves, to accumulate funds for no stated A.A. purpose. Experience has often warned us that nothing can so surely destroy our spiritual heritage as futile disputes over property, money, and authority."

A.A. Tradition 3: "Our membership ought to include all who suffer from alcoholism. Hence we may refuse none who wish to recover. Nor ought A.A. membership ever depend upon money or conformity. Any two or three alcoholics gathered together for sobriety may call themselves an A.A. Group, provided that, as a group, they have no other affiliation."

A.A. Tradition 4 (in part): "With respect to its own affairs, each A.A. group should be responsible to no other authority than its own conscience."

Larry grins. "Well I'm giving you credit for the meetings I attended. I'm sorry Al unloaded on you. He hates the courts. You should get him to tell you about it someday. He has quite the story. See ya' around, Jared. Keep coming back."

I saw this type of exchange many times. I found it hilarious that the courts found these signatures meaningful. Not even the people in A.A. meetings can say who is "in" A.A., so any scribbled set of initials is as good as any other.

Generally, leaders or secretaries do sign court cards. But they sign the darn cards simply to be accommodating to the poor schmuck who has been forced to get these signatures. A.A. members generally don't counsel people sentenced to A.A. meetings to fill up their own court cards. On the other hand, the anti-authoritarian streak in A.A. is pretty pronounced — and I have heard people suggesting just that. Four friends and three pens could fill a court card in about five minutes, and there would be absolutely no way to distinguish that from months of attending meetings, except for the wear and tear on the card itself.

A.A. has no central authority and no mechanism for making anyone abide by any rules. All that happens in A.A. is governed by the same social pressures that we libertarians call civil society. And it works wonderfully well.

Let's start with the money issue. There is no fee required to join A.A., nor are there any dues to pay. In fact, there is no way to become a member officially. So you can't have your membership revoked or rescinded. Those court-ordered attendees don't fill the A.A. coffers, because they aren't required to pay anything. Generally a basket is passed at each meeting. The social convention is to put in a dollar bill, or two if you're feeling generous, as the basket is passed by you. Quite commonly, as this is done, a statement is read to the effect that "We are self-supporting through our own contributions. There are no dues or fees for membership, We collect money to pay for coffee and rent."

The only source of income is what's put in the basket by people in the meetings. Perhaps our government should be funded that way!

Some leaders or groups will suggest that new guests should not contribute. Others ask that people with court cards not contribute anything other than the court card. It's not unusual for leaders with a sense of humor to say something like "Contribute if you can, take if you need it." And indeed there are homeless people who will attend meetings to get warm, get a free cup of coffee with a day's supply of sugar, and occasionally palm a couple of bucks out of the basket.

There is no pledging system in A.A. No one has any way of keeping track of who is paying what. What's even more amazing, A.A. doesn't allow donations from outside the membership. Because there are no rosters of members, this effectively means that it will not take money from individual donors. The national office of A.A. regularly returns all outside donations. (Try it and see!) Grants are not sought. Bequests are not accepted, even from former members. A.A. has no business enterprises or money-making activities. The only source of income is what's put in the basket by people in the meetings. Period. End of story. That's gotta warm a libertarian heart. Perhaps our government should be funded that way!

A.A. has a national office in New York and regional offices in cities and counties (known as "central offices" in A.A. parlance) around the nation. Their function is to publish the schedule of meetings in the local area, man the A.A. hotline, and keep a supply of literature and other A.A. supplies for the groups. These offices are funded by voluntary donations from the meetings. There are no dues or fees or taxes anywhere in the whole organization. Don't you love it?

These offices are funded by voluntary donations from the meetings. There are no dues or fees or taxes anywhere in the whole organization.

The tradition is that if a meeting collects more money than it needs for coffee and rent and literature, the excess beyond a "prudent reserve" ought to be contributed to the local "central office" and to the national offices of A.A. Note that because there is no mechanism to enforce rules, A.A. doesn't have any. It just has traditions and social expectations. People in A.A. do things because it is "right" and because they feel good about doing the right thing, not because there is anyone to make them do it. After a few years in A.A., I came to understand, deep in my bones, that not only was this workable but it was actually the best way to run things, for a number of reasons. I have an interesting story about that; I'll tell you later.

So how does it happen that a meeting sends money to the local and national offices? Central office contributions usually come only from meetings that have organized themselves as a "group." Some regularly scheduled meetings don't even know that they should organize as a group and contribute. But if a meeting does so, it can put its meetings in the schedule published by the central office and send its representative to central office meetings. Of course, in keeping with A.A.'s libertarian leanings, meetings that neither formed a group nor contributed to the central office are still sometimes listed in the schedule. Someone who typed up the schedule simply decided to put them in anyway. Or the local group representatives didn't want to exclude them. Go figure. On the flip side, I've heard of self-appointed people walking wads of dollar bills down to the central office from an unorganized meeting that had excess funds but no treasurer or bank account.

Groups form the foundation of what little organization A.A. has. They don't have to meet any requirements of orthodoxy. One thing they should have is business meetings (outside of regular, recovery meetings), where they can get people to serve as treasurer, meeting secretary, and central office representative. All positions in A.A. are unpaid volunteer positions — and none of them have any power. The treasurer has to collect the funds from the basket, keep the books, and report on the amount of cash in the kitty. It would be at such a meeting that the decision would be made to send money (in excess of the prudent reserve) to the central office.

The only authority in all of A.A. is the "conscience" of the group — that is, what the group decides. Occasionally a business meeting will be overrun by clueless newcomers who show up (remember there are no rules about membership) and vote against A.A. traditions they don't understand. That sounds like disaster, to those who are prone to disaster thinking. But generally, when the newcomers don't show up at the next month's meeting, things can be put right again.

The fact that the national office of A.A. has to depend on voluntary contributions from groups means that it has no power that was not given to it, on a case-by-case basis, by the groups. A.A. has state and national conventions where resolutions are introduced and weighty issues discussed using parliamentary procedure. But even in the rare event in which something passes, it doesn't follow that the representatives who disagreed will pass the word down to their groups, that those groups will agree, or that groups that disagree will continue sending money to the national. The convention needs to develop a consensus to go along with the idea. If the representatives can't jawbone their groups into agreement, the decision means nothing. The convention cannot punish groups that refuse to go along — because it has nothing to withhold. The groups have all the money and therefore all the power. One recalls the position of the states relative to the central government under the Articles of Confederation.

All positions in Alcoholics Anonymous are unpaid volunteer positions — and none of them have any power.

How did A.A. come to have, and retain, such an anarchistic flavor? Why did it adopt structures that kept the national governance of A.A. impoverished and subservient to the individual groups? Early in its history, some A.A. groups got involved in recovery hospitals and other businesses and amassed some money and property. Then came struggles over money and property, and the stress caused members to go off the wagon. The goal of A.A., which is to keep members spiritually centered and calm, was incompatible with the effort to run a business, make decisions about large amounts of money, and possess the power to do all that.

Many in A.A. think that alcoholics have a distinctive personality type marked by resistance to authority, stubbornness, and a desire for power. True or not, the traditions of A.A. prevent self-aggrandizement. Like our nation's founding fathers, the founders of A.A. did not rely on the goodness of individuals. Instead, they built in checks and balances so that no individual could have power. Alcoholics in recovery can't afford to put themselves in positions where problems of money, property, or prestige can imperil their sobriety. A.A. members often joke that while attending A.A. (recovery) meetings is essential to their sobriety, attending business meetings is the biggest threat to it. If those meetings involved real power or money they would indeed be a serious danger.

Just as the limited governance structures of A.A. prepared me to accept the libertarian view of good government, so the mechanisms of recovery prepared me to accept the notion that within the capitalist system pursuit of self-interest leads to the greater good. A.A. members learn that helping others helps them reinforce their own recovery process. The fact that it helps others if you attend meetings, tell your story, and work with newcomers is a plus — but it isn't why you do it. You do it to help yourself stay sober. To people outside the fellowship, that sounds like pure selfishness, but it is the way things work — just as in the capitalist system, where maximizing profit means doing the best possible job serving your customer. And I learned this libertarian idea in A.A.

In A.A. I also learned the concept of tough love, of letting people learn from the results of their own choices. A.A.s call it "enabling" to help people keep on doing the wrong things without suffering the consequences. Pain is a necessary prerequisite for learning. I've heard libertarian economists call protecting markets and market actors from the downside outcomes of risk-taking "moral hazard." (Thank you very much, Fannie Mae and Freddie Mac.) I learned in A.A. that people are ill-served by programs that shelter them from those consequences. This taught me the fundamental flaw in many leftish proposals to "help" poor people. It's not that we don't care, but that it is counter-productive to "help" in the wrong way.

A closely related idea that A.A. taught me is that you cannot help people who don't want to be helped or make a change in themselves. Some folks are determined in their pursuit of hell on earth. Other than periodically checking in to see whether they've had enough, there's nothing anyone can do for them but let them suffer. Anything else you do will simply prolong their slide.

A.A. tradition recommends that to get sober you need a "sponsor." You share your secrets with your sponsor, so he or she knows all your tricks. This is because a helper needs to have intimate knowledge of the person being helped in order to be effective — something a government social worker cannot replicate, let alone a set of national policies.

The we-must-have-a-government-program crowd seems to forget that A.A. (and N.A., Narcotics Anonymous) operate without any government subsidy — probably doing more good than the government sponsored programs with which they compete. Since it's perpetually broke, A.A. can't give you much more than a cup of coffee (sometimes with cookies or cake). This lack of financial largesse serves wonderfully to focus newcomers on responsibility for their own lives. No one gets better until he stops trying to manipulate others to "enable" them. This taught me that more money doesn't necessarily make everything better, especially in social programs.

Now for the story I promised you. The A.A. community in one town in which I lived had a longstanding controversy about financing its central office by running a recovery-oriented bookstore. One side said this was against the traditions; the other saw no harm in it. First one group would get the upper hand, then the other would get more of its people at the meeting and beat the first group back.

After one of these power seesaws, I got roped into being chairman and was saddled with the problem. I learned that

continued on page 36

Internal Exile

by Jacques Delacroix

It takes really intelligent people to regard honesty as deceit and conformity as freedom.

I long for ordinary coffee shop conversations, with others who read or even might write. At times, I fantasize about small intimate literary dinners — as in some old-fashioned novel — with people who care a little about reading. Satisfying my wishes should be easy, because I live in Santa Cruz, California. It's a pleasant university town, full of writers and would-be writers. Recently, 800 people showed up for a short presentation by Salman Rushdie, in spite of a significant admission fee. (I am not complaining. If anyone deserves to be a wealthy writer, it's Rushdie.) I counted more than 100 attendants at a Friday afternoon seminar on how to get published.

True, many of the local aspiring writers are pathetic dreamers who believe against all evidence that they are the likely creators of the next, even better Harry Potter. Others are delving into esoteric fields that guarantee a tiny readership. (Bless their hearts! I salute their bravery, even if it's unconscious.) A surprising number have something to show for their efforts in poetry or in minor fields of endeavor such as gardening, or travel and restaurant guides. I would be glad to spend some time with anyone who writes. My tastes are so catholic that I am prepared to show respect to anybody who can compose a really good text for a breakfast cereal box.

But alas, I fail to fit in. Here is why, I think.

Shortly after I meet a person with any sort of intellectual, literary, or artistic interest — which is often — there invariably comes a signaling ceremony: ritual words are uttered to the effect that the earth is dying (and polar bears are drowning in Antarctica, where there never were any bears); that President Bush is a retard who nevertheless managed to implement a diabolically clever plot to lead us into a war for oil; or even that the moronic Bush and his retinue of idiots cleverly contrived the internal explosion of the twin towers. At the very least, the other person signals, the world is going to pot because "society" is not doing enough to alleviate suffering or mere discomfort, or to save the many from the predictable consequences of their foolishness. The diffuse tenor of the signaling is that things are much worse today than they were yesterday and that tomorrow will be absolute hell. As for the day after tomorrow, there likely won't be any, but you should worry about it anyway.

There are so many reasons to be appalled that it might take the whole afternoon just to recite them — if I took my new acquaintance at his word. (And if you think about it, you will soon agree with me that liberals and progressives are most likely to be "appalled." Conservatives are more likely to be "perplexed," while, let's face it, libertarians are often "furious.") Of course, I understand that to gain acceptance I need not suffer through a complete disquisition on all social evils. I have only to nod appreciatively to any of the above statements — with a correspondingly grave mien — to open the door to genuine, substantive dialogue. So why should you care, you ask? And after all, those people are obviously morons.

But no, they're not, not all of them. Remember that they are signaling. Their statements may be no stupider than the conventional, formal, "How do you do?" Yet I am furious.

The most infuriating thing of all is the fact that intellectuals often respond to my foreign accent, or to my wife's brown skin, with spontaneous apologies about America in general. But I must hasten to provide a brief clarification about my intent: whatever I say below, understand that I am ranting, but *not* complaining. There is a difference. I am not the kind of guy who shows up at the party uninvited, remarks loudly that the buffet fails to respect his particular religious prohibitions, and then complains bitterly that there is not enough food.

It must be said, however, that our literary contacts soon find that my wife and I are an inherently deceitful couple. She is a tall Indian woman with a pretty face and white hair, a mature "woman of color." She hardly ever wears a sari. That alone marks her as nontraditional, in their minds only one step removed from "progressive." Moreover, she is a painter and thus, by definition, a sensitive person. Sensitive people are of the Left, naturally! Except that this particular artist suspects that Genghis Khan was soft on communism. I am a retired university professor, a sociologist by training. I sport salt and pepper hair and sometimes, a full beard. I wear a Harris Tweed coat in the winter (no elbow patches though); and until recently, I was driving a Volvo station wagon. I sound as if I had been raised in the land of Jean-Paul Sartre (and of the stupidest Communist Party in the world), because I was.

Our new acquaintances initially act as if she and I obviously belonged to them — an infuriating inference of our politics from the fact that we are immigrants. The stupidity of normally smart people is always especially objectionable. They give no thought to the possibility that immigrants from rich countries consciously *chose* America. And they never consider the likelihood that it is a *repetitive* choice, because a one-way ticket back to the old country is very affordable. It never crosses their minds that reasonably well-educated, middle-class immigrants may just be the people most appreciative of American exceptionalism, the most patriotic of patriots. Not one of them ever hits on the lucky guess that I have had a very good life, largely because America is a generous country, full of generous people whose behavior induces mostly gratefulness. They are always miles from imagining the possibility that my wife actively enjoys everyday life in America, because India, spiritual India, pretty much sucks.

Liberals are most likely to be appalled, conservatives are more likely to be perplexed, while libertarians are often furious.

Finally, the automatic assumption that we are members of their tribe is infuriating because it's always patronizing in some way or other. Like all stereotypes, it denies us a parcel of our humanity by reducing normal human complexity to a small fraction of its parts. Over the years, I have developed an effective response: "I have a foreign accent, not a low IQ, you know." That is definitely not an appropriate return signal. I disappoint, both as a putative member of the local intellectual elite and as the enlightened envoy of a superior alien culture. (In the liberal mind, most alien cultures are superior by definition — not to mention *French* culture.)

But that's only my left hook. I follow it immediately with a right punch to the heart. To set back the tide of unintended deceitfulness, I quickly let the other guys know that the world is rather better than it was in my youth. I confide that the climate probably has not changed significantly in the past hundred years. If it has, so much the better, I add; warmer weather means more abundant crops, a way to keep hunger away from the exploited masses of the Third World. Recently, someone knocked the wind out of me with a new one: cheaper, more abundant wheat is responsible for a big, worldwide rise in food allergies among the *défavorisés*.

But you can't have it both ways, I tell them. President Bush is either a moron or a devil of cleverness. If "the corporations" made him attack Iraq for its oil, oil must have become cheaper since we won, right? You want less food for the poor, or more food and higher temperatures? Isn't CO2 plant food, anyway? Do you want more or less of it? Isn't it true that you want the poor to freeze their butts in the winter and that you want to deny undergraduates the option to enjoy spring break on the beach in Siberia (on the Kara Sea, maybe)? Do you want to respect my opinions automatically because I have a foreign accent, indicative of a superior intellect and a vast personal culture, or do you want to discount my opinions because I

continued on page 36

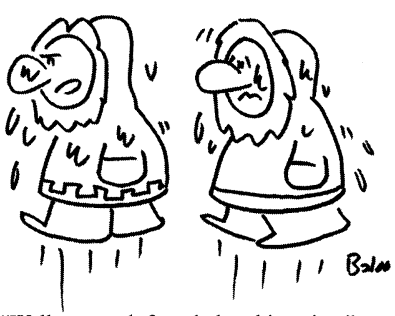

"Well, so much for whale-whispering."

Commencement and Climate Change

by Andrew Ferguson

How is hope like a bad check? Neither stops the rain.

The parallels between environmentalism and organized religion are compelling enough that a number of writers have drawn them, and I will not duplicate their efforts. My concern here is with the high Mass celebrating this strange marriage, the moment when the clerics of the order hand down environmentalist doctrine ex cathedra: the commencement speech at college graduations.

This particular connection occupied my mind as I waited, wrapped in robe, hood, and sarcasm, to walk across a makeshift stage and receive a leather diploma holder that did not, in fact, hold my diploma (I am told it will be mailed to me at some later, unspecified date). I, and the rest of the auditorium with me, had just been subjected to an interminable address from a man named Orville, who bore an unfortunate resemblance to the popcorn king, and whose expertise was in Chinese relations. Foolishly, I had hopes that his talk might prove interesting: as China develops into a superpower, the question of how we relate to them is the most pressing foreign-affairs matter we face; our Middle Eastern adventures are at most sidelights to this infinitely more compelling drama. Of course, Orville quickly left the subject of his academic specialty — the field in which my school awarded him the accustomed honorary doctorate — and spoke instead and at length about global warming.

I hasten to add here that when it comes to anthropocentric global warming, I am agnostic and, more to the point, apathetic; it's a debate I'm fully content to leave for others. Should it prove true, humans are adaptable creatures, and I don't doubt that we will adapt to a warmer planet just as we've adapted to a colder one in the past. So my objections to Orville's speech were less about his content, banal and inappropriate as it was, but about his delivery. In the eco-religious order, Orville is the equivalent of a parish priest: though he knew the doctrine, he lacked the magniloquent puffery of the true devotee. There is a peculiar and unmistakable style to the pronouncements of the ecologically faithful, a striving after scriptural originality that, at its most intense, provides enough unintentional hilarity to almost make up for having to sit through the thing in the first place.

Almost, I say, because having sat through a masterpiece of eco-episcopal rhetoric the year before at my eldest sister's graduation, I would gladly swap my notes on that speech —

hastily written on the back of a ceremonial program — for the time I spent listening to it. In fact, I had contentedly buried that program, and with it the memory of that speech, in a storage box — until Orville went and made me dig it all back up.

It took me back to Duke University, on a miserable, drizzly Mother's Day, the coldest any of us Piedmont folk could remember. The school had no facility large enough for the ceremony, so in the chill we stayed, constructing a canopy of umbrellas to keep out the damp. It mattered little; by the end everyone was soaked standing.

Presiding over this congregation was the high priestess Barbara Kingsolver, a friend of Oprah's who writes books about the moral superiority of poor people. When she came onstage, attended by a burly usher who got courteously drenched as he held an umbrella over her lectern, she announced that she was there "to delay the degrees for 15 minutes or so." Within 30 seconds I had scrambled together a pen and a writing surface, and I spent the remaining three years of her speech using one hand to capture her phrasings and the other to keep my program, and several family members, half-dry.

The speech was called "Your Money or Your Life," and it is accurate to the extent that Kingsolver believes the two incompatible. Somehow Kingsolver never sees the conflict between this belief and her status as one of America's richest writers, beneficiary besides of Oprah's multinational multimedia empire — or, at least, if she does see it, then she wrote an entire book shoving it in everyone's faces: "Animal, Vegetable, Miracle," adorably co-written with her husband and daughter, details the family's attempt to live for an entire year on homegrown or local foodstuffs, which they accomplish by dint of setting up on enough prime Virginian farmland to maintain a huge garden, an orchard, free-range chickens, and more besides. The book's self-parodic qualities are immediately apparent, but let me just note one tidbit that puts the rest to shame: at one point, the Kingsolvers leave off farming in order to take a family trip to Italy.

I'm far afield, but that's okay since that's where Ms. Kingsolver is to be found. She began on a bright note, blaming climate change for the downpour in which we stood. Which is precisely why the ecologically-devoted now say "climate change" instead of "global warming": they finally realized how stupid it sounded to harp on the boiling of the planet when it's freakishly cold outside. While we in the audience huddled together for warmth, Kingsolver informed the students that the "central question of your adult life [will be] to escape the wild rumpus of carbon-fuel dependency, in the nick of time."

That was an image I couldn't even begin to visualize, but fortunately Kingsolver packed her own visuals: "Now we can watch as glaciers disappear, the lights of biodiversity go out, the oceans reverse their ancient orders. . . . How could our weather turn murderous, pummel our coasts, and push new diseases like dengue fever onto our doorsteps?" While I personally doubted that Kingsolver had fought off dengue fever in Arizona or Appalachia, I felt that she was on firmer ground with hurricanes — after all, they never set out to murder anyone until we started burning carbon fuels. Sure, people might have died back in the hurricanes of old, hundreds or thousands for every one who dies in them today, but the storms themselves didn't have agency back then. It was a simpler, better time, one untroubled by the pathetic fallacy, and one we must return to in order to survive: "To stabilize the floods and firestorms, we'll have to reduce our carbon emissions by 80%, within a decade." This brought a mixed response, as we in the audience were all for flood control, but wouldn't have minded a nice firestorm about then.

There is a peculiar and unmistakable style to the pronouncements of the ecologically faithful, a striving after scriptural originality that, at its most intense, provides enough unintentional hilarity to almost make up for having to sit through the thing in the first place.

Having brought us to the point of promising control over the elements in exchange for our obedience, Kingsolver took a bizarrely offensive sideways leap, equating the anti-global warmers and the abolitionists:

> Our government is reluctant to address [climate change], for one reason: it might hurt our economy. For a lot of history, many nations said exactly the same thing about abolishing slavery. We can't grant humanity to all people, it would hurt our cotton plantations, our sugar crop, our balance of trade. . . . Enough of this shame.

This reductio ad antebellum was followed by the politically-cartoonish question "Have we let economic growth become our undisputed master again?", which allowed her to segue into a presentation of most of the poor graduates' jobs as, at best, wage slavery. "You will be told to buy into business as usual: You need a job. Trade your future for an entry level position," she told the gathering of future businessmen, scientists, doctors, and lawyers. Instead, she seemed to be advocating a future marked by a return to tribalism, which she characterized as similar to the experience of students at Duke: "You've had such a full life, surrounded by people, in all kinds of social and physical structures, none of which belonged entirely to you . . . you lived, in close and continuous

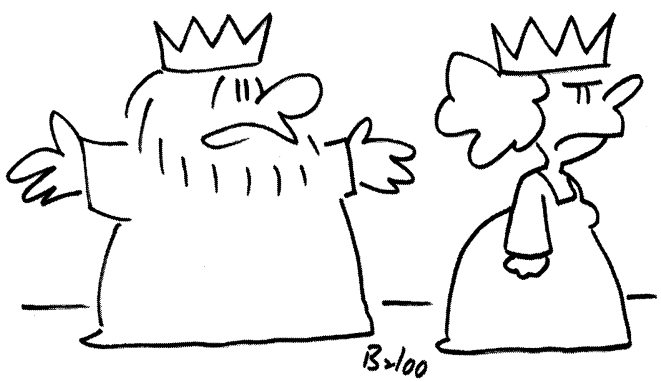

"I can't tell Time magazine what to do — it's not *my* fault they made Lady Godiva 'woman of the year.'"

contact. This is an ancient human social construct that once was common in this land. We called it a community."

Perhaps it's rude to point out that the community which she so admires at Duke is made possible through the support of the Duke Endowment, a charitable behemoth born of cigarettes and sustainged by power stations. Were it not for "the wild rumpus of carbon-fuel dependency," Duke would never have an author of Kingsolver's sales figures delivering its commencement address. But academia has always specialized in biting the hand that feeds it; Kingsolver charged the graduates with "examining the moralities of possession, inventing renewable technologies, recovering sustainable food systems," and she gleefully promised them that "you'll make rules that were previously unthinkable, imposing limits on what we can use and possess." (I believe it might have been around this point I heard my shivering grandmother mutter, "Shoot me.")

The upshot of all of this is that "You could walk out of here with an unconventionally communal sense of how your life may be. . . . You could invent a new kind of success that includes children's poetry, butterfly migrations, butterfly kisses, the Grand Canyon, eternity." (And around here my grandfather leaned over to tell me, "If you ever write like this, I'll disown you.") It got weirder from there, as she attempted to tie off all the loose metaphors flapping in the breeze — I can't even try to explain the "escalator to isolation." She finished with a bumper sticker — "The ridiculously earnest are known to travel in groups. And they are known to change the world" — and five of the most terrifying words I've ever heard: "I'll close with a poem."

Before I get to this verse, forebodingly titled "Hope: A User's Manual," I would ask you to try to recreate the circumstances — as with Vogon poetry, setting is crucial to the experience. Collect six or seven others and step fully dressed into your shower. Deploy umbrellas and turn the spigot (cold water only, don't want to burn any carbons there). After an hour of this, and only then, will you be prepared to confront sentiments such as: "Nineteenth century novels. Heartstrings, sunrise: / all of these are useful. Also, feathers." Or the overcomplicated suggestion to "Tiptoe past the dogs of the apocalypse that are sleeping / in the shade of your future." Or again: "You might have to pop the clutch and run / past all the evidence."

The forgoing line is impressive in that it manages to mix its metaphor while simultaneously subverting both the image structure of the speech — clutches and carbon fuel being inextricably linked — and the intellectual honesty of the viewpoint. "Run past all the evidence," indeed. But even that gem is outsparkled by the conclusion to the final stanza . . .

I pause at this juncture to note that this speech is listed in the all-time best-ever commencement speech lists of both Time and Newsweek — and yes, the fact that both put out such lists within a month of each other does betray the dearth of ideas at both publications. The former called it a "beautifully written speech" which "without being preachy . . . enumerated the perils of climate change, of the all-consuming need to accumulate wealth and of, in this age of digital connectedness, our increasing isolation from one another." No, not preachy at all. The latter settled for dubbing it the "Most Poetic" commencement address ever given.

Anyway, in its writeup Newsweek reckons that the speech's takeaway line was Kingsolver's prophecy that "You'll see things collapse in your time, the big houses, the empires of glass. The new green things that sprout up through the wreck — those will be yours." While the true believers (no, I haven't forgotten about my article's central conceit) might hope that Kingsolver would prove prescient, experience is proving that the new green things sprouting up through the wreck are American dollars rolling off the printing presses at record rates in order to fund any number of porky hope-based projects. I counter with her poem's (sphincter-) clinching conclusion: "Pass your hope like a bad check. You might still have just enough time. To make a deposit."

In comparing hope to a bad check, Kingsolver hit upon a metaphorical truth more literal than she had intended; that the lone incisive remark in her entire speech was unintentional surprised no one who had to endure it. Nor was it a surprise to overhear students in wet robes after the ceremony expressing their frustration at how Kingsolver "hijacked" their graduation. The newsmags may assure them a year after the fact that what they had witnessed was one of the great speeches of our time, but on site you would have been hard pressed to find a single convert; the representative comment at the time was "I know it's important and stuff, but . . ."

Religion and boredom is a volatile combination: usually it leads to ridicule of the establishment, and eventually to apostasy as the younger generation fall away. To judge from the Duke crowd, and from the no less caustic observers at my own school, the transition to ridicule is well underway.

Writers like Kingsolver, members of the priestly caste, live for occasions such as these, as close to high church as they will ever get. Making regalia their vestments and soundbites their sacrament, these events are their holy feast days, gatherings of the community for edification and instruction in proper doctrine. But their audience is already steeped in eco-ideology — global warming is for most of these students what the Incarnation is to church kids: an object of faith so fundamental that it is deeply and irremediably dull. They may be the choir, but they know when they're being preached to; if audience reaction is any gauge, Kingsolver alienated far more people than she convinced. Her ideals of community broke down before the bitchiness of nature; by the middle of her speech, the audience wanted nothing so much as for her to shut up so they could all retreat into the paradise of the indoors, beckoning with central heating (thanks, again, to the carbon-burning machines of the Duke Endowment). For this was the ultimate, and ironic, moral of Kingsolver's speech: it's work, not hope, that pays the bills. ❑

Sure, people died back in the hurricanes of old, hundreds or thousands for every one who dies in them today, but the storms themselves didn't have agency back then.

Internal Exile, *from page 32*

lack inside knowledge of "the system," because I grew up elsewhere? You can't have it both ways, I tell them repeatedly, in clear terms.

When I can, I try to cut through the crap quickly. I *love* the United States, I say; that's why I live here. Because evil often lurks in my heart, I confess that sometimes I can't resist adding that I know what I am talking about because, unlike the other guy, I possess an intimate knowledge of another society. From that point on, the target of this petty viciousness acts hurt or disoriented and avoids me. Sometimes, in a calm tone of voice, with perfect civility, without a harsh word, I even make the fully-grown liberal male person tear up. I understand that this is despicable behavior on my part, but you have to admit that it could become addictive.

My wife does not help our insertion into cultured circles. She will call local radio talk shows under her real but exotic-sounding name to point out sweetly that such and such social disaster is wholly imaginary or largely a result of misguided government action. Our name is mud! (Of course, since we are social conservatives, she bears my last name. In fact, there is a good chance that she married me *only* for my last name, also the name of a famous French painter. But that is also another story.)

Every so often, rejection takes a dramatic turn. Once, we had a guest run across the street screaming in the middle of the night when he heard our candid responses to his pointed political questions. He was a talented painter whom we had invited for dinner because we liked his work. It's also fair to admit that I might have let him have too much of my excellent old Calvados. And please, no sly mental comments about this esoteric but now chic beverage. I was raised on it. I have a right to it. I, unlike many others — who know who they are — did not find out about Calvados from the $400 "Spirits Appreciation Class."

In brief, in the most general of cases, I fail the tribal ritual tests of the local literati and *artistes*. It's not because I denounce *their* political leanings. I wish they would agree either to discuss them or to leave them aside; either would suit me fine. If the interaction continues anyway, my talent is often not equal to its requirements. The situation feels like a Finn and a Greek talking to each other, each in his own language. Once in a blue moon, a conversation proceeds to the point where the other guy graciously grants me the right to be all at once conservative, rational, and possibly even literate, so long as I concede to a fair degree of selfishness. I have never been able to get across the basic idea that I reject big government for disinterested *moral* reasons. One individual, a reader of good books, cannot grasp this simple notion: I object to the federal government's taking ever more money by force from a 19-year-old waitress to pay for my unearned prescription benefits.

Still, in spite of all this intellectual isolation, I must not dramatize the problem. There are some people in the '70s time-warp that is Santa Cruz on whom I can count to read drafts of my stories. But they are mostly very young, which limits their usefulness. Moreover, their youth offers the detestable temptation of guru-ness, a fate even worse than internal exile. ❑

Coercion Free for 70 Years, *from page 30*

the battle over the bookstore had been going on for more than a decade. But one of the A.A. traditions was the idea that "all important decisions be reached by discussion, vote, and, whenever possible, by substantial unanimity." Well, that was a far cry from what had been happening.

The starting point in solving the problem was to present two honest, feasible proposals for the membership to consider. These proposals were embodied in a flyer and sent out with an invitation to a big meeting where the issue was supposed to be decided. I had determined that speakers would strictly alternate between sides of the issue and have as long a debate as needed. I brought coffee — it would be a long night.

The first to speak was a leader of the pro-bookstore side. Instead of making a speech he turned to me and said, "Do you mean we could actually make it without the bookstore?"

"Well, it wouldn't be easy," I replied, "but yes, it looks like we could manage. We'll need more volunteers. We'll have to get a bit more money from the groups, but we know that many are withholding donations because the bookstore is paying the bills."

"In that case," he says, "I think we ought to get rid of the bookstore. It's been a source of trouble for years now. That must be why the traditions say we should not own any businesses, you know, because of the problems they cause." Then he sat down. And no one else wanted to talk. So we voted. Selling off the bookstore passed with substantial unanimity. And it was over.

The entire A.A. community heaved a sigh of relief. The meetings became tolerable. Donations went up again. The number of volunteers rose to meet the need. And the bookstore went on under private ownership. Everyone was amazed at the outcome.

The thing that stunned me most was the fact that the key to resolving the issue was having a goal of substantial unanimity rather than the political goal of cobbling together a voting majority. The goal of consensus meant that we needed to listen to the concerns of both sides, that we shouldn't focus just on getting enough votes for our side, but on what would meet the needs of the other side too. Here's a big reason for limited government: just because one side or the other temporarily gets the upper hand doesn't make that side right. And just because one side or the other can't win control of the political apparatus doesn't make that side wrong. There can be no peace as long as each side tries to dominate the other politically in order to force its way.

This event was probably the final nail in the coffin of my belief that winning political battles could ever be the key to winning the good life for me or my country. What you win through the political process in the government, you can lose by the same route. Important things should be outside the political process and not subject to the political winds. If an issue is really important, we should be free to decide it for ourselves. And because a lot of things are important, the more things that are outside the political process, the better. The way to benefit our country, and ourselves, would be to limit government power and influence over as much of the economy, the schools, the environment, and our lives as possible.

As I said, A.A. taught me to be a libertarian. ❑

The Contagious Crisis

by Leland Yeager

If you think the free market should be blamed for our current economic woes, you are on the wrong track.

Libertarians face charges these days that capitalism has failed or at least that deregulation has invited our current economic troubles. These charges are not persuasive. A more realistic view is that a housing boom and bust happened to strike a fragile financial system whose fragility was worsened by ill-conceived government interventions.

Before commenting on how to fix the system, I should outline what happened to damage it.

Government policies intended to promote home ownership, even by people otherwise not able to afford it, date back to the 1930s, if not before. Today, many government agencies and government-sponsored companies guarantee or subsidize mortgage loans, either directly or by providing a secondary market. Examples are legion; they include the Federal Home Loan Banks, the Federal Housing Administration (FHA), the Government National Mortgage Association (GNMA, "Ginnie Mae"), and the Department of Agriculture's Rural Housing Service and Rural Development Guaranteed Loan Program. The staffs of these programs are enthusiastic about their missions and anxious to extend their services. Some programs aim to make housing more affordable for particular groups, including military veterans, police officers, teachers, and native Americans.

Some programs have forged strong links with politicians. The Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac), both government-sponsored, have been particularly notorious, enjoying cozy relations with members of Congress and an implicit (now explicit) government guarantee of their bonds.

Several much-discussed laws and regulations, including the Community Reinvestment Act of 1977 and its sequels, pressured financial institutions to make mortgage loans to normally unqualified borrowers, and even to make them in parts of cities where a prudent person would hesitate to walk. Lenders have also been pressured to grant relief to troubled mortgage debtors.

Now, it is not obvious that homeownership is as unequivocally desirable as contemporary Americans seem to think. Owning a house puts friction in the way of the owner's moving to a place where he could have a better job. The owner carries the burdens of maintenance, landscaping, and finding plumbers and other repairmen when emergencies arise.

These burdens might be left in the first place to managers of rental properties, who would take advantage of professionalism, risk-spreading, and economies of scale. Yet government has gone to remarkable lengths in obeisance to "the American dream."

Tax laws have long privileged owner occupancy over renting. Homeowners may deduct mortgage interest payments and real-estate taxes in figuring their federal income taxes, and they enjoy favorable tax treatment of gains on the sale of their houses. Federal tax law permits state and local government agencies to offer below-market-rate financing to homebuyers. Owners enjoy tax-free nonmonetary income (implicit rental income) from occupancy of their homes, whereas landlords pay tax on their rental income and pass it and the property tax along to their tenants.

Such policies have effects. Cheap credit during the years of the boom compounded the long-term effects of government action. Opinions differ about how much of the blame falls on Federal Reserve policy and how much on a "world savings glut," notably in China, that fed heavy flows of loanable funds into the United States. In any case, from around 2002 to 2005 the Federal Reserve's target rate of interest remained below what the "Taylor rule" would have recommended. John Taylor originally offered his formula as a description of how the Fed appeared to be setting its target rate during years of relatively successful policy: it raised its rate to resist inflation or economic overheating and lowered it to resist deflation or unemployment. Taylor's formula has often been misinterpreted as an actual prescription for policy. Although it is not a hard and fast rule, it does provide one clue to whether current monetary policy is too loose or too tight. During the years mentioned, the target interest rate, adjusted for inflation, was sometimes even below zero, as it is again nowadays.

As one would predict, cheap credit encouraged borrowing, building construction, and bullish speculation in houses. Even financially unqualified homebuyers took advantage of dubiously attractive subprime mortgages, mortgages whose initial teaser rates could later be raised, loans requiring no payment of principal during the early years, and even negative-amortization loans. Some borrowers and mortgage brokers connived to conceal applicants' inability to meet even the loosened financial standards. Borrowers and lenders were seduced by expectations that the collateral — houses — would keep rising in price indefinitely. Low interest rates spurred savers and institutions to look for better yields even on new or exotic and riskier kinds of investment. Financiers reached for these yields, resorting to complicated and poorly understood financial derivatives and making defective assessments and unclear explanations of risks.

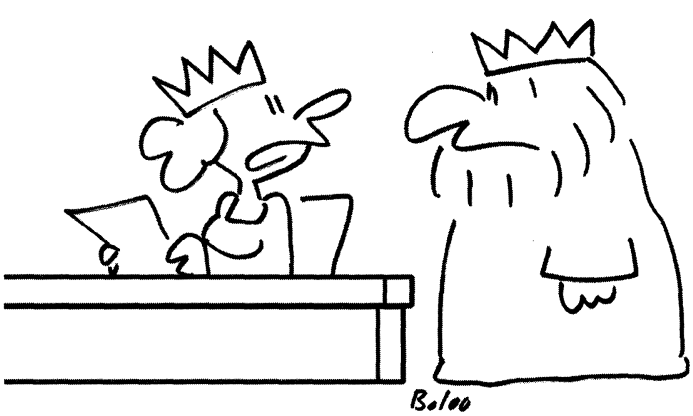

"I did the math — we can't *afford* to attend the economic summit."

Fragility and Contagion

All of this was bound to make the financial system more fragile. To identify what happened, we may speak of contagion of at least two related but distinguishable types: structural and psychological.

An advanced economy is a tissue of intricate multilateral interdependencies whose unraveling damages finance, production, employment, and consumption. Contagion particularly bedevils financial intermediation, which is the business of banks and other financial firms and the stock market. Lending institutions borrow, normally at shorter term and lower rates of interest, to relend at higher rates. Banks, for example, owe short-term debt to their depositors and use the funds for medium- and long-term loans and securities. Financial intermediation tailors types, maturities, and risk-reward characteristics of financial instruments to meet the desires both of ultimate savers and of borrowers and stock-issuing firms. Even innovative instruments, such as credit default swaps and securitized loans — to which I will return in a moment — can legitimately serve healthy specialization in lending, borrowing, saving, investment, and risk-bearing. In an advanced economy, this intermediation is essential to channel saving efficiently into factories, farms, machinery, and other capital goods, so promoting economic growth.

By its very nature, intermediation requires firms performing it to operate heavily with borrowed funds. Their excess of assets over liabilities — their capital in this accounting sense (net worth) — amounts to only a very small percentage of either. Even ordinary businesses use borrowed funds to some extent; but financial firms practice this leverage, so called, to a more extreme degree. Their capital, being so small a percentage of their balance sheets, is vulnerable to being wiped out. It is hardly sound advice, though, that financial firms should employ no more leverage than other firms; for their doing so would subvert the very rationale of financial intermediation. Still, leverage, and especially undoing it (deleveraging), do intensify structural and psychological contagion.

Securitization means bundling loans into packages that provide the backing for bonds issued by the bundlers. Ideally, these "collateralized debt obligations" enable their buyers to enjoy the convenience of not making individual mortgage loans and also, normally, the relative safety of diversification. The bundlers receive their shares of these benefits from an interest-rate spread between what they earn on the loans and what they pay on their own obligations. The process can be carried to further stages as the first-level bonds are cut into "tranches" according to the estimated riskiness of their backing. The different tranches can then serve as backing for a further level of bonds, and even further levels. The results are called CDO2s (collateralized debt obligations squared). Many of them received the highest ratings by the three government-privileged bond-rating companies, S&P, Moody's, and Fitch,

so becoming approved holdings even for conservative investors such as pension funds, and building confidence among other investors also.

Yet these ratings, especially of unfamiliar debt instruments, proved over-optimistic. At the beginning of the chain, some of the underlying mortgage borrowers may not have been creditworthy — and in recent years, many of them certainly were not. While the process may achieve the apparent safety of diversification, it also makes risk assessment more difficult and obscures how participants along the chain share the risk of default on the underlying mortgages. Unforeseen defaults can spread and magnify damage along the whole ingenious chain.

When defaults on loans or bonds held by a financial firm erode their value as assets, the capital of the affected firm shrinks as a percentage of its balance-sheet totals. The firm suffers when depositors or other short-term creditors rush to cash their claims. To restore its required capital margin, it must either issue more common or preferred stock or shrink its balance sheet by selling off assets to pay its liabilities, somehow. This can be painful. Meanwhile, other firms that have been holding the bonds of the troubled firm see those assets losing value and their own capital ratios impaired. Then they too must either raise more equity capital (implausibly) or reduce their size.

Attempts to raise money by selling assets depress their prices, contributing to contagious deleveraging all along the line. Not only does default on mortgages hit investors in mortgage-backed bonds; it brings foreclosures, empty and ill-tended houses, deterioration of neighborhoods and house prices, and further loss of homeowners' equity.

Credit default swaps are essentially insurance against default on bonds or other debt. An issuer of credit default policies hopes to receive more in premiums paid than it loses in compensating for defaults. A borrower may buy such insurance to improve the marketability of its obligations, or a lender may buy it for protection. Even third parties not directly involved with the underlying debt may buy this insurance either as a hedge on risks in other transactions or, since the swaps are marketable, as a speculative bet.

Dealings in swaps are no more inherently scandalous than hedging or speculative dealings in futures on the commodity exchanges. But just as an occasional fire- or life-insurance company may go broke, so may a default-swap issuer — and probably with greater likelihood, because of the relative complexity and novelty of the transactions. The travails of AIG, which obtained a government rescue, provide an example. Credit-default swaps constitute another channel, then, through which structural and psychological contagion can spread widely,

Fair value or *mark-to-market* accounting is also widely blamed. This accounting rule came to be more widely insisted on a few years ago than it had been before, and has only recently been relaxed a bit. It requires financial firms to carry large chunks of their asset portfolios on their balance sheets at the low prices they might fetch on already depressed markets, even though the markets are temporarily inactive, though the crisis will end sooner or later, and though the companies intend to hold much of the assets until they pay off at face value upon maturity.

Like actually realized portfolio losses, these markdowns shrink the holders' reported capital. Capital deficiencies make the affected firms more hesitant to grant loans, worsen their own and perhaps the whole financial system's perceived unsoundness, and can trigger further deleveraging all along the chain. Marking to market probably does enhance the transparency, honesty, and trustworthiness of firms in normal times and for that reason should perhaps not be suspended even in times of crisis. Perhaps regulators should openly relax capital requirements instead. Yet however desirable the rule may be on balance, it does intensify the structural contagion.

Global financial assets had sunk from about $80 trillion to $60 trillion, with only $1–$2 trillion of the decline coming from losses on mortgages. That raises the question of where the rest of the $20 trillion went.

I turn now to psychological contagion, which hit me as well as other people. Until the late summer of 2008 the structural aspect of the crisis had fascinated me. Then I realized that the situation had become downright scary. The whole tissue of economic interrelations rests on trust. Confidence can be justified, excessive, or abnormally weak. Confidence can rise or fall in waves of herding: understandably, people without enough information to make judgments on their own regard others' behavior as guided by information that *they* possess.

A boom reinforces confidence. People are inclined to fall for dishonest schemes. A bust saps confidence. People and institutions, including banks, become more cautious in doing business with one another. The stock market, swinging widely, both registers and magnifies the state of confidence or fear. Loss of stock and house values makes consumers hesitant to spend money, depriving businesses of sales in a further fall of dominos.

U.C. Berkeley economist J. Bradford DeLong, writing around the end of 2008, estimated that global financial assets had sunk in value over the preceding 18 months from about $80 trillion to $60 trillion, with only about $1–$2 trillion of the decline coming from losses on mortgages and mortgage-backed securities. ("The Financial Crisis of 2007–2009: Understanding Its Causes, Consequences — and Its Possible Cures", January 2009, at http://tinyurl.com/c8vxan). That estimate, although necessarily imprecise, raises the question of what the lost $20 trillion consisted of and where it went.

Good will sometimes appears on balance sheets as an asset. This accounting concept recognizes that a firm may be worth more than its physical and financial assets minus its liabilities; it has additional value as a going concern and profit-making entity. Managers' and employees' skills and experience, the firm's traditions, technology, business connections, attunement to conditions in the industry and the whole economy — in short, internal and external coordination and ongoing or potentially profitable activities — have value beyond that

of cut-and-dried assets. But even those assets lose value when discoordination of the firm or of the entire economy diminishes their profitability. The appraisal of good will in the sense just described shows up notably on the stock market; where, as on other asset markets, prices often swing between too high and too low. This is psychological contagion.

Theories — and Remedies?

The apparatus of mainstream macroeconomic theory is of little use for understanding such troubles. DeLong recognizes that that is true even of his own textbook ("The Financial Crisis of 2007–2009," cited above). Economists of the Austrian school, on the other hand, recognize that an economic system cannot be analyzed with typical models of aggregate demand confronting aggregate supply and models possessing stable parameters. They emphasize the subjective element in economic life. People's economic decisions and actions respond to experiences, doctrines, and emotions. Change, unpredictability, and uncertainty abound. Relevant though imperfect information is scattered among millions, even billions, of minds around the world.

Yet a smooth course of economic life presupposes a reasonably good meshing of their many different plans. The title of Gerald P. O'Driscoll's book aptly describes "Economics as a Coordination Problem" (1977). The price system works toward the meshing of plans. Coordination has been impaired at times of unsustainable boom and, more obviously, of recession. Willingness and capacity to produce remain essentially unimpaired (although a long period of unemployment *would* erode them). Unemployed workers are eager for jobs and for the consumer goods they would buy with their wages, while employers would eagerly hire or retain more employees if only they had customers for their products.

What has disrupted coordination in such episodes? Both Austrian and monetarist economists, although with analyses differing in details, often put the blame on bad central-bank policy. While the financial distress sketched above surely plays a big role in the current recession, a monetarist interpretation (by Robert L. Hetzel, manuscript, Federal Reserve Bank of Richmond, Feb. 2009) adds that the Federal Reserve kept its belatedly tightened monetary policy tight too long in 2008.

An economic system cannot be analyzed with typical models. People's economic decisions respond to experiences and emotions. Change, unpredictability, and uncertainty abound.

Contagious panic arguably called for early intervention, before the severe deterioration of September 2008. Government action would have violated libertarian principles, but the situation was exceptional. Arguably, the government had a moral responsibility to help check the damage to which its earlier interventions had contributed — if, indeed, government can be personalized in that way. Anything plausible, even if mostly symbolic, could have helped, such as a clear offer to buy or guarantee the temporarily troubled assets of financial firms at suitably reduced prices.

I thought so at the time on the basis of amateur psychology, not of economics or political science. It was unrealistic, however, to expect such focused decisiveness from the government. Calls arose to "do something for Main Street as well as for Wall Street." Favoritism is indeed unattractive; yet financial firms are different from nonfinancial ones. Their financial intermediation is inherently leveraged — they borrow to relend or invest — and the credit they supply or allocate is essential to ordinary business. Sparing millions of people the pains of recession almost unavoidably benefits a culpable minority also.

Moral hazard is a danger: past rescues breed expectations of more in the future. So soothed, firms run greater risks than would otherwise be prudent (just as fire insurance soothes homeowners to be less obsessively cautious than they would be without it). Against a long background of bank and hedge-fund rescues, the rescue of Bear Stearns in March 2008 further bolstered expectations. These were disappointed when Lehman Brothers was allowed to fail in mid-September. The crisis deepened, arousing hopes that the authorities had learned a lesson and would not allow a similar major collapse. The economy faces a catch-22: damned by immediate damage if a rescue goes unattempted, and damned by the longer-run moral hazard when a rescue *is* undertaken.

Treasury Secretary Henry Paulson muffed the opportunity for a psychological counterstroke. He and his successor Timothy Geithner offered a series of ill-considered, vague, changing, unconvincing, and even alarming approaches. Some verged on browbeating of financial firms, as in Merrill Lynch's acquisition by Bank of America. The "stimulus" bill of early 2009 ignored economic studies comparing the potencies of fiscal and monetary policy. The bill turned into a preposterous hodge-podge of porky spending projects that multiply the national debt, presumably heightening uncertainty and the hesitancy of business investors — yet another example of a spreading contagion.

Monetary policy can probably do more for early economic recovery than fiscal stimulus. Indeed, between the end of August 2008 and late April 2009 the Federal Reserve more than doubled the size of its balance sheet. Between August 2008 and March 2009, largely by extending credit in innovative ways, it multiplied the volume of bank reserves more than *seventeenfold*. That great potential for money-creation threatens inflation. Current worries about *de*flation, which would prove temporary at worst, are preposterous. If need be, deflation is much easier to check than inflation; and anyway, not all downdrifts of prices are harmful.

The Fed's expansion of reserve money threatens to overshoot the mark, especially when translated into increased lending and deposit-money creation as banks activate their newly immense excess reserves and as individuals and businesses become more willing to spend money than just hold onto it. The danger looms of severe price inflation and dollar exchange depreciation unless the Federal Reserve somehow proves clever enough to reverse its money creation in time, patient enough to see bond prices fall and interest rates zoom and risk another recession, and sheltered enough from political pressures.

The possibility of the dollar's destruction within a few years adds relevance to academic ideas about a new "monetary constitution." Commodity-linked money issued in a privatized system of free banking is one attractive possibility. Even if the Federal Reserve should avoid early severe inflation, rethinking its role will eventually be necessary; for it operates (through interest-rate targeting) on a stock of bank reserve money that is becoming almost vanishingly small in normal times, not in dollar amount but as a percentage of the economy's total means of payment and total liquidity.

Regulation

Calls for more financial regulation have become routine. Only a libertarian more hardcore than I am would reject them outright. Regulations have indeed disappointed the intentions behind them. Yet but because of the intricate ways in which some regulations may have been compensating for the regrettable side effects of others, abolishing or relaxing them must be done in an orderly way (if orderliness is practically and politically possible), not by a sudden stroke.

As for new regulations, just what should they be? A consensus in favor of suitable regulation is spurious if its advocates have contradictory ideas of what "suitable regulation" means. Merely specifying desired results is no sufficient design of how to get them. Design of new regulations should recognize which past ones have proven ineffective or pointlessly burdensome or have been gamed and wriggled around. "Gaming the system" means exploiting the rules for unintended purposes, as by resort to exotic practices and instruments such as "structured investment vehicles" to circumvent capital requirements.

Resources are scarce, so enforcement should focus on trying to suppress actual fraud, as well as deceptive obscurity and complexity in documents, practices, and sales pitches. Reform should avoid giving regulators and prosecutors abusable discretion with tempting opportunities for triumph in cases of petty technical violation and of little social importance. Regulation should conform to the rule of law. Civil suits for alleged dishonesty or unfairness could be made easier by unclogging the courts, as by decriminalizing drugs.

The greater the need for financial regulation, the stronger the case for abolishing or simplifying regulations in other fields, both to avoid multiplying infringements of personal freedoms and to conserve scarce regulatory resources. Where, for example, are all the new regulators to come from, ones well versed in the complexities of Wall Street yet willing to work for civil service salaries? The failure of regulators to catch even some of the worst financial frauds of the last several years underlines this question.

Government action should not preempt the scope, as it often does, of alternative solutions to problems. Experts working for industry associations could devise and administer standards, with additional monitoring by journalists eager for sensational stories. Underwriters Laboratories, American National Standards Institute (ANSI), the Nationally Recognized Testing Laboratory (NTL), Consumers Union, and online product reviews illustrate the possibilities. Instruction and certification by private organizations could give competitive advantages to qualifying brokers and other financial operators.

Salvaging Lessons

If we can salvage nothing else from the crisis, we should at least learn lessons. Financiers must have learned something about the use of exotic financial instruments. They must have learned something about incentives for themselves and their associates. Employees should not be rewarded for merely making mortgage loans, leaving concern for their soundness to the buyers of mortgage-backed securities.

Several lessons involve contrasts between what is true or desirable in the short run and the opposite in the longer run. An expansionary monetary policy reduces interest rates in the short run but, if continued, raises nominal rates later because of the inflation allowance in them. Relatedly, a cheap-money-fed boom is likely to collapse into recession. Mark to market, the accounting practice mentioned above, arguably should be relaxed in time of crisis but be retained otherwise. The law of unintended consequences warns us of long-run disillusionment from bright ideas for short-run benefits, as from prods to cheap housing credit. Consequences often appear, unrecognized, as the delayed cumulative results of earlier interventions.

Moral hazard presents a major short-run versus long-run contrast. Rescue of a troubled bank may seem the best thing to do immediately, but it reinforces expectations of further rescues, inviting repeated trouble later. I emphasize, not minimize, this dilemma; yet I can think of no solution. Further academic research might find one. Still, enjoying the long run does presuppose getting through the short run.

Over the long run and fundamentally, prosperity depends on production. People specialize in producing particular goods and services to exchange them away, sooner or later, for the specialized outputs of other people. But occasionally money and credit go awry as lubricants of exchange and production. Especially in a deep depression, the economic law of scarcity seems to have been repealed. Demand for products and labor, not capacity to supply them, shrivels. A form of Keynesianism crude enough to embarrass Keynes himself then appears relevant, especially in political circles. Measures to stimulate spending seem to promise relief, even though a crisis like our current one originated in overborrowing and overspending, and although more of the same would risk long-run disaster.

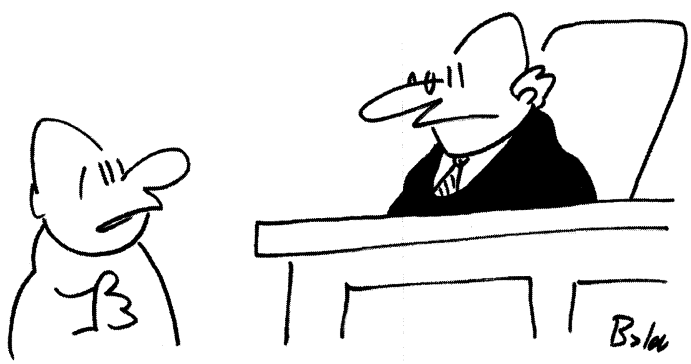

"Yes, I robbed the bank — but I had the best of intentions!"

A case might be made for a short-run stimulus that would be reversed in good time — if only we could count on that reversal. Theory and experience warrant expecting more stimulus from monetary policy than from fiscal policy and increased government debt. This debt, which includes implicit debts in the form of long-run commitments under entitlement programs, has been growing so large relative to tax capacity that meeting it seems unlikely other than by its eventual repudiation through inflation.

Examples abound of legislators and bureaucrats blithely implementing their bright ideas without due regard to the burdens imposed. Ideas about what additional regulations should accomplish often give scant attention to just how they are to work. Hubris appears in the countless legislative proposals for improving the economy: mandates or tax credits for water-saving toilets and energy-saving light bulbs, for early purchases of new cars to relieve the industry's distress, for cars getting more miles per gallon, for promoting ethanol and exotic energy sources, for promoting or discouraging particular activities by tax complications, for subsidizing scientific or not-so-scientific research, for tighter responsibility in issuing financial reports, for broadband access, for sports stadiums, and even for investigating irregularities in professional sports. Funds are appropriated for attractive causes with no consideration of how the money and the corresponding real resources might better have been used for other purposes, private and public. Furthermore, politicians are more concerned with the good intentions motivating their laws than with possible long-run adverse consequences.

Congressmen do not hatch all the bright ideas out of their own brains, of course, nor does narrow self-interest usually drive their votes. Rather, they routinely hear from persons and groups requiring money for attractive programs. Since they rarely hear informed testimony against specific programs even from witnesses who may abstractly desire spending restraint, they drift into thinking that denying the requested appropriations would be hard-hearted. (James L. Payne has explored this issue in "The Culture of Spending: Why Congress Lives Beyond Our Means," 1991.)

Uncoordinated bright ideas — ideas for promoting all sorts of good and suppressing all sorts of bad things through regulation, granting or guaranteeing loans, and financing special-interest projects — figure prominently among the causes of our current crisis. Yet as Frederic Bastiat and more recently Henry Hazlitt have argued, sound economic policy presupposes considering the further-ranging and longer-run effects of specific events and interventions. That is not typical of politics. Thomas Sowell was right: the first law of economics is scarcity, and the first law of politics is to disregard the first law of economics. ❑

With the Paul Brigades, *from page 22*

If they say no, ask for half as much — and be silent.

If they say no again, he says, "Ask, 'How much can I count on from you *right now*?' " Then shut up again.

Rothfeld raised $70,000 this way for a campaign he lost. "I hated it every single time," he says. But a candidate has to do it; if he does not do it, he's not serious.

Later in the day comes a lecture on working the legislature. You need a legislator to carry your ball, he says. Don't have a member of leadership, or one hankering for such a post, because "you get to be in leadership by cutting deals." You don't want a wheeler-dealer to sell you out. You want someone who is committed. Someone who is tough. If that person sells you out, lash back. "You've got to punish your so-called 'people' if they did wrong."

If you are a legislator, beware of whom you ally with. "*Don't* have cross-ideological coalitions," Rothfeld says. "Don't have a press conference with 'em. Don't explain your private tactics to 'em. They won't be sharing their private tactics with you. You can have an informal coalition, but keep it private, and you won't be saddled with their negatives."

Hearing this, I recalled Ron Paul's press conference in 2008 with Ralph Nader and the Green and Constitution Party candidates. I wondered what Paul would have said in reply. But he was not there. He had flown out.

John Tate, president of the Campaign for Liberty, was there. He was the national political director for the Ron Paul Campaign Committee and for many years before that was vice president of the National Right to Work Committee. To the Left, right-to-work is the lipstick mark of the corporations. But when Tate is talking to a long-haired guy who says he does not believe in corporate personhood, Tate says flatly that none of the Fortune 500 companies funded Right to Work. It was not a corporate effort — and in the Campaign for Liberty there is no mention of such businessy causes as tort reform or abolishing the double taxation of dividends.

This is a populist movement.

Tate said that the Campaign for Liberty had exceeded 150,000 members. "The number of requests Ron Paul has from Republican Party groups now is three or four times more than during the height of the campaign," he said.

Three political parties were listed as sponsors of the Seattle conference and had adjacent booths in the hall: the Constitution Party, the Libertarian Party, and the local branch of the Republican Party. Which of these parties is the Campaign for Liberty trying to boost?

"We are completely nonpartisan," Tate told me. (The woman at the Libertarian booth said, "Most of the people here are Republicans.")

Is the Campaign for Liberty preparing the ground for Paul to run in 2012?

"This, to my knowledge, does not have anything to do with a potential Ron Paul run in 2012," Tate said. "I have heard nothing about anything like that." Because of the organization's legal status, he said, if the congressman runs, "we would have to completely distance ourselves from Ron Paul."

"This is political training," he said.

So it was. The next training session is scheduled for July, in Las Vegas.

Though I'm not in politics directly, I am close enough to it to recognize such an event as useful training, a kind of boot-camp lecture from a political drill sergeant. What people will do with it is the question. Many state and local actions are possible. There remains a thought that Paul, who will be 77 in 2012, could run again despite his age, and that the platoons trained in 2009 would by then be ready for the rough and tumble. ❑

Reviews

"Barbarians to Angels: The Dark Ages Reconsidered," by Peter S. Wells. Norton, 2008, 240 pages.

Without a Central Government

Michael Stahl

Sometime in the 5th century a farmer sees that he has a problem. He needs to grow enough on a meager plot of tillable land to feed his family and his landlord, and just perhaps to trade and increase his wealth. But his tools are the real problem. He gnaws at the earth with a wooden spike, known as an ard, that is suitable only for light soils and only digs a furrow, rather than turning the earth to bring nutrients to the surface. The farmer, or perhaps a blacksmith, or perhaps many people at once, are about to find a solution to the problem, and in so doing to change the face of European civilization.

In "Barbarians to Angels," an economic vindication of the 5th through the 9th centuries, commonly known as the Dark Ages, Peter S. Wells shows that it was at this time that the moldboard plow appeared in the archaeological record of Europe, and revolutionized agriculture. The plow had an iron coulter at the front to cut through heavy soil, and a share and moldboard to cut underneath the soil and turn it over. The plow made farmers vastly more efficient and versatile. Not only could land be plowed more quickly, but new lands could be farmed, lands that were previously out of reach. Along the way, the horse collar was developed, making the horse more efficient as a draft animal than the lumbering ox. With increased efficiency came an increased understanding of the nature of farming itself, with a focus on crop rotation and managed fertilization.

These innovations occurred after the effective end of Roman authority of any real kind in most of Europe. Newly efficient farmers were thus freed from imperial taxation. While they most certainly were taxed by local lords and chieftains, they no longer fed the avarice and gluttony of Rome. There were no legions, no grand building projects to consume wealth. The rewards of efficiency could stay closer to home. Archaeological evidence shows the effects. To be specific, bones show the effects.

The bones of dead people can be chemically analyzed to determine the nature and amount of food that those people consumed. From such analysis, Wells shows that most people of the "Dark Ages" had access to decent amounts of food, and especially animal protein. While there are differences in the nature of the food according to social rank, available samples present little evidence of deprivation. Additionally, and perhaps most surprisingly, people were on average quite tall — five feet eight for men, and five feet four for women in southwestern Germany, and a bit taller in Scandinavia. They were taller than people of the Roman period, taller than Europeans would be until after the Industrial Revolution.

Wells shows that a lack of central authority (Rome) was not the same as isolation. Indeed, commerce appears to have been vibrant — as one would expect, considering the agricultural boom in progress. Even before the Roman Empire, an extensive system of pathways promoted trade. With Roman roads built over these paths, the later period had a solid infrastructure for the transport of goods, along with the wealth to buy them. Much production was solely for local use, but pottery made in the Rhineland has been found in England, and elites in Western Europe owned pottery from Egypt and Turkey. An Indian statuette of the Buddha, made in this period, has been found in Sweden.

Since much of Europe was criss-crossed with trade routes before the expansion of the Roman Empire, it stands to reason that trade would have resumed after the disintegration of Rome's authority. Rome did not, after all, create long-distance trade. There is some written evidence that local chieftains, lords, and kings took pains to ensure that trade routes were open, and that traders went unmolested. For instance, Charlemagne corresponded with the King of Mercia, in what is now England, indicating the continuation of traditional respect for free trade throughout the region. This plants a tantalizing seed of thought: archeology may be proving that trade flourishes in the face of loose authority, that science may yet defeat state planners.

Lack of central Roman authority was not the same as isolation. Indeed, commerce appears to have been vibrant in the Dark Ages.

Wells points to a thriving industry in such things as ceramics, iron tools, and ornamental items, as evidence of a relatively prosperous civilization. That these things were not only made but transported long distances gives a sense of a society in which trade was open and travel wasn't overly dangerous. And trade wasn't simply in essentials but also in luxury items. Ornate brooches, or fibulae, cast of bronze or silver, are found throughout Europe, as are finely made combs, belt buckles, swords, and decorated scabbards. Some of these items were fashioned in central locations and transported to consumers; others were made to order at the final location by traveling artisans and smiths. There is evidence from graves that many of these artisans attained significant wealth and status. Gold was transported extensively throughout the period, as was the greatly prized garnet.

The spread of the Christian Church, rather than a central government, fostered artistic innovation and the distribution of art and learning. Wells details the development of book illumination in Ireland and the general increase in the educational level throughout Europe. Monks were the original book illuminators, and integrated religious iconography was the basis of much artistic innovation. The title of Wells' book derives from Gerald of Wales' description of illuminated Irish Bibles as the "work of Angels," as crossed with the more conventional view that these peoples were "barbarians."

If there was considerable trade, as Wells asserts, then there must have been considerable trade centers. The evidence for this is strong. Old Roman cities, such as London, appear to have been inhabited throughout the period, and new centers of trade developed as well in the 5th and 6th centuries, with goods flowing freely from Spain to England and from the Mediterranean throughout Europe. There is variation in architecture: until late in the Dark Ages, heavy stone construction was avoided in favor of lower-cost, less labor-intensive wattle and daub construction. Wattle and daub consists of sticks and mud, or manure, and is naturally far less durable than stone. This is important to bear in mind, because the apparent lack of monumental structures during the period can present a false impression of complete destitution. But wattle and daub does leave evidence. It appears in the layers of "dark matter" found in many former Roman cities — indications that the cities were continuously inhabited and that their populations remained close to stable in many places, perhaps increasing in such instances as London.

One of Wells' chapters presents an overview of archaeological evidence from a variety of former Roman cities, such as Regensberg, Cologne, and Mainz. Another is devoted to the city of London. In all these cases, the cities persevered and appear to even have prospered, despite dramatic changes in the nature of urban life. Many of the old Roman cities began as bases of the Legions, enduring as vital centers of trade long after their original purpose ceased to matter. The evidence for this comes largely from recent archaeological work, not from documents written in the era itself, so it is easy to see why a false image of urban "darkness" should have prevailed up till now. Yet the notion of prosperous cities is quite in keeping with the widespread agricultural revolution that took place in the countryside. They weren't building in the grand Roman style, but on Wells' evidence they were building. Indeed, the new agricultural and nutritional wealth may have created centers of trade that were even more important than in Roman times.

The effective end of central Roman control did not mean anarchy, at least not in the sense of chaos. It was at the very beginning of this time that Childeric and his son Clovis, kings of the "barbarian" Franks, began the formation of what is now called France. The era was obviously clouded by community memory of Roman rule: a signet ring found in the grave of Childeric depicts him as both a Roman dignitary and a Germanic chief. Childeric's grave was found intact in the 17th century; more recently, grave sites that are similar in style have been found across Europe. This suggests that there was continuity in tradition among the various branches of the ruling class. The mixing of traditional European motifs and Roman regalia denotes, to Wells, "something new on the scene" in Europe at the opening of the Dark Age. As in the more familiar cultural integration of Native American tribes with European immigrants, aspects of each influenced the other, resulting in a culture distinct from either of its origins.

With rulers come rules. Law codes developed to replace the Roman system of law. They drew heavily on Roman examples, but they also innovated.

The popular view of the Dark Ages is based largely on the writings of people sympathetic either to Rome or to central authority in general.

Payments for injury, for what might today be called torts, were of particular concern, as were the aspects of property law that one would expect to be objects of dispute in largely agrarian societies.

There was Frankish law, Anglo-Saxon law, and Visigothic law, and each was enforced in lands controlled by each, but "countries," or nation-states were not defined. If you lived in France, but lived under the rule of an Anglo-Saxon king, you lived under Anglo-Saxon law, not Frankish. Yet there was enough similarity among legal systems to facilitate trade across wide regions, despite decentralization of authority.

The implications of Wells' evidence are dramatic. The popular view of the Dark Ages is based largely on the writings of people sympathetic either to Rome or to central authority in general, and those views need to be replaced. Today, few if any scholars credit the old view of the Dark Ages as a time when stunted wretches trembled in fear — although many, if not most, people still do. How such a thing could ever have been believed by serious students of human action speaks to the insidious nature of propaganda. It should be emphasized that Wells, though more inclined than most scholars to rehabilitate the Dark Ages, is not an extremist. He is a professor of anthropology who specializes in this period, and publishes academically as well as popularly. His book presents no groundless assertions or rhetorical gimmickry. It does present evidence that an age without a central government was far from destitute of accomplishment. ❑

"Chain of Blame: How Wall Street Caused the Mortgage and Credit Crisis," by Paul Muolo and Matthew Padilla. Wiley, 2008, 338 pages.

"Meltdown: A Free-Market Look at Why the Stock Market Collapsed, the Economy Tanked, and Government Bailouts Will Make Things Worse," by Thomas E. Woods, Jr. Regnery, 2009, 194 pages.

Who's to Blame?

Bruce Ramsey

Our economic disaster: last summer I was reading about it in Paul Muolo and Matthew Padilla's "Chain of Blame." This year, my nose has been in Thomas E. Woods' "Meltdown." The two tales are very different. Muolo and Padilla's "chain of blame" runs through Wall Street. Woods blames the government.

Woods is a professional libertarian. He works for the Ludwig von Mises Institute and is author of several libertarian or Christian books, including "The Politically Incorrect Guide to American History." Muolo is from the trade press, having covered Fannie Mae, Freddie Mac, and the subprime lenders for National Mortgage News. Padilla wrote for the Orange County Register. The Register has a libertarian editorial page, but Padilla was on the business page. The Register covered the subprime lenders because they were based in Orange County, just south of Los Angeles.

"Chain of Blame" is a business story. It's journalism about people and their business creations: Angelo Mozilo of Countrywide Finance, Roland Arnall of Long Beach Mortgage, and Lewis Ranieri, who at Salomon Brothers invented the mortgage-backed security. The authors know these men and describe them. They trace the genealogy of the collateralized debt obligation and the subprime mortgage, the zero-option adjustable-rate mortgage and the "liar loan" — all the stuff that became "toxic assets."

Most of the book is descriptive. Muolo and Padilla are saying to the reader, "This is what was going on." If they had put it on a diagram, the boxes might have been labeled, "mortgage borrower," "mortgage originator," "mortgage wholesaler," "mortgage securitizer," "security rating service," and "security buyers." All of these were in the private sector.

Muolo and Padilla argue that blame should be placed where the planning was, and where intelligence and foresight should have been. That was in the Wall Street investment houses. They invented the new securities and made them inscrutable. In the same vein, one might condemn the rating agencies, which pretended to evaluate them rationally, and institutional investors, such as the European banks, which pretended to understand what they were buying.

In Muolo and Padilla's mental diagram of all this, the Federal Reserve's cheap-money policy of 2003–2004 is there, but it's off on the edge. It's a background condition, not an active cause.

Now come to Woods' book. He states his thesis on page 13:

> Blaming "greedy lenders" or even foolish borrowers for what happened merely begs the question. What institutional factors gave rise to all the foolish lending and borrowing in the first place? Why did the banks have so much money available to lend in the mortgage market — so much that they could throw it even at applicants who lacked jobs, income, down payment money and good credit? These phenomena, as well as the housing bubble and the economic crisis more generally, are consistently traceable to government intervention in the economy.

In Woods' view, the background condition is what's important. Woods implicitly excuses everyone in Muolo and Padilla's "chain of blame." He doesn't *say* he excuses them; he just

doesn't focus on them. His implicit view is that if private-sector lenders are throwing money at applicants with no income, it's Alan Greenspan's fault because Greenspan has lowered short-term interest rates to 1%.

This is putting ideology before eyeballing. We have a theory, we find some facts that plug into our theory, and *voila*! Our theory is good. *We* are good. And maybe our theory does bring explanatory order to some of the facts. The Fed *did* lower short rates to 1%, setting up a background condition for a mess. Congress *did* create Fannie and Freddie, pass the Community Reinvestment Act, and press bankers to make more loans to minorities, just as Woods says. He can legitimately trace a line to these things. But when he says that "the housing bubble and the economic crisis more generally, are consistently traceable to government intervention in the economy," he is saying more.

Think again of a diagram with lines and boxes. Woods is putting government at the center of it — and portraying those who put lenders at the center as leftists railing against "greed." This is a straw man. The mainstream financial press, of which Muolo and Padilla are a part, is not leftist.

Woods habitually puts the private sector into the kind of phrases in which things just *happen* or *become*. Consider this, from page 21:

> Although the driving force behind abandoning traditional lending standards was the federal government's political goal of increasing homeownership, particularly among preferred minority groups, lending innovations like 100% loans became institutionalized features of the industry, particularly when the Fed had made banks flush with reserves to lend.

I am biased: I was a stockholder in one of the largest banks that failed. Unknown to me (because I wasn't paying attention), my bank made bad loans — tens of billions worth of such grotesqueries as the zero-option ARM, a home loan in which the principal amount increases in the first five years. The CEO of my bank *decided* to make that kind of loan. The government didn't order him to do it. Other CEOs didn't do it. He did. His motivation was not to suck up to ACORN or the Federal Reserve Board. He was trying to make his bank big and successful. He knew he was violating the traditional rules of lending, but he had a theory of why he could do that, and his theory worked for a while. His bank did become big and successful. Then it was ruined — and so was I, in regard to my investment in it.

All that is *the government's fault*? Woods seems to think it is. His very language excuses. Consider the paragraph quoted above. The government was the "driving force" behind the irresponsibility of bankers. The Fed "made banks" have too much money. Hundred-percent mortgages "became institutionalized."

Mortgages *became*?

I do not excuse the central bankers. One-percent money is high-proof stuff. The Austrian economists are right about that. Now, under President Obama, 1% money is back again, and if the Fed keeps the bottle on the bar too long, eventually there will be another bacchanal. It probably won't be in home mortgages, though. It will be in a different thing with different people making different mistakes. These differences will be important — economically important and also morally important, when it comes time to assign blame. Not all mistakes are government mistakes.

I have another bias. Though my views are generally libertarian and I

Notes on Contributors

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am writing here for a libertarian magazine, I make my living in mainstream journalism. For almost 20 years I was a business reporter for a daily newspaper — the job Matthew Padilla had when he was working on "Chain of Blame." Done right, newspaper reporting is a facts-first job, not an ideology-first job. You have to have some theory, of course, to know what facts to look for, but it's fairly basic. There are few decisions of high doctrine to make when you're telling of the rise and fall of a loan company.

Muolo and Padilla focus on the mortgage lenders because that was the story of their daily journalism. One imagines that one of them said to the other, "You know, this would make a good book." That approach helps "Chain of Blame" considerably, and also biases it. When I imagine the best possible book about the Crash of '08, it has more about the Fed in it, and more about Fannie Mae and Freddie Mac. It also has more about the people who bought the securitized mortgages — what was the matter with the institutional investors, anyway? But my ideal book would be *like* Muolo and Padilla's book. It would not be like Woods' book.

The story of the Crash of '08 cannot absolve players in the private sector, as so many defenders of the market do. Consider a final example: the rating agencies. These companies repeatedly stamped investment-grade okays on products later discovered to be lethal. In my view, the raters should be condemned. Shunned. Tarred, feathered, and rolled in oyster shells, along with the CEO of the bank I had stock in.

In his book Woods gives the rating agencies two and a half paragraphs. There he quotes an assistant professor of economics from a college I'd never heard of — a libertarian who wrote his doctoral thesis on lynching and property rights — saying that the bond raters were just trying to please the Securities and Exchange Commission. The idea is that the SEC represents the interests of the liberal, ACORN-infected politicians who want mortgages for all. Then Woods says that the private rating agencies are "an SEC-created cartel," with the unstated but obvious-to-a-libertarian implication that no defender of the private sector is obliged to defend them. Problem solved! Everything that is bad is once again "consistently traceable to government intervention."

It is possible to *trace* — and think what that means — every economic problem to government, if that is what you set out to do. But if you want an accurate explanation — an honest accounting of which causes are contributory, which are necessary and which, if any, are sufficient, you don't set out to trace everything to one source. You immerse yourself in the facts, see what the connections are, and let the story itself tell you what the explanation is. This is what Muolo and Padilla try to do, and to a great extent, succeed in doing. It is what many libertarians ought to learn how to do. ❑

"Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case," by Stuart Taylor, Jr. and K.C. Johnson. Thomas Dunne Books, 2008, 430 pages.

Vindication

Robert Watts Lamon

A few years ago, Durham's official greeter put some novelty items on sale — coffee cups, T-shirts, baseball caps, etc. — each bearing the slogan "Durham: Where Great Things Happen." But as any tsunami survivor will tell you, great things are not always good things, a fact lately demonstrated by the infamous Duke lacrosse scandal. The ironies, the multiple falsehoods, and the great stampede to judgment, are thoroughly and competently described in "Until Proven Innocent."

The event that billowed into a national scandal occurred on the night of March 13, 2006. It's been variously characterized, and Taylor and Johnson take the reader through it once again, this time with proper regard for the facts: the striptease, the sex-toy dialogue and the racial slurs, the dancer's retreat to the bathroom, thence to the Kroger parking lot, the arrival of the police, the rape claim at the Durham Access Center, the examination at the Duke Medical Center. The alleged victim, Crystal Mangum, didn't mention rape until faced with involuntary confinement and only after a prompt from a nurse at the Access Center. Mangum recanted her claim and then switched back to it, altering her tale of rape several times. But a nurse present at the examination believed Crystal's claims, and so a path was open to formal accusation.

Sergeant Mark Gottlieb, an aggressive cop and no friend to Duke students, took up the police investigation. When the case reached District Attorney Mike Nifong, he saw it as one of "towering importance," which meant he saw it as a means of ensuring his election to the office he then held by appointment. Election would add an extra $15,000 a year to his pension. In a series of rigged photo-ID sessions, Mangum couldn't decide who raped her and chose one lacrosse team member who was out of town on the night of the team's party. Nevertheless, Nifong and his police associates pressed on, finally indicting three innocent, and by all rational accounts, laudable young men — David Evans, Collin Finnerty, and Reade Seligmann.

By then, all the players had legal counsel, and the lawyers for the three defendants went on to fight the good fight, openly challenging Nifong's

public rant, gathering evidence through their right of discovery, and ultimately gaining a proclamation of innocence for their clients from State Attorney General Roy Cooper. In doing so, they exposed Nifong as a fraud who, among other deceptions, conspired to hide exculpating DNA evidence from the defendants and the world.

When news of the alleged rape got on the wire, the local Left seized their candles and hit the street. The early descriptions of the alleged incident — rich white boys assaulting a poor black girl forced by circumstance into a degrading life — were all they needed. Crystal Mangum was a martyr to racism and sexism. There was a candlelight vigil at 610 North Buchanan (where the rape had allegedly taken place), followed by a pot-banging demonstration. An early Newsweek article (April 10, 2006) shows a woman standing in front of the house with a burning candle in one hand and a "Don't Be a Fan Of Rapists" sign in the other.

District Attorney Mike Nifong saw the case as one of "towering importance," which meant he saw it as a means of ensuring his election.

On the Duke campus, the radical ferment began to bubble. A paid advertisement appeared in the Duke Chronicle declaring the alleged rape a "social disaster." The ad was vague, chaotic, hysterical in tone, and ended by thanking the demonstrators for not waiting. It was signed by an assemblage of professors known as the Group of 88. As Orwell would say, only intellectuals could be that stupid.

The national media maintained an extended interest in the case. Most noteworthy were CNN and The New York Times. They continued to support Nifong and condemn the lacrosse players, even as more evidence favoring the players came to light. For months, television commentary, newspaper editorials, and talk-show "experts" espoused similar lines, even as Nifong's case was imploding. All of which raises the obvious question: how could professional journalists, presumably intelligent and educated people, comment at such length on an issue about which they knew so little? Isn't getting at the truth the essence of journalism? Fortunately, Taylor and Johnson do what so many of their media colleagues failed to do; they present a careful analysis of the facts.

Duke President Richard Brodhead was a campus tenderfoot, repelled by the idea of strippers and wild parties. He was apparently unaware that the Duke basketball team had hired strippers two weeks before the lacrosse team's fateful party and, worse yet, that Duke's sororities were known to hire male strippers. He was, like many people, shocked by a ghastly email Ryan McFadyen sent to his teammates after the party, which stated his intention to invite strippers to his quarters and murder and skin them. The email was, as it happened, a joking allusion to an even ghastlier novel entitled "American Psycho," which was assigned reading in more than one Duke course. In any event, Brodhead concluded that Crystal Mangum and Kim Roberts had certainly been abused in some manner.

The Duke president's position was an uneasy one for two reasons — the relationship of Duke to the City of Durham, especially black Durham, and the relationship of Duke's administration to its faculty, especially the faculty's left wing. Brodhead preferred not to offend either Durham or the faculty. So he got rid of lacrosse coach Mike Pressler and cancelled the team's season, even as his own appointed committee was finding that Pressler had done nothing wrong. Offered the opportunity to examine evidence of the accused players' innocence, Brodhead declined, but later complained that he lacked information. He wouldn't listen to advocates for the players but gave consistent ear to their attackers. Incredibly, while at Yale, he had sought the release of Kathy Boudin, former Weather Underground conspirator, in jail for robbery and murder. But the abuse of three Duke athletes by Mike Nifong, the "heightening of public condemnation," drew no reproof from the Duke president.

The Duke lacrosse scandal is a study in assorted politics — the racial politics of Durham, the corrupt, grasping politics of Nifong, the quirky academic politics of Brodhead and his close subordinates, and perhaps most important, the insidious ideology that animates the radical wing of academe. Taylor and Johnson expose the academic Left and its influence.

In recent years, radical feminists have twisted male-female relationships into sensitive political issues. As the authors point out, conviction for rape in North Carolina is possible even if the accused holds proof of his innocence, so great is the dependence on the woman's word. And the prevailing attitude is that the accuser must have her day in court, heedless of the numbing effect on the life and livelihood of the accused.

So Crystal Mangum, the besotted stripper who was unable consistently to identify any of the men she accused, who was contradicted by photographic evidence and by everyone at the scene of the alleged incident, who previously had made an unsubstantiated rape claim, and whose current rape claim was described by her partner as a "crock," found her story embraced by the media while her alleged attackers were denounced and vilified.

But what about the tenured Left? What form of perversity would lead successful capitalists to send their kids to a school crawling with neo-Marxist cranks — and pay a bundle for the disservice?

The ad was signed by an asssemblage of professors known as the Group of 88. As Orwell would say, only intellectuals could be that stupid.

In the later decades of the 20th century, academics, tempered by the 1960s and compelled to realize their own political visions, discovered that America was a multicultural society. That this was a surprise was — well, a surprise. They began to genuflect before the diversity idol, and, following their natural leftist inclinations,

eventually made diversity coequal with excellence as a criterion for choosing faculty. The elite colleges and universities went searching the institutional byways for prospective hires, and those hired tended to be proselytizers for the trendy race-class-gender theories. Purging racist and sexist attitudes became a campus imperative. Speech codes were put in place, and less and less tolerance was shown those who dissented from the campus-Left orthodoxy.

But why do parents and alumni put up with such nonsense? The parents of prospective students tend to judge a university by the prestige value of its degree. They see the school as an obstacle course, and negotiating it as a means to high-sounding credentials. They're less likely to see it as a place for those who want to learn — an ancient ideal, but by now passe. Students and alumni have a personal stake in maintaining the reputation of the school, no matter how irrational, how politicized the course work becomes. If students are taught that their country is wicked and oppressive, well, so what?

Steve Baldwin, Professor of Chemistry at Duke, wrote in defense of Mike Pressler and later in denunciation of the campus-Left cabal. An organic chemist, Baldwin has devoted his life to facts determined by experiment, by the careful analysis of the evidence of his senses, using a rigorously established scientific model. It's worthwhile to compare his innocent Aristotelian world with the world of Duke's tenured leftists. Yet so great is the influence of the tenured Left that it can cow the presidents and administrations of great universities. Who can forget the fate of Larry Summers, now director of President Obama's National Economic Council, lately president of Harvard, who made the mistake of suggesting that women may have different skills from men? And thanks to a preference for faculty that fits in — that toes the accepted ideological line — the avant-garde Left will likely grow in number and influence in the academy.

"Until Proven Innocent" tells a story laced with the folly of small men and women. Smallest of all, of course, is rogue prosecutor Nifong. He lost his license to practice law and recently filed for bankruptcy. And now, thanks to a court decision, he's no longer immune to lawsuits. Consider his last words to the commission deciding his future in the legal profession: "I think something happened in that bathroom" of the lacrosse players. Like a true criminal, he had to leave ajar the door to doubt.

Still, the Duke lacrosse case had its heroes: the solid families who endured Nifong's blasts, those few people on campus who defended Mike Pressler and his players and spoke out against the leftist stampede, good cop John Shelton who first observed and accurately reported on the alleged victim. But most impressive were the defense lawyers. How fine to read of people like Joe Cheshire and Bob and Samantha Ekstrand doing their competent work. Cheshire and his band of laughing soldiers are pictured in Taylor and Johnson's book. It's a picture worth keeping. ❑

"Star Trek," directed by J.J. Abrams. Paramount, 2009, 127 minutes.

Keep on Trekkin'

Valerie Durham

Sometimes it takes an outsider to fix what's wrong, or perhaps to remember what was so right.

In 1966, "Star Trek," the television series, made its premier, featuring William Shatner and Leonard Nimoy as Captain James Tiberius Kirk and half-Vulcan, half-human Commander Spock. The series immediately garnered a small but devoted community of fans. It was the fascinating dynamic between the emotionally-driven, spontaneous, human Captain Kirk and the emotionally devoid, logical, alien Spock that created the real essence of "science fiction" in the series.

All great science fiction applies science, whether real or invented, to put humans in situations that reveal truths about human nature; and that's what "Star Trek," for the most part, did. It wasn't about the spaceships or the planets or the alien creatures; it was about what is revealed about human nature as a result of flying in those spaceships or visiting those planets or interacting with "new life and new civilizations" (even if it was those silly Tribbles).

Over 40 years, "Star Trek" — with its ten previous movies, seven TV series, books, comics, and conventions, not to mention its merchandising and branding — has turned into a vastly successful industry. But it has almost become a parody of itself. Many of the current iterations of "Star Trek," led by the same band of producers and writers, seemed to rely more and more on varied makeup jobs to create more and more alien races, instead of relying on a real dedication to the exploration of human nature through alternative science. The essence of true science fiction, and more importantly the development and dynamics of its characters, has been largely lost.

Enter J.J. Abrams, hugely successful TV producer and creator of such shows as "Lost" and "Alias." Not a fan of the traditional "Star Trek" series, he applied his creativity and insight as an outsider to return to what "Star Trek" really was — an exposition of human nature.

In a word, the new "Star Trek" movie is terrific. It is an imaginative

account of how the crew of the original *USS Enterprise* came together and how their bonds were formed. In the movie, talented and well-cast actors make excellent choices in how they portray characters that have become beloved icons.

Their choices are not always the same.

Chris Pine, the actor who plays James T. Kirk and follows in the footsteps of the inimitable William Shatner, chose to embody Kirk's original characteristics: his bravado, his humor, his physicality, his eye for women. He sits in the captain's chair on the bridge of the "Enterprise" in just the way Shatner did — legs wide, leaning on one elbow with the other hand on the armrest, elbow up. But Pine wisely chose not to imitate Shatner's famously halting and dramatic way of speaking. To have done so would have been parody, not embodiment.

A different approach is taken by Karl Urban, the actor who plays Dr. Leonard "Bones" McCoy as originally portrayed by DeForest Kelly. Urban chose a restrained yet spot-on imitation of Kelly's portrayal of McCoy. His delivery, expressions, and gestures all hark back to the endearingly pessimistic McCoy that Trekkers love.

When characters' roles have been changed, as in the case of Communications Officer Nyota Uhura (the African-American female character from the original series), now played by Zoe Saldana, it is done in such a way as to maintain the essence of the character and to enhance a part that was sadly one-dimensional in the original series. The current movie does an admirable job of giving Uhura a meaningful voice and role that is still appropriate to her dynamic within the entire crew.

Admittedly, the new "Star Trek" is rather weak on story line and rationale, as are almost all other "Star Trek" movies. The villain, a time-traveling, revenge-seeking Romulan played by Eric Bana, is creepy and brooding, but his backstory is not terribly compelling, considering the great lengths to which he goes in seeking revenge for a wrong once done to him.

Star Trek fans, passionate about details, prepared to pounce on any deviations from previous story lines. But Abrams brilliantly employs the script's time-traveling element to create the possibility of an alternate reality in the "Star Trek" universe, thereby allowing him (and future "Star Trek" screenplay writers) to create whatever story developments they wish, without having to harmonize them with the multitude of backstories from existing "Star Trek" TV shows, movies, books, comics, and lore in general.

"Star Trek" features plenty of heart-pumping action, toe-curling monsters, and mouth-watering spaceships. And it boasts its fair share of humor, accessible to Trekkers and non-Trekkers alike. But it's the rediscovery of the relationships among the Enterprise crew members, and the further development of those characters, that makes this "Star Trek" installment a rousing success. ❑

"Terminator: Salvation," directed by McG (Joseph McGinty Nichol). Halcyon, 2009, 130 minutes.

Return to the Future

Jo Ann Skousen

Brutal, intense, and irreverent, the original "Terminator" (1984) was anything but a Sunday School story. And yet, it was one of the best messianic allegories of the past 25 years.

In the biblical Christmas story, two forces are at work. One sends a mysterious messenger from the Other World to inform an ordinary young woman that she will miraculously conceive a child; this child, it is later discovered, will defeat the forces of darkness at the battle of Armageddon. The other force tries to win the future battle by killing the child before he can grow up and save the world. Since King Herod, a servant of this other force, doesn't know which specific child is the Chosen One, he has all the babies of the same age massacred. More mysterious messengers arrive from Another World, giving the woman gold and other valuables; and being warned, she and her child flee to the deserts of Egypt to wait out the massacre. The scripture says that Mary "pondered these things in her heart" as she helped her son follow his Father's footsteps to prepare for his ultimate mission.

In the first "Terminator" movie, directed by James Cameron, Sarah Connor (Linda Hamilton) is the ordinary woman whose child is destined to lead a resistance against hyper-obedient machines that threaten to destroy all humans. The classic SF conflict between technology and human intuition is in play. Using time travel, the machines try to vanquish their enemy by preventing his birth. "The Terminator" (Arnold Schwarzenegger) arrives in the past (our present), naked, buff, and determined to fulfill his mission. Like King Herod who killed all the babies in order to execute the one he was after, the terminator goes after all the Sarah Connors in the phone book with both barrels of his massive shotgun blazing.

Meanwhile, back in the future, her grown-up son, John, the leader of the future resistance movement, has sent his not-yet-father, Kyle Reese (played by Michael Biehn), back to the present to protect his mother and, in what was a surprise twist, consummate John's "miraculous conception." As the film ends, Sarah Connor is escaping into the deserts of Mexico, pondering what has just happened and preparing to

train her son John for his destiny as the prophesied leader in Armageddon. Despite the guns, the profanity, and the unmarried sex, "The Terminator" was an amazingly complete and satisfying Christian allegory.

In the biblical allegory, Satan begins as a "son of the morning," one of the chosen angels who falls from grace and becomes the archenemy of God, trying to rule humanity and take the glory for himself. One of his names, Lucifer, is a reminder of his former light and glory. In "Terminator 2: Judgment Day" (1991), the classic Satan myth is reversed when the Terminator is reborn as a disciple of John, coming back to protect rather than destroy young John Connor (note his initials).

It has been six years since the last "Terminator" filled the silver screen, and many felt that the franchise should end when original director James Cameron left. Despite Cameron's participation as writer, T-3, "Rise of the Machines" (2003), directed by Jonathan Mostow, diverges from the serious allegory. It is, in fact, pretty silly. Nevertheless, I was hopeful that the latest installment, "Terminator: Salvation," would live up to the franchise's original promise. I call this new film a "circquel" because it is both prequel and sequel, taking us into the future in order to tell us how the story began, and thus complete the circle. In a word, it delivers.

You don't have to buy my allegorical interpretation to enjoy this film; it works on every level. As science fiction it presents the classic war between man and machine, while ironically taking advantage of machine-generated computer graphic capabilities that were not available even five years ago. This future dystopia is set in a bleak, gray world where the sky is starkly white and everything else is awash in shades of gray and black. Clint Eastwood painted with a similar palate in his "Flags of Our Fathers" (2006) by using a special processing wash that leaves behind the silver alloys in the film. In "Salvation," director McG (it's time for him to grow up and use his real name!) creates the same effect through computerized treatment of every frame of film.

CG technology also allows bullets, shrapnel, and robot arms to fly directly at the audience without the use of awkward 3-D glasses, because computers don't have to be careful of shrapnel hitting the camera lens. The result for the audience is a two-hour thrill ride of dodging bullets and debris from the safety of a theater seat.

In the new story, 25 years have passed and the machines have almost won. Pockets of resistance fighters are hiding in bombed-out buildings and using shortwave radios to hear the disembodied voice of John Connor (Christian Bale) giving them encouragement and direction. John, meanwhile, listens to the tape-recorded voice of his mother giving him similar encouragement and guidance. His task now is to find 17-year-old Kyle Reese (Anton Yelchin), and eventually send him back to the past to protect (and impregnate) Sarah Connor.

Although John Connor is an important character in the film, the story centers on a new Christ figure, Marcus Wright (Sam Worthington), a hybrid who is stunned to learn that he is half human and half machine. (I wouldn't reveal this fact, had it not been highlighted in the trailers.) Wright's character allows us to explore the film's central theme — what it means to be human. It also fits the allegory, since Jesus himself was a hybrid, both human and divine. More important to the

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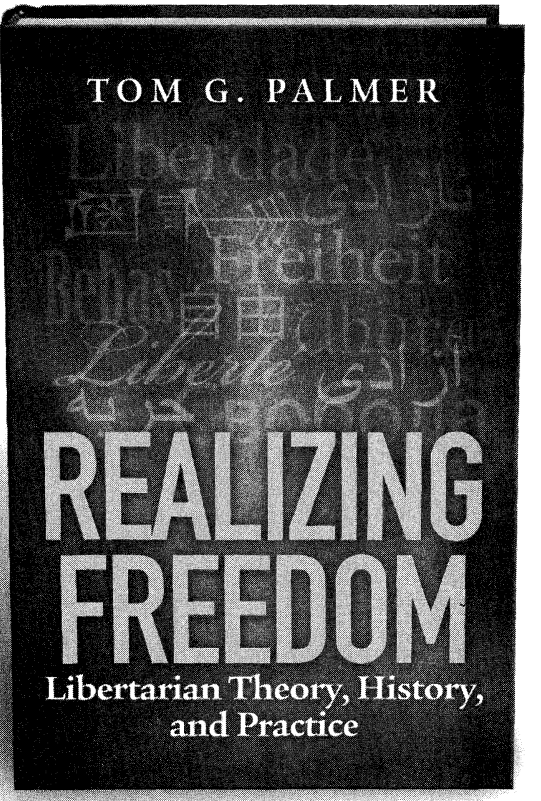

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allegory, one of these two Christ figures makes the ultimate sacrifice, giving his life so the other can continue the battle against evil. I expect the sacrificial one will return at a critical moment in the next episode, just as Gandalf did in the "Lord of the Rings."

Several new characters are introduced without overshadowing the original characters and story line. Jane Alexander is underutilized as Virginia, the leader of a small resistance group who gets scooped up by the machines. I anticipate her return with a larger role. Young Jadagrace Berry is remarkably mature as the deaf mute girl befriended by Kyle Reese and is surely destined to be healed by one of the Christ figures in a future episode. Moon Bloodgood (great name!) as the fighter pilot who falls for Marcus (after he rescues her as she dangles from a parachute) is likable, strong, and unassumingly gorgeous. I hope her character returns in future episodes; she is heroic in "T-Salvation," but there is a lurking possibility that she could become the fallen angel in future episodes.

"Terminator: Salvation" is a competent addition to a well-loved series. McG and fellow television directors, such as J.J. Abrams and Jerry Bruckheimer, are proving that directors today can successfully commute between the box and the screen. T-4 satisfies on its own terms, while setting up the next installment in what promises to be an exciting new trilogy. If you haven't seen the first "Terminator" you won't understand this one very well, so be sure to rent the original before watching "T-Salvation." ❑

Broadway Review

Dotty brilliance — Here's one of my immutable rules of theatrical enjoyment: If there's a play by George Bernard Shaw, Oscar Wilde, or Noel Coward in production, don't miss it. Wilde and Shaw virtually invented the drawing room "comedy of manners" that exposed hypocrisy and boorishness among the Victorian elite, and Coward perfected it for the Edwardian age. Their plays are witty, quotable, acidic, lighthearted, and dead on. This season the Shubert Theater is presenting Coward's "Blithe Spirit" (directed by Michael Blakemore, Shubert Theater), and no matter how many times you may have seen it, it's always great fun.

One of the reasons high school drama clubs choose these veteran playwrights so often is that they are virtually indestructible. The dialogue is so witty that it carries itself, even if the performances are amateurish and wooden. But in the hands of virtuoso performers like the dapper Rupert Everett and the divine Angela Lansbury, the result is perfection.

Charles Condomine (Everett), a mystery writer, is the model for Pierce Brosnan's "Remington Steele" character — handsome, debonair, utterly at home in a tuxedo, and totally useless in the home. As the play begins, Charles and his wife, Ruth (Jayne Atkinson), an imperious, no-nonsense socialite who rules the house and terrorizes the servants, have invited some friends to join them for a seance. They don't believe in this stuff, of course, but Charles wants to use the experience for a character he is developing in his latest novel.

Enter the star of this show, Angela Lansbury, as the medium Madame Arcati, who very much believes. Dressed incongruously in gypsy velvets and country tweeds, this larger-than-life Arcati has nothing "medium" about her. Lansbury sniffs the air for ectoplasm, listens for spirit voices, douses the lights, and prances vigorously around the stage like a hunter after her prey, in a dance that seems to be channeling the art deco poses of early modern dancers Vaslav Nijinsky and Isadora Duncan. This woman is 83 years old, mind you, and she is dancing about the stage like a 4-year-old, bouncing over furniture and humming tunelessly to summon the spirits of the dear departed.

And seeming to have the time of her life. Even when she forgets her lines (which happened two or three times at the performance I attended) she makes it part of the character, sputtering like a dotty old woman who can't think of the proper word until the other character gives it to her, just as you would if you were talking to your own dotty Aunt Ida. Brilliant. Simply brilliant.

During the seance, Madame Arcati unwittingly conjures up Charles' first wife, Elvira (Christine Ebersole), who then sticks around to haunt and torment her widowed husband and his new wife. Ebersole is considered the new Grand Lady of the Stage, modern Broadway's answer to Helen Hayes or Gertrude Lawrence. She has won two Tonys and numerous nominations. But for the life of me I can't understand why.

Ebersole began her acting career in soap operas ("Ryan's Hope," "One Life to Live"). She should have stayed there. She plays every role with a Judy Holiday whine and rushes each line as if she were worried that the director would cut to commercial before she finished. Good actors don't just act, they react to events and interact with other actors. Not Miss Ebersole, however. I have seen her enter a scene, shout in agony, "Your hair!", and then turn to look at her onstage daughter's freshly shorn locks (Ebersole as M'Lynn in "Steel Magnolias"). As Elvira, the ghost of Charles's first wife, Ebersole is lovely to look at but painful to hear.

But as I said up front, you really can't ruin a play by Coward. The snappy dialogue, the opulent sets, the stage direction, and the story itself carry it along. And then there is the angelic Angela. The title character of "Blithe Spirit" is meant to be Elvira, who normally steals the show with her ghostly tantrums and ectoplasmic pranks. But no one

could steal this production from the sprightly clutches of Angela Lansbury. After more than 70 years onstage and in films, she is truly a blithe spirit — happy, carefree, and, like a spirit, able to transcend her mortal, octogenarian body and float across the stage, timeless and endearing.

My second immutable rule of theater enjoyment is this: if Angela Lansbury is in the cast, cross the continent, if necessary, to see her. — Jo Ann Skousen

Chickens roost — Yasmina Reza is a French playwright whose works transcend barriers of language and culture to reveal the core of human relationships. She has a gift for lifting the rock of good-mannered stoicism to reveal the baser human emotions squirming just below the surface of our smiles. Her first play, "Conversations After a Burial," set the theme for most of her other plays, which focus more on conversations than on events or actions.

In her award-winning "Art," a 15-year friendship among three men unravels when one of them buys an expensive piece of art that is nothing more than a huge white canvas. The purchaser expects his friends to praise his new acquisition, as all good friends should. We all know better than to tell a friend, "That new haircut looks ridiculous." But here, the conventions are violated. One friend calls the painting nothing but "white shit," and the conversation devolves from there. Ensuing conversations center on art, but the play is really about friendship and honesty.

In "Life x 3," one couple invites another couple to dinner, and one of them gets the date wrong. The visitors are expected Saturday, but they arrive on Friday. At the same time, the host is anxiously waiting to hear whether his research paper is going to be published by an academic journal, thereby determining whether he will receive tenure — a hotbed of emotion even when people don't arrive unexpectedly for dinner. What would you do? Slam the door in their faces? Turn out the lights and pretend not to be home? Cram the toys under the couch cushions and offer the people cheetos and twinkies? The story line is played out three times in three acts with three perspectives and three outcomes. Fascinating and fun.

Reza's "God of Carnage" (directed by Matthew Warchus) opened at the Bernard Jacobs Theater with a stellar cast (James Gandolfini, star of "The Sopranos," Jeff Daniels, Marcia Gay Harden, and Hope Davis). It promptly earned six Tony nominations, including best actor nods for all four cast members, as well as best director and best play. I'm always a little reticent when film actors use their breaks between films or TV seasons to tread the boards, just to feed their egos and please the tourists, especially when one of the actors starred in "Dumb and Dumber." But in this case all four are brilliant, and the nominations are well deserved.

As "God of Carnage" opens, two calm, civilized, dignified couples, Michael & Veronica (Gandolfini and Harden) and Alan & Annette (Daniels and Davis) sit across from each other in a tastefully decorated living room, cordially discussing a written statement regarding an altercation that has taken place between their two 11-year-old sons. Alan and Annette's son, "armed with a stick," has bloodied the lip and knocked out two incisors of Michael and Veronica's boy. Veronica exhibits magnanimous calm as she reads a prepared statement aloud. When Alan, the stick-wielder's father, objects to the word "armed" Veronica acquiescently suggests they substitute the phrase "furnished with a stick." Yes, these four are models of diplomacy.

But then . . . without denying that his son has hit the other boy, Alan suggests politely, "Might your son have said or done something to instigate our son's actions?" From there, of course, the politeness ends and the defensiveness begins. By the end of the play all pretenses are gone. As their true feelings surface, these two cordial, liberal, open-minded couples scream, cry, chase, hit, and vomit — yes, vomit. Much as we like to think of ourselves as peaceful, reasonable, civilized adults, the truth is, we do not like to accept blame or responsibility. Alan, an attorney representing a pharmaceutical company, is constantly answering his cell phone during the meeting, attempting to ward off an impending lawsuit over unexpected side effects. "Admit nothing!" he repeatedly advises, then returns to defending his son's alleged integrity.

Years ago, while our family was living in the Bahamas, our 4-year-old daughter was attacked by a neighbor's dog. ("Might we use the word "bitten" instead of "attacked"?) Her nose was bitten off, and we had to fly her to Miami to have a plastic surgeon restore it. The dog owners graciously offered to pay all the expenses. We magnanimously decided not to sue. A month later, when the doctor bills came due (a mere $1,200 for airfare and deductible — our insurance paid the rest), the man unbelievably responded, "There are two kinds of people in this world, givers and takers. I'm a giver and you're a taker. I'll give you this money, but I don't owe you anything."

I suppose he had some kind of point. Perhaps our little 4-year-old did do something to incite the dog as the dog's owner led her by the hand to see the dog's new puppies. Perhaps she was somehow culpable, just like the injured boy in "God of Carnage" who evidently called the basher "a snitch" just before the boy "furnished" himself with a stick.

Fittingly, the day after I saw "God of Carnage," I received an email from a friend accusing (informing?) my 4-year-old grandson of inappropriate behavior while her 5-year-old old was on a play date at our house. (Play date is the modern, purportedly civilized version of "Can Jimmy come out and play?") I had little doubt that my grandson had done what she said he did; he had been going through a phase at the time which, I am happy to say, he has now outgrown. I apologized profusely and all was right again between my friend and me.

Except that I continued to feel bad that it happened, especially on my watch, and worse, that my darling grandson would now be perceived by my friend as less than perfect. And then I caught myself thinking, might the two boys have instigated the behavior together? And the next step: the other boy is older and had undoubtedly gone through the same phase. Might it have been his idea entirely?

These are the kind of thoughts we try so valiantly to hide from one another, the kind of thoughts that Yasmina Reza reveals so honestly in her characters. Laughing at myself, I shook off my defensiveness and sat down to write this review. Therein lies her gift. She magnifies our own foibles,

exaggerates them onstage, and in laughing at the antics of the actors, we learn to laugh at ourselves.

No one would actually strew six dozen fresh tulips all over someone's living room, right? And yet. . . . once, when my husband sent me a huge flower arrangement to apologize for something egregious he had done, the florist met me at the door with a cheery, "Someone sure does love you!" The implication that $100 worth of flowers could buy my forgiveness angered me so much that I began plucking fistfuls of flowers from the arrangement and strewing them angrily throughout the house, to the shocked amazement of the poor florist. Reza knows her stuff.

So, before the theatrical night is out, these grown-up couples fight, make up, switch sides, make up again, and fight some more, behaving like the children they are trying so hard to raise up as mature, well-mannered adults. The irony is never lost in Reza's plays. The roles are physically demanding, and hilariously revealing, especially as they spar for a bottle of rum that Michael brings out to help calm their tempers. To calm their tempers?

Hang onto your seats. That rock of good-natured stoicism that Reza has lifted might just come flying into the audience. — Jo Ann Skousen

Color and pomposity — "Waiting for Godot" (directed by Anthony Page), Samuel Beckett's masterpiece of existential angst, opened at Studio 54 on Broadway this spring with a sparkling cast and towering set. The script, about two men waiting on a dreary road for someone named Godot to come along, is deliberately spare, allowing for multiple layers of interpretation. We don't know who Godot is or why they are waiting for him. Many viewers have suggested that Godot represents God (the name certainly contributes to that theory). Others say it is simply about the existential futility of life. Once, when asked about the Godot-God connection, Beckett slyly responded that "Godot" sounds like a French word for "shoe"; and shoes, as well as word plays, figure prominently in the play.

I think the play's maddening ambiguity is its greatest strength, engaging its audiences intellectually, emotionally, and even spiritually. When some colleagues of mine at the University of Florida took a touring production of "Godot" to the state correctional facility, they worried that the inmates might be bored by the lack of action in the play. Instead, these men were enthralled. Accustomed to a lifetime of tedium and waiting for parole, they completely empathized with characters who wait for a signifying moment that never comes. They know what it means to have "Nothing to do," as one of the characters says repeatedly.

Often "Godot" is set on a nearly empty stage to emphasize the bleakness of the play's atmosphere, but this current production is dominated by set designer Santo Loquasto's magnificent mountain of gray-white rocks on which the characters climb and tumble as they strut their hour on the stage. Estragon (Nathan Lane) and Vladimir (Bill Irwin), the two men who wait for Godot, are similarly covered in white dust, perhaps suggesting that they are in purgatory — dead, but unaware of their deaths. In the center of this rock garden is a large, barren tree — another dark biblical allusion perhaps — that tempts them with thoughts of suicide.

Gogo and Didi, as they call each other, are friends, but they bicker like an old married couple as they argue about whether to continue waiting for the mysterious Godot or move on. Lane and Irwin, known for their onstage buffoonery, bring a more somber comedy to these roles, reminiscent of Emmett Kelley's sad-sack clowns. They wrestle with Gogo's boots, doff each other's hats, engage in word play, and sing silly songs as they wait and wait, but the resulting pathos is divine comedy, not the usual slick shtick.

Midway through the first act, Pozzo (John Goodman) arrives, driving an overburdened slave with the unlikely moniker "Lucky" (John Glover) in front of him. This Pozzo bursts onto the stage alive with color and pomposity. His massive, gluttonous stature is a perfect contrast to the bleakness of the rest of the scene. He struts, he orates, he even plays the beached walrus to hilarious applause at one point in the second act. If Godot is God, then Pozzo must be the jolly Satan, luxuriating in physical pleasures at the expense of his ensnared lackey, Lucky. The men don't quite know what to make of this unlikely visitor, and neither do we. But we're glad that he has arrived, and even gladder when he returns in the second act.

Tourists who attend this play expecting a riotous romp equal to Nathan Lane's Tony-winning turn in "The Producers" will walk away wondering what all the hype is about. But thoughtful audiences that enjoy having something meaty to ponder and discuss, long after the curtain falls, will be thrilled by this brilliant production of one of the 20th century's most praised plays. — Jo Ann Skousen

Letters, *from page 5*

"Cui bono?" The answer is so obvious that a blind man on a galloping horse couldn't miss it: the military-industrial complex and the evil nest of maggots in Foggy Bottom. Not only did the complex get two wars for their trouble — still ongoing, mind you — they will also be adding on new weapons systems ad nauseam to protect us from the invisible, ever-present "terrorist enemy." As for the parasites and would-be masters in Washington, war is certainly the health of our psychotic state. Beginning with the PATRIOT Act, the creation of the Department of Homeland Security, and other horrific legislation, our rights as citizens have been shredded to almost zero, and we can look forward to getting screwed, blued, and tattooed over the coming decades.

Unlike Mr. Sinnott, I will not cancel my subscription to Liberty. Your magazine has many good articles, and the fact that you were willing to publish his critical letter shows that you're able to engage in self-reflection and accept criticism. Let's hope that in the future, you will gird up your loins, show some gumption, and grasp the prickly, troublesome nettle of what really happened on September 11, 2001 and the very troubling implications it may have for our future. All of our liberties could very well depend on it.

Barnaby Ohrstrom
Sarasota, FL

Terra Incognita

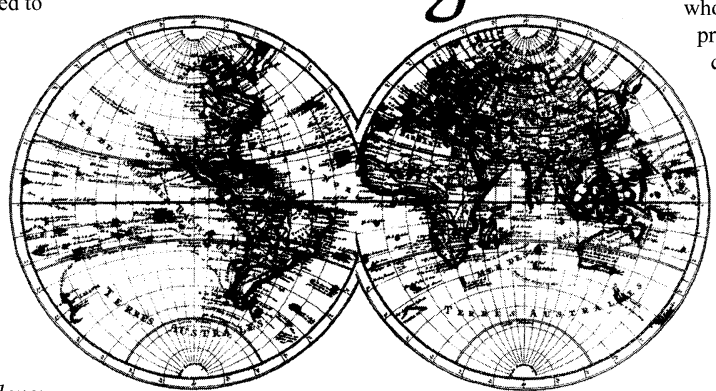

Dallas

Innovative pedagogical techniques, in the *Dallas Morning News*:

The principal and other staff members at South Oak Cliff High School were supposed to be breaking up fights. Instead, they sent troubled students into a steel utility cage in an athletic locker room to battle it out with bare fists and no head protection, records show.

Then-principal Donald Moten said. "Ain't nothing to comment on. It never did happen. I never put a stop to anything because it never happened." DISD Superintendent Michael Hinojosa, however, confirmed that there were "some things that happened inside of a cage" and said that the fights were "unacceptable." He said that criminal charges were not filed but that "there was discipline taken."

Wauwatosa, Wisc.

Demonstration of need for thought control and dark sarcasm, from the *Eau Claire Leader Telegram*:

A 14-year-old girl who refused to stop texting during a high school math class was arrested and charged with disorderly conduct, according to police. The teenager was busted at Wauwatosa East High School after she ignored a teacher's demand that she cease texting.

The student was issued a criminal citation for disorderly conduct and had her phone confiscated.

Rome

Pastoral pot, from *The Independent* (U.K.):

Marijuana received an unexpected recreational endorsement when Italy's highest court ruled that an Italian shepherd's smoking habit could be justified because he only had sheep for company.

The 45-year-old shepherd was caught with about 1.3 ounces of marijuana in his car as he was setting off for an extended period with his flock in the mountains of Alto Adige, in the far north of the country. But the Court of Cassation ruled that the shepherd was justified in possessing this small quantity of the drug on account of "the long and solitary period" he was about to spend "in the countryside and the mountains, due to the migration of his flock of sheep."

Baltimore

Exacting evidentiary requirement, noted in the *Washington Post*:

Accepting a plea bargain that her attorney described as unprecedented in American jurisprudence, 22-year-old Maryland woman Ria Ramkissoon yesterday agreed to cooperate in the prosecution of other defendants in the death of her son Javon under the condition that charges against her be dropped if the child rises from the dead.

A spokeswoman for the Baltimore state's attorney's office said that in recent weeks, as prosecutors and Ramkissoon's attorney discussed the plea bargain, prosecutors made it clear that Ramkissoon could not get out of her obligations if she asserted that Javon came back as anything other than himself.

"This would need to be a Jesus-like resurrection," Margaret Burns, the spokeswoman, said after the hearing.

Eugene, Ore.

"House passes bill too gross to talk about," reads the headline from the *Oregonian*:

Count it among the shortest "debates" to ever occur in the Oregon House.

"Good bill. I urge your aye vote," Rep. Chris Garrett, D-Lake Oswego, said about House Bill 2478.

Any closing remarks?

"No," Garrett said firmly.

The proposed new law nobody wants to talk about would make it a second-degree sex abuse crime to propel "a dangerous substance at another person," namely semen or any other bodily fluid flung out of sexual desire.

Tikrit, Iraq

Suppression of political art, passed along by *Deutsche Presse-Agentur*:

A sculpture of an enormous shoe erected in honor of the Iraqi reporter who hurled his shoes at then-U.S. president George W. Bush in December, was taken down one day after its installation.

The huge bronze-coloured sculpture, made of fiberglass, had been erected at an orphanage complex in the northern Iraqi city. "I did take the shoe down immediately and destroyed it; and I did not ask why," said orphanage head Shahah Daham.

Cresaptown, Md.

Salt of the earth, profiled in the *Baltimore Sun*:

You've heard of kosher salt? Now there's a Christian variety.

Retired barber Joe Godlewski says he was inspired by television chefs who repeatedly recommended kosher salt in recipes.

"I said, 'What the heck's the matter with Christian salt?'" Godlewski said. By the next week, he had trademarked Blessed Christians Salt, each batch of which is blessed by an Episcopalian minister.

Richmond, Va.

Custom given the force of law, from the *Newport News Daily Press*:

At the Department of Motor Vehicles, Virginia is insisting that people refrain from smiling for their driver's license pictures.

A new policy requires a "neutral facial expression" for the photos in an effort to fight fraud. The policy comes in anticipation of facial recognition programs that would be able to recognize if someone already has gotten a license under a different name. Smiling makes that harder to determine.

Beijing

New frontier for "safer" sex, from *China Daily*:

China's official media have protested a German advert promoting the use of condoms which shows revolutionary leader Mao Zedong as a sperm cell alongside Adolf Hitler and Osama bin Laden.

The campaign showing Mao, Hitler, and Bin Laden as human spermatozoids has sparked a debate in China and among international bloggers.

Special thanks to Russell Garrard, Tom Isenberg, and William Walker for contributions to Terra Incognita.

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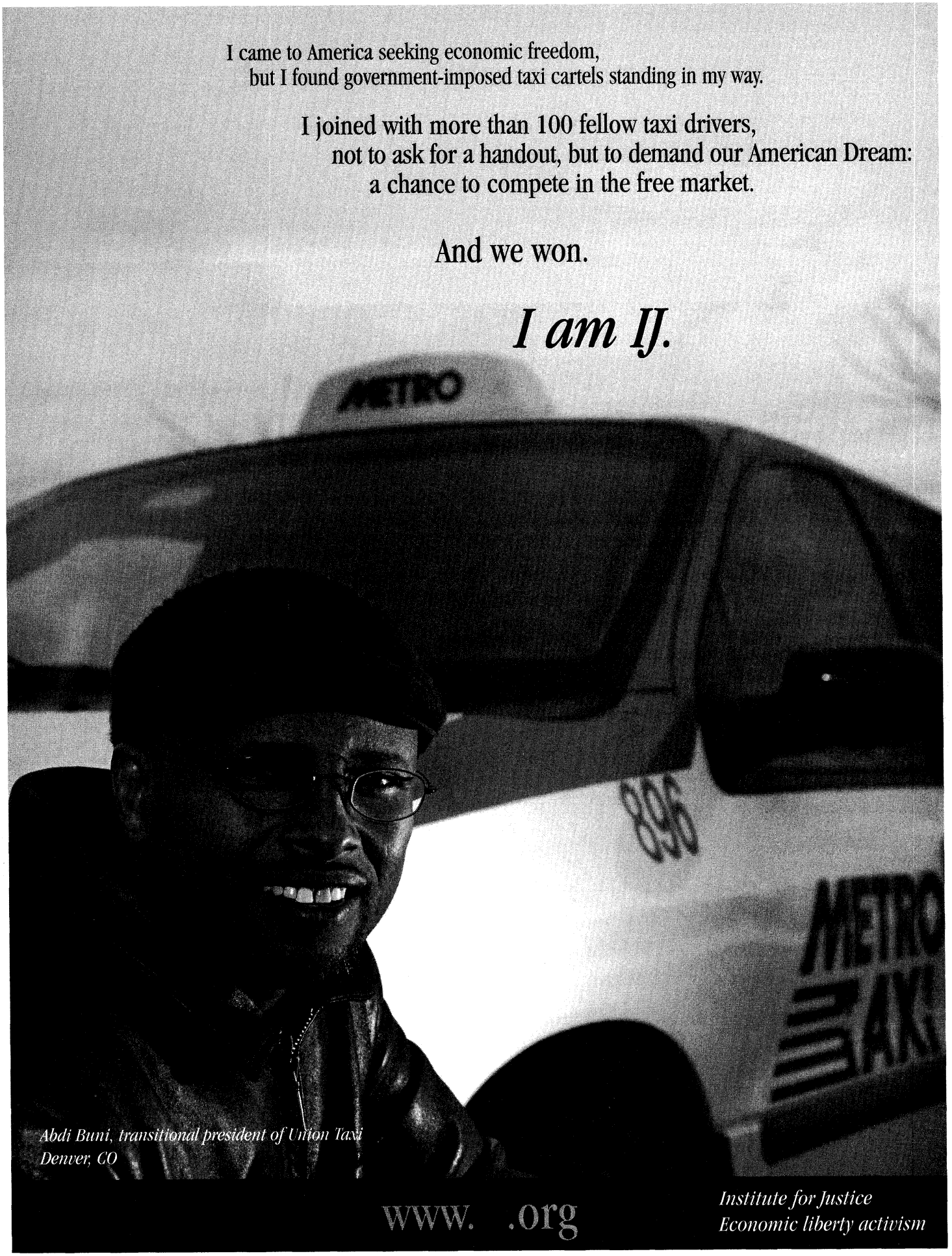

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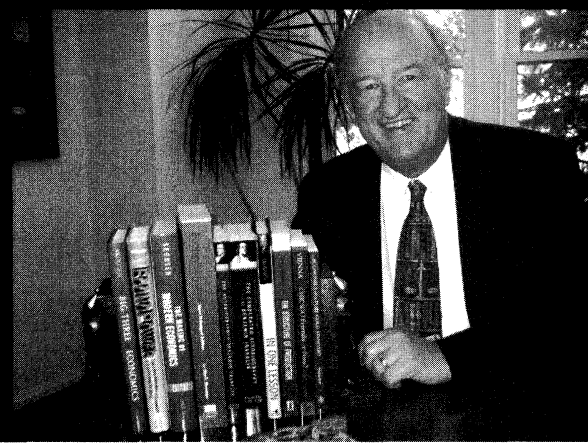

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ABOUT THE AUTHOR

Dr. Mark Skousen has dedicated his life to exposing popular fallacies and applying sound principles in business, government, and personal finance. He has a unique background: He has taught academics (Columbia University), worked for the government (CIA), run a non-profit organization (FEE), and operated several successful businesses, including FreedomFest, his annual show in Las Vegas. He is the editor of *Forecasts & Strategies*, an award-winning investment newsletter, has written for *Forbes* and *Wall Street Journal*, and is a regular contributor to CNBC and Fox News. In honor of his work in economics and finance, Grantham University renamed its business school, "The Mark Skousen School of Business."

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10. **"Economics of a Pure Gold Standard"** (Foundation for Economic Education, third edition, 1996). Skousen's Ph. D. dissertation at George Washington University (1977).

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September 2009
Volume 23, Number 8

4 Letters Audience participation.

7 Reflections We exploit illiteracy, blow our noses with currency, bankrupt two states, spell "profit" with four letters, build a bridge to congestion, ask the emperor about our blood pressure, and redefine "transparency."

Features

21 Libertarianism: A Force of Nature With cultural differences becoming more important with every generation, *Alex Z. Modzelewski* suggests a culture that maximizes individual liberty is two opposable thumbs ahead of its competition.

23 Armageddon — Not Everyone is worried about the economy — but *Bruce Ramsey* counsels optimism: after all, there is only so much damage Obama can do.

27 Bastiat on the Bay *Michael Christian* meets the rich and powerful, and discovers that not all of them are merely useful idiots.

29 The Tabasco Effect *Jacques Delacroix* explains how a simple condiment signals the presence of something much more valuable.

31 Uchronia, or Alternative History To understand what happened, it's helpful to understand what didn't happen. It's also a lot of fun. *Leland B. Yeager* elaborates.

Reviews

37 The Old Regime How important is Champlain, the famous French explorer? *Jon Harrison*'s answer: not 800 pages' worth.

39 Final Trip *Gary Jason* follows a soldier's final journey, from Iraq to the Wyoming soil.

40 Into the Blue *Jo Ann Skousen* takes in Pixar's latest gem.

41 Liberty and Literacy *Stephen Cox* determines that there are many reasons why Johnny can't write.

45 The Art of the Con In a summer of shallow sleaze, *Jo Ann Skousen* finds an oasis of wit and unpredictability.

46 Precious Dread *Jo Ann Skousen* is scared half to death by an old-fashioned horror film — and she loves every minute of it.

38 Notes on Contributors The aces up our sleeve.

47 Terra Incognita Weird, wild stuff.

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Letters

In the Dugout

I normally prefer Andrew Ferguson to Joe Biden, but the vice president is likely telling the truth about growing up a Yankees fan (Reflections, June). I've done a lot of work and briefly lived in the Scranton, PA area, and a very large proportion of the local residents favor New York City in their sports affiliation, especially the Yankees and the football Giants. Things do get more interesting after Biden's family moved to Delaware in 1953; as Ferguson accurately notes, the St. Louis Browns had not yet moved to Baltimore, but at that point Philadelphia had two baseball teams: the low-achieving National League Phillies and the more-accomplished American League Athletics, who did not move to Kansas City (and later Oakland) until 1955. The A's were major competitors of the Yankees at points, and there likely was a fair amount of acrimony directed at Yankee fans in Delaware for that reason.

In any case, that probably was the last time Biden did not seek popular acceptance; Ferguson is completely wrong when he says a power-grubbing mind turns a deaf ear to criticism and scorn. In fact it adapts, becoming an echo of others' original thoughts, without regard to integrity or consistency.

Nathan Wurtzel
Chantilly, VA

Ferguson replies: I am grateful to Mr. Wurtzel for seizing on my lax thought, though I don't believe that I am *completely* wrong. What I should have said is that a power-grubbing mind cares only about the criticism and scorn of others *until* enough power has been grubbed that those others can safely be ignored — see, for instance, the economic policy of the present administration.

My thanks as well for the interesting background. I will, of course, continue to regard Yankees fandom, especially among those born outside the Bronx, as a character flaw — albeit a much less serious flaw than, say, choosing the life of a politician.

Immoral Altruism

Michael Dunn's response to Charles Barr's article "Freedom vs. Fairness" (April) posits that while we should have no legal obligation to come to the aid of others, for example an orphaned child, it is an evidence of "libertarianism's moral emptiness" to deny that we have a moral obligation to help any such a child.

Any person familiar with Objectivism would likely spot the flaw in this argument, and the slippery slope that statists would seize upon and exploit — that is, if we have such an unambiguous moral duty to help others, why shouldn't we use government to compel those amoral slackers who don't see things our way to fulfill their duty to act altruistically toward others?

I would argue that we do not have a moral duty to help any and every orphaned child — that such "altruism" is in fact immoral, collectivist thinking, because it demands we sacrifice our enlightened self-interest for something we

Letters to the editor

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value less. That doesn't mean we can't, as individuals, value acts of charity to carefully chosen other individuals because it makes us feel good or noble or kind (or gets us to heaven — whatever motivates you), but in that case it isn't a sacrifice because we what we receive from the act of charity amply repays us for what we've given.

But, for the sake of clarity, let's give some concrete examples where Michael Dunn's perceived moral obligation to help any and every orphaned child might give even a bleeding heart liberal pause:

- The child is orphaned because he killed his parents in cold blood.
- The orphaned child stands to inherit massive amounts of wealth, far more than you have.
- The orphaned child would be manifestly ungrateful for your charity, and has a long history of robbing those who have tried to help them in the past.
- You are living on the edge of destitution, and giving aid to that orphan would wind up greatly harming your own children.
- There are so many orphans begging for your aid (tens of millions in India, for example), that helping them all would drive even the wealthiest person into destitution.
- You're someone like Bill Gates who is running a startup company that will immensely benefit society, including orphans, if it comes to fruition, and that siphoning off badly needed operating funds to help the orphan will in the long run result in greater harm than investing the money in the startup.

And so on. The point I'm trying to make is that a truly free society — a truly moral society — is based on voluntary, uncoerced relationships and transactions, and that society leads to the best overall outcomes. And, while it may seem counterintuitive to the nonlibertarians Barr is proposing to attract, such a society isn't and cannot be organized around the principles of

From the Editor

Driving to my office this morning, I marveled — as I often do, whenever I'm in a good enough mood — that I got there without being killed in traffic. No, it's not that I'm such a bad driver; it's just that I would expect everyone else to be.

The guy who's operating a grossly defective vehicle. The woman who's worried about her impending divorce. The 17-year-old who's thinking about the things that 17-year-olds think about. The gentleman who's going 45 on the freeway, because he's very old and he thinks that's the only safe speed. The lady who's chatting on her cellphone. The man who's pounding the wheel with fury, because he can't stand all those other drivers. And the many, many people who just aren't very bright. We're all on the freeway together — yet curiously, almost nothing goes wrong.

Sometimes it does, and the results are awful. Usually, however, they aren't. My last traffic accident was four years ago. It cost my insurance $1,200. A family of Russians ran into me when I was stopped at a light. I asked them why they didn't stop. "Well," they said, "as you see, we have no brakes." I had to admit that was a good reason. Yet I repeat, that was four years ago. The fact that we are shocked to see a really serious traffic accident means that something is working, and working very well.

That something is the ability of almost every individual to take care of himself, almost all the time, and get himself to his individual destination. Almost everyone manages to do that. And when individual people do that, the highway as a whole functions well. We all get to our destinations, more or less on time.

Now I want you to imagine what would happen if the government decided to operate all the cars, hire all the drivers, and make sure that no accidents could ever take place. You see my point, and you see the difference between where we're headed on I-5 each morning and where we're headed on the great, expensive, broken, dangerous, dirty highway of government control.

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For Liberty,

Stephen Cox

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compulsory fairness and altruism — rather, it must be organized around the principle that leads to freedom, the principle of noninitiation of force — and that means tolerating individuals that liberals consider selfish jerks, however wrongheaded that assessment might be.

Jim Henshaw
Kailua, HI

Credit Where It's Due?

Stephen Cox, in "Word Watch" (July), writes, "On May 19, millions of California taxpayers went to the polls and voted to keep taxes at historic highs . . ." I presume that he was writing about the six related ballot propositions, 1A through 1F, the only propositions on the May 19 ballot.

Yes, millions did vote to keep the high taxes, but nearly twice as many millions voted to have spending cut, instead. Of Propositions 1A through 1E, the most-nearly-favored one, 1B, had a negative vote of 62.6%, and the least-loved, 1E, got 66.4% in negative votes. The only proposition of the six to pass was 1F, which denies raises to government officials' salaries in any year that has a budget deficit. That one passed with 73.9% of the votes.

Californians are not entirely stupid, although sometimes they do approve stupid things, like the bullet-train bill that got voter approval not very long ago, and the infamous Proposition 8, which denied homosexual couples the legal title to marriage.

Right now, the "Governator" and the legislature are busily working with deepest insincerity to cut spending and balance California's budget. They'll probably get what they wish, failure.

May I suggest that Professor Cox be a little less rash to presume a stupid vote in California, and that he take his time, maybe enjoy a cup of *Kaffee mit Schlagober*, relax, and wait for the election returns, next time?

Kenneth H. Fleischer
Los Angeles, CA

Cox responds: Mr. Fleischer's comments are very much appreciated. He brings up an age-old argument, one that I frequently have with myself. Who are the real voters — the ones who turned down the propositions on the May 19 California ballot, or the ones who, in the immediately preceding election, approved a gargantuan loan scheme to build a bullet train from L.A. to Frisco — exactly when all sane people realized that the state was broke?

Who are the real voters — the people who recalled Gray Davis, our last moron governor, or the people who reelected our current moron governor, Arnold Schwarzenegger, together with an immense majority of radical-liberal state legislators for whom the term "moron" is a ridiculously complimentary expression?

Everyone who wants to reform our bizarre political culture must maintain a hopeful attitude about the voters' ultimate good sense and good will. If we lose that attitude, we may as well go out and shoot ourselves. But I keep recurring to a remark I heard, as a child, on the old "Maverick" TV show. It was an adaptation of a remark that Lincoln purportedly made in 1856: "You can fool some of the people all of the time, and all of the people some of the time, and *those are pretty good odds*."

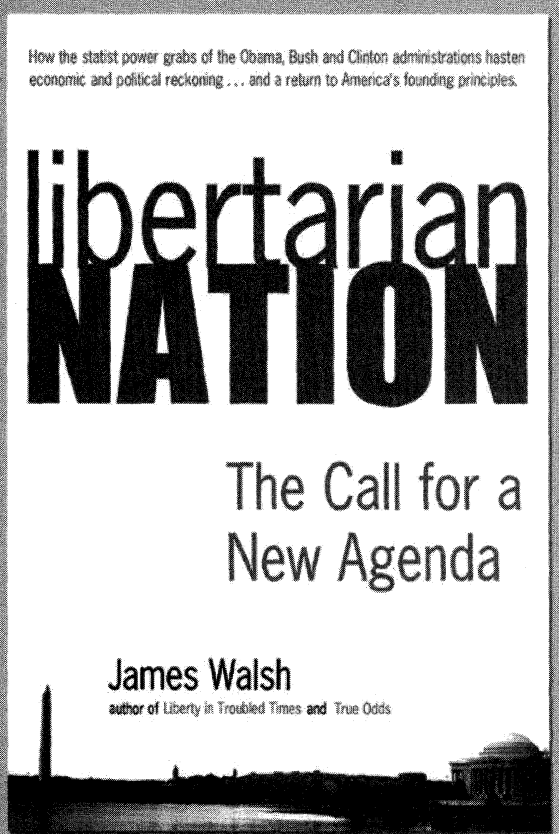

What do tax-protest Tea Parties, Arlen Specter's party switch, and Wall Street bailouts have in common? They mark the end of traditional Left-Right politics in America.

LIBERTY assistant editor Jim Walsh has written a book that shows what these changes mean. It applies libertarian philosophy to daily life in today's United States. It connects the beliefs of the country's Founders to the needs and wants of contemporary voters. And it does this with a fierce wit that LIBERTY readers will recognize . . . and enjoy.

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Reflections

Sonya's short term? — There is a jarringly obvious angle of Judge Sotomayor's nomination to the Supreme Court that has unaccountably been ignored: her medical history.

When I noted to my wife, who is an internist, as well as to a friend who is an endocrinologist, that Sotomayor was diagnosed at age 8 with juvenile diabetes, the immediate response from both was that the judge would not likely live very long. My friend even opined that she would not live to full retirement age of 66.

The rule of thumb is that diabetes shortens life expectation. A healthy white 54-year-old American woman could expect to live to nearly 80. But as a diabetic Hispanic-American, Sotomayer can expect that these statistical years of life will be cut from 26 to about 16, tops.

There are exceptions, of course, and I wish her no harm. Still, Sotomayor on the Supreme Court should probably be seen as a short-term investment. — Erwin Haas

Disease vector — Though swine flu has yet to do much harm in the United States, it is not only Mexico and parts south that are suffering. The virus has spread quickly among the tribal villages of far northern Manitoba, accounting for one-quarter of that province's sick. The urgency of the situation is compounded by many of the affected communities lacking a source of running water, making impossible the hygienic procedures necessary for containing the flu.

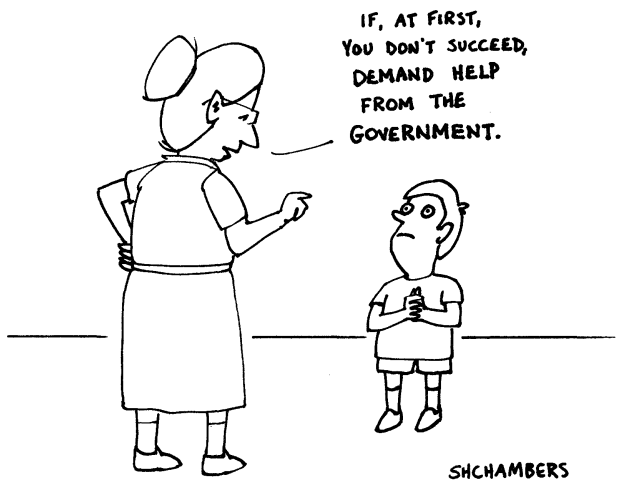

As one might imagine, getting vaccines to such remote locations is a daunting logistical challenge, and a demonstration of how poorly suited bureaucratic structures are for tasks such as delivering emergency aid. One might think, though, that the many layers of government devoted to ensuring Canadian health care could at least coordinate an airdrop of a case of hand sanitizer. But healthcare paternalism is way too advanced up north to roll back now; the Toronto Star (June 25) reports that "Health Canada had delayed sending alcohol-based hand sanitizers to some First Nations communities for fear some residents might drink it."

So here we have a simple and cheap method for dealing with the virus among one of the poorest groups of people in the country, kept at bay by the fear that this method will speed the demise of chronic alcoholics whose lives already have less expectancy than those infected with the flu. The utter predictability of it all is telling; yet another giveaway that healthcare boards have far less interest in the public weal than in the perpetuation of their own power. — Andrew Ferguson

Evidence be damned — It's interesting to see the political correctness with which free-market advocates respond to current statist interventions in the American economy. Even on talk radio and Fox, commentators express reservations about the stimulus plan and the government takeover of various industries but then indicate that time will tell whether any of these plans will work. Our president's intelligence is invariably mentioned as a preface to any criticisms of his policies.

If a patient were to tell me that he had been advised to rub dirt into a fresh wound, as a physician, my response would not be, "Well, I come from a different school of thought on wound care, so I'm pessimistic about the outcome of your treatment. But I guess we'll find out in a few weeks whether I'm right." Rather, I'd say, "All science and experience on the subject indicates that rubbing dirt in your wound is foolish, and bound to make your condition worse." So why aren't the same standards applied to economic arguments when the evidence is just as powerful?

Too many people see the present debate as one conducted among experts from different schools of thought. It is the obligation of anyone possessing any knowledge of classical economics to unequivocally describe our policymakers as either fools or charlatans, and their intellectual backers in academia and the media as quacks.

— William Mostow

Idiocracy — On June 19, 2009, when Treasury Secretary Geithner sat before the Senate's Appropriations Committee, Sen. Inouye (D-HI) asked the following question:

> The American people, Mr. Secretary, lack basic financial literacy. Without a sufficient understanding of economics and personal finance, individuals cannot appropriately manage their finances, evaluate credit opportunities, successfully invest for long-term financial goals, or even cope with difficult financial situations. One of the root causes of the current economic crisis was that people were steered into mortgage products which caused risks that they could not afford. Mr. Secretary, the proposal indicates that the Consumer Financial Protection Agency will add important financial educational responsibilities. . . . How will the CFPA interact with the Financial Literacy and Education Commission and the President's Advisory Council on Financial Literacy?

Senator Inouye asked this detailed question of Secretary

Geithner because he is strongly concerned about the (extremely poor) economic literacy of the American people — so concerned that he wants to make sure the newly proposed Consumer Financial Protection Agency properly coordinates with the President's Advisory Council on Financial Literacy and the already extant (though apparently not yet hugely successful) Financial Literacy and Education Commission.

Sen. Inouye, however, has no interest in the extremely poor *political* literacy of the American people. This is why he did not ask Secretary Geithner the following question: "The American people, Mr. Secretary, lack basic political literacy. Without a sufficient understanding of politics and public choice, individuals cannot appropriately manage their government, evaluate politicians, successfully distinguish statesmen from demagogues, or even begin to stop us from mortgaging our descendants' futures by massively expanding our borrowing against future earnings. Mr. Secretary, the proposal indicates that no Taxpayer Financial Protection Agency is being created to provide important political educational information. How can we ensure that American voters remain in the dark about the nature of what we do here?" — Ross Levatter

Correlation and causation — I was born in Michigan. I now live in California. Those two states are currently the biggest screwups on the economic landscape. Was it something I did?

No, probably not. In Michigan, it was something that was done by the car companies, the Auto Workers union, and the welfare-queen management of the state's largest city. In California, it was something done by the state governors, Republican and Democratic, and the state legislature, solidly Democratic. Specifically: in five years, state revenues rose 25%, but state expenditures rose 40%. Hence, California is broke.

Now what do the prestigious, but soon themselves to be bankrupt, big media have to say about this? They are mounting an unremitting campaign to repeal Proposition 13, the measure that California voters approved in 1978 to limit the size of property taxes.

Let me say this in another way. California has astronomical state income taxes. It has astronomical sales taxes. It has astronomical business taxes and business regulation. And it still bankrupted itself by overspending its income. So along come all the modern and institutional liberals, and some post-modern and institutional conservatives, and propose that the way out of the problem is to raise another tax that the government can then outspend.

Now, precisely how will that solve the budget problem?

— Stephen Cox

Truth and purple prose — In a widely-quoted interview, popular investment newsletter publisher Marc Faber told Bloomberg:

> I am 100% sure that the U.S. will go into hyperinflation. The problem with government debt growing so much is that when the time will come and the Fed should increase interest rates, they will be very reluctant to do so and so inflation will start to accelerate.

Now, hyperinflation generally means price increases of

Word Watch

by Stephen Cox

It's morning in America. The birds begin to sing, the sun transcends the clouds; all over the continent, readers of Liberty rise from innocent and refreshing sleep to begin a new day of fun and profit.

A healthy breakfast, a fond goodbye to spouse and kids, a happy look at the stack of recent books from which the evening's entertainment will be drawn, a successful search for briefcase and car keys, and then . . . you discover that you have just enough time to check out the stock reports. So you flick on the TV. The wide screen fills with artificial light; you see an attractive young woman sitting behind a desk. Her mouth opens, and she says, "Thus, at the end of the day, it begs the question, what's the time-frame for this jumpstart of the economy? Thumbs up or thumbs down on the money markets?"

To which a ten-cent face in a thousand-dollar suit replies, "Well, Amber, you know it's not over till the fat lady sings, but the president's best and brightest sure have a tough act to follow when they try to fill those big shoes of the infamous Alan Greenspan."

"Right, Mr. Dreckfuss. But now some sources are already saying that we literally haven't yet seen the light at the end of the tunnel, yet."

"You've hit the target on the nose, Amber. You know, it's exactly like Mother Nature. . . . She's always up to somethin'! Sh— , I mean, *things* happen. You can't live with her; you can't live without her. Know what I mean?"

"Sure do! Well, hopefully we'll get through it. Thanks for joining us, Mr. D. Next up — a Santa with a heart of gold! And has anybody seen the body of Dolores Scrant? The neighbors are beginning to wonder! Just stay tuned; it's all right here on CNN!"

Well, that's enough of that, you decide. The screen goes off. Yet you know that things have changed. You know that you're no longer on a planet where life makes sense and words have meanings. You've entered another world, the world of nonsense, blather, yap, yap, yap; and unless Providence intervenes, you will wander that world throughout the day. Every broadcast, every email, every business memo, every sports report will surround you with dead and rotten expressions, expressions that somehow, because of some unanalyzable quirk of social physics and biology, have become the lifeforms of the planet you are forced to live on, at least ten hours of every dreary day.

Let's call it Planet X, because no single name could do it justice. In this remote, desert world, creatures who bear a striking resemblance to modern humans endlessly recite fragments of human language, with no more understanding of what to do with them than you would expect from your average Cro-Magnon. Where do these phrases come from? One theory is that they originate from old broadcasts of "I Love Lucy," which for the past six decades have been surging out from earth toward any lifeforms able to monitor them. God knows what they've done to

over 1,000% a year. It happened most recently in Zimbabwe, where a toxic mix of crooked politicians and bad policies produced inflation that was over 200,000,000% in 2008. Yes, over 200 million.

Faber may have been going in for a little George Soros-style America bashing there. He may have been trying to stir up controversy and sell some newsletters.

But the sad thing is that artificially low interest rates do tend to cause inflation, the Federal Reserve does seem intent on a policy of keeping interest rates very low.

It won't take sub-Saharan fiscal madness or Weimar Republic-style "wheelbarrows full of cash" to hurt value in the United States. A year or a year and a half of double-digit price jumps will do the trick. — Jim Walsh

America the hungry? — You've no doubt seen the public service announcement on television that states that in America one person out of eight is currently going hungry. A voiceover by President Obama tells us that food banks just can't keep up with the demand.

True, the economy is bad. But we have something called the food stamp program to help people out. It was recently renamed the Supplemental Nutrition Assistance Program (SNAP), and it currently provides benefits to over 30 million Americans. That's about 10% of the population. Then there's the Women, Infants, and Children nutrition program (WIC), which provides mothers, expectant mothers, infants, and small children "found to be at nutritional risk" with free food.

On top of the government programs we have churches and other charities providing free meals for the homeless and others. So how can it be that one in eight Americans — 12.5% of the population — is going hungry?

A few more statistics: 99.5% of American households own a refrigerator; 99% own a TV; 89% own at least one car. As of 2005, 76% owned a computer (the percentage has probably gone up since then).

Given all of the above, I find it hard to fathom that something like 12% of Americans are going hungry. I believe the figure originated in a news story from last fall. If the report is true, it would appear that we have an enormous number of people in this country who are so stupid that they can't locate the free food that's available. Or we have millions of people who prefer to go hungry rather than lose their cable and internet service. Or perhaps the report is not true. Then we have a big load of bullcrap being dumped on us by the government, the media, and the ubiquitous "advocates for the hungry."

Can somebody please tell me which it is? — Jon Harrison

President derides privates — President Obama made the derisive comment, "If private insurers say that the marketplace provides the best quality healthcare, if they tell us that they're offering a good deal, then why is it that the government — which they say can't run anything — suddenly is going to drive them out of business [under his government healthcare scheme]? That's not logical."

Well, maybe it's because private insurers can't always expect the taxpayers to bail them out when too-generous and

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the civilization of Phi Alpha Centauri.

Some researchers observe, however, that a few of the most popular expressions of Planet X are of much more recent origin. They theorize that some semihuman creature — a politician, perhaps, or an unemployed talk-show host — landed on X sometime around the year 2000, and transmitted his or her lingo to the unsuspecting population.

That would explain the prevalence, on Planet X, of usages that Earth would never have tolerated, back in the "I Love Lucy" era. Back then, people who heard someone say "beg the question" either knew that it was a technical term in logic (meaning, roughly, "reasoning in a circle") or simply disregarded it, recognizing that they didn't understand its meaning. Strange, but true: people in the past didn't just give an expression whatever meaning they thought it should have. When they heard the word "infamous," they didn't immediately decide that it meant "very famous." If they didn't know what it meant, they left it alone, or they went to something called a dictionary and looked it up, so discovering that it means "lacking in good fame; despicable." "A day which will live in infamy" was not a day that, you know, whatever, there must of been something famous that happened on it.

In those days, teachers were paid very little, and must therefore have been completely incompetent. Nevertheless, they taught their students to look up all the words they didn't understand. So when students heard the word "thus," many of them looked it up. They discovered that it wasn't just a word you stick onto a sentence to mean "I'm still talking here." No, it actually had a meaning. It indicated a cause-effect relationship. If you wanted to use that word, you needed to do a second or two of thinking. You needed to decide whether the cause-effect relationship existed. I know, this sort of thing can be hard.

It's much harder, though, to spend a day on Planet X, where unaccountable things are always happening, and no one even notices. This is a place where fat ladies are always about to sing (what, I wonder), though they never do. This is a place of weird religions, where people revere anything that happened "back in the day," without ever specifying when that great Day was. And this is a place for weird transformations of normal entities. Dead people always "look natural"; fanatics are always "activists"; busybodies are always "concerned citizens"; racial and intellectual exclusion is always "diversity." On Planet X, people possessed of a greed for power (politicians, and agitators for racial or religious causes) are "community leaders" and "public servants," said to be motivated by "high ideals"; while people who are more concerned with *making* money than *taking* it are scorned for thinking only of "the bottom line." Srangely, their critics seem to be engaged in the same pursuit. They often say things like, "The bottom line is, we've got to have enough money to make our school system viable," or, "The bottom line is, we need to fulfill the full potential of the American dream," or, "The bottom line is, equality is still an audacious hope in this country."

It is impossible to get through a day on Planet X without hearing such expressions. And they aren't used — consciously, at any rate — as aimless patter, mere verbal wallpaper, like "sincerely yours" and "how are you today?" There is an actual intent to communicate. But to communicate *what?* Most of the phrases used on Planet X are difficult or impossible to translate. "In this country" has an air of mystery about it, as if the referent

inefficient plans end up costing the companies more than they can collect in premiums.

Maybe it's because private companies are constrained to figure the long-term possible costs of seriously ill customers and increasingly expensive new medical technologies before they underwrite high-risk customers and customers with existing conditions, then charge appropriately high premiums in order to stay solvent.

Maybe it's because private companies cannot count on making future customers and taxpayers pay for the excess costs incurred today.

And maybe it's because private companies cannot make some customers (taxpayers) pay more just because they are better off, in order to subsidize those who are less well off.

Only government can get away with that. — John Kannarr

Flatland — In the tax reform debate, those who favor the flat tax have a decisive advantage: many countries now actually have flat tax systems, and we can therefore ask what observation shows us about what the likely consequences would be of adopting such a system here. Unless you are a devout Kantian with a "damn the consequences, full speed ahead!" attitude, consequences are of interest.

In this regard, the prestigious National Bureau of Economic Research (NBER) published last year a detailed study of the effects that the adoption (in 2001) of a flat tax had on the Russian economy. The study, entitled "Myth and Reality of Flat Tax Reform: Micro Estimates of Tax Evasion Response and Welfare Effects in Russia," is by Yuriy Gorodnichenko, Jorge Martinez-Vazquez, and Klara Sabirianova Peter, and is available on the NBER website.

As the authors note, Russia's adoption of the flat tax was noteworthy. The tax was quite low — only one bracket, set at 13% — and it was the first really large economy to change from a graduated to a flat income tax. (There are now 23 countries with the flat tax, and four more close to adopting it.) The following year saw Russia achieve a 5% real growth in GDP and a whopping 25% real growth in tax revenues collected. So Gorodnichenko et al., tried to get a precise fix on what portion of these favorable effects can rightly be attributed specifically to the new tax policy.

Measuring the level of tax evasion in any country is inherently tricky. But the authors devised a clever way of doing so, by measuring the gap between reported earnings and actual household spending as an indicator of tax evasion. They compared these data immediately before and after the institution of the flat tax.

The study found that the flat tax resulted in a significant drop in tax evasion, and not surprisingly, that the greater the drop in tax rates, the greater the drop in tax evasion. Moreover, they found that this increased compliance with the law could not be attributed to any changes in Russia's tax enforcement policies.

The authors also found that the adoption of the flat tax resulted in a real gain in economic productivity, although that gain was small, compared to the gain in revenue from decreased tax evasion. As you know, the specter always evoked by opponents of an equitable flat tax is that it would not produce the same revenue as our current, hideously complicated system.

With incomes in the upper tax brackets, the authors estimate (by looking at the rise in consumption as a proxy for increased productivity, including people's working more hours) that the increased productivity was from 2.7% to 5.5%. But adding in the lower income brackets, where people did not see their tax rates fall under the flat tax, the estimate ranges from 0 to 4%. As the authors put it, "In summary, the response of after-tax income [after the flat tax was introduced] can be decomposed into windfall gains (4–5%), productivity effect (0–4%), and tax evasion effect (10–11%). Although the reform provided more resources to households and could have increased labor supply, the main effect was improved tax compliance. The government lost some revenue due to lower tax rates, but it gained substantially more revenue from enhanced reporting of income."

The upshot is that we now have solid observational sup-

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were some nation that could not be named, for fear of a political crackdown. Other expressions, such as "dream," have a definite, though occult, meaning. This one may signifiy "a superannuated social program from which I expect to make some money." Still others suggest a logic that is, to put it mildly, paradoxical. Consider "senior citizen," which seems to mean that there are *junior* citizens, too — but it couldn't, because that would violate the principle of "equality." "Equality," one of the most common expressions on Planet X, is even more paradoxical. Occasionally it means, "Everyone will get the same reward, no matter how anyone behaved," but usually it means, "There must be conditions guaranteeing that our group will come out on top."

"Viable," though . . . That's a puzzle. It's clearly a favorable expression, but how it differs from "good," "nice," "wonderful," "cool," "sweet," "incredible," "awesome," or "chill" has never been determined. Another thing that's yet to be determined is the spatial relationships on Planet X. On this planet, one is supposed to be simultaneously "on the cutting edge" and "solidly in the mainstream." Streams, on X, are solidly immobile. And that isn't the only odd physical property of the place. People are always balancing things that couldn't be balanced elsewhere. State budgets, for instance, are "balanced" whenever the unfunded liabilities are excluded, while leftist critics complain that these budgets are being "balanced on [someone's] back." Anyone is free to fill in the "someone" — "educators," "the mentally challenged," "elders," "the children" . . .

"The children" are the usual candidates. It seems that this planet's "kids," "youth," "young people," or "young adults" are preternaturally greedy and stupid. Virtually all government measures and popular enthusiasms are "for the children," and attempts to educate these creatures consume most of local governments' money.

Nevertheless, Planet X is a world that is clearly less devoted to people than to machinery. Nothing ever just grows or develops here; it has to be "pumped up" or "ratcheted up" by the government. This is especially true of the god of this world, who is called The Economy. This god "has issues": he is lazy, jumpy, resentful, and spiteful, with a strong tendency to depression and panic attacks. Ordinarily, The Economy can be found "slumping" or "drooping" or "lagging" "in the doldrums." Constant

port for the view that a flat tax will produce major revenue gains through decreased evasion, and lead to some, though lesser, productivity gains as well. — Gary Jason

The Save the Big Three Foundation — It is my understanding that the new energy bill making its way through Congress promises a prize for the inventor of a car that will get 70 miles to the gallon. What has happened to America? There has always been a prize for people who develop technologies that can do things more efficiently; it's called *profit*.

Unfortunately, profit is now a bad word in America. It is something that we should never put over people, something that should be ignored when writing a moral business plan. I don't understand why motivation for prizes is considered more appropriate than profit. A prize is still a profit, it is just a profit awarded to only one worker. Meanwhile, all the other inventors are expected to work for no compensation.

Contests have always been a sneaky way to get more for your buck. It is common for comedy clubs to run contests for the "Funniest Person in [your city here]" because the club owner can get a lot of stage time filled for a very small investment.

In the private sector, prizes are occasionally illegal, because they can be vehicles for fraud. Rather than sell a house, one could sell raffle tickets that would net far more than the value of the home.

The law often looks the other way when the proceeds go to a good cause. But I hardly think that a government-owned motor company qualifies as a charity. And if it does, it is a charity that should fail. — Tim Slagle

Riding the dog — President Obama's $100-billion high-speed rail plan faces an unexpected threat. It is called the bus.

At least 14 bus companies compete directly with Amtrak's high-speed trains between Boston and Washington, offering more than a thousand mostly non-stop trips per day each way connecting Boston, New York, Washington, and intermediate cities. Between them, these buses carry far more passengers than Amtrak in the same corridor.

Although they take a little longer than Amtrak, many offer leather seats, free WiFi, and electrical outlets at every seat, all for far lower fares. While Amtrak charges $49 to $169 to ride from Washington to New York, a bus on the same route will cost from $1.50 to $25.

Because they aren't subsidized, intercity buses are ignored by most policy makers. While the congressionally created Surface Transportation Policy Commission offered many reasons why American taxpayers should subsidize trains, it never mentioned intercity buses. Yet nationally, intercity buses carry at least two and a half times as many passenger miles as Amtrak.

After declining for four decades — partly because of government-subsidized passenger trains — intercity buses were reinvigorated when a Chinese entrepreneur named Pei Lin Liang started carrying passengers between Boston and New York for $25, half of Amtrak's and Greyhound's lowest fares. More "Chinatown buses" soon entered the market, leading to a fare war that drove prices down to $10.

This led two companies from Britain — which privatized and deregulated its public transit services in the 1980s — to jump into the market. Megabus (owned by a British company named Stagecoach) is providing 88-seat double-decker buses in the Boston-to-Washington corridor. Bolt Bus (part owned by Greyhound, which in turn is now owned by another British company called FirstGroup) offers more legroom than ordinary buses. Both carry passengers from New York to Boston or Washington for as little as $1.50.

Intercity bus ridership is now growing by nearly 10% per year, with new lines throughout the Northeast, Midwest, South, and far West — exactly where Obama wants to run high-speed trains.

Obama's main justification for high-speed rail subsidies is the supposed environmental benefit. Yet without any subsidies, but an incentive to fill as many seats as possible, intercity buses spend only a third as much energy and produce only a

ratcheting by government agents is needed to "revive" him, "stimulate" him, and remove the "toxins" he gets from eating real estate loans.

His worshipers are similarly lazy, depressive, and mechanical, though given to peculiar binges in which they "kick back" and "party," if they're young, or "devour" a book, if they're old and intellectual. Nothing ever comes of this. The books leave no spoors; the parties leave no trace on the emotions. When the creatures of Planet X make love, they "hook up" — or, if they happen to be very genteel, "get married" in ceremonies prescribed by the "bridal industry." Quarrels ordinarily ensue, in which the happy couple goes "toe to toe," either "picking nits" or bringing major issues "to a head." Thus the language of biology complements the language of mechanics.

Sometimes the biological is a bit too biological. People who attempt to evade quarrels by behaving in an amicable way are often accused of being "suckups" or "brownnosers" by their morally fastidious friends. This language is accepted as normal in polite circles; grandmas and little children use it all the time. But anyone who goes on radio and starts to specify its literal meaning is looking for a whopping fine from the federal government. Worse, he's looking at a torrent of anger from outraged moralists — the fate that greeted the hapless District of Columbia official who infuriated the city council by using the word "niggardly." The only difference was that he used an innocent word in an innocent way, and the council was too dumb to realize it.

What will be the end of Planet X? Right now, most of its inhabitants are persuaded that it will die in the fires of "climate change." A few years, months, or minutes ago, they were persuaded that it would be destroyed by war. After all, "war is not healthy for children or other living things." Many people like to think that the planet will be destroyed by collision with an asteroid, which, though smaller than a shotglass, will "pack the punch of ten billion bombs the size of the bomb that leveled Hiroshima."

I think the planet will die when the last clear and comprehensible statement has made been made by the last literate human being. She will shout, "Look out! There's smallpox in that vial!", and the beings around her will reply, "Huh? *Why* can't we smile?" Call it language change.

third as much pollution per passenger mile as Amtrak.

Obama should take a lesson from Britain. Privatizing Amtrak and deregulating transportation will do far more for mobility and environmental quality than throwing money at high-speed rail. — Randal O'Toole

It's a process — The Leviathan is a transformational creature. It consumes good ideas and defecates ridiculous laws.

A generation ago, Milton Freidman proposed a system of tradable pollution credits that would allow noxious industries to compensate other firms, and ultimately, everyone else, for the messes they made. The proceeds generated by trade in the credits could be used to clean up pollution or to pay people for living with its effects. This was an intriguing idea for using market mechanics to address the externality of a clean environment. Policy makers gradually embraced the concept; but their embrace changed it into what we know today as "cap-and-trade" regulation.

In June, the House of Representatives narrowly passed H.R. 2998, a bad piece of cap-and-trade legislation that — rather than using market mechanics — would place various regulatory constraints on industrial activity in the United States. President Obama supported the bill, which passed the House by a vote of 219 to 212. Despite the narrow margin (or, as seen from a bureaucratic perspective, because of it), the bill's passage was described as a political "win" for the wretched Nancy Pelosi. After the vote, she muttered: "We passed transformational legislation which takes us into the future."

Like much of this madwoman's political agenda, H.R. 2998 is unpopular with most Americans. Proof of this: some 44 Democrat congressmen voted against their transformational leaders. The bill's main sponsors, California's Henry Waxman and Massachusetts' Edward Markey, are two of the most reflexive statists in Congress. They don't deliberate on legislation; like pigs at the trough, they simply consume anything of value that comes before them.

Six months before, President-elect Obama had made catechistic pledges to create *just such* misguided law. The only challenge came in changing the old buzzword ("global warming" legislation) for a new one ("climate change" legislation). Seems the globe wasn't cooperating with the hysterical agenda of Beltway fanatics. It wasn't warming as drastically as their earlier flim-flam had threatened.

Still, passing this crap did involve some parliamentary drama. The original bill had come out of the House Energy and Commerce Committee, but a week before the House vote, that bill was replaced by H.R. 2998 — which would be voted on as an "amendment in the form of a substitute." Then, just hours before the vote, Waxman's House Rules Committee released a report that added a 300-page amendment to H.R. 2998's existing 1,200 pages — another cynical "win" for a career pol. This meant that the peons in the House were voting on a 1,500-page bill they hadn't read. Neither had their staffs. In this way, H.R. 2998 emerged from the same statist cesspool as the Patriot Act and last year's main economic stimulus package.

What does the bill do? It mandates a 17% cut in "greenhouse gas emissions" by 2020 and an 80% cut by 2050, unlikely goals that are supposed to be made more likely by prices set on various forms of pollution by a "modified" cap-and-trade system. It also decrees that, by 2020, at least 20% of U.S. electricity will come from "renewable" sources and increased "energy efficiency." No market mechanics to finesse that — just government edict. Over the coming decade, lobbyists and lawyers will keep busy determining what all the phrases in quotation marks mean.

Yet another triumph of politics. And a far cry from what Friedman had in mind. — Jim Walsh

Paymaster-in-chief — The Obama administration, being one of the most statist in American history, just loves appointing "czars" to run various sectors of our increasingly nationalized economy. The sole job qualification for a nominee to rule over one of these fiefdoms is that he or she should be a lawyer, and preferably one having absolutely no experience whatsoever in that industry.

The latest is the announcement of a new Pay Czar. This bird's job will be to set compensation levels for all executives working for companies receiving federal "bailout" funds — a rapidly increasing number of companies, indeed! The man chosen for this exalted job is Kenneth Feinberg, a lawyer whose main previous governmental experience was in administering the federal compensation fund for 9/11 victims. Whether he will allow the companies that receive the bailout money enough leeway to hire executives talented enough to actually turn these companies around is anybody's guess.

The theory here is that since the public has contributed money to the companies, why, naturally, the public (read: the federal government) should control them. Of course, the government is controlled by the Democrats, so when the suggestion was made that the czar set the level of compensation for the executives of labor unions representing the employees of those same businesses, why, it was immediately dismissed as crazy.

Now, prominent Democrats have made no secret of the fact that they would like to extend the concept to any publicly traded company. Barney Frank in particular has long lusted after that power. The general idea is that filthy, greedy capitalists are earning too much money and need to have their salaries capped.

This all prompts the question, "why stop at business executives?" There are plenty of other filthy, greedy people earning too much money. Probably the most obvious are entertainers. Think of all the movie stars who rake in millions and millions of dollars for making pictures you don't like? Worse yet, think of all those singers who record music you don't appreciate. Hannah Montana (a.k.a. Miley Cyrus) is reputed to be getting close to a net worth of a cool billion, and she is barely an adult. Why isn't Barney Frank bellowing about capping her salary and the salaries of all other singers — say, setting the amount of money a singer can receive at five times the average salary of a music store clerk? Wouldn't that be *fair*? We need a music czar!

Ah, but we have to remember that entertainers, like union officials, are typically big supporters of the Democrats. So don't look for that czar any time soon. — Gary Jason

A bridge not far enough — Did you know that the Ambassador Bridge — the only bridge that connects Detroit to Ontario — is privately owned? I was surprised to discover

this information about a major artery of transportation, but after all, news of successful private ownership often travels slowly. No one seems interested in reporting it.

Now the owner wants to build another span because of congestion, but Michigan and Ontario want to get together and build their own bridge. Michigan, in particular, has so much spare change lying around that building a bridge would be a mere trifle. (Sure!)

So the two governments are putting all kinds of roadblocks in the owner's way, despite the fact that he has already created the approaches on the Windsor, Ontario side.

I'm sure that much of the congestion was caused, in the first place, by the miserable customs and immigration stops on both sides of the border. God, don't you hate the government? — Kathy Bradford

A matter of degrees — If you rattle around enough, you strike up some unlikely friendships. One of the most unlikely friends I have, at least unlikely to somebody brought up in the '50s, is a fairly high muckety-muck in the Chinese government. High enough to have the ear of Hu Jintao, if he wants it. And a good enough friend, I think, that if I ever needed to get a message to Mr. Hu, he could deliver it. Like millions of other people I have, in fact, two degrees of separation from the president of the Peoples' Republic of China.

Why I bring this up is that there's another person, a person I'm not so close to — a mysterious Dr. Romeo who, apparently, resides somewhere in the wilds of Virginia. That's about all I know about him. Google as I may, review the correspondence in my email files as I will, I can't discover where Dr. Romeo went to med school, how long he has been in practice, or what his specialty might be. I can't even track down a first name for him. In fact, I'm not even sure that Dr. Romeo is a he. He may very well be a woman. But, whichever restroom he (or she) uses, he is the doctor assigned to me by the State Department to decide whether I am fit enough to live on the government's dime in out-of-the-way corners of the world.

You might think that, as the physician assigned to my case, Dr. Romeo would want to examine me. But if you do think such a thing, it's because you don't have a lot of experience with federal healthcare. All communication with Dr. Romeo is mediated through third parties.

The third party that I have formally dealt with is one Judy A. Sutton, FSHP FNP MPH, and, for all I know, Dame Commander of the Order of the Garter. She is Dr. Romeo's Medical Clearances Deputy and, in the past, if I needed to find out something medical from Dr. Romeo, I emailed my questions to Ms. Sutton. From time to time, I imagine, Ms. Sutton sits down at her computer, reads through stacks of emails, and trots the questions she thinks worthy of Dr. Romeo's time down the hall to his office. After a while, Dr. Romeo gives her the answers, she trots back to her computer, paraphrases the answers in return emails, hits the "send" button and, presto!, medicine accomplished.

I say "in the past" because, apparently, this process has proven much too nimble and effective for Federal Medicine to continue to use. From now on, I have been told, I am to send my concerns to a *third* government person, a person in an entirely different federal agency who, I presume, does not reside within trotting distance of either Judy A. Sutton, FSHP FNP MPH, and potentially DCOG, or Dr. Romeo. As I see it, the job of this Third Federal Person is to repackage my concerns for Ms. Sutton. She, when she reviews her emails, will trot the questions she deems worthy down the hall to Dr. Romeo, get the answers, trot back, and paraphrase Dr. Romeo's answers in an email to the Third Federal Person, who will, then, email the gist of Ms. Sutton's response to me. This puts me at three degrees of separation from Dr. Romeo.

At this point it will have occurred to the perceptive reader that Your Correspondent has a more intimate relationship with the emperor of Red China than he does with the government doctor who is supposed to know enough about the current state of his health to decide where he can and cannot live for the next few years.

I don't want to jump into hasty generalizations here, but this might be the kind of thing that gives federal healthcare a bad name. — Bill Merritt

Ebony and ebony — The first black president remains popular despite dubious economic policies, while the first black governor in New York state is unpopular, notwithstanding his more responsible economic policy and sympathy for his near-blindness.

What's the difference? It's not race, for sure. Nor is it significant that one was elected, while the other inherited his position when his superior resigned in disgrace.

To my mind, one man is strong on promises, a bullshitter essentially with great self-confidence in his verbal charm. We know from experience that nearly all bullshitters eventually disappoint. They really do. — Richard Kostelanetz

Stars and prison stripes — In a recent article for Reason ("Putting Stars Behind Bars," April), William Anderson and Candice Jackson make note of federal prosecutors' increased proclivity to criminalize poor sportsmanship among America's more famous athletes. While this may seem like a lunatic trend to anyone not born under the Stars and Stripes, even a few native-born Americans are starting to notice that America's politicians incarcerate people at a record-setting pace; much-maligned dictators such as Castro and Chavez don't even come close.

For all the possible reasons that may be given for this disgraceful trend — "tough on crime" policies, the War on Drugs, all the jobs that building and running prisons provide, or federal employees more focused on enhancing their careers than on seeing justice done — the increasing urge to slap anyone and everyone in prison (with the exception of the political class, which, even when caught redhanded, rarely sees the inside of a cell) is seeping into our national DNA.

This seepage was bought home to me by the untimely death of Michael Jackson. Upon learning of the man's poor physical state, my fellow employees began to sound off on how his personal physician should, you guessed it, be put in jail. If Eugene O'Neill wrote "A Long Day's Journey Into Night" in today's America, he'd have to include a part where heavily armed, Kevlar-encased DEA agents burst into the home, throw everyone to the ground, shoot the dog, and drag the drug addict mother off to prison.

The Clash once sang of their English homeland, "Out came the batons, and the British warned themselves." Every day, with every new law, America's politicians beat us over

the head a little bit harder. One day, however, they'll inadvertently knock some sense into our skulls and we'll bring a stop to their madness. Until then, it can be a small consolation to foreigners experiencing our military's attentions that America's political leaders treat American citizens in the same way.

— C.J. Maloney

Reaping the wind — President Obama has made a fetish of promising gazillions of "green jobs," that is, new jobs that will supposedly flow from his environmentalist program. He claims that wind and solar power, and electric cars — all costing vastly more than existing standard technology — will magically create green jobs for the masses.

Into this green dream a bit of reality has intruded. A recent study by CRA (Charles River Associates) International, called "Impacts of the Climate Provision in the Obama Administration's FY2010 Budget Proposal"(downloadable from the CRA website) estimates the cost to the American economy of Obama's proposed cap-and-trade legislation. The results are sobering.

CRA estimates that if this legislation goes through, it will make natural gas prices go up 39% by 2020 and 56% by 2025. Gasoline and diesel fuel will be forced up 19% by 2020. And electricity will be forced up 27% by 2020 and 44% by 2025.

The rising energy prices will of course cost jobs. CRA estimates that the net jobs lost will be 800,000 by 2015, 1.9 million by 2020, and 3.2 million by 2025. These are net losses, meaning that the new "green" jobs are factored in to the projection. The losses will fall disproportionately on the Sun Belt states.

And the rising energy prices will lower consumers' purchasing power. The greening of America will cost the average household $1,020 annually by 2015, $1,381 by 2020, and $2,127 by 2025. This is again the net cost, factoring in the revenues that supposedly will be given to consumers (revenues that will come from the carbon taxes on businesses).

Finally, the cost to the economy as a whole from cap-and-trade will be significant. CRA estimates that it will cost 0.7% of the GDP by 2025. Considering that our growth rate is in the range of 2% to 3% in a normal year, that is a steep price, indeed.

Does Obama realize that that his green scheme will have massive costs to our national wealth and jobs? Well, I can't pretend to read his mind, and I certainly have learned not to trust his words. But my guess is that he does, but doesn't care, for two reasons. First, he buys entirely the green narrative that the United States is an energy glutton that is the main cause of global warming, and needs to live a more austere lifestyle. In the environmentalist religion, man is viewed as a sinful despoiler of the environment who deserves to be punished and brought low.

Second, Obama recognizes that people don't generally follow Frederic Bastiat's advice to consider the unseen as well as the seen. While the jobs created by his green agenda will be relatively tiny in number, they will be visible. Obama will see to it that every new wind farm is prominently displayed on TV. Meanwhile, as businesses close because of the higher costs, the people out of work will pass unnoticed.

— Gary Jason

Venezuela's got talent — On May 29 Venezuela's President Hugo Chavez declared a marathon edition of his weekly TV talk show, "Alo Presidente" ("Hello President"), to celebrate its 10th anniversary. No doubt he was not only inspired by but was also carrying the torch for his idol, Fidel Castro, who holds the record for longest speech before the UN. Castro's absolute talkathon record is a 12-hour harangue with one intermission. But I digress.

Chavez planned on speaking for four days and started out strong with attacks on "right-wing oligarchs," anecdotes, songs, and light banter. But then he went where no despot dares to go — he opened himself up to competition by challenging several intellectuals, visiting Caracas for an opposition-hosted conference, to a debate.

Mario Vargas Llosa, one-time Peruvian presidential candidate, winner of the Miguel de Cervantes Prize — the Spanish language's most prestigious literary accolade — and champion of liberty, accepted — on the condition that the debate would be one-on-one.

Chavez declined. Well, sort of. Declaring that he, Chavez, was "in the major leagues and you're in the double-A," el Presidente signed off, promising to return the next day. He never reappeared; forcing state TV to fill the time with reruns and old, stale interviews.

Still, he didn't skip a beat and might actually have gotten something right. The Economist reported that "Chavez praised 'Comrade Obama' for nationalising General Motors and expressed worries that he and Cuba's Fidel Castro could end up to the right of the president of the United States."

Tough call.

On June 11, both houses of Congress approved separate bills authorizing the FDA to control the nicotine content of tobacco products, with the ultimate objective of eliminating nicotine from such products. A reconciliated bill is expected to be signed by the president very soon. Commentators on NPR had the mendacity to comment that our freedom to choose would not be impaired: smokers could still pick whatever brand they chose.

On the same day, the Chavez government banned the sale of Coke Zero, ostensibly because of health hazards. No details were provided. Additionally, my extended family in Caracas reports that brand choice in supermarkets has been reduced to one — one soap, one rice, one noodle, one tomato sauce, one diaper . . . you get the picture. Consumer choices have been reduced politically instead of by popularity. Only producers willing to toe Chavez' line are allowed to proffer their products. Is Venezuela the next California — where trends are set?

— Robert H. Miller

Becktionary — What to make of Glenn Beck, Fox phenom? He invites libertarians on his show (I've seen Sheldon Richman once and Randy Barnett three times) and treats them as fellow travelers. He calls himself a libertarian. He's even friends, I understand, with Penn Jillette. But surely I can't be the only one to think he's a major loon.

He has Richman on, for example, as an expert about the meaning of fascism, but never lets him get a clear sentence out, interrupting to raise conspiracy concerns that this country has been going fascistic ever since the government chose in 1916 to put a bundle of sticks with an ax, or fasces, on the back of our dimes (something that predates Mussolini and Hitler).

Recently Beck was talking with the agriculture commissioner of Alabama, who was brought on to rail against an alleged plan of the federal government to detail how much of which crops every farmer is allowed to grow. The commissioner, a political hack, used the forum to complain that we are losing farm jobs in America (something economists call "improved productivity," as it now takes fewer farmers to grow more food), and that nonetheless many American consumers insist on continuing to buy foreign food (something economists call "free trade"). Beck — the libertarian? — not only didn't disagree; he actively agreed.

Soon after, he was talking with a guest about Obama's "pay czar." This is another stupid idea of the administration, and Beck was right to lambaste it. He was also, I thought, on a good tack when he pointed out that many politicians looking into CEO salaries had never worked in the private sector in their adult lives. He mentioned in this regard Sen. Dodd and Rep. Frank. He went on to say (I paraphrase): Congressmen make $174,000 a year. Government records indicate that Barney Frank is worth something between $700,000 and $1.8 million dollars. How is it possible that someone who makes only $174,000 a year can be worth so much? Is Beck truly so limited in his knowledge of investments that he thinks that possessing, by age 69, assets between four and 11 times your annual income is anything out of the ordinary?

Beck's audience continues to grow. To the extent that he is libertarian, this seems to be a good thing. To the extent that he appeals to the most ignorant segment of the American public (also, I fear, a growing segment), it is not such a good thing.

— Ross Levatter

Protean president — Obama is a man of many personae, none of them particularly admirable.

There is MessiahBama, the man who arrogantly presents himself as the embodiment of hope and change — all ye need is faith even as a grain of mustard seed and all good things will come to you. There is BiCzarObama, the super-statist who has the bizarre theory that not only should the government control the economy, but each aspect of it should be run by a czar. Thus we have a climate czar, a pay czar, a regulation czar, and a bunch of others, all controlled by Obama (the czar czar?).

Regarding foreign affairs and national defense, we have dueling personae. There is DoveObama, the man who yearns for peace in our time, in due time. As St. Augustine famously prayed to God for chastity, but not yet, so DoveObama wants to close Gitmo, but not yet, and wants to pull our troops out of Iraq, but not yet. Conversely, there is MachoBama, who has said he would invade Pakistan if necessary to get bin Laden. Where Teddy Roosevelt advised that you should talk softly but carry a big stick, MachoBama thinks that you should shout loudly while holding a limp dick.

But what appears most frequently is ChicagoBama, a creature of the corrupt Daley political machine that has controlled Chicago for decades. This is the Obama who assembles coalitions by buying off various constituencies, pushes affirmative action, and enables voting chicanery. Obama, who was one of ACORN's lawyers, and benefited from ACORN's dubious voter registration efforts, saw to it that they had access to the massive funds in the "stimulus" bill. And he has repeatedly pushed the Big Labor agenda, after having received massive financial and other support from unions during his campaign. For minorities, he has nominated a staunch proponent of racial-preference affirmative action to the Supreme Court (the self-styled "wise Latina" Sonia Sotomayor).

While ChicagoBama has generally escaped media attention, one particularly egregious action has gotten some notice. It is the firing of Gerald Walpin, Inspector General of AmeriCorps. Mr. Walpin had been unwise enough to investigate tenaciously the misuse of AmeriCorps' (read: taxpayers') money by one of Obama's major supporters, one Kevin Johnson, a "community organizer" like Obama. The facts are striking.

Walpin has been the Inspector General for the Corporation for National and Community Service (which is the federal bureau that oversees AmeriCorps and other "volunteer" organizations) since 2007. Last year, he was asked by the corporation to investigate reports of financial shenanigans at Johnson's pet nonprofit organization St. HOPE. St. HOPE had received $850,000 from AmeriCorps, which was supposed to go for tutoring disadvantaged students, improving certain buildings, and running some arts programs. But Walpin found that Johnson had diverted the money to such purposes as politicking in a school board election, padding the salaries of his staff, and having AmeriCorps members do Johnson's personal chores.

Walprin recommended that Johnson be disallowed from receiving further federal funds, and the corporation agreed. And Walpin's office also referred the matter to the local U.S. attorney's office. Then Johnson was elected mayor of Sacramento, and it appeared that the city would not be able to receive stimulus money. There was an outcry by disappointed moochers, and it led to the U.S. attorney (Lawrence Brown) and others pressuring Walpin to settle the matter by letting Johnson pay some of the money back, and lifting the ban on his receiving federal funds. Walpin refused, pointing out that the whole idea of the process of inspection is to stop wrongdoers from getting more money.

Lawrence Brown then decided to cut Walpin out of the loop and deal with the corporation directly. The corporation was now headed by Obama fundraiser Alan Solomont, and Brown and Solomont worked out a settlement for Johnson that basically let him off with a slight fine and exoneration.

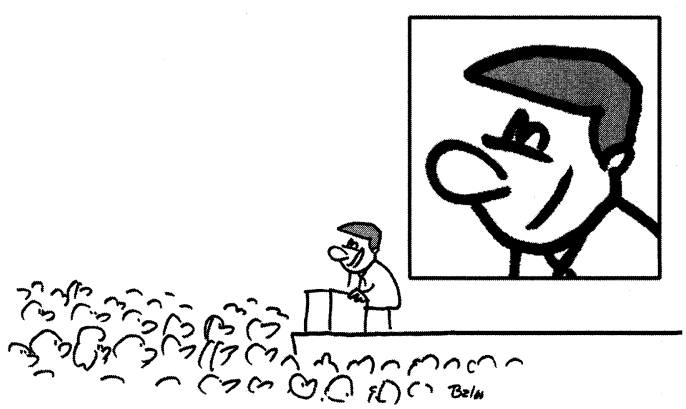

". . . But enough about me. . . ."

Walpin, astonished that he had been treated in this way, put the facts of the matter in a report which he sent to Congress.

His reward was a phone call from Norman Eisen — ironically, the Special Counsel to the President for Ethics and Government Reform — telling him that the president felt it was time for Walpin to "move on." Eisen said it was pure coincidence that he was being let go after refusing to be part of the Johnson whitewash. Right.

An even richer irony is that by an act passed last year by Congress (one co-sponsored by Obama) the president is required to give Congress 30 days notice before terminating an inspector general. Obama violated a law he himself had pushed. At least one congressman, Sen. Grassley (R-IA), is now pushing the corporation to turn over all its communications on this matter, so more details may come to light.

But all of this is looking very Chicagoesque, in an administration that pledged an unprecedented degree of transparency and high ethical standards. — Gary Jason

A license to live — President Obama and Congress want to ensure that everyone has health insurance. At this writing, one of the methods under consideration to bring this about is the "individual mandate." Put simply, the individual mandate would require that people who do not have health insurance paid for by their employer or the government buy it themselves.

To many, this sounds like a modest, humane proposal. What could be wrong with requiring that everyone enjoy the benefit of health insurance?

Lots.

Proponents of the individual mandate often argue that it is akin to the requirement that you buy insurance to drive a car. But all that is required for driving is liability insurance covering injury to others and damage to their cars. You are not required to insure against injury or damage to your car or yourself. The equivalent for health insurance would be to force you to buy coverage only for the harm that you might cause to others accidentally, by giving them chicken pox, for example.

More fundamentally, you don't even have to buy car insurance if you choose not to drive. The equivalent for health would be what, exactly? You wouldn't have to buy health insurance if you chose not to what? Not to live? Would you need insurance to get a license to live? Could it be revoked?

(You stand at the cash register of your shop. A burly man in a fedora and a double-breasted suit walks in and offers to sell you insurance. "Insurance against what?" you ask. "Like if something bad should happen," he says, smiling. "I don't want any insurance," you say. "Sorry pal, you got no choice. It's like a mandate," he chuckles. "What's that mean?" As he leans across the counter his smile is replaced by a cold look. "It means you gotta pay. Everybody pays. We're all in this together." You shudder.)

But let's step back for a minute. Why is the government so keen to force people to buy health insurance in the first place? And why must people be forced to buy something that seems so obviously good for them? Is the government more concerned about their health than they are? The answer to these questions lies in the actuarial tables, community rating, and proposed progressive pricing system.

To illustrate, let us examine the case of a hypothetical citizen: Doug. Doug is 60 years old. He is retired. He is a nonsmoker and moderate drinker. He exercises regularly. He is in good shape. After 40 years of hard work and frugal spending, Doug has paid for his home, has no debt, and has a few million dollars spread among various assets. Doug has carefully examined the cost of health insurance available to him and has chosen to self-insure, which is to say, if he gets sick, he'll pay the bills himself.

Doug made this decision because the health insurance policies available to him have lifetime caps smaller than what he could comfortably pay on his own and because the premiums he would have to pay for the coverage are based on the risk of a group of people who are far less healthy than he. In short, Doug decided that the available health insurance was, for him, a bad deal.

And all the actuaries who advise the government about healthcare policy know that Doug is right.

Here is the answer then: the government is keen to force Doug to buy health insurance that he doesn't want in order to subsidize the relatively more expensive healthcare costs of higher-risk people who are less able to pay. Doug, and all other relatively healthy people, must be herded into the same risk pool with the high-risk, unhealthy people. When everyone is in the same risk pool and charged the same premium, community rating will have been achieved. Community rating is considered a moral imperative by its proponents. Their websites are positively thick with imperatives.

(As an aside, if you stake out the position that a person has no choice, that he must buy health insurance, can you still call yourself "pro-choice?" In order to call yourself "pro-choice," shouldn't you at least allow a person to look over the optional health insurance packages, peek at the price tags, and choose "none of the above?" In a way, this involuntary health insurance sounds more like a "pro-life" position, doesn't it?)

Recall that we're talking here about those who aren't already covered by their employers or the government. Would everyone in the grip of the individual mandate really pay the same premium? Well, no. The government, we are assured, would devise a progressive subsidy that would taper off until it reached, say, Doug, who would get none. And because the wealthier tend to be healthier anyway, the formula is this: the lower the risk, the higher the out-of-pocket premium. Imagine car insurance working that way. The worst drivers would pay the lowest rates, or none at all, while the best drivers would have to pay the highest rates. Fairness, always a slippery concept, has just slithered away.

(By the way, if Doug lived in Oregon, would his individually-mandated, government-approved health insurance policy cover assisted suicide, even if it meant that his monthly premiums would stop? Just curious.)

When a government takes a person's money by force, it is a tax, no matter how it has been gussied up. When that money is used primarily for the benefit of a third party, it is a transfer payment. It remains a transfer payment even when the money has been laundered through a dummy insurance corporation, the reins of which have been legislatively snatched away by that government.

The plan is clever, though, because the majority of voters, those already covered by their employers or the government,

will see nothing personally threatening in it, and those being offered someone else's money to help pay their premiums will find it tempting to accept the bribe quietly. (They came for the self-insured, but I didn't speak up, because I wasn't self-insured.) They will overlook the fact that the plan gives no one the freedom to say, "No, thank you." They will overlook the fact that individual mandate would take away a measure of both responsibility and freedom from everyone.

"If Mr. McMurphy doesn't want to take his medication orally, I'm sure we can arrange that he can have it some other way. But I don't think that he would like it." — Nurse Ratched, "One Flew Over the Cuckoo's Nest" — S.H. Chambers

Too small to fail — Now that President Obama is running Government Motors, he will have free reign to direct the automaker to produce vehicles that will be smaller, less comfortable, less safe, with smaller driving range and less load-carrying capacity. I call them No-Utility Vehicles, or NUVs.

I foresee a much smaller market for these NUVs, which in spite of being less useful will be more expensive to make, especially with Obama in charge of setting excessive wages in order to satisfy his union voting base.

No matter, according to a recent article in the Arizona Republic, "The federal government considers a transit system to be cost-efficient if it recovers a quarter of its operating expenses from fares." So we can probably expect Government Motors to be happy to collect purchase prices of NUVs at a quarter of the cost to manufacture them. At that price they may find sufficient buyers for them, and GM will be deemed cost-efficient. — John Kannarr

Homegrown lessons — I live in a leafy, ravined residential section of Raleigh, North Carolina. Our neighborhood, a couple of miles from downtown and close to a major state university, evokes two policy observations.

First, like other pleasant places I've lived in, the neighborhood's initial construction long preceded zoning, so it has the diversity of income and lifestyle that urban planners drool over. Homes include a near-mansion down the street, a low-rise housing project (originally built privately), manufactured duplexes, 1950s-style brick bungalows (some with Colonial pretensions), a smattering of Bauhaus "contemporaries," and a mix of dignified and humble traditional Southern homes.

To the east is the remnant of a neighborhood built by freed blacks after the Civil War; some of the modest frame houses remain. Thanks to Raleigh's recent growth and the housing bubble, many of our streets have "infill" (new houses built on scattered empty lots or sites of "tear-downs"). Our own 2007 house sits on two former side yards. Down the street is a 1970s-style commune, the Mayview Collective, where six or so youngish people repair bicycles, raise chickens, and hang their laundry in the front yard.

The policy point: urban planners, who know from reading Jane Jacobs that they want such diversity of streetscape, can't achieve anything like this. At best, they force developers into weak echoes of "urban design" mantras by mixing income levels and tweaking layouts and ornamentation. Coercion cannot begin to match our kind of diversity.

Another attribute of the neighborhood is the chirping: birds are everywhere. Our small backyard can sound like a jungle, with only the howling monkeys missing. North Carolina's warm, humid climate nurtures trees and shrubs, which draw birds into noisy theatrical performances. Blue jays swoop across the lawn, cardinals court (or maybe fight), rusty brown thrashers wriggle in the mulch, and industrious robins and wrens build nests and feed offspring. And then there are squirrels, rabbits, and (reportedly) a nearby raccoon.

This policy point? Human beings are compatible with the beauty and fecundity of nature. It's not a message that the environmentalist "humans are a cancer on the Earth" crowd like to hear. To them, nature requires vast stretches of uninhabited wilderness, set aside by the federal government, of course. But the richness of wildlife in small urban habitats — right under our noses — belies the myth that the human footprint precludes nature. I'd say it celebrates nature, instead.

— Jane S. Shaw

Torturous definition — Waterboarding is back in the news. Whether for or against, Cheney, Pelosi, and Obama have all been struggling to find the proper spin for decisions they've made regarding this practice.

It has become popular to debate whether waterboarding is torture or not. I find the entire affair a bit like debating what the atmosphere smells like on Venus. Most of the participants lack a certain experiential credibility.

I think there are several separate questions. There is the classic ethical question, "May we harm one man in order to save 10,000?" This is a tough question that humanity may never resolve, but one that is quite fair and useful to debate. Presuming the answer is yes, another question might be, "How much may we harm one man in order to save 10,000?" I think this question is more difficult, but still perhaps valid to debate.

Another question obviously might be, "Would the harm we intend actually be effective in saving the 10,000?" This question is fair to debate as well, particularly if the practice has occurred in the past and the results can be measured. But unlike the first two ethical questions of right and wrong, this question is, in the broad sense, scientific. The facts and reason exposed in honest, open debate may well tell us whether the practice is actually effective.

The question I object to is this: "Does waterboarding (or your interrogation technique of choice) cause substantial harm to the person who undergoes it?" From the armchair we can speculate whether any harm may happen — physical or psychological, permanent or temporary. We can speculate on pain versus discomfort or a hundred other facets of minutiae. But none of our armchair speculations will bear any weight or get us any closer to an answer.

Unlike our first two, ethical questions, which can be debated only from the armchair, or our third question, which requires accurate scientific research, the fourth question demands experience. There is a very simple, gut-level test that should be required of every interrogation policymaker who claims to have an answer to this question.

An answer of "yes" (there is substantial harm) can be legitimately arrived at by two paths. The first is personal experience. "Yes, I've personally undergone the waterboarding technique and found that it did me substantial harm." The second is not experiential, but still valid. "That technique

scares me so badly that I would never try it." This second, gut reaction is analogous to the death test. Is it good to be dead or bad to be dead? If somebody tells us that death is bad, we may not believe he really knows that from experience, but we instinctively agree that neither of us should push the other to try it out.

An answer of "no" (no substantial harm) can be legitimately arrived at only by the path of personal experience. "Yes, I've personally undergone the waterboarding technique and found that it did me no substantial harm." The gut reaction is not valid in this case, which is once again analogous to the death test. If someone tells us that death is good, we merely laugh and say, "Yeah, right. You know that how?"

We should likewise laugh at any interrogation policymaker who claims to have the answer to this question without having arrived at the answer through one of these paths.

— Doug Gallob

Collect early and often — A recent story in the L.A. Times caught my attention, because it addresses an issue I have written a good deal about and it has an air of bewildered concern that I find amusing, coming as it does from that cesspool of contemporary liberalism.

The article, "Early Retirement Claims Increase Dramatically," was written by Mike Dorning and appeared on May 24. It reports that the Social Security Administration is seeing a major surge in the number of people taking early retirement. The number is up an incredible 25% over last year. This has caused considerable surprise, since the conventional wisdom has been that people would hold off retiring in the face of the precipitous drop in the value of their portfolios.

The article reports speculation that the reason many people are retiring at 62 rather than 66, thereby lowering their Social Security income by up to a quarter, is that they are under financial pressure from being unemployed or underemployed. And the article quotes an AARP expert who worries that these early retirees will be paying a heavy price in security in the decades to come, as they try to survive on the lower benefits.

I think that the Times is incredibly obtuse here. Even before the jump last year, nearly half of all eligible people were taking benefits the minute they turned 62. The reason is obvious, but I will spell it out slowly, so that even the people at the Times can grasp it.

Point 1: Social Security is an intergenerational Ponzi scheme, using present taxes to support past retirees.

Point 2: The most likely way for the government to deal with the impending insolvency of the system will be to "means-test" benefits. That is, anyone the administration deems "rich" will simply be told that he or she is no longer eligible to receive benefits. This will be justified by the usual class warfare insinuations (the rich are evil, they deserve only death, etc.).

Point 3: This means test will include "grandfathering" of current beneficiaries, because it is easier to deny people an entitlement they hope to receive than it is to take away one already given.

Point 4: The point of insolvency will be reached as the Boomer generation retires. This generation, which has just started to receive Social Security benefits, is a much bigger cohort than the ones that follow.

Point 5: It is better to receive reduced benefits than no benefits at all.

Point 6: The Baby Boomers, despite extensive drug usage while young — and in some cases much later! — are not stupid. They can see points 1–5 with transcendent clarity, and are therefore applying for benefits as soon as they legally can.

How hard is it to understand all this? — Gary Jason

Reparations — In a recent exhaustive interview "In Depth" on C-SPAN, Bill Ayres introduced a category, new to me, of "descendants of enslaved peoples" deserving special consideration.

But why didn't anyone ask him whether this included us descendants of Russian serfs and Jews, among many others?

— Richard Kostelanetz

Commitment to opacity — On an operational level, the Obama administration is practically indistinguishable from the immediately previous Bush administration, which was pretty mendacious. To paraphrase The Who's Pete Townsend, "Meet the new statist hacks, same as the old statist hacks." This unpleasant truth — hope-crushing to legions of progressive nitwits — has manifested itself in several significant ways. The clearest may be the continuing (and legally dubious) argument that White House visitor logs should remain secret.

Although Candidate Obama croaked familiar platitudes about fostering "transparency" if elected, President Obama has actually advocated a princely murkiness that would make Dick Cheney proud. And the two men show an equal contempt for court orders.

Media outlets and so-called "good government" advocacy groups claim that it's important to know the names of White House visitors, who may have heavy influence on the president, his various "czars," and other staff. In late 2006, some of these groups sued to make the Bush White House's visitor logs public. At the time, they were interested in tracking visits by evangelical Christian leaders, including James Dobson, Gary Bauer, Tony Perkins, and Donald Wildmon. The Bush administration countered that the logs — created and maintained by the Secret Service — were not government agency records; they were, it claimed, covered by the Presidential Records Act, which trumps the Freedom of Information Act.

U.S. District Judge Royce Lamberth (a Reagan appointee who's handled a number of politically charged cases to generally favorable reviews) disagreed with the Bushies. In late 2007, Lamberth concluded that the logs were subject to the FOIA and should be released. The crux of his decision was that a mere list of the people who've visited the White House doesn't betray state secrets or matters of national security. He gave the Bush administration 20 days to make the log public.

The Bushies ignored the court's order. In September 2008, a spokesman for the Department of Homeland Security tapped his jackboots against the podium and told one media outlet that it wouldn't release the visitor logs, repeating the "presidential privilege" justification that Lamberth had specifically rejected.

Behavior like this was one reason that so many unhinged Bush critics insisted (and still insist) that W. was a criminal who should be prosecuted.

Bush administration lawyers painted a fig leaf over their disregard by making various procedural arguments in court. They successfully ran out the political clock with filings and appeals. In early January of this year, Lamberth repeated his conclusions, but by then, W. was packing for his return to Texas.

On January 14, with less than a week left in Bush's term, the Department of Justice formally appealed Lamberth's decision. A few days later, the "Hope and Change" guy moved into the White House. But the policy with regard to visitor logs remained the same. The Obama Justice Department has continued the appeal.

Recently, the "good government" types have changed their focus from evangelicals to energy executives; they worry particularly that coal companies are exerting a nefarious effect on Obama and his minions. But they're running into the same obstructions.

According to Anne Weismann, a lawyer for Citizens for Responsibility and Ethics in Washington: "We are deeply disappointed that the Obama administration is following the same anti-transparency policy as the Bush administration when it comes to White House visitor records. Refusing to let the public know who visits the White House is not the action of a pro-transparency, pro-accountability administration."

Welcome to Chinatown, doll. — Jim Walsh

He's out of my life — It's strange but true: whenever there's a Big Murder in America, and there's an investigation and a scandal, most of the participants in the affair turn out to be nuts. And by "participants" I don't just mean the victims and the culprits. I mean the witnesses, the members of the jury, the investigating officers, the eminent jurists, and the friends and relatives of all of the above, together with the throngs of dedicated spectators of the case.

The woman who was on a mule, chasing pig rustlers late at night, and just happened to hear the victim's shrieks; the bosom buddies of the murdered man, who are now convinced that despite all evidence to the contrary, he is actually living abroad under another name; the victim's physician, gardener, priest, and spouse, all of them hopeless embezzlers, drunks, or drug addicts, and all of them possessed of a motive to kill him; even the maids and chauffeurs and the guy who was tying his shoe next to the dumpster where the blood-stained cap was found — the landscape is littered with crazed eccentrics.

This has been true for as many years as Big Murders have been important in American culture. The pattern goes back for generations. It was strikingly visible in the O.J. Simpson case, but it had already appeared in the Hall-Mills case in 1922 and the Lizzie Borden case in 1892. Every episode like this presents a core sample of the American populace, and the results are not encouraging. A big murder case seems intended by God to emphasize the strangeness, the depressing oddity — not the inspiring individualism — of our fellow voters. And so does virtually any celebrity death.

On Thursday, June 25, Michael Jackson, singer and dancer, died in Los Angeles. I don't know why he died, though I can guess, like everyone else. And I don't care. Scores, maybe hundreds, of people die in Los Angeles every day, almost all of them more worthy of attention than Michael Jackson.

Jackson was an excellent dancer, but his dancing was nothing to compare with the performances of the truly great artists — Cagney, Astaire, Kelly, Sublett. There was never anything witty, spontaneous, ironic, self-expressive, or genuinely dramatic about Jackson's act. He danced like a machine. He was even less interesting as a singer. He could always hit the notes that lay in his limited range, but he never recorded anything that wasn't trash. His most popular efforts were preposterous trash: songs in which Jackson, who was manifestly gay, clutched his crotch and pretended to be a bad-ass straight; songs in which Jackson, a Jehovah's Witness, urged cute gangbangers to "beat it" rather than get themselves into a fight; songs in which Jackson, an "environmentalist" and "hunger advocate," cashed in on sentimentality by getting other celebrities to chant a nauseating song called "We Are the World."

No, you weren't. You were just a pitiful little guy who was force-fed on celebrity, relished it, then spent your life trying to recreate the childhood that had been denied you, in payment for the celebrity. I don't know whether Michael Jackson had sex with young boys, as was alleged. I do know that he was as ignorant as a rock, and a sad representation of what it means to be rich and famous — sad, that is, except to the significant proportion of Americans (and Europeans and Asians too) who on every available public occasion reveal that they too are seriously unbalanced.

These are the people who honored Michael, as they honored Princess Di — and, I guess, every other dead celebrity except Richard Nixon — by leaving teddy bears and candles and pictures of themselves and love notes and other trash at any convenient spot associated with the deceased. These are the people who besieged the hospital where he died, blocking its entrances to patients in need of help. These are the people who treated his little brass star on Hollywood Boulevard as if it were a religious shrine, kneeling in tears and leaving in hysterics.

Then there are all those others, people who aren't really eccentrics but just play them on TV, having reached the opinion that everybody else is one, so that's where the bucks are located. I refer to the celebrities and semi-celebrities who rushed to testify that Michael was the "greatest artist of the 20th century," "the best-known person in the world," "a man for whom we should all be thankful," "a gift from God," "a shy, sensitive young man," "a great humanitarian," and so forth and so on.

It seemed to make no difference to African-American talking heads — though it probably made a difference to a lot of African-Americans who didn't have easy access to the media — that Michael was so freaked out by his ethnicity that he spent the second half of his life transforming himself from a sexy black man into a grotesquely repulsive white man. It seemed to make no difference to gays-on-TV that he did everything he possibly could to deny being gay.

And listen: aren't you tired of hearing Fox News categorized as the "right-wing network," a site that broadcasts nothing but conservative and libertarian propaganda? During the Jackson mourning orgy, Fox was indistinguishable from CNN, except that maybe it was worse. It was all Michael Jackson, all the time, and day after weary day. At commercial breaks, Fox filled the TV box with the image of Jackson, his dates, and the kind of solemn music that my set hasn't broadcast since the

funeral of Konstantin Chernenko.

But to return. Before he was done, Michael Jackson had repudiated every aspect of his identity that he could manage to repudiate — his race, his sexuality, his age, his religion, his friends, his health, even the animals on which he was once renowned for doting — yet to hundreds of millions of people around the world, that meant nothing, because there was one aspect that he did not repudiate. He was a fool, and the fools recognized their own. — Stephen Cox

California gold — I have reflected before on how California and states like it appear to be serving as incubators of statist pestilence. Californians (and New Yorkers) vote in large and wasteful government programs, which lead to high taxes, lousy schools, lousy infrastructure, and no jobs. Then the Californians flee their state. But the emigrés are a disease vector; they carry to their new states the same attitudes that led to the ruination of their home state. And I have talked before about the growing crisis in state employee health and pension funds. A recent article brings both these thoughts to my mind anew.

The article is a piece of first-rate investigative journalism in the Orange County Register (May 15) called "The $200,000 Club: State Pensioners Who Collect 10 Times Average." It was written by Tony Saavedra and Ronald Campbell. The article reveals some of the outrageously high pensions that public employees now receive.

The facts are amazing. While the average California Public Employees' Retirement System (CalPERS) retiree receives less than $24,000 a year, about 4,800 of these people receive pensions of more than $100,000 a year, and a couple of dozen receive more than $200,000. For life! This, as CalPERS faces possible insolvency because of a drop in value of about $73 billion from its asset base.

The individual cases that Saavedra and Campbell discuss are remarkable. The pip is one Bruce Malkenhorst, Sr., who held six different city executive positions at once for the city of Vernon, a major metropolis of 110 people. He got $600,000 a year salary, and wound up with a lifetime annual pension of almost a half million dollars a year. (He is currently under criminal indictment for embezzling 60 grand.)

Another indigent civil servant, Anaheim City Manager Jim Ruth, retired in 2001 with a lifetime pension of nearly $220,000, and now works as the city's sanitation chief at a salary of $225,000. So he clears a tidy $445,000 a year.

But the bulk of the people receiving pensions over $100,000 are retired public safety employees — police, firefighters, and prison guards. Their unions have proven very effective at using general public goodwill to get "3 at 50"contracts, which allow an employee to retire at age 50 with a pension equal to 3% of the final salary for each year worked. So after 34 years, the pension is 100% of the final pay.

And as the Sacramento Bee reported on March 2, fully 38% of the 11,454 Highway Patrol officers are paid over $100,000 a year, as are 23% of the 63,287 corrections officers. Add to this the fact that public safety workers can enhance their last year's salary in a number of ways (such as putting in overtime, or getting last minute promotions), and we can expect that the number of public safety retirees receiving over $100,000 a year in pensions will explode in the near future.

The problem here is that the public has allowed feelings of gratitude to undeniably wonderful public safety employees to be exploited by the unions. Rewarding someone who risks his or her life on the job is right, but going beyond reasonable compensation and saying that the sky is the limit is not. Compassion, like any other noble emotion, has to be governed by rationality.

The problem for California is that the voters have been ignorant and emotional. The problem for other states is that many of these voters are moving. — Gary Jason

Neverland — America lost the self-proclaimed "King of Pop" on June 25, and suddenly people rushed out to mourn him. In Los Angeles, fans circled around a star on Hollywood Boulevard with the name Michael Jackson on it, to sing Michael Jackson songs; even though that particular star belonged to a radio personality with the same name (and was no relation).

Just a couple months ago, Michael Jackson was a pariah. He was a likely child predator, with a creepy gingerbread amusement park, where no little girls were allowed. He was a narcissist who grotesquely mutilated himself to indulge his obsession with plastic surgery, leaving a hole in his face where his proud African nose originally stood. Hollywood couldn't have written a better gothic horror script. Yet upon his death, all seems forgiven. iTunes scored record sales for Michael Jackson tracks for the first time since it went into existence. He hadn't sold music in years, and his descent from fame had left him close to half a billion dollars in debt.

I think it's important to remind everyone what he really was. It was the obsession with his star status that led to his problems in the first place. No loving parents would ever drop their kids off with a middle-aged man in a sequined Nazi uniform who carried a monkey around and talked like a 5-year-old girl, but because it was Michael Jackson, parents didn't think twice about leaving their kids overnight.

Enjoy his music if you must, but don't ever forget that the man was a monster, and the world is a better place now that he's gone. — Tim Slagle

High court hypocrisy — Republicans are not only hypocrites; they are predictable hypocrites. Although there may be good reasons for Republicans to have questioned the nomination of Sonia Sotomayor to replace David Souter on the Supreme Court, that she is a liberal who was appointed by a Democratic president was not one of them.

Although Souter was part of the liberal wing of the court, he was appointed by Republican president George H.W. Bush. Not a single Republican in the Senate voted against his confirmation.

It was an earlier Republican president, Ronald Reagan, who appointed Sandra Day O'Connor to the court. Once again, not a single Republican in the Senate voted against her confirmation. She likewise turned out to be a tremendous disappointment to conservatives.

Then there is the most liberal member of the court, Clinton appointee Ruth Bader Ginsburg. Surely the Republicans in the Senate tried to block her nomination? The truth is, only three out of 44 Republican senators voted against her.

But even without all of this, the Republicans should have

continued on page 35

Libertarianism: A Force of Nature

by Alex Z. Modzelewski

Generation by generation, society is evolving toward greater liberty. Freedom to innovate increases, knowledge accumulates, and societies that have more freedom gain a large comparative advantage over others.

R.W. Bradford's classic article "The Two Libertarianisms" (reprinted March 2008), clarified some issues for me. Bradford contrasts a libertarianism based mainly on moral principles — what is *right* — with a libertarianism based mainly on "consequentialist" principles — what *works* to produce "a way of life under which human beings thrive." Bradford's discussion of "moralist libertarianism" helped me a great deal. Untrained in the philosophical underpinnings of the libertarian movement, I could not comprehend the apparent naivete of certain ideas I frequently heard.

One was the Libertarian Party's famous "non-aggression" principle: the idea enshrined in the party's declaration, "No man has the right to initiate the use of physical force against another man." Right on! But why would anyone expect members of the most aggressive species on the planet to refrain from aggression? I was reminded of "Proletarians of all countries, unite!" Having the doubtful benefit of learning a bit about Marxism by growing up in a People's Republic, I realized that Marx had no clue as to the workings of the real world. I came to suspect that the proponents of "moralist libertarianism" had no better grip on reality.

Of course, some people argue that it would be difficult to attract fighters to the barricades of libertarianism if the high moral ground were given up. But that sounds spurious to me. I have no desire to mix with moral fanatics. Nothing but destruction and failure is likely to result from such associations. I prefer the unglamorous "bathtub and candy bar merchants" — predictable, hard-working people who are unlikely to take extreme or desperate measures.

In my opinion, the ultimate success of the libertarian movement will come (if ever) not from a victorious revolution but from patient persuasion of our neighbors that, yes, everyone can live a decent life by counting on himself, without Big Brother's suffocating embrace. There is no point in rallying against corrupt politicians if the populace still expects them to deliver handouts. Politics will transform itself only when the people's expectations change. It may take a major social upheaval, initiated by a major failure of government, for popular sentiment to be modified, but until then the best course is to educate ourselves and our friends about how to manage a truly free society. There is a lot to think about. After all, has anybody really tried it before?

But in response to Bradford's challenge to define the basis of libertarianism, I want to present some thoughts coming from a less philosophical perspective.

I believe there are hard, biological reasons to believe that libertarian ideas are favored by evolution (or the Superior Intelligence, whatever your inclination). During the past 40 years, a new discipline, sociobiology, emerged to poke about the roots of social organization, using tools of scientific inquiry instead of speculation in the language of poets and social theorists. While sociobiology has been with us for a while, its implications are not familiar to most libertarians. Without pretending to be an expert in sociobiology or evolutionary biology (I am a surgeon), I'd like to provide an introduction to some ideas that are well worth knowing.

When the first cities were built, the division of labor resulted in a leap in productivity and wealth. But tax collectors, and rule by threat, could not be far behind.

There are two primary reasons for an organism — whether a garden weed or an American homeowner — to take an action: self-preservation and reproduction. Everything else derives its meaning and motivation from these primary, selfish goals. Regardless of the way in which the first strand of DNA came to be, it had to exploit its environment in order to derive energy needed to combat the inexorable gnawing of entropy. Crowded by other forms of life, and pummeled by the hazards of their surroundings, early organisms used occasional errors in the transcription of genetic codes to evolve protective cellular membranes, grow into multicellular beings, and achieve social organization. Nothing too controversial so far, just the textbook teachings of evolution and the second law of thermodynamics.

But the classical theory of evolution could not explain the "altruism" that developed in human and other mammalian species. It might make sense for an animal (including the furless kind) to risk its life to protect a set of genes encoded in the body of its offspring, but being killed or injured in defense of any other being would be counterproductive in terms of evolution. So, was this the defeat of evolutionary science? Was it time to concede to mystical motivations, to celebrate unselfish love and high-minded sacrifice as the explanation for human history?

No, it wasn't time for "Kumbaya." Kin-selection theory offers a much more plausible, if considerably less romantic, explanation. It appears that the roots of our selfishness reach deeper than individual consciousness. The primordial life that powers us, the DNA, cares only about itself, its own preservation and replication. The sophisticated structure that is built around it, a magnificent human body, serves merely as the genes' vehicle and multiplication factory, expandable without regret when the calculus of gene proliferation so dictates. Evolution favored the reproductive success of individuals who were more prone to self-sacrifice, so long as an act of heroism augmented the survival rates of brothers, sisters, and cousins.

An example: a soldier throws himself on a hand grenade to save a few mates from the certain death. We celebrate the act of heroism; it is worthy and laudable; but its origins can be traced all the way to the selfish DNA that inserted an altruistic gene into the brave man's body.

"Ah, not so fast!" an alert critic might say. "The soldiers in the foxhole are unlikely to be closely related; they almost certainly carry different genotypes. How can you claim that the hero's death will help to spread his genes?"

I make no such claim. The self-sacrificing soldier's DNA was duped. For millions of years, small bands of our ancestors consisted of closely related individuals: brothers, sisters, and first cousins. The DNA has no mystic abilities to tell brothers apart from strangers if they happen to dwell in the same closely knit unit. The armies of the world have always taken advantage of this confusion. It has been well documented that it is the survival of close buddies that motivates soldiers in battle; grand words about the beloved country, honor, and God come later, about the time of medal pinning. This explanation isn't likely to get much praise from songwriters, but at least it's real, and deeply grounded in our inheritance as humans.

The logic driving the development of highly complex beehives, anthills, bands of primates, or human societies is directly related to the advantages that such organizations afford. The higher efficiencies of food and shelter provision, of safety, and of increased opportunities to reproduce made these sophisticated associations the preferred way of propagating genes. But the advantage came with a price — loss of independence, even the forfeit of individual identity in some insect communities. Anthills are not friendly places for exuberant individualists or their political movements. Highly specialized communities have to live by stringent rules.

Still, the evolutionary track of *homo sapiens* thrust us toward more individual intelligence and self-conscious identity, augmenting the human potential for independent life. This relative autonomy obviously complicates the challenge of governing our societies. Pity the rulers of human populations! Just recall the trouble that discovery of the word "I" produced in Ayn Rand's "Anthem."

Let's think some more about rules. Methods have evolved to maintain rules of cooperation in groups of *homo sapiens*. These methods can be broadly classified into three categories:

1. The threat system. Rules are enforced by threats of retaliation by leaders and peers. This is the prevalent system in certain specialized institutions such as the police, the judicial system, and the military.

2. The exchange system. Relationships are based on favors and other good deeds performed in expectation of monetary or non-monetary compensation. A market free of outside pressures exemplifies this system.

3. The integrative system. Activities are motivated by such altruistic feelings as love, friendship, and solidarity, without any apparent promise of reward, except for feelings of fulfillment and happiness. A well-functioning biological family can serve as an example.

continued on page 26

Armageddon — Not

by Bruce Ramsey

One-eighth of the way through President Obama's term, there's reason to hope — that change doesn't really mean so much.

In my neighborhood, which votes at least 85% Democratic, I still see the red and blue Obama poster, "HOPE," and another, smaller image saying, "BELIEVE." They remind me of how out of step I am.

But I am also out of step with those who see the end of capitalism in Obama. He can do damage; he is only an eighth of the way through his term, and his "Change" involves things I detest. Yet I think of how difficult it has been in the past century to produce dramatic, government-expanding change in peacetime. Lyndon Johnson did it in the mid-1960s and Franklin Roosevelt in the mid-1930s. That is the magnitude of change Obama's most fervent fans want. But (cross my fingers) I doubt he can do it.

Last December I argued in these pages that Obama's ambitions were going to fall short unless business conditions dramatically worsened. And they haven't. As I write, feeling has improved. Public feeling is a sum of private feelings, and I can experience only my own. They are not too bad. My assets are smaller than they were last year, and my income is smaller, but I will be all right. I no longer feel as I did in the first week of March, when the Dow Jones Industrial Average had plunged to less than half of the October 2007 peak. Then I calculated that in the previous 15 months the Industrials had declined by almost the same percentage as they had in the 15 months following October 1929.

It was scary for a while. The crisis of September, with Lehman Brothers going down, felt like something from the summer of 1931. Last winter I could see the gloom in the emptying out of restaurants when I went to lunch. The traffic on my way to work was visibly shrinking, and gasoline prices were plunging. Everywhere the thought was, "How bad can it get?"

Now we know. In March the downward momentum broke, and the market started up. My lunch places started filling up again. Gasoline started back up. My state's economist looks at the pattern of car sales, house sales, and initial claims for unemployment pay and says, "The economy here is no longer in free fall." It's not strong; new home construction is still dead, and nobody will be starting office buildings for a while. But other businesses struggle, and survive. The Nucor mill in my town is quietly exporting steel billets to India.

I see beggars on the streets, but they are the same ones as before. What I don't see is desperation. I don't read about it. I haven't heard about it. Of course it exists: always there is some private desperation, and in a time like this, more than usual. But it does not set the tone.

Much of what I see is simply the resilience of individual people. Recessions end because individual Americans, on a micro scale, find ways to end them. Also to be considered is more than a trillion dollars worth of bailouts, plus the Federal Reserve System's cheap credit, spent toward preventing an economic collapse. Easy money provides the financial two-by-fours to start building again.

But it's a dangerous policy. Cheap credit, administered to revive business after the dotcom bubble, was the start of the housing bubble. If Ben Bernanke dishes out too much of it — and he may be inclined to do so — there will be another mess to clean up. Yes, cheapening credit does work, temporarily. If you are a bank, and have lost some of your capital, you need to make profitable loans — and that's easier if Ben Bernanke has given you a cheap source of funds. Bailouts are even nicer: if you lose your money and you're broke, the government fills your pockets and you're not broke any more. Yet as a long-run policy it is, of course, insane; it leads to massive money-printing. On my wall at work, I have a reminder of where that can end: a crisp banknote labeled, "TEN TRILLION DOLLARS, Reserve Bank of Zimbabwe."

In the short run, the Treasury can borrow the bailout and stimulus dollars from China or Saudi Arabia and avoid the fate of Zimbabwe. There is still moral hazard, and laxness; a free-marketeer can argue that the country would be healthier, and wealthier, if it bore the pain and got it over with. Sadly, that is not what is going to happen.

Return to the original thought: Obama is a mesmerizing leftist who will use an emergency to fundamentally transform America. It's not a silly proposition. Certainly, he does push left. But with his bailouts and cheap money, he has administered novocaine to the very emergency that gives him an advantage. And this is when he needs that advantage. If he is to be an historic state-expander like Roosevelt and Johnson, he has to push his biggest things through now.

As I write, he is pushing for a federal health-insurance program, and he may get it. But it looks as if it will be an add-on program, not a replacement for the system that exists. An incremental step, not a revolution. And there are signs that America is beginning to revert to its usual conflicted and inattentive self, to the condition in which it is difficult to make big changes in anything.

In analyzing this, it is important to separate the lasting things from the temporary ones. For example, Obama ordered the big-bank CEOs into the White House and instructed them to stop paying themselves large bonuses. Set aside the fact that a competent board of directors might have said the same thing; it was an eyebrow-raising thing for the president to do. The Frontline program "Breaking the Bank," run on state television on June 16, called Obama the "chairman of the board" of the "nationalized" banks. It's colorful talk, and will please left-liberals who like to scoff at supporters of the market. And what we have (and have had) is, unfortunately, far from a truly free market. But several of the banks have paid back the money Henry Paulson insisted they take, or said they would pay it back. The others will pay it back if they can. American bankers don't want politicians telling them how big their bonuses can be.

A free-marketeer can argue that the country would be healthier if it bore the pain and got it over with. Sadly, this is not going to happen.

Neither do the Detroit guys want to be bossed by the government. Some Democrats would like to mau-mau General Motors into selling nothing but electric cars, but they want private industry to make the investment. *They* don't want to do it, and have to pay for it when it doesn't work. No Democrat I know wants to turn GM into a giant Amtrak, permanently begging for billions. Their "rescue" of GM is temporary. Also partial: GM still is dumping Pontiac, Saturn, Saab, and Hummer. Eleven assembly plants are closing, shrinking the company by another third. Despite all the protectionism in the Democratic Party, Obama has not suggested protecting GM by keeping out imports — and, given his economic advisers, probably he won't. GM does get a wad of government money, which it shouldn't, but soon enough it will have to compete. Politically, GM is not too big to fail. It is merely too big to fail all at once.

Companies that can't survive are still going to die. Doing it with painkillers will make it take longer and cost more; pumping up the national debt and blowing out a trillion dollars will further weaken the currency and reward bad habits. But how many of Obama's changes are of the long-lasting kind?

A new federal health insurance plan could be, as could controls on carbon emissions. As I write, a push is on for both things. But Obama had to use his first hundred days — the time in which FDR passed the original New Deal — for finger-in-the-dike activities. Megan McArdle of The Atlantic wrote on June 18 that the Democrats "dissipated a hell of a lot of the money and political capital . . . on the stimulus and the GM bailout" and thus disappointed those with "visions of 1932." Now the Congressional Budget Office tells Ted Kennedy

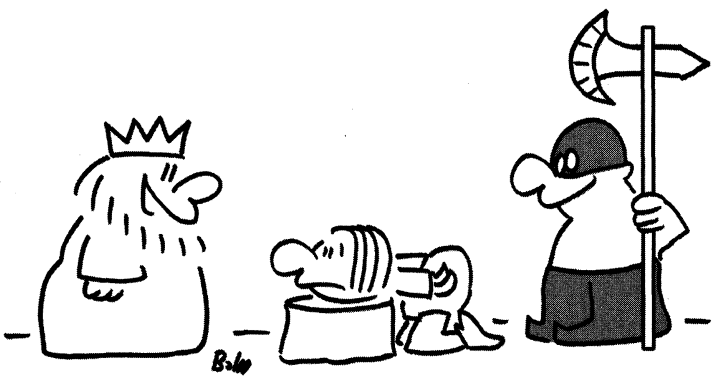

"Hey, sometimes change is a *good* thing!"

his medical plan will cost taxpayers a trillion dollars over ten years. If it looks like a trillion now, you can bet it will be several trillions then; the history of Medicare and Medicaid taught us that. Most Democrats know there isn't the money for the radical versions of their party's idea.

The greens' proposal to set up a "cap-and-trade" system of marketable carbon-emission permits calls for another change that could be permanent. Right now, they're having trouble selling this idea. The program looks like a big new tax. Already Obama has shelved his campaign proposal to increase personal income tax rates, bringing them back to Clinton levels. The trillion and a half blown out the door cannot be spent twice. The "Blue Dog" Democrats begin to fidget. Enthusiasm wanes. As I write, the card-check labor organizing bill, which was expected to have a much easier time this year than last, has been sent to committee — a possible death blow. Obama's commitment during the campaign to leave Iraq by mid-2010 is broken; the question now is whether the soldiers will be mostly gone by 2012, when Obama runs for a second term.

Much of the Right is portraying Barack Obama as a socialist. I don't think he is; I think he is simply a believer in the administrative state and in the rightness of himself as the head of it. In any case, however, the ideological climate does not allow for a wholesale abandonment of capitalism. It did in the 1930s, when the intellectuals believed that capitalism was dead and about to be replaced by something better, something like Mussolini's fascism in Italy, or that bold new system in Russia.

If that were the climate now, you would hear Obama talking like this:

> The moneychangers have fled from their high seats in the temple of our civilization. We may now restore that temple to the ancient truths. The measure of the restoration lies in the extent to which we apply social values more noble than mere monetary profit.

That was Franklin Roosevelt in his first inaugural address, in 1933. Here he is in his State of the Union, 1936:

> Our resplendent economic autocracy does not want to return to that individualism of which they prate, even though the advantages under that system went to the ruthless and the strong. They realize that in thirty-four months we have built up new instruments of public power. In the hands of a people's government this power is wholesome and proper.

That is what a leftist government sounds like. That was the crisis of capitalism. Then people envisioned an alternative to private property and the market. The crisis of the past year, writes Ross Douthat in his June 15 New York Times column, "hasn't turned into a crisis for democracy and capitalism, because nobody has a plausible alternative." And they don't.

In November, Americans voted for the Democrats, having lost faith in the Republicans. In June, Europeans went to the polls and voted for the parties of the Right, having lost faith in the parties of the Left. The tide of politics goes in and it goes out. In November 2008, Americans voted for a man who offered "change," but for most voters, the change was simply him.

Robert Higgs argued in "Crisis and Leviathan" (1987) that what makes the difference is the ideological framework of politics. In his chapter on the progressive era, he talks about "a profound transformation of the ideological environment" in the early 20th century, which led ultimately to the New Deal. We have seen some change in our own era: the idea that individuals should be held responsible for their own health has eroded. The Green agenda grows. The idea that Wall Street can be trusted has been discarded. These are changes in the ideological environment.

But there remains among Americans a suspicion of government and resistance to making it bigger, and this is also part of the ideological framework. You see it openly in the "Tea Party" protests, but it is much wider than that. In my state this year — an Obama state — Democratic leaders wanted to raise taxes. They had a strong majority, and they could have done it. But they would have had to put a tax increase on the ballot, and they feared how the people would respond. In California, the biggest Obama state, state government did put its appetites on the ballot, and voters responded with a resounding no.

Higgs has a second big idea: the ratchet effect. Every time the government has a crisis, its power grows, and after the crisis its new power is mostly retained. And during the 20th century things seemed to work that way. But nothing is inevitable about it; it was ideology that allowed the power to be retained. And always there were counter-examples. When I was young the draft seemed like a permanent thing, but it wasn't. The restrictions on gold ownership seemed like a permanent thing, but they weren't. The "fairness doctrine" on radio and TV seemed permanent, but it wasn't (and the recent effort by Democratic congressional leaders to reinstate it failed miserably). Internationally, communism seemed like a permanent thing, but it wasn't.

The CBO says Ted Kennedy's medical plan will cost taxpayers a trillion dollars over 10 years. If it looks like a trillion now, it will be several trillions: Medicare taught us that.

The bailouts of corporations will not be permanent. They violate the norms of American culture and are unpopular on both sides of the political spectrum. The huge subsidies to state governments will be harder to stop; already the states think they can't live without them. And yet, if the influence of the Obama administration is mainly in the amount of money it spends rather than the institutions it creates or destroys, it will fall short of being a transformative presidency like Roosevelt's and Johnson's.

And so, I pass the middle of 2009 with a measure of optimism or, at least, non-pessimism. My good feeling does depend on one thing: that the Americans who don't like the proposed changes talk, write, meet, organize, petition, sue, and vote against them. If enough people do such things, the system locks up. "Change" becomes just another word of political marketing, and need not be the name of a chapter in a future American history. ❑

Libertarianism: A Force of Nature, *from page 22*

All societies employ some combinations of these three systems, their character being determined by the predominance of one or another such method of persuasion. Our primitive ancestors were strongly bound by family ties. Precedence was held by the biological urge to protect one's kin. The world was young, with a lot of empty space open to all; in case of strong family disagreement, aggrieved parties could part without bloodshed. The integrative system probably prevailed.

Things changed when humans developed agriculture. Increased production allowed the barter of excess food; trade started in earnest. When the first cities were built, the division of labor resulted in a leap in productivity and wealth. But tax collectors could not be far behind, and the community's *modus operandi* changed dramatically in favor of rule by threat. At the same time, the mobility of the producing class decreased dramatically; farming was the only game in town, and except for a small class of skilled workers, abandoning one's field meant starvation. Ordinary producers were now trapped in a system of coercion. Personal liberty all but disappeared for the majority of the population.

Fast forward now to the industrial revolution, which released untold millions of people from agricultural labor so they could attend to the needs of rapidly growing industries. At first, their material fortunes might be not be much improved, but with freedom of movement and the ability to withdraw their services, they could achieve greater purchasing power and raise their political status. The unrestrained system of rule by threat shifted toward the system of voluntary exchange of services for goods and money.

This shift continues and accelerates, as barriers to mobility keep falling. What once was a major inconvenience and substantial risk for a 19th-century immigrant to America is now a relatively pleasant seven-hour excursion. National borders are porous, and people who have skills that are in high demand can walk in through the main door. Governments fight rearguard battles to retain some control over movement of people and of money, but the threat system falter rapidly when confronted with labor mobility, efficiencies of exchange, and the allure of personal freedom.

A libertarian political system — based not on threat but on a broadly defined self-interest, and with the exchange system prevailing — has become a possibility. Mobile, productive workers are gaining unprecedented power because national and multinational organizations have to compete in order to obtain their services. Oppressive states get stuck with low-quality workers incapable or unwilling to keep pace with frontrunners; these states consequently fall behind in a global competition.

But what about the integrative system of social coordination? What about societies built on love, promises of equal sharing, or solidarity? The grand-scale experiments of communism and fascism have been condemned by their outcomes. In practice, social structures based on patriotism, class, or ethnic brotherhood have rapidly degenerated into totalitarian, terror-based societies. And yet — who knows? — perhaps an integrative way of life will work better when coupled with the exchange system and applied on a smaller, community scale. After all, the kin-selection principle works best within families and small groups. A society based on libertarian (exchange system) principles, but incorporating integrative attitudes in small communities, might succeed where unrealistic socialist states failed. Certainly a system regulated more by threat than by exchange would not promote a truly integrative means of life.

Viewing human history from the perspective of biological and social evolution, we can see that the rapid changes of the past 300 years dwarf the slowly accruing alterations of the previous ten millennia. For millions of years, the unhurried genetic accumulation of new features proceeded in tandem with slow transmission of cultural heritage. All mammalian species use inter-generational instruction (parents to children) to improve chances of survival for their young, but *homo sapiens* acquired a new and revolutionary device: symbolic thought. A few hundred years ago, when abstract thinking was combined with a practical method of retaining and disseminating accumulated wisdom — the printing press — cultural evolution took off on a moon-shot trajectory. A vertical, parents-to-children transmission was supplemented by innumerable modes of information exchange: formal education, media instruction, peer groups, etc. Extended by 21st-century means of information storage and dissemination, invented and disseminated within the framework of the exchange system, the amount of new knowledge is now limited only by the brain's capacity to absorb it.

Accordingly, the ratio of genetic to cultural change (nature vs. nurture) in our evolution has dramatically changed in favor of cultural transformation. This should be the last nail in the coffin of any notions about genetic superiority or purity. Genetics are responsible for only a small portion of disparities among individuals. Genetically, all of us are not that much different from our root-hunting ancestors. Our intellectual prowess relates mostly to individuals' ability to access, and willingness to use, information available to them. For this reason, a prominent physicist can win the world's acclaim despite being imprisoned in a grotesquely deformed body, a condition that would have led to his being exterminated in a society obsessed with genetic purity.

At present, it is the direction of our *cultural* evolution that has immediate and serious consequences for our species. Whether they work for a living or not, individuals have been freed from the threat of starvation. Relieved from the fight for

continued on page 36

"I hunt, she gathers, and my no-good brother-in-law scavenges."

Bastiat on the Bay

by Michael Christian

Where are the libertarians among the high and mighty, the Francisco d'Anconias of the world?

Warren Buffet opposes lower taxes on dividends and supports collectivist politicians. George Soros espouses all kinds of statist nonsense. Alan Greenspan, until retirement touted as the most powerful libertarian in government, now seems to think that insufficient regulation was responsible for the current Great Recession. Hasn't anyone noticed that the industries suffering spectacular collapses because of bad risk management are two of the most heavily regulated industries in the country — banking and insurance? Think that's a coincidence?

Today the rich and powerful take communism with their caviar and liberalism (the modern, debased kind) with their limousines. This is depressing. Shouldn't productive, successful people be natural libertarians, or at least small-government Republicans?

I recently witnessed some encouraging evidence that many of them are. These natural lovers of freedom, personal responsibility, deregulation, and low taxes were to be seen at a regular, though informal and slightly drunken, meeting of a book club in, of all places, San Francisco. All but one of them were strangers to me, and meeting them was a bit of an adventure. By the way, if they aren't already public figures, I expect some of them will be, and since I was dropping in on their private get-together, I will use their initials rather than their names.

We were to rendezvous at the downtown residence of one of the clubmen. Most of us arrived at the lobby of the St. Regis at about the same time. The doorman recognized the regulars and eased our way across the marble floor. I jumped into the elevator with this clutch of likely looking young men, wondering when I would start to feel as if I were wallowing in pretentious middle-brow mud. The first thing I learned was that I am older, déclassé, and unfashionable — in fact, ignorant of fashion.

I learned this by looking down at our feet. Half of those guys were wearing outlandishly long, pointed shoes. Some of them were wingtips and some of them were loafers, but the style was de rigueur. I almost laughed out loud, because, well, to this provincial bumpkin they looked like dressed-up, filed-down clown shoes. But the laugh was on me: fashion is mostly arbitrary, and I was out of it. Everyone except C., the ostentatious original in the group, had a very expensive

looking way of dressing down. When I dress down, which is always, I'm a half step from Goodwill. It isn't reverse snobbery; it's a sad symptom of being lazy and cheap.

To prep for the meeting of the book club, they had to choose a book. This they did by a lively exchange of email that went on for a week or so before the appointed meeting date. I got into the discussion halfway through. They thought about Orwell's "1984" but didn't want to break their no-fiction rule. Someone made the following proposal, which seems to have been ironical: "While I'm sure many of you wanted to read the Communist Manifesto for our next book club, I figured we get enough of that in the typical Obama press conference." They decided that Stephen Pinker's "The Stuff of Thought" was too much work and not enough fun. But when they finally made their choice, it was a work of the year 1850, Frederic Bastiat's "La Loi" ["The Law"], a classic proto-libertarian text.

Hasn't anyone noticed that the spectacular collapses from bad risk management are in two of the most heavily regulated industries in the country — banking and insurance? Think that's a coincidence?

Ever the snob, I read it in the original French; but the guys politely overlooked my Euro-geekery, and from the elevated perspective of the huge suite atop the St. Regis, it was easy enough to overlook it. Lush Persian carpets muffled the pointed feet, and additional comfort was provided by a collectible $200 magnum of Sea Smoke pinot noir, which had been "lying about collecting dust for a few years." They were venture capitalists, merchant bankers, management consultants, entrepreneurs, and mostly Stanford graduates. Late twenties to mid-thirties. All single. Two engaged to be married and one who should be. I put the participants' average income in the small millions, even with me there to drag it down.

They were practical men, not the niggling ideologues who too often exemplify the curious subspecies that we call "libertarians." Still, their words evinced a thirst for freedom that put them way outside the political norm. In the email string, one of them had written this about a conversation with an industry expert:

> With no provocation from me, he digressed from a discussion of the current health-care reform proposals to lamenting what is happening in terms of regulation, taxation, inability to accumulate wealth during his prime earning years, etc. He concluded his digression (mostly in jest) by saying he is contemplating moving his family to Switzerland. I thus find a bit of optimism with the new day. Perhaps Atlas will shrug and there is hope. . . .

J., who wrote that, expressed all of his views with a passion that, I think, spilled over from a large pot of anger (anger that was perhaps not always inspired by the subject at hand, but that's the sort of thing that makes the world go 'round).

As I might have predicted, Bastiat inspired J. to fire off some powerful tirades. C. looked for radical implications, as in "what should we *do*?" Could we move to a tax haven? Start a new country? Go underground? M. drew scorn by hinting at the merest compromises to principles of liberty. But, as S. softly guided the debate back to Bastiat, I thought that these were men who could make *smart* compromises in the interest of liberty, especially economic liberty.

It was my own first reading of "La Loi," and I did my homework before attending the meeting. Bastiat, I knew, was the author of the famous "petition on behalf of candlestick makers," a masterpiece of irony that condemns the sun for unfairly competing with candlestick makers and other purveyors of light, and pleads for government assistance and regulation. "La Loi," I found, was an interesting mix of original and unoriginal ideas.

It starts with a natural rights argument that was well known in America long before 1776. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." Sound familiar? It's a fair summary of the first few paragraphs of "La Loi," written about 75 years after the Declaration of Independence.

So Bastiat's first proposition about his subject, the nature of law, is radically different from Rousseau's ideas about a "social contract," because it places individual rights above all other considerations. There is no compromise; the law should only protect life, liberty, and the pursuit of happiness. It must never "plunder" or "despoil." (Here I'm translating Bastiat's French word "spoliation," a word he uses often throughout this long essay. The law must never take from one person to give to another. And it must never forbid the individual's protection of himself.

I, my 45 Colt, Sig 380, and S&W 357 magnum appreciate Bastiat's complaint against the laws that have turned self-defense into a crime (*"légitime défense en crime"*). But there's ample evidence that Bastiat is wrong when he turns from natural rights to a cost-benefit analysis of crime suppression. He supports basic criminal law with the assertion that the collective must see to it that crime doesn't pay. "When does all this plunder [of man against his neighbor] end? Only when it becomes more painful and dangerous than work." (*"Quand donc s'arrête la spoliation? Quand elle devient plus onéreuse, plus dangereuse que le travail."*) In fact, many people refuse to commit crimes that they could easily get away with, while others go ahead and commit crimes that are very likely to be punished severely. The typical bank robber, for example, can expect infrequent success, small rewards, and harsh punishment. But I guess that Bastiat can't go as far as David Friedman. Bastiat needs criminal law and cops and robbers.

His notion of why crime should not pay resembles Justice Holmes's "bad man" theory of law, also known as the prediction theory of law. Holmes abandoned natural-rights theories on the basis of an idea that bad men didn't give a hoot about natural rights and had to be shown that the law would make being bad a poor gamble. In other words, the law should be a prediction of consequences, and the consequences should discourage bad behavior. This unfortunate theory eventually

continued on page 36

The Tabasco Effect

by Jacques Delacroix

From grumps in Spanish cities to sunnier kids in small towns, food says a lot about culture. And culture is the best foreign policy tool.

My wife and I are good tourists. We don't attempt too much because a vacation should not be like spring cleaning. We go by bus, train, and on foot, and we see what we are pretty sure deserves to be seen. We have no regret about missing the rest. If something desirable, like attending a bullfight, requires foresight and organization, we tell ourselves it's pretty good on television also. Mostly, we follow the natives when they are having fun, and we sit in interesting places to see life flow before our eyes.

That's what we did last year, first in Seville, a beautiful city by any account and then, in Granada, also interesting but a more demanding place.

The world — with the exception of the Native Americans — owes Spain the Americas, North, Central and South, and consequently tomatoes, potatoes, corn, nearly all the variety of chilies that bring tears to your eyes, and chocolate. Spain also invented *tapas* — the gastronomical concept, the variety of dishes, and the social ritual.

Tapas are a modest but unmixed blessing. They are sundry small dishes you consume with wine, in place of dinner. The Spanish have invented a verb, "*tapear*": the custom of walking from open-air bar to open-air bar, usually with friends, drinking a glass of wine or two and eating a dish of *tapas* or two in each establishment. It's an ambulatory activity. You don't sit down to eat *tapas*; you stand or you wedge yourself on high stools, elbow to elbow, congenially, with strangers. The *tapas* scene is a great pickup scene, perhaps the only pickup scene in Spain. Walking round from bar to bar prevents you from getting drunk too quickly, and it staves off worries about DUI.

Much Spanish sit-down food is conventional and on the heavy and bland side. But *tapa* dishes always have character. They can be anything at all. There might be dried salami, or regional cheese, or squid and other seafood prepared in exotic ways, even simply souped-up potatoes. Every bar offers a range of *tapas*, but each has its own specialties. In one, it will be shrimps in garlic; in another, smoked ham from the proprietor's own half-wild pigs.

I am old enough to remember the days when *tapas* were a concrete expression of Spain's forced abstemiousness. Under dictator Francisco Franco, the mean-spirited and pious

victor of the '30s civil war, poverty in the Spanish middle class reached down to Third World levels. There was almost no discretionary income among ordinary people. A cup of coffee in a public establishment was a Sunday luxury for many Spaniards. Bars would bring in customers for their wine, the poor man's luxury, and induce them to forego dinner at home by offering free side dishes, *tapas*. The *tapas* then were often seasonal and an expression of specific regional poverty. A long time ago, in the back country of Catalonia, far from the glistening and charming Costa Brava, I had an unforgettable *tapa* dish of snails cooked in duck fat. The snails were from the vegetable garden outside and the fat probably left over from a roast. It was delicious! *Tapas* are not free any more, but they still constitute a summit of Spanish civilization, an instance of the great virtue of making something attractive out of next to nothing.

There is a natural law: the fewer the worthwhile sites, the more pleasant the inhabitants.

Spain seems prosperous now. Elegant young women in short skirts rush around in the main commercial streets of the largest cities at noon. Yet the impression of ease of living is shallow. And the country has not been prosperous for long. Some effects linger of its interminable grinding poverty. The shadow of the sinister Franco is everywhere if you know the story. Franco was a bitter winner. He kept shooting his former enemies in prisons, many years after they had ceased to be a political threat. I suspect that the fascist regime kept Spain deliberately poor for 40 years in the midst of ever-growing European incomes, because dictator Franco thought poverty made the people virtuous. His was a kind of Catholicism you encounter seldom in Europe outside of Poland. It's illustrated by holy pictures of weeping Madonnas and of savagely realistic Bleeding Hearts of Jesus.

Structural vestiges of former poverty persist in many forms of employment. The Spanish treat as plum positions many jobs that would go to near-starving young artists in New York, and to Third World immigrants in Munich. Often, menial but well-paying jobs are jealously guarded by older men. *Tapa* bartending is an example. It's a job that requires a good memory, to keep tab, and fast action: every order must be satisfied instantaneously because there is a tempo to the *tapear* promenade and there is another *tapa* bar next door, and another across the street.

In the *tapa* bars, the waitstaff are almost entirely men in their late 50s to mid-70s. I am guessing they secured their jobs after long apprenticeships, perhaps busing tables or working in the kitchen. They are in no hurry to relinquish their pinnacle positions because there is *no* chance they might earn as much anywhere, any time. Besides, the mental habits acquired during a harsh Franquist childhood probably never quite leave you. Where there is no economic growth, employment security seems everything. That's what you learned at 12; that's what you believe at 60.

The old *tapa*-men tarry until they can't see so well anymore, while the unceasing demands of the customers seem to get less bearable by the year (although customers are probably, objectively, pretty much the same from season to season). Mostly, it's a standing job, and the men's feet hurt like hell. For all these obvious reasons, *tapa* bar-tenders are almost invariably sullen or surly. They will ignore you on purpose, fail to acknowledge your order (but fill it faultlessly), throw your dish on the counter with contempt, and pointedly refrain from thanking you for the (non-obligatory) tip you hand out.

One especially ugly old guy took a dislike to me because he detected a French accent in my Spanish. That was very annoying on a personal level, since I am inordinately vain about my Spanish. Or perhaps, it was just a lucky guess on his part, because he did not like something else about me, maybe my face, or my wife, or he just needed a scapegoat at the exact moment when I showed up. At any rate, if you are in a tourist-dependent industry, it's not completely rational to show antipathy for citizens of the country that is the main source of tourists visiting you! For Spain, that would be France.

I have a devil in me, so I did not even try to stop myself from torturing the mean old guy for a half hour. I told him how I would alert all my friends in Paris who planned to travel to Spain, send them to his establishment, tutor them on how to place difficult orders in French, and generally encourage them to act haughty and supercilious toward him, as only the French know how to do. And he, of all people, knew for sure how stingy French travelers are, I reminded him!

Obviously, if you are a good tourist, much of your impression of Spaniards is going to come from *tapa* bar attendants and also from museum guards and shop owners. Museum guards everywhere are not a joyous or lively kind. It's their function to be suspicious, including and especially of small children. Most shop owners are okay, but, they are only Europeans after all. Europeans in general are rarely pleasant, except maybe on vacation. Passersby whom you stop for directions are usually kind enough, but they are not as excited about your being in Spain, or in Paris, as you are. You get used to it. You don't go to Europe for the smiles but for the sites. There is a natural law operating there: the fewer the worthwhile sites, the more pleasant the inhabitants. I am thinking that residents of Kansas City and Cleveland are much nicer than San Franciscans and New Yorkers, God forbid!

Incidentally, the crabbiness of Europeans is less often personalized than American travelers like to think. To speak English with a French accent in America, as I do, is to be asked 20 times each year why "the French hate Americans." They don't, honey; they are just not very nice, "Irma la Douce" notwithstanding (that's the old movie). Europeans in general just don't enjoy everyday life as much as Americans do. There are good reasons for this, but that's another story.

Being experienced tourists, my wife and I treat crabbiness like the weather. It makes things less pleasant, but it's part of the package, and there is not much you can do about it. (Except that every so often, we make it a challenge to force someone to smile.) You get used to Euronastiness; you learn to ignore it most of the time.

continued on page 35

Uchronia, or Alternative History

by Leland B. Yeager

The history that didn't happen can be just as interesting as the history that did.

This article is a small example of its own topic. Except by chance, I wouldn't now be writing it. Not finding what I wanted while browsing in our library's magazine aisles, I came across mention of "uchronie" in Le Nouvel Observateur. The philosopher Charles Renouvier chose this word as the title of his novel of 1857 and 1876; he coined it from Greek roots meaning "no-time." He was following the pattern set by St. Thomas More, whose "Utopia" derives from roots meaning "no-place." Utopia is a place that does not exist; uchronia is a time that did not exist. Uchronian works — to introduce the English adjective — are also called "what-if," alternative, conjectural, or counterfactual history. They consider what would have happened if something else had chanced to happen.

Such works fall into two categories. The distinction is fuzzy but useful. Writings of the first kind, unlike actual history or a standard historical novel, are sheer fiction. They are not speculations about real events; they are stories that stand on their own. The "Star Wars" movies and Tolkien's tales are good examples. Another is "Islandia," a novel by Austin Tappan Wright, published posthumously in 1942. Wright describes events and personalities in a country on a fictional continent in the southern hemisphere before World War I. The people of Islandia, while highly civilized and advanced in philosophy and psychology, prefer their old ways, rejecting railroads and most other modern technology and narrowly limiting contact with the outside world. The reader (this one, anyway) drifts with the author into sympathy with the Islandian way of thinking.

Edward Bellamy's "Looking Backward" (1887) projects an opposite vision, one intended as backward only in an ironic sense; it imagines a prosperous and happy socialist utopia of 2000. This uchronia actually exerted some influence in its time, converting many readers to socialism because they wanted to live in the world of Bellamy's vision. A less satisfying example of the first category of uchronian works is "Hadrian VII" (1904), a rather amateurish fantasy by Frederick Rolfe, the self-appointed Baron Corvo. Its hero is a frustrated would-be priest whom a deadlocked College of Cardinals implausibly elects as pope, the second English pope in history. Pope Hadrian radiates his benevolence right up to World War I or, rather, to its avoidance. His ministrations successfully adjust the world's important political conflicts. This story also had

real-world effects. The oddness of the book and its author inspired a famous work of literary detection, "The Quest for Corvo" (1934), in which A. J. A. Symons discovered how strange the "Baron" actually was.

The second (and my preferred) category of uchronian literature is more strictly what-if history. It concerns actual events or circumstances that might plausibly have been different. "If: Or History Rewritten," edited by J. C. Squire (1931), samples the genre with stories by many writers. Phillip Guedalla supposes that the Christian Reconquista of Spain had somehow not gone far enough to absorb the Moorish Kingdom of Grenada, leaving it a power in international affairs into the 20th century and presumably beyond. Hendrik Willem van Loon supposes that the Dutch had retained Nieuw Amsterdam until, by a treaty with a curiously libertarian provision, it joined the United States in 1841. André Maurois supposes that Louis XVI had been firm enough to keep Turgot, his liberalizing finance minister, until and beyond 1789 (when the French Revolution began, in the real world), instead of dismissing him in 1776. Hillaire Belloc supposes that the cart that blocked Louis' path when he tried to flee from France in 1791 had gotten stuck before reaching the crucial spot at Varennes. Emil Ludwig asks what if German Emperor Frederick III, liberal-minded and married to a daughter of Queen Victoria, instead of dying after only 99 days on the throne in 1888, had survived and exerted his moderating influence until 1914. Winston Churchill, in a double twist, writes as a historian in a world in which Lee had actually won the battle of Gettysburg and who speculates about his *not* having won. Milton Waldman supposes that Booth's shot missed Lincoln. G.K. Chesterton imagines Don John of Austria married to Mary Queen of Scots; Harold Nicholson, Byron enthroned as King of Greece; and H.A.L. Fisher, Napoleon escaped to America and became a prosperous planter. Squire, the editor, postulates discovery of proof that Lord Bacon wrote Shakespeare's works.

Such speculation can deepen our understanding of economics, psychology, military affairs, theology, and even natural science.

Such speculation need not be frivolity. Contrasts with what really happened can deepen our understanding of actual history and of theories of economics, psychology, political science, international relations, military affairs, theology, medicine, and even natural science as applied by decision makers of the past. History for us was the unknown future for them. And each of us has undoubtedly experienced choices in his own life very differently from the way in which a biographer would describe them. He would know the results; we didn't.

One subcategory of conjectural history doesn't much appeal to me. Like Guedalla's Grenada scenario, it speculates about *major* trends or conditions that turned out different from the actual ones. What if the dinosaurs or the Roman Empire hadn't disappeared? What if Europe had never discovered America? So sweeping a conjecture is unsatisfying because it focuses on general frameworks of history instead of particular events, ones that may have seemed unimportant in themselves but had major consequences. (Just what might have enabled Grenada to survive the Reconquista?) Likewise, it seems out of the spirit of the genre to use some event or non-event as a take-off point for sheer fiction, as about Napoleon's imaginary exploits in the New World.

Divergences between what did happen and what might have happened sometimes trigger momentous domino or butterfly effects. Several may particularly interest libertarians. What if the Civil War had been avoided (as supposed below), and with it the federal government's domination of the monetary system? What if the Federal Reserve System had never been created? What if Chancellor of the Exchequer Winston Churchill had heeded warnings against returning Great Britain to the gold standard in 1925 at the no longer viable prewar parity? What if (as Milton Friedman and Anna Schwartz have speculated) Benjamin Strong, Governor of the Federal Reserve Bank of New York, dominant figure in the Federal Reserve System, and a better intuitive economist than most of his colleagues, had not died prematurely in 1928? What if Harry Gunnison Brown or Irving Fisher had headed the System, or if his advice had prevailed around 1929? Would an ordinary recession have turned into the Great Depression, creating opportunities both for the New Deal and for Hitler? I think not.

But we can carry speculations further. What if Giuseppe Zangara's shot at President-elect Roosevelt in February 1933 hadn't killed Chicago's Mayor Cermak instead? What if the United States hadn't adopted the silver-purchase program of the 1930s, which benefited domestic silver interests but ruined China's monetary system and thus improved the chances of the Communists? What if Von Papen and his associates, early in 1933, had not expected to manage Hitler and make him a safe choice for Chancellor? What if Hitler had decided to finish off England in 1940–1941 before tackling Russia? What if FDR, seriously ill, had died before the Yalta conference of February1945 — or earlier, while Henry Wallace was still vice president? What if Hitler had died in the nearly successful attempt to assassinate him in 1944? What if Lee Harvey Oswald had proved a poor marksman at Dallas in 1963? How would Gerald Ford and the country have fared if he had not pardoned Richard Nixon? Or what would Nixon's refusal of a pardon have meant? What if the tight vote in Florida in 2000 had gone the other way, as it might well have gone, were it not for hanging chads, misaligned ballots, and accidental votes for Pat Buchanan? A Gore administration would have been a disaster, but of a different sort from the disaster Bush brought us. And would today's financial crisis be less or more severe if the rescue of Long-Term Capital Management, orchestrated by the Federal Reserve in 1998, and of other institutions before and later hadn't worsened the dilemma of moral hazard?

Sure, history has its deterministic aspects; Marx stressed technology. But the possibilities inherent in many junctures of history discredit overemphasis on determinism and underline the element of chance. Suppose that Pontius Pilate had saved Jesus Christ, forestalling his crucifixion and the resurrection story. Would Jesus still have become the focus of a religion dominating, for good and ill, most of the Western world? Or would he have remained an itinerant preacher scarcely men-

tioned in the history of religion? Would one of the mystery religions of the Eastern Mediterranean have become dominant instead of Christianity?

Consider an episode of British history. Queen Anne had 18 children, more or less, counting miscarriages and stillbirths as well as live births. If better medical care had managed to save even one of these potential heirs beyond Anne's death in 1714, the Protestants of her family, the Stuarts (the Catholics among them being ineligible by law) would have retained the British crown. But Anne died without leaving a Protestant Stuart heir, so the crown passed to the distantly related House of Hanover. Hanoverians had very different interests and political traditions. It was among them that the British developed what came to be the characteristically modern party-and-prime-minister system. Would it have developed in a similar way under a Stuart succession?

Here we are speculating about the latent potential of people and movements that we can identify. But what about the multitude of what-if cases that never had a chance to come to our attention? Were it not for the accident of dying early, how many men and women would have survived to change the course of cultural and political history? This is a theme of Gray's "Elegy Written in a Country Churchyard":

> Perhaps in this neglected spot is laid
> Some heart once pregnant with celestial fire,
> Hands that the rod of empire might have swayed,
> Or waked to ecstasy the living lyre.

Here, perhaps, speculation ceases with our lack of knowledge. But events that are too certain are not fruitful subjects of speculation, either. Historical struggles make poor examples of uchronia when the advantage was decisively on one side. They become more interesting when the details could easily have gone the other way. "My kingdom for a horse!" cries Shakespeare's Richard III at Bosworth Field. To me, even more interesting than battles that might have gone in either way are wars that might have gone in either way — in the sense that they might have been avoided.

If American war hawks had not misrepresented the explosion of the *Maine* in Havana harbor in 1898, Spain might well have remained a substantial power; and the United States might have avoided its deeper colonial and geopolitical burdens. Suppose that hotheads had been less influential in Charleston in April 1861 or that Jefferson Davis had restrained them. The Confederates could have been more patient, not falling for Lincoln's provocative move to resupply Fort Sumter. Without their firing on the fort, Lincoln could not have whipped up war fever in the North. How would a few more months or even years of a Union garrison in Charleston harbor have impaired Confederate independence, thus far succeeding? After all, the garrison had been allowed to *buy* supplies in Charleston even after secession. Neither side expected four years of tragic bloodshed. The issue of slavery might have been resolved at much less cost for either side.

France in 1870 is an example of not taking "yes" (compliance) for an answer. The Spanish provisional government had invited a Hohenzollern prince to become the country's new king. The government of the French Emperor, Napoleon III, objected; and the German prince, a member of the house then ruling Prussia, withdrew. Events could easily have stopped there, but they didn't. Not content with this diplomatic triumph, the French foreign ministry tried to humiliate the Prussians further. It instructed the French ambassador to accost Prussia's King William I at a spa and press for written assurance that no such candidacy would ever be renewed. The king politely refused. Bismarck, the Prussian prime minister, published the king's report of the episode after tendentiously editing it to give the impression to the French that the king had insulted their ambassador and to the Prussians that the ambassador had been impolite to their king. Empress Eugenie of France, a leading war hawk, expected that victory would further consolidate the Napoleonic dynasty. So the French enthusiastically let themselves be tricked into declaring war, even though they were militarily unprepared and lacked even adequate maps of the likely theaters of operations. Napoleon III lost his throne, the Bonapartist Second Empire collapsed, France lost Alsace-Lorraine, revanchisme emerged as a political force in France, and danger of another war developed. What if soberer minds had prevailed in the French government? What if the Spaniards had invited some non-German as their king in the first place?

As the end of the Second Empire hinged on chance, so did its beginning. Louis-Napoleon Bonaparte, as he was then known, staged a generally unforeseen coup d'etat on December 2, 1851. His term as president of the republic (won by name-recognition) would soon expire, and the constitution barred his reelection. Hence he seized power. But his cruel stroke might well have failed, and with it the train of events that led France and Germany to the wars of 1870 and 1914.

The Great War was a tragic and unnecessary modern turning point. Think of its consequences — economic, political, military, and psychological. In 1914 no power desired or foresaw a war so long and bloody; although a complicated network of alliances did pose danger, events on the scale that later developed were not predicted. They did not stop with the armistice of 1918. World War II followed, largely as a consequence of and sequel to the first war. One of the causal connections was the fact that Germany's defeat and the ensuing Treaty of Versailles gave Hitler material for domestic propaganda. But what if advice not to punish Germany so severely had prevailed at Versailles? Or what if Britain and France had acted decisively when Hitler first violated the treaty in 1934–1936?

What if the Civil War had been avoided, and with it the federal government's domination of the monetary system? What if the Federal Reserve System had never been created?

The fateful significance of June 28, 1914 — the date when the Austrian Archduke Franz Ferdinand was assassinated at Sarajevo and the curtain began to rise for the world conflict of 1914–1918 and then of 1939–1945 — led me, along with a friend's young son who was accompanying me to a conference in Italy, to make a side trip to Sarajevo. There we saw where Gavrilo Princip stood when firing the shot that killed Franz

Ferdinand — by a building where a laudatory commemorative plaque was subsequently mounted and a museum established. I wondered: what if the Archduke's car had not made a wrong turn? What if Princip's shot had missed, if even only by inches? An assassination attempt had already failed earlier the same day, just barely. This one might also have failed.

Still, the assassination did not make war inevitable. Suspecting Serbian complicity, Austria-Hungary sent Serbia an ultimatum imposing drastic conditions: it must collaborate in an investigation and suppress further terrorist agitation. Serbia came surprisingly close to agreeing completely; but Austria-Hungary, unwilling (like France in1870) to take a near-yes for an answer, started a war, and alliances fed contagion. What if Austria-Hungary had been satisfied with the near-yes, or if Serbia had totally complied?

Beyond the questions it poses, conjectural history can contribute to understanding oneself as well as the roles of other people and of chance in human affairs. When I was in high school I bought "Hugo's Spanish Simplified" and a few of the Haldeman-Julius Company's cheap little books on religion and on the international language Esperanto. Miss Connor, my history teacher, steered me to the economics of Henry George and to a book about Italian history. These little episodes affected my later life in unforeseeable ways. Miss O'Connor was what we would now call an outspoken left-liberal; still, she was a conscientious and inspiring teacher. Without her influence, I might not have majored in economics in college and gone on for a Ph.D. in economics. Meanwhile, the little Haldeman-Julius books aroused my interests in religion and in an international language, both of which I have discussed in these pages (October 2007 and January-February 2008).

Perhaps most accidental, yet significant, was the influence of Hugo's Spanish book. I went on learning Spanish, entirely without any formal classes. At Auburn University I joined the "Friends of Guatemala," a dormant then resurrected weekly Spanish conversation group, the origin of whose name nobody could remember. All but two of our group's members soon dropped out, but Luis Dopico and I carried on, eventually having our Spanish conversations at dinner once a week. I visited him once in his home city in Spain. He now lives in North Carolina and has dual citizenship. I talk with him by phone in Spanish for about an hour almost every Sunday, then for about 15 minutes in English with his wife, Stephanie Crofton. If I hadn't been turned onto Spanish by Hugo's book, I would never have made these two close friendships. This is a prime example of a microstochastic event — an instance of randomness on a very small scale — with major consequences for me.

What if Archduke Ferdinand's car had not made a wrong turn? What if Princip's shot had missed, if even only by inches?

And what if I had failed, like some of my colleagues, in a Japanese language course during the war? What if I had followed my father's (bad) advice, offered because I had lost three years in the Army, to skip returning to college and go directly into the business world? What if I had not happened onto books by Ludwig von Mises in the Oberlin College library and by Wilhelm Röpke in a New York bookstore, works that greatly influenced my understanding of economics and of libertarianism or quasilibertarianism? What if I had chosen the problem of innovation under socialism as my dissertation topic in 1950–1952, instead of the other topic I was considering, "An Evaluation of Freely Fluctuating Interest Rates," which I did choose? (I know I would have had trouble finding much to say about innovation under socialism.) What if I hadn't taught at Texas A&M for one year and at the University of Maryland for five, making a few close friends at the two schools? A year in Maryland's European program came at just the right time of my life. What if an article of mine had not brought me an invitation to move to the University of Virginia in 1957? By happening to take part in an Institute for Humane Studies program in the summer of 1981, I met a valued academic collaborator, Robert Greenfield. In 1984, the idea of buying a big house with a big mortgage as an inflation hedge tipped my agonizingly close decision toward moving from Virginia to Auburn University. (Yes, not only inflation but uncertainty about it can disrupt even personal planning.) Speculation not only about episodes in world history but also about turning points in a single life can make for lively but serious conversation — with others, and with oneself.

I've saved for last an example of uchronia that, for two reasons, is my favorite. Like many of the examples above and as best I can remember, I thought of it myself. More importantly, it is an extreme example of its type; arguably, it even bears on the philosophical issue of free will and determinism. Suppose that in 1818 Queen Victoria had been conceived as a male rather than a female. Her (or his) sex determination was surely a microstochastic event. Except only for this accident of sex, the crowns of Great Britain and Hanover would have remained united after the death of Victoria's uncle, William IV, in 1837. Women could succeed to the throne of Britain, but the medieval Salic Law excluded all females from the throne of Hanover so long as any male heirs were to be found. So another of Victoria's uncles, Ernest Augustus, became king of Hanover, separating the two crowns.

Now, if the new monarch of Britain had been a male, he would also have been king of Hanover. A kingdom in the heart of northern Germany, sharing the same English-speaking, English-educated monarch with Great Britain, would have greatly hampered Bismarck's efforts toward German unification. The Seven Weeks War of 1866 (Prussia against Austria), having in its background the 1864 war of Prussia and Austria against Denmark over the north-German Schleswig-Holstein issue, might never have taken place. As its result, however, Hanover, an ally of defeated Austria, lost its independence in 1866 and was absorbed into Prussia. Without Victoria's conception as a female, then, the wars of 1866 and 1870–1871, the establishment of the German Empire, World War I, and the Bolshevik revolution of 1917 might never have occurred, at least not at their actual times and in their actual ways. Would our lives be different? It's difficult to argue otherwise.

Small chance events can indeed sway history. This is how uchronia becomes reality. ❑

The Tabasco Effect, *from page 30*

That summer, we were making our way to Morocco, a country of smilers. In mostly austere Granada, we had bumped into a young Moroccan with intelligent eyes, engaged in some harmless street hustle. He gave us advice in French on crossing the Med to his country. He said to avoid the big port of Algeciras. He told us it was a mess in that season because tens of thousands of Moroccan expatriates from Europe were going home in their semi-viable, overloaded old cars, piled up high with crying children and old grandmothers who were terrified to use "Christian" bathrooms. He advised us to go through Tarifa instead. It's small town, 30 minutes by bus from the Algeciras train station. From Tarifa, there is only one Tangier ferry a day in each direction, and it takes no cars. Sweet and simple.

We got off the train with our reasonable baggage in Algeciras and immediately separated from the dusty Morocco-bound tribe of travelers. We caught the small local coastal bus and got off in Tarifa, at the end of the line, since we had neither specific plans nor a place to land.

It was early afternoon. We had no reservation, as usual. We each picked up our bag and crossed the deserted street into a cafe to have a cup of coffee, possibly a snack, and regroup and inform ourselves. The young people behind the counter, a boy and a girl, greeted us merrily. The girl even inquired whether I wanted more sugar in my coffee. That was unusual in itself. European cafe personnel are more likely to defend their sugar against customer predation.

The young man had bleached hair and a good tan; he looked more edgy than most young Spaniards I had seen, yet he was wholesome. He chatted up my wife in bad but cordial English, asking where we were going. No, he said, he did not have a specific hotel recommendation, but he would go next door where they had the local paper. He described on a napkin map where everything was within the walled city and the advantage of this location over that. We made a preliminary choice. It was hot; we had our bags with us; we did not want to walk. Finding a taxi at siesta time seemed difficult. The bleached guy saw me fumbling with my cell phone. (Yes, I had purchased the European service; no, it did not do me much good. If you give a chimp a piano, you are not necessarily going to get a symphony.) He told me to rest easy; he would call the first hotel of our choice to see whether it had room. Everything went well. He found us a room in a pricey but very pretty place in the old walled town.

The same evening, I was reflecting on the contrast between the mean old guys in the big city *tapa* bars and the friendly, smiling, helpful young people in Tarifa at the cafe near the bus stop. A blurry image was hovering at the edge of my consciousness. After a while, it came into focus: a small bottle of Tabasco. There had been Tabasco on all the tables in the cafe. There is no Tabasco produced in Europe, there is no Tabasco produced in Spain. It's made in New Orleans, by a single family-owned company. It's one of the few American vices that have never spread abroad.

I made inquiries from the merchants around the hotel. What kinds of tourists came to Tarifa, a small and apparently obscure town?

In the summer, mostly travelers to Morocco, smart travelers (like us). In the winter, there are high, steady winds across the straits of Gibraltar. Many foreign windsurfers come then, especially *muchos Americanos, muchos!*

Americans don't care about strange food. Many pretend to, but only at home. That's why we have so many bad Thai restaurants. Abroad, they want three things: pizza, tacos, and cheeseburgers. They are disappointed with the first, with good reason. They expect Tabasco sauce with the second and often with the third. You manage a restaurant in Europe, you want repeat American customers (best tippers in the world), you supply Tabasco sauce.

One thing leads to another. You have a lot of American customers because of the Tabasco. They are friendly, jovial, caring, and mostly kind. It rubs off on you. Pretty soon, you have morphed into a miracle: a nice, pleasantly disposed, helpful worker in the Spanish restaurant industry. Your life is sunnier; the malevolent ghost of Francisco Franco begins to dissipate. You are the light of your grandfather's heart. Life is good, thanks to America.

The Tabasco effect: one of the best ways to export the best of American culture. We could probably have a Tabasco-borne diplomacy if we wanted to. ❑

Reflections, *from page 20*

had no problem with the nomination of Sotomayor. After all, it was a Republican president, George H.W. Bush, who nominated her to the U.S. District Court in New York. She was confirmed on unanimous consent of the Senate. Then, when she was nominated by Democratic president Bill Clinton to be a U.S. Court of Appeals judge, 25 Republican senators voted to confirm her. The Republicans are a little late to be opposing Ms. Sotomayor.

There persists the belief that the Republican Party is the lesser of two evils because a Republican president will at least appoint "good" (usually identified as pro-life) justices to the Supreme Court. But it was Harry Blackmun, appointed by Nixon the Republican, who wrote the *Roe* v. *Wade* decision. Is there any evidence that, had he won the election, McCain's judicial nominees would be better than President Obama's? McCain voted to confirm H.W. Bush's appointment of Souter, as well as Clinton's appointments of Stephen Breyer and Ruth Bader Ginsburg. McCain said that W. Bush's appointments John Roberts and Samuel Alito would "serve as the model" for his judicial nominees. Yet both of them recently voted *for* executive power and *against* the right of habeas corpus in the case of *Boumediene* v. *Bush*. Sotomayor, for all her faults, has, according to the Cato Institute's Gene Healy, at least shown some "skepticism toward broad claims of executive power."

The Sotomayor nomination will not be the last occasion for a fight over Obama's Supreme Court nominees. Senior Associate Justice John Paul Stevens, who is 89, and Ruth Bader Ginsburg, who recently underwent surgery for pancreatic cancer, could both possibly retire during Obama's first term.

— Laurence M. Vance

Bastiat on the Bay, *from page 28*

led to the proudly named Legal Realism movement, which devolved, in time, into such post-modern perversions as Critical Legal Studies. The Critters will "prove" to you that the law is entirely indeterminate. But they won't stop there. Liberated from the notion that law should be based on principles and applied without prejudice, they urge their students and colleagues to remake the world in the interest of an egalitarian goal — an end that can be sought without compunctions about the means. In other words, they would legitimize legal spoliation even when it isn't authorized by specific laws as long as it obtains for someone something that the enlightened Critters thought he deserved.

Bastiat does much better when he is considering the practical benefits of limiting the government. Here, his arguments are charming and true: there will be less strife, less corruption, less of all the civic horrors, if the role of government is minimized, because the spoils to be derived from managing or manipulating the government will be minimal. The procedures of a severely limited government would not be as interesting, in certain ways, as the freak-show cage fight that government now resembles, and people with less than titanic rectitude would no longer be as likely to be fascinated and corrupted by it.

Related to these thoughts is a sort of conundrum I have noticed: as the role of the state gets bigger and the fruits of political victory get juicier, the quality of politicians and statesmen (a big word for these operators) declines. The smartest and most productive people tend to shun government, even though that's increasingly where power is to be found. Bastiat offers some clues to why this is.

As far as I can tell, Bastiat was the first to describe collectivist government as the public tit (*"mamelle"*), an image that has persisted ever since. He extends the conceit nicely, more nicely than anyone else. He makes sure we don't end by thinking, "Hey, what's wrong with a public tit? Sounds yummy." He reminds us that the Great Mammary does not fill itself with milk — we are at both ends of the tit, and for most productive people, a lot goes into the ducts (*"les veines lactifères*) but only a little comes out of the nipple. It's an easy lesson, and the fact that most of us haven't learned it can only indicate that most of us have never read Bastiat.

Well, the book club read him, and although its deliberations ended in frustration, it was not with the author but with his subject — the mammillary state. The discussants were discouraged by reckless government bailouts and exuberant calls for more regulation of commerce and industry. I, on the other hand, felt encouraged to have met such vigorous and well-placed natural libertarians.

There is something in French called *"l'esprit d'escalier,"* which can be crudely translated as "the wit of the staircase." The phrase evokes an image, and a little story. One imagines an intellectual salon, convened in the luxurious second-floor apartments of a Parisian mansion. Eventually the party breaks up and the participants start to descend the stairs. Just then, one of them pauses and discovers, too late, all the things he should have said. That is the wit of the staircase. I found that it was my own unfortunate form of wit when the book club, which was the nearest thing to a salon that I had ever seen, concluded its meeting.

For I had failed to say what I should have said. I should have reminded these likeable, potentially influential people that they could at least do as Bastiat had done. Their choices weren't restricted to being oppressed or hiding from oppression; they could also take it as their task to advocate liberty, clearly and persistently, to other people. More than 150 years after Bastiat wrote, his words are still inspiring and thought-provoking. I'm confident that the members of a certain elite book club in San Francisco will follow his example. There are worse ways to live your life, C. And J., I can't think of a better way to exorcise your angst. ❑

Libertarianism: A Force of Nature, *from page 26*

survival, each of us can use the available time and resources for either personal growth or intellectually deprived amusement. But cultural evolution has not stopped; in fact, it has dramatically accelerated, creating a real possibility of permanently splitting the human species into distinct categories, differing not so much by their genotype and appearance as by their intellectual pursuits and ambitions (if any) and their varying degrees of willingness to live by means of the state. A willingness to live safely and without effort by means of state support may come with the price tag of falling into the "low-speed" class, destined for ever-increasing intellectual backwardness. The equality of people, doubtful even now, could become an empty slogan within a few generations. The libertarian movement could help prevent this fragmentation of humanity by placing everyone's welfare in his or her own hands, thus promoting interest in the productive use of mental power.

But the more important point is this: there is little doubt that the forces of evolution favor organisms and organizations displaying selfish behavior, even if "selfish" is extended to include closely related individuals. We may hide this fact, pretend that it ain't so, but evolutionary processes do not follow ideologies or human aesthetic notions. Things must be seen as they are, not as they should be, regardless of the majority's wish and vote.

I think that the libertarian principle of voluntary cooperation among individuals pursuing enlightened self-interest reflects our identity as a species better than the principles of any other political movement. It reflects the kind of society that evolves so as to maximize the benefits of the division of labor and the free exchange system of rewards. It encourages members of our species to trade and transmit real wealth — intellectual competence — in response to their interests, while promoting everyone's survival and betterment.

Regardless of all debates about ideology and philosophy, the dynamics of social development appear to be headed toward increased freedom and power of productive individuals. The stars are aligning for a libertarian experiment. ❑

Reviews

"Champlain's Dream," by David Hackett Fischer. Simon & Schuster, 2008, 834 pages.

The Old Regime

Jon Harrison

In July 2009 Vermont celebrated the 400th anniversary of Samuel de Champlain's "discovery" of the lake that bears his name. Lake Champlain, sometimes referred to as the sixth Great Lake, was created by retreating ice sheets some 9,000 years ago. Its true discoverers were the Amerindians who settled the region long before the first Europeans arrived. It remains a jewel of the Vermont landscape, despite being threatened by pollution and invasive species. (I don't think I'm prejudiced, even though I was married on its shore.) No trip to northern Vermont is complete without glimpsing the sunlight glittering on the lake, with the Adirondacks rising in the west beyond.

Samuel de Champlain, of course, did more than give his name to a lake. More than any other individual, he was responsible for the establishment of New France, the French colonial empire in North America. Although defeat in the Seven Years' War brought Champlain's achievements as an empire-builder to naught, French language and culture still predominate in the Canadian province of Quebec, a Gallic outpost in the midst of a continent long dominated by Anglo-Saxons.

Champlain was in many ways a remarkable man. He was a native of Saintonge, the ancient French province on the Bay of Biscay, north of Gascony. Born probably in the late 1560s, he came of age during the terrible wars of religion that devastated France. While we know that he came from a good (though not noble) family, much else about him remains uncertain. Was he born a Protestant or a Catholic? Was he the natural son of Henry IV, king of France from 1589 to 1610, and one of *la Grande Nation's* greatest monarchs? The sources are ambiguous. It is certain that from an early age Champlain received the patronage of King Henry, under whom he served as an army officer before embarking on his career of exploration. That career, which was to make his name famous, was launched with the encouragement and backing of the king. It is possible, perhaps likely, that Champlain was raised a Protestant but converted to Catholicism in the early 1590s, as did King Henry, who is supposed to have said that "Paris is worth a mass." Just how intimately the two men were connected is likely to remain forever a mystery.

Champlain, like his royal patron, was a man characterized by practicality and tolerance, two attributes in short supply during the late Renaissance. Open-minded, inquisitive, and more concerned with results than dogma, he shines in contrast to many individuals of his (or any other) age. Remarkably, he remained so despite growing more devout as he aged.

Champlain's greatness of spirit is most clearly seen in his treatment of the Indians. Virtually alone among the conqueror-adventurers who appeared in the New World — Spaniards, French, English, and later Americans — he regarded the Indians as fully human beings. He did not, however, idolize them. He deplored what he saw as their backward spiritual life, as well as their cruelty and deceit. He also regarded them as "too free," looking askance at their sexual license and their lack of a European-style system of laws. But he found much to admire as well, and he treated them with a respect that most other white men never deigned to feel. It is no exaggeration to say that from the early 16th to the late 19th centuries, the Europeans and Americans treated

the Indians little differently from the way in which the Nazis treated the Slavic peoples of Poland and the Soviet Union. If only Champlain's example had been followed, a better life for *all* peoples could have been forged in this hemisphere.

Champlain's career peaked in 1608–09, with the founding of Quebec. The murder of Henry IV in 1610 was a major blow to his plans. He spent the remaining 25 years of his life shuttling between the court of Louis XIII and New France, where he served as de facto viceroy (as a non-nobleman he could not officially hold the title). His fortunes fluctuated. He tried unsuccessfully to obtain a monopoly of the fur trade. In 1629 he lost Quebec to the English, but returned in 1633 with the help of the famous Cardinal Richelieu.

His role in the establishment of the French presence in North America is undeniable. Nevertheless, his success proved largely barren. The French cultural heritage here is practically confined to the province of Quebec, while politically and economically France was finished as a North American power by the Peace of Paris in 1763. Wolfe's victory on the Plains of Abraham in 1759 was decisive.

Thus, while Champlain's name and achievements still find a place in the history books, one could be excused for asking whether his importance, his relevance to the current age if you will, justifies the publication of a biography of more than 800 pages. I would say not. David Hackett Fischer, however, thought the opposite.

Fischer, professor of history at Brandeis and the author of such fine books as "Washington's Crossing," as well as such unreadable tomes as "The Great Wave," gives us more than most of us will ever want to know about Champlain and his times. At 834 pages (including 567 of text, 66 of appendices and 110 of notes), the book is just too long. How many people will actually read it? (I should note that a friend of mine, the proprietress of my village's sole bookstore, and a woman possessed of good taste in matters literary, has voluntarily read the entire 567 pages of text. But I would venture to say that she is almost certainly an exception.)

The book is well-written, but spends too much time on tangential matters. We learn far too much about Henry IV, for example (although Fischer tells us that the king was assassinated on May 4, 1610, when in fact it was May 14th). Henry was a fascinating figure to be sure, but many of the details that Fischer mentions have little or nothing to do with Samuel de Champlain. Indeed, Fischer seems compelled to tell us altogether too much about many of Champlain's contemporaries. While reading the book, I thought Fischer might have felt that his subject was not quite substantial enough to warrant a full-length biography, and decided to meet this objection by writing about sundry other matters which, if truth be told, required far less coverage than they are given. The why of this book remains a mystery, beyond the fact that 2008 happened to be the quadricentennial of Quebec's founding.

Fischer is of course an accomplished academic historian, and I daresay the scholarship in the book is sound. I was puzzled by one passage. In describing the Indian practice of torturing enemies, Fischer says:

> [Champlain] recognized that Indian torture was also rational and functioned in a very dark way. In the warrior cultures of North America,

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> the continuing practice of torture was a way of guaranteeing a state of perpetual war. It meant that the work of retribution would always need to be done, and warriors would be needed to do it (273).

This remarkable statement may very well be true, but I found nothing in the book to back it up. Did the tribes in fact desire a "state of perpetual war?" If so, why? Fischer fails to enlighten us, unless I somehow missed his answers.

Champlain rightly condemned the barbaric practice of torturing war captives, and had the courage to do so directly to the Indians, but he also averred that "we [i.e., Europeans] do not commit such cruelties." One wonders how Champlain could have forgotten about the Inquisition or the persecution of the unfortunates suspected to be witches (the witch craze was at its height during his lifetime).

For all his good qualities, Champlain was just another adventurer who contributed to Europe's conquest of most of the rest of the world, and with it the disruption or destruction of countless native cultures. The interest in such men will only continue to wane as Western civilization sinks slowly into the abyss, its successor still uncertain, though we can be sure it will be less white, less Eurocentric, and less likely to spend time reflecting on long-dead seekers after new lands and riches. ❑

"Taking Chance," directed by Ross Katz. HBO Films, 2009, 77 minutes.

Final Trip

Gary Jason

A brilliant little movie produced by HBO Films and shown briefly in theaters is now available for rent or purchase. "Taking Chance" is a fascinating kind of war movie, one well worth viewing.

Actually, let me retract the descriptor "war movie." Of course, "war movie" denotes a movie about a war — typically, a movie that shows a battle or the events that lead up to one. Many classics come to mind — "Midway," "The Longest Day," "The Great Raid," "Tora, Tora, Tora." However, the phrase usually connotes specifically pro-war movies, such as the innumerable John Wayne WWII flicks, which portray war as heroic and good. By contrast, we often use the phrase "antiwar movie" to refer to films that place war in an unfavorable light. I'm thinking of such classics as "All Quiet on the Western Front," "Full Metal Jacket," and "Grand Illusion."

But no, "Taking Chance" is conspicuously neither pro-war not antiwar. It is a pro-person movie, showing respect for the people who serve in the military. The story is, apparently, very simple. Based on real events, it recounts the return of the body of a young Marine, 19-year-old Chance Phelps, to his family for burial. The protagonist is Lt. Col. Mike Strobl (Kevin Bacon), a Marine officer who volunteers for the duty of accompanying the body of Chance, who has died in the Iraq war defending his fellow soldiers.

The story demonstrates the respect with which the Marine Corps handles its fallen warriors, from the people assigned the dolorous duty of cleaning the remains and restoring the uniforms of the fallen, to the soldiers who accompany their dead comrades home. It is also about the respect that the ordinary citizens whom Strobl encounters on his journey show towards Chance.

These ordinary folk include people at the airport, people in the plane carrying the young man home, the baggage handlers loading and unloading the casket, and a volunteer who drives Strobl to the airport, explaining that while he himself opposed the Iraq war, he wanted to help the armed services in some way. Strobl is amazed and heartened by the support his presence spontaneously evokes.

I said earlier that the story is simple, on the surface. A more intricate, underlying story concerns Strobl himself. We come to understand why he volunteered for the duty of taking Chance home and see how he grapples with some complex personal feelings.

The cinematography is excellent, especially the photography of the area around Dubois, Wyoming, Chance's hometown. And the acting is amazingly good, particularly when one considers that the supporting cast does not contain many well-known actors, and indeed contains some who are not professional actors at all. Yet the supporting cast performs flawlessly, with exceptional performances by Tom Aldredge as Charlie Fitts and Tom Wopat as John Phelps.

But I was astounded by Kevin Bacon's performance. I've seen Bacon in numerous films, starting with the great comedy "Animal House," and I've always enjoyed his work. Yet I've never seen him as riveting as he is in this film. He puts in a beautifully restrained but deeply affecting performance, one just perfect for the character of Strobl. My feeling was similar to the one that I had when I watched Tom Selleck play Eisenhower in "Ike: Countdown to D-Day" (A&E, 2004). Again, I saw an actor I had long enjoyed demonstrate a level of mastery of his craft that I was unaware he had.

I found this movie profoundly moving, and while it got little publicity when it first appeared, it is definitely worth searching out and viewing. ❑

"Up," directed by Pete Docter and Bob Peterson. Pixar Studios, 2009, 96 minutes.

Into the Blue

Jo Ann Skousen

"Up" is an animated feature film from Disney's Pixar studios, but don't let that fool you into thinking it's a children's movie. This film offers storytelling at its best, with a central character whose emotions are as real and as raw as those on the face of any A-list movie star. Children will like it too, with its cute-but-klutzy little boy scout eager to earn his "assisting the elderly" badge and its cheerful, eager-to-please dog Dug. But the real star of the show is Carl (voiced by Ed Asner), a curmudgeonly old man who just wants to be left alone so he can grieve away the rest of his life with his only company, the memories of his beloved wife, Ellie.

Ellie's presence fills the screen, even though she leaves it ten minutes into the film. Carl and Ellie are childhood sweethearts who met through a common love of adventure. Ellie is the leader of the two, a perky tomboy who plans to fill her adventure book with "Stuff I'm Going to Do." Like many newlyweds, Carl and Ellie promise each other that they will dream big, explore the world, and have lifelong adventures. And, like many married couples, they find that life intervenes to cut short their dreams. Savings intended for travel must be used for car repairs, medical bills, and living expenses, and the pages of the adventure book remain blank. The montage in which all of this happens lasts only ten minutes, but it is extremely moving, especially for those on the downhill side of dreaming.

When well-intentioned social workers decide that Carl is no longer capable of caring for himself and condemn him to a retirement home, he decides to escape, lifting his house into the air on the power of thousands of helium filled balloons. This is where the film itself begins to soar. Carl has the adventure of a lifetime as he tries to fulfill Ellie's dream of living in a house at the top of Paradise Falls in South America. The story has enough cute talking animals, menacing bad guys, clever antics, and that sweet klutzy boy scout to please the kids in the audience, but it is meaty enough to satisfy the adults who came with them.

Eventually the balloons start to lose their air, and the house drops precariously close to the ground several miles short of the destination. Carl, determined to settle the house exactly where Ellie wanted it, begins pulling it along the ground toward Paradise Falls. Metaphorically the message is clear: like many of us, Carl has carried his house around on his back for his whole life, and it has kept him from soaring to greater adventures. In "Walden," Thoreau warned that a modern American will "have spent more than half his life . . . before his wigwam will be earned. . . . Houses are such unwieldy property that we are often imprisoned rather than housed in them." Indeed, as we are discovering in this current economy, many have become overburdened by mortgages, figuratively carrying their houses around on their backs, first to keep up with the Joneses and now to keep ahead of foreclosure.

Ellie's Adventure Book with its "Stuff I'm Going to Do" is also remarkably poignant for an animated film, reminding us that we need to dream, but we also need to modify the dream when newer dreams come along. The film is sad at first, but in the end it is as

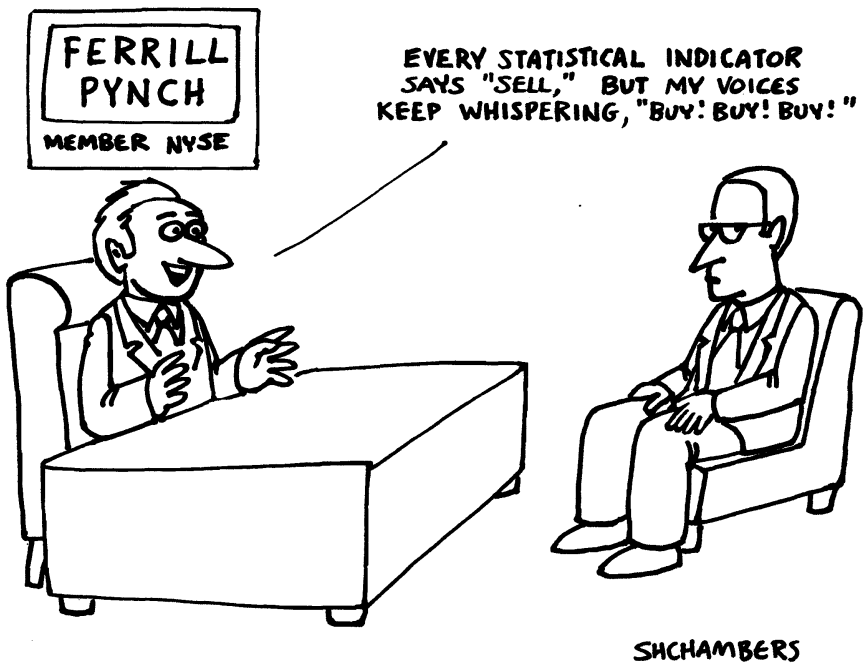

buoyant as the balloons that carry Carl forward to the next greatest adventure of his life. He reminds me of my stepfather, who thought his life had ended at the age of 75 when his wife of more than 50 years died. He had one foot in the old folks' home when he met my mother, and the real adventure began. In the 22 years they were married, they traveled to Mexico, Europe, South America, the Caribbean, and Canada. They toured 49 of the 50 United States, pulling a trailer and camping along the way. Once they made a wrong turn on the New Jersey Turnpike, went through the Lincoln Tunnel, and ended up pulling their trailer through Times Square. That must have been quite a sight for the tourists — not unlike Carl's little house being transported by helium-filled balloons.

It wasn't Paradise Falls, but for Mom and Wally it was paradise, and not at all what Wally thought his final quarter-century would be. I think another Wally — Walt Disney — would be very pleased to see the heights to which Pixar has taken his studio with this humorous, intelligent, witty, and thought-provoking film. ❑

"The Latest Illiteracy," by Christopher Ricks, Jim McCue, and Bryan Garner. Association of Literary Scholars and Critics, 2009, 62 pages.

Liberty and Literacy

Stephen Cox

This is a short book, barely long enough to count as a book. But its importance is substantial. It's one of the many books that have been written to alarm readers about the increase of bad writing, or non-writing, in the English-speaking world. It also addresses itself, however, to more fundamental questions: what is good writing? How can you tell? And what is lost when the quality of writing and speaking declines? This reviewer doesn't always agree with what the little book says. But it brings up most of the issues that ought to be considered.

The book consists of three essays, the first by Christopher Ricks (as of June, Sir Christopher Ricks), a British literary critic who teaches in America, the second by Jim McCue, a British journalist, and the third by Bryan Garner, an American editor and legal educator. So this is not a provincial or merely academic book. Its concerns are broad. It argues that an inability to understand grammatical structure and to master traditional standards of diction is damaging to people's capacity to think and communicate on the level necessary to maintain a free and rational society.

Awful portents abound, and are eagerly related by our authors:

The British National Audit Office reports that after 125 years of compulsory public schooling, "almost half the population is not properly literate."

Investigators sent by the Royal Literary Fund into the British universities find themselves "shocked by what they found. Yet [they] themselves [are] not immune, the first page of their muti-authored report saying that not enough attention was being paid by those 'with the real power to affect change.'"

An "intellectual" program on British radio features the reading of a Philip Larkin poem heaping scorn on the government; the program interprets Larkin's sarcasm as praise.

America's own Tom DeLay opines: "Two years of [Nancy] Pelosi gives a good idea of what four years of Hillary [Clinton] will be like." Ignore the singular-plural disjunction (years-gives). Has Republican DeLay thrown in the towel and determined that Mrs. Clinton *will* be president? No, that's not what he meant; but that *is* what he said.

Reporting on recent intellectual labors, "the head of the English Department at a reputable university [writes], without irony, 'John Kerrigan's monumental new study fills a much-needed gap.'" Well, luv, so'd Bill Shakepeare's stuff, din't it?

A high-ranking British official announces that in Northern Ireland, "one in five Catholics is now a serving police officer," thus conjuring images of nuns and altar boys doubling as cops on the beat. What he meant to say was that "one in five police officers now is a Catholic," which isn't quite so big a deal.

Another lofty Brit declared, "We have made improvements" in something or other, "and we'll go on furthermore." Yes, yes — go on! Furthermore! He also declared, "You can't be a leader without getting your nose dirty." Or at least your prose. But Gladstone and Disraeli must have written in vain.

And, back on these shores, Alan Greenspan opines, "I do not question that central banks can defuse any bubble." Not pausing to notice Greenspan's atrocious mixed metaphor (bubbles being defused like bombs), McCue remarks, "Who . . . could be sure what this meant . . . Did he mean [the banks] could, or they couldn't?" And he adds, "Can anyone doubt that misunderstanding at this level could be catastrophic?" I don't doubt it — and I'm sure that Greenspan's mentor, Ayn Rand, would have had his hide for this, even before she had his hide for his economic policies.

As the authors of "The Latest Illiteracy" insist, the ability to think in

any complex way is dependent on the ability to use words, either in communicating with others or in communing with oneself. Are the exalted leaders who came up with some of the statements I've just quoted any more fitted for intellectual tasks than the people who go online to say of themselves,

If your word for "write" is "rite," it may be that you don't understand what a "rite" is, and you probably shouldn't be riting.

"Live in Manceser," "Studyin pyshcology but wanta be a lawyer," and "I like 2 rite songs (b4 u ask there crap) friends are the most important things to me above a thing my friends are like my family, ill do anything for them"?

Most of today's public figures write somewhat better than that, or get other people to write better for them. But how many of them have even a basic conception of the rules of grammar and usage? Not many. Yet these rules, these so-called conventions, are human beings' methods of ensuring that words and thoughts have definite meanings and definite, meaningful relationships with one another. McCue puts it this way:

> Knowing the difference between a noun and a verb means having a way to think, and being able to distinguish an abstract noun or a transitive verb enables those thoughts to be refined. Grammar is a complex rational system which has evolved to order our thoughts and help us to explain ourselves to others, and it is not optional. Without it, we could not process ideas, know what they mean or test their validity.

In short, "grammatical codes . . . correspond to the facts of the world and the relationships between things." The same can be said for codes of diction and spelling, even the weird-looking codes of spelling in English. If your word for "write" is "rite," it may be that you don't understand what a "rite" is, and you probably shouldn't be riting. And if you're fond of saying things like "the implementation of a progressive social/economic platform will assure every person their political/economic needs," what can I say to you? Probably you're a college professor, but certainly you have no experience in connecting words with things. It's obvious that your inability to decide whether your "platform" is social *and* economic or social *or* economic means that you don't know what you're talking about, and that no one should ever listen to your advice. No one, that is, except illiterates like you.

"Illiterates"? Yes. Even college professors should be pronounced illiterate, when evidence indicates that they haven't mastered the written language. And how much credence should we give to an illiterate's pronouncements on our "political/economic" needs?

All right. But here I need to stipulate that this argument about thoughts, words, and politics can be pressed too far. "Our [political] masters," says McCue, "cannot read the manual that we inherited for a free society." And neither, according to him, can their subjects. As a result, or a corollary, "from top to bottom, society has fractured, and instead of the old rules, principles and manners, we are kept in place by ever greater surveillance and ever more dictates as to what we must and must not do, eat, drink, wear, spend, say, think." This is plausible, but overstated. It isn't mainly illiteracy that inflates the size and force of government; it's the power-lust of the "master" class and the narrow self-interest of the "subject" class, which is disgustingly willing to surrender freedom and future prosperity for immediate and particular rewards. Lenin was perfectly literate; so was Hitler, and so were many of their followers. It didn't help.

But the defense of a free society, especially against the attacks of literate (or technically literate) people, does require a fairly high standard of literacy. An illiterate can sometimes organize a mob, yet no one who hasn't read and thought with some precision can convince other people that their long-term interest lies in contract and cooperation, not force and obedience. Every society has some kind of authorities. The question is, will these authorities be respected, or feared? Will their influence be exerted through rational persuasion, or through superstition and organized violence? If our choice is persuasion, then we should guard the means of persuasion carefully — and those means are almost entirely linguistic. While we're doing so, we'll need to look carefully at the nature of language and linguistic change, so as not to throw away our own best arguments about the rational functions of language.

That would be a terrible sin, and Garner commits it — unthinkingly, though with great emphasis — while discussing his own means of judging whether we ought to keep old expressions alive or to welcome new ones. He believes that new expressions should be accepted when their use has become almost universal. Well, fine. I won't struggle to maintain "forsooth," or to keep "auditoria" as the plural of "auditorium." But that's not saying much. In virtually every sentence I write, I still have to choose among an enormous array of current expressions, many of them meaning roughly the same thing. "To be, or not to be — that is the question" could be replaced with "There's a question in my mind about whether it's best to keep myself alive or go ahead and commit suicide right now." That's not ungrammatical; it's just not as good as the original. Well, why? Garner won't say. I will, in a moment. But first I need to quarrel with him over his deepest assumption about language.

Garner tries to explain language as a process of "evolution":

> The forces of natural selection are every bit as much at work in living languages as they are in the rest of the natural world. Over time, words and phrases mutate both in form and in meaning, sometimes through useful innovation and sometimes through unconscious drift and pervasive error. Usually the mutations don't survive, but occasionally a change proves meritorious and ends up becoming a part of the standard language. That happens only if it's fit enough to survive — as a part of the natural selection that takes place in every language.

This is wrong, and seriously wrong. Notice that Garner has not defined "meritorious," or the process by which merit is assessed. Notice also that language is *not* part of "the natural world." It is part of the human, manmade world, and it responds, not to random, Darwinian processes, but to human choices, good

or bad. A society in which people are educated to attend to their choices of words more carefully than Mr. Garner has attended to his choices in the passage I quoted will strongly resist mere "mutations" — almost all of which, as any evolutionary biologist will tell you, are detrimental to the organisms they affect. Conscientious writers identify and reproduce expressions that are more precise, more memorable, more emotionally evocative than competing expressions, particularly those generated apparently at random, in the consciousness of people who don't care about words to begin with. And in the long run, thank God, writers who are conscious of their stylistic choices are much more likely to leave a mark on the language than writers who proceed by random.

Modern English prose style was invented in the late 17th and early 18th centuries by people who were seeking greater clarity and efficiency than prevailed in the current baroque style. Compare the prose of Milton with that of Dryden (who, it has been said, *almost* invented the paragraph), or with the perfected style of Addison, who was chosen as the model of good writing by several generations of influential people in the 18th century (see Franklin's "Autobiography" for a long account of his careful imitation of Addison and his buddy Steele). That's why the new way of writing caught on, and stayed. Darwin has nothing whatever to say about matters like this. If you must use the evolutionary metaphor, call it evolution by intelligent design. *Ours.*

When someone pronounces "a plague on both their houses," or discerns "the mark of Cain" on someone else, or refers to mankind inclusively as both "the quick and the dead," that person is reproducing the most potent literary influences on our language — Shakespeare, the Bible, the Book of Common Prayer. The language of those books was hardly the product of Darwinian evolution or unintended mutations. Nor is there anything accidental about its continued reproduction in a world in which most people do not read the Bible, fewer people have read "Romeo and Juliet," and practically nobody is an old-language Episcopalian. Useful expressions are invented and preserved by people who think about language and care about language.

It's noteworthy that most people who read the Bible today rely on a contemporary translation, because the language of the King James Version has too many *hard words,* and readers have been sold on the idea that "the Bible was originally written in the language of the common man." Well, no, it wasn't. The poet Isaiah doesn't speak the language of the common man, and neither does the theologian St. Paul. It should be interesting to people who believe in the Darwinian evolution of our language that during the past century hundreds of modern-English versions of the Bible have appeared, and some of them have become very popular, but none of them have added a single phrase to the English language.

I won't deny the fact that every morning millions of linguistic mutations are generated from the internet's life-giving slime, and some proportion of the millions survive. It's my sorry duty to act as their zoologist in the monthly installments of Liberty's Word Watch column. But why do they survive? Here's my own metaphor: this is what happens to a disease when there are few qualified physicians to treat it, and when practically nobody believes in the usefulness of vaccination. "The Latest Illiteracy" provides copious evidence — in case you needed it — that the people appointed to be physicians of the language — the writers, teachers, professors, and parents — have mostly abandoned their operating rooms and offices and have retired to Boca Raton.

The authors of "The Latest Illiteracy" are especially severe on the linguists of the past generation, and justly so. These people decided, for some reason, to study language in only its narrowest definition. Aggressively uninterested in judgments of quality, they saw language as a series of "linguistic events," none of which was better than any of the others. They regarded people who wanted to assess the quality of language as "pedants," "reactionaries," and imbecilic "conservatives."

The most influential culprits were the mass communicators — politicians, journalists, television pooh-bahs, and entertainers who couldn't shine the shoes of Irving Berlin. A humbler, more insidious role was played by the professional teachers of English composition. Among them, a wonderful idea appeared, an idea that exempted both them and their students from any critical thinking about language. The idea was this: the only way to get students to *write* is to stimulate them to write *a lot,* making no judgments of quality that might possibly damage their *confidence.* Of course, all that could result from this was the reproduction and reinforcement of any random mutations that crept into the students' prose, but nobody in charge ever thought of that.

But there is another idea, an idea so obvious that you would expect it to occur to everyone. Yet even the estimable authors of "The Latest Illiteracy" find it difficult to state. Here it is: language is not just a method of communicating; it is not just a method of getting elected, telling your customers what you think about the new Model 81 Widget, or letting your daughter know that she shouldn't play in the street. Language is a way of creating pleasure.

To put this in another way: language is an art. It doesn't exist just to help us obtain what we want; it exists to give us joy, the kind of joy that we derive from good music, good painting, a well played baseball game, or a magnificent deduction in theology. That's why it has to be learned and cultivated and criticized, and also defended from people who can't hear the music or see the pigments or be bothered to learn the rules. And that's why "To be, or not to be — that is the question" cannot really be replaced by "There's a question in my mind . . . "

Language is not just a method of communicating. Language is a way of creating pleasure.

That revised version is boring. There's nothing to it, nothing but "information"; but the first version thrills us — if we consent to be thrilled — and why? Because of its unsurpassable concision. The vast field of metaphysical speculation, the emotions we all feel

when confronting an ultimate decision, the urgent choice that the speaker himself is facing — both the small and the large are precisely determined and climactically summarized by those ten words, "To be, or not to be — that is the question."

The same might be said of the brilliant passage beginning, "We hold these truths to be self-evident." Here again we have the thrill of seeing the infinite reduced to a few words, small and plain. Jefferson and his friends could have written, "Those of us who are here today, representing the great people of the United States, yet conscious of the necessity to express, in our own words, the political philosophy that has inspired us to announce the beginning of a new nation, have agreed on a number of political principles, which we believe can be accepted by all men who are not blinded by prejudice or misled by custom." Most other 18th-century writers would have said exactly that. The 18th century was, perhaps, the finest era of English writing; but good writing is not the product of history or historical evolution; it's the creation of individuals. The Declaration of Independence isn't a period piece; it's the work of brilliant writers who would stand out in any literary culture. The meaning of version 1 and version 2 is roughly the same. The difference is that version 2 provides no aesthetic pleasure. That's not a problem for you? Then I'm sorry — you're illiterate; you don't know about writing; go away.

I insist that this aesthetic pleasure is also an *educated* pleasure. An uneducated person will read the opening lines of the Declaration without having any idea of why it's good writing. Someone has to *teach* people to notice the distinction between Jefferson and (Jesse) Jackson, Biden and the Bible, Eliot and Eminem, just as someone has to teach people to notice all the astonishing things that Mozart or Andrea del Sarto achieved. To say that appreciation for good language is an educated pleasure doesn't detract from the significance or intensity of the pleasure. Even the teenage bloggers who "like 2 rite songs" are interested in discovering some distinctive pleasures in words; the difficulty is that they're content to realize that their words are "crap," without understanding why.

So, once more: who's responsible for this? The individuals themselves, primarily. Most people are preoccupied with other things than the improvement of their linguistic taste. Nevertheless, we have some right to expect that society, to which we sacrifice so much, should do more than it does to promote a basic understanding of words and how they work.

In "The Latest Illiteracy," the major institutional blame falls on government schools. Every month, Gary Jason provides readers of Liberty with fresh information about the failures of these schools and the means of ending their predominance in our culture. He's right, and I won't poach on his territory. I'll just mention the fact that the authors of "Illiteracy" demonstrate how far government schools are from fulfilling their promise to give life and light to all who live. It shouldn't surprise anyone that students who have spent 13 years eating pabulum should turn to Obama for hamburger and fries.

But suppose you wanted to teach someone how to respect language and use it effectively? What thoughts should guide teachers of writing and reading, whether they work for private or government schools or are "merely" concerned parents? Why should they have any concern for linguistic and aesthetic standards?

Much of this field is covered, one way or another, by a passage that Garner quotes from T.W.H. Holland (1967). "Why not," Holland asks, accept illiterate language as "sound usage," and say it ourselves? "I suppose," he continues, "the only good reply is that people who use the language in a way we think good do not say it."

This is not an auspicious start. It's a fine example of the circular reasoning that too many conservative language advisers employ: the standard of the *good* is the language that *good* writers use. No wonder modern illiterates and their academic defenders regard these conservatives as nattering nabobs of negativity.

But Holland soon takes another tack. "This may be middle-class or upper-class snobbery," he admits, and it certainly sounds like that, "but it is also the defence of those who care about the clear and agreeable use of language, who value the power of making distinctions [that] are necessary or helpful." Finally he's found a good way of putting the matter, a way that takes in both the practical and the aesthetic function of writing and draws attention to the role of human interest in giving our common language the healthiest "evolution" possible. Good language isn't just what certain classes of people happen to say or write; it's what people who care about language, people who value its usefulness and pleasure ("agreeable use"), find reason to emphasize in their speech and writing.

This isn't a middle-class thing, and it certainly isn't an upper-class thing.

The linguistic habits of the British aristocracy have been a joke for 400 years. The linguistic habits of America's current upper class — bankers, stock jobbers, movie people, top-level bureaucrats, and their endowed descendants, wretched creatures that they are — are even funnier. And as an academic, I can testify that it isn't an academic thing, either; college professors write much worse than . . . uh . . . well . . . I can't think of a group that doesn't write better than we do. And good language isn't any more dependent on dialect than it is on class. Every dialect has its own rules, and a good speaker of English should be able to appreciate both the style of Macaulay and the style of "The Big Rock Candy Mountain."

The preservation of sound speech and sound writing is a job for everyone — everyone who is willing to think about language, everyone who is willing to weigh all possible expressions that may be useful in a given instance and to choose, on rational grounds, the expressions that are most "agreeable" and effective. This means it's a job for teachers and parents, merchants and farmers, convicts and judges, nuns and computer geeks; it's a job for whoever (to paraphrase the Bible) teaches with rational authority, and not as the academic scribes.

It's especially a job for libertarians. Libertarianism was largely the creation of writers (good writers, too): Isabel Paterson, Ayn Rand, Milton Friedman, and others going back to Jefferson, Macaulay, and Milton themselves. It is inconceivable that a libertarian society could exist in an illiterate culture. And it is inconceivable to me that a libertarian society could exist without joy — yes, the joy of freedom, but also the joy of art. All great writing is great art, and the people who are eligible to create and enjoy it are you and me. ❑

"The Brothers Bloom," directed by Rian Johnson. Endgame Entertainment, 2009, 113 minutes.

The Art of the Con

Jo Ann Skousen

School's out for summer, and teen comedies abound. Most of them are trite, raunchy, potty-mouthed, formulaic — and immensely successful. "The Hangover" is one of them. Its big-budget advertising throughout the spring made it look clever and entertaining, and its 80% approval rating on rottentomatoes.com gave it an air of respectability. Largely a knock-off of the "Dude, Where's my Car?" genre, in which several friends must retrace their steps after a night of drunken debauchery, "The Hangover" follows the shenanigans of several young men who wake up from a drunken stupor after a bachelor party in Las Vegas. One is missing a tooth, another is sporting a wedding band, and somebody's baby is in the closet. Can they retrace their steps and find the groom before the wedding begins? Will they be doing the bride any favors if they do? The film, pushing the well-crumpled envelope of raunch, earned not only that 80% approval rating on rottentomatoes but $45 million in its first week.

At the same time, "The Brothers Bloom," a clever, intelligent, well-crafted crime caper, opened in a few grubby art houses in cities like New York and LA, earning a respectable 62% rottentomatoes rating but a meager $2 million in box office receipts in its first *month*. There's just no accounting for taste these days. If you want to know more about "The Hangover," go see it yourself. Meanwhile, I'm going to review "The Brothers Bloom."

The key to a perfect con job is to give the "mark" something that he or she wants, so that when the con is over, the mark doesn't come back looking for revenge. A good con always relies on persuading the mark to participate in a slightly shady deal that seems to go terribly wrong, so the mark ends up actually thanking the con artist for helping him or her escape publicity or punishment. In a movie about con artists, the audience wants to be conned as well. As much as we pride ourselves in being able to figure it out, we don't really want to know how it's going to end until it's over. Being taken for a ride is the whole point of the film, and we want to enjoy every moment of the ride.

"The Brothers Bloom" is just that kind of film, one that delights the audience in every scene. It begins with two young brothers (Max Records and Zachary Gordon), dressed solemnly in white shirts and black hats, as they are shipped from foster home to foster home after conducting cons in every town. Young Stephen has discovered that people are predictable, and if you plan carefully enough, you can con them into — or out of — just about anything. He's a storywriter at heart, planning complex schemes and then bringing them to life. Stephen's younger brother, who inexplicably goes by their surname, Bloom, obviously worships his brother, and will do anything to please him. But he yearns to stay put and treat people as friends instead of plotlines. The two young actors portray these conflicting characters brilliantly.

The boys grow up, with Mark Rufallo and Adrien Brody stepping into the roles of Stephen and Bloom. Their accomplice, Bang Bang (Rinko Kikuchi from "Babel"), is an exotic Asian beauty who never speaks but can handle anything they ask her to do, from seducing a mark to wiring explosives. Bang Bang provides some of the funniest moments in the film, mostly in the form of bizarre props, deadpan looks, and inexplicable actions performed in the background while the main characters are speaking — as when she methodically peels an apple, drawing our attention to the steely glint of her knife, then tosses the apple over her shoulder and gnaws nonchalantly on the peel.

A con game works because the scam artist can predict what the mark will do under controlled circumstances. In this case the mark is Penelope Stamp (Rachel Weisz), an eccentric billion-heiress who collects skills (such as skateboarding and accordion playing) instead of stamps and crashes her Lamborghini almost daily. She is anything but predictable. An example: if a bicyclist hits the side of your car and goes flying over your windshield, you'll stop and see whether the bicyclist is hurt, right? I knew this film was going to be different when the mark drove away from the injured bicyclist, backed up, drove a few more feet, backed up again, and then crashed over the embankment into the trees. A predictable reaction? Hardly. And without predictability, the brothers' scam is in trouble. That keeps the audience deliciously off-balance too.

The caper takes us on an international romp through several European cities, entertaining us with quirky characters, unexpected twists, comic-book headings, and a jazzy musical score by Nathan Johnson that heightens the offbeat tone. You may or may not figure out the ending, or how many twists will play out before the conclusion. But that doesn't matter, because the journey itself is so much fun.

However, there is nothing comic-book about the relationships between the two brothers, and that's what makes this more than a simple takeoff on "The Sting." One orphaned brother seeks adventure and freedom, the other seeks hearth and home. The story is the classic homeward journey, based (according to director and screenwriter Rian Johnson) on James Joyce's "Ulysses." The brothers' names come from Joyce's characters, Stephen Dedalus and Leopold Bloom, and "Penelope" is, of course, a reference to Ulysses' longsuffering wife in Homer's "Odyssey" (on which Joyce's "Ulysses" is based). The film also sports a seedy Faganesque character with one cycloptic eye, "Diamond Dog" (Maximilian Schell). These allusions give the film some depth, even as its offbeat direction and ragtime score give it a lighthearted tone. "The Brothers Bloom" may not be able to compete at the box office with today's raunchier comedies, but discerning audiences (such as Liberty's readers) may enjoy it much more. ❑

"Drag Me to Hell," directed by Sam Raimi. Buckaroo Entertainment, 2009, 99 minutes.

Precious Dread

Jo Ann Skousen

I confess to a lifelong love of horror movies — the good old-fashioned kind that make the spine tingle with dread, without resorting to gratuitous gore. A truly great suspense film can terrify audiences without a single drop of blood being shed. I haven't seen many films in this genre lately, however, because most horror films have given way to slasher flicks, full of blood and torture. That's not my style. I want to be terrified, but I don't want to be grossed out. I agree with suspense writer Orson Scott Card, who evaluates the effects of dread, terror and horror in this way:

> Dread is the first and the strongest of the three kinds of fear. It is that tension, that waiting that comes when you know there is something to fear but you have not yet identified what it is. . . . Terror only comes when you see the thing you're afraid of . . . you know the face of the thing you fear. . . . Horror is the weakest of all. After the fearful thing has happened, you see its remainder, its relics . . . the grisly hacked up corpse.

In short, dread is created by the anticipation of an unknown terror, while horror relies on the blood and gore in its aftermath. "Drag Me to Hell" is a little gem about demonic curses and things that go bump in the night. It is successful largely because it relies on the intelligent, creative development of dread rather than overwhelming its audience with horrifying buckets of blood. The result is a tense, smart, and surprisingly funny scream-fest reminiscent of an amusement park ride — scary but safe, and oh, so much fun.

As the story begins, Christine (Alison Lohman), a loan officer at a bank, is competing with another person to become assistant bank manager. In order to show that she can make tough decisions, she turns down a creepy old woman's request for an extension on her mortgage. Big mistake, of course. The woman (Lorna Raver) gets her revenge by casting a curse on Christine. After being terrorized by the woman in the bank's parking garage, Christine learns that she has only three days to reverse the curse or she'll spend eternity in hell. How do you terrorize a victim in a movie rated PG-13? Certainly not with a chainsaw. Instead, the film uses the old-fashioned methods: eerie music, menacing shadows, sudden brief images of hideous faces, and graveyard visits at midnight. Oh, and in this case, getting mauled by an ugly old woman's slobbery teeth.

Movies about demons always have a premise that explains the rules of engagement and provides the possibility of escape. "Drag Me to Hell" offers a plausible set of rules and builds on them throughout, allowing the audience to suspend disbelief and go along with the plot. In short, the story works. There also needs to be a well-meaning skeptic who doesn't believe the believable premise. This role is ably played by Chris' academic boyfriend, Clay (Justin Long), who can't see or hear the demons that are roaring at the doorways and windows, but supports her anyway. Every girl should have such an understanding man in her life.

This kind of movie is best seen in a darkened theater, but it's also a perfect choice for your next Halloween party. Drag out the popcorn and drag your friends over to join you. "Drag Me to Hell" is scary without being gory, funny without being campy, and entertaining as hell. ❑

Terra Incognita

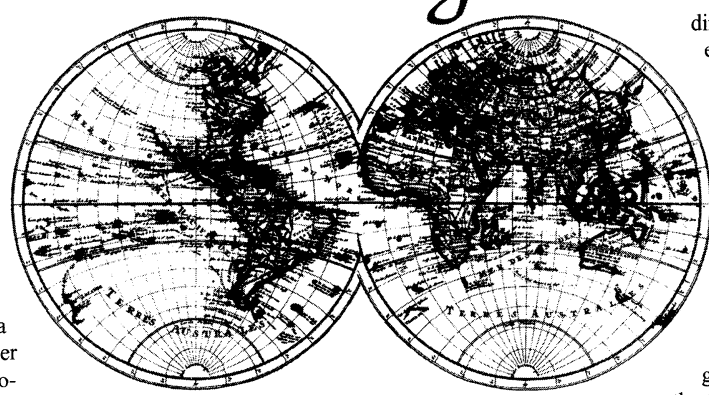

Burlington, Vt.

Curious exercise in rebranding, in the *Burlington Free Press*:

PETA has made a request to the newly revived rock band Phish to change its name to Sea Kitten. In this way, people might come to view fish the way they see cats and dogs, as smart and sensitive animals worthy of care and protection, said Ashley Byrne, a PETA senior campaigner.

"We felt that fish needed an image overhaul," she said of the animals, not the band. "They don't receive the sympathy of the more cuddly animals. We thought that by rebranding fish as sea kittens, they might receive the compassion they deserve."

Since last October, PETA has asked numerous organizations and entities with fish in their name to change it to sea kittens, Byrne said. She does not know how many requests have been made, but no one has made the change to sea kitten, she said.

London

Unreasonable demands made on noblesse oblige, from the *Guardian*:

Tourists enjoying a day of sightseeing at Windsor Castle got more than they bargained for today when a couple were caught having sex on the queen's lawn.

Ignoring signs asking visitors to Please Keep Off The Grass, the man and woman, said to be in their early 30s, selected a spot near the castle's Garter Tower and stripped off in full view of hotels, pubs, and shops. An employee at the Harte and Garter Hotel, which overlooks the castle, said: "It was going on for about 10 or 15 minutes, which is quite a long time, considering the location."

A spokesman from Thames Valley police confirmed that two people had been arrested and cautioned for outraging public decency. It is not known whether the queen was in residence at Windsor Castle at the time.

Bedford, Ohio

Greek tragedy for the new millennium, from the *Cleveland Plain Dealer*:

A Bedford father called police after arguing with his son about cleaning his room. The sloppy son is 28 years old and serves on the Bedford School Board.

"I know this looks bad," said School Board member Andrew Mizsak, who lives with his parents and also works as an independent political consultant. Mizsak's dad, also Andrew, called 911 on Thursday after his son threw a plate of food across the kitchen table and balled his fist up at his dad when told to clean his room

The senior Mizsak, 63, wouldn't press charges and told police, "I don't want to ruin his political career." According to the report, he said: "Andrew is 270 pounds and [Mizsak Sr.] cannot fight him, they do everything for Andrew and he doesn't even pay rent."

According the report, "Andrew was sent to his room to clean it. He was crying uncontrollably and stated he would comply."

Mizsak said he was embarrassed to take police away from more important work. "My dad and I love each other very much," he said, promising to keep his basement room clean.

Syracuse, N.Y.

Well-measured response to dangerous artifact, from the *Syracuse Post-Standard*:

Syracuse police evacuated Clinton Square in order to examine a suspicious box left at the base of the park's Civil War monument, standing by the box while waiting for a bomb disposal expert to examine it.

The box was a metal "Sex and the City" trivia game container, set on a step on the fountain side of the monument. The wind blew florescent pink game cards into the square's fountain, where they sank.

Police first tried to track down the men who left it and get them to return to the park to open the box, Lt. Joe Cecile said. That turned out to be unsuccessful.

Tallahassee, Fla.

Get 'em while they're young, from the *Miami Herald*:

A total of 43 children were directly and indirectly shocked by electric stun guns during simultaneous "Take Your Sons and Daughters to Work Day" events gone wrong at three state prisons, according to new information provided by the Florida Department of Corrections. Also, a group of kids was exposed to tear gas during a demonstration at another lockup.

DOC Secretary Walt McNeil repeatedly stressed that the stun-gunning only happened at three of the 55 institutions and that it wasn't part of a widespread practice. Still, he acknowledged that it was "logical" to assume other children had been shocked on other take-your-kids-to-work days.

Paris

Potentially justifiable judicial activism, spotted by the *London Times*:

Reality television faces a bleak future in France after contestants who spent 12 days flirting with the opposite sex on a sun-drenched island won the right to be treated as salaried workers.

In a ground-breaking ruling, the supreme court in France awarded three contestants on the French version of the program Temptation Island compensation of about €11,000 each. The judges ruled that the trio was entitled to full employment contracts — including overtime, holidays, and even damages for wrongful dismissal upon elimination from the show.

Warren, Mich.

The thin blue line separating society from chaos, depicted by WDIV-TV in Detroit:

Police responding to a report of a cougar on the loose said they ended up shooting a large toy cat with a Taser stun gun.

A 911 caller said a "huge" animal resembling "a 150-pound cat" was spotted in an old cement drainpipe in Bates Park and 10 officers were sent to the scene, WDIV-TV, Detroit, reported Monday.

The officers saw the outline of the animal in the pipe and shot it with the Taser, only to discover it was a large toy cougar.

Special thanks to Russell Garrard, Laurie Gelb, Tom Isenberg, and Rick Sincere for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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Inside Liberty

October 2009
Volume 23, Number 9

4 Letters Liberty's readers fire back.

9 Reflections We lose healthcare in the mail, ask the right question, spread the poverty, do the math, let them eat cake, wear super-strength beer goggles, set off some military-grade fireworks, and need more cocaine.

Features

23 Starving the States *Bruce Ramsey* examines that rarest of phenomena: state spending cuts.

27 The System Is Broken *Jon Harrison* investigates the fragile health of our society and wonders whether it's too late to do anything to heal it.

33 Much Ruin in a Nation *Lanny Ebenstein* considers the long-term prospects of the American economy.

39 Ayn's World *Stephen Cox* heralds a new biography that puts Ayn Rand where she always wanted to be: at the center of her own universe.

Reviews

47 The Other Side of Thailand What's the first thing that comes to mind when you think of Bangkok? *Paul Karl Lukacs* explores what's in a reputation.

49 Through Other Eyes *Gary Jason* ponders the relationship between madness and creativity.

50 How Much Do You Really Need? *Jo Ann Skousen* views a film that asks, "Who owns my body?", and gives the wrong answer.

51 A Cry for Justice A new film, *Gary Jason* discovers, makes a compelling case for freedom.

The Return of John Dillinger

Like the authors of the Patriot Act and the TARP bailout, J. Edgar Hoover wasn't one to waste a good crisis — and John Dillinger was a very good crisis.

52 What Dillinger Wrought *Jo Ann Skousen*

53 The Villain as Hero *Jon Harrison*

54 Dillinger's Last Movie *Jo Ann Skousen*

48 Notes on Contributors The apples of our eye.

55 Terra Incognita Reality intrudes.

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Letters

Freedom's Just Another Word for Raping All the Poor

For 31 years, I have believed in free trade and liberty for all. The terms liberty and freedom have now become the politically correct way to say rape the poor. I have always voted Libertarian. Now I look around and all I see are rich, greedy businessmen who fail to pay a living wage to those underlings that helped them get rich. I have changed my voting status to Democrat. Please immediately cancel my subscription to Liberty magazine.

Michelle Faulk
Hillsboro, OR

Embracing Failure

In the August issue, Leland Yeager appears to argue ("The Contagious Crisis") for government action in the financial markets because of the recent crisis, calling for more financial regulation and stating that "Only a libertarian more hardcore than I am would reject them outright." I reject them outright; so I must be a radical.

Prior to and during the financial crisis there were dozens of federal statutes regulating the mortgage industry. Among them are the Truth in Lending Act, the Real Estate Settlement and Procedures Act, the Fair Debt Collection Act, etc. Each of these federal statutes promulgated thousands of pages of federal regulations. This is why even prior to the financial crisis a typical residential mortgage was accompanied by at least 50 pages of regulatory disclosures. I don't believe that upping this to 200 pages of disclosures will in any way improve the industry or change the simple fact that people do not read documents when they want to believe they are getting rich.

My fear is that increased future regulation will be so broad that even formerly simple transactions will be burdened by federal disclosures. Imagine a simple sale of a free and clear home from father to son with seller financing. Will such a transaction now become subject to the regulation of a myriad of federal agencies? What of a $20,000 loan between you and your friend? Perhaps even such a formerly simple loan will require registration with the SEC or some other federal agency. I have no faith in our government to craft "smart" regulations.

We already have plenty of regulations. Increasing the number of rules may alter the game, but it won't change the players. No regulation can change human emotions and desires. History has shown that we cannot outlaw greed. Perhaps we should embrace it as a fundamental human characteristic. Rather than attempting to bail out industries and companies we should embrace failure, liquidation, and bankruptcy, as this will lead to rebirth and a more honest economic system.

Mark K. Funke
Seattle, WA

Yeager responds: Mr. Funke takes my confession that I am not a hardest-core libertarian as an opportunity to advertise himself as just such a libertarian. By

Letters to the editor

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implication, he imputes to me a faith in horrendous regulation that I disavow on pages 40–42. Before firing off a comment, he should pay attention to what he proposes to comment on.

Funke's reaction is an example of what Hayek's theory of perception helps one understand: squeeze a text or person or thing into some preconceived pigeonhole, then react to the pigeonhole, inappropriate though it may be.

Tea for Two

Thanks for Bruce Ramsey's article on the Tea Party movement ("The Start of Something Big?", July). Here in the south county of San Luis Obispo, I am the organizer of the Five Cities Campaign for Liberty and the local Tea Party. Yes, it involves people from all walks of life. I am a hardcore radical Libertarian and a Ron Paul supporter; yet as much as I want to see anarchy, I understand that even I could not bring about overnight change. In fact, I like to say that if you did not have to pay any taxes it might take years for everyone to believe it and end the deductions from their paychecks. I may be wrong now. Things have changed a good deal.

I do sometimes wish you would not be so hard on us Libertarians. It is true we are not ones to compromise, but what can you expect when our disagreement with others is that they wish to force us to live according to their ideas and standards, plus pay for it?

Gail Lightfoot
Arroyo Grande, CA

Buyer Bust

While I do not totally disagree with Bruce Ramsey's analysis of "Who's to Blame" in the housing crisis (July), it left many holes. True enough, while many banks and lenders, brokers, home buyers, security ratings services, et al., did blow it big time, and in fact committed fraud in many cases (see below), the government was just as culpable. Both must be condemned. But this article, and all the others, have missed the forest for the trees.

I am a Certified Residential Real Estate Appraiser, and lived in the middle of the boom and bust. Almost every real estate agent and appraiser I knew was asking "Where are all these buyers coming from?" Herein lies the real culprit, all those buyers. And here is where they came from, and why, and the ultimate damage they did.

All the government agencies, along with Freddie, Fannie, FHA, et al., did in

From the Editor

As I write, President Obama is in serious trouble in the polls. His "unfavorables" are beginning to overwhelm his "favorables."

The reasons aren't entirely clear, but one reason is certainly that people are beginning to understand his mode of governance: enormous deficit spending, stunning pretensions to managerial expertise, determined ambitions to increase the state's control over such basics of life as healthcare.

Seven years ago I had cancer. It was detected when some slightly curious numbers appeared on a routine test, numbers that could have meant anything or nothing. What they meant was that I had a deadly disease — a disease that was diagnosed quickly only because I was able to get a CT scan quickly. The cancer was located and removed in time.

If I had lived in Canada, with its exemplary system of state healthcare, I would probably be dead today, because I would have had to wait too long for that CT scan. But now our president and Congress are struggling to find some way to Canadianize our healthcare — while leaving their own healthcare pristinely free of rationing.

The strong opposition to their efforts demonstrates that many people — perhaps most people — understand that. They want to be free. And that's why Liberty is here. The writers of Liberty disagree about a lot of things. They disagree about the history of freedom. They disagree about the best means of enhancing it. But they're not going to give it up — because to surrender freedom is to surrender life.

For Liberty,

Stephen Cox

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fact push banks to loan money to people who could not afford to pay it back. I have had personal conversations with (regional) bank CEOs, loan underwriter supervisors, etc., who told me more than once that they were "pushed" to make more loans by the government auditors (who knew everything the banks did). One example is a former loan underwriter of a now defunct bank, who retired in 2001 and sold all of her stock while it was still worth something. I was told the federal auditors would come and say to the officers of the bank (of which she was one) that they were not making enough loans in Rainier Valley and on Capitol Hill. The officers would reply that they had given loans to "everyone who's qualified." So the auditors told them to lower their standards and make more loans. Repeat. Repeat. Until 1997, the banks would balk, saying, "These people can't repay the loans and we don't want to take the houses back, and we can't sell those loans." In 1997, the Clinton administration ordered Freddie, Fannie, and the rest to buy subprime loans, and told the banks to go ahead with those bad loans since now they had a market where they could be sold. I have seen several charts prepared by appraisal industry organizations that show the rise in home values and the rise in wages at an almost identical inflationary creep of 3% to 5% annually from 1950 to 1997, then in 1997 home values skyrocket while wages continue on their previous path. To analyze why this happened, consider the following.

Prior to 1997, in any given year, there would be 500,000 to 1,000,000 people who qualified for a mortgage who had not qualified the year before. They might have gotten a raise or an inheritance, got married, got a job, whatever, but their financial position improved from non-buyer to buyer. Used home sellers and the construction industry had a reasonably balanced, stable, and predictable market. In 1997, when the gates were opened, it dumped probably 20 million buyers on the market in one day. Now, not everyone understood this on day one, but as loan originators starting becoming aware they could qualify anyone, there were suddenly millions more buyers than sellers. I witnessed this phenomenon as a house would go on the market on Friday, have an open house on Saturday, attract a dozen or more buyers bidding the price up 10% or more from the listing price by Sunday, and on Monday the agent and seller would get together and accept the offers from the highest buyer who looked the most likely to actually get the loan in a short timeframe. This produced a shortage of used housing, and builders suddenly discovered they could sell houses as fast as they could build them, and for far greater profits than in past years — hence a construction boom, too.

We should always remember that the market cannot be circumvented. Supply and demand will always prevail, with or without government approval. This massive influx of (government-created) instant buyers caused the boom and the massive increase in housing values. Without this influx of buyers, prices would have continued to rise along with wages. And even if the banks took back some extra defaults from unemployment in Michigan, etc., if they were losing 10% instead of 50% ($30,000 versus $300,000 newly inflated price per house), most if not all would have survived.

This is the part everyone seems to overlook: the government-induced overload of buyers. In this respect the market did not fail, it acted exactly like libertarians say it will.

The aforementioned fraud consisted of buyers and loan officers, originators, etc. knowingly lying about income. When you lie on a loan application, you are committing fraud, and when a loan originator knows you are lying (and in these cases, they were often instructing people to do so), they are committing fraud, too. Assets should be seized from these people to repay stockholders who were swindled.

Dean Brittain
Mount Vernon, WA

Truly Dark Ages

I was disappointed upon receiving my first issue of Liberty, to read the glowing review by Michael Stahl of Peter Wells' "Barbarians to Angels: The Dark Ages Reconsidered" (August).

Wells bases his thesis that the "Dark Ages" (the late 5th through the 8th centuries) in Western Europe was a time of "brilliant cultural activity" and economic growth, on almost no evidence. He uses evidence of some trading activity to deduce that trade was widespread and robust. Forget that the Roman road system had fallen into serious disrepair by the early 6th century and that archaeology (see particularly Ward-Perkins' "The Fall of Rome and the End of Civilization") strongly points to the opposite conclusion. And Wells throws out almost all the literary evidence of the time, calling it the "rantings of late Roman writers about societies they did not understand." (Of course, unlike Dr. Wells, these ranting Roman writers, like Gregory of Tours, actually lived in these societies). Eugippius had no intention of being an apologist for late Roman society when he wrote his Life of Saint Severinus, early in the 6th century, but it certainly gives no support to Wells' view. Now, Eugippius was writing about life in Noricum (roughly modern Austria) and conditions around the former dominions of the Western Roman Empire varied after the "fall." But the thoroughness of Wells' overall presentation is exemplified in his analysis of post-Roman London: the archaeological record showing vast areas within the old Roman walls containing no structural remains from the period, but rather just black dirt, does not mean the city was largely depopulated and that farming was brought into the security of the walls, but that the inhabitants instead used traditional local building techniques that left no trace. And from that supposition, Wells draws the conclusion that London was "thriving" during the Dark Ages.

One only need look at the fact that, when Western Europe emerged from the Dark Ages during the Carolingian Renaissance, it was far behind the other areas of the former Roman Empire — Byzantium and the Islamic dominions — both economically and culturally to understand that the Dark Ages was not a time of "cultural brilliance" and prosperity in Western Europe.

The various Germanic kingdoms that ruled most of the population of Western Europe during the Dark Ages may not have been as strongly centralized or imposed as crushing a tax burden on their people as did the late Roman Empire, but they were hardly models of laissez faire. They led to medieval feudalism, not freedom. Don't put on ideological blinders and make the Dark Ages into something they were

not, simply because they succeeded an authoritarian "statist" regime. And don't waste your money on this book.

Brandon Crocker
San Diego, CA

Stahl replies: I'd like to thank Mr. Crocker for reading my little review, and for taking the time to comment upon it. I'm compelled, however, to take issue with some of his commentary.

First, and foremost, Crocker mentions Bryan Ward-Perkins' "The Fall of Rome and the End of Civilization" (a book I've not read, but will, as the period fascinates me) as an authority of current scholarship on the period. Yet when I looked the book up on Amazon, I found that in the publisher's own description, Ward-Perkins is challenging the presently accepted viewpoint — that viewpoint being more in keeping with the theme of Wells' book. I see no problem with challenging convention, but one should be forthright when doing so.

Additionally, I noticed that he brings up what are likely the most speculative areas of evidence in the entire book, namely the extensiveness of trade, and the explanation of "dark Earth" in London and elsewhere. On trade, it seems clear there was some — its amount and stability are less clear. As far as the "dark Earth" goes, I did some poking around and from what I can see there is an ongoing debate about just what "dark Earth" is and how it came about — including, of course, the view that it is building materials. This to me makes the most sense in light of the more concrete, and academically accepted, evidence presented by Wells.

To me the most interesting, indeed frankly startling, piece of this evidence is the scientific finding (through skeletal study) that people living in Europe during this period were not only taller on average than earlier peoples, but also later peoples, all the way up to the modern age. This is easily verifiable, I typed in "heights in Europe dark ages" in Google and was greeted with a screen full of links, none of them contradicting the basic assertion. The first hit was the abstract of a Richard H. Steckel journal entry in the refereed journal Social Science History. There is a reason that people get taller, besides genetics, and that reason is full bellies, especially the right kind of full bellies. Study of the bones reveals diets rich in protein even for "common" people during the period.

Of course, Wells tells why that is, pointing to the (apparently uncontested) development during that period of the moldboard plow, the horse collar, and crop rotation in the form of the three-field system. That and being free from imperial taxation to maintain those "Roman Roads." For my part I fail to see the tragedy in trading expensive roads for full bellies, and honestly am uncertain as to how those roads are a necessary component to trade — Europeans had been trading long before Rome, and somehow managed after.

Here I'd also add (and I'm in debt to David Friedman for sending me this) that populations during the period, according to the Atlas of World Population History, were on the increase, after peaking during the Roman era at AD 300, and indeed passed the Roman high by 800. I'm not certain how one fits that into a theory of a horrid "Dark Age" of mayhem, license, and death, but I'm interested to see how Ward-Perkins attempts it.

As to the quip "Of course, unlike Dr. Wells, these ranting Roman writers, like Gregory of Tours, actually lived in these societies", I would simply say that it is preposterous to suggest that anyone, anywhere, could ever capture the essence of a society, even their own — it does not mean that they are untruthful, simply that they must be incomplete. Think of today, where unlike the time of Gregory of Tours, there is nearly full literacy (arguably), and a mountain of "cultural" media; would reading, or watching, or listening to, all of it give you a true sense of modern culture? I think not. But with writers who lived so far in the past, it must be remembered that only a scant sliver of the population could even write, and of that sliver, much of what was written must have been lost over the ages. Basing our understanding of history only on the writings of the past would be akin to basing the understanding of the modern world on the accumulated writings (with much randomly missing) of Noam Chomsky, Bill Kristol, Paul Krugman, and perhaps Eminem or Bono. All of those people write about the modern world as they see it, their perception, their bias, but none of them has my perception, or my bias — and none of us has all of the facts.

Method Voting

Kudos to Gary Jason for noting alternatives to plurality voting (Reflections, August). This antiquated voting method (along with restrictive ballot access and campaign finance laws and single-member districting) is a key factor in the continued dominance of the Democratic and Republican parties.

However, Jason failed to mention the most promising single-winner method — score voting (also known as range voting), in which voters assign a score to each candidate, and the candidate with the highest average wins. Jason also errs in his endorsement of instant runoff voting, which does nothing to increase the odds of minor party or independent candidates actually getting elected, has serious mathematical flaws (which is why it has almost zero support in the academic voting methods community), and has encountered serious problems in jurisdictions such as Burlington and San Francisco that have experimented with variants of ranked choice voting. However, it does have a well-funded advocacy group, FairVote, which has spent heavily to lock up the support of the Greens, the League of Women Voters, and the Libertarian Party (LP Chair Bill Redpath has been FairVote's treasurer since 1995).

Liberty readers interested in exploring this topic further would be well served by reading William Poundstone's "Gaming the Vote: Why Elections Aren't Fair (and What We Can Do About It)."

Doug Greene
Cedarhurst, NY

Jason responds: Mr. Greene's thoughtful reply is an excellent addition to the discussion.

The method he prefers (voters assigning each candidate a score, and then the one with the highest average winning) sounds interesting. As I said in my piece, there are many methods left out of my discussion, all with their own merits and demerits.

Regarding instant runoff voting, my thinking was that if a majority of people really favored a third party but were afraid to vote for it (out of fear that they would be helping elect someone from the party they most despise), the

instant runoff system would allow that third party to win. But my preference is a mild one, so if there are "serious mathematical flaws" I am quite willing to look at all the other methods. My point was that unless there is a move to change our voting method, I just don't vote for third parties.

Finally, just to be clear, I have never heard of, much less do I have any connection with, the organization "FairVote," nor do I have any connection with the Greens, the League of Women Voters, the Libertarian Party, or Bill Redpath.

Blood for Oil (Among Other Reasons)

In "Internal Exile" (August), Jacques Delacroix wrote, "If 'the corporations' made [President Bush] attack Iraq for its oil, oil must have become cheaper since we won, right?"

To which I reply: why? I regard Monsieur Delacroix's "argument" as a humongous non sequitur.

There are at least two questionable assumptions underlying Delacroix's ridiculous rhetorical question. He's assuming that if Iraq was invaded for its oil, then the ultimate goal must have been to bring down oil prices. And he's assuming that, since we "won," such an ultimate goal would have to have been achieved.

But what if Iraq was invaded for its oil, the ultimate goal being to help oil corporations increase their profits by giving them access to Iraqi oil? Reducing oil prices might not have been on the agenda at all.

Here's a question: why is it that when U.S. troops reached Baghdad some of those troops were used to protect the Iraqi Oil Ministry from looters, while other buildings were unprotected?

For the record, I wouldn't claim that "the corporations" made Bush invade Iraq. My analysis is that Bush, Cheney, and other administration members with oil-company connections were quite willing, perhaps even eager, to invade Iraq for (among other reasons) its oil, to help their oil-company friends.

I repeat: among other reasons. Oil was obviously not the only reason for invading Iraq. There was also a desire to remove an enemy of Israel from power and to set up a new regime that would be nicer to the Zionist state. There also appears to have been an intent to set up permanent U.S. military bases in Iraq and to use them as a base of operations for dominating that region. And there probably were other reasons for the Iraq invasion.

But to deny that oil was one reason would seem to be due to ignorance, idiocy, or disingenuousness.

L.A. Rollins
Bloomington, IL

Delacroix responds: Mr. Rollins in his breathless letter gives another good example of the kind of attitude I describe in the very story he deplores. He begins by drawing attention, with notable irrelevancy, to my foreign origins, by addressing me as "Monsieur." He ends the letter by giving me a choice between being ignorant, or an idiot, or a liar. At least, I am on the same familiar territory I describe in the story!

The successful invasion of Iraq did not correspond with any tangible benefits for any American actor, corporate or

continued on page 25

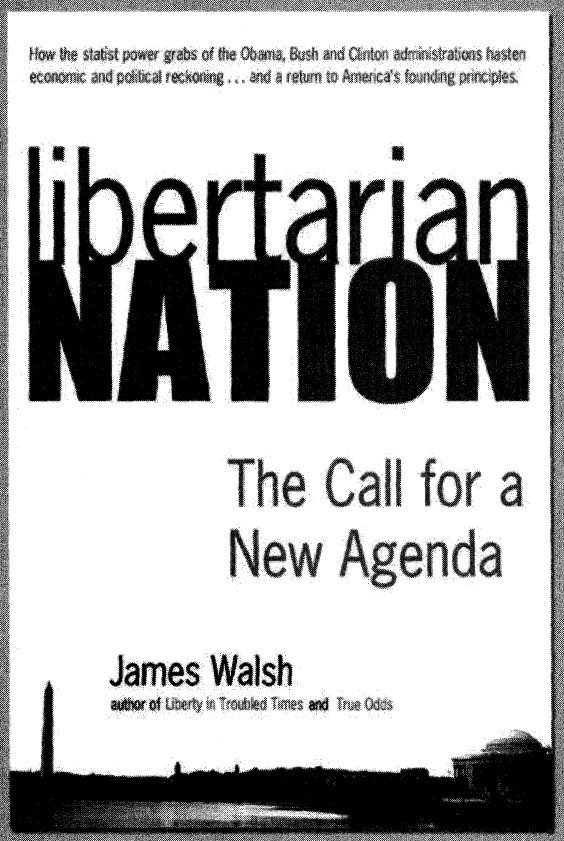

What do tax-protest Tea Parties, Arlen Specter's party switch, and Wall Street bailouts have in common? They mark the end of traditional Left-Right politics in America.

LIBERTY assistant editor Jim Walsh has written a book that shows what these changes mean. It applies libertarian philosophy to daily life in today's United States. It connects the beliefs of the country's Founders to the needs and wants of contemporary voters. And it does this with a fierce wit that LIBERTY readers will recognize . . . and enjoy.

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Reflections

Financial speedballs — Warren Buffett says that the money we've spent so far on the stimulus is insufficient — "sort of like taking half a tablet of Viagra and having also a bunch of candy mixed in."

Buffett may know a thing or two about money (or at least how to play the system), and he may know more than I want to hear about Viagra, but he's pretty lousy at similes. He should realize that Viagra is used to treat a symptom and does nothing to solve the root problem (so to speak). A better simile is that the money we spent on the stimulus was like using more cocaine than last time but not getting the same high.

Instead of listening to the Oracle who wants us to take repeated doses of a stimulant, maybe we should ask former cocaine addicts how well that worked for them. — Jeff Wrobel

The abominable postman — Recently, I used the U.S. Postal Service to send a letter to someone who, like me, resides on the East Coast. If I had the time, I could have taken a long, scenic, one day's drive to deliver the letter in person. But because I work for a living, that was not an option.

I chose to trust my letter to the post office. Shame on me.

For over two weeks, I periodically called the recipient to see whether the letter had arrived. He'd seen neither hide nor hair of it. In exasperation, and at greater cost than the 44-cent "forever" stamp, I went to non-government-owned FedEx. I was able to choose the method and time of delivery — guaranteed. Sure enough, the recipient had the letter in hand when FedEx guaranteed it would be delivered.

A week after FedEx delivered it — which was, again, exactly when they guaranteed it would be delivered — my original letter was returned to me through the U.S. mail. On the envelope there was an official (red, no less) U.S. post office stamp that read "Returned to Sender. Reason Checked — insufficient address." Funny, the "insufficient" address on the original letter was exactly the same address I put on the FedEx envelope.

And to think that this is the same type of system to which the president and Congress want us to entrust our healthcare. That would be an abomination . . . or, Obamination, if you prefer. — Marlaine White

Oh, Canada! — As Congress grew ever closer to passing ObamaCare — a program to introduce public health insurance, which would then crowd out private insurance — Sally Pipes published (Investor's Business Daily, July 2) the latest stats on waiting periods for medical care in Canada. They are eye-popping.

As of last year, 2.8% of all Canadians (or about 750,000 people) were on the wait list for medical treatment. The average wait time for seeing a specialist after being referred by a general practitioner is now 17.3 weeks, 88% longer than 15 years ago. In British Columbia, the average wait time for a simple colonoscopy after referral is nine weeks — almost double what is considered clinically safe.

President Obama has claimed that some socialized medical systems work well, but refuses to actually name any. He has pooh-poohed fears about such systems, saying that Americans should ignore "dire warnings about socialized medicine and government takeovers; long lines and rationed care . . ." As usual, he is simply lying. — Gary Jason

DC DIY — There have been a number of stories in the news lately that the sales of Friedrich Hayek's "The Road to Serfdom" are way up. From a Cato Institute blog: "So far this year the most popular edition of 'Road to Serfdom' has sold 11,366 copies. That compares with 3,131 copies at the same point last year."

Sales seem to be particularly up in Washington, DC. The same blog indicates that a new Cato staff writer had "recently seen two people on the Washington Metro reading 'The Road to Serfdom.' "

I'm guessing that, at least in the DC area, most purchases are by bureaucrats. They see the title and think the book is a blueprint. — Ross Levatter

"They're not going to take these commandments seriously unless you carve them in stone or something."

Collectivist twits — In August, California's largest union of government workers voted to authorize a strike to protest furloughs of state employees and pressure politicians to ratify a labor contract that had been in limbo for six months. A spokesman for one big local said that the vote "authorized union officers to initiate certain job actions." And, sounding like a North Korean apparatchik, he boasted about the overwhelming popularity of the proposal.

The union? The Service Employees International Union. The SEIU represents about 95,000 state employees in California, mostly clerical workers. Which prompts the question of how anyone would notice their strike.

In a twist on usual expectations, Gov. Arnold Schwarzenegger's administration had agreed to a new deal with SEIU in February, but it had been held up in the state legislature, which is controlled by Democrats with at least

nominal allegiance to the union. Still, SEIU flacks tried to blame Schwarzenegger. "We feel that he really undermined any kind of a contract deal by pushing these furloughs on folks," one stammered.

About the same time, a rumor circulating at Comic-Con in San Diego was that Arnold has been talking with producers about making "True Lies 2" when his term as governor comes to an end. — Jim Walsh

Equal opportunity abusers — Instead of immediately racializing the arrest of Henry Louis Gates Jr. (without any evidence that race played a role), my preferred response for Obama would have been to declare without qualifiers that *nobody* should be arrested for arguing rudely with a cop, even if it is part of a police department's official "protocol."

He could also have pointed out that while blacks are more likely to be targeted for abuse, cops have also wrongly arrested or tased many whites for similar behavior. Two recent examples, as shown on YouTube, were the tasing and arrest of a 72-year-old grandmother who apparently asked one too many questions, and the tasing of a student who refused to sign a speeding ticket.

Of course, had Obama taken a stand against the recent trend of police abuse across racial lines, he might have interfered with the discretion of federal law enforcement officers under his authority to do the same thing. Instead, he treated us to a lame apology-non-apology and a surreal combination beerfest and photo-op. — David Beito

Step three: profit — In a recent CNN interview, angry comic Bill Maher claimed that "not everything has to be for profit." Since Maher is obviously a simpleton, I'm going to try and put this in his native language: it is very hard to spend exactly what you earn.

If you're like most people, you get to the end of the year with either a little bit of money in your checking account, or a check that you hope doesn't get to the electric company before your final deposit. So really there are only two options: making a profit, or losing money. And given that choice, most of us prefer the profit.

On the other hand, considering that his ratings have never matched those of the man he replaced, Dennis Miller, there is a good chance that Maher's remark was more of an apology to HBO than an attempt at coherent economic philosophy. — Tim Slagle

Egalitarian virtue — It's a time-honored tradition for PTA parents to volunteer in classrooms and hold fundraisers to provide extras — art supplies, supplemental research materials, computers, and the like. This is the way it should be done. Those who use classroom services should pay for them, and if parents want more services in their schools, they should provide them without taxing the entire community to share in the costs.

For many years, Manhattan PTA parents have gone even further, raising money to hire fulltime aides to work in the classroom, assisting teachers with everything from reading stories and supervising art projects to tying shoes, running

Word Watch

by Stephen Cox

During the second season of "The Sopranos," Tony's detested uncle Junior finally mentions, about 20 years too late, the existence of a mentally handicapped person in the family. "I remember," Tony replies, "my mother . . . she kept talkin' about my father's feeble-minded brother. But I always thought she meant you."

Among the glories of the English language are the things people say when they just want to be mean to other people.

I'm not referring to those amusing comments that might be mistaken for good-natured joshing. I mean hurtful, unforgettably insulting things, linguistic hatchet jobs, remarks that make people remembered for hundreds of years, not because of anything they did, good or bad, but because of the bad things that were said about them.

Alexander Pope suggested that his critics would be remembered only for their invidious association with him. They were ugly objects preserved in a precious substance:

> Pretty! in amber to observe the forms
> Of hairs, or straws, or dirt, or grubs, or worms.
> The things, we know, are neither rich nor rare,
> But wonder how the devil they got there?

And he was right. The memory of his critics is alive today only because he said things like that about them.

In the same way, Lady Astor, despite her monumental follies, is chiefly remembered because of a reported exchange between her and Winston Churchill, an exchange in which he got the better of her. She reportedly said, "If you were my husband, I'd poison your tea." He responded, "If you were my wife, I'd drink it." Her attempt to get the better of herself — "I am the kind of woman I would run from" — wasn't so successful.

Thomas Dewey is sometimes remembered as the Republican who failed to beat Truman, in an election in which almost anybody could have beaten him. But Dewey is more often recalled for the way he was described by Alice Roosevelt Longworth. She said he was "the little man on the wedding cake." Mrs. Longworth made a profession out of saying mean things. She didn't have much else to do. At her most gracious, she would make remarks like, "If you haven't got anything nice to say about anybody, come sit next to me."

It may seem unjust that losers and fools get remembered just because nasty, witty people insulted them. That's right; there's no justice in this court. Even wise and intelligent people are often remembered mainly for what their enemies said.

The most famous letter in the language is Samuel Johnson's attack on Lord Chesterfield for failing to assist him while he was writing the English dictionary. Chesterfield withheld his support until after the project was finished; then he became complimentary. Johnson addressed him with noble sarcasm:

> Is not a Patron, my Lord, one who looks with unconcern on a man struggling for life in the water, and, when he has reached

copy machines, and standing at recess duty.

Now Manhattan's powerful teachers' union has pressured Mayor Bloomberg to close the doors against these "scab" assistants, insisting that only card-carrying, union authorized assistants may be hired — at twice the cost, of course. Opponents of parent-funded classroom aides cite quality and safety issues, but most galling to them is the fairness issue — if every PTA can't (or won't) afford to hire aides, then no classroom should be allowed to have them. The result: since there is no money in the budget for hiring classroom aides, no teachers will have help in the classroom, and all students will suffer.

Winston Churchill said it best: The inherent vice of capitalism is the unequal sharing of blessings; the inherent virtue of socialism is the equal sharing of misery. — Jo Ann Skousen

Not necessarily a warm gun — The question of what makes us happy is as antique as it is important. Aristotle, the epitome of dead white males, famously had it that the goal of every person and every state is happiness. And he devoted much effort, as has every significant moral philosopher since his time, to explaining happiness.

While I have long been fascinated by the happiness debate, I must admit that philosophers haven't contributed as much to it in recent times as have people in psychology and economics, who have been doing the most exciting work in the field.

A very pretty example of this research caught my eye recently. It was an article in the estimable journal Perspectives on Psychological Science (Vol. 3, No. 4, 2008), written by a team headed by Ronald Inglehart.

The authors examine a view that has been almost the received wisdom in economics and social science since R.O. Easterlin's seminal work in the 1970s on international surveys of happiness. This view is that the level of happiness in a person and in a state is essentially constant over time. In individuals, psychologists have called this the "set point theory." It holds that a person has a set level of happiness, and life events, from winning a lottery to getting a divorce or becoming disabled, will increase or decrease that person's happiness for a period of time, but eventually he will return to his previous level of happiness. Some studies have suggested that the level is genetically determined.

On the level of nations, again it is held that the level of aggregate happiness for a given society is constant over time. Easterlin, who originally used survey data from Japan, argued that even as a nation's wealth increases, its happiness stays constant. The common explanation was that people's happiness was tied to *relative* income, which tended to stay the same even as absolute income increased. And data from a number of countries seemed to show flat happiness levels. For example, self-reported levels of wellbeing among Americans have remained constant from 1946 to the present.

The authors don't mention it, but policy wonks of statist persuasion have drawn two implications from the received view: first, that high economic growth rates — traditionally considered the goal of economic policy — are unimportant

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ground, encumbers him with help? The notice which you have been pleased to take of my labours, had it been early, had been kind; but it has been delayed till I am indifferent, and cannot enjoy it; till I am solitary, and cannot impart it; till I am known, and do not want it. I hope it is no very cynical asperity, not to confess obligations where no benefit has been received, or to be unwilling that the Publick should consider me as owing that to a Patron, which Providence has enabled me to do for myself.

Johnson's letter was a declaration of personal independence, a landmark in the history of individualism. But its target, Philip Stanhope, Fourth Earl of Chesterfield, was a good man and a great literary artist — unfairly doomed to be remembered as the object of Johnson's scorn. (Well, remembered for that, and for Chesterfield cigarettes, which were named after the county in Virginia that was named after him.)

Even when scorn is richly deserved, it gains its character from the scorner, not the scorned. God knows, our recent presidents have deserved derisive literary memorials; but what they've gotten has largely been generic abuse from the kind of people who can't think of anything more individual to say than that Obama is a "sell-out" and Clinton was "Slick Willie" and Boosh was a "war criminal."

Contrast Churchill's (again, reputed) comments on his successor as prime minister: "A modest man with much to be modest about . . . An empty taxi drew up outside 10 Downing Street, and Clement Attlee got out of it."

And contrast the remark of one of Churchill's opponents, Aneurin Bevan, about the Tories' talent for mismanaging the economy: "This island is made mainly of coal and surrounded by fish. Only an organizing genius could produce a shortage of coal and fish at the same time." Bevan exercised his spite much less effectively when he simply gave vent to it, as when he spoke of his "deep burning hatred for the Tory Party," or when he said that they were "lower than vermin." None of that had any effect except to turn people against Bevan himself.

I've long thought that Bush must have been paying a lot of money to Al Franken and Gore Vidal and all those other people who thought they were so superior to him — just to make sure they kept piling on their vulgar abuse. That abuse was practically the only thing that made people support him. I doubt very much that it made an impression on Bush himself. And why should it? You've got to be more inventive if you really want to get somebody's goat.

Congressman John Randolph knew how to do that. He did it to Henry Clay when he described him as "this being, so brilliant yet so corrupt, which, like a rotten mackerel by moonlight, shined and stunk." In consequence, Clay challenged Randolph to a duel. (No, it wasn't fish hooks at two paces.) Both men acquitted themselves honorably. No harm was done — except that the memory of Henry Clay remains inseparable from the image of that stinking mackerel.

Yes, it can all be performed with images . . .

For many years I've been looking for exactly the right put-down of poor old Gertrude Stein, who irritates me because she is still taken seriously by trendy "intellectuals." You would expect that 63 years after her death, they would have trended elsewhere, but some of them haven't. So I value Ayn Rand's satire of Stein as the obnoxious Lois Cook in "The Fountainhead," and I enjoy Isabel Paterson's comment about one of Stein's lecture topics,

because they don't produce happiness; and second, that since relative income produces happiness, high levels of redistributive taxation are the way to produce higher national levels of happiness.

However, as the authors note, recent studies have questioned the received view. For example, Inglehart points to his own much earlier research that showed a high correlation between GNP and life satisfaction in two dozen nations for which data were available. But critics argued that the data tracking happiness over time were not reliable, because the sampling and surveying techniques were variable.

So in the current article the research team analyzes a better data set, the Values Survey. This survey asked the same questions in the same way to people in 88 countries representing 90% of the planet's population, from 1981 to 2007. The data set is both comprehensive and robust. Furthermore, the researchers are more careful in labeling what is being measured. They distinguish subjective wellbeing (SWB), happiness, and life satisfaction, viewing SWB as a broader concept that has happiness and life satisfactions as aspects. What the authors found was interesting, especially to classical liberals.

The better data set does show that rising economic development correlates significantly with rising reported subjective wellbeing (SWB). But — and here is the surprise — the reason this wasn't clear in some earlier studies is that the relationship is curvilinear rather than purely linear. That is, the correlation line rises steeply to a point, then flattens out.

The conclusion the authors draw is that wealth is a bigger determinant of SWB when a country is trying to emerge from poverty. As Inglehart put it in an earlier article, which he cites in this one, "At low levels of economic development, even modest economic gains bring a high return. . . . But once a society has reached a certain threshold of development . . . one reaches a point at which further economic growth brings only minimal gains in both life expectancy and subjective wellbeing."

The point isn't entirely novel. Aristotle argued, in the "Nicomachean Ethics," that wealth isn't happiness but is a precondition of happiness: without a certain basic level of material comfort, happiness (which Aristotle took to be the exercise of virtue) would be impossible to achieve, but once that level is hit, further wealth doesn't increase happiness.

Another correlation that the authors draw from the data is the association between SWB and the degree of people's religious belief and tolerance for others (the authors use tolerance for gays as the most important indicator of tolerance in general). Higher levels of tolerance and religious belief are correlated with higher SWB, which is also correlated with higher levels of personal freedom.

The authors' conclusion in this regard is that early in a society's development, attainment of prosperity is the driving force behind growth in SWB. But as a society reaches a level of reasonable prosperity, increasing freedom and tolerance become the driving force. China, take note!

In fact, they draw a conclusion that should thrill the libertarian heart: "The evidence indicates that certain types of societies are more conducive to happiness than others — in particular, societies that allow people relatively free choice in how to live their lives."

Why have these trends not been noticed in earlier work? Inglehart et al. give four reasons. First, most earlier studies focused on already developed countries, ones past the initial high returns in SWB from increasing wealth. Second, prior work focused on material factors, and not the role of belief

"The History of English Literature as I Understand It." "That," Paterson said, "should be a very brief lecture." But now I've located the greatest, meanest thing that was ever said about Gertrude Stein. It's by Katherine Anne Porter. She said that Stein had a "tepid, sluggish nature, really sluggish like something eating its way through a leaf."

Something eating its way through a leaf. A sublime insult may be a simple statement of truth like that, the kind of statement that offers nothing you can grab onto, nothing that opens an escape hatch. Molly Ivins on the King of Pop: "Michael Jackson was a poor black boy who grew up to be a rich white woman." Keith Richards on Elton John: "His writing is limited to songs for dead blondes." Oscar Wilde on the novelist Mrs. Oliphant (yes, there was such a person, and there is even a street named after her in my home town, because they needed a name that began with "O"): "Mrs. Oliphant prattles pleasantly."

Mary McCarthy was a silly person, but she had one moment of precise simplicity, the moment when she summarized the literary accomplishments of the insufferable old Stalinist Lillian Hellman, in this manner: "Every word she writes is a lie, including 'and' and 'the.'" Hellman was richer than McCarthy, so she sued her, hoping to reduce her to membership in the proletariat. That didn't work, but McCarthy's insult did. It punctured the Hindenburg-class monstrosity that was Lillian Hellman's reputation.

In lieu of blunt simplicity, one can create a list of insults so lengthy and well disciplined that it seems impossible to get away from them. Johnson did that when he wanted to insult his roast mutton: "It is as bad as bad can be: it is ill-fed, ill-killed, ill-kept, and ill-drest." He treated Thomas Gray, the poet, as if he were the same kind of dish: "Sir, he was dull in company, dull in his closet, dull every where. He was dull in a new way, and that made many people think him *great.*"

So if you have a lot of words, use 'em — but you may get the best effect if your individual words are plain, unemphatic, matter of fact. Thomas Macaulay, whose work ought to be much better known to libertarians, turned this kind of stylistic bulldozer loose on Robert Southey — yet another Everest of political culture whose remains can scarcely be detected today, except by people who enjoy reading his opponents.

"Now," Macaulay begins, sniffing his prey, and knowing it has been delivered unto him, "in the mind of Mr. Southey reason has no place at all, as either leader or follower, as either sovereign or slave. He does not seem to know what an argument is. He never uses arguments himself. He never troubles himself to answer the arguments of his opponents. It has never occurred to him, that a man ought to be able to give some better account of the way in which he has arrived at his opinions than merely that it is his will and pleasure to hold them. It has never occurred to him that there is a difference between assertion and demonstration, that a rumour does not always prove a fact, that a single fact, when provided, is hardly foundation enough for a theory,

systems and institutions as drivers of SWB. Third, major economic, political, and social changes (global economic growth, democratization, and growing tolerance) are relatively recent phenomena, and earlier surveys missed their impact. Fourth, prior studies have not distinguished happiness from life satisfaction or SWB.

There is a lot more to this comprehensive article than I have touched upon. Two of the authors are political scientists, and their insightful discussions about particular countries and the changes in their reported levels of life satisfaction and happiness through major political upheavals are especially worth reading.

Happiness research is a hot area of interdisciplinary work. The article I've discussed gives you some of the flavor of that work. It is hard to overstate its importance. — Gary Jason

Hurry up and wait — The cap and trade bill addressing global warming was rushed through Congress during one of the coldest summers on record. It has only been 17 years since Al Gore wrote "Earth in the Balance," so they're moving quite quickly.

It is a classic example of why government doesn't do anything better than the private sector — it just doesn't move very fast. While the private sector was able to create truckloads of Michael Jackson memorabilia within a few short weeks of his unexpected death, Congress is still working on global warming legislation. Meanwhile, there hasn't been any measurable warming for the past ten years.

While the private sector can get something done in time to actually respond to the existing demand, Congress is constantly backlogged. If it were up to our legislators, the memorabilia being produced today would honor the death of Kurt Cobain. Unfortunately, the only process that moves more slowly than getting laws through Congress is getting them repealed. — Tim Slagle

Turnabout is foul play — I recall the years under Reagan when the United States led the world in economic reform. We liberalized our economic system, as did the British, and the result was a triumph of neoliberal economics. The world saw its largest economy lower taxes, lessen regulation, open up free trade, and subsequently enter a long period of unprecedented growth and prosperity. When the Soviet empire fell, formerly statist economies began to emulate our free-market system.

But in one of the weirdest reversals in history, as the rest of the world looks on in amazement — and trepidation — we now rush to embrace statism. A number of developments illustrate this terrible turnabout.

First consider Europe. We recently saw that continent (led by France and Germany, can you imagine?) rebuke Obama for doing too much stimulus spending and the Fed for doing too much monetary expansion. Even more amazingly, Europe has taken to lowering corporate taxes. At this point, most of the EU countries have corporate taxes lower than America's!

More recently, Europe has moved ahead on free trade. Obama has refused to sign the already negotiated free trade agreements (FTAs) with Colombia and South Korea, much less bothered to negotiate any new ones. Indeed, he won the endorsement of the Teamsters Union during his primary campaign by promising never to sign the Korean FTA. Korea, please note, is the 13th largest economy on earth, and a fast-growing one, so opening it up to tariff-free trade would be a major achievement.

Well, in July, the EU and South Korea finished negotiating an FTA. After the final wording takes place, the deal will be

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that two contradictory propositions cannot be undeniable truths, that to beg the question is not the way to settle it, or that when an objection is raised, it ought to be met with something more convincing than 'scoundrel' and 'blockhead.'" And so, summing up: "It would be absurd to read the works of such a writer for political instruction."

Yes, I think that's it. I think that just about does it. There is nothing left of Southey except his dust. I wish Ayn Rand would have written something close to those coolly murderous words, instead of that violently emotive defense of reason, John Galt's speech in "Atlas Shrugged."

This doesn't mean there's anything wrong with just banging away at the people you don't like. But here's one thing to remember: if you're going to do that, don't show that they've got your goat, and don't pretend, on the other hand, that you're somehow being nice to them. Don't be like President Obama, who specializes in the "There are some who say" technique — starting with a coy allusion to unnamed opponents, then summarizing their views in such a way as to make them seem like clucks or crooks or fascists, without ever specifying what they actually said or did. No, go ahead and announce the shocking truth, or your shocking idea of it, so long as it *is* shocking. ("Vermin," "traitor," "racist," and so on are *not* shocking; they're just a bunch of syllables that everyone has heard before.)

Even popular songs sometimes aim at the shocking truth, and do it unforgettably. John Lennon's song, "How Do You Sleep?", alludes to the rumor that Paul McCartney had died and his death had been covered up. The song's best line is, "Those freaks was right when they said you was dead." The rumor was idiotic, but the song happened to be true.

Yet even distortions can work. Way back in the election of 1884, a popular ditty conveyed the rumor that bachelor candidate Grover Cleveland had surreptitiously fathered a child: "'Ma, Ma! Where's my pa?' / 'Gone to the White House — ha, ha, ha!'" That had its effect, although fortunately it failed to keep the great Mr. Cleveland from becoming president.

(What was the truth? It was this: Cleveland, like a number of other men in his town, had enjoyed a certain lady's favors; after she became pregnant, he gallantly took responsibility for her and the child.)

There was a time when even popular movies contributed resonant insults. In the greatest of Hollywood musicals, "42nd Street," the leading investor in a Broadway show is described as looking like "a Bulgarian boll weevil, mourning his firstborn." Yes, I know people like that. So do you. And I know people who call to mind another comment from "42nd Street": "In a star, it's temperament, but in a chorus girl, it's just bad taste."

Are you thinking what I'm thinking? I'm picturing the biggest chorus line in America — 535 touchy actors, and hardly a star among them. In the words of "42nd Street": "Not a calf in a carload."

But some targets are just too easy.

done. And in doing this deal, the EU will eliminate $2.2 billion in tariffs on its exports to Korea. Its goods will now be at a decisive advantage over ours in the rapidly growing Korean economy.

Indeed, not only does Obama show no willingness to push for more FTAs but his trade representative Ron Kirk has vowed to start investigating our existing free-trade partners for any "labor violations." This he calls "trade enforcement." He has threatened them explicitly: "And if they don't fix their labor problems, we will exercise our legal options." Rising American protectionism is a major aspect of the economic role-reversal.

Turning now to the two Asian giants China and India, we see the new anti-free-market posture of the United States showing up in our attempts to make them buy into our environmentalist religion. We are demanding that they adopt measures (such as the proposed "cap and trade" bill that recently passed the House of Representatives) to stop the increase in carbon dioxide emissions.

That is in effect to ask them to stop their rapid industrialization. After centuries of abject poverty, both of these countries — whose cultures go back thousands of years before our own — have a chance to become, once more, the leading economies on earth. Do we really expert that they will pass up their chance to become great, simply because we urge them to do so?

In this matter, the Asians rightly view us as hysterical hypocrites. Hysterical, in that we are overreacting to the theory of anthropocentric global warming by attempting to choke off the use of fossil fuels without trying to replace them with another reliable large-scale source of energy (the only known such source being nuclear power). Hypocritical, because America rose to become the greatest economy on the planet by using fossil fuels.

Both China and India have replied unequivocally. They both intend to put their people first, rejecting any notion of limiting their economic growth. The Indian response was delivered directly to Secretary of State Clinton during her recent trip to New Delhi.

Here we see another aspect of the Great Economic Role Reversal: the saddling of our economy with massive job-killing and wealth-killing regulations. In the face of Asia's refusal to do the same, the administration has responded with the protectionist threat to impose tariffs on any country that refuses to join us in cutting greenhouse gas emissions.

My, how the worm has turned. — Gary Jason

Courting the schools — In 1997 the Vermont Supreme Court handed down the *Brigham* decision, whereby it decreed that under the state constitution there is a fundamental right to "educational opportunities," and furthermore that the state has a responsibility to make sure that all children have access to the *same* opportunities. The court also held that these educational opportunities (which it never defined) can be measured by the amount of money taxpayers spend on public schools. Students in higher spending districts have greater educational opportunities, the court said, and therefore the state is required to equalize the opportunities for students in lower spending districts.

This was not just bad law, stretching the state's constitution way beyond any reasonable interpretation, but an egregious example of judicial activism. The five justices of the state supreme court acted as a super legislature — they didn't actually write the law that followed from their decision, of course, but they did direct the legislature to pass one that embodied their woolly philosophy. Additionally, the court's decision to take power from towns and transfer it to the state was a blatant attack on local control, while its demand for equality in school spending amounted to nothing less than socialism. It's certainly not too much to say that the justices should have been impeached, if not tarred and feathered. But unfortunately nothing of the sort happened.

What did happen was the Equal Educational Opportunity Act of 1997, better known as Act 60. It sought to level per-pupil spending (i.e., "educational opportunities") through complex machinations at the state level. It led to dramatic increases in property taxes. This caused widespread voter dissatisfaction, culminating in the town of Killington's vote to secede from Vermont in 2004 (a vote that has never been rescinded, by the way). While the number of pupils in Vermont schools has fallen, the amount of money spent on educating them has gone up dramatically. Yet there have been no accompanying increases in test scores, rates of graduation, or any of the other criteria used to measure educational success.

A new law called Act 68 replaced Act 60 in 2003. It was supposed to correct the problems created by its predecessor, but it didn't really accomplish much. Talk of further tinkering comes up in every legislative session, but no one is holding his breath waiting for real reform.

Personally, my biggest beef with Act 60/68 is that it's impossible to understand its provisions and how they are implemented. No doubt there are some pointy-headed lawyers and academics in the state who actually do understand it, but the average citizen (and, I fear, the average legislator) hasn't a clue.

My village of Poultney has just been informed that a reappraisal of properties will take place because we are no longer in compliance with the law. The first two paragraphs of the story in the local paper explained the situation thus:

> On July 1, the town of Poultney received an order to reappraise the town's education grand list [a listing of taxable property within a given town] from William Johnson, the director of property valuation and review of the Vermont Department of Taxes.
>
> Vermont law requires that a municipality maintains its education grand list at a common level of appraisal that is at or above 80 and a coefficient of dispersion that is at or below 20 as determined by the director of property valuation and review. Poultney's common level of appraisal of the education grand list is currently at 76.69 and is therefore out of compliance.

That's a direct quote, folks! If this isn't a sick state of affairs, I don't know what is. Even a Green Mountain George Orwell would be challenged to explicate what goes on here.

— Jon Harrison

Powering the debate — Many in the coal sector are spending vast sums reducing the residuals generated from burning coal — particulates, sulfur dioxides, carbon monoxide and, perhaps in the future, carbon dioxide. Coal CEOs give many speeches discussing their progress. They wait for

applause that never comes, and wonder why.

It never comes because coal CEOs (and indeed, most business leaders) don't understand that today the coal sector's contribution to society is unknown. People likely understand the benefits of electricity and the service it provides, but that does not mean they grasp its societal benefits or the legitimacy of the energy business. People may love their *own* car and yet believe the car threatens societal values. The choices one makes as a consumer may differ entirely from the opinions one holds as a citizen.

Coal CEOs aggravate this dichotomy when they speak to their critics and subtly apologize: "We used to pollute," they say, "but now (in part, because regulations require it) we spend vast sums to reduce our pollution. Give us some credit!" But, Joe and Joan Citizen only hear the horrors of pollution and the evils of capitalism.

CEOs don't deserve credit if all they're doing is less of a bad thing; they first have to establish credit for making a true contribution. To establish legitimacy, the coal industry (and the CEOs of other businesses) must communicate to the American citizenry how they have made the world a better place. Coal CEOs must increase awareness about the importance of their products as more than offsetting goods.

And that is what is wrong with cries for "clean" coal. Consider the similar push for "safe" nuclear power. Safety concerns have prevented nuclear power from becoming a substantial energy source in the United States even now as an offset to CO2. But billions have been spent to reduce the rather small risks of nuclear waste disposal. Yucca Mountain became the most expensive garbage can in history — one that will likely never be used.

Coal and nuclear — and the auto sector and the chemical sector and, indeed, almost all of the private economy — have failed to legitimize themselves. Simply spending fortunes to reduce their unfavorable effects (or those perceived as unfavorable) is inadequate. Citizens need to know that, on net, businesses do much that is good. "Clean" coal and "safe" nuclear power fail to gain any popular political support. Business has yet to make its real case, and energy policy will continue to get worse until it does. — Fred Smith

Bombs away — I work on a small Pacific atoll where they recently launched the fifth attempt of a SpaceX rocket. My job on this island is to code, maintain, and operate the system that blows up missiles that go astray (an awesomely cool job). Whenever a missile is launched from here, I have a not-quite-subconscious desire that it veer off course so that we can blow it up. What 10-year-old boy wouldn't want to see this? (OK, I'm 51, but still . . .)

Over the years my software has taken out more than one multimillion-dollar missile. So far, though, they have all been government-funded missiles. SpaceX is a privately funded project that aims to deliver payloads into space at a much lower price than the government could ever dream of doing. As much as I enjoy exploding stuff, I get an even bigger thrill out of watching dramatic triumphs of private enterprise over government endeavors. So now my conscious and subconscious hopes are that the rocket not veer off course.

Each attempt at SpaceX has had increasing success over the previous attempt. On the third try, the rocket carrying the ashes of Star Trek's Scotty did not quite make it into orbit, and Scottie is now lying somewhere at the bottom of the broad open ocean south of Hawaii. The fourth attempt barely limped into orbit, but only delivered a dummy payload because, well, no one wanted to go where Scotty had gone before. But the relative success of the fourth attempt was enough to convince Malaysia to give this latest SpaceX rocket a chance to deliver its RazakSAT satellite into orbit.

So on the same day that the Space Shuttle failed to launch for the nth day in a row, the SpaceX rocket lifted off the launch pad here in the Marshall Islands. The safety officers had their itchy destruct fingers ready to hit their buttons at the first sign of trouble. We all tensely watched as the data poured in from all sources and showed . . . all systems normal! Every indication from every source showed the rocket in perfect sync with predictions. When we knew it was not worthy of destroying, we all turned to watch the video broadcast from the rocket, which showed a steady view of the shrinking earth below. No pyromaniacal fan of the free market could ask for a better day. — Jeff Wrobel

Fizzle — On July 4, I watched a series of fireworks displays in the Phoenix area.

The one in Mesa was cancelled because of a lack of funds, the recession having reared its ugly head.

Last year, several fireworks were cancelled because of rain.

The year before, at least one was cancelled because of the heat and dryness, which created a risk of fire.

I was thinking it would be only a matter of time until they were cancelled because Americans confessed to being "not that into" liberty any more. Then I realized that would require a polity capable of being honest with itself, and thus unlikely. — Ross Levatter

The green jobs scam — President Obama has repeatedly promised, or suggested, that his program of subsidies and mandates for "green energy" will create millions of new jobs, perhaps 5 million. Well, the number of jobs is the same as the number of employed persons. Where will the additional employees and self-employed persons come from?

Conceivably they will come from the ranks of the unemployed. But much unemployment is frictional and unavoidable: workers are temporarily between jobs while adjusting to changes in market conditions or personal circumstances. Change may be beneficial, the result of technical progress and entrepreneurial activity. Or it may be government-imposed. Does Obama really want to risk more change-related frictional unemployment?

Another type of unemployment reflects the failure of plans to mesh and markets to clear in a recession. Imperfect monetary policy has typically contributed to it. Prices and wages have gotten out of market-clearing relations with one another; and contacts among business firms, workers, and consumers have been disrupted. Market forces, ideally aided by good monetary policy, work to restore coordination, although not quickly. Obama's energy program aims at a *long-term* reorientation of resources. Does he really expect it to cure short-term discoordination?

Some estimates, necessarily rough, draw on the website

of the Bureau of Labor Statistics. Suppose normal, frictional, unemployment is 5% of the labor force (probably a bit too low a percentage). It is then about 7.7 million out of total unemployment of 14.7 million, leaving 7 million as unemployment due to the recession's temporary disruptions. As a matter of mindless arithmetic, Obama's 5 million green jobs could absorb most of that unemployment. However, his program, if it worked, would work only gradually, while diverting some capital and technical and managerial skills from providing opportunities to workers in other occupations. In those, unemployment would grow.

It is far-fetched, then, to suppose that his program could cut cyclical unemployment to only 2 million. A long-term program of job diversion is no way to iron out the business cycle. Curing it, if possible, requires quite different remedies, including a steadier and more reliable monetary policy.

Besides implausibly reducing cyclical unemployment, an energy program might conceivably fill additional jobs by encouraging immigration or encouraging people to enter the labor force sooner and to postpone retiring. But is that what Obama wants?

Instead, the supposed job-creation must mean diverting labor, capital, and other resources from not-so-green occupations. The fact that these shifts would not occur without government subsidies and mandates indicates that they reshuffle resources inefficiently.

So much for national policy. What about state and local job creation?

The press here in Alabama and Lee County bemoans closings of industrial plants and celebrates openings of new ones. Programs to attract employers seem respectable. But what may get attracted is not so much net additional jobs as higher-paying jobs. Are these results worth the costs of the tax, credit, site preparation, and job-training incentives offered? Maybe, but they do imply attracting capital and technical and managerial skills and perhaps workers from outside the locality, leaving jobs there less attractive than they would otherwise be. Altruism might recommend against that, but local governments and workers can hardly be expected to be so altruistic. Anyway, costly interlocal competition for high-paying employers does impose a dead loss of efficiency from a broader point of view.

National and local programs both imply, at best, somehow finding additional employers and workers by reducing cyclical employment while adding less to the frictional unemployment of economic change. Realistically, subsidies and mandates counterproductively divert resources.

Obviously but fundamentally, jobs are not desirable in their own right. Work is regrettably needed for the necessities and pleasures of life. In the imaginary land of Cockaigne, as Ludwig von Mises has said, roast chickens would fly into our mouths with no effort on our part. In the real world, the basic law of economics holds: scarcity.

Politicians' use of the crude job-creation argument betrays their unsurprising economic ignorance, capacity for self-deception, dishonesty, or all three. They exploit voters' simplistic obsession with jobs, as diagnosed by Bryan Caplan in "The Myth of the Rational Voter."

Gabriel Calzada Álvarez, an economics professor at the Universidad Rey Juan Carlos in Madrid, has written a "Study of the Effects on Employment of Public Aid to Renewable Energy Sources" (http://tinyurl.com/d7z9ye). To judge from his associations and his study itself, Calzada can hardly be accused of economic ignorance. Referring in particular to Spanish subsidies and mandates for wind and sun power and ingeniously deploying abundant statistics, he claims to show that such a program, with its inefficiencies, *destroys* more jobs than it creates. Other governments obsessed with green energy, he suggests, should take the Spanish lesson to heart.

Presumably Calzada means that labor and other resources are wastefully shunted *from* a greater number of relatively efficient and productive jobs into fewer, relatively inefficient ones. Unfortunately, he does phrase his conclusion in terms of *number* of jobs. Perhaps, as a colleague here at Auburn University suggests, he merely wants to show that he can beat the green-job-trumpeters at their own game. Perhaps so, but his playing that game confers a respectability on it that it does not deserve. — Leland B. Yeager

Cap and hobble — As our economy wallows in recession, alongside Europe's, China's economy continues to surge ahead. It is expected to grow at about 8% this year. If the trend holds, China will surpass Japan in GDP by the end of 2009 and will officially be the second largest economy on earth.

Since liberalizing its economy, China has moved rapidly up the ladder. In 2005, it overtook Britain and France to achieve fourth place in terms of GDP. In 2008, it overtook Germany to achieve third place. If it indeed exceeds Japan by the end of this year, that will leave the United States as the only larger economy.

By current estimates, China will overtake the United States and become the largest economy on earth by 2021. But that time will shorten if we continue to hobble ourselves. In particular, if we pursue cap-and-trade, which the Chinese have steadfastly refused to do, my estimate is that they will overtake us in about five years. — Gary Jason

A bas les taxpayers — I am filled with increasing dread that we are facing a reenactment of the French Revolution, sans guillotine.

Hatred of the rich is accelerating with self-righteous glee. We don't have a Bastille, but we are being imprisoned by mountains of debt. We don't face decapitation, but our livelihoods are threatened by taxation that could surpass 60%. We don't have marauding mobs of villagers entering our homes with firebrands, but we find ACORN infiltrating our election system on every level.

I guess I should be relieved that this coup seems to be bloodless, but it is a coup, nonetheless. — Jo Ann Skousen

Rule of three — Three celebrity deaths took place this summer, each instructive about the contradictions of American culture.

On July 6, Robert Strange McNamara finally died at the age of 93. An insufferably self-righteous corporate efficiency expert, he was Secretary of Defense under Kennedy, continued in that post under Johnson, then migrated to the presidency of the World Bank. He was a professional liar and fool, who to the end of his days smugly maintained his superiority to other mortals. In 1972, a hippie artist tried to assassinate him by dumping him over the side of the Martha's Vineyard

ferry. He didn't quite succeed. The United States was no luckier. It took her nine decades to get shut of him.

It is poetic justice that the death of this distinguished nonentity was obscured by the nearly simultaneous demise of another such, the singer Michael Jackson, who perished for reasons yet unverified on June 25. Jackson's extended obsequies knocked out all other mortuary news. It's clear what matters to the media.

By July 17, however, the stage was partly clear of Jackson, and the nation was invited to mourn another dead idol, Walter Cronkite. Cronkite was a pronounced modern liberal, but even Fox News gave his death 24-hour coverage, together with so much adulation that his former news colleague, the sensible Liz Trotta, had to tell her Fox News interviewers that enough was enough.

The instantaneous cliche, voiced by everyone except Trotta, was that Cronkite was the republic's "last voice of authority," the last person that "everybody trusted." The truth is that Cronkite had a good voice, a good presence, and was accordingly paid to read the news for one of the national television networks. That's it. That was his "authority." And in case you don't know what television networks are — or were, since practically nobody watches them any more — they were monopolies created by the government to amass wealth for the people who ran them and restrict the diversity of American opinion.

So people listened to Cronkite, who was never special in any way, because there was hardly anyone else they could listen to and see news photography at the same time. A person who got his information exclusively from Cronkite was pathetically ignorant of the state of the world. And so were the vast majority of Americans.

Some still are. But because of deregulation of television and the growth of other media, there is now no good reason for ignorance — or for the worship of authority figures in the news industry. The fact that even the cable media worship at the shrine of Cronkite testifies to something in American culture that continues to be dopey and dangerous — a desire for manufactured celebrity and state-provided "authority," as opposed to the true authority that comes from individual experience, thought, and judgment. In their three different ways, Cronkite, Jackson, and McNamara ministered to this herd instinct. Cronkite was, by all accounts, a good man. For that he deserved respect, not deification. — Stephen Cox

Shell game — The Obama healthcare initiative certainly is ambitious. Admittedly, with any legislation this overarching there is bound to be something for everyone to hate. That said, I hate almost all of it.

The initiative is both more and less than it seems.

It is *not* about cost savings, whatever cynical protestations Obama and Pelosi may make. If the bill were really about savings, then where's medical malpractice tort reform, reform of government purchasing of pharmaceuticals, and programs to increase the number of doctors? An unwillingness to take on tort lawyers (a favored constituency), Big Pharma (a generous constituency), and the AMA (a powerful interest group), make a mockery out of the supposed attempt to deal with spiraling medical costs. Obama is not addressing the issue; he is merely using it as a rallying cry for his initiative.

The initiative *is* about making taxation more progressive. While Obama is loath to launch a frontal attack on income tax rates, the current bill provides for a surtax on incomes above $280,000, effectively creating new tax brackets for higher income earners. But wait, it gets better — if you are into social leavening. As I write (naturally, these things keep changing before our eyes), there are also deductions for middle-class taxpayers earning up to $88,000, to offset the cost of health insurance. That's $88,000, four times the federal poverty rate! We're not talking charity for the poor here, but about an attempt to rewrite the tax laws to favor the middle class at the expense of the wealthy (and the upper middle class).

Will this ploy win voter support? Maybe. George Bernard Shaw famously said, "If you rob Peter to pay Paul, you can usually count on the support of Paul."

A while back I discussed healthcare with a New York City school principal. She complained that her 20-something son didn't have health insurance. A hardship case? Well, not exactly. It seems the lad earned $50,000 a year but chose to spend his surplus cash on vacations rather than insurance. The mother thought it unfortunate that someone (the government, his employer, or maybe me) wasn't taking care of his healthcare needs. I was tempted to remark what an unfortunate childhood her son must have had, to make such irresponsible choices as an adult. But it looks as if she may get the last laugh. I'm going to have to pay for her son's healthcare. Or is it his vacation? — Bob Marcus

Wolffe in hope's clothing — Richard Wolffe is an institutional media hack who got his start repeating conventional Beltway wisdom for the Financial Times and Newsweek during the 1990s and 2000s. A native of Birmingham, England, and graduate of Oxford University, Wolffe became well-known in some media circles after making snarky comments in "Travels with George," a twee documentary about W. Bush and the media which was directed by Nancy Pelosi's daughter.

During the 2008 U.S. presidential election cycle, Wolffe's bosses at Newsweek assigned him to cover Barack Obama's then-longshot campaign. As the junior senator from Illinois ambled into the White House, Wolffe transitioned from print to television, becoming a paid "political analyst" and fixture on NBC News programs and their cable cousins. He wrote a fawning, not terribly successful book about Obama's election.

So far, so ordinary. Aside from his working-class-by-way-of-Oxbridge accent, Wolffe was no different than dozens of talking heads who populate television news and commentary programs.

Last Spring, he quit Newsweek (but not NBC) to join Public Strategies, Inc. — a consulting firm run by former W. Bush communications director Dan Barlett. This was a little odd, given the many uncharitable things Wolffe had written and said about the Bush administration. But, by DC standards, it was only a little odd.

Wolffe kept up his appearances in TV — especially on the MSNBC shows "Countdown" and "Hardball." In fact, he seemed to be on TV even more often; at one point, he stepped in as guest host of "Countdown" while the regular host was on vacation.

Those TV appearances may be the reason Public Strategies hired him. The firm's website makes plain the fact that it arranges favorable media coverage for troubled corporations. How better to assure this favorable coverage than having employees actively engaged in that media? Of course, this kind of thing has been going on in DC for decades; but the timing of Wolffe's sellout (in the midst of a recession that has hit print media especially hard) seemed beyond the pale to some of his former colleagues at Newsweek.

One former colleague leaked this unfavorable — yet intriguingly free-market — quote from Wolffe:

> The idea that journalists are somehow not engaged in corporate activities is not really in touch with what's going on. Every conversation with journalists is about business models and advertisers. . . . You tell me where the line is between business and journalism.

In any other context, this would be a heartening, laissez-faire perspective. Coming from one of the main cogs in the institutional media's devotion to Obama, it . . . well, come to think, it kind of sounds like Chicago politics. — Jim Walsh

Any port in a storm — In late July, The Hill newspaper, read by Congress critters, offered a list of the "50 Most Beautiful" people on Capitol Hill.

Coming in *second* among elected politicians was the mirror-cracking Representative Maxine Waters. It was said of Ms. Waters that she wears "stylish glasses" and "impressively high footwear." I assume the latter is well designed to grind into the necks of taxpayers. — Ross Levatter

Money walks, bullshit talks — When I joined the John W. Pope Center for Higher Education Policy three years ago, I plunged into a fascinating world, hitherto unknown to me. It was like diving into a placid ocean bay and finding oneself peering into a coral reef teeming with exotic underwater sea life.

The nooks and crannies of higher education are replete with fantastic creatures, moldy accretions, and prickly incrustations: student loan payoffs, cartels, the student-teacher "mutual non-aggression pact," crotchety professors, Ivory Tower leftists, unintelligible theory, and weird courses — from "The Rhetoric of Feminist Spaces" to "The Social Construction of Whiteness." There are lawsuits galore (over admissions policies, donor intent, academic freedom), interspersed by firings of presidents and provosts, washed over by immensely successful fund drives. All these goings on are accompanied by endless erudite intellectual chit-chat by people up on the beach who apparently don't have much else to do but certainly have lots to say.

I had a problem, though: I didn't understand what was going on. I didn't understand, for example, why actual education is (to switch metaphors) just a sideshow to the multi-ringed circus. Fortunately, I came across the work of Robert E. Martin, an economist emeritus at Centre College. He's studied higher education for years, and the Pope Center has just issued his paper, "The Revenue-to-Cost Spiral," which explains the incentives in higher education. Here's a taste of what he says.

First, higher education is an industry, an extremely successful industry, with revenues in the hundreds of billions of dollars each year. But it's basically a nonprofit industry (we aren't talking about the small for-profit sector here). Because managers don't have to make a profit that will be compared to other firms' profits, they can spend everything they get. There's no market for control; no one is looking over the manager's shoulder, ready to pounce and buy the firm if it's poorly run. Without profit, there isn't even a way to measure efficiency if one wanted to.

Worse than that, no one is in charge. There are no owners, except for taxpayers in the case of state universities — but they have little control over spending. Trustees are picked for their business sense (at best), but they are familiar with hierarchical organizations and haven't a clue about the shared governance of the university, in which administrators, faculty, and trustees are supposed to work together. And if they wanted to find out, administrators wouldn't let them, carefully keeping the trustees away from the faculty, who do know what's going on (in fact, they often make it happen).

The result is a giant principal-agent problem in which the agents run the place because there are no principals. I won't go into further details here, except to say that as a result, higher education has a 30-year history of higher-than-inflation cost increases, a worse record than any other sector in the country, even healthcare. Another result is the increasing marginalization of student education, even though eager undergraduates flock to schools thinking that a degree will give them a successful life. For some, it will, but for many it will be a waste of time and money. The reef they land on will be barren and bleached, no fun at all. — Jane S. Shaw

Presidential set-aside — Eric Holder, President Obama's attorney general, caused quite a stir earlier this year when he said that America is a "nation of cowards" when it comes to discussing race. But after watching Obama's campaign, and the Judge Sotomayor hearings, I think it is he who lacks the courage — the courage to explain and defend his preference for racial preferences.

That Obama chose Sotomayor is telling. Her past rulings indicate that she is a staunch believer in racial quotas, set-asides and other race-based preferences. For example, in the *Ricci* case, she contemptuously dismissed a suit by white (and Latino) firefighters who were denied promotion, even though they scored at the top of a promotion exam that was specifically designed to be race-neutral. This was no surprise, given her leadership of the Puerto Rican Legal Defense and Education Fund, which from its inception has pushed racial quotas ferociously. She is, in sum, the Compleat Quota Queen. But during the hearings, "Stonewall Sotomayor" refused to defend racial preferences in any detail.

During his campaign, Obama equivocated about racial preferences. (But then, during his campaign, he equivocated almost everything; talking on both sides of every issue is a technique he has mastered to perfection.) He said things that led white males to think he understood their weariness at being denied equality of opportunity in retaliation for crimes they had no hand in committing.

After 30 years of racial preferences, this legal jihad against white men has only intensified. Yet before minority audiences, Obama was only too happy to remind them of historic grievances, and to promise "justice." With the Quota Queen's selection, Obama has become unequivocal. We will have

racial quotas for a thousand years, supposing that our economy lasts that long.

It is time for Obama to show the courage that his own attorney general has so caustically called for. Can he explain to this country why hapless young white (and Asian) men are being denied jobs and entry to colleges to which their scores and grades otherwise entitle them?

Let me sharpen the point. Obama should start by answering two simple questions. First, did he get into Harvard Law School because of racial preferences? Second, if so, how does he justify that preference?

Let's set the premise for the first question. Much fun was had in the mainstream media when Bush released his college transcripts, and it turned out he had a humble C+ average as an undergrad, and mediocre SATs. But Obama has ordered his undergraduate transcripts, along with his SAT and LSAT scores, sealed from public view.

Isn't this fascinating? Bush's (and McCain's) undergrad records were the subject of great scrutiny, but Obama's are of utterly no interest to the media. The mere fact that he graduated from a Harvard professional program was enough to convince them that he is a genius (although the fact that Bush also got a Harvard professional degree didn't save him from attack).

We don't know what Obama's LSAT score was, nor what his GPA was at either Occidental College or Columbia University. We know only that he graduated from Columbia with a degree in political science — not, please note, economics, pre-medicine, or atmospheric science! — without honors. That means his GPA was less that 3.3 (in an era of grade inflation). Hardly Harvard Law material on the face of it, right?

Now let's set the premise for the second question. Let us assume that Obama was the beneficiary of racial preferences when he got admitted to Harvard. How would he justify that preference, given that none of his ancestors were slaves or suffered under the infamous "Jim Crow" laws? How can he explain why it was right for him to be given preference over the son of a poor white coalminer or the daughter of a poor Asian drycleaner?

Yes, it would take courage to address these issues. And Obama is uniquely well-positioned to discuss them. But instead, we have the enshrinement of a quota queen on the Supreme Court, and the cementing in place of a morally bankrupt policy of retribution against the innocent, all passed over in silence.

— Gary Jason

Check's in the mail — The stimulus bill was written into law, reputedly without a single member of Congress having read through its gargantuan 1,100 pages. It was a disaster of a bill, more about pork and ideology than about stimulus. About the only thing I'm sure it stimulated was my anger.

There was, I suppose, some modest amount of Keynesian economics behind it. I remember taking a course in Keynesian economics in the '60s. It wasn't called Keynesian Economics — just Economics — yet there wasn't much Milton Friedman or Hayek in it. I recall getting a reasonable grade, but through memorization rather than understanding or appreciation. Truth be known, the course didn't make much sense to me. It was sort of like a catechism, replete with what seemed like mystical and miraculous events. I treated it as if it were a course on religion and muddled my way through.

Whenever someone offers you a bill of 1,000+ pages that nobody is going to read, you know that you're being set up. And this was the first of many from Obama & Co. The cap-and-trade energy bill is up to 1,300 pages and counting. The healthcare bill will easily top that.

Want to stimulate the economy and keep unemployment down? You don't need 1,000+ pages, just a little common sense and maybe a grasp of Economics 101 (post-Keynes). Here's what a proper stimulus bill might have been — all in a single paragraph:

Find the companies that are hiring, or at least not laying off. Easily done; just look at their monthly FICA payments to Uncle Sam. Send them each a check related to those FICA payments. Maybe a letter a thanking them for bolstering the economy. (Or skip the letter; they know what they're doing even if no one else does.) Make it clear that there will be checks coming every month that they keep up the good work. Then make it known that the check recipients are members of a very exclusive club, but membership is open to any business that meets the same criteria.

There you have it, a real stimulus plan in a paragraph. Okay, maybe it needs a little fleshing out to ensure that no one games the system (e.g., by firing one month, then rehiring the next). Perhaps the bill would require two pages. Even our economically illiterate Congress could handle that.

It's enough to make you believe in term limits. Maybe one-half term.

— Bob Marcus

Czar power — It is now official: Obama has appointed more czars than any other president in history. The list is stunning.

We have Carol Browner as energy czar. Cass Sunstein — he of libertarian paternalism fame — is the regulatory czar. (He missed his calling: he should have been oxymoron czar.) Herb Allison is the TARP czar (has a certain ring, no?). Steve Rattner is the car czar (even more of a ring to that!). On the other hand, Ed Montgomery is the distressed auto communities czar, there to clean up after Rattner, I suppose. Adolfo Carrion, Jr., is the urban czar. Nancy Ann DeParle is the health reform (i.e, socialized medicine) czar. Gil Kerlikowske is the drug czar. Joshua DuBois is the faith-based czar (a fiefdom created by Bush, Obama's archenemy). Earl Devaney is the stimulus accountability czar; his job will no doubt keep him busy. On the other hand, Alan Bersin is now southwest border czar, a job that will *not* keep him busy.

The list has barely begum. John Brennan is the terrorism czar (although DHS Secretary Napolitano assures us that the word "terrorism" is passe). Vivek Kundra is infotech czar. Todd Stern is climate change czar. Dennis Ross is the Iran czar, and Richard Holbrooke is the Afghanistan-Pakistan czar, while George Mitchell is the Mideast czar. (Now there is a clear division of authority!) Gary Samore is nonproliferation czar (presumably there to stop any more democracies from getting nukes, as Obama seems completely comfortable with authoritarian regimes owning them). Kenneth Feinberg is executive pay czar. Jeffrey Zients is the efficiency(!) czar. And finally we have Daniel Fried as the Guantanamo closure czar (called by the cognoscenti the "later czar," since his job is to do his job at some unspecified later date).

And there are more czars to be named shortly, as soon as clever monikers can be devised.

Other presidents have appointed czars — which are nice from the executive point of view, since they don't face Senate approval, can be paid any amount whatever, and report only to the president. But no other presidents have appointed so many, and in such a breathtakingly short time. This is all hilarious, considering that Obama campaigned on the pledge of complete transparency. Just another lie from our Messiah.

— Gary Jason

Healthcare a la carte — In a July address, President Obama told the nation that physicians look at the reimbursement code before deciding on methods of treatment. Many physicians were insulted. To be fair, the president went to law school, not medical school. Likely he was just using his insight about how lawyers bill their clients and applying a similar approach to how, as he assumed, doctors must bill.

Ironically, if the president actually believes what he says (a big *if*, granted) he should be a strong proponent for the idea of having the government pay less, rather than more, of the medical bill. Clearly, the reason that doctors could (if they practiced that way) simply choose the most expensive option from a menu of tests and procedures is that the patient doesn't care what the price is. And the reason the patient doesn't care is that typically the government or another third party is picking up the tab.

I assume the president isn't concerned about the fact that when people go to a restaurant the waiter often recommends the most expensive dish on the menu. That's because people decide with their own money whether the dish is worth it or not.

— Ross Levatter

Pay to play — A brief story in USA Today (July 8) reminded me anew of how our country is, day by day, becoming Chicagoized. The story reports that the many billions of dollars of "stimulus" money that have already been spent have gone disproportionately to parts of the country that voted for Obama.

Amazing, no? The counties that supported Obama received more than twice as much "rescue" money per capita from his administration as those that voted for McCain. That's much more of a discrepancy than existed before the election. And regarding aid given directly to state governments: states that voted for our Dear Leader received 20% more cash per capita than states favoring McCain.

You can just imagine what will happen if Obama succeeds in nationalizing health care. Your mother needs a cancer operation? Well, let's just see how your county voted . . . Oh, wait! Sorry, comrade. Mama's county voted against the machine. Unless she has canceled checks proving that she contributed to the Democratic campaign, she will just have to wait . . . and wait . . . and wait.

This is machine politics. It's the Chicago way. Don't take it personally.

— Gary Jason

Borg Motors — A couple of days ago on NPR's "Morning Edition" I heard what can only be described as an infomercial. You know, a commercial camouflaged as a legitimate news story. Not unusual, but guess what product was being touted: the Chevy Camaro.

Seems odd, doesn't it? Why would NPR flog the Camaro? It is essentially still a muscle car with mediocre gas mileage, definitely not a Prius or Insight, the favorite green machines of the public radio set. So, what's up? They interviewed satisfied customers, waxed ecstatic over the styling, even got a bit poetic about flying over the desert. NPR would never have done such a piece as recently as, say, a year ago.

But a year ago, GM, the maker of the Camaro, was a fully private enterprise. In the Manichean universe of NPR, GM was an exemplar of big business, an avatar of capitalism, a minion of the Dark Forces. As some of my statist friends would say, it was Evil. No more.

Now, GM is owned by the government. It has left the Dark Side and stepped into the Light. Its CEO has been appointed by the government. Its board of directors has been configured by the government and even includes a UAW-approved representative. This board reports to the Treasury. So, since NPR, a creature of the Corporation for Public Broadcasting, also basks in the light of government direction and enjoys the boon of taxpayer support, GM is no longer its enemy, but a cousin. They are family.

For you Trekkies, think of GM as having been absorbed by the Borg. Of *course* NPR pimps for GM. It is simply government radio helping out government motors.

Today, NPR's "Morning Edition" revealed that the U.S. Army has given GM use of government land at the Yuma Proving Ground. This is not a joke. GM and the army will jointly test their vehicles at a GM-built facility there. The army will supply "ultra-high" security at no cost to GM, and test military vehicles "free."

An army spokesman said, "Really, it's just win-win for everyone." (Except, perhaps, for Ford.) The phrase used was that "GM was partnering with the army." And, by the way, the folks at NPR took the opportunity to tout a 550-horsepower Camaro being tested at the facility. Prepare to be assimilated; resistance is futile.

— Scott Chambers

The ties that bind — I have never liked any of Jonathan Swift's writings. And, definitely not any large- or small-screen adaptations of his works — think Ted Danson in the made-for-television "Gulliver's Travels." Yikes.

Yet I must admit that I can't help but see the defining image of "A Voyage to Lilliput" as symbolic of American society today — Gulliver immobilized, strapped down while he was sleeping by a horde of small people wielding a mass of ropes that together render him essentially paralyzed, though each rope by itself could do nothing.

Today, the American citizenry experiences the creep of insidious little laws controlling or regulating the most mundane aspects of our lives. Each law, regulation, town ordinance, or zoning code provision that each citizen must daily deal with is like one of the tiny ropes tying Gulliver down. Take a moment to think of all the federal, state, county, and municipal laws you face every day. Mandatory seatbelt laws, mandatory motorcycle helmet laws, municipal code provisions mandating that each resident's lawn must be kept below an eight-inch height, the EZ pass "express" toll lane mandating a portal speed of no more than five miles per hour, enforced by a police officer opportunely parked close to the toll plaza, and on and on.

This condition is not the proper rule of law: freedom from the wiles and caprices of rulers, the polity, or the political class. Rather, it is a subtle oppression through multiple layers of legal restrictions. It is a very different form of the rule of law that I have discussed in several earlier Reflections.

These numerous federal, state, and local statutes, regulations, ordinances, and other laws work to immobilize a citizenry by occupying each citizen's attention, in ultimately dangerous ways. First, a mind occupied with minutiae has little time to devote to more fundamental issues of liberty or freedom. With so many pressures taxing (literally) our daily lives, many people just want to get through the day. Second, such state intrusion into people's lives conditions them to be ruled and controlled. Third, an overly-legalized atmosphere conditions a citizenry to self-doubt and self-censorship, to think in terms of "I can't, or else." I can't go too fast through the toll plaza, or else I'll get a ticket. I have to wear my seatbelt, or else I'll get a ticket and a fine. I can't have wine or beer with dinner, in case I get stopped by a cop and get slapped with a DUI. I can't go through a yellow light, or the camera will catch me and I'll get fined.

Though many little intrusive laws are premised on safety, they create a most unhealthy form of distraction for a free society. When people constantly have to attend to compliance with a multitude of little laws, they are not really thinking. They are simply allowing themselves to be told what to do and what not to do. That is not the state of a free society, but of an institutional state. And, to borrow a little from Mae West — personally, I'm not ready for an institution.

Remember, Gulliver's bondage was only temporary. After waking up and getting his bearings Gulliver realized that, with concerted effort and in the face of painful attacks from the small people who bound him, he could break free from the many ropes that restrained him. Although his fictional travails differ from our real ones, the many infringements on our freedoms that face us each day, we citizens, too, must get our bearings. We, too, must realize that with a concerted effort and a will to withstand painful attacks from the small people wielding the legal ropes that currently bind us, we can break free from those restraints. They can hold us only as long as we allow ourselves to be bound.

Though libertarians are often not crusaders, there is indeed a first time for everything. Let each of us take advantage of every opportunity to explain to others the general libertarian conception of the rule of law in contrast to the present rule of law. We would do our society a big favor in helping to free our fellow citizens' minds of oppressive legal minutiae. Right now, more and more people are waking up and ready to listen. — Marlaine White

Doing his part — Daniel Ikenson of the Cato Institute concluded a blog post lambasting Congress and the Obama administration for their takeover of General Motors, as follows:

> Enough. Show Congress that you won't comply and that you won't be pawns. Boycott GM. Boycott GM until the government relinquishes its grip on the company's decision making process.

I agree with Dan. I was planning on not buying a Lexus during this steep recession, but given my commitment to individual liberty and free enterprise, I've decided, instead, not to buy a Cadillac. — Ross Levatter

Bankrupt system — I have reflected before on the role that the mainstream media play in inflicting bad law on our benighted land. As I write, the nation struggles over the socialization of healthcare. The Democrats are within sniffin' distance of their holy grail, a National Health Care Service. The idea is to create a "public option," that is, a public health insurance to "compete" against the horrible private health insurance companies. Since the public plan won't even have to turn a profit — indeed, it can run infinite losses and the government will just print money to cover them — no private plan will be able to compete. As a consequence, rather than continue to pay big bucks to keep employees in private health insurance, companies will simply "dump" tens of millions of people into the public option. The public plan will rapidly crowd out the private.

By stealth, the Dems will thus have realized their ultimate policy wet dream: socialized healthcare. They will then have the power to dictate who gets health service. You can certainly expect rationing by age. (Over 60 and need dialysis? Go croak, since you can't pay much more in taxes to the state.) It is also conceivable that affirmative action will eventually become involved. (White male with cancer? Go die in your own vomit, as a punishment for your past oppression of minorities.)

But Obama and his myrmidons have had trouble sealing the deal. So this has been the time to let loose the dogs of advocacy "journalism," to shove the sausage home. The role of social advocacy (SA) journalism is to write "objective news" pieces that support leftist programs.

One common ploy of SA journalism is called "Painting the Sad Case." The SA journalist "proves" a claim (say, that some problem is widespread in society) by simply finding an illustration of it. (And if the SA journalist cannot find a case, why, then, he can just invent one! Hell, Pulitzer Prizes have gone to SA journalists who created completely fictitious characters.)

Want to prove, say, that white men are angry — and so hate-crime legislation is needed, or that the Department of Homeland Security needs to spy on them? Easy: just find one angry white guy, describe him in elaborately unfavorable detail, and — presto propaganda — you get people to think that most white men are angry. If you want to be slightly careful, you can hedge your assertion. You can say things like "Anger is a growing problem in white men today," or "Anger in white males — can anything be done to stop it?"

Thus SA journalism is ordinarily an exercise in confirmation bias (to use a phrase from psychology) or hasty generalization (to use a phrase from logic). To prove by some empirical science — say, economics, when properly done — that some problem is widespread, and can be lessened by some policy, is a daunting task. To pick or invent one lousy case is so much easier.

A story recently appeared in The New York Times (June 30) with the dolorous title, "Insured, but Bankrupted by Health Crisis." Published at just the right time to help President Obama get his program through a Congress where some remaining shreds of common sense are impeding its passage, the article tells the story of exactly one person — Lawrence Yurdin — who apparently didn't read his insurance policy

closely. He sadly discovered that it didn't cover his $200,000 in hospital care, and so wound up filing for bankruptcy. His insurance company said it had warned him that his policy was limited, not comprehensive, but he seems not to have gotten the message.

By dwelling on one case, and quoting one unnamed former insurance exec, the article leads readers to believe that a massive number of people have been driven to bankruptcy because they were tricked by greedy sales agents into buying limited policies — without citing any empirical studies to support the claim. Boy, do we need the government to take over here! Government never lies or deceives people, and never forces anyone into bankruptcy.

At this point, another article needs to be considered. Published by the Fraser Institute, a free-market think tank based in Canada, it's entitled "Health Insurance and Bankruptcy Rates in Canada and the United States" (Fraser Alert, July 2009). Now, Canada has a completely socialized healthcare system — government-run, single payer, universal coverage. So, if a major cause of bankruptcy in the United States is our private healthcare system, you would figure that there would be a lower rate of personal bankruptcy in the Great White North.

But Skinner and Rovere actually took the time to look at the data. Surprise, surprise. Over the last two years, rates of personal bankruptcy were lower in the United States than in Canada. In 2006, the rate was 0.20% in the United States, and 0.30% in Canada. In 2007, it was 0.27% here and 0.30% there. Those years are important for this comparison, because changes in U.S. bankruptcy law in 2005 made the laws of the two countries comparable, and their unemployment rates were also comparable during this period.

The authors note that in both countries, the majority of debt among bankrupt consumers is nonmedical debt. In only 17% of U.S. bankruptcies does medical debt figure as a significant part of the total debt. (Conversely, the authors observe that even in Canada, many consumer bankruptcies cite medical expenses as the primary debt.)

So the scholars conclude, "The U.S.-Canada comparative analysis strongly suggests that bankruptcy statistics do not support arguments for a government-run health insurance system." The SA journalists at The New York Times might want to look at this report — even though it doesn't fit their social agenda. — Gary Jason

What happens in Vegas . . . — I've been producing the annual FreedomFest conference in Las Vegas for six years now, and this year's was the most fun. We had nearly 1,700 libertarians there, including over 200 who just showed up at the door, without preregistration. One couple got married in Vegas on July 8 and spent their honeymoon at FreedomFest. Given the financial crisis and deep recession we're facing, I was surprised by the record turnout. According to a local Las Vegas business leader, FreedomFest was the only conference with higher attendance this year than last year.

The Liberty Editors Conference was held there again this year, and it seems that no matter how big the room is, the sessions are standing room only. I felt a real electricity in both the Liberty Editors Conference and the exhibit hall (especially around the Laissez Faire Bookstore). For me, the most memorable part of the Liberty Editors Conference was my debate with Doug Casey and David Friedman. They upheld the cause of anarchism; I held the fort for limited government.

The first day of the conference, Thursday, was entitled "Clear and Present Danger." It was devoted to the ongoing financial crisis. Charles Gasparino, CNBC's #1 reporter, shocked everyone when he said, "The SEC has failed to uncover a single major scandal in the past 30 years. It should be abolished."

Friday night was the "big event," a trial of the free market. The defending attorney was Steve Moore (Wall Street Journal Editorial Board), taking on prosecuting attorney Jeff Madrick (Emmy-award winning author of "The Case for Big Government"), with star witnesses Steve Forbes, Charles Gasparino, John Mackey, and Doug Casey. Colorful Las Vegas Mayor Oscar Goodman was the judge, and he stole the show with his irreverent remarks throughout the trial. What a showman!

John Mackey, CEO of Whole Foods Market, was involved in several sessions. In the debate between "Randian vs. Conscious Capitalism," he noted significant differences between his philosophy of "conscious capitalism" and that of Ayn Rand: "Randian capitalism is all about making profits; conscious capitalism is about seeking a greater purpose." Needless to say, the Objectivists demurred. John also spoke to an SRO audience about the "Whole Foods Longevity Diet: How to Live to Be 100 and Avoid Heart Disease, Cancer, Obesity, and Diabetes." He recommended that people eat a low-fat diet with the consumption of animal foods including dairy products being less than 10% of total calories, and eliminating all refined foods such as sugar, white flour, and vegetable oils. According to him, a diet consisting of whole grains, beans, vegetables, and fruits is the least expensive we can eat, provided we are willing to cook and eat at home.

In one of FreedomFest's tax planning sessions, international tax attorney Marshall Langer spoke on "Saving Lots of Taxes by Moving to Another State or Country." When he asked the crowd which part they were interested in, he was surprised that 90% said they were more interested in moving "offshore."

Investing in gold and silver was as popular as ever. In the closing panel, I showed a $100 trillion Zimbabwe dollar bill and asked the panelists, "Are we headed toward hyperinflation in the United States?" David Boaz, Steve Forbes, and Richard Viguerie didn't think so, but Peter Schiff and Doug Casey thought it was a real possibility with the government bent on out-of-control spending and entitlements. I suggested that the U.S. government could readily shift to a sound money system by circulating its own gold and silver bullion coins.

The Saturday night banquet concluded with the Free Market Hall of Fame induction ceremony. Everybody started dancing, including Steve Forbes. At one point the band sang a libertarian version of John Lennon's "Imagine":

> Imagine there's no taxation,
> It's easy if you try
> No IRS below us
> Above us only sky
> Imagine all the people
> Living to be free.

Hope to see everyone next year. — Mark Skousen

Starving the States

by Bruce Ramsey

The recession's effect on state governments has been furloughs, accounting gimmicks, and a few legitimate cuts. There's some silver lining in that.

On July 2, 2009, with no budget for the fiscal year just begun, the government of California began paying contractors, local governments, and tax refunds in interest-bearing warrants. Said state controller John Chiang: "It's our last official step prior to defaulting."

The state's wooden nickels would be redeemed on or before Oct. 2, "assuming there is sufficient cash in the State Treasury," Chiang added.

On July 8, California still had no budget, and revenues were 35% short of expenses. The FDIC warned banks that California warrants were not guaranteed by the U.S. Treasury. Two days later Chase Bank stopped accepting them. SecondMarket, a company that trades illiquid assets, announced that it was opening a market in them.

On July 20, Republican governor Arnold Schwarzenegger cut a deal with Democratic leaders of the state legislature — and also with Republican leaders. California has supermajority requirements — a two-thirds vote in each house is required to pass a budget — so Republican votes were needed, too. The deal included $15 billion in cuts — such measures as knocking five days off the 180-day school year, ordering three layoff ("furlough") days per month for state employees, providing no state money for schoolbooks for five years, and releasing 27,000 of the 168,000 state prisoners, many of them to home detention.

The deal also included strong-arming, such as state preemption of money due to local governments, and gimmickry, such as payment of the final state paychecks in the next fiscal year.

At 6:30 a.m. July 24, after an all-night session to wear down the will to say no, the California legislature approved most of the deal. The sticking point was releasing those 27,000 prisoners. Republicans objected, and the decision was put off until August.

California's drama in state finance was the biggest so far this year, but not the only one. In seven states, no deal between legislators and governors had been reached on spending for the fiscal year beginning July 1. In other states, deals had been reached, but only with accounting gimmicks, fund transfers, and economic assumptions not meant to be examined too closely.

Over the past decade, from recession to boom to recession again, I have followed the finances of my state, Washington. Always the champions of state education, social spending, and state employees have insisted, and deeply believed, that they are starved of money, and that the state has a revenue problem. Always the champions of the private sector have said, and deeply believed, that the state has a spending problem.

That was my view, and in the long run it still is. In the short run, there is a large and obvious revenue problem, in Washington and most of the other states.

In fiscal 2009, general-fund spending in the 50 states fell 2.2% — not from lack of appetite, but from lack of cash. It was the first nominal-dollar drop since 1983, when spending fell 0.7% And for fiscal 2010, governors were proposing budgets that would fall another 2.5% in non-inflation-adjusted dollars. But revenue was dropping much, much faster than that.

Using census data, the Rockefeller Institute reported in July that state tax collections fell 11.8% in the first quarter. In ten states, tax collections fell by more than 15%: Alaska, Oregon, California, Arizona, Michigan, Massachusetts, New York, New Jersey, Virginia, and Georgia. Early figures from April and May show the declines deepening.

Worst off was Michigan, home of the briefly bankrupt and bailed-out General Motors. Michigan was in decline well before the recession started. Since 2000 its state government has cut its head count by 10,000. More cuts are coming: in the first three months of 2009, total employment in Michigan's economy was down 6.4%, the most of any state. In June, Michigan laid off 100 state troopers.

According to the National Conference of State Legislatures, in April 2009:

- Of the 41 states that collect a personal income tax, 35 reported collections down from the year before. The largest drop was in New York, 49%, partly because of a $1 billion decline in cash bonuses to Wall Street employees. The next-largest drops: Arizona, 26%; Tennessee, 23%; Michigan, 23%; and California, 20%.
- Of the 45 states that levy sales taxes, 31 reported collections were down. The largest drops: Washington, 14%; California, 13%; Arizona, 13%; Utah, 11%; and Minnesota, 11%.
- Corporate income-tax collections were down in almost every state that had such a tax, starting with Oregon, down 44%.
- Real estate transfer tax collections were down 44% in Connecticut and Florida, 40% in New Jersey, 34% in Virginia.

The Obama administration has dished out $135 billion to the states, most of it for Medicaid, so states have not had to feel all their pain. In Washington state, the "stimulus" money made up about a third of the budget shortfall. Still, Democratic legislators, who had won office by promising to give all children medical insurance, instead had to throw 40,000 enrollees off the state-subsidized Basic Health Plan. State employees, whose unions had just negotiated a contract with cost-of-living raises had to give them up (but they retained salary-schedule increases).

The states are famously not all the same. Conservative and libertarian groups have made much of state tax and spending comparisons — arguing, for example, that California has declined economically because it is a high-tax state, and that Nevada has boomed because it is a low-tax state. Left-liberals have countered that good public spending made states like Massachusetts more competitive, and that failing states like Michigan and Montana had cut and cut and cut their public spending, and that all the cuts had not revived them.

Reality is more complicated than single-issue explanations. In determining which states surge ahead and which ones lag behind, tax levels are important, and also the kinds of taxes. Regulation is important. So is history: Michigan inherited General Motors and the United Auto Workers, Massachusetts didn't. And geography: Nevada is next to California, Montana isn't. And (from the viewpoint of state policy) plain dumb luck: recently the state with the healthiest economy has been North Dakota, largely because of discoveries of oil.

There is also some underlying stability among the states. The Tax Foundation's data show that from 1977 to 2008, state and local taxes nationwide took between 9.3 and 10.3% of personal income, with no long-term trend up or down. The data also show that most of the states have tax personalities that they tend to keep for a long time. California is a high-tax state: it ranked fourth highest in 1977 and sixth in 2008. Michigan is a middle-tax state, ranking 27th in both years. Texas is a low-tax state, ranking 48th in 1977 and 43rd in 2008.

During those 32 years, California's economy underperformed the nation's. In 1977, average personal income in California was 18% above the national average. By 2008, it was only 8% above. High-tax California had dropped 10 percentage points.

But other high-tax states increased their lead over the national average. From 1977 to 2008, average personal income in high-tax New York gained 14 percentage points on the national average. High-tax Massachusetts was up 22 points. High-tax Connecticut was up 23 points. Michigan was down. So was Ohio.

That lower taxes are good for economic growth — an argument championed by The Wall Street Journal and free-market think tanks — is true at the margin. But it is not the only thing and in the short run may not be the important thing.

The great fact about state and local taxes in America is not that some people flee them, but that most people pay them. The soundest reason to favor low taxes is not that the people around you ("the economy") will keep more of their money. It's that *you* will keep more of *your* money.

The economic crisis has been an opportunity to shrink the state — probably not a strategic one, because you need an ideology for that, but at least a tactical one. State governments have had to shrink.

This year, many of the Democratic legislators in my state wanted to raise taxes. Instead, they cut the very programs they favored. They didn't want to, but in Washington (thanks to a ballot initiative by an antitax activist) all tax increases have to be passed either by a two-thirds vote of both houses or by a majority vote of the people. In 2009, neither was possible.

After the California legislature passed its cut-and-cheat budget, Cathleen Decker of the Los Angeles Times wrote a column comparing today's California with the California of Gov. Pat Brown, a Democrat elected 50 years ago. She waxed idyllic about the wonderful big-government time of Brown.

In two terms in office, Ronald Reagan's predecessor presided over the building of aqueducts, state colleges, and more than 1,000 miles of freeways:

> In Brown's California, there was a broad consensus that government was a competent force for good. Now, among Californians of all political ideologies, there is the opposite: a repudiation of government and, even more, of any confidence in the governor and the Legislature to act competently. On that matter, at least, California as a whole has shifted to the right.

There has been a shift, and not just in California. Yet what has happened is not that government has atrophied — how could anyone believe that? — but that public works like new colleges and freeways have largely been replaced by salaries and benefits to individuals. The growth in tax revenues has been eaten by the Regulatory State, the Correctional State and, most of all, the Healthcare State.

A Democrat I know, liberal in a Pat Brownish way, laments that his party has become the captive of the public employee unions. There is, for example, the prison guards' union in California, representing 30,000 guards. Wrote the Los Angeles Times last year, "The union had gained the most rapid pay increases of any state workers in recent years, with salaries up to $73,000 plus overtime that routinely vaults them into six figures." In my state, some of the richest pension, medical and dental benefits are enjoyed by police.

Where I live, King County, Washington, medical coverage of county employees costs $1,100 per employee per month. The employees pay none of that, though they do hand over more co-pays than they used to. Employees feel put upon because they have been required to take furlough days, and the furloughs cancel out most of the financial benefit of the 4.88% cost-of-living raise they got in January. The county has promised to make up some of the furlough days next year with vacation days; that is, to make up for a day with no work and no pay, the county will offer a day with no work and full pay.

You can see why the union opts for furloughs. The hourly rate of pay is not compromised, nor are seniority or staffing levels, medical or dental benefits. Pension benefits are affected minimally, if at all. And, of course, union dues continue flowing. The whole setup of furloughs leaves workers in a privileged position to claim new tax revenue once hard times come to an end.

You can see, too, the reason for tax gimmicks, such as California's pushing its last paychecks to the new fiscal year, or Washington state's skipping a $400 million payment into its employee pension funds. If legislators could close the whole gap in that way, they would. But they can't. Not this year.

The next thing the state opts for is a service cut: Washington's taking 40,000 people off its subsidized medical plan, or California's releasing 27,000 prisoners early. The *last* thing a state does is to cut out whole programs, because that is a permanent shrinkage and the state does not want to shrink itself. Still, in years like this it has to. Some people who had planned to rely on the state can't. And that is something.

Probably it will not be permanent. Ideologies have not changed much, nor have appetites. Only circumstances have. Still, state governments shrink, and that is worth noting. ❑

Letters, *from page 8*

otherwise, except those Rollins wishes to imagine. When and if the United States bombs Iranian nuclear sites, there will be commentators like Rollins who will affirm that the purpose is to destroy the Iranian pistachio nut crop in order to increase the "profits" of California nut farmers. Similarly, the United States intervened in Kosovo because American "corporate" interests were lusting after the Kosovars' skinny cows.

If the Bush administration had wanted to increase the profits of American oil corporations, it would have been easier on him politically to lift, or even to ease, the oil embargo against Iraq that preceded the invasion. Instead, the Bush administration resisted a relaxation of the embargo in spite of foreign pressures to do so, from France among others. Thus, the Bush actions preceding the invasion would seem to have been against the interests of his buddies in American petroleum corporations.

It's true that American forces protected Iraqi oil installations, pipelines, and the corresponding ministry. They also occupied military targets. With the significant benefit of hindsight, I wish they had done the latter more forcefully even if at some cost to the former. Resources are always limited; choices have to be made. Some people deplore that the Baghdad museum of anthropology was not better protected. Value choices all.

If your plan were to establish a working democracy in Iraq *and* if it were not to become a welfare case, you would want to preserve the country's main resource. In an oil-rich country with mediocre agriculture and little and bad manufacturing, that would be oil and the capacity to extract and sell it. The explicit model here is the exemplary American-led rehabilitation of Germany and of Japan after WWII.

There are no plans, and no former plans have come to light, to establish permanent American military bases in Iraq. A big part of me regrets it. If we must have strong armed forces, I would rather they were stationed in the midst of those who want to kill me than two blocks down the street from my house. I count this as a failure of the Bush administration.

Saddam Hussein's bloody dictatorship almost entirely applied its talents to its own defenseless citizens and to its militarily weak neighbors after it got its butt kicked by the Iranians. Hussein never came close to threatening a fairly distant country with a powerful air force. It was never much of a problem for Israel, and the Israeli political class knew it well. In fact, and I am speculating here (and aware of the fact that I am speculating), if the Israeli military establishment had been given a choice, it's likely it would have asked that we leave Iraq alone and take out the Iranian military instead.

And, in case you are wondering, Mr. Rollins: no, I am not Jewish, never have been, and probably never will be.

At this point I believe (with Tarik Aziz, Saddam Hussein's long-term vice-president now serving time) that the Bush administration invaded Iraq largely to try and rearrange the political

map of the Middle East. I think the plan mostly succeeded, although not neatly, and with more expenditure of American lives than anyone expected. I also think the adage well supported that democracies don't attack other democracies. As a result of American intervention, Iraq is a functioning democracy, even with a fair amount of rule of law by its neighborhood's standards. It's not as good a democracy as, say, Switzerland, but it's a more real democracy than, for example, Illinois or New Jersey.

Make Mine Minarcy

In "Coercion Free for 70 Years" (August) Don Crawford implies that, if we accepted the model of Alcoholics Anonymous and operated a leaderless (formally, that is) United States, our problems would be solved. Only when someone is formally in charge do power struggles, taking of sides, politics, etc. appear on the horizon. Sure, once in a while, something has to be "done," so appoint a temporary one-time leader who wisely reduces the problem to its basics and presents it to the nation for a consensus. Well, the ancient Greeks chose their legislature at random for one term. Sort of like that?

Can't you just see running America (and the rest of the world) on the basis of temporary leaders who magically rise from the crowd to do what needs to be done and then happily sink back into obscurity? Maybe you can, I can't.

Every philosophy has a catchy tag line. I am reading Mark Levin's "Liberty and Tyranny," promoting the joys of very small government. He plaintively states that "A free people living in a civil society, working in self-interested cooperation, and a government operating within the limits of its authority promote more prosperity, opportunity, and happiness for more people than any alternative." This concept, in its pure form, is no more workable than (for example) communism, "From each according to his abilities, and to each according to his needs." James Madison said it perfectly, "If men were angels, no government would be necessary." But we are not angels and "working in self-interested cooperation" or "balancing ability and need" both require watchers, and someone to watch the watchers. And that's government!

Our governments, city to federal, have clearly usurped far more power than ought to be allowed, because they are seldom competent to manage a problem that should be handled lower down where it is better understood. But semi-anarchy? Aw c'mon!

Sam Brunstein
Prescott Valley, WA

Crawford responds: I don't believe I implied that our country should adopt the semi-anarchy of AA, although I did hope to show that civil society can operate effectively with less governance structure than we usually see. I did point out that AA, lacking a large purse and coercive power, is still able to accomplish many good things. The implication, if any, for government, is that the power to tax and coerce may not be required to solve all of our problems. I hoped to show how AA's self-imposed poverty was a wise way to avoid battles over control of money and property — and gave an example of AA in one town that ended those battles by divesting itself of a bookstore. The implication there is that corruption of government attends to the power governments wield over other people's money and property.

As for the temporary appointed leader magically rising to the challenge, that was me. I wasn't appointed, nor did I magically rise to the challenge. I was elected, just like every other chairman had been. I didn't stay on "in power" because there wasn't any power to be had — and because my career took me across the country. I didn't say that formal leaders cause taking of sides, power struggles, or politics — only that taking of sides and political power struggles may not be the best way to solve all problems. That when we seek consensus instead of political power we find that "live and let live" is the only way to achieve that consensus.

We all want to control the most important things in our lives: the curriculum of our child's school, our own bodies, what medical treatment we can get, what substances we can ingest. Going for consensus instead of political power leads us to give up attempting to have control over those most important things for everyone else. We discover that the right to control our own lives is more precious than political power over other people's choices.

On Palestine

Bill Merritt offers ("Behind the Veil," July) a remarkably one-sided and superficial analysis of the Israeli-Palestinian conflict and the role of the United States. Perhaps this is because he writes from the perspective of a Cairene; hopefully once back in the United States his own veil will lift and he can see things more clearly.

Merritt expends much verbiage on the issue of Israel's alleged mistreatment of the Gazans, with no mention whatsoever of the context in which such actions occurred, and with seemingly no awareness of (or concern for?) Israel's position. Like many other obviously biased commentators on the Middle East, he writes as though the history of the region began with an unjust Israeli "occupation" of Palestinian lands, and that the only meaningful events that have occurred since are Israel's "killing and maiming, into ghettoizing and beggaring entire populations for reasons that hold no relevance to us." Leaving aside that many Americans would consider those reasons to be quite relevant, he fails completely even to note the role the Palestinians, and other Arabs in the region, have played in this drama since 1948. (I'm sure that the "neighbors expelled from their homes" that he is so concerned about do not include any of the thousands of Jews so displaced from every Arab country prior to 1948.)

One would think, from reading his comments, that Palestine is, and has been all along, a peaceful state whose people and government desire nothing more than to live in peace and harmony with its neighbors, if only it were allowed to do so. This ignores the fact that a Palestinian state, as such, has never existed in the entire history of the world, that the sovereignty of these lands has been and continues to be very much in dispute, that the world community decided in 1947 that the appropriate disposition of these lands was to partition them between the parties, that the Arabs have never accepted this partition and still don't today, that the Arabs have taken every opportunity to destroy Israel and its people, and that it is only because Israel has, in justifiable response, developed overwhelming

continued on page 32

The System Is Broken

by Jon Harrison

America's troubles are much greater than mere housing crunches or manufacturing collapses.

Every July my wife, my daughter Kate, and I travel from our home in rural Vermont down to Boston for the Independence Day celebrations.

The girls are more interested in the festivities than I am. On the night of the third they attend the Boston Pops Concert at the Hatch Shell — the rehearsal for the live television broadcast of the Fourth. While the female branch of the family attends the concert, I haunt the used book shops in Boston and Cambridge.

On the evening of the Fourth we pick a restaurant for supper and then, as darkness falls, join the thousands of other people, native Bostonians and visitors, who make their way down the eight streets (Arlington, Berkeley, Clarendon, Dartmouth, Exeter, Fairfield, Gloucester, and Hereford) between the Public Gardens and Massachusetts Avenue that lead to the banks of the Charles River.

Those in the know walk down Exeter or Fairfield, for on the river, opposite the ends of these streets, lies the huge barge from which the night's spectacular fireworks are emitted. I dare not fail to find and hold a good spot of ground from which to watch the pyrotechnics, lest I provoke the displeasure of 10-year old Kate.

This year we stayed at the Sheraton, and by chance had a room on the 26th floor, directly opposite the barge. How I would have liked to sit back with a drink and watch the show from there! But Kate would have none of it; she demands immediacy of experience. So we stood packed like sardines with a half a million other people on a surprisingly cool summer night and waited for the show to begin. Before darkness fell, four F-15s came roaring down the river only a few hundred feet in the air, a rather awe-inspiring sight.

At 10:30 the fireworks began. Half an hour later, still dazzled by the display, we three atoms detached ourselves from the crowd and walked back to our hotel. After a night's sleep we left for Vermont in the morning.

For me at least this annual trip is more than a short vacation. I always spend a part of the time reflecting on America's past and, more importantly, its future. This year

in particular I found myself brooding over the financial panic of last September, its meaning and possible long-term consequences.

I don't travel around America as much as I would like. If I were to judge simply by the condition of my own little state and the city of Boston, I would find it hard to perceive the depths of America's economic plight. Vermont of course is a special place. It's a never-never land that keeps going by ignoring reality. The unofficial state motto is: "I'm a Vermonter, I do what I wanner." And what most Vermonters want is to maintain a style of life financed by the dollars of others. Not tourist dollars. Despite antiquing, leaf-peeping, and skiing, we could never support ourselves just by siphoning off a portion of outsiders' discretionary income. No, we count on Washington's willingness to send us more dollars than we send to it.

We could never support ourselves just by siphoning off a portion of outsiders' discretionary income. No, we count on Washington's willingness to send us more dollars than we send to it.

So long as Democrat Senator Patrick Leahy remains in office, building on his immense seniority, that perverted dream will remain alive. Seconding Leahy is our junior senator, Bernie Sanders, a Brooklyn transplant who until the fall of the Berlin Wall described himself as a socialist, and who in his days as mayor of Burlington was wont to use the clenched-fist salute in electioneering photo-ops. That he is the most popular politician in the state says a lot.

Our senators have a protege in our lone congressional representative, one Peter Welch, a lawyer in horn-rimmed glasses who looks like a commissar and, since he is just barely to the right of Senator Sanders, no doubt thinks like one too. Huey, Dewey, and Louie form a quartet with Governor Jim Douglas, a man who has spent his adult life as a politician, and who though a Republican (President Obama's *favorite* Republican — recall the two of them hobnobbing during the early days of the administration) sometimes swims, or rather drifts, with the left-wing tide in order to keep getting reelected.

The only other important politician in Vermont is State Senate President Peter Shumlin, a Democrat best described as being in lockstep with the National Education Association. He wields more power in Montpelier than the speaker of the house (a mere boy) and perhaps even the governor, though he has not dared to challenge Douglas in a statewide race. Given that the Democrats have a veto-proof majority in the legislature, why should he?

These, then, are the people who shape Vermont's political economy. They are in office not because of voter indifference, but because the people want them. And the people want them because they provide bread and circuses — circuses such as the antics of Senator Sanders, at town meetings and on his own cable TV program, where he brays and rants and blames the Republicans and Vermont's ever-shrinking business community for every ill under heaven.

Vermont, a state with no real economy outside of Chittenden County (where Burlington and most of the state's six-figure income households are located), remains a going concern because of government (i.e., federal) largesse. You readers from outside the Green Mountain State are subsidizing our platinum-plated social services, which otherwise we couldn't afford. And we like that. Polls consistently show that Vermonters want economic growth, but only growth generated by small, ultra-green, mom-and-pop businesses, 90 plus percent of which, of course, fail within five years. Heck, even the occasional Ben and Jerry's success story doesn't create more than a few dozen jobs. But most Vermonters seem oblivious to this. And speaking of ice cream, God forbid we should let a single dairy farmer go out of business, even though the majority of them would be insolvent without Senator Leahy's legislative legerdemain on behalf of dairy-price supports.

Vermonters in general just don't get it. Without good jobs, young people can't buy homes and raise families here. We also make the building permitting process as onerous as possible: can't have too many human habitations spoiling the endless green views. We have been experiencing youth flight for decades, and the trend is accelerating. Without a growing population of young workers who pay taxes, Vermont will eventually go broke. My prediction is that by about 2030 the population will consist entirely of rich retirees, government workers, and welfare recipients. The question then will be how the government workers and welfare recipients continue to get paid. But the attitude here is: what, us worry? Washington will send money.

Perhaps the best way to sum up Vermont is to point to the spring 2009 legislative session, during which the legislature passed a tax *increase* to combat the worst recession in 70 years. Such is the Oz that is Vermont. Yet so far we haven't seen anything like the economic dislocations of the Sun and Rust Belts. When you have virtually no economy, you don't get massive layoffs. When there is no housing boom, there's no bust to follow. Many houses in rural Vermont have been in families for generations, and the owners hold them free and clear. Home prices, despite something of a spike after 9/11, never reached the dizzying heights seen elsewhere. Most people can still pay their mortgages. Empty storefronts dot the landscape, but not to the extent seen elsewhere. Even Rutland, Vermont's "second city" (population: 18,000), which has a 10.4% unemployment rate, doesn't look much grimmer than it did before the recession. It's as if a wrathful God had given us a pass when he devastated the lands all about us. Poverty protected Vermont from the worst effects of this crash. But the demographic crisis will get us in the end.

Compared to Vermont, Boston appears another world. It has been called one of the ten most desirable cities in the world to live in (New York, Miami, Los Angeles, San Francisco, Sydney, Tokyo, Shanghai, Paris, and London being the others), and maintains, even in these parlous times, a lively pulse. The economy is dependent on higher education, health care, and high tech, with a bit of financial services thrown in. Of these, only the latter has so far suffered much from the current crisis. House prices and rents have come down, but not a

lot. The ubiquitous markdowns ("up to 75% off!") on display in store windows are the only palpable signs of crisis. Late-model cars fill the streets. The sidewalks are crowded with well-dressed people babbling on their cellphones, or playing with other, more esoteric devices. Restaurants and clubs are packed. A moderate to severe recession in retail and the hospitality industry appears to be the worst that Boston is undergoing. On my recent trip I saw *fewer* people than usual panhandling and sleeping outdoors in public spaces.

Massachusetts state government is suffering from a budget crisis, of course, but the root of that evil is the pols' lust to spend and their refusal to think ahead and provide for a rainy day. It is within the power of Massachusetts voters, if they choose, to remedy this problem at the voting booth, especially since the Bay State allows ballot initiative. It was by this means that Proposition 2 ½, which placed some limits on property taxes, was passed in 1980. Vermont, on the other hand, denies the people such a direct voice. As a result, its property owners bear one of the heaviest tax burdens in the nation.

You readers from outside the Green Mountain State are subsidizing our platinum-plated social services, which otherwise we couldn't afford. And we like that.

It would seem that the economic crisis is more regional than national in scope. Certainly it has hit the Sun and Rust Belts harder than elsewhere. In the Rust Belt, America's manufacturing base has been eviscerated by foreign competition. This is the culmination of a trend that began decades ago. Is it on balance a good thing, because foreign-made products are less expensive than their equivalents turned out by domestic industries? Surely we must admit it cuts both ways. The tradeoff of well-paying jobs at home for cheaper products made abroad is not, I would argue, a zero-sum game. I would submit that on balance it works against America, because too many workers find their wages and benefits "downsized" or eliminated, with adverse social consequences as the result. At some point creative destruction became more destructive than creative. I realize that there are economists — many of them libertarians — who have nothing but scorn for this view. But their arguments do not persuade me. They are the prisoners of an *idée fixe*, that efficiency and the lowest possible price for goods and services are invariably beneficial. This amounts, at bottom, to a crude utilitarianism. If a suburban couple saves $200 on a refrigerator made overseas, while the American worker who once built refrigerators loses his job and sees his standard of living decline — well, to me at least, that's not a good trade-off.

The poster child for deindustrialization is, of course, the auto industry, which collapsed because of the incredible stupidity displayed over decades by both labor and management. Here the market clearly should have been allowed free rein, with no government bailout. GM and Chrysler deserved to perish. Of the big three Ford was still standing, and therefore available to produce tanks and other vehicles for the military (for obvious reasons, we don't want these made only overseas). Today, after the bailouts, the same sorts of people are still running GM, Chrysler, and the UAW, and there's no evidence that they have really seen the error of their ways. GM will be back at the public trough in ten or twenty years, or less, you can bet on it. Consider Chrysler — bailed out in the 1980s, back for more a quarter of a century later.

In the South, manufacturing, autos included, is established on a sounder basis. No absurd union contracts, no overwhelming healthcare and pension costs to drive up prices and make the product uncompetitive. Can this model work in the Rust Belt? Perhaps so, but it will still entail a major decline in the living standard of northern blue collar workers. Irrespective of its causes or inevitability, that will *not* be a healthy social development.

Americans are a resilient people. New and better methods and products will undoubtedly emerge from the current crisis, creating new opportunities and wealth. Nevertheless, on the evidence of the past 30 years, we must conclude that a rising tide does not lift *enough* boats. The economic bifurcation of American society — the clever, well-educated and well-connected on one side, the mass of the population on the other — is likely to accelerate in coming years. In an age of worldwide, dynamic competition for resources and markets, less clever, less educated, less connected Americans will be losers. To this point the well-offs have placated the have-nots through social welfare programs and the virtual abolition of the federal income tax for low-wage earners (today 43% of Americans who file a tax return pay no federal income tax). How long, however, can this continue, given that the federal government projects trillion-dollar deficits for years to come? If the social safety net is withdrawn or collapses, will the have-nots simply accept their fate?

The present difficulties in the Sun Belt are largely housing-driven, and constitute, I believe, an episode rather than a problem that will persist. The Sun Belt's climate, resources,

"The way I see it, deficit spending keeps the taxpayers on their toes."

and political clout should allow it to emerge from the mess and generate real prosperity (as opposed to fake, bubble prosperity) once more. Its biggest challenges are concentrated in the western portion of the belt, where three of the states hardest hit by the housing crisis (Arizona, Nevada, and California) are located. The first challenge is water: finding enough of it. Heavy development, enormous population growth, and the needs of agriculture have been pressing the region's water resources to the limit. The recession has put off the day of reckoning, but at some point a crisis over water will come.

The second challenge is that presented by the excessive spending and regulation imposed by state government, as epitomized by California's budget crisis. The spectacle in Sacramento, with the world's seventh largest economy issuing IOUs, must at some point find a resolution along the lines of less government and lower taxes, or future prosperity will be choked off. I hope that Californians will, eventually, smarten up and cut taxes, downsize government, and thus liberate their great economic engine.

The speculative excess in housing that began after about 2000 was, of course, a nationwide phenomenon, albeit more frenzied in some parts of the country than others. It constituted a classic bubble, reminiscent of tulips in Holland in the 1630s and the South Sea boom and bust of 1719–20. As in those earlier bubbles, the reckless speculation that led to disaster was enabled by government. The Community Reinvestment Act of 1977 was relatively harmless in and of itself. But when it was harnessed by the Clinton administration to ratchet up the percentage of Americans who owned their own homes, the storm began to brew. It should have been obvious that no-down-payment mortgages, interest-only monthly payments, and adjustable rates (the instruments that allowed "subprime" borrowers to become homeowners) were recipes for delinquency, foreclosure, and an eventual collapse of prices. It is hard to believe that the private sector didn't realize this, at least intuitively, but apparently it convinced itself that risk could be safely managed through the use of credit derivatives, specifically credit default swaps (CDSs) and collateralized debt obligations.

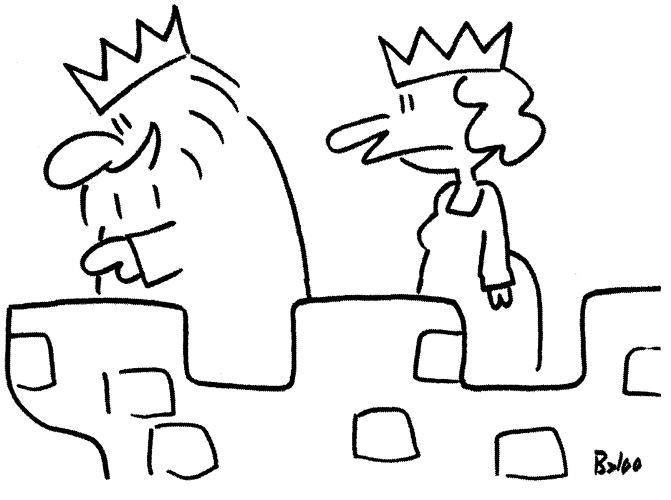

"Look, that peasant is eating something — the economy's on the move again!"

The "compassionate conservatives" of the Bush administration also played the feel-good game of promoting home ownership, seemingly oblivious to the economic Katrina on the horizon. The administration did attempt, in 2003, to rein in the activities of Fannie Mae and Freddie Mac, the government sponsored entities (GSEs) set up decades earlier to facilitate mortgage lending, by transferring oversight from Congress to the Treasury Department. Despite Republican majorities in both houses, this failed (as did a later effort led by Sen. Chuck Hagel of Nebraska).

At the time when the Bush administration sought more regulatory power over the GSEs, Democratic congressman Barney Frank of Massachusetts stated that "these two entities — Fannie Mae and Freddie Mac — are not facing any kind of financial crisis." No one in either party contradicted this fatuous phraseology, except one man: Congressman Ron Paul.

On Sept. 10, 2003, Paul testified before the House Financial Services Committee that

> the special privileges granted to Fannie and Freddie have distorted the housing market by allowing them to attract capital they could not attract under pure market conditions . . . Like all artificially created bubbles, the boom in housing prices cannot last forever . . . Congress should act to remove taxpayer support from the housing GSEs before the bubble bursts and taxpayers are once again forced to bail out investors who were misled by foolish government interference in the market.

Paul introduced a bill to end government subsidies to Fannie and Freddie. It had no cosponsors, and died in committee. Hagel's bill cleared the Senate Finance Committee in 2006, but was never brought to a vote. Nothing else was done by anybody — in the administration, Congress, or the regulatory agencies — to stop the lemming-like rush into subprime lending by the GSEs and private lenders like Countrywide Financial.

So companies like Fannie and Freddie, American International Group (AIG), Lehman Brothers, Merrill Lynch, and Countrywide were able, for a time, to reap enormous profits through reckless speculation in the subprime market. By 2007 housing prices were collapsing, just as Paul had predicted. In 2008 the bubble burst: Fannie, Freddie, and AIG had to be taken over by the federal government; Lehman Brothers collapsed into bankruptcy; and both Merrill and Countrywide escaped Lehman's fate by being absorbed into Bank of America.

It is a curious fact that Representative Paul stood almost alone against the tide. It may be instructive to note that Barney Frank is now the very powerful chairman of the House Financial Services Committee, while Paul is reduced to making a fool of himself in the movie "Bruno." This perhaps says something rather profound about how America is organized and ruled.

It is plain that the two major parties collaborated from the late 1990s to relax the regulatory environment, just when greater oversight was required. The Gramm-Leach-Bliley Act of 1999, which repealed in part the 1933 Glass-Steagall Act and permitted commercial banks, investment banks, and insurance companies to merge, did *not*, however, precipitate the financial crisis of 2008. The notion that it did, which has been put forward by economists such as Paul Krugman, has

rightly been dubbed "folk economics." It was the Commodity Futures Modernization Act of 2000, sponsored by Mssrs. Gramm, Leach, and Bliley, among others, that set the stage for disaster by exempting derivatives from regulation. This allowed Joe Cassano, the president of AIG's financial products division, to run wild selling CDSs until the market for them collapsed, AIG went bust, world credit markets froze, and taxpayers were obliged to pony up $700 billion through the Troubled Asset Relief Program (TARP) to combat a worldwide financial panic.

Yet even this is too simple a formulation. For who believes that the Securities and Exchange Commission, for example, had it been given the power, would have lifted a finger to stop Cassano? It did nothing, despite clear warnings, to investigate Bernie Madoff's massive Ponzi scheme, not to mention other, less spectacular crimes. It was not simply that Chris Cox (SEC chairman, 2005–09), was a lackluster chairman. Rot ran, and runs, throughout the organization. There is a revolving door at the SEC, as elsewhere in government, through which people pass from relatively low-paying jobs regulating or otherwise interacting with the private sector, to lucrative jobs within it. Under such circumstances corruption is inevitable. An analogous situation exists in the private rating agencies, which receive payments from the firms whose securities they rate. This is a clear conflict of interest that nevertheless remains common practice today.

In 2003, Ron Paul introduced a bill to end government subsidies to Fannie and Freddie. It had no cosponsors, and died in committee.

The period 1998–2008 witnessed the growth of systematic financial buccaneering enabled by powerful men (and a few women), with immense profits going to those within the magic circle, irrespective of outcomes. Winners became enormously rich; losers were bailed out with public money. Consider the events of mid-September 2008, when the collapse of Lehman Brothers placed the international financial system, and perhaps capitalism itself, on the edge of an abyss.

The key moment came on Sept. 16, 2008, immediately after Lehman's collapse, when Treasury Secretary Henry Paulson decided to bail out AIG. Paulson, a former CEO of investment bank Goldman Sachs, allowed a third party in the room that day: Goldman's current CEO, Lloyd Blankfein. Why was Blankfein present? Well, Goldman was on the hook for $20 billion if AIG went belly up. We know, of course, that Paulson saved Goldman's bacon by persuading Congress to give AIG $85 billion of taxpayer money (a mere first installment on a bill that eventually ran to almost $200 billion).

The obscenity of this affair beggars description. Not surprisingly, the corporate media have underplayed the story. This too tells us something about how America is organized and ruled.

Whether Paulson and Federal Reserve Chairman Ben Bernanke had to act to prevent an economic apocalypse, we cannot know for sure. To have done nothing would certainly have been a very high-stakes gamble, and it is easy to criticize from the sidelines. But the TARP represented more than just a lifeline for world capitalism. It was a plundering of the U.S. Treasury by the old-boy network, a saving of the Masters of the Universe's asses by their co-conspirators — people who were, at that moment, in "public service."

We do not live under a system of free enterprise. Our economic life is defined by corporate capitalism, a relatively closed system that forms a nexus with big government. It matters little which party is in power, as events of the past 40 or so years have made clear. The collapse of the Penn Central Railroad in 1970, the savings and loan fiasco of the late 1980s, the tech bubble of the late 1990s, and the events of 2008 all had similar origins. Names like Drexel Burnham Lambert, Enron, and WorldCom make headlines, then fade from public consciousness. A few of the actors in these scandals pay a price, but note that it is only schmucks like the two Bernies — Ebbers and Madoff — who do the hard time. The Robert Rubins and Christopher Dodds of this world remain influential, powerful, rich — and thus free to facilitate, even if they do not directly perpetrate, new disasters.

The system is not entirely closed. It is possible for a Ben Bernanke to rise from a middle-class childhood in South Carolina to Chairman of the Federal Reserve. It is remarkable, however, that so many of the actors who caused the current crisis — in business, elective office, and the regulatory agencies — are graduates of Harvard or Yale. So were most of the men who gave us the Vietnam War. This bespeaks something awful about America's ruling class. If the best and the brightest are corrupt (or, alternatively, hopelessly incompetent), whence will relief come?

As the summer of 2009 draws to a close, economic malaise still grips America. The country as a whole has not sunk to the depths of California or Michigan, but it is a fact that trillions of dollars of national wealth have disappeared, with millions of people experiencing a decline in their standard of living. Yet the stock market is up and Goldman Sachs has reported record profits for the second quarter. The worst, we are told, is now over (even economist Nouriel Roubini, a.k.a. "Dr. Doom," said as much in mid-July.) The people who made the crisis have managed, somehow, to come out on top. This cannot help breeding animosities that will, I suspect, eventually assume tangible form. An American version of 1789 should not be dismissed as impossible.

We do not live under a system of free enterprise. Our economic life is defined by corporate capitalism, a closed system that forms a nexus with big government. It matters little which party is in power.

Market forces alone cannot be relied upon. The license given to finance capital from the late 1990s was perhaps the major factor in the crisis. Like it or not, government has a

role to play — as rulemaker, referee, and watchdog over the engines of wealth. We would be wise, nevertheless, to doubt government's ability to fulfill these roles.

It is not simply the evidence of the past ten years, when government enabled the worst practices of the private sector, which should give us pause. From 1930 to the present, the role of government in America has expanded enormously in response to a series of crises — the Great Depression, the Second World War, the Cold War, the "War on Terror," and the financial crisis of 2008. The American way of life underwent a profound and quite possibly permanent change during these years. Individual freedom and individual initiative were eclipsed by big government and big business, or what might be termed the government-military-industrial complex. Is it too much to say that we have witnessed the *triumph* of socialism, which we thought had crumbled along with the Berlin Wall?

Consider. Under conservative governments we get socialism for the rich (the TARP, for example), with the masses kept quiet through social welfare payments and the elimination of income taxes for low-wage earners. Under liberal governments we get more traditional socialism — national health insurance (the Obama plan amounts to a single-payer system via the back door, and will undoubtedly cause millions of workers to lose their private health plans) and industrial policy (*vide* the auto industry), with more regulation of capital and business thrown in to please the masses, and, perhaps more importantly, The New York Times.

What difference is there between the two, beyond that of emphasis? In truth, the system is a Janus, presenting in turn one face, then the other, as the respective parties fare well or ill at the ballot box.

It is not enough to say that America is freer than most of the rest of the world. Most of us are less free today than our grandparents were, and it seems quite possible that our grandchildren will enjoy even less freedom than we do now. With each passing decade new departments or agencies are added to government, each and every one of them an enemy of individual freedom. The list is a long one: the FBI, the CIA, the DEA, the Department of Homeland Security, and on and on — each one a new a shackle, a new fetter on the individual citizen.

The system is broken — irresponsible and out of control, unresponsive except to those who can buy influence. Real reform, systemic change, is desperately needed, but who will provide it? Who will divert America from the course of empire, slash taxes and spending, and eliminate the instruments of repression, when there is no organized constituency for such measures? Every new crisis brings new forms of control over the people, while the ruling class pursues its own agenda virtually unhindered. At some point, perhaps, when an even more severe economic crisis hits, or a major military or foreign policy disaster occurs, a final break may come between rulers and ruled. But by then will it be too late?

Walking in Boston on the Fourth of July, I came across a Tea Party rally on the Common. A crowd of perhaps three or four hundred people had gathered to hear several speakers. I stood a while in the crowd, waiting to hear whether anything new and interesting would be said. But nothing was offered beyond the usual talk-radio verbiage about taxes and guns. No, I decided, these people don't even know where to begin. I walked away.

I had not gone a hundred paces when I bumped into a libertarian march, consisting of 20 or 30 people. Toward the front a woman carried a placard that read, "Read Ayn Rand." Could such a rallying cry move millions? No, I said again, if that's the best they can come up with — well, we're just going to have to go through the wringer someday.

What we will look like when we come out, I shudder to think. For when I gaze at America marching into the future, I see only the blind leading the blinded, and the deaf dragging the muted. ❑

Letters, *from page 26*

military strength that it is so roundly criticized today. The present government of Gaza, ruling an area completely free of the hated Israeli "occupation" and elected by the very same people for whom Merritt is so concerned, has done nothing for its people except proclaim as its objective the destruction of Israel.

Perhaps if Merritt's "oppressed" Palestinians had spent more of their time and effort on the development and prosperity of their own people, instead of recruiting and training suicide bombers and lobbing rockets into Israel, the Israelis wouldn't need to defend themselves in this way. Perhaps if they utilized their limited resources for the betterment of their people instead of terrorism and weaponry, the Israeli blockade might not have been necessary. But the Palestinians who arouse such deep sympathy with Merritt never miss an opportunity to miss an opportunity when it comes to chances for peace. When you elect as your government a terrorist organization dedicated to the destruction of your neighbor, and when that organization then acts accordingly, you cannot fairly complain when that neighbor finally has had enough and seeks to defend itself by the only means left to it. But that's probably just another value that holds no relevance to Merritt. I for one am proud that our country stands with Israel and our shared values.

Michael L. Carp
Montclair, NJ

On Gaza

I've read some puerile commentary on the Arab-Israeli conflict before, but I don't think I've seen anything quite as silly as Bill Merritt's claim that women in Cairo are covering themselves from head to toe as a defensive cultural reaction to Israeli actions in Gaza.

Beyond the absurdity of this purported causal link, Merritt's column betrays no knowledge of the actual history of Gaza, to wit: (1) Egypt occupied Gaza, which was originally supposed to be part of a new sovereign Arab state, in 1948, and stayed there until expelled during the Six Day War. (2) While Egypt occupied Gaza, Gaza was among the poorest, least-developed, and least looked-after places in the entire world. The only "development" Egypt engaged in was to "develop" a terrorist

continued on page 35

Much Ruin in a Nation

by Lanny Ebenstein

As Adam Smith observed, it's hard to cripple a healthy economy. Carter didn't manage to do it, and Obama won't either. Probably.

In their 1980 bestseller "Free to Choose," Milton and Rose Friedman title their discussion of the Great Depression "The Anatomy of a Crisis." They begin on this note: "The depression that started in mid-1929 was a catastrophe of unprecedented dimensions for the United States. The dollar income of the nation was cut in half before the economy hit bottom in 1933. Total output fell by a third, and unemployment reached the unprecedented level of 25% of the work force."

It is unlikely that the next several years will be a reprise of the Great Depression. More likely they will be a reprise of the late 1970s. In the short run — the next six to nine months — the economy may rebound more quickly than most observers predict. The index of leading economic indicators, which is supposed to forecast economic activity in three to six months, rose in both December and January. Unemployment may crest in the 8–9% range for the rest of 2009. It may top 10% for a short time, but prolonged unemployment above 10% is, at this time, unlikely.

Another favorable sign for the economy is that there is little of permanence in the $800 billion Obama stimulus package. There is no new Social Security or other enduring entitlement. It's pretty much a short-term spending binge that defers longer-term and more important change. It's not "change you can believe in" — it's just a lot more of the same.

In the short run, fiscal and monetary stimulus will probably work. If the most significant fiscal and monetary stimulus in history has no influence on the economy, then everything that economists have been saying for the past century, from both monetarist and Keynesian perspectives, would be proved wrong. But it isn't wrong: pumping money into the economy will make it easier for consumers to buy things and for producers and distributors to employ more workers.

At some point, however, probably in 2010, the economy will hit a wall. The most likely economic scenario is not an immediate and prolonged recession but a double-dip inflationary recession in which economic growth is better than expected in the second half of 2009 and going into 2010 but diminishes later in 2010 as inflation, interest rates, and the price of energy all rise.

Energy is the key. The worldwide economic boom from the early 1990s to the first half of 2008 was made possible by the circumstance that the world had capacity to produce more

energy than was being used. Since the early 1990s, though, oil and gas production capability has increased only about 8% worldwide, while oil and gas use has increased about 25%. The world's current production capacity for petroleum is about 86 million barrels a day. Consumption, before the recent world recession, was as much as 84 million barrels a day. By way of contrast and comparison, production capacity in the early 1990s was about 80 million barrels a day, and consumption was about 67 million barrels a day.

In economic terms, this is a discrepancy between supply and demand. If there is any continuing increase in world economic activity, the result must be, in the short run, an increase in the price of oil. Moreover, the policies of the Obama administration are inimical to an increase in our capacity for energy production. The two best sources of additional energy in the near future are nuclear energy and increased oil production, but the administration (despite some lip service to the contrary) is discouraging both. Higher growth will resume at some point, but this almost cannot occur physically in the next five years. The energy does not exist to power it.

A good way to conceive of the world economy is as a great engine, powered by fuel. To expand production, the engine must consume more fuel. For the past 15 years, increased consumption of fuel has been obtained mostly through increased use of existing production capability, not through expansion of this capacity. This cannot continue. It is inevitable the price of energy will rise. And there is always a good possibility that some international event will cause the price of oil to rise. If there were an Israeli attack on Iran, for example, anything could happen. The price of oil could skyrocket again and, in the midst of recent economic turmoil, the economy could go even deeper into the tank.

Whether this pessimistic vision of world politics will be realized is an open question. However, from both economic and political perspectives, it is probable that the world economy is in transition from traditional fossil fuels to alternative energy sources. The political pressures are well known. The economic pressure will come from the increase in fossil fuel prices, which will make the prices of alternative energies more competitive. But it is not possible, particularly in the next five years, to increase world energy production capacity so as to permit the kind of world economic growth that took place during the past 15 years. Instead of 3.5–4.5% real economic growth in the world each year, we are more likely to see growth of 1.5–2.5%, about half the world growth rate in recent years.

The policies of the Obama administration are inimical to an increase in our capacity for energy production.

These are among the real phenomena that are occurring, irrespective of the influence of monetary and fiscal policies. Moreover, real growth will probably continue to be more pronounced in developing economies than in developed ones. The older, more established economies of Europe, Japan, and the United States will probably experience little real new economic growth during the next five years — and this statement presumes that no international event arises to exert disproportionately bad economic effects.

A general rule of economic activity, a rule to which Milton Friedman subscribed, is that the sharper an economic downturn, the sharper the succeeding economic upturn. It is likely that the sharp downturn in U.S. economic activity from the second half of 2008 through the first half of 2009 will be followed by a comparable increase in economic activity, at least for a few quarters later in 2009 and the first half of 2010. It is always easier to recover from a slump than it is to build anew. But any new growth, beyond previous levels, will have to be powered (at least in part) by more energy, and this will take time and resources to develop. Energy prices will accordingly rise.

The Obama years are likely to resemble the Carter years: high energy prices, high inflation, high interest rates, and high unemployment.

And there are other large problems.

One of Friedman's observations was that there is a lag between changes in policy and changes in economic activity, including price activity. In the fourth quarter of 2008, the Federal Reserve System opened the money spigots. Preliminary estimates are that M1 (essentially, currency plus checking deposits) increased by 12–13% in that single quarter alone, representing an annual rate of increase in excess of 50%.

Three months of near-hyperinflationary growth in M1 do not indicate that wheelbarrows full of dollars will soon be required to purchase loaves of bread. However, if Friedman's observation with respect to lags is accurate — and he generally thought it takes from six months to two years for a change in monetary policy to work its way through the economy — our economy should soon begin to experience favorable effects from the substantially easier monetary policy that the Fed began to practice in January 2008. Yet, as long as the money supply keeps growing as it did in the fourth quarter of 2008, inflation is inevitable.

Most economists, to be sure, predict aggregate price stability or even modest deflation. It's true that other measures of money have not grown as much as M1, the recent rate of growth in the money supply will probably not continue, and the velocity of money may decline. Nonetheless, other things being equal (which they rarely are), a rate of annual inflation in consumer prices in the 7–10% range by the summer of 2010 appears likely, and the Fed will feel almost compelled to raise interest rates.

The Obama years are, in short, likely to resemble the Carter years: high energy prices, high inflation, high interest

rates, and high unemployment. Housing, ironically, could become a small silver lining in the economy, for two reasons. First, if there is significant inflation, the price of housing, even if it continued to decline in real terms, would increase in nominal terms, reducing the effective value of preexisting debt. Second, it is possible that federal regulators will relax or eliminate the "mark to market" rule, whereby the assets of financial institutions are valued at a current possible sales price rather than on the basis of return on assets.

In financial circumstances such as exist at present, the "mark to market" rule has the pernicious effect of reducing the value of assets with some cash flow that are not currently marketable, resulting in a decline in the value of financial institutions' assets and triggering the sale of these assets, further reducing their price. By a stroke of the pen, in relaxing the "mark to market" rule and substituting in its place a more reasonable estimate of value in the present financial circumstances, much would be done to restore the health of financial institutions.

Monetary policy has great influence, whether benign or malign, on an economy. In 1931, when the Federal Reserve raised interest rates sharply, the depression intensified. Similarly, when the Fed raised interest rates sharply between 2004 and 2006 — after having cut them deeply, and with a large proportion of loans tied to fluctuating interest rates — it precipitated the crash in home prices and of the financial system.

The Friedmans have argued strongly that the example of the Great Depression demonstrates the power of monetary policy. The double-dip inflationary recession the United States is likely to experience would be another testament to the power of monetary policy — specifically, of the monetary policy followed between 2001 and 2006.

The Fed has pursued an erratic, roller-coaster monetary policy in recent years, and the economy has followed in its path. Alan Greenspan's tenure as chairman of the Federal Reserve will appear less rosy in retrospect than it did when he was in office. Greenspan engineered two recessions, one of them catastrophic. The first occurred in 2000–2001, following the Fed's increases in the federal funds rate from 1998–2000. The second, the catastrophe, is happening now.

After lowering the federal funds rate to the amazing level of 1% from 2002–2004, thus engendering a housing bubble, Greenspan's Federal Reserve began a relentless campaign to raise interest rates, which crested at 5.25% in June 2006. In retrospect, the 2004–2006 raising of the federal funds rate from 1–5.25% is likely to become considered among the most destructive policies in the history of the Fed — and the main source of the financial crisis that began in August 2007.

Monetary policy is not, of course, everything. There are also the real productive forces of the world economy. As I indicated, among the most crucial of these is energy. As a result of the unstable monetary policies of recent years and the lack of development of new sources of energy, it is difficult to see how the world can keep from experiencing reduced economic prospects in the next several years. But hope springs eternal — and sometimes with justification.

Among the real productive forces are individual creative energy and the enormous capacity of the capitalist system, wherever it is allowed to function freely. Productivity may continue to increase, which would allow more economic growth with less energy. It is possible that more balanced monetary and fiscal policies will be pursued. The best course would be to raise interest rates modestly and sooner, instead of greatly and later, and to reduce, though not eliminate, the federal budget deficit at this time.

Alas, neither action now appears on the policy horizon — implying that, after a brief blip upward, the economy is likely to head down again. Fortunately, in an increasingly democratic world, electorates will vote against parties that fail to deliver economic growth and prosperity. Our economic challenges seem great, but there is every chance that they will recede in time, as better policies are implemented. The elections of 2010 and 2012 cannot come too soon. ❑

Letters, *from page 32*

infrastructure to use in a continuing cross-border war against Israel. Gazans were not permitted to live or work in Egypt, and were not offered Egyptian citizenship. (3) Israel offered to return Gaza to Egypt along with Sinai as part of the Camp David Accords. Egypt declined responsibility for Gaza. (4) From 1967 to 1987, the onset of the first Palestinian "intifada," Gaza had one of the highest economic growth rates in the world. Israel established Gaza's first university, first modern hospital, and other infrastructure. Private consumption per capita rose at an annual rate of 5% per year. Outside the refugee camps (under UN jurisdiction), the percentage of households with running water and electricity rose from the low single digits to almost 100%. (5) Tens of thousands of Gazans worked in Israel. (6) Meanwhile, Egypt kept its border closed with Gaza the entire time. (7) Israel gradually closed off Gaza as a result of continuing terrorist acts emanating from Gaza, which continued even after Israel withdrew from Gaza completely in 2005. (8) Egypt has kept its border with Gaza closed since 1967.

In short, the idea that Egyptians deeply care about Gazans is nonsense; they do tend to hate Israel, but not because of Gaza. And the idea that Israel set out to immiserate Gaza is nonsense. When the Gazans lived in peace with Israel, they literally never had it so good.

David Bernstein
Arlington, VA

Merritt responds: It's a pleasure to respond to two such thoughtful letters. In fact, it's a pleasure to realize that anybody reads my stuff at all. So, Mr. Bernstein and Mr. Carp, thanks for taking the trouble to write.

Both of you gentlemen have presented scholarly and detailed information to spackle over the gaps in my historical knowledge. Thanks for that, too. I only wish that you'd had something convincing to say — anything at all, really — that gave some reason, some barely minimal justification, for the violence Israel visits upon those living outside its borders.

The fact that two such erudite gentlemen as yourselves seem happy to rely upon empty twaddle to justify hideous, ongoing evil suggests that you subscribe to moral codes that are not widely held

by other people. Specifically:

Mr. Bernstein, in your ethical universe, is it really okay for Israel to bomb, invade, and incinerate Gaza because Egypt shut down its borders? I don't have any reason to think you've done time, but this is the ethic of prison rape: "I get to violate some defenseless schnook because another guy is violating him too." What I think is puerile is trying to use tortured, rococo debating points to shift the blame for the vicious acts Israel commits.

And, as a reader of this magazine you already know that libertarians value freedom. Heck, people value freedom. Are you really trying to persuade me that people should trade their right to govern themselves for a shot at a third-rate college, a chance to die on a filthy mattress in the corridor of an understaffed hospital, or the opportunity to line up at a border post every morning so they can work at a menial job in a foreign country?

An ethical system that tries to pretend that anybody — anybody at all who has been coerced into a deal like this — never had it so good, oozes the self-serving paternalism that led generations of plantation owners to congratulate themselves on taking such good care of the Africans they'd dragged to Virginia. "Them people never had it so good, I can tell you that. Why, over here we give them jobs and teach them their letters and, sometimes when Ol' Missus is feelin' especially eleemosynary, she even nurses them when they get sick."

Mr. Carp: as someone who seems to have paid actual money to purchase a journal of libertarian thought, are you trying to tell me, a singing member of the choir, that because "the world community" decided to partition Palestine, the people who live in Palestine are required to watch passively while their land is taken from them?

In what shadowy ethical system could any decision pretending to give away somebody else's property possibly be moral?

Do you think that trotting out that kind of legalistic blather would ever be enough to cause the people whose property was taken from them to stop trying to get it back? Or resenting those who took it?

Do your values really tell you that, because a Palestinian state as such has never existed, it's okay for Israel to smash homes and blow up hospitals in Gaza? Do you expect those of us who subscribe to the more generally accepted moral codes of the world to be persuaded by such an argument?

And have you seriously concluded that, because 60-some years ago places other than Gaza expelled Jewish citizens from their territory, that Israel has the right to starve and bomb people in Gaza today? Is this what your moral code teaches you?

To me, what is remarkably one-sided, superficial and, yes, even obviously biased is using cheap intellectual pettifoggery to let Israel off the hook for the heartbreaking evil it looses upon other people. Perhaps you are a parent. If you are, you will recognize this childish dodge as straight out of the "look-what-my-sister-made-me-do" tradition of moral obfuscation.

On one point, your moral universe may actually overlap with the one the rest of us inhabit. I think we would all agree with your conclusion that, when a neighbor has finally had it with the way it is being treated, it has the right to defend itself by the only means it has left. I challenge you to apply your own tawdry code of ethics in both directions and ask yourself what, exactly, are the means available to Israel's neighbors when they have finally had enough. And how could it possibly benefit Israel to keep putting them in a position where their only option is violence.

And I challenge you to do something else. Not for the sake of the neighbors, but for the sake of Israel itself. If you have any love for the country you pretend to support, look at the other part of your statement and ask yourself whether this wanton, pointless destruction really is the only means Israel has left.

Lots of us can think of other things Israel could try. One of the things I can think of is the same thing Field Marshal Gerd von Runstedt thought of in the summer of 1944 when the Western Front was collapsing and the German General Staff asked him what they should do: "Make peace, you fools."

That would be an approach Israelis could try: make peace with their neighbors while they still have a country for the neighbors to make peace with.

Mr. Bernstein and Mr. Carp, please don't get me wrong. It's not my place to accuse either of you gentlemen of anti-Semitism, but whose side are you own here? It doesn't take somebody like me to point out that the contemptible violence you so strongly support isn't going to lead anywhere but to Israel's being run into the sea. Is this what you want?

Most of us would prefer that Israel continue to exist. Personally, I would have appreciated it if one of you had explained why it benefits Israel for those of us in America who really do wish her well to stand silently and watch while she commits national suicide.

And I would have liked to hear how it benefits our country to supply the weapons she uses to maim, kill, and impoverish people beyond her borders — people who are not enemies of the United States.

But mostly, I wanted to hear why we should allow our great and honorable nation to be cynically drawn into a fight that is neither of our making, nor in our interest. These questions were, after all, the point of what I wrote.

Questioning the Quiz

Jeff Wrobel's attempt to improve the World's Smallest Political Quiz (August) falls short.

Note that the title of the article is "World's Shortest Political Quiz, Improved." The actual title of the Quiz is "World's Smallest Political Quiz," written in bold print on every Quiz. Wrobel then presents his first and only example of a bad question, the Quiz's question about the "right to bear arms." Although his argument against this question is sound, it is not on the Quiz.

The Quiz is updated every ten years or so. The first generation Quiz (1980s) did have the gun question. The second generation Quiz (1990s) and the third and current Quiz do not have that question. These two errors indicate that it has been many years since either Wrobel or the editor of Liberty has looked at the Quiz, which makes the rest of the article suspect.

"Another problem," according to Wrobel, is that "when Communism and Nazism are plotted on the [Quiz's diamond] chart, they end up in essentially the same location." Yes, they end up in exactly the same location (0/0), at the very bottom. A question on the

present Quiz could be changed, which would allow Nazism to land slightly to the right (0/20) of communism. But this should only be done if it did not distract from the far more important task of letting people know how left or right and up or down their political views are.

"A third problem is the way the center is not well defined, [which allows some] to answer every question differently from each other, yet end up together in the middle of the chart." The center *is* well defined. That is where those who do not strongly lean right or left should land. Wrobel attempts to fix this nonexistent problem by proposing a triangle that has no center. The center does exist. It is very important. That is the group the Republicans and Democrats spend their advertising dollars trying to sway.

"But the fundamental problem with the chart is that it is a mistake to categorize freedoms." Yet, like the diamond chart, Wrobel's proposed triangle chart also categorizes freedom. I find it very helpful when talking to someone to know where they landed on the chart, especially how high they land.

To redress these nonexistent faults Wrobel proposes an improved triangle chart with three sections, with "Libertarian" at the top and "Left" and "Right" at the bottom. Then on the outside and bottom of Wrobel's triangle chart he writes words that have no political meaning to a great majority of people. Also the triangle chart gives no clue that landing at the bottom of the chart is a bad thing. The diamond chart (the Quiz) gives a big clue with the words "Statist (Big Government)" in the bottom section of the chart.

Each of the ten questions on the diamond chart has ten words or less. Wrobel proposed two questions as an example of improving two of the Quiz's questions. Wrobel's two questions contain 95 words. The *ten* diamond chart questions contain 84 words. If a new quiz was developed using six times as many words, it could no longer be called the World's Smallest (or Shortest) Political Quiz. However, I do like his questions, and feel that they could serve as a supplement to the "Quiz" for the few who want to take the Quiz to the next level.

Clyde Garland
Bryan, TX

Often the Twain Shall Meet

I enjoyed "The World's Shortest Political Quiz, Improved" by Jeff Wrobel, but I dispute the triangle-shaped chart's positioning of Nazis and fascists on the Right. These two philosophies were very socialist in belief.

The Fascists believed in the corporate state. This was a state run as a corporation with an all-knowing leader; big government, certainly not for a free market or religion. The Nazis were a welfare state too, experimenting with Social Security before us. The Nazis were no free-market capitalists. The German government controlled its large industries. I think the Nazis and Fascists were against communism because it wasn't their brand of socialism, it wasn't their "baby."

Many governments on the Left were racists besides the Nazis and fascists. The USSR deported, killed, and enslaved many minorities. In our own country African-Americans were used for several experiments during FDR's leftist New Deal. In fact weren't more "hate crimes" in the past committed on the pro-socialist side? The Democrats, not the Republicans, tried to stop integration of the schools. Jim Crow laws and poll taxes flourished in the southern states under their Democratic administrations during FDR's reign. And didn't FDR refuse to allow ships carrying European Jewish refugees to land in the United States? You didn't put Liberals on the Right. Please, Mr. Wrobel, put the socialist Nazis and fascists on the Left on your new chart, where they belong.

As an aside I think it may be "damage control" by the media to always show racists as being on the Right, thus diverting attention from the racial hate on the Left during WWII. There have been and still are racists on both sides of the line.

Jan-Erik Janson
Highland NY

Asking the Right Questions

As a classical liberal and public high school teacher of political science (not "civics," mind you!), I realize that I'm a minority in the education field. It's difficult to find resources that don't emphasize varying degrees of statism, and I've had to become pretty creative for how I teach my curriculum. This being the case, David Nolan's famous chart has become very valuable to my classroom.

However, like Jeff Wrobel, I've noticed problems with Nolan's chart, especially when trying to explain its labels to 14-year-olds. Wrobel accurately articulates my chief concern: "Categorizing freedoms lends legitimacy to the Left-vs.-Right political battle that garners so much of the public's attention." The chart's oversimplification undermines the theory of false choices that influences many of my lectures. I think Wrobel's improvements frame the discussion of political philosophies in a much clearer way. Granted, any chart attempting to plot such complexities cannot explain everything; but the triangular chart with axes based on individual autonomy and tradition is a promising step toward educating the masses about libertarianism.

I want to encourage Wrobel to develop his chart further with questions similar to the example he included. Since all passionate libertarians must occasionally play the role of educator, I'm certain that the movement would be very interested in seeing the results of his efforts. The establishment knows too well Thomas Pynchon's proverb: "If they can get you asking the wrong questions, they don't have to worry about answers." Nolan's chart has already been (and hopefully Wrobel's chart will soon become) one of our greatest tools for framing the national debate.

Bretton H. Chatham
Blairsville, GA

Wrobel responds: I think that most of Mr. Garland's troubles with my chart stem from the title of the article. Actually the title came as a surprise to me; it was assigned by Liberty editors after I submitted my article. My own title was (the admittedly boring) "A New Political Chart." I was not trying to set a record for having the shortest or smallest quiz. I was trying to overcome problems I saw with other charts. I'll ignore those issues related to this confusion.

Garland did not like that my only example of a question that did not fit on Nolan's chart was the right to bear arms. I thought that issue to be big enough to make my point, but if another is needed, the subject of abortion could be considered. That is a topic that

is equally large in American politics today. But I have never seen this topic in a quiz using Nolan's chart. The reason is that it doesn't fit on that chart — that debate is between the two conflicting personal freedoms of life and choice. But like gun rights, the abortion issue is easily handled by my chart.

Despite what Garland wrote, I did not claim that the political center does not exist — I claimed that it is poorly defined on Nolan's chart. It is still not perfectly defined on mine, but I think that mine is an improvement.

Garland does make a good point about my chart not explicitly showing that the bottom is bad and the top is good. But maybe it's enough for people to see that the farthest away they can get from either Communists or Nazis is at the top with the libertarians.

My biggest distress at comments came from Garland's claim that my chart categorizes freedoms. The most important feature of my chart is that it *doesn't* categorize freedoms. It has one axis for freedom. Count it — one. Nolan divides (i.e. categorizes) freedoms into those personal and those economic. Unlike Nolan's chart, mine shows that as long as you're in favor of freedom overall (as I said, "true, unclassified freedom"), it doesn't matter where you fall on the horizontal axis. You can peacefully coexist with someone on the opposite side of the horizontal axis as long as you both are opposed to government involvement. To paraphrase an overused ancient quotation, any enemy of big government is my friend.

More than one respondent did not like my placement of Nazis and fascists on the Right. They are correct that, in practice, the Nazis shared some policies with socialists and in fact, the official name of the Nazis included the word socialist. But the advertised core tenets of the fascists and Nazis are ones that people usually associate with the Right, such as nationalism, control of social behavior (for instance, banning abortions), and corporatism. It is legitimate to argue that they can be seen as being on the Left when viewed from certain perspectives, but in general I think they are on the Right. At least as I have defined the horizontal axis, their traditionalism places them at the far right.

Mr. Janson read more into my article than was there. He seems to argue against claims that Nazis were in favor of the free market and had a monopoly on racism. I never made either of those claims. There is plenty of racism all across the political spectrum. And the "free" in free market is represented by the vertical access on my chart — the Nazis, being at the bottom of my chart, are by definition against the free market.

Mr. Chatham suggested that I develop the chart further. I have been working on that. The current version can be found at http://wrobels.org/chart.

Blame Game

In the Letters section of the August Liberty, Barnaby Ohrstrom defends "conspiracy theory" in general and, more specifically, in regard to 9/11.

He has a point with regard to the former. There have been various conspiracies which, as far as I know, even boring, conformist academic historians don't deny.

With regard to 9/11 Mr. Ohrstrom asks, "Cui bono?", i.e., "Who benefits?" He answers, correctly enough as far as he goes, the military-industrial complex and "the parasites and would-be masters in Washington."

In the latest published version of my "Lucifer's Lexicon" in "The Myth of Natural Rights and Other Essays," I defined *Cui Bono?* as meaning "Who can I blame?" The serious point behind that definition is that, contrary to what some "conspiracy theorists" seem to assume, answering that question does not necessarily identify the culprits responsible for a crime (or assumed crime).

Consider: the explosion of the *USS Maine* in Havana harbor in 1898 benefitted the warmongers who wanted a war with Spain (and who blamed the explosion on the Spanish). But that doesn't prove that Hearst, Pulitzer, or any other warmongers blew up the *Maine*.

Or consider another case: in his book "The Reichstag Fire: Legend and Reality," Fritz Tobias made a convincing case that Marinus van der Lubbe, the Dutch anarchocommunist, set the German Reichstag building on fire all by himself, just as van der Lubbe claimed. Thus, even though Hitler and the Nazis benefitted from the fire — it provided an excuse to crack down on commies and other political opponents — that doesn't prove that Hitler or the Nazis started the fire.

Likewise, pointing out some of the political beneficiaries of 9/11 doesn't prove that they did it. Having said that, I'll add that I think there are some unanswered questions about 9/11 and it might merit further investigation.

L.A. Rollins
Bloomington, IL

Be It Noted

In Doug Casey's otherwise fine piece ("Street Fighting Man," July), there are two errors:

First, the Warsaw Ghetto uprising began April 19, 1943 — not in 1944. The German army was going to empty the ghetto that day and present Hitler with this accomplishment for his birthday on April 20. The Jews in the ghetto lasted longer against the Germans than did all of Poland in September 1939. Incidentally, my license plate is APR 19 to honor both this resistance and that on Lexington Green in 1775 (the shot heard 'round the world) and also to remember the Davidian massacre in 1993, when 80-plus innocents (including children!) were gassed, burned and machine gunned to death by our FBI — as well as the "man-caused disaster" on that day in 1995 in Oklahoma City.

Second, there was no viticulture ever in Greenland. The whole island is covered by hundreds of feet of snow and ice. The deceptive naming of Greenland and Iceland is still working, as Iceland is where agriculture occurred, and Greenland where global warming would be welcomed.

Norm Bernier
Los Angeles, CA

State and Nation

Stephen Cox in the August "Word Watch" says that "40% of the electorate will always vote Democratic." This is untrue. Democratic nominees for governor, or U.S. senator, have received less than 40% in many elections in the last few decades, except in three states; and in those three states, Democrats were below 40% for president at least once in the 1970s or 1980s.

Richard Winger
San Francisco, CA

Cox responds: Thanks for the happy news about statewide results. The picture is somewhat different in the national statistics.

Ayn's World

by Stephen Cox

A new book expands our understanding
of an intriguing — and perplexing — writer.

During the past few months, sales of Ayn Rand's novels have experienced a great resurgence. Most people think this is because her writing is once again perceived as relevant: her fictional accounts of government gone wild reflect the actual behavior of the Bush and Obama administrations.

And sales will probably advance still further, now that a big new biography is about to hit the stores: "Ayn Rand and the World She Made," by Anne Heller (Doubleday, forthcoming, October 2009). I will have more to say about that book shortly.

Yet Rand's *resurgence* never had very far to *surge*. For 66 years, her novels have sold enough copies, every year, to satisfy the fondest wishes of any publisher of a brand new novel. She is a perennial best seller. Why? The best explanation is that her novels project a powerfully libertarian view of the world.

(I know, she repudiated the name "libertarian," but she did so for reasons that do her no credit for objective self-description. Instead of calling herself a libertarian, she said she was an individualist and a "radical for capitalism" — in short, a libertarian.)

There are two things involved in Rand's literary success; they work together, but they should not be confused. One is libertarian ideas; the other is the artistic embodiment of libertarian ideas. Rand knew how to make each of those things interesting, and permanently interesting.

First, libertarian ideas. Individual rights, free enterprise, rugged individualism — these good ideas had become cliches long before Rand started writing. For many people, they were discredited cliches. Rand revived her audience's interest in them by taking them to their logical but intensely dramatic conclusions. In "The Fountainhead," her hero Howard Roark addresses the court that is deciding whether to send him to prison for an act that is popularly regarded as disgraceful and repulsive, and he announces, "I came here to say that I do not recognize anyone's right to one minute of my life. Nor to any part of my energy. Nor to any achievement of mine. No matter who makes the claim, how large their number or how great their need." That's pushing the envelope.

Second, literary embodiment. Evidence has never been lacking that if the government takes over the economy, it will

wreck it. In "Atlas Shrugged," Rand didn't present statistical speculations and abstract theories; she projected a nation, an America, in which the government intervenes in the economy and, yes, wrecks it, in ways more picturesque than any economist could possibly have imagined.

Rand often denied that she wrote propaganda, or even that she intended to teach her audience anything. (I believe the first claim was true; the second, transparently false.) She said that she wrote for her own pleasure, to create the kind of characters she would want to meet, in the kind of world that such characters would inhabit and deal with in their own way. Whatever her motivation, she did create a literary world in which radical libertarian ideas were embodied and found an interesting home — an intense and serious world, a world full of ideas and characters and exciting action, a world in which libertarians, self-proclaimed or only implicit, could feel that they too were at home.

Rand didn't present statistical speculations and abstract theories; she projected an America in which the government intervenes in the economy and, yes, wrecks it.

This was a very considerable accomplishment. There can be no question about the fact that Rand remains America's most influential libertarian, with the possible exception of Milton Friedman, and America's most influential novelist of ideas. In that second category, there is no contest, because there is no runner-up.

Many American novels contain philosophical ideas or are motivated by such ideas. There have even been a few novels that, like "Atlas Shrugged," were successful in selling a system of ideas. I'm thinking of Edward Bellamy's "Looking Backward" (1888), a socialist utopia that achieved a cult following, for a while; and Carlos Castaneda's "Don Juan" books (1968 and following), New Age exhortations masquerading as anthropological field reports. (In Castaneda's case, "system" may be putting it too high.) On the libertarian front we have Henry Hazlitt's "Time Will Run Back" (1952), a very literate but also very somnolent narrative about a communist state under reconstruction as a capitalist state. But these works are ideological tracts; any interest the reader may derive from plot or character is probably a symptom of the reader's mental illness. They aren't really novels, and their quasi-literary success was brief.

Much closer to the novel form were the many works of fiction of the socialist activist Upton Sinclair (1878–1968). Most of them were real stories, with real characters, and although their purpose was to inform the audience about the evils of capitalism and the moral grandeur of a weird, puritanical, missionary-American form of collectivism, millions of heartland Americans bought them, read them, and suffered no harm. The audience had trouble detecting the author's big ideas and was therefore in little danger of succumbing to them. The world of Sinclair's novels is just a sillier form of our own world, with commonplace men and women doing commonplace things and thinking excruciatingly commonplace thoughts.

Rand was different: she created a world, and no one could ever call it commonplace. As the god of a novelistic universe — and an intellectual milieu — that she ran according to her own, highly individual ideas, she can never be confused with anyone else.

This concept of Rand as the creator of her own world is the theme of Anne Heller's new biography. The book is a very significant addition to the large and growing literature about Rand, her life and times.

The standard biography is Barbara Branden's "The Passion of Ayn Rand" (1986), based partly on taped interviews with the subject. Nathaniel Branden has contributed an important memoir, "Judgment Day: My Years with Ayn Rand" (1989, 1999), focused on his intimate personal and intellectual relationship with her. Chris Sciabarra, editor of The Journal of Ayn Rand Studies, has provided a book — "Ayn Rand: The Russian Radical" (1995) — and many articles on Rand's intellectual and personal history. Even the present reviewer has tried his hand at a (brief) biography for "American Philosophers, 1950–2000" (Gale, 2003).

Heller's book assesses the existing work — of which she has acquired a virtually encyclopedic knowledge — and offers the results of her own extensive research. Her writing is clear, vivid, and perceptive. She has the good storyteller's gift for pace; in her narration, nothing is either too short or too long. She presents the dramatic scenes of Rand's life without underplaying or overplaying them, and she is perfectly capable of recording Rand's flaws while admiring her virtues. Her Rand was "gallant, driven, brilliant, brash . . . as accomplished as her heroes," but also "cruel" and "ultimately self-destructive." Through it all, this Rand retained her interest for her biographer, who believes that Rand "has to be understood to be believed." The resulting biography is a powerful aid to understanding.

Heller writes comparatively few summary statements, preferring to let concrete facts speak for themselves, but when she does make such a statement, her words are memorable.

Rand often denied that she wrote propaganda, or even that she intended to teach her audience anything. The first claim was true; the second, transparently false.

She speaks, for example, of Rand's "clarity of language and purity of point of view" — qualities for which, I believe, literary critics should show much more appreciation than they currently do, in regard to Rand as well as other authors. She speaks of Rand's shrewdness in "deconstruct[ing] political speech and uproot[ing] hidden agendas," thus identifying another of Rand's undervalued qualities — her ability to

demystify contemporary discourse, often with just one thrust of her incisive, aphoristic style. Heller has an eye for Rand's most telling aphorisms. "Whoever tells you to exist for the state," she quotes, "is, or wants to be, the state." Deny that at your peril.

Heller pronounces Rand "prophetic" and "revolutionary," as indeed she was. Rand spoke up, she called for radical change — and she was heard: "Her extraordinary achievement extended far beyond the collapse, later in the decade, of the Communist tyranny she so abhorred, and still informs our thoughts about the competing values of liberty and safety, individual rights and the social contract, ownership and equity, and the flickering light of freedom." All gold, and all true.

The Rand who emerges from Heller's pages was a brilliant thinker and writer who exercised remarkable power over the world of her texts and the world of her life. Yet in the pursuit of this power, the individualist who refused to believe in the morality of self-sacrifice made enormous sacrifices of things important to herself — friends, truth, objectivity, intellectual curiosity, and self-knowledge. To this also Heller gives appropriate attention.

Everyone who closely studies Rand's life is struck by the sad contradiction between the plucky Russian emigree who sat at the feet of libertarian social critic Isabel Paterson in her office at the New York Herald Tribune, and the hubristic ideologue who ruled her little senate with a rod of iron, denying that anyone had ever helped or influenced her — except, perhaps, the long-dead Aristotle, supposedly her only philosophical peer. The difference was 20 or 25 years of popular success, success with readers whom the author herself had learned to scorn.

But Heller finds evidence that there weren't two Rands, a bad one and a good one. Rand was always the same person, right from the start, with the same good qualities and the same bad qualities that would eventually bear abundant fruit, together. She was always a person of immense ambition, immense determination to create a world in which she would like to live. This is the world she assembled in "Atlas Shrugged," where her heroes withdraw from a decadent collectivist culture and build a community in which each can fulfill the imperatives of his or her unique genius. And this is the world that she (with much help from others) created in her "inner circle," a community where libertarians gathered to conform completely to her every "rational" whim.

That isn't good, God knows — but it does show strength of character.

Rand had enormous personal and literary courage. Her standards were her own, and she was not about to compromise them. Heller extends our lines of evidence about the difficulties she faced, from her birth in 1905 to a precariously established Jewish family in Tsarist Russia, through the confiscation of her parents' property and the risk of her own life in the Bolshevik Revolution, her escape from persecution and inevitable liquidation in the Soviet empire, her battle for economic survival in America, and her unlikely, her very unlikely, literary success with "The Fountainhead" (1943). Hers, as Heller shows, is an heroic story, one that can scarcely be matched in the annals of American literature. And hers was not a morally empty success. If anyone ever deserved to succeed, it was Ayn Rand, who was thinking seriously, all the time, both about ideas and about the literary forms in which they ought to be embodied, and who risked her all to write what she thought was good to write.

But her ambition, determination, and integrity were disfigured by awful scars. Heller shows how frequently Rand lied, explicitly and implicitly, directly and indirectly, to others and to herself. Do we all lie? Sure. But your lie about the artistic ability of your friend's 6-year-old is nothing like the lies that Rand communicated and believed. She made a profession out of lying to herself about the artistic and intellectual incapacity of 99% of the literary world, so she could feel at home in her own, increasingly isolated domain. And, as Heller's work shows, there were many worse lies, and worse failures, than literary ones. Rand's injustice and ingratitude, her intransigent emotional demands, her gross one-sidedness on countless emotional and intellectual occasions, appear in larger dimensions than ever before. All of it testifies to her desire to create the world she wanted to have, even when the evidence was all against her, even when she had to lie to herself and everyone else in order to do so.

Courage? Yes. But not always in a good cause, unless the cause of emotional self-preservation, at the sacrifice of emotional health and balance, can be considered good.

These basic conclusions have been reached before. Yet anyone interested in Rand will value Heller's new information, both about Rand's hard-won achievements and about her tragic defects. Most biographers are slaves to their material. They are in love with their subjects, and they stay that way. Why else would they devote years of their lives to chronicling other people's affairs? Occasionally a biographer decides that he has had enough and turns angrily against his subject. Mark Schorer, Sinclair Lewis' biographer, is a good example. He got bored with Lewis' drunkenness, silliness, and squandering of his talent, and the disgust showed. It didn't improve the book.

Heller doesn't fall for either temptation, love or hate. Throughout her biography, she is calm, objective, perfectly willing to praise literary or moral success, and just as willing to notice literary or moral failure. You might regard this as a prescription for blandness, but you'd be mistaken. Heller's

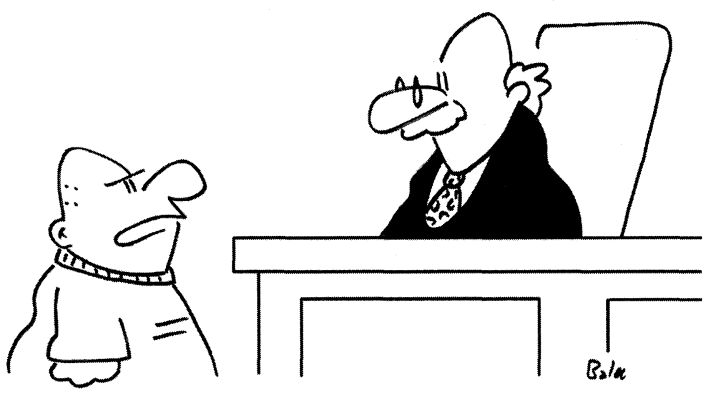

"There you go, bringing up the *past* again!"

book is engrossing all the way through. If you start reading it on Friday afternoon, you'll finish it on Saturday, as I did; and it's a pretty long book.

I do have some disagreements with Heller. I believe that Rand, like her mentor Paterson, was a true libertarian isolationist, unwilling to support foreign wars unless they were clearly defensive, and hesitant about them even then. So I differ from Heller about part of her characterization of Rand's attitude toward World War II. I doubt that Rand wanted the United States to see whether Hitler or Stalin won, and then go to war against the winner.

I also think that Heller exaggerates the influence on Rand of the "anarchist" libertarian Albert Jay Nock. Nock is a perennially interesting literary figure, but I doubt that Rand needed his distinction between "economic man" and "political man" — the producers and the exploiters — to fill out her system. That kind of distinction could have occurred to anyone, and did occur to many people, from St. Paul onward. Nock's (goofy) way of thinking about economics was extravagantly different from Rand's. (For a summary of Nock's ideas and accomplishments, see Cox, "Albert Jay Nock — Prophet of Libertarianism?", Liberty, March 1992.)

I would like to believe, as Heller does, that Rand was inspired by Nock's essay "Isaiah's Job." There, Nock pictures literary prophets ministering to the needs of a "remnant" of right-thinking people who may at some time have the opportunity to rebuild their civilization. As Heller says, it sounds like the situation in "Atlas Shrugged," and I want to agree with her, because "Isaiah's Job" is one of the finest essays ever written by an American. I like to picture Rand reading it and enjoying it. But I don't think she needed Nock for the storyline of "Atlas." Anyone who devotes her life to conveying

Liberty Talks with Anne Heller

Liberty: What got you interested in Rand, and in writing a biography of her?

Heller: I first heard of Rand when I was 15 or 16. Given what friends told me, I thought she was more a political and economic than a literary writer; and I wasn't interested. Decades later, while I was working on a financial magazine at Condé Nast, a contributor emailed me the text of Francisco d'Anconia's "money" speech from "Atlas Shrugged." I was amazed by the patient elegance of its logic, and even more amazed by the beauty of Rand's writing. I bought "Atlas Shrugged," took it on a trip to the tropics, finished it, and immediately turned back to the first page and started over. How did all the puzzle pieces of plot, character, and message finally fit together? That kept my interest.

In 2004 I believed the time was right for a fresh look at Ayn Rand's life and work, given that there was no more argument about collectivism versus capitalism (capitalism had won, at least it seemed so). Also, Rand's closest associates from the '40s, '50s, and '60s were growing older and should certainly be interviewed; also many Russian archives were newly opened. I wanted to know more about her, and (notwithstanding Barbara and Nathaniel Branden's books) I was astonished that no one else was then known to be writing an impartial, research-driven biography. I gulped and drafted a proposal. Interestingly, five out of seven of the well-known editors who saw the proposal expressed interest in publishing the book. I don't think this would have happened ten years ago. Good timing.

Liberty: What was the most rewarding part of your work?

Heller: I loved conducting the research for the book — especially working with archival researchers in St. Petersburg, Russia, where Rand was born. They and I corresponded for two and a half years in pursuit of details of Rand's childhood addresses, school records, her parents' origins and family history, her father's financial situation, the family's whereabouts when they left St. Petersburg for the Crimea, etc. I also enjoyed tracking down letters, old news reports, and facts revealed in obscure presentations by the Ayn Rand Institute that shed new light on the development of Rand's thinking. I enjoyed conducting interviews with men and women who knew her, attempting to earn their trust (not falsely, I hope), and recording memories they shared with me that I had not seen in print before.

I liked the hideous process of trying to write to my own standards in a first book.

But most of all I enjoyed the privilege of coming to know Rand at the judicious distance of a biographer. She changed my convictions in ways I didn't think possible. She was an endlessly fascinating characterological enigma: Where did her drive come from? How did her Russian and Jewish history shape her? What were her sources of inspiration for her plots and characters? How could she be so brilliant and yet so credulous as not to see things that were obvious to people around her?

Liberty: And what were your greatest difficulties?

Heller: Gradually winning the cooperation of her surviving friends and associates was difficult but immensely satisfying. But having to reconstruct aspects of her life without recourse to ARI's archives (containing unpublished letters, diaries, desk calendars, drafts, notes, and memorabilia) was the biggest difficulty. The reason I was given for not being able to work in the ARI archives was that ARI had given Prof. Shoshana Milgram exclusive use of the material for an unspecified period of time. The Rand estate also blocked other means of gathering information; for example, it refused permission for Curtis Brown, the literary agency, to grant me access to its archives about Rand at Columbia, where I could have found contracts and business and literary correspondence post-1943. I managed to construe some but not all of the important missing information.

Liberty: Along these lines, we understand that some people declined to be interviewed.

Heller: Leonard Peikoff and Alan Greenspan were, finally, the only two important ones who would not talk to me.

Liberty: Did your view of Rand change during the course of your research and writing?

Heller: Yes, it did. I understood her better and admired her accomplishment immensely more than when I started. Her contribution to the American novel and to our continuing national conversation about freedom is immense.

unpopular ideas is apt to feel as Nock and Rand did — alone and without influence except on a few currently anonymous other people, a small "remnant" of civilization. That doesn't mean that Nock influenced Rand. I acknowledge that Rand uses the word "remnant" in John Galt's big speech in "Atlas Shrugged," so Heller may be correct — though considering the unfavorable things Rand said about Nock's failure to help her get the individualist movement off the ground, I can't see her intending to write an homage to him in "Atlas."

That's a judgment call. I'm glad that Heller brought the issue up and made it a point of legitimate controversy. On most other controversial issues, I'm inclined to give her the palm. She recognizes Paterson's crucial influence on Rand's acceptance of "a uniquely American brand of individualism, based on a commitment to the natural and equal rights of all men." She's right — and I believe that only last-ditch orthodox Randians now deny the large extent of Paterson's influence.

Heller also emphasizes — more perilously, but still with good reason — Rand's affinities with an older generation of Russian intellectuals who looked to books to discover revolutionary acts: "Sounding like the 19th-century Russian intellectual she essentially was, she wrote [of Paterson's 'The God of the Machine'], 'It takes a book to save or destroy the world.' " That was a mighty claim — and one step above Paterson's own assertion: "The great body of literature and of information handed down in books actually comprises the world we have lived in, both mentally and physically. Every one who lives in this country lives in books; and that would be true even of an illiterate person. He is living in books he has never read." Probably Heller is correct; Rand derived her attitude toward books and revolution from her continental roots.

Sciabarra emphasized the idea of Rand as a Russian writer, and Heller finds much evidence to support it. Rand's stress on production rather than consumption; on the primacy of spiritual goals, bad or good, over strictly material ones; and even on liberated ideas of sex and love ("standard notions in Russian intellectual circles from the middle 1800s onward") — this all seems closer, as Heller says, to the Russia of Rand's youth than to the United States of her maturity.

Still more interesting is what Heller's book has to offer as a study in the unpredictabilities of art and of the artistic temperament. Rand's literary gifts were very special, as are those

Heller has an eye for Rand's most telling aphorisms. "Whoever tells you to exist for the state," she quotes, "is, or wants to be, the state." Deny that at your peril.

of any other great artist. She had no faculty for compromise or for what other people regard as realism. She didn't read widely, and her command of the English language was tenuous when she came to this country as a young adult. She was miserably poor and without important friends. Her chances of success were one in a million. The best imaginable outcome would have been a post as script watcher in some Hollywood studio. And this, basically, was her situation until late 1943, when she was 38 years old and "The Fountainhead" had been published to no particular acclaim except that of Isabel Paterson. Then sales took off. Rand's book was the sole novelistic example of radical individualism; it cornered the market,

Rand was anxious to ensure that the Speech would represent her ultimate, unassailable statement of reality. The result was a 60-page literary disaster — a ridiculously long and arrogant essay.

a market that proved unexpectedly large. Who but the most radical libertarian — such as herself — could have imagined that Rand was living in the same ideological world as millions of her fellow citizens? But that was the case.

Before "The Fountainhead," Rand had kept on working, and kept on hoping, while her twenties and her thirties passed. But here's the strange thing: despite her high ambitions, she was sometimes doing practically nothing to further them. She took six years to plan "The Fountainhead" and to write the first third of the book, losing a publisher's contract along the way because she twice failed to meet the deadline. Then she sailed through the last two-thirds of that long, long book in just one year — averaging, as Heller points out, a chapter a week, which is something like saying that a locomotive can go 300 miles an hour when it really needs to.

After "The Fountainhead," she started planning the novel that would be known as "Atlas Shrugged." She supposed that she would finish it posthaste. It took her 14 years. For what reason? She put out the rumor that she spent the last few of those years getting the right tone for the endless speech about philosophy that she intrudes on the final movement of the book. The true reason, as it seems to me, is that she had come to regard "Atlas" as a philosophical Bible and was anxious to ensure that everything in the Speech would represent her ultimate, unassailable statement of reality. The result was a 60-page literary disaster — a ridiculously long prose essay, its tone arrogant, inappropriate, and repellent to the last degree, in which she repeated everything she had already made obvious in the rest of the novel. Years working on the "tone"? I don't think so. Rand's attitude toward this manifest literary failure is a mystery of the creative process. How could she have thought she was doing the right thing?

"Atlas Shrugged" was finally published in 1957, and Rand immediately suffered a paralyzing depression. Heller is a clear and patient narrator of the events that ensued. One probable cause of Rand's depression was an especially severe form of postpartum reaction, which can be worse for writers than for women literally giving birth. Mothers have the pleasure and challenge of rearing a new child, but authors suddenly have nothing to do after the "birth" takes place — their child has ceased to grow and change; it died the moment it

was born. Rand herself attributed most of her depression to the hostile reception that her book received from critics and intellectuals.

That reception would have killed any other book. Yet Rand's work had the ability to inspire multitudes of people who were not official intellectuals. While its author sank more and more deeply into lassitude and self-compassion, its tale of heroic individualism continued to sell like crazy, and it still does. As Heller shows, Rand took little comfort in her popular success. She played a lot of solitaire, considered writing another novel but never did much about it, and eventually became interested in the kind of writing she had usually rejected as beneath her — prose exposition of her philosophical and political ideas. She proved a very able popularizer of those ideas. Yet she lived for 25 years without producing another work of fiction. This must have been intensely disappointing to her, but she could apparently do nothing about it.

What was the cause? Nobody knows for sure. I suspect she was trapped in her own Bible. The last verses of Revelation contain a curse against anyone who presumes to add or detract from its words. I believe that Rand felt the same about her words in "Atlas." They were final. Even their author could consider meddling with them only at great risk — the risk of needing to revise her ideas.

But Heller's suggestion may be the best. She notes that the pleasure Rand derived from writing fiction was that of creating "a world of her own." In youth, "she longed to find *her* kind of people, and . . . to do so meant she had to make them up in stories. And so emerged the three-dimensional world of Ayn Rand, where idealized characters take the measure of reality and often find it needs correcting." Then, in "Atlas," Rand produced the kind of world she viewed as perfect: "For good and ill, she had fulfilled the mission she had lived for: to create her ideal man and a microcosmic ideal world in which he and all other 'real people' could breathe freely and love passionately." There was nothing left to do. By the time of "Atlas," Heller observes, Rand's characters were becoming "more real than the people around her. . . . [H]er own larger-than-life characters came to define the limits of an imagined world so compelling that many admirers who entered it never left."

The last verses of Revelation contain a curse against anyone who presumes to add or detract from its words. Rand felt the same about her words in "Atlas."

The obvious problem was that those characters — though more important for our culture than most people who actually exist — did *not* exist. You couldn't touch them, talk with them, see what they would do next. When they showed up, their presence was often destructive. During Rand's post-"Atlas" depression, she talked about the hero of her novel and said things like, "John Galt wouldn't feel this . . . He would know how to handle this. I don't know . . . I would hate for him to see me like this." If any author was ever captured by the world she created, it was Ayn Rand, whose characters sat in judgment on their creator.

Like Kay Gonda, the heroine of her play "Ideal," she wanted the "glory [she] create[d] as an illusion" to become "real." This ideal was enchanting, and it worked enchantment. Under its spell, Rand created stories, friendships, discipleships, ultimately an ideological movement — all of the greatest seriousness. She surrounded herself with concentric circles of intelligent and devoted followers who enabled her to live in her own world as much as any author could possibly expect to do. If that world didn't satisfy her — and it didn't — there was no other world that could interest her.

Running through modern literary history is a golden thread of artists who have manufactured their own worlds. Rabelais. Swift. Melville. Faulkner. Borges. Tolkien. All different, all united in the idea of creating a self-substantive literary reality. But none of them created a Following, a Circle, a Cult, as Rand did. Heller, skeptical about Rand's claim that creative people are motivated solely by a "selfish" commitment to their own work, remarks that "even she sometimes seemed driven by a desire to guide others." "Driven" is a well-chosen word. As Rand got older and crankier, her concern with the minute details of her followers' ideas, tastes, and conduct grew more and more obsessive — quite at odds with the laissez-faire principles that she professed and sincerely believed.

The world that Rand wanted to inhabit was essentially a literary world, a novel written by and for herself. Good novels aren't written by committees, but Rand carried the idea of individual authorship to an absurd degree, denying the influence of others on herself and trying to make sure that her own influence was all that counted for others. As Heller chronicles the falsehoods she told about her family, friends, and associates, one realizes that she had to believe her own stories, because otherwise she could not have enjoyed the pleasure of creating her own world, with herself inside it. It would not have felt like a world; it would have felt like a fake, and so would she. When the defection of her disciples showed her the fragility of the world she inhabited, her response was to assert the author's prerogative; these characters were written out of her book, no matter how many chapters she needed to destroy. It was a bad business, for herself and everyone else.

Heller dates Rand's process of deciding to live on her own planet (my phrase, not hers) to the year 1945, when the publishers of "The Fountainhead" prompted her to issue a pamphlet describing herself. This, Heller comments, "was the first building block in Ayn Rand's public legend. This small pamphlet self-consciously depicted a woman who had been a prodigy from childhood, whose ideas were entirely her own . . . [S]he added that her reason for creating the character of Howard Roark was not to 'serve my fellow man' or to 'save the world,' but to obtain the purely private pleasure of writing about a kind of man she could admire; she didn't add, in a world she could control." That was a long way from the world of "The Fountainhead" itself, in which, as Heller appropriately comments, "moral integrity is forceful, ruthless, and erotic." Rand's falsehoods were feeble, obvious, and

far from erotically stimulating. It is safe to say that for most people who encountered them, they sounded a warning that her world was starting to close.

Heller lists the few people whom Rand, by the time she reached 60, still professed to admire. It's a strangely assorted group. Cyrus, the hero of an adventure story she read as a child. Aristotle, for his three laws of logic — and little else, no matter what the professional Randists suppose. Victor Hugo, for his romantic novels. Rostand's character Cyrano, for his aplomb. Her husband Frank O'Connor, for his good looks. Her lover Nathaniel Branden, for his good looks and his great intelligence. The Founding Fathers, for their establishment of limited government. By denying that she had been influenced by a wide range of writers and thinkers, Rand also denied herself the ability to be, as Heller puts it, "taken seriously" by other intellectuals. In response, she spent her time rereading her own works. That was the world in which she found herself most at ease — a world in which she was the only inhabitant, the Petit Prince of an extraterrestrial kingdom.

There have been important writers — Hemingway is a good example — who were not intellectuals, and who read fairly little. Rand is the only example I can identify of an important writer, and a brilliant intellectual to boot, who in her mature period retained practically no curiosity about current or classic works of literature, philosophy, or history. She had studied some kind of history at Leningrad University, but where are the accounts of her enjoying any work on the subject, outside of Paterson's "The God of the Machine" (1943)? After that book, and some works by Ludwig von Mises, the great economic theorist, she appears to have ceased learning much from either theory or history. It was as if she were making good on her claim not to have been influenced by other people. It was as if individualism meant making everything up on one's own.

She couldn't really do that, of course. In constructing her ideas, she drew largely on Paterson, Mises, the concepts of 18th-century classical liberalism, as expounded by Paterson, the logic of Aristotle (influence acknowledged), and her strong reactions to ideas she did not like. Nevertheless — and this should not be forgotten, whenever she is criticized — she was remarkable for the ingenuity she showed in developing a fairly small stock of premises into a large philosophical system. Much the same can be said of any major philosopher; it's the professors of philosophy who, typically, know everything about their field but cannot construct a world. Like other real philosophers, Rand often reinvented the wheel, without recognizing it; but her wheels were never like other people's wheels. Her boldly individualistic conclusions gave her an exciting vantage point on a world that always seemed new, a world over which she seemed to have as much intellectual command as if she had written its blueprints. She imparted this perspective to her disciples. For many of them it initiated a great spiritual experience, one that continued to inspire them no matter how far their relations with her decayed.

Unfortunately, they were admitted to her drama, and continued in it, only on the condition that they repeat the script exactly as written. She told them what to think and disciplined them cruelly when they thought something else. Most of them were people of intelligence, integrity, and high ideals. And most of them either deserted her world or were cast out. Rand was nearly as disappointed as they were. For her, as Heller says, they had "escaped from the world of [literary] symbols and abstractions" — becoming, very regrettably, real. Those who did not escape became dolls in the Museum of Ventriloquism. Few literary fates are worse than this.

Heller is very good at telling the stories of the people whom Rand encountered at various points in her life, people whose lives have their own, very considerable, interest. And she identifies the root problem of Rand's relations with them: her striking lack of empathy.

"Empathy" is a word that's hard to define, but most people know what it means. Rand didn't. She had little spontaneous insight into the beings who surrounded her. To get a fix on them, she needed to view them from an ideological or theoretical remove, as if she were an astronomer and they were distant planets.

Rand's concern with the minute details of her followers' ideas, tastes, and conduct grew more and more obsessive — quite at odds with the laissez-faire principles that she professed.

Naturally, this problem showed itself most clearly in her relations with the people closest to her. Her letters to Paterson indicate that she hadn't a clue about the reasoning by which her friend reached different conclusions from her own. No matter how lucidly Paterson explained her thinking, Rand's way of understanding it was to label it irrational; then it could be dismissed. When her relationship with Nathaniel Branden went on the rocks, she constructed analyses worthy of Sir Isaac Newton to explicate actions and emotions that anyone with empathy would have comprehended in a flash. This, to her, seemed rational, but it was really a fundamental failure of empathy.

Heller's best example of Rand's lack of empathy is her conception of Frank O'Connor. Frank was a handsome, lovable, nonintellectual person whom Rand systematically confused with the heroic geniuses of her novels. To say that her expectations of Frank were damaging to him, and to their relationship, is putting it very mildly. Her expectations of other people — people she liked, people she trusted, people she eventually shed — were almost as damaging.

It is significant that Rand's failure of empathy wasn't fatal to her art. In some ways, it actually appears to have aided it, by encouraging her to perfect her distinctively stylized, intellectually symbolic characterizations — ways of understanding and portraying people that did not depend on close and sympathetic study.

Discussing Rand's refusal to employ ordinary forms of literary realism and to "soften her characters' hard symbolic edges," Heller comments, "If form followed function, as she believed it did in literary art as in architecture, then the special, the exalted, the highly stylized was her medium and her message." It's difficult to think of a better summary of Rand's

literary approach and its justifications. But if Rand had no other means of creating "stylized," "symbolic" characters, characters without the usual kinds of emotional subtlety, failure of empathy would have sufficed. There is also a Dickensian quality about Rand's satires (one of the many unacknowledged facts about Rand is that she was one of American literature's greatest satirists); and this is a quality heavily dependent on the author's ability to target people from a distance, to fire at them without compunction, and to hit nothing but the bull's eye. Again, lack of empathy helps.

On the whole, however, this absence of a certain kind of intellectual equipment was as damaging in art as you would expect it to be in life. Rand was uninterested in complexities of character or motive when she found them in other people, and she denied their existence in herself. Intolerant of mystery and ambiguity, of everything that couldn't be immediately understood according to her own theories and observations (or theories and observations borrowed without attribution from other sources), she missed the fact that mystery is sometimes a sign of depth — of real depth, not the pretentiousness of people who want to be respected simply because they cannot be understood.

One of the many unacknowledged facts about Rand is that she was one of American literature's greatest satirists.

Those people she rightly skewered, and if any civilian deserved the Congressional Medal of Honor, she did, for that. But she missed the basic literary fact that characters who retain their allure are characters that one doesn't fully grasp after the first handshake.

Few of Rand's characters improve upon acquaintance. Readers return to "Atlas Shrugged" for its brilliant philosophical speculations, its exciting story, its frequently well-wrought oratory, and its uncompromising individualism; they do not return to find out more about the inner workings of John Galt or Dagny Taggart or Francisco d'Anconia or Hank Rearden.

Much of "Atlas" is preoccupied with Rearden's failure to discover why he is so unhappy, despite his success as an industrial tycoon. Of course, everyone but Rearden knows the answer: his wife is a demon from hell, he's killing himself with work, the government wants to take him for all he's worth, and he feels guilty about any form of enjoyment he can experience. To Rand, this means that he has the wrong "philosophical premises." That's it; that's the answer. He has the wrong premises. So much for the complexity of Hank Rearden, who is a much more complicated character than most of the others in "Atlas."

I used to think that Rand was right when she congratulated Dostoyevsky on his ability to analyze his own characters "all the way down to [their] philosophical premises." I no longer think so highly of that comment. When characters are tracked to their premises, they usually cease to be characters. Their intellectual function becomes their only function. They may be interesting as something, but they're not interesting as people. They don't have enough DNA to populate a fully plausible world, which is what Rand wanted them to do.

I don't know what cures are available for a lack of empathy. Heller shows that Rand's formidable powers of ratiocination weren't sufficient to convince her that she shouldn't be outraged because Barbara Branden didn't recognize that a feeble short story that Rand offered for criticism, without naming the author, had actually been written by Rand. And all of Rand's reason wasn't sufficient to keep her from warring with her friends because they preferred Beethoven to Rachmaninoff. Liberty Contributing Editor Ronald Hamowy tells me that when he asked Rand why her favorite composer was Rachmaninoff, she said, "Because he was the most rational"; at which Hamowy laughed, thinking that it must be a joke — and was immediately cast into the outer darkness by Rand and her associates (most of whom were later cast into the same place, for other, equally "rational" reasons). The cream of the jest is that the composition in question was Rachmaninoff's second piano concerto, which was dedicated to the composer's psychiatrist, for services rendered; hence Hamowy's inappropriate laughter.

How does one persuade oneself that one should feel empathy, if one has never been tempted to do so? I don't know. But if, somehow, Rand could have felt it, her literary works would have become much more than masterpieces of idea, plot, oratory, satire, and symbolic description. They would have become masterpieces in every sense. They would have embodied a human world in which readers could dwell without any sense of boundaries or curfews.

That having been said, the final impression one gets from Heller's book is that of Rand's amazing vitality, as a writer and a human being. Limitations that would have doomed anyone else never managed to doom her. Rand hated Tolstoy, but there is a certain analogy between them. "War and Peace" is severely limited in many ways; they're not the same ways in which Rand's work is limited, but the comparison is instructive. The plot of Tolstoy's masterpiece is haphazard; its thesis, constantly preached, is close to nonsense; and several of its leading characters, especially its heroine, are pathetically conceived and rendered. As people, they are dreary or insipid for the same reasons that Tolstoy admires them. Yet the vitality of "War and Peace" carries all before it. As with "Atlas Shrugged" — or Heller's biography of the author of "Atlas Shrugged" — once you get started you can't put it down.

Rand was uninterested in complexities of character or motive in other people, and she denied their existence in herself.

The message is: Whether in work or in life, the individual, creative personality can somehow transcend all obstacles — even the obstacle of itself. Heller doesn't say that. And Rand didn't say that, either; even her own claims for individualism didn't go that far. But that's what Rand's life had to say. ❑

Reviews

"Bangkok Days: A Sojourn in the Capital of Pleasure," by Lawrence Osborne. North Point Press, 2009, 271 pages.
"Tone Deaf in Bangkok (And Other Places)," by Janet Brown, with photographs by Nan Chen. ThingsAsian Press, 2008, 155 pages.

The Other Side of Thailand

Paul Karl Lukacs

Thailand pays a price for its honesty.

Ask random Americans what they know about Thailand, and most will mention the sex trade. Several will hum the refrain from "One Night in Bangkok," which contains explicit references to prostitution, and a few will mention boozy beach vacations, with implicit references to the same.

Ask the same question about China, and people will mention the Great Wall, globalism, Mao, the Beijing Olympics, Tiananmen Square, the terracotta warriors, Tibet, or half a trillion dollars in U.S. Treasury bonds. No one will mention the sex trade.

But, for the single male Westerner, China is by far the more sexually aggressive of the two countries. I have traveled throughout China, and one constant of the experience is prostitutes. They beckon from "barber shop" windows. They hang out in nightclubs and karaoke joints. They work in the ubiquitous massage parlors. Hotels are no respite; hookers gather around the entrance, loiter in the lobby, obtain your room number from the desk clerk, call you to offer services, and knock on your door if you ignore them. There were times when I wondered whether any aspect of the Chinese travel and leisure industry was *not* a front for prostitution.

In Thailand, by contrast, sexual services marketed to foreign men are concentrated in four places: the Patpong and Sukhumvit neighborhoods of Bangkok, Patong Beach in Phuket, and the Walking Street in Pattaya. While every town has its red light district and scattered bawdy houses, a man can easily spend weeks in Thailand without knowingly encountering a prostitute.

Yet Thailand is synonymous with commercial sex, and China is not, and the reason is simple: Thailand is honest, and, in matters of the genitals, honesty is always punished. Although prostitution is technically illegal, the Thai authorities have taken a practical, capitalistic, and open approach. The result has been that the world unfairly stereotypes their country. The Chinese cadres, meanwhile, front a phony puritan facade — and the world fails to notice the seedy interior.

One consequence of Thailand's reputation is that Western writers have flooded the literature with stories about "bar girls" and the clueless *farangs* (foreigners) they bilk. The literature is vast, if not particularly deep, and includes everyone from the most eminent travel writers (such as Paul Theroux and Pico Iyer) to countless backpackers and their unreadable blogs. Thai publishing also features the possibly unique market niche of salacious novels with lots of local color written specifically for vacationing Europeans; titles include "The Vampire of Siam" and "Murder at the Horny Toad Bar."

Lawrence Osborne's "Bangkok Days" sits uncomfortably on the frontier between genres. It's not a trashy read, but it fails as literature, if that's what the lackadaisical memoir even aspires to become. Osborne, a Brit who lives mostly in New York City, found himself in Bangkok because it was a cheap place to stay while waiting for a

check to arrive. He fell in with a group of Western expats whose drifting lifestyles caused him to reflect upon the nature of men drawn to the Thai capital.

"It was a hospitable place for a man who has done nothing, and who will probably never do anything," Osborne writes. "For someone with no career, with no prospects, permanently broke, it was the perfect asylum. Its gold-tinted eggs and its bags of oolong tea were virtually free. One could graze continuously on delicacies one had never heard of and still be in pocket."

True enough, but Osborne, like his rudderless comrades, doesn't build upon his observations. Repeatedly throughout the book, Osborne will make a provocative point — for example, how the phrase "dirty old man" forces retirees into an unnatural asexuality — but it floats away, unexplored.

Take Osborne's remark about how market economics causes the expats to become dismissive toward women who, in any other arena, would be the centers of all attention: "It was a spectacle seen in a hundred Bangkok bars at a certain time of the night: a small crowd of gorgeous, improbably robed supermodels converging with vampiric desperation upon a couple of dingy, badly dressed *farang* patrons in stained shirts and sandals who are more interested in their argument and in their drinks than they are in the relentless pincer movements of Beauty. The ugly foreigners are spoiled by a superfluity of beauty, made obtuse by this gratuitous superabundance."

That's an interesting insight, well said but unelaborated, and it exemplifies the shortcoming of "Bangkok Days." Osborne doesn't do much digging. By the end of the book, we don't know much about him or the expats or Bangkok, except for the fact that some Western men with sketchy resumes are there for the cheap food and ready sex. Whether the impression is intentional or not, Osborne's book is characteristic of an intelligent but burned-out expat who fails to live up to his potential.

Janet Brown does a better job in "Tone Deaf in Bangkok." A middle-aged single woman, Brown displays no interest in the sex trade, freeing her pointillistic essays from the subject. Instead, she writes about culture shock, the difficulty of the tonal Thai language (hence the title's pun), and her romance with the younger Thai man who was her language tutor. And she writes about the city and its residents with a love absent from Osborne's arm's-length prose.

"Most of them are beautiful," Brown writes of young Thai women. "They are all obsessed with beauty. One of my friends once was bitterly disappointed with a set of engagement photos because in one of the pictures her hands were posed in a way that wasn't beautiful. There is a beautiful way to walk, to gesture, to gaze out of windows. Features are endlessly and ruthlessly studied for imperfections, and on the morning of university graduation, girls are awake at 4 a.m. to have professional make-up artists spend hours applying cosmetics to faces that are beautiful when bare."

Brown puts a lot into that paragraph, more than Osborne puts into any of his. The best travel writing envelops you, the way a city does, and Brown understands that. She sings a few of the obvious notes — she describes the stink of durian fruit, and she ends one chapter with the dreaded Vow To Return — but she generally avoids the cliches, and, when she doesn't, she charms.

Brown's experience in Bangkok

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Jeff Wrobel is an engineer who blows up missiles in the Marshall Islands.

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touches two decades, and she's seen the city transform itself. She remembers the construction of the Skytrain rapid transit system in the 1990s, which changed the city's mental map. Before Skytrain, Bangkok was a shapeless collection of urban villages connected by buses, taxis, and motorcycles. After Skytrain, the city seemed to shrink to the area connected by the tracks; that's where the tourists were, and that's where affluent Thais wanted to live and shop.

But Thailand is still alluring, because it recognizes certain truths. Men are sexual creatures, in youth and in dotage. Women want to look as beautiful as possible. Western men are attracted to Thai women, who in turn need cash to support their families, and in such mutual needs are markets made. Thai culture embraces these truths, among many others, and is castigated by the hypocrites of rectitude. Writers in search of easy sales pile on. A few are willing to accept the truth on its own terms. ❑

"Séraphine," directed by Martin Provost. Music Box Films, 2009, 125 minutes.

Through Other Eyes

Gary Jason

The relationship between genius and madness, or more accurately, between creativity and mental illness, is one of perennial interest. That relationship lies at the heart of an exceptional new French bio-flick out now in limited release.

"Séraphine" tells the true story of the famous French painter Séraphine of Senlis (Séraphine Louis, 1864–1942), a talented but troubled artist. She was a "Naive" painter, generally classed in the school of Henri Rousseau.

The story seems deceptively simple. It opens shortly before World War I, in the small French town of Senlis, not far from Paris — the center of the art world at the time. Here we meet the protagonist, Séraphine, an impoverished house cleaner. She struggles at various menial jobs during the day while painting at night. She is completely self-taught. It is unclear in the film whether Séraphine was an idiot savant (as one of the blurbs for the movie had it), or in fact schizophrenic. She certainly heard voices from what she took to be angels, telling her to paint.

We also meet the second major character, the famous art critic and collector Wilhelm Uhde, who has come from Germany to Senlis to relax and visit his sister Anne-Marie. Uhde happens to spot one of Séraphine's paintings and seeks her out. She is withdrawn and taciturn, but sells him a few of her pieces. With the money she receives and his encouragement, she is able to paint more. When war breaks out, however, Uhde is forced to flee back to Germany. During the war and the period immediately after it he loses track of Séraphine, but she continues to progress as a painter.

In 1927 Uhde finds that she is still alive and painting more beautifully than ever. He arranges to purchase some of her paintings, and she gains the respect of the town and an international reputation. But as the Great Depression sets in and the art market collapses, so does Séraphine's world.

This film is a real gem — nicely written, directed, acted, and filmed. Indeed, it won seven Césars, the French equivalent of Oscars. The director, Martin Provost, wisely chose to present a period in Séraphine's life, from her discovery as an artist to her final days, and present it in a linear fashion. With so many directors showing a penchant for studding their films with endless flashbacks, it is refreshing to see a tale told with its continuity respected.

The acting is excellent, but two performances stand out. Ulrich Tuker gives a fine performance as the art critic Uhde, representing a man whose life is committed to art and who struggles to enable an artist afflicted with mental illness to live her own life to the fullest. Uhde, it should be noted, was an early admirer of Picasso, and was the critic who brought Henri Rousseau to world acclaim. Especially remarkable is the performance by Yolande Moreau, a relatively unknown, plain-looking Belgian actress who plays Séraphine. The director must have been tempted to pick a well-known, attractive actress (say, Juliette Binoche) to play the lead. Yet Moreau was a great choice. It is often hard for actors to portray the mentally ill convincingly. Many actors are tempted to overreach emotionally. However, Moreau's performance is a model of restraint, and won her the César for Best Actress.

The cinematography is superb as well. The colors are muted when the characters are interacting but then are enhanced when Séraphine is looking at flowers and trees, her favorite subject for her paintings, as well as when we see the paintings themselves. She used very exotic self-made paints for her work, and we see the glorious, intricate art that resulted. This film technique also works well in creating a visual demonstration of her mental illness.

The film raises the question, was Séraphine's illness a help or a hindrance to her work? At first the viewer sees the hardship it caused, but then is struck by the thought that the voice of her guardian angel provided the only support for her work before the very real Wilhelm Uhde entered the scene. Perhaps, had she been completely normal, she might never have painted.

If you enjoy art, or simply enjoy seeing characters overcome hardships to create things of value, this is a movie you should not miss. ❑

"My Sister's Keeper," directed by Nick Cassavetes. Curmudgeon Films, 2009, 109 minutes.

How Much Do You Really Need?

Jo Ann Skousen

After Cain kills his brother Abel in a fit of rage, God asks him where his brother is. Cain's response has sparked debate for millennia: "Am I my brother's keeper?"

Good question. Are we responsible for the lives and livelihoods of others? When a conflict exists between community and individual needs, which takes precedence? Must we ensure that all members of our community are clothed, fed, housed, nurtured, educated, and medicated? And just exactly who is "my brother," anyway? The person who shares my immediate parentage? The tribe members who share my gene pool? The people who live in my neighborhood? My state? My solar system?

As Obama and the Democratic Congress vilify the rich and debate the largest income redistribution plan in U.S. history, along comes a film that addresses the same issue in microcosm. "My Sister's Keeper" tells the story of an 11-year-old girl, Anna (Abigail Breslin) who wants to be medically emancipated from her parents to avoid being required to give her kidney to her leukemic sister, Kate (Sofia Vassilieva).

Designed in vitro as a donor match for the purpose of providing umbilical cord blood to save her sister's life, Anna now says she is tired of being poked, injected, and scarred. "I don't want to be careful the rest of my life," she explains about the consequences of kidney donation. "I want to play soccer, have children, drink!" Her mother shouts back, "People give kidneys to total strangers every day. Why can't you do that for your sister?"

As the film unfolds, Anna says nothing about her sister's needs, or the fact that Kate will surely die without the kidney. Kate says nothing about Anna's choice, either — she neither pleads for the kidney nor acquiesces to death. Therein lies the weakness of the film's story, and the strength of its philosophy as well. Surely these two sisters would have talked about Anna's decision. Surely Kate would have acknowledged graciously that Anna has given enough, or else railed against her for being so selfish. We expect that, in this kind of emotionally voyeuristic film genre. But they don't talk about it at all, and this dishonesty in the storytelling gives the film an oddly detached and sterile tone.

At the same time, I had to applaud the strength of the film's philosophical integrity. How refreshing that Anna wasn't required to justify her choice! If Kate had indeed told Anna it was okay to keep her kidney because she was prepared to die, that act would have subtly taken ownership of the kidney away from Anna and given it to the "community" — in this case, to the sister who needed it to survive. I had to cheer a film that has the courage to elevate an individual's private property above the so-called greater good.

But alas, I cheered too soon. As the film draws to an end, we learn that director Nick Cassavetes has been deliberately manipulating us, leaving out an important conversation until Anna reveals it in flashback at the end. The two sisters have indeed talked about Anna's decision. In fact, Kate has begged Anna to initiate the emancipation order. She's the one who doesn't want any more operations. She's tired. And because she has the greater need, she has the right to decide who keeps Anna's kidney. So there it is. The kidney belonged to the community after all.

"You already have one, why do you need two?" demand the do-gooders today, in so many areas of our lives. You already have one house, why do you need a vacation home? Or a second car? Or three bathrooms? Or plastic grocery bags? Or a hundred thousand a year? Or a second kidney. It's *their* right to decide.

I shouldn't have been taken in. Juxtaposed against Anna's legal battle for ownership of her body is the service dog that her attorney, Campbell Alexander (Alec Baldwin) keeps at his side at all times, to warn him of the onset of seizures. The message is subtle but definite: If we train puppies from birth to become service animals, shouldn't we be able to use people for spare parts? Spare me.

In sum, there is almost nothing to make this film worth watching. Cassavetes relies on mechanical manipulation to manufacture audience emotion, using schmaltzy music, shocking scenes of blood and vomit, and glycerine tears in the eyes of the adult characters. The actors are sincere, and Joan Cusack is wonderful as the judge who must decide Anna's case. But they are hampered by the story's contrived ending, forced to lead the audience in the wrong direction just for the *aha* moment at the end. It is not worth the aha.

The film makes some important observations about how parents of seriously ill children often neglect the rest of their children, and each other, in caring for the one who has special needs, but it offers nothing new. Jason Patric has some fine moments as the father who is often neglected. When the mother (Cameron Diaz) argues that Anna owes it to her sister to keep her alive, he responds, "She just wants to be

considered. Let her take the credit that it's her decision." Now there's a point worth cheering. We all have the right to choose when or whether to be generous, and to take credit for our choices instead of being forced through taxation to give.

So let's go back to the beginning. Am I my sibling's keeper? In his essay "Self-Reliance," Ralph Waldo Emerson said this:

> Do not tell me, as a man did today, of my obligation to put all poor men in good situations. Are they my poor? . . . I grudge the dollar, the dime, the cent I give to such men as do not belong to me and to whom I do not belong. There is a class of persons to whom by all spiritual affinity I am bought and sold; for them I will go to prison if need be; but your miscellaneous popular charities; the education at college of fools; the building of meeting-houses . . . alms to sots . . . though I confess with shame I sometimes succumb to give the dollar, it is a wicked dollar, which by and by I shall have the manhood to withhold.

Emerson was a generous man who provided housing and living expenses for some of the finest writers of the 19th century: Nathaniel Hawthorne, Bronson and Louisa Alcott, Margaret Fuller, Herman Melville, and of course, Henry David Thoreau. If the government had taxed his inheritance away from him, none of them would have had the freedom to write and produce. Emerson was his brothers' keeper. But he chose for himself who those brothers would be, and he claimed the right to do so without guilt. Like Anna in this movie, we all have the right to decide who, if anyone, will receive our charity. ❑

"The Stoning of Soraya M.," directed by Cyrus Nowrasteh. Fallen Films, 2009, 116 minutes.

A Cry for Justice

Gary Jason

Authoritarian regimes of any kind are inherently evil, but those that base their oppression on a religious ideology are especially loathsome, since they pretend to operate from a position of moral certitude. Leading the pack of vicious theocracies is surely Iran, which for decades has been headed by people who act devilishly in the name of God.

A film that opened this summer to unfortunately limited release gives the viewer a realistic and vivid look at life in the Iranian theocracy. "The Stoning of Soraya M." tells the true story of a woman falsely accused of adultery by her husband, condemned by the Iranian religious legal system ("Sharia law") in a trial where the rules are stacked against her, and then stoned to death.

Based upon a novelized version of the case by French-Iranian journalist Freidoune Sahebjiam (one of the key figures portrayed), it is a completely compelling film. Despite the fact that you know what happens in the end — the title tells you that — there is still tremendous suspense up to the final moments, as we wonder whether Shakespeare was right that the truth will out.

This film is director Cyrus Nowrasteh's *cri de coeur* about the vicious injustice so many women face under such religious tyrannies, and about the brutal barbarity of this form of punishment. There are few heroes in this film. The people of the village in which the events take place behave like a vengeful mob. The self-styled "mullah" is nothing more than a corrupt poseur. The husband is a libidinous liar, angry that his wife won't give him an easy divorce, and his sons are corrupted by him. The chief witness is a weak fool.

The would-be hero and heroine are Sahebjam, the journalist, and Zahra, an older woman who approaches him with the story of her hapless niece Soraya. Sahebjam is initially skeptical, but Zahra proves a persuasive witness.

The acting is fine across the board. Navid Negahban plays the malevolent husband, and Ali Powtash is the complicit mullah. Soraya is played with authenticity by Mozhan Marno, in a role as challenging physically as it is psychologically. And Sahebjam is portrayed well by James Caviezel, one of the most overlooked actors in film today. Just as he did in the role of Jesus in "The Passion of the Christ," in this movie he delivers his lines in a foreign tongue (Aramaic in the former, Farsi in this), and he does so convincingly.

Of special note is the tremendous performance by Shohreh Aghdashloo as the witness Zahra. Aghdashloo is the brilliant actress who was nominated for a Best Supporting Actress Oscar five years ago for her performance in "House of Sand and Fog." In one beautiful scene, she puts herself between the journalist and the angry villagers, spreading her arms and holding her scarf like a fierce bird of justice. When she confronts them and exclaims, "My God *is* Great!" we understand the powerful, bitter reproach she is making.

All of this is accompanied by an evocative, almost haunting, musical score composed by John Debney.

We took our daughter (visiting us from college) to see this movie, because we felt it was important for her to understand what women still face, even today, in some places on this planet. She was tremendously moved, but my advice is to leave younger children at home for this one.

For everyone else, this is a must-see film — not least to help understand why the young people recently demonstrating in the streets of Iranian cities were willing to risk beatings and death to oppose a hellish regime. ❑

"Public Enemies: America's Greatest Crime Wave and the Birth of the FBI, 1933–34," by Bryan Burrough. Penguin Press, 2004, 592 pages.

What Dillinger Wrought

Jo Ann Skousen

The gangsters of the 1930s have been romanticized in film, story, and song for nearly a century. With names like Pretty Boy Floyd, Baby Face Nelson, and Ma Barker, they became folk heroes to a downtrodden populace that was fed up with big banks and big government. Even Bonnie and Clyde had the romantic air of star-crossed lovers. Only Machine Gun Kelly was given a moniker that focused appropriately on his weapon rather than his appearance. John Dillinger, in particular, was presented to the public as the gentleman bank robber, a Robin Hood character who stole from the banks while allowing the customers to keep their money.

This was at the height of the Depression, when banks were often seen as bad guys foreclosing on family farms, refusing to extend loans, and even defaulting on deposits. Congress established the FDIC in 1933 to protect depositors, unintentionally creating the impression that no one got hurt when a bank was robbed. (Citizens were as ignorant then of the true cost of government bailouts as they are today.)

Striding into a bank with his gun held high, Dillinger would leap gracefully over bank railings, snatch the loot from a vault, and leave in a cloud of charisma without harming the customers, sometimes shielding himself with bank officers whom he released as soon as he was safely out of town. Rural gangsters were a nuisance, but there wasn't much of a hue and cry from the general populace to capture them. In fact, evidence suggests that local residents often helped them hide.

So why was John Dillinger named "Public Enemy Number One"? Yes, he robbed banks. But Dillinger and his gang were not cold-blooded killers. Compared to big-city mobsters such as Al Capone and Frank Nitti, they were very small potatoes. They weren't trafficking in drugs, prostitution, or murder. They just wanted the money. Criminals, yes. But Public Enemy Number One? Why?

Bryan Burrough's well-researched "Public Enemies" attempts to answer that question. The book is as much about J. Edgar Hoover and his quest to establish a national police force as it is about the gangsters he chased. Hoover and the birth of his FBI provide the unifying thread in Burrough's narration, uniting the stories of six notorious gangs into one cohesive tapestry.

It was not an easy birth. According to Burrough, Hoover's original band of investigators bungled stakeouts, overlooked significant clues, mishandled weapons, tortured witnesses, and arrested the wrong suspects. In the famous attempted arrest of Dillinger at Little Bohemia in rural Wisconsin, Hoover's investigators killed three uninvolved civilians and arrested three women while the criminals escaped. Humorist Will Rogers suggested wryly, "Dillinger is going to accidentally get with some innocent bystanders some time, and then he will get shot."

Hoover eventually got his man — and his centralized agency. Burrough portrays Hoover as a vindictive, egotistical, power-hungry czar intent on federalizing his fledgling Bureau of Investigators — most of whom had never held a weapon — into a modern crime fighting unit with the authority to cross state lines in pursuit of criminals. Publicly humiliated by botched investigations, he developed a personal vendetta against Dillinger and the other rural gangsters, making their arrest his number one priority — and Dillinger the public's number one enemy.

In a sense, Dillinger and his ilk were J. Edgar Hoover's Twin Towers, his highly publicized excuse for creating a new federal agency that would nationalize crime fighting in the same way that the attack on 9/11 became the basis for creating the Department of Homeland Security. Wars are often used by presidents as an excuse for expanding government. Bush's War on Terrorism allowed him to establish the DHS with all its tentacles. Carter's War on Illiteracy resulted in the Department of Education's becoming a separate arm of the federal bureaucracy. Johnson's War on Poverty led to HUD, Medicare, and a slew of welfare agencies. Hoover's three-year War on Crime led to the FBI.

Burrough grew up hearing stories about the gangsters of the 1930s. His grandfather manned a roadblock during the hunt for Bonnie and Clyde, and his best friend's uncle was murdered by Clyde Barrow. But Burrough did not rely on local tales, Hollywood myths, or sensational journalism to write this book. "Public Enemies" is based on thorough research of facts gleaned from millions of recently released FBI documents, including court transcripts, telegrams, agents' reports, contemporary newspaper articles, and eyewitness testimony. Dialogue is not fictionalized; it is lifted directly from FBI records. The result is a definitive history of important events in American history. The book is informative, exciting, and well written, with a footnoted air of credibility that the movie version unfortunately lacks. See the movie, but read the book first. ❑

"Public Enemies," directed by Michael Mann. Universal Pictures, 2009, 133 minutes.

The Villain as Hero

Jon Harrison

The last time we had a financial crisis like the present one, violent outlaws roamed the land. The depths of the Depression witnessed the crimes of Bonnie and Clyde, Pretty Boy Floyd, Baby Face Nelson and, most notorious of all, John Dillinger. They robbed banks, killed cops, and won a degree of popular applause before they were finally rubbed out by law enforcement.

Michael Mann's "Public Enemies," starring Johnny Depp as Dillinger, can't help but follow the well-worn Hollywood path of romanticizing the gangster. Deep within most of us is a desire to become the outlaw, to break the bonds of civilization and allow the id free rein in the world of fact and matter. Normally the superego holds the id in check, assisted by the physical forces of public order. The gangster movie allows us to experience vicariously the thrill and terror of the id unleashed.

Few Hollywood directors have resisted the temptation to mould their gangsters along heroic lines (Martin Scorsese being one exception, the Francis Ford Coppola of "Godfather II" another), to turn them into larger-than-life figures who devour the fruits of life, scatter the rinds, and damn the consequences until they are gunned down in the final reel. Mann's Dillinger is brutal, but also bold, clever, sexy, and, until his last moments, triumphant against the forces of law and order that are brought against him. In reality Dillinger was a two-bit, violent hood, the product of a strict (and perhaps abusive) petit-bourgeois upbringing, a misfit who chose crime as the way to deal with his frustrations, and who for a brief time was quite successful.

Given the tableau upon which the real Dillinger acted, Mann's romanticizing is perhaps understandable. Many average Americans cheered Dillinger as he robbed the banks that they felt had robbed them. Add to this the current atmosphere of anger and resentment over the shenanigans of finance capital, which has forced taxpayers to bail out big banks to the tune of hundreds of billions of dollars, and the temptation to elevate a stickup guy to the status of hero, or at least antihero, becomes irresistible.

Mann does give us more than typical gangster fare, however. Perhaps most important is his treatment of J. Edgar Hoover and the FBI. It was the public enemy era that elevated the FBI to the status of a national police force and gave the malignant Hoover the opportunity to establish himself as a veritable American Reichsführer. Had Dillinger eluded special agent Melvin Purvis, Hoover might have been no more than Clyde Tolson's bitch, rather than the arch-inquisitor he became.

Before he finally got Dillinger, Purvis made a fool of himself trying to do so. His subordinate agents killed innocent civilians needlessly, indeed almost wantonly, a reminder that this didn't start with Ruby Ridge or Waco.

Also instructive is a nicely underplayed scene in which Dillinger stumbles upon a gambling operation run by the burgeoning national crime syndicate, a.k.a. organized crime. The public enemy era of the early 1930s was not only a period of notorious celebrity criminals; it marked the transition between the freewheeling 1920s (the days of prohibition and Al Capone) and the establishment of a syndicate run along quasi-corporate lines. Dillinger's blank expression as he tries to comprehend how a roomful of men with telephones can, without risk or bloodshed, make more money in an hour than he can robbing a bank, perfectly symbolizes this transition to a new and more insidious form of predatory crime. (I note in passing that for 30 years after the public enemy era ended Hoover's FBI denied the very existence of organized crime.)

Parts of the movie are not historically accurate — the prison scenes with which it begins, for example. I would guess that most of these inaccuracies are deliberate and serve to streamline the story. In any case, the movie succeeds both in entertaining and in delivering its social and political message; it does not pretend to be a documentary.

A lesson from this movie, that I daresay Mann didn't intend: today we are far more at the mercy of the state than in Dillinger's time.

Mann delivers scenes that are clever and surprising, surpassing the expectations one brings to a gangster pic. The movie was shot entirely in digital; the combination of Mann's imagination and this still-new format at times leaves one feeling that an entirely new form of moviemaking is on display.

Johnny Depp turns in a fine performance as Dillinger. As in my favorite Depp movie, "Ed Wood," he succeeds

through understatement, no mean feat given all the violence on display.

The supporting cast is extremely strong. Bill Crudup is brilliant as Hoover, and Christian Bale nearly as good as Melvin Purvis. I was quite taken with Marion Cotillard, who plays Dillinger's girlfriend Billie Frechette and makes the most of a somewhat limited role. She yields nothing to Depp in their scenes together, and when he is absent she fills the screen.

A final, disturbing lesson from this movie, and one that I daresay Mann didn't intend: today we are far more at the mercy of the state than in Dillinger's time. Dillinger was able to rob banks because the forces of law and order ranged against him were relatively uncoordinated and weak. In our time a career such as Dillinger's would be over almost before it began – thanks to the large and well-armed forces at the service of federal, state, and local authorities, and the pervasive public surveillance we now accept as routine. Dillinger and his ilk were nihilists, and deserved their fate. But if those with a better cause chose to battle the state today, they would be crushed by the forces of public order. The public enemies of the 1930s helped to create the overwhelmingly powerful Leviathan that now overawes us. ❑

"Manhattan Melodrama," directed by W. S. Van Dyke. MGM Studios, 1934, 93 minutes.

Dillinger's Last Movie

Jo Ann Skousen

On July 22, 1934, John Dillinger was shot and killed as he left Chicago's Biograph theater after watching "Manhattan Melodrama," a B-list gangster film that starred Clark Gable as a likeable grifter and paired the great team of William Powell and Myrna Loy for the first time. One can't help but wonder what Dillinger thought as he watched this movie about a charming, good-natured gangster who looks out for his friends.

Of course, director W.S. Van Dyke had no way of knowing that his film would be immortalized as the one Dillinger was watching just before the G-men got him, but he may have intentionally cast Gable to capitalize on the public's interest in Dillinger. Gable's character, Blackie Gallagher, is black Irish like Dillinger, popular like Dillinger, and handsome like Dillinger, with a winning smile and a pencil mustache. Like Dillinger, Blackie is willing to sacrifice his own safety and happiness for the woman he loves. And like Dillinger, he is determined not to go back to prison. Near the end of the film he says to his childhood friend, Jim Wade (Powell), "Hey look Jim, if I can't live the way I want, then at least let me die the way I want." Fifteen minutes after watching the film, Dillinger was dead.

"Manhattan Melodrama" is a pretty good film in its own right, regardless of its being Dillinger's last movie. It begins with Blackie and Jim as two young boys enjoying a pleasure cruise up the East River of Manhattan with their friends and families. Mickey Rooney is marvelous as the young Blackie, a carefree youth who scams the other boys with such good humor that they don't even seem to mind losing their nickels to him.

The film's opening scenes echo the real-life sinking in 1904 of an excursion ship, the *General Slocum*, that had been chartered by a local church to take its parishioners on an annual pleasure cruise around Manhattan. Over a thousand passengers were killed, mostly women and children. In the film, Blackie and Jim are orphaned by the tragedy, and are subsequently raised by a Russian Jew named Poppa Rosen, whose son has been killed in the same accident. The scenes of the disaster and its aftermath are filled with terror and pathos, and set up the later character conflicts effectively. When Poppa Rosen is later killed by a political mob, the boys choose two different paths: Blackie becomes an outlaw, and Jim becomes the district attorney with eyes on the governorship.

The film's opening echoes the real-life sinking in 1904 of the General Slocum. Over a thousand passengers, mostly women and children, were killed.

Myrna Loy plays Eleanor, the girl whom they both love, and who loves them both. Like Dillinger's moll, Billie Frechette, Eleanor is attracted to the excitement and charisma of the bad boy, but she longs for the respectability and social acceptance that the good boy offers. Loy is sleek, cool, and beautiful, with just a hint of the sly wit she would develop in the "Thin Man" series in which she played so successfully with Powell from 1934 to 1947. It's fun to watch all these actors in their early roles, especially Rooney.

Because of "Public Enemies," "Manhattan Melodrama" is enjoying a renaissance of interest. You can find it on Netflix, but also check your TV listings for its next showing on Turner Classic Movies. ❑

Denver

Denial of essential freedom of speech, in the *Boulder Daily Camera*:

Kelly Coffman-Lee wanted to tell the world about her love of tofu by picking the letters for her car's license plate. But her tofu fondness ran into a snafu at the Division of Motor Vehicles, which blocked her plan because they thought the combination of letters could be interpreted as profane. Her suggestion for the plate on her Suzuki: "ILVTOFU."

Coffman-Lee, 38, said tofu is a staple of her family's diet because they are vegan and that the DMV misinterpreted her message.

Kabul, Afghanistan

Advance in preventative epidemiology, from the Reuters wire:

Afghanistan's only known pig has been locked in a room, away from visitors to Kabul zoo where it normally grazes beside deer and goats, because people are worried it could infect them with the virus popularly known as swine flu.

The pig is a curiosity in Muslim Afghanistan, where pork and pig products are illegal because they are considered irreligious, and has been in quarantine since visitors expressed alarm it could spread the new flu strain. There are no pig farms in Afghanistan and no direct civilian flights between Kabul and Mexico.

"We understand that," said Aziz Gul Saqib, director of Kabul Zoo. "But most people don't have enough knowledge. When they see the pig in the cage they get worried and think that they could get ill."

Terra Incognita

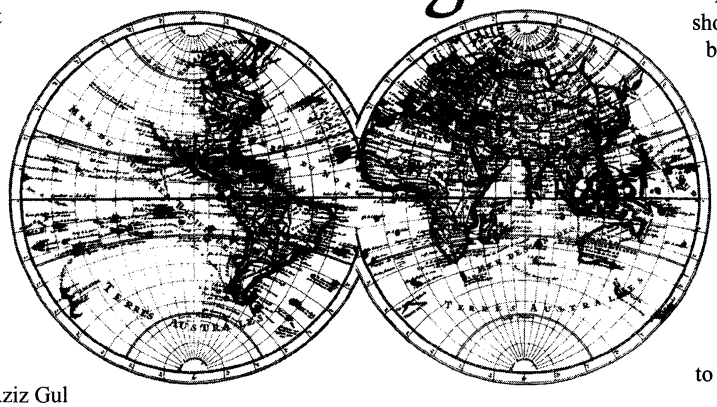

Weymouth, Mass.

Decline of a venerable heritage, evidenced in the *Quincy Daily Ledger*:

A man witnesses said was dressed like a ninja used a sword in an attempt to rob a dry cleaner on Main Street, police said.

The man, wearing a ski mask and a sword in a sheath on his belt, first walked into an adjacent convenience store where a clerk, alarmed by the man's appearance, called police. When the man noticed her, he pulled his mask off and asked if she was calling about him.

When she said she was, the man left the store and walked into nearby Galaxy Cleaners. There, he pointed a sword at the register and asked a clerk to give him all of the money inside. She told him she couldn't open the drawer, and the man left the scene.

Preston, England

Mistakes were made, as noted by BBC Lancashire:

A health trust did not take adequate steps to prevent the loss of a memory stick with data on 6,360 prisoners and ex-prisoners, a report has said.

The report found that human error was to blame, but that procedures on data security had not been adhered to. The data lost was encrypted but the password had been written on a note which was attached when it was misplaced. The USB stick has not been found.

Montreal

Getting serious about escalator safety, in the *Toronto Globe and Mail*:

Anyone who has ridden an escalator and bothered to pay attention has seen — and likely ignored — little signs suggesting riders hold the grimy handrail. In Montreal's subway system, the friendly advice seems to have taken on the force of law, backed by a $100 fine.

Bela Kosoian, a 38-year-old mother of two, says she was cuffed, dragged into a small holding cell, and fined when she didn't hold the handrail.

Société de transport de Montréal regulations say that "it is forbidden for all persons to disobey a directive or a pictogram posted by the Société."

Jackson County, Miss

Southern hospitality lives, as reported in the *Birmingham News*:

A Mississippi woman who was shot in the head not only survived but made herself tea and offered an astonished deputy something to drink, authorities said. Tammy Sexton, 47, remained hospitalized three days after being wounded by her husband, who killed himself after he shot his wife. A bullet struck her squarely in the forehead, passed through her skull and exited through the back of her head, authorities said. She is expected to fully recover.

Chicago

New venue for an American hero, from the *Chicago Sun-Times*:

Called for jury duty at Cook County Criminal Court, Mr. T didn't disappoint.

"I enjoy doing my civic duty along with my friends I've met," said the Chicago-born actor, 56, motioning to the 20-plus potential jurors who'd been in the room with him for about five hours. "I enjoyed the people that were around me. It's not about 'The A-Team;' it's the J-Team — the jury team. Like others called for jury duty, Mr. T will collect $17.20 for the day's work.

There was no bad attitude on the part of the actor regarding jury duty. "If you're innocent, I'm your best man," he said. "But if you're guilty, I pity that fool."

India

Curious addition to biz-school syllabi, spotted in *Management Today*:

A report suggests Indian students are snapping up Hitler's "Mein Kampf" — to make them better managers. "Mein Kampf," the two-volume account of Adolf Hitler's political ideology, is still banned in several countries – but it continues to fly off the shelves in India.

One Indian bookshop owner said that buyers saw it as a good example of someone forming and executing a strategy. "They see it as a kind of success story where one man can have a vision, work out a plan on how to implement it, and then successfully complete it."

Special thanks to Russell Garrard, Tom Isenberg, and Bruce Schneier for contributions to Terra Incognita.

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Inside Liberty

November 2009
Volume 23, Number 10

4 Letters Liberty's readers bare their souls.

7 Reflections We arm ourselves, silence our critics, mend American health care, give out shirts, shake it down the slippery slope, indoctrinate your kids, and kill all the lawyers.

Features

25 Property Rights — or Property Permissions? *Timothy Sandefur* reports from the frontline of the judicial battle over your possessions.

31 Healthcare Down at the DMV *Bill Merritt* foresees the future of medicine under universal health care: waiting in a leatherette chair, forever.

35 Ban 'em All The Olympic Games, observes former Olympian *Jamie McEwan*, is driven more by politics than by sport.

Reviews

39 The Tangled Web Did World War II need to be fought? *Leland Yeager* weighs the evidence.

42 Arguing for Capitalism *Gary Jason* tells the story of an economist who demonstrated that consumers have the "power of exit" — from socialism.

44 Bubble Bobble Fed folly, deregulation, the Basel accords — *Bruce Ramsey* goes in search of just what made the economy go sour.

47 Beyond Allusions Brutal, yes, says *Jo Ann Skousen* — but Tarantino's latest film has its own kind of beauty.

48 Uncle Sam's Money Machine *Doug Gallob* assesses the latest news about America's financial monster — state-sponsored banking.

50 Singing in the Rain As Woodstock turns 40, *Jo Ann Skousen* surveys the spectacle.

54 Iron Chef, Zinc Saucier *Jo Ann Skousen* tastes film fare with a good recipe and at least one interesting ingredient.

46 Notes on Contributors The workers in our fields.

55 Terra Incognita Life at the margin.

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Letters

Beyond Their Means

Jon Harrison in Reflections (September) asks whether it is true that a reported 12% of Americans are going hungry, as, apparently, a public service announcement has claimed.

I have not seen this announcement, but I have worked as an interviewer (intake volunteer) at my local emergency-helping agency (food, clothes and limited financial assistance for the qualified) for well over 15 years. My agency works with the working poor. I suspect that the statistic of one in eight being hungry refers to what the professional "advocates for the hungry" call situational hunger. I sometimes oversimplify and call it "too much month left at the end of the money." Working poor often have hungry periods, but are not chronically hungry. If you were to draw a line to represent a break-even point where these folks' income and expenses were equal, you would find that over time their actual income was sometimes above and sometimes below that break-even point. When they are taking in above the break-even point — say they have a job that pays $10 per hour rather than the minimum wage, or gives them 35 hours a week rather than the more usual 20 — then they buy their TVs and game systems for the kids. They generally can hold on to some of those paid-for items, even though there will be weeks when their hours get cut or they lose their jobs and end up with no food in the house, while looking for another job. The shortage may occur abruptly and unexpectedly, as these folks are subject to decisions made by others. These folks do not live month to month. It is basically week to week, if not day to day.

Also, one should not minimize the difficulties that clients may have in accessing either government or charitable food providers. Clients must try to fit visits to the pantry into a schedule where being at work, applying for jobs, or caring for kids has higher priority. I volunteer on an afternoon shift at the pantry. When I interview a client and his responses are slow, or he is accompanied by whimpering and listless children or seems unusually eager to get his food donation, I ask, "Have you had anything to eat today?" Frequently, the answer is "No." Our pantry has little preassembled bags of food for the clients to eat on the spot. Then we can take care of the longer term by filling a food donation order.

Susan Frensley
Richardson, TX

Harrison responds: Ms. Frensley raises a very important issue in her letter, viz., that some people have children they can't afford to raise. People such as she describes simply have no business starting a family. Indeed, I would say this is the number one social problem in the United States today. We allow everyone to believe they have a "right" to reproduce, irrespective of their economic circumstances. As a result the poor blithely go ahead and produce passels of brats who depend upon the

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rest of us for sustenance. Government could do something beneficial for society by starting a program to instruct the citizenry that parenthood is not in fact a right. I would gladly pay taxes for this.

I'm sorry, but I don't see that the working poor are justified in buying video games or a TV when they are above the "break-even point," if it means they will require public assistance a little later on. Instead, they should save any overage for the leaner times. Anyone feeding at the public trough should not be buying luxuries of any kind.

It's true that some families fall on hard times and have trouble making ends meet. I myself have known a hungry day or two in my life. I would spend public money on soup kitchens to ensure that every American has enough to eat every day. I don't want any of my fellow citizens, even the most irresponsible among them, ever to go hungry. But I also want the government, the churches and the "advocate class" to tell people straight: you must not have children you can't support!

Capitalism's Black Spot

Ever the snob, Michael Christian seems not to have consulted a news media outlet of any political stripe or of any language. "Hasn't anyone noticed that the industries suffering spectacular collapses because of bad risk management are two of the most heavily regulated industries in the country — banking and insurance?" he declaims ("Bastiat on the Bay," September).

Other libertarians might not notice or care about the sleight of hand used here, but I did and I do. Part of the spectacular collapse occurred in that portion of the banking and insurance industries that was least regulated, thanks to the midwifing of Alan Greenspan and other free market defenders in the birth the CFMA of 2000. The collapse involved

From the Editor

You have to pity President Obama. (Well, maybe you don't *have* to pity him, but you can certainly try.) As Liberty goes to press, his popularity is plummeting, and his legislative agenda arouses more antagonism every day. You can bet he can't sit at his desk for five minutes without having to listen to panicked advisers demanding that he *do* something — six or eight simultaneous and contradictory things — to get his administration out of the jam.

Here is a man who sacrificed all earthly joys to the strange ambition of becoming president. And even that wouldn't be so bad, if he'd taken the job on the terms in which it was originally described — to "defend the Constitution of the United States" and "take care that the laws be faithfully executed." That wouldn't take 24 hours a day. But President Obama, like all other recent presidents, considered it his duty to "run the country," and especially to "run" its economy — without, of course, having any idea of how to do that.

The consequence is that he spends his days being lectured by hysterical or morose and truculent aides. Most of them, he knows, are quacks, since they constantly disagree with one another, in the most bizarre and dogmatic ways. But *which* ones are quacks? That's what he'd like to find out.

How can he tell? He doesn't know anything about economics or history or even, apparently, the American people. And he doesn't have time to study up on those things. What's he to do?

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those financial institutions who — with unbound hands and free will — chose to invest in a mortgage pool swelling with subprime mortgage, via such esoteric instruments as credit default swaps.

"Christian" must be more than a name, it must be a descriptive — he seems devoted to the belief that nothing bad can ever happen in a totally free market

For "show me" libertarians — who always knew that subprime mortgage lending was a disaster waiting to happen — the lesson of the collapse was that a few individuals in the right place can be so blinded by the feeding frenzy that they can bring about a different and larger disaster, one that hurts far more people.

Any more like this, and capitalism can forget about any superiority it might have — an intelligent and democratic society will avoid it. It's time to quit thinking like a Christian.

John Eyon
Seattle, WA

Christian responds: I'm grateful for this letter. It gives me a chance to plead guilty and to reiterate something. First the guilty plea — I am, indeed, a snob, but how did Mr. Eyon figure it out? I'm perplexed. Now to reiterate — the mortgage pool swelled with subprime mortgages because Freddie Mac and Fannie Mae, both creatures of the government, made or guaranteed most of those loans and regulators with great arbitrary power over other financial institutions strongly encouraged such loans.

Self-Evident To Whom?

Stephen Cox's review of "The Latest Illiteracy" (September), like virtually anything he writes, was an insightful pleasure to read. One particular observation, however, struck a dissonant chord with me and, at the risk of exposing myself as a complete crank and being told to "go away," I'll take issue with Cox's (and nearly everyone else's) assessment of the Declaration of Independence's "We hold these truths to be self evident" passage.

Lofty words. Pure poetry, perhaps — but devoid of any connection to reality. It is not self-evident that "all men are created equal," or "that they are endowed by their Creator with certain unalienable rights," or "that among those are Life, Liberty, and the pursuit of Happiness." One need only look at the history of the Bill of Rights and its ignored 9th Amendment to realize that the only rights citizens retain — much less "are endowed with" — are those that they explicitly claw from their government; Life, Liberty, and the pursuit of Happiness not included. Perhaps they were too "self-evident"?

It took nearly another 100 years for those three self-evident rights to be included in the Constitution under the 14th Amendment as "life, liberty, or property." And even now they're not secure. "Pursuit of Happiness" was an elegant albeit vague and meaningless euphemism for property, which Jefferson was loath to include fearing it might justify slavery. Unfortunately, the omission later caused such an erosion of property rights that there is now popular clamor (one proponent being the Institute for Justice) for a property-rights amendment to the Constitution.

The slippery nature of even enumerated rights — much less "self-evidently endowed" rights — comes to mind in Justice Oliver Wendell Holmes' dissent in the *Lochner* v. *New York* case. His particularly perverse interpretation of the 14th Amendment, using original intent, mind you, found that since the amendment was originally written to protect the rights of freed slaves, it could not apply to workers and management deciding the length of their workday. But then, he was famous for declaring that he could decide any case, any way, using any principle.

As populist rabble-rousing, Jefferson's clause is second to none, and in that sense, it is great writing. However, as a description of reality or a recipe for government, it is a complete failure. Therefore I must counterintuitively conclude, being a firm believer in the dictum that form follows function, that the clause in question is neither effective nor elegant writing.

Robert H. Miller
Prescott, AZ

She's a Keeper

All my life, I have heard the question, "Am I my brother's keeper?" treated as though it is a serious question that asks whether one is responsible for another's living standards. But such out-of-context quotes give a completely different meaning than the plain words would lead one to believe. It's a lot like the meaning given to "Give unto Caesar that which is Caesar's," except the true meaning of this one is much more clear.

A "keeper" is one who keeps another captive. Think "zookeeper." "Warden" or "jailer" would be a synonym. Cain's response to God's inquiry, "Where is your brother?" was a smartass answer, made more asinine by the fact that Cain knew full well where his brother, Abel, was: dead by his hand. "I know not. Am I my brother's keeper?" In other words, Abel is a free adult; Cain doesn't control Abel's movements. Cain's response was *not* a serious philosophical question.

This came to mind when Barack Obama used the phrase in a speech recently, saying that he thinks he *is* his brother's keeper. If he really means that, he is truly dangerous; he wants to turn the entire country into a prison, with him as warden.

Rush Limbaugh didn't pick up on that; he and his co-hosts and guests treated it as a question regarding caring for one's brother. A keeper is responsible for his captives' wellbeing, but only because they cannot fend for themselves — a fact that many people forget about when they rail against prison health care. Obama apparently wants to make the country a big prison, so he can take care of everyone's health.

Biblical literacy being at such a low point in this country, Jo Ann Skousen's review (October) of "My Sister's Keeper" also fails to note the film's perpetuation of this Biblical misinterpretation. The quote from Emerson's "Self-Reliance" does not employ the phrase; it probably would not have occurred to people in Emerson's time, when most Americans actually read the Bible, to turn an obviously sassy answer to God into a serious philosophical question.

Rycke Brown
Grants Pass, OR

Skousen responds: You're right that a "keeper" is one who keeps others in a confined location, and usually — though not always — against their will. When Cain asks "Am I my brother's keeper?" he probably does mean, "Is it my responsibility to keep my brother by my side and in my sight?" and not "Am I supposed to take care of my brother?"

continued on page 38

Reflections

Some say ice — Sunspots normally peak and ebb on an 11-year cycle. But shortly after astronomers started keeping track of them in the early 1600s, the sun virtually stopped producing sunspots for a period of about 70 years. That period is known as the Maunder Minimum. Coincidentally, the Little Ice Age occurred during this lull.

Recently the sun has once again virtually stopped producing sunspots. I am not qualified to predict whether we are headed for another minimum, and I'm not qualified to say whether sunspots affect earth's global temperatures (although the evidence looks pretty good to me), but I am rooting for Little Ice Age II, for two reasons.

First, I don't want to see cities at low elevations devastated by rising oceans produced by melting ice. Second, I'd love to hear Nobel Laureate Al Gore's explanation of why the heating bill for his mansion continues to climb. — Jeff Wrobel

Hard numbers — The company that created and administers the ACT college admissions test has just released the 2009 analysis of the nationwide results, and they are not encouraging.

The results show that while 67% of high school graduates are college-ready in English, only 53% are college-ready in reading, less than half (42%, to be exact) are college-ready in math, and less than a third (28%) are college-ready in science. In fact, less than a quarter (23%) are college-ready in all four areas.

This is about high school grads, please note. It doesn't consider dropouts, who constitute a large percentage of students in most large public school districts. Nor does it consider high school grads who don't take college admission tests, either because they are going straight into the work force or are going to junior college or trade schools.

The results are essentially the same as for last year (when only 22% of the test takers were college ready in all four areas).

Considering that the sample size here is large — about 1.48 million out of the 3.3 million eligible high school students (usually juniors) took the test — it is clear that our educational crisis continues.

Indeed, the figures are so disappointing that Bob White, head of the nonpartisan Alliance for Excellent Education, was moved to opine, "We're not making the progress we need to be making. The only way you improve these numbers and get them higher is by improving your secondary schools." Really, ya think?

But improving secondary schools requires more school choice, something Obama and the Democrats in Congress staunchly oppose. In fact, the only major educational initiative that these union-controlled hacks have taken was to kill the DC voucher program.

You can expect the primary and secondary educational system in America to continue to rot for years. — Gary Jason

Gunfight — The controversy about carrying guns in public is not new. In 1967, however, the political alignments on this issue were completely different. Many conservatives (and others) objected when the Black Panthers insisted on exercising this right in California. In response, Gov. Ronald Reagan signed the Mulford Act banning the carrying of guns in public.

Many defenders of liberty have felt the need reflexively to defend the gun-toting citizens who have recently appeared at rallies. This is a mistake, or at least an incomplete response. A far more productive contribution to an otherwise futile debate is to emphasize privatization as a solution. We can find a just and efficient answer to the question only by treating this as a tragedy-of-the-commons issue.

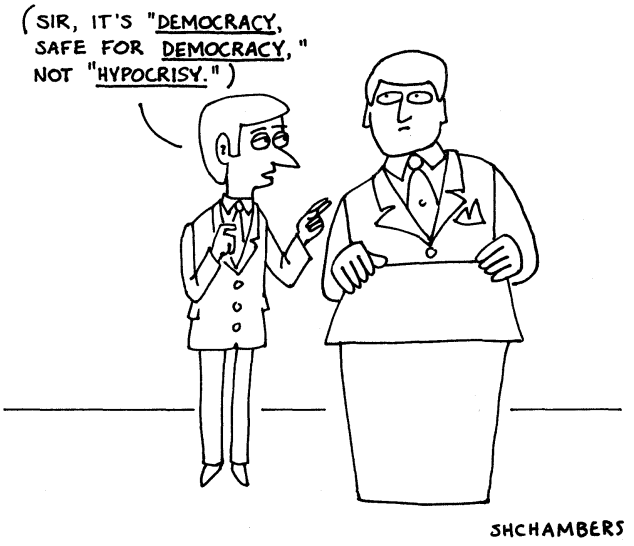

Both sides have a point, but neither can ever be satisfied as long as thoroughfares, parks, and other venues for town halls or rallies continue to be government owned. When a venue is privately owned, the issue becomes a relatively simple one: the owner decides who can carry guns. The problem (to the extent it is a problem) arises only when we take private property out of the equation. In the absence of privatization, the controversy will never end until one side or the other forces its will over the commons through the brute force of legislation. — David Beito

Turnabout is foul play — No matter how much I try, I just can't get excited about the Republicans in Congress opposing Obama's healthcare reforms. Sure, they have correctly said it is too expensive and too socialistic. But like the proverbial pot calling the kettle black, the Republicans are hypocrites, as well as big spenders who frequently support socialist legislation, when it is their own.

How quickly conservatives forget that it was Republicans in 2003 that gave us the Medicare Prescription Drug,

Improvement, and Modernization Act (PL 108-173). Initially projected to cost about $400 billion (which is still $400 billion too much), it is now projected to cost over a trillion dollars.

Introduced on June 25, 2003, by the Republican House Speaker Dennis Hastert and supported by the Republican House Majority Leader Tom DeLay, this reform and modernization of Medicare passed the House (220–215) and the Senate (54–44) in late 2003 with overwhelming Republican support. In fact, it was Democrats who almost defeated this massive expansion of the welfare state. Only nine Republicans in the Senate and 25 in the House voted against healthcare reform in 2003.

Why are the Republicans en masse opposed to healthcare in 2009? Have the Republicans become libertarians, or are they partisan hypocrites without any real allegiance to the Constitution or the principles of liberty and limited government? I'm afraid it's the latter. — Laurence M. Vance

Health is in the eye of the beholder — Overhauling the U.S. medical system will do absolutely nothing to improve the health of the population. American medicine is extremely good for acute problems and diseases, but when it comes to health maintenance, it's next to useless.

Michael Moore, who is physically obese, intellectually dishonest, and philosophically unsound (what a pathetic combination — he should run for Congress), made the argument in his ridiculous movie that the average Cuban is healthier than the average American. That's correct, but it has absolutely nothing to do with the healthcare system. The average Cuban isn't healthier than the average American because his healthcare system is better. It's a horrible, primitive healthcare system. The technology stopped advancing there back in 1960, and the doctors stopped learning new things in that year. Nothing has changed since 1960. But the average Cuban is in much better health than the average American.

There are two reasons for that: he gets a lot more exercise than the average American, and he has a much better diet, which is to say that he eats far fewer calories (and they are unrefined calories).

When things change in Cuba, so they have a diet like that of the average American and the same kind of transportation as the average American, the average Cuban will be in much worse shape.

People conflate the health of a population with a country's medical system, when these things really have almost nothing to do with each other. — Doug Casey

Childishness — The handsome moron Van Jones resigned his job as Obama's "green jobs czar" (technically, part of the White House Council on Environmental Quality). Jones had, in years passed, reportedly signed a "truther" document alleging that George W. Bush had orchestrated the 9/11 attacks on New York and Washington, DC. He had also called all Republicans "assholes."

Jones's explanation for his resignation didn't make much sense. He said that his critics used "lies and distortions" to attack him; yet he legitimized their complaints by quitting. The New York Times had to twist its prose into logic-defying

Word Watch

by Stephen Cox

I don't know — why can't people care about the words they say and write? Don't they have any self-respect?

Mary Chesnut, the diarist of the Confederacy, wondered the same thing:

"I saw a letter from a girl crossed in love. It was shown to me and my advice asked. Her parents object to the social position of her fiancé, in point of fact forbid the banns. She writes, 'I am *missereablle.*' Her sister she calls a 'mean retch.'

For such a speller I said a man of any social status would do. They ought not to expect so much for her. If she wrote her 'pah' a note, I am sure that 'stern parient' would give in."

A "mean retch"! You have to give the girl credit — what a triumph of illiteracy!

Mrs. Chesnut adds, "I am miserable, too, today — with one *s* and one *l*." If she were here now, I'm sure she would share my own misery about the weird assemblages of letters and syllables that virtually everyone, from college professors to girls crossed in love, now accepts as words, decent and ordinary:

"Alright" ("all right" had too many letters).

"Thusly" ("thus" had too few).

"Deplane": "in the unlikely event of a water landing, passengers will deplane through the side-door exits" ("leave," apparently, had too few syllables).

"Detrain" (the inevitable result of "deplane").

"Pre-approve": "you are now pre-approved for credit" (the actual approval will come two seconds before the crack of doom).

"Input": "please give me your input" (but why ask? — "input" is something, I assume, that I am required to give, whenever some computer bureaucrat inserts my plug in a socket, switches me on, and logs onto my brain; "input" is nothing like the old-fashioned "advice," which implied a human aspect).

That's ugly. But do people ever reflect on the weird things their words imply? Or on the nonsense that their words state directly?

Here's an account of John Steinbeck's involvement with movies. It says he provided "interesting introductions to several filmed adaptations of short stories by the legendary writer O. Henry." All right; now tell me, what are the *legends* of O. Henry? Was he the assassin of Jesse James? Or was he the guy who discovered the Holy Grail? But maybe I should be grateful that the writer didn't call him "infamous."

Of course, there are Americans who are oblivious to what they say, not on the small scale but on the grand scale. Our vice president is a fine example. In late July he gave an interview to The Wall Street Journal in which he remarked derisively on the deficiencies of the Russian political-economic zeitgeist: "They have a shrinking population base, they have a withering economy, they have a banking sector and structure that is not likely to be able to withstand the next 15 years [Wait! Is he talking about them or us?], they're in a situation where the world is changing

gibberish (or even more so than usual) to spin its coverage sympathetically to Jones.

Van Jones is a trivial figure, who may already be forgotten by the time this issue sees print. But, for me, the takeaway point from his 15 minutes of fame is that people in fairly high positions inside the Beltway believe childish things. That administrations as inept as W. Bush's are able to control world events to provide *causa belli*. And that all members of an establishment political party share the same temperament.

I have a daughter in the 8th grade. She's gotten past such stupid thinking. — Jim Walsh

For the children — As we go to press, our intrepid president is prepping to speechify the nation's children in an address which, to extrapolate from his prior bloviations, will be tedious, mawky, and radiant with self-satisfaction. No change, then, from a normal session of government schooling. Yet the request that the kiddies set aside 20 whole minutes out of their day's intense study in order to attend to Dear Leader's words has sent many a school board to the soapbox, to announce their intended "boycott" of Obama's speech.

Presumably their complaint is not the same as mine — that those 20 minutes would be far better spent inculcating economic and mathematical understanding through such activities as slinging dimebags or shooting dice — but rather a more general objection to the attempted indoctrination. (As a side note, it would be interesting to measure the overlap between those who support a speech boycott, and those who support daily recitation of the Pledge of Allegiance.) Admittedly, there's some credence to this charge: initial plans for the address included a Department of Ed handout that would encourage the children to "write letters to themselves about what they can do to help the president."

All the same, the fear is overstated, and there may even come benefits of enduring the president's missive. Primarily this is because kids today, however ill-taught they may be, are almost without exception media-savvy: when even lower-class families have a hundred channels, it's silly to expect that they will give more than five seconds' consideration to a single talking head — a presentation format that was already on its way out when Max Headroom had his brief static-burst of glory in the late '80s, and which is by now paleolithic. Hence the benefits: schoolchildren will be confronted with our latest political messiah, a man whose face has through sheer repetition become synonymous with "change," and they will realize that the man behind the face is, like any other adult authority figure, deeply and utterly dull.

Meanwhile, a much more audacious attempt at indoctrination has gone underreported, and would completely have escaped notice if not for the vigilance of Patrick Courrielche. On his blog, Big Hollywood, Courrielche detailed how in early August he and perhaps a hundred other artists had been recruited by the NEA to listen in on a conference call intended "to help lay a new foundation for growth, focusing on core areas of the recovery agenda — healthcare, energy and environment, safety and security, education, community renewal."

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before them and they're clinging to something in the past that is not sustainable."

The vice president's words were in complete contradiction to the line that the president, his boss, had been taking toward Russia. But Biden, caring nothing for all that, proceeded to draw his own, rather dramatic, policy conclusions: "I think we vastly underestimate the hand that we hold."

Yes, maybe so. Bring out the Big Red One! But why should the vice president tip our hand?

I'm sorry to mention this, but the Russians, for once, analyzed the situation correctly. They denounced Biden for his "boorish openness." "Boorish" is traditionally the best adjective for official Russian speech, but "boorish openness" is an authentic description of enormous terrains of current American discourse.

Last month, Liberty Contributing Editor David Boaz visited San Diego, my home town, and we went out to dinner at a good restaurant. David ordered one of those weird combinations that you find only in an upscale American eatery: lobster, macaroni, and cheese. (I confined myself to more ordinary California cuisine — pork chop, sweet potato, bok choy.) The dreary thing was that we couldn't order without first being grilled by the waiter. Very nicely, very subserviently, he inquired where we were from, how we were doing, how we were doing tonight, how was everything with us tonight, how had our day gone, how was our evening going, what were our plans for the weekend . . .

Stop!

If you're from the West Coast, you'll recognize this as the inquisition you always have to endure before people are willing to feed you. You're supposed to say, "Fine. Just fine. Doin' good. Day went well. Just kickin' back tonight. No plans, just kickin' back this weekend," and a load of other meaningless drivel meant solely to establish that you are "nice" — as if anybody cared.

I would prefer to answer: "Oh, thanks for asking. I'm from Greenland. Yeah, as you'd know by consulting the globe, but I suppose you haven't, Greenland is that goofy place that looks really big on the map. Bigger than America! No, really. Dude! I mean it. But nobody lives there. Nobody except the Eskimos. I mean the Inuit peoples. LOOK AT ME! I am one myself! Today I lost $5,000,000 in investments, my longtime partner left me, my cocker spaniel died of a venereal disease that could have been treated if I'd known in time about the virtues of Obamacare, and I am no longer sure that I was right in my critique of the aerial shots in 'North by Northwest.' By the way, my friend and I will be spending part of our evening robbing the other customers at gunpoint, because neither of us has enough cash to pay for this meal. Just so you know. Dude."

Ah, fantasy! But I'll return to things that are real. I don't think David was prepared for the "server's" cross-examination. He just sat there, unable to respond. Maybe he was doing what I was doing — pretending to be deaf, or French, so the guy would go away and signal the busboy to give us our water. But there was no need to worry: our server wasn't interested in anything we had to say; he'd simply been trained to recite a boorish litany of supposed friendship.

Why would anyone think this was a good idea? And why would anyone think it was a pleasant and gracious custom to point at your food and shout, "You still workin' on that?" But

Courrielche was skeptical of this attempt to enlist artists in what he perceived to be a propaganda campaign — a perception amply confirmed by the lead man on the call, NEA Communications Director Yosi Sergant, who noted that "Obama has a strong arts agenda ... and has been very supportive of both using and supporting the arts in creative ways to talk about the issues facing the country. . . . now Obama is putting out the call of service to help create change."

"Ask what you can do for your country": if there is any dictum which sums up the beliefs of our leaders in Washington, on both sides of the aisle, it is this totalitarian call to national service — which Obama in his children's sermon will certainly reference. This supposed imperative, after all, is a central component both of Obama's special-interest leftism, and also of John McCain's "national greatness" conservatism. In the conference call, it was presented in its most blatant form to these creators and taste-makers, most of whom as dutiful Hope-poster wavers could be expected to commit themselves unreservedly to the NEA intiative.

It may seem to many that trying to prevent the "politicization" of the NEA is like trying to shut the barn door after the horse has bolted. But, as Courrielche notes, in the 40-odd years the NEA has been in existence, he couldn't find "a single instance of the agency creating or supporting a national initiative that encouraged the art community to address current issues under contentious debate." And, unlike the technotards in charge of Obama's inevitably awkward TV address, these artists are not ignorant of media; these are concert promoters, art directors, marketing mavens; moreover, these are street-artists, underground poets, independent journalists — this initiative is recruiting not only those who know how to get messages out in contemporary society, but also those whose status as "outsiders" make them indispensible in overcoming any lingering skepticism among their peers.

Consider too the other organizers of the call: aiding the NEA (in the form of Sergant) were representatives of the White House Office of Public Engagement; United We Serve; Rock the Vote; and Russell Simmons. This last is arguably the most influential man in American culture, a hiphop and fashion mogul who with a nod of his head can make an artist's career. That'd be the carrot: the stick is that anyone refusing to participate could find funding hard to come by, as the NEA remains the single biggest source of artistic funding in the country. And, as shown by the direct links to Obama and his indentured-servitude campaign, any holdouts could also find themselves as political pariahs, denounced by their fellow conference-callers and shunned by an increasingly politicized arts community.

Several commentators have jumped from this point to backdoor evocation of Godwin's Law, but one need not raise the ghost of Leni Riefenstahl to recognize that little good can come of yoking art to power. At best, the result will be a sort of cultural Keynesianism, extending the broken-window fallacy to aesthetic products. At worst, there will arise a de facto committee on un-American artistry, ostracizing those whose products are deemed insufficiently hortatory: observe the hatchet job done on John Mackey, whose Whole Foods stores are fixtures in campus and arts communities, for the crime of

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that's what "servers" from one end of the republic to another now do, at the conclusion of every course, and if possible before the course is concluded. I remember telling Muriel Hall, who had spent the whole of her long life on the East Coast, that this was what people said in California. She thought I was joking. That was over a decade ago. Now the joke is everywhere.

But I'm sorry to be talking so much about what goes on in restaurants. There are countless worse things. Here's one.

On August 5, Los Angeles County Police Chief Bill Bratton announced his retirement. He said he would miss his job; then he added, "But policing is never finished. That's the great thing about it." Let's see — the great thing about being a cop isn't preventing crime or bringing justice to criminals; it's the persistence of crime and criminals, right?

Or do you think he didn't mean that? Maybe. Then what did he mean — if anything?

Given the choice, however, I'd prefer meaninglessness to political correctness. And political correctness wouldn't be half as bad as it is, if it were combined with even a faint concern for the structure and sound of language. But it never is.

People who believe that "men" (as in "all men are created equal") is "sexist," because it refers only to males, are obviously ignorant of the history of the English language and the meaning of English words. No synonym of "mankind" or "everyone" ever meant "males." But when I hear a choir sing, "Joy to the world, the Lord is come; / Let *we* our songs employ," I realize how many people have an oh, so sensitive ear for "sexist" words but no ear whatever for basic grammar. ("Shall we go downtown?" "Yes, let we.") And why should anyone assume that people who can't spend a moment thinking about English grammar ought to be entrusted to revise English vocabulary?

There are much more important examples of boorishness. This summer, President Obama made a mess of his reputation as the Platonic form of racial sensitivity, first by flying off the handle about the police having acted "stupidly" in the case of Professor Gates (whose conduct was presumably impeccable), then by repenting, not in sackcloth and ashes but in an over-tailored suit, acknowledging that his words might have been better . . . "calibrated." Tell me, what honest person prides himself on the careful *calibration* of his words? This was boorish openness, closely followed by boorish wiliness.

The president should simply have apologized for his racially inflammatory remark. Instead, he did what Bill Clinton loved to do: he constructed sentences in which the individual words were true but the sentences themselves were false. Since Clinton, this practice has been called "parsing." Did I say something dumb? Did I say something that everyone else regards as a transparent half-truth, equivocation, or outright lie? No, I didn't. I just failed to "calibrate" my statement well enough. But don't conclude, on that basis, that I ever in my life said something *wrong*.

How often has Mr. Obama, either before his election or after it, plainly admitted a real mistake? The answer is: as often as Mr. Clinton did. Yet both of them spend half their time equivocating about it.

Remember all those comments by President Obama about how his healthcare "reforms" were "revenue-neutral," despite the Congressional Budget Office's projections of a trillion-dollar loss? His statements could certainly have been better calibrated. Yet

drawing on decades of corporate experience to offer Obama advice on healthcare reform.

This, then, is the real danger of Obama's schoolhouse address: it's political sleight of hand, drawing criticism for the indoctrination it is ill-equipped to deliver, deflecting criticism away from more subtle initiatives much better suited to propaganda. Don't be fooled by spectacle: throughout his career, Obama has done his real dealings through public-interest and labor groups, under the guise of community organization. And for most of these dealings, there will be no Courrielche on hand to expose what's going on behind the scenes. — Andrew Ferguson

Reach out and touchy feely someone — It is easy to be critical of how businesses have responded to the global warming alarmist agenda. Most firms have fallen over themselves promising to reduce carbon dioxide (CO2) emissions, in ways that are economically impossible or that reduce their profitability — but not all of them have.

AT&T Chairman Randall Stephenson recently listed a number of economically feasible ways to reduce CO2: greater reliance on telecommuting, web-based data management, online delivery of books and other informational services, real-time GPS systems that encourage efficient traffic flows, and dynamic electricity pricing with telecommunication links. Unfortunately, many of these good ideas will be blocked by various state and local laws. Archaic ideas of privacy limit informational exchange. Labor rules limit people's options to work from home. Trade barriers restrict information outsourcing. These things reduce incentives to upgrade grids and impede creative proposals, such as Stephenson's, that encourage more rational pricing.

However, Stephenson also supports popular, yet dubious, energy policies. AT&T plans to increase its reliance on alternative fuel vehicles. It is unclear whether Stephenson endorses the current subsidy policies that make wind energy and other less viable power sources possible. Government energy efficiency standards — for light bulbs, through E-Star programs for appliances, and so forth — are not free. They impose costs in terms of either price or product quality. After all, if consumers preferred the products, there would be no need for government mandates or ad campaigns. Granting energy conservation priority over other human needs may even exacerbate such serious problems as global hunger, as has happened because of pro-ethanol government policies.

Capitalism, by means of its dominant institution, the modern corporation, has done many things worthy of praise. Unfortunately, business has failed to market its virtues. Rather it has too often acquiesced to populist and political pressure regarding energy and other fields of politically correct policy. Businesses play defense, merely tweaking regulatory policies, at great cost to themselves. The telecommunications sector has suffered from overregulation of the grid and confused antitrust policies that limit rational reorganization, restricting AT&T and others' ability to innovate creatively.

In "Creating the Corporate Soul," a look at the history of corporate communication, Roland Marchand notes that not long ago AT&T was a leader in establishing legitimacy. AT&T promoted its communication networks as a social good,

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by "revenue" he simply meant "something that has nothing to do with reality," and by "neutral" he meant "ditto."

Try this. It's from an August 5 Associated Press report about the corruption conviction of nine-term Congressman William Jefferson of New Orleans, the honorable member of the House who was caught with $90,000 in cash in his freezer. Sounds bad, doesn't it? And it is. In times like these, it's a terrible thing to take all those greenbacks off the market. Some stimulus! But to the AP the important thing was how *members of the public reacted* to the case against the congressman.

The AP found, as it usually finds, that even when an argument is absolutely conclusive, some of the public are opposed and some of the public are not opposed. And as usual, the AP's public was distinguished by its boorish lack of logic.

One middle-aged lady, surprised on the street as she was waiting for a ride (in case you wondered where the AP finds authorities to interview), offered some typically nonconsecutive thought: "There was so much controversy, the way they went to the man's home and took stuff. . . . He was no worse than the others."

The logicians call this kind of argument *tu quoque* — "you too," or in this case "they too." There's evidence that the congressman took bribes? So do the rest of them! And therefore . . . what?

This logic emerged in another form, from a Christian minister who promised that he would be Jefferson's "supporter until the last breath in [the minister's] mouth": "If Marion Barry [former mayor of Washington] can be convicted of smoking crack cocaine on video and come back, then I think Bill Jefferson can have a second chance." Again, "he too." And unfortunately, this argument may be vindicated. The honorable Mr. Jefferson may well get another try at the trough.

But so much for logic. How about taste? Plain old-fashioned taste? And how about a taste for liberty?

Carl Isackson, a denizen of northern California, reports a visit to a school concert. "One of the second-grade classes," he says, "sang Santana's 'Evil Ways' with changed lyrics":

> You've got to change your evil ways — people ! . . .
> You've got to use it, re-use it, recycle today,
> Tell your friends and your parents to start right away,
> This can't go on !

Was there no one in the audience except Carl who thought it was a trifle tasteless for second-graders to tell their parents and guests that they had "evil ways"? Was there no one except Carl who thought it was tasteless for adults to ventriloquize their finger-pointing puritanism by using second-grade children as their dummies?

I don't think Carl is off-base in comparing this rudeness to the behavior encouraged in totalitarian states: "I can just see the kids reporting to their teachers that Mommy's eating cookies instead of fruit and Daddy isn't recycling his wine bottles. Then, off to the gulag!"

Carl doesn't mean to be funny about this, and I don't either. Ayn Rand warned us to fear the influence of the second-raters. Now we must fear the influence of the second-graders, who are being trained to be even more boorish than their parents — and much more open about it.

proudly asserting that it enhanced America's core values of freedom, security, and fairness. AT&T produced brilliant ads during this period — the "Reach Out and Touch Someone" ad series extolling America's egalitarian values and more recently, the prize-winning, "Girls Just Wanna Have Fun," illustrating a mobile phone resolving the problems of a working mother. The mobile phone, much like Samuel Colt's revolver, had become a "great equalizer." And, as Marchand mentions, other businesses followed AT&T's example.

Today, AT&T still provides a healthy alternative to the apologetic stance of most businesses, but even it has succumbed to popular whims championed by its critics. Capitalism has yet to gain the moral legitimacy it merits, and that failure, if not soon addressed, will prove costly. — Fred Smith

Shut up, they explained — Earlier this year, the U.S. House of Representatives discussed and subsequently passed the cap-and-trade bill, a massive new tax and regulatory regime intended to slow global warming by dramatically cutting U.S. emission of greenhouse gases (GHG). (Of course, India and China, which produce more GHGs than we do, have refused to join us in this act of economic hara-kiri.) But it has now been revealed that during the same period a brave researcher at the EPA, Dr. Alan Carlin, put out a report expressing reservations about the science behind the global warming hypothesis, and the EPA went to great lengths to suppress both the report and the author.

Yes, that's right. President Obama, during his campaign, loudly trumpeted promises of transparency in governance, and an end to what he claimed was the politicization of science. But his administration tried to bury the nearly 100-page report written by Carlin and an associate in March. Carlin, by the way, has been with the EPA for 35 years, and is a senior analyst with the Agency's National Center for Environmental Economics.

When Carlin's boss, Al McGartland, was presented with the report, he emailed Carlin a command forbidding him from entering into direct communication about it with anyone outside the agency. In another email, McGartland said that since the EPA had already determined to issue its "finding" that carbon dioxide endangers the environment (a finding that did proceed to issue, in March), Carlin was to cease all inquiry into climate science.

But the report and the emails have just been outed by the Competitive Enterprise Institute (CEI). The report makes fascinating reading, and is available in full from the CEI website, despite the EPA's attempt to quash it.

Since the release of the report, Carlin has been subjected to a concerted smear campaign. He is now labeled a "denier," although he isn't; he merely wants the science of global warming to be reexamined before we make any major economic changes. His credentials have also been questioned. After all, his detractors say, he is "only" an economist — despite the fact that his undergrad degree, from Cal Tech, is in Physics.

The points Carlin makes should have been discussed in the debate over the cap-and-trade bill. They are trenchant and compelling. He notes that the EPA's most recent position on global warming (set forth in March in its Technical Support Document, the "TSD") was the basis for the cap-and-trade legislation approved by the House and awaiting action in the Senate. But the EPA's position is based upon science that is more than three years old, in a field (climate science) that is rapidly changing. He points in particular to six major areas in which the EPA's science is out of date.

First, as he notes, during the past 11 years, average global temperatures have dropped, while both the atmospheric level of carbon dioxide and the amount of worldwide carbon emissions have steadily gone up. Second, the consensus among climate scientists that anthropogenic global warming is causing the number and intensity of hurricanes to increase has broken down. Third, the consensus among climatologists that global warming it causing Greenland to lose its ice cover has now collapsed. Fourth, the TSD was formulated before the current worldwide recession hit, with its consequent dramatic slowing of the increase of carbon emissions. Fifth, a paper that came out this year strongly questions the claim that there is a strongly positive feedback of water vapor from increasing carbon dioxide levels — a claim that lies at the heart of the vast majority of computer models that predict global warming. In fact, the data indicate a decrease of water vapor from an increase of carbon dioxide.

Finally, another paper, also out this year, argues that the solar data upon which the TSD rests are faulty. Indeed, the paper concludes that solar variability can explain up to 68% of the increases in global temperatures.

Dr. Carlin's report deserves to be discussed, and I hope it will be discussed in the Senate debate. As an economist, he undoubtedly understands the massive economic costs of cap-and-trade. And as a free American, he certainly doesn't deserve to be silenced. — Gary Jason

Pat and Adolf — Patrick Buchanan stirred up a fuss with his column, "Did Hitler Want War?", which was published on Sept. 1, the 70th anniversary of the day German panzer divisions rolled into Poland. Buchanan argues that the answer is "no" — an opinion that outraged a number of commentators. I wasn't outraged, but I wasn't impressed, either.

Buchanan argues that Hitler invaded Poland because of his appetite for Danzig, a city-state between Germany and Poland, and a protectorate of Poland. Buchanan does not mention Germany's remilitarization of the Rhineland before that, or the annexation of Austria, or the deal at Munich for the Sudetenland, or Hitler's breaking of that deal in his conquest of the rest of the Czech lands. Danzig was not a demand that stood alone. It came at the end of a string of demands, and a large broken promise.

The Allies had carved out Danzig (now Gdansk) from German territory at the end of World War I. Buchanan calls it "a town the size of Ocean City, Md.," which is grossly inaccurate. Danzig Free State contained 759 square miles (half the size of Rhode Island) and 366,000 people, double the population of today's Providence, R.I.

True, Danzig was 95% German-speaking. It had been cut from Germany without its consent and, Buchanan says, "Even British leaders thought Danzig should be returned." Buchanan's column implies (but does not say) that *had* Danzig been returned, Hitler would not have ordered the invasion of Poland. The problem with this argument is that when Hitler did go to war, he didn't just order the conquest of Danzig, and stop there; he ordered the conquest of *two-thirds of Poland*. His

actions told the story. Danzig was a pretext. He wanted Poland as *Lebensraum* — living space — for the German people.

He was not devoted to peace. In his first years in power, he built up the German military as much as he could, and during the 12 years of his regime, he ordered the invasion of every country that touched Germany except Switzerland. This is not a leader who "didn't want war." No doubt he didn't want all the countries fighting him that eventually did, but he was radically aggressive, belligerent, and willing to risk war.

Some of this is hindsight, of course; but Buchanan is also arguing from hindsight. He avoids discussion of the real problem by running after a straw man — the argument that the West had to stop Hitler because he aimed to take over the world. That was said by a lot of people, including President Roosevelt. It was nonsense, and it's easy for Buchanan to knock it down. Germany was not strong enough to think seriously about taking over the world. It was a land power only, and its land power crested at Leningrad, Moscow, and Stalingrad. It had no navy except for U-boats and a handful of capital ships, which the British sank or chased back to German-occupied ports fairly early in the war. The German army could not get across the Atlantic. It couldn't even get across the English Channel.

In the second half of his column, Buchanan knocks down the "take over the world" thesis. But his demolition job doesn't get him where he wants to go. He set out to prove that Hitler *didn't want any kind of war*, and if that's so, the obvious question is, "Then why did he start one in 1939?" And two years later, in invading the Soviet Union, why did he start another one? — Bruce Ramsey

The long wake of the law — An odd and perplexing matter has come up in the Netherlands. A 13-year-old Dutch girl, Laura Dekker, wants to sail around the world — alone. And her parents have given her permission. The state, however, has intervened to delay, and perhaps prevent, Ms. Dekker's departure.

I should mention that the young lady is already an accomplished sailor. She was born while her parents were sailing around the world, and spent the first four years of her life at sea. She has sailed solo as far as England.

According to reports, Laura's parents tried to dissuade her, but eventually gave in to her pleadings. Apparently the mother, a German woman, was more opposed than the dad, but as the parents are in the middle of divorce proceedings, she feared losing contact with her daughter. Of course, she may lose the child forever if the latter actually attempts the circumnavigation.

Personally, I think it's too a big a job for a 13-year-old, no matter how good a sailor she may be. We know that brain development, including the area that controls judgment, is not complete before about age 25. There are good reasons why we prevent minors from doing certain things. On the other hand, a 17-year-old English boy just completed a solo voyage around the world. At 14, he crossed the Atlantic alone.

Is the state justified in intervening? The parents, who are not deranged, decided Laura could attempt the voyage. Their decision may be wrong, but should government then step in?

A Dutch court decided it should. Once Laura's proposed voyage became known publicly in the Netherlands, the Dutch equivalent of Child Protective Services obtained a court order blocking her from setting off. The girl has been put under the supervision of child care workers for 60 days while a court-appointed psychologist determines her ability to withstand the stresses the voyage would entail. The judges even considered removing Laura from her father's home, but decided she could remain there under state guardianship.

Now it seems obvious to me that the state has a right, and indeed an obligation, to intervene when children are physically or sexually abused in the home. I even accept (though with some uneasiness) the state's right to compel very sick children (i.e., minors) to undergo medical treatment against their parents' wishes. But this case disturbs me. Shouldn't Laura's parents, who are expert sailors, decide whether to allow their child to sail around the world? It's not as if Mom and Dad planned to place a toddler in a boat and then push it out to sea. So what justification is there for the involvement of social workers, psychologists, and judges?

We may believe that in this case Mom and Dad are using very poor judgment, but should the state get involved, and should it have the *right* to do so? I would like to know what other libertarians think about this. — Jon Harrison

All the president's ads — I've just seen two recently released public service ads, both starring our president. Before seeing these I was concerned that he wasn't getting enough air time.

In the first, he takes a moment from his busy schedule to share with us his insight that fathers should spend time with their kids. For those eager to follow the president's recommendation but simply unable to understand what to do, he is kind enough to provide specific examples. It seems that fathers can "play ball, visit a park, or go to the zoo." He assures fathers who are concerned about the time commitment that "it doesn't take that much time," which must be true because he has two girls himself and despite running everyone else's lives seems to find time to spend with them.

The second ad shows him extolling the virtues of voluntarism, going so far as to mention the great volunteer efforts of the astronauts who got us to the moon. I had assumed that the astronauts were actually paid military personnel, doing their jobs. My error.

I understand that upcoming ads will show the president providing pointers for children learning to tie their shoes and the proper technique for stacking plates in the dishwasher to optimize their shine. At this journal's deadline, rumors that a 24/7 cable All Obama channel is in the works have not been confirmed, but requests to the FCC for call letters WOBMA have been denied as duplicative. — Ross Levatter

The dissent of man — "Dissent is patriotic." I detested that phrase from the moment I first heard it — much as I detested the equally inane phrases "the audacity of hope" and "change we can believe in." Though, mercifully, that first, once ubiquitous, phrase is now rarely heard, I find it coming to mind.

First, I am not so sure that dissent and patriotism are naturally equivalent. The two do not equate in the way this phrase was used by Democrats who opposed the Iraq or the Afghanistan war; they simply sought to avoid questions about any alternatives they might offer. The way this phrase

is written, and was uttered by Democrats, implies that dissent in and of itself is patriotic. In that regard, the phrase makes no sense. Among the definitions of dissent are "disagreement, withholding assent, to disagree with the methods, goals, etc., of a political party or government." Dissent is simply an act. If, perhaps, it was written and uttered as "I dissent from this war because it is against my fundamental ideals, philosophy, and beliefs," then it would have made sense. Of those who were against the war(s), it seems that only libertarians made such cogent statements.

Second, among the definitions of dissent is "to disagree with or reject the doctrines or authority of an established church" and "separation from an established church." Regardless of one's opinion of former President Bush, no one could plausibly maintain that his supporters treated him as an object of religious devotion. Unfortunately, the same cannot be said about the current president's supporters. The fervor of many of Obama backers — especially those in the media — borders on religious fanaticism. I feel comfortable stating that many of us are indeed dissenters from any religious aspects of this presidency.

Third, almost everyone is aware of the tea parties and the more recent town hall meetings. The town hall meetings appear to have been intended as staged forums for politicians to tell American citizens what shall be done about healthcare. Any of the numerous video clips available online reveal how offended the politicians hosting these gatherings were by any expression contrary to what they wanted to tell the audience. Though I have yet to be able to attend a town hall meeting, I love what's happening, The American citizenry seems to be awakening from its stupor, no longer complacently accepting the repeated infringements of its freedoms in the form of laws, regulations and ordinances (which like the healthcare reform proposal, are cast as for our own good).

Change is happening. Whether Democrats wish to "believe in" this change is immaterial. Citizens are engaging the government that is supposed to be by the people, for the people. And, this change is forcing the Democrats to expose their own hypocrisy. Now that they hold the reins of government, Democrats no longer see dissent as patriotic — they are firmly opposed to it.

Finally, I still don't know if the phrase "dissent is patriotic" is accurate. But, frankly I don't care. What I do know is that active, intense dissent from "the methods, goals, etc., of a political party or government" which is fundamentally at odds with ideals of liberty, is absolutely necessary — now more than ever.

— Marlaine White

Past, prologue — President Obama's early-September address to the nation's public school children stirred up a fair bit of controversy. Right-wing commentators expressed justifiable concern about what the content of the speech might be, and shock that the Department of Education had provided associated lesson materials to schools that included questions like "Why is it important that we listen to the President?" and "Are we able to do what President Obama is asking of us?" Throw in the presidential hagiographies that many students were assigned to read prior to the address, and it's understandable that parents might worry their children were being prepped for political indoctrination.

Commentators on the left rushed to assure the nation that the president would address the importance of education, not hot-button political topics, and pointed out that, after all, George H.W. Bush had given a similar address to the nation's schools in 1991 — no matter that Democrats complained then just as Republicans complain now.

In fact, the two episodes, taken together, are a fine example of team mentality in action. In both cases, partisan teammates of the current commander in chief defended the president's address, while opposing teammates derided it as an abuse of power. Both teams now ignore the arguments they made 18 years ago, because their positions are reversed.

Being a member of neither team, I find it amusing, in one sense, to see through the rhetoric and recognize it as the dissembling and obfuscation it is. In another sense, it's dismaying to realize that because everybody is busy cheering for his own team and demonizing the other one, few people stop to consider the danger in setting up any politician, under any circumstances, as an inspirational figure for the nation's children.

The nature of politics is so conducive to corruption and the abuse of power that every politician — in any position, from any party — should be regarded, at best, with unflagging skepticism. We may be stuck with such people littering the public sphere, but we should save any inclination toward hero worship for people who've earned it outside the realm of the parasitic class. More than anything, we should teach the nation's children to doubt the motives and promises of people who wield power, and in the rare case in which a politician proves their suspicions wrong, they can be pleasantly surprised.

— Eric D. Dixon

Waterworld — I live on an island that is part of an atoll. An atoll is the coral ring around the place where a larger island used to be. Over the eons, the island eroded away but left behind the much sturdier reef, which is very similar to a solid band of concrete. Coral grows only under water, so at the time when this atoll was formed, the land I'm sitting on was at least a few inches under water at low tide. Right now, this land is a few feet above water at high tide.

Why is it above water now? Every coral isle dotted around the 154-mile circumference of the ancient island is the same height above water, and this is true for just about every atoll in Micronesia. It's not likely that tectonic forces lifted the whole thing out of the water while keeping everything else level. The only reasonable conclusion is that sea levels were once much higher than they are now. From where I'm sitting, I'd say they were roughly 10 feet higher. And they had to be that high for quite a long period of time for the very slow-growing coral to build to this point.

While I'd hate for global warming to submerge my home, it does seem that would be the more common state of nature.

— Jeff Wrobel

Private practice — It was the classic slip-n-crunch. I stepped on wet tile in my bare feet and the next thing I knew, I was dancing an impromptu salsa that ended with a thud on my wrist. Ouch! I'm usually a wait and see kind of person when it comes to medical care, but this felt like a break.

I don't have a regular physician here (I live part-time in two different states), so I thought about going to the local

emergency room to get an x-ray, but ERs are designed for major trauma and I was just nursing a sore wrist. I didn't need Shostakovich when the neighborhood piano teacher would do. So I asked the ER receptionist if there was a walk-in clinic in the area. She told me about a clinic in Yonkers and gave me the phone number and address. Good for me, I thought. I'll save money and time.

At the walk-in clinic I asked how much the visit would cost me. (I have a high deductible that wouldn't kick in for something like this.) "That depends on your income," the receptionist replied.

"Let's just assume I'll be paying the full amount," I told her. "How much will it be?"

"I don't know," she insisted. "It all depends on your income." I looked around and realized that I was in a welfare clinic. All I wanted was a private, for-profit, ambulatory urgent care center, the kind where you can go for minor illnesses and injuries without needing an appointment.

The answer to my next question was just as discouraging: "How long will it take to have it x-rayed?"

She looked at the clock. "First you have to see a doctor. And Radiology closes at 12:30." It was already noon. I gave up on the x-ray, bought a soft cast from the drug store, and immobilized the wrist myself.

A few days later I was lamenting the lack of non-welfare walk-in clinics in our county. My friend told me about one near her home. My wrist was still hurting, so I went to the urgent care center she recommended.

There I was greeted by a smiling receptionist who took my information and offered me a seat. Ten minutes later I was ushered into an examining room, where I hadn't even opened a magazine before the nurse practitioner walked in, examined my wrist, and sent me to the Radiology Center down the hall. Although it was a separate business, I didn't have to fill out additional forms; all of that was handled by computer. Ten minutes later I was back at the clinic, and five minutes after that the N.P. was giving me instructions for treatment and sending me on my way. Total time? Less than one hour.

I'm a big fan of nurse practitioners and physicians' assistants. They are highly trained professionals who can do just about everything a medical doctor will do during an initial visit. They can diagnose illnesses, treat simple fractures, suture wounds, and prescribe antibiotics. They work closely with large medical practices and can refer a patient quickly to a doctor or hospital in case of serious illness or injury, often securing an appointment faster than the patient could do alone.

Nurse practitioners and physicians' assistants usually spend more time with the patient, and they charge less. One N.P. I know charges a flat $25 per visit, and she schedules a full half hour for each patient so she can spend some time talking about lifestyle and nutrition. She doesn't take insurance, but who needs to file with an insurance company when the total charge is barely more than a co-pay would be?

Medical care is one of two services I know of where we are expected to buy without asking the price. (The other is a funeral.) This factor is the bane of the third-payer system, and the primary reason that healthcare costs continue to skyrocket. Increasing the variety and availability of health care by encouraging the expansion of alternative providers will do more to reduce costs than any government program.

We haven't had a free market in health care for over 100 years. We have to get government out of the way and let a true free market do what it does best: increase the quantity, quality, and availability of goods and services. A combination of high-deductible insurance to pay for catastrophic illnesses and injuries coupled with health savings accounts to pay for day-to-day expenses is the best way to achieve the best health care for the most people at the lowest cost. — Jo Ann Skousen

Dash it all — A lot of people are upset these days. The federal takeover of healthcare, pending inflation, text-messaging while driving: you name it, we've got things to be unhappy about. As for me, I'm unhappy, too — about the demise of the emdash. It's dying faster than newspapers.

The emdash is the equivalent of an emphatic comma or parenthesis. According to the "Chicago Manual of Style," it is used to amplify or explain (see example above). It's much more powerful than the puny endash, which is used mainly for connecting numbers, as in "Duke beat UNC 64–63." (Both are good crossword-puzzle words, however.)

But no one knows how to make an emdash in Word. It's tricky; you have to type two hyphens without spaces, and the dash doesn't form until you've put a space after the second word. (There's also the technique of going to the symbol menu item, but that takes time — and where is it, anyway?)

It's easier to type a space and that little bitty endash followed by another space. And now that publishers are simply "inputting" authors' Word manuscripts, even genuine published books (the latest, "After Tamberlane," by John Darwin) are riddled with those little floating flecks surrounded by space. Pretty soon the emdash will be completely forgotten. Even crossword-puzzle writers won't have it to kick around anymore. — Jane S. Shaw

Warring paradigms — Anthropologists and sociologists tend to view the world in terms of communities; they emphasize the way in which society shapes how individuals interact with one another. Economists and psychologists tend to view the world in terms of how individuals affect society. But are these perspectives so different?

Ronald Coase, F.A. Hayek, and other economists display a rich understanding of the cultural context in which individuals interact. Indeed, Coase sees the market as the set of cultural and legal rules that allow individuals to conduct voluntary exchange with one another in society.

These thoughts are triggered by "Missing Persons: A Critique of Personhood in the Social Sciences," by the late Mary Douglas and her colleague, Stephen Ney. In this volume, Douglas critiques the dominance of *homo economicus* in the political world (she wrote this book before the recent resurgence of political collectivism). She portrays economic man as "selfish and unmannered, brutish as Caliban, naive as Man Friday." But is this the view libertarians really hold of man?

To some extent, it is. Libertarians do talk of "methodological individuals." America does not go to war with Iraq; rather, some people in power commit troops to that theater. And Randians eschew any concept of mankind that is not self-centered.

Coase and many libertarians believe the purpose of policy

is to steer the cultural and legal institutions that reduce transaction costs in, and thus barriers to, voluntary exchange among individuals. This approach to economics is certainly "social," yet, it is also profoundly libertarian, in a sense. Perhaps the term "classical liberal" better captures this societal element of libertarianism. Reducing transaction costs liberates the energy and genius of otherwise isolated individuals, allowing them to interact with others.

We at CEI are seeking better to understand the ways in which individuals react differently in the political world of "rational ignorance" from the way in which they react in the private world of self-interest. Since the modern world is roughly half political and half private, it is critical for us to understand it and to craft our policies and their marketing accordingly.

Now, does anyone know of any social psychologists or cultural anthropologists with some understanding and sympathy for individual freedom? If so, I'd appreciate an introduction . . . — Fred Smith

The color of stupidity — Seattle Mayor Greg Nickels, who led more than 500 U.S. mayors to sign a promise to abide by the Kyoto Protocols, and who is president of the U.S. Conference of Mayors, has lost his bid for reelection. In the August 18 primary, after seven and a half years in office, he came in third behind two political novices.

In the March Liberty, I had a Reflection about Mayor Nickels. During a big snowstorm last December, his people had refused to salt the streets. Salt was said to be bad for the salmon in Puget Sound. This is a "green" city and an 85% Democratic city, but voters wouldn't excuse having nearly unusable streets for a week. In their next chance to vote for him, three-quarters voted for somebody else.

The snow was the most recent thing, but it wasn't the only thing. There is a matter of a highway, old US 99, which bypasses downtown along the waterfront. In the 1950s, this highway was put into a double-decked concrete viaduct. In 2001 an earthquake left the viaduct damaged but still usable, and in 2002 Mayor Nickels proposed to tear it down and replace it with a tunnel.

The arts people and the urban-design people had always hated the viaduct. Most of them welcomed the tunnel, no matter what it cost. So did Seattle's downtown establishment, because a tunnel would make the waterfront nicer, and unblock some views. The tunnel was, of course, the most expensive option. The state highway people wanted to build a new viaduct for a billion or so less. The progressives wanted to knock down the viaduct and replace it with bus service — the "surface transit option." The conservatives (there are a few of those in Seattle) wanted to prop up the old viaduct with a bit of steel and keep using it for another 30 years.

Gov. Christine Gregoire, Democrat, offered Seattle money for a new viaduct, but not enough for a tunnel. Nickels held out for a tunnel. He asked the state's two Democratic senators to get money in Washington, DC, on the argument that Route 99 carried international cargo, making the tunnel part of a transportation project of national importance. Actually the extra cost of a tunnel rather than a viaduct was not a transportation project but a *beautification* project. It wasn't of national importance; it wasn't even of suburban importance.

Well, the senators couldn't get the money. Even the Bush people weren't that stupid.

To strengthen the mayor's hand against the governor, in March 2008 Seattle had a public vote. The ballot said viaduct, yes-no; tunnel, yes-no. Mayor Nickels was hoping for people to vote yes for a tunnel and no for a viaduct. They voted no on both: 55% no on a viaduct and 70% no on a tunnel. He said he was happy with the vote because the viaduct had been clearly rejected.

Enter the Discovery Institute, a conservative thinktank that champions Intelligent Design, which refers to human origins, not roads. Discovery also promotes transportation projects — big ones. Here it argued that the mayor's tunnel was the *wrong kind*. His was a cut-and-cover project. That was too messy. It would tear up the waterfront for seven years. What was wanted was a *bored* tunnel, deep, like the one under the English Channel. A bored tunnel wouldn't disrupt the city. Others picked up the argument (not crediting the Discovery Institute, which is untouchable by Seattle liberals).

And so Nickels cut a deal with the governor to have a tunnel bored from one end of downtown Seattle to the other. The state was to pay any cost overruns. The legislature codified the deal, except that it changed the part about overruns: Seattle would pay for those. Mayor Nickels laughed this off, saying the state's proviso was unenforceable. And there, on August 18, it stood. No other vote of the people had been held other than the one in 2008, in which 70% had said, "No tunnel."

Mike McGinn, one of the two candidates who knocked Nickels out on August 18, made "no tunnel" the big issue of his campaign. He is a Green, and because he favors the surface transit option, he won the votes of the left. By pointing out again and again the tax liability of the tunnel, he also, I think, got most of the votes of the right.

There was another thing on the Seattle ballot on August 18: a 20-cent tax on disposable grocery bags, whether paper or plastic. The idea was to "incent" people to use cloth bags, which would not foul the environment either in their manufacture (paper) or disposal (plastic). The City Council had passed the tax, Mayor Nickels had signed it, and the two candidates who beat him both supported it. But the plastic-bag manufacturers had collected signatures for a referendum and had run a campaign to annul it. In mailers and TV ads they argued that the law was punitive, that it exempted big retailers like Wal-Mart, and that it hurt the poor. The grocery chains, except 7-Eleven, gave them little help. But they spent $1.3 million — a fact trumpeted by opponents — and they beat it. The vote was 53% no. The bag tax was defeated, having never gone into effect. — Bruce Ramsey

Behind closed doors — In past issues of Liberty I've mentioned the various real estate scandals involving key members of Congress, such as Sen. Chris Dodd (D-CT) and Rep. Charlie Rangel (D-NY). There's another such affair, one that's being largely ignored by the major media, which seem to function primarily as propaganda organs for the Democrat Party.

The Countrywide Financial Corporation, which was such a large player in the recent mortgage crisis, had a special VIP program, officially called "Department 850" by Countrywide but nicknamed "Friends of Angelo" by company employees

(after Angelo Mozilo, Countrywide's controversial CEO). This program existed to give sweetheart loans to powerful government officials, including many of those supposedly having oversight responsibility for the mortgage industry.

Now, you would think that, given the massive mortgage meltdown from which the country still struggles to recover, Congress and the mainstream media would be on fire to discover precisely who got "Department 850" loans, under what conditions, and why. After all, Countrywide generated a lot of the dicey paper that Freddie Mac and Fannie Mae bought, which cost the taxpayers dearly.

To his credit, Rep. Darrell Issa, ranking Republican member of the powerful House Oversight and Governmental Reform Committee, has been fighting to have the committee subpoena the damn records, so we can all discover which of our virtuous solons got these loans. But he is being stymied by the chairman of the committee, Rep. Edolphus Towns (D-NY), who has refused to issue the requisite subpoenas.

Why on earth would he do that? Because he was himself a Friend of Mozila.

Yes, it turns out that Rep. Towns received a VIP loan — actually, two loans — from Countrywide. Towns denies that he knew he was getting special loans, but his claim seems dubious on the face of it. Not only were the interest rates considerably lower than the going rates at the time, but both of the mortgages had a mailing address that referenced "Room 850" at Countrywide's headquarters.

Let us accept Rep. Towns' claim that he didn't know he was getting special treatment. Fine. Then what does he have to hide? Why should he block the acquisition of records, so that the oversight committee can, you know, like, oversee them?

Towns' actions reek of corruption. But they don't much interest the news media. — Gary Jason

Guarded optimism — I've been in India for a week and I have to say, I have never felt more optimistic about my homeland.

The reason has absolutely nothing to do with the government (which is extraordinarily corrupt) or Prime Minister Manmohan Singh (who is perhaps the most spineless human being I have known).

I attribute my optimism to technology. Telephony, internet, and other media are bringing enlightenment to some of the most backward parts of India.

Of course, India is still a pathetically poor, violent, corrupt, self-centered, lawless, abusive, and extremely superstitious country. Unless you spend your time here only in five-star surroundings, you will be literally and figuratively molested almost nonstop. However, technology is changing the culture, bringing in awareness, and rather rapidly. I cannot help being amazed at the small civilities now developing, fruits of modern commercial customs. The changes are happening, in their small ways, in so many areas, and the interactions between those areas, that I doubt it is possible to predict what India will look like in 20 years.

It is Black Swan country. But it will be a very, very different country, and in my opinion mostly much better.

I have just been to the gym here in Bhopal. It has expanded to perhaps four times its former size. The machines are all new and modern. And still I could not find a machine to work on. This has all happened in the last six months.

But that's the little picture. In the big picture, what is happening is a sea change in the attitude of middle-class Indians. They have grown increasingly polite and sophisticated. I had thought that India's historical baggage would make it difficult for it to change. I was wrong. Indians in their early 20s are hardly distinguishable from those in the West, and are perhaps more optimistic and focused. I have talked and talked for the last week with all possible people. I can see that the English language and India's better interaction with the West will make it possible for it to change rather rapidly, once those now in their 20s come to positions of leadership.

I visited Morena, a small town in central India. Violence has a long and deep history in this part of India (as it has in the rest). The local culture is about "might is right." That belief runs so deep in this area that you would be stupid to negotiate with most people, based on what you would call "logic" and "rationality." The belief system is not very different from what you perhaps see in parts of Africa: "I want this so I will take it." You have to experience this to understand it.

In Morena, kidnappings are common. Murders and rapes are used to settle scores. You stole from me, so I will rape your daughter, the logic goes. This area is well-known for human trafficking. Just 25 years back, it was known for the open auctioning of women. And often such things are supported by the local democratically elected bodies. No wonder that I see "democracy" as a fanatical western religion.

Today's newspaper says that the government did virginity tests on girls that it helped get married. This is unconstitutional, but the people in the government are so appallingly stupid that they did not even realize that what they were doing was unconstitutional.

Corruption in India seems to be worse than it ever was, but then, I have just been to the driver's licensing office.

The changes of the past two decades have been attributed to Manmohan Singh, democracy, and liberalization. I do not believe in this attribution. I attribute the changes of these decades to media, telecommunication, and the general technological revolution.

I normally don't like media; I have no interest in what runs on it. But if you understand the time and space in which Morena exists, even the stupid programs on TV have been culturally revolutionary. They have brought a lot of awareness among the people. In Morena, people now resist, go to the media, and fight back. Children, increasingly educated in English, move out to bigger cities, to work in big companies, and then bring back new ideas, to give to their parents. This may be setting off a chain reaction.

In my gym in Bhopal, there is a girl who wears a Che Guevara T-shirt. Every cell in my body wants me to ask her if she ever cared to ask her parents what socialism really means. But then, if you understand the time and worldview that a lot of the country exists in, even a lazy interest in the likes of Che is a sign of a significant improvement in the thought process. This is a move from a lifestyle of absolutely no ideas to that of a few.

Four hundred million SIM cards have been sold in India. Although this is believed to mean that there are now 400 million subscribers in India, the real figure is much lower.

Everyone I know has more than one SIM card. There are even cellphones with a multi-SIM-card option. When I lived in Delhi, a call to Bangalore would cost $2 a minute in today's real terms. It would have taken a huge bribe to get a phone connection; property prices were often valued on the basis of the connection. Now the same connection is virtually free, and the call costs perhaps one-half of 1% of what it did before.

So low are the cellphoning costs that most people don't seem to know what they are. This has made it possible for the poorest people to keep themselves informed. Because of these low prices, the growth rate in cellphones will continue for a long time. I did not appreciate the revolutionary effect of this on India's isolated villages. But even Morena is showing signs of changing.

But the biggest change I have seen is that in the attitude of people below 25 years of age. They might as well have come from a different culture. They do not have the utter corruption of my parents' generation or the confused and conflicted minds of my generation. Of course I am only talking about a small section of middle-class youth. But now these folks ensure that other people will line up. Until two years back, I had never seen this happening. In Bhopal, these youths actually stop to give way to the disabled or the old. A few years earlier it was normal to hear the old and disabled being called such and asked to hurry up or move out of the way. And this seems to be forcing the parents of these youths to mend their ways.

To me, an amazing change is starting to happen, which will in the final analysis have more consequence for growth than anything else. I can see a change that I could not have predicted when I was here only eight months ago. I had not expected that given the aid of technology, culture could change so rapidly.

So, despite the fact that I see huge short-term social problems, I am no longer pessimistic about India. I see hope, growth, and very good possibilities of making money. So optimistic have I grown that I have just taken an Indian cellphone connection. I have also, with some difficulty, renewed my Indian driving license — a process which shows there is still a long way to go before corruption will cease to be a part of every transaction. — Jayant Bhandari

Modestly proposed — There are so many rumors about healthcare reform going around these days, it's hard to know what's true. For instance, I just heard about a new program coming out from the Department of Health and Human Services called Cash for Geezers. It tries to eliminate the huge costs paid by the government for Medicare patients in their last month of life and deal as well with the growing shortage of organs needed for transplant.

If your grandparents are on Medicare and meet certain other qualifications (Alzheimer's; other forms of dementia; send more than two complaining letters per year to their congressman; don't contribute to the DNC), you can turn them in to the nearest university-affiliated medical center for $4,500 cash!

There, the Geezer brain is smashed so that no one else can turn it in for cash (a clever cost-savings technique that guards against fraud and abuse). The transplantable organs are then harvested and reused. The financial savings to the government, especially after the passage of universal coverage, is tremendous. Those on the transplant list benefit too. As White House Press Secretary Robert Gibbs said, "It's a real win-win. Young people get cash to help stimulate the economy; Medicare costs fall; transplant waiting lists go down. Old people no longer have to suffer for a month only to die."

This program makes as much sense as most government programs, and more than many. So you can understand my confusion about whether it has actually been proposed or is just a brainstorming . . . so to speak . . . effort of some policy wonk at the Center for American Progress (likely a wonk with bills to pay, whose grandparents no longer send birthday gifts). — Ross Levatter

Smashing our way to prosperity — President Obama says that the energy legislation he sponsored, a cap-and-trade scheme along with subsidies for new energy technologies, will create 3 million new jobs. Thus he displays once again a knowledge of economics on par with the average teenage ninja turtle, another pop icon of virtue if not of economic literacy.

You can say a lot about cap-and-trade, depending on where you stand in the global warming debate. What is clear is that it will act like a tax on energy, which will ripple through the economy. What is also inarguable is that the government has a lousy track record for picking winning technologies (read: companies). Job creation? Since when does increasing costs throughout the economy create new jobs, even if you throw subsidies at a few favored companies to make up for it? The answer is, only in the wacky world of Obamanomics.

But why stop at cap-and-trade and subsidies? The president should hire an army of patriotic hooligans to break every window in America, then a second army of glaziers to fix them. Voila. Another 3 million jobs, maybe six. House Bill 2556: Break It and Fix It.

Since Obama defers to Pelosi to flesh out his economic initiatives, expect the following enhancements:

- No homeowner will be allowed to fix his own windows (gotta protect those new jobs).
- Only unionized glaziers need apply (gotta reward those Democratic Party stalwarts).
- Anyone earning less than $50,000 can claim a tax credit for repair costs, whether or not he owns a home, or a window, or, for that matter, pays taxes (gotta be fair).
- Income earners above $250,000 will pay the cost of repairs (or the theoretical value of the repairs) for everyone.

There you have it, an economic policy for the Age of Obama: deficit spending, financial stimulus, bailouts, subsidies, higher energy costs for all, higher personal taxes on the well-off, a stew of politics, ideology, and class warfare, devoid of economic literacy. — Bob Marcus

Nixon with charisma — As Obama's healthcare socialization bill faced a surprising surge in opposition, he began to resemble Dick Nixon ever more eerily. We beheld yet another Obama persona: NixoBama.

Perhaps the most famous self-defining remark by NixoBama is what he said to a group of fans in Philadelphia

during his campaign: "If they bring a knife to the fight, we bring a gun." But what really brought out NixoBama was the sight of angry constituents showing up at various Democratic congresspeople's "town hall" propaganda sessions, intended to grease the wheels for the American National Health System (brought to you by your friendly neighborhood post office). Everywhere on the internet were videos of statist Dems sweating as angry constituents peppered them with questions about how much Obamacare would cost, whether it would require rationing, and so on.

NixoBama and his flunkies in Congress were furious. They called these protesters such epithets as (quoting from a DNC official, Brad Woodhouse) "angry mobs," "mobs of extremists," and "rabid right wing extremists." The Democratic powers-that-be claimed that these people were organized by the vile insurance industry. Nancy Pelosi immediately reported that the anti-Obamacare protesters were carrying swastikas, and both she and Rep. Steny Hoyer branded the protesters "un-American." Rep. Brian Baird (D-Vancouver) said that the protesters were using Brown Shirt tactics. NixoBama even set up an email address, flag@whitehouse.gov, so that *bien pensant* citizens can narc off those filthy traitors who question socialized health care, or spread lies about it. You have to admit this is a clever twist: an automated enemies list.

I couldn't resist sending an email myself, reporting a particularly egregious liar about health care: Barack Obama himself. No doubt I can expect a tax audit in a month or so.

That Obama and his backers are doing this is doubly hypocritical. First, Obama started his career as a "community organizer." Obviously, this community organizer supports organizing only leftist communities.

Second, Obama, during his campaign, urged his followers to confront people and politicians of opposing views. For example, in a campaign speech in Elko, NV, he said, "I need you to go out and talk to your neighbors. I want you to talk to them whether they are independent or whether they are Republicans. I want you to argue with them and get in their face." But nobody is allowed to do the same with him or his punk brigades.

This NixoBama is certainly an amazing piece of work.

— Gary Jason

Che-town — A friend recently gave me a copy of an article from the Russian publication Pravda. It was a commentary about Americans willingly rolling over for socialism. Though recent popular mobilization inspired by dissent over Obama's healthcare proposal gives me hope that we can prevent the conversion of our free society to a socialist one, it remains an uphill battle.

Over time, American citizens have gradually traded liberty for eccentricity. The epitome of this unequal exchange is seen on college and university campuses across America. Anyone who has occasion to frequent them can attest to the following. Our undergraduates have a penchant for expressing their "individualism" (as I have often heard students call it) and "freedom of expression" in their attire. In expressing said individualism and freedom, virtually all of them wear the same clothing. Some are goth. Some are punk. My favorite — and, by far the most common expression of "individualism" — is the ubiquitous "Che" shirt. "Che" shirts are so prevalent on American campuses, I've often wondered if these shirts are handed out at student orientation.

I am not a prude or a generational snob. And I am not picking on college and university students. They simply serve as a useful example of a larger problem of self-deception in our (at least for now) free society.

Our society seems to have lost the very important distinction between individualism and idiosyncrasy. Citizens are mistakenly equating a definitional conflation for an ideological, philosophical, political outlook. Talk about false consciousness! The difference between mere idiosyncrasy and individualism as a philosophy or ideology is huge. Economic, philosophical, social, and political theories and ideologies of individualism maintain that individual initiative, action, and interests should be independent of governmental or social control; that the source of rights and duties originates in individuals, and not in the social whole; and, that the individual and not society is the paramount consideration or end. Idiosyncrasy is an individual's peculiar physical or mental constitution; a characteristic, habit, or mannerism peculiar to an individual — an eccentricity or quirk, such as the blue-streaks I wore in my hair as an undergraduate, or my one legal colleague's habit of always wearing polka-dot ties.

The Rule of Law (as I have discussed in previous reflections) has played a significant role in this unequal bargain. Citizens have continually forfeited control of their own lives by allowing greater government control over their lives in the form of ever increasing laws and regulations. As a society, we seem to have allowed a greater (and welcome) social tolerance for eccentricity and formerly "abnormal" behaviors to substitute for actual freedom.

Students manifesting their freedom of expression or "individualism" by sporting "Che" shirt uniforms rarely, if ever, seem to truly contemplate ideologies of individualism, like libertarianism. I have also found that many of these students, contentedly clad in their uniforms and satisfied with idiosyncrasy mislabeled and misunderstood as individualism, very seldom consider what they cannot do — from campus speech codes, to smoking bans, to restrictions on academic freedom — and the larger implications of that. They have given up so many liberties, and all they got was a lousy T-shirt.

— Marlaine White

How minimal? — I regretfully recognized, long ago, that my philosophic views weren't, well, *sexy*.

I recall, for example, taking a course in Existentialism as an undergrad. I wish I could have bought that rap — you know, life is meaningless, so just engage the world, choose your values and your life project, and bear bravely on. Select a course of action, and don't worry, no course of action can be proven or justified logically; you just need to be authentic!

Brother, that was real leather-jacket philosophy, philosophy for tough guys. If some chick asked you (as they sometimes did back then) if you would respect her in the morning, you just shouted, "Existence precedes essence, babe! Deal with it!", and it was done. You were in like Flynn, or at least like Sartre.

It never clicked for me. I could never figure out why committing yourself to an action made it right. Couldn't I authentically choose to be a drug addict or a Nazi? It all escaped me,

even though I love Paris immensely.

Matters are the same for my political philosophy. I really wish I could be an anarchist. To say you want a minimal government sounds so wimpy. And to say you are a "minarchist" sounds just weird. Why not be bold and say to hell with all government? It seems so much cleaner and bolder, tougher, more *masculine*. It is so conceptually clear and consistent.

Of course, a philosophy or an ideology can be conceptually clear and consistent, not to mention "masculine," and still be wrong, vile, or even outright nuts. Need I mention Nazism or communism?

But I can understand the appeal of the no-government mantra. When you say you favor a minimal government, the obvious challenge you are going to hear is, "Well, once you start thinking that a little government is necessary, on what basis, and at what point, do you draw the line? How can you argue with a modern statist liberal who just wants more of what you yourself think is necessary?" It would appear that a minarchist inevitably falls prey to a Sorites paradox: if you say that X amount of government is good, why not X plus some small amount more? And then why not a small amount more, and so on, until you have socialism or worse?

One important tool for making the case for minimal government is empirical data on the relationship between government size and economic growth. There are quite a few economic studies showing that both too little and too much government stifle the growth of prosperity, and seeking to quantify that tradeoff.

A really excellent recent contribution to the literature has just been released by the Institute for Market Economics (the IME), one of the preeminent neoliberal economic thinktanks in Eastern Europe (it is based in Bulgaria). The article, "What is the Optimum Size of Government?", is by economists Dimitar Chobanov and Adriana Mladenova and is available for download from the IME website.

The article notes that, at present, the average size of governments, measured as the total of government spending at all levels as a percentage of GDP, is about 41% for the OECD (Organisation for Economic Cooperation and Development) countries. The United States, alas, is right up there at over 37% — much larger than many Americans realize, supposing us to be a country that doesn't believe in Big Government.

The authors then do an extensive literature survey. (The survey alone is 17 pages; it is appended to the paper so that the reader can rapidly check out the prior studies.) They note that most prior studies had shown a statistically significant and markedly unfavorable relation between the size of government and economic growth.

Of course, they note, the "quality" of government enters in as well, but even when you are dealing with a relatively good government (minimally corrupt, for example), big government hurts the economy. Get it much beyond its core function — protection of people's property and liberty, including national defense, provision of a stable legal framework, and promotion (not necessarily provision) of very basic public goods — and government lowers prosperity.

As to the sweet spot, i.e., the optimum size of government, the prior studies ranged rather widely, from as low as 17% to as high as 40%. Most of the estimates, however, fall in the range of 20% to 30% for the optimal size of government. That means that the OECD governments, including our own, are almost all too large.

But the authors were able to refine the estimate considerably. They found that at the 95% confidence level, the optimal level of government spending is 25%, using the standard model. And they suggest that it is probably considerably lower, given limitations on the data, such as the fact that the data are skewed because rent seeking is pervasive even in countries with smaller governments ("rent-seeking bias").

The paper makes interesting reading. It helps minarchists specify the size of government they prefer. Unfortunately, it still won't make minarchism particularly sexy. — Gary Jason

Managed constituents — In the Town Hall meetings about medical care, the Ron Paul movement has been in the thick of it. At the meeting I attended, held on Aug. 12 in Everett, WA, by Rep. Rick Larsen, Democrat, several people flew the yellow Gadsden flag with the snake, and one man wrapped himself in it like a cape, holding his hand up to be called upon. Well, they didn't call on him.

The meeting was held outdoors in a small baseball stadium, with the congressman standing near home plate. Both sides — for and against Obamacare — showed up. Nearly 3,000 people attended, sitting on bleachers, many of them holding signs. Opponents had handmade signs, such as these:

National Healthcare=National Suicide
National Care is Rationed Care
No Govt run "take a number" healthcare
Preserve Freedom: Join a MOB
No to Socialism
My Life, My Death, My Business
Health Care Is Not a Right

The other side had professionally printed signs supplied by the unions and by Planned Parenthood. But many on the left were more radical, and had their handmade signs, too:

Private Insurance Companies ARE Death Panels
Put Single Payer on the Table

At one point Larsen measured the two sides by eliciting cheers, and declared the crowd evenly divided. It was not; there were more opponents. That was also apparent in the people called on to speak. The congressman's staff tried to make it random, and most of the people called on were critics.

The Paul sentiment was clear when one man stood up and said that Larsen had an enviable job, because he got "to work with my personal hero, Ron Paul." Some in the crowd cheered at that, some whooped, some hooted, and some laughed. No other Republican politician was mentioned by any of the questioners.

The Paul supporter said he had two questions. The first was whether Larsen would support Paul's audit-the-Fed bill. The second was whether there was anything in the Constitution that authorized the federal government to force Americans to buy health insurance.

The second was the better question, at least for this forum. Larsen answered the first (no) and called for the next question. Shouts broke out.

"Answer the other question!"

"What about the Constitution?"

He ignored them, answering the questioners selected by his staff and not the ones shouting at him. But a few question-

ers later, his staffer picked a woman who said her husband was a libertarian, and cared about that unanswered question. "My question is," she said, "where in the Constitution do you see a mandate for health care?"

Larsen replied, "There is no mandate for health care in the Constitution. There is no mandate for the Air Force in the Constitution." In other words, don't worry about it. He said that constitutional questions are up to the Supreme Court (and might have added that the Court would no doubt follow the precedent of *Helvering* v. *Davis*, 1937, in which it approved Social Security on a vote of 7–2).

Opponents asked other questions. Said one man, "Is there any example of government running things better than the private sector — I mean, *anything*?"

"Medicare," Larsen said. There were some hoots at this, but not too many.

A woman asked the congressman if he believed people had a right to health care. She thought they did not have such a right.

"I don't know the answer to that," he said.

Rep. Jim McDermott, the leftwing Seattle Democrat, would probably have said yes. A longtime supporter of single-payer, McDermott had signed on to a "Medicare for all" single-payer bill. Larsen told the crowd, "I don't support a single-payer system." When a leftist from Radical Women, Seattle, spoke in favor of one, Larsen said, "I'll pass your comments on to Jim McDermott," a polite reminder that she was not in his district.

A man said that Larsen should read "The Whole Foods Alternative to ObamaCare," an opinion piece by CEO John Mackey that had appeared in the previous day's Wall Street Journal. The man noted that the piece had begun with a quotation from Margaret Thatcher: "The problem with socialism is that eventually you run out of other people's money."

"I agree," Rep. Larsen said. "That *is* a problem with socialism."

When David Arnold Bishop, an independent contractor from Snohomish, Washington, said, "I can't live the way I live unless I'm free," Larsen said he agreed with that, too.

Larsen urged everyone to be polite and was polite himself. Knowing there would be acrimony, he had begun the meeting by having a high-school girl sing the national anthem — "one thing we can all agree on," he said. Larsen is a skilled politician. He is also a fairly sure vote for Obamacare, when and if it reaches the floor of the House. — Bruce Ramsey

Overinflated fears — You've all heard them at cocktail parties, the inflationary cognoscenti.

"So, Ted you made 8% on your investments this year. Well, let me remind you, my friend, that since inflation ran at (let us say) 3%, you only made 5%"

Dumb! It all depends. Mainly on two things.

First, the accuracy of the inflationary figures. Economics in general is hostage to numerical accuracy. (They just recently figured out that the CPI is as flighty as your pet cockatoo. Energy included? Groceries, taxes, cab fares in Yazoo City?) Besides that, there's got to be a huge political bias in a number that affects 10 million retirement checks.

Second, the fact that in reality all of us have our own individualized index, depending on what we buy and sell. What is good for me is bad for you, or vice versa. Our market baskets of goods and services are all different. Sure there's overlap, but let gas prices skyrocket — so what? I'll still be sitting on my patio reading and watching the rust grow on my '02 Mercury sitting in the driveway. And college tuition — that inflationary dragon can continue to breathe fire; I ain't got no kids to eddicate. The housing market flips and the average annual price scoots up 10%. Who cares? There are no houses on my get list.

And there is no universal number that applies to all of us. How could it be otherwise? Memories of such anomalies as the Weimar Republic disaster mesmerize economists, and highly distort our investment judgments. Sometimes 8% is 8%. I say we've vastly overstated the danger. And even when the roar of the government printing presses breaks the sound barrier, it's magnifying the price of all my possessions, is it not? — Ted Roberts

First thing we do . . . — On August 25, on the legal blog Volokh.com, a 4th-Amendment expert and conservative law professor, Orin Kerr, published a post entitled "Explaining the Unpopularity of Lawyers."

It led, in less than 24 hours, to over 180 comments, as the many lawyers who haunt Volokh.com responded — some seriously, others capriciously.

I read them all.

But I'm still not clear. Why does the unpopularity of lawyers require explanation? — Ross Levatter

It's not easy being green — Not since Jimmy Carter has a president managed to bungle things so badly in such a short time. Indeed, he bids fair to eclipse the wretched Carter's failures, which is probably why Carter admires him.

Not content with the healthcare debacle, BungleBama is leaving his mark in the energy arena. His truly sophomoric vision of replacing fossil fuels not with nuclear power (which he shuns, despite his campaign promises), but with wind, solar, and biofuels, is blowing up in his face.

Consider the Van Jones debacle. Anthony "Van" Jones was Obama's choice to be the "Green Jobs Czar." He escaped scrutiny, because as a presidential czar he doesn't have to be vetted by Congress, and because America's news media (a.k.a. the Fourth Estate) are of course giving Obama a complete pass on everything he does.

But the counter-media took notice of Obama's strange appointment. It turned out that Jones was a race-baiting leftist nut-bar of the first rank. Where to begin? He was videotaped calling Republicans "assholes" for being less enviro-screwy than he is. He also signed a petition for the 9/11 "Truthers," who allege that George Bush was complicit in the attack upon the World Trade Center. All in all, a remarkable choice for a president who ran on a platform of healing partisan divisions.

Jones was also on record as describing himself as a communist — in the 1990s! I mean, talk about crazy timing; you choose to become a commie after communism collapses. God, what a buffoon.

He has also publicly pushed his view that "white polluters" have been "steering poison" towards — guess whom? — black folk. This ties in with his remarkable sociological analysis of the Columbine High School killings. To quote Jones,

"You've never seen a Columbine done by a black child. Never. They always say, 'We can't believe it happened here. We can't believe it's these suburban white kids.' It's only them!"

As these and other incidents became known (it has now been discovered that the American public knows how to Google someone, even if the *soi-disant* "journalists" in the mainstream media don't) Jones resigned over the Labor Day weekend.

But Obama's dream of a "green jobs" explosion (which was supposedly Jones' area of "expertise," as if one could have expertise in a domain that is void of content) looks raggedy, anyway. Consider several recent reports.

First, the release — to complete lack of interest by the mainstream media — of a major study by the Energy Information Administration. This work, dryly entitled "Energy Market and Economic Impacts of H.R. 2454, the American Clean Energy and Security Act of 2009," estimates that the cap-and-trade bill Obama and Pelosi rammed through the House of Representatives in June will by itself raise electric power prices by a massive 20% within 20 years (over and above other projected increases).

Unlike prior reports critical of the bill, including one by CRA International that estimated it will cost 3.2 million jobs over the next 15 years (the subject of a previous Reflection of mine), this is one report the Obama administration is finding hard to dismiss. The Energy Information Administration is not some private thinktank; it is part of the U.S. Department of Energy.

Second, a story from The Wall Street Journal (Sept. 3), carrying the sober headline "Spanish Solar-Power Collapse Dims Subsidy Model." It seems that the Spanish government has thrown in the towel about its massive solar power program, which only recently Obama touted as an example of how green energy is economically beneficial.

As of last year, fully half of all new solar power installations were located in Spain. But by the end of 2008, as the world recession hit that country, the government decided it could no longer afford its prodigious subsidies for such an economically ludicrous technology. Indeed, solar power companies around the world have had to slash jobs dramatically.

Finally, another recent WSJ article (Aug. 27), with the clever title "U.S. Biofuel Boom Running on Empty," explores the collapse of the so-called "biofuels revolution." "Biofuels" is a term that encompasses three types of fuel: biodiesel (produced from vegetable oils and animal fats); "next generation fuels" (produced from plants such as switch grass that are not foodstuffs); and ethanol (produced here from corn, and elsewhere — in the sane world — from sugar cane).

But two-thirds of the American biodiesel capacity is now idle, because of the fall in oil prices. For example, Green Hunter Energy, the country's biggest biodiesel refiner, ceased production several months ago and is contemplating selling a recently built plant.

Meanwhile, the companies that produce or plan to produce next-gen biofuels are finding capital virtually impossible to get. No doubt hindering their progress is the fact that Cello Energy (which was expected to supply nearly three-fourths of the government-set target for biofuels produced from cellulose) has been found guilty in federal court for defrauding the investors.

This is all on top of the widely acknowledged failure of corn-based ethanol to prove economically viable. Thanks to Midwest congresspeople, corn ethanol productions get tremendous subsidies, so it will likely stumble on, despite the fact that it has driven up food prices and proven to be ridiculously costly as a fuel.

The obvious way to deal with global warming and dependence on foreign oil is a rapid expansion of our nuclear power industry, together with a dramatic expansion of drilling for oil and gas in areas of the country foolishly put off-limits for human use by insane environmentalist regulation. But Obama refuses to consider, much less do, either one. — Gary Jason

The Kennedy curse — It is said that people make gods in their own likeness. If that is true, what kind of people created Edward Kennedy (1932–2009)?

Kennedy's biological father was a goatish, pro-fascist crook whose politics were chiefly motivated by Irish-American nationalism and the desire to make one or more of his children president, for no other reason than that they were his children. His mother was a twisted religious bigot. ("Dad was the spark," Teddy recalled; "Mother was the light of our lives.") Their children were all, to one degree or another, seriously damaged by their domineering parents. One of the children was lobotomized by a father disgusted by her mental "slowness." The others were deformed by the assumption that the only way to amount to anything was to achieve power over others. A more vicious premise can hardly be imagined. It is fortunate that at least one of them — John F. Kennedy — knew better, although his life was still grievously influenced by his father's political ambitions and his lessons in sexual aggression.

Teddy, youngest male of the family, was a person of average intelligence and below-average capability, darkly overshadowed by his older brothers. He got Cs at prep school but was admitted to Harvard because his family was rich. At Harvard he was caught cheating and expelled. At the University of Virginia Law School he was ticketed for reckless driving four times and received the kind of punishment that the children of wealthy fixers generally receive.

In 1962, after a one-year career as assistant to the district attorney of Suffolk County, Massachusetts, he was elected to the Senate of the United States, for no other reason than that his father was rich and his brother was president. He was 30 years old, and he held the job for the rest of his life.

In 1969, he hosted a party on Chappaquiddick Island, MA, for some girls who had worked for his brother Robert's presidential campaign the previous year. Drunk, he took one of the girls out in his car and drove the car off a bridge. While his companion struggled for life in the overturned vehicle, Kennedy extricated himself, ignored the lights in a nearby house, fled across the island, swam an inlet, and returned to his hotel. In the morning, other people discovered the car and the dead girl, and Kennedy finally reported his association with the event, after soliciting advice from the kind of statesmen who flock around money and power. He went on television to deliver the first of many lachrymose speeches in which he urged people to support him because his brothers were dead. And Massachusetts voters did support him. They reelected him eight times.

During the following years, Kennedy repeatedly ran or threatened to run for the presidency, convinced that a person who had no work experience, no relevant education, no analytical ability, no sense of morality, no qualifications of any sort except his association with a wealthy family, had a duty to become the nation's chief executive. He failed ignominiously. Eventually he gave it up, having discovered that even so incompetent and unpopular a figure as Jimmy Carter could beat him handily. Strangely, political pundits were incapable of reaching the same conclusion. For the rest of his life they considered Kennedy the idol of the American people.

After magnanimously relinquishing the presidency, Teddy devoted himself to his four favorite pursuits: drinking, eating, womanizing, and pushing people around ("legislating"). Like other people who know just enough to understand that there is always someone dumber than they are, Kennedy played the demagogue to an audience of poor people and Hollywood liberals, making violent speeches in which he denounced all who opposed his policies as racists and sexists. Then, in private, he cuddled up to Republican politicians who had no qualms about selling out their party. Together, they produced "compromise legislation" that (imagine!) gave Kennedy virtually everything he had originally wanted. (The press lauded this as "bipartisanship.")

Kennedy's constant desire was to increase the power of government. Always he advocated state power, from the days when he demanded universal conscription to the days when he demanded racial quotas for hiring ("quotas, shmotas" was his contemptuous dismissal of those who objected to this patent inequity) to the days when he moved heaven and earth to impose government healthcare on an unwilling populace. He could not be troubled to read a book, consult experience, or consider the logical implications of the things he wanted. He just *wanted* them, because they gratified his ego, no matter what the costs might be to others. He had money, so he wanted power. He was a wicked man, a thousand times more wicked than the man who holds up a 7-Eleven, desiring only the cash that's in the till.

In 2008, Kennedy developed brain cancer. Instead of resigning the duties he could no longer fulfill, he kept on being a senator, using his remaining days to demand more government, plan a heroic funeral, and try to get his home state to change its electoral laws so that a clone could be inserted in his place. He died on August 25, before he could do any more harm. President Obama, in his funeral oration, called him "the greatest legislator of our time" and "the soul of the Democratic Party."

Soul. Can it be that this ranting, bloated, redfaced drunk was the soul of anything?

It staggers the imagination. Yet this was the hero of the academics and the intellectuals. This was the organism over which National Public Radio claimed "the nation is in mourning." This was the entity that prompted Yahoo News to run a headline in this form: "Throughout history, Kennedys have grieved losses in public" — as if the Kennedys had, like gods, existed from the dawn of time, making spectacles of themselves to mortals and reveling in their attention.

All of this is embarrassing to contemplate. But the biggest embarrassments are the teachers and commentators, the political leaders and self-proclaimed idealists, who created Edward Moore Kennedy in the image of their highest aspirations.

— Stephen Cox

Where's my guillotine? — Sen. Edward M. Kennedy died in late August. His passing brought forth the usual prefabricated obituaries and reverent balderdash. A few, lonely voices pointed out that the arc of the man's life — from cheating in college to depraved indifference to a young woman's death to a failed marriage to unseemly abetting of his nephew's indictable offenses — was not something decent people should emulate.

Kennedy's politics were, of course, orthodox urban statism. Reflexive, unexamined. No surprise there; he represented Massachusetts in the U.S. Senate.

But neither his politics nor his shoddy personal life was what made the man so loathsome. What did?

The feeble-minded television pundit Eugene Robinson stumbled around the point when he said — as a compliment, apparently — that Kennedy played the part of a prince well. What is this, the Grand Duchy of Fenwick?

The flabby, dissolute, venal brother of iconic popular figures was a "prince." That's why I loathed him. And why I loathe the likes of Eugene Robinson. Off with their heads!

— Jim Walsh

He's outta here — Tuning in the Red Sox game on the evening of Aug. 26, I was confronted with what I had managed to avoid all day — the death of Teddy Kennedy. I had made a point of not looking at the morning papers or turning on any cable news programs (especially MSNBC and CNN) in order to avoid the overwrought displays of mourning for that bloated excuse for a statesman.

The Red Sox organization, however, went all-out to honor the blob. The flag was at half-staff; the PA announcer read a long, saccharine tribute to the man; a moment of silence was observed. All this for a guy who was expelled from Harvard for cheating, used his connections to avoid combat during the Korean War, and left a woman to drown after driving his car off a bridge.

What really struck me about the Sox's tribute was a line in team owner John Henry's encomium. Kennedy, Henry wrote, "shaped the lives of millions." Well, perhaps he did. Certainly he threw plenty of money at people's problems (real or imagined) during his very, very long career in politics. I may have been one of the few members of the viewing audience who went cold at the words. Imagine a single legislator, elected by the voters of one medium-sized state, "shaping" the lives of millions of Americans. Be it for good or ill, do we want one man to have such power? In Kennedy's case, of course, it was largely for ill.

The senator's martyred brothers, whatever one thinks of their politics, had courage, and President Kennedy deserves to be honored for getting us out of the Cuban missile crisis without a nuclear war, and then ending nuclear testing in the atmosphere. But Teddy? A limousine liberal *par excellence*, an inebriate, a cheater, a man who fled the scene of an accident while a woman was drowning — this excuse for a man deserves burial at Arlington? Bah! I say good riddance.

— Jon Harrison

Robert Novak, R.I.P. — It is fashionable to scorn Robert Novak (1931–2009), the political journalist and

television commentator who died on August 18, a victim of one of the several grave illnesses that plagued him during the latter part of his life.

Modern liberals hated Novak for the cynical way in which he exposed the cynicism of their social projects, the heartless way in which he revealed the heartlessness of their humanitarianism. Modern conservatives feared his mordant wit, his never-concealed assumption that they were mostly provincial hacks, like the liberals, although they came from another province. Many libertarians distrusted him because he was only a "libertarian conservative." What was *that*, anyway?

The libertarians ignored the fact that Novak's motto was "Always love your country but never trust your government." Like the modern liberals and conservatives, they refused to appreciate the fact that Novak was the smartest journalist in Washington. He had a virtually unmatched ability to think for himself, so naturally he failed to please most people, most of the time. But he usually hit whatever target he aimed at. On the typical Washington "insider" show ("Capital Gang," for instance), the conversation went like this:

Establishment media liberal: "Insiders tell me . . . The New York Times got it exactly right . . . The experts agree . . . This is a good bill — not a perfect bill, but a bill that will bring this country into the 21st century . . . I know that Neanderthals like Novak may disagree [smile, eyebrow lift, and snort from Novak] . . . "

Establishment media conservative: "It's obvious that something must be done . . . The nation demands action, and rightly so . . . Nevertheless, the devil is in the details . . . The bipartisan amendment now being drafted by Senator Smurf remedies most of the problems that Novak and other reactionaries have been orating about [angelic smile from Novak] . . . Insiders tell me . . . The experts agree . . . It's important to reach a viable consensus . . . "

Novak: "As everyone knows, or ought to know, this bill is a complete disaster . . . It will increase the national debt by roughly 5% . . . It will cause a massive loss of jobs . . . No one is really in favor of this turkey except the fanatics and the lobbyists for groups that plan to profit from it, so it will probably pass, unhappily for the republic . . ."

Establishment media liberal and establishment media conservative: Momentary silence, accompanied by hateful glances. Nervous, though condescending, chortles.

Moderator: "Well, now we've heard from Robert Novak. As usual, Bob [amicable sarcasm, as if to a retarded boy], you're the *only* one who's right."

But he was. And that's why people tuned in to those shows. It wasn't to watch the $500,000 a year ignoramus from The New York Times or the wry little Oyrish humorist from PBS; it was to watch Bob Novak, the Prince of Darkness, who got that name because of his educated pessimism about the pretensions of this country's political leadership, a subject he always understood much better than the pundits he encountered.

Novak wrote a nationally syndicated column for 45 years. He was a pioneer of the television talk show. But it's his autobiography, "Prince of Darkness" (2007), that will keep his memory alive. I reviewed that book when it came out, and I don't want to repeat all the things I said back then (visit Liberty's website and look for the June 2008 issue). But let me ask you, How many autobiographies of Washington journalists have you read? That few? Why? Could it be because you've found that these people normally write like the hack politicians they *cover*, as opposed to *reveal*?

Novak didn't hesitate to disclose the facts, about other people or about himself. He withheld information only when he thought innocent people would be damaged. He depicted most of the political functionaries and almost all the presidents he knew as brazen liars or astonishing fools (usually both). He reached similar conclusions about the people who ran for the presidency and failed. In addition, he depicted much of his own life as folly, with particular attention to the amazing quantities of liquor he guzzled before deciding to stop being a drunk.

He told his life story with the kind of detail that almost no memoirist ever includes, right down to the amounts of money he received for his writing and his television appearances. It has been said that people are much more willing to discourse about their sex lives than to hint at the size of their bank accounts; but Novak, again, was the exception. He showed himself changing from drunk to sober, from agnostic to Christian, from modern liberal to libertarian conservative, and he did so without any hint of self-righteousness. Describing his 1998 baptism, for which Senator Daniel Moynihan acted as a sponsor, he quoted Moynihan as joking, "Well, Bob, now that you've become a Catholic, when are you going to become a Christian?"

Novak had a real and often hilarious sense of humor. He had a large knowledge of American history and an encyclopedic knowledge of how things work in America. He had genuine insights about what we piously call Our Political System, and he expressed his insights crisply and cogently. Few of his thoughts were original, and some of them were, in my view, dead wrong; but they were never stereotyped, never motivated by a desire to reach a consensus with either the Ins or the Outs. *He* was original, and that's a lot to say about anyone. — Stephen Cox

Rose Friedman, R.I.P. — When Rose Friedman died on August 18 at the age of 98, the chief theme of the obituaries was the close partnership she had with her more famous husband, Milton Friedman.

As far back as 1962, "Capitalism and Freedom," a pathbreaking book based on a series of lectures by Milton, included the words "with the assistance of Rose Friedman" on the title page. "She pieced together the scraps of the various lectures," Milton wrote in the preface, "coalesced different versions, translated lectures into something more closely approaching written English, and has throughout been the driving force in getting the book finished."

Given today's attitudes, one might wonder, if she did all that, why wasn't she named coauthor? In later books such as "Free to Choose" and "The Tyranny of the Status Quo," Rose was, indeed, coauthor. But the real answer to the question is that their partnership was based on a division of labor, one that suited them both.

Rose had been an excellent graduate student at the University of Chicago, praised by the prominent economist Frank Knight, for whom she was a research assistant. But she never finished her dissertation. And once she and Milton were

continued on page 38

Property Rights — or Property Permissions?

by Timothy Sandefur

A disturbing trend, reaching back to the Progressive Era, continues to deform property rights in America.

When Craig and Robin Griswold applied for a building permit to renovate their small home in the southern California city of Carlsbad, they were shocked to learn what city officials wanted in exchange: the city demanded that they give up their right to vote.

Article XIII of the state constitution guarantees California homeowners the right to vote on whether their properties are assessed for the value of local improvements such as the construction of new streetlights or sidewalks. Assessments differ from property taxes in that they are levied only on the properties in the neighborhood that benefit from these improvements. In 1996, after years of abuse by cities that routinely assessed property owners without restraint, voters passed an initiative amending the constitution and requiring cities to hold elections before assessing property owners for local improvements.

But Carlsbad officials have found a way to avoid this constitutional provision. Rather than allowing homeowners to vote on assessments, the city simply imposes assessments on homeowners whenever they remodel their homes in ways that cost more than $75,000. This estimate is done by the city, according to its own formula, when the homeowner applies for the necessary building permits. If the city thinks the renovation would exceed that amount, it automatically — and illegally — assesses the owner for the construction of sidewalks, curbs, lighting, and other projects. This demand can be extremely expensive: in the Griswolds' case, the city asked for an upfront payment of $114,979.

But, recognizing that such an amount would prove prohibitive to many homeowners, the city also offers an alternative. For those who cannot afford the illegal assessment, the city offers a waiver form, giving up the voting right conferred by the state constitution, and waiving any right to "file or bring any protest, complaint, or legal action of any nature whatsoever challenging the validity of the proceedings." This waiver is quite explicit, specifying that "the owner hereby consents to, and approves of . . . the levy of an assessment against the property . . . [and] grants to the city a proxy to act for and on behalf of the owner, the owner's successors, heirs, assigns, and/or transferees, for the limited purpose of

completing and submitting an assessment ballot in support of the levy of the assessment." In other words, in exchange for a permit to renovate their home, the Griswolds were forced to give up their constitutionally protected voting right — and the waiver binds not only the Griswolds, but anyone to whom they might sell or give the property.

The Griswolds, represented by attorneys at the Pacific Legal Foundation, filed a federal civil rights lawsuit to challenge the constitutionality of the assessment scheme, arguing among other things that it's an illegal poll tax, since the city conditions the right to vote on the payment of a fee. Although the trial court dismissed the case on a procedural technicality, the Griswolds appealed to the 9th Circuit Court of Appeals, which heard oral arguments in May.

It might seem outlandish that government officials would demand that property owners waive their right to vote in exchange for a building permit, but this case is only one extreme example of an increasingly common phenomenon: the abuse of permitting powers by local governments that want to force property owners to give up their rights — to money, to land, or to the ballot — in exchange for permission to use their own property as they wish. Nor is it an isolated incident. The city of Santa Rosa, California, enforces an ordinance that forces permit applicants to give up their right to vote on a different kind of tax. Similar rules appear to be in place in Missoula, Montana.

In the 1987 case of *Nollan* v. *California Coastal Commission*, the United States Supreme Court invalidated an attempt by one of the state's most intrusive bureaucracies to extort land from a Malibu family who sought a permit to construct a second story on their home. Commission members claimed the home would create a "psychological barrier" between motorists on Pacific Coast Highway and the nearby beach. But rather than denying the permit, or imposing a height restriction, the Commission demanded that the Nollans agree to an easement allowing the general public to walk across their yard to the beach. In the decision he wrote for the 5–4 court, Justice Antonin Scalia explained that government agencies cannot make demands on property owners that are totally unrelated to the potential effects of construction. They may make such demands only when proposed construction might harm the public or impose significant new demands on public resources — as when new home construction will increase traffic and overload local roads. Even then, the demands must somehow help alleviate those effects. If the government can make demands on permit applicants without any such connection, Scalia wrote,

> the situation becomes the same as if California law forbade shouting fire in a crowded theater, but granted dispensations to those willing to contribute $100 to the state treasury. While a ban on shouting fire can be a core exercise of the State's police power to protect the public safety . . . adding the unrelated condition alters the purpose. . . . Similarly here, the lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was. The purpose then becomes, quite simply, the obtaining of an easement . . . without payment of compensation. . . . In short, unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but "an out-and-out plan of extortion."

Scalia's point seems obvious if one presumes that landowners have the right to use their property as they see fit, consistently with the rights of others. Under this premise — known in the law as the "*sic utere* principle," from a Latin phrase meaning "one should use one's property so as not to injure someone else" — it makes sense for the government to deny permits to people whose construction might harm the public. Government agencies might also take a lesser step than outright denial: they might require the owners somehow to reduce the deleterious effects of their projects, for instance. If officials have the "power to forbid construction," wrote Scalia, then they also have "the power to condition construction upon some concession by the owner, even a concession of property rights, that serves the same end."

But not everyone holds the *sic utere* principle that property owners are free to use their land as they see fit. Indeed, many if not most judges and law professors today view that right as no right at all, but rather as a permission given by the state to those citizens it deems worthy. On this premise, requiring owners to pay for the privilege of using their property makes perfect sense. This was the approach taken by Justice William Brennan, who wrote a dissenting opinion in the *Nollan* case. "[S]tate law is the source of those strands that constitute a property owner's bundle of property rights," he argued. Thus if a state decrees that owners have no right to develop their property, or to exclude others from walking across it, that is the end of the matter. He regarded it as "curious" for Scalia to "somehow suggest[] that 'the right to build on one's own property' has some privileged natural rights status."

In the two decades since *Nollan*, some academics have gone quite far in arguing that owners of property can be forced to pay for the privilege of using what belongs to them. Professors Gideon Parchomovsky of the University of Pennsylvania and Abraham Bell of Fordham have labeled this approach "givings," to contrast it with the 5th Amendment's "takings" clause. When the government takes an action that increases the market value of property — such as granting a building permit — it may, in their words, "collect a 'fair charge' in exchange for the giving." Whether or not lawyers and judges explicitly embrace Bell and Parchomovsky's approach, it is in reality the way many local governments view their permitting authority. In fact, shortly after the Griswolds filed their voting

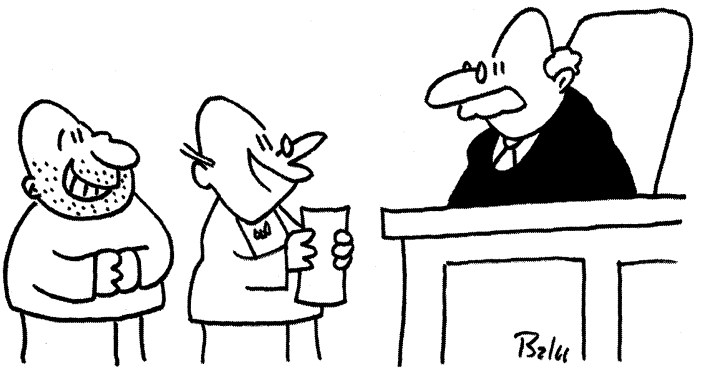

"I urge the Court to take into consideration the fact that my client only burglarized *local* merchants!"

rights lawsuit, Carlsbad City Attorney Ron Ball told the San Diego Union-Tribune, "In this state, development is a privilege and development is allowed to be conditioned."

This is the crux of the dispute. If private property is a basic human right, then it pre-exists the state, and government bears the burden of justifying the limits that it imposes on an owner's freedom to use what belongs to him. But if property is created by government's decision not to interfere, then the owner must obtain that permission by yielding other rights. As Janice Rogers Brown, then a justice on the California Supreme Court, wrote in a 2002 case, local governments taking the second approach effectively tell property owners, "We have the power; therefore, pay us to leave you alone. By any measure, that is extortion. . . . Instead of the government having to pay compensation to property owners, the government now wants property owners to compensate *it* to get back the fair value of property the government took away through regulation."

The notion that property rights are created by government fiat is an old one, but its contemporary form is a legacy of the Progressive Era, when philosophers and judges overthrew the concept of natural rights underlying the American Constitution, and replaced it with the positivist view that rights are simply spaces of free discretion that citizens enjoy thanks to the state's protective influence. Progressive intellectuals were often quite explicit that their theory did not stop with property rights: all rights, including freedom of speech and freedom of religion, were simply privileges of citizenship. "All my life I have sneered at the natural rights of man," wrote Oliver Wendell Holmes, one of the pioneers of the Progressive approach. For Holmes and his allies, the state manufactured individual rights to serve its own purposes. Thus, for instance, free speech was to be protected, not to preserve individual autonomy, but because society benefits from the exchange of opinions. "Persecution for the expression of opinions seems to me perfectly logical," wrote Holmes in a famous 1919 case. But "the theory of our Constitution" is that "the ultimate good desired is better reached by free trade in ideas." And since government creates the freedom of speech to serve its own ends, it can also squelch free expression if that is more conducive to its ends. Thus in another case that same year, Holmes held that a war protester could be jailed for distributing pamphlets protesting the draft. "When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured." The Progressives took the same view of private property. Justice Brandeis encapsulated the era's attitude toward individual freedom when he wrote "rights of property and the liberty of the individual must be remolded, from time to time, to meet the changing needs of society."

The conception of private property as a tentative government permission carries with it troubling philosophical and practical baggage. First, it implies that wealth is a fixed product to be divvied up according to some criterion such as fairness or equality. It takes no account of the origin of wealth, or of the rights of those who produce it. The classical liberal conception of private property on which the Constitution was based sees property as inseparable from the liberty with which the individual creates wealth. Because a person devotes time and effort to the construction of a thing, that thing is rightfully his, not according to a scheme of social improvement, but according to principles of justice. Grounded in the individual's natural desires for a realm of privacy and the improvement of his standard of living, this conception of property rights combines a humane moral insight — that, in John Locke's words, "being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions" — with powerful economic incentives. Each person is responsible for his own pursuit of happiness, able to enjoy the rewards, and required to suffer the burdens, of his own private choices. But the Progressive approach is silent on the questions of wealth's origins, or the individual's just claim to the product of his labor. Instead, it assumes that wealth — and the individual effort that gives rise to it — belongs to the state, and should be distributed according to the state's lights. Indeed, for the Progressives there were to be no meaningful barriers to the government's power of controlling individual choice and redistributing wealth. "To these thinkers," wrote political scholar Charles Merriam in 1903, "it appears that the duty of the state is not and cannot be limited to the protection of individual interests, but must be regarded as extending to acts for the advancement of the general welfare in all cases where it can safely act, and that the only limitations on governmental action are those dictated by experience or the needs of the time. . . . It is not admitted that there are no limits to the action of the state, but on the other hand it is fully conceded that there are no 'natural rights' which bar the way. The question is now one of expediency rather than of principle." That this approach posed a serious danger to individual freedom and dignity was made clear by the Progressives' later successes in imposing prohibition, segregation, and eugenics programs — including the forcible sterilization of women, which Justice Holmes ruled to be constitutional in the infamous 1927 case *Buck* v. *Bell*. The right to have children was just another discretionary benefit that the state could take away for society's "benefit."

In exchange for a permit to renovate their home, the Griswolds were forced to give up their constitutionally protected right to vote.

Lawyers refer to local governments' extortionate demands from property owners as "exactions," and in addition to their philosophical weaknesses, they have some troubling practical

consequences. Exactions have become so commonplace that some researchers blame them for the wildly distorted cost of real estate in states like California, where the abuse of permitting powers is particularly egregious. In his latest book, "The Housing Boom And Bust," economist Thomas Sowell even blames them in part for the recent economic downturn. Sowell observes that one of the reasons for the artificial rise in housing prices preceding last year's real estate crash was the excessive burden placed on builders by local government regulators. Because exactions and other bureaucratic costs emanate from city or county governments, the national market became speckled with enclaves of exaggerated housing costs. Although "most of the country was *not* suffering from skyrocketing housing prices," those communities with excessive burdens on construction were — and the consequence was an illusory crisis that politicians strove to address by devising easy financing options for risky first-time buyers. "Government regulations and interventions are precisely what pushed lending institutions to reduce the standards which they had traditionally required of prospective borrowers before making mortgage loans to them." It was the lowering of those standards that precipitated a series of defaults leading to today's recession.

It is easy to see why the burdens that local governments put on building permits would translate into confiscatory housing prices. In one 2006 case, the Sacramento suburb of Elk Grove, California, demanded that Muhammed Ahmad and his wife Jonette Banzon pay $240,360 in "in lieu fees" in exchange for a permit to construct a second story on their home. The city explained that the fees were for such street improvements as paving roadways, adding street signs and stripes, and for the planting of new trees. In another case, the California Coastal Commission agreed to allow Dan and Denise Sterling to build a home on their 143-acre property in San Mateo County — but only if they signed a permanent easement pledging forever to use 142 acres of their land as a farm. The Sterlings aren't farmers or ranchers, but the owners of a modest doublewide where they live with their four children. "[T]he Commission wants most of my land put under a government easement and set aside for farming," said Dan Sterling, "but farming is the one thing my family couldn't make a living at with this property. What's really happening here is that we're being forced to give this land over as a park or open space for the community, but we still pay taxes on it, and are still responsible for the other liabilities of property ownership."

Commission members claimed the home would create a "psychological barrier" between motorists on Pacific Coast Highway and the nearby beach.

Forcing particular landowners to give up rights in exchange for permission to use their property allows local governments to avoid the politically unpopular alternative of paying for public amenities with tax dollars. If political leaders can make developers pay for the construction of roads, streetlights, new libraries, or parks, such projects seem to most voters to have been provided for "free." In fact they are not free; they are extracted from individual property owners who lack the political influence necessary to defend themselves from political exploitation. And, as the New York Court of Appeals observed in a 1976 decision,

If private property is a basic human right, then government bears the burden of justifying the limits that it imposes on an owner's freedom to use what belongs to him.

> the ultimate economic cost of providing the benefit is hidden from those who in a democratic society are given the power of deciding whether or not they wish to obtain the benefit despite the ultimate economic cost, however initially distributed. In other words, the removal from productive use of private property has an ultimate social cost more easily concealed by imposing the cost on the owner alone. When successfully concealed, the public is not likely to have any objection to the "cost-free" benefit.

These effects became starkly real to southern California businesswoman Janet Auxier in 2006, when local officials ordered her to construct three new sections of roadway, install traffic lights and a new water main, and make other improvements totaling more than $200,000 — even though she had not applied for a permit to begin with. Auxier, who runs a business that sells decorative rock and gravel, bought the land in 2003 in the desert city of Hesperia, California. The property, which sits alone with no neighboring structures, had previously been used by a business that sold plaster and drywall. The large lot and isolated building were perfect for storing and selling different types of rock. She never planned to build on or renovate the property, which was already properly zoned for her business.

Nevertheless, city enforcement officers began fining her for operating without a "site plan," a complicated document that, according to city ordinances, only developers are required to prepare. Although the city never told her why she was being required to prepare such a plan when she was not a developer, Auxier hoped that the city would leave her alone if she cooperated. She hired an engineering company to prepare a site plan which would make clear that she did not intend to build anything or change the property in any significant way. Nevertheless, after three years of negotiations, and more than a dozen fines, officials finally accepted her site plan only on the condition that she construct hundreds of thousands of dollars in new public improvements — improvements with no relationship to any effects of her use of the property. Pacific Legal Foundation attorneys took Auxier's case to challenge the city's actions; that lawsuit is now awaiting review by a trial court.

The city's motives are clear. By requiring Auxier to pay the cost of improvements, political leaders can portray themselves as visionaries and their cities as dynamic pro-growth communities, without requiring voters to face the costs of public economic-development programs. Meanwhile, individual property owners like Auxier don't have the political muscle to persuade local officials to leave them alone. They are the quintessential "insular minority." Yet despite courts' self-serving claims that they take special care to protect minority rights, judges actually make little effort to defend property owners from such exploitation. Dominated still by Progressive-era attitudes toward private property, the judiciary virtually always defers to local government authority — most notoriously in the 2005 eminent domain case, *Kelo* v. *New London*, when the Supreme Court abandoned any serious legal limit on the power of local officials to seize homes and businesses for the benefit of politically connected developers and ambitious bureaucracies.

Rules limiting the uses of land have existed for centuries. But the Progressive era witnessed a fundamental intellectual shift, as intellectual leaders — and particularly lawyers and judges — jettisoned the founders' classical liberal conception of natural rights and replaced it with the idea of rights as permissions. This helped reinforce the Progressives' fondness for central planning and urban redevelopment. "Progressives loathed the absence of a comprehensive plan," wrote law professor Eric Claeys in a recent issue of the Fordham Law Review. "Recall that Progressives liked to equate the local community to an organism. . . . Progressives measured the political health of the city by the extent to which citizens acted with a common purpose; a comprehensive prearranged city plan was proof that they were."

That era's leading innovation in land-use control was the concept of "zoning," validated by the U.S. Supreme Court in the case of *Village of Euclid* v. *Ambler Realty* in 1926. Justice George Sutherland, torn between his own Progressive political leanings and his sincere belief in the importance of private property rights, ruled that zoning laws were constitutional because they simply modernized the long-understood principles of nuisance law: "There is no serious difference of opinion in respect of the validity of laws and regulations fixing the height of buildings within reasonable limits, the character of materials and methods of construction, and the adjoining area which must be left open, in order to minimize the danger of fire or collapse, the evils of overcrowding and the like, and excluding from residential sections offensive trades, industries and structures likely to create nuisances," he wrote. In his eyes, zoning simply existed to prevent "a right thing in the wrong place, like a pig in the parlor instead of the barnyard."

But zoning was much more than that, as became clear over the ensuing decades. Rather than organizing the uses of property in any systematic and rational way, zoning laws only shifted the power to determine the use of land out of the hands of property owners — where those decisions were made by balancing supply and demand — and into the hands of political authorities, where decisions are made on the basis of popularity and influence. The zoning map of any major metropolitan area today would probably look every bit as random and haphazard as the land-use map of a century ago. Cities are not more rationally or systematically planned now; the major difference is that land-use decisions are made on a political rather than on an economic basis. Houston is the last major city in America not to have adopted extensive zoning (although city officials exploit a variety of land-use restrictions to achieve similar purposes). Yet while some of its neighborhoods are more eclectic than neighborhoods in cities with zoning, these differences are not dramatic. Instead, land uses in Houston are more closely tied to the actual desires of consumers and landowners than they are in other cities, where they are dictated more by the political influence of developers, environmentalists, unions, and other lobbyists. One consequence is that housing costs in Houston are significantly lower than those in other cities. A 2,000-square foot home in Houston costs about $120,000; in New York City the price is $1.7 million. As a Houston-area contractor wrote in a recent issue of The Objective Standard, "Because Houston's builders and developers are less shackled by land-use restrictions, they are able to use property in ways that make the most economic sense; they are better able to supply the market with property for each type of use; they are able to sell and lease property at lower prices; and they are able to change land uses more easily and efficiently than would be possible under zoning laws."

So long as zoning was seen as a variety of nuisance law, it was possible that such restrictions might be logically limited. The concept of "nuisance" builds on the *sic utere* principle. *Sic utere* accorded property owners a broad realm of individual choice. But as zoning morphed into the Progressive central planning model instead, land uses became dictated by a new principle: an individual may use land only so far as approved by government officials. In his book "Restoring The Lost Constitution," law professor Randy Barnett argues that "we must choose between two fundamentally different constructions of the Constitution. . . . We either accept the presumption that in pursuing happiness persons may do whatever is not justly prohibited or we are left with a presumption that the government may do whatever is not expressly prohibited." But in the context of private property rights, this choice

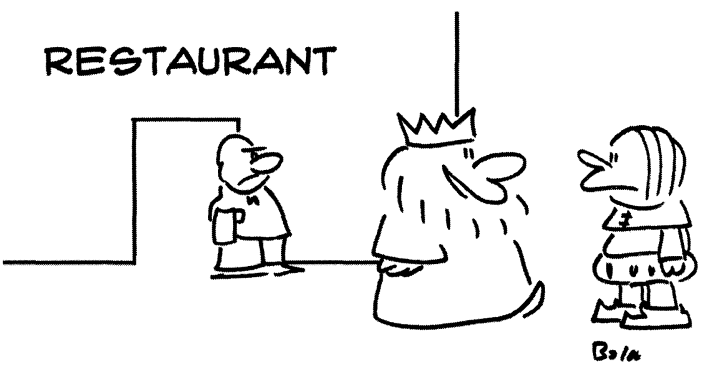

"I didn't have any cash, so I used eminent domain."

was made long ago by the Progressive-era shift away from traditional nuisance concepts — premised on the classical liberal view that individuals have the natural right to act freely as long as they injure nobody else — and toward the central planning conception that individual freedom is only a privilege the individual lacks until given it by the state. With that shift, zoning was transformed from a rule for keeping pigs out of parlors, into a tool with which bureaucrats could sculpt neighborhoods as they saw fit.

Like zoning laws, permit-based exactions give government officials, instead of consumers, broad power to make decisions about the land use. One common exaction demanded of developers who wish to construct apartment buildings is that they also build a certain amount of "affordable housing." For example, in 2006, the city of Santa Monica, California, adopted an ordinance forcing developers to rent at least 20% of their apartment units at below-market prices. A coalition of apartment owners sued, arguing that under the *Nollan* decision, the ordinance was an unconstitutional taking of their property. But state court judges dismissed the case, holding that the limits set by the *Nollan* decision do not apply to exactions imposed by ordinances, but only those imposed by zoning boards or other committees. The United States Supreme Court refused to hear the case.

A lawsuit like the Griswolds' voting rights case may seem extreme, but in fact there is little difference in principle between it and demands by other local governments that property owners yield land or money in exchange for permits. If property rights are only a privilege extended by government fiat, then public officials have broad power to set the conditions for those grants. And if it can force landowners to give up their money, or their land, or to devote some of their property to below-market rental or to permanent farming, why not also demand that she waive her right to vote?

The central problem is the shift away from the Founders' classical liberal view of natural, human rights and toward the Progressives' view that rights are permissions based on political consensus. With that shift came a gradual change in the nature of land-use regulation; originally a mechanism for preventing nuisances, land-use planning morphed into a device for centralized social planning. Where nuisance law sought to protect each person's equal right to use property as he sees fit, the Progressive central planning model holds that experts should choose the "right" uses of land — uses that may or may not reflect the actual desires of individuals — and enforce that vision on property owners. The problems with land-use regulation will not be resolved until Americans, and particularly lawyers and judges, rethink their basic philosophical approach to private property rights.

But this endeavor, too, is obstructed by the legacy of Progressive-era judges, who believed that courts have no business addressing philosophical issues. They argued that such issues are better left to the legislature; in their eyes, the judiciary's role is limited solely to applying the law. This was the theory of "judicial restraint," another Progressive-era innovation. "If my fellow Americans want to go to Hell, I will help them," Oliver Wendell Holmes told a friend. "That's my job." But this conception of the judge's role would have struck the Constitution's authors as farcical and dangerous. They expected and even encouraged judges to address complicated and abstract questions of justice and individual rights. Indeed, it is impossible for judges to interpret the

The California Coastal Commission agreed to allow the Sterlings to build a home on their 143-acre property — but only if they signed a permanent easement pledging forever to use 142 acres of their land as a farm.

Constitution without doing so. That document explicitly declares that no person shall be deprived of property without due process of law. Yet these terms are left undefined. Without understanding what the framers understood by the words "law," or "property," this constitutional injunction is incomprehensible. Holmes and other Progressive judges held that the Constitution does not embody any particular political or economic theory at all, but is a blank slate on which electoral majorities can write their preferences into law: "It is made for people of fundamentally differing views," Holmes wrote in his most famous dissenting opinion. "The word 'liberty,' in the 14th Amendment, is perverted when it is held to prevent the natural outcome of a dominant opinion. . . ." To James Madison and other Founders, this was the very definition of liberty in a democracy. "Wherever the real power in a Government lies, there is the danger of oppression," Madison wrote in 1788. "In our Governments the real power lies in the majority of the Community, and the invasion of private rights is *chiefly* [sic] to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents."

Thanks to the overwhelming influence of Progressive thinkers, however, many of today's judges, including such conservative stalwarts as Justice Scalia, hold that questions about human rights are beyond their purview. Indeed, in the *Nollan* case itself, Scalia made a remarkable concession. While explaining that land-use restrictions must relate to a legitimate government interest, he observed that "Our cases have not elaborated on the standards for determining what constitutes a 'legitimate state interest.' "

This is an astonishing thing to say. If the justices of the United States Supreme Court cannot say with any degree of confidence what is and is not a legitimate state interest, then they would seem to have no work left to do. If one does not know the ends one is pursuing, then one has no foundation for discussing the means chosen to pursue them. It would be like trying to judge the usefulness of a map without having

continued on page 34

Healthcare Down at the DMV

by Bill Merritt

No need to fear what's on the horizon
when we can dread what's already in place.

I don't want to sound like an ingrate here, but the Veterans Administration is not the healthcare provider of choice for anybody who actually has a choice.

I know, I know. As a libertarian, I'm not supposed to be sucking on the government's tit. But a few years ago Blue Cross raised my premiums a hundred dollars a month to cover the cost of the "legislatively mandated benefits" that the state of Oregon had forced health insurance companies to provide as part of someone's scheme to get reelected. The benefits in question turned out to be an extra day, all expenses paid, in the maternity ward for anybody who has just given birth. This was not a benefit I was ever likely to benefit from, but there it was. Provided to me by law. Paid for by me, also by law, and pricing me right out of the private insurance market.

As long as I was rationalizing sucking government tit, it occurred to me that I hadn't had all that much choice about being a veteran, either; and the more I thought about it, the more it seemed meet and right for Uncle to front me a little healthcare in return. Yea, very meet and right. And Uncle's bounden duty, once my thoughts got rolling in that direction. Verily, healthcare is the least he can do for me. Unfortunately, healthcare through the Veterans Administration *is* the least he can do.

I don't know what stories you have heard about VA hospitals, but I can tell you this: they are all true. VA hospitals are worse for you than Nazis. At least they were for my brother-in-law's dad. He was a genuine World War II hero, a paratrooper who solo-jumped behind German lines to spy out troop dispositions and, somehow, made it home alive. He didn't make it home alive from the VA, though.

Luther was a bricklayer who had just finished a job that required him to haul hundreds of concrete blocks high onto a scaffold, then spend ten hours a day placing the blocks into a wall, so he was in plenty good health. But he did have that irregular heartbeat his doctor told him he should get looked into sometime, and he decided Wednesday would be as good a day as any to drop by the VA and have it checked out. Being a member of the FDR generation, he actually trusted the government to do something like that.

The VA stuck him with a needle which gave him an infection. By Friday, the infection was so bad that they sent a blood sample down to the lab to find out what was infecting him. It was a ten-minute test, and any other lab in the world would have shot back the results half an hour later, but a three-day weekend was coming up, this was a VA lab, and the results didn't arrive until the following Tuesday. Luther turned out to have an easy sort of infection to treat, but, without the test results, nobody treated it. By Tuesday, the old paratrooper was dead.

What triggered this rant was an article in the New Yorker in which some overly important twit named Hendrik Hertzberg tried to persuade the rest of us that the healthcare plan Hillary Clinton schemed up back when she wanted to get herself elected wasn't nearly as scary as the one she tried to ram down our throats in 1993. Because Hillary's later plan would have been modeled on the VA system, Hertzberg assured us, nobody should have been spooked by the prospect of actually having to receive healthcare under the thing. He wound up with the soothing conceit that VA healthcare is one of the "most efficient, merciful . . . components of the American health-care system."

This kind of crap is the Left's Fantasyland way of dealing with the fact that no society on earth can afford top-of-the-line healthcare for all its citizens. Modern medicine is too complex and way too expensive for everybody to have as much of it as he needs. Every country has to cut corners, and every corner cut hurts lots of people. Different countries just cut different corners.

When you ask people on the Left whose system works better than ours, whose model should we scrap ours in favor of — Canada's? Britain's? Cuba's? Red China's? — they never point to these foreign debacles, at least if they know anything about what goes on in those countries. Instead, they point to the VA.

The VA is the model we want, the American Lefty says. The VA is one of the most efficient and merciful components of our healthcare system. All we have to do is open the VA to all Americans and presto chango, health problems are solved.

This kind of blather just reinforces my impression that no member of the American Left has ever actually served in the military. In fact, it leaves me thinking that members of the Left are so cut off from the rest of society that they don't even know any veterans. If they did, they might have heard some basic facts about VA healthcare, such as what happens when you try to fill a prescription.

VA prescriptions are fillable at VA pharmacies, so that's where you take them. When you get to the pharmacy, something like 20 or 30 old farts — unless this is the day the bus comes in from the Old-Vet's Home, in which case many, many more old farts — will be waiting in leatherette-covered government chairs ahead of you. At the end of the room will be four or five pharmacy windows where, when your turn comes, you hand in your prescription. Some windows will be empty, some will have a pharmacist inside. But just because there's a pharmacist in a window doesn't increase your odds of being called to that window, at least not any time soon, because, mainly, the pharmacists aren't accepting prescriptions. Instead, they are involved with important paperwork tasks, and only deal with veterans when they need to clear their heads and take a momentary break from their real work. On average, a vet gets called to a window about every 20 minutes. With one or two dozen guys ahead of you, you can spend the better part of a day waiting to hand in your prescription.

This isn't to get pills, mind you. Pills come hours later — at the end of another line, stalled in front of another window. That is, assuming the pharmacist jotted down the right notes when he read your prescription, the person filling the prescription went to the right shelf, and the person who handed you your pills grabbed the right bottle. You'd better check, because lots of times one of them didn't. But if you discover something amiss, you have to start over. I have made as many as five trips to the VA to have a single prescription filled.

If you are of a reflective turn of mind, it will occur to you that you shouldn't ever have to wait to hand in a prescription, that it would be a small matter for your doctor to phone the prescription directly to the pharmacy and an even smaller matter for the physician's assistant to post it on the pharmacy's computer. An almost trivial matter for someone at the pharmacy to set out a pasteboard box and let everybody drop prescriptions in. But none of this would be the Government Way. Being ignored by a bureaucrat is the Government Way and, by golly, ignored by a bureaucrat you will be. Unless you can't stand it anymore and call attention to yourself. Which happened once while I was there.

The pharmacists had been not calling vets to the window for so long that one old fart lost his cool and pointed out that he had been sitting in a leatherette-covered chair all morning, and couldn't one or two of you gentlemen please see your way clear to actually dealing with the folks you are here to deal with? Hearing this, a fellow who looked old enough to be the last surviving soldier from the Spanish American War ventured in a quavery voice something along the lines of, Yeah, I've been here a long time, too. Which led a couple of Civil War vets, and one or two from the War of 1812 and, I'm pretty sure, a guy left over from the Continental Army, to pipe up in agreement. A general murmur began to rise from walkers and wheelchairs and gurneys around the room, and all three pharmacists stopped what they were doing and looked up, one for the first time that morning. Veterans out of control, you could almost see them thinking.

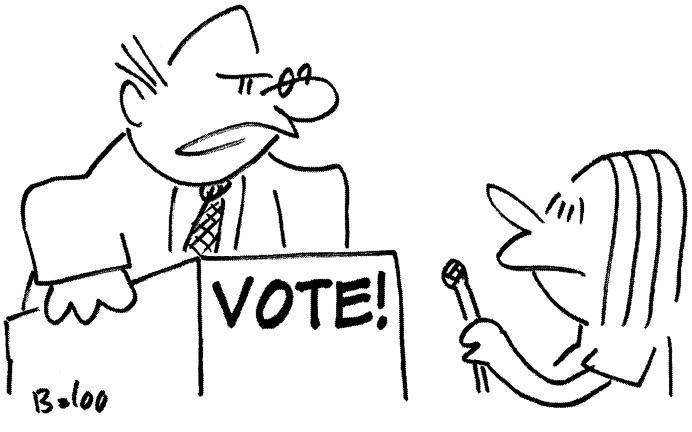

"You're damn right my health plan will cover erectile dysfunction!"

We have a situation here, the pharmacists told themselves, then did what they had undoubtedly taken seminars to learn to do when a situation arises. They slammed steel shutters over all five windows, going into lockdown mode as smoothly and thoroughly as a Federal Reserve bank threatened by terrorists.

As bad as left-wing Americans imagine our private healthcare system to be, I challenge anyone to name another pharmacy in the country that has to keep physical barriers and formal procedures at the ready just to protect its employees from outraged customers.

This didn't happen at some run-of-the-mill backwoods outpost of the VA, either. This happened at the Portland, Oregon, Veterans Administration Medical Center, probably the finest, most cutting-edge, most award-winning hospital in all VAdom. Because it is so well run, because its standards are so high and it is so generally well thought of, the Portland VAMC attracts healthcare workers from all over the country to hone their skills working with the finest of their profession.

The VA stuck Luther with a needle which gave him an infection. The infection would have been easy to treat, but nobody at the VA hospital treated it. Within a week, the old paratrooper was dead.

This brings up an odd point. These pharmacists may actually be good at being pharmacists. It's just that having to spend most of their professional lives doing government paperwork makes them look bad. On the other hand, they may have started out good at being pharmacists but were dulled into their present level of ability through a kind of reverse Peter Principle from years of mind-numbing routine and unrelenting boredom. On the third hand, they may be sitting at that pharmacy window because every private hospital, drugstore, and HMO they applied to out of pharmacy school checked their transcripts, looked over their letters of reference, and then sent them a polite note thanking them for their interest and promising to keep their application on file in case a suitable vacancy comes up.

Like every other employer, the VA hires what it can get, and (there is no courteous way of putting this) the VA is not Johns Hopkins. Not every best-and-brightest, most energetic and intellectually active up-and-coming young medical professional looks to a lifetime of federal wages, federal job security and federal paperwork as the crème-de-la-crème of career opportunities.

Johns Hopkins or not, the VA still has a lot of hospitals and a lot of clinics to staff and, because their reputation precedes them, they may have to dip deeper into the applicant pool than most storefront clinics in America would consider best practice. Add to this the general inability of any government agency to deal forthrightly with poor employees through demotions, firings, or even promotion of everybody else for any reason besides longevity, and the VA has no management tools left, other than overmanagement through rules and paperwork that are guaranteed to squeeze the competence out of the people who don't need so many rules and so much paperwork to make them do their jobs.

With these factors at work, you can find professionals at the VA with a level of remove from modern theories of medicine that should have been hard to come up with in any Western community since the close of the Middle Ages. If Hertzberg had ever talked to a vet, he might know some of this. He might even have heard stories about the kind of people you can run into down there.

Here's a story he should hear. Recently I was in Oregon for a wedding and took the opportunity to check in with a doctor — not because I needed medical care but because the VA has a rule that if you don't come by at least once a year, it drops you from its rolls. Since I didn't have any pressing health needs other than to arrange to have some medications mailed to me in Africa, the doctor and I had time to chat, the conversation spun badly out of control, and she wound up revealing more about her opinions on the role of medicine in the modern world than was, perhaps, wise.

Things began to take a wrong turn when she asked the standard doctor-initiated question about whether I smoke. Not yet, I said, but I have noticed that a lot of people seem to enjoy smoking and, since I'm getting to the age where cancer won't have time to catch up with me, I'm thinking of taking up the habit. Do you have any advice on how to get started? Her advice consisted of asking why I didn't want to live forever.

I told her I thought 85 would be just about right for me, that I'd never known anybody much older who seemed very healthy or very happy.

No, she told me, no, no. Don't think like that. If you can just hold out until 2020 everything will be different. You can live forever and stay young the whole time.

I have to admit that staying young forever has been an ambition of mine for more decades than I care to confess, that a large part of me had been waiting to hear just these words from a respected medical professional, and that I perked right up when I heard them from her. Staying forever young, I thought, would be just the thing to give up starting smoking for. I even had a theory about how it might work. This has something to do with the Singularity, I told myself. The Singularity is coming. So I asked my new best-friend doctor how much progress the Singularity was making, and would it really be here in time to save me? And got a blank look.

We have a situation here, the pharmacists told themselves, then did what they had undoubtedly taken seminars to learn to do when a situation arises. They slammed steel shutters over all five windows, going into lockdown mode.

"You know," I said. "The *Singularity*. When all the trends converge."

Still blank.

"Computers double in power every 18 months. By 2020 they will be as smart as we are. They might even wake up. A year and a half later, they will be twice as smart. That's going to mean something important, and it's going to happen about the time nanotechnology takes off and you doctors start injecting little machines into our bodies to fix whatever hasn't even gone wrong yet. Which will occur just as the bioengineers learn how to custom-grow body parts out of beef broth and old nail parings. They'll even be designing body parts that none of us ever had before. After the Singularity, the very definition of what it means to be human will be so radically . . ."

"Things of this world are not going to give you everlasting life," the doctor interrupted sweetly. "All you have to do is hang on until the Second Coming and let Jesus take care of . . ."

Jesus? "Jesus is going to cure my . . . ?"

"*Human* medicine can't cure anything."

This led to a short philosophical dialogue on the efficacy of human medicine, in which my government-provided doctor revealed that, doctor or no, she meant what she said: so-called "medical" cures were nothing less than small-scale divine intercessions. It was the personal intervention of God, not the miracle of human medicine, that was hard at work when somebody got cured. Having been cured by human medicine on more than one occasion while God was on coffee break, I didn't share her lack of confidence in the powers of science. But, then, maybe hers was a conclusion derived from spending too much time at the VA.

Now, I suppose that discovering your doctor doesn't really believe in medicine might come as a surprise along the lines of discovering that Mother Teresa didn't really believe in God. Both these revelations came as a surprise to me, but neither came as a shock. I am naturally suspicious of people who make a big, important social cause out of their poverty, and anybody who gets his healthcare from the VA has been desensitized to a lot more than mere off-the-wall theories. You will be, too, once Hertzberg and his ilk have their way and you start spending time down there.

I don't know what the doctor would have done if I had been sick. Fired up a hymn? Wafted incense across my body? Interceded through the power of prayer? Called for a laying-on of hands? Whatever, it very likely would have spared me a trip to the pharmacy, and that would have been a plus. Even government pharmacies only trade in the products of human medicine. At least, as far as I know. Regardless of any possible side benefits, though, had the VA let me choose my own doctor, I would have gone for somebody with a firmer grasp on the value of evidence-based medicine.

Hertzberg and lots of other people who think VA healthcare is just the ticket for the rest of us are going to point out that my stories, and all the ones you have heard, too, are anecdotal. You can expect that. Refusing to acknowledge evidence you can't refute is the last refuge of somebody who is losing an argument. But there is nothing misleading about anecdotes. Anecdotes convey real human experience. In the medical world, an entire corpus of knowledge is built up of anecdotes. Doctors call them case histories and, when enough case histories tell the same story, doctors say we have an epidemic. And it's a pretty serious epidemic that can kill an otherwise healthy man within a few days.

My brother-in-law's dad was the very guy a grateful nation had in mind when we set up the Veterans Administration. War hero. Greatest Generation. Not very well-heeled, so government-provided medical services were something he could really use. You aren't. You never parachuted behind Nazi lines to spy out troop movements, and it's hard to see why the VA would be any more vigorous in protecting your health than it was that of the old paratrooper.

Now here's the thing: the VA can't do any better. It's not just a matter of tinkering around the margins, of replacing crazy Christians with atheists, of giving pharmacists sensitivity training, or seeing to it that test results come back when they can still do some good. None of it, or anything else, will make a bit of difference as long as the government is providing the healthcare. No matter what scheme Mr. Obama and the Senate and all the Hendrik Hertzbergs cheering them on may cook up, ipso facto profundo, if the government provides it, it will be government-provided healthcare.

No matter how much money we throw at it, no matter how much effort we pour into trying to make it work the way lots of our healthcare system works right now, entrusting America's health care to America's government will result in the same efficiency, innovation, compassion, individual initiative, and attention to detail, the same 21st-century management practices, the same moderate fees and array of choices, the same ability to take our business elsewhere if we don't like the way we are treated, that we have learned to expect from entrusting our driver testing to the Department of Motor Vehicles.

But perhaps I understate. ❑

Property Rights — or Property Permissions?, *from page 30*

any destination. And if one has no concept of the boundary between legitimate and illegitimate government purposes, then there is little room left for a judiciary designed to police the boundaries of legislative power.

Of course, the Constitution's authors knew well enough what a legitimate state interest is: they wrote as much in the Declaration of Independence, when they said that government exists to secure individual rights to life, liberty, and the pursuit of happiness — not to redistribute wealth for the benefit of politically influential lobbyists. Their belief that government should, in Jefferson's words, "restrain men from injuring one another" and "leave them otherwise free to regulate their own pursuits of industry and improvement," is fundamentally incompatible with the Progressive view of rights as government permissions, much less their faith in the central planning model of land-use regulation, both of which dominate courts and legislatures today. At the center of disputes like the *Griswold*, *Auxier*, and *Sterling* cases, and thousands of others like them, is a crucial philosophical conflict about the nature of individual freedom in the constitutional order. As long as lawyers and judges shun these profound questions, they will be unable to resolve these cases. ❑

Ban 'em All

by Jamie McEwan

The Olympic Games should be a showcase for the world's greatest athletes. Instead, it's a quota-driven spectacle with a disproportionate number of third- and fourth-tier competitors.

There came a moment, 17 years ago, when the International Olympic Committee showed — or at least seemed to show — a momentary concern for *athletes*, of all people. Not just for the handful of media darlings whom the IOC couldn't help but notice, but for a group of ordinary, garden-variety world-class athletes struggling for their once-a-quadrennium chance to share the Olympic limelight.

Though best known for living high on the expense accounts of cities bidding for the privilege of hosting the games, the International Olympic Committee members took a rational and even innovative course of action that benefited no one except a few score international athletes. And in so doing they showed the world how much better a sporting event the Olympics could be.

I refer to 1992, the year when the Committee temporarily created a new category of competitor: the "IOP."

Perhaps embarrassed by the subversive simplicity of its own plan, the International Olympic Committee did not establish this revolutionary category with what would have been the appropriate fanfare and publicity. Nor did the press seize upon this unprecedented departure from Olympic protocol. The only reason that I myself happened to notice was that I was there, a curious athlete with time on his hands.

I was preparing to compete in the whitewater slalom event in the Barcelona Olympics of 1992. A necessary part of preparation for a major event is "peaking," and a necessary part of "peaking" is "resting" — a.k.a. doing nothing. But there being only so much nothing that we could do, my fellow athletes and I spent a good deal of time surfing a kind of private internet — punching buttons on one of the "Amicus" terminals that linked our far-flung canoe & kayak slalom venue with the main Barcelona Olympic Village.

I was standing at a terminal, looking up that evening's competitions. "Swimming, 400 meter freestyle finals, Women; Roller Hockey preliminaries, SUI vs. JPN; table tennis preliminaries, men's doubles: KOR, FRA, CRO, JPN, PRK, IOP."

Now, I took pride in my mastery of the Olympic three-letter abbreviations. At a glance I could read off Switzerland, Japan, Korea, France, Croatia; I could even identify PRK as North Korea. But IOP? That had me stumped. Islands of the Pacific? Iopia?

More button punching, and the computer gave up its little

secret: IOP didn't signify any country at all. IOP stood for "Independent Olympic Participant."

Whoa! How had IOP table-tennis competitors "Grujic, Slobodan" and "Lupulesku, Ilija," managed that?

While I had been concentrating on training and trials, a new era had dawned, unnoticed. Grujic and Lupulesku were two of 59 competitors (all from parts of what had once been the Socialist Federal Republic of Yugoslavia) who, for the first time since the disorganized days of the three earliest modern Olympics, were permitted to compete without national affiliation.

The last remaining piece of Yugoslavia still using the name "Yugoslavia" had been banned from the Olympic Games. There was nothing surprising about that; it would be an unusual Olympics indeed in which at least one country was not banned. The surprising thing was that the International Olympic Committee seemed to care, not about Yugoslavia, but about Yugoslavian — and Macedonian — athletes. (Macedonia, another chunk of the old SFR of Yugoslavia, had not existed long enough to form its own National Olympic Committee.) The IOC's unprecedented solution was to create a new category of competitor: the IOP.

Plain white uniforms. Olympic anthem if you win. Please, stay out of the opening ceremonies. But you can compete.

This sane, elegantly simple stratagem could have benefited large numbers of athletes over the years: from those without a country after World War II to the South African athletes who had come of age during their country's 30 years on the banned list. (It must have felt very strange to the black South Africans banned from international competition because their government was discriminating against them.)

Sane, simple, and revolutionary. The quiet inclusion of these athletes without a country pointed up the fact that it is not countries that compete in the Olympics, but athletes. People, individual people. And seeing how easily one or two countries could be dispensed with brought up the intriguing question: why not dispense with all of them?

Recent history has shown how shifting and arbitrary these things called "nations" can be. So why wait for the next crisis? Why not preempt the inevitable political maneuverings, the boycotts and sanctions, by doing away with nations altogether? What worked for the Yugoslavian and Macedonian competitors could work for all of us, all the time. Keep the athletes, but ban the countries, each and every one of them.

Grujic and Lupulesku were two of 59 Olympic athletes who were permitted to compete without national affiliation.

Ban 'em all.

What are the Olympic Games about, anyway? If they are about sport, then removing the "nation" as the unit of athlete selection would make for a far better sporting event. You may think that you've been seeing the world's best athletes gather every four years, but you haven't. The allocation of Olympic entries by country — at times by continent — varies from sport to sport, but in no case is athletic ability the first criterion. If you're a table tennis player from China, a slalom canoeist from Slovakia, or a swimmer from the United States, my advice is, change nationalities as fast as you can. Through the vagaries of national selection, many potential medalists are excluded from the world's most prestigious sporting event.

In 1992 the world record holder in the decathlon, Dan O'Brien, sat out the games, and the world champion kayaker, Shaun Pierce, was left at home. History repeated itself in last year's Beijing Olympics when the reigning world champion in kayak slalom, Sebastian Combot of France, failed to qualify as France's single allowed entry. What's more, the eventual bronze medalist, Benjamin Boukpeti — a lifelong resident of France who had only once visited his father's native Togo — would have been excluded as well, if it had not been for the fortunate heritage that allowed him to enter as a Togolese. Birthright alone enabled Boukpeti to compete in an event in which he was demonstrably good enough to medal. Many aren't so lucky. I would wager that every sport, at every Olympics, excludes potential medalists, while at the same time allowing far less accomplished competitors to share the Olympic experience with an arbitrary selection of the world's elite athletes.

The allocation of Olympic entries varies from sport to sport, but in no case is athletic ability the first criterion.

Ignoring national origin would make it possible to create an authentic showcase for the world's best. Selection could be based on the previous year's world championships, on World Cup competitions, or on international rankings, with a few slots left open for late bloomers to qualify from early-season competitions. A fairer and more competitive Olympics would result.

What's more, this non-nationalistic format would give the ghost of Baron Pierre Coubertin, founder of the modern Olympics, at least the ghost of a chance to see his original hopes of fostering international understanding fulfilled. Unfortunately, his noble plan held the seeds of self-contradiction from its very beginning, planted there by the good baron himself. In one and the same speech Coubertin could feel "well assured that the victors in the Stadion at Athens wished for no other recompense when they heard the people cheer the flag of their country in honor of their achievement" — he is referring to the scene at the very first Olympics in 1896 — and go on to suggest that the games "may be a potent, if indirect, factor in securing universal peace."

History suggests that 20th-century sports have had the opposite effect. If so, it's little wonder, for the current Olympic format — copied by most international sports competitions — is more calculated to inflame rivalries than to inspire fellow-

ship. The awards ceremony, with its flag raising, its playing of the winner's national anthem while losers and spectators stand at respectful attention, represents in potent symbolism the submerging of individual achievement in a glorification of national identity. The infamous "Hitler" games of 1936, with all their Aryan strutting, were not an aberration, but simply an unusually forthright expression of the jingoism that underlies the modern games. Although there isn't a contemporary vice or corruption that hasn't an ancient counterpart, those admittedly xenophobic Greeks got one thing right: the format of the original Olympics glorified the individual human being, not the group. And perhaps it's not coincidence that the ancient games endured 1,200 years without a single missed Olympiad. Twelve centuries without a gap! It's an especially astonishing record when you consider that the modern Olympics couldn't get through their first century without failing, not once but *three* times, to hold the quadrennial celebration. Where's Zeus when we need him?

Admittedly, banning countries from the Olympics would not be enough to take the politics out of sport. There is a politics to everything; it will never entirely go away. But at least we could restrict International Olympic Committee wrangling to pole-vault specifications and which new sports to include, and leave the flag waving to the fans in the stands. And to the networks, of course.

Other things being equal, we'll always be more excited when a friend wins over a stranger, a local over someone from another coast, someone who speaks our language over someone who chatters incomprehensibly in a foreign tongue. Redheads will tend to cheer for redheads. That's human nature, I suppose. I wouldn't try to stop the Chinese from unofficially putting together a volleyball team, or the United States from assembling a swimming relay. But how backward and absurd it is to *require* that teams be formed by the happenstance of citizenship.

Doing away with all the mandated nationalistic preening would make for a more congenial international gathering. Have the athletes march into the opening and closing ceremonies grouped by sport, not nation. Apply the same restrictions to nationalistic symbols on uniforms that are applied to commercial logos. Sure, nationalism will sneak in through the back door. Fine. But make it sneak. Don't welcome it with a big brass band. Do away with those anthems. Burn the flags. Or rather, stitch them into something useful, like quilts.

It's true, banning countries from the Olympics makes too much sense to actually happen. Changing the status quo might well require the well-aimed thunderbolts of divine intervention. The modern Olympic movement is all about medal counts and flags and anthems and uniforms, all the trappings of nationalism, simply because nationalism fuels the Olympic machinery. Almost all national sports teams — the United States being a notable exception — are heavily subsidized by their governments. And in the United States, where television ratings are the single most important metric of Olympic success, the average viewer can only be sucked into watching a bunch of minor sports he doesn't care about by the possibility that "his" jock will beat "their" jocks. Take away nationalism and the Olympics would become nothing but . . . a sporting event.

We can only dream. ❑

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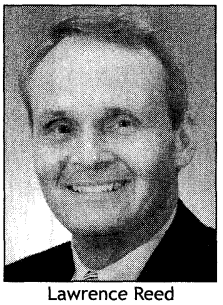

Lawrence Reed
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Lawrence Reed: president of the Foundation for Economic Education, president emeritus of the Mackinac Center for Public Policy, freelance journalist, prolific writer, and popular speaker. For an interview of Larry Reed on ReasonTV, please see ***http://fee.org/videos/68/***.

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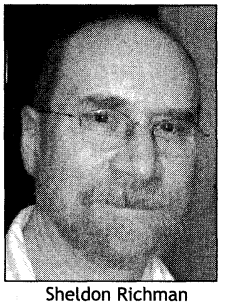

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Reflections, *from page 24*

married (in 1938), they were in agreement that she would place the care of her children above her career as an economist. Thus, there was never a question of "whose career came first," she wrote in the Friedmans' 1998 joint memoir, "Two Lucky People."

For those aware of today's frantic cross-country marriages and difficult "spousal hires" in academia, this peaceful and cooperative coexistence between two tremendously talented people may seem very mid-20th century; and indeed it was. "In part this attitude on my part was probably a reflection of the times," she wrote in her memoir. "Women's lib was not yet on the horizon."

But there was more to it than that. "From the beginning," she wrote, "I have never had the desire to compete with Milton professionally (perhaps because I was smart enough to recognize that I couldn't). On the other hand, he has always made me feel that his achievement is my achievement." And she was less comfortable in the limelight than he.

Yet, although Milton Friedman might have won a Nobel Prize without Rose, one of the activities that brought him the most fame, the "Free to Choose" documentary series on PBS, might never have happened without her. When the opportunity arose, Milton was reluctant. He thought of himself as a writer influencing economists, not a spokesman on a public television series. But Rose disagreed and persuaded him to accept the project. She was associate producer, and as Milton wrote in his memoir, she "played an indispensable role: she participated in every planning session and every editing session; she was on every shoot . . . she was the best critic of my performance, and perhaps most important the only one willing to be blunt in criticizing me."

The fact that Rose became a graduate student in economics at the University of Chicago is itself somewhat remarkable, considering that she was born in a small, mostly Russian town in what is now Ukraine. Her family moved to Portland, Oregon, when she was two years old. Her father worked as a peddler (he eventually owned a couple of small stores).

Rose attended public school, then Reed College for two years. In her junior year, she went to the University of Chicago, where her brother, Aaron Director, ten years older than she, was already on the faculty. Rose met Milton, also a graduate student in economics at Chicago, in 1932. Six years later they were married, and their partnership, as well as the creation of their family, began. They had two children, Janet and David, the latter well-known to readers of these pages.

It is said that Rose is the only person who ever bested Milton in an argument (but I haven't found out what that argument was). For the most part, they were in agreement. Rose told The Wall Street Journal in 2006 that their first policy disagreement was over the U.S. entry into Iraq in 2003. She favored it; her husband was opposed.

Much of what I know about Rose Director Friedman comes from the 650-page memoir, "Two Lucky People," a rich collection of anecdotes and personal history, with sprinklings of policy discussion. The only thing wrong with it is its title. Luck is not randomly distributed. Together Milton and Rose Friedman forged a partnership that has revolutionized thinking around the world, bringing back acceptance of free markets. Rose Friedman played a vital role, and we are all fortunate that she was there. — Jane S. Shaw

Letters, *from page 6*

It's a clever way of deflecting the question, "Where is Abel?" He gives a true answer — it's not my job — without giving the real answer — his body is in the grain field where I left him. A classic example of sidestepping an issue by answering a question with a question.

But I think you go too far in maligning those who simply approach the discussion from a different angle. A keeper — one who keeps animals in a zoo, as you point out, or political prisoners in a tower (also called a "keep"), or who keeps a willing mistress in an apartment for that matter — is responsible for feeding and sheltering the animals (or prisoners, or mistress) because they no longer have the freedom to provide for themselves. "Keep" means "to retain," but it also means "to maintain," "to guard," "to observe" (as the Sabbath), "to stay fresh" (not spoil — interesting in the context of Abel's decomposing body), "to provide for or support." All these definitions demonstrate the dual nature of "keeping" — the keeper exerts control over the one who is kept, but at the same time is controlled by the needs of the one he keeps.

The title "My Sister's Keeper," as it turns out, works in both senses of the word. By providing her sister with blood, stem cells, tissue, and perhaps a kidney, the healthy sister keeps (provides for) her cancer-ridden sister, but also keeps her imprisoned in a body that has become painful and exhausting and a hospital room that has become depressing and confining. Only when each acknowledges the right not to be kept do they both find freedom.

Mythopoesis

In my opinion, people talk and write way too much about Ayn Rand and her works. Her big books speak for themselves, and I'm glad to see so many folks reading them. But the chatterbox full of Randians and anti-Randians that too often overflows into the pages of Liberty is tedious. Stephen Cox's review of Anne Heller's new Rand biography ("Ayn's World," October) is the first thing about Rand that I have really enjoyed reading in years. It takes some work to know Rand well and still be able to step out of the Randian universe and give it some context. Cox did the work in his review and apparently Heller does it in her biography.

Still, I have a bone to pick. (And, after all, why even write to the editor without a bone?) Cox identifies a "golden thread" of literary artists who have created "self-substantive literary realities." As soon as he named the artists, I knew exactly what he meant: Rabelais, Swift, Melville, Faulkner, Borges, Tolkien. Next came Cox's outrageous claim that "none of them created a Following, a Circle, a Cult as Rand did." To that nonsense I retort: Frodo Lives!

Michael Christian
San Diego, CA

Reviews

"Churchill, Hitler, and 'The Unnecessary War': How Britain Lost Its Empire and the West Lost the World," by Patrick J. Buchanan. Crown, 2008, 540 pages.

The Tangled Web

Leland B. Yeager

Pat Buchanan is a provocative controversialist on TV panels about public affairs. He is no libertarian. Still, his latest book can bolster a libertarian slant on foreign policy, as I'll explain at the end of this review.

With the word "war," singular, Buchanan evidently counts World Wars I and II as episodes in a great war dominating the first half of the 20th century. Harsh provisions of the Treaty of Versailles, including some that even the victorious Allies came to recognize as unjust, offered material for Hitler's demagogy about those grievances. Buchanan mentions a London dinner party shortly after Hitler came to power. Someone asked, "By the way, where was Hitler born?" "At Versailles," Lady Astor snapped back (p. 110). Buchanan notes Keynes' warnings against a vindictive peace in "The Economic Consequences of the Peace" (1919), but he overlooks Ludwig von Mises' similar warnings in a book published a few months earlier ("Nation, State, and Economy," 1919, translated NYU Press, 1983). In a memo written just before the end of World War II in Europe, Winston Churchill blamed the ascendancy of Hitler largely on American pressure to drive the Habsburgs out of Austria and the Hohenzollerns out of Germany: "By making these vacuums we gave the opening for the Hitlerite monster to crawl out of its sewer onto the vacant thrones" (111). The U.S. "Senate never did a better day's work than when it rejected the Treaty of Versailles," says Buchanan (110).

His book offers many examples of "uchronia," counterfactual or what-if history (which I discussed in Liberty, September 2009). Agreeing, I think, with most historians, Buchanan argues that almost nobody in power wanted World War I. What if Kaiser Wilhelm II had not waited until too late to send his desperate appeal for peace to his cousin Czar Nicholas II? A petty and almost accidental quarrel between Austria-Hungary and Serbia impinged on a contagion-prone tissue of alliances and understandings, including Germany's careless expression of support for Austria-Hungary, as well as countries' just-in-case plans for mobilization and war (such as Germany's Schlieffen Plan for getting at France through Belgium).

Buchanan suggests that World War II, which was in a sense a resumption of World War I, was also unnecessary. It was not a fated response to Axis aggression and so was not the "good war" of standard opinion, not in its origin, anyway. I am not sure that I am convinced.

Buchanan maintains that Hitler, villain though he was, was not aiming at world conquest or even at reducing Britain and France to vassalage. He admired the British Empire and, like some German statesmen before World War I, wanted Germany and Britain to recognize each other as natural allies. But he did want to undo the inequities of Versailles, which had even barred a customs union between Germany and the Austrian rump of Austria-Hungary. He wanted to absorb the *Germania irredenta* wherever German-speaking majorities apparently so desired. These included Austria, the Sudetenland of

Czechoslovakia, Danzig, and at least part of the Polish Corridor. He did not want *all* currently or formerly German-speaking territories. According to Buchanan, he was willing to leave Alsace-Lorraine to France and the formerly Austrian South Tyrol (Alto Adige) to Italy, even accepting the cultural Italianization of German-speakers who chose not to move away. Not once in the book does Buchanan find any Nazi aspirations for mainly German-speaking Switzerland. Besides wanting to absorb German-speaking territories where the inhabitants desired to be absorbed, Hitler did hope to carve out *Lebensraum* for Germans in the East, presumably in Russia — also ridding those territories of Jews. He apparently expected Poland to be a satellite ally in this drive toward the East. But such plans fall short of a drive for world domination. Buchanan implies that the Western powers would better have stood aside if the two totalitarian dictatorships fought each other.

Buchanan suggests that Hitler preferred diplomatic to military triumphs. He was an opportunist. He remilitarized the Rhineland in 1936 in violation of treaties, when, as he himself recognized, a bit of firmness by Britain and France would have stopped him. In March 1939, without a shot, he occupied the rump of Czechoslovakia, which had been left defenseless by the frontier adjustments permitted by the West at Munich in 1938. Poland, jackal-like, seized part of Czechoslovakia when Hitler's dismemberment of it provided the opportunity; but on Sept. 1, 1939, he invaded Poland, opportunistically but mistakenly believing, from the spinelessness of the Western powers thus far exhibited, that an ambiguous British guarantee to Poland meant nothing. He did not expect a world war.

On March 31, 1939, exasperated by Hitler's occupation of rump Czechoslovakia and by his seizure of formerly German Memel from Lithuania — another bloodless victory — Prime Minister Neville Chamberlain had announced in Parliament that Britain would guarantee the independence of Poland. He had not said that it would guarantee Poland's *frontiers*. Actually, according to Buchanan, he was vaguely suggesting that Poland compromise with Hitler on the Danzig and Corridor issues. As for dishonor in not carrying through on the guarantee, in Buchanan's view the real dishonor came in Chamberlain's making a guarantee that was impossible to fulfill. (Here, as elsewhere in this account, I do not promise a slavish paraphrase of Buchanan; rather, I offer an obvious interpretation of his words.)

Buchanan does not clearly say what should have been done. My guess is that he thinks Hitler should have been stopped much earlier, at best before easy triumphs had emboldened him and anyway before he became ready for war. Given those great mistakes of omission, however, he implies that Britain should have recognized the situation in March 1939 and bought time with further appeasement, if only on the Danzig and Corridor issues. As things worked out, the guarantee to Poland, and its consequences, left the world with a destructive war and Poland with a half century of Nazi and then Soviet domination. Buchanan quotes several other historians who also see the guarantee as a mistake. Britain might better have remilitarized more quickly so as to support a policy of containment.

Significantly, among the people whom Buchanan thanks for help or inspiration is the architect of America's post-World War II containment policy, who sent him a letter applauding his treatment of similar themes in an earlier book. "Embracing the wisdom of George Kennan," Buchanan says, "America pursued a policy of containment and conscious avoidance of a Third World War" (417).

Buchanan says little about the war in the Far East. Several pages do review what Australia's Prime Minister Billy Hughes called "an act of breathtaking stupidity" — the Washington Naval Conference of 1921–22 (116). Before and at the conference, Britain appeased the Americans by giving up its overwhelming naval power and its 20-year-old alliance with Japan. Surprisingly however, Buchanan fails to discuss the severe American sanctions against Japan — probably justified but still provocative — that preceded Pearl Harbor.

Buchanan does offer several perceptive character sketches. Not all countries and leaders, Hitler and Stalin excepted, were as villainous or as virtuous as their standard reputations say. While not belaboring Woodrow Wilson's flaws, Buchanan says enough to reinforce my view that on a list of the worst U.S. presidents, Wilson would be a strong candidate for top honors. George W. Bush also draws some well merited criticism. And despite one's sympathy for Czechoslovakia and Poland in the period that Buchanan studies, the immediately pre-war leaders of those countries, to judge from his descriptions, behaved recklessly and were no saints. Hitler was a worse villain, of course; and Buchanan reviews his atrocities, including atrocities against the Jews. Although he finds the second world war "accidental," like the first, Buchanan in no sense comes across as an apologist for Hitler. Reasonably, however, he considers Stalin an even more murderous villain.

Buchanan attends more to Churchill

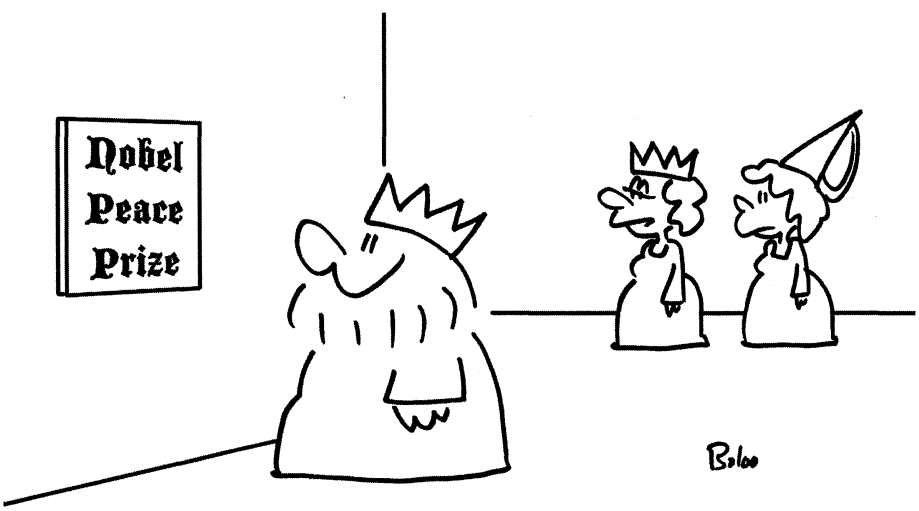

"Don't be too impressed — he got it for surrendering."

than to Hitler. He does not disparage Churchill's heroic leadership during the dark days of 1940, when Britain stood alone, nor his then-unfashionable prescience about Hitler during the 1930s. (I still have "The Second Brush Up Your German," by J.B.C. Grundy, published in London as late as 1939. The lessons feature a British family traveling in Germany who admire Nazi institutions and policies and even uniforms.) Churchill was, however, something of a chameleon. He had switched political parties several times. In 1919 he urged war against the new Bolshevik regime in Russia; by the time of the Tehran conference in 1943 and Yalta in 1945, he was fawning disgustingly over Stalin and ready to abandon most of Eastern Europe to him, even though a commitment to protect Poland had triggered Britain's entry into the war. His realistic "Iron Curtain" speech came belatedly, in 1946.

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Churchill distinguished between superior and inferior races, evidently willing to carry "the white man's burden." He wanted to preserve the British Empire, while, ironically, his wartime ally Roosevelt wanted to see it dismantled. Churchill also took an interest in genetics, wanting to deter mentally inferior people from breeding. His racism was only partial: he was not an anti-Semite but rather a Zionist.

Churchill was no military genius, even though he served as First Lord of the Admiralty from 1911–15 and again from 1939–40. He devised the Gallipoli campaign of 1915, which turned out to be a bloody Allied disaster. He opined that submarines were of little use in warfare and that airplanes could do little damage to battleships (contrary to U.S. and Japanese experience later at Pearl Harbor in 1941 and Midway in 1942). But Churchill was an ingrained war hawk. He relished his military experiences in India, in the Sudan (where he rode in the last cavalry charge of the British Empire), and in the Boer War. A few days before war broke out in 1914 he wrote to his wife, "Everything tends toward catastrophe & collapse. I am interested, geared up and happy. Is it not horrible to be built like that?" (28). During the war, as First Lord of the Admiralty, he wrote: "My God! This is living history. . . . I would not be out of this glorious delicious war for anything the world could give me" (66 and picture caption).

After the Germans had laid down their arms and surrendered their warships in 1918, he successfully advocated continuing the Allied "starvation blockade" for some months, despite the humanitarian pleas of Herbert Hoover. His aim, he said, was to "starve the whole population — men, women, and children, old and young, wounded and sound — into submission." In the House of Commons, March 1919, he exulted: "We are enforcing the blockade with rigour, and Germany is very near starvation" (79).

Even in citing remarks such as those, Buchanan's book does not read like an ideological polemic or set of personal denunciations. Buchanan does not pretend to be a professional historian; he draws on published, not archival, materials. Nevertheless, expository work such as his deserves respect, even admiration. Without dealing in palpable exaggerations, it makes history interesting and, so far as its subject permits, enjoyable. Buchanan writes in a straightforward, uncomplicated, lucid style that other writers would do well to imitate. True, he uses a great many direct quotations, some of them lengthy, a practice that might seem reminiscent of an undergraduate term paper; yet they are well chosen and fit smoothly into the text.

I cannot vouch for the accuracy of all of Buchanan's historical details and quotations, let alone the soundness of his sweeping judgments. Almost every long nonfiction work presumably commits a flew slips. Buchanan makes an ambiguous remark about "Napoleon's foreign minister Talleyrand" sitting with leaders of the victorious coalition at the Congress of Vienna in 1814–15 (73). Talleyrand was no longer Napoleon's foreign minister. Still, the book's many sources and its detailed documentation — 63 pages of citations (not discursive notes) and a 13-page bibliography — suggest reliability.

Ten full-page maps help carry the story. Sixteen pages of photographs picture the main actors, all captioned with apt and some with ironic quotations by or about the subjects. One picture shows Mussolini and Hitler meeting in Venice in 1934, labeled with Mussolini's observation: "What a clown this Hitler is." Yet Hitler is wearing nondescript civilian clothes, while Mussolini appears in high boots, flared britches, and the rest of a pretentious military uniform. Neville Chamberlain appears triumphantly waving a paper at Heston Aerodrome on returning from Munich in 1938: "I've got it! I've got it! Here is a paper which bears his name" — Hitler's name. Regrettably, there are no photographs of Woodrow Wilson and other allied leaders on their hands and knees poring over the big map of the Europe that they were recarving at Versailles. Nor are there pictures of the ambitious spokesmen of various nationalities who pressed their desires at Woodrow Wilson's Paris hotel in 1919.

My strongly favorable opinion of the book may not be typical. It fascinated me as a review of then-current events that I had followed since Hitler took power in January 1933, when I was eight years old. But the book should appeal to other readers for its story told in a gripping way.

On a list of the worst U.S. presidents, Woodrow Wilson would be a strong candidate for top honors.

The note "About the Author" at the end of the book calls Buchanan "America's leading populist conservative." He does not openly push that ideology, however; and without claiming to do so, he teaches welcome lessons for libertarians. It may be no

coincidence that Joseph Stromberg and David Gordon, both associated with the libertarian Ludwig von Mises Institute, are among the people thanked for help.

Most libertarians are skeptical about foreign involvements and guarantees. Buchanan argues along the same lines, making national self-interest the prime consideration in foreign policy and urging that war be avoided whenever reasonably possible. (Some call this "appeasement.") We should not presume to meddle in the affairs of other countries, not even to implant "democracy" (a word much abused by people's propensity to cram all sorts of good things into its meaning). We should heed John Quincy Adams' warning and not go forth looking for dragons to destroy.

Buchanan's judgment may be flawed, but his arguments deserve attention, especially by persons who may wind up disagreeing. Myself, I don't condemn all programs of collective security against aggression (nor perhaps does Buchanan), but let's be realistic. It is absurd to recruit countries remote from the Atlantic Ocean into the North Atlantic Treaty Organization, as America has done. And if politicians' ignorance and arrogance of power prevail as much in international affairs as Buchanan suggests, why suppose anything different about their handling of domestic affairs? ❑

"Arthur Seldon: A Life for Liberty," by Colin Robinson. Profile Books, 2009, 220 pages.

Arguing for Capitalism

Gary Jason

As free-market economics appears to wane in many parts of the world, especially the United States, a newly published book offers some succor. Colin Robinson has written an excellent biography of Arthur Seldon, the brilliant economist who played a central role in formulating the neoliberal economic policies that Margaret Thatcher's government instituted a generation ago. Both as a writer and as an editor, Seldon contributed greatly to defending and modernizing classical liberalism. His writings (recently collected and published through the Liberty Fund) fill seven volumes. As an editor and editorial director for the Institute of Economic Affairs (IEA), arguably the greatest among classical and neoliberal thinktanks, he edited writers such as Milton Friedman and Friedrich Hayek.

Seldon was born Abraham Margolis in 1916, in anything but wealthy circumstances. His parents, Masha and Pinchas Margolis, were poor Jewish immigrants from Russia, living in the East End of London. He was the youngest of five children, and his parents died when he was two years old. He was taken in by various foster homes before being adopted by another Jewish immigrant couple, Eva and Marks Slaberdain. He grew up in a household that respected learning, self-improvement, and community-based charity — values that informed his later work.

When Seldon was 18, he won a scholarship (a munificent 80 pounds a year!) to attend the college of his choice. (Robinson doesn't note this, but Seldon was thus able to go to college because of a voucher program, the kind of program he would later advocate.) In a decision that helped set his course for life, he chose the London School of Economics.

At this time, the economics department was well stocked with classical liberals, most famously Friedrich Hayek, Arnold Plant, and Lionel Robbins, along with Ronald Coase as lecturer. Hayek and Coase would be recipients of the Nobel Prize. Seldon studied at the LSE from 1934–37, graduating with first-class honors. He was appointed research assistant to Arnold Plant and held the appointment until World War II broke out. It was during this time that he changed his name from "Slaberdain" to "Seldon."

After his wartime service, Seldon considered an academic career, but chose instead a career in the business world that permitted him to pursue his academic interests. He became the editor of trade magazines, first for the department store industry, then for the brewing industry. It was a fortunate choice. At the department store magazine he met his future wife, Marjorie; and his journalistic experience led to his selection in 1957 for his role at the then recently established IEA.

He had a lot to offer. At 40, he was at the height of his energy, with a solid education in classical economics and a decade of experience in business. And the job had a lot to offer him. He had a chance to support his family while writing and helping others write publications that crafted free-market policies, many of which would be adopted in the UK and beyond.

Robinson's book gives the reader a wealth of biographical information about Seldon, much of it contributed by his friends and family. But I found especially useful the last four chapters, which explore his political and economic worldview.

Seldon developed a view of capitalism that was a synthesis of his deep worldly experience and his wide academic learning. This view fused classical economics, Austrian economics, and public choice theory.

In a free-market system, as classical liberal economists had recognized, consumers have the freedom — "the power of exit," as Seldon liked to call it — to switch from producers whom

they don't like to producers whom they do. Moreover, as Hayek and other economists of the Austrian school had pointed out, the free market implements a discovery process that allows entrepreneurs to explore new avenues of production and expand existing production methods, in a spontaneous, self-correcting way, facilitated by the language of pricing. Seldon elucidated this system, adding to it a theory of public choice. Public choice theory (among whose influential early advocates were James Buchanan and Gordon Tullock, IEA contributors) recognizes that governments are complex organizations run by self-interested individuals, though with monopolistic power that leaves individuals little if any power of exit.

Seldon's ideas, synthesized from many sources, enabled him to articulate, in an unusually clear and compelling way, the virtues of capitalism, the vices of government intervention, and the policies that might possibly reform the welfare state. His two most influential books were the shorter "Corrigible Capitalism, Incorrigible Socialism," and the longer "Capitalism," both published in the 1980s, and both powerfully persuasive. Capitalism, he argued, embodies incentives natural to human beings, and thus maximizes efficiency, flexibility, and freedom. Socialism, because it tries to appeal to incentives that aren't natural, does the reverse.

Seldon maintained that the four famous problems of capitalism — inequality, monopoly, worker alienation, and negative externalities — are all easily capable of remediation. Inequality of income can be addressed by programs such as earned income tax credits. Monopoly is corrected by the marketplace: any private company that achieves a temporary monopoly in a free market will soon see competitors come into existence, unless the government interferes. Alienation can be reduced by worker ownership of corporate stock. (And, I would add, the free market weeds out companies with poor working conditions, as other companies compete for good workers.) As for negative externalities (the unfavorable effects of other people's actions), they are present — and starkly evident — in socialist systems as well as capitalist ones, and clearly defined property rights will keep them in check.

But the defects of socialism — ignorance, inefficiency, social conflict, monopoly, coercion, corruption, and secrecy — are basically incurable. There is no way outside of a free market for would-be managers to set appropriate prices and adjust production, and the ignorance of managers inevitably leads to inefficiency. Social conflict is also inevitable, because minority views are unwelcome in a socialized order; and so is monopoly, because the essence of socialism is the state's destruction of competition. Add to the list of inevitables both coercion and corruption. Coercion is needed to keep the citizenry compliant. Corruption results when markets are driven underground, protecting themselves by bribing the economic rulers — who after all have a strong incentive to keep many of their own actions secret.

In short, Seldon was a remarkable figure. His clear arguments and compelling evidence allowed him to reach a wide audience, and to convince them of the argument for economic liberty. As Robinson nicely puts it,

> His influence came not only from the power of his ideas but from his ability to express them succinctly, without resort to technical jargon, in terms that "opinion-leaders" could understand, and in his ability to draw conclusions for policy. He was not only a prolific writer, with one of the major works of classical liberalism of recent times ("Capitalism") to his credit, he was also a splendid editor of the works of others, with the ability to formulate a publishing programme with a clear purpose, to find authors to carry it through and to make their work more understandable (p. 147).

Seldon was also one of those rare thinkers who understand "the big picture" of economics and the contemporary state. In this regard, it may have been helpful that he did not pursue a Ph.D., with its inevitable focus on technical problems and sophisticated mathematics. It took a broad thinker to predict in 1980, as Seldon did, that "China will go capitalist. Soviet Russia will not survive the century. Labour as we know it will never rule again." I know Ph.D.s who cannot grasp those facts, even today. ❑

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"Causes of the Crisis," a symposium in Critical Review: A Journal of Politics and Society, volume 21, numbers 2 and 3 (2009), ed. Jeffrey Friedman. 272 pages.

Bubble Bobble

Bruce Ramsey

The Great Recession has not been a good time for libertarians. The Left crows that the market has failed. Deregulation failed. The libertarian Greenspan, who could not see a bubble until it popped in his face, admitted error. Feeling the sting of derision, libertarians have turned to their own theories, aiming for an exit door labeled "Not the Market."

Libertarian economists of the Austrian school, who have some wisdom about recessions, reassure us; for the purest Austrians the cause is never the market, because their theory of the market doesn't have any recessions in it. Their theory is that investors are misled by the central bank, which misprices credit, making it too cheap, and that they rationally overinvest and create a boom. The implication is that if there were no mispricing of credit, there would be no boom, and therefore no bust.

And yet we have had booms and recessions, and have been having them for 200 years, whether we had a central bank or not.

That the Austrian theory has its finger on *one* of the causes is certainly true this time. But the history of markets, and of economic enthusiasms, belies the idea that the causal agent is always the central bank. Enthusiasms begin in the mind of man. They become fads, and they may affect lenders as well as borrowers, whether credit is mispriced or not. Capitalism has its ups and downs because capitalism allows people to make their own decisions, and people are prone to act in herds.

Market analyst and historian James Grant said it well in "The Trouble with Prosperity" (1996):

> Cycles in markets are inevitable, irrepressible, and indispensable. Even if some all-knowing central bank could create a state of economic perfection — measuring out growth in ideal, noninflationary doses, neither too much nor too little — human beings would respond by overpaying for stocks and bonds. In this way they would restore imperfection.

Grant, who makes his living writing about the credit markets, wrote that book during "the great moderation," the Volcker-Greenspan period of the '80s and '90s, in which upturns were extraordinarily long and downturns mild and short. His book was a warning that the financial firmament was still subject to earthquake. He was right. Crises are part of capitalism. But their details differ and require specific explanations. Particularly the recent one. Jeffrey Friedman has a theory about the causes of the Crash of 2008. Friedman is an academic in political science, and an unusual one. He is a free market supporter who bases his libertarianism on an argument from human ignorance and the inherent limitations of democratic rule. He rejects natural-rights theory — he has gone to lengths to poke holes in it — but he ends up in much the same place as the folks with whom he argues. And that makes him an interesting guy.

He is not an economist, economic historian, or financial-market participant. As editor of the journal Critical Review, he is in the position of letting others analyze the financial world and judging their work. In the latest, 272-page issue, he offers 11 essays by 21 authors, most of them professors or graduate students of economics or business and finance. They are from small colleges and big universities, including Stanford, MIT, NYU, and Columbia. Some are from Europe; one is from the National Bank of Poland. They point the finger of blame at the Fed's monetary policy, the Basel accords, deregulation, Fannie Mae and Freddie Mac, the Community Reinvestment Act, credit rating agencies, and executive bonuses. An essay on credit default swaps points the finger away from them.

In his own essay, Friedman says that his contributors' explanations "can, in the main, be fit into a larger mosaic with hardly any friction between the pieces." He is being diplomatic here. He is quite discriminating in the pieces he chooses for his mosaic. He takes a good deal more from NYU professors Viral Acharya and Matthew Richardson, who hang their theory on the Basel accords, than from Columbia University Professor Joseph Stiglitz, who blames deregulation and the Republicans. Friedman may be no expert on finance, but he is an expert at argument, and as editor of Critical Review he is in a position to make the most of that ability.

What crashed in 2008, Friedman says, was a system of regulated capitalism. The question he wants to reach "is whether it was the capitalism or the regulations that were primarily responsible." I wouldn't frame the question in quite that way. When I hear the word, "responsible," I think of people, not systems. I would say the responsibility for the failure of Lehman Brothers lies in the people who ran it. Still, capitalism is a system of rules. Most of the rules have been written by the government — some with the support, some with the acquiescence, and some with the opposition of capitalists. In any case, if they protect irresponsible behavior, or, especially, if they encourage it, there

is a systemic problem. This is what Friedman is after.

The story of the crash starts with the bubble in mortgages. It was created by lenders lowering their standards. By 2006 the average subprime loan (i.e., a loan to a borrower with weak credit) required just 5% down. Lenders also eased up on qualifying terms: in many cases they stopped verifying the borrower's income. A gardener could buy an $800,000 house if he claimed to own a golf course. At the same time, 30-year mortgage rates fell to 5.25% — the lowest rate in more than 50 years. People had never seen such a deal in all their lives, and they responded. They created a bubble in house prices.

Also, by 2006 more than 90% of all subprime mortgages were adjustable-rate. Washington Mutual offered the "1% Option Adjustable Rate Mortgage," which allowed a buyer to pay a 1% rate for the first five years, while an internal interest rate allowed the amount that was owed to keep piling up. At the fifth year, the loan reset, with a new, higher loan amount and a market rate of interest. This was a gambler's product. I've heard it blamed for much of the bubble in Southern California.

The lenders sold truckloads of dodgy paper to Fannie Mae and Freddie Mac and to investment banks such as Bear Stearns and Lehman Brothers. These institutions packaged the loans into bonds, most of which were rated triple-A and sold to institutional buyers. Finally, companies such as American International Group created a derivative product called a credit-default swap: loss insurance on the bonds.

All this was the thing that collapsed. Who is to blame? Critical Review has essays blaming Congress, for passing the Community Reinvestment Act and promoting Fannie Mae and Freddie Mac; and the Federal Reserve, for keeping credit too cheap for too long. To Friedman, each makes up part of the answer, but they are foundation things only. He focuses on two other matters.

First, the rating agencies, Fitch, Moody's, and Standard & Poor's. They rated the bonds and stamped triple-A, the highest quality, on bonds later labeled toxic. Friedman lays much of the blame for the disaster on the misrating of bonds, and I think he is right. Why did it happen? Others have argued that bond raters have a structural problem. They are paid by the institutions they rate, and thus have an incentive to overlook financial warts. Friedman argues that they have a different structural problem: the federal government licensed them so that there were only three companies doing the work. Further, government has effectively required bond issuers to buy their services. Collectively, they have a guaranteed market; they don't have to do a good job in order to get paid.

I don't like protected oligopolies, and I think Friedman has something here. But I'm not convinced that it bears the weight he wants to put on it. Oligopoly power will have some effect on the culture of a company — a bad effect — but it is not a complete explanation for a disaster like this. To me, being paid by the issuer seems a more direct problem, but that doesn't satisfy either. Both these conditions have existed for decades. They are background.

Reading the essays in Critical Review, and other literature on the subject, the idea I get is that the raters had a system based on formulas which, within certain parameters, worked. When you have something that works and makes you money, you keep doing it. It takes unusual intelligence and discipline to ask: what if this stops working? What if we are confronted with the unexpected? You'd think a company as important as Lehman Brothers, Standard & Poor's, or Washington Mutual would have someone asking those questions. Maybe they did, and they didn't listen to him. There were people in the financial world (Jim Grant was one) who predicted big trouble. Grant had been a bear for so many years that people discounted what he said. But there is always a reason not to listen, especially if you're making money.

Second, Friedman focuses on the freeze-up in the commercial banks. This happened because the banks had so much invested in mortgage-backed bonds. Why so much? Two papers in Friedman's volume point to the Basel rules, an international standard for bank safety. When a bank makes an ordinary loan, the Basel rules require it to set aside capital equal to 8% of the loan. Mortgages, being backed by real property, are deemed safer; their set-aside is 4%. A bond backed by a diversified package of mortgages is deemed safer yet. Its set-aside is only 1.6%. The paper by Acharya and Richardson argues that commercial banks loaded up on mortgage-backed bonds "to avoid minimum-capital regulations."

But why did bankers do this? Acharya and Richardson suggest that they took extraordinary risks because they filled their pockets that way. Banks earned more money and paid senior employees higher bonuses. Friedman is unconvinced. If it were simply a matter of greed, he maintains, bankers would

"You used to be an investment consultant, Fred — what should I do with this quarter I found?"

have bought lower-rated double-A bonds that qualified under the Basel rules and yielded more than a triple-A bond of the same type. But among mortgage-backed bonds the bankers bought almost exclusively triple-A-rated paper, which was supposed to be of the highest quality. "They, like everybody else, believed in the accuracy of the triple-A ratings," Friedman writes. "They were ignorant of the fact that triple-A rated securities were riskier than advertised." Maybe. No doubt some were ignorant. But maybe also the prospect of bonuses amounting to hundreds of thousands or millions of dollars made bankers less than eager to look closely for reasons to stop doing what they were doing. Maybe their reason for buying triple-A bonds was not only to safeguard their employer but also to insulate themselves from criticism.

I put the choice to my wife, Anne. Years ago, she was a vice president at Citibank. Whose explanation made more sense, self-protection or honest mistakes?

"You're just making up theories," she said.

Her thought is more like Friedman's: ignorance. But it was not an earnest ignorance. The bankers she remembers were not much like the entrepreneurs posited by Austrian economics. They were employees — some political and backbiting, some freeloading, most thinking of their position more than the bank's, and all willing to hop to another bank. The investment guys were not engaging in grand strategy. They were dressing up the balance sheet so that the quarterly numbers looked good. Most of them had been doing their jobs for less than ten years.

Economics has its limits. It's true, as the economists say, that incentives matter. They matter a lot. But, as Friedman says, economists often overlook the fact that knowledge, or the absence of it, also matters. Feelings, beliefs, and all the other components of the human psyche matter too. Most people are not profit maximizers except in the tautological sense of wanting what they want. Nor are they fully informed.

Bankers are also subject to bad ideas, and to fads.

I had an interview with a man who had been one of the top three executives of Washington Mutual, a bank that was seized by the FDIC during the crisis and palmed off to J.P. Morgan Chase. I knew this banker from the 1980s, when I was a financial reporter for a daily newspaper. If I had a difficult question about credit markets, he was the man I'd call. He knew the bank and the markets. He understood regulations and regulators, having been a regulator himself. He was the image of a smart, solid, sensible mortgage banker. I asked him what had happened. "We all drank the Kool-Aid," he said.

Is that a fault of capitalism or of people? If you say it is the fault of people, remember that the Marxists used to excuse the failures of communism by saying that people were not good enough for it. We laughed at them when they said that, so let's not say it ourselves. Let's admit that capitalism, which allows people to make their own economic decisions, allows bad decisions as well as good ones. It allows people to make bad decisions *en masse*, and have a bad outcome.

As libertarians and classical liberals, let's also keep pointing out, as Friedman does repeatedly, that empowering a central regulator to manage our decisions has its own set of risks, and usually bigger ones than not doing so.

Notes on Contributors

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An Alan Greenspan, despite his hard-money sympathies, may set the interest rate too low, and invite a bacchanalia. A Barney Frank, envisioning a world in which every American can owe Fannie Mae money on his house, may be pursuing goals other than your own. And, as Friedman points out at the end of his essay, a layering-on of regulations over the decades may create unintended side effects, just as several drugs, prescribed by doctors at different times for different purposes, may together make a patient violently ill.

Or, to adopt Warren Buffett's metaphor, the tide went out, and the mortgage originators, the commercial bankers, the investment bankers, the bond raters, and the insurance companies were all swimming naked. "We need regulation!" people say — and yes, damn right, their doings need to be made regular, made rational and sane and proper. But made regular by whom? Many of the bare bottoms belong to the government.

Friedman ends his piece by saying: don't expect too much of regulators. This is particularly true, he argues, if the bad decisions in the private sector are mistakes rather than cheating. Cheating can be obvious. For cheating we have cops. Mistakes are obvious only in hindsight. ❑

"Inglourious Basterds," directed by Quentin Tarantino. Weinstein/Universal, 2009, 152 minutes.

Beyond Allusions

Jo Ann Skousen

In one of his early, low-budget films, Alfred Hitchcock cast himself in two minor roles to avoid paying an extra actor, and a tradition was born. His famous walk-ons continued in almost every film, first because he superstitiously believed it contributed to his success, and later as an inside joke he played with his fans. Searching for his cameo appearances became such an obsession with viewers that it often distracted them from the story, so Hitch began inserting his appearances early in the film to get them out of the way and let the audience settle into the story.

Director Quentin Tarantino has developed a similar trademark in his movies, patterning many of his scenes after iconic moments in classic films and naming his characters after famous film figures. Fans love identifying the clues, and Tarantino loves giving them something to look for. Even the misspelling of this film's title is a game he plays, perversely refusing to explain its meaning in interviews — a tactic that gives every fan's guess an equal chance at being correct. (I think it's a reflection on the backwoods Tennessee roots of the main character, Aldo Raine.)

Set in France during World War II, "Inglourious Basterds" opens like a spaghetti western with its wide windswept vista, its whistling sound track, a young girl hanging clothes on the line, a bad guy seen arriving in the distance, and a cat-and-mouse interchange between this menacing visitor (Col. Landa, played by Christoph Waltz) and the deceptively calm farmer (Denis Menochet). Menochet is riveting as the farmer cornered in his own house in this opening scene, and Waltz is the quintessential Nazi officer throughout the film, suave, sinister, and psychologically sadistic.

During their conversation, Landa says, "So they call me 'Jew Hunter,' " with a self-satisfied smile, reminding film buffs of the recurrent joke, "So they call me Concentration Camp Erhard" in Max Lubitsch's excellent World War II farce "To Be or Not to Be" (1942) with Jack Benny and Carole Lombard. (There I go, showing off that I "got it.")

And that's one of the problems with Tarantino's precocious technique. Film references, both subtle and pronounced, permeate his films, inciting self-satisfied chuckles from show-offs in the audience that can be just as distracting as watching for Hitchcock to appear. My recommendation? Just watch the movie. It's a fabulous film, tense and engrossing, with remarkable performances by a sometimes unlikely cast (Mike Myers plays it straight as British General Ed Fenech, and Rod Taylor is almost overlooked as Winston Churchill), including Brad Pitt at his brassiest best. So sit back and enjoy the show — and save the game of "Where's Waldo" for a second or third viewing.

Several story lines develop and intersect in this taut, entertaining thriller, with Col. Hans Landa as the thread that ties them together.

Aldo Raine (Brad Pitt — and yes, that's a reference to both Aldo Ray and Claude Rains) is a likeable, wisecracking lieutenant in the Army Special Services leading a "Dirty Dozen"-like assassination squad of Jewish-American Nazi killers. A moonshiner from Tennessee, Raine speaks with a slow drawl but reacts with a quick draw. Like the "Bad" assassin in Leone's "The Good, the Bad, and the Ugly," he's open to negotiation, but he always keeps his word. Pitt is exuberant as Raine, thoroughly committed to his cause and over the top in his delivery. He owns every scene.

Shosanna (Mélanie Laurent) is a young Jewish woman passing as a French cinema owner in Nazi-occupied Paris. Laurent's Shosanna is cool, haughty, and mature beyond her years. She survived an attack in which her family was killed by Nazis, and has an understandable hatred for anything and anyone German. When Joseph Goebbels comes to town looking for a theater in

which to premier his latest propaganda film (a film featuring a German hero in a bell tower, reversing a famous scene from "Saving Private Ryan"), Shosanna hatches a devilish plot.

Bridget von Hammersmark (Diane Kruger) is the beautiful, daring, German actress working with the Allies as a double agent, a la Carole Lombard's character Maria Tura, in "To Be or Not to Be." (Stop me!) Like Maria Tura, she must use all her acting skills to remain calm and lively when her meeting with the Allies and Nazis doesn't go as planned. This is probably the best scene in a film filled with tension-packed scenes. Kruger is radiant as the sultry, playful, and quick-thinking von Hammersmark. In fact, the entire cast shines.

Tarantino eschews the modern cinematic technique of using jerky handheld cameras in favor of the more traditional stabilizing dollies and cranes. Many of his scenes are wide and beautiful, whether their location is a German forest, a French hillside, an ornate movie theater, or a basement tavern. His close-up shots are deliberate and meaningful. In short, he knows how to handle a camera.

While I highly recommend "Inglourious Basterds" as one of the best films so far this year, I must warn you that it is, like most Tarantino films, occasionally and swiftly brutal. War is hell, and it is bloody. Fortunately these scenes are brief and well telegraphed, so if you're squeamish like me, just close your eyes for a second. The story and the acting are worth an occasional squirm.

If there is any message to this film it is this: there is nothing glorious about war. It kills good people and turns good people into killers. Whether driven by grief or glory, no one gets out unscathed — not the Germans, not the Jews, and not the Americans. Raine, who proclaims himself "part Injun" and demands 100 Nazi scalps from each of his men, kills without batting an eye. While we might laugh at his drawling demeanor and marvel at his unflinching courage, we can't possibly glorify his tactics. His band of assassins are indeed "inglourious basterds." ❑

"The Creature from Jekyll Island: A Second Look at the Federal Reserve," 4th edition, revised, by G. Edward Griffin. Amer Media, 2009, 608 pages.

Uncle Sam's Money Machine

Doug Gallob

Is "The Creature from Jekyll Island" a horror story? Emphatically yes. The leading character in Griffin's book is every bit as shadowy as Bram Stoker's vampire or Stephen King's fog, yet far more terrifying. Unlike these mythical forces, it actually lives and breathes among us. The few who are able to make out its dismal form stand helplessly by, able to do little more than shout the occasional unheeded warning.

This creature is the Federal Reserve System. With every breath it sucks the life from all who are not politically or financially connected. Every inhalation is a recall of debt and contraction of the money supply, every exhalation a fresh printing of money and the inevitable inflation that accompanies it. Each breath wreaks havoc on real wealth and economic stability, yet somehow the creature's handlers always manage to come out ahead. The rest of us can only watch the stored fruits of our labor destroyed.

The title refers to the creature's birth, which can be traced to a meeting of seven very wealthy men on Jekyll Island in Georgia. The story begins by describing this meeting in true horror style:

> The New Jersey railway station was bitterly cold that night. Flurries of the year's first snow swirled around street lights. November wind rattled roof panels above the track shed and gave a long mournful sound among the rafters.

But the book is more than a horror story. Is it a scholarly treatise? Yes and no. Griffin purposely wrote the book for laymen after finding most other books on the Federal Reserve, however accurate or thorough, a little too dry, convoluted, or unwieldy. Through his research, Griffin came to the conclusion that the essence of this topic is far simpler than is usually presented. Like most libertarians, I have a tad more understanding of, and far more interest in economics than, the typical schmo on the street. But when it comes right down to it, I am an economic amateur, a layman. As a layman, I can attest that Griffin has created a very accessible book.

Part of the reason for reading a book like this is to try to understand things that have always seemed mysterious. Where did money come from, and why do we trust it? Why is it that we are willing to be paid for our labor with little pictures of George Washington? Who the hell are Smith and Hayek and Keynes and Morgan and Rothschild, and why should we care? When we hear that "the Fed has raised (or lowered) interest rates," what does that mean? Many of us simply nod our heads so as not to look stupid, but truly have no idea of why or how "the Fed" or its "interest rates" affect us.

For those of us who have wondered about where money comes from, it is worth the price of the book just to read Griffin's second section, "A Crash Course on Money." What is commodity money? Receipt money? Fractional money? Fiat money? Are your eyes glazing over? They shouldn't. By the time Griffin is through explaining the terms for various forms of money and

the history of how they came into use it will seem so easy and obvious you'll wonder why you never understood it before. In "The Wealth of Nations," Adam Smith provides a very good explanation of the origins of money, an explanation that I enjoyed immensely, but for a modern audience, I think Griffin's concise explanations are much more understandable.

Despite his layman's focus, Griffin has still managed to pack the book with facts and details, copious footnotes, and many pages of bibliography. If his representations of fact aren't accurate in any respect, the documentation is available to refute them. If they are accurate, they provide detailed support for both his viewpoint and his conclusions. The few times he wanders off into conjecture, he lets you know he is doing so. He also manages to keep the book up to date, by means of frequent editions and reprintings. Though the book was originally published in 1994, the newest edition includes a section on the mortgage meltdown that began in 2008.

"Creature" is simultaneously an economic primer, a political primer, and an historical primer. It gives the economic, political, and historical details of the Federal Reserve System, but these specifics aren't nearly as interesting as the understanding Griffin brings to the creature's species, the central bank, and its genus, the cartel. He maps the history of central banking and fractional reserve banking onto the history of economic stability, including four instances of times when America has tried central banking, one of them before the Revolution. Sure enough, periods of economic instability are characterized by the use of fractional money (paper money of which only a fraction is backed by valuable commodities), and fiat money (money required to be accepted as legal tender by government fiat). Griffin rejects the common idea that the boom-bust cycle is inevitable and ties the cycle directly to the use of fractional and fiat money, showing great stretches of history without boom-bust cycles, when fractional and fiat money was rejected.

Griffin outlines the history of bailouts in the system, showing case after case of bankers and politicians making hay from businesses that were "too big to fail." He shows that our latest bailouts (of GM, AIG, and so forth) are nothing new. Public bailouts of private companies have been going on for many years. He also shows that little in this failure-bailout cycle is accidental. He details the rule set that is carefully followed to enrich a few players in the oft-repeated bailout game. He demonstrates the way in which the International Monetary Fund and the World Bank follow the same bailout playbook on an international level. He elucidates the benefits of war to the creature under study, discussing European wars financed by the Bank of England and modern wars financed by the Federal Reserve.

This is also a how-to book — not how to start a war but how to change the system. Griffin sketches two possible futures. His "pessimistic scenario" describes what will happen to us if we continue our present course: totalitarianism and poverty. His "realistic scenario" offers specific steps we should take to avoid that fate. (He does not offer an "optimistic scenario" because we are so far gone that even our best course of action will be quite painful.)

Finally, as I joyfully admit, this book presents a conspiracy theory. I am an unabashed, unapologetic conspiracy theorist. I know it is fashionable to equate "conspiracy theorist" with "kook" and to intone the phrase with a slight sneer of disgust. Yet just because we're paranoid doesn't mean they aren't out to get us. Government-sponsored cartels are one form of conspiracy that has been pretty well documented and confirmed throughout history. There is evil and mischief in the world, and much of the suffering that human beings undergo results from the collaboration of other humans.

Very rarely does evil introduce itself twirling a moustache like Snidely Whiplash, rubbing its hands together and practicing the perfect "bwa-ha-ha-ha-ha!" of Satanic laughter. Evil is more mundane and innocent in appearance, even to itself. In "The Gulag Archipelago," Aleksandr Solzhenitsyn recognizes that evildoers are rarely aware of their evil. They are not like Shakespeare's Iago, who "identifies his purpose and motives as being black and born of hate." "But no," Solzhenitsyn says, "that's not the way it is! To do evil a human being must first of all believe that what he is doing is good, or else that it's a well considered act of conformity with natural law." Solzhenitsyn later describes how much evil arises simply from thoughtless expediency. Huge waves of human suffering are caused by humans with good intentions. How many children and families have been destroyed by the well-meaning bozos running the child custody industry?

So, just as individual human evil rarely springs directly from ill intent, conspiracy is rarely a pack of villains gathering together with the express purpose of making others suffer. Suffering is simply the unfortunate cost and unintended consequence of achieving the conspirators' goals in the most expedient manner. The conspirators in Griffin's story may at various times have had good intentions toward the rest of us, but for the most part, they have played a game in which your well-being and mine are simply irrelevant. We are at best sheep to be fleeced.

Although Griffin details the roles of specific conspirators, naming Morgans and Rothschilds and Rockefellers by the dozen, it is once again the general nature of the conspiracy that is most instructive. The Federal Reserve System is simply one more example of collusion between the most powerful players of a particular industry, in this case banking, and the most powerful players in the political sphere. Politicians and bankers both benefit by legalizing fractional and fiat money. Politicians can buy votes with this money created out of nothing, while (some) bankers collect interest on the same imaginary money. The scheme is financed by the populace through inflation, by the requirement that people accept this highly manipulated play money as legal tender, no matter how wildly it fluctuates against real commodities, goods, or services.

I agree with Griffin's relation of the specifics to his generalizations about the conspiracy. I object, however, to his labels for the two broad conspirator classes. He calls these people "monetary scientists" and "political scientists" — terms far too benign for their objects, and slander to real scientists. A scientist's purpose is to increase knowledge and understanding. The players in the Federal Reserve game are not that benign. They cannot succeed without obscuring knowledge and understanding. ❑

"Woodstock," directed by Michael Wadleigh, 40th anniversary box set. Warner Brothers, 2009, 224 minutes.
"Taking Woodstock," directed by Ang Lee. Focus Features, 2009, 120 minutes.
"Woodstock: Three Days That Rocked the World," by Mike Evans and Paul Kingsbury. Sterling Publishing, 2009, 288 pages.
"Hair," directed by Diane Paulus. Al Hirschfeld Theatre, New York.

Singing in the Rain

Jo Ann Skousen

In the summer of 1969 my mother, my sister, and I roamed the country on an extended road trip, traveling from California to Louisiana to Colorado and back and stopping wherever it looked interesting. My mother was pretty cool about letting my sister and me do whatever we wanted along the way, provided that we indulged her penchant for natural wonders. We explored Carlsbad Caverns and the Petrified Forest of Arizona, but we also scored tickets to a Byrds concert at the Fillmore in San Francisco, attended a Jimi Hendrix concert in LA, grooved to an Eric Burdon & War concert in Topeka, and hung out one weekend with a group called Nickel Bag in a little town in Arkansas. You can probably guess where this article ought to be leading: summer, 1969, road trip, music — Woodstock, right?

Almost. We heard the ads on the radio for this crazy concert in New York, started driving in that direction, and then for some reason hung a left at Little Rock and went to Pike's Peak instead. I guess it was my mother's turn to choose the destination. Of course, it turned out to be the concert of a lifetime, and we missed it.

Now it's 40 years later, and Woodstock is open again — as a museum and performing arts center hosting such musicians as Bob Dylan, John Mellencamp, Arlo Guthrie, Peter and Paul (no Mary), and Willie Nelson in its first season. Several of the original performers returned for the 40th reunion. They included Richie Havens, who opened the show 40 years ago, and Country Joe (without the Fish). This time the weather was clear, everyone had tickets, and the sold-out crowd numbered 15,000, not "half a million strong." They also kept their clothes on.

Nestled in the Catskill Mountains about two hours north of Manhattan, the Museum at Bethel Woods — near the real site of the "Woodstock" festival — is well worth a visit, with or without a concert. An interactive multimedia exhibit reminds visitors that the '60s were the best of times and the worst of times: an American had walked on the moon exactly one month before the concert, but hundreds of thousands of American soldiers were still stalking the jungles of Vietnam, and protesters were marching on campuses and sitting in at lunch counters. The museum recaptures these memories with video clips, artifacts, and brief quotations. Of course, the music of the '60s is celebrated throughout the museum. Memorabilia from the era, including lunch boxes, record players, flashcube cameras, transistor radios, and a wide array of vinyl albums are on display; I confess to saying several times, "I used to have one of those!"

Most fascinating is the entrepreneurial story of how 25-year-old Michael Lang, who had staged the Miami Pop Festival in 1968, and Artie Kornfeld, a songwriter and the youngest vice-president of Capitol Records, coaxed their vision of a music and art festival into existence. Rounding out the partnership were two young men who put up the money, wrote the contracts, sold the tickets, and watched over the books. Joel Rosenman was an attorney who had never actually practiced law, and John Roberts was a budding entrepreneur who had recently inherited half a million dollars and was looking for "nutty business ventures." A pop music festival was about as granola as they come.

Together these young guys hired a team of experienced designers, promoters, caterers and production coordinators, along with state-of-the-art lighting and sound engineers. Because of them, and aided by the hillside setting that created a natural amphitheater, nearly everyone could see and hear the concert, even when attendance swelled to half a million. Without this professional team pulling off a high-quality show, the peaceful chaos could have turned violent.

Woodstock would probably have been just a blip on the radar if it weren't for the documentary film that became "Woodstock." Serving as a second assistant director and editing the footage (along with Oscar-nominated Thelma Schoonmaker) was a then-unknown NYU film student named Martin Scorsese. Yes, Scorsese. Handling one of the cameras from a tiny platform next to the stage, he found the experience tense and relentless. He was "trying to stay upright in the tiny space . . . hungry and exhausted," with a "restive — potentially violent — presence behind us": the sea of muddy concertgoers.

Scorsese also suggests — rightly, I think — that the film is what set Woodstock apart from other music festivals that year and turned it into the iconic concert that defined the decade. "Without the film," he writes in the foreword to Mike Evans and Paul Kingsbury's book, "Woodstock, the concert, would not be more than a footnote to the social and cultural history of the 1960s — represented by a still photo in a picture book, a line or two in the history books."

The movie won an Oscar for Best Documentary in 1970. It has gone through several re-edits over the years. A director's cut was issued in 1994 and a 40th anniversary DVD was released this year. The documentary brought Woodstock to middle America, making the music accessible to millions of new fans who might never attend a concert, let alone a love-in — and to festival attendees who were too far back (or too far out) to hear it at the time. When one watches the film today, one thing that stands out is how fresh and clean-cut the concertgoers and musicians look. They may have been countercultural, but they weren't gangsta.

"Woodstock," the film, holds up remarkably well. The remastered director's cut is sharp, the sound is good, and the whole work is as enjoyable to watch now as it was in 1970. The split-screen presentation happened almost by accident. During the editing process, Scorsese and Schoonmaker projected the film from all seven cameras at once, and they liked it that way. It captured the multi-layered atmosphere of the festival. They also understood that the real story was in the music, so they included long, uncut performances interspersed with interviews and background scenes. Each new version of the documentary has added several artists, with the latest edition providing 17 uncut performances from the festival. At 224 minutes the result is too long for theater viewing, but it's a great way to enjoy the music at home.

Woodstock would probably have been just a blip on the radar if it weren't for the documentary film that became "Woodstock."

Originally the festival was scheduled and booked in Woodstock, N.Y., a bucolic village already known as an artists' colony where Bob Dylan, Richie Havens, and Tim Hardin owned homes, and other musicians, such as Joan Baez, Janis Joplin, James Taylor, and Jimi Hendrix, visited regularly to perform at weekend jam sessions called "Shoutouts" at Pansy Copeland's farm. The neighbors should have been used to the idea of a concert.

Nevertheless, when town fathers realized that Lang and Kornfeld anticipated selling as many as 100,000 tickets to their three-day event, they reneged on the deal, citing worries about vandalism, violence, and drugs. The promoters soon signed a deal with another venue 30 miles away in Saugerties, but when local residents there got wind of it they also demanded that the concert be cancelled. Nobody wanted those damned drug-using hippies dirtying up their town. A third location, down the road in Wallkill, was cancelled for the same reason, after promoters had already created trails and carved natural sculptures into trees and boulders in preparation for the "& art" portion of the festival. Finally, a venue was secured 70 miles away at Max Yasgur's dairy farm in Bethel, N.Y., and ticketholders were once again informed of the change.

Admittedly, there was good reason for residents to be worried about violence. College students had been picketing for civil rights and demonstrating against the Vietnam War all year. I remember being terrified in 1965 by nightly news picturing the race riots in the Watts area of Los Angeles, just ten miles from my home. When ticket takers at the sold-out Hendrix concert I attended in 1969 had to close the doors to people without tickets, angry fans tore down a 40-foot light pole in the parking lot and used it as a battering ram against the locked doors. The concert was cut short as a nervous Jimi was hustled offstage. My friends and I made our way to our car through clouds of tear gas while cops threw canisters directly at fleeing individuals. Tempers were short, and anything could incite an angry mob. As Crosby, Stills, Nash, & Young reminded us plaintively in song, there were "four dead in O-hi-o," killed in the Kent State University confrontation between students and soldiers, just the next year, indicative of the volatile atmosphere.

When local residents got wind of it they demanded that the concert be cancelled. Nobody wanted those damned drug-using hippies dirtying up their town.

But Woodstock was different. Attendees knew that the venue had been changed four times because local residents didn't want them, so they had something completely different to prove. Instead of resorting to violence, they would "give peace a chance." "We'll show them!" turned into a celebration of peace and cooperation rather than a scene of angry hordes demanding food, water, and lodging. Lang and Kornfeld worked around the clock to solve problems, hiring helicopters to fly in the musical groups who couldn't get to the venue by car and buying up all the produce from nearby farms — produce that the catering crew chopped on wooden platforms and cooked in galvanized trash cans. Wisely, the management abandoned its ticket booths and just let everyone in.

With the New York Thruway transformed into a parking lot, transportation became problematic. Attendees abandoned their cars and walked, but Lang and Kornfeld still had a concert to put on. They used horses and motorcycles to travel around the venue in addition to the helicopters ferrying the musicians. Everyone was late. While waiting for the next act to arrive, Richie Havens played his planned set, then played songs he hadn't performed in years, then made up a song on the spot that became synonymous with the festival, his now famous "Freedom."

All of this is well documented at the newly opened Museum at Bethel Woods. One of the most popular features is the psychedelic bus where visitors can take a seat and imagine the drive to Woodstock while watching a video through the front windshield and listening to the "news" on the van's radio. A living museum allows visitors to record their memories of Woodstock and the '60s. Best of all is the concert simulation where visitors can lie down on giant bean bags (benches are provided for the less adventuresome), look up at a simulated sky, and watch a surround-screen presentation of the event that includes several performances, scenes of mudslide frolics, and images of food preparation for the half-million concertgoers.

Those who can't visit the museum can experience some of the same nostalgia through Evans and Kingsbury's "Woodstock," which draws heavily on the artifacts exhibited at the museum. Presented almost like a scrapbook, with bright colors and pop typography, "Woodstock" reprints photographs, posters, newspaper articles, tickets, and eyewitness accounts of key figures who worked behind the scenes as well as those who attended the conference. The entrepreneurial story alone is worth the $35 price.

After visiting the museum, reading the book, and listening to the commemoration in song on radio stations during the 40th anniversary weekend, I was hyped to watch Ang Lee's movie, "Taking Woodstock." The film is based on the autobiographical account of Elliot Tiber (then Teichberg), whose Russian-Jewish immigrant parents owned the El Monaco Motel in Bethel where Lang and Kornfeld eventually set up their headquarters. Elliot (Henry Goodman) was the leader of the Bethel Chamber of Commerce and had already applied for, and received, a permit to host his own annual summer musical festival. (A more modest affair, this would have featured a local band and a few records played in the parking lot of the motel.) He transferred his permit to Lang and Kornfeld, and Woodstock had a legally sanctioned home.

"Taking Woodstock" starts well, with several hilariously understated moments. Eugene Levy is especially good as Max Yasgur, whose farm was leased when Lang and Kornfeld discovered that the motel's fields were little more than a swamp. "Now, I'll expect you to tidy up afterward," Yasgur says with the condescending demeanor of a father giving instructions to the babysitter. Imelda Stanton is equally amusing as Sonia Teichberg, Elliot's tightfisted mother. "They only used those sheets one night and they didn't do anything on them," she yells at Elliott as he carries a load of linen out of a vacated motel room. "Put them back on the bed! Don't you know detergent costs money?" He pauses for a moment, then dutifully returns to put the sheets back on the bed for the next guests.

Jonathan Groff is also excellent as the fresh-faced festival promoter, Michael Lang. Sporting a halo of curls reminiscent of Jim Morrison, Lang knows how to get around obstacles rather than barrel through them. Freedom isn't just about free speech, free tickets, free-flowing drugs, or free love; it starts with free markets. He understands the power of a dollar in calming angry, suspicious residents. If the community is going to be inconvenienced, then he'll pay them enough to make it worth their inconvenience. Share the wealth, and everyone goes home happy. As Elliot finally realizes, "I'm the Chamber of Commerce. And this whole thing is about commerce!"

The first half hour of the film is laugh-out-loud funny. Unfortunately, somewhere on the way to the Woodstock Music & Art Festival, director Ang Lee took a wrong turn and ended up at the El Monaco — for the duration of the festival. How is it possible to make a film about Woodstock without showing a single artist or playing a single song? Lee manages to do it. It's like making a movie about the 1984 Olympic hockey game, where the United States miraculously beat Russia, and focusing on the guy running the snack bar at the practice rink back home. Unbelievable.

Lee concentrates on Elliot Teichberg — a charming young man to be sure, but certainly not interesting enough to merit a whole movie, when the greatest music festival ever staged is going on two miles down the road. Sure, I took a left turn at Little Rock and never made it to the concert, but Teichberg was already on the spot. He has no excuse for missing the festival. We watch him fight with his mother, slide in the mud, experience his first acid trip, claim credit for making it a free concert, and come out of the closet. But he never gets to the music. And consequently neither do we.

The most incongruous sight in a long list of incongruous sights (including lots of joyful, bouncing, frolicking, full-on nakedness) is Liev Schreiber as Vilma, a pistol-packing, cross-dressing blonde offering his/her security services when the Teichbergs refuse to pay off a couple of toughs in the protection racket. Perhaps it would have worked if Lee had cast an unknown actor in the role, but Schreiber is just plain creepy, hitting on Elliott as a man in some scenes and Elliott's father as a woman in others, then making sandwiches

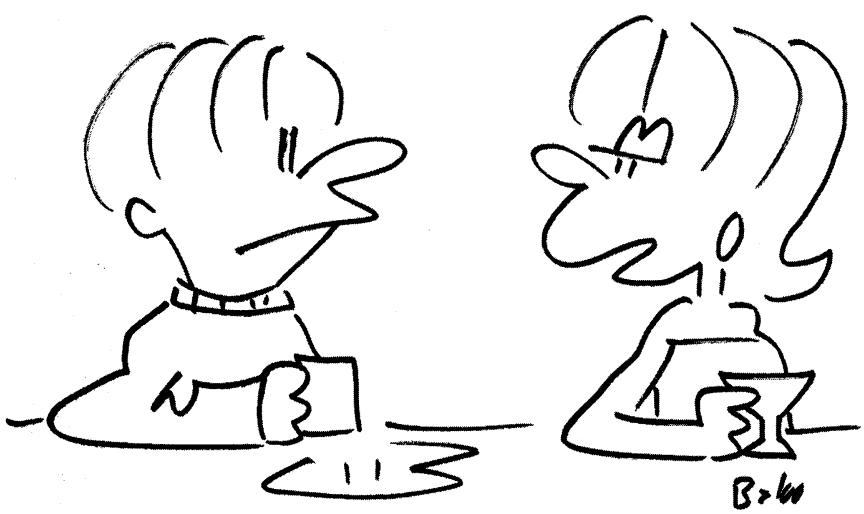

"You're trying to find yourself? — No offense, but if I were you, I'd look for somebody *else*."

and brownies with the old ladies in the community. I think it's supposed to be funny, but it's just weird.

In short, "Taking Woodstock" is one of the biggest film disappointments of the season. "Stealing Woodstock" might have been a more appropriate title, since the movie demonstrates how a virtual nobody tried to take credit for a major event. We get it — Elliot's festival permit was vital. But Lang, Kornfeld, and their professional crew deserve the credit for pulling the concert off. Not to mention the credit due the musicians! The film is not worth the price of a ticket, not worth the postage on your Netflix account, not even worth your time if it shows up on MTV.

Woodstock's official posters called it "An Aquarian Exposition," a strangely prophetic moniker, given the deluge that poured down for most of that weekend. The phrase derived at least part of its inspiration from another artistic phenomenon, a musical that opened on Broadway and in London's West End in 1968: the counter-culture rock opera "Hair," with its iconic theme song "Age of Aquarius." At that time, "Hair" was one of the edgiest plays to hit the legitimate stage. It delivered an antiwar message and an in-your-face celebration of drugs, sex, profanity, and nudity. It also spawned several top-40 hits, including Oliver's "Good Morning Starshine," the 5th Dimension's "Aquarius/Let the Sunshine In," Three Dog Night's "Easy to be Hard," Nina Simone's "Ain't Got No/I Got Life," and the Cowsills' "Hair."

How is it possible to make a film about Woodstock without showing a single artist or playing a single song? Lee manages to do it.

The plot of this musical is a loose interweaving of the experiences of several members of a "tribe" of friends who gather in what appears to be a park or parking lot to sing, talk, make out, and do drugs. The main story line (although it, too, is very loose) follows one character, Claude, as he makes decisions that lead to his being drafted, sent to war, and sent home in a box. As the characters take their turns in the limelight the stage morphs into a classroom, a bedroom, a living room, a protest rally, a battlefield, and even a long acid trip, without the use of props or sets.

The current production at the Al Hirschfeld theater on Broadway earned the 2009 Tony for Best Revival of a Musical. The cast is exuberant as they prowl the theater aisles, balance on the railings, and play with audience members' hair. Costumes are colorful and retro, with lots of beads, fur, fringe, and flowing cottons that once announced the hippie generation's embracing of multiple cultures. Yet many of the songs are offensively antireligious, belying the characters' profession of peace, love, and tolerance. Much of the music is familiar and engaging, but it's more nostalgic now than edgy — you won't leave the theater inspired to change the world, although you may want to go shopping for a retro mini-dress.

Characters sing a variety of protest songs that were once shocking and topical: "Hashish," "Sodomy," and "I'm Black/Colored Spade" appear early in the first act. But the themes are dated now, the anger and angst in the characters' voices more whiny than moving, and the profanity more juvenile than shocking. Moreover, at the time "Hair" was written audiences needed no exposition, but 40 years later it's harder to empathize with the characters' conflicts when the story lines are presented as swirling images with no back story. Even the title song, "Hair," has lost its impact. Members of today's audience may have hair that is short, long, purple, spiked, or shaved completely off, with nobody to object and few to notice. The show is still great fun, but it's no longer relevant.

At the time, however, hair was very much a symbol of freedom and self-ownership. It was the first thing to go when a man entered the armed services. Schools and businesses required men to keep their hair above the ear and above the collar. And hair was an outward symbol of gender — boys wore their hair short, and girls wore it long. Taking ownership of one's hair wasn't just a fashion statement back then —

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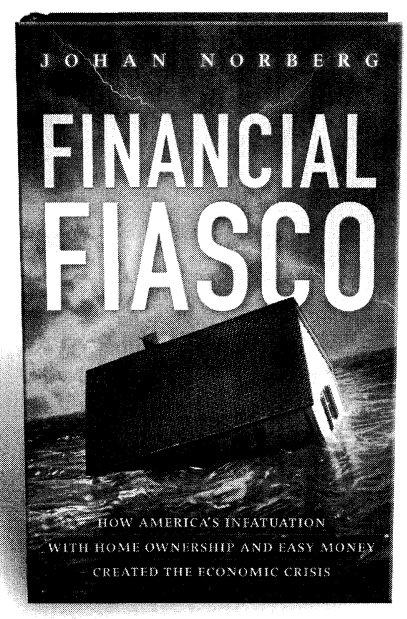

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it was a statement of personal identity and ownership.

Clothing, too, is no longer so firmly dictated by conformity; a tourist in jeans may sit in the audience next to a businessman in a suit, and both will feel comfortable. The most telling part of "Hair" is perhaps the final scene, in which cast members bring people from the audience onto the stage for a brief "love-in" of dancing and song. This scene is exuberant and joyful, and probably made a strong statement in the '60s when there was a distinct contrast between a cast in hippie attire and an audience in formal dress. But at the performance I attended recently it was difficult to distinguish who were the actors and who were the people from the audience. The protest clothes of the '60s are sold at Saks Fifth Avenue today.

Forty years later, Bethel, N.Y., is again a peaceful, bucolic setting of rolling hills, winding roads, and leafy trees. You can even see a few cows munching placidly on what was once Max Yasgur's dairy farm. Fancy coffees and pastries are available at the snack bar. Visitors arrive in nice cars and there is plenty of parking. The concert venue has a real stage, real seats, and a roof. It's hard to imagine a sea of bodies huddling against the rain and slipping through the mud. It's even harder to imagine anyone wanting to do it again. It's the kind of experience that improves with memory. It can be imitated in fashion. And it can be enjoyed through museums, books, movies, and albums — the means by which the Woodstock Music & Art Festival will live on. But the strongest survival may turn out to be the '60s' assertion of personal significance, identity, and self-ownership. ❑

The themes are dated now, the anger and angst in the characters' voices more whiny than moving, and the profanity more juvenile than shocking.

"Julie & Julia," directed by Nora Ephron. Columbia Pictures, 2009, 123 minutes.

Iron Chef, Zinc Saucier

Jo Ann Skousen

"Julie & Julia" is two stories in one, both of them true. In 2002 Julie Powell (played by Amy Adams) was in a funk, working for an insurance company dealing with survivors of the 9/11 terrorist attacks and looking for something meaningful to do with her life (that sentence should give you a clue to Julie's self-absorption). She came up with a plan: she would cook every recipe in Julia Child's "Mastering the Art of French Cooking" and write a blog about it.

This naturally leads to the other half of the story: how Julia Child (Meryl Streep) came to write said book. In 1948 Julia was in a funk, having just moved to Paris with her diplomat husband and looking for something meaningful to do with her life. "What do you like most to do?" her husband (Stanley Tucci) wisely asks in the film. "Eat!" she responds unabashedly, a delicious bite of sole meuniere still melting in her mouth. She came up with a plan: she would learn to cook French food — at Le Cordon Bleu, no less!

Both projects ended up as books, and both ended up on the screen as well — Julia's on the small one, Julie's on the large. Child's cooking show ran for ten years and became the model for cooking shows today; Julie's book is significant because it brought Julia's story to the big screen.

Streep settles comfortably into Julia's large shoes, playing the role with gleeful abandon. She relishes her food, guffaws at her own foibles, and gamely carries on when things go wrong. She loves her husband passionately, and his love for her is just as apparent. The section includes an equally strong and ebullient performance by Jane Lynch as Julia's sister, Dorothy. This portion of the film is delightful and robust, made even stronger by the short but poignant reference to Julia's heartbreak at not being able to have children. She barrels through life with a stiff upper lip, an effervescent smile, and a fine set of knives.

Adams, always a fine actor, portrays Julie Powell admirably. It's fun watching her try out every recipe (and reach for the Tums nearly every night). She moves from perky brightness to weepy meltdown with equal ease, portraying her character as she apparently was written. Some moments are quite spontaneous and clever. The problem is, Powell simply isn't as interesting as Child. One waits for Julia's story to return in the way one munches on a roll while waiting for the entree to be served.

Although the storytelling is uneven, the film is well worth seeing. The story of Julia Child's indefatigable determination to publish her cookbook should inspire any entrepreneur, and Julie Powell's story will likely cause you to think, "Darn. I could have done that!" — followed by a hopeful "I could do something else!"

But watch out for your waistline and reach for the Tums — at the very least, the film will inspire you to sharpen your knives and start cooking. As Julia would say, "Bon appétit!" ❑

Terra Incognita

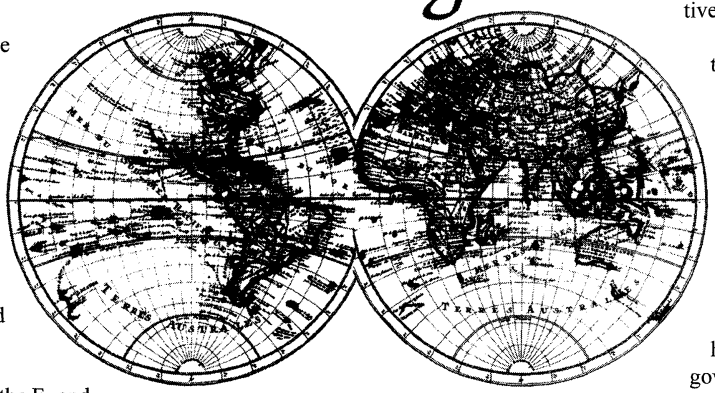

Martin County, Fla.

Bold implementation of one of the world's oldest defenses, from the *Treasure Coast Palm*:

Martin County Sheriff's detectives didn't buy it when a 48-year-old Jensen Beach man claimed that his cat was downloading child pornography on his computer. Keith R. Griffin was charged with 10 counts of possession of child pornography after detectives found more than 1,000 child pornographic images on his computer, according to a news release.

Griffin told detectives he would leave his computer on and his cat would jump on the keyboard. When he returned, there would be strange material downloaded, the release states.

Washington

Rattling the Supreme Court's swear jar, from the *Annapolis Capital*:

The Supreme Court deleted expletives left and right while narrowly upholding a government policy that threatens broadcasters with fines over the use of even a single curse word on live television, issuing six separate opinions that used none of the offending words over 69 pages.

The precipitating events were live broadcasts of awards shows in which Bono, Cher, and Nicole Richie — Justice Antonin Scalia referred to the latter two as "foul-mouthed glitteratae from Hollywood" — let slip or perhaps purposely said variations of what Scalia called "the F- and S-words."

Norfolk, Va.

Solidarity with our sesquipedalian brethren, in the *Hampton Roads Pilot*:

During an interview for CNBC, a fly intruded on President Obama's conversation with correspondent John Harwood.

"Get out of here," the president told the pesky insect. When it didn't, he waited for the fly to settle, put his hand up and then smacked it dead. "Now, where were we?" Obama asked Harwood. Then he added: "That was pretty impressive, wasn't it? I got the sucker."

Yet the Norfolk-based group PETA wants the flyswatter-in-chief to try taking a more humane attitude the next time he's bedeviled by a fly in the White House.

PETA is sending President Barack Obama a Katcha Bug Humane Bug Catcher, a device that allows users to trap a housefly and then release it outside.

New York

Novel infraction, from the *New York Post*:

A Brooklyn woman said her father apparently lay dead for weeks in a minivan while police repeatedly left parking tickets on the vehicle below the Brooklyn-Queens Expressway underpass.

Police made a gruesome discovery earlier this week while getting ready to tow the van — a decomposed body in the back seat. The body was identified as George Morales, and he had been dead a month, in a van with four parking tickets.

Gabarone, Botswana

Unsurmountable obstacle for constitutional law, reported in the *Botswana Mmegi*:

Cabinet minister Margaret Nasha has declared that Setswana is difficult, hence the constitution cannot be translated into the national language.

Nasha told parliament that it is impossible to translate law into Setswana. She explained that Setswana is very difficult but the language used in law documents is even worse.

Syracuse, N.Y.

Abrupt end to attempted revival of the barter economy, from the Massena (N.Y.) *Daily Courier-Observer*:

Police said a 45-year-old man, Angelo Colon, offered 42-year-old Omar Veliz a slaughtered pig as partial payment for a bag of crack cocaine. The two men were spotted making the deal on a street corner. Colon paid half a pig and $10 for a $50 bag of crack. Veliz told police the pig was for a celebration for a relative being released from jail.

While officers were arresting the suspects, someone took the pig.

Yekaterinburg, Russia

Obstacle in the fight against dark wizardry, from the BBC's desk in the Urals:

A Russian man is hoping to produce a little magic to get him elected Sverdlovsk regional governor, by taking the name of Harry Potter. The fictional boy wizard is hugely popular in Russia.

But he will not be able to call himself plain Harry Potter, as election rules state that Russian citizens who change their name have to retain their patronymic — their genuine father's first name.

Medina, Saudi Arabia

Legal trouble on the thousand and second night, recounted in Saudi paper *Al-Watan*:

A Medina family has taken a genie to court, alleging theft and harassment. The lawsuit filed in Shariah court accuses the genie of leaving them threatening voicemails, stealing their cell phones and hurling rocks at them when they leave their house at night.

An investigation was under way, local court officials said. "We have to verify the truthfulness of this case despite the difficulty of doing so," said Sheikh Amr Al Salmi, the head of the court. A local charity has moved the family to a temporary residence while the court investigates.

Fucking, Austria

Quixotic attempt at preventing the inevitable, from the *Cleveland Leader*:

Surveillance cameras are being installed outside Fucking, a mountain village near Salzburg, in order to deter tourists from taking snapshots of themselves having simulated or real sex underneath the town's welcome sign. Warnings about the cameras will be posted in order to encourage visitors to take tamer pictures.

"I'm sure each of them think they're the first to think of it but believe me they're not," said one resident.

Special thanks to Rich Burns, Russell Garrard, Bill Merritt, and Tom Isenberg for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

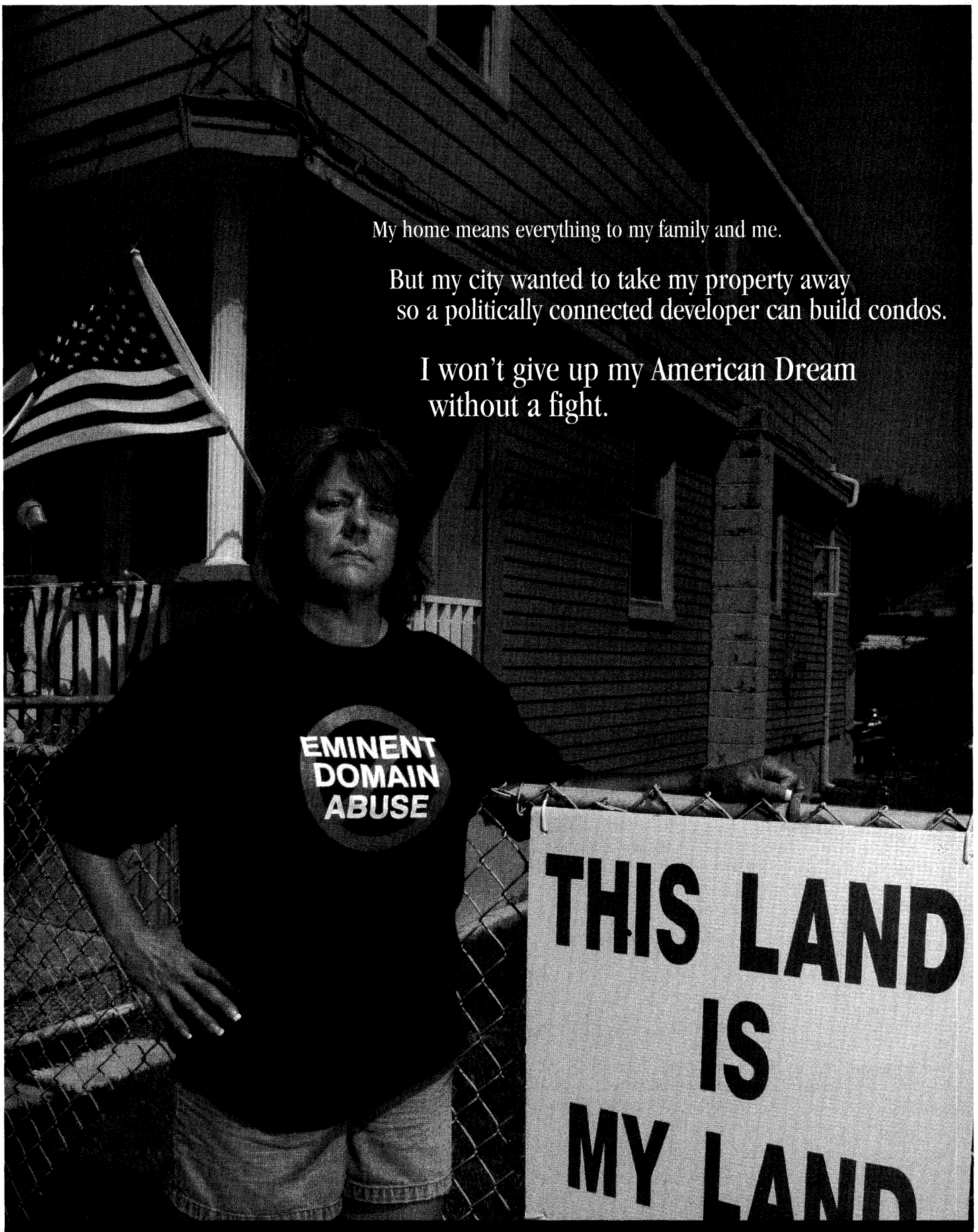

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Inside Liberty

December 2009
Volume 23, Number 11

4 Letters Preaching from the choir.

7 Reflections We muzzle idiots, join a jihad, flout the law, earn a living wage, deport the geeks, and register for death panels.

Features

25 Killing the Big Three First they came for our cars, then for our way of life. *Edmund Contoski* explores the death of American carmakers.

27 Intellectual Property and Libertarianism Intellectual property, *Stephan Kinsella* argues, has no place in any truly libertarian definition of property rights.

31 Dear President Obama *Don Crawford* makes some common-sense arguments about healthcare reform.

33 Robbing Hood and the Undeserving Rich *Bob Marcus* notes the uncanny parallels between America and Sherwood Forest.

35 Bridging the Two Libertarianisms What is an impure moral consequentialist? *Carl S. Milsted, Jr.*, who is one, explains.

39 The Attack on Scientific Freedom *Elizabeth Weiss* recounts how a federal law makes a mockery of the separation of church and state.

Reviews

47 Does Empire Work? *Jamie McEwan* comes to bury Rome, not to praise her.

48 Another Merry Romp After reading Dan Brown's overdue bestseller, *Jo Ann Skousen* wonders if there was a cover-up.

49 How We Went to War *Andrew Ferguson* observes how quagmires come to be.

51 Why Men Fight *Gary Jason* considers a war movie that evokes one of the deepest dilemmas of human life.

52 The Corn Syrup Inquisition For *Jo Ann Skousen*, "The Informant!" is a flawed but interesting movie about a flawed but interesting character.

54 Orphans on the Silk Road The politics aren't right, says *Gary Jason*, but "The Children of Huang Shi" has an amazing beauty.

50 Notes on Contributors Those who can, write.

55 Terra Incognita Much of a muchness.

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Letters

Quagmire

In the October Letters section, Jacques Delacroix makes some statements that don't conform to known facts. In his response to a letter from L.A. Rollins, Delacroix states that there were no plans to establish permanent American military bases in Iraq. In fact, during the negotiations for a U.S.-Iraqi security pact, the Bush administration sought the establishment of some 50 long-term bases for U.S. forces (it did not seek a "permanent" presence, because such is not done in international treaty-making). The Iraqi negotiators, however, refused to agree to this.

The Bush administration also granted no-bid contracts to Western oil firms to service the Iraqi oilfields. These were withdrawn when objections were raised both in and outside Iraq.

These facts have been reported in the mainstream media, and I was surprised to learn that Delacroix apparently had not heard of them.

Delacroix is on more solid ground when he states that the Bush administration "invaded Iraq largely to try and rearrange the political map of the Middle East." But rearrange the map to what end? Delacroix implies that the United States fought the war simply to turn Iraq into a democracy. Such a belief is simplistic if not naive.

It's well known that from the outset of the Bush administration some of its key figures — Vice President Cheney, Paul Wolfowitz, and others — were urging Bush to get rid of Saddam Hussein. It's quite true that these men wanted to "change the face of the Middle East" by first smashing Hussein's Iraq, then doing the same to Iran and Syria. The fiasco that succeeded the march to Baghdad — six years of occupation and counterinsurgency warfare — is what prevented steps two and three from being carried out.

The motives of these men were never publicly aired, of course. The American people have never been moved to fight wars overseas except by fear or idealism. So Saddam's supposed weapons of mass destruction (fear) and fine words about establishing a free and democratic Iraq (idealism) were the tools used to obtain congressional and public support for the campaign.

Why Bush gave the go-ahead is not entirely clear to this day. But it's hard to imagine that America would have invaded and occupied Iraq for years had that country been a mere desert without oil. Oil had to have been a factor in Bush's decision — which is not to say that it was the only or even the primary motive for the invasion.

In any case, the men who really made the war held two hardcore beliefs: first, that American and Israeli interests are essentially identical, and second, that the United States must have unimpeded access to the oil and gas resources of the Persian Gulf and Central Asia. That does not make them the evil tools of corporations, as Delacroix rightly points out. They were motivated by what they saw as America's vital

Letters to the editor

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interests. That they were nevertheless wrong is obvious — except perhaps to those who believe that establishing a brittle and unfriendly "democracy" in a far-off land was worth over 4,000 American lives and around a trillion dollars.

A final point: Delacroix says, "I think the adage well supported that democracies don't attack other democracies." Well, let's see. America declared war on Britain in 1812, and tried to invade Canada. Britain and France came close to war over Fashoda in 1898, and it wasn't their democratic systems that prevented conflict. Although Germany in World War I was not as democratic as its Western opponents, it could only carry on the war so long as its democratically elected Reichstag continued to vote for war credits. America overthrew the democratically elected governments of Iran (1953), Guatemala (1954), and Chile (1973) because it didn't like the election results. Nations follow their perceived interests, and while it may be true that democracies are more likely to have common interests, history shows that that's not always enough.

Jon Harrison
Poultney, VT

Delacroix responds: I am going to try to overcome my simplicism and my naivete to answer Harrison. (Forgive me, O Cox, for this needed neologism!) Harrison appears to be missing significant parts of his own story.

First, I stand corrected on the list of attacks of democracies against democracies, or maybe, a little corrected. In 1812, the United States was a democracy by any definition, Great Britain hardly. In that case, the United States attacked what would later become a democracy. And, by the way, there is a lot of room for looking at 1812 as a war of self-defense. The United States

From the Editor

A few days ago I attended the opening concert of the San Diego Symphony. The program began with "The Star Spangled Banner," which I always like to hear, but the major offering was Dvorak's Eighth Symphony. I had never heard that one before.

It's a big work, with a huge orchestra — eight double basses, eight cellos, four flutes, four clarinets, innumerable violins. And its form is unusual. When it debuted it was roundly criticized for its refusal to introduce its themes in a normal way, with the usual kinds of relationships and the usual kinds of repetition. Instead, it introduces one theme and allows it to suggest another theme, then another . . . and so on, in all the shapes that a great imagination could create. Surprise follows surprise, and in the end one finds that the symphony has included everything, from cheerful country dances to the somber notes of fate.

The San Diego performance was terrific; and as the excited audience shouted bravos at the happy but exhausted orchestra, I suddenly realized that the music reminded me of someone. It was R.W. Bradford, the founder of this journal, who died at this season, four years ago.

Bill's interests were as wide as the world, and he pursued them with the kind of excitement that made you eager to hear his next remark about the Chaco War or the natural history of the Ohio Valley or the evil nature of Andrew Carnegie. Bill devoted his life to the cause of human freedom; he was as serious about that as those eight double basses. But he had the charm and wit and vitality of the other instruments too. Ideas, for him, weren't dogmas to which he continually returned; they were constantly in motion, spinning off new ideas, in new and surprising ways.

Bill was an orchestra within himself, and he wanted Liberty to be like that as well. He didn't want just one instrument, playing one tune; he wanted all the instruments in the orchestra, developing as many melodies as they could — all the tunes related, but all richly individual and therefore surprising and exciting. He got his wish. But as varied and individual as Liberty's writers are, you can hear Bill's music on every page. When you applaud, you're applauding him.

For Liberty,

Stephen Cox

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did intervene in Chile in 1973 but there was no war. The United States also intervened in French and Italian elections in the '40s, to help democratic forces in those countries beat back Communism. I guess if what the CIA did in Chile was an attack, those were attacks too. The United States — through the CIA — intervened also in Guatemala, with a Guatemalan rebel force numbering fewer than 500. (I got the number from a Norman Mailer novel. If it's wrong, I will graciously accept correction.) The deposed president, Arbenz, was himself a former coup leader. Fragile democracy, indeed! The German example speaks for itself. If 1914 Germany was an example of what Harrison calls a democracy, he and I, and many others, have some conceptual issues to debate. And Great Britain and France did not go to war because of Fashoda (an obscure village in the Sudan), which makes my point nicely. Had one of the two been Fascist Italy, or Red China, or even the colonels' Argentina, the chance of war would have been higher. The Fashoda example supports my case, which is that democratic systems impose restraints on bellicosity.

This being said, I should have stated my point with more reserve: "Democracies are less likely to attack democracies militarily than are totalitarian regimes."

There were no plans to establish permanent military bases in Iraq as I was writing. Of course, President Bush tried to get some. I wish he had succeeded, for the same reason I was glad, throughout my childhood, that there were American military bases in Europe. For the same reason, I am glad there are some in South Korea today. I realize this is a hanging offense for many libertarians precisely because it's so inimical to our grand project, but I am against defending our country on the beach at Malibu, or on Long Island. Countries of the near Middle East are not particularly belligerent against us, it's true. (Except the one whose regime keeps calling the United States the "Great Satan," but what's a little jiving between friends!) Yet, they are largely failed societies that breed large numbers of viciously anti-American fanatics. Any of those countries might turn any day. As the case of Libya showed and as the case of Iran continues to suggest, nuclear terrorism is not out of the picture. I want to keep a close eye on them and military planes at their doorsteps. Light American bases in Iraq would serve this purpose.

Here is where Harrison misses what is, to me, the main part of his own story: the Iraqi negotiators for what he calls a "democracy" were able to say "No" to U.S. bases. Pretty good for a country that is militarily occupied and that has been under a bloody dictatorship for 30 years. Perhaps the United States did something useful there, pretty much of the form sought by the neocons.

Yes, Iraq is a "brittle" democracy. As I said, it's not Switzerland. Nevertheless, it's a polity with representative institutions whose citizens often vote in larger proportions than do Americans. Most of the time, they do this at great risk to their lives. It's also a country where mass murderers receive a reasonably fair trial — not a bad basis on which to establish a future rule of law. There is no consensus that the Iraq liberation was a fiasco. Get used to it!

The question of whether it was worth 4,000 American lives is, I think fundamentally, if unwittingly, dishonest in its form. It's not absurd to argue that it was not "worth" a single American life. And, by the way, it's not impossible to imagine that FDR could have avoided war with Germany and with Italy. That would have saved about 200,000 American lives. In the meantime approximately 40,000 Americans are killed every year in car accidents, about half with alcohol involved. I hardly ever hear good souls lament this utterly meaningless slaughter.

Incidentally, being attacked and losing does not save lives. France, with one third of the population, lost as many military personnel in WWII as did the United States.

Yes, the Bush administration gave some oil maintenance contracts without bidding. It was a war emergency. (One of the reasons we don't like wars: they generate emergencies, sometimes real emergencies.) I wish the adminstration hadn't done this. Fortunately, the establishment of representative government in Iraq quickly put an end to this breach of good manners. At any rate, the amount involved was peanuts. I don't know what this has to do with the real reasons for the military action in Iraq. As an argument to sustain the case that it was blood for oil, it's underwhelming.

Harrison makes the vague statement that had Iraq been "a mere desert without oil," there would have probably been no American invasion. Two answers. First, by this reasoning, the United States attacked Serbia — twice — because some constituency in this country lusted for the skinny Serbian cows. Second, if the thesis is that the Bush administration invaded Iraq to preserve physical access to the oil resources of the whole Middle East for the whole world, America included, I hope that's true. Oil is to the world economy like water is to irrigation farmers. Avoiding being cut off suddenly and suffering abrupt economic recession is well worth going to war over. (Note that in such crises, the first to die are poor children in poor countries, not suburban Americans.)

Unfortunately that rational explanation is clearly wrong. The fastest way to expand the global oil supply before the liberation of Iraq would have been to eliminate the sanctions that prevented Saddam Hussein from selling as much oil as he wished. Such a measure would have also earned the United States the approval of some or most of its allies and it would have made Bush more popular in some domestic quarters.

I don't know how Harrison knows that the men who made the decisions to invade Iraq held a "hardcore" belief that this country's and Israel's interests are "identical." It's self-evident, I think, that they overlap today more clearly than they did 20 or 50 years ago. But that's another story.

The most interesting part of Harrisons' letter is what's missing from it. Of course, whether one thinks that the Bush administration honestly believed Hussein had weapons of mass destruction matters a great deal. I think it believed it. The British government, the French government, and Vladimir Putin all said they believed the same at the time. For me, this is a dead horse; it's not worth discussing anymore. I just mention it because it may have been a cheap shot in Harrison's letter. I am not certain it was.

Finally, Harrison seems not to contemplate the possibility that common

continued on page 23

Reflections

Imperfect world — True capitalism, much like true Marxism, has never existed. However, imperfect capitalism has been shown to rise head and shoulders above imperfect Marxism. Prosperity, human rights, and human wellness have all flourished under the imperfect capitalism that Americans are saddled with. So if one has to pick a noble goal, it is the capitalists who are on the side of the angels. — Tim Slagle

An ignoble end — The death rattle of General Motors Corp. includes some heartbreaking stories. A few months ago, the Penske Automotive Group broke off talks with GM about buying the Saturn division and its dealership network. This was an ignoble end to a noble experiment.

In the early 1980s, Saturn was launched as a new division that would operate outside of GM's moribund corporate culture. It would build small cars at a new plant in Spring Hill, Tennessee, to compete with Toyota and Honda. Saturn had an innovative labor contract with the United Auto Workers union; the deal gave line workers fewer assurances but more involvement in management decisions that affected the plant floor. The Saturn cars weren't great products; but they were adequate, economy vehicles, which was more than you could say for most GM products.

Saturn dealerships operated under a no-haggle pricing mandate and early buyers applauded the service and attention they received. But two factors were constantly working against Saturn: corporate politics and labor union collectivism.

Within GM, other division heads thought that Saturn grabbed resources that should have been going to the older, established brands. The jealous corporate siblings damaged Saturn by choking its ability to develop new models in a timely manner.

Within the UAW, hard-line collectivists saw Saturn's "progressive" management as a corporate trick for breaking labor solidarity. The scheming unionists used their influence over GM parts suppliers to damage Saturn's efforts to develop a just-in-time logistics system (modeled on Toyota's state-of-the-art system) that would keep inventory costs down.

In auto-making circles (and perhaps in all industries), high inventory costs are the critical metric of union power. They are bad for business but good for goldbrickers.

A series of UAW-sponsored strikes at parts suppliers during the late '80s and early '90s wounded Saturn's just-in-time inventory model.

And now the Penske Group passes. Saturn dies. And the Ellsworth Tooheys of the world savor another miserly victory. — Jim Walsh

A new curtain drawn — Twenty years ago one of the world's leading practitioners of central planning finally collapsed because of the inherent inefficiencies of such systems and the inevitable misuse of power by the central planners in charge. That was the USSR, of course.

This year, the anniversary of that event went mostly unnoticed here in America, because most of our self-proclaimed intelligentsia were too busy urging our all-too-willing president to place more of our economy — and healthcare in particular — under the control of (what else?) central planners. President Obama has been busy appointing central-planning czars over every segment of our society that he believes will gain him votes from some constituency, or pay back some constituency for votes already rendered.

But central planners can never have as much information about the needs of people as the people themselves make known through their voluntary actions in a proper free market. The czars and planners always misuse the arbitrary power they grasp at, and ultimately ruin the very systems they claim they want to save "for the people."

More freedom from central planners is what we need, not more central planning. — John Kannarr

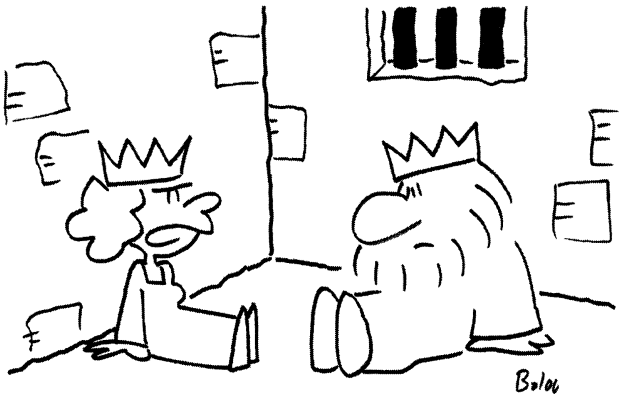

"I can't believe you hired your National Security Advisor from *Craigslist*!"

Another 16 tons — I recently escaped from California.

Part of the reason for my move was the new load of taxes piled on top of the already ridiculous mountain of taxes. Another part was the fact that the only plan California politicians can formulate these days is to raise taxes still further.

Unfortunately, I couldn't take my house with me when I left. And with the collapse of house prices, this is not a good time to sell. So I plan to hold onto it until the bubble reinflates. The major decision of when to sell my house now comes down to a race between the distorting economic intervention by the Fed and the inevitable repeal of California's Proposition 13, which will mean a big property tax increase for me.

Come on Ben, dispatch more helicopters! — Jeff Wrobel

Partied out — An interview conducted by Reason's Matt Welch finds Libertarian Party Chairman Bill Redpath holding forth on the failure of the LP to make any sort of dent whatsoever on the 2008 presidential election. This, despite

having easily the highest-profile name ever to run under the Libertarian banner — and a situation tailor-made for the LP to snatch a chunk of GOP voters dissatisfied with the party's geriatric speech-silencer of a candidate.

As chairman, pulling some good out of this failure and concentrating on "where we go from here" is Redpath's job, and judging from this performance he's not any good at it. While Welch wastes no time getting straight to that most important question, Redpath verbally contorts himself to avoid talking about Barr's collapsed campaign. Remember, this was a candidate who once talked up his aim of polling himself into the national TV debates — and while everyone who heard that at the time recognized it for standard-issue political-convention horseshit, even Barr's most vehement critics expected him to approach 1% of the popular vote. Instead he polled around 0.4%, the barest statistical significance more than Michael Badnarik did in 2004. So the party went from a "self-taught constitutional scholar" to a former U.S. Congressman and added one-tenth of 1% of the vote.

This rebuts one of Redpath's talking points, in which he conceded that Barr had gotten clobbered by Ralph Nader, but attributed it to the "name ID" advantage Nader had — "and our politics today are so name ID driven." Yet Barr's name ID made almost no difference at the polls; in fact, he lost to Nader by a greater percentage than did Badnarik, and this in a year when the Democrats were actually excited to vote for their candidate. Redpath's tangential admission of this was tempered by the congratulatory assertion that at least the Libertarian Party had outdistanced the Constitution and Green Parties — which is to say, hey, it could have been a lot worse! At least we're in the front seat of the electoral short bus! This smacks of what Thomas Sowell dubbed "the vision of the anointed": confronted with the evidence of a failed policy, the advocate or overseer of that policy defends himself by averring that without his advocacy or oversight, the problem in question would have been far more serious.

Perhaps I'm being too harsh. The nominee was chosen by the LP as a body, after all, not by Redpath. Still, with that chance bungled, Redpath *must* own up to that failure. After a strong start, with appearances on the Daily Show among others, Barr and his advisers seemed to settle on a platform of states-rights conservatism designed to play well in the South, and poorly almost everywhere else. (Not that it did play well, as Barr got only 0.7% in his home base of Georgia, but that's what the design seemed to be, anyway.) Is this neo-Dixiecrat message — "peckerwood populism," in the phrasing of Thomas Knapp — really what the LP wanted to put forward in its few high-profile media appearances?

Redpath didn't mention message, so there's really no telling. Instead he sidestepped into a discussion of ballot access, which — while everyone with an interest in third parties generally accepts that "greater access is a good thing" — leaves unanswered the rather important question of what the LP should do with those ballots once they're accessed. At a time when small-government activism is at its strongest in over a decade, as demonstrated by events such as the Tea Parties, the

Word Watch

by Stephen Cox

When it comes to political utterances, I am strictly, even enviably nonpartisan. I regarded Ronald Reagan's program — at least his stated program — as a welcome relief from the alternatives, but no one could ever convince me that President Reagan was the Great Communicator. Outside of "Mr. Gorbachev, tear down this wall!" and a few other inspired remarks, I thought his words were pretty typical political oratory.

By contrast, there is Abraham Lincoln, whose guiding ideas strike me as big-government dogmas masquerading as principles of liberty. In his debates with Stephen Douglas, it's hard to tell which one is a bigger sophist, although it's probably Lincoln. Yet honesty requires me to stipulate that Lincoln — and Douglas, too, when it comes down to that — was 100 times better at talking politics than anyone on the scene today.

The two debaters were speaking ex tempore, with no benefit from ghostwriters or teleprompters. Yet they spoke for hours, intelligently, amusingly, instructively, with much more knowledge of American history than any 21st-century college professor discussing the same topics. And in his written words, Lincoln had a unique, virtually unanalyzable ability to give every phrase an impact. The Great Communicator? Yes, that was Lincoln.

Now we come to President Obama. Even his detractors concede his "eloquence." Their formula is, "Despite the eloquence of the president's remarks, he offered few facts to support his views." Well, they're right about the facts, but they're wrong about the eloquence. Where, precisely, is it to be found?

John Kennedy's ghost-written inaugural address contains much that is foolish, much that is magniloquent: "We will pay any price, bear any burden . . . ." Yet its phrases are so resonant that it has never stopped being quoted. Kennedy can take credit for his taste in writers. Barack Obama has writers too — of his speeches, and perhaps of his books — but who can tell what they wrote? His utterances are all alike. They have no distinction. He pours out words, but none of them is remarkable in any way. He has the "eloquence" of the op-ed writer, and that's it. There isn't any more.

He also has the besetting defects of the op-ed writer. No thought is ever developed. No counter-argument is ever seriously entertained (contrast the Lincoln-Douglas debates, which consist almost entirely of replies to counter-arguments). It's all just hit and run — whatever will fit in a given space, with enough buzzwords to advertise the topic. And that is all.

The press loves this stuff; it represents the noblest aesthetic of The New York Times. But there comes a moment when those who hit can no longer run, a moment when their rhetoric, however jejune, succeeds in becoming memorable, because it is quoted and criticized. That time came for Obama, and the other leading members of his political party, in mid-September.

The kickoff was the president's great healthcare address to Congress on September 9. The address itself was a sodden failure. Obama's flacks had blanketed the media with promises that he would lay out all the details of his healthcare program, so as to

organizers of those events (as Redpath admits) have still kept the LP at arm's length. This suggests that what the LP faces right now is very much an existential crisis: if the party can't get buoyed up on a surge of sympathetic sentiment, what good is it?

If the only answer the national leadership can provide is grubbing over hundredths of percentage points with, in Redpath's words, the other "minor parties," then the national LP has become nothing more than a luxury, distracting attention and diverting funds from the city, county, and occasional state elections in which the party, and any libertarian elected to those posts, could actually make a difference. As it stands now, the party would get far more bang for its buck by decentralizing and running a skeleton-crew national organization that does little more than coordinate recruitment and ballot access efforts with various state parties — oh, and toss in a couple lawyers to make the appropriate filings for whichever schmuck feels like getting 0.3% of the nation to circle his name for president. As this is not substantially different from the results we are seeing now, the onus is on Redpath and others at the national level to make the case for their continued employment. The Reason interview does precisely the opposite. — Andrew Ferguson

Debate sponsored by Acme, Inc. — A big complaint in any political debate is that the opposition "wants to do nothing." Yet sometimes "nothing" is the only intelligent choice. For instance, would you rather jump off a cliff holding an umbrella, or an anvil? There are those who would opt for the umbrella, because it's the best option once in freefall. I, on the other hand, would prefer not jumping off the cliff. — Tim Slagle

Mock the vote — Despite the fetish that most Americans harbor for the act of voting, a few groups of citizens are so far outside the pale that not only are they deemed ineligible to join in on the Election Day fun, but they are doomed to suffer legal persecution should they choose to do so. Such is the case with New York's John O'Hara.

Joining the famous suffragist Susan B. Anthony on the small list of New Yorkers who have been prosecuted for the crime of casting a vote, O'Hara was in 1996 accused, tried, and convicted for a felony — voting from a residence that was not his "primary" home. Supposedly, he used the address of a girlfriend's apartment. If this seems like much ado about nothing, welcome to the sordid world of New York City machine politics.

O'Hara, a long-time political junkie dubbed "Mad Dog" for his endless, futile runs for office, had the habit of throwing his hat into rings where he was neither wanted nor approved by the local powers that be. Seeing a chance to make his life miserable, they pounced. Doubly unfortunate for O'Hara, the fact that he is now a convicted felon has resulted in his being disbarred in his home state.

Usually, nothing gives this writer more of a chuckle than to see a lawyer in dire straits — but in this case such a reaction would make me no better than the most enthusiastic ambulance chaser. If O'Hara can be unfairly persecuted under a

allay public suspicions that it was nothing but a pig in a poke. (They didn't say "pig in a poke," because, to an even greater degree than Obama, they lack the common touch. But that's what they meant.) Strange to say, Obama laid out no details.

The surprise was that a member of Congress actually shouted "You lie!" at him. The shout had several effects. One of them was that Obama scuttled back to try to fix his proposals so that the lie he told would become the truth (or seem like it). Another was that all people talked about thereafter was the congressman's shout.

The Republicans kept criticizing the shout in order to get credit for their own good manners — and also to keep the partisan's protest in the public's mind. The Democrats, together with their friends the mainstream media, kept criticizing the shout in order to divert attention from the president's poor performance. USA Today, the national hotel-lobby newspaper, followed the other MSM in denouncing Rep. Wilson's "appalling outburst." When the president enters the halls of Congress, he must, it seems, be given the awed respect of an Etruscan priest, to ensure that his spells will work.

By taking this position, the media not only made themselves ridiculous. They also emphasized their steadily increasing irrelevance. They portrayed themselves as a conventicle of maiden aunts, peering from behind lace curtains at the loud people going by outside, and brimming with "shock" and "outrage" at the bad manners of kids these days. The media's *faux-naif* performance will long be remembered. But try as they might, Obama's friends could not return the public's attention to the "eloquence" of Obama's speech. "You lie!" was still more "eloquent" than any words of his.

What to do? It wasn't enough to denounce Rep. Wilson for his "incivility." His words had legs. Investigation showed that the president *had* been lying. What Wilson said was literally true. So a decree went forth that on a given day all friends of the administration must seize the nearest mouse or microphone and testify that the actual meaning of "You lie!" was "I hate you because you're black."

Former President Carter gladly led the pack, with a TV interview on September 15 that was so insipidly self-righteous that I can't bear to watch it again. If you want quotations, go watch it yourself. The substance, though not the idiotic words, will long be remembered, despite the fact that their style was the same as that of Carter's other rhetorical offerings, these past four decades; and despite the fact that their content was the same as that of the addresses he gave in 1980, when he began to be seriously concerned that Reagan was going to win the election and deny him a second term as president. Carter went about the country charging Reagan and his supporters with racism. Of course, this was nonsense, like everything else he ever said. He might as well have announced that his opponents were mastodons or centipedes; it would have had the same relationship to truth — and the same effect on voters.

So in September, Carter made a buffoon of himself again, but the mainstream media did their best to make it look as if he had Risen Up Prophetically and must therefore be heeded as closely as if he had been reciting the Holy Gospel. (Don't worry about the Religious Right; what matters inside the Beltway is the pronouncements of the Religious Left.) Once again, that is to say,

vague, arcane law, then anyone can. Besides, O'Hara seems to be guilty of nothing more than annoying the powers that be and living with a woman he was not married to. The former is well within his right; the second is between him, the woman, and God.

After the waste of tens of thousands of dollars in taxpayer money, and the unjust removal of O'Hara's ability to earn a living in his chosen profession, it's high time New Yorkers agreed that O'Hara should be reinstated to good standing. Then we can all get on with our lives. — C.J. Maloney

Getting jobbed — A recent piece by Richard Wilner in the New York Post ("The Dead End Kids," Sept. 27) caught my attention as much for what it didn't say as for what it did.

Wilner reports that the unemployment rate for young people (those in the 16–24-year-old bracket) has just hit a post-World War II high of 52%. He notes the baleful effects: unemployment delays these people's entrance into the world of work, giving them a lower step on the escalator to high-paying jobs, as well as depriving the economy of their productivity and purchasing power.

In discussing this rise in unemployment of the young, Wilner targets the fact that the Obama economic team is composed of academics and people from big business; nobody has a background in small business, a sector that contributes disproportionately to net new job creation.

Now, I have no doubt that the Obama gang neither knows nor cares anything about small business. Indeed, their campaign to saddle business with massive cap-and-trade taxes and mandates to provide complete health insurance for all workers amounts to a veritable jihad against small business. But Wilner doesn't mention another culprit: the recent rise in the minimum wage, now at its all-time high.

Of course, those who engineered the minimum-wage hike will never admit that it is a deterrent to hiring young people, especially the untrained. No, what matters is that the legislators and activists are able to appear compassionate, getting credit for their humanitarian feelings but suffering no blame for the consequences. — Gary Jason

Legislative pandemic — For some time now I have written about how in the United States, the rule of law — originally a concept providing for governance by law as opposed to governance by the whims or caprice of men — is steadily becoming "Rule by Law," a type of legal tyranny in which virtually every aspect of our lives is controlled by multiplying sets of "well-intentioned" statutes, laws, regulations, and litigation. Massachusetts, in the name of protecting the public, has provided us with a most unsubtle example of this dangerous shift.

Massachusetts State Senate Bill Number 2028, the "Act Relative to Pandemic and Disaster Preparation and Response in the Commonwealth," a revision to existing state law, was recently passed unanimously by the state senate. This piece of legislation grants Massachusetts state and local health authorities sweeping, unconstitutional powers to "protect" the commonwealth during health emergencies.

It begins, "Upon declaration by the governor that an emergency exists which is detrimental to the public health or upon declaration of a state of emergency . . . the [health] commissioner may . . . take such action and incur such liabilities as he or she may consider necessary to assure the maintenance of public health and the prevention of disease." The commissioner's emergency power ends when the emergency ends. But despite the bill's provision that an emergency

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the media demonstrated their distance from political as well as semantic reality.

The Democrats and the MSM live within the same charmed circle. Carter spoke; the media took grave notice; and immediately other Democratic potentates started maundering about racism. Their point was that when you are *not* emphasizing or even mentioning race, as Wilson wasn't, you're a racist; and when you *are* insisting on race, as they were, you're an antiracist.

Needless to say, these deconstructionist tactics didn't work. Few Americans think that shouting at an African-American president means you're a racist. So on September 17, Nancy Pelosi tried another trick. With her usual subtlety and judiciousness, she warned reporters that the nation's outbreak of incivility ("You lie!") was more serious than even Carter had imagined. Mawkishly she summoned the ghosts of Harvey Milk and George Moscone, San Francisco political hacks (yes, I said *political hacks*) who were murdered by another San Francisco political hack, 31 years ago. Yup, that was incivility for you. So you see where it leads, this interrupting of political speeches. Pretty soon, some politician finds a gun and . . .

You see her logic, don't you? Well, don't you?

Pelosi's deep commitment to civility, her fear that bad manners may lead to violence, can be measured against her statement of October 1 concerning Florida Representative Alan Grayson's joyous assaults on Republicans as "knuckle-dragging Neanderthals" who want sick people to die because they (the Republicans, but most of the sick people, too, if we can judge by the public opinion polls) are against the president's healthcare plans. Asked whether Grayson should do the civil thing and apologize, Pelosi said, "If anybody's going to apologize, everybody should apologize." It was one of the most nonsensical remarks of the political year, and that's saying something. Then she waved her arms, indicating that the issue was settled.

Pelosi's antics were so absurd that even the MSM shied away from them; yet her performance, like Carter's, will be remembered as a low point in American civic discourse. What's better worth remembering is the statement of constitutional theory with which she began her comments on September 17. Here it is:

"We are a free country, and this balance between freedom and safety is one that we have to carefully [here she paused, seeking the right word] *balance*."

"Balance"? What "balance"? What is this "balance" that we have to "balance"?

The United States of America was not founded on "safety," or "civility" either. It was founded on individual thought and action. In the good old days of civility, members of Congress used to fight duels with one another, cane one another, get roaring drunk on the legislative floor with one another. Instead of a decline in civility in Congress, we should hear more about the decline in its intellectual standards. I know, that's like hearing about the decline of intellectual standards in the public schools: what is less than zero? But take any Congress of the 19th century

automatically ends after 90 days (or sooner, by governor's decree), an emergency can be repeatedly renewed for additional 90-day periods, without limit. That is a lot of discretion to grant any government actor or agency.

The bill, with a provision that it go immediately into effect once it's passed, requires all Massachusetts agencies responding to such an emergency to consult and cooperate in the exercise of their powers over transportation routes and over materials and facilities, including but not limited to communication devices, carriers, public utilities, fuels, food, clothing, and shelter. Anyone who renders assistance or advice during the emergency is protected from liability (subject to some other statutory provisions).

Under such an emergency, with the commissioner's approval, local public health authorities may require an owner or occupier of premises to permit entry and inspection; compel evacuation or decontamination of premises; destroy any material; restrict assembly of people; control ingress and egress from any stricken or threatened area, and control the movement of people and materials within that area.

If the commissioner determines that there is reasonable cause to believe that a disease or condition dangerous to the public health exists or may exist, and that certain steps must be taken to eliminate this risk, he or she can issue an order "including but . . . not limited to" requiring the owner or occupier of premises to permit entry for investigation, closing the premises until danger is passed, and requiring disinfection or destruction of the premises. Violating such an order can result in a fine of $1,000 per day and up to 30 days' incarceration.

There are two especially alarming aspects of this blatantly unconstitutional legislation.

First, the looming H1N1 (swine flu) threat is manufactured, as is the hysteria that surrounds it. As with so many other "imminent epidemics" before it, nothing has really happened with H1N1. Over the past ten years, we've seen many attempts to manufacture health crises. Before H1N1, it was bird flu. Before that it was West Nile virus. Before that it was terrorist-sponsored anthrax. Before that it was the obesity epidemic — still invoked to enable the creation of do-gooder legislation, such as trans-fat bans.

I bet that most of us don't know anyone who has contracted H1N1. The closest I have come is hearing of a friend of a friend who got it. He recovered in about five days, as one normally would with the flu. Yet governments everywhere appear to be ramping up for the coming H1N1 scourge as if it were the bubonic plague. The population is right to be suspicious. Citizens have not asked for broad state "protection."

Second, legislation in this area is ripe for exploitation by government actors. The language of the Massachusetts bill gives the governor broad discretion regarding declaration of "health emergencies." When such an emergency is declared, state agencies and actors will have vast coercive powers over the citizenry.

The bill exemplifies how "rule of law" mutates into "Rule by Law," with the attendant dangers to a free society. In the name of protecting the public, the bill provides state agencies an unprecedented amount of control over the population under an emergency condition that is initiated and defined by the state itself. In this current big-government era, citizens are rightly suspicious of the intentions of those who passed the bill, both those who supported it and those who sponsored it — especially considering that the bill passed unanimously.

Fortunately, this bill has generated considerable citizen concern in opposition. The Massachusetts House of Representatives is being bombarded with citizens' calls telling their delegates not to vote for it. The bill represents a turning

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and compare it in thought and word with today's Congress, and the former will come off looking like the Council of Nicaea, the Royal Society of London, and the Constitutional Convention, all combined. Certainly no Speaker of the House in the 19th century would have babbled about balancing a balance of freedom and safety.

So Pelosi is illiterate; fine. The more dangerous thing is that she is speaking for many Americans, and almost all American politicians and judges, when she suggests that rights — "freedoms" — are things that have to be balanced by other things. We hear this all the time; it's the greatest verbal weapon of people who neither know nor care about true liberty, and thus would destroy it.

But words have meanings. A right is a right. It is absolute. It is not balanced by anything. That's why people appeal to their rights when all else fails. The function of "rights" is to trump all other considerations. The First Amendment to the Constitution does not say, "Congress shall make no law abridging the freedom of the press, except for the purpose of balancing the freedom of the press with the people's need for safety." If you want to talk like that, go ahead; but use some other word than "rights." It's obvious that you don't have a conception of rights; you just have some conception of social management that you want to dignify by talking about "rights" and how you can "balance" them. By acting as if she had a concept of rights, and intended to "balance" their "balance," Pelosi advertised her intellectual nonentity.

The next act of the ruling party (September 20) was the president's appearance on five very respectable, very mainstream talk shows, as a way of marketing his healthcare program. This was another disaster — another verbal trainwreck. Despite his habitual finger-pointing and constant interruption of his questioners in order to make some "eloquent" remark, Obama said only two things that were memorable. The first was that he had no idea that ACORN — the nutball organization for which he used to work — gets a lot of federal money. That was a lie. The second was that the Democratic proposal to force everybody to get health insurance, or pay a tax, wasn't a proposal to impose a tax. That was another lie.

It's a measure of Obama's political vulnerability that the questioner who stuck it to him on this subject was Democratic Party hack George Stephanopoulos, and that Stephanopoulos, preparing himself for Obama's tendency to lie, had looked up the definition of "tax" in the Merriam Webster dictionary. (Admirable research, for a contemporary journalist, though it didn't go far enough to reveal that the bill embodying the Democratic tax idea explicitly calls it an "excise tax.")

It's a measure of the president's literary vulnerability that after Stephanopoulos told him what Merriam Webster had to say, Obama objected to his searching for definitions in something called "Merriam's dictionary." Merriam's dictionary? Have you ever heard that phrase before? Clearly, the president had never consulted the book.

point for our society. It could mark the acceptance of the legal tyranny of Rule by Law, or it could mark the moment when citizen opposition rolled back legislative control of society. I'm hoping for the latter. — Marlaine White

Too much freedom of speech — I once criticized Whole Foods founder John Mackey on these pages (Reflections, Oct. 2007); now I feel the urge to rise to his defense.

It seems that some on the Left don't like Mackey's calling 'em as he sees 'em. Mackey put his two cents into the healthcare reform debate with an op-ed in The Wall Street Journal. He had the temerity (or should I say guts?) to liken the Democratic healthcare plan to "socialism" — which in fact it is. Lefties don't like that. They know that socialism remains anathema to a majority of Americans. So they started an online petition urging a boycott of Whole Foods. Last I read, over 25,000 people had signed on.

Boycott is a perfectly legitimate weapon in some circumstances. Boycotting the 1980 Moscow Olympics was an excellent (albeit merely symbolic) way to express opposition to Soviet totalitarianism. Boycotting a restaurant or store that refused to serve blacks in the old South was a great way to hit back at racism. But boycotting Whole Foods because John Mackey writes something about his opposition to a government-run health system is akin to burning books. Mackey is simply exercising his right to free speech, and in doing so he isn't advocating anything terrible or out of bounds. He's a citizen with a legitimate opinion on a public policy matter; as such he deserves a hearing, not a declaration of economic warfare.

I wonder how many of the petition-signers actually shop at Whole Foods. No doubt the company's clientele includes bleeding-hearts and limousine liberals, but I suspect that many if not most of the signers are simply leftists who secretly wish they could afford to shop there. What Nietzsche called *ressentiment* is doubtless playing its part (perhaps a large one) in *l'affaire* Mackey.

Mackey wrote an excellent piece for Liberty (June 2006), part of which dealt with his views on healthcare reform. Agree with him or not, his views on this subject are well thought out and deserve a hearing. What they, and he, don't deserve is a campaign to silence his side of the argument. — Jon Harrison

Big tent — I've recently returned from an 11-day train vacation. One thing you learn when on long-distance trains is that whenever Amtrak changes crews, it's time to get out and look around, in the hope of finding better (or at least different) food than Amtrak offers. So when I had an hour's layover in Fort Worth, I decided to head for some tents nearby. They looked like a farmer's market, and I'm always happy to support local farmers.

What I found was the Fort Worth 9/12 demonstration.

There's been a good deal of press about tea parties, 9/12 rallies, and the like. I'm sure there are "fringy" people at some of these events, but it wouldn't surprise me if journalists found the three weirdest people at a demonstration and used their remarks to paint a portrait of a frothing right-wing mob.

I didn't see a mob in Fort Worth. The crowd, which was in the thousands, was civil. I didn't see any banners comparing President Obama to Hitler or calling for killing anybody. There were many banners mocking the president, but the last I heard, questioning authority wasn't yet a crime.

Most of the 9/12 people would say they were angry, and I talked to a woman who was proud to be "the angriest person in Stumptown, Texas." But it's important to note the difference between anger and rage. I didn't see any red-faced screamers, or anyone who was about to pop a blood vessel. Most of the people I talked to were having a good time, marching in the rain on a muggy Saturday afternoon.

I didn't take a count, but it appeared that the protesters were about equally opposed to the healthcare plan, the stimulus, and high taxes and big government in general. Some of the marchers had concerns that seemed a little eccentric to me (I wished I could find out the concerns of the gentleman whose banner read "No Cass Sunstein"), but I agreed with nearly everything the protesters said.

There were booths for several Republican candidates for the Texas state legislature as well as one Libertarian Party booth. But no one was marching to support a political party. All were against specific administration programs and big government in general.

As I left for the train, the marchers went to hear a speech by Fox News Channel commentator Andrew Napolitano. If his interview in Reason is typical of his thinking, Judge Napolitano seems like a sensible person. I'm sure he gave the marchers good advice.

I'm not a pundit, so I don't know whether the 9/12 movement will amount to anything. But what I saw in Fort Worth is that there's a lot of anger against the Obama administration's relentless efforts to bloat the government. Most of that anger is justified. Administration strategists — and their allies in the press — who dismiss this anger or pretend that it doesn't exist may find themselves looking for work in January 2013.

— Martin Morse Wooster

Wealth of notions — George Gilder's book, "Wealth and Poverty" (1981), was a paean to the entrepreneur. Gilder was for the free market, though he was little interested in market mechanisms. "The quality of capitalist society depends not on automatic mechanisms, but on the quality, creativity and leadership of the capitalists," he wrote. Government should leave entrepreneurs alone to reap the rewards of daring and luck, and not try "unduly to shape" the future.

I was impressed by the book, and still am, but there was an odd chapter, "The Inflationary State," that made a no-big-deal argument about cheapening money. Gilder argued that the history of the price level over the past millennium showed that inflations had been associated with progress.

"Japan worked its postwar miracle of growth with a steady siege of inflation, which allowed its capital-hungry corporations in effect to tax its heavily saving citizens," he said. "Through the '60s and '70s, Japan has led the industrial world both in inflation and in growth." Taiwan and South Korea had done the same.

Writing in 1980, when the U.S. Consumer Price Index for urban workers jumped a record 13.58%, Gilder thought Americans worried too much about inflation. He said people should quit fretting so much about monetary measures such as M1 and M2. "Rather than attempt to rigidly control unruly aggregates," he wrote, "we should focus on the impact of

specific policies on the incentive to work and invest."

On October 5, I attended a talk by Gilder at Seattle's Discovery Institute and asked him if he still held to that view about inflation.

He did not. He was emphatic that the dollar should be a stable unit of value, and that shrinking it, which he believed the U.S. Treasury was trying to do, was as dishonest as changing the definition of pounds and ounces. Inflation was destructive. It would chase investment away from the United States. He didn't want it.

"My views have developed since 'Wealth and Poverty' on that subject," he concluded. — Bruce Ramsey

Learning by degrees — As I have said before in these pages, the higher-education marketplace is full of flaws. It's composed of nonprofit and government entities, it's suffused with third-party payments, and its successes are based on reputation, not factual information about what students learn. That last fact has led reputable commentators to propose that the government force universities to make their "learning outcomes" transparent.

But in an extended email roundtable on learning outcomes not too long ago, I was won over to — you guessed it! — the market as the appropriate monitor.

Michael Rizzo, an economics instructor at the University of Rochester, said that the current "equilibrium" in higher education (lots of demand, plenty of supply) suggests that the customers (parents and students) are fairly contented with the system. A degree may be costly, but all in all, the value of the product (the diploma) seems to provide what people want at current prices.

Roger Ream, president of the Fund for American Studies and parent of a high school student, said that he doesn't need more data: "I don't find a compelling need for information beyond what is already available. I can find average SAT scores, graduation rates, breakdowns of cost, average class size, full-time faculty per student, course offerings, majors, etc." Add the information one gets from college guides, campus visits, and meetings with alumni.

If Ream and Rizzo are right, then insistence on "learning outcomes," especially federally mandated outcomes, is misdirected. But must we be content with left-wing professors, grade inflation, and rising costs? No.

Until now, few parents have searched as carefully as Roger Ream has. They haven't needed to. They have been satisfied that a college degree, any degree, is worth a lot, and a degree from an elite school worth even more. They have heard that college graduates earn a million dollars more in their lifetimes than high school graduates. Although that figure is bogus, the benefit is still real — at the moment.

But the flaws in higher ed are having their effect on jobs, especially in this recession. Many college graduates (by one professorial estimate, 25%) are working at jobs that don't require a college degree (and don't pay as if they did). For those graduates who took on sizeable debt to get that degree, the financial impact is even worse.

Sad though that may be, the discrepancy between the price and value is going to become evident. It won't take too many Facebook and text messages for prospective students to learn that the degree from State U may not be worth what it's cracked up to be, and they will start thinking about alternatives.

A startling alternative recently made the news. It's a company called Straighterline.com, which offers college-level courses for $99 a month — as many courses as a student can handle. Straighterline won't take over the market overnight (it may lose out on the accreditation front, for example), but something like Straighterline could make serious inroads, blasting the system into smithereens. And a whole new higher education market could emerge. — Jane S. Shaw

The twilight of the race — A rehab clinic in Fall City, Washington, has become the first in the country to treat internet addiction. I remember all the old movies when I was a kid about how supercomputers would take over the world. Usually they linked up and became one massive world consciousness and then took over the launch codes for all the nuclear missiles.

But the computers didn't have to take over our nuclear arsenal to defeat humans — they just showed us pictures of hamsters eating Cheetos and cats with arrows through their heads, and the humans deactivated themselves. — Tim Slagle

Smoke break — On September 24, the United States government put into effect a ban on "flavored" cigarettes. As usual, this legislation is "for the children"; specifically, lawmakers objected to any "fruit, candy, or clove flavors" which might trick impressionable youths into picking up that first cancer stick.

The flaws in this legislation are, as one might expect, myriad; not the least of these is that menthol cigarettes — by a huge, huge margin the most popular cigarette flavor — remain legal, if not exactly FDA-approved. Menthols are a major source of income for the nation's two largest tobacco companies, R.J. Reynolds and Philip Morris, and it's understood that exempting them from the ban was the price of their support for the bill. After all, since neither of the two makes cigarettes that qualify as "flavored" under this legislation, they lose nothing by supporting it; only tiny competitors such as Kretek, which imports clove cigarettes from Indonesia, will be hurt by it.

The other provisions of the bill are annoying — for instance, Congress has approved increasing warning-label size to cover half of any given cigarette pack, and putting pictures of diseased lungs on them; I can assure them from the sheer number of smokers and discarded packs I've seen in only a couple weeks in England that this will do nothing but increase sanctimony — but none so annoying as this blatant example of the collusion that drives our crony-corporate state. Our congressional nannies have succeeded in recreating a two-class economic system of haves and have-nots, except in this case the divide is between companies that can afford lobbyists, and companies that can't. Increasingly, rent-seeking is the most important aspect of any corporate business plan: companies hire ever more lobbyists to curry ever more favor, such that the boomtown of our times comprises those counties and cities of northern Virginia which neighbor the DC Beltway.

Why, then, pause to note a bill which scarcely merits a footnote in the vast and ever-growing history of corruption in the corporate-congressional complex? Two reasons. First, the absolute sanctimony accompanying this bold move that targets

only the smallest, most inconsequential cigarette producers; second, because it hits me right in the personal freedoms.

As I noted in these pages many months ago (Reflections, January 2006), I enjoy the occasional clove. In small, concentrated doses — say, a single cigarette — nicotine is a wonderful stimulant, perfect for an idle conversation or a few moments of solitary contemplation in the midst of a hectic day (for that reason, deadline days, whether for Liberty or for one of my academic papers, usually have a smoke break built in). Yet as an asthmatic, I can't inhale tobacco smoke. But with cloves, as with cigars, the smoke is held in the mouth — a much safer delivery system, incidentally, not that anyone would know it from the puritanical statements issued by the FDA — allowing me to indulge my infrequent vice without wheezing the whole next day like a Victorian-era factory worker.

And now even this small comfort has been denied me by those rampaging, grandstanding tyrants who dare call themselves our representatives, working hand-in-hand with executives whose only concern is that I am not smoking the correct brand. Smoking may be a filthy habit, but it's got nothing on these toxic quid pro quos that now adulterate every piece of legislation belched forth from Capitol Hill.

Now, if you'll excuse me, I'm off to commit a small but intensely satisfying act of civil disobedience.

— Andrew Ferguson

Giant sucking sound — Two articles published this fall reawakened my interest in a topic on which I have reflected a number of times before — the issue of how quickly America's economic and technological lead is evaporating, because we are rejecting the free-market economy while much of the rest of the world embraces it.

The first article was "Why Chile is More Economically Free than the United States" (Cato Institute, Sept. 17), by José Pinera. Pinera is famous for convincing his fellow Chileans to privatize their Social Security system — a quarter of a century ago! He is now able to note that in the new "Economic Freedom of the World Report," Chile has replaced the United States as number five on the list, with us falling to sixth place.

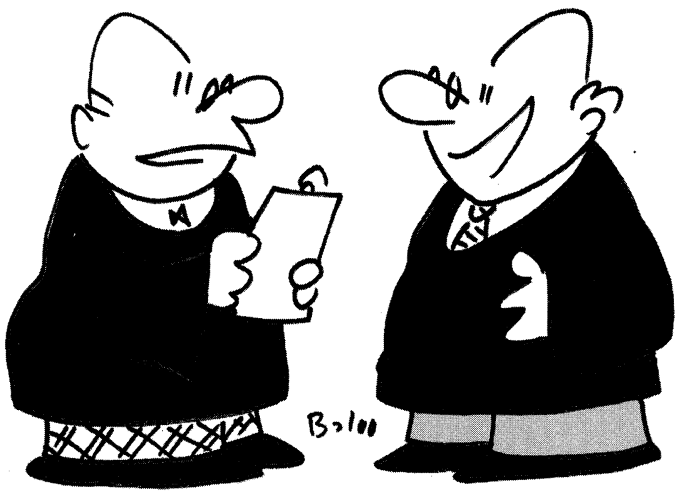

"There's an obscenity case coming up about a topless restaurant."

"Let me be the judge of that!"

For a country ranked second-to-the-bottom in 1975, Chile's ascension is nothing less than miraculous.

Chile's move to economic freedom resulted in (among other things) a doubling of its historical rate of growth. Chile averaged a remarkable 7% annual growth between 1984 and 1998, and the percentage of poor people dropped from 45 to 15. Chile is now in third place in terms of free trade (trailing only Hong Kong and Singapore), and it is ranked higher in transparency of governance and lower in corruption than most European countries. It is destined to take its rightful place in the list of "developed countries" in less than a decade, becoming the first Latin American country to do so.

The second article that piqued my interest, though not in a happy way, was a piece by Emily Bazar, "More of World's Talented Opt to Leave USA" (USA Today, Sept. 20). Bazar reports on work done by Prof. Vivek Wadhwa, who studies reverse immigration patterns.

It turns out that an increasing number of highly educated recent immigrants to the United States are deciding to return home. Wadhwa predicts that over the next five years, more than a hundred thousand immigrants will return to China, and a like number will return to India. As he puts it, "For the first time, we are experiencing the brain drain that other countries experienced."

Relying on an extensive survey of returning immigrants, Wadhwa says they are being drawn back by family ties, and by money's greater purchasing power back home, but also by the rapidly increasing job opportunities in their home countries, both of which have high growth rates produced by the liberalization of their economies. Also, the immigrants are often frustrated by their inability to gain permanent immigration status after waiting for as long as a decade working here, dealing with our cumbersome and archaic immigration system.

I suspect that the brain drain will become a flood if Obama gets his cap-and-trade bill through the Senate. If that happens, American industry will be slammed with massive cost increases. We will thereby destroy our economy in a grotesque Green *auto da fé* — an action that the Chinese and the Indians have already indicated they refuse to emulate. — Gary Jason

Capitalism for dummies — "Capitalism: A Love Story," Moore's latest pseudo-documentary, is another deliberately misleading, emotionally charged, sometimes silly hodgepodge of loosely related scenes. Relying almost entirely on film and TV news clips, heart-wrenching anecdotes, spritely voiceovers, and ambush journalism, Moore once again manages to deceive his adoring fans — this time blaming capitalism for everything that is wrong with America.

The biggest problem with "Capitalism: A Love Story" is that it isn't really about capitalism; most of the people he "outs" are politicians. Moreover, he never offers a serious definition of capitalism; he simply uses it in his title and then implies that every travesty we see in the film is caused by it.

As readers of Liberty know, capitalism is simply a system by which private wealth is used to produce and distribute goods and services. Capitalists save their money and then invest it in businesses or properties with the hope of making a profit. Yes, capitalists often become wealthy. But so do the people whose enterprises they fund. Capitalists also go

bankrupt, if they invest in businesses that go sour. That's the risk they take. Most end up somewhere in between.

A much better example of a film about capitalism is a wonderful old movie called "The Magic Box" (1952), with Robert Donat as William Friese-Greene, the man who invented the motion picture camera. Wait, you may be thinking, everyone knows that the movie camera was invented by Thomas Edison! In point of fact, Friese-Greene's camera was patented in England two years before Edison patented his own. Friese-Greene went on to experiment with celluloid film and color processing. But he died a pauper, while Edison became wealthy.

Why the difference? Friese-Greene had no capital with which to develop his products and sell them to the public. Edison grew rich because he had the capital to turn his inventive ideas into usable products. Americans as a group also grew richer. They now had light bulbs, phonograph players, and a growing number of labor-saving and entertainment devices. They had new jobs, too. All because Edison had enough capital to turn his ideas into products that people wanted to buy.

Michael Moore is a beneficiary of capitalism. He could not have made any of his movies without hundreds of thousands of dollars in upfront capital to pay for cameras, film supplies, crew salaries, processing, distribution, and myriad other expenses. In short, Moore himself is a capitalist — and a highly successful one at that. — Jo Ann Skousen

Le déluge — I once wrote in these pages that California is the petri dish of America, the state where all nonsense legislation is tested out before the rest of the nation becomes infected. So it is with a great sense of urgency that I recommend all Americans pay close attention to the impending financial failure of the Golden State.

Religious zealots have been warning for years that the American version of Gomorrah would be punished and sunk into the ocean. Turns out that God never had to lift a finger; California is sinking all by itself. — Tim Slagle

Civil disobedience on two wheels — Adam Marino is not a number. He is a 12-year-old boy who likes to ride his bike to school in leafy Saratoga Springs, New York. This poses a problem. Local education apparatchiks don't allow elementary school students to ride bikes to school. Walking to school is not permitted either.

The showdown actually started at the end of the last academic year. School district officials notified Marino's mother that the boy was violating school rules by biking to class. His round-trip ride is about seven miles, which keeps him in pretty good shape. He only rides on days whether the weather is clear. His mother rides with him, so she stays in good shape too.

The official reason that the apparatchiks offer for their bicycle ban is that they fear being held liable for any harm that might come to a student as he rides to school along city streets. They may also be protecting the self-esteem of the porky little classmates who see a 12-year-old fellow exhibiting some measure of hearty self-reliance.

Last spring, Marino's mother challenged the school district policy and asked the local board to change it. She thought that she had a verbal agreement with school officials to allow her son to ride his bike while a new policy was being promulgated.

But, on the first day of school, when mother and son arrived at the Maple Avenue School, they were met by school administrators. And an armed New York state trooper. The statists emphasized that biking to school was *verboten*.

Marino's mother told a local paper: "I guess you can say that we continue to do what we feel is our right. We feel strongly we have a right to get to school by a mode of transportation we deem appropriate."

Cheers to her. And justice is coming for the apparatchiks. At the rate New York is going, their precious pensions may be worthless; on retirement, they may be bicycling because they have no other choice. Or so we can hope. — Jim Walsh

The end of racism, interrupted — Not that I am so naive as to hope that America, post-Obama, will ever see racism go the way of the dodo bird, but it is disheartening to see cracks appearing so quickly in our wall of racial harmony. Nothing was more predictable, or more depressing.

From Jimmy Carter's looking up from his peanut patch to smear all critics of Obama with a broad brush as racists to Rush Limbaugh's turning a school bus beatdown of a white student by a gang of poorly raised black youths into a strident declaration that "this is Obama's America," our country's sad, irrational fixation with skin color can, seemingly, survive anything — even a black president. — C.J. Maloney

Last one out turn off the lights — Lately, I have seen and heard many media stories about looming state government shutdowns because of overwhelming state budget crises. This is not the usual political posturing, often seen in state legislature showdowns, in which the party opposing the budget makes dramatic threats to "shut down the government!" This time, state governments are facing real shutdowns as one of many measures to cope with budget shortfalls amid the economic downturn.

I've heard ominous reports that states will close parks, stop construction projects, shutter offices, discontinue lotteries, and mothball roadside rest areas. But these reports invoked no fear in me. A day without government! I thought. That could be nice.

Where would I begin? Besides closing government offices, I would do some other things. I constructed a long list. I'll hit the highlights.

First and foremost, I would cease state and municipal collection of taxes. When the state or municipality isn't *open*, it need not collect any tax money for that day or set of days. How refreshing it would be to have that money back in my pocket to use at my own discretion! I wouldn't need to play the lottery, so that could remain shut as well.

Next, I would take police patrols off the roads. Why? Other than chancing onto the occasional fugitive through routine computer checks of license plate numbers for expired registrations, road patrols accomplish very little. (They certainly do not prevent speeding.) And without them, we would do without the sudden, jostling slow-downs of traffic that attend motorists' spotting a police car by the side of the road. Police in my area patrol the roads primarily during the morning and evening rush hours — hardly prime times for crime. Issuing tickets to employed citizens zipping to and from work

generates easy money and is considerably less dangerous than running down criminals.

As a former prosecutor I am not convinced that police are generally an effective deterrent to crime. They respond to crime, mostly after the fact. They rarely, if ever, prevent crime. An armed and vigilant citizenry is a much greater deterrent. I agree with Doug Casey's suggestion that everyone should "have a loaded gun in their bedstand, at a minimum."

So, on each day without government, I would give a segment of the police an unpaid furlough (some of them, especially detectives, will need to be on the job to investigate any crime that does occur), arm the citizenry, and expand the legal parameters and protections for self-defense. I'll wager that with this plan, crime rates on government shut-down days will be significantly lower than crime rates on the days when government is running.

Next, I would shut off all cameras on traffic lights. The sole purpose of these cameras is to generate money for the municipality through fines issued to motorists going through yellow lights. Cameras have had no measurable effect on accident rates and only add energy costs to already strained budgets.

I would also stop most government entitlement programs for every day the government shuts down. For each day without government, the money that would have been spent on entitlement programs by the state or municipality would not be taken out of taxpayers' paychecks. Taxpayers would be free to keep and spend this money in any way they deem appropriate. For example, if certain taxpayers fear for their safety on days without government, they can use that money to hire security (perhaps offer the job to someone just stripped of his or her government entitlement), purchase a handgun, or erect an effective security fence around his or her home.

I could go on, but you get the picture. I am sure many of you have created similar lists.

Our creativity need not be in vain. After all, a crisis should never go to waste. — Marlaine White

Congressional killers — Perhaps to burnish his street cred for evenhandedness, Joe Scarborough of MSNBC's "Morning Joe" has been making disapproving noises about Sarah Palin's use of the expression "death panels" to characterize President Obama's healthcare plan, declaring that such demagogic hyperbola only inflames passion and identifies the GOP and the conservative cause with the most extreme elements of the party.

Hmm . . .

"Death panels" applies literally to a stipulation in the plan, since removed, for panels of medical experts to provide end-of-life counseling for the terminally ill. Presumably we spend a disproportionate amount of money keeping people alive in the final year of life. Somehow it got about that the real purpose of these panels was to euthanize, i.e., pull the plug, on the old folks.

Most old people have more sense than to credit such an outlandish rumor. Moreover, I think most people who have less than a year to live would decline to have a $50,000 hip replacement simply because it would violate their sense of economy — not to mention having to endure a painful period of recovery and side effects. So the literal interpretation of the phrase "death panels" appears to be a red herring and is probably moot as far as dear old granddad and grandma are concerned.

However, the expression does resonate on a metaphorical level. It stands for the unease we all feel about the arbitrary rationing of medical care. For example, to ensure that his health plan is revenue-neutral, President Obama plans to defund Medicare Advantage private insurance plans to the tune of $177 billion over the next ten years. But will siphoning off these funds be patient-neutral? Democrats have been voicing strong opposition to private plans within Medicare for some time because capitated payments to the insurers have been on average 14% higher than Medicare's fee-for-service payouts, amounting, they maintain, to a taxpayer-subsidized windfall for the insurance companies.

The administration proposes cutting federal payments to the insurers that run the plans by requiring them to bid competitively. The government would then pay them based on the average bid, saving $ 177 billion over ten years. Sounds sensible enough, but according to Karl Rove, Medicare Advantage already has built-in incentives to encourage insurers to offer lower costs and better benefits. Says Rove, "It's a program that puts patients in charge, not the government, which is why seniors like it and probably why the administration hates it." He adds that Obama's cuts will "likely force most [seniors] to lose the insurance they have now."

So, even if the expression "death panels" isn't strictly factual, it has the ring of poetic truth: it is a metaphor, not only for Obama's half-baked medical reforms, but also for the disastrous process and direction of government itself. Indeed, what an apt name for the two houses of that august body, the inept U.S. Congress, which if past performance is any indication, could very well be negotiating the euthanasia of the republic, through such ruinous legislation as cap-and-trade, and the stimulus package. Wasn't Congress at the helm when the ship of state foundered in the financial storm? Is it any wonder alarmed citizens are raising holy hell at town hall meetings?

The leftist furor over "death panels," arose because the liberal press insisted on a literal interpretation of the expression. I suggest that we reinstate the phrase "death panels" to the healthcare debate as a legitimate characterization not only of President Obama's incoherent and ill-conceived healthcare plan but also as a metaphor for the U.S. Congress — at least until it produces a medical reform bill that doesn't kill Americans and bankrupt the country, and until it restores to the nation the financial health it once enjoyed before it was so casually destroyed by lazy, incompetent, and venal legislators.

— William B. Fankboner

Approaching equality — In March 2008 this reflector told you that it was high time for the U.S. military to get rid of "don't ask, don't tell" and let gays serve openly. Well, the time is near.

On September 30 The New York Times reported that Joint Force Quarterly, the official journal of the Joint Chiefs of Staff, was publishing an essay by an Air Force colonel that calls explicitly for gays to be allowed to serve openly. According to the Times, the article states that current policy is at odds with the American credo of equality for all, and actually hinders rather than helps unit cohesion.

The author of the article works in Secretary of Defense Robert Gates' office. The essay won the 2009 Secretary of Defense National Security Essay competition. While its appearance in Joint Force Quarterly does not necessarily mean it has the endorsement of the Chiefs, it's hard to believe that the chairman, Admiral Mike Mullen (who writes a column for each issue), would let it run if he were opposed to its thesis. In other words, the tea leaves are telling us that the military is laying the groundwork for an end to "don't ask, don't tell."

And good for them. As I pointed out back in 2008, some of the finest soldiers and commanders throughout history have been homosexual. Our military undoubtedly has been behind the curve on this, but I'm convinced that change is coming and soon the entire matter will be a non-issue. — Jon Harrison

Time lapse — I just don't understand the federal government. Only that august body could take several years to inform the public about the switch from analog to digital TV, while allotting Americans two weeks to digest the 1,017 pages of the law that would switch us from private to public healthcare. — Tim Slagle

Socializing Sallie — The Obama administration, not content with taking over major elements of the mortgage financial and automotive industries, as well as trying to take over the healthcare industry, is on the verge of taking over the financing of higher education.

In mid-September, the House of Representatives passed a bill that will cut banks and Sallie Mae (the government-sponsored entity that was set up in the 1970s to help students get college loans) out of the education loan business almost entirely. As Democratic Rep. George Miller put it, "Today the House made a clear choice to stop funneling vital taxpayer dollars through boardrooms and start sending them directly to dorm rooms."

This means that the government will control virtually all college loans, so we can now expect the usual crap. There will be corruption. (Will ACORN be given funds to organize students and maybe hookers to get loans?) And of course, there will be inefficiency. While backers of this bill have claimed that it will save money that now goes to the banks, government bureaucrats don't earn any less than bank loan personnel, and we can expect that the bureaucrats won't particularly care if the loans have a high default rate.

Naturally, affirmative action will come in. "Approved" minorities — that is, those who vote Democrat — will get the loans, while everyone else will get the shaft. Government control will be absolute "Is your college teaching free-market economics? Sorry, none of your students qualify for loans."

Very quickly, similar legislation was introduced in the Senate. It will likely pass, and by signing it Obama will have socialized another chunk of America's economy.

— Gary Jason

Easy being green — Yes, Van Jones is a pinko radical and another in a long line of ethically questionable Friends of Barack, like Jeremiah Wright and William Ayers. Sad as that may be, the real scandal is that there is such a thing as Green Jobs Czar at all, which I presume comes with a six-figure salary. What, precisely, does such a czar do?

And what is a green job, anyway? Manufacturing fluorescent rather than incandescent light bulbs? Building BMW's small 1-series cars rather than their larger 6-series?

"Creating green jobs" is another nice-sounding phrase signifying little more than an excuse for giving away public money. "Creating jobs" sounds better than "throwing money at companies" whose primary skill, in many cases, is getting subsidies from the government. — Bob Marcus

Preventive maintenance — Recently I took my car to my corner mechanic for an oil change. I do this every 3,000 miles or every three months. While checking the rest of my belts and fluid levels, the mechanic noticed that my brake shoes were wearing thin. I could replace the shoes now, for $187, or replace the rotors later, when the shoes wore completely through, for ten times as much. I opted for replacing the shoes. I'd also noticed that my door feels a little funny when I open it. Maybe it's a sign of age, or maybe it's something serious. The mechanic couldn't detect anything when he opened the door, so rather than pay for expensive diagnostic tests, I decided to watch it for further signs.

When the mechanic was finished I did not plunk down a $25 co-pay and tell him to bill my insurance company for the rest. I pulled out my checkbook and paid the bill. Auto insurance is designed for catastrophic expenses — body work and medical bills that result from accidents. And it's plenty expensive as it is. Imagine how much it would cost if it also covered our normal wear-and-tear expenses!

Meanwhile, my daughter is a college student with little income. We bought her a new car when she started school, and it came with a warranty that covered 100% of repairs for three years. When those three years ended, she chose to purchase the extended warranty plan for $1,500 rather than worry about how she would pay unexpected repair bills of several hundred dollars. If her car breaks down she'll pay a $50 deductible and the warranty will cover the rest. For her, at this stage of her life, and the life of her car, peace of mind is worth the $1,500.

We handle our health insurance in the same way. My daughter is insured through her school. She pays $20 for each visit, with no annual deductible. Her choice of doctors is extremely limited, and her annual cap is relatively low. But it works for her. Meanwhile, as a middle-aged self-employed individual who doesn't qualify for group coverage, I would have to pay close to $1,000 a month for a full-coverage policy, even though I have no preexisting conditions. I chose a major medical plan with a $5,000 deductible that costs just $300 a month, and I save the difference. My state does not allow Health Savings Accounts, so I don't enjoy the tax savings that residents of other states receive when they use the HSA option. But I pocket the difference in my long-term savings account and use that money when I have to go to the doctor. In just one year I saved enough to cover my annual deductibles in the future.

Two stages of life, two income levels, two different choices. Such considerations are at the core of a sound economic policy. I've written before in these pages about the advantages of Health Savings Accounts, expanded medical options, and appropriate selection of care: physicians' assistants and nurse practitioners for simple illnesses, specialists for major problems. Simple supply-and-demand suggests that we need more

doctors and nurses, not more government control. Obamacare is nothing more or less than a wealth transfer tax of gargantuan proportions. It must be stopped before they storm the Bastille and cut off our heads. — Jo Ann Skousen

Adventures in paradise — I live on a military base that occupies the entirety of a tiny island. The only people here are military members, engineers, their families, and support personnel.

The average education level is far higher than a standard American community. We also have full employment (if you don't have a job, you don't get on base). And you have to pass a fairly thorough background investigation to get a job here. This combination naturally makes for an extremely low-crime population. Andy Griffith could easily police this town without the help of Barney Fife.

But for some reason we have a ratio of about one policeman to every 70 citizens. Compare this with my ex-home metro area of San Diego, which has approximately one policeman for every 600 citizens.

We all get around by bicycle. The only ways on or off the island are through two high-security points. The perimeter of the island is constantly monitored and defended by various means. The only way you could steal a bicycle from this island would be to launch a full-scale military assault from sea and air, and even then you'd probably go away empty-handed. About the only time a bike is "stolen" is when someone gets a flat and borrows someone else's bike because he's in a hurry.

This is unacceptable behavior in our community, so it rarely happens. But if your bike does get stolen, you just go to the main gathering places, find your bike, and take it home. To make it easy to locate their bikes, people tend to paint them in unique ways. So there is really no problem at all with bike theft. Yet we're required to register our bikes with the police and apply a numbered sticker.

Since this is an incredibly low-crime community with a ridiculously high police presence, the police have nothing better to do than cruise around in their air conditioned vans looking for unregistered bikes. If they find one, they take it and hide it in a locked area. If you fail to find your bike in the usual places, you have to assume that the police took it. To get it back, you have to go to the police station, hat in hand, and receive an admonition for failing to comply with the law.

For some people, their bike is too decayed and the reprimand is too high a ransom to pay for their bike, so they never go to the police. Every few months the police hold an auction of these unclaimed bikes. I know of at least one person who made the high bid — $5 — on his own bike.

So the major threat to your property here is from the police themselves. And the people who buy your property from the police are never even charged with receiving stolen goods.

— Jeff Wrobel

Catching a predator — What to make of the Roman Polanski episode? Establishment media types beclowned themselves rationalizing the has-been film director's admitted rape of a 13-year-old girl. Child rape is a terrible thing because it denies a young person the ability to develop and define her sexuality on her own terms. Even if that definition involves bad choices and mistakes, they are the young person's own. Child rape undermines her self-ownership, placing an older person's (and usually an authority figure's) will before her own. There is no valid defense for — or even qualification of — this.

Some self-styled "realists" argue that chasing down a fugitive three decades after his crime is a waste of dwindling government resources. To those I say: why choose *now* to start worrying about government spending?

In any event, I see the best defense of returning Polanski to California as a matter of avoiding moral hazard. If the state doesn't enforce its prohibition against child rape in the case of this film-industry hothouse flower, it risks undermining that prohibition completely. And, in this instance, the law is a valid one. — Jim Walsh

Able was I ere I saw Aetna — "Afghanistan is the graveyard of empires." It's a popular statement circulating throughout the political sphere, ever since it was announced that the American military campaign in Afghanistan is not going well. But here in the United States, the president is too busy to notice. The damage-control machine is at full throttle, trying to keep him above water in the polls as his healthcare initiative travels through the legislative process.

I am reminded of Hillary Clinton's proposed healthcare reform in 1993 that led to the Republican takeover of the House and Senate in '94. It would seem that socialized medicine is the graveyard of Democrats. — Tim Slagle

Cap-and-spend — As the Senate gets ready to vote on cap-and-trade legislation (which has already passed in the House), yet more reports on its bad effects are surfacing, and these may prove to be the most damaging of all.

Earlier this year, the independent thinktank CRA released a report estimating that cap-and-trade will cost America 3.2 million jobs over the next 15 years. While the Obama administration was able to pooh-pooh that report as propaganda from the Vast Right Wing Conspiracy, a second report, showing that cap-and-trade will increase electricity prices by 20% over 20 years, could not be dismissed so easily, because it was from the administration's own Department of Energy.

Now come several reports pried from the reluctant hands of Obama's own Treasury Department by the Competitive Enterprise Institute (CEI). Using the Freedom of Information Act, the CEI got Treasury to release several internal memos and papers, or at least redacted versions of them. These memos are amazing, indeed.

One is an internal memo by Judson Jaffe, of the Treasury Department's Office of Environment and Energy. In the memo, Jaffe estimates that under Obama's own plan, the federal government will be collecting $100–200 billion a year in new taxes, a higher figure than the administration has publicly estimated.

To put this in perspective, $200 billion — the upper end of Jaffe's estimate — is equivalent to $1,761 per family per year, or roughly a 15% increase in the federal personal income tax.

Another memorandum, prepared for Obama's transition team after he won the election, said his environmental program generally would exact a yearly cost to the nation's economy of about 1% GDP, roughly equal to the costs of all the then-existing environmental regulations. Put in other terms, Obama's environmentalist plans, if enacted, will double the drag of environmental regulations on our economy.

Several other memos make damaging predictions. One suggests that Obama's cap-and-trade legislation will actually cost $300 billion. Another is that his environmental policies will cost several percent of the GDP (equal to the existing corporate income tax). Yet another suggests that cap-and-trade will devastate our energy-intensive industries (read: manufacturing firms), handing foreign industries a greater market share.

What makes these particular reports especially problematic for the administration is that they were its *own internal reports*, so there would be no reason for the authors to spin the figures.

It would be interesting to see what else is in these memos, but they were heavily redacted by the Treasury Department. The CEI is trying to get the redacted parts released as well, but the administration is fighting it tooth and nail. And it would be nice to see all other reports that have been done on cap-and-trade by the Treasury Department, not to mention all the other federal departments. But the administration is not releasing them. All this secrecy, by the way, is from an administration that promised us unparalleled transparency in government.

In the face of public shock over all this, environmentalist groups were quick to respond that any taxes collected by cap-and-trade would be used to cut payroll taxes, and so would be net neutral for American workers.

That claim doesn't pass the smell test. First, if these taxes are going to be rebated, why all the secrecy?

Second, given the huge deficit that Obama has already run up, and his massive spending plans going forward, who of sound mind could believe for one second that all these new taxes will be rebated to workers?

Finally, it is clear that cap-and-trade will kill the jobs of millions of American workers. So how in Hades can energy taxes be used to lower their payroll taxes — when they will no longer be on any company's payroll? — Gary Jason

The Late Night harem — News flash: powerful executive screws women who work for him!

Was anyone surprised to learn that comedian David Letterman has had affairs with women in his employ? It's a dog bites man story. If it had been Jay Leno, well, I would have been a bit surprised. But this kind of stuff goes on every day all over the world. So why the fuss? The women were of age and apparently felt no pressure to perform for the gap-toothed one. Life goes on.

More interesting is Letterman's reaction to the revelation of his affairs. On the air he termed himself "creepy" for indulging his libido. His production company (aptly named Worldwide Pants) rushed out a statement proclaiming that since his marriage last March, Dave has refrained from poontanging anyone but his wife.

Calling himself creepy was by far Letterman's biggest mistake. If a person has the opportunity and the desire to sleep around, what's wrong with that? What's creepy about indulging one's sensuality? And why the desperate effort to show he's been monogamous since his marriage? Surely no more than two people (Dave and Mrs. Dave) really give a damn.

The CBS producer who is accused of trying to blackmail Letterman is interesting, at least in one sense. Here, it seems, we have man so incredibly stupid that he thinks he can extort millions of dollars from a celebrity over the rather mundane details of that celebrity's love life. This perhaps tells us something about why so much of television is so awful.

Personally, I've always preferred the middlebrow humor of Jay Leno (a native of my hometown) to Letterman's shtick. But if I were a watcher of "The Late Show" I wouldn't change the channel over this. — Jon Harrison

Hollow man — It may seem premature to write off the Obama presidency as a failed experiment in messianic politics, i.e., the politics of deliverance and hope; but I do not think so. The flaws of Mr. Obama, and of his administration, are too deep and structural to be salvaged by any desperate, last-minute remedies. The fissures in the woodwork are too deep to be glossed over with varnish and furniture polish. And if things look bad now, they can only get worse in the months to come.

President Obama is glib, even eloquent, to a fault — that is his saving grace and his special curse. Americans felt so embittered and let down with such inarticulate Republican dolts and mediocrities as the Bushes that Obama's soaring rhetoric seemed to promise a new day in presidential politics. Who was not moved by the announcement in his inaugural address of the death of Washington's favorite pastime, petty political bickering and partisanship? It was one of those singular moments in history when the will to do good was high. Never has the mood for meaningful change been so puissant. Even the eyes of stalwart unbelievers on the right misted over with the afflatus and the exaltation of noble aspirations.

Yet, what was Obama's first piece of legislation but the now infamous stimulus bill?

The stimulus package was by any measure a steaming pile of liberal special-interest philanthropy, a spoils-system largesse that would have made Andrew Jackson blush, and one that was doubly irresponsible in this hour of economic crisis. It was a reversal so cool, casual, and blase, so destructive and so encompassing, that it raised political cynicism to a historic level. What an unmitigated fraud! What a blatant, bald-faced deception! What an unimaginative, slimy-green, mildewed

"There'll be a short delay, sir — your businessman's lunch is under investigation."

piece of liberal policy-making! Call it the audacity of political manipulation.

Psychologists doing research on the subject of leadership have found that the people who aspire to positions of power the most aggressively are frequently those least qualified temperamentally and intellectually to wield it. (No surprise — history has been telling us this for centuries.) And so it is with Obama. Those around him, and even his bitterest adversaries, tell us that he is a very intelligent man. But the facts seem to indicate that he is rather stupid, at least with regard to his duties as the leader of the world's leading republic and superpower. His early opponents complained correctly that he lacked seasoning and policy experience, that his intellectual accomplishments were essentially academic, and that his personality tended to be narcissistic. And now the crows have come home to roost.

On his July 28 broadcast, Fox News commentator Glenn Beck called President Obama a racist with a deep-seated hatred of white people. In response, Geico pulled its sponsorship of Beck's show, leading several other advertisers to defect as well. For what it's worth, President Obama is not a racist. Racism implies some firmly held beliefs, however noxious and misguided. Obama has no convictions at all. He believes in nothing but himself. He is a narcissist and an opportunist who dreamed of being president. To achieve this he campaigned as a centrist and after he was elected emerged, willy-nilly, as a leftist. He is neither a good man nor a bad man. He is a cipher, a man devoid of principle. There is something wanting in Obama — that essential, indispensable component of humanity that separates men of honor from ordinary mortals. Who would have guessed that beneath all his oratory he was hollow to the core?

For those mystified by how Obama could sit in the congregation of Reverend Jeremiah Wright and listen to his lunatic race-baiting and other filthy claptrap for 20 years, the answer is now at hand. They need wonder no longer.

— William B. Fankboner

Anarchist's playbook — Over the years, the people I've met who self-identify as "anarchists" tend to be among the dumbest and the smartest people I've had the pleasure or displeasure of knowing. Very few reasonable people attach that label to themselves. In an attempt to avoid being lumped with the dumbest, I thought I'd distill my reasons for adopting that label, from the least to the most important.

1. Anarchism as the conscience of law. Given democratic notions of legitimacy, the fewer people who believe in "the rule of law" (i.e., the more who believe it is just a veiled imposition of power), the more the law has to obey its own rules in order to maintain legitimacy. When rule-of-law marketing and propaganda are insufficient to create legitimacy, the powerful have to limit the arbitrary use of their power and shrink the number of cases they can treat as extraordinary. Anarchists weaken the faith element within law, and by doing so force it to obey its own rules.

2. Anarchy as a vector. Through very gradual change, we've created societies in which nearly every aspect of our day-to-day life is controlled. I tried to go to a sunny outdoor bar at a lake with my 3-year-old son the other day. I was told that (a) I had to wear a shirt; (b) my son couldn't be in the bar even without drinking; and (c) I couldn't get beer to go. These were all rules created by my neighbors, though none of the rules had any effect on them. I don't want to live in full-blown anarchy, except perhaps in a small anarchic community where all the individuals are highly educated and empathetic. But I do think we need to go in the direction of less order.

When you put a frog in water and turn the heat up suddenly, it will jump out. When you turn the heat up gradually, it will stay in and cook. Human beings work the same way, and we have cooked ourselves with rules to the point where (shifting culinary metaphors for a moment) our modern societies have become a porridge in which you can no longer tell whether you started off with fettuccine or fusilli or, for that matter, with frogs. If full anarchy is raw pasta, then yes, perhaps it's hard to chew; but when you're starting with a tasteless overcooked mess, raw sounds pretty good.

At any rate, I don't believe in utopias. There are no stable end points, only movement and vectors. Given where the world is today, I'm an anarchist.

3. Anarchism as ontologically authentic. Groups, being soulless, don't exist except in the abstract. The individual human — who is born, lives, and dies — is the only relevant metric by which any non-abstract phenomenon in this universe can be measured. Kafka said, "The meaning of life is that it ends," and Heidegger spelled out in magnificent nuance the importance of being-towards-death as the only possible structuring mechanism for life, authenticity, and meaning. Institutions, organizations, corporations, unions, countries, societies, religions, legal systems — soulless collectives of all sorts — don't live towards death. An immortal abstract entity without subjectivity or a soul can never understand the concept of authenticity, let alone sort through the ever-present ambiguity between what is authentic and what is not. And any individual who abdicates his personal sovereignty to the value system of a group gives up his own chance at authenticity and meaning. These require responsibility, or the ability to respond to specific situations on a subjective level.

Each individual can find meaning and authenticity only by personally rolling in the mud. By climbing a tree (considered "disorderly behavior" in many U.S. cities). By facing death. By stealing fire from the gods and slugging it out with the angels. By exercising personal responsibility and care. The only political system I know of that doesn't clash with these criteria is anarchism.

4. It's fun to break the rules. — Alexander Boldizar

The dog not barking — Our president, surprisingly for a man who ran on a platform of bipartisanship, has turned quite nasty in his treatment of the critics of his plan for healthcare reform.

He talks of Republicans as nothing but obstructionists (if only, dear Lord, they were!). He says he doesn't want to hear from the side that "messed things up" to begin with. And he openly demonizes the insurance industry.

But — amazingly! — tort reform doesn't figure into any of the bills he is pushing. (The recent Baucus "compromise" bill, which Obama hasn't endorsed, at least as of this writing, only talks vaguely about setting up some test program in some unnamed state.) This is passing strange, since presumably even our transcendentally post-partisan president would

concede that our tort system is responsible for some, if not much, of the escalating healthcare costs about which he professes to care so achingly.

Malpractice awards, many of them perfectly unjustified, cost about $20–40 billion a year. The insurance premiums that doctors are forced to pay in order to protect themselves in court are astronomical — often in the range of $300,000 per year per physician. The result is higher charges for patients and less compensation for physicians' employees. When a John Edwards wins hundreds of millions by convincing some hick jury that not giving an expectant mother an early C-section caused autism in the infant, we need to remember that the money such people get and spend comes from the rest of the healthcare system.

Worse yet, to guard themselves against the onslaught of frivolous lawsuits, docs have to practice "defensive medicine" — ordering every conceivable test and procedure, even when the nature of a patient's ailment is clear, so that no lawyer can later accuse anyone of having overlooked anything. The costs of defensive medicine are hard to calculate, but a recent estimate by the American Academy of Orthopedic Surgeons puts it at between $100 and $178 billion per year — all pure waste that drives up costs.

Until recently, Obama has uttered not a squeak about tort reform. Finally, in his major speech before Congress, he made a comment indicating that he would be "open" to it. But this is vintage Obama: faced with a major criticism, feign openness to it by uttering a few vague promises, and then later just ignore what you said. In ordinary life, this is called lying.

The examples are endless. The president promised to support offshore drilling and nuclear power, but that was a lie. He promised not to hire lobbyists, but that was also a lie. He promised to end pork-barrel spending, but that was a massive lie. He promised to cut a dollar in spending for every dollar spent in new programs, but that was a grotesque lie. He promised bipartisanship and transparency in government, but that was an insane lie.

Obama has bashed doctors plenty, insinuating that they may do nothing to prevent a person from developing diabetes, because that might keep them from being able to earn $50,000 by cutting off a leg. But he has nary a critical word to say about lawyers. Could that be because he is himself a lawyer? Or could it be because the biggest source of funding for him and his party is the trial lawyers of America?

— Gary Jason

Stop the impotence! — How could such an allegedly smart group as libertarians take a winning philosophy and turn it into a total loser in every presidential election?

The libertarian philosophy — which is, in broad terms, economically conservative and socially liberal — has significant public support. Surveys by Rasmussen and the Cato Institute have found, respectively, that 16% and 15% of respondents held basically libertarian views on key issues. Gallup consistently puts the number at 20%. Either way, that's enough votes to decide presidential elections.

The number might well be double those percentages if libertarian ideas were more effectively defined, promoted, organized, and mobilized, especially during presidential campaigns when people are paying attention.

Instead, libertarians sideline themselves and waste millions in time and money by running their own presidential candidates, who get next to nothing at the polls. For the average person, what was the message about libertarianism in 2008 when Libertarian Party candidate Bob Barr received less than half of one percent of the popular vote, 214,789 fewer votes than perennial gadfly Ralph Nader?

Barr could have received a percentage that was 16 times higher and still have ended up with fewer people than those who think that Elvis might be making a comeback tour. (Eight percent of respondents in a 2002 FOX News/Opinion Dynamics poll said they believed there's a chance that Elvis is still alive. Another 11% said they weren't sure.)

Libertarians would do better if they called a convention to develop positions on a dozen key issues. In both the presidential primaries and the general election, candidates of the two major parties could then be rated on those positions and subsequently endorsed or rejected. Past voting records of candidates could also be evaluated and publicized, rated against libertarian positions.

That's how libertarians can become key players — by determining winners, by making it clear that they're a significant percentage of the voting public, a powerful voting bloc, not a four-tenths-of 1% fringe group. — Ralph Reiland

Pen and tell — Washington was all a-flutter in mid-August as news surfaced that Dick Cheney would be writing a "tell-all" about his time in the Executive Office. "Will he be critical of Bush?" people wonder.

I'm not particularly interested in reading this book, but I do look forward to his next anticipated project, when he'll write Bush's "tell-all" memoir. — Ross Levatter

The best syndicated medicine — I've lately taken to reading Ron Hart, an up-and coming humorist whose weekly columns are hilarious and shrewd, loosed as they are from the moorings of political correctness and other orthodoxies. Whiling away the hours on Saturday or Sunday mornings, I'll browse the archives at Ron's website and delight in the deliciously derisive prose, an inventive troping of Mark Twain, H.L. Mencken, Lewis Grizzard, and P.J. O'Rourke (whom Ron dubs his hero).

They're like temporary holidays, these weekend reading sessions, for Ron's commentaries froth with playful irreverence. He referred to the Oval Office as the "Oral Office" during the Clinton administration, and claimed that George W. Bush, during the final years of his presidency, was so weakened by missteps and hubris that he couldn't pass a bill giving away free ice cream on the Fourth of July.

Ron deftly neutralizes stinging comments with a lighthearted tone; he delivers punch lines quickly and often subtly, as when he submits that Obama's teleprompter fell over from exhaustion, or when he declares, "I don't know if you have heard yet because the media is really playing it down, but entertainment icon Michael Jackson died recently."

One evening last summer, in the downtown library of West Virginia University, I came across a lady who seemed engrossed in some article that was taking up her computer screen. Having heard her chuckle intermittently for several minutes, I decided to peer over her shoulder.

"Excuse me," I interrupted, "that wouldn't be . . ."

"Ron Hart," she supplied.

"Yes, I *know* him."

"Oh, really?" she said. "I just lost my job a week ago and haven't laughed until now. This guy's hysterical."

"You're kidding me," I said. "How do *you* know Ron Hart?" (I had assumed that Ron's reputation was purely regional.)

"Don't *all* libertarians?" she retorted. And I made a new friend that day.

Southern by birth, libertarian by the grace of God, Ron is something of an oddity. An independently wealthy man — part private investor, part stock analyst — he's also a redneck rascal at heart who very probably sports a "Don't Tread on Me" tattoo, or at least wishes he did. His prose is hardly highbrow (unlike his outfits). But that's what makes it good. "I have found that pretentious people tend to read trendy, big and eclectic books," Ron once grumbled, "and the annoying thing is they like to tell you about it."

Ron's columns, though sarcastic and satirical, aren't *all* fun and games: they draw their lexicon of intelligibility from classical liberal philosophy. Adam Smith, Thomas Jefferson, Ayn Rand, Friedrich Hayek — these are just some of the folks Ron regularly cites. "Hundreds of my readers have emailed me asking why I am a Libertarian and to define it," he wrote in 2005, adding in self-deprecating fashion that "by hundreds I mean about 12." His lengthy response to these 12 is significant. Jokes aside, his response amounts to this telling line: "We Libertarians want simplicity, common sense and the right to decide for ourselves (based on our religious, cognitive, personal conclusions) how we should lead our own lives."

It's well worth the time to visit Ron's website and read his columns for yourself. As Mark Twain remarked, "The human race has only one really effective weapon and that is laughter."

— Allen Mendenhall

Irving Kristol, R.I.P. — Irving Kristol died on September 18. I have old notebooks of clippings from the time when I used to read the editorial pages of The Wall Street Journal every day. I liked Kristol's style and much of his thinking, and still have some of his pieces, replete with underlines. Here, for example, is Kristol on Aug. 12, 1976:

> In politics the language we use to ask questions is always more important than any particular answer.

This is a piece about "social justice" — a term Kristol keeps in antiseptic quotation marks. In the piece he writes:

> The distribution of income under liberal capitalism is "fair" if — and only if — you think that liberty is, or ought to be, the most important political value. If not, then not. The distribution of income under capitalism is an expression of the general belief that it is better for society to be shaped by the interplay of people's free opinions and free preferences than by the enforcement of any one set of values by government.

I thought that was a perceptive statement. Fairness depends on what your values are.

Another quotation from two decades later, Dec. 18, 1997:

> The state cannot and should not be a risk-taking institution, since it is politically impossible for any state to cope with the inevitable bankruptcies associated with economic risk taking.

During the late 1970s and early '80s, Kristol promoted the tax-cutting, supply-side current in the Republican Party. After the initial election of Ronald Reagan in 1980, he wrote this call to radicalism:

> Administration is only a part of government. In periods of stability it may even be the most important part. At moments of radical change, however, it is the political-entrepreneurial aspect of government that must be dominant. At such moments, the guiding idea of leadership ought to be, not, "Manage it" but — to borrow a slogan of the 1960s — "Do it!" Cut tax rates; cut unnecessary spending; attack the regulatory establishment . . .

You can argue about what the Reagan administration did with that opportunity. Kristol thought Reagan did far too little with it. He thought the old Republicans in the Senate and House in the early '80s were timid compromisers, and that the only hope was with the young ones. In a column run on January 4, 1983, he reminded them that back in the 1930s, the New Dealers in Congress "prevailed in the end by being determined, factional and 'divisive.' " That advice the House Republicans heeded a decade later.

Here, on Feb. 2, 1998, Kristol predicts that Europe "will be increasingly 'statist' — not 'socialist' or 'collectivist', just 'statist,' " and that unemployment of 10% and more will be tolerated for long periods. He adds: "Bankers never do feel that unemployment is their problem. Neither, in Europe, do trade union leaders."

Kristol was perceptive. He was sensitive to political changes, and called some of them early. He wrote with style and maturity. He had good advice for his friends. I didn't agree with everything he wrote, and never understood why anyone would expect that.

— Bruce Ramsey

Norman Borlaug, R.I.P. — A prophet is seldom honored in his own country, especially when his actions offend the regnant religious worldview. So I cannot help but note the passing of Norman Borlaug on September 12, at age 95, and accord him some honor. He was a man I deeply admired.

Borlaug, agricultural scientist extraordinaire, was born in 1914 in a small Iowa town, attended a tiny public school, and grew up on his father's farm. He barely got into the University of Minnesota, being assisted by his high school wrestling and other athletic achievements. He majored in forestry, receiving his B.S. in 1937. After a brief stint in the forestry service, he returned to the University of Minnesota as a grad student, receiving an M.S. in 1939 and a Ph.D. in 1942, both in plant pathology.

He put in several years of research with the du Pont de Nemours Foundation, where he worked on bactericides and fungicides for agricultural use. In 1944, he was selected by the Rockefeller Foundation to work as a geneticist and plant pathologist, organizing and directing a joint project with the Mexican government to find a way to fight a devastating form of wheat fungus. He helped set up the International Maize and Wheat Improvement Center, training young scientists for continuous improvement in crop yields. In large part thanks to him, Mexico became a net wheat exporter in 1963.

His formidable basket of attributes — tenacity in research, pragmatic philosophy of science, and willingness to work generously with others and to train indigenous scientists to carry on the work — served him and all the organizations he worked for well.

In Pakistan and India, his methods led again to massive improvements in crop yields. In just five years, 1965 to 1970, those two countries doubled their grain production, ending a famine in that region. By 1968 Pakistan had become self-sufficient in grain production, with India gaining the same status shortly thereafter. Journalists dubbed this "the Green Revolution." In the 1980s it spread to China. Once known for horrific famines, that country is now the world's largest producer of food.

But when Borlaug tried to extend his methods to Africa, the environmentalist lobby pushed back. His support from the Ford and Rockefeller Foundations was cut, and many environmentalists targeted him personally, while attacking the whole concept of genetic modification of foods. (Borlaug's own work was in standard plant crossbreeding, but he approved of genetic modification as a new and more effective way of doing what farmers had done for millennia.)

Of course, joining the opposition to Borlaug's Green Revolution were comfortable farmers in the developed countries who were fearful of Asian and African farmers competing with them (i.e., exporting cheaper food to "first world" markets). He nailed the protectionists and the environmentalists brilliantly when he noted that the only opposition to the new agricultural products came from countries where "governments collectively subsidize their very small farming populations to the tune of $350 billion a year and where many of the major problems of human nutrition are related to obesity."

For years, Borlaug was No. 1 on the environmentalist religion's hate list. Its disciples despised him for increasing crop yields by aggressively creating new varieties of grain (which they derided as "Frankenfoods") and enhanced fertilizers and pesticides. Yet his work made possible the end of famines on this planet — at least famines caused by crop or climate failure, as opposed to failure by government. His work refuted all the Malthusian prophets of the environmentalist faith, and the worshipers of the Green God hated him for it intensely.

The Greens would have much preferred to see hundreds of millions of people starve, a necessary sacrifice for "saving" the planet, rather than witness the rise of what they would never admit was the true "Green Revolution." I have no doubt that this is why his death went unnoticed by the mainstream media, which found ample time to lionize Ted Kennedy.

Yet Borlaug earned many high honors: 50 honorary doctorates; memberships in learned academic societies in a dozen countries, the National Medal of Science, the American Medal of Freedom, the Vannevar Bush Award, the Public Welfare Medal of the National Academy of Sciences, the Congressional Gold Medal, the Padma Vibhushan award (India's second highest civilian award), and the Nobel Peace Prize (in 1970). And we certainly should not leave out his induction into the American Wrestling Hall of Fame (he was a high school and college wrestler)! Perhaps most important, however, were the streets and buildings named after him in poor countries around the globe — humble tributes to the savior of millions of lives.

More than millions — *hundreds of millions*. Borlaug is estimated to have saved from starvation anywhere from 250 million to a billion lives — all by his calm, pragmatic, disciplined use of scientific skills. He didn't counsel the desperately poor and render some slight temporary aid; he offered them new forms of agriculture by which they could feed their *own* families with their *own* work, using their *own* hands — a much nobler achievement.

If ever someone deserved the heroic epithet of "a man in full," it was surely Norman Borlaug. — Gary Jason

Letters, *from page 6*

decency and disgust with massive state crimes may play a part in a nation-state's decision to go to war. I believe that this kind of cynicism is, at bottom, simplistic, not to say naive.

Of course, underlying this whole discussion is the big issue of libertarian isolationism. We don't deal with this issue often enough, and seldom frontally. I suspect it's at the root of libertarian near-stagnation in the actual political arena.

Market Imperfect

In his review of "Causes of the Crisis" (November), Bruce Ramsey writes, "[R]emember that the Marxists used to excuse the failures of communism by saying that the people were not good enough for it. We laughed at them when they said that, so let's not say it ourselves." I think we can point to failures of the market (and therefore failures of the people) without crawling in the same leaky lifeboat with the Marxists.

In the case of communism, basic social functions required either the perfection of New Soviet Man or (in reality) massive coercion. In the case of markets, only "perfect" markets require "perfect" people; basic functions do quite well with imperfect people and imperfect markets.

I've yet to find a source for the journals he reviews and I'm sorry for that; they sound like a good read. I'd propose (without having read them) that in this case, the market did what markets do: pursued gain in a distorted market and also "failed" as a result of the herd instinct Ramsey mentions.

I'd further propose that the damage done was far greater as a result of the distortions, and absent those, would have been just one more blip in an inconstant market. Any brief look at the history of financial markets shows a rising "trend," not a constant rise.

Unfortunately, my theories won't be tested, as I'm sure the "cure" will be further distortions.

Ron La Dow
San Francisco, CA

Defining the Market

In the introductory paragraphs of Bruce Ramsey's review of "Causes of the Crisis," he seemingly agrees that laissez-faire capitalism has failed, and he faults libertarian Austrian-school adherents for not being able to account for recessions and depressions. 'Tain't so!

Economics, politics, and the discussions of same are in dire need of applying Ayn Rand's mandate: "Define your terms!" Two terms that really do need clarification are capitalism and free markets.

It just so happens there are two "capitalisms." To fully understand economic and political events, a distinction must be made! Ramsey makes none whatsoever, and this failure to distinguish also pervades the entire volume that he reviewed. To clear up this confusion, we must distinguish truly free-market systems, with absolutely no governmental intervention into transactions between parties, and "mixed-" or crippled-market systems, with varying degrees of governmental interventions into transactions between parties.

The truly free (laissez-faire) economy is self-regulating. The rules for regulation evolve continuously without compulsion from the customs, habits, practices, and traditions of the participants, not by design from an "overseeing, regulating authority." Government may have a legitimate role in a laissez-faire, free-market economy. However, it must be strictly limited to that which the Declaration of Independence set forth: protecting the lives, liberty, and property of individual citizens. Government's job in a truly free society is to seek out and punish fraud, misrepresentation, theft, and unprovoked initiation of violent physical aggression against others.

The crippled-market economy is not self-regulating. It is the fruit of "social engineering" in which designers, do-gooders, planners, politicians, and "progressives" seek to "eliminate the 'cruelties,' inequities, and unfairness" in the laissez-faire, free-market system. "Level playing fields," "compassion," and "social safety nets" are three of the key concepts of a crippled-market economy.

Ludwig von Mises laid it all out in his booklet entitled "Planned Chaos." He showed clearly how the first governmental intervention into an economy causes unforeseen problems that inevitably demand even more governmental intervention as a "cure." The net result is that, ultimately, the economy is dominated by governmental controls. There may be small remnants of market interactions, but a truly free market under such circumstances is impossible.

Murray Rothbard wrote an excellent treatise on the effects of governmental intervention into the economy entitled: "Power and Market." In it, he describes every possible type of governmental intervention that he had discovered. He set forth the effects of each. Today's political climate seems to have spawned a few more that might be added to his lists.

Every rule, regulation, and statute has an effect on the way people act and react. Most people act so as to minimize their losses and maximize their gains. It's human nature. When people see prices rising rapidly, many think to themselves: "Why should I try to save? I had better spend it quickly before it loses any more purchasing power." That is basically what is behind booms and the (inevitable) busts. Recessions and depressions are caused solely and entirely by the effects of governmental intervention into the economy.

David Michael Myers
Martinsburg WV

Population Control

I do not know if Jon Harrison's response to Susan Frensley (Letters, November) was serious or sarcastic. He said, "Government could do something beneficial for society by starting a program to instruct the citizenry that parenthood is not in fact a right." Really? How is that working in China? If Harrison is serious, he is not libertarian on this issue. If he is sarcastic, he is not funny.

Politicians and bureaucrats have difficulty finding either of their buttocks with both hands! How are they to "instruct" us poor citizenry? Will they use the gentle arts of persuasion and reason? If the politicians and bureaucrats fail, as they sometimes do, in their educational efforts, will they import forced abortion from China? Or maybe forced sterilizations; after all, that would nip the problem in the bud. If there remain those of us who disagree, will they use the business end of a gun? If our ears cannot take the hypocrisy, may we please use the 2nd Amendment?

About this "instruction," Harrison says, "I would gladly pay taxes for this." What about those of us who disagree? Will the politicians and bureaucrats endure our protests and disobedience? Maybe they would need labor or educational camps: two types of camps — one with men, the other with women, no fence-jumping allowed. Do they have the know-how, the means and the experience? What do you think?

Harrison asserts that poor people having babies "is the number one social problem in the United States today." I disagree; I believe the problem is the lack of wealth, which causes poverty. Without wealth, large-scale human existence is impossible. Without wealth, life is harsh and short. And what produces wealth? The division of labor, free trade, and the rule of law (laws which protect the rights of the people to live as they choose) are the major sources of wealth. There is a single word that describes these conditions: libertarianism. History has shown that the more peace and liberty that people have, the more prosperity and progress there will be.

Jim Burns
Beatty, NV

Harrison responds: I was indeed serious. Whether or not I am considered a libertarian on this issue doesn't really matter to me. I don't submit to litmus tests. If Mr. Burns or anyone else feels I'm not ideologically pure enough, I could care less.

I would indeed pay taxes for a program that attempted to educate the poor about the responsibilities of parenthood. I would not employ bureaucrats to do the educating, but would provide seed money for pilot projects created in the private sector, and see if they achieve any results. Should they succeed, welfare rolls would decline, saving us all money (perhaps the program might even pay for itself!). If they fail, well, that's a few million dollars lost. The fact that Burns disagrees with my idea is okay with me. It's alright, isn't it, to propose a public policy initiative even if some people (including — gasp! — libertarians) disagree?

I don't know why Burns brings China into the discussion. I certainly don't favor compelling people to limit births. But I don't think others should have the right to compel me to devote a portion of my income to the raising of their kids. Logically, then, I should support cutting off benefits. However, I'm not prepared to see children go hungry. To me the only possible way out of this conundrum is to try to educate people that it's wrong to bring children into the world unless they have sufficient means of support. That's all I was saying. And if that's enough to make Burns huff and puff so much, then I'd say he needs a hobby.

Killing the Big Three

by Edmund Contoski

One of the methods used by statists to destroy capitalism consists in establishing controls that tie a given industry hand and foot, making it unable to solve its problems, then declaring that freedom has failed and stronger controls are necessary. — Ayn Rand

The Detroit automakers were "perfectly viable businesses that have been slowly murdered over 30 years," according to Wall Street Journal columnist Holman W. Jenkins, Jr., who follows the industry closely. He was referring to the CAFE (Corporate Average Fuel Economy) standards, which he calls "the most perverse exercise in product regulation in industrial history." In his view, the recently updated mileage standards will cost the manufacturers $100 billion and "make a mockery of the idea that government money will render the companies profitable, even as the same bailout bill demands that the Big Three drop their legal challenge to a California mileage mandate even more unsustainable than the federal government's." The California standards would render most auto designs, profit centers, and tooling unsalvageable.

CAFE requirements have effectively required the Big Three to lose tens of billions of dollars making small cars in unionized factories. GM and Ford can make small, efficient cars profitably all over the world except in North America. Buick is one of the best sellers in China, and GM president Rick Wagoner testified at a congressional hearing that GM's China operations were profitable. In April this year GM sales in China hit a monthly record, up 50% from a year earlier. Meanwhile, GM's sales in the United States slumped 33% from a year earlier, to only 172,150 vehicles. And in July, 2009, GM reported first-half sales in China rose 38% to 814,442 vehicles, a record for the company. GM has also been strong in Latin America and, until quite recently, in Europe. Small cars are popular in Europe, where gas is commonly $6 per gallon and has ranged as high as $9. Foreign profits of the Detroit automakers helped to offset their huge losses in the United States, said Wagoner.

Detroit couldn't make small cars profitably in the United States because of ruinous wage contracts with the United Auto Workers resulting from government favoritism. The average cost of Detroit's Big Three prior to the Chrysler and GM bankruptcies was $73 per hour compared to $44.20 for American workers in foreign auto company factories ("transplants") in the United States. GM had legacy costs, for healthcare and pension benefits, of $2,000 for every vehicle it sold.

Meanwhile, 12 foreign auto companies were making cars across America's South and Midwest and employing 113,000 workers, who make 54% of the cars Americans buy.

The quality of the Big Three's cars in the United States fell behind that of the transplant companies because they skimped on them in order to invest in the quality and features of the big vehicles (SUVs and trucks) on which they could reap large profits. In return for the companies shoveling money to the unions while incurring losses on the cars being produced, says Jenkins, "Washington compensated them with the hothouse, politically protected opportunity to profit from pickups and SUVs. . . .Washington's latest fuel-economy rules actually reward manufacturers for increasing the size and weight of some vehicles." In addition, a 25% federal tariff on imported trucks, plus other quirks of the fuel-economy regulations, further encouraged the companies to push trucks and SUVs.

The EPA's "two-fleet" rule means that a company's corporate average fuel efficiency in the United States doesn't include cars it produces abroad and imports into the United States. If those cars were included, GM's problems would have been much smaller. Those cars are excluded because of the Democrats' concern for the votes of the environmentalists and organized labor, which are important for maintaining their political power.

From 1983 to 2007, BMW paid $230 million, Volvo paid $56 million, and Daimler paid $55 million in CAFE fines. That's peanuts compared to GM's legacy costs.

Of course, the fuel-economy rules also apply to foreign brands, some of which make big, powerful vehicles, too. But they have an out. They simply pay fines. From 1983 to 2007, BMW paid $230 million in CAFE fines; Volvo, $56 million; and Daimler, $55 million. In 2008, Daimler paid one of the largest single-year CAFE fines ever, $30 million. But that amounted to only $118 per car, peanuts compared to GM's legacy costs and the tens of billions it lost by producing small cars that American buyers didn't want. The Government Accountability Office says the Big Three didn't choose to pay the fines because they feared political repercussions and being accused of "unlawful conduct." And they would also have big problems with the UAW, which makes their big, profitable vehicles. So they just kept making the small cars at a loss in order to be able to average their fuel economy in with that of the big vehicles on which they made a profit.

Until 2008, Detroit's reliance on SUVs and trucks made sense. Fuel costs were low, and Americans liked the larger, more powerful — and safer — vehicles. The Big Three all made money on trucks — as much as $8,000 per vehicle. Mike Jackson, chief executive of AutoNation Inc., the nation's largest dealership chain, says federal rules caused Detroit "to cede the car market and make all their money in trucks. If they had been forced to compete up front, they would not have become overdependent on trucks."

The UAW collective bargaining agreement with Detroit's Big Three doesn't exist at all in the nonunionized foreign transplants. The agreement is the size of a small telephone book and covers not only work rules but fundamental business decisions, such as selling, closing, or spinning off businesses. Logan Robinson, a law professor with much experience in the auto industry, says both the UAW and the Big Three maintain large staffs of lawyers, contract administrators, and financial and human resource representatives at all levels, from factory floor to corporate headquarters. "Typically, each plant or warehouse is a 'bargaining unit' and has a union president and a staff. If the company consolidates its facilities, there will be no need for two presidents and two staffs. . . . As a result, unnecessary facilities are not sold, but kept open, lit and heated, just to preserve a redundant bargaining president and his team."

Some jobs under union work rules could be performed in 5 or 6 hours. After that workers could sit idle or simply go home and still be paid for 8 hours. If they did any further work, they got paid overtime even though they never worked more than 8 hours. That doesn't happen at the transplant factories.

Another union rule allowed six unexcused absences before a worker could be fired — a rule that still exists in the post-bankruptcy GM. That's another rule the transplant factories don't have.

The Obama administration also favored the UAW by requiring GM to agree to build its compact green car stateside as a condition of exiting bankruptcy. No company, not even the Japanese or Korean ones, makes a compact inside the United States. Ford plans to make its new Fiesta in Mexico.

According to Robert Crandall and Clifford Winston, senior fellows at the Brookings Institution, Daimler dumped Chrysler and the possible joint venture between GM and Renault-Nissan went nowhere "because the Detroit-based operations could not improve their labor relations measurably and otherwise restructure sufficiently to be competitive."

Similarly, an article by Paulo Prada and Dan Fitzpatrick notes "Labor flexibility has emerged as a key advantage during the industry downturn, allowing foreign-owned plants to rapidly downshift in ways their unionized U.S. competitors cannot." For example, BMW laid off workers at its Greer, SC, plant, and Toyota laid off workers at its Georgetown, KY, factory and shuttered another factory it was planning to open.

The management of the auto companies, GM in particular, has been criticized for having too many brands of automobiles and too many dealerships, far more than Toyota compared to the number of vehicles each sold. But because of government regulations, it was cheaper to keep extra brands and redundant dealerships than to get rid of them. This is where state regulations got into the act. Almost every state has franchise regulations which make it very expensive to close dealerships or eliminate a brand of automobile. When GM eliminated the Oldsmobile brand from its lineup, it cost $1–2 billion, and the lawsuits dragged on for four years.

The UAW contract long provided for the infamous "jobs bank," a euphemism for paying vast numbers of employees when the companies had no work for them. It also extracted healthcare and pension benefits from the companies that

continued on page 44

Intellectual Property and Libertarianism

by Stephan Kinsella

Intellectual property is a contradiction in terms.

Most libertarians find some areas of libertarian theorizing more interesting than others. My own passion has always been rights theory and related areas such as the theory of contracts, causation, and punishment theory.

Intellectual property (IP), which has garnered greater attention in recent years, was never my strongest interest, even though I have specialized in this field in my legal practice for more than 16 years. But I've ended up writing a great deal on it from a libertarian perspective anyway.

One reason for this is that there are not many libertarian patent attorneys. Commentary by those familiar with IP law is usually devoid of libertarian principle. Most IP experts are, unsurprisingly, proponents of the status quo, just as government school teachers tend to favor government schooling and astronauts cheer NASA. And libertarian discussions of IP often confuse the details of the law under debate. In fact, it's common for libertarians to conflate trademark, copyright, and patent (Murray Rothbard talked about a copyright on a mousetrap, which is an invention and therefore the subject of patents).

Another reason is that from the beginning, the IP issue nagged at me. I was never satisfied with Ayn Rand's justification for it. Her argument is a bizarre mixture of utilitarianism with overwrought deification of "the creator" — not *the* Creator up there, but Man, The Creator, who therefore has a right to property. Her proof that patents and copyrights are property governed by such rights is lacking.

So, I kept trying to find a better justification for IP, and this search continued after I started practicing patent law.

Many libertarians abandon minarchy in favor of anarchy when they realize that even a minarchist government is unlibertarian. That was my experience. And it was like this for me also with IP. I came to see that the reason I had been unable find a way to justify IP was because it is, in fact, unlibertarian. Perhaps this would have been obvious if Congress had not enacted patent and copyright statutes long ago, making them part and parcel of America's "free-market" legal system; and if early libertarians like Rand had not so vigorously championed such rights. But

libertarianism's initial presumption should have been that IP is invalid, not the other way around. After all, we libertarians already realize that "intellectual" rights, such as the right to a reputation protected by defamation law, are illegitimate. Why, then, would we presume that other laws, protecting intangible, intellectual rights, are valid — especially artificial rights that are solely the product of legislation, i.e. decrees of the fake-law generating wing of a criminal state?

But IP is widely seen as basically legitimate. Sure, there have always been criticisms of existing IP laws and policies. You can point to hundreds of obviously ridiculous patents, and hundreds of obviously outrageous abuses. There are absurd patents on ways of swinging on a swing and faster-than-light communications and one-click purchasing; there are $100-million and billion-dollar patent lawsuit awards; there are millions of dollars in copyright liability imposed on consumers for downloading a few songs. Books are even banned — quite literally — in the name of copyright. The terms of patents (about 17 years), and especially copyrights (which expire 70 years after the author's death, or 95 years in the case of works made for hire), are ridiculously long — and Congress keeps extending them at the behest of Mickey Mouse (a.k.a. the Disney company). Copyright is now received automatically, whether you want it or not, and is hard to get rid of. The patent office is an inefficient government bureaucracy; and the laws that govern it are arbitrary, ambiguous, and vague (generating more work for me — thanks).

Copyright is now received automatically, whether you want it or not. The patent office is an inefficient bureaucracy governed by laws that are arbitrary, ambiguous, and vague.

So there are plenty of reasons to oppose the current IP system, as well as the abuses of the system. There are many calls for "reform" of IP, just as there are always calls for reform of the tax code, welfare, public education, and the way we are fighting the current war. But I became opposed not just to ridiculous patents and outrageous IP lawsuits but to patent and copyright per se, root and branch. IP laws should be abolished, not reformed, just like the Americans with Disabilities Act and the tax code.

Why, exactly, is this? What is the libertarian case against IP? To answer this question requires a clear, coherent understanding of libertarian principles. I thus take a brief detour here to sketch out the libertarian framework.

The Libertarian Framework

What is the essence of our libertarianism? It is said that libertarianism is about: individual rights; property rights; the free market; capitalism; justice; the nonaggression principle or axiom. But capitalism and the free market describe the market conditions that arise or are permitted in a libertarian society, not all aspects of libertarianism.

What about individual rights, justice, and freedom from aggression? Well, in my view, these are all derivative; they are defined in terms of property rights. As Rothbard explained, all rights *are* property rights. And justice is just giving someone his due, which depends on what his (property) rights are.

The nonaggression principle itself is also dependent on property rights. If you hit me, it is aggression *because* I have a property right in my body. If I take from you the apple you possess, this is trespass, aggression, only *because* you own the apple; if it is my apple, it is not trespass. In other words, to identify an act of aggression is implicitly to assign a corresponding property right to the victim. (This is, incidentally, one reason why it is better to refer to the nonaggression *principle* instead of the nonaggression *axiom* — because property rights are more basic than freedom from aggression.)

But mere "belief in property rights" does not explain what is unique about the libertarian philosophy. This is because a property right is the exclusive right to control a scarce resource; property rights just specify who owns, who has the right to control, scarce resources. Yet no political system is agnostic on the question of who owns resources. To the contrary: any given system of property rights assigns a particular owner to every scarce resource. None of the various forms of socialism, for example, denies property rights; each socialist system will specify an owner for every scarce resource. If the state nationalizes an industry, it is asserting ownership of these means of production. If the state taxes you, it is implicitly asserting ownership of the funds taken. If my land is transferred to a private developer by eminent domain, the developer is now the owner. If the law allows a recipient of racial discrimination to sue his employer for a sum of money, he is the owner of the money.

Even a private thief who steals something of yours is implicitly acting on the maxim that he has the right to control it — that *he* is its owner. He doesn't deny property rights; he simply differs from the libertarian as to who the owner is. In fact, as Adam Smith observed: "If there is any society among robbers and murderers, they must at least, according to the trite observation, abstain from robbing and murdering one another."

There are many calls to "reform" the current Intellectual Property system. But just like the tax code, IP laws should be abolished, not reformed.

Thus, protection of and respect for property rights is not unique to libertarianism. What *is* distinctive about libertarianism is its particular property assignment rules — its view as to who is the owner of each contestable resource, and how to determine this. So the question is: what are the libertarian property assignment rules that distinguish our philosophy from others?

There are two types of scarce resources: human bodies and external resources found in nature. Let us first consider the property assignment rules for bodies.

Of course, one's own body is a scarce resource. As Hans-Hermann Hoppe has explained, even in a paradise with a superabundance of goods,

> every person's physical body would still be a scarce resource and thus the need for the establishment of property rules, i.e., rules regarding people's bodies, would exist. One is not used to thinking of one's own body in terms of a scarce good, but in imagining the most ideal situation one could ever hope for, the Garden of Eden, it becomes possible to realize that one's body is indeed the prototype of a scarce good for the use of which property rights, i.e., rights of exclusive ownership, somehow have to be established, in order to avoid clashes.

The libertarian view is that each person completely owns his own body — at least initially, until something changes this, such as if he commits some crime by which he forfeits or loses some of his rights. Now some say that the idea of self-ownership makes no sense. You *are* yourself; how can you *own* yourself? But this is just silly wordplay. To own means to have the right to control. If A wants to have sex with B's body, whose decision is it? Who has the right to control B's body, A or B? If it is A, then A owns B's body; A has the right to control it, as a master to a slave. But if it is B who has the right to decide, then B owns his own body; he is a self-owner.

And of course, self-ownership is what is implied in the nonaggression principle. Ayn Rand famously said, "So long as men desire to live together, no man may *initiate* . . . [n]o man may *start* — the use of physical force against others." To initiate force means to invade the borders of someone's body, to use his body without permission or consent. But this presupposes that that person has the right to control his body: otherwise his permission would not be needed, and it would not be aggression to invade or use his body without his consent.

So the libertarian property assignment rule for bodies is: each person owns his own body. Implicit in the idea of self-ownership is the belief that each person has a better claim to the body that he or she directly controls and inhabits than do others. I have a better claim to the right to control my body than you do, because it is *my* body; I have a unique link and connection to my body that others do not, and that is prior to the claim of any other person. Anyone other than the original occupant of a body is a latecomer with respect to the original occupant. Your claim to my body is inferior in part because I had it first. The person claiming your body can hardly object to the significance of what Hoppe calls the "prior-later" distinction, since he adopts this very rule with respect to his own body; he has to presuppose ownership of his own body in order to claim ownership of yours.

The self-ownership rule may seem obvious, but it is held only by libertarians. Nonlibertarians do not believe in complete self-ownership. Sure, they usually grant that each person has some rights in his own body, but they believe each person is partially owned by some other person or entity — usually the state, or society. Libertarians are the only ones who really oppose slavery, in a principled way. Nonlibertarians are in favor of at least partial slavery.

This slavery is implicit in state actions and laws such as taxation, conscription, and drug prohibitions. The libertarian says that each person is the full owner of his body: he has the right to control his body, to decide whether or not he ingests narcotics, works for less than minimum wage, pays taxes, joins an army, and so on. But those who believe in such laws believe that the state is at least a partial owner of the body of those subject to such laws. They don't like to say they believe in slavery, but they do. The modern liberal wants tax evaders put in jail (enslaved). The modern conservative wants marijuana users enslaved.

In addition to human bodies, scarce resources include external objects. Unlike human bodies, however, external things were initially unowned. The libertarian view with respect to such external resources is very simple: the owner of a given scarce resource is the person who first homesteaded it — or someone who can trace his title contractually back to the homesteader. This person has a better claim than anyone else who wants the object. Everyone else is a latecomer with respect to the first possessor. Note that we are here speaking of scarce resources — material objects — not infinitely reproducible things such as ideas, patterns, and information.

This latecomer rule is actually implied in the very idea of owning property. If the earlier possessor of property did not have a better claim than some second person who wants to take the property from him, then why does the second person have a better claim than a third person who comes later still (or than the first owner who tries to take it back)? To deny the crucial significance of the prior-later distinction is to deny property rights altogether. Every nonlibertarian view is thus incoherent, because it presupposes the prior-later distinction when it assigns ownership to a given person (because it says that person has a better claim than latecoming claimants); while it acts contrary to this principle whenever it takes property from the original homesteader and assigns it to some latecomer.

But what is relevant for our purposes here is the libertarian position, not the incoherence of competing views. In sum, the libertarian position on property rights in external objects is that, in any dispute or contest over any particular scarce resource, the original homesteader — the person who

"I couldn't get Parliament to outlaw Lady Godiva, but they agreed to *regulate* her!"

appropriated the resource from its unowned status, by embordering or transforming it (or his contractual transferee) — has a better claim than latecomers, those who did not appropriate the scarce resource.

Libertarianism on IP

Now, back to IP. Given the libertarian understanding of property rights, it is clear that the institutions of patent and copyright are simply indefensible.

Copyrights pertain to "original works," such as books, articles, movies, and computer programs. They are grants by the state that permit the copyright holder to prevent others from using their own property — e.g., ink and paper — in certain ways.

Patents grant rights in "inventions" — useful machines or processes. They are grants by the state that permit the patentee to use the state's court system to prohibit others from using their *own property* in certain ways — from reconfiguring their property according to a certain pattern or design described in the patent, or from using their property (including their own bodies) in a certain sequence of steps described in the patent.

In both cases, the state is assigning to A a right to control B's property: A can tell B not to do certain things with it. Since ownership is the right to control, IP grants to A co-ownership of B's property.

This clearly cannot be justified under libertarian principles. B already owns his property. With respect to him, A is a latecomer. B is the one who appropriated the property, not A. It is too late for A to homestead B's property; B already did that. The resource is no longer unowned. Granting A ownership rights in B's property is quite obviously incompatible with basic libertarian principles. It is nothing more than redistribution of wealth. IP is unlibertarian and unjustified.

Why, then, is this a contested issue? Why do some libertarians still believe in IP rights?

One reason is that they approach libertarianism from a utilitarian perspective instead of a principled one. They favor laws that increase general utility, or wealth. And they believe the state's propaganda that state-granted IP rights actually do increase general wealth.

The utilitarian perspective itself is bad enough, because all sorts of terrible policies could be justified this way: why not take half of Bill Gates' fortune and give it to the poor?

Utilitarianism justifies terrible policies. Why not give half of Bill Gates' fortune to the poor? The total gains to the recipients would be greater than Gates' reduced utility.

Wouldn't the total welfare gains to the thousands of recipients be greater than Gates' reduced utility? After all, he would still be a billionaire afterwards. And if a man is extremely desperate for sex, couldn't his gain be greater than the loss suffered by his rape victim if, say, she's a prostitute?

But even if we ignore the ethical and other problems with the utilitarian or wealth-maximization approach, it is bizarre to think that utilitarian libertarians are in favor of IP when they have not demonstrated that IP *does* increase overall wealth. They merely assume that it does and then base their policy views on this assumption. It is beyond dispute that the IP system imposes significant costs, in monetary terms alone, not to mention its costs in terms of liberty. The usual argument, that the incentive provided by IP law stimulates additional innovation and creativity, has not even been proven. It is entirely possible (even likely, in my view) that the IP system not only imposes many billions of dollars of costs on society but actually reduces or impedes innovation, adding damage to damage.

But even if we assume that the IP system does stimulate some additional, valuable innovation, no one has established that the value of the purported gains is greater than the costs. If you ask advocates of IP how they know there is a net gain, you get silence (this is especially true of patent attorneys). They cannot point to any study to support their utilitarian contention; they usually just point to Article 1, Section 8 of the Constitution, as if the backroom dealings of politicians two centuries ago were some sort of evidence. In fact, as far as I've been able to tell, virtually every study that attempts to tally the costs and benefits of copyright or patent law concludes either that these schemes cost more than they are worth, or that they actually reduce innovation, or that the research is inconclusive. There are no studies showing a net gain. There are only repetitions of state propaganda.

Responding to the available evidence, anyone who accepts utilitarianism should be opposed to IP.

Libertarian Creationism

Another reason why many libertarians favor IP is their confusion about the origin of property and property rights. They accept the careless observation that you can come to own things in three ways: through homesteading an unowned thing, by contractual exchange, and by creation.

The mistake is the notion that creation is an independent source of ownership, independent from homesteading and contracting. Yet it is easy to see that it is not, that "creation" is neither necessary nor sufficient as a source of ownership. If you carve a statue using your own hunk of marble, you own the resulting creation because you already owned the marble. You owned it before, and you own it now. And if you homestead an unowned resource, such as a field, by using it and thereby establishing publicly visible borders, you own it because this first use and embordering gives you a better claim than latecomers. So creation is not necessary.

But suppose you carve a statue in someone else's marble, either without permission, or with permission, such as when an employee works with his employer's marble by contract. You do not own the resulting statue, even though you "created" it. If you are using marble stolen from another person, your vandalizing it does not take away the owner's claims to it. And if you are working on your employer's marble, he owns the resulting statue. So creation is not sufficient.

This is not to deny the importance of knowledge, or creation and innovation. Action, in addition to employing scarce

continued on page 45

Liberty

P.O. Box 20527, Reno, NV 89515

December 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Obama,

As a fellow alumnus of Occidental College, I am writing to you about healthcare reform. You did say that all ideas were on the table. Bear with me, please. I am hoping you are a smart guy with an open mind, who will listen to a better means to reach the same end.

The first point is that we have to recognize we aren't making healthcare more affordable just by making someone else pay for it. Asking your wealthy uncle to pay two-thirds the price of some $180 tennis shoes does not mean you are buying affordable tennis shoes. Affordable tennis shoes are ones that have a lower price tag. So how could we make healthcare more affordable? We should do it the same way that other things in our economy have become less expensive over time — computers, Lasik eye surgery, DVDs.

When they are new, innovative products or procedures are expensive. Only wealthy people can afford them. Others look at them and say, "That's too expensive, I'm not going to buy the Blu-ray disc," or whatever the latest innovation is. Eventually the makers of the new thing run out of wealthy people; then they must figure out a way to sell it for less or they won't be able to get more clients. Whoever can figure out how to do it (it isn't always the same people who first made it) begins to offer it for a lower price. The company then operates at a lower profit margin but with higher volume. And that lowering of price keeps happening until pretty much everyone can afford to buy.

About the only time that doesn't happen is when the government (or an insurance company) steps in and says, "this is too expensive for ordinary people to pay for, so we are going to buy it for them." Under those circumstances, there is no incentive to make it cheaper. That's fundamentally why medical procedures aren't coming down in price. Nearly all medical procedures are paid for by someone other than the recipient.

Here's the hard part. When Medicare sets a lower price (defining how little it will pay for a given procedure), it seems like it would be the same thing as when a lot of people say, "That's too expensive; I won't pay that much." But it doesn't work the same way. Instead of having an incentive to offer something more cheaply, because there are more clients to be obtained if you do, the service provider has just suffered an income cut, with no way to make it up. So the provider raises the price on some other service to make up for it — or makes the people with "better" insurance pay a higher price to make up for the lower price obtained from Medicare patients. Or the provider just goes out of business. And that's one reason why we are short of primary care doctors.

So for a thing to become more affordable, there must be millions of people who look at it and say, "No, that's too expensive. I won't pay that much." For prices to come down, that kind of price discussion has to enter the doctor's office. People need to say, "Isn't there a less expensive treatment or test?"

To increase the number of those conversations in the doctor's office we need to continue to encourage the spread of high-deductible health insurance with a health savings account or HSA (a savings account of your own pre-tax dollars that can only be spent on health care) to cover the deductible. I just got one of those at work and it changed my behavior immediately. Suddenly I had an incentive to ask the doctor if I could choose

generics over the brand-name medicines I was being prescribed. I did, and saved a lot of money immediately. If I can spend less on my health care than the amount of the HSA (and don't have to make insurance claims), I get to keep the rest of the money in the HSA. Now I have a reason to shop for bargains in medicine. We need to do the same thing with Medicare patients as well. They need to have high deductible insurance with an HSA so they will start asking about the prices of medical procedures and treatments. We need to give everyone the incentive to shop for bargains — and at the same time the ability to have insurance that will cover the more expensive alternative if it is important to them.

What about people losing coverage, being denied coverage, or the uninsured? First, let's get health insurance out of employers' hands and into our own. If we all bought our own insurance, we could keep it as we change jobs. Some people think their health insurance is free if the employer pays for it, so we would have to help everyone see that they just get a lower salary than they would otherwise, so the employer can pay for the insurance. People would be able to get guaranteed-renewable health insurance and keep it for their whole lives, so they would be covered when they contract some life-threatening illness when they are old.

But we want prices to go down there as well. A government-backed "public option" insurance company will have the support of taxes, which means it can lose money and still stay in business, and it is likely to drive the private insurance companies out of business. That will reduce choice and competition. Instead, let's open up health insurance across the country, so anyone can buy policies from companies in any state. Let's allow people to get around these expensive mandates that require certain things be covered in all the health insurance policies offered in the state. People can buy policies that cover those things that are important to them, but they should be able to see the cost and decide for themselves. The more that people are free to choose their own health insurance the more demand there will be for lower-cost policies — and more of those will be created.

Another reform we should make is to let all the people now on government-managed health insurance be free to purchase health insurance on the open market. This will get more people into that private market and increase the number of choices available to all of us. We should offer people now receiving government health insurance such as Medicare, the same amount of money that it is costing us to care for them now, but let them use that money to choose their own health insurance program. They should be allowed to pick less expensive policies if they don't want certain things to be covered.

What about people with preexisting conditions and people who are being denied coverage? We know there will be fewer people with this problem if everyone has individual health insurance and so aren't forced out of their policy when they change jobs or become sick and can't work. But still there are problems when people get really sick and the insurance company wants to raise their premiums through the roof. There is a new idea, an idea you might not have heard of, that would help. It is called health-status insurance. You buy it to protect against the rise in premiums that would come if you get sick. It could be used to guarantee you the right to buy health insurance in the future. Typically, health-status insurance costs are quite low.

But what about people who are sick right now with cancer, or diabetes, or who have had heart attacks? Of course, the government could simply pay the extra cost of the premiums. That might include a lot of people currently on Medicare, although if we give them the money being spent now on their care it ought to be enough to buy medical insurance that would provide roughly equal coverage. The cost of paying for people with preexisting conditions is much smaller than paying for everyone's healthcare — and eventually there will no longer be people needing this help.

I agree that medical care is important. But let's see that it's provided in a way that will help keep down costs for all of us.

Thanks for listening.

Sincerely,

Don Crawford

Don Crawford

Robbing Hood and the Undeserving Rich

by Bob Marcus

What happens when Robin Hood becomes Sheriff of Nottingham?

To paraphrase Kafka's "Metamorphosis": I awoke one morning from uneasy dreams and found myself transformed in my bed into a gigantic cockroach.

President Obama sees himself as a modern day Robin Hood. He wants to reshape society by taking from the rich and giving to the poor. But the original Robin Hood was a highwayman. His grand larceny was rendered heroic because his victims, owing their riches to no innate advantage or social usefulness, were properly vilified. But that was Old England; America is more of a meritocracy. Taking from one to give to another might be morally suspect to modern Americans. Hence the need for Newspeak.

First, "taking" and "giving" must be redefined. Ninety-five percent of taxpayers are to receive refunds. Their giving is to be a tax rebate, notwithstanding the fact that almost 40% of the people who receive rebates pay no federal income taxes and therefore can't logically get a "refund." With the use of Newspeak, however, the problem goes away. A payment that should more properly be called welfare becomes a rebate; never mind the fact that there was no payment to refund. Since the money the government disperses comes from taxpayers, the 5% of Americans who do not get refunds are paying the tab for all the others. No one is taking the money from them; they just don't qualify to get this very special refunding of their tax.

Robin Hood's merry band and the other recipients of his lighthearted lighthandedness were for the most part honest and hardworking yeomen (except for Friar Tuck, who made up for it by being merrier than most). In Newspeak, the merry band becomes the deserving poor and the hardworking middle class. The terms are never clearly defined, although they are clearly not used to identify the poor who deserve what they get, or the middle class that should be taking it a bit easier.

So now that Robbing Hood and his band have put a spin on *give, take,* the *poor,* and the *middle class,* who are left? Oh, yes, the rich, the arrogant, insensitive, and socially suspect gang that ran with the likes of the Sheriff of Nottingham. These are now the undeserving rich, another concept of ambiguous meaning, loosely defined to include the top 5%

of income earners. The poster children of the undeserving rich are Ponzi-scheme fraudsters, incompetent bankers, and greedy public-company CEOs, clearly unsympathetic characters all. But the vast majority of the undeserving rich who comprise the top 5% of income earners is a much larger group — doctors, lawyers, and Indian chiefs, at least some of whom deserve respect.

And then I had that Kafkaesque realization: I myself was a member of the undeserving rich! I hadn't realized it before; I guess I'd been too busy earning a living. I possessed no corporate jet; I couldn't even afford first-class travel, although I worked harder than most people and had less time to play golf than a worker on the GM assembly line. This is not a plea for sympathy. I actually prefer working to playing golf. In fact, though I'm now beyond standard retirement age, I still work harder than 95% of my fellow Americans, my education level is in the top 5%, and I take more entrepreneurial risks than the great majority of my countrymen. So, if my current earnings are in the top 5%, I do not think this is purely a matter of coincidence. Neither do I think it is necessarily undeserved, especially considering that there were lean years, too.

I joined in my Chinese hosts' enthusiasm and exclaimed that we had a name for such people — capitalists. With that, the smiles disappeared from their faces.

Flashback to 1975, when I went to China on a businessman's tour. I had the pleasure of visiting a factory that produced the first mercury switches made in China. My hosts explained that during a period of economic liberalism under communist rule, three men left their jobs and founded the factory. I sensed that there was an interesting story here and asked my hosts whether the three invested their own money (a smiling "yes"), borrowed more (another "yes"), and took an entrepreneurial risk ("ditto"). I then joined in my hosts' enthusiasm and exclaimed that we had a name for such people — capitalists. With that, the smiles disappeared from their faces, and they left the area to go into a huddle. When they came back, they pronounced the founders of the company heroes.

I could hardly argue with them. In later years, when I founded my own first company, I mused that in the eyes of my communist hosts I too would have been a hero, at least if I had been Chinese. Hero. I like that term a little better than Undeserving Rich.

My Chinese friends continued their story. It seems that during another, less liberal, period the factory was nationalized. I could not help asking whether the founders got back their capital. I was duly informed that they had, though the manner of the reply left me in some doubt. By then the entrepreneurs had probably become parasites or class enemies, maybe even cockroaches. I was tempted to inquire whether they were allowed a fair return on their capital, but an acute sense of delicacy (and a desire not to be declared persona non grata) prevailed. Why open old wounds? In any case, by the time of my visit they had been rehabilitated.

I wonder if I will do so well.

Fast forward to 1990. An unfortunate meeting between a baseball and a bedroom window led me to meet the glazier in my hometown in California. I think his name was Don. A couple of years later, a home improvement project brought me back to Don's place and now, an old customer, I traded stories with him. Business was good and he was contemplating opening another store. But by the time I came in to buy a mirror the next year, he had decided against it, citing too much government interference; it was too much effort to expand his operation. He thought he would play more golf instead. A few years later I looked around and his store was gone. Early retirement.

I'm pleased to say that my own business is surviving the economic crisis. What really worries me is the political crisis – badly designed bailouts, an even worse stimulus package, the threat of higher personal and business taxes, heavier regulation, a Congress displaying even more than its usual venality and economic ignorance, pork-ridden spending bills, and a budget that fecklessly assumes an early end to the recession. And when that doesn't happen, what next? More new taxes?

Fiscal stimulus doesn't work in economies without a consistent and reliable set of rules. Sometimes this is referred to as the rule of law. Even the World Bank, one of the most profligate and unsuccessful developmental organizations on the planet, has lately come around to that realization; it is now more careful about throwing money at countries that do not have the appropriate underpinnings for economic growth. The Chinese Communist Party has come to a similar recognition, resulting in one of the fastest growing economies in the world. But in America we seem to be going backwards.

Congress is falling over itself with game-changing rules: "too big to fail" rescues, new entitlements in health care, cap-and-trade schemes to curb greenhouse gases (schemes that are, whatever their virtues, disingenuously disguised taxes). That will raise energy costs. Uncertainty does not put people in a mood to invest. That was a lesson we should have learned from the Great Depression, when people with money decided to keep it safe rather than risking much needed investment. Because even the fruits of successful enterprise might be taken away, there was no incentive to invest. We apparently have forgotten that lesson from the past.

Because the fruits of successful enterprise might be taken away, there was no incentive to invest. We apparently have forgotten that lesson.

continued on page 45

Bridging the Two Libertarianisms

by Carl S. Milsted, Jr.

What does the nonaggression principle really mean for libertarianism?

Liberty. Some love it because it provides wealth, opportunity, and other good things. Others declare that any denial of liberty is unacceptably evil, that liberty is a fundamental right of man. Both call themselves libertarians, and so they gather together at political conventions, seminars, and blog forums — to call each other nasty names and do battle over the meaning of a word.

The first school, the consequentialists, derides the second, the moralists, for being impractical and politically impotent. Meanwhile, the moralists deride the consequentialists for offering a tepid defense of liberty that inspires little zeal in the youthful idealist and often leads to dangerous compromise whenever the utilitarian case for government is strong. Both sides have data to back up their derision, and deride they do.

At its extreme, moral libertarianism calls for the Zero Aggression Principle (ZAP), a mandate that one should never initiate force or advocate the initiation of force, regardless of the social benefit. This principle is enshrined in the Libertarian Party's membership oath — "I certify that I do not advocate the initiation of force to achieve political or social goals" — but it is also advocated by groups that routinely attack the Libertarian Party for its lack of principle. According to ZAP, it is immoral to advocate *any* taxation. Applied consistently, ZAP requires calling for the *immediate* repeal of all taxation. Or, as Murray Rothbard wrote in his libertarian manifesto, "For a New Liberty" (1978):

> Cleaving to principle means something more than holding high and not contradicting the ultimate libertarian ideal. It *also* means striving to achieve that ultimate goal as rapidly as is physically possible. In short, the libertarian must never advocate or *prefer* a gradual, as opposed to an immediate and rapid, approach to his goal. For by doing so, he undercuts the overriding importance of his own goals and principles.

Consequentialists note that the immediate abolition of taxation would likely lead to economic collapse, civil war, invasion, or all three. Default on the national debt and Social Security obligations would shatter the current economic system. Failure to pay our soldiers could leave the country undefended, put weapons of mass destruction in the wrong hands, or lead to the rise of a Napoleon.

History has plenty of examples of governments collapsing, but few of these collapses led to anything close to a libertarian society. In nearly every case, the fall of a government was succeeded by the rise of a new government, often with an unpleasant period of violence in between. The result of this process can be seen by looking at a map of the world. Most of the world's habitable surface is under the domain of a government. Areas that are not are under the control of local warlords. The closest modern example of the anarchocapitalist ideal is Somalia, which is hardly a libertarian paradise. While the current state of tribal anarchy is preferable to the communist government that preceded it, Somalia is inferior to a Scandinavian welfare state for doing business or exercising personal freedom.

The Bush Administration listened to the libertarian Cato Institute, then went on to violate civil liberties and run record deficits. Milton Friedman got a Nobel prize, after giving us income tax withholding.

Overnight implementation of the Zero Aggression Principle would likely lead to economic collapse, civil war, or military invasion. Since most voters can foresee these dire consequences regardless of how sweetly a ZAP-based platform is crafted, libertarians of the moralist school have difficulty getting elected. In terms of presidential vote totals and state house members elected on non-fusion tickets, the Libertarian Party peaked around 1980, before a large group of consequentialists left the party.

The moralists have a strong comeback: "Does consequentialism actually work?" How many callow college students get fired up over a tax reform proposal? Compare that with the life-changing impact of an Ayn Rand novel, its message firmly based on moral principles. As for anarchy, sure it's iffy and edgy; but so is Che Guevara, and look at all the T-shirts with his face on them. A radical message makes for good street theatre. True, consequentialist moderates have more success getting the ear of those in power, but so what? The Bush Administration listened to the libertarian Cato Institute, then went on to violate civil liberties and run record deficits. Milton Friedman got a Nobel Prize, after giving us income tax withholding. Alan Greenspan did a decent job as Federal Reserve chair, and thus gave the Federal Reserve credibility. So why sacrifice principle if you're going to fail anyway?

With such intellectual ammunition, the two schools of libertarianism continually attack each other, using arguments that range from the subtle to the infantile. Given the depths of these differences, R.W. Bradford ("The Two Libertarianisms," Liberty, reprinted in March 2008) wondered how these two schools of libertarianism could work together. Upon investigation he found that many moral libertarians resort to consequentialist arguments when pressed, and consequentialist libertarians resort to moral arguments. The glue holding the two schools together is that most libertarians find elements of both beliefs within themselves.

But this prompts a further question. How can these conflicting philosophies coexist not only within the same movement, but inside the same brains? There must be some intellectual bridge connecting the two libertarianisms.

Indeed, there is. In fact there are two.

The Bridge of Denial

The simplest way to bridge the two schools is to deny any conflict between consequentialism and the Zero Aggression Principle. Libertarian presidential candidate Harry Browne epitomized this line of thinking with his mantra "Government doesn't work." Mary Ruwart also implied this bridge in "Healing Our World" (1993), in which she freely mixed ZAP and consequentialist arguments.

The denial bridge is extremely popular within the Libertarian Party. By my guesstimate around a third of the delegates to the 2006 LP National Convention were of this school. At the time I was leading a major effort to reform the LP (the Libertarian Reform Caucus) to widen the LP's definition of "libertarian" so as to include a large fraction of voters who say they support both personal liberties and economic liberties, and to soften the party's platform away from its call for anarchy next Wednesday. We failed to change the LP's definition — the ZAP-based membership oath remains — but we succeeded in repealing most of the platform. (The deleted planks were replaced by more moderate language in 2008, due to the efforts of Brian Holtz and others who took over the Caucus after I left; however, the LP membership oath remains.) We succeeded despite being a minority faction at the convention. Many borderline anarchists voted with us because they regarded the old platform as poorly written. For them, getting the public to accept borderline anarchy is simply a matter of better wordsmithing.

But while the denial bridge holds the Libertarian Party together, it fails to unite the broader movement, because many people simply believe it is wrong. And Harry Browne's mantra is definitely, even laughably, wrong. Government does work. People routinely send mail by government post, drive on government roads, rely on government food inspections, walk on government sidewalks, and enforce contracts in government courts. Crime may be bad in places, but most people safely leave home without having to lug around a sidearm. The military may be inefficient, but it has successfully prevented any major invasion since the end of the War of 1812.

Moral libertarians resort to consequentialist arguments when pressed, and consequentialist libertarians resort to moral arguments.

Yes, governments can be ineffective, bloated, and brutal. We can all cite areas in which the private sector can do a better job than government. But government works, even bad government. Rome did not fall in a day.

Complete lack of government, however, is highly problematic. Modern examples of anarchy (witness Somalia) are further from the libertarian ideal than any European welfare state. Anarchocapitalism *may* be workable in the modern world, but we have scant evidence to date to support this proposition, and a great deal of evidence and economic theory against it.

Moral Consequentialism

The Zero Aggression Principle demands *immediate* elimination of all taxation, and perhaps monopoly government in general. Yet eliminating these things would result in tribalism, warfare, and eventually dictatorship — that is, *increases* in aggression. ZAP applied to government violates its own underlying value. Aggression will always be with us. Complete elimination of aggression is a fantasy.

So moral libertarians have two choices when they confront reality:

- Practice Zero Aggression as a semi-religious discipline like pacifism or vegetarianism.
- Advocate and enact policies that *minimize* aggression.

I'll call the latter path *moral consequentialism*. It is the second bridge, and the only firm one, between the two schools of libertarianism. It combines the underlying moral value of the libertarian moralist with the eye for reality of the libertarian consequentialist. Moral consequentialism could mean advocating anarchocapitalism if circumstances were such that anarchocapitalism would indeed result in less aggression than some form of government. This might be the case, for example, in an island nation with a uniform culture. But under most circumstances, moral consequentialism will mean advocating reform of the existing government.

At the end of "The Two Libertarianisms" Bradford concluded that we should "consider the two libertarianisms to be two aspects of the same belief, or different emphases on that same belief." Well, that belief is "freedom is good," or conversely, "initiation of force is bad." Libertarian moral consequentialism simply demotes these sentiments from first principle to core value.

Libertarian moral consequentialism comes in multiple flavors. A pure libertarian moral consequentialist is one who treats minimizing aggression as the only value worthy of consideration (in regard to government). Impure libertarian moral consequentialists consider reducing aggression as one of several values to be advanced. But no matter what flavor individuals may prefer, moral consequentialism is the primary means by which the libertarian movement as a whole (not just its LP sector) is held together. Libertarians of all varieties frequently resort to moral consequentialist arguments. Anarchists emphasize the evil results of monopoly government. Minarchists point out examples of increased aggression resulting from anarchy. Neolibertarians point out the increases in freedom that can arise when U.S. military might crushes genocidal tyrants. Antiwar libertarians point to the many instances in which U.S. military might backfired, or collateral damage outweighed the benefits of military action.

But while moral consequentialist arguments are commonplace in libertarian circles, explicit moral consequentialists are fairly rare. Moral consequentialism is not an easy philosophy. It provides no pat answers. Instead, it requires mucking about with real data and acting on imperfect knowledge. Furthermore, it calls for admitting our own moral compromises.

The Veil of Euphemism

It isn't easy to admit you are a thief, even when theft is morally necessary to prevent a greater evil. But uneasiness can be salved with fresh words: tax, confiscate, regulate, eminent domain, and so forth.

Such moral anesthesia is dangerous. It allows people who are scrupulously moral in their private lives to become rapacious plunderers in the voting booth. If the libertarian movement did nothing other than strip away the euphemisms and get the electorate, including nonlibertarians, to come face-to-face with their moral tradeoffs, government would shrink dramatically. We need to ask: "When do I point a gun at my neighbor?" (For a humorous example see "Would You Kill Your Mother to Pave I-95?" by P.J. O'Rourke, in "Parliament of Whores.")

And even libertarians resort to moral anesthesia. Moral consequentialist arguments get cloaked behind definitions of the "proper role of government." The Constitution provides a particularly popular set of definitions, which many minarchist libertarians use as a starting point for their arguments.

Constitutionalism is appealing and borders on being mainstream, but it suffers from the slippery slope problem. Emergencies happen. Special situations happen. It is extremely difficult to anticipate all contingencies at a constitutional convention. With proof-by-definition or Constitution-as-authority, every emergency and special situation can be construed as providing constitutional authority for invasions of liberty; the "proper role of government" broadens. Two centuries of stretching have given us a legal definition of "constitutional" that has only passing resemblance to the actual text of the Constitution.

Constitutionalist libertarians are very aware of this dangerous malleability, and many of them resort to brittle thinking as an antidote. If deviations from the Constitution (or any

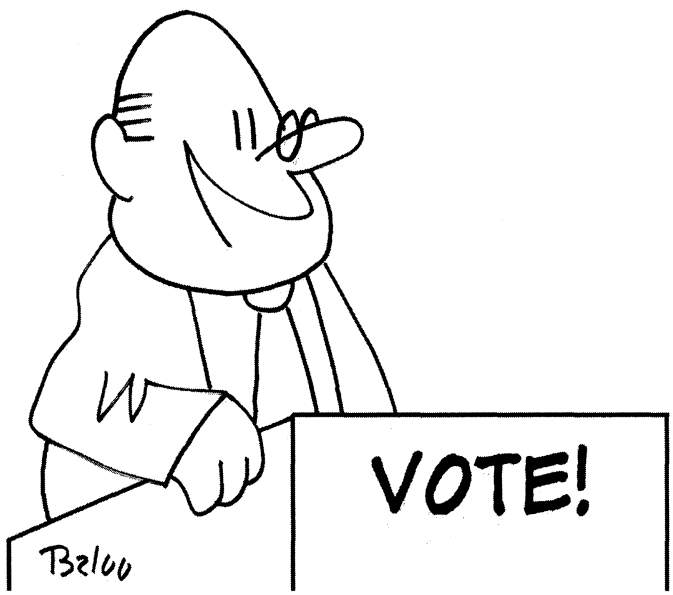

"I'll never lie to you, figuratively speaking."

other standard) can result in a slide down a slippery slope, then deviations must not be tolerated. Thomas Jefferson should be condemned for the Louisiana Purchase. Franklin Roosevelt should be condemned for aiding the British and interfering with Japanese efforts to control Southeast Asian oil prior to our official declaration of war. The 13th, 14th, and 15th Amendments to the Constitution were ratified by the Southern states under duress and are thus invalid.

But brittle thinking is bad politics. It pits one's thought against the best bargain the U.S. government ever made; it puts it on the side of Nazi Germany, Imperial Japan, and slavery. It also leads one to advocate unsound policies in the present.

Consider the recent Ron Paul campaign for president. Unlike most LP candidates, Paul had plenty of publicity, money, and volunteers. He also had enough experience in government to be taken seriously and was running in the primary of an established party. The standard excuses for libertarian failure did not apply. The Ron Paul campaign failed mainly because *he promised to do bad things*. During the first Republican debate he said:

The standard excuses for libertarian failure do not apply. The Ron Paul campaign failed because he promised to do bad things.

> Well, in my first week, I already got rid of the income tax. In my second week — (laughter) — I would get rid of the inflation tax, the tax that nobody talks about. We live way beyond our means with a foreign policy we can't afford and an entitlement system that we have encouraged. We print money for it, the value of the money goes down, and poor people pay higher prices. That is a tax. It's the transfer of wealth from the poor and the middle class to Wall Street. Wall Street's doing quite well, but the inflation tax is eating away at the middle class of this country. We need to get rid of the inflation tax with sound money.

It would be fantastic if the United States never had an income tax, never switched to fiat money, and had never gotten involved in World War I. But alas, we did, and this has major consequences for the amount of government today.

We have a huge national debt and gigantic entitlement obligations. Eliminating the income tax without a workable replacement would lead to national bankruptcy.

The middle class is mortgaged to the hilt, on the expectation of continuing inflation. An immediate return to hard money would magnify the current mortgage crisis many times over, as those with fixed-rate mortgages saw their real interest rates double and their equity go negative.

Much of the world is dependent on U.S. military might for protection. An immediate withdrawal would result in wars, arms races, and a new authoritarian superpower filling the power vacuum.

Ron Paul's promises would have long-term merit, if the policies he suggested were phased in intelligently (and he did put out a much more reasonable economic plan late in the campaign, though by then it was too late). Explicit moral consequentialism provides a mental framework in which people can come up with intelligent transitions. Instead of hiding the moral tradeoffs inherent in government within a static definition, explicit moral consequentialism allows one to ask, "Which course of government action minimizes aggression *today*?" But Paul's promises failed this test. Tax cuts to the point of debt default constitute a retroactive tax on bondholders. Default on Social Security is a retroactive tax on retirees. Sudden withdrawal of U.S. military power can result in more wars. More limited options, however, could result in much less aggression, even though the near term amount of government would be higher than the libertarian ideal.

As a bonus, having a dynamic view of the ideal amount of government makes it easier to get elected and actually begin implementing reforms. Bad policies are often bad politics, but the best policies in theory may still be politically impossible. If one asks, "How much liberty can I as a libertarian politician advocate and still get elected?", one is asking a *moral* question: "How much can I actually reduce the amount of evil today?"

Moral consequentialism provides guidance not only for the optimal amount of government but also for how to get there.

The Denial of Empathy

Moral consequentialism provides a framework for reasonable action under a wide variety of circumstances, from near-utopia to lifeboat scenarios. But it does not provide pat answers from simple syllogisms. The consequences of action are uncertain. The value metric is messy and uncertain as well: how many extra tax dollars for more police are justified by a 10% drop in the murder rate? Moral consequentialism is thus a tough discipline for the Vulcans who dominate the libertarian movement. Indeed, one prominent school of Vulcan libertarians goes so far as to say that the aforementioned value metric is completely uncertain and thus invalid.

Moral consequentialism involves messy, asymmetric moral calculations. Consider the current situation in Darfur. Intervention by U.S. forces could produce a huge net reduction in aggression. In return for some taxes on U.S. residents and a small number of U.S. casualties, thousands of people could be saved from rape, murder, and starvation. *Could* be. The common assessment of the situation in Darfur could be wrong. Exaggerations of war crimes have happened before. Military action could have unintended consequences. It's an example of the fact that moral consequentialism involves messy calculations with many uncertaint factors. Moral consequentialists can be expected to disagree with one another about proper courses of action, although their arguments can be civil, focusing on issues of data and science. Arguments and research can be messy and imperfect, but they can at least be reasonable.

Or maybe not. Those who mix anarchism and Austrian-school economics have a deeper objection: any weighing of moral tradeoffs requires knowledge of other people's utility functions. Even with absolute certainty of military success, how do we know that the harm to U.S. taxpayers would be

continued on page 46

The Attack on Scientific Freedom

by Elizabeth Weiss

For the federal government, creation myths take priority over scientific research.

Church and state are separated by the First Amendment of the United States Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The Native American Graves Protection and Repatriation Act (NAGPRA) is a major violation of the amendment.

NAGPRA (lovely acronym) is a federal law, passed in 1989, that requires agencies receiving federal support to allow federally recognized tribes to obtain "culturally affiliated" Native American human remains and artifacts — in other words, to reclaim bones, body parts, and burial objects from museums, research organizations, and other current owners. That may sound innocuous. But NAGPRA actually incorporates religious animism — traditional beliefs regarding spiritual forces active in nature, and the practices relating to these beliefs — into federal law.

Writing in the journal "Academic Questions," James Springer, an Illinois attorney, describes the problem in this way: "With the repatriationist movement . . . governmental policy has adopted and incorporated religious belief and practices. This situation in unique in modern American law, and the courts would not tolerate it in the context of enforcing the majority religion." He notes with surprise that academics who reject other religious intrusions into federally sanctioned institutions often support repatriationism, which "attempts to substitute animistic religion for history, anthropology, and the natural sciences."

NAGPRA's uniting of church and state is not just implied. NAGPRA states that federally funded institutions must act "in consultation with . . . traditional religious leaders," and it stipulates that the review committee established by the act must include at least two "traditional Indian religious leaders." During the administration of George W. Bush, one of the highest offices established under NAGPRA went to Donna Augustine, a Thunderbird Turtle Native American from Maine, who according to a 2006 article in the Native American Times is "recognized as a traditional religious leader by Indian tribes in the United States." The quest to incorporate religious leaders into state functions is not surprising. The word "sacred" appears 12 times and "religious" appears five

times in NAGPRA, which also endorses the use of religious creation myths in deciding who owns what — or, to use federal language, who today is "culturally affiliated" with the remnants of the past.

Under the NAGPRA regime, cultural affiliation boils down to the acceptance of creation myths and oral traditions that allege geographic continuity for tribes from the beginning of time. For example, the Buhl burial, the skeleton of a woman more than 10,000 years old found in Idaho together with grave goods — one of the oldest human remains so far discovered in North America, and valuable evidence of the peopling of the continent — has been repatriated by the Shoshone-Bannock tribe and reburied. Why? Apparently because oral traditions held by the tribe claim that its ancestors have lived in the Americas since time immemorial.

NAGPRA unites church and state by mandating that federally funded institutions act "in consultation with . . . religious leaders."

Interestingly, however, the NAGPRA review committee does not have to make the reasons for its decisions known. One cannot know for certain how many reburials resulted from oral-traditional evidence, as opposed to scientific evidence. Yet nowhere does NAGPRA require scientific evidence of affiliation before remains are repatriated. Genetic testing, cranial comparisons, and other scientific methods are not considered more valid than oral traditions. These traditions usually embody origin myths suggesting that tribes were created in specific locations and have never migrated; thus, any remains found in that location must belong to the same ancestral line. In short, decisions will be made on the basis of religious belief, not a showing of fact.

The late Stephen Vincent, an investigative journalist, made it abundantly clear that NAGPRA is a religious law that destroys the separation of church and state. His article on the subject for Reason Online starts in this way:

> Imagine an America where the federal government takes an active role in promoting the spiritual values of a certain cultural group. This group rarely documents its largely unknown religious practices and in fact considers many rituals too secret for public knowledge. Yet should outsiders violate its beliefs, the government can threaten them with lawsuits, fines, or prison sentences.

Vincent went on to show why this isn't imaginary: NAGPRA encourages the use of religious rationale to claim human remains and artifacts and provides for punishments of fines or imprisonment for up to a year for improperly selling or buying Native American remains and objects. A second violation brings additional fines, or a prison sentence of up to five years. Arizona art dealer Rodney Tidwell was sentenced to six months in prison for selling Native American masks. Another Arizonan, Richard Corrow, was arrested and sentenced to five years of probation and 100 hours of "community service" for trying to sell "sacred" objects that he had purchased years earlier from Native Americans. Courtney Smith, Jr., was fined $17,500 for selling Native American remains. The $17,500 was ordered as a statutorily required cost for the reinterment of skulls and foot bones sold in interstate commerce. From 1996 to 2008, over 130 allegations of failure to comply with NAGPRA were filed against 42 museums. During 2008, three museums were found guilty of failing to comply with NAGPRA, and each was fined over $5,000. Every year, new allegations of noncompliance arise.

But creation myths and the vexed concept of cultural affiliation become especially worrisome in regard to Paleo-Indian skeletal remains. The famous example is Kennewick Man. In 1996, a skeleton that had Caucasoid features was discovered eroding out of the Columbia River bank in Kennewick, Washington. X-rays revealed an arrowhead lodged in the hip bone and a radiocarbon dating of over 8,000 years ago. Soon after the discovery of Kennewick Man and the identification of his features, a coalition of Columbia River tribes headed by the Umatillas of northeastern Oregon filed a formal NAGPRA claim to the skeleton, even though there was no direct evidence linking them to him. They used their creation myth as the backbone for their claim. This myth can be paraphrased as "we know that our people have been part of this land from the beginning of time."

After a decade-long legal battle between the Army Corps of Engineers, which planned to give the remains to the Umatillas using NAGPRA regulations, and eight scientists led by Douglas Owsley of the Smithsonian, Kennewick Man can finally be studied by scientists. The ruling by the 9th Circuit Court of Appeals states that examination of Kennewick Man is essential to determine whether the remains are related to modern Native Americans. During the period when Kennewick Man was in custody a leg bone was removed (likely when religious groups got access to the relic, while scientists were kept at bay), and even now access to Kennewick Man is difficult. The remains are stored at the Burke Museum in Seattle, but the Corps of Engineers retains guardianship and does not allow study that duplicates data collected by Owsley. It may be another couple of years before research on Kennewick Man is published in the scientific journals.

Richard Corrow was arrested for trying to sell "sacred" objects that he had purchased years earlier from Native Americans.

If scientific evidence of affiliation were required for repatriation, Paleo-Indians would likely be safe from reburial, especially when they differ significantly from modern Native Americans in cranial features. But NAGPRA requires no scientific evidence of affiliation, and the emphasis on sacred objects and traditional folklore militates against it. Although scientific methods are available to determine affiliation or lack of affiliation, these are used only in extreme circumstances, such as DNA tests and cranial metric comparisons. Most commonly location, and the myth that a tribe has always been in that location, are enough for the tribe to claim remains.

"How would you feel," it may be objected, "if your relatives were dug up and studied by scientists?" But of course, we all have relatives who died thousands of years ago, and whose remains have been found, preserved, and studied by scientists. But considering that evidence for biological relatedness isn't used in most NAGPRA cases, the question that ought to be put is "Would you attend the funeral of a stranger?"

NAGPRA's establishment of religion is not merely a question of sentiment. In 2006, NAGPRA grants, which were authorized by the Secretary of the Interior and dependent on funds secured through congressional appropriations, provided over $2.4 million to Native American tribes to assist their religious endeavors. Some Native groups have been extremely successful in getting federal funding. Gordon Pang of the Honolulu Advertiser, for example, reported that the Hui Malama, a Native Hawaiian group formed in 1989 to rebury human remains, received over a million dollars in less than ten years, money that the group claims has been mainly used for travel. The government pays for ceremonies and supports the various rituals and methods that Native American groups insist upon for the treatment of remains, even though most Native Americans converted to Christianity, and many had previously sold so-called sacred objects.

Many academics deny the link between religion and repatriation by emphasizing that NAGPRA is really about respect, human rights, the need for more than one way to gain knowledge, and redressing the wrongs committed by past anthropologists. To cite just one instance of this common view: David Hurst Thomas, who is currently curator of anthropology at the American Museum of Natural History, has said that NAGPRA is an important human rights act that allows living Native Americans to practice their traditional religious responsibilities toward the dead.

But many Native people involved in the NAGPRA regime see a more direct link between repatriation and religion. A leading member of the Hui Malama says that he "firmly believes that the repatriation and reburials were a direct result of intervention by God and the ancestors to inspire and energize us." An email I received from Matthew King, chief of the Lakota Nation, states: "After the immigrants came into our country, they started digging for graves, I don't know why . . . They don't know God . . . It [the land] is, a burial ground and also a church for our Indian people."

In "The Future of the Past" (2001), Ronald Grimes, a professor of religion at Wilfred Laurier University in Canada, discusses religion's importance for Native Americans. He points out that one interesting aspect of the NAGPRA discussions before the act was passed was the continual declaration by the Native Americans themselves that the issue was essentially religious in nature. In a review of newspaper articles published from 1996 to 2008, I found that Native Americans always used religion as the reason for reburial, whereas no non-Native academics made the same connection.

And it is not just Native Americans who clearly see that NAGPRA is a religious law. Support for NAGPRA has come from many religious organizations. C. Timothy McKeown and Sherry Hutt observe, in an article published in 2003, that a May 1990 letter to House and Senate members urging the passage of NAGPRA was signed by representatives of the American Baptist Churches, the Church of the Brethren, Church Women United, the Evangelical Lutheran Church in America, the American Episcopal Church, Jesuit Social Ministries, the Mennonite Central Committee, the Presbyterian Church (USA), the United Church of Christ, and the United Methodist Church.

At the 2006 meeting of the American Association for the Advancement of Science, I reported on the consequences of NAGPRA for anthropological research. My findings were that osteological studies of Native American remains have decreased, that fewer sites are used, and that fewer geographical locations are examined. Additional consequences include losses of data, funding, time, and scientific freedom.

Since NAGPRA has been enacted no one knows for sure how many remains have been repatriated or reburied. Federally funded institutions are not required to keep this information, and neither is the federal government. But estimates have been published. According to an Associated Press article that appeared in 2004, the remains of more than 27,000 individuals have been repatriated since the passage of NAGPRA. In 2006, The New York Times ran an article by Edward Rothstein that suggested even higher numbers; Rothstein stated that "by 2005, remains of more than 30,000 individuals" had been repatriated. A Rocky Mountain News article by Jim Erickson about Pueblo reburials states that by 2006, when the article appeared, 32,052 individuals had been repatriated through NAGPRA. The Department of Interior's NAGPRA website estimates that over 34,000 individuals have been repatriated. Additionally, over half a million funerary objects have been returned to tribes.

Genetic testing, cranial comparisons, and other scientific methods are considered no more valid than oral traditions.

Not surprisingly, some anthropologists are aghast at the prospect of the permanent loss of access to so much knowledge. Mike O'Brien at the University of Missouri has said that returning bones is like burning books. Yet each year, thousands of remains discovered through excavation are returned to Native Americans almost immediately and without any scientific study. Universities are continually approached by tribes that desire skeletal remains which are being held for research. A typical episode, reported by Gale Courey Toensing for "Indian Country Today" (June 24, 2009):

> The University of Massachusetts at Amherst faces a complaint, which could result in loss of funding, fines, and other legal repercussions, by tribes that are not happy with anthropologists' classification of some remains as "unaffiliated." The tribes point to a historical connection to the area and the fact that the Springfield Science Museum repatriated similar remains to them. The University of Massachusetts attempted to stop the Springfield Science Museum's repatriation, knowing it would be used to argue that the university remains should also be repatriated. The chair of the anthropology department continues to maintain that the remains held at the university are not affiliated to the complaining tribes.

Claims and legal battles plague anthropology departments across the country. Not only have data been lost, but funding and research time too. It is impossible to calculate the impact of NAGPRA on museums and other institutions, which are forced to employ people on inventories and repatriations instead of research. Professional anthropologists have curtailed their own efforts to help people understand the past, in order to aid in repatriation. Amy Dansie of the Nevada State Museum wrote in a 1999 paper in the Society for American Archaeology Bulletin that efforts to abide by NAGPRA have "resulted in 10,000 hours spent over the past nine years of my life," and that NAGPRA work is "sucking day after day, year after year, out of our careers." These lost hours are spent on sincere but debilitating attempts to be in compliance — hours expended on inventories, consultations, and just trying to figure NAGPRA out.

But to me, the scariest aspect of repatriation and reburial is the loss of scientific freedom. Scientists should be able to investigate all sorts of questions about the world around them, a world that includes the past; and the attempt to answer these questions should not be hampered by political or religious sentiments. Scientific freedom is lost when tribal consultation or supervision is required. Tribes are not likely to allow the study of remains if they judge that the questions that the remains might answer are controversial or conflict with their creation myths.

In 2006 alone, NAGPRA granted over $2.4 million in federal funds to Native American tribes to assist their religious endeavors.

Amy Dansie and her colleague Donald Tuohy wrote in the 1997 issue of the Anthropology Newsletter that "despite the general assumption that science is free to inquire where it will, science is no longer free in the realm of human prehistory." In her 1999 paper, Dansie stated that in Nevada Native Americans attempted to stop studies on Spirit Cave Man and Wizards Beach Man (both Paleo-Indians with no affiliation to modern Native American populations), since studies could support the idea that modern Native Americans replaced earlier populations and thus are no "better" than the Europeans who came after them. Scientific evidence might also negate the validity of creation myths alleging that modern tribes have been here from the beginning of time. Dansie added that Paiute tribes denied anthropologists the right to finish studies on Paleo-Indian remains and display facial reconstructions, since these reconstructions would have revealed that Paleo-Indians did not resemble modern Native Americans and would again raise questions about the validity of oral traditions.

Another good example of scientific freedom under threat comes from the experience of Karl Reinhard, an anthropologist at the University of Nebraska. He conducted legitimate, high-quality scientific research on skeletal remains from Nebraska Indians. He told of their lives at the point of contact with Europeans over 200 years ago. His work was published in the much-heralded book "In the Wake of Contact" (1994). The December 1998 issue of the Ojibwe News covered the story of Reinhard and reported that Native Americans who were dissatisfied with the research conclusions sent a complaint to the university demanding that Reinhard be fired. The Native American tribe requested repatriation of the remains and accused Reinhard of mishandling them. He flatly denied that he had, and filed a libel suit. In the end, charges against Reinhard were dropped, but the damage had been done. He ended up moving out of the hostile environment and has since been working on South American remains.

What was so offensive about Reinhard's research? He examined skeletal remains to determine diet and health in the pre-contact and post-contact eras of Nebraska and found that contact with Europeans had both good and bad effects. Good effects were the introduction of the horse and gun, which allowed for more efficient hunting, more nutritious food, and an increase in the distance available for gathering, which increased food variety. Data showed that Native Indians ate better after being contacted by the Europeans. On the downside, women seemed to have greater osteoarthritis in the post-contact era, perhaps as a result of preparing hides for the fur-trading economy. But the Native Americans who contended with Reinhard may have wanted to see nothing but bad effects from contact with Europeans.

Yet another example of a threat to scientific freedom comes from a graduate student who requested access to repatriated skeletal remains for study. Since not all remains handed to tribal members are reburied, some people believe that anthropologists may still be allowed to study them, if Native American tribes realize the importance of the studies. Yet it appears that once human remains have been repatriated, they are gone forever. The graduate student, who is interested in taking measurements of remains and does not conduct any destructive data collection, confided to me that he could not get access to remains that had been repatriated but not reburied; many tribes have a procedure for applying to study remains, but none of them actually grants access. He reported that there are no documented cases of a repatriated skeletal collection being studied by anthropologists. Once remains

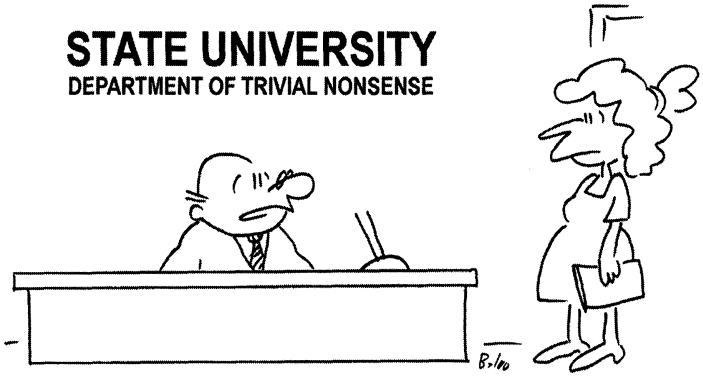

"I'm worried — It's getting harder and harder to qualify for federal grants!"

are repatriated, they are no longer available for study regardless of the research questions or the methods that would be employed for the studies.

The other situation, that of bones that have been reburied, is far more dismal. Prehistoric skeletal remains are fragile; anthropologists are fortunate to be able to work with remains that have been carefully excavated and are in good condition. To keep them in good condition, universities and museums maintain them in non-acidic boxes, temperature controlled rooms, and vermin-free environments. As soon as they are placed back in the ground, they are lost. An anthropologist colleague of mine who works in the public sector of archaeology has described the horror of reburying remains. She said that once the boxes are put in the ground and dirt is put on top of them, you can hear the bones starting to break and crack. This is especially true for baby and child remains, which are of great value to anthropologists who want to understand the health of prehistoric populations.

Anthropologists study to be objective scientists and learn the true prehistory of the peoples they are examining; the loss of freedom to function in this way is an affront to our training and ethics. It is appalling when Native Americans — or any other people — express strongly anti-science feelings. Armand Minthorn, who was appointed by President Clinton to serve on NAGPRA's review committee has been quoted in the Pittsburgh Post-Gazette as saying, "We already know our history. It is passed on to us through our elders and through our religious practices"; and in the Nevada Journal as saying, "We didn't come across no land bridge. We have always been here." In the 2007 article "Rooted in Native Soil," a spokesman for Hui Malama says "We advocate against scientific study. In our view, such actions amount to desecration." Scientists are being asked to get permission to study human remains from religious people who are often vehemently anti-science.

A major theme in the repatriation literature concerns Native American questioning of the good that has come through the study of human remains. Devon Mihesuah, editor of "The Repatriation Reader: Who Owns American Indian Remains?" (2000), asks, "How has the study of Indian skeletal remains helped to alleviate the problems Indians face today?" The answer is that science and the search for knowledge should never be considered a luxury. The search for knowledge encourages people to think critically and to apply this skill to current problems. A society that sees science as a luxury or allows it to be attacked is opening the door to attacks on intellectual freedom across the board.

Is collaboration with Native American religious believers an option for scientists interested in learning the true prehistory of the Americas? Unfortunately, collaboration often means participation in religious rituals. I remember my first experience in field school through Cabrillo Community College, south of San Francisco. We were excavating a Native American site at Big Sur on behalf of the state government, which wanted to improve parking and bathroom facilities on a gorgeous beach location. The college was hired by the government to excavate and make sure that the site was not a burial ground. The only things of interest we found were a couple of broken arrowheads. But what I remember most about the experience was the complete embarrassment I felt when the Native American who was required to be onsite led us into Native American rituals, such as circle dances and songs. I also remember his sermons on spirituality. His practices were a religious intrusion on scientific study, financed in part by the government.

In 2005, the American Journal of Physical Anthropology published an article by Stephen Ousley and colleagues, addressing many issues surrounding repatriation and reburial. Ousley works with a large skeletal collection at the Smithsonian in Washington, DC. The article describes concessions made to Native Americans after consultation. Some of the concessions included "'feed[ing]' human remains by leaving pollen, tobacco, or foodstuffs nearby." Since museums usually try to avoid having food in curation facilities (to keep bugs and rodents out), curators have actually placed the offerings in plastic containers to meet the "spiritual need" for feeding the remains. Other unnecessary activities include handling warriors only in the early morning or facing all the skulls east. Some requests have involved separate rooms with special ventilation systems for ritual smudging or other forms of burning. These requests, whether they are easy or hard to follow, are religiously motivated. It is unfathomable to me that the U.S. government and some of the brightest minds in anthropology support and follow through with these religious intrusions.

Anyone not troubled should substitute "Christianity" for "Native American religious practices," and see if he has the same reaction.

More worrisome still is the way in which collaboration can shape research. I was sitting at a student competition watching two young people present their research on violence, using the prehistoric collection housed at the university, when a judge asked whether they had obtained permission to conduct this research from the affiliated tribe. No other presenters were asked whether they had obtained special permissions or had gone through an internal review process. But these particular students had actually had to ask the "affiliated" tribe for permission to conduct their research! It appears that this was

"Reburying the Past: The Effects of Repatriation and Reburial on Scientific Inquiry"

addresses the problem of separation of church and state in America's current treatment of Indian remains.

By Liberty author Elizabeth Weiss, available from Nova Science Publishers.
https://www.novapublishers.com/catalog/product_info.php?products_id=7348

Discount for Liberty readers: use promotional code Leaf40

the standard procedure. Does this mean that certain types of research questions cannot be asked?

Darby Stapp, an anthropologist working in Cultural Resource Management in Washington state, claims that the involvement of Native American tribes in anthropology has had good effects, one of which is dissemination of knowledge. This is right, of course. Getting knowledge to as many minds as possible is a highly valued ethic for me as a scientist. But the knowledge must be based on the scientific method and on analyses of data. It must not be tainted by political agendas, such as the ones revealed by the Native Americans who opposed Reinhard's findings. Stapp thinks that "archaeology has been infused with new ideas through its contact with tribes and exposure to tribal perspectives." I wonder which new ideas and what new perspectives Stapp is considering in his research. Do they include oral traditions that we know to be lacking in substance when they describe events of more than a few generations past?

Another example of collaboration comes from Kent Lightfoot, an archaeologist at University of California, Berkeley. In the Winter 2005–2006 issue of News from Native California, he talks of the importance of including Native Americans in research and fieldwork. His collaborative field school holds lectures in the evening on oral traditions and religion. Native Americans are consulted on the research plan; their religious observances are thus considered seriously. Again, there can be no objection to the diffusion of knowledge, or to the involvement of Native Americans in scientific work. But the guidance of scientific work by anything other than science is always disturbing. The Native Americans with whom Lightfoot works have strict taboos about the menstrual cycle. Women cannot do fieldwork or visit archeological sites while they are menstruating; they also cannot participate in ceremonies, or prepare foods, since they are considered unclean during this time. Lightfoot has obliged this religion-driven discrimination against women, ensuring that menstruating women did not work with the other people at the site or touch their food, even though field schools are run in part with government funding. He jokes about how the Native Americans had a lockdown because he accidentally put his wife's dishes with others while she was menstruating: "The Kashaya elders were not amused. The word on the North Coast is that Lightfoot has a long way to go before he makes the transformation into a real man."

Is it obligatory to inform everyone in camp when one is menstruating? What other forms of discrimination are accepted or will be accepted? What if a Native American group happens to have religious rules about homosexuals? Lightfoot refers to his experiences in a light-hearted manner, but underneath is the cold truth that the Native Americans he works with are apparently not accepting of cultural variation. Lightfoot claims that Native American elders can provide a "sensitivity training for both non-Indians and young Natives raised off the reservation." But field school should focus on scientific (or at least methodological) training, not on conformity to religious sensitivities.

Anyone who is not troubled by what is said here should simply substitute "Christians" and "Christianity" for "Native American groups" and "Native American religious ideas and practices," and see whether he or she has the same reaction. The point isn't who is joining religion with science, and religion with the state, but the simple wrong of doing so. If fundamentalist Christians insisted that their belief in the story of Adam and Eve should have consequences for scientific study, there would be no doubt that both the First Amendment and the canons of scientific inquiry were under attack. ❑

Killing the Big Three, *from page 26*

are far more generous than in any other American industry. For every UAW member working at a U.S. car factory, three retirees were collecting benefits. At GM, the ratio was 4.6 to one. Professor Robinson says the auto industry was not capable of dealing effectively with the UAW.

How did the UAW acquire such power? Not through the free market. It's the transplants that operate under free-market principles. The UAW acquired its power from FDR's New Deal, specifically, the 1935 National Labor Relations Act, better known as the Wagner Act.

According to Hans Sennholz, who received his Ph.D in economics under Ludwig von Mises:

> This law revolutionized American labor relations. It took labor disputes out of the courts of law and brought them under a newly created Federal agency, the National Labor Relations Board, which became prosecutor, judge, and jury, all in one. Labor union sympathizers on the Board further perverted this law, which already afforded legal immunities and privileges to labor unions. The United States thereby abandoned a great achievement of Western civilization, equality under the law.

The Wagner Act was passed in response to the Supreme Court's voidance of NRA and its labor codes. It aimed at crushing all employer resistance to labor unions. Anything an employer might do in self-defense became an "unfair labor practice" punishable by the Board. The law obliged employers to deal and bargain with the unions designated as the employees' representative; later Board decisions also made it unlawful to resist the demands of labor union leaders.

Dr. Lawrence W. Reed, president of the Foundation for Economic Education, has written:

> Armed with these sweeping new powers, labor unions went on a militant organizing frenzy. Threats, boycotts, strikes, seizures of plants, and widespread violence pushed productivity down sharply and unemployment up dramatically. Membership in the nation's labor unions soared: By 1941, there were two and a half times as many Americans in unions as had been the case in 1935. Historian William E. Leuchtenburg, himself no friend of free enterprise, observed, "Property-minded citizens were scared by the seizure of factories, incensed when strikers interfered with the mails, vexed by the intimidation of non-unionists, and alarmed by flying squadrons of workers who marched, or threatened to march, from city to city."

Obama has adopted FDR's economic policies and said he intends to strengthen the union movement, just as FDR did. He said he will sign a "card check" bill if Congress passes it, which will eliminate the secret ballot for workers in voting

whether or not to join a union — thus exposing workers to potential intimidation to join.

The president — in just his first six months in office — made unprecedented power-grabbing moves. These included firing the CEO of a private corporation, dictating the makeup of boards of directors, forcing private corporations and their stockholders to surrender shares to the government and other shares to the union, compelling the merger of private companies, and using money appropriated by Congress for the banking industry to instead bail out the automakers. He has also overturned a century of federal bankruptcy law. Where is the legal or constitutional authority for all these actions? He has also called for imposing new regulations not only on the auto industry but throughout the entire economy.

During his presidential campaign, he spoke often of "fundamentally restructuring" this country. Millions of people who voted enthusiastically for him didn't really know what he meant by that, but it sounded good. Obama was careful not to be too specific, and the media's love affair with the candidate precluded their raising any potentially embarrassing questions on this issue. Now, however, it should be obvious that this Marxist president's "fundamental restructuring" means the destruction of capitalism and replacing it with what Jefferson feared when he wrote: "The greatest calamity which could befall us would be submission to a government of unlimited powers." That will prove economically destructive, but more importantly, it is destructive of something even more precious — that which makes capitalism, economic progress, and our fulfillment as human beings possible — freedom. ❑

Robbing Hood and the Undeserving Rich, *from page 34*

There are other lapses of memory, such as memory of the infamous Smoot-Hawley Act, the protectionist legislation that started an international trade war and helped make the Great Depression great. Congress recently passed a Buy American clause into the fiscal stimulus bill, to the consternation of our international trading partners. And we just terminated a program to allow Mexican truckers to carry goods into the United States, a clear violation of our NAFTA undertakings. Did anyone think Mexico wouldn't notice? In retaliation, it imposed tariffs of up to 45% on targeted American imports. I do business with Mexico; so far I'm unaffected. But maybe I won't be so lucky next time.

Worse yet, the House just passed a bill to confiscate 90% of the bonuses paid to the executives of AIG, the "too big to fail" insurer that was bailed out with taxpayer funds. These bonuses, contractually obligated before the meltdown, were paid out even to those in the Financial Services Division, which brought the company down. Unfortunately, the government in its rush to action — any action — didn't make the bailout contingent on a renegotiation of bonuses. The House, perhaps embarrassed by its earlier incompetence and responding to popular outrage, embarked on an ill-advised course of action to punish this politically unpopular group ex post facto. This is both morally and constitutionally dubious. It constitutes a bill of attainder, a form of legislation designed to punish specific individuals without benefit of due process or trial. You may be forgiven if you are not familiar with the term; there has been little use for bills of attainder since we unceremoniously kicked the British out in 1776, in part for issuing such things. They were so repulsive to the Founders that they got a special injunction in the Constitution.

Now I personally have little sympathy for people who destroy their companies and waste taxpayer (that is, my) money. In fact, I would like to see them get their comeuppance — but not at the expense of the rule of law. It raises the troubling question of "Who's next?"

So this just doesn't seem like the time to take financial risks. Not with America beginning to look like Sherwood Forest with Robbing Hood and his Merry Bandits running riot.

Last night I had a dream. I was playing golf with Don. ❑

Intellectual Property and Libertarianism, *from page 30*

owned means, may also be informed by technical knowledge of causal laws or other practical information. To be sure, creation is an important means of increasing wealth. As Hoppe has observed:

> One can acquire and increase wealth either through homesteading, production and contractual exchange, or by expropriating and exploiting homesteaders, producers, or contractual exchangers. There are no other ways.

While production or creation may be a means of gaining "wealth," it is not an independent source of ownership or rights. Production is not the creation of new matter; it is the transformation of things from one form to another — the transformation of things someone already owns, either the producer or someone else. Using your labor and creativity to transform your property into more valuable finished products gives you greater wealth, but not additional property rights. (If you transform someone else's property, he owns the resulting transformed thing, even if it is now more valuable.) So the idea that you own anything you "create" is a confused one that does not justify IP.

Many libertarians also argue as if some form of copyright or possibly patent could be created by contractual tricks — for example, by a seller selling a patterned medium (book, CD, etc.) or useful machine to a buyer on the condition that it not be copied. For example, Brown sells an innovative mousetrap to Green, on the condition that Green not reproduce it. For IP to work, however, it has to bind not only seller and buyer, but all third parties. The contract between buyer and seller cannot do this — it binds only the buyer and seller. In the example given above, even if Green agrees not to copy Brown's mousetrap, Black has no agreement with Brown. Brown has no contractual right to prevent Black from using Black's own property in accordance with whatever knowledge or information Black has.

Now if Green were to sell Brown's watch to Black without Brown's permission, most libertarians would say that Brown still owns the watch and could take it from Black. Why doesn't

a similar logic apply in the case of the mousetrap design? The difference is that the watch is a scarce resource that has an owner, while the mousetrap design is merely information, which is not an ownable type of thing. The watch is a scarce resource still owned by Brown. Black needs Brown's consent to use it. But in the mousetrap case Black merely learns how to make a mousetrap. He uses this information to make a mousetrap, by means of his own body and property. He doesn't need Brown's permission, simply because he is not using Brown's property. The IP advocate thus has to say that Brown owns the information about how his mousetrap is configured. This move is question-begging, however, since it asserts what is to be shown: that there are intellectual property rights. If Black does not return Green's watch, Green is without his watch, precisely because the watch is a scarce good. But Black's knowing how to make a mousetrap does not take away Green's own mousetrap-making knowledge, highlighting the non-scarce nature of information or patterns. In short, Brown may retake his property from Black but has no right to prevent Black from using information to guide his actions. Thus, the contract approach fails as well.

A final problem remains: IP rights are statutory schemes, schemes that can be constructed only by legislation, and therefore *have always* been constructed by legislation. A patent or copyright code could no more arise in the decentralized, case-based legal system of a free society than could the Americans with Disabilities Act. IP requires both a legislature, and a state. For libertarians who reject the legitimacy of the state, or legislated law, this is yet another defect of IP, and a conclusive one. ❑

Bridging the Two Libertarianisms, *from page 38*

less than the harm to the inhabitants of Darfur from doing nothing? Maybe some U.S. taxpayers have a greater aversion to an extra bit of taxation than the southern Sudanese have to being raped and killed. Or, as Stephan Kinsella wrote in a response to one of my earlier attempts to promote explicit moral consequentialism ("The Need to be Anarchists"):

> In any event, the appeal to utilitarianism is problematic on several fronts. It is, first and foremost, ethically bankrupt because it is an unproven, and indeed, false, assertion that it is justifiable to rob one man if the robbery benefits others. It is also economically incoherent because the subjective and ordinal nature of value makes it impossible even in principle to ever determine whether a given invasive action results in a "net" benefit or "surplus."

In principle I cannot prove that allowing genocide in southern Sudan is worse than inflicting American taxpayers with a small tax increase. Then again, in principle, I cannot prove that either the Sudanese or the American taxpayers exist; they could all be in my imagination. But personally, I'll ditch the philosophy and resort to common sense.

Empathy exists. It is commonplace. It exists at the core of our being. It allows us to raise babies and have societies. Empathy even crosses the species barrier. I know what my dog likes, and he can read my moods. Empathy is not a perfect instrument — individual choice should be the norm — but it can be pretty good, sometimes better than revealed preference.

The Austrian model of ordered preferences and diminishing marginal utility, to which Kinsella's last sentence refers, is not Truth; it is a crude model of human decision making. We have many options in mind and many inclinations for and against each option. But we cannot examine all our options at once, much less all our inclinations for each option. There is no neatly ordered set of preferences. Indecision and buyer's remorse are common phenomena. Successful advertisers and car salesmen build their careers on exploiting this limitation of human thought and praxeology. So why should I reject common sense in favor of an abstract philosophy based on demonstrably flawed premises?

But even were I to accept the anarcho-Austrians' argument and reject all asymmetric moral calculations, I would have to reject the Zero Aggression Principle as well and opt for pacifism. Self-defense is usually an asymmetric application of force. Restraining a shoplifter is not the equivalent of shoplifting. Pulling a gun on a burglar is not equivalent to burgling.

The Power of Messiness

The world is messy. To thrive within it requires acting on approximations.

The electorate is also messy. To succeed politically requires putting together a coalition of activists who have many differing opinions. And it requires appealing to an even broader base of voters who have still more differing opinions.

Moral consequentialism is likewise messy. This is a feature, not a bug. It allows for a broader coalition of moral libertarians. It allows for civil discussion of differences of opinion. It fosters concentration on optimal answers for today, instead of endless arguments on the ideal libertopia. Should pure moral libertarians embrace pure moral consequentialism, they could have a much bigger movement.

But the movement would still be too small to win more than a few significant elections. For example, it would not include me. I am an *impure* moral consequentialist. While I do regard the initiation of force as bad, I do not regard it as the only evil worthy of political consideration. Given a choice between taxing a billionaire and letting poor people starve, I'll choose the tax. Given the choice between burdensome regulations on nuclear power plants and risking a domestic meltdown, I'll choose the regulations. Such stark choices arise far less often than statists would have us believe, but they do arise.

Millions of Americans hold similar beliefs, yet earnestly desire to cut government substantially (50% or more). Educate the electorate in sound economics and remind them of the moral tradeoffs inherent in taxation and regulation, and millions more will desire similar cuts.

But should we call these people libertarians? Am I a libertarian?

Perhaps we need a new word for such impure freedom lovers. The Left has adopted multiple forms, depending on its degree of radicalness: communist, socialist, social democrat, liberal. Maybe the libertarian movement needs to split in similar ways, instead of indulging in endless arguments over the meaning of a single word. ❑

Reviews

"How Rome Fell: Death of a Superpower," by Adrian Goldsworthy. Yale University Press, 2009, 560 pages.

Does Empire Work?

Jamie McEwan

It should come as no surprise that the chief character of this history of the last 400 years of the Roman Empire is the empire itself. The empire was the one constant in a confused swirl of people and events; and it is the protagonist that binds the various individual stories together, from Marcus Aurelius to Atilla, from Julia Domna, the wife and mother of emperors, to Constantine and his mother Helena, patrons of the Church.

But Goldsworthy pushes the personification much further than his subject requires. When the author leads off a sentence with the modifier "Unfortunately," the reader is left with little doubt that the empire is not just the main actor in his story, but also its hero. I suppose it is natural that Goldsworthy adopts the point of view of the empire as his own, given that the empire was established by the protagonist of his award-winning biography, "Julius Caesar." Goldsworthy assumes the reader's allegiance as well. But even if we wholeheartedly accept the pathetic fallacy of endowing the Roman Empire with something like personality — aims, desires, preferences — it is still hard to see why we should lend it our support or sympathy.

Goldsworthy makes only a brief case for the benefits of empire to its inhabitants. It is not, admittedly, an entirely unconvincing case. A common coinage and free trade across the Mediterranean no doubt fostered prosperity. Advanced irrigation and agricultural practices opened up vast territories for cultivation. Most striking, perhaps, is the evidence offered by the many "invaders," prominently Gothic tribes, who were convinced to stop their wandering and pillaging by the promise of land within the empire — and without transition began supplying the Roman legions with fresh recruits. Officers and administrators of Gothic descent rose to prominent positions within the empire.

But ultimately it is impossible to weigh the possible benefits against the tremendous human cost of empire, the slavery, slaughter, and waste. Goldsworthy gives us little help in imagining any individual benefit at all. With only a few exceptions — for instance, a striking moment in which he wonders at the heartfelt inscription on the grave of a trader's wife in Britain — he treats his characters as pieces in a game of power, not as human beings. Extraordinary stories such as that of the leader of the Goths, Ataulf, and his prisoner and wife, Galla Placidia, sister of the emperor, are told in bare and lifeless summary.

Yet almost every individual depicted in these pages, from emperor to legionnaire, seems to have suffered from a surfeit of empire. Of the almost 50 emperors whose chronicles encompass the bulk of "How Rome Fell," only a handful died of old age; the rest were deposed and killed. The women at the highest possible stratum of society — the mothers, sisters, and wives of the emperors — could be counted lucky if they were not done away with in the next regime change.

Goldsworthy's underlying assumption that there was some sort of faceless,

nameless mass that was reaping the benefits of the empire's stability, is so vague and unsubstantiated that with the best will in the world, the reader will find it hard to maintain. We are, inevitably, more struck by abundant tales of cruelty and murder — the 25,000 young men slain in the streets of Alexandria by the moody Emperor Caracalla, to cite but one example; not to mention the 20,000 rumored to have been killed by him in purges back in Rome.

Having failed to find individual meaning, let us go ahead and play the fascinating, if artificial, game of dealing with history in broad strokes. What do we make of the overall cultural influence of the empire? Did the Romans spread Greek culture to the world — or did they disseminate only its mechanical applications?

In many areas Roman culture seems to have had little if any lasting effect; the Romans held Britain for over 350 years without leaving anything but the barest traces, a couple of baths and a lonely wall. Against this, place the destruction of the fabled Library of Alexandria — probably the greatest cultural loss of all time. Julius Caesar himself is rumored to have taken the first step toward destruction, burning some portion in a fire he set to escape his enemies. At the end of the 4th century, Christians of the Roman Empire may have finished the job of wiping out the vast majority of the literary legacy of the preceding nine centuries. We should remember that during the last century of the Western Roman Empire, and the many centuries of the Eastern Empire, Christianity was the state religion, persecutor of heretic and pagan alike.

The Romans added very little to the Greek cultural legacy. Like the contemporaneous Chinese Empire, the Roman Empire was an impediment to progress, a stultifying and retrograde regime. The Romans preserved culture, in the sense that they froze it into place. The institution of slavery in itself guaranteed that there would never be a Roman Industrial Revolution; with labor so cheap, there was no incentive to find a substitute. For civilization to advance, the empire needed to be cleared away. Thoroughly cleared away, it would seem: the cultural climb toward the Renaissance did not follow on the Roman Empire but began only after the 300-year hiatus of the early middle ages — or, as it used to be called, the Dark Ages. If the Roman Empire had fallen 400 years earlier we might — who knows? — have colonized the solar system by today.

Such are the wild speculations engendered by the broad scope of "How Rome Fell." The epic sweep of Goldsworthy's narrative can invigorate the reader with feelings of power and superiority. We have the impression that we and Goldsworthy can together coast omnisciently above the fray, able to view and judge the flow of centuries. This is great fun, with no harm done — as long as we recognize how entirely illusory the impression is. ❑

"The Lost Symbol," by Dan Brown. Doubleday, 2009, 509 pages.

Another Merry Romp

Jo Ann Skousen

The much-anticipated next installment in Dan Brown's Robert Langdon series of "symbological" thrillers has finally arrived. It sold 2 million copies in the first week, worldwide, and hit the top of The New York Times bestseller list in a matter of days — although it has a long way to go before matching, or even nearing, the record of Brown's debut blockbuster, "The Da Vinci Code" (2003). That book sold over 18 million copies and remained on the bestseller list for nearly three years — in hardcover, no less.

Brown is known for his shocking openings, his hairpin plot twists and red herrings, his focus on symbology (protagonist Robert Langdon's professional field), and his controversial "revelations" about saints and sacraments. "The Da Vinci Code" spawned multiple "code-breaker" books and "truth about" lectures, as well as fan tours following the symbologist's trail through European churches and art museums.

Meanwhile, Brown's three previously published (and promptly forgotten) novels ("Digital Fortress," 1998; "Angels and Demons," 2000; and "Deception Point," 2001) were reissued to the waiting arms of fans who couldn't get enough.

Part of Brown's artistry is his clever weaving of fiction and purported truth. He begins his novels with an author's preface, identifying what is "true" in the book with a list of pictures, places, and organizations that actually exist (he says), even though the story is fiction. This infuriated people who made it their mission to prove Brown wrong, and spawned their code-breaking refutations.

What readers didn't realize is that the author's preface was not a serious announcement. Rather, it was part of the novel, as fictional as the story itself. Like Washington Irving, who framed his tales with made-up documentation to lend them an air of authority, Brown makes up fictional documentation to make readers think his tales might have more than a grain of truth.

His latest book begins in the same way, with a list of places and organizations he presents as real. But this time he goes one step further. Knowing that readers can now check up on him with

a simple Google search, he has created actual websites for his fictional organizations. A phone number that he uses in the book reaches an answering machine announcing the name of one of his characters. Diabolically clever! And many readers will fall for it.

The plot of "The Lost Symbol" starts like other Brown books, with a gruesome, ritualistic attack involving a secret organization — this time the Freemasons. The right hand of Master Mason Peter Solomon has been tattooed with mysterious symbols, severed at the wrist, and placed in the shape of a Masonic gesture in the middle of the rotunda of the U.S. Capitol. Symbologist Langdon is the only one who can help the authorities solve the mystery, find Peter Solomon, and prevent the end of the world as we know it. It's a tall order for a simple tenured professor, but Langdon quickly sets to work, chasing down clues all over Washington. The story leads us on a wild race around the capital, visiting actual buildings with actual decorations that may or may not actually be associated with Freemasonry. I suspect there are tour operators in DC already gearing up to advertise "Lost Symbol" tours.

The novel, which might have stirred up the same kind of controversy with Masons that "The Da Vinci Code" did with Catholics, was reportedly finished three years ago under the title "The Solomon Key" (Solomon is an important figure in Freemasonic mythology) but was held back from publication until now. I suspect it is not the same book that it was three years ago. Although the story is entertaining, with the twists, cliffhangers, and misdirected identities that Brown's fans have come to expect, it lacks the controversial contentions it once promised. Look elsewhere if you are expecting to read about Masonic rituals, ceremonial clothing, secret handshakes, or sinister leaders run amok.

Yes, some background and symbolism are revealed, but no more than you are already likely to know: Franklin and Washington were Masons; Masonic symbols appear on the dollar bill; Masons have secret meetings; that sort of thing. Ever the professor, Langdon responds to every question and discovery along the way with a lecture — even while he and his companions are running down dangerous hallways trying to escape the bad guys.

In Brown's previous books I found such lectures fascinating. In this book they are tedious, and surprisingly unenlightening about an organization that was supposed to have heralded the Age of Enlightenment. The good stuff is missing, and I can't help but suspect that somebody "got to him." I would love to see *this* story published: "The Lost Three Years: The Real Story Behind Dan Brown's Delayed Publication."

Unfortunately, no one will be stirred up enough by this book to bother with a rebuttal. In fact, Freemasons seem to be delighted with the new publicity they are receiving and the light the book shines on their philanthropy. Perhaps this is the strangest twist of all. ❑

"In the Loop," directed by Armando Iannucci. BC Films, 2009, 107 minutes.

How We Went to War

Andrew Ferguson

It is no coincidence that democracy and satire developed side by side. Aristophanes' annual eviscerations of politicians and celebrities had for their audience the *demos* of Athens — a hereditary class, to be sure, composed of military-trained male Athenians whose citizenship was in good standing, but still a much wider franchise than that offered by the oligarchic systems predominant elsewhere.

It is also no coincidence that Aristophanes' most fruitful subject was war: specifically, the savage mockery of those who counseled war because of the personal gains they expected to realize from it — those whom we have come to call "war profiteers." In this respect, one can trace a direct descent from the plays of Aristophanes (in particular "The Acharnians" and "The Knights") to Armando Iannucci's "In the Loop," which shows how political profiteers lead nations into wars by exploiting the basic human vices (lust, pride, the desire to be noticed) of those around them.

First things first: "In the Loop" is basically an extended episode of the BBC show "In the Thick of It," which is roughly a much more caustic version of "The Office" set among the petty squabbling grounds of British governmental departments. There is a time-tested formula for stretching half-hour premises to meet a cinematic running time: namely, take one or more characters and send them off to a new location. "In the Loop" does not deviate from it, taking the vitriolic Malcolm Tucker (Peter Capaldi) and shipping him and a small delegation from the UK to the United States.

Capaldi as Malcolm is one of the great on-screen political figures: as an "unofficial" member of the British cabinet, freed from the restraints of Robert's Rules, his sheer kinetic force is sufficient to bully the various agents and ministers unfortunate enough to cross the perpetual torrent of obscenity (most of it improvised) that spews forth from his craggy, evil-eyed Scots face. But once in America, he meets his match in the form of Linton Barwick (David Rasche), who, like Malcolm, is an unelected and unaccountable appointee, but is his

polar opposite in personality. Barwick is based, as Iannucci has confirmed in interview, on a combination of Donald Rumsfeld and John Bolton — as Malcolm will say in his parting shot, "I've run across a lot of psychos, but none so boring as you."

Strangely, this isn't even the film's central conflict. The film may not *have* a central conflict, not even the war its characters are trying either to hasten or (in a very few cases) prevent. The entire mess gets started when bungling MP Simon Foster (Tom Hollander), fresh off being humiliated at a public appearance, unwisely attempts to restore some pride by facing the media head-on. There, Foster, whose appointment as Secretary of State for International Development ought to keep him well out of the public eye, makes headlines around the world by first declaring that war is "unforeseeable," and later that it is "inevitable" — in each case searching for, and finding, the wrong word. This tragicomic escalation culminates in Foster's declaration, this time in America and in front of a hastily assembled gathering of state and military officials, that in order to have peace we must sometimes "climb the mountain of conflict."

This of course is bulletin-board material for those in both American and British governments hungry for war — Barwick, in particular, moves to make Foster's ill-chosen words into the rallying cry for a Middle Eastern escapade. Yet there is the pesky matter of a paper analyzing the intelligence on the ground and determining that, as there have been no WMDs found and no risk to American or British security, the cons of such a campaign greatly outweigh the pros. If this sounds familiar, so will the tack Barwick takes to overcome this obstacle: so as not to spoil everything, I'll just note it involves the deletion of a rather important segment of the analysis before presenting it to the UN as a new piece of intelligence supporting immediate military action.

Oh, what the hell, I can't resist a short quotation: "You can't just delete the arguments against the war." [A computer key is pressed.] "Hey, you could delete it after all."

As mentioned above, "In the Loop" is not just about this squabble over one report, and other actors turn in fine supporting performances — especially James Gandolfini, as a general who actually knows what war entails, and is thus in no hurry to get back to it. A few other characters and subplots are less successful in themselves, but necessary to show the chaos surrounding even the most urgent affairs of state: namely, that these decisions are made by people who have neither the experience nor the perspective to make them; who are often distracted by their own turbulent lives; or who, like Foster in particular, are nobodies desperate to be somebodies.

Add in a predatory newsmedia desperate to keep its 24-hour cycle spinning along, and the Malcolms and Barwicks of the world adding spin of their own, and what you get is a high-velocity game of Hot Potato: for any given political matter, the last one to touch it loses, no matter how little he had to do with it up to that point. Everyone else is free to play on.

And so the movie's ultimate tragedy is not that Simon Foster gets fired — for an unrelated and metaphorically heavy-handed failing, no less — but that all the others don't; in fact, most of them make a tidy profit in that perverse commodity, political capital. There is

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

Alexander Boldizar is a lawyer and writer who spends much of his time defending the anomic, drinking the chthonic, and using large rocks.

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Martin Morse Wooster is a writer living in Silver Spring, Md.

Jeff Wrobel is an engineer who blows up missiles in the Marshall Islands.

no parting shot, no ending sermon; the credits roll over people just getting on with the business of their countries' new war.

Aristophanes always gave his audience at least the solace of a happy ending; often, as in "Lysistrata," in the form of a climax within an anticlimax (think of maybe a hundred different South Park episodes, or of "Caddyshack," with Rodney Dangerfield announcing to the world at large, "Hey everybody! We're all gonna get laid!"). Though quite a funny film, "In the Loop" offers no such comfort; it doesn't so much end as dissipate. By the end we're not all getting laid, but we are all getting screwed. ❑

"The Hurt Locker," directed by Kathryn Bigelow. First Light Production, 2008, 131 minutes.

Why Men Fight

Gary Jason

In previous reviews, I have touched upon what I call the War Movie Dilemma. In this review, it is best to face it outright; a well-received war flick soon available on DVD is a great vehicle for the discussion.

"The Hurt Locker" is a much discussed war movie, directed by Kathryn Bigelow, and based upon a story by journalist Mark Boal, who had been "embedded" in various U.S. Army units during the peak of the Iraq War. The story is about an elite U.S. Army bomb disposal unit — the Explosive Ordnance Disposal (EOD) unit with Bravo Company — plying its trade in Iraq in 2004, a time when the war was going badly, with multiple insurgent-planted bombs exploding daily.

Bigelow has directed a fair number of well-reviewed movies, including "Near Dark," "Blue Steel," "K-19: the Widowmaker," and "Point Break." This is her first war movie, and her perspective is certainly interesting.

The film starts with a tense scene in which the EOD team leader, Staff Sergeant Thompson (Guy Pearce), dies while attempting to defuse a bomb. In the next scene we meet the new head of the team, Staff Sergeant William James (Jeremy Renner). His role is to do the actual disarming of the IEDs ("improvised explosive devices"), while the others in his team — Sergeant J.T. Sanborn (Anthony Mackie) and Specialist Owen Eldridge (Brian Geraghty) — provide backup, covering him against snipers as he works and feeding him information through his headset.

James decides to check out a possible IED without first sending in a bomb disposal robot, leading the others to think he is reckless. This reveals James' character and frames the incidents in the rest of the movie. I say "incidents," because the movie is almost picaresque, with disconnected scenes of characters involved in disjointed actions, such as rescuing a besieged company of British contractors (mercenaries) under sniper fire, and trying to disarm a man who has a bomb strapped to him.

Filming battlefield action has almost always been the province of male directors, and director Bigelow has rightly been given tremendous credit for conveying the battlefield action of this film with a gritty intensity. Less realistic to me were the scenes showing the guys in the unit getting wildly drunk back in the barracks and pummeling each other for recreation.

But least satisfactory to me was Bigelow's portrayal of the motives of these warriors. Why would bright young men volunteer for such grotesquely hazardous duty? One explanation might be dedication to a cause, belief that their efforts are helping create a free Iraq. But there is no hint of such philosophical commitment in the movie. To be fair, in 2004, when things were going badly in the war, perhaps not many troops felt that way. On the other hand, it appears that a disproportionate majority of soldiers in serving in Iraq voted to reelect Bush, indicating their support for his policies. Perhaps the lack of discussion of the war's merits reveals more about the filmmakers themselves than about the men whose lives they are filming.

To be honest, for decades now Hollywood has not been supportive of pro-war flicks. The last war that Hollywood portrayed as justified was WWII (with a brief nod of appreciation by John Wayne to the elite forces during the Vietnam War in "The Green Berets," 1968). By the 1980s the memory of military heroism was beginning to fade for movie audiences who were, then as now, largely made up of young people.

Instead, the view Bigelow slyly advances is that the lead character — and by extension, most of the other troops — are adrenaline junkies, fighting because the thrill of combat and the risk of death create an irresistible high. Lest the viewer miss this, Bigelow opens the movie with writer Chris Hedges' famous comment that "the rush of battle is a potent and often lethal addiction, for war is a drug." Indeed, this is a theme that runs through many of her prior films, especially "Point Break": young men take risks because it turns them on.

So in one scene, when James' tour ends and he returns home to his wife and child, we see him wandering through an ultra-safe and sanitized supermarket, buying groceries for the family; and he looks almost like a sleepwalker, a man completely bereft of passion. After he re-ups, we see him returning to combat with a big smile on his face.

All this has, it seems to me, confused many reviewers of this film. The movie clearly, as is now *de rigueur* in Hollywood, eschews any support for war (even including in the film score explicitly anti-Iraq and anti-Bush music by the group Ministry). Yet it appears to be covertly pro-war. Others interpret the main character (who exudes bravado) as John Wayne *redivivus*.

This, it seems to me, greatly misapprehends the character. The characters Wayne played, in his war flicks and even in his Westerns, were not men who got a thrill out of fighting. They were men who acted reluctantly out of duty and honor (understandable or not, depending on the film). This sense of duty doesn't seem to be what motivates the main character in "The Hurt Locker," so far as I can see.

In my view, what Bigelow doesn't get is the concept that many soldiers are motivated by a desire to exercise their moral virtue. Here I think Aristotle had an insight. What makes a person happy is not experiencing pleasure from some buzz, but exercising his or her excellence — that is, virtue — either intellectual or moral. For men especially, the major moral virtue is courage, the ability to master legitimate fears without being reckless or foolhardy. Stephen Crane examined that problem in his Civil War story "The Red Badge of Courage," which manages to ignore the cause for which the characters are fighting while focusing simply on whether a young soldier can master his fear and perform courageously in front of other soldiers.

Yes, there is often a feeling of duty — of being there to do what is right. But separate from that is this experience that comes (for some) from the subordination of fear by the rational component of the soul. This form of happiness (or *flourishing*, to be more precise), is, please note, different from the thrill of encountering danger.

Here we have a dilemma. If for many people, including young men, happiness lies in exercising courage, and courage involves rationally mastering appropriate fear, and the arena of greatest risk and fear is war, then war is for them the greatest opportunity for flourishing. Yet war is of necessity a great evil, even when justified. A dilemma, indeed.

To elaborate a bit: war is distinctly different from other venues for exercising virtue. Hospitals and clinics are excellent venues for exercising moral virtues such as compassion and intellectual virtues such as medical skill. Universities and thinktanks are excellent venues for exercising intellectual virtues as well. But hospitals, universities, and thinktanks don't inherently require the massive destruction and infliction of harm that war does.

So to portray the ennobling aspects of war without appearing to approve of it is hard; it is, as I said at the outset, the War Movie Dilemma. It is a dilemma few war movies satisfactorily solve.

Still, though I disagree with the admirable Ms. Bigelow's take on the reasons our soldiers volunteer to do what they do (to wit, serve in conditions as harsh or harsher than earlier soldiers endured — and most of those earlier soldiers were drafted), I cannot praise the overall result highly enough.

Start at the level of cinematography. Visually, this movie is a stunner. It imparts a feeling of what this strange desert war is all about. The characters are compellingly drawn and display a variety of desires. Especially poignant is the portrayal of the relationship between James and a young boy nicknamed "Beckham."

The acting is superb. Standing out is Jeremy Renner as the insouciant James. Ralph Fiennes gives a nice cameo performance as the leader of a team of British contractors trapped by a team of enemy snipers. Christopher Sayegh is great in support as the seemingly ill-fated Beckham, as are Anthony Mackie as Sgt. Sanborn and Brian Geraghty as Spc. Owen Eldridge, the two other members of James' EOD team.

All in all, this is a film not to be missed. It is a thoroughly compelling action thriller, a war movie about the toughest duty in a tough war. That the film keeps the viewer enthralled, despite lacking some standard Hollywood narrative devices — such as a single, identifiable antagonist, or rising action leading to a climax — is a testament to Bigelow's directorial ability. And it certainly provokes thought, especially about the conundrum of why they fight. ❑

"The Informant!", directed by Steven Soderbergh. Warner Brothers, 2009, 108 minutes.

The Corn Syrup Inquisition

Jo Ann Skousen

"The Informant!" is sometimes great, sometimes precious, occasionally manic, and unfortunately as unbalanced as its protagonist, famed whistleblower Mark Whitacre.

A brilliant, precocious biochemist with more than half a dozen college degrees, Whitacre was one of the head researchers and executives at Archer Daniels Midland in the 1990s, where he developed a process for manufacturing an amino acid called lysine. As a company executive he was also a player in ADM's multinational price-fixing scheme. Eventually he called the FBI and embarked on a three-year corporate spying scheme in which he taped over 200 meetings and was a key witness in one of the largest antitrust cases in history.

As portrayed by Matt Damon, Whitacre is a socially inept, mildly off-balance, quixotic hero, trying to save the world from higher prices of corn syrup additives while at the same time trying to save his job. He blows the whistle on the company, he says, because he believes in being honest. FBI agents Brian Shepard (Scott Bakula) and Dean Paisley (Allan Havey) take full advantage of his naivete. They use him to get the information they want while sidestepping his hopeful but obviously hopeless belief that ADM's Board of Directors will make him president after he takes down the corrupt company executives. He doesn't seem to realize that when all this is over, he won't have a job.

But subtle clues belie Whitacre's down-home innocence. He owns many cars, one of them a Mercedes. He lives in a huge Grecian-revival mansion. His wife Ginger (Melanie Lynskey), an elementary school teacher, wears expensive jewelry. Her hair is professionally coiffed in different styles for every scene. Lynskey (who plays Charlie's neighbor Rose in "Two and a Half Men") is perfect as the fresh-faced, all-American girl who stands by her man and her flag — which is proudly flown from their front pillar, even after dark. Yet something doesn't feel quite right. The second half of the film is more interesting than the first, as Whitacre's story of all-American wholesomeness begins to unravel.

In point of fact, it appears that Whitacre was embezzling from ADM even as he was blowing the whistle on it. I say "appears," because no one knows how much of Whitacre's story really happened and what he made up — perhaps not even Whitacre himself. Whitacre suffers from bipolar disease and should never have been used as an untrained FBI informant for even one sting operation, let alone an investigation that spanned three years. He changes his stories midstream with a gleeful grin, always portraying himself as the good guy just trying to help out.

The film itself suffers from a similar bipolar crisis, trying hard to be a comedy when it doesn't succeed as a spy thriller. This flaw is punctuated by Marvin Hamlisch's manic musical score, popping up at odd moments with so much zeal that one almost expects the secretaries in the background to jump out of their desks and form a chorus line. The music is zany and loud, reminiscent of old 1960s TV shows like "The Dating Game" or "Love, American Style." Director Steven Soderbergh may have been trying for the cool, jazzy feel of his "Oceans" soundtracks to give the film a sense of humor. But, like Whitacre himself, the music tries too hard to please. It ends up reminding us that the film is neither funny enough to be a comedy nor tense enough to be a thriller.

In the film Whitacre often bumbles through the tapings with innocent bravado, narrating the tapes to identify the people he is speaking to and rechecking the angles on cameras that have been planted in hotel room lamps — even while the people he is spying on are in the room. But while the film's trailers use clips of these scenes to create the impression of a comedy, the film actually represents Whitacre as quick-witted and highly skillful as a corporate spy, resolving potentially dangerous situations with cool aplomb. Comedy or thriller? Soderbergh never quite decides.

Like the tapes, much of the film is

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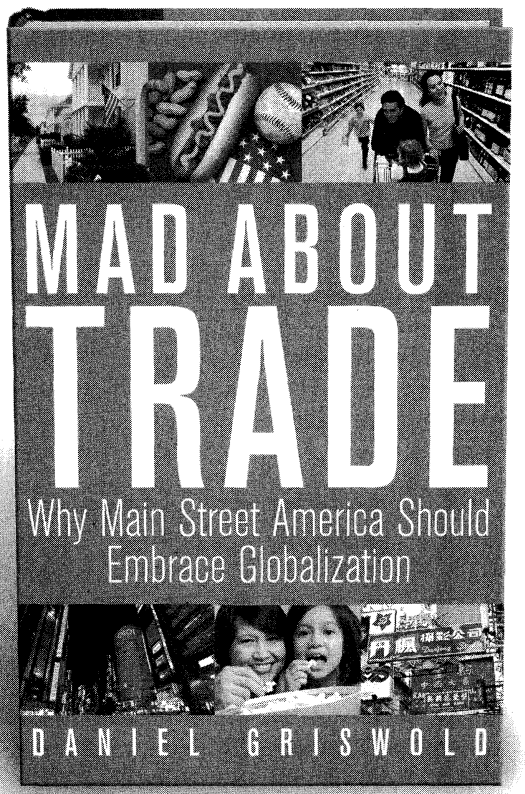

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narrated by Whitacre, using voiceover. It's a technique that some reviewers have criticized as evidence of the screenwriter's inability to tell the story effectively through dialogue. However, I think the technique works extremely well to demonstrate Whitacre's mental condition. Quite simply, he talks to himself. Lots of mentally ill people do. And this time, the audience listens in.

Damon shines as the self-important and disingenuous Whitacre. His FBI handlers and his lawyers never know for sure when he's telling the truth, and neither do we. That's where the fun begins in the movie. Whitacre presents himself as an innocent bystander trying to save the company from its corrupt CEO, but his own white-collar crimes are much more serious than the price-fixing he's trying to uncover.

Joel McHale, the gleefully cynical host of "The Soup," tone downs his persona as FBI agent Bob Herndon. And yes, that really is Tommy Smothers as ADM owner Dwayne Andreas, and his brother Dickie Smothers as the Judge in one of the final scenes. As Whitacre's attorney, Tony Hale is appropriately aghast at his client's continued revelations of personal crimes against the company that ultimately outweigh the price-fixing deals.

And what about those price-fixing deals? Let's face it: this is corn syrup we're talking about, not enriched plutonium. So what if producers in Japan and Germany agree to form a cartel and charge an artificially high price for their product? Whitacre's boss gloats in one meeting with the Japanese producers, "We'll be able to raise the price of a liter of soda by a nickel!"

Yes, that adds up to a lot of money for the producers — billions, according to the "where are they now" notes at the end of the film. But no one is forced to buy soda, or any of the myriad food products made with corn syrup (which isn't good for you, by the way). Left on its own, the market fixes itself. If prices go too high, people will buy less. If even one producer decides to undercut the cartel, the whole price-fixing scheme falls apart. Yes, price-fixing is illegal. But that isn't what makes it a bad idea. Moreover, embezzling, extortion, and entrapment are a whole lot worse.

"The Informant!" is a reminder of the risks whistleblowers face when they try to take down the big guys. If the whistleblower has something to hide (and Whitacre was hiding an amazing amount), it will come out. Just witness how Joe Wilson's rudeness in shouting out "You lie!" to the president overshadowed the fact that Obama was indeed lying about the details of the House health plan, or the way investigators are now going after the documentary team that blew the whistle on ACORN.

Caveat sibaltador: whistleblower, beware! ❑

"The Children of Huang Shi," directed by Roger Spottiswoode. Australian Film Finance Corp., 2008, 125 minutes.

Orphans on the Silk Road

Gary Jason

"The Children of Huang Shi" is a dramatization of the real story of George Hogg, an English AP reporter who managed to sneak into Nanking in 1937, as the Japanese were invading China. He witnessed the Japanese atrocities firsthand, and was saved from being beheaded himself by a Chinese Communist partisan, "Jack" Chen Hansheng.

Chen (Chow Yun-Fat) hides Hogg (Jonathan Rhys Meyers) in an orphanage in the town of Huang Shi, a wretchedly poor institution holding 60 boys of varying ages. Here he meets Lee Pearson (Radha Mitchell), a beautiful, free-spirited Australian nurse. He reluctantly agrees to become the boys' teacher, but soon learns to love and care for them.

As the Japanese move closer, Hogg realizes that the Nationalist Chinese army intends to conscript his boys. He faces a dilemma: where to move his children to keep them safe. He chooses a trek of over 500 miles along the ancient Silk Road, over the Liu Pan Shan Mountains to a city on the edge of the Mongolian desert — a feat later dubbed "the Long March in miniature."

In this endeavor he is helped by his friend Chen, as well as the remarkable Lee, with whom he falls in love. The story of these three people is fascinating in its own right. This is a moving film on several levels, especially at the end, which features some of the now long grown-up children, recalling the remarkable Mr. Hogg.

If I have one caveat, it is about the Manichean presentation of the Communist partisans as flawlessly good and the Nationalists as completely malign. I suppose that is the price the filmmakers had to pay for permission to film on location in China.

The acting is excellent, which is to be expected, given this cast. Radha Mitchell is perfect as Lee Pearson, strong on the surface but with a hidden weakness. Chow Yun-Fat is, as always, compelling on the screen. And Michelle Yeoh gives a pretty performance as the worldly Mrs. Wang. But I think it is fair to say that this is Jonathan Rhys Meyers' movie; he puts in a tremendous performance as George Hogg.

More impressive still is the cinematography. The landscapes through which the characters move are amazing in their stark beauty, especially as the party reaches the desert.

Next time you are at one of the dwindling number of video rental stores, or online with Netflix, keep this film in mind; it is well worth viewing. ❑

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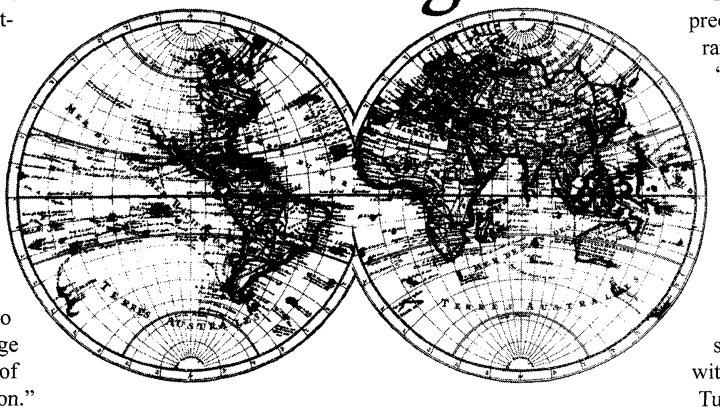

Merced, Calif.

All in a day's work for California's finest, from the *Merced Sun-Star*:

The Merced Police Department's Internal Affairs Division is investigating whether an officer twice used a Taser on an unarmed, wheelchair-bound man with no legs.

The man who was Tasered, Gregory Williams, 40, a double-leg amputee, spent six days in jail on suspicion of domestic violence and resisting arrest, but the Merced County District Attorney's office hasn't filed any charges.

Kiev, Ukraine

Profile of an unordinary man, from *The New York Times*:

Leonid M. Chernovetsky, Kiev's unpredictable mayor, likes to answer his critics in his own special way.

When parliament members said he was acting bizarrely and needed a psychiatric exam, he went to a stadium where he jogged for the cameras before yanking off his shirt and doing pull-ups. He swam laps and flexed his muscles like Charles Atlas. Then he held a news conference — in his tiny bathing suit.

He is widely regarded as a problem. But the nation's leaders cannot stop squabbling long enough to agree on what to do about him. "Everyone wants me to leave, except the people who elected me," Mr. Chernovetsky said. "My voters are ordinary people, and I speak to them in one language, the language of ordinary people, even though, of course, I am not an ordinary person."

Portsmouth, N.H.

Enlightenment truth, relayed by a beat reporter at the *Los Angeles Times*:

The president used his appearance at a high school in Portsmouth, N.H., to frame his view of the healthcare crisis, to counter what he said were outlandish fallacies in arguments by Republicans and conservatives.

But the outpouring of anger continued from those who see healthcare reform as misguided, even destructive to the country's fabric. "I think it is very hard because [Democrats] don't have the message machine the Republicans do," said George Lakoff, a UC Berkeley linguistics professor who has advised some Democrats on how to sharpen their message. "The Democrats still believe in Enlightenment reason: If you just tell people the truth, they will come to the right conclusion."

Spokane, Wash.

The thin blue line separating society from chaos, from the *Spokane Spokesman-Review*:

When Donald Ross' sister passed away, more than 100 people attended her funeral mass in Spokane. The burial was scheduled for a nearby cemetery, but Ross and his family only made it a quarter of a mile when flashing lights forced them to the side of the road.

The Rosses missed the interment while the deputy wrote up five citations because the driver and the passengers were not wearing seat belts. And the sheriff's department says he had every right. "We're out here trying to prevent funerals, not disrupt them," said Dave Reagan of the Spokane County Sheriff's Office.

Dhaka, Bangladesh

Via AFP, a correction in the pages of the *Daily Manabzamin*:

A Bangladeshi newspaper has apologized after publishing an article taken from a satirical U.S. website which claimed the moon landings were faked. The article stated that astronaut Neil Armstrong had shocked a news conference by saying he now knew it had been an "elaborate hoax." The apology noted that the story had "drawn a lot of attention."

"We've since learned that the fun site runs false and juicy reports based on a historic incident," it said. "The Moon landing one was such a story, which received numerous hits on the internet. The truth is that Neil Armstrong never gave such an interview. It was made up. We are sorry for publishing the report without checking the information."

Kent, England

Heightened security alert, noted in the *Kent Register*:

Kent Police set a new legal precedent as they arrested a photographer on the unusual grounds of "being too tall."

Register photographer Alex Turner was taking snaps in Chatham High St., when he was approached by two unidentified men. They did not identify themselves, but demanded that he show them some ID and warned that if he failed to comply, they would summon police officers to deal with him.

Turner took a photo of the pair, and was promptly arrested. It is unclear precisely what he was being arrested for. However, a police constable recorded that she had felt threatened by him when he took her picture, referring to his size — 5'11" and about 168 pounds — and implying that she found it intimidating.

Baltimore

Romantic gesture gone horribly right, in the *Baltimore Sun*:

City police are investigating why on-duty marine and helicopter officers helped a Baltimore County state delegate propose to his girlfriend by pretending to raid a boat the couple were aboard.

Officers boarded the boat, owned by a friend of Del. Jon S. Cardin, in the Inner Harbor. As a helicopter hovered overhead, adding to the sense of tension, one report says officers pretended to search the vessel and even had the woman thinking she was about to be handcuffed before the delegate got on one knee and proposed.

Megan Homer said "yes."

Baton Rouge, La.

Cutting-edge legislative theory, from the *Baton Rouge Advocate*:

Sen. Joe McPherson, D-Woodworth (Louisiana), chairman of a committee mulling a bill banning cellphone use while driving, said that data the committee asked for on hands-free versus handheld cellphones was not available.

McPherson said lawmakers required that information before they acted. "We don't want to take away the rights of Louisiana citizens unless we think we are doing something for them," he said.

Special thanks to Russell Garrard, Tom Isenberg, and Scott Wimmer for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

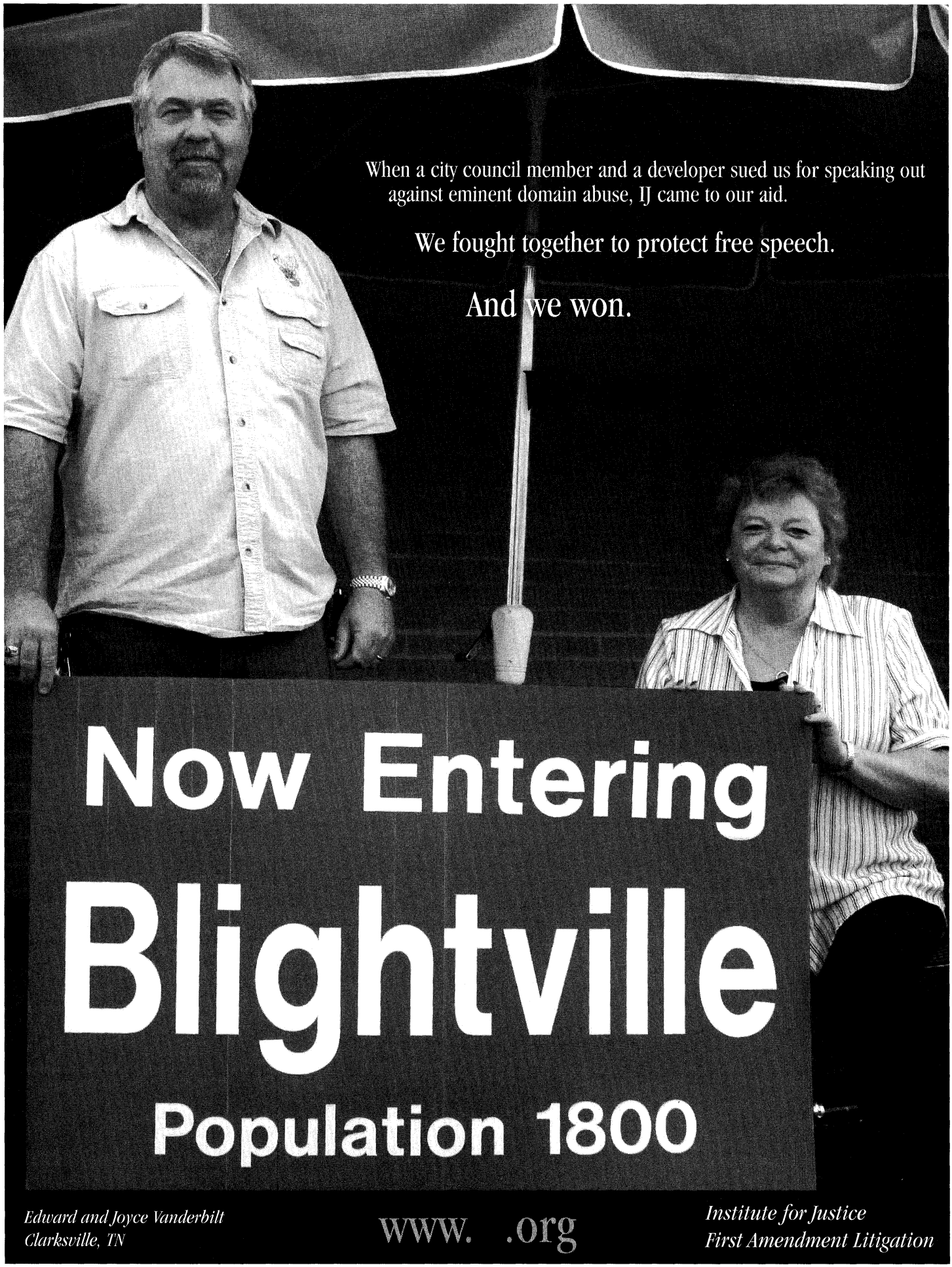
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Inside Liberty

January–February 2010
Volume 24, Number 1

4 Letters Our readers have their say.

9 Reflections We love free money, embrace the leash, feed the wolves, insist that the lining is silver, demand our Nobels, and raise the dead.

Features

21 A Libertarian and a Comedian Walk Into a Bar *Tim Slagle* hits the road, chasing the next fix for an addiction that has enthralled him for three decades.

27 Skirting the Surveillance State For one day in London, *Andrew Ferguson* watches the watchmen.

33 Crash and Burn *Edmund Contoski* looks on as the federal government hurls a big rock through our economic windshield.

37 Man and Groom *Bruce Ramsey* chronicles the success of a referendum whose advocates wanted it to fail.

39 How the Greens Went Red *Randal O'Toole* reports from inside the environmental movement.

43 How We Got Well *John Goodman* catches a glimpse of a world in which sound minds inhabit sounder bodies.

45 How Liberty Helps the Poor For capitalism to thrive, *Russell Hasan* argues, libertarians must do a better job reaching the working poor.

47 Is Scripture Statist? Contrary to popular opinion, as *David Puller* explains, the Bible is not the government's friend.

Reviews

51 When Communism Was Cool *Bruce Ramsey* sets out to recover the origins of the anticommunist movement.

54 Liberty, Ahoy! *Jo Ann Skousen* takes to the high seas, where neither she, nor anyone else, is owed anything.

55 The Muslim Myth *Stephen Cox* busts a common misconception about the Islamic precedents of libertarianism.

58 I, That Am Rudely Stamp'd *Jo Ann Skousen* considers the defense for a great historical villain.

59 Tainted Love Michael Moore's assessment of capitalism is not precisely that of *Jo Ann Skousen*.

60 Homeland Insecurity It can be a thrill, *Jo Ann Skousen* discovers, to see revenge served cold.

61 Ode to an English Poet *Jo Ann Skousen* finds that film has not lost all sense of beauty.

52 Notes on Contributors Our Yuletide cheers.

63 Terra Incognita Caution: contents under pressure.

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Discretionary Parceling

The November article by Timothy Sandefur ("Property Rights — or Property Permissions?") is one of the most important I have read in at least 20 years.

I live in a rural county in western Colorado that still doesn't have building codes or zoning. Not formally, anyway. Our "Republican" county commissioners here would dearly love to see these land-use restrictions passed, but the pesky loud-mouthed citizens keep rising up and getting in the way. But this has not stopped them from sneaking these restrictions in wherever they can, in other ordinances and under other names. And if this causes the ordinance to be illegal under state law, so be it. Attempts to litigate the illegal ordinances are brushed aside by district attorneys and judges who always side with the government officials, saying "the commissioners have discretion" — whether state law clearly prohibits their actions or not.

Our county commissioners even decided to try their hand at being land developers, with taxpayer money, and contrary to state law. (We are a statutory county, thus supposedly cannot supersede state law). This is not actually uncommon. But citizen attempts to bring the matter before a court have been unsuccessful, in spite of clear-cut violations of state law.

Our commissioners recently adopted new subdivision regulations, which have absolutely bizarre zoning twists in them. They decided that all property splits would be treated as if they are major subdivisions, and no one would be *allowed* to make lots smaller than the average of all the lots surrounding the property split in question. "Family splits" are no longer allowed. They say this is "to protect our rural lifestyle" by "slowing down growth." When they were developing subdivisions — and acting as a finance company — with taxpayer money, it was to "encourage growth."

Meanwhile, we all have to listen to lots of talk about "the vision for the county" (which we are not allowed to participate in) and how "we don't have the right to depreciate our neighbors' property values." This has caused a lot of animosity here, as it is clearly becom-

Erratum

In Edmund Contoski's "Killing the Big Three" (December 2009), a layout error created the impression that the quotation from Hans Sennholz (p. 44) was a single paragraph which was followed by an explanatory paragraph from Mr. Contoski. In fact, the second paragraph ("The Wagner Act . . . made it unlawful to resist the demands of labor union leaders") was also part of the quotation from Dr. Sennholz. Liberty wishes to apologize to our readers, Mr. Contoski, and the estate of Dr. Sennholz for our mistake.

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity.

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ing what we call "property rights vs. property values." The land-use regulations increase significantly in page numbers, even as they become more and more vague. This is supposedly to allow for individual situations, but in actuality, it serves only to give more and more "discretion" to the county commissioners. The oblivious "progressive" citizens (a tiny minority) applaud these efforts, saying they "feel that it is best for the community." There is no bridging the gap, because the difference is philosophical — not political, as so many assume.

Sandefur's article really hits the nail on the head, and gives enlightening historical perspective to this noxious phenomenon. I will be sharing this article with everyone here who cares. Thanks.

Debbie Schum
Cedaredge, CO

Send 'Em Packing

Andrew Ferguson's account of the Reason-TV interview with LP Chairman Bill Redpath (Reflections, December 2009) omits several key issues, which he is legitimately forgiven for not having known. In particular, in my opinion:

First, it is no wonder that Redpath "contorted himself to avoid talking about Barr's collapsed campaign." After all, at the front end of that campaign was the National Convention with Barr as the nominee. Redpath there boasted that he was the man who recruited Barr. For Barr's collapsed campaign there is plenty of guilt to share, and first in line is Bill Redpath.

Second, the primary reason for the collapse of the Barr campaign is that the campaign was a sham, a fundraising scam on the Libertarian wallet politic. Readers will recall a decade ago the proud role that the late Bill Bradford and this magazine played in exposing the Browne campaigns as illusions that spent next to nothing on real politics. As some of you recall, I was Bill's primary researcher, because I had accumulated the huge amount of paperwork that revealed the truth about Harry Browne.

The Bob Barr 2008 campaign makes Harry Browne's efforts look like miracles of fiscal efficiency. Out of $1.5 million, the Barr campaign spent a hundred grand on real estate and 30 grand more for furniture and office equipment. It spent around a third of a million dollars on staff, not to mention $100,000 on consultants. Barr also demonstrated Republican conservative money management: his campaign

From the Editor

"I don't understand," she said. "What's this healthcare thing supposed to do?"

"What do you mean?" I asked. "You mean the healthcare 'reform' plans?" I put a lot of sarcasm into "reform," but I don't think she noticed. She was angry.

"I mean, I *have* health insurance. My husband has health insurance. My son has health insurance. We work to pay for it. So now they want to make me work even harder, to take care of people who aren't working? Why?"

You've heard it, too. These comments are getting louder and louder, and they are coming from people who — well, in this case, from someone who I thought was a determined supporter of the party in power. Last year at this time, there was no question about that. But now . . .

"I wouldn't call myself a libertarian," she continued. "Not yet. But I really hate the other two sides. The Republicans want to tell me what to do with my body, and the Democrats want to take everything else away from me. What I want to know is, when are any of these people going to do something for *me*?"

Ah! I thought. So that's it. You'd be happy if the government just subsidized you, in the way it subsidizes other people. I wasn't looking forward to her response, but I asked the obligatory question: "Do something, like what?"

She paused for a moment. Then she said, "Like leave me to hell alone!"

If I'm hearing unsolicited remarks like this, maybe you are, too. I have a feeling that 2010 will be a very good year for the cause of freedom.

For Liberty,

Stephen Cox

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ended nearly $200,000 in debt. Based on campaign FEC reports, it appears that at best 4% of Barr's $1.5 million raised went for public outreach or advertising of any sort. It seems to have spent nothing on TV ads.

Barr's performance was, of course, the exact opposite of Redpath's claim that Barr had made a totally solid effort. Most notably, unlike almost every other past presidential candidate, Barr has refused to share his donor and volunteer lists with the national Libertarian Party.

Barr illustrates the continued failure of two currents in libertarian politics, namely the superstitious belief in celebrity candidates, and the equally false notion that southern white social-intolerant bigots are plausible recruits as Libertarian activists.

Having said that, Ferguson reaches precisely the right destination: "the onus is on Redpath and others at the national level to make the case for their continued employment. The Reason interview does precisely the opposite."

There is no case to be made. It is long past time for good Libertarians to appear at the next Libertarian national convention and send Mr. Redpath and his LNC cronies packing, lock, stock, and barrel.

George Phillies
Worcester, MA

Still Significant

In the December Liberty, Andrew Ferguson belittles Bob Barr's showing in the 2008 presidential race. He starts by mentioning "the failure of the LP to make any sort of dent whatsoever on the 2008 presidential election."

In reality, Barr's candidacy altered the Electoral College results, by possibly tipping Indiana, and almost certainly tipping North Carolina, from McCain to Obama. The vote in Indiana was Obama 1,374,039, McCain 1,345,648 (a margin of 28,391), and Barr received 29,257. The vote in North Carolina was Obama 2,142,651, McCain 2,128,474 (a margin of 14,177), and Barr received 25,722.

The Reflection also implies that Michael Badnarik's 2004 showing of 397,265 votes is really more impressive than Bob Barr's 2008 showing of 523,686 votes, because the ratio between Nader and Badnarik in 2004 was closer than the ratio between Nader and Barr in 2008. Nader got 465,650 in 2004 and 738,475 in 2008. But Ferguson fails to mention that in 2004, Nader was only on the ballot before 50.1% of the voters, whereas in 2008 he was in a far better position, and appeared before 85.2% of the voters.

Furthermore, when Ferguson finds it relevant to compare Nader's showing to LP showings, he undercuts his other argument that it is of no significance that the LP in 2008 vastly outpolled the Green and Constitution Parties. The Green Party in 2008 ran a former Georgia member of Congress who had been defeated for reelection in a primary, just as the LP did in 2008. But Cynthia McKinney only polled 161,603 votes. The Green Party has now been outpolled by the Libertarian Party in each of the last two presidential elections by a margin of more than three to one. This is meaningful, especially since the big media in the United States once considered the Green Party to be more significant than the Libertarian Party.

Richard Winger
San Francisco, CA

Owning Up

There is plenty of room for reform in every professional endeavor, including the legal profession, but when Gary Jason (Reflections, December 2009) and others call for "tort reform" as a means to curb rising healthcare costs, what they really are advocating is "tort immunity" for healthcare professionals, pure and simple. These critics are quick to cite examples of frivolous lawsuits, unnecessary medical tests, and high insurance premiums, but they never care to discuss the subject of exactly what to do about the alarming frequency of medical mistakes that so often cause enormous damage to patients. It's easy to blame the lawyers, but the obvious fact is that lawyers don't make medical mistakes. If the healthcare professionals would simply own up to their mistakes, medical malpractice lawsuits would not be necessary.

Timothy J. Taylor
Jomtien Beach, Chonburi, Thailand

Jason replies: I normally thank letter writers for reading what I write, but Mr. Taylor clearly hasn't read what I have written on tort reform and medicine. He might want to look at the lengthy piece I wrote on the topic ("The Ethics of Tort Reform," June 2008).

Specifically, I have never advocated tort immunity for healthcare professionals or anybody else. I have only advocated that we adopt the system that all other advanced nations have, namely, loser-pay. If you feel a doctor has harmed you (and yes, Mr. Taylor, I realize sometimes doctors are incompetent or even negligent), go ahead and sue him. But if you can't convince a jury you are correct to even the low "preponderance of evidence" standard that applies in civil trials, then you should be made to pay for the expenses of the other party, the one whom you forced to defend himself. This would be simple reform, and it is the norm in other advanced democracies.

What people like Taylor and Obama never do is specify what tort reform they would agree on. The president and his Myrmidons control the government — completely! — and the Democrats are now in their third year of control of Congress. So what tort reform have their ilk produced? Nothing. *Nothing*. Not one damn thing. In the case of the decaying fetus of a healthcare bill produced by Pelosi and her pals, there is one clause that would permit some "trial" programs in the states, but it doesn't specify any such trials, and it will not permit those trials in any state that caps awards for punitive damages!

As to why doctors don't own up to their mistakes, why, it is the same reason why lawyers never own up to theirs, or anyone else owns up to theirs. It is precisely because, in this litigious lawyers' paradise, anything you say can and will be used against you in a court of law!

Family Matters

In Reflections (November 2009), Jon Harrison asked, "I would like to know what other libertarians think" about a government agency blocking a 13-year-old from attempting to sail around the world alone.

Short answer: Gray areas that involve the safety of a child should be the parent's decision.

Longer answer: In an authoritarian society, you are the property of the state, which does with your body as it chooses. In a libertarian society, adults own their bodies. In this imaginary society, two entities have authority over a

child — the parents and the child. Only when the actions of a parent or child present a clear danger to the child does the state have a right to get involved, and only then through due process. That is, only their peers, a jury, can take away the rights of a parent or child to make their own decisions.

In a libertarian society, a majority of people would be very resistant to doing preemptive strikes, especially so when it comes to taking away rights from parents on the grounds of protecting their children from possible harm. The presumption would be that parents are responsible adults until proven otherwise. Letting a child sail around the world alone would be a parent's decision. If harm comes to the child, only then would the state or anyone else have grounds for bringing charges against the child's parents.

Clyde Garland
Bryan, TX

On Palestine, Continued

Bill Merritt's reply to my letter (October 2009) demonstrates that he is sorely in need of someone to actually connect the dots for him. I feel compelled to do so.

Merritt describes himself variously as "a singing member of the [libertarian] choir," and also as someone "who subscribe(s) to the more generally accepted moral codes of the world." It was truly hard to discern either from his response to my letter. Merritt apparently believes that any country that possesses military superiority relative to its adversary is therefore morally wrong to use that power in furtherance of its own interests, regardless of circumstances. This conclusion is inevitable given Merritt's steadfast refusal even to consider the actual moral context for the country's actions. (Perhaps he thinks this moral sanction somehow applies only to Israel, but the point is the same in either case.)

All he sees, or chooses to see, is that Israel has taken the Palestinians' land away from them, and then brutalized them when they protested. He ignores the fact that this territory is not, and has never been, "their land." The morality of Israel's actions (and those of the Palestinians, as well) cannot be divorced from this fact, no matter how hard Merritt tries to do so. While there have certainly been injustices committed — by both sides — with respect to individuals' ownership of specific parcels of land, the fact remains that the overall question of statehood remains unresolved to this day, and that is entirely due to the perpetual intransigence of the Arabs, not Israel.

Merritt wonders how my moral code can allow Israel to inflict "wanton, pointless destruction" on the people in Gaza. Leaving aside that Israel's actions in Gaza were neither wanton nor pointless, the answer, long obvious to most "singing members" of our choir, is that most basic of moral principles — the right of self-defense. I truly cannot imagine that anyone claiming to be a libertarian cannot see that, or would deny that. What government would or could possibly accept rockets being lobbed into its country, or suicide bombers blowing up its citizens? In Merritt's distorted view of morality, apparently Israel should.

Merritt laughably suggests that Israel's better option is to "make peace." I say "laughably" because this seems to assume both that Israel has never considered this option and that it might actually be possible under current conditions. Any knowledgeable observer of the region over the years knows that both assumptions are false. (This may just be another of those acknowledged "gaps" in Merritt's historical knowledge.) Perhaps Merritt is unaware of the Camp David Summit in 2000, during which Israel offered the Palestinians virtually everything they required, and which offer was summarily rejected by Yasser Arafat. This is but one example of Israel's many attempts over the years to make peace, and of Palestinian unwillingness to do so. The truth, also apparently unknown to Merritt, is that, while Israel has offered many compromises over the years in its pursuit of peace, the Palestinian position (i.e., the total destruction of Israel) has remained essentially unchanged since 1948. It is therefore beyond ludicrous to suggest, as Merritt does, that the Israelis have failed to exercise this option, and that it is the Palestinians who have no alternative to violence. The truth is clearly the reverse.

Merritt also disingenuously suggests that it is somehow anti-Semitic to support Israel's current position, because it will lead to "Israel's being run into the sea." Fortunately for Israel's true supporters, Israel, with the continued support of other right-thinking countries such as ours, runs no such risk today. The actual truth is that Israel would be committing national suicide if it made the kind of "peace" that the Palestinians, and apparently Merritt, demand.

How would Merritt suggest that Israel go about making peace? With whom should it negotiate this peace? What form would such a peace take? Neither the Palestinian Authority in the West Bank nor Hamas in Gaza could come close to guaranteeing Israel's security, which is the most basic moral prerequisite for any peace, even if Israel were willing and able to meet Palestinian terms. The Palestinians claim that "all" they want is a return to the pre-1967 war status quo, despite the fact that, prior to 1967, before Israel conquered any of the disputed lands, before the occupation, before it undertook to "starve and bomb" the Palestinians, the Arabs were unalterably opposed to that status quo, and used violence against Israel in furtherance of that end. The aggressive, immoral behavior of the Arabs in the period from 1948 through 1967 alone justifies Israel's unwillingness to return completely to the 1967 borders. I can only conclude that the "peace" Merritt desires is an unconditional Israeli surrender, leading forthwith to its destruction. With friends like Merritt, Israel has no need of enemies.

Merritt says that what he really wants to know is "why we should allow our great and honorable nation to be cynically drawn into a fight that is neither of our making, nor in our interest." I am pleased to inform him. Firstly, I am not aware that we have actually been drawn into this fight, cynically or otherwise. We do have legitimate national interests in the region, and these interests merit a certain concern for U.S. foreign policy. The issue of U.S. military aid to Israel is a fair subject for debate, but I am confident that the modern state of Israel is fully capable of defending itself even without our help, and would do so. The United States supplies weapons to countries far more despicable than even Merritt's distorted version of Israel, so unless he proposes to eliminate all U.S. military aid to any country he deems impure, he doesn't

have much of a moral leg to stand on there either. As to the question of why it is in the interest of the United States to help Israel defend itself, the same questions were raised in 1940 about America's aiding Great Britain, and the same answers apply.

Merritt is entitled to his shuttered view of national interest and defense and his ignorance of history, but he is not entitled thereby to claim that his moral code is somehow superior to mine, however "widely held" he thinks it is. It clearly is not.

Michael L. Carp
Montclair, NJ

Merritt replies: Because I recognize you from our previous correspondence, I know you to be scholarly and thoughtful — which raises concerns about the provenance of the above letter. In fact, a close reading suggests it was not written by you at all. Not to put too fine a point on it, something is fishy, Mr. Carp.

Reasonable man that you are, you agree that national suicide is not in the best interests of the state of Israel — that, in fact, she would be better off working toward a peaceful Middle East rather than throwing her long-term survival into question by continuing to steal Palestinian land.

But the person using your name seems to feel that Israel's endless land-grab isn't really an issue because the land is "disputed." What, exactly the nature of this dispute might be, Imposter Carp neglects to tell us but, apparently, it arises from the fact that some marginal folks in Israel really, really want the land for themselves.

You would agree with all decent and honorable people that a family who has lived on a piece of property for, say, a thousand years, has a legitimate claim to that property. You would never take the position that ownership of that family's land is "disputed" just because somebody else wants it. But Imposter Carp doesn't see it that way. He just chalks up any attempt by the legitimate owners to defend their property as "aggressive, immoral behavior."

You would never claim that field-testing experimental explosives on schoolchildren in Gaza was forced upon Israel in the name of morality. "That most basic of moral principles," as Imposter Carp put it, "the right of self-defense." Those kindergartners with fingerpaints, you can almost hear Imposter Carp saying: good thing Israel put a stop to them while it had the chance. No telling what they would have done next.

You know full well that shredding 5-year-olds from the air not only has no military value, but puts Jews all over the planet in danger. As the Jewish World, published in Jerusalem, puts it: ". . . through its actions, Israel has more than once endangered and shamed the Diaspora. Ask the Jews of the world what their neighbors said after Operation Cast Lead in Gaza. Ask them when they last felt pride in Israel's actions." Imposter Carp can find this at www.haaretz.com, if he cares to see what people who really love Israel believe.

Imposter Carp doesn't see a connection between America's mindless backing of Israel and the harm that is being visited on the Palestinian people, but I know you do. Perhaps you saw the signs in the September 13 Rallies in Support of the Palestinians. Most of the rest of the world did: "It Is America That Enables Israel." Pretty specific, wouldn't you say?

You know as well as I do that America's knee-jerk support of Israel's ongoing death wish has led to a lot more than just demonstrators waving signs in front of TV cameras. Eight years ago, 3,000 of our countrymen were murdered on our soil.

I wouldn't hazard a guess as to the religious beliefs of Imposter Carp. Perhaps he was in an ashram on 9/11. Perhaps he missed the fact that the person who set those murders in motion specifically gave America's support for Israel as one of his reasons.

I can tell from your letter of a few months ago that you are much more aware of recent history than Imposter Carp seems to be. You know why our country was attacked, and you agree that America has been drawn into a fight that is neither of our making nor in our interest. But the person writing in your name claims not even to be "aware that we have actually been drawn into this fight."

You are in an awkward position here, Mr. Carp, and it's not my place to advise you how to proceed. No miscreant has ever written this sort of letter over my name. But if one did, I'd clear the air before people started imputing his ideas to me. I can't speak for the editors on this, but I imagine Liberty would be pleased to accommodate you if you wish to disavow this claptrap.

It Lives!

Many thanks for Doug Gallob"s review of "The Creature From Jekyll Island" (November 2009). It is a must-read for every serious libertarian and certainly recommended for the average citizen. It is an eye-opener, probably as important as Milton Friedman's "Free to Choose."

After reading "Creature" for the first time, I reread Jim Powell's "FDR's Follies" and then went through "Creature" again immediately afterward. Placing it all in the context of Mr. Obama's administration, history seems to be repeating itself.

Len Gay
Onset, MA

Send Money, Guns, and Writers

I fell with relish on the November issue as soon as I saw its cheery blue and white cover in my mailbox, and flipped straight to Reflections, as always. Ted Roberts' "Overinflated fears" was heartening and optimistic. I make a hobby of collecting Weimar Reichmarks and what with the latest antics of America's first metrosexual president, my prime anxiety has been how soon the dollar will take its place in the ashcan of history alongside my collectibles.

Let me state that I'm no economist, just a working-class schmo with a love of liberty. I've tried to read some economic theory over the years and I can certainly see why they call it "the dismal science." A question arose in my mind, however, as to how we will ever escape the specter of hyperinflation and economic collapse as long as our money system is based on conning everyone possible, including the federal government, the respective states, counties, and cities, along with all the residents thereof, to carry a lifetime of debt?

I hope someone at Liberty will have the time and inclination to address my concerns. In the meantime, I'll anxiously await the next issue while I split my disposable income between silver quarters and .22 cartridges.

David W. Roberts
Tacoma, WA

Reflections

Leap of faith — The proposed "public option" for health insurance has raised fears about how it might crowd out private insurance and so worsen the options open to consumers. Proponents have offered compromises.

One would activate the government program only when performance by private companies was judged inadequate. Another would allow individual states to opt out of the national plan. That compromise is particularly meaningless, even ridiculous — one reason being the mobility of people across state lines.

The whole discussion, reflected in the 1,500-page-or-so bill pending in Congress, illustrates the incoherence of ambitious government programs. Political horse-trading displaces informed analysis of how a program's components might fit together.

Many years ago I kept Professor Wassily Leontief company for a couple of hours before he gave a speech. Leontief was famous for his input-output tables supposedly showing how the many sectors of an economy fit together and for his advocacy of "national economic planning." Citing examples in farm policy, trade policy, price controls, subsidies, and the like, I tried to counter with "public-choice" explanations of why coherent planning was hardly to be expected from politics-driven government. Acknowledging the examples, Leontief said that they only underlined the need for his "planning." In short, planning would overcome the inconsistencies of ambitious democratic government. This vain hope invites Ayn Rand's favorite dismissive word: "somehow." Similarly, the mishmash of healthcare proposals might work well — somehow.

— Leland B. Yeager

False profits — A popular rationalization for the Republican and Democratic bailouts was that any losses to the taxpayers will probably be temporary and that the "government might actually make money."

On October 21, the independent watchdog of the Treasury Department's TARP program, Neil Barofsky, poured a bucket of cold water on this dubious claim. He found it "extremely unlikely" that the taxpayers will recoup their losses, much less make a "profit."

— David Beito

Not so noble — A few Norwegians on the Nobel Prize for Peace committee decided to give President Obama an award, the nominations for which concluded when he had spent just 12 days in office. Since he hadn't accomplished anything in that time (or since), presumably he received the prize wholly for not being Bush. Okay, not being Bush is good, but I thought the award was about something more substantial, you know, like actually doing something. Even then those wise and good Norwegians were wide of the mark; if the award was for a president who was not Bush, it should have been given to the American people who elected that president.

It's clear that Obama should have declined the honor. Whether the American people deserve the prize remains to be seen. We may live to remember the old adage, "Be careful what you ask for."

— Bob Marcus

When satire fails — I have enjoyed offering Liberty my sardonic Reflections over the years, lampooning our country's political and cultural descent into the maelstrom.

Sadly, over the last week, two events have complicated matters. First, CNN felt it necessary to present a fact check on Saturday Night Live for the accuracy of jokes told about President Obama. Then, just a few days later, President Obama was awarded the Nobel Prize for Peace.

Clearly, one cannot satirize our world any longer. I thus regretfully withdraw my services.

— Ross Levatter

Political gauge — As reported by recent polls, the number of people scared by the global-warming alarmists continues to drop. The latest complaint of those trying to scare us into more government control over all economic and everyday activities is that people just don't understand the difference between weather and climate.

Apparently it's very simple: any observed cooling is weather; any observed warming is climate change.

— John Kannarr

Union label — Under the egregiously unjust Obama bankruptcy-takeover of Chrysler and GM, secured creditors got stiffed, and the UAW along with the federal government took virtually all the stock in the new, reorganized companies. Of course, since the UAW virtually owns Obama and Congress, having purchased them with millions in union dues poured into Democratic campaign coffers, this means that the UAW now virtually owns two of the three domestic auto companies.

The most obvious injustice is that the very union that did

so much to destroy those companies was rewarded for its longstanding irresponsible demands by being given control of the successor companies, reorganized at the taxpayer (not union) cost of many tens of billions of dollars. It is as if (as I have said elsewhere) the court forced a rape victim to marry the rapist. But it is also unjust because, in giving his supporters what they demanded, Obama grossly violated — indeed, urinated upon — the rights of the secured debt holders, formerly established by a century of bankruptcy law.

He set the stage for many undesirable consequences. One of these is that the UAW now has both the motive and the power to target Ford. After all, since the union controls the other two car companies, why shouldn't it pick up Ford as well? Why not complete its monopoly over the domestic auto industry?

The UAW has obviously set its sights on doing precisely that. In its most recent contract with Ford, the union abandoned its longstanding "principal of parity." Up until now, the UAW would put the same provisions in its negotiated contracts with all three auto makers. But now Ford is being hammered. For example, the new contract with Ford doesn't include the cuts to retiree benefits that the UAW conceded to Chrysler and GM. Ford is stuck with more expenses, hence is at a competitive disadvantage.

So, under the new deal, preference is clearly given to the companies that the unions and government own over the one they don't. How very convenient.

This, in my view, is yet another reason why Americans should boycott Chrysler and GM, until those firms are once again in private hands. — Gary Jason

The price of silence — We are all familiar with the saying "nothing in life is free." Yet many American citizens forget this bit of common sense when it comes to government spending. Most of us have, no doubt, seen the recent video clips of Detroit locals lined up for "some of that Obama money." When asked where Obama gets this money, one of the people in line replied "from his stash." But Obama's and Congress' "stash" is not free money. It's made up of money they took from productive citizens.

Even the most educated among us, on either side of the political aisle, are not immune from the thoughtlessness of the Detroit resident in the face of "free" money from the government. In fact, the government is usually returning something that was originally yours — for example, the first stimulus checks (ranging from $300 to $1,200) doled out during the Bush administration. That pittance was a meager return of the vast amounts of money confiscated by the government. With the exception of deceased recipients (there were a few of them), most folks receiving the checks regarded them as if they were found money, not money that had previously been taken from them.

Few of us would accept or be fooled by a friend, family member, or stranger taking a portion of our money or possessions and then magnanimously "giving" it to us as if we had never seen it before. Why should this be any different when the government does it? We'd all be much more "stimulated"

Word Watch

by Stephen Cox

As you've noticed, this column has some of the attributes of a column of troops: it's loud and destructive, its course is generally unpredictable, and sometimes it's hard to see to the end of it. The column's one purpose is to find the enemy army and get off a few shots.

But often the enemy is just too scattered and numerous to be attacked in one body. It's dangerous, yes, but it appears to be all over the landscape. Its formations have to be taken out one by one — a difficult if not impossible task. And that's the situation today. The foes of rational speech and writing lurk behind every tree, and they have to be attacked sequentially.

So let's do it. Start with the enemy's grenade throwers.

These are the people who try to soften up our forces by hurling deadly cliches at us. They claim that everyone who disagrees with them is an "extremist," a "Kool-Aid drinker," an "angry white male," and so on, and they claim that they themselves are "outraged," "dismayed," and simply thrown for a loop by these weird exponents of civil irrationality.

Recently, enough grenades were launched at Congressman Joe Wilson to empty a whole arsenal of cliched insults and viewings-with-alarm. But, to be accurate, most of these missiles were aimed exclusively, and crudely, at a person and a party, not at the English language. Attacks on the language are generally conducted in a less obvious but more effective way.

Think about President Obama's choice as the Nobel Laureate for *Peace*. He might as well have received the prize for Chemistry. Let's see . . . what did "peace" mean, according to Alfred Nobel, founder of the Nobel Prizes? According to his will, the prize for Peace was to go to "the person who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses."

The president's accomplishments fit this definition as well as his hate-crimes bill fitted the military spending bill to which it was appended. In the world of the smug and powerful, any words fit any context, but always to the detriment of rational language.

The Nobel awards in non-science fields have been disgracing the language (every language, English, Swedish, Norwegian, whatever) for many years. Look up, for instance, Rigoberta Menchú, Nobel Laureate, Peace (1992). Or review the list of Nobel Peaceniks and ask yourself how many of the prizes had anything to do with Nobel's intentions. Both the literature and the peace awards are dispensed as frequently for social activism or ethnic representation as for anything remotely to do with fraternity among nations, the reduction of standing armies, or the promotion of peace conferences. If Al Gore's science meant anything, he would have received a Nobel Prize for science. But it doesn't, so he got one for Peace, thus debasing the very name of peace.

But let's turn to a humbler theater of words. Consider the word "grow." This is the weapon of choice for a force of young zouaves, untrained and naive, but very flashy. Their goal is to

if the state kept its hands off our money in the first place.

You're probably thinking that libertarians don't need this lecture. We, of all people, should know these things. I agree, but that's not why I raise the issue. Many American citizens are unhappy with the government's economic meddling, and many of them are looking for an ideology or party that articulates their hands-off view of the economy. Libertarians tend not to be "evangelical"; and I am not recommending that we become a bunch of "Road to Serfdom" or "Atlas Shrugged" thumpers, as other people are Bible thumpers. But in this highly unsettled time, when so many people are questioning the current administration's policies and motives, we can take each complaint from our fellow citizens as an opportunity to remind them that nothing in life is free. We can let them know that when the government gives you something, not only is that something not free, it comes at a steep cost — most often to our liberty. — Marlaine White

Governmental Domestic Product — The New York Times' front page story on October 30, 2009, was headlined, "Economy Grew 3.5%." It contained this surprise definition of Gross Domestic Product (GDP): "the broadest measure of the government's total goods and services produced."

I count three errors in that one sentence.

First, GDP does not measure "total" goods and services produced in a year, but only the value of "final" output. It deliberately nets out all intermediate production.

Second, it is not the "broadest" measure of national output. The Bureau of Economic Analysis at the U.S. Commerce Department also releases annual Gross Output figures, which measure output at all stages of production. Gross Output is almost twice the size of GDP.

Third, The New York Times may well like "the government" to produce the entire GDP, but it doesn't — yet. Current government spending represents approximately 20% of GDP. Thank heaven, the remaining 80% is privately produced.

Maybe this is the point at which New York Times reporters should take a refresher course in Econ 101. — Mark Skousen

Lazarus syndrome — Americans have been conditioned to value medical care more than it is worth. Medicine has become the new religion.

People believe that doctors can prolong lives, delay the normal aging processes, and make life better throughout. They have been sold on these superstitions by media hyping high-tech advances in medicine that may help only a tiny percentage of the general public. Americans ascribe the general prolonging of life spans to medical care, whereas the real reasons include public health measures against infectious diseases, better diets, and lessening of physical stress. Doctors thump the pulpit by talking gullible families into doing "what we can do" to keep Granny alive, when in actuality they officiously prolong Granny's dying.

Europeans don't read American catechisms. It may be that Europeans got "free medical care" at a time when medical care could do little to alter the course of illnesses. Comforting the dying and their relatives was what they expected from

create a buzz, to energize old words, or, in a phrase, to confuse the dead with the living. We all know that corn, being alive, will *grow*. So will kids, if they stay away from government schools. But that's not enough for the young volunteers. They want to find the spirit of life and growth in things that are not alive and cannot be grown. They want to "grow a business," "grow the economy," even "grow the future of our country."

Our president frequently marches with these recruits. And some of them could teach him a few maneuvers. Yesterday I heard one of them talking on the government radio network. This young man referred to the importance of "growing the size of the economy." He reminded me of the grizzled journalists who keep saying things like "larger in size" and "fewer in number" (as opposed, I guess, to larger in time and fewer in space). But he outdid them in spunk. Picture a "size," planted in a field. Now "grow" it. That's what he said: "growing the size."

"Grizzled," however, recalls another kind of enemy: those soldiers of the word wars who devoutly believe that any two words that *sound* alike must also *be* alike — in fact, identical. These are incompetent warriors, soldiers whose enemies (and friends, if they have any) can only laugh at them. Still, they're dangerous, because blunderers with words are always dangerous to the language, if there are enough of them; and these guys have been multiplying ever since the authorship of internet news was placed in the hands of teenagers. (Wait: you'll find out what "grizzled" has to do with this.)

You don't believe me? Look here — it's a Reuters story, dated September 7, and it has the folksy title, "Milky Way Expected to Survive a Beating." This time, picture Rocky Balboa, prepared to give someone a beating. Now picture our galaxy. Close enough, eh? The story, if it deserves to be called that, was about . . . all right, here's the nub:

"Circling around the Milky Way are between 20 and 25 known satellite dwarf galaxies, which are smaller clumps of stars bound in orbit around the Milky Way by gravitational attraction. Some pessimists predicted the Milky Way was doomed to a grizzly death by dismemberment if enough of these galaxies collide with it. In fact, scientists think many satellite galaxies have already rammed into the Milky Way, though so far it has endured."

You noticed "grizzly." If it isn't teenagers who are writing this . . . abandon all hope. "Dwarf galaxies," we find, and it is much to our edification, are "smaller" than the galaxy around which they revolve. Also newsworthy is the fact that these dwarves, or dwarfs, not only "circle" but also "orbit," doing so by means of "gravitational attraction." But thank God, there's good news: "so far" our galaxy "has endured" all this. We wouldn't know that if it weren't for Reuters, as well as the "scientists," as opposed to "pessimists," whose stuff the Reutersritter have been reading. (Some people get degrees in physics; others get degrees in pessimism.)

But why was I bringing this up? Oh, I remember. It's because our authorities on the fate of the universe don't even know the difference between a grisly death and a death by grizzlies. I confess that I like the image of an enraged sow grizzly chomping up the galaxy. It's almost as good as Ragnarok, the Twilight of the Gods, when the Midgard Serpent poisons the sky. But this pleasant effect is obviously unintended.

The teenage news writers, however, are only foot soldiers,

doctors a hundred years ago when many of these schemes were introduced. The modest accomplishments of their medical systems have not led Europeans to alter their creed.

But I agree with the Europeans. There are a few surgical procedures, such as appendectomy, that save lives. Many orthopedic procedures can make life more enjoyable. Occasionally an antibiotic or an antihypertensive helps. But frying the brains of Ted Kennedy and Robert Novak stretched their lives from 6 months to a year as steroidal zombies.

The Democratic proposals don't do anything to make Americans reject salvation, so I suppose that the special interests will continue to prosper, and medical costs will climb. The Republicans ripped off some libertarian ideas that would force individuals to confront the cost-benefit calculus, but few of their politicians understand consumer-driven health care, and most would reject it if they did.

I don't see anything in my lifetime curbing the American appetite for the marvelous. — Erwin Haas

Presidential hopeful — Second only to Ron Paul, Gary Johnson, former governor of New Mexico (1995–2003), is the most pro-liberty politician of any prominence. It looks as if he may be considering a presidential run.

On the face of it, Johnson comes right out of libertarian central casting. He has fought tenaciously for the 2nd Amendment and for marijuana legalization. He slashed taxes and spending, and he opposed the Iraq War from the beginning. He also supported Ron Paul for president in the primaries last year.

Johnson's photogenic demeanor and extracurricular activities are grist for the media mill (in a good way). Among his accomplishments was the scaling of Mount Everest with a broken leg.

Sounds too good to be true? Let's hope not. If Johnson stands by his dovish foreign policy views, he might be the only candidate to appeal to Americans in both parties who are sick and tired of the Afghan and Iraq quagmires.

— David Beito

Flyaway — The Obama White House stumbled this fall when it issued an ill-advised press release claiming that the $787 billion federal economic stimulus plan had "created or saved 650,000 jobs." This resulted in media criticism over the simple-math conclusion that each of those jobs cost $1.2 million.

Then the White House clarified its position. Those jobs were really affected by only one part of the stimulus package — the $150 billion that had been transferred through . . . about September. That meant that each of the jobs "created or saved" (itself an obfuscatory phrase) actually *only* cost $230,000.

After that, White House economist Christina Romer stood in front of cameras and hedged away from any jobs claim, mumbling some nonsense about how "it's very hard to say exactly because you don't know what the baseline is, right, because you don't know what the economy would have done without" the stimulus billions.

As the Washington Examiner pointed out, it would have been more efficient to open a special unemployment office that issued checks for $230K to the first 650,000 unemployed people who could fog a mirror.

The lesson: statists have no bloody idea how to connect their boondoggles with practical outcomes. Their first assumption is that people are too stupid to divide expenditures by claimed results. Their response is to debase all data with confused spin.

In the meantime, markets speak with clarity. In late

compared to such generals as Sean Hannity, who specializes in spreading dismay among his natural allies. On his August 18 TV show, Hannity had to be told by the pollster, Frank Luntz, that there's a serious difference in meaning between a real "public option" in insurance and a "government option." Luntz pointed out that President Obama's scheme is actually the latter. He added that when people are polled on the issue, most support a "public" option, but even more oppose a "government" one. You'd expect that Hannity would already have grasped the distinction between those two expressions, since it was in his ideological interest to do so, but no, he hadn't.

The leftwing equivalent is Paul Begala, once the Clintons' leading skirmisher, now one of the numerous ghosts haunting the TV interview shows. This summer, he characterized Sarah Palin as "not a serious person." Well, he should talk. But he went on to say that she was "half a whack job." Only half? But seriously, folks, a *whack job* is a gangland killing, as in "The Sopranos." A *wacko*, *wacky person*, or *wack job* is different. Teenagers, and aging White House spokesmen, now routinely confuse "whack" with "wack." And if they can't get that right . . . what else are they good for?

Recently the president's press secretary, Robert Gibbs, praised his boss' enthusiasm for political schmoozing and gladhanding by saying, "I think the president would orbit the moon if he thought it would help." The idea of Obama, sealed in one of NASA's tin cans, endlessly circling a dead planet, is perhaps appropriate to his political performance, but it is hardly appropriate to the image that Gibbs wanted to project.

In this context, I should mention the recent and continuing funeral games for Sen. Edward Moore Kennedy. According to USA Today, Kennedy's son, Junior, talked about his father's enjoyment of the fulsome tributes he received when other politicians realized he was dying. "He was really able to soak it in," the son said, implying some enormous satisfaction. Imagine Kennedy in a bathtub, soaking up praise. What a hero! And apparently this genius of American politics never noticed that political compliments are, on occasion, hypocritical. The proverb is right: you can't cheat an *honest* man.

Kennedy was a marshal in the army of word abusers; nothing he ever said had any particular meaning, except that he was saying it, and he was a Kennedy. So it's not surprising that his subalterns should refuse any attention to the meanings of words. Yet meaning-repellent, though a standard part of military equipment, lasts only so long. Eventually it runs out. The great Napoleon said a lot of things that didn't make any sense, but people still applauded, as if they had. His nephew, Napoleon III, also said things like that, and some people acquiesced in them. Then he too was gone — and where is the Grande Armeé now? When the queen dies, the hive disperses. You see the application.

The continuing danger comes from the soldiers who owe allegiance neither to man nor God but to their militant "professions." They are social workers, bureaucrats, "educators," members of the

October, the Boeing Corp. gave the state of Washington a nasty Halloween present. CEO Jim McNerney announced that the company was locating its new plant (designed for building the oft-delayed 787 Dreamliner jet) in South Carolina.

The addled twits who run Washington politics — embodied, in this case, by inexplicable Gov. Christine Gregoire and halfwits-need-representation-too Sen. Patty Murray — claimed "shock, dismay and outrage" at Boeing's move.

In 2002, Alan Mulally (who was at the time executive VP at Boeing and CEO of Boeing Commercial Airplanes) told the Washington State House Labor Committee that "the state of Washington is not competitive. . . . meaning it costs us more to operate [here]." Specifically, he mentioned the state's inefficient unemployment insurance and workers' comp systems. He didn't mention the screwed-up labor union situation, but he was probably thinking it.

Boeing's Everett, Washington factory has had to weather strikes by its machinists' union four times since 1990. The most recent strike — a 57-day shutdown in 2008 — cost Boeing over $5 billion in deferred revenue and (additional) delays in production of the 787. The union eventually caved on its absurd demands for higher wages and richer perks. But the damage was done.

In the pretend world of Beltway policy, billions of dollars can be explained away by inarticulate economists. In the real world of building airplanes, a $5 billion opportunity cost means that things change. Production lines move to right-to-work states.

And more than one Boeing analyst predicted that, when demand for the 787 softens, the Everett plant will be the first to be shut down.

Statist union agitators can try such threadbare tricks as "card check," vote-counting manipulation, and shop floor intimidation. But these are a loser's tactics. They lead to desperate nonsense about jobs "created or saved" and mumbled evasions about how the numbers don't really mean anything. In the meantime, the featherbedding collectivists of the International Association of Machinists and Aerospace Workers, AFL-CIO, District 751, have fewer stooges from whom to steal. — Jim Walsh

Title tattle — Once again it's almost that magical time of year — that's right, time for the convention catalog of the Modern Language Association to thud into faculty mailboxes all over the country. And that means it's also time for that annual squabble in which some journalist or another rattles off the most ludicrous paper titles he can find, and some self-appointed white knight of academia issues a retort that pretends those papers aren't ludicrous.

As I am both an aspiring academic, and a journalist all too inclined to the easy joke, I have a foot in both camps — indeed, judging from my own paper title, "Scandalous Searches: Rhizomatic Authorship in America Online's Unintentional Narratives," I am uniquely positioned to mock my own pretensions. But to engage in such pointless (and schizophrenic) squabbling would be to continue the content-free back-and-forth that passes for "cultural debate" in much of our national media — and, worse, to miss the really ripe targets that such events have on offer. Why take time to scour the list in search of some poor jargoneer's overcomplicated last-minute cobbling, when there's such low-hanging fruit as the social-event list, with entries like Monday night's "Cash Bar Arranged by the Marxist Literary Group"?

At conferences, as in life, the simple pleasures are the most savory. — Andrew Ferguson

Summary judgment — I have occasionally used "helping professions." They are at work, day and night, debasing the English language. That is what they were trained to do; that is what they do.

Even the medical corps gets into the act. As soon as they hear something they dislike on professional grounds, they mount a sneak attack on it. A typical episode took place in October. Some new empirical studies reported what empirical studies have been reporting for a long time, that drinking wine can have beneficial effects on health. St. Paul said that in plain words in the 1st century; now science says the same, in words equally plain. But neither science nor the Bible is good enough for the paid guardians of the nation's health, or their helpful allies in the media.

Instead of trumpeting the scientific findings, the media trumpeted the unscientific evasions. They were quick to report that "experts with the American Cancer Society and the American Heart Association say that though these studies do show some benefits to moderate drinking, the health risks from alcohol consumption far outweigh the potential rewards."

Notice that the sentence is set up so that the downside (risk) is real, while the upside (reward) is only "potential." So what are these risks? Well, said a Cancer Society officer, by drinking you might get "cancers of the mouth, pharynx, larynx, esophagus, liver, colon/rectum and breast." Um, let's see. In plain English, what does this mean? It means that if you think you can lower your "bad" cholesterol by taking a glass or so of wine, you are wrong — utterly and grotesquely wrong. That glass is more likely to give you every cancer you can think of, and plenty more.

You doubt that this is what it means? Consider the preface to the words just quoted: "Drinking any alcohol at all is known to increase your risk for contracting a number of types of cancer." Indeed! Is that *known*? Is it *known* that every drop of alcohol increases the risk of cancer? Is a nice young Baptist who got drunk at his high-school prom at more risk of cancer than a nice young Baptist who didn't? Shall I cut back on my daily thimbleful of pinot noir, because every single drink increases my danger of getting cancer of the pharynx? This is like saying that because someone may have an accident while walking to the store to replenish his supply of soy milk, no one should ever leave the house, much less crave health food.

But speaking of accidents, think of all the things that *could* happen to you if you actually went so far as to *drink alcoholic beverages*. That's what a medical spokeswoman for the American Heart Association hastened to say. The "health risks from moderate drinking," she announced, include "liver damage and accidents caused by impaired reflexes." Excuse me . . . is this is a doctor talking? Who gets liver damage from moderate drinking? Who runs into trees ("impaired reflexes") because he had a single drink of wine? But this is supposed to be why you should never take that fatal drink.

I'm sorry: that reminds me. I need to retire to the rear. I understand there's a thimbleful of wine somewhere . . .

Reflections to inform readers about free-market publications and thinktanks with which they might have been unacquainted. I would like to do this again, pointing to the estimable American Enterprise Institute and its web-based journal, The American. And as it happens, four pieces recently published in that journal have to do with topics I've written about in these pages.

Consider first Michael Barone's excellent piece, "An Immigration Tipping Point?" (Sept. 29). Barone points out something interesting: the percentage of foreign-born Americans (FBAs) has declined this past year for the first time since 1970. Not a huge amount, to be sure — from 12.6% in mid-2007 to 12.5% in mid-2008 — but a definite decline, one that represents 40,000 fewer foreign-born people in the country.

Barone notes that in the second half of the 19th century, the percentage of FBAs rose from 9.7 (in 1850) to 14.7 (in 1890), then — after dropping a bit — again hit 14.7 in 1910. After anti-immigration laws were passed in 1921 and 1924, the percentage of FBAs started dropping, hitting a low of 4.7 in 1970. With the passage of the 1965 immigration act (and along with the amnesty program of 1986, I would add), the percentage nearly tripled in less than two generations. Barone says that this was contrary to the intentions of the framers of the 1965 act, but I am not so sure: the act gave preference to immigration applicants with family already in this country, so it set the stage for ever-increasing numbers of immigrants.

Barone attributes the recent drop to the recession and to tighter enforcement of immigration laws. Indeed, his data go only to mid-2008, before the explosion of unemployment; he thinks the census for mid-2009 will show an even steeper drop. I think he's right.

Barone raises the interesting question of whether immigration will increase when the recession ends. He notes that the tighter enforcement will probably continue, and that birth rates in Mexico and Latin America have been dropping over the past two decades. I would add that in Asia, there has been another major change: the embrace of market economic systems in large countries that had formerly eschewed them (such as China, Vietnam, and to some extent India). Economic improvement tends to keep potential immigrants home, and even attract some immigrants back.

The second piece I want to mention is "Making Bush Look Like a Piker," by Veronique de Rugy (Sept. 30). De Rugy makes the simple point that Bush ran high deficits, but Obama's deficits will dwarf them. She has some credibility here, since she was a vocal critic of Bush's spending. And the Congressional Budget Office figures show that for each of Obama's years in office, his projected deficit will vastly exceed any of Bush's years.

In fact, de Rugy notes that these deficits are apt to be even worse, because Obama keeps increasing his spending, while the budget figures are based on the assumption that the stimulus spending will have stopped by 2011. The budget estimates are also based on the assumption of a rapid and robust recovery from the recession, something that seems increasingly doubtful.

The third article, "Our Uncrowded Planet" (Oct. 1), by Ronald Bailey, takes on a Malthusian prophet, Paul Farrell. Farrell, following neo-Malthusian biologist Jared Diamond, cites 12 factors that supposedly forecast our doom. The factors include overpopulation, food shortages, water shortages, farmland shortages, deforestation, chemical pollution, and ozone layer depletion; there is even an "alien species" factor. Bailey neatly debunks each source of concern.

He observes, for example, that both Farrell and Diamond fail to note that during the past century, crop yields grew at about 2% per year, double the current rate of population growth. Bailey doesn't mention the pivotal role played by the Green Revolution, the dramatic increase in crop yields pioneered by the late Norman Borlaug, but he does quote the agronomist Paul Waggoner, who calculates that if the average world farmer achieved the productivity of the average American corn farmer, the world could feed 10 billion people at the current caloric level of the American consumer — on one-half the farmland used today. Bailey's rejoinders to the other eleven points are equally thought provoking.

Finally, there is Charles Johnson's informative article, "Blood Money" (Oct. 2). Johnson writes about the history and prospects of the private market for blood. Before the 1940s, he says, private blood banks were common in America, with people selling their blood on the open market. But during World War II, many people began to worry about blood being donated by victims of hepatitis and jaundice. In 1947, the Journal of the American Medical Association set out guidelines to help blood banks screen donors (such as not taking blood from anyone with a history of hepatitis, or anyone who had received blood or had been hospitalized during the past year).

Then two dubious studies appeared. In 1959 an American doctor purported to show that hepatitis rates were dramatically higher among recipients of paid than of unpaid donor blood. In 1971 a British social scientist argued that paid blood donation would crowd out volunteer (unpaid) donation. Johnson refutes each study in detail. Nevertheless, the studies started a chain of federal and state regulations, leading to an effective ban on paid donor blood in 1978.

Never mind that these studies were dubious. Never mind that the science of screening blood was improving year after year. The logic of regulation took over: to prevent harm, pass a regulation, then another, then another, until you arrive at the "safest" approach: prohibition. Of course, the "safest" approach — the one with the fewest bad consequences — is different from the "best" — the one with the most favorable balance of bad and good consequences. Johnson concludes by offering some valuable suggestions for how a free market in blood might be reinstated safely.

The American is a useful source of ideas and information. Check it out.

— Gary Jason

Short-run society — Economists understand (or should) the distinction between what often is true or desirable in the short run and what is true or desirable in the long run. Examples are how an expansive monetary policy affects interest rates and employment, how currency depreciation affects a country's balance of payments, and how a tax change affects government revenues. Even many laymen understand "moral hazard," especially how government rescues of "too big to fail" firms encourage excessive risk-taking and cause the apparent need for further and bigger bailouts later on.

Too often, though, the short vs. long distinction escapes pundits and policymakers, including politicians seeking reelection. So-called Keynesian policies to boost spending may alleviate recession in the short run, but at longer-run cost. The "stimulus" of government deficit spending, if it works, wastes resources on projects not worth the cost in other public and private activities crowded out. The "cash for clunkers" program and the subsidy to first-time homebuyers shift demand forward in time (while incidentally redistributing wealth not to really poor people but to people well enough off to afford cars or houses). If an increased government deficit is a (short-run) good idea, sending a $250 check to old people is not as good a way of increasing it as cutting marginal tax rates to improve incentives. (But perverse though the program is, I won't send my own check back.)

Appraising measures to promote business recovery should take account of what a recession is. When Vice President Biden and other spokesmen claim that their "stimulus" program has created millions of jobs — or, rather, has saved many jobs that would otherwise have been lost — they are making a claim rendered empty by its built-in protection against being proved wrong. Commentators show impatience when they report the failure of the Federal Reserve's currently very easy monetary policy, forgetting Milton Friedman's explanation of why monetary policy typically works with long and variable lags. The task of reversing the Federal Reserve's vast creation of bank reserves in time to prevent severe inflation, or even a panicky flight from the dollar, is another example of short-run vs. long-run contrast.

A recession is a disruption of the intricately coordinated nationwide, even worldwide, web of buying and selling, employing and working, and lending and borrowing that links business firms to one another and to workers and consumers. Time, not government, brings recovery as firms and people grope for a new market-clearing pattern of prices and wages and as they restore or replace disrupted business relations — all on condition that a perverse monetary policy does not impede this mending of contacts. Regrettably, employment is usually one of the last signs of business recovery.

Capricious experimentation with measures to restore prosperity threatens to impair business confidence in the longer run and so the investment that would bring greater production and employment. New Deal measures, for example, prolonged the Great Depression of the 1930s until the start of World War II.

The viewing and reading public provides another example of short-run orientation when it demands and seems to take seriously the many mutually contradictory stock-market predictions supplied every day on TV and in the newspapers. Their unreliability is encapsulated in the old maxim (attributed to various skeptics): "If you must predict, predict often."

— Leland B. Yeager

Media blackout — As part of the brouhaha over the failed bid by radio personality Rush Limbaugh to become part owner of an NFL team, Howard Kurtz, hosting CNN's "Reliable Sources," interviewed Washington Post columnist Michael Wilbon, who is black. Wilbon was one of several journalists who attributed unconfirmed racist statements to Limbaugh, statements that Limbaugh has denied he ever made and for which no proof exists that he ever said them. Wilbon is one of the few journalists who, at the time of this Reflection, claims to have apologized to Limbaugh, though as of yet the apology (unlike the slur) is not in print.

On "Reliable Sources," Wilbon explained that while the particular remarks he'd attributed to Limbaugh may have been incorrect, Limbaugh is "universally reviled" by blacks. He made that claim more than once. Yet he also indicated that he had an ongoing acquaintance with Limbaugh, such that the radio show host contacted him directly to assure him that the alleged comments were false.

This did not strike Kurtz as sufficiently strange — a black man having an ongoing acquaintance with a person whom all black people revile — to require follow-up questioning on that point. Neither did the fact that two common substitute hosts for Limbaugh when he is on vacation are economists Thomas Sowell and Walter Williams, both of whom are black. Presumably, Kurtz isn't knowledgeable enough about Limbaugh's show to ask follow-up questions of this sort: "Why would Sowell and Williams, who must revile Limbaugh because blacks 'universally revile' him, be willing to sub for, and speak highly of Limbaugh? Why have Justice Clarence Thomas and Secretary of State Condoleezza Rice appeared as guests on Limbaugh's show if they, as blacks, revile him?"

I love learning about media errors from someone as well informed as Howard Kurtz.

— Ross Levatter

Two wolves and a lamb — I have heard that a large number of our citizens don't have to pay income tax. In fact the poorest 43% of the populace pays no federal income tax, and many get payments from the government in addition. Polls have shown that these folks are not worried about the cost of a government-run healthcare system. It is the 57% who do pay taxes that are worried about the cost of things like Medicare, Social Security, and now government-sponsored healthcare. Because of their fears, the great reforms that President Obama wants to give us all are being blocked.

When you look at it in this way — 43% pay nothing and 57% pay everything — the solution is obvious. There are too many people being taxed. Let's just adjust the tax rates so that only 43% will *pay* income tax. This would make a lot of people happy and reduce the number of people who are worried about tax rates.

There would be solid majorities in favor of healthcare benefits, universal preschool, fixed-rail mass transit, fixes for global warming, and the like. There would also be solid majorities in favor of passing taxes to pay for these things. That would be helpful, because the income-tax rates on the wealthy would probably have to go back up to 70%. Michael Moore has shown us why that is just. After all, the wealthy have more money, so asking them to pay a higher percentage of their income is only fair.

And certainly there would be much less bickering in Washington. There wouldn't be so much partisan politics, and much good could be done in a short time.

Some naysayers might argue that there is a conflict of interest for people who don't pay any taxes, yet vote in favor of programs to benefit themselves. Actually, there is no conflict; there is a confluence of interests — people voting in favor

of things they want and need. Don't we usually ask our loved ones, just before Christmas or birthdays, what things they'd most like to receive as gifts? How is this any different?

If you took the "conflict of interest" argument to its logical end, you would end up arguing that people who don't pay any taxes shouldn't be able to vote. But how un-American is that? — Don Crawford

Choicing literacy — Denver's recent municipal election included a two-way race for an at-large school board seat. Neither candidate would win a "Libertarian of the Year" contest, but surprisingly, each expressed a tinge of libertarian thought. Mary Seawell is open to charter schools. While not exactly embracing them, she seems to show an understanding of the need for them as part of school system reform. Christopher Scott does not embrace charter schools, but believes that educational decision-making is too centralized and should be driven back down to the neighborhood level.

So which of these candidates should be in charge of our children's education? The following comment from Seawell settled my vote: "Somewhere between 40–50% of students in the North designated area are choicing into a school other than their assigned high school." Excuse me? They are what?

If I still had children of school age in this district, I would be happy if they learned how to choose a school. It wouldn't bother me to find that they had eventually chosen a school. But I certainly would not want to risk the possibility that they might end up "choicing into" anything.

My wife, a wonderful teacher, retired after 30 years of service (hate the system, not the teacher!), assures me that this type of language and much worse is simply standard education jargon. It could well be that the people who communicate through incoherent babbling really don't mean any harm by it, but it still makes me queasy.

I voted for Seawell's opponent. Seawell won in a landslide. — Doug Gallob

There goes the neighborhood — You know those small, almost subliminal details, the things that you may not consciously notice when you walk through your neighborhood, but that you may later recall as portents of doom? A broken window, a lawn that isn't mowed much anymore, a roof that slopes where it didn't use to slope . . . They're unimportant in themselves. You'd be a fool to worry about them. Nevertheless . . . is this when the slide begins?

I've begun to notice one of these possible portents in our common neighborhood, America. It may not mean anything, but still . . . Have you observed that the letter "T" is now appearing where it didn't appear before? I mean "T' as an abbreviation for "trillion."

We're used to expressions like "5K" for 5,000, and "5M" for 5,000,000, and even "5B" for 5,000,000,000. But "trillion" was formerly so unusual that it was always written out as a whole word. Now, more and more, one sees "5T," or "8.6T," or even larger, less imaginable T's. And they don't appear in news releases about astronomy; they appear in news releases about the United States' so-called budget.

This can't be good. Heaven forbid that we ever see that letter "T" printed on what used to be a dollar bill.

— Stephen Cox

Liberal discretion — Ever since George McGovern took on Richard Nixon in the 1972 election, Republicans have tried to smear Democratic candidates as "card-carrying ACLU liberals." While the charge wasn't true for most, it did apply to a few members of that party.

Unfortunately, Obama is not one of them. In the Democratic tradition of Woodrow Wilson and Franklin D. Roosevelt, he too will sacrifice civil liberties on the altar of "social justice."

Most recently, Obama has endorsed a UN resolution that calls on governments to criminalize "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

Aside from the question of whether it's any of the UN's business to advocate criminalizing things, the resolution constitutes a hunting license for governments to jail anyone who doesn't like anyone else, and says so — thus, perhaps, inciting "hostility" in someone. I am sure that governments already have laws on hand that are sufficient to indict genuine perpetrators of "violence." The resolution is simply agitprop, and should be denounced, not sponsored. — David Beito

Fresh blood and ideas — This year's crop of Nobel Prizes in the sciences gives rise to some interesting thoughts.

A comforting thought is that out of the nine winners, eight were Americans. Once again, America maintains its lead in science and technology.

Worrisome thoughts start when you notice that most of these eight American Nobelists are immigrants. Five moved here from abroad (one each from Australia, Britain, Canada, China, and India). This is nothing new — since 1901, one fourth of all American Nobel Prize winners have been immigrants. Today, over 40% of all Ph.D.-level scientists working in America are foreign-born, as are one-third of the engineers and scientists in Silicon Valley. A quarter of all international patents filed from our country in 2006 had a noncitizen listed as inventor or co-inventor.

The worry about these stats is twofold. First, they raise the suspicion that the American educational system is weakening when it comes to producing home-grown scientists. Second, they raise questions about our immigration policy.

Under existing law, we are nationalizing fewer than a million new citizens a year, turning away millions of highly educated people. And of those who do get naturalized, preference is given to relatives of existing citizens. We give out visas for highly trained knowledge workers (such as non-university-employed engineers) to only a fraction of the tens of thousands who apply.

We need to increase the number of legal immigrants dramatically, and do so in the way many other countries do: admit immigrants under a points system. Anyone with a degree in engineering, science, or medicine gets points — the higher the degree, the more the points. Speaking English well would also get the candidate points, as would objective indicators of success (such as possession of patents, capital, or business ownership). Take the top two million applicants each year, after doing background checks.

Far from increasing unemployment, this would help get America out of the doldrums. A recent study by the National Foundation for American Policy found that each H-1B visa (that's the one for high-tech foreign workers) granted by the

government increases employment in American firms by five employees.
— Gary Jason

Requiem for 2009 — It was a rotten year, politically speaking. It didn't start out so badly; I was not unhappy about Obama's election. The Republicans had abandoned all principle, and I could feel, and share, the excitement of African-Americans as Obama's victory neared. But then, I didn't think his policies would be as awful as they have been — one reckless government takeover program after another, aided by his minions, Nancy Pelosi and Harry Reid.

Economically, it was a rotten year too, and the rottenness is conjoint. It will only get worse if the magicians in Washington pull off more rabbit tricks, with their "stimulus," bailouts, card-check, healthcare revamps, cap-and-trade, and more.

The modest rise in the stock market reminds me of the market's rebound 80 years ago. In August 1930, the Dow Jones average came close to what it had been in early 1929. But then the economy was battered by New Deal programs, from killing piglets to forcing the "public option" of electric power. (The piglets were killed to prop up farm prices; today's $8,000 tax credit for supposedly first-time homebuyers is a taxpayer-funded way of propping up housing prices.)

Superficially, things today are different from the 1930s, because Ben Bernanke "learned the lesson" that the Federal Reserve created the Great Depression through lack of liquidity. Now he is pouring money into the system to "restore" liquidity. But who in his right mind will invest in an economy being strangled by inflation and high taxes?

We haven't seen the inflation yet, and we can keep hoping that somehow it won't materialize — that, for some reason, the vast rivers of printing-press money won't flood the currency. But the price of gold keeps going up. In mediaspeak (here's a passage from the Associated Press), that's because "hopes for an improving economy fed a broader rally in commodities." Gold is just another commodity? No. Even my stock adviser, who brilliantly invested in blue chips for more than 40 years, is recommending "some" gold. And he's a Democrat.
— Jane S. Shaw

Candy Keynes — British economist John Maynard Keynes (1883–1946) is all the rage these days. Time magazine rated him the number 1 economist of the 20th century, and he seems to be number 1 in the 21st century too. A few years ago, I gave a lecture at West Point and asked my free-market host why they used the William Baumol-Alan Blinder textbook, which is strongly pro-Keynesian. His answer: "We need to use the economic model that is most popular in Washington DC."

Recently I had dinner with Keynes' biographer, Lord Robert Skidelsky, who until a few months ago lived in Keynes' country estate, Tilton House. It was a magical night at Delmonico's (Wall Street's oldest restaurant) with Jeremy Siegel, the Wizard of Wharton, and my wife Jo Ann. We spent the entire night in high theory. Keynes would have been pleased, although Jo Ann was a bit bored by it all.

The biggest debate was over Keynes, and the Fed's application of the Keynesian ZIRP (zero interest rate policy). Siegel was surprisingly favorable about Keynes' contributions to macroeconomic theory, but was shocked to learn that Keynes advocated a "permanent cheap credit policy," and in fact, wanted central banks to keep rates close to zero as a sign of the good life. Skidelsky confirmed that this was Keynes' view.

Skidelsky has written a new book, "Keynes: The Return of the Master." Unlike his three-volume biography, it is quite hagiographic. Skidelsky stated that "Keynes was not an inflationist," but later wrote that Keynes advocated a "permanent cheap credit" policy and zero-percent interest rates. Clearly you can't have it both ways.

The whole idea of eliminating interest rates is heretical, and just plain bad, economics. Hayek's major criticism of Keynes was that he didn't understand the complexity of capital theory, and this naive view of zero-interest rates and permanent cheap money proves it.

Keynes would be pleased to learn that the Fed has adopted a zero-interest rate policy for the near future. It's crazy to keep rates far below the natural rate, a policy that will lead again to asset bubbles and structural imbalances. It's like giving candy to kids, getting them high but eventually sick.

Siegel and I also lambasted Keynes and his followers for adopting the antisaving mentality that continues to plague Keynesians today. His "paradox of thrift" — the idea that by reducing consumption, saving can slow the economy and reduce further saving — denies an understanding of how savings and investment work to encourage entrepreneurship and economic growth. University of Virginia economist Ken Elzinga made this point to me: Keynes failed to appreciate the value of entrepreneurial creativity and the capitalist process of "creative destruction" that Joseph Schumpeter discussed.
— Mark Skousen

Modern husbandry — I have several pets — dogs, cats, horses. Some of my pets are fat, but they are all, I believe, happy. They rely on me for their food, care, and shelter. I am a benevolent provider; my pets want for nothing. But all these animals are conceivably capable of taking care of themselves. If they had been born free they would not look to me for any need — although it's unlikely they would lead such pampered lives. These animals, however, weren't offered a choice between freedom and domestication.

As human beings capable of reason, *we* have the mental and physical capacity to choose between liberty and captivity. When the choice is between two such stark alternatives, I am fairly certain that many people would find the decision for liberty an easy one to make.

But there is a considerable gray area between those two alternatives. The gray area between a free society and a captive society might aptly be termed a domesticated society. A domesticated society accepts a large degree of state presence in, and control over, each citizen's life in exchange for the state's providing, or at least guaranteeing, some minimum level of shelter, food, and so on. Those who populate such a society are conceivably capable of providing for their own needs and wants, but the drive to do so wanes in the face of government largesse. One can take a trip to Western Europe and experience domesticated societies of varying degrees.

Thinking about American political and social condition and how they have changed over time, it is not hard to discern a gradual taming of our free society. How did this come about? Many factors contributed: technological progress, increased leisure time, greater pressures in the workplace, the

general complexity of life. A major factor, however, was that as a population, American citizens accepted the Rule of Law — the imposition of more and more state control over, and legal presence within, their lives.

Over the course of the past century, statutes, ordinances, laws, and regulations expanded and multiplied exponentially. Such an overwhelming legal morass — backed by the coercive power of the state (federal or local) through fines and other measures — produces the specter of fear: fear of litigation, fear of criminal penalties for previously unregulated behavior, fear of civil fines, fear of increased insurance costs. Fear, as our politicians know, is a very compelling tool.

For that reason, politicians and other government-employed elites traffic in fear. A free society is unruly, not submissive. A fearful population is tame. A tame society conforms to rule quite easily. Politicians' and other elites' reactions to recent popular protests over the government's proposed healthcare measures demonstrate their preference for a domesticated society. Politicians, like many pet owners, wish their domesticated charges to see them as benevolent providers doing what's best for their chattels. The recent Massachusetts "health emergency" house bill is one example.

Whatever the degree of social domestication, it jeopardizes citizens' liberty. It is within the gray area of domesticity that politicians are most adept at whittling away our freedoms. As a libertarian, I have no faith in the benevolence of the state, especially as currently controlled by the Democrats.

This past year of hopey-dopey, government-forced, largely unwanted change has demonstrated our governing elites' preference for a domesticated, easily ruled society. Yet, as the growing prevalence of the "Don't Tread On Me" flag shows, people who believe in this still-free society are not willing to be tamed. We must keep up the fight. As I write this reflection, I am reminded of a pretentious mid-'90s song (go figure!), featuring the chorus "we'll make great pets." Let's build on this past year's reawakening to liberty, and in 2010 show that we will not make great pets. — Marlaine White

Market correction — The mess hall on the Army base where I live has a reputation for poor-quality food, which is what you might expect for a government-contracted monopoly. The company that operates the mess hall has long charged $5 for breakfast and $7.50 for lunch and dinner. Rumor has it that recently-visiting high-ranking officers, using standard military colloquialisms, made disparaging remarks about the ratio of quality to price. This was apparently an embarrassment to our commander, who told the company to correct the ratio. The company complied. We now pay $4 for our poor-quality breakfasts and $6.50 for our poor-quality lunches and dinners. — Jeff Wrobel

Searching for Pyrrhus — On the morning after the election of November 2009, the one that put Republicans in charge of Virginia (by a landslide of 18 points) and of New Jersey (of all places), Democratic speaker of the House Nancy Pelosi gleefully proclaimed a Democratic Party victory.

Huh? How?

Well, according to her, it was because the Democrats (narrowly) won a congressional district in a remote area of New York, where, in a series of freak events, the Republican candidate withdrew and endorsed the Democrat.

Presidential kingmaker David Axelrod came up with the same happy spin, although he, unlike Pelosi, wasn't smiling.

There used to be an idea that modern liberals were smart. I believe we've outlived that idea. I don't think that Pelosi, even Pelosi, is dumb enough to believe that the Democrats won. But she's dumb enough to believe that she can get other people to buy the idea. And so is the president's bosom buddy, Mr. Axelrod. It doesn't look good for the Democrats.

— Stephen Cox

Channeling Sir Gresham — The Swiss franc has recently been quoted on the foreign-exchange markets at within a cent or two of one U.S. dollar. In the heyday of the gold standard, the mint par was 5.2 francs per dollar, 19.3 cents per franc. Since then the dollar has lost four-fifths of its value against the franc, even though the franc itself has been devalued against gold.

Like all other countries, Switzerland has suffered price inflation since World War II. Episodes of imported inflation have resulted from efforts to keep the exchange rate fixed in the face of inflation abroad. But Swiss inflation has been less extreme than elsewhere, even in the United States, where inflation has been low by international standards but where consumer prices are now *twelve* times as high as at the end of the war.

Have the monetary policies that caused this inflation supported output and employment here? Would the United States be economically worse off without it? Of course not. Exchange rates and price levels provide a striking example of the short-run outlook and the irresponsibility of policymakers driven by politics. — Leland B. Yeager

The pension tetralemma — A tetralemma is a situation in which one must choose among four options, each having drawbacks. That's the situation faced by workers contemplating their retirement prospects.

Historically, workers had four choices about who would collect and protect their retirement savings: the government, the company, the union, and themselves. None of them was exactly problem-free.

We have all heard of cases of workers mismanaging their 401ks by investing in a ditzy way — investing in bull semen, say, or putting all their money in just one stock. And we have seen any number of companies fail, leaving their workers with no pensions at all.

But the idea that unions or governments are better at handling retirement money than individuals or companies is risible. Consider a report by Kevin Mooney in the Washington Examiner (June 7). Since the Pension Protection Act of 2006, unions have had to file forms revealing the financial shape of their funds, and Mooney was able to review the 2007 documents. He reveals that nearly half of the 20 largest unions have grossly underfunded pension funds

In fact, the unions with underfunded pension plans are among the very biggest: the International Association of Machinists, the International Brotherhood of Electrical Workers, the International Union of Operating Engineers, the Laborers International Union of Northern America, the National Plumbers Union, the Service Employees International Union, and the United Food and Commercial Workers. The Pension Benefit Guarantee Corporation estimates that the

average union pension fund has only 62% of the assets needed to cover promised benefits.

And these reports are based upon the filings through 2007, before the major market correction and jump in unemployment!

Mooney notes that the desperate, fanatical push for card-check legislation by organized labor may be an outgrowth of the union pension crisis. Unions are looking to empower arbitrators to force companies and nonunion workers into the underfunded union pension plans. I would add that by increasing their membership and consequently their political clout, they can elect more Obama types, who will step in and rescue the underfunded pension plans by shoveling taxpayer cash at them.

Consider now a report by David Cho in the Washington Post (Oct. 11) on the crisis facing public employee pension funds. The financial downturn has resulted in state and municipal employee pension funds losing $1 trillion in the value of their assets. A recent analysis by PricewaterhouseCoopers estimates that within 15 years, public employee pensions will have less than half the assets needed to pay the benefits that they are on the hook for.

In many cases this is because the pension fund managers gambled on risky investments, such as outré hedge funds or arcane mortgage-backed securities. This is ironic, no? — considering that the first objection that statists offer to any proposal to privatize pensions is that ordinary workers are not wise enough to pick sound investments.

Even more ironic is that some of these pension funds are now tempted to make still riskier investments to cover the gap. In other words, they want to go back to dicey ways of chasing a high return. Bull semen, anyone?

But even if these funds managed to average an 8% annual return, Kim Nicholl of PricewaterhouseCoopers estimates that they would still have less than half of what is required to cover pensions by 2025.

It is overwhelmingly likely that taxpayers will be stuck with paying for those pension benefits from increased taxes. To put this bluntly, the retirement of the many will be ruined to pay for the entitlements of the privileged few.

Meanwhile, Chile has gone through three decades with a privatized pension system, in which each citizen owns his or her own retirement account, but investments are limited to broad index funds. It has averaged something like 10% on the up side per year, and it is so popular that even the left-of-center governments that have been in power since its enactment have left it alone. — Gary Jason

A blind pig finds an acorn — Lou Dobbs has an atrocious track record on issues related to immigration and economics, but now he has done something courageously sensible on a defining issue of our time. As pundits from Fox and CNN settle into a non-debate about how just how many additional troops to send to Afghanistan, Dobbs has broken from Punditry Central by promoting a petition on his website calling for the United States to bring home all troops from overseas.

Could it be that some elements on the right are beginning to question Obama's wars? I've never thought I would say it, but thank you, Lou Dobbs. — David Beito

Joke's on us — The morning it was announced that President Obama had won the Nobel Prize for Peace, I thought it was a joke. When I saw it on the internet I thought I'd stumbled onto The Onion's site. Everyone I mentioned it to thought it was a joke. And it is a joke.

A few years ago I heard Walter Williams, the economist, make a joke like that. The difference is that Walter Williams is a lot more intelligent than the Nobel Prize committee. He knows when he's making a joke. He was talking about how busy he was those days, visiting his mailbox, looking for his check. He'd discovered that the government sent money to farmers because they were *not* raising pigs. So he started watching his mail, waiting for his own money to come. "After all," he said, with his inimitable down-home drawl, "I'm not raisin' pigs, either."

And that's how I feel about President Obama's prize. I don't see why I didn't get a prize, too. After all, I've done as little for peace as he has.

It's certain, of course, that he should have refused the thing. If I got a prize for, say, carpet weaving or belly dancing, I would turn it down. It would be too embarrassing to show up at the belly dancers' convention and say how grateful I was — for what? For the stupidity of the prize committee?

But presidents aren't that way. At least they haven't been that way for quite some time. Bill Bradford used to say that he still believed in the old idea of the job seeking the man, instead of the man seeking the job. He was old-fashioned enough to think that there was something unseemly about people running around yelling, "I want to be president." If a lot of people wanted you to be president, then maybe it would be polite for you to think about running — but not until then.

He divided presidents and presidential candidates into two categories. You could call them psychological categories. In one category were people whom many other people actually liked. Politically, it was a varied list: Daniel Webster, Henry Clay, Robert LaFollette, Adlai Stevenson, Barry Goldwater; and, among winning candidates, George Washington, Andrew Jackson, Ulysses Grant, Dwight Eisenhower, Ronald Reagan. The other list was composed of people who were virtually nobody's first choice for president, outside of their own. Some of the winners in this group were Woodrow Wilson, Lyndon Johnson, Richard Nixon, Jimmy Carter, George Bush, Bill Clinton, and the other George Bush. I think you see a pattern: lately, the List B's have been greatly in evidence.

Of course, you need to think for a while before deciding which list some people should be on. The two Roosevelts started off on List B. They were pushy people whom few others really liked. Then, in the White House, they capitalized on the opportunities that the presidency affords for ingratiating oneself with the electorate, and they soon landed themselves on the A list. John Kennedy spent much of his political career as a denizen of B; the only people who really wanted him to be president were his family, their paid assistants, other fanatical Irish Catholics, and (sometimes) himself. While running for president against the archetypically list-B Nixon, however, he became, by contrast, an exemplary resident of List A, beloved of crowds.

What of Obama? Did I say that Nixon was the king of the list B folk? He was — but make way for Obama. Nobody wanted Obama to be president — nobody except Obama, who

probably wanted it from about the age of six. Yes, many people wanted an African-American president. Many people wanted a left-liberal president. Many people wanted anyone but Bush as president. But nobody really wanted Obama, except Oprah Winfrey. And why should they want him, just him? He had no political accomplishments, no special political ideas, no special political insight, no special political significance. He was intelligent, but so was Nixon. And like Nixon — like Bush, like the miserable Carter, like even the much more interesting Kennedy — he had something inside him that needed to call itself president.

Now, how do you think a person like that will react to an award, any award? He'll grab it, of course.

It's said that John Kennedy — who had a moderate and equable temperament, not at all given to tantrums — angrily refused to tolerate disagreement on one point: his authorship of "Profiles in Courage," a book that he did not write, but for which he collected the Pulitzer Prize.

In the same vein, imagine trying to persuade the emotionally needy Barack Obama that the Nobel Prize was misplaced, that he clearly had done nothing to earn it, that he could derive enormous political benefits by modestly declining it . . . All those statements are beyond obvious. But imagine him agreeing with that logic. No, never in a million years! That award is *his*. He wants it. He needs it. He would never be able to see it as something like a prize for not raising pigs. — Stephen Cox

In praise of the stick — Much has been said lately about hope, some of it quite inspiring. The best passages give one the heady feeling that all things are possible, even the things that clearly aren't. But I'm not here to quibble, at least not about that. For the moment, I'm willing to grant that hope is a good thing, most of the time anyway. But what about fear?

Not much has been said lately about fear, and what has been said hasn't been very nice. One is left with the impression that fear is a sordid little emotion conjured up by nasty people who want to use it to block out sweet reason and thwart progress. We are given to believe that fear has nothing good to offer. What follows is an attempt to balance the ledger.

In a nutshell, hope is the feeling that things will turn out well and fear is the feeling that they won't. What a fitting twist, then, that fear can, and often does, nudge people to behave in ways that help things turn out well. To be fair, it is rare for extreme forms of fear to help in this way. Terror and paranoid delusions contribute little to happy endings. But a measured, homeopathic dose of fear, whether of death, pain, suffering, or even inconvenience, can render us cautious and help us avoid tragic outcomes. Fear of this sort fosters both prudence and diligence. It is the small voice that asks the pertinent questions on the eve of ventures great and small.

"Did you fill the tank?" Yes. "Check the oil?" Yes. "Check the weather forecast?" Looks good. "Did you turn off the hot water heater?" Yes. "Set the security system?" I did. "Are the bars in the windows?" Yup. "Does Michael know he has to move the garbage cans?" Uh-huh. "Is all the gear here?" Yes. "Did you restock the first-aid kit?" Er. "Oh, hell." (Funny, that small voice sounded a lot like my wife's.)

Or consider the fears that a young couple may face when they set out to buy a home. Is the price too high? Foundation cracked? Market falling? Termites? What's the current rate on a 30-year adjustable? Is the neighborhood going downhill? Graffiti? Is the HOA payment reasonable? What's that smell? The list is endless.

Things may, in fact, *not* turn out well. Just think: foreclosure, bankruptcy, having to move back in with the parents. What should a young couple do? Listen closely to the small voice. Look for a good deal. Check out the house and neighborhood thoroughly and then, when the little voice mumbles, "Oh, okay," buy the house. And yes, they should probably pass on the adjustable rate mortgage. Those things can bite.

Let's broaden the scope. Is it possible that an inoculation of fear could benefit a larger group of prospective homeowners?

In the run-up to the bursting of the latest housing bubble, millions of new homeowners were filled with hope. They felt that things would turn out well. Home prices were going crazy, fancy mortgages fitted out with booby traps were being touted on every street corner, and the air was thick with risk. But giddy optimism prevailed. (Alan Greenspan, referring to an earlier bubble, called the feeling "irrational exuberance.") Now, hope is a good thing, most of the time, but in this case, for millions of new homeowners, things did not turn out well at all. Even Treasury Secretary Geithner rented out his house in June after failing to sell it for less than he had paid.

Did it have to happen? No, not if people heeded the little voice. Here is what it was saying: "Look out below." Had people listened, there probably wouldn't have been a bubble to burst.

But let's broaden the scope again. Besides safer road trips, successful home hunting, and more stable housing markets, how else might fear contribute to a healthy economy?

At the most fundamental level, fear and hope make the wheels of prosperity turn. Among the fears are hunger, bankruptcy, homelessness, and unemployment. People work very hard to see to it that fears such as these never materialize. Among the hopes are a round-the-world cruise, a 10,000-square-foot mansion, a 700-series BMW, rhinoplasty, and a key to the executive washroom. People will go to incredible lengths to see to it that hopes like these are realized. This is very old stuff, really. It's straight out of "Poor Richard's Almanack."

Of course, things are not as simple as that. People differ. Their hopes and fears differ. While some crave shiny and sparkling things, others long to cure swine flu. Some don't really like to work at all. Others want a hot car. Some are keen on salvation. Many harbor the fear that they will be thought uncool. Then there are those who want to remake the world as it should be. Because of this diversity, generalizing about human motivation and behavior is difficult. But not impossible.

Here is a fairly safe generalization: if hope were removed from the economic equation, many people just wouldn't work very hard. But what would happen if fear were removed? Here the consensus breaks down.

There are those who think that fear does nothing good for the economy, that what we really have to do is get rid of all the impediments to things working out well. They feel sure that

continued on page 36

A Libertarian and a Comedian Walk Into a Bar . . .

by Tim Slagle

"Laugh, and the world laughs with you"?
It's a lot harder than it sounds.

So I'm in the chair at a Fox News studio on Friday night, getting my makeup put on. It's funny that I can almost predict where the cover stick is going to be applied. After many long years of staring at myself in the mirror, I seem to know where all the major flaws are. I'm sure if I were a woman, this would almost be a second nature, but I don't often get makeup put on.

I have been a stand-up comic for three-fifths of my life. July 4, 2009 will be the 30th anniversary of my first time on stage. It's not been an easy road, and I swear I can see every cocktail, every 24-hour drive, and a couple of kited checks in the lines on my face right now.

I am a comic. It's what I do, and until Liberty asked me to do this article, I never really considered that unusual or unique. Occasionally I'm reminded that it is.

"You should come to *my* job." That's the most common refrain a comic hears as the audience leaves the room. Everybody thinks there is something or someone at work that has the potential for comedic greatness, "We crack up all the time — there's this guy . . ." Sometimes an audience is a little less forgiving. "I could do what you do" one guy tells me. You probably could. It's fairly easy. Standing in front of people and getting them to laugh isn't that hard. In fact, it's kind of fun. The hardest part is finding someone to pay you for it.

I got into comedy in the late '70s. I remember reading an article about a guy who painted chewing tobacco ads on the sides of barns. I think he was probably the last person on earth still doing that job, even way back then. But he said something that has stuck with me through all the awful gigs I've ever done. He said, "First find something you really enjoy doing; then all you have too do is find someone fool enough to pay you for it."

"Your makeup's done," the girl said. I'm going on "Red Eye," a late-night Fox News comedy show with Greg Gutfeld. Greg, his co-host Bill Graham, a talking newspaper puppet named "Pinch," and a couple of guests, at least one of whom is always a beautiful woman, skewer the stories of the day. I really get a kick out of Greg. He claims to be a conservative, for the sake of contrarianism, but there is a thick libertarian streak down his back.

As I sit on the barstool in front of the camera, I'm informed that the monitor isn't working. It realized my biggest fear — not being able to watch the show I'm appearing on. When I agreed to do this, friends who have worked the 24-hour news format before told me that quite often there is no monitor. It might be easy when it's a one-on-one interview, but in a madhouse like "Red Eye" with five people and a puppet trying to wedge in jokes, following the action over an earphone is going to be rough.

I do my best to be funny, and make it look like I'm not struggling. The topic finally works around to Janeane Garafalo, who had claimed the day before that the only reason anyone could oppose the president is because they don't like a black man in the White House. She claimed that tax protestors are nothing more than "tea-bagging rednecks." I have a great rebuttal rant worked out:

It seems that no matter how early I fly, by the time I get into the hotel there is little time left for anything other than taking a nap before the show.

"Janeane Garafalo is as familiar with right-wingers as she is with a razor . . . If it were not for the right-wing producers of '24,' right now she would be opening for Marc Maron at Bananas Chucklehut in Ottumwa, Iowa. She wouldn't talk like this if there were a chance at a second season, so you know her character on '24' is only going to live about 23 hours, which is about two hours longer than her talk-radio career. . . ."

Gutfeld cuts me off after "razor." Dang. I thought I had botched the interview, but later people who watched it told me it went quite well. Not much time to dwell on the show, since I'm working in Minnesota the next week. I shouldn't even have been doing the show, since I was scheduled to be in Fargo, North Dakota that weekend.

Unfortunately, as it does every spring, rain came to North Dakota about the same time the ice and snow were melting, and the place where I was supposed to be telling jokes that evening was submerged. The adage is, the show must go on; but, strangely, quite often it doesn't. So when I got the call for "Red Eye," I was more than available.

But I love doing stand-up. My life sometimes seems just an uncomfortable nuisance that goes on between those short minutes when I'm under the lights and have a mike in my hand.

Comedy is closer to an addiction than a career. The comics I've known all suffer some of the same symptoms as other addicts: voluntary poverty, broken homes, and codependency. You'll often find them living in dumpy apartments with several other addicts, or driving to a questionable neighborhood in the middle of the night just to get a gig.

There is also cross-addiction. Almost every comic I know has another habit that is probably just as severe. When I think of the fattest people I have ever met, they were all comedians. Ditto for drunks, junkies, nymphomaniacs, and gamblers.

I got into comedy because I had always been fascinated by the art form. The idea of just getting up and talking is part beatnik poet, part rock 'n' roll. Why wouldn't such an idea appeal to a kid like me, who spent his youth bouncing between jobs and schools, never really finding a place that could hold his attention for more than a month at a time.

Tuesday I'm running late to the first show of the week in Minneapolis. I am headlining all this week at Acme Comedy Company. Opening nights are always tough. It's a travel day, and I'm always jetlagged. It seems that no matter how early I fly, by the time I get into the hotel there is little time left for anything other than taking a nap before the show. The pre-show nap is something almost every comic does. It's considered a perk. The reasoning is, you want to be up and excited for the audience. If you don't seem happy, it's really hard to make the crowd happy. You want to present the same freshness that people normally have when they arrive at work, showered and shaved and ready to go.

So if a comic doesn't intend to sleep right up until showtime (some actually do — I've met a couple guys who stay up till late morning before they go to bed), for those of us who enjoy regular hours taking a nap is usually the only way we can get any normal daylight. We are like vampires among the living.

Sometimes we even have the same anonymity as vampires. I think comedians guard their professional identification as tightly as sewer workers and hedge-fund managers. When the inevitable small talk circles around to jobs, I stammer and stutter, trying to avoid the question. "I work in a bar" is usually the best response.

Everybody loves to hear a good joke. Once your profession is revealed, people expect you to launch into a routine for them. In the realm of "people who are expected to provide free services for strangers," I think we nose out even doctors and lawyers. I guess I should approach it more as they would, handing out a card and saying "call my office and make an appointment." Despite my love for the craft, I'm not always ready to punch the time clock and go to work in the middle of an airport. People don't realize that. Telling jokes may be fun, but it is still my job.

In the realm of "people who are expected to provide free services for strangers," I think comedians nose out even doctors and lawyers.

That is probably the fault of comedians. The illusion of comedy is that you're having a really good time on stage, and life is just a big party. I doubt many people recognize the effort it takes to do a routine with all that enthusiasm, acting as if you had just thought of all these wonderfully clever things you spout on stage.

The club audience has been up all day, and their energy is usually winding down. On weekdays, it's even worse. Some of these people have been up since 5 a.m. It's the reason why mostly youngsters populate the weeknight audiences. Once

you get much older than 30, staying up late and dragging the whole next day becomes a burden. Bert Haas, the GM of the Zanies comedy chain in Chicago, once put it in words for me. He said that at his age, somebody has to be a very interesting conversationalist to keep him up till three in the morning. He speculated that there were probably only a dozen people in the whole world that could be interesting enough to lose that much sleep over. When he was in his 20s *everybody* was that interesting.

Up early Wednesday morning for radio. I do an hour for the "Chris Baker Show" on KTLK-FM. Morning radio is normally the bane of comics. It's a great way to get the crowd out to the show, because if people are laughing on the way to work, they might enjoy coming into the club afterwards. A comic who can do good radio will always be rewarded with a great turnout at the door. There is something special about actually seeing someone live that you've just heard on the radio.

Unfortunately the times for these morning shows do not work on a comic's schedule. Comics can't go to bed right after a show. Usually after a show you're completely pumped, and there is no way you can just turn it off and go to sleep. I know that a lot of guys don't eat until after a show, so it's usually dinner and probably drinks, and a little gabbing till the wee hours. I find it very hard to get to bed before two, and sometimes they want you in the studio as early as six. Most morning radio hosts get up about the same time comics are coming to bed, so the synergy is always off kilter.

This week was an exception. Chris Baker and I hit it off really well. It was Earth Day, and we had a really good time making fun of Al Gore and all the horrible predictions and threats to our economy. The middle act was from Seattle, so naturally he bought into the whole warming scenario. He said this is the first extinction in world history that was caused by a species.

"So what's the big deal?" I asked him. "Why is an extinction by a meteor acceptable, but one caused by humans is not?"

"Well, the volcano is a natural extinction."

"So are you saying humans are not part of nature?"

Wednesday evening, Dan Schlissel awakens me from my nap. Dan is my distributor. He produced my CD, "Europa," and handles its distribution on Amazon, iTunes, and other outlets. He has some renown in the industry, and actually won a Grammy for producing "Lewis Black, The Carnegie Hall Performance." He takes me out to a place where they serve coal-fired pizza. Apparently this is the latest fad in pizza, where the ovens are heated with coal. Dan explains that the original pizza ovens in New York all worked that way, and because of grandfathering, only the older pizza joints are still allowed to use it. It is the extremely high temperature that gives New York pizza its trademark crust.

But the ovens in New York are vented. Only the heat is transferred to the pizza in New York (theoretically). In this restaurant, the coal is burned right alongside the pizza, so the pizza acquires a bit of the coal flavor. It also probably acquires the mercury, the sulfur, and a thousand other toxins that make coal the bane of clean energy advocates. But here are Minneapolis residents happily gnawing on vegan pizzas full of blight, beside locally grown organic salads, served by tattooed hippie waitresses. Dan advises me to keep my amusement to myself, lest I chase off all the customers, and the city close his new favorite restaurant as a hazardous waste site.

Dan loves vintage recordings and has an extensive record collection. Not only does he release comedy albums on CD and online as MP3s; he does limited releases of his favorite acts on vinyl. He owns the vinyl rights to Lewis Black, David Cross, and Patton Oswalt. "A classic comedy album isn't really a classic unless it's on vinyl," he says. "I feel that certain records belong in that category." Right now he is working on a dream he's had for years and might finally be coming to fruition: releasing a comedy album on eight-track. His next project will be releasing a four-minute comedy track on an Edison cylinder. (Really.)

The week is going by really fast. Almost before I realize it, it's Friday night again, and I'm preparing for my weekend shows.

The standard show format is three comics: emcee, middle (or feature), and headliner. The emcee is usually the guy starting out, and most probably a local. Emcee is the entry-level position. The second guy, the feature, is the one who has the material, but he's still up and coming. He's expected to do between 20 minutes and a half hour, and it is the easiest job in the lineup. He doesn't have to warm up the crowd, and he isn't expected to knock them out and get a standing ovation. Unfortunately, the money isn't much better than what the emcee makes — maybe enough to pay for a hotel room (if he's from out of town) and a couple trips to the China Buffet.

Friday evening I take the other two comics out for lunch. It's a tradition that has been handed down from the early days of the business. The headliner is expected to take the opening acts out for lunch at one point during the week. The only thing expected of the opening act is a promise to buy lunch for his opening acts when he starts headlining. It's a really neat custom, and even though money has been tight of late, I am happy to pass it on down, and grateful to be closing the show.

I loved stand-up from the first time I tried it. (In fact, I probably liked it a whole lot more than the people who saw me perform that first pathetic show.) It seemed like it took

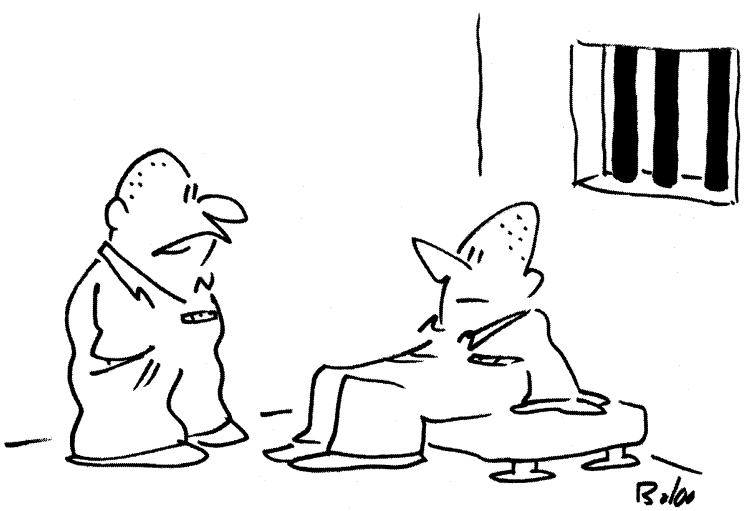

"I tried to turn my life around, and apparently I made an illegal U-turn."

forever for me to write my first ten minutes, which back then could get you a job as an emcee. Sometimes they would even pay you gas money. The ultimate goal of all us young kids was the headline slot. When I started out, there was actually a handful of comics touring the country, making a *living*.

In those days, before there were clubs devoted entirely to the craft, stand-up comedy was a rare treat on TV (shows like "Mike Douglas" or "Merv Griffin"). But the success of New York Clubs (such as the Improv) and the Comedy Store in Los Angeles was imitated in large cities around the country — Chicago, Cleveland, Detroit, and so on. In the '80s, comedy started becoming the fashionable entertainment thing to do, and eventually it was possible to make a living as a feature. Surprisingly, even the emcees were making subsistence.

I got into the business at exactly the right time. It was my Ringo Starr moment. Around 1982 I hit the road as a professional comic. There were so many rooms opening up around the country that you could work seven nights a week and live on the road. No need to pay rent; you just needed an answering machine plugged in on a private line somewhere so the agents could get hold of you. We were all a flock of gypsies traveling from one town to the next. In the early days of the stand-up circuit, comedy was like rock 'n' roll in the '50s: hopping town-to-town, working with Elvis and Little Richard and Johnny Cash. Any week in comedy, you might be working with a future star: Tim Allen, Jeff Foxworthy, Jay Leno all did the same crummy gigs in the same Holiday Inn lounges that I did. One year, I spent almost 50 weeks straight on the road, before I decided to stop being subhuman.

It was Earth Day, and we had a really good time making fun of Al Gore. The middle act was from Seattle, so naturally he bought into the whole global warming scenario.

That's why I moved to Chicago in 1986. At one time, there were close to 30 weeks of work all within a two-hour drive of the city. I could actually park my car and eat a few meals at a kitchen table, rather than off the passenger seat of the vehicle. Chicago not only brought steady local work, it also brought my first taste of fame. As its reputation as a comedy town grew, cable networks were attracted to the city to film some of the up and coming talent. I was lucky to catch the eye of Showtime and MTV talent coordinators.

But tonight, as I said, I'm in Minneapolis, and the other acts and I are sitting outside the restaurant, and I note that before the smoking ban went into effect, Minneapolis didn't have a lot of sidewalk cafes. Naturally. In a town where the mercury doesn't rise above zero for months at a time, spending money on patio furniture seems like an unnecessary expense. Well, now that smokers, who are the bars' best customers, have been forced outside, patio furniture (and outdoor propane heaters) have become a necessary expense for anyone who still wants to run a dram shop.

It is kind of pleasant to dine al fresco in Minneapolis. But now there's a move underway to ban smoking on outdoor patios. The antismokers are such children. First they wanted to go into bars where people smoked, so they banned smoking. Everybody else had to step outside to smoke. So now that they're all alone in the bars, the antismokers want to go outside themselves. Minnesota politics are strange. I had a line I used to do there a lot: "They had a professional wrestler for governor; now it looks like they may have a comedian in the Senate — or Al Franken might win." It was a great line, and it always worked here. But that's the problem with political comedy: it has an expiration date. I think it was George Carlin who said the trouble with doing political comedy is that you have to keep throwing out your favorite children.

Back at the hotel, I get an email from a girl named Chloe, a Scottish comic now living in New York. She's passing through the Twin Cities and was hoping I might help her get on stage to do a couple minutes. Since I'm a big sucker for girls with accents, I happily comply. She's green, but captivating. (I find it hilarious that a 25-year-old from Scotland is also what I've been drinking all week). Most of her stuff is okay, but her last joke has a punch line so vulgar I don't think I can even come close to translating it into a sentence that could be printed in a family magazine like Liberty. Hearing such profanity from an adorable girl makes me double over, laughing.

Personally, I have a couple new pieces that I've been working on. One is a warning against the whole environmental concern about saving the earth for our grandchildren. I mean, come on, does anyone really believe that if we make all these sacrifices, those kids aren't going to sell all our things and put us in nursing homes? (My grandfather fought in World War II. He *really* saved the earth, from Nazis and fascists, and the Empire of the Rising Sun. What did he get for his sacrifice? A Filipino nurse who gives him flashbacks of Iwo Jima . . .) The bit develops to a huge crescendo, with a pleading old man telling his grandson how he washed and sorted all his garbage into 12 recycling bins for this generation, and all his grandson cares about is getting a vintage Prius with just 15,000 miles on it. I can't get that bit to work. It just lies there. Maybe it's too dark, or maybe there isn't even a joke in it. I can't tell, because it's really funny to me. That happens sometimes. Sometimes it's impossible to find a closing line that wraps up a bit succinctly and generates some applause. No matter how many times I reword it, or change the perspective or the voice of the grandson, it just won't come out the way I want it to.

I'm also working on another bit. It was inspired by a good friend and longtime libertarian activist, Barb Goushaw. In a bar conversation she once revealed to me that she wanted to pay slavery reparations. It's an interesting idea, because if we did, the debt of the white man would be paid in full: "no more affirmative action, no more set-asides, and if I want to tell a joke about a black guy going into a bar with a parrot on his shoulder, I won't have to look both ways before I hit the punchline." I'm really having a hard time wording that joke so that people don't get uptight about it. In this modern world, it seems that joking about something as serious as slavery is completely wrong.

But I've never been one to shy away from controversy. To me it is the jokes that make people uncomfortable that are the funniest. At a Liberty magazine conference a couple

years back, I was teasing David Friedman. He had once told Liberty founder Bill Bradford that he didn't find anything funny about me. Bill, being one who liked stirring things up from time to time, just had to tell me about it. So I spent the rest of the conference arguing with David over whether I was funny or not. His conclusion was no, that I was more shocking than funny, that I use political incorrectness in the same way that other, lesser comics use profanity, getting laughter out of the crowd's discomfort. But I certainly wasn't getting laughter out of it now. I bombed big on the first show Friday. It seemed that slavery jokes are not edgy in Minneapolis; they're completely off the cliff.

A friend of mine recently speculated why comedy is getting so big: political correctness has taken over America. You can no longer speak your mind in the classroom or at work, for fear of offending another person and possibly facing a lawsuit. The comedy clubs are the last bastion of free speech in America. In 1988, in a case called *Hustler Magazine, Inc.* v. *Falwell*, 485 U.S. 46, the Supreme Court decided that the authors of parody could not be held for libel. This set the ground for the current popularity of comedy clubs. As the workplace and schools began cracking down on "hate speech" throughout the '90s, the comedy club emerged as the one place where people could say what they thought.

The worst show of the week is always the dreaded Second Show on Friday. It usually starts around 10:30 p.m. Most people in the audience have been up for 15 hours or more, and many have been drinking for the last five. They might be young, but they are also tired, and half in the bag. And they are a little ignorant. Perhaps I'm generalizing, but it isn't always the Phi Beta Kappas who are out at the bar at 10:30 on a Friday. Usually these people are the same demographic that is courted by 24-hour laundromats. Strangely, tonight the second show seems to appreciate my humor more than the first. Maybe the reparations stuff only appeals to rednecks.

This leads me to wonder, not for the first time: what is the nature of comedy? I remember one of my theater teachers telling me that clowns all have characters based on one of the seven deadly sins. I think the same is true for comedians. Some of the greatest comedians have manifested several sins. Jack Benny was pride *and* avarice.

There is a theory, which you can find on the internet, that claims that all the characters on "Gilligan's Island" were manifestations of the deadly sins. But I believe the producer of the show, Sherwood Schwartz, based each of the characters on a classic comedian. Since classic comics all followed the "manifestation of sin" formula, it was inevitable that all the sins would be represented. (A source close to Sherwood confirms that this is the greater likelihood.)

Gilligan and the Skipper seem to be based on Laurel and Hardy, but they also represent Gluttony and Anger. Thurston Howell was a ringer for Jack Benny, but he also represented Avarice. Ginger Grant did a great Marilyn Monroe, but the sin was Lust.

A comic I worked with once, a guy named Uncle Dirty (real name: Robert Altman), was talking backstage about the nature of laughter. He mentioned that laughter isn't necessarily a good thing. He believed it was similar to the sound a cat makes when it's angry, and notes that when a chimpanzee, our closest animal relative, makes a face that we suppose is laughter, it is actually the chimpanzee face of terror.

The legend is, Uncle Dirty killed his career on an episode of the "Mike Douglas Show." He was sitting on the panel with Billy Graham. He leaned over, grabbed Billy's lapel, and started stroking it with his thumb, checking out the material. "Dr. Graham," he asked, "did Jesus buy you that $800 suit?"

Perhaps his own confrontational nature led him to think of the audience as adversarial. Dana Gould, who for six years wrote for "The Simpsons," used to do stand-up, and is recognized as one of the most brilliant artists ever to hold onto a microphone. He said in an article for Gothamist, "When I was a younger comic, [Kevin Rooney] said something to me that really changed my perspective the instant I heard it. It was, 'The audience wants to like you, but they want to know that you like them.' I wish I knew the date he told me, 'cause that changed everything."

As I've matured as a performer, and a businessman, I've learned that Dana's perspective is probably correct. Sure there is a potential for an aggressive comic to make it out there, but he will only be marketable to people who are in on the joke.

I really don't know where I'm going with all this, other than to give you an idea of what a comic thinks of humor. For some reason, because I tell jokes for a living, it's expected that I am an expert on what is and isn't funny. I'm not. If I had any idea of what is funny, I would be a household name by now.

I do know what I find funny. The second hardest task in comedy (and probably the most important) is finding other people who laugh at the same things you do. Lenny Bruce said that he wasn't looking to be a big star. He knew full well that he would never appeal to everybody. What he was looking for was 100,000 fans that loved him so much they would each give him ten dollars a year. That is what I've been trying to do.

Finding libertarians was a really good start. David Friedman notwithstanding, I've found that many libertarians really get a kick out of my stuff — perhaps too big a kick. Some of the stuff I was doing in the mid-'90s was so over the top that *only* libertarians found me funny. It is important to remember, in marketing, that even though you might be a niche product, you still want that niche to be as large as possible.

First the antismokers wanted to go into bars where people smoked, so they banned indoor smoking. Everybody had to step outside to smoke. Now that they're all alone in the bars, the antismokers want to go outside themselves.

Louis Lee, the owner of the Acme Comedy Company, is my patron. He gives me at least a couple of weeks a year at his club, and I cherish them. It is an incredible place to work on material, because he has trained his audience to pay attention and appreciate the art. Because of Louis, Minneapolis stand-up audiences hold respect for comedy; they hold it in the reverence normally accorded to operas and theater productions.

He gives me the freedom to explore bits and concepts, and I exploit his good nature. A week at Acme is the best place to try stuff.

Today, Acme is one of the top comedy clubs in the nation, and some of the biggest names in the industry have graced its stage. Robin Williams, Lewis Black, and Frank Caliendo are just a few of the big ones. But in 1991, when Louis bought it, the Acme Comedy Company was closed, because the bottom had fallen out of the industry. Comedy had become oversaturated. There were far more shows than audiences. What was once novel had become routine.

In an effort to remain solvent, a lot of clubs resorted to "paper" to keep the doors open. This is the practice of holding a fake contest and telling somebody he "won" ten free passes to the comedy show. By jacking up the drink prices and making it a two-drink minimum, the clubs were able to recoup the cost.

The "prize" of free passes was sometimes awarded to a business card dropped into a fishbowl. Sometimes it went to whoever picked up the phone when a telemarketer called. Some clubs even resorted to automatic dialing machines, going through the entire phonebook sequentially. The cleverest way of handing out tickets that I remember from those days was on a radio show. We'd promise to give away tickets to the tenth caller and the phones would light up. The DJ would hit the calls one by one and say, "Hi, you're the tenth caller!'

As you can imagine, tactics like this wouldn't work forever. Eventually the listeners would say to themselves, hey, how come I'm always the tenth caller? Fishbowl "contests" became so routine that the fishbowls got known as the place where you drop your card to get free tickets. Eventually comedy became devalued, and people no longer appreciated it. The crowd became drunker and rowdier as the clubs catered to the lowest common denominator. With revenue streams being heavily dependent on drink sales, of course the crowds started getting drunker.

There got to be a game of chicken between the club owners. Nobody was making any money, but all the clubs knew that at least one club would survive in each market. So they held on to their losing hands way too long, each hoping that the other guys would fold first. In many cases, all of them went bankrupt and were boarded up.

Uncle Dirty started stroking Billy's lapel, checking out the material. "Dr. Graham," he asked, "did Jesus buy you that $800 suit?"

The recession of 1991 caused a cascade of failing clubs. Probably close to 90% of all full-time rooms closed that year. The ones that stayed open became weekend rooms. The face of the industry changed. Fortunately, the style of comedy I was doing by then fit really nicely with college and corporate events, so I was able to shift almost seamlessly between a club act and an after-dinner speaker performance. I still do the clubs as often as I can, because there is an energy in those rooms that's just hard to match anywhere else. Some might say I have to, because I'm hopelessly addicted.

I've been working for Louis Lee almost since day one, and we always hang late after the show. These evenings are always full of scotch and politics, economics and the latest scoop on what's going on in the comedy industry. Since Louis has the most sought-after venue for comics, he maintains contact with some of the biggest agents and managers, and I'm always fascinated to learn the latest buzz.

Comedy is a huge business today. Stand-up was once relegated to the guys who would go on during a burlesque show in between the girls, while one was picking up her feathers and popped balloons and the next one was getting into a giant champagne glass. From the '60s through the '80s, it became a steppingstone to television comedy. But today the art of stand-up is more sophisticated and varied than ever before. Louis suggests that comedy in the 2000s is like music in the '70s, when rock 'n' roll splintered into punk and new wave and hair metal and at least a hundred other varieties. Comedy is doing the same thing today. There are also at least two dozen full-time theater comedians who pull in a quarter million or more a year just headlining 2,000-seat theaters. Whereas in the 1980s comics had to go on situation comedies to make it big, today comics like Ron White are actually too big for television.

Kids who were too young to remember the saturation of the '80s are discovering comedy for the very first time. Shows like "Last Comic Standing" have revitalized public interest in the art form, and outlets like YouTube, iTunes, and satellite radio are exposing a new generation of people to my addiction.

Saturday morning I sleep in late. The Scotch was flowing the night before, and I probably had one or two too many. I don't remember much, but I do know the birds were chirping when Louis dropped me off in front of the hotel. I get up and decide to take a walk to clear my head. That's when it comes to me, a way into the bit that I've been trying to square out. Minneapolis is home to the largest Somali immigrant population in America. I think to myself: "Oh that explains it. I *thought* it was a little early for 'Dress Like a Pirate Day.'"

It's hilarious to me, and I can't wait to try it onstage. I plan to use the bit to start talking about President Obama's failing to apprehend the pirates, and then segue from Obama jokes into living in a post-racial America, and paying off the debt of slavery. It may work.

And the first show Saturday, it does. It kills, as a matter of fact. It works so well that I'm able to improvise a little and actually script a portion of the bit onstage. It's magical when this happens. The audience loves me.

Second show, not so much. No sooner have I made the Somali joke than a heckler starts shouting things about turning the trailer over on my white cracker ass, and I bail on the bit long before I even get to talk about slavery reparations. Fortunately Louis isn't around to witness my failure. Apparently, he is at that age where I'm interesting enough to get him to listen to me past 3 a.m. only once in a while. I hate to leave after a week like this. But there've been only a couple of down days, and soon I'll be on the road again, with a new chance to work the bit.

I think that's called a relapse. ❑

Skirting the Surveillance State

by Andrew Ferguson

A libertarian's walk through contemporary London, with some historical observations and a dash of anarchic dissent.

Despite the iconic status of the double-decker bus, the black cab, and the tube, London is a city best seen on foot. The speed of modernized transportation — yes, even of public transit — reduces the city to an architectural blur: a greatest-hits list for tourist photographers, matching the tableau on the vinyl Harrod's bags they've invariably bought. The city as LondonLand: monuments severed from their centuries and contexts, off the bus and back on again; speeding away, reaching whatever velocity is deemed sufficient to escape the gravitational tug of history. It's the Stations of the Cross with Christ in a Corvette, mugging for the camera while the Cyrene tries to figure out the flash.

No one wants to see pictures of their buddies standing in front of landmarks, shots which serve only to emphasize how unimpressive are their friends, and their own lives, in contrast. Better to create one's own meaning, engaging in the alternative to one-tour-fits-all: the unruly discipline of psychogeography. It is unavoidably subjective, necessarily irreproducible, and exactly as immersive as one wishes it to be. There's one iron rule: pay attention. (This is both methodological *and* practical: the first thing most visitors to England experience is nearly getting run over while looking the wrong way crossing the street outside the station.)

In his useful primer "Psychogeography," Melvin Coverley suggests that novices like me begin by drawing a line around the rim of a coffee mug laid on a street-level map, and then follow that circumference as closely as possible. Take note of buildings, street names, shops, graffiti, and the detritus of city life; anything that impresses itself on the mind. Upon reflection, the journey will be shaped by these considerations, and a narrative will emerge. The best writers in the field — Iain Sinclair, Peter Ackroyd, Alan Moore — often plot complex routes for their walks, with themes in mind ahead of time. But they do so with full knowledge of the difficulty involved; Sinclair in particular chronicles failure as often as he does fulfillment.

Still, Coverley's strategy — which I have found helpful exploring other cities, most recently my present academic

haven in Liverpool — was far from my thoughts when I first emerged from Holborn Station into the blinding light of an unseasonably beautiful day. One of the main reasons for the popularity of the tour buses, of course, is how demanding London is to navigate, and before running rings around anything I needed to establish a beachhead. Which can be difficult, as London is (and barring another Plague, Fire, or Blitz, always will be) one of the most expensive cities in the world: a practical concern that, until lunch was acquired, pushed out of my mind any more prosaic notions.

What did not occur to me until later was that Holborn is as good a starting point as any. After all, High Holborn St, the main thoroughfare, runs largely the same course it has since the Romans built a road there, so it serves well historically. And Holborn is by tradition a bastion of journalists — and, it must be said, many, many lawyers, thanks to the proximity of both the Royal Courts of Justice and the Central Criminal Court (Old Bailey).

No, what occurred to me instead, as I ate at an unremarkable cafe of the sort that mocks up historical markers saying "On this spot in 1692, nothing happened," was the explanation for an odd behavior I had noted on the long escalator ride up from the tube. Several of my fellow detrainers boarded the escalator, and then turned around to face where they'd come from — not to talk to anyone below them, just to ride. What they were doing, I realized, was turning their backs to the security cameras that monitor everyone leaving (and, from a different vantage point, entering) the terminal. It was a small, silent protest against the encroaching British surveillance state, reducing by one the number of times their face will appear on a CCTV screen that day.

The sheer ubiquity of security cameras here is numbing: an Evening Standard article from a couple years back (http://j.mp/3ju2iV) reported that the average Englishman is monitored 300 times a day, and the number can only have gone up since then. In a clever twist, the piece also printed a map showing the location of George Orwell's house, in relation to the 32 CCTV cameras within a 200-yard radius. An early image in Moore's "V for Vendetta" shows a camera with a sign: "For Your Protection." Real-life Britain has dropped that pretense; the signs either say "CCTV Camera In Operation" or, more often, there is no sign at all. Some of my hatred for the double-decker buses, I realized, derives from my hatred of these cameras: thanks to onboard models and trophy shots, tour groups do not see nearly as much as they are seen. I took heart from the quiet rebellion of those who turned away — and just as quickly saw the futility of such gestures, when a succession of mobile CCTV police vans trundled down High Holborn.

Photo 1

It was the next morning when I continued my expedition, heading east on that same street toward the city of London proper. The early omens were good: at the first major exchange, Holborn Circus, I found a church of my namesake. Dating back a millennium or more, St. Andrew's is one of many churches rebuilt by the great Christopher Wren — not because it went up in the Great Fire, but simply because it was falling apart and he was on an absolute tear. Three centuries later, the Germans gutted it in the Blitz; it was rebuilt stone for stone to Wren's design. This resilience to adversity and tyranny found another appropriate icon on Holborn Viaduct just beyond: a statue of a proud, crowned woman emblazoned "Commerce." The juxtaposition spoke of the heroism of everyday people, oft beaten down but never quite broken, going about their business the best they can despite the intrusions and depredations of the state.

An early image in "V for Vendetta" shows a camera with a sign: "For Your Protection." Real-life Britain has dropped that pretense.

Of course, just down the street is one building that has at many times embodied state intrusion and depredation: Old Bailey, the monumental criminal court built on the site of Newgate Gaol. (For the horrors of Newgate, see Ackroyd's essay in his "London: A Biography" or just about any Dickens novel.) Old Bailey, too, features a statue, a golden Lady Justice sitting atop the courthouse; significantly, she is not blindfolded. Appropriately for the Britain of today, this Justice sees (or attempts to see) all. Alan Moore seized on this identification of Justice with surveillance state, when his V climbs Old Bailey to explain to the statue that he is leaving her for his new love, Anarchy — immediately before blowing up the place.

Another alarming note is sounded — until the destruction of the prison, literally — by the church opposite the court, St. Sepulchre-without-Newgate. There hung the "bells of Old Bailey" from the nursery rhyme "Oranges and Lemons," which throughout "1984" runs through Winston Smith's head as a reminder of a "lost London that still existed somewhere or other, disguised and forgotten." But those bells rang to signify the execution of a prisoner; as shown in the closing couplet that Julia supplies: "Here comes a candle to light you to bed / Here comes a chopper to chop off your head!" Though his forecast of a televisual surveillance state was prescient, if a bit premature, Orwell knew all too well that even in Winston's lost London, the people were subject to the gaze of the state.

Old Bailey is overshadowed by another cathedral; in one of the happy coincidences that mark a walk gone well, this one takes its name from a saint famous for an episode of blindness, and a miraculous recovery of sight. St. Paul's is the preeminent cathedral in England, and one of the finest in the world: Wren's crowning achievement, the building is itself crowned by a dome bigger than any but the Basilica in Rome — a dome, remarkably, that can be scaled all the way up, 570 steps to the Golden Gallery at its peak. As they go, the staircases get vertiginously steep; it is no mean accomplishment to attain the summit. But at that height, one can reclaim the vision commandeered at ground level by Lady Justice and her CCTV armada.

The cathedral's Baroque design drew complaints at its unveiling that it smacked of "popery" — or worse, heathenism. In Moore's "From Hell," St. Paul's sits at the center of Jack the Ripper's psychogeographic pentagram cut across the city, culmination of a Masonic ritual reactivating the prison that chains the gods of the pagan past to England present. The mark of the Ripper's bloody success is the vision he receives, not only of London lost, but also of London yet to come. For good and ill, St. Paul's represents the unfettering of the imagination: human creativity at its peak.

The descent from that pinnacle is horrifying, both physically and metaphorically. Directly south of St. Paul's, on the far bank of the Thames, is the counterweight balancing that mad mystic mound: the concrete-bunker power station in which the Tate Modern art gallery has taken up residence (squatted, really) following an amiable split from its more elegant partner, Tate Britain. The stretch of the river separating the two is spanned by the Millennium Bridge (see photo 1), one of a half-baked batch of projects London cooked up in the chiliastic fervor leading up to Y2K. The Bridge was open for precisely two days in 2000 before it had to be shut down for two years of renovations; however, unlike its ill-starred sister project, the Millennium Dome (for which Sinclair reserved some of his choicest bile), the Bridge is still standing a decade later.

Still, classical engineering it is *not*, and as such it is an appropriate introduction to Tate Modern. The museum devotes itself to art since 1900, and holds at least a work or two of almost every major international artist of the past century. Yet these galleries are always subordinated to one major installation in the massive Turbine Hall, a three-dimensional cement canvas given over to a new artist each year. An exhibit on this scale cannot but set the mood for the rest of the museum; in past years it's ranged from neurotic (Doris Salcedo's "Shibboleth," a slowly-widening crack stretching the length of the building") to giddy (Carsten Höller's "Test Area," a series of twisty slides connecting the other floors to the Hall). This year the Turbine Hall is hosting Miroslaw Balka's "How It Is," which, conveniently for my theme, depends for its effect on the utter denial of vision. The work is a two-story-high metal cube lifted up on steel girders for supports. The cube is open on one side (facing away from any direct light source), and there is a ramp leading up to the inside, which Balka lined in black velvet to deepen the darkness.

In short, the installation is an anti-St. Paul's. The climb is gentle and graded rather than hard and rugged; at the end, instead of the best views in London, one finds an abyss. From the outside, perched on its girders, the cube appears unsteady, unlike St. Paul's which famously repelled direct hits from German bombers during the Blitz. Balka has said that the exhibit is meant to evoke the feeling of those Jews packed into train cars and sent off to concentration camps; it fails at this, partly because everyone who goes in knows they're coming out, and partly because the ambient light, even on a typically grey British day, cannot entirely be eliminated. But the first moment inside is genuinely unsettling: almost everyone approaching the exhibit hesitates at the top of the ramp before stepping into the blackness, as if reminding themselves that even Tate Modern wouldn't allow an artist to lead patrons to the slaughter. In its ideal conception, at least, "How It Is" represents the most extreme form of the surveillance state, when surveillance is no longer necessary because there is nothing left to survey.

The exhibit is meant to evoke the feeling of those Jews packed into train cars and sent off to concentration camps.

Southwest of Tate Modern I picked up a sandwich and a few of the day's threads near Waterloo Station, the enormous railway junction which has for decades served as a rendezvous point for south Londoners. I had thoughts of striking northwest, across Waterloo Bridge (which unlike the Millennium had held up for a century before getting closed down and rebuilt). From the Bridge one can see the entire bend of the Thames; it is the one place ground-level where the view isn't constricted — though it is, of course, monitored. But somehow that path felt incomplete, *off*. In consulting my map, I saw I'd thus far described a semicircular arc; taking the Waterloo Bridge would draw a sharp diameter across the enquiry. There were elements that could not be resolved going north. It was the wrong shape.

Every psychogeographic expedition runs into the doldrums eventually, and I had hit mine. (Even writing about it now, recreating the journey in full awareness of how it will finish, I find it a struggle to get the words on paper.) Backtracking mentally, I recognized that upon leaving Tate, I'd stopped paying attention — I'd drifted aimlessly down a succession of unremarkable streets, vaguely wanting food but not much else. The unease had not settled in, though, until I'd turned up Waterloo Road toward the station; retracing my steps, I continued on Westminster Bridge Road instead; something was pulling me west.

Partly it was that damned cube. By Balka's own admission, he had simulated me being railroaded off to my death. Allowing the symbolic rebirth of walking back out was all well and good, but the bit of me meant to die in there needed burial before I could cross back over the river, and by turning up Waterloo Road I'd missed the place for it: the London Necropolis Railway. Established to get corpses and mourners out of Victorian London and into the country where there was actually room for them, it ran at least intermittently until 1941, when all but the entrance was demolished by bombs.

This combination of trains, cemeteries, and German aggression seemed sufficient to lay to rest the specter Balka raised; leaving two pennies by the gate to pay for passage, I made for Westminster Bridge.

My renewed focus came not a moment too soon. For it is from Westminster, and specifically the Palace of that name, that the surveillance state emanates. Between the CCTV cameras and the round-the-clock tourist throng, the Westminster complex may be the most photographed place on earth (see photo 2). And yet, it is a place that inspires complacency: four centuries later the failure of the Gunpowder Plot lingers over it. In Moore's graphic novel, V begins his vendetta by finishing the job Guy Fawkes and crew started — but the building V blows up is an empty shell, less an embodiment of the fascist state than a relic of a London disguised and forgotten. The movie adaptation foolishly makes this the final act: Big Ben blowing up to the "1812 Overture" somehow manages to come off as anticlimactic — nearly as big a letdown as the original Plot itself. (For more about "V," see the reviews by Jo Ann Skousen and Ross Levatter, June 2006.)

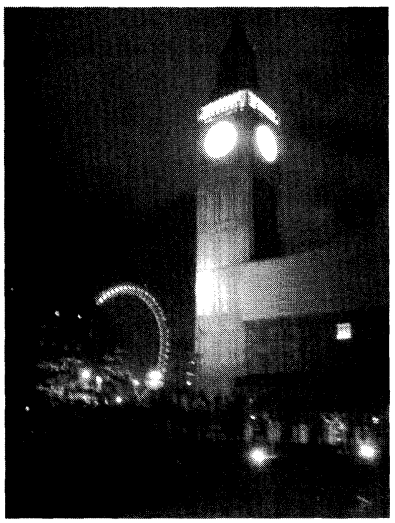

Photo 2

But as I looked over the Palace, and especially the Abbey just opposite, I found the Westminster complex sadly lacking as a symbol of modern-day tyranny. For the tyrants of earlier ages, sure, this palace upon the Thames lived up to its reputation as the "heart of darkness" for many a subject people, in the days when English oppressors were magnificent, and ambitious, and creative in their cruelty. Today's tyrants, though, are unworthy of such a grand structure: creatures of such limited intellectual horizons that they must rely on others' technologies to claim any sort of vision whatsoever; so lacking in discernment that to see anything, they must see it all. The emblem for this style of governance is not the elegant, imposing Palace; much less is it Westminster Abbey, burial ground of kings and poets.

No, the British surveillance state is best represented by an edifice — meant, appropriately enough, as a short-term attraction, but now held over indefinitely — installed just on the far bank of the Thames: the giant Ferris wheel called the London Eye. Towering over even Big Ben, it offers to anyone willing to wait in line for the better part of a day a panoptical view of the city. From such a height, there is no separation between places (and thus no connections between them, either), only one vast whole. Unlike the vistas available from St. Paul's Golden Gallery, experienced only after a Dantesque climb through successively rarefied genius, the London Eye offers a slow plod through thin air. Riders in glassed-in pods take identical panoramas, paying for the privilege of becoming part of the surveillance apparatus.

It was this structure, I realized, that I'd been skirting round all day; first peeking over buildings at the Millennium Bridge onward, then close up on the edge of Waterloo Station (see photo 3). But as with many monstrous things, it did not reveal its true form till nightfall, when the rim lights up bright red, evoking, of all things, Tolkien's description of Sauron: "a great Eye, lidless, wreathed in flame" (see picture 4, the color of course will have to be imagined). I stood on the edge of the Victoria Embankment, staring back at it, challenging it, but it is relentless — its pace never more than a creep, so that its interchangeable passengers can be processed as it continues to turn.

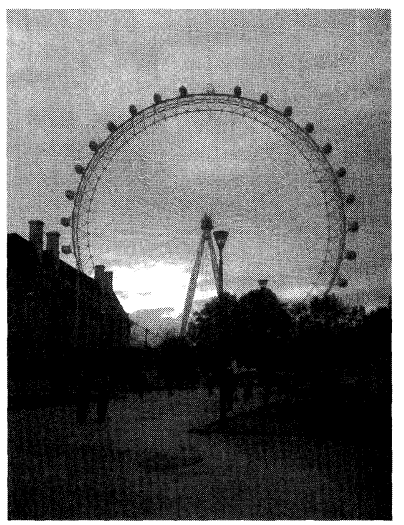

Photo 3

My day's final steps became clear: I needed to complete my loop, matching the Eye's circuit with one of my own — encircling it in the history its views obliterate. For the truest arc, I would have to cut back down to Westminster and make my way up Whitehall, but marching up a street with governmental departments looking down on me from both sides seemed a bit incongruous with my aim; instead I walked further up the Embankment to pay my respects to Cleopatra's Needle, touchstone of many a psychogeographic ramble, including that of Moore's Ripper in "From Hell" — nothing reasserts a sense of historical awareness like a 3,400-year-old Egyptian obelisk. From there I turned toward Trafalgar Square and another obelisk, this one native in origin: Nelson's Column. In between runs Northumberland Avenue, itself a product of historical disappearance, the name being all that remains of Northumberland House and the other great manors that once lined the banks of the Thames.

Photo 4

Trafalgar Square obviously is one of the great tourist parks of the world, and a powerful symbol of all things English; had Hitler's invasion plan succeeded, he had settled on Nelson's Column as the trophy he wished to carry back with him to Berlin. Standing at the base of the pillar, one can see among other sights the National Gallery, St. Martin-of-the-Fields, the Strand, and the Mall leading down to Buckingham Palace. But I had eyes only for completing my circuit; with the darkness closing in there was increasingly little to pay attention to without attracting the gaze of others. Heading north of the Square, up narrow St. Martin's Lane and past a series of posh West End theaters, I began to feel that I might yet escape the Eye. But it wasn't till I crossed back over High Holborn and closed my loop that I saw the proof of it: the beaming portico of the British Museum, repository of over 12,000 years of human history.

The greatest tragedy of "1984" is not the totalitarian state, it's the complicity, the outright eagerness of people in perpetuating it.

When I arrived, the museum proper had closed, but the renovated Great Court wasn't open. Once an open courtyard, the Great Court held the famed round Reading Room whose patron list was a who's-who of the 19th-century literary world (most often noted in this context is Marx, who assembled the basics of communist theory from a desk in this library while steadfastly refusing Engels' invitations to tour the factories he owned). Today, with the Library having moved on, the Reading Room hosts major exhibitions; the Great Court, meanwhile, has been completely transformed. Now ingeniously roofed over with computer-designed panes of glass, each one different, the aim of the new floor design is that with every step, the view will change and new objects be revealed to the eye. The courtyard functions as a microcosm of the city itself, demanding to be explored psychogeographically — and since hundreds of tour buses drop off thousands of tourists at the British Museum every day, there is guaranteed to be one spot on the itinerary where they will *have* to engage with their environment; they will not be able just to wait, rooted to one spot, and have it flash before them.

Photo 5

For it's that complacency, that passivity, which is the most dangerous aspect of the modern surveillance state. The greatest tragedy of "1984" is not the totalitarian state established in Britain, it's the complicity, even the outright eagerness, of the people in perpetuating it. In America as well as Britain there is a swelling conflict over the right of everyday people to document the day-to-day dealings of those in power. The authorities, of course, wish to have total access to our lives while working in complete secrecy: every camera they take, every video they erase, every website they force offline through the application of money and lawyers is a bluff on their part, a gamble that we'll settle for seeing only what they wish to show us — that we'll be content to stand with the government line, paying them to see through their Eye.

Rebelling against this doesn't mean donning Guy Fawkes masks and blowing up landmarks (though I do get a kick out of the story each month or so when some fed-up motorist takes a bat to a traffic-camera array), but we can emulate V in one way: our insistence on *seeing* rather than *being seen*.

It is vital that we keep our eyes open and, whenever possible, turn the oppressive tools of government back against it. In 1997, visual artist Gillian Wearing won the Turner Prize (arguably the most prestigious English arts award, administered by Tate Britain) for her work "60 minutes of Silence," an hour-long videotape of a group of police officers whom she'd asked to remain completely motionless during the shoot. It looks at first like a still photo, but as the hour wears on, the shufflings, scratchings, and throat-clearings become more and more evident; when Wearing finally announces the hour is up, one policeman utters a sound somewhere between a gasp and a scream, so great is his relief at being freed from the burden of surveillance.

When the hour is up, one policeman utters a sound somewhere between a gasp and a scream, so great is his relief at being freed from the burden of surveillance.

Yet that is the same burden that we as citizens are asked to bear hour upon hour, day after day, without a hope of anyone telling us our time is up. Enough! In an age where nearly everyone carries around a device equipped for multi-megapixel image capture, there is no reason that we should not be able to document the presence of a bank of traffic cameras, or a mobile CCTV van idling on the side of a calm street for no apparent reason (see photo 5). And in the meantime, there are other small, symbolic acts of rebellion available to us.

On my way back from London, I boarded the escalators backward. ❑

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Crash and Burn

by Edmund Contoski

From start to finish, the cash for clunkers program was a lemon.

The government program that gave people up to $4,500 for trading in an old car for a new energy-efficient model has been widely proclaimed a huge success, as measured by the popularity of the program. That certainly made it successful for the politicians who, in effect, were buying future votes for themselves. Of course, they didn't say so; instead they claimed they were pursuing the noble benefits of stimulating the economy, promoting energy efficiency, and reducing carbon dioxide emissions. Absent from the discussion was whether there was any moral or constitutional basis for taking money from some people (taxpayers) and redistributing it to others for purchasing automobiles.

Government is supposed to protect people's rights, but its violation of people's right to their own money has become so widespread for so long it has become generally accepted. According to economist Walter Williams, "Two-thirds of the federal budget consists of taking property from one American and giving it to another. Were a private person to do the same thing, we'd call it theft. When government does it, we euphemistically call it income redistribution, but that's exactly what thieves do — redistribute income." The "cash for clunkers" program (Car Allowance Rebate System, or CARS) is simply another scheme for doing the same, disguised by claims of collective economic, environmental, and energy benefits. These claims are not only false but distract attention from the moral and constitutional issue of property rights and government theft.

The Founding Fathers were very familiar with the English philosopher John Locke's ideas about the rights to life, liberty, and property. Jefferson was actually accused by some, most notably his fellow Virginian Richard Henry Lee, of simply copying Locke's work in writing the Declaration of Independence. Jefferson replied that he did not consult other literature while he was writing but "did not consider it as any part of my charge to invent new ideas altogether." Rather, he said he intended simply to make "an expression of the American mind."

In 1772, four years before Jefferson wrote the Declaration of Independence, Sam Adams created a "committee of correspondence," the first organized opposition to British policies. It composed a document that provided a framework for the Declaration of Independence. It enumerated the rights of the colonists: "First. A right to Life; secondly to Liberty; thirdly to Property."

Jefferson, however, substituted the words "pursuit of happiness" for the word "property" in Locke's triad of rights. The change was in no way intended to downgrade property rights. Jefferson and his contemporaries envisioned property rights as the principal means for the pursuit and attainment of happiness. The new phrase was inclusive not only of property rights but of the purpose they were to serve, and that of human actions in general.

Instead of stimulating the economy, the "cash for clunkers" program left the United States $1.4 billion poorer.

The Declaration of Independence referred to the rights to "life, liberty and the pursuit of happiness" as "unalienable" because they were derived from the nature of man and inseparable from it. Man's rights are not given to him by government but by his own existence. Government can only recognize them or violate them. "Unalienable" means "not transferable to another or capable of being repudiated." One's right to property is not to be transferred to another by government. Nor is it to be repudiated by laws that deprive him of using that right for the pursuit of his own happiness rather than for what the politicians may claim is better for society. The Declaration states that it was "to *secure*" — Locke's phrase — the rights to life, liberty and the pursuit of happiness that governments are instituted. When government engages in redistributing property rather than securing it for its rightful owners, it is an instrument for violating rights and plundering wealth instead of securing it.

Madison wrote: "Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man whatever is his own."

So the cash for clunkers program was off to a bad start in the most fundamental sense. The alleged collective benefits from the program fare no better. Burton Abrams and George Parsons of the University of Delaware added up the total benefits to buyers and auto companies, the environment, and from reduced gas consumption, minus the overall cost of the program. They found that instead of stimulating the economy, the $3 billion program that sold 700,000 vehicles made the nation $1.4 billion poorer.

What about the increased auto sales from the program? An analysis published by Edmunds.com showed that in any given month 60,000 to 70,000 "clunker-like" deals happen with no government program. Jeremy Anwyl, CEO of Edmunds.com, says the 200,000-plus deals the government originally anticipated from the program were about the "natural" clunker trade-in rate. He notes, too, that 100,000 buyers put their purchases on hold waiting for the program to launch, thus exaggerating the effect of the program once it began. Furthermore, when it became apparent the program was underfunded, consumers rushed to take advantage before the funding ran out. Anwyl also says "car prices are usually slashed in August and September to make room for the next year's models arriving in September. In anticipation, buyers have been putting off purchases all year."

All those factors contributed to peak sales during the CARS program. But to the extent they caused buyers to move their purchases forward, they reduced demand for vehicles after the program expired. It should not be surprising that in September 2009, the first month following the clunkers program, U.S. sales of cars and light trucks fell 41% from August. GM's sales fell 45% Chrysler's, 41% and Ford's, 5%. Similarly, Volkswagen said Germany's cash-for-clunkers program might boost sales to 3.7 million units, up from 2.8 million, but that sales would likely revert to 2.8 million in 2010.

In the same way that the CARS program demonstrates an ignorance of human rights that is more than two centuries behind the times — predating the wisdom of our Founding Fathers and our nation's history of progress — it demonstrates a similarly primitive ignorance of economics. The wizards of Washington who devised CARS, and those who defend it, are apparently ignorant of an elementary principle explained more than a century and a half ago by the French economist Frederic Bastiat. In his famous "broken window" essay, a man's son breaks a windowpane, which costs six francs to replace. Against the argument that such accidents stimulate the economy by supporting glaziers and the manufacturers of glass, Bastiat explained economic effects that are not seen. If the man didn't need to replace the windowpane, he could have, for example, replaced his worn-out shoes, or added another book to his library. If the accident did not happen, the man would have both the window and the shoes (or book). Instead he has only the new window. The shoes or book are never seen because they aren't purchased, but they represent a loss not only for the man but to society from the destruction of the window. In Bastiat's words: "Society loses the value of objects unnecessarily destroyed," and "to break, to destroy, to dissipate does not encourage national employment." Or as the great economist Henry Hazlitt wrote a century later, referring to the same essay: "You can't raise living standards by breaking windows so some people can get jobs repairing them." But that is the principle behind the CARS requirement that perfectly serviceable vehicles traded in under the

Even with the CARS rebates, many people still couldn't afford a new car. A used car would meet their needs, but the program destroyed 700,000 used cars.

program be destroyed. Auto dealers were required to destroy the engines by injecting sodium silicate, then crush the cars for scrap, eliminating the possibility that even parts that might be usable could be salvaged.

Even with the CARS rebates, many people still either couldn't afford a new car or couldn't meet the requirements of the program. These include the working poor, teenagers, and charities that depend on donated junkers to carry out their work. A used car would meet such needs just fine, but the program eliminated 700,000 used cars from the market. So, many people who really needed a car ended up buying a new one and paying more than they felt they could really afford. As a result, they then couldn't afford new shoes or books — or such things as health insurance, dental care, better housing, more nutritious food, or a night class. Furthermore, since they paid more for a car than they intended, they went further in debt with larger monthly car payments that cause a long-term reduction in their ability buy shoes, books, etc. And depleting the supply of used cars reduces business for repair shops, employment for automobile mechanics, and auto dealer business for used cars.

When we turn to the issue of newer cars reducing gasoline consumption because of greater fuel efficiency, we see that ignorance once again prevails. As the English economist Stanley Jevons explained way back in 1865, "It is wholly a confusion of ideas to suppose that the economical use of fuel is equivalent to diminished consumption. The very contrary is the truth . . . It is the very economy of use which leads to extensive consumption. It has been so in the past and will be so in the future."

There is plenty of evidence that Jevons was right. When James Watt's steam engine was more efficient than its predecessor, the Newcomen engine, demand soared. People found all sorts of new uses for steam power. The same thing happened with electricity. And when automobiles became smaller and more energy efficient because of the Arab oil embargo in 1973, people drove *more* — not less — because they could go further on the same amount of gasoline. Gasoline consumption rose for two decades as energy-efficient cars flooded the roads.

In April 2009, Boston Globe columnist Jeff Jacoby wrote:

> Improvements in fuel economy effectively make fuel less expensive, and when costs fall, demand tends to rise. As driving has grown cheaper in recent decades, people have done more of it — choosing to drive to work instead of taking a bus, for example, or buying a second car, or moving to a house with a longer commute, or sending the kids to college with cars of their own. Between 1983 and 2001, data from the Energy Information Administration show, the number of annual vehicle-miles driven by the average American household rose from 16,800 vehicle-miles to more than 23,000.

During the period of which Jacoby speaks, fuel efficiency increased by 20.4% from 14.2 mpg to 17.1 mpg, and vehicle-miles traveled per household increased 37%

The proponents of the CARS program talk only about the energy efficiency of new cars compared to clunkers. They don't compare it to the energy required to manufacture them. Paul Driessen, a senior fellow with the Atlas Economic Research Foundation and a former Sierra Club member, calls attention to the energy required "to extract metallic ores, hydrocarbons, and other raw materials from the earth, process and refine them, create alloys and plastics, and turn them into engines, chassis, windows, tires, and interiors." He says there is "no way" these energy costs "will ever be recouped by any savings the replacement cars might conceivably generate." Daniel J. Stern writes: "It quickly becomes clear to all but the most strident Prius-preacher that driving an old car a half a million miles is really less taxing to the greater environment than making even just a single new one."

Finally, we come to the issue of global warming and the carbon dioxide emissions of older cars. Again, the pro-CARS argument is based on ignorance — plus plenty of misinformation and even outright fraud. Climate change is *not* caused by changes in atmospheric carbon dioxide or by human activity. (See my "Global Warming, Global Myth," September 2008.) For a more detailed explanation, see the massive report issued earlier this year by the Nongovernmental International Panel on Climate Change. It is an 880-page book by many scientists that comprehensively refutes the global warming claims of the United Nations' Intergovernmental Panel on Climate Change (IPCC). This is a work of enormous scholarship backed by over 4,000 peer-reviewed scientific studies that were ignored by the IPCC.

Even based on Department of Transportation numbers, the total carbon savings from cash for clunkers amounts to only about 57 minutes of America's annual carbon emissions.

But, for the sake of argument, let's assume it is desirable to reduce carbon dioxide emissions and look at the effect of CARS. "As a carbon dioxide policy, this [program] is a terribly wasteful thing to do," says Henry Jacoby, a professor of management and codirector of the Joint Program on the Science and Policy of Global Climate Change at MIT. "The amount of carbon you are saving per federal expenditure is very, very small." Bruce Yandle, Distinguished Professor of Economics Emeritus, Clemson University, says "the reduction costs are at least ten times higher than alternate ways of removing carbon."

Based on Department of Transportation numbers, the total carbon savings from cash for clunkers amounts to only about 57 minutes of America's annual carbon dioxide emissions. But that is based on a static analysis, i.e., that there will be no change in driving behavior when fuel efficiency improves. Since we have already shown that greater fuel efficiency leads to more miles being driven, the actual reduction in carbon dioxide emissions will be even less than 57 minutes per year — and it could even be more than from the traded-in vehicles if the new vehicles are driven enough additional miles per year. Now consider that 6.7 tons of carbon are emitted in building a new car, and it becomes obvious that CARS results in a manyfold increase in carbon dioxide. Paul Driessen says there is absolutely no way that the emissions of carbon

dioxide, other greenhouse gases and "real pollutants" from manufacturing replacement vehicles will ever be recouped by any savings from driving them.

President Obama said cash for clunkers was an "overwhelming success . . . [which] provided the American auto industry an important boost, and is achieving environmental benefits well beyond what was originally anticipated . . . while reducing greenhouse gas emissions . . . and has proven to be a successful part of our economic recovery." Is he as ignorant of what has been happening during his own administration as he is of the past? Has his collectivist ideology left him totally disconnected from the realities of history, property rights, economics, and science?

Transportation Secretary Ray LaHood said "this is one stimulus program that seems to be working better than just about any other program." That must mean those other programs are even bigger failures.

The CARS program is just one more demonstration that collectivism cannot trump reality. Collective good cannot be achieved by benefiting some people at the expense of other people's rights — including their property rights. The situation is not unlike that in Bastiat's "broken window" example: the property rights that are destroyed are like the pair of shoes or book that is never purchased. They remain unseen and unconsidered while the benefits to others (or the environment) are extolled. Yet, not only are property rights themselves a value to people; if some people are deprived of them, the economy and society lose as well. For if people were not deprived of their property rights, they would exercise them in buying goods and services that would benefit employment and industries. And these would be of *greater* value than what is obtained under CARS or similar programs, as demonstrated by market prices and preferences. Government intervention in the market simply diverts resources in society to things of lesser value at greater cost. Thus society is better off when people are free to exercise their property rights than when the government violates those rights to stimulate other purchases. And the more a government substitutes its preferences for the choices of the people in the marketplace, the more the economy goes downhill, as history abundantly demonstrates.

Collectivism has failed wherever it has been tried. In contrast, America showed the greatest advancement of society in history because the Founding Fathers based their government on individual rights, not collectivism. Individual rights are essential to human progress. That is an inescapable reality. It will not be overcome by ignorance, lies, and smooth talk in the cause of collectivism. ❑

Reflections, *from page 20*

if only good clothes, good food, a good home, a good education, and good medical care were provided to everyone, then fear itself would disappear. Franklin Roosevelt included these things in what he called the Second Bill of Rights. The strategy proposed is, very cleverly, to fine-tune the tax rates and entitlement programs in such a way that everything is guaranteed to turn out well for everyone. Sounds simple enough, right?

Before the merits of this strategy are weighed, please note that it is not the goal of easing human suffering that is under scrutiny, but the strategy proposed for achieving it. Moreover, it should not be assumed that certain methods — say, the threat of starvation — should be endorsed even if they were judged likely to achieve the goal. Having said that, and accepting for the moment the premise that fear can be excised from the beating human heart, a few questions arise.

If fear were eliminated, would its benefits disappear as well? With little or nothing to fear, would people be less prudent, less diligent? Would the people who worked so hard to ensure that their fears did not materialize put their shoulders to the wheel with a tad less oomph when those fears were gone? People differ, but it's probably safe to say that a good chunk of humanity would experience a detectable slackening of resolve. They'd lose their edge. If you did not know it already, let me assure you, there are many here among us who do not wish to do much more than they absolutely must. The passage of the Second Bill of Rights would, for them, be party time. Others, of course, might press the wheel harder, if their absent fears were replaced by hope.

But if the good clothes, food, home, education, and medical care were paid for with money taken from people who already had these things, wouldn't those same people be less able to realize their own hopes? Sure, not all hopes come with a visible price tag, but those that do would suddenly become less affordable. To be blunt about it, if you were one of those people, unless your fondest hope was to give back to the community, it would be less likely that your fondest hope could be realized, if it cost much. There is no free lunch and no free Second Bill of Rights.

Whether by raising taxes, adding to the public debt, or debasing the currency, the bill for the goods would have to be paid. As a result (here's the kicker), the path to prosperity, even for the newly hopeful, would be precisely that much steeper. In other words, any reduction of fear would cause a roughly proportional reduction of hope. When combined with the lost diligence, it devolves into a less-than-zero-sum game. Economics is not called the dismal science for nothing.

A sustainable, comfortable standard of living is the product of thrift, forethought, industry, and perseverance, not of government largesse. It would be nice if these virtues could be bought with a government check, but, sadly, such a check is more likely to erode them than to build them up. And when these virtues erode, eventually, the checks stop coming.

Fear and hope together turn the wheels of prosperity. Take away fear and its benefits go with it, slowing the wheels. Try to bury the fear in cash and what you get is less hope, not more. Take away hope *and* fear? The wheels of prosperity grind to a halt, and then fall off. The strategy is sure to backfire. Ask the Chinese; they know. Hope is a good thing, most of the time anyway, and fear is not all bad.

— Scott Chambers

A place of my own — British Sea Captain John Marshall sailed into my region of the world in 1788 and, despite the fact that there were thousands of people living

continued on page 62

Man and Groom

by Bruce Ramsey

After a strange course of events in Washington, gay marriage was legalized in all but name.

On November 3, in a close vote, the voters of Washington state appear to have approved Referendum 71, creating civil unions for same-sex couples with all the legal rights and responsibilities of marriage. The name "marriage" was left off only for purposes of reassuring the timid. Proponents wanted, desperately and insistently, to win a statewide vote on gay marriage after losing 31 statewide votes across the United States, and as Liberty goes to press it seems they have done it.

The vote is a milestone. Five other states have instituted gay marriage, but never by a vote of the people. Before 2009 it was always done by a court; the earliest ruling that still stands is that of the Massachusetts Supreme Judicial Court in 2003. But for a republic to decide a question as deeply cultural as same-sex marriage by a vote of nine citizens is a kind of cheating. The public resents judges making the decision, and in states with the right of initiative and referendum — the Western states and a handful in the Midwest and Northeast — voters have tended to take the matter into their own hands. The other votes were constitutional amendments referred to the people by legislatures.

Thus the justices of the California Supreme Court proclaimed gay marriage in May 2008 and were overruled by voters that November. In 2009, same-sex marriage was approved by the legislatures of Vermont, New Hampshire, and Maine. Maine's voters, the only ones of the three with the right of referendum, repealed the law on November 3.

Maine, I think, will revisit its decision. Washington state will not. The voters' approval will not be contradicted by the legislature or the state's supreme court. Except for the label "marriage," the thing is done.

Eventually same-sex marriage will come to all 50 states. Two things make it inevitable. The first is the social acceptance of openly gay couples. The second is their adoption of children. Marriage follows. It is taking time because of older people's discomfort with homosexuality, but younger people are much more accepting of it. They see the question as one of fairness and tolerance, and also as a practical matter of

specific legal rights that adults and their dependent children need. Over time, their views will prevail, in liberal places first and conservative places later.

On matters like this, Washington is one of the liberal places. In 1970, three years before *Roe* v. *Wade,* its voters legalized abortion. In 2008 they legalized assisted suicide of the terminally ill, becoming the second state to do so, after Oregon.

Always, these things occasion a fight. As in California, the earlier fight in Washington was in the courts. Same-sex couples in King County, which includes the state's largest gay neighborhood, in Seattle, brought suit to overturn the state's Defense of Marriage Act, passed in the late 1990s. In *Andersen* v. *King County* (2005), the gay couples lost in a 5–4 decision.

The five "no" votes on the court included that of the court's libertarian, Justice Richard Sanders. He signed the concurring opinion of the court's populist conservative, Justice Jim Johnson, arguing that the law defined marriage as one man, one woman, and that a court had no business changing that. Legally, I think, they were right; and politically I know they were. The issue is one of social acceptance, and that is a thing best done by the people.

To say so was to be labeled as a homophobe and a hater by gay radicals who saw themselves under permanent oppression. The fact was, though, that public attitudes *were* changing. In 2000, California voted 61% against gay marriage; in 2008, it voted only 52% against. The arithmetic suggested that proponents were losing 1% of the electorate per year.

In Washington, the loss in *Andersen* v. *King County* led to a push in the legislature, which is controlled by Democrats. Following the strategy of a gay state senator from Seattle, the legislature tackled the issue piecemeal. In 2007 it created gay civil unions with rights of hospital visitation and inheritance. In 2008 came rights over probate and trusts, community property and guardianship; in 2009 the rest of marriage — adoption, child support, pensions, business succession, etc. — all except that lightning-rod name, "marriage."

The radicals denounced that senator, but he won by doing it his way.

The new law was supposed to go into effect on July 26, but opponents filed a referendum to put it on the ballot so the people could vote against it. Something similar happened in California and Maine. Public sentiment, however, was different in Washington. One of the state's prominent anti-gay-marriage pastors sensed it. He publicly advised his fellows against the referendum, arguing that they could succeed in reaching the ballot and lose the vote, and that if they did, their goose would be cooked.

They ignored him, and began collecting signatures for Referendum 71.

The gay activists felt rooked. They had won in the legislature, the governor had signed their bill, and now these Neanderthals were trying to take away their rights. A fellow at WhoSigned.org got his name in the news by threatening to file a public-records request with the state, get the names and addresses of the petition signers on a CD, and post them on the internet. That way, you could look up your neighbors and coworkers and see whether they were homophobes. The damned Neanderthals would be *outed*! This was taken by the evangelicals as a threat, which it was. Columnist George Will called it "thuggish liberalism."

The anti-gay-marriage group sued to block disclosure of the names. Within a few weeks the question went all the way to the U.S. Supreme Court, where Justice Anthony Kennedy signed an order keeping the names private.

There ensued an argument about these names. Each side made an analogy. One side said that citizens who signed petitions were acting as legislators. Would we allow legislators to hide behind a curtain? No. The other side said that the ones acting like legislators were the referendum sponsors, and everyone knew who they were. The petition signers were like voters, and voters have a secret ballot.

With Justice Kennedy's order, that side won.

The proponents of R-71 needed 120,577 valid signatures. They turned in 137,689 — a thin cushion, given the number of people who sign without being registered to vote. The secretary of state's staff, who usually estimate the valid signatures by sampling, had to check every one. There were enough, barely, and R-71 was put on the ballot

The gay-rights people sued, claiming that 35,000 signatures that had been accepted should have been rejected, for various reasons. They lost. R-71 stayed on the ballot.

R-71 was, simply, the legislature's law on same-sex unions. The people who had filed the referendum, collected the signatures for it, and fought in court to get it on the ballot did all this to give voters the chance to vote against it. The people who had condemned R-71, tried to dissuade voters from signing, and sued to disqualify signatures, did all this to defend the same-sex marriage law from a public vote. Having lost that struggle, they had to switch gears and convince people to vote for it.

On the ballot, the choices for R-71 were "approve" and "reject." There was some confusion about that; the people who had denounced and vilified the measure for three months were suddenly urging approval in soft and caring tones, and the people who had pushed R-71 through all that opposition were urging its rejection. That is the way Washington referendums work. A law had been passed. Absent the referendum, the law would go into effect. The people who put it on the ballot were trying to kill the law, not approve it.

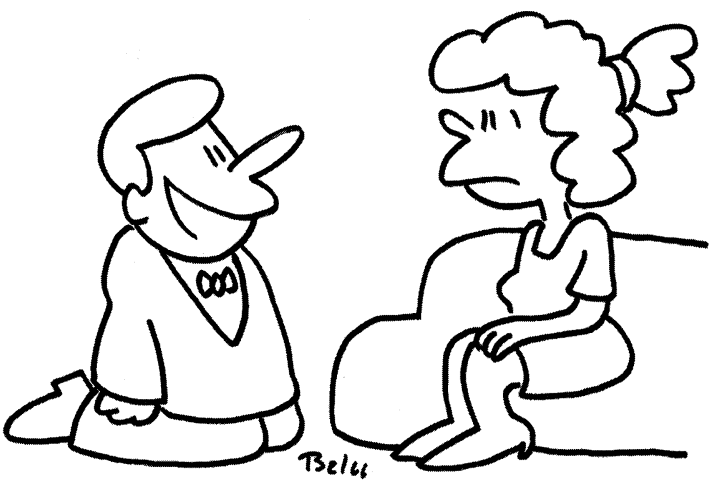

"Well, what if I were the last *heterosexual* man on earth?"

continued on page 42

How the Greens Went Red

by Randal O'Toole

Despite the leftward shift in the movement, there's still plenty of room for a free-market environmentalism.

As many supporters of the free market have observed, the mainstream environmental movement firmly supports big government. Yet this wasn't always true, and it is conceivable that it won't always be true in the future.

I worked as a free-market environmentalist within the environmental movement for many years, and I still have many friends within the movement who support free-market ideas. I've found that the environmental movement is really many different movements, although they mostly fall into two categories. My friend John Baden likes to call them "romance and sludge." I worked mostly in the romance area — forests, parks, wilderness, and wildlife — and only peripherally in the sludge area — air and water pollution, solid waste, and toxic chemicals. So my view may be a bit skewed, but my experiences should still be useful to those who want to promote free-market solutions to environmental problems.

"In wildness is the preservation of the world," wrote Henry David Thoreau in 1862. But he also wrote, "that government is best that governs not at all." Unlike many environmentalists today, Thoreau did not view government as the best, or even an appropriate, way to preserve the wildness that he valued so highly.

Since Thoreau's time, conservationists and environmentalists have had a love-hate relationship with government. Some have pursued preservation using entirely private means. Others have focused on government programs — but almost invariably have been disappointed with the results. Only in recent years have environmentalists tied themselves almost exclusively to big-government programs.

In 1890, less than 30 years after Thoreau's death, conservationists in Massachusetts followed his teachings by forming the Trustees of Reservations, the world's first private land trust. The group has since purchased 25,000 acres of land that it preserves as parks and wildlife refuges.

But the 1890s also saw the growth of big-government conservation. This resulted from several quirks in American history.

First, American common law, which normally was based on British common law, departed from the English precedent when it came to wildlife. In England, wildlife was owned by

the owners of the land on which the wildlife resided. If a bird flew from my land to your land, the ownership transferred as soon as it crossed the property line. If I wanted to hunt birds or other wildlife, I had an incentive to manage my property in a way that would attract the wildlife.

Most land in 18th-century England was owned by comparatively few people, and much of the land in colonial America was also in a few hands. Early American courts decided that it was unfair that wildlife should be owned by a few private landowners; they therefore changed the common law so that wildlife would be owned by everyone. In many colonies (and this remains true in some states today) if I hunt on my own land, I cannot legally stop you from also hunting on my land. This removed the incentive to protect wildlife or wildlife habitat.

The ultimate result of these changes in the law was that, by the 1880s, populations of elk, bison, and birds such as the passenger pigeon were being hunted to extinction by people who sold the carcasses for meat. In 1887, future president Theodore Roosevelt founded the Boone & Crockett Club to lobby for regulation of hunting. Under state laws promoted by the club, people could hunt only for their own personal use, and not sell the meat to shops or restaurants; even personal hunting was severely restricted. Since state wildlife agencies charged fees to hunt, and got to keep those fees, the states effectively became owners of the wildlife and had an incentive to recover huntable species.

There remained little incentive to protect the habitat of wildlife that were not huntable, and this eventually led to passage of the federal Endangered Species Act. Yet if it had not been for American common law, private measures to protect wildlife and their habitat might have been sufficient to keep most species from going extinct.

A second quirk led to the creation of the world's first national park. When early Californians recognized the scenic beauty in Yosemite Valley, which was mostly in federal ownership, they persuaded Congress to turn it into a park in 1864. But Congress simply handed the park over to the state of California to manage as a state park.

An 1870 expedition to the Yellowstone country led to a proposal that the geyser areas also be made into a park. But Wyoming would not become a state until 1890, so in 1872 Congress turned Yellowstone into the world's first national park. Up to that point, Congress had a policy of disposing of all federal land as rapidly as possible. Yellowstone set a precedent that the federal government could and should retain land for conservation.

Early American courts decided that wildlife was owned by everyone. The result was that by the 1880s, populations of elk and bison were being hunted to extinction.

In 1890, John Muir successfully lobbied Congress to take Yosemite back from California and make it into a national park as well. In 1891, Congress passed a law allowing the president to reserve forest lands in federal ownership, thus preventing their transfer to settlers or timber companies. Soon, the federal government was managing more than 100 million acres of land for conservation purposes.

The third quirk was that concern about conservation grew at about the same time as the Progressive movement, America's version of socialism. The two fed off each other. On one hand, Progressives cited conservation issues as examples of private failure and the need for government action. On the other hand, conservationists used the growing power of the Progressives to achieve their goals of land and wildlife conservation.

Most environmental histories of the era focus on the debate between preservationists such as Muir, who wanted to stop dams, timber cutting, and overgrazing on public lands, and conservationists such as Gifford Pinchot, who believed in using resources "wisely." The two sides clashed in the famous debate about proposals to build a dam in Hetch Hetchy Valley in Yosemite National Park. Pinchot's support of the dam (which was completed in 1923) had a hidden agenda: he wanted dams and power stations to be owned by the public, not by private electrical companies. Yet in their desire for public ownership, Pinchot and Muir were in agreement. Muir, in fact, disdainfully called Henry David Thoreau "that huckleberry picker" because he realized Thoreau would not have supported government conservation programs.

The preservation-conservation debate resumed in the 1960s. In the early 1900s, however, it was much less important than a debate over who should practice conservation: the federal government or states and private landowners. This debate is largely forgotten today.

Pinchot — the first chief of the Forest Service and a member of Theodore Roosevelt's "kitchen cabinet" — strongly believed that the federal government should control all conservation programs. This view was challenged by those who still believed in limited government. Many westerners in particular felt threatened by Pinchot's aggressive campaigns to keep half or more of the land area of their states in federal ownership. When Roosevelt's successor, William Howard Taft, appointed former Seattle Mayor Richard Ballinger as head of the Department of the Interior, Pinchot decided to demonize Ballinger as someone willing to sacrifice conservation principles by allowing the transfer of federal resources to private owners.

Ballinger had done nothing legally or ethically wrong. But to keep the subject in the press, the independently wealthy Pinchot maneuvered Taft into firing him from his job as Forest Service chief. This made Pinchot into a martyr for the conservation cause, and helped him to attract 10,000 people to a National Conservation Congress in St. Paul, Minnesota, in 1910.

Most of the delegates at the congress were handpicked for their support of federal conservation. As a courtesy, Pinchot invited St. Paul resident and railroad baron James J. Hill, who had spoken many times before on the need for soil conservation, to speak at the convention. Hill was a strong conservationist, who practiced what he preached. Among other things, he created the Great Northern Railway Extension Service, which taught farmers about soil conservation, paid them to

engage in demonstration projects, and donated money to land reclamation programs. But he was skeptical about federal involvement in conservation.

So, rather than talk about soil conservation, Hill used his hour at the Conservation Congress to tear into the idea of federal conservation. Conservation "has come into that peril from which no great truth escapes," Hill told the convention. "It has been used to forward that serious error of policy, the extension of the powers and activities of the national government at the expense of those of the states." He proceeded to give example after example of how the states and private landowners were better than federal agencies at conserving resources, emphasizing "the extravagant financial tendency of every federal department and bureau." "It might be said of certain administrators," he added, in a clear swipe at Pinchot's efforts to claim as much of the West as possible for the Forest Service, that "they make a desert and call it conservation."

Hill's speech shook up the convention. One of Pinchot's supporters responded by accusing Hill of hypocrisy because his railroad had accepted federal land grants — although the Great Northern was built without land grants and the only federal land grants Hill ever owned were those belonging to bankrupt railroads that he had purchased at fair market value. Angry western governors led a walkout of opponents of federal conservation to a conference of their own in Salt Lake City.

It was too late. For the next 50 years, the federal government would be the nation's conservation leader and anyone who challenged that leadership would be demonized as anticonservation.

Except for some debates over dams, this mindset would not be questioned until the 1960s, when the Forest Service and Bureau of Land Management accelerated timber cutting, mining, and livestock grazing on federal lands, often with heavy subsidies from taxpayers. Hunters, hikers, anglers, water users, and others felt betrayed when they saw that agencies created to conserve resources had become the ones most responsible for their destruction or exploitation. To distinguish themselves from conservationists — now a tainted term — these people began calling themselves environmentalists.

When I joined the environmental movement in the early 1970s, it included people of all political persuasions, from conservative Republicans to liberal Democrats. It even included a few Marxists, who were treated by the rest with the same fondness that you might accord to a slightly crazy uncle. There was no litmus test for participation; nuclear engineers worked on antilogging campaigns while loggers worked on antinuclear campaigns and agreed that they wouldn't have to agree on all issues.

No one questioned government ownership of national parks and national forests, but no one thought that the government was their friend; all their experience had shown exactly the opposite. The goal was to save the planet, and if capitalism would save it, they would endorse that as readily as anything else that might work.

The election of Ronald Reagan coincided with the "sagebrush rebellion," a backlash of lumber, mining, and ranching interests against the environmental movement, and led to the first serious proposals to privatize federal lands in at least 70 years. Since the privatizers were identified with the sagebrush rebels, most environmentalists automatically opposed privatization. But some recognized that the privatizers had a point: the federal government had not turned out to be the savior of natural resources that Gifford Pinchot had promised.

In the 1980s, I published a monthly magazine called "Forest Watch" that gave a fair hearing to the privatizers and challenged environmentalists who hated federal land management but couldn't support privatization to come up with a better solution. The only alternative some could propose was to proscribe everything they personally didn't want to do. "No logging, no mining, no grazing, and no off-road vehicles," one wrote to me.

Others were more thoughtful. Sally Fairfax, a nominally left-wing professor of natural resources at the University of California at Berkeley, decided to look at how the states managed their land. She found that, in many ways, James J. Hill was right: the states were conservators at least as good as and in some respects better than the Forest Service and other federal agencies. The difference, she found, was that the states often treated their lands as fiduciary trusts, a practice that completely changed land managers' legal obligations and scope of authority.

In 1872 Congress turned Yellowstone into the world's first national park. Up to that point, Congress had a policy of disposing of all federal land as rapidly as possible.

Starting with Ohio, the federal government granted lands to most states to sell or manage in order to provide revenues for schools. The courts interpreted these grants as trusts, and placed on the states the same obligations that would be placed on a trustee of the funds that someone might put in trust for their children or grandchildren. Fairfax found that court interpretations of trust law forced state land managers to be both more environmentally and more fiscally responsible than federal land managers.

Meanwhile, in 1988, Island Press published my book, "Reforming the Forest Service," which proposed to "marketize" the national forests by allowing them to charge fair market value for recreation and other resources, funding them exclusively from receipts, and removing, not adding to, most of the regulations that managers worked under. Recreation would become the dominant source of revenue on most forests, I predicted, and this would lead managers to be more environmentally sensitive even as they produced whatever timber, minerals, and other resources could pay their way.

My proposal received cautious support from many environmentalists, including (at least briefly) the Wilderness Society and a few other major groups. For a time, the only significant opponent was the Sierra Club, which believed everyone should be charged to use the national forests, except for its own members and other wilderness users, who should all get in for free on the theory that they didn't do any harm to

the land. The group's leaders were immune to my argument that basing user fees on the amount of harm users did would only give the agencies incentives to emphasize activities that did the most harm.

The fall of the Soviet Union persuaded many Americans that socialism didn't work. Ironically, however, it strengthened the strains of socialism in the environmental movement. In the early 1990s, polls showed that the vast majority of Americans believed that government screwed everything up, but polls also showed that most Americans still believed environmental protection was one of the few things the government could do. So American socialists joined the environmental movement as one of the few places where their big-government programs were still welcome.

"I remember the beginnings of this trend," says former Greenpeace leader Patrick Moore, "when young activists in army fatigues and red berets began to show up in Greenpeace offices as volunteers." My own recollection is that people who said they had previously worked as labor organizers showed up to volunteer for environmental groups. They quickly demonized anyone who disagreed with their extreme views and drummed them out of the environmental movement.

Ironically, the strongest resistance to the socialists came from the Washington DC staffs of the various environmental groups. Like any inside-the-beltway lobbyists, these people were essentially incrementalists who didn't want to lose their seats at the tables of power by proposing anything too radical. But when Bill Clinton was elected president in 1992, the national groups that had based their funding strategies on the perceived threat of a Republican in the White House suddenly lost many of their more moderate members.

At about the same time, liberal foundations such as the Pew Charitable Trusts discovered environmental issues and began generously funding groups that had previously relied on members for support. Thus, the loss of members who did not agree with the extremists had little effect on environmental funding. A few of the foundations were overtly socialist, but I suspect that others simply jumped on the bandwagon because it became respectable within the foundation community to fund environmental causes.

Of course, for the big-government advocates, global warming became the ideal issue. On one hand it is such a complex problem that it is virtually impossible to prove whether or not it is actually happening or what its effects will be. On the other hand, if it is happening, it is difficult to imagine a cure that doesn't involve the heavy hand of government. So people working on all sorts of environmental problems quickly learned to tie their issues to climate. "To stop global warming, we have to save the forests/stop driving/end the use of plastic grocery bags/shut down any activity that happens to disturb my idea of utopia."

At the same time, I remain convinced that the environmental movement is not inextricably tied to big-government solutions. Most rank-and-file environmentalists are far from socialists, and even many of the leaders are willing to question government programs if they think they can do it without losing their funding. For many environmentalists, environmental protection remains the goal, and the means to achieve that goal is still open to debate.

Free-market advocates who work on environmental issues are sometimes frustrated with the big-government leanings of the movement and spend much of their time trying to discredit environmental leaders or claiming that environmental problems don't even exist. To the general public, such environmental bashing is not very persuasive.

A more effective approach is to identify real environmental problems and show how markets will solve those problems better than government regulation. For example, the Reason Foundation promotes road pricing as a solution to traffic congestion and the pollution that is associated with that congestion. The Property and Environment Research Center has shown how improved property rights can protect water for both fish and people. Some of my own recent work has combined the idea of marketizing public land agencies — that is, allowing the agencies to charge fair market value for all uses and funding the agencies exclusively out of those fees — with the idea of turning these agencies into fiduciary trusts that would be obligated to work in the marketplace while they protect wildlife, watersheds, and other resources. Such efforts can be used to build bridges to people who genuinely want to protect the environment and not just use environmental issues to promote a big-government agenda. ❑

Man and Groom, *from page 38*

Then the battle entered a new phase. In the war for donations the gay-marriage side vacuumed up five-sixths of the money, including checks of $100,000 from Microsoft, with $25,000 from its CEO, Steve Ballmer, $25,000 from its patriarch, Bill Gates, and $10,000 from Vulcan, a company headed by Gates' old partner, Paul Allen. There was money from the ACLU, the state's largest utility companies, and some of its largest unions.

The other side got money from Focus on the Family, and groups like that; and a bunch of $50 contributions.

There were marches: for R-71 by gays and their friends, and against R-71 by evangelicals. Most notable were the immigrants from Eastern Europe and Russia, who found the whole idea of gay marriage shocking and against God. There was an ad on the radio saying that if the measure passed, schoolchildren would be reading stories about families with two daddies, even in kindergarten. In my neighborhood, an extremely liberal one, there were signs on church reader boards to vote for R-71.

People argued on and on about whether it was or was not gay marriage. It was.

Then election day. The news quickly came from Maine that gay marriage was defeated there. From Washington state there was nothing, because Washington votes by mail, and the ballots were not all in. It looks strongly, however, that when they are, the Evergreen State will disagree with its 31 brothers.

Why there? A lot of little reasons, but the big one was simply that it was time. Some state was going to be first. That state turned out to be Washington. ❑

How We Got Well

by John Goodman

Welcome to the healthcare of tomorrow.

Welcome to Future World, where the average income is $100,000 a year and people need only a 20-hour work week to earn it. Since the present day, medical science has progressed even faster than income. There are bionic limbs; gene-specific therapies to cure cancer, heart disease and other ailments; cell regeneration; antiaging drugs; and all manner of other improvements that could — if fully used — extend life spans to 125 years.

The problem is that taking full advantage of all these technologies would exhaust the entire gross domestic product. Insuring against all contingencies would require a premium equal to 100% of average income.

So how does Future World deal with this problem?

Years earlier, the residents of Future World found a solution that works very well. It turns out that no one wanted to spend all of his or her income on healthcare. So no one did. But people differed in what health outcomes they most preferred. Some placed a high value on maximizing years of life. Others were willing to trade shorter life spans for superior health outcomes while they were alive. Some rejected the idea of bionic limbs. For religious reasons, some rejected organ transplants. So Future World began allowing people to purchase both directly and through insurance whatever health services they chose. As it turned out, almost everyone chose something different.

(Interestingly, very few people in Future World buy the type of insurance that pays for largely futile care at the end of life, the way Medicare does today; though some people pay large sums on such care out of their own pockets.)

There are basically two categories of third-party insurance in Future World. Based on a 20th-century proposal by John Cochrane, people initially buy a policy covering a set of risky events for a healthy person, and a second plan that covers changes in health status. If a person gets cancer, for example, the first plan pays for immediate treatment. The second plan allows the insured to pay the higher premiums that will be charged in future years to cancer survivors (preexisting condition premiums) if they shop for another insurance policy.

Unlike President Obama's early-21st-century vision of a market in which an individual's insurance premiums are *never* based on health status and expected costs, in Future World premiums are *always* based on health status and expected costs. And people insure in a way that allows them

to pay high premiums if their health conditions take a turn for the worse. In Obama's world, insurers have an incentive to attract the healthy and avoid the sick, prior to enrollment, and after enrollment to overprovide to the healthy (because they are profitable) and underprovide to the sick (because they are unprofitable). In Future World, by contrast, the unhealthy are just as attractive to health plans as the sick — if not more attractive.

People also self-insure in Future World by making deposits to Health Savings Accounts. Unlike today's HSAs, these are after-tax (Roth-type) accounts with no limit on contributions. Although the accounts are completely flexible (they can wrap around any third-party plan), people mainly use them for primary care, preventive care, diagnostic tests, palliative care, and chronic care.

Very early, Future World deregulated the market for health services, encouraging providers to compete for patients on the basis of price and quality. Such competition quickly led to price and quality transparency (posted prices and easily available data on quality). This means the prices people pay tend to reflect real resource costs — a big difference from the former system, in which no one ever faced a real price for anything in healthcare. The process was further aided by converting health insurance to the casualty model, similar to the kind of insurance most people have on their homes and automobiles. After a diagnosis of a condition, insurers make an appropriate sum of money available to the patient to cover the cost of care. But patients control the money and make buying decisions, even for very expensive procedures.

To prevent people from becoming complete free riders, consuming all their income and then relying on the generosity of their neighbors if they get sick, residents of Future World are encouraged to obtain a minimum amount of health insurance through the tax system. For the first $10,000 of insurance they buy, they receive a dollar-for-dollar tax credit — a system first proposed by John Goodman and Gerald Musgrave back in the 20th century. (The credit varies a bit by age, and there are lower amounts for young children covered by their taxpayer parents.) Everyone is still free to forego insurance; but if he does so, his tax bill will be higher. Since this is an offer one cannot afford to refuse, there are hardly any people who are completely uninsured in Future World. The few who remain so are expected to pay their medical bills when they get sick. If they lack the ability to do so after exhausting their own resources, doctors and hospitals can draw on a fund that uses as its seed money the extra taxes paid by the uninsured. But this type of care is rationed care, and it is truly charity care, in the sense that the uninsured patient is not *entitled* to any particular kind of medical service.

Future World healthcare has three features that are often considered abhorrent in our own era:

1. Almost all rationing decisions are made by patients, based on their own preferences and their own financial resources.
2. Health insurers are completely free to price and manage risk in competition with one another.
3. The marketplace allocates healthcare resources almost everywhere.

One way to describe Future World is to say that it gets the economics right. People choose what they want. And they pay for what they get. So Future World satisfies the economists' desire to maximize utility, produce efficiently, avoid waste, and so forth. However, Future World faces a continuing moral dilemma.

Each day there are deaths in Future World that could have been prevented if only the appropriate technology had been applied. In a sense, there are also many unmet medical needs — needs that are considered too expensive to fulfill. Question: Is allowing this state of affairs morally permissible?

People in Future World have answered yes, for three reasons: (1) They cannot save every life or treat every need, because they don't have the resources to do so, (2) Those who failed to purchase life-saving technology or failed to insure for it, did so because they valued other uses of those dollars (other consumption) that had to be forgone by those who chose to purchase more insurance instead. Reversing those decisions after the fact for those who experienced bad luck seemed unfair. (3) Choosing to save some and not others also seemed arbitrary and unfair.

This state of affairs was comfortably accepted for many years. Then, one day, it was challenged by a Princeton University ethicist. "There is no social solidarity here," he said. "This is laissez-faire individualism and it produces unacceptable outcomes. These decisions should be made collectively, not individually. Everyone should have identical insurance covering identical services. Any two individuals with the same health condition should have the same outcome."

He didn't deny the fact that he was calling for the rationing of healthcare. Nor did he deny that, with his principles in place, there would be many preventable deaths and many unmet needs. But, he said, "Society as a whole should decide who lives and who dies and which needs are met and unmet."

Initially, some found this argument persuasive. But when they investigated how his idea would work with majority voting, they discovered that no matter what insurance plan was proposed, a majority always preferred something different. Even if a plan could be found to satisfy a majority,

". . . Or, in layman's terms, *Ay caramba!*"

continued on page 62

How Liberty Helps the Poor

by Russell Hasan

Contrary to conventional wisdom, the poor should be the biggest supporters of small government.

As a libertarian I want the policies I prefer to actually become the law. But libertarian policies will never be enacted in a democratic society if poor and lower-middle-class voters stand against libertarian ideals. A significant number of Americans can be classified as the working poor. It is inherently difficult for laws to come into being that oppose their perceived interests.

The solution to this problem is not to rail against the poor. The solution is to convince the working poor that free-market capitalism does not oppose working-class interests and that the free market favors the working class just as much as it favors the rich. Libertarians must be able to make a persuasive argument that free-market capitalism benefits the poor, and that it is better for them than socialism or socialistic programs.

Here are four kinds of arguments that may be useful.

1. The Efficiency Argument

Socialists like to appeal to poor people by proposing a redistribution of wealth. The idea is that when a pie has been cut into pieces so that some people get big chunks and other people get crumbs, the fair thing is to reslice the pie into equal portions. But that is only one way to increase what people get. If you make the whole pie bigger, everyone's portion gets bigger — and you don't have to mess up the pie by reslicing it. Everyone can understand this metaphor. What it means is that the economy is not a zero-sum game. When new wealth is created, everyone can win, without the inefficiency of social disruption.

Under capitalism the poor can buy products that are both good and cheap, because competition forces market efficiency. The standard of living for poor people in wealthy economies, economies operating by means of the profit motive, is visibly higher than that of poor people in poor economies. Capitalism is the most efficient producer of wealth. A poor person in America benefits from the productivity of the entire free-market system, which creates jobs paying wages that comparable workers in third-world countries can only dream of. If poor people in America compare themselves to rich people in America, it seems that they have little, but the comparison

that is relevant to the point at issue — capitalism or socialism — is with similar people in noncapitalist societies. Only that comparison reveals what capitalism offers to the working class — a larger and larger economic "pie."

It is a classic libertarian observation that because consumers are the ones making choices in a free market, the market supplies what people want at the prices they are willing to pay; whereas in a socialist economy the choices are made by bureaucrats who, even if they are saints, will still lack the detailed information about each consumer's wants that can enable goods and services to be distributed efficiently. True, some rich people splurge on yachts and some poor people splurge on ham sandwiches, but capitalism will get you your ham sandwich more efficiently than socialism.

Socialists like to argue that their policies help poor people whom the efficient market ignores — for example, by providing a minimum wage to make sure that everyone has enough money. But regulations that interfere with the market also interfere with people's ability to get what they choose at the price they can pay for it. For example, if an employer is not free to offer a lower salary, then he will simply not be able to hire people, or will hire fewer people, whereas with an unregulated salary he would have been able to offer more jobs. This would be true even of a government-owned business. And when the minimum wage for the people who work in the grocery store goes up, the price of food goes up too, and the poor have to pay that price.

2. The Ambition Argument

Under socialism, the rich (if any) and the middle class are taxed according to how productive they are, whereas the poor are given goods and services in proportion to how much they need them. This tends to solidify the classes. The more successful a worker is and the more productive he becomes, the more he will be taxed and the harder it will be for him to rise from one class to the other.

An inability to profit from one's efforts destroys all ties between the work one does and the reward one gets, rendering meaningless the concepts of personal responsibility and deserved rewards. When the fact that socialism diminishes your responsibility for your own life and severs rewards from achievements becomes clear to people, they often become uneasy about it, in spite of all the free lunches that socialism promises.

"If the truth will set you free, what's the deal with the 5th Amendment?"

It is, of course, unrealistic to think that every poor person can become a millionaire. But a diligent worker can realistically aspire to the middle class, and someone in the lower middle class can realistically aspire to the upper middle class. Capitalism does not have a rigid caste system. The American dream is rags to riches, and capitalism offers that hope to everyone.

3. The Freedom Argument

Socialists like to scare poor people into voting for them by tapping into the fear and misery that poor people feel. They make the argument that if we have less freedom we can have more safety. Poor people are naturally fearful that they will not have enough money to buy things, especially if they lose their jobs. They fear becoming destitute. Socialism promises to give them money taken from the rich, and to give them financial security in the form of jobs they cannot lose.

The libertarian reply is simple: if you give up freedom for the sake of safety, you get neither freedom nor safety. This argument can be made by merely pointing out the practical realities of socialist societies: in theory the poor may own the wealth, but they don't have a way to voice their will except through the government officials who purport to represent them. There is no other way for the system to work besides the government's taking control, and when it takes control, it takes control of them as well as everyone else.

Under capitalism your boss can fire you, but if you do your job well you probably won't be fired, your hard work will be rewarded with a decent salary or a promotion, and you continue to enjoy political freedom and rights as a citizen. Under socialism, instead of a job provided by a boss competing with other bosses, you have a job under the control of a government official. This is not freedom, and it is not safety either.

A system of economic redistribution takes wealth from the rich and gives it, in the first and sometimes the final instance, to government officials. The poor will be as poor under socialism as they are under capitalism, or poorer, but they will have lost their freedom in exchange for promises of safety. The failed "experiment" of the USSR proves this. You don't have to be rich to like freedom; and libertarianism, which is basically the love of freedom, is as relevant to the poor as it is to the rich.

4. The Workers' Rights Argument

Socialists argue that you need to be rich in order to enjoy individual rights or economic freedoms, such as the right to choose where you work or what you spend your money on. They also argue that workers can't make meaningful economic choices because of their unequal bargaining power. The libertarian reply is twofold.

First, social freedoms such as free speech and freedom of religion are inseparable from economic freedom. A government with unrestricted power over the economy will waste no time in accumulating as many other powers as possible. There is no rational principle that distinguishes one kind of freedom from another.

continued on page 50

Is Scripture Statist?

by David Puller

Does the Good Book support the redistributionist policies our president claims it does? Not even close.

In a speech at Georgetown University on April 14, President Obama spoke in defense of his administration's massive expenditures. He cited the words of Jesus in the Sermon on the Mount, where he refers to the importance of building one's house on the rock instead of sand. The president took these words as a parable for America's economic woes and his own expensive solutions:

> We cannot rebuild this economy on the same pile of sand. We must build our house upon a rock. We must lay a new foundation for growth and prosperity — a foundation that will move us from an era of borrow and spend to one where we save and invest; where we consume less at home and send more exports abroad.

Like most presidents, Barack Obama is fond of weaving biblical language into his rhetoric, obliquely suggesting that the Bible endorses his policies. His supporters — and Christian religious leaders — are often more direct in urging statist interpretations of the Bible.

Jim Wallis is a prominent Christian speaker and activist. He is the editor of the magazine Sojourners and author of the 2005 bestseller "God's Politics: Why the Right Gets It Wrong and the Left Doesn't Get It." This book, enormously influential among Christian leaders, argues for confiscatory taxation in order to fund wealth redistribution programs. Basing his argument on Isaiah 65, Wallis writes:

> The government's budgets are a disaster for the poor, a windfall for the wealthiest, and thus directly conflict with biblical priorities. Budgets are moral documents. It may be controversial, but it is not inappropriate to name the federal budgets being passed as 'unbiblical.' And it is time for religious people to clearly and prophetically respond. We need a 'faith-based initiative' against budget priorities that neglect poor people.

Leaving aside the highly dubious proposition that one's personal religious beliefs should be directly translated into public policy — including laws governing citizens who do not share those beliefs — the notion that the Bible supports government redistribution of wealth should be firmly challenged.

The fundamental question for those who consider the Bible authoritative is not whether it advocates charity or helping the poor. Obama, Wallis, and other statist Christians are not arguing for charity. They are arguing for government appropriation of property. The issue isn't charity, but property rights. If the Bible rejects the notion of a right to property, then these people may have a basis for their perspective. But if the Bible supports a right to own property, safe from government redistribution to others, then their policy proposals are unbiblical.

What follows is an analysis of what the Bible says, in both the New and the Old Testaments, on the subject of property rights. Whether the Bible, or parts thereof, should be considered authoritative or useful for Christians I will leave to theologians. My concern is with the text itself.

I would like to be able to report that the Bible argues firmly for an absolutist view of property rights. I would like to be able to write that the Bible is a strictly libertarian document. It is not. Yet in the balance and taken as a whole, the Bible support the individual's right to own property and hold onto it. Briefly summarized, the Bible's teachings are that humans are stewards of God's property in a rental relationship and are accountable to him, not to the state, for the disposition of that property. The Bible advocates charity for the poor and condemns the parsimonious, but it does not grant authority to the state to act on God's behalf to redistribute wealth. It is mostly a laissez-faire system of ideas, which libertarians should not forfeit to statist misinterpretations.

The Bible suggests three central principles regarding property rights. One is the prohibition against theft, enshrined in Exodus 20:15 "You shall not steal." The second is the idea that the world ultimately belongs to God (not to the state), as exemplified by Psalm 24:1: "The earth is the Lord's, and all it contains, the world and those who dwell in it." The third is a corollary: humans are temporary tenants upon God's property, as King David said in 1 Chronicles 29:15: "For we are but sojourners before You, and tenants, as all our fathers were."

Let's examine these principles. The first, that theft is morally wrong, is stated in the Old Testament and repeated in the New, as in Matthew 19:17–19 and Romans 13:9–10. One particular form of theft that the Bible addresses specifically and at length is withholding wages from workers who have earned them. Leviticus 19:13 establishes that doing so constitutes robbery. Deuteronomy 24:15 and James 5:4 describe this act as one that infuriates God.

"Kings can get away with anything."

Of all the passages of the Mosaic Law, Exodus 22:1–15 most directly addresses propertarian relationships. It describes violations of property rights and the legal remedies for them. For example, if a person steals an ox or a sheep and kills it, he must make restitution in the amount of four to five times the value of the stolen and destroyed property. If the thief is caught with the property alive, the compensation is only double. If a person holds the property of another in safekeeping, and it has been stolen from him, then he must make restitution; but if a court determines that the trustee has actually stolen the property, he must provide double the value. If the property was destroyed through natural causes, no restitution is necessary. The two variables determining penalties are the degree of criminal intent and the amount of harm absorbed by the victim.

Of particular note are the laws governing the right to defend one's property. One may kill an intruding thief in the confusion of the night, but to kill a thief in the clarity of the day is an act of murder; a thief has not necessarily forfeited his life as a result of his crime. The right to defend one's property is not absolute, but it is quite strong, much stronger than many contemporary Christians understand or desire.

If theft is a crime, then by logical necessity there must be a right to property. Where there is no property, there can be no theft. Before Christians endorse confiscatory economic policies, thinking that the Bible mandates them, they should consider what limitations the Bible places and does not place, on property rights.

The primary limitation comes from the idea that the whole world belongs to God. Although a secular libertarian view of property rights begins with self-ownership and personal ownership of both physical and intellectual property, a biblical view begins with God's ownership of the world. It is interesting that John Locke, the ultimate source for much libertarian property theory, began at the same place: see Locke's "Second Treatise," section 25. The idea is repeatedly established in Scripture. Psalm 24:1 and Exodus 19:5 quote God directly as making this assertion. In 1 Corinthians 10:26, Paul quotes the Psalms and argues that Christians shouldn't worry about whether or not the meat they purchase in the marketplace has been used to make idolatrous sacrifices because the whole world belongs to God, including the meat presented to idols. But the divine ownership premise cannot be taken as grounds for government seizure of property.

The preface to my argument is the third principle: humans are tenants on God's land or stewards of his property. But how can there be thievery against other people if God owns all the property? The answer is simultaneous ownership. The idea of tenancy establishes that there are two levels of property ownership: God at the higher level and humans at the lower, but both can possess the same property at the same time.

It is important to examine the nuances of this view of property rights, lest Christian statists misuse the notion of divine ownership of the world to justify their notion that there is no individual right to property. That interpretation assumes that human and divine ownership cannot coexist — yet it would be totally inconsistent with the Bible's many injunctions against theft and requirements for compensation for lost and stolen property. If there were no right to private property, these provisions would be pointless.

The Biblical view of property is something akin to leasing. All property is leased from God, the ultimate possessor, but the human lessees are the immediate owners. God may step in and lay claim to his property, but no humans besides the lessees have any such rights. Third parties have no legitimate claim of authority. A practical example: a person rents an apartment from someone else. The rental owner may reserve the right to enter it, as the ultimate holder of the property — but no one else has any right to do so, without the consent of the renter. This tenant relationship is a close parallel to God's claim on property and the lessee's simultaneous but non-contradictory claim.

I would like to be able to write that the Bible is a strictly libertarian document. It is not.

To apply this idea to today's political scene, one might say that God may intervene in the property ownership of individuals, but other people may not. To seize the property of other people is to usurp the authority of God.

Christian statists are fond of justifying the state's usurpation of property rights on a complex sacred and legal event known as the Year of Jubilee, outlined in Leviticus 25. Wallis accurately refers to it as "a periodic economic redistribution in which slaves are set free, land is returned, and debts are forgiven." This would seem to give some grounds for a looser view of property rights than libertarians would countenance.

But a candid assessment of the biblical portrait of property rights should address the subject directly. At the end of 50 years, certain property transactions had to be reversed, but the reversal had to include compensation for the temporary owners of the land. It was like the modern practice of subletting real estate. Should complete compensation not be provided to the current resident within one year, then the property was permanently deeded to him. In the Year of Jubilee, the tenants switched roles, but God remained the ultimate property owner (Leviticus 25:23). A person could not sell real property permanently, any more than a person renting an apartment can sell it outright to a third party. Further, with the Jubilee cycle embedded in law, people who made loans or purchased property would have the opportunity to reduce any losses they feared at the end of the cycle, by charging a higher price up front. There was no capricious action by government.

Contrast the redistributionist plans of Obama and other statist Christians, who are intent on taking property from some people and giving it to others, who never owned it or invested in it, without a hint of compensation. This is not a return of lost property but a seizure of property that is legally owned. The Bible never authorizes such brazen theft.

In "God's Politics," Wallis argues for a Christian effort "to bring the Word of God to bear on the moral issues of the American economy." He asserts that the Bible advocates charity for the poor and offers condemnation to the ungenerous. That is correct. It is, however, an enormous leap of logic to assert that it is task of government to take the place of Christians in giving to the poor, or to assume that Christians can use the force of government to compel others to "give" to the poor. This, really, is the central issue, the central area in which statist Christians have mistaken injunctions about what they should do for others for injunctions about what they should do to others.

One would think, listening to President Obama or reading statist Christians, that the Bible authorized a government regime of constant forced sharing. There is one passage in the Bible, Acts 4:32–35, that apparently depicts a communal sharing of property, in aid of the poor. The passage describes one particular episode of voluntary sharing in the life of the early Christian church — not a program of coercive taxation, set in stone by the Roman government. It should be read in the noncoercive context in which it was written. Jesus preached about living a holy, virtuous life, and unhesitatingly rebuked sinners. But at no point did he suggest that it was acceptable to use force to compel virtue. Christ commanded the rich young ruler to sell all he had and give to the poor (Luke 18:22). But he did not rob the rich man's house and redistribute his goods. Although he drove the moneychangers out of the Temple (Matthew 21:12–13), Christians may conclude that this was the act of the Son of God, disposing of his own property. For statists to do likewise, with other people's property, would be to usurp the power of God. And the teachings of Christ themselves provide no endorsement whatsoever for state redistribution. The earliest Christians understood this. The Apostolic-era church never forced people to acknowledge Jesus as Lord, and nothing in the New Testament suggests that the church used force to take property from those unwilling to give. Certainly it did not suggest that the Roman state, its savage enemy, had the right to do so.

To the contrary, Jesus implicitly endorsed the right to property in his parable of the laborers in the vineyard (Matthew 20:1–16), which symbolically represents God telling workers to "take what belongs to you" (verse 14). The parable would make no sense if there were no property rights. In another parable, Jesus used two investors of property as exemplars of morality, rather than thieves or reactionaries (Matthew 25:14–30). Jesus had plenty of opportunities to condemn property ownership, but he never did.

To accept Romans 13:1–7 at face value requires that Paul contradict himself at every other point in his writings where he mentions persecution by local officials.

One response to calls for a more minimal state, one that cannot appropriate property at will for the "common good," is to cite Romans 13:1–7, perhaps the most statist passage in all of Scripture: "Every person is to be in subjection to the governing authorities for there is no authority except from God, and those which exist are established by God." Here Paul asserts that governments derive their authority from God and

resistance to government authority is rebellion against God, for "whoever resists authority has opposed the ordinance of God." This is because government "is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath on the one who practices evil." This would seem to burn a path for statists to begin government redistribution of wealth as a divinely-delegated authority. Wallis uses it for precisely that purpose, writing that "it suggests a clear role for the government in ensuring the common good."

I gladly invite statists to make this argument, once they explain how the most oppressive regimes in world history can also claim divine authority, using exactly the same reasoning. Romans 13 is a far too complex passage to unpack in this article. I think the best explanation is that Paul was attempting to avoid accusations of sedition by the Roman government. He himself was persecuted by the Romans and other governments. He knew that government wasn't empowered by God to do anything it pleased. To accept Romans 13:1–7 at face value requires that Paul contradict himself at every other point in his writings where he mentions persecution by local officials. To use the passage as justification for any government activity whatever induces so many logical problems that Christian statists will never get through explaining themselves before proceeding with redistributionist plans.

The truth is that there is no biblical warrant for redistributionist economic policies. It simply is not there. The closest the Bible comes to supporting such policies is the Year of Jubilee, which proposes something entirely different from the programs advocated by Christian economic statists. A careful, rather than cursory, examination of the biblical text shows that confiscatory taxation and redistribution have no traction.

Quite the opposite: there are solid biblical grounds for the right to property — far stronger grounds than for President Obama's call to "spread the wealth around." Until Christian statists can persuasively argue to the contrary, their redistributionist plans must be pronounced unbiblical. ❑

How Liberty Helps the Poor, *from page 46*

Second, a worker's choices are in reality not limited to one employer's take-it-or-leave-it offer. Turning down one employer's offer of a certain wage doesn't mean starving to death. There are thousands of employers, and a worker in a capitalist society has the unconstrained ability to choose whichever employer he prefers out of all who may be willing to hire him. If no employer will give him the terms he wants, he is free to seek a loan from one of the hundreds of banks in existence and start his own business, or to learn a trade that will make him more valuable to employers. Everyone has the option of getting an education and learning some trade to put him in a better bargaining position.

To say that some people lack the intelligence necessary to do so is both patronizing and untrue. The qualities necessary to accomplish such a feat are discipline and the willingness to make tough choices. Neither of these qualities is a magical ability that some people are born with and some are not. In no industry is there a monopoly such that a worker must choose to accept one specific set of terms or starve. Even if there were, the worker would be free to start a company to compete with the monopoly, on at least one of its product lines — assuming, of course, that there was a free market. Lean start-up companies often compete very efficiently with bloated would-be monopolists.

It is misleading to say that working-class people cannot appreciate the right to choose a job or the right to use money. A worker who earns his money has earned the right to spend it on something he wants, and to enjoy any product or service that the other hardworking citizens of a capitalist country will sell to him. The worker's enjoyment from spending money is not an illusion, even if he has comparatively less money than an upper-class person. The fact that rich people own yachts does not make a ham sandwich taste any less delicious.

Any libertarian candidate who runs for office on a platform of helping the rich and ignoring the poor will lose. But after all, libertarians are not in the business of using government to help any class of people. Their concern is with preventing government from hurting anyone's legitimate interests. It may seem counterintuitive to think that low-income people can be persuaded that economic freedom is in their best interest, but it only seems counterintuitive because of the pervasive influence of socialist propaganda. Fortunately, this propaganda has the weight of American history against it. Generations of low-income people arrived at Ellis Island and looked up at the Statue of Liberty, and they did not come here because they wanted to be exploited; they came because they wanted the American dream, the dream that hard work can earn you a decent wage and a good life. That dream, in the vast majority of cases, became reality. America has been called the land of opportunity, and it is capitalist society in which economic opportunities appear to people who make simple, honest, persevering efforts.

In spite of all the obstacles that may stand in the way of working-class people trying to support themselves and their families, it remains possible to say that the American dream is still alive and that economic freedom still has a place in the American way of life. Socialists tell workers that capitalists exploit the workers and steal their wealth. The libertarian reply is that capitalists create wealth, make the economy function, and thereby benefit workers, who are always free to make use of capitalism for their own dreams and ambitions.

There is no reason why libertarians should not be proselytizing to the poor as well as the rich. We cannot promise to provide free lunches to the poor — because, indeed, there is no such thing as a free lunch — but we can promise to give everyone an unfettered opportunity to earn lunch money.

Almost everyone on the political scene maintains that a political philosophy designed for America as a whole should be beneficial for all Americans, not just one class or special interest group. And free-market capitalism is the one economic system that truly benefits everyone. If a libertarian platform were able to draw support from high-income, middle-income, *and* low-income voters, if we were able to say persuasively that freedom benefits all Americans, then there would be virtually no limit to the realization of libertarian political goals. ❑

Reviews

"The Anti-Communist Manifestos: Four Books That Shaped the Cold War," by John V. Fleming. Norton, 2009, 352 pages.

When Communism Was Cool

Bruce Ramsey

The homage that Western intellectuals once paid to the Soviet Union is difficult to fathom. They had no praise for Hitler and Nazism, but Lenin and communism ensnared them.

Emma Goldman, the anarchist portrayed by Maureen Stapleton in the movie "Reds" (1981), had to go to Russia to see it clearly, and she was the only lefty in that gushing movie who did see it. Russian-born journalist Eugene Lyons, who wrote "Assignment in Utopia" (1937), didn't shake off his admiration for the communist system until he had been stationed in Moscow for several years. Most of the Left ignored Stalin's collectivization and the resultant famine of the early 1930s. A few awakened at the show trials of 1936–1938, and many left when Stalin became an ally of Hitler in 1939. Others went on believing until they were hammered into awareness by anticommunist books.

John Fleming's "The Anti-Communist Manifestos" is about four of those books: Arthur Koestler's "Darkness at Noon" (1940), Jan Valtin's "Out of the Night" (1941), Victor Kravchenko's "I Chose Freedom" (1945), and Whittaker Chambers' "Witness" (1952). Each book is by a former communist. Each raised a stink, and each helped change the mind of some segment of the public.

Fleming, who for 40 years taught literature at Princeton University, was an expert on Koestler's "Darkness at Noon" before he started this project. "Darkness at Noon," he writes, is "a book with definite political consequences, of which there are but a few in any generation."

Like George Orwell's "Animal Farm," "Darkness at Noon" is an anticommunist novel written by a socialist. Orwell had turned against the communists after seeing their self-aggrandizing, treacherous, and lying behavior in the Spanish Civil War. So had Koestler. He had also been jailed by the Spanish Nationalists, under a sentence of death, an experience he used in writing "Darkness at Noon."

The book is about the last days of Nicholas Rubashov, a character modeled on the Bolshevik "rightist" Nikolai Bukharin. Rubashov helped give birth to the Soviet state, but now it wants to eat him. He was loyal to it; indeed, he surrendered his morality and judgment to it. Now it demands that he confess to "crimes" he didn't commit. And so he does.

Why did the victims of Stalin's show trials confess, often to stories that were easily proven untrue? Because they were tortured? Partly. But there was more. Fleming writes: "Koestler's suggestion, which was brilliantly original at the time he advanced it in 'Darkness at Noon,' was to look for an internal compulsion within the psychology of Bolshevism itself."

Communism wasn't like capitalism — a system created without central intention, whose theoreticians came after its birth, and were strictly self-appointed. As Fleming observes, "There is . . . no Capitalist International. Very few capitalists have read so much as a word of Adam Smith, Hayek, or Milton

Friedman. In fact, quite a few have never heard of them. . . . Capitalism itself has neither a central headquarters nor theoretical texts commanding wide obeisance."

In the 1930s and '40s, communism did. It was not just an existing political and social system, or mainly that. It was an ideal.

"Socialism was the baby, the Soviet Union the rather gray and scummy bathwater," Fleming says. "The greater the fear of losing the baby, the greater the tolerance of the dirty bathwater. Socialism was being 'built' in the Soviet Union. We were witnessing the difficult transition period toward real Communism." Stalin, the Great Helmsman, was only halfway there — so lighten up! The omelet is going to taste really, really good.

It's not that pro-Communist intellectuals were insincere, writes Fleming. "Instead, they were infected by a theory."

"Darkness at Noon" was published in Britain in 1940, and America in March 1941, during the two-year period when Stalin was allied with Hitler. This period of demoralization for Western communists was a window of opportunity to publish anticommunist books, without the strident objections of communists inside and outside government. "Darkness at Noon" didn't make waves then, but another book did: Jan Valtin's "Out of the Night."

Fleming's discovery of that book started the project that is the subject of this review. Fleming is a hobby bookbinder; he buys used books for their boards. "Out of the Night" is still dirt-cheap on the used-book market; it was a bestseller in 1941, which means there are a lot of copies, but nobody reads it any more. One day Fleming picked up a copy, intending to rip off its cover. He began reading it instead.

It was not a book for intellectuals. There was no theory in it, but there was plenty of exciting practice. It was the autobiography of a communist agent, a man whom Fleming finds "selfish, sinister and cynical," "not very easy to like," but who was fascinating for Americans to read about. The author describes how he committed mayhem, attempted murder, espionage, smuggling, illegal border crossing, free sex, and other indiscretions, all as part of the daily, shady life of a professional Red.

"Jan Valtin" is a false name, and some of the details of the story have been shown to be false. The book, Fleming writes, is "a strange celluloid suspension, in which little blobs of fact are captured in a viscous medium of fiction, or perhaps vice versa." It is, he says, "morally true." And it was an "anti-Communist blockbuster."

There is a story behind that story. In 1939 "Valtin" published an article, "Communist Agent," in The American Mercury, then edited by Eugene Lyons. "Valtin," whose real name was Richard Krebs, was talked into making a book out of it by two of his Connecticut neighbors — the anticommunist Isaac Don Levine (whom Fleming calls "one of the most successful literary agents, entrepreneurs and productive busybodies in American history"), and Levine's good friend, the libertarian writer Rose Wilder Lane.

The book was a popular success. But its time of political shelter was short. The book came out in April 1941. On June 22, the German army rolled into Russia, and suddenly the Union of Soviet Socialist Republics was one

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of the good guys fighting Hitler. Forget its former pact with Hitler, its invasion of Finland and seizure of one-third of Poland and all of Latvia, Estonia, Lithuania, Carpathian Ruthenia, and what is now Moldova. Forget, too, that America was still officially neutral for the next six months. Culturally, America was at war, and the Soviet Union was an ally. "After 'Out of the Night,' " writes Fleming, "there would not be another popular 'anti-Soviet' book published in America until 1945."

"Out of the Night" was going to be made into a movie. After June 22, 1941, however, it was untouchable. Americans would be seeing such pro-Communist movies as "Mission to Moscow" (1943) and "North Star" (1943), but not any anticommunist movies. Fleming quotes screenwriter Dalton Trumbo, bragging that as a result of the influence of his fellow Communists, no movie of "Out of the Night" was ever made. Still, hundreds of thousands of people read it.

Four years after publication of "Out of the Night," the war ended, and the story of "Darkness at Noon" resumed. Called "Le Zéro et l'infini," it was published in France, and the French intellectuals went ballistic.

"It is no easy thing to reconstruct the mental world of the early Cold War," Fleming writes. "To appreciate the nature of the French debate about Koestler's novel requires the reconstruction of some modes of thought nearly vanished from the earth."

The French Left believed deeply that Russia had done the hard work of fighting Hitler and that Britain and the United States had rolled in when the going was easy (an exaggeration of a valid point about the Russians); that the communist underground in France had put up the best fight against the Nazis of any of the underground groups; that "the USSR was a shining beacon"; and that "the Western democracies were rotten to the core." The Soviet Union had its blemishes, but these were excusable. There had been a terrible war. At its end Jean-Paul Sartre could declare, "Every anti-Communist is a dog."

But Koestler's book was set *before* the war. Its message was that communism was rotten in 1937, rotten at the core, because it denied the individual's moral judgment and worth. All the rot that followed flowed from that.

In 1946 Koestler's book was joined by an ally, "I Chose Freedom." Its author, the Ukranian Victor Kravchenko, was a Red Army officer sent to America to order lend-lease supplies. He defected in 1944 and began writing a book to explain why he had done it. Fleming says that even in Russian Kravchenko "could not write his way out of a wet paper bag." The book was cowritten by Eugene Lyons, who spoke Russian. It portrayed life in the Soviet Union as one "of nearly universal social fear," including the fear of arrest, prison, and forced-labor camps.

By 1946 most Americans were ready to believe this, but the French Left was not. When a communist smear artist writing under the pseudonym of "Sim Thomas" charged in Les Lettres Françaises that the book had been concocted by American intelligence agencies, and that Kravchenko was a lying alcoholic, Kravchenko sued the publisher. He put up his own money, which he had earned from the American edition, to fight the communists. The result was a public trial of Soviet Russia. Kravchenko won the case.

Sixty years later, the amazing thing is that the defenders of the Socialist Homeland thought they were right. They were not going to let "I Chose Freedom" pass. They believed. For them, as Fleming says, "All the minor [!] tyrannies of which they disapproved — suppression of the freedoms of speech, of the press, of assembly, of religious practice, and so on — could be forgiven or at least tolerated on account of the huge economic tyranny of which they approved."

The one thing they would not admit was the concentration camps and the attendant forced labor. Those were icons of Nazism. They were not to be associated with a workers' state. If Kravchenko could hang them around the neck of Soviet Russia, the Soviet Russia was guilty.

He did. And it was.

The last part of Fleming's book is about Whittaker Chambers' "Witness." Chambers, an American, had been a Soviet spy in the 1930s, had broken with the Party, and gone to a high official in 1940 with a list of Soviet agents in the U.S. government. The official had taken the message to President Roosevelt, who dismissed it. But after Roosevelt died and the war ended, Chambers made his accusations again. One of the men he named, former State Department official Alger Hiss, sued. The result was an epic battle over who was lying, and, more important, about whether the Roosevelt administration had been riddled with Soviet spies. We now know that it was. But at the time, Americans were divided, with the Left siding with Hiss.

"Witness" was the book that Chambers wrote after Hiss had been sent to prison. It is one of the classic American autobiographies, a gloomy, brooding book written on a loftier intellectual plane than "Out of the Night" or "I Chose Freedom."

All this has been forgotten by

"Not now, dear — some sexy Ukrainian girls want to meet me."

American popular culture. What remains is the left-liberals' story of "McCarthyism" and the "witch hunt" against suspected communists, which Arthur Miller compared to the Salem witch trials in his play "The Crucible" (1953). Fleming's chapter on "Witness" gives him the chance to point out that in spite of the indecencies of Sen. McCarthy, it is incorrect to call what happened a "witch hunt." "The problem is this," writes Fleming; "there never were any witches, but there were some Communists."

Fleming has sound moral judgment, but he leavens it with humor. Of French feminist Simone de Beauvoir, he writes that she "had a habit of reading and liking books, only later to discover that she was supposed *not* to like them." Fleming is also a specialist on medieval history, and makes reference to it unexpectedly, starting with an allusion to Dante on the second page of the text. He is also fond, perhaps over-fond, of references to classics of all descriptions. Here is a sample in a paragraph about Victor Kravchenko and a woman he met:

> The Communist and the capitalist heiress exchanged admiring glances. They then took refuge from the storm in a hotel, very much in the spirit and in the end with very similar results as in the fourth book of the Aeneid when Dido and Aeneas take refuge from the rainstorm in a cave.

From this you can see that "The Anti-Communist Manifestos" is not tightly organized. The author is attracted by stories that are interesting to tell, and he feels free to pursue them, wherever. But the book is a delight to read, and it does reconstruct "some modes of thought nearly vanished from the earth." ❑

"Woman on the Moon," by Alex Modzelewski. Humpback Publishing, 2009, 270 pages.

Liberty, Ahoy!

Jo Ann Skousen

More than 40 years ago, Harry Browne published an open Christmas letter to his 9-year-old daughter with the startling words, "No one owes you anything." That Christmas message to a little girl who was probably hoping for a doll or a bicycle may seem shockingly harsh, but Harry's intent was liberating: the sooner you realize that no one owes you anything, the sooner you will become self-reliant.

I was reminded of Harry's letter to his daughter when I read Alex Modzelewski's "Woman on the Moon." The book is a dystopian novel set a few decades into the future, when government interventionism has completely taken over the United States. Somewhere out in the Pacific Ocean, there is an ersatz Galt's Gulch called Moon City made of container ships and other vessels. The community's motto is "We owe you nothing." Other ships are welcome to tie up in outlying areas of the floating island. Their passengers can buy and trade goods for gold (no paper currencies are accepted), and they can receive emergency assistance. But no one is *entitled* to a place in Moon City. Only those who are vetted and invited can venture into its heart.

One of the Americans who still inhabit the continent is the protagonist, Pavel Bronski, a physician who is forced to cut costs, meet quotas, and participate in surgeries without essential drugs. (Anyone concerned about the healthcare debate should read this book.) As a physician, Bronski has access to fuel, extra food rations, and other luxuries, but ordinary Americans have to make do with constant shortages of these things. Government-run "Repose Centers," reminiscent of opium dens, keep the masses sedated and acquiescent. But early in the story Bronski decides to leave America on his sailboat, taking with him a mysterious new friend, named only Sarah, who has her own reason for setting sail. Eventually they end up at Moon City.

Like Ayn Rand, Modzelewski uses fiction to present and discuss libertarian ideas. His characters' conversations are intelligent, interesting, and philosophically sound; and they never become too long and drawn out. The story is suspenseful and exciting. Spies and bioweapons are involved, and Bronski, who has been involved in developing a drug for "Operation Remorse," a program that turns soldiers into fearless, remorseless killers, is chased across the ocean by government agents.

The book has two flaws, one odd and the other just annoying. First, midway through the novel, the military bioweapon plot suddenly mutates. The same government agents are still chasing Bronski, but (the poetically named) Operation Remorse has apparently ceased to exist. Suddenly the whole plot line is dropped. Now they are after him for an entirely different reason: they want to gain control of an advanced electronics plant in Panama. Fiction always requires a certain suspension of disbelief, but this plot twist is simply bizarre.

The second, annoying flaw is the backstory of the female protagonist, Grace (who also uses only her first name). She is the strong, intelligent founder and leader of Moon City. But before that, she was the 16-year-old bride of the leader of a church that is "headquartered in Salt Lake City." Early in the book "Brother Jeremiah," a leader of this church, forces her to watch pornographic videos, rapes her,

beats her, and eventually kidnaps her daughter. But it's more complicated than that. Grace's family starts out in a small community of fundamentalists with lots of "sisters and cousins," "like a litter of puppies." Then they are "called" by their "stake president" to move to Ogden, Utah, where the Jeremiah character presides. He is not described as a polygamist, but the communities he directs are so described. Then he is called to a new position in Salt Lake, and he forces 16-year-old Grace to marry him. Later he is called a "prophet."

Hmmmm. Salt Lake City, prophet, local churches called "stakes," presiding officers called "stake presidents." This is pretty specific. I wonder what the author might have in mind?

Undoubtedly the target is the Mormon church, and the weapons directed against it are those of popular mythology and prejudice. Modzelewski asks in a cover letter, "Why are Polish jokes so relentless, even though population studies place our average IQ as the third highest in Europe?" I could ask him a similar question: why should Mormons be portrayed in the bizarre way in which they are portrayed in his book?

Yes, there are polygamous communities in isolated areas of Utah, Arizona, and Colorado, where women and children are overpowered by abusive men. The difficulty is that they are not "well respected" internationally (as Brother Jeremiah reportedly is), they are not headquartered in Salt Lake City (as Jeremiah's church is), and they are not members of the Mormon church (as Modzelewski implies). The same kind of story line could be created about Episcopalians or Freemasons or Christian Scientists (or atheists, for that matter). The only requirement would be for myths and stereotypes to take the place of facts. But what's the point? Fiction should be a mirror of reality, not a headlong flight from it.

But to return. Despite these flaws, "Woman on the Moon" is worth reading, especially for those who enjoy novels with a libertarian bent. And the cover art, a gold sculpture of a woman reclining languidly on a crescent moon, is exquisite. The book is worth displaying on your coffee table for that picture alone. ❑

"The Arabs in History" 6th edition, by Bernard Lewis. Oxford University Press, 1993, 240 pages.

"The Berbers," by Michael Brett and Elizabeth Fentress. Blackwell, 1996, 365 pages.

"Moorish Spain," by Richard Fletcher. Phoenix Press, 2001, 197 pages.

"Muhammed and the Origins of Islam," by F.E. Peters. State University of New York, 1994, 334 pages.

"Saladin," by Andrew S. Ehrenkreutz. State University of New York, 1972, 290 pages.

"What Went Wrong?: The Clash Between Islam and Modernity in the Middle East," by Bernard Lewis. Perennial, 2003, 186 pages.

The Muslim Myth

Stephen Cox

It was a typical libertarian conference. The hotel ballroom was packed with people eager to share ideas. The four-member panel was deftly fielding questions. But as I sat there, enjoying the discussion, I knew it was coming — the Question, the one that comes up at every libertarian conference. It makes no difference what the major topic of discussion may be; the Question is bound to be asked.

And it was. A pleasant, intelligent person rose to his feet and said, "Isn't it true that medieval Islam was practically an anarchist society? I mean, they really had no state, did they? That's what I've heard. Tell me — is it true?"

Sometimes, when this happens, one of the panelists confidently assures the questioner that he has been misled: Muslims had states, and laws to boot. Sometimes, one of the panelists says yes and another panelist says no. And sometimes, no one on the panel is willing to vouchsafe an opinion. Just because you're an expert on the American Revolution or the European economy doesn't mean that you know, or should be expected to know, the history of everything in the world.

Yet these days, one would like to know as much as possible about the history of Islam. And libertarians are always curious about the degree and kind of individual freedom that existed at various times and places in the past. But how is it, you may wonder, that so many libertarians have acquired the impression that a thousand years ago, Islam was a paradise of freedom?

I'll tell you how. It's because of Rose Wilder Lane, the apostle of libertarianism who in 1943 published a theory of history and politics called "The Discovery of Freedom." This book has influenced many thousands of libertarians, firsthand or secondhand; and a very large proportion of it is devoted to

a lyrical description of the accomplishments of Islamic civilization during the period that Europeans came to call the middle ages.

By Lane's account, the founder of Islam was a deist and rationalist who was, for all intents and purposes, a libertarian. The civilization that he inspired was also essentially libertarian. It was as close to anarchy as a civilization could come: "There was no Authority. There was no State. There was no Church." It was a "scientific" civilization, "constantly increasing and using scientific knowledge." It was "tolerant." It was "humane." Its "essential function [was] not war, but production and distribution of goods." At every point it presented a healthy contrast to the ugly and intolerant civilization of its Christian neighbors:

> During the stagnation of Europe that is called the Dark Ages, the world was actually bright with an energetic, brilliant civilization, more akin to American civilization and more fruitful today for everyone alive, than any other in the past. Millions upon millions of human beings, thirty generations, believing that all men are equal and free, created that civilization and kept on creating it for eight hundred years. To them the world owes modern science — mathematics, astronomy, navigation, modern medicine and surgery, scientific agriculture.

Rose Wilder Lane was a good writer. She loved a good story. But sometimes her stories weren't true. To see what's wrong with her story about Islam, and to get a basic idea of the real problems and accomplishments of Islamic civilization — no, Islamic civilizations, because a common religion doesn't automatically create a common culture or even common ways of interpreting the religion — you may want to look at some of the books listed above. They show, in general and in detail, that the human interest of Islamic history is considerably greater than its interest as an ideological prop.

By Rose Wilder Lane's account, the founder of Islam was, for all intents and purposes, a libertarian.

A place to start is Bernard Lewis' standard text, "The Arabs in History," a brief and elegantly written summary of medieval history from the Arab and Islamic point of view. A place to end is perhaps Lewis' more recent work, "What Went Wrong?" This is a much more polemical book, and one with some direct bearing on libertarian thought. It attempts to answer the question, Why did the Christian West modernize and liberalize itself, while, for the most part, the Islamic Middle East did not? Lewis is concerned not with the Middle's East's adoption of automobiles and tennis shoes, but with its hesitancy about certain ideas that libertarians regard as fundamental to a free society — limited government, the separation of government from religion, and open and rational inquiry into all subjects, both civil and religious.

This hesitancy came from somewhere. It came as a heritage from the old civilizations of the Middle East, civilizations in which the state was never separated from religion, government was never effectively limited, and rational inquiry was often curtailed, either by religious and customary prohibitions or by simple lack of interest in philosophical investigation and dispute. For various reasons, similar conditions ceased to obtain in western Europe, but change didn't go far enough or fast enough in most parts of the Middle East.

The picture that Lewis paints is therefore fundamentally opposed to the picture that many libertarians have derived from Lane. There is a difference between improving mathematics and navigation, as medieval Muslims certainly did, and conducting philosophical inquiries into the nature of human freedom. Richard Fletcher's book on Islamic Spain — a very specialized book that is nevertheless clearly and attractively written — emphasizes a point that Lewis also mentions: when translating Greek texts into Arabic, Islamic scholars avoided the philosophical and "merely literary" ones, and went for the mathematical and medical works. They wanted practice, not theory; and thus scorned the kind of theories, or literary experiences, that can lead to a new and better practice of life. When it came to understanding their Christian neighbors, they did exactly what the Christians did. To the greatest extent possible, they avoided informing themselves about what their neighbors believed. They had little or no interest in translating or reading Christian texts, just as the Christians had little or no interest in reading or translating the Quran or other Islamic religious works. On both sides, ignorance and bigotry were profound.

The composition of the Quran and the life of the Prophet Muhammed, who was simultaneously a civil, religious, and military leader, will always be of absorbing historical interest. A place to begin with the study of the Prophet is F.E. Peters' "Muhammed and the Origins of Islam." Peters is sympathetic to his protagonist, but his array of facts allows readers to make their own judgments, too — judgments that, pro or con, are not likely to coincide with Lane's. Whatever else he was, the Prophet was not a nice, 20th-century libertarian.

But what is really at issue is the degree of openness, the degree of scientific and progressive spirit, the degree of trust in rational judgment and respect for the rights of individuals, that may have prevailed in one Islamic culture or another, after Muhammed's creation of an Islamic community. On this subject, inquiries into origins can never be decisive, and generalizations can never be complete. Individual times and places must be inspected in detail. Here are the conclusions that Fletcher reaches as the result of his essentially generous, warm-hearted study of the culture of Islamic Spain, which has often been represented as a pinnacle of medieval civilization:

> None other than Mr. Anthony Burgess wrote that after the fall of Granada [to Christians, in 1492], "the magnificent Emirate of Córdoba, where beauty, tolerance, learning and good order prevailed, was only a memory." Indeed it was. But had they ever prevailed? Beauty? Yes, a fair amount of it, here and there. Tolerance? Ask the Jews of Granada who were massacred in 1066, or the Christians who were deported by the Almoravids to Morocco in 1126 (like the Moriscos [Moorish families who lingered in Christian Spain] five centuries later). Learning? Outside the tiny circles of

> the princely courts, not a great deal of it to be seen. Good order? Among the feuding Berber tribesmen? Or the turbulent muwallad rebels like Ibn Hafsun? Or the taifa statelets of the eleventh century? Or the Moroccan fundamentalists who succeeded them?

As a close study of another Islamic time and place, Andrew Ehrenkreutz's life of Saladin also repays attention. Not that the book is hard to understand; Ehrenkreutz is always brisk and lucid — although his performance in print is nothing compared to the performance I saw in person, when I took his class at the University of Michigan. He talked without any notes whatever, and when he referred to some event, he didn't cite it in a vague or general way, but as something that happened "on the beach near Damietta, on April 3, 1173." He used no tricks. He developed no rhetoric. He was never theatrical. He never tried to entertain. But he was the best teacher you could have. The subject of his book is the greatest Islamic leader of the 12th century, the soldier and statesman who united Egypt, Syria, and most of Mesopotamia under his rule and expelled the Crusaders from Jerusalem.

Ehrenkreutz admires Saladin's brilliant talents. Yet to him, Saladin's career is an example of constant, predatory, and ruthless ambition, similar in nature

Why did the Christian West modernize and liberalize itself, while the Islamic Middle East did not?

though greater in stature than the ambitions of many other Islamic leaders of the time. Muslims didn't lack a government; they had hundreds of them, fiercely competing with one another, with hardly a hint of tolerance. As in Spain, so in the Middle East: they constantly fought one another, allied with one another, and betrayed one another. Saladin spent his whole life marching armies back and forth across the Middle East; and when he got the drop on his opponents, he did not hesitate to behead them, crucify them, or just start hacking away at them with the first weapon that came to hand. They were pleased to do the same to their own opponents, when they got the drop on them. I don't need to tell you that the Christians did the same. There wasn't a dime's worth of difference between them.

Religious freedom? Saladin had no compunctions about executing Islamic mystics, once they became popular. Commercial freedom? Saladin experimented with lowering taxes and firming up the currency, but when he found that these expedients didn't bring in enough money to fund his military adventures, he came up with new ways of taxing and exploiting people. One of his associates, an intelligent man named al-Qadi al-Fadil, complained that

> in the district of Damascus the abuses oppressing the farmers are so outrageous that one wonders whether the rain still waters their fields; oppression . . . exceeds all imagination. At Wadi Barada and at al-Zabadani disorder reigns permanently, the sword causes streams of blood, and nothing appears to stop the excesses. . . . It is further imperative to promote collection of taxes and to adjust expenditure accordingly, for expenses without revenue — as any enterprise without solid grounds — are nothing but absurdity.

Well, try another place and another Islamic culture. In their book on the Berbers, Michael Brett and Elizabeth Fentress follow the history of North African civilization from its beginning to the present day, using whatever resources — archeology, literary remains, contemporary interviews — can bring its many epochs to life. What are Brett and Fentress' conclusions about "the type of government which had grown up in North Africa under Islam" during the medieval period? Their summary is blunt. It was "dynastic and elitist in its constitution; populist in its appeal to the Muslim community; and Shakespearean in the instability of power." Whether at Fes, Granada, Tlemcen, or Tunis, Islam was "ceaselessly, and inconclusively, at war."

Islamic or Christian, the best of medieval politics was ugly and futile. Commenting on the difficulties of his own attempt to get the facts straight, and then find someone interested enough to read them, Fletcher says, "Medieval Spain in a state of nature lacks wide appeal. Self-indulgent fantasies of glamour or guilt do wonders for sharpening up its image."

Yet Fletcher mentions something of greater interest than people's appetite for fantasies. He mentions the fact that we still don't know very much about the lives led by people like us during the Islamic middle ages. To put this in a libertarian way, we still don't know

As in Spain, so in the Middle East; they constantly fought, allied with, and betrayed one another.

enough about the spontaneous order of individual life that persisted beneath the burdens of official violence and intolerance. But there are clues. Studying the records of the time, Fletcher finds references to the scandal caused to the rulers of Spain by Muslim bands providing music at Christian vigils, and Christian monasteries serving wine to Muslim tipplers. It's too bad, he says, that history, so far, has had to be told from the viewpoint of the official classes:

> The religious history of the Iberian peninsula in the Middle Ages may be summarized, from one point of view, as the persistent and wilful failure of two faiths and cultures to make any sustained attempt to understand one another. Human enough; pretty bleak. The trouble with such a judgement is that historians in making it have to rely on the testimony of those who could write. For most of the period discussed in this book that meant a small intellectual elite. Intellectuals are not renowned for their grasp of everyday reality, nor for cheerfulness and optimism. Judgements might have been rosier if one had found oneself spending the Easter vigil at a Mudejar pop concert in the local cathedral; or downing a few bottles of Valdepeñas with like-minded Muslim pals at one of Toledo's monastic wine-bars.

Now, that's something that Rose Lane would like to hear. ❑

"The Daughter of Time," by Josephine Tey. Touchstone, 1951, 208 pages.

I, That Am Rudely Stamp'd

Jo Ann Skousen

"Truth is the daughter of time, not of authority," wrote Francis Bacon. His saying provides the title of a book that was published a long time ago but has never lost its freshness and relevance.

If we have learned one lesson from recent politics it is this: Be the first to tell the story, and tell it your own way. Then don't back down. You can get away with just about anything.

Most people know the story of Richard III — the king who clumped around medieval England with a deformed back, lamenting the winter of his discontent and ending his life with the tragic cry, "My kingdom for a horse!" Many also remember him as the murderer of the princes in the tower, a man so evil that he killed his own young nephews to put himself on the throne. But who was the first to tell this story, and which way was it told?

Most of what "everyone knows" about Richard III comes from two sources: Thomas More's "The History of King Richard III," published in 1557, and Shakespeare's play of the same name, published in the 1590s and based on More's account. Both men wrote their tales nearly 100 years after Richard died. More to the point, both men were loyal subjects of the Tudors, descendants of Henry VII, who dethroned Richard and ended the reign of the Plantagenets. If anyone had a reason to darken Richard's reputation and brighten their own, the Tudors did.

Josephine Tey's novel "Daughter of Time" provides a fascinating look at this period of English history through the eyes of a fictional detective. Though written in 1951, her story of political shenanigans and historical revision feels as timely as last month's election.

The story begins with Scotland Yard Inspector Alan Grant recuperating from a broken leg. Confined to bed, he is bored and cranky. Knowing that Grant is proud of his ability to "read" a person's guilt or innocence by looking at the person's face (heaven save us from that kind of jury — or cop!), a friend brings him some pictures of famous defendants to keep him busy, including a portrait of Richard III. Grant is puzzled by Richard's kind and noble face, which does not fit his expectation of a murderer. Engaging the help of a young researcher at the British Museum to do his library work, Grant begins to investigate the 500-year-old mysteries of Richard's life.

As much history as mystery, "Daughter of Time" delves into the background of the Plantagenets (though "delves" may not be quite the right word for a book with a lively style and witty dialogue). Like any good detective, Grant focuses on motive and opportunity as he sets out to prove that Richard could not have murdered his nephews, the young princes who disappeared from the White Tower sometime during or even after Richard's reign. He discovers that Richard's successor, Henry VII, had more motive and opportunity for their deaths; after all, Richard had solved his accession problem simply by proving that the princes were illegitimate.

The story has a surprising number of twists and turns for a mystery that has been out in the open for 500 years. But the most interesting thing about this book is the author's explanation of how rumors become history and how truth, "the daughter of time, not authority," becomes deliberately obscured. In Tey's story, men are sent to different parts of the country, and even to France, expressly to start rumors. Witnesses are paid off or silenced. Though essential evidence — such as any contemporary accusations that Richard did away with the princes — is nonexistent, the rumors develop a life of their own.

One of the most important ways of making sure that rumors propagate themselves is to mix them with truth. It's a means of lying that we see in today's politics, and that Tey finds in the politics of Henry VII. Here's what happened, according to Tey's book.

Richard's accession to the throne hinged on proving that the little princes were bastards. It seems that before marrying their mother, Elizabeth Woodville, King Edward IV had entered a marriage contract with another woman, Lady Eleanor Talbot. This made the princes illegitimate, and the throne went to Edward's brother Richard rather than to his sons. Our fictional detective, Alan Grant, uses this fact to prove that Richard had little motive for killing the boys. On the other hand, when Henry became king he needed to convince the masses that Richard had not been the legitimate heir after all, so they would willingly transfer their loyalty to him. Using the classic bait-and-switch method, Henry's supporters found another Eleanor who had sported with King Edward, but without benefit of marriage. She testified truthfully that she had slept with Edward, and just as truthfully that she had never contracted to marry him. Those inside the court knew it was two different Eleanors, but the masses heard only "Eleanor" and were satisfied that Richard's reign had never been legitimate. Elizabeth Woodville was the rightful queen, her sons (now conveniently missing) had been the rightful heirs, and voila! Long live King Henry.

Tey's novel is filled with similar examples of political enemies

deliberately manipulating public opinion — a process that continues today. Politicians still want to be the first to tell the story, they still aim at telling just enough truth to be convincing, and they still hope that their stories will stick if they don't back down. And yes, if they are initially victorious, they do increase the chances that their stories will stick. It is said that history is written by the victors. It must also be said that truth is the daughter of time. ❑

"Capitalism: A Love Story," directed by Michael Moore. Vantage Productions, 2009, 127 minutes.

Tainted Love

Jo Ann Skousen

Michael Moore has made a name for himself as the king of ambush journalism. He snags interviews with corporate bigwigs and policy makers by pretending to be interested in benign issues, then switches to hot-button topics once he's in the room. With aggressive questioning that catches interviewees off guard and skillful editing that twists their comments around, he paints an ugly picture of corporate and conservative America — a picture that is malevolently deceptive. Moore's disingenuous tactics are so blatant that even the Academy of Motion Picture Arts and Sciences refuses to list his films as documentaries.

In "Capitalism: A Love Story," Moore is up to his old tricks. The film begins with what appears to be a hostage standoff. Four adults are locked inside a house, filming the arrival of several police cars and speaking to one another about the inevitability of what's about to happen. What is it? A suicide pact? The persecution of a religious cult? As police begin knocking down the doors, the householders call out, "We have no weapons. We will not resist. But we will not open the door."

But what is the crisis? An eviction because of a mortgage foreclosure.

Don't get me wrong. I'm saddened by the number of people who have lost their homes in this financial crisis. I'm sorry if they were duped into borrowing more than they could afford to repay. But according to Moore's own film, it was Fed chairman Alan Greenspan who urged homeowners to "tap into your home equity" as a way of stimulating the economy, and it was Clinton-era lawmakers who passed the Community Reinvestment Act requiring banks to grant mortgages to low-income homebuyers. Don't blame capitalism for government policy.

In another segment, Moore presents the horrifying stories of several teenagers who were sent to a juvenile detention center for seemingly minor infractions. They were all sentenced by the same judge, who appears to have been receiving kickbacks from the owner of the facility. (I say "seemingly" and "appears to have" because I can never trust Moore to tell a true story.) The more children this judge sent to the facility, the more money he received. Many of these teens remained virtually incarcerated for months, according to the film.

Moore blames this travesty on capitalism because the community had turned to a privatized detention system rather than maintaining a government-run facility. But let's put the blame where it belongs. If it happened, this was not a failure of capitalism; it was a failure of one particular judge to act honestly and appropriately.

Moore complains that capitalists are greedy, but greed is a condition of human nature, not of capitalism per se — or of socialism, for that matter. Most people try to be honest, but some steal from their own mothers. Greed can and often does lead to criminal behavior. But it's easier — much, much easier — to control, arrest, or simply avoid wicked capitalists than it is to get rid of wicked politicians and dictators.

To be fair, Moore doesn't limit his blame to Bush and the Republicans this time; Clinton, Chris Dodd, Greenspan, and even Obama appear to be in on the take as Moore reports on last year's financial meltdown. But Moore's target is capitalism — and these are politicians. If capitalists are buying them, it's because the politicians put themselves up for sale.

Moore decries the profit motive as "morally evil," but what motivation would he prefer? Whips? Chains? How about pleasure? Moore interviews several pilots who love to fly airplanes, but they still aren't happy. They want more money.

This leads us to another of Moore's anecdotes: the plight of employees at Republic Windows and Doors who were all let go when the company went bankrupt. Would Moore insist that every company be kept in business, even when no one wants to buy its products? But in this case, the failure was caused by the union that represented the workers, who in essence priced themselves out of the market. Interestingly, Moore was right there on the spot, filming disgruntled employees as they broke into the factory and began a sit-in. Did he just happen to be passing by with a camera crew? Did he reenact the bolt-cutting? Or did he incite the sit-in? Quite a convenient coincidence.

At one point Moore asks one of the former employees why they didn't just form a cooperative and run the company themselves. One woman responds, "Because we don't have any money — we aren't capitalists." There's the rub: it actually takes capital to start a business! But anyone can be a capitalist. All you have to do is spend less than you earn, and invest the difference.

Moore unwittingly demonstrates that possibility when he shows what happened at a bakery where employees bought the company and turned it into a cooperative. Today they all work harder and enjoy their jobs more. They feel empowered. They saved their money, invested it in a business, and now they're making a handy profit. Wait a minute — isn't that capitalism?

How would Moore fix the economy? As you might have predicted, he suggests raising taxes. That's a good way to prevent capital formation. But Moore believes that taxes are somehow a tonic for whatever ails you. "When the highest tax rates were 90%" he intones cheerily, "America enjoyed the greatest expansion in history, and families could get by on one income" — implying that a 90% tax rate today could solve our problems.

But the tax code was different in the '50s. Congress awarded liberal tax breaks and exemptions for "good behavior." High-income earners could give 90% of their marginal income to the government in taxes, or they could invest 100% of it in a business and reap the profits. Which would you do? What started out as a tax loophole turned into one of the greatest infusions of investment capital our country has ever known. No wonder the economy throve. Capitalism truly was a love story.

But Moore has no desire to inform his viewers, or enlighten them with a genuine explanation of how capitalism works. He's a carnival barker who merely loves to rake the muck at the end of the pony show, a technology-savvy magician who knows how to manipulate the smoke and mirrors. Unfortunately, this circus has been to town too many times, and it isn't very entertaining anymore. I kept looking at my watch, wondering when it was going to end. It was like listening to Andy Rooney for two straight hours.

Moore says this is his last movie. Let's hope he's telling the truth about that. ❑

"Law Abiding Citizen," directed by F. Gary Gray. Warp Film, 2009, 108 minutes.

Homeland Insecurity

Jo Ann Skousen

Clyde Shelton (Gerard Butler) is an ordinary, law-abiding citizen, enjoying a few minutes of hobby time with his daughter (Ksenia Hulayev, in a brief but enchanting performance), when the nightmare we all fear happens: opening the front door to greet a deliveryman, he is greeted instead by two burly men who stab him, stab his wife, snatch their valuables, and grab their daughter on the way out. Mother and daughter die. Clyde survives. I'm not sure which is the worse fate.

But the nightmare isn't over. Now he has to face the criminal justice system. Nick Rice (Jamie Foxx) is an up-and-coming prosecutor with a conviction rate of 96%. There are only three reasons a prosecutor gets that high a rate: either the police are close to 100% in arresting the perpetrator (fat chance), the DA's office is viciously aggressive (often the case), or the DA is offering sweet deals to save the court some money and ensure convictions. Deals are bad for two reasons: bad guys get the wrong sentences, and innocent folks often confess to crimes they did not commit out of fear that they may lose in court. Rice is a dealmaker.

Usually when two or more people are arrested for a crime, the first one to sing gets the deal and the others spend years in prison. That's what happens in this story. Clarence Darby (Christian Stolte), is the one who wielded the knife and murdered the family. He cuts the deal, blaming his accomplice, Rupert Ames (Josh Stewart), who actually urged Darby to let the family go and just take the valuables. The accomplice gets the death penalty, while the murderer gets eight years.

The father gets angry.

The rest of the film is a tense, twisted dish of revenge. A brilliant inventor, Shelton spends ten years devising a plan to get back at everyone involved, including the judge, the police detectives, the DA, and of course the cocky prosecutor. And he continues his plans from an isolated prison cell, after being arrested for killing Darby. How does he do it? He must have an accomplice on the outside, but how do they communicate?

Villains are usually the most interesting characters in a play or movie, and when they are particularly smart or diabolical they are even more fun to watch. Add to that a righteous motive like avenging the death of a wife and daughter, and we can even like the guy — to a point. But Shelton's techniques are often shocking, sadistic, and brutal. Fortunately director F. Gary Gray uses more dread than horror to create suspense, letting us squirm at the anticipation of a torture scene without having to endure watching it. Yes, there is some blood, copious spurts of it in fact, but those scenes are well telegraphed and brief.

"Law Abiding Citizen" is not a great movie, but it's a good movie. After watching it, you'll end up talking about the weaknesses of the judicial system and the overreaching arm of Homeland Security. Rice excuses his dealmaking with a dismissive, "It's not what you know, it's what you can prove." The judge (Annie Corley) gloats at one critical moment, "I'm the judge — I can do pretty much whatever I want." At another critical point the DA shouts "Fuck his civil rights." And the head of Homeland Security shuts the entire city

down, ordering people to stay inside their houses even though one specific group of people has been targeted and identified. Besides all this, you will see a fast-paced thriller with a kicking soundtrack. Break out the popcorn. ❑

"Bright Star," directed by Jane Campion. BBC Films, 2009, 119 minutes.

Ode to an English Poet

Jo Ann Skousen

Like a comet that flashes across the sky and is gone, John Keats lived only 25 years. Panned by critics during his lifetime, his poems survived to become iconic of the Romantic period. With its emphasis on mythology, the beauty of nature, and the primacy of pure emotion, Keats' poetry evokes great truth and intense feelings. Yet often it accomplishes these large purposes by attending to the minute details of the life around us.

The essence of this poetic style is brought gorgeously to the screen by Jane Campion's "Bright Star," a film about the passionate relationship of John Keats (Ben Whishaw) with his neighbor, Fanny Brawne (Abbie Cornish). Today's movies ordinarily try to portray the wild abandon of love through the impatient ripping of clothes and the lusty merging of bodies. But Campion presents this love story by means of its small details — the urgent longing of locked eyes, the gentle entwining of fingers, the wafting of a breeze beneath a skirt, and in one surprisingly erotic scene, the pressing of a furtive finger against a wrist beneath an organza cuff. The characters' romantic obsession transcends physicality; in fact, when Fanny says she will "do anything" for him, Keats turns her down, responding, "I have a conscience."

Unable to earn a living through his poetry, Keats relies on the financial largesse of his patron and friend, Charles Armitage Brown (Paul Schneider). Charles is Engels to Keats' Marx, praising him, pushing him, protecting him, and supporting him. Conflict arises between Fanny and Charles as they compete for Keats' attention. Charles wants Keats to spend all his time writing; Fanny wants him to spend time teaching her about literature. Her love

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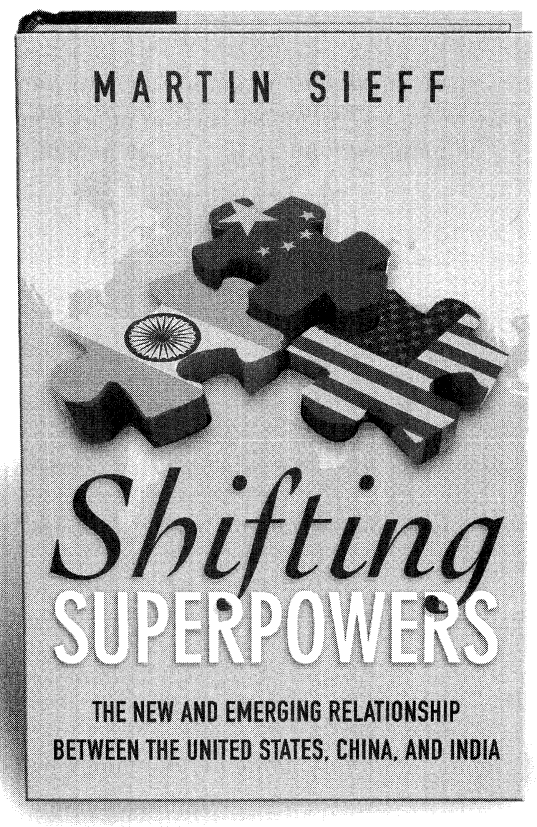

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for Keats is intellectual as well as emotional, and she is happy just to be in the room with him while he works.

Fanny, too, is an artist, although her craft is the homely kind that often goes unnoticed and unappreciated. She is an accomplished fashion designer, her page a bolt of cloth and her pen a needle making neat little stitches across a seam. Campion reminds us that women's arts were just as beautiful and creative as the more manly pursuits of letters, paint, and marble, though they were never given the same honor and recognition.

In this film, both the costumes and the cinematography are splendid works of art. Each scene is composed with careful attention to lighting, background, and color. Windows open wide to invite nature inside, blossoms float in the spring air, the camera lingers on the two lovers as they share quiet moments together. Yet one of the most stunning scenes is a somber view of the Spanish Steps in Rome, where Keats went to convalesce after contracting tuberculosis, and where he at last succumbed to that disease.

At one point a light from the sky beams down on Fanny's bosom, a subtle reminder of Keats's poem "Bright Star." The speaker of that poem longs to be like the star shining "stedfast" upon his "fair love's ripening breast." The poem ends with his desire "to hear her tender-taken breath,/ And so live ever — or else swoon to death." Keats did swoon in death, but his poetry lives on, "a thing of beauty [that] is a joy forever." The film is a fitting tribute to the poetry, and to the life that made it. ❑

Reflections, *from page 36*

here, claimed to have discovered it. As a result, this region is called the Marshall Islands. Likewise, there were thousands of people here when I "discovered" the region upon my arrival. But being much more modest than Captain Marshall, I've decided that I shall only rename my one tiny island as Jeffland. — Jeff Wrobel

Norman Jay Levitt, R.I.P. — I want to take a moment to note with sadness the recent death of a remarkable man, Norman Jay Levitt (1943–2009).

Levitt was a brilliant mathematician. He received his doctorate from Princeton when he was 24, then stayed on there, doing first-rate work, especially in topology. Outside the world of mathematics he was known for his defense of science and its method against postmodernism and other trendy doctrines emanating from the academic world. He wrote for the New York Review of Books and especially for Skeptic magazine, a publication I never miss.

Now, people who defend science from the pseudoscientific and political attacks mounted by ordinary people are common enough. There is no end to exposes of such nonsense as ESP, flying saucers, creationism, numerology, and astrology. The Skeptic Society, of which I am a proud member, has done great work in this area.

But I am convinced that the silly beliefs held by ordinary folk do nowhere near as much damage to society as the intellectual crap that is accepted by large numbers of academics, especially leftist ones. (And these days, there are hardly any other kinds of academics.) For example, outside of a few Latin American dystopias, where in the hell is Marxism still considered scientific economics? Only in certain departments of American universities.

This is where Levitt was so outstanding. An eminent academic and self-described leftist, he defended science from leftist academic attacks. This took unusual guts.

He wrote or co-wrote a number of books in this vein, such as "Higher Superstition: The Academic Left and its Quarrels with Science" (co-authored with biologist Paul Gross in 1994), "The Flight from Science and Reason" (1997), and "Prometheus Bedeviled: Science and the Contradictions of Contemporary Culture" (1999). It was in "Higher Superstition," in particular, that he took on postmodernist critiques of science. That book in turn inspired physicist Alan Sokal to write his brilliant parody of po-mo nonsense, "Transgressing the Boundaries: Towards a Transformative Hermeneutics of Quantum Gravity" (1996) in the journal Social Text — a send-up that did much to discredit postmodernist pretense.

Levitt was a rare combination of brilliance and intellectual honesty. His death is a great loss. — Gary Jason

How We Got Well, *from page 44*

large minorities would want something different, and no one could think of a good reason to deny the minorities what they wished. When pressed on whether there was any collective decision-making algorithm that could reliably improve on the system they already had, the ethicist couldn't produce one.

But the ethicist made another point, which was more troubling: "People who earn less than the average income are buying skimpier insurance packages and putting less into their health savings accounts because they cannot afford better."

"Wrong!" said a Stanford economist. "Poor people could spend more on healthcare, but they choose not to. We live in a prosperous society because people's incomes reflect their different contributions to national output. At different levels of income, people tend to place a different value on health services."

During the Obama administration, Congress had proposed forcing individuals to purchase "middle-class" insurance, whether they wanted to or not. "That was a mistake," said the economist. "Someone earning $25,000 in Future World (roughly the minimum wage) can earn $50,000 by working 40 hours a week instead of 20 — in principle earning enough to insure for everything the healthcare system has to offer. At 60 hours a week he would have $25,000 left over to buy all the consumption goods he currently buys."

He concluded by noting that in times past a 40-hour work week was considered normal, but many people worked 60 hours. If, today, people choose not to work additional hours to buy additional insurance, they are clearly revealing that they prefer leisure to insurance. "Who are we," he asked, "to tell them they are wrong and try to force them to make a different choice?" And having heard these arguments, the citizens of Future World decided to keep their system intact. ❑

Terra Incognita

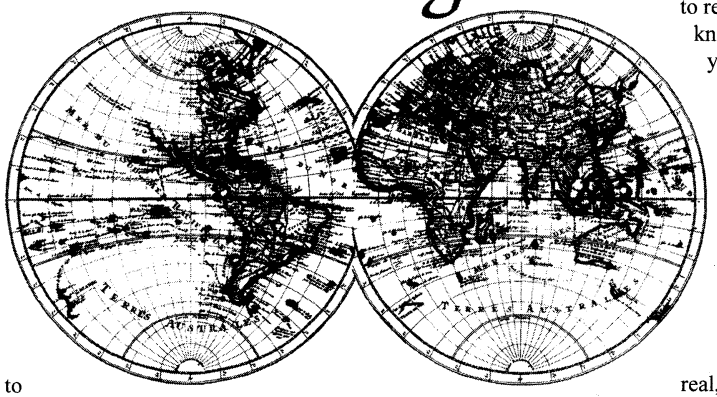

Glencoe, Ky.

Lexicographic controversy in the Bluegrass State, reported by WLWT News 5:

A racially charged sign that takes aim at President Barack Obama is raising eyebrows in northern Kentucky.

The sign reads, "Obama complains Americans are fat, police act stupid, U.S.A. is a bully, the president is a nagger." However, at some point over the weekend, the last word was changed to be a racial slur.

The man who owns the sign, Bryan Roach, said that vandals changed the sign. "It was basically vandalized, and we didn't appreciate it," Roach said.

At the nearby general store, Joann Rickels said she had a feeling the sign would be trouble. "I commented to my husband when I first saw it days ago. I said, 'That looks just like an accident waiting to happen.' And I was right."

Washington, D.C.

Unexpected material support for globalization, noted by the *Washington Times*:

As part of a lobbying campaign for card-check legislation, the AFL-CIO sent representatives to Capitol Hill, charged with distributing to every office a plastic hard hat that represented the plight of the American worker. However, on the inside rim, each of the hats was emblazoned with the label, "Made in China."

Spokesman Eddie Vale commented, "Obviously our policy is to only use union vendors and it was a mistake [that] unfortunately wasn't caught before they went out."

Mobile, Ala.

Novel definition of "mentoring," noted by the *Birmingham News*:

A former judge is facing life in prison after being charged with sexually abusing male inmates in exchange for leniency.

Respected circuit judge Herman Thomas, who was once the Democratic Party's choice to be the first black federal judge in south Alabama, is accused of bringing inmates to his office and spanking them with a paddle. His trial for charges of sodomy, kidnapping, sex abuse, extortion, assault and ethics violations has been scheduled.

The 48-year-old insists he is innocent and claims he was trying to mentor the inmates.

Spokane, Wash.

The thin blue line separating society from chaos, from the *Spokane Spokesman-Review*:

When Donald Ross' sister passed away, more than 100 people attended her funeral mass in Spokane. The burial was scheduled for a nearby cemetery, but Ross and his family only made it a quarter of a mile when flashing lights forced them to the side of the road.

The Rosses missed the interment while the deputy wrote up five citations because the driver and the passengers were not wearing a seat belts. And the sheriff's department says he had every right. "We're out here trying to prevent funerals, not disrupt them," said Dave Reagan of the Spokane County Sheriff's Office.

Darwin City, Australia

Oz's finest hard at work, from the *Queensland Courier-Mail*:

A dog has been booked for illegal parking. The blue heeler was tied to a fence outside Rapid Creek Market when it was approached by two Darwin City Council traffic wardens. One of the inspectors wrote out a ticket and taped it to the dog's leash.

Council spokesman Grant Fenton said a dog was considered to be "at large" if the owner was not there.

Wolfeboro, N.H.

Innovative pedagogic approach nipped in the bud, from the *Concord Monitor*:

An English teacher is being closely monitored at Kingswood Regional High School after administrators said she assigned an inappropriate essay topic to her students.

Jack Robertson, superintendent of the Governor Wentworth Regional School District, said the teacher asked students to respond to the question: "If you knocked your brother down, would you urinate in his mouth?"

School officials said the assignment didn't have to do with a book the students were reading.

Detroit

Potential legislative superpower, revealed in an interview with the *Detroit News*:

"Climate change is very real," said Sen. Debbie Stabenow, a recent appointment to the Senate Energy Committee who believes fighting the climate crisis should be top priority. "Global warming creates volatility. I feel it when I'm flying. The storms are more volatile. We are paying the price in more hurricanes and tornadoes."

United Kingdom

Urgent and long overdue finding, reported in the *Daily Telegraph*:

The custard cream was found to be the UK's most dangerous snack, on the basis of the Biscuit Injury Threat Evaluation.

This research was carried out by Mindlab International at the request of the chocolate biscuit bar Rocky. Mike Driver, Marketing Director for Rocky said: "We commissioned this study after learning how many biscuit related injuries are treated by doctors each year."

Accidents have included people poking themselves in the eye with a biscuit, falling off a chair while reaching for the tin, sustaining burns after dunking a biscuit in scalding tea, and being hit by fragments flying through the air.

Lauterbrunnen, Switzerland

A South Park tribute gone too far, from the annals of the *Daily Mail*:

Dozens of alpine cows appear to be committing suicide by throwing themselves off a cliff near the small village in the Alps.

A police spokesman said: "We are investigating because cows growing up in the mountains normally can estimate dangers and do not plunge down cliffs."

Special thanks to Russell Garrard, Tom Isenberg, and William Wallace for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

I have three young daughters fighting a deadly blood disease.

Like thousands of Americans, they need a bone marrow transplant to survive, but there are far too few donors.

I want to encourage more donations with scholarships and other creative awards, but that is illegal.

I am fighting this unjust law to save lives.

I am IJ.

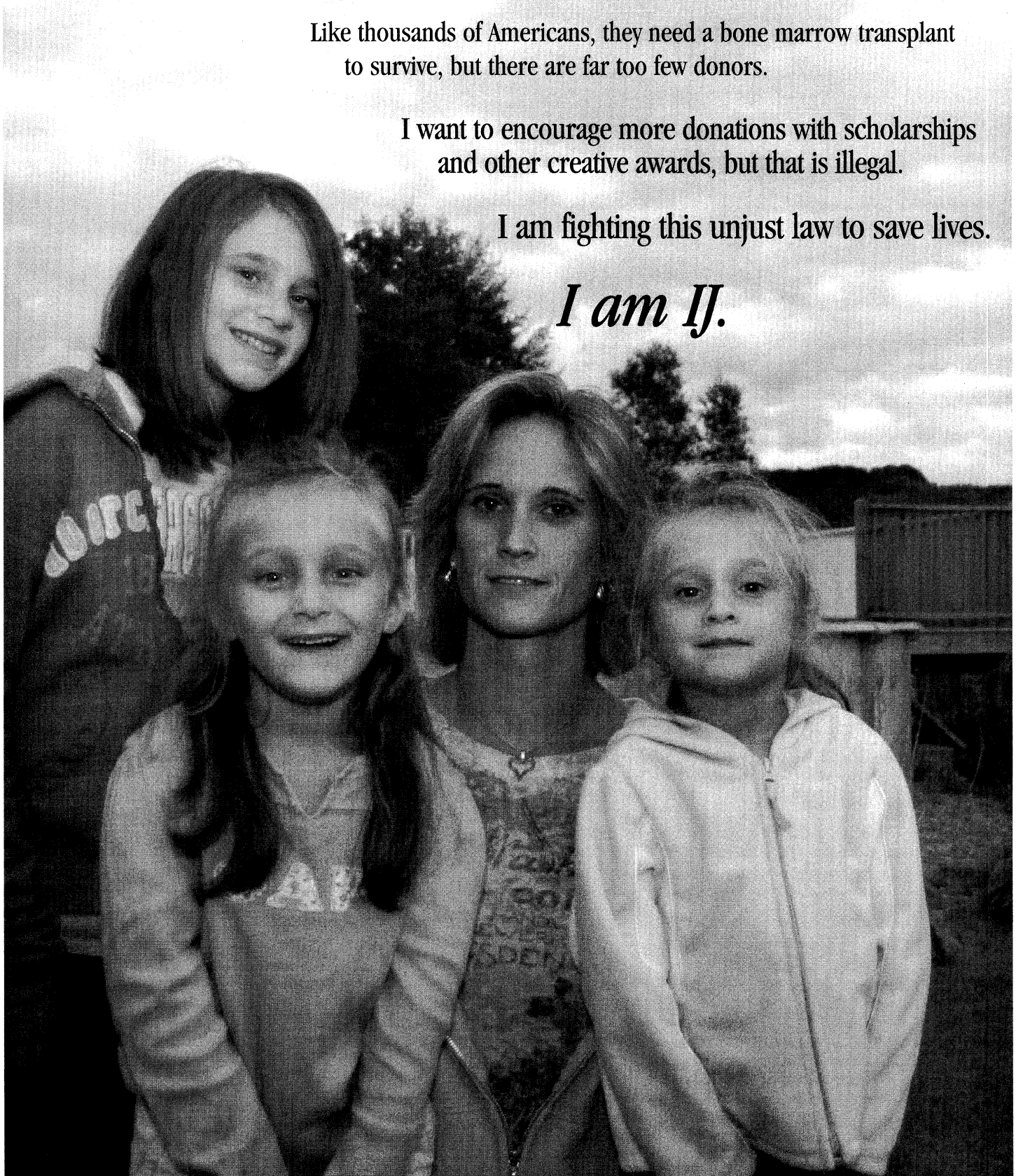

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Inside Liberty

March 2010
Volume 24, Number 2

4 Letters Our readers come first.

9 Reflections We stay seated, ignite our trousers, plead sanity, burn books, dodge meteors, shovel the street, flunk an IQ test, spend like madmen, and get a good night's sleep.

Features

23 Our Forefathers' Failure *Edmund Contoski* marvels over the persistence of a political philosophy that first failed in America almost 400 years ago.

25 Freedom From What?! Politicians from FDR to Obama have promised to free us from "want." *S.H. Chambers* wonders if even they know what they mean.

27 The Obama Regime: Year One *Bruce Ramsey* discovers that the president's first year was worse for Obama and better for liberty than most people would have suspected.

31 Passage to India *Jayant Bhandari* surveys India's booming economy from ground level.

35 When a Computer Filled the Room *Warren Gibson* recounts the romance between man and machine.

Reviews

41 Mississippi Yearning *Jane S. Shaw* discovers a neglected hero of the civil rights movement.

43 The Business of Power Laissez-faire or "political capitalism"? *Burton W. Folsom, Jr.*, and *James Nesbitt* consider the choice.

45 Half-Baked Alaskan? *Gary Jason* reflects upon the rise of the outsider who would be America's Iron Lady.

48 Mercurial Theater *Gary Jason* examines the mysterious alchemy that turns real people into magical figures of the stage and screen.

49 Spectabulous *Jo Ann Skousen* watches a movie so gorgeous that she almost forgets how stupid it is. Almost.

51 Free at Last? Up in the air, *Jo Ann Skousen* finds, there are many types of freedom.

52 Style With Substance *Gary Jason* watches the story of a woman who made her own way by creating beauty.

53 Rebooting Sherlock You can love Sherlock Holmes, *Jo Ann Skousen* demonstrates, without getting puritanical about it.

54 After Armageddon *Jo Ann Skousen* finds dignity in a bleak landscape.

42 Notes on Contributors Send complaints here.

55 Terra Incognita Call a nettle but a nettle, and the faults of fools but folly.

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Letters

Mayor Disagreement

While researching information concerning my father, Nicolas Castellanos, the last constitutional mayor of Havana, Cuba, I came across an article by Robert H. Miller ("Waiting for Fidel," April 2007). While I welcome and respect everyone's opinion, the malicious lies contained in Mr. Miller's article amount to defamation of character.

Miller writes: "Second in power only to the president, the mayor of Havana was also one of Cuba's richest men. Nicolás Castellanos controlled the most lucrative sources of illegal income on the island." Anyone who knew my father could tell you that he was far from being one of the richest men in Havana, and certainly one of the few honest politicians of the era. Even if disregarding public opinion, Miller should be aware that good journalism relies on solid research.

He should have made certain that his opinion, most likely based on hearsay due to the fact that he was only a child at the time of his narrative, was backed by some basic measure of research. Members of my family have conducted extensive research on my father and this is the first time we've come across anything as ludicrous as this. Miller should keep his false and incorrect opinions to himself.

On behalf of my family, and of my father's good name, I respectfully request a retraction from your publication, and a removal of this flawed article from the website.

Maria V. Castellanos Flores
Miami, FL

Miller responds: First of all let me profoundly apologize to the Castellanos for any inaccuracies in my article, "Waiting for Fidel." My allegations, as Maria Castellanos Flores correctly infers, were not based on personal recollections as I was too young to evaluate such weighty matters; but neither were they based on hearsay. Mine and my family's relations with the Castellanos, our next-door neighbors, were excellent as far as I can recollect and I have nothing but affection and respect for the ex-mayor and his family. I'll now try to put into context the statement in the article.

I used many sources for the article but the relevant source, "Fidel Castro," by Robert E. Quirk, asserts, "As the year [1950] began, leaders of the four largest parties negotiated with the cagy Castellanos, who had become an instant millionaire when he took over city government . . . After the president, the mayor of Havana controlled the most lucrative sources of illegal income in Cuba . . . Building contracts would provide an ever-flowing wellspring for the private fortune of Castellanos" (pp. 34–5, W.W. Norton, 1993).

Although Robert E. Quirk is a respected scholar with no visible reason to disparage the ex-mayor of Havana, I have no idea what his politics are. It is well to remember that one person's freedom fighter might be another's terrorist. For the purposes of my article, those were minor details. However, for a member of the Castellanos family, they can understandably strike a sensitive nerve. Nevertheless, exactly what Quirk meant by his characterization of the mayor of Havana's power is open to interpretation. After all, from a certain political perspective, even my father might be categorized as corrupt, as evidenced by the extant warrant for his arrest on his return to the island in 1962. But if someone alleged he was corrupt, I too would bristle defiantly.

Modern political systems that evolved from Roman tradition — a tradition based more on personal loyalty, patronage, and nepotism than ideology — are often perceived as cor-

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rupt by those wholly nurtured within Enlightenment political tradition. The Roman tax collection system is particularly instructive. The government collected taxes by selling the position of Tax Collector to the highest bidder. The price was determined by an estimate of the possible taxes that could be collected. The revenue agent then pocketed whatever he could garner from taxpayers — that was the return on his investment.

The Empire Strikes Back

History is important. Therefore, Jamie McEwan's so-called "review" of Adrian Goldsworthy's "How Rome Fell" ("Does Empire Work?", December 2009) compels me to comment.

McEwan doesn't talk much about the book, seemingly unable to get beyond Goldsworthy's (accurate) description of the empire in the mid-2nd century as a fairly decent place in which to live (in the context of its times) and the use of the word "unfortunately" somewhere in the text which he inexplicably takes as damning evidence that Goldsworthy is a lover of empire who desires to make the Roman Empire the "hero" of the narrative. After that, McEwan simply rants against the empire and Roman Christians, and never bothers to mention, let alone analyze, Goldsworthy's actual thesis.

"In many areas," McEwan writes, in

From the Editor

Recently, President Obama took responsibility for the governmental failings that almost caused a disaster in the air on Christmas day. Of course, that doesn't mean he's going to resign, or that he won't demand to be reelected.

But I wonder: shouldn't he, or one of the other people who have shown themselves so ambitious to control the world, take at least formal responsibility for some other things as well?

I'd like to hear it.

"The buck stops here. We are responsible for the most asinine piece of legislation ever created in America." — Nancy Pelosi and Harry Reid

"My vision's bad. I thought I saw the Iraqis attacking us." — George Bush

"It's my responsibility. I thought I was Midas Mulligan, but all I turned out to be was Wesley Mouch." — Alan Greenspan

"I'm ashamed of myself. Alan and I almost wrecked the economy." — Barney Frank

"It's a funny thing — nothing we say turns out to be true. Now we understand why we're going broke." — The New York Times

Unfortunately, we won't see any of those remarks. What we'll see is continued denunciations of "irresponsible critics" of the political class.

Well, that makes sense. The political class *is* responsible. It's responsible for a stupendous and accelerating deficit; a war that never ends; a vast system of government regulation, devoted to suppressing all individuality of thought and action; a security state that makes no one secure; and a collection of intellectually bankrupt media, devoted to maintaining a bankrupt system of ideas.

And what are the critics responsible for? Nothing.

But to be more specific: what is Liberty responsible for? Only for continuing to do the best we can, in support of individual freedom.

For Liberty,

Stephen Cox

Letters to the editor

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apparent seriousness, "Roman culture seems to have had little lasting effect." In particular, he points to Britain. That would have been a surprise to the generations of educated Englishmen inculcated in Cicero, Virgil, Ovid, Seneca, and St. Augustine, and anyone who studied law, based directly on Roman theories of jurisprudence. Students of government recognize the stamp of Roman thought and institutions (largely initially derived during the republic but disseminated through the empire). Despite large-scale evacuation of the island in the early 5th century, the Roman cultural legacy, including Christianity, was reintroduced to Britain, flowered anew, and was an indispensable part of the foundation of the Enlightenment in Britain as well as throughout continental Europe.

"The Romans added very little to the Greek cultural legacy," McEwan continues, "the Roman Empire was an impediment to progress . . . The institution of slavery in itself guaranteed that there would never be a Roman Industrial Revolution." Well, let's be fair. There wasn't any Industrial Revolution in the ancient world, and there wouldn't be one until 13 centuries after Rome's fall. Western Europe initially digressed culturally and economically after Rome's fall, and took several centuries before it started to demonstrate meaningful progress on any front. Most civilizations prior to Rome (including classical Greece), and most that succeeded it, had slavery. The fact is, despite its faults, Rome added quite a bit to the Greek cultural legacy in art, literature, philosophy, and religion. And though it did not produce an industrial revolution, it did make great advances in engineering, invented concrete, and harnessed water power for use in the first ancient "factories."

McEwan does not consider that the Roman Empire was a much different place in the 1st and 2nd centuries than it was in the 4th and 5th. For the better part of two centuries, Rome amazingly administered a multi-ethnic empire, much of it previously attained through war, in relative peace, prosperity, and, yes, even relative freedom. Many communities in the provinces such as Spain and Gaul had significant autonomy, retained local traditions, and rarely saw a legionnaire. And through the second century the populace, for the most part, did benefit from being part of an integrated empire, consisting of peoples who were quite content (for the most part) to be a part of that empire. Peace, prosperity, and justice were, of course, subject to the whim of government authorities, as is always the case with authoritarian regimes. Roman rule degenerated, became increasingly oppressive, and diseased with corruption — which is the story of Rome's decline and fall.

Yes, the Roman Empire had to fall for modern Europe to evolve. But we should not deny the Romans their achievements, just as we should strive to learn from their failures. If the Roman Empire had been extinguished by pillaging Germanic tribes in the 1st century rather than the 5th, the result would not have been the accelerated advancement of European culture, science, and industry that McEwan claims, but rather a catastrophic stunting of human progress.

Brandon Crocker
San Diego, CA

McEwan responds: Mr. Crocker seems to be under the impression I was seriously promoting the theory that, if the Roman Empire had fallen 400 years sooner, human progress would have been accelerated such that we might be colonizing the solar system today. I thought that by leading off this section by saying "let us go ahead and play the fascinating, if artificial, game of dealing with history in broad strokes," and finishing by including this, my conceit, in what I called the "wild speculations" engendered by "How Rome Fell," I was making it clear enough that I was, well, wildly speculating. I should have been more careful to distinguish wild speculation, with ironic intent, from serious claims. I apologize for any confusion this may have caused Mr. Crocker or any other reader.

Crocker improves upon the book by saying rather more in support of Adrian Goldsworthy's assumptions than does Goldsworthy himself. But in so doing, he makes explicit the underlying absurdity of sweeping historical judgments. Crocker's claim, given without equivocation or irony: that the fall of Rome in the 1st century, rather than the 5th, would have resulted in "a catastrophic stunting of human progress." His confidence in his own ability to predict the result of the interactions of millions of human beings over a period of well over a thousand years is astonishing — or should be astonishing, if we had not become jaded through having encountered such presumed omniscience many times before. It is convenient of Crocker to provide a concise example of the hubris I was attempting to criticize in Goldsworthy.

Yes, I think we'd be terraforming Venus about now . . .

Philosophizing IP

Thanks to Stephan Kinsella for questioning the justice of intellectual property ("Intellectual Property and Libertarianism," December 2009). Like many libertarians, he posits property rights as the foundation of libertarian political theory, and suggests that because it is a derivative concept, we stop calling the nonaggression principle an "axiom." So far so good. But Anthony de Jasay suggests that the concept of "property" itself should in turn be considered derivative, from the still more fundamental principle of liberty of contract. De Jasay also defines "rights" and "liberties" more carefully and usefully than most libertarians, who use these loaded words all too loosely — Kinsella included. (See de Jasay's "Choice, Contract, Consent," or "Before Resorting to Politics," reprinted in "Against Politics.")

Kinsella's attempt to show that no well-formulated property rights can apply to pure information seems dubious. Yes, information can escape physical confines and reproduce in ways that physical objects can't, but so what? Perhaps the real question is not whether IP should be classified ontologically with other forms of "property," but whether voluntary agreements can be reached (without the help of legislatures) that would make revelation, or publication, or mishandling of information a tort. Clearly some can; what of contracts to protect trade secrets, and other nondisclosure agreements?

Never mind that the concept of "self-ownership" has philosophical problems that Kinsella does need to take more seriously. I've been suspicious of "property rights reductionism" ever since I noticed that it led Rothbard to believe in his own IP rights as an

author of copyrighted writings, even as he disparaged the IP rights of professional inventors. At least Kinsella avoids this inconsistency (if that's what it is).

Kinsella is right to seek the philosophical foundations of the IP question; let's hope he keeps digging.

Lew Randall
Freeland, WA

What Would Edison Do?

It was a pleasure reading Stephan Kinsella's piece "Intellectual Property and Libertarianism." I'm in agreement with its content as regards the nature and source of property rights. What I find impossible to accept is the view that there is no good utilitarian argument in support of legislated patent and copyright law. Would Thomas Edison and his financial backers have invested so much time, effort, and money just for the pleasure of exercising intellectual creativity? I certainly wouldn't, and I suspect I'm not alone. Having said this, in a free society, would it be a legitimate government function to establish rights where none "naturally" exist, even if the consequence of such legislation would foster an improvement in the quality of human existence? By establishing such rights, or should I say "privileges," wouldn't the freedom of action of others be curtailed? Formulated this way I opt for principle over utility, as the slippery slope comes to mind.

Howard Shafran
Shelter Island, NY

The Property of the Mind

Before finally getting around to the topic of his article on intellectual property, Stephan Kinsella trumpets the proposition that each person "owns" his own body; he "inhabits" it; he is its "occupant" — and Kinsella uses those very words. He dismisses as "silly wordplay" the objection that each person just is himself or his body. But who is perpetrating wordplay? Who is tainting sound political philosophy with dubious metaphysics?

Kinsella echoes the old mind-body dichotomy, the notion of the self as "the ghost in the machine" (Gilbert Ryle's derogatory description of Descartes' dualism). On the contrary, each person's mind and consciousness are functions, remarkable functions, of his body and specifically his brain. Does Kinsella really mean that the self is distinct from the body? Does the one survive dissolution of the other? (Does the self exist even before its body is born?) Does Kinsella believe in ghosts or angels? What evidence, beyond very dubious evidence, can he cite? If Kinsella does not really mean what he says, he should use more exact words.

The self-ownership slogan finds some resonance in libertarian circles. But libertarians should go beyond displaying their authenticity to each other; they should try to persuade nonlibertarians. They should avoid irrelevant metaphysics. They should put their best foot forward, not their worst. I do not mean that they should dilute their libertarianism; rather, they should present it attractively.

Perhaps Kinsella could find some (feeble) excuse for his metaphysics, but he would still be putting a worst foot forward.

Leland Yeager
Auburn, AL

Copy Shop

Stephan Kinsella's argument against IP is seriously flawed. For instance, he states that copyright is "received automatically, whether you want it or not, and is hard to get rid of." Copyright, that is, the right to make copies of your work, is inherent in the creation of the work. It is not "received" by law. You can waive your copyright easily by simply making copies and distributing them without the required copyright notice. Copyright law recognizes, defines, and controls to some extent your rights to control the copying and dissemination of your work.

He also states that "We libertarians already realize that . . . the right to a reputation protected by defamation law" is illegitimate. This libertarian does not realize such illegitimacy. The libertarian principle is that no person has the right to initiate aggression against another. Spreading lies or untruths to destroy the reputation of another person is clearly within the definition of aggression.

Kinsella makes a number of references to "homesteaders," mainly, I believe, to emphasize the difference between property that you can hold in your hand, i.e., the soil from your farmland, and the more ephemeral IP which is snatched out of thin air and dissipates in the wind, i.e., the sound of a melody. However, this comparison overlooks the intellectual content of real estate (property) improvement. A farmer who homesteads a parcel of land must decide what crop will be successful on that land. A pineapple ranch in North Dakota will not succeed. Once the crop is chosen, the farmer must implement a plan for the planting and harvesting of the crop. In the case of, say, music, running a melody over in your head or tinkering on a piano is just the beginning of the creative process. It must be transcribed and carefully inspected to make sure that each note is properly chosen and placed. Then you can make your copies, register the copyright and begin selling copies of your work. With a little luck, someone may make a successful recording.

Patents are similar. You come up with the idea, develop it into a saleable product, manufacture copies and sell them. When a buyer buys a copy of your work, either invention or literary work, what does he buy? Under the law, he buys that one copy of your invention. Defining what is embodied in that one copy can get messy because the human mind is messy, but the buyer does not buy anything other than that one copy. He cannot make copies and distribute them.

So what can you do with your copy of the work or invention? You can write a critique of the song or story, quoting reasonably from the work itself to illustrate your points of argument. You can read the story or sing the song to your friends for their enjoyment. You can take your copy of an invention and modify it to suit your needs. You can strip it of unnecessary decoration that does not make it work better. You can take it apart to see how it works, or to repair it or to improve the design so much that you feel justified in applying for a patent on your improvement. You can sell it to someone else. You cannot, however, begin manufacturing the item and selling it. That is true whether the item is a widget, a book, a sheet of music, or a recording.

David Kirkpatrick
Klamath Falls, OR

Body of Work

Although Stephan Kinsella's article on intellectual property moves smoothly enough from premises to conclusions,

those conclusions are (to me at least) so counterintuitive that the argument acts as a reductio ad absurdum, undercutting his premises rather than proving his conclusions.

Let us say that a given work exists only in the memory of the author's computer. At this time the work could not be more obviously the author's; in a keystroke he can change it in any way, or abolish it forever. Overnight a hacker invades the machine, copies the work, and reproduces it. This is theft, is it not? If so, then the author retains ownership of the work even after it has left his hard drive. Why, then, would his ownership suddenly be reduced to naught at the instant that he sends it off to a prospective publisher? Reportedly, a British firm offered to publish "Lolita" if Nabokov would consent to the removal of four sentences. Nabokov refused, and the book was not released in Britain until a year later, by a different publisher. Surely this was right.

Kinsella takes it as axiomatic that one's property rights begins with one's own body. I think that many authors would consider their ownership of their works as more intimate, and more obvious, than their ownership of their bodies.

Jamie McEwan
Lakeville, CT

Kinsella responds: Mr. Randall asks whether trade secret and nondisclosure agreements could be used to construct a form of IP. I do not believe they can, because such agreements cannot bind third parties. Only by assuming that knowledge is a form of property can you bind third parties, but this assumes there is IP. I address this in further detail in the "Contract vs. Reserved Rights" section of "Against Intellectual Property," available at StephanKinsella.com. As for philosophical problems with the notion of "self-ownership" — self-ownership just means that you have the right to decide who touches or uses your body, not some other person. What could be more libertarian, or less controversial or problematic?

Mr. Shafran is no doubt right that Edison or other patentees may have benefitted from the patent monopolies granted to them by the state. But the utilitarian case requires a benefit to the economy as a whole, not merely to particular beneficiaries of wealth redistribution. Studies almost universally conclude that there is no such gain — that patents actually restrict innovation. See the post at tinyurl.com/pat-innov for more information on these studies.

Professor Yeager misunderstands my comments. I am, like him, nonreligious. Viewing the mind as distinct from (though not unrelated to or independent of) the brain, and the self as distinct from the body, does not imply a soul or ghosts or angels. It does not imply that there can be a self without the body, or a mind without the brain. It merely implies a distinction. One may think of the mind as an epiphenomenon of the brain, but it is not the brain itself. Likewise I can run and remember with my body but running and remembering are not the same as my body. The "silly wordplay" I referred to is the use of the trite observation that we "are" our bodies (in some real sense) to object to the idea of self-ownership. But atheism is not contrary to self-ownership. Self-ownership is the libertarian idea that you have the say-so over who uses your body — that others need your permission. Self-ownership is the rejection of slavery and aggression. It is perfectly compatible with the idea that there is no soul; that you die when your body dies. In any event, Yeager's atheism does not prove there are intellectual property rights, or that we are not self-owners.

Mr. Kirkpatrick upbraids me for stating that copyright is received automatically. He asserts that copyright may be waived "by simply making copies and distributing them without the required copyright notice." Wrong. Copyright notice is not required at all, nor is copyright registration. See Sections 102 and 401 of the Copyright Act, or the "Copyright Basics" brochure at copyright.gov. Copyright notice has not been needed since 1989, when the law was amended per the Berne Convention.

As for reputation rights, Murray Rothbard explained in "The Ethics of Liberty" why there can be no reputation rights: your reputation is merely what third parties believe about you. You do not own their brains or what they think about you; they are entitled to change their minds about you. Kirkpatrick writes, "If I grow a potato in my back yard, it is my potato. If I write a song in my kitchen, it is my song. They are both my property." By such reasoning one could argue that you own your wife, your parents, and your country (note the possessive pronoun!); if you discover that the earth is round then "it is my discovery" and you could own that fact. The mistake here is in failing to realize that not every "thing" that one can conceptually identify is an ownable type of thing. Scarce resources are capable of being owned because of the possibility of conflict over use of such things. Other things, such as "songs," information, and patterns are not ownable things at all. In acting, humans select scarce means to achieve desired ends. Their choice of ends, and means, is guided by information. To successfully act, the scarce resources employed as means need to be owned, because by their nature as scarce resources only one person may use them; but the actor need not "own" the information that guides his choice of means, since he can use this information even if thousands of other people also use this information to guide their own actions.

Mr. McEwan is correct that the hacker is a thief, since he is using the author's property (his computer) without his permission. But this does not mean that the information he gains access to is property. If the author revealed some private fact — say, that he had a glass eye — and the hacker discovered this and revealed it to the world, the author would have no right to demand that everyone forget this fact or not act on it. Likewise if the information was a novel, musical composition, recipe for a nice soup, or schematic for an improved mousetrap.

The Good Book

The article by David Puller on whether the Hebrew and Christian scriptures support redistributionist policies ("Mr. Obama, Lay Down That Bible!", Jan.–Feb.) was excellent. I would offer some additional scholarly material that supports the author's points.

Jesus' destructive actions in the temple were not a "cleansing" that called for separating religion from the profanation of commerce and trade. His overthrowing of tables and chairs was instead a parable acted out in life and intended to prophesy the destruction of the temple by Rome. On this,

continued on page 54

Reflections

IQ test — The Copenhagen Summit ended without any substantial progress, for which I was as thankful as Tiger Woods at an IHOP. The president's plan was to cut our energy use by 17%, while China, the world's largest producer of CO2, wasn't going to do anything. Meanwhile, we promised to give away $100 billion to developing nations — money we don't have, and would have to borrow from China. And to think people called George W. Bush stupid. — Tim Slagle

Cancer of the committee — Everyone is in an uproar because the United States Preventive Services Task Force — an "independent" committee of medical experts (with no breast surgeons and no breast imagers and no cancer specialists on it), paid by HHS — has decided that women would be better off if screening mammography began ten years later and occurred only half as often (every other year rather than every year). The decision had nothing to do with the rationing of care, we are told. And the committee's decisions are not binding on the government, or on private insurers, we are told.

Coming up: Obama proposes an expert panel of independent political scientists to determine whom it would be best to vote for in the 2012 presidential elections . . . as of this time, the determinations of the panel will not be binding. — Ted Levy

Green eugenics — The December 3 headline in the Guardian (UK) should have read, "Rich white people pay blacks not to have children." Instead it declared, "Rich nations to offset emissions with birth control."

The subhead explained, "Radical plan to cut CO2 argues that paying for family planning in the developing world is the best bet." The article stated, "Consumers in the developed world are to be offered a radical method of offsetting their carbon emissions in an ambitious attempt to tackle climate change — by paying for contraception measures in poorer countries to curb the rapidly growing global population. . . . Calculations . . . show the 10 tonnes emitted by a return flight from London to Sydney would be offset by enabling the avoidance of one unwanted birth in a country such as Kenya."

In other words, rich white folk want to eliminate black babies so they can continue to globe-trot. The Guardian does not so much as whisper a criticism; the word "racism" does not appear. I guess you can say anything and be taken seriously by the mainstream media as long as you wrap it in a banner of "global warming concern." — Wendy McElroy

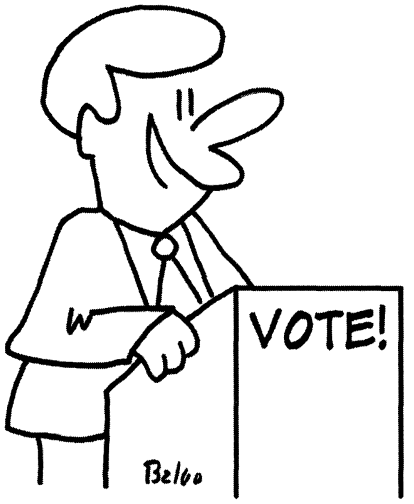

"I'm here today to tell you what you want to hear . . ."

Clinton casualties — In the vicious terrorist attack at Fort Hood by an Islamist traitor, we see the natural consequence of one of Bill Clinton's bad policies.

Indeed, people's common response when they heard that the self-styled Soldier of Allah, Nidal Hasan, had killed a dozen of his fellow soldiers and wounded many others was, How in the hell could this snake kill so many soldiers on a military base? Why wasn't he cut down by return fire immediately?

The answer is that in early 1993, President Clinton issued orders that effectively disarmed soldiers on their bases. The regulations he imposed made it virtually impossible for officers to issue sidearms to soldiers or even carry sidearms themselves. The very people most trained in the use of weapons and tasked with using those weapons to defend the country were (and are) forced to be sitting ducks on their own bases. How absurd is that?

Now, even after the nation has had time to reflect on the implications of Fort Hood, what are the chances that Obama, who was recorded mocking gun owners during his campaign, will restore the right of self-defense to American soldiers? Between slim and none, and Slim just got capped by a jihadist. — Gary Jason

Story time — I've heard people say that the only way to achieve a truly free society is to let things get so bad that they finally get better. If we hit rock bottom and live in a fully socialist world people will see how bad it is and realize how much better a free economy would be. They will not have to struggle to understand the unseen because they will be living in the world that free-market advocates warned against. People will embrace liberty only after learning the hard way.

I wish to dispel that idea. This strategy would be disastrous, for two reasons.

First, there is no guarantee we *will* hit rock bottom. The city of Detroit has been in an economic freefall for 50 years. I've heard many times that the city can fall no farther and its bloated government will have to loosen its grip. As far as I can tell, the city is still in freefall.

There are countries that have been mired in socialist mediocrity or worse for decades and show few signs of a free-market revolution. Apparently they haven't hit bottom either.

Second, if things actually did bottom out, there is no guarantee that people would understand why. After the stock

and housing markets tanked in 2008, was there a general awareness of the failures of central banking and interventionism? Was the response a swift move toward a freer market? Government created the crisis, yet there was little agreement among Americans about whom to blame and what to do next.

Few see a cause-effect relationship between government activity and the Great Depression. When they do see such a relationship, it's often that of reverse causality; they believe intervention cured rather than caused the depression.

Waiting to hit rock bottom is not the key to a classical-liberal resurgence. What is?

Narrative.

Whether you think the future is bright or dim, no favorable long-term change will occur unless we tell the right story.

Most narratives place the blame for crises on free markets. The story during the Great Depression was that capitalism had failed. With a few notable exceptions, it was only many years after the histories had been written that alternative explanations entered the discussion. How many bad policies were (and still are) enacted because of false narratives of the Depression?

Shaping narrative is more important than winning policy battles. A good policy in which the public has no faith will be charged with crimes it did not commit. A bad policy which the public loves will be credited with successes it did not achieve. Policy follows paths blazed by belief.

I do not believe we are headed for rock bottom. Market liberals have been in the limelight with the right story about the financial crisis. They may not have the loudest voices, but they have discredited simplistic antimarket explanations and forced further discussion.

But even if we are on a death spiral toward socialism, the only way back is clear and continuous communication of the causal connection between intervention and economic stagnation. Only if people hear the correct narrative on the way down will they know why they hit bottom and how to climb out.

In my weaker moments I think I'd love to see socialists live in the world their policies would create. But as long as I have to share that world, I don't want to let it happen. Neither should you. Tell the right story. — Isaac Morehouse

How low can you go? — On December 25 tragedy was averted when a gang of passengers took down the underwear bomber before their plane landed at Detroit Metro Airport. While I like to think that angry passengers have

Word Watch

by Stephen Cox

"What this country needs," wrote Isabel Paterson in 1932, "is a lot less of all sorts of things." She was thinking about laws — laws regulating "vice," laws regulating the economy, laws regulating anything and everything in American life. As she said on another occasion, "There is practically nothing you can't be put in jail for now."

Her idea about America's need for *less* applies to words as well as laws. What this country needs is a lot less of all sorts of words. Right off the bat, I can think of ten expressions we could stand to hear less often — never, in fact.

Here, then, are this year's leading contestants for the Pat Award: the Isabel Paterson Prize for Phrases that Should Be Quashed. (Yes, "quashed," not "squashed," as the politicians and the media would have it. So that makes eleven expressions we don't need.)

I present, first, the seven semi-finalists:

Failure is not an option. This has been kicking around for a long time in Rambo circles, but in 2009 it migrated to the Left. It was the phrase that the U.S. Attorney General used (twice, in the same breath) to assert his seriousness about the prosecution of the 9/11 defendants, thus ensuring that nothing the courts manage to do with them will be seen as fair or just. Even when the phrase is used in regard to people who are notoriously guilty, it evokes memories, not of Solomon, but of Torquemada. And one can hardly think of a better example of arrant subjectivism than "failure is not an option." All it means is "you can't fail because I don't want you to." Try to imagine a cosmos in which that statement would be appropriate. You can't? Then you're fired — failure is not an option.

Advocate for, as in "he advocates for the uninsured." Yeah, okay, all right already — so exactly what does this guy advocate? "Advocate" used to be a transitive verb.

Activist, as a professional title. This goes with the last one. The same people who say, incessantly, that their existence is justified because they are "advocating for" something — always something that restricts the freedom of other people — are identified as "activists," as if "activist" were a title like "judge," "priest," or "homemaker." All they are, in fact, is busybodies and loudmouths, so why not identify them as such? I read an obit in our local paper the other day, about a wealthy woman who had done nothing, throughout her life, but try to horn in on other people's business. She was lauded as one of our community's great "activists." Well, may she rest in *peace*.

Due diligence. This has some kind of technical legal meaning, and that's fine. But if you use it to describe what you do when you shovel your sidewalk, or make sure that your kids eat their oatmeal, or take that one last shit before you board the plane, you're committing an offense against mental health and safety.

Grow, as in "grow the economy." There's nothing wrong with "growth," I suppose, as long as you're not talking about cancer or the government. But there is something wrong about discussing money, jobs, careers, family happiness, or other desirable things as if they were crops that can be *grown*. They may grow, but you can't grow 'em. I call for the banishment of all politicians, preachers, and "inspirational speakers" who talk about "our commitment to grow the economy," "your opportunity to grow your family values," or even "the best way to grow your personal wellbeing." Life is different from Mr. McGregor's farm.

Kill any more trees, as in "let's do that by phone, so we don't kill any more trees." Now, I like trees (so long as they're not throwing apples at me), and I don't like waste, but I can't see why wasting my time is any better than wasting a bunch of wood

proven themselves once again to be a much greater deterrent to terrorism than the entire alphabet of National Security departments, I suspect something else happened.

After the shoe bomber failed to do anything other than embarrass himself, it became standard practice for all passengers to remove their shoes upon entering a metal detector prior to a flight. Now, I'm no expert on Middle Eastern culture, but I'm fairly certain that holds some kind of significance, since hurling a shoe is an incredible insult.

I suspect that al Qaeda didn't want the underwear bomb to go off. If the plane actually had crashed, it would have taken *years* to reconstruct what happened, and it's highly doubtful that we would have ever learned where the bomb was hidden. Now that we do know, TSA is preparing for its most invasive and embarrassing searches to date. I think this is intentional; al Qaeda wants to see how far we'll let the government intrude on us before we put our bare feet down.

Personally, I would rather just chuck it all and take the risk. September 11 was perpetrated with common items that were allowed aboard U.S. flights. And the underwear bomb happened despite all the background checks, no-fly lists, wiretaps, and 3 oz. limits on shampoo. Ordinary Americans have thwarted every terrorist attempt since Flight 93. I think we can trust free men to defend themselves better than any government agency. In fact, I'd stake my life on it. — Tim Slagle

Upright and locked position — To me, one of the most disgusting things about the American media is their cheerful refusal to wonder about the human costs of government policies, even when the policies are self-evidently harmful and stupid.

Watching media reactions to the hysteria over the Christmas Day terrorism aboard a jet bound for Detroit, I could find nothing implying the faintest skepticism or even curiosity about the government's initial plan to force airline passengers to remain in their seats with nothing in their laps during the final hour of flight. No one asked why the last hour was any more important, in this respect, than any other hour. No one made the relevant observation that the government's agents had failed to prevent the terrorist from boarding the plane, but the passengers on the plane had foiled his scheme — by leaping from their seats and attacking him. And no one wondered about the harm that the government's new idea would do to normal passengers — until a Fox News broadcast took up the issue on the afternoon of December 28.

"Aha!" I thought, "finally!" as the presiding journalist, Greg Jarrett, did what no one else was doing — interviewing

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pulp. Speaking of growth — trees will grow again. I won't.

If we can save just one . . . something, as in, "These laws will be justified if we can save just one life," or, "These emissions standards will be justified if we can save just one polar bear from over-heating." Really? Why? Let me put it this way: "Your being forced to drive at 10 mph for the rest of your life will be justified if it guarantees that you will never run down a pedestrian." Do you think so? Try another: "Your refusal never to tell the truth about anybody else's flaws will be justified if it saves just one person from a loss of self-esteem." But how about this: "Your refusal to employ moronic cliches will be justified if it keeps just one sensible person from going off the edge"? That last example sounds good to me.

Join now in congratulating our seven Honorable Mentions! May they enjoy a well merited and permanent retirement.

We turn, then, to the Second Runner-Up for the Paterson Prize of 2010. And it goes to . . .

Give back! What? No applause? Well, admittedly, this one's a sleeper. Few could have predicted its sudden rise to prominence. I didn't. Yet during 2009 it sneaked into everybody's mouth — and with what amazing effects! There's a woman running for public office in Los Angeles whose ads actually maintain that she "went into business, as a way of giving back to the community." Really! I suppose that's why Tiger Woods first got involved with golf; he just wanted to *give back*. And now he's trying to keep the community at bay. That's happened before . . . But to return. Please, everybody, give it up for "give back!"

Thank you. We now proceed to First Runner Up. In the event of the winner's inability to serve, this contestant will take its place at all presidential press conferences. On such occasions, there can never be enough cliches. So, at this time, I am happy to honor a contestant who has been plugging away for many years — *They!* — yes, they, the ever-popular, politically correct substitute for the singular pronoun. If any syllable deserved a pleasant and obscure retirement, it is "they." As Pogo almost said, "We have met the enemy, and *they* is us." The users of "they" go so far as to say things like this about Tiger Woods (yes, him again): "Any woman can come out and say that they are his lover" (guest, Greta Van Susteren show, Fox News, December 4). Notice the aplomb with which "they" shoves even "she" aside. Some people, including the president, can hardly get through a sentence without the use of "they." Nevertheless, as my old boss used to say, "No one is indispensable."

Thank you, "they," for all you've done to eliminate sexism in the English-speaking world. Thank you, and fare you well. For now the magic hour has come; it is time to announce this year's highest honoree, the Winner of the Pat. And the prize goes to . . .

Green. (Cheers, tears, and a standing ovation.) Here is a word — yes, please take a last bow, Green!, for you are truly the idol of the people — that has heroically met all challenges posed by history, science, and common sense, and has made itself an adjective fit to be united with any conceivable noun. "Green" has become the first truly universal modifier. It takes a lot of courage — it takes a lot of gall — to achieve a role like that. "Nice" tried it, but it didn't have the range. As early as the 1920s (witness its ironic treatment by Hemingway in "The Sun Also Rises"), "nice" revealed its limitations. People saw how silly it was to use a word like that as a substitute for "everything that's good and true." And it never managed to mate with certain words. No one was willing to discuss "nice science," "the nice revolution," or "the pressing need to create nice jobs." Maybe "nice" was just too . . . nice. But "green" has no decorum. It is immune to taste or reason. It will go anywhere, do anything, so long as there's a dollar or a vote to be had.

But there's a strange thing about words: when they're *everywhere*, they'll soon be *nowhere*. At least it's pretty to think so. And now, to "green," and the other Honored Ten, Word Watch says thank you, thank you, thank you, and good-bye. *It's time*, as they say, *that we move on with our lives.*

a representative from an airline travelers' group. She pointed out that being required to sit in your seat for a solid hour represented a serious hardship for everyone, but especially people with health problems — blood clots, prostate difficulties, you can think of more. But you know what Jarrett's comment was? "Well, maybe they shouldn't fly."

I ask you, if there was a law against scathing exposes of the cruelties of government, would there be enough evidence to convict Fox News? — Stephen Cox

Awareness in "abundence" — Andrew Stern is the president of the Service Employees International Union (SEIU). He's a big supporter of Barack Obama.

In early December, something was published at The Huffington Post under Stern's name. Here's some of it:

> President Obama's awareness of the breadth, depth and complexity of the choices facing this country can be described as nothing short of impressive. From weighing the options of long term investment versus short term stimulus to assessing the merits of structural deficits compared to short term job creation, his thoughtful analysis made one thing abundently [sic] clear: President Obama is the right leader for this moment of unprecedented challenges.

What crap. Aside from highlighting The Huffington Post's need for better spellchecking software, this press release shows something we've previously discussed in these pages: modern American statists focus on the existential qualities of political leaders. The president doesn't have to do anything. He's to be judged (and, in this case, praised) for merely being aware.

This is a ridiculous scheme for measuring public office holders. And it's ultimately damaging to public offices. If public figures are measured only by what they are, existentially, their actions don't matter.

To someone like Andrew Stern, that may be the goal. — Jim Walsh

Post no bills — The U.S. Postal Service, the model for our future National Health Care System, continues to make news. For the fiscal year ending September 30, the USPS reported a net loss of $3.8 billion. It estimates that its losses for the year 2010 will be double that. This, after it cut back work hours by 115 million and instituted other cost-cutting measures.

The immediate cause of the massive losses was a continuing drop in the amount of mail. In the year just ended, mail volume dropped by 13% compared to the year before — 26 billion fewer pieces in all. Of course, the cause of that massive decline was the increasing ease of use of email and instant messaging, and the perennial difficulty of use of the average post office.

Now, the USPS cannot be given tax dollars in direct support, nor can it go bankrupt unless the feds decide to let it. It can ask Congress to allow it to raise postage rates, but that risks driving away users and further driving down the volume of mail — and Congress increased those rates just recently anyhow.

That leaves borrowing. The USPS can borrow up to $3 billion a year, up to a cap of $15 billion. Its current debt is $10.2 billion. So with the $3 billion it will have to borrow to cover last year's deficit, it will be near the limit. And it will be unable to meet next year's obligations, absent an increase in the cap, or the discovery of another fix.

The USPS has suggested one: it wants the government to lift its mandate to supply its pension fund with $5 billion a year. (This past year, the feds waived the mandate.) Of course, if the USPS is allowed to underfund its pension plan, then taxpayers will have to pay the pensions if the USPS defaults.

So the "solutions" to the USPS nose dive take the form of sticking it to the taxpayer, directly or indirectly, now or later.

But there is a more obvious solution. Simply end the monopoly the USPS has on the delivery of first-class mail, immediately end all its direct or indirect government support, let it charge whatever the hell it wants for whatever services it wants to offer, and let it sink or swim. But that seems to be beyond anything the swell-heads in government can imagine. — Gary Jason

Trick, or "trick"? — There has been much heat shed on the references in the East Anglia Climate Research Unit emails to "tricks" used in massaging temperature data, but little or no light.

Critics and skeptics have seized on the word "tricks" to suggest that this means fudging of the data to force an appearance of warming where none exists, or at least an exaggeration of the extent of actual warming.

Apologists for the scientists who used the word have claimed that it was all very innocent, merely a reference to clever techniques that were found to clarify the data or resolve uncertainties by normalizing data from different sources to make them consistent.

Many media commentators have been quick to accept this convenient, defensive explanation as a way of avoiding the unfavorable interpretation of the critics, and to deflect any further scrutiny of the question of whether the "tricks" were legitimate scientific methodology or actually *dirty* tricks.

This softball treatment of a critical issue is in keeping with the historic treatment of all things global warming: advocates can do no wrong, and are always on the side of true science; skeptics are always sinister, looking for ways to subvert science.

But where is the traditional journalistic questioning, designed to get at the truth? These same journalists wouldn't have gone to former Vice President Cheney to find out whether the Guantanamo detainees were mistreated, and they certainly wouldn't have taken his word for it if they had. Why do they meekly accept the possibly culpable scientists' word?

The reporters should have taken a more objective approach to the issue. They should have attempted to pin the scientists down as to whether their tricks were scientifically justified, and why. They should have asked them to spell out in detail what their tricks consisted of, explain how the tricks affected the data, show examples of the before and after data, and show why the manipulations didn't adversely affect the validity of the data. Other scientists could then be asked to evaluate the "tricks" — in the way real science is done. In doing so, journalists would, for once, have performed a service to the scientific community, and upheld the integrity of both science and journalism. — John Kannarr

Sane and sound — "The hallmark of sanity is to remain firmly tethered to reality," said the federal judge to

the parties of a patent infringement litigation between a large Canadian computer company and a small, patent holding company (a.k.a. "patent troll") after a jury had found the computer company liable for infringement. The computer company in question? Research In Motion, makers of the Blackberry. The case finally settled for $612.5 million.

That was March 2006. In May 2006 there followed the Supreme Court's announcement of its decision in the case of *eBay* v. *MercExchange*. In *eBay*, the Supreme Court overturned the Federal Circuit rule that permanent injunctions should issue against patent infringers "absent exceptional circumstances." Many large companies in the software industry, which tend to be defendants, have hoped that *eBay* would put an end to "patent trolls" and their own patent infringement liability. Indeed, since *eBay* only a handful of injunctions have issued to patent owners who do not practice their invention.

"But," wrote the Supreme Court in *eBay*, "traditional equitable principles do not permit such broad classifications." And thus, just over three years later, on Dec. 22, 2009, the Federal Circuit upheld an injunction and award of $290 million in damages for patent infringement — this time to a small Canadian startup, i4i Inc. The defendant was Microsoft Corporation, maker of Microsoft Word, which had incorporated into its software an XML editor patented by the startup.

The difference between the cases? Unlike the "patent trolls" in the earlier cases against RIM and eBay, one of the inventors behind the i4i patents, Michael Vulpe, was also an entrepreneur, who *had* started a business to commercialize the patented concepts.

Although Vulpe's apparent victory should be an occasion for rejoicing by libertarians (most of them, anyway) and other believers in strong property rights, one wonders what reality is faced by inventors without the desire or skill to become entrepreneurs.

Some might say the law has, at least for the moment, achieved a delicate balance between the exclusivity needed to encourage investment in new technology and the access needed to spread that new technology around. Others might say that a better way to determine what "reality" is most "sane" is to rely on private negotiations based on the principle of strong property rights. The *eBay* decision discouraged negotiation; the recent decision may lead to more negotiation and less litigation. — Michael F. Martin

Will blog for subsidy — Near the end of 2009, the Chronicle Review, the leftwing sidekick to the Chronicle of Higher Education, published a special issue, "Journalism in Crisis."

Such focus on journalism seems like overkill, especially since journalism schools represent a small segment of academia. But both scholars and mainstream journalists are left of center, and both believe themselves to be in the avant-garde of intellectual thought. Both have, shall we say, a touch of arrogance. Without traditional newspapers, academics will have a harder time keeping up their elevated positions in the professional pecking order, and journalists are looking for any port in a storm. Thus, the special issue.

It was kind of fun to see what self-aggrandizing, high-minded nonsense this subject can arouse when these buddies get together.

Carlin Romano, a writer for Chronicle Review, wants to see "Philosophy of Journalism" courses at universities. "We need philosophers who understand how epistemology and the establishment of truth claims function in the real world outside seminars and journals," he writes, while journalists need to "scrutinize and question . . . their own preconceptions about every aspect of their business . . . how many examples are required to assert a generalization . . . how the boundaries of words are fixed or indeterminate in Wittgensteinian ways. . . . "

Then there is the more down-to-earth idea that journalism schools can "fill the gap." Student journalists will fill in the blank spaces left by retired or laid-off reporters, suggest Michael Schudson and Leonard Downie, Jr. In fact, Nicholas Lemann, dean of Columbia's Graduate School of Journalism, says that journalism schools should become like "teaching hospitals," covering the news of "city halls, school systems, statehouses," which is going unreported because news organizations are going broke. Journalism schools can do newspapers one better — because they are housed within research universities, they can "raise the level of sophistication in the practice of journalism," says Lemann. Well, certainly that is needed.

There is much more philosophizing, predicting, and talking. The Review got 18 scholars to give brief (well, brief for academics) commentaries on "how the decline of those news media will affect higher education." The idea that universities will save journalism again raises its head.

Kathleen Hall Jamieson, director of the University of Pennsylvania's Annenberg Public Policy Center, sees universities as the antidote to what she fears most — "partisan outlets" with "faux news." (I write for one of these "outlets," but, actually, I do my best to write true news.) University websites will come to the rescue, as, "uncluttered by advertising and unbeholden to a commercial model," they will provide "accessible insight and argument about topics of national and international concern."

There's stuff like this on every page. Neal Henry, dean of the Berkeley Graduate School of Journalism, says grandiloquently that journalism schools "have become vital keepers of a flame for professional values and high-quality journalism in an age of tremendous industry struggle and transformation." What does it all add up to? Mourning, I guess. — Jane S. Shaw

Indisposed — The Bureau of Economic Analysis website defines "disposable income" as "total personal income minus personal current taxes." As of this writing, both the Senate and the House versions of healthcare reform include the "individual mandate," which will almost certainly be included in the bill signed by the president. The Bureau will then have to change its definition of "disposable income" to "total personal income minus: (1) personal current taxes and (2) federally mandated health insurance premiums paid to private, for-profit corporations." And should the federal government impose more unfunded mandates on the after-tax income of private citizens, the Bureau of Economic Analysis can look to this journal for a timely heads-up. — S.H. Chambers

Pants down — One of the reasons you should read foreign news sources is to track what American politicians say and do when they feel somewhat shielded from the intense

scrutiny of their own domestic media. Like tourists who get drunk and wake up on a beach, politicians often make "naked" statements.

Consider President Obama's recent candor about America's recession (IMO, depression) during his nine-day trip to Asia. While in Beijing he warned that spending too much tax money to stimulate the economy "could actually lead to a double-dip recession." And, to underscore how differently Obama behaves abroad, it is interesting to note that the remark was made during an interview with Fox News Beijing. Yep. That's the same Fox that is almost completely shut out by the administration in the United States. — Wendy McElroy

Tempest in a teapot — It was synchronicity that, weeks before UN Global Climate Summit in Copenhagen, news broke that scientists influential in the "climate change" (formerly the "global warming") movement had been rigging data and manipulating the peer-review process.

The statist elites gathering in Copenhagen seemed gloomy; some self-righteous wind had been taken from their sails. The procession of *bien pensant* nitwits went as scheduled. Photo ops and empty rhetoric were many and much. But the assembled bureaucrats failed to ratify the more ambitious multilateral claptrap that anthropogenic global warming alarmists had been advocating. And, as usual, these disappointed would-be tyrants blamed America for their shortcomings.

Now, even as the Copenhagen onanism got under way, statists at the U.S. Environmental Protection Agency took actions that their global brethren failed to achieve. The EPA announced that the group of chemical compounds known as "greenhouse gases" poses a threat to public health and the environment.

Lisa Jackson, the EPA's chief rentseeker, read from prepared notes that "the scientific evidence" surrounding climate change "clearly shows" that greenhouse gases "threaten the public health and welfare of the American people" and that the gases — mainly carbon dioxide resulting from burning fossil fuel — should be regulated under the federal Clean Air Act.

It wasn't clear from Jackson's comments whether she was aware of the data-manipulation scandal. However, in a striking example of bureaucratic arrogance, EPA apparatchiks admitted that their actions were designed to "send a message" to Copenhagen that the United States was "serious" about global warming — and to push Congress to approve "climate legislation" (referring, one assumes, to the cap-and-trade stuff struggling through Congress).

So, bureaucrats lost deep in the bowels of the executive branch now see it as their role to "push" legislation.

Charles T. Drevna, president of the National Petrochemical & Refiners Association, responded to Jackson's scripted remarks with some of his own: "It is hardly the time to risk the remainder of the U.S. industrial sector in an attempt to achieve a short-term international public relations victory."

The EPA's greenhouse gas pronouncement wasn't *merely* PR. According to an equivocating 2007 Supreme Court decision, carbon dioxide and other greenhouse gases could be considered "pollutants" under the Clean Air Act — but the EPA had to determine that the gases posed a danger to public health and welfare before it began regulating them. The recent pronouncement was a first step toward that regulation.

Green tyrants look forward to a new system of EPA-administered carbon permits that must be sought by power plants, factories, and perhaps even automobile owners. This is part of a longstanding agenda. In a December opinion column published by the Washington Post, Chesapeake Climate Project employee Mike Tidwell ranted:

> Surveys show that very few people are willing to make significant voluntary changes, and those of us who do create the false impression of mass progress as the media hypes our actions. . . . Instead, most people want carbon reductions to be mandated by laws that will allow us to share both the responsibilities and the benefits of change. . . . After years of delay and denial and green half-measures, we must legislate a stop to the burning of coal, oil, and natural gas.

The specious logic of that passage is plain to see: generalization ("very few") plus generalization ("most") equals specific conclusion ("must legislate"). But would-be tyrants like Jackson and Tidwell overestimate the primacy of laws. As generations of libertarians have noted, the power of law is ultimately the threat of violence. The speciousness and triviality of environmentalist orthodoxy won't support such a heavy undertone. — Jim Walsh

Shell game — The human brain, they tell us, evolved over millions of years of beings living in small, hunter-gatherer bands. Groups of individuals who learned to share the spoils of the hunt or the fruits of the gathering had more surviving offspring than bands that allowed some of their group to starve. Groups in which individual creativity found new sources of nourishment and shared its knowledge with the whole band had more survivors than bands in which such knowledge was not shared.

So they tell us that this is why we evolved the innate sense that we ought to share — as well as a gut that tells us this is a zero-sum game. Libertarians, who want to float capitalist, invisible-hand policies are forever running aground on the shoals of our primitive hunter-gatherer brains.

But perhaps we can use those same sensibilities to defeat Keynesian economic nonsense. Archeological evidence tells us that hunter-gatherers traded with one another. Inland groups used relatively rare objects such as seashells as a medium of exchange. Burial sites far inland have such shells. We can all imagine living in such a hunter-gatherer band. And we can ask ourselves whether monetary or fiscal stimulus would make us better off. Would a sudden influx of seashells within one band make the band richer? Absolutely not! Clearly what is needed to become richer are more goods and services — not more objects of exchange.

Can you imagine an early Keynesian in an isolated, hungry band of hunter-gatherers suggesting that if everyone just passed their shells around faster, they'd all be better off? Or how about the taxes idea? "Listen, guys. Everyone gives me some shells. Then I give most of those shells back to everyone, so we'll all be better off." Like that's gonna sell? Everyone should be able to understand, even with our primitive brains, that what makes us wealthier is producing more goods and services, not monkeying around with the medium of exchange, or redistributing it. And goods and services are produced in the private sector, not the sector that taxes and redistributes. — Don Crawford

The wise seek rent? — The sage saying has it that only the fool learns from experience — the wise man learns from the experience of others. While Congress tries to make us learn about cap-and-trade in the hard, personal way, a new and frightening report from Britain tells us what we are in for.

The report, "The Expensive Failure of the European Union Emissions Trading Scheme," is by eminent economist Matthew Sinclair, Research Director at the Taxpayer's Alliance (TPA), a British thinktank. It is available on the TPA website. In it, Sinclair details the myriad ways in which the EU's cap-and-trade scheme, called the Emissions Trading Scheme (ETS), enacted in January 2005, has failed to live up to the promises that were made for it.

The ETS is the largest such scheme in the world, covering 11,500 company sites in the European Union countries. Like the cap-and-trade proposal passed by our own House of Representatives (and at this writing, awaiting passage in the Senate), the ETS is based on a deceptively simple theory: if government puts a limit on the total amount of carbon dioxide that businesses collectively emit, but lets individual companies trade emissions permits, then the result will be the most efficient reductions possible.

The huge cap-and-trade scheme has now been in place four years, and allows Sinclair (and us) to make some observations.

The first should have surprised nobody: the ETS increased the cost of energy to all consumers — households as well as businesses and other organizations. So European households have been hit with a double whammy: their energy bills went up, but prices on everything else went up as well, because businesses had to pay higher energy costs. Sinclair calculates that the ETS costs the average British family around $200 yearly. Over the first four years of the ETS, he estimates that it cost the average European — individually! — over $277.

This tax is highly regressive; it hits the poor and those on fixed income (such as the elderly and the disabled) hardest.

And Sinclair notes that these costs far exceed the estimates that pro-cap-and-tax economists made of the social costs of carbon dioxide emissions — the costs that emissions of carbon dioxide impose on society over time. For example, William Nordhaus, the so-called "father of climate change economics," estimates the social cost of carbon dioxide at $7.40 per ton. Economist Richard Tol did a meta-analysis of 211 estimates and came up with an average of $6.82 per ton. But so far, the costs of the ETS are the equivalent of $21 per ton, obviously far higher than the supposed social costs.

Several other bad effects were not anticipated. For instance, there has been a large increase in "windfall profits" for the energy companies, which is no doubt why energy companies here are pushing for our own cap-and-trade bill. The ETS has perversely transferred wealth from poor consumers to wealthy energy companies. Legislation like this is a rent-seekers' dream.

Another unanticipated consequence is that there has been a lot of volatility in the emissions price, so that now an unholy alliance of environmentalists and energy companies is demanding that some floor price be set by the EU bureaucracy. This raises the spectre of even higher prices set by a government-sanctioned monopoly. And this price unpredictability has made it hard for businesses to plan their operations rationally.

In sum, the experience of others with cap-and-trade makes it clear that similar legislation here will be a disaster. Let's see whether we're wise enough to profit from this knowledge.

— Gary Jason

Cheezed off — Over the holidays I visited my Aunt Ann, who is 90 years old. Ever since I was little, I've enjoyed her stories, insights, and advice.

This time, I had a story to share with her. I told her that a recent experience I had reminded me of one of her sage observations. It was a little over ten years ago when she and I were talking about unwelcome changes at the grocery store. She told me that when she picked up her regular can of coffee, she saw that it was the same price it was on previous shopping trips, but the weight was 13 ounces, not the usual 16. Being very refined and not given to griping, Aunt Ann said she was unhappy at this unexpected change, but she did buy the coffee.

The real problem, she said — and she admitted her guilt with buying that can of coffee — is that Americans are settling, settling for less, all around.

Late last year, I went shopping for a box of Cheez-its. The price was the usual $2.50 per box. But the box was different. This one was 13.7 ounces, not the usual 16. I checked several of the other boxes and saw that they were identical. I was being charged the same price for less Cheez-its!

Like a congressman in the night, Cheez-its' manufacturer slipped onto the shelves these boxes with less product, but for the same cost, and expected consumers to purchase the boxes as if nothing had happened. I felt betrayed. As much as I love Cheez-its — really love Cheez-its — I won't buy them anymore. I will not settle for this.

Aunt Ann agreed. She, too, would not buy any more Cheez-its.

I understand that when it comes to snack crackers, not everyone will share my sense of betrayal. And my libertarian colleagues may wish to remind me that marketplace changes in inputs affect the price of end-products like Cheez-its, or that the dollar's depreciation will be reflected in price changes. I understand those concepts, but economics is not my point.

This past year has been a series of betrayals. Our politicians have foisted waves of unwanted change on us, culminating with the Senate's passing a health bill, estimated to cost over $800 billion, on Christmas Eve, when most of the citizenry was distracted with holiday plans and festivities. Every American should feel betrayed and outraged by this kind of thing. The Senate healthcare bill should be the last straw for every citizen, no matter what his or her ideological or political persuasion may be.

As the new year unfolds, and warm holiday feelings inevitably fade, we must face a somber reality. The current administration and its flunkies in the House and Senate have shown us how very little they think of the American citizenry and its wishes. On the few occasions when we the people have been consulted, we have been ignored or insulted. The Democrats do not care what we want. The Republicans are ineffective. That leaves us. We are supposed to have a government by the people, for the people. It is our responsibility as free citizens

to say no to more spending, say no to more statism. We must do whatever it takes to roll back this "historic" change.

This year must be the year in which we do not settle.

— Marlaine White

She blinded me with science — In July 2009, out of the black, a large object hit Jupiter, catching professional astronomers with their elevations down and their azimuths askance. In spite of the billions we spend on government programs to gaze at the heavens, the event was discovered by an amateur astronomer in Australia using his homemade telescope. When he alerted the professionals, they quickly pointed a few of our large taxpayer-funded telescopes at Jupiter, getting some fine (if late) images, and letting us know that our money was being well spent.

As one of those taxpayers, I find it bothersome that the most justifiable use of public money for telescopes — trying to give us early warning of astronomical objects that might destroy us — is one use those telescopes rarely get. Instead, astronomers book telescope time months or years in advance, the vast majority of the time to look at narrow sectors of far-away corners of the universe.

After the Shoemaker-Levy comet hit Jupiter in 1994, more people started wondering about the likelihood of an impact on earth. So astronomers sat down at their government-funded computers and started figuring. Estimates had to be made about the size and number of roaming space objects that might do serious damage. "Let's see, if we overestimate the amount, people will think that we're crying wolf. On the other hand, if we underestimate, our funding won't be viewed as critical." Their answer: Jupiter will be hit an average of once every few hundred years. Some said every few thousand. The earth, being much smaller than Jupiter, has significantly less chance of being hit. Obviously, with an answer that vague, there was a lot of guessing involved. And now it seems likely that the guesses were low.

I'm sure we're about to hear warnings that the risk of impact to us is much greater than originally predicted and that we should spend even more tax money on even more telescopes. But the evidence suggests to me that if we let people keep their own money to spend on the leisure activities of their own choosing — like say, backyard astronomy — that we can get much more useful information for free.

— Jeff Wrobel

Twice the fool — I'm not a fan of Richard Cohen of the Washington Post, but in January he got something very right. He was addressing one of the dominant cliches of American institutional life — the weird idea that if all sorts of people criticize you, you must be doing well.

We hear this every time a teacher, school administrator, or school board member does something so stupid that everyone turns out to denounce him. We hear this every time a bureaucrat or politician shows himself so incompetent that everyone with any guts or civic spirit turns out to yell at him. "Oh," the "victim" says, "the radicals on both sides are against me. I must be doing something right." There follows a modest, self-righteous smile, and a wink toward the established media, such as the Washington Post, which are almost certain to agree. They know a fool when they see him.

I remember when The New York Times published a lead editorial endorsing Edmund Muskie, one of the many insane persons who have run for president. It said he was "a man of principle who has always had the courage to compromise." Sure, he was detested by both the Left and Right, but that just showed he was on the right track.

Cohen sees through all of this. In January he opined as follows, discussing the bad year suffered by the feckless Mr. Obama, now being criticized by everyone who has a brain: "Journalists like to believe that if they are getting criticism from both sides of the story, they must be doing something right. This is not true for journalists — they may actually have gotten the story doubly wrong — and it is certainly not true for political figures."

"Doubly wrong." Yes, that's it. That's it, all right.

— Stephen Cox

Where they have burned books — According to the Metro, senior citizens in the UK have found a way around the environmental carbon tax that has put winter warmth beyond the budget of many elderly. Turns out that since the internet has made encyclopedias relatively worthless, seniors have taken to burning them in their coal stoves as a cheap way to heat their homes — and, as nobody thought to regulate CO2 emissions from books, it's tax-free.

If nothing else, the Kyoto Treaty has succeeded in starting the largest European book burning since the Nazis.

— Tim Slagle

In the dark — One of the great medical breakthroughs of the last couple of decades is the diagnosis and treatment of sleep apnea. For some people, like me, snoring actually blocks off the airway during sleep. After some time without being able to breathe, they tell me, I awaken just enough to reopen the airway. This obstruction can happen many times during the night, turning sleep into a form of debilitation.

Sleep apnea is treated quite successfully by a CPAP machine. I wear a mask like a pilot's, and all night long the machine maintains just enough air pressure to keep my airways open. Periodically, however, I need to replace the mask and tubing. Formerly, with standard medical insurance, this was "free" — I didn't have to pay for the replacement. So when I recently contacted the company about replacing the mask and tubing there was no discussion of the price. There was also no discussion of the fact that the company was planning to send a whole new headgear unit, when all I needed was the mask and tubing. Again, why discuss something that is normally "free" to the patient?

Nevertheless, there's no such thing as a free lunch. As I told President Obama in my open letter (November 2009), I've recently changed to a relatively high deductible plan ($1,200 is all that's allowed in Maryland) with an HSA (health savings account). This made me vitally interested in reading the four-page bill for the mask and tubing, a.k.a. "explanation of benefits."

Granted, it was shipped FedEx, and had very nice brochures, but I was still unprepared for the size of the bill. It showed a whopping $868. Mysteriously, a bunch of the bill was "not allowed" (sounds like they're trying to get away with something, doesn't it?), but the part I needed to pay out of my HSA was still $325.

Now, there is nothing technically complicated about this

plastic and cloth apparatus. I'd expect to buy something this low-tech for under $30 in the real world — if it weren't covered by insurance, and people had to pay for it themselves. But now that I do have to pay for these things myself, it seems obvious that the medical system is hugely out of whack. (Sorry I don't know the correct economics jargon.) We patients have been making no effort whatever to contain costs. Why should we care if the price of everything is ridiculous? We care only about the part that we have to pay.

That's what's wrong with the system. And our politicians offer us everything but attempts to restore some consumer interest in price discipline. — Don Crawford

Snake oil — A story in The Wall Street Journal (Jan. 6) reveals yet another lie by President Obama, a.k.a. "Tricky Barry." During the campaign, when oil prices were astronomically high, McCain was scoring points with voters by saying that we should open more of our own country to drilling, even in offshore areas. Obama at first just kept pushing windmills, but then, after seeing his lead dwindle to almost nothing, started saying that he, too, would be willing to expand domestic drilling.

But, just like his promise to have the proceedings of the debate for health care reform broadcast on C-SPAN, so to ensure transparency, this promise is now down the crapper. Interior Secretary Ken Salazar announced that, even as oil prices are moving back up again, even more regulatory hurdles will be put in front of oil and natural gas companies before they can drill on federal lands. The administration is going to make it tougher for the BLM (Bureau of Land Management) to put requests from oil and gas companies on the fast track for approval. It is the clear intention of these lying weasels in the White House to make it harder for energy companies to access resources on federal land.

That is a huge roadblock to energy independence, considering that the BLM has control over 260 million acres of land.

And this action is only part of Obama's green jihad against fossil fuel, a campaign that includes attempts by the administration to jack up taxes on energy companies, and especially to pass cap-and-trade legislation.

So much for energy independence. Obama's actions will put us at the mercy of countries such as Iran, Russia, and Venezuela. Maybe that is why Ahmadinejad, Putin, and Chavez are treating Obama as their patsy. — Gary Jason

Reading terminal — The Associated Press has reported that Laredo, Texas, "home to nearly a quarter-million people as well as high rates of illiteracy . . . will become the largest U.S. city without a bookstore. After the local B. Dalton closes, the nearest bookseller will be 150 miles away in San Antonio."

Curiously, brick-and-mortar bookstores are showing surprisingly little interest in an area with "high rates of illiteracy."

And, of course, even on the cold, clay streets of Laredo, FedEx and Amazon will deliver to your home virtually any book — infinitely more books than were ever found in the local B. Dalton's — within 24 hours, if you use a few clicks on your computer.

Yet one more example of market failure. — Ted Levy

The Left's playbook — Late last year, The New Republic published a pep talk for progressives. It was by John B. Judis and was called "Anti-Statism in America." Its aim was to explain why President Obama was having such a hard time getting his good and progressive measures through Congress — such warm blankets of progressivism as a mandatory medical-coverage bill, a cap-and-trade bill, and a Consumer Financial Protection Agency bill.

Obama had come into power hoping to do all these things, Rooseveltlike, in one huzzah springtime. Eleven months later, all he'd got done was the "stimulus" bill, which was basically a grand bolt of deficit spending on all the usual Democratic stuff. His society-changing reforms were being resisted.

Why was that? There is a tree-versus-the-forest problem in American's political beliefs, Judis said. If you ask Americans whether insurance companies should be forbidden to reject an applicant because of bad health, they will say sure, let's forbid that. Should everyone have health insurance? Sure. Feed them the thing in parts, and they'll swallow it. But show them the thing as a whole, and they'll balk: they don't want a government takeover of all medical insurance, which implies an effective takeover of medicine.

Another writer might conclude that if the people rejected a thing as a whole, their final thought was rejection. Not Judis. He is not worried about the big picture. To him, those worries are like junk DNA, remnants of an old "Lockean liberal" ideology that has produced "today's free-market conservative or libertarian."

And *these people*, Judis says, seem to be slowing down, even blocking, the progressive Obama program.

Judis reminds his readers that this blockage of government goodness has happened before — and that in the past century only a few times has the Left been able to push through big, society-changing reforms. One time (the income tax, the Federal Reserve) was under Wilson; another (Social Security, the National Labor Relations Act) was under Roosevelt; another (Medicare, Medicaid) was under Johnson; and another (the EPA) was early in the term of Nixon.

These cases have several things in common. An important one is ideological strength on the Left: the socialists in Wilson's time, Huey Long and the Coughlinites in Roosevelt's, the New Left in Johnson's and Nixon's.

Another commonality is political skill. Statist measures were sold in a way so as not to "raise anti-statist hackles." Wilson claimed that his Federal Trade Commission would improve market competition. Roosevelt labeled Social Security "insurance." Obama has followed this path by calling his proposed government medical insurance a "public option" — labeling it "an expansion rather than a constriction of free-market choice" in order "to avoid the impression that they are advocating a federal takeover of the health care system."

Nowhere does Judis argue that the Right is *inaccurate* in labeling these measures statist. He is advising the Left to make sure they are not labeled that way.

Obama has done this. And Wall Street has been discredited to a degree beyond what any leftist could have hoped. Obama has majorities in both houses of Congress. But several things block him still. The majorities are not as large as they were under Roosevelt and Johnson. The crisis of capitalism is not dire enough; the economy has stopped falling, the stock

market is up, and people are not scared enough. Further, there is a surprisingly "vibrant and unsettling ideological conservatism" as expressed in the tea parties. Finally, there hasn't been a strong enough push from the Left to "intimidate Democratic fence-sitters" into supporting the president.

"Obama and the Democrats need active, unruly, and independent pressure from the left," he writes.

All of this is, in fact, very good advice to the Left. For the Right it is valuable as well. It is an affirmation that the tea-party demonstrations and other means of stirring public support — and intimidating *Republican* fence-sitters — do work.

— Bruce Ramsey

Hot tip — Those who want to criminalize "insider trading" are looking at the market as a big lottery, where everybody should have the same chance to become a winner or a loser. They want to ensure that everybody has the same random chance of picking a lucky number. In short, they believe that no one should have the right to cash in on superior knowledge about the real underlying value of a financial asset.

If they succeed in criminalizing such actions, and somehow eliminating such knowledgeable people from trading, they will indeed have turned the market into a lottery, rather than a chance to profit from evaluating situations and information and then making better evidence-based decisions. This is just another case of egalitarian thinking that attempts to deny that some people make more efficient use of their minds, work harder and smarter to develop useful information, and understand the world better than others.

The intent is to make that illegal. If the effort succeeds, the egalitarians will achieve what they already think is true — that some people are better off than others through no worth or earned effort of their own. Then financial leveling will be fully justified: tax the rich to bring them down to the level of the poor, since the rich didn't do anything to justify their being more successful anyway.

Meanwhile, there is a new federal law — passed in 2008 and signed by President Bush — that establishes another kind of privilege, in another kind of "insider" relationship. This one relates to insider information, information that may have a critical bearing on the equity of a transaction, but that only one side of the transaction is now allowed to have or use.

The data in question are the results of genetic testing and family medical histories. Under the Genetic Information Nondiscrimination Act, employers are not allowed to ask for such information, and health insurers are barred from using it in deciding whether to cover someone or in setting anyone's insurance rates.

In the long run, of course, insurers will compensate by raising rates on all people who have insurance. Those with more fortunate genetic histories will pay the bill for those with less beneficial genes. Employers, stockholders, and, indirectly, all workers will pay the price when companies hire people who turn out not to be able to perform the jobs they were hired to do.

Remember this the next time you hear the argument about insider information being unconscionable — unconscionable except when it's required by law.

— John Kannarr

Up with this we cannot put — Holiday time off from work and academic study gave me a chance to put a dent in my non-law, non-dissertation book pile. One book I finished — "The Plungers and the Peacocks," by Dana Thomas — is a history of some of the major personalities of Wall Street from its beginning through the late 1960s. The book ends with a quotation that got me thinking about the idea of risk in our society. It's from a long-ago Wall Street Journal editor, writing about market speculators: "If ever prohibition extends to the taking of a chance involving the risk of whole or partial loss, the result may be 'good Americans,' but of a merely negative side of goodness."

The speculators and gamblers chronicled in the book knew they could lose great fortunes just as easily as they could gain great fortunes, but they went for it anyway. They assumed the risk.

In the legal realm, assuming the risk meant that a plaintiff bringing a case for negligence could not recover (with a few exceptions) for any damage caused by a defendant's acts if the plaintiff knew of the risk and voluntarily (expressly or impliedly) proceeded in the face of the risk. This is the legal embodiment of the commonsense notion: it's a shame about your loss, but you knew what you were getting into.

Today, in most jurisdictions, the concept has been folded into the comparative negligence doctrine: a plaintiff is not fully barred from recovery but can only recover the percentage of the damages that was not his fault. Still, common sense is supposed to prevail. It's a shame about your loss, but you knew what you were getting into. If my best friend decides to go skydiving, he assumes the risk that he could be injured or die. Other than sadness at the loss of my friend if his skydiving adventure goes awry, I do not assume any consequence of his risk.

I have an unlimited tolerance for risks that others assume — if they bear the consequences for their actions. That goes for friends, enemies, and financial institutions.

The idea of risk seems to have gotten twisted in our society. I know I've mentioned this before, but taxpaying citizens are increasingly bound by legal tethers permitting us less and less control in our own lives. We're permitted less and less risk, and we are compelled by the state to assume the risks of others. The state's favored financial institutions — you know, the ones that are "too big to fail" — are permitted to engage in highly risky acts without serious consequence. Bailouts require taxpaying citizens (present and future) to assume the consequences of these institutions' risks. I can't assume the risk of ingesting foods with transfat or enjoying a relaxing cigarette in New York City, but now my hard earned money (and that of my heirs) is diverted to pay for the consequences of unconscionable risks assumed by certain financial institutions that mostly reside in and around that city. The state's insulation of financial institutions — its coercion of taxpayers to bear the losses of those institutions' risks — comports neither with legal principles nor with common sense.

Risk should not be legislated out of what is supposed to be a free society. Neither should the government shift consequences of risks from the responsible parties onto those taking no part in the original venture. Within the bounds of their fiduciary duties, financial institutions (particularly those of which I am not a client) should be able to engage in high risk investments in the hope of large rewards. I can tolerate such risk, but only if I do not have to bear to the consequences.

Bearing favorable or unfavorable consequences from my own risks — this I can tolerate. A relative asking for a little help after losing out on a risky venture — this I can tolerate. Some Humphrey Bogart-like character coming up to me on the street and asking, "Can you help a fellow American down on his luck?" — this I can tolerate. But all citizens, corporate and individual, have the right to assume the risk of their actions — bearing the benefit of success and the consequence of failure.

The way things seem to be going, however, the state's pet financial institutions are free to engage in whatever risk they wish, buoyed by the taxpayers' forced support, while those same taxpaying citizens aren't permitted to risk the choice of beverage with a meal. This we cannot tolerate.

— Marlaine White

Mayor's little helpers — The great surprise in the recent New York City mayoral election was that Michael Bloomberg, the incumbent, nearly lost to himself. This wasn't expected, as he had spent tens of millions of dollars of his own money, hiring the smartest campaign advisers available, and had even established a second line (officially called the Independence Party) for those Democrats congenitally unable to push the Republican lever, which he already owned.

For two terms Bloomberg had been a strong mayor, instituting changes that might have stymied a weaker leader, such as establishing a telephone help line ("311"), changing the public school system, building outdoor cafes in city streets, and banning smoking from nearly all public spaces (including some outdoors, such as baseball stadia). So swathed in his own success had he become that most New Yorkers hardly noticed that he screwed up the building department and gave sweetheart deals to developers who didn't need public charity, such as the New York Yankees. Nonetheless, no one ever accused the city's richest man of taking a bribe he didn't need.

Most New Yorkers approved of Bloomberg until, nearing the end of his second term in office, he changed a recently established statute forbidding a third term — changing it not for the future, but wholly to benefit his own immediate ambitions. This mad desire to continue as our mayor changed him into a more typical politician, pandering to certain interests, making deals to get more votes, etc.

It did not matter that the Democrats chose a veteran factotum, an amiable African-American named Bill Thompson, who was incidentally too reminiscent for comfort of David Dinkins, by common consent a weak and lousy mayor from two decades ago. Whenever Dinkins appeared on local television to support Thompson, he reminded voters of their common insufficiencies. Worse for Thompson, President Obama didn't come to New York, though he twice campaigned in nearby New Jersey for Jon Corzine, an incumbent (who nonetheless lost). Nor did the current New York governor, David Patterson, likewise African-American mostly, campaign for Thompson. Instead of his name, the election machine might have read "No Bloomberg," which is just as comprehensible in Spanish as English.

Though early polls had Bloomberg winning by as much as 20%, the final results were 51% for Bloomberg, 48% for Thompson. The sum was nearly 200,000 fewer than Bloomberg got four years ago. Voters turned against him not only because of his chutzpah in overturning term limits, but because of campaign overkill — advertisements knocking poor Thompson (whom few cared about anyway), oversized glossy fliers in the mail, robot telephone calls, and so forth. On the afternoon of election day, when my doorbell rang I heard a young female voice asking if I'd already voted for Bloomberg. Enough already.

Those of us who went to public high schools in New York state some decades ago remember in Thomas Hardy's "The Mayor of Casterbridge" a character named Henchard who was undone by his excessive ambition, the implication being that his unfortunate fate illustrated a universal truth. Since Michael Bloomberg grew up in Boston, he might not have learned that yet.

Some libertarians have made term limits into an issue worthy of legislation, as indeed it probably is. Critical historians have also noted that, even for successful mayors, third terms are rarely as good as their first or second. In the anti-Bloomberg vote was an expression of general critical sentiment. Can anyone think of any earlier election in which an incumbent nearly lost to himself?

Myself, I voted Libertarian, for a candidate less visible than Bill Thompson.

— Richard Kostelanetz

Topping the charts — As Obama finishes his first year in office, we ought to pause and acknowledge his success as a big spender. Indeed, he is the all-time champion.

For a meaningful comparison, let's put the figures in Year 2000 dollars. In his first year, Obama spent $2.8 trillion, thus completely eclipsing the record set for first year spending by George W. Bush. Bush spent $1.8 trillion, which only modestly broke Bill Clinton's record of $1.6 trillion.

You have to go back to Gerald Ford to find a president who spent less than a trillion bucks during his first year in office. He spent $982 billion in 1975 (again, in Year 2000 dollars). And the last president actually to spend less than his predecessor during the first year was Dwight Eisenhower, who spent a miserly $556 billion.

— Gary Jason

Gesture language — I watched Obama's much-anticipated speech at the West Point Military Academy with great interest. It was not the content that fascinated me; most of the new U.S. strategy of surge and withdraw in Afghanistan had been leaked already. It was his delivery that captivated me.

First, I noted the venue. Obama pulled Bush's old trick of delivering an iffy speech before an audience guaranteed to be polite if not supportive. The audience lived up to the minimum expectation — politeness. The applause was scant and tepid. Like Bush, who staged his "Mission Accomplished" speech on a battleship, Obama's venue screamed "patriotism." He was hedging his bet, big time.

Second, the man known as a consummate orator looked nervous, jerky, and off his game. A large part of the jerkiness came from his constantly shifting focus from a teleprompter on the left to a teleprompter on the right. The frequent, rapid back-and-forth made him appear literally shifty and mechanical. Not looking into the camera meant that he rarely looked the TV audience in the eye, and this made him appear either disingenuous or uncertain.

Third, the very tone of his voice was different. Known for

inspirational rhetoric, Obama was somber and matter-of-fact in delivery. He rarely tapped into his great strength — the ability to suck in an audience emotionally, so that the content becomes secondary.

This speech did not captivate. Instead of listening to him, I started counting the number of times his posture shifted, now to the left, now to the right. No wonder the online edition of the Daily Telegraph (UK) ran the headline "Barack Obama is no Churchill."

If this was Obama's most important speech as president (and I believe it was), then he failed miserably in both content and delivery. I wonder if cracks are appearing in his confidence. — Wendy McElroy

Eccentric orbit — Recent comments by Anatoly Perminov, head of Russia's space agency, show the high intellectual level on which government science is conducted over there (and maybe here, too, although reports from Washington are not always as revealing as those from Moscow).

On Dec. 30, Perminov announced that Russia is considering sending a spaceship to knock an asteroid, Apophis, out of orbit so that it won't hit the earth on one of its revolutions about the sun. American scientists, who once raised a hue and cry about a 1 in 37 chance that the 900-foot object would strike our planet in 2029, eventually concluded that there was no chance of a collision that year. NASA now says that there's about one chance in 300,000 that the thing will collide with earth in 2036 or 2068.

Yet while inviting America to join the search-and-remove mission, Perminov seemed unaware of the American findings. In fact, he seemed unaware of much of anything. As the Associated Press reported, "Perminov said that he heard from a scientist that Apophis is getting closer and may hit the planet. 'I don't remember exactly, but it seems to me it could hit the Earth by 2032,' Perminov said. 'People's lives are at stake. We should pay several hundred million dollars and build a system that would allow to prevent a collision, rather than sit and wait for it to happen and kill hundreds of thousands of people.'"

I just hope that if the scientists manage to hit Apophis, they don't send it *toward* the earth. — Stephen Cox

Going, going, gone — I enjoy auctions. Charity, art, real estate, foreclosure — you name it, I'm interested in the bidding for it. To me, auctions are refreshingly candid assessments of the value of things. Internet auction sites like eBay serve this purpose, too. But there's something more vivid about a live auction.

Recently, the cash-strapped county in which I live announced a larger-than-usual surplus vehicle auction. Since the county had just downsized the number of sheriff's deputies and other positions in its employ, more new, or relatively new, cars and trucks were available, and a ready source of extra cash for the government. Good for it, for acting (in this narrow context) like a rational economic entity.

Aside from my general enjoyment of these things, I had a practical reason to be at this auction: I have a son who's getting close to 16 years old. I thought that a late model, decommissioned police car would be a safe rig for him to drive for his first year or two on the road. But the auction went unexpectedly.

The crowd was a strange mix. About half of it looked like a bunch of financial sharpies taking some hours out of their Friday morning to chase bargains. The other half had the look of desperate rural poverty. Ragged, stained clothes. Unshaven faces. Crooked or missing teeth. Downward gazes. Overweight. Lots of wasted, anxious movement. Quite a few of them completed a wretched stereotype by bringing their entire families — including children during class hours on a school day — to the County Facilities Garage.

The first vehicle up for auction was a mid '90s Ford Taurus sedan. The low Kelley Blue Book value of this car was less than $1,000. (I checked later.) Bidding was spirited, moving up in increments of $25. A very tall, lean fellow standing next to me bid up to about $600, then stopped. The bidding thinned out notably at that point. Quickly, two of raggedy rural types were left alone to bid against each other. They kept pushing up until they stopped at $1,100.

That process repeated for just about every car and truck that came up for bid. The tall, lean guy next to me bid on just about everything. Turned out he was from a used car dealership in the state capital, looking for inventory.

I joined the bidding when they got to the Sheriff's Department's former Crown Vics. The county was offering about a dozen for sale — most from the 2002–2004 model years. There's a divergence of opinion about the wisdom of buying former law enforcement cars. Some people think they're bargains because they're usually well maintained; others think they aren't because they're used hard while in service.

The low Blue Book value for these cars was between $2,750 and $3,300, depending on the year and miles in question. (This I'd checked ahead of time.) My rule of thumb about value in a used car is that, assuming decent quality, 25% below low Kelley Blue Book is a good deal. That meant my bids would top out between $2,050 and $2,450. And, given the "rode hard" factor of the former cop cars, I'd stay on the low end of that range.

It didn't much matter. The crowd set the prices far above my limits. I managed to bark in a few early bids, but was quickly elbowed out by people willing to pay more than a "value" price for the cars. And, almost every time, the final action came down to a couple of the dentally-challenged types.

One, in particular, was buying the Crown Vics. An older man (he looked to be in his mid-60s, and ridden as hard as any of the cars), he pressed the prices up over the limits that anyone planning to resell the cars at a profit would pay. And he bought five or six vehicles.

His most frequent rival bidder was a sullen-looking younger man — late 20s, maybe younger — with his heavyset wife and two kids in tow. He paced around nervously, bidding quickly until he suddenly stopped. He was oblivious to the normal protocol of auctions — slower bids as bids approach market prices. Still, he managed to bull his way to a couple of winning bids. When it came time to fill out the purchase paperwork, the overweight wife did the writing.

The tall guy standing next to me hissed, exasperated: "There's no way they're making any money on these cars. With taxes and title? No way." We talked a little between items, and he blamed the illogical bids on late-night infomercials that tell people about fortunes to be made in government

auctions. He suggested that, if I were really interested in a cop car, I could wait until some of them showed up on craigslist. After a few weeks, he predicted, they'd end sell for less than what the winning bidders were paying.

The tall guy from Olympia dashed off before bidding finished on the last vehicle. I heard him saying into his cell phone, "Nothing here." But there was *something* here. A market inefficiency created by late-night infomercials and the desperate, possibly meth-fueled, desire to make some quick money.

— Jim Walsh

American as GDP pie — Economist Mark J. Perry has reported some fascinating data on world GDP growth, taken from the Economic Research Service of the U.S. Department of Agriculture. They are figures President Obama ought to consider.

It turns out that despite Democrat moans about America losing all its jobs to sweatshop dictatorships abroad, America's share of world GDP has remained essentially constant over the past four decades, at about 26%. Latin America has also held constant, at about 6% of world GDP. Despite all the oil money, the Middle East together with Africa shows a flat 5% of world GDP, year over year, over this period.

The two blocks that show significant change are the EU15 countries and the Asian ones. The EU15 block has declined linearly from 36% of world GDP in 1969 to only 27% in 2009. The Asian block, on the other hand, has seen a near-linear rise in share from 15% in 1969 to about 25% in 2009.

So the first thing that should strike Obama (not that it will — he appears to be remarkably dense) is that the block of countries whose economies have, in general, become more statist has dropped dramatically in relative standing, while those that appear to be growing away from statist economics have seen their relative share rise remarkably. Those that never had free market economies have stayed on the bottom, and the country that has never (yet) adopted statist economics still rides high.

The second point is that the whole pie has grown. World GDP has increased nearly threefold in this 40-year period. So there is little evidence to support the notion that countries such as China and India have hurt America's prosperity: our 5% of the world's population still enjoys more than a 25% slice of a global pie that has (I repeat) tripled in size over 40 years. No doubt Obama is working to change all that. — Gary Jason

Helping hand — The great December 2009 snowstorm dumped 21 inches of snow on us in about 24 hours. When I looked outside in the morning, I could barely see the cars parked on our street; the snow covered everything.

I recently moved to this short, narrow back street, connected downslope to a major Baltimore thoroughfare. To get out of our street, I have to drive steeply uphill and stop at the top, wait for an opening, then dash out into the traffic flow. When I moved there, during the summer, I clearly lacked foresight. Getting out of the street couldn't be done over snow and ice, so I figured I would be stuck until the snow melted.

Mid-morning I heard voices and looked out to see my neighbors, snow shovels in hand. It wasn't just the men, either. Everyone was out there, working away. I wasn't inclined to shovel snow; I preferred to let it melt; but my neighbors appeared to be aiming toward my portion of the sidewalk, so I was forced by social pressure, to put on my boots and join the work party in progress. My plan was to clear the sidewalk immediately in front of my house and go back inside.

As I began shoveling, I could see that not only were these crazy people digging out the sidewalks; they were also digging out their cars and the entire street! This seemed excessive to me; in my mind, the city is supposed to clear the streets. When I suggested we ought to wait for a snow plow, one of the long-time residents explained, "Don't count on the plows ever coming down this street." The cars, sidewalk, and street in front of all the row houses up the hill, from me to the corner, had been completely shoveled out. But instead of going back inside, the young woman next door and the gray-haired woman from two doors up were working their way downhill to the part of the street in front of my house. I couldn't stop them, so I really had no choice but to keep shoveling.

Meanwhile, some people in a pickup tried to see if they could get out of our street. They were fine until they hit the unshoveled section at the very top of the street, the section that wasn't in front of anyone's house. The pickup didn't make it; it just slid over to the curb. The occupants got out, walked back past us, and returned with a half dozen volunteers to clear that last section at the top of our street.

While we were digging, a large black man arrived with three short Hispanic men in tow, all of them carrying shovels. After discussions with some of the neighbors down the street, these four men set to work on the 100-foot stretch of street just below me, where there were no houses. They worked harder and faster than any of the rest of us, quickly creating a path just a little wider than the pickup truck's tire tracks.

By the time my two female neighbors and I finished digging out my car and the portion of the street in front of my house, I was tired and wanted to go back inside. But the next car downhill from me belonged to the girl next door, who had just helped me dig out my car. So I was forced, again by social pressure, to help dig out her car. A little after noon, we were all done. Our entire street was clear of snow and drying in the sun.

It was at that point that the government forces arrived, in the form of a snow plow that drove slowly down our bare street, the driver apparently admiring our work and accomplishing nothing. Even the part of the truck that was supposed to be spreading salt wasn't working. But our little street was clear, and all of us could drive in and out that afternoon, five days before the schools reopened and the city got back to normal.

Not only does social pressure work just as effectively as mandatory taxes, but civil society is far more efficient than the government. — Don Crawford

Land of wonders — A friend and I are going out to dinner. I pick him up at his apartment house. On entering, I can't help noticing a large sign, announcing at considerable length that state law requires people to know that the structure may conceivably contain substances that may conceivably cause cancer and other ailments. I notice it every time I go there, though I take no heed of its silly warning, nor does anyone else. There are signs like that all over town. I wonder how many are produced and installed each year, and how much they cost, and how many people may possibly be injured in producing, installing, and maintaining them.

Pulling into the parking lot next to the restaurant, we are gratified to see several parking spaces unoccupied. Closer inspection reveals that most of them are spaces reserved for handicapped persons. The rest are spaces reserved next to the spaces reserved for handicapped persons, in case said persons require extra room to be unloaded from their vehicles. My friend and I drive around the neighborhood for 30 minutes before finding another place to park. I wonder how much gas we consume and how many unhealthy emissions we make during that period. I wonder how many traffic accidents occur during such tours of the crowded streets. I wonder how much the handicapped spaces cost to maintain.

Finally we are seated in the restaurant, deciding what we want to order, when we notice that large parts of the menu are occupied with warnings about undercooked food and the dangers of alcohol to pregnant women. I wonder how many life-hours are wasted, every year, on making sure these warnings are properly worded and properly posted, and how much cardboard and plastic are consumed in posting them.

After dinner, we stop at the 7-11 to pick up some coffee. While pouring, we observe the large plastic warning signs affixed to the plastic counter extension that discourages us from dropping coffee on our feet and suing the store. The signs say, "California Law Provides that Disposable Paper Receptacles May Not Be Refilled." I wonder how many Disposable Paper Receptacles end up in landfills every year, because of that law.

It's now midnight, and we're stopped, for the tenth time, at an intersection with a stoplight but no traffic. I wonder how much gas is consumed, and what quantity of fumes is emitted, every hour of every night, as people sit and wait for lights like this. People tell me that in Ireland, late at night, the stoplights turn to caution lights. I guess that can never happen here. We're too concerned with health and safety.

— Stephen Cox

Never the Twain — One of the myriad things I dislike about the crusade against global warming is that it ruins my favorite Mark Twain quotation: "Everyone talks about the weather, but no one does anything about it."

— Wendy McElroy

Terror in his pants — The failed attempt of a Nigerian wannabe jihaddist to detonate a bomb aboard an airplane brings many questions. Since none of them were even asked, much less answered, in the mainstream media, allow me to bring some of them up.

First, the perp was the son of an important banker. This is not the first time that spoiled brats have turned to extremism. Witness Patty Hearst or, more recently, John Walker Lindh, the son of an affluent Marin County family, captured while fighting with the Taliban. Hence the question: will this new occurrence of a terrorist from a rich family put to rest the notion that poverty breeds terrorism? Yes, I understand the logic flaw: just because some Muslims born with a silver spoon in their mouths turn violent does not imply that poverty is not linked to terrorism. But several studies have shown that there is indeed no provable link between poverty and terrorism.

The most read is probably a study by Alan B. Krueger and Jitka Maleckova published in the Journal of Economic Perspectives in 2003. It shows that the middle class is overrepresented in various samples of terrorists. Yet the cliche "poverty breeds terrorism" is still going around, and not just in liberal circles. President Bush declared "We fight against poverty because hope is an answer to terror" during his 2002 visit in Mexico. It is vain to hope that the media will pay attention to studies and logic, but they do remember anecdotes, and so let's hope the "rich Nigerian terrorist" will help put this myth to rest.

Second, since when does the lack of competition improve performance? After 9/11, Bush reorganized the U.S. intelligence services, created the Department of Homeland Security, and consolidated intelligence agencies. As a result, intelligence departments that were previously overlapping and serving different needs were forcibly regrouped.

In many cases, this resulted in a "one size fits all" approach to intelligence collection, analysis, and distribution. In the pre-DHS days, a certain emulation — if not competition — was commonly seen between different intelligence bureaus. These parallel organizations have been replaced by a centralized behemoth that serves a captive audience. The different services are now deprived of even the limited flexibility they previously had for acquiring intelligence. In other words, U.S. intelligence now works with more centralization and less competition. And the media wonder: how could the Flight 253 terrorist not be on the TSA's vaunted no-fly list, when his own father had warned the US embassy about his son's radicalization? Oh, and he was barred from entering the UK, bought his ticket with cash, and had no luggage. Homeland Security Secretary Janet Napolitano asserted that "the system worked" — which is true if the "system" consists of sheer luck, bad bomb-making skills, and an infuriated Dutch passenger dragging off the terrorist before handcuffing him to a seat while an attendant douses the bomber's flaming pants with an extinguisher.

Third, has Abdulmutallab really failed? Even if he had detonated his 80 grams of high explosive near a window, the plane would likely have survived. Nevertheless, the damage he did is more pervasive and more destructive than even the 300 lives he failed to take. Consider that the TSA's security theater in airports (and maybe other places) already forces us to walk through detectors barefoot in an ironic homage to Richard Reid, the Shoe Bomber, who failed to detonate his heel. Thanks to Umar the Undies Bomber, security measures now include patting down passengers in ways that used to warrant dinner and a movie. Soon, full-body scanners will allow security voyeurs to conveniently see through our clothes.

This incremental loss of freedom and privacy paves the way to the next abuse level. Indeed, the TSA has heard about the novel technique used by Abdullah al-Asiri, the Arse Bomber, who splatted himself when he detonated a small bomb hidden in his rectum in a failed attempt to kill a Saudi prince, and they wonder what to do to detect such threats. Fortunately, the upcoming Obamacare might very well create an army of unemployed doctors, among them proctologists who would happily take a government job and, er, put the finger on similar attempts. And even if we are spared such indignities, the

continued on page 34

Our Forefathers' Failure

by Edmund Contoski

Everything old is new again. Obama's lofty rhetoric rehashes the failed plans that suffered the tragedy of the commons.

President Obama has failed to learn the simple basic lesson that the Pilgrims, who established the tradition of Thanksgiving Day in 1623 (not 1621, as often claimed), learned the hard way. The bounteous harvest they were gratefully celebrating on that day was preceded by years of starvation. They arrived in mid-December 1620, and half of them died the first year. Though the Indians helped them survive, the colonists were chronically short of food, and their numbers continued to dwindle.

Under the Mayflower Compact, which governed the colony, "all profits and benefits that are got by trade, working, fishing or any other means" were community property in the "common stock" of the colony. And "all such persons as are of this colony are to have their meat, drink, apparel and all provisions out of this common stock." People were required to put in everything they could — they were forbidden from growing their own food — and to take out only what they needed. It was a policy of "from each according to his ability, to each according to his need," centuries before Karl Marx seduced millions of people with those words.

The communal system was such a failure that in the spring of 1623 the Pilgrims feared they would not survive another poor harvest. "So they began to think," wrote the colony's governor William Bradford,

> how they might raise as much corn as they could, and obtain a better crop than they had done, that they might not still thus languish in misery. At length, after much debate of things, the Governor (with the advice of the chiefest among them) gave way that they should set corn every man for his own particular, and in that regard trust to themselves. . . . And so assigned to every family a parcel of land. . . . This had very good success; for it made all hands very industrious, so as much more corn was planted then otherwise would have been by any other means the Governor or any other could use, and saved him a great deal of trouble, and gave far better content.

Far from making the people "happy and flourishing," the communal system, wrote Bradford, "was found to breed confusion and discontent, and retard much employment that would have been to their benefit and comfort." Not surprisingly,

> young men that were able and fit did repine [complain] that they should spend their time and strength to work for other men's wives and children, without recompense. The strong, or men of parts, had no more division of food, clothes, etc. than he that was weak and not able to do a quarter the other could; this was thought injustice. The aged and graver men to be ranked and equalized in labor, and food, clothes, etc. with the meaner and younger sort, thought it some indignity and disrespect unto them.

Under the circumstances, there was little incentive to produce food. Severe whippings were tried to induce greater production, but they did little more than increase discontent.

The social disharmony, along with the food shortages, disappeared once the concept of private property was introduced and people could keep whatever they produced, or trade it away as they saw fit. In 1647 Bradford was able to write "any general want or famine hath not been amongst them since to this day." Such was the success of the new system that in 1624 the colonists began to export corn, trading it for beaver pelts, other furs, and meat.

In 1624 the Pilgrims took a further step in property rights. The system of assigning land "to every man for his own particular" had certainly increased the production of corn, but the assignment was drawn by lot yearly. Thus there was not much incentive for making improvements to one's tillage when someone else might draw that land next year. The men requested of the Governor "to have some portion of the land given them for continuance, and not by yearly lot. . . . Which being well considered, their request was granted."

Jamestown, the first permanent English colony in America, established in Virginia in 1607, had an experience similar to the Pilgrims at Plymouth. Early years of starvation were followed by converting to a system of property rights and a free market, which brought abundance. Under collectivism, less than half of every shipload of settlers survived the first 12 months at Jamestown. Most of the work was done by only one-fifth of the men, to whom the socialist system gave the same rations as to the others. During the winter of 1609–10, called "The Starving Time," the population fell from 500 to 60.

But when Jamestown converted to a free market, there was "plenty of food, which every man by his own industry may easily and doth procure," wrote the colony secretary Ralph Hamor in 1614. Under the previous system, he said, "we reaped not so much corn from the labors of thirty men as three men have done for themselves now."

Jamestown had an experience similar to that of the Pilgrims at Plymouth. Early years of starvation were followed by converting to a system of property rights and a free market, which brought abundance.

We should not underestimate the significance of the experiences at Plymouth and Jamestown. Property rights and free markets were truly revolutionary and fundamental to capitalism. Without them, all the wealth, progress, and human betterment that followed could not have occurred. According to Sartell Prentice, "In England, meanwhile, farming 'in common' continued to be the general practice for another hundred years. Not until the second decade of the seventeen hundreds did 'setting crops for their particular' begin to be slowly accepted in England — and decades were to pass before the new practice became sufficiently widespread to provide an adequate food supply for the population."

There is no shortage of people who want a political system that gives them the fruits of other men's labors, and there is an abundance of politicians willing to accommodate them.

Even today, centuries later, there is still inadequate understanding of the importance of property rights and free markets. A recent BBC poll of 29,000 people worldwide found only 11% think free-market capitalism is a good thing. One-quarter of those polled said capitalism is "fatally flawed."

There is no shortage of people who want a political system that gives them the fruits of other men's labors, as at Plymouth and Jamestown. And there is an abundance of politicians willing to accommodate them at the expense of other men's property. The result is repetition of the collectivist systems (socialism, fascism) that have failed in the past, and no end to the discontent and resentment they engender. But people can be seduced to try them again and again by lofty idealistic statements, eloquent messages of hope, and promises that can never be kept. All of which allow the covetousness of other people's property — whether for personal gain or altruistic, collectivist aims — to masquerade under noble-sounding phrases.

When Barack Obama was campaigning for the presidency, he promised to redistribute other people's wealth for the collective good. In a short but spirited dialog with a small businessman, "Joe the Plumber," Obama argued that society would be better off if Joe's taxes were increased and the money distributed more widely to those less well-off. What is this but a denial of Joe's right to his own property and a repetition of the socialist distribution schemes that were so disastrous at Plymouth and Jamestown?

Once he was president, Obama came up with a health plan that would require everyone to buy health insurance — as though people's money was not theirs by right but, rather, was part of the "common stock" of community property, to be allocated by the leader for the collective good! And, just as at Plymouth, people who did not cooperate would be punished — not by severe whippings as was done there, but by the more civilized penalty of seizing their property through fines.

Contrast the government inflicting pain and penalty to force compliance compared to the benefit and satisfaction —

continued on page 34

Freedom From What?!

by S. H. Chambers

For decades, politicians have been trying
to free us from something they won't define.

A memorable phrase in an historic speech sometimes becomes the name by which the speech is remembered: *I have a dream. Ich bin ein Berliner. Tear down this wall.* President Obama's Nobel Peace Prize acceptance speech may one day be deemed historic. If it is, a fitting title can be found in the 20th paragraph: *War is sometimes necessary.* When the president said those words, I blinked back a tear.

But it was another phrase used in the Oslo speech that will be mulled over here: *freedom from want.*

It is an unfocused phrase, but of excellent provenance, first decanted in FDR's "Four Freedoms" speech, in which he foresaw a world founded on those freedoms: freedom of speech, freedom of worship, freedom from want, and freedom from fear. Here's part of what he said: "The third is freedom from want — which, translated into universal terms, means economic understandings which will secure to every nation a healthy peacetime life for its ihabitants — everywhere in the world. . . . That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation." He was speaking in 1941.

In 1948, the phrase was reused in the Preamble to the Universal Declaration of Human Rights: "Human beings shall enjoy freedom of speech and belief and freedom from fear and want." Eleanor Roosevelt helped craft the document.

This brings us back to President Obama's "War is sometimes necessary" speech, in which he said, "If human rights are not protected, peace is a hollow promise," and, later, "a just peace includes not only civil and political rights — it must encompass economic security and opportunity. For true peace is not just freedom from fear, but freedom from want."

The phrase seems off, and I think I know why. The word "want" has so many different meanings that "freedom from want," when inspected closely, turns out to be more of a Rorschach test than a right. Let's consider.

As a noun, "want" might mean: (1) "the state or feeling of desire," as in, "Flipping through the catalogue of huge television sets, Taylor was consumed by *want,*" (2) "destitution or privation," as in, "Many Biharis live in *want,*" or, (3) "anything that is desired or needed, but lacking," as in, "The hotel

staff scrambled to fulfill the diva's every *want*." Did FDR and company have one of these meanings in mind?

Let's try out definition (1), the state of desiring. "True peace is . . . freedom from want." This sounds an awful lot like the Lord Buddha talking, doesn't it? It was he, after all, who taught that suffering comes from desire, and that the key to happiness is to stop wanting. Buddhists call it the Third Noble Truth: to end suffering, one must achieve freedom from want.

If that's the idea, the president could ask the Secretary of Education to launch an initiative in our public schools to complement the "Just Say No" and abstinence-only programs. Funds could be earmarked for begging bowls and saffron robes for the students in mandatory "Stop the Want" classes.

I'm not serious. It's a pretty sure bet that neither Roosevelt nor Obama had the teachings of the Buddha in mind. But how about the Old Testament?

"The Lord is my shepherd, I shall not want." Now, if I were a sheep, the 23rd Psalm would be comforting only if my shepherd were a committed vegan. Setting aside the shepherd and sheep analogy, which has no place in Buddhism, and setting aside the fact that here "want" is a verb, doesn't the psalmist's counsel seem similar to the Buddha's: to find true peace, free yourself from want? In the psalm's final line, the author even expresses confidence that he "will dwell in the House of the Lord forever," a result that's a bit like the one taught in Buddhism, except that, in nirvana — absence, nonreturning, "blowing out" — there's no one home.

But Roosevelt's idea of the Third Freedom has nothing to do with an afterlife, with or without sheep or a shepherd. No otherworldly glow surrounds the "economic understandings" of the Third Freedom. What FDR had in mind was more mundane than that. So definition (1) is definitely out.

Maybe it's my fault. Instead of wasting my time in Industrial Arts, I could have signed up for Liberation Theology. Maybe then I would have grasped instantly just which "economic understandings" are equivalent to, or productive of, "freedom from want," without consulting my dictionary of Newspeak. But let's try the next definition of "want" (2), "destitution."

In daily speech, "want" is most often used as a verb, not a noun. It isn't a particularly grand verb, and it is generally used for trivial things, as in, "I want a puppy." This alone suggests that it would be out of its depth in "freedom from want," if it were being asked to serve as a grand and tragic synonym for "destitution or privation." (A related problem can occur when a grand word is used to describe insignificant things, as in, "This yogurt is awesome," although, to be fair, that construction still allows room for the Taj Mahal to be totally awesome.) Yet there trembles little "want," shoved out onto the stage amongst these rhetorical Valkyries and asked to sing basso profundo.

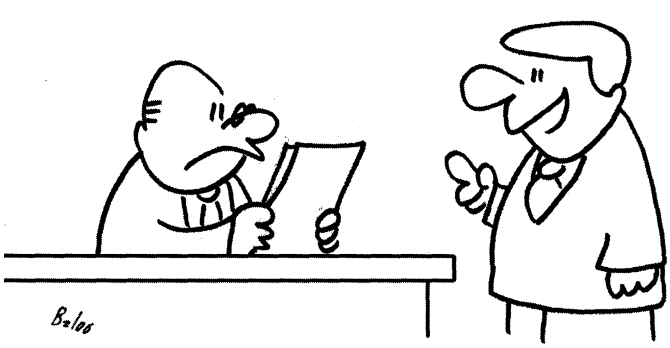

"Yes, it's a stupid speech, Senator, but you've got to court the stupid *vote*."

Surely, "freedom from destitution" would have been better than "want." Ending abject poverty would be a good thing. With "destitution," there would be no need to resort to an arcane definition or a usage rarely heard, and no puppies would be whining in the connotations. Yes, "destitution" had the pipes for the role, and "privation" would have made a suitable understudy, clearly a better choice than "want." So, if the two presidents were trying to say "destitution," why did they say "want"? That is, of course, unless they weren't trying to say "destitution."

If only the Founding Fathers had included "freedom from want" in the Constitution, all this speculation might be unnecessary. The meaning of those words would be laid out in the Federalist papers, and one could assume that this was the meaning that a president intended to convey when he used the phrase. I guess the Founders just didn't get around to it. But let's try our luck with definition (3), "anything that is desired, but lacking."

A casual viewer, watching TV at home without a thesaurus handy, and listening to a politician talking about "freedom from want," might think, "What was that? Did he say I can have anything I want? For free? Whoa. I want to get rid of my old clunker and get a new car. Can he help out with that? And I want another stimulus check. Can he get me one of those? And get that credit card company off my back. And keep cranking out my brother's unemployment checks. While he's at it, could he please forgive my kid's college loans? And, hey, I want free healthcare. Oh, yeah, and force the bank to cut my mortgage payments. Better yet, fork over some money for a new house. If that's what this guy's talking about, count me in. He's got my vote."

When considered in this way, the contrast between the Third Noble Truth and the Third Freedom is stark. While the Buddha advised extinguishing the desire that motivates *want*, thereby ending suffering and, in some versions, the need for rebirth, Roosevelt and his successors could be understood as suggesting that the way to end suffering and bring "true peace" is to satisfy every want right here on earth. Don't starve it; feed it, so to speak.

This reading is made possible by the double negative created by definition (3). "Freedom from want" in this sense can be distilled to the *absence of a lack*. Only on rare occasions do double negatives not have the effect of rendering less clear that which is already unclear. For example, "freedom of speech" could have been written as "the right to the absence of limitations on speech," but it wasn't. The phrase is clouded by the paired negatives. In Algebra I, we learn that two negatives cancel out, leaving a simple positive statement. Mathematically, then, a fair reduction of "the absence of lacking anything that is desired" would be "having everything that is desired."

While it would be wrong to hold a politician responsible for bizarre interpretations that others assign to his words, and

continued on page 30

The Obama Regime: Year One

by Bruce Ramsey

The first year of the Obama regime was a year of hope and change, but not exactly in the ways Obama intended.

What of Barack Obama, one year on? I argued a year ago in these pages ("Same as the Old Boss?", March 2009), that he was not a revolutionary but an ordinary, government-wielding Democrat — a species that, from a libertarian point of view, was dangerous enough. I wrote, "Among long-term political changes, health insurance is probably the big thing to worry about." And it does seem so.

As I write, the U.S. Senate has taken a vote that seems to augur victory for Obama's effort on "healthcare reform." I hear notes of official hurrah. But the Senate did it with not a vote to spare, entirely on the names of Democrats, after an exercise in vote-buying so gross that the jeering of the pundits was nearly as loud as the trumpets proclaiming "universal healthcare."

The Senate bill didn't quite live up to that, as the hard Left glumly noted. The Congressional Budget Office said the Senate's bill would increase the covered share of Americans outside Medicare by 11 percentage points, from 81 to 92% Much of this would happen by enrolling millions more Americans in Medicaid, the government program for the poor, and by providing subsidies for non-poor to buy insurance from insurance companies. For the archetypal four-member family, subsidies would be offered to those with incomes, in 2009 dollars, up to $88,000 a year — four times the federal government's poverty line.

All those receiving subsidies would, it was assumed, be thankful at election time to the political party whose name was on the bill. Many might be. But there will be long faces, too, most clearly among the young adults whom the bill would require to buy insurance. They might recall that in 2008, candidate Obama opposed the "individual mandate," while Hillary Clinton supported it. She was being more honest. If insurers are obliged to cover everyone who applies, without "discrimination" against those who have diabetes, AIDS, etc., then the healthy have to be forced to sign up. The product being created here is not from the market, but the government; it is social insurance, and it requires compulsion to work.

Many of the young will admit they should have bought catastrophic coverage anyway, and note that it's cheap at their

age. But they will discover that under Obama law, insurance for them will no longer be so cheap. The catastrophic-only policy they were thinking about buying will no longer be offered. It will be forbidden as too thin. The word I heard from a large private insurer was that of all of his company's individual health insurance policies, thin to fat, the average now covers 48% of an insured's medical expenses. His staff had calculated that under the Senate's bill the average would rise to 65% and so his company would have to charge more. The young will be squeezed in another way: they will subsidize the old under "community rating." The idea is to keep the difference in rates between the 20-somethings and the 60-somethings down, to the benefit of the older customers. This is already required in some states, notably Massachusetts and New York, which have some of the highest premiums for young adults.

Most of these things will happen in the market for individual insurance, which covers about 9% of Americans. If a new law takes effect, the individual market will presumably cover more of them, perhaps 15%. Most Americans will still be covered in the large group market, which is already federally regulated under the Employee Retirement Income Security Act (ERISA), or by Medicaid, Medicare, or a government employee program.

Such is the analysis now available from people who have read the 2,000-plus-page Senate bill and profess to understand it. I'm assuming the final bill out of the House-Senate conference will be more like the Senate's, because the vote was closer there, and that the final bill will pass. As I write, the details are still changeable, but the essence is clearly not "universal healthcare." It is not universal — thank goodness — and it is not health *care*. It is federal regulation of a certain type of private-sector insurance and a mandate for certain people to buy it.

By describing the bill in this way, I'm not trying to justify or support it. I don't like it, and if I were in Congress I'd vote against it. But many of the people arguing against it, including libertarians, who tend to argue from first principles, are attacking an idea of full socialism, and it is not that. It is a slice only, onto a plate already containing other, thicker slices. Furthermore, it is a slice that was difficult for its proponents to include, and has been done in a way that makes further slices even more difficult, for several reasons.

It turns out that Obama is not an antiwar president. The bottom line: same wars, different management.

First, we come to the point at which there will be fewer beneficiaries, particularly those who vote. Consider that the most commonly cited motive for people's reluctance to embrace "Obamacare" is that more than 80% of Americans already have health insurance and are worried about losing what they have. Those who have Medicare Advantage plans — private plans paid with Medicare money — *will* lose part of what they have, under the Senate bill. Many Medicare Advantage clients will be voting Republican in 2010 and 2012. More young voters will, too, when they see what Obamacare costs them.

Second, the Senate bill failed to create the new government program, brother to Medicare and Medicaid, that the Left wanted and had marketed as the "public option." Sen. Joe Lieberman (D-CT), aborted this little monster because the insurance companies hated it and a bunch of them (the Hartford, Travelers, Aetna, et al.) are his constituents. The other last-minute footdragger was Sen. Ben Nelson (D-NE), who talked about his concern for the unborn and demanded a slice of pork in order for that concern to dismiss itself, but who also represents a state with insurance companies (Mutual of Omaha, et al.). The Senate bill does make the insurance companies more like public utilities, as Richard Epstein has pointed out, but the insurers are still in the private sector, and they will continue to think, contribute, and lobby largely as private units. Under the Senate bill they will have more revenue with which to defend their industry. They will use it, and that will make it *more* difficult to arrive at the British and Canadian nirvana of Single Payer.

Third, there is the matter of cost. The believers imagine Obamacare to be so rational, with its vaccinations, mammograms, and colonoscopies, its cost-spreading and policing of physician greed, that in the long run it *won't cost anything*. Yet they are thinking not of Obamacare, but of single-payer, a system that could be both cheaper and universal, by systematically denying care to those deemed not to "need" it. Obamacare is not single-payer. The Congressional Budget Office says it will cost more, not less, than the current system, and even the Democratic politicians admit it. But yellow-dog Democrats believe that in the long run it will cost nothing. I know them; that's what they think, and they will be disappointed. No doubt they will blame the failings of the new system on the private-sector elements. Independent voters, however, are more likely to blame the government, particularly if they hear a good case that the coming problems are the government's fault.

Apart from Universal Healthcare, two other big changes were going to happen with Obama: a cap-and-trade program and an exit from Iraq. Neither happened in 2009.

During the 2008 campaign, few noticed that Obama kept saying he favored an intensified war in Afghanistan. People were thinking more about Iraq. In 2009 he did what he said he would in Afghanistan.

It turns out that Obama is not an antiwar president. His policy on the occupations of Iraq and Afghanistan is different in detail from Bush and Cheney's, but not fundamentally different in respect to the way in which libertarians think about it. Obama believes America is in a War on Terror. Like Bush, he says our soldiers are killing people over there so that our cops don't have to chase them here. The supporters of the war say that if we don't continue to do *this*, Pakistan will do *that*, and we have a responsibility, blah, blah, blah. The bottom line: same wars, different management — and not even entirely that, as Bush's final Secretary of Defense is now Obama's.

The other promised change coming with Obama was cap-and-trade. In 2009 there was not a big push to get this through Congress. At year's end Obama went to a save-the-world

conference in Copenhagen and failed to save it. Blame for failure of the conference was shoveled onto the Chinese, but most of the rest of the world's leaders were not in a mood to be stampeded on this matter by the young American president. Obama's EPA chief, Lisa Jackson, promised to regulate carbon dioxide as a pollutant, but also sounded as if she would not be too radical about it, particularly with the official rate of unemployment at 10%.

In 2008, a particular fear of libertarians and conservatives was organized labor's card-check bill, the fetchingly named "Employee Free Choice Act." The bill, which would create a way to organize an employee group through non-secret ballot, had passed the Democrat-controlled House in Bush's final year. Under Obama's Democrat-majority Congress it was going to slide right through. Except that in 2009 it didn't. It was shelved. Business hates card-check, and the Democrats want to be the party of labor *and* business, particularly during an economic slump. And anyway, there is no popular demand for card-check. Nobody likes it except labor organizers and the hard Left.

Another fear of libertarians and conservatives was that Bush's bailout of the banks and Obama's bailout of General Motors were permanent measures of socialism. This was never likely to be so, and at the end of 2009, it was clear that it would not be the case in banking. The banks were aggressively paying back the Treasury's money — and good for them! With GM it was early to say, but there was little support in the country, or in the Democratic Party, for making America's largest car company a permanent federal pet.

Apart from the health insurance bill, the one really big thing Obama did in 2009 was to spend tubfuls of money. Here is where, if I look back on the predictions I made in these pages a year ago, I confess embarrassment. Yes, I knew they were going to spend money. But so *much*?!

It was the year in which many Americans first began talking about trillions, with billions the fractional currency.

The "stimulus" was the greater part of a trillion, finely targeted at the programs Democrats favor. In my state, where the government budget came up one-quarter short, much of the stimulus went to backfill this deficit, paying teachers who otherwise would have been laid off, etc. How much this helped the economy is debatable, but it helped some. Libertarians didn't like to admit it, but the downturn was made shallower by the bailout and stimulus both. The downside, though, was the likelihood of loss of vigor in the ensuing recovery, and the near certainty that Ben Bernanke's almost-zero interest rates would create inflation, and perhaps a new speculative bubble. At the beginning of 2010, the amount of that cost was not yet clear, except that the dollar had already plunged on the foreign exchange market, and gold was well above $1,000 an ounce.

There was a tendency among libertarians to exaggerate the immediate import of this. In 1933, 1934, 1935, and 1936, the opponents of the New Deal, facing similar deficits, money creation, and rock-bottom short-term interest rates, made a noise about an inflation that didn't happen in the 1930s. There was a serious inflation in the late 1940s, after the war — and you could blame it on the war alone, or the war and the New Deal, as you liked. It's too early to ring the alarm for hyperinflation, as some on the Right want to do. But some inflation is coming, and it will not be good. Whatever the amplitude — and that will depend also on the taxes imposed — the incontinent spending of the Obama administration worries a broad spectrum of Americans, particularly conservatives. You see it in the rise of the Tea Party movement.

This movement is not universally welcomed among libertarians. Jeffrey Friedman, editor of Critical Review, writes:

> The faith that libertarians put in the populist opposition to Obama discourages me. I say this as someone who happens to be living in rural Texas: the tea partiers don't represent the future of America. Two-thirds of all Americans go to college, one-third graduate, and every year another half a million social science and similar degrees are awarded. These so-called elites find the flag-waving, Constitution-venerating, "socialist"-hating town-hallers and tea partiers mystifying or scary. We could be making great strides in the universities but we aren't, and I think the libertarian brand is being sullied beyond repair among the college educated by being linked to an intellectual spectrum ranging from Glenn Beck to Ayn Rand.

I see Jeff's point. The tea partiers are not theoreticians, and they offer a difficult brand to market on a university campus. But they *are* on our side. Their motivation is to protect and defend the constitutional republic, as they understand it. Libertarians should be trying to deepen their understanding of it. It wouldn't hurt also to listen to them, to hear what motivates them to go out and yell at members of Congress, and to take time off from work, travel to Washington, DC, and have a giant demonstration, as they did on Sept. 12, 2009. Academics don't do those things. Journalists like me usually don't do them. But they *do* have an effect. They inspire fear and loathing on one side and boldness on the other. They can change the balance of political will.

The tea partiers made an impact in 2009. They opposed Obama. The cheerleaders for government denounced them as racists, picking on a few anti-Obama signs that might be interpreted that way, but it was a slimy tactic and in the end it didn't work. Paul Krugman, The New York Times' Nobel-wielding tubthumper for inflation, called the Tea Party movement "AstroTurf" in order to discredit it, but the big Sept. 12 demo in DC, made the label hard to stick. By year-end, the tea partiers had also begun affecting the Republican Party, which was out of power and trying to shuck off the snakeskin

". . . Best of all, Mr. President, 83% of high school dropouts on welfare think you're doing an *excellent* job!"

of George W. Bush. Like the Ron Paul movement, the tea partiers really wanted to take over the party, which was probably not possible. But they *were* making themselves heard.

And public opinion was changing. Late in 2009, public approval of President Obama dropped below 50%. A majority of Americans turned against the health insurance bills even before they passed the House and Senate. By early December, the Gallup Poll reported that the idea of government guaranteeing all Americans health insurance was being rejected, 50% to 47% — the first time the "nos" had it since Gallup began asking the question. Said Time magazine, on December 9:

> In the latest NBC/Wall Street Journal poll, only 23% of respondents said they trust the government "always or most of the time" — the smallest proportion in 12 years. The percentage of voters who think government should "do more to solve problems and meet the needs of people" has dropped 5 points since Obama's first weeks in office, while that of those who think government should leave more things "to businesses" rose 8 points. The shift is especially noticeable among independent voters, a small plurality of whom wanted government to "do more" after Obama took office; now — by a margin of 17 — they think government does "too much."

Regarding foreign policy, the Pew Research Center reported that 49% of Americans agree that the federal government should "mind its own business internationally" and leave it to other countries to fend for themselves. Pew also reported that 44% agreed that the United States "should go our own way in international matters, not worrying about whether other countries agree with us or not." Both of these were the highest readings in 40 years.

It would be easy to say in a libertarian magazine that the country is becoming like us. But libertarianism is a political philosophy, and most Americans don't have one of those. They have feelings and attitudes only. The swing in the polls is much more of a gut-level thing, a reaction of political independents against the too-aggressive statism of the Obama agenda. The independents, who gave Obama his margin of victory, didn't elect him to put through the entire wish list of the left-liberal wing of the Democratic Party: card-check, cap-and-trade, and all the visions of another New Deal. They elected him because he was fresh and young, unlike Hillary Clinton; because he was black, unlike John Edwards, and it was a good time to have a black president; because he offered a classic American story, which grabbed the imagination more effectively than John McCain's old prisoner-of-war stuff; and because they were tired of the Republicans.

In 2009, Obama tried to play the hand he wanted to play — the left-liberal one — and he met resistance. He won some, and he made the state bigger. Libertarians are pained by that, and properly so. But recognize also that Obama lost more. His stature is reduced. He will have a harder time this year, and a still harder one after the new Congress takes power in January 2011.

Indeed, there are reasons for hope and change. ❑

Freedom From What?!, *from page 26*

while the ambiguity of "want" cannot be said to be entirely the fault of the speaker, it can, nonetheless, serve as a rhetorical device that musters needed votes from needy voters who, like all the rest of us, must engage in the exercise of trying to match up what is said with what is done.

So maybe our casual viewer is on to something. If the politician talking about "freedom from want" initiates programs that provide this voter with the things he wants, and at no apparent cost, who is to say that the voter's interpretation of the phrase is wrong? What if his take on the phrase is *pragmatically* accurate? What if the "economic security and opportunity" mentioned in the Oslo version of "freedom from want" were pragmatically interpreted as a promise to free people from the lack of anything that they desire, with the tab for the goodies going to someone else?

In our viewer's eyes, this politician is, let's face it, Santa Claus. Naturally, a solid majority of children, especially the nice ones, are pro-Santa. One wonders, though, how Santa polls amongst the elves, who must beaver away year-round to fulfill the children's want lists. But if the promise being heard is that all desires will be fulfilled, the message is simple: the life of humans here on earth can be made perfect.

Some will find this interpretation of "freedom from want" absurd. They will call it a stretch. Others will find the entire line of reasoning naive, or obvious. My apologies. But one other thing was said in Oslo that arched my left brow. In the 50th paragraph, President Obama said, "We do not have to think that human nature is perfect for us to still believe that the human condition can be perfected."

The statement is undeniably true. Strictly speaking, we don't have to think that human nature is perfect in order to believe that the human condition can be perfected. Regardless of what we or anyone thinks about human nature, people can, and do, believe just about anything. Much of it is, of course, nonsense, including the notion that the human condition can be perfected. Hypothetically, though, questions arise: is war sometimes necessary so that the human condition can be made perfect, or is it the imperfect nature of man that periodically necessitates war? If compelled to answer in the affirmative to only one of these, with great reluctance and some sadness, I would give the nod to the latter, with the footnote that a limited understanding of the human condition is a prerequisite for believing that it can be perfected. I mean, look around, for God's sake.

And now, the Rorschach test: "freedom from want." Take a small sip. Roll it around on your tongue. What comes to mind? A chicken in every pot? Eternity in the house of the Lord? The man with all the toys? Release from the wheel of life? Every man a king? The clear light of the void? A workers' paradise? Everything your little heart desires? The iron rice bowl? Opium for the people? The perfection of the human condition? Take your pick. Go ahead.

As a statement proposing a human right, "freedom from want" is a hopeless muddle. It is plonk. But as a rhetorical device for garnering votes, it has a deceptively complex structure and a short but zingy finish. A thrill may even go up your leg. Be forewarned, though, if you actually drink this Kool-Aid, the hangover will be a doozy. ❑

Passage to India

by Jayant Bhandari

Forget empty rhetoric about "change." India is undergoing real change. It's chaotic, messy, uneven . . . and ultimately good.

I am in India.

When I lived and worked here, few things were world-class. One was a private airline company, Jet Airways. Now it is just a normal second-rate airline. I used to stay at the Maurya Sheraton in Delhi. It was a very snobby, top-top-grade hotel. Returning to it now, after 12 years, I find it has been reduced to just a normal hotel. The towels could have been better.

Ironically, this is a good sign.

In the past, being an airline hostess was seen as a very glamorous job. The best and the most beautiful went to work for the airline industry. Other career options were limited. The fall in the quality of service has resulted from the fact that the best people now have a lot of better options in life. Accompanying the decline in service is a decline in what may be called the quality of average travelers. This has deteriorated quite sharply. It means that more Indians — the nouveau riche, or at least prosperous — are now traveling, an indication that prosperity is spreading.

At Mumbai airport, the runway was closed because of extreme air pollution (no rains). My flight for Bhopal was delayed for five hours for lack of visibility. People were shouting at the check-in staff, who were being very patient. I wished I could get into their minds. Maybe they are just super-patient people — maybe they just don't give a damn. Looking at their beautiful faces, I like to believe the former. My rational and cynical mind makes me believe the latter.

When I was on the Jet Airways flight from Bangkok to Delhi, the mostly Indian travelers were adamant about getting their money's worth for every penny they had spent. For four hours requests for drinks and other accommodations never stopped. The poor stewards worked like slaves, accepting every stupid demand. Conditions like these, which would take away the softness and niceness from most people and equipment, suggest that the world-class quality of anything in India will revert to the mean.

In Mumbai I stayed at the Trident, one of the two hotels taken over by terrorists in 2008. I stayed there a few months back, and paid a quarter of what it was worth — why should

I pay more, when, unlike many Indians, I am not afraid of the ghosts of those killed? Then, it was almost empty and had high security. On this trip, it was brimming with people. Security was still time consuming, but alas! it is very easy to fool the security guys, as I often did to save time. I am sure that the reason why terrorist attacks don't happen is that it is only a rare individual who is ready to die. The "virgins and free alcohol" theory has no value in reality.

The government and the company agreed to use eminent domain to confiscate land from poor farmers, at 5% of market value.

Now, as I travel through India's smaller towns and villages, I gather many impressions, both of change and of continuity.

I stay in rooms that cost me $2 a day, and purchase all-you-can-eat food for 50 cents. I pay my driver the princely sum of $7 a day. To Westerners, these prices will appear astonishingly low, but inflation of food prices in India is close to 20%. Food is very expensive for regular folks, and speculators are being blamed. I am constantly amazed that there is never any mention of the fact that the Indian government still runs one of the most efficient printing presses in the world — printing money, of course. The only thing that limits inflation is the high rate of real economic growth. Yet the Indian government is getting extremely addicted to increasing expenditures. The government's fiscal deficit is about 12% of GDP. To me this is like addiction to heroin. What will happen if the growth rate falters?

In an isolated place, a woman sells me a 15-kilogram bag of fruit for a total of 60 cents — fruit worth about $15 in Bhopal. Her companions think she's won a lottery. These wretched women chase me and beg me to buy some from them. I feel sorry for the little girl who had tears in her eyes. Yet I am repelled by the fact that so many Indians easily grovel and beg. The worst is when well-off people do this. A visit to a government office in India is essential if you want to understand the degradation that the Indian public accepts even today.

I meet the top management of a company constructing a major highway. The highway was deemed uneconomical, so the government and the company agreed that they would use eminent domain to confiscate a lot more land than was necessary from the farmers, at 5% of the market value. The extra land would be converted into condos or commercial space. The poor people would subsidize development. Why should they subsidize the development of the country? This is socialism in practice, although the farmers are branded communists when they rebel. Meanwhile people in the West believe there is something romantic about poverty — a view that is not only hypocritical but pathetically wrong.

The woman who cleans utensils at my parents' home earns $13 a month. Her husband, who tyrannizes over her, contributes 20 cents a day for household expenses. The wife of our security guard, who lives within my parents' property, has had her third daughter. She wanted this child to be a son. Between them, the couple earns $70 a month, but they give their girls a decent education. Not too long in the past, one or more of the girls would have died of something mysterious or would have just disappeared.

At my parents' home, the live-in maid is "buying" a wife for her son. The cost is $400. The maid earns only $12 per month (that's not a typo). The good thing is that if the son mistreats the wife, she will likely run away with someone else. By itself this is a huge change for the better.

Speaking of purchases, the woman who does laundry at my parents' house and also earns about $12 a month has got her daughter to stand for the local elections. The daughter's campaign cost will be $1,000, obviously a fortune for her; but she told my mom that if she wins the election, she hopes to "make" ten times more money each year.

In India there are all kinds of affirmative action policies. For example, half the local seats in elections in Bhopal are reserved for women. The mayoral post is also reserved for a woman. What kind of democracy is this?, I wonder.

My maternal grandmother died 15 years ago. She had a huge house. Since she was a widow, she rented sections of the house to about 15 people. Most of these people had grown up in front of her. She had helped many study or get married. She had let several of them live in her house without paying any rent. Before she died, she had all these people take an oath in a temple that they would vacate the house whenever my mother asked them to. When she did so, not one of them left. They all wanted money in lieu of leaving. To get them out was a herculean effort, involving cash payments worth about $30,000. After 15 years of efforts, the last tenant has just been kicked out.

I remember that when I was a kid, I used to wake up early in the morning to get the buffalo milked in front of me, to try to keep the milkman from adulterating the milk. So I would sit with flies hovering around me, observing the milkman milking. Before he started, I would quietly inspect his bucket. Then he would then place the bucketful of milk in front of me and go to wash his hands. He would return without wiping his hands, shake them over the bucket, and let a few drops of water fall into it. I once objected to this behavior. He said it was a ritual that must be followed: milk must be at least symbolically adulterated. I am not sure where the Indian culture of cheating comes from, but there is a saying in Hindi: "You cannot mix religion (implying ethics) with business." I don't know whether cheating in business transactions is a result of the recent socialist past or is a part of Hinduism. But this is the problem you face all the time in India. From what I hear, India is even more corrupt than it was before; now the public servants expect an even bigger slice of the pie.

The milkman said it was a ritual that must be followed: milk must be at least symbolically adulterated.

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Yours for liberty, AEIOU,
Mark Skousen, *Producer*

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Young Indians are becoming increasingly religious — atheism was more fashionable in my generation. They seem not to have a fanatic bent but a superstitious one. They go to the temple to worship the god, hoping it will help them become prosperous and successful. Popular religious are extremely materialistic and self-centered. I am sure that a lot of people, almost unaware of why they are doing it, have religious interests because it suggests to them an easy way to get laid, just as I think that behind a lot of the environmental movement in the West is the possibility of easy access to drugs and sex. On balance, this may be good. For many people, dependence on a higher authority is crucial, and I would rather see people believe in an impersonal god than make gods out of political leaders or film celebrities.

There is far more pollution everywhere than I have ever seen. Garbage is rotting everywhere. The lake in Bhopal looks like it's filled with ducks; a closer inspection shows that the ducks are actually debris floating on the surface.

But the great fact about India right now is that the economy continues to grow at 7% or more — an absolutely amazing rate. This is my third visit within 12 months, and I see changes on every journey.

Twenty years back, most roads were dirt. On this trip, I have not encountered a single dirt road. Even in the most backward places, I see children, including girls, going to school. When these kids enter the workforce, that will be the mother of all revolutions.

Twenty years back, life was one long forced and even self-inflicted course of suffering, even for the well-off, for that was the message of the collectivist system. Today, people are learning to take time off and enjoy themselves.

At least seven generations of my family grew up in the same place in Bhopal. When my parents left that place in 1984, we were the first family among all the descendants in those seven generations to leave the huge, but by then thoroughly partitioned, house. I was the first perhaps in that whole "family" to leave Bhopal. All marriages were arranged. Within the last 10 years, more than half of these people have moved to suburbs. Half of the new marriages have been with people from outside our religion and have of course not been arranged by the families. More than half, perhaps all, of the college-going kids have gone to another city to work and study. Girls are living by themselves in other cities and working there. Most of this has happened in the last four years or so.

There is a huge churning taking place in the society. It is as if everyone is now starting to move a step ahead. Bhopal today is full of student hostels, where kids from rural areas come to study. So far, growth has touched only some sectors of India, but there is a constant stream of poor people joining the middle class, while the middle class is getting richer. I wouldn't be surprised if this kind of growth continued for decades, constantly transforming the India I see around me. ❑

Our Forefathers' Failure, *from page 24*

even happiness — from market transactions, which people undertake without force or penalty in order to enhance their lives and are far more effective than socialistic distributions. Obama said, "We are fundamentally transforming the United States of America." He is indeed, wiping out the fundamental principles that allowed America to prosper.

Obama claimed, "This is our moment, this is our time to turn the page on the policies of the past, to offer a new direction." Yes, he is "turning the page on the policies" of property rights and free markets. But the direction he is offering is not new but old. It is the system of four centuries ago, before property rights, those basic rights which are still denied in varying degrees in many countries that have never discovered free-market capitalism, much less embraced it — and whose standard of living reflects that fact. And those countries comprise a large share of the 89% of the world's people who do not think capitalism is a good thing — but who look with envy on America's success and demand we redistribute a share of our wealth to them.

"Generations from now," Obama said, "we will be able to look back and tell our children that this was our time." Yes, and they will be the worse for it — and damn you for it! ❑

Reflections, *from page 22*

ever-growing discomforts of going through airports will deter more people from air travel, increasing the financial troubles of airlines, plane makers, hotels, and the myriad services that surround them. People will drive hours rather than fly.

Abdulmutallab can be proud. He caused billions of business losses every year with one inept try. — Frederic Mora

Those other terrorists — The Obama administration, especially its Homeland Security chief Janet Napolitano, has adopted two major goals regarding the dangers of terrorism. First, they want us — the American people — to view terrorists merely as criminals, as opposed to warriors, i.e., soldiers fighting in a war. So they have made a concerted effort to replace the perfectly useful and clear phrase "act of terrorism" with the vague phrase "man-caused disaster."

Second, they have made it clear that they want to avoid talking about the ideological motivation of most actual terrorists, to wit, Islamism. The administration even tried to shift its focus from looking for jihadists to looking for other terrorists, especially those of white supremacist or anarchist ideology.

The mainstream media, in its self-appointed role as the propaganda arm of the Democratic National Committee, immediately fell into line. Every story of any violence by anti-government rightwing people, — especially veterans! — was to be played up, and any by people professing Islamist ideology was to be played down whenever possible. Even in the case of the Christmas Day terrorism aboard a Delta plane heading for the Detroit airport, the words "Muslim," "Islamic," and "religious fanatic" were difficult to find in the original news reports

But much use was originally made of the tragic story of a supposed hate crime perpetrated against Bill Sparkman, census worker. This hapless servant of the federal government was found asphyxiated, tied to a tree with a rope around his

continued on page 40

When a Computer Filled the Room

by Warren C. Gibson

The computer revolution would have been unthinkable without the power of the free market.

At 1:30 a.m. I hopped out of bed, got dressed, and headed out for my 2:00 a.m. date. I had set the alarm and tried to sleep, but I could only toss around in bed, rehearsing the adventure to come. The night was bitter cold, but my old Ford started on the first try. New snow sparkled under my lights as the tires crunched their way through the empty streets, but I paid no attention.

My mind was racing ahead to my rendezvous. Soon I was at my lady's front door, knocking the snow off my shoes and letting myself in. Yes, I knew her intimately enough to have my own key. And I found her wide awake as usual, winking her familiar come-hither wink. I took a quick glance at her console, then mounted my tape on an empty drive.

You see, the lady in question was a Univac 1107 Thin-Film Memory Computer — always a lady to me, never just a machine. Her "house" was the Jennings Computer Center on the campus of the Case Institute of Technology. It was 1966, and I was a young man in love, in love with Rosabeth, as I called her, though I never mentioned that name to anyone.

Was "love" too strong a word? Perhaps, but I was enthralled by the new technology. Computers in those days were all mainframes, ensconced behind glass walls. Anyplace else, a lowly user like me had to submit an input card deck at a window like a bank teller's, wait till the next day, and pick up the resulting printout at another window. Case was one of the rare educational institutions at that time, perhaps the only one, that practiced an "open shop" policy. This meant that students could actually touch the computer — not just touch her but, in carefully proscribed ways, actually operate her.

This was not without risk. My Rosabeth was a multi-million dollar machine, and college students are what they are. Yet in the category of things that could be blamed on students, I recall nothing more serious than occasional jams in the card reader. The problems that I most remember were the lady's frequent fainting spells, some of them lasting many hours. Although computers had changed from vacuum tubes to transistors some years earlier, thereby advancing significantly in reliability, they were still rather delicate creatures, prone to almost daily outages that, for all we students knew, might have been fits of the vapors.

I was lucky this winter night because the lady was wide awake and ready to go. I had reserved time from 2:00–4:00 a.m. because only at such times could a graduate student like me get the time needed to pursue his thesis work. Like all graduate students then and now, I felt it entirely natural to be up and about at such hours.

The 1107 worked strictly in what is called "batch mode." This meant that users prepared an input card deck and fed it into a card reader, a machine that sensed the holes in the cards and converted them into data that were recorded in a temporary staging area on a magnetic storage device. When your job's turn came, the console teletype machine rattled off an announcement of the start of your job; then you held your breath. If you heard it rattling again after a couple of seconds, announcing your job's completion, you knew there had been an error. If it kept silent for a decent amount of time, you could be pretty sure your job was running properly. At least it was doing something, though there was no guarantee of good results. Some time later, a half-ton line printer would bang out your results on 11½-by-14 inch fanfold paper, which you paged through to find the good or bad news.

Night sessions were stressful, because the stakes were high. If I heard the dreaded clatter that signaled failure, the pressure was on.

As I type this article, I go back and forth constantly, revising and fixing, revising and fixing. But imagine, if you will, using a computer to write an article in batch mode. Not that anybody ever did that. Word processors hadn't been invented yet, and if they had, they would have been a frightful waste of a multimillion dollar machine. But writing our programs was somewhat like writing an article. We wrote them with a "high level" language called Algol that used a lot of English words and had rudimentary but strict rules of syntax and semantics. As students, we bought boxes of 2,000 cards for $2 each and sat down at a keypunch machine, if one was available. These were ugly, noisy beasts that fed blank cards into a punching station. Every time you hit a character on the keyboard, it would punch a column of holes, then advance the card by one column. There was no eraser, no un-punching holes. If you made a mistake you had to copy your bad card onto a fresh one, up to the point of the mistake, and then continue typing. A lot of spoiled cards and a lot of fanfold paper went into the dumpster in those pre-recycling days.

Of course, you didn't really know if you had made a mistake until you tried to run your program. Any mistake — typo, syntax error, whatever — meant your job would fail and you would have to go find a keypunch, fix your mistake, get in line again, and have another go. Only later did I learn how much worse things were everywhere else, where under closed-shop rules users got maybe one or two turnarounds per day. The worst was Lockheed, Georgia, where I once visited. The keypunch operators belonged to a union. You were supposed to write what you wanted on paper forms and submit them to the operators, who in the fullness of time might get around to punching your job, perhaps accurately. Soon the local engineers showed me a hidden keypunch where we could get our work done in spite of the union.

The computer I'm using to write this article is a rather unremarkable desktop PC: dual AMD-64 processor, two gigabytes of memory, a few hundred gigs of disk space. In 1966, bytes hadn't been invented, but it's possible to estimate that my desktop machine has roughly four thousand times as much main memory as the 1107 and is a thousand times faster. Its Linux operating system is much more sophisticated than the 1107's batch system, and the free OpenOffice suite I use would have been unimaginable back then. As to nonvolatile storage, I have several hundred gigabytes on disks, while the 1107 had no disks at all, only a magnetic drum that was to disks as Edison's cylinders were to phonograph records. I'm sure the capacity of that drum was well under a megabyte.

But wait — do you have any idea of how a computer disk works? Take one apart some time and study it. Then go to howstuffworks.com. In its precise tolerances, fast response, high storage density, long life, and low cost, the disk is an engineering triumph. You live in an age of miracles! So show some gratitude!

Forgive me. I get passionate at times. Back to my story.

The 1107's operating system had the entire drum to itself, so it wasn't available for user data. But faculty and grad students could have their own magnetic tapes for storing programs and data. A reel of magnetic tape could hold as much as several dozen boxes of cards, but it was tape, which meant sequential access. If you wanted a file near the end of the tape you had to wait while the drive wound it forward to the proper spot. It usually did this without breaking or tangling your tape. Usually. Oh, you want to replace the fourth file on a tape? No problem: get a fresh tape, copy the first three files from the old tape, write the new file, skip ahead one file on the old tape, then copy the rest. You have to punch all the commands on cards, of course.

Night sessions were stressful, not because the hours were late but because the stakes were high. My job, if it ran successfully, would take most of two hours to complete. But if I heard the dreaded clatter that signaled failure, the pressure was on. I would scan my printout frantically, looking for the error, while Rosabeth sat there winking. And if I had my wits about me, I would take another few moments to review the whole program, because the machine always stopped at the first error, leaving subsequent errors to be caught on the next run.

Those nights have faded into a dim but very fond memory. Hobbled as we were by operating conditions unimaginable to the engineering students I now teach, ours were happy times — frustrating, exhilarating, and like all of life at its best, lived to the fullest.

For me, the excitement wasn't just using the computer but seeing the methods we were developing to solve engineering problems. I was never what would later be called a "computer scientist," only a user. I had entered Case as a civil engineering major but switched my emphasis when I had the great good fortune to work under the tutelage of Prof. Lucien Schmit, one of the pioneers of something called the "finite

element method." This is now a standard part of the engineering repertoire, and I presently teach it to undergraduates at Santa Clara University. But in those days it was a new way of performing structural analysis — computing the deformation of an airplane wing, for example, in response to various loads. At the heart of the method is a lot of matrix algebra that can only be done with a computer. Finite element analysis was a huge advance over previous methods, which required laborious hours with a slide rule, yet produced only rough answers.

Fast forward to 1983. It's a sunny spring day outside a small building in Palo Alto, where a software firm had gone out of business. I'm trying to figure how best to load our new printer onto a rented truck. It's a whiffy, barely used, late-model Printronix that can print lower-case as well as upper-case characters and even produce rudimentary graphics. It's nowhere near as heavy as the monsters I grew up with back at Case, but I'm very concerned about loading it carefully. I've just written a $4,000 check to pay for it, keenly aware of how long it took to save that much money and how fast money goes when you're starting a new company. Our new three-man engineering consulting firm needed a computer, and with personal computers barely out of the hobbyist stage, our only practical choice was a minicomputer.

The minicomputer revolution began in the late 1960s, when an innovator by the name of Ken Olsen began building computers that were small enough and cheap enough to be affordable by an engineering division in a large corporation. But at that time computers were the jealously guarded domain of corporate headquarters, and in order to get to his customers in engineering, Olsen decided to avoid the word "computer," instead calling his machines "Programmable Data Processors." The bean-counters were none the wiser, and the PDP line of minicomputers — designed, built and sold by Olsen's Digital Equipment Corporation — began its wildly successful run.

Our PDP-11/34 required only two four-foot-high racks. We splurged, investing extra memory to get a total of 256k (yes, 256 kilobytes). The machine was certainly a "mini" in comparison to the mainframes; still, it ran on 220-volt power and required special air conditioning. Ah, but it was all ours, and it felt great to sit at our desks and do our work through our very own individual remote video terminals, which could display a full 24 lines of 80 characters each! The advanced time-sharing operating system, RSX/11-M, made it seem to each user that he had complete control of the machine. No more card decks!

Some of our work involved finite element analysis, which by then had found its way into commercial software. But that software still required a mainframe, so we got a modem to connect our PDP-11 to distant commercial data centers that made their facilities available on per-minute charges. (We actually owned the modem. Back in the '70s you could only lease them from Ma Bell, at about $100 per month for a 4k modem.) Since even a medium-size finite element analysis could consume an hour of mainframe time, we had to be very careful not to waste any of those expensive minutes.

Later we got our very own VAX-11, Digital's successor to the PDP-11 line. It was a leap ahead to 32-bit addressing and virtual memory, and having a VAX quickly became *de rigueur* in engineering circles. Although all we could afford was a stripped-down VAX 11/750, we were at last able to run small finite element analyses in-house: no more commercial usage charges.

A memory that has stuck with me from the 1970s is a disk drive that was part of a VAX installation at a large institution. It was the size of a washing machine, cost about $30,000, and required monthly maintenance. It held roughly 30 megabytes. Today, for almost no money, you can buy a thumb drive at the drug store that holds 200 times as much. No wonder I sometimes get my kilos, megas, and gigas mixed up. And terabytes (a million million bytes) are coming, followed by petabytes.

The mainframes we had accessed (and occasionally still did, at customer facilities) were not made by Univac or even IBM, but rather by the upstart Control Data Corporation. A genius called Seymour Cray had developed a line of scientific computers for CDC that were geared for mathematical computations rather than business data processing. They left the mighty IBM in the dust. Thomas Watson, Jr., president of IBM, once wondered out loud how it was that Cray, with a team of just 32 people, "including the janitor," was able to flummox IBM's team of hundreds of engineers that had designed its ill-starred Stretch computer. Cray harrumphed in reply, "Mr. Watson has answered his own question."

Seymour Cray left CDC and founded Cray Research in his hometown of Chippewa Falls, Wisconsin. Control Data never really recovered, as its founder William Norris began putting altruism ahead of profit-seeking. Norris built plants in inner-city neighborhoods and poured millions into a doomed information retrieval system called PLATO, meant for use in schools. Meanwhile Cray turned out ever-faster supercomputers from his modest digs in Chippewa Falls. I was privileged to use some of Cray's machines, but always in batch mode at large government facilities.

Jump ahead to 1989. We make a short trip to a nearby startup called Silicon Graphics for a look at one of their new graphics workstations. Silicon Graphics was following closely behind Sun Microsystems, which had pioneered Unix workstations. Graphic display can require intense computation, and SGI's innovation was to embed much of that processing in hardware rather than burdening the CPU with all the

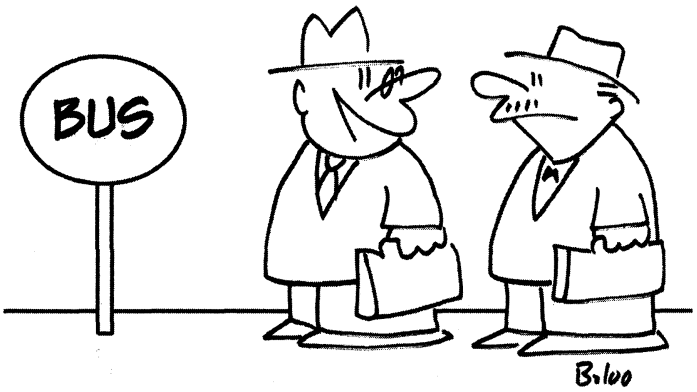

"I never have to take Muriel out to dinner anymore — I got a remote tuner for the bathroom scales."

graphics software. These machines were ideally suited for finite element analysis because of the visual nature of that work, and we were hooked. We got one for a mere $40,000. It hadn't felt this good since Rosabeth!

SGI raced ahead with bigger and faster machines, and its stock soared. I recall visiting SGI headquarters around 1992, when the company was flying high — fancy digs, free food for employees, and plenty of hubris. I should have known it was riding for a fall. SGI would be outflanked by the likes of NVidia and ATI, outfits that put graphics hardware on relatively cheap cards that would fit on a PC bus. Now Google occupies some of the old SGI buildings and offers its employees free food. I suspect that Google management knows that story well and is determined not to let hubris lead them down the same slope that finished SGI.

I'm going to spare you any tales from the personal computer and internet revolutions, because I have nothing special to tell. We got Macs and PCs pretty much when everybody else did, and we got on the internet pretty much when everybody else did. But the computer revolution can reasonably be said to have started with the ENIAC in 1948. Having gotten on board in 1962, I was a firsthand witness to, and in a small way a participant in, most of that revolution. What a great privilege! It's as if a professor of English had been alive from Chaucer through Rand. As I look back over it all, I see five themes, all of which have a distinctly libertarian flavor.

First theme: innovators are usually rebels. They are often just as good at devising ways to get around bureaucracies as they are at devising technical breakthroughs. One of my heroes is the late Admiral Grace Hopper. I never met her and never used her COBOL programming language, yet she's still a hero to me. She made many contributions to computer science and led the way for women in industry and in the Navy, but what I value most about her is her attitude. "It's easier to ask forgiveness," she said, "than to ask permission." If you have an idea, just do it, and present the bosses with the finished results. If it works, what can they say? If not, you just forget to mention it. Google seems to understand this, since it allows its engineers to work one day a week on a project of their choice. One wonders how Google engineers might manage to rebel against such permissiveness.

Seymour Cray was poured from a similar mold. To the end (he died tragically, in a car accident), and even when he was heading Cray Research, Seymour personally designed and tested circuits for his computers. He hated bureaucracy and tried to suppress it in his company. The founders of Intel left

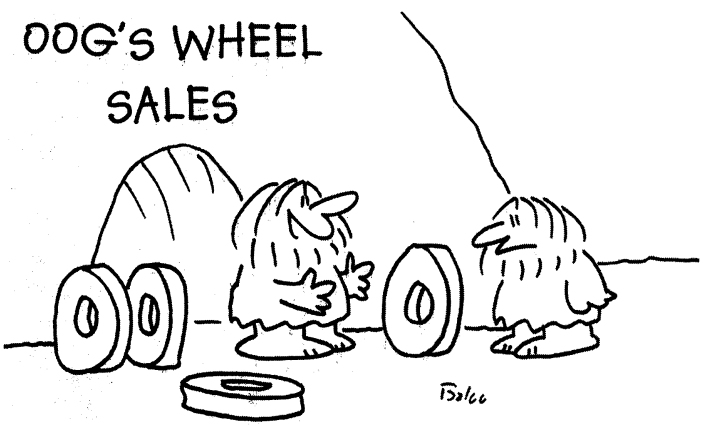

". . . And for air conditioning, you just go *faster*."

The computer industry embodies "creative destruction" —the notion that in free markets those who fail are swept away or become fertilizer for those with better ideas. Failed firms must not be propped up.

the stifling bureaucracy of Fairchild Semiconductor to pursue development of integrated circuits. Steve Jobs and Steve Wozniak at Apple were rebels, as was Bill Gates in his early years. Back before 1960, some rebel at Case started the open-shop policy, probably without asking permission.

Second theme: the computer industry embodies economist Joseph Schumpeter's famous "creative destruction" concept — the notion that in free markets those who fail are swept away or become fertilizer for those who follow with better ideas. Failed firms must not be propped up. (Will someone please clue Obama in?)

Remington-Rand's UNIVAC (an acronym for UNIVersal Automatic Computer) had gained nearly complete domination of the computer business by the time it gained fame in the 1952 presidential election. A young Walter Cronkite broadcast the returns on CBS television, aided by a UNIVAC I (an ancestor of Rosabeth) set up in the studio and programmed to predict the result from early returns. The miracle is not so much that the machine called it right — which, that year, wasn't hard to do — but that it didn't shut down with a vacuum tube failure, as it typically did every 20 minutes or so. The public had no concept of computers at that time, and the newspapers began to call them "electronic brains." UNIVAC's dominance was so complete that its trade name almost became a generic substitute for "computer," in the way in which Aspirin and Kleenex went from trade names to generics.

Remington-Rand had wiped out a competitor, Eckert-Mauchly, which was the first significant commercial computer company. Its two founders had the right technical background but were clueless as managers. Then IBM, whose Thomas Watson had not long before estimated the worldwide computer market at about half a dozen, woke up and leaped ahead of Remington-Rand. The latter firm, following a merger with Burroughs, lingered on as Unisys, which still exists, barely.

Honeywell, General Electric, and RCA got nowhere in competition with IBM; and though Control Data took the scientific market away, the dominance of IBM in business, where the real money was, became nearly complete by the 1970s. IBM was so prominent that it was attacked with expensive antitrust litigation. But Digital Equipment put its high-end minicomputers up against IBM mainframes, and by 1993 IBM was reeling from competition from DEC and others. It managed to pull out of its slump, but although it still makes

mainframes, it has given up on personal computers, laptops, disk drives, and printers.

By 1980, Digital had all the ingredients for the first personal computer but missed that boat when CEO Olsen wondered why anyone would ever want a computer at home. The remains of DEC were bought by Compaq, which was in turn swallowed by Hewlett-Packard. Cray Research faded soon after Seymour's death and was sold to SGI. SGI went bankrupt. Apple rose and fell and rose again. Microsoft surged, then stalled. Sun is being bought by Oracle. Google is flying high. Stay tuned. But don't ask to isolate anyone from competition, which is the road to progress.

Third theme: competition doesn't preclude cooperation, or learning from others. The term "software" didn't exist in Rosabeth's day. Each manufacturer supplied its own operating-system software with its mainframes, and users wrote whatever application programs they needed: the idea of selling software hadn't yet come up. Standardizing software across different vendors' machines was not a priority, just as standard time wasn't a priority across different towns in the Old West, before railroads.

But by 1962 standard programming languages were beginning to take hold. Writing programs that computers can interpret directly was and is a very tedious and error-prone undertaking. Computer pioneers had gotten the inspiration for a compiler, which is a computer program that translates user programs from a high-level language into a form the computer can run. Two languages were prominent in those days: ALGOL, which ran on UNIVAC and Burroughs machines, and Fortran (FORmula TRANslation), which ran on IBM computers. Grace Hopper's COBOL came later. Fortran was terse and ugly; COBOL (COmmon Business-Oriented Language) was verbose and ill-suited to scientific computations. ALGOL was a good compromise; sadly, it lost out to the other two. Yet all of them were swept aside by C, the language in which virtually all modern applications, such as Word and Excel, are written.

In the early days, there was no proprietary application software such as word processors or office suites. But by the 1970s there were software collections written in Fortran that passed from hand to hand and were used by many engineers and scientists in their own programs. One I remember was LINPACK, for matrix algebra, and another was EISPACK, for eigenvalue analysis. You could get these collections by mail, as card decks or magnetic tapes. Al Gore hadn't yet invented the internet. The people who were in the field found ways to cooperate and exchange.

Fourth theme: obstacles can be fun; hurdles can be opportunities. By the time I came upon the scene, running your application had become a two-step process. First the compiler read your ALGOL program from the first part of your card deck. If there were syntax errors, your job ended then and there; but if it compiled, the computer ran your translated program, which would usually read data from the second part of your card deck. If there were errors during this second stage, such as attempting to divide by zero, your job would end at that point. Otherwise you would get a printout of whatever results you called for in your program. Those results, of course, could be right or wrong. You presumably knew what you wanted, but the computer did exactly what you told it, which could be something quite different.

The main difficulty in writing Algol or Fortran programs was the limited memory available. If you were using matrices (arrays of numbers), as we did in finite element analysis, you could run out of memory very quickly. So we had to work hard to use memory judiciously. In fact, the vast majority of our effort was directed not to the engineering algorithm itself (the recipe) but to getting past the limitations and getting the darn machine to do what we wanted.

Well, did we feel deprived? Certainly not, because we were on the cutting edge, like the first automobile enthusiasts who spent most of their time and money getting their machines to start and run. Most of us weren't much bothered by the hurdles we faced in getting our programs to run.

But I'm actually a bit sorry about that. Hurdles are opportunities for entrepreneurs to find ways of easing such burdens — while, if they're lucky, making themselves rich. I now see the whopping big opportunity that was staring me in the face in the 1970s: to convert LINPACK and EISPACK into a commercial package that relieved users of most of the burden of writing Fortran programs. I was oblivious to that opportunity — but Cleve Moler wasn't.

CDC never really recovered from Cray's departure, as its founder William Norris began putting altruism ahead of profit-seeking.

Moler is a brilliant, innovative mathematician, specializing in numerical analysis. He was one of the authors of LINPACK and EISPACK. He and two colleagues started the MathWorks in 1984, offering a commercial software package called MATLAB which enabled users to use the capabilities of LINPACK and EISPACK without writing Fortran programs. Over the years MATLAB has grown enormously in power and flexibility. It now has its own programming language and a vast array of specialized applications, many written by users and shared freely. Like Bill Gates, though on a much smaller scale, Cleve and company have made thousands of mathematicians, engineers, and scientists enormously more productive, while (very likely) getting rich and having a lot of fun. The MathWorks remains privately owned, so its financials aren't available, but it now employs 2,200 people.

Fifth theme: free enterprise brings power — the power of the consumer. I have MATLAB open on my desktop as I write. The power it gives me exceeds the wildest dreams of anyone in Rosabeth's day. Last year I helped persuade the Santa Clara engineering school to offer a course in MATLAB programming to civil and mechanical engineers rather than teaching them C programming. I'm now preparing to teach that course for the second time. Whenever I teach, I try to convey some of the awe I feel at the power available to us. I suppose that's a little like listening to my grandfather telling of the days before telephones. You listen politely, and turn back to your computer. Its power is yours — but it is a gift of free enterprise. ❑

Reflections, *from page 34*

neck, in the wilds of rural Kentucky — the Deep South! The Heart of Darkness in the American Psyche! — with his hands and legs bound and the word "Fed" scrawled on his chest. Immediately this was presented as another case in which Tim McVeigh-like rednecks (presumably Southern white veterans who listen to talk radio) killed another innocent government worker.

Of course, the narrative has a self-serving message: people who oppose the government's neo-socialist agenda are motivated by racism and rightwing paranoia.

Unfortunately for this narrative, the police eventually released the results of the investigation of this supposed hate crime, and it turns out to be — a suicide.

Yes, the police determined that Sparkman taped his own legs and hands (very loosely), scrawled the word "Fed" on his own chest, taped his Census Bureau ID to his own head, and hanged himself. The motive? The police — who actually bothered to investigate, something investigative journalists don't do anymore, it would seem — found that Sparkman, who had two life insurance policies worth nearly a million dollars and a son who is unemployed and broke, had come to believe that he had a recurrence of the lymphoma for which he had once been treated.

What was the response of the mainstream media to this revelation? You guessed it: Put this on page 33. — Gary Jason

Paul Samuelson, R.I.P. — On December 13, 2009, top Keynesian economist Paul A. Samuelson died. He and his academic nemesis Milton Friedman, who died in 2006, had several things in common: they both attended the University of Chicago, won the John Bates Clark Award (given to the most promising economist under the age of 40) and the Nobel Prize in economics, and lived to the ripe old age of 94.

But there the similarities end. Samuelson was the MIT wunderkind who introduced millions to the follies of Keynesian economics (deficit spending, progressive taxation, the welfare state, antisaving mentality). Samuelson popularized Keynesian government policy in his famous textbook, which sold more copies than any other economics textbook, ever. Keynesian economics became all the vogue after World War II, when government officials were converted to the idea that deficit spending was an easy solution to an economic downturn.

Here are some of the more common fallacies that come out of Samuelson, John Maynard Keynes, John Kenneth Galbraith, and Paul Krugman (Samuelson's favorite student):

"Government spending is better than tax cuts in stimulating the economy." Free-market response: Recent studies by top economists show that tax cuts are far more effective than government programs in encouraging recovery.

"The private economy is like a machine without an effective steering wheel or governor." Free-market response: The private economy does just fine unless the government (including the Federal Reserve) drives it off the road.

"While savings may pave the road to riches for an individual, if the nation as a whole decides to save more, the result could be a recession and poverty for all." (This is the so-called paradox of thrift, popularized by Samuelson.) Free-market response: Study after study shows that the key to higher economic growth is *more* savings and investment. Even an increase in personal savings during a recession isn't necessarily bad. A report issued by the St. Louis Fed at the time Samuelson died concluded that statistically "a higher saving rate in the current quarter is associated with faster (not slower) economic growth in the current and next few quarters." In short, the paradox of thrift does not exist even in the short run. Consumption is the effect, not the cause, of prosperity (a corollary of Say's law).

"The ruthless pursuit of profits has resulted in growing inequality of incomes and wealth in a capitalist economy." Free-market response: People who have freed or started to free their economies (in, for instance, Hong Kong, China, and India) have seen poverty fall sharply and a higher standard of living for all. Adam Smith's "system of natural liberty" raises all economic boats.

"Socialist central planning can work," "the Soviet economy is proof that, contrary to what many skeptics had earlier believed, a socialist command economy can function and even thrive." Free-market response: The economic growth rates of the Soviet Union were manufactured. The Soviet model collapsed after years of fictitious growth. Even socialist Robert Heilbroner had to admit in the same year, 1989: "The long debate between capitalism and socialism is over: Capitalism has won."

Admittedly, Samuelson was not all bad as an economist. He was willing to engage his critics; he always wrote letters in response to my attacks, even after I published a picture of my tearing up his textbook for my expose, "Economics on Trial." His response: "I'll be sure to place your book on a high shelf so my dog Sadie won't tear it to pieces." He labeled Marx, Lenin, and Stalin "village idiots" when it came to economic logic. He wrote last year, "Let's try to forget about Castro in Cuba, Chavez in Venezuela, and whoever it was who reduced North Korea to starvation and stagnation."

Over its 19 editions, Samuelson's textbook (now co-authored by Yale's Bill Nordhaus) has gradually improved its view of free-market capitalism. Samuelson recently replaced the "paradox of thrift" section with a pro-saving article and criticized deficit spending under the Bush administration. He even had good things to say about Milton Friedman, at least until the financial crisis of 2008, which he blamed on "libertarian laissez-faire capitalism, permitted to run wild without regulation" — another Keynesian myth.

Fortunately, Samuelson's textbook is no longer number one. In fact, it's not even in the top ten any more, having been replaced by more free-market textbooks such as those by Greg Mankiw, Roger Leroy Miller, James Gwartney, and Glenn Hubbard — and my own "Economic Logic."

Yet Samuelson's Keynesian ideas live on in the current administration. Perhaps the best quotation from Samuelson: "It has sometimes been suggested that our most advanced students know everything except common sense."

— Mark Skousen

Reviews

"Black Maverick: T.R.M. Howard's Fight for Civil Rights and Economic Power," by David Beito and Linda Royster Beito. University of Illinois Press, 2009, 304 pages.

Mississippi Yearning

Jane S. Shaw

Time is short and I'm not a speed reader, so I choose serious books carefully. I was reluctant to read "Black Maverick" by David Beito and Linda Royster Beito because I knew both too much and too little about its setting.

"Black Maverick" is a biography of T.R.M. Howard, a figure in mid-20th-century Mississippi history who has until now been largely ignored. A physician and businessman, he was a leader of blacks as the civil rights movement began to take shape in Mississippi in the 1950s. He is not well known — for a couple of reasons. For one, he worked in Mississippi before the most active phase of civil rights in the state. For another, he was primarily a physician, businessman, and leader in the self-help movement represented by mutual aid societies. Specifically, he was active in the International Order of Twelve Knights and Daughters of Tabor in Mound Bayou, Mississippi. That society provided low-cost healthcare for its members and built its own hospital, where Howard practiced medicine.

I know something about civil rights in Mississippi. As a teenager, I went to Clarksdale as part of the "Freedom Summer" of 1964. That was a project of the Council of Federated Organizations (involving also SNCC and CORE), designed to shake up racial relations in the state by bringing in northern students to register voters and teach in freedom schools. That Mississippi summer is best known for the cold-blooded murder of three of the group's young men. The story is captured in the 1988 movie "Mississippi Burning."

Living in Clarksdale, I quickly learned the names of such people as Aaron Henry, the head of Mississippi's NAACP chapter; Medgar Evers, the NAACP field secretary who had been murdered the year before; and his brother, Charles Evers, who returned from Chicago after his brother's death. And it was impossible to spend much time in the black community of Coahoma County without hearing about the lynching of Emmett Till, a 14-year-old boy from Chicago, even though it had happened nine years before.

But I did not hear of T.R.M. Howard until 2008, when David Beito mentioned him in a lecture he gave in North Carolina. Howard didn't sound like a hero to me, especially because there were some unsavory elements in his life. For one thing, he philandered, fathering a number of illegitimate children. In addition, he was an enthusiastic and well-paid abortionist long before abortion was legal. Although I support abortion (within limits), the businesslike acceptance of a career built on illegal abortions seemed to devalue his civil rights heroism.

Yet once I read "Black Maverick," I changed my mind about Howard, just as David Beito hoped I would (and, he says, others have too). In some ways, Theodore Roosevelt Mason Howard was a larger-than-life figure. Even while living in Mississippi in the Jim Crow era, he had "a zest for life," as the Beitos say. He "sped down the highway in his Cadillac, which was always the latest model," and later on became

a big-game hunter.

Even so, he was a sensitive doctor, who, according to Medgar Evers' widow, had "a friendly smile, and a hearty handshake, and there was about him an aura of security so lacking among the vast majority of Negroes in the Delta that he stood out as different wherever he went." The Beitos describe him as a restless man, "always in the process of starting a program." In addition, he seemed able to focus on his interests and goals without expressing much in the way of resentment or self-pity when they were challenged or frustrated.

Howard was born in 1908 in Murray, Kentucky. As a youth, he joined the Seventh-day Adventist Church. A white doctor who was also an Adventist became his mentor, directing him to Union College, an Adventist school in Lincoln, Nebraska, and the College of Medical Evangelists at Loma Linda, California. While in California, Howard became a columnist for the California Eagle, a black newspaper in Los Angeles. After graduating from medical school, he worked as a physician in St. Louis and Nashville.

In 1941, Howard moved to Mound Bayou, an all-black town. The International Order of Twelve Knights and Daughters of Tabor had raised enough money to build a hospital. It hired him as its chief surgeon.

After establishing himself as a Taborian doctor, Howard engaged in other enterprises, from an insurance company to a restaurant with a beer garden. And he began organizing businessmen in the Mississippi Delta. In 1951 he helped to found the Regional Council for Negro Leadership (RCNL), an organization of black business leaders that countered the white-supremacist Delta Council. The RCNL became a vehicle for developing black leadership, convening giant meetings in Mound Bayou that brought in well-known figures from outside the South, such as William Dawson, a black congressman from Illinois, and gospel singer Mahalia Jackson.

Among the many things that Howard did, two actions stand out. In 1952, he led a successful boycott of gas stations that didn't provide restrooms for blacks. In 1955, he pressed for the prosecution of the accused murderers of Emmett Till. Without pressure from Howard, including his protection of a key witness, the trial might never have happened or would have been a complete travesty.

Yet even with Howard's help, the trial in Sumner, Mississippi, was not a fair one. Witnesses were intimidated, the prosecution was weak, and the jury had made up its mind (as its members later revealed) before the evidence appeared. It came as no surprise that the accused men were acquitted. Even so, it represented an advance over previous treatment of blacks in Mississippi: at least there was a trial, and it attracted national publicity.

In 1956, Howard moved to Chicago, where he continued to be an outspoken figure, a Republican who unsuccessfully challenged Richard J. Daley's political machine in the city's South Side. He also created a medical center, and, when abortions became legal in 1973, he championed them. His picture appeared on the cover of Jet magazine — conducting an abortion. He died in Chicago in 1976.

With this book, the Beitos fill in two important gaps in history. First, they

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rescue an important and fascinating figure from neglect. Second, they expand today's perception of the civil rights movement, making it clear that not all black civil rights heroes were preachers or elected politicians. As they write in their introduction, Howard's life is a "testament to the largely unsung role of the black middle class during the 20th century."

While making these contributions, the Beitos also reveal the unpredictable plasticity of history. In the early 1950s, before *Brown* v. *Board of Education* had been decided, Howard and other leaders struggled to bring Mississippi into the 20th century. Those were years of searching, of trying to find ways to improve the lot of blacks in the Deep South. While never bowing to the white power structure, Howard tried to sustain a relationship with it, an approach that sometimes put him at odds with the NAACP, which on a national level was developing the legal case for school integration. Indeed, Howard initially hoped that the RNCL and the Delta Council would be able to work together. As the Beitos write, "Howard could be fearless in waging war against inequality and disenfranchisement, but he was not a man to tilt at windmills."

At the time, of course, no one could predict the conflicts that lay ahead. It was impossible to know "the lengths to which [white] opponents would go in fighting to defend and expand their state's system of racial supremacy." The opponents probably didn't know, either, and perhaps, with luck, history might have developed differently. But by 1956, it was becoming clear that Mississippi would be a place of violence, and that even prominent figures such as Howard were not going to be exempt. That was probably one reason why Howard decided to move to Chicago, following the path of many blacks from the Mississippi Delta, to start a new life.

The Beitos have packed vivid stories into this 300-page biography, a lot more than I have mentioned here, so the book makes good reading. And their attention to historical detail seems almost perfect. They investigated a vast array of archival sources, they conducted interviews of people who knew Howard, and they located recordings of Howard's speeches.

The result is compelling. T.R.M. Howard should be recognized for his role in laying the foundation for the civil rights movement in Mississippi. Thanks to David and Linda Royster Beito, now he will be. ❑

"Capitalism at Work: Business, Government and Energy," by Robert L. Bradley, Jr. Scrivener, 2009, 500 pages.

The Business of Power

Burton W. Folsom, Jr. & James Nesbitt

On December 11, 2001, a little more than a week after Enron declared bankruptcy, a triumphant Paul Krugman proclaimed in the pages of The New York Times that the energy company had been an experiment

> testing the libertarian credo, that the great expansion in government's role between the two world wars was unwarranted. [It was] supposed to demonstrate that government activism is unnecessary, and that radical laissez-faire works. The Enron experiment was, in essence, about doing away with regulation — regulation of prices, regulation of financial trade . . . but the great economic lesson of the 20th century was that to work, a market system needs a little help from the government, regulations to prevent abuses, active monetary policy to fight recessions. The debacles in Houston demonstrate that this great lesson has not lost its relevance.

The popular literature that came out after the dust had settled often came to similar conclusions: the Enron fraud proved the failure of capitalism and deregulation; the free market system had faced its battle of Waterloo. Such conclusions have emerged even in detailed accounts that have since been published of Enron's legal misdeeds.

Some of Enron's executives were certainly engaged in fraudulent behavior and committed illegal actions. CFO Andrew Fastow craftily concealed Enron's substantial losses by creating shell companies to absorb them and leave Enron itself with an illusory paper profit, while CEO Ken Lay enticed investors with a series of misleading public statements predicting higher stock prices and offering lies about the company's health. But these facts hardly discredit the free market system. If Enron truly represented an experiment that could prove or disprove the value of free markets, it must first be established that free-market principles and practices led to fraud and eventually to bankruptcy. Krugman assumes this to be true and rushes on with his indictment, but *establishing* the connection between Enron and "the libertarian credo" is necessary before one can determine what broad economic lessons the Enron case should teach. This is much more complicated and time consuming than Krugman would wish.

Robert L. Bradley, Jr., understands the need for a thorough understanding of Enron's actions. (He is an expert on the economics of oil and natural gas development, a subject of obvious relevance to the issue.) He also understands the need for a thorough understanding of the theories and principles that undergird a free-market system. He has undertaken to provide both types of understanding in his projected trilogy,

"Political Capitalism." The first book of this ambitious study — and the only one published so far — "Capitalism at Work," lays out the philosophy, economic thought, and history that have contributed to the development of free-market ideology.

Bradley avoids the failure of Krugman and others to distinguish between the way in which an impartial market behaves and the way in which the partial actors within it are *supposed* to behave. In the first part of his book, he shows what the ethics of Adam Smith, Samuel Smiles, and Ayn Rand contribute to the discussion of free markets. He thus sets the stage for a discussion, later in the trilogy, of Enron's brilliant but amoral business practices. His intention is to expose the "pretense that genius trumps execution": the idea that assembling a room of the smartest men in the industry will provide long-term growth and success, even if those individuals cannot make principled and consistent decisions as well as imaginative and clever ones.

The next section of the book elaborates Bradley's key concept of "Political Capitalism" — "a socioeconomic system in which legislation and ensuing regulation are inspired and influenced primarily by organized business interests." Bradley reviews this nation's long record of flirtations with Political Capitalism, providing a context for understanding how Enron believed that it could succeed — and how it did succeed, for a time — by violating the rules of the marketplace. Besides duping its shareholders, Enron made money from government constrictions of the market. The state of California deregulated *part* of the energy market, in such a way as to give Enron a share of electricity sales at prices protected from sufficient competition. The sad results were blamed on deregulation, when it fact Enron was profiting from a marketplace distorted by the state.

In the third part of his book, Bradley examines the theories behind resource depletion, with a focus on Enron's economic sector, energy. Thomas Malthus, whose work earned economics the derisive nickname "the dismal science," first sparked the debate over resource depletion in the early 1800s; and Malthusianism, the view that the human population will outrun its resources, has been popular ever since. Bradley traces the debates of the past two centuries and unravels the myth of the "population bomb," helping the reader understand how poor economic theory has assisted government in increasing its authority over the energy market. Again, Bradley prepares a path he can follow in his later books, which promise to show how Enron operated within this intellectual and institutional framework to curry political favors.

Unfortunately, readers hoping that Bradley will convincingly and decisively sever the equation of Enron and "free markets" will have to wait for the rest of the trilogy. "Capitalism at Work" touches only tangentially on Enron, where it happens to relate to the theory, philosophy, and history that are the main focuses of the book. Little detail is offered on Enron itself. The details, Bradley assures us, will be forthcoming.

Few readers will be happy to be put off in this way. Nevertheless, by laying a solid groundwork for understanding the theory and ethics of a free market system, Bradley is correcting, slowly but thoroughly, a great many mistakes of other people. Without an understanding of free-market theory, it is foolish to use the Enron case either to indict or support the free market.

And certainly the history of "political capitalism" or "political entrepreneurship" is important to know. The state has a disastrous record at promoting economic development. Examples abound. President Washington supported a government-operated fur company — on the ground that it would be helpful in defending the United States against English encroachment in the Northwest Territory. Even with its government backing, however, that company lost out to John Jacob Astor's innovative American Fur Company, which captured the Indian trade and expanded its business to the shores of the Pacific and beyond.

When a steamship industry became possible in the 1840s, Congress gave a subsidy to Edward Collins to build four steamships and route them back and forth from New York to Liverpool. Supposedly, under Collins' leadership, passengers, freight, and mail would be delivered efficiently. But Collins was awkward and often incompetent. Two of his ships sank in the Atlantic Ocean. Yet Congress continued to fund him. Finally, Cornelius Vanderbilt started a competing company, using his own money for his own ships. He cut the costs of passenger traffic and never had an accident. Congress responded by increasing Collins' subsidy so as to compensate him for his lost business to Vanderbilt. Eventually the subsidies stopped, but not before $11 million (almost 20% of the U.S. national debt) had been awarded to inefficient steamship companies.

After the Civil War, the United States gave large loans (which turned into subsidies) and much acreage to three transcontinental railroad companies. With the cash in hand, these roads had no strong incentives to build their lines efficiently. Like Collins, they went bankrupt. Large sections of their lines had to be rebuilt and sometimes even relocated because of shoddy construction. But the privately funded Great Northern Railroad, which operated on a shoestring budget, succeeded.

A final noteworthy example is the airplane industry. The Wright Brothers built and flew the first successful airplane by using their own money. But before they did so, the federal government funded Samuel Langley, the head of the Smithsonian Institution, to build and launch the first aircraft. Nine days before the Wright Brothers flew their plane at Kitty Hawk, North Carolina, Langley crashed his subsidized airplane into the Potomac River outside of Washington, DC.

Besides government subsidies, of course, the greatest source of interference with the market is government regulation; and the two often work together to corrupt business. The message of "Capitalism at Work" is that "complex rules for a complex world have proved less a cure than an enabler for corporate malfeasance. [Enron] is yet another case of unintended consequences from government intervention, a major theme of political economy." The chief lesson of Bradley's book is not that Enron showed "a market system needs a little help from the government [and] regulations to prevent abuses," as Krugman asserted upon Enron's fall, but rather that Enron shows how abusive that help from the government can be. ❑

"Going Rogue: An American Life," by Sarah Palin. HarperCollins, 2009, 413 pages.

Half-Baked Alaskan?

Gary Jason

I almost never read autobiographies by politicians, or anyone else, for that matter, self-hagiography being inherently repellent to me. But I decided to read Sarah Palin's book, "Going Rogue," because Palin intrigues me. During the last election, to my amazement, she became the focus of virtually the entire campaign, arousing among her supporters a reverential zeal, and among her detractors — the mainstream media and other elites — a furious, ferocious hatred.

She was the subject of the most withering political attack I have ever seen. The Democratic National Committee and the mainstream media sent dozens of investigators up to Alaska to look for whatever negatives they could find, a scrutiny never accorded Obama. She was derided as stupid, vain, corrupt, and alleged to have a dysfunctional family. Why, heavens, her daughter was pregnant out of wedlock, something unknown in contemporary America! Perhaps the all-time low in American politics was hit when a mock Planned Parenthood ad was run on the internet, showing Palin holding her Down's syndrome baby with a coat hanger in one corner and the tag line "Better Luck Next Time" in another corner. It takes a profound, soul-filling hatred to evolve this sort of sick attack.

So I decided to plow through the 400-plus pages of the autobiography. I went hoping to find the answers to four simple questions. First, were any of the attacks true, or largely true? Second, if not, why did so many elites and media despise her so profoundly? Third, does she plan to run for higher office? Fourth, if she does, should I support her? The book gave me answers, alas, only for the first three questions.

Palin's book has six chapters. In the first, she covers her youth in small towns in Alaska during the 1970s. It discusses the sports she played in high school, then at the University of Idaho. This is all covered in some detail, as is her romance with Todd, her husband, and the birth of her children.

Now, there was an anonymous story put out that Palin's book was ghostwritten. I find this unlikely. The prose sounds quite like her: fulsome, almost gushy, sentences, chock full of details about her life and times. And, after all, it isn't as if she couldn't write her own copy: she took a degree in journalism, then worked as a sports-writer, and has penned a number of columns for large newspapers. She didn't need a ghost.

But to return . . . in the second chapter she recounts (again in detail) her entry into politics. She says that the catalyst for her decision was witnessing the Exxon-Valdez disaster, in which an oil tanker ran aground, spilling a massive amount of oil that in turn destroyed much of the local ecosystem. She started by running for city council (in Wasilla, Alaska) in 1992, and then for mayor in 1996. In that office, she became known for cutting most taxes — as well as expanding some city services.

The third chapter covers her run for governor in 2006. She won against what initially seemed rather tall odds, defeating an entrenched Republican (Frank Murkowski) in the primary and a Democratic former governor (Tony Knowles) in the general election. She ran on a platform of cleaning up corruption. The state certainly needed cleaning up, particularly in respect to corrupt dealings between state officials and oil companies. Many were later exposed and indicted. She won the election in 2006.

Palin discusses in detail what she regards as her biggest accomplishments as governor. And they do seem large, given her brief tenure. She found a solution to the problem of building the long-stalled natural gas pipeline to the lower 48 states. She renegotiated a better deal with the oil companies. She cancelled most of the pork-barrel projects that had been obtained from Washington, DC. She passed a tough new ethics bill, which would later be used against her. And she forced Exxon to start drilling on land it had leased for decades.

In chapter 4, the longest in the book, she covers her surprise selection as McCain's VP choice in 2008, and the subsequent campaign. She discusses candidly — indeed, cheerfully — many features of the campaign that must have been highly unpleasant for her: the VP debate prep, the infamous TV interview with Katie Couric, and the emerging tensions between her camp of support staff and McCain's. She takes this opportunity to settle scores with some of McCain's advisers. She says, for example, that her suggestion that they go after certain details of Obama's background — such as his affiliations with leftwing radicals and his wacky racist church — was dismissed. If that is so, her instincts were sounder than those of McCain's handlers. But throughout, she shows nothing but respect and admiration for McCain and his family.

In chapter 5, she discusses her feelings about the loss and the aftermath. Here she has a chance to vent her no doubt deeply (and in my view, rightly) held resentment that while Obama's, Biden's, and McCain's children were considered off-limits to media attack, her children were deliberately and viciously targeted. And she talks about

her reasons for resigning the governor's office, a decision that engendered even more attacks, and was even opposed by her son Track (who was serving in Iraq at the time). Nevertheless, considering the enormous popular success of this book, and Palin's recent rise in popularity, her decision was probably wise.

Chapter 6 is the shortest one — only about a dozen pages — though it is here she sketches her basic political philosophy. She calls it "commonsense conservatism." She says it is a view influenced by her religious belief that man is not infinitely perfectible; government, therefore, must be limited in how much it tries to compel people to change, and should respect traditional structures that have helped people survive over the ages. She quotes Thomas Sowell on the "constrained" vision of governance. (The line of thought, however, goes back to Edmund Burke and before.) She expresses support for the free market and a strong defense, but again, only very sketchily. Completely absent is a discussion of how she would resolve the tensions between traditionalist conservatism, classical liberalism, and strong-defense conservatism. I will return to this.

Now let's look at the questions I had, going into the book. Regarding the first — were the attacks on Palin true? — the book's answer is clearly No. The picture that emerges from these pages is that of an intelligent, deeply centered, exceptionally articulate person. In Chapters 5 and 6, especially, she exhaustively answers the many charges that were leveled against her during the campaign. She explains, for example, that the ethics complaints suddenly filed against her in Alaska were partisan in origin and were later adjudicated to be without merit.

The book also answered my second question: why did she — why does she — arouse such passionate antipathy? The reason is twofold. To begin with, there were a number of things about her that offended cultural elites. She is a huntress, and speaks glowingly about hunting. (She says that there is room for all of Alaska's animals, right next to the mashed potatoes.) This naturally antagonized animal rights activists and those of eco-faith — you know, the people who think that "Bambi" was a documentary. As a lifetime member of the NRA, she offends antigun people. She has a large family, and this offends many feminists and neo-Malthusian ecologists. She is an evangelical Christian, which offends many non-Christians and some Christians of other persuasions. She is pro-life, though her position is rather nuanced — for example, in her discussion of her feelings when she discovered that her child had Down's syndrome, she expresses understanding of the reasons why many women are tempted to choose abortion.

Then there are her social origins. She doesn't just feign working-class origins (all Democrats and many Republicans do that, even when — as with Obama and Biden — the effect is risible), but she really is working-class. This arouses the hatred of the cultural elites. Intellectuals typically have contempt for working people, especially when they make a fetish of wanting to "help" them. Oh, she went to college, but certainly not one of the Ivy League schools. Worse yet, she is from rural America — and hell, not even fly-over country, but fly-past country!

Add to this the fact that she is good-looking, and has what appears to be a loving family. That frankly just makes many people flat-out jealous. You can see this sort of petty envy when, for instance, unattractive columnists lambaste her as "Caribou Barbie," or aged feminist harpies deride her as a "bimbo."

Palin vents her resentment that while Obama's, Biden's, and McCain's children wer considered off-limits, her children were deliberately and viciously targeted.

But besides the features of her life and history that bug the elites, there has to be something else in play. Even after she lost, the attacks continued, indeed, escalated, with a concerted effort clearly being made to make sure she would never return. This leads me to believe that what is really driving the never-ending attack machine is a fear among her opponents that she has "it" — that intangible, indefinable quality that only a few politicians have. "Charisma" is the often used term, and sister, she does have charisma. She can connect with average folk in a way few politicians can. When you hear (as I often do from fellow professors) sneers about what a fool she is, you can really smell the fear that she may wind up like Reagan: sneered at all the way to the White House, and then into the history books as a successful president. It's enough to give Bambi a heart attack.

As to my third question — does she intend to run for higher office? — though she plays coy, I am now of the opinion that she wants to be America's

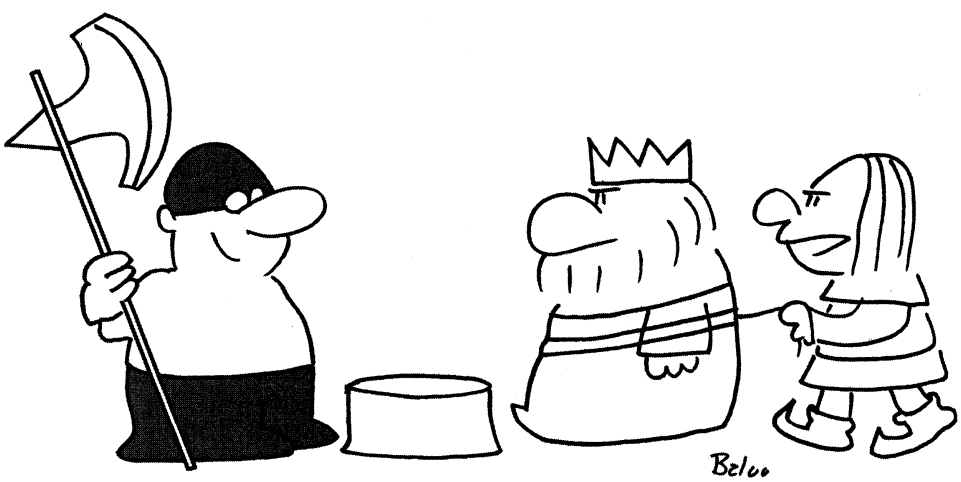

"Oh, quit whimpering! — Anybody would think that you're the only king in the world who ever got his head chopped off."

Margaret Thatcher. She certainly mentions Thatcher with great reverence. I think she is well aware of political history and realizes that both Reagan and Nixon came back from defeats to win the top prize. She already is taking a page out of both their books: after their defeats, each spent years tirelessly campaigning for other Republicans, and wound up with trunks full of IOUs that served them well.

My fourth question, however, has not been answered. Look, I can only speak for myself, but I care little for the cultural aspects of any candidate. I don't much care whether the person is female or male, hunts or is a complete freaking vegan, is religious or not (I draw the line at violent cults), has worked in blue-collar jobs or was born to wealth, has had a good marriage or divorces from hell. I care mainly about what candidates intend *to do*. And after the last election, in which people voted for an affirmative-action candidate without asking exactly what kind of "change" he was hoping to implement — and now (if the polls are to be believed) are coming to regret their choice — I don't think that voters will make the same mistake twice.

And here the book lets you down. The dozen sketchy pages don't help. Compare Reagan, a figure whom Palin mentions often in this regard. Twenty years of his talks, speeches, debates, and syndicated columns allowed him to set forth his positions in detail. When he ran for president, there was little doubt among either his supporters or his opponents about what he intended to do. Palin has yet to do that. How would she deal with the looming entitlement explosion? The war on terror? Immigration? Free trade? School choice? Union "card check" legislation? Really, she has only talked in detail about energy policy.

Take two cases in which her own book raises intriguing questions about her views. First, on page 29, she speaks well of Title IX, which mandated that colleges support women's athletics. She was able to go to college partly on sports scholarships. She even mentions her friend Jessica Gavora's book, "Tilting the Playing Field: Schools, Sports, Sex and Title IX" (Encounter Books, 2002). We can all agree that women should get equal opportunity. But Gavora argues in her book that because Title IX has been interpreted to call for affirmative action in sports, it has not produced more female athletes, but fewer male ones, with male athletic programs having to be shut down around the country. This prompts the question: where does Palin stand on affirmative action?

Second, consider Palin's discussion of abortion. As I've said, I give her credit for being nuanced in her thinking. And she says she wouldn't put women in jail for choosing abortion. Fair enough. But would she prohibit abortion, and, if so, how would she propose to enforce that ban?

In sum, Palin is articulate, determined, gritty, popular, young, and — after the success of her book — now fairly well-heeled. If (as I suspect) she intends to run again for high office, she has a lot going for her. But my advice to her would be to take this opportunity to put forward a coherent, detailed world view. I suggest she use her training as a journalist to start a weekly syndicated column, and tackle a wide range of specific issues. She should also go on frequent speaking tours, again spelling out her positions on a wide

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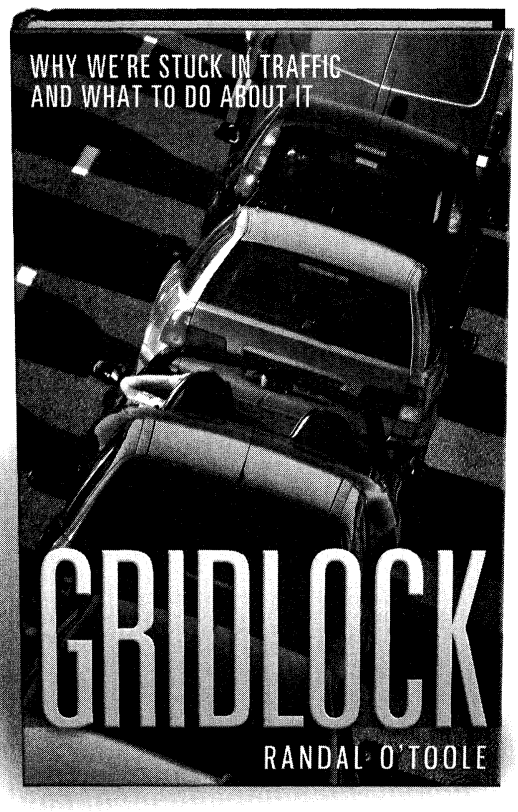

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variety of topics. She has said she admires Reagan. Perhaps she ought to emulate him in this regard.

She should also consider running for the U.S. Senate in Alaska next year. Even after the coordinated attack against her, she still has a high favorability rating. A term in the Senate would burnish her resume, one would think, as well as define her political positions. ❑

"Me and Orson Welles," directed by Richard Linklater. CinemaNX, 2009, 114 minutes.

Mercurial Theater

Gary Jason

The love I have for good cinema was mainly instilled in me by viewing the works of one remarkable man: Orson Welles (1915–85). Welles is now the subject of a splendid new comedy, "Me and Orson Welles." This film is delightfully good, both as a comedy and as a meditation on the magic of the stage.

If anyone ever deserved to be called "larger than life," Welles certainly did. He was a major force in America's golden age of radio, as well as in American theater and film. In his amazing career, he was highly successful as an actor (including voice actor), director, producer, and writer. Indeed, as recently as 2002 he was voted the greatest director of all time in the British Film Institute's poll of top ten directors.

Welles got his start in acting when he took a trip to Europe after graduating from high school. He talked his way into an acting job at the Gate Theater in Dublin in 1931, receiving great accolades when he was just 16. He returned to school the next year and wrote a series of educational books on Shakespeare. The following year he started on stage in New York. There he met director and producer John Houseman, and by the mid-1930s he was acting on stage and in radio, in which medium he rapidly became a star.

By age 20, Welles was viewed as quite the prodigy, having directed a highly successful adaption of "Macbeth" as well as other dramas. In 1936, he and Houseman formed their own acting company, the Mercury Theater, with a group of excellent actors, including Joseph Cotten, Ray Collins, George Coulouris, Delores del Rio, Agnes Moorehead, and Everett Sloane.

Welles began to work in Hollywood in 1939. By 1941, he had made a motion picture that is considered one of the greatest ever made, "Citizen Kane" (loosely based on the life of newspaper magnate William Randolph Hearst). The term "made" is especially apt, because Welles not only directed the film but cowrote the screenplay, produced the movie, and played the lead, with supporting help from several of his friends from the Mercury Theater. He went on to direct, produce, and star in a number of classics of American cinema, many of which are still shown in revival art houses — "The Magnificent Ambersons," "Journey into Fear," "The Stranger," "The Lady from Shanghai," "Macbeth," "The Third Man," "Othello," "A Touch of Evil," and "The Trial."

Now, the first production of the Mercury Theater had been an adaption of "Julius Caesar," timely set in Fascist Italy. The staging of this 1937 production is the subject of "Me and Orson Welles." The main character is a high school student named Richard Samuels (Zac Efron), who is visiting Manhattan with hopes of becoming an actor. The character and the story are based on a real-life actor, Arthur Anderson, who lives in New York to this day. Richard bumps into the Mercury actors outside a run-down theater and encounters Welles himself. He bluffs his way into a small role in the production of "Julius Caesar." Richard thus does what Welles himself had done when Welles was 16.

Richard finds himself caught up in an extraordinary circle: Houseman (Eddie Marsan), fidgeting and fussing as he tries to get the play ready; the actors, including Cotten (James Tupper) and Coulouris (Ben Chaplin), as they try to get their lines straight and figure out what Welles is after; and most of all Welles (Christian McKay), who is almost totally egotistical, vain, and narcissistic. And Richard is soon smitten by lovely Sonja Jones (Claire Danes), a young production assistant who turns out to be very ambitious, indeed.

As the company of actors grows increasingly concerned about whether the show will open (while Welles spends most of his time doing radio work and seducing young actresses), Richard finds himself fighting Welles for Sonja's favor. Welles, ever the egotist, fires Richard. (One of the great lines in the movie occurs when Cotten says to Richard, "I said fight for her, not fight *Orson* for her!") But then Welles tries to woo Richard back for the impending opening. The clash between the two men leads to an unpredictable opening night.

All this is sweetly and humorously portrayed. The idea of conveying the ambiance of a new entertainment medium during its most flourishing period by showing a young man caught up with its major players is not new. I'm thinking of a film that is similar in concept, called "My Favorite Year" (1982), a comic gem starring Peter O'Toole and Mark Linn-Baker. It gave the viewer an impression of what life was like during the classic period of television comedy. This movie is equally funny and charming.

The acting in the current film is marvelous. Zac Efron, a teen heartthrob

who starred in Disney's "High School Musical" series, rises to the occasion here, playing the naive but earnest Richard. Claire Danes plays a pretty, and pretty conniving, Sonja.

But especially striking are the actors who play Welles, Houseman, and Cotten. McKay is a natural choice for Welles: he resembles Welles, and he has already performed a one-man show based on Welles. Arthur Anderson, who has seen the movie, said McKay captured Welles very well, conveying his domineering, narcissistic, yet charming personality. James Tupper is excellent as Cotten; again, the physical resemblance is striking, and the acting is finely nuanced. Eddie Marsan convincingly portrays Houseman.

During the fictional play's opening night, a mysterious alchemy takes place, as the play comes to life and draws the audience into its spell.

I must commend the director, Richard Linklater, for doing something more than eliciting some amazing performances from some relatively unknown (though fine) actors. He is able to make us see, through the eyes of Richard, how the stage is strangely enticing and repelling at the same time. We see the arrogance and the backstabbing ambition of the players, and, through some interesting camera shots, we even see how the actors (especially Welles) spray spit in the air as they speak. All this conveys to us how ordinary, yet perhaps not as nice as ordinary, the actors are.

Despite it all, during the fictional play's opening night, a mysterious alchemy takes place, as the play comes to life and draws the audience into its spell. Richard gets to see this alchemy, and it moves him to declare that he wants to be a part of it. It's a magic that continues to draw audiences in, to the live stage as well as the movie theater. Film lovers will not want to miss this one. ❑

"Avatar," directed by James Cameron. Twentieth Century Fox, 2009, 160 minutes.

Spectabulous

Jo Ann Skousen

Many critics have called "Avatar" "'Dances with Wolves' in Space," but as a story the film is worse than that: "Avatar" is about as predictable as an ABC Afterschool Special.

When humans arrive on planet Pandora, local residents unite to protect their land from being destroyed by wealthy military-corporate industrialists looking for mineral deposits. The obligatory peace-loving anthropologist (Sigourney Weaver) tries to protect the natives while the renegade military hotshot (Sam Worthington) changes camps to join them. You can guess the rest of the story without shelling out ten bucks for a ticket ($15 if you choose the 3-D version) or spending a whopping three hours in the movie theater.

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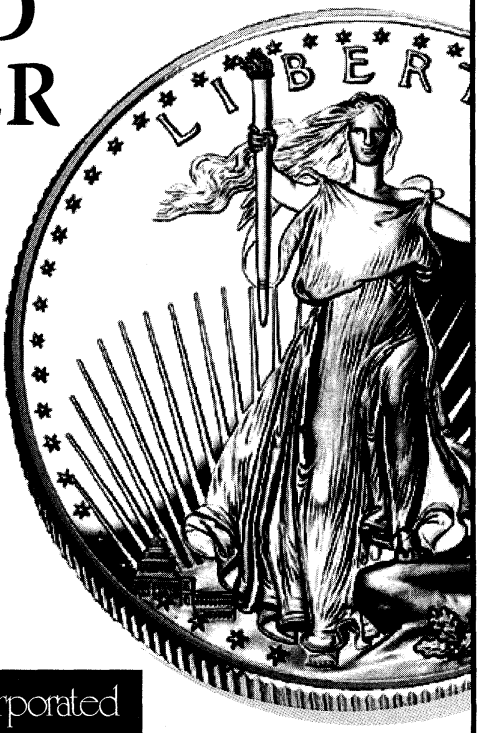

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So why did "Avatar" gross over a billion dollars in box office receipts in its first two weekends? Despite the predictable storyline, the film is pretty spectacular. Computer generated imagery (CGI) technology has improved to the point where watching this film is as magical as watching Disney's first full-length animated movies must have been. The line between live action and animation has blurred so seamlessly that you simply forget it isn't real. Background scenes of the alien planet with its light-infused flora and colorful fauna are breathtakingly gorgeous, works of art worthy of their own exhibition at the Metropolitan Museum of Art (and likely to be displayed there one day in a retrospective of CGI).

An avatar is a computer-operated, biologically correct robotic suit that allows a human to walk around in the body of a Na'vi, the indigenous life form found on Pandora. Like the characters in last year's "Surrogates," humans are hooked up to an EEG that allows them to control these alien bodies while they sleep. The devices have been developed at great expense to help the invading humans ingratiate themselves with the local tribes and obtain what they came for — "unobtainium," the cartoonishly named mineral that sells for $20 million a kilo back on earth.

Jake Sully (Worthington) is an avatar whose job is to find out what the locals want and then persuade them to trade their home for it. (Did I mention that the mother lode of "unobtainium" is located directly beneath the Na'vis' Hometree? It wouldn't be much of an Afterschool Special if it were located anywhere else.) As he lives among the Na'vi and learns their ways, he becomes more and more a part of them. After a while, he says, "Everything is backwards now, like out there is the true world and in here [the human camp] is the dream."

One disturbing aspect of the film is the mythical choosing of the "banshee," a Pegasus-like bird that provides transportation for the Na'vi. In Celtic folklore, a banshee is a female spirit whose wailing foretells impending death. In "Avatar," the banshee, we are told, mates for life — not with other banshees, but with the Na'vi who becomes its rider. As Jake performs the rituals that will allow him to achieve Na'vi "manhood" and become a member of the tribe, he must choose a banshee — or rather, allow a banshee to choose him. "How will I choose the right one?" he asks Neytiri (Zoe Saldana), the woman who has been his guide. "The banshee will choose you," she replies. "But how will I know?" he asks again. "She will try to kill you."

Sure enough, one of the banshees hisses menacingly at Jake, and he hisses back. He jumps on her neck and she tries to knock him off. Battling fiercely, he eventually subdues her by jabbing his penis-shaped braid into her vulva-shaped appendage, and after a startled snort and enlarging of her eyes she calms down.

"Quick!" Neytiri urges him. "The first flight must happen immediately for the bond to be complete!" And off they go, Jake upon the wailing banshee's back shouting, "Shut up and fly straight!" Eventually they establish a beautifully harmonious relationship, with the banshee doing all the work and the avatar having all the fun. Although I think the marriage metaphor might have been unintentional, it's one of the most troubling demonstrations of marriage that I have seen since the 1950s, when men gave their women a good slap to calm them down or kissed them stridently until their pounding fists melted into submission. Ugh.

So, what makes this very simple, predictable (and long!) film resonate with viewers to the tune of a billion dollars and counting? I think it is the mythical quality of both the art work and the many literary allusions. We seem naturally drawn to battles between good and evil, nature and science, war and peace. The film alludes to many biblical and mythical stories besides the banshee — to name a few, Pegasus, David and Goliath, Trees of Life and Trees of Knowledge, a chosen Savior, rebirth, and the Garden of Eden.

In one striking scene, Jake and Neytiri choose each other as lifelong mates, after having spent several weeks together. They awake from their off-screen lovemaking in a Botticelli-like Garden, entwined in each other's arms and covered in vines. This Eden ends abruptly, however, with the sound of tractors and backhoes ripping up the foliage to make way for the engineers. Their mating leads to the end of Eden and the beginning of Armageddon.

To the filmmakers' credit, they do acknowledge the superiority of persuasion over force; the invading corporate bigwig (Giovanni Ribisi) tries to use diplomacy and trade before unleashing the military. But what happens when, as Jake discovers, "There isn't anything we have that they want"? Does the invading company just say "Thanks anyway" and go back home? Or do they resort to force? You haven't seen many movies (or read many history books) if you don't know the answer. ❑

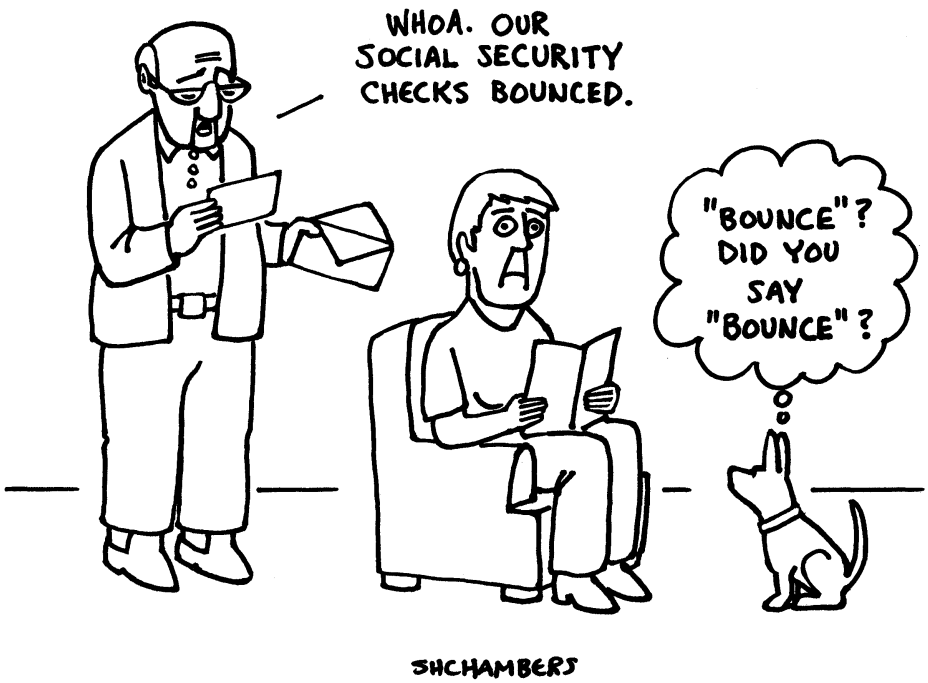

"Up in the Air," directed by Jason Reitman. Cold Spring Pictures, 2009, 109 minutes.

Free at Last?

Jo Ann Skousen

Two films reviewed this month use a backpack as a metaphor for what really matters in life. In "The Road" a father and son make their way across postapocalyptic America carrying their survival equipment and a few sentimental items in a backpack; in "Up in the Air," a happily single man encourages people to empty their imaginary backpacks and live life unencumbered. It's the difference between life seen as substance and sustenance and life seen as weightlessness.

Ryan Bingham (George Clooney), the protagonist-antagonist of "Up in the Air," is a man with an unusual occupation: he gives people the news that they have been fired. Only he doesn't use the words "fired" or "let go"; he tells them simply, "Your job is no longer available." He is hired by companies across America for the anonymity he provides — it's easier to fire people if you don't know their background, haven't met their children, haven't swapped stories at the water cooler. It's also safer; he's out the door and on the next plane before the firee has a chance to go berserk and seek revenge.

Bingham remains upbeat and cheerful throughout the process, telling people, "This is the day you begin planning your future." And he seems to mean it. To him, working 9 to 5 in the same office and returning to the same house inhabited by the same family day after day would be a nightmare. He sets these people free.

When he isn't ushering individuals toward their new futures, Bingham gives speeches at motivational seminars. His topic: "What's in your backpack?" It's the age-old Thoreauvian question: how much of our lives do we spend supporting our "stuff"? Bingham encourages his audiences to imagine putting all their stuff into a pack and then lugging it around on their backs. He also tells them to imagine putting all the people in their lives into the backpack — family, friends, spouse, children, coworkers. Then he tells them to imagine lightening the load by eliminating all their stuff, and all those people. "What would you keep?" he asks. "Photographs? Keep memories instead."

Bingham practices what he preaches. He travels 318 days a year, "leaving 47 miserable days at home," he reports sarcastically. His own apartment, bereft of any ornamentation or personal memorabilia, stands in stark white contrast to the welcoming comfort of his hotel digs, with their richly colored wallpapers, thick bedspreads, gourmet dining rooms, per diem charge accounts, and warm cheerful greetings (triggered, he admits, by his VIP frequent traveler card). He lives "up in the air," both physically and metaphorically.

The film opens with a tightly edited montage of a smiling Bingham making his way through an airport — a twirl of the roller bag, off go the shoes, up goes the ticket, poof goes the security machine, on go the shoes, bim, bam, boom and he's sipping a cocktail in his upgraded business class seat. Jaunty music establishes the rhythm, ritual, and routine of air travel in a way that suggests the comfort rather than the tedium of familiarity. This is a man who loves his job. He loves the travel, loves his frequent traveler cards, loves the VIP lines. He loves picking up women at airport bars and not having to call them again. In short, he has found a way to empty his backpack and simplify his life.

But, like the title of another film that opened at the same time as "Up in the Air," Bingham soon learns that "it's complicated." Two women come into his life, setting the stage for self-reflection and a reassessment of his values. One is Alex Goran (Vera Farmiga), a woman Bingham meets in an airport bar. She also travels almost daily, carries dozens of fancy VIP cards, and wants quick, easy sex with no strings attached. In short, as she tells Bingham crudely, "I'm you, with a vagina." They share travel stories, brag about their sexcapades, and hook up in airport hotels. Before long, just as you'd expect in a film of this genre, Bingham isn't just hooking up; he's hooked.

Meanwhile, Natalie Keener (Anna Kendrick) is a young college grad who has been hired by Bingham's boss (Jason Bateman) with a plan to revolutionize the business. She wants them to forego travel costs and face-to-face terminations, and modernize the process through email interface — sort of like flying the friendly Skype rather than flying the friendly skies. Not only is Bingham's comfortable world up in the air about to be eliminated; he is assigned to take Natalie with him to show her the business so she can fine-tune her new electronic format.

Natalie is having romantic problems with her boyfriend, problems she discusses at length with Alex and Bingham in — where else? — a hotel lounge. Add to this a sister who is getting married and another sister who is getting divorced, and the film offers plenty of opportunities for Bingham to discuss the relative merits or demerits of longterm relationships.

"Up in the Air" rises above (no pun intended) the typical romantic comedy genre with its "boy meets girl, boy loses girl, boy regains girl after a good lesson" formula. Today, marriage is no longer the default position, and children can be the biggest burden in the backpack. Discussions about the value of longterm relationships and the

viability of marriage make this film very contemporary.

"What's the point?" Bingham asks the optimistic Natalie when she tries to explain her desire for marriage and children. "We're all on the way to death. All that matters is what you do along the way." He genuinely believes that his love 'em and leave 'em life is more satisfying than being tied down to the same woman, same children, same four walls and mortgage. Another character counters his argument with this challenge: "Think of the best memories you have — are you alone in them?" He makes a solid point: "Life is better with company."

Another theme that makes this film distinctly contemporary is the business of letting people go. Jason Reitman began writing this screenplay in 2002 but became sidetracked with "Thank You for Smoking" (2005) and "Juno" (2007). It was a fortunate delay, since "Up in the Air" is much more timely now, when unemployment figures stand in double digits, than it would have been in 2002, when the economy was booming. The people who are seen being fired in the film are not actors, but ordinary people who were recently terminated from their jobs. Reitman advertised in St. Louis and Detroit, posing as a documentarian making a film about the effects of the recession. These volunteers were told to imagine the camera as the person who gave them the news that they were fired, and to say what they wish they had said. The results are heartfelt, eloquent, and completely unscripted. Their spontaneous candor adds a great deal to the film.

As the movie ends, Bingham is still up in the air, literally and figuratively. He's in a plane, flying to his next termination assignment. His future is also up in the air — will he change? Or is it too late? Will he continue to carry an empty backpack the rest of his life?

I have a friend who was very much like the Ryan Bingham character: handsome, debonair, charming, and rich. He traveled the world looking for investment opportunities and attracting women the way a picnic attracts bees. Now he's close to 70. He's still rich, and he still travels. But his face is sagging, his hair is almost gone, and his stomach no longer resembles a washboard. Young sexy women are no longer falling all over him when he walks through an airport lounge. He never wanted to be bogged down with a wife and children or social obligations. Now he's simply alone. I wonder if he wishes there was a little more heft to his backpack. ❑

"Coco Before Chanel," directed by Anne Fontaine. Haut et Court, Warner Brothers, and France 2 Cinema, 2009, 105 minutes.

Style With Substance

Gary Jason

The world of high fashion, especially women's fashion, is across the galaxy from the world I inhabit. A glance at my standard attire will provide proof enough of that. But even a Dockers dude such as I can appreciate the fine little French bioflick "Coco Before Chanel," which tells the quite literally rags-to-riches tale of Gabrielle Bonheur "Coco" Chanel (1883–1971).

Chanel was born in a poorhouse in the small town of Saumur, France, one of six kids in the family of a traveling salesman who never bothered to marry their mother. When the mother died, 12-year-old Coco was sent to a Catholic orphanage, where she was trained as a seamstress. At age 18, she left the monastery school and started working for a tailor shop in town. There she met a man who would change her life: the very rich Etienne Balsan. Balsan — what? adopted her? — as his mistress, giving her access to the wealthy set, and she started designing hats for some of the tony ladies in his social circle.

During this period, Chanel met Balsan's friend, Arthur "Boy" Capel, and they fell in love. Capel later provided her with the funding necessary to open a shop in 1913 (actually, a second shop, the first having failed), and she was able to start building a fashion industry empire. This empire flourished between the two world wars, and, after she voluntarily closed her shops during World War II, flourished again after the war.

And quite a business it was. She was the first to sell women's sportswear and the first to come out with a line of perfumes to augment her line of clothes. She was the only figure from the fashion industry to make Time Magazine's list of the 100 most influential people of the 20th century. Not bad for a woman born poor and illegitimate, and raised in a small-town orphanage.

The movie focuses on Chanel's life before World War I, the years in which she struggled to find some self-identity. She is exceedingly well portrayed by the always charming Audrey Tautou, who, interestingly, is now the official spokesperson for the Chanel Corporation. Tautou, who usually plays upbeat, gorgeous characters, portrays the darker side of Chanel's ambition and drive. There is a hint of bisexuality or masculinity as well. The person we see has wit and appeal, but also a tendency to speak bluntly. This is all the more remarkable, considering that the turn of the 20th century was a time when women were not expected to be ambitious, outspoken, or self-directed.

The supporting cast is outstanding. Especially notable is Benoît Poelvoorde, whose Etienne Balsan is charmingly overwhelmed when his new conquest conquers him. Alessandro Nivola is also good as Boy, Chanel's great early love.

The cinematography is first rate. The

film is shot mainly in the French countryside, and it is beautifully depicted. More subtly, the film conveys Chanel's early eye for clothing patterns and fabrics, and her unusual idea of style. For example, in one scene, we see her join a party at Balsan's estate, where she is wearing an outfit with a slightly masculine look, of her own design. In another, she helps improve a woman's dress by removing the inner corset, wryly observing that corsets were designed by men.

This movie is well worth the while, even for people with little interest in fashion. It shows the triumph of talent and energy over circumstance, which is always a satisfying story. ❑

"Sherlock Holmes," directed by Guy Ritchie. Warner Brothers, 2009, 134 minutes.

Rebooting Sherlock

Jo Ann Skousen

The new, action-packed version of Sherlock Holmes, starring Robert Downey, Jr., as the genius detective and Jude Law as his faithful sidekick, Dr. Watson, opens with the normally sedate Mr. Holmes punching, jabbing, leaping, and crunching his way toward a Satanic villain who is about to sacrifice a beautiful maiden on a stone altar. Exciting? Yes. But Sherlock Holmes as an action hero? Never!

Holmesian purists objected vigorously to this new, young, rough-and-tumble version of the iconic armchair detective. Holmes is supposed to be calm, calculating, and cerebral, his Watson rotund, refined, and a little slow. Now we see Holmes boxing in a gambling den, wallowing in household clutter, drinking or drugging himself into a stupor, and battling hand-to-hand with grotesque villains straight out of a James Bond story. What gives?

In point of fact, director Guy Ritchie is not so far off the mark. Arthur Conan Doyle created a much more complex character than the pipe-smoking sleuth with superhuman powers of deduction. Though not one to exert unnecessary effort, Holmes actually does leave his comfortable armchair quite frequently in the four novels and 56 short stories in which he appears. Like the Holmes in this new film, he dons disguises, engages in boxing and swordplay, is adept at the Asian martial arts, conducts chemical experiments (often using his own blood), breaks the law when necessary to solve a case, and uses cocaine and morphine to stimulate his senses when he is not engaged in a fascinating puzzle. (Both drugs were legal in England in the 19th century.)

Those of us who grew up on reruns of the Basil Rathbone series of movies expect our Holmes to be impeccably dressed, upwardly cultured, and ensconced in tidy, well-appointed rooms — so it may be somewhat disconcerting to see this Holmes wallowing in seeming squalor, surrounded by piles of clutter, and minus his trademark houndstooth cape and deerstalker cap. But this isn't so out of character from the original Holmes. Watson complains in several stories about Holmes' almost slovenly rooms, his stacks of unopened correspondence and piles of reading material. Yet, like many geniuses, Holmes can reach into any one of these stacks and retrieve precisely the paper he is looking for.

Thus Ritchie remains faithful to the original source even as he seems to turn Holmes into a completely new character. True aficionados will have to admit, albeit grudgingly, that Ritchie did his homework. He simply chose to focus on character traits that modernize the famous sleuth, creating a Holmes that is accessible for a new generation. Fans will also recognize Irene Adler (Rachel McAdams) as the recurrent female character in the Holmes lexicon, and Holmes' archnemesis, Moriarty, who makes an appearance as well. Holmes' trademark pipe also plays a critical role in the film, although it isn't the bulbous, pelican-shaped Meerschaum we associate with him.

Like many Holmesian stories, (and Bond films, for that matter) "Sherlock Holmes" opens with the climax of a case, as Holmes and Watson fight fiercely to capture a ritualistic assassin who turns out to be a member of Parliament. The murderer is quickly tried, convicted, and executed. End of story, on to the next case. But the murderer seemingly returns from the dead to continue his murder spree, and Holmes is called back to re-solve the case. Meanwhile, Irene Adler shows up looking for a red-haired midget (bizarre characters being de rigueur in the Holmesian tradition), and the two capers, unsurprisingly, turn out to be connected.

The storyline seems a little muddled early on, but don't worry — it all comes together in the end. And, as in many good action films, the story itself doesn't really matter that much; it's the process that hooks us, and this process is pretty darn good. Holmes' legendary deductive reasoning is shown effectively through stop-action flash-forwards and flashbacks, with Holmes supplying his famous explanations in voiceover. The relationship between Holmes and Watson is well-developed. Only Irene Adler is badly portrayed by a too-modern Rachel McAdams.

Personally I prefer a mystery with a little more plot over an action movie. But I have to admit that Guy Ritchie has given us an exciting new Holmes for a new generation, without turning his back on old fans. ❑

"The Road," directed by John Hillcoat. Dimension Films, 2009, 110 minutes.

After Armageddon

Jo Ann Skousen

"The Road," based on Cormac McCarthy's book of the same name (see my review, Jan.–Feb. 2009), opens with a sunlit closeup of a beautiful garden. A radiant, smiling woman (Charlize Theron), sunlight and domesticity personified, clips a flower as the camera pans out to reveal a lovely, sun-drenched home. But the scene ends in the blink of an eye. A haggard, grizzled Man (Viggo Mortensen) awakes with a start from this delightful dream to the nightmare of his bleak, postapocalyptic existence. A permanent cloud of smog and ash now hides the sun. Trees are bare. Vegetation is gone. Nothing remains but bleak, gray, hardened men and women struggling to survive.

The Man and his young son (Kodi Smit-McPhee) sleep fitfully in caves and underbrush, always listening for marauding strangers who would rape the boy, then eat them both if given half a chance. Their gun is always at the ready, not just to kill the enemy but to turn it on themselves if they should be caught. Anarchy is not the road to prosperity and harmony, at least not according to this film.

The Man and the Boy are traveling along what is left of a highway, heading for the Atlantic coast. We don't know why they are heading for the ocean or what they expect to find there, only that they are indefatigable in their determination to reach the shore.

This film strips away all the nonessentials and explores what really matters in life: a place to sleep, food to eat, and most of all, a relationship to nurture. In many ways, "The Road" is a metaphor for the need to have a goal, a purpose in life, a reason to get up and keep moving. For the Man, that purpose is to protect his son from the evil around him and teach him what he needs to know in order to survive on his own some day. As he tells the Boy, "I will kill anyone who touches you. Because that's my job."

For the Boy, the goal is different. He doesn't merely want to survive; he wants to be "one of the good guys." For the man, being "one of the good guys" is simple: "We don't eat people. No matter what." For the boy, it requires more. Somehow, instinctively, despite being born into a world where no one is kind, he wants to share food, find a friend, be kind to strangers. His job is "to carry the fire" and bring hope to a hopeless condition.

If Anton Chigurh in McCarthy's "No Country for Old Men" is the personification of evil (see my review, May 2008), the Boy in "The Road" is the personification of goodness. No one has taught him to "play nice" or say "please" and "thank you." He has grown up in a system of kill or be killed, eat or be eaten, steal or be stolen from. Yet he is angry when his father refuses to give an old man (Robert Duvall) a can of food, and horrified when his father forces a man who has stolen their goods (Michael K. Williams) not only to return their property but to strip and give them his own clothes as well. In both cases, the Boy wins out.

Despite its bleak setting and sometimes horrifying scenes, "The Road" offers a powerful message of hope, love, goodness, and individual self-determination. It remains true to the novel (one of my all-time favorites) and translates surprisingly well to the screen. Mortensen and Smit-McPhee demonstrate a deep and believable bond as father and son, showing emotion that never turns treacly. Small roles — played by Duvall, Williams, and Guy Pearce as the Veteran — are made large by their deeply resonant performances. This film is a gem. ❑

Letters, *from page 8*

see the opening chapter in E.P. Sanders' pathbreaking "Jesus and Judaism" (1985). Jesus was endeavoring to create an alternative to the temple establishment. This is argued by the eminent biblical scholar N.T. Wright in "Jesus and the Victory of God" (1996). Wright argues further that when Jesus referred to "thieves" during the incident he was criticizing political nationalists.

The best scholarly discussion of community of property in Acts may be found in two books by Luke Timothy Johnson: "The Literary Function of Possessions in Luke-Acts" (1977) and "Sharing Possessions: Mandate and Symbol of Faith" (1981). In the latter, Johnson writes: "The scriptural basis for community of possessions as an ideal way for Christians to share goods is slender, superficial, selective, and suspect."

In essence, the description of sharing by early Christians is meant by the author of Acts to liken the Christians to the ancient Hebrews who shared during the exodus wanderings. A scholarly but accessible discussion of this topic can also be found in John R. Schneider's "The Good of Affluence" (2002).

Williamson M. Evers
Stanford, California

Puller responds: I thank Prof. Evers for his compliments. I would, however, caution against any reading which regards parsimony to the poor as biblically sustainable. Although the Gospels and Epistles do not support a mandatory, confiscatory redistribution of wealth, they clearly support a voluntary redistribution of wealth. And they state quite clearly that wealth is sinful (e.g. 1 John 3:17, James 2:15–16, Matt. 19:24, 25:31–46).

Terra Incognita

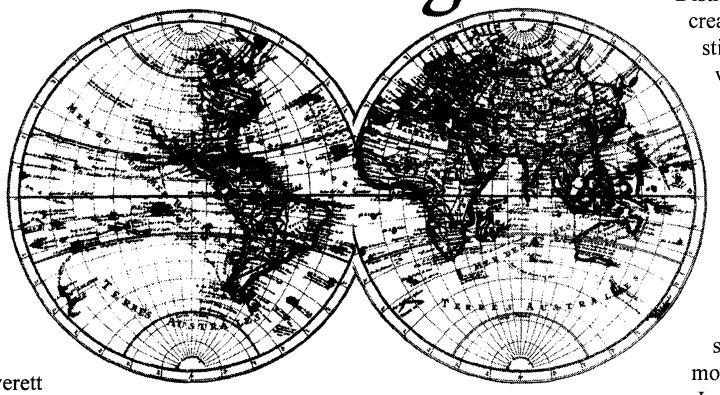

Goldsboro, N.C.

Educational initiatives in the era of stimulus spending, recorded in the *Raleigh News & Observer*:

Selling candy didn't raise much money last year, so a Goldsboro middle school tried selling grades.

Susie Shepherd, the principal, said a parent advisory council came up with the idea, and she endorsed it. She said the council was looking for a new way to raise money. "Last year they did chocolates, and it didn't generate anything," Shepherd said.

Rebecca Garland, the chief academic officer for the state Department of Public Instruction, said she understands that schools are struggling in the recession. But Garland said exchanging grades for money teaches children the wrong lessons. "If a student in college were to approach a professor to buy a grade, we would be frowning on that," Garland said.

Flintshire, Wales

Culinary note, from the Welsh bureau of the BBC:

The traditional suet pudding Spotted Dick has been renamed "Spotted Richard" at a council canteen — because customers keep making jokes.

Spotted Dick is a steamed suet pudding containing dried fruit, and is thought to have originated in the middle of the 19th Century. The "spotted" part of the name refers to the currants, which resemble spots, and "Dick" is believed to derive from the word dough.

Council spokesman Colin Everett said: "This was not a policy decision, canteen staff simply acted as they thought best to put an end to unwelcome and childish comments, albeit from a very small number of customers."

New York

A distinguished statesman descends on the Big Apple, as reported by *Foreign Policy*:

After 40 years in power, Libyan Leader Muammar al-Qaddafi spoke to the United Nations for the first time at this year's general assembly and certainly made up for lost time. In his 100-minute speech, Qaddafi listed half a century's worth of grievances and conspiracy theories including accusing the United States of developing swine flu and questioning the official record of the Kennedy assassination.

Most of Qaddafi's wrath was reserved for the UN Security Council, which he likened to al Qaeda. Qaddafi's accommodations provided another sideshow at this year's assembly, as the Libyan leader was rebuffed in his attempts to set up a Bedouin tent in several New York-area locations before finally making up camp in Donald Trump's backyard.

Sarasota, Fla.

Plausible deniability, from the *Sarasota Observer*:

Several concerned residents have called the city of Sarasota complaining about the "No Parking" signs that line the streets of their neighborhood. One resident was upset that a sign is located in front of his house. The city told residents there's nothing it can do about the signs because it has no record of the signs being placed there.

Allentown, Pa.

The secret scab history of the Boy Scouts, in the *Allentown Morning Call*:

In pursuit of an Eagle Scout badge, Kevin Anderson, 17, has toiled for more than 200 hours over several weeks to clear a walking path in an east Allentown park. Little did the do-gooder know that his altruistic act would put him in the crosshairs of the city's largest municipal union.

Nick Balzano, president of the local Service Employees International Union, told Allentown City Council that the union is considering filing a grievance against the city for allowing Anderson to clear a 1,000-foot walking and biking path at Kimmets Lock Park. "We'll be looking into the Cub Scout or Boy Scout who did the trails," Balzano said.

United States

Imaginative restructuring of the political map, from ABCNews.com:

In Arizona's 9th Congressional District, 30 jobs have been saved or created with just $761,420 in federal stimulus spending. At least that's what the website set up by the Obama Administration to track the $787 billion stimulus says. There's one problem, though: there is no 9th Congressional District in Arizona; the state has only eight.

There's no 86th Congressional District in Arizona either, but the government's website says $34 million in stimulus money has been spent there.

In fact, Recovery.gov lists hundreds of millions spent and hundreds of jobs created in congressional districts that don't exist.

Boston

Curious definition of "school reform," spotted by the *Boston Herald*:

Union bosses are blocking Boston's best teachers from pocketing bonuses for their classroom heroics in a move that gets a failing grade from education experts. The Boston Teachers Union staunchly opposes a performance-based bonus plan, insisting the dough be divvied up among all of a school's teachers, good and bad.

Union head Richard Stutman bristled at criticism he doesn't have his members' interest at heart. "We're not taking money away from teachers," Stutman claimed. He also objected to the suggestions his union is a foe of school reform, insisting he backs the incentive program — so long as the bonus goes to all teachers.

Siguenza, Spain

The thin blue line separating society from smooth jazz, from *El Pais*:

Spain's pistol-carrying Civil Guard police force descended on the Sigüenza Jazz festival to investigate allegations that Larry Ochs' music was not jazz. Police decided to investigate after an angry jazz buff complained that the Larry Ochs Sax and Drumming Core group was on the wrong side of a line dividing jazz from contemporary music.

The jazz purist claimed his doctor had warned it was "psychologically inadvisable" for him to listen to anything that could be mistaken for mere contemporary music.

Special thanks to Russell Garrard, Tom Isenberg, and Franz Schneider for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

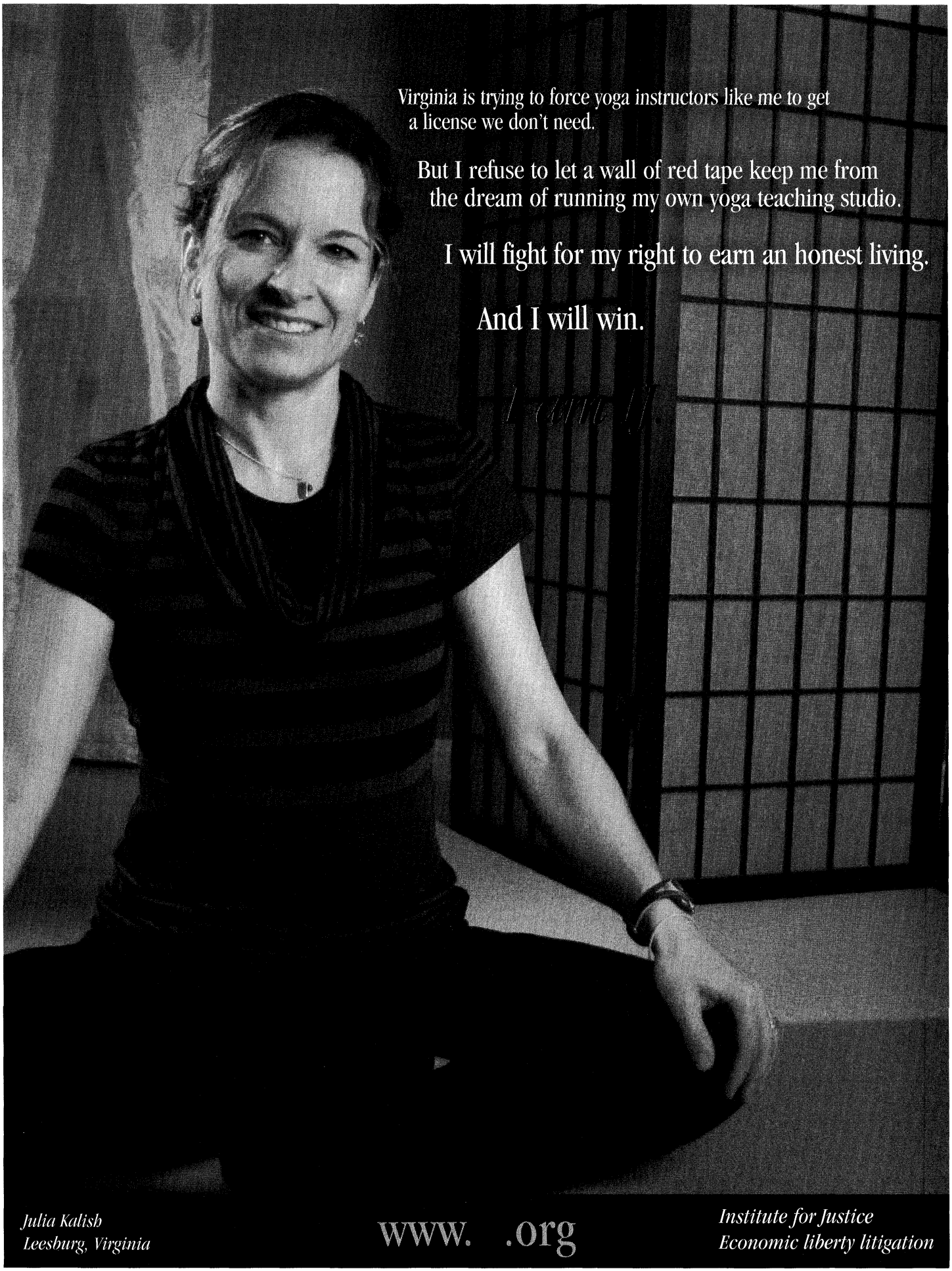
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Inside Liberty

April 2010
Volume 24, Number 3

4 Letters Postcards from the cutting edge.

7 Reflections We rewrite the Constitution, love the snow, club a seal, read a coif, dive into sludge, hit it big, break some windows, know she cheats for that figure, and see the brick wall at the end of the tunnel.

Features

19 A Libertarian Among the Republicans *Bruce Ramsey* gives ear to a libertarian-leaning presidential hopeful.

21 Battle of the Books *Jim Walsh* discovers the one place America's most famous literary recluse could always be found — the courtroom.

27 The Threshold Effect What could rile the voters of Massachusetts into voting Republican? *Stephen Cox* investigates.

35 High-Speed Folly *Randal O'Toole* marvels at the latest push for unnecessary expenditures.

Reviews

41 Inside the Castro Family A new book reveals the Castros' secrets, seen from the inside. *Robert H. Miller* puts the story in perspective.

45 Right Makes Might Are natural rights a myth? *David Ramsay Steele* weighs the arguments.

50 Power in the Word A film, asserts *Jo Ann Skousen*, ought to believe in its own premise.

51 The Breeding of an Empire *Gary Jason* sees a quite different version of Queen Victoria from the old lady in the fussy clothes.

52 Forget the Oscar *Jo Ann Skousen* casts a skeptical eye on a rags-to-riches gridiron tale.

53 Filmnotes Alcoholism in check and egalitarianism run amok.

46 Notes on Contributors Who we are and why we fight.

55 Terra Incognita Signs of the endtimes.

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Letters

Robbing Peter to Pay GM

Edmund Contoski's "Crash and Burn" (Jan.–Feb.) confirms that the Cash for Clunkers program was just a street hustle. First, taxpayers bail out failing auto manufacturers with tens of billions of dollars. Next, Uncle Sam offers $4,500 rebates to generate sales for the companies the taxpayers just bailed out. A billion dollars proved insufficient, so Congress authorized and appropriated another $2 billion. Add $3 billion more to a record $1.7 trillion deficit this year.

At the end of the day, Uncle Sam took money out of one taxpayer's pocket and put it in another. Now the used-car market is suffering from the destruction of all those older but still roadworthy cars. College students, single parents, working- and middle-class Americans looking for a used car to get to school or work have fewer, more expensive used cars to select from. And the air quality benefits of replacing older with newer cars seem to have had little effect on the environment in most of the country.

We can only hope that, come the 2010 elections, taxpayers "trade in" their current Congress member for a fresh new model who is more efficient at not wasting our hard-earned money.

Larry Penner
Great Neck, NY

Difficult, Not Impossible

Carl S. Milsted, Jr.'s December 2009 article, "Bridging the Two Libertarianisms," while no doubt well-intentioned, contains numerous straw-man arguments, half-truths, untruths, and sweeping conclusions unsupported by the facts. To take several egregious examples packed into two short sentences, Milsted says: "The Zero Aggression Principle demands *immediate* elimination of all taxation, and perhaps monopoly government in general. Yet eliminating these things would result in tribalism, warfare, and eventually dictatorship — that is, increases in aggression." Where to begin?

First, every libertarian I know refers to the Non-Initiation of Force (NIOF) principle, not the misleadingly named "Zero Aggression Principle." While there are a few complete pacifists out there, the overwhelming majority of libertarians believe they have the right to aggressively defend themselves against at least some initiations of force, such as attempts to kill them.

Second, note that Milsted emphasizes via italics the word "immediate" when talking about elimination of all taxation, and elsewhere in the article implies that this means ending taxation today, or perhaps within a week or so. Well, no. It has taken well over 200 years of incremental growth in government to get us to the 37% of income or so taxed away by all levels of government (more than that if you count inflation as a tax, but that's a rant for another day). I think that all but the most radical of anarchocapitalists would be delighted if getting down to 0% coerced taxation took an entire 4 years of a presidential term. It simply takes time to sweep away such an ingrained legacy of theft

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and coercion, and fire millions of unproductive bureaucrats, even if done as quickly as possible.

Third, the NIOF principle only implies that involuntary taxes are a form of theft, not voluntary taxes. It would not be immoral or an initiation of force if all the revenue generated by the government came from taxes that were voluntary subscriptions for government services that one could decline to enroll in. For example, one could keep the current Social Security system intact and unaltered, except for allowing everyone the right to permanently opt out of the system and the associated taxes, and instead choose private sources of investment to cover the expenses of retirement. That would completely remove the coercion and initiation of force — everyone enrolled in Social Security would then have chosen to participate and pay the taxes to support it, and all the dissenters would be free to manage their own retirement. Unlike Milsted, I think most reasonable people would confidently predict that making Social Security voluntary would not "result in tribalism, warfare, and eventually dictatorship."

Given more space, I could explain how it is feasible to eliminate monopoly government, and give each citizen a choice of competing governments to choose from, the same way they can choose which grocery store or car dealership or whatnot to purchase needed goods. Suffice it to say that this liberty-enhancing change is merely difficult, not impossible.

Jim Henshaw
Kailua, HI

Real Reality

To mix metaphors and paraphrase pundits, I must say that while reading Carl S. Milsted, Jr.'s article, I have never before envisioned "so many pinheads dancing on the head of a pin!" It seems to me that it ain't that hard.

I consider myself to be a libertarian of "broad stripe," an anarcho-laissez-

From the Editor

"People will believe almost anything that isn't so," said Isabel Paterson.

That thought has occurred to most of us — about *other* people, of course. It's the secular version of original sin: there's just something about the beings who inhabit this planet that makes them want to believe in the weirdest kind of nonsense.

They want to believe that nations can make themselves prosperous by borrowing more than they know how to pay back.

They want to believe that economic inefficiencies can be remedied by the creation of immense bureaucracies.

They want to believe that monopolies are bad, except when held by the government — which is commonly conceded to be "out of control."

They want to believe that if there's a problem, either the president or the Congress can fix it.

They want to believe that maintaining freedom demands the continuous passage of laws.

They want to believe that every individual has inalienable rights – except when there's some public purpose for abridging them.

I don't need to go on. You can fill out the list yourself. What I'd like to know is this: why would anyone *want* to believe such things? That's a mystery. Yet people must have a pretty strong will to believe, just as Paterson said — because without it, everyone would be laughing his head off at the bizarre ideas I've just cited.

But sometimes, enough is enough. Suddenly there comes a moment when people stop, take a breath, and start to wonder. Some of them even start to laugh. Then there's reason to doubt whether Paterson's comment was entirely correct. It's a moment she herself would have enjoyed.

We appear to have arrived at such a moment. And Liberty is here to watch what happens.

For Liberty,

Stephen Cox

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faire-capitalist, and an aspiring student in the Austrian School of Economics. I also think I am a realist who lives in the real world of reality. I fully accept the principle of self-ownership and all its implications as fully set forth in Rothbard's "Ethics of Liberty" and I commend the book to Milsted, since he seems to have avoided it. He seems oh so ready to embrace governmental taxation for his favored causes and emotional whims.

I think no one has the right, duty, or justification of impulse to initiate unprovoked, violent, physical aggression against another. (Please note the word *unprovoked* and all its implications.) This clearly allows me to defend myself against physical attack. If government does exist, it should be limited strictly to protecting the lives, liberty, and property of every individual citizen within its "jurisdiction." Government's sole legitimate function in a truly free society is to seek out and punish those who commit fraud, misrepresentation, theft, and initiation of unprovoked, violent, physical aggression against others.

Since taxation (and all its implications for those who ignore or attempt to evade it) is actually unprovoked, violent, physical aggression, all "government services" should be provided and paid for only under freely and willingly executed contracts. Of course, this would permit other "governments" (none with the ability to tax) to compete in the "government-services market."

Milsted seems to make a big thing out of "empathy." My Webster's says it is the action of an individual, not a collective organism. Webster's also leads me to believe that Milsted might actually mean "sympathy." Anyway, I will not gladly pay an empathy — or sympathy — tax. I pick and choose upon whom I spend my meager resources. I much prefer to care for my own loved ones and not every poor, miserable, unknown soul across the face of the earth. Those who wish to do otherwise are free to do so.

Milsted may call himself a libertarian. I shall not initiate unprovoked, violent, physical aggression against him for doing so. But he should not initiate unprovoked, violent, physical aggression against me for saying that he appears to me to be not a libertarian, but a firm statist with slight, convenient, libertarian leanings. I thoroughly realize that my dreams of a truly free society will not come about during my lifetime. However, I try to live up to my principles in the interstices of freedom that occur from time to time in the midst of overweening government.

David Michael Myers
Martinsburg, WV

Too Big a Tent

I believe in a big tent and all that, but here we have someone calling himself libertarian who claims the moral right to steal from rich people ("tax billionaires") to support his pet projects (avoiding "letting poor people starve"). He also derides the pledge against "initiation of force to achieve political or social goals" (and he's not meaning self-defense against the armed enforcers of the state). This is a libertarian?

Mind you, Carl Milsted also thinks the Ron Paul campaign "failed because he promised to do bad things" (giving as an example his comment that he abolish the income tax, maintain stable money, and bring the troops home).

After reading the December Liberty, I realize I can't be a libertarian. Why, I must be an anarchist.

Adrian Day
Annapolis, MD

Milsted responds: Jim Henshaw complains of my straw-man arguments and launches one of his own. I clearly defined The Zero Aggression Principle as "a mandate that one should never initiate force or advocate the initiation of force." I fully recognize that ZAP allows for vigorous self-defense and retaliation. It does not, however, provide for adequate national defense. Modern militaries use complex integrated weapons systems. Frontline troops use satellites to locate enemies and call down bombs dropped from aircraft whose home bases are thousands of miles away. Militias armed with personal weapons are no match for a modern integrated military.

Those who adhere to ZAP ignore such unpleasant realities and prescribe policies suitable for the 1700s. We "moderate" libertarians who merely wish to reduce or minimize overall aggression are free to take into account present realities and prescribe accordingly. In practice, we moderates call for more liberty than the high-minded ZAP advocates. Liberty is not advanced by allowing the People's Republic of China to colonize the United States.

Henshaw displays a further disconnect with reality when he suggests that Social Security could be privatized now with no further tax funding. The Social Security trust fund has no assets other than government debt — which would be worth little should the government lose its taxing authority. No one in their right mind would contribute to a bankrupt privatized Social Security Administration, so those receiving Social Security payments would retroactively lose their retirement benefits and be left to beg on the streets.

I wish to express partial agreement with Mr. Myers' idea that government could collect taxes more as fees for services vs. assessments based on ability to pay. Protection of property should be funded by taxes on said property instead of income taxes, and so forth. That said, some of those services, like national defense, deed registration, and dispute resolution where no contract exists, are natural monopolies not easily put up for bid. For such services a consumer co-op — i.e., democratic representation — makes sense.

Myers echoes Henshaw's straw-man argument about ZAP and expresses confusion about my discussion of the existence of empathy. I freely admit the latter is an arcane subject, "so many pinheads dancing on the head of a pin," as it were. But it is an incredibly important subject, for it lies at the heart of a pernicious meme which renders many libertarians truculent, delusional, and ineffectual.

If libertarianism is the love and pursuit of liberty, it is indeed a call for reducing or minimizing aggression. Any program to minimize aggression requires some metric of same. Does assessing a tax to defend the nation against invasion increase or decrease net aggression? To answer this question requires comparing IRS audits to enemy bombings. Murray Rothbard claimed such comparisons are invalid, that we cannot weigh the tradeoffs, say, between high tariffs or Negro servitude. Since we cannot weigh such tradeoffs, the only measurable minimum is The Minimum: the state of zero aggression.

continued on page 39

Reflections

Morality tale — Firestorms erupted throughout the unbiased media when Pat Robertson claimed that Haiti's problems (with poverty, not the earthquake, as was incorrectly reported) were the result of a pact with Satan that voodoo priests made long ago. Yet there was little response when actor Danny Glover blamed the earthquake on Gaia being angry with world leaders for not reaching a climate treaty in Copenhagen. Ditto for Hugo Chavez, who blamed it on the U.S. military trying out its new earthquake bombs.

I fully expect to see Glover and Chavez reprimanded for their remarks with an Oscar and a Nobel Peace Prize, though competition for the latter will be fierce now that Osama bin Laden has taken to blaming global warming on American prosperity. — Tim Slagle

Join the club — In early February, G7 officials met in Canada. Specifically, they gathered in Iqaluit, the Arctic capital of Nunavut, with a population of about 7,000, many of whom are Inuit — or natives. The Inuit hosts decided to "educate" the Europeans about their native culture, which involves hunting seals for meat and pelts. The EU is in the process of banning the seal trade. So what was served for dinner? Seal meat. During the conference in the Nunavut legislative assembly, what did people sit on? Sealskin-upholstered chairs. And, as a parting gift, they received sealskin mittens and vests that may have been illegal for them to take home. What are the odds that Canada will be asked to host another meeting any time soon? — Wendy McElroy

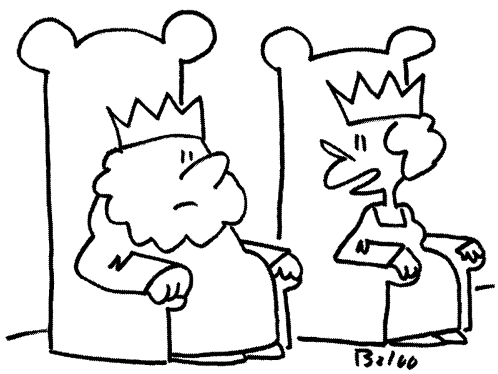

"That's just a figure of speech, you know — you actually already *do* have a desk job."

In the pocket — After the Supreme Court decision about corporate contributions in electoral campaigns, many bloggers are speculating that corporations have now been freed to "eliminate the middleman," if you will, and run for office directly.

In this dystopian fantasy, corporations will be able to win federal office, giving a whole new meaning to phrases like "the Senator from Boeing."

One commenter on Volokh.com said, "I hope corporations do run and win," though he added that he didn't see how they could serve if elected.

Frankly, I think that's the best part. — Ted Levy

Permafrost — Since President Obama appears to be committed to spending as much as it takes — on "jobs" bills, investments in "green industries," and pork of every kind — to get himself and his party reelected, I wish there were some constitutional method by which we could just agree to vote for them now, so they wouldn't have to keep buying people's votes. I could even put up with a permanent Nancy Pelosi, so long as she didn't spend any more of our money. Well, almost. — Stephen Cox

Bank on it — President Obama responded to media outrage over the resumption of Wall Street bonuses by proposing a series of ambitious new regulations of the American banking system. The gist of the scheme was to prohibit banks from running their own trading desks and "owning, investing in or sponsoring" hedge funds and private-equity investment groups. During a photo op for the announcement, Obama intoned: "Never again will the American taxpayer be held hostage by a bank that is too big to fail."

His metaphor was screwed up — as, with increasing frequency, his metaphors are. Banks don't take hostages, Barack. Bank robbers do. And your passel of new regs is the biggest Tommy gun in the room. — Jim Walsh

Broken windows — Isn't it great that Toyota's recalling millions of cars? Think of the repairman jobs! — David Boaz

Doddering — It is always nice to find something to celebrate about the new year. So I can't help but mention the announcement by Sen. Chris Dodd (D-CT) that he is not going to run for reelection.

I have written before about this solon. Suffice it to say that he served a very long time in the Senate, and he did a lot of damage. He is complicit — along with his counterpart in the House of Representatives, Barney Frank (D-MA) — in allowing Freddie Mac and Fannie Mae to become the Twin Towers of Loser Loans, the loans that brought our economy to its knees. And, along the way, Dodd acquired quite a reputation for questionable real-estate deals.

What made him resign? No doubt here: polls showed that his numerous scandals had made him disgusting even to the highly liberal electorate that customarily reelected him. Surveys showed him trailing the likely GOP nominee.

And a particularly despicable scandal was coming to light at a particularly uncomfortable time. The Washington Examiner reported (Dec. 28) that earlier in 2008 Dodd had proposed an amendment to a bill that would have taken $4.5 million away from the funding of airport screening and use it to fund firefighter grants. It turns out that among Dodd's greatest supporters are firefighters' unions. This naked act of rent-seeking became a scandal because the week in which it was reported just happened to be the week after an Islamist

terrorist from Nigeria nearly killed 300 passengers on a flight from Amsterdam.

One suspects that the Democrat party leadership — Majority Leader Reid in particular — must have offered some significant inducement to get Dodd to announce he would not run again. After all, this makes it possible for the Dems to field a candidate with a good chance of winning the seat. Just what that deal was, we'll probably never know. But at least this especially vile toad will be gone. Thank heaven for small favors. — Gary Jason

Test first, study never — While helping with some outdoor work at my house, my neighbor's 16-year-old son told me that he would be taking his driver's test in two days. Two days later he returned to help with more outdoor work and told me that he had failed the test. He thought the strategy he used to prepare would work. It didn't. He did not like failing the test; it was something he did not want to repeat.

When helping out at my house after he took the test a second time, he told me that he had passed. His first approach obviously didn't work, so he went with a tried and true approach — memorization. That did work.

Obama and the Democrats remain hellbent on spending America out of recession — with recent mutterings involving a second TARP. Government intervention into the economy does not yield favorable results, let alone fix a recession. Recovery follows government's reducing its role in the economy. Yet Democrats still believe that the government can spend us out of the current recession.

It's amazing that they cannot learn from repeated failure — while a normal American teenager can learn from just one failed test. — Marlaine White

Freeing speech — The Supreme Court found that laws preventing unions and corporations from political advertising were unconstitutional. Reaction was furious. The Economist's blogger wrote, "For over a century, Congress has passed laws which fine citizens or associations for engaging in political speech in certain ways and at certain times." Thus he expressed his disgust at the Supreme Court ruling.

But how does getting it wrong for a hundred years provide an excuse to continue? Why should government be able to select those whose speech it finds disagreeable?

Corporations and unions would not care to contribute to attempts to influence government if the state were small and constrained, and couldn't screw these real economic players.

The answer is not to constrain speech, but to constrain government. — Erwin Haas

Word Watch

by Stephen Cox

There was a time when most prominent American politicians had a good grasp of grammar and usage. They might be purveying silly, banal, or destructive ideas, and they usually were. But they knew something about the structure of a sentence. They knew something about the logic of word choice. They knew that there *was* a logic. Go read Woodrow Wilson and Theodore Roosevelt, or even Calvin Coolidge — not to mention Lincoln, Douglas, Jefferson, Clay, and Webster — and you'll see what I mean.

This wasn't because they were drilled in the classics. Many of them were, but many others had little formal education. Some of them had trouble getting to the end of books; they were too anxious, depressed, indolent, or fidgety. Lincoln and Patrick Henry are good examples. Yet they had no trouble with the rules of grammar, they had a large vocabulary, and they had a genuine interest in the words they chose. They never confused "thus" with "and," or believed that there is such a thing as "thusly"; and they could see when a metaphor might not make sense.

When you read a metropolitan newspaper from 1910 — or 1950, for that matter — you see the same thing. The editorials may be fatuous, badly informed, or just plain stupid, but you don't find a lot of gross, childish errors. Or take a look at religious writers: they weren't all J. Gresham Machen (a great theologian, a great libertarian, and a great writer of prose), but most of them could finish a sentence or two without some amazing blunder. I can't say as much for college professors; they were a lot less pompous in the early 20th century, but their syntax was still pretty poor.

Well, who cares about them anyway? Here's the issue: why can't the people currently prancing on the national stage choose words at least as accurately as my grandmother chose them — she who never graduated from high school?

I know that Obama's an easy target, but here he is, addressing the problems of Haiti in a speech on January 13: "This is a time when we are reminded of a common humanity that we all share." A "common humanity that we all share" — as opposed, I guess, to a common humanity that we don't all share. Obama is commonly redundant, but he finds a special pleasure in triple redundancy ("common . . . all . . . share").

Notice that I haven't commented on the abject triteness of his phrasing: "this is a time," "we are reminded," "common humanity," "all share" — not a phrase that hasn't been around since the decline of the Roman empire. I like to picture the alleged intellectuals and literati, the people who acclaim Obama as a literary genius, sitting in their studies, meditating on these locutions — hunting out new meanings, marveling at distinctive metaphors and metonyms, tracing the growth of the author's literary powers from his two callow memoirs to his current peak of rhetorical perfection. Thus far, however, I've seen no objective literary analysis, only announcements of Obama's literary greatness. Yet I'm sure that someone will meet the challenge.

Now, back to basics. "Each of us as individuals should try to stretch out of our comfort zones" (Barack Obama on January 18, remarking on the significance of the Martin Luther King holiday). Unusually for the president, this passage presents no obvious grammatical problems (though the change from "each" [singular] to "individuals" [plural] and then to "our" [plural] could benefit from some duct tape). The passage does testify, however, to his gift for the pointless phrase. Is there any universe in which "each of us" would *not* function as an "individual"? Has anyone suggested that "each of us" should try "stretching" as a group? But wherever there's a possibility of saying something that

Chinese puzzle — Two recent stories have made me wonder whether the Chinese just might be getting worried about the rise of India as a global economic power.

The first is a report in The Financial Times of London (Jan. 19) that there is a craze sweeping China: English lessons! There are now upwards of 30,000 companies and organizations that teach English, outside the official school system (in which English is taught by government policy). An estimated 20 million Chinese become new English speakers each year, and a recent report suggests that China may now have more speakers of English than India.

If that is so, one of India's major advantages in world trade, the prevalence of people proficient in the international language of business, may be surpassed by China.

The second story is a report in the Washington Post (Dec. 12) that China is rethinking its notorious "one-child" policy, which has been in place for over 30 years.

That policy, ruthlessly enforced, has lowered the birthrate to 1.8 children per couple. The result is a population that is rapidly aging. It is on course to be as top-heavy in elderly people as the European countries and Japan are slated to be. It has also resulted in a population with an unnaturally high percentage of males, since many Chinese couples chose to abort their female fetuses.

Now, over the past few years the Chinese government has begun to pull back. It began to allow certain exceptions (such as cases in which both parents are only children), and toned down some of its aggressive forms of advertising the policy. But now, Shanghai has started pushing for larger families. It has replaced posters directing couples to have only one child with posters encouraging them to have two, and it has offered financial help for couples who choose to do so.

Again, the Chinese may be awakening to an Indian advantage. India's population, unlike that of other Asian nations such as China and Japan, and the European nations, is young and in no danger of aging anytime soon. Since innovation drives economic growth, and since innovation comes disproportionately from the young, countries with aging populations face slower growth. — Gary Jason

Bite the bullet — To me, one of the most horrible features of the disaster in Haiti was the frequent complaint of doctors and nurses that they did not have anesthetic, even while conducting amputations! The awful scenes of the Napoleonic wars repeated themselves in the 21st century. It tore my heart to see, on broadcasts from Haiti, girls and boys waiting to have their limbs cut off, with nothing to end their pain.

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need not be said, you can trust the president to say it.

On to the metaphor: "stretch out of our comfort zones." By itself, it presents no problems of grammar; it's just trashy and insulting to its inspiration, Martin Luther King. Try this direct form of the sentiment: "Dr. King was important because he stretched out of his comfort zone." You see what I mean.

The president's formal vocabulary consists largely of self-conscious countrifications (dropping the final "g"), pomposities ("audacity of hope"), and New Age cliches ("comfort zones"). Lately, the last two have predominated. But in 2010, an election year, we will encounter much more of the first, and it may actually be worse for our ears and noses.

But enough of Obama. Let's look at his late ally, Martha Coakley, unsuccessful candidate for the Senate from the state of Massachusetts. Every sentence of her concession speech was an affront to common sense. I have five examples.

First: "I want to say an incredibly sincere thank you." "Incredible" means "unworthy of credence or belief." It's not a nice thing to say about oneself, particularly when one is talking about one's sincerity. But maybe it's accurate after all; Coakley wasn't the warmest, fuzziest, most straightforward candidate who ever rode into Dodge.

Second: Coakley saluted "those of you who are still working" (for her). When she said that, the polls had been closed for several hours. What were those workers doing — stuffing ballot boxes? If so, they didn't stuff enough. Maybe they were distracted by her speech.

Third: "There are two dogs who are very happy about these results, because we are going to be back with them." Coakley had told the press that one of her hobbies was walking her dogs. An absorbing intellectual avocation, eh? But how did she know that the dogs would be happy to see her back? And who was this "we" she mentioned? Did she have a frog in her pocket?

Fourth: in thanking her supporters, Coakley called them "an extended dysfunctional family, but that's OK." Why is it OK?

Fifth: quoting Teddy Kennedy (actually, his speechwriter), Coakley proclaimed: "The dream lives on!" What was that dream, exactly? She never said. I'm not sure that Kennedy ever said. I suppose it was a moving target, like the healthcare bill. But this is a serious verbal problem. It may also be a serious intellectual and political problem.

Alas, Coakley's opponent, Scott Brown, was just as challenged by words as Coakley was. In his victory speech, he came out with an amazing number of execrable sentences, but this one took the cake: "It all started with me, my truck, and a very few number of dedicated volunteers." First tell me what a "few number" is; then we can figure out what "a very few number" would be. Many people mix up "number" and "amount"; but fusing "number" with "few" is a real accomplishment. It should be noted that Brown is a person who, like Coakley and Obama, was educated at an elite private university.

Not to be outdone by Brown's verbal stupidity, the president's chief adviser, plump, hairy little David Axelrod, coughed up some rhetorical pretzels. Reviewing the results of an election in which Brown, a dedicated foe of the administration's legislative program, had triumphed over one of its dedicated supporters, Axelrod reached the surprising conclusion that "we need to move forward aggressively, continuing on job creation, and on financial regulatory reform."

Could you translate that into English, please?

I mean, when was the last time you said, "I need to continue on," followed by a noun? When was the last time you said, "I need to continue on investment," or "I need to move forward aggressively, continuing on my marriage"? The answer is, never. But David Axelrod is different from normal people. He's a pompous fool, and like all pompous fools, he is never far from his elevator shoes. His assumption is, you can't add too much junk to anything you say. Move forward aggressively on that.

And yes, he moved forward. Discussing his plan to bull the healthcare bill through Congress, no matter what the voters

Why did this happen? Aren't painkilling drugs easier to transport than food and tents?

This is just a speculation, but I wonder if our government's insane drug regulations are responsible for the hideous affront to humanity that resulted from the short supply of painkilling medicine. I also wonder whether there will be a serious investigation into this monstrosity. — Stephen Cox

Just the facts — We libertarians are always looking for a thread we could pull to unravel a bit of the statist mess we're in. One possibility would be to attack popular fictions that obfuscate important public issues. My first nominee of a fiction that ought to be exposed is the idea that we all have some kind of personal Social Security account. (Wasn't it Al Gore who went on and on about the "lock box" of Social Security funds?)

I get things in the mail describing my account and projections of my future retirement income from this account based on information from my previous earnings. Now, it is one thing for government bureaucrats to spout some soothing if not rigorously honest platitudes when I'm face to face with them. They've been trained to make these placating statements so as not to enrage the people with whom they deal. It is quite another level of mendacity to go to the trouble of creating and mailing to me, unsolicited, a document providing details of this nonexistent account.

Without arguing for or against any reform policies, wouldn't it be refreshing for libertarians to call for an end to this fiction? Just call it what it is. We take money from people who are working now and give it to people who are retired, so they don't have to work. It is an income transfer, plain and simple. People who collect Social Security checks are taking that money out of the paychecks of people who are currently working. Retired people are not collecting the money that they put into Social Security, because their money was not "saved" anywhere. When they put in money while they were working, their payroll taxes were simply being sent to the people who were retired back then.

My guess is that a couple of years of honest talk about what we are really doing, exposing FDR's initial lie about Social Security, would make a big difference. People would be able to see that it makes no sense for able-bodied older folks making top-of-their-game salaries to be taking money from younger workers who make much less than they do.

My other nominees for fictions to be exposed include notions such as these: calling any lowering of taxes "a cost to the government," calling tax-funded subsidies "government investment," calling expensive government-run schools "free public education," calling expensive government-run healthcare "free patient services," calling the occupation and control of foreign countries "wars of liberation," calling nearly unused trains and buses "mass transit." — Don Crawford

Tumescent state — Heady from Scott Brown's taking of Ted Kennedy's (sorry, "the people's") seat in Congress, some are already calling for Brown to run for president.

I can imagine the Cosmo nude photo to be used in the ad campaign if he calls for transparency in government. Sadly, it cannot be used to call for shrinking government. — Ted Levy

Spending freeze — Ottawa is the second coldest capital city in the world. Winter brings ferocious downfalls of knee-deep snow. Being raised in the Ottawa area, I was accustomed to having the federal government close down for a day or two in winter because of "bad weather." Later on, as an anarchist, I used to joke about achieving anarchism through climate manipulation. Imagine my surprise when I found out that the federal offices in the District of Columbia were closed on February 8 by a heavy snowfall. Clearly, what we need is global cooling. — Wendy McElroy

Declare the pennies on your eyes — January 1 in the United Kingdom saw the value-added tax (VAT) increase from 15% to 17.5% — one of the legacies of the disastrous administration of Labour PM Gordon Brown.

For those unfamiliar with the tax (and in this case, ignorance is bliss): VAT is essentially a sales tax, but drawn out over the process of production. So instead of the end-user paying the entirety of the tax up front, everybody pays a little chunk of tax along the way — the manufacturer, the wholesaler, and so on — as they add "value" to the product. The specific goal of this Byzantine process is to prevent the formation of black markets: while endpoint sales taxes can't be raised

might think, he added this view of their susceptibility to bribery: "It is not just getting the achievement under the belt. I think there are tangible benefits that people will accrue across this country as soon as this bill is signed. They will have more leverage, have more prescription drug coverage, Medicare is going to be extended by a decade."

"Under the belt"? Besides trying to compete with his master in the field of dull clichés, Axelrod suddenly appeared in the robes of Cardinal Wolsey: fat, self-indulgent, self-satisfied, ready to do anything to promote his own consumption of things that end up *under the belt*. But there's a serious tonal problem with using metaphors about political midriffs to refer to *priceless and indispensable legislation to ensure the people's health*. And since when was "accrue" a transitive verb, with "people" as its subject? Ordinary usage would be "benefits accrued by the people." As for "across this country," that's just elevator-shoe pomposity.

Look again at the logic of Axelrod's last sentence. "Leverage"? What the hell does that mean? And shouldn't there be a conjunction in that sentence, someplace? As well as an honest indication that the president's confidant knows what everybody else knows, that extension of Medicare wasn't an issue to begin with? No Congress was going to fail to extend Medicare. But if you remedied all the problems in that sentence, there wouldn't be much of it left, would there?

Nancy Pelosi wanted to go along with Axelrod's suggestion of forcing the healthcare bill through. She wanted to pass the whole enormous thing, right now, despite the extreme unpopularity of most of its salient features. But she had a sad "dilemma," as a news report explained:

"'I don't think anybody disagrees with "Let's pass the popular part of the bill,"' she told reporters. 'But some of the popular parts of the bill is the engine that drives some of the rest of it,' which is far less popular, she said."

Here the credit for ineptitude must be divided between Pelosi and her journalistic scribe. It's the reporter who put in that perilously connected "which is far less popular." Logically, "which" should refer to "it," but "it" is "the bill" — so does that mean that the bill is far less popular than its parts? Oh, no; that's not what

much higher than 10% before even the most civic-minded citizens start looking for ways around them, with a gradual tax they can get away with 15%, 20%, or even more.

Of course, as everyone acknowledges, the entire burden of the VAT is still borne by the consumer. So it was heartening to see a number of businesses here, from department stores to furniture outlets to cafes, announce that they would keep their prices the same as they were on December 31, thus absorbing the extra 2.5%: a sign on one sandwich shop boldly proclaimed they were "saying 'No!' to Gordon Brown."

Shrewd, too, as saying "No" to Brown is what most voters are expected to do when elections are called later this year. Unfortunately, the PM-in-waiting David Cameron has refused to rule out a further hike in the VAT, up to the European-average 20% — a move that will strain budgets across the tax-laden UK, and test the resolve of businesses trying to square the desires of their customers with the demands of the treasury. — Andrew Ferguson

Nice work if you can get it — There is more happy news about the ever widening California public employee pension nightmare.

Some of the news relates to the California State Teachers' Retirement System (CalSTRS), one of the biggest public employee pension funds in the world, The Los Angeles Times reported on January 29 that CalSTRS is $43 *billion* short of covering its liabilities. As of last year, CalSTRS could cover only 77% of its total pension fund, and in fact could be broke within 35 years.

The other huge California pension program (the California Public Employees Retirement System, or CalPERS), the behemoth agency that handles the pension funds of the California state employees, is also underfunded. It has only 86% of the assets required to cover its liabilities. But unlike CalPERS, CalSTRS cannot just require more contributions from its members or employers (school districts). It has to get a bill through the legislature to increase contributions. Given the immense fiscal woes that California faces, that is not likely.

But speaking of CalPERS, an article in The Wall Street Journal (Jan. 15) reports that there is something of a tradition at CalPERS of top officials leaving it for greener pastures. The story reports that one noble fellow, William Crist, departed from CalPERS after being president and chairman of its board and took a job at a U.K. firm, Governance for Owners. Crist later convinced CalPERS (in 2006) to invest $300 million in a Governance for Owners fund and pocketed a $913,000 commission for doing so. The value of the CalPERS investment fell to only $192 million — a loss of over a third.

In 2008, the enterprising Mr. Crist also persuaded CalSTRS to invest $350 million in that selfsame excellently performing fund, and he will pocket a fee even bigger than his earlier commission.

The article mentions other former CalPERS officials who left it to work in private investment firms that were then able to sell securities to CalPERS for tidy commissions.

Yes, there is no corruption to see here. Keep moving, keep moving . . . — Gary Jason

The power of capital — In the wake of the massive earthquake that hit Haiti on January 12, we saw capitalism at its best. Within hours of the quake, doctors, nurses, and rescue workers were voluntarily making their way to the devastated island, most of them at their own expense, to give immediate assistance. Yes, the Red Cross was there too, offering food, blankets, water, and medical care. The Red Cross, pooling private donations, raised over $3 million the very first day, just by setting up a method for people to text a $10 donation through their privately financed and operated phone plans. Brilliant. But for many victims, it was the makeshift triage centers set up by volunteer health professionals in residential backyards that made the difference between life and death.

Why didn't everyone go down there to help? Because most of us didn't have the capital to do so. We could donate a few bucks, and maybe set up walkathons and fundraisers to donate even more. But these volunteer angels were fueled by capital.

Contrary to public opinion, capitalism is not a system by which big corporations exploit the masses (although there are certainly some capitalists who take advantage of their workers). Capital is simply the difference between what we have and what we spend. Capitalists use those savings to expand a business, fix up a piece of real estate, invest in education, or

Pelosi meant to say. So maybe "which" refers to "rest." Or "some." Or maybe . . . . ?

In any event, the congresswoman herself has plenty to answer for. First there's the typically Pelosian *assertion* of a proposition that's under debate — that is, in fact, discredited. Nobody disagrees with the idea of passing the "popular part of the bill"? Of course people disagree; otherwise it wouldn't be just "popular" (which it isn't); it would already have become law. So which "part" is she referring to? Presumably it's the part she most wants to pass, whatever its name happens to be, right now.

But I wasn't intending to elaborate on the content of Pelosi's remarks. What's the point? There isn't any. Let's just focus on grammar. She said, "Some of the popular parts of the bill is the engine that drives . . . ." That's right: the speaker of the house can't even achieve clear subject-verb agreement, not when as many as three syllables ("of the bill") insist on cluttering up the landscape.

The union of pomposity and ineptitude is always funny, and always liberating, because it dissolves the faked legitimacy of those who want to rule by claiming a nonexistent intellectual superiority. Even funnier, on occasion, can be the union of ineptitude and folksiness.

A true folk idiom isn't inept; it's a phrase that's been polished by long years of intelligent use. "There ain't no such thing as a free lunch" is a profound thought, expressed in dynamic words. But consider a folksy saying of that would-be dictator of the American economy, Sen. Christopher Dodd, delivered as he mourned the probable loss of the healthcare legislation sponsored by his dead drinking buddy, Edward Moore Kennedy.

According to Dodd, when this legislation oozed from the Senate on Christmas Eve, 2009, he made a pilgrimage to Kennedy's grave and congratulated the shade of the departed leader. But in January 2010, with the healthcare bill apparently doomed by Scott Brown's election, he confessed that he'd be cautious about repeating his visit to the great man's plot: "I'm afraid he might pop out at me."

Picture Kennedy's corpse *popping out* of the grave. That's a vision that would turn almost anybody into a Republican.

extend a loan to someone else. And it's more than just money. Capital includes time, talent, and labor.

It took capital for doctors to amass the quantities of medical supplies they would need to treat their patients, and more capital to transport those supplies to Haiti. It took capital for rescue workers to be able to take time off from their jobs, dig through rubble for days or weeks, and still be able to pay their bills back home. It took capital for nurses to pay their tuition and learn the skills to become healthcare professionals who could save lives.

Back in the States, many people who lack the necessary skills or time to help directly with relief operations organized fundraisers to help pay for food, water, and supplies to be sent to the victims. Perhaps the most notable was "Help for Haiti Now," a star-studded entertainment extravaganza organized by George Clooney with telethon phone banks manned by some of the biggest names in Hollywood. For a hundred bucks you could talk to Julia Roberts and make a difference at the same time.

Although its organizers would probably reject the moniker vigorously, this telethon was also an example of capitalism at its best. The entertainers generously donated their time and talent, but it took capital for them to develop those talents. It also took capital to hire the studio, pay the sound engineers, install the phones, and buy the air time. It took capital to pay for transportation, hotels, and food for those working on the project. And when Clooney, Roberts, and others donated upwards of a million dollars each to the cause, that was capital too — the difference between what they earned in the capitalist system and what they needed to pay their bills.

The government did its part as well, but in many ways it was a day late and a dollar short. First it had to set up a taskforce, decide who would serve on the committee, discuss what to do and how to do it. A budget had to be proposed and approved. Personnel had to be notified and deployed. As a result, official relief efforts did not get underway for several days.

Meanwhile, voluntary capitalists of their own free will and choice were already in Haiti, using their own funds and their own skills to make a difference. Let's hear a cheer for the private, capitalist, individual. — Jo Ann Skousen

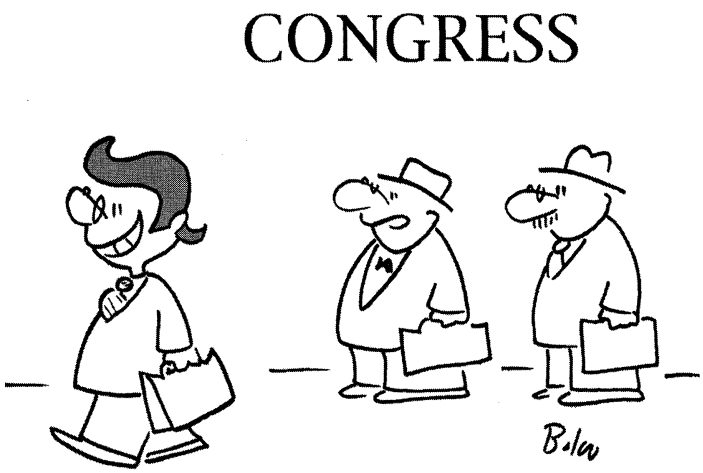

"Actually, his hair is the most genuine part of him."

Hair of the dog — The latest John Edwards sex scandal is proving what most of us should have learned after Rod Blagojevich tried to sell an Illinois Senate seat: never trust a politician with pretty hair. — Tim Slagle

Shouting fire — The details of the Intergovernmental Panel on Climate Change "global warming" fraud get worse. They seem less like reality than something from a satirical novel.

The IPCC engaged in many dubious practices in its meta-analysis of academic climate researchers' original data. Perhaps the most egregious was emphasizing a projection that a group of Himalayan glaciers would melt by the year 2035. The actual projection, made in a 1996 report by a UK scientist, was that the glaciers might melt by the year 2350; the date seems to have been transposed in a typographical error by an inattentive graduate student. The IPCC went with the graduate student's error rather than the actual data. Which were readily available.

And the IPCC engaged in some cruder tricks. Beginning in the early 1990s, it removed data from weather stations at high elevations, higher latitudes, and rural areas (all likely to report cooler temperatures) in order to gin up a "warming trend" in its published reports.

The weakness and sleaziness of these tricks explain why the IPCC and global warming "activists" shout down skeptical questions with rhetoric about "broad consensus" and "settled science." The scientific method is a way of discovering observable truths about the world around us. A scientist's data has to be reproducible; hiding data and discouraging others from questioning it is — in terms of the scientific method — unethical. Yet proponents of anthropogenic global warming and various statist responses have behaved in these ways. Their commitment to statist agendas trumps their commitment to science.

The novelist Michael Crichton (also a medical doctor) summed up the criticism of this junky rhetoric in an oft-quoted 2003 speech at Cal Tech:

> I regard consensus science as an extremely pernicious development that ought to be stopped cold in its tracks. Historically, the claim of consensus has been the first refuge of scoundrels; it is a way to avoid debate by claiming that the matter is already settled. Whenever you hear the consensus of scientists agrees on something or other, reach for your wallet, because you're being had. Let's be clear: the work of science has nothing whatever to do with consensus. Consensus is the business of politics. Science, on the contrary, requires only one investigator who happens to be right, which means that he or she has results that are verifiable by reference to the real world. In science consensus is irrelevant. What is relevant is reproducible results. The greatest scientists in history are great precisely because they broke with the consensus. There is no such thing as consensus science. If it's consensus, it isn't science. If it's science, it isn't consensus. Period.

I've never been a huge fan of Crichton's novels. But that speech (available in full at http://tinyurl.com/5gbeh4) is a great read. — Jim Walsh

Taxed out — Most of the government's receipts come from taxes. Of these, the largest source of revenue is the personal income tax. And our progressive tax system results in Americans who earn the top 50% of income paying about 97%

of income taxes. Add in compliance costs, the complexity, number, and length of the income tax forms, the redistribution of wealth by means of refundable tax credits, the abuses of the IRS, the use of the tax code for social engineering, and the intrusive nature of the whole rotten scheme — and you have a system ripe for reform.

The tax reform idea that has been around the longest is the flat tax. Under a flat tax, there are no tax brackets — every taxpayer's income is theoretically taxed at the same rate — and there are generally no deductions. First proposed by Milton Friedman in 1962, the flat tax entered the mainstream through a 1981 Wall Street Journal article by Hoover Institution economists Robert Hall and Alvin Rabushka. This article was expanded into a book called simply "The Flat Tax" (1985). A second edition was published in 1995, and an "updated revised edition" in 2007. After the Republicans gained control of Congress in the election of 1994, House Majority Leader Dick Armey (R-TX) pushed the idea of a flat tax. The man most identified with it, however, is former Republican presidential candidate (1996 and 2000) and overseer of the Forbes publishing empire Steve Forbes. His 2005 book is called "Flat Tax Revolution."

Forbes is once again in the news, touting the benefits of a flat tax. In an interview with Reason magazine he remarked that the Democrats in California are considering a flat tax because they're beginning to realize that "a highly progressive system doesn't produce the revenue they need for their progressive programs."

Although I certainly believe that our tax code is too complicated, too progressive, and too intrusive, there are two problems I have with flat tax proposals, though not necessarily with the concept of a flat tax itself.

First and foremost, the last thing the U.S. government needs is more money. It wasn't very long ago that the amount of the current deficit was the amount of the actual budget. Americans have to work past April 15 each year just to earn enough to pay their taxes. Clearly, Congress needs to cut spending drastically. Simplifying the income tax is a great idea, but not because it provides Congress with more money to spend.

Second, "flat taxes," as proposed, are still progressive taxes, demanding a higher percentage from people with higher incomes. Although Forbes calls for a flat tax of 17%, and Hall and Rabushka favor a rate of 19%, neither proposal is a true flat tax like the Medicare tax. Under either flat tax plan, no one actually pays the stated rate, and not everyone pays the same percentage, because of such things as refundable tax credits and exemptions for lower income people. Wasn't it Marx who stated that one of the conditions for a transition from a capitalist to a communist society was "a heavy progressive or graduated income tax"?

The problem with most tax reform plans is that they focus on simplifying the tax code, or on some arbitrary concept of fairness, rather than making the code less progressive. Even worse, they don't even hint at lowering Americans' overall tax burden. — Laurence M. Vance

Power play — An end-of-year report in The New York Times gives us some interesting insight into environmentalist thinking. It concerns the introduction of legislation by Sen. Dianne Feinstein (D-CA) that would permanently seal off a million acres of the Mojave Desert from solar plants and wind farms. Since Feinstein is chair of the Senate subcommittee that controls the Interior Department's budget, her wish will be its command.

Now, this is amazing. California is headed by an environmentalist governor who signed into law a requirement (passed by a very environmentalist legislature) that by 2020 one third of all electricity produced in the state must be from "renewable sources," of which solar and wind power are the most often touted. And the Mojave Desert is the best location in California for both solar plants (since the sunshine is very reliable) and wind farms (since the wind is fairly strong). Plans were made for 13 large wind farms and solar plants, which would have gone a long way toward meeting the requirements of the law.

But Feinstein, herself a *soi disant* environmentalist, has blocked those plans. She thus put herself in conflict with another environmentalist, Robert F. Kennedy, Jr., who grumbled, "This is arguably the best solar land in the world, and Sen. Feinstein shouldn't be allowed to take this land off the table without a proper and scientific environmental review."

Of course, we should note that Kennedy (like Al Gore) is heavily invested in "green" energy. The venture capital firm of which Kennedy is a partner funded a company aiming to open a solar plant in the area. For years, however, the Kennedy family has fought plans to build wind turbines off the coast of Cape Cod, since their family mansion is in that area.

Still, Kennedy has a point: if you believe that solar and wind power are the best ways to obtain electricity, why lock away the best locations to exploit them?

Feinstein's concern is that these wind farms and solar plants will be large and ugly and spoil the view from the freeway that runs across the Mojave. But this raises a key question. Why is the view from some damn freeway sacrosanct, whereas building such plants elsewhere in the state is okay? If they are too big and ugly to put in the uninhabited desert, why should we put them any place where people actually live?

Of course, one ordinary nuclear plant the size of a football field can reliably supply the electricity that solar plants and wind farms covering many square miles do unreliably. But Feinstein hates nukes, too.

All of this illustrates what is already clear: environmentalists are simply not serious about energy production. Really, most of them long for the majority of humans to live in conditions of abject poverty, and many of them long for the majority of humans to just die off. — Gary Jason

Worse than the disease — A list of proposed amendments to the U.S. Constitution popped into my email account from some conservatives I had never heard of. There was an "Unborn Child Amendment" and a "Traditional Marriage Amendment," and I didn't read those. My eye was drawn to the "Truth in the Media Amendment." It says:

> Section 1. It is the right of every citizen to receive from any and all Media sources information that is not intentionally false or intentionally misleading . . .

I am in the media. I know, of course, that this is about media bias — and media bias does exist. Mainly it is the herd

behavior of people looking at a thing from one perspective rather than another, or the choice to look at some things and not others. But the person who wrote this amendment thinks media bias is simply about lying. And he thinks that it can be policed by the government:

> Section 6. Congress shall have the power to enforce by appropriate legislation, the provisions of the Article.

Our budding Hamilton has not stopped there. He also offers a "Truth in Education Amendment," guaranteeing every American "accurate accounts of America's history," and, just in case that amendment doesn't cut the mustard, a "Constitutional History Amendment":

> It is hereby prohibited for any institution or individual to intentionally teach misleading, false or otherwise distorted accounts of America's Constitutional history.

Starting, no doubt, with the First Amendment.

— Bruce Ramsey

As stupid does — I think economists can forget about rational ignorance and rational irrationality and just focus on rational stupidity.

Pursuing intelligence has a cost. In many areas of life, there is no cost associated with saying something stupid; therefore people rationally choose to do so. — Ted Levy

Shouting fire — Candidates in the Democratic Party appear poised for defeats this November at all levels — local, state, and federal. The defeat of Democrat Martha Coakley by Republican Scott Brown in the special election to replace Edward Kennedy in Massachusetts was as consequential as it was unanticipated. Obama defeated McCain by 26 percentage points in Massachusetts. Brown defeated Coakley by 5 points. That's a turnaround of 31 points.

Significant and comprehensive healthcare change now appears unlikely. Some measure may be cobbled together that wins passage, but it will not be the package that was considered probable before Brown's victory. Neither is it likely that substantial legislation will materialize in the areas of immigration or the environment.

The economy is likely to experience a weak recovery or even double-dip recession. Unemployment will likely remain in the vicinity of 9 to 11% for the foreseeable future. Many states, including California and Michigan, will likely have unemployment of about 12% or higher for the foreseeable future.

To be clear, the world may be undergoing a historic shift of power and economic activity from the United States to China, the rest of Asia, and other parts of the formerly developing world. This is not a necessary outcome of these policies, but possible. It is for this reason so vital that current policies change.

At the state and local levels of government, contemporary liberalism has evolved into a bizarre philosophy that can be described as advocacy of public-employee-union kleptocracy. Virtually every state and local government in America is broke or in financial straits. Expansively inflated pay and benefits for government workers — particularly retirement benefits — are bankrupting states and municipalities.

If, in this environment, the Democratic Party did not sustain substantial losses, it is hard to know in what situation it would. The Republican Party should gain, almost by default, dozens of seats in the House of Representatives and perhaps half a dozen Senate seats.

A few weeks are a long time in politics. But circumstances now appear propitious for a major change of power in Washington and elsewhere this November. It may well be the case that, in retrospect, the election of a Democrat as president in 2008 was not to the party's advantage. — Lanny Ebenstein

Blowback — Two recent news reports illustrate anew the limited future of wind power. The first is an article from USA Today (Jan. 11). As it notes, wind power furnishes only 0.5% of the nation's energy. And it is highly unlikely to furnish much more than that. For one thing, as the article explores, there is NIMBY, the "not in my backyard" sentiment. Even people who profess belief in "green" sources of energy don't want to look at hundreds of acres filled with industrial windmills (very ugly ones, nothing like the charming old windmills in the Netherlands).

The USA Today story is about the long-stalled project called Cape Wind, a 130-wind-turbine project that would be placed in 25 square miles of the shallow water of Nantucket Sound. It would provide 75% of the electricity demands of the Cape Cod region, a very solidly blue (i.e., politically leftist) region. But local residents have used every legal trick in the book to block it, citing concerns about everything from fishing to the rights of Native Americans (presumably including a hitherto unknown natural right to an unobstructed ocean view). They have managed to block the project for nearly a decade.

The article suggests that the project may finally be given the go-ahead by the dithering Obama administration, but we shall see. Remember, Cape Cod is the Kennedy clan's turf.

The second article is from Ed Morrissey's blog HotAir.com (Jan. 10), which reports encouraging news from Minnesota. Several years ago, the state spent — oops! I forgot that Democrats call it "investing!" — $3.3 million on eleven wind turbines. But it has just announced a fascinating discovery: the machines don't work when it's very cold (which it often is in Minnesota).

Yes, the hydraulic fluid that is supposed to provide lubrication for the turbines freezes in cold weather, even though the manufacturer warranted that they were designed to withstand the cold. As Morrissey notes, it never seems to have occurred to the legislators of Minnesota that they should buy one turbine and test it.

The only fix is to heat the hydraulic fluid so that it won't freeze. That means that each turbine will have to be warmed by either natural gas or electricity, either of which is likely to be generated by fossil fuels. It is unclear whether the wind turbines will replace much if any fossil fuel.

What neither article mentions is the fact that wind power is much costlier than nuclear power, and even costlier than fossil fuels. Ugly, unreliable, and costly: wind power is a triple threat. — Gary Jason

Viva Las Vegas! — In a recent "town hall" meeting in New Hampshire, Barack Obama put in another dig against Las Vegas. Some Las Vegas residents, particularly the city's mayor, took umbrage at his words. That's understandable — Las Vegas has been hit especially hard by the economic down-

turn. The last thing it needs is to be kicked while it's down.

But given the country's obvious increasing disenchantment with Obama and his administration, his unfavorable sentiment about Las Vegas may work in the city's favor. Enterprising Vegas hotel, club, and restaurant owners could generate their own economic stimulus by offering Obama-disapproval specials, discounts, and packages. "Enjoy spending your money in Las Vegas, before Obama and Congress spend it for you!"

I'm sure that Liberty readers, many of whom will be in Las Vegas this July for FreedomFest, would be happy to take advantage of such discounts and specials. And if the Las Vegas tourist industry fails to come to this idea by itself, and should the mayor attend FreedomFest as he did last year, I will be sure to share this little suggestion for his city's economic recovery. I think he'll like it. — Marlaine White

Government cloaca — Discussion of bipartisanship always puts me in mind of sewage and the Grand River in west Michigan.

For many years, storm water drain pipes in Grand Rapids were routed through the city's sewage treatment plant, and every time it rained heavily millions of gallons of sewage would overflow into the Grand River. A few hours later, the good burghers of Ottawa County, 30 miles downstream, surveyed floating bits of red, white, and blue, mostly toilet paper and candy flavored condoms.

The Democratic politicians in Grand Rapids had long since spent all of the city's money hiring an extra thousand of their supporters whom private industry would not hire, so they couldn't pay to fix the problem. The Republicans in Ottawa County were especially infuriated when it was proposed that they should spend their money to fix the problems of their upstream tormentor. During really heavy rains, the problem still occurs.

Here bipartisanship provides a solution. The Democrats in Grand Rapids should pass a law forbidding the flushing of toilets during rain storms. And the politicians in Grand Haven should convince their citizens that the floating red, white, and blue in the river are post-it notes warning against swimming. — Erwin Haas

Looking up — In a speech, President Obama mentioned that fewer people lost their jobs last month than in any month since 2008. He also predicts that once everybody in America is out of work, there will be no further job losses. — Tim Slagle

Keep it simple — The nation is experiencing a rare moment of political vacuum. Scott Brown's election in Massachusetts has killed the healthcare monstrosity that was barreling toward passage. Pelosi, Reid, and Obama are in a state of shock and momentary uncertainty. But it won't last long.

Republicans and their free-market allies should step into the breach with a simple, easy-to-understand healthcare plan that not only embarrasses the Democrats but actually offers a way to increase Americans' freedom of choice.

But where is the plan?

The one proposed by Tom Coburn and other Republicans in Congress is the cowering offspring of the era just past. Better to look for something from Heritage and Cato. But mostly I see principles and approaches, not plans. "Health insurance should be personal and portable . . . we also need to rethink medical licensing laws to encourage greater competition among providers," says Cato.

And Heritage: "The cornerstone of any serious health care reform proposal must address the tax treatment of health insurance. . . . Congress should embrace a federal-state partnership that would preserve diversity . . ."

Rethink, address, embrace. But what we need is a series of clear, discrete proposals that can be adopted, or at least debated, one by one.

The best I have seen is the list offered by Whole Foods' John Mackey in The Wall Street Journal (Aug. 11, 2009). He recommends removing legal obstacles to health savings accounts, equalizing tax treatment of individual and employer-supplied health insurance, letting insurance companies compete across state lines, and repealing government mandates on insurance coverage. He has some additional ideas that are less transparent and more debatable, such as tort reform.

But this is enough to get started with. Try a few out. Any of them would be an improvement. Judging by the election and the Tea Party movement, Americans are ready to push for more freedom — but the message has to be clear and the program easy to grasp. Let's go! — Jane S. Shaw

Oncoming train — With the Obama gang set for a 2010 deficit of $1.6 trillion, the public has become accustomed to seeing the usual corrupt losers — Fannie Mae, Freddie Mac, GM, Chrysler, and the like — sucking the taxpayer's tit for all its worth. But there are two more massive bailouts looming that have so far escaped public notice.

The first is pointed out by Allan Sloan on CNNMoney.com (Feb. 4). He notes that the Social Security system this year will be paying out in benefits more than it collects in taxes. This has not been announced by the Social Security Administration because the negative cash flow is hidden by an accounting gimmick.

As Sloan found when he looked at the actual numbers in the updated budget, just put out by the CBO, there appears a modest Social Security surplus of $92 billion. But Social Security gets that figure by adding in $120 billion "interest

"You can get into enough trouble just in Geneva — no way you're going to a summit conference in *Las Vegas*!"

income" from its so-called "trust fund." That fund is an accounting fiction; it is just the accumulated amount of past surpluses that the government spent for various things. So the interest is just an accounting gimmick, too: it is money that the government will have to pay out to cover ongoing Social Security outlays.

In short, Social Security is facing a deficit of $28 billion, going negative much earlier than officially predicted. This is the first time there has been a deficit since the early 1980s, when Congress was forced to lower benefits and raise both eligibility ages and payroll taxes.

Looking at the CBO estimates, Sloan notes that the deficit will shrink to almost break-even (unless the economy dips into recession again) during the next few years, before it really starts to grow because of the mass retirement of the baby boomers.

He concludes, "This year's Social Security cash shortfall is a watershed event. Until this year, Social Security was a problem for the future. Now it's a problem for the present."

We turn next to a little-discussed federal agency that (like Freddy Mac and Fannie Mae) was set up by the government to facilitate home purchases: the Federal Housing Administration. As an article in The Wall Street Journal (Jan. 19) details, the FHA is headed down the same sewer that Freddie and Fannie disappeared into.

The FHA was set up in 1934 to help first-time home buyers. While it doesn't give loans or buy them, it backs them up; it insures them against default, and charges the lending companies a fee.

For many years, it represented a small part of the housing market, hitting a low of 2% in 2006. Then the subprime mortgage meltdown hit, and in the face of plummeting housing values and a dry credit market, politicians started putting the screws to the agency to loosen its standards. The agency quickly complied.

The FHA started to refinance high-risk borrowers, putting them in fixed-rate mortgages. In 2008, Congress "temporarily" allowed the maximum loan amount the FHA could guarantee to rise from $362,790 to an astonishing $729,750 — over double! The main driving force behind this increase is the same buffoon, Rep. Barney Frank (D-MA), who shielded Freddie and Fannie from any scrutiny until they exploded. (He actually pushed for the limit to be $800,000!)

Understand, the FHA only requires a laughable 3.5% down to begin with. But it started allowing "nonprofit groups" (funded by homebuilders, among others) to give the down payments to borrowers who couldn't even manage that 3.5%.

The resulting growth was predictable. By the third quarter of 2008, the FHA was insuring 25% of all mortgages. In the areas most affected by the housing slump, it is insuring half of all new loans. It now explicitly backs — with taxpayer money — over $685 billion in loans, many written under the dicey new standards.

Also predictable was the looming tidal wave of bad loans that the FHA will have to cover. At the 30 biggest FHA backed lenders, 12% of the loans are already in default only two years after being written; that's double the national rate. And an independent audit shows that the agency is rapidly nearing the point at which it won't have enough cash reserves to cover its losses. The FHA says it has enough reserves to cover losses, but not if housing prices take another tumble.

People in the housing industry see what's happening quite clearly. One industry consultant told a congressional panel, "FHA is, at best, running on empty, and probably is facing a negative capital situation." Robert Toll, CEO of the huge development firm Toll Brothers, Inc., was blunter: he described the FHA as "a definite train wreck," saying that it will be the next subprime mess.

The recently appointed head of the FHA, David Stevens, was outraged at Toll's remarks, calling them "ludicrous." But one has a right to be skeptical. Stevens' position in the industry is that of the biggest seller of adjustable rate mortgages for World Savings back in the 1980s, before moving on to hold a top job at — Freddie Mac! — Gary Jason

Deaf and dumb — When Air America announced its plans to shut down operations, most people were shocked, as they didn't realize Air America was still broadcasting. The network that opened in 2004 with great fanfare closed its doors in 2010 with a whimper.

Air America was a great example of why leftists prefer working in the government and at nonprofit corporations. Whether by design or ineptitude, most on the Left are opposed to turning a profit.

Those of us on the supply side know that a successful business plan starts with creating a product that customers will enjoy. Instead, Air America's crew forced themselves on the market. They took over radio stations — many of them foreign language stations serving minority listeners in urban areas — the same people that leftists claim to represent.

And like all totalitarians, they assumed once they had the stations that people would have to listen. They didn't focus on programming, they just shoved their message out onto the airwaves for anyone who might care to listen. As you can imagine, few people did.

When that plan failed, they actually took money from a Boys Club to continue paying Al Franken's exorbitant salary. When that failed, they started asking listeners to send them money. Absent a government payout, the network was competing with NPR for money, on an unlevel playing field, and the network ceased broadcasting on January 21.

I'm beginning to think that leftists hate corporations for the same reason that fat girls think all the pretty ones are anorexic. People of lesser spirits always come to loathe what they can never attain. — Tim Slagle

Your papers, please — The legislature in South Carolina has passed a "Subversive Activities Registration Act," the upshot of which is that any "member of a subversive organization . . . who advocates, teaches, advises or practices the duty, necessity or propriety of controlling, conducting, seizing or overthrowing the government of the United States . . . shall register with the Secretary of State on the forms and at the times prescribed by him." And there is a form! Remarkably short by government standards, it requires only your name and address, the name of your subversive organization, a statement of your beliefs, and the names and locations of any fellow conspirators. The form is to be sent in duplicate, accompanied by a $5 processing fee, to the SC Secretary of State's office. Failure to file the form is punishable by fines of up to $25,000 and ten years in prison.

Now while this is on its face silly, it is a logical outgrowth of a variety of state and federal legislation designed at evading the constitutional prohibition against double jeopardy. Any number of states have laws on the books requiring drug dealers to declare their illicit income (a holdover from Prohibition), or to preemptively buy "stamps" to place on their products certifying the drugs as properly taxed.

The expectation, obviously, is not that any dealers or terrorists will work through the state-approved channels, but that when they are caught, the penalties for tax evasion or failure to file will be added onto whatever fines or prison terms the criminal justice system prescribes — in essence, trying the accused first in court, and then in the hell of bureaucracy, where guilt is presumed and the verdict almost always predetermined.

More worrying here, though, is the vagueness of the statute and its potential chilling of speech. Certainly it is aimed at Islamic or other religious extremist terrorists, but what about secessionists, or militia members? Could a political blogger get rung up for making an off-hand remark about overthrowing the government in Columbia? Clarification is in order, but I'm not holding my breath for any: laws such at this are written to blur the boundary between legal and illegal. The more obscure they get, and the more expansive, the better the chances that you're a criminal, and can be put away whenever the state decides. — Andrew Ferguson

Hysteria and recall — Toyota is in the midst of a huge recall, aimed at correcting an accelerator pedal defect. So far, there has been a total of 2,000 complaints of accelerator pedals sticking out of 20 million Toyotas on the road. Now, I don't want to trivialize the problem; four people died in an accident apparently caused by the defective pedal. And Toyota is a large Japanese company, meaning that it is the quintessence of hierarchical bureaucracy. So it took a while for it to come to grips with the problem.

But the reaction among American politicians has been nothing short of hysterical. For instance, Ray LaHood, Obama's Transportation Secretary, testified before a congressional committee that Toyota owners should stop driving their vehicles at once. And members of Congress started baying for legislative hearings to commence.

This hysteria is as unwarranted as it is predictable.

It is unwarranted, first, because Toyota has had a long and distinguished history of producing vehicles that are ever-higher in quality. Compared with the large number of recalls faced by GM and Chrysler in particular, Toyota's record is quite strong. Second, Toyota owned up to the problem (with the CEO Akiyo Toyoda offering his apologies on TV), found a fix, stopped selling new cars until they were retrofitted, and is busily retrofitting the cars already on the road. Finally, Toyota has gone out of its way to be respectful to the United States, its major customer center. For example, the company has built plants here, including, it would seem, the one that made the defective part.

But the hysteria is perfectly predictable. Two of Toyota's main competitors, GM and Chrysler, are owned by the federal government and the United Auto Workers (UAW). And the UAW clearly owns the federal government.

The federal government will likely use this opportunity to try to destroy a competitor to its own socialist industry. All the competitors to GM and Chrysler — Honda, Toyota, Ford, Nissan, Porsche, and so on — face a nasty situation: the entity that is supposed to be their regulator is also now their biggest competitor. — Gary Jason

Stuck with the tab — In high school our honor society took educational trips to the San Francisco Bay area. We visited universities and went to museums. One year about a dozen of us went to dinner at a famous and relatively expensive restaurant. When the time came to pay the check (we didn't realize we could have asked for separate checks), we found that none of us had figured in tips, tax or beverages, so we came up seriously short. We started passing an emptied bread basket around and around the table trying to raise enough money. As the passing became more desperate, my friend Bruce predicted, "We are going to have to do dishes all night!"

Our buddy Mary wisely suggested that to solve the problem, we ought to get individual checks — next time. So far, so good. But now imagine if Mary had said, "I have a great solution. Anyone who promises to pay for his own check next year doesn't have to put any more money into the basket now." If she had said such a dumb thing we would have stuck her with the bill and walked out, and rightly so. Her "solution" would have made matters worse. But Mary wouldn't have said such a thing, because she was smart. She would never have confused a strategy for avoiding a problem in the future with a solution to an immediate crisis.

There is a similar crisis on the national level. Social Security and Medicare for us baby boomers are going to cost more than the United States is collecting in FICA taxes. We won't have enough money to pay the bill. Yet libertarians continually argue, and President Bush went along with it, for a "solution" that is exactly like that hypothetical solution to the problem of the restaurant tab. We go out and say, "Let's solve the entitlement funding crisis by letting people opt out of Social Security and Medicare taxes and put their money into their own retirement savings."

Of course, letting people provide for their own retirement and medical insurance could have *prevented* the problem if we had started doing it 50 or 60 years ago. But for the past 30 years or so we've been solving the entitlement funding problem by bringing *more* people into the system so we will have enough income to pay the bills. Every person we now allow to opt out of the paying-in part of the system will make the problem worse. That should be obvious to everyone. The more we rant and rave about the huge unfunded mandates we face in the coming decades, the stupider our "solution" sounds to the average person.

Solving the entitlement funding crisis is very much like solving the problem of too much personal debt. When people have been spending more than they are taking in they have to cut back on their spending and live within their means. That's hard, and no one likes doing it. But then they realize that to solve their problems, they have to cut back even further, in order to start paying off their debt. That's a double dose of hard news, but it is unavoidable.

We should begin with a campaign of truth-telling. Social Security is *not* an account that you build up by working. Your

Social Security account is pure fiction. Social Security is simply welfare — taking money out of the paychecks of today's workers and giving it to older people. Once the reality is understood, we can begin promoting strategies to lower the burden on workers, such as means testing or delaying retirement to older ages, that would cut the costs of the Social Security and Medicare programs and get the funding into the black. Then we should offer further cuts to enable us to begin allowing the youngest earners to opt out of the program. The more we can cut costs, the more young people won't be trapped into dependency by putting their money into the Social Security and Medicare system.

What better reason to get us baby boomers to accept means testing and delays in Social Security entitlement, than to enable our grandchildren to be free of the burden of supporting us? I would gladly work a few years longer and postpone my Social Security entitlement if I thought it would let my grandchildren put 12.4% of their salary into their own retirement. — Don Crawford

Chile and Chi-town — Ryan Streeter, on the Enterprise Blog (Jan. 12), makes an interesting observation. On January 11, an amazing event occurred, and went completely unnoticed in the mainstream media. Chile was admitted to the Organization for Economic Cooperation and Development (OECD). The OECD is an exclusive club of the world's 30 most developed economies, and Chile is the first Latin American country to be accepted.

Chile owes its success to a group of economists who were all trained by Milton Friedman at the University of Chicago. These economists, dubbed "The Chicago Boys," worked in the 1970s and '80s to help Chile recover from many decades of statist economics, a statist history culminating in the short but disastrous reign of the Marxist Salvador Allende.

The Chicago Boys privatized the bankrupt social security system, dramatically lowered trade barriers, and deregulated and depoliticized the economic system. This they were able to do because the military dictator Augusto Pinochet (who ousted Allende) allowed them free rein to deal with the economic disaster wrought by Allende. Because they worked under the Pinochet government, they were pilloried as collaborators with a dictatorship.

But the result of their policies was a burst of economic freedom and consequent prosperity. Chile is the highest rated large Latin American country on the "prosperity index" put out by the Legatum Institute. It is also ranked at the highest level on the index of civil and political liberties put out by Freedom House.

In the decades since Pinochet surrendered power, Chile has been governed by center-left governments, in lingering response to the harsh Pinochet regime. But Chile has kept its fundamental economic reforms in place, and has received its just rewards.

Perhaps this helps to explain the surprising victory of Sebastián Piñera in Chile's presidential race in January. Piñera, a center-rightist, is a highly successful economist and entrepreneur — indeed, a billionaire investor. He was an award-winning student as an undergraduate, and got his Ph.D. in economics from Harvard. He became a professor of economics at the top Chilean universities. He made his money in shrewd investments, including television and airlines.

What accounts for Chile's shift to the political right? In recent years, the economy has slowed, and Piñera favored removing regulations that stifle small business, and reshaping capital markets to enable businesses to get funding more easily. It didn't hurt that Piñera's older brother, José, successfully privatized the social security system in 1981, becoming the most famous Chicago Boy of all.

It appears that there is some measure of appreciation for the Chicago Boys in Chile today. — Gary Jason

Word hoard — What is it with Democrats, and the privilege of language that they assume? They say things that would never be allowed if uttered by an opponent. Chief of Staff Rahm Emanuel called progressive Democrats "retarded." All over the nation, retarded Americans were insulted by the comparison.

This isn't the first time the Democrats have insulted the mentally challenged. Remember, Barack Obama compared his bowling to the "Special Olympics" and Al Gore called Oliver North supporters "the extra-chromosome Right."

Meanwhile Harry Reid continues to receive little criticism for mentioning Barack Obama's "Negro" dialect. He was however corrected by Vice President Joe Biden, who pointed out that the politically correct term is "clean and articulate." — Tim Slagle

Union label — The Wall Street Journal recently uncovered a sneaky, unannounced reward for Big Labor provided by Comrade Obama, ever the unions' tool.

The National Mediation Board is the agency that oversees labor relations for the airline and railroad companies. It has three appointees, two made by Obama, one by Bush. One of the Obama appointees (Harry Hoglander) is a past president of a pilots' union; the other (Linda Puchala) is a past president of a flight attendants' union. So you can guess how neutral these union apparatchiks are. Can you spell "regulatory capture," boys and girls?

Recently, the AFL-CIO requested that the board adopt a new standard for unions trying to get certification in employee elections. For the past 75 years, a union had to get a majority of the workers in a given company to vote for a union before it could be certified as representing the company's workers. To the contrary, said the AFL-CIO, unions should be certified if they get only the majority of the votes *cast*, even if (say) only 2% of the workers bother to vote. The idea is to game the system to make unionization of companies a breeze.

The Journal piece didn't mention it, but the buzz on the internet was that the AFL-CIO was animated by the desire to deal with Delta's acquisition of Northwest Airlines — Northwest being unionized, Delta nonunionized.

The Obama appointees immediately complied, over the objection of the Bush appointee (Liz Dougherty). They immediately wrote up the new rule behind closed doors, and published it in the Federal Register, with no notice given or feedback invited, natch. Two months now having gone by, they can inflict the rule on the businesses unfortunately subject to their power.

Score another victory for Big Labor, and another screwing of the American consumer. — Gary Jason

A Libertarian Among the Republicans

by Bruce Ramsey

Gary Johnson holds many positions in common with libertarian voters — but can he get elected?

I am in a group phone interview with Gary Johnson, the former construction-company owner and libertarian-leaning Republican who was governor of New Mexico for two terms, from 1995 to 2003. Under the banner "You Say You Want a Revolution?" Johnson has set up the web page, OurAmericaInitiative.com, to test the waters and raise money. Under IRS rule 501(c)(4), he says, "I cannot comment on my desire to run for any federal office," but it is understood that we are talking of a possible run for president in 2012 on the Republican ticket.

In 2008, Johnson supported Rep. Ron Paul, the libertarian Republican from Texas — a commitment few prominent Republicans dared to make. Johnson is like Paul in many of the positions he takes, but he is less socially conservative. Johnson hails from a less conservative place than the Texas coast: New Mexico voter registrations are 2-to-1 Democrat. And Johnson was a state governor, a position much less suited to the lone dissenter role that Paul plays as one among 435 Representatives.

Johnson has the advantage of being 18 years younger than Paul. He will turn 59 in 2012; Paul will turn 77, and if he runs again for president, it will be for a term that will end when he is 81. Johnson's political positions also make him less obviously unelectable than Paul.

In this group phone interview, which has been set up by the Republican Liberty Caucus, several of the interviewers are libertarians trying to gauge how hardcore Johnson is. He is careful, sometimes saying he "understands" a certain view without saying he agrees with it, or that he would sign a bill on a certain issue if Congress sent it to him, without saying he would push that view.

His reminder that a president is the leader of only one branch of government is a way of saying to his base: *be realistic*. If he is to be a serious candidate he can't be *too* radical.

Johnson is most known for one idea, his advocacy of legalizing marijuana. It was a radical idea when he offered it a decade ago, and if it is closer to realization now — my city, Seattle, has stopped prosecuting for marijuana possession — it is still *pretty* radical. In our interview Johnson does not step away from this. He immediately adds that he's not for any leniency toward people who do anything harmful to

others while stoned, but that if they are adults and just want to smoke it, the government should leave them alone. Marijuana, he says, is "the only drug I'm advocating legalizing." For the others, he is for "harm reduction strategies," meaning they would remain illegal, but use would be treated as "a health problem" rather than a crime problem.

This is not as hardcore as many libertarians would like, but within the Republican Party it is a bold position, so bold that he will have to work to establish his bona fides with many Republicans. His major theme will be a much safer one: to "stop the spending."

"The bottom line is, Republicans are penny pinchers," he says, talking about Republican *voters*, if not the crew they elected under George W. Bush. Republican voters, he says, "really care about spending. They really care about smaller government." Johnson promises to be different from the Bush Republicans, and he has a record to back it up. In eight years as governor of New Mexico he vetoed 750 bills and excised a great deal of spending by using the line-item veto. Listen to his critics: they slam him for being cheap, never for bloating the government.

Even President Obama now admits that spending needs an application of brakes, so there is little risk in criticizing spending. But with money, what matters is *how much*. And you get an idea of a candidate's seriousness by asking about other things the government does.

On spending, Johnson is a serious guy. When asked about two of the most expensive federal programs, Medicare and Medicaid, he says, "The federal government should just get out, and return it to the states."

"Return it to the states" can be either a strategy for radical change, as in Johnson's comment on Medicare and Medicaid, or a formula for conservative politicians to paper over a split in their base, or both. Abortion, for example. Ron Paul thinks abortion is murder. He has talked about overturning *Roe* v. *Wade* — which legalized abortion for the whole country — so that individual states can ban abortion if they wish. That is a strategy for radical change, and also a concession to voters in states like mine, which are pro-abortion.

"I understand," says Johnson, "that since 1913 the Federal Reserve has reduced the dollar to a nickel, and I fully expect it to take it to a penny."

Johnson says he is for the right of abortion "to the point of viability," and then against it. But he also says this is a matter for each state to decide. This sounds to me more like papering over a crack.

A questioner asked Johnson whether he was for overturning *Roe* v. *Wade*. The clear implication of his position is that he is. If the abortion question is to revert to the states, *Roe* v. *Wade* falls. But in American politics if you say you want to overturn it, you are labeled as "against abortion rights," and Johnson doesn't want that label.

The president's power over that issue lies in appointing justices to the Supreme Court. Johnson says he favors judges who follow original intent. In conservative land, that is code for "overturn *Roe*" (and a reminder that the president cannot do it alone). But the questioner is not satisfied with code. He asks the question again.

Johnson replies with a classic paper-over-the-crack answer: "If you believe the original intent was to outlaw abortion, then my appointment to the Court should end up doing that."

Which is code for saying, *don't push me on this*.

Johnson says he is against gay marriage but for gay civil unions, which legally amount to the same thing but avoid that electric word, "marriage." A questioner asks whether he would repeal the military's "don't ask, don't tell" policy on gays, and he says, "Yes. I support this being more open."

On immigration, Johnson takes a softer line than Paul, who wants to end citizenship for babies of illegal parents and supported construction of a border fence. Johnson says he is generally pro-immigration. In New Mexico, he says, immigrants "are an asset." He doesn't come out for free immigration, which some libertarians support — and which would destroy his chances in the Republican Party.

Foreign policy is another area in which Johnson defines himself carefully. He says, "I don't think our security is threatened in Iraq or Afghanistan." He says he would bring U.S. soldiers home.

Several questioners push for more specifics. Eric Carter in Los Angeles wants to know, regarding nuclear weapons in Iran, whether Johnson would use a military strike as a last resort.

"As a last resort, yes," he says.

Stephen Bone of Decatur, Illinois, asks whether this means that Johnson supports preemptive war. "No, absolutely no," Johnson says. "I'm not for a notion of first strike."

An American in Nigeria asks whether Johnson accepts military interventions. "I need to be convinced that we should be intervening anywhere," Johnson says. "I come at it skeptically."

Carter jumps in again. What are Johnson's "general thoughts regarding nuclear proliferation?" Is bombing Iran acceptable as a last resort?

"If the U.S. is going to be *attacked* with nuclear weapons — this is the example I thought you were offering," Johnson says. "Yeah, then we need to act."

What if they just *have* the weapons?

Johnson points out that Pakistan, India, and North Korea have the weapons, implying that possession is not enough to justify a strike. He says: "I am not going to shy away at all from responsibility for protecting the country. But we don't want to be an interventionist, imperialistic country."

He is asked about the U.S. commitment to Israel — another bullet in Republican politics. He dodges it. "I understand our support of Israel," he says. He turns it into a question about foreign aid generally, which he says "needs to be examined, given that we're paying for all this with money we don't have."

He talks about several free-market issues and is in favor of more market forces in medicine, joking about the prospect of

continued on page 37

Battle of the Books

by Jim Walsh

When an author meets an author, comin' through the rye.

Jerome David ("J.D.") Salinger wrote what may be the most influential American novel of the 20th century, "The Catcher in the Rye" (1951). "Catcher" is also Salinger's *only* novel. He's better known for the gemlike short stories he published in The New Yorker during its literary heyday.

It's tempting to use the past tense when writing about Salinger's work. But he's still alive.* At 90 years old, he remains a singular character in American letters. He hasn't published anything since the 1960s; and, perhaps more notably, he has pursued a life of what might be called aggressive reclusiveness — living in rural New Hampshire, refusing interview requests, rejecting overtures from film and television producers, suing anyone he believes has infringed his copyrights, and meeting visitors to his farm with shotgun in hand.

Salinger's latest legal action is a suit to stop publication in North America of a novel called "Sixty Years Later." This new book, written by Fredrik Colting, a Swedish publisher of books on popular culture, is an "examination of the relationship between J.D. Salinger and his most famous character," Holden Caulfield, the narrator and antihero of "Catcher in the Rye." Using familiar elements of metafiction and postmodern literary criticism, "Sixty Years Later" tells how Caulfield, now in his late 70s, escapes from a nursing home to confront Salinger. The new book reiterates some of the dramatic structure of Salinger's novel but adds a fictional version of Salinger, whom it portrays as a brooding obsessive who wants to kill the elderly Caulfield: "I made him once. I cast him in my own blood. In a way he is my son, my property. I won't mourn him when he's gone. . . . I intend to be fast and swift. My time is running out, and I will leave nothing to chance."

Salinger's lawyers call Colting's book "a rip-off pure and simple." Colting's lawyers insist that it's a work of parody and irreverent literary criticism and therefore constitutes a fair use of Salinger's work. Salinger won the first round of the legal fight. A federal judge in New York ruled in his favor and banned publication of "Sixty Years Later." Colting's lawyers are determined to appeal the case. The dispute may proceed all the way to the Supreme Court. Along the way, it may redefine some elements of the bizarre legal contraption that has become U.S. copyright law.

* See the epilogue (page 38).

Aaron Silverman runs SCB Distributors from a large warehouse in the smoggy suburbs south of Los Angeles. SCB distributes books in the United States for Nicotext, Fredrik Colting's Swedish publishing company. Most of Nicotext's titles are snarky treatments of celebrities and popular culture — fluffy, but witty and well-produced. Colting, who's in his 30s but comes off as ten years younger, seems every bit the university-bred pop culture and pop art enthusiast. He blends bits and pieces of culture into new, postmodern works of art. Nicotext's mission statement reflects these enthusiasms: "While thumbing our collective nose at the literati, we have found our niche amongst the useless, the trivial and the potentially offensive."

In the shrinking world of bookselling, SCB has been a growing force. It handles a diverse list of art books and other quirky fare. Nicotext's titles fit well in the mix. (Disclosure: SCB also distributes most of my books — which are *not* art titles — and Silverman has been a personal friend for more than a decade.) While not obviously political in any party sense, Silverman has a businessman's preference for clarity and logic. And he's a hunter. He's worked in the publishing industry in various capacities since he got out of college some 30 years ago; he knows the practical details of the business and always has an eye out for promising projects.

About two years ago, Colting told Silverman that he'd published his own first novel, "Sixty Years Later." Colting was already selling the book in Sweden and the UK under the pseudonym "John David California." He wanted to know whether Silverman thought the book might work in the United States. Silverman asked for a copy; he read it and asked his wife to read it, for a second opinion. They both thought it was brilliant. Silverman met with Colting at the London International Book Fair and agreed to give "Sixty Years Later" a big launch in the United States. While technically Colting's distributor, Silverman and SCB would be acting, effectively, as publisher, since the author planned to remain in Sweden.

Silverman started seeding publicity for the book at the London Fair. Getting interest in the project wasn't difficult.

Media people were interested in anything related to Holden Caulfield. It was about this time that Salinger's attorneys in New York got wind of the new book.

The sales cycle in book publishing turns slowly. Late in 2008, Silverman announced "Sixty Years Later" to SCB's sales representatives and made preparations for a spring 2009 publication date. Last April, he was served notice at his warehouse office that he was being sued. The law firm was Davis Wright Tremaine out of New York; the plaintiffs were J.D. Salinger and the J.D. Salinger Literary Trust.

Salinger has developed a reputation for litigiousness that rivals his reputation as an author. Upon learning in 1986 that the British writer Ian Hamilton intended to publish a biography that included letters Salinger had written to various friends (the friends had given Hamilton permission to use the letters), Salinger sued to stop the book's publication. A New York court ruled that Hamilton's extensive quotations and paraphrases from the letters went beyond the limits of fair use and that "the author of letters is entitled to a copyright in the letters, as with any other work of literary authorship."

Hamilton's book was eventually published, with the letters lightly paraphrased and alluded to. It was pretty thin stuff. But one consequence of the lawsuit was that some details of Salinger's private life, including the news that he had spent 20 years writing a novel he didn't intend to publish, became public. A few excerpts from the disputed letters also became public — most famously, an imaginary scene in the life of Oona O'Neill, whom he had once dated, and her husband Charlie Chaplin: "I can see them at home evenings. Chaplin squatting grey and nude, atop his chiffonier, swinging his thyroid around his head by his bamboo cane, like a dead rat. Oona in an aquamarine gown, applauding madly from the bathroom."

In 1998, the writer and cultural oddity Joyce Maynard released a wide-ranging memoir of her own life. What interested others was principally the affair that she had had with Salinger, 25 years before. Familiar with the outcome of the Hamilton case, Maynard was coy about the letters that Salinger had written her. She implied that she would include them . . . but remained vague about how much of them. She wanted to avoid a lawsuit from Salinger that would prevent *her* book from being published.

Maynard has built a minor literary career on multiple memoirs and egocentric journalism. It's curious that Salinger, so protective of his privacy, got involved with a fundamentally indiscreet woman.

In the end, Maynard didn't publish the complete texts of Salinger's old mash notes. But her book did include personal details, such as the practically obligatory ones about sex. More relevant to Salinger's notion of creative control; she remembered him telling her, "When they start in on your characters — and they do — it's murder." This passage may have given Fredrik Colting the idea of his "Salinger" trying to murder the elderly version of Holden Caulfield.

While Maynard didn't publish Salinger's love letters, she did come up with a cagey way of using them. The letters themselves, the physical *things*, belonged to her. So, in a move designed to help the promotion of her book, she put 25 of the letters up for auction. Software magnate Peter Norton bought them and announced his intention to return them to Salinger.

Of the matter, Norton said: "I share the widely expressed opinion that the work should be bought by someone sympathetic to Mr. Salinger's desire for privacy."

This is an interesting point. What Salinger appears to seek in his aggressive use of copyright law is really something different from the "Science and useful Arts" that the Constitution describes. It's privacy, which readers of Liberty (and careful readers of the Constitution) know is a much subtler proposition. His lawyers would later use privacy as a foundation of their notion of copyright: "There are three underpinnings of the copyright law. There is to foster the creation of works, there is to provide economic incentives for authors, and there is the right to privacy. The right to privacy rests in the right of first publication and it rests in the right to control derivatives."

One consequence of the lawsuit was that details of Salinger's private life, including the news that he had spent 20 years writing a novel he didn't intend to publish, became public.

This is an interesting theoretical argument, but it's not one that holds up well to practical application. Or rigorous legal analysis. Lawyers and judges like to link privacy to such abstruse legal concepts as "penumbras" and "underpinnings," but such shady foundations don't support the conclusion reached consistently by American courts: copyright law can't be manipulated into a tool for making privacy claims. The 1988 district court decision *New Era Publications* v. *Henry Holt & Co.* made this point plainly: "It is universally recognized . . . that the protection of privacy is not the function of our copyright law."

When word got out that Colting, Silverman, and SCB had been sued by Salinger, intellectual property lawyers from all parts of the country called, offering to mount a defense. Silverman ultimately made an entrepreneurial deal with Edward Rosenthal of the New York law firm Frankfurt Kurnit Klein & Selz. In exchange for a much-reduced retainer and a percentage of any future sales of "Sixty Years Later," Frankfurt Kurnit agreed to press the book's case all the way to the Supreme Court, if necessary.

Rosenthal and his firm are well-known in the intellectual property bar. They defended the author and publisher of "The Wind Done Gone," a book that ingeniously retold the story of "Gone with the Wind" from the perspective of a slave. The heirs of Margaret Mitchell sued to block publication of that book. Rosenthal helped defeat their arguments and see the book into print.

Most IP lawyers — like most lawyers of any specialty — spend the bulk of their days reviewing transactions and trudging through contracts. They look forward to cases that involve live issues. *Salinger* v. *Colting et al.* involved live issues.

The trial was set for June 17, 2009. With Colting remaining in Sweden, Silverman and his wife flew to New York so they could be in the courtroom to watch the proceedings firsthand. If their side prevailed, "Sixty Years Later" would go into print immediately; if it didn't, it would join "Ulysses" and "Tropic of Cancer" on the list of books that have been banned in the United States.

On the morning of the 17th, the lawyers took their places in the federal courthouse in Manhattan. (Salinger, following his standard practice, didn't attend.) Rosenthal represented Colting, Silverman, and "Sixty Years Later." Marcia Paul of David Wright Tremaine represented Salinger. There was no jury; a judge would decide the case. That judge was Deborah A. Batts, a Clinton appointee, a Harvard Law School graduate, and — according to a biography published on the website of the National Black Justice Coalition — "the first openly lesbian African-American federal judge."

Silverman hoped that Batts would be sympathetic to a scrappy, small press' case against a literary giant. Indeed, one of the theories offered in defense of affirmative action programs is that outsiders (say, black lesbians who get through Harvard Law) given access to society's citadels of power will bring fresh perspectives and heterodox beliefs to staid institutions. The truth, however, is more often the opposite: the outsiders often become the most orthodox and narrow-minded purveyors of institutional pabulum. And that pretty well describes the legal reasoning that Deborah Batts would use.

Salinger's lawyers made two separate claims for copyright infringement: one of the book "The Catcher in the Rye" and another of the character Holden Caulfield. Colting's lawyers acknowledged a legitimate copyright claim in the book, but doubted that the character qualified. To this doubt, Salinger's lawyers replied: "We go back to Judge Hand in the *Sheldon* case, back in the '40s, saying that a fully delineated character can be protected under copyright law. . . . despite the fact that [Colting's lawyers] admit he is an iconic character, despite the fact that their fair use depends upon Mr. Holden Caulfield existing *qua* Holden Caulfield, they argue that he is not sufficiently delineated to be entitled to copyright protection."

One defense of affirmative action is that outsiders given access to society's citadels of power will bring fresh perspectives to staid institutions. The truth is more often the opposite.

This argument brought up an important point, though perhaps not the one intended. Copyright lawyers still cling to precedent decisions from 70 years ago (attorney Paul was wrong about the date of the *Sheldon* decision; it was from 1936) to discuss intellectual property issues today.

Learned Hand was a genuine, profound thinker. Knowledgeable people say he was the smartest American judge who never made it to the Supreme Court. (Robert Bork and Richard Posner may disagree.) He was certainly one of the best writers ever to sit on a court bench in this country. His decisions are coherent, intellectually dense, and literary without being flashy. His often-cited decision in *Sheldon* v.

Metro-Goldwyn Pictures dealt with a movie based on a popular play, which was itself based on a novel taken from actual events. The movie producers (including the esteemed Irving Thalberg) didn't pay Sheldon, the playwright, because they argued that no one could copyright the facts of the story. The trial court agreed with the movie people.

In his appeals decision, Hand ably retells the various versions of the story. He also coins a not-as-good-as-it-is-famous metaphor about a lesser poet inadvertently rewriting John Keats's "Ode on a Grecian Urn." These days, the Keats reference gets most of the attention from lawyers desperate to seem literary; but there's better writing in other parts of the decision:

> Speech is only a small part of a dramatist's means of expression; he draws on all the arts and compounds his play from words and gestures and scenery and costume and from the very looks of the actors themselves. . . . [A] nod, a movement of the hand, a pause, may tell the audience more than words could tell. . . . True, much of the picture owes nothing to the play [but] it is enough that substantial parts were lifted; no plagiarist can excuse the wrong by showing how much of his work he did *not* pirate.

Hand sided with the playwright and overturned the trial court's ruling. The Supreme Court looked at the case and agreed with his conclusion. In *Sheldon* — and another copyright decision from about the same time, involving a different stage play — Hand recommended comparing the similarities between two works as a "series of abstractions" of increasing generality. If the similarities pass beyond the point of mere ideas and into the "realm of expression," there is infringement.

This standard is still used by judges today. And that's a problem. The "series of abstractions" test assumes that written works are static things. Electronic media are more fluid; and, in an electronic age, even printed pages are subject to revision, correction, and update in a manner inconceivable to Learned Hand — and that doesn't even get to the fanfiction and metanarratives that have became standard media structures. Marcia Paul and Salinger's other lawyers were using 70-year-old legal tools to make backward-looking arguments.

This 70-year-old standard is still used by judges today. And that's a problem. The test assumes that written works are static. Electronic media are more fluid.

Colting's lawyers focused on the "fair use" defense of "Sixty Years Later." Their case included a declaration by Martha Woodmansee, a professor of English at Case Western Reserve University, who argued that "Sixty Years Later" was a work of "meta-commentary" that broke apart the elements of an existing work and reassembled them into a "more complex" work of literary criticism.

Judge Batts didn't agree with this argument (though she insisted she hadn't read Woodmansee's declaration) and proceeded to interrupt Rosenthal with a series of adversarial statements masquerading as questions. The effect was something like a TV or movie melodrama (think of the slightly crooked judge in the great Paul Newman-Sidney Lumet movie "The Verdict"):

> Rosenthal: [T]he constitutional underpinnings of the copyright law say that it is to promote the progress of science and the arts and then securing for limited times to authors and inventors the exclusive right to their respective writings. So there is this element of promoting the arts and sciences.
>
> Batts: But it is not stealing them.
>
> Rosenthal: I strongly disagree that there is any stealing here. [Colting's book] is designed as a critical commentary on the relationship between J.D. Salinger and the character he created.
>
> Batts: How is it criticism?
>
> Rosenthal: How is it criticism? . . . [W]e have an author, J.D. Salinger, who has become famous for being reclusive, and there is much discussion that . . . he's never been able to write anything else, maybe because he feels he can never live up to his original creative ability, maybe because he is afraid of criticism. This book goes through and analyzes that relationship between the author and the character he created.
>
> Batts: But I thought that the critical commentary has to be on the work, not the author.
>
> Rosenthal: It is on the work, it is on the author, it is on the character. It is on all of those things. . . .
>
> Batts: But do people need [Colting's] version in order to view the story differently?

This is one of the reasons why Oliver Wendell Holmes warned that it's a "dangerous undertaking" for judges in copyright cases to play at art criticism. Batts' low opinion of "Sixty Years Later" shouldn't have entered her reasoning. American courts have ruled — consistently, over many years — that fair use shouldn't depend on a judge's perception of a work's merits. One example was decided in Batts' own courthouse. The 1992 Manhattan district court decision *Yankee Publishing* v. *News America Publishing* held: "First Amendment protections do not apply only to those who speak clearly, whose jokes are funny, and whose parodies succeed."

Exceptional thinkers like Learned Hand can sort through literary abstractions; petty bureaucrats like Deborah Batts can't. The literal, insistent intelligence of the law clerk, which works in the classroom or in reviewing contracts, doesn't see deeply into intellectual properties.

While Colting's lawyer and the judge bickered over the nature of literary criticism, Salinger's lawyer was poking holes in her own argument:

> Let's talk about what it means to be transformative. Transformative means . . . in the words of the Supreme Court: To take an original work and to somehow imbue it with new meaning, message, or purpose; to provide something more for the public. . . . Speaking in fair-use terms, the first question is, is this transformative of the original, as the court said, either of the character or of the work. Mr. Salinger is not a character in "Catcher in the Rye." The fact that they injected Mr. Salinger into this novel does have some transformative value. Some. Limited.

According to the body of precedent decisions, if there's *any* transformative value in a critical work, that part of the case for fair use of the underlying work is made. Rosenthal pointed this out, noting that Salinger's attorneys had admitted "a colorable fair-use argument" and that, therefore, Batts shouldn't ban the book. To do so would constitute prior restraint, a judicial abuse that would raise "very serious First Amendment issues."

But Batts wasn't about to be swayed by logic or the law. A week later, proving herself little more than a clerk with a Harvard degree, she issued an injunction preventing "Sixty Years Later" from being published within the United States — her arrogance rendered ridiculous by the ease with which anyone in the United States could buy a copy of the book. The British edition is readily available on a Kindle ebook reader and can be obtained with only modest effort from any number of online booksellers. Courts aren't as able to ban books as they used to be, and that's a good thing.

Batts may have expected cheers from the establishment media, but she didn't get them. In a June 25 op-ed piece, the Los Angeles Times concluded: "Salinger's protectiveness of his work isn't just stand-up, it veers into the paranoid, mercurial and even delusional. . . . [T]he 'Sixty Years Later' suit, while not surprising, seems somehow sadder than the previous legal actions. There's a sense that Salinger might not have a grasp on exactly what he's objecting to and why. . . . Maybe Salinger is holding on to Holden a little too tightly."

Several media outlets noted that Stanford University law professor Lawrence Lessig has argued that, unless copyright law is reformed, it will end up, ironically, by stifling creativity, particularly in an age of digital art and metacommentary. Lessig's arguments for a broad definition of "fair use" and copyrights limited in both scope and duration, considered anarchic a few years ago, are gaining currency. Colting's lawyers appealed. And the 2nd Circuit Court of Appeals agreed to an expedited review of the decision.

Copyright law is an interesting test of libertarian principles because it involves conflicting values, both of which are dear to lovers of liberty: the property rights of creative people and the free market in ideas and expression. Generally, copyrights protect intellectual property rights. This protection is a public good, specifically described by the Constitution's Copyright Clause, which charges Congress "to promote the Progress of science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

A clear system of copyright provides precisely the kind of order that makes a social contract worthwhile. Anarchy stifles commerce, especially commerce based on innovation and expression. If you can't bring your goods to market with some level of reliability and safety, you'll stay at home. By extension, if an artist can't maintain some control over the work he brings to market, he'll keep it to himself (as, apparently, Salinger has done with his writing over the last few decades).

But artistic works aren't products like other products. Literary characters aren't apples or better mousetraps. They have value beyond their immediate application. In the cases of characters like James Bond or Harry Potter, they have cultural and commercial value far greater than the sales of a particular book. In a media-saturated society, literary icons have real economic value. For example, if the maker of a premium vodka created advertisements in which a suave man claiming to be James Bond said he drank that brand, it might very well sell more product. But the estate of Ian Fleming would have a claim for unauthorized use of its intellectual property. Less hyopthetically, J.K. Rowling's lawyers have sued numerous authors and publishers for producing unauthorized dictionaries and encyclopedias based on the Harry Potter stories.

This is the reason why some European countries — most notably, France — have codified so-called "moral rights" in creative works. These special rights give artists and creators of intellectual property far-reaching control over how their works are used, even after the works of art or specific rights to reproduce the works have been legitimately sold, licensed, or transferred to others.

Anarchy stifles commerce. If an artist can't maintain some control over his work, he'll keep it to himself.

Although they talk about "privacy" and "characters," Salinger and his lawyers are essentially trying to bend existing (and, compared with the Europeans,' humbler) U.S. copyright laws to support a "moral rights" argument. This argument may seem merely theoretical, but it runs directly into Lessig's practical case for reform of copyright law to allow more "fair use" and metacommentary.

And the effects aren't just theoretical. The markets for intellectual property have changed dramatically during the past 20 years. Record companies have become less important to the distribution of music; today, many popular musicians make more money licensing their songs for use in the "Guitar Hero" video games than they do from selling CDs or tapes. Film studios are terrified of losing their control over how movies are distributed and have been key supporters of the steady extension of standard copyright periods. (Specifically, the Walt Disney Co. has fought hard — and effectively — to maintain its control over Mickey Mouse, Donald Duck, and their iconic fellows.) The economic model of book publishing is strange and getting stranger as ebooks gradually replace paper and ink. Increasingly, books exist as a kind of test market for television and film projects.

Three recent series of bestselling books — Dan Brown's conspiracy-laden Robert Langdon thrillers, J.K. Rowling's Harry Potter boy-wizard fantasies, and Stephanie Meyer's "Twilight" vampire romances — share traits that reflect the chaotic nature of literary properties. All three started as unlikely hits that incorporated familiar dramatic structures and tropes. All three have been made into popular films. And all three have been charged with lifting plotlines and characters from other, less commercially successful, books.

Critics are split on this derivative work. Some embrace artistic borrowing that arises out of developments in postmodern literary theory or practice as "literary rewriting." These works knowingly draw on famous characters, plots,

scenes, and even words. Highbrow examples include Jean Rhys' "Wide Saragasso Sea," a novel that rewrites "Jane Eyre" from the perspective of Rochester's mad wife, and Tom Stoppard's "Rosencrantz and Guildenstern are Dead," an absurdist play that appropriates both characters and lines from Shakespeare's "Hamlet."

Others point to Dan Brown's bestsellers and the money-grubbing lawsuits surrounding them as the logical result of a postmodern, metanarrative world. "New" stories are derivative rehashes of existing plots and characters. Hollywood, which has never placed a high value on originality, nefariously influences all literary pursuits. And the literary world is a dumbed-down version of its former self.

But there may not be as much *modern* in all this postmodernism as intellectuals think. As early as 1845, Justice Joseph Story, riding (literally, on his horse) as a circuit justice in the copyright infringement case *Emerson* v. *Davies*, wrote: "In truth, in literature, in science and in art, there are, and can be, few, if any, things, which, in an abstract sense, are strictly new and original throughout. Every book in literature, science and art, borrows, and must necessarily borrow, and use much which was well known and used before."

So, we arrive again at the matter of fair use. In legal terms, this kind of use prevents narrow copyright claims from overwhelming First Amendment principles of free expression. It gives special preference to transformative works that enrich the marketplace of ideas by modifying existing works so as to generate new aesthetics and new insights.

In an amicus brief filed in support of Colting's appeal, a group of book-related organizations led by the American Library Association (ALA) argued:

> In enjoining the publication of "Sixty Years Later," the District Court committed serious errors with a profound impact on free speech rights. . . . Courts must be especially wary of issuing injunctions against expressive works as to which there may be, after a full hearing, a viable fair use defense. In its rush to enjoin [Colting's book], the District Court ignored the free speech interests of the author and the public. . . . Prior restraints on speech are strongly disfavored precisely because they have the potential to cause grave damage to free speech rights.

The matter of "prior restraint" is one of special importance to libertarians, and for more than just its chilling effect on First Amendment free speech. It is a sign of judicial excess. Small-minded judges take a peasant's pride in their ability to grind through the minutiae of specific legal disputes. But the marketplace of ideas is more important than any single copyright claim. The First Amendment protects more than just the right to speak freely; it also protects the right to *receive* information. This right is rooted in the fundamental public interest in a free and open exchange of ideas and information.

There's strong legal precedence for this. According to the 1945 Supreme Court decision *Associated Press* v. *United States*, the First Amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." Following this logic, some works — even when they appear to infringe on others — should still be allowed into the marketplace of ideas. In its 1994 decision *Campbell* v. *Acuff-Rose Music, Inc.* (involving the rap music act 2 Live Crew's unauthorized remake of rocker Roy Orbison's song "Pretty Woman"), the Supreme Court stated that caution is necessary in granting injunctive relief in cases "involving parodies or other critical works."

On this point, the ALA group hammered Batts' evident inadequacies as a legal thinker and literary critic: "The district court's error was to confuse Colting's act of literary rewriting — which involves conjuring the memory of Holden in the reader's memory to achieve a literary effect — with the lifting of actual expression, as in the case of plagiarism or piracy. Under copyright's idea-expression distinction, only the expression receives protection, not the shared cultural memory."

The "idea-expression distinction" is an important balance in the copyright system. Providing legal protection to artistic works encourages creativity by assuring an artist the exclusive benefit of whatever commercial success his or her work enjoys during some period of time. But if authors fear their creations will too readily be found substantially similar to preexisting works, they will be less likely to create new works. Courts can adjust the tension between these competing effects of copyright protection. By framing the legal questions of the case around Salinger's interest in leaving his artistic vision untouched, Judge Batts injected loosely defined, French-style moral rights into fair use law — even though such rights are not part of U.S. copyright law.

Separate from the ALA group, the left-leaning legal advocacy group Public Citizen, Inc. filed an amicus brief in support of Colting and SCB. Public Citizen's arguments focused on the mechanical matter of whether literary characters can be protected by copyright:

> The district court's conclusion that Salinger holds a copyright in Holden Caulfield wholly apart from the fixed expression of the novel itself — a general right to prevent others from conjuring up readers' memories of his iconic character — not only runs afoul of the purposes and constitutional limits on copyright but is foreclosed by the Copyright Act itself.

Groups like Public Citizen don't start out intending to make libertarian arguments when they file these amicus briefs on major legal issues. They end up sounding like libertarians because, in cases like this one, they make logical arguments based on evident points of law. (If only they made logical arguments all the time.) Under the 1909 Copyright Act, a fictional character might arguably have achieved copyright protection as a "component part" of a work. But, in the revised 1976 Copyright Act, Congress did away with separate copyright protection for components of works. Under current law, copyright protection extends only to "original works of authorship" that are "fixed" in a "tangible medium of expression."

Graphically-depicted characters qualify separately under the Act's inclusion of "pictorial, graphic, and sculptural works" (a careful reader can detect in this language the influence of the film industry) in the definition of "protectable works of authorship." Purely literary characters, however, are not "protectable."

Salinger's actions worked against his own sense of privacy.

continued on page 38

The Threshold Effect

by Stephen Cox

What libertarians ought to learn from the Massachusetts election — and about the nature of politics in America.

On January 20, the first news day after the Massachusetts election, the headline in my local paper, the San Diego Union-Tribune, was this: "Patient Access Rules in Place." I swear to God, I'm not making that up.

The headline introduced a story about a state agency that was prepared to announce new regulations on HMOs. The regulators had been working on the scheme for seven years, although they conceded that they had not yet estimated its costs.

The article reported all this, but it wasn't sarcastic. It was generally favorable to the regulators and their notions. And that wasn't surprising, given the degree of curiosity about the effects of regulation that is ordinarily apparent in American journalism. The surprising thing was that this was the headline, and this was the leading article, on the first news day after the Massachusetts senatorial election, one of the most important elections in American history — and an election fought largely on the issue of healthcare legislation.

For me, the front page of the Union, with its single-minded focus on microscopic local issues, was a reductio ad absurdum of that bit of wisdom that pundits are always dishing out: "All politics is local." That's not true. It's never been true. And in the age of nearly instantaneous news and comment, it should be obvious that every election is potentially an arena of national politics. The Massachusetts election was fully "nationalized" in this way, turned into a test of national opinion by Republican activists who knew how to contact the non-print media.

Furthermore, the Senate seat in question had been nationalized for a long, long time. It was held for 46 years by Edward Moore Kennedy, a man who repeatedly attempted to become president of the United States in order to effect broad national "reforms." The election in January hinged on the national healthcare initiative for which Kennedy wanted to be remembered. It became a contest between the Obama administration, which fanatically supported that initiative, and the American people, who firmly rejected it — even, it turned out, in Democratic Massachusetts.

By winning Kennedy's former seat, Republican candidate Scott Brown precipitated the greatest crisis of confidence

that an American ruling party has suffered since President Clinton's repudiation in the election of 1994. Brown also did something that libertarians have always wished to do: win an important local election on national and ideological grounds.

I have something to say about the message that Brown's victory should send to libertarians. But first, it's interesting to look at the ways in which the Democratic disaster has been explained by others.

The Democrats started by blaming their own candidate, Martha Coakley, for her gross ineptitude. It's true, Coakley ran a hilariously stupid campaign. She even insulted the millions of Bay Staters who worship the local baseball team. Curt Schilling is a hero of the Boston Red Sox, but Coakley appeared to have no idea who he was, except that he was somebody supporting her opponent. She tried to get at him by insisting that he was a Yankee fan. This was an amazing performance.

No less amazing was her sarcastic announcement that she had no intention of shaking hands with voters outside Fenway Park, and her claim that President Obama made a last-minute trip to Massachusetts to speak on her behalf "because he knows we're gonna win." When she said that, she was smiling, as if certain that her audience was stupid enough to believe such a thing. She was always smiling like that.

Well, far from being certain that Coakley would win, the White House was already providing an excuse for her loss. The excuse was Coakley herself. But her mental disabilities weren't enough to explain what happened. Horrible candidates had run in Massachusetts before. Teddy Kennedy was a horrible candidate. Fat, drunken, debauched, guilty of every sin from college cheating to manslaughter, he was elected nine times and was reputedly the idol of the people.

That was the fantasy of the political parasites who fed for five decades on the corpse of Teddy's brother John. The fantasy was finally dispelled when Brown, challenged to say why he aspired to "the Kennedy seat" in the Senate, replied that it wasn't a Kennedy seat; it was "the people's seat." That was the remark that ignited his campaign. A new generation now inhabited Massachusetts, a generation for whom the Irish Catholic nationalism that assured the Kennedys' local success was no longer important.

After the election, Teddy Kennedy's niece, Kathleen Kennedy Townsend, attacked Coakley for not inviting Teddy's widow to assist her campaign. But the idea of not inviting her seems to have occurred in one of Coakley's few lucid intervals. When, prompted by the White House, the widow finally held a press conference and dropped the Kennedy mantle on Coakley's shrinking shoulders, surveys indicated that she lost Coakley twice as much support as she gained. Yet (again, after the election) Townsend rattled off a list of Kennedys who, she thought, could easily have won the race — this, from a person who is noted only for her failure to be elected governor of Maryland, a Democratic state that, before she came along, hadn't elected a Republican governor in four decades.

Coakley's mental disabilities weren't enough to explain what happened. Horrible candidates had run in Massachusetts before.

It ought to be remembered that when Edward Moore Kennedy died in August, legislators and anchorpersons proclaimed that the great healthcare reform act of 2009 would be called the Ted Kennedy Act. That lasted a few days. Then it died. Even in 2009, it wasn't a ploy that worked.

But it has to be said that in a normal year, a Kennedy — or a Coakley — would have won a state that had 12 Democratic representatives in Congress, and zero Republicans. Coakley was the attorney general of Massachusetts. She had won that office with 73% of the vote. She had won the senatorial primary by crushing three opponents. At the start of her race for Senate she was 30 points ahead of her Republican rival, an obscure state legislator who had to battle some really violent attacks by the Coakley forces. Among other things, they sent out mailers screaming: "1,736 Women Were Raped In Massachusetts in 2008; Scott Brown Wants Hospitals To Turn Them All Away." The Democratic establishment, both state and national, desperately wanted Coakley's grotesque campaign to succeed, and it did a lot more for her than it had ever supposed it needed to do in the deep blue state of Massachusetts.

Yet while the White House blamed Coakley, her friends blamed the White House. Their leading complaint had to do with the president's late intervention on her behalf: Obama showed up in Boston on the weekend before the vote. The real problem, however, was that when he did show up, he proved a feckless campaigner. Feckless, and worse than feckless: he delivered one of the most disastrous remarks in recent electoral history. Alluding to Brown's trademark use of an old truck as a campaign vehicle, the president sneered, "Everybody can buy a truck." Brown immediately pointed out that, in this economy, *not* everybody can buy a truck.

Still, Obama's sorry performance didn't lose the election. The poll numbers didn't change much after he went to Massachusetts to support his candidate, and he may have inspired a lot of Democrats to get out of the house and vote on a cold, snowy day. Coakley got a decent turnout from the core Democratic constituency. It just wasn't enough. The Republicans and especially the independents turned out too, and they voted overwhelmingly against her policies, and his — which is what they had been intending to do.

Rather than admit this, Obama and his advisers tried other explanations for the defeat, none of them having to do with the unpopularity of his healthcare program. And, early on the morning after the election, members of the president's inner circle — such people as David Axelrod and Rahm Emanuel — suggested that the important thing wasn't the vote in Massachusetts, or what had gone wrong with it. The important thing was to get healthcare passed right away, no matter what the people thought or what the vote had been, because once it was passed, it too could be "explained," and the people would adjust themselves to it and begin to like it.

Then, after a few scary hours of waiting to see whether that kind of bullying would work, they heard reports from Democratic members of Congress, and the reports weren't pleasant, not pleasant at all. No way was Congress going to bull

through on healthcare — not after the vote in Massachusetts. A day later, Nancy Pelosi announced that the current healthcare bill wasn't going anyplace. Democrats in the House, many of them facing elections this year in districts that are much, much less Democratic than Massachusetts, were strangely unwilling to walk the plank for healthcare legislation.

How comical it is that only 14 months before, these Democrats were running for office, demanding that such legislation be passed. Only days before, they were publicly certain that it was ready to be passed. Sure, each of them wanted

Teddy Kennedy was a horrible candidate. Fat, drunken, debauched, he was elected nine times and was reputedly the idol of the people.

his own little reward — putting abortion in or taking abortion out, giving this deal or that deal to friendly constituents. But the healthcare bill was about to become law, and they were advertising their connection with it. Then, suddenly, they were running away.

The healthcare bill was the most significant thing in the Massachusetts election. Brown said he would do his best to kill it; Coakley was committed to saving it. So it was healthcare that killed *her*, right?

Well, not entirely. Brown won by five points, 52 to 47. That's a pretty good margin in an American election. It's close to the margin (53 to 46) by which Obama won the presidency in 2008. Most polls, both of people in Massachusetts and of people nationwide, indicate that they dislike healthcare reform by a much greater margin than this. So it wasn't a straight-up referendum. But then, few things in American politics ever are.

So let's try another explanation. The day after the election, both President Obama and Tim Kaine, chairman of the Democratic National Committee, insisted that Brown was swept into office by the same tide that had swept Obama in, a tsunami whipped up by disappointment with the Bush regime.

That was almost incredibly stupid, and it was received as such by everyone except a few Eastern media types. But it went the rounds. Howard Dean, Robert Gibbs, David Plouffe (pronounced, somehow, "Pluff") — there was hardly a Democratic honcho who didn't bring it up. Here's Gibbs on the Sunday after the election, maintaining that voters hadn't *really* endorsed Brown's loud opposition to healthcare "reform": "That may be what he campaigned on, but that's not why the voters of Massachusetts sent him to Washington."

This stuff was almost as funny as Coakley's campaign. Even Chris Matthews made fun of it when he interviewed Dean. He couldn't get over the fact that Dean was saying these things, and with a straight face, too.

To be fair, Kaine had a second explanation — but it was almost as dumb. He admitted that the Democratic Party had failed in the election. But lest anyone think he was lunging toward true self-criticism, he refused to assign specific blame or propose specific remedies — with one exception. He called for "crisper sound bites." For lack of crisp sound bites, the election had been lost. No, I'm not making that up, either.

But here's the truth. Neither Kaine nor Plouffe, neither Dean nor Axelrod, neither Obama nor Coakley identified *the real cause* of the Democrats' defeat. That mysterious entity can be found in the place where all serious explanations converge, whether these emphasize the candidate, the campaign, the White House, or the raw and bleeding issues. The voters weren't objecting just to Coakley or just to Obama or just to Obama's healthcare program. They were objecting to being managed — to being handled like objects, to being loaded with "benefits" that they do not want, to being herded into the Shrine of Ted, to being treated like patients stuck in a waiting room with a surly nurse. They objected to conceding, with a grateful bow, that there are big people in this world, and small people, and that they are the small people, while Coakley, Obama, Pelosi, Reid, and the numberless persons descended from Old Joe Kennedy are the big people who deserve to be obeyed.

In "The Great Gatsby," we hear that a brewer built a mansion on Long Island — "a factual imitation of some Hotel de Ville in Normandy" — and "agreed to pay five years' taxes on all the neighboring cottages if the owners would have their roofs thatched with straw." The neighbors refused. "Americans," Fitzgerald explains, "while occasionally willing to be serfs, have always been obstinate about being peasantry."

The observation has some relevance to the nation's current mood. In January 2010, Americans weren't told that they had to grab their pikes and go fight the lord of some other demesne, as they were in 1917 or 1965. Then, they consented

Alluding to Brown's use of an old truck as a campaign vehicle, President Obama sneered "Everybody can buy a truck." Brown pointed out that in this economy, that's not true.

to behave like serfs. But in 2009 they were told something else. They were told that the government was going to build a pretty new healthcare system, just like in Europe, and it wouldn't cost anything to anyone, except the insurance companies and other false and evil barons; and all the peasants had to do was let their life-or-death decisions be made by the courtiers in Washington.

That's the attitude that lost the Democrats the election — and, very probably, the guts of their healthcare program, and what is more important, their legitimacy as the tribunes of the people.

What enraged people about Coakley was that she thought she could say anything she wanted, vote for anything she wanted, whether the people of Massachusetts wanted it or vehemently rejected it — so long as she rewarded them with the superior smile of the lady of the manor.

What enraged people about the Democratic establishment was its constant assumption that ignorance and stupidity are deserving of reward — so long as they're the establishment's ignorance and stupidity. To put this in biblical terms: Who is Coakley, that she should be judge over us? And who, indeed, was Teddy Kennedy?

One sample of the modern liberals' aggressive arrogance was the series of pro-Coakley statements bestowed upon the media by Congressman Patrick Kennedy, Teddy's son. This particular creature of a surname has been called "America's Dumbest Congressman," and that's saying something. But Patrick Kennedy was not abashed. He had no qualms about vouchsafing his opinion that the republic would crumble without the aid of "Marcia" Coakley. That was wrong, but he just kept saying it. As a result, one of the most popular signs at Brown rallies was "Marcia, Marcia, Marcia." Obviously, Patrick didn't think it important to discover the real name of The People's Choice, and neither did his handlers. The people would just have to support whomever he anointed.

Revolutions don't start simply because the government makes some really bad decisions. If they did, we'd have a revolution every week.

Similarly, what enraged people about the Democrats' healthcare program wasn't that it promised to give them something for nothing — certainly not. It was the fact that the goofier it became, the more the Democratic congressional leadership blandly insisted that it made perfect sense — as if the peasants lacked the capacity to notice so blatant an act of political corruption as the payoff-in-perpetuity obtained by Sen. Nelson for his home state, which was not Massachusetts.

But what was it that made the people of Massachusetts so angry about Obama, the president for whom they had voted, 62 to 36% barely 14 months before? One thing is certain: it wasn't that he'd failed to get his message out. That was the sin he confessed to George Stephanopoulos in an interview immediately following the election. But no: the maddening thing wasn't that he kept his own counsel; it was that he kept talking, talking, talking about his bizarre proposals, expecting the people to keep listening respectfully, no matter what he said.

Americans don't like naked arrogance. If they did, there would be no hope for liberty, or libertarianism, in this country. The rebellion of Massachusetts, of all places, shows that libertarians are right when we claim that American culture is inherently opposed to government management of our lives, that Americans resent the power gradient that separates them from people like Coakley and Obama, and that sometimes, often unpredictably, Americans decide that they have had enough.

"Had enough?" was the Republican slogan during their come-back from the Roosevelt era. The idea it expresses has always been important for libertarians. And it was a crucial factor in the great election of January 2010. But libertarians tend to think that people have *always* had enough, and that's not true. "Enough" isn't what you say every day. It's something you say when you notice that you've crossed a line. It's a threshold effect.

And it's nothing mysterious. You know how it works. You've seen it with an arrogant boss. The people who work for him spend a lot of time wondering whether it's just them — whether they've got him wrong when they label him a vain, self-regarding, sanctimonious, mouthy little man-on-stilts. Maybe he's not responsible for how he's perceived. Maybe he means well. Maybe his ideas will work out after all. That's what people want to think. But the more he talks, the more they're convinced that they were right in the first place. And besides his arrogance, he's incompetent. He doesn't seem to know how to run the business.

So now they're seething with anger — but they won't complain unless they believe that something they say has a good chance of changing things. If they see there's such a chance, they'll take it. Then, suddenly, they all start saying what they think. That generally means the boss is on his way out.

In politics, this is called a revolution.

Revolutions don't start simply because the government makes some really bad decisions. If they did, we'd have revolution once a week. And they don't start simply because the government takes a wrong course and arrogantly refuses to admit it — although arrogance is pretty much required, to get people to rebel. Revolutions start because people perceive that rebellion can actually succeed — not eventually, but now. That's the threshold. And people don't see that threshold every day.

It wasn't till two weeks before the Massachusetts election that the voters realized Scott Brown had a good chance of winning. Why did they think that? It wasn't because Coakley was so horrible, although she was. It was because Brown had significant support; he was getting money; he was acting as if he was going to win; and he was attracting attention outside the state (see "getting money," above).

Anyone who tuned into Fox News — and most voters in Massachusetts, like most voters elsewhere, did so — awakened to the fact that other people wanted to know what the voters would do on January 19. Few people go to the polls for special elections, even fewer than those who go for regular elections. That's what Coakley was banking on. But now the voters had a reason to vote. They knew that the rest of America cared, and that things might change in a big way if they themselves cast a ballot.

As I write these words, I realize how contrary they are to normal libertarian ways of viewing political action. I regard myself as a normal libertarian, and I think you'll recognize the type. I can't imagine staying home from an election. If I were a citizen of Massachusetts, and I knew with Platonic certainty that "Marcia" Coakley was going to win, and I knew that I was the only person who wanted to vote against her, and I knew that the worst snowstorm of the century was likely to bury me if I left my house, I wouldn't think twice. I'd go to the polls and vote my principles.

Further, like most libertarians, I like to think that other people do the same thing. I know better, but that's the way I like to think. I picture them reading the voter's booklet and

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"The Future of Israel: Pro and Con." George Gilder, author of "The Israel Test" versus.....

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meditating carefully on every item discussed therein. As for candidates: I like to think that if somebody makes a good, thoughtful argument, he or she can win the votes of millions. Why not? Rational argument is all that matters, isn't it?

This means that I never think about the threshold effect. I never consider that people need some reason to believe their vote can make a difference, before they start researching how to vote.

Yet that's what they need. The threshold principle helps to explain when they follow normal electoral behavior — stay at home, or vote their hereditary political allegiance — and when a crucial segment of the populace abandons all custom. And it helps to explain why the American political system possesses both stability and volatility.

Stability? Yes, *enormous* stability. The great majority of America's electoral districts are dependably, thoughtlessly, and (as it seems, before the magic threshold is crossed) imperturbably either Republican or Democratic. This is partly because the districts are gerrymandered (a process to which very few voters press any objections); it's partly because the local communities that are the subjects of gerrymandering tend to retain their political identities until some great realization shakes them lose. These are powerful sources of stability.

But there's one other element in the mix. Each of the two great parties is able to maintain its hold on approximately 50% of the electorate because neither of them has any inherent or essential ideology. Each is free to vacuum up any votes that aren't glued down. There's no doubt in my mind that, given five or six years, the Republican Party can figure out a way to increase its percentage of the gay vote from the current, oh, maybe 30% to something like a majority, or that the Democratic Party can find a way to restore its former hold on the evangelical vote, if it concludes that evangelical Christians are necessary to its survival.

Ideas come and go; American political parties survive. It's like Coke versus Pepsi or Protestants versus Catholics: a stable conflict. For this reason, as I've argued before in these pages ("Politics vs. Ideology: How Elections are Won," February 2005), a *huge* showing in a presidential or senatorial election isn't getting 75% of the vote; it's getting 55%

That's a pretty narrow margin. And Brown got less. If his *enormous* victory hadn't been achieved in a one-party Democratic state, it wouldn't have been historically significant. It was remarkable only because party allegiances, in Massachusetts as in most other places in the country, are remarkably stable. Even "independents" have stable party allegiances — and the best evidence is Massachusetts, which has huge numbers of "independent" voters who always vote Democratic.

Like every other state, of course, it also has huge numbers of people who don't turn out to vote. Why? One reason is that they don't think voting makes any difference. These "disaffected" and "independent" voters are the great inflaters of libertarian hopes. Libertarians (again, like me) want to believe that if they could just get these people to vote, a revolution would be produced. And it's true that impressive numbers of Americans hold libertarian opinions about most things. Those opinions don't go away, just because Clinton or Bush or Obama chances to be president. American political ideas, as well as American party identifications, have great stability.

When you refuse to support the lesser of the two evils, you support the greater of the two evils.

It's an odd fact, however, that very few disaffected voters, or even self-identified libertarian voters, show any interest in the Libertarian Party. It does no good to tell them that if they all got together and voted LP, the country would be transformed. They see no sign that other people are about to vote for the LP, so they don't, either. They vote for the lesser of the two evils among the major parties, or they stay at home. Social scientists and applied logicians have technical names for this behavior. I'll keep calling it the threshold effect.

Nevertheless, every coin has another side. Political patterns can and do change. They change because new candidates and causes challenge the status quo and, despite the opposition, appear to have a chance of winning. "I don't intend to vote," people say. "Why should I bother?" But if a candidate emerges who appears to be thinking their way, and who appears to have a chance of winning . . . well then, they think they may just walk down to the polls. That's the way Scott Brown got elected. He passed the threshold of possibility.

Is Brown a libertarian? No, he's some kind of moderately center-right conservative. He started his campaign that way, and he never changed. What changed was the odds that he might win. Looking at those odds, I would have voted for Brown, not the libertarian candidate in the election (who was running as an independent). Both wanted to thwart Obama's policies; Brown had a chance to do so.

But let's talk for a moment about the libertarian. His name is Joseph Kennedy — no relation to those other Kennedys. He started with a small but significant showing in the polls — a

sign of protest against the House of Kennedy and also, probably, against the House of Bush. But as people discovered that Brown might actually win, Kennedy's numbers slid, almost to the vanishing point. He ended with 1% of the vote.

At this juncture, I could say, "Q.E.D. I've proved my case. If people don't think you can win, they'll see no reason to vote for you, and you *won't* win." But I don't want to do that. It smacks too much of the arrogance I've been denouncing. After all, there's a human drama here. Joe Kennedy took leave from his job as an IT executive, organized some dedicated volunteers, and went to work opposing an arrogant political system. His assertion of libertarian ideas was a source of pride.

I feel that pride. The problem is: I don't want to live in a peasant society. I don't want to live in a world in which self-appointed lords and ladies control important parts of my life — in which they control even the decisions about whether my life will continue. (And make no mistake — that's what government healthcare is ultimately about.) It was Brown, not Kennedy, who posed a serious threat to Washington's campaign to make me a peasant. I was therefore a strong supporter of Brown.

Because Brown had a chance to win, he received millions of dollars of campaign donations, much of them from out of state. He succeeded in nationalizing the election. When you went to Kennedy's website, you saw that the libertarian was bravely attempting to raise $100,000. No independent libertarian or LP candidate for an important job has ever been able to create the impression that he or she might win. When libertarians have created that impression, it was because they were running as Democrats or Republicans (witness Ron Paul), and the wins were in local elections. It's simple but tremendously important: if you want to cross the threshold, you must run in one of the two major parties. Period.

But let's go beyond that. How do you distinguish yourself as the kind of candidate who might have a chance to win, regardless of your party affiliation or lack thereof?

Right from the start, you need money. Ordinarily, that means you need some contacts with rich people. But contributions result from interest and commitment, as well as mere contacts. So what did Kennedy do to elicit these things?

To find out, I went back to his website. I saw that Kennedy, like a typical libertarian intellectual (take me, for example), had carefully laid out his positions on 16 major issues. I didn't agree with everything he said; I didn't expect to. (And I didn't much care. I'm amazed that many libertarians refuse to vote for anyone who disagrees substantially with their own ideas, believing that voting is an act of moral commitment to everything somebody else happens to say. It's a startling idea, when you think about it.) Nevertheless, I could see that Kennedy's positions were carefully thought out. They were much more rational and coherent than Brown's package of opinions. What struck me, however, was that Kennedy's website listed healthcare as Number 16 in its list of 16 issues.

Undoubtedly there was a rational reason for that. Kennedy thought the voters deserved to see a comprehensive program, developed in some kind of logical order. But come on. St. George confronts the dragon and describes his program as: (1) feed the horse, (2) check the weather, (3) pay that pesky Visa bill, . . . and finally (16), defeat the dragon. The comprehensive approach makes sense; it's just a senseless approach to politics. Libertarians have never learned that.

Well, perhaps they shouldn't. In most jurisdictions, at most times, there's no reason why libertarians shouldn't run a merely educational campaign, so long as it doesn't cost very much, and the people who participate wouldn't be doing anything else instead, such as using their talents to promote a candidate who actually had a chance to win.

The irony is that libertarian ideas are the historic principles of this country, and they agree with the best traditions of modern economics and political philosophy — but when they're presented as a package, in the electoral arena, they are immediately marginalized, ignored, and forgotten. Meanwhile, sometimes for lack of intelligent libertarian support for the better of the two major party candidates, the worst candidate wins. When you refuse to support the lesser of the two evils, you support the greater of the two evils.

It's essential that purely libertarian groups continue to exist. It's essential that the seeds of change be preserved in their purest form. Perhaps the most damaging thing that ever happened to the Libertarian Party was the adoption of many of its specific ideas by the two major parties. The Republicans and Democrats have assimilated very different parts of the LP platform, ignoring the intellectual integrity and coherence of the platform as a whole. Given this tendency to assimilation, it's important that we continue to assert libertarian ideas in their true shape and connection. Yet in the political field, I would rather have privatization, sex rights, lower taxes, freedom of speech, and decriminalization of drugs, even at the sacrifice of intellectual coherence, than not to have them at all.

Joe Kennedy claimed that his presence in the Senate race helped Scott Brown, by giving another choice to disaffected Democrats who wouldn't vote for Brown because of party antipathy. In an interview with a local paper, he also complained about Brown partisans yelling at him to withdraw, and about Brown's never asking him in person. Of course, if Brown had done that, Coakley would have accused him of intimidating one of his opponents, or trying to reach a corrupt bargain with him; and Brown might have lost much more than Kennedy's 1% of the vote. So Brown didn't do it, and Kennedy stayed in the race.

As we've seen in Massachusetts, the basic libertarian idea that there's something wrong with being managed by government can make a tremendous difference now.

But now suppose, as was originally speculated, Kennedy had a good chance of throwing the election to Coakley. In that case, his candidacy would have cost his country approximately one trillion dollars of enacted Obama policies, and God knows how many deaths. Regarded in this way, libertarian moral courage begins to look like self-expression at a decisive cost of moral responsibility. In 2008, we saw something

similar in Minnesota, where the candidate of the Independence Party received 15% of the vote, probably throwing the election to the ineffable Al Franken, who proceeded to become the 60th vote for Obamacare and every other threat to American liberties that could imaginably issue from the current Congress.

So here's another irony: sometimes, the more you refuse to compromise your political principles for mere electoral considerations, the more likely you may be to produce a world in which your principles lose, and stay lost. Plenty of libertarians contributed to Scott Brown's campaign, and these people served libertarian ideas a good deal better than Joe Kennedy did. It's not that Kennedy wasn't trying. It's just that he exemplified the stability of American politics — its reluctance to abandon its ordinary assumptions — rather than its volatility, its willingness to change when it perceives a threshold.

In American history, there is only one instance of a minor party becoming a major party. That happened 150 years ago, when the Republican Party arose and gathered together disaffected "free soil" Democrats and the remains of the Whig Party, which was in the process of dissolution. Yet changes in the two-party system occur all the time, as a result of both parties' attempts to mobilize marginal voters, a process that requires them to assimilate all sorts of ideas they didn't have before.

It's been going on forever. In the late 19th century, progressivism asserted itself in the Republican Party. In the 1930s, social democrats took over the national Democratic Party. In the '60s and '70s, New Age leftism swept the Democratic Party and institutionalized itself there. In the '80s, libertarian conservatism colonized the Republican Party.

In every case, party mechanisms survived. That is an aspect of stability. But in every case a party was changed by the influence of some preexisting movement that wouldn't go away, some cause that kept emitting articles and books and activists. The movement may have been "progressive" or modern liberal or conservative or libertarian. Whatever it was, it acknowledged stability, but it took advantage of volatility. That happened before; it will happen again.

The Democratic Party and the Republican Party are not going to die: that's the principle of stability. But they are going to change, as they have always changed: that's the principle of volatility. In the past two years, volatility has greatly increased. Both major parties have been discredited at the polls — the Republicans in 2008 and the Democrats in 2010. Both will certainly be influenced by new ideas or, more likely, old ideas that have hung on, institutionalized themselves, acquired a stable following. They are most likely to be influenced by ideas that have a chance of winning at the polls. As we've seen in Massachusetts, the basic libertarian idea that there's something wrong with being managed by government can make a tremendous difference now, together with all the ideas that extend it and back it up.

Even the Libertarian Party has a role to play. I don't expect it to win any important elections, but I do expect that the ideas it radiates can have dramatic influence.

That's why it's important that libertarian intellectuals, libertarian activists, libertarian thinktanks, and plain old libertarians with money to spend keep right on doing what they're doing now. Even the Libertarian Party has a role to play. I don't expect it to win any important elections, but I do expect that the ideas it radiates can have dramatic influence in times of nationwide political volatility.

Volatility happens under two conditions. First, current political ideas aren't working. Second, the conviction grows that alternative ideas may actually be successful at the polls.

Volatility happens under two conditions. First, current political ideas aren't working, and people know they aren't. Second, the conviction grows that alternative ideas may actually be successful at the polls. Once this happens, politics can change very rapidly, even within the framework of the two-party system.

That occurred when Ronald Reagan came to power. His victories, first in the Republican primaries and then in the general election of 1980, were viewed by his opponents as just as unlikely, just as preposterous, as the victory of Scott Brown this January. Yet the policies of Reagan's opponents were obviously not working, and at some point it became evident that he had a chance to win. After that, it was a landslide.

That's volatility. Yet Reagan's ideas weren't things he suddenly dreamed up. He'd been preaching them for a quarter century. He got them from conservatives and libertarians who had been preaching them for much longer than that. That's stability. The ideas, and the activists, were ready when the time of volatility arrived. To quote Scott Fitzgerald again — this time from "Tender Is the Night" — Reagan had waited "like [General] Grant, lolling in his general store in Galena . . . ready to be called to an intricate destiny." Finally, that destiny came. And Reagan would never have won without his libertarian, as well as his conservative, ideas.

This Grant-in-Galena image is a good one for the libertarian movement. It's an image of stability, waiting for volatility — and waiting with confidence, because libertarians know that the ideas of our opponents can't possibly work. We need to maintain our own institutions, propagate our own ideas, maintain and extend the intellectual influence we already have — which is very considerable, despite our occasional "lolling." And we should never neglect our vital connections with the political movements, Republican or Democratic, that in times of change can bring our ideas to the fore. Andrew Jackson said it all, in his undespairing last words: "Strive to be ready when the change comes." ❑

High-Speed Folly

by Randal O'Toole

The president bewails the budget deficit but consoles himself with giant subsidies to a failed enterprise.

President Obama's decision to travel to Florida to announce federal grants to the states for high-speed trains on the day after his State of the Union address is laden with irony. He claims that high-speed rail is good for the environment, but he apparently failed to read the 2005 environmental impact statement for Florida's high-speed rail, which concluded that the environmental costs of building it are greater than the benefits.

This conclusion (plus the outrageously high cost) convinced Florida not to build it. But when Obama offered to have federal taxpayers cover half the cost, Florida's Republican governor said, "to heck with the environment — take the money!" Or maybe he never read the environmental impact statement either; in any case, he strongarmed a special session of the legislature to approve matching funds.

Autos can be more efficient than trains because even light-weight trains like the French TGV typically weigh three times as much per passenger as a typical automobile. Accelerating that extra weight to high speeds requires tremendous amounts of energy, which can generate tremendous amounts of pollution. Considering anticipated improvements in fuel economies, by 2025 the average car on the road will use less energy and emit less pollution per passenger mile than high-speed trains.

The second irony is that Obama announced the high-speed rail grants a day after proposing a spending freeze to reduce federal deficits. The more than $8 billion in stimulus funds for high-speed rail is hardly a spending freeze, as it will mainly stimulate a high-speed rail lobby to promote a national rail network.

Lyndon Johnson once said he couldn't get members of Congress to swallow an entire bottle of whiskey, but he could get them to take a sip, and then another sip, and pretty soon the bottle would be gone. That is President Obama's approach to high-speed rail: the $8 billion is the first sip of a bottle that could cost taxpayers a hundred times more.

Before the states submitted their grant applications, I estimated that Obama's 8,500-mile plan, including 7,500 miles of moderate-speed (110-mph) trains plus 1,000 miles of high-speed (150–220-mph) trains in California and Florida, would cost about $90 billion. Running true high-speed trains on all

routes in Obama's plan, plus a few obvious routes that had been left off, would cost an estimated $550 billion.

My estimates, however, seem to be low, since the preliminary grant applications — which did not cover all the routes in the Obama plan — totaled nearly $105 billion. Meanwhile, Burlington Northern Santa Fe CEO Matt Rose testified to Congress that a national system of true high-speed rail would ultimately cost $1 trillion. He probably included more miles than were in the Obama plan and possibly also counted cost overruns, which typically run about 40% for government rail projects.

Most recently, Oregon Rep. Peter DeFazio, chair of the House Transit and Highways Subcommittee, offered an estimate of $700 billion for a national system of true high-speed rail. While he called this "unimaginably expensive," he added that it was "the same amount of money that Congress gave in one day to Wall Street." Trying to make it sound affordable, he hopes you won't remember that Congress never gave Wall Street anything; it was almost all loans, and most, if not all, will be repaid.

There is further irony in Obama's claims that he wants to protect the middle class and soak the rich. Middle-class taxpayers will get to pay for high-speed rail, yet few of them will ever use it.

The week before Obama's announcement, I made a trip from New York to Washington. When I purchased my ticket, the fare on Amtrak's high-speed Acela was $155. I choose instead to take Megabus, which charged only $15.50. Megabus and other bus companies offer free WiFi; Amtrak has NoFi. To be fair, Amtrak fares start at $133 with enough of an advance purchase, but Megabus fares start at $1 (yes, $1). Few members of the middle class who have to pay for their own tickets will part with more than $100 to save 90 minutes on the high-speed train.

The final irony is that Obama's rail announcement came the day after Steve Jobs presented Apple's iPad to the public amid a wave of almost hysterical publicity. Apple thrives on producing innovative products that do things few had thought of doing. Obama's high-speed trains are essentially a 1930s technology that will contribute little to American mobility. Also, if you don't want an iPad, you don't have to pay for it.

"This is going to be tough to spin."

So what states got how much money?

- $2.344 billion to California, partly to improve the LA-San Diego corridor from 90-mph to 110-mph, increase frequencies in the Oakland-Bakersfield corridor, and relocate a little track in Sacramento and Davis. Any money left over after these projects are funded can go to California's 220-mph dream train.
- $1.25 billion to Florida for the only true high-speed rail in the program outside of California, a 168-mph route all the way from Orlando to Tampa, about 84 miles.
- $1.191 billion ($706 million of which comes from Amtrak stimulus funds) to make various improvements in the Northeast: Philadelphia-Pittsburgh, Boston-Portland, New Haven-Springfield, Buffalo-Albany, Boston-Washington, and a few other minor routes, none of which will significantly increase speeds or frequencies.
- $1.133 billion for Chicago-St. Louis — about a third of what Illinois requested — to increase frequencies from 5 to 8 trips a day and increase average speeds from 52 to 68 mph.
- $823 million to establish passenger service between Milwaukee and Madison at top speeds of 79 mph.
- $598 million to Washington state to increase frequencies between Seattle and Portland from 5 to 8 trains and increase speeds by about 5%.
- $620 million to boost speeds in the Charlotte-Raleigh corridor to 90 mph and increase frequencies from 2 to 8 trains.
- $400 million for three 79-mph trains a day from Cleveland to Cincinnati.
- $244 million for improvements in the Chicago-Detroit corridor, mainly aimed at improving reliability and reducing rail congestion.
- $17 million for "power crossovers" in Iowa.
- $4 million for grade crossing improvements between Austin and Ft. Worth.

The good news is that, except in Florida and California, the money will not build much in the way of new rail lines and therefore will not impose long-term obligations on taxpayers to maintain and operate those lines. The main new obligations outside of Florida are in Illinois, North Carolina, and Washington, where the grants include funds for new trains for more frequent service; and in Wisconsin, for new service to Madison (at conventional speeds).

The states will have to shoulder much of the cost of operating those new trains, which may temper the future demand for capital funds. And Florida's high-speed line, if it ever gets completed, is likely to be a flop: few will trade the flexibility of having their own car to save a few minutes on an 84-mile trip.

The big question is what this means for California's ambitious 220-mph rail plan. The state has always assumed that the feds would cover half the costs, which means at least $23 billion and more likely $30 billion or more. The $2.344 billion is thus barely 10% of what the state hopes for, and the fact that

much of the money is dedicated to improvements of existing lines, not building a new line, means the state may have to rethink its plans.

The bad news is that the Federal Railroad Administration's most recent map of planned high-speed rail routes added lots of new lines, including Cheyenne-El Paso, Phoenix-Tucson, Chicago-Omaha, Kansas City-Oklahoma City, Louisville-Atlanta, Memphis-Little Rock, Orlando-Jacksonville, Austin-Houston, and Albany-Montreal. This pushes the total to almost 13,000 miles and encourages more states to pressure for funds for their own raildoggles. Curiously, there is still no route from Houston to Dallas, a result of lobbying from Southwest Airlines, which operates 28 roundtrips a day in that corridor.

Despite these new routes, it is still hard to call the plan a national network. Rail advocates believe that high-speed rail is most competitive in densely populated 100- to 600-mile corridors (though "competitive" is used advisedly when Amtrak's Acela carries little more than 10% of the common-carrier passenger traffic in the nation's densest corridor). So the FRA's rail plan is really just a series of corridors with increasingly marginal value. For some reason, Albuquerque to El Paso and Kansas City to Oklahoma City are considered viable corridors, but Buffalo or Pittsburgh to Cleveland and Omaha to Denver are not, so there is no through high-speed route from New York to Chicago or Chicago to the West Coast.

Politically, of course, the economic value is irrelevant. I've always said that high-speed rail would reach the height of absurdity when people started talking about a high-speed rail route from Fargo to Missoula. We're almost there: a day after Obama's announcement, Montana Senator Jon Tester sent Obama a letter reminding him of the need to "expand rail services in rural states like Montana."

The really bad news is that much of the $8 billion is likely to end up in the hands of lobbyists who will work hard to gain more billions for future projects. As DeFazio notes, the states that got the biggest grants were the ones that had finished their environmental reports — whatever they said. So states that got smaller (or no) grants are likely to hire consulting and engineering firms to write more such reports, and those companies in turn will create websites and front groups to lobby for more federal construction money.

Obama says that we need to catch up with countries whose trains are faster than ours. If French horses and buggies were faster than ours, would he want to spend billions of dollars on a buggy-whip technology race? We already have a technology twice as fast as the fastest high-speed trains: it is called the jet airliner.

Unlike high-speed rail, the airlines don't require huge subsidies. While subsidies to high-speed train riders will exceed 30 cents per passenger mile, federal, state, and local subsidies to air travelers average around a penny per passenger mile — and much of that goes to out-of-the-way airports where local officials fleece taxpayers in usually ill-fated efforts to promote economic development.

Rail advocates point out that high-speed trains can compete with airlines in downtown-to-downtown service. But central-city downtowns host fewer than 8% of American workers — mainly bankers, lawyers, and government bureaucrats. These people, whose incomes tend to be higher than average, hardly need a high-speed subsidy at everyone else's expense.

Obama has touted high-speed rail as the next Interstate Highway System. But the interstates paid for themselves out of gas taxes and other user fees; subsidies to other highways total less than a penny per passenger mile. The average American travels 4,000 miles and ships 2,000 ton-miles per year over the interstates, vastly more than the use we will ever put to high-speed rail.

The interstates have succeeded because they enable people to go where they want to go, when they want to go there. High-speed rail will reach far fewer destinations and will only go when some government agency decides to run the trains.

Finally, Obama emphasized the jobs that rail construction will create. But considering how much engineering work is needed before construction can actually begin on any of these rail lines, most of those jobs will arrive too late to stimulate the economy out of the current recession. And considering how few people will ride the trains, he might as well spend tax dollars on digging holes and filling them up.

At a time of rising deficits, America can't afford to dedicate tens or hundreds of billions of dollars to an obsolete technology that is good for neither the environment nor personal mobility. Congress should put an immediate freeze on any further spending on high-speed rail. ❑

A Libertarian Among the Republicans, *from page 20*

a "Gall Bladders 'R' Us." He is for tort reform. In the public schools, he would support a "full voucher system." But the questioners are libertarians, and are more interested in the frontier of his beliefs.

I ask him about Ron Paul's more exotic positions — abolishing the Federal Reserve, reinstating the gold standard, and warnings against a North American Union. About the purported NAU, Johnson says, "I don't have an opinion on his statement regarding that." He adds that he is for "building bridges" to Mexico, but that he does not want "to dilute our sovereignty in any way whatever." (These are totally safe answers. Even Obama would have agreed with the last one.)

On to the Fed. The campaign against the Fed is a big deal for much of the Paul constituency, and it marks them as non-mainstream.

Here is how Johnson tackles it: "I think the Federal Reserve should be audited." (Paul has an audit-the-Fed bill that has garnered wide support.) "I am not advocating the abolishment of the Federal Reserve." Nor is he for making the Fed an arm of Congress: "I don't want to see Barney Frank controlling the Federal Reserve," he says.

He goes on, saying, "I understand that since 1913 the Federal Reserve has reduced the dollar to a nickel, and I fully expect it to take it to a penny." He says, "I understand the arguments" for a gold-backed currency, and if Congress passed a bill for a gold-backed dollar, "it's something I would probably ink." But he is not advocating it now. He notes that 99% of economists are against it, and he is not going to push it. But if you imagine a paper-dollar spectrum, running from the Swiss franc to the Zimbabwe dollar, Johnson is at the "hard"

end: "The government should be pursuing a strong dollar policy, not weak dollar policies."

A man from New Mexico asks him whether he's for "free banking or state banks in competition with the Federal Reserve." This is *very* exotic stuff, and Johnson appears not to see it. He takes the question to mean competition in general and says, "I guess I'm completely in favor of that notion."

Janet Rose of Raleigh, NC asks him what books have influenced him. This is a dangerous question, because if Johnson praises an author, it will be taken as an endorsement of the most outré thing that author says. He knows enough to dodge it. "I wouldn't point at any one," he says.

George Hudson, a Ron Paul supporter from Roseville, CA, asks Johnson to define the proper role of government. "I'm for national defense," Johnson says. "I'm for freedom and liberty, not entitlements, and for not spending more money than what we have."

Hudson is opposed on principle to welfare, and asks if Johnson is. Johnson neither affirms nor denies this, but says he is opposed to "borrowing dollars to pay entitlements."

James Ostrowski of Buffalo, NY, a contributor to LewRockwell.com, asks Johnson if he would get rid of the FDA and the departments of Agriculture, Energy, and Education.

"Potentially there are agencies that could be eliminated," Johnson says. "I understand the arguments. If the legislation were presented to me, yeah, these are areas that need to be cut or eliminated." But he added, "In New Mexico I proposed abolishing agencies. None of these proposals went anywhere in the legislature."

Which was a way of saying: *don't expect anything too radical.* I think Johnson wants to get elected.

I ask him what views would take the most salesmanship to convince his fellow Republicans. He replies, "I believe that a majority of Republicans hold these views."

That is optimistic. Very optimistic. But then, in his business, an optimist is what you have to be. ❑

The Battle of the Books, *from page 26*

If he had licensed a film version of *his* Holden Caulfield, he might have had more control of how the character was portrayed.

Aaron Silverman is the point man in the dispute with Salinger. And he's the human face of the case. Fredrik Colting remains in Sweden, and Salinger nurses his legally-dubious sense of privacy in rural New Hampshire. So, Silverman ends up as the only party to the lawsuit who actually shows at the hearings. He'll be there for the appeals court hearing. And for the Supreme Court hearing, if there is one.

And there probably will be. The appeals decision, whether it favors Colting or Salinger, is likely to be an interim step. Both sides are determined to push the case to the Supreme Court. And the high court will want to hear the case; some consistency needs to be established among the 1976 Copyright Act, its several modifications, and appositive laws like the Digital Millennium Copyright Act. Congress' efforts to refine U.S. copyright law have only created more confusion.

Unlike a lot of legal mumbo-jumbo that we hear about in courtrooms today, copyrights are described explicitly in the Constitution. Yet they conflict with the broader values implicit in the First Amendment. To adjust tensions between narrow copyrights and broader First Amendment rights, courts use tools that include fair use and the idea-expression dichotomy. But sometimes even these tools aren't enough.

When copyright legislation was first passed in the United States in 1790, the term of copyright lasted for 14 years, with the option of renewal for another 14. The law's primary function was to ensure that authors could profit from the sales of their own work, not control other authors' reactions for decades on end.

Today, a work is under copyright for the author's lifetime plus 70 years (or 120 years for works of corporate authorship). These are standards that favor big corporations and institutional hacks. An elegant solution would be to return to the original 14 years, plus optional 14-year renewal.

Yale University law professor Jed Rubenfeld has put a finer point on why books like Colting's should be allowed into print: "We don't suppress books in this country. Courts have no authority to suppress a book on the ground that its exercise of imagination is harmful and unauthorized. To do so violates the First Amendment — period."

Fredrik Colting believes that "Sixty Years Later" is a legitimate, postmodern criticism of "Catcher in the Rye," its main character, and its creator. Aaron Silverman agrees that the book has an important message . . . and that it will sell well, once published. J.D. Salinger wanted to stop them from starting in on his characters. And he wanted the courts to support his brand of privacy. But one anonymous online commenter made the free-market argument against Salinger's position: "Salinger should've let this book die a natural death, stemming from poor sales, rather than generating tons of free publicity for it." He might even have seen Colting's book as good advertising for his own. ❑

Epilogue: I expected that any epilogue to this story would involve some higher-court ruling on the case. Instead, the litigious plaintiff passed away. Salinger died of natural causes in late January at his farm in New Hampshire. He was 91. His obituaries were many and passionate.

How this will affect publication of "Sixty Years Later" remains to be seen. Under current copyright law, Salinger's literary estate will be able to control the rights to Holden Caulfield and other Salinger characters for most of this century.

But it's hard to imagine that other people — even his widow or others near and dear to him — will pursue the stubborn legal strategies and notions of "privacy" that meant so much to the man.

A final testament to Salinger the litigant might be that, although his notions of privacy were eccentric, his several lawsuits clamping down on biographies, memoirs, and satires contributed to the warping of copyright law (and other forms of intellectual property) into the mess that it is today. Now that he's gone, it may be a little easier to restore copyrights to something more like the pro-commerce mechanism that the Constitution envisions.

Letters, *from page 6*

Rothbard's theorem is about as useful as stating that we could eliminate air pollution if only we used perpetual motion devices to generate electricity. Zero aggression is impossible without fundamentally altering human nature. Zero official aggression, which Rothbard actually advocates, is not equivalent to zero overall aggression; conflating the two is intellectually dishonest. Zero official aggression can lead to greater overall aggression — at least as measured by those of us who employ common sense.

Adrian Day wonders at my critique of Ron Paul's early glib promises. I would suggest that he run the numbers himself. How can the government stay solvent when the real interest rate on the enormous national debt increases by the amount of inflation abolished by going to a gold standard? What happens to already struggling homeowners when their real mortgage rates are increased retroactively? How is the government to honor its existing commitments when the income tax is replaced with nothing? Do the math!

I must agree heartily though with Day's final statement. Those who would abolish taxes and core government functions willy-nilly without regard to transition issues are indeed anarchists more than they are libertarians.

Firing Blanks

Gary Jason in "Clinton casualties" (Reflections, March) states that orders issued by President Clinton in 1993 "effectively disarmed soldiers on their bases," thus setting the stage for Major Nidal Hasan to carry out his attack at Fort Hood.

I'm not familiar with the orders Jason refers to; however, I can say from personal experience that the state of disarmament and hence vulnerability on military bases that Jason finds "absurd" was the norm in the late 1970s when I was an infantry officer on active duty. The only time I ever had live ammunition in a military weapon was either on a range or when I had duty as a pay officer. In a typical training setting our weapons would have nothing more than blanks. With the exception of special high-security areas under armed guard, the only military personnel on a post (stateside or in Germany) who would normally have loaded weapons with them were the Military Police. If the Baader-Meinhof Group had attacked the commissary at Baumholder FRG during the late 1970s, everyone would have been sitting ducks, just as they were at Fort Hood.

While I'm no fan of Clinton, I don't think trying to blame him for the typically disarmed state of military posts is entirely fair. Military bases were models of gun control long before Bill Clinton.

Dale Graham
Phoenix, AZ

Unilateral Disarmament

Gary Jason's assertion that President Clinton is in some way responsible for the attack on Fort Hood understates the scope of the problem. As long as I have been on active duty in the Army (1985–1992 and 2000 to the present) soldiers have been prohibited from carrying firearms unless they were going to a firing range or to the war zone. Soldiers living in Army barracks have also been prohibited from keeping privately owned weapons in their rooms, and soldiers have always been prohibited from carrying a concealed weapon (unless in some sort of official capacity). These policies make soldiers sitting ducks. It's not just President Clinton's orders that make soldiers less safe in a garrison environment, it's longstanding Army policy.

Sgt Dave M. Davis
Colorado Springs, CO

Jason responds: It is simply a fact that Clinton issued a directive in March 1993 which (as noted in the Washington Times, Nov. 12, 2009) forbade military personnel from carrying firearms and made it virtually impossible for commanders to issue firearms to soldiers for their own protection. But a number of blog entries from ex-servicemen who served prior to 1993 reported that they were (like Mr. Graham and Sgt. Davis) also prohibited from carrying guns.

But others say that in the past it *was* permitted, with restrictions. It appears to have been left to the discretion of the base commander whether at least some soldiers could keep guns at home or carry them on base. Whether possession of guns on base by at least some personnel was at one point commonly permitted, and then became rare (and if so, why), are questions to which I simply haven't found answers. But issue the directive Clinton did, and I doubt he would have bothered to do so if it was already explicit military policy. To that extent I think it is perfectly fair to point the finger of blame towards him. Sorry.

Regarding the future, I would argue for the proposition that the president should issue a directive *requiring* officers, NCOs, and such enlisted personnel as the base commander deems proper to carry sidearms on base. My reasons, in brief, are these:

1. It is certainly true that in the 1960s and '70s, with the all-draft army in upheaval and general racial and social problems in the military (mirroring those in society at large), having personnel carrying weapons might have posed risks of drunken fights escalating into gunshots. (Then again, maybe it wouldn't have). But today's military is an all-volunteer, broadly well-educated, and very stable organization. Times change.

2. Speaking of times changing, the terrorist attack at Fort Hood was not an isolated incident (as was, say, the Timothy McVeigh terrorist attack years ago). We are facing something new, and quite clearly growing: homegrown Islamist terror. Over the last few years, we have seen an increasing number of Americans join the ranks of the terrorists, and plan or attempt attacks here or abroad.

Consider last year alone. In it, we saw David Healey (born Daood Sayed Gilani) busted for planning to attack a Danish newspaper. We saw the arrest of Naibullah Zazi (a legal resident) for planning to bomb various targets in New York. We saw Betin Kaziu (a naturalized citizen born in Kosovo) nabbed for planning to go abroad to support terrorists and assassinate people. We saw Pakistani Special Forces snag five American-born and raised Muslim men (from the Washington DC area) for trying to join al Qaeda in Afghanistan. We saw an African-American convert to Islam who killed a young Army recruiter in Arkansas. We saw the arrest of four men by the Joint Terrorism Task

Force who were trying to shoot down aircraft at a National Guard base in Newburgh, NY, as well as bomb synagogues in the Bronx.

And we saw Fort Hood.

Of course — to those of you addled by political correctness — I am not in the least saying that these incidents indicate some general sympathy for terrorism among Muslim Americans. We are talking about fewer than ten cases, and there are millions of Muslims in America. But I also do not want to bury my head in the sand as Janet Napolitano did, when the first statement she issued after the Fort Hood massacre was a warning to us racist Americans not to target Muslims.

Nor am I saying that allowing select military personnel to go packing will stop all terrorist attacks, of course. But it will stop some. In short, it would be a modest but prudent step forward.

There is naturally no chance that Obama, the most left-wing president ever elected, will ever even think of issuing such a directive. But someday soon he will no longer be president, Insha'Allah.

Bringing in the Sheaves

David Puller correctly refutes Obama's claim of Biblical support for his socialist agenda ("Is Scripture Statist?", Jan.–Feb.). I can likewise refute Puller's claim of Old Testament support for standard libertarian notions of private property and voluntary charity. He would have been better off sticking to St. Paul's counter-economics of 1 Corinthians 5 and 6, a clear delineation between church and secular law. Then again, libertarians could profit greatly from careful and open-minded study of what Old Testament Law actually says.

Israel during the time of the Judges approximated anarchocapitalism, and did so while surrounded by other nations. Unlike Medieval Ireland and Iceland, ancient Israel was not an island. Ancient Israel had many libertarian features: no jails, no police, no standing armies, legal drugs, and legal prostitution under limited circumstances. But in other respects their laws were also socially conservative: homosexual sex and giving psychic readings were death-penalty offenses. Yet ancient Israel was also economically leftist, with legal requirements to provide for the poor and disperse the riches of the wealthy. Ancient Israel was a conservative welfare anarchy.

God's exemplary welfare system was subtle and elegant, with serious study revealing sometimes surprising implications of provisions that Puller ignores or downplays: laws on gleaning, usury, inheritance, and the often overlooked real estate rules of Leviticus 25 (see my website, holisticpolitics.org for details).

Leviticus 25 and the gleaning laws point to a broader set of natural rights than defended by most libertarians. Biblical natural rights included not only self-ownership, but also a right to a share of the planet. The Old Testament Law is thus closer to Henry George's single-tax ideas than to modern liberalism, conservatism, or libertarianism. (That said, George's ground rent distribution has moral hazards not found in Leviticus 25.)

Carl Milsted, Jr.
Kenly, NC

The Eye of a Needle

I have to confess, I was a bit amazed at David Puller's article. The Bible states repeatedly that material possessions are pretty much irrelevant; in fact, there aren't even literal words in heaven, but only the word of love, God's word. That said without love is not of God. Yet Puller wastes time in his article worrying about material possessions, as if that's "of God."

In fact, Jesus taught wealth redistribution directly when he said, "Take all that you own, sell it, and give the money to the poor." Was Jesus Christ, then, the world's first well-known communist? Yes. But God preferred socialism, so I am a bit confused: "And the multitude believed they were of one heart and one soul: neither said any of them that ought of the things he possessed was his own; but they had all things common. . . . Neither was there any among them that lacked . . . distribution was made unto every man according to his need" (Acts 4:32–35).

Yet Puller persists with his narrow view simply because that's what he wants to think, and wants everyone else to think like he does about it, instead of following the Bible. Taken in context, God is a spiritual being who does not see material things the same as we do. He may prefer a loving thief over a hateful person honest in material affairs. In fact he most certainly does.

Jon Bluit
Madison, WI

Puller responds: Mr. Milsted properly offers the gleaning laws as an Old Testament example of the limitations upon property rights. The inheritance laws of Deuteronomy 21 can likewise serve as something of a reduction of an absolute right to bequeath ones property as one wishes. The laws against usury, although relevant to Milsted's lengthy treatment of a potential Old Testament social welfare system, are not really relevant to the subject of property rights. Finally, to suggest that I "ignore or downplay" Leviticus 25 is to itself ignore the three paragraphs of my article devoted exclusively to that passage.

I thought that I had placed sufficient qualifiers throughout my article to express that the Bible is not libertarian. For example:

> I would like to be able to report that the Bible argues firmly for an absolutist view of property rights. I would like to be able to write that the Bible is a strictly libertarian document. It is not. Yet in the balance and taken as a whole, the Bible support the individual's right to own property and hold onto it.

If Milsted wishes to attribute to me absolutist propertarian views, then he is attacking a straw man. Indeed, having read his linked material, I see that we have reached many similar interpretations (albeit very different applications).

Mr. Bluit is correct that Jesus advocated the redistribution of wealth — but only on a voluntary, rather than government-coerced, basis. This is a critical distinction.

Bluit's suggestion (if I understand him correctly) that the material world has nothing to do with God is interesting. It is a view embraced by various strands of gnosticism, particularly docetism, in early Christian history. He is welcome to advocate for this counter-orthodox position, but he should be aware that he is at odds with the dominant voices of Christian thought throughout the history of the Church.

continued on page 54

Reviews

"Fidel y Raúl Mis Hermanos: La Historia Secreta" ["My Brothers Fidel and Raúl: The Secret History"]" by Juanita Castro, as told to Maria Antonieta Collins. Santillana USA Publishing, 2009, 429 pages.

Inside the Castro Family

Robert H. Miller

Family ties weave an intricate net, tattered and gaping in places, strong and tight in others. Attempts to explain the psychology of Fidel Castro usually begin with Freudian premises about his parents and childhood. Ironically, both supporters and critics of *el Máximo Líder* have relied on the same distortions to reach similar conclusions for entirely different ends. Juanita Castro, Fidel's younger sister and, to date, the closest intimate to join the fray, wrote her memoirs to set her family's record straight. Along the way, anecdote by anecdote, she builds contrasting character sketches of her two infamous brothers, Fidel and Raúl, and drops a couple of bombshells of her own.

Angel Castro Argiz had nine children, in descending order; two of them (Lidia and Pedro Emilio) from his first marriage; seven (Angelita, Ramón, Fidel, Raúl, Juanita, Enma and Agustina) from Lina Ruz, his second wife. Castro *pere* has been depicted as a cold, avaricious exploiter of the peasantry and a distant father who barely acknowledged the mother of his children and the children themselves. This characterization served the twin purposes of explaining, to his enemies, Fidel's megalomania and doctrinaire ideology; to his admirers, his sense of social justice. Juanita reclaims her father's trampled reputation and demolishes the pop psychology.

Angel Castro was ambitious. He wanted to escape rural Spain and move up in the world. At the age of 24 he volunteered — in exchange for a hefty fee, a perfectly legal arrangement at the time — to replace a wealthier drafted recruit for the Spanish-American War. It was a shrewd move. By the time he arrived in Cuba, the war was over and his fee became the downpayment for his dream, owning his own ranch. He got a job with the United Fruit Company while on the side raising fighting cocks, a lucrative venture in a very popular pastime at that time and place. He was making enough money to help out his family in Spain, finance his land acquisitions in Cuba, and start his own family at home in Birán in the eastern part of the country. Along the way he even managed to establish a general merchandise store, Almacenes Castro, and to win Cuba's biggest lottery prize *twice*. The Castros were wealthy but lived modestly.

Although ambitious, Angel Castro was also generous. During seasonal layoffs at the United Fruit Company sugar refinery, he'd hire workers at four times the going rate and at Christmas he'd give his employees generous bonuses, often additionally canceling their debts at Almacenes Castro. A taciturn workaholic who demanded respect, he nonetheless delegated discipline of the children to his wife, Lina. Yet he always delighted in the company of his rambunctious brood, and spoiled them. Ambitious too for his legacy, he paid for their higher education in Havana and gave Fidel a $10,000 gift at his marriage — big money in 1948.

Lina Ruz, Fidel's mother, was a devout woman who managed the household with equanimity and an earthy sense of humor. War, prison,

revolution, atheism, and communism strained family ties but never rent them until after her death. One day in March 1963, Fidel admonished his family to watch him on television. That night they dutifully gathered but were soon bored with the typically long-winded harangue, which lasted until midnight. Juanita picks up the story:

> From the television studio he came to my house where we were playing dominos with mom and some friends.
>
> He arrived and greeted everyone, "Did you see me? What did you think?"
>
> There was silence.
>
> "What with the game and all we forgot to tune in!" someone piped up.
>
> Very disturbed, he suddenly changed the subject and asked our mother, "How many head of livestock do you have at the ranch?"
>
> "I can't remember exactly," she responded puzzled.
>
> "You're going to have to sell all the beeves because today I announced the second round of the Agrarian Reform that will soon be put into effect, and if you don't sell them, they're going to take them away."
>
> "Well," answered mom, "when the time comes, I'll see what's going to happen and what I have to do."
>
> Two months later, just before her death and after the Revolution's failures had become all too apparent, she was asked at a family reunion how she was faring. "How do you think I'm faring?" she responded. "When the entire world says they shit on the mother of Fidel!"

Juanita Castro shared her father's entrepreneurial bent, listing, among the many reasons for her break with her brother, a desire to run her own enterprise — *"for profit"* (emphasis in the original). At 15, she dropped out of school to work on the family ranch and, on the side, bought pigs to fatten up and sell. Then she opened Birán's first theater, the Cine Juanita. For 15 years it presented whatever films the Havana distributor deigned to send to distant Birán, along with whatever acts she could garner a commission from, including clowns, hypnotists, and magicians.

But when the revolution's deception hit home, she had her Howard Roark moment. Just before the *cine* was due to be confiscated, she gathered the local residents and made them an offer they couldn't refuse: dismantle the building and take whatever spoils they could use. "Just as one day it arrived with me," she declared, "so too one day it left with me."

Seven years separated Juanita from Fidel, but only two from Raúl. She was never close to Fidel, thinking him self-centered, humorless, arrogant, and incapable of empathy: "Fidel was always a whiner, especially so because as a child he was never disciplined, and he exaggerated things to get his way." She preferred the warmth, loyalty, and sentimentality of the impish "Muso," as she called Raúl. At each of their parents' deaths, Raúl wept inconsolably. Fidel showed no emotion, declaring that there were more important challenges to be faced.

Juanita emigrated to the United States when she felt her services were no longer beneficial to the anti-Castro resistance. Then she went into business, opening up the Mini-Price Pharmacy in Miami, which she ran until the publication of her memoirs last October.

Maria Antonieta Collins, a Mexican journalist and the as-told-to coauthor of this book, smelled a scoop and decided to get her prescriptions filled at the Mini-Price. It took years of flu and migraine consultations, and the exchange of much gossip, to gain Juanita's confidence. One day in 1997, Collins arrived with a common friend, Angelica, who always kidded around with Juanita. They sensed something was wrong. As Collins recounts, Angelica joked,

> Ay Juanita, it's Fidel's fault that I have to come buy contraceptives . . . this *balsero* [a reference to the Cuban refugees who escape on homemade rafts] I married refuses to use condoms because he didn't use them in Cuba . . . And *that too* is Fidel's fault!
>
> To our surprise, Juanita didn't crack a smile and remained serious. "What's wrong?" we asked.
>
> "Today I read the latest book about Fidel, and honestly, it's defamatory and unjust because it speaks horrors about innocent people like my parents and grandparents who had no responsibility for anything that's happened in Cuba."
>
> "Write a book and tell your story," I proposed.
>
> "No," she responded immediately.

On two subsequent occasions, Collins was rebuffed. But finally, in 1999, she received a call: "I've decided to write my memoirs . . . we start next Monday."

For a year they collaborated. At the end Juanita's catharsis was so sharp that she decided not to publish and held on to the manuscript indefinitely. As a friend, Collins took the news in stride; as a journalist, she watched the biggest scoop of her life slip through her fingers. Then, after ten years, in January 2009, Juanita changed her mind again and decided to publish. For eight more months they revised the manuscript. After all, much had changed in the intervening years.

Juanita's memoirs came out in October 2009, and have not yet been translated into English. Fortunately, the prose is not Mexican-newspaperesque, a dense and idiosyncratic style that is difficult to read. It retains much of Juanita's straightforward Cuban phrasing, though with a minimum of its picturesque vocabulary. The memoirs are hard to put down and, in spite of their 400+ pages, are a quick read if you want to use your high school Spanish. I only wish they were longer.

As the only firsthand, personal account of Fidel Castro's family and childhood, the book is invaluable. In one fell, convincing swoop, it sweeps away the volumes of speculation and hearsay that have passed for Castro family history. Juanita sticks close to what she herself experienced, making this a memoir in the truest sense of the word. But what she directly experienced as part of the Castro inner circle is a hidden treasure. Parsimonious yet convincing, her reflections and analyses are spot on.

After setting her family's early record straight, her memoir proceeds chronologically through Fidel's university years, his political involvements, and his ideological evolution. She describes his falling in love, his marriage to Mirta Diaz-Balart, a Batista family intimate, his children and extramarital affairs — building a character sketch that grows subtly and expertly with each anecdote and observation.

On July 26, 1953, Fidel and Raúl stepped into history with their failed assault on the Moncada Army Barracks. Juanita recounts the family's incredulity at finding that their sons and brothers not only were involved but had actually

led the operation; the uncertainty and anguish they experienced as bits and pieces of breaking news reached Birán; and how they mobilized every contact and advantage to save their family members' lives.

The efforts continued through the trial and incarceration on the Isle of Pines. Fidel was sentenced to 26 years, Raúl to 13. Though Fidel's marriage had foundered and would soon end in divorce, Mirta made conjugal visits and even used her close contacts with President Batista to urge clemency. On May 12, 1955, Batista declared a general amnesty for political prisoners. Fidel, Raúl, and their followers were free, but they had to leave the country.

Juanita is particularly illuminating on the Castro brothers' Mexican exile, an important interlude glossed over in many accounts; and their transition from exiled failures to triumphant revolutionaries. While Fidel and Raúl attracted recruits (including the T-shirt icon Ernesto "Che" Guevara), gathered guns, and acquired a boat, the *Granma*; she and her sisters organized all the domestic arrangements — lodging, food, transportation, meetings, and so forth — for their large entourage, helped raise money for the cause, and spent much time in Mexico City planning logistical details. Enma Castro even married a Mexican, Victor Lomeli, and became a citizen of Mexico.

At one point the Castros set up a fundraising meeting across the border in McAllen, Texas, with Cuba's ex-president, Carlos Prío Socarras, whom Batista had overthrown. There was only one problem: Fidel's U.S. tourist visa had been revoked because he insisted on publicly boasting that he was going to invade Cuba. So Fidel "wet backed" across the Rio Grande to Texas, where accomplices provided a change of dry clothes and a car. He walked back with $50,000 in an envelope.

The invasion of Cuba was a disaster. Angel Castro had just died, throwing the entire Castro family into a deep depression. The invasion force arrived at the Mexican point of embarkation by public bus, so as not to arouse suspicion. Overloaded with 82 men, an incompetent captain who failed to detect a faulty engine and brought no navigational aids other than the fixed compass, the *Granma* set out at the end of the 1956 hurricane season. Rough seas, poor visibility, and dead reckoning made Jamaica as likely a landfall as Cuba; no one was sure until the Cuban air force strafed the landing, thanks to a tip from a turncoat. Only 12 men survived.

News bulletins declared that all had been killed, and the Castro family in Birán plunged into total despair. Hope returned when army units surrounded the Castro ranch — it meant one or both brothers were still alive. But although Fidel was hiding out in the same province, no one in the family attempted contact; the risk was too high. Juanita spent much of the time fundraising in the United States. When she returned to Cuba, she was, understandably, threatened with arrest. So she holed up in the Brazilian embassy, requesting political asylum. She knew the ambassador and his wife, Virginia Leitao da Cunha — both avid supporters of the revolution.

Then, one day, Fidel arrived at the ranch and declared Birán "liberated Cuban territory." The final pincer movement up the island had begun and, by January 1, 1959, all of Cuba was "liberated" territory.

With the triumph of the revolution came disillusionment. It came from the most unexpected corners and faster than Juanita could have imagined. On January 10, her help was sought by a high school friend whose brother had been detained because of ties with the previous government. His life was in danger. Would Juanita, as "sister of Fidel," resolve the matter? Juanita helped; and from that moment on, her full-time job became saving people from incarceration or summary execution simply for having been associated with the previous regime. She made it a point to nurture contacts at all the prisons, but she hit a brick wall at La Cabaña, where Che Guevara ran a Cheka-style execution assembly line. Guevara not only made her wait; when he finally saw her he told her not to come around pleading for anyone's life.

When Juanita complained to Fidel, he told her to be patient; the revolution was in transition and mistakes were inevitable. He assured her that all would soon improve. Like most people, she believed him. So she got into the spirit of things and applied her entrepreneurial bent to building a free rural hospital in Oriente, funded with donations. Even there, arrests and confiscations continued to take place around her, and she was disturbed by Fidel's recommendation that Guevara inaugurate the clinic. She was named a Ministry of Health Delegate, but her public interests waned and she bought a small radio station in Havana. As part of the media, it was soon confiscated.

Meanwhile, she continued her rescue activities. One afternoon in 1960 she got a desperate call from her older sister Angelita. She'd been

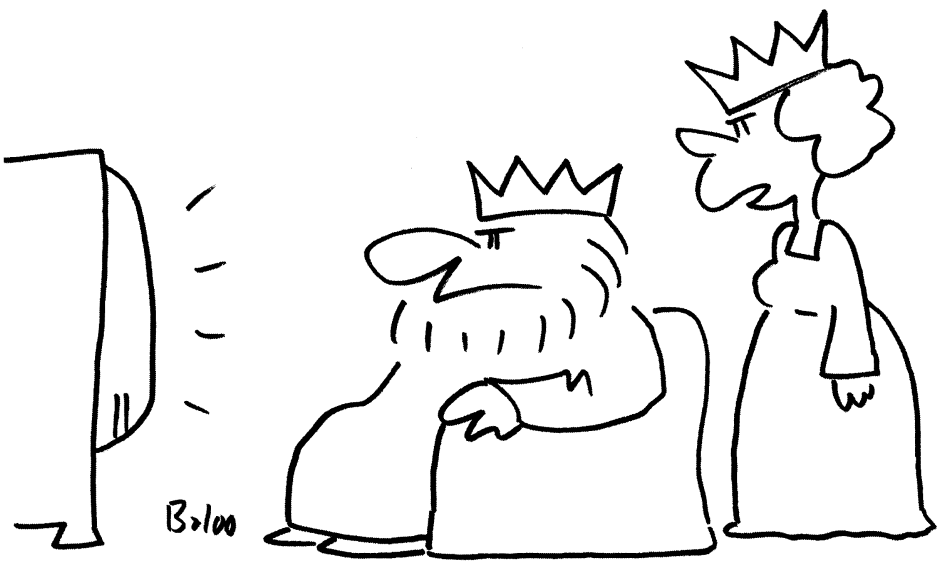

"Don't be so self-righteous — *you* started out as a terrorist!"

arrested. Immediately Juanita rang the Minister of Justice, Augusto Martinez Sánchez, who responded sarcastically that Angelita wasn't under arrest; she was just detained because she was "attempting to liberate a counter-revolutionary of his problems." Juanita hung up on him, drove to the prison, and insisted on her sister's release. The warden reluctantly complied, but later complained to Fidel who, in turn, gave Juanita a dressing-down in front of their mother, accusing her of acting as if she were "above the Revolution." All she could think was, "If this happens to the Castro family, what must it be like for other Cubans?"

Angelita wasn't the only family member in trouble. Enma, Castro's favorite sister, having recently accepted Victor Lomeli's marriage proposal, planned a big wedding in Havana's central cathedral and asked Fidel to give her away. A family war exploded, with mother and sisters on one side and Raúl — along with Fidel, who pretended to be above the fray — on the other. The brothers were beginning to distance the regime from religion, aggressively, and thought it would be the ultimate in bad form for *el máximo líder* to participate in a major religious ceremony. Guevara ranted rhetorically, "How was it possible that Fidel's sister would disobey him and get married like a bourgeois? . . . Imagine the consequences for the Revolution!" If the ceremony wasn't moved from the cathedral, Fidel threatened, he would not show up. The women reluctantly held their ground. Halfway through the ceremony, Fidel and his olive-green-uniformed entourage showed up.

By April of 1960, when this reviewer's family left Cuba, emigrating had become no simple matter. The regime imposed restrictions on travel, bank accounts, foreign exchange, and the transfer of property. Juanita's efforts now took a turn from saving people from death and prison, to helping dissidents, the threatened, and the persecuted to escape abroad. For this she required a cover and a safe house, so she bought a boarding house in Vedado, a Havana suburb. The arrangement soon turned into a dangerous cat-and-mouse game with the G2, Cuba's KGB, and also with various members of her family. Her mother, paying a visit, pretended not to notice what was going on. There were many close calls, but Juanita's cover survived — just barely.

At dawn on April 17 of 1961, the day of the Bay of Pigs fiasco, Juanita went into overdrive. She received a call from a G2 double agent saying that a big roundup was under way. The prisons were filling and the overflow was being warehoused at the National Palace of Sports, the Cerro Baseball Stadium, and the giant Blanquita Theater. Her best friend and collaborator, Ely Esteva, was missing. She rescued as many people as she could by using the magic of her surname — walking in, rounding up the detainees she knew, and brazenly walking out with them.

Shortly afterward, she was approached by her friend, the wife of the Brazilian ambassador, who wanted to arrange a secret meeting in Mexico with a new "friend." Thus began Juanita's involvement with the CIA. She demanded only two things: she wanted no salary (she didn't want to be "in the pay of the CIA"), and she wanted no part in attempts on her brothers' lives.

She was naive. She still wanted to aid what she believed were the revolution's true ideals. Ignorant of the CIA's numerous attempts to assassinate her brother, she became CIA operative "Donna," a distant and unwitting abettor of that effort, though now with greater resources and contacts for saving lives. The arrangement became part of the CIA's "Operation Mangosta," a.k.a. "Project Cuba," and messages were conveyed by means of a secret short-wave radio installed for the purpose at the boarding house.

Did she experience any remorse about betraying her brother? "No, for a very simple reason: I did not betray him. He's the one who betrayed me . . . along with the thousands who suffered and fought for the [promises of the] Revolution."

It's incredible that she avoided full detection for nearly three years, until her departure from Cuba in June 1964. But perhaps she didn't. One afternoon, when she was acutely sick from all the stress, she received a call from "Muso": "I'm coming to see you because we have to talk very seriously." She speculates that seeing his favorite sister ailing in bed probably softened Raúl's attitude about what he was about to confront her with. Then she recounts:

> After kissing me, he plopped an enormous folder on the bed: "Aren't you going to ask what it is?"
>
> Looking him straight in the eyes, I responded simply, "No."
>
> We both understood each other without words; we'd been that way since we were kids.
>
> "It's a summary of your activities against the Revolution — just in the past few months. This is crazy. I prefer to close my eyes and not read this and to believe, as Ramón, Enma, Agustina, and Angelita say, that you're just a half-wacky girl with loose lips and nothing more. Otherwise, if the things said about you were true, our attitude would be different."
>
> I couldn't respond . . .

Carlos Alberto Montaner, a writer and journalist who contributed the book's prologue, elaborates:

> In 1964 the Cuban secret services had punctually informed Raúl Castro about . . . his sister's activities. . . . Raul was Minister of Defense. He went to see her and, in a tone that alternated between menace and affection, he explained that such behavior had to cease immediately. Juanita understood that she had to leave the country. . . . She was about to be incarcerated. That she wasn't, and that she was allowed to leave for Mexico, was only because he loved her, because his fraternal affection tempered his responsibilities as military chief of the country. . . . Fidel would have acted differently. Fidel certainly didn't know everything Raúl knew.

But no one knows for certain what Raúl knew. He at least knew something about the smuggling of people and assets out of the country. By not putting an immediate stop to it, he in effect aided Juanita's efforts, something his brother would never have tolerated. Juanita avers that, "In hundreds of cases in which my mother and I saved people, it was thanks to his intervention — direct or indirect." If he knew about the CIA contact and chose to ignore it, he became a tacit CIA collaborator. For all her initial naivete, I think Juanita Castro understands this, and that it became an important factor in timing the publication of her memoirs.

She closes the book with an open and affectionate appeal to Raúl for a democratic transition in Cuba so as to secure for himself an honorable place in history. She pointedly ignores Fidel.

Juanita Castro does not speculate as to what the future holds for a post-Fidel Cuba, other than expressing a desire for a peaceful transition to democracy. Plainly, she has given up on Fidel but retains great hopes for his little brother Raúl, a more sympathetic and flexible pragmatist (albeit with a weakness for alcohol), without whose cooperation "Donna" would have failed in her life saving efforts. But Raúl's hands remain tied so long as Fidel remains alive, hovering over his shoulder.

Montaner, in a separate publication titled "Loss and Restoration of the Republic: Cuba at the Doors of the End of Communism," details what is known about a post-Fidel transition. Raúl, as head of the armed forces, engineered and remains in charge of the extensive foreign tourism joint ventures that provide the lion's share of Cuba's foreign exchange. He wants to remain in power, maintaining control of the armed forces, police, legislature, communications, and primary means of production, *and* normalize relations with the United States by making the peso convertible and opening up the entire island to tourism. He figures that if China can remain nominally communist and still retain normal relations with the United States, so can he.

In a show of good faith, Raúl has already taken the first steps by enthusiastically cooperating with the U.S. wars on drugs and terrorism. No U.S.-bound drug shipments pass through Cuba, and Cuba has enhanced the perimeter security of Guantanamo. In return he expects the United States to control the Cuban exile community by not allowing it to invade Cuba — either militarily or in a giant reverse exodus — once Fidel is gone and Raúl has the chance to implement modest reforms. However, unlike China, Raúl has no plans to free the economy substantially.

Montaner has made many trips to Cuba and interviewed dozens of mid- to high-level bureaucrats. He reports that when in private, secure that no one is eavesdropping, these people exhibit high levels of demoralization, cynicism, depression, and selfish concern for themselves and their families. When asked what they will do if and when "things change," they universally respond that they would "change with them." Ideology has morphed into expediency.

Juanita Castro received a mixed welcome in exile. The Cuban exile community was divided into three groups: Batista backers, who hated her for being a Castro; disillusioned Castro backers, many of whom also hated her; and spies and fellow-travelers of the regime. There were many attempts on her life. Still, she dedicated all her energies and assets to the anti-Castro resistance — until the Nixon-Brezhnev detente, when "the company" insisted that she tone down her message. So she quit the CIA, opened a pharmacy, and continues her fight for liberty on her own terms.

An interesting closing chapter is entitled "The New Castros." It lists all the Castro descendants (and there are many), telling where they now live and whether they're for Fidel or against Fidel, or simply reconciled to reality. How that reality will change, as the ruling Castros pass from the scene, will also be very interesting to follow. ❑

"The Myth of Natural Rights and Other Essays," by L.A. Rollins. Nine-Banded Books, 2008, 304 pages.

Right Makes Might

David Ramsay Steele

Lou Rollins' attack on natural rights was published as a pamphlet 26 years ago, and sparked a lot of heated discussion among libertarians. It's now reprinted, together with his responses to various critics, as part of a larger collection of his writings. All the pieces in this new book are caustic, unpretentious, and stimulating polemics, though thin-skinned readers will no doubt be exasperated beyond the limits of their tolerance.

Rollins' argument involves a kind of misdirection. He seems to be criticizing and denouncing the theory of natural rights, and even just one tiny subspecies of natural rights: the Ayn Rand/Murray Rothbard variety. But really, he condemns all moral judgments, whether applied to politics or anything else, and whether the morality appealed to derives from natural rights, utilitarianism, divine authority, the social contract, or simple compassion. He frankly declares himself an "amoralist" (47, 95).

So reading Rollins on natural rights is like listening to someone declaim against the existence of Big Foot or the Loch Ness Monster, and suddenly realizing that the speaker also denies the existence of all animal life on this planet. Evaluating Rollins' argument requires thinking about morality, as an impetus to libertarianism, on the broadest and most basic level.

Acting on Values

If people share certain value judgments, these judgments, along with an assessment of the factual situation, can serve as a basis for common action. If I say "We'd better get out of this building because it's on fire," I'm assuming

that those who hear me would prefer not to be asphyxiated or roasted to death. I assume this because I expect that they, like me, want to stay alive and avoid excruciating pain. If I said (around 1980), "We ought to combat communism because it leads to impoverishment, mass killing, mass imprisonment, and mass torture," I can similarly assume that people will share my preference that these horrible things be reduced wherever feasible.

Someone might not share these values. A person in the burning building might be looking forward to an imminent death by asphyxiation, or alternatively, might not care one way or the other. A person listening to my argument for opposing communism might view death, misery, and stunted lives as delightful outcomes that ought to be encouraged. Alternatively, he might not care one way or the other (or might not care enough to lift a finger). While these are entirely possible responses, and while the standpoints of these outliers cannot be refuted, they are of no practical relevance, because individuals who dissent from the most commonplace value judgments are exceedingly rare.

Of course, I might be challenged on the facts. Maybe the building's not really on fire. Maybe communism doesn't lead to those consequences, or maybe it leads to those consequences but all the alternatives are even worse. Rollins has no objection to purely factual arguments: he engages in them with gusto. What he seems to dislike are moral arguments. Unless I have misunderstood him (and if I have, it's not my fault), he refuses on principle ever to take the position that "X is evil and so we ought to curtail it" or "Y is good and so we ought to promote it."

Would he also object to the recommendation that we leave the burning building? Probably not, because he seems to like self-interest, and he might consider this an appeal to self-interest. However, my making the recommendation may not be motivated by my self-interest. It may even be opposed to my self-interest, if people leaving the building block up the exits and delay my own departure. In that case, Rollins might consider me a mug for making the recommendation; but still, if he's one of those in the building at the time, he'd be glad I was mug enough to have made it.

My recommendation to combat communism is clearly not a matter of self-interest. Looking ahead from 1980, I will be long gone before communism, if it continues to expand, reaches Chicago, where I live. And if Russian and Chinese communism are replaced with something more efficient, the gains to world output, and therefore to American real incomes, will take a few decades to make themselves felt. So again, I won't be around to reap any personal benefit. And even if I lived to see a major portion of the benefits materialize, any gains I could capture from the difference I can personally make in speeding up communism's collapse will probably be less than the costs to me of the effort I would put into the anticommunist cause.

On grounds of pure self-interest, then, I should do nothing to oppose communism or any other vile political system. From a self-interested point of view, such opposition does not pay. My opposition to communism (or socialism, or fascism, or an Islamic republic, or the welfare state) has to be motivated

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not primarily by self-interest but by a general concern for the wellbeing of other people, mainly people who will be alive after I have died.

The question then arises why, as Rollins seems to assume, self-interest should be privileged over other motives. People are generally self-interested, but they are also generally (though less powerfully) motivated to consider the welfare of others. If convinced of the purely factual claim that communism leads to poverty, mass killing, mass imprisonment, and mass torture, most people would consider this a good enough reason to oppose communism with at least a very modest expenditure of resources. Rollins seems to suppose that in reasoning like this they are making some kind of mistake, whereas in preferring some outcome on grounds of pure self-interest they are not making any mistake. I don't see that this position is defensible, and Rollins gives us no defense of it.

I would completely understand it if Rollins said that he, personally, doesn't care. Perhaps he is to humanitarian motivation as the young Dexter Morgan is to personal relationships. A few million people killed by a communist government far away — why should that concern Lou? I have a lot of sympathy for this position. As far as popular collective emotions go, I am a bit of a cold fish myself. But why then would Rollins object to other people caring, and doing something about it? And why would he think that in behaving like this they are guilty of some kind of error? He has, after all, written all this stuff attacking their positions, so he obviously thinks they are intellectually at fault in some way, and that exposing their intellectual mistakes is an urgent matter.

There's also the odd fact that when he inveighs against moral arguments, Rollins plainly exhibits an emotional tone that sounds very much like *righteous indignation*. Is this inconsistent? I think Rollins' position here might be defended. He might say, for example, that witnessing people making moral appeals offends him aesthetically, and he is self-interestedly expressing his disgust, let's say because he gets a buzz out of a few other discerning people applauding his aesthetic judgments. But this is just a guess, as Rollins doesn't tell us.

Where Rollins Goes Wrong

At one point Rollins attempts to clarify his position, but only manages to make it more obscure (92–93). He states that nothing is morally wrong (and presumably, then, nothing is morally right), and that no action can be morally justified. He asserts that one needs no moral justification for saying that what the state does is morally wrong (even though this is something he himself refuses to say). A little later he writes, "While the amoralist may not condemn the Nazi regime or think it 'evil' for killing six million Jews, the amoralist would not assert that others 'should not' do so [condemn the Nazi regime]. The amoralist is also an individualist and believes 'to each his own' " (95).

Really? If nothing's morally wrong, then it's a mistake to say that what the National Socialist government did was morally wrong. Why take the natural rights people to task (as Rollins repeatedly does) for making mistakes in reasoning, while not blaming others for their alleged mistake in judging that what the Nazi regime did was wrong? Further, amoralism does not imply individualism or "to each his own." These are distinct from amoralism, and since they are moral principles, they contradict amoralism. You abandon amoralism as soon as you adopt the principle "to each his own."

Although Rollins responds to some of his critics, he doesn't reply to my published criticisms of his position (Free Life 4.4; Liberty, July 1988), so I will not dilate here on the fact that I agree entirely with most of his criticisms of the Rand-Rothbard type of natural rights argument. This specific kind of argument has much less support among libertarians than it did 26 years ago. That is an improvement, and Rollins can probably take some credit for it. But I will concentrate here on where I think he goes wrong.

Rollins repeatedly asseverates that natural rights, or moral rules in general, are totally ineffective and are therefore pure fictions. Typical of many of his comments is this: "A bullet-proof vest may protect a person against being shot, but a natural right has never stopped a single slug" (96). This is quite true in precisely the same sense that standards of public hygiene have not saved a single life, or that the laws of mechanics have never built a single machine. Standards of public hygiene have to be learned and implemented by individuals before they save lives. Laws of mechanics and electronics have to be understood by engineers and acted upon before they lead to the construction of mechanical gadgets.

The fact that standards of hygiene have been formulated makes it possible that people might act upon them. And it is because many people have acted upon them that Rollins has not died of cholera or scarlet fever, or contracted leprosy or smallpox. The fact that theories of mechanics and electronics have been formulated, and that many people have taken them as guides, means that Rollins can have useful gadgets in his home. The fact that people have theorized about rights and have then influenced legal thinking means that Rollins is less likely to be shot in the street in the United States than he would be in Rwanda. The fact that a particular type of natural rights argument became persuasive in 17th-century England means that if the police pick Rollins up tomorrow, they have to prove he's guilty, unlike in Italy or France, where he would have to prove his innocence.

It's unfortunate that writers like Rothbard sometimes carelessly give the impression that merely because natural rights "exist," whether people know about them or not, they can protect us against attacks by the state. A few writers, such as Sam Konkin, quoted by Rollins, seem actually to have believed this. Rollins is quite correct to dismiss it as absurd.

But with that out of the way, the real discussion can begin. As far as I can tell, natural rights proponents as varied as Robert Nozick, Hillel Steiner, Douglas Rasmussen, and Tibor Machan think of natural rights as concepts that can be identified by theorists and disseminated among intellectuals, and then can influence (perhaps over centuries) the drafting of laws enforced by courts and police, as well as by custom and general opinion. Most natural rights proponents would agree that natural rights do no good unless people are persuaded to make their positive legal systems conform to natural rights. If we look at natural rights in this way, we see that Rollins' claim that "a natural right has never stopped a single slug" is false.

Rollins agrees that positive rights — rights embodied in existing law and custom — can be effective (35). He apparently accepts the idea that positive rights can stop slugs. But the positive rights prevailing at any time may often owe something to moral theories, including theories of natural rights, which have influenced jurists in the past. So natural rights might stop slugs, by influencing the judicial system. Anglo-American common law would hardly be recognizable if we removed from it all elements that have derived from natural rights doctrines.

Rollins' only counter to this is his claim that moral rules that influence the law are promoted by individuals purely in pursuit of their self-interest: "In my view, natural law and natural rights are human *inventions* . . . intended to further the interests of the inventors" (35–36). But again, this is factually inaccurate. Moral ideas independent of people's own interests have had considerable influence in the formation of laws. Hundreds of examples could be cited, but I will mention just one.

In 1807 the British government abolished the slave trade throughout its empire — about a third of the earth's land area. In 1833 Westminster went on to outlaw slavery itself in most of the empire. These enactments were the result of a sustained campaign, lasting many years, by antislavery propagandists such as Thomas Clarkson and William Wilberforce, who were not motivated by self-interest but by a belief that blacks were entitled to the same legal rights as whites, and that the actual practice of slavery involved unacceptable atrocities. The fate of slavery in England itself had already been sealed, in a court decision (Somersett's Case, 1772) in which the judge's ruling stated that slavery was "odious" and that this fact overrode the matter of "inconvenience." Neither the judge (Lord Mansfield) nor the antislavery activists who had been bringing test cases like Somersett's benefited personally from the ending of slavery in England. The only people whose personal self-interest was affected (apart from the slaves) were those who had acquired slaves in the colonies and brought them to England: much to their annoyance, their property could now walk away. Insofar as personal self-interest was involved (aside from that of the slaves, who didn't have much clout), it was defeated by the superior power of moral conviction.

All societies include some system of positive rights, and we can look at different hypothetical systems of rights and decide which one we most prefer. The point of doing this, of course, is to act so as to move actual law, positive law, into conformity with our preferred system. We could call the most preferred system of rights "natural rights," though "optimal rights" would be simpler. I have generally found that natural-rights libertarians won't accept this line of argument as a genuine example of natural-rights theory. They want something they can spin out from ruminations on human nature and then impose on the judicial system, regardless of the actual consequences for human welfare. In this sense, I agree with Rollins that the libertarian natural rights enterprise, in the style of Rand, Rothbard, or Hans-Hermann Hoppe, is an intellectual fiasco.

Entertaining Aphorisms

Rollins' collection includes a couple of short pieces, an "Open Letter to Allah" and an "Ode to Emperor Bush." Unfortunately neither of these rises far above the puerile. The volume includes many entries to "Lucifer's Lexicon," an ongoing series of aphorisms in the form of dictionary definitions, after the model of Ambrose Bierce's "Devil's Dictionary," and owing something to Thomas Szasz's "The Untamed Tongue."

Like all such efforts, Rollins' aphorisms vary in quality, but on the whole they make entertaining reading. Some are genuinely witty (America: "the Great Santa"). Some are quite subtle (Egalitarian: "a morally superior person"). Many are weak (Liberation Theology: "the gospel according to St. Marx"). Some have merely fleeting comic value (Draft: "an ill wind from which many a young man has caught his death"). A few have actually been around for a while (Lincoln "freed the slaves and enslaved the free"). And a few are real gems (Neoconservative: "One who believes that democratic nations should start wars to spread democracy, because democratic nations don't start wars").

Revising the Revisers

Rollins spent many years in the camp of Holocaust revisionism, but he became disenchanted with the revisionists as well as with the standard historical account. In the essays reprinted here, he attacks both revisionist and conventional accounts of the Holocaust with approximately equal ferocity. He finds serious errors in some of the revisionist and some of the conventional historical accounts. One essay listing a number of fairly crass errors of fact in revisionist works is followed by another essay itemizing what appear to be similarly egregious mistakes in "Denying History," the popular critique of revisionism by Michael Shermer and Alex Grobman. It is de rigueur among revisionists, as well as professional revisionist-bashers, to call the opposite side's mistakes "lies," but it's cooler to abstain from such childish vituperation.

With some of these issues I don't know enough to determine who's right or wrong, but where I do know enough, Rollins is usually accurate. One notable exception is where he quotes a passage from the diary of Joseph Goebbels to the effect that 60% of the Jews in central Poland will be liquidated and 40% used for forced labor (135). Rollins cites this as evidence *against* a Nazi policy aiming for total extermination. But if precisely those Jews who can't be currently used for forced labor are to be killed as a matter of state policy, in wartime conditions when the state's demand for slave labor is urgent, this rather suggests to me the opposite conclusion. What do we suppose might happen to the 40% when they become unable to work?

Rollins draws the conclusion that both the revisionist point of view (that there were no gas chambers) and the conventional account (that between 4 and 7 million Jews were deliberately exterminated, well over a million of them in gas chambers) are full of holes. "As of now," he says, "I am a skeptic regarding both the Holocaust and Holocaust revisionism" (160). He reiterates this even-handed skepticism in different words several times.

Yet what Rollins has done here is to find errors in the most notable revisionist works and in one rather scrappily compiled piece of antirevisionist popularization — and even in the latter case, he seems to acknowledge that

Shermer and Grobman, along with the factual errors he identifies, also offer other and weightier arguments. So he's comparing the best that revisionism has to offer with the weakest parts of one lightweight antirevisionist screed. Oddly enough, there is a deep similarity between Rollins' writings on morality in politics and his writings on the Holocaust: he attacks both natural rights and the standard Holocaust account at their feeblest, and virtually ignores the much stronger presentations available.

It would be a more daunting task for him to pick apart the main body of Holocaust historiography that has emerged over the past 30 years or so. He seems to accept this when he names Pierre Vidal-Naquet, Jean-Claude Pressac, and Robert Jan van Pelt as people whose arguments would not be so easy to dispose of (204). The political background to the planned extermination of most of Europe's Jews has been uncovered in well-researched and meticulously argued works by, among others, Christopher Browning and Ian Kershaw (to name the two whose books in English can easily be consulted in any American public library).

Public knowledge of the nuts and bolts of extermination — how gas chambers came to be built (and modified) and how they operated — underwent a revolution with the momentous work of Pressac (the complete text of his study is available online at www.holocaust-history.org/auschwitz/pressac/technique-and-operation). He began his researches into Auschwitz inclined to revisionism, but changed his mind as he examined the documentary, chemical, and engineering evidence. Much of the evidence for the reality of the Holocaust was drawn together by van Pelt, in his work on the David Irving libel suit. Van Pelt's detailed argument (including his dissection of the revisionist Leuchter Report) is available online at www.hdot.org/en/trial/defense/van. If Rollins were to compose a critique of van Pelt, he would be picking on someone nearer his own size.

This accumulation of historical work has two implications for Holocaust revisionism. First, we now have a coherent and quite detailed account of what happened, an account in which elements that once looked peculiar (such as the absence of a written order from the Fuehrer) fall into place quite naturally. Second, a close acquaintance with this material means that many of the stock revisionist objections can't get started. To take a simple example: revisionists have often claimed that the use of hydrogen cyanide for mass killing of humans would be impracticable, because of hazards to the people doing the gassing (Rollins, 140–41, refers to this, though without indicating that it convinces him). Some have even claimed there would be a risk of explosion from the gas igniting. This objection evaporates once we realize that far lower concentrations are needed to kill humans than to kill lice, especially if you're not terribly anxious to make the human deaths mercifully quick, and that hydrogen cyanide was in fact routinely used to kill lice, without any reported explosions. Smaller amounts of hydrogen cyanide, for briefer periods, also help to explain why detectable traces of chemical derivatives of hydrogen cyanide are much smaller in the walls of the gas chambers than in the walls of delousing facilities, a favorite revisionist objection to the standard Holocaust account.

Even David Irving, the clever historical writer who was won over to the revisionist position (mainly by his too-ready acceptance of the Leuchter Report), now finds that the available evidence compels him to acknowledge that gas chambers really were used as instruments of state policy in the mass killing of Jews and others — though Irving currently maintains the theory, rejected by nearly all other historians, that the extermination program was a secret project mounted by SS boss Heinrich Himmler, who managed to keep all knowledge of it from Hitler.

Holocaust revisionism has similarities with Kennedy assassination conspiracy theory and the "9/11 Truth Movement." All are able to find puzzles or discrepancies in the standard accounts, but they do not offer a worked-out alternative hypothesis for equally searching scrutiny. Generally, though admittedly not always, their objections vanish on closer acquaintance with the material. They frequently evince the "Murder, She Wrote" mindset: crime scenes must be perfectly tidy, so a single anomaly or loose end is sufficient to overthrow an entire body of quite well-corroborated theory. One must develop a sense of perspective: there are often little details of real-world crimes that

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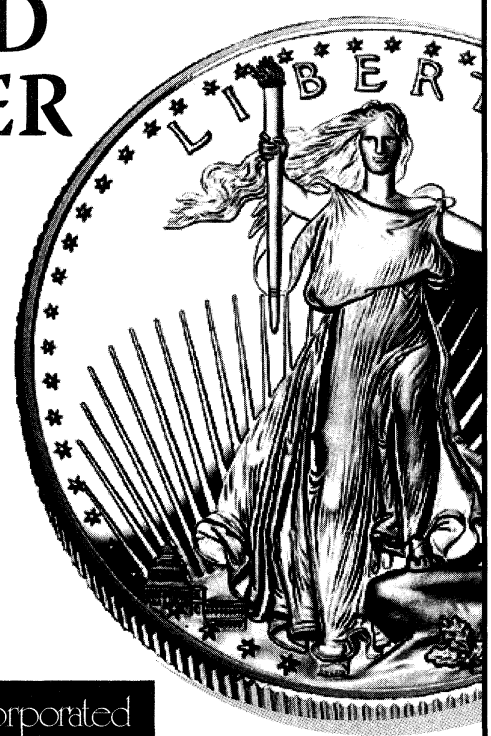

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remain not fully explicable.

The questions the dissenters raise deserve to be pursued, and the questioners should not be abused or maligned, much less prosecuted or fired from their jobs. These deviants reject conventional stories because they think for themselves, instead of swallowing uncritically whatever the authorities tell them. While those who dissent will sometimes be right (for example, those who in early 2003 pointed to the clear evidence that Saddam Hussein had no weapons of mass destruction), very often they will be seriously in error, because they will have jumped into areas where they are unfamiliar with the complexities of the evidence. Explaining why the dissidents are mistaken, about the Holocaust, about the Kennedy assassination, about 9/11, and for that matter, about Intelligent Design, should be seen as wonderful opportunities for popular education. Unfortunately, defenders of the conventional accounts often discredit themselves by displaying anger and maligning the motives and character of the questioners.

As we look at the evolution of the Holocaust story over the last 30 years, we see that some elements that revisionists used to find problematic have been discarded by mainstream historians. No historian now maintains that German industry manufactured soap or lampshades from corpses, that it can be proved that Dachau or Belsen had operational gas chambers (though thousands were murdered at both camps by other methods), or that the gas chambers at Auschwitz were operating at maximum capacity every day. Instead of seeing this kind of adjustment as a victory for revisionism, as Robert Faurisson did, we should see it as evidence that conventional academic history is not as rigidly dogmatic as revisionists have supposed, and that it is capable of adapting to new evidence and new analysis. In the meantime, and while some of the details remain puzzling, the balance of evidence for the fact of the Holocaust ought to be regarded as overwhelming. ❑

"The Book of Eli," directed by Albert and Allen Hughes. Alcon Entertainment, 2010, 118 minutes.

Power in the Word

Jo Ann Skousen

"The Book of Eli" will seem familiar to those who saw "The Road," another postapocalyptic film ("After Armageddon," March). Both movies are photographed with a brown sepia wash that emphasizes the bleakness of a landscape destroyed by bombs and ozone depletion. Both are populated by gritty people transporting their worldly goods in backpacks and shopping carts as they scavenge for food and blankets. Both show marauding bands of thugs patrolling what is left of the highway (probably Interstate 70 in each version), raping, pillaging, and cannibalizing those who are weaker and unarmed.

"The Road" follows a man and his son as they make their way toward the east coast; "The Book of Eli" follows a man traveling alone to the west coast. But Eli (Denzel Washington) isn't entirely alone; he carries with him a Bible, perhaps the last one in existence, and he is guided by the voice of God, so in that sense one could say that a father and son are also traveling together in this film.

The biggest difference between the two is that in "The Book of Eli" people have begun to reestablish towns similar to those in the Old West, where he who controls guns and water controls the community. Carnegie (Gary Oldman) is one of those men. He knows where a natural spring percolates fresh water, and he trades that water for whatever people are willing to barter. No one argues about fairness or price controls. The price is whatever two people agree upon, enforced by a gun.

Carnegie commands a posse of tough guys who scavenge the countryside, armed with weapons and transported by motorcycles and armored cars. (The film does not explain the source of their gasoline.) He has the power that comes from force and property, but he is looking for a specific book that will give him even more power. Eventually we learn that the book he seeks is the Bible. He seems to think of it as a book of charms that will teach him how to perform miracles. He also says that if he owns the book, dimwitted people who believe in religion will be in his power. In short, the filmmakers seemed unable to decide whether their Book of Eli would be truly powerful or merely an opiate of the people. This indecision mars the film.

When Jesus talked to the Jews in the 1st century A.D., they wondered whether the Old Testament prophet Elijah had come again, as some believed had been prophesied. Could this mysterious traveler be that "Eli"? Eli does seem to receive power from the book he has carried for 30 years (it's a long trek west!). He is protected from danger, even bullets, and possesses incredible skills as a fighter. Viewers who complained that "The Road" had no climax and no action will be well satisfied by the martial arts displayed in this film, as Eli skillfully and forcefully defends himself and the book he carries. (Washington was trained for the role by Bruce Lee's protege, Dan Inosanto, and performed all his own stunts.) I had some problems at first with accepting the idea of a monklike character being also a killing machine, but Armageddon is a war, after all; someone has to do the killing, and it might as well be the good guy in hand-to-hand combat.

In the town Eli meets a young girl, Solara (Mila Kunis), whom Carnegie tries to use as bait for gaining control of the book. When Eli isn't interested in a roll in the hay and insists that he has to continue his journey, Solara begs him to take her with him, saying, "I hate it here." Eli responds, "Then change it." When Carnegie tells Eli he has no choice but to give up the book, Eli responds, "There is always a choice," as he rolls into fighting stance. Lines like these give the film some substance and a clear connection to ideas of liberty.

But the film is not as profound as it tries to be, or as it could have been. The book of Ezra in the Old Testament shows the power that a book had in an earlier post-war setting, after the Jews had been captured and carried away into Babylon, and their land had been destroyed. Isaiah had prophesied that a king named Cyrus would help to rebuild the Jewish temple. Cyrus evidently felt the power of the prophecy and encouraged the Jews to return to their homeland. He even provided 5,000 vessels of gold and silver for the project. After the city walls were rebuilt, the Jews (50,000 of them!) stood in the streets and listened with joy as Ezra read to them from the scriptures for the first time in many years. That's power.

Seeing Carnegie change as significantly as King Cyrus did would have made "The Book of Eli" far more satisfying. Instead, the filmmakers rely for their climax on a twist at the end of the story — the kind that makes you want to view the film one more time, just to see whether it works, like the surprise ending in "The Sixth Sense." But in that film, the twist was essential to understanding the story. In "The Book of Eli," the twist is surprising, but unnecessary. Focusing on the surprise and its improbable implications, rather than on the book and its promised importance, keeps "Eli" from being a better film.

The film's tagline says, "Some will kill to have it. Others will kill to protect it." I want to know more about a book with that kind of significance! But in the end, if it merely sits on a shelf, what good is it? Although the film is well made and packed with action, it loses faith in its own premise, and fails as a result. ❑

"The Young Victoria," directed by Jean-Marc Vallée. GK Films, 2009, 104 minutes.

The Breeding of an Empire

Gary Jason

Queen Victoria (1819–1901) was certainly a figure of major historical interest. She reigned for nearly 64 years, longer than any other British monarch, or any female monarch anywhere. During her reign, Britain reached the height of its economic, military, and political power, with its empire spanning the globe. But in the beginning Victoria was simply a sheltered teenager who needed to learn how to rule.

"The Young Victoria" focuses on the period from Victoria's late teenage years through her marriage. The history is accurately portrayed, especially her various struggles with those around her who wanted to control her, and her relationship with Prince Albert of Saxe-Coburg whom she met when she was 17, one of many suitors being put forward as a potential political match.

The acting is very well done across the board. Most remarkable is Emily Blunt's performance as the adult Victoria (Michaela Brooks and Grace Smith play Victoria at ages 11 and 5, respectively). Blunt's previous films have been fairly lightweight, so it was surprising to see what she can do when given a meatier role. She plays Victoria as a young woman who knows early on that she is destined to be queen, and has the intelligence and fierce independence of will to do it her way.

The film opens with the controversy over what to do if King William IV (Jim Broadbent) dies before Princess Victoria, the only surviving legitimate heir, reaches the age of 18. Parliament has already passed a Regency Act under which her mother, the Duchess of Kent (Miranda Richardson), would act as Regent, but the act doesn't spell out limitations on the regent's powers. The duchess and her comptroller, Sir John Conroy (Mark Strong), want Victoria to sign over additional powers that would extend beyond her 18th birthday, and Victoria resists vigorously.

Life as a princess isn't all fun and games. In fact, it's no fun and games at all. Victoria is raised under the "Kensington system," a restrictive environment in which she is not allowed to play with other children, has to be escorted up and down stairs to prevent falls, and has to sleep with her mother. The goal of this is not merely to protect Victoria, but to keep her weak and under the control of the duchess and Conroy (widely assumed to be the duchess' lover). As a feisty teenager, Victoria fights this attempt at domination, refusing to let Conroy become her personal secretary.

As it turns out, no regent is needed. Motivated, perhaps, by his strong dislike for Victoria's mother and his concern that she might become regent, King William manages to hang on, dying one month after Victoria's 18th birthday. Victoria becomes queen and is crowned, after which she moves her mother and Conroy to a remote part of the palace. She declares her sovereignty by walking up and down stairs unaccompanied by a protective escort.

The political machinations of court life are well portrayed in the film. Although Victoria is strong-willed, she allows herself to be advised (some

would say manipulated) by the Whig prime minister, Lord Melbourne (Paul Bettany). Melbourne selects all of Victoria's ladies-in-waiting from among the wives and daughters of his Whig supporters, ignoring the tradition of including ladies from both parties. He directs her correspondence, tells her whom to trust, and gently controls the court. When Melbourne is replaced by the Tory Sir Robert Peel, Victoria refuses to change her ladies-in-waiting to reflect the new party in power, arguing simply, "I am the queen. I will choose whom I want." She had spent too many years under the Kensington system to let others tell her what to do.

She quickly learns, however, that a queen rules at the will of the people. When she continues to flaunt her friendship with Melbourne after the Tories come to power, public opinion turns against her. She wisely backs down.

Against this political backdrop is a lovely story of the romance between Victoria and Prince Albert (Rupert Friend). Initially Albert is sent by his ambitious Uncle Leopold (Thomas Kretschmann) to woo his young cousin to maintain favorable relations between England and Belgium. Albert is coached in how to impress Victoria, but she has seen it all before with a long line of suitors, and she teases him mercilessly. The scenes between the two are charming, and reveal a genuine love story that transcends political expediency.

Albert is not just a loving husband; he rapidly becomes Victoria's main adviser, eventually displacing Melbourne. He also convinces her to remove Baroness Lehzen, Victoria's governess, from running the household; it is time for Victoria to grow up and transfer her loyalty to her husband.

Victoria and Albert remained devoted to each other until his death in 1861. They had nine children, a brood that married into royal houses all over the continent, so that she became known as "the grandmother of Europe." There were periods when her popularity waned, but she was through most of her reign a highly popular monarch, not least because she lived a life of propriety and dignity. This film demonstrates a more playful side of the queen after whom the phrase "Victorian morality" is named.

As an historical piece, "The Young Victoria" is informative — with some exceptions, such as the disconcerting substitution of Blenheim Palace for Buckingham Palace — and as a period drama, it is first-rate. The cinematography is beautifully done. Jean-Marc Vallée's direction moves the film along at a reasonable pace, while portraying the most important historical background in full detail.

This is altogether an enjoyable film, well worth viewing. ❑

"The Blind Side," directed by John Lee Hancock. Alcon Entertainment, 2009, 128 minutes.

Forget the Oscar

Jo Ann Skousen

According to "The Blind Side," Baltimore Ravens offensive tackle Michael Oher was a homeless 17-year-old, sleeping in the school gym, washing his one extra set of clothes in a laundry-room sink, and eating popcorn left behind by basketball fans, when he was rescued by Leigh Anne Touhy, whose children attended the private school where Michael had a scholarship. The Touhy family brought "Big Mike" into their home, gave him a bed, bought him a car, taught him to play football, hired him a tutor, and made him a part of their family.

Let me say at the outset that I cheer anyone who helps a destitute individual, no matter what the motive. A good thing, even if done for the wrong reasons, is still a good thing.

As the film opens, however, the Touhys' motives are being challenged by the NCAA's enforcement division. It is illegal to pay a student athlete or offer any material recruitment benefits, and the Touhys' altruism could be perceived as unfair influence. Were they simply helping an underprivileged young man, or were they grooming an outstanding offensive tackle for their alma mater, Ole Miss? Of course, we're supposed to be outraged by this suggestion of impropriety. The Touhys demonstrated throughout the film that they are genuine, wonderful people.

Nevertheless, I wasn't that impressed with the film when I saw it. Despite all the feel-good things I was hearing about it, I was put off by the poor acting and just a little bit cynical about how the family chose this particular boy. Here's why.

For a while my children attended a private Southern Christian school much like the one in the movie, and I knew a lot of women like Leigh Anne Touhy. They wore the right clothes, had lunch in the right restaurants, invited the right friends to all the right parties, ran the right volunteer organizations, and made sure the right children were invited to the right birthday parties. They ran the parent organizations and often ran over the coaches. They made big donations, and the board members knew not to get in their way.

In the film, when Leigh Anne turns up her nose at the wide-striped rugby shirts that Michael chooses when she takes him shopping, it put me right

back at our private school, where a student once said about my son, "He's nice and everything, but look at the clothes he wears!" My son often wore wide-striped rugby shirts back then. In fact, so did I. We shopped at the Gap.

Even more disturbing about the private school my children attended was their good ol' boy attitude about who earned "academic" scholarships. It was surprising — no, *disturbing* — how well-rounded these "academically gifted" scholarship recipients always turned out to be: every one of them ended up on the basketball team or the football team. Or both. Meanwhile, those of us who were paying full tuition often found our sons sitting on the bench, watching the scholarship kids play the game. I understood the motive: teams with winning records lead to enthusiastic boosters who donate big bucks to the school. Still, it seemed unfair to me.

So, realizing I was just a little bit biased when I saw "The Blind Side" the first time, I decided to give it another look after it was nominated for Best Picture and Best Actress. Maybe there was something I'd missed.

After seeing the film a second time, my opinion has not changed. It is a heartwarming story, with many moving moments that tug at the tear ducts. The sight of Michael carefully gathering abandoned popcorn bags at the end of a basketball game, his confession that he has never before slept in a bed or eaten at a dining room table, his chance meeting with a brother he hasn't seen since he was a little child — all these remind us of how much we take for granted: food, shelter, family. They cause us to admire a family who would provide these basic needs for an underprivileged boy.

However, the production values of the film are simply too uneven to warrant an Oscar nomination. While veterans Sandra Bullock and Kathy Bates put in fine performances, the rest of the cast is mediocre at best. Few of the supporting actors have impressive credits; most of them have acted only in television, and many of the rest have virtually no film experience. One senses that they are always aware of the camera, always thinking about how they are going to look on screen. Cinematographers call it "shining" for the camera, and these actors shine their hearts out. It's as though they thought "action" meant "say cheese."

Quinton Aaron as Michael Oher is probably the most troubling. This is his first role as more than an extra, and his lack of experience shows. His Big Mike is a sweet sad sack, passive to the point of seeming dimwitted. He rocks rhythmically and rubs his palms on his thighs to show he is nervous, actions often demonstrated by those who have mental problems or learning disabilities. By contrast, the real Michael Oher, shown accepting his Ravens jersey and conversing with sports figures near the end of the film, is bright-eyed, confident, and normal. He has expressed displeasure over the way he is portrayed.

At the other end of the spectrum, Jae Head, who plays the Touhys' young son S.J., exudes over-the-top pep and cuteness. If the other actors shine, Jae glows with radioactivity. Yes, he's adorable and enthusiastic, but he isn't natural. In fact, during a couple of particularly lengthy and precocious monologues, he appears to be reading from a script or teleprompter. He's cute, but come on — let's cut back on the sugar and caffeine.

Sandra Bullock (Leigh Anne Touhy) is one exception. Although I don't like the kind of woman she portrays, I have to admit that Bullock plays her to perfection. She bullies children and grown-ups alike with sweet-talking Southern charm. As an interior designer she orders $40,000 carpets and $10,000 sofas the way I order a cheeseburger and fries. She takes no nonsense from suppliers, clients, football coaches, or even a threatening drug dealer. As her husband (country singer Tim McGraw) says, "She always gets her way."

"The Blind Side" probably inspired many viewers to say, "I ought to do something like that." Its theatrical release between Thanksgiving and Christmas could not have been better timed. The dialogue is often clever and believable, even if it is poorly delivered. But Best Picture? I don't think so. If this film deserves an Oscar nomination at all, it is for the screenplay and perhaps for Bullock — but *not* Best Picture. ❑

Filmnotes

Breaking the Shackles — "The year was 2081, and everybody was finally equal. They weren't only equal before God and the law. They were equal every which way. Nobody was smarter than anybody else. Nobody was better looking than anybody else. Nobody was stronger or quicker than anybody else. All this equality was due to the 211th, 212th, and 213th Amendments to the Constitution, and to the unceasing vigilance of agents of the United States Handicapper General."

So begins the satirical science fiction short story classic by Kurt Vonnegut, "Harrison Bergeron," published in 1961. This story has gained almost cult-like admiration, and is freely available online.

This great little story has been made into a superb film short — called "2081" — by Chandler Tuttle, who wrote the screenplay and directed the flick (Moving Picture Institute, 2009, 25 minutes). The story concerns an act of rebellion by Harrison Bergeron (Armie Hammer). In a society where the strong are forced to wear weights, the beautiful to wear masks, and the bright to wear headsets that emit noises to disrupt their thoughts, Bergeron — with his great strength, handsomeness, and intellect — is forced to wear all three. He escapes from prison and takes over a concert hall, disrupting a televised ballet performance in which the dancers are weighed down by chains to equalize them with the masses. Bergeron breaks off his handicaps and convinces one of the ballerinas to discard hers as well. He then performs a dance of exquisite beauty. While this is going on, the Handicap General's stormtroopers frantically try to close in.

We see all this mainly through the eyes of Bergeron's parents, Hazel and George. They are watching it on TV, but

how much do they — and the audience — really comprehend? It's a question that means a lot for lovers of liberty.

The film is excellently narrated by Patricia Clarkson. Julie Hagerty (of "Airplane!" fame) gives a great performance as the mother of limited intelligence (no noise-emitting earpiece necessary for her!). And James Cosmo is also good as the world-weary father. Armie Hammer (who has done considerable TV work) is quite interesting as the rebel Harrison. And there is a nice cameo by political commentator and talk show host Tammy Bruce, who plays the implacable Handicapper General, Diana Moon-Glampers.

"2081" is now available through Amazon and can be bought for a modest price. It's a fascinating little gem. The Motion Picture Institute deserves great praise for producing it.

— Gary Jason

Fear and Whiskey — In "Crazy Heart" (directed by Scott Cooper, Butcher's Run Films, 2010, 112 minutes), Bad Black (Jeff Bridges) is a country singer whose albums once topped the charts. Now he performs in bowling alleys and country bars, using local pick-up bands as his back-up musicians and staying in seedy motels. He's a chain-smoking alcoholic who drives himself to one-night-stands in his 1978 Silverado, relieving himself in a milk jug because he's too lazy to pull over and find a bathroom. "I ain't never missed a show," he tells the anxious leader of the latest band as he arrives just before showtime, pukes in the garbage can, and enters the stage door. His fans applaud appreciatively as he walks onstage, and for good reason: his talent is still there, and his music is still strong.

Bad Black is a "functioning alcoholic" who is able to drive, communicate, and perform even when he has been drinking all day. This functionality places him in denial about his alcoholism and what it is doing to his body, his relationships, and his career. He recognizes that his career is waning, but he blames the unfair rise to stardom of his former protege, Tommy Sweet (Colin Farrell) and Tommy's unwillingness to record a duet album that would put Bad back on the charts.

This attitude begins to change when Bad meets Jean Craddock (Maggie Gyllenhaal), a music journalist who asks to interview him. For some reason, perhaps because she sees him through the lens of his past glory, she is able to look past the craggy beard, stringy hair, stinky breath, and squalid surroundings to fall for him. Bad is also charmed by Jean and by her darling 4-year-old boy, Buddy (Jack Nation). She makes him want to be better.

But Bad's an alcoholic, and alcoholics have only one true relationship: with the bottle. After a frightening experience involving little Buddy (one has to wonder what kind of mother would be foolish enough to leave her son with an alcoholic . . . but women in love often do foolish things), Bad hits rock bottom and gains the courage to say, for himself, "I want to get sober." "Crazy Heart" never implies that getting sober is easy, only that it's worth it. This is a tale of redemption, not of squalor, and it is told with honesty.

This familiar storyline could have made the film hokey, sentimental, and predictable. But "Crazy Heart" never falls short of wonderful, largely because of the brilliant performance of Jeff Bridges. One simply forgets that he is an actor playing a part. Anyone who has had the misfortune of dealing with a chronic alcoholic will recognize the perfection of his portrayal — the swagger that hides the drunken walk, the deep-cheeked draw on the cigarette, the protective manner in which he carries a glass of whiskey. Watch for the way he balances a drink nonchalantly on his chest while he talks with Jean on his motel bed, then deftly moves it to the night stand with a quick underhanded twist of his wrist that keeps the glass completely level, not risking a drop. For an alcoholic, the whiskey glass and the cigarette are permanent, sentient appendages.

Production values of the film are top quality. Cinematographer Barry Markowitz takes full advantage of the New Mexico landscape, with its rising red mesas, wide skies, and soothing sunsets. The supporting cast provide rich characterizations, including Robert Duvall as Bad's longtime friend Wayne. But these performances are mere similes to Bridges' metaphor; the others act their parts well, but Jeff Bridges *is* Bad Black.

The quality of the musical score is also something special. Bad Black is a songwriter, not just a singer, so a believable soundtrack was essential to the film. Grammy winner T. Bone Burnett ("O Brother, Where Art Thou?") provides a dozen original songs that more than justify the film's premise that Bad Black's tarnished star is worth polishing. If I have one complaint, it is that the film cuts away from the songs too soon. This is a soundtrack worth owning.

Scott Cooper wrote, directed, and produced this film. His family members are listed in the acknowledgements. When I see this kind of dedication to a project in the credits, I know the filmmaker is driven by an overwhelming belief in what he is trying to do. Cooper has heart, crazy heart, and it shows throughout this excellent film.

— Jo Ann Skousen

Letters, *from page 40*

Book Learnin'

I have read the first issue of my subscription with delight. There is much to comment on, but briefly I wanted to recommend a book to Stephen Cox and all Liberty readers, prompted by the following passage in his review "The Muslim Myth" (Jan.–Feb.):

> Islamic scholars avoided the philosophical and "merely literary" ones, and went for the mathematical and medical works. They wanted practice, not theory; and thus scorned the kind of theories . . . that can lead to a new and better practice of life.

One such "new and better practice of life" was the Italian (and European) Renaissance, which according to L.D. Reynolds and N.G. Wilson, the authors of "Scribes & Scholars: A Guide to the Transmission of Greek and Latin Literature," owed its overall inspiration to the reading of classical literature. Without such pioneering study by 14th- and 15th-century scholars and laymen, we would not have the culture of philosophical and political freedom we have today, however flawed and dangerously hostile to liberty it is becoming.

Doug Milam
Bellingham, WA

Terra Incognita

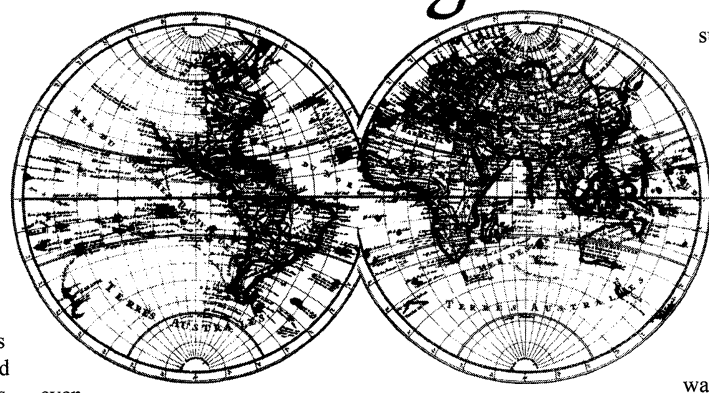

Lane County, Ore.

Local government at its finest, headlined in the *Eugene Register-Guard*:

County to pay $250,000 to advertise lack of funds.

Paris

Etymology by committee, in *The Wall Street Journal*:

To translate the English term for computing resources that can be accessed on demand on the internet ("cloud computing"), a group of French experts spent 18 months coming up with "informatique en nuage," which literally means "computing in cloud."

France's General Commission of Terminology and Neology — a group of professors, linguists, scientists and a former ambassador — was gathered to evaluate the term. The 17 members of the commission were quickly confused. "What? This means nothing to me. I put a 'cloud' of milk in my tea!" exclaimed Jean Saint-Geours, a French writer. "Send it back and start again," ordered Etienne Guyon, a physics professor.

England

The perils of unorthodox bowling methods, reported in the *Daily Mail*:

After two years and £250,000, a team of health and safety experts found that ten-pin bowling alleys up and down the country could be a 'very dangerous' environment for families.

They concluded that it was too easy for children or teenagers to run down lanes and get trapped in machinery that sets up the pins — even though there was no record of any such accident having happened.

The Health and Safety Executive report found that members of the public would be at risk if they walked along the 60-foot lanes to knock over pins by hand.

Tangipahoa Parish, La.

New take on equal treatment, in the *Hammond (La.) Daily Star*:

A justice of the peace said he refused to issue a marriage license to an interracial couple because of concern for the children who might be born of that relationship.

Keith Bardwell, justice of the peace for Tangipahoa Parish's 8th Ward, also said it is his experience that most interracial marriages do not last long. "I'm not a racist," Bardwell said. "I do ceremonies for black couples right here in my house." But, he said, if he does an interracial marriage for one couple, he must do the same for all. "I try to treat everyone equally."

Washington, D.C.

Safety as priority number one, in the *Washington Post*:

A team of independent safety inspectors was nearly hit by a Metro train that appeared to be traveling at full speed and making no attempt to slow, as required by agency rules.

The inspectors "experienced a near-miss situation" and "were forced to quickly scramble out of the way to avoid being struck," according to a report released by the Tri-State Oversight Committee, which monitors safety at Metro. No one was injured.

The near-miss near Alexandria's Braddock Road Station was one of numerous safety violations identified in the report.

Chicago

A former president shows his sensitive side, in the blog of the *Chicago Sun-Times*:

In a scheduled appearance in Chicago, former President Bill Clinton mentioned the shootings at Fort Hood, Texas, and tried to tie it into a broader discussion about people of the world respecting each other's differences as he says he sees in Chicago.

"You have people from more than 150 different ethnic and racial groups," he said. Looking out over the diverse crowd, Clinton said it was different than a crowd of white men that might be seen on the TV show "Mad Men." "You ever watch that TV series 'Mad Men?' If I keep watching this program, will I ever find a happy person? Great television. Good drama. But . . . the way women were treated is appalling, and only occasionally funny to me."

Okeana, Ohio

Innovative police search technique, recorded in the *Dayton Daily News*:

Okeana resident Robert James is suing Deputy Daron Rhoads, wildlife officer James Tunnell, and a third unknown officer in federal court. The suit says Rhoads pulled James over on a traffic stop, and took him into custody after finding two unsecured firearms in the cab of his truck.

Tunnell was then dispatched and began an investigation into illegal hunting activities, which led to a search of James' home. While James was handcuffed in the cruiser, the complaint says the officers spent roughly four hours searching the home.

While there, the suit claims the officers seized James' girlfriend's sex toys, turned them on and left them in plain sight "for James to see that they had found them," and did the same with pornographic video tapes they found. The suit claims the officers "placed a hat, Christmas lights and goggles on deer antlers that were affixed to James' wall."

Poole, Dorset, England

Protecting shoppers from Christmas, from the *London Times*:

Shoppers stared in bemusement at the mysterious object that landed in a shopping precinct in Poole in early December. Some compared it to a giant traffic cone, a witch's hat or a cheap special effect from an early episode of Doctor Who. The 33-ft. structure turned out to be their Christmas tree, designed according to 2009 principles of health and safety.

Thus it has no trunk so it won't blow over, no branches to break off and land on someone's head, no pine needles to poke a passer-by in the eye, no decorations for drunken teenagers to steal and no angel, presumably because it would need a dangerously long ladder to place it at the top.

Last year Poole boasted a Norwegian fir draped with strings of coloured lights that cost £500. The replacement, which is constructed on a metal frame overlaid with what appears to be artificial grass, cost £14,000 and comes with built-in fairy lights and hidden speakers to play Christmas tunes that will put shoppers in the festive mood.

Special thanks to Russell Garrard, Tom Isenberg, and William Wallace for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

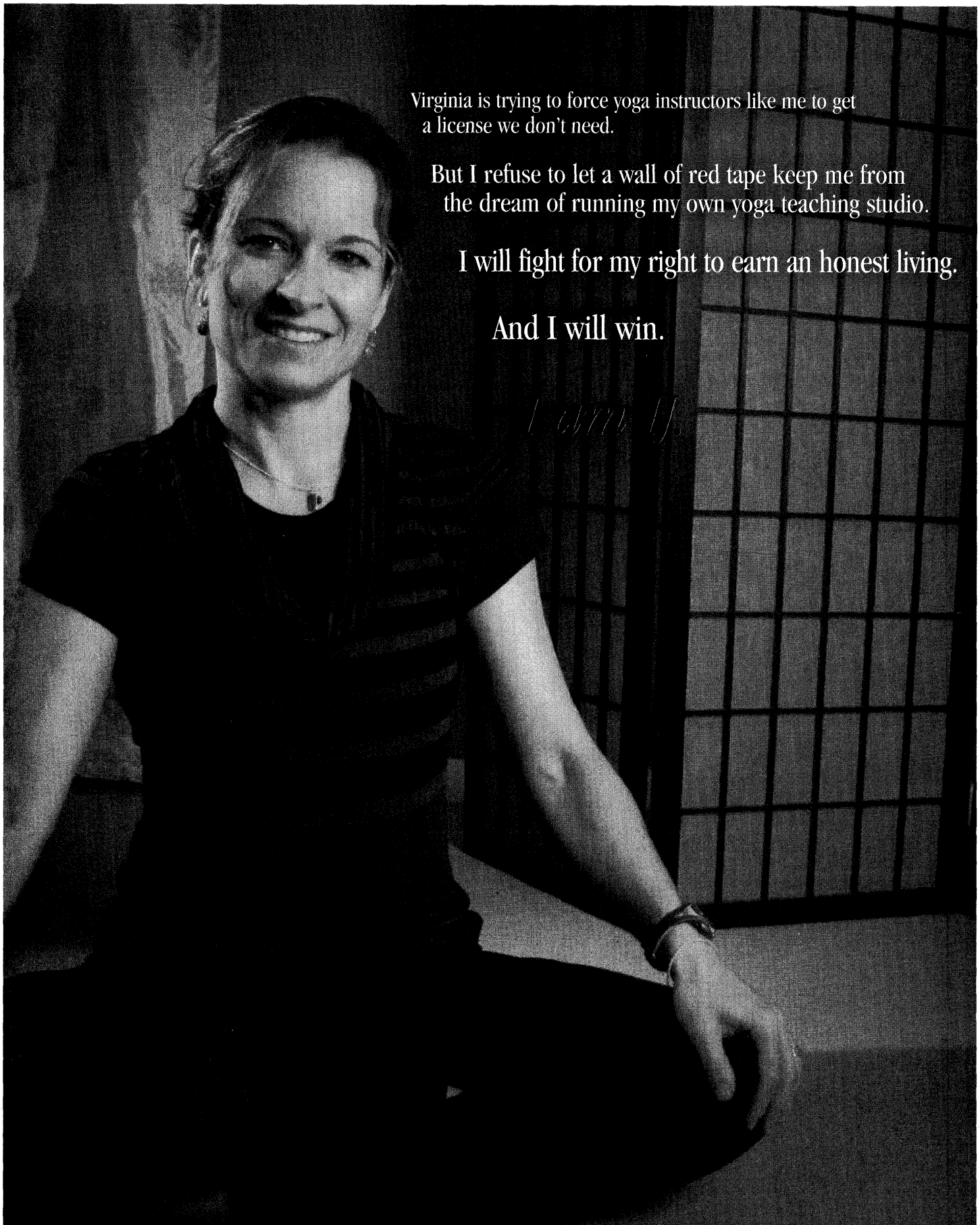

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Inside Liberty

May 2010
Volume 24, Number 4

4 Letters Our readers champ at the bit.

7 Reflections We bury Haiti, kill a goat, blow hot air, pay our debts, have it both ways, work for food, and get it good and hard.

Features

23 Obamalaise *Gary Jason* racks up the many, many, many lies of Barack Obama.

25 Creating Paradise *Jeff Wrobel* testifies to the power of individual action.

27 Marketing Morality Competition is good for human freedom, notes *Brian J. Gladish* — so why not extend it to the judiciary?

29 The View From Lulu's *Jacques Delacroix* continues his surveillance of a citadel of American leftism.

31 Alverna's World: A Small Town in 1920 Teen pregnancy, high dropout rates, and prostitution: *Bruce Ramsey* reports on small-town America, 100 years back.

35 Chavez Says In Venezuela, *Michael Owen* learns, what Hugo owns belongs to Hugo, and what you own also belongs to Hugo.

37 Preaching to the Unconverted If we drop our self-righteousness, says *Lori Heine*, we might make some friends for liberty.

Reviews

43 The Shape of Things to Come *Robert Chatfield* considers one forecast for the next century, and wonders whether it is necessarily so.

44 Why Jonny Cant Reed Think you know how bad our public schools are? *Gary Jason* invites you to think again.

45 Viral Marketing *Patrick Quealy* investigates the diverse body of skepticism about HIV and AIDS.

52 The Wonder Is Gone *Jo Ann Skousen* isn't wowed by Tim Burton's take on Lewis Carroll.

53 The Haunting of Tony Blair *Jo Ann Skousen* takes in a new film about "Adam Lang."

54 Filmnotes Who's running the asylum?

47 Notes on Contributors Where credit is due.

55 Terra Incognita The global progress of humanity.

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Letters

Freed Market

Edmund Contoski's article "Our Forefathers' Failure" (March) was excellent! I went to public schools until my sophomore year of high school and then a private school (run by a conservative church) thereafter. This was the first I heard of the free-market reforms enacted by the colonists in Plymouth and Jamestown. The versions I was taught said that the colonists' sudden success was either a mystery or solely the doing of some of the friendly Native Americans. The Mayflower Compact was depicted as an ideal model for society and not the failure that it was. Thank you, Mr. Contoski, for reminding us of our free-market roots and the power that the free market has when it is allowed to work.

Paul L. Booth
Boonsboro, MD

With a Little Help

Gary Jason is wrong when he says that Sarah Palin wrote "Going Rogue" herself. Numerous media reports (and not anonymous ones) state that the book was ghostwritten by Lynn Vincent and that Palin flew to San Diego several times to work with her ghostwriter. If Jason has evidence that Vincent had nothing to do with the book, he should present it.

Martin Morse Wooster
Silver Spring, MD

Jason responds: Mr. Wooster apparently misread what I wrote in my review. I said that there were rumors Palin's book had been ghosted, but that it appeared to me that the writing was in her voice, and with her background in journalism she didn't need one. I never said I knew one way or the other. Nor do I care.

The More Things Change . . .

Bruce Ramsey's "The Obama Regime: Year One" (March) reminds me that it seems only yesterday President Obama and a Democratic majority in Congress rode to victory in 2008 by promising to control deficit spending and eliminate earmarking.

Talk is cheaper than action. President Obama and a Democratic Congress continue to conduct business as usual. Consider: $787 billion in stimulus, a request for a $266 billion second stimulus, $1 trillion in health care, and $200 billion to stop global warming.

With the Democrats controlling the White House and both houses of Congress, the deficit has increased by $1.75 trillion in less than one year. Now, they want to add an additional $1.8 trillion, raising the debt to $14.3 trillion.

The proposed FY 2010 appropriations bill to fund federal agencies includes over 5,200 member item earmarked projects worth $4 billion. President Obama promised an end to this pork-barrel spending frenzy. Sadly, he has failed to be a profile in courage and use the veto as he promised. He clearly doesn't intend to take on Harry Reid and Nancy Pelosi.

New York's own Sen. Schumer sees nothing wrong with Democrats promoting excessive spending and earmarking, pointing out that Republicans

Letters to the editor

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did the same. While that is true, that hardly justifies making the same mistakes again.

The change promised by Obama, Reid, and Pelosi is nonexistent. The famous K Street Washington lobbyists have just moved across the street from Republican to Democrat.

The taxpayers' Tea Party Movement clearly illustrates that many Americans still desire real leadership, fiscal discipline, free enterprise, pay as you go, means testing for recipients of federal aid, balanced budgets and a reduction in the size of government.

The Democratic political tide which resulted in their winning large numbers of Senate and Congressional seats in 2008 has begun to recede in 2010, starting in Massachusetts with the election of Scott Brown. The taxpayers are seeking a refund.

Larry Penner
Great Neck, NY

The Kennedy Seat

Stephen Cox's article on the Massachusetts election ("The Threshhold Effect," April) did not disappoint. What intrigued me was that his thesis expanded on a flippant suggestion I made last September that no Kennedy chose to run for that seat because they had probably polled the voters and found that the traditional Kennedy support was no longer there. This election, coupled with Patrick Kennedy's recent decision not to run for reelection, makes me think this may have been accurate.

Cox is undoubtedly correct in noting the extreme arrogance of the present day politicians, their contempt for the voting public, and the upper-class "Gatsby" snobbery it entails. But there's an additional dimension to this when discussing this phenomenon with respect to the likes of the Kennedys and Rockefellers, which is that the ultra-wealthy blue-blooded aristocracy only enter politics when they are either guaranteed to win, or — in the case of Steve Forbes — know they are going to lose and can afford to burn through their unlimited supply of cash to make their point and spread their message.

Virtually all politicians today, especially senators and governors, view themselves as being above the general public, and the primary perk of their profession is that they never have to deign to associate with them. In the case of the Kennedys and Rockefellers, that means never having to agree to debate one's opponent (that requires preparation, which represents hard work you want to avoid), or God forbid, actually having to go out on the street and meet with the general public. They only like politics when it's confined to $1,000 a plate dinners at exclusive country clubs

From the Editor

As I write, Congress continues its convulsive deliberations on the healthcare bill. We hear a lot of noise coming from behind the curtain, and we can imagine still more of the scene back there: votes being bought with threats and promises and allusions to federal judgeships and suggestions that one's constituents might not be happy if they knew all the events of one's sex life or investment program. We remember the distinguished solon who recently gave his vote in exchange for his state's immunity from rules intended for the other 49 states. As I say, we can imagine a lot more — and if we do, we will probably be right.

It's interesting to think what would happen if you tried to run a business in the way that Congress is run. Not only is the congressional sausage making process remarkably ugly; even its advertising is hazardous to one's health, unless one thrives on a diet of lies. And it all originates with politicians who aspire to control the business, especially the medical business, of the country.

At Liberty, we have no means of persuasion such as politicians have. We can't threaten you, and we have no intention of lying to you. All we can promise is reason, and a certain charm. But I think that's what you prefer.

For Liberty,

Stephen Cox

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with pre-selected guests — meticulously screened by security guards — who are thrilled just to be in their presence and will mindlessly applaud whatever they say.

Their goal is to be a senator or governor, without having to do any of the work themselves. And when the race tightens up, they have to decide whether they want to do the actual grunt work, risking getting their fingernails dirty, and even losing. In the Kennedys' case, one can easily imagine one of these three scenarios: willing to run, but not to debate or campaign outside of the country club circuit; willing to debate, but not campaign with the general public; willing to both debate and campaign with the general public, but not willing to risk a close race, or even a defeat.

The last scenario is the most frightening to the bluebloods. Actually having to get out and mix with the voting public. Standing in front of the camera as you shake hands and converse with obese unemployed blue-collar workers who have more fingers than teeth, complaining about their plight as they inadvertently spray saliva all over your face. You also risk the random heckling of bystanders shouting obscenities as they try disrupt the staged proceedings and get on camera.

You dread the thought of one of them shouting racist insults against "those damned illegals stealing our jobs" (generating a unanimous resounding cheer from the crowd) and the deer-in-the-headlights blank stare the local TV news cameras will capture on your face as you take seemingly forever to decide between admonishing the language used — thus risking turning the mob against you — or letting it pass without comment, knowing you'll face charges of pandering to racists from the media-elitist talking heads for the next week.

Perhaps the worst-case scenario is someone who is crazy enough to leap from the crowd to attack you. In this case you are forced to endure both the risk to your physical safety and to your legal liability, resulting in headlines that read, "Man hospitalized after Kennedy security guards wrestle him to the ground files lawsuit against candidate."

Even if you survive all this, would it be worth it if you win in by a nail-biting 47–45 margin, with the press unanimously and cynically concluding that presence of the third-party candidate gave you the victory, and the subsequent rumors that his campaign was secretly funded by your organization?

Politics today — while financed by the upper classes — is now largely in the operational hands of the middle-class, who are willing to endure these unavoidable risks and indignities during their campaigns, in exchange for the privilege of being exempt from their company during their term in office once elected. For them it's like gaining access to the exclusive "Members Only" country club without having to pay to join.

While I generally agree with Cox's line of reasoning — that Massachusetts voters ultimately objected to being treated like objects and herded like cattle — I also think these events were primarily driven by the bear market economy and the general public dissatisfaction it has generated. In a bull market I can easily envision things going the other way — an easy Democratic victory accompanied by overwhelming cynical media sarcasm about the generic wall-papered dead white European male mannequin ("he looks he like finished third in the Dan Quayle act-alike contest") the Republicans put up against Coakley.

What neither Cox nor I can explain is why the Republicans' "Had Enough?" slogan didn't work — or wouldn't have worked — for them in 1934, '36, '38, '40, '42 or '44. We all wish voters were logical and rational, but we also know that they aren't. When the tide finally turns, we immediately jump to the conclusion that the voters finally decided to become logical and rational. Cox's thesis that Massachusetts voters objected to being treated like objects and herded like cattle appeals to any decent person's senses. Yet these same Massachusetts voters were treated like objects and herded like cattle by the Kennedy machine for two generations, with their overwhelming consent.

If any one of us were smart enough to be able to explain the intricacies of American politics, he would easily be able to be elected president. Yet, for some reason, the overwhelming majority of the intelligentsia concludes that the president's problems — whoever he is, regardless of the party he comes from — stem from the fact that he doesn't understand politics. Either U.S. presidents, or the intelligentsia, didn't take Logic 101 in college, didn't pass it, or were wealthy and privileged enough to hire someone to take the final exam for them.

Gerry Smedinghoff
Phoenix, AZ

Pricey Peace

Thank you for Don Crawford's piece "In the dark" (Reflections, March). I'd like to echo his experience; I have fired my sleep clinic and turned to the World Wide Web. The sleep study was a high-tech, very informative piece of work, done by competent, motivated medical techs, and the doctor's diagnosis worked, both times. (Be sure that you get a copy of the doctor's report. The bottom line of the testing is to determine whether the device will help you sleep at all, and what pressure it should be set for.) The study was billed separately and cost several thousand dollars — I've lost the details. In the patient-support phase I recall that I was charged $300 a month for about two years to pay for a CPAP machine that costs about $650 from a web store — roughly ten times the retail cost. Sometimes you can get one even cheaper on Craigslist. Then, if you accept the clinic's "free" mask-and-tube services, it's another monthly charge.

The process seems to go like this: bill these exorbitant prices to the patient, get mostly refused by patient's insurance company, and still profit hugely. I think my insurance authorized about twice the retail cost of the machine. The prices seem fully justified by the Medicare pricing guidelines for Durable Medical Equipment, of the form "you may charge up to x dollars per month for up to y months." I wasn't able to find what x and y are for CPAP machines or supplies.

The remaining problem is that the web stores have recently begun requiring a doctor's prescription to order anything, even replacement mask parts. But if you can get a prescription from a helpful doctor, you can order what you need without further obscene costs.

Truly, as Don says, the medical system is hugely out of whack.

Bill Cox
Alameda, CA

Reflections

Funny girl — In the February 23 issue of the Huffington Post is an article by "actress/singer/composer/activist" Barbra Streisand. It's called "Elections Should Be Won — Not Bought." In it, we learn that Streisand believes no individual should be allowed to contribute more than $100 to any candidate.

I suppose if I could get my ideas published for free in the Huffington Post as easily as Streisand does, I might think that's reasonable too. — Ted Levy

The way to her heart — Here's another reason to cheer Sarah Palin's humiliation in the CPAC straw poll at the hands of Ron Paul. No doubt, Palin's questioners at Fox News were nodding in agreement when she said the following: "Say [Obama] decided to declare war on Iran, I think people would perhaps shift their thinking a little bit and decide, well, maybe he's tougher than we think he is today." — David Beito

The wages of tyranny — I'd put the blame for the magnitude of Haiti's problems 100% at the feet of its government. It's not the geology, nor that this earthquake was the strongest ever, nor a lack of building codes. The devastation is due to the government having kept the place so dirt poor for so long, they simply have nothing to help them cope with the event.

If the same thing happened in a wealthier society, there would be a lot of damage, lots of problems, a great deal of inconvenience — but it wouldn't have killed hundreds of thousands of people. These Haitians are so poor, they don't even have shovels to dig people out. They don't even have crowbars to pry apart collapsed walls; they have to do it with their own bare hands — and they don't even have gloves. They've got nothing.

So, of course there was widespread devastation. There were no savings. No food set aside. No water set aside. These people are living, literally, hand-to-mouth. So, if there's a natural disaster, the impact is magnified by several orders of magnitude because of the poverty — and that's due entirely to the government. And, idiotically, people you see on TV are looking to the government to solve the problem . . . the stupidity of the chattering classes leaves me thunderstruck.

I mean, the Dominican Republic next door is hardly any glowing beacon of freedom, but it's vastly better than Haiti, and it's got the same geography, climate, and so forth, so it's all a matter of government. That's illustrated equally well with the differences between East and West Germany, North and South Korea . . . there are many examples throughout time and across space. And now they're looking to the Haitian government to be in charge of rebuilding the place . . . the concept is literally insane. — Doug Casey

Petitioning the job god — Extending unemployment benefits is nothing more than a political tactic. Since the federal government has no money, all it can do is move capital from productive sectors into unproductive ones. But it is difficult to tell that to people when they have a family to feed and no job. Proponents of the extension refuse to acknowledge that sometimes there are no good solutions — not everything can be fixed.

Keynesian economics is the modern version of sacrificing grain to the harvest god in the hope of a more prosperous harvest the following year. Realistically, it will only lessen the amount of grain there is to eat, even if it makes people feel like they were doing something to help. — Tim Slagle

"If Mom says no, you ask Dad —it's called the 'checks and balances' system."

Homeland secured — Do you remember when the PATRIOT Act was controversial? It seems to me at one time that there was quite a fuss raised about it, but fortunately time has smoothed that over and none of the predicted "abuses of power" have ever come to pass.

In the final week of February, President Obama put his signature to a reauthorization of the act, and so for another year the power of the government to protect our national security remains absolute and inviolate. There was some noise about possibly putting some "checks" or "restrictions" in place. But that came only from the extremists — probably terrorist sympathizers, like those insidious lawyers Liz Cheney warned us about, the ones who defended enemies of America at Guantanamo. And now that we know who they are, we can keep a watch on them in the future. Hell, we can tap their phones and monitor all their internet activity if we need to, or even if we just feel like it!

Don't you feel safer already? — Andrew Ferguson

The answer, my friend — In a Reflection I wrote

about a year ago, I noted that wind power has proven to have an unfavorable effect on the environment — it kills lots of birds who fly into the turbines. I facetiously referred to this phenomenon as "shredded tweet." In a Reflection written for last month's issue of Liberty, I noted that wind power is (as I put it sarcastically, using a show biz term) a "triple threat": it is ugly, unreliable, and hugely expensive.

It now appears that I have been overly charitable in my assessment. A piece by Robert Bryce in The Wall Street Journal (March 1) points to another drawback of wind farms: they pose a health risk to humans. Articles are appearing in newspapers — especially rural ones — around the world, indicating that wind turbines are making it impossible for many people to sleep. Such reports have appeared in papers in many cities in Australia, Canada, England, France, and New Zealand, as well as the United States.

The turbines typically emit a deep pulsing sound that, the reports claim, causes insomnia and other ailments, such as headaches and dizziness. Put a pack of these turbines together, and the noise apparently becomes unbearable for many people within a mile or two of the wind farm. We are not thinking about one or two cases; many hundreds of complaints have been filed here and abroad about the noise pollution that wind power generates.

As a response, groups of people opposing wind power have sprung up as fast as the wind itself. Canada has about 25 anti-wind groups, the United States about a hundred, and Europe now almost 400.

Predictably, wind industry groups (such as the American Wind Energy Association) heatedly deny that there is any basis in medical science for the claim that noise pollution caused by wind turbines poses any health risk. But this issue is only now being investigated by medical doctors and other researchers.

If it turns out that epidemiological studies do establish a link, you will quickly see an interesting split in the Democratic Party coalition. The trial lawyers will start suing the hell out of the very source of power that the environmentalists are pushing to replace fossil fuels and nuclear power.

What a tantalizing thought. — Gary Jason

Change for the worse — Feb. 19, 2010: On Fox News, former Attorney General John Ashcroft responds to

Word Watch

by Stephen Cox

The world of words is like a banana republic — a scene of turmoil in which low and common entities constantly compete for power. You can tell what kind of regime you live under when you observe which ones come out on top.

Barbara Branden has written to remind Word Watch of an entity that currently enjoys great prominence in America's banana republic of letters. It's the word *incentivize*. The expression is far too prominent for Barbara's taste, and her taste is good. In objecting to it, however, she must know that she is *incentivizing* its users to *push back* against her *partisan opposition*. Even now, the Federales may be massing around her door, ready to take her into custody and remove her to that land from which literate persons do not return.

But here's something to think about. While Barbara lives strictly in the private sphere, I work for a public university — yet even in my shop, people are continually being "incentivized," as if they worked for the Acme Widget Corp. Maybe that's a good thing; at least my colleagues and I are being encouraged to do some work. Nevertheless, one look at *incentivize* tells you a lot about the nature of our society, and it's not a pretty picture.

This is a society in which one thing just sort of leads to another thing, usually in an ugly, bureaucratic way; a society in which boring Greek and Latin nouns transform themselves without warning into weird and freaky adjectives, which are never perceived as weird and freaky but are eagerly accepted by all the best people in all the best social positions. I'm not sure that literary critics qualify for any of those positions, since I'm a literary critic, but it's wonderful to see how willingly we paragons of literacy suck up expressions like *problematize* and *thematize*, words that appear to mean little more than "give emphasis to."

Ours is a society in which unnecessary verbal complications are thought to indicate intelligence, not stupidity or confusion. That's why you must never suggest that people at work should be "encouraged" or "rewarded" or "allowed to profit"; instead, you must say that they need to be "incentivized." If you do so, both your brains and your sensitivity will be admired, and the employees won't feel that they are being *marginalized*. It's assumed, though without sufficient evidence, that they won't suspect they're being patronized, either.

Ours is also an increasingly socialist society — a society of "rugged collectivism," as Martin Luther King described it. In such a closely packed society, words spread like diseases, and with similarly ill effects.

Today I went to a faculty meeting in which one person happened to use the term "drill into." He said, "Our committee wasn't charged to drill into all the details of the 2010–2011 budget." So far, I had no objection. It wasn't a bad image, especially if you come from oil country, as my family did. But here's the problem. During the next 60 minutes, ten other people decided to use that expression. First it was "I think you were right not to drill too deeply." Then it was "We need another committee, to drill more deeply." After that came "We need another committee, one which will really settle down and drill deep into the insides of this whole issue of transparency in this budget that's now here before us." At last there erupted a heartfelt, truly personal expression — which was couched, alas, in what had become the language of the collective: "I'm determined to drill into this budget until I find the truth!"

But I wondered: would the speaker have had the emotion, if he hadn't been given the phrase?

Anyway, here's another word that illustrates the power of the collective: *nimble*. It's an Obama administration word.

the question of whether he thinks we are safer now than we were during the Bush years:

> I believe we ought to maximize our safety so we can exercise freely our liberty, and I don't believe in trading off liberty for safety. I believe the purpose of safety is to secure liberty. And whether we're more or less than we used to be isn't the question. The question is: could we be safer if we adopted different policies, and if we were to adopt those different policies, would it make our liberty an enhanced liberty and give us a better opportunity to reach the objectives we have, and I believe we should always be on the lookout to improve the safety and security of American liberty. That's what the responsibility of government is all about.

Feb. 17, 1775: Benjamin Franklin, not responding to Fox News: "They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

— Ted Levy

For the Gipper — Few people understand what the Tea Party movement is all about. Although at first glance it appears to be a collection of antitax conservatives, what is really going on is far more profound. To understand it, turn back to the Reagan revolution of the 1980s.

Reagan's 1980 election resulted from a coalition of traditional conservatives and libertarians, two groups that were at least allies on fiscal issues. But the 1980s also saw the rise of a new faction that called itself neoconservative. Neoconservatives are primarily military hawks, but they are also fiscal liberals. This means they really didn't fit into the Reagan revolution at all.

George W. Bush ran for president by appealing to the traditional conservatives and libertarians who made up the backbone of Reagan's support. But after gaining office, Bush proved to be a neocon, making war in Iraq and supporting prescription drug entitlements and other costly programs.

After the 2008 election, libertarian-conservative leaders such as Grover Norquist and David Koch resolved to rebuild the Reagan coalition, but without the neocons. Tea parties were the result. We can only hope that upcoming candidates get it and focus on fiscal conservatism both in their campaigns and after they take office.

— Randal O'Toole

Redefining the market — "I am an ardent believer in the free market." An *ardent* believer. So said President Obama to the Business Roundtable on Feb. 24. President Obama used it to describe the type of government he prefers. Then his cronies picked it up, and it spread throughout the country. We can be thankful for one thing: it isn't another Greco-Latin word. It derives from a common Anglo-Saxon verb, "niman," meaning "to take or seize" — something that makes it very relevant to the current administration, which would like to take or seize almost anything that isn't nailed down.

Of course, that's not how the president wants the word to be understood. He wants his administration to be seen as busy and efficient, like a troop of Boy Scouts, always jumping around, doing good for everyone. So he seized on "nimble" to describe the kind of "programs" he wants. And now, because he used that word, every "automotive service center" is emitting spam that touts its "nimble customer interactions," and every corporate bureaucracy is putting "a nimble response to contemporary challenges" into its mission statement.

This happened all at once. As in the Coleridge poem, "The Sun's rim dips ; the stars rush out : / At one stride comes the dark." "Nimble" started as a humble private in the army of words. It was an adjective applied chiefly to the anthropoid apes. Then suddenly, because Obama cited it, the word became Sergeant Nimble, Lieutenant Nimble, Colonel Nimble, General Nimble, Generalissimo Nimble, President of the Republic and Commander of All Its Forces Nimble.

But there are other verbal warlords, some of which have hung on, like grim death, for decades. This column has previously mentioned the omnipresence of "appropriate," a word that now appears to mean nothing more than "I agree with it" or "He got away with it." Thus the common police report: "Officer Jones took appropriate action." Or the damning report that is fed to the newspapers when Officer Jones has visibly screwed up: "We are taking all legal measures to get at the truth about Officer Jones's inappropriate actions." (My advice: *drill into it*.)

All of this takes place under the banner of emotional correctness — a leading feature of socialist societies, where nothing is good or evil but only appropriate or inappropriate to its emotional surroundings. That's the idea that must have inspired Joe Stack's daughter, when she described his method of protesting against the IRS. Stack, as you'll recall, set his home on fire, then flew an airplane into the IRS office in Austin, Texas. It was a peculiar, a very peculiar, thing to do. It was an evil thing to do, no matter what he was protesting. But the culprit's daughter, who lives in Norway and has evidently caught the tone of the American social democracy as well, said that it was . . . "inappropriate."

So much for Joe Stack and his daughter. I return to the life and descent of words. Like prominent political leaders, prominent phrases tend to have large, unruly families. Some of their descendants may even marry outside the Party. You'll remember, a few years ago, when "on the back of" became popular in leftwing circles. It was continually being said that "Bush wants to balance his budget on the back of the American middle class," "Boosh is waging his imperialism on the back of the peoples of the world," "Boosh is conducting Satanic rituals on the back of starving inhabitants of Pitcairn Island," and so forth. Then scions of "on the back of" began mating with scions of Republicans. So we got, "Obama wants to balance his budget on the back of the American middle class." Now we're seeing a new generation of the Back clan, and we find that it has grievously degenerated, as wealthy families almost always do. In his February 19 television program, Glenn Beck, the scourge of all things leftish, called upon his viewers to "break the back of the leech that's on our back."

All right; let's see about this. Beck was referring to government schools and government-school unions. Fine. But picture a leech. If necessary, go to Wikipedia or someplace else and find out what leeches look like. Then picture a leech's back. That's hard, because leeches are sort of strange. Or maybe we humans are strange, and leeches are normal. Never mind. Picture a leech

"You create the jobs," he said, adding that government has "a vital, if limited, role to play" in creating the conditions for entrepreneurs to create jobs.

He even used the s-word. "We have arrived at a juncture in our politics where reasonable efforts to update our regulations, or make basic investments in our future, are too often greeted with cries of 'government takeover' or even 'socialism,' " he said.

I don't think Obama is a socialist. He's not going to take over General Motors or the Wall Street investment houses. He does, however, have a deep belief in government's role in shaping American life, from the insulation in people's houses to the fatness of their children. And also the management of — and the freedom of — the market.

— Bruce Ramsey

Take no prisoners — Ever since its inception, utopian socialist ideology has included calls for the elimination of prisons. Many of the early idealists, such as the Ukrainean left-anarchist Nestor Makhno, believed that prisons were a result of unjust societies; therefore, a just society would inevitably lead to their eradication.

Lenin and Stalin, while recognizing the interim usefulness of prisons and still giving lip service to the ultimate ideal, took a more pragmatic approach. They instituted policies — starvation, terminal labor, hypothermia, etc. — to eliminate existing prison populations so as to expedite the ideal outcome. But they went even further. By summarily executing suspects before their incarceration, particularly during the Red Terror of the Russian Civil War — voila! — they ensured that there would be no one to lock up; ergo, no prisons.

Barack Obama, in his enthusiasm to close down George W. Bush's Guantanamo Bay holding tank for combat-captured jihadists, is tacking awfully close to that ill wind. The February 27 issue of The Economist reports that Obama "does not want to add to the problem [of Guantanamo] by bringing more foreign jihadists into American custody. Instead, American forces are either killing them or letting less squeamish allies detain them. This seems to be the rule, not the exception."

A recent Washington Post investigation into the matter found "dozens of targeted killings and no reports of high-value detentions" by American forces. Last September, the U.S. pinpointed Saleh Ali Nabhan, one of the jihadists responsible for the 1998 U.S. embassy bombings in Kenya and Tanzania, in Somalia, coordinating strategy between al Qaeda and its Somali ally, al-Shabab. As The Economist makes clear, "Had he been captured and questioned, he could have been a mine of useful intelligence." Instead, "American helicopters vaporized him."

After Milton Friedman was criticized for helping the Pinochet regime design a liberal, free-market economy for Chile's transition out of the Allende years, some libertarians defended his involvement with the dictator by observing that economic liberty was more fundamental than civil liberty; that, given a choice, people would gladly sacrifice their right to vote for the opportunity to earn money to survive. Are the lives (not to mention the intelligence) of jihadists being sacrificed for their putative "civil rights" (a meaningless detail if you're dead) in the pursuit of closing Guantanamo? Following the post-Allende logic, I value life itself way over civil rights.

Of course, suspected terrorists caught on American soil are taken into American custody, but those lucky few captured abroad who escape vaporization end up in Iraqi, Afghan, or Pakistani prisons. Human rights activists who once thought Obama was their man are not amused. Do I miss W yet? Don't ask and I won't lie. — Robert H. Miller

Greco-German wrestling — In an open letter the German tabloid Bild has reminded Greek Prime Minister George Papandreou of the two countries' differences: "Here, people work until they are 67 and there is no 14th-month salary for civil servants. Here, nobody needs to pay a €1,000 bribe to get a hospital bed in time . . . Germany also has high debts but we can settle them.

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as if it had a back. Now picture "the leech that's on our back." That's harder. Harder still is picturing us breaking the back of the leech that's on our back. But this will give you an idea of what the Back family is today.

Did Beck come up with this nonsense himself? No — it's all part of the collective illiteracy. When King mentioned "rugged collectivism," he knew what he was talking about. (I was tempted to say, "He knew that of which he spoke," but I resisted the temptation. Literacy isn't actually the same as pomposity.) Let's go to another example — the case of the Alabama professor who assassinated her colleagues because they wouldn't give her tenure.

If you have a taste for black humor, look no further than this. But you'll especially appreciate the prologue to the affair, in which the future professor shot and killed her own brother, but wasn't prosecuted — wasn't even booked — despite the fact that after wasting her brother she ran down the street with a gun and tried to make other people give her a getaway car. Years later, and after some further adventures in violent self-expression, from which she emerged scot-free, she shot her colleagues at the University of Alabama, Huntsville. Thereafter the campus was *locked down*, as if it were a prison and the students and faculty were the offenders.

Days passed, and students returned to campus — to start issuing statements of a ruggedly collectivist character. Consider this news report of a campus interview: "'I feel the campus has been pulled together, and I've seen more blue on campus than I've ever seen before,' said [so and so, a student], referring to the school color." *Pulled together* : yup, that's the important thing, isn't it — that we should all be brought together, or forced together, by threat of destruction. It's an image that has long delighted the mass media, environmentalists, pacifists, science fiction writers, New Age religionists, and *caring teachers* throughout the land.

All right. I'll drill a little deeper into this news report about the wreckage left by the crazy prof. It includes a number of charming phrases. It describes a business professor as saying that "he and colleagues decided during a staff meeting last week to begin the first day of class by offering students a chance to share

That's because we get up early and work all day."

It is an excellent example of the major flaw of the European Union, and by extension one-world government. Cultural differences make it impossible for some nations to operate within the same union.

Greece should be allowed to bankrupt itself, and Germans should be allowed to work their lives away. Spaniards should keep their nap times, and the French continue to be vague on the notion of customer service. All these nations should also live with the financial results of their cultural decisions. And if those choices result in poverty, they should live with that as well. No one should be forced to subsidize laziness. — Tim Slagle

Judge, jury, executioner — As the congressional hearings on Toyota and its recall continued, two facts emerged to reinforce the perception that there is a political agenda here.

First, GM — our very own nationalized car company — announced a large recall of its own. It recalled 1.3 million compact cars because of more than 1,100 complaints about a power steering defect. Of course, GM has quite a history of recalls, so this news isn't surprising. What's fascinating is the realization that nobody in Congress or the Obama administration has so far called for hearings. Now, why is that?

Perhaps the answer lies in a second interesting fact, reported by Mark Tapscott on Examiner.com (Los Angeles). Amazingly, of the 59 Democrats serving on the two relevant committees in the House of Representatives, 31 have received campaign donations from — drumroll please! — the United Auto Workers. Yes, the co-owner of GM and Chrysler is funding more than half the judges in these show trials.

Let's name names, shall we?

On the Committee on Oversight and Government Reform, the UAW has funded: Judy Chu (D-CA), William Clay (D-MO), Gerry Connelly (D-VA), Elijah Cummings (D-MD), Dan Davis (D-IL), Patrick Kennedy (D-RI), Chris Murphy (D-CT), Michael Quigley (D-IL), Paul Rhodes (D-NH), John Tierney (D-MA), Chris Van Hollen (D-MD), and Peter Welch (D-VT).

On the Committee on Energy and Commerce (besides Congressmen Murphy and Welch, who serve on both committees): Rick Boucher (D-VA), Bruce Braley (D-IA), Lois Capps (D-CA), Diana DeGette (D-CO), John Dingell (D-MI), Mike Doyle (D-PA), Elliot Engel (D-NY), Charles Gonzalez (D-TX), Gene Green (D-TX), Baron Hill (D-IN), Jay Inslee (D-WA), Doris Matsui (D-CA), Frank Pallone (D-NJ), Mike Ross (D-AR), Jan Schakowsky (D-IL), Bart Stupak (D-MI), and Henry Waxman (D-CA). — Gary Jason

Executive privilege — From The New York Times: "Obama Writes Own Health Bill. Should he have done this months ago? Hoping to revive his healthcare agenda, President Obama is writing his own comprehensive health-care legislation before next week's meeting with Republicans. According to Democratic officials, Obama is writing it so that it could be passed through reconciliation and therefore skirt the threats of a Republican filibuster."

I remember learning in grade school about something called "the separation of powers," whereby the legislative branch originated the laws and the executive branch enforced them. I recall thinking that this seemed rather inefficient. I mean, surely if one is going to enforce some laws, it's better to write them oneself — how much easier that makes it to know what to enforce!

So it's good to know that we got rid of that old relic of separation of powers. We must have done so, since no one from The New York Times to Fox News has seen anything untoward about this for many years now. — Ted Levy

Oh, Canada — The Winter Olympics recently finished in Vancouver. Every day, there were thousands and thousands of very drunk people in the streets, singing "O Canada!", doing high-fives and, in the latter days, shout-

their feelings about the shootings rather than diving right into academic lectures." *Good* idea. Heaven forbid that academics should deliver academic lectures. Instead, they should invite their students to *share their feelings*. Where have we heard that before? Where haven't we heard it?

But I wonder — what was supposed to happen in those "sharing" sessions? An evil professor slew her colleagues. What are the students supposed to say — "I'm glad she did it; I hate you all"? I don't think those feelings would be welcomed, however authentic they might be. So what feelings would be welcomed, and therefore shared? You already know: "I think it's . . . uh . . . just too bad that . . . uh . . . someone would . . . uh . . . use a gun . . . uh . . . instead of . . . uh . . . getting, you know, help . . . " Yes, when people share feelings like these, the *grieving process proceeds* and *communities are healed*. Getting students to share their feelings is so much more helpful than continuing with academic life as usual, thereby assuring students that the world isn't controlled by mere emotion, barbarous or banal.

But wait! There's more! The report continues: "A few campus police were on hand, but officials decided against a big show of force." So here we must salute an expression that has long been a major general in the army of babble — show of force. A show of force is what happens when you object to rugged collectivism. But lookit: what the hell were those cops supposed to be doing at the University of Alabama, Huntsville? Preventing another crazed biology professor from wasting her colleagues? If so, fine. But has "show of force" become so routine in our society — even in our academic society — that nobody pays any attention to the phrase itself? At Alabama, "officials decided against a big show of force." Very nice of them. Otherwise, they might have muscled in on all those students who were intent on sharing their feelings.

One more quotation from the news item: "Counselors will be in every biology classroom as well as other classes in the Shelby Center and every classroom building on campus." Damn! Is that creepy or what? It's like Genesis 28, where God turns out to be everywhere. Or are counselors God today?

You decide. But it's certain that their lingo has risen to the top. Be forewarned: it will appear in every classroom.

ing "Fuck America." The last day was the final hockey match between Canada and America, which had been the focus of the drunken crowd's attention for several days before. "Hockey is the game of Canada," said a poster.

On that last day, the isolated American flag bearers had gone underground or disappeared in the Canadian maple leaf carrying crowd, or had perhaps even put on some maple leaf merchandise. Only those from countries that were not directly competing with Canadian teams were carrying their flags, though with far less assurance. Eventually, the crowd looking for blood found none, and isolated fights broke out between Canadians. It's amazing: when you look for self-validation based on vicarious living — feeling an achievement because someone from Canada won — deep down you feel impotent. You need to fight, you need an enemy to keep yourself together, so you can keep a feeling of warmth and belonging.

Police had a hard time keeping order. The crowds were obscenely drunk and no longer said the polite "hellos" that Canadians are accustomed to give. Instead they screamed "Canada" at the top of their voices when they passed each other. Stupid girls offered their eager lips and breasts with the euphoria of "Canada" screams among strangers.

The Olympics had brought out the worst in Canadians. I hope that the normally polite city and traditional lack of nationalism come back with the end of the Olympics.

But really . . . it was a war, and one of the most spineless. A lot of people on the streets were physically out of shape. The more out of shape they were, the more it seemed they were proud of the Canadian athletes. In a statist arena, it was as if people lived vicariously, as so many parents live vicariously through their children.

I watched the opening ceremony of the Vancouver Olympics on a big screen in public in downtown Vancouver. I asked myself, "What motivated me to go there?", as I did on most of the Olympic days. Downtown was filled to the brim with people, and I hate crowds. Teams of athletes entered the arena, each team carrying a piece of cloth hung on a pole. They vigorously waved it, while the audience shouted the name of their particular political entity, feeling proud of it, their chests puffed up. They stood up, and euphoria passed across their faces.

Uninterested in saluting a piece of fluttering cloth with a maple leaf on it, or singing tribal hymns to a political entity, I remained seated. Halfway through, seeing drunken eyes roving over my face, I stood up. For the first time in Canada, I realized I could get beaten up.

Most people on the streets had maple leafs somewhere on their bodies, if not everywhere. Some had maple leafs painted on their faces. Some were wearing shirts with "Canada" written on them. Some had scarves emblazoned with "Go Canada." Fake eyeglasses with red maple leafs on the lens area were the hot-selling symbol of voluntary subjugation of individual sovereignty.

I went out almost every day, to get an intuitive understanding of what Canada will look like when it comes to the crunch. I felt sad about the home I had adopted. But, alas, I know of no better place on earth. I felt isolated, regretful about not being able to join the catharsis and feeling of belonging; but the outpouring of nationalism was scary.

Most Canadian provinces had their own pavilion. One must ask why you should feel Ontarian or Manitoban, when what you care about is Canada? Manitoba had a huge wooden structure for its pavilion. The wood was supplied from Manitoba. The irony is that Manitoba would have found cheaper wood in Vancouver. But this is the result of the mind-restricting, economics-corrupting, spirit-numbing capacities of tribal worldviews of nationalism and regionalism.

In the end, despite my revulsion against most of what the Olympics of today stand for, I still enjoy watching some of the games, particularly figure skating. It shows the highest that human beings are capable of physically, the grace with which this can be expressed, and the achievements that hard work can produce, a sign that disciplined work can elevate human beings. I respect the devotion that got the contestants where they wanted to go. But they all stand to the anthems, the tribal hymns, of their countries, as if their countrymen had toiled to make their achievements possible.

One day, I hope, at one of the Olympics, conducted on a non-national basis, a medal winner will stand up and say, "This is not my country's achievement, but solely mine. Every day, I woke up at 4 a.m., drank no beer, ate non-tasty food, and toiled. I refuse to salute or wave to a tribal piece of cloth. I refuse to sing hymns to a political boundary that makes no sense to me. But I will salute what human beings are capable of, including the human capacity of standing up for oneself and gracefully accepting the product of one's achievement for oneself."

— Jayant Bhandari

Paradise spurned — I met with a government minister on my last visit to Haiti— I believe he's now their ambassador to the United Nations. As you know, one of my hobbies for the last 30 years has been to go around to these places — hellholes, generally — and try to sell them on a plan to totally reform their country. It would change the place instantaneously from a hellhole into a garden spot — which is entirely possible.

I'd usually meet with the head of state — which is not as hard as you might think — and I'd tell him I could do three things for him. One: I could put him on the cover of every major news magazine in the world in a favorable light, which is the opposite of how he'd usually appear at the time. Two: I could make him legitimately very rich. (It's impossible to get rich the way the likes of Mobutu and Marcos did anymore.) And three: I could set things up so the people would love him, so he wouldn't have to worry about every guy he meets being the one who would pull out a .45 and put a bullet in his head.

The means for achieving these three things was to basically privatize the whole government, 100% of their assets,

issuing shares to the people, and making them owners of their country. With, of course, a whack of cheap founder's stock going to the retiring dictator and his pals to make them go away — what corporate types call a "golden parachute."

Of course, it never went anywhere. Generally speaking, the guy would listen with some interest, but all the guys below him would talk him out of it. Ending corrupt government control of the economy and shifting it to a free market would break their rice bowls. All of these places are kleptocracies. The power of the state is the most effective means man has ever devised for stealing. So, in Haiti, just like in the United States or anywhere else, government doesn't attract the best and the brightest; you get the worst, the most sociopathic. It's absolutely perverse.

— Doug Casey

Union contracts — Under Comrade Obama and his Red Congress, Big Labor has seen its political power and rent-seeking capacity reach astronomical heights. From granting it the act euphemistically known as the Lily Ledbetter Fair Pay Act to handing it GM and Chrysler to trying to exempt it from the new taxes on healthcare benefits that the rest of us would have to pay under Obamacare, Democratic politicians have given Big Labor the time of its life. And it has waged economic jihad against businessmen and taxpayers alike.

But apparently the public has been paying attention, because the favorability rating of unions has been dropping like a stone. According to a Pew Research Center survey performed in February, only about 41% of Americans say they have a favorable view of labor unions, down from 58% in 2007. The percentage of people who have an unfavorable view now exceeds the percentage of those with a favorable one, 42% to 41%.

Naturally, there is great variation by party affiliation. Only 29% of Republicans have a favorable view of unions, compared to 38% of independents and 56% of Democrats. (Maybe that explains why in every election trial lawyers contribute lavishly to Democratic candidates.) The drop is again significant from 2007, when 47% of Republicans had a favorable view, as did 54% of independents and 70% of Democrats.

The Pew Research Center is hardly a right-wing think tank, so union advocates will have trouble pooh-poohing the survey data. In any case, the data are consistent with a Gallup poll of last year, which showed that only 48% of all Americans approved of unions — the lowest percentage since Gallup started surveying pro-union sentiment in 1936.

— Gary Jason

Swap meet — Driving home from work recently, I noticed a new sign by a road on my route. It's one of those small metal signs that from time to time appear in green spaces along the roadside, or in residential lawns when contract work is being done on homes. I don't usually pay much attention to such signs, but this new one caught my eye. For two days, I thought I was reading it incorrectly, or that I drove past it too quickly and got the letters confused. At the end of the work week, I slowed down when I saw it in the distance to be sure I read it accurately.

I was right! The sign advertises a local tree service, and under the business's name, it reads, "Save Cash! BARTER Save Cash!"

Has it really come to this? Sure, we've all exchanged skills, goods, and services with friends and family members in lieu of cash. But, this is the first time I have ever seen a real business advertising barter. So much for the recovery and "jobs saved." Thanks, Obama.

I actually do need a tree cut down on my property. Usually, felling trees is something we can handle on our own, but this tree is larger and wider than most, and very close to a building. So I'll have to come up with something I can exchange with this local small business. Perhaps, as an attorney, I'll offer to sue Obama on the business owners' behalf for an illegal taking of their livelihood.

— Marlaine White

Inequality, fraternity — In the same week, both Stephen Colbert, on his show, and John Stossel on his, introduced their brothers — their real-life siblings.

Colbert's younger brother is a very successful corporate attorney who was on the show to answer questions about whether Colbert could use the word "Olympics" when broadcasting from the Vancouver games, even though NBC had paid hundreds of millions of dollars for exclusive use. (Short answer: "No.")

Stossel's older brother is a Harvard physician who argued against former New England Journal of Medicine editor Arnold Relman about the wisdom of imposing barriers between the health industry and physicians in the name of preventing corruption — such as physicians' being induced to prescribe certain drugs by gifts of free pens or dinners. (Short answer: "No.")

Two things struck me.

1. Success runs in families. In each family, siblings become extremely successful, though in two very different industries.

2. The siblings on TV were obviously more handsome than their brothers.

Don't get me wrong. Stephen also seemed much funnier than his brother, and I'm sure that John is more skilled at getting information across in soundbites than his own sibling. But the difference in physical appearance was striking in both cases.

I guess the market is efficient. — Ted Levy

High-speed flail, cont'd — Even as President Obama attempts to emulate the French by building high-speed rail lines, the French are stepping back and may curtail service as unaffordable. Under European Union rules, EU nations are not allowed to subsidize transportation or other services that would give businesses in those nations undue advantage over businesses in other EU countries.

The EU has given France until July 2010 to more-or-less privatize its rail lines and take them off the govern-

ment dole. The French national railway, SNCF, says that 80% of its high-speed trains cover their operating costs, but it racked up a $38 billion debt building those lines. In 1997, the French government gave the tracks and the debt to a second company, RFF, which charges SNCF to operate trains on its tracks.

To repay the debt, RFF plans to increase its fees to the point where almost no trains will cover their costs. This means that SNCF will be forced to raise fares or eliminate trains or both. Anyway, the number of people riding French high-speed trains is likely to be far lower next year than it was last year, when the average resident of France rode them a mere 400 miles.

Meanwhile, the United States recently announced $8 billion worth of high-speed rail grants to 31 states. Most of these grants represent only a tiny down payment on the cost of providing high-speed rail in those states. One exception is a $773 million grant for 79-mph rail service between Milwaukee and Madison. Based on state of Wisconsin estimates, this train will require subsidies of $130 or more for every rider. Maybe the way for us to put a stop to such ridiculous projects is for the United States to join the EU.

— Randal O'Toole

Daddy needs a new policy — President Obama visited Las Vegas last month. While he claimed to be campaigning for Harry Reid, I suspect his true purpose was to scout a craps table or two in the hope of finding a new economic advisor.

— Tim Slagle

Apres ils, le deluge — As the desperate financial plight of many state and local governments comes increasingly into view, expect many of those august bodies to become ever more petty and audacious in their hunt for any and all sources of revenue — whatever it takes to forestall the inevitable declaration of bankruptcy.

First, an example of the petty: Los Angeles is sending round canvassers to get a count of unregistered dogs. City council president Eric Garcetti estimates that, if perhaps two-thirds of the city's dogs are unregistered at present, that payment of the registration fees would bring in about $3.6 million. But even before removing the costs of the extra paperwork and the salaries of the canvassers, this is a paltry sum for a city that is at least $200 million in the hole for this year alone, and which projects a $400 million deficit in 2011.

On to the audacious: Chicago is only one of many cities shortening yellow lights on traffic cycles, so that their red-light cameras might capture more offenders. City officials seem to regard this as printing money, but the move comes at a very real human cost: a Texas A&M study indicates that adding a second of yellow-light time leads to a 35–40% decrease in crashes, and a 60% decrease in citations. Taking that second away means more damage, more injuries, and more deaths.

Seriously dealing with these budget shortfalls would involve taking on public unions and entitlement programs. But that takes courage, and a willingness to be voted out of a cushy government chair. So instead legislators will continue nickel-and-diming the citizenry, and endangering the public welfare, in order to buy themselves a little longer in the halls of power.

— Andrew Ferguson

Company man — Obama has delighted in bashing filthy capitalist pig CEOs for taking huge salaries and bonuses. He loves to lambaste "fat cats" on Wall Street, even appointing a pay czar to make sure that companies that took TARP funds didn't pay their executives "excessive" bonuses.

But regarding the industries he has socialized, he is nothing short of lavish toward executives. Take GM, now rightly nicknamed "Government Motors," since it is co-owned by the federal government and the UAW. GM has sucked up massive amounts of taxpayer dollars, but that fact hasn't stopped the management from getting big paychecks. For example, the CEO, Ed Whitacre, is receiving a salary of $1.7 million, with stock bonuses that will bring the total payout to $9 million.

And he isn't the only one. GM is rehiring former CEO Fritz Henderson as a "consultant." He will work 20 hours a month for a tidy $59 thousand a month. Not that he needs much help — when he replaced CEO Rick Waggoner (who was fired by Obama), Henderson was paid $5.5 million in total compensation for the year.

GM's new CFO, Chris Liddell, is going to get $750,000 a year in salary, and stock bonuses that will likely be worth $5.45 million. Board member and "special adviser" Stephen Girsky is going to get $1.1 million yearly in salary and stock.

All these compensation packages are okay with Populist Obama and his pay czar Kenneth Feinberg. No, no populist rhetoric and pay caps for socialized companies!

— Gary Jason

Senseless in Seattle — On February 12, Judge Catherine Shaffer of King County Superior Court threw out Seattle's ban on carrying a gun at a city park, golf course, community center, beach, or pool.

The gun ban was proclaimed on October 14, 2009, by the Parks superintendent, Timothy Gallagher. He said he was doing it to protect children — an argument that went over fairly well in a city that votes 85% Democrat.

The State of Washington's Republican attorney general, Rob McKenna, said that Washington's law created a statewide right to carry a gun, and that behind the statute was the state's 1889 constitution, which guarantees "the right of the individual citizen to bear arms in defense of himself."

Seattle's lame-duck mayor, Greg Nickels, didn't care about that. He backed his parks superintendent, arguing that the city had the right to set the rules for its own property.

Across Lake Washington, in the less liberal suburb of Bellevue, is the Second Amendment Foundation, run by Alan Gottlieb. Seattle liberals hate Gottlieb, because he does things like file lawsuits in favor of gun rights —

which in this case he had threatened to do and immediately did. His lawsuit listed as plaintiffs Winnie Chan, 36, a state parole officer who said she needed protection from criminals who knew her; and Ray Carter, 44, founder of the Seattle Chapter of Pink Pistols/Cease Fear, who said he feared a hate crime because he is openly gay. These were just the sort of plaintiffs you'd want for King County Superior Court, which tends strongly to judicial liberalism. In any event, the law on guns was what the Republican attorney general said it was, and so Seattle's antigun rule went down.

Six days later, Parks Superintendent Gallagher made another effort to protect citizens from imminent danger. He announced a new rule: tobacco smoking would be banned in all Seattle parks as "a health measure to protect people from secondhand smoke" and to set a good example to children. The ban covered chewing tobacco as well. It did not cover marijuana use, a crime for which the Seattle city attorney no longer prosecutes.

There was an outcry against the no-smoking rule, with citizens posting objections on the web page of the Seattle Times. That evening the city announced the ban was modified. People could continue to ingest their nicotine in parks as long as they were 25 feet away from other people. Said Gallagher: "Based on the input from the public that followed my initial decision, I have decided that a gradual approach to a smoking ban is reasonable."

The Parks Department also considered a ban on spitting in the park — the kind of ban traditionally advocated by public health officials as part of the effort to prevent contagious diseases — but department officials decided against it. They did not want people accusing them of creating a nanny state. — Bruce Ramsey

Keep the checks coming — In early March, Sen. Jim Bunning (R-KY), who is not running for reelection, singlehandedly (by means of a one-man filibuster) stopped an automatic extension of unemployment benefits . . . for all of a day.

Unemployment benefits have been extended several times over the past two years, as unemployment went to and remained at more than 10%. And no politician is either smart enough or honest enough to note the obvious connection between these two phenomena (when you make not working less onerous, fewer people work).

Bunning, not known as one of the Senate's brighter lights (a very low bar indeed), tried to make a point about principle, which is never a wise move in the Senate. He seemed to believe that benefits should not be extended ad infinitum without any effort to pay for them. After being made a laughingstock in the mainstream media, and being called immoral by that great ethicist Bernie Sanders (S-VT), Bunning acquiesced to a compromise: the Senate would *vote* on whether the unemployment benefit extension should be paid for or added to the deficit.

I think that Bunning, and the Republicans, made the wrong move. They should have tried to outdo the Democrats. Noting that unemployment benefits have been extended many times in the past year, and that high levels of unemployment are anticipated for several more years, and given the great need to care for people without a job, unemployment benefits should be made *permanent*. I, for one, would love to hear the Democrats explain why benefits should be extended repeatedly and indefinitely, yet *not* made permanent. — Ted Levy

Vengeful spirit — The generally accepted definition of terrorism is that it's the use of violence to create fear in a society in order to induce political change. I don't think that's the case with the man who flew his plane into the IRS building. This was just an angry man, acting as an individual, attacking those he saw as destroying his life. The fact of the matter is that it was an act of revenge, not terror.

But according to the FBI, terrorism is the unlawful use of force or violence against persons or property, meant to intimidate or coerce a government or the civilian population as a means for achieving political or social goals. It's to their advantage to see this as an act of domestic terrorism. It makes their jobs seem important and will result in more personnel to fill their gigantic new Homeland Security complex in DC, and more funding to look into Americans' comings, goings, and thoughts.

Joseph Stack's call to violence seemed like an afterthought to me. In reality he's just calling for the righting of egregious wrongs. However, it's getting to the point in the United States that you have to be careful about even complaining, or you might be put on some kind of watch list. You actually better be careful about what you say, and how, and to whom. The walls have ears, as the Soviets, among others, used to say.

The media has downplayed his letter as a "rant" or a "screed" penned by a lunatic, partially to be self-righteous and partially to discourage others from reading it and thinking about it. But it's actually worth reading and thinking about. It's not that often you get to read a suicide note written by what appeared to be quite an intelligent guy. His letter is a little disjointed, agitated, and a bit ungrammatical at times — after all, it is a suicide note — but it's not at all irrational. And I suspect he put his finger on what is probably going on in the minds of a fair percentage of the population.

You know the old saw people once used, but don't anymore, as it's become politically incorrect? Three guys are doing the same thing, and one says, "I'm a freedom fighter. You're a rebel. He's a terrorist." So, bandying these terms around makes conversation difficult. The FBI's definition is self-serving and, in this case, serves — perhaps not accidentally — to obscure the truth of the matter.

— Doug Casey

Another global goof — The theory of anthropogenic global warming hasn't had a great year. First came the "hacking" of emails from the Climate Research Unit at East Anglia University — one of the major centers for

AGW research — and the posting of those embarrassing messages on a publicly accessible site. This act of whistle-blowing hurt the theory's credibility. The emails showed, at a minimum, collusion among researchers to make it hard for skeptics to question the AGW theory.

Next came the explosion of the Himalayan glacier story — the frightening prediction that the Himalayan glaciers (a crucial source of water for many millions of people) would be gone by the year 2035. This forecast had been a prominent part of the 2007 report that helped to win the Nobel Peace Prize for the Intergovernmental Panel on Climate Change (IPCC). The glacier prediction collapsed when it was revealed that it was based on a misquotation of a lone Indian researcher during an interview in 1999.

Yet another shoe has dropped. Last year, a scientific team headed by Mark Siddall published an influential study in the prestigious journal Nature Geoscience that appeared to confirm the 2007 IPCC report. That report had predicted that the ocean level would likely rise 18–59 cm. by the year 2100. Siddall and his collaborators used a large data set (stretching over 22,000 years) to come up with an estimate of a probable rise in sea levels between 7 cm. and 82 cm. But Siddall has now formally retracted his paper, after other scientists pointed out two major flaws. One was a mathematical miscalculation; the other was a failure to take full account of temperature changes over the past 2,000 years.

Siddall has pooh-poohed the significance of the retraction, cheekily saying, "Retraction is a regular part of the publication process. Science is a complicated game and there are set procedures in place that act as checks and balances." But this is just silly — retractions of scientific articles are rare. Indeed, Siddall's retraction is the only one in the three-year history of Nature Geoscience. — Gary Jason

Mendacious moral outrage — Following the advice of Sun Tzu, I try to understand my adversaries. This effort leads me to join some email lists and read some magazines that aren't in my native comfort zone. One of the mailing lists is a west coast regional division of MoveOn.org.

As you may have read or heard elsewhere, MoveOn.org has gotten behind — in a big way — Arkansas Lieutenant Governor Bill Halter's bid to unseat fellow Democrat Blanche Lincoln in her campaign for reelection to the U.S. Senate. Halter is attacking Lincoln from the Left, and that agrees well with MoveOn.org's statist agenda.

By most accounts, Halter is a popular fellow in his home state and a reasonable candidate for higher office. He sees Lincoln's waffling on the issue of healthcare reform as a tactical vulnerability. And he may well be right; Arkansas' voters have shown before a hearty appetite for the milk of the Nanny State's teat.

For its part, MoveOn.org is frustrated with politicians it has supported but now finds insufficiently statist. (The main offender here, though the group won't admit it, is the president. MoveOn.org prefers to focus its annoyance on smaller fry.)

Most of this has been reported; you don't have to sift through MoveOn.org's emails to know it. But that sifting does offer some insights. The one that seems most useful to me is the moralizing tone that its financial appeals take. Here's a bit from the first solicitation on behalf of Halter:

> For the past year, a small handful of conservative Democrats in Congress has obstructed progress at every turn — but starting today, we've got a huge opportunity to stop one of the worst of them. That's because just this morning Arkansas Lieutenant Governor Bill Halter announced that he's challenging Senator Blanche Lincoln in the Democratic primary there. . . . Sen. Lincoln stood with insurance companies to kill the public option, with coal companies to roll back the Clean Air Act, and with big banks to kill legislation that would have helped families stay in their homes. . . . Just how bad is Blanche Lincoln? She promised to filibuster any health care bill that included a public option after taking more than $866,000 from insurance and HMO interests. She's the #1 recipient of campaign contributions from Big Oil in the last year, and now she's sponsoring a bill to roll back the Clean Air Act. And she accepted more than $1.3 million over her career from Wall Street banks and financial interests, and then voted to kill legislation that would've allowed struggling homeowners to renegotiate their mortgages and stay in their homes. . . . Here's how MoveOn member Jennifer P. from Little Rock put it: "Lincoln never met a special interest she didn't like. It's hard to express just how awful she has been as a senator. I don't know of anyone who will vote for her if she shows up on the November ballot."

Of course, the piece is selective to the point of mendacity about Lincoln's voting record. That's to be expected from this kind of marketing effort. What's surprising (to me) is that moralizing rhetoric: "bad," "kill," "awful," etc. This, from an organization born from the premise that politics should avoid moral indignation. (For the neophytes among us, the "move on" of MoveOn.org came from the argument that Bill Clinton's marital infidelities and other immoral behaviors were trivial and that the country's attentions should move on to more substantive matters.)

The solipsism of the email's "regular person" endorsement illustrates MoveOn.org's navel-gazing appeal. No one *she knows* will vote for Lincoln. Given the cautious form of her ID, perhaps this means the Little Rock chapters of Alcoholics Anonymous will vote Republican come November. Who cares?

At one point, some years ago, MoveOn.org looked like a potent political force. Its latest work seems less so.

— Jim Walsh

The real cost of regulation — Last month I watched an episode of the great Fox Business Network show "Stossel," devoted to the idea that increasing government power is pushing us down "the road to serfdom."

At one point near the show's end, Stossel used a Reason. TV story involving Drew Carey, who told of a hardworking Hispanic-American woman running her own business selling bacon dogs from a portable stand on the streets of Los Angeles. Doing so is illegal because local regulators demand that such items be prepared only in upscale stands costing $27,000, with multiple sinks to allow prepa-

ration of the bacon separate from other items. They claim this is for public safety, even though this woman had been selling bacon dogs for decades without ever having a customer get sick or complain. She spent over ten thousand dollars defending herself, was in jail for several months, lost her customers because her business was temporarily closed down and then because she couldn't sell the bacon dogs her customers wanted. The audience laughed as Stossel told the story.

He understood why they were laughing: it's a minor example of regulation, one of thousands he could have regaled us with. Arrested for selling bacon dogs . . . so absurd it's laughable, right?

Stossel made his apologies for the live audience to the viewers at home. But I am not mollified. Had I been Stossel, I would have turned to the audience and asked, "Why are you laughing? A poor woman who got up every day to serve her customers, working 12-hour days to make a meager income, had her liberty taken away — was thrown in jail for several months. She had her business taken from her, her savings destroyed — and you're laughing? What you should be doing is stopping every time you see the local bureaucrats who are responsible for this sort of atrocity, pointing to them, and saying, "You are despicable. You are ruining people's lives. You ought to be ashamed of yourselves."

Of course I am not Stossel, and I am aware that he knows much better than I how to produce a television show. But if his goal, as it seems to be, is to highlight libertarian principles, he should be aware that those principles will not reanimate the American public while people still feel safe laughing about the government's destroying lives. The people who founded this country pledged their lives, fortunes, and sacred honor. And they weren't laughing. — Ted Levy

Jumping ship — I've had a rude awakening over the past two days. First, I heard an interview of Diane Ravitch (by John Miller of National Review Online). Ravitch is an education professor at New York University and a former education department assistant secretary who for years was a spokesman for school reform. Yesterday, she said that she has changed her mind about school choice.

She doesn't like charter schools because they "skim the cream" of the top students in low-income communities, and she doesn't like vouchers because they are too small to do much good and they endanger the public school system. Yes, the public school system needs reform, but she thinks the thing to do is to seek out the "best possible leadership" and go from there.

Still reeling from that interview, with its capacious illogic, I heard a lecture by David Frum, conservative writer and blogger. His lecture, "A Modern Conservatism," repudiated most of the Republican Party, from populists to libertarians.

Frum dismissed Ron Paul as a fringe figure. (I think he called his ideas crazy.) He praised the bank rescues as the salvation of our country, fervently wishing that Herbert Hoover had done the same. He disparaged tax cuts as an outmoded nostrum, said we must slow healthcare costs through a system in which the government regulates (but, of course, doesn't *sell*) insurance, encouraged a consumption tax and a carbon tax, and even said that we have to do something about shortening families' daily commutes. Oh, and he praised the election in Iraq (not mentioning the 38 people killed).

I vaguely remember a David Frum who wrote a book called "Dead Right" in which he said that you can't be a party of principle if you dole out subsidies that eliminate personal responsibility. Or was that some other David Frum?

Here we have a chance for the free market to make a comeback, and its old friends are jumping ship.

— Jane S. Shaw

Labor pains — The stunning election of Scott Brown to Teddy Kennedy's old Senate seat has already had one salutary effect. I refer to the quashing of Craig Becker's nomination to the National Labor Relations Board.

Even among the ultra-leftists Obama has nominated to various positions, this one appointment reeked of extremism. The National Labor Relations Board (NLRB) is supposed to be a neutral arbiter in disputes between organized labor and businesses. But in a naked attempt at regulatory capture, Obama nominated to the open seat on the NLRB Mr. Becker, a lawyer last employed by the Service Employees International Union and the AFL-CIO.

Becker has quite a history of ultra-pro-labor sympathies. In one of his law journal articles, he argued that "employers should be stripped of any legally cognizable interest in their employees' election of representatives." In another article, he urged that the NLRB has the power, simply and at will, to rewrite the rules governing union elections, so as to favor labor. This would presumably include the power to institute card check rules, rules allowing a union to win certification if it can get a majority of workers to sign up publicly, instead of requiring a secret ballot. Quite a neutral guy.

In a surprise vote, two Democrats (blue dogs, scared by Brown's win) voted with all the Republicans to block a cloture vote on the nomination. That effectively killed it, since the Democrats had lost their filibuster-proof majority.

Obama may use a "recess appointment" to get Becker in, but such a move will cost him political support, a commodity becoming scarcer for him by the day. — Gary Jason

Unleashing the hounds — Recently, Transportation Secretary Ray LaHood announced that future federal transit grants would focus on "livability." Beneath the rhetoric is LaHood's decision to eliminate the only efforts anyone ever made to make sure transit money isn't wasted on urban monuments that contribute little to transportation.

Back in 2005, then-Secretary Mary Peters stunned the transit world by adopting a "cost-effectiveness rule" deny-

ing funding to any transit projects that did not meet a very minimal definition of cost effectiveness. Particularly wasteful projects such as the extension of BART to San Jose (estimated to cost $100 for every new transit trip it will carry) and Portland's commuter-rail line (which costs enough to give each commuter who uses it a free Toyota Prius every year for life) were eliminated by the rule (though these two were exempted by local congressional delegations).

In 2007, Peters took another step and required that any applications for federal funds for streetcars prove that they would be more cost-effective than buses. Up to 80 cities had planned to apply for such funds, and all but one immediately gave up, knowing that buses were far less costly.

LaHood's announcement rescinded both these rules. Soon after, the Federal Transit Administration announced funding for streetcars in Dallas, New Orleans, and Tucson, as well as an inane light-rail line in Detroit. In effect, LaHood has said he doesn't care how much federal money cities waste on rail transit. All that counts is image — and streetcars and other forms of rail transit supposedly create a much better image than buses. — Randal O'Toole

Executive compensation — With all the recent animosity against CEOs making multimillion dollar salaries, you would think that CEOs are all outrageously overpaid. I think this is because most people don't know what a CEO does, or realize that being a CEO takes special talents which only a few people possess. If everyone could do the job, there wouldn't be such a high premium paid for the skills involved.

When it's professional sports or entertainment, people rarely question multimillion dollar salaries and bonuses. (Perhaps that's because in a sense, we're all failed baseball players and movie stars, and we recognize the preciousness of those talents.) Are there some CEOs that don't deserve their salaries? Perhaps. But I never found Conan O'Brien terribly funny, and he just walked away from NBC with a $41 million golden parachute after sinking the Tonight Show into the ratings coal mine.

CEOs are anonymous. Rather than being the center of attention in a motion picture or the guy who drove in the winning run, they are the geniuses behind a delicious hamburger, a sleek automobile, or a profitable investment portfolio. Conveniences like drive-through ATMs and washing machines are such a quiet portion of our everyday lives that we never take the time to consider how they got here.

Meanwhile, the CEOs, the stars of our modern American life, never get the applause they truly deserve. The least we can do is let them enjoy their compensation in peace. — Tim Slagle

The problem of risk — I confess to receiving Social Security and Medicare and being a plausible candidate for a "death squad." I might make excuses for myself, but why bother? Even a scoundrel's ideas may be worth something.

What should be done about people with expensive "preexisting conditions"? Should the government decree that health-insurance companies stop "discriminating" against them?

A mandate to insure all applicants impartially would run counter to the very idea of insurance, which is to spread individually unpredictable risk over many participants in the form of insurance premiums. An insure-all mandate would transfer wealth to a company's most costly applicants, who would have a much stronger incentive to buy policies than healthy persons. A mandate could hardly be applied only to some insurance companies, because they would be inundated by sick applicants, to the benefit of insurers escaping the mandate.

Mitigating this "adverse selection" would require insuring all members of large groups, such as all employees of large companies. (But employer-linked insurance, a legacy of World War II wage controls, has disadvantages of its own.) Anyway, requiring mass participation in insurance would mean coercion.

The problem of preexisting conditions may have been less urgent in the past, when inter- and intragenerational solidarity in large families was stronger than nowadays and when fewer high-tech medical treatments were available. The problem is particularly dramatic in families with physically or mentally handicapped children who will require expensive treatment and care for their entire lives. Intuitively, it seems unfair that these children and their parents should have to suffer the capricious blows of fate without being able to insure against even the monetary costs of those blows. Yet requiring private insurance companies to bear those costs would presuppose oppressive regulation or government subsidies. A drift toward government-monopolized health insurance then seems almost inevitable.

Arguably, were it not for constitutional restrictions, the federal government has a moral duty to provide the otherwise missing solidarity of nationwide risk-sharing. Libertarians, agreeing with John F. Kennedy that life is unfair, might reply that government has no business trying to straighten out the unfairnesses of life. But they should then be ready to deal with the reactions that this reply is sure to draw.

Who knows what solutions private enterprise might have devised if decades of government regulation had not forestalled them? But regrets about the past are no answer to today's dilemma. Not knowing, or not yet knowing, the solution to a problem should not bar recognizing it.

— Leland B. Yeager

Disintegration — I think it was inevitable, from a number of points of view, that the euro would sooner or later burst apart at the seams. The Greek crisis isn't the first straw in the wind by any means, but it's a major, unmistakable sign that the EU currency union is going to break up and the euro is on its way out. And the EU itself will meet its inevitable doom not too long after that.

When you stop to think about it, the EU was really a stupid idea to begin with. It started out as a coal and steel free-trade zone, which made a lot of sense. But as time went on, as people in general and Europeans in particular seem to love to do, they bureaucratized the thing and made it into a pseudo-government. They wrote a constitution hundreds of times longer than the one that served the United States so well until it was abandoned. They took on micromanaging everything, down to producing huge, phonebook-sized regulations on the composition of French cheeses, and so on. There's a burgeoning bureaucracy in Belgium trying to consolidate the 27 member states into one giant country, and it's absolutely not going to work.

The people in question don't just come from different countries that speak different languages — they come from different cultures. That's far more profound a difference and one that, historically, takes centuries to harmonize — if even then. From an economic perspective, it's important to understand that these different cultures have different economic patterns. They just don't do things the same way. People in some cultures don't save, for example; they'd rather borrow and spend. Other cultures don't get the concept of sustaining capital at all, and the things they build start running down immediately. Swedes think, act, work, play, and live quite differently from Sicilians.

— Doug Casey

Mission accomplished — Wow! It is finally official: we won the war in Iraq!

No less an expert than the esteemed vice president of the United States has told the good news to the American public. On the Larry King show (Feb. 10), Joe Biden said he is "very optimistic" about the survivability of the democratic government now in place.

And who is to get the credit for this victory — for turning a tribalist totalitarian dictatorship into a reasonable facsimile of a modern multicultural democratic state? Why, Obama, of course. Obama won the war — with the able guidance and support of (ahem!) Mr. Biden himself.

Biden crowed, "I mean, this could be one of the greatest achievements of this administration. You're going to see 90,000 American troops come marching home by the end of summer. You're going to see a stable government in Iraq that is actually moving toward a representative government." He added archly, "I've been there 17 times now. . . . I know every one of the major players in all segments of that society."

Now, this is insufferably rich. Biden was one of the pack of flip-flopping hypocritical hounds who first voted to go to war in Iraq, then later opposed that course, calling for an international summit of Middle Eastern nations, under some fuzzy theory that they would take over and allow us to pull out. Still later (in his abortive run for the presidency), he called for splitting Iraq into three rump nations.

Biden's master, Obama, deserves as little credit. He opposed the surge and exulted on his website (until July of 2008) that it was failing. But that won't prevent him from claiming the credit.

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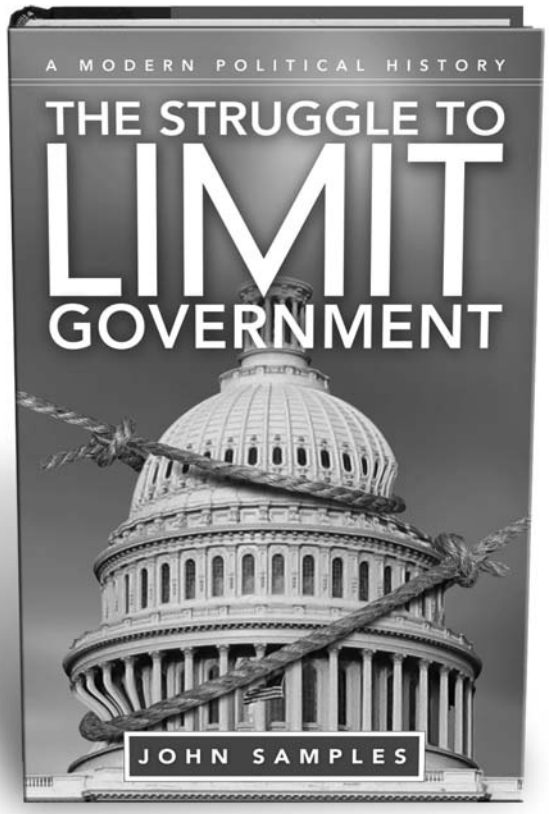

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Will Obama perhaps award himself the Medal of Honor? No, surely that honor must go to Biden, for turning up in Iraq those 17 times. — Gary Jason

Gunned down — There has been considerable discussion in print, by radio commentators, and on cable television news programs about the recently argued case *McDonald* v. *Chicago*. A Chicago resident wanted to have a handgun for self-defense in his own home but was prevented from doing so by city laws prohibiting such ownership. He asked the Supreme Court to strike down the prohibition.

Such laws or regulations typically originate in this way: a city experiences a spate of crimes involving guns — some deadly, some not. City officials hold meetings to talk to residents about the unacceptable level of gun violence. People attending the meeting plead with, or yell at, city officials to do something to stop the violence, to make the streets safe, to get the guns off the streets, to keep children from being killed. Officials agree that gun crime is unacceptable and promise they'll do something to stop the violence. Intensely restrictive legislation (sometimes an outright ban, such as in Chicago) regarding gun ownership, carrying, and possession is passed. But crime continues, or escalates. No one is safer. The process is repeated. Residents are without recourse or right to protect themselves.

In begging city government to "do something" about their security, urban citizens end up ceding a natural right that even a most unlibertarian philosopher would never cede.

In "Leviathan," Thomas Hobbes wrote that man's most fundamental right is to use his own power, as he wills, to preserve himself. Individuals cede all their rights to the Leviathan, the commonwealth, except the right of self-preservation. "A covenant not to defend myself from force, by force, is always void." After witnessing the English Civil War, Hobbes wrote of a way to secure a society from civil unrest. But as much as he may have desired security, he would not cede the right of self-preservation, as so many of our cities' residents seem willing to do.

I don't know whether Mr. McDonald has read Hobbes. I doubt that Hobbes' work would be found in any Chicago public school curriculum. But by most accounts McDonald is living pretty close to the state of nature, wherein life for most men is "solitary, poore, nasty, brutish and short" — especially for the gang members against whom he is trying to protect himself. McDonald simply wants city government to respect his exercise of his natural right of self-preservation. The current "covenant" preventing him from doing so is void. He should have his gun.

— Marlaine White

Time unripe — Libertarians were cheered when Ron Paul won the presidential straw poll at the Conservative Political Action Conference in February. But Paul started his speech to the conference with three unsalable proposals: end the Federal Reserve, end the federal income tax, and withdraw from the United Nations. Any one of these would prevent him from being nominated, let alone elected.

Paul is a candidate of radical ideas, some libertarian and some hard-right conservative. If your aim is to promote those ideas, Paul is the irreplaceable man. And that's fine. Think of him as a long-term investment. But he is not a man who can be elected president.

Consider the three positions above. There are arguments for them, but all are inside-the-church arguments. Theoretical arguments. They may be ripe at some other time and place, but not now.

Take, for instance, gold-backed money, which is the real point of ending the Federal Reserve. There is a theoretical argument for it. It also has an aesthetic and emotional appeal. But for 75 years gold has not been a circulating medium anywhere in the world. Leaders of banking and finance, who were once the gold standard's core supporters, no longer believe in it. To bring it back requires that they be convinced that it would be better for modern commerce than a system of floating fiat currencies. It's a thing I'm not convinced of, myself, but that is not my point here. Gold standard advocates have to change the minds of financial leaders — and they have not done it.

A serious candidate for national office has to pick fruit already ripe. For example, George W. Bush supported the idea of private accounts in Social Security. It wasn't what got him elected in 2000, but he was for it, and it seemed like an idea that might be ripe. Twenty years of intellectual watering and pruning had been done for that idea, including the work of the Cato Institute. It had gotten support from a commission appointed by President Clinton. The predicted funding shortfall created a problem that private accounts were supposed to solve. There was also a powerful case that money invested over a lifetime, rather than passed immediately from one pocket to another, offered a far more comfortable retirement for the average investor. Still, there was no sale. The Democrats stressed the risk to the below-average investor, which was true, and branded the idea a Wall Street plot, which was not. They turned people against it, and so thoroughly that Republicans are still being accused of wanting to take away people's Social Security.

Gold money is an even more radical proposal than Social Security private accounts, and the political spadework has not been done for it. As an idea, it is not ripe. If the United States goes to 20% inflation, that may change. Not now.

One idea that may be ripe, and that Paul championed during his CPAC speech, is a less interventionist, more America-first foreign policy. This is distinctly a minority view among Republicans, but Americans generally are ready for it. If Paul can get a large number of Republicans to think of war as another power-wielding, life-and-wealth-destroying program rather than *hoo-ah* and support-our-troops, he will have done a lot.

I love him for standing up to the neocons. But for

national office, libertarians need a candidate with positions that immediately make sense to people less ideological than they are. That might be a candidate for a strong dollar without specifying a gold dollar; for cutting spending rather than proposing to cancel the federal income tax at the time of trillion-dollar deficits; and for a foreign policy of minding America's business without needing to ditch the UN. The UN doesn't have any power. Why worry about it?

That is why in last month's issue of Liberty I did the interview with former Governor Gary Johnson of New Mexico. I am not sure he is the man to win the presidency. But one could imagine, if the stars lined up just right, someone with his ideas winning it. — Bruce Ramsey

Space out — The space shuttle has now made its last flight, even though a replacement vehicle has not been built. Much like a 24-hour Amtrak layover, the government doesn't see a reason to provide alternative transportation in the interim. Although I highly approve of the government trying to inspire private space vehicles, I wonder about the current wisdom of placing U.S. astronauts aboard failure-prone Russian Soyuz rockets until then. To me, that seems about as safe as driving a Yugo in a NASCAR race. — Tim Slagle

How not to fix a recession — Mass unemployment and long-term unemployment are tragedies. From all sides we hear the cry for "jobs, jobs, jobs." Recovery from a business recession does create jobs. More importantly, it restores lost production of the necessities and pleasures of life, for which work is a regrettably necessary means rather than an objective in itself.

Before endorsing artificial creation of specific jobs and other ad hoc "stimulus" measures, we should understand what a recession is — a disruption of economic coordination. Frederic Bastiat, Henry George, and Wilhelm Röpke, among others, wondered in almost poetic language at the spontaneous, market-driven, coordination of local and national economies and of the world economy. Contacts are established among business firms and between firms, workers, and consumers. A pattern of production and prices is established and continuously adapted that takes account remarkably well of resources, technological possibilities, and the wants of people as workers, consumers, employers, and investors. Things hang sensibly together, and with no central planning and direction.

Occasionally, though, this marvelous meshing of millions and billions of individual plans goes awry. A standard example has to do with unemployed workers who would gladly buy more products if only they could earn incomes to pay for them, and of employers who would gladly hire more workers if only they could find customers for their products.

The defect in such a case is not — not fundamentally — insufficient aggregate demand; it is not too little spending to buy the output of a fully employed economy. Fundamentally, supply creates demand: people specialize in producing particular goods and services to trade them away, sooner or later, for the specialized products of other people. These transactions do not take place by barter, however; instead, money and credit must lubricate them. Sometimes these lubricants fail.

Recessions typically result from too-tight monetary policy. Disruptions of credit in particular, rather by exception, have caused our current woes. There is plenty of blame to share, as by financiers who scarcely understood their newfangled issues of securities based on other securities based ultimately on shaky mortgages, as well as insurance issued against default on debts. The financiers were responding, moreover, to faulty incentive structures. These errors, although not excused by a background of misguided government interventions, did occur against that background. Policies of artificially easy money and credit and of promoting homeownership even by financially unqualified buyers fed a speculative housing boom that was bound to collapse. The collapse brought a chain reaction of bankruptcies, loss of confidence, contagious panic, and hesitation to grant credit and spend money.

Ad hoc remedies might do some good in the short run. Exaggerating for dramatic effect rather than making a serious proposal, Keynes even imagined that hiring workers to dig and refill holes in the ground might not be the worst policy. Far better, however, is to facilitate firms', workers', and consumers' groping their way back to market-clearing prices and to restoring or replacing business contacts, as they have often done before. An adequate money supply — certainly not lacking nowadays — would ease this process of restoring coordination.

Ad hoc and unpredictable interventions, however, are an obstacle to recovery, as in the 1930s. Plagued by uncertainty and even by fear, banks and other lenders hang onto their money, as do business firms and consumers. Potential investors hold back from projects, and potential employers wait to see what happens before restoring their payrolls. Will the Federal Reserve be able to reverse its massive emergency expansion of its balance sheet, possibly at the cost of renewed recession? Or will the activation of idle bank reserves and cash balances cause severe inflation? How will the government deal with its swollen deficit and debts? Will it partially repudiate its bonds and entitlement promises, perhaps openly but more probably by inflation? Will the Chinese and Japanese lose confidence in U.S. bonds, fleeing from the dollar and triggering its collapse? Will new taxes somehow save the budgetary situation, and if so, what sort of taxes? Will the so-called Bush tax cuts be allowed to expire, or will some of them be extended or replaced? Will the tax code keep on getting more complicated and hard to comply with? What sort of healthcare reform will be imposed, and at what cost to employers?

Stimulus programs of the recent sort hardly inspire confidence, with their invitation to pork barrel projects, their misallocation of resources, and their outright destruction of wealth (as by "cash for clunkers"). Switching to

"green" energy, often recommended for creating more jobs than reliance on traditional energy, also means waste; for it would reduce the productivity of labor in energy production.

Imagine: seeking prosperity by destroying wealth! Have politicians forgotten Bastiat's refutation of the broken-window fallacy? Given politicians' short-run orientation, capriciousness, and apparent contempt for the very fundamentals of economics, it is no wonder that businesspeople would rather keep their options open than show the spirit of enterprise.

Concern with the psychological aspects of business cycles – contagious over-optimism, contagious fear, and herd behavior — is becoming more and more respectable among academic economists, even though it lends itself less readily to elegant formalization than what has so far occupied theorists. Bruce Yandle's "Lost Trust: The Real Cause of the Financial Meltdown" (Independent Review, Winter 2010) and George Akerlof and Robert Shiller's "Animal Spirits" (Princeton University Press, 2009) are examples of this increased respectability.

"Jobs, jobs, jobs" — or rather, their results in the form of desired goods and services (as well as workers' pride in productive activity) — are a worthy objective; but ad hoc measures that increase uncertainty, undermine confidence, and perpetuate fear are no way to achieve that objective. — Leland B. Yeager

Congressional scam — When an event renders you speechless, I suppose that writing is the only way to express thoughts about it. Just such an event has happened.

Rep. Barney Frank (D-MA) stunned the investment world recently when he issued a warning about the risk of the debt of Freddie Mac and Fannie Mae. As reported by the Washington Post (March 6), he said that investing in these companies—meaning, presumably, either lending them money or buying any of the massive amounts of paper they now own — should not be considered as safe as investing in the federal government. In his words, "People who own Fannie and Freddie debt are not in the same legal position as [those who own] Treasury bonds, and I don't want them to be."

In case anybody misunderstood what he was getting at, he added that these failed government-sponsored entities (GSEs) should be restructured in such a way as to "preserve the right to give people haircuts." In other words, the feds should just rip off the victims who invested in these scam companies. Or at least (as he clarified later) the government shouldn't guarantee any of the paper those scams issued before the government seized them.

Now, there are two big reasons why this announcement is so amazing.

First, it is directly contrary to what Obama dictated when (last Christmas Eve) he unilaterally chose to remove the cap on the federal government's liability for Freddie and Fannie. That implicitly promised investors that the federal government was backing the whole crap sandwich.

And indeed, Frank's statement prodded the Treasury Department to issue an immediate statement, explicitly committing the federal government to backing those companies.

Second, Frank is the number one villain in the whole Freddie-Fannie scam. This vile reptile fought Bush and others bitterly every time they suggested that those companies be reined in. He used the companies as tools to give people "affordable housing"; that is, he used the money sucked into those companies from private investors to buy votes by letting the GSEs back risky loans. The money was invested only because Freddie and Fannie were government sponsored, with what was called an "implied" backing. Frank got the votes, and now he wants to give the original investors the shaft. — Gary Jason

Snowblind — Just a few years ago, alarmists, including politicians such as Sen. Barbara Boxer and journalists such as Thomas Friedman, were telling us that lack of winter snowfall was an indicator of global warming.

Now alarmists have changed their tune, telling us that record snowfalls are a sign of climate change. They seem to recognize how ridiculous it sounds to be claiming large snowfalls as a sign of global warming, given their recent pronouncements about slight snowfalls being an indicator of the same condition.

To those who still dare to point out the inconsistency of these changing positions, they have a new tactic. Now they claim that what we are seeing is extreme weather events — which just happen to be a "predicted" signal of climate change. The beauty of that prediction is that it doesn't need to have any predictive content at all. No matter what happens, anything that seems in any way different from the past can be claimed as unusual, i.e., "extreme."

Considering the ingenuousness of constructing an argument that is essentially unfalsifiable — less snow means climate change, more snow means climate change — one may ask, What exactly would *not* be claimed as evidence of climate change? What would be our experience if we were not experiencing change according to these people's arguments?

The facile answer would be: no change in the amount of snowfall (though I doubt they would offer that option). But then we should ask, no change from when? Ten years ago, 50 years ago, 100 years ago?

But wait, the recent levels of snowfall broke records for the DC area from about 111 years ago, by just a little bit. Does that mean we were experiencing extreme weather events 111 years ago, so the current weather isn't really unprecedented, except to a very small degree, if at all?

What were the typical snowfall levels over a hundred years ago? We know they weren't greater than the snowfalls of 1898–99, since those set the previous record. Maybe the typical levels were much lower than those experienced

continued on page 41

Obamalaise

by Gary Jason

When it comes to presidential liars, Obama makes Clinton and Bush look like novices.

An ocean of ink has been devoted to the surprising election results in Virginia, New Jersey, and especially Massachusetts. There is so much angst in the country that even the exceptionally obtuse Obama has become aware of it. To use a term rendered infamous by the feckless Jimmy Carter, we are experiencing a national malaise. But what Obama fails to comprehend is that at the root of the current national malaise is Obama himself.

In this, as in many other ways, Obama uncannily resembles Carter, who projected his own defects of thought and action onto the nation, generating the anxiety and distrust he was purporting to heal. We can rightly call the national mood "Obamalaise," because it arises not just from Obama's agenda but from his character.

A major factor in Obamalaise is, of course, the lingering economic recession. The unemployment rate seems stuck at 10%. But it's really worse than that. The December 2009 Bureau of Labor Statistics (BLS) report put nonfarm job losses at 85,000 in November but showed that unemployment stayed at 10% — because so many people (over 660,000) had given up looking for work. The BLS household survey — a more accurate indicator of the unemployment picture, because it measures underemployed along with unemployed — put the November loss at nearly 590,000 jobs.

More recent data are not encouraging. The January 2010 report put the nonfarm job losses at only 20,000, but it showed that the December report underreported the number of unemployed. The unemployment rate dropped to 9.7%, but again this was because of the large number of people who were no longer searching for work. The Bureau of Labor Statistics job report for Feb. 5 showed that roughly 15 million Americans remained out of work.

Even if the economy continues to expand, job growth will probably continue to lag, for reasons I explore below. And we can't be sure it will continue to expand. Nouriel Roubini — to cite only one economist who holds this view — predicts that the economy will grow at only 3% in the first half of the year, then drop to 1% or 1.5% in the second half, with unemployment possibly hitting 11%.

Which of Obama's actions have led to this malaise? Quite a few, but let me just review six major fields in which the president's work has been counterproductive, to say the least.

First, he has focused almost exclusively on forcing some kind of massive new healthcare entitlement on the country. This has had three perverse effects, all of which have deterred hiring. As Kathryn Nix emphasized in a report for the Heritage Institute (Jan. 12), no matter which version of the bill would have been passed, it would have imposed massive new labor expenses on small businesses, which create the bulk of new jobs.

Obama's cap-and-trade bill, should it be enacted, will cost 3.2 million jobs over 15 years and $9.9 trillion by 2035.

Moreover, as the different versions of healthcare were negotiated, the uncertainty as to what new regulatory burdens the insurance, pharmaceutical, and medical industries would be saddled with made them unwilling to undertake expansion. Finally, in crusading into an area where nobody really saw a crisis, Obama overlooked the economic crisis that everybody recognizes as real. Scott Brown's election has, perhaps, slain Obamacare, but Obama has made it clear he will keep on the issue.

Second, there is Obama's reflexive tendency to bash business, obviously an outward manifestation of an inner — what? lack of enthusiasm for? or is it loathing of? — free enterprise. He has vociferously attacked doctors, insurance companies, banks — everyone but lawyers. As Amity Shlaes has noted, in this Obama resembles one of his heroes, FDR, whose demonizing of business was a major factor in prolonging the Great Depression. "Roosevelt's tender mercies toward businesses," she says, "so terrified companies that they postponed both hiring and investment."

In February Obama's Two-Minutes Hate against banks dropped the Dow by 5% in three days. Is it any wonder that in a recent poll of investors and analysts who are Bloomberg subscribers 77% said that Obama is antibusiness?

Third, Obama's conspicuous stiffing of secured lenders has — naturally — discouraged lending. His thoroughly immoral bankruptcy deal with GM and Chrysler cheated the secured creditors in favor of the United Auto Workers Union. Who is eager to lend money to businesses, now that the secured lender's claim on assets (set by a century of bankruptcy law) can be negated by one call from a union boss to the White House?

Meanwhile, Obama's mortgage modification program (aptly nicknamed the "mortgage cram down plan") forces mortgage holders to renegotiate *legal* contracts to the holder's detriment — another discouragement to lending. There has to be a kind of blindness in an administration that would lead it to institute a program that screws lenders for past loans, then bashes them for not issuing enough new ones.

Fourth, Obama has pushed an extreme environmentalist agenda that is a major drag on employment. According to the estimate from last year by the Charles River Associates, his cap-and-trade bill, which passed the House and awaits approval in the Senate, will cost 3.2 million jobs over 15 years, should it be enacted. And a study this year from the Heritage Foundation estimates the cost of cap-and-trade, if enacted, at $9.9 trillion by 2035.

Then there is the whole wacky "green jobs" plan to replace jobs in fossil fuel industries with jobs in the wind and solar power industries. As George Will warned last year (Washington Post, June 25), the Spanish experience demonstrates that such a plan creates far fewer jobs than it costs. The reason is bloody obvious to all but the economically clueless: replacing one source of power with another source, which happens to cost hundreds of times more to produce, destroys jobs elsewhere.

But this hasn't stopped Obama's Interior Secretary Ken Salazar from directing his agency to ratchet up regulations on oil and natural gas companies seeking to drill on federal lands. Obama clearly intends to break his campaign promise to expand domestic drilling.

Fifth, Obama is the most protectionist president since Hoover. He has refused to enact the free trade agreements (FTAs) that were on his desk the day he walked into the Oval Office (including agreements with Colombia, Panama, and South Korea), much less negotiate any new ones. Meanwhile, our trading competitors are increasing the pace of signing new FTAs, especially in Asia.

Worse, Obama's actions have caused mini-trade wars with our partners. There is the breaking of our NAFTA agreement that allows a small number of Mexican trucks to operate in the United States, an event that has led Mexico to impose tariffs on our goods. The "Buy American" provisions in Obama's stimulus bill have led to retaliation by Canada. And his tariffs on tires and other products have led the Chinese to slap major tariffs of their own on our products, and to file suit against us at the WTO, and most recently dump $35 billion of our bonds in one month.

Sixth, Obama's spending is grotesque and destructive. Over 2.7 million jobs have been lost since the passage of his deceptively named stimulus bill (priced at $787 billion). He will add more to the deficit in the first 20 months of his presidency than his predecessor did in eight years — and George W. Bush was certainly no slouch in the deficit department. The Congressional Budget Office estimates that the deficit for 2010 will hit $1.6 trillion, higher than the record $1.5 trillion deficit of 2009. And it estimates a deficit of nearly $1 trillion in 2011.

The metastasizing deficit causes profound unease, because people know what it entails: massive new taxes, or massive inflation, or both. Already the end of the Bush tax cuts draws nigh: next year, the top income tax rate will go from 35% back up to 39.6%, the capital gains tax from 15% back up to 20%, and the dividend tax from 15% back way up to 39.6%. The estate tax will rise from zero this year back to 55%. With trillion-dollar deficits as far as the eye can see, the Obama administration will gladly let tax cuts expire.

Indeed, Obama has stoked fears of massive new taxes with his recent pronouncement that he is open to raising taxes on households earning less than $250,000 a year, despite his

continued on page 40

Creating Paradise

by Jeff Wrobel

What can individuals do to solve social problems? Plenty.

One of the greatest, though unsung, heroes of the Marshall Islands is my friend Gene Savage. With one simple act, he altered the existence of the entire population of a remote island, changing it from a living hell into a peaceful near-utopia.

You've almost certainly never heard of Mejit Island. It is one of hundreds in the Marshall Islands, on the eastern edge of Micronesia. Chart a course from anywhere to anywhere, and Mejit will not lie on that course. It is a peanut-shaped island and, at 0.72 square miles, nearly peanut-sized. It is home to about 450 people.

Most islands in Micronesia are remnants of coral reefs that formed around ancient islands. In most cases the original island has completely eroded away, leaving small sections of reef that are just barely above water at current sea levels. Typically, these islands are about a quarter mile wide and less than a mile long, which is why the region is called Micronesia. Where the ancient island has disappeared, what usually remains is a relatively shallow lagoon.

Mejit is an exception to this pattern. It is comparable in size to one of the coral isles of an atoll, but it is an ancient island that has not completely eroded away. It is not the remnants of a reef, but a proper island with its own small barrier reef. And, most importantly to this story, Mejit has a little lake in the middle of its northern half — about 2,000 feet long, 200 feet wide, and 20 feet deep at its lowest point (a bit more after a heavy rain). Most Micronesians on other islands have to catch and store rainwater, but Mejit has its own permanent natural freshwater reservoir.

In 1994, my friend Gene was a civilian working on the U.S. Army base in the Marshalls. He took advantage of his time there to visit a few of the nearby islands; and, as a member of a church outreach group, he visited Mejit. While each island he had visited had its charm, they didn't vary much from one to the next. Mejit, however, was special. For one thing, Gene was delighted to encounter the lake. He was also captivated by a particular resident of the island — a young Marshallese woman named Neyrann. He began courting her, and he eagerly planned future trips to Mejit.

Gene loved Mejit. But there was one serious problem. Though the human population benefited from the freshwater

reservoir, the lake created a perfect breeding environment for mosquitoes. Aside from Neyrann and the lake, the island's most notable feature, for Gene, was the mosquitoes. When he examined the lake closely, the only living things he found were algae and mosquito larvae.

Life for the people on this otherwise idyllic tropical island was ruined by the overwhelming, ever-present swarm of mosquitoes. Life for the mosquitoes, on the other hand, was great; they had a large supply of human blood, and they had no natural predators. Given the choice between being sucked dry of their blood and inhaling poisonous fumes all night, most islanders chose to burn antimosquito coils in their houses, despite the clear warnings on the boxes against indoor use.

Imagine a new Mosquito Eradication Bureau in the finest building on Mejit, and a tax to support it. Who could argue with the need?

The lack of natural predators for the mosquitoes suggested to Gene that the mosquitoes were recent immigrants to the island. Most likely, he thought, they had arrived on cargo ships when they started regular trips to the Marshalls. But since the natural balance was already upset, Gene figured that there was no harm in upsetting it a little further. A couple of months after his first trip, he went back to Mejit to see Neyrann, bring Christmas toys for the island children, and bring a Christmas present for the lake as well — a little plastic bag containing about two dozen guppies that he had acquired from a friend's aquarium. He dumped the fish into the south end of the lake. They swam off.

The next morning he returned to look for the fish but could not find them. He figured that something in the lake hadn't agreed with them, and they were dead.

Six months passed. Gene went to Mejit again, this time to marry his island girl. On his first day there he looked for signs of the fish he had released, but he saw nothing. It must have been true: the lake just wasn't hospitable to them.

Two days later, Neyrann became Mrs. Savage. After the wedding, Gene and Neyrann followed the island custom of walking around the lake thanking people for attending the ceremony. One woman asked what kind of fish he had put in the lake six months earlier. He told her they were minnows (which isn't correct, but you have to allow heroes their little flaws). "Too bad though," he said, "I haven't been able to find any." She replied, "Oh, there are lots of them over here," and she directed him to her back door near the lake. Gene couldn't believe his eyes. He saw hundreds of fish swimming about, including some large ones, two or three inches long.

"Has anyone else seen them?" he asked the woman. "Yes!" she answered. "People are putting them in their wells to eat the mosquitoes." She told Gene how the fish picked at your skin when you stood still. The children enjoyed that; they claimed that the fish are cleaning them. Later Gene got into the water and felt the fish pecking him all over. He donned his mask and snorkel and was thrilled to see guppies everywhere. Best of all, there wasn't a mosquito larva in sight.

Gene worried about what the guppies were going to eat, now that there were no mosquito larvae. But in his last trip there, in 2002, the guppies were still plentiful, and the mosquitoes were gone.

You never know what the results will be when you introduce a non-native species into an environment. It will pry itself into the food chain somewhere, and it may compete with native species in the same place in the chain. The new species may eat too much of one thing, or create new waste that chokes off something else. The implications of the presence of an exotic species may be too complex even to be recognized. But in the case of Mejit, nothing but good seems to have come from the introduction.

Mejit is far isolated by ocean water from the nearest place that could support guppies, so there's virtually no chance of them escaping on their own and affecting some other habitat. Before the guppies arrived there were already a lot of birds on Mejit eating the plentiful reef fish and washing them down with freshwater from the lake, so there isn't likely to be much increase in bird droppings because of an increase in birds at the lake. The only downside I can see is if someone who used to enjoy swimming in the lake stopped doing so because he didn't like the fish pecking at him. But I would think that even that person would view it as an equitable alternative to living with mosquitoes.

One downside for merchants only: sales of mosquito coils plummeted to zero.

As an engineer, Gene saw a problem and, by his nature, wanted to solve it. As a caring human being, Gene saw the suffering of the people and wanted to relieve it. He is not the type of person who likes to draw attention to himself. He didn't act to achieve fame or gratitude. But regardless of that, the citizens of Mejit remember Gene and recognize him every time he visits. No visit has passed without some words of gratitude to him.

It's fortunate for all parties that Mejit is, for the most part, off the government radar. An alternative to Gene's simple, elegant solution might have been a government effort to eradicate the insect pests. I can envision endless environmental studies, multiple travel junkets by politicians and scientists, mosquito netting purchases, periodic spraying campaigns, and condescending, paternalistic, self-righteous bureaucracy. Imagine a new Mosquito Eradication Bureau in the finest building on Mejit, and a tax to support it all. Who could argue with the need for it? Mejit islanders are grateful that the mosquitoes are gone, but they may not know how lucky they are that Gene saw the problem before government set its sights on it.

Except for this story, there is no record of what Gene did. There are various plaques, museums, and gravestones scattered around the Marshall Islands to remind people of big events, such the "discovery" of the islands by John Charles Marshall in 1788, the epic battles of WWII, and the atomic testing of the 1950s. These monuments are sufficient reminders of the large, discernible events that shaped the region. But if we ever start erecting monuments to people who have invisibly benefited the people while slowing the growth of government, there should be a big statue of Gene Savage at the south end of the lake on Mejit Island. ❑

Marketing Morality

by Brian J. Gladish

Competition brings better results in business. Why wouldn't it do so in the judiciary as well?

Libertarians have always been foes of state monopolies — of business, of education, of the money supply. They have always expounded the economic benefits of competition, benefits that could not have been planned and often could not have been predicted. Friedrich Hayek went further, arguing that competition leads to equally unpredictable discoveries of knowledge (see his essay "Competition as a Discovery Procedure," in "The Essence of Hayek" [1984]). Now it is time to suggest the value of competing ethical systems and to challenge the state's monopoly on ethics and their legal enforcement.

Ethical systems have been traced to various origins. Some, such as Christian and Islamic ethics, are represented as having been handed down from God. Others are thought to be derived in some way from human nature (natural law) or identified by their ability to promote human happiness (the various forms of utilitarianism). Among thinkers in the libertarian tradition, Ayn Rand and Murray Rothbard developed systems explicitly based on natural law; and Andrew Galambos claimed to derive an ethical system from scientific study of the nature of volitional beings. These systems attempted to show how human beings (or volitional beings in the case of Galambos) should behave in order to further the development of their own nature or happiness.

While each of these natural rights systems offered to increase the happiness or "flourishing" of its adherents, no strict test of their practical utility was proposed. They were presented as systems of right and wrong — and of justice — to which people should adhere. Their motto was *fiat justitia, pereat mundus*: let justice be done, though the world perish. That was true of them whether they were based on theories of the free market, the minimal state, or the stateless society (Ayn Rand retained the existence of a minimal state, while Rothbard and Galambos dispensed with it).

Alternative systems of ethics developed within the utilitarian tradition, beginning with Epicurus and proceeding through David Hume, Jeremy Bentham, and John Stuart Mill. Utilitarians have usually favored state intervention to accomplish their goal of the greatest happiness for the greatest number — although Ludwig von Mises, who was both a classical liberal and a self-declared utilitarian, generally

argued against the possibility that intervention would achieve the goals intended. Mises and the other economists of the Austrian school considered it impossible to quantify interpersonal comparisons of "utility," thereby greatly weakening its application as a means of justifying state intervention in people's lives.

How, indeed, can one test the effects of an ethical system and discover which works best? This question becomes especially important when one considers the connection between ethical and legal systems. When ethical systems intersect with the state, they produce legal systems that are imposed upon the inhabitants within its borders. In the time of monarchy the legal system reflected the religion of the monarch and whatever concepts of justice the monarch held. In modern democracies the legal system is a reflection of struggles among various groups and may reflect most fundamentally the views of the religious majority. The system that most clearly reflects evolutionary market forces is English common law, but even in that case the discovery process is hampered by the fact that competition among courts is limited and petitioners may not choose the legal system by which a case will be tried.

In a free-market ethics system, if a company had an attractive ethical system it could be expected to attract customers and grow. Superior systems will be reproduced; inferior ones will die out.

To discover which legal and ethical system works best for the people who use it, and in what ways, we need a free market in judicial services.

For an example, let's turn to the field of intellectual property, which is the subject of much current debate. Suppose we have a judicial company called Protects Intellectual Property (PIP). This company promotes the view that intellectual achievement has value, should be treated as property and should be paid for as other commodities are. This approach approximates the views of Galambos and of the 19th-century legal theorist Lysander Spooner in his quaintly titled "Letter to Scientists and Inventors on the Science of Justice, and Their Right of Perpetual Property in Their Discoveries and Inventions."

Let us also suppose that judgments by PIP against "offenders" have no force other than the force of public opinion. The company may request a payment from them and publish the fact that they have paid, paid partially, or not paid at all. Customers of PIP have access to judgment information and may choose to avoid releasing intellectual products (books, music, inventions) to companies or individuals that do not have a good record of payment.

Note that this admittedly abstract business plan does not violate any of Rothbard's views as expressed in "The Ethics of Liberty" (1998) or impose a new definition of property upon those of his followers who now reject all forms of intellectual property (although Rothbard himself supported copyright). But if PIP is successful — if it attracts clients, successfully furthers their interests and, in so doing, generates a profit — it matters not whether certain segments of society accept or reject the concept of intellectual property. If PIP fails in this endeavor, no amount of arguing the merits of Spooner's or Galambos' points will matter; when the investment capital runs out the company will disappear. In a free market, it would not have been the only ethics-based company available.

Of course, there are bound to be problems if individuals enter into contracts with different companies providing judicial services that reflect different ethical systems (e.g. Christian, Islamic, Rothbardian, Galambosian, etc.) to resolve their disputes, defend or recover their property, and so forth. But would these problems be greater than those that exist right now in determining outcomes between the legal systems of different countries — or, in the United States, among various local and state jurisdictions? Today, the execution of a judgment or transfer of an alleged criminal between jurisdictions involves processes that would also evolve quite naturally between justice companies. If companies did not have reciprocal agreements (because of remoteness, neglect, or aversion), disputes that crossed their boundaries might not be resolved, just as some are not resolved today. Any loss might be covered by insurance, as business losses are often covered now.

But let's consider an extreme example: murder. Suppose that a person who subscribes to a restitution-based ethics company — one that primarily seeks monetary compensation — murders someone who subscribes to a retribution-based ethics company — one that seeks some sort of penalty that may be imposed with violence. We can imagine that the perpetrator will be identified by the victim's company and some judgment will be made. If the judgment is a death sentence (remember, this is an extreme example), and an attempt is made to carry it out without consultation, or if the evidence is weak, the perpetrator's company may very well attempt to defend its client against the claim. But if there is consultation, the perpetrator's company may suggest some other remedy (say, the payment of the costs of identifying their client as the perpetrator, plus a punitive sum). Or, in light of the evidence, the company might even stand aside. Note that mistakes in identifying perpetrators will invite unfavorable market consequences, and companies that make them may face a loss of confidence and become the target of judgments brought by those adversely affected — judgments that may be minimized by early acceptance and prompt payment.

This is a speculative example, not an ideological blueprint to be followed in creating a utopian society. It simply presents some possibilities. The intention is to inspire fresh thinking by people who are unfamiliar with the body of libertarian literature that discusses such matters. All readers are encouraged to consider their own ideas as possible competitors in an ethics and legalities marketplace, as opposed to complete systems that must be imposed upon society.

In a free-market ethics system, each company would be able to codify its ethical system and advertise it, along with endorsements from satisfied customers. If a company had an

continued on page 39

The View From Lulu's

by Jacques Delacroix

Sit down, have some coffee, and watch the parallel universes go by.

At 9, two flows of humanity pass each other in front of Lulu Carpenter's, the upscale coffee shop at the top of Pacific Avenue. Pacific Avenue is the main walking commercial thoroughfare in Santa Cruz, California, redesigned surprisingly well after the 1989 earthquake. It's nothing like the collection of cheap motels leading to the boardwalk that greets the casual tourist entering Santa Cruz from Ocean Avenue.

Down Pacific comes the cortege of the houseless, walking from the shelter toward breakfast at the Salvation Army, a mile away. I don't call them "homeless," because ownership of a house does not guarantee a home, and it's possible to make a home without a house. Also, I am sick of the sanctimoniousness of the word. Most of the houseless carry a large backpack. The smart ones carry a guitar, or a guitar case, one of the best weapons against the city's repressive ordinances. (See below.)

It would not take much to convince me that some of the homeless have a hangover. They are mostly silent. Those who are not harangue loudly against society at large, or God, or no one in particular. One talks into a cellphone she does not have. I know for a fact that one houseless woman in her 30s can speak perfect French, with the quaint diction of what is probably a Swiss finishing school. (Trust me, I would never know how to make up something like this.)

Up Pacific Avenue from the bus depot march Mexicans on their way to work. They converse loudly in Spanish. Many laugh or guffaw. The Mexicans all wear thick sensible jackets in dark colors, black, navy blue, or gray. The houseless tend to be elaborately dressed, layer upon layer. It's not all about the morning cold: many women, and quite a few men, wear colorful Indian, or otherwise "ethnic," dress on top of jeans and sweaters. Every single one of the houseless is an Anglo. Perhaps race matters, after all.

Much of residential Santa Cruz is littered. I believe my own street is never swept by the city. But Pacific Avenue, the showcase artery, is cleaned every day or nearly so. There are two distinct cleanup crews. You can tell which is coming from afar. The first crew is large, youngish, noisy, and enthusiastic. It's composed entirely of mentally handicapped people and

of their minders. They make noise because they are invariably in good spirits, kidding one another endlessly and throwing good-humored insults around. When they are through, hardly a single cigarette butt has managed to conceal itself in a crack.

The other crew comprises mostly people in their 40s and 50s in green uniforms who work slowly, with the dignity befitting their status as tenured city employees. They are said to be the best paid municipal employees anywhere in America. I think this is probably fair because I suspect most of them hold a Master's in Comparative Literature, or Fine Arts, from the University of California. They contribute to the *gravitas* of the community.

Lulu's, the coffee shop, manages to maintain a steady truce between environmentally militant, abstemious, vegetarian types who hate tobacco, and smokers. I think this is because almost all the smokers are alternative lifestyle youths with pierced body parts, and existentialist graduate students from UC Santa Cruz. No one wants to find out how tough the pierced ones really are, and the graduate students earn respect by appearing to be in possession of profound truths that don't even have a name in English. I think both the pierced and the existentialists are, paradoxically, individualists of the old school.

By and large though, the smokers are pigs: they throw cigarette filters with a half-life of 20 years on the ground although they are only ten feet from a litter box. Nobody ever complains about the littering because neatness is a bourgeois virtue incompatible with the community's revolutionary spirit. I think most city elections are disputed between Maoists and Trotskyites, who have been in the closet elsewhere since 1971, and a few left-leaning liberals. All are prosperous shopkeepers. Together they promulgate and try to implement city ordinances that are probably neither constitutional nor enforceable. How can you make sleeping illegal? Scratch a leftist; find an authoritarian vice-principal. But I digress, as usual. Lulu's owner runs a tight ship. He takes care of the butts problem in the old-fashioned, entrepreneurial way, by giving someone ten bucks to sweep most of the butts from his vicinity every night.

"If it's any consolation, we use *every part* of the explorer."

Shortly after nine, people come in for takeout coffee. The young ones are mostly workers from neighborhood shops who got up too late to fix their own coffee. (The result of a recurring epidemic: the young believe something tremendous will happen if only they stay up late enough.) A few customers sit down to read in solitude, or they chat in groups of two or three to kick off the day with conviviality. No one knows what they do for a living. The young are probably students;

They try to implement ordinances that are neither constitutional nor enforceable. How can you make sleeping illegal?

the middle-aged may be teachers (like me), or independently wealthy. (Santa Cruz's own dangerous secrets: who is a trust fund baby? Who made a real estate fortune in the '70s?) One can't easily tell the well-off from the poor because shabby clothing is de rigueur.

There are some old codgers who have probably been awake for hours. I avoid them, because I suspect they want to induct me into their mutual misery society: let me tell you about my colonoscopy; I will listen about your arthritis. Among those who sit alone, reading a newspaper is common. They read the local giveaway sheet (surprisingly good, though uneven) or the Santa Cruz Sentinel (bad spelling, good local coverage, bad international coverage), the San Jose Mercury News (there are a few techies left after the dotcom debacle), the San Francisco Chronicle (for bottom feeders like me), or The New York Times, of course. A lot of New York Times are left on the tables in a gesture of collectivist pretend-individualism common in coffee shops all over America. No one has the *cojones* to read The Wall Street Journal in public. There would be a hell's worth of shunning to pay if you got caught.

The serving staff is young, friendly, and sunny. Most of them nurture a creative sideline: painting, writing, music, the pursuit of esoteric beliefs. They are all avid readers, making Lulu's a much better literary cafe than Saint Germain-des-Prés ever knew. One young guy reads big postmodernist books of French origin. I am dying to warn him that bad French never translates into good English. I resist the temptation because youth must be allowed to make its own mistakes. I think the young people on the staff worry sometimes about what being the victims of customers' jovial moods and gracious appreciation is going to do to their long-term creativity, which as everyone knows requires a dose of misery.

There is a punk rocker who works in the kitchen. His temples are shaved and a silver stud pierces his upper chin. He is a real conservative who works two jobs so his wife can stay home and take care of their child. This guy will never be on welfare. He is against drugs, except tobacco. I swap him stories for cigarettes. What a deal!

continued on page 39

Alverna's World: A Small Town in 1920

by Bruce Ramsey

A hundred years ago, freedom — and society — looked quite different.

Once there was a world of few regulations and no welfare state. There were rules, of course, but there was considerable flexibility in the application of the rules, at least some of them.

This is a story about what life was like in one place in that world — Morton, Washington, a logging town in the western foothills of the Cascade Mountains, near Mount Rainier. It is told by Alverna Kavanaugh, who died in 2007 at the age of 101. She was my aunt, and the family storyteller.

In 1912, Alverna's father, Clyde Smith, brought the family to Morton, where he opened a hardware store. . . . But let Alverna tell the story. Most of it is in her words, tape recorded. I trimmed it down and stitched it together. It is a story of the world that America once was — a different place, and interesting in ways you might not predict.

Alverna Kavanaugh's Story

Morton wasn't a place where many newcomers came to settle. Many of the people there were of pioneer stock. They were the Temples, the Broadbents, the Stiltners, and the Crumbs. Most of their fathers and mothers had packed in to claim narrow strips of land. The Crumbs had gotten theirs at the time of Abraham Lincoln. Only the Broadbents had made more than an ordinary amount of money.

Everyone seemed to find a place. Everyone knew exactly what was going on, and when a stranger came to town. Everyone was subject to unwritten laws. To break them would cause more attention than it was worth. The community was sure of what was right, though it made no claim that everyone was perfect.

We had a town drunk. Every so often he would get bleary-eyed and stagger down the street ripping off fence pickets. Everyone knew that in a day or so he'd be nailing them back up.

Most of the time, he'd sit with the older men in front of the pool hall or the barber shop. In winter, they'd move inside my father's hardware store, sit on nail kegs, and spit tobacco juice into the pot-bellied stove. The hardware didn't have a cracker barrel like the grocery, but it had a more masculine tolerance, and customers kept the flow of information fresh and lively.

We had a town prostitute, the oldest girl from a big farm family — hardworking people, not much money. She was discreet. She'd go out to Tacoma for a week, and she'd come back with new clothes. People asked, "Where did she get

the money? How could you earn all that in one week?" She was good-natured, plump, and naturally blonde. I remember seeing her, and the comments, "There she goes on the bus again."

She was still in Morton when I came back to teach a year there, in 1940–41. She'd married a war veteran, who was sick and didn't have much money. That was the time when women of my mother's age, who could remember this woman's past, argued about whether to let her into the Eastern Star. They finally did.

When my father decided to go into the hardware business, he chose Morton by asking hardware salesmen. The salesmen said, "Up at Morton, they don't have any hardware. There's a lot of timber, and there's loggers." Before he left he hired a clerk he knew, and paid him double what ordinary clerks got, to move to Morton. Later they became partners.

Another young man came with Dad to Morton. When Dad built his store, he included a narrow strip for this young man to establish a haberdashery. Loggers needed shirts and boots and pants. This haberdashery didn't run the full depth of the building. The back opened right on to Dad's potbellied stove.

The haberdasher did well. He married and had two daughters, and one was named Alverna, after me. Later, he took up with a redheaded woman in town. My mother said that when this redhead came in to look for an umbrella, the haberdasher locked his front door and pulled down the blinds. He didn't have any business for half an hour or so. Dad and his clerk knew what was going on, but they didn't presume to say he couldn't.

Well, Morton was a little town. Things like that get around. Everybody could see the blinds down in the middle of the afternoon. And at public dances, the haberdasher would dance with this woman. The haberdasher's wife responded by making the redhead her best friend, inviting her to Tacoma in their new car. This was to stop all the talk. But it didn't stop the talk. It didn't change anything, except to show that his wife wasn't breaking up her marriage on account of a redheaded woman.

My dad carried mostly very useful things in the hardware: stoves, simple furniture, plain dishes, ropes, chains, bolts and nuts, and things for logging camps. He had a credit business, but he ran it carefully. He knew which men were entitled to credit, which men would pay. He'd be understanding when a man might be working hard and living on venison. If that man needed an airtight stove because his other one was falling apart and he had five kids, of course he could have credit.

Only about five students a year made it through high school. Girls often married at 16, and any strong boy of 16 would usually rather be out logging.

Sears & Roebuck would sometimes write and ask my dad a man's credit standing. He felt it was ridiculous for them to ask, because they were competitors. Why should he tell them? So when a man was poor at paying — and often, people who had ruined their credit with him would try to get it elsewhere — Dad would write, "Fine. Give the man all the credit he wants."

Dad's hardware also carried coffins, because nobody else in the community would take care of a death. So he did. He learned how to do embalming, and was licensed. But he tried to dissuade people who couldn't afford it from buying expensive coffins.

One widow insisted on having the most expensive casket he had. He tried to persuade her not to buy it, because he knew she couldn't pay for it. She shouldn't even try to pay for it; the money should go to her children. But no sir, she wept and wailed, and insisted on having the very best. So my dad let her have it, knowing he would never get paid. He was careful not to give too much credit, but in this case, with a woman deep in grief, he just gave in.

There weren't many charity cases in Morton, and the businessmen handled them in a quiet way. One had been a Mason, so the Masonic lodge saw that he had what he needed.

Dad loved to play cards. In the early days, he'd play with the salesmen who came up to Morton to sell hardware. Sometimes they gambled. My mother worried about gambling. She always had her ears out. Apparently she heard about it, because one time she went to the pool hall and into the back room. The table was covered with chips and cards and gold. She said, "Aha! I knew it!" And she turned the table upside down in front of the men. Dad would occasionally tell this story, and laugh. He'd say, "You know, I was winning, too."

I think that ended his gambling for money, but he still loved to play cards at the pool hall two blocks from home. I knew he was up there in the evenings. I guess the chips had to be taken out in merchandise, because he'd come home with candy bars and chips. Marie and I used to be given chips, and we could go back to that pool hall and buy ice cream.

My father played cards with us children, too. As soon as we could hold cards, he organized simple games. While he did it, he taught a moral lesson. It was that the cards demanded moral standards. You don't cheat. You don't peek at somebody else's hand. You don't fidget and give away that you have a bad hand, or say, "Woooo! I've got a wonderful hand!" You're stoic. The game demands this.

If you got a bad hand, you were not to feel downhearted because you lost. If you played all the tricks you could get, you were a success. If you didn't play them right, Dad didn't scold you. But afterwards, he told you how you could have done better. So, while some people felt that cards were sinful because people could gamble with them, my father taught lessons with them.

Only about five students a year made it through Morton High School. Girls often married at 16, and any strong boy

of 16 would usually rather be out logging than in freshman English. If he did get to high school, it was more schooling than his pa had, and likely more than he'd ever need.

I was the fourth of five children. My two older brothers did not finish high school, and my older sister came to graduation and didn't qualify for it. Well, I think the teacher and the superintendent, who both knew Dad, just made it up between them: if my sister outlined the history book, she could get credit for history. She didn't get it all done, but they passed her anyway. She didn't have any ambition to go to college or do anything with it. The next year, she was pregnant.

I was different. I did well in school. Everything was easy. We had one geography book. Well, I could read down that two-page assignment, and I'd have it memorized. And when it came to reading "Ivanhoe," I wanted to read ahead, despite what the teacher said. At 11, Dad signed me up for violin lessons. He had a violin that had come down from his grandfather. There had been three generations of fiddlers who could play by ear, but I was to learn to read music. Mother said, "*My* father wouldn't allow a violin in the house. He felt the devil was in it." The violin made people dance, and that was wicked. But Mother didn't feel that way.

No one at Morton could teach me the violin. My father drove me Saturdays on the new road to Tacoma, about 60 miles away, where I could take lessons and he could place hardware orders. When it came to my senior year in high school, 1923–24, my father sent me to Tacoma to live in a boarding house so I could go to Stadium High School. I went on from there to the University of Washington, where I earned a degree in music.

I wasn't the only one to be sent out. One pioneer farm family, the Crumbs, sent its firstborn son out of town for four years of high school. That was unheard of. That family couldn't afford such extravagance. In due course, without the village approval, they sent out the second son, the third and the fourth. The fifth son didn't want to go, but by that time it was a tradition, and everybody agreed that he had to go, too.

There weren't many charity cases in Morton, and the businessmen handled them in a quiet way. There was a Civil War veteran. He was so old that people marveled that he could take care of himself alone in a one-room shack. He'd been a Mason, so the Masonic lodge saw that he had what he needed. But when they offered him better housing, he was too proud to take it. He said, "Oh, I don't need much. A little tobacco. After all, when I was young, I helled around."

When it got cold, he'd come down to the hardware and join the men telling stories, chewing tobacco, and spitting in the stove.

The other charity case was the minister. Morton wasn't a churchgoing town. Saturday night dances drew nearly everyone, but Sunday-morning services in the Methodist church, the only one in town, would have about ten people. The minister wasn't often called on to officiate at marriages. They were usually elopements. Only at funerals did everyone require the minister, who conducted them with lavish formality.

My dad would give the minister, who looked half-starved, $50 or $100. He would tell him, "This is not to go to the mission in China. This is for you." Mrs. Broadbent, a relation of one of the pioneer families, arranged for the minister to have one good meal a day at the hotel. People expected him to live in genteel poverty. When a minister came who had a little Ford, and he used it to get from the parsonage to town — only about six blocks — he was criticized. It wasn't right that he should have a car and burn up gas for that. He soon left. The village doctor had a Ford, but that was not seen as a luxury. Doc had to be able to get to the logging camps in a hurry.

I was 12 and my younger sister Marie was 8 when the flu hit Morton. That was the great influenza of 1918, in which half a million Americans died. Both of us had it. I got better, and

The other charity case was the minister. Morton wasn't a churchgoing town. Only at funerals did everyone require the minister.

Marie did too. It was a while before we had our first solid food, because in those days when we were sick, we were on a liquid diet. They gave us beef tea, a little milk, and a cracker. Then we could have a sliver of turkey and a spoonful of dressing. But we were to stay in bed and keep under the covers. Marie and I had a pillow fight, and she didn't stay under the covers. The next night she was sick again. I was getting well. The next afternoon the doctor said, "She's the sickest patient I have."

Dad had buried many of his friends and business associates. He said, "Why didn't the doctor tell me sooner? I could have put her on the train to Tacoma, and got her to a hospital." But the train had left, and the road didn't go through to Tacoma then. So Dad wired for an engine and a caboose. It cost him $600. When that came out in Morton, people thought it was amazing. Years later, I met a man up at Morton. "You're C.B. Smith's daughter, aren't you? You know, I was on the caboose that took your little sister to Tacoma." It was an event spoken of for years.

So the tracks were cleared, and Marie rode to Tacoma. Mother and Dad, too. An ambulance picked her up at the station and whisked her to the hospital, right then. That's Dad! The doctor in Tacoma said, "Feed her. Give her cream. Give her something rich so she has the strength to fight this." None of the barley-water the other doctor had suggested. Marie made a good recovery.

Morton had one police officer. Nothing much ever happened except chicken stealing, and who would begrudge a boy a chicken to roast in the woods? Once the cop hit a man over the head because he brought liquor into a Saturday night dance instead of stashing it in the woodpile. People thought this was unreasonable, and hired a new cop.

Another town had a case of a rape. They got a posse and caught the man, and my brother was in on it. He said they debated about castrating the man. They thought they should. But they decided that he might bleed to death, and it would be murder, so they didn't do it. They turned him over to the law.

Dad, being a merchant, wanted fire protection. He contributed the first $500, about all that was needed, to buy a cart that the men could pull and connect to a hydrant. They erected a tower with a bell on it. If you saw a fire, you pulled the bell.

Morton didn't have a fire department. The men were volunteers. Their job wasn't to put the fire out, but to hose down the buildings not on fire.

That didn't always work. In 1924, the whole business district burned to the ground. It started in the hotel at about one in the morning. The two-story hotel was right opposite my father's store, and the wind blew the flames straight to the hardware. My father opened the building to get his business records. Already people had slipped in and taken some fishing gear. Others were removing things. Dad locked the door. He said he didn't want any question about insurance claims; he had taken out more coverage about six months before. Somebody said it was a shame for all that hardware to burn up.

The posse debated castrating the rapist. But they decided that he might bleed to death, and it would be murder, so they didn't do it.

The men struggled to get the heavy barber chair out of the hotel and down the street. They stopped. When the fire moved closer, they pulled it a little farther. Finally they left it in a vacant lot, and the fire ruined it.

We got our valuables out of the house. Dad put all his business records in his car. I carried my Persian cat out in the fish basket. Dad drove me down the road a quarter mile to guard these treasures. My cat yowled, and I wondered whether the fire would follow me down the road, because it was timber on both sides.

I don't think any homes burned, but the grocery that had only been up six months went down in a heap. The bank had only the vault left standing, and there was nothing left of Dad's hardware but a chimney sticking up. After the fire, people stood around grinning at the awfulness of it. It made the headlines of the Tacoma paper, and we had a string of tourists.

Other than that, most fires were of a house, or a shed. The wooden houses would go up fast. It was usually at night. You'd hear the bell, get out of bed, and run to see the fire. That was the social thing to do. Once when my friend Henrietta was visiting me, the bell rang, and I said, "There's a fire. Come on!"

"Why? Are we in danger?"

"No, no. We have to go see it." If it was a shed, everybody looked to see if there were copper coils sticking up through the ashes, because that would be a still.

During Prohibition, bootleggers were going full tilt in the woods around Morton. In the woods, a man might rise up with a gun and tell you to go back. When bootleggers were caught, a lawyer in the county seat would get them off with light sentences. Prohibition didn't have the sympathy of the public.

I saw a still in 1924, when I was 19. One of my boyfriends told me some of the bootleggers were going to move it. He'd asked them if he could bring me to see it, and they'd said, "C.B. Smith's daughter? Sure. He'd keep his mouth shut. Bring C.B. Smith, too." Dad didn't want to know anything about any stills. If he was going to have a drink, he wanted good whiskey, and he would have it only when he had a cold. Well, he was out of town.

The still was in a grove of maples. They had their mash in a tank made of fir planks. I looked in the open tank under the trees and said, "Caterpillars are dropping in it."

"Oh, that don't matter," the man said. A few leaves were OK, too. And one said, "It's good stuff. Look." He poured some on a stick and lit it, and it burned.

He said, "When we make a batch, we drive down the road, turn off into the woods and bury it. You know what some of them Morton kids done? They've learnt our tire tracks. They've followed the track and dug up the liquor." He was disgusted.

In Morton, people-watching was important. One of the most absorbing puzzles was to figure out who was having a baby.

"She's going to have a baby," someone would say.

"Noooooo!"

"Oh, yes. I can tell by the way she's wearing that apron. Look at the way she's pulling it back and forth."

Morton dealt with extramarital pregnancies in a different way from the silent movies. In the movies, you saw this sweet young girl who got pregnant — it wasn't clear *how* — and her father was ordering her out into the storm. *Shame! Shame! Shame!*

In Morton, unmarried girls often got pregnant. I sometimes knew it by the way Mother whispered: "The baby came a little too soon, didn't it? Seven months." Sometimes the new couple announced at about the fourth month that the baby was going to be premature. My mother would say: "How do they *know* that?"

One of the farm girls never had a boyfriend. She was homely, with straight red hair, freckles, skinny and awkward. Then she was going with a stranger, a man working on the road. Everybody was glad that she had a boyfriend, but there was always a little suspicion.

The man left, because it was a temporary job, and she developed what she said was a tumor. Did the women in town believe this? They certainly did not. Her sister asked if she was pregnant. No, no, she said, it was a tumor. Then she came to her sister one morning and said, "It isn't a tumor. I'm going to have a baby and I'm having *pains*." They got in a car and rushed her down the road. She had the baby in the next town, and came home with it.

Some time before, a World War I veteran, a stolid man maybe 20 years older, had wanted to go with her. She had rejected him; she had wanted somebody young and charming. Now he came forward. He went right to her house and offered marriage. She took him up on it. He treated her well, and she became an accepted member of the community.

The other case was a woman who was not so young, perhaps 22. This girl was going steady with a fellow, holding hands and dancing too close. People got suspicious. They were pretty knowing about the signs.

She went down to Portland to visit somebody. Then her folks said she married down there. She stayed a while, and

continued on page 42

Chavez Says

by Michael Owen

In Hugo's world, what's his is his, and what's yours is his also.

I work for a live entertainment company that travels to different cities every week. It's a great way to see the world, and I take full advantage of my days off. But when I heard we were going to Caracas, Venezuela, I felt some anxiety about working, even temporarily, in a country run by the notorious anti-American dictator Hugo Chavez.

Venezuela is one of the more beautiful places I have visited. During our day off, a few of us rented a van and, protected by three hired security escorts, headed into the mountains to visit Colonia Tovar, a German town that dates back to the 1840s. The town was charming and the mountaintop views breathtaking. Speaking of beauty, the beaches in Venezuela are beautiful with blue water that allows the beachgoer to see straight to the bottom at depths of up to 12 feet. It's as clear as a swimming pool.

But Venezuela will not become a tourist powerhouse like Costa Rica or Panama — not soon, anyway. Despite huge revenues from oil exports, inflation is rampant. Electric power goes out regularly. Tourists do not leave their hotels without being escorted. We were not permitted to go anywhere without armed security guards, most of whom had been police officers before Mr. Chavez took over. They entered the private sector because they didn't like where the government was headed.

Like Castro, Chavez has his share of supporters around the world. When I sarcastically posted on my Facebook page one of the many propaganda signs here, the nearly incredible "Your greatest investment is to pay your taxes," I was inundated with messages and comments applauding my forward-thinking, inspirational manifesto. One of the message writers told me that she had spent some time in Venezuela and was very impressed with the government micro-credit program that helps people start their own businesses. Apparently she hasn't actually done any business in Venezuela; otherwise, she would know that such enterprises as do start up are hit with a 56.6% tax on their profits.

The supposed good that Chavez has done reminds me of the musical "Evita," which portrays Juan and Eva Peron

handing out food and doing some good for poor people while embezzling millions and violating personal liberties. To quote a song from the play,

> Now, critics claim a little of the cash has gone astray.
> But that's not the point my friend,
> When the money keeps rolling out you don't keep books;
> You can tell you've done well by the happy grateful looks.
> Accountants only slow things down, figures get in the way.

Back at the venue in Caracas, a red-vested government worker walked around the building and made sure that the prices on the food and merchandise we would sell at our show were those the government had permitted, ending his argument with "Chavez says." He told me that in his country all the money technically belongs to Hugo Chavez, and we're just borrowing it. At any time Chavez or his minions can tell you to empty your pockets and give him back his money. Imagine a country where the president or his representatives can walk up to you and say, "You have to give me all your money, because it's mine." (Hmmm. Maybe that's not so hard to imagine . . .)

Everywhere I turned people told me what I could or could not do, finishing each directive with "Chavez says." Government employees constantly invoke the name of their militant president; it's almost like saying "God bless you" after a sneeze. Chavez's name was even invoked for the purpose of restricting my movements in and around the building. I once responded, "I don't take my orders from Chavez, I take them from my supervisor"; to which the reply was, "We talked to your supervisor and he said to tell you what Chavez said." It was like playing "Simon Says" around the clock, and it was not fun at all.

Government involvement is overwhelming. Last year, when my company came to Venezuela, contractual agreements between my company and the government set the prices for our merchandise at an amount that seemed reasonable. After two shows it became apparent that demand was greater than expected, and if the company did not raise prices, the supply would run out. So with the government's consent, it raised the prices. By the end of the run, items that sell in the states for $25 were selling for $80 apiece, and the people were still asking for more. This year we had negotiated to set our prices at last year's closing prices, and we stocked accordingly. Once we arrived and were settled into the building with all our stands set up, the government changed its mind. "Chavez said" that our prices needed to be cut in half. As a result, we were not sufficiently stocked, and we were completely sold out of everything, one day early. It's simple supply and demand, but if Chavez doesn't understand it, Chavez doesn't say.

In Venezuela, all the money belongs to Chavez. At any time Chavez or his minions can tell you to give him back his money.

So agents of the state spent a lot of time scrutinizing the Americans to make sure we were not "gouging" the customers — while the locals we hired were allowed to charge whatever they wanted for the merchandise we had to provide for them. We were forced to continue selling souvenirs for the government-mandated price of $45, with the red vests breathing down our necks, while the locals down the concourse could charge $50 and pocket an extra $5 with every sale.

The anti-American sentiment in the Venezuelan government is palpable. The manager of the government-run building told our local security guys that she tries to do all she can to slow down our sales because she doesn't want Venezuelan money to fund an American company. "Yankee" is a derogatory term; when people are mad at each other in traffic, they call each other Yankees. One Sunday evening when I was trying to move some merchandise to a vendor's stand I was told, "Listen, Yankee, I don't care what you have to do, Chavez says it's illegal for *you* to use that dolly on the concourse during a show." When I tried to sidestep him he blocked my way and put a hand on my chest and said, "Yankee, you're not listening to me." Fortunately, another company worker, a man from Puerto Rico stepped in, and kept the situation from escalating into a fight. I'm a big guy, a foot taller than most of the Venezuelans, so I don't think it would have been me going to the hospital — but I've seen the hospitals in Venezuela and I can understand why Mr. Moore didn't use Venezuela in his feature-length film, "Sicko."

Later in the week, I needed to go outside to our storage trailers during the second act to get more merchandise for after the show, typically a big time for sales as customers leave the building. On the way up the ramp to return to the venue, I noticed that the door — the only one I could use for hauling merchandise — was closed. A person wearing a bright green security shirt was standing there, staring me down, and wouldn't you know it — he happened to be the same Yankee-hater from Sunday evening. I knew I was in trouble. He said, "You're not allowed to bring merchandise in and out of the building during the show." I responded, "When did that rule change?" He said, "Someone on the cameras just called me and said that you're not allowed back in until all the people at this show have left." The second act was about to end, so I quickly asked, "Why is that?" He responded, "For security reasons." I said, "Well, is it a good security practice to have me outside with the public milling around and thousands of dollars in merchandise outside as well, when you could just let me in now?"

I reminded myself that my friend from Puerto Rico had solved the dolly standoff by being calm. So I remained very calm. It didn't help. "Chavez says," Green Shirt replied with a leer. I had to sit outside the building with all of the merchandise and no protection, while customers inside the building complained that there was nothing to buy. Luckily, one of our security officers overheard what was going on and came out to help me keep an eye on over $60,000 of merchandise, while the street vendors eyed it hungrily.

I saw some amazing graffiti in Venezuela. In one case, Uncle Sam is swinging a knife. Instead of the stars on his hat there are skulls, and his arm is labeled, "CIA." Chavez is dodging the knife and about to punch poor Uncle Sam. Another one shows a horde of demons labeled "CIA," and Chavez is about to step on them. This is education by the state.

continued on page 42

Preaching to the Unconverted

by Lori Heine

Do you care enough about your convictions to try to convince others to share them, or would you rather make pointless gestures?

Books abound on the social Right about how to talk to liberals – meaning, of course, not *classical* liberals but members of the "progressive" Left. Ann Coulter had a bestseller titled "How to Talk to a Liberal (If You Must)." Glenn Beck now has one out under the title "Arguing With Idiots: How to Stop Small Minds and Big Government." Disdain for minions of the Left simply drips from their pens. Talking to such people, they make clear, is a chore: perhaps unavoidable, but highly unpleasant and best gotten over with as soon as possible.

If we view it as an onerous task, the fact is, we'll resent it — and probably just end up in a fight. But fighting words don't convince anybody. So we've talked to our idiot ("to" generally implying more "at" than "with"), feel our painful duty is done, and move on. We've probably only hardened him in whatever existing prejudices he may have had, but we feel better. We've done our duty, and reconfirmed the fact that these people simply won't listen — or are too stupid to learn.

But if we approach it in that way, we *haven't* done our duty. Not if we really care about our convictions enough to make any converts.

The wonderfully diverse realm of libertarians and near libertarians abounds with converted idiots. A great many of us, at one time, believed passionately in leftist ideals. As a matter of fact, we now proudly count, as some of our brightest minds, people who once ranked among the biggest "idiots." We would do well not to shut our own minds to the possibility for even radical change.

I was one such "idiot." As are many of my friends. Were I, with the smugness all too typical of many converts, merely to turn my back on them, I would leave them to languish in stupidity, perhaps forever. It is truly painful, now, to talk politics with those with whom I formerly agreed. But I care too much — not only about the beliefs I now hold, but about the people I'm talking with — to keep my back turned and simply walk away.

I understand why many on the Left hold the views that they do. And I recognize the reasons (largely personal, but some intellectual) why they think that way. In reasoning with those who disagree with us, we must speak a language other than the one in which we now prefer to converse. But we

remember that strange tongue, even if we would prefer to forget it; and we almost certainly retain some facility in it. The unpleasant but unavoidable fact is that if we don't go back and help a significant number of these folks to see the light, our cause is ultimately doomed to failure.

Our country is in too much trouble for us to take the easy way out. If we're content to wallow in our self-righteous comfort, leaving on the outside those who do not see things our way, we will never help to build the sort of enduring majority necessary to bring about the changes we desire — or, for that matter, to prevent the changes we wish to keep from happening. Whether we like it or not, there are just too many "idiots" who need to be converted if we are to save our country from being dragged down into an idiocy from which it cannot recover.

Their numbers are multiplying daily. Idiocy on the Right breeds more idiocy on the Left. As social-conservative statists on the Right ramp up their hysteria, it rises up on the Left, like a tsunami, in a nightmarish mirror-image. We must call the elected officials of our preferred party to strict account when they are tempted to exploit this. Surely no rational mind believes that the antidote for an epidemic of hysteria might be still more of it.

What we have, now, is a screaming-match between those who think all dissidents from the extreme religious Right should be locked up and those who urge us to do things for which we probably ought to be locked up. We're stuck in an asylum full of lunatics, and we want to break out. New populist voices are emerging: folks who realize that our founders left us a treasure, and who wish to preserve it. They are far less "extreme" than their critics would claim. But they are screaming, too — and amid such a cacophony of screams, it is difficult to distinguish the sane from the loony.

Somebody has to speak in a reasonable tone. "Don't Tread on Me" signs at tea parties are good reminders of the heritage libertarians desire to preserve. But once in a while, instead of marching and protesting, we must actually sit down with those who disagree with us and exchange ideas like adults. At the moment, that's not often being done.

We must, first of all, admit that big-government social "conservatives" *do* pursue a statist fantasy of their very own, and that it is no less dangerous than that dreamed up by "liberals." In the battle now raging between statist visions, those of us who believe in liberty — those who are both the real liberals and the real conservatives — are between a rock and a hard place. Statists of every stripe find it necessary to scream, to suppress, to resort to violence both verbal and rhetorical. A "soft answer" might not, as the Bible indicates, merely "turn away wrath." It speaks in the voice of real reason — a voice in which may be heard the truth that finally resonates with sane minds on both sides. In the war between Left and Right, neither side can be expected to lay down its sword while threatened by that of the other. In reasoned conversation, many of my gay and lesbian friends reveal themselves to hold beliefs that are, essentially, quite conservative. But so long as people calling themselves "conservative" (and accepted as such by the lazy mainstream media) advocate criminalizing our relationships, as some still do, I have difficulty blaming these friends for seeking shelter on the Left. As poor a job of living up to their rhetoric as they may have done, modern liberals at least keep out of our bedrooms and refrain from demonizing us.

Whether we like it or not, there are just too many idiots who need to be converted if we are to save our country.

As a small businessperson, on the other hand, I view heavy taxes and insane big-government controls, advocated by the Left, as nothing but an attack on my ability to survive. When we seek refuge on the Left, we are supporting those who would take bread from our mouths by making it impossible for us to earn a decent living. Even though we are gay, we can't deny that we must eat and keep a roof over our heads, just like everybody else. Whichever statist path we choose, when we seek to protect our interests on one side, we are attacking them on the other.

Most of the conservatives with whom I actually converse are not antigay. But because of political correctness on the Right (which is as bad as the Left's version, though few will admit it), they are afraid to spread the word that gay people don't have horns or wield pitchforks. Expressing compassion and tolerance is taboo, so the only alternative to growling at us is keeping silent. They are alarmed at hateful rhetoric from others on their side, but they sit on their hands and say nothing, afraid of being tossed out of the club. Their fear of showing "weakness" is what weakens them in fact.

Were there one diabolical mind behind the destruction of our country, it would set us against each other exactly as the factionalists are doing now. Liberals are hardly the only ones who seem unaware of this. Many latter-day so-called conservatives are former liberals who developed their thinking (such as it is) in the contentious, childish, "me first" atmosphere of the Left. It is, indeed, as hard to reason with them as it is with many of their archrivals. If it's too difficult for them to talk to "idiots," it may be because, in their eagerness to learn the language of the allies they've since chosen, they have forgotten their mother tongue.

The divide-and-conquer strategy is favored by those who would grab power over others because division is naturally a source of distraction. It keeps us busy thinking about how horrible the other side is instead of what our would-be lords and masters want to do to us all. The temptation to work our will on those we dislike is dangled before us. We don't realize that while working our will we have lost our freedom — until it is too late. The fantasy of tyrannizing others seems a juicy plum, but when we bite into it, it turns to dust.

Conservatives used to understand this. They can speak sensibly to no one until they remember how easy, for instance, it was for them to support government intervention in education, until they realized that it often resulted in their own views being outlawed from the schools.

At gatherings with family and friends, we can relate to the conflicts that conservatives feel by sharing our own. Most people's opinions change over time; ours have, theirs have or can, too. We can invite along friends with whom they may not

ordinarily associate, to give them a firsthand experience with people they may fear or dislike but really just don't know. Once some of my loved ones found out I was gay, they realized they couldn't hate faceless "others" any more because some of us had faces they knew. The same thing may be done by former liberals or conservatives who come out of the closet to those who know them best and admit that they are libertarians.

Closeted libertarians deprive the world of much needed light. When I told my friends, this Christmas, that I was now a libertarian, they looked at me as if I had just landed from Saturn. I had to share with them the reasons for my changed outlook, and since they knew much of my story, they could relate to me. Since I was familiar with their own lives, it was easy for me to point out ways in which government intrusion was costing them more money, making their work harder, and perhaps even keeping them from getting jobs. We all need medical care we can't afford, and as one who spent 30 years in the insurance industry, I was uniquely able to steer them away from scapegoating "evil insurance companies" for ills actually caused by government interference.

I told them that libertarianism, far from being some new wacko notion, is the set of principles upon which our country was founded; that the reason for their confusion over whether I was "Right" or "Left" wasn't my own incoherence but the fact that libertarianism was the fertile soil from which both modern Right and Left have grown. They knew me, and they recognized the glimmer of wisdom in what I was saying. For my part, I knew they weren't really idiots, whatever some might call them, and I respected them enough to reason with them.

It is becoming clear that unless most of us return to thinking of ourselves as rights-seeking Americans foremost and only thereafter members of whichever political "club" we prefer, our country will not survive. That is the lesson I have learned from beholding the mayhem of current American politics, from sea to shining sea. I must put my partial interests as a gay person, as a business owner, and as everything else I may be second to those of the nation as a whole and its full set of liberties.

Political factions, each with its separate language and demands, will tear this country apart, just as our founders warned they would. Never before has it been so urgent that we stop them. ❑

Marketing Morality, *from page 28*

attractive ethical system it could be expected to attract repeat customers and to grow. Superior systems — systems that are more successful at meeting consumers' needs — will be reproduced. Inferior ones will die out. Better ways of handling cases will be sought, successes added and failures dropped, and the systems themselves will advance in something of the same way as science advances.

Karl Popper, the distinguished philosopher of science, emphasized the idea that scientific hypotheses are presented for testing and possible falsification. The free market has something that is comparable — in its effects, at least — to falsification. It's called profitability. Businesses are tested in the marketplace and survive only if they make a profit. Ethical systems can be tested in that way, too. Those that meet the requirements of the market will survive and try to enhance their ability to keep surviving.

It must be remembered, however, that an ethical system cannot be tested like a proposition in physics. Ethical systems are judged in accordance with people's values. An ethical system that many might find reasonable today would have found few customers in the Dark Ages. People's beliefs are essential in the discussion of human action, and change over time. An ethical system introduced into the market "before its time" may fail, only to be rediscovered and successfully retried later on.

Yet if the state were to stop monopolizing the justice market, various ethical systems could flourish, some succeeding (generating profits) and some failing (generating losses). Through this system of competition, inferior systems could be weeded out and superior systems discovered. ❑

The View From Lulu's, *from page 30*

For months, I have been trying to devise a sociologically valid taxonomy of beverage choices. It's tough going. The green tea drinkers are probably followers of Buddhist mysticism, and hypochondriacs to boot. The *chai* drinkers would like to travel; they are sure they love India because they have never been there. Once, I forced my brother-in-law, a tea trader visiting from Calcutta to taste Lulu's *chai*. He told me that what we call "chai" in America, "tea" in most Indian languages, is a good beverage for those allergic to tea.

You can tell the hardline leftists by the fact that they load every beverage with prodigious amounts of sugar, or often, of honey. (Self-indulgence has a way of asserting itself.) I can't figure out those men who order espresso or complicated Italianate coffee drinks. Raspberry latte? *Menthe* mocha? The retail employees on high heels, with perilously brief skirts, make chi-chi selections, of course. But so do the short-haired women in thick boots and longshoreman clothing.

Hot honey and milk is probably for those who coddle their inner child. I can't begin to tell you how many are hairy, 200 pound, rugged-looking guys. The presence of soy milk on the menu is not surprising though: it's the politically correct accompaniment to organically grown Fair Trade coffee.

The drinkers of regular coffee are probably solid citizens who ended up in Santa Cruz by happenstance. I suspect they have regular jobs and pay regular taxes; the brew helps them stay regular. A few might be closet conservatives. You never know!

I have been marveling at a classificatory mystery: Lulu's offers, simultaneously, *caffè latte*, *café con leche*, and *café au lait*. I believe the three sets of words mean exactly the same thing. I could try each concoction in turn of course, in the spirit of scientific experimentation. I refrain because I am charmed by the reliable spectacle of three perfectly parallel universes neatly delineated by three mutually intelligible languages. ❑

Obamalaise, *from page 24*

repeated promises during the campaign that he wouldn't raise taxes on such families "by one dime."

To summarize: Obama's policies in office look like a bizarre mishmash of the worst policies of Hoover and FDR at the onset of the Great Depression. Take Hoover's foolish idea to raise taxes in a severe recession and his acceptance of Smoot-Hawley protectionism, add FDR's endless jeremiads against big business, his soak-the-rich taxes, and his Keynesian spending schemes, and — behold! — you have Obamaism.

But Obamalaise is not the product simply of Obama's anti-business, pro-big-government policies. It is tied to his character, a character with deceitfulness at its core. He has lied on more matters more often than any other president I can recall. People have fun writing columns enumerating his lies. I wrote one last year listing six howlers (Orange County Register, Oct. 9). A recent article by John Ellis (FrontPageMagazine.com, Jan. 21) lists 30 major lies, and he admits that it is not exhaustive. Here is just a partial list of Obama's major deceptions (equivocations, lies, broken promises, and flip-flopped policies). Consider their size and number.

- After bashing Bush for a $498 billion deficit, Obama ran a $1.5 trillion deficit, to be followed by a $1.6 trillion deficit, and then trillion-dollar deficits going forward.
- Obama campaigned promising to protect Medicare from cuts, but then proposed half a trillion bucks worth of them in his healthcare "reform."
- Obama pretended that he understood why whites resented never-ending racial quotas aimed at them, but appointed the most unapologetic quota queen he could to the Supreme Court.
- Obama bashed Bush for not spending enough for manned space exploration, but he cut it altogether in his new budget.
- Obama promised that his stimulus bill would stop unemployment from going above 8%, and that most of the jobs created would be in the private sector, but the rate went above 10% and most of the jobs created are in government.
- Obama pretended to agree with McCain about the evils of pork-barrel spending, and promised to veto every pork-barrel bill, before signing a bill containing 9,000 pork-barrel projects.
- Obama repeatedly promised that all negotiations on healthcare would be completely transparent, indeed, would be broadcast on C-SPAN, but had nothing but closed door hearings with only Democrats present in the crafting of the legislation.
- On other areas as well, Obama promised greater transparency, but rammed through controversial bills with little discussion.
- During his campaign, Obama asserted that he opposed a single-payer system, but he had in fact repeatedly called for it in prior years; then he pushed for a public option that would crowd out private carriers, resulting in a de facto single-payer system.
- Obama promised not to hire lobbyists, but wound up employing massive numbers of them.
- Obama promised to abide by the campaign finance reform law funding limits that he himself had supported, but broke his pledge (and outspent McCain, $600 million to $300 million).
- Obama constantly said that if people liked their healthcare provider, they could keep it, but his bill would have limited that privilege to people currently insured, ending it if they changed providers; it also had built-in incentives that would have led employers to drop private coverage and use the public option.
- Obama promised to stop the practice of introducing bills so long that people couldn't read or discuss them, but he has introduced bills of record length (witness the health bill at 2,000 pages).
- Obama promised a new era of bipartisanship, but he froze the Republicans in Congress out of negotiations on important bills and bashed his Republican predecessor every chance he could find.
- After bashing McCain, both in debates and in tens of millions of dollars worth of ads, for his willingness to tax healthcare benefits provided by employers, Obama proposed a health bill constructed on the basis of that tax proposal.
- Obama promised to close Gitmo. It remains open.
- After promising in his campaign against McCain that he would open up domestic drilling, he did the reverse, bringing new regulations to block exploration on public lands.
- After heatedly denying that his healthcare proposals would fund premiums for illegal aliens, he persistently blocked attempts to spell that out clearly in the bill he pushed.
- After promising when pitching his healthcare bill that it wouldn't raise premiums, he insisted that the bill require insurance carriers to cover people with

"I'm going to be honest about this — I'm from the government, and I'm here to bamboozle you."

preexisting conditions, which could do nothing but raise premiums.

This pattern of lies did not result from accident or coincidence.

Ellis rightly notes that most other politicians known for their lies have been trying to protect themselves from scandal (Clinton's adultery, Nixon's abuse of power), or just "to make themselves look good"; but Obama lies about everything. He employs deceit as a standard tool. This bespeaks a man false to his core — a man lost in a state of metaphysical mendacity in which one can say anything one likes to manipulate others.

Given the prevalence of news media that, as Ellis observes, are unwilling to hold this president to account for his array of untruths — as they held Nixon to account for his lies, Bush the elder to account for breaking his tax pledge, and Bush the younger to account for the nonexistent weapons of mass destruction — it is no surprise that Obama has lied so blatantly. But this has not escaped the notice of the public, and it frightens them, for it tells them they have no idea what he really wants or intends.

In short, there is a growing awareness among Americans that their president is economically ignorant, politically radical, deeply duplicitous, and totally untrustworthy. This is the cause of Obamalaise. ❑

Reflections, *from page 22*

in that year or now. If so, 1898–99 was extreme; perhaps the earth was experiencing climate change back then. Or maybe the typical levels were similar to those of 1898–99, only slightly lower, in which case neither that year nor this year is all that unusual; ergo, no climate change either then or now.

So the alarmists' argument fails on at least three counts: as an assertion with no specific content (the vague "extreme events"); as an unfalsifiable assertion (one for which no evidence would be acceptable as disproving the assertion); and as an assertion that almost certainly contradicts itself and the historic record in one way or another.

— John Kannarr

Preventative care — Being a Canadian who lived in the States for over 10 years, I have experience with both socialized medicine and the so-called private system down under. (I say "so-called" because the American medical system is not private but almost entirely controlled and defined by government. Americans would do well to stop focusing their fear on socialized medicine and realize that it is government control — whatever form the control takes — that's the problem.)

Needless to say, I have ideological and political objections to both systems. Putting such objections aside, however, my experience with socialized medicine is that it delivers good 1960s care. A flu shot here, a blood test there, a yearly check-up when I remember . . . I don't have substantive complaints about the quality of my medical treatment; but, then, I don't make substantial demands either.

I am lucky enough to have a decent doctor. Although doctors are not assigned, they are in such short supply — even in our area, which is an hour or so outside Toronto — that many people cannot find a nearby one who will accept them as regular patients. Those without a regular doctor must rely on open clinics to receive basic care. My husband and I became "regular" patients when a neighbor died of a lingering disease and the widow suggested our names to the doctor. I guess he reckoned that two healthy people equaled one high-maintenance patient, so he took us both on. His office is about five miles from our front door.

Problems arise when we want something more than 1960s care. For example, I tore my rotator cuff a few years ago and needed an MRI. In the States, I could have received one the next day; up here, the wait was 6 months. My dog could have been scheduled for the next day; one way hospitals have of attracting extra funds is renting MRI time to vets. I remember being reassured by the possibility of heading south of the border if my shoulder became too painful.

As the States drifts toward socialization, Canada is slowly moving in the opposite direction. I live in Ontario, but if I lived in the neighboring province of Quebec, I would be able to pay for private care, which exists in parallel with the socialized system. Even in Ontario, pieces of the jigsaw puzzle are being privatized. Dental care was always at the user's expense, but a few years ago optometry and several other areas became largely user-paid. (There are exceptions, such as the elderly.)

My hunch: the "socialized" medicine that is likely to occur in the States will be much worse than what exists up here. This is not a pro-Canada perspective but a realistic appraisal of the miserable patchwork of vested interests and politics that has gone into the process down under. The medical system up here may be politically and otherwise wretched, but it is "simple" compared to the 2,700 pages of the healthcare bill that is being proposed as a preliminary step toward socialized medicine for the States.

— Wendy McElroy

Gone fishin' — Recently, the U.S. Department of Justice subpoenaed Philadelphia-based Indymedia.us, a news aggregation website, to hand over records of "all IP traffic to and from" the site on one day in June 2008 and to include "IP addresses, times, and any other identifying information" — physical addresses, Social Security Numbers, bank account numbers, credit card numbers, etc. — of the site's readers. More troubling still, the Feds' subpoena ordered the site's proprietors "not to disclose the existence of this request" unless authorized to do so by the Justice Department.

This wasn't political harassment of some fringy anti-Obama group. The site in question is run by the Independent Media Center, a group of journalists and self-described left-leaning activists whose mission statement includes "promoting social and economic justice" and "social change." The group is generally supportive of the Obama administration.

The site's tech people — largely volunteers — contacted the San Francisco-based Electronic Frontier Foundation for help in making a response. EFF lawyers pointed out that, under Justice Department guidelines, subpoenas to members of the media are supposed to receive special treatment. Excerpts from the guidelines include the stipulation that "no subpoena may be issued to any member of the news media" without "the express authorization of the attorney general" and such subpoenas should be "directed at material information regarding a limited subject matter." The EFF lawyers also noted that, in addition to violating the special guidelines, the Indymedia.us subpoena had a number of specific flaws in drafting and delivery.

The Feds replied with a one-sentence letter stating that the subpoena had been withdrawn.

Around the same time, assistant U.S. attorneys who'd made contact with the Indymedia.us technicians said that the techs could face prosecution for obstruction of justice if they disclosed the existence of the withdrawn subpoena. The Feds said, cryptically, that any such talk "may endanger someone's health" or have a "human cost." EFF lawyers asked for elaboration on these statements . . . but the Feds didn't respond.

One of the EFF lawyers said that quick withdrawal and hasty retreat into silence were increasingly typical of federal prosecutors. However, "this is the first time we've seen them try to get the IP address of *everyone* who visited a particular site."

Who knows where the Justice Department's next fishing expedition will take them? — Jim Walsh

The mildly pleasant skies — Flying out of Phoenix recently, crawling through a long line at the Southwest ticket counter, I happened to hear the following statement by a cheery female voice on the airport speaker system: "Welcome to Phoenix Sky Harbor International Airport, the friendliest airport in the United States."

Is it just me, or is this a very low bar — something that one should not be bragging about, something like claiming to be the most capitalistic politician in Cuba? — Ted Levy

Brevity, brevity — In "Walden," Henry David Thoreau offered the following advice: "Simplify, simplify." Am I the only one who thinks he should have just written "simplify"? — Wendy McElroy

Alverna's World: A Small Town in 1920, *from page 34*

came back with the baby — but no husband. It was printed in the paper that her mother announced that her daughter had married this man. When people asked the editor about it, he said, "I print what they tell me, like any other news I have."

Nobody ever saw the husband. There were stories that he was sent on a job, and he got hurt, and he was delayed. He just never showed up. She raised the child, got a job as a telephone operator, and finally announced she was divorced. Nobody knew how she got the divorce. The town didn't believe it, but they accepted it. She was married and divorced and had a child. That was respectable.

Abortion was illegal then, but also available.

In 1932 my younger sister met the man she wanted to marry. In two weeks' time, they were engaged. Being conscientious, she felt she had to confess that she was not a virgin. This made it easy for him to persuade her to have relations. He borrowed our car and got her pregnant in it. They didn't have money for a motel room. And within the first month, she was pregnant.

She went to my older sister first, and from her she got an abortion pill. It didn't work. She had no money, her fiancé had no money, and the sister had no money. And they weren't going to go to Mother and Dad — that was the last thing. They came to me. An abortion done by a doctor cost $50. And it was a good thing she went to a doctor, because the fetus had died, and it hadn't passed. There was never any regret expressed about the abortion. It was just something that had to be done.

Mother found out about it, but she mentioned it to me only once. She disapproved, but she wasn't going to disown her daughter over it, and Dad wouldn't have, either. He never said a word about it.

So these girls were not cast out, either by society or by their parents. The movies always showed that sin was punished. In Morton, it was overlooked.

Such was my aunt's world. In some respects it was a better one. It did not require a city permit to cut down a tree in one's yard, as mine does, or a city permit to own a dog or a cat. It was not trying to end poverty by subsidizing it, and except for the two years 1917–1918, it accepted no responsibility for policing the world. Yet this small town had ways of policing itself, not all of them pleasant or healthy. The town was nosy and gossipy, and closed in many ways. Alverna and all of her brothers and sisters left it in their teens and early 20s, and none of their descendants lives there today. ❑

Chavez Says, *from page 36*

Billboards filled with propaganda serve to keep the people in line. Some of my favorites:

Science leads to Socialism.

With Chavez, the people are the government.

In Socialism, you do the greatest works.

Socialism, Patriotism or Death!

This may sound silly enough. But the problem is that Chavez, like Hitler, Stalin, and Mao before him, has mastered the art of propaganda. He knows how to make his propaganda look as if it were grassroots. When people think that their neighbors are going along with the powers that be — for instance, by painting pro-Chavez graffiti in their neighborhoods — then they themselves are afraid to rebel. That is why most people you meet in Venezuela are afraid to speak against Mr. Chavez and his ilk. But I would like to think that the Venezuelans will one day learn the slogan "Live free or die!" ❑

Reviews

"The Next 100 Years: A Forecast for the 21st Century," by George Friedman. Doubleday, 2009, 253 pages.

The Shape of Things to Come

Robert Chatfield

George Friedman is the leader of a strategic thinktank that forecasts macro-global trends for governments and Fortune 500 companies. He tries to take a long view of so-called "geopolitical" trends in order to forecast likely political alliances and their effects. But while predictions of particular events add color to his book, the goal is to forecast general trends, as if he were summarizing a 100-year game of chess or, perhaps more aptly, the classic war game Risk.

Overarching trends include aging populations of developed nations, the slowdown in population growth worldwide, the pace of technological innovation and — most important — the influences of geography and history that have created the present political landscape. Among his more provocative arguments, Friedman makes a compelling case that Russia will continue to decline as a world power and suggests, from cogent historical evidence, that China will continue to be a fractious society that is too large to manage.

Friedman's central prediction may be good news for Americans — although some of his assumptions are bad news for the individual freedom that Americans prize. He begins with the assertion that each country has a "grand strategy." Much as individuals pursue activities that are in their best interest, countries try to maximize their political and economic positions. One problem with this personification of a 21st century "manifest destiny" is that it seems to sanction the ability of political leaders to control the populace for the benefit of the "grand strategy." Already, technological advancements in weapons, surveillance, and payments systems appear to be leading the world toward a command-and-control society, not one based on individual freedom.

Nevertheless, by examining historical trends and alliances, Friedman provides a strong argument that the United States is only in its adolescent stage as a world power, while the importance of Western Europe continues to wane. The United States will continue to be dominant, since no other country will be able to develop substantial naval power to challenge the American position in the Atlantic or Pacific Oceans. The next frontier essential for military control will be space, and the author predicts U.S. dominance in that sphere as well. No argument here. One look at the U.S. position in telecommunications, satellites, and the cost involved with initiating a space program, and very few serious contenders emerge. Though President Obama is cutting certain features of the space program, major advances with regard to private space travel have resulted from American investments, such as the X Prize Foundation, Burt Rutan's SpaceShipOne, and startup companies such as XCOR Aerospace.

While the author provides a guess that Turkey, Poland, and Japan will become the main players in geopolitics by the mid-21st century, the key to America's continuing dominance will be its relationship with Mexico. Mexico, he claims, greatly resembles the United States in the 1930s. At some point we can expect Mexico's problem with organized crime to diminish. The bigger issue will become inward and outward

migration across the southwest U.S. border. Given Mexico's increasing population of young people, it doesn't take a genius to predict that by the 2030s massive immigration will be exploited to support Social Security, Medicare, and whatever other social programs the United States continues to expand at the expense of individual responsibility. Friedman believes that the southwestern states are very likely to return to Mexican control at some point in the next 100 years, possibly as a result of politicians of Mexican descent serving in the U.S. Congress.

Many of Friedman's scenarios are plausible. Yet he pays little attention to several factors that could affect peace, liberty, and economic prosperity.

First, the idea that each country has a "grand strategy" oozes testosterone. There is very little heed for the female viewpoint here; the only real mention of women's role in society has to do with traditional versus nontraditional family structures. Yet throughout the developed nations, women play an increasingly important role in politics.

Second, considering the author's contention that history plays a significant role in predicting the future, there is surprisingly little mention of the historical influence of religion. Much of what has shaped geopolitics over the past 2,000 years has been the result of the spread of religion. The author predicts that the battle between the United States and Islamic jihadists will be short-lived, but he provides no reason before he quickly drops the subject, other than to predict that Turkey will be Islam's geopolitical world center.

Third, many areas of the world are sparsely mentioned or completely omitted in Friedman's presentation. Canada, Australia, and India barely merit notice; there is no discussion of Africa; and the Middle East is somehow regarded as nearly insignificant. Friedman pays a good deal of attention to emerging stock markets and economies, but it hardly seems likely — as Friedman's book implies — that three of the four BRIC countries (Brazil, Russia, India, and China) will fail to be important political forces during the next 100 years. Only Brazil merits his attention as a potential world power, and even then not until the mid-2050s.

Friedman's book is an American-centric application of game theory, emphasizing what the United States needs to do if it is to survive and prosper in the 21st century. As I read it, I had the recurring thought that there is probably someone in Russia creating his own hundred-year plan. And if, as Friedman suggests, Russia is indeed declining as a world power, it will likely try some unorthodox move to keep itself in the game. The last time I looked, Russia still had a few good chess players. ❑

"The Cartel," directed by Bob Bowden. Moving Picture Institute, 2009, 90 minutes.

Why Jonny Cant Reed

Gary Jason

Playing recently in film festivals is a powerful and provocative documentary about the sorry state of American education. The film, called "The Cartel," is also available for a modest donation to the estimable Moving Picture Institute.

Written, directed, and produced by Bob Bowden, "The Cartel" explores the many problems of the New Jersey public school system. Bowden is a reporter and news-anchor in New Jersey, so he is very familiar with state news and politics. The film has caused quite a stir, prompting attacks from the New Jersey Educational Association (NJEA) in particular. This highly organized and powerful group of rentseekers called it "an orchestrated attack against public schools and the New Jersey Educational Association."

But the film has also garnered considerable grassroots audience support, winning "Best of the Festival" at its debut at the 2009 Hoboken International Film Festival.

The film asks the pertinent question, "How has the richest and most innovative society on earth suddenly lost the ability to teach its children at a level that other modern countries consider 'basic'?" It is unabashed in pointing to school choice — as opposed to endlessly increasing public school funding — as the solution.

The movie starts with well-known political commentators from Right to Left saying that the American public school system is in crisis. It reviews the dismal performance of American students on both international and U.S. tests. For example, only 23% of American high-school students score a "proficient" in math. We fall below two dozen other countries, including many that are considerably poorer than we are. But we outspend all other countries by far. The top spending state is New Jersey, where only 39% of eighth graders are "proficient" in math, and only 40% in reading.

Bowden conducts man-on-the-street interviews revealing that the average New Jersey residents grossly underestimate the true amount their state spends per classroom. Average folk estimate it at about $80,000; in reality it ranges from $300,000 to nearly $450,000.

Teachers in New Jersey average about $55,000 in annual pay, so the waste incurred by overhead expenses is enormous. Many school custodians earn six-figure incomes. In Newark, over 400 administrators earn over $100,000 per year. At one high school (Malcolm X. Shabazz High School), the school district spent *$30 million* on an

athletic field. One administrator got a $700,000 severance package on top of an annual retirement pension of $120,000. Another fellow received nearly a half million dollars when he was fired.

New Jersey school districts are typically bloated with huge numbers of staff. One cute part of the movie involves sending the camera to administrators' parking lots and counting the Mercedes, Lexus, and other luxury cars in each.

Corruption is rampant as well. The movie explores the Schools Construction Corporation, a state outfit established to build schools, and notes that a billion dollars disappeared shortly after its creation. We see a parade of headlines about endless school corruption, including numerous school board members busted for taking bribes.

The NJEA runs numerous ads boasting about how well teachers and schools are doing; this film rebuts that boast. One damaging statistic: during a four-year period, only one of 3,850 tenured teachers — 0.03%! — was fired. This leads to the funniest moment in the film, an interview with the president of the NJEA, Joyce Powell, in which she smarmily denies that her union protects the incompetent. When asked if it was believable that 99.97% of all teachers were doing a good job, she says that not only is that correct, but it is a fact that should be celebrated.

The film also discusses the extensive patronage system, with administrators related to other administrators in a giant, swirling morass of cronyism.

What to do? Bowden does an outstanding job explaining the voucher system, and other forms of school choice such as charter schools. He interviews several articulate proponents of choice, such as Clint Bolick, former president of the Alliance for School Choice; Chester Finn, the much published advocate of school reform; and Gerard Robinson, president of the Black Alliance for Educational Options. He also shows how unions have systematically opposed and frustrated school choice. For example, the union-controlled Department of Education denied 21 of 22 recent applications for charter schools, including one rejected on transparently flimsy grounds.

The discussion of charter schools provides the most moving part of the film. We witness a lottery in which parents and their children wait to find out whether they are among the lucky few to be liberated from the regular schools by being selected for a charter school. We see the tears of joy and prayers of thanks of those accepted, and the bitter tears of disappointment of those who aren't. When you watch the disappointed lottery participants' faces, and compare their expressions with the asinine, complacent smirk on NJEA president Powell's face as she says how great the public schools are, you are likely to feel physically ill.

Don't miss this tremendous film. ❑

"House of Numbers," directed by Brent Leung. Knowledge Matters Productions, 2009, 90 minutes.
"The Origin, Persistence and Failings of HIV/AIDS Theory," by Henry H. Bauer. McFarland, 2007, 282 pages.
"Science Sold Out: Does HIV Really Cause AIDS?" by Rebecca Culshaw. North Atlantic Books, 2007, 96 pages.

Viral Marketing

Patrick Quealy

There are people who believe that everything scientists and doctors think they know about HIV is wrong. They include scientists, doctors, journalists, activists, HIV-positive people, and people with AIDS. Orthodox researchers take offense at what they perceive as the callous propagation of irresponsible views by these skeptics, dissidents, or (to their most passionate critics) "deniers" of HIV.

The line between a loony skeptic and a reputable dissenter may be blurry. One of the HIV skeptics won the Nobel Prize in Chemistry for developing a key technology used in HIV testing. It was one of the most important biomedical discoveries of the 20th century. One of the HIV skeptics believes he may have been abducted by aliens who spoke to him in the form of a glowing raccoon. These are the same person.

In January, I watched "House of Numbers," a documentary about the AIDS causation controversy that toured the film festival circuit last year and is playing serially at theaters in a small number of cities. After the opening-night screening that I saw in Portland, Oregon, director Brent Leung held a question-and-answer session.

Leung isn't a typical HIV-AIDS dissenter. He doesn't claim to be better educated about AIDS than any other nonscientist who has researched AIDS. He says his film was meant to raise questions that aren't being talked about enough, and that it succeeded in doing so, even for the director himself. He doesn't accept the label "denialist," not only because he thinks it's unnecessarily emotional and unkind — intended, of course, to evoke Holocaust denialism — but because he puts himself forward (when discussing the film, if not when narrating it) as a searcher and an HIV agnostic, without definite beliefs.

The aspect of AIDS reappraisal most important to him is what he says are the many problems with HIV testing,

a grievance not without merit. The camera follows him through the process of being tested for HIV in South Africa. This, and the interviews with Luc Montagnier and his co-laureate, famous for their AIDS research, may be the two most important parts of the film. Skeptics other than Leung talk about confusing testing standards, but he shows them in living color. He asks questions of a woman who interviews him about his risk factors ("Tell me about your sex life!") and another who processes his test and determines the results. What they say does not summon all HIV testing into question, but it could lead to legitimate questions about the tests and about the practice of medicine.

There's no question that conditions other than HIV infection can lead to something that looks a lot like AIDS.

"House of Numbers" is a good overview of recurring themes in the skeptics' books. Last year, I read two of the most recent contributions to the skeptical literature: one by Barbara Culshaw, a mathematical biologist whose background is in modeling HIV epidemiology; the other by Henry Bauer, a retired professor of chemistry at Virginia Tech.

As skeptical books go, Culshaw's "Science Sold Out" isn't bad. Culshaw describes how her work in HIV epidemiology led her to question received wisdom about HIV, then surveys the objections other dissidents have raised. She packs a useful overview of the skeptics' arguments into fewer than 100 pages.

The thing is, "as skeptical books go," isn't saying much. In content, structure, and prose style, "Science Sold Out" is like a lengthy blog post. It is in good company: several skeptics present themselves like the kid who just discovered cold fusion in his science fair project and has to show you *right now*. Gary Null's "AIDS: A Second Opinion" (2001) is unfocused. Celia Farber's "Serious Adverse Events" (2006) is courageous journalism and engaging reading, but it's unpolished and leaves the reader wanting a more thorough understanding of AIDS science to justify her earnest tone. Peter Duesberg's touchstone "Inventing the AIDS Virus" (1996), while thorough, is in places overly simplistic or too anecdotal, straining the reader's impression of his intellectual honesty. Harvey Bialy's science-heavy biography of Duesberg ("Oncogenes, Aneuploidy, and AIDS," 2004) is a little sloppy and unapologetically cheerleading, and has some of the same weaknesses as Duesberg's book.

This is the biggest point on which Bauer's book shines. "The Origin, Persistence, and Failings of HIV/AIDS Theory" is the first of the skeptic books I have read in which not only is the science, as far as I can tell, reasonably sound, but the book is of high quality. It is well-written in a professional style, well-edited, documented with copious references, and follows a clear narrative progression through a wide-ranging discussion. The skeptics have badly needed a book that reads like a scientist's work, not like a screed banged out in a few weeks by a cranky lab technician or a strung-out antiestablishment reporter. They finally have that book.

The first part reads like a mystery. Bauer asks questions about what he says are inconsistencies in the HIV theory, then proposes a hypothesis that would explain them. His work is clearly the product of rational analysis by a scientific mind — something that is beyond the ken of many of the researchers disgorged from institutions of higher learning and into the HIV research machine. You'd have to be an expert in retroviruses or already have a dogmatic set of beliefs about HIV not to come away from this book with more questions than you'd had before.

The second part is about the progress of science (with nods to Thomas Kuhn and Karl Popper); the third is a scientific and political history of AIDS. I expected these parts to sound like filler, but they didn't. They're much less technical than the beginning of the book, but Bauer is equally comfortable, and equally convincing, in discussing data or in discussing scientific principles.

The models we have available and the words we use to describe a phenomenon shape our thinking about it. Bauer refers throughout his book to "F(HIV)," by which he means "the frequency of positive HIV tests" (p. 5) rather than "the number of people who are HIV positive." He refuses to grant the premise that a virus that we can call HIV is actually detected by "HIV" tests. His terminology makes his argument straightforward by keeping the terms of discussion clear. Such epistemological rigor is a sign of a careful thinker and a good scientist, and is not the norm in science journalism in the mainstream press.

It's not widely known that there is an HIV-skeptic movement at all, but it's even less widely known is that it is not monolithic. Worse, among those who know about HIV skepticism, there's an unfortunate tendency to view the disagreement in black-and-white terms: either HIV is a dangerous virus that, if contracted, always leads to AIDS and eventual death; or else HIV is harmless. But it doesn't take much investigation to discover that important truths may lie between these stereotyped extremes.

There's no question that conditions other than HIV infection can lead to something that looks a lot like AIDS. The skeptics regard this as important information and at least the beginning of an important discussion. Even granting that HIV exists and (with or without cofactors) usually leads to development of immunodeficiency, AIDS is a hodgepodge of symptoms rather than a well-defined disease. This is not to say people with AIDS aren't really sick, but that just because two sick people are said to have the same disease doesn't mean that they do.

There are other conditions for which "disease" is a less than ideal metaphor, and about which it is more socially acceptable to say so than with AIDS. Alcoholism, attention deficit disorder, and homosexuality are examples. Anybody who shows up at a meeting and says he is an addict is considered an addict. Any child who doesn't like to sit still in a desk for eight hours is a candidate for being fed Adderall. Homosexuality stopped being a disease one day in 1973, when a resolution got a sufficient number of votes at a meeting of the American Psychiatric Association. Within a generation, mental-health practitioners went from believing almost uniformly that homosexuality was an illness to believing almost uniformly that gay people are healthy. As

a gay man, I'm happy about the change, but I acknowledge that it was political, not scientific — as was the decision to declare homosexuality an illness in the first place. Considering the widespread perception of AIDS as a disease limited to a few populations, gay men among them, the terms of the AIDS causation debate are uncomfortably homologous to those of the prior controversy about homosexuality. AIDS is at least as much a political definition as a medical one.

The skeptics point out that HIV was not exactly determined to be the cause of AIDS by careful research and exchange of ideas in peer-reviewed journals. Increasingly vocal gay activists were lobbying the Reagan administration to take AIDS more seriously, so in 1984, Reagan's Health and Human Services secretary hastily convened a press conference and announced that "the probable cause of AIDS has been found." *Probable*. Standing next to her at the podium was Robert Gallo, the scientist whose name would appear on four papers published in Science the same year that are still cited as establishing HIV's causal role in AIDS. They are suggestive but not conclusive for such a strong claim. That year, only 3.4% of citations of one of those papers implied or stated that it conclusively established that HIV causes AIDS. Two years later, that percentage had risen to 62.0%, though little had happened to bolster the claims of the paper on its own merits (see Steven Epstein, "Impure Science." University of California Press, 1996, 82–87). "HIV causes AIDS" was repeated often enough and became more and more the conventional wisdom.

Duesberg, the best known dissenter, argues that AIDS is attributable mostly to antiretroviral and recreational drugs. He believes long-term drug abuse gives some people AIDS, and toxic drugs used to treat HIV actually cause or worsen AIDS symptoms. To some extent, he is correct. Abusing drugs can make you sick, and the list of side effects of AIDS drugs is sickeningly long. The question is whether the entirety of AIDS, or only a portion of it, can be explained by the use of drugs.

Other skeptics, notably the "Perth Group" led by Eleni Papadopulos-Eleopulos, deny that HIV has been proven to exist at all. Bauer falls closest to this view. Leung's professed HIV agnosticism notwithstanding, so, I think, does he.

A third view receives little attention and is virtually unknown except to specialists and skeptics — astonishingly so, because it is hardly exclusive to skeptics. It is the view of the most important part, and arguably the most respected part, of the HIV-AIDS establishment. This view is that HIV, without cofactors (such as other pathogens, illness, or malnutrition), is relatively unlikely or unable to lead to development of AIDS.

The most visible exponent of this view is Luc Montagnier, the man who discovered HIV, for which he was awarded the 2008 Nobel Prize in Physiology or Medicine. Montagnier's French research team and Bob Gallo's American team both claimed to have discovered the virus. Although it is generally accepted that Montagnier's team beat Gallo's to the punch, and that carelessness or malfeasance marred the work of Gallo's lab, Gallo remains a giant in the HIV research establishment. So it's worth noting that he, too, has acknowledged the role of cofactors. He writes

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in his book "Virus Hunting" (1991) that a family of viruses he discovered, the HTLVs, "are *the only known specific co-factors* for AIDS" (248, emphasis his). In "Virus," Montagnier's book on HIV for a lay audience, he briefly argues against Duesberg and calls him dangerous. But this is at the end of an entire chapter about the improbability that all AIDS cases are caused by HIV alone. Thus, even the man who discovered the virus is on record doubting what dissenters call the "HIV=AIDS=Death" model. He has not backed down from this view.

At least some of the interviews were done under false pretenses. In the end, does it matter?

Montagnier believes that bacteria called mycoplasmas may help HIV cause immunodeficiency. He has speculated that

> sexual liberation and an increase in multiple partnerships among certain homosexual populations in Western countries led to the spread of a family of mycoplasmas . . . from a rectointestinal localization to a genital one, and then to systemic blood infections. Such infections would have gone unnoticed, being easily tolerated, if not for the unexpected arrival of HIV, which was endemic in Africa. ("Virus," 176)

This is the most surprising single fact one encounters when investigating the AIDS causation controversy: the belief of important mainstream researchers is not that "HIV causes AIDS" but something more like "HIV has something to do with causing AIDS." These researchers don't often get asked useful questions. When they do, they may not want to answer. And when they answer, we don't like to think about the implications of their answers, so we simply *don't*.

To that end, Leung's film is invaluable. He managed to interview all the heavies of the HIV research establishment, and I look forward to getting the DVD (available in June 2010), which he says will have some of the hundreds of hours of footage that didn't make the film. I was surprised that he got some of those fellows on tape at all. I wouldn't expect Bob Gallo, for instance, to sit down with a young filmmaker sympathetic to the dissidents. At the Q&A after the film in January, I asked how the interviews came to be. The "in" was Martin Delaney, a significant figure in AIDS activism. Leung and Delaney were on friendly terms, and Delaney agreed to be interviewed. Gallo, as I expected, had originally declined to be interviewed for the documentary; but Delaney, a friend of Gallo's, got him to sit for an interview after all. Thence, a domino effect brought other big names who didn't want their voices left out.

Some of the scientists say things in the film that will surprise most people, and many of them now say that these things were "taken out of context." Isn't that always the way? Delaney died before the film was released, so he can't be asked whether it is what Leung told him it would be or whether he regretted facilitating interviews with "respectable" AIDS scientists. It seems likely that at least some of the interviews were done under false pretenses — that Leung knew he was making an essentially pro-dissenter documentary but portrayed it as an uncontroversial documentary about the sociology of AIDS. Leung denies this, and in the end, does it matter? Suppose he did interview the scientists without telling them what kind of documentary he was filming, then cherry-picked quotations. Using the footage to put words in their mouths would be a problem; but if he's only showing them saying things they wish they hadn't said, so much the better. That is in the best tradition of investigative journalism.

I suspect there is some of both. Don Francis is shown saying, "Gallo said he had all these viruses, and it was a lie." The implication is that Francis, who previously worked in Gallo's lab, is endorsing the idea that HIV hasn't been properly isolated and may not be a real virus. He was likely talking about the controversy over who discovered the virus, saying that Montagnier's French team beat Gallo's American team. On the other hand, Montagnier is shown saying, "We can be exposed to HIV many times without being chronically infected. Our immune system will get rid of the virus within a few weeks, if you have a good immune system." That should astonish people who have accepted conventional ideas about HIV as propagated by doctors, STD counselors, and the like; but the remark is quite in character for Montagnier. There is no reason to suppose its meaning is misrepresented, and in fact we know it was not: Leung has released four minutes of footage, from which the quotation was drawn, in which Montagnier explains that HIV transmission can be decreased by making impoverished people healthier and thus more able to fight off HIV.

Authorities whom no one would label dissenters agree that, relative to most diseases, it's difficult to get AIDS, and not only for the reason Montagnier gives. Estimates range from hundreds to even thousands of unprotected sexual contacts with an infected person that, on average, are necessary for a person to become positive. Use condoms correctly and the risk is exceedingly low. If you do become positive, Montagnier says you have a good chance of fighting HIV off, just as you fight off a cold after a couple of weeks (indeed, HIV can cause symptoms like the common cold in the acute phase a few weeks after infection). And then, if you don't fight it off, it may be years before you become ill, or decades, or you may never become ill, and we don't know why. It's still a very bad idea to be careless about HIV. Even one chance in a thousand isn't one you want to take when the consequence is AIDS, and many factors in specific cases can raise or lower these general figures by orders of magnitude. But this is hardly the model of AIDS we've been given by health authorities. Leung's film and the skeptics' books are among the few places you might discover this.

If Leung is showing them saying things they wish they hadn't said, so much the better.

Not all those called dissidents comprise a separate camp from the mainstream. Some are more a bridge between disparate parts of it. I wondered for years whether I were the only person to see this; the skeptics themselves do not

often mention it. At the Q&A, Leung said something similar: he doesn't think of "House of Numbers" as a dissident film, because all he did was put scientists in front of a camera and show what they're saying, and how damaging some of the orthodox AIDS scientists' own positions are to conventional ideas about HIV and AIDS. "You can take out the controversial people," he said, "and you still have a damning documentary." He's right: less interesting than what the dissidents in the film say is what the orthodox AIDS experts say, and it's nothing they haven't been saying for a long time.

Among frontline researchers and clinicians, opinion has been diverse since AIDS began, and it remains that way. The consensus among most of them now is that HIV is a real retrovirus and causes AIDS, but less settled are such questions as: How do you test for HIV? How bad is AIDS in Africa, and what should be done about it? How important are pathogenic and toxicological cofactors or oxidative stress? How does HIV even cause AIDS? Public health authorities' confident, soundbite answers make these sound like settled questions, but in understanding AIDS we're barely out of the dark ages.

The skeptics have made important contributions to the understanding and treatment of HIV. Five stand out.

First, the skeptics fill in details and correct mistakes. The conventional narrative about HIV and AIDS may be essentially correct, but imprecise — wrong on small points that eventually will be better understood. If HIV needs cofactors to do its dirty work (perhaps only sometimes), or if it's only one of many causes of the various immunodeficiencies lumped into the syndrome "AIDS," then people like Bauer and Culshaw have as much to contribute to AIDS science as their mainstream counterparts.

Second, the skeptics have implicitly questioned whether medical professionals take a public-health approach or an individualized approach to treating patients. This question reflects the larger healthcare debate: one look at the practice of AIDS medicine ought to give pause to proponents of government, by-the-books health care. HIV medicine is like cancer medicine in one sense: the drugs hurt you, but they are supposed to hurt HIV more. (In fact, AZT, the first and best-known anti-HIV drug, was originally created to be an anticancer drug. It was shelved because it was deemed too toxic for cancer chemotherapy. It is still in use against HIV and is given even to newborns to prevent perinatal transmission.) The difference is that chemotherapy runs for a few days or weeks, whereas HIV meds are taken for the rest of your life. When that is the standard treatment regimen, you want your doctor to be intimately concerned with your wishes, your well-being, and your values — not just reading "best practices" out of the latest letter to the editor of a medical journal.

Third, the skeptics point out the danger of the tight nexus of government and the HIV research establishment. They view HIV research as a make-work program created in the nick of time to save jobs in the failing War on Cancer. A bunch of virologists were looking for cancer viruses and couldn't find enough of them. Along came HIV, and they had a new virus to research. Many of the skeptics think government funding and direction of research has done for HIV what libertarians think the War on Drugs has done for crime, or the welfare state has done for poverty.

Fourth, perhaps without meaning to, the HIV dissenters provide a reference point for understanding other controversies. One of Culshaw's chapters is entitled "Science by Consensus." If that

How do you test for HIV? How bad is AIDS in Africa, and what should be done about it?

sounds familiar, it's because it is a common criticism of global-warming hysteria — that it embraces a conclusion simply because enough scientists have accepted a politically charged narrative, without demand for a good reason to reject the null hypothesis. The problems in HIV science are institutional, and they are not confined to the HIV controversy or to medical science.

An article could be written just on these last two points. Skeptical science journalism is an underappreciated genre. Gary Taubes proposes in "Good

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Calories, Bad Calories: Fats, Carbs, and the Controversial Science of Diet and Health" (2007) that, contrary to what the government has been telling us for decades, refined carbohydrates are responsible for much of the incidence of several "diseases of civilization," from heart disease to diabetes to cancer to Alzheimer's. He persuasively argues, for example, that evidence "suggests that eating a porterhouse steak in lieu of bread or potatoes would actually reduce heart-disease risk, although virtually no nutritional authority will say so publicly. The same is true for lard and bacon" (169). While reading "Good Calories, Bad Calories," I made a list of parallels between it and the HIV skeptical literature. I stopped counting after more than a dozen such. The story is basically the same: substitute fat for HIV, and carbs for lifestyle factors in immunodeficiency. Different critics of mainstream science arrive independently at critiques of similar or identical form.

Finally, the skeptics point out when HIV-related science is done badly. There is a lot of bad science; it's not surprising that some of it is done in the name of understanding HIV, at which ungodly great gobs of government and private money have been thrown. One small flaw in the protocol of a study, or the interpretation of its results, and the results may be worthless. The skeptics make a convincing case to this reader that, if the mainstream is correct, it's as much despite sloppy science as because of good science. Bauer notes the careless work done even by such respected concerns as the Centers for Disease Control:

> Up to and including 1985, CDC had listed among AIDS cases, first, those who were homosexual or bisexual men; second — *among the remaining cases only* — intravenous drug abusers (IDU); and then hemophiliacs, transfusion recipients, heterosexual contacts, and other. Every case went into only one of those categories, making it impossible to detect possible combinations of two or more risk factors that might be an especially powerful inducement to AIDS. (190)

Enough research has been done on HIV that one could find data demonstrating almost anything.

A problem with government science, as with all central planning, is that when one "expert" panel decides what will be considered true, reality is short-circuited. Many lives may be endangered because half a dozen researchers have made bad decisions. Here, the foundational epidemiological work appears unbelievably bad, and there's more where that came from.

Bauer hypothesizes that AIDS is not a new syndrome, and that HIV is not a virus but an artifact of imprecise medicine, bad science, and circular definitions. It is, he suggests, a composite indicator of general health and a surrogate marker for many conditions. It would then be like a fever: not something for which one is "positive or negative" for life, but a temporary state that may come and go as one experiences such challenges as illness, stress, or pregnancy. Arguments between skeptics and the establishment about the accuracy and usefulness of HIV tests are easy to turn up with a quick web search, so I won't recapitulate them here. Suffice it to say, as is often the case in medical practice, what patients are told is a simplified version of a messy truth. The standard testing protocol in the United States is not positive or negative for the virus, but produces results along a continuum of reactivity with HIV antibodies.

In a comparison of seroprevalence studies, psychiatric patients' likelihood of being HIV positive appears to rival that of STD clinic patients and gay men. A study found that, for patients presenting at a hospital emergency department, "penetrating trauma was the only clinical presentation predictive of HIV seroprevalence independent of age, race, and risk-factor status" — that is, being seriously physically injured made people more likely to test positive. And among drug users, testing positive was associated with the drug used — with crack cocaine carrying a higher risk than three IV drugs, which we can presume are often injected with shared needles. Some of the correlations could be attributable to other factors — for example, more serious wounds might follow from a more reckless lifestyle, which also predisposes to AIDS risk behavior — but the studies, taken together, are supposed to suggest a connection between the amount of stress on the body and how likely one is to test positive, as Bauer's hypothesis predicts. Then again, enough research has been done on HIV that one could probably find a certain amount of data demonstrating almost anything.

Bauer shares more of these curious findings, but science at its best is not about an accumulation of facts with which to oppose others' facts; it's about crafting and testing hypotheses that explain all the observations. Bauer's more compelling evidence is marshaled in several chapters examining the consequences of the fact that seropositivity varies independently with sex, age, race, and population density.

These chapters are the crux of the book. I don't think that they comprise anything like an open-and-shut case against the HIV theory, but they are manifestly the work of a scientist and a freethinker of the sort that medical schools and research institutions ruthlessly weed out. That alone inclines me to value Bauer's analysis.

Some of Bauer's references are to scattershot data from genealogy websites rather than, say, academic journals. He does not establish the reliability of these websites. He uses a quantitative method he apparently invented, without any outside critique of its value or reliability, to claim "satisfactory agreement" between sets of data. The reader can be forgiven for wondering whether Bauer massaged the data to get the results he wanted (as some researchers in every subject area do). Occasional weaknesses such as these, however, appear to be the exception.

Bauer's chastisement of scientific carelessness is refreshing. Unquestioning propagation of public-health statistics, and bad interpretations thereof, both by journalists and by activists, lead to more and more taxpayer and philanthropic funds inefficiently chasing whichever disease has the most lobbyists fighting for it.

It doesn't always take a Ph.D. in molecular biology to know bad science when one sees it. I still remember a shocking blurb I saw on the front page of

The Wall Street Journal (Sept. 19, 2008). Without further explanation, it said that the World Health Organization had reduced its estimate of the number of people who get malaria each year from 500 million to 247 million. First-world people have learned to gloss over statistics about "bad things happening to people over there," but think about the numbers! If you can't be sure how many people are infected with something, not even to within *a quarter of a billion people*, what *do* you know about the toll the infection is taking?

An AP story tells me where the changed estimate came from: "In previous reports, WHO estimated the number of people who developed malaria outside Africa by using a map made in the 1960s that indicated the areas where malaria was likely to occur." The report dryly notes that "many Asian countries have since begun gathering actual reports of malaria from doctors and health facilities." That's the state of the art in public-health surveillance in the same impoverished parts of the world where we're supposed to be worrying about an AIDS epidemic.

And they're not being any more careful about HIV and AIDS than they are about malaria. Kary Mullis, the alien abductee who won the Nobel Prize, has written an autobiography, "Dancing Naked in the Mind Field" (1998), which is a contrarian manifesto that's great fun to read. Only part of it is about HIV, but it says:

> An HIV positive man with tuberculosis has AIDS; if he tests negative he simply has tuberculosis. If he lives in Kenya or Colombia, where the test for HIV antibodies is too expensive, he is simply presumed to have the antibodies and therefore AIDS, and therefore he can be treated in the World Health Organization's clinic. It's the only medical help available in some places. And it's free, because the countries that support the WHO are worried about AIDS. From the point of view of spreading medical facilities into areas where poor people live, AIDS has been a boon. We don't poison them with AZT like we do our own people because it's too expensive. We supply dressings for the machete cut on their left knee and call it AIDS. (179)

The politics of HIV is more complicated than the science of HIV, which might be surprising to many people — but it should not be to those skeptical of statism, as it isn't to skeptics of HIV.

Lest I be accused of whitewashing the bizarre, offensive, or unscientific methods of some HIV skeptics, let me say that most of them are, to say the least of it, unconventional. Bauer believes in the Loch Ness monster. Mullis had his alien abduction experience. A few prominent skeptics have lied about their credentials. They are, as a group, not impressively professional. But sometimes a group that has a lot of crackpots in it is still worth paying attention to. Walk around a national LP convention and this quickly becomes apparent.

There is seriousness and subtlety in the scholarship of the skeptics. Those like Duesberg, who make the starkest claims, get the most attention, but others ask questions and frankly admit they don't have all the answers. Bauer is one of these. Culshaw, though less circumspect than Bauer, is another: a good summary of her book is her definition of AIDS as "not a disease so much as a sociopolitical construct that few people understand and even fewer question" (7). No one who knows much about AIDS can disagree with that. Or consider Michelle Cochrane's position in "When AIDS Began" (2004) that "orthodox science and official public health surveillance practices often elide or wholly neglect analysis of the social factors that gave rise to and abet [the AIDS epidemic], the socioeconomic correlates of the disease, and the epidemiological evidence of patients' multiple and synergistic risk factors for immune deficiency" (xxvi). Hardly as dismissive as "HIV doesn't cause AIDS."

I don't need to mention that plenty of researchers in the HIV establishment have questionable methods and morals as well. These defects are endemic to the most successful strata of academic and scientific society. A whole book has been written on the unstable personality and unscrupulous methods of the American "co-discoverer" of HIV (see "Science Fictions" by John Crewdson [Little, Brown, 2002]). Nor do I accept one of the most frequent and intense objections to the skeptics, which is that, by questioning the mainstream view, they promote unsafe behavior and the spread of AIDS. Prudent use of prophylactics, and discretion in choosing the number and nature of one's sexual partners, was as good an idea before the era of AIDS as it is now.

But AIDS, it seems, is a black box that doctors lecture you about. Only bad patients would dare to ask why they should believe what the doctor is telling them, and only irresponsible scientists would ask questions about HIV. If anything, the skeptics advocate safer behavior than the mainstream. Many of them suggest that avoiding recreational drugs is of utmost importance in preventing or recovering from AIDS.

Prominent skeptics have lied about their credentials. They are, as a group, not impressively professional.

Meanwhile, mainstream doctors caution only that you use a condom when having sex under the influence of nitrite inhalants, and that heroin should be injected with clean, unshared, needles.

I'm not a cell biologist or a medical doctor or an epidemiologist. I can't be sure, from books written for a popular audience and my best interpretation of highly technical papers, how right the skeptics are. When some of the skeptics say that HIV hasn't been properly isolated, for example, I can't tell if they're making sense or not. I get the sense that they're making mountains of molehills. (In fact, Duesberg argues against other skeptics that it *has* been properly isolated.) When they claim that the standards for declaring an HIV test positive or negative are arbitrary, they're obviously right, to an extent — but I can't tell how important their concerns may be. When your mechanic tells you to get your car's oil changed every 6,000 miles, he's using an arbitrary figure — 5,500 or 6,700 would probably do just as well — but that's no indictment of your mechanic. Science can be messy and counterintuitive; that doesn't mean it's wrong.

When Leung dramatically steps across the Canadian border and says that, by doing so, a person diagnosed as HIV-positive in the United States may become negative because the Canadian criteria for a positive diagnosis are

different, it sounds damning — as it does when Celia Farber says in the March 2006 issue of Harper's that one "could revert to being HIV negative simply by buying a plane ticket from Uganda to Australia." Bauer lists the proteins that constitute a positive result for Western Blot tests performed by different entities and says that even the CDC, FDA, and Red Cross don't agree with one another about what to consider as a positive result.

When dissidents criticize tests for HIV, they usually focus on the faults in antibody tests. Fair enough, because positive results on two types of antibody tests are sufficient for a positive diagnosis. They less often mention viral load tests, which are more expensive than antibody tests but are said to be more reliable. They can detect HIV sooner after infection, and they detect the virus itself rather than antibodies. They obviously work pretty well if HIV is an infectious agent that causes AIDS. They're used to screen the blood supply, and after almost 30 years of blood transfusions in a world with HIV, the risk of infection by transfusion is very small. But then, Mullis' Nobel-winning discovery is used in these tests, and he says that they use it incorrectly and the tests aren't actually measuring viral load. . . .

In short, the specifics of any discipline are likely to be incomprehensible to outsiders. Even after tracking down journal articles, one gets the feeling that the best information about AIDS filters out slowly from the HIV researchers and doctors on the front lines, and so is inaccessible to most of us — including the HIV skeptics, who tend to cite papers that are many years out of date.

A more accessible example from Duesberg's book, still widely regarded as the bible of the skeptic movement, shows how non-experts might be misled. In "Inventing the AIDS Virus," he reproduces the laboratory label for AZT, the first drug that was considered a useful treatment for HIV infection. He claims that the label "reveals secrets not communicated to the unwitting patient" (324), because it has a skull and crossbones on it and it stipulates that the substance is "toxic by inhalation, in contact with skin and if swallowed. . . . Wear suitable protective clothing." Here he is disingenuous at best: laboratory labels for plenty of everyday chemicals — e.g., pure caffeine — bear comparable labels. Most medicines hurt you if you take enough of them. (Nathan Crow shot many holes in Duesberg's book in a review in the Sept. 1996 Liberty.)

Theories about how the establishment has screwed up something this big, for this long, rarely turn out to be true. There are astrophysicists and former high government officials, with bona fides to match those of Mullis and Montagnier and Duesberg, who swear that we're keeping aliens who crashed at Roswell at an Air Force base. They are sincere, they are good people, and they can make what seems, at first, a good case for their beliefs. But I don't think we have aliens on ice at Wright-Patterson, and I don't believe HIV is as harmless as a common cold virus.

On the other hand, I know the HIV dissident movement is not as simple as "the AIDS doctors who believe in HIV" versus "the people who say that HIV is harmless." There ought to be meaningful discussion about the truth between those two extremes; lives might be improved or saved as a result.

George Bernard Shaw wrote in the preface to "Saint Joan" that, if called upon to adduce reasons to believe such an uncontroversial contention as that the earth is round, most of us could not do so, "because modern science has convinced us that nothing that is obvious is true, and that everything that is magical, improbable, extraordinary, gigantic, microscopic, heartless, or outrageous is scientific." To say that "everybody knows" something is often to say that everybody *believes* it, but few know why.

The two areas around which "denialist" movements have most visibly grown up — HIV and climate change — are just this sort of issue. People are nervous at being unable to differentiate themselves, with logical explanations, from people they regard as kooks. But even if they're wrong, Leung and Bauer and Culshaw and other skeptics can help us *understand* the truth, whatever it is. It's safe to say they're not completely wrong. We ought to read their books, listen to what they have to say, and not prematurely assume that "the science is settled." ❑

"Alice in Wonderland," directed by Tim Burton. Disney Films, 2010, 108 minutes.

The Wonder Is Gone

Jo Ann Skousen

Keats' "Ode on a Grecian Urn" reminds us of the eternal nature of art. In the poem, Keats observes the scene depicted on an ancient vase and contemplates the "present tense" of art: the young man is always just about to kiss his bride; the dog is always in mid-leap; the sword is always raised to deflect the soldier's foe.

Tim Burton's new "Alice in Wonderland" is like Keats' urn. Although it takes place 13 years after the original tale, with Alice returning as a 20-year-old woman, nothing has changed in Wonderland. The Mad Hatter is still serving tea; the March Hare is still running late; the Queen of Hearts is still playing croquet with a hedgehog and a flamingo; and the Cheshire Cat is still blowing smoke

rings while grinning from his tree. One gets the impression that they have been pouring the same tea and swinging the same flamingo at the same hedgehog for the past 13 years, awaiting Alice's return, "for ever panting and for ever young."

But something is amiss in this visit to Wonderland. The wonder and the whimsy are gone. Grown-up Alice (Mia Wasikowsa) is too somber, too wooden, and definitely too old. She doesn't even remember her first visit down the rabbit hole, and she certainly is not glad to be there now. In one brief scene, the Hatter (Johnny Depp) reminisces about Alice's first visit, when she was just 7. Young Alice (Mairi Ella Challan) laughs gleefully around the tea table with her new friends, aghast and delighted at their madcap lack of good manners. Twenty-year-old Alice expresses no such glee, perhaps because the Knave of Hearts is trying to make off with her head while she huddles inside the teapot. Not much fun there!

Too many fantasy films of late focus on climactic battles between forces of good and evil, presented in glorious computer-generated imagery. It's like watching a video game. This "Alice in Wonderland" develops a similar plot. According to an oraculum (a prophetic scroll emblazoned with heroic feats, much like Keats' Grecian Urn), Alice is destined to defeat the Jabberwock in order to unseat the head-offing Queen of Hearts (Helena Bonham Carter) and restore her peace-loving sister, the Queen of Diamonds (Anne Hathaway) to the throne. Residents of Wonderland (or "Underland," as they call it now) have been waiting for Alice's return.

As Alice gathers her courage to face the Jabberwock, the White Queen tells her, "You cannot live your life to please others. The choice must be your own." A good, strong, libertarian philosophy, to be sure. But does Alice really have a choice when her destiny is already written in the oraculum? Like the Mad Hatter, who has continued pouring that tea since Lewis Carroll first penned the scene, Alice already faces the Jabberwock unendingly in the painted scene.

Alice's method of securing the special sword she must use to fight the Jabberwock also gives a nod to sound libertarian principles; instead of stealing it from the guard dog or fighting him for it, she gets something she knows he wants and trades him for it. Good show! But in the end, she resorts to traditional warfare to usurp the sitting queen.

Normally Tim Burton films are a visual and storytelling feast, and this one gets halfway there — the visual effects, and especially the costumes, are truly stunning. Every time Alice changes size via "Drink Me" and "Eat Me," she has to get new clothes, and each costume is lovelier and more whimsical than the last. When she is her tiniest, the Mad Hatter quickly whips out a tiny gossamer costume for her with a snip-snip-dash of what used to be her sash, a subtle nod to Depp's first standout role as "Edward Scissorhands." The computer-generated sets are stunning as well — especially the Red Queen's realm with its heart motifs everywhere.

In terms of storytelling, however, this film falls flat. Burton says he wanted to make "Alice" feel like a story as opposed to a series of events, but in doing so he eliminated the childlike quality of Lewis Carroll's original story. Children, after all, don't see everything as a story with a beginning, a middle, and an end; much of life comes at them as a series of confusing and illogical events, and Carroll captured that.

I also suspect that producers at Disney tampered a bit with Burton's vision, injecting certain Disneyesque essentials. For example, the Jabberwock looks uncannily like the dragon at the end of Disney's "Sleeping Beauty" as it rears up at Alice who, dressed in princely armor, battles it to the top of a precipice.

Epic battles and prophetic heroes have a place in fairy tale and legend, but Alice belongs in Wonderland, and the two genres simply don't mix. As much as I wanted to love it, I have to admit that Tim Burton's "Alice in Wonderland" flops like a limp flamingo. Even Johnny Depp isn't able to rescue this film. ❑

"The Ghost Writer," directed by Roman Polanski. RP Films, 2010, 140 minutes.

The Haunting of Tony Blair

Jo Ann Skousen

When asked, during the opening moments of "The Ghost Writer," whether he voted for the prime minister whose memoirs he has been hired to write, the author responds with a shrug, "Of course. He wasn't a politician; he was a craze." It's perhaps the best line in the film, one that could describe our own recent election. But this thinly disguised roman à clef is not about Barack Obama; it deftly and gleefully impugns a politician from the other side of the pond.

Director Roman Polanski makes no attempt at subtlety as he tries to connect Tony Blair with his fictional prime minister of Britain, Adam Lang (Pierce Brosnan). Lang is the handsome, charming, popular, recently retired Labour Party prime minister. Before entering politics, Blair attempted a career as a rock star with the band "Ugly Rumours"; similarly, Lang studied acting at Harvard. Like Blair, Lang is responsible for bringing Great Britain into the Middle East war. Like Blair, Lang is married to a dark-haired, politically savvy beauty (in the film, Olivia Williams), and like many politicians (though not necessarily Blair), Lang is

hinted to be romantically involved with a lovely assistant (Kim Cattrall). Even the rhythm of the two names is the same: Tony Blair, Adam Lang.

As the film opens, a body washes up on the shore of an unnamed island, suggesting that a murder has occurred. The body turns out to belong to Lang's original ghostwriter — the predecessor of the title character — suggesting that Lang is somehow connected with the murder. Lang arrives at the island that night aboard a private jet emblazoned with the corporate name "Hatherton," a thinly veiled reference to Halliburton, suggesting corruption. And if the audience still doesn't get it, Lang's former cabinet minister, Robert Rycart (Robert Pugh), accuses Lang on CNN of acquiescing to waterboarding in Iraq, suggesting war crimes. Yes, war crimes. By the following day, an international court in The Hague has formally charged Lang-Blair as a war criminal.

Politics aside, the film is an entertaining, though somewhat predictable, intellectual thriller. A new ghostwriter (Ewan McGregor) is hired as a replacement to revise Lang's memoirs. His character's name is never revealed; Lang calls him simply "Man," and the writer calls himself "the Ghost." It's a clever, self-deprecating nod to ghostwriters, since everyone knows that public figures use them, but seldom are they given credit.

Immediately after he is hired, the writer is attacked by mysterious assailants who steal what appears to be Lang's manuscript. Later, he finds clues left behind by his dead predecessor that lead him to suspect that Lang is hiding something. McGregor is excellent as the unnamed ghostwriter, injecting a sense of humor and ineptitude as well as suspense as he begins to realize that something sinister has happened.

The film is awash with atmosphere. The house where Lang and the writer work on his memoirs looks more like a bunker than a beach getaway — it is dark, gloomy, isolated. The Ghost works in an office with a floor-to-ceiling window overlooking windswept dunes, where throughout the day servants stridently but unsuccessfully try to sweep up the mess of leaves that constantly blows onto the patio — a metaphor, perhaps, for the implied coverup of crime.

Supporting actors add to the atmosphere, though many of them are almost cartoonishly presented. Watch for a bald and bloated Jim Belushi as the cigar-chomping publisher John Maddox, and a toothy, rat-faced Eli Wallach as the eccentric neighbor on the beach. Cattrall is fine in an uncharacteristically serious role, and Williams is especially cool and unsettling as the prime minister's now aging wife.

The most interesting thing in the film is the ghostwriter himself. The Ghost isn't like most other writers; he doesn't care about seeing his name on a cover or a byline, and he doesn't care about being known as a "serious writer." His most recent collaboration, a magician's memoir, is entitled, "I Came, I Sawed, I Conquered." He doesn't attend the publication parties of his books, explaining that "inviting the ghostwriter is rather like inviting the mistress to the wedding." Even when clues begin showing up that could give him the book of the century, he isn't anxious to pursue them. "I'm not an investigative reporter!" he explains. This reluctance of the journalist to act like a journalist, portrayed with just the right combination of charm and confusion by McGregor, gives the film a certain freshness despite its somewhat predictable story line.

The connection between Lang and Blair unfortunately persists after the film ends. In fact, after watching the movie, the person with whom I saw it kept calling the PM character "Tony Blair" instead of "Adam Lang." Such a mistake is inevitable, unfair — and deliberately anticipated by the filmmakers. Polanski may not agree with Blair's politics. But to call Blair a war criminal, even by implication, goes too far. And speaking of criminals. . . . ❑

Filmnotes

Running the Asylum — "Shutter Island" (Paramount Pictures, 2010, 137 minutes) has all the ingredients of a satisfyingly dark, psychological thriller: an isolated setting, ambiguous foreshadowing, surreal flashbacks, an insane asylum, a sinister Germanic scientist (Max von Sydow), an intense soundtrack that rises to dissonant crescendos, and even the proverbial dark and stormy night. The story is twisted enough to keep the audience guessing, yet logical enough to convince the audience that its guesses are correct. Add Martin Scorsese as director, and the film is virtually guaranteed to be good — in fact, it's one of the best little surprises of the season.

The year is 1954. Shutter Island is a maximum security institution for the criminally insane. Ted Daniels (Leonardo DiCaprio) and his new partner Chuck Aule (Mark Ruffalo) have been called to the island to investigate the escape of an inmate (Emily Mortimer) from a locked room. During the investigation several creepy inmates warn Ted to get away. Hints of Nazi-style biological experimentation fuel his growing paranoia — or could his rising panic be induced by the "aspirin" and "water" given to him by the institution's director, Dr. Cawley (Ben Kingsley)?

Whatever the cause, Ted is plagued by troubling dreams and flashbacks about his past. He was with the platoon that liberated the Nazi concentration camp at Dachau, and his wife (Michelle Williams) was murdered by an arsonist. He relives both horrors in vivid Technicolor dreams. The rest of the film is artfully shot in dark tones that echo Ted's darkening mood.

Scorsese's direction is metaphorically satisfying as well. The storm outside the institution is a metaphor for the *sturm und drang* inside. Ted's constant lack of matches with which to light his borrowed cigarettes suggest his lost passion, while Dr. Cawley's pipe exhalations billow like an elaborate smoke screen as he spins a tale for Ted. But what's the purpose of the unexplained bandaid on Ted's forehead? This is a film that will keep you guessing right till the end. — Jo Ann Skousen

Seattle

The subtle art of neology, in the *Seattle Times*:

Decades ago, poor children became known as "disadvantaged" to soften the stigma of poverty. Then they were "at-risk." Now, a Washington lawmaker wants to replace those euphemisms with a new one, "at hope."

Democratic State Sen. Rosa Franklin says negative labels are hurting kids' chances for success and she's not a bit concerned that people will be confused by her proposed rewrite of the 54 places in state law where words like "at risk" and "disadvantaged" are used.

Broward County, Fla.

Go granny, go granny, go granny go, from the *Miami Herald*:

A 78-year-old Hallandale Beach grandmother ticketed for driving with a suspended driver's license spent 15 days in jail before authorities announced her license wasn't suspended and an outraged judge set her free.

The prolonged jailing of an elderly woman with no previous criminal record over a traffic ticket has left red-faced authorities admitting they botched her case. County Court Judge Lee J. Seidman ordered Gabrielle Shaink Trudeau's release at her arraignment. "She's handcuffed like Houdini, for the record. She's got chains around her waist, and she's got handcuffs in front around her hands as if she was some kind of a violent criminal," the judge said, according to a transcript.

Terra Incognita

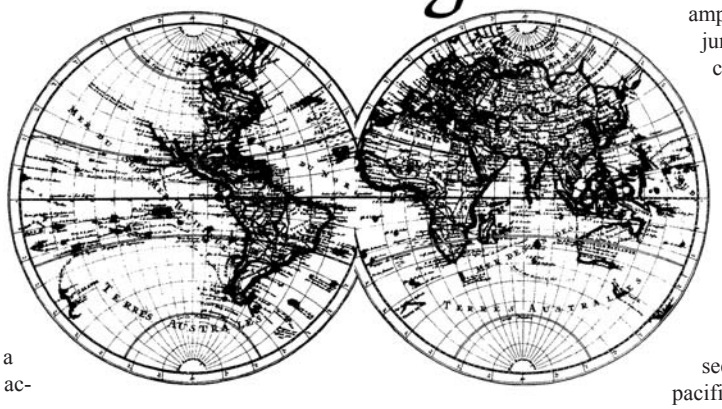

Colorado Springs, Colo.

Precautionary stand against foam-rubber porno, in the *Denver News*:

Puppet cleavage has been ruled out for advertising posters in Colorado Springs bus shelters. Lamar Advertising rejected posters for a touring production of the Broadway show "Avenue Q" because they show the cleavage of a fuzzy pink puppet.

The poster has been replaced by one showing the face of another puppet.

Durham, N.C.

Discounted dildos and Duke dissertations, from the *Raleigh News and Observer*:

At Duke University, a sex toy study being conducted by a behavioral economist and student health workers has roused criticism.

Researchers recruited female Duke students to take part in a "sexually explicit" study on Tupperware-style parties in which sex toys, not kitchenware, are the draw. The ads, which were posted around campus and on a research study Web site, sought female students at least 18 years old to "view sex toys and engage in sexually explicit conversation with other female Duke students."

Participants will be asked to complete online questionnaires about their sexual attitudes and behaviors and visit the lab for a "one-hour party" with seven or eight women. The students will be asked to complete a second questionnaire a couple of months later, and will receive a gift bag and be given the opportunity to purchase items at a significantly reduced rate, according to the ad.

Evanston, Ill.

Teaching Illinois politics to a new generation, from an announcement in the *Daily Northwestern*:

Former Illinois Governor Rod Blagojevich will speak to the Northwestern community on Tuesday, March 2 at Cahn Auditorium. The event, titled "Ethics in Politics: An evening with Former Governor Rod Blagojevich," is sponsored by College Democrats.

"A conversation about ethics and politics is important to have," said Dan Rockoff, vice president of programming for College Democrats. "There isn't a better person out there to discuss this than former Governor Rod Blagojevich."

Mount Holly, N.J.

Solomonic jurisprudence on display, captured in the *Philadelphia Daily News*:

A Superior Court judge dismissed animal-cruelty charges against a Moorestown police officer accused of sticking his penis into the mouths of five calves in rural Southampton in 2006, claiming a grand jury couldn't infer whether the cows had been "tormented" or "puzzled" by the situation or even irritated that they'd been duped out of a meal.

"If the cow had the cognitive ability to form thought and speak, would it say, 'Where's the milk? I'm not getting any milk,'" Judge James J. Morley asked.

Children, Morley said, seemed "comforted" when given pacifiers, but there's no way to know what bovine minds thought of Robert Melia, Jr., substituting his member for a cow's teat. "They [children] enjoy the act of suckling," the judge said. "Cows may be of a different disposition."

Helena, Mont.

Questionable choice of metaphor, passed along by the *Helena Independent Record*:

After 12 hours of deliberation, a jury sided with the parents of former American Legion baseball pitcher Brandon Patch in a civil suit over the player's death after being struck by a batted ball during a game in Helena.

Aluminum bat maker Hillerich & Bradsby Co. failed to provide adequate warning as to the dangers of the bat used by a Helena Senators player during the game, at least eight of the jurors agreed.

As the verdict was read, Duane Patch clutched his wife in an embrace as they both wiped tears, and he repeatedly pointed to the sky, as if to his son. "That's a grand slam," he said.

Salem, Ore.

Innovation in legislative semantics, well spotted by *The Oregonian*:

A sample of the new language inserted into House Bill 2414:

"A measure referred to the people by referendum petition may not be adopted unless it receives an affirmative majority of the total votes cast on the measure rejecting the measure. For purposes of this subsection, a measure is considered adopted if it is rejected by the people."

Special thanks to Russell Garrard, Tom Isenberg, and William Wallace for contributions to Terra Incognita.
(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

The city of Dallas has banned nearly all commercial signs in store windows.

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Inside Liberty

June 2010
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4 Letters Our readers take aim.

7 Reflections We borrow our way out of debt, shun a discount, put on our foil hats, short-sell poppies, love paint chips, become EPA-certified "Green," do it for the children, and can't get no satisfaction.

Features

25 The Move Toward National Land-Use Planning *Randal O'Toole* explains why a man's house is no longer his castle, or even his single-home lot.

29 Empowering the Libertarian Minority *Charles Barr* considers how libertarians might actually see a return on their political work.

33 You Say You Want a Revolution Among today's would-be revolutionaries, *Jay Fisher* finds a lot of talk but little action.

35 Watershed The smallest things, as *Jacques Delacroix* shows, can reveal a lot about the state of liberty.

Reviews

37 Dead or Alive? Both conservatives and libertarians should be concerned, says *Robert Watts Lamon*, about a prestigious writer's distortions of their ideas.

40 Bank Shot *Robert Chatfield* digs into the messy world of today's investment banks.

42 Postmodern Pegasus From where *Jo Ann Skousen* is sitting, she can hear Bulfinch spinning in his grave.

43 Last Rites *Gary Jason* cheers a film about a man on the wrong side of a cultural taboo.

45 Filmnotes Two dragons and a lioness.

44 Notes on Contributors The perps and their lives.

47 Terra Incognita It's a mad, mad, mad, mad world.

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Letters

Close Reading

The review of "Capitalism at Work: Business, Government, and Energy" by Burt Folsom and James Nesbitt (March) correctly characterized the book as a wide-ranging challenge to the mainstream view that Enron refuted invisible-hand capitalism. Indeed, this iconic business episode was a harsh requiem on the mixed economy where profit centers are tied to special government favor (virtually all of Enron's were), and where complex regulatory structures (accounting, tax, energy trading) are gamed by the "smartest guys in the room."

The reviewers noted with regret that a full explication of Enron's political capitalism comes later in the trilogy. But it is here that something fundamental might have been missed. As the worldview book of the trilogy, "Capitalism at Work" is about much more than just Enron. It is an application of the classical liberal worldview to business and political economy to comprehend massive organizational failure. Enron in its heyday, remember, was considered by the mainstream Left (New York Times, environmental groups, etc.) as the paragon of the new capitalism and corporate social responsibility.

The book interprets organizational success or failure through the intersection of the "science of liberty" and the "science of success," to use two terms of libertarian businessman Charles Koch. The book's generic perspective of organizational failure, for example, is applied to the "Enron" of the Objectivist movement, the 1967 split between Nathaniel Branden and Ayn Rand. This event was as stunning to libertarians and Objectivists as Enron was to the business world. And my generic framework is in play today with Climategate (Google "Enron" and "Climategate" to find out more).

To my fascination and delight, I found a waiting libertarian literature to explain Enrons. Three of the most important books are Adam Smith's "Theory of Moral Sentiments" (1759); Samuel Smiles' "Self-Help" (1859); and Charles Koch's "The Science of Success" (2007). Ayn Rand's Objectivism uniquely explains how Enron's financial failure was at root a philosophic one. (If Rand had written a business fiction book, Ph.D. economist Ken Lay would have been the altruist Golden Boy who failed — a Peter Keating with some James Taggart thrown in.)

Other social scientists who come alive in this applied business and political economy story are Arthur Bentley, Ronald Coase, Frank Knight, Ludwig von Mises, Gabriel Kolko, Joseph Schumpeter, Julian Simon, and Erich Zimmermann.

I invite readers to consider "Capitalism at Work" in this broader light. The libertarian worldview, from Objectivist philosophy to Austrian and Public Choice political economy, passes muster when applied to complex social phenomena.

Rob Bradley
Houston, TX

Letters to the editor

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Not-So-Fair Tax

Marlaine White's Reflection "The price of silence" (May), makes the important point that small returns of tax money are commonly perceived as gifts. Unfortunately, her straw man reader's assumption that "libertarians don't need this lecture" is correct but disconnected from reality. Witness the significant support for the "fair" tax, which warps the Constitution's simple excise (consumption tax) on nonessentials into another universal levy with rebate — just like our personal income tax. It's much better than the baseline, but so what? Lurching away from one failed label toward the first proffered alternative is what politicians routinely manipulate the electorate into.

For the constitutional excise, Federalist 21 emphasizes "judicious selection of objects proper for such impositions." But the IRS (or renamed rebating agency) would rather calculate "allowed" overall consumption and monitor each taxpayer's address and dependents for proper rebate allocation. Hmmm, maybe it's worse than just welfare mentality! Remember that steep cost in liberty White warned us about in her conclusion. And for the efficiency argument against rebates: "We'd all be much more 'stimulated' if the state kept its hand off our money in the first place."

Libertarians insist on the true excise envisioned by our founders (call it the free tax) rather than the "fair" tax — at least on the personal side. A compromise for continued monitoring of corporations as a check-and-balance might have merit if one could avoid another set of pitfalls.

Michael Boerste
North Augusta, SC

White responds: I thank Mr. Boerste for his comments and I agree with his sentiments. These interesting times give all citizens — especially libertarians — the impetus to review what we consider reasonable in the realm of taxation and all government activity. Let us be guided

From the Editor

I knew that when my car hit 105,000 miles (mystic number!), it would need a new timing belt, so last week, when that happened, I took it into the shop. I was relieved to find that the fearsome operation would cost me only $370. By the end of the day, however, and after numerous calls from the service guy, I discovered that I needed new tires, a new battery, and a few other things. Grand total: $986.

I drove the car home, somewhat dazed, but satisfied that the job had been done. I was satisfied also that the auto shop, which has faced hard times since the economic downturn, had treated me with courtesy, showing me evidence, bargaining with me about costs, giving me rides from and to the place, and doing everything for my comfort while I was waiting.

Now, contrast this with our current political situation. We aren't asked to comment about the improvements that our existence allegedly needs, much less order them ourselves; we are simply told that healthcare or education or something else is "broken" and has to be "fixed" — by the same mechanics who broke it in the first place. One thing leads to another, and the bill mounts up, as it did at my auto shop; but with Washington, or any of the 50 statehouses, or even your own city government, the bill never stops: you wind up with a permanent liability, constantly inflating itself with its own interest.

You also wind up with a car that has seven wheels, at least two of which won't turn; brakes that work only on the right side of the vehicle; no rearview mirror; and a tendency to run over productive citizens. As for the courtesy one expects from people who have fallen on hard times, such as the members of our bankrupt national government — what you get from them is insults, at least to your intelligence.

I'd suggest you take your car to another repair service. This shop, Liberty, is always open, and we're always happy to see you.

For Liberty,

Stephen Cox

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Level Taxing Field

In the April issue, Laurence M. Vance reports (Reflections) that Americans earning the top 50% of income pay 97% of income taxes. I presume this to mean that the bottom 50% of taxpayers pay a mere 3%. If this were true the bottom 50% of federal taxpayers should be doing quite well. But they aren't.

The reason they are not doing well lies in the manner in which economics overrides political intentions. Graduated taxes on earned income (emphasis on *earned*) may be passed to consumers if their very existence reduces the number of people earning higher income and creates a shortage in their profession. Cannot economists apply supply and demand to the targets of a graduated income tax?

Net pay sets the supply of professionals in the economic landscape. Gross pay sets only their costs to consumers. The dichotomy between gross and net values represents a fundamental economic flaw in the Marxian tax.

The statistics reported by the IRS are flawed. Consumers are never counted as taxpayers and the apparent taxpayers are never discounted as tax collectors.

Consider the economic effect of a marginal tax increase on the medical profession. The fall in the profession's net earnings will immediately initiate a decrease in the supply of doctors. As their ranks dwindle, inelastic consumer demand will push up the gross earnings of those remaining.

Demand normally falls when prices rise, but that assumes no shortage in market supply. A sharp increase in the demand to supply ratio (patients to doctors) will initiate a natural rise in the gross earnings of doctors remaining in the field. That is what a free economy normally does to eliminate a shortage. If the subsequent rise in net income offsets the initial fall in net income from the tax increase, then consumers have obviously assumed the doctors' marginal tax increase. And that is exactly what happens wherever there is inelastic market demand for a class of labor. The decrease in medical providers will eventually cease as net incomes rise, but the shortage of providers will remain. Wonderful!

The gross sum of market-set net incomes and government-set marginal taxes makes high-income earners appear to be scalpers. But it is only the government that is engaged in scalping and only the consumer who is being scalped. How much easier it would be to trash this dysfunctional tax if the lower half knew that they were assuming the taxes of the upper half when they purchase their services.

But not all high-bracket income taxes are passed to the market. Above-market income seized by law (that of organized labor, bailed-out bankers, and other special interests) will never experience a natural market rise. The market demand for overpriced labor is zero, and the market supply is bottomless. The graduated tax will scarf up income seized under color of law. That is its only attribute.

Why not trash the seizure of unearned income by law and prohibit taxes on earned income? Why not replace greed with honesty? The wage gaps would naturally narrow. We could replace the whole sordid mess with a retail sales tax on consumer products. Such a tax is directly proportional to income and it will not repress the natural and superior mix of labor that free men will create.

The Vance article reports a Forbes call for a flat income tax of 17%. I believe that a single-digit tax would be quite sufficient to sustain the federal government in the manner to which it is accustomed once the egregious effects of a graduated tax and the seizure of surwages from corporate America is ended.

G. Peter Trygstad
Bremerton, WA

Vance responds: Mr. Trygstad's rambling note completely misses the point of my reflection on the flat tax and advocates something even worse. My point was simply that (1) the U.S. tax code has a number of problems, including that it is highly progressive; (2) forms of a flat tax have been proposed as a solution, the word "flat" implying that it is not progressive; and (3) these flat tax proposals are faulty because they fund the government at its present spending level, and because they are in fact progressive. His presumption that the bottom 50% of taxpayers should be doing quite well but aren't is just that. That they pay a mere 3% of the taxes only means that they are not as bad off as they would be if they paid more. Trygstad's economic jargon cannot mask his wrongly focusing on an incidental point in my reflection. And, as I have written about in my many articles on the FairTax, his proposal for a retail sales tax on consumer products is a cure worse than the disease.

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Reflections

Passing failure — The March 25 headline in the Arizona Republic read, "Arizona House OKs Bill to Flunk Failing 3rd Graders." It seems that in Arizona, one actually needs to pass a law to allow government schools to flunk students who fail. One can only imagine the implications for Obamacare: "Congress OKs Bill to Bury Dead Patients." — Ted Levy

Anarchists for big government — When I saw that someone on an anarchist-oriented website was urging people to "crash" the Tea Party movement, my first thought was that this might perform a worthy service. The anarchists would be in an excellent position, for example, to expose the statist orientation of many Tea Partiers about war and immigration. Unfortunately, the main complaint of the "anarchist" or "anarchists" in question is that the Tea Partiers are too antigovernment! In their call to arms, the anarchists warn: "If the tea party movement takes over this country they will really hurt poor people by getting rid of social programs like food stamps, unemployment benefits, disability benefits, student aid, free health care, etc." — David T. Beito

First shoe dropping — For more than a year, Wall Street bond analysts have been warning that growing debt sales by the U.S. Treasury will eventually put upward pressure on the 10-year yield, which has been staying comfortably below 4% for some time.

Lately, the 10-year yield has jumped (from 3.65% to 3.92% in the week before press time). If the interest rate that the Feds have to pay to borrow money on 10-year notes rises above 4% for a sustained period, we will see the first step in a return to inflation. That will be bad for everyone. And it will have started because we've borrowed too much. — Jim Walsh

"Let's call it a day before we get frostbite."

Practical lessons — According to a recent study, enrollment at for-profit colleges has increased 50% over the past couple years. Shouldn't be a surprise to anyone. Absent a bottom line, people get lazy and corrupt. Greed is a powerful motivator. It causes quality to rise, and prices to fall, making the for-profit colleges a much better bargain than the big-name universities full of tenured incompetents. — Tim Slagle

Pick your poison — Every once in a while I am asked, "If you *had* to choose a form of government under which to live, which would it be?" My pat answer is, "A constitutional republic."

But the real answer is, "It doesn't matter to me." Democracy, monarchy . . . I am much more interested in the limits placed on whatever government exists than I am in its structure. My preference for a constitutional republic is nothing more than a fondness for the limits that a strong constitution can impose on power. If similar restraints existed under a monarchy, I would cease to prefer the republic. In short, it doesn't matter to me if I am oppressed by a king, the masses, an elite group, or an occupying army. Power is power no matter how you dress it up. What matters are the limits. — Wendy McElroy

Market conditions — USA Today reports (April 2) the results of an interesting survey just published in the Annals of Internal Medicine. The survey asked people whether they would donate a kidney for money (the choices presented were $0, i.e., for free, $10,000, and $100,000). Unsurprisingly, the possibility of being paid to incur the pain and risk of donating an organ almost doubled people's willingness to do it. But surprisingly — at least to those who adamantly oppose legalizing organ sales — the possibility of payment did not sway poor folk any more than richer folk.

The sample size was rather small (342) and there was a possible exclusion bias (asking people waiting for a commuter train may disproportionately exclude those who are unemployed). It would be nice if a larger poll were performed. But this is still cheering news for those of us who favor allowing organ sales. — Gary Jason

Woman's work — Women can't get any satisfaction these days. Yet another report, this by the American Association of University Women (AAUW), asks why there are so few women in the STEM professions. (For those outside the education community, this acronym refers to the prestigious disciplines of "science, technology, engineering, and mathematics.") The putative exclusion of women from STEM fields is a hot topic in higher education; there is even talk of instituting programs such as the federal law known as Title IX, which expanded college sports to encompass more women.

There are no shades of Larry Summers in the AAUW report. It skirts the possibility that something inherent in women, either their brains or the lifestyles they value, leads them to choose other fields. Instead, the report is all about self-esteem and overcoming bias and low expectations. The chapter on "Beliefs about Intelligence" does not discuss research on intelligence per se, but rather how to overcome the "mindset" that one's intelligence is not as high as it should be.

Yet, as Susan Pinker commented on the Minding the Campus website in April, women are well represented in science-related disciplines, at least at the university level. She lists "biology, medicine, dentistry, ecology, pharmacology, neuroscience, or veterinary science" as "science programs that were mostly male 40 years ago but are now dominated by women on every university campus." In fact, AAUW's colorful charts reveal plainly that more women receive bachelor's degrees in biology and the biological sciences than do men.

Furthermore, there's something sinister about this report — or at least it's out of date: STEM jobs are not all that attractive. The Ohio University economist Richard Vedder suggests that the pressure to push people (of either sex) into STEM smacks of scandal — a retread of the post-Sputnik pressures of the late 1950s, with less justification. STEM fields are not that highly paid (which would be a sign of great demand), he says, and "it is not uncommon for science graduates to have trouble getting a job in their field." Nor does the Bureau of Labor Statistics expect the number of jobs in these fields to grow substantially (in percentage terms, yes, but not in absolute numbers).

Exactly why STEM has fallen out of favor Vedder doesn't say. Others, however, have pointed to the international outsourcing of such jobs and to the changing nature of technology, which now automates procedures that previously required highly skilled technicians.

Why don't we just let women do what they want to do? If that means avoiding some academic fields because they like others better or because they envision a life that is more compatible with being a mother, let them. Isn't freedom what "women's liberation" was all about?

— Jane S. Shaw

Green apostasy — A specter is haunting Al Gore and friends. No, it's not global warming with its scary tornados, sea level rises, and species extinctions. It is the

Word Watch

by Stephen Cox

Lately I had a chance to converse with Leland Yeager, who has frequently contributed his insights to this column, about the subject of *prescriptivism* — the habit or policy of prescribing proper grammar and usage. I thought you would enjoy what he had to say, so I asked him to write it out for you.

Here's Leland Yeager:

Prescriptivism warns writers and speakers against supposed errors. Yet, as suggested by John McWhorter in his Teaching Company DVD courses on language and linguistics, most professional linguists scorn it. As scientists, they are *descriptivists*. They unjudgmentally record speech differences among different regions or socioeconomic and ethnic classes. The distinction between descriptivism and prescriptivism appears in an anecdote about the cultured English clergyman whose daughter chided him for a usage unapproved by the dictionary. "My dear," her father replied, "dictionaries are meant to *record* the speech of people like me, not *determine* it."

All languages have evolved from earlier and quite different forerunners, perhaps even from one original protolanguage. Language accommodates change in technology and culture. Isn't it presumptuous, then, to distinguish between correct and incorrect usage and condemn departure from supposed norms?

Yet adaptive change is one thing; change from sheer sloppiness and ignorance is another. It can impede communication, especially between generations. And even when ignorant changes are intelligible, they may cause ambiguity and irritation, drawing attention away from what the writer is trying to say. Happily, though, and in contrast with prehistoric times, writing, the printing press, near-universal education, and respect for standards tend to resist pointless language change.

Prescriptivism need not bossily challenge libertarianism. Clear and correct writing helps make libertarian arguments effective. In language as in other fields, advice is not compulsion. A free society must leave much behavior to its members' mutual respect. Attempts to suppress all bad and enforce all good behavior would destroy freedom and could not succeed anyway. Mutual respect and social cohesion are compatible with and even enhanced by diversity — in occupations, ancestral or national traditions, religion, social groupings, food, recreations, and favorite causes. Healthy diversity affords many niches in which an individual can excel, find self-esteem, and avoid invidious comparisons with people of different excellences. (Think of Ayn Rand's Galt's Gulch.)

What is subversive is ostentatious contempt for people's rights and peaceful interactions. Beyond outright crime, examples are gangster-style clothing and songs and, yes, abusive or habitually vulgar or ostentatiously careless language. Poor writing style is less destructive than offenses like that, and arguably less serious than violating accepted grammar and word meanings. Yet advice about writing style is widely welcomed. Even the descriptivist McWhorter, in his above-mentioned courses, recommends, if only in passing, straightforward over clumsy style and clear over opaque writing; he even occasionally corrects himself on grammar, as on verb tenses.

Here are some examples of good advice: write uncomplicated sentences and paragraphs of varied lengths, using plenty of short ones. Preserve parallelism. Use common rather than recondite words; prefer the Anglo-Saxon word to a Latin-derived synonym. (Yet, like William Buckley, don't shrink from sending your reader to the dictionary with an obscure word that expresses your meaning more exactly than any near-synonym.) Use cliches sparingly. Consider whether each of your adjectives and adverbs

possibility that global warming can be prevented without doing a thing about fossil fuels and carbon dioxide emissions.

The point is simple. If the earth is warming and you don't want it to, there are ways, relatively cheap ways, to cool the earth. All you have to do is reflect a tiny fraction of the sun's energy back into space. The evidence that this works comes from our experience with volcanoes: when Krakatoa exploded in 1883, the particles it spewed into the upper atmosphere reflected enough sunlight to lower temperatures by over 2 degrees Fahrenheit for several years. The same effect was noted after Pinatubo, the Philippines volcano which erupted in 1991. This effect could be duplicated by high-flying airplanes spraying fine, reflective particles into the upper atmosphere.

Another approach is to increase the cloud cover. Since clouds are white, they reflect the sun's energy back into space. Stationary ships could generate these clouds by pumping up seawater and spraying it into the atmosphere in a fine mist. Another way to increase the earth's reflectivity is to develop "mirror farms," arrays of reflective material spread out on deserts and other wasteland. A related tactic would be to make the urban landscape more reflective: make street surfaces white instead of black, and make the roofs of buildings reflective. This approach gives scope to individual participation. You want to think globally and act locally? Paint the roof of your house white.

As a way of combating global warming, geoengineering has three obvious advantages over the approach of trying to limit carbon dioxide emissions. First, it appears to be much cheaper. Seeding, misting, or mirror farms would cost only billions, a tiny fraction of the trillions it would cost to wrench the carbon heart out of our economy.

Second, geoengineering directly addresses the problem. With geoengineering, you don't care what is causing global warming. It could be a dozen things, from sunspots to hair spray, but that doesn't matter. You are directly lowering the earth's temperature. And with geoengineering, you don't need the cooperation of China, India, Brazil, and so on. Indeed, the United States could carry out the temperature-lowering scheme all by itself. By contrast, controlling global warming by trying to restrict CO2 emissions is uncertain and cumbersome. You have to assume that the carbon dioxide theory is correct (and it is only a theory, with no direct confirmation), you have to assume that no other factor plays a major role in global warming,

adds anything to your meaning. Use verbs rather than abstract nouns derived from verbs. Prefer the active to the passive voice. Recognize that punctuation is no mere matter of hunch or feel; rules have evolved. Finally, don't be pretentious.

Advice about being considerate of the reader verges on prescriptivism. What distinguishes it from descriptivism is fuzzy. The borderline is also fuzzy between repulsive style and downright error. It is fuzzy like the line between actual traffic rules and principles of good driving. But given only a fuzzy distinction, why limit oneself to giving advice on style? Why insist on only *describing* usage? Why not issue some warnings about bad choices of words?

Let's start with *vogue words* — the trendy expressions one hears all the time. Relying on them betrays ignorance, sloppiness, and laziness. This column has sensitized me to one of them in particular: "issue." Its core meaning has been stretched to "problem" or "defect" or "blemish." An advertisement touts a certain cream as a remedy for "skin issues." An article on the debt problems of Greece mentions "others in the euro zone with similar issues." And consider "prior to," as in "prior to World War I" or "prior to leaving on a trip." When was the last time you saw the good old "before" in print?

What bothers me most, in this class of words, is the ubiquitous "incredible" and "incredibly." My campaign against them is getting nowhere. All too many people use these words to avoid the bother of thinking just what they mean. When either adds anything at all to the meaning of a sentence, "incredibly" means "very," and "incredible" usually means "very _____ ," leaving what fills the blank to the reader's imagination. When the word modified has an evaluative character, "incredible" may mean "extreme," as in "incredible misery." On January 22, Wolf Blitzer of CNN mentioned "incredible, incredible stories" of destruction and death in Haiti. Did he mean awful, horrible, heart-rending, gruesome, macabre (or whatever) stories, or just false ones ("incredible" means "unbelievable")? Someone once posted on the internet an enthusiastic account of a boat trip on Lake Tahoe: "The whole trip was incredible, but Emerald Bay was incredibly incredible."

Particularly amusing are vogue words used with roughly the opposite of their core meaning. Sean Hannity, on his Fox News show of Feb. 19, 2009, promised an "incredible, inspiring story" about a football player who gave up a lucrative career to become a border-patrol agent. How can a story be inspiring if it can't even be believed?

Vogue words are verbal clutter. More of it can be found in expressions that cause ambiguity, redundancy, and momentary distraction. On March 3, 2005, the Auburn [University] Plainsman announced that a bill had been introduced in the state legislature "restricting the purchase of violent and sexually explicit video games to consumers under 18 years of age." Must the games *not* be sold to consumers under 18 or *only* to them?

Simply omitting the conjunction "that," although idiomatic rather than wrong, can be confusing: "[Secretary of State] "Rice warned a U.N. tribunal being formed to probe assassinations of Lebanon leaders must be assured safety, a message directed at Syria" (Wall Street Journal, June 27, 2007).

Phony dating is deliberately ambiguous. A fundraising letter from Newt Gingrich received this January was dated "Tuesday evening"; the spuriously precise time reference compounded its phoniness. Appeals from the Republican Party are often "dated" like that. Such a non-date makes me wonder whether the substance of the letter is phony also. Phoniness or omission of a date violates Hirshleifer's Rule, as I call it, because Jack Hirshleifer explained it to me: every even halfway important piece of paper requires a genuine and complete date.

Examples of redundancy or wordiness are never far to seek. Some are hilarious. "'Preliminary autopsy results confirm that the cause of death appears to be an apparent drowning,' said Lee

and you also have to hope that all the major countries of the world will join the campaign to severely restrict CO2 emissions.

Third, the geoengineering approach is fast. You get cooling effects the day you start. Following the carbon restriction route, we have to make huge economic sacrifices for decades to hope for a possible temperature reduction effect half a century later. And if it turns out the earth isn't warming, with geoengineering you can turn the effort off immediately. With the carbon approach, you've locked in cooling for generations (assuming the CO2 theory is right). If this cooling is added to cooling from some unexpected source, the result will be a manmade catastrophe.

Why are environmentalists mum about geoengineering? Why does the Obama administration ignore it? The $787 billion stimulus bill, so laden with baubles for "green energy," does not contain a penny for research into climate control through geoengineering.

The answer, it is becoming increasingly clear, is that environmentalism of the Al Gore variety is not a rational, responsible policy position. It is a religion, and like a religion, it is firmly anchored in prejudice, in the hates and hysterias of bygone days. We see this in the campaign against nuclear power. One episode — Three-Mile Island, an accident that did not injure anyone — was misreported and exaggerated to create a wave of hysteria that blocked the development of nuclear power for generations. Even today, when nuclear energy is the answer to prayers for a non-carbon source of power, environmentalists continue their campaign against it — as evidenced by the opposition to the Yucca Mountain nuclear waste repository.

In the same fashion, the opposition to fossil fuels is an emotionally-based aversion. Environmentalists learned to hate oil and coal in a bygone era — when these energy sources perhaps deserved opprobrium. Automobiles used to create smog; coal-burning power plants used to belch sulfur and soot. Long after they have been essentially cleaned up, environmentalists still hate them, swayed by the memory trace of an earlier time. When the global warming-CO2 connection was proposed, the prejudices clicked into place. Now the mistrusted fossil fuels could be blamed for unimaginable future catastrophes.

Environmentalists are not really interested in preventing global warming. They want to make war on fossil fuels and everyone connected with them, from oil company executives to SUV-driving soccer moms. The realization that this war might be misguided and unnecessary would cause more consternation in their ranks than any number of melting ice sheets.

If you don't believe me, tell the environmentalists in your neighborhood about the promise of climate geoengineering. See if they say, "Gee, that's exciting! Why if that worked, we could burn all the coal and oil we wanted."

— James L. Payne

You take my breath away — The Department of Health and Human Services has kindly notified me that the inhalers keeping my asthma in check are being discontinued. DHHS is taking this measure, the notification explains, not because the medication might do me harm, and certainly not for any lack of efficacy.

No, they are being phased out because with every puff they emit a minute quantity of the dreaded chlorofluorocarbons. While CFCs were phased out of most consumer goods in the mid to late '90s, in accordance with the Clean

County coroner Bill Harris." The sentence appeared in the Opelika-Auburn News (Feb. 3), but it could have appeared anywhere. So could a weather forecast in the same paper, the following day: "Rain and windy conditions, today and tonight." Why not just "wind"? And so could this, from the OAN, Nov. 28, 2009: "With the exception of bin Laden's capture, those missions were accomplished in a matter of weeks." An official interviewed on Fox News in May 2008 about part of the reconstruction effort in New Orleans expected its completion "in a matter of a very short period of time." Why not just "soon" or "very soon"? My rephrasing is vague, but so is the original verbosity. "We sold 56 of these in a two-day period of time," said a Wal-Mart associate on Fox News (July 13, 2008.) Why not "in two days"? A television commercial for gold observed that "its price" had "tripled in value" in just a few years. "Gold has tripled in value" or "the price of gold has tripled" would avoid the redundancy.

Worse than redundancy is pretentious hypercorrectness — ignorant attempts to be elegantly and conspicuously correct. This happens, for instance, when "hypothecate" becomes confused with "hypothesize," replacing the good old "suppose" or "guess." A review of a new pizza parlor in The Corner (an Auburn weekly newspaper) of April 9, 2008, said that "Neon lights stamped across the wall inadvertently label the selection of beers . . ." Only lately did it occur to me that the reporter may have meant "intermittently." "Jim greeted Janice and I" replaces "Jim greeted Janice and me"; and "whom," because it sounds learned, turns up in constructions requiring "who." The approval of the government's pay czar, we are told, will be required "of the compensation package for whomever succeeds Kenneth D. Lewis" (Wall Street Journal, Nov. 14–15, 2009). Fear of using "like" as a conjunction becomes fear of the word even when it is correctly used as a preposition, as in "Like Mary, she was a good writer," replaced by "As Mary . . ."

Another example of pretentiousness is the way in which "majority" displaces "most" even in contexts that do not involve counting: Victor Hugo "lived in France for the majority of his life" (Wikipedia entry on Hugo); "new 18-inch ceramic tiles will cover the majority of the store" (OAN, March 31, 2007); "the majority of the warming will occur in the winter, at night, and in polar latitudes" (Acton Institute, Environmental Stewardship in the Judeo-Christian Tradition, 2007, p. 89).

This is pretentious ignorance. Unpretentious ignorance keeps getting easier to find in print. The Opelika-Auburn News merely participates in the national trend by its inability to distinguish "lay" from "lie": "[O]fficers found the 33-year-old PGA star laying in the street" (November 28, 2009); "Report: Year of elevated joblessness lays ahead" (headline, Jan. 9, 2010). How many people can spot the logical problem that arises when "different from" is displaced by "different than" — as in this internet message: "Your login for the Maxperks site may be different than your

Air Act and in the midst of the panic over the ozone hole, asthma inhalers were exempt — I presume because at least one person realized that Clean Air doesn't do much good when you can't breathe.

But now that exemption has come to an end, and I will have to find another medication which may not work, which will have new side effects to discover, and which will certainly (and I suspect this is the answer to, Why now?) be more expensive than the generic inhalers I've used my entire life. But at least while I'm struggling for breath, unable to take a puff that I know for sure will set me right within ten seconds, I'll have the comfort of knowing I'm no longer contributing to an ozone hole that no longer exists. — Andrew Ferguson

Surprise package — After ramming his healthcare program through Congress and up the wazoo of the American people, Obama did a victory-taunt-dance in the end zone. He arrogantly crowed about his victory, saying that if the Republicans want to run in November on a pledge to repeal Obamacare, they should "Go for it!"

This hubristic remark brings to mind Bush's famous line to terrorists in Iraq: "Bring it on!" And Obama may regret his remark, because after the passage of the bill, the public seems to think no more of it than before.

Indeed, support may actually be diminishing. Nancy Pelosi famously quipped that we would have to pass the bill to see exactly what's in it. Well, we did, and we are. The first surprise was quick in coming: the bill contained a provision that eliminates the tax subsidy the feds created for businesses to support Medicare Part D (the prescription drug benefit program). This subsidy covered 28% of what companies actually paid to provide the coverage.

This immediately led to a string of companies reporting massive losses soon to come. First Caterpillar announced that it would take a $100 million charge in the first quarter for this change in tax law; then a whole spate of businesses followed. Deere & Company will take a $150 million charge; Boeing $150 million; Prudential $100 million; 3M $90 million; Valero up to $20 million; Goodrich $10 million. The whoppers were AT&T, which will book a $1 billion cost because of this bill, and Verizon, which will book a cost of $970 million.

Immediately, Rep. Henry Waxman (D-CA) — one of the most leftwing people ever to walk the halls of Congress and a major architect of the healthcare bill — said he would haul the CEOs of these perfidious companies before his committee (a.k.a. the Court of Star Chamber) to explain why they were spreading such harmful lies.

Of course, the Waxman threat is just an attempt to use congressional power to intimidate inconvenient voices into silence. Abuse of power, anyone? Really, the "why" lies in Congress itself. Under the strict accounting rules contained in the Sarbanes-Oxley Act, passed by Congress after the Enron debacle, losses and liabilities must be clearly identified, transparently logged, and announced to the public.

But this news is only the beginning. Over 3,500 companies rely on this tax break, and losing it will cost $14 billion (as estimated by Towers Watson, a consulting firm). That will translate into lost benefits — worse, lost jobs — and slower growth.

Just what the economy needs. And just what Dr. Obama ordered. — Gary Jason

login on the OfficeMax site"? Yes, we say, "He is taller than I am," but "different" is not a comparative, like "taller." And what's the grammatical sense of "us" in the following: "I believe that loyalty is a function of us living up to our pledge" (the January 2010 publication of a thinktank that I leave unnamed because I admire it)? "Us" should be "our." Then there are simple, ignorant confusions of words: "flout" for "flaunt," "imply" for "infer," "transpire" for "happen," "fulsome praise" for "lavish praise," and "decimate" for "annihilate" or "slaughter."

Writers need to keep their readers' attention on the important things — and this is where the issue of "sexism" comes in. Either conspicuous sexism or the conspicuous avoidance of sexism can sidetrack the reader's attention away from content onto its manner of delivery. Pronouns are particularly challenging. For many nowadays, the traditional generic "he" has become taboo. Expedients include "he or she," an invariable "she," or alternation between "he" and "she"; but any of these can be distracting and momentarily confusing. Artificial gender-neutral pronouns such as "s/he" are repulsive. The evasion of casting pronouns and verbs in the plural works poorly when the writer wants to emphasize the action or decision of a single person (as in much of economic theory).

Stephen Cox and I differ on another evasion that has become popular. An example: "Take your pet to visit their veterinarian at least once a year" (OAN, Jan. 10). "His or her" or "her" or "its veterinarian" would seem ridiculous, as would "Take your pets to visit their veterinarians. . . ." And "the" or "a" veterinarian would lose the suggestion of an ongoing relationship. A second example: "Any legislator whose name appears on this legislation can expect to pack their bags and go home" (letter to OAN, Jan. 13). Writing "his or her" or just "her" would be distracting, and recasting in the plural would lose the intended emphasis.

Cox and I may regret loss of the traditional gender-neutral "he," but I welcome "they" when suspicion of sexism cannot be better evaded — although "they" is more usual and acceptable in spontaneous conversation than in careful writing and scripted speech. "They" for both singular and plural has a precedent in "you," which in early English was a plural pronoun only. Still connecting with a plural verb, "you" has since become singular as well as plural. (The southern form "you all" is available to *emphasize* the plural.) In brief, the singular "they" is justifiably becoming the least-bad way of avoiding supposed sexism, in conversation and informal writing.

At any rate, my own main argument for prescriptivism is that sloppiness and ignorance can distract, confuse, or annoy the reader, interfering with the author's message. If my preaching at writers on behalf of readers has sensitized some readers to being distracted by things that had not bothered them before, I am sorry. And if some of my preaching may seem like pedantry, I confess: judicious pedantry can be fun. — Leland B. Yeager

Click to send — Nancy Pelosi created a webpage in which she solicited "health care stories":

> As Speaker Pelosi works with colleagues in Congress to finish the job of repairing America's broken healthcare system, opponents of reform are mounting their biggest effort yet to kill reform and preserve the status quo.
>
> Add your voice to the millions calling for reform. Share your own health care story with Speaker Pelosi.

Okay. Here's my own healthcare story:

Once upon a time, long, long ago (23 years, to be exact), a very wealthy if not particularly intelligent woman managed to manipulate the political processes sufficiently to get elected to represent the city of San Francisco in Congress assembled. As is often the case, she soon became drunk with power, though no more intelligent. One day, after briefly consolidating her power, she sought to manage and control healthcare for 300 million people. Things went badly for her after that, especially since limited intelligence, while a pre-existing condition, is not treatable per se . . .

Was this the sort of healthcare story she was looking for? — Ted Levy

Red tree, blue tree — It seems that the tree service industry in my area has become a political hotbed. I had no idea that this could happen when I wrote, some time ago, about a sign advertising a tree service company that would barter its wares. Since then, new signs have popped up along my route to and from work — signs more colorful, and much more political, than the first one.

Several neon pink signs advertise, "Progressive Tree Czar — 10% discount to Democrats." I just had to call. The man I spoke to indicated that the discount was, indeed, for Democrats. I asked about independents. (No need to ask about Libertarians; I could guess his answer.) He replied that I could get a discount as long as I was a political "progressive." Well, no discount for me. I mean, I believe in progress, but not that kind.

He asked to call me back after he handled an issue on the job. When we spoke again, I asked him if his choice of advertising was his way of taking a stand in the political debate going on in America. He said yes. Then after a few moments he said he didn't like either political party; he was just trying out this advertising to drum up business so he could feed his family. An interesting change of tune — the emotional ploy. It didn't work on me. I politely told him I would get back to him.

The other new signs appearing along my route advertise a "Conservative Tree Service." They, naturally and predictably, feature full-color American flags as background. When I called this company, the person who answered the phone said I'd have to talk to the owner about the political aspect, but they did take $100 off the total price for conservatives. Libertarians, too! She also told me that they were the same company that had the "barter" signs.

I might go with them. But maybe if I wait long enough there'll be a sign for a tree service that really knows how to do business. "Liberty Trees! No 'discounts'! We'll do the job for the best price for you — the lowest price we can offer." If I see that sign, I'll know who is getting my business. — Marlaine White

Tagged and tracked — As a privacy zealot, I don't own a cellphone — you know, that sexy little device that allows police to track you at all times without having to get a search warrant.

In Newsweek, an attorney for service providers is quoted as saying that his clients get "thousands" of "requests per month" from police who need merely to tell a judge that tracking a cellphone is part of an investigation. Then, the police know where you are 24/7; they know who you call and who calls you.

I'll put up with a little less convenience, thanks. — Wendy McElroy

Free-for-all — According to an article on the McClatchy wire, less than two weeks after President Obama signed his sweeping healthcare "reform" bill, doctors and health insurance companies have been swamped with people asking where to get their free health insurance. I wonder how much support there would have been for the bill if you took out all the people who assumed that the healthcare was going to be immediately available and absolutely free. I would bet the support for his healthcare bill was largely based on ignorance, even in Congress — I highly doubt that many (if any) of the people who voted for the bill ever bothered to read what they were approving.

As the reconciliation bill details leak out it turns out that there is no guarantee for regular checkups or doctor visits; however, with the hiring of 12,000 new IRS agents, it is guaranteed that you will receive a regular annual audit. The plan gets more people insured by making it illegal to be uninsured. Based on this strategy, the Senate should consider a plan to end poverty by making it illegal to be poor. — Tim Slagle

Bastion of idiots — In late March and early April, various members of the Tea Party movement announced plans to hold rallies on Tax Day, April 15. The date didn't surprise anyone who'd been following the smaller-government, lower-tax focus of the Tea Parties. But it bothered some cementheads on the statist Left. A lot. Here's what a contributor to the anarchist-friendly website Infoshop had to say:

> On April 15th thousands of right-wingers will attend rallies in cities and towns across the United States. The organizers of this nationwide day of protest call it a tea party. This tea party movement that emerged only a year ago is a coalition of conservatives, anti-Semites, fascists, libertarians, racists, constitutionalists, militia men, gun freaks, homophobes, Ron Paul supporters, Alex Jones conspiracy types and American flag wavers. . . . If the tea party movement takes over this country they will really hurt poor people by getting rid of social programs like food stamps, unemployment benefits, disability benefits, student aid, free health care, etc. The tea party movement will say these programs must be gotten rid of because

> hard-working taxpayers cannot afford to pay for these things especially when the economy is in a depression.

The contributor (or contributors) went on to advocate that so-called anarchists take various steps to blunt the Tea Parties' growing popularity, including mounting counter-demonstrations.

Several commentators have noted the irony of "anarchists" shilling for big-government programs such as food stamps and "free" health care. One internet wag called the modern anarchist movement "the bastion of idiot college students." Another internet tough guy, sympathetic to Infoshop, confirmed that characterization (at least the "idiot" part), by writing:

> Some anarchists, as I would assume of the person who wrote this call, would like to see government programs that kill, and maim erased before basic social programs. For instance, why strengthen military spending, and cut health care funding? . . . Tea Party people claim to be in favor of a small state, or be anti-statist, yet they constantly espouse the virtues of the constitution! The constitution is a document for a state, hence it has not validity, and any exponent of it is a statist by definition. . . . From 99 till 01 anarchist organizing, protests, and actions were remarkably successful and were gaining some ground. However, the media ignored absolutely everything that was going on. …The media can also lay ridiculous claims against anarchists, because anarchists have no corporate, or state power, and will obviously not sue for slander. . . . [C]apitalism creates greedy and selfish social relations, which is an obvious fact. Only a moron would argue otherwise; it is the basis of capitalist theory.

The Tea Party activists were hip to the Alinskyite tactics that these ersatz "anarchists" proposed. Some talked about coming to the rallies armed with guns to discourage any political theater that might turn violent; others talked about coming armed with video cameras to document bad behavior in the fullest possible context. The widespread availability of cheap, high-quality video cameras may be as useful — and democratic — a development as any we've had in the last generation. Which is saying a lot.

— Jim Walsh

The blood of tyrants — On a medical blog recently, a physician concerned about passage of Obamacare lamented, "When 77% of the population does not like the bill in its present form yet politicians are still trying to pass it, does it not cry for revolution? We must stand up and contact our senators and congressmen."

It seems that the idea of revolution has devolved somewhat over the centuries. No more pledging one's life, liberty, and sacred honor. No more difficult choices between liberty and death. None of those wild-hairs like Patrick Henry calling for us to take up arms. Now you can do it simply by contacting your congressional representatives.

It's much safer, and, if you take a long enough view, equally effective.

— Ted Levy

Poppy wars — In June 2009, U.S. Special Representative for Afghanistan and Pakistan Richard Holbrooke signaled the reversal of America's policy of eradicating opium poppies. The policy was reversed in favor of stepped-up interdiction, as well as efforts to reduce the addiction that Afghan farmers have to growing them. Quite correctly, Holbrooke acknowledged that the policy of eradication only served to "alienate poppy farmers who were poor farmers, who were growing the best cash crop they could grow, in a market where they couldn't get other things to market."

We might look at this change in philosophy as a sensible evaluation of the situation on the ground: the United States didn't simply abandon the effort, but it recognized the overwhelming market forces at play. Nevertheless, new and very meddlesome policies were instituted. We must live with the ongoing expense in blood and treasure, not to mention lost freedoms, that is involved in interdicting and subsidizing competent Afghan poppy farmers to farm something else. Notably, no such program exists for vodka and Russian potato farmers.

When will Americans wake up and realize that the supposed "cure" is worse than the disease, that to continue to ignore the lessons of Prohibition is to encourage corruption and criminality at every level of government and civil society?

— Brian Gladish

Mendicant's toolbox — After over a year in office (dear Lord, it seems like a century!), Obama has shown that he is a master of deceit. Really, he had to be, running as a faux moderate in a center-right country, all the while adhering to his core leftist ideology like a jihadist to his religion. This sort of profound and continuous deception requires the use of many tools.

Of course, Obama is simply stupendous at the barefaced lie. It takes enormous self-control to lie brazenly to people and not betray yourself by blinking, blushing, stammering, or shifting your eyes, Only the best con men can do that. It helps enormously if you face a sycophantic mainstream media that seldom question what you say, no matter how blatantly mendacious. I don't believe any president has told so many major lies about so many major issues in such a minor amount of time.

But his bag of tricks has many more tools than the big lie. Of course, he is great at the miniature filibuster. When asked a question he doesn't feel like answering — which is to say, pretty much any question critical of his

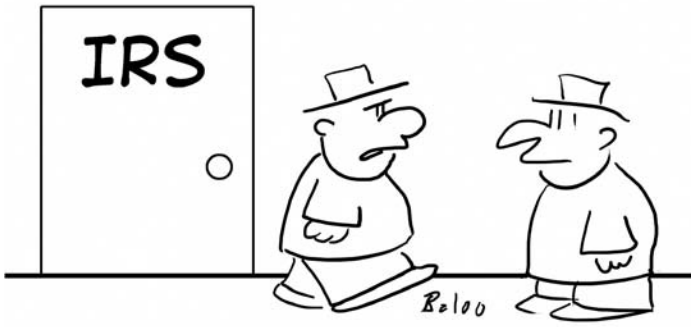

"You were wrong — they *weren't* more afraid of me than I was of them."

administration — he will use all the time available to talk around the issue. He may have set the record recently, when he talked for 17 and a half minutes about irrelevancies in reply to a woman's simple question about whether we are paying too much in taxes.

Less often used but still effective is a third tactic, the token concession, or what I call the fake flip stratagem of deceit. He announces that he realizes a policy needs to be changed in the direction his critics have been urging, and pretends to change it in a balanced, "split the difference" kind of way, but really changes his policies only a tiny bit. He hopes to silence the opposition by offering a token, and spinning it as a major concession.

A classic case is the president's recent announcement that he will "open up" part of the coastal shelf for drilling. He is being forced by a number of things to talk about drilling. As the world emerges from recession (even as it wallows in Obamalaise), oil prices have jumped to nearly $90 per barrel, a 17-month high. There have been some estimates that oil may hit $150 per barrel this summer. And Obama remembers how much he dropped in the polls during his election when McCain (at Palin's behest) started hammering "drill, baby, drill" as gas prices went through the roof.

Moreover, Obama realizes that his support level is already getting dangerously low. If it gets into the 30% range, he will not be able to finish implementing his neo-socialist agenda (especially getting cap-and-tax passed). So he's got to toss the opposition a bone.

And what a tiny chicken bone it is. Obama announced that he will open some limited areas for drilling. Some are off North Carolina and Virginia. Then there's a small part of the Alaska coast, and part of the Eastern Gulf, for oil and gas exploration. A day later he added some of the shallow waters off Delaware, down to mid-Florida.

He announced this with crocodile tears in his eyes, moaning "This is not a decision that I've made lightly." But the feigned anguish aside, he has agreed to far less than what Bush's 2008 compromise with the Democratic Congress (the "Pink Congress") called for to start this year — and far, far less than what we need.

For one thing, Obama's agreement to open up Virginia's coast is hardly a concession, given that that lease was already slated to be bid out next year anyway. But his new deal puts off the drilling until 2012, allowing more time for environmental groups, his myrmidons, to set up legal roadblocks. And while he has agreed to allow one of the Chukchi Sea leases (which was concluded in 2008 and permits drilling next year) to remain, he cancelled five other Alaska leases in the Chukchi and Beaufort Seas.

The Bush compromise, killed last year by Obama's Secretary of the Interior Salazar, had dropped the decades-old ban on offshore drilling, a ban that covered the entire coastal shelf except the Arctic Ocean off Alaska and the western Gulf of Mexico. Obama's new replacement deal *secures* that ban to the northern Atlantic coast, most of the Florida coast, most of the deep Gulf waters, most of Alaska's coast, and — especially egregious — all of the West coast, from Washington state all the way down to California. But this is precisely where the bulk of proven oil resources are located.

Some, such as The Wall Street Journal and a couple of oil companies, are cautiously optimistic, taking the view that when a pig flies, you don't criticize it for not staying up very long. I, however, view Obama's plan as just another trick by an extreme leftist intent on switching the country to high priced "alternative fuels." — Gary Jason

Nickel and dimed — The welfare state grows when envy convinces voters that governments can take from the rich and give to the poor, thus increasing the size of the state. Simple accounting exposes the fraud and explains why many poor folks don't fully share the prosperity of modern societies. The key to understanding the scam of the welfare state is that large businesses regard the taxes that come with enlarging governments as just another cost that has to be passed on to their customers. They do not "absorb" these extortions; they pass them through. Businesses and the rich do not pay taxes; they collect them. Licensed and privileged entities (utilities, doctors, insurance companies, the local zoning and planning commission) do something similar when they use the state to exclude or control competition, forming oligopolies that allow the licensed to charge above-market prices for their products. The poor earn what they can in jobs available at wages offered, and pay the taxes embedded in prices inflated by their compassionately bloated government. — Erwin Haas

Straight shooting — Obama's man in Afghanistan has made an astonishing admission. In a comment on American checkpoints, General Stanley McChrystal said: "We have shot an amazing number of people, but to my knowledge, none has ever proven to be a threat" (New York Times, March 27, 2010).

Now, if the general would take the next logical step from this continuing record of failure and call for U.S. withdrawal from the Afghan disaster, he might actually go down as a true hero in the annals of military history. — David T. Beito

By the numbers — According to a recent Gallup poll, 67% of Americans no longer believe global warming will threaten their lifestyle. The other 33% are scientists who rely on global warming grants to pay for their lifestyle. — Tim Slagle

British beef — England, the land of Magna Carta, continues hellbent on its transformation into full-blown police statehood, offering in the process a glimpse at what our own country's legislators will push for in the coming years.

The latest affront to liberty comes in the form of a War on Terror law which — surprise! — has almost immediately been put into service against British citizens. The law, by way of banning "attempts to elicit information about

(members of armed forces) . . . which is of a kind likely to be useful to a person committing or preparing an act of terrorism," essentially serves as a truncheon for police to use when threatening photographers who dare to snap pictures of them. Such an act is deemed "intimidating" to the armor-clad men carrying metal clubs, and the law provides for penalties of up to ten years in prison.

Not content with preventing citizens from photographing the police whose salaries they pay, the British government is attempting to make it impossible for photographers to take snapshots of anyone, period. Even worse, it's being done out of a supposed concern for "private data" — which means, as ever, the private data of the politically connected and powerful. The directive in question comes from the ominously-named Information Commissioner's Office, which has decreed that any photograph in which any person appears may be banned from publication if that person refuses to consent to his image being used. Keep in mind here that "publication" covers not just newspaper articles, but everything down to personal blogs, Twitter accounts, and Flickr streams. Moreover, according to the law, it is up to the photographer to judge whether the picture might prove objectionable, and hence to act as his own censor. Essentially, this directive makes it impossible to document the shady dealings of any figures who do not want to show up on anyone's front page, whether print or web-based. The freedom of "private data" is the freedom to suppress documentation of illegal or unethical conduct.

And that's not even the worst law on the table. Under the Digital Economy Bill, photographers would essentially lose any pretense of copyright — in order to assert creative control over their works, they would be required to register each image, in each iteration, with a government agency of dubious provenance and nebulous powers. Failure to register — and to waste the time and pay the exorbitant fees inevitably attached to such bureaucratic endeavors — will leave your work open to any thief who happens upon it (that is, if anyone can be labeled a thief when operating with full legal sanction; if so then the entire theory of modern governance falls apart).

A few months back, I suggested (in "Skirting the Surveillance State," Jan.–Feb.) that "there is no reason that we should not be able to document the presence of a bank of traffic cameras, or a mobile CCTV van idling on the side of a calm street for no apparent reason." While this remains true in the abstract, it is a course of action increasingly imprudent as the British government finds ways to crack down on its subjects. It doesn't take a conspiratorial bent of mind to recognize that these laws constitute an assault on any idea of open government. The use of copyright is instructive: Parliament has never hesitated to use IP laws to bludgeon anyone violating the copyrights of politically connected and favored media corporations — for instance, another portion of that same odious Digital Economy Bill requires UK universities to police their wireless networks, actively monitoring for any hint of downloads of copyrighted material. And yet the copyright of photographers is little more to them than a license to print money.

While I am generally in favor of expansive fair-use provisions, in this case copyright serves as a bulwark against de facto government ownership of all photographs intended for publication. While newspapers like the Times or the Telegraph, gossip rags like the Sun or the Mirror, or media empires like the BBC or Rupert Murdoch's Sky can afford to register all iterations of their photographs, and go toe-to-toe with agencies or celebrities over the rights to their images, that is not an option for unaffiliated journalists. This combination of laws will essentially kill off independent photojournalism, leaving investigation in the hands of those who will protect the powerful to preserve their access to them. Which is to say: these laws do exactly what they were intended to. — Andrew Ferguson

Lead-based taint — My wife and I recently hired a general contractor to remodel our bathroom. This small-businessman, whose livelihood depends on reputation and referral, was friendly, punctual, and professional. He worked with a small handful of very competent subcontractors and in short did a fantastic job on our new bathroom.

We had the good fortune to work with him before April 22, 2010. After this date, every contractor who might disturb paint in a home built before 1978 (i.e., every contractor) will be burdened with a spiffy new federal regulation. He must be EPA certified to "Conduct Lead-Based Paint Activities and Renovations." Once again, the EPA has masterminded another diabolical plan to abuse small business and hamper any economic recovery Americans might have hoped for.

On its surface, the burden may seem negligible: $550 in application fees and about as much again in training costs, depending on the training facility. Of course you must, on top of that, account for the time and energy that go into application paperwork and training. For a larger business, that may be negligible. But any passionate entrepreneur who has tried to get a very small, personal business off the ground knows this is soul-crushing. If he could scrape an extra grand together, the very small businessman would wisely use it to feed his family or buy tools so he could do his job better and bring in more clients. He needs every ounce of time, energy, and focus he can muster in order to do the real work of running his business. If he did happen to have any spare time and energy left, he'd need it for doing all the extra record keeping and accounting required to fill out his Schedule C at the end of the year.

Our contractor indicated plans to go through with the certification process and stay in business, but how many budding construction apprentices will simply abandon their own small business plans? Rather than start their own contracting business and perhaps employ others, they'll sit on the sidelines while the big boys play in a smaller and smaller competitive field, driving up prices for the consumer.

I didn't do the most thorough investigation possible, but I did pull up a few scientific reports on lead from the EPA website. Surprisingly, most were simple measures of lead levels and mechanisms for studying or reducing those levels. Conducting a title perusal and opening a handful of such reports, I could find none with detail on what levels would actually cause harm in humans. In fact, the first report I pulled up stated that cases with severe health effects are very rare, that many health effects require "extremely elevated blood lead levels," and that "the threshold for harmful effects of lead remains unknown."

Lead paint may indeed be dangerous. Many CDC apologists have informed me that my libertarian philosophy is a direct result of brain damage from overexposure to lead paint during my childhood. Nevertheless, is it really necessary for the federal government to protect me from this danger? Is it necessary to protect me in a way that drives a fist into the nose of struggling independent businessmen? Is it necessary to do this at a time when our economy is tanking hard?

People who are concerned about living with lead should be free to pay a little extra for the advice of an expert in that field. People who are not should be free to take their own chances. — Doug Gallob

Presumption of competence — The nanny state is premised on the assumption that you are no more able to make "correct" choices about your daily life than a 5-year-old child or a mental incompetent. Your medical decisions, what you eat and read, the words you use and whether you can "play" with guns — all must be monitored by the parent state to ensure *your* safety.

Yesterday, I came across an intriguing way of expressing an idea I've held for quite some while. Just as the law properly contains a presumption of innocence regarding criminal matters, so law and society should properly contain a *presumption of competence* regarding the choices of all adults. I would argue further that many who are now legally defined as "children" also deserve such a presumption.

The danger: there is at present no proper law — only government legislation that violates freedoms, and government courts that defile justice. Under such circumstances, any legal precedent will probably be corrupted and co-opted for statist purposes. Nevertheless, I like the argument in which the two presumptions are paralleled.

— Wendy McElroy

Student-loan coup — Obama managed to get his healthcare abomination through a reluctant Congress. The old saw that two things you don't want to see being made are sausages and laws was never more apt than in this case. After the Cornhusker Kickback, the Louisiana Purchase, a judgeship offered here, and special deals for part of Florida there, the end was fitting. Congressman Bart Stupak dropped his "morally principled" opposition to the bill for the price of an agreement from Obama to issue a meaningless executive order and, very possibly, for three government grants, totaling about $700,000, to airports in his northern Michigan district. Not much better than 30 pieces of silver.

But unnoticed by many was a provision in the healthcare bill that nationalizes the student loan industry. Yes, in another case of the "transparency" for which they have become legendary, the Democrats inserted this major provision about a matter totally unrelated to the healthcare bill, the better to twist the thing through.

With the passage of this bill, the federal government now outlaws private companies from originating federally guaranteed loans. Only the Department of Education can now do so. The theory here is one refuted long ago by Frédéric Bastiat: if you eliminate the "for-profit" middleman, you are bound to save money. This is fantasy: someone will have to do the work of writing these loans. Either federal employees (who, besides being ludicrously inefficient, are paid 40% higher than private sector employees) or people with government contracts will do the work. Besides normal for-profit loan companies that are eligible for contracts on the basis of competitive bidding, the bill inserted a list of several dozen nonprofit companies that are eligible for *no-bid* servicing contracts for up to *100,000* students each. — Gary Jason

Semper Fidel — Fidel Castro applauded Democrats for passing healthcare reform. He was reported as saying that it was remarkable that the most powerful country on earth took more than two centuries from its founding to approve something as basic as health benefits for all. Now, if America could just get rid of free speech and open elections, they'd really be getting somewhere . . .

In a moment of irony, the same day there docked in Havana a replica of a slave boat circa 1839. Or, as the Cuban National Press referred to it: a modern ecofriendly cruise ship. — Tim Slagle

Change that passeth all understanding — J.D. Hayworth, a former sports announcer and Republican congressman, and most recently a local Phoenix AM conservative shock-jock, is running in the Arizona Republican senatorial primary against the venerable, and vulnerable, John ("I was once a prisoner of war, you know") McCain.

This is how Hayworth handles the tightrope walk of not insulting McCain the symbol while running to defeat McCain the man: "We all respect John and thank him for his service. His place in history is secure. He will remain a widely admired historical figure. But after 28 years in Washington, it's time to come home. People are just ready for a change."

And Hayworth devoutly hopes the public somehow believes that a person who led the life of a congressman for 12 years, supporting the growth in government during the Bush II regime, only gave it up when he lost a reelection bid in 2006, and has been out of DC for merely four years, is "change." My guess: many will realize that this is as much like "change" as rearranging the deck chairs on the *Titanic*, but something we can now watch in 3D

without waiting for the Hollywood update.

I must say, there are some elections in which the advice to vote for the lesser of two evils does not sufficiently clarify the choice. — Ted Levy

Bullies, bullies — A steady stream of hysterical claptrap has been spilling out of western Massachusetts. As you've probably read or heard, a local district attorney has indicted nine current and former South Hadley High School students, aged between 16 and 19, for a passel of felonies and misdemeanors related to the death of a 15-year-old schoolmate named Phoebe Prince.

The facts of the case are not simple but seem to follow this rough narrative: a group of some half-dozen girls decided they didn't like Miss Prince (a recent immigrant, with her family, from Ireland). The girls hectored and harassed her bluntly and in more subtle ways. Their schemes may have included setting up Prince by having their boyfriends ask her out on dates, then accusing her of trying to steal the dimwitted beaux. In January, driven to distraction by taunts of "Irish slut," Miss Prince hanged herself.

District Attorney Elizabeth Scheibel, an alumna of South Hadley High School, charged seven girls and two boyfriends with crimes including "relationship aggression," statutory rape (against the boys), and "violation of civil rights, with bodily injury resulting." Scheibel claimed that the conduct of the defendants "far exceeded the limits of normal teenage relationship-related quarrels." But the details — defacing a photograph that included Prince, posting insults on Facebook, exchanging nasty words in the school library, and throwing a can of soda — seemed like pretty thin gruel.

Even the more serious statutory rape charges looked shaky upon closer inspection. They would require proving that Prince had had sex with the boys, who were 17 and 18 at the time. Massachusetts law does allow such charges against teenagers (other states limit statutory rape charges in cases involving sex between teens close in age); still, they aren't often prosecuted.

A chorus of feminist "activists," journalists, and legal theorists gathered in South Hadley and started generating hysterical prose about a crisis in "bullying" that has beset the republic and how school districts everywhere must take precautions by hiring feminist "activists," journalists, and legal theorists to explain how to prevent such needless tragedy.

A second ring of commentators (this ring, virtual) formed outside the first. Television and radio commentators, newspaper columnists, and scores of internet pundits analyzed the analysis for political bias, socioeconomic privilege, and cultural sensitivity.

Some of the commentators from each ring turned their attentions to the high school's staff and administrators. U.S. law has a long tradition of recognizing *in loco parentis* — the legal theory that school teachers and administrators have a quasi-parental relationship with their students. This means that they can restrict certain privacy rights, and so forth; it also means they have some responsibility to assure kids' well-being. On that count, they seemed to have failed Phoebe Prince. But the teachers and administrators in South Hadley were well regarded by most parents, and the DA didn't seem inclined to add them as defendants in the criminal case.

Some observers with legal backgrounds predicted that Scheibel would eventually bring some of the school staff into the case; others chalked this specific failure up to the more general failure of the public school system.

But the most distinctive response to the story was a sort of loving obsession about the lives and sufferings of the victims of bullying. Tens of thousands of words have been written, speculating about what it must have been like to be Phoebe Prince. Frankly, there's an exploitive, emotionally pornographic quality to some of that detail. But, boy, does it resonate. Personally. Egocentrically. Here are some responses to the coverage:

> . . . I was bullied so bad in middle school and high school that I was in therapy every week because my mom was afraid she'd come home from work one day and find me dead next to a bottle of pills. And the sick thing is, it was for things that were beyond my control . . . being the new kid in school, having red hair, wearing different shoes than everyone else, my parents not being rich . . . until you go through something like this it's basically impossible to realize that hearing things like that, day in and day out, will eventually break you. My heart goes out to Phoebe and I hope those kids get what they deserve.

And:

> . . . I'd like to see adults prosecuted for bullying, instead of being given "manager" jobs and high salaries. In today's world, "managers" who scapegoat their subordinates and fire en masse get accolades and full time good paying jobs. Obviously, these children have bullying parents who taught them that in our society, this is the way to get ahead and act. We need to punish adult bullies who abuse their supervisory power and fire and destroy people's lives financially and permanently. Most of these "talented" supervisors continue to harrass and bully their subordinates long after their fired by badmouthing them to other potential employers and making them unable to get a job.

And:

> . . . Anyone who doesnt believe what these bullies did was wrong, whether they are parents, or a teen in school. Must be bullies themselves. I was bullied quite often in school, and reported it too. And mostly, I was told to ignore it. Thats the wrong attitude right away, being told to ignore it. Im sure thats probably what Phoebe was told too. Only since she had 9 (or maybe even more) people bullying her. She couldnt do what I finally resorted to. Which was to fight back. Once I showed I wasnt afraid, nor was I going to tolerate being bullied. Bullies are raised by bullies. And the only way to beat a bully, is to fight fire with fire.

The cult of the victim is a powerful poison. And the Phoebe Prince case — regardless of the outcome — is yet another dose. But in the last response I quoted, amidst the maudlin egotism, is the trace of an antidote. — Jim Walsh

Trade imbalance — Agonizing over the low Chinese yuan, Senators Graham and Schumer threaten to retaliate

against the Chinese and bring jobs back to the United States, by promoting our own kind of protectionism.

But why should I, as a consumer, object to acquiring goods cheaply while the government of China forces poor schnooks to work their fingers to the bone and subsidize my great life style?

The object of providing Americans with "shovel-ready" work is another crackpot idea. What joy do most Americans find in work? We want stuff, not work. And we know that capital can be substituted for labor. (People interested in economic history may consult the "Cobb-Douglas function.") You can dig a canal in five years, using 10,000 guys with picks and shovels, or you can get your canal in one year, using 100 guys and an investment in giant earthmoving machines. This is close to the core of capitalism.

I can envision a huge factory staffed by robots, with a few guys on loading docks marshalling raw material through one door and shipping finished goods out through another. A few maintenance men grease the wheels. Folks living genteel lives design, direct, and finance the operation from their homes, working a few hours a week.

I'd hate to employ a billion hands manufacturing (hand-making) stuff in China when highly robotized machines operate in some place that capital and creative people find most congenial. And I hope this would be a free-trade U.S.A.

I'd say that the Chinese are in trouble, and meanwhile, let's enjoy the cheap stuff. — Erwin Haas

Just a little prick — A news item from the Salt Lake Tribune (April 1): "Despite opposition from civil libertarians and criminal defense lawyers, Gov. Gary Herbert signed a law Wednesday that would significantly expand those whose DNA is kept on record in the state's database. Under SB277, anyone arrested for a violent crime would be required to pay $150 to have their DNA sampled and added to the state database when they are booked into jail, before they are charged or go to trial."

In other words, the state of Utah assumes you are guilty until proven innocent; it forces you to pay for its assumption of your guilt; and, should you be able to prove your innocence to Utah's satisfaction, you will still need to pay for a court order to have your DNA removed from the state database.

One aspect of the passage of this hideous bill leaps out at me. Herbert has been loudly protesting the feds' violation of states' rights; yet he illustrates why I don't favor states' rights as do so many libertarians. I don't see the advantage. States are as vicious in violating individual rights as the feds are. I have no preference for being persecuted by Frick, as opposed to Frack. In any given instance, I might prefer one over the other simply because of a difference between their policies. But I can't generalize. I remain baffled by libertarians who believe that states' rights are an avenue to greater freedom. — Wendy McElroy

Down with the ship — A South Korean battleship sank near the North Korean border, and authorities have downplayed the possibility of North Korean involvement. Makes sense to me, seems like the only thing Kim Jong Il has proven capable of sinking is his country's economy. — Tim Slagle

Muscovite mediawatch — President Obama has been completely deferential toward Vladimir Putin, the wannabe Stalin. Obama caved on putting antimissile defenses in Poland and the Czech Republic, staunch allies both. More recently, he sealed a deal with Putin cutting strategic warheads on both sides, leaving in place Russia's decisive advantage in tactical nukes. And Obama has gotten absolutely nothing in return. It's been butkus for butt kiss.

Four recent stories drive this point home. The first is from the Financial Times of London (March 18). It presents a sorry picture. Instead of cooperating in imposing sanctions on the jihadist authoritarian state of Iran in order to get it to halt its nuclear weapons program, Putin announced — while Secretary of State Clinton was visiting Moscow! — that Russia will increase its help for Iran in its rush to complete its Bushehr nuclear power reactor by summer. Oh, Russia's foreign minister Lavrov allowed that it might support "smart" sanctions against Iran in the fuzzy indefinite future, meaning sanctions that aim at deterring nuclear proliferation rather than hurting Iran's economy. What conceivable deterrent value economically impotent sanctions would have, the Russians didn't say.

The second story is from the Washington Times on the same day. While the Obama administration has actually banned offshore oil drilling on much of the outer continental shelf (all of the East and West coasts and much of the deep water off the Gulf Coast), Russia has announced that it will start drilling for oil in the Gulf of Mexico. Yes, in conjunction with its old ally Cuba, Russia will begin exploiting oil resources in the deep waters of the Gulf — in an area that the Carter administration agreed that Cuba could exploit. (This is not the area in which Obama has just announced he will allow drilling to proceed, which is nearer to Florida than it is to Cuba).

The third story is from Reuters (April 5). Putin, while visiting his sweetheart Hugo Chavez, the caudillo of Venezuela, has announced that Russia will be selling up to $5 billion in arms to Venezuela. These weapons will include T-72 tanks and the S-300 advanced antiaircraft missile system. This is on top of the $4 billion in arms the Russians recently sold to Chavez. These weapons will make it easier for Chavez to threaten his nemesis Colombia, the president of which country the Venezuelan government wished to assassinate, according to Spanish sources.

The fourth story is from the AP (April 6). The deal that the U.S. and Russia have just made is a new nuclear arms control treaty that replaces the 1991 START 1 treaty (which expired late last year). Immediately after signing it, the Russians announced that they reserved the right to abrogate it if they perceive the U.S. to be developing its missile defense system to the point where it becomes a "strategic"

threat. This is Russian negotiation at its finest: we'll agree to limit some weapons, until we decide that it is no longer in our interests to do so. And it is just a variation on Russia's basic stance: what's mine is mine; what's yours is open to negotiation.

So much for Obama's dovish notion that being nice to America's enemies would pay off in increased cooperation from them. — Gary Jason

Look sharp — Recently, the Financial Times noted that "spurred in part by iPad anticipation, shareholder enthusiasm has more than doubled Apple's market capitalization in the past year, driving it past Google and Walmart." The Brit paper noted that, with a market cap of some $214 billion, Apple Computer was worth more than any other publicly-traded company in the United States, except ExxonMobile and Microsoft.

I appreciate the sleek lines of Apple's devices as much as anyone who isn't an employee or stockholder. I used to have a few shares, which I sold after the last split. But Apple is essentially a consumer-product design company. CEO Steve Jobs and his well-dressed cadres seem only secondarily interested in operating systems — and, in that regard, their interest seems to be in keeping those systems closed. The fact that Apple has become the third-most valuable company in America says a lot about the direction of the economy. It also suggests that the job market is becoming a harsh realm for anyone without strong tech skills *and* a keen fashion eye.

In a philosophical sense, I don't mind these developments. But they may explain why the crude rent-seeking tricks of groups like the Service Employees International Union have been so effective. In their guts, SEIU members understand that they don't measure up. — Jim Walsh

Nebuchadnezzar's ankles — What shall we call this age we're living in? It isn't the Era of Good Feeling, that's for sure — though I hope it isn't the Time Between the Wars, either. It isn't a Renaissance of anything that I can see. It isn't the Good Days of Don Porfirio, or the Days of Auld Lang Syne. It isn't the Age of Gold or even the Age of Silver. Perhaps it's the Age of Brass — in less poetic terms, the Age of Flat Assertions.

You hear these brassy assertions everywhere. "It's for the children" — meaning that whatever "it" is, it has to be a good idea. "America needs more discussion about race" — as if Americans had been discussing anything else, for better or worse, these past 200 years. "Americans need to . . . " you name it: sit less, run more, go to college, perform public service, share their thoughts, use their seatbelts, be rude to smokers, go and vote, sign this, meddle with that . . . Anything but ask themselves, "What does all this mean?"

Brassy assertiveness. You hear it in the president's voice, in that characteristic way he has of coming down heavy at the end of a sentence. He increases his pace, even gets a little sing-songy, like a person who for some reason has to rehearse the details that everyone knows. But he puts on the emphasis, too, so you'll understand that if you don't already know this stuff, and don't already agree with it, even with his most debatable statements . . . well, then, you certainly *ought* to agree.

Think of the way he says things like, "Healthcare reform is a job we've got to get done," or, "This administration has created or preserved over 1 million jobs." I can't keep track of how many "millions" he's put into that sentence at various times, but there's no reason to: if he said "1 billion" he would read his lines in exactly the same way. He'd slow down pompously for the first few words, rolling "this administration" around like a pair of metaphysical bowling balls; then he'd go fast and hard on the "1 billion jobs" — the assertion to which he expected his audience to succumb immediately. It's the same way with "healthcare reform is a job": the first few syllables are portentous and rotund, but "we've got to get done" is treated as a given, as a thought so obvious that all the speaker needs to do is state it with the appropriate *emphasis*. No one will dare to say, "Who asked you?"

That's brass.

We have a president with a brassy style. We have other politicians who are constructed wholly of brass. There's no other explanation for Pelosi and Reid; they're statues in a cemetery. And we have many crucial premises that we're supposed to accept just because they're brass.

One example is the premise, shared by everyone from the Democratic Left to the Republican Near-Right, that if there's one change in the healthcare system that everyone in America positively demands and cannot live without, and properly so, it's the idea that even if you already have some horrendously expensive disease, health insurance companies must still be required by the government to enroll you and pay for your treatment.

Now really — how brassy is that? No one would run a private business based on assumptions as strange as that one. It's like saying that restaurants should be forbidden to charge anyone for food, unless they agree to give food away to everyone who is too poor to pay. (Yeah, it's not exactly the same thing; the two cases are only similar, and that's why I used the word *like*. It would be impossible to find something that's exactly as erroneous as the assumptions on which healthcare "reform" is based, although astrology might come close.)

It's obvious that if somebody with a $3-million illness has to be "insured," no matter what, then the rest of us are going to pay for this "insurance." One way is by being forced to buy insurance when you're young and healthy. You don't like the government's forcing people to buy something, for the first time in American history? Neither do I. But please don't complain to me about this, my Republican friends, if you simultaneously endorse the government's authority to force insurance companies to "insure" the uninsurable. There are certain functions that brass can't serve, and one of them is intelligent argument.

— Stephen Cox

Feel like a number — What if government did not know where you lived or worked, how much you earned or whether you had children? How could it tax you, draft you, arrest, or fine you? And how would such huge industries as Child Protective Services even function, let alone justify their massive tax funding?

Government needs to know who you are and how to find you.

On March 8, The Wall Street Journal ran a story with the headline "ID Card for Workers Is at Center of Immigration Plan." The article opens, "Lawmakers working to craft a new comprehensive immigration bill have settled on a way to prevent employers from hiring illegal immigrants: a national biometric identification card all American workers would eventually be required to obtain."

I am not against ID in general; it serves valuable functions. ID authenticates who you are to strangers. In a business deal, a seller may require identification before taking a check. ID also provides certification; that is, it can verify that you possess certain skills or accomplishments, such as the attainment of a medical degree.

The valid functions of ID have a common characteristic: they provide advantages to the individual who holds the ID. But once the holding of ID becomes a disadvantage, individuals should be entirely free to say "no."

Ask yourself who benefits from national IDs? The state, not the individual. And any individual who says "no" is punished by being legally disenfranchised as a result — unable to board an airplane, open a bank account, secure credit, or conduct the other normal business of life. This is always a mark of how free society is: Does a peaceful individual have the right to say "no" to an interaction without being legally punished for doing so?

Declining to put a piece of paper in your wallet must be the ultimate "victimless crime." After all, who is harmed by the absence of a paper on your person?

— Wendy McElroy

Vote: rocked — It was 2008, and Barack Obama was being carried into office partly by a youth vote enamored by vague promises of hope and change. You don't need to be an economist or political scientist to understand, after speaking to virtually any young adult American voter, what the meaning of rational ignorance is. But they wanted Obama, and they got him.

I write this as the House chamber is about to pass Obamacare into law. Unemployment stands at almost 10%, likely much higher for young adults looking for their first rung on the economic ladder. With this bill, their chance of employment will only get worse. Making the hiring of people more expensive is not a way to full employment.

I write this as the House chamber is about to pass Obamacare into law, thereby forcing young people to buy insurance at a price that reflects not merely the low cost of insuring the young and healthy, but also the subsidy of insuring older people with preexisting conditions — of insuring the uninsured generally, whom those mesmerized by hope and change wanted to help. We'll see how much they will want to help when it costs something more than flipping a switch in a voting booth.

I write this as I listen to Nancy Pelosi give a last-minute talk that, if I looked at the transcript and pretended it was written as an essay in political science class by a high school student, would fail for lack of knowledge of the basic principles of constitutional government. But of course she's not a dumb high schooler; she's a clever manipulator of memes, allowing those who listen to her to believe she is following a line of freedom straight from our nation's birth, when in fact her legislation would likely have been listed among the causes Jefferson gave for justifying a revolt against the mother country.

It is right and just that the young voters of America brought Obama to power. They will be the ones paying for it, in many ways, for many years. — Ted Levy

Putting the "us" in stimulus — Obama has used both the TARP bailout funds and the stimulus bill funds as any Chicago politician would — as slush funds from which money can be drawn as needed to reward pals and buy votes. Two stories illustrate this.

The first is Veronique de Rugy's article on Breitbart (March 26). Ms. De Rugy, a fine economist of libertarian inclination, reports her analysis of the data posted on the federal government's own website, Revovery.gov. She discovered something amazing: of the stimulus funds thus far spewed out, Democratic districts have received 1.8 times more money on average than Republican ones. To be exact, the Dems are lapping up $471.5 million per district, while the Repubs are getting only $260.6 million.

Oh, and there is no apparent allocation of these funds on the basis of unemployment (or even change in unemployment) — which was supposedly the whole point of the massive "stimulus" spending to begin with.

The second is an older piece of news, which has been making the rounds since last year, when the Washington Post reported that Obama's Treasury Department shoveled $135 million in TARP money into a bank in Hawaii, Central Pacific Financial, in spite of the fact that the FDIC had indicated it was a poor candidate for support. The bailout happened after a call from the office of Sen. Daniel Inouye (D-HI), a liberal fossil who has been in the Senate for almost 50 years. Inouye helped to found the bank and, as of 2007, he and his wife owned hundreds of thousands in its stock.

No conflict of interest there! — Gary Jason

Act now — Recently, Health and Human Services Secretary Kathleen Sebelius warned state and local officials about scams involving phony health insurance policies. It seems that scammers were going door to door, claiming that there was a limited open-enrollment period in which to buy health insurance before the reform law went into effect, and fined people for not having insurance.

Actually, the law's biggest effects don't begin until 2014, when new "health insurance marketplaces" will

start operation and federal tax credits are scheduled to reach millions of families and individuals. At the same time, Medicaid will be expanded and health insurers will no longer be able to turn people down on account of medical problems.

"Unfortunately, scam artists and criminals may be using the passage of these historic reforms as an opportunity to confuse and defraud the public," Sebelius wrote in a letter to state insurance commissioners and attorneys general. She urged "vigorous prosecution" of anyone caught selling fraudulent policies.

As the bumper sticker says: "Don't steal. The government hates competition." — Jim Walsh

Certified charade — A recent AP story (March 26) gives us some insight into how well the feds will run our healthcare system.

The AP reports the results of a GAO (General Accountability Office) report on the highly-touted green "Energy Star" program. This program, run by the EPA together with the Department of Energy, evaluates and rates products for their energy efficiency. Various tax credits and rebates are made available for products with high ratings.

The GAO, which has the task of examining government programs for *their* efficiency, submitted 20 phony products to the Energy Star program for rating. Fifteen of those fake products received certification that they were energy efficient.

Among the bogus products that won Energy Star efficiency awards was a 1½ foot tall by 1¼ foot wide gasoline-powered alarm clock. Another was an "air cleaner" that consisted — really, you have to compliment the GAO on its robust sense of humor — of a space heater with a feather duster and strips of fly paper flimsily tacked on. The GAO notes that nobody at the EPA or DOE bothered to read the product descriptions.

In what has to be the understatement of the century, the GAO concluded that the Energy Star program is "vulnerable to fraud and abuse." Ya reckon? — Gary Jason

Safe house — The AP reports that House Democrats are expressing concerns about their personal safety following protests over health care legislation.

I don't see what the problem is. Medical coverage for trauma is clearly included in healthcare reform.

— Ted Levy

Bleeding Kansas City — The idiocy of our governmentally monopolized school system has been illustrated anew by a recent story about the Kansas City public schools. In fact, it is more of a reductio ad absurdum than a mere illustration.

Kansas City's public school system made national news back in 1985. In that year, a federal judge with decidedly dictatorial leanings seized control of the district, declaring it to be segregated, and ordered the state to spend $2 billion to rehabilitate the schools, as well as to increase both student retention and performance.

And the money flowed like wine. The district bought such amenities as a "mock court" for one school, to help students learn about the legal system (rather daffy, considering that many of the students were already intimately acquainted with courts). It started a fencing program in another, built an Olympic-sized pool in a third, a recording studio for a fourth, and a six-lane indoor track for yet another one. All the while, the district kept losing students. Total enrollment went from 75,000 in the 1960s to 35,000 in the late 1990s down to less than 18,000 today.

Nevertheless, spending remained out of control. This year, the budget was $316 million, and the district overspent it by $15 million!

The AP now reports (March 7) that the school district is nearing bankruptcy. The school board has advanced a new plan to deal with the fiscal crisis: it says it wants to close almost half the schools and lay off 700 of the district's 3,000 employees, including nearly 300 teachers. Predictably, many people in the district — especially parents — are screaming in disbelieving rage.

My advice? Close down the whole damn stinking district, divvy up the money in the form of vouchers (which would amount to over $17,000 per student), and let the hapless students find better schools.

Just a thought. — Gary Jason

What's yours is mine — On March 18, President Obama signed the $17.5 billion Hiring Incentives to Restore Employment Act (HR 2487), or HIRE. On page 27, it includes an ominous provision that will affect Americans with foreign bank accounts over $50,000.

The Offset Provisions (Subtitle A, Foreign Account Tax Compliance) require foreign banks "to deduct and withhold a tax equal to 30% of — (i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection." The banks must also provide full details about nonexempt accountholders to the IRS. If the provision is deemed illegal by a foreign nation, such as, for instance, Switzerland, then the bank in question is required to close the account.

Accounts under $50,000 are exempt. Who else is exempt? Apparently anyone the Obama administration wants to be. Included in a section entitled "Exception for certain payments" is an exemption for "any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion." What are the odds that a telephone book's worth of Democratic elites and their funders will be deemed "low risk"?

Americans have a choice: remain in the United States or follow their money elsewhere. — Wendy McElroy

Legal challenge — Bret Baier of Fox News interviewed President Obama one-on-one on St. Patrick's day this year, in anticipation of the then upcoming vote on healthcare reform.

Talking afterwards with Fox pundit Bill O'Reilly, Baier

admitted it's a difficult challenge to get Obama to answer questions directly. Baier spent some time trying to get a straight yes-or-no from him about whether he approved the reconciliation trick of voting for a rule rather than a bill; the rule would allow the House to "deem" that the bill had passed the House if the Senate would then approve amendments that the House wanted.

I appreciate Baier's challenge, but I really wish he would have just confronted the president in this way: "Sir, you are distinguished among U.S. presidents not only in having a Harvard law degree (only the second to earn such a degree, after Rutherford B. Hayes) but in actually having taught constitutional law. As a constitutional lawyer, are you willing to go on record, in opposition to several legal scholars who have published in newspaper columns throughout the country this week, in saying that the reconciliation move is constitutional? As president, you have sworn to uphold the Constitution. Does it follow that if a healthcare reform bill reaches your desk by traveling this reconciliation route, your signature will indicate that you are putting your scholarly reputation on the line to the effect that you believe such a maneuver to be constitutional? Are you willing to ask the Supreme Court to rule on this?"

— Ted Levy

Waiting for no Waxman — The Sarbanes-Oxley Act, a statist indulgence passed in the wake of the Enron financial accounting scandal, requires publicly-traded companies to make announcements whenever they reasonably expect "material adverse impacts" to affect future earnings.

In the weeks after President Obama signed healthcare reform legislation into law, several large employers announced that the "reforms" (and, specifically, changes to the tax treatment of certain prescription drug benefits offered to employees) constitute "material adverse impacts" and will likely reduce projected profits. This was a black eye for ObamaCare.

But enter Henry Waxman, the braying buffoon who chairs the House Energy and Commerce Committee. The California Democrat saw conspiracy and no good at all in the companies' reports. He dashed off a letter to three big employers — AT&T, Caterpillar, and Deere & Co. — asking their senior management to come to Washington to explain their apostasy. His letter states, in part:

> The new law is designed to expand coverage and bring down costs, so your assertions are a matter of concern. They also appear to conflict with independent analyses. The Congressional Budget Office has reported that companies that insure more than 50 employees would see a decrease of up to 3% in average premium costs per person by 2016. The Business Roundtable, an association of chief executive officers from leading U.S. companies, asserted in November 2009 that health care reform *could* reduce predicted health insurance cost trends for businesses by more than $3,000 per employee over the next ten years. (Emphasis added.)

Of course, neither of the projections Waxman mentions has any bearing on what a specific company's experience in the wake of the new law might be. There's a touch of King Canute to this — with Waxman railing against the tide that it is not following CBO projections.

More waves are coming.

— Jim Walsh

Damaging goods — Well, I celebrated too soon. I admit it. In a previous Reflection, I celebrated the fact that Obama had withdrawn radical labor lawyer Craig Becker — a guy who is up front about his view that the National Labor Relations Board (NLRB) can simply alter labor law without congressional approval — from consideration for appointment to the NLRB. It was clear that there were insufficient votes for Becker, with all the Republican and even two Democratic senators opposed.

Ah, but the ever more autocratic Obama pulled a new trick: he installed Becker and 14 other controversial candidates for public jobs as "recess appointments," meaning they don't have to face congressional scrutiny. Recess appointees can serve for more than a year.

Now, recess appointments are nothing new; other presidents have used them. But when George W. Bush used that mechanism to appoint John Bolton as Ambassador to the United Nations, a certain senator denounced Bush's appointment of "damaged goods" and said that Bolton would "have no credibility" in his post.

Yes, you guessed it — that senator would be Obama. I guess you could say he changed his mind again.

— Gary Jason

Revealed preferences — I have always enjoyed thought experiments and other mind games that break through habits of thinking or offer unusual insights. It is just plain fun to play with ideas, to arrange them like legos or blocks you can topple.

People often lose this sense of fun because they are obsessed with whether an idea is right or wrong, moral or immoral, acceptable or laughable. These are considerations when you present ideas publicly, but there is real value in allowing ideas to flow in the privacy of your own mind even, if you have doubts about their validity.

Consider a mind game that became a favorite of mine for a while. In his book "The Religion of Nature Delineated," the English philosopher William Wollaston (1659–1724) wrote, "I lay down this as a fundamental maxim, That whoever acts as if things were so, or not so, doth by his acts declare, that they are so, or not so; as plainly as he could by words, and with more reality." He argued that actions have "significancy," by which he meant that the actions themselves could be true or false. For example, theft is a denial of the truth about who owns the item stolen. Conversely, returning property to someone who has lost it is an acknowledgment of the truth of ownership.

In short, Wollaston argues that actions make truth claims and can even "imply propositions." For the latter, he uses the example of one group of soldiers who fire upon another; the act of shooting, he claims, is a statement that "the other group is the enemy." He then argues that moral evil is the denial of truth through your acts, and

moral good is the affirmation of it through action.

I was impressed by this formulation of how values and action and facts interact. (Undoubtedly the groundwork for being impressed was an earlier embrace of Ayn Rand's arguments connecting facts to values.) For weeks I went around trying to translate moral actions into the truth or lie they were expressing. Quite apart from whether Wollaston was correct in his formulation, the exercise entertained me then and now — and led to some interesting conclusions.

Consider one of the most common "immoral acts" — having an affair outside of marriage. What makes it immoral? I don't think it is the sexual act itself; after all, if it is an open marriage, then the act remains the same, yet its moral content changes. And I don't think what makes it immoral is the fact that an innocent person may be hurt by the affair. If the spouse finds out and is terribly upset, then there is a problem in the marriage and it is an emotional mess, but I'm not sure an immoral act has occurred. What if the straying spouse met "the love of his life" and realized the marriage was a mistake to begin with? As long as he is honest with everyone, then his actions may be telling the following truth: "I've made a bad mistake in entering a marriage contract I cannot fulfill. I must breach the contract with as little damage as possible to everyone involved." To me, the immorality of an infidelity is precisely *that* — it is an infidelity, a breach of trust through pretense and lies. In short, the immorality is in the lie.

That doesn't mean that immorality is interchangeable with lying. A neighbor once asked me to drive her son's dog to the vet after it had been hit by a car. It died about an hour after the accident, having suffered terribly. When her son came home from school, we both told him that the dog had died instantly and felt no pain. It was a flat-out lie, but I will never believe it was an immoral act.

— Wendy McElroy

Strike it rich — Some people are lucky, some aren't. Take Larry Langford, a maven of machines of chance. He's one of the blessed ones. Lucky Larry won more than $1.5 million from more than 500 jackpots in a Shorter, Alabama electronic bingo casino — so says a lawsuit recently filed in an Alabama court. Five hundred jackpots! He often won ten on a single night.

I forgot to tell you that Langford is also the ex-mayor of Birmingham and a convicted felon — bribery. He was convicted of accepting cash, clothing, and jewelry from a crony in the state capital, Montgomery. In exchange for those glittering gifts — even when it wasn't his birthday or Christmas — he directed government business toward his generous benefactor. Now this: while Lucky Langford filled his hat with jackpot earnings, the owner of the slots in Shorter was trying to get electronic bingo okayed in his race track in Birmingham. What a happy convergence of events! Probabilities be damned.

South Chicago politicians must be green with envy at this innovation. It's so much more sophisticated than dumping a briefcase full of bills on the mayor's desk.

"How can one man win ten jackpots in a single night?" hollers the prosecutor. "That's a 10 million to 1 shot."

"He's just plain lucky — what can we do? Happens all the time in South Chicago," choruses a battery of defense attorneys.

I'm sure that will be the core of the defense when the case comes to trial. And I'll bet the former mayor won the Super Bowl pool, too.

— Ted Roberts

A wider net — Through my ham radio hobby, I listen to the BBC and other "world" news more than most people. Every morning, I surf online periodicals from China to Israel. It still amazes me how differently the mainstream media in various nations report "the news." The American media are among the worst at providing balanced coverage or even acknowledging news that may be controversial on a domestic level. Indeed, with the exception of Fox News, most media outlets in the United States appear to be a cross between White House PR agents and entertainers. (Given that there is a Democratic White House, Fox serves up anti-PR and entertainment.)

What sparks this reflection? Media outlets in the UK are hardly a bastion of free speech, especially when burdened, as they are, with political correctness. Nevertheless, UK coverage of ClimateGate has been intense, constant, and of remarkably high quality. Coverage in the States has been . . . well, the issue is mentioned by the likes of CNN from time to time, but the talking heads downplay the scandal and quickly counterbalance its mention with an expert who delivers a mini-lecture on polar bears or "being green." Again Fox is the exception because Fox delights in discrediting Obama's signature cap-and-trade policy. The contrast between the UK and the U.S. media in covering this issue is almost stunning.

Yet I know that many Americans genuinely believe they are well informed because they watch news programs. I sometimes approach the idea that the media are misinforming them by pointing out that CNN International broadcasts a very different type of news — different both in quality and in content — than is seen domestically. The domestic CNN dumbs down the news, filters out impolitic matters, and then serves up the sanitized grade-school version as a side dish to the ongoing entertainment. No matter. When I stop speaking, the Americans simply repeat their belief that American news is the best on the planet because . . . well, it is American.

In reality, it is necessary to cruise news from around the world — from nations with different and often conflicting interests — in order to glean a hint about what is truly happening.

— Wendy McElroy

Retconstitution — In the letters section of USA Today (Feb. 15), Pat Orzechowski of Cincinnati wrote, under the title "Two-tier schools seem wrong": "I think our Founding Fathers are turning in their graves. Why? Because some people are advocating a two-tier schools system . . . The idea is to divide America's public school system into two, one for employees and one for entrepre-

neurs. Our forefathers came to this country for freedom."

And apparently also for the free government education, according to Orzechowski.

Obviously no student of the works of Joel Spring, among others, Orzechowski is unaware that the phenomenon he describes is at least decades old. Government schools in America have sorted children by ability since at least the early part of the Cold War. Spring's 1976 work "The Sorting Machine: National Educational Policy Since 1945" discusses this in detail. In "The Bell Curve," Charles Murray discusses the phenomenon as a reason high IQ is more and more segregated in our society.

But the amusing part is that Pat thinks the sorting would cause the Founders to pirouette horizontally. Orzechowski seems to believe that their document begins: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, and have the Government educate our Children, do ordain and establish this Constitution for the United States of America."

— Ted Levy

Specious reality — The Atlanta Progressive News is not a heavily visited internet site, but it recently got more traffic than usual. In mid-February, APN terminated senior staff writer Jonathan Springston because "he held on to the notion that there was an objective reality that could be reported objectively, despite the fact that that was not our editorial policy at Atlanta Progressive News."

This watery epistemology was reported by a rival Atlanta-based progressive internet news outlet (yes, there is more than one), which poked deserved fun. But the episode did raise some interesting points about the collectivist — and, frankly, just plain stupid — premises underlying contemporary "progressive" politics.

APN News Editor Matthew Cardinale tried to defend his company's actions: "Progressive news is news that brings us closer to universal health care, living wages, affordable housing, peace, a healthy environment, and voting systems we can trust." He tossed in nostrums about "corporate media sources" promoting the "agenda of the ultra-wealthy"; he quoted Howard Zinn, a crackpot propagandist beloved of bourgeois political poseurs in America's bigger cities. But Cardinale seemed to sense that his explanations were only making the episode more absurd. So, he added ominously that APN was "drafting a more programmatic statement on our editorial position regarding objectivity, inter-subjectivity, and news."

A few days later, Cardinale released his 3,000-plus-word "programmatic statement." It resembled the sophomoric rambling you'd expect from a late-night dormitory bull session. It serves as a striking indictment of American "progressive" politics — full of philosophical and political pretenses but really just tautological justification of lazy bias and shoddy logic. Some excerpts:

> The premise of objectivity is literally to remove the observer from what it is that is being observed and simply to report what "is." However, that is an impossibility. It cannot be done. In fact, there is nothing that "is," separate from the observer or multiple observers who construct and interpret what that reality is. One could argue that the only one who's really objective is God, and that's because God is omniscient or all-knowing (that is, if you believe in God). . . . Now, the first way we know that there is no such thing as objective media is that we have no evidence, no examples, of objective media outlets (if you find one, let us know right away!). Every publication has an editorial perspective which shapes and constrains the way its reporters cover the news, which in turn affects the way its readers view reality.

Er, if there is no objective reality, how can publications expect to affect how their readers view it?

> Most publications — including APN — do not regularly mix facts and opinions in the same articles. However, the perspectives of APN and other publications come through in other ways: (1) the choices of what stories to cover and what not to cover, (2) defining what a story is or is not in the first place, (3) deciding how to cover the story, (4) assessing what the "sides" are to be balanced, (5) deciding how the 'sides' should be balanced, (6) deciding what facts to include and what facts not to include, etc.

Point (2) is an interesting one, though the author (presumably, Matthew Cardinale — he swerves between first-person singular and plural throughout the screed) offers little insight into how new outlets frame context. The rest reads like notes from a community college journalism class.

> Now most people's basic understanding of objectivity is: balancing the sides. Okay, let's talk about the sides for a minute. How many sides are there? Well, there are approximately six billion people in the world, and to the extent that everyone's perspective is slightly different, there could be potentially six billion sides. So what journalists do is construct what they see as key themes or narratives that seem to define the major sides. Well, again, how many sides are there? What if paper A includes two sides, but paper B includes three? What if paper C includes five, but doesn't include one of the sides paper A included? What it means is, again, that there is no such thing as objective reality or objective news, and all news stories are constructed.

Sure, media news stories — like all narratives — are framed or constructed. Sometimes this framing brings the stories closer to objective reality . . . sometimes it keeps them farther removed. How close it brings the stories to reality is a good measure of their effectiveness.

> So, to review, there is no such thing as objectivity. Some publications pretend to be objective, but they're not. Moreover, in our experience, objective reporting has really been used as a synonym for being sure to give priority to the corporate, bourgeois ideology and making sure not to offend the powers that be. Seriously: most reporters seem to think the best way to show they're objective is to marginalize the populist view and, again, give priority to the view of the power elite. . . . Who knows why media outlets gravitate to the right? Some of it may be a capitalist conspiracy — and if you don't believe in conspiracies, please revisit your U.S. history.

Er, check your premises.

If the author of APN's "programmatic statement" had stuck with college philosophy courses long enough to reach a higher level, he would have learned that rejecting objective reality leads to nihilism, not collectivist utopia.

— Jim Walsh

The Hidden Movement Toward National Land-Use Planning

by Randal O'Toole

"Livability" is the government's new code word for telling you what to do with your land.

Planners have zoned 97% of my home state of Oregon as "rural." In the least restrictive of the rural zones, you cannot build a house on your own land unless you own at least 80 acres, you actually farm it, and you actually grossed (depending on soil productivity) at least $40,000 to $80,000 a year from farming it in two of the last three years. Since they passed these rules in 1993, planners are proud that only about 100 homes per year have been built in these zones.

Meanwhile, planners have drawn urban-growth boundaries around every city in the state — boundaries encompassing less than 1.5% of its land. (The remaining 1.5% is zoned for five- to ten-acre lot sizes.) To keep the cities from "sprawling," planners in several cities have rezoned neighborhoods of single-family homes for apartments or rowhouses. The zoning is so strict that if your house in one of these neighborhoods burns down, you are not allowed to rebuild it: you can only build an apartment, rowhouse, or whatever meets the minimum density of the zone.

Oregon planners have become so intrusive that they actually told a Portland church that it could have no more than 70 people worship at one time in its 400-seat sanctuary. Allowing more people to use the church, the planners said, would cause too much traffic congestion. Although this ruling was eventually overturned, another church in Oregon applied for a permit to expand and was told it could do so only if it promised to have no more than five weddings or funerals a year.

These stories are examples of policies that are variously referred to as *smart growth*, *compact cities*, *new urbanism*, and *growth management*. I bring such stories up in order to alert readers about just what is at stake in debates over urban planning and private property rights. The danger today is that the Obama administration and key members of Congress are intent upon extending Oregon-style rules nationwide.

At the present time, fewer than a dozen states — including California, Florida, Hawaii, Maryland, New Jersey, Washington, and several states in New England — have rules as strict as Oregon's. In many cases, nearby states have served as "relief valves" as people and jobs have migrated to less-regulated areas. But if the Obama administration has its way, there will be no more relief valves.

In the 1960s, when Hawaii became the first state to pass a growth-management law, planners argued that land-use regulation was needed to save farms and open spaces. Yet urban areas (agglomerations of 2,500 or more people) cover less than

3% of all land in the United States, and less than 6% of all land in Hawaii. This hardly makes it seem as if urban sprawl were paving over the country.

Soon after Hawaii passed its land-use law, the California legislature passed an innocuous-sounding bill that became the state's de facto land-use law. Responding to controversies over annexations, the law created "local area formation commissions," or LAFCos, for every county. The commissions were given the power to approve or veto all annexations and new city incorporations, as well as the formation of special service districts, such as sewer and water districts, that would be necessary for large-scale developments outside of city limits. Each county LAFCo was run by a board consisting of two representatives of every city in the county.

Oregon planners told a Portland church that it could have no more than 70 people worship at one time in its 400-seat sanctuary.

The cities soon realized they could force all development (and future property taxes) to stay within their boundaries by vetoing all annexations, incorporations, and service districts. In 1970, the state passed the California Environmental Quality Act, which required an expensive and time-consuming environmental impact report for every government action, including annexations and service districts. This meant that, even if a LAFCo was inclined to allow an expansion of urban development, it would take developers years and millions of dollars before the expansion could begin.

LAFCos have made California's population the most concentrated in the nation, with 95% of the people crammed into 5% of the state's land area. California and Hawaii also have the nation's least-affordable housing. In 2000, the California legislature formally mandated that the LAFCos do what most of them had already been doing, which was to impose smart-growth policies on their cities.

In the energy- and pollution-conscious '70s, when Oregon and Vermont passed their land-use laws, planners argued that regulation was needed to reduce gasoline consumption and air pollution. Denser cities and more transit, they claimed, would lead people to drive less. Since 1970, auto-related air pollution has declined by two-thirds — not because of less driving (driving actually tripled), but because people bought cleaner and more fuel-efficient cars.

Commuting expert Alan Pisarski argues (ITE Journal, Jan. 2009) that efforts to reduce driving may actually have been counterproductive to environmental goals. One of the main tools planners use to discourage driving is increased traffic congestion. "Congestion Is Our Friend" proclaims the title of an article by Florida planner Dom Nozzi (Gainesville Sun, Feb. 10, 2008). Yet cars waste fuel and pollute more in congested traffic.

In the 1980s and '90s, New Urban advocates argued that denser neighborhoods had a stronger sense of community. Studies have found, however, that residents of suburbs actually have more social interactions than those in denser cities. Even the data in Robert Putnam's "Bowling Alone" (2000), which promoted the notion that Americans were losing their sense of community, showed that suburbanites had higher social participation rates than residents of dense cities.

In the early 2000s, smart-growth supporters jumped on the obesity issue by claiming that suburbs make people fat. In a classic example of junk science, compact-city advocates published a study in a peer-reviewed medical journal finding that low-density development "had small but significant [meaning nonrandom] associations" with obesity. As any statistics student knows, correlation does not prove causation, yet a group called Smart Growth America (whose staff members and associates wrote the journal article) trumpeted that this proved that sprawl causes obesity.

In fact, the correlations between sprawl and obesity were almost vanishingly small. The study found, for example, that about 2% more people in low-density Atlanta are obese than in high-density San Francisco. More objective studies have found "no evidence that urban sprawl causes obesity." In fact, these studies say, Smart Growth America confused cause and effect: "individuals who are more likely to be obese choose to live in more sprawling neighborhoods." (There's a research report about this: "Fat City" [2006], by Jean Eid et al., published by the Centre for Economic Policy Research.)

Today, planners argue that greenhouse gas reduction targets require that we employ land-use policies to force people to reduce their driving. Improvements in "vehicle and fuel technology alone" will not be sufficient for transportation to "do its fair share to meet" targets, argues "Growing Cooler," a 2008 report from the Urban Land Institute. Cities must therefore mandate "compact development" while they provide "expanded transportation alternatives," meaning such things as bike paths and light rail.

While I am personally a skeptic regarding climate change, I am not a climatologist, so the question I ask is, "If we are to reduce greenhouse gas emissions, what is the most cost-effective way of doing so?" Even if you accept that the United States needs to reduce greenhouse gas emissions, land-use regulation is an extraordinarily indirect and expensive way of reaching any targets.

Compact-development advocates such as the Urban Land Institute assume that, if we need to reduce emissions by 50%, then transport's "fair share" is also a 50% reduction. But analyses by McKinsey & Co., and others, show that additional sectors of the economy, such as electricity production, can reduce their emissions at a much lower cost than transport. Cost-effective efforts at reducing emissions would focus on these sectors.

The Urban Land Institute underestimates our ability to reduce emissions by using new technologies and fuels. Economists at MIT estimate that, responding to markets alone, new cars built in 2030 will get about 42 miles per gallon. Modest government rules or incentives encouraging lighter-weight cars, hybrids, and diesel instead of gasoline, could double this to 85 miles per gallon. This will significantly reduce emissions even given increases in driving between now and 2030.

Further, the Urban Land Institute greatly overestimates the effects of land-use changes on driving. "Growing Cooler" (2008), which was written by planners who supported

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compact development before global warming was a major issue, optimistically projected that rules requiring 60% of all new urban development to be more compact would reduce 2030 carbon dioxide outputs by 79 million tons (about 1.3% of America's current human-caused outputs). But "Moving Cooler" (2009), a later report written by independent consulting firm Cambridge Systematics, concluded that such rules would reduce CO2 outputs by less than 22 million tons.

Even the projections in "Moving Cooler" may be overestimated. Changes in transportation technology have had profound effects on land-use patterns. Urban densities declined as streetcars replaced walking and autos replaced streetcars. But economists and planners have long debated whether the reverse is true; that is, whether increasing densities could change people's transport choices. A review of the planning literature by University of California economist David Brownstone concluded that there is a "statistically significant link" between urban design and driving — but that "the size of this link is too small to be useful" for controlling greenhouse gas emissions.

If the benefits of compact development are small, the costs are high. Even more than congestion, the biggest cost is in housing and other development. Compact-city policies create artificial land shortages, driving up the cost of housing and all other urban development. The kind of housing most Americans say they prefer — single-family homes on a large lot — becomes particularly expensive. Land-use restraints lead to housing bubbles and crashes that can have devastating effects on local and national economies.

Urban planners respond that tastes are changing and soon far fewer Americans will want to live in single-family homes. As baby boomers become empty nesters and other family sizes shrink, more people will want to live in condos and apartments in urban centers where they can be close to urban services.

This argument has been promoted especially by University of Utah planning professor Arthur Nelson, who has been widely quoted for claiming that by 2025 the United States will have a surplus of 22 million suburban homes that no one will want to live in. "The American suburb as we know it is dying," says Time magazine (March 12, 2009), and will become "the next slums," says Atlantic Monthly (March 2008), both citing a paper Nelson wrote in 2006.

If your farm provides others with scenic views, they can "protect their liberties" by altering your property rights to keep you from developing it.

This is complete and utter nonsense. Nelson's so-called research is merely wishful thinking. "Based on interpretations of surveys" reported by another planner, Dowell Myers, Nelson's paper concluded that only 25% of Americans want to live in a single-family home with a large yard, while 37% want small yards (less than one-sixth of an acre) and the remaining 38% want to live in multi-family housing.

But Myers' paper does not support Nelson's conclusions. Instead, it reports survey after survey showing that 75 to 85% of Americans want a single-family home with a yard. In a little-reported response to Nelson's paper, Myers stated that "Nelson and others have placed too great an emphasis on changing preferences as the driver of changing development patterns" and found "scant evidence of any net shift of total or elderly population toward central cities."

Nelson's idea is typical of the rationale that planners use, especially when communicating with one another. Americans really want to live in dense cities, not sprawling suburbs, they tell themselves. Of course, they can't rely on the market to produce such dense cities, because greedy developers would rather build low-density suburbs, and zoning ordinances written by the very same planners (or their predecessors) somehow mandate these suburbs. Rather than simply bringing zoning to an end, planners want to impose even more prescriptions, aimed at forcing high-density development.

Nor do planners see any contradictions between such prescriptive zoning and property rights. Private property is "an evolving, organic institution with ownership rights that have varied greatly from era to era," argues land-use attorney Eric Freyfogle in "The Land We Share" (2003), a book promoted by the American Planning Association. Freyfogle is eager to explore "the vast potential for further change of this institution," meaning restrictions on private property for the social good. Borrowing the language of property rights activists, Freyfogle adds, "When property rights trump conservation laws, they curtail the positive liberties of the majority." In other words, if your farm provides others with scenic views, they can "protect their liberties" by altering your property rights to keep you from developing it.

Until recently, land-use rules were strictly a state and local phenomenon. During the Clinton administration, the Environmental Protection Agency promoted smart growth by donating millions of dollars to nonprofit advocacy groups to spread anti-auto propaganda around the nation. When Republicans in Congress shut that program down, Democrats inserted a provision in the 1998 transportation bill authorizing the Department of Transportation to make grants to such nonprofit groups. But aside from promoting propaganda, the federal government did not try to impose smart growth on states that did not want it.

That changed with the Obama administration, which along with Democrats in Congress has embraced such social engineering policies. Secretary of Transportation Ray LaHood admits that the administration's goal is to "coerce people out of their cars." One way they are attempting to achieve this goal is by ordering all metropolitan areas to do compact-city planning over the next five years.

Under a 1965 law, all such areas — agglomerations of 50,000 or more people — are required to have *metropolitan planning organizations* (MPOs) that deal with transportation and housing issues. Originally, these organizations existed merely to ease federal grantmaking programs: instead of reviewing grant proposals submitted by 10,000 or more cities and counties, federal transportation and housing agencies would only have to review submissions from a few hundred MPOs — about 225 in 1965, about 425 today.

continued on page 34

Empowering the Libertarian Minority

by Charles Barr

A book on "subconstituency politics" explains why the Libertarian Party has trouble in major elections. It also suggests some practical steps.

Each election cycle, Libertarian Party candidates are forced to contend with a lack of visibility, voter apathy, inability to compete in fundraising, and ballot access restrictions by the major parties. According to a new book, the party must also contend with another challenge: election and reelection to major public office depends not upon appealing to majority opinion, but rather upon putting together and maintaining coalitions of passionate minorities.

In "Tyranny of the Minority: The Subconstituency Politics Theory of Representation" (Temple University Press, 2009), Benjamin Bishin, a professor of political science at UC Riverside, lays out a theory "in which groups of intense and active citizens, rather than the citizenry as a whole, constrain legislator behavior." This theory, which the author labels "the subconstituency politics theory of representation," states that high-level officeholders win election and reelection by first building and then maintaining coalitions of politically active groups focused primarily on single issues. Once in office, successful politicians promote the agendas of their activist supporters even when such agendas are opposed by a majority of their constituents:

> Subconstituency politics holds that, owing to the fact that different voters care about different issues with differing levels of intensity, the will of minorities is often represented at the majority's expense. Politicians appeal to the preferences of passionate subconstituencies to build coalitions of intense supporters who are more likely to participate. . . . [They] appeal to minority preferences over those of the majority when the benefit of advocating the minority's position outweighs the cost of alienating the less interested majority.

Bishin's arguments are credible. He uses real-world examples to test his theory of political representation against the explanations of more mainstream theories. He cites numerous references to bolster his arguments and provide resources for those who wish to explore both sides of the issue further. And, although the Libertarian Party receives no mention in the book, there are clearly major implications for party strategy if Bishin's theory is correct. After all, one of the party's major stated goals is the election of libertarians to public office.

Over the course of nearly four decades, several hundred Libertarian Party members have won local office, along with a sprinkling of state legislative seats. So far, however, the party has not been able to claim any U.S. Senate or congressional seats, or any major offices at the state level. If subconstituency theory is correct, does it help explain the limited success of current Libertarian Party strategy?

At first glance, the LP would appear to be a haven for passionate minorities focused on single issues. In theory, this should boost the prospects of its candidates at election time; yet in reality, such candidates are forced to contend with a major complicating factor: the existence of opposing single-issue groups with superior firepower.

At the congressional level and above, Libertarian candidates generally promote the party platform on a wide range of issues: civil liberties, tax policy, education, drug decriminalization, healthcare, and national defense, to name just a few. But although Libertarian candidates appeal to those who are passionately active on a wide range of issues, they encounter heavy opposition from well-entrenched and well-funded activists on the opposite side. To take just one obvious example, a huge majority of the public opposes the libertarian position of removing government entirely from the field of education. Augmenting this public hostility are many government education advocacy groups, especially teachers' unions, that are extremely active politically. This is a formidable disadvantage, one that is impossible for Libertarian candidates to overcome, even if they are able to compete on an otherwise level playing field. Subconstituency theory suggests that the opposition of powerful activist groups, by itself, dooms any chance of a Libertarian victory in a contested election for higher public office.

Assuming this is true, what can libertarians do? Is it possible to do anything at all? And should their efforts be focused on the Libertarian Party?

To answer these questions, we must take a fresh look at the electoral landscape. As we do so, we will discover that subconstituency theory offers alternative means for libertarians to boost their effectiveness in the political arena.

To begin with, it is important to recognize that electoral strategy is dictated by each candidate's perception of how the political process works. Libertarians for the most part base their strategies on the traditional theory of representation. Bishin refers to this as "the demand model, which is characterized by politicians who consider the views of their entire district when making decisions, and to try to do what constituents either want or are likely to want." Bishin argues that this model is flawed; subconstituency theory better explains politicians' behavior both on the campaign trail and in office.

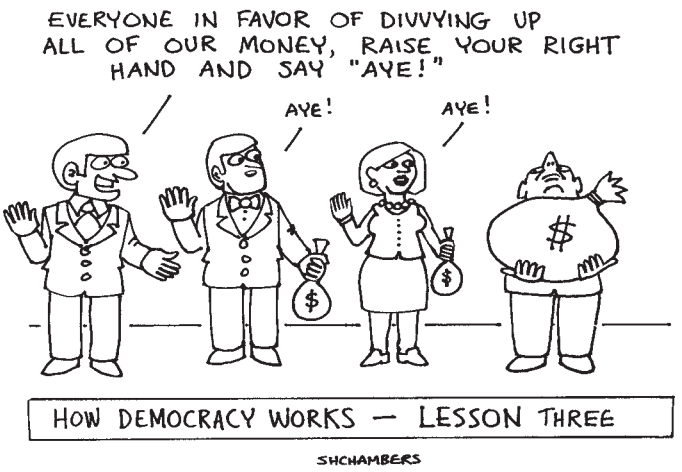

According to Bishin, candidates frame their policy and non-policy (symbolic) positions to attract supporters with similar views. Supporters thus attracted take on a "group identity" with a shared outlook on issues and a shared intensity. Successful candidates attract or create multiple groups of passionate supporters by staking out positions on a variety of hot-button issues. These groups are highly motivated to provide votes, money, volunteer time, and other important resources to achieve the election of their candidates. Successful candidates return the favor by promoting legislation that reflects the views of their activist coalitions, ensuring their continuing support in subsequent campaigns.

What if the agenda of an incumbent's activist coalition collides with the wishes of a majority of voters in his or her district? Usually the activist coalition will have its way: "Precisely because the average citizen does not feel intensely about [an] issue, a candidate's advocacy of the minority position seldom prevents her from obtaining the support of the voter who is opposed to the position but does not feel strongly about the issue." This is a plausible explanation of why both liberals and conservatives are able to win reelection in districts where the majority of voters hold views contrary to their own on many issues.

In Bishin's model, party affiliation is a less important influence on policy than coalitions of issue-oriented activist groups. Elected representatives frequently cast roll call votes contrary to their party's stated position, in order to cater to the coalitions that support them. Party leaders generally tolerate such behavior because they see it as necessary to ensure their members' reelection, though at some cost to the party's own program.

According to subconstituency theory, issue visibility also takes a back seat to organized activism in influencing a legislator's vote. If the public at large does not hold strong opinions on an issue, increasing its visibility will not create sufficient pressure on an officeholder to abandon his commitments to his carefully constructed coalition of activist supporters. "The influences on legislators' behavior change with issue visibility only to the extent that visibility serves to activate new group identities with which legislators are forced to reckon."

As an example of this process, Bishin cites the fate of a 2007 resolution in the House of Representatives that made reference to events that occurred nearly a century ago. The resolution, which declared the killings of Armenians in Turkey during World War I to be "genocide," attracted 229 cosponsors, a number more than sufficient for passage. Initially this resolution lacked visibility and interest among the general public. It did, however, evoke intense feelings within the Armenian and Turkish communities. The government of Turkey reacted by withdrawing its ambassador and threatening to close its airports to U.S. flights carrying supplies to soldiers in Iraq and Afghanistan. In response, many House members withdrew their support for the resolution. To date, the measure has not been brought up for a full House vote. Proponents are concerned that they may not have sufficient votes to pass the resolution.

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Bishin attributes this turnaround to the influence of a powerful subconstituency group, military veterans. Once the issue became highly visible, veterans' groups grew concerned that passage of the resolution would damage the war effort and increase the risk to troops fighting in the field. They used their leverage as a powerful subconstituency to beat back the resolution, even though overall public opinion regarding the issue was largely unchanged. Bishin observes that the districts of House members who withdrew their support contained a significantly higher number of veterans than districts of members who continued to back the resolution.

This outcome illustrates the impressive influence that subconstituency groups can achieve within the political process. Unfortunately, it is difficult to identify a subconstituency group that could turn things around for the Libertarian Party. Not only are powerful subconstituency groups — greens, unions, public employees, professional cartels, and social conservatives, to name a few — adamantly opposed to libertarianism, but there is little prospect of activating a new subconstituency to support any issue that the LP somehow manages to raise to visibility. Issues that currently engage the voting public are already being promoted by activist groups, many of which have strong ties to one or both major parties. Even groups that agree with libertarians on specific issues are not likely to affiliate publicly with the Libertarian Party, since they perceive — correctly — that the party lacks the political resources needed to advance their agendas.

The Libertarian Party is composed of committed and hard-working political activists who feel strongly about issues relating to individual liberty. But the party itself is not structured in a way that permits it to gain traction as a subconstituency group able to influence legislators. The party takes positions on a wide range of issues, making it difficult to gain support from mainstream politicians who are not in agreement with all of its views. In addition, virtually all holders of higher office are members of a major party, so they will discount any Libertarian Party proposals as coming from a competitor rather than a supporter. The only meaningful leverage the Libertarian Party can exert on major party candidates is the threat to draw votes away from one candidate in favor of the other, and the major party margin of victory is usually larger than the number of votes cast for the LP.

As individuals, libertarians are free to join or form single-issue subconstituency groups and work within them to advance the issues they most care about. Many have already done so. The effectiveness of libertarians working within such groups depends on a number of factors. If the group is very large and well organized (as is the National Rifle Association, for example) the presence or absence of a few libertarians is not likely to make a significant difference to any political outcome. If the group is opposed by a better funded, better connected band of activists, such as the entitlements lobby that vigorously opposes Social Security privatization, libertarians will likewise have little political impact.

But assuming that the subconstituency model is correct, the best opportunity for libertarians to make a difference is to work within single-issue groups that already enjoy a relatively small but significant amount of public and legislator support. These include groups that favor homeschooling and individual privacy, and groups that oppose specific taxes. The impact of libertarians can be greatly enhanced if they are able to gain leadership positions within such groups, since this will permit them to interact with legislators and other influential political players at the policy level — thus becoming, themselves, an effective subconstituency group.

One example of a subconstituency group with significant libertarian influence is the Campaign for Liberty, a nationwide organization formed in June 2008 by Ron Paul and many of his supporters following his bid for the Republican presidential nomination. The group's principal mission, as stated on its website, is "to promote and defend the great American principles of individual liberty, constitutional government, sound money, free markets, and a noninterventionist foreign policy, by means of educational and political activity." In launching the group, Ron Paul emphasized its focus as a vehicle for political reform: "We will make our presence felt at every level of government. We will keep an eye on Congress, and lobby against legislation that threatens us. And we will identify and support candidates who champion our great ideas." Clearly the Campaign for Liberty meets Bishin's criteria for an activist subconstituency group.

The political influence of the Campaign for Liberty has become significant in a remarkably short period of time. Although Ron Paul is a Republican, and the Campaign for Liberty is composed primarily of conservatives and libertarians, it is receiving a surprising amount of bipartisan support for one of its key legislative proposals: an audit of the Federal Reserve System by the Government Accountability Office. As of this writing, the proposed legislation has been cosponsored by a majority in the U.S. House of Representatives, including 178 Republicans and 112 Democrats. The U.S. Senate version has 25 cosponsors, six of them Democrats. This impressive level of legislative support has been made possible by a nationwide, coordinated grassroots petitioning and lobbying effort by the Campaign for Liberty. It demonstrates the influence that pro-freedom activists can achieve by applying the strategies and tactics of subconstituency politics.

Subconstituency theory suggests that the opposition of powerful activist groups, by itself, dooms any chance of a libertarian victory in a contested election for higher public office.

This does not mean that purely libertarian political activism should be abandoned or sidelined. The Libertarian Party has a vital role to play as a recruiting and training organization for pro-freedom political activists, as a "home base" for those seeking political asylum from the two major parties, and as a springboard for electing libertarians to local offices. These are all important reasons to make sure the Libertarian Party continues to exist. But to have a meaningful voice in public policy decisions, libertarian activists must be willing to work with compatible subconstituency groups that can command the continuing attention of legislators and other policymakers. ❑

You Say You Want a Revolution

by Jay Fisher

The Tea Party needs to watch out, lest it become just another venue for empty rhetoric.

Voltaire once said, "What a heavy burden is a name that has become famous too soon." And fame has certainly come very quickly to the national phenomena known as "tea parties." Any novice-level political junkie can describe with reasonable accuracy what these events are about and the key issues that concern the attendees.

Anger at an intrusive federal government and out-of-control spending is at the heart of these events. Yet what has been the sum total physical expression of outrage against the government from the tea parties? One box of tea hurled at the White House which, predictably, brought out overreacting Secret Service agents thinking some kind of al Qaeda explosive was buried within the Darjeeling.

An interesting question arises: just how far are the participants willing to go to voice their anger and frustration? Can they, for instance, spill over into civil disobedience?

The Boston Tea Party on December 16, 1773 was the final act of rising colonial anger against the Tea Act instituted by the British Crown. For those interested, the tax rate on tea that was supposedly paid by the colonialists was anywhere from 0.8% to 66%, depending on which numbers scholars use. There are even academics — such as Peter D.G. Thomas in "The Townshend Duties Crisis" (1987) — who argue that the Tea Party revolt was not in response to any tax increase. Whatever the precipitating events were, scholars can agree that Britain imposed a series of mandates on the people of a faraway land and that they, in turn, revolted.

And now we have the modern-day use of the moniker "tea party." It is disrespectful to the revolutionaries — those men of action in Boston in 1773 — to use that label unless the participants are willing to use action, whether real political action or civil disobedience, to back up their words.

Why is this action-potential critical? Two major reasons stand out. First, the modern tea party phenomenon, unless it incorporates a potential for action, risks serving as a mass counseling session where like-minded and angry people vent frustration but do nothing more. Screaming and yelling can lead to a cathartic release of pent-up emotions that may provide temporary relief; but the effect will not last forever. Protesters will no longer see the efficacy in tea parties. This

possible course of events would eat up precious time, and a critical moment where real political action could have taken place will expire.

Second, if the tea parties only serve as a place to vent anger, politicians will no longer pay any credence to the potential these events hold as truly revolutionary forums. An oft-cited rumor holds that former Secretary of State Alexander Haig, in response to a large march concerning U.S. policy in Latin America, supposedly said: "Let them protest all they want, so long as they pay their taxes." Whether true or not, the Haig quotation highlights the fact that a politically passive activity (such as marching) is given no credit by politicians, as opposed to an act of civil disobedience (such as a refusal to pay taxes).

Unfortunately, the tea parties have already given the impression that they are forums for words only, and those words had better be carefully chosen. On April 15, 2009, at a tea party rally in Austin, Governor Rick Perry of Texas hinted at the possible secession of his state. He later backtracked on these comments after stirring a huge, and sometimes acrimonious, debate. In a retreat that would have made Napoleon proud, he stated unequivocally, "Of course, I have never advocated for secession and never will." This is a textbook definition of "sandbagging" one's supporters. More importantly, it shows how the mainstream can rally against a tea party speaker when he or she suggests action, and the tea party organizations will not support advocates of real action.

By their naked eagerness to attend tea party gatherings, rank-and-file politicians show that they no longer recognize them as forums for revolutionary change. A recent tea party in Fargo, North Dakota, was attended by the state governor (who, coincidentally, was running for the U.S. Senate), and the featured speaker was Minnesota Rep. Michelle Bachman. Other speakers at these events have included now New Jersey Governor Chris Christie, Rep. Tom McClintock, and former GOP presidential and senatorial candidate Alan Keyes, to name a few.

Probably the most bizarre example of the tea party movement's becoming more mainstream and less a forum for action came on February 7, when former vice presidential candidate Sarah Palin addressed the so-called tea party "national convention" in Nashville, and she said: "America is ready for another revolution." The attendees cheered. A more reasonable response, from true revolutionaries, would have been: "Huh?!" But for a 5% swing in the vote in the 2008 election, the person calling for revolution would have been right in the heart of the "Beast" that the crowd was allegedly cheering to get free from.

What this should emphasize is the risk of the tea party phenomenon becoming just another campaign forum for conservative politicians, a place where people who claim to run against the Beltway mindset can speak to cheering crowds about the change that may be a-coming. These crowds may have forgotten that some of the same speakers may have helped to explode the size of government under the Bush presidency. How seriously can attendees consider true revolutionary action when they hear a politician saying the equivalent of "I swear I love you," "the check is in the mail," or "I promise I used protection"?

The modern-day organizers of the tea parties should ask themselves if they are honoring the legacy of the Sons of Liberty. If not, they owe it to the true revolutionaries' legacies (and the honest labeling of their movement) to call the tea parties by another name. ❑

The Hidden Movement, *from page 28*

Inevitably, however, many of these MPOs gained the power to tell local cities what to do. California law specifically directs MPOs to promote compact development in order to reduce greenhouse gas emissions. The MPO for the Twin Cities threatened to deny local suburbs their share of federal funds if they did not impose density targets set by planners.

In March, 2009, Secretary LaHood and Housing and Urban Development Secretary Shaun Donovan agreed to require "every major metropolitan area in the country [to] conduct integrated housing, transportation, and land use planning and investment in the next four years." In effect, all MPOs will be required to do what those in California, Oregon, and the Twin Cities have done in the past few decades.

The new requirements do not mention the terms "density" or "compact cities." But they include all the familiar euphemisms that have been used to disguise densification programs, such as "sustainability" (meaning anti-automobile policies), "shorter travel times" (meaning denser communities), and "more choices for affordable housing" (meaning high-density housing).

Similar language can be found in a transportation bill proposed by Representative James Oberstar (D-MN), who chairs the House Transportation and Infrastructure Committee. Congress passes such a bill about every six years to dictate how federal gas taxes and other highway user fees will be spent. Under legislation first passed in 1956, all such user fees were dedicated to highways, but starting in 1982 Congress diverted increasing shares of these fees to transit.

The bill passed in 2005 dedicated 15.5% of highway fees to transit and put another 15% in "flexible" funds that could be spent on either highways or transit. In practice, about a third of those flexible funds was spent on transit; that, and the funds specifically designated to transit, added up to a total of a little more than 20% of highway revenues.

Oberstar's proposed bill (which won't be acted on until 2011 at the earliest) dedicates 20% of highway fees to transit, 20% to highways, and puts most of the remainder in flexible funds. This means that some metropolitan areas could spend nearly *80%* of their federal funds on transit.

The bill also defines "sustainable transportation" as "public transit, walking, and cycling." In 2008, when all subsidies are counted, public transit cost four times as much, consumed about as much energy, and emitted about as much pollution per passenger mile as auto driving. By 2025, automobiles are projected to be more energy efficient and cleaner than the nation's most efficient transit systems. Yet autos will be branded by law as "unsustainable" and thus ineligible for certain kinds of federal funding.

As if that weren't enough, the bill creates an "Office of Livability" within the Department of Transportation whose goal will be to promote transit and other so-called sustainable

continued on page 36

Watershed

by Jacques Delacroix

Generosity, hot showers, and ice cubes are the essential fruits of American liberty for one grateful immigrant.

I was born and reared in Paris, of French parents. There are no immigrants in my antecedents. There are not even any in the lateral branches of my family, as far as I know. (I think I would know.) I never spoke English with a native English speaker until I was 18. I have been in the United States for more than 40 years now. I have lived in this country completely, utterly by choice. In the context of present political developments my American self feels the need to explain to the French youth I used to be what really happened. I have been trying to summarize it. I think I have got it, finally.

Initially, I spent one year in the United States, in California, when I was 18, on a student exchange program. It was not a great year for me, but I liked a lot of what I discovered. That included an open and flexible educational system that agreed with me more than did the constipated French system, where I had pretty much failed anyway.

Then, I came back to the United States when I was 21, to go to college, with no specific plan that made much sense. I could have gone home any time. One thing led to another and I graduated from a good university four years later. Immediately, I obtained an exciting job in France, largely on the strength of my American degree. After only one year, I returned to the United States for more schooling.

In the middle of graduate school, I was offered an even better position in Paris, in city planning. There was a bright future attached to that job, a good career, in conventional terms. Early on, I became uneasy with the amount of power attached to my position as a government contractor. Retrospectively, it seems to me that the uneasiness would not have arisen absent an American experience. Once more, I returned to the United States. I completed a doctorate and stayed.

Again, I could have gone back to France for good, at any point, before or after school. I was in no way stuck here. Incidentally, there would have been good reasons for me to return to my country of origin. My parents and my four siblings lived there. I liked the French countryside intensely, and I still like it a great deal. In my eyes it remains a model of the successful blending of natural habitat with human activity and human occupation. And, of course, I think that everyday French food is superior. Comparing it to the fare of the best restaurant I can afford in America is like comparing American rock & roll to French rock & roll.

So, why am I still in this country in my near-dotage? There are several reasons, some philosophically complicated. To a large extent, they have to do with our political system and its semi-conscious large-scale application of the principle of subsidiarity: decisions should be made at the lowest level possible, at the individual level rather than by the municipality, by the municipality rather than the state, and so on.

Subsidiarity is recognized as a commanding moral principle by the Catholic Church, and the EU enshrined it early on in its constitutional guidelines. Yet it's ignored almost everywhere but in this country. The average well-educated citizen of France, unquestionably a democratic country, would not understand it if you gave a formal lecture on it. Here, it's applied instinctively most of the time. A country with widespread application of subsidiarity is the closest thing we have to a libertarian polity. That's outside of Somalia, of course.

Beyond this, there is the diffuse, unpresuming, and immense generosity of this society. It's a hard fact that liberal groups are currently working to mask. I can summarize all of this with a tiny handful of facts.

It's about the superiority of water in America. I don't mean that the water from the tap was unhealthy in France; it wasn't. It's an old, nasty urban legend that the French drink wine because their water is bad. Besides, they practically invented overpriced bottled water with magical properties. The problem there was getting very hot water in abundance, and water in the form of ice.

In all my French childhood and teenage years, I never had a leisurely, luxurious, richly wasteful bath or shower. Hot water was always rationed. I discovered really long showers in really scalding water during my first year in California. Later, I spent some time in the French Navy, on an aircraft carrier. Hot water was not rationed there either, it's true. But I couldn't well choose a military career just because of the hot showers.

France is still, as I write, a country where in those picturesque sidewalk cafes, on a hot day, a cold drink includes only one small ice cube. If you ask for more ice, you get one more cube. That's in ordinary cafés. In upscale establishments, they will spontaneously put two ice cubes in your drink. That's if the server likes the way you look, of course.

The first time I had a glass of water in the United States, it was in New York City. I had just landed at the Port Authority from a student ship. It was mid-August, and the asphalt was soft. I had never felt hotter in my life. I entered a diner. I didn't really know what a diner was, but I guessed I could get ice cream there. I sat at the counter, on a plastic-covered, one-legged stool. I had seen such counters in a couple of James Dean movies. Before I could gather up my hesitant English and order, an officious waitress plunked a big, tall glass in front of me. It was filled to the brim with large ice cubes. I thought she had mistaken the order that I had not yet given. Then, I was dazzled.

After landing in New York City, I went to live with a working-class family in California. No one there ever shouted at anyone not to use all the hot water. The supply was apparently inexhaustible.

I have traveled a great deal. The United States is the country where you can almost always use as much hot water as you want and where places of business voluntarily give you more ice cubes than you want, even before you can ask. I think it's the only country like this.

But nowadays this happy immigrant fears for the future. Sinister forces have been unleashed and are trying to turn us into a 1950s France — without the countryside and without the cuisine. There is a French idiom that expresses well what it's like living in France: *gêné aux entournures*. It's what you feel when you are wearing clothing, especially a jacket, that's too tight for your body, to the point where you cannot freely rotate your torso.

When you allow the government to interfere with simple market decisions, daily life quickly becomes like that: no department store shopping on Sundays, but meat and pastries are available, the first until noon only, and the latter until 1 p.m. Almost all stores are closed on Monday, except pork butchers. (If you are an observant Jew or a Muslim, you had better plan ahead.) Of course, the Louvre Museum has been closed every Tuesday, 52 weeks a year, for 50 years. That's in a country where unemployment routinely tops 10%.

Living life under this kind of stricture, day in and day out, makes people sullen. Over-regulation also interferes with everybody's ability to progress economically, and in ways that many understand. Sullenness and economic mediocrity in turn undermine one's ability to be generous. After a while, otherwise good people tend to withhold everything, even water.

I fear I will die at my favorite coffee shop, on the morning of a brief, lukewarm shower, in front of a lukewarm soda. ❑

The Hidden Movement, *from page 34*

transportation by mandating compact development in metropolitan areas throughout the country.

Only about 2% of U.S. land is in urbanized areas of 50,000 or more, so people living in the 30 or so states that have no statewide land-use planning laws can escape metropolitan-area mandates by moving outside such areas. Some states, such as Texas, do not even allow counties to zone. But to contain as many people as possible within urban areas, the bill encourages states to create *rural planning organizations*, so that every state would be in danger of the same kinds of rules that Oregon has imposed on rural areas.

Despite its significant flaws, years of relentless anti-auto and antisuburb propaganda have made smart growth the dominant paradigm in DC. The healthcare law that Congress just passed, for example, included a fund to give cities incentives to promote compact development in order to reduce obesity and other chronic diseases. Significantly, a share of this fund will go to nonprofit organizations that will no doubt use the money to lobby for more land-use regulation.

Little good will result from these incentives and mandates. Contrary to the claims of its advocates, smart growth will not save scarce open space, cure obesity, give people a sense of community, or clean the air. It will make housing less affordable, roads more congested, taxes higher, and property rights weaker. We can only hope that the backlash against the recent healthcare bill continues, and prevents Congress from passing an even more pervasive piece of social engineering in the 2011 transportation bill. ❑

Reviews

"The Death of Conservatism" by Sam Tanenhaus. Random House, 2009, 123 pages.
"Liberty and Tyranny: A Conservative Manifesto" by Mark R. Levin. Threshold Editions, 2009, 255 pages.

Dead or Alive?

Robert Watts Lamon

Sam Tanenhaus, an editor of The New York Times, has written a book, blessedly short, that announces the extinction of conservatism. The announcement implies that libertarianism may soon follow, because most of Tanenhaus' criticisms of "conservatives" — involving their friendship to small government, for example, and their emphasis on the original provisions of the Constitution — also apply to libertarians.

"On the great issues of the day," says the author, "the conservatives are silent." Is his hearing impaired? It's hard to believe the rebellion on the right hasn't reached his ears, even above the New York traffic noise. The book was, I suspect, timed to surf the wave of Obamania, now largely dissipated.

Whatever its intent, author Tanenhaus does what previous critics of the American Right have done — choose a nonthreatening politician or man of letters (in this case, Edmund Burke), label him an exemplary conservative, and dismiss those to his right as kooks, extremists, or in the present author's terms, movement or revanchist conservatives. Of course, these "movement conservatives" are blind to realities, unattuned to the unique forces of modernity that have created problems requiring new solutions, negating the wisdom of the free market and the Constitution.

Ah, yes, a new age has dawned, one of revitalized liberalism. Conservatives must now decide whether to "shine in reflective radiance, or spin futilely on their lonely, unlit orbit." Worse yet, conservatives today resemble the "exhumed figures of Pompeii," those killed in the pyroclastic flow of Vesuvius. The author's hyperbole makes me wonder whether he believes his own thesis. But wait, there's more: conservatives have killed themselves off by denying the politics of consensus, by being (gasp!) un-Burkean.

Author Tanenhaus refers often to Burke. In describing the relationship of elected representatives to their constituents, however, he leapfrogs Burke and chooses a passage from Walter Bagehot: "Those who desire a public career must look to the views of the living public. . . . You cannot, [though] many people wish you could, go into parliament to represent yourself. You must . . . conform to the opinions of the electors." Burke famously rejected such a view in his speech to the Electors of Bristol (1774): "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

To Burke, human beings err, singularly or in crowds, but the species is wise, and its wisdom is revealed in history and tradition. A key to his thinking is his devotion to the English constitution, that great unwritten document, the product of a thousand years of political experience and common law jurisprudence. It became his model for the evolution of settled societies and led him to denounce the British East India Company for its insults to the ancient cultures of India, and the French Revolutionists for their imposition of dogma on an entire nation

without regard for its ordering traditions. Representation of the people's immediate wishes had nothing to do with Burke's political principles.

But what exactly turned American conservatives into corpses? Here, Tanenhaus is short on substance, except to show they sometimes lose elections. Oh, yes, and most of them did favor an offensive posture in the Cold War. They opposed arms treaties and test bans. But the author never mentions that the Soviets violated nearly every agreement they made with the United States (as Barry Goldwater liked to point out), and there was little reason to trust them. Nor did he mention that the offensive posture assumed by Ronald Reagan probably aided the collapse of the Soviet Union.

Tanenhaus adds this odd criticism: "These conservative intellectuals recognize no distinction between analysis and advocacy, or between the competition of ideas and the naked struggle for power." The statement is surprisingly arbitrary, even for what the dust jacket calls "a sweeping history." One finds it difficult to recall conservatives or libertarians whom this characterization would fit. It is true that James Burnham, whom Tanenhaus describes with respect, thought there were no such distinctions to be made. In "The Managerial Revolution," he wrote that the flow of political power runs inevitably toward the government by way of the corporation and its managerial class, which ultimately becomes a power elite. The process, he said, was unstoppable, and issues and ideologies were mere instruments in the struggle for power. But Burnham, perhaps the most pessimistic of recent conservatives, was hardly a fool. His predictions are now even more sobering.

It is the conservative (and of course the libertarian) suspicion of political solutions that Tanenhaus resents.

Indeed it is the conservative (and of course the libertarian) suspicion of political solutions that Tanenhaus resents. He sees it as "the politics of enmity, of polarizing devisiveness" and asks, "Why does the contemporary right define itself less by what it wants to conserve than by what it wants to destroy: 'statist' social programs; 'socialized medicine'; 'activist Supreme Court justices'; the 'media elite'; 'tenured radicals' on university faculties; 'experts' in and out of government?"

Answer: because all these things represent threats to what thinking people should want to conserve — personal freedom, private property, social stability, the right to keep what they earn, say what they think, and think what they please. The author complains that the "movement" conservative has stood by the same principles for years, while the majority of voters and their representatives have consistently violated them — abetted, I would add, by that media elite and those activist Supreme Court justices.

It is well to remember the warnings of the Old Right intellectuals, such as Albert Jay Nock and Frank Chodorov, who influenced both the conservative and the libertarian movements. Chodorov, free market advocate and antiwarrior, sketched the process in which "the state, in its insatiable lust for power, destroys "the economy of society," and with it society's "moral and cultural values" (see Chodorov's essay "Economics Versus Politics"). Rather like Burnham, Chodorov saw this process as inevitable — unless the state kept its hands off the economy. Perhaps it's time for an Old Right revival.

Tanenhaus speaks well of Whittaker Chambers, a conservative who recognized "historic realities." He thought that the growing reliance on government was a product of the machine, which made the economy socialistic. Why that should be, I do not know. It hardly seems the product of the careful "analysis" that Tanenhaus prizes. What would Chambers have thought of the internet, a novelty that has made people less dependent on government — on the post office, the public library, even the public schools?

But to Sam Tanenhaus, the times require more government, and Chambers' insights therefore delight him. He praises Chambers as not only Burkean, but Disraelian.

But was Disraeli Jeffersonian, or Madisonian? Disraeli's countrymen — and Burke's, of course — lived under a regime only recently evolved from various forms of despotism. They gained their liberties by a sort of historic adverse possession. They were, and, to a degree, still are subjects of a monarchy and its anointed and hereditary heirs.

And this brings me to American exceptionalism — the belief that our founding documents and the Republic they established were something new in history, as new as the New World that produced them. The founding documents, admittedly, have not prevented the growth of the Federal Register and the bureaucratic army that soaks up what used to be the public treasury. But Tanenhaus doesn't see the corruption of American ideals as wrong. He simply redefines the ideals. He promotes moderate Republicans such as Arnold Schwarzenegger, who wants his party to do "what people want rather than getting stuck in your ideology." But it was doing what people wanted, or thought they wanted, that got California into the fiscal mess it's in right now. And it was similar conduct by Congress that led to the banking mess. So much for the politics of consensus, which Lady Thatcher defined as "the process of abandoning all beliefs, principles, values, and policies in search of something in which no one believes, but to which no one objects."

So are traditional American principles really dead? Of course not. There is plenty of evidence for their vitality, an example of which is Mark Levin's feisty little book, "Liberty and Tyranny." The title reflects the idea that in the long run, Americans must choose between those two conditions, and if they choose liberty, they must defend the Constitution.

Levin substitutes the word "statist" for "(modern) liberal," which may please libertarians, who frequently, and with good cause, call themselves classical liberals. And what Tanenhaus calls "moderate," Levin calls "neo-Statist": "An 'effective' government that operates outside its constitutional limitations is a dangerous government. By abandoning principles for efficiency, the neo-Statist, it seems, is no more bound by the Constitution than is the Statist." He goes on to say that the neo-statist "seeks to devour conservatism

by clothing himself in its nomenclature." True conservatism is the antidote to tyranny because "its principles *are* the founding principles."

The statist, he argues, has brought the nation to its present condition by hypnotizing the electorate with a utopian vision. Having done so, he chips away at property rights, the value of the currency, and, in advocating the rationing of medical treatment, even the right to live. Individual rights must give way to the statist vision — society must be fine-tuned; equality of outcome must replace equality before the law. This new equality is to be justified by a new kind of rights, whose definition blurs the concept of legitimate rights. Levin quotes C.S. Lewis: "Those who torment us for our own good will torment us without end for they do so with the approval of their own conscience."

To Levin, the Constitution says what it said in 1789. It doesn't allow for the dreams of "progressive jurisprudence," which envision the separation of individual liberty from property rights and mandated social and economic equality — all of which might, to quote Thomas Jefferson, turn the Constitution into a "blank paper by construction." Levin points out that Harvard Professor Cass Sunstein would have it that way. Sunstein, Obama's appointee to head the White House Office of Information and Regulatory Affairs, believes that the distribution of wealth arises not from productive capacity but from a "coercive system of legal rights and obligations." If the homeless are without a roof, it's because the laws of property are enforced to evict them. As Levin points out, to dismember private property from liberty is to make the individual dependent on government for his sustenance — and of course, that government would include Cass Sunstein.

Levin addresses the assault on federalism. In pursuit of his utopian dreams, the statist finds a nation of federated states inconvenient — all those little governments solving their own problems in their own way. But he was assisted by those who would improve upon something they could never have created. The 17th Amendment to the Constitution (1913) denied state legislatures the power to elect senators. Later, the Supreme Court, in *Wickard* v. *Filburn* (1942), extended federal regulatory power to enterprises operating entirely within a state's boundaries; power flowed from the states to the federal government by the process of judicial review. That power flow has led to an expensive federal bureaucracy, monitoring the minute details of everyday life, even including toilet flow.

And as the author shows, it put lead fetters on the swift legs of the free market. The market rewards virtue — prudence, diligence, thrift, a positive view of life and of the self. Private property is acquired by productive effort; consumption is the incentive for production. As Chodorov said, "A slave is a poor producer, not because he lies down on the job, but because he's a poor consumer." The government's power to tax and regulate leads to higher prices and lost productivity. When tax rates are graduated, and tax money flows from one voting block or "class" to another, social cooperation becomes class warfare. By taking from one and giving to another, the statist adds to the troubles of both — lowering productivity, reducing the number of jobs.

The federal government's amazing ability to make a mess of things is evidenced in the recent collapse of the housing market. Liberalizing bank-loan policy to offset alleged racial discrimination in granting loans, compelling banks to hold minorities to a lower standard, encouraging Fannie Mae and Freddie Mac to buy up questionable loans with taxpayers' dollars — all of this pushed the home-loan market to the brink. And of course, the crude, almost contemptuous broadcasting of more federal dollars couldn't possibly solve the resulting problems. As Levin says, the money didn't add value to the economy. Here again, the republic was badly served by the politics of consensus.

And Levin describes the ordeal of the oil industry, hamstrung by the statist's energy policies. As you might expect, when the price of gasoline goes up, statist politicians blame the oil companies, which labor under the burdens placed on them by the state. Meanwhile, tax subsidies flow to farmers for producing such biofuel precursors as corn and sugar cane, when there is no real need for the biofuels. These subsidies are necessary because the products would not be produced without them. It never occurs to the statist to let things alone, to let the free market provide biofuels, when a real demand arises. Why not? Because the statist isn't after solutions; he's after power. If food prices rise because farmers are producing less for human consumption and more for biofuels — well, who cares? Perhaps the statist could blame the farmer, just as he blames the oil industry.

Tanenhaus doesn't see the corruption of American ideals as wrong. He simply redefines the ideals.

Now, we have the crisis of the automobile companies, finally bled dry by the United Auto Workers. The union buzzards, with powers granted by the Wagner Act, stripped the industry of profits and pricing flexibility. Unable to compete with foreign producers, the American car industry may disappear in the way Big Steel did, and for the same reasons. And as Levin points out, supporters of Big Labor blame the loss of jobs, not on themselves, but on the industry — for "outsourcing."

But believe it or not, the welfare state doesn't seem half bad, once you get to enviro-statism. The chapter on this subject is the high point of Levin's book and worth careful reading and reflection. One neglected issue it takes up is the astounding case of DDT. Use of this chemical, once widely praised as an insecticide, was banned in the United States by EPA Director William Ruckelshaus in 1972, acting on claims of toxicity that were largely chimerical. The World Health Organization followed with its own ban, making the prohibition, in effect, worldwide. But when DDT was used, it saved millions from death by insect-borne diseases, especially malaria. Its shelving may have killed more people than Pol Pot's rampages in Cambodia.

Fuel economy standards have added to the death toll of misconceived environmental programs. Lighter cars, as Levin argues, have led to more

highway deaths and more serious injuries. Yet, undaunted in its quest for fuel economy, Congress has set even higher miles-per-gallon standards. The likelihood of more deaths in tin-can cars didn't deter the politicians for whom the fashionable lie trumps the value of human life. To justify the tradeoff, they need only consult the environmental "experts" who act as if they considered humanity a blight on the planet.

Levin provides a list of looming disasters, each supposedly attributable to, of all things, global warming. In fine print, the list runs to three-and-a-half pages and includes such horrors as "Buddhist Temple threatened," "circumcision in decline," "hibernation ends too soon," "hibernation ends too late." From this level of imbecility comes the potentially ruinous cap-and-trade proposal now pending in Congress. Even the Supreme Court bought into the nonsense: it declared greenhouse gases subject to the Clean Air Act, extending the rule of the EPA by an end-run around the legislative process. And now we have a Global Warming Czar.

Levin ends his book with a call "to blunt the statist's counterrevolution." Is Levin's list of imperatives irrational and outmoded, as Tanenhaus would have us believe? Well, let's look at a few.

Eliminate the progressive income tax? Yes, of course. Why penalize success and discourage enterprise?

End the tax on inheritance (the aptly named death tax)? Yes, of course. Why rob the dead?

Reduce the federal workforce by 20%? Fine, for a start.

Eliminate the Federal Department of Education? Again, fine, for a start.

Fight all efforts to nationalize health care? By all means. Is there any basis for believing that socialized medicine is more effective than a free market in medicine?

I suspect that Edmund Burke would admire such a "conservative" program. In 1775, urging conciliation with the American revolutionaries, he said that in their character he discerned "a love of freedom . . . the predominating feature that marks and distinguishes the whole." Forgive me, but in light of this saying, Sam Tanenhaus and his hero, Barack Obama, are *not* Burkeans. They're merely New York Timeseans.❑

"Investment Banking Institutions, Politics and Law," by Alan Morrison and William Wilhelm, Jr. Oxford, 2007, 341 pages.

Bank Shot

Robert Chatfield

This is a timely book, given the outsized attention heaped on highly compensated investment bankers and their role in society. It was published before the financial meltdown and was not intended to predict that event, but it provides great clarity about why and how we got to this point. In the authors' findings lie the seeds for substantial reform within the banking industry, reform that need not come from the ever-reaching hand of government regulation.

Morrison and Wilhelm's intent was to provide a rationale for the existence of investment banks and their role in society. The authors noted the "voluminous historical literature" on investment banks, the legal rules pertaining to investment banking, and the economics of investment banking; yet they found nothing that precisely explained why such banks exist.

Their book begins by examining the situation-specific information relevant for economic decision making, referencing Hayek's famous observation that a central planner could never cope with the immense amount of information that would be required to make all decisions centrally (p. 37).

While institutions exist that can enforce real property rights, and even intellectual property rights associated with innovations and inventions, there is no institution that enforces rights that may pertain to situation-specific information. Morrison and Wilhelm suggest that the "most efficient way to incentivize information production would be to create property rights over it" (70), but they realize the practical difficulty of enforcing such rights in a legal setting. An investment bank provides a way of establishing informal property rights over a very important kind of information — the information that people need when they decide to lend or borrow money. By gathering confidential information about lenders and borrowers, the returns they seek and the risks they are willing to take, the bank establishes informal property rights over price-relevant information.

Here's an example. In March, a company named Calix, Inc., wanted to raise money to expand its research and its market opportunities for broadband communication systems. To raise those funds, Calix turned to the investment banking firm of Goldman Sachs, which led an initial public offering of Calix stock. Goldman acquired important information; it "knew" something valuable — about Calix and the broadband communication industry. It also knew where investors might be found. By acting as an informed intermediary, Goldman was able to create a competitive advantage for Calix and the investors in the initial public offering. It maximized the funds Calix could raise, and it created a ready market for the

trading of securities bought by the initial investors.

The investment bank's own competitive advantage is created by its expertise in specific investment areas and its proven ability to create and manage a network of ready buyers. Its good reputation is arguably its most valuable possession. The authors classify this asset, somewhat clumsily, as "human capital," and provide ample evidence of the importance of this "capital" throughout the history of investment banking.

The origins of investment banking can be found in the early age of European exploration, in merchant banking activities carried on primarily by the Dutch. In trade across vast regions of the earth, the most important consideration was simply trust. People would do business only if they trusted other people to fulfill their obligations. Legal partnerships were created to formalize this trust.

Significant also was the "bill of exchange," a legal IOU invented to deal with the inconvenience of carrying coins and goods for barter over long distances. By the early 1800s, merchants such as the Rothschild family and Baring Bros. & Co. had determined that they could leverage their good reputations, and their legal partnerships throughout the developing world, to earn substantial profits, simply by buying, selling, and implicitly guaranteeing bills of exchange.

Morrison and Wilhelm clearly outline the role of the early investment bank as a structure to safeguard property, manage information, and enhance profits. They show its importance for the development of the private partnership as a legally sanctioned organization. The authors continue for several chapters describing the rise of the modern investment bank in Europe and the United States, providing many colorful stories about the early days of capital formation and the adventurous characters involved in it.

By the beginning of the 20th century, investment bankers "looked like titans" — but "titan" was not usually a term of admiration. Their success was envied and feared. They were accused of amassing "an excessive degree of power, which they used to feather their own nests at the expense of the ordinary working people whom they had disenfranchised" (223). It's a view that would not appear out of place on the editorial page of today's news.

The result of fear and envy was a "protracted period of state interference" (224). In America the interference included the Securities Act of 1933, the Securities Exchange Act of 1934, and the provisions of the Glass-Steagall Act of 1933 that effectively separated investment banking and commercial banking activities. The period of heavy regulation had the unintended consequence of reducing the amount of capital available to investment bankers to support the issuance of new securities issues.

The next two significant changes in the industry did not occur until the 1960s, but these would strongly influence today's environment. The first was the emergence of computer technology, which led to a huge increase in trading activities. But with technology comes an obvious corollary: automation meant more reliance on what the authors term "financial capital," i.e., money, than on "human capital" (11). Trading volume soared, investment banks made huge bets on securities, and the knowledge base within the banks became more technology- than relationship-oriented.

And that led to the second, and probably the more underestimated, change. Given the need for an expansion of financial capital, the New York Stock Exchange changed its rules in 1970 to allow memberships by joint-stock corporations. For the first time since the advent of investment banks, partnership was no longer the primary choice among forms of legal organization.

To understand the importance of this change, one needs to understand the compensation structure of investment banking — an issue that the authors do not cover in depth. When partners owned the investment banks, they would pay themselves salaries throughout the year that were significantly below the profits of the firm. At the end of the year, they would determine how much capital to reserve in order for the firm to accomplish its goals for the upcoming year, then divide profits after paying bonuses to employees.

The risk of loss was always borne personally by the partners, who relied upon their reputation, or human capital, to generate profits. The employees, in turn, rarely changed firms, because their compensation and bonus structure were based on the firm's established human capital.

After investment banks became publicly traded, reliance on financial capital increased enormously. According to Morrison and Wilhelm, the average capitalization of the ten largest investment banks in 1980 (the first year for which they present precise figures) was approximately $600 million, with an average capitalization per employee of only about $65,000. By 2000, those figures had risen to an average firm capitalization of $20 billion and per-employee capitalization of about $1 million (13).

Even more important, the risk of loss shifted to shareholders, although the compensation and bonus structure remained largely unchanged. Those pushing for increased regulation often say that "we have privatized profits, but socialized risks." Yet the real losers are not the taxpayers; they are the shareholders of publicly traded investment banks who have never been adequately compensated for their risk of loss.

The issue is tricky: if shareholders demand a percentage of profits more commensurate with their level of risk, they will risk losing the human capital element of their firms, and profits will probably be lower. The challenge is to provide greater compensation for the shareholders, while creating risk-reward structures that will keep knowledgeable employees loyal to the firm.

The simplest way to do this is for shareholders to demand significantly larger cash dividends, and for employees to be given most of their compensation in the form of restricted stock that cannot be cashed in for several years (at least five at first, but eventually longer). This would encourage management to be prudent in risk-taking, with a view to increasing the long-term value of the organization, not the immediate value of their bonuses.

Even now, however, we are seeing a marked increase in defections from the large investment banks to boutique investment banking firms of the old-fashioned type, where relationships and human capital are the primary assets. I'll note that many of these firms are privately owned. ❑

"Clash of the Titans" directed by Louis Leterrier. Warner Brothers, 2010, 106 minutes.

Postmodern Pegasus

Jo Ann Skousen

The opening of "Clash of the Titans" on Easter weekend seemed strangely appropriate. This is a movie in which a half-god, half-mortal hero fights the powers of darkness. It's a movie that demands a human sacrifice for the sins of a community. Indeed, the film offers a strange mingling of figures from several mythologies, including the Norse Kraken, the Arabian jinn, the expected pantheon of Greek gods and goddesses, a reference to Christianity's "redemption by blood," and even winged monkeys from Oz.

Despite its mythological underpinnings, however, the film adopts a hubristic tone of skeptical humanism. It almost seems as though the filmmakers were afraid they might lose the blessings of the Hollywood gods if they acknowledged the virtue of faith, even faith in the Olympian deities. The result is simply ridiculous. The filmmakers may be trying to update the story for modern mortals, but come on! You can't tell a story about Greek mythology without acknowledging that the mortals of that era valued their gods and goddesses and believed in the efficacy of worship.

The original "Clash of the Titans" (1981) had its own problems. Its formerly state-of-the-art special effects became woefully out of date, and the story, once considered exciting and dramatic, dragged for later audiences. When I showed it to my mythology class last semester, the students sighed, "Couldn't you just give us a lecture about the gods and goddesses instead?" Clearly, despite its star-studded court of Olympian gods led by Sir Laurence Olivier and Claire Bloom, Ray Harryhausen's famous stop-action animation, and Harry Hamlin's curly locks and muscled legs, it was time for a remake of the campy 30-year-old classic. Fans of mythology in general and "Clash" in particular have looked forward to the release of the new version, updated with 21st-century CGI graphics.

Unfortunately, the new "Clash" is even worse than the old one. The special effects simply aren't special enough, and the new story contains a mythological mishmash that knowledgeable viewers will find exasperating. For example: in the actual myth of the hero Perseus, his mother Danae is a beautiful mortal. When an oracle tells her father Acrisius, king of Argos, that if Danae bears a son it will result in his death, Acrisius locks her away inside an impenetrable chamber to prevent her marriage and thwart the prophecy. No baby, no grandparricide. Nevertheless, the randy Zeus comes to Danae in the form of a golden rain, and she becomes pregnant. Enraged and frightened, Acrisius casts daughter and grandson into the Mediterranean, sealed inside a coffin-shaped box. Zeus gently guides the box to an island, where mother and son live peacefully until Perseus grows up.

In this new film, Zeus (Liam Neeson) comes to Danae (Tine Stapelfeldt) in the form of Acrisius, who is her husband, not her father (how's that for an Elektra twist?). Perseus is the result of that union. In mythology, however, it is Alkmene, not Danae, who receives Zeus in the form of her (betrothed) spouse, and the resulting hero is Herakles (Hercules in Roman myth), not Perseus. In the new "Clash," Andromeda (Alexa Davalos), not Danae, is the daughter of the king of Argos, and her mother is the one who boasts of her beauty, saying, "My daughter is more beautiful than Aphrodite." Those are fighting words for Olympians (Arachne was turned into a spider for daring to claim that her weaving was better than Athena's), yet Aphrodite never appears in this film except as part of the backdrop in the Olympian court. So much for Olympian justice, or vengeance.

That is just one of the many instances of muddled mythology in this film. Another is the character Io, who follows Perseus as his protectress, almost like Moses' sister Miriam when he was set out on the river Nile to escape the death edict of the Pharoah. I have no problem with the guardian character, but why name her Io, an important person in mythology, the mother of Egypt and Thebes, and the namesake of the Ionian Sea? In mythology, Zeus seduces Io in the form of a dark cloud, then transforms her into a cow to protect her when his wife, Hera, suddenly turns up. Why not give this protectress an innocuous name like Alexa? And don't even get me started on the title of the film itself — these aren't Titans, they're Olympians! The Titans were a race of gods and goddesses who predated the Olympian Twelve. Moreover, the Kraken is not Poseidon's pet sea monster but a creature from Norse lore.

The first "Clash" film focuses on a conflict between Thetis (Maggie Smith), a minor goddess, and Zeus (Laurence Olivier), leader of the Olympians. Her son, Calibos, has been cursed with ugliness while Perseus, a favored son of Zeus, leads a charmed life. As is often the case with mythology, mortals are used as pawns in this rather trivial contest between the gods. Eventually Perseus must fight giant scorpions and bring back the head of Medusa in order to rescue the princess Andromeda from sacrifice to Poseidon's pet Kraken, all

through the magic of Harryhausen's stop-action and with the help of a magical sword, helmet, and shield given Poseidon by the gods.

In the new film, Perseus rejects his biological father, Zeus, and refuses to accept his help, including special weapons, even though it is mighty Hades, Zeus' brother, who has caused the tidal wave that drowned Perseus' adoptive family — and even when it means that other soldiers will die. The film rejects the idea of individual heroism, insisting that Perseus bring along a community of soldiers to help him fight Medusa. I suppose it takes a village.

In this new film the conflict is much more existential than that of two gods arguing on Olympus. The local Argosians are wrestling with more existential angst: what makes a god a god? Can gods exist if mortals no longer worship them? Are gods mere figments of a weakened imagination? If all Argosians agree to reject the gods, will life be better? These postmodern philosophical arguments might be more convincing if Zeus and Hades (Ralph Fiennes) weren't standing right there in their immortal flesh, bellowing in the humans' faces. It's one thing to question the existence of an unseen god, and quite another to reject a powerful god that one can see and hear — especially right after one of these gods has destroyed half the community.

The most serious sin in Greek mythology is hubris — the kind of pride which may assert that one has no need of gods. Such pride is always punished. But in this film, we are expected to cheer for the foolish Argosians who purposely bring doom upon themselves and their countrymen by willfully refusing to acknowledge the gods. Returning to the Moses comparison, they are like the Israelites who refused to look up at the serpent on the staff, when they were told that this act could save them. They would rather die than look.

Zeus and Hades continue the argument begun by the mortals, and adopt the mortals' views. Zeus admits that he thrives on human love and is "fed by their worship"; Hades boasts that he thrives on fear. Which is stronger? It doesn't matter. Both are cockeyed. The Zeus of mythology cares about respect and obedience, but not about mortals' love. And Hades is not the fearsome devil of the underworld, a la Satan and Hell. Hades rules over all of the afterlife, including the heaven-like Elysian Fields. He isn't evil, and he doesn't chase after mortals to capture them and drag them to hell. (Except Persephone. And that was a marriage proposal.) He's more like the benevolent character in Emily Dickinson's poem: "Because I could not stop for Death / He kindly stopped for me." By contrast, the Hades in the film is demonic, and definitely not Greek.

At the end of the movie, it's mainly hubris that remains. Perseus, who has beheaded Medusa, vanquished the Kraken, and sent Hades back to the underworld, says, "Let them know that Men did this." He wears a black tunic instead of white, and he rides a black Pegasus. When told to pray to Zeus in order to heal his poisoned shoulder, he answers defiantly, "No!" He would rather die than ask the gods to help him. This is indeed a myth for the 21st century — thin, uncompelling, unconvincing in its attempt to derive its glamor from the authentic myths it spurns. ❑

"Departures," directed by Yojiro Takita. Regent Releasing, 2009, 131 minutes.

Last Rites

Gary Jason

Some time back, I published an article defending human organ sales as a way to deal with the massive numbers of patients currently awaiting organ donation. I was surprised by the response of a number of people close to me. It wasn't that they felt my arguments weren't logically and factually sound; rather, they were repelled by the very idea of a market in body parts. They all evinced a deep-seated disgust at dealing in a commercial way with body parts and cadavers, a visceral aversion that blocked logical thought. This didn't surprise me. Evolutionary psychology suggests that people have an innate aversion to touching the dead. After all, the dead often perished from contagious disease, and such an aversion would therefore confer survival value on those who possess it.

This corpse aversion is at the heart of a fascinating Japanese movie that played in limited release last year and is now available on DVD. Called "Departures," it was a surprise winner of the 2009 Academy Award for Best Foreign Language Film, and enjoyed major critical and commercial success in Japan. Its success was amazing, both for the size of the box office receipts — over $60 million — and in light of the Japanese cultural taboo against openly discussing thanatological matters.

The movie is adapted from an autobiography by Aoki Shinmom, entitled "Coffinman: The Journey of a Buddhist Mortician." The lead character, Daigo Kobayashi (Masahiro Motoki), is a young cellist who performs with a Tokyo orchestra. The movie opens with Daigo suddenly learning that the orchestra is going out of business and

he is out of a job. He has to tell his wife Mika (Ryoko Hirosue) that he is giving up his profession as a classical musician, selling his expensive cello, and moving them back to his hometown, Sakata.

I chose the words "tell his wife" carefully: at the outset of the movie we see her as docile and uncritically supportive. She meekly acquiesces, and they move to the small city in the remote prefecture of Yamagata. The choice of this locale was deliberate, I suspect, because that area of Japan has one of the highest percentages of elderly residents in the country.

While his wife adjusts to life in the small city, Daigo has to look for work. This part of the film provides great comedy. Daigo sees a help-wanted ad placed by the "NK Agency" for someone to "assist departures." He goes to the company expecting a travel agency but learns to his surprise that it is what we might call a mortuary. Actually, this is not quite right: the Japanese term "nokan" (from which the agency gets its logo "NK") translates as "encoffinment." The coffinman performs a highly ceremonial ritual washing and preparation of a corpse for burial. The ritual is done in the presence of the family, quite unlike the way it is done in our culture, where the mortician prepares the body without anyone in the family being present.

Daigo meets the agency owner Shoei Sasaki (Tsutomu Yamazaki), who instantly decides to hire him, offering him a very large salary. But Daigo is shocked and repelled. Going from musician to mortician — or assistant corpse preparer — would be a rough transition in any society, but much more so in Japan. Nevertheless, having found no other work, he reluctantly accepts. Back at home, when Mika asks what his new job is, he deceives her by using a misleading euphemism (he will be working in the "ceremonial occasions industry"), which leads her to think he is doing weddings.

Daigo's start in the business is trying, to say the least. He first has to play a corpse in an instructional video his employer is producing. He then has to accompany his boss on a particularly gruesome assignment: retrieving the corpse of an elderly woman who has died alone and lain undiscovered for two weeks. He stops at a sento (a communal bathhouse) on his way home to cleanse himself and get rid of the smell.

But as he continues to work, he begins not merely to assist Mr. Sasaki but to perform the rituals himself. He starts to understand that the work has a valuable function. He sees that it comforts families and enables them to come together and reconcile themselves to the death. At home, he recovers his passion for playing the cello.

At this point, the viewer wonders whether we have here a case of rationalization in the face of cognitive dissonance. Daigo has a well paying job, but he is doing something that even those closest to him would regard as shame-

Notes on Contributors

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Wendy McElroy writes from Collingwood, Ontario.

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James L. Payne has taught political science at Yale, Wesleyan, Johns Hopkins, and Texas A&M University. His latest book is *A History of Force: Exploring the Worldwide Movement Against Habits of Coercion, Bloodshed, and Mayhem.*

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ful. So is he merely convincing himself that it is a valuable service in order to assuage his self-doubt? Or is there a greater lesson to be learned about life, death, and the way we deal with the inevitable transition between the two?

This issue is resolved as the film moves toward a surprising end, and as Daigo takes on two more services. In the first, both Mika and his friend Yamashita (Tetta Sugimoto) come to understand and appreciate his new profession. And in the second, it is Daigo himself who reaches a deeper understanding of what he does.

Through what we see, viewers also reach an understanding. We grasp that the seemingly bizarre custom of preparing the dead while the family looks on is extremely well fitted to Japanese society, precisely because of its taboo against discussing death openly.

The acting in the film is simply magnificent. Motoki's portrayal of Daigo is perfectly nuanced, and both Sugimoto and Hirosue give excellent performances in support. Kimiko Yo, who plays Yuriko Uemura, Daigo's coworker at the NK Agency, gives a really fine performance as a woman whose outwardly placid demeanor belies a very dark inner secret. Especially noteworthy is Yamazaki's powerful but restrained performance as the quiet yet insightful and intuitive Mr. Sasaki. All of this is aided by a superb musical score and excellent photography.

This film withstands comparison to some of the finest Japanese films — which is to say it withstands comparison to some of the greatest films ever made. ❑

Filmnotes

Fresh Breath of Fire — Here's a film I didn't think I'd be reviewing, but I believe it will be interesting and fun for libertarians.

"How to Train Your Dragon" (directed by Dean DeBlois and Chris Sanders; Dreamworks Animation, 2010, 98 minutes) is an antiwar film of the best kind. It doesn't demonize the military or blame capitalists and industrialists for everything that goes awry. On the surface, it doesn't even appear to be an antiwar movie. Nevertheless, it subtly suggests an alternative to war, while artfully folding the antiwar message inside a traditional story of boy-meets-dog, or, in this case, dragon.

The film is set in a Viking town where the villagers are beset each night by hordes of dragons that carry away their sheep, crops, and even children. If there is ever a justification for war, this is it. Contrary to tradition, these Vikings aren't aggressors; they're defenders of their homes. Even their dragonslayer training reinforces the idea. "Grab your shield before your sword," the trainer tells them. "If you can't reach both, get the shield." In other words, defense comes first.

Hiccup is a young blacksmith who wants to become a dragonslayer. During his training he reads manuals telling him all about the enemy — their strengths, their weaknesses, their fighting techniques, their moral defects. It's easier to kill someone if you know he's nasty and evil.

But Hiccup accidentally meets and befriends an injured dragon and learns that dragons aren't so scary after all. In fact, he says, "Everything we think we know about them is wrong." But what about their carrying off everything that isn't nailed down? Wait, I'm coming to that.

Hiccup uses what he learns from his dragon "pet" to subdue rather than destroy the dragons he meets during training sessions, and they eventually become allies. He even creates a prosthetic device for his dragon's injured tail, making it possible for it to fly again. As they fly around the nearby islands, Hiccup discovers the reason the dragons are raiding his village: they must deliver food to a huge, tyrannical dragon who demands a daily tribute. Metaphorically, a gigantic, non-producing, heavy-taxing government is sucking the country dry, and one group of citizens is robbing others just to feed the mass. You gotta love that allegory, whether it is intentional on the part of the filmmakers or not.

Eventually the villagers and the dragons band together to overthrow the tyrant, and peace is restored. The groups work together to produce goods and services sufficient for everyone, instead of wasting valuable resources fighting each other. Neither group forces anyone else to join it, and everyone seems to be happily employed. I couldn't help but think of the quotation attributed to Abraham Lincoln at the end of the Civil War: "Am I not destroying my enemies when I make friends of them?"

Message aside (and it's easy to set the message aside, since it is delivered with such a light hand), the film is well made and deserves the high critical praise it has been receiving. Meaty enough for adults and fun enough for children, with visual effects that are at times breathtaking, this is animated film at its best. — Jo Ann Skousen

Swedish Sherlock — Playing now in limited release is an intense, gripping detective thriller from, of all places, Sweden. "The Girl with the Dragon Tattoo" (directed by Niels Arden Oplev; Danish Filminstitute, Nordisk Film, and Yellow Bird, 2009, 152 minutes) was released in Europe late last year under the title "Män Som Hatar Kvinnor" ("Men Who Hate Women"). It was a big hit in Europe. In Norway and Sweden it is the most viewed Swedish movie in history. It is based on the first book of Stieg Larsson's "Millennium Trilogy," published posthumously to wide acclaim.

The two leading characters in the film are Lisbeth Salander (Nooni Rapace) and Mikael Blomkvist (Michael Nyqvist), who team up to solve a crime (actually, a series of crimes). Lisbeth — the girl with quite a striking dragon tattoo — plays Sherlock Holmes to Blomkvist's Dr. Watson. But Lisbeth is something quite novel and hard to describe. Imagine (if you can) a punked-out fusion of Sherlock Holmes, Pippi Longstocking, Chuck Norris, and Lady Gaga. She is a computer hacker and hired investigator with a very dark past.

The film opens with Blomkvist,

a middle-aged journalist and publisher of the magazine "Millennium," being convicted of libeling a business tycoon. Lisbeth, who has been hired by an unidentified company to investigate the case, gives the opinion that he is completely clean, that he was set up — given bogus material that he thought showed that the tycoon was involved in criminal business activities.

Blomkvist, now in disgrace and awaiting prison, is approached with an interesting offer by a man named Henrik Vanger: he wants to hire Blomkvist to investigate a 40-year-old disappearance. Vanger is the elderly former CEO of a family-owned multinational conglomerate, Vanger Companies, and his beloved niece Harriet (Ewa Froling) is the one who disappeared. Henrik is convinced that she was murdered by someone in the large, secretive, and very dysfunctional Vanger family. He feels tormented by the killer. Every year on the anniversary of Harriet's disappearance he receives a framed flower.

Having nothing else to do, Blomkvist agrees to investigate the case. He moves into a cabin on the family compound, starts to sift what little evidence the police have left after four decades, and immediately hits a puzzle, a kind of code. Here is where the leading characters meet in person: Lisbeth — who has earlier hacked into Blomkvist's computer files and is monitoring what he is doing — breaks the code for him and leaves an easy-to-trace email. She joins the case, and they work together on its surprising solution, uncovering a lot of family skeletons (literally as well as figuratively) along the way.

The themes that inform Larsson's original trilogy of novels — the evils of corporate capitalism (remember, he's Swedish!), misogynist violence, neo-Nazism, and incompetent police work — are present in this film. But so is a bracing voice for free choice and personal accountability. In one scene, after Lisbeth allows a vicious criminal to come to a grisly end, Blomkvist tells her that while he wouldn't have acted in the same way, he understands why she did. She snaps back that the criminal freely chose to do what he did, and richly deserved his fate.

This is an exceptionally engrossing thriller, with enough twists and action to please even the most persnickety mystery buff. The cinematography is excellent, and director Oplev keeps the pacing taut and the action engaging. But parents beware: there is quite a bit of graphic violence and sexuality in this film, which make it inappropriate for younger children — or squeamish adults.

The acting is fine, with excellent performances by Nyqvist and strong support by Peter Haber as Martin Vanger and Sven-Bertil Taube as Henrik Vanger. Especially arresting is Rapace's performance as Lisbeth. She conveys the intensity that is requisite for this character's harsh and haunting past to be made believable. While she is not a beauty of the classic Ingrid Bergman sort, she exudes a powerful sexuality, at once frosty, aggressive, and earthy.

Make a date with the girl with the dragon tattoo. She will take you on quite a ride. — Gary Jason

Maternal Instinct — With Mother's Day around the corner, you may want to skip the treacly sentimental "Hallmark" movies and watch "Madeo" (directed by Joon-ho Bong; Magnolia Pictures, 2010, 128 minutes, Korean with English subtitles), an award-winning Korean murder mystery about a mother's indefatigable determination to prove her son's innocence after he is charged with murdering a young girl. When the police declare the case closed after just one day of investigation, she sets out to find the killer herself. Her tenacity is a testament to the lioness in every mother. She ignores personal risks and enters an often seedy and unfamiliar world to close in on the killer. The result is a classic Hitchcockean thriller with a most unlikely heroine.

Mother (Hye-ja Kim) is a tiny, old-world, middle-aged woman working as an herbologist and acupuncturist in a tiny, old-world apothecary shop. She has raised her now 28-year-old son by herself, and he is clearly her entire world. She doesn't drive a car or use a computer; she wears frumpy suits and traditional sandals; she's the kind of woman who blends into a crowd, overlooked because she seems old-fashioned and useless. But she is resourceful and audacious. She stops at nothing to track down clues, bravely entering situations that make even the viewer's heart pound. Who needs 3D technology when a masterly director is behind the camera, and a masterly musician (Byeong-woo Lee) is writing the score?

What makes this mother particularly protective is the fact that her son, Do-joon (Bin Won), is mentally handicapped, with short-term memory deficit and some additional developmental problems. He can't remember what he saw the night the girl was murdered, so he isn't much help in his mother's search to find the killer and secure his release. When memories do come to him in bursts of cognition, she pursues the leads, impelled by her belief in him.

In some ways this film reminds me of "Call Northside 777" (1948), in which James Stewart plays a skeptical Chicago reporter investigating the possibility that a convicted murderer has been wrongfully accused. He comes to believe in the man's innocence simply because the convicted man's mother is so thoroughly convinced he didn't do it.

"Call Northside 777" highlights forensic techniques that were considered cutting-edge at the time, including a facsimile machine that could actually transmit documents — across telephone lines! — and a lie detector (administered in the film by Leonarde Keeler, who had invented its most widely used version). A key line from the film — "That's the trouble with being innocent; you don't know what really happened" — is echoed in Do-joon's inability to tell his mother what he saw that night. But while "Call Northside 777" is interesting in a scientific way, it doesn't have the suspense, humor, or horror of "Madeo."

A more significant difference is that in "Northside," the sweet, elderly mother sits back and waits anxiously for the reporter to follow the clues and find the evidence. In "Madeo," Mother has no knight in shining armor to help her, except Do-joon's hooligan friend Jin-tae (Gu Jin), whom she really doesn't trust. Nevertheless, this mild-mannered woman will stop at nothing to rescue her son.

Fast paced and tense, often funny, with ample surprises and a satisfying conclusion, "Madeo" ("Mother") is an entertaining return to the classic psychological thriller. — Jo Ann Skousen

Terra Incognita

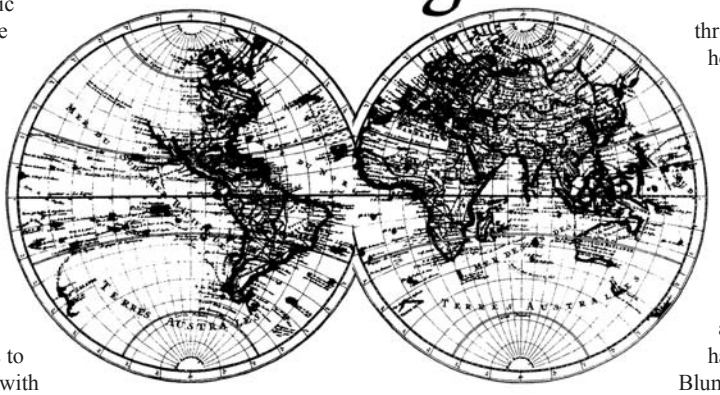

Irving, Tex.

The genius of American marketing marches on, in the *Dallas Morning News*:

Texas Stadium will come down this spring in a "Cheddar Explosion." That's the name that Kraft Foods has given to its promotional campaign for the implosion of the iconic structure.

In its last act of 2009, the Irving City Council on Thursday unanimously approved Kraft Foods as the official sponsor for the demolition. "It's a good deal for us and a good deal for them," council member Rose Cannaday said during the 15-minute special meeting.

"Kraft Macaroni & Cheese is thrilled to have received the Irving City Council's approval and we are looking forward to celebrating the historical significance and explosion of Texas Stadium," Joanne Freed said in a written statement on behalf of the company.

Middleton, Wisc.

Thinking of the children, from the *Wisconsin State Journal*:

As police respond to traumatic events, sometimes children can be found sitting to the side of the emergency, feeling lonely and scared. For years, officers have comforted them with stuffed animals, but that's now changing.

Middleton police Sgt. Don Mueller said that in the past, handing out the stuffed animals or other toys could help children feel a little better. Now, Middleton police are using books to make sure they're in compliance with the new Consumer Product Safety Improvement Act.

"One of the reasons for that is we get older toys that come in and they're perfectly fine to give out, but we don't know if they were made under the new requirements," he said.

Seattle

An incident in the Emerald City, from a King-TV 5 report:

Three security guards watched a group of teens punch, kick and rob a 15-year-old girl in the downtown Seattle Metro bus tunnel without intervening. Security video shows the guards call for help on their radios, but they don't go to the aid of the girl even as she is being kicked in the head.

Metro Transit General Manager says it's revising its policy that guards only "observe and report" problems.

Toledo, Ohio

Complex interrogation of the virtue of selfishness, in the *Toledo Blade*:

Scantily clad dancers were the draw at a downtown men's entertainment club for an event that raised nearly $1,000 for victims of the earthquake in Haiti.

Marilyn's on Monroe billed Saturday's affair as "Lap dances for Haiti." General Manager Kenny Soprano said the club donated all the money from the day's regular $10 cover charge to International Services of Hope.

The organization is grateful for any donations it receives to aid the people of Haiti. "I don't have a problem with it," said CEO Linda Greene.

Taunton, Mass.

Possible recipient of future NEA grants, in the *Taunton Gazette*:

A Taunton father is outraged after his 8-year-old son was sent home from school and required to undergo a psychological evaluation after drawing a stick-figure picture of Jesus Christ on the cross.

The student drew the picture shortly after taking a family trip to see the Christmas display at the National Shrine of Our Lady of La Salette, a Christian retreat site in Attleboro. He made the drawing in class after his teacher asked the children to sketch something that reminded them of Christmas, the father said.

"I think what happened is that because he put Xs in the eyes of Jesus, the teacher was alarmed and they told the parents they thought it was violent," said Toni Saunders, an educational consultant with the Associated Advocacy Center.

Washington, D.C.

Dietary diktat from the Death Star, from *The New York Times*:

Top federal food regulators threatened to ban caffeinated alcoholic drinks unless their makers quickly proved that the beverages were safe. The agency's action was prompted by a letter from 19 state attorneys general, who expressed concern about the products' safety.

Attorney General Richard Blumenthal of Connecticut said he was pleased. "Our battle against alcoholic energy drinks has stopped some products," Mr. Blumenthal said, "but others are insidiously exploiting the void."

Danvers, Mass.

Unlikely inspiration for student rebellion, reported by the *Salem News*:

Who knew "Meep!" was a four-letter word? The utterance favored by bungling lab assistant Beaker of "The Muppet Show" has been banned at Danvers High School after students said it to repeatedly interrupt school.

The Salem News reports that parents recently got an automated call about "Meep!" from Principal Thomas Murray. He warned them that students who said or displayed the word at school could be suspended. Murray says the warning was needed because students didn't heed his "reasonable request" to stop the meeping.

Jefferson City, Mo.

Chemical mixup, reported in the *Kansas City Star*:

A law soon to take effect could make criminals out of those who bring Tupperware onto many Missouri rivers. The law was intended to reduce the floating debris from abandoned foam coolers in the state's waterways. But lawmakers, apparently a little rusty with chemistry, barred the wrong plastic.

The white foam coolers commonly called "Styrofoam" are made from expanded polystyrene. But the law bars polypropylene. That's a plastic found in things like dishwasher-safe plastic containers but not usually used to ferry drinks down a river.

The mix up means river floaters can use foam coolers without fear. But someone caught with a dishwasher-safe plastic container could risk up to a year in jail.

Special thanks to Russell Garrard, Tom Isenberg, and William Wallace for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

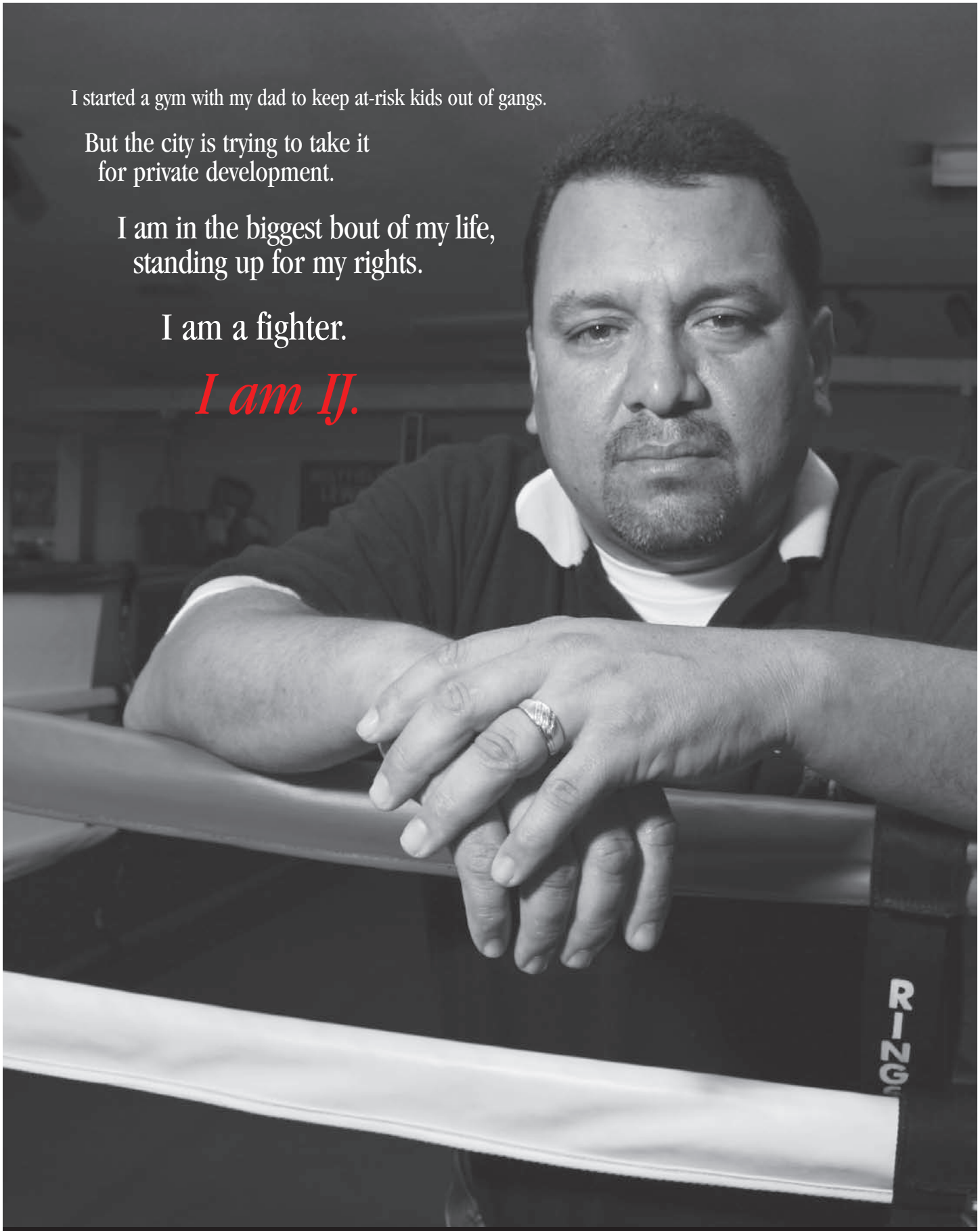

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Inside Liberty

July 2010
Volume 24, Number 6

4 Letters Pieces of our readers' minds.

7 Reflections We eliminate unemployment, appreciate any attention, fuel the fire, have two words for Greece, attend to thy mote, fool ourselves thrice, will eat anything, and retire in style.

Features

17 Naming Names *Bruce Ramsey* examines a court case questioning the limits of political speech.

19 Presumption of Competence *Wendy McElroy* considers how libertarians might actually see a return on their political work.

21 The Farthest Shores of Propaganda If you think that fascism and communism never had a chance in American films, *Stephen Cox* invites you to think again.

31 Zoophobia When compliance becomes the supreme value, the line between man and beast begins to blur.

35 The Books of Summer Liberty's editors and contributors have a lot of them to recommend.

Reviews

43 Psychology Grows Up *Jamie McEwan* has good news for the Dr. Spock generation.

48 Planeteers *Jo Ann Skousen* views a film that reduces life to a preachy documentary.

49 Sleeper-Cell Marketing *Jo Ann Skousen* considers viral marketing, taken to one logical extreme.

50 On the Road Again *Gary Jason* gets his kicks from a long-overdue TV to DVD release.

52 Acting Like Ourselves *Jo Ann Skousen* probes the secrets of one quirky family.

53 Timeless Problems *Jo Ann Skousen* finds a modern play that takes on the basic question: what's important — and how can you tell?

51 Notes on Contributors Get the goods on us.

55 Terra Incognita Don't shoot the messenger.

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Letters

Just Deserts?

Tim Slagle's comparison of the "special talents" of corporate CEOs with the "special talents" of sports stars (Reflections, May) is much like comparing obesity from eating at McDonalds with obesity from eating at Burger King. The results in both cases are still ugly.

The obscene compensations paid to sports stars, movie stars, and CEOs are driven by greed and ego, not value. Between the savings and loan fiasco, Enron, and the recent bank meltdowns, we could do quite well without any more "special talents."

Michael Carraher
Martinez, CA

Slagle responds: I wonder how Mr. Carraher stumbled across Liberty magazine; perhaps its austere simplicity was confusing, and he mistook it for a communist journal when he bicycled it home from the bookstore.

Rewarding special talents is what this country has done since before its founding, and in turn those exceptional talents have built the most peaceful and prosperous nation in history. By design, everyone here can reap rewards in proportion to their abilities, so the most talented people on earth have patriated into our melting pot.

The best artists of the English language will all eventually find their way to our shores, and because of that our television, music, and motion pictures are among our most lucrative exports. English has become the language of popular art worldwide, and non-English artists often create works in English with the hopes of being able to emigrate here some day. Occasionally an outraged artist will threaten to leave America if the political atmosphere doesn't change, but such idle threats are usually dropped after one meeting with a tax attorney.

Engineers and doctors emigrate here as well, making American engineering and medicine the gold standard worldwide. Our victory in the space race and subsequent military superiority was based on the ability of the best rocket scientists and nuclear physicists to settle comfortably into our society. Here they were free to speak their minds, and were rewarded quite handsomely for their intellectual contributions.

America is also home to the greatest athletes in the world. Even if your talent is as obscure as an ability to stand up on a surfboard, you can turn it into large profits here. The highest-profile soccer player in the world chose to live in a country where nobody watches soccer, because it was better to be an unknown in America than a superstar anywhere else. Ditto for the world's best hockey player.

There are still quite a few places on earth where the exceptionally talented are expected to share equally with the untalented. If Carraher thinks there is higher moral value in a nation like that, I suggest he move there.

But I don't expect he will; people who don't appreciate talent or ambition usually suffer from a deficiency of both. Rather than taking initiative

Letters to the editor

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and self-determination, he chooses instead to reshape this nation from the unambitious comfort of his couch. At least Carraher should be thankful that talented people built a nation where he could luxuriate in sloth, envy, and arrogance — America, home to the fattest communists on earth.

Fighting for "Rationality"

Lori Heine, in her "Preaching to the Unconverted" (May), seems to fail to recognize that all political struggle is between two polar-opposite ideologies or philosophies: collectivism and individualism. "Left-wing," so-called "liberal" Democrats and other "tribalists" generally favor a predominately collectivist approach. "Right-wing," so-called "conservative" Republicans and other "marketeers" generally favor a predominately individualist approach. An overwhelming majority of the general public (including both the "left" and the "right") embraces its own concoction or mixture of the two ideologies.

The "left" rejects governmental

From the Editor

Have you ever felt an obligation to be unhappy? I have, and probably you have too. We're all serious people.

After the so-called healthcare bill was signed into law, I felt that obligation very strongly. Here was a vast deformation of the American idea, a hodgepodge of lies and discredited notions, the world's largest experiment in giving people nothing for something, the world's largest pig in a poke. And that wasn't all. Here was California, the state I live in, bankrupt in all but name. Here was my nation, crippling its future with every kind of fatuous, corrupt, and ruinous scheme. Here was the world, dividing its governance between mousy bureaucrats and vicious dictators, with the former usually assisting the latter.

I saw that, and I did my best to feel unhappy.

Yet the sun rose, the spring came, the clouds blew past my windows. Tchaikovsky's Fifth was as thrilling as ever. "His Girl Friday" was as funny as ever. Cheap zinfandels were as interesting as ever. Lunch at Bleu Bohème was as good as ever, especially with a friend to share the meal. Macaulay's prose had never seemed more succulent; the life of Washington had never seemed more beautiful — and the modest pleasures of life had never seemed more significant. I couldn't resist: I enjoyed these things, and I was happy.

I'll admit the truth: I found that I'm complacent. But I think I'm complacent about the right things.

I'm not complacent about the stupendous waste of human life entailed by this century's idea that the solution to all problems is an increase of government power. I'm not complacent about the poverty, cruelty, and futility that follow, as the night the day, every increase in that force of error.

But I am complacent about the ability of human life to assert itself, no matter what the obstacles. I'm complacent about the power of the free market to minister to human desires, both the "low" ones and the "high" ones — and to do it and to keep doing it, as long as there's a breath of freedom left. And I'm complacent about the power of the individual to think and know and survive and triumph — because any individual is cleverer than any state. In that contest, I know who's going to win.

In Boswell's life of Johnson, the old sage meets a humble college friend, who tells him, "You are a philosopher, Dr. Johnson. I have tried too in my time to be a philosopher; but, I don't know how, cheerfulness was always breaking in."

That man speaks for me. I suspect that he speaks for many other libertarians. We don't have a duty to be sad, just because of our philosophy. Instead, we have an inspiration to share the cheerful news of freedom — what freedom is, what freedom does, what freedom can do even under the most adverse conditions.

Come to think about it, that's not a bad philosophy.

For Liberty,

Stephen Cox

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intervention when it comes to "morals." They don't want anyone telling them what to do when it comes to religious practices or lack thereof. They resent governmental restrictions on their sexual and other private behavior. However, they seem to have no qualms about taxation and governmental controls on private property.

The "right" furiously rejects governmental intervention when it comes to "private property and market activities." They think that contracts are "sacred" and it's government's job to uphold and defend them. However, they seem to have no qualms about taxation and governmental "dictation of moral behavior."

There is possibly a "third" way in which government has only one legitimate function, to seek out and punish by restitution and retribution the acts of: (1) fraud, (2) misrepresentation, (3) theft, and (4) unprovoked, violent, physical aggression against others. Government would have no power to tax, but would offer these "services" on the market in competition with other purveyors of the very same services.

Heine seems to be correct in advocating "reasonableness and discussion," but until everyone understands the deep penetration of collectivist practices into our everyday lives, the screaming and yelling will go on. Neither the "left" nor the "right" seem to recognize and understand that each embraces some freedoms and each embraces some collectivization.

True libertarians will continue to attempt education of both the "left" and the "right" with the goal of eliminating all collectivism and establishing a thoroughly rational individualism with an absolutely minimum of coercive governmental intervention.

David Michael Myers
Martinsburg, WV

Heine responds: Mr. Myers is quite correct that collectivism is the real menace threatening a traditional understanding of freedom. My article dealt with how to talk, one-to-one, with the individuals in our lives — our friends and family members — about the importance of freedom. These personal relationships are where we need to start.

If we merely lecture them, Glenn Beck-style, at a chalkboard — schooling them on "isms" that make their eyes glaze over — we will not move them. Indeed, the antidote for collectivism is the empowerment, the engagement, of each individual. We don't engage them by talking about "isms," but by sharing the realities of our daily lives and making sense of what they mean.

The point I wanted to make, in my article, is that we must leave the chalkboards to the talkers on TV, who — no matter how right those who oppose collectivism may be — can only deal with us en masse. The day-to-day world where we live, in which the individual is everything, can only be changed one heart and mind at a time.

Into the Sunset

I agree with many of the points Jo Ann Skousen made in her review of "Alice In Wonderland" ("The Wonder Is Gone," May), but I enjoyed the movie. One of my favorite things about this version came at the end, when Alice is standing near the bow of a ship as it sailed out of the harbor. She was not going off to save the world or rescue the environment. She was going as an apprentice to help further a business that her father had been a part of. It was portrayed as being somewhat of a glorious thing. How's that for a unique message in today's society?

Jon Black
Seattle, WA

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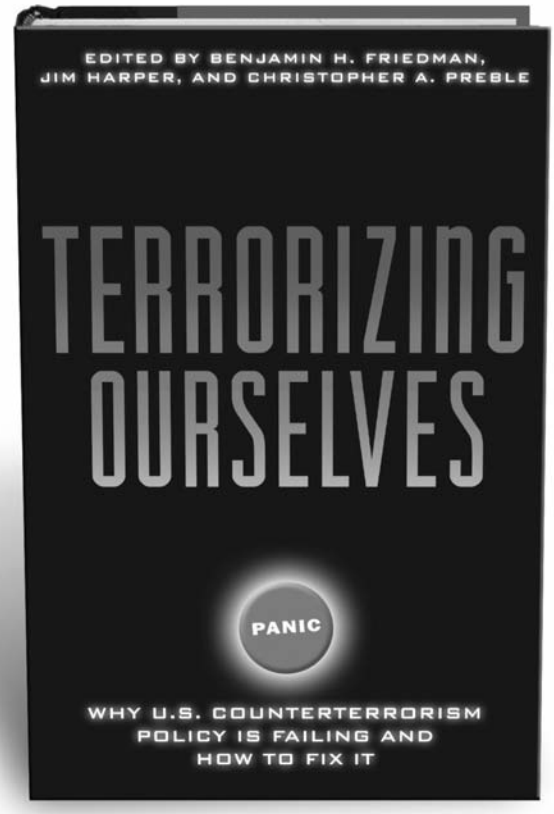

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Reflections

Twitspeak — According to the AP, Hugo Chavez has a staff of 200 to manage his Twitter account, thus demonstrating why socialism always fails. Under government control there is no incentive to reduce the number of employees, because there is no budget to meet. The government that hires is the same one that prints the money (note that Venezuela has a 30% inflation rate).

I don't care how important or popular The Hugo is; there is no need to hire 200 people for the same job that most teenage girls can handle on their own. Even assuming eight tweets an hour (which is a pace that would cause anybody to stop following you on Twitter), each employee would only be required to come up with one 140-character tweet per day. Something like: "Grabbing a steak with plantains (yum) B4 m off 2 torture some dissidents. ROTFLOL!" — Tim Slagle

No good Romans here — Casey Lartigue, Jr., a freelance education consultant based in South Korea, noted in an Earth Day 2010 article, "There are too many people who think there are too many people" (Korea Times, April 21).

The thing I have noticed about all those who assure us that there are too many people in the world, and that we have got to do something about it, is that I don't hear any of them offering to fall on their swords to help relieve the problem. — John Kannarr

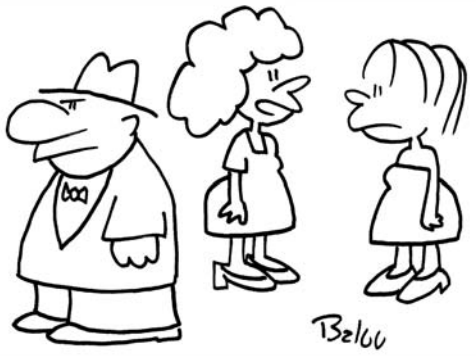

"Politics is difficult for Leonard these days — his racism conflicts with his sexism."

Worthy of contempt — Libertarians may not get much respect, but they are getting attention.

In April, I attended a meeting of humanities instructors (those who teach "the great books"). At a plenary session, the president of the organization, a philosopher, gave a ten-minute summary of the philosophical issue of free will. He noted three major approaches to finding out whether people are free to act: the fatalist approach, the determinist approach, and the libertarian approach. But as soon as he said "libertarian," he hastened to explain — apologetically, perhaps — that he didn't mean "political" libertarian.

My guess is that he's been giving that speech for years, and only recently had it occurred to him that he needed to make sure that "libertarian" wasn't misunderstood. Thank you, Ron Paul!

The April 19 issue of The New Yorker had a cartoon showing two firemen pulling a hose toward a house on fire. The homeowner is fighting the blaze with buckets of water. When he sees the firemen, he smiles and says cheerfully: "No, thanks — I'm a libertarian."

Okay, it's patronizing. The cartoonist thinks that libertarians are goofy, muddle-headed people who don't know what's good for them. But I think this attention, too, is an advance. At the very least, The New Yorker spelled the name right, and didn't capitalize it, either. — Jane S. Shaw

Glorious leader — Consider this question from The New York Times/CBS poll of 1,580 adults, April 5–12, with a 3% margin of error:

"Are Obama's policies moving the country toward socialism?"

This poll was mentioned in the Arizona Republic on April 18. The thrust of the article was that "96% of 'Tea Party' sympathizers" answered affirmatively to that question.

I must say, I was more struck by the fact that 52% of all respondents *agreed* that Obama's policies are moving the country toward socialism.

Think about that. Can you imagine a poll in the 1930s that said over half of Americans believed FDR's policies were moving the country toward socialism? Can you imagine a poll in the 1960s that said over half of Americans believed LBJ's policies were moving the country toward socialism?

Something is going on here. This is not just politics as usual. — Ted Levy

Blind squirrels — I've reflected before on what a sleazebag former Sen. John Edwards was and is. But his latest tabloid exploits (or, more precisely, the latest tabloid exploits of his shameless mistress) have yielded some good results. According to Salon.com columnist Rebecca Traister, "Rielle Hunter's involvement with a man I had planned to vote for revealed to me the wrongness of my own instincts, and the very real chance that we could have handed the Democratic Party's future over to a congenital liar and charlatan."

Brava, Ms. Traister. And may this realization be a lesson for others. — Jim Walsh

A bubbling brew — I don't understand the commotion over oil spilled into the Gulf of Mexico when a drilling operation went sour. Oil has always oozed out of the ground to foul land, lakes, and oceans. That's how people first discovered the stuff.

In nature some oil on the surface evaporates off as naphtha (probably the basis of the ancient Greek fire). Other oil is digested by bacteria converting it into simple organic compounds that other organisms feast on, leading to a localized exuberant biodiversity. The heavier components of oil remain as lumps called bitumen or asphalt.

The Dead Sea was called Lake Asphaltites because of the

gooey pebbles that floated onto the surface from underwater seeps. This asphalt was used on Egyptian mummies. Oil found floating on lakes or in puddles was used by Indians to caulk canoes, and as medicines. In California's uber-environmentalist Santa Barbara County, an estimated 11 to 160 barrels of oil seep into the ocean daily and have for countless centuries; the locals have made attempts at capping it.

Oil exists beneath the surface of the earth under pressure that causes it to seep to the surface by any available route. When a well is drilled into a pocket of contained oil the pressure forces it to gush out and over the wellhead. The pressure in the pool of drilled oil gradually falls, and the seep ceases. In this way, oil drilling actually has stopped numerous spills of oil onto the surface where it fouled land and water for eons.

The British Petroleum accident allows environmentalists to make arguments against offshore drilling. If environmentalists really wanted to preserve pristine nature, they would be appalled that drilling for oil has interfered with widespread oil seeps that enriched the environment before mankind messed things up. — Erwin Haas

Inconvenient truth — Scientists have recently discovered that a graph shaped like an ice hockey stick, used to represent the recent rise in global temperatures over the past 50 years, is virtually indistinguishable from a graph of Al Gore's net worth. — Tim Slagle

Fruits and labor — I have very few vivid memories of early childhood. The ones I have come back to me in flashes, like a movie clip. One of the most vivid is the first time I questioned "authority" — that is, my parents — and realized that those particular authorities didn't know what they were talking about. The nexus of disillusionment or enlightenment (depending on your POV) was monetary theory.

But let me back up. I was about six years old, in the back seat of our family car with my irritating older brother as we all drove somewhere on a family vacation. My parents had just pulled off the road to buy us a basket of bing cherries to share so we would shut up, stop fighting, and gorge ourselves on fruit instead. I remember asking my mother, who was in the passenger seat, "Why did we pay for this? Why don't people just take what they want?"

She gave me a stern rebuke about the moral wrong of stealing. But I persisted. That wasn't what I meant. Why did we need money to get the cherries? Couldn't we just tell the person at the stand that we wanted them?

As well as a 6-year-old could, I was asking about the function of money in society. When my parents realized that I

Word Watch

by Stephen Cox

The big political news of May 6 was the British people's vote of no confidence in Prime Minister Gordon Brown and his Labour Party. The big news for Word Watch was what Brown said a week before the election. It was his "bigoted woman" remark.

At one of his campaign visitations, Brown was questioned ("heckled," according to a prissy mainstream media report) by a 66-year-old widow, Gillian Duffy, a steady voter for Brown's own party. Mrs. Duffy asked him about taxes and the national debt and the recent immigration of six million people to Britain. That last issue is of understandable popular concern at a time when the British economy is in a coma, jobs for native-born Brits aren't easy to come by, and the welfare state, which caters to many immigrants, has become increasingly discredited and suspect in all its dealings.

Anyhow, one of Brown's aides thought it would be good public relations for him to have a one-on-one with Duffy, and she thought it had gone well. But when he got back to his limo, he said, "That was a disaster; they should never have put me with that woman. Whose idea was that? It's just ridiculous. She was just a sort of bigoted woman."

There's the "bigoted woman" comment. Brown hadn't noticed that his mike was on.

His remarks were immediately heralded as an enormous *gaffe*. The effect was heightened when a newswoman played them back to the smiling, grandmotherly Duffy. Her face filled with horror. "You're *joking*!" she said, in a thick, non-London accent. "Where was I a *bigot*?" Nothing could have been more spontaneous, or more devastating. A chorus of other horrified voices called on Brown to apologize.

(Imagine the headline: "King George Urged to Apologize for 'Americans Are Traitors' Remark.' " Try another one: "Roosevelt Urged to Apologize for 'Big Stick' Gaffe." No, this kind of urging is a new thing.)

So Brown apologized. "I apologize profusely," he said, "to the lady concerned. I don't think she is that." It was assumed that what he meant by "that" was "a bigoted woman," not "a lady."

His syntax left a lot to be desired. The same was felt about his apology. Soon after, he turned up at Mrs. Duffy's house and spent another 45 minutes apologizing to her. Whether that was enough to win her vote did not transpire. He then continued his campaign, chastened by the shadow of Mrs. Duffy. One of his political friends made the inevitable remark: "He's apologized, move on" — which merely indicated that Brown himself was having a lot of trouble moving on.

But what are the precedents? Has President Obama, for instance, ever said anything that came close to the derogatory comment that Prime Minister Brown made on the open mike? Yes, he has. The comment that comes closest is the one he made during the presidential primaries, when for some reason he felt inspired to psychologize about voters in rust-belt states. "And it's not surprising then," he said, "that they get bitter, they cling to guns or religion or antipathy to people who aren't like them or anti-immigrant sentiment or anti-trade sentiment as a way to explain their frustrations."

The same elitism as the "bigot" remark, right? The same disdain for the voters one is courting, right? The same portrayal of potential opponents as jerks and fools and Frankenstein-like stereotypes, stalking the electoral moors, lusting to destroy any modern-liberal planner who appears among them in a thousand-dollar suit? Oh yeah.

There's one difference. Obama had prepared his remarks. He delivered them publicly. Granted, he didn't expect them to be

wasn't advocating theft, they became utterly unable to answer my question. My mother and father had no communicable sense of why money was necessary or valuable in the economic exchanges of society. Their ultimate response was basically "shut up and eat your cherries." My ultimate response was to realize, "They do *not* know what they are talking about."

How significant is this memory? I don't know . . . but it is one of the few of early childhood that I have. Was it the seed from which religious and political doubt grew? Maybe. Maybe not. I do remember sitting back and being almost stunned by the realization that my parents did not have all the answers. More than that — they seemed angry because I had asked questions. — Wendy McElroy

Pension deficit disorder — With the passage of Obamacare, organized labor now feels invincible. Like a randy roué jacked up on Viagra, Big Labor has been trying to screw the taxpayer as many times and in as many ways as it possibly can during these, its salad days. Several recent developments illustrate the surging satyriasis of the unions.

One was the subject of a RealClearMarkets.com article by Diana Furchtgott-Roth, about union tool Sen. Bob Casey (D-PA). Casey has introduced a bill that would bail out union pension plans, which are collectively underfunded by about 165 billion bucks (as estimated by Moody's).

His bill, with the truly Orwellian name of "The Create Jobs and Save Benefits Act of 2010," along with similar bills introduced by Rep. Earl Pomeroy (D-ND) and Rep. Pat Tiberi (R-OH), aims at shoring up the scandalously underfunded "multiemployer defined-benefit plans" beloved by organized labor.

These plans are run by the unions rather than the employers. They allow workers to move from one company to another but stay in the plan; yet they are, of course, a powerful device for keeping workers in the union for their entire working lives. It also turns out that multiemployer plans are less likely to be fully funded than single-employer ones — by nearly five to one!

Under the Casey bill, the federally owned Pension Benefit Guarantee Corporation (PBGC) would be given the power to take over the pension plan of any company that withdrew from a union plan. The PBGC — that is, the taxpayers of America — would then have to pay the benefits of all employees until the very last worker or designated survivor died.

How convenient for both the greedy unions and the greedy businesses!

This nod in both directions could create a coalition of Dems and Repubs for the bill — a bill that is nothing but an exercise

disseminated to the nation. He confided them to a Democratic fundraiser in San Francisco, the Olympus and Valhalla of stereotypes and caricatures, a place where you can get away with saying anything at all about the beings who inhabit that weird world east of the Ferry Building. Nevertheless, his remarks didn't look like an urgent, immediate, pissed-off, uncalculated baring of the soul. He was trying to raise money for his campaign, and he was offering the rich people of the Left Coast what they wanted to hear. Probably his words were sincere. But they weren't as nakedly sincere as Gordon Brown's.

Lately, we've been hearing a lot of good things about "transparency" in government. Every politician now endorses "transparency." Yet "transparency" remains, like the afterlife, the undiscovered country from whose bourn no traveler (at least no politician) returns. To paraphrase the old joke about heaven, "Everybody talks about transparency, but nobody wants to die." Gordon Brown blundered into transparency, and he died.

It's quite possible that if Brown hadn't called Mrs. Duffy a bigot, his party would have won significantly more parliamentary seats. That possibility may lead American politicians (those who have something to lose, at any rate), to speak with greater circumspection about the people they disdain. Obama may be more careful about accusing Arizonans of bigotry. He will still think they're bigots, but he won't be as likely to use the words that say it. Obama, after all, isn't a big cat that runs up to its prey and bites it on the neck. He's a little cat that lies in wait, hoping that his meal will just come strolling past his den.

So much for Obama. The history of Brown's mistake is similar enough to those of American politicians' "gaffes" to suggest that the American language is finally taking over the mother ship. There's a lesson in that word "gaffe." The fact that Brown's mistake was universally called a "gaffe" rather than an insult, a violation of decorum, a failure of empathy, a gross misapprehension of the electorate, a total absence of the common touch, an act of reverse bigotry, a crude expression of arrogance, an intellectual blunder — all this illustrates the progress of cynicism on both shores of the Atlantic. "Gaffe" doesn't mean that you did something wrong, or thought something wrong; it means that your *act* somehow *went* wrong.

"Gaffe" is a cynic's condemnation, and Brown, for his part, showed a remarkable degree of cynicism. After visiting Mrs. Duffy in her home, he commented, "She has accepted that there was a misunderstanding and she has accepted my apology. If you like, I am a penitent sinner." Now, why would one evoke religious imagery at a time like that? Several reasons. (1) You don't believe in religion, but you want other people to think you do. (2) You are not repentant, but you want the reporters to say you are. (3) Despite your blunders, you consider yourself very clever, and you want to prove this to other clever people by using a private, ironic language that only they will understand: "If *you* like, I am a *penitent sinner*." He didn't believe that he had sinned (notice the word "misunderstanding"). But he knew very well that he had gotten caught.

Cynicism frequently takes a folksy form. That's what happens when Obama starts dropping his "g's," as he does whenever he thinks he's in trouble. And that's what finally happened with Brown, in his last debate with the other candidates. Knowing he was almost certainly washed up, he was still determined to exploit the Duffy affair if he could. "There is a lot to this job," he said, "and as you saw yesterday I don't get all of it right. But I do know how to run the economy — in good times and in bad."

Aw shucks. I admit I screwed up about that li'l ol' bigot. But my humility just shows I have the qualifications to *run the economy*.

Such cynicism is close to insanity — as cynicism often is. Both cynicism and insanity result from a severely distorted understanding of what the world is like, and a failure to learn any different.

Consider the following report from the Associated Press: "'I thought he was understanding but he wasn't, was he?' said Duffy,

in moral hazard. As Furchtgott-Roth observes, it would encourage businesses to declare bankruptcy, dump their pensions on the PBGC, and reorganize under a new name. Freed from the responsibility to fund pensions, such companies would attain an unfair advantage over their competitors. The bill would also encourage unions not to deal seriously with underfunded pension plans. As our author caustically puts it, "Exactly how much mismanagement by employers and union leaders must the taxpayer underwrite?"

In April, President Obama issued an executive order that will push federal agencies to require contractors on large projects ($25 million or more) to agree to unionize if they aren't unionized already. Considering that 85% of American construction workers are not union members, this will be a major intrusion into the industry, one that is already suffering a 27% unemployment rate. (A contract that requires the contractor to employ only union workers is called a "Project Labor Agreement" or PLA).

Obama has thus rescinded an executive order issued by Bush, and has basically set the American taxpayer up to pay higher costs for federal projects. An independent study last year, commissioned by the Department of Veteran Affairs, showed that PLAs would raise construction costs on VA construction jobs by up to 9%. Other academic economic studies estimate that PLAs drive up costs by 10% to 20%. A study performed by the Beacon Hill Institute showed that PLAs inflated the cost of building 126 schools in the Boston area by 14%.

This is the corrupt ChicagObama at his slyest. Unions shovel many millions to Obama and his cronies in Congress, who then funnel billions back to the same unions.

— Gary Jason

Sharp edge — In a recent article for the UK Sun, Simon Cowell (best known to Americans as the grumpy, sarcastic judge on "American Idol") lamented the problems facing Britain. He singled out a problem that is not often mentioned in American media (and probably wouldn't be mentioned, were it not for his position on the most popular American television series): "[Britain] has too many social problems — in particular knife crime and a collapse in family values."

Knife crime? I thought people in Europe were more civilized than Americans and weren't as prone to violence? As I've mentioned in these pages before, it's probably just another remnant of the Knights of the Round Table mentality that is pervasive in British culture. But a knife is a weapon that isn't used very often in America, now that 48 states allow people to carry the great equalizer. Every American knows that guns beat rocks, paper, scissors, or knives. — Tim Slagle

Greek to them — Arrangements are under way to rescue the Greek government from its crushing debt. Allowing a member of the European Union and euro area to fail, so goes the worry, would trigger contagious panic. Dominoes would fall, perhaps Portugal and Spain. The single currency and even the EU might collapse. A rescue might give the Greek government time for an orderly restructuring — somehow — of its overly generous pensions and public salaries, its lax

who said she had planned to vote Labour but would now most likely abstain." Mrs. Duffy showed an ability to revise her understanding. Contrast Mr. Brown. He (like our president) apparently started his career by thinking that the common people were bigots, but he knew how to fool them. He is ending his career by thinking the same thing.

A similarly distorted understanding is visible in the wise commentary of the media. about the PM's "gaffe." For the most part, it was viewed as an unfortunate event in theater history, not as a revelation of something seriously out of kilter in the rulers' perceptions of the ruled. But this is a revelation of something seriously out of kilter in the media's understanding of, well, everything it reports on.

And there was worse. Frank Luntz, an adviser to American Republicans, opined that the l'affaire Duffy was "the ultimate Shakespearean tragedy for Gordon Brown."

Shakespearean? What?

Think about "Macbeth." How could "Macbeth" be reworked so as to include Gordon Brown? Let's see . . .

> Lady Duffy: Think'st thou, my Lord, employment shall be bred
> In full by such as throng fair Albion's shore
> With visas newly stamp'd? Nay, my Lord, not so!
> Lord Brown: Thou bigot and rude-questioned dame, get hence!
> But lodge thy ballot safe within thy party's
> Ample bosom. Now away! Take leave!
> Nor cavil at thy Planner's arch behest.
> Lady Duffy: Thou daft vote-catcher, thou shalt rue this hour.
> Lord Brown: Aroint thee, witch! None shall know this converse
> Unless the microphone . . . the microphone . . .
> O Gods! O Fate! My microphone's awake!
> Now save me, Heaven, from this devilish mistake!

In short, what in the world could be "Shakespearean" about Gordon Brown? Why "Shakespearean"? Why "tragedy"? Why "ultimate"? "Off with his head!" as the character in Shakespeare says. "So much for Brown."

But why should we give Brown so much attention? He is not alone. There are many means of displaying one's displeasure with normal people, and those means become more common all the time.

One method is simply writing directions as "directions" are written for Microsoft. You know that whenever you hit the drop-down menu under "Help," those dudes in the cubes are laughing at you, man.

Another means of establishing one's superiority to the world around one is to twist some ordinary expression until nobody but the initiates can grasp it. A Word Watch correspondent reports a recent incident of this. It's from an office memo. "We of course," it says, "need a fairly quick turn around on a draft to socialize internally and get to this prospective partner." Our correspondent's comment: "Can you even guess what that means?"

Not really, but I think the problem is "socialize," a normal word to which the author has assigned an esoteric meaning. Maybe the synonym is "share," but who can tell? Only the inner circle can divine the meaning.

Yet another way of making oneself a member of the verbal Illuminati is to smack other people in the face with hundred-dollar words. A news report describes Thad William Allen — a Coast Guard admiral (who knew the Coast Guard had such things?) who is acting as Obama's "National Incident Commander" for the Gulf of Mexico oil leak — as a man "defend[ing] himself against

tax collection, and its reckless borrowing. Severe conditions imposed by the International Monetary Fund might give the government political cover as it tried to comply. Preserving the euro, like maintaining a currency's gold parity under a genuine gold standard, would strengthen fiscal discipline; for a government cannot just print money to pay its debts.

The most obvious objection is "moral hazard": the expectation of further rescues would encourage further imprudence. A transfer of wealth from relatively prudent countries (governments, populations) to imprudent ones seems unfair.

Default on debt has often occurred without causing a major international crisis. Government debt is not linked to the rest of the financial system by multitiered leverage as extensive and as complicated as linked Lehman or AIG. Within a single currency area, default and bankruptcy have often occurred without endangering the currency. Nowadays we read of the precarious finances of Birmingham, Alabama; Harrisburg, Pennsylvania; Los Angeles; and the state of California. Bankruptcy of any or all of these jurisdictions, even the secession or expulsion of California from the Union, would not threaten the dollar's continued existence.

My father's job on Wall Street in the 1930s was to form committees of holders of defaulted bonds. Each committee would negotiate with the debtor, even if it were a government, for restructuring the debt to keep losses as small and their distribution as fair as possible. This approach, still available today, instead of papering over the waste of resources underlying the default, faces up to this sorry reality.

Failure of a rescue effort (as for Greece) causes more panic than if a rescue had not even been attempted and if the psychology of panic had been better understood. However, a panic generates gripping news, especially when associated with murderous rioting or when registered and magnified by the stock market. It benefits some people, such as government officials. "You never want a serious crisis to go to waste," Rahm Emanuel, President-Elect Obama's chief of staff, told a Wall Street Journal conference in November 2008.

In the days of the original exchange-rate-oriented Bretton Woods system, Milton Friedman speculated that many officials relished the currency crises inherent in the system. Flying and telephoning here and there and confronting momentous events in all-night sessions enhanced these people's sense of importance. I wonder whether similar attitudes may be at work in the Greek situation.

Policymakers and financial journalists should understand the herd behavior and other psychological aspects of such situations. That advice comes too late for this one, but it should be remembered for the future. "Calm down" should be the watchword.

The deficit-proneness of Greece, as of most other governments, illustrates the dangerous short-term-orientation of politicians and democratic government. Saying so is trite, but sometimes trite remarks are correct and important.

— Leland B. Yeager

The beam in Obama's eye — Honestly, the high criticism that the Coast Guard waited too long to intervene with BP. 'Everybody was acting at each point in accordance with our doctrine and our judgment,' said Allen, who is due to retire at the end of this month. 'There's no hard and fast criteria to some of this. . . . We have not had an event involving a platform like this in my career, and that's 39 years. This is an asymmetrical, anomalous complex unprecedented event.'"

Does he think we should swallow that? Are we supposed to be reassured about the Coast Guard's performance by being told that it acted "in accordance" with its own "doctrine and judgment"? I'm not reassured. And I'm especially not reassured by the fact that the admiral's high and mighty declaration is followed by the relativistic "no hard and fast criteria." (By the way, "criteria" is plural, not singular, as the admiral seems to think.)

Now we come to his final phrases, that stuff about the "asymmetrical, anomalous complex unprecedented event." Gosh, ain't that somethin'? Lookit all them big words! I have no idea what "asymmetrical" means in this context, and I'll bet that you don't either. The whole assemblage of syllables appears to mean no more than, "Good Lord! This kinda thang never happinned before! Whadda we do now?"

Let's think about this. There's an oil platform. Conceivably it might catch fire. What would you do if it did? Is this situation so "asymmetrical" that you can't figure it out? The fact that I've never had a heart attack doesn't preclude my considering what I should do if I have one, does it? Or am I speaking too much in normal human language?

Nevertheless, peace to Admiral Allen — recipient of the Humanitarian Service Medal with one service star, the Coast Guard Unit Commendation with one award star and "O" device, and many other awards and commendations. And peace to his strange locutions. Maybe he doesn't mean to diss the rest of us. Maybe he's just infatuated with the sound of his own voice. And even if that's not true, I forgive him. He's not really a member of the political class.

But Obama and Brown I do not forgive. "Bigot," indeed. "Cling to antipathy," indeed.

These people can achieve my forgiveness only if they abandon their anti-intellectual approach. I know that "intellectual" has become synonymous with "obfuscating" and "name-calling." But it shouldn't be that way. In my opinion . . . well, when the president figures out the distinction between "like" and "as," which is a consistent problem in his speeches, I'll start thinking of him as a thinker, as a person who doesn't cling to cliches, stereotypes, and bad grammar.

In the meantime, I want to observe that as many obnoxious things as libertarians say about other people, especially political people, they almost never use words that separate them into a superior group, or get hypocritical about how *other* people perform that separation, thus becoming "bigots." They may call people "fools," but they're unlikely to call them "bigots," even when those people are obviously bigoted against libertarian ideas. And libertarians are unlikely to use specialized jargon. They derive this tradition of restraint from the earliest libertarians. "When we say free speech," wrote Isabel Paterson, "we mean free speech." And in case you didn't get her message about the nature of freedom, she translated it into the plainest terms: "A lot of American principle is contained in the two words: 'Just don't.' Much of the rest is encompassed by the suggestion of minding one's own business. The whole is summed up in the word 'liberty.'"

"Free speech." "Mind your own business." "Just don't." "Liberty." There's no cynicism there.

jinks of the current administration are hilarious. Take the latest battle in Obama's neosocialist war on American capitalism, the so-called financial reform law he is pushing through Congress.

Obama's usual game is on display here: take a problem (say, lack of transparent trading regulations for derivatives), which could easily be solved by modest, bipartisan legislation, scream that it presents an unparalleled crisis (it helps to use the phrase "the worst since the Great Depression"), then claim that the crisis can be controlled only by a massive increase in state power. Then hit the campaign trail, demonizing some sector of private industry — here, investment banking — and if possible use a polarizing target (Saul Alinsky tactics are always a key part of the Obama game).

Obama hit the campaign trail, sure enough, and out of the blue, the Glorious Guardians of the American Investor (a.k.a. the SEC) loudly indicted Goldman Sachs. Incredibly useful timing, that! Very quickly and mysteriously, nasty emails written by Goldman Sachs employees (gloating over the housing crisis) appeared in the press, to ensure that the American public gets to experience the obligatory two minutes' hate that is needed to get it on board.

However, the game didn't go quite as smoothly as hoped, because of a couple of surprise revelations.

First, it turns out that Big Brother Obama and many of the bigwigs in the Red Congress were given lavish campaign donations by the selfsame Wicked Witch of Wall Street, Goldman Sachs. Indeed, Sachs was the second largest contributor to Obama's campaign, giving nearly $1 million! As J.P. Freire noted in the Washington Examiner (April 20), Obama received seven times as much from Sachs as Bush did from Enron. Of course, while the mainstream media hammered Bush for this connection, with major attack pieces in Time ("Bush's Enron Problem") and in the Associated Press ("Bush-backing Enron Makes Big Money Off Crisis"), not to mention a documentary movie ("The Smartest Guys in the Room"), it all but ignored Obama's ties with Goldman Sachs.

Obama, by the way, subsequently refused to return the money, even as he used the Goldman Sachs' indictment as exhibit A in his drive to push his bill through. Needless to say, this fact was also virtually ignored by the mainstream media.

Second, even as the SEC tried Goldman Sachs in the court of public opinion, interesting news surfaced about the SEC itself. An internal report, done by SEC Inspector General David Kotz at the behest of Sen. Charles Grassley (R-IA), indicates that 17 senior SEC officials are being probed for making extensive visits to porn sites on the internet — even as the country's financial system was floundering and Bernie Madoff's group was looting people's life savings.

All this prompts the question: why is the administration talking about passing a welter of new rules, when even the existing rules aren't enforced? — Gary Jason

Dressed down — First Lady Michelle Obama will probably have to shop elsewhere, since her favorite designer is going out of business. Maria Pinto can no longer afford to keep the doors of her west side Chicago dress shop open. This must come as a surprise to fashion writers and gossip columnists around the world, who use terms like "glamorous," "elegant," and "fashion forward" to describe some of the inappropriate outfits Michelle has appeared in.

For some reason, people don't want to criticize this administration. Perhaps it's a fear of being labeled "racist," or maybe it's just blind devotion. In deference to the empress's new couture, a forward fashion usually gets imitated; and I can't remember a moment in history when a first lady's designer wasn't elevated to world-class status. But not this time.

There is truth in the market. When the general public makes a decision not to open its wallets, that's louder than words. In this case, the market is making a thunderous remark, which no one has the courage to whisper. — Tim Slagle

Greeks bearing gifts — "Well, mobs get pretty ugly sometimes, you know." That's what Mr. Potter, the villain in "It's a Wonderful Life," says to Jimmy Stewart when yet another crisis hits the Building and Loan. He's right, too. When financial institutions fail — really fail — you can expect violence.

But many people apparently didn't expect the kind of violence that followed the financial crisis in Greece. For years the Greek government had been handing out enormous welfare benefits, using money that it didn't have, money borrowed from other people, people who received an erroneous idea about their debtor's financial condition. The truth having become known, the government bargained for a bailout, making feeble efforts to cut back on some of the supposedly free goods that the populace had come to regard as property rights. Hence riots in the streets and the murders of inoffensive citizens trapped in banks. It was the banks, you see, that were the enemy, not the lying politicians or the rapacious unions, or the middle-class thugs rampaging through the streets.

A popular saying among libertarians is one that comes originally from Proudhon: "Liberty is the mother, not the daughter, of order." I'm sure there would be violence in a libertarian society, but organized violence tends to result from the aggression or failure of an organized state.

If I let you borrow a few thousand dollars from me, and you refuse to pay it back, I'll be angry, but I'll probably be angry at myself as well as you; and I'll look for some orderly and legal means of making you pay. No mobs will form. If, however, you convince millions of voters to give you money and power so that you can support them for the rest of their lives, and what happens is that taxes soar and the banks get shaky and the currency is worth less and less, and if people are out of work they can't get jobs because no one has the money to hire them — well then, there's going to be a reaction, and it's not going to be pretty. Times like these bring out the worst in people.

You know I'm not just talking about Greece. Throughout the world, governments have tried to build order at the expense of liberty, but right now, nothing could look less orderly. — Stephen Cox

The price of success — The Southern Poverty Law Center is an Alabama-based political advocacy law firm that did some ground-breaking legal work in the 1970s. Its founder, Morris Dees, is a charismatic true believer in the promise of racial equality in the United States. And he's a pretty good lawyer, who made effective cases against white-supremacist groups and other malefactors. But, like many institutions and individuals, the SPLC became a victim of its own success.

Dees' early court judgments against what he called "hate groups" created a sort of institutional arrogance at his firm. Its self-defined mission expanded from battling bigots working against existing U.S. law to advocating a statist notion of "social justice."

Today, the SPLC's unwittingly Orwellian slogan is: "Fighting Hate. Teaching Tolerance. Seeking Justice."

The problem here, of course, is that one person's hate is another person's passion. And the words "tolerance" and "justice" — defined honestly — don't promise as much as utopian statists assume. When they say "tolerance," they often mean "endorsement;" and when they say "justice" they often mean "redistribution."

The intellectual decay of the SLPC's agenda may mean good things for America at large. The country doesn't have so many truculent racists any more — so the antiracists have to look harder and reach farther for problems to solve.

Along the way, Morris Dees' crusading firm has degenerated into a shill for liberal Democrats. And not even the establishment media revere the SPLC as much as they once did. In April, Newsweek ran a long-winded and pointless article about "hate" in America. (The emptiness of the piece may explain why the magazine's corporate owner has put it up for sale.) As expected, the journalistic drones included a concerned quotation from an SLPC employee:

> Oath Keepers are "a particularly worrisome example of the 'patriot' revival," according to Mark Potok of the Southern Poverty Law Center (SPLC). . . . "Patriot" groups — described by the SPLC as outfits "that see the federal government as part of a plot to impose 'one-world government' on liberty-loving Americans" — are "roaring back" after years out of the limelight, according to Potok.

But even the drones recognized the self-interest in Potok's worries: "It is easy to exaggerate the numbers of these groups or the threat they pose, especially if you are an organization, like the SPLC, dedicated to exposing such things."

An unexpected bit of useful context from Newsweek; another humiliation for the SPLC — crusaders in search of a meaningful mission. — Jim Walsh

A land far, far away — Like countless other Americans, I watched the so-called "epic" History Channel docudrama, "America, The Story of Us." I suspect that, like me, other viewers of this propaganda were troubled by what they saw: not the story of *us* lower- or middle- or even upper-class Americans but the story of *them* — self-deluded upper-upper-upper-class Hollywood celebs and politically connected, bailed-out bankers.

That's right: actors and actresses and other professional pretenders, with no historical expertise to speak of, repeatedly interrupted the grand narrative of our nation to give us their take on past figures and events. P-Diddy celebrated the ingenuity of American workers; Michael Douglas muttered something about "land of opportunity" and "those type of people who want to take that risk" and "take that gamble" and "believe in a better life"; Sheryl Crow explained the price paid by pioneers (hunger, disease) during westward expansion. And so on. You get the point, right? This was not the most intelligent telling of times gone by.

To make matters worse, a dozen two-minute commercials — or spin spots — featured Bank of America, a company that, according to The Economist, is viewed unfavorably by 53% of Americans, but which was represented here as a patriotic institution and part of our national heritage. These commercials were like documentaries within documentaries: short pieces that told the story of this, our national bank, at once mighty and benevolent, omnipotent and kind.

Okay, so the commercials were more mythological than documentary. In all fairness, though, Bank of America has made efforts, aside from these commercials, to appease American taxpayers and consumers. It paid back the $45 billion it received from the Troubled Asset Relief Program. The company and the individuals who work for it are not evil. But a system that privileges government favoritism at the expense of the average hardworking taxpayer — ah, that's another issue altogether.

Perhaps Meg James, in her review of the series, put it best when she said, "United States history is filled with such heroes as George Washington, Abraham Lincoln, Rosa Parks and Bank of America. Well, maybe not, but the colossal bank is doing its best to join the pantheon." Yes, Bank of America is trying to save face. Can you blame it? If I were managing the company, I would do the same thing — which just goes to show that even well-meaning people can get caught up in the system of state corporatism.

The fact that (surprise, surprise!) King Obama opened the series adds another layer of irony not only to the series' message (America is great because of its ability to pull itself up from its bootstraps) but also to Obama's recent sanctimonious, antibusiness platitudes. For here was the architect of the bailouts appearing side by side with his partners in collusion, the bankers. Add to these images the blabbering, bobble-headed celebrities, and you get the blessed trinity of this age of secularism: government power, corporate cronies, and simpleminded sycophants.

CGI effects and kinetic camerawork provide eye-candy but little intellectual substance for viewers of this unfortunate, overambitious, overhyped flop. Anyone hoping for more than clip and cliché should avoid this series at all costs. Those who like oversimplification (dare I say dumbing down?) should skim the Wikipedia entry for "United States." That's much faster. And without commercials. — Allen Mendenhall

What is it good for? — As we approach the sesquicentennial of the American Civil War, and we find ourselves knee-deep in fresh military adventures, Lincoln's Second Inaugural Address, his spiritual exegesis of war, calls out with prophetic urgency.

I cannot read it without a shiver running down my spine. Lincoln deftly counterposes the inscrutable Creator with man's feeble, hubristic attempts to take the cause of God as his own. As Lincoln points out sardonically, both sides cannot possibly be prosecuting God's will, despite the not-so-small detail of each worshiping the same God. Surely Yahweh speaketh not with forked tongue?

In truth, war more resembles a *deus ex machina*, oblivious to all sides, descending upon man, who is left little choice but to wage it. Invariably, rationales are devised. Rallying cries, banners, and earnest reconstructions of *causa belli* ensue. These various human rationalizations represent futile attempts to assign scrutability to what is ultimately an inscrutable

endeavor: "All dreaded it, all sought to avert it . . . and the war came." There is an inevitability to the "coming" of the war. For all their pretensions as first-order promulgators, men are mere instrumentalities. Yet, Lincoln invokes his own interpretive prerogative, divining that God's sensibilities are so offended by the evil of slavery, that it *must* be the root cause: "All knew that this interest [slavery] was somehow the cause of the war."

Lincoln is not infallible. On a separate occasion he laments, "If I could save the Union by freeing the slaves, I would; if I could save the Union by not freeing the slaves, I would." That Lincoln might be guilty of inconsistency serves only to confirm his own human status. The power of the Second Inaugural is undiminished — although its lesson remains largely unlearnt.

We see a persistently hubristic impulse on grand display in the Pentagon's recent Powerpoint slide on the "influences" at work in Afghanistan. Surely only God himself could preside over — let alone comprehend — this maze of blobs and arrows, this panoply of causes, countercauses, insurgent motives, imputed responses, and strategic half-nelsons. The chart reeks of Faustian triumphalism, the notion that if we can only get our hands around the totality of human motivations, then those twin vagaries — fate and the will of God — might be harnessed and subdued. Where, in this intricate mosaic, do we find the vaunted fog of war? "When we understand that slide," said General McChrystal, "we'll have won the war." Good luck.

Had the neocons only read less Leo Strauss and more Lincoln, imagine what could have been avoided. Fate is the province of God, not of the Joint Chiefs of Staff or, God forbid, of Microsoft. Since time immemorial, the mightiest kings have met their match in Ozymandias' "lone and level sands." It is hard to imagine technological innovations or advancements in military science usurping Shelley's poetic vision.

The grand illusion of control, abundantly evidenced by the Pentagon's assiduous arrows and tactical zones of influence, is a conceit that Lincoln brilliantly exposed. How sad that his successors failed to heed this crucial lesson of history. In war, the most chaotic endeavor of all, human mastery is a pipe-dream. A five-year veteran of war's maddening ebbs and flows, Lincoln would offer only this on the eve of almost-certain military victory: "With high hope for the future, no prediction in regard to it is ventured."

A healthy trepidation — as opposed to a bloodless, diagrammatic certainty — is the hallmark of wisdom. The only war cry worth its salt? "Get thee behind me, hubris."

— Norman Ball

Mass lonelyhearts — People who vote sometimes seem to be a political version of my old friend K's love life. An otherwise intelligent woman, K fell in love with all the caution of a rock sinking into deep water. She gave her heart and trust to this man . . . then to the next man, then . . .

Of course, every man on the impressively long list of "true loves" betrayed her, lied to her, and left her embittered — yet oddly able to render exactly the same love and trust again. In serial gabfests, she cried to me about being jerked around by men, like a puppet on a string. I kept arguing that the way to stop being jerked around was to let go of the other end — don't grab another rope the instant it is dangled. Better yet, give a totally different type of man a chance. Stop running after "players" and try looking for substance over flash. My efforts were to no avail.

So with those who vote. They keep grabbing onto the political rope — that is, onto the sweet promises of this candidate, then the next. Embittered and betrayed by yesterday's politician, they find it instantly possible to put on straw hats and petition and campaign for today's version . . . whether he's named Scott Brown or Ron Paul. "*This* one is different!" the political junkies protest indignantly — just as K used to do. And just as she did, they brook no criticism of their true love de jour until, of course, it becomes abundantly clear which end of the string they are on.

— Wendy McElroy

Same as the old boss — Like every other person who believes in liberty, I am outraged by the continuing war that the Bush administration is waging against our civil liberties in the so-called "war on terror."

The latest outrage was the recent decision by the infamous Bush Department of Justice (DOJ) to demand that Yahoo turn over its clients' email messages that are stored in "the cloud," that is, retained on Yahoo's storage devices. Yahoo even now is battling the DOJ in federal court, arguing that all emails should need search warrants, because all emails (like all phone calls) carry the expectation of privacy, and that this should apply to all emails, no matter how old, and whether stored on home or host computers.

Yahoo has been joined by Google, whose attorneys filed a friend-of-the-court (*amicus curiae*) brief arguing that exact point. The fascistic Bushite DOJ has taken a different view. It admits that federal law requires a court order to examine messages in electronic storage that are less than 181 days old. But the DOJ is arguing that previously opened email is not really in "electronic storage"!

Coming on the heels of the DOJ's push in March to be allowed access to the logs of the locations of people's cellphones without court order, we can see a clear pattern of an out-of-control Bush administration eager to expand the power of government to snoop on innocent citizens.

But wait . . . I'm mistaken . . . it's the "civil libertarian" Obama administration that is doing these things.

Oops. My bad.

— Gary Jason

We're on notice — There have been few, and I mean few, substantial press reports about a recent appeal hearing concerning whether the alleged "Michigan militia" members pose a serious enough danger to be kept in jail. The most striking thing in the few articles about this appeal hearing is how very weak the government's case actually is.

It was reported that while on the witness stand, the FBI agent who led the investigation into the alleged militia could not remember details about the two-year long operation. It was also reported that the agent did not know whether the weapons seized from these citizens were legal or illegal.

That's strange. I think most Americans reasonably expected the chief officer of an investigation in which the suspects are alleged to be plotting against the federal government to remember and articulate the evidentiary details of the state's case — especially when nine citizens are held in jail without bond because of the allegations against them.

The judge hearing the appeal granted the defendants' motion to be released on bond. But freedom-loving citizens should not find comfort in this ruling. After all, it concerned an appeal brought by the defendants after the judge hearing their first bond request had sided with the federal government. And at the time of this writing, the release is being blocked by another court.

Whether one finds these people savory or unsavory is not important. What is important is the rights of these people, who appear from all available information not to have not committed a crime, but who were charged and incarcerated on the basis of the barest and most speculative of evidence.

Worst of all, we are only at the beginning of this case.

— Marlaine White

Word waffle — Former President Bill Clinton has warned that there is Danger in the wave of anti-government rhetoric, and "that words apparently do matter." This remark set off irony detectors coast to coast, since Clinton is the president remembered for once questioning what the meaning of "is" was. — Tim Slagle

Art forsakes — Extremely important in classical liberal philosophy are the distinctions between negative and positive rights, and between rights and social goods.

A negative right to X is the right not to be deprived of X by others. Of course, this generally entails an obligation not to deprive anyone else of X. A positive right to X is the right to be provided with or enabled to do X. This obviously entails an obligation for other people to provide X to anyone lacking it.

We classical liberals take a dim view of positive rights.

I certainly think that any person has a negative right to free speech, which for me entails the obligation not to interfere with him as he speaks his mind. But I don't hold that any person has a positive right to free speech, entailing on me or other people the obligation to enable him to speak — by, say, purchasing a radio station for him.

Unfortunately, people often confound social goods with positive rights. I don't think that any person has a positive right to an elementary education, but I do hold elementary education to be a social good. It is beneficial to society generally and me personally that citizens be widely educated. It makes for a more productive workforce, and hence a more prosperous society, and it increases my chances of flourishing. If I become gravely ill in a society that has few doctors, I may well die as a result.

But even granting that something is a social good doesn't mean that it has to be provided by government. A classical liberal can hold that it should be provided by private groups, or even that government should subsidize it but not provide it directly.

The most obvious example of the latter approach is the voucher system for schools. Under this system, the government collects the money allocated for public education, but instead of running the schools, it gives the money directly to parents, in the form of a coupon that can be used at any school that accepts it. This allows the force of competition to exercise its invisible hand to keep quality high. It also minimizes the intrusiveness and inefficiency, the dead hand, of government.

A recent study put out by an eminent British thinktank, the Adam Smith Institute, carries this line of thought into a novel area. Entitled "Arts Funding: A New Approach," by David Rawcliffe, it explores the idea of vouchers for art.

Rawcliffe begins by reviewing the expensive and inefficient bureaucratic structure by which the UK funds the arts. Essentially, four councils (one each for England, Scotland, Wales, and Northern Ireland) distribute nearly 700 million pounds (well over a billion dollars) to support the arts. This money is taxed from the people and given to the councils, whereupon bureaucrats dole it out to various individual artists and art organizations, by criteria that are notoriously unclear.

Rawcliffe then considers reasons for and against subsidizing the arts. Two arguments typically given for subsidization are that it creates "positive externalities" and is a matter of equity. Positive externalities include the national pride instilled by flourishing arts, the important legacy that art provides for later generations, the broadening of education generally, and the help that a vibrant art scene lends to tourism. The equity consideration is that the poor cannot afford to attend arts events or visit museums.

Clearly, both of these reasons are debatable, as Rawcliffe notes. He observes that an earlier study, done by David Sawers at another fine British free market thinktank, the Institute for Economic Affairs, argues on empirical grounds that those positive externalities are overstated at best. I would add that observation shows us that the great art which attracts people to the museums of the world was mainly produced before World War II, and it was usually supported by private patronage, not government subsidy.

As to the equity argument, it too is debatable. Taxing Ms. A to give Mr. B a ticket to the opera is forcing A to work for B's leisure.

For these reasons, Rawcliffe doubts that the arts should be subsidized at all, as do I. But the reality is that subsidization of art enjoys deep public support, not to mention support among elites, and within the arts bureaucracy itself. So subsidization is likely to continue.

Rawcliffe therefore suggests that, if the arts are to be subsidized, the most efficient approach is to take the money allocated and simply give each citizen a yearly arts voucher of about 11 pounds ($17) to spend on arts events that the citizen chooses.

This consumer-side approach would have many advantages over the present producer-side approach. It would give everyone an equal share of the money. The present system,

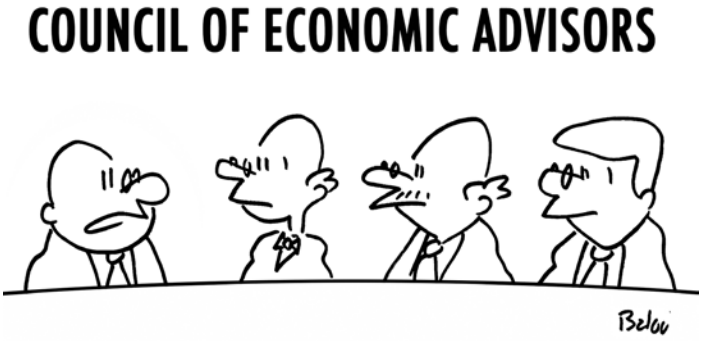

"Really? — I heard the same theory from *my* barber."

Rawcliffe shows, distributes the money disproportionately to the big cities and to professional and higher income people, rather than to smaller cities and the working class. Moreover, the large arts bureaucracy, whose salaries consume much of the taxpayers' money for the arts (on the order of 10%), would be dramatically reduced. The scheme would also make artists aim to please the citizens whose taxes pay the subsidies — as opposed to pleasing the arts bureaucrats, who contribute nothing. The idea would reduce the corruption and politicization of the arts. And it would spur competition among the creators and purveyors of art.

This is an altogether fascinating case of the voucher concept. — Gary Jason

Gentlemen's agreement — Now that the global warming consensus is falling apart, or rather, it is becoming increasingly public knowledge that it never was a consensus at all, we are getting more and more clues to how this massive snowjob has been perpetrated.

There was a broad, perhaps unspoken, gentlemen's agreement between alarmist scientists and their collaborators, the press, and other media. The scientists would often qualify their concerns about the potentially dangerous effects of global warming in their peer-reviewed journal papers. But whenever those same papers got reported to the public, the qualifications disappeared, to be replaced by expressions of the certainty of impending doom. Thereafter, those "quoted" scientists stayed mum about the exaggerations of their scientific findings and predictions, thus maintaining deniability about any role they played in essentially fraudulent propaganda being used to sway an often gullible public, and the politicians, government bureaucrats, and environmentalist advocacy groups seeking more power to impose their demands.

I had gradually been noticing this pattern, but it came to my full awareness just recently with the various exposures of false claims in the IPCC AR4 report (the Fourth Assessment Report of the Intergovernmental Panel on Climate Change), and the subsequent reactions of the original scientists involved.

For instance, in a recent email interview, Michael Mann, creator of the infamous hockey-stick version of the history of "warming," claimed that his original 1998 paper stressed the uncertainties involved in reconstructing past temperatures. However, that didn't stop the IPCC from including it in their reports, and it didn't lead them to warn readers of their Report for Policymakers about how uncertain their case was, and it certainly didn't make it into news reports that the hockey stick was anything other than a certainty representing our future. And no IPCC scientist ever took the trouble to disabuse news reporters of their error.

The desired objective was achieved, scaring the public into willingness to accept the blame and disrupt their lives in order to prevent the coming tragedy. The scientists could remain blame-free, since their technical papers contained appropriate reservations and qualifiers. The media reporters, generally liberal and environmental alarmists, could claim they were reporting indisputable science, and only a few deniers, ignored by the media, would argue the point. — John Kannarr

The union label — So far, it has cost the U.S. Treasury $81 billion to keep the poorly run, union-screwed automakers GM and Chrysler alive. They are now basically co-owned by the federal government and the UAW.

Recent stories about the companies — now derisively named Government Motors — should make us even more nervous about what they will cost us, going forward.

One was a report on CNNMoney (April 7) that GM lost $3.4 billion in the fourth quarter of 2009. After the legendary cash-for-clunkers program, which was supposed to boost sales for our ailing automakers, this was a disappointment, to say the least.

Now, GM is saying that it will return to profitability some time this year. Perhaps, but things look dicey, for a couple of reasons. First, during the same period, both Ford and Toyota reported profits. Second, the pension funds for both Chrysler and GM are grossly underfunded, and will need to be brought up to a proper level.

As reported in The New York Times on April 6, the pension plans at the two companies are underfunded by a staggering $17 billion. As the story dryly notes, if the companies don't return to profitability, the pension plans could fail.

To correct the pension underfunding, GM will need to fork over $12.3 billion, and Chrysler $3.4 billion, over the next five years, just to achieve minimum funding levels. This, of course, will make it even harder for them to become profitable.

What if the pension funds fail? Well, here is where the fun begins.

In that event, the Pension Benefit Guaranty Corporation (PBGC) will have to cover the pensions of 650,000 GM employees and 250,000 Chrysler employees. For as long as they live.

At that point, the PBGC would likely be pushed off a cliff. As I observed in a Reflection some time back ("Pension pains," October 2006), the PBGC has itself been underfunded for years.

But, hey, the taxpayer won't mind rescuing the PBGC. Remember: it's too big to fail! — Gary Jason

Have it your way — I was arguing recently on a medical blog about the issue of laws mandating that caloric and nutrient information be conspicuously placed on menus at fast food restaurants. New York state has legislators that want to *ban* added salt and high-fructose corn syrup at *all* restaurants.

One response, from another MD, was: "I don't view putting nutritional information on the menu as forcing my preferences on others. Rather I view doing so as giving the consumer informed consent before consuming the food."

Well, as it happens, working at McDonald's was my first job. So I thought about the implications:

Customer: "I'd like a Big Mac, please."

McDonald's employee: "Sure. But first let me discuss with you the risks, benefits, and alternatives available to you. Big Macs contain two all-beef patties, cheese, lettuce, onions, pickles, special sauce on a sesame seed bun.

"The all-beef patties together weigh 3.2 oz. prior to cooking. We cook them on a 1,500° grill. There is a small but significant risk of E. coli infection. We have not personally seen this complication, but other restaurants have. There have been reported cases of younger children choking on sesame seeds. Please report choking to the proper authorities

continued on page 33

Naming Names

by Bruce Ramsey

Are you now or have you ever been a
signatory of a ballot measure in America?

On April 28, 2010, the U.S. Supreme Court heard arguments in the case of *Doe* v. *Reed*. Friends of the court on one side included the Cato Institute, the Institute for Justice, the Justice and Freedom Fund, Liberty Counsel, and a Washington state group called Voters Want More Choices. These were conservative or libertarian groups. On the other side were a gay-rights organization, some professors of political science, the newspaper industry, several state governments, and the left-leaning City of Seattle.

At issue was whether a state can name the names and addresses of all signers of an official petition, or whether the First Amendment to the Constitution gives signers a privacy right.

I use the term "naming names" because it recalls the late 1940s and early 1950s, when American liberals fervently objected to leftists being put under oath and asked to "name names" of members of the Communist Party. The parallel with petition signers is not exact, but there is a flavor of it in the story behind *Doe* v. *Reed*. This is a case about the government, political opponents, and a hostile media taking an interest in the political activity of citizens with unpopular views.

Sixty years ago, American liberals defended privacy. Now, in this area, they don't. Perhaps that is because it is not their ox being gored. Perhaps it is because they have learned to love government, particularly when their people are running it. Perhaps it is both.

To the case. The "Reed" in *Doe* v. *Reed* is the chief elections official of Washington state, Sam Reed, a moderate Republican. He is a champion of public disclosure and wants the names disclosed. "Doe" is the stand-in name for two opponents of same-sex marriage who signed a petition to put Washington's new same-sex unions law on the 2009 ballot. The two Does want to win a constitutional right to stay anonymous.

Referendum 71 did make the ballot. To the disappointment of the people who put it there, Washington voters approved same-sex unions, making the Evergreen State the first to do so by public vote. (See "Man and Groom," Liberty, January–February 2010.) *Doe* v. *Reed* is not an attempt to roll back gay unions in Washington, though it was brought by the people who would like to block gay unions in other states. *Doe* v. *Reed* is about signatures on any petition to put a thing on a ballot.

In some states, such as California, these signatures are not disclosed. If the plaintiffs win, California's rule will apply to all 27 states with citizen-sponsored ballot measures.

Here is how this case came about. On May 18, 2009, Gov. Christine Gregoire, Democrat, signed a bill granting same-sex couples all the rights and privileges of marriage in Washington. The new law was to go into effect July 26. But a conservative group called Protect Marriage Washington began circulating a petition of referendum, which would refer the law to the people. To do this, they needed 120,577 signatures — 4% of the votes in the most recent election for governor.

Gay activists were furious. After years of their effort for equality, the state had recognized their rights. Except for the name, "marriage," their fight was over. They had won. Then suddenly they had not won. Their opponents, whom they had beaten in the legislature, popped up with a drive to put the issue to a public vote, a vote of the kind that gays had been losing all over America. Gays started a don't-sign campaign, portraying the signing of Referendum 71 petitions as an act of hate.

One such activist, Brian Murphy, publicly threatened to "out" everyone who signed. He requested a CD of all the signers' names and home addresses from Secretary Reed and said he would post them as a searchable database at his web page, WhoSigned.org. Another web page, Knowthyneighbor.org, had done this in Arkansas, Florida, Massachusetts, and Oregon. Murphy would do it in Washington and encourage his supporters to have "personal" and "uncomfortable" conversations with people they knew. Several others requested that CD, including the director of the gay-unions campaign, a self-employed political consultant and a former Republican legislator.

Protect Marriage Washington sued, beginning the case that has reached the Supreme Court.

Few defended Murphy's tactic as decent or acceptable. George Will denounced him as an agent of "thuggish liberalism." But the media and political establishment of Washington — a "blue" state — defended the decision of Secretary Reed to release the signers' names and addresses. And they did have an argument. Public disclosure laws are crucial for citizens to keep tabs on their government. And it is hard to maintain that individuals have a *constitutional* right to be protected from "personal" and "uncomfortable" conversations. In oral arguments, Justice Antonin Scalia asked sarcastically whether Americans were "oh, so sensitive" and "touchy-feely" that disclosure of their names was "too much of an imposition upon people's courage." And he said, "You can't run a democracy this way, with everybody afraid of having his political positions known."

Well, yes. If there is going to be democratic voting, some people have to make their views known. But did all 138,500 signers have to be "outed"? By naming names, would the state be taking away their First Amendment rights?

The argument on the "yes" side begins by comparing the signing of a petition to voting. When you vote, your ballot is secret. One of the principal reasons for secrecy is to free you from intimidation, so that you will vote the way you want. This is the argument cited by earlier Washington secretaries of state for not releasing signatures, which was the Evergreen State's policy for 80 years. But the comparison to voting is not a constitutional argument. The secret ballot is nowhere in the Constitution. It came from Australia and was not used in all U.S. states until the election of 1892.

During oral arguments, Chief Justice John Roberts asked Washington's attorney general, Rob McKenna, whether there were any First Amendment "interests" in the secret ballot.

"Yes," McKenna said. There might be "a potential chill from voting," he said, "if you know your vote is going to be revealed."

The chief justice followed with the obvious question: might there be also a potential chill from signing a petition if you know your signature is going to be revealed?

"Some chill may result, just as some chill may result from having your campaign contributions disclosed," the Washington attorney general said, "but we do not think that it is significant enough."

What would be significant enough? Evidence of intimidation? There was evidence from California's fight over a same-sex marriage law there. ProtectMarriage.com, a conservative group, said in its friend-of-the-court brief that "supporters of Proposition 8 were subjected to economic reprisal, loss of employment, blacklisting, verbal abuse, racial and religious scapegoating, vandalism, threats of physical violence, actual physical violence, death threats, and other manifestations of public and private hostility." The California victims, however, were donors and sponsors, not mere petition signers. California doesn't name signers. Washington does, though for Referendum 71 it didn't because of the lawsuit. That meant the chilling effect of naming signers had to be imagined. One side wanted to imagine it and the other didn't.

On the other side, the Lambda Legal Defense and Education Fund, which defends same-sex marriage, called the California experience "a handful of incidents" that did not amount to a "systematic victimization crusade." The privacy side was trying to puff up its "mere discomfort at the zealous but constitutionally protected speech" of gay activists.

The WhoSigned.org threat *did* seem to come down to "discomfort" at "zealous speech" — and probably more at the thought of it than at the reality. But did that make it insignificant?

The answer might depend on the importance of the thing affected. If signing a petition were like voting, then a small effect was significant because voting is "core political speech." It is subject to the "strict scrutiny" of the Court, which intends to allow very little of it. Circulating a petition has also been declared — in *Meyer* v. *Grant* (1988) — to be core political speech. But *signing* a petition has not been declared that — at least, not yet.

In *Doe* v. *Reed*, the State of Washington argued that signing a petition is "without significant expressive content" because the signer puts his name on other people's words. But what about the signature gatherer? The petition isn't in his words, either. He's just a worker, typically paid a dollar or two a signature. The state argued gamely that gathering signatures "is core political speech because it involves interactive communication between the signature gatherer and the voter." It implied, without saying, that signing petitions does not involve this.

If signing a petition to change the law is not political speech, what is it? It is *legislating*, the state said. Petition signers were acting as legislators — all 138,500 of them. And legislators' votes are public. As Lambda Legal said, citizens have

continued on page 30

Presumption of Competence

by Wendy McElroy

The nanny state wants to turn adults into children.

A core principle of the nanny state is that people do not know their best interests and must be treated like children, with the state acting as guardian. Indeed, that's what the word "nanny" means. The nanny state proceeds from the presumption that you are incompetent to administer your own life. Even fully functioning adults are deemed unable or unwilling to make wise decisions, so the state rushes in to fill the void with regulation of every individual's personal health and safety.

How much trans fat or salt can be in your burger? You are too obese, too nutritionally ignorant, too addicted to McDonald's to be trusted. Should you smoke, drink, or chow down on sweets? Of course not! But if you do, then, like a good parent, the state will force you to bear the cost of irresponsibility by uber-taxing your minor vices and imprisoning you for your major ones.

The "wise parent" list scrolls on and on: wear a helmet while bicycling, don't use saccharine, no public nudity, don't loiter in parks, monitor your words to coworkers, don't download porn, take a urine test at work, don't drive too fast, take only approved drugs and only in the prescribed fashion, strap on your safety belt, pay a tax for the error of fast food, no smoking in public places, register your handgun, don't use incandescent bulbs, recycle, homogenize all milk, buy health insurance. . . . Recently, Maine was pushing to eliminate sex-specific bathrooms because separate "men's" and women's" rooms discriminate against your gender rights.

Yes, where you take a piss is now a matter of state, to be debated by legislatures, and all because they want to protect you. Happily, Maine has backed away from politicizing toilets — but this didn't put the issue to rest.

Since adolescence I've known that the state is not there to protect me or be my wise guide; I have to protect and guide myself. In that process, my mistakes have been more valuable to me than the "wisdom" doled out by bureaucrats; my mistakes are what I learn from.

I did not gain this knowledge through reading or a high school debate society. I ran away from home when I was 16 years old and lived on the streets for as short a period as I could manage, sleeping in an unlocked church at night to keep from freezing. I was always cold, I was always afraid,

but I was lucky. In short, at 16 I was prime protection material; I was the sort of social problem about whom Sunday newspapers run human interest stories that touch the heart and end with by declaring that "there oughta be a law!"

The opposite of "there oughta be a law" was true. I call myself lucky because I was 16 years old and so legally able to work. I was lucky because the law did not "protect" me completely. I had a legal presumption of competence that gave me the option of taking a minimum wage job in a safe, warm place where I could earn enough to rent a room in a safe, warm boarding house.

The nanny state is quite willing to imprison those who disrespect its guardianship, and confiscate their property.

But what if I had been 15 years old and unable to work legally? What options would I have had then? I could have begged on the street or worked illegally and so been entirely marginalized. I could have stolen or sold my body for sex, and ended up in jail. All these options would have placed me in conflict with the police and placed me outside of "respectable" society, into which I might never have integrated again. The child labor laws meant to protect me could have destroyed my life.

Inevitably, nanny staters will respond, "The government would have protected you, had you let it. There were social safety nets, such as foster care, just waiting to help a 15-year-old." In short, they claim that the nanny state works just fine; the problem was me. The waywardly independent are blamed for their own misfortunes.

Those who make this claim vastly overrate both the availability and the quality of public assistance. Note: I am not arguing for more tax-funded aid or for more caring civil servants. Trillions of dollars and millions of bureaucrats have done nothing to prevent homelessness and the other social problems they allegedly solve. Those problems have turned into lucrative industries that have little to no connection with helping people, rather like public schools that produce illiterate and innumerate graduates. Moreover, such industries as child protective services constitute the main barrier to private charities that do a much more efficient and humane job.

A bit of reality needs to be injected into such questions as "Why do runaways and other homeless people so often prefer to sleep on the streets rather than be sheltered by government?" I can only speak for myself, but I think my reaction was a common one, or a common mixture. The only voluntary encounter I had with the subspecies of humanity known as the social worker guaranteed that I would never willingly turn myself into the authorities. Literally, I had to stand my ground in order to get a bed in which to sleep because I might have frozen outside; the clerk had to choose between housing me for one night and calling the police. When I did go to the second floor of the facility, I found dozens of empty beds. She clearly would have preferred me to freeze rather than fill out forms. Only because a call to the police would also have required forms was I allowed to stay.

Yet people remain baffled by those in need who refuse government assistance. Part of the reason is that those people have never had to deal with nanny-state bureaucrats from a position of utter vulnerability. Civil servants process humans as though they were slabs of meat; their goal is to reduce the meat to a number affixed to paperwork that can be filed away. There is no more humanity in the various welfare industries than there is efficiency in postal workers, kindness at the DMV, or concern for dignity at airport screenings.

Add to this scenario another feature. Kids on the street are often there because every authority figure in their lives has betrayed them. Runaways know that being dependent means being vulnerable. When social workers tell them that being thrown into the system is for their own good, this only adds the insult of the kids' being considered stupid, even while they are being set up for institutionalized abuse. People on the streets are not stupid about the system. They rub shoulders with the system every day; they know its daily realities far better than well-meaning people who pass a law and never give the homeless another thought, other than how to avoid the scruffy fellow sitting on the curb.

Still, it is important to remember that nanny staters who support child labor laws usually have good intentions. They want to prevent exploitation so that kids can have happy childhoods, good schooling, and fall asleep safely in their own beds. But those weren't the choices I confronted. And had I been 15 years old, all that the well-intended laws would have accomplished would have been to narrow my choices to ones that made me a criminal or completely dependent upon the kindness of strangers. Laws would have eliminated my best chance to survive and emerge intact, to have the ability to trade my labor on the open market and so take care of myself.

What I have just written is not merely a rant against the nanny state. It is the prelude to an argument for what I call "the presumption of competence." Some time ago I read this phrase in connection with the criminal law. In a criminal case, if a defendant asserts mental incompetence as a defense, the burden of proof is upon him or her to prove it; otherwise, the default position for the defendant is a "presumption of competence." The phrase immediately called to mind one that is a close parallel: the presumption of innocence. The latter phrase describes the requirement for due process according to which the government has to prove the guilt of a criminal defendant beyond a reasonable doubt before it can impose punishment. The default position for the criminal defendant is the presumption of innocence.

Historically, the presumption of innocence has been one of the most important guarantees of justice for the individual against the overweening state. I was interested to see whether or not "a presumption of competence" could serve the same function. If people are protected from state aggression by being considered innocent until proven guilty, then perhaps they could be similarly protected by being considered competent until proven otherwise. I mentioned that possibility

continued on page 33

The Farthest Shores of Propaganda

by Stephen Cox

Two films from Hollywood's Golden Age tested the limits of how much explicit political programming popular art can withstand.

If you're looking for propaganda, you'll find an inexhaustible supply in American films.

Hollywood is a place where even a history of the Mormon church can wind up as political propaganda — leftwing propaganda, at that. In "Brigham Young — Frontiersman" (Twentieth Century-Fox, 1940), Mormon prophet Joseph Smith, impersonated by Vincent Price(!), is asked what his religion is all about. Well, he says, with C.B. DeMillish music playing in the background, it's about building a world that has "a brotherhood plan," a plan that makes it "impossible for any one man to pile up a lotta goods or have power over his neighbors." He likens his version of the New Jerusalem to "that anthill over there," announcing that in the human anthill "everybody [will be] doing his share of the work and getting his part of the profits." Thus summarized, Mormon theology comes much closer to Marx ("from each according to his ability, to each according to his need") than anyone might have predicted.

With respect to political ideas, Hollywood films have proven remarkably absorbent. But rather than multiplying examples of the "Brigham Young" kind, it may be interesting to identify the limits of absorbency, the boundaries of entertainment propaganda in America. How far has propaganda been able to go?

The boundaries are identified, I believe, by a pair of movies, "Gabriel Over the White House" (1933), the most overtly fascist film ever released by a major studio; and "Mission to Moscow" (1943), the most overtly communist film. This is not a scientific determination, but I think you'll agree that it's hard to imagine more extreme ideological statements ever issuing from Hollywood.

President Hammond

"Gabriel Over the White House" was the work of Cosmopolitan Productions, an affiliate of MGM. It was released early in the month after Franklin Roosevelt was inaugurated as president. It was produced by Walter Wanger, who was involved, during his career, with such exceptionally varied films as "The Sheik" (1921), "Invasion of the Body Snatchers" (1956), and the Marx Brothers' "Cocoanuts" (1929). "Gabriel" was directed by Gregory LaCava, a specialist in comic films

who would achieve his greatest success in "My Man Godfrey" (1936). The screenplay was written by Carey Wilson, who received writing credits for "Ben-Hur" (1925) and "Mutiny on the Bounty" (1935). It was a respectable Hollywood crew.

"Gabriel" tells the story of Jud Hammond (intelligently played by Walter Huston), a crass and mildly corrupt president of the United States. At his inaugural party he enjoys witticisms about having purchased his office with promises he doesn't intend to keep. After his high-class guests have left the White House, he welcomes to its hallowed halls a young woman who is very obviously his mistress. But Hammond has worse moral failings. The nation suffers from a catastrophic depression; "starvation and want is everywhere"; yet Hammond remains undisturbed. While an "army of the unemployed" (shades of the Bonus Army of 1932) marches on Washington, demanding that the government "provide work for everybody," he diverts himself by driving recklessly along the public roads.

Anyone who bothers to read the Constitution will discover that presidents have no power to impose martial law for an economic crisis.

Fortunately for the republic, the president's car goes off the road, and he suffers "a concussion of the brain." He is, for all intents and purposes, dead. Then a miracle occurs. He is revived by a supernatural force — the archangel Gabriel. This supernatural being is never seen, except in a sketch that provides the backdrop for the opening credits. But his presence is known by the rustling of White House curtains, a theme from the fourth movement of Brahms' first symphony, and the good deeds that Hammond proceeds to do.

Instead of hiding in the White House, Hammond meets the million-man march of the unemployed in Baltimore, where the protesters are trying, in the words of their leader, "to arouse the stupid lazy people of the United States to force their government to do something before everybody slowly starves to death." Without waiting on the "stupid lazy people," Hammond decrees that the army of the unemployed will become an "army of construction," working for the government and "subject to military discipline," until, "stimulated by these efforts," the civilian economy revives. That takes care of the unemployment problem.

Hammond's next move is to visit Congress and demand money "to restore buying power, stimulate purchases, restore prosperity." (Then as now, "stimulus" was a crucial concept.) He further demands that Congress declare a state of emergency, then adjourn, while he "assume[s] full responsibility for the government."

"Mr. President!" a senator cries. "This is dictatorship!" "Words do not frighten me," he responds. "If what I plan to do in the name of the people makes me a dictator, then it is a dictatorship based on Jefferson's definition of democracy, a government for the greatest good of the greatest number. If Congress refuses to adjourn, I think, gentlemen, you forget that I am still the president of these United States, and as commander-in-chief of the army and navy, it is within the rights of the president to declare the country under martial law!" Having provided this unique exegesis of the Constitution, he strides off indignantly.

Of course, anyone with a copy of "Familiar Quotations" can find that Jefferson didn't define democracy in that way. Hammond's words about the "greatest good" are cribbed, more or less, from Thomas Hutcheson and Jeremy Bentham — and the original context was not a consideration of "democracy." Also, anyone who bothers to read the Constitution will discover that presidents are granted no right to impose martial law whenever there's an economic crisis. But the American people must be "stupid" and "lazy," at least about reading and thinking, because the next thing you see on the screen is the front page of the Washington Herald: "Congress Accedes to President's Request: Adjourns by Overwhelming Vote — Hammond Dictator."

With his new authority, Hammond promulgates laws to prevent the foreclosure of mortgages; laws providing direct aid to agriculture; and laws, or regulations, or something, that will allow the United States to abandon Prohibition without waiting, as Roosevelt did, for a constitutional amendment. Hammond's motive for repeal is far from libertarian; what he desires isn't freedom but "a return to law and order." He plans to get rid of bootleggers by establishing government liquor stores to monopolize the trade.

Much is made of gangsters, their antipathy to the state, and their antipathy, for some reason, to the unemployed. Hammond therefore creates a federal police force to arrest them, try them at court martial, and execute them. The chief arresting officer serves as judge, and the executions are conducted with the Statue of Liberty in the background: liberty equals obeying the law. "We have in the White House," it is said, "a man who has enabled us to cut the red tape of legal procedures and get back to first principles — an eye for an eye . . ."

The audience is meant to understand that these methods restore the United States to prosperity. But what about the rest of the world? Acting under the continued inspiration of Gabriel, Hammond sets things to rights in that department, too.

An international conference is scheduled to meet at Washington to discuss the war debts owed by European nations to the United States — an enormous issue in 1933. (For a protolibertarian perspective on the issue, see the entry for Garrett in "Works Cited.") The debts, clearly, are not being paid. Each nation pleads its inability to pay.

Hammond's solution is for all of them to give him the money they would otherwise spend on armaments. Then no one will owe anything, and there will be universal peace. To convince foreign diplomats that an arms race is futile, he stages a demonstration in which American dive bombers blast a pair of battleships into oblivion. This, clearly, is what will happen to the other nations' navies if they don't agree to give them up. It's for their own good: "The next war will depopulate the earth. Invisible poison gases, inconceivably devastating explosives, annihilating death rays, will sweep [the world] to utter destruction." Besides, if they don't agree to

disarmament, he's prepared "to force peace" on them.

So they agree. When it comes Hammond's turn to sign the Washington disarmament covenant on behalf of the United States, he uses the pen with which Lincoln signed the Emancipation Proclamation. It's the acme of his career as dictator.

But alas! Gabriel will flutter no more. Hammond collapses while signing the covenant. He dies amid a shocked and (for some reason) respectful throng of diplomats, who apparently agree with the sentiment of his (former) mistress: "He's proved himself one of the greatest men who ever lived."

Thus the tale endeth. "Gabriel Over the White House" is a fantasy of fascism-without-the-costs. The way to gain peace and prosperity, it asserts, is to seize dictatorial power; nothing but good can come of that. This is perfectly constitutional and thus, again, without costs. That removes some of the drama, but for the sake of pure propaganda, it's all to the good. Propaganda is based on self-righteousness: it always finds ways to assume — never to prove — the rightness of its cause.

Comrade Stalin

"Mission to Moscow" had a harder task. It set out to show the rightness, not of a fantasy American dictatorship, but of an actual foreign dictatorship, heartily disliked by most Americans. "Mission to Moscow" is America's most fervent mass-market propaganda for the Stalinist utopia.

The film was released by Warner Brothers in May 1943. The final result of the Nazi-Soviet contest on the Eastern Front was no longer in doubt, but generating American support for the Soviet Union was still regarded as vitally important by some people, especially politicians who feared that Russia would make a separate peace with Germany. The possibility of Stalin's trying the same stunt *twice* — first in 1939, in the Hitler-Stalin Pact, then in 1943 — should have shocked the conscience of anyone whose conscience hadn't died several years before. One person whom it grieved but did not shock was Joseph E. Davies, who had served from 1936 to 1938 as America's ambassador to the Soviet Union. Davies sponsored "Mission to Moscow" as a means of increasing American support for the Soviets and of keeping Stalin among the allies (MacLean 72–73, 90–91). The movie was derived, in one way or another, from Davies' book of the same name (1941), an account of his experiences in Russia.

Like "Gabriel Over the White House," the film had a respectable Hollywood pedigree. It was produced by Robert Buckner, who had written the screenplay for "Knute Rockne, All-American" (1940), and directed by Michael Curtiz, whose credits include "Casablanca" (1942), "Yankee Doodle Dandy" (1942), and other classic films. The screenplay was written by Howard Koch, who shared script credit for "Casablanca." But "Mission to Moscow" is a very odd piece of work.

To make the film more personal, and more official, Davies insisted on appearing as himself in a long prefatory scene. Blinking furiously into the camera, Davies lectures the audience about his "reliability" as a guide to Soviet politics. (Here and later, I quote from the film itself, not from the shooting script that appears, with some differences from the final result, in Culbert [57–224].) His evidence? His ancestors were "pioneers"; he was "educated in the public schools"; he was taught Christianity by his "sainted mother" (an evangelical preacher); he believes in the "free enterprise" system. After burning this incense on the altar of Americanism, Davies intones, "While in Russia, I came to have a very high respect for the integrity and the honesty of the Soviet leaders" and for their sincere devotion to "world peace." He adds that these honest leaders respected his honesty, too. Obviously, the audience should follow suit.

After Davies' pompous overture, the credits are shown and the real movie starts. Davies is played by Walter Huston, the same Walter Huston who had starred in "Gabriel Over the White House." He proves himself just as effective at portraying a communist dupe as he was at portraying a fascist dictator. In his first scene, he announces the movie's ruling idea: "No leaders of a nation have been so misrepresented and misunderstood as those in the Soviet government."

Skeptical viewers may wonder about that claim. They may also wonder how the little Christian boy from heartland America came to worship at the temple of the commissars. According to the film, it happened in this way: Davies was rowing a boat to his family's vacation camp in the Adirondacks when he was summoned to the White House to confer with his old friend FDR. The president asked him to go to Russia to get "the hard boiled facts" — as if Davies had some special talent as a researcher, or Roosevelt lacked the ability to read the reports already available.

Be that as it may, Davies takes the job and travels to Russia via Germany. At the train station in Hamburg he sees young people in uniform, marching past — the Hitler Youth. "Look at those little wooden soldiers," says Mrs. Davies. "It's as if they'd all been stamped out of the same machine." A glowering Davies shares his wife's outrage over the Nazis' destruction of individualism. But his next stop is the Soviet Union, where he is greeted by other squads of uniformed young people. "My, what fine-looking soldiers!" he says.

Equally fine-looking is the gourmet cuisine that materializes as soon as one crosses the Russian border. It's "real food," and plenty of it! — despite what the anticommunists say about millions of people being starved to death by Stalin, and despite what Davies' own book says about the dangers of eating in Russia: "British Embassy safest. French next. All the

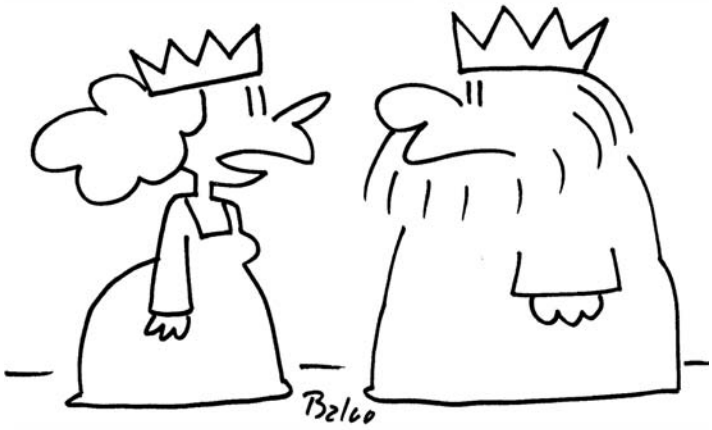

"Mother's visiting next week, so I'd like you to lock up all the dissidents."

rest questionable as they depend on local products. No wonder that the [American] staff here have their own commissary for supplies" (Davies 19).

From here on, the film is organized as a checklist of arguments against critics of Stalinism. We quickly learn that, contrary to their public image in the West, Soviet leaders are merely unpretentious civil servants. Yet they are also deep thinkers. Meeting A.J. Vyshinsky, Stalin's chief prosecutor, Davies burbles, "Ah yes, yes, we've heard of your great legal work, even in America." Yup, when Americans think of justice, the name Vyshinsky naturally comes to mind.

Some anticommunists assert that tyrants like Stalin couldn't possibly have the people's support. But their support is amply proved by stock footage of crowds marching across Red Square during the May Day parade. "I wouldn't have missed this for anything in the world!" says the irrepressible Mrs. Davies. As for the "peace" crowd — some people might be disturbed by Stalin's lavish display of armaments, but Davies takes the opportunity to thank God that Russia is "one European nation with no aggressive intentions."

It gets better. The Soviet people, we learn, possess the luxuries of life as well as its necessities. Mrs. Davies visits a posh cosmetics shop, personally supervised by Mme. Molotov (the same hard-bitten Stalinist who was later packed off to a concentration camp because she was a Jew, with Jewish friends, yet refused to relinquish her Stalinism). Mrs. Davies: "Women are much the same the world over. They all want to please their men!" Mme. Molotov: "I think we have much in common, Mrs. Davies."

Another thing that Americans and Russians have in common is the moral foundation of their governments. According to one of the film's many friendly Russian citizens, the Soviets' aim is simply "the greatest good for the greatest number of people" — the same idea that the fascist President Hammond falsely attributed to Jefferson. "Not a bad principle," says Davies. "We believe in it too."

But isn't Russia a "police state"? The American ambassador isn't worried — and why should he be? The secret police watch the Davies family from a car parked in plain sight, five feet away, as if they were auditioning for parts in "Naked Gun." Who could fret about bumblers like that? The serious role of detective is reserved for Davies himself. He tours the Soviet Union, trying to discover just how enormous its success really is. His findings come as "a revelation" to him: the victory of socialism is much greater than he could ever have imagined!

Support for the Soviet Union was still regarded as important by politicians who feared Russia would make peace with Germany.

He notices only one problem. There are just too many industrial accidents in the Soviet Union. Since they couldn't possibly result from any problems inherent in a socialist industrial system, they could only result from sabotage. But fortunately, the government is one step ahead of its enemies. It understands that leading figures of the Soviet Union have been allied for years with Germany, Japan, and the dreaded Leon Trotsky, in an attempt to overthrow the workers' state. The film follows the inexorable process of socialist justice as the traitors are seized, tried, and convicted *by their own confessions*.

Davies attends one of the "purge" trials (constructed out of "damning testimony" drawn from several such proceedings) and declares himself highly satisfied: "Based on 20 years of trial practice, I'd be inclined to believe these confessions. . . . 'Mein Kampf' is being put into practice" (by Trotsky, a Jew). Davies knows better than to think that confessions could ever be *extorted* in the Soviet system of justice.

Now the movie needs to grapple with the most obvious argument against the Soviet regime: it was Stalin, not Trotsky, who forged a pact with the Nazis in 1939. This complaint can only be answered by the testimony of Stalin himself. So, at the very end of his pilgrimage to Russia, Davies achieves an audience with Stalin, who imparts his deepest wisdom about the international situation. "The present governments of England and France do not represent the people," he confides. "The reactionary elements in England have determined upon a deliberate policy of making Germany strong. . . . There is no doubt that their plan is to force Hitler into a war" with Russia. If the Western powers don't befriend the Soviet Union, then the Soviet Union may have to befriend . . . Hitler ("protect ourselves in another way")! Stalin speaks, and Davies "appreciate[s]" his "frankness." He sees how logical the communist leader's ideas are.

In 1947, Jack Warner, who authorized "Mission to Moscow," told the House of Representatives Committee on Un-American Activities that the film was made to help the war effort (Culbert 266). If that was the primary motive, how can we explain its blaming the war on one of America's allies (England) in order to exculpate another (Russia), which had started the war by concluding an alliance with Hitler? Even such absurdly pro-Soviet films as "Song of Russia" (MGM, 1944) never went that far. "Mission to Moscow" isn't about the war; it's about Stalin, and about justifying him at every step.

That's what it shows Davies himself doing. Inspired by his edifying conversation with Stalin, he returns to the United States, where he tries to combat American isolationism. Then, following Hitler's invasion of Russia, he travels about America, drumming up enthusiasm for the Soviets. He links opposition to the Soviet Union with "fascist propagandists" and paid agents of "the Axis," and he links all of them to "defeatists" and "isolationists" and opponents of conscription. He never mentions the fact that from 1939 to 1941, while Hitler was allied with Stalin, the American friends of Stalin were vociferous isolationists. When a wild-eyed man, obviously a lunatic, rises in Davies' audience to ask him about the Hitler-Stalin Pact, Davies explains that Stalin had to buy time, because "he was left standing alone" — another attack on England for not allying itself with him. A second man has the temerity to bring up Russia's invasion of "poor little Finland" in 1939 — but Davies immediately provides the facts: the invasion was Finland's own fault!

Nothing can surpass the unintentional comedy of these

scenes; nothing, perhaps, except the vision with which the film concludes, a vision of permanent solidarity among all participants in "this, the people's war" — all the people, especially the Soviets, who are dedicated to "rebuilding a free world." It's a scene from the kitschiest kind of religious literature: as the peoples of the world trudge slowly toward the skyscrapers of the New Jerusalem, an invisible choir sings, "You *are*, yes you are! You are your brother's keeper! Now and forever, you are!" Thus the sarcastic remark of Cain, the primal murderer, becomes the final argument for friendship with Stalin.

Evolution of an Archangel

No one who watches "Mission to Moscow" can keep from exclaiming, "How could this movie ever have been produced?" But first things first. Let's consider how "Gabriel Over the White House" could ever have been produced.

"Gabriel" originated with a media tycoon, an ambitious producer, and an oddball book. The book was "Gabriel Over the White House: A Novel of the Presidency," published anonymously by one Thomas F. Tweed, a political associate of David Lloyd George, former Liberal prime minister of Great Britain. Lloyd George, to whom the book pays tribute (Tweed 226–27), has often been accused of softness on fascism.

Enter Walter Wanger, with aspirations to advance himself in the film industry. In January 1933, shortly before Tweed's novel was published, he induced MGM to buy film rights to the work. His goal, it seems, was to secure the backing of William Randolph Hearst, owner of Cosmopolitan Films and a friend of Lloyd George. The goal was realized: a screenplay was rapidly written, and Hearst rapidly came on board. He also tinkered with the script. To him is attributed the bullying disarmament speech that President Hammond makes to the other statesmen. This posed no problem for Wanger. He was happy to go along (McConnell 10–12, 19; Bernstein 82–84).

The fascism of "Gabriel" came primarily from the book on which it was based, and secondarily from its backer, Mr. Hearst. The director and screenwriter functioned as employees, doing their jobs. Wanger is another matter; he was the film's entrepreneur. His biographer is short on analysis and long on details (not all of them accurately reported: he thinks that "Gabriel" is "set in the 1980s" rather than the late 1930s, which is the actual period [Bernstein 82, Tweed 12]); but he demonstrates that Wanger's political expressions fluctuated like a fever chart. He supported communist causes; he supported American capitalism; he opposed war; he glorified war; he was praised by communists; he was successfully buttered up by Mussolini. His highs and lows were centered on a constant, naive modern liberalism, the type of "thought" that allowed him to bring "Gabriel" to life without ever worrying that it might be a fascist film. The biographer reports Wanger's boast that "the film anticipated many of Roosevelt's innovative policies (such as the Works Progress Administration for the unemployed) and his use of radio for fireside chats" (Bernstein 130, 127, 87). The difference is that Roosevelt didn't make himself a dictator. Wanger's hero did.

We quickly learn that, contrary to their public image in the West, Soviet leaders are merely unpretentious civil servants.

Louis B. Mayer, operating head of MGM, reportedly wanted to pull the plug on "Gabriel," thinking that the obtuse president whom one sees in its first scenes was a satire on his friend Herbert Hoover (McConnell 8–9). Supposing that's true, it had no apparent influence on the finished film. Yet while "Gabriel" was in the works, considerable anxiety was shown by the Hays Office, the film industry's self-censorship organization. It was worried that the movie made American institutions look bad and might even encourage revolutionary sentiments (Bernstein 84–86).

Propaganda is based on self-righteousness: it always finds ways to assume — never to prove — the rightness of its cause.

FDR chimed in too. Through his aide, Stephen Early, he suggested last-minute changes, which were made. As a result, the army of the unemployed doesn't appear in Washington, as planned — Baltimore is as far as it gets — and Hammond threatens the foreign leaders on a "private yacht," not a Navy vessel (Nasaw 465–66; what you see on the screen, however, is still unmistakably a Navy ship). Around the time when the movie was released, Tweed's publisher claimed that the novel "anticipated everything [Roosevelt] has done!" (advertisement, New York Times, April 4, 1933). It didn't, and Roosevelt didn't even like the movie. Trying to maintain Hearst's political support, he sent him a backhanded letter of congratulation, saying he was "pleased . . . with *the changes*" and complimenting the film as "an intensely *interesting* picture [that] should do much to help [what, exactly?]." He reported that his friends considered "Gabriel" a "most *unusual* picture" (Nasaw 466, emphasis added).

But the major changes weren't instigated by Roosevelt. They had already happened, during the transition from book to movie. "Gabriel," the novel, is actually more fascist, and more interesting, than "Gabriel," the film.

In the book, Hammond's various programs to stimulate "consumption" result in a "huge national debt" and the "mortgaging [of] future assets," but for him the real problem is "the existing capitalist system. . . . A system which permits humanity to be crushed and starved because of over-production." He admits that he doesn't know how to destroy capitalism — right now, anyway (Tweed 129–31, 219–20). He can, however, keep his own system going, and get other nations involved in it too, by arranging disarmament. Hence his actions at the great international conclave, where the book introduces a dotty bit of Wilsonian liberalism. Instead of threatening the diplomats with American air power, as he does in the movie, Hammond argues them into backing his peace scheme by offering to cancel their war debts, internationalize America's

gold reserve, and create a world currency that will eliminate barriers to trade.

In other respects, however, the film represents a decided liberalization of the book. It presents a solemn, Lincolnesque president, not the grim, angry man who in Tweed's novel gets his way by sending an army of gun-toting brownshirts, the unemployed marchers-on-Washington, to threaten members of Congress until they are glad to surrender power to him. The cinematic Hammond urges people to read the Constitution and discover how many powers it purportedly gives him; the novelistic president informs the nation that no "mere document, no matter how sacred," can "bind the hands and shackle the rights of [the] people" — meaning him. He openly violates the Constitution (Tweed 121).

The novel's fictional narrator, a crony of Hammond, adopts a tone worthy of Goebbels' diaries, admiring his leader's clever means of consolidating power: packing the Supreme Court; using federal money to bribe the states into dismissing their legislatures and substituting executive "councils" approved by him; placing gauleiters in every state — "fiscal agents" whose power "surpass[es] that of even the Governor"; combining all police forces into a single national force, operated by himself; creating a nationwide investigation and surveillance agency; confiscating all privately owned guns; dispatching people who fail to surrender their guns to "convict labour battalions"; sending those who resist arrest to "a special concentration camp" on Ellis Island, where 90% of them are shot (Tweed 153, 186–87).

To create popular support for his policies, Hammond invents a Department of Education, which is actually a department of propaganda, and mesmerizes the populace with long television speeches. (Strangely, the impoverished people of America have so much spending power that when TV goes on the market, two-thirds of them buy it, despite the fact that it costs "under $100" — in today's money, $1,500 [Tweed 80].) The Secretary of Education is a national socialist idealist who tells a friend, "Good God, the more I see of that man [Hammond] the more I want to be his doormat" (Tweed 119). Hitler could demand no more.

The oddest, but most revealing, feature of Tweed's story is its conclusion. Hammond discovered his great political ideas after being knocked on the head in an auto accident; now he suffers another knock on the head and forgets them all. When he finds out what he's been doing for the past four years, he's horrified at his betrayal of "liberty" and "the spirit of individualism." He tries to announce this in a television speech, but his fascist associates in the White House shut off the broadcasting equipment. Enraged by their betrayal, he suffers a heart attack, and they calmly let him die. One of these helpful friends suggests that during Hammond's four years of political heroism "he had not been normal . . . He had been on the borderline of insanity" (Tweed 286, 271). The reader is expected to agree. Yet he is also expected to agree that it was a good idea for Hammond's friends to kill him, once he'd regained his common sense.

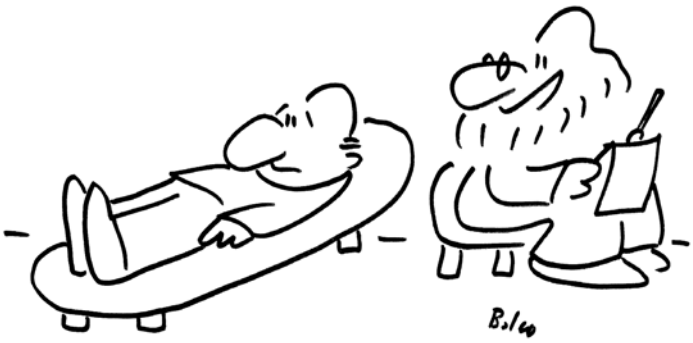

"I'm going to refer you to Dr. Keinsorge — he actually *enjoys* this sort of thing."

None of this interesting material gets into the movie. The film version of "Gabriel Over the White House" is a ridiculous example of extremist propaganda, but it is also an example of the moderating influence that Hollywood professionals and even Washington politicians can have in the shaping of propaganda for the mass audience they want to attract. No one involved in the movie held out for the purity of the original tale. Hearst groused about the small and late changes suggested by the White House, but he acquiesced. The others appear to have known, instinctively, what they had to do at each stage of the movie's production. The bland will find a way.

"Brainwashed"

"Mission to Moscow" developed in the opposite direction, from a drab book to a strident movie.

Joseph E. Davies, author of "Mission to Moscow," the book, was a midwestern lawyer who became active in politics and was rewarded with a third-class job in the Wilson administration. In this capacity he became friends with Franklin Roosevelt, who two decades later appointed him ambassador to the Soviet Union. By that time, Davies was married to the richest woman in the United States, Marjorie Post Hutton, leftwing daughter of C.W. Post, the cereal king. In "Mission to Moscow," the movie, we hear of their summer camp. This "camp" was Mrs. Davies' baronial estate, "an island kingdom, self-sufficient like a fief of feudal days" (Koch 111). During Davies' trips to Europe he depended on the services of Marjorie's 357-foot yacht, the "Sea Cloud," which carried a crew of 69 and featured a hospital, a gymnasium, and, of course, a movie theater (MacLean 22, 42). He never realized that his marriage was the only interesting thing about him.

Robert Buckner, producer of "Mission to Moscow," remembered Davies in the way that most people did, as an ignorant windbag and self-advertiser: "He was a pompous, conceited, arrogant man with greater political ambitions than his abilities justified . . . Stalin brainwashed him completely" (Culbert 254). Buckner's opinion was shared by virtually everyone in the Moscow embassy. "Ambassador Davies," said one of his colleagues, "was not noted for an acute understanding of the Soviet system, and he had an unfortunate tendency to take what was presented at the [Bukharin-Rykov purge] trial as the honest and gospel truth" (Bohlen 51). Another colleague, the famous George Kennan, who had the job of translating for Davies, remembered his naive trust in his own opinions, which were mainly those impressed upon him by his Soviet hosts (Kennan 83).

After his return from Russia, Davies put together an account of his experiences, the literary "Mission to Moscow" — a mélange of letters, journal entries, and bureaucratic reports,

650 pages long, a tome almost as engaging as the phone book, but much less reliable. Only researchers as hapless as the current writer could have made their way through this book. Yet it became a bestseller, probably for the same reason that presidential memoirs, which have the same characteristics, become bestsellers: it was topical, and people imagined it would give them some kind of special wisdom — only to read a few pages and discover their mistake.

Roosevelt may have suggested that Davies' book be turned into a movie; much more likely, the bumptious Davies may have suggested the idea to Roosevelt. Anyway, Warner Brothers thought "Mission to Moscow" was a good property. Davies, unlike virtually every other writer in Hollywood history, was given a contract granting him "approval" of "the basic story" (Culbert 15–17).

According to Buckner, Davies used his power to make sure that the movie whitewashed the Moscow purge trials. Buckner claimed that "an ambiguity about the guilt or innocence had been purposely suggested by Davies when the script was being written, but when time came to shoot the scene . . . Davies insisted on the guilt." When Buckner protested, he says, Davies threatened to pay off the studio and produce the film himself, using his wife's enormous reserves of money; and Warner Brothers backed down (Culbert 253).

A man like Davies was bound to make a fool of himself, perhaps in exactly that way. Nevertheless, Buckner's recollection, written in 1978, is decidedly untrustworthy. On May 20, 1943, soon after the film was released, Buckner wrote to Jack Warner, "I have carefully read all the criticisms [of the movie] and most of those boys are wide open on nearly every point. But at least we flushed out the Red baiters and the Fascist element in the press" (Culbert 253, 33). Is this the person who objected so sternly to Davies' Stalinist interpretation of history?

And was there ambiguity in the script before Davies' intervention? It doesn't appear in the available records. The first draft of the script, written by Erskine Caldwell, confirmed the wildest fantasies of the purge trials by showing Trotsky conspiring directly with Hitler to subvert the Soviet Union. Howard Koch's script exchanged Hitler for the marginally more believable Ribbentrop, Hitler's foreign minister, but left it perfectly clear that the Stalinists were right to purge the "Trotskyist" subversives (Culbert 162–64, 237). The Caldwell-Koch Nazi scene was finally dropped, which may be evidence that somebody, probably Buckner, was disgusted by this extremity of Stalinism. But it is hardly evidence that the screenplay was ambiguous about the conspirators' guilt. That is nonsense. Nothing went into the movie, or stayed in it, that Davies didn't allow, whether he really wanted it or not; but he didn't write the script, which is of a different character from Davies' book.

True, almost every segment of Davies' book sums up favorably for the Soviets. Marveling, for example, at the fact that so many people convicted of offenses against the state were men of "recognized distinction" and "long-continued loyalty," Davies concludes that the *evidence* against them must have been powerful indeed (Davies 201). To which one may reply, What evidence? When Davies can't twist logic, he resorts to mere cold-bloodedness. Footnoting the work of Commissar for Heavy Industry V.I. Mezhlauk, a man he admired, Davies adds: "Note: Mezhlauk has recently been 'liquidated' — whereabouts unknown" (Davies 385). No critique of Stalin is implied.

Yet one could produce a whole book against the Soviet system, and a large book at that, merely by quoting Davies' accounts of purges, executions, labor abuses, famines, and the communists' early meditations on the usefulness of a deal with Hitler. In Davies' text, the Soviet Union is a "totalitarian" state; trial confessions are "bizarre"; and "hundreds of thousands of people" are said, on good authority, to have died in the "horrors" of an agricultural "strike" that was "broke[n]" by the government (Davies 486, 405, 179). None of these "ambiguities" appears in the movie script — though, supposedly, it was "Davies' brilliant, legalistic fact-finding" which convinced the scriptwriter that nothing about the Soviet Union needed to be "whitewashed" (New York Times, June 13, 1943). What's the explanation?

To create popular support for his policies, Hammond invents a Department of Education, which is actually a department of propaganda.

David Culbert, the best commentator on this film, brings up two questions: "Was 'Mission to Moscow' a Stalinist tract? If so, did this mean that there were communists in Hollywood?" He easily establishes the answer to the first one: Yes. But he's still baffled by the movie's extremism. He blames it on the assumption that "entertainment programming should contain social 'messages,' the stronger the better." He blames it on government officials — Roosevelt, Davies — who sponsored the film, thinking it would help to win the war. Still, he observes, "this film is not within reason" (Culbert 13, 39). He can't account for its *degree* of extremism.

But that's easy enough. Communists did exist in Hollywood, and Howard Koch, the principal writer of "Mission to Moscow" was one of them.

Several years after "Mission to Moscow," Koch was temporarily "blacklisted" by the studios, receiving a crown of martyrdom that he wore with pride for the remainder of his long life. Did he deserve it? That is, was he martyred in the original, early Christian meaning of that word — punished as a witness, in this case a communist witness, to his own beliefs?

The answer is yes — on Koch's own testimony.

The Double View

Koch published the story of his life, "As Time Goes By," in 1979. It has often been used as a basic source for movie history. When reading it, however, one notices odd things. Normal questions go unanswered; narratives that begin in a credible way develop some exaggerated, virtually incredible feature, even when they have nothing to do with politics. And on that subject, Koch uses a variety of tricks both to conceal and to reveal his true identity.

He asserts that he was reluctant to write "Mission to

Moscow" — because he was tired and needed a vacation, not because he was averse to Stalinism. Indeed, no one, including Koch, ever alleged that he had any intellectual or moral scruples about "Mission to Moscow." Late in the game, a functionary of the government's Office of War Information, which was enthusiastic about the film, suggested that it include a defense of the Hitler-Stalin Pact (Bennett 498); but the defense was very probably in the script already, and Koch never blamed its presence on the government.

Jack and Harry Warner, he says, overcame his objections to the job by insisting that it was his patriotic duty, and he started writing a script from scratch, not really knowing what to do. Happily, though, "the opening sequence . . . emerged full-blown" while he was riding a train through Needles, California (Koch 106).

That's the story. No one seems to have noticed that it ignores one fact: the opening had already been laid out by Erskine Caldwell, before he was fired because of his clumsy dialogue (Culbert 18 reports this fact but draws no conclusions about Koch's veracity). Koch supposedly didn't want to do the film, but he was determined to take full credit for it.

Koch describes at great length his visit to the Davies' summer "camp" to discuss the movie. Strangely, he neglects to mention the fact that Maxim Litvinov, the Soviet Ambassador, was also present, for the same reason. That seems to have made no impression on him (Koch 109–16, Maclean 92, Culbert 20, 25, 253–55). One person he does mention is his friend Jay Leyda. He insisted that the studio hire Leyda as a special "technical adviser." He suggests that Leyda, who had spent several years in the Soviet Union, worked only on surface details, not on substantial matters (Koch 116–17, 123–24). Subsequent research has shown that Leyda was a Stalinist who probably had significant influence on the film (Radosh 8–10).

Robert Buckner, producer of "Mission to Moscow," remembered Davies in the way that most people did, as an ignorant windbag.

About the purge trials, and the question of the defendants' guilt, Koch writes, "I doubt if we will ever be certain of the answer, which is buried in the hearts of dead men." After all the years between 1943 and 1979, the defendants' preposterous confessions still look to him "like admissions of guilt for which they were sincerely penitent" (Koch 130). In 1943, of course, he knew even less about Russia than he does now, because "the American news media were almost without exception anti-Soviet, so their reporting could hardly be considered objective" (Koch 130, 98). Substitute "Nazi" for "Soviet," and you'll see the fallacy: if you oppose something, you're not being objective, so long as that something is Stalinism.

But if Koch was as naive about politics as he suggests, how did he happen to sign up for so many political causes? One cause he is proud to mention is the Waldorf Peace Conference (1949), an attempt to mobilize intellectuals in the support of Soviet foreign policy. He was an official of the sponsoring organization. He boasts that other members included "such 'subversive' characters as Albert Einstein, Harlow Shapley, Linus Pauling, Philip Morrison, Paul Robeson, and others of that eminent stature" (Koch 165, 178). That list is carefully compiled. It's enough to say that Einstein's pacifism habitually led him to temporize with communism; that Shapley, a distinguished astronomer, was a communist stooge to a hilarious degree (Hook 390–94); and that Robeson, a great singer, was a recipient of the Stalin Peace Prize. All were, indeed, "eminent."

Like other unreconstructed communists (Lillian Hellman is the best example), Koch depended on ordinary Americans' ignorance of history when he asserted his innocence about the ugly ideals he held. Yet he also courted the cognoscenti. He simultaneously targeted two audiences: (A) naive, trusting folk, whom he expected to fool; (B) cynical insiders, who shared his values and approved his sleight-of-hand.

This is the formula for a great deal of modern propaganda. One doesn't refer to fascism or Stalinism, or cite one's friendship with Goebbels or Gus Hall — though Koch comes close to that, in his praise of John Howard Lawson, the most outrageous and vulgarly abusive of the Hollywood communists, who in his view was a candidate for "sainthood" (Koch 89, Cox 92). Instead, one discusses "peace" or "social justice" or "national self-determination" and dilates on comrades of "eminent stature" in some non-political field. People in the know will penetrate the code. If others start to wonder, you can angrily demand, "Are you calling Einstein a communist?"

Koch goes farther. He enjoys flirting with detection. Speaking of his activities in the late 1940s (specific dates are rare in his book), he announces, "I must have attended a hundred or so meetings; I don't recall that the name of Stalin was ever mentioned." Could anyone, at that time, ride for an hour on a city bus without hearing the name of Stalin, much less sit in political meetings — about "peace," of all things — and never hear it? He continues: "The war was now over and his [Stalin's] role in world affairs was no longer prominent" (Koch 166). But this was precisely the period in which Koch, a supporter of the communist-front Progressive Party, was struggling against President Truman's efforts to contain . . . Joseph Stalin (Koch 165). It's all very funny — for those who get the joke.

In 1855, Lewis Cass referred to Americans who, "while humbly affecting to know nothing [are] resolutely determined to direct everything" (Klunder 271). Koch, who was constantly involved in politics but constantly denied that he knew much of anything about it, is a good example of the type. And without the authorship of someone like him, "Mission to Moscow" couldn't have come together, no matter what the White House or Joseph Davies wanted. The movie needed an author who was just "naive" enough to push the most cynical line imaginable.

The Moral of These Stories

Is there anything of general application that one can learn from the history of "Gabriel Over the White House" and "Mission to Moscow"? I think there is.

One thing, curiously, is the truth of a cherished libertarian

conviction — a belief in the potency of ideas, particularly the ideas of creative writers. It's worth noting that many early influences on the American libertarian movement — Isabel Paterson, Rose Wilder Lane, Ayn Rand, Albert Jay Nock, H. L. Mencken — were professional novelists or essayists. In a way that these people would not have appreciated, "Gabriel Over the White House" and "Mission to Moscow" show that ideas have power. Koch's communist ideas escaped the normal constraints of a capitalist studio and blazed across the screens of America. Tweed's fascist ideas found their market, though not quite in their original form. What this means, however, is that, contrary to most libertarian theory, the creative imagination is a very mixed blessing.

More cheerful thoughts are suggested by what the two films reveal about the usefulness of propaganda, especially propaganda that takes an overtly polemical form.

In America, few propaganda movies of any kind have legs *as* propaganda. "The Birth of a Nation" (1915) glorifies the Ku Klux Klan; but very few simpletons ever went to see that movie — or D.W. Griffith's next big picture, "Intolerance" (1916), which attacks Prohibition — to be instructed in political ideology. For many people, to be sure, propaganda just confirms existing biases. Movies such as "Julia" (1977) and "Reds" (1981) confirmed for the '60s generation the fond belief that emotionally troubled bourgeois leftists have their fingers on the pulse of history. This may be significant, for the persons involved, but it is of doubtful ideological importance.

It's hard to say what biases "Gabriel Over the White House" confirmed. Its themes may have appealed to the broad, yet shallow, quasi-fascist fringe of American voters, represented in that era by Huey Long and Father Coughlin; this idea has been suggested, though never documented (Carmichael 160–61, 168). The movie did make money. Cheap and easy to produce — it occupied only 11 shooting days (some authorities say 18) and cost $210,000 — it cleared $200,000 in profits (Bernstein 83, 86; McConnell 9). It received some bad notices and some good ones. "Variety" predicted that it wouldn't inspire anybody to think about doing anything (Carmichael 174), and it didn't. It was a symptom of its times; it was not a cause.

As for "Mission to Moscow" — it flopped. "It never broke even," the producer said. That's putting it mildly. Culbert notes that the studio tried to destroy all the prints in October 1947 (when the movie attracted unwelcome attention from the House Committee on Un-American Activities), but that made no difference. It had already finished its miserable run. It reported gross American receipts of $945,000, after production costs of $1,517,000 and advertising costs of $500,000. It enjoyed a big run in Russia (Culbert 256, 31–38), where it may have disheartened good people with its fervent show of American support for Stalinism. But this is speculation.

Culbert wisely observes that "Mission to Moscow" shows the fallacy of the idea "that mass media control what we think. There is a limit to what the traffic will bear." I would say more. There is no evidence that, as Culbert asserts, pro-Soviet pictures "kept anti-Soviet feeling from getting even larger" in the United States (Culbert 41, 35). I have yet to find evidence that "Mission to Moscow" had any active influence on anyone, except to arouse a highly visible campaign of opposition by John Dewey and other anti-Soviet leftists, who had a great time exposing its lies in the public press. When the National Council of American-Soviet Friendship staged a rally at Madison Square Garden to award a certificate of appreciation to "Mission to Moscow" and everybody involved therewith, the principal speaker, the veteran communist sympathizer Corliss Lamont, denounced the enemies of the Soviet Union and listed "ten chief points in the present anti-Soviet campaign": "question of Finland . . . claim that Russia is persecuting religion . . . talk of a negotiated peace with Hitler," etc., etc., and "film version of 'Mission to Moscow'" (New York Times, May 21, 1943). Lamont didn't realize it, but "Mission to Moscow" was a powerful weapon *against* the cause it endorsed.

Koch depended on ordinary Americans' ignorance of history when he asserted his innocence about his communist ideals.

I once heard a preacher say, "The First Amendment gives everybody the right to prove he's a God-damned fool." That's the good news about America; the bad news is that America has all these God-damned fools. Yet they have seldom been so foolish as they were in the case of "Gabriel Over the White House" and "Mission to Moscow." ❑

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Naming Names, *from page 18*

a right to "to lobby, through personal advocacy, the people who legislate."

The comparison of petition signers to legislators falls over if you push on it. Legislators are government employees. They are public figures. They crave publicity. They are popularly elected. They represent citizens, and citizens need to know how they vote because citizens can vote for or against them. Petition signers are voters. Private citizens. They represent only themselves. "Disclosures about *private* speakers do not promote *government* transparency," said the brief from the Justice and Freedom Fund.

Supporters of disclosure argued that voters have a right to know who is proposing to change the law by putting a measure on the ballot. I agree. But the people proposing to change the law are the *sponsors*. For Referendum 71 that would be the officers of Protect Marriage Washington, who filed the petition for referendum. Their names are on TV and in the newspapers. People know their names. What was the people's need to know the names of the 138,500 signers of Referendum 71?

The strongest reason the state gave, and it was none too sturdy, was the prevention of fraud. In Washington, matching signatures on petitions to signatures of registered voters on file is the province of the secretary of state. That's Sam Reed. Usually his staff checks only a sample of signatures, and projects whether there are enough. In close cases, the staff checks them all — and Referendum 71 was a close case. The law allows the pro and anti sides to post two observers each to watch the checking and file objections. There were some objections — is "D.J. Smith" an acceptable signature for Daniel Jerome Smith? But there was not a case for fraud.

The state also had an in-for-an-inch, in-for-a-mile argument: you sign a petition in public. In Washington, the petition sheet has space for 20 names and addresses, so maybe 19 signers see yours, plus some people who look at the petition and don't sign. By giving your name and address away in public, the state argued, you gave up your claim to privacy.

But there are thousands of petition sheets; in a drive for 138,500 signatures, there would be at least 6,925 of them. Imagine your name and address on one. Maybe 25 people see it; and if they are fellow signers, they agree with you. "It is opponents that constitute the concern," says the brief filed by Voters Want More Choices. Remember that *Doe* v. *Reed* began with a threat to allow anyone who opposed your signature to make an instant computer search for your name and address.

Of course the ballot measure's private sponsor has that information already. You gave it to him. In some states, he cannot use his list of names and addresses for any private purpose, but in Washington he can. Still, that need not mean that the state can. The state is bound by the First Amendment. Private citizens are not.

The import of all these arguments is not in their relation to Referendum 71, but in where they go beyond that. Here the state was asking for names and home addresses. But what if it asked for more? Justice Samuel Alito asked Washington Attorney General McKenna: how about telephone numbers? Washington doesn't ask for telephone numbers, but suppose it did. It might want to do that, Alito said, so that petition signers "could be engaged in a conversation about what they had done."

There follows in the Supreme Court transcript:

> **A.G. McKenna:** It would depend on the strength of the state interest in having the telephone number. The state does not have an interest in the telephone number on the petition form, because the state only needs to know from the petition form the name and the address in order to verify [the signature].
> **Justice Alito:** I thought you were saying that one of the interests that's served by this is to allow Washington citizens to discuss this matter with those who signed the petition. So putting down the telephone number would assist them in doing that.
> **A.G. McKenna:** Yes, it probably would make it easier for people to contact.
> **Justice Alito:** So you would endorse that?
> **A.G. McKenna:** That would be a policy determination for the legislature to make.
> **Justice Alito:** No, I'm not asking the policy question. I'm asking whether the First Amendment would permit that.
> **A.G. McKenna:** I believe it could . . .

Here McKenna is trying to wiggle away and Alito is trying to pin him down. McKenna is not asking that the state collect and disclose phone numbers. He doesn't want anything to do with the idea. His job is to win a case for his employer, the State of Washington, and his colleague, Secretary Reed. Also, McKenna is the state's highest elected Republican, and he is positioning himself to run for governor in 2012, which would make him the first Republican governor elected in 32 years. By championing open government, he reinforces his standing as a champion of clean government and a friend of the press. Justice Alito has different concerns. He is trying to knock down an argument by showing where some other people might take it.

The arguments in *Doe* v. *Reed* may be applied to other things, most obviously to political contributions. In the same month as the oral arguments, the Institute for Justice filed a new lawsuit in Washington state. It is challenging another part of the state's public-disclosure law. That part requires any group spending $500 in any month to influence legislation to file reports with the state, including publicly disclosable information on each donor of $25 or more.

The Institute for Justice argues that such low ceilings chill grass-roots activism. One of the groups in its case is in a heavily minority area of Seattle where owners have been organizing to protect their property rights. Many are immigrants from communist countries, where they learned from experience not to lend their names and addresses to any group opposing the government.

In America they face a different variety of government, to be sure. But it is still a government. It is still jealous of its powers, and it still tends to put its own interests ahead of private citizens'. Look at it in that way, and you arrive at the position of Brad Smith, former chairman of the Federal Election Commission and current chairman of the Center for Competitive Politics. The Institute for Justice quotes Smith in its brief for *Doe* v. *Reed*: "What is forced disclosure but a state-maintained database on citizen political activity?"

And that is why libertarians should care about *Doe* v. *Reed*. ❑

Zoophobia

by Jerry E. Ellison, Jr.

Mary knew her transgression would bring swift and terrible punishment — but she'd never imagined this . . .

"Honey, I was pulled over by a zookeeper this morning," Mary sobbed.

Her husband Simon carefully put down his bottle of soy soda and gave her his attention. "What?"

"Yes, I was speeding," she explained. "N-not fast! Just a little."

"There is no excuse for this." He took a gulp from the pop and sighed. "Did they keep the car?"

"Yes, Simon. I had to walk home."

"I'll get a lawyer." Simon scrolled down phone numbers on the refrigerator. "Sometimes you can get the car back with a fine."

Mary whispered, "I-I'm supposed to report to the zoo tomorrow."

"Good!" He tapped on a number savagely. "It'll teach you a lesson."

Mary stared at him sorrowfully as he pleaded with a friend of the family for assistance with getting back the car. He asked nothing about getting her back.

Next morning, the neighbors mustered to shake their heads in disgust as men in khaki shorts came for her. She meekly squeezed into a cage in their dog catcher truck. It was tight and uncomfortable and she cut her finger on a burr in the wire. She had to lie down with her legs under her belly to fit when they closed and locked the door behind her.

Mary could peer out the cage as the truck drove around making other pickups. She could see other people, and worse, other people could see her. Most pickups were as

submissive as she was, but a few struggled and were shot with a tranquilizer gun.

One man was particularly upset, screaming about something called a Constitution. Mary struggled to see beyond her angle of vision, but couldn't quite make it out. The man bolted past her cage and she could hear him slam against the truck, rocking all the cages. She heard nothing for a while except for murmuring from the cage next to her.

The man screamed, running back in front of her cage. Mary saw a gash across his forehead.

Khaki men surrounded him in a semicircle, their tranq guns drawn. He backed up toward Mary's cage, giving her a terrified glance. She reached a finger through her cage to give him the barest touch. They fired. One of the darts struck Mary, putting her to sleep.

Mary woke with a blurry nose up in her face. It was . . . yes . . . a woman, obviously displeased with her. As her head cleared, she saw a sign around the woman's neck that said "Vulture."

"She's awake," Vulture woman squawked. "About time."

A dozen people clutched close to Mary. All of them had signs around their necks, each with a type of animal on it. Mary looked down and saw that she bore a "pigeon" sign.

"Welcome to the zoo," said Marmoset, the chased man. The wound on his head had been dressed.

Mary stood up, but she was still a little woozy. "Is this . . . is this it?"

Marmoset shook his head. "No, not really. It's just the holding area before we get . . . the procedure."

"Before you all get the procedure," explained Vulture. "My lawyer will have this all straightened out for me."

"Maybe." Marmoset snorted.

"You can count on it," she insisted.

Mary took a stumbling step forward and propped herself up against the wall.

Aardvark put a hand on Mary's shoulder. "You better sit down, Pigeon." He helped her to the floor. "The show is about to start."

"The show?" Mary asked. "We get a show?"

"You are the show, honey." Vulture goaded.

"That's a false wall over there," Marmoset explained. "The public comes by for several hours to stare." He looked at his vacant watch tan out of habit. "And it's about that time."

"Oh, no," she said small.

Vulture leaped. "It's for the good of society. It'll teach malcontents that they better not practice antisocial behavior!"

"You're for it?" Mary asked, fondling her pigeon sign. "What they'll do to us?"

"Yes, turn you all into animals." Vulture said with satisfaction. "It's how you behaved, and what you will be."

"Miss Vulture has a little cognitive dissonance problem," Marmoset observed.

A motor cranked against aging gears, slowly lifting up the front wall. Sunlight spilled into the cell as Marmoset planted himself in front of the others with an obscene gesture at the ready. With the false wall gone, bars were revealed. Children squealed with delight as they caught the first glimpses of the prisoners within.

"Simon!" cried Mary. "Simon, is that you?"

Simon was in the crowd with his new companion. He pointed, and began throwing peanuts into the cell. It took Mary a while to sort out why he wasn't answering. To him, she was an animal.

Marmoset did his best to pique spectator attention with an onslaught of kinetic insolence. Even the vilest of his curses eventually wore off on their short attention spans, but new arrivals kept the audience full. Marmoset was nearly exhausted by the time the false wall closed for the night. He collapsed on the floor.

"Now what did that prove?" mocked Vulture.

"That I am," he panted.

"That you are what?" she pecked.

Mary knelt over him. "I think you were marvelous," she smiled.

No one noticed how two zookeepers entered the pen, but they shoved Mary out of the way. Roughly wrapping a tether around Marmoset's neck, they quickly dragged him towards a corner and dropped down through the floor with him. Mary followed them through the opening before it sealed behind her. The fall knocked her unconscious.

Awaking with a terrible headache, Mary sighed, rubbing the large welt on her crown. A little dried blood matted her hair. "Twice? This can't be good for me," she said to herself.

The clinical white corridor seemed to throb as she staggered around the corner. She passed a gurney and thought about taking a little rest. So sweet, the foam board seemed.

Staggering further, she found a door stenciled "H+ LAB." She hesitated. She knew what she would find, or at least she had a general idea, but to see it, see it alone, see what they had in mind for her ached more than her head.

She opened the door and screamed. Behind, Zookeepers darted her multiple times. The room receded as she gasped, "Three times is not fair."

Mary awoke on the wing, remembering. She fluttered her beautiful blue wings up through the branches of taller and taller trees, hoping for cover.

"The net, the net Stephano!" she heard a zookeeper cry down below.

Stephano swept a long net pole through the air in vain, trying to catch Mary. She made it to the highest branch of a tall eucalyptus tree. A tiny Pygmy Marmoset was waiting. He climbed aboard the huge Crowned Pigeon's back, holding on to her crest plumage for stability.

She maneuvered along the branch until she reached a part of the aviary mesh that Marmoset had partially chewed through, imperceptibly. She pecked at it. The size of a turkey, she set all of her weight to pushing through the mesh. It gave way with effort.

One last look below through a blood red iris, then off. The couple flew to freedom. ❑

Presumption of Competence, *from page 20*

briefly in a reflection in the June issue of Liberty; this article results from my growing conviction that the presumption of competence is an important concept.

To restate: A "presumption of competence" means that every adult is presumed competent to make his or her own choices as long as those choices do not interfere with the equal, peaceful right of others.

I specify "adults" because I want to avoid the various complexities of "children's rights." If a presumption of competence were to become entrenched in the law and society, then the age of competence would obviously become an important point. But until undisputed adults are accorded this presumption, it is premature to introduce the complication of children.

In some circumstances, of course, adults cannot be presumed competent; an obvious case is a man in a coma. The comatose man would retain his natural rights, so no one could properly aggress against him; but someone would have to assume guardianship in order to make the choices that would keep him alive. In many cases, people manage this problem themselves by giving someone a power-of-attorney or its equivalent. But for a functioning adult — that is, for a person who maintains his or her own life, whatever quality of life is chosen — the bar to proving his or her incompetence should be so high as to be insuperable. The legal assumption of competence for anyone who handles daily life without committing violence or fraud should be unassailable.

Another way to state the foregoing is to say that a third party should never interfere with the peaceful choices of another merely to be useful; interference can be justified only when it is necessary to preserve life. The distinction between "useful" and "necessary" is crucial.

Almost every measure passed or proposed by the nanny state is sold on the basis of "usefulness." The measure will make you healthier or happier or more secure. Next to nothing that is passed or proposed serves to safeguard life and equal liberty. Some measures are packaged as "necessary" — for example, creating no-smoke environments. But granting a correlation between smoking and a heightened risk of cancer at some undisclosed point does *not* mean that every puff is life-threatening. At most, puffing away is risky behavior in much the same way as crossing a busy intersection, skiing, driving in the snow, and a thousand other common activities. The objective of the nanny state is not to save your life or liberty but to redefine its own role in society so that it runs the daily lives of people who are competent to run their own.

When the nanny state usurps the right to make decisions for you, it is placing itself in a position of unsolicited guardianship over your life. But the usurpation involves much more than this. A comatose man retains his natural rights; a third party cannot take his life — or even his property, absent legal proof that he will never again be competent to control it. By contrast, the nanny state is quite willing to imprison those who disrespect its guardianship, and confiscate their property; it is willing to aggress against those pursuing their own peaceful choices. The nanny state claims more than mere guardianship, though that is bad enough; it claims the right to control and punish your choices. It claims ownership.

And this is what the conflict between the nanny state and the individual comes down to: not whether X or Y choice is the correct one to make, but who owns the person making that choice.

Libertarianism is based on self-ownership. This is the claim of jurisdiction that every human being rightfully has over his or her own body, simply by virtue of being human. Self-ownership underlies all other rights. Indeed, if you don't own yourself, then it makes no sense to speak of freedom of conscience or belief, freedom of speech or association, or to lay claim to the products of your labor. If you do not have jurisdiction over your skin and everything inside it, then you cannot claim anything.

There is a word to describe the situation in which another party claims ownership over the body of another: it is "slavery." In light of that, the nanny state is misnamed. It would like to project the image of a wise guardian of children, and adults who are treated like children — a sort of stern Mary Poppins who uses a "spoonful of sugar to make the medicine go down." But a more accurate image is that of a slave owner. One hand of the nanny state may be wagging an admonishing finger, but the other hand is holding a whip.

The presumption of competence abolishes both. Productive people who are occupied with what Henry David Thoreau called "the business of living" do not take well to the state lecturing them like a priggish maiden aunt. People who assert the presumption of their own competence will not submit either to the lash or to the laws that the nanny wants to wield. ❑

Reflections, *from page 16*

immediately. The American cheese slice is processed and chemicals are added to preserve freshness. There is a theoretical risk that some of these preservatives are carcinogenic in large doses, and therefore Big Macs® are not recommended over the long term. The special sauce is proprietary, but you should be aware of the rare but life-threatening possibility of anaphylactic reaction to the sauce.

"Again, if pruritus, rash, tongue swelling, difficulty breathing, or feelings of faintness occur, dial 911. Do not call us or your physician."

Customer: "So what's the risk of E. coli infection?"

McDonald's employee: "Over 12 billion sold. Four cases of E. coli infection."

Customer: "Seems like a pretty safe bet. Big Mac, please."

McDonald's employee: "Now, you have a right to know there are alternatives to a Big Mac. In this same store you could instead have a Quarter Pounder or Angus Burger. Similar sandwiches are available nearby at Wendy's, Burger King, In-and-Out Burger, and Jack-in-the-Box. If you wish, I can provide you with directions to these locations. Your choice of other restaurants will not affect the quality of my service when you order here."

Customer: "I think I'll just go with the Big Mac."

McDonald's employee: "Would you like fries with that? The fries are cooked in a hot vat of pure vegetable oil and salted. Excess salt intake may cause . . . ."

Customer: "No. Just the Big Mac."

McDonald's employee: "Yes sir. That will be $8.95 plus tax."

Customer: "Prices have gone up, I see."

McDonald's employee: "I'm sorry, sir, but the training costs and time requirements of informed consent are not free. But you must admit you're much better off now."

It seems that even intelligent folks like doctors sometimes have difficulty grasping basic economics, such as the idea that mandates have costs, and that businesses already have every incentive to provide consumers with all the information they really want. — Ted Levy

Conscientious objection — A strange new medal is being proposed for NATO forces in Afghanistan. It is a medal for "courageous restraint" exercised by soldiers who are at risk but do not use deadly force and so prevent civilian casualties.

Critics of the proposed medal — most prominently Americans — object on several grounds: it would embolden "the enemy" to know that lethal responses are discouraged; soldiers are being told *not* to defend themselves in a de facto war zone; and, even though civilian deaths might be prevented, military ones would be increased.

My objection is more fundamental. If NATO wants to give medals to soldiers who don't use force that endangers civilians, then why not just hand them out to everyone who refuses to serve? — Wendy McElroy

One born every minute — President Obama signed a nuclear treaty with Russian President Dmitry Medvedev, while the *real* president, Vladimir Putin, was in Venezuela selling nukes to Hugo Chavez. The signing ceremony will be broadcast on Russian TV, as the premiere episode of the Russian version of the American TV series "Punk'd."

— Tim Slagle

Trainwreck — Bloomberg Businessweek reported in April that a group of economists at Stanford University just issued a study of the fiscal soundness of California public employee pensions.

The economists looked at the pension fund level of the three major state systems, the California Public Employees' Retirement System, the California State Teachers' Retirement System, and the University of California Retirement System; they also looked at the future retirement obligations these funds are committed to cover, and they compared the two. Further, they used a more realistic estimate (4.14%) for returns on investments than the 7.5 to 8% that the fund trustees use in their official calculations of funding levels.

The result? The economists found that the pension plans are now underfunded by an astonishing $500 billion. That is about six times the budget of the entire state government.

The study recommended, unsurprisingly, that the state lower benefits to future retirees, increase contributions from existing workers, and be more conservative is investing the funds. Yet a spokesman for the public employees immediately labeled the report "funny math," saying that his fund has averaged a return of 8% yearly. The spokesman obviously never heard the standard disclosure for investments: past returns are no guarantee of future results.

If the Stanford report is accurate, it is hard to resist the prediction that the state of California is headed for insolvency.

— Gary Jason

Zoning out — There are certain holidays I dread — New Year's Day, Labor Day, the Fourth of July, Memorial Day. In themselves they are enjoyable, often accompanied by feasts with friends and family. What I dread is the "Twilight Zone" marathon that at least one cable network inevitably airs on these holidays.

A member of my household makes a point of catching at least part of the marathon. When I enter the room in which it's being watched, I always manage (despite every effort) to catch the same episode. And it always bothers me.

I am not sure of the episode's title, but if you've watched one of these marathons, you've seen it. It's a story about a little boy who has the mental power to make his thoughts and words real. The adults around him are terrorized by his power. Rather than discipline the child, his parents tell him to wish his sadistic creations "into the cornfield" so they don't have to see them.

It is clear that this is a spoiled, demented child. But at a moment during a small gathering for his birthday, when the boy is distracted, one man in the group says that if they all act now they can stop him. It might work, but everyone else in the group is too afraid to act. The boy realizes what the man has said, gets angry, and turns him into a jack-in-the-box. All around are horrified. The boy's parents tell him to wish the jack-in-the-box into the cornfield. Then things go along "as usual" — a very odd, twisted state in which fearful adults do all they can to keep the child happy.

What bothers me isn't the boy's mental power – that's not real. It's the failure of the adults to stop him. Rather than act to end this form of tyranny, they appear to feel safer indulging him. As a result, they live in perpetual fear. This failure to act, this willingness to live in the cold comfort of fear, can become all too real.

We see it in our political life. The people who populate our government are like petulant children, kids who imagine themselves endowed with special powers. When challenged on their actions and their presumptions to powers they do not have, these statists try to silence their critics. They create a culture of fear, villainizing people who speak out.

To remain free citizens, we cannot afford to put up with these childish politicians, bureaucrats, and political appointees, ambitious for powers they (fortunately!) do not have. In reality, they work for us. If we don't want to lose our freedoms, we must prevent ourselves and our fellow citizens from growing accustomed to a culture of fear. We cannot fear to act, and we cannot fail to act. When the administration and the popular press try to caricature their opponents and "put them in the cornfield," we must clamor all the louder. Only in that way can we bring more people to the cause for liberty.

— Marlaine White

In the swing — Overlooked in all the news about the

continued on page 54

The Books of Summer

Every summer, Liberty assembles a group of editors and contributors to recommend books that other readers might want to take to the beach, the mountains, or just the chair next to the air conditioner. The advice, like the authors, is entirely individual; but we're betting that you'll find more than one book here that you'll want to read.

Last year, I recommended "The Deniers" (2008), by Lawrence Solomon, as a good introduction to the topic of global warming. Normally, I would not recommend another book on the same topic a year later. However, I do find the raging discussions on global warming important for many reasons, and the book "Heaven and Earth: Global Warming, the Missing Science" (2009) by Ian Plimer, is certainly one of the more interesting contributions to the debate. Plimer is professor of mining geology at the University of Adelaide in Australia. He also holds the post of emeritus professor of earth sciences at the University of Melbourne. He is well known, knows a great deal about the history of our planet, and brings a far broader perspective to the debate than you may have encountered.

He argues that the climate is continuously changing, that the changes we are now seeing are not unusual, and that it is unlikely that conditions are substantially influenced by humans. The last one thousand years have seen variation in temperature that significantly exceeds the variation we have experienced in the last one hundred. The variation seen over longer time scales is much higher. Air temperature, sea levels, and CO2 levels have all exceeded what we now see. Plimer's historical analysis is both fascinating and of central importance. Did you know that during the Cambrian Period it was 7 ° C warmer than now, and the CO2 concentrations were 15–20 times higher? That was certainly not due to the folly of humans, and no "tipping point" leading to runaway warming occurred.

The last glaciation ended 14,000 years ago. We are now in what is called an interglacial period, and there has been a gradual upward trend in temperature. However, there are cycles leading to periods of warming and cooling. There was a relatively warm period 6,000 years ago in which sea levels were two meters higher than they are at present. The "Little Ice Age" lasted from AD 1300 to about 1850, and there has been a gradual upward trend since then.

The whole discussion of whether or not we face an impending catastrophe because of warming produced by human civilization is important. The common assertions that "a scientific consensus has formed" and that the planet is in imminent danger are simply wrong. It is true that a majority of climate scientists believe that warming is occurring, and perhaps even that it is caused by human behavior. However, there are very knowledgeable scientists on both sides, truth has been badly

obscured by individuals who benefit from the current hysteria, and it is time for a calm, careful analysis of the data. I doubt that the outcome will lead to anything like what is regarded as the common wisdom. I find Plimer's perspective refreshing, provocative, and ultimately heroic.

— Ross Overbeek

Ross Overbeek is a cofounder of the Fellowship for Interpretation of Genomes.

The movie "Taking Woodstock" (2009), directed by Ang Lee, led me to the book of the same name by Elliot Tiber (2007). I knew of Woodstock as a hippie happening a bit before my time. What I found interesting about the movie and the book was the portrayal of the Woodstock festival, "Three Days of Peace and Music," as an impressive entrepreneurial venture.

In 1969 Tiber was a 33-year-old gay designer living in Manhattan, while spending his weekends trying to save his parents' rundown Catskills motel. One weekend he read that some concert promoters had been denied a permit in Wallkill, New York. He came up with the crazy idea of inviting them to hold the festival on his parents' property. Lo and behold, they showed up to check it out. Taking the lead was 24-year-old Michael Lang, who went on to become a prominent concert promoter and producer.

The Tiber (actually Teichberg) property wasn't suitable, but Elliot drove Lang and his team down the road to Max Yasgur's nearby farm. At least that's Tiber's story; other sources say he exaggerates his role. He did play a key role, however, in that he had a permit to hold an annual music festival, which up until then had involved a few local bands.

There's a wonderful scene, better in the movie than in the book, when Lang and Yasgur negotiate a price for the use of the farm. We see it dawning on Yasgur that this is a big deal. We see Elliot panicking that the deal will fall through, and that without the festival business his parents will lose their motel. And we see Lang's assistant reassuring Elliot that both parties want to make a deal, so they'll find an acceptable price, which indeed they do.

And then, with 30 days to transform a dairy farm into a place for tens of thousands of people to show up for a three-day festival, Tiber describes (and Lee shows) a whirlwind of activity: "Within a couple of hours, the phone company had a small army of trucks and tech people on the grounds, installing the banks of telephones that Lang and his people needed." Helicopters, limousines, and motorcycles come and go. A few hundred people are erecting scaffolding, stage sets, speakers, and toilets. The motel keepers are trying to find rooms and food for the workers and the early arrivals. The local bank is eagerly providing door-to-door service for the mountains of cash flowing into bucolic White Lake.

Meanwhile, there are a few locals who don't like the whole idea. In Tiber's telling, they don't like Jews, queers, outsiders, or hippies. Maybe they just didn't like a quiet village being overrun with thousands of outsiders. In any case they had a few tools available to them. A dozen kinds of inspectors swarmed around the Teichbergs' motel. The town council threatened to pull the permit. Tiber writes, "*Why is it that the stupidest people alive become politicians?* I asked myself." At the raucous council meeting Lang offered the town a gift of $25,000 ($150,000 in today's dollars), and most of the crowd got quiet. Yasgur stood and pointed out that "he owned his farm and had a right to lease it as he pleased." That didn't stop the opposition, but in the end the concert happened.

The psychedelic posters and language about peace and love — and on the other side, the conservative fulminations about filthy hippies — can obscure the fact that Woodstock was always intended as a profit-making venture. That was the goal of Lang and his partners, and it was also the intention of Tiber, Yasgur, and those of their neighbors who saw the concert as an opportunity and not a nightmare. The festival did rescue the Teichberg finances. It ended up being a free concert, however, which caused problems for Lang and his team. Eventually, though, they profited from the albums and the hit documentary "Woodstock."

In his book Tiber also details his life split between Manhattan's scene and his parents' upstate struggles. He tells us that as a young gay man in the '60s he encountered Tennessee Williams, Truman Capote, Marlon Brando, Wally Cox, and Robert Mapplethorpe. He writes, "One of the great benefits of Woodstock — a benefit that, to my knowledge, has never been written about — was its sexual diversity." But I think the fact that there were gay awakenings at Woodstock — and three-ways and strapping ex-Marines in sequined dresses — would surprise people less than the realization that Woodstock was a for-profit venture that involved a lot of entrepreneurship, hard-nosed negotiation, organization, and hard work. "Taking Woodstock" (the book, but better yet the movie) is a great story of sex, drugs, rock 'n' roll, and capitalism.

— David Boaz

David Boaz is the author of Libertarianism: A Primer and The Politics of Freedom, and is the editor of The Libertarian Reader and the Cato Handbook for Policymakers.

About nine or ten year ago, I went on a veritable binge of biographies, something like six in a row. For a biography to be a truly terrific read, I concluded, the person's life story needs to be interesting in some way, and the biographer needs to be a great writer.

A few months ago, I read an autobiography that meets both criteria. "Street Shadows: A Memoir of Race, Rebellion,

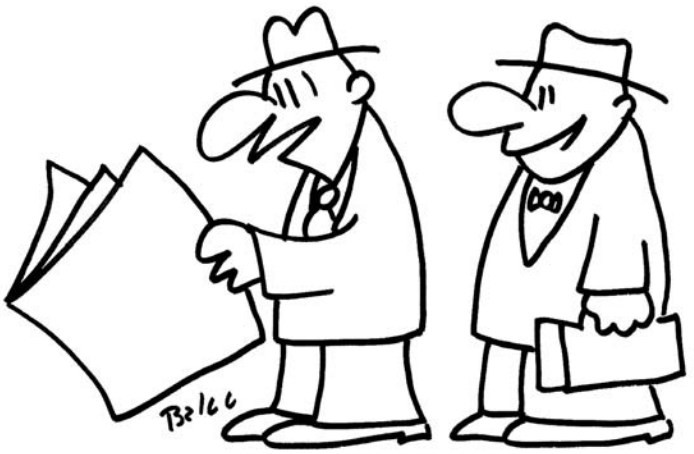

"History keeps repeating itself."

"You say that every four years."

and Redemption" (2010) by Jerald Walker, is the memoir of a bright kid from the rough streets of Chicago, and how he got temporarily diverted toward the thug life: drugs, petty crimes, inattention to school. It is also a memoir about how this person made a conscious choice to put his life back on track, and did.

Walker enrolled in community college, then ended up at the prestigious University of Iowa Writer's Workshop. He eventually got a Ph.D. and became a college professor (full disclosure: at my institution) and a family man. His story is interesting partly because of the trajectory itself: how does someone "become" a thug, and how, why does he straighten out? The story is also interesting in that Walker's journey away from the streets is marked by conscious choice making.

It's refreshing to see a life story told in a way that affirms the human ability to be self-reflective and deliberative. Walker never portrays himself as a victim or a puppet: he honestly takes ownership of his bad choices as well as his good ones. He confronts and is confronted by racism, but he doesn't use this as an excuse or a short cut — rather, as an opportunity for inquiry into the nature of race and the nature of the self.

It is a fascinating story, and it meets the other criterion: Walker is a terrific writer. So whether or not you are a habitual consumer of memoirs, I recommend this one very strongly.

I wanted to mention a philosophy book also, but I didn't read anything new in the past year that I'd care to recommend to readers of this magazine. Nevertheless, I have had occasion recently to revisit a classic of sorts: Ludwig von Mises' 1957 book "Theory and History: An Interpretation of Social and Economic Evolution." As is the case with Hayek, some of Mises' works are more accurately categorized as philosophy, and this is an example. Mises explores, among other things, the metaphysical and epistemological issues that inform Marxism. Since Marxism as a social-political theory presupposes certain philosophical positions on determinism, materialism, the nature of history, and so on, it's worthwhile to examine these, and Mises is very insightful in his analysis. He also has a fascinating discussion of the nature of value. Austrian "subjective value" theory is often invoked against Marxist or other theories that claim to discern "the" value of goods. But does that mean we lack a basis for valuing liberal institutions? Mises' analysis helps to illuminate that problem. It's well worth revisiting, or discovering for the first time, this neglected classic. — Aeon J. Skoble

Aeon J. Skoble is Professor of Philosophy and Chair of the Philosophy Department at Bridgewater State College, in Massachusetts.

More than 30 years ago I bought a hardback copy of "War and Peace" (1869) at a used bookstore ($4.50). Back then, "War and Peace" had a reputation for being the world's greatest novel, not to mention one of the longest novels and among the most difficult to read because of the complexities of the characters' relationships and the fact that their names, in the Russian manner, appeared in different forms from page to page.

I kept "War and Peace," carrying it cross-country twice, even though I wasn't sure I would read it. It came to symbolize one of those things that people say they will do before they die. Will I ever read "War and Peace"? I wondered.

A few months ago, for unknown reasons, I picked up the 1,371-page volume and decided to try it. I discovered that my cast-off edition has an intact 12-page insert that includes the names and affiliations of the characters in order of their appearance, plus a separate list of their family groupings. It also has a map of Napoleon's campaign and retreat. This insert makes reading "War and Peace" easy. Yes, easy.

So I have achieved my 30-year ambition of reading "War and Peace." Do I recommend it for summer reading?

Of course!

It is engrossing both on the personal level (the story) and for its sweeping depiction of a period of European military history. But yes, it is slow-moving. Because so many characters are involved and because they are introduced in a leisurely manner, the plot builds only gradually. I was within 400 pages of the end and still didn't know whether the protagonist was a likeable oaf (a sort of Forrest Gump) or someone who would make something of his life. At the end, I was weeping, partly because he did.

As the primary plot — that is, the personal stories of individuals and their families — takes shape, another plot is going on: the Russian military response to the Napoleonic campaigns, which is incorporated into a theme even bigger than the war itself. I quickly picked up Tolstoy's ambivalent and complex attitudes about war, especially *that* war, attitudes that become clearer in his second epilogue to the novel, in which he analyzes events in the light of determinism and free will.

Almost from the beginning, the novel instilled curiosity in me, first about serfdom, then about the Napoleonic wars, and then about Count Tolstoy himself (curiosity that I hope to satisfy in the future.) I never found the novel boring, but, on the other hand, I could always (until the end) leave it comfortably and pick it up when I felt like it. Now that I have read it, its characters and story linger in my thoughts.

The encomiums in the introductory pages of the 1942 edition are amazing. It is "the greatest novel ever written," "a dictionary of life," "the supreme fictional achievement in the literature of the world." But, I wonder, who reads it now? I can't help thinking that my small entry here may be something of a swan song for "War and Peace."

I never hear anyone talking about the book, and I haven't engaged anyone in conversations about it. My guess is that fewer people now want to read long, slowly building novels that lack overt sex or theatrical suspense, however famous they once were. "War and Peace" doesn't fit today's schedules or tastes. But I'm glad my timetable didn't run out before I read it, and if you really do have time for summer reading, you won't regret reading it, either. — Jane S. Shaw

Jane S. Shaw is president of the John William Pope Center for Higher Education Policy.

Books can be classified according to the times they concern: present, past, or always-present.

Among books on current affairs, I recommend a work by Liberty's frequent contributor Randal O'Toole: "The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future" (2007). Though

it may seem odd to say that this is an amusing book, there is a good deal of dark humor in O'Toole's analysis of planners, their plans, and the unintended consequences. In particular, his discussion of planning in Portland, Oregon is both a damning indictment of government planning and an amusing read.

For people interested in the history of comparatively recent times, Fred Anderson's "Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754–1766" (2000) is a fine book to turn to. The same can be said of William Trotter's "A Frozen Hell: The Russo-Finnish Winter War of 1939–1940" (1991), which tells the tale of a savage little war and tells it well. The Finns' remarkable struggle against overwhelming odds has generally been given short shrift over the years; Trotter does much to make amends. It is far from a happy tale, but it is a good one.

Going farther back in history: Richard Fletcher's "Moorish Spain" (1992) is an excellent introduction to a period and a place of great interest, though often much misunderstood. Fletcher's writing is pleasant and engaging without being pedestrian, and his judgment is sound. Carefully avoiding sentimentality, Fletcher offers us an honest portrait of a remarkable world; he gives us history with the bark off, and that is as it should be.

Those interested by Fletcher's work on medieval Spain may wish to turn to another good work on the middle ages, Gordon S. Brown's "The Norman Conquest of Southern Italy and Sicily" (2003). Most people know that the Normans (Northmen) conquered England. Brown presents a short history of the "other" Norman Conquest, an achievement of sorts that has gotten far less notice than it deserves.

Now for books about timeless issues, about the always-present. One is David Hackett Fischer's classic study of the theory of history, "Historians' Fallacies: Toward a Logic of Historical Thought" (1971). Though I've enjoyed Fischer's works of American history, this one is my favorite. You may have to find a used copy of this instructive and very amusing work, but it is certainly worth the trouble to do so. It's a book of permanent value about permanently recurring intellectual problems.

Not all problems are capable of solution. One person who realized that was Samuel Johnson, whose novella "Rasselas" (1759) has been a frequent — though not, sadly, a constant — companion of mine over the years. It's a parable about the difficulties of what Johnson calls "the choice of life." Those who have read and admired Voltaire's "Candide," published in the same year, should also enjoy Johnson's work. It is slight in length though not in depth.

Johnson satirized the stoic philosophy, along with many others. So it seems fitting to recommend as well the stoic philosopher Epictetus (AD 55–135), who had much to be stoic about: he was crippled, and was born a slave. His thoughts on timeless issues are available in the "Enchiridion," a collection of pungent maxims. Jefferson wrote of Epictetus that he "has given us what was good of the stoics." Whether this be fair to the other stoics, the "Enchiridion" is very much worth reading.

— Liam Vavasour

Liam Vavasour is a student of history who lives in Northern California.

James J. Hill (1838–1916), a Canadian farm boy who had lost one eye in a childhood accident, became a Randian business hero. In the days before typewriters, his legible handwriting gave him an early advantage in the business world. He worked in coal, warehousing, and steamboating before turning to railroads. Based in St. Paul, Minnesota, he unified and improved the efficiency of many small lines. His signature achievement was the Great Northern Railroad, which reached Puget Sound on the Pacific.

Unlike his competitors, Hill sought no government subsidies. Nor, unlike them, did he seek protection from competition. He consistently championed free trade both at home and internationally. He spurred demand for his freight services by promoting development of the regions where his lines extended, by encouraging immigration, and by demonstrating advanced techniques of farming and animal husbandry.

Hill traveled widely and worked long hours attending to detail: seeking routes that would minimize fuel-consuming slopes and detours, negotiating with financiers, and observing the strengths and weaknesses of rivals and associates. Hill's career contains episodes of personal rivalry, races to build or consolidate lines, and rate wars and rebating like those that provided material for muckrakers.

The book I am recommending, "James J. Hill and the Opening of the Northwest" (1976), was written by Albro Martin, a Harvard professor of business history. He editorializes very little, but he evidently admires the Schumpeterian "creative destruction" and "constructive monopoly" (p. 90) of Hill's real world, so different from textbook chapters on pure and perfect competition.

Besides learning much about the rise of the United States to economic greatness, the reader will enjoy an eventful story. Photos of Hill, family, collaborators, and rivals bolster the text. So do maps, even though cluttered with irrelevant detail.

— Leland B. Yeager

Leland B. Yeager is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

I think that one effect of the long-anticipated arrival of popular ebook platforms will be renewed interest in older titles. This will come in part from the details of the so-called "Google book settlement," which allows that search giant to digitize publications that are at least a few years old. To keep you ahead of the curve, I'm suggesting a few older, less-well-known books by great writers, so you can fill your Kindle or iPad with rich stuff that's still appropriate for the beach or other restful climes.

First, I suggest Vladimir Nabokov's "Bend Sinister," which tells the story of a totalitarian regime through the eyes of a prominent professor who had been the dictator's grammar school classmate. Nabokov does a great job of showing that the totalitarian mind is essentially egocentric and that it uses the pretense of altruism and humanitarian concern to cloak amorality and emptiness. The qualities you expect from Nabokov are all present: puns (the dictator's political front is called "Ekwilism" — the "E" is long); comedy (a classic scene in which halfwit bureaucrat-soldiers send the narrator back and forth across a bridge because his papers are not in order); and heartbreak (the narrator's young son is tortured to death

in a government prison).

"Bend Sinister" was originally published in 1947, two years before Orwell's "1984," although some readers and even a few critics have assumed that Nabokov's book is an "answer" to Orwell's. This misimpression may be enabled by the fact that Nabokov disdained Orwell as an inferior writer who trafficked in cliches. Orwell was a great *writer* . . . but Nabokov was a greater *novelist*. "Bend Sinister" proves this.

Second, I suggest Kurt Vonnegut's "Jailbird" — a picaresque novel of political paranoia and a damn fine satire of corporate excess. Its narrator is a fictional Watergate conspirator who serves his time (a great bit comes when, full of self-pity, he expects to be the only Harvard grad in his minimum-security prison, and turns out to be just one of several), then tries to rebuild his life. But the real star of the story is the RAMJAC Corporation — a bit player in other Vonnegut novels. Throughout "Jailbird," RAMJAC is a creeping presence. Companies as diverse as McDonald's and the New York Times identify themselves as "a wholly-owned subsidiary of the RAMJAC Corporation." And more are being absorbed all the time. The story's denouement turns on the question of who really runs RAMJAC. Vonnegut's reputation has dimmed in the last decade or so (he died in 2007 but hadn't published a novel since the late 1990s); he spent the last years of his life badmouthing George W. Bush so intensely that many of those who cared enough to listen wrote him off as a political partisan and angry old man. This is too bad. Vonnegut was a freethinker in the best sense, with an anti-authoritarian streak that any libertarian should appreciate.

Finally, I suggest "The Vintage Mencken" — a collection assembled in the early 1980s and reissued in the early 1990s. Though saddled with a slightly condescending introduction by the middlebrow culture peddler Alistair Cooke, the book serves well as either an introduction or a refresher course. Mencken's coverage of the Scopes "monkey trial" spans several selections and is fantastic. It occurred to me, rereading those pieces, that his reports from Tennessee would make a great motion picture. In the right hands. With a strong dose of irony. Perhaps the Coen Brothers? Or maybe today's sensibilities are too coarse to appreciate it.

Anyway, nothing tops Mencken's coverage of a Cuban political imbroglio in 1917. In his dispatch, the Bard of Baltimore quotes a trusted source: "The issues in the revolution are simple. Menocal, who calls himself a Conservative, is president and José Miguel Gómez, who used to be president and calls himself a Liberal, wants to make a comeback. . . . José Miguel says that when Menocal was reelected last year the so-called Liberals were chased away from the so-called polls by the so-called army. On the other hand, Menocal says that José Miguel is a porch-climber and ought to be chased out of the island. Both are right." Sounds like Cuba today. Hell, sounds like the United States today. — Jim Walsh

Jim Walsh is an assistant editor of Liberty.

My recommendation is for a book called "Conscious Business: How to Build Value Through Values" (2006), by Fred Kofman. Self-help books don't rank high on my list of favorite reading. Mostly I'm too old to give a damn. But I read this one because it was written by the son of a friend, who publishes Ayn Rand's books in Spanish for the Argentine market.

So I was not really surprised to see an aphorism by Nathaniel Branden in the first chapter. I was a bit surprised to see several by Lao Tzu throughout. By the time I got to the Ludwig von Mises quote in the last chapter I was not surprised at all because it had become obvious that Fred Kofman understands the value of values very well indeed, and that he has adopted values that make perfect sense to me — and I suspect will do so to you, too. He has a highly developed sense of structure for a free-market workplace, as well as good tips for how to get your "team" to work most effectively, no matter where your place is on the team.

"Conscious Business" sounds very much like John Mackey's "conscious capitalism." But although Kofman's book isn't in any way antithetical, this is not a call to arms. Rather, it's a call for self-responsibility and learning how to work with other people in your environment, no matter what their hangups (or yours) may be. Kofman gets very specific in his situations and suggested solutions, all of which should make it easier for you to understand and translate in your own predicaments.

The lessons of "Conscious Business" are of obvious use to anyone who works for a corporation, whether as a leader or a worker bee. But you might find Kofman's examples and suggestions very welcome in dealing with your spouse, children, parents, or other family members, as well as friends . . . or non-friends. Many libertarians prefer the isolation of self-employment. It's sometimes said that libertarians have no friends. "Conscious Business" is all about interaction with others. Maybe it's the lone wolves who need it most?

— Andrea Millen Rich

Andrea Millen Rich heads Stossel in the Classroom, John Stossel's project to develop critical thinking among high school students by introducing challenges to conventional wisdom.

"The scene on the stage was obliterated for her; the drama was in her mind." This is perhaps the most valuable sentence in modernist literature — a summary and slogan of modernism itself — and it is waiting for you about an hour into Willa

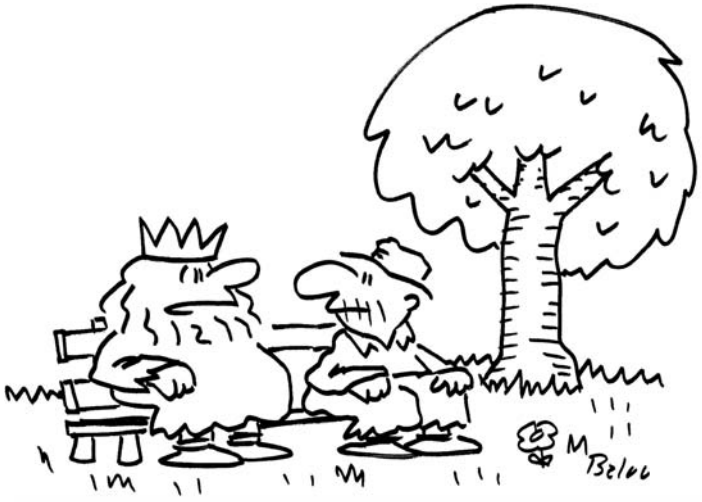

"I was fine-tuning the economy, and I turned out to be tone deaf."

Cather's masterpiece novella "My Mortal Enemy" (1926). It will take you just another hour to finish the book, by which time you will discover a few more things about modernist literature, and a whole lot more about one of its most complicated characters — Myra Driscoll of Parthia, Illinois, who, once upon a time, gave up a family fortune to marry the man she loved.

We find Myra 25 years after her fairytale decision — a New York socialite of endless charm and kindness and curiosity, happily married, of course, and deeply happy, except that sometimes her mouth "curls like a little snake." We do not yet know the source of the serpentine smile, but we can forgive it, because Myra is such a generous woman. Just now she is advising a young man into a romance with a woman quite a bit older than he.

Yet something is wrong with Myra. No sooner has the young man taken his leave than a sensation of guilt overcomes her. "No playing with love," she says, "and I'd sworn never to meddle again. You send a handsome fellow like Ewan Gray to a fine girl like Esther, and it's Christmas eve, and they rise above us and the white world around us, and there isn't anybody, not a tramp on the park benches, that wouldn't wish them well — and very likely hell will come of it!"

"My Mortal Enemy" is not a complete novel, nor is it even a complete character study. It is rather a biography cast in the form of a fairytale, with an "enemy" who may be the heroine, and a "hell" becoming increasingly real. You know how it begins. Now watch it mature in Cather's hands.

— Garin K. Hovannisian

Garin K. Hovannisian is a freelance writer living between Los Angeles and Erevan, Armenia.

Two of my favorite authors were socialists. One was George Orwell, who redeemed himself by being a critic of the "sandal-wearers and bearded fruit-juice drinkers" who made excuses for Stalin. Another was Jack London (1875–1916), who redeemed himself through his art.

Scour London's most famous short story, "To Build a Fire," and try to find any socialism in it. There is none. Instead there is implacable nature — reality with a capital "R." Sometimes it takes form as cold that reaches 75° below zero, sometimes as a tropical typhoon. In London's story "A Piece of Steak," in which an aging prizefighter loses a bout, it exists in the imperatives of the human organism. London's Nature does not deny his characters strength or choice. The man in "To Build a Fire" is strong enough. He just makes bad choices.

London wrote some socialist tracts, which you can read on the internet if you have time to waste, and a novel, "The Iron Heel," which supposedly influenced Orwell. There is a large dose of Marx in that book, and it is worth reading only as archaeology. But London also imbibed the works of Charles Darwin, Herbert Spencer, and Friedrich Nietzsche — which made him a conflicted socialist. He portrayed his own young self in "Martin Eden," a novel he intended as a denunciation of individualism but through most of its length reads as an affirmation of it.

An account of all this is in Texas historian James L. Haley's new biography, "Wolf: The Lives of Jack London" (2010). London grew up at the edge of poverty, raised by a strange mother and a not-too-effectual stepdad. He quit school at the end of the eighth grade to work in a pickle factory, and after that attended a bit of prep school, a bit of high school, and a bit of university, in between episodes of stealing oysters, shoveling coal, working on a North Pacific sealer, prospecting for gold in the Yukon, and riding the rails as a hobo. It was while tramping after the Panic of 1893 that he became a socialist, mainly out of sympathy, Haley says, for the men who were too old and broken to work.

Haley is sympathetic to London's socialism, as was London's previous biographer, Alex Kershaw, who wrote "Jack London: A Life" (1997). Haley writes, "It is easy for modern eyes to see the early 20th century Socialists as naive and slightly ridiculous." Well, yes. London died one year before the Russian Revolution. He didn't see that the Communists would bring tyranny. He was for the workingman standing up and defending himself. He had been a "Work Beast" and knew how hard it was. Haley writes: "London's concept of socialism as it evolved was never the socialism of the slacker. He did not oppose the finer things in life, indeed he wanted them for himself." For a while he was America's most successful writer, America's equivalent of Arthur Conan Doyle; and he used his work to buy a big ranch and a fancy sailboat, and have the attentions of a Japanese valet.

Haley has written a fine biography of this complex character. Most of it is not about London's socialism, but about his life and art — both of them far more colorful than the human average. London was a man who took life in big bites, and even antisocialists can admire him. — Bruce Ramsey

Bruce Ramsey is author of Unsanctioned Voice, the biography of Garet Garrett.

"How's my appeal going?" "How's your tunnel going?"

Funny books are notoriously difficult to recommend with success. My efforts to do so are usually met with some response like the following:

"Eh? I don't know. These books usually turn out to be either inane works of whimsy or dull, complacent satires. Besides, what do you know about funny? Whenever I see you I feel that much more intimately acquainted with death."

"Just read it," I say, "and I'll spare you my company for

two months."

I'm no stranger to this natural skepticism myself, as it kept me away from the works of P.G. Wodehouse until, during a recent fever, I reached over and picked up a copy of "The Inimitable Jeeves" that had been yellowing by my bedside for years. After the first story — featuring the sublimely wise and cunning butler Jeeves, his charmingly inferior employer Bertie Wooster (the narrator), and Bertie's friend Bingo Little, a glutton for true love — I was hooked. If it didn't exactly cure my fever, at least it made me want to be cured, if you catch my curve.

Comedy comes in two general forms. One is overtly dark or serious, the humor working deep undercover to subvert and complicate the surface. The other is apparently light and frivolous, with the seriousness in disguise. Wodehouse practiced the latter kind. He called his stories "musical comedies without the music" — and, unlike most musical comedies, with comedy actually included. This explains why his books feel to me like distinctly literary versions of my favorite television shows. With zany schemes, elusive romances, fearsome aunts, socially reputable morons, and plots woven by hilarious miscommunication, opportune drinking, and gambling, Wodehouse created a comic paradise energized by sheer delight.

Wodehouse (1881–1975) wrote over a hundred books, and surely many of them are to be avoided. Possibly you once started one of the duds and saw nothing in it. It's a Murphy's Law of funny-book giving that the title you receive as a gift will never be the author's best. Either you get one of those cheap anthologies of lesser work, or the gift-giver, having read and loved one particular book, decides to get you a different one by the same author, considering the pleasure he got from the first to be enough for you both. So let me be clear about what I endorse.

Jeeves and Wooster are Wodehouse's most famous creations. Their escapades comprise 14 books, and "Inimitable Jeeves" is a great place to start. The two highest-rated novels are "The Code of the Woosters" and "Right Ho, Jeeves," and after that, any story or novel written before WWII. Another classic worth starting from is "Mulliner Nights," in which Mr. Mulliner, holding after-hours court at the Angler's Rest, recounts absurd family tales connected to every subject gurgled forth by his barmates.

Read these and you will want more, more, more, for Wodehouse is perhaps the only writer whom one can non-stupidly describe as *fun*. He also illustrates the fact that no deeply funny comedy is ever truly "light."

— Alec Mouhibian

Alec Mouhibian is an author based in Los Angeles.

There are two books that I especially enjoyed this year, and that a sense of guilt compels me to discuss right now. The guilt arises from the fact that I intended to do full and proper reviews of these books, but never found the time.

The first is a book mentioned by Sarah Palin in her autobiography (which I did review for Liberty a few months back). It is "Tilting the Playing Field: Schools, Sports, Sex and Title IX" (2003), by Jessica Gavora. This is a superb, short book (180 pages) about the major problems caused by the passage in 1972 of the meddling legislation known as Title IX, which prohibited gender "discrimination" in American schools.

As Gavora notes, the goals of Title IX were ostensibly laudable: to expand opportunity for women. But, as we have seen so often with well-intentioned laws, activist groups have exploited the law to advance their pet agendas. She discusses how, starting in the 1990s, the law was interpreted to demand equal funding of men's and women's sports programs (something not explicitly written in the law), despite the obvious fact that fewer adult women than adult men are interested in participating in such programs. The result has been the termination of many men's sports programs in colleges throughout the country.

The law continues to be used to push quotas for women — but only selectively. So women's groups have demanded that the law be used to force math, engineering, and physical science departments to institute quotas for admitting women, under the theory that the statistical difference between male and female graduates from these programs indicates that women are victims of invidious discrimination. The fact that men are hugely "underrepresented" in many other programs and fields — such as psychology — is not considered a fact worth discussing, much less a fact that calls for the implementation of quota schemes. And the fact that women are now 56% of all college undergrads is not seen as a problem requiring affirmative action for men. The victimhood game is played in a very peculiar way, one that guarantees that women and the other "minorities" (women, in fact, are in the majority), at least those anointed by the liberal elites, will always win, or appear to win.

The second book is "Power to Save the World: the Truth about Nuclear Energy" (2007), by Gwyneth Cravens. Cravens is a novelist and environmentalist writer who was a longtime skeptic about nuclear power. After an odyssey of nearly a decade studying the nuclear power industry under the guidance of Dr. Richard Anderson, a nuclear scientist specializing in risk assessment at the Sandia National Laboratories in New Mexico, she now completely supports nuclear power.

Her book is a detailed and thoroughgoing (419 pages!) analysis of the feasibility of dramatically increasing our use of nuclear power. She deftly disposes of many of the myths that people resort to in opposing that use. She shows why nuclear power is safe, reviewing its history of safe operation here and abroad, both on land and in ships at sea, and showing that the design of modern nuclear plants makes accidents highly unlikely and very containable.

Along the way, she notes some facts that will surprise the average reader. For instance: people around Chernobyl and in Hiroshima receive a lower dose of background radiation than people in Denver. People in a uranium mine receive a lower dose than people in Grand Central Terminal. Sailors in a nuclear sub receive a lower dose then sailors on shore leave. Cravens reviews the costs of nuclear power and plans for safe storage of nuclear waste — again, covering issues that are often believed to be insurmountable problems for the industry.

I consider her book the clearest and most comprehensive review of the industry in recent times, and I cannot commend her enough for writing it.

Both these worthy books are all the more commendable

for the intellectual honesty demonstrated by their authors — Gavora, a woman who played sports in school, and Cravens, a devout environmentalist. — Gary Jason

Gary Jason is a contributing editor of Liberty.

My book is "The Open Society and Its Enemies, Volume 1: The Spell of Plato" (1945), by Karl Popper. It should be read, with appropriately open minds, by classical liberals and libertarians, especially those interested in Popper's achievements in the philosophy of science and his lifetime quest for knowledge. When, in 1943, he wrote this insightful attack on utopian thought, Popper was a social democrat, and social democracy's egalitarian and democratic sentiments are voiced throughout. However, Popper was, as one presumes Einstein and many other intellectual socialists to have been, an individualist and lover of freedom. Over the years, through his association with Friedrich Hayek, he became more of a classical liberal — something bemoaned by many of his biographers and associates.

In order to make that transition, he must have had the intellectual honesty to realize that his chosen means, socialism, was incompatible with his end of an "open society," a society based on individualism as opposed to tribalism. And his analytic approach allowed him, even in 1943, to make criticisms of totalitarian society that could have led to tremendous breakthroughs had he simply dropped certain assumptions about politics.

To say that Popper had too much confidence in democratic government goes without saying, especially when he presents his ideas of "social engineering." He clearly identifies the problems of the utopians — those who, like Plato in the "Republic," wish to remake the entirety of society based on some sort of abstract model — and supports a more gradual "piecemeal" approach, one in which incremental change could be reversed or modified by voters based on what was learned in the experiment. At this point he is on the verge of an intellectual leap that, with his prestige, might have changed the course of history. If he had not been blinded by his assumptions about the crucial role of political decision-making, he could have proposed a truly free society, in which consumers "vote" on experiments every day.

Popper recognizes and includes clearly private institutions as part of the social fabric, for instance when he mentions in a list of social institutions "such things as an insurance company, or a police force, or a government, or perhaps a grocer's shop." Even to do so indicates thinking that is open to a discussion of the market's problem-solving capabilities.

It would seem strange to write about this book without more emphasis on its discussion of Plato himself, but Plato is not my interest here. Popper was writing in the time of a great world upheaval and attacking someone he perceived as the most important philosophical supporter of a tribal or "closed" society. In the second volume, having prepared his ground, Popper takes on Hegel and Marx. — Brian J. Gladish

Brian J. Gladish is a longtime libertarian and more recently a student of Austrian economics residing in Prescott Valley, Arizona.

Lack of disposable income this summer will spell doom for many a beach trip or mountain retreat. Fortunately, the cost of escape by book is still manageable within even the tightest budget — at least if you, like me, follow the domestic economy of Erasmus, who said, "When I have a little money, I buy books; and if I have any left, I buy food and clothes."

Still, not just any book will do. What kind of escape is it to plunk down your few spare dollars, only to read about people and places much like your own? Conversely, why force yourself through a travel diary about an exotic place that you could be visiting, if only Wall Street and Washington DC hadn't colluded to bankrupt the country?

Instead, here are some novels that will allow you to get as far away as it is possible to go: deep into alternate worlds and realities.

"The Magicians," by Lev Grossman (2009) starts in something very much like our world, though one permeated by magic and dotted with academies of arcane study; and the academies are not finishing schools but colleges. Grossman rips up the conventions of magical-school fantasy: the magic here is more about dead languages and weather conditions than wand-waving, and the students behave like the elitist brats they mostly are. But this is not a satire. It's more like an imaginative mashup, especially when the magicians are turned loose on Fillory, a Narnia-like childhood literary refuge where they quickly find themselves out of their depth. As many have noticed, the pains of adventuring and the pains of growing up are closely linked, and Grossman manages both well, while neatly tying up all the strands of the story.

A bit farther into adulthood is "The Stranger" by Max Frei, the first in a series of books that has captivated Russian readers much as J.K. Rowling's enchanted Anglophones. It is now finally available in translation (2009; paperback out June 1). Frei — "Sir Max" for most of the novel, and also a pseudonym for the author Svetlana Martynchik — is a listless, insomniac 20-something who dreams himself into the city of Echo, where he is offered a job as the nighttime representative of the Minor Secret Investigative Force: essentially, a magical detective. The resulting mix of pulp noir, B-horror movie, fantasy, and folktale, told by Max himself as the chatty, idiosyncratic first-person narrator, provides an experience unlike that of any other book I've read. It also bucks the trend of short chapters in popular fiction, providing meaty 80-page episodic chunks that are just about right — it's not a book to be sped through.

The book that *will* keep you up well past any semblance of a bedtime is Neal Stephenson's "Anathem" (2008), which is told by the narrator Erasmas (or Raz), a fid in the math of Saunt Edhar. Confused? After 50 pages or so it will all seem utterly natural, but the basic translation is that he is a young monk in a secular monastery devoted to research and preservation of the natural sciences. The novel starts inside this institution and slowly telescopes out to reveal a complex world of inquiry and intrigue. By the end, it's a full-blown space opera that, unlike so much of the genre, refuses to dumb down once the action kicks off. "Anathem" is the first novel I've read in ages that actually allowed me to block out the rest of the world — perfect stuff for a summer getaway.

— Andrew Ferguson

Andrew Ferguson is a contributing editor of Liberty and a doctoral candidate in English at the University of Virginia. At present he is working on a biography of science-fiction writer R.A. Lafferty.

Reviews

"The Nurture Assumption," by Judith Rich Harris. The Free Press, 1998, 480 pages.
"No Two Alike," by Judith Rich Harris. W.W. Norton, 2005, 352 pages.

Psychology Grows Up

Jamie McEwan

I would have been terrified to discuss Judith Rich Harris' "The Nurture Assumption" when it was first published in 1998. Harris — not a researcher or professor, but a writer of psychology textbooks who had washed out of Harvard's Ph.D. program many years before — was proposing a complete revision of the prevailing assumptions about childhood development. Her thesis, in a nutshell: "Parental nurturing is not what determines how a child turns out. Children are not socialized by their parents. The nurture assumption is a myth and most of the research used to support it is worthless" (xv). This was radical indeed. If Harris' analysis was correct, almost all current child development theories could be thrown out the window. Discarded, as well, would be popular therapies such as psychoanalysis, and all theories which assume that children are largely blank slates on which their parents write their future character.

How was the poor layman supposed to handle this hot potato? Whom could you solicit for an unbiased opinion on this paradigm-shifting thesis? A Newsweek cover story on Harris (Sept. 7, 1998), while noting "some big guns on her side," called that "a minority opinion," and went on to say that "many scientists are nothing short of scathing" about her ideas; it quoted several of them. And the opposing scientists were, indeed, scathing. But you could hardly look for guidance from the putative experts, for in many cases these were the same people whose lifetime assumptions were under fire.

Harris did have early supporters. Harris' article kicking off her revisionism, published in the prestigious Psychological Review in 1995, won the George A. Miller award for "an outstanding recent article in psychology" — a delicious irony, for the same George A. Miller after whom the award was named had signed the letter asking her to leave Harvard's Ph.D. program. The review in The New York Times Book Review by social psychologist Carol Tavris was favorable, if somewhat cautious. And David Rowe, a behavioral geneticist who in 1994 had published "The Limits of Family Influence," was an immediate ally.

But Harris' detractors were heavily credentialed, and the unfavorable reviews numerous. The reader could certainly be sure that Harris wrote and analyzed well, but if you bought into her theory on the evidence of her book alone, there was always the possibility that she was ignoring a body of contradictory evidence, or misinterpreting the data in some subtle way. The possibilities for the layman — or even the expert, for that matter — to make a fool of himself seemed to lie on every side.

In 2008, when "The Nurture Assumption" was reissued in a 10th-anniversary edition, the picture was much less intimidating. That is not to say that Harris' views had been wholeheartedly accepted. Far from it. But it had become clear that there was no hidden body of evidence, no glaring misinterpretation. It appears that her devastating critique of what she calls "the nurture assumption" has not been

refuted, and further research has reinforced her conclusions. It seems unlikely that formerly mainstream views will recover completely from Harris' razor-sharp analysis.

During the intervening decade, Harris had also published a follow-up, "No Two Alike" (2005). The reviews of this book were considerably friendlier, the criticisms more cautious. No more scathing comments — at least not that I could find. Harris was now part of the intellectual landscape; it was no longer possible to dismiss her out of hand, in hopes she would go away.

The believers in the central role of early childhood experience, and of parents, in determining personality — "developmentalists," as Harris calls them — have defended their views with two main arguments.

Argument number one: "The interactions are so complex that we simply can't separate parental influence from other factors." Harris devotes a chapter of "No Two Alike" (27–49) to demonstrating how carefully designed studies can, indeed, tease out parental influence from other determinants.

Argument number two: "Parents have lots of influence, but in unpredictable directions, so that no net effect shows up in the studies." This is theoretically possible, but Harris points out that this would mean that each given style of parenting would produce balanced effects, i.e. that "the same parental behaviors can cause one child to become more cheerful and another more depressed, one more honest and the other more deceptive" (74). The likelihood of such balance seems quite low. And even if that were true, what would it say about the developmentalists' proclivity for recommending some parenting styles over others? If the effects are evenly balanced, any such recommendations are baseless. The developmentalists, as Harris points out, want to have it both ways.

While researching for yet another textbook, Harris noticed that mainstream assumptions did not fit with the findings of carefully designed studies.

It may be that developmentalists will eventually be able to salvage more than the 1% parental influence on a child's eventual adult personality that Harris grants them in a generous moment. (Harris does note that a few studies reach the high-water mark of 5%, though she calls them "of dubious quality" [86].) But, in Harris' wake, theories of parental influence on development will find it difficult to regain the hegemony they enjoyed through the latter half of the 20th century.

True, Harris' theories about what shapes adult personality are themselves speculative, and like all new theories should be viewed with a healthy skepticism. But they are intriguing and well-reasoned, if only preliminary. We may ask those who pounce on the incompleteness of her attempts: who can expect the pioneer to find her way directly to the full truth, without misstep or deviation?

Harris is, first of all, an analyst and organizer of others' research studies, and secondly, a theorist with an outsider's perspective on the field of psychology. She has suffered from a hard-to-diagnose combination of the autoimmune diseases lupus and sclerosis since the 1970s, and lives a mostly shut-in life. During the years 1981–1994 she wrote textbooks on child development. These early books relied on both the research and the theories of others and reflected the mainstream emphasis on the central role of parents in childhood development. But while researching for yet another textbook, she noticed that these mainstream assumptions did not fit with the findings of a number of carefully designed studies.

Harris never completed the textbook. Instead she spent months delving ever more deeply into the research on development. She found that much of the research that supported the orthodoxy was undermined by a fundamental flaw: the failure to control for the effects of heredity. Many studies show, for example, that children of broken homes are more likely than other people to get divorces. Yet factor in the genetic component — inherited personality characteristics associated with divorce that are demonstrably not correlated with shared experiences — control for socioeconomic status and an increase in parental changes of residence, and the connection, so often carelessly attributed to differences in the specific in-home environment, disappears. ("Nurture Assumption" 290–291.)

In taking note of the significant effects of genetics, and casting doubt on the more extreme claims of developmentalists, Harris was only repeating the conclusions of observant parents everywhere. (My own four children differed markedly in their response to stimulus while still in the womb, not to mention afterwards.) But the evidence, and Harris' analysis, did far more than simply repeat, time after time, the importance of the genetic makeup of children. It also reduced to near-zero the role of differing upbringing styles or "psychologically correct" parental strategies in determining adult personality. (One reviewer joked that if Harris could have reduced it to less than zero, she would have.) Now that was not intuitive to any late-20th-century parent, caught up as we were in the culture of the Dr. Spock generation. But as Harris points out, the belief in dispositive parental influence is relatively recent: former generations assumed what now seems one half-step closer to the truth, that personality was inborn.

Astonishingly, it doesn't seem to matter much whether identical twins are raised in the same family, or raised in different families; either way, they end up just as similar — and just as different. Much has been made of the bizarre similarities of identical twins raised in separate households, but Harris is equally impressed, and more interested, by the remarkable degree of difference between identical twins raised in the same household.

Harris is careful to point out the ways in which parents *are* important — especially in providing the basics for survival, such as food, shelter, and protection. It is only after these are controlled for as much as possible that we see parental influence approach zero. Prenatal environment is important. It is also crucial that parents, or parent substitutes, provide visual stimulation, exposure to language, and the opportunity for human attachment during the first three years of life; without these, normal development is endangered. In

addition, parents' socioeconomic status and their choice of where to live are crucially important in determining what their children's peer group is likely to be; one of the few active steps parents can take to shape their children's future, according to Harris, is to change neighborhoods. She also makes an exception for the rare — usually large — family, or more likely group of families (she cites the Amish and Orthodox Jews), that succeeds in creating its own mini-peer-group. Another exception: "Anything learned at home and kept at home — not scrutinized by the peer group — may be passed on from parents to their kids. Maybe even how to run a home" ("Nurture Assumption" 311). And there is of course a host of influences on a minor level — if you pay for enough piano lessons, your child will probably learn to play the piano.

This adds up to a lot of, well, what we laymen might call "nurturing." But we must remind ourselves that Harris is using the phrase "the nurture assumption" to stand for a deep and elaborate array of child development theories popular during the latter half of the 20th century. The normal parental nurturing of young children, as practiced throughout the millennia, is not in question.

Then what is it that parents, with few exceptions, do *not* do? Harris' evidence is strong that parents' varying child-rearing styles or philosophies do not shape their children's personalities, do not teach them strategies they use in dealing with the social world outside the family, and do not determine their future happiness.

Then what does shape personality? No one is sure. Clearly, heredity is important. The studies of behavioral geneticists indicate that inherited traits account for about 45% of adult personality ("No Two Alike" 119). It has been argued that they are overstating the case by failing to separate heredity's direct effects from the environmental feedback of those same effects. Children with certain inborn traits will go on to be treated differently by both parents and peers, which will magnify the effects of the original genetic differences. So perhaps genetics directly determines only 30% of adult variation. But Harris can shrug her shoulders at this controversy, for her goal is to account for the 55% that lies outside both direct and indirect genetic determinants.

Then there's the random factor — from the "developmental noise" that creates small genetic differences even between identical twins, to chance encounters with strangers on the street or bullies in the schoolyard. Though Harris gives a nod to randomness, she does not find it a complete or satisfying explanation. In "The Nurture Assumption," she focuses on peers. She makes an excellent case that personality is still quite malleable well up into the teenage years, but that even in early childhood, outside-the-home behavior is influenced far more by peers than by parents. One telling example is that children of immigrant parents tend to resist speaking their parents' language, instead becoming fluent, and accentless, in the language of their schoolmates. Other examples abound.

Harris' main goal in "The Nurture Assumption" is to debunk the titular premise, and to provide a plausible substitute for parental influence. In this she can be said to succeed. But peer influence provides that substitute largely for the lack of other possible candidates. Solid evidence is hard to come by. The studies Harris cites in support of her "group socialization theory" were not designed with her theory in mind; in fact, many are simply failed attempts to demonstrate the importance of the parental role.

It also remains unclear exactly who constitute "peers." Do we include only the peers the child knows personally, or do perceived peers (known from television shows, commercials, magazine articles, and ads) also count? What drives children and teenagers to conform to their peers, and what makes them differ?

In "No Two Alike," Harris addresses these questions, and more. She devotes the first part of the book to restating and redefending the main thesis of "The Nurture Assumption"; no need to have read her first book in order to read the second. Some may find this section repetitive, and her attack on a few of the critics of "The Nurture Assumption" has struck some readers as unnecessarily detailed, not to mention merciless, but Harris writes and thinks so well that I for one am happy to go along for the ride. We follow Harris as she tracks down the unpublished study that the Newsweek cover story cites in its "Exhibit A," and discovers that Newsweek has misreported a crucial fact. (The article states, "[Jerome] Kagan measured babies at 4 months and at school age." It was really at 4 months and at 21 months.) And it is instructive, as well as humbling, to see Harris demonstrate how fatally flawed a plausible-seeming study can be.

Much of the research that supported the orthodoxy was undermined by a fundamental flaw: the failure to control for the effects of heredity.

I'm afraid I could easily have breezed through the summary of a study of "positive parenting" on school behavior, for example, and come away with the impression that the authors had indeed produced evidence of the benefits of improving school behavior through instructing parents in such parenting, as they apparently thought they had. It takes Harris' scalpel to show that the authors had failed to control for what is known as "compliance determined susceptibility bias." By selecting a subgroup of parents who were most willing to follow parenting advice, they allowed genetic factors to come into play; children of conscientious parents might well inherit the tendency to be conscientious themselves. Go back to randomly assigned groups — both of those instructed in "positive parenting" and of those given no instruction at all — and the positive effects disappear; no difference in school behavior was observable between the two groups (133–135).

In another example, Harris digs deep to find that one widely quoted (though never published) study seems to have been based on the interactions of fewer than eight rhesus monkeys, followed only to the age of 15 months. For various technical reasons, and because some of the monkeys had to have been used as controls, it seems highly likely that the conclusions were based on the reactions of one or two

monkeys (64–68). The phrase "grasping at straws" comes to mind.

In the second part of the book Harris is bold enough to develop her own theory of childhood and adolescent development. In her view, adolescents of a given peer group are similar to one another because of the effects of an innate socialization system that creates the urge to conform to one's peers. At the same time, they will differ because of another inborn desire: to achieve status within that same group of peers.

It is hardly innovative to point out the importance of status in human relations — status has been a theme of literature ever since Achilles chose glory over long life in Homer's "Iliad," and it would be difficult to make a list of contemporary novels that do *not* deal with status. In Dale Carnegie's popular book, "How to Win Friends and Influence People" (1936), I find this saying: "If you tell me how you get your feeling of importance, I'll tell you what you are" (50).

Freud failed to consider that it could be heredity that caused finicky mothers to have finicky children.

But two things are, as far as I know, unique to Harris. One is her claim that it is precisely the striving for status that drives individuation. Even identical twins growing up in the same household find that they cannot occupy the exact same status niche; they must specialize in order to compete. The other is her careful delineation of the status system from two other "systems" or "modules" of the brain that deal with human interactions: the relationship system and the socialization system. She provides a useful chart of the three.

The idea that the brain has different, and sometimes conflicting, systems for dealing with its various tasks is consistent with research into damaged brains and of the findings of brain-scan technology — and consistent with the results of introspection as well. But it should be noted that, to date, there is no hard evidence for the existence of the three separate systems that Harris proposes. It is not happenstance that she makes many references to famous fictional detectives (Doyle's Sherlock Holmes, Sayers' Peter Wimsey, and Tey's Inspector Grant), for her method is similar: eliminate all other possible suspects, until only one is left standing. But just as in reading any detective novel, we have to ask ourselves: has our detective cast her web broadly enough, considered all the potential suspects?

In support of her theory she calls on the reasoning of evolutionary psychologists, and especially on one of their popularizers, the linguist (and following the publication of "The Nurture Assumption," email friend of Harris) Steven Pinker. Now, I admire and recommend Pinker — you have to love a colleague of Noam Chomsky who is perfectly willing to praise, for example, the work of Thomas Sowell. But the disparity between the inflated claims printed on the cover of Pinker's 1997 book — here I need only refer to the title, "How the Mind Works" — and the light, lively, fascinating, but sketchy and speculative work that lies between the bindings, illustrates the gap between reach and grasp in Pinker's nascent field.

For the most part Harris' anthropological speculations seem quite sound; it seems highly likely that early humans formed into groups and subgroups, and that children's survival beyond the age of three had more to do with their membership in the group than with the efforts of their parents. I am fascinated by Harris' casual speculation that, far from having an overpowering tendency to learn life lessons at home, the growing mind might not only resist generalizing from any one social context to another, but might specifically be structured to resist generalizing from family to outside-family milieus. One young person I know posited that the influence was more likely to go the other way from that suggested by the developmental psychologists: she finally learned how to deal with an overbearing father by adopting strategies she gained in dealing with other overbearing adults.

However, the reader may feel a certain disjunction between Harris' meticulous care in the interpretation of experimental results and her much more speculative use of the "reverse engineering" of evolutionary psychology. Reverse engineering is great fun, and potentially illuminating, but it strikes me as a somewhat dicey business, based as it is on assumptions about the unknowable life of prehistoric hunter-gatherers. The common working assumption, that their life was much like that of existing (or recently existing) hunter-gatherers, is questioned by many anthropologists, who note that surviving groups of hunter-gatherers are of necessity those who occupy remote and marginal territories, while prehistoric humans no doubt concentrated in relatively rich areas. There is some reason to think that late Paleolithic homo sapiens enjoyed a robust health, not equaled since. Australian anthropologist Peter McAllister maintains, for example, that aboriginal runners could have outsprinted Usain Bolt.

But this is a relatively minor quibble. It should come as no surprise that when analysis gives way to theory-building, the reasoning necessarily becomes looser and more speculative. And at our current level of understanding of the human mind, any proposed theory is necessarily sketchy.

So little is known! This is the most astonishing revelation of the "nurture assumption" controversy — that so much developmental theory could have been built on such weak foundations. When we read that Freud failed to consider that it could be heredity that caused finicky mothers to have finicky children, rather than, as he opined, the mothers' toilet-training practices, we may feel indulgent about a pioneer's mistakes. But when it is demonstrated that the same sort of mistake was repeated over and over during the next century, it is not indulgence we feel, but amazement and dismay. Here is one reason psychology has lagged behind the other sciences.

Think of the waste! Think of the hundreds of books that carefully instruct parents in the best way to craft their children's development, from Dr. Spock's fairly benign advice to extraordinarily perfectionist and guilt-inducing works such as "The Drama of the Gifted Child" (2008). The thousands of articles. The countless hours that patients have spent on the couches of psychoanalysts, attempting to clear

neuroses that were either imaginary or activated only in the family context. Your love-hate relationship with your father or mother may be quite real, and can upset you every time you interact with or even think of him or her, but it may not be otherwise important in your life today. Cognitive, behavioral, and interpersonal therapists have long emphasized focusing on the neuroses of time now, with notable success; studies indicate that in the treatment of depression, for example, the benefits of their therapies often equal or surpass those of the popular antidepressant drugs. By contrast, traditional psychotherapy, with its focus on past trauma, is a signal failure in dealing with depression — on average, it has no favorable effect at all. In a sense, Harris' work is a case of theory catching up with practice.

It will take both to clear away decades of intellectual rubble. And it will be a struggle. There is a strong paternalist streak among the intellectual elite — witness their influence within the Beltway. Established academicians and popular writers alike have resisted Harris' conclusions not so much because they are untrue as because they are thought to be dangerous. What will parents make of the observation that parenting styles don't seem to matter very much? Won't they take that as an excuse to neglect or maltreat their children? Knowing parents, both good and bad, I doubt that the answer is yes. But paternalist assumptions run deep in our current welfarist, for-the-children society, motivating a great deal of behavior that we would be better off without.

In "The Nurture Assumption," Harris provides a rather good "moral of the story" — a moral I wish she had emphasized more in her later book. Her suggestion is that parents would do best to focus on their relationship with their children in the present, rather than constantly strategizing their parental role, trying to push or prod or sculpt their children into what they conceive as the proper shape for the future. I think this is good advice, no matter what the percentage of parental influence turns out to be. Overbearing parenting — and we must remember to include in this general category the over-nurturing, over-praising, and over-sensitivity that has become popular today — isn't a good idea, even for the parents. It isn't that children's futures are thereby imperiled; it is simply that their presents are thereby degraded. Reflecting on the death of his son, the character of Alexander Herzen in the Tom Stoppard play "Shipwreck" says, "Because children grow up, we think a child's purpose is to grow up. But a child's purpose is to be a child." We don't have to be looking to the future to value a good relationship with our children. Harris emphasizes that the parent-child relationship is important in the same way that every long-term relationship is important. It is part of our lives.

Despite this life-affirming conclusion, Harris later found it necessary to write, in an article for the Wilson Quarterly ("How to Succeed in Childhood," Winter 1999): "I am not advocating irresponsibility. Parents are in charge of how their children behave at home. They can decide where their children will grow up and, at least in the early years, who their peers will be. They are the chief determiners of whether their children's life at home will be happy or miserable, and they have a moral obligation to keep it from being miserable. My theory does not grant people the license to treat children in a cruel or negligent way." But I think it very unlikely that Harris' theories will be taken as an excuse for cruelty or negligence; parents who wish to be cruel or negligent are not usually looking for intellectual excuses to do so. And though Harris probably means physical abuse when she refers to "cruelty," it may be that the hectoring and guilt-tripping and bullying inflicted by many well-intentioned parents should count as a form of cruelty as well, and that the perpetrators, and their children, will greatly benefit from having the unnecessary — indeed, imaginary — burden of shaping children's character removed from the parents' shoulders.

At this point we can only dream of the day when someone might provide the same service to teachers and their pupils. "In loco parentis" still means responsibility to the state for "shaping young minds," with all the attendant arrogance, cost, and sheer waste of time.

The cultural zeitgeist responds very slowly to new ideas, and the 20th century's intellectual fads will no doubt take many decades to fade. Books and articles of bogus parental advice are still being written, printed, and sold. The state, whether governed by Republicans or by Democrats, is more willing than ever to subsidize and insist upon the importance of "educating the whole child," in an expert-approved way, both at home and in the classroom.

Luckily, Harris' struggle with an entrenched establishment is not a lonely one. First of all, her work is based on the original research of many others. And, in a number of interrelated fields, there is a widespread effort to replace those academic subjects that carry the hitherto oxymoronic rubric, the "social sciences," with something worthy of the name. Psychology may be in the forefront of this changeover. Yet it is still struggling to shrug off the pseudoscientific heritage — indeed, one might almost call it the witch-doctory — of its beginnings, as it attempts to gain the status of a true science by incorporating the insights gained from genetics, neuroscience, and other "harder" disciplines (also, however, largely in their infancy). Asked whether psychology is finally on its way to becoming a true science, Harris responded: "I'm doing my best to nudge it in that direction. Its progress has been very uneven, with some specialties forging ahead and others lagging behind."

This is part of the process of clearing away a widespread cultural myth — the myth of "the blank slate," as Pinker calls it (the title of his 2002 book). Harris' work is one part of the clearing process. She shows that it isn't only laymen who should repeat to themselves 20 times each morning, "Correlation does not equal causation." In attempting to go further, to point the way toward a new developmental theory — and pointing the way is all she really claims to do — she necessarily exposes herself to attack from the flank. But I believe she is pointing in the right direction.

There is a strong paternalist streak among the intellectual elite — witness their influence within the beltway.

It's hard to know what effect the eventual fall of the blank-slate mythology will have on the cultural and political scene. Conservatives, who have long claimed that the utopianism of the left is based on the erroneous assumption that human nature is infinitely malleable, are understandably feeling vindicated. But any theory of personality can be bent to almost any political end. The assertion that there is such a thing as innate individual nature, or that individuals are, for better or worse, influenced by peer groups as well as by their parents, doesn't have to constitute an endorsement of conservatism. You can find it in many a libertarian essay. As Harris commented in an email, "the fact that something is innate doesn't mean that it's unchangeable."

Pinker closes a chapter of "The Blank Slate," by saying: "Every student of political science is taught that political ideologies are based on theories of human nature. Why must they be based on theories that are 300 years out of date?" (305). Though it will settle nothing, I would like to think that the quality of debate will be improved by the debunking of the "tabula rasa" myth.

In the grand scheme of life, however, how one votes in the general election is of vanishingly small significance. Far more important are one's day-to-day interactions. Harris' work can and should have an impact not only on every parent but on every child. And everyone is someone's child. Harris largely avoids giving advice; hers are not self-help books. But surely an appreciation for the truth of the parent-child relationship will have a beneficial effect. Truth always turns out to have its uses. ❑

"Oceans," directed by Jacques Perrin and Jacques Cluzaud. Disneynature/Greenlight Media, 2010, 103 minutes.

Planeteers

Jo Ann Skousen

"Oceans" is the second of an annual Earth Day movie release by Disney Studio's new Disneynature label. The series is designed to draw attention to the planet, thereby drawing in crowds during the sluggish post-spring break, pre-summer vacation season. Judging from the audience at the viewing I attended, the strategy is working: hoards of young Planeteers were there for a neighborhood Earth Day celebration, or so it was explained to me by one of the mothers after the movie ended.

I was there with my 4-year-old grandson, Miles, who couldn't care less about Earth Day or saving the planet, although he is very good at putting away his toys and throwing his popsicle sticks into the trash. We went to the movie simply because he loves fishies.

"Oceans" was made by the same team of documentarians that made the remarkable "Winged Migration" (2003), which partnered stunning cinematography with lush French impressionist music to create a gorgeous work of art. Unfortunately, "Oceans" falls short of the expectations created by the earlier film. While the camera work is impressive and occasionally even breathtaking, especially clips of the massive rolling sea, the film lacks the charm and emotional connection of "Winged Migration" or even last year's "Earth." The music, by Bruno Coulais, is pleasant but not moving. The film as a whole feels less like a celebration of sea life than like a preachy documentary — especially with Pierce Brosnan's stern, dispassionate narration.

Before the film ended, the neighborhood Earth Day celebrants were crawling over the seats, running along the aisles, tossing popcorn at one another, and in every way expressing their lack of interest in the film as their mothers tried in vain to corral them. They couldn't wait to get out to the video arcade in the theater lobby. (Meanwhile — not to brag — my little Miles, a true lover of fish, was delightedly calling out the names of every creature that appeared on the screen.)

I shouldn't be so flippant. There is much to like about this movie, which was filmed over the course of four years in over 50 underwater locations. It captures some astounding footage of unusual sea creatures, and demonstrates the often symbiotic relationship of predators and cleaners, fish and plant life. Thoughtfully, the editors cut away just before the blood begins spurting as sharks and whales snatch sea lions into their massive jaws. We do, however, see crabs munching on the drumsticks of other crabs and flocks of predatory birds diving in to snatch up baby turtles as they make a frantic dash for the sea. "Only one in a thousand turtles will survive their first day, but that is enough to assure the survival of the species," Brosnan intones.

I guess what really bothered me about the film was the obligatory ending, with Brosnan telling us that humans are destroying the seas and the planet itself. Now, don't get me wrong. I do think we should take care of what we have. That's one of the reasons I'm such a proponent of private property: we take care of the things we own, though we tend to ignore or abuse the things that belong to others. But activists today seem to want humans to leave the planet to the animals entirely, forgetting that humans are animals too. If it's okay for birds to eat 999 out

of a thousand baby turtles, why isn't it equally okay for humans to eat fish? Especially if those fish are farmed, harvested, replaced, and sustained by the humans?

Yes, we humans use tools and technology, and that makes us able to do greater damage. The film shows trash carried to the ocean and refuse dumped into rivers, and this is indeed troubling. But we aren't the only animals that leave their refuse behind. When I walk to work every morning, I have to dodge big blobs of excrement left by the flocks of Canada geese that have permanently immigrated to our community — without papers, visas, or green cards, I might add.

"Oceans" shows a crablike creature (Miles would know its official name) cleaning out its cave by expelling sand and excrement and just leaving it there by the front door. By contrast, people employ water treatment plans to clean and reuse the water we expel from our homes and businesses. And my human neighbors carry plastic bags to clean up after their pampered pooches, who would otherwise blithely leave their refuse behind to decompose in the sun.

In fact, businesses everywhere in the developed world are doing their best to control pollution while still producing the goods that contribute to our wellbeing. The oil slick now heading for shore in the Gulf of Mexico is a tragedy, but scientists are working around the clock to figure out how to stop the gusher and clean up the mess. Moreover, BP would have begun burning the oil immediately, before it had time to spread, if environmentalists hadn't urged the government to prevent the controlled burnoff because of the smoke pollution it would have caused. I have confidence that by the time this magazine reaches its readers, the problem will be under control and safeguards will be in place at all remaining wells to prevent a similar occurrence.

"Oceans" reminds us to be mindful of our neighbors under the water as well as those on land. But it is a delicate balancing act that humans create — maximizing our quality of life while avoiding accidents and disasters. It's a balancing act every bit as complex as those taking place in the world beneath the sea. ❑

"The Joneses" directed by Derrick Borte. Echo Lake Productions, 2010, 96 minutes.

Sleeper-Cell Marketing

Jo Ann Skousen

Don't you just hate those people down the street? The ones who have the flashiest new car, the latest electronic toys, the perfect decor, and the toniest parties? Everyone tries to keep up with them, but how do they afford it? And don't you hate the neighbors on the other side of the street just as much — the ones who wear tacky clothes, drive an ordinary car, and have home parties trying to sell you their latest multilevel marketing gimmick?

These two couples live side by side in "The Joneses," a movie that takes marketing and consumerism to an eerie new level. The Joneses — Mom Kate (Demi Moore), Dad Steve (David Duchovny), and teens Mick (Ben Hollingsworth) and Jenn (Amber Heard) — seem like the perfect family. They are tall, tan, athletic, and impeccably groomed, drive a sporty new car, wear the trendiest fashions, and carry the latest in personal communication devices (one really can't call them phones any more). As the film opens, they are moving into their new home in a wealthy suburban neighborhood of multimillion-dollar McMansions.

Like the Rizzo family in "City Island" (reviewed in this issue), the Joneses have something to hide. But unlike the Rizzos, they have donned their masks with diabolical deliberation. We know something is a little off when we see Steve, after being wonderfully affectionate and romantic with Kate in public, trundle off to sleep alone in the guest room. It gets even creepier when, a few minutes later, Jenn slips out of her clothes and into Steve's bed. (Yes, she's the teenage daughter mentioned above.) Incest?

No. Marketing. "I'm a single 45-year-old failed golf pro former car salesman pretending to be someone else," Steve quips cynically. The Joneses are not really a family, they are carefully selected sales reps, part of an elaborate advertising campaign designed to influence the residents of wealthy neighborhoods into coveting the goodies the Joneses drive, wear, eat, drink, and play with.

"Keeping up with the Joneses" is the name of the game, and these four play it to perfection. Like the alpha personalities described in Malcolm Gladstone's "The Tipping Point," they have that charismatic "it" factor that make people want to be like them and, consequently, to "want what they've got." They can even convince their snobby upscale neighbors that it's the height of fashion to serve frozen sushi from a box and drink rum punch from a foil pouch with an attached straw (yes, exactly like a Capri Sun fruit drink).

The Joneses aren't the only ones in the neighborhood with dollar signs in their eyes, however. Neighbors Larry (Gary Cole) and Summer (Glenne Headly) welcome the Joneses to the neighborhood with a lovely basket of skin care products made by the multilevel sales company that Summer

represents. She uses the "if you think it, it will happen" personal meditation technique of marketing. As hard as she tries, though, Summer doesn't have "it." She spends a fortune on her marketing techniques, but garners only a few sympathy sales.

The concept of this movie is clever and timely, demonstrating the hardcore nature of stealth marketing in the 21st century. Traditional commercials and print ads have become old-fashioned and ineffective for today's buyers. Instead, product placement is now almost as important as the script and the director in movie making. Products are blatantly inserted into scenes, suggesting, for example, that if you want to be as masculine and heroic as maverick CTU agent Jack Bauer, you need to drive a Hyundai (Ford stopped sponsoring "24" last year, so you'd better dump that Bronco).

Hollywood celebrities are paid big bucks to wear certain clothing lines, carry certain accessories, and frequent certain night spots. Even President Obama ended up in a billboard ad for Weatherproof a few months ago when a smart photographer saw the marketing potential in a picture he shot — although I don't think it was intentional on Obama's part; he just happened to like that jacket, and I have to admit he looked great in it.

Although the concept may seem gimmicky, "The Joneses" is not as one-dimensional as it may sound. The film is honest in its portrayal of the errors of consumerism without being preachy. It acknowledges the keen dissatisfaction that occurs in the never-ending game of one-upmanship. Having proudly purchased a slightly newer version of the sporty car Steve has been showing off, Larry is furious when he sees Steve driving up a few days later in an even newer and flashier brand. Status based on material objects (not personal qualities) is fleeting.

Fleeting, that is, until the bills come due. Nothing makes the year pass as quickly as those sweet little words, "No payments for 12 months." The Joneses are "selling a lifestyle," but that style can lead to bankruptcy. Steve begins to feel uncomfortable about his role as an undercover marketeer when he sees what it does to the neighbors he has grown to care about, and this creates conflict in the "Jones" household.

The film also explores the question of what constitutes a family. Even fake families face problems. When Mick gets in trouble with the law for serving those rum punch pouches at a house party when the folks aren't home, "Mom" comes to his rescue. When Jenn has boyfriend trouble, she calls "Mom," who hurries to her side with a sincere hug and a sympathetic ear. For better or worse, people acting like families become families. It's as simple as that. ❑

"Route 66," executive producer Herbert B. Leonard. VCI Video, DVD release 2004. Television series, 1960–64.

On the Road Again

Gary Jason

I confess that I am not much of a TV devotee. However, available now through the ever-reliable Amazon is a remarkable series from the early days of television that was, in terms of quality and content, revolutionary. This recent release celebrates the show's 50th anniversary.

"Route 66" played for only four seasons, 1960–1964. It was a sort of picaresque, realist series — mainly dramatic, though occasionally comedic — built around two central characters, Buz Murdock and Tod Stiles. For the first two and a half seasons, the fine actor George Maharis played Buz. Then he was replaced (for health reasons) by Glenn Corbett, who played Lincoln Case. Throughout, the second character was Tod Stiles, played by Martin Milner, also a fine actor. The most memorable episodes, however, were the ones involving the character Buz.

In TV talk, the series was a combination of "episodic" style, with the main characters appearing in every episode, and "anthology," in which every week a whole new cast of supporting actors appeared in an entirely new story. In movie terms, the series concept was a classic "buddy" show, melded with a "road" picture. (Think of the Bob Hope – Bing Crosby "road" pictures meeting "Easy Rider.")

In the series premier, Tod, an upper-class kid who went to Yale, finds himself orphaned when his father dies suddenly, leaving him with only a car, a convertible Corvette. He decides to drive around the country, taking the legendary Route 66, with his friend Buz, a tough young man who grew up in an orphanage and learned survival skills in "Hell's Kitchen," a rough bit of New York turf. Buz had worked for Tod's father, so that's how they knew each other. Each week they visited various towns and cities, hiring on for a wide variety of jobs — as construction workers, fishermen, shrimpers, loggers, oil rig workers, ranch hands, factory workers, salesmen, or whatever work they could get.

The dynamic between Buz and Tod was interesting. Tod was a tall, sandy-haired all-American type, while Buz

was a more uninhibited working-class guy from the streets. In many of the early episodes, Buz got into fistfights with other characters. Their occasional moral clashes were all the more interesting for that reason.

Along the way, they became involved in the lives of the people they met, people for the most part with troubles or a dark side. The sorts of characters who appear in this series are not the typical upbeat characters who inhabit most of TV land. We meet such people as a tormented jazz musician, a has-been fighter, a self-destructive crop duster, an abused mute girl, a vengeful blind dance instructor, a hunted pregnant Indian girl, and so on.

Besides the consistently good acting by Milner and Maharis (Maharis was a product of the Actor's Studio in New York, and had substantial stage and TV experience), the series was outstanding for the quality of the supporting actors. They included many actors who went on to notable careers. Part of the fun of watching the series is spying people whom you know very well from their later work: Alan Alda, Ed Asner, Martin Balsam, Tom Bosley, James Brown, James Caan, Robert Duval, Gene Hackman, Ron Howard, David Janssen, DeForest Kelley, George Kennedy, Harvey Korman, Cloris Leachman, Jack Lord, Lee Marvin, Walter Matthau, Julie Newmar, Leslie Nielson, Suzanne Pleshette, Robert Redford, Burt Reynolds, William Shatner, Rod Stieger, Jack Warden. Redford, by the way, was considered for the role of Tod Stiles.

Also making the series outstanding were the creators, Stirling Silliphant and Herbert Leonard. Silliphant was an award-winning writer for movies ("In the Heat of the Night") and television (including the series "Naked City," 1958–1963). He wrote about three-fourths of the episodes of "Route 66." Leonard was a distinguished producer, with such series as "Naked City" and "Rin Tin Tin" to his credit. (Rin Tin Tin, the German shepherd who "starred" in a hit series, appears in one of the early episodes of "Route 66.")

Silliphant and Leonard did something unheard of: they filmed on location all over the United States. To this day, "Route 66" is the only fictional TV series filmed on location throughout the country. Silliphant himself toured the country looking for good locations, often grim and gritty locales, that fitted the "realist" orientation of the creators.

Usually, Silliphant's dialogue was exceptionally literate. It used a lot of beatnik slang and existentialist-sounding quotes. Sometimes this came across as a bit pretentious, but it was usually apt. Clearly, Silliphant was influenced by Jack Kerouac's beat classic "On the Road," which had appeared three years before the series began. Indeed, the obvious debt that Silliphant owed to Kerouac led Kerouac to consider suing Silliphant for plagiarism (at least according to Kerouac's biographer Dennis McNally).

Add to this a terrific score by composer Nelson Riddle, not to mention one of the most gorgeous cars ever designed, and "Route 66" is a delight. The episodes hold up well as drama after half a century. But one additional benefit from watching the series now is that it allows the viewer to see the rapid pace of change wrought by our dynamic capitalist system.

This is especially interesting if you are, like me, old enough to remember the times when the series was produced.

Notes on Contributors

Two collections of *Norman Ball*'s essays are due this year: *How Can We Make Your Power More Comfortable?* and *The Frantic Force*.

Baloo is a *nom de plume* of Rex F. May.

Stephen Cox is a professor at UC San Diego. His most recent book is *The Big House: Image and Reality of the American Prison.*

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To cite one example: As Buz and Tod go from town to town, they take a variety of jobs, almost all of them "blue collar" jobs. But the America of readily available low- to medium-skill work is long gone, replaced by an epistemic (or post-industrial) economy. In one of the more comedic episodes (filmed at UCLA, in front of an enormous room-filling IBM mainframe from that era), a hapless Tod tries desperately to learn programming, while an equally hapless Buz tries his hand at sales.

We also notice the enormous *social* transformations of the past 50 years — especially in the role of women. In all the episodes I watched, Tod and Buz get jobs, and invariably all the other workers are men. Women workers are scarcely seen.

Another difference you notice has to do with the homogenization of American society. The cities Buz and Tod visited in the '60s had marked regional differences, which time and globalization have tended to diminish over the decades. That is one of the instructive things about watching a fine old series such as "Route 66." You get a vivid visual sense of the rapid changes in our folkways brought about by what Schumpeter called the "creative destruction" that is capitalism. But you are also instructed again about the deeper and permanent psychological verities of our human nature. ❑

"City Island," directed by Raymond De Felitta. CineSon Entertainment, 2010, 100 minutes.

Acting Like Ourselves

Jo Ann Skousen

What is your deepest secret? Can you share it with the people you love most? This is the theme of "City Island," a wonderful little indie film set in a working-class fishing community on the eastern shore of the Bronx. The film suggests that everyone has a secret, everyone wears a mask, and true bonds are formed when you have the courage to take off the mask and reveal your whole self.

As the film opens, the Rizzo family is gathering for a holiday weekend. They seem like the typical working-class family — loud, contentious, but solid. Each one has a secret. The film implies that this is typical too. Their secrets are probably a little more outlandish than yours: Junior (Ezra Miller) harbors a fetish for 300-pound women; daughter Vivian (Diminik Garcia-Lorido) is secretly working at a strip club to earn money for college; all of them are hiding the fact that they smoke. But we all have secrets we're afraid to reveal. "City Island" is the best kind of comedy, rich with understanding of human relationships, and funny because it reveals our foibles, not because the characters mouth comic quips. The humor is natural and satisfying.

Vince Rizzo (Andy Garcia) is a prison guard who secretly longs to be an actor. His dream is so secret, in fact, that every week he tells his family that he is going to a poker game when actually he is sneaking off to an acting class in Manhattan. You can guess what his wife Joyce (Julianna Margulies) will begin to suspect he's sneaking off to do. Meanwhile, Vince discovers (and quickly hides) an even bigger secret: Tony Nardella (Steven Strait), a young man being paroled at the prison where Vince works, is his own son from an early relationship, a son he never acknowledged or supported. Tony needs a sponsor, so Vince decides to bring him home to do some construction work in the backyard, without revealing to anyone, including Tony, their true relationship. Vince wants to test the family dynamic first. Let's see: hot wife, sexy daughter, and a handsome, bare-chested ex-con lifting lumber in the backyard, who doesn't know they're related . . . potential dynamite might be an apt description of the dynamic.

The film's underlying themes of acting and secrets give it depth and staying power. Shakespeare said it well: "All the world's a stage, and all the men and women merely players" as we act our way through life. In this film, the acting class is a metaphor for life, and the characters are a training session for actors.

Michael Malakov (Alan Arkin), Vince's self-important acting teacher, chastises his students for pausing as they read their lines: "Keep going! Say the line! What are you pausing for? Jesus, everyone thinks he's Brando. Just say the line!" The film's self-conscious focus on acting makes the audience pay more attention to the subtleties of the actors on the screen, as well as to the masks we don in real life.

For example, when Vince and his acting partner Molly (Emily Mortimer) begin working on their class assignment together—an assignment in which they are supposed to reveal a deep secret to each other and then use it in their next class dialogue — they pause, they think, they struggle to find the courage and the right words to say it. In short, Garcia and Mortimer do exactly what the acting coach has said not to do — and it works. Brilliantly. Suddenly we understand what it was that made Brando such a brilliant yet seemingly effortless actor — he let his character think before he spoke.

In the next scene, the Rizzo family eats dinner together and everyone talks at once, stepping on each other's lines in the way we do when we're having a conversation. No one pauses, no one listens. This style of acting was developed by director Robert Altman and perfected by actress Meryl Streep, who is the queen of thinking, listening, and acting at the same time. It reminds us that most of the time, we don't think and we don't listen. We just talk.

Later, when Vince reveals to Tony that he is going to acting school and is headed to his first audition, Tony tells Vince not to sweat it. Everybody acts all the time. He had to act from the moment he walked into the prison, he says; he had to create a persona and act tough and unconcerned because if he revealed his true fears, they would have come true. Tony demonstrates this in Vince's face, and Vince uses Tony's demonstration word for word in his own audition. Use what you see and make it your own — that's another mantra of acting. The three different acting techniques, strewn effortlessly through the film, make it an actors' movie and give it an intellectual undertone not expected in the working-class setting.

Of course, removing the mask and being oneself is the goal. One of my students at Sing Sing said recently, "We all wear masks in this prison. We have to act the tough guy, we have to act like we agree with things. But here in this classroom we can take off the mask. With these men in this classroom I can be who I really am and say what I really think. Then I put the mask back on and go back to the cell block." "City Island" asks you to consider this: where can you take off your mask? Where can you be your true self? The person you can reveal your secrets to is your true family, your true friend.

"City Island" shows that it may not be easy to take off the mask, but it's definitely worth the effort.

"The Joneses" and "City Island" come to the same conclusion, although they approach it from completely different directions: life is more satisfying when we can take off the mask and be ourselves. In a season when most big-budget films have been flawed, these two independent films stand out as gems. ❑

"Time Stands Still," directed by Daniel Sullivan. Manhattan Theater Club.

Timeless Problems

Jo Ann Skousen

"Time Stands Still" opened in New York on January 21. It is one of those theatrical gems that invites you to approach it from several directions, and always rewards you with something memorable. Though set in the aftermath of a Middle-Eastern conflict, it is not a play about the politics of war, per se. Instead, it is a play about occupations, about relationships, about gender roles, and ultimately about the desire to make one's life count for something.

As the play begins, James (Brian d'Arcy James) is helping Sarah (Laura Linney) into their New York loft apartment. Sarah's leg is encased in a full-length brace, her arm is in a sling, and dozens of angry red shrapnel scars cover her face and neck. We know immediately that these are serious people whose lives have Meaning. What they do Matters.

We soon learn that James and Sarah are foreign war correspondents; he a writer and she a photographer. Sarah has been injured in a roadside bombing that killed their local guide, a young man whose own family had already been killed in the war. James was in the States during the attack, recovering from emotional injuries suffered during the course of their work, and he feels guilty about not being there when she was injured.

Richard (Eric Bogosian), Sarah and James's editor and dearest friend, soon arrives to welcome Sarah home, bringing along his sweet, bubbly, and very young new girlfriend, Mandy (Alicia Silverstone). Mandy's get-well gift, a pair of helium balloons, is ridiculously childish and out of place in this serious, life-threatened setting with serious, world-changing people. When Mandy announces cheerfully that she is an "event planner," Sarah responds with a barely concealed smirk and roll of the eyes. Clearly, in this long-established social group where occupations Matter, Mandy has no substance. She is Fluff.

Relationships apparently matter too. Sarah and James are trying to decide where their relationship is headed next. He proposes marriage and a more traditional life. It is time to Settle Down, Start a Family. Before accepting the proposal, however, Sarah tearfully confesses that while James was in the States, she and their guide, Tarik, became lovers. James confesses that he already knew — something about the tone of her voice and her emails while they were apart. Yet he forgives her. Like the self-serving Torvald in Ibsen's "Doll's House," James thinks his forgiveness is Magnanimous and Open Minded.

But forgiveness is not what Sarah seeks. Far from it. Her tears are borne of grief, not shame. Her friend and coworker, a man she loved, was blown up right beside her. She needs compassion, empathy, the sharing of grief. After all, Tarik had been James's guide too! But James just wants it all behind them.

Though he and Sarah were not married when she fell into Tarik's embrace, they were in a committed relationship of nearly nine years. It is perhaps understandable, though despicable, when he confesses his first reaction to the news of Tarik's death. It was relief.

Compare Mandy's reaction to Sarah's accident. As it turns out, Richard and Sarah had once been lovers as well, 20 years earlier. They continued as colleagues after the romance ended, and when she met James, the friendship expanded to include him. For nearly a decade they have been the Three Musketeers. Now sweet, innocent Mandy is trying to join the group. When Mandy heard of Sarah's life-threatening injuries, her reaction was not relief. "When we heard that you were hurt," she says, "I prayed for you. I said, 'Please, please, God, oh please, help Sarah get better. Please, God. Richard loves her so much."

There lies the heart of the conflict, and the understated theme of the play: Amid all their angst about Important Work bringing Important Issues to light, Mandy demonstrates true love. Sarah could easily represent a threat to Mandy's relationship with Richard, but she wants Sarah to get better, because she knows how much Sarah's friendship means to the man she loves. If it matters to him, it matters to her.

Gender roles are another important issue in this play, and they are presented subtly and effectively, not as separable topics for social commentary but as matters related to the basic problems of human action, set in the framework of time. The man wants to marry and start a family; the woman is driven by ambition to make her life count. Her single-eyed focus on her career makes "settling down" seem too much like merely "settling." James stays home, keeps house, and writes movie reviews while Sarah takes pictures of people in distressed situations. Reversing ordinary roles in this manner turns the traditional conflict between home and career into a universal dilemma rather than a feminist cause.

The title contains an ironic metaphor for the action of the play. The camera can make time stand still; it can tell, or attempt to tell, a whole story in a single shot. But in real life, time marches on, choices must be made, and indecision, we often find, is the same as deciding "no." In the practice of photography, Sarah's focus on her work is clear and true, but the rest of her life is a blur, seen from an emotional distance. Perhaps the problem could be solved by a simple f-stop adjustment — but Sarah will not stop to make one.

The acting and direction in this four-character play are superb. Stage lights catch the glint of tears in Laura Linney's eyes as she describes her relationship with Tarik. She leans her injured neck and cheek subtly toward her houseguests, daring them to stare at her scars, which she wears as proudly as medals. Yet when she and James are alone, she covers them with a sweater to assuage the guilt she knows he feels for having returned early to the United States. With three Oscar nominations, two Tony nominations and three Emmys to her credit, Linney moves effortlessly between stage and screen, recognizing the need to go large for the stage while never going over the top. It is a completely believable performance.

Alicia Silverstone, best known for her screen work in such teen flicks as "Clueless" and "The Crush," could have found herself hopelessly out of her league on the Broadway stage. But she is a joy to watch as the delightfully naive, totally honest young girlfriend. Her eyes dart searchingly from one side of the stage to the other, sometimes trying to comprehend what the others are saying, but more often urging the older and presumably wiser Musketeers to understand what she is trying to say. She reminds us that Planning Events is perhaps the reason Wars Matter. It is to preserve the ordinary events of our lives and our culture — weddings, births, business meetings, holidays, celebrations — that we go to war. While Sarah photographs death and suffering, Mandy celebrates life. What she really can't comprehend is why the others don't get it.

In "The Poisonwood Bible" (1998), Barbara Kingsolver also addresses this contrast between those who go to war and those who stay at home: "We whistle while Rome burns, or we scrub the floor, depending. Don't dare presume there's shame in the lot of a woman who carries on. On the day a committee of men decided to murder [prime minister Patrice Lumumba] what do you suppose Mama Mwanza [a tribal woman] was doing? Was it different the day after? Of course not. Was she a fool, then, or the backbone of history?"

Only time will tell. But it does not stand still. ❑

Reflections, *from page 34*

Obama administration's war on Wall Street is an interesting fact. Obama, it turns out, has played more golf in his first 14 months than Bush did in his entire eight years!

Now, I don't mind Obama hitting the links. Not at all. The less time he spends in the Oval Office the better. But where are the news media? I mean, if Bush — who was often criticized for his absences from the White House — had played golf that much, you can just imagine the headlines that would have been written: "Bush Golfs While Soldiers Die"; "Bush Putts as Marine Losses Soar."

But of course, since Obama brought the troops home, no American servicemen are dying. That makes it all okay.

— Gary Jason

Off camera — In the contentious debate over whether Arizona has the right to enforce immigration laws, one item seems to have escaped the notice of those comparing Governor Jan Brewer to a Nazi. At the request of the governor, as of July 16 all 76 state-owned traffic cameras in Arizona will be removed.

Originally set up by Janet Napolitano, now secretary of Homeland Security (who for some reason has a reputation of being a civil libertarian), the cameras were positioned at locations all around the state.

According to the original plan, Napolitano projected a revenue increase of $90 million to the state budget — a fact that calls into question the idea that these cameras were really being used as a *safety* measure. Naturally, however, real revenues fell far short of projections, since most motorists just threw the speeding notices into their recycling bin.

— Tim Slagle

Terra Incognita

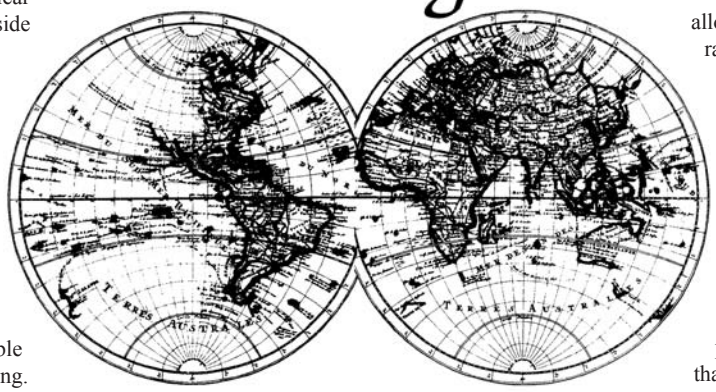

Jakarta, Indonesia

Failure to recognize great art, noted by the *Sydney Morning Herald*:

Authorities have removed a statue of Barack Obama from a park in the Indonesian capital following a public backlash and have moved it to a school that the U.S. president attended as a child.

The bronze statue of "Little Barry" shows a 10-year-old Obama with a butterfly perched on an outstretched thumb. Among the critics were members of the "Take Down the Barack Obama Statue in Menteng Park" group on Facebook, who said "Barack Obama has yet to make a significant contribution to the Indonesian nation. We could say Obama only ate and shat in Menteng. He spent his subsequent days living as an American," the web page said.

Philadelphia

Security theater, in the *Philadelphia Inquirer*:

While passing through airport security, Rebecca Solomon was alarmed when a TSA worker motioned her toward him and pulled a small, clear plastic bag from her carry-on. Inside the bag was fine, white powder.

"Where did you get it?" Answer truthfully, the TSA worker informed her, and everything will be okay.

Two thoughts came to her in a jumble: A terrorist was using her to sneak bomb-detonating materials on the plane. Or a drug dealer had made her an unwitting mule, planting coke or some other trouble in her bag while she wasn't looking. Her heart pounded. She started to sweat. She panicked at having to explain something she couldn't.

Then the TSA employee started to smile. Just kidding, he said. He waved the baggie. It was his.

Menifee, Calif.

Words of concern, from the *Riverside Press-Enterprise*:

After a parent complained about an elementary school student stumbling across "oral sex" in a classroom dictionary, Menifee Union School District officials decided to pull Merriam Webster's 10th edition from all school shelves.

School officials will review the dictionary to decide if it should be permanently banned because of the "sexually graphic" entry, said district spokeswoman Betti Cadmus.

Board member Randy Freeman, an elementary school teacher and parent to four daughters in Menifee schools, said he supports the decision to ban the dictionary temporarily. Freeman said it's "a prestigious dictionary that's used in the Riverside County spelling bee, but I also imagine there are words in there of concern."

Nashville, Tenn.

TANSTAAFB, from *The Tennessean*:

The so-called complimentary breakfasts at many hotels in Tennessee have stirred the appetite of state revenue officials.

The state wants to tax the lodging businesses for the food they offer as part of free breakfasts that are included in their room rate. The budget-strapped revenue department hopes to get an estimated $10 million for its coffers from the sweet rolls, coffee, and such that hotel patrons enjoy at no charge from the Smoky Mountains to Graceland.

Portland, Me.

Inspirational attempt at suppressing biological instinct, in the *Portland Press-Herald*:

About two dozen women marched topless downtown in an effort to erase what they see as a double standard on male and female nudity. The women, preceded and followed by several hundred boisterous and mostly male onlookers, many of them carrying cameras, stayed on the sidewalk because they hadn't obtained a demonstration permit to walk in the street.

Ty McDowell, who organized the march, said she was "enraged" by the turnout of men attracted to the demonstration. The purpose, she said, was for society to have the same reaction to a woman walking around topless as it does to men without shirts on.

McDowell said she plans similar demonstrations in the future and said she would be more "aggressive" in discouraging oglers.

Minneapolis

Jurisprudence of the living dead, in the *Minneapolis Star-Tribune*:

The 8th Circuit Court of Appeals allowed a group of zombies — or rather, several protesters costumed as such — to press ahead with their lawsuit against police who arrested them for disorderly conduct, overturning a lower court in finding that the group of seven "zombies" had been wrongfully detained during a 2006 shopping mall protest against consumerism.

At the time of the protest, the plaintiffs were wearing makeup that gave them a "living dead" look: white face powder, fake blood, and black circles around their eyes. They lurched stiff-legged through the halls of the mall urging shoppers to "get your brains here" and "brain cleanup in aisle five." The protesters carried audio equipment including loudspeakers and wireless phone handsets, which police described as "simulated weapons of mass destruction."

Havana, Cuba

Novel strategies for increased agricultural yield, noted by the *The Economist*:

Cuba's state-owned farms are massively inefficient, and rarely provide more than 20% of the country's food needs. Raúl Castro has acknowledged the problem, and introduced some changes — farmers can now legally buy their own basic equipment such as shovels and boots.

Washington, D.C.

Legal equivalent of scrounging for change in the couch, from the venerable *Washington Post*:

The attorney general for the District has filed a lawsuit against an AT&T Inc unit, seeking to recover consumers' unused balances on prepaid calling cards.

The suit claims that AT&T should turn over unused balances on the calling cards of consumers whose last known address was in Washington, D.C. and have not used the calling card for three years.

"AT&T's prepaid calling cards must be treated as unclaimed property under district law," the attorney general's office said in a statement.

Special thanks to Bryce Buchanan, Russell Garrard, Tom Isenberg, and Robert H. Miller for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

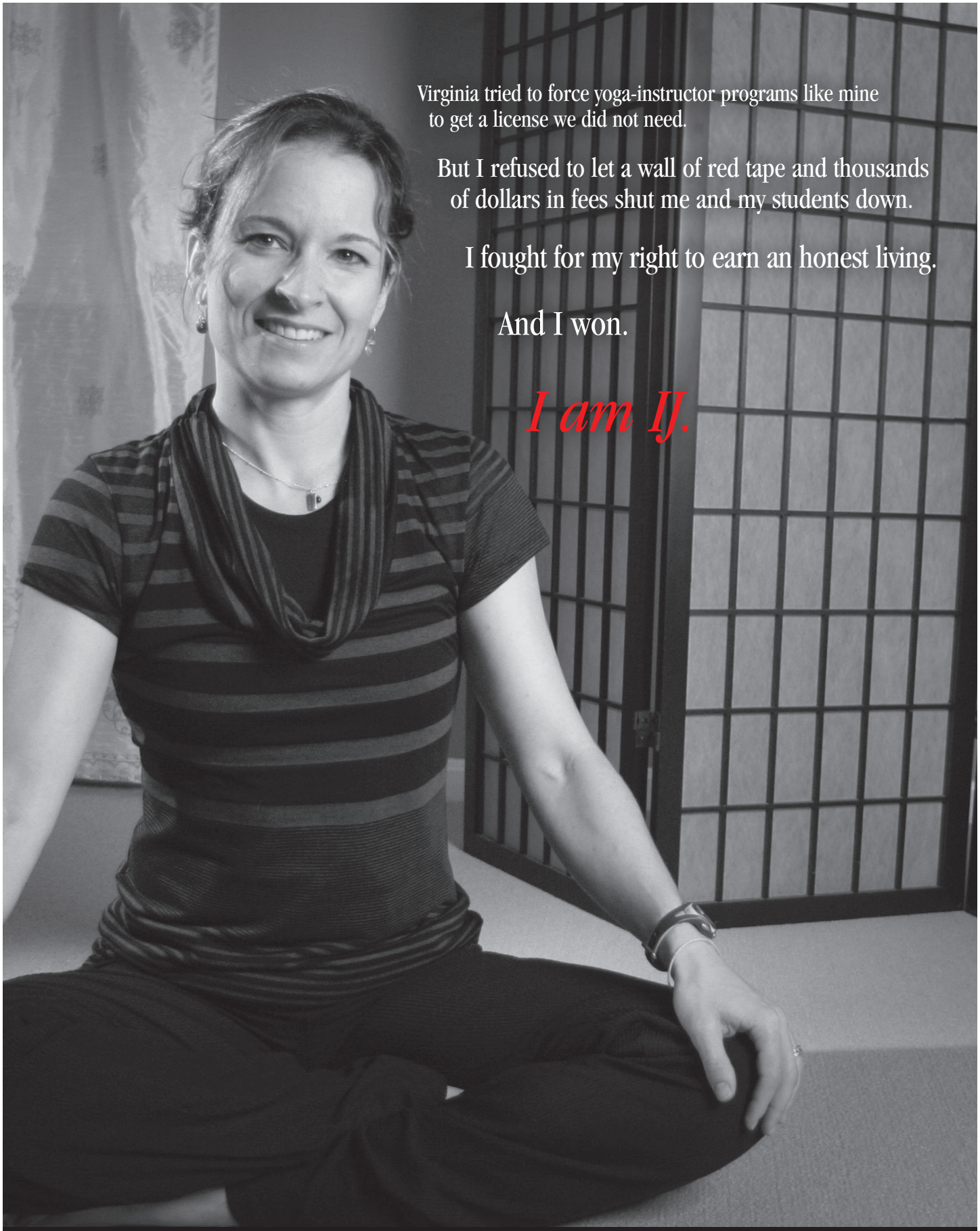

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Inside Liberty

August 2010
Volume 24, Number 7

4 Letters The squeakiest wheels.

7 Reflections We pull the plug, strain credulity, mix oil and water, don't want any girls who'd have us, burst your bubble, put our best eye forward, buy the farm, and never learn.

Features

19 The Crisis in Higher Education *Wayland Hunter* reveals the truth about higher education, from the inside out.

29 Broadening the Appeal of Liberty Why, asks *Russell Hasan*, should libertarians neglect an enormous number of potential friends — members of minority groups?

31 Patchwork Planet Globalization has brought us unimaginable benefits — and, as *Jacques Delacroix* finds, some people still can't imagine them today.

Reviews

35 Judgment Call Where does the market stop and individual judgment begin? *Bruce Ramsey* considers the arguments.

37 Robin Hood, Revised *Jo Ann Skousen* enjoys a surprisingly libertarian "Robin Hood."

39 Art for the Sake of Art Films about art aren't necessarily artistic. *Gary Jason* discovers one that is.

40 Get Over It *Jo Ann Skousen* gives up on the message of a movie about "giving back."

41 Oscarnotes The rest of the best.

38 Notes on Contributors Those who dance.

47 Terra Incognita Cart before horse.

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Letters

Franco-American Relations

Jacques Delacroix's "Watershed" (June) was a savory pleasure to enjoy, over and over, and to share with others. The story it tells, so compactly, does more heavy lifting than a thousand treatises on natural rights and the natural state: people are inclined to be helpful and to work with others to achieve what they need — at least until they've had the helpfulness beat out of them. So who the hell is beating it out of us (French first, then everyone else), and why — or, how to understand the situation and respond?

Thank you for your generosity with words, so very American and libertarian, and, I am sure, at the heart of things, so French.

Jeanne Anderson
Orlando, FL

Like Oil and Water

For the life of me, I can't figure out how Erwin Haas' little lesson in what happens to spilt oil (Reflections, July) in any way relates to what I see as core libertarian principles. All that talk about technical names for globs of oil and bacteria eventually eating up the millions of gallons of crude that have been belched into the Gulf left me scratching my head, trying to figure out why the editor even saw fit to publish that amoral mess.

There are thousands of fishermen, tour boat owners, seafood processers, eatery owners, hotel and motel owners and employees, and all the rest of us who will pay through the nose, thanks to the malfeasance, crookedness, and greed of BP and a handful of federal bureaucrats.

The price of all flesh-food will skyrocket for the foreseeable future, simply because those who used to enjoy shellfish will have to eat other flesh-foods thanks to the unavailability of shellfish from the gulf for the next several decades.

If that little lesson in Economics 101 doesn't impress Haas, perhaps the thousands of people who will no longer be able to fish in those waters, thus losing their livelihood and, in most cases, their family heritage over many generations, will get his attention. These are people who know no other way of life, except the sea that has been semi-permanently fouled because one mega-corporation cared more about their bottom line than they cared about the total way of life of all those fishermen, eatery owners, food processers, and all those people who depended upon tourism to feed their families and pay their bills.

Now, if this one 9th-grade dropout can see what is wrong with Haas' little lesson in environmentalism, how is it that Hass has been allowed the cost of ink to express his total lack of empathy toward the "little guy" and spout his complete bias toward a corporation that was permitted an unfettered attack on the little guy?

Marilyn Burge
Portland, OR

Haas responds: I'd been listening to wailing about this "oil spill" and have

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not yet heard a word from a credible party. The oil company and government want to protect their reputations and money. Politicians love the maudlin photo-ops. Environmentalists see this as a golden opportunity to translate their ideology into law. The tourist industry and (probably) the fishermen were all close to bankruptcy before the spill and hope to change their fortunes by suing BP and mulcting the government. Scientists can anticipate years of grants to study the situation, especially if they hang crepe now. The media vomits superlatives turning this into an emotional issue.

My article injected a bit of neutral truth. The BP oil spill looks like oil seeps over the eons. Nature and biologic mechanisms have adapted and life goes on.

I don't praise or condone what BP or our government might have done, but I'm sure that the effects projected by Ms. Burge are based on reports from partisan players.

After this has blown over, I'd hope that in a year or two she'll find a two-inch article on page 3 of her local newspaper quoting a scientist who is surprised that the there is so little residual harm from this oil spill. And swimmers in the gulf will find a few new black rocks just like the black rocks that have been there forever.

Revolution, Eventually

Jay Fisher's essay "You Say You Want a Revolution" (June) misses one important point, but is still on target.

At present, the strategy of the Tea Party movement is not revolution per se, but getting sympathetic candidates through the nomination process in the major parties. The movement has had

From the Editor

You can figure this in various ways, but it appears that the federal government is now spending about $1.90 for every dollar it takes in. The national debt is about 80% of gross national product, and by "national debt" I mean only the debt associated with the government at Washington; I don't mean state or private debts.

When I was a child, I was very confident that whatever I did, someone would feed me when 6:00 p.m. rolled around. I was pretty confident that if I did something wrong, someone would repair the damage — although the virtual certainty of punishment, in that event, did a lot to keep wrongdoing in check.

As I grew up, however, I realized that the artificial safety net was disappearing. I would have to solve my own problems, pay my own debts, and make sure not to promise more than I could fulfill. (I'll bet that happened to you, too.)

Since then, my recurring nightmare goes like this: I make a foolish promise to do something I'm incapable of doing, such as playing a violin concerto or delivering a lecture on nuclear physics. Others warn me, but I pay no attention. I don't even think about warding off disaster by, for instance, reading a book about physics. When the time comes, I walk out on stage, petrified with fear, because I have nothing to offer the people who trusted my word. Then, thank God, the dream ends.

But I wonder: will that moment come for the United States? Will the time arrive when our national leaders, Republicans as well as Democrats, stand shivering on the stage, seeing nothing before them but an audience outraged by their inability to fulfill their promises? Will the time arrive when the audience turns on itself, realizing that it expected to get something for nothing, and therefore ended up with . . . nothing?

There's a difference between being a child and being childish. The rabbi from Nazareth said, "Suffer the little children to come to me," not, "Suffer the spendthrifts to come to me."

The good thing about the writers of Liberty is — they are all adults. And to paraphrase another old saying, "If they talk like adults and write like adults . . . that means they're worth reading." Try them out.

For Liberty,

Stephen Cox

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only mixed success in the primaries so far in 2010, but since it's less than two years old, perhaps not much more could have been expected.

Regarding civil disobedience as the next step (dare I say even armed revolt?), Fisher is spot on. Unless the Tea Party movement is prepared to put lives, fortunes, and sacred honor on the line, it will end up as nothing but a cathartic venting of anger.

I believe the Cold War presents a useful analogy. The United States developed and fielded nuclear weapons of all kinds: ICBMs, sub-launched missiles, and intercontinental bombers. The United States did not want a nuclear war. What it did was make it clear to the Soviets that if *they* started a nuclear war, it would be two-sided. The goal was not to have a nuclear war, but to deter one.

Ultimately the Tea Partiers — and those who agree with them but don't actually go out and protest — must make it clear to the clowns in Washington that civil disobedience (or worse) lies at the end of the road those clowns are dragging us down. The issue is not that the Tea Partiers want a revolution; the issue is that the government must be made to believe that a revolution is what they will get if they don't stop encroaching on our freedoms. More than that, the clowns must be made to realize that if they don't undo their encroachments, they will get a revolution.

Whether the Tea Partiers recognize this is not yet clear. Are they only "parlor pinks," or are they real revolutionaries? The next few months should tell us one way or the other.

Joseph P. Martino
Sidney, OH

Fisher responds: While I appreciate Mr. Martino's insights, I think they highlight the identity problem the Tea Party movement has at the moment. If it decides to recruit sympathetic candidates, it also decides to "play within the system" — much like a political party. If the Tea Party members decide to remain outside the traditional party model and serve as a barometer of public attitude instead, it runs the risk of creating a schism between those who advocate taking part in "politics as is" to create change and those who advocate for more profound action to influence politics. The most likely method the Tea Party can adopt to appease these conflicting interests is having both a political and an action wing, much like in Northern Ireland there existed both Sinn Fein and the I.R.A. However, the United States has no such political tradition to base this organization upon. Thus, the Tea Party entity still ends up trapped by its name.

Cui Bono

Randal O'Toole hit the nail on the head when he identified "containing as many people as possible within urban areas" as the ultimate goal of government planners ("The Hidden Movement Towards National Land-Use Planning," June) — it's what one online commentator called "the Agenda 21/Smart Growth paradox."

In other words, the central planners are incrementally directing that the rural population be reduced and eventually forced off the land, so that the resources therein can be administratively seized by — I'm just picking one example — the cartel lobbyist bribing whichever pseudo-two-party hack happens to win an "election."

Sarcasm aside, the agenda is real, and I'm glad you have run a piece indicating the importance of the topic.

Doug Milam
Bellingham, WA

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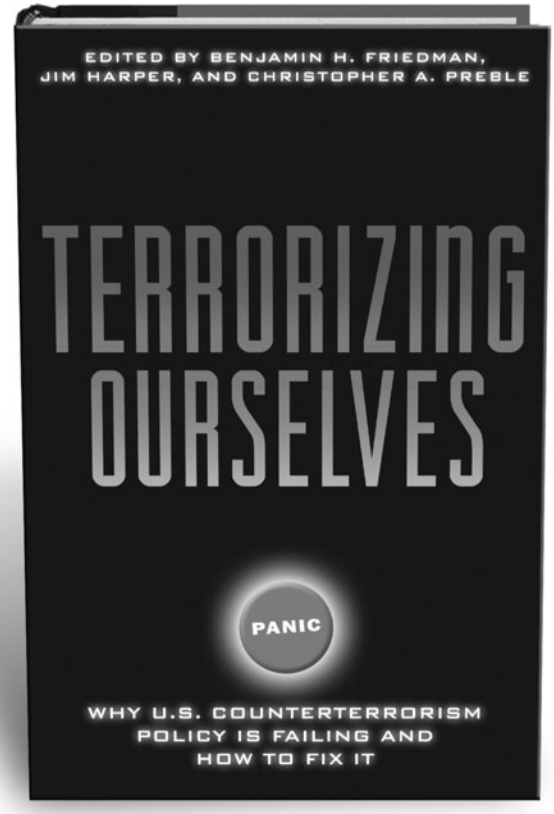

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Reflections

Always watching — You might think a nation so thoroughly identified with the surveillance state would want to downplay that association when they open themselves up to the entire world. Yet for the 2012 Summer Olympics in London, the UK has chosen as its mascot a pair of ghastly Cyclopean abominations, essentially giant camera-lens eyeballs placed atop teardrop-shaped bodies. This duo, Wenlock and Mandeville, were supposedly inspired by droplets of steel like those used in the construction of the Olympic stadia; however, with the merchandise already running off the assembly lines including not just stuffed dolls — soon to creep out children worldwide — but also a Viewfinder showing the pair joining hands in surveillance, the message is clear: we are watching you. — Andrew Ferguson

Down on the farm — What with massive oil spills, foreign countries near collapse because of excessive debt, possible high crimes and misdemeanors floating around, shaky stock markets and other happy stuff, one minor story has almost escaped notice. In yet another act of magnificent governmental transparency, the Department of Agriculture has closed its database that periodically posted a report of the recipients of federal farm subsidies.

As Mark Tapscott notes in a piece in the Washington Examiner (May 24), the USDA provided a lot of fascinating tidbits of information, such as the fact that Scottie Pippen, former NBA player, was a closet farmer: he was paid $130,000 not to grow anything during a five-year period. This is the same database that allowed journalists in the past to learn that people such as David Rockefeller and Sam Donaldson also got massive farm subsidies.

But recent requests by reporters to have the database updated have hit a stone wall. It turns out that the Democratic Congress, ruled by Nancy Pelosi, changed the rules in 2008 to stop all further updates to that database.

This, from Pelosi, who (like Obama) promised unparalleled transparency. — Gary Jason

Giant sucking sound — In 2009, more than 2,600 people were murdered as a part of the drug trade in Ciudad Juarez, Mexico. As I write, Kingston, Jamaica is in a "state of emergency" as scores of people were killed during a search for a drug lord. And Arizona's controversial immigration law is really about drugs: when a reporter asked Chandler Mayor Boyd Dunn if illegal immigration has increased local crime, he said, "Of course. Drug lords have engaged in shootouts on our freeways."

Meanwhile, President Obama says he doesn't think it is a good idea to legalize marijuana, much less other drugs. Why should he care? Most of the effects of America's inane war on drugs have been exported to other countries, and Arizona's immigration law is going to cost the Republicans a lot more than the Democratic Party. — Randal O'Toole

All too convenient — After 40 years of marriage, the couple once speculated to be the inspiration for the movie "Love Story," Al ("Climate Change") Gore, and the founder of the pro-censorship Parents' Music Resource Center, his spouse "Tipper" Gore, have announced plans for separation. According to the AP, their associates say that the Gores have simply "over time . . . carved out separate lives, with the former vice president on the road frequently."

Well, no wonder the planet has a fever: Al can't stop burning carbon, traveling all over the world. There is something ironic about the man who wants to limit the world's ability to travel but has ruined his own marriage from traveling too much.

Personally, I think his frequent association with pale vegan college environmentalists has been causing a different kind of fever. When the denial comes before the accusation, you know something nefarious is afoot. — Tim Slagle

"Hey! — You moved the goal posts!"

Race baited — Ron Paul, on the eve of his first test in a real election, was hit in January 2008 by an article in The New Republic charging him with being a racist. And now Rand Paul, his son, right after winning the Kentucky primary to become the Republican nominee for U.S. Senate, has been hit by a barrage of stories on the question of whether he is a racist.

People on the political Right ought to know this. For their persuasion, race is the poison topic. The charge of racism is their kryptonite. If you are a candidate, you do not expose yourself to it.

The elder Paul apparently did it by farming out the editorial work on a money-raising newsletter while he was out of political office in the early '90s. Some racially sensitive stuff his employees wrote came back to bite him, 17 years later. Given the campaigns he'd run and the stands he'd taken in the 1990s and 2000s, to call him racist wasn't fair. But it *was* his fault.

The younger Paul started it by telling the Louisville Courier-Journal that he didn't support that part of the Civil Rights Act that forbade private racial discrimination. There is a libertarian argument for this, about the freedom of association, but to the American ear, it doesn't play. Our culture abhors racial *discrimination*. It makes no difference that if the law were repealed, the taboo would remain, and anyone who

wanted to redo Jim Crow on his private property would find himself isolated. That is not the point. The point is motive. *Why* would a politician come out in favor of a private right to discriminate? *To whom* is he trying to appeal?

There are two explanations for Rand Paul's statement. One is abstract and complicated, and the other is simple. I assume the abstract one is the true one. But there is a rhetorical law of Occam's Razor. The simple explanation is the one that sticks, particularly if it is nasty — and in politics there are always people who want it to stick. They are not trying to be fair. They are trying to win. — Bruce Ramsey

***No comprende* —** I recently read a news item about Senator John Kerry's remarks about voter anger at Washington. He said, "I think there's a comprehension gap," in relation to what the president and Congress are doing to solve the economic problems our country is experiencing. He said of our economy, "We've come back . . . this is an amazing resurgence."

The only amazing aspect about the present state of American economic affairs is just how little those populating Congress and the executive branch understand (or how much they are opposed to) the functioning of a free-market economy. Amazing indeed. Talk about a comprehension gap!

— Marlaine White

***Off the turnbuckle* —** As a resident of Connecticut I am concerned about the race for Senate to claim the seat vacated by Chris Dodd. On the Democratic side the candidate is Attorney General Richard Blumenthal. I shouldn't badmouth Mr. Blumenthal, because I interned for the AG's office last summer, but I doubt that Blumenthal would consider it an insult if I called him a traditional liberal Democrat. Blumenthal is popular in Connecticut, and, in spite of the exposure of his blatant lies about serving in Vietnam, I am afraid that he is probably going to win.

Still, the election is not over yet. Linda McMahon is expected to be the Republican candidate, after spending $16 million of her own money to beat Washington insider Rob Simmons and Republican Liberty Caucus-endorsed libertarian Peter Schiff. Libertarians might be upset over Schiff's anticipated loss, but McMahon is running on what could be called the libertarian-fiscal conservative platform, so now is not the time to mourn. McMahon's campaign has focused on economic issues, and she has said that she would vote against cap and trade, that she opposes deficit spending, and that she favors job growth by means of helping entrepreneurs through tax breaks and deregulation. McMahon has a refreshing voice, and experience in managing a successful business. There is virtually no difference between Schiff's and McMahon's

Word Watch

by Stephen Cox

Two months ago, Leland Yeager commented in this place about the virtues of prescriptivism — the act of prescribing grammar and diction, not just of putting up with them. He made a brilliant defense of the practice. Now I want to take another step, and comment in favor of purism.

That's where prescriptivism leads, because there's no point in prescribing something if what you prescribe is adulterated. Imagine a doctor telling you that you need 5 mg of benazepril, but writing you a prescription for 3 mg, with a little sugar coating. No, you want the pure dose.

And please don't tell me that people who believe in liberty and individualism should be above the rules of usage. This is like saying that Tiger Woods would be a better golfer if he refused to play more than 15 holes. No, Tiger's task is to assert his individual significance by showing that he can win a game that has certain rules. There's nothing offensive to the cause of individualism in conceding that golf courses have 18, rather than 12 or 19 holes. There's nothing offensive about conceding that pronouns in the English language have distinctive case endings, and that "just between" is consequently followed by "you and me," not "you and I." Individualism doesn't mean illiteracy — that is, ignorance of such rules.

I need to stipulate that "pure" does not mean prissy. A real purist doesn't prescribe the same thing for all occasions. A doctor doesn't do that, and neither does a decent rhetorician. The immortal couplet from "Buttons and Bows," "East is east, and west is west, / And the wrong one I have chose," would not be improved by substituting "chosen" at the end of the second line.

One of my jobs at the college where I work is training new teachers. I spend a lot of time telling them that students need to know specific reasons for the advice we give. I apply this principle especially to the supposed rule against "colloquialisms," especially contractions. So far as I know, there's only one English-language venue that has ever banned contractions, and that was British parliamentary reports. In those documents, people were always saying things like, "So we are being asked to believe, are not we, that you were in Bessarabia at that time? Or were not you?" Unfortunately, the result of my advice is that the new teachers go off and write in the margins of their students' papers, "Avoid contractions!"

Nevertheless, the rule is: use contractions when you want a slightly informal tone. Putting contractions into the Gettysburg Address wouldn't increase its effect; keeping contractions out of a popular song — or out of this column — would probably destroy its effect.

Now here's another problem. Suppose you're a purist, and you're giving purist advice . . . And why the hell would you give *advice* if you didn't intend it to be purist advice? Fine, fine. But to whom are you giving this advice — dude?

Clearly, you're giving it to other purists, or would-be purists.

You're not giving it to the vast throng of writers and speakers who want to express themselves only by means of the "thoughts" they want to "communicate," without any desire to communicate *themselves* as knowledgeable and discerning people in the way they convey their thoughts. For these writers and speakers, it is perfectly good enough to say, "Hopefully, we'll share some facetime in common, just between you and I" — despite the case error in "I," the redundancy in "share . . . in common," the ungrammatical substitution of "hopefully" for "I hope," and the repulsively dehumanizing image of "facetime." It's good enough, because they got their "message" across — not noticing that their request for

campaign promises; the only difference is that McMahon spends far more money on advertising and consequently has a far better chance of winning.

But there is something weird about McMahon: she made her millions by running World Wrestling Entertainment, the company that produces fake wrestling matches featuring spandex-clad bodybuilders with names like "the Rock" and "the Undertaker" jumping on top of each other and slamming chairs into each other's heads. It is almost too perfect an irony to think that the most genuine candidate is the one whose career was built around staging phony fights.

Republicans should present themselves as the party of change in the 2010 elections, and it would be a change to have a senator with a background as unorthodox as anything one could imagine. McMahon has no political experience, and she probably won't beat Blumenthal, but she does have what amounts to theatrical experience, and politics is theater.

— Russell Hasan

Ivory tower teetering — The bubble isn't quite ready to burst, but it's getting perilously big. I'm referring to the college-loan bubble, which is, to quote The New York Times, an "eerie echo" of the housing crisis.

We are seeing the price of a college education rise to stratospheric heights (some schools are charging $55,000 a year), at a time when many people are starting to question whether a college education can possibly be worth all that. Fueling this reconsideration are college graduates' difficulties getting jobs and the rising debt load they face once they graduate (on average, around $20,000 per student).

My Pope Center colleague George Leef and a few others have been warning for years that college education has been oversold. This notion still shocks some, but it has gathered steam since 2008 when Charles Murray published his book "Real Education." The iconoclastic author of "The Bell Curve" and "Losing Ground" suggested that only 10 to 15% of all people are capable of the intellectual endeavor required by a proper college education. He recommended that everyone else eschew four-year degrees and develop certifiable skills.

Not a happy message, but Murray's challenge to the conventional wisdom kicked off a wider reexamination of whether everyone should aim for college. After all, only about 56% of the students who start college actually end up with a degree after six years. The topic has been picked up by the Chronicle of Higher Education, The New York Times, and even a Public Broadcasting Service-National Press Club debate (in which George was an invited participant) on whether more American students must go to college to keep the nation competitive.

"facetime" will be eclipsed, for all recipients who have ever read a good book, by the realization that the writer or speaker has *not* read any such book.

It's really a question of whom you want to address. If you address an audience of purists, you'll be able to communicate with everyone else as well. If you address an audience of *everyone else*, the purists will get the message you intend — and they'll also receive the message of your disregard for the words you're using.

So far, though, I've been choosing easy examples. So far, that is to say, I've been intellectually dishonest.

A comparison: one can't establish the virtues of libertarianism by contrasting it with the philosophy of the concentration camp. One establishes them by contrasting it with things that aren't so far away. One shows that although modern liberals agree with libertarians on the importance of freedom of speech and freedom of the internet, they miss the importance of a free economic life. One shows that although modern conservatives agree with libertarians about the value of capitalism, they don't agree with libertarians about the individual's right to decide what he does with his body. In Virgil's "Aeneid," Dido's Carthage is contrasted with Aeneas' Rome, not because they are so violently different, but because they appear to be so similar. That's where the intellectual quality of the argument comes in. Anyone can see that aardvarks and zebras aren't the same — but literate people and pseudoliterate people? Ah, that's different.

So let's look at a set of words that seem to make sense, but don't.

Here's the headline on a sad news item from Time magazine's online service, dated April 10: "Poland Mourns a Plane Crash That Decimates Its Government." Well, what's the matter with that?

One thing is the word *decimates*, which now crops up almost everywhere as a default term for "does something bad to." Originally, "decimation" meant selecting one-tenth of a troop of soldiers who deserved punishment (usually for rebellion or losing a battle), and killing them, so as to inspire the others. Surely this is a resonant image. Picture a Roman army; picture one-tenth of them being chosen by lot. These men are clubbed to death by the others. That is decimation. But that is not what happened in the Polish air crash.

I recognize the objection: no intelligent person would argue that the original meaning of every word ought to be restored. But sometimes the original meaning is distinctive and resonant enough to merit reverent identification and preservation. "Decimate" meets that criterion. It's a vivid, dramatic word. But fairly late in the history of the English language, "decimate" developed a broader and weaker meaning. It came to mean "destroy some significant portion of something." The something didn't have to be one-tenth, or anywhere near it: "Napoleon decimated the armies of the Papal States."

That was a loss of distinctiveness. But today, "decimates" means almost anything, so long as it's bad. Consider the Polish air crash. What happened was that the plane went down, killing everyone on board, including the president of the republic. The plane hit the ground and dissolved in a million fragments. It was a scene of complete and senseless destruction, not of partial, selective, purposeful execution. The two may seem similar, when you describe them from a sufficient distance; but they are different.

Why didn't Time's writers choose a different word from "decimates"? Why not "destroys," "devastates," "slays"? You know the answer. None of the writers knew what "decimates" means or suggests. Perhaps you're thinking that only a purist would notice this; but if that's true, then only a purist understands the range of literary effects that the English language affords. Shouldn't all writers be purists?

But purists aren't concerned just with distinctions among words; they are also concerned with whether words are successful at communicating the author's meanings. Success can generally be measured in terms of *truth* and *ease*. Truth: do the words convey

The most recent manifestation of concern was an article, printed May 29, by Ron Lieber, the "Your Money" columnist for The New York Times. He delved into the history of a New York University graduate who is trying to pay off $97,000 in loans with a job (in San Francisco) as a photographer's assistant.

Nearly everybody involved in Cortney Munna's debt problem, including NYU and CitiBank, received blame from Lieber — except, sadly, the federal government, which subsidizes many college loans. (Munna's initial loans were subsidized, but she went on to get entirely private loans as well.) Government subsidies create artificial demand for college, which pushes up colleges' costs; they make students think that college is cheaper than it is — and even free, since they don't have to pay a cent as long as they are going to school. But all this costs taxpayers (and everyone who pays students' tuition bills) a lot.

The Times story, posted online Friday afternoon, had attracted 525 comments by Monday morning. At least in the sample I read, the commenters primarily criticized the student and her mother. They faulted the Munnas for thinking that getting an NYU degree with a major like religious and women's studies justified a $100,000 debt. But a bigger message came across: college costs too much, and some people might be better off either not going or going to a cheaper school.

Back to the "housing bubble" comparison. The analogy is not precise, since a college education, unlike a house, is not collateral. It is also difficult to appraise. Nor can a college loan be discharged through bankruptcy, in the way a home mortgage can be. But when the perceived value of a product (a house or a college education) is lower than what it cost, demand for similar products is going to fall, and the prices that can be charged for them will go down.

The ramifications of a burst bubble could be huge, especially for colleges and universities. For decades, most higher education institutions have been able to pass along increased bills for tuition and fees, allowing their costs to rise. And their governance structure makes cost-cutting nearly impossible under normal circumstances. But the period of "normality" may be approaching its end. To the benefit of students, but not of college faculties or administrators, George Leef and his allies in this debate are being taken more seriously than ever.

— Jane S. Shaw

Obey or else — Here's what is known for sure: during a routine stop at the Blue Water Bridge, waiting to cross into the U.S., American border patrol agents detained Canadian science fiction writer Peter Watts after he stepped out of his car. From that point, accounts vary more than a bit.

The patrol claimed that Watts was combative and threatening, and that once he had been (they claim) lawfully placed under arrest, he resisted to the point of choking one of the guards who was attempting to subdue him. Watts unsurprisingly tells a different tale: he stepped out of his car to ask why he was being held up. When told to get back into his car, Watts by his own admission did not comply immediately — at which point he was beaten, maced, armlocked, and ground face-first into the concrete.

In the end, Watts was charged not with assault but with felony "resistance" — an extraordinarily broad charge that includes everything from full-on physical battering to "failure to comply with a lawful order." In court, the presiding officer against testified that Watts attempted to choke him; fortunately, Watts had a passenger with him who was able to dispute that charge — doubly fortunate, since the video of the incident was, as with so many documentations of such incidents, mysteriously lost somewhere on the way to the courtroom. That left only the charge of "obstruction," of which Watts was by his own testimony guilty.

Jury nullification was made for exactly such cases as this, but statements from the jurors indicated they were loath to apply it. One noted that Watts "was not violent, he was not intimidating, he was not stopping them from searching his car. He did, however, refuse to follow the commands by his non-

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the intended meanings and suggestions? Ease: does the reader have to stop and wonder about some obstacle that could be removed, without impoverishing the author's meanings?

"Ease" isn't dumbing complexities down; it's expressing them as easily as they *can be expressed*. For example: the purist doesn't worry about the fact that "medium" has two plural forms in English; indeed, the purist insists that "media" be used for newspapers and broadcasting and other means of communicating with the public, but that "mediums" be used for people whose profession is the alleged communication with spirits. Why? Because if I said, "Sir Arthur Conan Doyle consorted with spirit media," readers would stop and wonder whether they were sure of what I meant; and the same would happen if I wrote, "Charles Foster Kane owned many American mediums."

But our headline from Time asserts that "Poland Mourns a Plane Crash." Is that literally and plainly true, or did you have to translate its words into something that made sense? Is it true that Poles attended the funeral of ("mourned") a plane crash, or that they mourned *the victims* of the crash? The latter, of course — but you had to translate the headline into that meaning, or the words would have made no sense.

A minor problem? Yes, but it's typical of the root problem to which only purism provides a solution. The purist asks, of everything one writes, "Can you visualize this? Can you see what is meant, without having to translate the words you see into some other terms?"

Further examples of the problem appear in the same regrettably typical news story. "Poland," it says, "launched a week of national mourning." "Launched"? Really? You launch a ship; you don't launch a week. Well, you say, that's just a dead metaphor: don't worry about trying to visualize it. But it's not so dead as to have lost all connotations, or else it wouldn't have been chosen as a *colorful* word for a news report. And "launch" connotes constructive beginnings, not horrifying ends. It's the wrong image. Again, to get the intended meaning, you have to translate it.

Read on. Referring to a Polish and a Russian leader, the Time report says, "Tusk and Putin showed solidarity in the face of the tragedy by holding a joint press conference at the place of the catastrophe." I'll lodge a small objection to the unfortunate rhyme: "solidarity . . . tragedy . . . catastrophe." *Obviously*, no one tried to read this aloud. But the big thing is the equation of "tragedy" with "catastrophe." The words are as similar, and as different, as

compliance." We've reached a point where, as Cory Doctorow noted, "if you don't comply fast enough with a customs officer, he can beat you, gas you, jail you, and then imprison you for two years." That was the sentence Watts could have gotten, though in the end he was let off with a fine — that's right, he had to pay for the privilege of being beaten by U.S. officers, and had to act grateful they weren't going to lock him up at the end of it.

And the financial cost doesn't end there — as a science-fiction writer, a significant portion of his income came from book signings and convention appearances, but as a convicted felon, the American market is now closed off to him. Nor can he visit his sick brother in New York. If there is any remedy, it will come from a civil lawsuit against the Border Patrol agents who, again in the words of one juror, "escalated the situation with sarcasm and miscommunication . . . in my opinion, they committed offenses against Mr. Watts." Until then, he can only brood on the cost of asking "Why?" to power.

— Andrew Ferguson

Base maneuvers — In the face of multiple demonstrations drawing thousands of protesters on Okinawa and nearby Tokunoshima, the Obama administration has demanded that the 2006 Futenma accord remain not only unaltered but also expanded, to allow for new facilities on Okinawa.

The accord states, among other things, that the United States will transfer 8,000 marines to Guam by the end of 2014. But newly elected Japanese Prime Minister Yukio Hatoyama, whose party has been out of power for decades, repeatedly pledged to have the U.S. base facilities transferred out of Okinawa if not out of Japan entirely. He first vowed to take care of this issue by the end of 2009. When that didn't happen, he set a new deadline: May 31, 2010. When it became clear that Hatoyama could not meet this deadline and have his way, he flew to Okinawa, where locals held signs that read "Anger," and he announced that the Futenma base would change locations but would remain on the island.

Bowing to U.S. pressure, Hatoyama, who was once purported to have staked his life on moving the base off the island, recently claimed that his views have changed. He said that gradually he came to appreciate the U.S. Marines for deterring military conflicts in the region.

If the United States withdrew all of its marines from Okinawa, the political dynamics of the region would not change. China would still dispatch submarines and other warships into waters near Okinawa, as China has done despite the U.S. military presence. North Korea would continue to lob missiles over Japan and into the Pacific Ocean, as North Korea has done despite the U.S. military presence. The U.S. military doesn't deter so much as provoke warfare in Asia.

Now is not the time to provoke China, the sleeping giant, or to give it a reason to ally with its restless neighbor, North Korea. Yet the U.S. presence in Okinawa has made both China and North Korea more than a little suspicious about U.S. intentions.

Japan can fend for itself, despite Article 9 of the Japanese constitution — which forbids the threat or use of Japanese military force — if only because Japan's self-defense forces *could* one day become a true military. Some "conservatives" in the Liberal Democratic Party have pushed for amending Article 9 and for creating a conventional army, and this could happen. The threat of Japanese retaliation is enough to deter regional conflict. Rumors have it that Japan could go nuclear in less than 40 days. True or not, these rumors make other Asian countries hesitant to meddle with the country that has the second strongest economy in the world.

Hatoyama wants (or recently used to want) Japan to fend for itself. Okinawans want the U.S. base off their island. Tokunoshimans don't want the U.S. base transferred to their island. It seems that no place, save for Tinian, a small island that's part of the Northern Mariana Islands, a U.S. territory, wants to host the U.S. troops currently stationed in Okinawa. So why isn't Tinian the top option for the Obama administration? And why not accelerate the process of troop withdrawal to Guam? Why would Obama insist on maintaining troop

Dido and Aeneas. Here they are an instance of what "Fowler's Modern English Usage" sarcastically names "elegant variation" — the substitution of one word for another, just to prevent a verbal repetition.

Repetition of words is sometimes necessary. It isn't here. Something bad happened to the government of Poland; that we know. But must we go on saying it — "tragedy . . . catastrophe"? And if we're embarrassed about repeating our concepts, must we try to cover ourselves by varying our words? Here's where pomposity takes precedence over ease of reading. The reader is supposed to see that "tragedy" and "catastrophe" are the same. But intelligent readers know they are not the same. They know that a lot of catastrophes aren't tragedies, and a lot of tragedies aren't catastrophes. A loss of 100 seats in Congress would be a catastrophe for the party that lost them, but it might not be a tragedy. It might be a comedy. On the other hand, the death of someone's spouse might be a tragedy, but it wouldn't be a catastrophe, at least for anyone else.

When you shuffle words about, like marbles on a Chinese checker board, pretending they're the same, you make your reader pause and perform a kind of verbal algebra: "Ah, I see. 'Tragedy' and 'catastrophe' are ordinarily different, but here they must refer, symbolically, to the same thing." Why not write, simply and clearly, "Tusk and Putin showed solidarity by holding a joint press conference at the place where the plane went down"?

Ah, but when did it go down? And what does "going down" really mean? These are problems introduced, quite by accident, in the unfortunate Time account: "When descending, the plane clipped the tree line and broke in two, resulting in the deadly crash that has sent Poland into mourning."

When I read that I thought, Yes, thank you for wasting my time once more. The report laboriously assured me that it wasn't starting to discuss some crash other than *the deadly crash that has sent Poland into mourning* — but what's the good of that information? I never thought it was some other crash. Now: *when* did the plane "crash"? According to Time, the plane "broke in two," and then it "crash[ed]." Very interesting. It gives me hope that, the next time I'm on an airplane that breaks in two, there may not be a "deadly crash," because the crash and the breaking in two will be two distinct and separable things.

All nonsense, of course. The Time report is literal nonsense: read literally, it makes no sense. But that's the weird thing about purists: we actually object to using words without making sense.

presence in Okinawa despite the option to relocate to a nearby island on U.S. soil, an island whose legislators have gone so far as to lobby to host the troops? Disturbing explanations come to mind — anything from U.S. preparations against North Korea, which recently sank a South Korean submarine, to good-old-fashioned hegemony.

Hatoyama and his party will soon lose power in Japan, in large part because of the Futenma base dispute. Obama has more or less guaranteed Hatoyama's political demise. Let's hope that Obama won't force too many foreign leaders out of office. That might taint his saintly image. — Allen Mendenhall

Cultural capital — A recent piece in the New York Post (May 23) observes that there is no recession for New York City's culture mavens. The article reports that cultural attractions such as museums have been hit hard by the recession. Donations and endowments have dropped, resulting in revenues shrinking by up to 50%. So these organizations — 33 zoos, museums, and music halls — have had to slash jobs and programs. But all the while the executives kept getting ever more lavish pay and benefits.

For example, in 2008 the Metropolitan Museum of Art saw its revenues drop by 40% and had to lay off nearly 400 workers, but it still paid its chief investment officer $1.2 million in annual compensation, including a $350,000 bonus. It refuses to disclose what it is paying its new director.

Carnegie Hall, likewise, had to cut its schedule as revenue dropped $6 million, but it still paid its executive director nearly $1 million a year (including such benefits as a membership in a tony dining club). And the Lincoln Center, which cut its staff by 9% as it saw its investment income disappear, still paid its president $1.18 million a year in total compensation (including reimbursement of some of his companions' travel expenses).

Nice to know that some people are doing swell in tough economic times! — Gary Jason

Bottom feeders — In the weeks leading up to passage of the statist self-aggrandizement imprecisely called "financial reform," the Obama Administration's Big Labor masters concocted an anachronistic public relations campaign called "The Showdown on Wall Street."

This Showdown consisted of hundreds of mumbling halfwits, bused in from the outer boroughs, shuffling through six blocks of office building lobbies in lower Manhattan. Pushing them along was a brain trust of Big Labor bosses and radical poseurs. As one press release boasted:

> The Showdown on Wall Street is co-sponsored by the AFL-CIO and National People's Action and includes the following New York City Community Organizations: Brooklyn Congregations United from the PICO National Network, Community Voices Heard, Families United for Racial and Economic Equality, The Good Old Lower East Side, People United for Sustainable Housing, Make the Road New York, NYCAHN/VOCAL, The Northwest Bronx Community and Clergy Coalition, Syracuse United Neighbors and endorsed by The Neighborhood Economic Development Advocacy Project.

You're no doubt familiar with the AFL-CIO, which is managing to squeeze a few last dollars from dying industries across the land. According to Richard Trumka, who currently presides over this group: "America is about more than making easy money and looking out for number one. Our lives and our livelihoods are all bound together. And we are all paying the price for those who knew no limits on their greed." By implication, Trumka is a better man because he knows the limits on his.

Evidently, some things never change: The top of each Ivy League class goes to work for Goldman Sachs; the middle heads to grad school; the bottom writes speeches for labor bosses.

You may not be familiar with the cosponsoring organization, National People's Action. Here's some unreconstructed agitprop from its web site:

> National People's Action (NPA) is a Network of community power organizations from across the country that work to advance a national economic and racial justice agenda. . . . All people, regardless of race, class, gender, and national origin must be ensured a high quality of life.

NPA was started in the early 1970s by Gale Cincotta and Shel Trapp. They are generally credited with writing the first draft of the Community Reinvestment Act (CRA). So, there's some irony in the group's recent kvetching. The housing bubble that crashed in 2007–8 was an unintended (I imagine) consequence of the "economic justice" that Cincotta and Trapp sought in the CRA.

Of course, irony is lost on most of the "community organizers" and other dolts drawn to the economic and social justice industries. That may be a feature rather than a bug, though. It's easier to control the narrative when you attract the dumbest, most gullible people. — Jim Walsh

Doomed to repeat — I have taken many graduate political science classes during my years in academia. In almost every one, at one point or another, the professor posed a certain question. I doubt this question is unique to political science graduate seminars. I expect that it is asked in many other social science and humanities classes. The question is: does society learn?

When I first heard the question as a young graduate student, I found both it and the debate that followed it very interesting. The professors' intent was to get us to think about whether society evolves, whether it learns from knowledge of mistakes, or of history. But after hearing the question in class after class, it grew tiresome — especially since there was never a definitive answer.

Lately, the more news I read about the Obama administration, Congress, and government bureaucracy at all levels, the more this tiresome question comes to mind. Like other libertarians, I find it troubling. The idea of society learning, rather than individuals, is fundamentally problematic. Initially, I thought the appropriate question should be, "Do people learn?" But the more I've been thinking about it, the more I believe the question is, "Does society learn?" and that the answer is no.

The key is "society." Individuals have the potential to learn — from history, from good and bad experiences, from mistakes. But society cannot learn. Groups cannot learn. Groups always repeat the same mistakes and atrocities in attempting to manifest well-intentioned ideas that are "fair to everyone" or "good for mankind."

From its inception, America's free society has been based on individual rights. Yet the present administration, Congress, and bureaucracy seem intent on changing a society based on individual rights to one based on human or group rights. Their efforts at universal healthcare, cap and trade, and wealth redistribution all elevate group rights over individual ones. When individual rights are valued and protected, individuals can exercise their capacity to learn, and are likely to avoid past mistakes and atrocities. When rights are no longer considered individual but human or collective, then "society" or "the community" becomes an entity in and of itself, of greater importance than its individual members. In such a condition it is left to society to learn. And individuals inevitably suffer because society never does. — Marlaine White

***Mortality tables* —** On May 23, I rejoiced to find that the Associated Press actually recognized that there might be some slight problem with the welfare state. It published a dispatch called "Fiscal Crises Threaten Europe's Generous Benefits." Of course, the item invoked the obligatory Keynesian bogeyman about what happens when there's an attempt to balance government budgets: "The move is risky: experts warn the cuts could undermine the growth needed to pull budgets back on a sustainable path." (Assignment: try to picture a "path" that's "sustainable.")

But what really got my attention was a couple of paragraphs about Spain, where the socialist government "has frozen increases in pensions meant to compensate for inflation for at least two years." Of course, one might ask why there should be inflation at a time when the European economy is in recession, but never mind. There followed a quotation from one Federico Carbonero, described as a retired soldier, on pension. Sr. Carbonero said, "They've hit us really hard." He also "said he was unlikely to live long enough to see the worst of the pension freeze, but had no doubts he would have to start relying on savings to maintain his lifestyle."

Now, guess how old Carbonero is. God bless him, he has arrived at his *93rd* year. At that age, don't you think he should be willing to start dipping into his savings? — Stephen Cox

***Business as usual* —** A spate of stories has begun to bring to light a scandal, one that could threaten the Obama presidency in a very direct way.

Rep. Joe Sestak (D-PA) announced some time back that he would run against Arlen Specter (D-PA) in this year's senatorial primary. Obama had endorsed Specter (who had left the Republican Party to support Obama's agenda). Sestak reported during the campaign that someone from the White House offered him a high-ranking job if he would not challenge Specter in the primary. He said this at a time when he was opposing Specter and hence the president. This statement has come back to haunt them both, now that they are buddies, because Sestak defeated Specter and is now the Democratic candidate for a crucial Senate seat.

For weeks, both the White House and Sestak refused to comment on the alleged job offer. Sestak couldn't deny his earlier assertion without showing himself an arrant liar, but besides repeatedly reaffirming the story, he refused to elaborate — what the job was, and who exactly conveyed the offer. But the story grew to the point where the White House finally decided to address the issue — sort of.

In a last minute effort to squelch the issue, White House Counsel Robert Bauer released a brief memo on the Friday evening before the Memorial Day weekend. The memo acknowledged that in June and July of last year, the White House Chief of Staff got former President Bill Clinton to approach Sestak to offer a slot on a presidential or other senior executive branch advisory board, which would allow him to stay in the House of Representatives and not challenge Specter. Sestak's brother was called to the White House the day before to be informed about the memo's release, and perhaps to convey to Sestak the "official story."

Even as it stands, the whole thing stinks. Let's assume this story is truly what happened. Then Sestak looks like a conceited ass, exaggerating a discussion into an "offer," an unpaid advisory board position into a "high-ranking" job, and a spouse of a member of the administration into "the White House." And it confirms that Obama was trying to get someone to drop out of a race, which the president's supporters (such as the leftist ezine Slate.com) argue is a common albeit tawdry practice. But this, remember, is St. Obama, the man who promised us an end to old-time politics and the culture of corruption, and to usher in the new era of "transparency."

Yet if the story is true, why release it the day before a major holiday? Seems like an attempt to divert the public's attention.

And the story is incredible as stated. Why would anybody think that a politician would forego a Senate seat for an unpaid position on an advisory panel? If, on the other hand, Sestak's original story was right, then there would likely have been a crime committed. A political official cannot offer a government job to someone in exchange for something of value (which would include getting your preferred candidate a free shot for an office). And there would have been an attempted coverup.

Whether the public will force a proper investigation of this incident remains to be seen. Only by letting an investigator with the power to put people under oath and depose them in detail about all the relevant incidents will the truth emerge. Well, except from Clinton: he has already proven that he has no problem lying under oath. Indeed, perhaps that is why he got the assignment to begin with. — Gary Jason

***Peddling bullshit* —** Floyd Landis, the disgraced former Tour de France champion, made San Diego and nearby Temecula his home and training base for years. I live and ride in San Diego and have several oblique connections to Floyd. I rode with him a couple of times on three- to five- hour training rides. I trained with his coach and advisor, Dr. Arnie Baker. I heard the local stories about Floyd's early days in San Diego. And finally, I met his father-in-law by chance on the eve of the Landis tragedy that has been unfolding for years now and isn't over yet.

People usually saw young Landis as goofy and awkward. He sought his revenge on a bicycle. He started as a mountain biker. When he became a roadie, he was unknown even locally. One of the stories that circulates about Floyd has to do with a road race early in his career. He went to the line with no team and pitiful gear, including argyle socks instead of cycling socks. This provoked open ridicule from his fellow competitors. They, of course, wore snazzy, matching team

kit and rode the latest bikes. The story goes that Landis said, "Hey, you assholes, see this big chainring? I'm gonna put it in that big gear and ride away from you at the gun and you will never see me again until the finish line. Y'all are racing for second place." And it was true.

The ingredients were anger, talent, and almost bizarre determination. Whenever Floyd performed some unbelievable feat, the local club riders would just say, "It's impossible, but that's Floyd." He had a multi-year plan to win the Tour de France, and it worked.

A couple of days before Floyd won the Tour, purely by chance I was riding past a restaurant in my neighborhood when I saw a big poster of Floyd in the window. I stopped to look. A man came out of the restaurant to greet me. He was the owner. I asked him if he was interested in cycling. He said, "You bet; I'm a cyclist myself and Floyd Landis is my son-in-law. He used to be my roommate."

When Floyd won the Tour, his father-in-law got on a plane, flew to Paris, and celebrated the victory with his daughter and Landis, her husband. Now Floyd would make real money, build a great team, emerge from Lance Armstrong's shadow, and enjoy the respect of cyclists and fans everywhere. It was the apex of Floyd's life and career.

Almost immediately the story came out that Floyd failed a drug test and might lose his title. About two weeks later, his father-in-law went to a parking garage a few blocks from my house and shot himself.

A little more than a year later Floyd and his wife parted.

After two years of litigation over the doping accusations, Floyd was in serious financial trouble. He lost his house. He lost his appeal, which had been partly funded by friends and fans and partly made with the help of volunteers. All the while he maintained his innocence and raged against the injustice. He wrote a book about it called "Positively False: The Real Story of How I Won the Tour de France."

Earlier this year, a French judge issued an arrest warrant for both Floyd and his adviser, Dr. Baker. He wants to question them about the hacking of the computers of the French antidoping lab that produced the positive doping results.

Then, in late May, Floyd publicly admitted that he had been doping all along and accused numerous star athletes, including Lance Armstrong, of doing the same.

I suppose that Landis has now run out of friends and support and money. He rides for a third-rate team. He is likely to face lawsuits for his accusations. His whole career has wound up to an almost perfect disaster, but I don't think it's over yet.

— Michael Christian

A bigger piece of the pie — A Reuters article claims that the Canadian Health Care system, once the pride of Western socialism, is facing financial collapse. Measures are being considered to contain the costs, which threaten to eat up 70% of provincial budgets over the next 12 years.

An interesting cost-saving measure was proposed by Mary Webb, senior economist at Scotia Capital. According to a news article, she said that "patients could be made 'aware of how much it costs each time they visit a healthcare professional. [The public] will use the services more wisely if they know how much it's costing.' "

The way we used to "make them aware" was by asking them to actually pay the bill. This is essentially an admission of the power of market forces. But in typical nice Canadian fashion, they're not going to be asked to pay anything; they'll just be told how much their doctor's appointment is costing the government, so they'll feel really guilty about it.

I'm not convinced the idea would work. It's been my experience that when you get something for free, you're proud of how much it really would have cost. It's the same psychology that has grocery stores telling you how much money you saved at the bottom of the receipt. Informing patients isn't going to control costs; it's just going to start a war for bragging rights.

— Tim Slagle

Not his problem — Hearing the president and his friends rant against British Petroleum because of the oil leak in the Gulf of Mexico reminds me of the justifiably forgotten film, "The China Syndrome" (1979).

I saw it again on television a few months ago, and it was as bad as I remembered it. I'm not concerned with the production values or the acting. It does star the ineffable Jane Fonda, although this isn't one of her many *worst* roles. You can't pay much attention to the acting, however, when the basic concept is so funny.

"China Syndrome" is about a nuclear power plant that is continuously on the brink of blowing up and, perhaps, burning through the earth till it gets to China. Its owners understand the danger and do everything in their power not to do anything about it. They don't want to spend the money to fix the defective systems. Apparently, they'd rather have the plant explode.

That's not what the movie says. It merely indicates that the owners know the danger and vigorously try to cover it up — which amounts to saying that they would rather have their plant explode than do anything to fix it.

Does this concept make any sense? The answer is no, it doesn't. "The China Syndrome" is a movie in which the villain keeps tying himself to the railroad tracks.

I'll admit that the concept is venerable. It's been with us for quite some time. A century ago, socialists and "progressives" loved to discuss capitalists' "mad rush to their own destruction." H.L. Mencken satirized the idea — but, in a signal refutation of the concept that the pen is mightier than the sword, FDR embraced it, declaring that he would, by force of law, save capitalism from the capitalists.

And now we have Obama, acting as if the BP executives didn't care whether they ruined their own company (along with "the ecology," which can mean something or anything). "I say, old chap, you know, don't you, that your oil rig is about to blow up and poison all the fishes in the sea?" "Certainly, Sir Harley. Good show, what?"

The truth is that people in business care whether they lose a fortune or not. The truth is also that people in government often do not care whether people *in the private sector* lose a fortune, especially if the aforesaid politicians can step in and pretend to save them from themselves.

Alan Greenspan and Barney Frank — the latter of whom I once saw waddling across the waiting room at National Airport, a fat, sloppy man clutching a tall ice cream cone, and gazing at the thing as if it were the miraculous oracle — became heroes to their political constituents when they

engineered the interest rates and mortgage procedures that broke the national bank. They weren't intending to do that, and if they had been, they wouldn't have been intending to ruin any enterprise of their own. If you read what they've written and look at their interviews and public statements, you'll see that they're still very pleased with themselves. Their self-esteem is fully intact, and that's what's most important to them. They didn't try to destroy their own business.

But President Obama comes along, alleging that BP and the banks and Wall Street and the big corporations — all of them — want to enrich themselves, by what? By fatally damaging themselves.

People may make mistakes and thereby damage a large enterprise. Even Obama may do that! But the special thing about Obama, and Frank, and Greenspan, and all the other meddlers is that if they ruin the business, they've only ruined *other people's*. — Stephen Cox

Executor of the estate — The estate tax is unfair and counterproductive in several ways. Here I focus on only one of them.

The Bush tax-cut laws made the estate tax less predatory year by year until it finally vanished in 2010. In 2011, however, it automatically returns in full viciousness, with a tax-exempt ceiling of only $1 million and rates ranging up to 55%. It returns that way unless Congress changes the law. But will it? That uncertainty complicates personal planning, and in a macabre way.

My own case illustrates the issue. I am 85 years old, have the health problems and life expectancy one might expect, am unmarried, have adequate annuity income, and have a net worth of around $3.5 to $4 million. My will divides my estate among about a dozen people. Whether Congress rectifies the estate tax obviously affects whether my living beyond tax-free 2010 is worthwhile for me and my heirs.

A polite answer from heirs in such a case is that having me alive for a few more months or years is worth more than the additional $50,000 (say) that each would receive ($600,000 in total) if I died before 2011. In line with the economic principle of marginalism, the issue is not an all-or-nothing choice between longer life and more money left for the heirs; the issue is how much of the one is worth sacrificing for how much of the other. Suppose the extra life is 12 hours (I don't assume any still shorter period, to bypass any question about whether death occurred on December 31 or January 1). Is 12 more hours of life worth the lost $50,000 per heir? Almost surely not, says my strong intuition. What, then, about the tradeoff between the $50,000 per heir and an additional week or six months or even three years of life (especially if I would not enjoy those additional years)?

Here another economic principle comes into play: people's response to incentives. The incentive to shorten life for financial advantage may be very weak in most cases, but its direction can hardly be doubted.

With these issues in mind, I wrote my congressman and senators asking each for his best estimate of the likelihood that Congress would remedy the tax situation before the end of 2010. All three responded thoughtfully, with more than mere boilerplate. They expressed sympathy with my concern, but none ventured an actual estimate of the likelihood. I got the impression that I should indeed prepare for the return of the estate tax.

The uncertainty remains. If the law is not rectified, it will be ghoulishly interesting to see whether unusually many suicides and murders disguised as accidents and sudden illnesses occur toward the end of 2010. (And there are ways of hastening one's own death short of actual suicide.) Of course, statistics on deaths so classified are not available, but econometricians might be able to make inferences from figures of deaths classified by age, apparent cause, calendar date, wealth, bequests of the decedent, and so forth. Similarly, it might be possible to make inferences about people near death toward the end of 2009 who heroically held on until January 2010 (when, by current law, the estate tax vanished, for this one year). These questions might form a dissertation topic for a Ph.D. candidate. — Leland B. Yeager

Legislative illiterates — I'm still tickled by Eric Holder's admission that he hadn't read Arizona's anti-illegal-immigrant law before he furiously denounced it. Since the law is only 16 pages long, I would expect even a busy Attorney General to find time to read it. I wonder whether he treats other documents in the same way.

I mean, when Holder buys a house, does he just sign the deed without reading it, trusting implicitly in whatever the seller told him? How about the mortgage documents?

I know he didn't have to read his oath of office; it was recited to him. But does he customarily read his legal briefs, or does he just get somebody else to write them, put them in an envelope, and send them to the courts? How about the briefs of his opponents? Does he read them, either? Maybe he just goes into court and talks about them. Do the judges notice, or have they, too, fallen out of the custom of reading?

A friend of mine once worked in a university office in which she acted as secretary to a large number of committees. In many cases, the chairmen of these committees couldn't be bothered to handle their own business. There were many days, therefore, when my friend could be found writing a report from Committee A to Committee B, then a critical response from Committee B, then an outraged rebuttal from Committee A. This was a good thing, because at all points there was an intelligent person carefully reading the correspondence. The Holder affair is different. It suggests that while people are writing and speaking, nobody may be actually reading.

I can picture how things would have gone in the past, if Holder's type of illiteracy had prevailed. We would find media reports like these:

"Moses, leader of the Israelites, admitted today that he had never, in fact, read any of the laws associated with his name. 'I've never really had the time to sit down and read these, what do you call them, these Twelve Commandments,' he told a tribal investigative committee. 'But I doubt that they contain any alleged prohibition on adultery.' "

"This Wednesday, Socrates was reported to be walking the streets of Athens, unaware of his sentence of death. When asked whether he had received an order to commit suicide, he asked, 'Suicide? No, I don't think I've seen anything about suicide. But we all have so much to read these days, I guess I just didn't get around to studying the document in question.' "

"Interviewed at his home in Alexandria, St. Mark

commented on the much disputed conclusion of his gospel. Feisty, though in frail health, the aged saint refused to speculate on whether the gospel concludes with the Long Ending or the Short Ending, or just stops with chapter 16, verse 8. 'Personally, I prefer the Long Ending — if that's the one with the snakes. It is the one with the snakes, isn't it? Always liked snakes. Of course, I'm not the right one to ask — haven't read the thing in years. I hear that St. Luke did a much better job.' "

"Subjected to hostile criticism at a town meeting in a suburb of Boston, John Hancock denied any knowledge of the contents of the so-called Declaration of Independence. Reminded that he had signed the document, Hancock replied, 'Yes, I signed it, but that business about "sacred honor" is a new one on me.' "

"The administration is in crisis today over the discovery that when President Lincoln signed the proclamation freeing slaves in the seceded states, he actually thought he was freeing slaves in his home state of Illinois. 'Perhaps I was misinformed,' the president commented. 'Nevertheless, we must all agree that freedom is what makes this country great.' Informed that there were no slaves in Illinois, the president was heard to answer, 'No? Maybe not. In my job, you don't get to read every newspaper that comes out.' "

"One week after the inauguration, the meaning of a passage in President Kennedy's address remains obscure. The passage at issue reads, 'Ask not what your country can do for you; ask what you can do for your country.' With people throughout the nation writing to ask what the mysterious passage implies, a high-ranking White House spokesman said, 'The president doesn't always have the opportunity to read through his speeches before he delivers them, but he suspects that the line was inserted as a witticism during one of many all-night drafting sessions, and his writers neglected to remove it from the final copy.' "

"Erik E. Eriksen, grand old man of the Norwegian Nobel Committee, granted a frank interview on Thursday in which he revealed the thinking behind his committee's decision to award the 2007 Nobel Peace Prize to Albert Arnold Gore, Jr. The revelation was prompted by a question about Eriksen's assessment of Gore's writings and public addresses. Speaking in clear though heavily accented English, Eriksen replied, 'My assessment? I do not have an assessment of these . . . of these . . . how do you call them? "Writings." I have not read them. None of us has read them. They are probably just the same kind of nonsense you see in that film he made. We did not award the prize for any possible accomplishments of Mr. Gore. We awarded it because we dislike the United States.' "

All strictly fanciful. Equally fanciful is the idea that a frank interview with a Supreme Court justice will ever be conducted — an interview frank enough to elicit the obvious truth.

"Interviewer: Justice X, many compliments have been paid to the literary style of the Constitution. I am sure you must have spent many hours admiring its combination of simplicity and scope. May we have your comments on that aspect of your work?

"Justice X (chuckles): Why yes, I'm sure you must be right. I've never read it all the way through.

"Interviewer: Pardon me?

"Justice X: Well, I don't know whether I ever read it. Parts, of course. At least I think I have. They're mentioned in court.

"Interviewer: But you don't study it? You don't quote it in your opinions?

"Justice X: Not very much. Anyway, the clerks do that. What I do is interpret it. What? Didn't you know that?"

It's too bad, isn't it, that Holder's honesty about his reading habits will probably keep him from ever being appointed a Supreme Court justice. He'd feel so much at home with the other illiterates. — Stephen Cox

Pick two — The "top two" system of primary elections, which was put to voters in California on June 8, has been in effect for two election cycles in my home state of Washington. All the political parties hate it. I like it.

Washington has never had a system in which a citizen registers as a member of a party. I understand other states do it that way, but I don't see why anyone would want it. Why identify yourself as a member of a party?

From the 1930s through the end of the century, Washington state had a "blanket" primary. A primary election for Congress might have had two or three Democrats, a couple of Republicans, a Libertarian and a Green. Any voter could vote for any one of them. Each party was in a separate contest to choose a nominee: one Democrat, one Republican, and, if they filed, one Libertarian, one Green.

In the blanket primary, voters could cross over. If you thought of yourself as a Republican, and there was only one Republican but two Democrats, you could use your vote to help select the Democratic nominee.

After about 65 years of Washington's having that system, California adopted it. The California political parties sued, saying that the blanket primary violated their freedom of association. They argued that it was not fair to let Republicans help choose the nominee of the Democrats, and vice versa. And they had a point.

They won at the U.S. Supreme Court, which meant that Washington had to choose a new primary. It has ended up with the "top-two" primary.

Under top-two, political parties are private organizations with no special access to the public ballot. Top-two ignores them. It puts on the primary ballot all candidates who file for it and lets them say what party, if any, they identify with. It sends the top two vote-getters on to the November ballot.

Usually, if there are, say, three Democrats, two Republicans, one Libertarian, and one Green, it will send to the November ballot one Democrat and one Republican — but not always. And note that top-two *doesn't choose nominees*. The Libertarians, for example, can get together and nominate a candidate, but if he's not one of the top two in the primary, he's just not on the November ballot. The same goes for all other parties.

The Libertarians hate it, because it has pretty much wiped them off the November ballot in the state of Washington, a state in which ballot access has traditionally been easy. But the Libertarians are on the first ballot, and they can get on the second one if they can figure out a way to make themselves relevant. And that is fine with me. Electoral systems should be judged on how well they choose a winner, not on how well they allow minority viewpoints to showcase themselves.

Here's how it works for me. I live in an 85% Democratic district within the city of Seattle. For years I had a choice be-

tween a Democrat who was sure to be elected and a Republican I'd never heard of. One year the Republican would be some college kid, and the next year some 70-year-old retired engineer with a ham radio in his basement. Then we got the top two — and one of my state representatives, a woman who had held the seat since 1972, retired. Suddenly there was a primary election with *three* candidates: a labor-left Democrat, an entrepreneurial "green" Democrat, and a conservative Republican.

Under the old blanket system, the real contest was in the primary, between the two Democrats. And during that contest, most of the Republicans would be off wasting their votes on the guy with the ham radio. Under the top two, both the candidates on the November ballot were Democrats. That's where the real contest was — but suddenly all the votes of people who would have gone to Republicans or minor-party candidates *counted*. The entrepreneurial Democrat won, though there is no way to know whether he got the votes of the most Democrats. He got the votes of the most voters.

— Bruce Ramsey

Shock tactics — A few months ago, the northern New Jersey suburbs experienced a distinctive episode of teenagers flirting with antisocial behavior. First, a 16-year-old boy hijacked a public address microphone at a Turnersville Wal-Mart and announced, "Attention Wal-Mart customers. All black people, leave the store now." A few weeks later, a 14-year-old girl did the same thing at a Whole Foods grocery store in tonier Edgewater.

Both teens were detained by law enforcement authorities and charged with a handful of misdemeanors including "bias intimidation." This didn't prevent other copycats from blurting out similar giggling idiocies in other public places.

As you'd expect, local media muttonheads stroked their chins about racism on the rise. In fact, the behavior seemed more like bad taste than bigotry. Few blacks live in either Turnersville or Edgewater — so it's unlikely that the announcements were borne of actual racial strife. More likely, the kids were doing something they knew was gauche to emulate the likes of radio outrage artist Howard Stern or the meta-morons featured on the popular TV show "Jersey Shore."

On their journey to adulthood, teenagers test limits of socially acceptable behavior. Tied in with this testing is an impulse to provoke emotional response in adults and authority figures. (Some people get stuck on these impulses and continue provoking authority long after their teenage years.) Any parent who's raised teens will agree that the best way to respond to the limit-testing is to ignore it; and, when the testing can't be ignored, to convey disappointment and mild annoyance rather than emotional intensity.

By making a cultural fetish of race matters — with laws prohibiting vaguely-sketched behavior like "bias intimidation" — we practically invite undisciplined kids to make racial taunts. We need to grow up about race. And then the ill-mannered teens might grow up, too. — Jim Walsh

Let them eat planks — On May 8, the Republican Party of Maine gathered in Portland for its biannual convention. Among the routine functions of the convention was the adoption of a party platform. Normally the convention simply adopts the report of the platform committee — a collection of party insiders appointed by county committees and elected officials — and fends off amendments, which are normally offered by single-issue activists.

But this year, the platform committee presented a document that was identical to the platform of 2008. Changes had been proposed, including a far-reaching but unpolished platform presented by a group of Ron Paul and Tea Party activists from coastal Knox County. The platform committee ignored the suggested changes, many members dismissing the Knox County activists as "kooks."

The activists refused to take "no" for an answer, and in true Tea Party style got organized. When the report of the platform committee was presented to the convention, a motion was made to replace the entire platform with the convention's own document. To everyone's surprise, the motion passed fairly handily.

The overthrow of the proposed 2010 Maine Republican Party platform was a revolutionary act. It was the rebellion of rank and file activists who were fed up with being ignored and marginalized by the establishment. If nothing else, it was a sign that the Maine Republican Party has within it a new and potent energy with the power to challenge and overcome establishment inertia.

In 1795, during the French Revolution, Thomas Jefferson wrote to François D'Ivernois, "It is unfortunate that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors, and even with crimes. But while we weep over the means, we must pray for the end." In other words, revolution is a messy business, which is rife with error, but necessary nonetheless. The same can be said of the new 2010 Maine GOP platform, which is a hodgepodge of terrific ideas, punctuated with buzzwords and meaningless catch phrases gleaned from talk radio, internet blogs, and even Star Trek.

On the one hand, the platform calls for a return to laissez-faire economics. On the other hand, it calls for police-state measures to crack down on unauthorized immigration and to "close the borders." While the state GOP platform is supposed to be a declaration of state political priorities, the new platform often fails to distinguish between federal and state policies. For example, it calls for the elimination of the Department of Education without clarifying whether it refers to a state or a federal outfit. The new platform boldly and succinctly says to eliminate "Dirigo," leaving readers wondering whether the party means to abolish the state healthcare program (the Dirigo Health Plan) or the state motto ("Dirigo": "I lead.").

Even more troubling is the fact that while the document loudly calls for a return to "constitutional government," it also espouses implementation of such unconstitutional policies as congressional term limits, stripping Congress of its ability to set its own pay, and narrowing the first amendment by stripping individuals of their freedom not to worship God, by declaring that "freedom of religion" doesn't mean "freedom from religion." (You will find a copy of the Maine Republican Party's new platform at http://www.mainegop.com/PlatformMission.aspx.)

The worst thing about the platform is not that I disagree vehemently with 20% of the content. In fact I see it as progress; I disagreed vehemently with about 40% of the old platform.

The biggest problem is that the platform is poorly presented and sloppily written.

Grassroots activists are rarely bookworms or writers of prose. They are not the folks trained in critical thinking or the production of documents meant for public dissemination. Just as the mobs of the French Revolution executed the innocent and the guilty, promiscuously, so the activists of the GOP platform revolution have overthrown an old regime that needed to be overthrown, while replacing it with a product that is in desperate need of revision itself.

My hope is that in two years the party establishment not only will have changed but also will have become more inclusive and collaborative in building a platform that coherently integrates the ideas of individual liberty, limited government, state sovereignty, and free-market economics in a well written and presentable platform. Only then will I shout a wholehearted "Vive la révolution!" — R. Kenneth Lindell

Movie magic — Michigan is a poster child for what happens when tax-and-spend politicians run a state for decades. It is an economic basket case. A report by the Mackinac Center for Public Policy gives a new illustration.

On April 7, 2008, the governor signed into law a program to subsidize the motion picture industry. At the time of signing, only 5,867 Michiganians were employed in that business. Ads were then run on LA television bragging about how much financial aid was available to companies that would film in Michigan. And the subsidies were not minor: they will rise this year to $117 million in credits, costing the state $155 in tax revenue — about 7% of the state's business tax receipts.

The result? The most recent figures available (for September 2009) show that the state actually lost film industry jobs on net — almost a 10% loss, in fact.

Just another case of what happens when government tries to pick winners in business. — Gary Jason

Over there — As the European financial crisis worsens, I imagine that American manufacturers are anticipating a resurgence in the sales of nylons and chocolate bars.

— Tim Slagle

Faux pas — In a series of television and radio interviews, Rand Paul, the libertarian Republican candidate for senator from Kentucky, suggested that the Civil Rights Act of 1964 was too broad and should not apply to private businesses, such as luncheonettes. Under a swarm of criticism he partially recanted, saying, "Let me be clear: I support the Civil Rights Act because I overwhelmingly agree with the intent of the legislation, which was to stop discrimination in the public sphere and halt the abhorrent practice of segregation and Jim Crow laws."

Herman Belz in his 1991 book "Equality Transformed" relates how President Kennedy's 1961 directive and Civil Rights laws in 1963 and 1964 forbade discrimination and effectively neutered Jim Crow. It was later presidential directives and court rulings that added objectionable affirmative action and quotas to the body of law as it is now applied.

Paul should have praised the Civil Rights laws as they were written and intended by the legislators. His objection should have been to the extra legislative perversions of the Civil Rights laws that the courts and bureaucrats inserted to suit their ideologies. Whether he can recover from this major blunder remains to be seen.

The New York Times and other media outlets had a field day ragging on libertarians. I suppose that there is no bad publicity, but it would have been nice if a better prepared candidate had been hoisted onto the national stage.

— Erwin Haas

Buying consent — A Republican candidate for U.S. Senate in the state of Washington, Clint Didier, made the front page of the Seattle Times on May 18, because of a juicy contrast: he was opposed to farm subsidies but had been collecting them himself. Readers piled on him in the comments section of the newspaper's web page, charging him with hypocrisy. Typical right-wing Republican, several said.

As I read the comments and listened to people talk about it, a pattern emerged. The people who were most likely to charge hypocrisy were those who supported subsidies. To them, the antisubsidy position was impractical nonsense, and this candidate's actions confirmed it.

The more I thought about this position, the more it annoyed me. The first thought was that by their standard, only people who supported the program, or at least didn't contradict it, had a right to get the money.

And I thought, "That's convenient."

The next thought was that almost everyone who qualifies for a subsidy is going to accept it. The government is giving out money: you're not going to take it? And if accepting it means you have lost your moral standing to oppose it, then what? You've been bought and paid for. Indeed — we have all been bought and paid for, here, there, or somewhere. And the supporters of subsidies aren't protesting *that*.

They like it.

So I don't denounce people like Clint Didier. He took the subsidies and he's still against them? Good for him!

— Bruce Ramsey

Immigration doublethink — President Obama is a man of many varieties of incompetence. Lately on display is his administration's completely incoherent border policy, illustrated by a spate of recent articles.

In late April, Arizona's Governor Jan Brewer signed a law that allows police officers to check for immigration status when they stop somebody for suspected crimes, or when they are in the pursuit of some other legitimate purpose. It immediately caused a firestorm of controversy, with immigration advocates dismayed and immigration opponents triumphant.

Obama and key members of his administration immediately went on the attack, sensing a great opportunity to play racial politics with an eye to winning Latino votes in the fall, saying that the law would allow racial profiling. As Obama put it — the racial activist in him raging — the law would permit the police to harass innocent Latinos taking their kids out for ice cream. Leftist commentators conjured up visions of Nazi storm troopers, guns drawn, stopping frightened, cowering people and screaming, "Vere are your papers?!? *Your papers!!!*"

At the state dinner held in his honor, Mexican President

continued on page 46

The Crisis in Higher Education

by Wayland Hunter

Even America's best colleges are in serious trouble, and it isn't all financial. A report from inside the mess.

Call me Wayland. It's a phony name — the kind of name you use if you want to tell the truth about your profession, without distressing your colleagues.

I teach in a very good university, which has treated me very well. I love my job. I like and respect most of my colleagues. Lately, however, I've begun to feel like one of those old ladies in an Edwardian novel — the women who sit on the upper floors of their decaying mansions and lecture kinfolk about the doom that is coming upon them.

I can think of more contemporary images, too. Picture the manager of a Holiday Inn in some rust-belt city, surveying his long, empty hallways and deserted swimming pool, and wondering whatever happened to the good old days.

But let's talk about facts, not images. All across the country, colleges are going broke. Some of the best ones are broke already. It's the rare university that hasn't instituted a hiring freeze, reduced the salaries of its tenured professors, and fired a lot of its untenured staff. The University of California at Berkeley, the flagship of the California system, no longer provides telephones in faculty offices. All employees of the UC system have taken at least an 8% pay cut (ostensibly temporary). Many elite private colleges made the mistake of investing their endowments in the foolish way in which many individual Americans were investing their savings during the Bush years. When the housing market crashed in 2008 they suffered as others suffered: they lost 35 to 40% of their money.

As for the state universities, few have maintained anything like the percentage of direct government support they enjoyed even 20 years ago. The University of Michigan and the University of California get only 6 to 8% of their money from their states, and the percentage is going down all the time. Colorado gets even less, and tries to make up for it by attracting enormous numbers of ski-loving out-of-state students, to whom it can charge high rates of tuition. Most research universities are in terror of losing their lifeblood — senior scientists who get large grants for their research. These people's salaries are stagnating, or being reduced. The major reason they don't leave their current institutions is that there aren't better colleges to go to — the others are faring just as badly.

I have some ideas about what started and ended the boom in higher education. The general idea is that the state colleges, and to a lesser degree the private colleges, have been bitten by the mother that fed them. Their growth was nurtured by the expanding welfare state, which provided both direct support to state institutions and indirect support to private as well as public ones, principally by means of research grants and student grants and loans. But as the welfare state expanded, more parties came to the trough, each demanding more tax money; and universities started getting less of it. Meanwhile, the federal government continued its course of encouraging bad investments, investments in which many colleges and universities participated, and of extracting increasing amounts of tax money from private individuals — the kind of money that might otherwise have gone to finance Junior's college education.

In the millions of families in which both parents work, the average salary of the lower-paid spouse roughly equals the family's taxes.

In most states, the major competitor for welfare-state money is the primary and secondary schools. Welfarist slogans about the needs of children ("It's for the kids!") naturally emphasize tiny tots, not 28-year-old grad students in physics. In some states, such as California, the prison guards' union has also emerged as a prime competitor, boosting its members' salaries at the expense of other "discretionary" spending. California now spends $8.2 billion of state money on prisons, and $5.6 billion on the University of California and the state university systems. Another $4.6 billion goes to the community colleges (a dubious investment in "higher education"). Two years ago, before the economic crash, the first two figures were $9.9 billion and $7.3 billion. Despite the best efforts of the governor and legislature, attempts to raise taxes sufficiently to cover the "needs" of all feeders on the state have proven unsuccessful.

But higher taxes are not the solution to the higher education problem. In the country generally, the taxes necessary to support the welfare state have left parents less able to finance their kids' post-secondary education. In the tens of millions of families in which both parents work, the average salary of the lower-paid spouse roughly equals the average amount of a family's taxes. That's a lot of money, and it doesn't leave much to splurge on college.

There's another angle. The costs of colleges and universities have grown fairly steadily since the 1960s, but the extra money has gone largely to expansion of "programs," many of them imposed by political means — from gyms to student centers to healthcare to the affirmative action bureaucracy to whatever else seems necessary to fulfill the university's new mandate as a modern liberal welfare state — and not to faculty salaries. I'm not bitter; I get paid enough. But let's talk about salaries for a moment.

Measured in real dollars, faculty salaries in most of the better state and private colleges haven't risen much during the past 50 years. There have been peaks and valleys — deep gorges, in fact, during the Carter inflation of the late 1970s and the little depression of the first Bush administration — but when you compare 1960 with today, what you see is mainly a modest growth in salaries at third-rate institutions and an unconscionably large growth at a handful of first-rate-plus institutions, with everyone else sort of marking time. When you allow for inflation, there's not that much difference between Stanford's average professorial salary of 56K in 1987 and Stanford's average of 135K in 2007. And during those two decades, Stanford was ranked first, second, or third among the nation's universities. You could also take a sample from the B range, the University of Minnesota: 43K in '87; 97K in '07. Not much change. The growth of spending on colleges from 1960–2008 vastly increased their size and complexity, but it didn't get most faculty out of the market for subcompact cars.

Something that did change was the size of the faculty's long-distance rewards. I refer to defined-benefit pensions, which are the education profession's way of ensuring that people like me, who might be making more cash if we were lawyers or doctors or workers in private research firms, will agree to work for the University of Winnemac (Mohalis campus), which doesn't pay as well but has a wonderful pension system. And university pensions can be wonderful indeed. At my university, you can retire after 40 years or so with an annual pension equal to 100% of your highest three years of salary. One hundred percent.

You might say — and if you said it, you'd be right — that many of us actually couldn't get jobs that pay as much as those in the English Department at good ol' UWM. The people whom universities are especially anxious to retain are their most productive scientists, engineers, and medical doctors — the profit centers of the faculty. Nevertheless, as universities grew, they adopted the bureaucratic characteristics of the state, together with its leveling instinct. They established reward systems that apply to all employees, including the (unionized) groundskeepers, not just to the people who are best at gathering wealth or prestige (which is a form of wealth) for the institution. And as universities expanded, more people were hired, and eventually more people started to retire and take their pensions.

The unfunded liabilities of the California pension system alone would stagger most of the world's governments.

The problem, of course, is that no one knows how we can pay for this — not in these times, when the value of our pension fund investments has gone south, like the value of almost everyone else's investments, and the baby-boom generation is eager to retire. The unfunded liabilities of the California pension system alone would stagger most of the world's governments.

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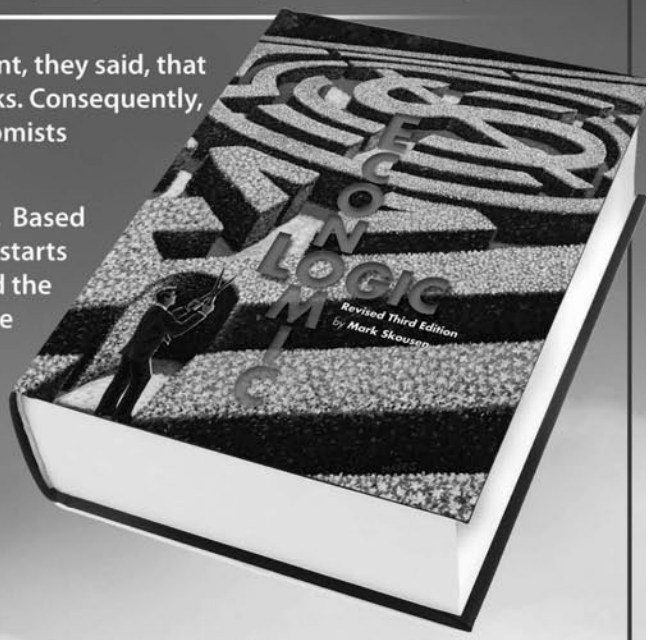

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Some of higher education's disasters are like those that afflict normal human beings. Others are a fairly direct product of the government's assumption that education is its primary business, and that the business ought to grow. Right now there is a bust in higher education, but recently there was a boom. Like many booms, this one started when a government-sponsored enterprise expanded too far, leading people to invest much more than the enterprise was worth, or than they could afford. In this case, there was a heavy investment in time as well as money, and many investors, both individual and institutional, have reason to regret that they made it.

Recent presidents, starting with Bill Clinton, have proclaimed that college is for "everyone." In the 1950s, most state governments were already reaching toward that principle, building new ranks and tiers of colleges — community colleges, state colleges, state universities — and equipping mass quantities of students with scholarships, fellowships, loans, and grants, so that anyone who was willing to devote time to higher education would certainly emerge with a degree.

No other country has ever thought in those terms. Nor should it have. Even in my own, elite university, every faculty member confesses, without much prompting, that at least 20% of the students should not be in a college of any kind. No matter what their test scores show, these students are just in college because their friends are in college and it's expected that they will be in college too. They aren't interested in their classes, and they obscurely know that the classes won't prepare them for the kinds of jobs they'll probably get. There's no good reason why a person who will work in marketing or real estate or even the local stock brokerage should spend four years pretending to slave away at calculus, anthropology, or film studies. The only "reason" is the government's willingness to spawn a giant archipelago of colleges, fund the loans and grants that stock them with warm bodies, and insist that people in a myriad of occupations, from cops to dental assistants, complete some kind of higher ed.

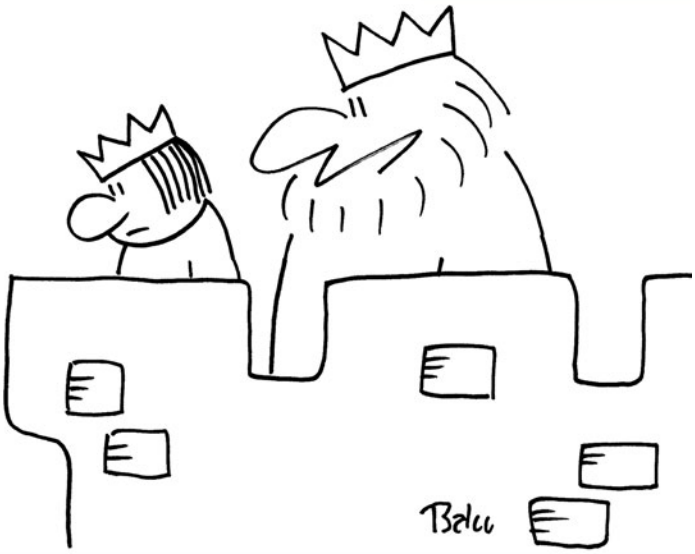

"Sure, son, they're rabble — but the rabble are an essential part of the economy."

Colleges and universities are credentialing organizations. They have been since their beginning. The first universities were founded as a means of credentialing lawyers and priests. The difference is that now they are institutions designed to credential everyone. In 1971, when I was a kid bumming around California, I visited a friend who was going to San Jose State College. It was the end of the school year and a commencement exercise was about to take place. In honor of this event, a leftist group mobilized in the plaza and passed out "diplomas" to all and sundry. The "diplomas" read: "Congratulations! You have been awarded the degree of Middle-Class Status!" The satire was right on target. A large proportion of college students devote four or more years of their lives to the sole end of obtaining such a degree. As a matter of fact, that's what my friend in San Jose was doing.

Government began this process. It spun the myth that higher education is the supreme good, but also (curiously) a good of which everyone can partake. I am a baby boomer who attended a white-bread, poor-but-honest midwestern high school. Few of my high-school friends went to college. Few of them appear to regret not having done so. Their parents would have been very surprised had they been told that their grandchildren would absolutely, positively have to go to college, or be considered abject failures. These parents didn't clamor for universal higher education; the government did.

It also instituted programs to subsidize the college career of any student who could get into any "accredited" institution of higher education — in other words, any student whatever. And at some point, inevitably, after the government had encouraged and assisted and insisted upon college attendance, failure to attend became a sign of laziness and low social status. I know many successful business people among the generation that succeeded mine; not one of them is successful because he or she went to college, but only one of them had the courage not to go.

By 1970, according to the Bureau of the Census, 37% of 18- and 19-year-olds were attending some kind of college. By 2008, it was 49%. Need I say more?

Americans regard today's college and university system in the way in which they regard virtually everything they see around them — as a permanent fixture of the landscape. But it isn't. College life as it existed before World War II was almost unimaginably different.

Back then, there were a few elite institutions, mainly on the East Coast. They were private and costly. Graduation from one of these places was a rite of passage for rich young men — a Lilliputian version of today's credentialed society. Surveys showed that the average graduate from Columbia, circa 1930, could expect to make today's equivalent of $350,000, right off the bat, whether he got A's or the "gentleman's C." And that was during the Great Depression. Rich, credential-seeking young men were cash cows for the institution. Their contributions financed both the professors and the poor but intellectually ambitious scholarship students.

Besides the elite East Coast institutions, there was a wide range of other private schools, most of them religiously affiliated. No other country ever created so many little private colleges. These schools were cheap, and some of them provided a very good education, for women as well as men, and often for black people as well as white. One reason they were

cheap is that they provided practically no "student services" — few or no dormitories, no health service, no placement service, no admissions office obsessed with affirmative action, no advice counselors . . . nothing except a chapel and, possibly, a YMCA.

In those days, there were also some very good state universities, such as the University of Michigan, the king of them all. They were supported directly by state governments, not by research grants obtained from specialized government (especially federal) agencies. Like the private colleges, they were cheap, and they needed to be cheap, because the state governments didn't cut them much slack; but only a small percentage of young people attended them. Some of the attenders were dummies whose parents already cherished a devout belief in middle-class credentialing; others were cornfed intellectuals who profited enormously from the classes they begged, borrowed, and stole to be able to attend. These institutions made little or no attempt to embrace a larger population.

All that changed in a big way with the GI Bill and the other government funding schemes that followed World War II. The Bill helped many young people attend college who could not otherwise have easily afforded it. It also helped fund the colleges they attended, keeping marginal institutions afloat and allowing serious expansion by better, or more popular, ones. But this was the beginning of the idea, which would later grow to absurd proportions, that college was a necessary part of a normal generation, of a normal human life. It was a revolutionary idea, for any place in the world.

Soon, another revolution happened. In the mid-1950s the federal government began large-scale funding of scientific research, most of it based, quite naturally, in the universities. This income provided a second incitement for universities to expand. In 1955, according to statistics published by Yale's Office of Institutional Research, that university received 13% of its income from grants and contracts — a total of $18 million. Federal dollars accounted for 36% of the total. In 1999, the figures had grown to 28% of income, for a total of $316 million, 77% of it federal. The big change happened between 1955 and 1960, when the "grants" contribution shot up to 25% and the federal proportion went to 72%. My own university gets most of its income from research grants, and the great majority of that comes from federal agencies.

President Eisenhower, in his farewell address (1961), the address usually noted only for its warning about the "military-industrial complex," warned also against a government-university complex. Observing that "a steadily increasing share" of research was now being "conducted for, by, or at the direction of, the Federal government," Eisenhower suggested that "the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers."

He was less than enthusiastic about all this: "The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded. . . . [I]n holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

Whether that happened or not depends on the kind of public policy you're thinking about. The global-warming craze suggests that Eisenhower was right, in part. But most public policy has nothing to do with science of any kind. No one should claim that the government is now run by some scientific-technological elite, headquartered in the universities. One can say, however, that the money given for research, first to the elite universities, then to many second- and third-class institutions clawing their way toward the spigot, became the means for hundreds of colleges and universities to do, basically, anything they wanted to do (or felt compelled to do by their internal elites).

In my own, elite university, every faculty member confesses that at least 20% of the students should not be in a college of any kind.

Here's how it works. When a scientist gets a million-dollar grant to study AIDS, for instance, the government provides his university with an additional $500,000 to $600,000 for "recovery of indirect costs." The million goes to the individual scientist's lab; the rest goes to support the framework of the university itself. This makes some sense; after all, the research isn't being carried on in the basement of a little brown bungalow, owned by the scientist's aunt. But starting in the 1960s, the framework of the university was mandated — again, largely by government — to include a vast array of welfare "services." The affirmative action mandates alone produced an enormous addition to the bureaucracy. At all the "best" universities, research money helped fund the consequences, whether it went directly to welfare causes or was used as a replacement for other funds that went that way.

In 1960, the University of Michigan and the University of California — to cite two prominent examples — were supported mainly by state money. California bragged that it was "tuition free." It still does, but only because its permanent faculty ("tutors," I suppose) are paid by the state. Today, state money amounts to a small percentage of both universities' total budget. The rest is paid largely by student fees and "indirect cost recovery" from government grants, with grant money predominating.

Leftists bewail the supposed fact that such institutions have been "privatized." It's an absurd claim. Not only is their budget dependent on government — mainly the federal government — but the various tiers of government keep imposing more and more regulations on the universities, requiring them to conduct still more "social" and "environmental" adventures, without providing direct sources of money to finance them.

I wish I could say that universities were disgusted by these mandates. Top administrators almost always are, but the fulfillment of each mandate enriches the "university community"

with more people whose jobs resulted from the political process and who lobby (usually with great self-righteousness) for the extension of politically inspired programs. Thus mandates feed on themselves, and universities become the agents of an ever-larger nanny state. Along with prisons, they are the most intense representations of that peculiar form of social life.

The political problem is that once you lose your integrity as an *educational* institution devoted to the *disinterested* pursuit of truth, you become just one more lobby group, trying to keep the money coming in. I remember, many years ago, sitting in the gallery of the Nebraska Legislature, when the president of the state university arrived to confer with the legislators about his institution's budget. When he entered through the big doors at the back of the chamber, the legislators rose to greet him. There ensued a civilized discussion about the educational needs of the university and the ability of the state to meet them.

Leftists bewail the supposed fact that such universities have been "privatized." It's an absurd claim.

Today, the president of my state university is the head of a vast organization of lobbyists whose duty is to tramp the crooked hallways of the capitol, wheedling and cajoling whomever they meet, and doing their best to mollify any solon who wants to get in the newspaper by objecting to such "outrages" in the university as the appearance of "the n-word" on bathroom stalls. The president does much the same in Washington, only there he seldom gets to see a legislator, only adolescent members of acronymic agencies.

If somebody would put the claims of our university fairly to the voters, I'm pretty sure we could get the advantage over our main rivals for state money — the K–12 teachers' union and the prison guards' union. But normal voters don't count; what counts is interest groups, which have the power to kill any proposal that might threaten some of their funding or perquisites.

Sixty years ago, David Riesman produced a work of sociological theory called "The Lonely Crowd." One of his insights was the importance that "veto groups" have acquired in our society. Their influence is vastly greater today than it was in Riesman's time. Given the fact that huge majorities of Americans are opposed to affirmative action, and vote against it whenever they get the chance, you would think that some state university, somewhere, would actually start cutting back on this expensive folly. But if you are an officer of a state university, and you even hint that you might consider doing such a thing, you will absolutely, positively, be out of a job. Don't bet with me about that. The veto groups in the legislature, the board of trustees, and the faculty will see that you are removed before you have a chance to explain.

Universities have been burdened, and have burdened themselves, with almost all the responsibilities of a modern state: health, welfare, reallocation of resources, and what passes for moral education and policing. But the real state is having its own problems. It can't pay for everything it's supposed to do, any more than the university can. The largest part of the budget of state and local government is devoted to K–12 education. In California, which has frequently been my example, it's 30% of the state budget, a couple points ahead of the percentage devoted to outright welfare ("health and human services"). Despite plentiful evidence of failure, the public schools have usually maintained or increased their funding. When the economy is good and tax returns are growing, everyone can get a larger slice of the pie; but when tax money is shrinking, denizens of the welfare state have to fight one another for it.

In 2008, the bottom fell out. State budgets throughout the nation were discovered to be finite. They might even contract! And so they did. By mid-2009, what with the government-budget problem and the bad-investment problem, there was hardly a university in the country that "was hiring" for tenure-track jobs. Instead, universities were freezing new hires; they were firing non-tenured employees; and they were cutting everyone's paycheck. Arizona, a third-rate system, remains in desperate financial trouble, but so does the venerable University of California, which has so far proven unable to figure out a way to pay its bills during the next academic year.

Simultaneously, the nature of faculty compensation has obtruded itself in an ugly way. Vast, unfunded pension liabilities have become visible, together with the legal obligation to fund them. Young people need to be hired to pay the old folks' pensions, but what with hiring freezes and salary shrinkages, the most valuable young people are likely to be looking for jobs with private firms. The startup investment in productive scientists has also achieved monumental proportions. A young professor of chemistry won't come to a university unless it provides him or her with a million- or two-million-dollar laboratory. It's a good investment, if he or she can get enough grants to return a lot of indirect cost recovery to the university. And such people usually can. But to keep them, universities need to go further in hock than they already are to the salary and pension systems. This is the constant topic of conversation in the inner circles of universities today.

In California, 30% of the state budget is devoted to K–12 education; outright welfare gets almost as much.

An additional matter of concern is the enormous salaries and perks that we give to the highest level of university administrators. This you can't blame on the government. In many private colleges, including bad ones, the base salary of the first and second ranks of administrators is over a million dollars, and the perks (house, driver, expense account) come on top of that. State universities such as my own are said to

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be at a competitive disadvantage, because we are forbidden by law to provide such large salaries and perks. We pay *only* about 700K to the top person, only 400–500K to people in the second rank, and only 250–350K to people in the third. (The first two ranks also get houses and personal staff.)

How did rewards get that high? Most of it happened in the 1980s and '90s, when top administrators, who were beating the bushes for wealthy donors, became embarrassed at associating with rich people without being rich themselves. They compared notes and established a cartel. The rule is, you can't be considered for a top administrative post without having already held a high administrative post. This narrows the market considerably. When people object, the angry response is, "This is a competitive marketplace, and we have to hire the best."

Rather self-serving, don't you think? I have to admit, however, that as universities have expanded into mini-states, with all the problems of, say, Latvia or Kyrgyzstan, fewer and fewer people are found to possess the specialized knowledge and temperament to deal with the bureaucratic and political problems. You may know a lot about chemistry or history, but that doesn't mean you can bully a federal bureaucrat who wants to lower your ICR percentage from 57 to 55, or convince a different flavor of bureaucrats that having a student body that is only 5.8% African-American shouldn't be fatal to its accreditation. College administration has become a calling and a profession, with its most esteemed members traveling rapidly from institution to institution, often with little loyalty to anything but their paychecks and prestige.

Of course, these people lead miserable lives. They must be willing to respond "productively" to the ignorance and bullying of legislators, donors, and internal veto groups. They must devote their entire lives to meetings in which the cold truth is usually impossible to state. For this, they demand a great deal of money; and I, for one, can't blame them much. I also concede that it makes almost no difference to the budget of the University of Winnemac if its president and her three closest associates are paid 4 million bucks in salary and perks. That's a drop in the bucket.

The real problem is that it looks terrible to the voters. In California, a few years ago, a daily newspaper published a list of everyone in the ten-campus university who was paid more than 100K. It was a very long list. The fact that the great majority of these people were medical doctors who were earning their own salaries, by healing voters of their illnesses, didn't affect the public perception. And administrators don't have even that excuse.

"I'm giving you a powerful muscle relaxant — that way, you won't be able to chew anything for awhile."

The presence of administrators as people who are, in a sense, paid for their credentials as administrators has helped to re-open the larger issue of the university as an organization of credentialed people — which, in turn, has re-opened the interesting issue of the way in which the science model of credentialing has been applied to faculty members in the humanities, arts, and social sciences.

In many private colleges, including bad ones, the base salary of the first and second ranks of administrators is over a million dollars.

Government research support has introduced massive intellectual distortions even in the hard sciences. Once scientists learn that the government is most likely to fund research on "star wars," or AIDS, or global warming, they rush to convert their own research programs into something that looks like "star wars," AIDS, or global warming. Sometimes their proposals are dishonest; they lie about the essential nature and significance of their work. At other times, they represent these things honestly, but their research, and often their education, has already been distorted by the government's priorities.

Be that as it may. What has happened in the non-hard-science areas of the university is a parody of scientific credentialing. To be hired and promoted, scientists need to do research; it needs to be plentiful; and it needs to be favorably evaluated by their "peers" (i.e., other credentialed persons). This is fine, when the credentials are rational and objective. But if the peers are ignorant or politically motivated, if the research achieves publication simply because it conforms to a regnant ideology, then the credentials are worthless to anyone outside the charmed circle of pseudo-research. During the past two decades it has become increasingly obvious to educated non-academics that much research in the arts, humanities, and social sciences, the disciplines responsible for defining the nature of a liberal education, is either useless or destructive to the university's ideals of reason and objectivity.

I have spent many years in a non-hard-science branch of the university; I am intimately acquainted with universities' hiring and promotion systems; and I can testify that there is no "research" in the arts, humanities, or social sciences that could *not* achieve publication, favorable peer review, and academic reward, provided it conformed to current political fashions in the university — fashions dictated by various strains of leftist ideology that systematically exclude common sense.

Excellent work continues to be published, but it has a much harder time when it expresses views held by 95% of the thinking population *outside* the university: for instance, the view that collectivism, not capitalism, was the scourge

of Western history; that economic individualism is the great engine of progress; or that the value of a work of art is determined by its aesthetic qualities, not by the political ideology it is thought to represent. To put this in political terms: if you start your career at a university by saying that you are a conservative or a libertarian, God help you.

Need I bring up statistics? Fine, I will. Every survey of elite and even midstream American colleges shows that practically no members of their arts, humanities, and social science departments (with the occasional exception of their economics departments) are anything other than self-described liberals, left-liberals, socialists, or "progressives." Republicans and libertarians are about as plentiful as whooping cranes. Now, how does this happen, in a country in which leftists are a distinct minority of the populace?

I asked that question of a friend of the family who teaches at a college that is even more elitist than mine. He is a natural scientist, and during our conversation I mentioned the fact that his university apparently refuses to employ anyone who claims to be a Republican or libertarian, even in the science departments. His response? "It must mean those people just aren't as good."

My friend is — believe me — totally ignorant about politics. In that field, he merely trusts the other members of his credentialed community, much as Baptist pastors trust other Baptist pastors: they may occasionally be wrong, but they'll never be as wrong as pastors who aren't Baptists, and that settles the issue. He's lost in the house of mirrors that a credentialed community almost automatically erects around itself.

He assumes (correctly) that science is a matter of the disinterested pursuit of truth; he would be scandalized if anyone told him that his own research should be conducted on any other assumption. Yet he is completely uninterested in the fact that many of his colleagues in the humanities and social sciences, who largely determine the university's operating ideology, spend their lives asserting that there's no such thing as objectivity or disinterested assessment of reality, that all judgments are "political" — and get rewarded for their political involvements. Those are the fruits of *their* research, reflecting the judgments of *their* peer reviewers.

Clearly, the definition of "research" is malleable. After a lifetime of university teaching, Sidney Hook concluded that "by the most generous estimate, dedicated scholars in the humanities and social sciences capable of significant original research constitute 20% of our faculties." This conclusion appears in Hook's autobiography, which is appropriately entitled "Out of Step." I would put the percentage a little higher. Nevertheless, I have noted that a certain kind of "research" is fairly easy to do. You simply acquire the handful of assumptions that are most popular in your generation of scholars; then you apply them until your generation has exhausted all conceivable applications. After that you retire, and another academic fashion takes over and dictates its own terms.

The bad thing is that in this way, careers are made simply by agreeing with one's peers. The good thing is that very few people actually read the products of this "research." An academic book needs to sell fewer than 400 copies to break even. If the press can sell 390 books to libraries and 10 books to the author's relatives, the deed is done. Academic journals are also cheap. They don't pay their authors or even, in many cases, their editors; and the advances of modern capitalism keep making the technology of publication cheaper and cheaper. Journals have therefore proliferated, most of them maintaining "high standards of peer review" — that is, insisting that candidates for publication measure up to the ruling academic notions. The result is an ever deepening torrent of words that anyone could produce and no one — even, apparently, the editors — ever bothers to read.

The farce could not continue if academic hiring and promotion were based on teaching instead of "research." But it isn't clear that "good teaching" is a useful criterion. Evaluating teaching is harder than evaluating manuscripts. What do you mean by "good"? If you mean, "effectively communicating the ruling ideology," then the same people who get tenure now in the humanities and social science departments will continue to get tenure. But if you mean "encouraging critical thought" . . . well, that's what everybody claims to be doing.

Much research in the arts, humanities, and social sciences is either useless or destructive to the ideals of reason and objectivity.

It's the same kind of people, however you slice it. And if academic publication is easy, so long as you conform to the current isms, whatever they are, then teaching those isms is still easier. Any academic conformist can, without much intellectual effort, produce a book that will satisfy an academic press, simply by writing one page a day for one year. Then what shall we say about people who can't even do that?

Many people on the Right suggest abolishing tenure, thinking that by so doing they can eliminate all "tenured radicals" and abolish all demands to "publish (nonsense) or perish." But as almost any libertarian or conservative professor will tell you, that would simply mean abolishing him or her. The tenured radicals would vote to do that, then vote to renew their own appointments, year by year.

I'm sorry to say this: there is no quick fix for the problems of the American university. But if you can't fix a problem, you can try to shrink it.

I am not the kind of libertarian who believes it would be better not to have universities than to have state-supported universities. To me, that's like believing it would be better not to have roads than to have state-supported roads. I want my own university to survive, state-supported or not, because I think it's exemplary at doing about half the things it does, and that's very good for any institution. But I also believe that universities would be better if they were freer, smaller, and more focused on what universities are meant for — which is communicating fact and seeking truth, not providing daycare for twenty-somethings and pensions for sixty-somethings who believe that Thorstein Veblen had the last word on economics.

The mega-university is already contracting, under the pressure of its present financial crisis. So-called "ancillary" or

social-welfare functions are under pressure to justify themselves or become self-supporting (as in the case of dormitories, cafeterias, and student health services). Many good state universities are cutting back on admissions, suddenly realizing that few voters really want colleges to accommodate marginal students, if the voters have to pay for them. And because student numbers pay for faculty numbers, this means an increasing reluctance to accommodate intellectually marginal faculty and courses, also.

The crucial players are university administrators — regents, presidents, chancellors, and deans. These people make the immediate decisions about who is marginal and who is not. But the public has an important role to play. Believe it or not, top administrators are very sensitive to courteous, informed, and intelligent public opinion, especially that of alumni and other potential donors, and of people who are well established in the community. A few letters of praise or blame, personally addressed to the crucial folk, can be very effective. I'm not talking about fulsome praise or vitriolic denunciation; I'm talking about intelligent responses to clearly identified issues.

Several organizations, such as FIRE (Foundation for Individual Rights in Education), the California Association of Scholars, and the National Association of Scholars, which runs an informative listserve, devote themselves to identifying important issues, from college indoctrination sessions and repression of free speech to examples of scandalously bad, or illustriously good, courses and programs. A look through faculty websites, course listings, and university magazines (which almost always promote foolish political agendas) will also produce a lot of interesting facts. A handful of communications about matters of this kind can make a big impact on the situation on the ground.

People who convey good ideas and contrast them with bad ones provide a real service to administrators, who are chronically in the dark about public attitudes (and ordinarily know it, too: they're smarter than they appear). They're not going to write back and say that they will immediately defund Marxist Studies and institute a Program in Free Enterprise, but when it's time for the next round of allocations, they'll remember what you say — especially if you can get a buddy to send a letter backing you up. Administrators are almost 100% modern liberals, but they seldom make decisions on the basis of ideology; for better or worse, they make them in response to the need for money and prestige. They know that focused public opinion has a lot to do with their fund-raising potential. So go ahead and send a copy of your message to the local state legislator and any donors you know.

Another way in which non-academics can help is by relentlessly combating the welfarist and credentialist ideal of universal higher education. It is nothing short of scandalous that conservatives and libertarians protest against everything connected with the government *except* the absurd idea that college is for everyone. That myth must be punctured. When you hear any public figure say that "higher education is for all," it's your job to call, write, email, or form a committee to object. You're sure to be invited to speak your piece on talk radio, because until now, practically no one has been willing to object to this nonsense.

One sign of the shrinkage of higher education as we've known it is the growth of alternative institutions. Some of these, I'm sorry to say, must be labeled as one more product of the credentialed society. I refer to the pseudo-universities that have sprouted everywhere, catering to people looking for the easiest possible way to get a degree. Take out the phone book and count the number of cash-and-carry Oxfords existing in your area. I think you'll be surprised.

A happier trend is the success of certain private schools, such as St. John's College, that specialize in a traditional liberal-arts curriculum, and the survival of other private schools, such as Hillsdale College, that maintain their independence by refusing government support. Schools in the latter category have passed the first hurdle of competitiveness — finding enough private donors to make up for their lack of state funding. The next hurdle is prestige. In plain terms, these colleges need to pay more in salaries if they want to attract the best libertarian and conservative scholars, thereby attracting the best students. They also need to assure true individualists that they're not as conformist, in their own way, as the state universities.

A liberal education in a free college — that's something with a value still broadly recognized in our society. There's a market for that, so I expect to see more colleges making the break from government. After all, the rise in tuition at state universities has made many private institutions economically competitive with them — provided the educational mission of the privates is sufficiently clear and compelling.

One of the most interesting trends is the migration from the Big U of many "conservative" fields of scholarly endeavor such as biography, traditional literary criticism, military history, diplomatic history, and the history of technology. Influential works in these fields are now more likely to be written outside the university than inside it. As a faculty member in a great university, I mourn the departure of these fields; as an intellectual, I'm glad they're flourishing.

And I'm delighted by the growth of para-universities — private institutes and thinktanks, such as the Cato and Mises Institutes, that provide useful competition for universities as we have known them. Both online and in person, the para-universities provide the kind of continuing education that no actual university seems able to match. It's a specialized education, centered on political, economic, and historical problems; but it's freely chosen by its consumers, who aren't involved just because their parents demand that they obtain a credential. No credential is offered. And the research of the para-universities is "peer-reviewed" much more extensively than research in conventional universities — it's assessed not by two or three specialists but by every interested person, specialist or not, who can access the internet. A lot of scholarly junk is published on the internet, but there's a lot of junk in academic journals, too; and there's no question that a larger number of discerning readers will be found in an audience of millions than in an audience of three or four hundred.

These are just some of the things that are changing the shape of education in our time. There is no chance that the university of 2030 will be a near-copy of the university of 2010. The money is running out of that university, and many of the ideas ran out already. But better days can come for education; and when they do, it will be partly because of the current crisis in the higher-education segment of the welfare state. ❑

Broadening the Appeal of Liberty

by Russell Hasan

Liberty is important to everyone — and the arguments aren't hard to state.

As a person of mixed race living in the northeastern United States I feel a constant pull from modern liberals, trying to draw me in with their claim that theirs are the only policies beneficial to minority groups. I believe that libertarians, with our commitment to free markets, individualism, and race-blindness are actually far better for minorities than liberals. We should try to attract more members of racial minorities to the libertarian movement, but in order to do so we need a coherent set of arguments proving that capitalism isn't racist.

Liberals who view capitalism as inherently "white," and who believe it is impossible for the members of racial minorities to prosper except with government aid, fail to understand the principled approach to fighting racism. They assume that either you are for the government helping minority groups or else you must hate minority groups and want the government to help only the white race. Actually, however, one can hold, as libertarians do, that a race-blind government is more helpful to minorities than a meddling modern-liberal or socialist state. Race-blindness is based on the ethical premise of individualism, the idea that a person should be held responsible for his own actions and not for the actions, good or bad, of people who happen to share the same ethnic identity. The principled ethical solution to the problem of racism is race-blindness, and capitalism is race-blind.

In a free market economy individual talent and hard work tend to be rewarded. Businesses depend on the talent of their employees in order to compete with their rivals. If a racist businessman refuses to hire a talented person, it is in the interest of some other businessman, who is not a racist, to hire him and by doing so be able to compete successfully against the racist. The invisible hand of the market punishes the racist and dispenses rewards to talented workers, regardless of their ethnic identity. It is sometimes argued that racism forces members of minority groups to overpay for the retail goods they buy. Yet any racist who based his business model around overcharging in this way could be put out of business by the first nonracist who was willing to undercut his prices. If you want lower prices, unfettered competition is the most efficient way to get them. It is plausible to think that some unscrupulous people have victimized low-income racial

minority groups in places where the market is not large, but as a largescale business model such a strategy doesn't make any sense.

There is nothing in the nature of capitalism that gives a competitive edge to any particular race. In fact, it is demeaning to think that the members of racial minorities would not be competent enough to prosper under economic freedom. If the government meddles in the economy to help people in racial minorities (or majorities!) who do not have the talent and determination to succeed in a free market, it will reward them for their race but not for the work they do. Anyone should be able to see that this isn't fair.

When the leaders of minority groups obtain government favors, they create a perpetually poor and needy subculture.

That is a simple argument. Yet a "sophisticated" critique of capitalism insinuates that capitalism is *de facto* racist because it is "only" individuals, not racial groups, who succeed or fail in the market system. True, wealth, in this system, is not held by races; it is held by individuals — and it is individuals by whom it is enjoyed. What difference would it make to you if your race were doing better than another race, according to some set of economic statistics, so long as you yourself were not allowed to prosper? (And in nations dominated by racial economics, few people do prosper.) It should also be pointed out that economic statistics that are focused on racial groups tend to obscure the significance of individual effort for individual success.

Liberals often argue that racial minorities need government help because minority races do not have the same opportunities in America as white people. But why is this? Free-market capitalism creates jobs, and jobs are opportunities, created by capitalist enterprise for people of all groups. It cannot be said that members of racial minorities lack opportunities to get high-paying jobs because racism prevents us from getting degrees from good colleges. University admissions officers who reject deserving applicants because of their race will decrease the quality of their student body and lower their school's academic reputation, whereas schools that accept hard-working people from minority groups will benefit their academic rankings. If the public schools that serve minority communities do not properly encourage children to aspire to college, then we should blame the public schools — which are run by the government and the teachers' unions — for the failure to provide opportunities.

The general truth for both white people and ethnic minorities is that life is not easy but perseverance and hard work usually pay off. Some whites do not face the same obstacles as some members of minorities, but happiness is not automatic for anyone. Whites do not live in a fantasy paradise, the doors to which are locked against others. President Obama might not be good for much, politically, but he does prove that members of racial minorities can now achieve any station in life that we desire if we exert ourselves with hard work and determination. No one is owed a life that is easy; all we are owed is the chance to succeed, which is precisely what the free enterprise system gives us.

As to the claim that government should help to end residual racism by acting "affirmatively" in aid of ethnic minorities: if it is obviously unethical for the government to help the white race at the expense of the minority races, why wouldn't it be unethical to help minority races at the expense of whites? People who argue otherwise sometimes claim that African Americans, in particular, are owed various kinds of restitution for past abuses. Slavery is indeed an ugly scar on the face of American history. Yet America fought the Civil War in order to eliminate slavery, and our goal as a nation should be to reach a time when we will be able to move beyond the past and embrace the future. The people who participated in slavery are all dead; no further restitution can fairly be exacted for the crime of slavery — a crime that, incidentally, was licensed and maintained by law and government, not by the individualism of the free market.

The free market gives to the members of minority races the freedom that matters, the freedom to choose whom we deal with and on what terms. In this day and age, with no remaining state-enforced racism, the sins of slavery are the liberals' excuse to turn the government into a perpetual restitution machine that will "equalize" the white race and the minority races by artificial means. Such a program can only damage the people it is officiously meant to help. People who earn their own wealth in the free market earn the right to be proud. They enjoy their prosperity and independence. But when the leaders of minority special interest groups buy their followers' loyalty with government favors, they create a perpetually poor, weak, needy, helpless, hopeless, welfare-addicted subculture. Racism was at one time widespread and state-enforced. It is a good thing that movements arose to combat it. But now, though it is still a problem, enough progress has been made for us to shift gears and promote race-blindness as the only feasible long-term program of achieving racial equality.

Leftists sometimes try to scare members of racial minorities by saying that libertarianism "protects the right to be a racist." Yes, and it protects our right to be free from racism having the power of law. Libertarianism calls for an end to the use of force except in self-defense. Racial discrimination should by all means be eliminated, even when it operates without the power of law or violence, but it is properly combated by means of persuasion, by educating people on the virtues of race-blindness, and not by trying to outlaw thoughts. If you can't persuade a person that racism is evil (and any person worth dealing with will be persuaded), and the other person is not threatening you with violence, what gives you the right to force that person to obey you? Political correctness easily snowballs into censorship. It is used as a means of getting what its purveyors want — as when people who oppose the modern liberal agenda are automatically labeled racists. I am optimistic that future generations will leave racism behind without sacrificing the freedoms to which American citizens are entitled.

continued on page 34

Patchwork Planet

by Jacques Delacroix

Ignore the laments about globalization. A globalized society is a richer, happier place.

My French sister, who was green before green was cool, sent me the reference of a book I "had to read." She is an assiduous reader and a main source of books in French for me. She must have good taste, since her taste frequently agrees with mine. The reference was to a book by a French philosopher, a defrocked monk. (Why does France have so many of those, I wonder? Irresistible temptations at every cafe terrace?) The book's topic is "how to survive the spiritual crisis of globalization."

This kind of advice brings up a slow-burning, barely suppressed exasperation in this ex-university professor. It's of the impotent kind. I keep asking myself: why do we do such a bad job; why did *I* do such a bad job explaining what should be obvious? Why isn't the accumulated wisdom of the economic disciplines sufficient to counter the lies, the inventions, and the childish nightmares of the Left with respect to so-called "globalization"?

Mulling over my sister's invitation impelled me to try again. This time, I will limit myself to the narrowly possible instead of trying for exhaustiveness. Also, I will stick close to what I know well from personal experience.

To begin with, I must say that often I don't know what people who are fearful of globalization mean by the word. Mostly, I suspect, it's because *they* don't know what they mean. But I have a pretty good idea of what's on my sister's mind, because I know her well and because I am familiar with the circumstances of her life. Besides, many years of shared readings have made me fairly well aware of what matters to her intellectually. Moreover, we were brought up in the same household although it was a long time ago. So I am selecting her as a target for this discussion of the "spiritual" side of globalization. It's in two parts: (1) Globalization does much good; (2) globalization does not do much of the harm you think it does. Part one is easier, of course.

The Good That Globalization Wrought

If "globalization" refers to anything tangible, it is to the latest reduction of national economic barriers. I say "latest" because there have been many others before — in Marco Polo's era, and earlier than that. Goods and money cross national boundaries more easily than they did 30 years ago.

Consequently, foreign products and foreign services are more in evidence than they used to be, post-World War II. That's true just about everywhere, including Albania and Mongolia. Not only is Pepsi nearly everywhere, as we all know, but so is Mexican beer. Tequila is giving Scotch a run for its money on world markets. Even French goat cheese is not hard to find any more. That's the result of various kinds of international (global) specializations that could not have been established before, because of national trade and investment barriers. French cheese makers are not stupid. They will not expand their operations to produce cheese in larger quantities if their product is stopped or impeded at the border of many countries. Even French goats know this.

As the textbooks explain endlessly but largely pointlessly, economic specialization raises everyone's standard of living, though not necessarily equally. (This is not a discussion of equality.) The improvement concerns price, or quality, or, more often, quality for price. Think about it! When Canadian vintners produce wine for Canadians, they are not doing anyone a favor, except themselves. As a result of lowered barriers, almost everything is cheaper than it was in my youth — except for cars, but they are enormously better. What I mean by "cheaper" is that it takes fewer hours of the mean American wage to buy the same object — a pair of conventional men's shoes, for example. It also takes fewer hours of the average Mexican wage. This fact, it seems, has escaped the attention of the antiglobalization radicals.

The rise in living standards is easy to miss if you live in a rich country, because many of the goods affected account, on their own, for a small part of our expenditures, as they already did, 30 years ago. There isn't much perceptible difference between a $3 toothbrush and a $2 toothbrush for people with annual incomes in the tens of thousands. Standard of living improvements are more dramatic in poor countries because there, they often concern life and death. The declining curve of infant mortality in the former "Third World" corresponds closely (and inversely) with the curve of rising GDP per capita. (There is a handful of interesting exceptions that are well worth studying but not germane to this discussion.) In other words, the higher the income, the fewer babies die. It's that simple.

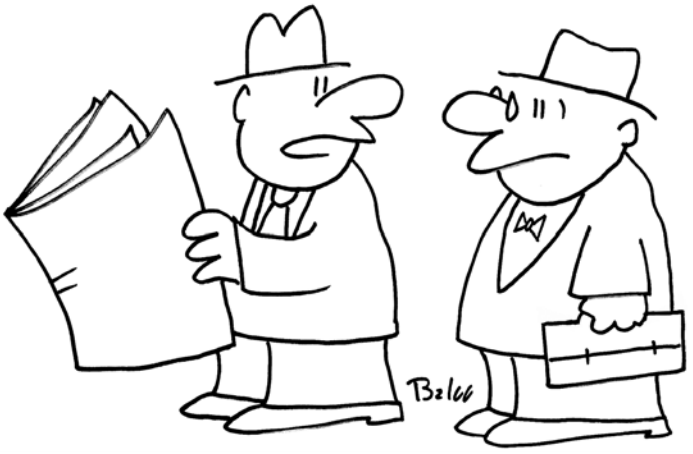

"Remember back when Ross Perot seemed crazy?"

Yes, the enactment of the principle of international specialization nearly always causes some social dislocation. The $60-an-hour, 60-year-old high-school graduate laid off in Detroit because of the success of Korean cars is not likely to find an equivalent job soon. Be that as it may, the fact is that anything done to slow down the progress of international economic specialization ("globalization") will cause the avoidable death of black and brown babies somewhere. I know this is grandiloquent and verging on bad taste, but it's simply inescapable.

Globalization Does Not Impoverish the Quality of Our Lives

My sister's spiritual malaise is harder to grasp without concrete examples. It has to do with the intangible, difficult-to-measure quality of the everyday life of the soul. It has to do with pleasures not strictly tied to money. "Psychic income" is a related concept. A specialty of the town where my sister lives provides a good example of such a pleasure. It's lavender honey, which is produced not instead of but in addition to more commonplace varieties such as clover honey. I suspect the subconscious fear of losing such refinements also goes a long way toward explaining the poorly formulated distaste for globalization that exists among American academics and the American upper middle class.

My sister operates an antique business in southern France. It's made possible by the fact that, pushed by poverty, small farmers in her area have been leaving both the land and their furniture for 200 years — a fact she ignores. She lives in a beautiful town, in a dramatic site, surrounded by beautiful objects. I know that bragging about your relatives is like bragging about yourself, but the fact is that my sister has exquisite taste. In her better moments, Martha Stewart seems to have plagiarized her. Her daily life is as life is in Peter Mayle's "A Year in Provence," but better. By the way, the local people in her area were miserable only 50 years ago, because they could not afford to heat their houses in the winter.

My sister is afraid that "globalization" is going to make most of the beauty, most of the pleasure go away. I take her concern seriously. I wouldn't want it to vanish either. But I don't think it's going to happen. And here is why. I will go to the American Midwest for a concrete illustration of why her fear is probably unfounded.

Thirty years ago, I got stuck in southern Indiana. In spite of the distance from the sea, it wasn't all bad. The countryside is attractive. (It's portrayed in the classic bicycling movie: "Breaking Away.") Just across the river from Kentucky, it is a reservoir of traditional American crafts. Soon, in my exile, I became interested in patchwork quilts. I spent many Saturdays, and Sunday afternoons, buttering up old church ladies. They were the main sources of traditional quilts, which they sewed for church-sponsored contests. They were not quilting to sell, ostensibly. Yet, once in a while, if they liked you, if you flattered them enough into believing that you were a nice and respectful young man, they would part with one — for a price but regretfully, it seemed.

After a few years, I returned to California with three Indiana patchwork quilts. Each had been washed, which made it difficult to tell whether they were new or not; but all three were in good condition. Each had cost me a little over

$100, in addition to much persuasion. I gave one away and preserved the two others carefully, to the point of nearly forgetting them in a trunk.

About ten years ago, quilts begun appearing in my good local flea market. Most showed no sign of provenance. Many looked inferior to my well-exercised eye. Then, both numbers and quality increased. Soon, it became clear that many of the quilts originated in China. Over the years, I have bought ten or twelve patchwork quilts at the flea market, with no interest in their origin, having regard only for their appearance and usefulness. I have to specify here that since I attend the flea market often, there is no precipitate buying of the "now-or-never" kind. All the quilts I acquired there deserved to be given away or to do service in my tastefully furnished house. (If I say so myself!)

The last two quilts I purchased at the flea market cost me less than $20 each. They were in perfect condition, but it's possible they were slightly used. When I came home with my acquisitions, I took the trouble to place them side by side with my two 30-year old-plus Indiana quilts. There was no question that the flea-market quilts were superior in every way to those made by the Hoosier ladies long ago.

Incidentally, here are the two main ways to evaluate a quilt if you are not a collector. First comes the attractiveness of the patchwork — a deeply subjective matter, although there are canons. Second, the tightness of the stitching matters; roughly, the tighter the better, an easy standard. One of my flea-market quilts is clearly hand-stitched "Made in China." The other, not labeled, probably comes from the same country.

Now, I know, everything you buy at the flea market may have fallen off the back of a truck; but I don't think that's the case here. Quilts are not worth stealing, and stolen goods tend to show up in large, grouped numbers, not one or two at a time.

So, here it is, a comparison of quality for price regarding a non-necessity that gladdens the heart, and that would surely gladden my sister's heart: $100 in 1975 is like $400 in 2008. I paid $20 for a quilt in 2008; that would have been $5 in 1975. Let's factor in the possibility that my flea-market quilts were used. Let's assume further that each would have cost me three times more if it were new — $60 in 2008 money; $15 in the money of 1975. And let's assume that the Hoosier quilters were not exactly the good-hearted Christian ladies I thought they were. Let's suppose they charged me an extra 100% for being an outsider with a foreign accent. The regular price in today's dollars would still have been $200 for each quilt. That's still more than three times my flea-market cost. And that's under the *worst* assumptions about my alertness and credulousness.

Any way you look at it, good quilts (by subjective judgment, but that of the same judge, with the evidence in front of him) cost much less than they used to. The fact is that more people can afford more quilts now, and they are not paying for the privilege with inferior quality.

It's possible but unlikely that the last Chinese quilts I bought at the flea market were partly machine-made. I can't tell for sure. I don't care much, and nine out of ten buyers wouldn't care either, or perhaps 95 out of a hundred. The basic qualities, appearance and sturdiness, are what count most for most people. I don't wish to deal with the worries of real collectors here. That would require another set of metrics, which would remain questionable anyway. And I think knowledgeable collectors' concerns are mostly irrelevant to my line of observation and even to my sister's spiritual concerns.

There is nothing special about quilts, but they well represent an aspect of the intangible quality of life that, my sister worries, "globalization" is destroying. It's not; it's creating it. Her spiritual life will be fine. I know mine is.

Of course, my sister would ask, as you may ask, "What are the old Hoosier church ladies doing, now that the Chinese are making good quilts ?" The answer is that I don't know, but I would bet they are making vastly better quilts than their mothers ever made, or something else equally attractive.

In the '60s, my brother, who was the pioneer sort, bought one of the first small Honda cars in France. Everyone laughed at his lack of discernment. Are you following me?

French food is excellent today, in the restaurants, in the street markets, and even in the supermarkets. When I was a child, much everyday French food was downright gross. As you know, there are McDonald's in France today. They are few and expensive, and they serve better fare than those in the United States. I wish they would hide them better, but their presence is a small price to pay for a package that also includes *gambas* from West Africa and fish sauce from Vietnam.

Why isn't the accumulated wisdom of the economic disciplines sufficient to counter the lies and childish nightmares of the Left?

There is more. I have not done a census but I would bet good money that there are more active painters in Santa Cruz, California, population 60,000, than in any French city three times its size. My wife is one of them. Performing a tight calculation, I am able to identify an important factor that allows her to stay home and cultivate her avocation. The opportunity cost of her doing so, given her specific marketability, is approximately equal to the difference between an American professor's salary and his French colleague's; that's about 50%.

Guess which country is more open to international trade and to cross-border movements of capital? Perhaps it's a coincidence, but it may not be. Cultural and historical factors certainly are not biased in favor of the argument I make here. Other things being equal, you would expect any French town to be more propitious to conventional art creation than any American town the same size. The number of artists has not decreased in France; it has just risen greatly in some parts of the United States. This must have helped improve the "spiritual" health of the artists and of their neighbors. And again, Americans' increasing ability to make art has not hurt the French, except, a very few, in their ego.

Globalization, the opening of borders to merchandise, services, and capital, fosters local specialization. When people specialize, they tend to do everything they do better. The

fact that they become more productive in a tangible, measurable sense has been known since David Ricardo, who lived a long time ago. The underlying thinking is that they improve at what they already did well. Another, unexpected, indirect consequence of globalization is that it also allows people to become better at some of the things they don't do especially well, such as painting. That has to be good for the soul.

Incidentally, there is even more lavender honey, and thyme honey, and chestnut honey, in my sister's town market than there was 30 years ago. That's because the local hippie beekeepers can afford to experiment, more than ever, with their bees. Bless their hearts!

And, yes, you economics-trained people, I know this story does not begin to explain the doctrine of comparative advantage in its fullness and in its majesty. I don't think I even need to say those words — words that have put to sleep generations of average Econ 201 students — in order to make my central point. Just think "quilts" and "lavender honey." ❑

Broadening the Appeal of Liberty, *from page 30*

But are traditional American ideas of freedom really just "white" ideas, as professors of ethnic studies often assume? Of course, the writers of the Declaration of Independence and the Constitution were white; they relied on the ideas of such philosophers as John Locke, who were white; and the early theorists of the free market, such as Adam Smith, who were white. Yet the ideas they propounded have universal applications. They account for the experience of people of all races, throughout the world. They speak for the rights of every man and woman. If an idea corresponds to reality and human nature, it is equally true for everyone, with no advantage given to "white" culture.

Capitalism flourished in that vaguely defined set of territories, "the West," in most of which the population was predominately white. For that reason it developed an early association with Western culture. So what? Economic freedom can exist everywhere, and exists today in nations throughout the world. It matters not because you are white, but because you are a human being. People in China, Venezuela, and Iran need freedom just as much as Americans do. Their cause is not well served by cultural relativists, who constantly desire to protect other cultures from the dreadful influence of "hegemonic" Western culture. These merely patronize nonwhite people with the belief that we are too primitive to understand useful ideas such as capitalism and individualism.

Racism is a monstrosity that should be destroyed. But a government that is truly race-blind, which treats every citizen with the same evenhanded justice, would act as a role model for ending racism, and should be more effective at fighting it than a government that promotes a utopia of reverse discrimination, insidiously based on the idea that your race determines your value. Only race-blindness is a true alternative to racism. Racists in America are not so powerful that they have the means to cripple the resiliency of American minorities, and the members of racial minorities are not so weak that we need a welfare state to take care of us. Only if we get the government and its poisonous interference out of the race game can we create attitudes and motivations that can solve the problem of race in America.

"Don't worry — we use lethal injection now."

Libertarians are in the vanguard of the fight against racism. Whether they call themselves libertarians, free-market conservatives, objectivists, or "radicals for capitalism," thinkers who have adopted libertarian ideas have taken landmark positions against racism. Many examples come to mind, though I am thinking particularly about Ayn Rand's famous essay "Racism" (1963) and Thomas Sowell's several works in the field, especially "Race and Economics" (1979). I want to see this tradition continue. Some prominent members of racial minorities, such as Clarence Thomas, understand the truth about racism, but many members of minorities remain fooled by liberal propaganda. We need to spread the message of race-blindness in order to add more people to the libertarian movement.

The issue of racism in America is particularly important to me because I am myself a member of two minority groups: I am part Bangladeshi Muslim and part Russian Jewish. I consider myself to be living proof that racial diversity can be achieved without state-controlled social engineering. Drawing upon Thomas Sowell's analysis, I would observe that in spite of our history of persecution, many Russian Jewish immigrants have achieved considerable prosperity by pursuing higher education and seeking high-paying jobs, not by relying upon state charity, whereas many Bangladeshi immigrants, coming from a nation permeated by various strains of modern liberal and socialist thinking, face substantial poverty and have not yet accomplished what we have the potential to achieve. The world has seen what horrors are spawned by a government obsession with helping some races and ethnicities at the expense of others. For the United States government to treat some races differently, even for a supposedly noble purpose, elicits an intense distrust from me — perhaps because I believe that the "equal protection" clause of the Constitution was intended to safeguard legal equality, not to legalize new kinds of inequality. How long will it be before America realizes that members of minority groups can achieve prosperity and pride without becoming helpless victims, needing to be rescued by politicians? ❑

Reviews

"Panic: The Betrayal of Capitalism by Wall Street and Washington," by Andrew Redleaf and Richard Vigilante. Richard Vigilante Books, 2010, 263 pages.

Judgment Call

Bruce Ramsey

Three things caught my eye about this book. The first was the statement in the subtitle that Wall Street had betrayed capitalism. The second was the co-author, Richard Vigilante. I had read his book, "Strike: The Daily News War and the Future of American Labor" (1994). It was a thoughtful account of a newspaper strike that was critical of the unions but not rabid about them. It was notably well written. Vigilante had been a columnist at New York Newsday and an editor at the Manhattan Institute's magazine, City Journal.

A third thing: this was not just a journalist's book. The other author, Andrew Redleaf, runs a hedge fund. Redleaf had made a name for himself by writing in December 2006 to clients of his company, Whitebox Advisors, that "some time in the next 12 to 18 months, there is going to be a panic in credit markets."

And there was, soon after his prediction expired.

At least one of the authors of this book, then, understood some essence of the event before it happened. That makes it worth a look. It is also a book about ideas and should appeal to libertarians on that account, particularly because both Redleaf and Vigilante are supporters of capitalism. They have a view of capitalism that is much like George Gilder's in "Wealth and Poverty" (1981) and that sometimes sounds even Randian — a view based not so much on the mechanistic description of markets as on understanding and respect for the entrepreneur.

There is much in this book about judgment, a word you don't hear much from economists. Mainstream economists want to reduce human decisions to a model. But how to express judgment as algebra? "Economists dislike the notion of judgment," the authors write, "not only because they have no way of verifying that it is not actually luck but also because it limits economics." They refer here to the sort of economics that expresses its central ideas as mathematical formulas.

Redleaf and Vigilante are for the free market, but they write, "No matter how free the market, it is the men, not the market, who do the creating." In their view, the market crashed "because both the regulators and the major players believed the same bad ideas."

Bad Idea No. 1 was the efficient-market hypothesis. This is the idea that the investment markets are so information-efficient that they take into account all the information people know. When market prices change, it means the information has changed. This is the view that when it comes to price, "the market is always right."

If the market "knows" more than any individual player, then an individual can't expect to beat the market — at least, not consistently. And this does seem to be true with mutual-fund managers. Each year some beat the market and some fall short. But market studies indicate that the ones who beat it this year are not any likelier to beat it next year.

The authors, however, don't accept the hypothesis. They don't think the market reflects only investors'

"information." It also includes their hopes, fears, beliefs and unfocused strivings.

This contrary thought leads the authors to identify Bad Idea No. 2 as: "You can't beat the market." They maintain that if you are smarter than average, you can beat the market. They have the old-fashioned idea that the investment markets are "a proving ground, where the wise can be sorted from the fools." If mutual fund managers don't beat the market, the authors say, it's because "mutual fund investors are dumb."

They are thinking especially of public investors. A public investor is a person investing his own money in securities of companies about which he has no inside information. He's just an ordinary guy who says, "I think I'll buy stock in the New Horizons Fund." A public investor is distinguished from an inside investor (investing in the stock of a company he works for) or a professional investor (making a living by investing other people's money). I believe that studies have confirmed that public investors tend to buy and sell at the wrong time. Certainly that is an old belief of investment professionals. And it is the belief of our authors.

After a fund manager has had a couple of good years, they argue, and should be selling because the fund's stocks are overpriced, the public investors are noticing how well the fund has done. When the manager ought to be liquidating, and paying cash out, they're piling in, putting cash in his hands. But when the manager ought to be buying aggressively because his stocks are cheap, his investors are demanding cash. The fund managers may be good at what they do, but whether they buy or sell is mostly not their decision. It is the public investors' decision, and public investors tend to buy and sell at the wrong time.

The way to beat the market, the authors say, is to look for "price anomalies," where other investors have pushed prices too far, or not far enough. And that requires paying attention to detail and using judgment.

Modern portfolio theory says otherwise. The thing to do, the theory says, is not to look at each investment up close. The thing to do is to buy things in certain patterns. Diversify. And for most investors, diversification is a good rule. But the reason is not that the market is so smart. It's that *you* may not be, and diversification limits the cost of a single mistake. "Diversification is always and everywhere a confession of ignorance," the authors write.

It is one thing to admit your ignorance, even as you hack at it like a field of weeds. It is another to surrender to it, and go into the weed-management business. Essentially this is what large investors did when they stopped concerning themselves with the quality of the mortgages behind their bonds.

In the mortgage markets, this meant putting mortgages in bundles and turning them into bonds. The bond buyers did not look at individual mortgages. Their view was statistical only. And as long as the mortgages were made in the same old way, with income verification, 20% down, payment of full principal and interest, et cetera, these bonds were good.

But then came structured finance. This was a way of setting up a bond with interest payable from a pool of mortgages, so that the first X number of defaults from the pool would be charged to one group of bonds only. That would make the one group high-risk; it would therefore sell at a discount. But another group, the larger group, would be virtually zero-risk and would sell at top dollar. This allowed the investment bank to make a considerable number of triple-A rated bonds out of a lower-rated pool, creating more value for investors and more profit for itself.

As a mathematical idea the thing is elegant. But it works for investors only if the underlying default rate on mortgages stays below a certain amount. That means the mortgage originators have to lend money according to the old rules, or new rules that are just as good — rules that minimize defaults by minimizing foolish investments, investments that canny lenders recognize as far too likely to go bad. But they didn't play by the old rules of thumb. Part of the reason was that the government was ordering Fannie Mae and Freddie Mac to lend to low-income borrowers, and the way to do it was to lower credit standards. Part of the reason — the "greed" part — was that the lower the standards were for all borrowers, the more mortgages could be written, and the more money each seller in the chain could make in the short run. And part of the reason — the part the authors stress — is that the buyers in the chain had a theory that told them their risk was managed, and they didn't have to worry about it.

The problem, the authors say, wasn't so much that the bankers were reckless. The problem was that they were following a theory that said they weren't reckless.

When bankers realized their banks might be broke, they panicked. "The real problem," the authors write, "was not that some of the banks were broke but that at the critical moment none of them could prove they weren't." The structured-finance bonds were difficult to analyze — and because of modern portfolio theory, the banks had cut back on analysts.

The arguments about the role of modern portfolio theory are not unique to this book. What sets these authors apart is their attitude and style. Theirs is a moralized account, focusing on fundamental ideas. One is ownership, subdivided into possession by strong owners and possession by weak owners. In comparing a person buying a house and a person refinancing his house so as to pull cash out, the authors say:

> The new buyer putting down 20% and the old owner taking money out of his house are doing profoundly different things. One is becoming an owner, the other is weakening his ownership. One is buying in, the other is selling out.

About business they write:

> Capitalism rests on strong ownership. Being an owner means more than having the right to the income from an asset. Ownership implies both the legal right and the practical capacity to make judgments about the care and use of the asset.

A small public stockholder is a weak owner — and a taxpayer is the weakest owner of all:

> Both the mortgage crisis and the crash are best understood as the result of government policies that pushed trillions of dollars in assets out of the hands of relatively strong owners and into the hands of weak owners.

The authors are not against all

government intervention. They point to the provision of the Constitution that authorizes the federal government "to coin money [and] to regulate the value thereof." They go further: "Any institution the disorderly collapse of which would prevent the government from keeping the dollar stable is rightly considered too big to fail." This, they add, "does not mean the government is obliged to 'bail out' the offender. Summary execution is a fine and venerable option. But the government is absolutely obliged to keep the offender's collapse from destroying credit markets and thus the currency of the United States."

Before government money went into the banks' capital, the idea for the bailout was for the Treasury to buy the banks' bad assets. But in the course of the panic, the market froze for certain categories of good assets as well. The authors argue that the government should have intervened "in ruthless capitalist fashion" by bidding openly for the good assets.

That assumes, of course, that the people working for the government would know what the good assets were. This part of the authors' argument is not too clear.

In their view, what the Treasury actually did was an example of crony capitalism. "Contrary to the fevered rhetoric of the left," they say, "the Bush Administration was not actually managed by idiots. It was, however, overpopulated with personally successful, anti-intellectual, unreflective crony capitalists."

This is not an academic book. It is colloquial and middlebrow. It simplifies, maybe sometimes too much, and it does not tell the whole story of the panic. It has little to say about credit default swaps or the Basel accords or the monetary policy of the Federal Reserve. About the credit rating agencies it says only that they "recycled marked prices as credit ratings," meaning that they lowered the ratings on bonds only after their prices had gone down, which was too late for the warnings to be of any use. That is an interesting observation, but it is not saying enough. Yet this book does analyze a central part of the story, and in a colorful and idea-centered way that should be attractive to a libertarian reader. ❑

"Robin Hood" directed by Ridley Scott. Universal, 2010, 140 minutes.

Robin Hood, Revised

Jo Ann Skousen

As heroes go, Robin Hood has always been a hard nut for libertarians to crack. His motto, "Take from the rich and give to the poor," is anathema to any liberty-loving American. It represents redistributionist Marxism, pure and simple.

Yet the legendary Robin Hood has always been portrayed as anything but a dull, moralistic, theory-bound socialist. He's a chivalrous bon vivante. He's charming, brave, honest, and fair. Moreover, his targets have always been agents of the king. He steals back the taxes that have been taken from the poor and returns the money to its rightful owners. Can that be wrong? I've always enjoyed the way that Robin, in the 1938 movie, responds to the accusation, "You speak treason!" "Yes," he grins. "Fluently."

Nevertheless, considering the Hollywood popularity of our current president and his redistributionist cronies in Congress, I cowered as I entered the theater to see the new version of "Robin Hood." I worried about what diatribes against private enterprise I might encounter during this long film. And I knew, from the trailers I had seen, that this would not be Errol Flynn's Robin Hood (1938), or Walt Disney's, either (1973).

I needn't have worried. Aside from one worrisome redistributionist cry — "No one should have 4,000 acres!" (well, why not?) — this new movie is filled with inspiring lines about liberty and property. It places the blame for medieval England's poverty where it belongs: on the shoulders of Richard the Lion Heart, who squandered England's wealth on his crusades in the Holy Land. The film begins with Richard plundering his way through France, trying to rebuild his treasury. The connection between our current economic crisis and war in the Middle East is made abundantly clear — war bankrupts nations, and it is bankrupting this one.

What should people do when a country's leaders are out of control? The film champions revolution, right from its opening statement, emblazoned across the screen: "In times of tyranny and injustice, when laws oppress the people, the outlaw takes his place in history." Ridley Scot's "Robin Hood" is not just the story of a charming thug returning cash to local villagers. It's the story of our inherent, inalienable right to liberty.

"What we demand is liberty — liberty by law!" So say the oppressed, overtaxed barons of the northern provinces as they present King John (Oscar Isaac) with what appears to be an early version of Magna Carta. Even Queen Eleanor (Eileen Atkins) enters the anti-tax debate, warning her son John, "To milk a dry udder will get you nothing but kicked off the stool."

Likewise, Robin advises King John, "In tyranny is only failure. Build a kingdom as you build a cathedral — from

the ground up. . . . Allow every man to work, eat, and live by the sweat of his own brow." The king who does that, he says, will have the people's "loyalty, and their love."

Of course, there is a better way — eliminate the king altogether. But in 1199, such an option was inconceivable. To espouse it would simply get you killed. A contract (Magna Carta) limiting the king's power was as much as people could imagine. Change "king" to "leader," though, and Robin's words become sound advice for managing a business, a home, or a community.

Throughout the film, Robin's instincts are sound. "I don't owe God, or any man here, one moment of service," he explains as he abandons Richard's army to make his way home to England. "Try getting paid by a dead king," he adds. This is quite different from Errol Flynn's Robin Hood, who stakes his life to protect King Richard against his usurping brother, Prince John, then joins him to fight in the crusades.

Another major difference in this film is that Robin Hood does not start out as the well-born Robert of Loxley. He is simply Robin Longstride, a foot soldier and archer — an extremely skilled archer — in Richard's army. Loxley (Douglas Hodge) is Richard's confidante and friend. When Loxley and other knights die in an ambush, Robin and his friends don their chain mail and clothing to avoid being accused of the ambush themselves. "There is no difference between a knight and any other man, aside from what he is wearing," Robin tells his friends. Then, in a familiar twist played out in such stories as "Martin Guerre," "Sommersby," and even "The Man in the Iron Mask," Robin heads for Nottingham to take the place of Sir Robert and become, eventually, Robin of the Hood.

Yes, it's true: although the star, Russell Crowe, is 45, the same age that Sean Connery was when he played the retiring hero in the very fine "Robin and Marian" (1976), this film is a *prequel* to the familiar story. Lady Marion [sic] (Cate Blanchett) is also disconcertingly old for the part; Blanchett, though slender and lovely, is 51. It's a little like watching a middle-aged diva playing Juliet. At least they don't call her "Maid Marion."

As the film opens, Robin's future band of Merry Men are the village's orphaned boys, sneaking through the woods disguised in animal masks and pilfering from the fields and barns of local farmers. And throughout the film, they lurk in the forest, shrouded by Scott's trademark smoke and mist and foreshadowing their *future* role as the Merry Men. Lady Marion, Robert Loxley's wife and soon-to-be widow, must chase the boys away herself — the Sheriff of Nottingham does nothing to protect the property rights of the villagers.

Marion fights the church with the same linguistic aplomb that Robin uses in war. With the boys stealing the people's harvest and the church tithing their seed corn, nothing is left for planting. "The Crown has stripped us to pay for foreign wars, while the church at home has stripped us of the grain we need to feed ourselves. I don't know which is the greater curse," Marion says spitefully to the bishop.

In this version of the tale, in fact, the state sanctioned church almost supplants the Crown as the enemy. "Taxes and tithes!" Marion spits out, with

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equal disgust for both kinds of legal exaction. When Robin and his friends stop a carriage to regain the villagers' property, it is the bishop's coach full of grain they are after, not the king's coach full of gold. In a twist on Robin's "take from the rich and give to the poor," Robin and Friar Tuck explain, "The Lord taketh, and we taketh it back!"

The filmmakers probably took this idea from the onerous "Saladin Tithe" imposed on 12th-century Englanders to finance a new crusade after Saladin had restored Muslim control of Jerusalem. It should be noted, however, that this "tithe" did not go to the church. It was really a tax, imposed by the king in 1188 but collected by the priests, to pay for war in the middle east. It is said to have been the largest tax so far imposed in England. Anyone who signed up for the next crusade was exempt from the tithe, so one of its purposes was to enhance enlistments.

In 1194 the "tithe" was increased to 25% to ransom King Richard after he was captured in Austria on his way home from the wars. This may seem like a distinction without a difference, but the very real difference is that "tithing" suggests something optional, and taxes are anything but optional.

Robin Hood purists probably won't like the way the filmmakers have taken liberties with the story (pun intended). Robin is now a middle-aged soldier, not a young rake. Marion is a hard-working daughter of a widow "with a thimbleful of noble blood," not a lovely and charming ward of Prince John. Robin fights in the Crusades with Richard before he ever dons the Hood, and enters the forest to join the orphaned boys — who are much too young to be called "Merry Men." Marion's husband, Sir Robert Loxley, is Robin Hood's alter ego in all the early versions of the film; in this film, however, Robin Hood is Robin Longstride, impersonating (at times) Robert Loxley. So who, one may ask, is the real Robin Hood?

I think that's one point of this new movie. Robin Hood is an idea, a concept, not a specific figure in history. He exists wherever men and women rise up against tyranny. At one point Robin places his hand in the handprint of his father, a former stonemason, and discovers it is a perfect fit. We learn that his father had also been a champion of liberty before he was executed for his beliefs. His motto "Rise and rise again, until lambs become lions," implies that liberty is a precious seed that must be planted again and again, until it takes root in the hearts of men. ❑

"Georgia O'Keeffe," directed by Bob Balaban. Sony Pictures Television, 2009, 89 minutes.

Art for the Sake of Art

Gary Jason

During the past few years a number of excellent bioflicks about visual artists have hit the screen. Pictures such as "Pollock," "Seraphine," and "Modigliani" come to mind. Another such movie, which ran on TV last year, is now available for rental or purchase. "Georgia O'Keeffe" is a little gem.

O'Keeffe (represented in this work by Joan Allen) was born in 1887 and grew up on a farm in Wisconsin. Her interest in and talent for art was recognized early and supported in the home and school. She attended the Art Institute of Chicago for two years, then the Art Students League in New York for two more. After a few years' break from painting, she learned a new approach to art from the influential instructor Arthur Wesley Dow of Teachers College of Columbia University. Dow, himself a good painter, held that the purpose of art is to use color and technique to express the artist's emotions and ideas.

Shortly after this, in 1916, she mailed some of her drawings to a friend, who in turn showed them to a man who would become the most influential person in her adult life, the world-famous photographer and art impresario Alfred Stieglitz (played by Jeremy Irons). Stieglitz exhibited some of her works that year, then held a one-person show of her work the next year. In 1918, he offered her financial support to move to New York (from Texas, where she had been teaching) and paint full time.

She accepted, and at about this time she and Stieglitz became romantically as well as professionally linked. They married in 1924.

It was in the 1920s that O'Keeffe started to achieve national and international stature, with pictures of New York's buildings as well as of the enlarged flowers for which she remains famous. She was one of the earliest American artists to be influential in Europe, and she obtained large prices for her paintings — all the more remarkable given that few women artists were prominent then.

For his part, Stieglitz worked hard to promote her art (if not their romance). During this time (the early 1920s till his death in 1946) she worked with him in New York City or at the Stieglitz family home in Lake George, New York.

In 1929, she made her first visit to New Mexico, and fell in love with it. Three years after Stieglitz's death, she moved there for good. She painted New Mexican landscapes and artifacts — which gave her a new burst of fame — until her poor eyesight forced her to

stop painting in 1972. She kept doing pottery until 1984. She died in 1986.

The movie surveys the period in O'Keeffe's life from her meeting with Stieglitz to the point when his infidelity becomes unbearable. The movie focuses on their relationship, which was marked by a continued admiration of and support for each other's work, even as the emotional relationship fell apart.

Joan Allen gives a beautiful performance as O'Keeffe, portraying vividly the grief and hurt inflicted by Stieglitz. Allen has been nominated three times for an Oscar, and she is at her best here. Jeremy Irons — who has won his Oscar — plays Stieglitz superbly. We never quite make out whether he intended to be vicious towards O'Keeffe (out of jealousy for her greater talent and success, perhaps?) or was just so damn narcissistic that he simply didn't see the pain he inflicted.

Also excellent are the supporting actors. Tyne Daly is fine as O'Keeffe's friend and supporter Mabel Dodge Luhan. Ed Begley, Jr., is outstanding as Stieglitz's brother Lee. Begley is mainly known for his many comedic performances, but he performs this dramatic role well (as befits the son of an Oscar winning dramatist).

The film work is deliciously done, with the shots of New Mexico especially noteworthy.

This movie about an artist is itself a work of art, well worth seeking out. ❑

"Please Give," directed by Nicole Holofcener. Sony Pictures, 2010, 90 minutes.

Get Over It

Jo Ann Skousen

Is it unethical to buy low and sell high? The central characters in "Please Give" seem to think so.

Kate (Catherine Keener) and Alex (Oliver Platt) run a successful business purchasing used furniture, mostly from estate sales after someone has died, and reselling it at a substantial profit from their toney Manhattan shop. Lately, however, Kate has been feeling guilty about making so much money off other people's grief. She worries that others think of them as ambulance chasers.

Adding to her sense of guilt is the fact that she and Alex have purchased the apartment next door to them in a sort of reverse mortgage deal. They want to break through the dividing wall and expand their first apartment — a common practice in New York, where space is at a premium. The only catch is that they have to wait for the 90-year-old seller, Andra (Ann Morgan Guilbert, who played the Petries' neighbor Millie on "The Dick van Dyke Show"), to die before they can take possession, and they feel understandably gruesome about hoping she will die soon.

To overcome her feeling of guilt, Kate looks for ways to "give back." She gives fives and twenties to the homeless people she passes on the street. She volunteers at various nonprofit organizations, including a veterans' hospital, an old folks' residence, and an activity center for children with Down's Syndrome. Nothing pulls her out of her funk. She never returns for a second shift.

Meanwhile, Alex and their daughter, Abby (Sarah Steele), feel neglected. "We're partners," Alex explains sadly. "Partners in business, partners in parenting, partners in life. We're good friends." But he doesn't want a partner. He wants his wife. Clearly he misses the passion and attention she once gave him. Similarly, Abby feels detached from her mother. Abby is going through typical teenage angst, mostly about her face and figure. Kate is too busy and angst-ridden herself to give more than cursory attention to her daughter. When Abby asks for some expensive jeans that she thinks make her look less chubby, Kate tells her, "I'm not giving you $200 for jeans when 45 homeless people live on our street." It's a modern twist on the old "children are starving in China," or "India," or even "France" (if you're old enough).

As you may have noticed, "Give" is the operative word in this film. Kate wants to "give back" (is there a more common cliche?). And she doesn't want to give *money*. "That's too easy," she says; "I want to do something." The odd thing is that she gives to strangers, while she doesn't seem capable of giving to her own family. But charity rightly begins at home. Instead of worrying about the ethics of buying low and selling high, Kate ought to be worrying about the ethics of teaching her daughter to rely on handouts. At 16, Abby is old enough to work in the family business and earn the $200 to buy her own jeans.

This is obvious to the viewer — at least to this one — but it doesn't seem obvious to the filmmakers. In fact, "Please Give" completely misses how the market works. There is nothing wrong with buying low and selling high, as long as there is no deliberate misrepresentation. In the free market, both the buyer and the seller gain, or they wouldn't agree to an exchange. In any transaction, there's more involved than simply money. The film provides an excellent example. As middlemen, Alex and Kate provide ready cash and convenience to sellers who don't have the time or interest to hire a private appraiser or offer each piece of property

individually. Time and convenience are often more valuable than a few extra dollars to heirs who are simply in a hurry to empty a relative's apartment. There's nothing wrong with that.

Marketing items for a higher price than you paid for them harms neither the new buyer nor the original seller. Again, the film provides an illustration: Alex and Kate add value to each product by improving it — replacing inner cushions, fixing stuck drawers, smoothing gouged wood. They make shopping easier for the next owner by displaying the goods attractively in a shop conveniently located in the home furnishing district. Most importantly, no one is forced to sell or buy. Everyone is free to shop around. In sum, Kate and Alex provide a service. They should not feel guilty about getting paid for it — by people who (remember) aren't *required* to deal with them.

Let's consider Andra, the next door neighbor. She, too, receives a tangible benefit from the pre-death purchase of her apartment. By selling it before she dies, she can use the equity while she is still alive, instead of leaving it all to her heirs. Her quality of life can improve. She may feel uncomfortable knowing that the neighbors are waiting for her to die, but that doesn't seem to bother her, so why should it bother Kate?

These considerations don't seem to affect the filmmakers, perhaps because the observations I've made would be too optimistic to suit them. "Please Give" is amusing and well acted, but it is not a pretty film, and it was not meant to be. It focuses on the unattractive parts of life — zits, dog poop, old-person smells, even a montage of breasts being squeezed into mammograms as the film opens (Andra's granddaughter Rebecca [Rebecca Hall] happens to be a mammography technician, giving the director an excuse to present a parade of disembodied breasts of all sizes and ages).

Most of the characters aren't very nice either. Andra is insufferably mean, rude, ungracious, and inconsiderate — hilariously so, I might add. I know women who are just like her. When Rebecca and her boyfriend take Andra to see the leaves changing color, Andra turns her back on the view and refuses to see the beauty. It is a sad revelation of her character, and one of the most powerful moments in the film. Andra's granddaughter Mary (Amanda Peet) is almost as rude, shallow and inconsiderate. So is Alex. So is Abby, although we feel sorry for the poor kid.

The most significant thing, though, is that the film just plain misses the boat philosophically. It hasn't a clue about the moral issue it considers.

It does seem to have a target audience, however. As I was leaving the theater, I noticed that everyone except me had white hair. No wonder I smelled peppermint instead of popcorn. . . . Would you like Metamucil with that, Ma'am? ❑

Oscarnotes

The Rest of the Best

Gary Jason

Cinema is a very unusual art form. Unlike painting, composing, writing, or sculpting, it is inherently a collaborative effort. To make a good movie, you need a good script, a good score, good actors, good camerawork, good editing, good direction, and a good producer to make it happen. And every major film producing country has a yearly festival honoring its films and the people who make them.

In our country, the major awards given to celebrate achievement in cinema come from the Academy of Motion Picture Arts and Sciences — hence the name, "Academy Awards." This is a group of about 6,000 film professionals whom I will call "the Tribe." The Tribe is not defined by anything but professional affiliation. Though it consists of mainly Americans, it is open to professionals from all over the world. Its members are grouped into 15 branches, representing the different areas of the collaborative effort in producing cinema (actors, art directors, cinematographers, directors, etc.).

Why are some people singled out of the collaborative mix and achieve the top recognition of the Tribe, while others, clearly quite as good, are left out? One way of approaching this question is to look at some excellent and popular actors who never won an Oscar. To keep comparisons manageable, I've selected the round number ten, and all of my snubbed actors are male, and deceased. They have no further chance at an award. Some of them won honorary Oscars (or what I like to call "posthumous Oscars in advance") for lifetime achievement, and one of the people on my list got an award for best screenplay, but none of them got an Oscar, frankly and simply, for acting.

Keep in mind, while I list my ten deserving people, that the contemporary actors Jack Nicholson, Dustin Hoffman, Tom Hanks, and Sean Penn have each won two best actor Oscars, with Nicholson having received a best supporting actor award as well.

Number one on my list of the unjustly snubbed has to be Joseph Cotten (1905–1994).

He was first a highly acclaimed stage actor, starting on Broadway in 1930, and joining the Mercury Theater Company, headed by Orson Welles and John Houseman, in 1937. He kept returning to the stage throughout his career. But his work in film was tremendous. He was superb in supporting roles, starting with "Citizen Kane" in 1941 and "The Magnificent Ambersons" in 1942 (both directed by Orson Welles). He also worked alongside Welles in "Journey into Fear" (1943) and "The Third Man" (1949). Each of his supporting roles would have merited an Oscar — especially his performance in "The Third Man" (directed by Carol Reed), in which he plays a rather shallow writer of cheap western novels, who is nevertheless the character around which the action moves.

He also played the lead in many excellent films, such as the Hitchcock murder mystery "Shadow of a Doubt" (1943, co-written by Thornton Wilder), the romantic flicks "Since You Went Away" (1944) and "Love Letters" (1945, with script by Ayn Rand), the western "Duel in the Sun" (1946), and the interesting fantasy drama "Portrait of Jennie" (1948). Of these, he easily deserved a best actor award for "Shadow of a Doubt." Later well regarded movies included "Two Flags West" (1950), "September Affair" (1950), "Niagara" (1953), "Touch of Evil" (1958), "Hush… Hush, Sweet Charlotte" (1964), "Tora! Tora! Tora!" (1970), "Soylent Green" (1973), and "Twilight's Last Gleaming" (1977).

Not only didn't he win an Oscar for any of this work, he was never even nominated. He put the point sharply himself when he said, "Orson Welles lists 'Citizen Kane' as his best film, Alfred Hitchcock opts for 'Shadow of a Doubt,' and Sir Carol Reed chose 'The Third Man' — and I'm in all of them." Not just "in" them — essential to them.

Why didn't he get the recognition he deserved? All I can guess is that he tended to disappear in the role he played, by which I mean that his acting was so well-crafted that you just saw the character. Contrast Sean Penn, who advertises himself in every line of every script.

A close second is Cotten's long time associate, Orson Welles (1915–1985). I will go lightly over his biography, since I discussed it in my recent review of the movie "Orson Welles and Me." But put aside Welles the writer (he won his only Oscar for Best Original Screenplay, sharing it with Herman Mankiewicz for "Citizen Kane"), Welles the director, Welles the radio actor, and Welles the stage actor. He was a great film actor as well, and though he was nominated once for best actor in his role as Citizen Kane, he never won either best actor or best supporting actor awards.

Let's just glance at a few movies in which he was lead actor or a major supporting player. These include of course "Citizen Kane" (1941) — considered by many critics to be the greatest movie ever made and a powerful, fascinating film to watch to this day. He co-wrote and acted with Cotton in the spy flick "Journey into Fear" and was the lead in "Jane Eyre" (1944). In "The Stranger" (1946), a fine movie, he played opposite Edward G. Robinson, he as a Nazi, and Robinson as a Nazi hunter. He then produced and starred in a project that wound up a mess, called "The Lady form Shanghai" (1947), starring opposite his estranged wife Rita Hayworth. The movie went over budget, the studio stepped in, and sliced and diced it. The result was to nobody's taste. (It is now available in a director's cut edition, and it is actually an intriguing film). He then starred in a low-budget version of "Macbeth" (1948), wrangling with the studio, as he often did.

"The Third Man," in which Welles starred, was a huge international hit that got Welles other offers. On the money he was made from acting and other work, he financed his own production of "Othello" (1952), which again involved production problems. A preliminary version won the Palme d'Or at Cannes, but when the film was released in 1958 in the United States, Welles had recut it, and the prints had awful sound problems. His last major American film was "Touch of Evil" (1958), which wound up being massively edited by the studio, but a restored version of this too is available on DVD. If you want to get an idea of his acting range, watch "Citizen Kane" and "Touch of Evil."

Why was Welles snubbed? One theory is that he developed a reputation in Hollywood as a bad collaborator, someone hard to work with — trouble for the producers and the studios, because he disdained movie budgets, and trouble for directors because he told them how to direct. There is no doubt that real problems lay behind his reputation. But recall that during his most productive period, Hollywood movies were produced by very large and closely run studios. This was the era before a lot of independent films were common. By the time the studio system broke down, Welles was past his prime. So whether his reputation was well deserved or not, it would be a bad reputation to have in a community built around a collaborative art form.

Another theory involves not just problems of collaboration but a resentment of individuality. Too many in Hollywood simply envied Welles's genius. There is, it must be admitted, nobody quite so hard to endure as a know-it-all who does, in fact, know it all. Hayworth stated as the reason for divorcing Welles, "I can't take his genius anymore!" Eartha Kitt, the well-known singer and long time friend of Welles, is said to have opined, "The way Hollywood treated him was a form of envy, jealousy. He died a frustrated man. In the eyes of Hollywood he never achieved 'Citizen Kane' again, but ironically Hollywood wouldn't let him achieve another great success like 'Kane.' "

I would add that Welles spread himself too thin. He would work in Hollywood for a time, then return for extended periods to Broadway, then back to Hollywood, then abroad for work in foreign projects, then do radio work, then Hollywood again. He wasn't centered in Hollywood, viewing himself as a permanent outsider. Tribes will accept an outsider, but not if he keeps bouncing back and forth. Still, it is a strange Tribe that gives a Tom Hanks two best actor awards and an Orson Welles none. Welles, by the way, refused to show up to accept his belated honorary Oscar.

Third on my list is a name that may surprise you. It's Edward G. Robinson (1893–1973). Robinson (born Emanuel Goldenberg, in Romania) came to America when he was 10 years old. He learned acting at the American Academy of Dramatic Arts, started acting on

Broadway, served in WWI, and did a few silent movies in the 1920s.

His career took off with the rise of talking pictures, which exploited his distinctive voice, and he wound up doing over a hundred movies in his career. He won public acclaim with his portrayal of a gangster in "Little Caesar" (1931). The film was a big hit, but it had a downside for him: it typecast him as an underworld character — a role he certainly played well. In the 1940s, however, he expanded his acting range in other types of drama. Among his best pictures were g "Brother Orchid" (1940); "Dr. Ehrlich's Magic Bullet" (1940), a bioflick about the great medical researcher Paul Ehrlich; "The Sea Wolf" (1941), "Tales of Manhattan" (1942), "Double Indemnity" (1944), "The Woman in the Window" (1945), "Scarlet Street" (1945), and "House of Strangers" (1949). He also reprised his gangster persona in the classic "Key Largo" (1948), co-starring (as he had four times before) with Humphrey Bogart. He had hit his stride as a first-rate actor.

Then, in the early 1950s, his career was mortally wounded by hearings conducted by the House Un-American Activities Committee (HUAC). He twice testified before the committee, and he identified some communist sympathizers. He wasn't blacklisted, but the Tribe kept a kind of reverse-blacklist, and those who cooperated with the committee (such as scriptwriter Morrie Ryskind) were shunned.

So it was that Robinson got few really decent parts offered to him after 1953, which led to economic hardship later in his life. His last movie was the quirky sci-fi film "Soylent Green," which co-starred Charleton Heston. It is said that that Heston was the only one the set who knew Robinson was dying of cancer, and wept real tears in one scene because of that knowledge.

Robinson could play it all: tough-guy villain, comic nice guys, academics, quietly shrewd investigators, even romantic leads — remarkable for a man who was by no means handsome.

If you want to get a sense of his quality as an actor, you might start with "The Stanger" and "Key Largo." In both he is superb. Here we have another fine actor who was never even nominated for an Oscar. He was given another one of those honorary awards, but he was dead months before the ceremony. It is a strange Tribe, indeed, that can give a Dustin Hoffman two Oscars, and never even nominate an Edward G. Robinson.

I should note, in connection with the political prejudice against Robinson, that the Tribe has always had strange political attitudes. For example, there was little internal strife when it awarded Hitler's film-maker Leni Riefenstahl an honorary Oscar, but there was lots of it when it finally awarded one to Elia Kazan. Kazan, a renowned director of such movies as "On the Waterfront," had cooperated with HUAC because he was repelled by the communist movement, of which he had once briefly been a part. The Tribe could forgive Riefenstahl, but not Kazan.

Fourth on my list is the inimitable Cary Grant (1904–1986). Born in England with the anti-cinematic name of Archibald Leach, Grant was expelled from high school, joined a touring troupe of entertainers, and worked as an acrobat. While visiting America in 1920, he decided to stay, and started acting on the stage in St. Louis in 1931. He got into the movies shortly thereafter, and became a perennial star. He was the quintessential romantic lead: handsome, urbane, witty, and charming. He made more than 75 movies, including many that are on every list of classics.

Grant first came to popular attention playing the leading man opposite the larger than life Mae West, in "I'm No Angel" (1933) and "She Done Him Wrong" (1933). Paramount "rewarded" him by putting him in a string of mediocre movies, which no doubt had an effect on his later decision to desert the studio system. But in the late 1930s and early 1940s, he became as big as anyone in the business, with major hits such as "Topper" (1937), "The Awful Truth" (1937), "Bringing Up Baby" (1938), "Gunga Din" (1939), "His Girl Friday" (1940), and "The Philadelphia Story" (1940). The list includes some of the most popular "screwball comedies" — and Grant was undoubtedly one of the most gifted comedians of any movie era, equally adept at physical and verbal comedy. He played against the greatest leading ladies of the time, such as Constance Bennett, Katherine Hepburn, and Rosalind Russell.

During the next two decades, he played in a wide range films — "Suspicion" (1941), "Talk of the Town" (1942), "Arsenic and Old Lace" (1944), "Notorious" (1946), "To Catch a Thief" (1955), "An Affair to Remember" (1957), and "North by Northwest" (1959) — working with such directors as Hitchcock and working with such actresses as Jean Arthur, Ingrid Bergman, Grace Kelly, Deborah Kerr, and Eva Marie Saint. In the 1960s, he starred in such movies as "Touch of Mink" (1962), "Charade" (1963), "Father Goose" (1964) and "Walk, Don't Run" (1966), and in all except the last one, he played the love interest to a much younger actress, and carried it off believably. Quite annoying, really, when you reflect upon it.

In the 1950s, he had become the first major actor to break free of the studio system and form his own production company. He personally chose what movies he would star in, who would direct them, and with whom he would work. While he eventually won an honorary Oscar, he never won an acting Oscar — and some have suggested that part of the problem was his decision to go independent.

I find this doubtful. Grant went independent at a time when the studio system was breaking down anyway. And he did so in the waning days of his illustrious career, after racking up an amazing number of outstanding performances from the early 1930s to the mid '50s.

I think the reason is more prosaic. To put it simply, the Tribe has always tended to rate acting done in dramas — especially off-beat or "socially significant" dramas — more highly than acting done in comedies, musicals, actions films, or westerns. The fact that audiences often like the latter genres more than the first means nothing to the Tribe.

In particular, the Tribe tends to value acting in certain kinds of roles: military figures, extraordinary police officers or attorneys, alcoholics or drug abusers, mad geniuses, psychopathic killers, extremely lonely or antisocial people, good Samaritans, and people with mental or physical handicaps. It helps if the character dies during the movie.

Here's a free plot for screenwriters

who want to win an Oscar: A young alcoholic woman decides to undergo a sex-change operation, is deliberately maimed by an evil right-wing doctor, and subsequently goes on a rampage killing right-wing doctors, celebrating the kills by eating their livers with fava beans. (I know that the liver-fava bean bit has been done before, but re-using ideas is part of the Tribe's ethos).

Unfortunately, that's not the kind of role for Cary Grant. He tended to act in comedies or romantic dramas, in which he played a handsome, witty, virile man. Not Oscar worthy, apparently.

Two fine British thespians are tied for fifth on my list: James Mason and Richard Burton. Mason (1909–1984) never intended to become an actor. He earned a degree in architecture and had no formal training in acting; he tried it on a lark, but wound up making over 120 films during his 50-year career. His voice was a marvelous instrument (low, articulate and smooth — perfect for playing the intelligent villain), and he was a very handsome man, perfect for playing the lead. (He was even considered to play James Bond in "Dr. No.")

I can't list all his films, and many of them are not particularly memorable anyway, so let me mention a few of the more significant ones. In Britain, he did a series of popular dramas, including "Hatter's Castle" (1941), "The Man in Grey" (1943), "The Wicked Lady" (1945) and "Odd Man Out" (1947). In that last movie, he played an Irish revolutionary with a good deal of nuance, which made it rather controversial in Britain at the time.

His first Hollywood flick was "Caught" (1949). This led to a number of good roles in notable movies, especially during the 1950s, including "Julius Caesar" (1953), "A Star is Born" (1954), an entertaining version of Jules Verne's "20,000 Leagues under the Sea" (1954), and the great Hitchcock film "North by Northwest." He also starred in an enjoyable version of "Journey to the Center of the Earth" (1959). He convincingly played German General Irwin Rommel in two popular war movies, "The Desert Fox" (1951) and "Desert Rats" (1953), the latter movie co-starring Richard Burton.

Later good movies include the scandalous "Lolita" (1962) (in which he played the lead character, Humbert Humbert), "Lord Jim" (1965), "The Boys from Brazil" (1978), and his final movie, "Dr. Fischer of Geneva" (1985).

For a full sense of Mason's ability, I suggest you view "Odd Man Out" and "North by Northwest." In the latter movie, you see a mature Mason playing against a mature Grant in what has been described as a contest to see who was more suave (a toss-up, if you ask me).

The question of why Mason never won an Oscar for acting (though he was nominated three times) is especially tricky. Some of his finest films, such as the brilliant "Odd Man Out," were British, so not open to best or best supporting acting Oscars. Also, he had a tendency to accept any role that was offered, not matter how bad the script. He appeared in some real turkeys (for example "Mandingo"). This certainly kept him employed, but it didn't help his reputation. because it led him to appear in a lot of mediocre or downright bad movies.

The Tribe can understand doing some questionable movies while you are just starting out in the business — hell, Jack Nicholson did "Little Shop of Horrors" (1961), which is more of a cult than a cinema classic. And it can accept your doing so if, at the end of your career, you are desperate for work. But if at all points in your career you accept whatever is offered, it suggests that you do not take your art completely seriously, which offends the Tribe greatly.

Richard Burton (1925–1984) probably needs no introduction, if only because of his notorious romance with Elizabeth Taylor. An accomplished Shakespearean, he was part of the inner circle of British actors when he ran into Bogart at a social event, and Bogart pushed his name in Hollywood. He was well enough known to be handed the lead in "My Cousin Rachel" (1952), co-starring Olivia de Havilland. The film was a critical and popular success, and got him the first of his seven Academy Award nominations. His magnificent voice and his intelligent, intense good looks served him well. He starred in "Desert Rats," followed by the CinemaScope extravaganza "The Robe" (1953). During this period he kept up his stage acting as well.

The 1960s were Burton's most fertile film period. His notable movies include the ill-fated "Cleopatra" (1963); "Becket" (1964), in which he gives a powerful performance as the archbishop martyred by Henry II; "The Night of the Iguana" (1964); "Who's Afraid of Virginia Woolf?" (1966); "The Taming of the Shrew" (1967 — a bravura performance opposite Elizabeth Taylor, who convincingly conveys the shrew, as also in "Virginia Woolf"); "The Comedians" (1967); and "Anne of the Thousand Days" (1969).

His movies were fewer and less choice in the 1970s and 1980s, with only a few particularly noteworthy offerings: "The Assassination of Trotsky" (1972), "Equus" (1977), and "Nineteen Eighty-Four" (1984).

As to why he didn't win and Oscar for acting, despite seven nominations, some have suggested his politics — he was a life-long socialist, and is alleged to have spoken out against blacklisting. This is very doubtful. Burton's prime roles were in the 1960s. By then, blacklisting was long past, the blacklisted people were seen as martyrs, and Hollywood had turned decisively Left. Neither Burton's politics nor his notorious private life made him *persona non grata* to the public or the critics.

I'm inclined to suspect that in this case the culprit is the actor himself. To many of his performances he brought a noticeable staginess, a marked tendency to over-act that may have been too much for some of the Tribe (or for anyone: consider his performance in "Equus"). But it is still a puzzling thing.

Seventh on my list is the estimable Claude Rains (1889–1967), an English actor who magnificently overcame a speech impediment. Early to the stage, he was relatively late in film, though he did manage to appear in nearly 60 films during his career. Rains got his first significant role in "The Invisible Man" (1933). The film brought him to public notice, but it led his studio (Universal) to try to put him in nothing but horror movies. He resisted this, and during the 1930s his notable movies included the outstanding "The Prince and the Pauper" (1937), and the classic "Adventures of Robin Hood" (1938) and "Mr. Smith Goes to Washington" (1939).

Without doubt, however, his most fruitful decade was the 1940s. He was great in "The Sea Hawk" (1940),

"Here Comes Mr. Jordan" (1941), the famous horror flick "The Wolf Man" (1941), and the fine melodramas "Kings Row" (1942, with terrific cinematography by James Wong Howe) and "Now, Voyager" (1942). Add to these "Casablanca" (1942), "The Phantom of the Opera" (1943), and "Notorious" (1946), to name a few.

If you are unfamiliar with his work and want to judge his ability, I would suggest, in addition to "Casablanca," his "Caesar and Cleopatra," a full-color production of the George Bernard Shaw play, in which Rains plays Caesar as an aging, wistful, but playful character. Alas, his superb acting, along with that of his co-star Vivien Leigh, doesn't save the move from being a tremendously expensive box-office disappointment.

Despite being nominated four times for Best Supporting Actor, Rains never won. I suspect the fact that he chose to dwell on his Pennsylvania farm instead of in the Tribal territory (Hollywood, Beverly Hills, Bel Air, Brentwood, Santa Monica and Malibu) may have hurt his chances among folk who often push collaboration into a collective mentality. Rains was seldom in town except during filming; he wasn't one of the group.

Number eight on my list is the woefully underrated Alan Ladd (1913–1964). He attended the Universal Pictures studio school for actors but was considered too short for the profession. Nevertheless, he managed to get a start with minor roles and found work, if not stardom, throughout the 1930s. But in 1942, he landed the lead in a movie that made him a star, the excellent film noir gangster film "This Gun for Hire." He found a persona — the cool, chisel-faced killer. What struck the public was that the loud, ugly, and crude gangster of the thirties was now replaced by a quiet, attractive, polished criminal. Other significant movies of the 1940s were "Two Years Before the Mast" (1946), "The Blue Dahlia" (1946), and "Whispering Smith" (1948).

Early 1953 saw Ladd in his most acclaimed movie, "Shane" (1953). But from the mid 1950s until his final film ("The Carpetbaggers," 1964), he starred mainly in ordinary though watchable films. He died in 1964 at age 50; in what may have been a suicide. If you want to see Ladd at his best, I recommend "This Gun for Hire" (in which he plays a hit man out for revenge), and "Shane" (in which he plays a gunslinger who tries to give up his gun, only to find that he can't).

Why no acting Oscars, or even a nomination? The problem, I think, was a personal decision, or drift. Ladd kept trying to play the handsome lead too long, instead of allowing himself to evolve into a distinguished character actor. Add to this his early death, and the fact that many of his roles were in westerns (a genre generally looked down upon by Oscar), and there you probably have it.

Ninth on my list is a controversial pick, Robert Mitchum (1917–1997). Mitchum was born and raised back East, growing up as a handful. Expelled from school repeatedly, he wound up in the early 1930s travelling the country as a drifter. He worked at various menial jobs, tried his hand at professional boxing, served time on a chain gang, and eventually wound up in Long Beach, California. It was here that he first started acting, in the community theater. He started in movies as a minor player in B westerns in the early 1940s. His heavy-lidded, tough-guy look got him more and more major roles. His big break came with his prominent role in the critically acclaimed "The Story of G.I. Joe" (1945), for which he got his only Oscar nomination.

At this point, Mitchum started working in a string of film noir flicks — the genre for which he is most famous. Perhaps the best is "Out of the Past" (1947). He was busted for smoking dope in 1948, and did a couple of months in jail for it, thus reinforcing his bad boy image. He returned with another western, "The Red Pony" (1949) and a noir film, "The Big Steal" (1949).

From the 1950s to the '90s, Mitchum kept working in a wide variety of roles. Indeed, he did over 120 films in his career. Especially worthy efforts include "River of No Return" (1954) and the disturbing "The Night of the Hunter" (1955), a film directed by Charles Laughton, who praised his acting highly. Mitchum gave an unusually powerful performance as a vicious preacher in pursuit of a couple of young children, but the movie didn't do well at the box office — no surprise, given its nature. Later movies include "Heaven Knows, Mr. Allison" (1957), "The Longest Day" 1962), "Ryan's Daughter" (1970), "The Big Sleep" (1978), "The Sundowners" (1960), and the chilling "Cape Fear" (1962), one of his best bad guy films, highly recommended for people who don't know his work.

Why no Oscar? I think there are several reasons. Mitchum shared James Mason's habit of taking whatever came his way, even after his career was well established. And he shared Cary Grant's and Alan Ladd's problem of working in genres (in his case, especially westerns) in which the Tribe doesn't expect to see great acting ability.

But the most important reason was probably his apparent disdain for the craft. Part of that was a self-deprecating streak in his nature. "The reason I'm in demand," he commented, "is that I work fast and cheap. . . Like an old whore, you know, I got nothing to get ready." He also said, "Look! I have two kinds of acting. One on a horse and one off a horse. That's it!" The other part of it was that he was naturally gifted at acting, so it just seemed easy to him.

Last on my list is Fred MacMurray (1908–1991). He started in show business as a singer, did some Broadway work, then started making movies in the mid-1930s. His career lasted until the 1970s, and he did more than a hundred pictures. In most of his movies he played a handsome, decent, friendly guy, the kind of guy who figures in musicals and romantic comedies. He expanded his range in the 1940s and 1950s, with prominent roles in "Double Indemnity," "Murder, He Says" (1945), and "The Caine Mutiny" (1954). Then, however, he returned to nice-guy roles. He did a flock of Disney comedies, such as "The Shaggy Dog" (1959) and "The Absent-Minded Professor" (1961), and starred in a popular TV series, "My Three Sons" (1960–1972). Unfortunately, most people who remember him remember his later roles.

If, however, you want to see two of his best performances, I recommend the beautifully written, acted, and photographed "Double Indemnity," and the intellectually fascinating "Caine Mutiny," where he plays opposite Humphrey Bogart and Jose Ferrer. In both films, the directors get him to show a dark underside of that smiling, decent, friendly persona. In both, we

see how surface charm can mask underlying weakness or cowardice. Why did he never win an Oscar? Here again, I think we have a fine actor who had the misfortune to work almost entirely in genres looked down upon by the Tribe.

There are many other actors who could have made my list: Charles Bickford, Montgomery Clift, Elisha Cook, Jr., Laurence Harvey, Leslie Howard, Peter Lorre, Burgess Meredith, James Whitmore, and Richard Widmark, to name just a few — all fine players, all sadly overlooked by the Tribe.

I've attributed some of my ten actors' difficulties to their own choices, and much of those difficulties to the collective or herd instincts and prejudices of the Tribe. But all of them faced another problem in their quest for the Oscar: the sheer number of other first-rate lead and supporting actors, compared to the numbers they would have faced in more recent times (and particularly the past several decades). In any given year, my ten snubbed actors were up against dozens of other fine actors turning in good performances.

The reasons are two-fold. First, and I believe especially significant, was the importance of stage acting. In the early twentieth century, before strict union codes drove prices up, it didn't cost a fortune to visit a theater. "Legitimate" theaters were able to train and employ more actors, many of whom migrated to Hollywood. While movie acting differs from stage acting, acting on stage is a good way to learn the craft. Note, in this regard, that almost half the actors on my list started their careers in Britain, home of a great stage tradition.

Second, the Hollywood studio system supported enormous numbers of artists — hence the phrase "stables of actors" — and had training schools to produce new ones. Train thousands of potentially talented people, on stage and in studio schools, and you are bound to get lots of fine actors, and hence lots of competition for acting Oscars. Moreover, from the 1930s to the late 1950s, most people had only movies for visual entertainment — no television. So the studios put out a lot more movies then, and thus the pool of performances to select from was larger.

Now, however, conditions are much more favorable for even minimal talents to be recognized. There may be as many aspiring actors as there ever were, but the training grounds are fewer. Community theater is dying out, Broadway is not the force it used to be, and many high schools have cut their acting programs, if they ever had them. The studios don't sign new possibilities to starter contracts, and train them in acting; that's too much overhead. There are fewer movies and fewer well-trained people, so the good, the sort of good, and even the mediocre have more of a chance to stand out and be rewarded by King Oscar. Anyone writing a piece like this, 20 years from now, may have much more difficulty identifying unrewarded merit. ❑

Reflections, *from page 18*

Felipe Calderón heaped contempt on the bill, with Obama looking on approvingly. Calderón, curiously, did not suggest that the U.S. adopt Mexico's own enlightened, humane laws and procedures for dealing with its own undocumented workers.

The hysteria went on for weeks. But then a funny thing happened. The propaganda campaign failed. Polls showed that the intense debate about the bill solidified the public, true enough — but no doubt to the surprise of the Obama regime, the vast majority of Americans *supported* the bill.

Credit this to the counter-media (Fox News, talk radio, and the multitude of blogs) covering the actual content of the law. But credit also the administration's own hacks, such as Attorney General Eric Holder, people who publicly opined on the bill but when asked if they had read it, had to admit they hadn't.

Then came a flurry of articles indicating just how confused the Administration of Fools really was. As Sunlen Miller reported on the ABC News website (May 25), Obama announced he had authorized a call-up of 1,200 National Guard troops to the Arizona-Mexico border and was requesting $500 million in supplemental funds. This money and personnel would, in the dull prose of the administration, "provide intelligence; surveillance and reconnaissance support; intelligence analysis; immediate support to counternarcotics enforcement; and training capacity until Customs and Border Patrol can recruit and train additional officers and agents to serve on that border."

Immediately Rep. Gabrielle Giffords (D-AZ) thanked Obama for the help, and Sen. John McCain (R-AZ) complained that "it's simply not enough." He said that 6,000 troops were needed. But Obama's action seemed to validate Arizona's action.

The next day saw even more developments. The NBC-DFW website ran a piece pointing out that Texas governor Rick Perry had over the last year and a half been sending letters to Obama, Defense Secretary Robert Gates, and Department of Homeland Security Janet Napolitano requesting national guard troops for the Texas-Mexico border, but had yet to get any response. Not even a letter saying "No!"

Then, on the same day, the Fox News website reported that the selfsame Janet Napolitano (a.k.a. "Big Sister") had alerted Texas authorities to be on the lookout for a suspected member of a Somalia-based terrorist group who might be trying to sneak across the border. It was thought that he might act as a recruiter for Somali-Americans to go back to Somalia to train as terrorists. So Napolitano was telling the Texans to watch out for terrorists crossing their border, but she wouldn't send anyone to help. This may be one reason why she is widely and rightly viewed as a clueless clown.

And on that very day, as noted on the Breitbart website, State Department spokesman Philip Crowley announced that the troops Obama had just approved the day before would *not* be used to stop illegal aliens. No, no; they would only be used to "interdict the flow of dangerous people and dangerous goods — drugs, guns, people." Left unexplained is how you can tell whether somebody crossing the border illegally is a criminal, as opposed to just an alien, without . . . asking for his papers.

The message from the administration is as clear as mud: Arizona is wrong, but it's right. Texas doesn't need to guard its borders, but it does. — Gary Jason

Terra Incognita

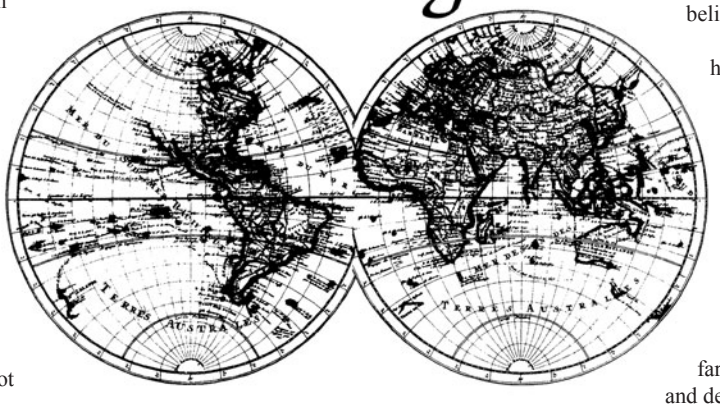

Washington, D.C.

Taxing tourists to save tourism, from the *Washington Post*:

President Obama has signed a bill creating a program to promote the United States as a premier tourism destination for international travelers.

Government and private industry would evenly split the program's costs, with Washington contributing up to $100 million a year. That money will come from a $10 fee paid by foreigners to enter the United States.

Orchard, Tex.

Another good kid gone bad, from the *San Antonio Express-News*:

A third-grader at Brazos Elementary was given a week's detention for possessing a Jolly Rancher. School officials are defending the seemingly harsh sentence. The school's principal and superintendent said they were simply complying with a state law that limits junk food in schools.

According to the Texas Department of Agriculture's website, "The Texas Public School Nutrition Policy (TPSNP) explicitly states that it does not restrict what foods or beverages parents may provide for their own children's consumption." Brazos Elementary Principal Jeanne Young, said the problem, in this instance, was that the candy was provided by another student — not the girl's parents.

Miami

Drawback to new security technology, from the *Miami Herald*:

A TSA worker was arrested for aggravated battery after police say he attacked a colleague who'd made fun of his small genitalia after he walked through one of the new high-tech security scanners during a recent training session.

Rolando Negrin was busted for assault after things got ugly at Miami International Airport between Negrin and some of his fellow TSA workers.

Sources say Negrin stepped into the machine during the training session and became embarrassed and angry when a supervisor started cracking jokes about his manhood, made visible by the new machine.

Brussels

Cultural stimulus plan, noted by the *London Times*:

An overseas holiday used to be thought of as a reward for a year's hard work. Now Brussels has declared that tourism is a human right and pensioners, youths, and those too poor to afford it should have their travel subsidised by the taxpayer. Details of how participants are chosen have not yet been finalized, but it is expected the EU will subsidize about 30% of the cost.

In the initial phase, northern Europeans will be encouraged to visit southern Europe and vice versa. Officials have envisaged sending south Europeans to Manchester and Liverpool on a tour of "archeological and industrial sites" such as closed factories and power plants.

England

Diplomatic infallibility, from the redoubtable BBC:

The Foreign Office has apologised for a "foolish" document which suggested the Pope's visit to the UK could be marked by the launch of "Benedict" condoms.

Called "The ideal visit would see . . .", it said the Pope could be invited to open an abortion clinic and bless a gay marriage during September's visit. The Foreign Office stressed the paper, which resulted from a "brainstorm" on the visit, did not reflect its views.

Corpus Christi, Tex.

The thin blue line separating society from chaos, reported by KRIS-TV:

What was initially thought to be one of the largest marijuana plant seizures in the police department's history turned into what amounted to a city park cleanup.

A teen riding his bike through Waldron Park discovered what he thought were marijuana plants growing there. Police later hauled away 300–400 medium-sized plants that they also believed were marijuana.

After spending more than an hour removing and tagging the hundreds of plants, then hauling it all to the police department downtown, testing revealed that none of it was marijuana.

United States

New frontier for Prohibition, from industry magazine *Brandweek*:

Burger King is testing brunch fare in Massachusetts and Florida, and depending on its success, it may be rolled out nationally. The new menu will include the BK Mimosa — a nonalcoholic version of the classic cocktail with Sprite standing in for the traditional champagne.

However, watchdog groups are not pleased with this new concoction. "This normalizes to children at a young age the idea that drinking is fine to do, and something we do everywhere," said Michele Simon, the Marin Institute's research and policy director.

Reno, Nev.

Electioneering crackdown, reported in the *Las Vegas Review-Journal*:

Voters dressed in chicken costumes will no longer be allowed inside Nevada polling places. Under the new rule, chicken costumes will be banned along with political buttons, shirts, hats and signs within 100 feet of polling places.

Washoe County Registrar of Voters Dan Burk said such a costume would be an "inappropriate and obvious" advocacy message against Republican Senate candidate Sue Lowden, who recently suggested that people barter with doctors for medical care, like when "our grandparents would bring a chicken to the doctor."

United States

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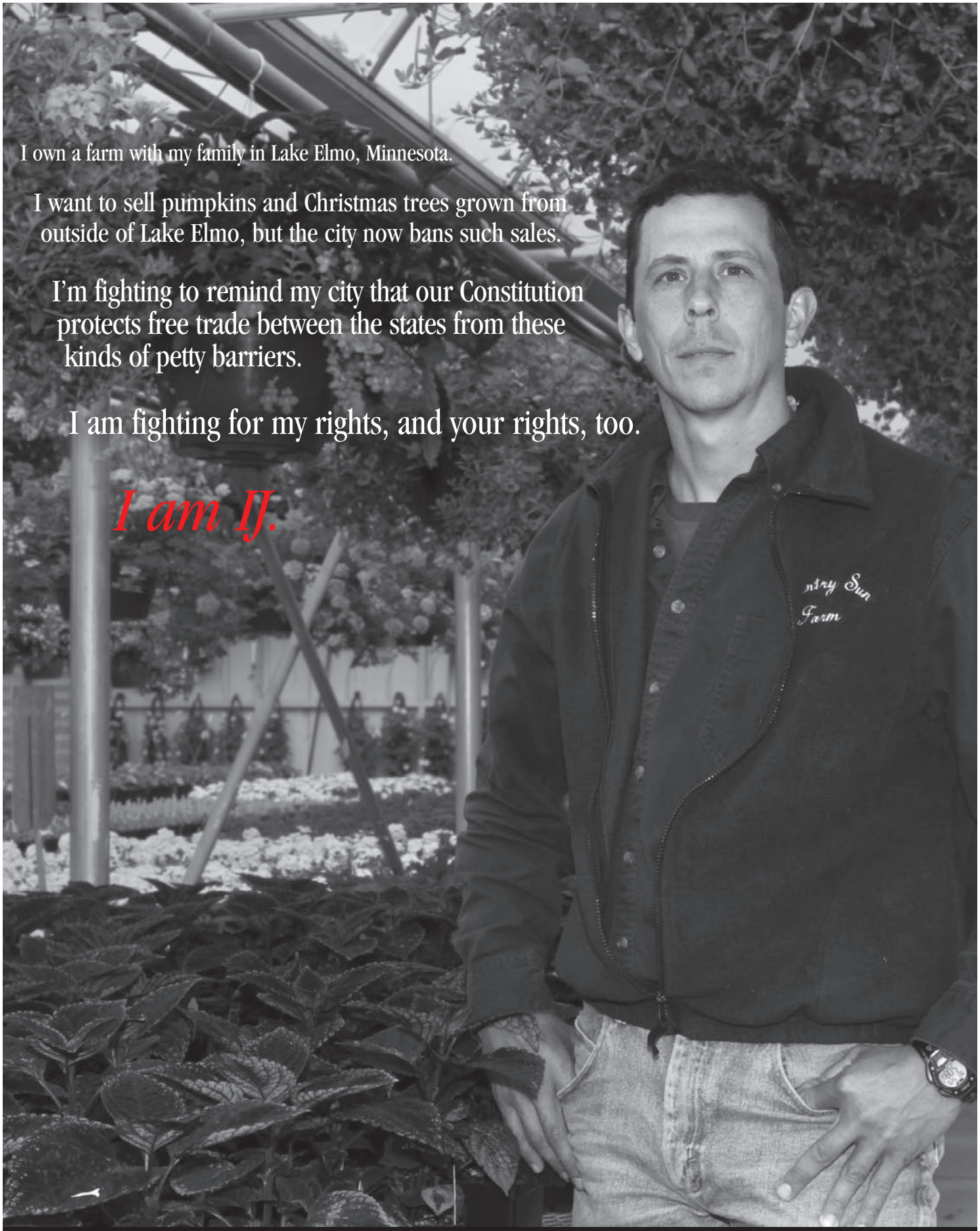

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Inside Liberty

September 2010
Volume 24, Number 8

4 Letters It's all you.

7 Reflections We shell out for a palace, brand us some illegals, break out the big guns, and note that the lady doth protest too much (wethinks).

Features

23 Off the Rails *Randal O'Toole* wonders why we're funding more rail transit, when we can't even maintain the trains we already have.

25 Health, or Share the Wealth? *Steve Murphy* reveals how Obamacare robs a whole bunch of Peters to pay not that many Pauls.

27 Complexity and Liberty What's your picture of the universe? It may have a lot to say about your political choices. *Charles Barr* elucidates.

31 Stray Facts What do Darius I, prefabricated houses, southern railway gauges, and a cemetery in Ohio have to do with one another, or with anything? *Stephen Cox* explains.

37 In Vino Libertas *Michael Christian* declares independence from the wine savants.

39 Radio Free Santa Cruz *Jacques Delacroix* brings freedom to unfree minds — and has a wonderful time doing it.

Reviews

45 A Continent Adrift *Robert Chatfield* ponders why, despite its enormous wealth in natural resources, Africa remains so poor.

47 Animal Harm *Gary Jason* enumerates the problems with the concept of "animal rights."

49 Over the Pop *Alec Mouhibian* tracks a pop-culture critic's unsuccessful search for the mute button.

50 Paean to the Individual *Jo Ann Skousen* relishes the tale of a young woman who refuses to give in or give up.

51 Masterpiece of Suspense *Jo Ann Skousen* finds a near-perfect murder mystery.

52 Squatter's Delight *Jo Ann Skousen* has a bridge to sell you.

48 Notes on Contributors Get the goods on us.

55 Terra Incognita Why, God? Why?

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Letters

Some of His Best Friends

On page 7 in Reflections of the July issue is a cartoon. In the cartoon two women are talking about a man standing nearby. The caption is "Politics is difficult for Leonard these days — his racism conflicts with his sexism."

Leonard could be me in shape, style, age, and politics. Married for 43 years to my high school sweetheart, with two grown daughters, I can legitimately attest to 66 years of experiences with women. A white resident of Prince George's County, MD for virtually 65 years, I can also attest to experiences with other races and cultures.

The cartoon implies Leonard can't look past race and gender when making political decisions. I play the cards I am dealt. If my experiences lead me to have a particular point of view, I can't and won't attempt to change that to be politically correct. I am a libertarian at heart, but not a fool. Leonard and I might agree that "sexism" and "racism" are words used to stifle people who rely on "realism" when they make decisions and are otherwise meaningless terms. Sadly Leonard can't speak for himself.

Charles Goines
Lanham, MD

Maximum Viscosity

I read a very disturbing and cold-hearted article in your magazine by Erwin Haas (Reflections, June) about how those folks in the Gulf should quit their bitchin' and just lie back and enjoy the BP rape of their livelihoods and homes. I personally thought the article was poorly timed, but I had to remind myself that in today's world, there is so little compassion and empathy for the pain and hardship of others when there is so much money to be made exploiting this tragedy by self-centered assholes like Haas.

So given Haas' love affair with seeping oil, and this magazine's promotion of his ideas, I thought we could use his personal property in Michigan, and your corporate headquarters in Nevada, as places that the citizens can dump their used oil. Hell, he *can't* object after the article he wrote, and neither can you, you'd be hypocrites!

So, if you would so kindly provide me with Mr. Haas' address, that would be great. I'll advertise it and everyone in Michigan can dump their waste oil at this house. And ditto in Nevada.

I'll be awaiting your reply!

Mark Leslie
Denver, CO

There's a Law for That

An item in Terra Incognita (June) reported that the principal of Danvers High School has decreed that the word "meep" (the only word spoken by the Muppet Beaker) is now considered profanity because students used it to disrupt school. When I was in school, there was one rule against disrupting classes and that rule was enforced with detentions, extra homework, etc. We didn't have individual rules against burping, group hiccupping, or other tactics my friends and I would occasionally use to disrupt class.

Letters to the editor

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This is typical of those in authority today. They would rather *appear* to be addressing a problem than work to *actually* address it. States across the country are passing laws against using cellphones while driving, rather than enforcing existing laws against reckless driving. I suppose it's okay now to drive while shaving, applying makeup, or eating a bowl of cereal, just as long as we don't touch that cellphone. Prince George's County, MD, responded to a perceived increase in car thefts by making it illegal to warm up one's own car where it could be visible from the street, turning many law-abiding citizens into criminals. Where does the madness end?

Paul L. Booth
Boonsboro, MD

On Morality

In David Ramsay Steele's review of my book, "The Myth of Natural Rights and Other Essays" (June), it is interesting to see that he agrees with me to some extent in rejecting natural rights a la Rand and Rothbard. But here are some responses to some of his criticisms.

From the Editor

To me, one of the most boring features of the mainstream media is their greed for "fairness."

Fairness is the Medusa's head that strikes mainstream reporters' brains to stone. If they interview a politician who is advocating a tax increase, and he recites the magic formula, "We want every American to pay a fair tax," all serious questioning stops. No one would dream of asking, " 'Fair'? What's your definition of 'fair'?" — much less, "Don't you just want to get more out of the taxpayers?" No high-class interviewer would ever ask a question like, "Is it fair that most income taxes are paid by a small minority of people?" Putting questions like that wouldn't be "fair."

There's another aspect of fairness that depresses me. I'm thinking about all the time that's lost in interviewing people whose opinions are perfectly predictable. Suppose — which it is not very difficult to do — that Congress were considering a bill designed to shut down all industry in the United States, so that condors and sea turtles would no longer be endangered thereby. The media would respond by interviewing John Doe, owner of a widget factory, and Richard Roe, an environmental activist. One would oppose the bill; the other would support it. That would be fair — and the trivialization would be complete.

This is the kind of thing that happens all day, every day — every time the media ask a Republican spokesman and a Democratic spokesman for their assessments of an issue. Each side responds with its own inane talking points, created not by scholars or logicians but by junior members of a PR staff. And thus are the demands of fairness satisfied.

When I was an infant, there were only three television networks, and they were bound by a fairness code, established by the government, which required constant employment of the sort of fair representation and debate that I've just mentioned. It's a miracle the republic survived.

Real fairness is something different. Real fairness demands that individuals be requested to express their own ideas, not those of a party, movement, or other interest group; that they be given space to develop their evidence and logic; and that their ideas, their whole body of ideas, not just sound bites and talking points, be submitted to the judgment of their peers — to other intelligent people, willing to take some time to think through arguments and assess them on their own.

Fairness doesn't mean surveying a range of socially respectable opinions. It doesn't mean being nice. It means being an individual and having rational communication with other individuals. It means saying, "That's strange, but I think he's right"; or, "I hate to admit it, but she has a good point"; or, "I can't agree, but this certainly makes me think."

There ought to be a place for that kind of fairness. And Liberty is the place.

For Liberty,

Stephen Cox

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He says in the second paragraph that I condemn all moral judgments. But, to judge from the dictionary definition I recently looked at, to condemn is to make a moral judgment. And I am not so irrational and inconsistent as to make a moral judgment condemning all moral judgments. In this, as in other instances, Steele is misreading, or misrepresenting, what I wrote.

It would be closer to the truth to say that, for myself, I reject all moral judgments, as I define "moral" in "The Myth of Natural Rights." But it should be noted, as Steele never does in his review, that on pages 44–48 in my book one can see that the "morality" that I reject is any morality based on what Kant called "categorical imperatives," i.e. claims about alleged unconditional obligations or duties. I did not reject the possibility of hypothetical imperatives, claims about what one must do in order to achieve a desired goal, e.g., "If you want to be happy for the rest of your life, never make a pretty woman your wife." If someone wishes to make claims about alleged hypothetical imperatives and label those claims "moral judgments," then he is using the word "moral" differently than I did in "The Myth of Natural Rights," but we wouldn't necessarily have any substantive disagreement.

These distinctions are important because Steele says I attack all morality while ignoring my actual definition of "morality." As a result, he claims that I attack all sorts of things that I don't necessarily attack.

Steele writes, "The question then arises why, as Rollins seems to assume, self-interest should be privileged over other motives." But I don't know what he's talking about. In fact, on page 45, I wrote that "although I am an egoist of sorts, I nevertheless reject what Brian Medlin calls the principle of 'universal categorical egoism,' to wit, 'that we all ought to observe our own interests, because that is what we ought to do.' I say, to the contrary, that it is up to each individual, insofar as he has freedom of choice in the matter, to decide for himself whether or not to pursue his own interests." This is important because Steele makes a number of comments based on the false premise that I preach that everyone should always pursue their self-interest and nothing but their self-interest. But I wrote no such thing.

Incidentally, many of Steele's comments seem to assume that he knows the specific meaning of "self-interest" for people other than himself. But how does he know? How, for example, does he know that no one who campaigned against slavery in England had any self-interest in doing so? In my opinion, self-interest is not an objective thing (bite it, Objectivists); it's subjective.

Steele says, "There's also the odd fact that when he inveighs against moral arguments, Rollins plainly exhibits an emotional tone that sounds very much like righteous indignation." Really? Plainly? I might take this more seriously if he cited any specific example(s) of what he has in mind, but he doesn't. For what it's worth, I don't remember feeling righteously indignant when I wrote that essay.

In any case, I don't deny that I sometimes get angry, but I do deny that anger is necessarily the expression of a moral judgment. If I accidentally stub my toe on the leg of a desk and feel pain and anger, am I expressing a moral judgment on myself? On my toe? On the leg of the desk? I don't think so. I think I'm having an emotional reaction to a painful experience. If I get angry when I hear a Zionist propagandist making false claims (e.g., all the land that Israel ever got from the Arabs was bought and paid for) in order to promote U.S. government support for Israel, a policy which I regard as inimical to my interests (though perhaps Steele knows better than I do what my interests are), am I thereby expressing a moral judgment about the Zionist misleader? No, I don't think so. I think it's an emotional reaction to something I regard as contrary to my interests. Why do so many moralists claim or imply, without any actual argument or proof, that an avowed amoralist is not supposed to have emotions? Why do emotions supposedly presuppose moral beliefs? Why aren't beliefs about self-interest sufficient to generate emotions?

There is much more I could say in reply to Steele's review, but, because of space limitations, I must stop here. However, there is a lengthier reply to Steele posted online at "The Hoover Hog" website.

L.A. Rollins
Bloomington, IL

Volcanic Disruption

I agree with James L. Payne (Reflections, June) that "environmentalism of the Al Gore variety is not a rational, responsible policy position," that "opposition to fossil fuels is an emotionally-based aversion," and that "environmentalists are not really interested in preventing global warming." This is all manifestly true.

But I definitely disagree that geoengineering a cooler global environment is "relatively cheap," "directly addresses the problem," or is "fast." Let me consider his leading geoengineering proposal: "high-flying airplanes spraying fine, reflective particles into the atmosphere" after the fashion of a massive volcanic eruption such as Krakatoa.

It is difficult to pin down measurements of volcanic eruptions, particularly as they might be early in history, but Krakatoa is figured to have erupted more than ten cubic kilometers of volcanic material. This material, tephra, consists mostly of the mineral rhyolite, which is composed mainly of quartz, with a density of 2.65 grams per cubic centimeter. This means that ten cubic kilometers of such material (100 billion cubic centimeters) equates to 2.65 x 108 kilograms, or approximately 583 million pounds. The payload of a modernairliner at maximum weight is on the order of half a million pounds. It is also estimated that Krakatoa lofted this material to an altitude of 80 kilometers, which is 50 miles, or 262,500 feet. Passenger jetliners of today are limited to about 45,000 feet in operating altitude. Military aircraft can perhaps approach 60,000 feet. The U-2 flew at 70,000 feet and the SR-71 was reputedly capable of operating at 85,000 feet. We have no cargo-class airplanes capable of operating at the altitudes necessary to distribute surrogate volcanic ash. Moreover, "fine ash" (which would stay aloft for extended periods) is on the order of 0.063 mm in size (or smaller), equivalent to 2.5 thousandths of an inch. This may actually be finer than air-delivered crop pesticide dust. There are no mechanisms for the distribution of millions of pounds of such material as an aerosol; they would have to be developed and proven. (If the dispersal

continued on page 44

Reflections

Bad company — In the wake of the ugly immigration debate in Arizona comes a suggestion from a Republican congressional candidate in Iowa that, prior to deporting illegals, we implant electronic tags in them. "I can microchip my dog so I can find it. Why can't I microchip an illegal?" said the candidate, Pat Bertroche, adding, "It's a lot cheaper than building a fence they can tunnel under."

This may just one ignorant, pandering small-state pol, but it's an extreme form of the attitude that increasingly characterizes the absolutist anti-immigration position, allowing for no shades of gray between legal and illegal. It's the sort of attitude that cheers on racist thugs like Maricopa County Sheriff Joe Arpaio when he "gets tough on illegals," detaining every Latino in sight even though half (or fewer) of the ones he pulls in are in the country illegally.

It is hard to imagine anyone opposed to the depredations of government rallying around a man who once forced a woman to give birth with her arms and legs shackled, yet not long back Sheriff Joe was tapped to give the headline speech at an Arizona Tea Party rally — the applause he received highlighting the schizoid split between those supporting the Tea Party for economic freedom, and those purely in it for the nativist fervor. There's a reason that libertarian-leaning conservative groups are so susceptible to smears from opportunist race-baiters, and that reason is precisely this tolerance of tinpot authoritarianism masquerading as law-and-order. — Andrew Ferguson

"Okay then, what's the break on *twenty* drinks?"

Public served — Congresswoman Nancy Pelosi (D-CA) cemented her place in history as Congress's most profligate spender by an impressive act: she opened her palatial new district office in San Francisco. Her Persian palace costs $18,736 in rent — per month! Quite a tab for a 3,000-square-foot office. Her propaganda minister (sorry, spokesman) said that the outrageous rent (the highest to be paid for any member of Congress) was justified by the fact that Ms. Moneypisser has increased security needs and this is a "greener" office space. He may be right: Lord knows that most taxpayers hate her guts, and they are certainly shelling out more green for her new pad. — Gary Jason

Our private Siberia — Seeking a break from the seemingly endless cycle of news about the attempts of Congress and the Obama administration at remaking our country, I took refuge in fiction. Perhaps, I thought, I would take a literary journey though the Russian revolution and its aftermath — Boris Pasternak's "Dr. Zhivago." Compared to another population cursed to live in interesting times, we might not seem so bad off.

Like many other Russian literary classics, this novel offers some timeless truths. One struck me as particularly relevant to the architects of today's era of "change." Speaking of those who inspired the revolution, Zhivago says:

"For them transitional periods, worlds in the making, are an end in themselves. They aren't trained for anything else, they don't know anything except that. And do you know why these never-ending preparations are so futile? It's because these men haven't any real capacities, they are incompetent."

So much for getting away from contemporary troubles!

— Marlaine White

Barriers to competence — During the recent grilling of the Goldman Sachs management I was struck by an oft-repeated question about whether the executives were concerned more about the welfare of their clients or the welfare of their firm. The deeper question, assuming that the answer was one or the other, is how a firm that has a divergence between its interests and those of its clients can continue to exist. If a firm has a known divergence of interests with its clients and is still in business, a number of conclusions might be drawn.

It could be possible that for this type of business no one has come up with a way in which to align the interests of both parties. This problem is one of knowledge, and might especially plague industries in which results are difficult to evaluate or are not evident until a much later date. Medicine comes to mind.

Or it may be that there are known ways of aligning interests, but they are illegal. For example, it is my understanding that it is illegal for stock brokers to cover client losses on stock recommendations.

Finally, in a corollary to the latter case, regulations and mandates may create such a barrier to entry that innovative business models that would potentially align the interests of clients and firms are unlikely to be tried. Such a condition effectively produces a cartel of the already existing enterprises, which then provide uniformly mediocre services. How many times has your bank angered you, but you decide against changing because "they are all the same?"

In a free market, however, "consumer sovereignty" has a meaning, and firms that ignore it are destined for the trash heap. — Brian Gladish

Uncle Moneybags — In early June, the federal government set a new high (or low, to use a better term): its debt officially hit the $13 trillion mark. That's about $42,000 for every citizen, babies included. And it represents $2.4 trillion in new debt during the 500 days Obama has blessed this lucky nation with his presence in the Oval Office. It is a prodigious level of debt accumulation — nearly $5 billion added to the national debt every day.

I know what the ObamaRands (libertarians who back Obama) will shout (because it is what they always shout): "Yeah? Well, Bush was a big spender too!" True, but not this big: Obama's rate of addition to the national debt is triple that of Bush. Obama is now the undisputed übermensch of fiscal folly.

— Gary Jason

Batting 1.000 for 50 years — When Sen. Robert C. Byrd died last month, the Washington Post ran a front-page eulogy celebrating his "more than half a century in the Senate." The writer declared that Byrd "used his canny mastery of the institution to protect its rules, shape the federal budget and, above all else, tend to the interests of his impoverished state."

Since West Virginia is still an impoverished state after 50 years of tending, either a) Byrd wasn't all that masterly, or b) federal paternalism isn't the solution for poverty.

— James L. Payne

Inside the Beltway — I recently spent a week in Washington, D.C. and noticed a number of things about current affairs in our nation's capital.

First, the quality of the Washington Post has degenerated markedly during the Age of Obama. It has become one of the worst "major" daily newspapers I've ever read. Its biases, which are more in favor of Babbitt-like social conformity than of ideological partisanship, are overwhelming. Its articles are rewritten releases from the White House, various government agency press offices, and local institutions.

Case in point: while I was in town, the local pro basketball team drafted a highly-touted point guard from the University of Kentucky. The next day, the Post ran — on its front page —

Word Watch

by Stephen Cox

Michael Christian has long been an adviser to this column. He's especially valuable because of his fluency in European as well as American. When he said that he wanted to discuss a subject that I hadn't paid much attention to — the subject of the "heft" or weight of words — I asked him to go ahead and write. Please take the column, I said, so long as you agree to give it back.

I think you'll be interested in what he says. Here's Michael Christian:

Stephen Cox's complaints about our language can be weighty, and I usually find myself agreeing with them. My own complaint is about weight itself, or rather the lack of it, in English as it is spoken and written by the educated, the powerful, and the obtrusive. The problem is a lack of *heft*.

Long ago, when I was studying French, I learned to love the heft of a certain kind of English. Our mother tongue is full of words that are palpable, words you can stub your toe on. Yet these are the very words that every contemporary spokeshole seems to avoid. The detour these people take around good old rocky English is usually paved with French words.

In their own land, a lot of French words have their own heft. Quite the contrary with the French words that, over the centuries, have plumped up English vocabulary. These words tend to be fluffy.

Francis Ponge, a 20th-century French poet, loved the French etymological dictionary, "Le Dictionnaire d'Emile Littré de la Langue Française," which is called with affection "le Littré." According to Ponge, when he was still a boy, he discovered this great old dictionary of French in his father's library. Many years later, his passion for the Littré seems to have grown. He said that the Littré would take you back, very far back, "very often farther even than the Latin, even unto the Vedic roots." Ponge wanted to buttress the French language with the recycled stones from ancient, crumbled arches. As he put it, he wanted to "restore to French the density, the weight, and the thickness . . . that come from its most ancient origins." In some of his poems, I think he succeeded.

Ponge felt that words possessed something beyond denotation and connotation. He was no postmodern semiotician, but he perceived some magic that happened between words and their referents, as though words, through their own history, spoke for the things they could be used to describe.

However that may be, I agree that words often convey a powerful feeling about language itself, and the feeling often comes from the roots of words. This feeling, which Ponge called "density," obsessed him. I'll call the feeling "etymological heft," or just "heft" for short.

By the way, the Oxford English Dictionary (our Littré, and then some) says that "heft" was lately derived (16th century) from "heave." Now "heave" itself is an old word with plenty of heft in English, and the word "heft" gets a lot of that weightiness by association with "heave." The OED takes "heave" back all the way to Teutonic and finds its first example in "Beowulf": "Ic hond and rond hebban mihte": "I could lift hand and shield" ("hebban" was a form of "heave").

When I was reading in college and law school, I found heft in odd corners of French — in Ponge of course, in Rabelais (oodles of it), and in the obscene, slang-soaked pulp fiction of Frédéric Dard, who mostly wrote under the pseudonym "San-Antonio." I learned to love language when it had that heft or grip, in French or English.

Dard used and produced so much argot, both collected and invented, that a long dictionary of his slang was published. I think his rule (and it's a good one) was "always aim low." He might substitute a verb for "talk," which is "parler" in French, but it would never be "discourir" (equivalent to the grotesque verb in English "to discourse"); instead, it would be "papoter," which means "to chat." Actually, "papoter" is even better than "chat," because it sounds silly.

Ponge's early poems, my favorites, were descriptions of common objects. One such poem did nothing but describe an oyster. In that poem, Ponge said you could open the oyster's stubbornly closed world with a "franc." In this context, the best translation of "franc" is "a knife that is plain and suited to the task." Ponge could have said "a plain knife" (using the French word "simple") or "a short knife" ("court" in French). But "franc" is an old, common word. And old, common words tend to have many meanings — as handy to a poet as a "couteau franc" is to the shucker who goes through thousands of oysters at a Parisian brasserie.

The Littré gives "franc" more than 20 meanings, and several of

the picture of a herd of local children wearing clothes branded with the pro team's logo and cheering for the new player. A few years ago, the Los Angeles Times got into trouble for running such cozy propaganda for *its* local professional sports teams. But the L.A. paper has always been known as a hacky local booster; the Washington Post used to have higher journalistic aspirations.

No longer. These days, the Post exhibits little skepticism about any conventional wisdom — only the grasping boosterism of a small-town advertising salesman. It also has several quirks that may pass as sophistication locally but show their true provincial colors at a distance. Almost all its front-page articles are written by teams of two or three "reporters" whose racial or ethnic identity is readily apparent in their names. Evidently, it takes a small committee of multi-culti mouth breathers to change some words here and there in the official line. Woodward and Bernstein's investigative reporting seems like an ancient legend, lost in the mists of time — even though both men are still alive and Woodward is still affiliated with the wretched paper.

Second: I visited a couple of the Smithsonian museums for the first time in many years. They remain much as I remember them, with one noteworthy exception: the Air and Space Museum now includes several air- and spacecraft built by Burt Rutan. For those of you who don't follow the aerospace industry, Rutan is an iconoclastic California-based pilot, engineer, and designer who has breathed life into the prospect of private-sector space travel. His distinctively designed spaceplanes are being used by Richard Branson's for-profit Virgin Galactic space travel venture.

Rutan is a person whom Ayn Rand might have dreamed up. His work, hanging in the Smithsonian, is an unexpected

them suit Ponge's poem. They include such notions as "free," "suitable," "tidy and strong," and "true." Better yet, the Littré's version of the word's history gives us the Celtic tribe, the Francs, whose name came to mean "free," because they, before Caesar, conquered Gaul and thereby became free men among subject men. They were the knife that first opened the oyster of Gaul. I have no doubt that Ponge was aware of this.

But English is better than French. It offers heft by the imperial ton. And here's a curious thing: English has some Vedic roots, like those revealed in Ponge's beloved dictionary, but they don't reach us by passing through French. French is a huge graft on the trunk of English. When you graft a branch, the roots don't come with it, do they? The old roots of French words didn't make it over to England. They branched without the roots, and consequently without the heft.

Of course you can get out your OED and trace the history of a word from English to French to Latin and so on to Indo-European ("Vedic"), but you can't feel the density, weight, and thickness of the ancient roots when they come through French. When we find heft in English, it usually comes from the Old English, the Germanic, the Norse. It recalls battles in the snow and trolls under bridges, not gods on Olympus.

Old French words have heft — in French. In English, the huge vocabulary that comes from French is the source of the lightest, fluffiest words, the darlings of shallow, clever writers. To put my hand on an example of "shallow" and "clever," all I have to do is reach out to my fellow Harvard Law alumni. Speaking at Wayne State University, Michelle Obama said, "Embracing our challenges and not shrinking from them is the surest way to succeed." Just imagine if she had used hefty, old words: "hugging our worries. . . ." It prompts one to wonder what the hell she was talking about. And that's the point. If you don't have anything to say, use words that fog up the picture you are making, like Vaseline on a camera lens. Most of the audience will just assume that "embracing our challenges" must mean something smart and will let it go and move on to the next idiocy.

To my ear, sometime before the middle of the past century both French and American lost their heft. But "lost" is too passive. They gave it up. They dumped it. Why? I think it was a fashion for cleverness, on both sides of the Atlantic. The catwalks of academia paraded mostly cleverness, and cleverness is brainpower that can't be bothered. It's a display of cheap, shiny things: "Watch my synapses fire." It's unoriginal, easy, and everywhere. It's lazy (which is probably why it will persist as long as it's rewarded). It's also the kryptonite to super heft. More clever, less hefty.

In English as a rule, the more Frenchy a word is, the more it flits away from its object and the less heft it has — very handy if you want to appear clever but have nothing to say. Modern English usage has more and more French in it and less and less heft. At least that's what I read and hear.

Probably the scribbling and chatting classes who ought to use hefty language but don't are bad examples. Some other parts of our language don't get so messed up with fashion or the aversion to meaning that has become the trademark of the academic, the bureaucrat, the politician, the consultant, the expert, and (God forbid) even the businessman. You are safe when the bus driver says, "Get off here for Balboa Park." Nothing special, true, but a lot better than the San Diego city buses' spokesman who actually wrote, "The problem of emissions from vehicle emissions is accelerating." I can translate that sentence into French without even changing the words; that's how Frenchy it is: "Le problème d'émissions véhiculaires des véhicules s'accelère." Ghastly in both tongues. Why not, "Cars keep spewing more dirt"? OK, "cars" has some Latin associations, but it didn't reach us rootless through the French. It came to Middle English from Late Latin and found a home in almost all the Celtic tongues too. Hefty enough for me. Let's not be puritanical about it.

Or how about in the 2008 Olympics, when the NBC commentator said, as rain fell on the beach volleyball final, that the ball would "accumulate moisture." Couldn't it just get wet?

I admit that you can hardly produce a sentence in English without using a word that comes from French. But whenever you succeed in avoiding all French and Latinate words, it's a sure bet that your words will have heft. It takes a little work, because you will have to say what you mean. With hefty English you can't just kick up a cloud of confused images that other people are supposed to credit with meaning.

Try it. Women, don't cover yourselves in lingerie; put on your smallclothes, or take them off. Criminals and libertarians, don't contravene venerable procedures; break the old rules. Spokesmen and politicians, don't generate a negative news story; slander. Businessmen and consultants, don't discover potential synergies; just don't. (They're merely excuses for paying too much in a merger.) Writers, don't compose your discourse; root around for some heft.

(and perhaps inadvertent) endorsement of capitalism and individualism.

I hope the sweaty tourists rushing through the museums will linger long enough to read the short writeups on Rutan's designs. The impression I took away from my visit is that most of the visitors weren't stopping long enough to absorb what they were seeing. But maybe one or two kids will read enough about Rutan to emulate him.

Finally, I saw the James Cameron film "Avatar" in giant-screen, 3-D format at an IMAX theater attached to one of the Smithsonian branches. IMAX technology is impressive, though it costs a lot to film in a way that takes advantage of the huge display and high resolutions. In the early years of the IMAX format, only a handful of rather dry short-format nature documentaries was available. But recently some big-budget commercial films have been made (at least partly) in IMAX format. An effects-heavy visual fantasy like "Avatar" benefits from the huge screen.

And there were some interesting aspects of seeing a film at the Smithsonian. "Avatar" screened after hours (even the expanded summer hours), and the entrances to the theater weren't specially marked, so getting in took some initiative and a healthy disregard for the hours actually posted. And other posted rules. All around the theater were written and recorded admonitions that food and drinks weren't allowed in the IMAX theater. But, at the ticket counter, the staff had set up an officially-sanctioned concession cart, complete with the sort of candy and soft drinks available at most other theaters. It was a flicker of capitalist life in a collectivist mausoleum.

I did my small part to support that flicker. I bought a Diet Coke and some M&Ms. — Jim Walsh

The death of Superman — The liberals are sure to try to spin the BP Gulf of Mexico oil spill disaster as a story in which evil Big Business has destroyed the beauty of the natural environment and recklessly devastated the helpless Gulf community. Curiously enough, I think that the proper reaction is not to rush to BP's defense.

BP made a mistake and should be held accountable. I have always been an environmentalist, almost in the tradition of Robert Nozick, in my belief that if a businessman poisons my drinking water and I get sick and I can prove that the pollution was the cause of my illness, then it is just for me to exact restitution from him. We should not (and cannot) ban offshore oil drilling, but accident victims should be compensated.

Nevertheless, this disaster can be turned to the advantage of libertarians, because it pulls back the curtain and reveals the Wizard of Oz for the charlatan he is. If Obama really were the superhero that he presented himself as, he would have put the spill under the government's direct control, and he and his brilliant bureaucrats and engineers would have created some sort of genius solution that would have plugged the leak immediately. I am sure he wanted to do so — only he couldn't. He couldn't because the government is not, after all, superhuman. It is limited by all the ignorance and weakness of human beings. As it turned out, BP had better technological expertise and equipment than the glorious almighty government, so BP was left in control of the oil spill.

America will continue to watch on TV as more and more oil gushes out of that pipe and the president is incapable of doing anything other than make fancy speeches. I would not want to rely upon Obama in an emergency — and that is scary, because one day the entire nation might have to do so.

— Russell Hasan

The civic teat — "MTA" usually refers to New York's Metropolitan Transportation Authority, but it could just as well stand for "Major Taxpayer Aggravation." An article in The New York Times (June 2) points out what an aggravation it is.

It turns out that over 8,000 MTA employees earn more than $100,000 a year in compensation. This isn't just high-level management; it's also conductors, engineers, and police officers. In fact, one conductor made over $239,000 last year (including overtime), which is thousands more than even the CEO of the MTA makes. Fifty MTA employees earned over $200,000, including two car repairmen and a dozen police officers.

This helps to explain why the outfit's sprawling bureaucracy, embracing over 70,000 employees, all protected by lavish union contracts, is in such deep economic cat crap. The MTA has a budget deficit of $400 million. Sixty percent of its massive $7 billion budget goes to cover labor costs.

The reason for this mess is not simply high base salaries, but also the insanely generous perks and benefits that employees receive. For example, the MTA pays out over $560 million yearly in overtime alone. Then there are the magnificent sick-day and vacation time provisions.

In the year he retired, one prince of labor — a conductor! — pocketed a base salary of $67,000, another $67,000 in overtime, and $100,000 in unused sick and vacation time. Then there was the frisky fellow, a locomotive engineer, who got $75,000 in base salary, $52,000 in overtime pay, and $95,000 in "penalty payments" for such things as having to move his locomotive to a repair facility or operating a train outside the yard.

Clearly, this is an out-of-control agency, deeply in need of privatization. — Gary Jason

Working man — I recently reread "The Moon is a Harsh Mistress" and found myself wondering whether the author, Robert Heinlein, intended the character Mike to have a special symbolic meaning, and if so, what Mike's symbolism might be.

As the AI supercomputer that controls all Luna electronics and communications, Mike is the reason why Luna's libertarian revolution succeeds. Indeed, there are perhaps ten different places in the novel where Mike's superhuman ability to think and his control over machines makes the difference between success and failure.

Mike is the key to a libertarian future, but what is Mike? Mike has no purely political interest in the revolution and helps the revolutionaries only for the sake of his friendship with them. So is Heinlein saying that libertarians need to appeal to the masses at a more emotional level rather than through dry political ideology? Despite his encyclopedic knowledge, Mike has something of the ignorance and curiosity of a child. So is it Heinlein's message that appealing to youth is the key to advancing the movement?

The most obvious symbolism of a libertarian supercomputer is that the support of the highly scientific intelligentsia,

in other words the computer geeks, could be decisive in creating a more libertarian world — and Heinlein's science fiction has gone a long way towards making nerd subculture into a libertarian haven. Mike might simply represent highly intelligent people, as evidenced by his broad knowledge and his scorn for people who are "stupid."

But there is one possibility that I consider most likely: as someone who writes libertarian science fiction short stories in my spare time, I can say that whenever a science fiction author runs into trouble with structuring a plot and needs to do something that cannot easily be done, the most convenient thing is to use a deus ex machina tactic and develop a technological gimmick that will make the plot work. Heinlein needed libertarian Luna to defeat statist Terra, something that was implausible, so he invented a superhuman AI computer to make it more plausible. Paradoxically, Mike's ultimate symbolism may be that no human being could make a libertarian revolution succeed without technological divine intervention. Nonetheless, "Moon" is still an uplifting novel because its characters are willing to devote their lives passionately to the cause of freedom, and in this aspect Mike is, ironically, one of the most deeply human characters in the book.

— Russell Hasan

To keep and bear — Shortly before press time, the United States Supreme Court delivered its opinion in the *McDonald* v. *Chicago* case. The opinion, including concurrences and dissents, is easily accessible online. It is something every American citizen should read — all 214 pages.

Basically, the Court extends its prior ruling in *District of Columbia* v. *Heller*, challenging the District's ban on handgun ownership. The ruling stated that self-defense is the central component of the 2nd Amendment right, and that citizens must be permitted to use handguns for the core lawful purpose of self-defense.

Justice Alito delivered the *McDonald* majority opinion, holding that the 2nd Amendment right is fully applicable to the states through the 14th Amendment's due process clause. To arrive at that conclusion, the Court determined that the 2nd Amendment right to keep and bear arms is fundamental to our scheme of ordered liberty and deeply rooted in the nation's history and tradition. The majority opinion's historical review demonstrates that the right to keep and bear arms is a long-held fundamental principle, integral to our free republic.

Justice Thomas concurs, but maintains that the shorter route to the same conclusion is through the 14th Amendment's privileges and immunities clause, which stipulates that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Thomas states that the intent of the 14th Amendment was to be understood by ordinary citizens. His historical review demonstrates that citizens would have understood the clause to protect constitutionally enumerated rights, including the right to keep and bear arms. That opinion is worth reading for the history lessons alone.

The *McDonald* opinion will surely be the subject of much debate and commentary for a long time. Though I am no constitutional scholar, as a libertarian I believe this opinion raises two issues of primary importance for a free society.

First, the different paths to same conclusion presented by Alito and Thomas force us to think about the origins of our rights. Is the 2nd Amendment right to keep and bear arms incorporated under the due process clause to extend to the states because it is deeply rooted in our history or fundamental to our scheme of ordered liberty, or is it a prior right automatically imparted to an American citizen by virtue of citizenship?

Second, the subjective approach laid out in Justice Stevens' dissent demonstrates how treating the Constitution as a "living document" ultimately leaves citizens' rights to the whims of judges. The debate between Justice Scalia (in his concurrence) and Justice Stevens (in his dissent) forces us to consider the temporal context of our liberties. Are the principles of liberty timeless, or are they flexible conceptions mutable by society's contemporary needs? And who really decides these questions?

— Marlaine White

Health scare — A report by Reuters (May 31) indicates what the United States faces now that Obamacare is the law of the land. The goal of Obamacare was (and remains) an eventual "single-payer" (i.e., socialized) healthcare system, such as Canada has. The Reuters story is about what's happening in Canada's healthcare system today.

It turns out that the Canadian system is now eating up 40% of the budgets of the provinces, or about $174 billion. And spending has been rising at about 6% a year. Ontario projects that at the current rate of increase, in 12 years the national healthcare system will take 70% of the provincial budget. The system faces "spiraling costs for new medical technologies and drugs," and the financial problems are only going to get worse as the baby boomers retire. During the next 25 years, the proportion of old people will rise to 25% of the population.

What are the Canadians doing to stop the escalating costs? Some drastic things, indeed. Ontario has announced it will be cutting in half the amount paid for generic drugs and will eliminate "incentive fees" for generic drug companies. British Columbia is moving from block grants to hospitals to fee-for-procedure reimbursements. Quebec has a plan to move to a flat health tax and payments for all visits to clinics. Other provinces are looking at private options for such procedures as hip, knee, and cataract surgery.

It could get even worse: some provinces are considering means-testing (that is, denying free service to the very people who have been most heavily taxed to support the system) and adopting an "evidence-based" model of medicine (that is, taking decisions about whether or not to give advanced or new treatments to patients out of the hands of doctors and putting them in the hands of panels of bureaucrats tasked to lower costs — death panels, so to speak).

This is now our future.

— Gary Jason

Counting coup — I was doing some simple multitasking the other afternoon, sitting on my front sidewalk picking some small weeds out from between the pavers while listening to a talk show and waiting for my wife to come out and go for a ride.

Focusing on the weeds with my head down and listening to the radio, I didn't see or hear anyone coming into the yard. I first noticed that someone was there when I looked ahead a dozen pavers or so to see how many weeds were left, and I

saw a pair of feet in some blue and white tennis shoes.

I glanced up and saw a smiling person who looked like a twin to that middle-aged Englishwoman who became an instant hit by singing on "Britain's Got Talent" — that plain and plump frump who told judge Simon Cowell and the rest of the world that she was single, lived with her cat, Pebbles, and had never been kissed.

"I'm from the census," she said, sheepishly. "I'm only doing this part-time."

I had seen the national job creation numbers a few days earlier. Almost no jobs were being created in the private sector. The only real job creation was census workers occupying temporary government jobs, like the person standing in front of me.

She said it would take only a few minutes; only a couple of questions needed to be asked. She said she was there because I hadn't mailed in my form.

I did mail it in, weeks earlier, I told her, politely.

She read my street name and number from her clipboard. Both were wrong, I told her.

"No," she said. "This says you live at the address written here."

"No," I said, still politely, "I've been at this address for decades. I know my street name and address. We're in my yard." Actually, I've been in the neighborhood since before World War II was over.

"Well," she replied, "let's just go over these questions and I'll mark your answers for the address I have here."

"No," I said, remaining polite and friendly. "That's some other guy's address. I can't answer for him."

She asked me the location of the street on the form. It was one street over, I told her.

"Thank you," she said, as she moved on. "Okay," I said, "hope you get it," thinking how crazy it is for the government to put up roadblocks to the creation of real jobs in the private sector and then send these people around with clipboards and run ads on the radio telling us to cooperate with them so we can get our fair share of the federal largess. — Ralph Reiland

Fool me twice — On June 6, the estimable Mara Liasson commented on the administration's offers of jobs to Joe Sestak and Andrew Romanoff if they would stay out of Democratic primaries, and on the administration's long effort to obscure the facts. Liasson said, "It's always the stonewalling and the coverup that gets you in trouble."

That's the conventional wisdom; everybody expresses it. But it's way below Mara's pay grade.

If she, and all the other political commentators I have heard, were confidential advisers to the president, they would presumably tell him to make everything public as soon as possible, no matter how bad it looked, and thus avoid any long, Watergate-style inquisitions — because *coverups don't work*. But nobody knows how many cover-ups do work, and therefore remain . . . covered up. My own assumption is that the vast majority of coverups are successful.

Granted, the internet has made it much easier to detect and publicize our leaders' indiscretions. The only surprise is that so many politicians still find it hard to understand that their street behavior is constantly being videotaped, and that it doesn't go over very well when you flatly deny saying something that people can watch you say on YouTube till their computers wear out. President Obama is one of the slow learners. He always acts as if there weren't a video record of 60% of his waking hours, because that's the amount of time he spends ranting in public.

But do you think that any significant proportion of the dirty business that goes on inside the White House ever gets into the news? And do you think that your local congressman faces any considerable risk of exposure when he accepts favors to advance a constituent's bill, or beds a prostitute on his visit to the All-American Apiary Exposition? If there were any substantial risk of exposure, the papers would run hundreds of column inches, every day, just on the escaping facts.

To cite a venerable authority, "You can fool all of the people some of the time, and some of the people all of the time, and those are pretty good odds." — Stephen Cox

Arms and the man — "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

In *McDonald* v. *Chicago*, the Supreme Court just committed another error. The majority found that we can keep our guns to protect our homes and families against assailants and intruders. But I opine that personal protection was not the reason for the 2nd Amendment.

The first clause has always been a bit of a mystery, but any thoughtful student of Latin (which the aging altar boys on the Supreme Court probably forgot or never fully understood) would recognize the gerundive construction. The Latin gerundive creates a kind of polarity that contrasts or creates tension between one phrase and another. Latin uses this all the time, and those of us who have translated a lot of that language got used to "that old gerundive feeling" both in translation and in how we would use similar constructions in English.

Think about how the first clause contrasts with the second in the following sentence: "The weather being bad, we decided to stay indoors." This sentence sounds stilted to modern ears, but we all understand it to say, "Because the weather was bad, we did thus and so." So those of us who have retained that old gerundive feeling would normally construe the first phrase of the 2nd Amendment as, in modern language: "Because a well regulated Militia is necessary," or "In light of the fact that a well regulated Militia is necessary."

The Founding Fathers, who knew and skillfully imitated Latin constructions, certainly had that old gerundive feeling and used it to express economically and accurately what they wanted to say.

The other key term in the Amendment is "Arms." The Founders did not say "guns" or "handguns." "Arms," which are larger and more potent weapons, are used by soldiers to bully people and kill enemies. As a parallel, the Constitution mentions letters of marque and reprisal. These allow for arming private merchant ships so they can be used for war. The Founders saw no problem entrusting citizens with arms and the means of waging war. Using guns for hunting or protection against robbers was not the purpose envisioned in the 2nd Amendment.

Among the uses of arms that the Founders did envision were of course attacks on the English or French, or hostile Indians. The Founders had also been at war with the king of

England and had themselves used arms against governments and their organized forces. They were nervous about the government that they had just created, and they clearly meant that the people should retain the means to rid themselves of a new government if it became as obnoxious as the king of England had been.

I suggest that the original meaning of the 2nd Amendment might be restated in contemporary English in this way: "Because, on the one hand, the state needs an armed militia, the people, on the other hand, shall retain their own weapons to counteract the state." The Founders weren't that prolix. They used the brevity and exactness of expression that any educated person would have appreciated in 1790. Nevertheless, I believe I have paraphrased their meaning accurately enough.

If my interpretation is correct, the government cannot constitutionally stop people from owning tanks, bombs, artillery pieces, and so on. In my sober moments, I'd worry if some libertarians I know kept atomic bombs around. So I admit the need to impose a few rules on the ownership of weapons. Yet the media's reaction to *McDonald* was way overboard. They preempted the politicians in proposing regulations to counter the decision. They called for states and cities to restrict the sale, carrying, and holding of weapons, because unrestricted gun ownership would otherwise, surely, result in a bloodbath.

Poppycock.

I can make the argument that private guns alone have kept the peace in America and saved millions of lives. Hitler, Stalin, and Mao banned private arms and then were able to subject their defenseless populations to the carnages of WWII and the Cultural Revolution (more aptly named the Revolution Against Culture). Americans probably hold 300 million private firearms. Disarming them would be futile. If any substantial number of citizens with guns were mobilized they could deter any army from attacking them. Being armed deters force from being used to influence American life and shields us from the really catastrophic slaughters suffered by disarmed people elsewhere. — Erwin Haas

Damned statistics — Even though I am a libertarian I am a registered member of the Republican Party, not the Libertarian Party. I simply see no reason to support a party that can't win, and I sometimes fall victim to the naive optimism that the Grand Old Party will one day reclaim its small-government roots.

So I was very happy when I recently received a letter from the chairman of the GOP that contained a survey seeking information about the beliefs of Republican voters. Oh, good, I thought, my party wants to know what I think. I will finally have a chance to voice my opinion and tell the party that it should focus more on economic issues and less on social issues and national security.

It was with some dismay that I saw that every question in the survey was a yes-no, loaded, question-begging query: for instance (to paraphrase), "Do you hate Obama's granting a right to trial to War on Terror detainees, which brings us closer to being destroyed by Islamic terrorists?"; "Do you disagree with allowing innocent living human beings to be murdered by abortion doctors?"

I did agree with some of the questions, such as (again, a paraphrase), "Do you hate Obama, Reid, and Pelosi's evil liberal agenda?" But it was disheartening to know that the GOP doesn't really want to listen to me.

Then, at the end of the survey, I saw a clue to its proper interpretation: it requested that I donate $25, $50, or $100 when I returned it, and there was no option listed for sending it in without a donation.

It would take a lot more than this to make me abandon the GOP, but I subsequently filed the "survey" in my round filing cabinet. — Russell Hasan

Taxing questions — Politicians and economists each advocate a certain type of taxes, quarreling over consumption vs. capital taxes, with myriad sub-schools within each camp. But should libertarians care? Our preference for individual liberty means that we favor institutions that minimize government interventions. Anarchocapitalists would argue for no government, while minimalists would argue for the "night watchman" state. (But, then, why not privatize that too?) The immediate challenge, however, is not that Shining City on the Hill to which we aspire but what advice, if any, we can provide those seeking to modify existing taxes.

Business types tend to favor lower taxes on capital, making the case that such taxes allow more investment, leading to greater economic growth. This is certainly plausible. Some economists argue that consumption taxes are "better" because (in a world of increasing taxes) a shift toward this type of tax would lessen the burden on economic growth.

But each of us faces a similar choice daily: to put some money aside for the future, or to make a useful or pleasant purchase today. No libertarian would think that government should make the decision for us, but picking one tax over another does that for all of us.

Tax analysts can help us understand the consequences of alternative tax policies (and, as individuals, may have their own preferences), but why should we care? Note also that the analysis is far from easy. Higher consumption today may well encourage innovations and capital growth; higher investments today may well accelerate improvements in productivity, lowering the cost of consumption tomorrow.

Allowing elites to make these choices is certainly dangerous — and it becomes ever more dangerous in a world where

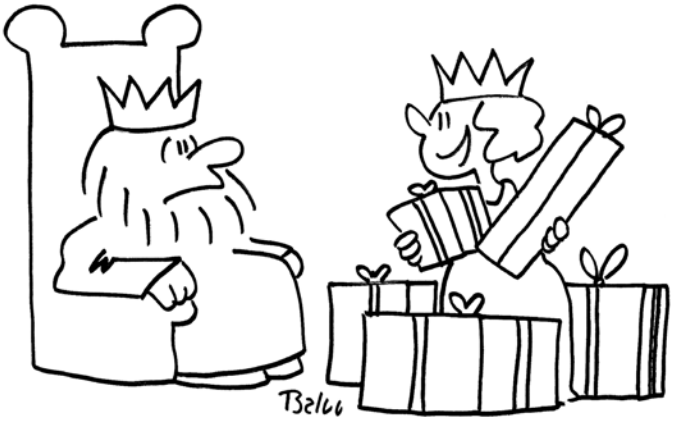

"Don't worry — I used a bond issue."

government, and thus the burdens of government (taxes, mandates, regulations, subsidies), are ever more liberty-denying, making us all suffer the consequences of *their* choices.

— Fred Smith

Paper loss — The dream of the American neosocialist is to turn the United States into just another European welfare state, with massive taxes, endless regulations, limitless "safety net" (welfare) programs, punitive taxation, redistribution of wealth from the productive to the unproductive, the nationalization of failing industries — all administered by a closed, charmed circle of managerial elites. Obama has pursued this dream monomaniacally.

But this dream has its costs. A news story on CNBC.com (June 29) brings this point home. In a report virtually ignored by the mainstream media, the Congressional Budget Office estimates that the losses of Fannie Mae and Freddie Mac — which have already amounted to $145 billion — will soon balloon to $400 billion. And some experts are now suggesting that if the housing market drops much farther, the cost will soar to a trillion dollars.

All these losses Obama put entirely on the backs of American taxpayers, with one stroke of his pen late last year. But, hey, it's not his money, so why should he worry?

— Gary Jason

Forever war — As June came to an end a remarkable article appeared in Rolling Stone magazine. Designed as a profile of Gen. Stanley McChrystal, the commander of NATO forces in Afghanistan, it went viral immediately. Rolling Stone's reporter was given unprecedented access to McChrystal and his staff, and made the most of the opportunity. McChrystal and his people let down their hair in the reporter's presence, and on the record to boot. They were scathing in their remarks about Vice President Joe Biden, national security adviser James Jones, U.S. special envoy to Afghanistan-Pakistan Richard Holbrooke, and U.S. ambassador in Kabul (and retired general) Karl Eikenberry. Additionally, they expressed contempt for some of the allied forces serving beside our troops in the field. McChrystal's staff also let the reporter know that their general had found his two meetings with the president disappointing.

Gen. McChrystal was a very capable chief of special operations in Iraq and Afghanistan in the years from 2003 to 2008. It was his success in that role that paved the way for his appointment to command NATO's forces in Afghanistan in 2009. But there had been doubts about McChrystal going back to his early days in charge of special ops. In 2004 he had signed off on the blatant falsehood that Pat Tillman had died heroically under enemy fire, when in fact it was a case of fratricide. In this writer's opinion, McChrystal should have been cashiered then. But the Army took no action. In 2009, shortly after assuming command in Afghanistan, McChrystal went public with his desire for a major troop increase at a time when Obama was attempting to decide what our policy should be. This was unacceptable behavior for a soldier, but McChrystal escaped with nothing more than a talking-to by the president. Eisenhower would have sent McChrystal packing — although it's unlikely, of course, that any general would have tried such a stunt on Ike. But the faintly unmilitary aura surrounding Barack Obama, who appears to be intimidated by the brass, encourages cowboys like McChrystal to push the constitutional envelope.

Some have spoken of the increasing divide between two cultures, civilian and military, in the volunteer force era. While there is some truth in this, the main problem is the failure of certain general officers to recognize the absolute nature of civilian control. A general officer in disagreement with policy set by the civilian leadership has the right — indeed, the duty — to resign his commission and bring his dissent before the citizenry, but to remain in uniform and seek to intimidate or undermine the commander-in-chief is intolerable. McChrystal should have been relieved in 2009. That has finally happened in 2010, but he has been allowed to keep his fourth star. It would have been appropriate — indeed, highly salutary — to have retired him at three-star rank.

Taking over as deus ex machina in Afghanistan is Gen. David Petraeus, the architect of the surge in Iraq. Petraeus is politically very smooth, in the Eisenhower tradition. He is also bright and, even more important, lucky. Will his manifest attributes turn around a sinking situation in Afghanistan? The problems are enormous and the patience of the American people (Afghanistan recently became America's longest war) is not infinite.

Personally, I am inclining more and more to Ron Paul's view that this is a war that we can neither win nor afford. Nevertheless, I do not support a cut-and-run policy. I see a possible middle way, a sort of "enclave strategy" in which we secure Kabul and a few other key centers and focus combat operations in the Afghan-Pakistan border regions, employing special forces and drones to continue to attrit the Taliban-al Qaeda leadership and cadres. Such a policy would avoid abandoning Afghanistan to the terrorists, while reducing both U.S. casualties and dollars spent. Indeed, the recent revelation of vast mineral riches in Afghanistan (the timing of which seemed suspicious to many) makes a U.S. withdrawal even harder to contemplate. The rare earths alone are so vital (and so scarce — until the Afghan discoveries, most known reserves were in China) that we cannot possibly forego them, at least not in the immediate future.

— Jon Harrison

The political posture — Other people are always propounding "iron laws," so why shouldn't I? I have an iron law of politics. And it's not just my whim; it's backed by the observations of two eminent politicians.

One is Benjamin Franklin, who begins his autobiography by remarking, "I scarce ever heard or saw the introductory words, 'Without vanity, I may say,' etc., but some vain thing immediately followed."

The other is Jonathan Swift, who explains in "Gulliver's Travels" that whenever the emperor of Lilliput wanted to get rid of someone, he "always made a speech to his whole council, expressing his great lenity and tenderness, as qualities known and confessed by all the world. This speech was immediately published throughout the kingdom; nor did any thing terrify the people so much as those encomiums on his majesty's mercy; because it was observed, that the more these praises were enlarged and insisted on, the more inhuman was the punishment, and the sufferer more innocent."

My iron law, therefore, is this: whatever a politician most praises himself for having, that's what he lacks the most.

I'm sure that this law was followed as precisely in ancient times as it is in the modern world. Doubtless King David lectured everyone, including Bathsheba, about how much more important chastity was for him than it had been under the Saul regime. But our current president must be recognized as a very rigorous obeyer of the law.

His obedience is, in fact, breathtaking. The more money Obama spends, the more complacently he prides himself on saving money. The more ardently he defends the status quo in immigration, the more he insists that he is campaigning for comprehensive reform. The more he maintains that his administration is "transparent," the less he answers questions and the more his news is managed and repressed.

There is, however, a second iron law of politics. I can't claim credit for this law. It was propounded in the late 18th century, by William Blake: "He who has suffered you to impose on him, *knows* you." In other words, after a while, people understand that you're abusing their confidence, and from then on, though they may not understand all the details, they know how to rate you. No politician should want to be explained by that law. — Stephen Cox

Getting jobbed — On June 4, the monthly jobs report was released, and the results were underwhelming, to say the least. The overall (i.e., net) jobs growth was 431,000, and the unemployment rate dropped only slightly, from 9.9 to 9.7%. Of the 431,000 new jobs created, 95% (411,000) were . . . census workers! In the private sector, only a pathetic 41,000 new jobs were created, down from a feeble 218,000 the month before. And the drop in the rate of unemployment reflected 322,000 people who gave up looking for work.

Moreover, the number of people who have been out of work for six months or longer reached a new high of 6.76 million. That is a whopping 46% of all the unemployed, which is also a new high.

The business about the census workers is disturbing enough. Even more disturbing is the fact that the numbers of census people being hired may be artificially high. A whistleblower with the pseudonym "Maria" reported that the Census Bureau is hiring people, training them for a couple of weeks, laying them off, and then rehiring them, each rehire being counted as a new hire. If this is true, as many commentators believe, then there is no telling how many net new hires there really were.

Add to this the fact that the Census Bureau has admitted to the Office of the Inspector General that it deliberately hired more workers than needed, a practice it calls "front-loading," which it justifies as a "cost-cutting" measure. Another alleged purpose of this front-loading is to ensure that there are enough workers to count all the hard-to-find people, such as the homeless, people who live in RV parks, marinas, and campgrounds, carnival workers, people in homes that could not be reached by ordinary mail, and so on. (There is now one census worker for every seven homeless people!) Whether this makes any sense I leave for the reader to determine, but clearly, front-loading makes the figure of new census hires a misleading one, since it is deliberately inflated by redundant hires.

There were two perfectly predictable responses to this dismal report. First, econ-illiterate Obama high fived himself, exulting, "This report is a sign that our economy is getting stronger by the day." Second, the stock market tanked, the Dow dropping 323 points in one day, losing more than 3% of its total value. The NASDAQ and S&P 500 also lost more than 3% of their values, and the Russell 2000 lost 5%. Not exactly a high-five. — Gary Jason

Closing shop — For Southern Californians, one of the most interesting features of the June 8 primary was a proposition put to the voters of Chula Vista, a medium-sized city in San Diego County.

It was an anti-closed-shop proposition, aimed against union control of labor and the unnecessary costs associated with it. As the San Diego Union-Tribune summarized the proposal, "Proposition G would prohibit the city from requiring that private companies agree to union-only project labor agreements on city projects." In other words, it wasn't just anti-closed-shop; it was anti-government-interference. It proposed to eliminate the subsidy-by-power that keeps unions in business by guaranteeing them a monopoly on labor.

Such subsidies can be very lucrative. There's a firm that wants to build a resort in Chula Vista. If it were obliged to employ only union members, or pay everyone union wages and benefits, the project could cost $70 million more than it ought to. (Note that Chula Vista has a population of only 210,000, and you get the scale.)

The importance of Proposition G was fully understood by its adversaries. During the months preceding the primary, there was never a 10-minute slot on cable TV that didn't feature one, two, or three ads attacking the proposition. Mostly, these ads showed young people speaking with Spanish accents, claiming that they were workers who would be thrown out of jobs. Sometimes, they claimed, preposterously, that Prop G would prevent Chula Vista from acquiring a (state-supported) university, as if it needed one. There were also numerous viewings-with-alarm by establishment business associations, government officials, and so forth. The general idea was that Chula Vista would be permanently impoverished, and all manual laborers reduced to abject indigence, if for some perverse reason Proposition G were passed.

But there was an uglier thing going on, something courteously veiled from English speakers. Here's the Union-Tribune's description:

> A Spanish-language ad opposing Proposition G absurdly links the measure to Arizona's controversial law targeting illegal immigrants, complete with scenes of an angry Arizona protest and police cars and officers surrounding a suspect.
>
> An English translation of the ad goes like this: "The new Arizona law discriminates against Latinos. The police can arrest you simply because you look like you're from Mexico. Proposition G in Chula Vista discriminates here against our community. Proposition G will take away jobs from our community. Vote No on G. Defend our community. No discrimination in Chula Vista. No on G."

In other words, a lying appeal to ethnic pride and fear.

According to a local TV station, even people with non-Anglo-Saxon names were shocked by this approach. It cited "Yes on G supporter Francis Barraza" as saying that unions were "trying to scare Mexican-Americans into voting against the proposition. 'I was horrified,' he said. 'I was literally floored by the crazy imagery that I saw on the screen.'"

But at whom do you think those "crazy" appeals were aimed? Were they aimed at stalwart Mexican-American liberals, conservatives, and libertarians, firmly implanted in America's political process, accustomed to making up their own minds about political issues, and just as unlikely as anyone else to be taken for a ride by demagogic practices? Or were they aimed at recent, politically suggestible, immigrants, including illegal immigrants, who usually aren't fluent in English and aren't supposed to vote, but obviously are expected to be voting, or crucially influencing the vote?

In the same election, one San Diego voter was asked to show identification, and this scandalous act became top news — because so many well-intentioned people feared that ethnic discrimination could possibly be involved. So do you think it's hard for foreign nationals to vote unchallenged, if they really want to do so?

In San Diego County, when you want to talk to a member of a maintenance crew or construction crew, you usually have to find a translator. I do not believe that this is because "Americans won't do the work." But whether that's true or not, it is foreign workers whom unions are now mobilizing to support not only unrestricted immigration but also universal government healthcare, raises for government schools, and (as in Chula Vista) vast labor taxes on private and public employers.

Have you ever wondered why there has been an historic change in the attitude of labor unions toward immigration? Virtually all unions, in all countries, have traditionally considered immigration their Number 2 enemy (Number 1 being convict labor). Just one generation back, even the Cesar Chavez farm workers' union, whose adherents were almost all Mexican-Americans, was programmatically opposed to heavy immigration from Mexico. Now, organized labor is generally, though not universally, supportive of immigration, and the cutting edge of labor, the service workers' unions, are violently supportive of it. What happened?

Here's what. Since the 1930s, the percentage of workers represented by labor unions has declined. Today, such workers are a small minority of people employed in this country. The only growth segment of the labor movement, but this is significant, is workers employed by government. Other targets are desired, and the best are thought to be low-wage, politically naive, politically suggestible people. That's virtually a definition of illegal immigrants. So unions are mounting a tremendous effort to organize these workers. It goes without saying that their political representation will take an emphatically statist form, with constant demands for welfare, government healthcare, economic restrictions, ethnic subsidies, and other things that left-wing collectivists demand. It doesn't matter that many, if not most, illegal immigrants are culturally conservative. They know little and care less about American politics. But they are alienated from general American society by the language barrier. What better theater of operations for self-appointed spokesmen, who can organize the illegals, institute legal protections and subsidies for them, and simultaneously enrich themselves with their dues?

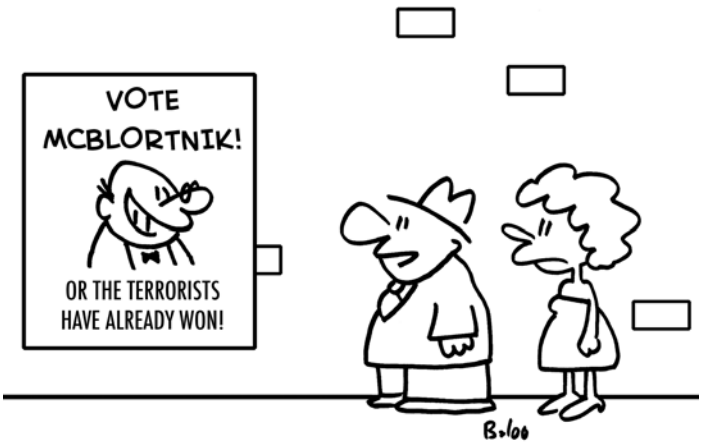

"Crude but effective."

Many libertarians would like to believe that politicians are correct in saying that "immigration is America's strength." To me, that's like saying that the Mississippi River is America's strength. Maybe so; maybe not. Depends on whether there's a flood.

Masses of people who arrive here without skills, who are paid low wages in a high-wage country; who are adopted, cajoled, and flattered by labor unions and political parties, with the intention of increasing their own power, and the power of government; who are exploited by ethnic propaganda and fed with lies about the American political process, so as to complete their alienation from everyone except demagogic leaders; who are then transformed, by hook or crook or amnesty, into voters . . . No, it can't be right. It can't be right to empower everyone who manages to cross the border — and I don't care whether the immigrants are Italian or Canadian, Mexican or Irish.

So, on principled reasons, I continue to think that libertarians should refuse to support unrestricted immigration. But if you want political reasons . . . Chula Vista followed the consistent national pattern: it voted 56–44 for Proposition G. And Chula Vista is 50% Hispanic. — Stephen Cox

Fiscal sanity — With the sovereign debt crisis imperiling European nations, especially the PIGS — Portugal, Ireland, Greece, and Spain — it is nice to see economic common sense prevailing in at least two countries.

As The Wall Street Journal noted in early June, the German government is resisting pressures by other, more profligate European governments, as well as the totally profligate U.S. government, to increase its spending in order to spur economic growth ("the Keynesian cure"). Instead, Chancellor Angela Merkel aims to eliminate Germany's annual budget deficit in just a few years. This year, the German government will come up with spending cuts (and a few minor tax increases) so as to cut $12 billion from the deficit. The outrageous Merkel had the effrontery to tell her citizens, "We must make sure we don't constantly live beyond our means."

Note that the Germans announced their austerity the week after U.S. Treasury Secretary Tim Geithner used his nonpareil credibility and charisma to urge the Germans to join with the rest of the world in stimulating the economy by spending more. In other words, Germany should follow the glorious lead of Greece and the United States when it comes to fiscal probity.

Germany's aggregate sovereign debt totals about 77% of

its GDP, while ours totals about 83%. But while ours is headed dramatically up, Germany has just indicated that it will take aggressive steps, including cutting lavish benefits, to move in the other direction. Bravo.

Bloomberg.com reports that Switzerland is also riling its Euro neighbors. Switzerland charges 8.5% business tax, and to this the various cantons of which it is composed add another business tax. The cantons (like our states) have business tax rates ranging from a low of 11.8% (making a total of 20.3%) to a high of 24.2% (making a total of 32.7%). This compares favorably to the top rate in the United States, 35% for combined federal and state. But while they are competing to bring their rates down, Obama aims to jack ours up. As a spokesman for Transocean, which just relocated its main operations to Switzerland, said, that country "has one of the best tax treaties and tax set-ups in the world."

Naturally, those committed to high tax regimens (such as ours) are unhappy about such tax competition. One leftist, John Christensen, director of the London-based Tax Justice Network, said bitterly of the lower rates, "It's a tax war that involves beggaring neighboring states. It's deeply abusing because it doesn't create many jobs as the headquarters activity mainly remains elsewhere." Huh? But the Swiss cantons, seeing quite significant job growth, are inclined to keep cutting business taxes. Bravo again. — Gary Jason

Profit motive — It's a mere sideshow to the attacks on banks and private healthcare, but it's still a government assault. This one goes after for-profit or proprietary colleges. Apparently eager to wipe out any vestige of efficiency in education, the Senate recently held hearings on for-profits, and the Department of Education is trying to regulate their tuition.

For-profits (University of Phoenix is the biggest, but some of the other names are Walden, Strayer, and DeVry) have found a market niche in the "underserved" student population. These are older, working adults, often low-income, who are trying to obtain credentials and move up economically. The for-profits now enroll nearly 10% of all college-level students.

The problem (and it is a problem) is that these institutions rely on federal funds. As Inside Higher Education reports, they receive "nearly a quarter of the funds dedicated to student aid under Title IV of the Higher Education Act of 1965" (Title IV is the law that authorizes Pell Grants and other subsidies). According to Bloomberg Business Week, for-profits get, on average, 75% of their revenues through federal aid or subsidized loans (by law, they have a cap of 90% on federal funding).

So, having authorized all this taxpayer largess, the government is looking for culprits. Congressmen claim there are "bad apples" among the for-profits, schools that seek out unqualified students, offer misleading information, and provide poor career placement. And, beyond that, there is just something wrong with providing education for profit. Sen. Tom Harkin, who chaired the latest hearing, warned against "false hopes peddled on a billboard or pop-up ad."

Like other Liberty readers, I recoil at the thought of all this federal aid and all these loan guarantees. But nonprofits (the schools that most of us went to) take government money, too. Seventy-five percent of all college students attend state universities, which are heavily subsidized by state taxpayers and receive plenty of Pell grant revenue. And most universities depend heavily on federal research money.

The impressive growth of for-profits suggests that their success is not some fluke. The Chronicle of Higher Education recently reported that the latest GI Bill is sending the majority of its students to (first) for-profits and (second) community colleges — even though its provisions were designed to help veterans attend four-year schools. And the majority of participants in Michigan's "No Worker Left Behind" retraining program attend for-profit schools, even though one aim of the program was to increase enrollment in the state's community colleges.

There's much to deliberate here, but clearly the for-profit colleges are doing something right — serving their customers, perhaps? — Jane S. Shaw

Magoo at the helm— More evidence is surfacing that the nation's economy is recovering from the Great Evil Bush Depression at breathtaking speed.

As of late June, according to a June 29 report in The American, the unemployment trust funds in 30 states and the U.S. Virgin Islands were insolvent. They need loans from Uncle Sugar of about $38 billion. The Department of Labor is projecting that 40 states will likely require $93 billion in federal loans for their unemployment insurance funds during the next three years alone. This is in addition to the $130 billion the feds have expended for supplemental unemployment benefits.

Total spending by the feds to provide or augment unemployment benefits from July 2008 already exceeds the bailout package provided to Greece by the EU and the International Monetary Fund.

On July 2, the latest employment report by the Bureau of Labor Statistics showed a *loss* of 125,000 jobs in June, with the short-term census jobs coming to an end. The private sector created a pathetic 83,000 jobs, of which 21,000 were temp workers, well short of the 200,000 jobs needed every month to bring down unemployment. The unemployment rate dipped slightly, from 9.7% to 9.5%, but only because a whopping 652,000 people simply gave up looking for work altogether.

Yes, quite a recovery. As Obama crowed, "Make no mistake about it — we are headed in the right direction!" — Gary Jason

Guild tactics — Libertarian genius Milton Friedman is famous for advocating an end to government licensing of medical doctors. I used to be doubtful about that proposal, because medical science is a highly technical field in which either you know the science or you don't, and if you get it wrong, someone dies. However, my experience as a student in law school has made me question my convictions.

The world is rife with lawyer jokes. (If you're in an elevator with Hitler, Stalin, and a lawyer, and you have a gun with only two bullets, what should you do? Answer: shoot the lawyer twice!) But there is some basis for the idea that lawyers are extraordinarily overpaid. The reason for this can be revealed by an economic analysis of licensing. In order to get a license to practice law, a person must pass a state bar exam, for which a bar review class typically costs $3,000. Except in

California, the sole exception, to be eligible to take the bar exam you must obtain a JD degree from an American Bar Association-approved law school. The ABA only approves three-year programs, which usually cost $30,000 to $40,000 per year. Even though Department of Education government interference makes it very easy to get student loans, neither the poor nor the lower middle class can easily afford to risk going $100,000 in debt, then failing the bar exam on the first try and being on the hook for student loans without a job. And even student loans are not sufficient to cover the total cost of three years of law school.

Three years and $100,000 is a huge investment that scares away most people who are not rich to begin with. The supply and demand economic analysis is simple: the legal licensing system drastically reduces supply, which artificially raises prices; hence, everybody hates lawyers.

Most of what law school teaches you is not the law itself but how to think like a lawyer; and it really only takes one year of law school to learn that. Anyone can learn what the law is by reading cases and statutes, and anyone who can formulate a well-reasoned argument is capable of practicing law. But the lawyers, with the help of state governments, have created a very nice situation for themselves (and I hope for me, once I earn my JD). If clients want to pay for an ABA-approved lawyer, then let them, but why have the government force them to do so? — Russell Hasan

Wave that flag — As one of the relatively few Americans who actually follow soccer, I found myself glued to the recent World Cup tournament. The U.S.-Algeria match was one of the most exciting games I've ever seen. After having two legitimate (and potentially game-winning) goals disallowed, the United States was less than three minutes from being robbed of a well-deserved qualification for the second round; but a goal by Landon Donovan in injury time staved off disaster, and with one stroke the U.S. side not only survived but also won its group for the first time in 80 years.

ESPN provided coverage of the event, and during each match the commentators mentioned that the tournament was also broadcast on the American Forces Radio and Television Service to American soldiers stationed in 175 countries around the world.

That's one hundred seventy-five. Foreign countries. 175.

North Korea is one of the few countries in the world that does not (yet) host any U.S. soldiers, and the Norks managed to deliver some entertaining World Cup headlines of their own. Very few North Korean fans were able to make the journey from Pyongyang to Johannesburg to cheer their team. (June and July is the busy season for slave labor camps, after all, and it's hard to get time off from work). So to make a decent showing in the stands, the dictatorship hired hundreds of Chinese people to dress up in North Korean colors, wave flags, and pretend to be fans.

Who knew that outsourcing to China had gone so far?

And for a while it looked as if they might also have to hire some Chinese players to replace four members of the North Korean team who briefly went missing (but absolutely, positively, under no circumstances tried to defect).

To top it all off, the North Korean coach stated that Dear Leader himself, Kim Jong-Il, used an invisible cell phone (of Kim's own design, no less) to offer tactical advice during the first-round matches. Sadly, Kim's soccer skills — prodigious as they must be — were not quite on par with his magic telephone design skills. The North Koreans fought hard against Brazil, losing by only one goal, but were later eliminated after a 7–0 beatdown by Portugal.

Part of the problem for the North Korean team was that it drew the "Group of Death," the group containing the strongest teams in the first round of the World Cup. But an additional factor could be that the traditional North Korean starvation diet of grass and bark soup is not exactly conducive to World Cup play. Maybe, next time, Kim Jong-Il will use his invisible cell phone to order some decent takeout for his team instead. — Stephen M. Smith

The eggman cometh — Paul McCartney has long been a fool, but this summer he showed himself a fool in more ways than I expected. The occasion was his receipt of a "coveted" award from the Library of Congress. Pleased that the award was presented by yuppie publicity hog Barack Obama rather than yuppie devil George Bush, McCartney remarked, "After the last eight years, it's great to have a president who knows what a library is."

In the words of "I Am the Walrus," "See how they snide."

Anyone is a fool who comes to someone else's country, toadies to its current leader, claims him as something to "have," and makes rude remarks about the last Great Leader. And if you're a person whose highest educational attainment is having taken meditation classes from Maharishi Mahesh Yogi, you shouldn't get haughty about libraries.

Of course, McCartney understood his audience — a bunch of elitist Washingtonians who think that President Obama spends, or ever spent, a lot of time reading. Check Obama's grammar (indifferent) and his range of literary and historical reference (slim to vanishing). If he reads, *what* does he read? Bush, by contrast, actually married a librarian, and reads books about history. Not much, perhaps, but it's a start.

McCartney could find out about this stuff if he ever visited a library — or even the internet. But why do I apply such standards to a has-been musician? No awards ceremony will transform Paul McCartney into Cole Porter or Irving Berlin. The real fools were the people who laughed sympathetically at McCartney's nasty remark. When was the last time *they* were in a library — to learn something, not to go to some event? In short: goo goo ga joob. — Stephen Cox

Uncompetitive at any speed — A couple of months back, when Toyota was forced to recall and repair a large number of cars, the media and Congress went ballistic. The news was filled nightly with stories about how bad Toyota was, how its customers were being abused, and so on. Toyota's CEO came on American TV and publicly apologized. Congressional hearings were immediately launched with great fanfare (of course, the majority of the committee members consisted of pols who had accepted UAW money). GM ran ads telling Toyota customers to buy GM or face death behind the wheel. The federal government, now Toyota's main competitor, was clearly doing its best to destroy Toyota.

Ah, but two recent stories don't make Government Motors (GM and Chrysler) look so hot, which is why the media are pretty quiet about them. The first was a report in The Wall

Street Journal (June 8) that Chrysler is recalling nearly 700,000 Jeep Wranglers and minivans because of problems with brake linings and doors. This was on top of the announcement the week before that Chrysler was recalling 35,000 Dodge Caliber and Jeep Compass cars for — you guessed it! — faulty accelerator pedals.

The Journal reported the next day that GM is recalling over 1.5 million vehicles because of a potential fire hazard. There is a glitch in the windshield wiper system, the part of the system that heats the fluid that can cause the car to catch fire. This makes 3 million cars and trucks GM has recalled this year, which beats last year's total of 2.2 million.

But funny . . . no congressional hearings have been announced! — Gary Jason

Then they came for me — "Defying Hitler," by Sebastian Haffner, is a mesmerizing book. Haffner is well known for his post-World War II analyses of Hitler – "From Bismarck to Hitler," for example, and "The Meaning of Hitler" — but "Defying Hitler" is a personal memoir written shortly after he emigrated to England with his Jewish wife in 1938. The incomplete manuscript was discovered posthumously in 1999 by Haffner's son.

Haffner is a unique commentator on the slide of Germany away from civilization and into barbarism. He was a historian with a fine eye; he was anti-Nazi, with disdain for those who did nothing to oppose Hitler's rise; and not yet a celebrity, he was representative of the educated German in the '30s. Haffner speaks as an eloquent witness to the erosion of individual rights, the increasing polarization of society, and the other repressive tactics used by ruthless politicians.

The most haunting aspect of the book is the main question it addresses: what should good people do when they see a nation renowned for its civilization and culture plunge into totalitarianism? What, in fact, do they do? Why did 66 million citizens of one of the world's most advanced societies submit to Hitler's rule?

There is no single or simple answer, of course. But I believe an important piece of the explanation lies in the active denial in which many Germans engaged.

According to Haffner, many of them said, "It couldn't happen here, not here in Germany," just as I hear many Americans today saying, "Totalitarianism couldn't happen in America." Drawing parallels with the United States is inevitable.

Several years ago, a book review of "Defying Hitler" in the webzine Salon commented, "The question that always springs from accounts of Hitler's Germany is 'Why didn't the Germans resist?' Some of the reasons have long been obvious. There is a natural human instinct for survival, however odious the forms it takes or the lengths it may go to. And there is also the understandable refusal to believe that the worst will come to pass. Again and again in 'Defying Hitler' Haffner's acquaintances talk of the Nazis as clowns who, because they cannot help revealing their true natures, are destined to fall out of power. Haffner's endorsement of the idea that even dictators are powerless without the consent (or at least the passivity) of the masses means that 'Defying Hitler' has no time for quibbling about how much the Germans knew and when . . . Haffner takes it for granted that Germans knew about the brutality of Nazi rule — brutality that, logically, would only increase as the state consolidated its power — and that they lacked the will to resist it."

Haffner speaks of the "automatic continuation of ordinary life that hindered any lively, forceful reaction against the horror" of Hitler. I think "the automatic continuation of ordinary life" is a key to understanding how Germans in the 1930s and Americans today are able to dismiss the storms of statism gathering around them. Even people who recognize that freedom is eroding day by day are reassured by the fact that "life is normal" because they wake in their own beds, eat the same cereal for breakfast, work at the same job, and drive down accustomed streets. They have a real sense that everything is as it has always been. And until the realities of their daily lives significantly change, as they are beginning to for so many people, they tend to ignore the Chicken Littles who tediously go on and on about freedom.

In reality, things have changed drastically in the United States. The legal and other institutional structures that defined America's broad freedoms and encouraged prosperity are dramatically altered — in some cases, they are gone. But these protections are not tangible in the same manner as breakfast cereal and daily routines. Even people who understand the role that due process, for example, plays in preserving freedom are inclined to dismiss the threat of its absence. After all, the daily routine is the same as before. Today is much the same as yesterday and, so, the constant erosion doesn't seem to affect their lives or well-being.

Until, of course, it does. And, then, it is usually too late.

Totalitarianism often grows slowly, and so gradually that people don't realize the extent of its power until it walks up and knocks on their door. Then they ask in amazement, "How did this happen?" — Wendy McElroy

Spilt oil — On May 27, The Wall Street Journal ran an unintentionally hilarious story. It was a report about the White House chiding the Europeans for not responding quickly enough to the massive financial crisis brought on by the Greek welfare state's hitting the wall — the same wall, please note, at which we are hurtling at warp speed.

Obama dispatched Treasury Secretary Tim Geithner — a figure of towering intellect and profound integrity — to advise the various heads of state in Europe, starting with the newly installed British government, that they should act quickly to stop the spreading panic. Of course, the medicine Obama is pushing is a massive bailout plan, whereby the more solvent European states (read: Germany) will help stabilize the less solvent ones (read: the PIGS — Portugal, Ireland, Greece, and Spain), so they don't default on their bonds and collapse the European banking system.

What is hilarious about this is the complete lack of credibility of the advisers. The Obama regime has shown little concern for reining in the sovereign debt of the country it governs; indeed, it has increased it at a record-setting pace. Now it is urging other governments to act hastily, while it drags its own feet in dealing with the most salient crisis of its tenure in office, the massive oil spill caused by the sinking of a British Petroleum (BP) deep-sea rig.

There is scarcely a way to overstate the magnitude of the disaster. At the time of writing, the spill is already double the size of the infamous Exxon Valdez spill, and the well is

still leaking. The spill threatens upwards of 40% of America's wetlands, a huge fishing industry (accounting for fully a third of all seafood produced domestically), and a hell of a lot of choice beachfront property essential to tourism.

Obama's response was pathetically slow and indecisive. He took nearly two weeks before even visiting the area, during which he golfed, attended fundraising events, and yucked it up at the White House Correspondents dinner. His only relevant actions were continuously bashing BP (as if the corporation wanted the disaster!) and bragging about keeping a boot on its throat (in the phrase of one of his underlings). Really helpful. He put BP in charge of cleaning up the spill, and kept state officials and local agencies out of helping in the effort.

After more than a month, and considerable criticism, Obama took action. He did nothing to stop the leak, but he did shut down all new offshore drilling (what little was in the works) and cancelled some land projects in Alaska. So here we are again, with no plan to increase domestic oil production. The "good" news is that the Obama recession continues, so the price of oil stays in control. But if ever it does end, we are set for another massive price increase in the future.

The disaster is now being called "Obama's Katrina," but that is grossly unfair to Bush. Bush was bashed by the media after only 48 hours, while Obama got a pass from press criticism for well over a month. Again, Bush took only four days to visit the scene of the disaster, while Obama took nearly two weeks before sauntering on down.

The primary responsibility for dealing with Katrina (under both federal and state law) lay with the idiot Ray Nagin, mayor of New Orleans (or "Chocolate City," as he called it) and the buffoon Kathleen Blanco, governor of Louisiana. Both resisted Bush's help before the hurricane made landfall. But the oil leak of 2010 occurred way out in federal waters, so from the start it was Obama's responsibility.

In this case, however, local and state officials have been demanding the right to act. For example, Louisiana Governor Jindal has been begging the Army Corps of Engineers to give permission for sand to be dredged to create berms to keep the oil off the shore, but the feds have so far refused to give the go-ahead, much less to help. — Gary Jason

Gag order — My favorite new term for the day is "The Streisand Effect." Wikipedia describes this as "a primarily online phenomenon in which an attempt to censor or remove a piece of information has the unintended consequences of causing the information to be publicized widely and to a greater extent than would have occurred if no censorship had been attempted. It is named after American entertainer Barbra Streisand, following a 2003 incident in which her attempts to suppress photographs of her residence inadvertently generated further publicity."

The proximate cause of my stumbling on this term is Pennsylvania attorney general and Republican candidate for governor Tom Corbett. The man has been targeted for mockery at the blog site CasaBlancaPA and by at least two anonymous critics on Twitter. In early May, Corbett lived down to their lowest expectations when he used a grand jury, assembled to investigate political corruption, to issue a subpoena to Twitter that demanded the "name, address, contact information, creation date, creation Internet protocol address, and any and all log-in Internet addresses" of his tweeting critics.

Silly me, I thought the purpose of a grand jury was to determine whether there is enough evidence in a case for it to be taken to trial, not to silence critics.

So what's happened as a result of this apparent attempt to quash free speech? In late May, a Google search on the terms "Tom Corbett" and "Casablanca" returned 333 news articles, including international coverage in British papers. Corbett's Democratic rival for governor is making a campaign item of the matter, declaring it to be "outrageous" and "unbelievable" that Corbett would use "the powers of his office" to subpoena critics. Twitter is refusing to turn over the information, and Vic Walczak, head of the ACLU of Pennsylvania, is defending the two Twitter users. He explains, "Any subpoena seeking to unmask the identity of anonymous critics raises the specter of political retaliation . . . It's a prized American right to criticize government officials, and to do so anonymously."

Wisely, Corbett dropped the matter. But it isn't clear what the other parties are willing to do.

Oh . . . and as the blog site Adventures in IT commented on May 21, "The tweeps whose identities have been sought . . . just had their follower counts boosted by about 1,000%. . . . Even better, the CasablancaPA blog where many of these tweets were directed saw its readership grow sevenfold, according to one of its posts. I'm sure it's even bigger now."

— Wendy McElroy

Brokenhearted — Two touching stories now reach us about great men who have changed their hearts about matters of faith.

The first appeared in a Washington Post article by Chico Harlan (June 18). It reports that the glorious leader Kim Jong Il has relented on the pure commie stuff. In the face of growing food shortages and the prospect of another round of mass starvation, his government has announced to the eager populace (or what is left of it) that all restrictions on private markets have been lifted. The markets sprang up about 15 years ago, during the last famine, when about a million helpless North Koreans starved. These markets were officially frowned upon, but the government now embraces them.

The second story was broached by Mortimer Zuckerman on June 18, in an article in U.S. News in which he contends that the world now sees Obama as "incompetent and an amateur." (Presumably the world also now sees the sky as blue.) Zuckerman reviews the numerous foreign policy gaffes and goofs of our petulant president, and notes that many foreign leaders are now openly contemptuous of him.

The real news is not what Zuckerman reports, which has been obvious for quite some time. No, it's that Zuckerman, a prominent Obamacon, has now suffered a decay of faith. If Peggy Noonan was the queen of the Obamacons, Zuckerman was their king. He had quite the mancrush on Obama, but, as with Noonan before him, the look of love has now been replaced by the tears of disappointment.

It is all such a pity. — Gary Jason

Sacrilege — Jonathan Alter is a well-connected mediocrity who rewrites conventional wisdom for Newsweek and spouts truisms for several TV news shows. Earlier this year, Alter released a book called "The Promise," which purported

to be an "insider's perspective" on the first year of Barack Obama's presidency. Here's an excerpt from the book:

> Rabbi David Saperstein, reading from Psalms in English and Hebrew, noticed from the altar that the good men and women of the congregation that day, including the Bidens and other dignitaries, had not yet stood. Finally Bishop Vashti McKenzie of the African Methodist Church asked that everyone rise. At that moment Saperstein saw something from his angle of vision . . . a beam of morning light shone through the stained-glass windows and illuminated the president-elect's face. Several of the clergy and choir on the altar who also saw it marveled afterward about the presence of the Divine.

One wonders whether there was room enough in that scene for the God whom Abraham and Moses worshipped. Suppose there's no need for Him these days.

But Yahweh may be the least of this sycophant's problems. When Alter arrives at the gates of hell, H.L. Mencken is going to be waiting for him. Eternity's a long time to be satirized, pal. — Jim Walsh

Breaking up is hard to do — Peggy Noonan is the Queen of the ObamaCons — conservatives who supported Obama. (Libertarians who supported Obama are called "ObamaRands.") Her adoring columns about Obama betray a passion rare in politics, a passion that reminds me of Cloris Leachman's character in "The Last Picture Show," who is hung up on a young guy played by Timothy Bottoms.

But Cloris may just have had enough of Timothy and his bottom. Her Wall Street Journal column of May 29 has a plaintive wail of a title, "He Was Supposed to be Competent." She conjectures ruefully that the Gulf oil spill is the third major "political disaster" in his year and a half in office. From her perspective, Obama's first disaster was the unnecessarily brutal fight over healthcare reform. The second was his disregard of the desire of the populace to deal with illegal immigration. And the third was his handling of — actually, his refusal to handle — the oil spill. This, she suspects, shows that he has never been "in sync" with the center of the country.

But if her column doesn't confirm the old adage "love is blind," I don't know what does. I mean, where has Cloris been? It's not as if we had to guess what Obama was about when he was running for president. The guy refused to release his undergraduate transcripts or his SAT and LSAT scores, which obviously meant that he got into Harvard Law by means of affirmative action, and was therefore likely to support the ideology of victimhood. He had been employed as a "community activist," which obviously meant that he was a leftist — I mean, honestly, are there any conservative or libertarian "community activists"? There's more: He was made a professor of law at the University of Chicago with absolutely no academic publications, which again indicates an affirmative action hire. He started his career in politics with the help of a prominent '60s radical, and was a member of a black liberationist church. Even before he got elected, everyone but the blind could see that he was a real leftist.

Now that he's in office, all Obama has done is push a hard left agenda "from day one" (to use one of his pet cliches). The massive, costly, and corrupt bailouts, the nationalization of the auto and student loan industries, the setting up of a pathway for nationalizing the healthcare industry, the endless stimulus spending that fails to stimulate anything but the national debt (now at 83% of GDP), the vast new regulations, the hard-left court appointments — none of these were hinted at by Obama the candidate, but they were completely predictable to anybody but the blind.

Including those blinded by love. — Gary Jason

The latest nonsense — The media have thoroughly displaced the Oxford English Dictionary in defining English phraseology, especially when it comes to blurring danger and death, blood and guts, and war with euphemisms.

It all began with "harm's way." They came up with this verbal gaucherie during the first Iraq war. Not battle or even "military engagement" (which in itself is softly genteel; it brings to mind pink ribbons, balloons, and confetti). "Our troops may be in harm's way if they continue the surge," says the TV head, reciting from his teleprompter. "Harm's way" — how awkward. They mean the probability of maiming, mauling, and the loss of major limbs. And the expression has picked up speed; even police use it. "Johnson is heavily armed. If you see him, run. Do not place yourself in harm's way." What a bland way to express death or dismemberment.

More recent — but maybe more short lived — is "at the end of the day." Not nearly as objectionable as "harm's way," and clearly not as endowed with the same euphemistic motives, it's more an attempt at metaphor. Very big on TV, I notice, especially with talking heads of every stripe. It does have the virtue of a great extension of air time, highly prized by spokespeople; six words instead of one ("eventually," which would do very nicely).

But best of all, the favorite of euphemists, is that colorless, nonaccusatory expression, as new and shiny as a fresh-minted coin, "person of interest" instead of the old-fashioned "suspect." This one is in great favor with police spokesmen. See how it removes all the raw obloquy. And it's so broad. After all, a person of interest could be your aunt, your lover, a business partner, your librarian, or the cook at your favorite restaurant. It could even be Bismarck, FDR, or Napoleon Bonaparte — in whom you may always have had an interest.

A person of interest? Well, so is President Obama, which reminds me: a fertile source of these with-it expressions is Obama's chief spokesperson, Robert Gibbs. He's full of them (or "it") — a new one every day. Don't miss him.

— Ted Roberts

Bomb disposal — I've seen talking points trotted out before, but Eric Holder's performance in May was the Kentucky Derby.

Testifying before a committee of the House of Representatives, the Attorney General was asked whether "radical Islam" might have been a motive for recent episodes of terrorism — the mad doctor at the army base, the Times Square bomber, and so forth. In "answer," he introduced, over and over again, the idea that many motives for terrorism may exist: "There are a variety of reasons why people do these things. Some of them are potentially religious-based." Well, yes, *potentially*.

There's a passage in Holder's comments that is favored for quotation by leftwing defenders of all that is Obama. In this passage — the passage in which, it is said, Holder *actually pins the whole thing on radical Islam, contrary to what his right-wing opponents falsely charge* — the AG says, "I certainly think

that it's possible that people who espouse a radical version of Islam have had an ability to have an impact on people like Mr. Shahzad." Shahzad was (allegedly) the Times Square bomber.

Let's see how many boxes-within-boxes there are in Holder's statement. The poor, squalid, inner box is the one personally occupied by "Mr. Shahzad," an (allegedly) crazed Islamic radical who tried to kill thousands of people of all races and religions while they were innocently strolling through a public place. But it's hard to see Mr. Shahzad, the radical Islamicist, because he's buried so deep in the nest of boxes.

The second box in which he's buried is "people like" him. Now let's see . . . who is like Faisal Shahzad? The answer that immediately comes to mind is "other (allegedly) crazed Islamic radicals." But already Shahzad and his specific motivation are fading a bit in the distance. Maybe, when you think about it hard enough, there are other people *like* Shahzad, in some *other* way. Maybe, let's see . . . other 30-year-old males, living in the Western hemisphere. That might be it. Or other people living in Connecticut. That might be true. Or, perhaps, other no-talent clones who for some reason migrate to the United States and manage to stay here. That might be why Faisal cracked. Do you think so?

The next two boxes in which Shahzad and his real motivation lie concealed are represented by the peculiar words "have had an ability to have an impact." "Have an impact," the inner of those two boxes, vastly increases the chances that Shahzad was not on an Islamic crusade after all, that he was merely an outer moon of the angry Mars of Islamicism, "impacted" by stray fragments of interplanetary junk (I mean radical religious teachings), the force of which was never sufficient to send him out of orbit. "Had an ability" adds the metaphysical dimension, the quality of philosophical speculation that leads us, when we're drunk, to reflect that under certain circumstances, inconceivable to us in their specifics, but capable of being postulated on the assumption that anything can happen, given enough time, we ourselves might be *capable* of kicking a dachshund in the street, thus *impacting* it.

Well, where are we now? Struggling upward, we come to the last, the outermost box. We find it in the ringing affirmation, the triumphant declaration of Holder's scientific objectivity: "I certainly think that it's possible." Yes, it is *possible*. But when scientists like Holder say that something is *possible*, don't they usually mean that it might be true — once in a blue moon, or in a pig's eye, or somewhere in Oz, on the day after Dorothy sailed off?

One wonders, open-mouthed: what other motive exists for the acts of terrorism under discussion? Adventism? The theories of Immanuel Velikovsky? Agitation for the Single Tax? It's all preposterous — yet in this way are the real Mr. Shahzad and his real and obvious motives buried by those who refuse to admit what everyone knows.

The technique is similar to that of Holder's other comment, quoted above — another remark that his defenders brag on: "There are a variety of reasons why people do these things. Some of them are potentially religious-based."

Well, that's telling 'em!

But "potentially religious-based" . . . what does that mean? Any action is potentially religious-based. Anybody may be hovering over the potentiality of a religious motivation. But of course, we must consider other potentialities. There is such a variety of them. How do we know that Lenin, when he was plotting terror against the enemies of the Soviet regime, may not have had a variety of reasons that were not communistic, were not even political? Maybe he acted out of a repressed religious sensibility. Maybe he was inspired by an oracle from Tannu-Tuva. Maybe he felt the influence of the Pleiades. Maybe he responded to a lack of potassium in his diet. It's the same with Faisal Shahzad and company: "There are a variety of reasons."

Charming, isn't it, this scientific allowance for all possibilities?

One thing to note, however, is that this kind of thought (if you want to call it that) never appears in real life. And it never appears as an explanation for actions that we normally regard as innocent. If you ask me to go to church with you on Sunday, and I accept the invitation, and go, and partake of the bread and the wine, no one, not even Eric Holder, will say, "There are a variety of reasons why people do these things. Some of them are potentially religious-based." No one will say, "I certainly think that it's possible that people who espouse an Episcopal version of Christianity have had an ability to have an impact on people like Mr. Cox." Instead, people will say, "Cox wanted to worship at the Episcopal church."

The attorney general knew very well that he was using cunning words about an influence that was clear but by no means innocent. The question is, Why did he resort to cunning?

— Stephen Cox

Austria rising — I'm enjoying Nouriel Roubini's "Crisis Economics," particularly chapter 2 on "Crisis Economists." Roubini is the NYU professor who in 2006 predicted the financial crisis. His book is coauthored by Stephen Mihm at the University of Georgia, and he acknowledges free-banker George Selgin in the book. Perhaps Selgin had something to do with the fact that chapter 2 has a big section on the Austrian school of free-market economics. In fact, while the authors reject short-run Austrian policy (let the markets follow their natural collapse) in favor of Keynesian stimulus, they conclude, "But when it comes to the medium term and long term, the Austrians have something to teach us" (p. 58).

That's quite a change — finally, a fair and balanced view of the various schools (Keynesian, Chicago, and Austrian) that is sadly missing from most textbooks and financial books.

Even Bob Shiller's latest book "Animal Spirits" does a very poor job of this. It doesn't even mention the Chicago and Austrian schools. The book doesn't even mention Milton Friedman's and Anna J. Schwartz's classic work, "A Monetary History of the United States: 1867–1960" (1963), in explaining the Great Depression, let alone Mises and Hayek.

I think this is quite a sea change for Roubini. I don't think he has ever acknowledged the Austrians before. In "Personal Acknowledgements," he cites his "friends" Paul Krugman, Jeff Sachs, Joe Stiglitz, Barry Eichengreen, Bob Shiller, and even George Soros, who "kindly hosted me in his summer home while I wrote parts of this book and has always been for me a model of a 'Renaissance man.'"

I figure it is because of the influence of his co-author that the Austrians are now in his book. This is a breakthrough for Austrians.

— Mark Skousen

Off the Rails

by Randal O'Toole

Light rail systems are facing a wave of problems related to deferred maintenance. Get ready for more excuses.

In the last 40 years, American cities have spent nearly $100 billion building new rail transit lines, ranging from the Kenosha, Wisconsin vintage trolley to the Washington, D.C. subway system. Despite spending all this money, and hundreds of billions more to operate the systems, per-capita transit ridership has declined since 1970.

Economists, taxpayer groups, and fiscally conservative thinktanks objected to almost every one of these lines as a waste of money — although these prophets often went unheeded. Recently, however, criticism of the rail transit boom has come from an unexpected source: Peter Rogoff, the Obama administration's selection as chief of the Federal Transit Administration.

In a May 18 speech, Rogoff pointed out that the nation's rail transit systems are crumbling, and it makes no sense for cities to spend billions of dollars building new rail lines when they can't afford to maintain the ones they already have. Rogoff argued that buses make more sense in many cities that are pushing to build rail lines.

Rogoff related that in his year as FTA administrator he has met with many transit agency general managers. These people spend the first part of the meetings grimly asserting that they can't afford to run the systems they have and are forced to make severe cutbacks in bus and rail service. But in the second half of the meetings, "the glossy brochures come out" and the "general manager wants to talk about their new plans for expansion."

Rogoff asks, "If you can't afford to operate the system you have, why does it make sense for us to partner in your expansion?"

Fittingly, Rogoff gave his speech in Boston, whose state-run transit system is on the verge of collapse and where a recent audit found that $3.2 billion was needed just to bring the system up to a state of good repair. Not only does the state not have that money; it isn't even spending enough to keep the system in its current state of poor repair.

Nationwide, says Rogoff, transit systems have a $78 billion maintenance backlog. The vast majority of this is for older rail lines in New York, Chicago, Boston, Philadelphia, Washington, and San Francisco; but this backlog is growing each year, even as more and more cities undertake construction of new rail lines.

The federal government typically pays at least half the cost of building new transit lines. Most transit agencies finance the local matching share by selling 30-year bonds and repaying those bonds out of general or dedicated funds such as sales taxes or property taxes. But rail transit infrastructure wears out and must be almost completely replaced every 30 years, so by the time the bonds are paid off, the transit agencies face an even larger bill for rehabilitating the rail lines. Since all the costs of construction and maintenance, as well as most of the operational costs, must be paid for out of general funds, rail transit is financially unsustainable.

The Washington Metrorail system is typical. It first opened for service in 1976. The federal government paid most of the construction cost, and local governments covered most of the operating costs. But no one budgeted any money for rehabilitation, so the system is now rapidly deteriorating, with almost daily train delays from broken rails, smoke in the tunnels, and other problems — not to mention the nine people killed in a horrific 2009 accident caused by a poorly maintained signaling system.

Thirty years ago, in 1980, only ten American urban areas had some form of rail transit. Those ten areas are now responsible for nearly all of the $78 billion maintenance backlog. But since then, more than two dozen other urban areas have built rail lines. Systems in Baltimore, Buffalo, Miami, Portland, Sacramento, San Diego, and San Jose will all turn 30 in the next decade. Because few of these cities have set aside funding to rehabilitate the systems, these aging systems will soon add billions of dollars to the unfunded maintenance backlog. Yet the majority of those urban areas are actively building more rail lines, and close to 50 urban areas that don't have rail transit are planning to build new lines.

Rogoff gave some advice to cities that want to build these lines: "Paint is cheap, rail systems are very expensive." Instead of building the rail lines, he suggested, transit agencies could attract as many new "riders onto a bus, if you call it a 'special' bus and just paint it a different color than the rest of the fleet."

This advice might be worthwhile. Kansas City, for example, has attracted 30% more riders on selected routes by running colorful buses on ordinary streets but more frequent schedules. The buses stop less frequently than normal ones, so they get to their destinations faster. This is sometimes called "bus-rapid transit."

Rogoff noted that bus-rapid transit may not make sense everywhere, but it "is a fine fit for a lot more communities than are seriously considering it." In Denver, for example, every single study that compared bus-rapid transit with rail transit found that buses could do more to relieve congestion at a tiny fraction of the cost of rail transit. Yet heavy lobbying by rail contractors and railcar manufacturers persuaded the transit agency board and the region's voters to build rail transit instead.

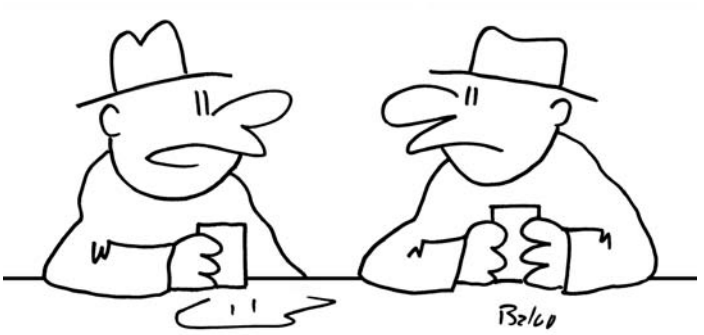

"Every election day I ask myself the same question — 'Heads or tails?'"

Rogoff admitted that opening a new rail transit line is usually "a big press event with lots of cameras, microphones and political leaders," while maintenance attracts little attention. But the problem goes deeper than that. Rogoff's own agency, under the direction of Congress and the Department of Transportation, gives transit agencies huge incentives to build high-cost rail systems when low-cost bus systems would work just as well.

Those incentives can be traced back to 1973, when Congress passed a law allowing cities to cancel planned interstate freeways and apply the federal funds to transit capital improvements. Since few cities had enough money to operate all the buses that they could purchase with the funds released by not building an interstate freeway, Portland, Sacramento, and other cities chose rail transit as a high-cost solution that could absorb lots of federal capital dollars without imposing high operating costs. The cities conveniently ignored the high maintenance costs that would be required after 30 years or so.

While the 1973 law was repealed in 1982, it generated a light-rail construction lobby that has now persuaded at least two dozen urban areas to build rail lines. Today, the rail construction lobby is far more powerful than the fabled highway lobby. The combined budgets of every pro-highway group in Washington, D.C. add up to less than $4 million per year, while the transit lobby has a budget of more than $20 million per year, much of it from railcar manufacturers, rail contractors, and rail engineering firms.

Thanks to efforts by this lobby, Congress created a multi-billion-dollar annual fund for new rail projects in 1991. Unlike most other transportation funds, which are distributed using formulas based on population or similar state and local attributes, the "New Starts" rail fund was an "open bucket," made available on a first-come, first-served basis. Local leaders soon realized that the cities that came up with the most expensive proposals received the most money. The cost of new light-rail lines, for example, zoomed from $15 million per mile for the first one built in San Diego to $220 million per mile for the latest one being built in Seattle.

Counting both open-bucket and formula-driven funds, Congress dedicates more than half of all federal transit dollars to rail transit. This means a city that relies exclusively on buses must compete against 400 other urban areas for the smaller share of the federal transit pie. Building rail lines allows transit agencies to tap into the rail funds that are shared by only about 30 urban areas.

To put some limit on wasteful rail projects, the Bush administration's Secretary of Transportation, Mary Peters, imposed two rules requiring that such projects be cost-effective. One rule applied to all rail transit and it set an upper limit on the amount a project could cost for every hour of peoples' time the project was supposed to save. This rule eliminated some of

continued on page 44

Health, or Share the Wealth?

by Steve Murphy

President Obama's healthcare experiment is less about healing the sick than about redistributing money.

With the passage of the Obama healthcare bill, the United States can be divided into three distinct health insurance groups. Group 1 consists of retirees on Medicare. Group 2 consists of working people with private health insurance to cover them until they retire. Group 3 consists of the 32 million people who previously did not have health insurance. The first group includes people who, in addition to paying income taxes, have paid into Medicare during their working lives for the benefits they are now receiving. The second group include people who, also in addition to paying income taxes, pay for their current health insurance as well as payroll deductions for their future Medicare benefits. Most people in the third group pay little or no income taxes and will now receive health insurance at little or no cost.

To the proponents of ObamaCare this is social justice, and its principal achievement. But the greater achievement, by far, is the financing. As Margaret Thatcher once pointed out, socialists eventually run out of other people's money. The problem is that "eventually" is now.

The money that Group 1 people have put into the Medicare Trust Fund has been spent — long since. Congress has been spending Medicare surpluses for many years. Consequently, Group 2 payments (which are supposed to be invested to pay the Medicare benefits of Group 2 people when they retire) are being used to pay Group 1 benefits now. Under ObamaCare, Group 2 people will be paying more — evidently paying for themselves after they finish paying for Group 1 people. That Group 1 people will be getting less (via $500 billion in Medicare "savings") is the only solace of the Group 2 people.

CBO projections have been used to claim that we can afford ObamaCare — that it will fix Medicare and reduce the deficit to boot. How credible are government estimates?

Medicare was enacted in 1966 at a cost of $3 billion. The House Ways and Means Committee projected that it would cost $12 billion a year by 1990, a conservative, inflation-adjusted estimate. The actual 1990 Medicare cost was $107 billion. It reached $244 billion by 2003. Today it is up to $500 billion and rising fast. This is why Congress has spent decades trying to control Medicare costs. The result of its diligent efforts: according to the latest Medicare Trustees Report,

Medicare is expected to run out of money in 2017. The celebration of ObamaCare's social justice and the delusion that it will bend the cost curve down is likely to be short-lived.

The Trustees Report went on to say that the "Trust Fund could be brought into actuarial balance over the next 75 years by changes equivalent to an immediate 134% increase in the payroll tax (from a rate of 2.9% to 6.78%), or an immediate 53% reduction in program outlays, or some combination of the two." That is, Medicare can be fixed over a 75-year period by increasing payroll deductions of Group 2 people by 134% or decreasing the benefits of Group 1 people by 53%.

ObamaCare was sold by blaming capitalism for the healthcare crisis, and praising government regulation as the remedy.

ObamaCare was sold, in no small part, by blaming capitalism for the healthcare crisis and praising government regulation as the remedy. In particular, private insurance companies were demonized for making ever-increasing profits while charging customers ever-increasing premiums. It turns out that their profits have been quite meager — an industry average of 2.2% annually.

Furthermore, if they operated like the government, all of them would be out of business and their CEOs would be in jail. Medicare charges its enrollees too little and uses the payments of working nonbeneficiaries to make up the difference. It is a Ponzi scheme that has created an enormous liability ($38 trillion at last count). If Medicare had to operate as a legitimate private insurance company, it would have to come up with an extra $1 trillion annually just to pay the interest on this debt.

Not only does the Obama healthcare bill fail to deal with this fraudulent practice, but it continues to ignore the well known payer-to-beneficiary demographic that perpetuates and exacerbates the liability. I refer to the fact that the size of Group 1 is increasing at a much higher rate than the size of Group 2 (e.g., 116% and only 22% by 2040, respectively). It is doomed to failure because, as economist Walter Williams has pointed out, it doesn't satisfy "the first order condition of a Ponzi scheme, namely expanding the pool of suckers."

Yet the Obama administration focus is locked on Group 3, apparently hoping the Medicare bomb set to go off in 2017 will be replaced by a giant wad of cash — for, incredibly, it plans to pay for Group 3 costs (insurance subsidies, premiums, and benefits) with $500 billion in Medicare savings (a.k.a., $500 billion in Medicare cuts). To finance ObamaCare, Group 2 people will continue to pay the benefits, at higher and higher rates, of Group 1 people, while $500 billion that Group 1 people were expecting will be used to finance Group 3 people. That is, Group 1 people who have paid income taxes and both health insurance and Medicare premiums during their entire working lives will have their Medicare benefits cut in order to finance Group 3 people who have paid little or no income taxes, health insurance, or Medicare premiums. That Group 2 people will be paying even more is the only solace of the Group 1 people.

Medicare was a $3 billion experiment designed for all working Americans and their families. But thanks to incompetent, deceitful politicians and government accountants who failed miserably to estimate the true cost, it will be unable to meet its obligations in 2017, only seven years from now. And when I say "out of money," I have already figured in the money from both Group 1 and Group 2.

ObamaCare, however, is a $2.6 trillion (full ten-year cost) experiment designed to share the healthcare wealth of Groups 1 and 2 with Group 3. And its cost estimates are even shakier than those of Medicare. For example, Congress and the administration blatantly omitted from their calculations the $290 billion cost of the so-called Doctor Fix bill. If the Obama administration moves on to immigration reform, we could quickly see 12 million formerly illegal aliens added to Group 3.

When it comes to estimating costs, government has a long and consistent record of stupendous inaccuracy. Add to this the unintended and mysterious, but probably very expensive consequences of an indecipherable 2,700-page bill, and Group 2 and 3 ObamaCare could go broke before Medicare. Alas, irony isn't covered in the bill — not even in the special deals sections.

To many, social justice is the crowning achievement of ObamaCare. My own money is on the financing. Medicare financing has been abysmal, even criminal, but its goal was not to transfer wealth from one class to another. Its incompetent management has led to a staggering $38 trillion in unfunded liabilities over the next 75 years — although, to be *fair*, some experts believe that the $500 billion in "savings" prophesied by the administration over the first ten years of ObamaCare can be used to extend Medicare's solvency.

In contrast, ObamaCare will reconfigure one-sixth of our economy, and will do so in the midst of war and recession. Its feasibility depends on taking $500 billion in mythical savings from Group 1 (thereby snuffing out the possibility of salvaging Medicare) and $500 billion from Group 2 (in higher taxes and insurance costs) to pay for Group 3 (and bigger government). The healthcare adventure is so immense and intrusive that if the estimates are off — just by a small percentage — the economy could be ruined for decades.

If private insurance companies operated like the government, their CEOs would be in jail.

But even if, by some miracle, the estimates are accurate and the $2.6 trillion program turns out to be an efficient, well-run entitlement for Group 3, the real achievement lies in the concoction of a financial scheme that would please both Karl Marx and Bernie Madoff. ❑

Complexity and Liberty

by Charles Barr

A modern theory of the universe provides insights into the political process.

During the 18th century, when the libertarian philosophy was in its early stages of development, a linear and mechanistic view of the world dominated the physical sciences. The universe was seen as a Newtonian "clockwork," operating through immutable mathematical and physical laws. Only human beings were considered exempt from nature's determinism. Human behavior considered proper at the time was based upon generally accepted principles of "right and wrong," and people were expected to use their free will to choose between the two.

Applying the then-prevailing scientific metaphor to the political arena, classical liberalism, from which libertarianism is descended, introduced the idea of a society of free individuals, operating within a stable, well-defined social, legal, and ethical framework. This paradigm has persisted to the present day. The ideal world envisioned by many libertarians is one in which all property is private, all laws are objective, and all rights are absolute. In this scenario, dynamic interactions among people take place within a political and social system that has achieved a state of optimal equilibrium.

This model is now in severe need of revision. It has been rendered obsolete by the recent emergence of an integrated set of observations, principles and techniques collectively referred to as "complexity theory" or the "science of complexity." This view of the world is markedly different from the earlier Newtonian view, in its description and interpretation of interactions among individuals and the effects of such interactions upon their social and political environment.

As will be shown below, many of the perspectives embodied in complexity theory give support to libertarian principles, and suggest strategies that can aid in their advancement. However, to take advantage of the perspective of complexity theory, it will be useful for libertarians to familiarize themselves with its framework, especially in areas where this perspective challenges the philosophical infrastructure that has guided (and in some respects hindered) the libertarian movement during the last several decades.

Complexity is not a formal science, in the sense that physics and mathematics are. It is rather an attempt to update our view of reality and its underlying processes by integrating a broad array of discoveries, techniques, and concepts that

have emerged during the past century. Linear cause-and-effect models of real-world processes, until recently dominant in both the physical and the social sciences, are being supplanted by nonlinear "complex" models that are more accurate in their representations of reality.

It is important to note that the terms "complex" and "complexity," as used in the physical and social sciences, have somewhat different meanings from those employed in everyday language. "Complex systems" (or "complex adaptive systems") are entities or systems that show evidence of ongoing internal processes generated by interactions among some or all of their component parts. The term does not refer to entities that are merely "complicated," such as automobiles. The actions of "complicated" entities are controlled by one or more outside forces (a driver in the case of the automobile), and such entities are incapable of initiating or sustaining self-generated activity.

The Bill of Rights gave rise to legal protections of individual liberty, such as the right to bear arms and the right to trial by jury.

Complex adaptive systems abound in both nature and society. They include large-scale physical systems such as galaxies and other astronomical phenomena; small-scale physical systems such as molecules; biological systems such as cells, organisms, and ecological habitats; and social systems such as cultures and economies.

Researchers have identified several attributes that all complex adaptive systems share. Here I want to give a brief description of some of the more important of these attributes, then demonstrate their relevance to libertarian theory and practice.

Dynamic structure: Complex entities are dynamic systems that change over time as they both influence and adapt to their respective environments. These entities may grow, shrink, change form, change appearance, and modify the interactions of the elements within them. Complex entities may also cease to exist under the weight of hostile environmental factors or internal stresses.

Presence of adaptive agents: "Agents" are the building blocks or component parts of systems. In a complex system, the agents must be *active*, performing one or more functions, and *adaptive*, capable of modifying their behavior in response to external stimuli. Computer simulation is a powerful tool that is frequently employed for modeling the characteristics of such agents and observing the outcomes of their interactions with each other and with their wider environments. In M. Mitchell Waldrop's book "Complexity," John Holland of the Santa Fe Institute describes complex systems as networks of agents acting in parallel:

> In a brain the agents are nerve cells, in an ecology the agents are species, in a cell the agents are organelles such as the nucleus and the mitochondria, in an embryo the agents are cells, and so on. In an economy, the agents might be individuals or households. . . But regardless of how you define them, each agent finds itself in an environment produced by its interactions with the other agents in the system. It is constantly reacting to what the other agents are doing.

Self-organization and emergent behavior: In an appropriate environment, a complex system or structure can spontaneously arise from the combined interactions of agents. Complexity scientists refer to this process as "self-organization" or "emergence." Waldrop sees this phenomenon arising because

> a great many independent agents are interacting with each other in a great many ways. . . . In every case, moreover, the very richness of these interactions allows the system as a whole to undergo spontaneous self-organization. Thus, people trying to satisfy their material needs unconsciously organize themselves into an economy through myriad individual acts of buying and selling; it happens without anyone being in charge or consciously planning it. . . . Organisms constantly adapt to each other through evolution, thereby organizing themselves into an exquisitely tuned ecosystem. . . . In every case, groups of agents seeking mutual accommodation and self-consistency somehow manage to transcend themselves, acquiring collective properties such as life, thought, and purpose that they might never have possessed individually.

Feedback loops: In 1963, Karl W. Deutsch, in his book "The Nerves of Government," offered a classic description of feedback as a property of "a communications network that produces action in response to an input of information, and includes the results of its own action in the new information by which it modifies its subsequent behavior." A feedback mechanism within a complex system, or between a complex system and its environment, will act in response to a perceived disequilibrium in a manner that either reduces or amplifies this disequilibrium. A thermostat is an example of a *negative feedback*; it reduces disequilibrium by bringing room temperature closer to the desired setting. On the other hand, the familiar noise created by placing a microphone near a loudspeaker is an example of *positive feedback*; it increases disequilibrium by continuously amplifying a sound to the limit of the loudspeaker's capacity. A complex system typically contains numerous positive and negative feedback loops, including many with multiple inputs and outputs, which form the core of its overall structure and internal dynamics.

Nonlinearity: Internal relationships among components in complex systems can be either linear or nonlinear. A linear system displays a direct quantitative correspondence between input and output; for example, by doubling the amount of each ingredient, a bakery can produce twice as many loaves of bread. A nonlinear system displays a more complex relationship between input and output: doubling the recommended amount of water and fertilizer over a given acreage will not double the crop yield; an excessive amount of either could very well wind up killing the crop instead. Most relationships found within complex systems (such as the feedback loops described above) are nonlinear, a fact that makes them more difficult to study than more simple linear systems.

Path dependence, increasing returns and "lock-in": These related concepts, briefly described below, were pioneered by economist Brian Arthur of the Santa Fe Institute. They have

come under fire in certain libertarian quarters, in part because they were used during the Clinton administration to promote the government's antitrust suit against Microsoft. (The government accused Microsoft of attempting to leverage its dominant market share in computer operating systems to "lock-in" a dominant market share for other software products, such as its web browser.) My view is that, while the government's legal arguments misapply these ideas, the concepts themselves are sound. They refer to outcomes generated by positive feedback loops in the economy, and they can also be applied to complex systems in other domains.

Path dependence refers to the sensitivity of the structure and form of a particular complex system to the initial conditions that gave rise to it. For example, the location of a town and the manner of its development may be determined by an accident of history, such as which side of a river is chosen for the location of a new factory (the initial path of development). Politically, an example of path dependence is the adoption of America's Bill of Rights shortly after ratification of the Constitution. The Bill of Rights gave rise to legal protections of individual liberty, such as the right to bear arms and the right to trial by jury, that persist to this day. Although government power continues to grow in these and other areas, it does so at a slower pace than would be the case if the Bill of Rights had not been adopted more than 200 years ago.

Increasing returns describes a situation in which some aspect of a complex system gives it an early advantage, which it uses to progressively increase its dominance over its competitors. In the factory example above, increasing returns accrue to the geographical area surrounding the new factory, as new homes and businesses arise nearby to share in the economic benefits it generates. Land in the factory's vicinity becomes progressively more desirable and valuable, while land on the other side of the river (which may originally have been an equally favorable location for the factory) continues to be worth much less.

Lock-in refers to the tendency of a dominant position, once achieved, to perpetuate itself, making it difficult or impossible for potential competitors to dislodge it. A controversial but commonly cited example is the familiar QWERTY layout, introduced in the early days of typewriters, and today deeply embedded as a standard for computer keyboards well over a century later. Numerous inventors claimed to have developed superior keyboard layouts, but were unable to overcome the formidable advantages enjoyed by QWERTY as an established standard. These advantages included the large number of typists proficient in the QWERTY layout, the considerable amount of manufacturing equipment already in place to continue making QWERTY keyboards, and the cost in terms of money and lost productivity that would have been associated with the changeover to another keyboard layout.

Punctuated equilibrium: This concept, originated in 1972 by Niles Eldredge and Stephen Jay Gould, refers to the tendency of complex systems, following long periods of relative stability, to undergo bursts of sudden (often catastrophic) turmoil. One of the best known examples is found in the fossil record, which indicates that the orderly evolution of living organisms from simple to more complex forms was interrupted at several points by mass extinctions. There are two competing theories of the cause of this phenomenon. One theory regards such disturbances as a succession of unrelated accidents, such as the impact of comets or changes in weather patterns. The other theory, championed by complexity researchers such as Per Bak, attributes these sudden changes to *self-organized criticality*, a condition in which the ecological balance among coexisting species becomes increasingly complex and precarious. Under these conditions, a relatively small internal or external disturbance can destroy this balance, causing numerous species that depend upon it to share a common fate. Bak's metaphor for this phenomenon is a sand pile created by adding one grain of sand at a time from a single location above the pile. At some point, the addition of one more grain of sand triggers a cascading avalanche that restructures the shape of the entire pile.

A contemporary example of this phenomenon is the ongoing world financial crisis. The trigger for this event was an escalating series of defaults on "subprime" mortgages. But the underlying cause was the creation by major financial institutions of trillions of dollars worth of highly leveraged "derivative" contracts, using questionable mortgages and other high-risk debt as the underlying assets. The subprime default was the "grain of sand" that triggered an avalanche of financial destruction that continues to this day. (It is important to note that such a massive systemic failure could not have occurred in a free market. The major players in this debacle were financial entities that either had the implicit backing of the U.S. government or wielded sufficient political clout to be on the receiving end of massive government bailouts when their financial house of cards collapsed.)

Balance between order and chaos: Complexity is often described as being at the "edge of chaos," or at the "boundary between order and chaos." Within complex systems we find, as Waldrop states in his book "Complexity," "a class of behaviors in which the components of the system never quite lock into place, yet never quite dissolve into turbulence, either. These are the systems that are both stable enough to store information, and yet evanescent enough to transmit it."

So how does all this relate to libertarianism? What insights, strategies and techniques can libertarians derive from complexity theory? I think that understanding complexity can dramatically increase our awareness of the processes that drive political and social systems. Such understanding can make us more effective in communicating the libertarian viewpoint to the outside world. Here are what I consider three key features of complexity theory that are especially relevant to the libertarian movement.

Although government power continues to grow, it does so at a slower pace than if the Bill of Rights had not been adopted.

Complexity theory shares much of its worldview with Austrian economics. Numerous similarities exist between Austrian economists' models of how people interact within a free economy, and complexity researchers' models of how complex adaptive

"agents" interact within their physical, social, and political environments. Both humans and computer-generated virtual "agents" engage in purposeful activity: humans to satisfy their "most urgently felt needs," and agents to increase their "fitness levels" and access to resources such as virtual "food" or "money" programmed into the computer models. Both humans and agents can behave as entrepreneurs, in the sense that they can innovate, compete with their own kind, search for new resources, and productively employ existing resources.

Austrian theorists view economies as dynamic systems, arising spontaneously from interactions of human beings trading goods and services. Likewise, scientists view complex systems as emergent phenomena, built from the "bottom up" by dynamic interactions among adaptive agents, rather than by a controlling authority. In fact, a major impetus behind computer modeling of complex systems is the opportunity to observe and understand the dynamics of novel processes and environments that spontaneously arise from the actions of virtual agents following relatively simple rules.

Austrian economics focuses primarily on the interior workings of an economy. Outside influences such as governments are considered relevant mainly to the extent that they augment or impair the ability of an economy to fulfill its role of satisfying the "felt needs" of its participants. However, Austrian economics for the most part does not deal with the mutual interactions between an economy and its wider social and political environment. Complexity theory, on the other hand, extends many of the insights of Austrian economics to a wide array of complex systems, including economies, and the ways in which these systems relate to each other. Viewing other complex systems through an Austrian lens will enable libertarians to devise and implement more effective strategies for achieving their political and social goals, by enhancing their understanding of the complex political and social processes that they seek to influence.

For example, libertarian activists tend to view the political landscape as a battleground of ideologies. The Libertarian Party promotes itself as the "Party of Principle," and expends considerable effort promoting principles of individual freedom that are shared by a significant number of Americans. However, over the course of nearly four decades, this approach has failed to establish the LP as a significant player on the national political scene. By contrast, the two major parties exhibit no discernible principles whatsoever, yet they have enjoyed uninterrupted dominance over the American political process since the end of the Civil War.

The major players in the world's financial debacle were entities that had the implicit backing of the U.S. government.

From a traditional "logical" perspective, this dismal state of affairs is not easily explained. From an Austrian perspective, however, it makes more sense — the major parties have been more successful in catering to voters' "felt needs," and have been more adaptable in responding to changes in voter preferences. Major party operatives view the political landscape not as an ideological battlefield, but rather as a complex and constantly shifting terrain of opportunistic alliances, backroom deals and hot-button issues that can be exploited for short-term political gain.

Libertarians can adopt this perspective and refine their political strategies without abandoning their core principles. For example, Texas congressman Ron Paul has gained an impressive amount of political traction and visibility with his proposal to audit the Federal Reserve, despite strong opposition from the Fed and its friends in high places. He has done so by forging single-issue alliances with legislators on both sides of the aisle, and by tapping into voter discontent with the secrecy surrounding the endless bailouts of politically connected firms. His crusade for Fed transparency is an instructive example of how libertarians can gain credibility and political capital by addressing the "felt needs" of voters, without having to convince them of the overall worthiness of fundamental libertarian principles.

Complex systems interact, both competing and cooperating with each other. In any given geographical area, numerous complex systems, both physical and social, operate simultaneously, influence each other, and co-evolve. Such systems include weather patterns, myriad life forms, languages, technologies, economies, religions, cultures, and governments, to name a few. For any complex system, other complex systems in its proximity make up a significant part of its environment. Dynamic interactions occur continually among complex systems, primarily by means of mutual feedback loops.

What this means in practical terms is that the borders between complex systems are porous. Resources created by one complex system can be leveraged to influence the inner workings of another complex system. A contemporary example is the translation of economic power into political power, using both legal and illegal means such as political fund raising, lobbying, influence peddling, and outright bribery.

In the United States and elsewhere, the linkage between economic and political power has led to widespread government corruption and the near collapse of economic freedom. Such an outcome was not inevitable, and other factors contributed to its severity. But even under the best of circumstances it is not possible to completely insulate economic power from political power. An important lesson from complexity theory is that linkages among complex systems are pervasive, and part of the natural order of things. Rather than mounting a futile attempt to build a wall of separation between economic and political processes, libertarians can better advance their goals by acknowledging the linkages between these two domains, and seeking to make such linkages as transparent as possible. Ron Paul's proposed "Audit the Fed" legislation is a good move in this direction.

For complex systems, change is inevitable, but its direction is not. Complexity theory suggests that the libertarian ideal of a permanently stable social system protecting individual rights is not achievable in practice. Instead, all complex systems — including societies and legal structures — are dynamic,

continued on page 54

Stray Facts

by Stephen Cox

How much do you know? And why don't you know more?

Earlier this year I was teaching a college class in which I had occasion to bring up "The Battle Hymn of the Republic." Noticing that when I did so, my bright, attentive 21- and 22-year-olds suddenly looked blank, I asked them how many had ever heard of the song. Only three out of 30 raised their hands. I recited the first verse, but that didn't increase the number. Finally I sang the famous chorus — "Glory, glory, hallelujah!" — and picked up three more hands, though one of them wavered doubtfully, then dropped, perhaps in response to my wretched singing.

Around the same time, I had a disappointing experience with another group of students. There were 12 of them, all 18- or 19-year-olds who had signed up for a "free lunch" with me. (Yes, I did explain that there really ain't no such thing as a free lunch; they would have to pay for the food with their time and their willingness to converse.) To illustrate some point, I quoted a line from a Cary Grant movie, only to discover that not a single one of them had ever heard of Cary Grant.

You might say that there's no pressing reason for people to know such things, and you'd be right. But that's exactly why I'm concerned. I'm worried about people's ignorance of all the interesting things they aren't *pressed* to know.

It's a notorious fact that American children are constantly coerced into organized "learning experiences." In many well-regulated households, every moment not spent eating or sleeping is consecrated to music classes, art classes, team sports, weekend fitness classes, field trips, charitable expeditions — and even school itself. Every foot of the forced march to adulthood involves a focused attempt to Learn. It's a nightmare, when you think of it. And somehow, despite all the efforts to teach kids every specific thing on the required curriculum, they still don't emerge with a rich or rounded, or an odd or interesting, view of the world.

Something like this happened in the days before the Russian Revolution. The offspring and relations of the imperial family were given nothing but the best in the way of focused education. They had French tutors, English tutors, geography tutors, mathematics tutors, music masters, painting masters, priests. They traveled with their kin to London, Paris, Switzerland, the Riviera, migrating like herds of mastodons from one spring of culture to another. And what came

of it? A few learned enough to become cynics and eccentrics. One even learned to be a saint, but only after her husband was blown up by a terrorist's bomb, and she was left to pick up the pieces, literally. The rest of them — Ducky and Jelly, Bimbo and Miche-Miche, Andrusha and Minny and Misha — were swept innocently along by the current of life, without a thought in their heads until the pleasant stream crashed over the falls. Yet they had been superbly *well educated*. They had learned what they were *required* to learn.

I quoted a line from a Cary Grant movie, only to discover that not a single one of my students had ever heard of Cary Grant.

My idea is this: people should be taught the basics, and taught much, much better than Americans are today, but they should also be warmly encouraged to learn what isn't required, what isn't needed, what appears, indeed, to have no purpose. They should be encouraged to learn the stray, obscure, seemingly irrelevant and peripheral facts of life.

If you want examples, read on. But before elaborating on this notion, I want to emphasize that I'm not just worried about the young. I'm worried about all of us. It seems to me that as we work our way intently through this world, we lose so much of our peripheral vision that we often have no idea of where we are.

An extreme instance: I used to know a woman who ran a guide service in Concord, Massachusetts. I once took her standard tour. Its thoroughness could never be surpassed; she knew everything. So I was curious to find out what questions people asked, after feasting on her rich knowledge of history. "Oh," she sighed, "the most common question is about the house that was a station on the underground railroad. People want to know why the train noise couldn't be heard in the street."

No one has a pressing need to know how the underground railroad operated. But I do think that people would have a clearer picture of the world if they knew more things like that. Correction: not "more things like that" — just more *things*, of any kind.

The other day, I accompanied my friend Joseph Ho while he took pictures of an old church in the San Diego area. It was built downtown, in the late 19th century; then, in the mid-20th century, it was moved to a suburb, and after that to another suburb. This church is a sizable building — a big, tall, complicated, Victorian structure. It was fun to think about moving such a large chunk of matter.

But when I told another friend about our visit, he showed a regrettably limited view of the matter. "It's really great," he said, "what you can do with today's machinery." He had no idea of how commonly buildings were moved about, long before our current technology. Even in 19th-century San Diego, even in the days when "horsepower" meant the power of horses, buildings wandered up and down the streets like drunks at closing time. Somebody would build a house on Fourth Street; then shift it over to Sixth Street; then put it on a barge and ferry it across the bay. Later he would move it around some more, over there. And San Diego wasn't special. In the northern Great Lakes, buildings were put on sleds and moved across the ice; and if there was an enormous brick church on the town square, and the congregation wanted to add some space, they just jacked up the building and put a new ground floor underneath. Nobody thought much about it.

The old folks also discovered mail-order buildings. Did you know that between 1908 and 1940, Sears Roebuck & Company sold over 100,000 prefabricated homes and shipped them all over the continent, often arranging the mortgages, too? Whole neighborhoods were built in that way. You looked in the Sears catalogue and selected one of 447 models; then Sears put the parts on a train and sent them to the station you stipulated. You picked them up, took them to your lot, and assembled your house. The process was easy and cheap. "For $1,766 [about $27,000 in today's money] we will furnish all the material to build this Eight-Room Residence, consisting of Mill Work, Ceiling, Siding, Flooring, Finishing Lumber, Building Paper, Pipe, Gutter, Sash Weights, Hardware, Mantel, Painting Material, Lumber, Lath and Shingles. NO EXTRAS, as we guarantee enough material at the above price to build this house according to our plans. By allowing a fair price for labor, cement, brick and plaster, which we do not furnish, this house can be built for about $3,480.00, including all material and labor."

I told this story to the friend I just mentioned, and as I talked his eyes got bigger and bigger. He'd never heard any of these things. They gave him a new idea of the old America, and the power of enterprise that was in it. No internet, no freeways, precious little government . . . but damn! Just try to mail-order a house today!

Speaking of moving things around . . . Most people know that Stephen Douglas was Lincoln's opponent in a series of debates, which they believe, erroneously, decided a presidential election. But there are a lot of other things to know, peculiar and interesting things, about the man who waits in his tall stone monument beside Lake Michigan, expecting the tourists who do not come. Some of these peculiar facts have to do with Douglas's trip to Europe. In 1853, after his failure to win his party's nomination for president, and after the deaths of his wife and infant daughter, Douglas decided that he should get away and see everything he wanted to see in the Old World. So, simple as that, he got on a boat and sailed to Europe. He visited England, France, and Italy. Then he went to Turkey, where he declined to visit the sultan, because it would take too much time. Instead, he went to the Crimea (you didn't see that coming, did you?), where he boarded a special "carriage"

One learned to be a saint, but only after her husband was blown up by a terrorist's bomb, and she was left to pick up the pieces, literally.

equipped with a bedroom and a kitchen. In this contraption he rushed across Eastern Europe, moving both by day and by night. He saw Moscow, Kiev, Nizhni Novgorod, and St. Petersburg. He conferred with the tsar. After that, he hit Copenhagen, Berlin, Prague, Vienna, Munich, and Paris. He conferred with the emperor of France. Then he went back to England, took passage on another boat, and sailed back to America, where he resumed his political career exactly where he'd left off. And how long did this trip take? It took five months, just five months — in 1853! It sometimes takes me five months to plan my next trip to the auto parts store.

So that's something to know. And did you know that on May 31 and June 1, 1886, during a period of just 36 hours, the gauge of 11,500 miles of railroad in the southern states — and every bit of the southern railroads' rolling stock — was changed to match the gauge of the Pennsylvania Railroad? In less than two days, 11 *thousand* miles of railroad were reconfigured. The change was motivated entirely by commercial considerations (to put it plainly, by the desire to make a buck); it was organized entirely by private enterprise; it took only four months to plan; and, as contemporaries remarked, not only was it "done economically" but "the public hardly realized it was in progress." Imagine what would happen if the government tried to do such a thing today.

While your imagination is at work on that, here's another little story about moving objects. There is, in a cemetery in Marion, Ohio, something called the Mysterious Ball. It's a two and a half ton granite sphere that rests on the top of a granite monument. The Mysterious Ball was placed on the monument in 1896, and soon it began to turn. Nobody has ever seen it turn, but over the years it has turned quite a lot, and in several directions, as evidenced by the varying positions that a small unpolished part of the ball, formerly located on the bottom, has occupied. The rest of the surface remains polished; it reveals no scars from a century of motion. No one knows how this happens, and almost no one outside of Marion, Ohio, knows that it does. But it does.

I have visited the Ball, but I have no explanation to suggest. I regard it simply as a fact on the loose. This isn't to say that unprogrammed facts can't have a meaning. Not at all. It's fun to look for meanings. And with some facts, you don't need to look very far.

Back in the days when Republican administrations were actually trying to reduce the size of government, a threat arose to the budget of the National Endowment for the Arts. A young artist was visiting me at the time, and she was full of protests about this "first attempt in American history to cut government support for the arts." I know it's preposterous, but that's what she heard, and that's what she believed. I told her the simple fact: regularly established federal support for the arts was very recent. The NEA had originated less than 20 years before. I also reviewed the reasons for thinking that the federal government isn't the best judge of artistic quality. But it was the stray fact that impressed her. She immediately went about town, telling her artistic comrades that the federal government *wasn't* the traditional patron of the arts — and therefore, perhaps, shouldn't be. And, she said, the artists listened. You can't tell what effect a stray fact may have.

Here's an odd fact, and another odd story, one that has a lot of meaning for me. I'd have a hard time doing without it. Every year I give a lecture about comedy, and I always tell the story to illustrate the idea that any subject can be comic, and that comedy is a splendid attempt to transcend the things we fear.

I would be better at telling the story if I could remember the name of the chief character. What I do remember is that he was a respected author, and he was lying on his deathbed. Friends gathered. The great man spoke with them, then ceased to speak. His breath became less frequent; stopped. "Ah!" they said. "Is he gone?" They couldn't tell. One of them searched for his pulse, and couldn't find it. Another touched his forehead — cold. But still they doubted. "Feel his feet," someone suggested; "no one ever died with warm feet." But just when their hands were reaching for his feet, the corpse-like man reared up in bed and, in a final assertion of life and personality, proclaimed to his startled friends: "Joan of Arc did!" And then he died.

People should be taught the basics, but also be encouraged to learn what isn't required.

When I tell this tale, it's amusing to see the little pockets of listeners who get the joke right away, then to watch the laugh spreading, as more and more people remember Joan of Arc. By the time I remind my audience that "Joan of Arc was burned at the stake," almost all of them have remembered this stray fact, and they laugh a second time at the reassurance that, despite all fears of faulty memory, they turned out to be right.

Reassurance? I myself depend on this yearly reassurance that I can still locate a fund of vagrant, obscure, yet commonly known information. Knowledge of facts can be a solid bond.

In May of this year, the Southern California news was full of stories — the usual stories — about a young woman who had disappeared while jogging, and a young man who had disappeared while driving to work, and where oh where could they possibly be? Liam Vavasour was with me when those two stories appeared in a newscast. He turned to me and said, "Judge Crater!" Many people would think he had suddenly lost his mind, but I knew better. Liam and I both know the odd fact that on the evening of August 6, 1930, New York Supreme Court Justice Joseph Force Crater walked out on the streets of Manhattan and disappeared, never to be seen again. Nobody knows what happened to Judge Crater, and actually, nobody cares. Practically nobody ever really cared. Yet for Liam and me, knowledge of Judge Crater is the handshake of a secret society — a society that's a lot smaller than the Elks and a lot less important (perhaps) than the Illuminati, but a lot more fun for us.

I don't think that knowledge — even knowledge of Judge Crater — ever needs to be justified. But if you want justification, I have much more of it. Franklin Roosevelt offered Four Freedoms, but I offer Five — five forms of liberation that result from knowing the type of facts that will never appear on a test.

Roosevelt called one of his freedoms the *freedom from fear*. I'll appropriate that name for my own First Freedom. To the extent that you know some facts, you aren't likely, as St. Paul said, to be "tossed to and fro, and carried about with every wind of doctrine, by the sleight of men, and cunning craftiness." In other words, you know better than to let other people scare you with their propaganda.

If you've been frightened by the current, unrelenting propaganda about "the degradation of our environment," you'll feel happier if you know some facts about what's happened to our environment in the past. Consider, for example, the Great Molasses Flood of 1919. The disaster occurred on the grounds of the Purity (of course) Distilling Company in Boston. A tank holding two million gallons of molasses collapsed. First, rivets started shooting out of the sides. Then a tide of molasses gushed forth, running down the streets at over 30 miles an hour, killing 35 people, fouling the harbor, and leaving horses dying "like so many flies on sticky fly-paper."

Whisper to me, environmentalist: would you rather see dead horses stuck to your walls, or endure a little bit of secondhand smoke?

By the way, did you know that — contrary to fears that the environment is always getting worse — an estimated 12,000 people died in London in December 1952, because of a severe smog? Compared with that, today's environment is just swell, thank you.

Do you suffer a twinge of fear when people warn you against printing out their emails, as if you were living on Easter Island and were about to murder the final tree? Then maybe you should know that there are more trees in this country now than there were in 1900. And maybe you should know about the Great Peshtigo fire (Wisconsin, 1871). Started by Mother Nature herself, it burned an area twice the size of Rhode Island and killed thousands of people. Later She started the Great Thumb Fire of 1881, which burned almost every acre of three counties in Michigan. Yet despite such frolics of the bitch-goddess Nature, our forests still thrive. (Especially when they're privately owned.)

You might also be interested in comparing our normal "quality of environment" with the environment of 1910, when there were (here's another stray fact) 3 million horses shitting in the streets, and another 10 million shitting on farms; when there was a saloon on every corner and a red-light district in every major city; when the death rate for infectious diseases was 15 times higher than it is today; when steam locomotives blackened the landscape; when air conditioning was unknown and indoor plumbing was still a minority possession . . . . If you make that comparison, you will feel freer about turning up the AC, cracking a beer, and printing off a few dozen pages of your favorite emails — remembering not the deaths of trees.

"This has got to be the lousiest location in town!"

My Second Freedom is *freedom from cliches*. I guess I've been talking about that already. This whole business about the present being worse than the past — that's just a cliche, and not a true one, either. You can say the same thing about the perpetually recurring idea that uncivilized people, such as the American Indians, lived on a higher moral plane than ours, that they were more in tune with nature, and so on. A few stray facts about the history of the Iroquois, and what they would do to you if you fell into their hands, should be sufficient to liberate you from that cliche. I won't state the specifics here; I'm sorry I ever heard them myself. It's enough to say that when the Aztecs wanted to get the attention of the rain god, they tortured little children to make them cry (crying = water = rain), and that the Iroquois were about 50 times worse.

Cliches are predictable — that's why they are cliches — and they assume a world of predictable opinions. But knowledge of facts provides a Third Freedom: *freedom from predictability*. Hitler was evil; that everyone knows. But did you also know that he was a crusading vegetarian, antitobacconist, and nature lover? That is not predictable, according to the current equation of "environmentalist" with "highly moral person." Yet it's true, and if you think about it, it can inspire some unpredictable and unprogrammed moral evaluations of our own contemporaries.

But we don't need to take this in a moral direction. All history is unpredictable. Its precise determinants are unknown, and may never be known. Yet even the unpredictable failures of human beings help to make life exciting.

Most people know — or knew, before political correctness banished this kind of knowledge — that the pre-European inhabitants of the Americas never learned the use of wheels. That understanding is still generally true, but the interesting thing is that many wheeled *toys* have been discovered from the pre-European period. This is one of the least predictable, most remarkable facts in the intellectual history of the world. It is even more remarkable than the fact that the principle of marginal utility — the basis of modern economic thought, and an idea that is superbly easy to deduce from the most rudimentary observations — wasn't formulated until the late 19th century, when three people, working independently, came up with it. How could you use a little wheel, without thinking about using big wheels? Clearly, the obvious can be insuperably difficult to see. And how can you contemplate this fact, without glimpsing the mystery of human life?

Of course, there's a temptation, when one considers things like the Amerindians' wheeled toys, to start lamenting man's feebleness and folly. But that's where the Fourth Freedom comes in. It's *freedom from littleness*, freedom from the supposed necessity of minimizing human powers. You can never predict when you're going to discover some stray fact that astonishes you with its proof of man's ability to do important things.

Did you know that Darius I of Persia completed a canal (begun by an Egyptian pharaoh) that connected the Red Sea with the Nile, more than 2,300 years before the Suez Canal? Did you know that self-propelled vehicles were in regular service on the roads of England in the early 19th century, long before the advent of the automobile? (They perished — let's see whether you can guess — because of government regulations.)

I often ask my students how many went to high schools where they were taught that until Columbus, educated people believed the world was flat. Virtually all of them raise their hands. Not a single one is aware that in the 3rd century B.C., the Alexandrian scientist Eratosthenes calculated the circumference of the earth, and came very close to the exact figure. His elegant calculation, which required only two or three clear, sharp operations of the intellect, and only one small set of observational data, is one of the greatest monuments of the human mind.

It's shocking that more people haven't found this stray fact. But when one does happen on such facts, one experiences the fifth and final of the Five Freedoms of Fact: *freedom of perspective*. I'll put it bluntly: when you know a lot of different things, you see the world a lot differently. You don't feel that you are bound so tightly to the ordinary details. You feel that your own life is more interesting, as indeed it is.

In Willa Cather's novel "O Pioneers!", the heroine relates an anecdote about a young woman who becomes despondent because she's never known anything but dull labor on a Nebraska farm. Then her family sends her to visit relatives in Iowa, and she experiences the Fifth Freedom: "Ever since she's come back she's been perfectly cheerful, and she says she's contented to live and work in a world that's so big and interesting. She said that anything as big as the bridges over the Platte and the Missouri reconciled her."

"Reconciled to the world" is one way of putting it. "Realizing your own significance" is another. When you know more about this "world that's so big and interesting," you think better of yourself. I understand the received wisdom: when we reflect on the size of the cosmos and the extent of history and the number of people on earth, we're supposed to feel humble about ourselves. But Cather disagrees, and so do I.

Think of yourself as a character in a play (as we all have a tendency to do). Imagine that this is a little play, with only a few characters. All that happens in it is that the people in your neighborhood say this and that about their immediate concerns, and you say this and that in return, and then you die.

In less than two days in 1886, 11 thousand miles of railroad were reconfigured. The change was organized entirely by private enterprise.

Some play! Now picture yourself in another drama — a vast theatrical display, full of unpredictable events and fascinating people from all over the world and all recorded history, a drama thousands of times greater and more interesting than "King Lear." If you think you're in the second play, you're right; you have perspective on the significance of your life.

Perspective is what we gain when we stop cultivating our garden and start looking over the fence. I have a homely example of this. It has to do with the history of the Midwest.

Before government land could be sold in the states west of the Appalachians, the wilderness needed to be surveyed. In each of the northwestern and southwestern territories, surveyors laid out a grid of mile-square sections. They began by projecting a meridian, running north and south, and a baseline, running east and west. Every parcel of land was plotted and numbered in relation to those lines. The men who ran the lines were well paid, and they deserved to be. Theirs was a heroic endeavor — cutting through forests, wading through swamps, fighting dirt and heat and animals and malaria and every other feature of a noisome environment, where perspective was provided only by scientific instruments and the sight of the North Star. And they weren't just running lines; they were writing elaborate reports on the soil, minerals, hydraulics, fauna and flora of every section of land they surveyed, for the benefit of future purchasers, if any.

The Mysterious Ball was placed on the monument in 1896, and soon it began to turn. No one knows how this happens. But it does.

Well. I grew up at 11502 N. Meridian Road, Jackson County, Michigan. It was called Meridian Road because it was located about half a mile east of the Michigan meridian. Further, our place was located a mile and a half south of Michigan's baseline — a line that made an unpredictable jog, right where it hit the meridian. Because of a surveyor's (understandable) mistake, the end of the eastern part of the baseline was, and is, 936 feet away from the start of the western part.

At any rate, a journey to the meridian from the back fence of my childhood home was only a 20-minute tramp through fields and woods. On one or two occasions I made that trip, but I had to do it secretly. My parents didn't like the idea of my "traipsing" across the neighbors' property. More to the point, they had no perspective on where we lived. The idea of the baseline and meridian had no influence on them, although you'd think that anyone who lived on Meridian Road would want to know why it got its name. My K-8 school, which was also situated on Meridian Road, imparted no information on the subject either. The topic never came up, not even in my beloved Michigan history class.

It wasn't until long after I grew up and moved away that I realized where I had lived. Then I saw that T.S. Eliot's lines about the discovery of perspective might be literally true:

> We shall not cease from exploration
> And the end of all our exploring
> Will be to arrive where we started
> And know the place for the first time.

If I had known those apparently useless pieces of information about the baseline and meridian, they would have helped

me visualize my place in history. They would have helped me understand that I was an heir to the brawny, sweaty, mosquito-bitten guys who laid out the little world in which I was privileged to be reared. And they would have helped me sense the greater world, beyond the back fence and the imaginary line — a world where things happen strangely, unpredictably, with superhuman toil and, often, with superhuman cleverness and skill.

Fortunately, it doesn't take superhuman effort to gain the shiny bits of knowledge that help us see such things. Part of it is just asking questions. Children are better at this than adults, because adults learn not to ask the kind of questions that might keep us from moving efficiently through our day. Far be it from us to wonder when the city hall was built, or why Normal Street should have that abnormal name. The only problem with children's questions is that kids can't follow up on them without the assistance of adults, and the adults usually don't know enough to assist them — because they've lost the habit of asking questions themselves.

I've had an on-again, off-again interest in the history of my family, but I was over 40 before it occurred to me to ask my aunt Norma, the eldest of our tribe, what kind of car her parents owned. "Car!" she replied. "They never owned a car. They didn't have that kind of money." The fact that my grandfather ran a store, served on the school board, and was an officer of a local bank (think "It's a Wonderful Life"), yet could never afford a car, opened a new vista on what is called "social class in America." But I'd never asked the obvious question.

Have you ever noticed, when you're reading biographies, how seldom the authors try to answer such obvious questions as "How tall was he? Did he keep his Virginia accent? He was a 'Catholic' — how often did he go to church? Did his house contain a toilet?" Not to mention the most important question of all: "How much money did he make?" You can read thousands of pages of biography and never learn what anyone's salary was, or how much anyone earned on the royalties of books, or how much anyone actually spent for the "expensive new house" that people are always buying in biographies. Sometimes you're fobbed off in the way you are when the mainstream media talk about a strike. "Teachers," you're told, "are demanding a 10% raise," but you never learn how much they're making now. In the same way, a biographer will tell you, "Her third book sold 10,000 copies more than her second," without ever telling you how much the second one sold. It's true that financial information can be hard to find. But unless the biographer tells you that he couldn't find the answer, you can bet that he didn't even ask the question.

Would you rather see dead horses stuck to your walls, or endure a little bit of secondhand smoke?

Asking questions is the most important thing. But there are two other good ways of learning stray facts. The two may seem contradictory, but they're just different ways of coming at the same thing.

The first is to read *anything*. Aren't you amazed when you see people sitting by themselves in a restaurant or a waiting room, and they *aren't reading*? Perhaps they're immersed in God-consciousness. Perhaps they're nearing completion of their plan to rule the world. Perhaps their minds are total blanks. In any event, as the Lord says in Genesis, it isn't good for man to be alone. He should be reading something. He should be reading the help-wanted signs or last week's Entertainment section or the ingredients on the ketchup bottle — anything that might reveal some facts. Better, he should have bought the first book he saw at the swap meet, and grabbed it when he was going out the door today.

I exaggerate. Nobody has a motivation for literally random reading. But everyone can pursue the connections of his favorite interests. A person who loves gothic cathedrals can look for some information about how they were financed. A person who loves Chinese food can go online and do some research about Chinese immigration and the cultures attached to it. A person who loves railroads can learn something about the people who planned them, invested in them, tried to manage them. In short: identify your interests, and find out what lies half a mile away from them.

The second way of learning stray facts is to read according to plan. I would add, "the more arbitrary the plan, the better," but that would be another exaggeration. Yet the basic idea is sound. When I was a sophomore in high school, our librarian, Mrs. Helen Hodge, a sweet, plump, eccentric little lady who voted Socialist and claimed that her vote wasn't counted (which was probably true), mimeographed a list of 100 books that she thought everyone should read. I was not a reader, but I took her list seriously. I guess I believed it was connected with getting into college, though like most other young people, then or now, I could have gotten into college without reading much of anything.

Every list of this kind must be pretty arbitrary. One hundred books? Why not 50 books? Why not 200? And no high-class educator would have approved the entries on Mrs. Hodge's list. It was very long on prize-winning novels ("The Good Earth") and very short on poetry, history, and philosophy. Left-wing stuff was prominent ("The Autobiography of Lincoln Steffens"). But the list had an overwhelming virtue: it reduced the infinite number of books that I had never read to the finite number of books that I might actually get through.

Starting on that list was an enormous event in my life. I remember that when I had finished five out of the hundred titles (one of them the redoubtable "Moby-Dick"), I lay in the bathtub, congratulating myself on being well-read — or at least one-twentieth well-read. I believe I eventually got through 55 or 60 of Mrs. Hodge's books. Some of them were dreadful ("The Jungle"); others were good at the time, but attempts at rereading have been spectacularly unsuccessful. And contrary to my emphasis on random, unorganized, unprofessional knowledge, I must admit that the list has benefited me greatly in a professional way. As a college teacher, I often have occasion to notice that I'm the only one in the seminar room who has read Edna Ferber or can comment on the *oeuvre* of Upton Sinclair.

The great thing about the list, however, was that it was

continued on page 53

In Vino Libertas

by Michael Christian

The theoretical benefits of free trade and competition are clear — but the practical ones are more worth savoring.

In a perfect libertarian world there wouldn't be a lot of room for libertarians to talk about politics, would there?

In the real, obviously imperfect world, our job is to complain (I know, rationally) until the cows come home. But if the cows do come home, there will be no more complaining to do, and we may find ourselves at a loss. What would a libertarian do in such a world?

Not to worry, you say; the world is at no risk of achieving perfection any time soon. True, but I don't think my speculation is vain. Even our imperfect world gives us freedoms that merely sit on the shelf, where most of us don't even see them. We may have political and economic freedom in some sphere but are too constrained by culture and received wisdom to make full use of it.

In some sense, of course, the limitations are voluntary and therefore not the proper object of more libertarian kvetching. Still, I think that since we put such a high value on freedom we should be especially good at exploiting it for our own enjoyment.

There's the freedom you have, and there's the freedom you use. This little essay is about the latter. It's about one of my favorite freedoms — the freedom to drink. The French say "drink like a hole" and "smoke like a fireman." Some day, I hope to write about the exquisite pleasures of tobacco, and how best to enjoy them, but this attempt is about the pleasures of drinking. My particular example of a freedom and pleasure — and how easy it is not to make the most of it — is the use of wine.

Thanks to increasingly free trade and competition and the market differentiation they have produced, and thanks to the propagation of grape vines and of Mediterranean wine culture around the world, I can walk into a local store and buy hundreds of different wines from dozens of different countries and four different continents. That's my kind of freedom, and I enjoy it. But you (if you're like most American wine drinkers) don't enjoy it as you should — you are limited by prejudices. You are choosing wine for the wrong reasons. You are (sin of sins) ignoring your own palate.

I know it's true. I was once like you. My mind had been

narrowed. I had trained my naive palate to seek a certain style of wine. I had been indoctrinated, and indoctrination had left me with a debilitating dogma. It had left me less free, in an immediate and practical sense. The shelves were full of the possibilities that economic liberty had produced, I kept reaching for the same old stuff. In your local wine merchant's shop, just ten or twenty dollars will buy you great freedom to choose, but you can't use it unless you look past the popular authorities and educate yourself.

California and Australia winemakers pushed to greater and greater extremes. The results could be a caricature: fruit like a mouthful of Smuckers with some raisins and prunes.

The education of which I speak requires no books or lectures. For years I read books and attended lectures but left freedom on the shelf. Then it suddenly revealed itself to me. I woke up one day, knowing that for several years I had been dissatisfied with the Californian and Australian wine I was drinking. I hadn't thought about it. I had just assumed that I liked what I was supposed to like. The solution was to forget most of what I had learned about drinking wine. You should too.

I had become so tired of the wine I was supposed to like that, not only did I begin to buy alternatives, but I began to make my own. A friend and I planted a couple hundred vines in the high country east of San Diego. Last night I drank some of our third vintage. Very satisfying.

But to return. If you are like me and most other Americans with an interest in wine, you learned about it at the feet of such critics as Robert Parker, an American lawyer with a great palate and a subscription newsletter with thousands of followers. These people introduced the 100-point rating system for wine, and they did a good job of taking away some of the mystery that surrounds it. The numbers were easy to comprehend: an 88 was pretty good, a 93 was excellent, and a 98 would cost an arm and a leg, if you could find it. Today, wherever you buy wine, little signs proclaim things like "Parker 91" and "Wine Spectator 89!"

Most consumers were relieved to have these references. They fulfilled a proper function of advertising: they provided basic information and assisted the customer's choice. Suppose you're going to a dinner party and want to bring a bottle for the host. Hey, here's a Parker 90 — can't be bad. If you didn't have time to get your guidance directly from the new critics, you could take it from an ambient wine culture that was molded by them.

American wine drinkers were like a bad girlfriend or boyfriend — needy and vulnerable. The critics met the need and exploited the vulnerability. That sounds morally bad, but it wasn't. They really did provide a service — for a while.

It all started in 1982, with the 1982 Bordeaux vintage in France. More than in California or Australia, vintages matter in the Bordeaux and Burgundy regions, mostly because their weather is less reliable and their methods leave more room for natural variations. The 1982 Bordeaux vintage was unusual, even atypical, and exceptionally good. Parker proclaimed it from the rooftops, and it was a huge hit with consumers in the United States. This great Bordeaux vintage, combined with the newly significant American wine market and the influence of an innovative wine critic, started a swing of the pendulum in wine styles that has now reached an extreme.

It happened that in 1982 everything conspired to produce a bumper crop of very ripe fruit in Bordeaux. The flowering of the vines came early, pollination was good, and there was plenty of sun and heat as the grapes matured. The resulting wine was much richer, sweeter, and fruitier than usual. It was easy to drink young, unlike more traditional Bordeaux; yet it still had enough acid and tannins to avoid being syrupy.

When the vintage came out, Parker was just making his bones in the industry. He used his 100-point scale to rate the Bordeaux of '82, and he absolutely loved the vintage. He announced that it could be the vintage of the century. His judgment moved millions of bottles — so many in fact, that vintners began making wine to please his particular palate.

At the same time, the U.S. market was becoming more important as a result of some liberating political and economic events. The stagflation of the Carter years was over, tax rates were coming down, and the dollar was getting strong. I remember in the mid-'80s buying French francs at 11 to the dollar. That would put the dollar at close to 2 euros today. As I write, you can't buy eight-tenths of a euro with a dollar.

Americans went mad for the '82 vintage even before it was released. They bought up the futures contracts and later drank up most of the wine before it was mature. A whole style of wine — ripe and ready, often called "fruit-forward wine" or "fruit bombs" — took over. With rich, ripe juice, wine makers could get good scores on Parker's 100-point scale, and those scores opened up the large and growing U.S. market. The better fruit bombs might benefit from long aging (unlike many other wines, good Bordeaux usually does), but it was delicious even when young.

A more traditional Bordeaux might be too harsh and tart, unless it had spent a decade or more in a good wine cellar. But who had a good wine cellar? Back when the '82s were released I was drinking the stuff in dorm rooms. I had no way to store wine. So Parker and American drinkers and the new style broadened the market for premium wine.

So the economic incentive for making wine in the super-ripe style was strong. But how do you make such wine in years that don't look like '82? There are two ways.

One is fruit cropping — reducing the amount of fruit on the vine severely, so that the vine has ample resources to ripen the remaining fruit. The other is hang time. This involves leaving the fruit on the vine well after its initial ripening, to get the sugar content higher. The first method, severe fruit cropping, can result in deeply concentrated, rich wine, but it makes for such small yields that, for the most part, only wine makers who can charge very high prices use it. The second method, extending the hang time, can result in pruney flavors and wine that is rich but bland or cloying, because the acidity of the grapes drops as the ripe fruit hangs on the vine. Some

continued on page 53

Radio Free Santa Cruz

by Jacques Delacroix

The revolution may not be televised — but it will be broadcast.

I am a talk-show host, a radio personality you might say, but Rush Limbaugh is not sweating it — not yet.

My show, "Facts Matter," runs two hours a week on Sundays, 11 to 1 p.m. on KSCO Santa Cruz, 1080 AM. Midday Sunday is not the best radio time; that would be the late afternoon weekdays rush hour. But Sunday noon is not the worst time either. Many people feel leisurely enough to pay attention at that hour, although I have to compete with God to some extent. I work for that rarity, a small, locally owned station with no corporate connections.

I don't know exactly how the station makes a living, or if it does. It's a family enterprise. The family may subsidize it to an unknown extent. There is some local paid advertising, for conventional local businesses, including the Santa Cruz Diner (about which more below). Some of the locally generated advertising for local businesses makes good folklore. One couple-owned business airs a sweet short commercial in which husband and wife use, at least ten times, the words "eletric" and "eletrical." What's sweet is that they sound exactly alike. There also seem to be many ads for vitamins and other, more or less esoteric, food supplements that I don't use because I eat an apple a day.

The station is another rare thing: a frankly conservative organ in the midst of a well-known people's green socialist republic. The government of the city where the station is located is dominated by current Maoists, former Trotskyists (no such thing, maybe) and unreformed Stalinists, plus secretly insane Greens. Most of these people are liberals; and most are prosperous merchants, of course. Some are university lecturers, as you would expect. Over the years, they have forbidden smoking, sitting, sleeping, and dogs. Recently, they decided in their wisdom that there could be only two medicinal pot-shops in town, by appointment. The idea of letting the market decide did not arise.

With all this, the town is well run in a sort of second-grade, school-teacherish way, with new rules every other week. My garbage gets collected, but I am forbidden from cutting down the ludicrous tall redwood tree in my narrow front yard. Of course, I like sequoias, but there are thousands in the forest,

five minutes by car from my house. Fellow citizens who want to see one should not impose this unconstitutional tax on me. They can damn well drive to the forest.

In my immediate catchment area, vestigial Trotskyism, unlettered Maoism, and mushy environmentalism are the Establishment. If it were not ridiculous, I would declare that people like me are the underground. That claim would not work because we are loud and feared, at least I hope so. My station's main key to success and even to the survival is its shining service record on local issues. In bad weather, or when forest fires encircle us, we give nonstop utilitarian coverage. If a big earthquake struck, most people in our area, including effete, sensitive, haughty liberals, would tune to my station for salvation.

After 30 years of being called "racist," even patriots feel that being American must be vaguely sinful.

Our programming is distinctive. It's almost all talk. There is no music except what individual hosts choose to play. The station boasts what I think is a world-class "Good Morning" program. It hurts me to admit this, but it's led by a die-hard liberal who has at least the merit of being a patriotic immigrant like me. Then it airs the syndicated Rush Limbaugh show from 9 to 12, five days a week, every week. On the same days, it has two strongly libertarian-leaning conservative hosts in the afternoon. One, who has been at it for 15 years, is a refined commentator on the Constitution and an expert on California politics.

There is also an informally defined but persistent left-liberal, "progressive" slot in the middle of the afternoon. The station management has trouble keeping it filled, although I am certain it's trying hard. Air America comes to mind, but that no longer exists. (I know it's not compassionate to mention this defunct attempt at Left mastery of the airways, but it's unavoidable.) It seems to me that liberal talk-show hosts tend to be too soft on facts to take on the listeners' challenges, at least conservative listeners' challenges. Moreover, too many things "appall" them. It's tiring to the audience and to themselves. They are smart enough to hear themselves and they tend to move on.

The other radio stations in our listening area are liberal, "progressive," or hard-left in their orientation. They demonstrate daily the small-scale totalitarian foundations of their worldview: None of them has even a single, token, conservative on its crew. None of them is trying.

As for my prosciutto-thin slice of airtime, it provides an "international" component, among other things. It's true that my foreign accent almost certainly helped me get the gig. It's annoying because, personally, I don't like hearing foreign accents on the radio. I always suspect that the host got the benefit of the doubt just because of the accent — additional presumed IQ points, perhaps. I even suspect there is a fixed rate: Oxbridge: + 30 points; common English English: + 20 points; Scottish or French (mine): +10 points; Aussie: + 5 points. Everything else non-American: + 2 or – 2 points. Yet I am well qualified because of my former scholarship in cross-national research and because I taught international business for 20 years. (Correct: I didn't just read the textbook aloud to my class; I was learning all the time.) Furthermore, I keep informed routinely in two languages other than English, and occasionally, in a third.

My personal contribution does not amount to much that is tangible. There are two aspects of it, symbolic and substantive; the substantive part is not that concrete, and the symbolic contribution may be wholly imagined. After 30 years, political correctness has done its pernicious work. After 30 years of being called "racist," after 30 years of hearing the rantings of La Raza ("The Race"), even libertarians, even conservatives, even patriots feel that being American must be vaguely sinful. Fragments of out-of-context truth end up sticking to those big lies, affecting the innocent and the well-meaning. Listening to this immigrant, with his foreign-accented voice, who stumbles occasionally on common words, and liking what he says, must provide some solace, I speculate. It might even bestow legitimacy on the listeners, in their own minds. People who tune to me Sunday after Sunday can't be all that intolerant of "diversity." They can't really be xenophobic. (I don't know how many know the word, but they are surely familiar with the accusation it conveys.) My predecessor in the time slot was also an immigrant, and he too had a foreign accent. When I leave, I hope another American-by-choice will take the same slot.

Then, of course, there is what one does on the air, and how. I perform more tangible services, but the consequences of my doing so are not necessarily measurable or important. Naturally, I help explain American foreign policy as well as some foreign events. I expatiate on the mutual effects of American policies and of other countries' policies. I also offer a cross-national judgment on seemingly domestic facts. For example, before March 22, 2010, conservative commentators persisted in declaring that the United States had "the best healthcare system in the world," a meaningless statement that would be false if it had meaning. I said so aloud. No one else with any credentials did.

None of what I do is very scholarly or intellectually elevated, but I am addressing myself mostly to working people who don't have much time to inform themselves broadly, or to digest what they do learn. I like to think of myself as a kind of caterer: I shop for my clients and I cook for them, probably a little better than most of them would do for themselves. My role model for ethics and style is the popular local old-fashioned Santa Cruz Diner. Here is why.

When I began broadcasting, I met with issues of personal self-evaluation. My former life as an academic, and the laboring years preceding it, did nothing to give me standards of behavior or performance metrics relevant to my new avocation. Since I thought of myself as a kind of caterer, I chose a restaurant as a role model. It's an award-winning diner. As "diner" implies, it has a counter where you can sit on stools. Half the waitresses are white women in tight jeans and fresh hairdos. The other half are smiling Filipinas. The waitresses never tell you they are your "server tonight," or "your wait-person." They never babble about their other job as an

undiscovered artist or "actor." They are all kind, courteous, and brisk. The kitchen is open, a fact I like because I am naturally mistrustful. The whole jocular and efficient kitchen crew is Mexican — from the same area, possibly from the same town, my ear tells me. The menu offers eggs with waffles and even eggs with corned beef. You can get biscuits with gravy if you ask. It's also a lunch and a dinner restaurant, of course. Every dinner features a different special: spare ribs, prime ribs, grilled salmon, etc. — familiar dishes cooked with care, and all for under $10 (in early 2010). It's not gourmet gastronomy; it's solid food that seldom disappoints. It's honest food. Yet we are in California, so a pretty good *pho* is also on the menu. I don't know how it got there, but I am charmed that it did. (For those of you in the deep hinterland, pho is a Vietnamese noodle soup with thinly sliced exotic meats floating on the surface. It's served with fresh herbs and bean sprouts.)

On the air, I try to be as forthright, as honest, and as courteous as the Santa Cruz Diner. I try hard to explain apparently obfuscated issues in a straightforward manner. I make a deliberate effort to do that in ordinary words. Sometimes, I think I am doing the best teaching I have done in my life. It's tough going. Radio is a difficult medium because it forces you to talk to a blank wall. There is no barefoot, hairy, overgrown C- addict sleeping in the back of the room. There is no second row filled with yellow marker-brandishing good girls with whom to make inquiring eye contact. It's so bad, I blackmail my friends to come and keep me company in the studio just to have a reactive human face to look at. There is one guy, an Englishman, whom I bribe with *pâté* sandwiches for lunch just so he will sit across from my mic.

It's true that there are always the callers, since it's "talk" radio. Yet relying on wild calls is not as productive as it sounds. First, in every show, initial calls are often from single-issue types who try to bite off a big chunk of my airtime, irrespective of what I happen to be speaking about. Some are sane; others may not be. Most of the gold standardizers would be an example of the sane. There are also the conspiracy addicts, addicts to conspiracies I don't need to name; but some of the gold standardizers also belong in there. There are the Bilderbergers, the brave fighters against the Illuminati plot, and even the contrailers. Other callers have a valid point with which I don't want to deal, or not right then, because it's too complicated or too boring for radio. I have been moderately successful in freezing them out through my show's name and theme: "Facts Matter." When I detect a conspiracy caller moving interminably toward the deep end, I challenge him quickly to cite his sources, to tell me and the audience why we should believe what he alleges. I offer that he do it on-air, by fax, by email, the next day, any day. That usually takes care of it.

If I think a caller is acting unreasonably stubborn, I defy him to take a friendly wager over the air, to benefit a charity. As I write, one stubborn guy has been owing Doctors Without Borders $20 for three months. He lost, and he is too cheap or too stubborn to pay up. At least, he has not called my show since. The on-air, uncharitable bet for charitable purposes may be my first original contribution to the genre of talk-show radio. I pioneered another contribution, but just one time: a rare radlib caller got under my skin, and I provoked — maneuvered him, rather — into challenging me to a duel. We had it out arm-wrestling in the station parking lot. The match had been well advertised. It was well attended. My producer commented on it step by step on air, as one would the World Soccer Cup. I collected donations for a good cause. (And please don't even ask: the other guy was ten years younger than I am — nevertheless, six out of six; what do you think? Leftists can't stand the heat of one-on-one direct conflict. That's why they are collectivists.)

Relying on callers presents tangled problems of strategy. When I am on a roll, talking eloquently about some topic or other in the lonely silence of the studio, I will take some calls just because it's supposed to be "talk radio." Then I will receive an email or a fax, or a caller will ask specifically that

Leftists can't stand the heat of one-on-one direct conflict. That's why they are collectivists.

I *not* put him on the air — "I was listening and understanding for the first time why polar bears are probably not starving on ice floes any more than before. Please keep those other morons off the air" — and I am simultaneously flattered, mortified, and disoriented.

I receive little feedback of any kind, but most of it encourages me to lecture at length. I feel that I have to keep a balance between lecturing and taking calls, but I have little idea of what the balance is. So I muddle through; but there is a constant danger of awarding too much importance to the few people who bother to express an opinion and to the opinions of chance encounters with people who recognize my voice at the coffee shop.

The work involved in preparing for a short weekly program is significant. It's of the same order of magnitude as prepping for a good long weekly university lecture that you haven't delivered before. True, there are no exams to grade, but there are also no breaks, not at Christmas, not for spring. And there is some synergy, as management textbooks put it. The radio show feeds my blog and the blog feeds the radio show. I also read some of my short stories on the air after posting them on my blog. Together, the two media may give me more quasi-readers than the average periodical publication. Nevertheless, the questions often arise in my mind: "Why am I not out fishing? What am I doing here? What am I doing it for? What good do I do?"

The answer to these questions has near absolute, physical limits, dictated by the station's hardware: on a good day, with favorable atmospherics, we reach 100 miles in every direction, including the empty Pacific to the west. Our area encompasses a little more than a million potential listeners. Of course, there is a big gap between potential and actual. The internet provides a little extension. I have had people listening to me online from Russia and Morocco. But the custom of listening to AM radio online is not well established.

Here is an incomplete review of what I do. For one thing, no one wants to cover downtown. I live there, so the beat is

mine by default. I get to do occasional good by watching the city government closely. One example: the night before garbage pickup, a small, well-organized team of homeless types rifles through the cans to gather recyclables. They are discreet, efficient, and neat. In their diminished circumstances they are reaching out for the dignity of work and taking a step toward self-sufficiency. They are entrepreneurial in an area where many eat at the government's trough. To my mind, they are

The article describes a local clown as "fluent in six languages," and the holder of a doctorate in astrophysics. Some overqualified clown!

gleaning, a modest but respectable and traditional way to earn a living. It's such an old practice that Leviticus 19 prohibited prohibiting it. But recently the city started a vicious, nasty, lying war against the gleaners. I came to their defense on the air, loudly. I did so on the ground that my garbage was my garbage notwithstanding any monopoly the city may have given, more or less legally, to a refuse collection company under contract.

This form of petty oppression is especially repugnant because it is based on the well-founded assumption that no one who cares will take the trouble to mount a legal challenge either to the monopoly or to the city's practice of confiscating people's garbage to give it to one of its own creatures. I also pointed out that the city's actions were immoral. First, I believe it. Second, this kind of accusation always makes liberals and progressives squirm, because they are so convinced of their own selfless rectitude. I was surprised and gratified by the number of approving calls I received on this issue. It was a small victory, to be sure, but elementary, tiny truths need to be said aloud frequently. The struggle for the gleaners continues.

From listeners' question and emails, and from comments on my blog, I have come to think that my most significant contribution is also the most difficult to explain, because it's largely tacit: I am the cosmopolitan, or the crossnational, or perhaps the crosscultural voice of criticality. (I hate that term, too, but it existed before political correctness and it has a valid meaning outside of it.) The following is an example.

"A spin doctor just isn't enough any more, Senator — you need a choreographer."

A local columnist has been using the local paper to erect himself as the equally local arts czar. He organizes award ceremonies where he is both jury and presenter. He writes pretty good columns on art events. My town is exceptionally artsy-craftsy. It boasts an amazingly varied music scene and hundreds of visual artists. Incidentally, the visual arts are like the Olympics: any locality with a broad base of practitioners is likely to turn out a few high achievers. For each set of 30 divorced, middle-class women who reproduce pretty flowers adequately, there is one who comes up with paintings that are both well executed and original. Someone local has to comment; someone local has to announce the relevant issues and shows. That columnist does. I don't take this away from him. But there is more.

One Sunday, the front page of the newspaper has a big piece written by the journalist in question, announcing another art award ceremony in big letters, and a list of the winners he has chosen. One item catches my eye: a local clown is one of the award recipients. This perplexes me a little, but it just may show that I am a narrow-minded old fogey. I read on. The article describes the lucky winner, the clown, as "fluent in six languages" and the holder of a "doctorate in astrophysics." No shit, I think, some overqualified clown!

The next item in the story is even more bizarre: the clown's father used to be "the director of the famed Bolshoi Ballet" in Moscow. A garland of red lights comes on in my brain. I have to ask myself why the clown's parental antecedents should matter at all. Clowning is one of those rare, blessed occupations that give you instantaneous, uncomplicated feedback about the quality of your performance: if they laugh from the belly, they like it; if they applaud discreetly, they don't. Then why have any recourse to Daddy's achievements? But wait a second: the Bolshoi? In Moscow? This clown is 50 if she is a day. That would put us back in the 1970s, in the Soviet Union. I look up the clown's online biography. It mentions more or less vaguely some studies in the German Democratic Republic. That would be the communist workers' paradise that almost emptied itself into the West when the Berlin Wall collapsed. But the clown appears to have French origins. I have reasons to believe she understands French. Can you imagine how twisted her father or her mother would have had to have been to choose deadly boring, nakedly repressive East Germany over smiley France (just think of the gastronomical downward mobility involved!), or even Belgium?

I sniff a red-diaper baby, probably from the old Communist Order's privileged international aristocracy. These people refuse to disappear into the dustbin of history. They cling. The woman is starting to look like a deluded or a mendacious clown. Now, remember that I am writing about small-time, local talk radio, and my tiny part in it. What native-born American would have that old history in mind at all? Furthermore, who else would ask questions about the truthfulness of the personal history?

The answers to my questions are mildly complex. Given my origins, Eurotrash issues fall within my bailiwick as a matter of course. I recognize a common immigrant trick of absurd, invented self-aggrandizement exploiting the natives' benevolent, openminded parochialism. I know things that all immigrants know and nary a native-born American knows. One is that no one, nobody, is "fluent in six languages." That's

the case, almost whatever lenient definition of "fluent" you adopt. (I think I am going to receive furious readers' mail on this. It will come from strict monolinguals who will assure me that their uncle "speaks" seven or eight languages "fluently." Some angry mail may even come from people whose grammar qualifies them as "semi-linguals." As I always say, "*Caca de taureau!*") Then there is the doctorate in astrophysics. From the online biography, I deduce that it's supposed to have been awarded by the most prestigious institution in Germany. I don't believe any of this. It all smells so bad, I don't have to check before opening my big mouth.

The same day on my show I challenge the journalist by name. I offer to give $200 to Doctors Without Borders if he can demonstrate three crucial statements about the clown to be true, $100 if any two are true, and $50 if *any* one of the three is correct. It's not even a bet. He can't lose except through inaction, and even then, he is under no obligation to give anyone anything. I take the precaution to forward my challenge in an email. That's just in case the journalist is not listening and none of his cohorts is interested enough to let him know. I think the latter is unlikely because, again, this is a small town.

After a while, the art writer muses in a private email sent back to me that it's five languages rather than six and "conversant" might be more accurate than "fluent." No offer to correct, even on the tenth page of the newspaper. Then, I press him on the doctorate. Soon, he tells me that the subject is of no interest to him. Get this: a journalist affirms in writing that the factuality of what he wrote does not concern him.

I do what a good journalist would have done in the old days and send an inquiry to the prestigious German institution of higher learning. It takes a month, but I receive an email in both German and English telling me that no such person has ever received any degree from that institution. I believe Germans tend to be thorough. The person who answered me at the institution confirms my suspicions, of course: "We performed thorough research. We have never heard of this person." I forward the response to the journalist. The fact that he does not acknowledge my message supplies yet more confirmation of my suspicion.

It's true that my test does not provide definitive proof of either delusion or mendacity. The Germans may not have found the clown in their records under her present name because she was awarded her degree under another name — perhaps the name of her father, also not on the Bolshoi list of directors! (None of these gentlemen was a likely candidate.) But then, naturally, I would ask for *that* name. In the meantime, I have taken it upon myself to send the award-winning clown an email containing my challenge to the journalist about her biography. The message is in French. If she knows six, or even five languages fluently, one of them must be that commonplace language, and her online biography says that she speaks it. There is no response, of course.

This is interesting — a kind of live experiment that radio and only radio makes possible. Every Sunday, for several weeks, I inform my audience of the progress of the experiment. After a while, I declare victory and abandon the topic. One might ask what I accomplished, if anything. As I said above, the answer is not evident; it's tacit. It's possible that the journalist will be more prudent in the future, that he will check his facts better because you never know what despicably well-informed foreign-born s.o.b might check them if you don't. Possibly, he will be less eager to affirm the unknown and the unknowable. Perhaps, in the future, he will pay attention to contradiction when it's brought to his attention. I suspect he knows that I am watching him, that I am looking over his shoulder, not all the time surely but some of the time, and he does not know when. This misadventure, I judge, will make him reconsider the belief that his newspaper's de facto monopoly in town confers immunity from ridicule. It's even possible, because this is local stuff, small-time stuff, that some of his colleagues have also straightened out, belted up, for fear of my watching them too, with my mean, beady eyes. For all I know, there might even have been a short editorial conference about avoiding the "Facts Matter" peril. How I would like that!

More important, it's likely that some of my audience got its criticality motor revved up. I reminded my listeners that small lies abound. I demonstrated for them that the fog of mendacity does not emanate entirely from "politicians" or "the corporations," as many are inclined to believe. I gave lying or delusional behavior a small, proximate, familiar face. And, of course, I provided a demonstration that you can't trust the traditional media even on a small, insignificant issue such as a clown's lies or delusions. Lastly, I can't skirt the obvious question of the personal, intimate, sadistic pleasure the experiment may have procured for me. My answer is that when providence tosses you an opportunity to commit a virtuous sin, you should dive and catch it. I bullied the bullies; that's virtuous any way you look at it. I afflicted the comfortable, one of the two things existentially worth doing.

Earlier, when I was in academia, colleagues, and especially deans and assorted lower forms of life often called me a "loose cannon." The truth is that most academics love free speech only as an abstraction they are seldom called upon to implement. By and large, they want to sound genteel so they will be accepted. Many confuse "genteel" with "rational." Many more are not of the Left from reasoned conviction but because of a fearful herd instinct. Radio gives me a belated chance to be a constructive loose cannon. I get to shout from the rooftops what others, busier people than I, barely have a chance to formulate in their own minds.

The journalist says that the subject is of no interest to him. He affirms in writing that the factuality of his article doesn't concern him.

I am, however, pretty moderate and thoughtful as loose cannons go. In the end, I tell myself, ten thousand loose cannons, including the borderline agitated, the crazies, and the frankly insane, aggregate into the voice of reason and of intellectual honesty. Individually, radio talk shows hosts serve a multitude of local and regional markets, most on a small-scale basis. Together, they form the main alternative to the bulk of the lazy, intellectually conformist but still poisonous mainstream liberal, *bien-pensant* media. ❑

Off the Rails, *from page 24*

the most wasteful projects (though Congress waived the rule for several projects, including an extension of the Washington rail system to Dulles Airport and an extension of the BART system to San Jose). The other rule applied only to streetcars and required that cities prove that streetcars were more cost-effective than buses. Together, these cost-effectiveness rules forced transit agencies to consider outputs, such as passenger miles of travel and congestion relief, as opposed to just inputs, such as jobs and infrastructure.

A typical example of an agency confusing inputs with outputs is Nashville's Regional Transportation Authority, which spent more than $40 million to start a commuter train called the Music City Star. The agency proudly tells everyone who will listen that it is "the most cost effective commuter rail start-up in the nation," meaning that it spent less on its commuter train than other cities. But it is truly cost-effective only if people ride it, and so few people ride the Music City Star that it would have cost less to give every daily round-trip rider a brand new Toyota Prius every year for the next 30 years than to run the train.

Unfortunately, the current Secretary of Transportation (and Rogoff's boss), Ray LaHood, rescinded Peters' cost-effectiveness rules in January 2010. Immediately afterward, the Federal Transit Administration funded streetcar lines in Dallas, Detroit, New Orleans, Portland, and Tucson — lines that could not have been funded under the previous rules.

At least some members of Congress are aware that federal funding programs create perverse incentives for local transit agencies. In 2005, Congress passed a law requiring the FTA to do a "study on incentives in formula programs." The same section of the law specifically mentioned outputs or "performance categories" such as trips and passenger miles per capita.

Yet the incentives study that the FTA published in response to this law did nothing to evaluate the incentives created by the existing formulas or how new incentives could improve transit outputs. Instead, it looked solely at creating incentives for "improving the transit industry's 'state of good repair.' " While a laudable goal, this is focused on inputs, not outputs. It doesn't do much good to have well-maintained trains if hardly anyone rides them.

Rogoff's speech has left people wondering whether he is openly challenging Secretary LaHood's policies or whether it reflects a broader administration realization that the nation is nearly broke and can't afford more expensive rail transit white elephants. One way in which Rogoff can send a new signal is to order his agency to redo its incentives study, this time looking at all the existing incentives and how they can be reshaped to make the most effective use of federal transit dollars. Congress expects to take up a new transportation bill in 2011, and a revised incentives study could have a significant influence on that bill.

The fundamental problem is that our socialized transit model is broken. Unlike government highways, which are largely paid for by user fees and thus have been built mainly to serve highway users, transit is funded mainly by taxpayers. For every dollar paid in fares by transit users, taxpayers pay more than two dollars to support operating costs and more than another dollar in capital costs.

As a result, rather than manage transit systems to serve users, transit agencies focus on pleasing taxpayers and the elected officials who represent them. They cut back bus service to low-income neighborhoods that have low rates of auto ownership in order to build expensive rail lines into suburban neighborhoods to "get people out of their cars" and build a constituency of wealthy, upper-middle-class users who would never ride a bus.

Transit agencies are also heavily unionized, and many agencies have given their unions unbelievable (and unbelievably expensive) pension and healthcare packages. The New York Times recently reported that more than 8,000 employees of the New York Metropolitan Transit Authority earn six-figure incomes, including a Long Island Rail Road Conductor who made $239,000 last year. Federal law is biased toward the unions, giving them effective vetoes over any federal grants to transit agencies.

Consequently, transit productivity has declined dramatically since 1964, when Congress started encouraging cities and states to take over private transit companies. Between 1964 and 2008, America's urban population grew by 77%, while transit ridership grew by only 26%. But the number of employees required to operate transit grew by 165% and the inflation-adjusted cost of operating transit lines grew by a whopping 360%.

Libertarians agree that transit ought to be privatized. While the Obama administration is not likely to endorse that view, we can take heart from the fact that at least some officials understand the financial unsustainability of rail transit systems. Perhaps Rogoff's speech will discourage at least a few cities from building more of these boondoggles. ❑

Letters, *from page 6*

process caused the fine ash particles to agglomerate into lumps, they would sift out of the sky too quickly.) Eventually, this material would settle earthwards and would become an ingestion hazard for airplane turbine engines, clogging turbine blade cooling passages.

But where would we get ten cubic kilometers of quartz? Let us assume it is reasonable to mine granite deposits consisting of, say, 50% quartz. This means we would need to excavate 20 cubic kilometers of material. If this were done as a conical pit mine, with the radius of the excavation equal to its depth at the center, the pit would be 5.35 kilometers across (3.32 miles) and 8,800 feet deep — approximately as wide and deep as the Grand Canyon. Any way you look at it, this would be a gigantic earth-moving and ore-processing project. So, in order to implement this "cheap and fast" approach, we would have to design and develop a cargo aircraft to operate at altitudes three times higher than anything we have achieved to date (six times higher than current cargo

continued on page 54

Reviews

"Africa: Altered States, Ordinary Miracles," by Richard Dowden. Perseus, 2009, 592 pages.

A Continent Adrift

Robert Chatfield

Richard Dowden's work is a perfect starting point for anyone lacking knowledge on the present state of Africa. The author spent a decade there as editor for The Economist, then another decade as editor for the Independent; he has lived a considerable portion of his life on the continent. Rather than provide a history of each country, he takes a wide ranging approach to postcolonial Africa and presents cogent reasons why certain countries have developed the way they have.

Dowden's greatest strength is his ability to weave together tales from the history of interesting people and places, while delivering succinct summaries on the current state of affairs. It amazes me that he could write empathetically about the problems that lie behind the continent's awful political regimes, and still deliver sharply worded reproaches to those regimes.

A perfect example can be found in a chapter on Rwanda. Dowden maneuvers effortlessly between the Tutsi and Hutu tribes before concluding that the present-day situation may be no better than a precursor to continued genocide in the region.

Most chapters in this book are named after specific countries, yet apply lessons that the author has learned throughout Africa. A chapter entitled "Zimbabwe" is as much about why dictatorships were allowed to flourish throughout the continent as it is about Robert Mugabe's destruction of this specific country.

Of particular interest to Liberty readers, I believe, are three themes that evolve throughout the book: why did dictatorships of the worst kind rise in Africa? Why did third-world Asia begin to emerge from poverty and political repression, while third-world Africa remained stagnant? And what has been the effect of concerted efforts to "save the Africans from themselves"? I'll try to address each issue separately.

Dowden spent his formative years in Uganda, home of Idi Amin, and he notes that Amin's rise was no less predictable than that of many other African dictators. Most African nations are products of boundaries drawn by European colonists who paid little attention to the history, culture, or politics of any given territory. As long as those territories were ruled by mightily armed foreign forces, local tribes had little choice but to acquiesce. But after World War II, many of the European colonizers lost their appetite for controlling the vast continent, and a sudden wave of independence was thrust upon people who were ill-equipped to handle it.

Dowden's premise is that Western governments propped up leaders thought to be favorable to them, with a sharp eye to what appeared to be the biggest threat at the time, the possibility that Africa would succumb to Soviet influence. This support helped to ensure that most African nations were ruled as one-party states, regardless of the makeup of the populace. And, as Dowden says, "Africa's one-party states increasingly became one-man states — the Big Man."

This Big Man is a recurring character in the book. He is a direct result of

historical African societies. Many tribal nations were ruled by a chief, who was often held to possess supernatural powers. Postcolonial African nations would survive only if powerful leaders could consolidate the many tribes within the boundaries of ill-conceived nation-states. A rise to power would obviously mean rewarding those who had assisted a leader in achieving and maintaining power. Would a Big Man be any less likely to punish those opposing his power?

Dowden regards the rise of Robert Mugabe, one of the Big Men, as the natural, Zimbabwean extension of old Rhodesia's white leader, Ian Smith. Nascent African nations were essentially run as dictatorships by the colonial powers, however benevolent the Europeans thought they were being to the locals; and ensuing rulers naturally assumed and extended the same kind of authority.

As Dowden writes, "Mugabe thinks Zimbabwe is his because he took it by force — exactly the same mentality as the brutal white colonists who seized it more than a century ago. His aim, he says, is total independence but Zimbabweans will remain dependent on others' charity for the foreseeable future. In more than 40 years Zimbabwe has had only two rulers. Opposites in every conceivable way, Smith and Mugabe have one thing in common. Stubborn and reckless, they both gave the finger to the rest of the world and their own people. Maybe it is something in the water."

The story was repeated throughout the continent, as leaders in country after country consolidated power and drove minority tribes out of power, usually through hideous means that are poignantly described by the author. This often led to civil wars that probably would never have occurred if the artificial nation-state boundaries hadn't been drawn up years before by foreigners. Unfortunately, democracy and the republican form of government may be considered foreign exports to a continent that has very little experience in or use for such ideologies.

Did Africa's kind of leadership differ much from Asia's, during the same period? Dowden notes that dictatorship was not exclusive to Africa and that much of Asia was ruled by American- or European-supported authoritarians in the 1970s and '80s. What can explain why Asia became the poster child for growth while Africa became stagnant or even went backwards?

Dowden explains that Asian leaders had the foresight to invest in their own countries, while African leaders looted their countries and took the spoils elsewhere. He provides one estimate that $607 billion in assets are held outside the continent. The sum is about twice as large as Africa's external debt. As Dowden opines, "If Africans move their own wealth out of the continent, how can Africa ask outsiders to invest there?"

Other factors played a role, such as the idea that almost all of Africa's infrastructure was built to take natural resources out of the continent. For example, railways and roads were not built to connect cities within the continent but to provide the fastest mode of export to the coasts. From slaves in the 18th century to oil and diamonds today, Africa has been continuously despoiled for the benefit of Western civilization.

Whereas Asian nations, often poorer in natural resources than Africa, were forced to import raw materials and add value through some manufacturing process, "the colonial legacy made [Africans] primary producers of raw materials. Manufacturing was done in Europe. Raw materials gave Africa a guaranteed income, but that income fell steadily from the 1970s to 2000 as the prices for those primary products — except oil — fell in relation to manufactured goods."

Still, Dowden remains optimistic on the future of Africa, or parts of it. He is quick to point out that there is in fact no "Africa"; the continent is an amalgamation of many tribes, with such poorly drawn boundaries that considering Africa one place is as accurate as considering the United States, Mexico, and Brazil one place. That said, Africa has economic opportunities that — if a culture of entrepreneurship could be developed to take advantage of them — would lead to dramatic internal changes throughout the continent. An obvious example can be seen in the rise of cell phones and prepaid phone cards. In Nigeria, the government chose to let many companies compete in the telecommunications sector, and that sector is now Nigeria's fastest growing. Dowden also gives an example of a Somali nomadic goatherd who comes down from the mountains to sell his livestock, but first calls into the city to gauge pricing in order to maximize the price he receives.

Dowden does not believe that Africa requires wholesale intervention by aid organizations. Sprinkled through the book are examples of such organizations using famine or destruction in Africa as a stimulus for donations, which perpetuate the idea that Africa is dependent on foreign charity for its very survival.

On Rwanda, he writes, "At the joint press conferences every day, the aid bosses competed with each other over the death toll in the [refugee] camps, knowing that the highest figure would make the news bulletins and bring in the money. And cash poured in to 'save Rwanda' appeals." But the donations served primarily to further the interests of those associated with genocide, because they were most easily able to access Western aid, while the victims were largely cut off from that channel of assistance.

Other examples are too numerous to mention, but the results appear too similar to be coincidental. Most aid from governments or charities routinely goes to the coffers of the ruling elite. The elite, in turn, uses those funds to pay its supporters or expatriate funds to foreign accounts. This keeps the poorest in each country trapped in poverty, allegedly dependent on the Big Man for their survival.

Dowden succinctly measures the true worth of foreign aid in his concluding chapter. "If the rest of the world wants to help Africa," he says, "the guiding principle must be: do no harm." He goes on to provide suggestions for how to help without providing a penny of aid.

His first suggestion is the worldwide removal of farm subsidies, which make it difficult for African products to compete with the subsidized products of other regions. According to Dowden, in 2002 agriculture subsidies in the EU countries equaled nearly two-thirds of the total sub-Saharan GDP for that year. He regards the current world financial system as more akin to "managed globalization" than to the free market. If

the United States can subsidize something as obtuse as "green technology jobs" with $2.3 billion in tax credits, how can the average African nation expect to compete on a level playing field?

Dowden also suggests that the banking industry stop abetting the Big Man and his cronies while they loot their compatriots. "Corruption kills as surely as terrorism or drug dealing," he says, and he believes that financial institutions are implicitly supporting outright theft when they shelter funds for Africa's ruling elite.

While I might disagree with having banks act as the frontline for tracking funds for corruption or terrorism, Dowden's point is that many of the world's most corrupt leaders are operating in public with the full support of the banking system. Their families and friends are allowed to travel the world freely while the populace is condemned to live in a police state, hoping for a literal lottery ticket to emigrate.

Dowden, indeed, denounces the hypocrisy of a developed world that believes in the free movement of money and merchandise, while placing restrictions on the movement of people. Official immigration policies in the developed world are designed to allow only the best and the brightest from Africa to enter. The home continent's only hope is the possibility that those people will send money back to their families or someday return and bring their knowledge home.

This is not a libertarian book, nor was it meant to be. It is a stark reminder that for most people in Africa, freedom as we measure it is a far-off concept. ❑

"A Rat Is a Pig Is a Dog Is a Boy: The Human Cost of the Animal Rights Movement," by Wesley Smith. Encounter Books, 2010, 312 pages.

Animal Harm

Gary Jason

To paraphrase George Orwell, there are some ideas so absurd that only intellectuals can believe them. Certainly one of the most absurd ideas that are widespread among today's intellectuals is the notion that animals have rights. Since the public, to the extent that it's even aware of the animal rights movement, usually misunderstands it, Wesley Smith's new book explaining this movement and its costs to society is most welcome.

Smith is a Senior Fellow in Human Rights and Bioethics at the Discovery Institute. He has written several other books broadly within the realm of bioethics.

Smith starts this book by surveying and contrasting the views of the intellectuals behind the animal rights movement. They include Gary Francione, Richard Ryder, Charles Patterson, Tom Regan, and most notably Peter Singer, the philosopher who wrote the seminal work in this area, "Animal Liberation," in 1975. Singer is credited with popularizing the notion of "speciesism" that equates preferring the human species to preferring one's own race. Singer is a utilitarian, so as Smith rightly notes, he doesn't base his views on natural rights as such. His call for animal liberation proceeds, instead, from the notion that animals can feel pain and pleasure, so should be considered in the calculus of pleasures and pains that determine (in his view) right and wrong actions. What Smith doesn't note is that Singer's philosophical take on animals harks back to one of the earliest exponents of utilitarian ethics, Jeremy Bentham (1748–1832), and that Bentham's most acute follower rejected it. I will return to this point.

Smith also discusses the worldwide efforts to give animals legal rights. On the national scene, law professors such as Steven Wise and the Center for Expansion of Fundamental Rights come in for considerable scrutiny, as do such famous legal authorities as Cass Sunstein and Lawrence Tribe. All have sought to give legal standing to animals in the courts. But (a point Smith doesn't explore), none of these worthies has seen one of the obvious results of giving animals legal rights: logically, it opens the way for animals to be arrested for victimizing other animals, and for animals to sue other animals. If a mouse has legal standing to sue people in a court of law, why shouldn't it be allowed to sue any cat that attacks it, or see the cat stand trial for assault?

Smith covers the actions of animal rights groups such as PETA (People for the Ethical Treatment of Animals) and HSUS (the Humane Society of the United States). They have used some unsavory and even despicable tactics to sway public opinion, including the operation of grossly misleading propaganda campaigns (such as the notorious PETA campaign equating the cooking of chickens by Kentucky Fried Chicken with the killing of millions of people in the Holocaust). They have had no scruples about pushing propaganda in the public schools. Other groups have infiltrated medical labs to destroy research and "liberate" the animals.

The book reviews in detail the animal rights terrorist groups such as ALF (the Animal Liberation Front), ELF (the Earth Liberation Front), and SHAC (Stop Huntingdon Animal Cruelty). These groups have committed grave crimes and caused great harm, but they have received a lot of direct and indirect support from members of so-called "moderate" groups.

Perhaps the most useful feature

of the book is its explanation and defense of the use of animals in medical research. The usual specious arguments against this practice put forward by the animal rights activists (that animals aren't physiologically analogous to humans, that computer modeling can always replace experimentation, and so on) are refuted. Smith reviews in detail the evolution of our testing procedures, including the development of protections for lab animals by the medical and pharmaceutical industries. Especially useful has been a private nonprofit organization AAALAC (the Association for Assessment and Accreditation of Laboratory Animal Care International). In a supplement to the book, Smith provides a table of nearly 75 entries of Nobel Prizes awarded for research conducted using animals.

Working from the natural rights ethical perspective, Smith gives a compelling account of why animals don't have rights. Essentially, they don't have rights because they cannot enter into the realm of rights, i.e., the community of morally autonomous, rights-recognizing individuals. Animals cannot recognize any rights in humans or any other animals. Only humans can — which is why we don't try, say, a bear for attacking a tourist. We may kill it to prevent further attacks, but no one but a madman would blame it. The bear views us as simply part of the environment.

To the common reply by animal rights supporters that many humans (such as infants and the mentally impaired) are similarly incapable of recognizing rights, Smith rightly responds that they are still members of the rights community, because they have the potential to recognize other peoples' rights in the future or did so in the past, or because even though they are diminished in mental abilities, they are still capable of recognizing rights. This moral autonomy is just part of being human. I would add that when humans — such as violent criminals — show no recognition of the rights of others, we colloquially call them "animals" and incarcerate or even execute them.

My only criticism of the book is that it attempts to explain why the animal rights ideology is asinine from solely the natural rights ethical framework. In truth, the ideology can be seen as morally bankrupt from almost any ethical perspective. Consider the utilitarian view. Even from the hedonistic utilitarian perspective, the ideology can be criticized for equating the pleasures that a pig can experience with the pleasures that a person can experience. John Stuart Mill, the protegé of Bentham, took precisely this tack. Or we can just drop hedonism entirely, which many later utilitarians did, and say that other things besides pleasure — artistic achievement, scientific knowledge, literature, and so on — are inherently desirable. From those utilitarian perspectives, one can easily hold that animals are not on the same moral plane as people.

Smith is to be thanked for giving us a concise but comprehensive survey of the ideas, thinkers, advocacy organizations, and terrorist groups responsible for making an aberrational ideology as influential as it has been, and for showing just how detrimental to human flourishing its further empowerment would be. ❑

Notes on Contributors

Baloo is a *nom de plume* of Rex F. May.

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Michael Christian is in early semi-retirement in a semi-paradisaical corner of California.

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"Eating the Dinosaur," by Chuck Klosterman. Scribner, 2009, 245 pages.

Over the Pop

Alec Mouhibian

A corpse in Edgar Lee Masters' "Spoon River Anthology" recalls debating a friend over free will. His favorite metaphor was the neighbor's cow: "Roped out to grass, and free you know as far / As the length of a rope." As the two friends argued, the cow forced out the stake that held its rope and gored the speaker to death.

Chuck Klosterman can relate to that cow. A popsessive critic who writes about everything from Pepsi to Coke, Klosterman seems to know all that's ever been famous for at least 15 minutes since 1960. His new book of essays mines the depths of a familiarly wide-yet-shallow pasture of pop subjects. There are philosophical musings on such matters as irony, voyeurism, and the ethics of time travel (to which the title of this book refers). In trademark style, not a single argument is made without reference to at least three indie-rock bands you don't have to recognize in order to hate.

But unlike Klosterman's previous work, "Eating the Dinosaur" is unified by a serious, desperate theme. Kurt Cobain, Waco, the NBA, Britney Spears, "Rear Window," Garth Brooks, football, ABBA, "Friends," soda commercials, Ralph Nader, and the Artist Formerly Known as Whatsisname all have something in common here. In Klosterman's view, each plays a role in explaining why his and our immersion in this constantly mediated celebrity culture has eliminated genuine feeling, concrete experience, and independent thought.

"We do not have the freedom to think whatever we want," he writes. "And until we accept that, it's useless to think about anything else." But far from your typical metaphysical crybaby, Klosterman has some knowledge of what *he* wants to think.

He wants, for example, to think of Ralph Sampson in the way in which many used to think of him when he played basketball at the University of Virginia in the early 1980s. A seven-foot-four center with the athleticism of a guard, Sampson seemed singularly perfect for the game. He ended his career as a singularly contemptible NBA bust — a symbol of underachievement so pure that there is no other way to remember him. "Sampson busted big by succeeding mildly," Klosterman writes. "He was needed to remind people that their own self-imposed mediocrity is better than choking on transcendence."

Klosterman also wants to think that the tears evoked by "Friday Night Lights" come from real emotions and not the TV show's "realistic" jumble-camera technique. He wants to think that laughter should reflect what is actually funny and not what is merely supposed to be — though this is rarely the case, he argues in an essay on laugh tracks, now that the evil device has conditioned America into one giant Jon Stewart studio audience. "The only thing people in New York won't laugh at are unfamous stand-up comedians; we really despise those motherfuckers, for some reason."

Sick of his tears, tired of his laughs, a man has only one respite in the world. That would be football, which emerges from its own hoopla with Klosterman's affections fully intact.

Tracing its history and wild evolution from the forward pass to the trend of barefoot kicking to the spread offense, Klosterman shows how football changes constantly while always staying the same, which is, in his view, sublimely, irreducibly beautiful. "It has a liberal cerebellum and a reactionary heart," as he puts it. "And this is all I want from everything, all the time, always."

At his best, Klosterman is an ideal barmate. Reading him on a subject close to your heart is like talking to a smarter, more amusing version of yourself. He is amusingly tangential while still able to capture the hidden value of something in one good line, as when he mentions "a depressing song that makes you feel better," a phrase that applies to so much of the best music. He's almost witty and engaging enough to make a subject interesting even when it's completely unfamiliar.

But the key word is "almost." Such are the temporal, audience-specific limits of most pop culture that reading about a show or band you've never heard of eventually makes you realize that you're talking to someone who isn't a version of you. (Even though Klosterman's football chapter is the best in the book, he warns large parts of his audience to skip it.) This is why the finest critics of pop culture have a frame of reference in the higher, literary arts against which to contrast both the limits and the profound distinctions of the moment under review.

Klosterman, however, is ultimately complicit in the stupidities he attacks, because he thinks only in their terms. Occasionally, the problem is his language. Phrases like "consuming honesty" lower Klosterman from drunken barmate to media studies professor. And no matter what the subject, the words keep tumbling out, as if the filter's too big, or they are too thin.

A deeper problem reveals itself in the

most courageous moments of the book. These include a strongly announced rebellion against irony, which he himself practices, and the reluctant sympathy that Klosterman is forced to feel for the feeble autonomy practiced by the likes of Ted Kaczynski.

Both gestures come from a good place. Both are dangerously futile. Who, after all, could possibly be more obsessed with society than the Unabomber? Isolation isn't always independent, any more than sincerity is always honest. Puerile preoccupations with autonomy and literalness — the trap of every confused determinist — ignore the state of realized individuality in which deceptions and influences are not absent but transcended.

That's what beckons the cows from their stakes. That's what great art and great lives are made of. But if Klosterman knows any examples, he's too distracted to invoke them.

In "Eating the Dinosaur's" opening essay, Klosterman interviews a few prominent interviewers about why people give interviews. Why do people talk to strangers? Filmmaker Errol Morris, "This American Life" host Ira Glass, and celebrity profiler Chris Heath each scratch and sniff at various guesses, none of which really satisfy the author. Finally Morris speaks of a period of writer's block when talking was a way to do "something instead of nothing," and Klosterman uses it for the chapter's title.

But . . . we know why people give interviews. People give interviews because they're people. Being people, they're lonely and vain. The vital question — which Klosterman always seems a little too curious to notice — is whether talking to a stranger with a mike heals this mortal condition or intensifies it.

I'd love to see Klosterman pursue that question. But I don't think he can do it until he discovers God's provision of the button marked "off." ❑

"Winter's Bone," directed by Debra Granik. Anonymous Content/Winter's Bone Productions, 2010, 100 minutes.

Paean to the Individual

Jo Ann Skousen

Two films this month deal with characters trying to hold onto their family homesteads. In "Crazy Like a Fox" the protagonist sells his property, then changes his mind, squatting on it until the new owners improbably give up and go away. The result is an uneven, unbelievable, and unsatisfying tale (see my review in these pages). By contrast, in "Winter's Bone," Jennifer Lawrence gives a rich, believable performance as the gritty young protagonist, 17-year-old Ree Dolly, who must find her hillbilly father and bring him back to appear in court after he uses the family property as collateral and then jumps bail. If she doesn't find him in time, their home and everything else they own will be forfeited.

Unlike Nat Banks in "Crazy," Ree doesn't try to scam the system. She doesn't try to sell the land out from under the bondsman. She doesn't sit around feeling sorry for herself. She is a young woman with heroic, unflinching determination to take care of her family and get things done, no matter what the obstacles. Her father has already been arrested at least three times for "cooking crank" (running a meth lab). Her mother has an incapacitating mental illness, possibly caused by using the homecooked crank, or by the stress of worrying about her family. Whatever the cause, she has become a complete invalid.

Virtually parentless, Ree is left to mother her two young siblings, 12-year-old Sonny (Isaiah Stone) and 6-year-old Ashlee (Ashlee Thompson) by herself. And mother them she does, drilling them in arithmetic and spelling as they walk to school, and watching Ashlee anxiously through her classroom window before going to her own class. When a police car comes onto their property, Ree moves protectively from the porch to the front door, blocking the policeman's entrance until she knows why he is there.

Ree is the kind of self-reliant heroine one can genuinely admire. She briefly considers joining the Army to take advantage of the $40,000 enlistment bonus, but she does not consider turning to the government for welfare handouts. Despite the family's deep poverty, there is no evidence of social workers, child protective services, Section 8 housing, or even food stamps. This is a closed, insulated society where they eat off the land, or they don't eat at all.

Ree's self-reliant attitude is summed up in an early scene. She and her siblings watch hungrily as a neighbor skins a freshly killed deer. "Never ask for what ought to be offered," she teaches Sonny when he appears ready to ask for some meat. Sure enough, that evening the neighbor's wife arrives of her own accord with a generous shoulder of venison and a bag of potatoes, carrots, and onions. "Thought you could use this," is all she says, preserving the family's dignity as she offers them charity in the purest sense of the word.

As soon as the neighbor leaves, Ree asks her young siblings, "Want some deer stew?" Then, keenly aware of her responsibility to teach them to take care of themselves, she adds, "Both of you get over here and watch how I make it." Throughout the film she teaches them survival skills such as cooking, hunting, gardening, gun safety, caring for animals, dealing with neighbors, and dealing with the law. Ashlee helps her squeeze the trigger when she shoots a squirrel, and when Sonny balks at

gutting the squirrel because "there's a bunch of stuff in there," she tells him matter-of-factly, "There's a bunch of stuff you're gonna have to get over being scared of." Ree doesn't have the luxury of coddling her siblings, but her love for them is apparent in everything she does.

The setting of this film is as important to the story as the characters themselves. It is the backwoods of the Missouri Ozarks, where moonshine has given way to meth labs but the attitude toward "revenooers" hasn't changed. As Ree sets out to look for her father, we meet a closed community of ramshackle houses, broken-down barns, homeless mutts, and rutted dirt roads. The characters have the worn, creased faces of poverty and meth use. Everyone is somebody's cousin, and they live by a moral code that supersedes the law. Each person knows his or her place.

Part of the code is a pronounced division of the gender roles that dominate social interaction. When Ree begins to search for her father, one person asks, "Ain't you got no man to do this for you?" He refuses to help her. Manhunting is not women's work. Later, Ree is beaten up by women in a neighboring clan as a warning to stop searching. Her uncle comes to rescue her, but he cannot retaliate. In this community a man can't hit a woman, even in retribution, and they know it. The men "cook the crank" and the women protect their men from the law.

Ree's absent father and silent mother give this film an allegorical scope, especially when Ree pleads with her unresponsive mother to help her know what to do and curses her missing father for not returning to ransom their home. The filmmakers have created a cold, existential universe, one in which the protagonist must rely on herself because there is no one out there to help her. But through it all, despite the grit and the dirt, Ree's indomitable spirit shines. She will not give up, no matter how Job-like her trials become. That determination makes this a film worth seeing and admiring. ❑

"The Secret in Their Eyes" ("El secreto de sus ojos"), directed by Juan José Campanella. Spanish with English subtitles. 100 Bares, 2010, 100 minutes.

Masterpiece of Suspense

Jo Ann Skousen

"The Secret in Their Eyes" won the Oscar for Best Foreign Film in 2010, and for good reason. Superbly written, beautifully filmed, and tightly crafted, it is a masterpiece of suspense, passion, revenge — and restraint.

In the film, Benjamin Esposito (Ricardo Darín) is a retired criminal investigator still haunted by the memory of a rape and murder case he covered 25 years earlier. Now a writer, he is trying to turn the case into a novel. Unsure how to approach the story, he returns to the precinct where his former supervisor, Irene Menéndez (Soledad Villamil), is still a judge, and asks her to read his manuscript. The rest of the film is presented mostly in flashback as we see the investigation unfold.

The title comes from Esposito's ability to "read" a person's character by focusing on the eyes. He recognizes the evil passion in a suspect's eyes, but he also envies the devotion he sees in the eyes of the murdered woman's husband. Meanwhile, his own thoughts and emotions are veiled. He will not admit his love for Irene, even to himself, much less to her. She is his boss, after all. But she can see the secret in his eyes, and so can we. This unspoken, unrequited longing, this focus on individual emotion and character, permeates the story and lifts the film above the level of a typical crime thriller.

Esposito's partner, Pablo Sandoval (Guillermo Francella), has a similar skill, tracking down suspects by figuring out their passions. "A guy can change anything," he tells Esposito, "his face, his home, his family, his girlfriend. But there's one thing he can't change. He can't change his passion." Figure out a suspect's passion, and you can anticipate where he will be. Esposito values Pablo's detective skills so much that he tolerates and even facilitates his partner's weakness for alcohol.

I'm always hesitant to see films about a rape, especially foreign films. There are certain grisly images I simply don't want in my mind. This one, however, is shown without lingering on the gruesome details. We see a quick moment of the girl's terror, lasting perhaps five or six seconds, just enough to let us know what has happened. Later, as Esposito arrives to begin the investigation, the girl's body is seen slumped along the bed where her attacker has left her. Despite its brutal nature, the scene seems detached, two-dimensional, and very artistic. In fact, it reminded me of a Degas painting. She is nude, she is blue, and she is heartbreakingly beautiful. Esposito, normally blasé about his work, is uncharacteristically overcome by the scene and driven to find this beautiful girl's murderer. Even 25 years later, he can't get the case out of his mind.

Several factors make this the best foreign film of 2010. First is the brilliant script. The story is perfectly crafted, with subtle clues and foreshadowings that don't fully blossom until the final moments of the film. Many times I caught myself thinking, "But why . . . ?" only to have the question answered resoundingly later in the film. The characters are also well developed and believable. As a judge Irene is confident and capable, mature and beautiful, yet vulnerable and innocent in her

frustrated love for the romantically reluctant Benjamin. The murder suspect (Javier Godino) is creepy, cocky, and smart. The bereaved husband (Pablo Rago) is convincingly heartbroken.

The camera work is often astounding. When the two investigators chase the suspect through a crowded soccer stadium, we actually feel ourselves being jostled as the camera pushes its way through the throng of cheering fans. In one long, unbroken shot the camera follows the fleeing suspect up and down the stadium stairs and somehow stays with him as he plummets to the ground outside the stadium and rises to keep running. The effect is electrifying.

In another scene, the murderer is on an elevator with Irene and Esposito. They know who he is, and he knows they are onto him, but since he has a gun and they don't, they can do nothing to stop him at the moment. Irene's rising panic is portrayed convincingly as she wonders whether he is going to use the gun. The scene ends with the murderer's smug sneer caught in the reflection behind them as he exits the elevator. Simply an amazing shot, perfectly executed.

This is an "art house film" in the very best sense of the phrase: a film that is a beautiful piece of art as well as a thrilling story. If you love films, don't miss this one. ❑

"Crazy Like a Fox," directed by Richard Squires. Delphi Film Foundation, 2006, 98 minutes.

Squatter's Delight

Jo Ann Skousen

"Crazy Like a Fox," released to one theater in 2006 but strangely making its way into nationwide distribution now, is the ultimate example of seller's remorse. Greenwood Farm has belonged to the family of Nat Banks (Roger Rees) for over 200 years. George Washington slept there. So did James Madison. But Nat has fallen on hard times and owes a lot of money. Evidently he racked up $100,000 in legal fees defending himself against a charge of animal cruelty when his horses got into the corn and bloated up. Somehow debts like this soared to $2 million.

The idea is ludicrous enough to be part of an outrageous farce, but the filmmakers expect us to accept it at face value. Nat has to sell the family's 3,000 acre farm to pay the debts. So: enter the Shermans, a young, glamorous, upwardly mobile couple (she's a broker, he's an attorney) who want to buy the farm, build a road to the highway, and put up 50 "McMansions." Nevertheless, they tell Nat they love his broken-down mansion and want to fix it up. They also promise to let him and his family live in the caretaker's house and manage the farm for them. "On my word of honor," the attorney tells Nat.

Not surprisingly, the minute the contract is signed, the Shermans tell the Banks that they have three days to leave the property for good. "Should have got it in writing," they shrug, when Nat reminds them of their promise to let them stay on. "That was just a negotiating tactic." And the Shermans are right. While their promise to maintain the farm was disingenuous and even dishonest, it was not legally binding. Frankly, Nat deserves to get screwed, just for believing an attorney's "word of honor," and his real estate agent deserves to be shot for not writing down every aspect of the agreement and getting it signed by the buyers.

In fact, the real estate agent is not only incompetent but disingenuous. The man tells Nat that he is federally mandated to accept any full-price offer, even though Nat has changed his mind about selling and wants to withdraw the house from sale. Mind you, this is before any contracts have been signed or agreements have been made. The agent has also given Nat lousy counsel on the selling price. If, as we discover, the Shermans can turn around and sell the property for $14 million, why has the agent recommended a piddling price of $2 million? For 3 *thousand* acres?

From there the film becomes outlandishly unbelievable. Nat refuses to leave, first moving into a cave on the property and then bringing the whole family to live in the main house when the Shermans leave for the winter. We are supposed to sympathize with these squatters simply because they're fishing from the river and eating squirrel stew while the Shermans are relaxing beside a swimming pool in Palm Springs and chatting up investors to help capitalize their development plan.

Soon the entire community of Bankville is helping the squatters — yes, *squatters* — stay in their former house. The sheriff refuses to evict them for trespassing, and the town council refuses to grant building permits. Several times everyone in the community comes to the house for parties hosted by the Bankses, even though they know the house has been purchased by the Shermans. The Bankses justify their actions with high-sounding but ridiculous claims, such as, "They get the law. It's up to us to get the justice." But they have neither law nor justice on their side. Nat lost his farm because he didn't take care of it. The house was falling down. The horses were getting sick eating the corn. And he was making stupid statements like, "Farming isn't a business, it's a way of life." No wonder he ended up in debt, and dumb enough to sell his farm for only the amount he owed, instead of what it was worth.

Several years ago an extremely wealthy couple in our community sold their home on a lake to move into a larger, more modern mansion on a tonier lake in a fancier gated community.

Nevertheless, they loved their old house, which was built in the 1920s by a well known architect. The ink was barely dry from the real estate closing before the former owners petitioned the town council to declare the house an historic site, successfully preventing the new owners from tearing it down to build their own new home. To me, this was scandalous. If the original owners wanted that house preserved, they should have done it themselves. But to take $3 or 4 million from buyers, then prevent them from doing what they wanted to with their own property, was completely duplicitous. Eventually the new owners donated the house to the city and paid to have it moved to a different location so they could proceed with their plans to build on their own property. The delays were costly and frustrating, and completely unfair.

"Crazy Like a Fox" tries very hard to represent the homesteaders as victims and vilify the property rights of the purchasers. Even when Nat is reminded of the money he has been paid, he responds, "Money is nothing but ink on paper. It doesn't mean anything." Marx would have agreed. But is it his philosophy we want to cheer when we go to a movie? And democracy doesn't come off any better, as the proverbial community of foxes votes on which chickens to have for dinner.

There is no reason to see this movie. The story is uneven, never settling on whether it wants to be a comic farce or a serious drama. The acting is mediocre at best, ludicrous at worst, despite the involvement of a member of the Royal Shakespeare Company (Rees) and an Oscar nominee (Mary McDonnell as Nat's wife, Amy). The only star of this film is the setting, which offers lovely shots of babbling streams, sunlit paths, ripening cornfields, and dappled trees. Southern Virginia is truly a beautiful place, and worth maintaining. But the film gets it all wrong. You can't sell your property and keep it too. ❑

Stray Facts, *from page 36*

a thick, juicy slice of life. Steffens showed me how easy it was for an intellectual (Steffens) to be seduced by a dictator (Lenin), and how easy it was for a kid (me) to be seduced by a clever writer, because, up to the moment when he met the communist tyrant, I was sort of lying back, trusting the author's guidance. Lewis' "Babbitt" showed me — the product of an intensely provincial environment — an intensely provincial environment as it might be viewed from a sophisticated height. Steinbeck's "Grapes of Wrath" showed me how ugly American life, and American authors, could be. Cronin's "The Citadel" showed me that there were people who spoke the same language I do, more or less, but were different from me in every way — and were still capable of working up one hell of an impressive literary image. Hawthorne's "House of the Seven Gables" showed me that you can laugh at people and feel compassion for them at the same time — a proposition about 20 million light years away from anything I learned from the people I grew up with. I didn't grasp the metaphysics of "Moby-Dick," or even recognize that there were any metaphysics, but the book showed me, very clearly, how many interesting *things* there are in this world.

And that's the point. Stray facts won't explain the world, but they will certainly keep it from closing in on you. Not a bad job, Mrs. Hodge. ❑

In Vino Libertas, *from page 38*

vintners will tart up the wine by adding acid, but the pruney flavors remain.

Unlike Bordeaux, Australia and California have the weather needed to produce extra-ripe grapes almost every year. So as the pendulum swung toward riper and fruitier wines, France, the homeland of the new style, suffered, while California and Australia prospered. As the years went by, the pendulum continued to swing, so that in California and Australia winemakers pushed to greater and greater extremes, cropping heavily, letting the fruit hang, stuffing the juice into small, new oak barrels for years, and adding acid to adjust the otherwise flabby flavors. The results could be a caricature: 16% alcohol, fruit like a mouthful of Smuckers with some raisins and prunes thrown in, and wooden influences that taste like a generic additive, the whole amounting to something less like wine than a cocktail. Stick a plastic umbrella in your glass and you're good to go.

To put this in another way: the stuff can flatter the hell out of your palate and stand out at wine tastings, but it sits uncomfortably on the dinner table. It's too rich, too sweet, too fruity, and too woody, and it just doesn't taste good with a plate of pasta. Also, after a while, it all starts to taste the same. And for good reason: it's all made in the same way, with the same aims, and it all includes a big dose of an important ingredient that doesn't vary much — oak.

As a consequence of the new style, drinkers acquired a taste for what I call "wood that sticks out." This was a subtler change but, I think, one that has made even more of a mess of things. Before the new style, the only wines that traditionally were rounded out in new oak barrels were age-worthy wines, those intended to spend years or even decades in the bottle before being drunk. That made sense, because new oak adds tannins to wine that make it last longer. It also adds flavors and scents, often described as vanilla-like or creamy, that can be agreeable. These scents and flavors fade over time and melt into the other elements of the wine. But the new drinkers who gobbled up the '82 Bordeaux didn't wait. They drank it when it was young and the wood was obtrusive.

Now, there's nothing wrong with enjoying the effects of new oak, even in young wines; but drinking only woody wines is a stupid limitation on individual taste. Most wines from traditional regions have always been made without the use of new oak and are ready to drink young. Yet most Americans drink absolutely none of those wines. When was the last time you had a sauvignon blanc or a cabernet franc from the Loire Valley, or a Rousanne from the Rhône, or a Pinot Noir from Alsace, or a Riesling from Austria, or a Poulsard from the Jura, or a Negroamaro from Puglia? I thought so.

So here we are: Americans started drinking more wine. I think that's good, because wine can taste good, especially

with food, and it's good for you, too. Many producers were making wine that was easier to drink young. Excellent! But it all went wrong. We lost the two best things about wine: first, it's great with food, and second, it comes in an amazing variety of types, styles, colors, and flavors, changing from place to place and year to year and vintner to vintner. And that, dear reader, is a damned shame.

Now I want you to do something about it. Stop drinking just what you know. "Hey, here's a California Cab, Parker 92 for only $17," or "Look, an Australian Shiraz, Wine Spectator 93 for only $15!" I don't ever want to hear that again. The wine world is much, much bigger than that. Off the beaten path there are great bargains and varied delights to discover. And there is wine you can really live with.

The mother lode of vinous diversity is in France and Italy. Try it. Try a Beaujolais Cru (no, not that Beaujolais Nouveau crap with flowers on the label). The cru is much more flavorful than a "nouveau," yet more delicate than a pinot noir. Try a simple Chianti; its gritty astringency will send you back and forth from the delights of the glass to the delights of your ravioli in tomato sauce. Try an Aglianico from Basilicata, a rich friend to your roast pork. Have a few glasses with dinner without overwhelming your food or your liver's capacity to process alcohol. Free your mind. Follow your palate. ❑

Complexity and Liberty, *from page 30*

adaptable, and in a constant state of change, requiring for their survival an environment that comprises a certain amount of order as well as a certain measure of disorder. If too much order is imposed, such systems become less complex, degenerating into repetitive patterns or a frozen state. For society, the result is dictatorship and stagnation. If disorder takes over instead, social institutions lose their structural integrity and cohesiveness and become unable to maintain themselves; for society, the result is the dissolution of political, cultural, and social norms, including those that libertarians consider valuable. Between these two states, in the domain of complexity, a social or political system can survive over an extended period of time, but will exhibit a significant degree of instability and must constantly adapt to changing circumstances.

Any social system will be influenced by the activities of the people ("agents") within it, and in turn will influence such activities. Such mutual feedback loops help give society its dynamic, ever-changing character. But the presence of these feedback loops also dooms any prospect of a stable libertarian social and political order. Freedom and uncertainty go hand in hand; there is no "ending point" for social change. Given this circumstance, the goal of a totally free society that will last for an extended period of time must remain forever elusive.

However, there is an upside to all of this. At any given time, societies and their political institutions exhibit areas of stability as well as areas of instability. The unstable areas are "in play," open to changes initiated by political activism and public pressure. By recognizing and acting upon such opportunities, libertarians can significantly influence the direction of such changes and achieve their share of victories on the political battlefield.

Periods of elevated instability, such as we are experiencing now, provide a multitude of opportunities for us to expand our influence on the less-than-free society in which we find ourselves. The "Tea Party" movement, the growing political effectiveness of Ron Paul's Campaign for Liberty, and the huge spike in sales of Ayn Rand's novel "Atlas Shrugged," are clear signs of the general public's growing discontent with the status quo and renewed interest in the principles of economic and personal freedom, which likely would not have occurred in calmer and more stable times.

The core libertarian ideal of maximum individual freedom is compatible with the worldview of complexity theory, far more so than the command-and-control ideologies of the mainstream right and left. To take advantage of this fact, libertarians must map out their strategies, taking into account the fact that the world's political, legal, economic and social systems are complex, adaptive, and dynamic. These systems will forever continue to evolve, never settling down into an ideological equilibrium. By adopting the perspective of complexity theory, libertarians can avoid the trap of treating freedom as a rule-based ideology or a holy grail to be achieved in some distant future, and instead focus on the more practical, satisfying, and achievable goal of continually exploiting opportunities to enlarge the sphere of liberty, wherever and whenever such opportunities arise. ❑

Letters, *from page 44*

aircraft), design and develop an aerosol dispensing technology capable of issuing hundreds of tons of quartz dust in a matter of hours (per flight), and excavate and process enough minerals to create . . . (surprise!) a modest-size volcano. And this is all without any understanding of the side effects such aerosol distributions might cause, not the least of which could be serious interference with commercial air transportation.

The foregoing constitute what are called "back-of-the-envelope calculations," and they illustrate Mr. Payne's failure to do due diligence for his idea. His other proposals are similarly uninformed.

The fundamental lesson of this exercise is the following: just as human cultural-technological activity is not materially sufficient to "cause" the putative "global warming," neither is human activity equal to the task of "undoing" such supposed warming.

In any case, there is no "global warming"; all we are seeing are natural fluctuations driven by variations in solar output and shifting modes of heat circulation within the oceans and atmosphere. (Global atmospheric temperatures have actually been cooling for the past decade.) Our best response is to do that which human beings have been doing successfully since we have appeared on the face of the Earth: adapt and thrive.

Michael J. Dunn
Federal Way, WA

Terra Incognita

Milwaukee

Wisconsin's finest, from the *Milwaukee Journal-Sentinel*:

Dave Orlowski can swim 2.4 miles. He can bike 112 miles. He can run 26.2 miles. In fact, the 54-year-old athlete can do all of these one right after the other — several times a year. He completed six Ironman triathlons last year, has done three so far this year and hopes to compete in yet another one, in Austria on July 4.

But this is something the guy won't do: he won't work for the Milwaukee Police Department.

That's because the former homicide detective has been declared "permanently and totally incapacitated for duty." As an injured ex-cop, Orlowski has been paid nearly $500,000 in tax-free pension checks by the city since 1999. He is currently receiving $53,063 a year from the city Employees' Retirement System, plus full health benefits.

Santa Clara, Calif.

Curious methods for fighting childhood obesity, in the *Los Angeles Times*:

Convinced that Happy Meals and other food promotions aimed at children could make kids fat as well as happy, county officials in Silicon Valley are poised to outlaw the little toys that often come with high-calorie offerings.

"We went through a phase when my daughter wanted the Happy Meal just to get the toy," said Kristen Dimont. The Sunnyvale blogger said that once her child tasted fast food, it took years to coax her back to the healthful variety. Dimont likes the idea of the ban — and thinks the supervisors should consider extending it to the play yards that also attract children to fast-food restaurants.

Washington, D.C.

Admirable commitment to employment security, in the *Washington Examiner*:

A Metrobus driver fired after a deadly crash into a taxi and another canned for slugging a cop dressed as McGruff the Crime Dog are back at Metro.

Both men won their jobs back plus months of retroactive pay, the result of an arbitration decision between the bus drivers union and the transit agency. One driver is getting paid to sit at home while the agency determines where to place him. The other is expected to return to driving a Metrobus later this month.

Bow, England

Enforcement of civil political debate, in the *Guardian*:

A man who placed a poster of David Cameron containing the word "wanker" in his window has described how police handcuffed him in his home on election day, threatened him with arrest, and forcibly removed what they said was offensive campaign literature. David Hoffman said that "They burst into my house, pushed me back and handcuffed me. They said I had committed an offence under section 5 of the Public Order Act, I was being detained, and I might be arrested."

Hoffman said he would lodge a formal complaint. He has since returned the poster to his window, but replaced the word "wanker" with "onanist."

Chattanooga, Tenn.

Keeping the scum off the streets, from the *Tennessean*:

Eric Wright was arrested by Chattanooga police officer Jim Daves while rushing his wife Aline to the emergency room at Erlanger Medical Center with stroke symptoms. "The officer followed me into the emergency room and repeatedly interrupted the patient care," Mr. Wright said. "The other medical professionals had to push him aside and inform him it's not appropriate and he needed to wait outside."

Wright said Daves told him to turn himself into the Hamilton County Jail, where he would be charged with a felony. Wright said when he asked what felony he would be charged with, Daves said "I'll think of something, you shithead." At the jail, though, an employee told Wright there were no warrants against him.

Two days later, as Wright was in his wife's room at the hospital, Daves had Erlanger security arrest him.

Washington, D.C.

Pressing legal matter raised in the confirmation hearings of prospective justice Elena Kagan, from *The New York Times*:

Noting the "incredibly grueling day" Ms. Kagan had, Sen. Amy Klobuchar remarked, "I guess it means you missed the midnight debut of the third 'Twilight' movie last night." After some laughter, she added: "We did not miss it in our household."

Ms. Kagan said she was not able to see "Eclipse," but Ms. Klobuchar nonetheless continued, "I keep wanting to ask you about the famous case of Edward versus Jacob or the vampire versus the werewolf."

"I wish you wouldn't," Ms. Kagan said.

"I know you can't comment on future cases," Ms. Klobuchar said. "So I'll leave that alone."

Birmingham, Ala.

Potentially troublesome example of "teaching to the test," in the *Birmingham News*:

A Jefferson County teacher picked the wrong example when he used assassinating President Barack Obama as a way to teach his geometry students.

The teacher was apparently teaching his geometry students about parallel lines and angles, officials said. He used the example of where to stand and aim if shooting Obama. "He was talking about angles and said, 'If you're in this building, you would need to take this angle to shoot the president,'" said Joseph Brown, a senior in the geometry class.

The Corner High School math teacher was questioned by the Secret Service, but was not taken into custody or charged with any crime.

Death Star

Reassuring words from the "Conspiracy Theories and Misinformation" page on America.gov:

Conspiracy theories exist in the realm of myth, where imaginations run wild, fears trump facts, and evidence is ignored. As a superpower, the United States is often cast as a villain in these dramas.

Special thanks to Russell Garrard, Tom Isenberg, and William Wallace for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

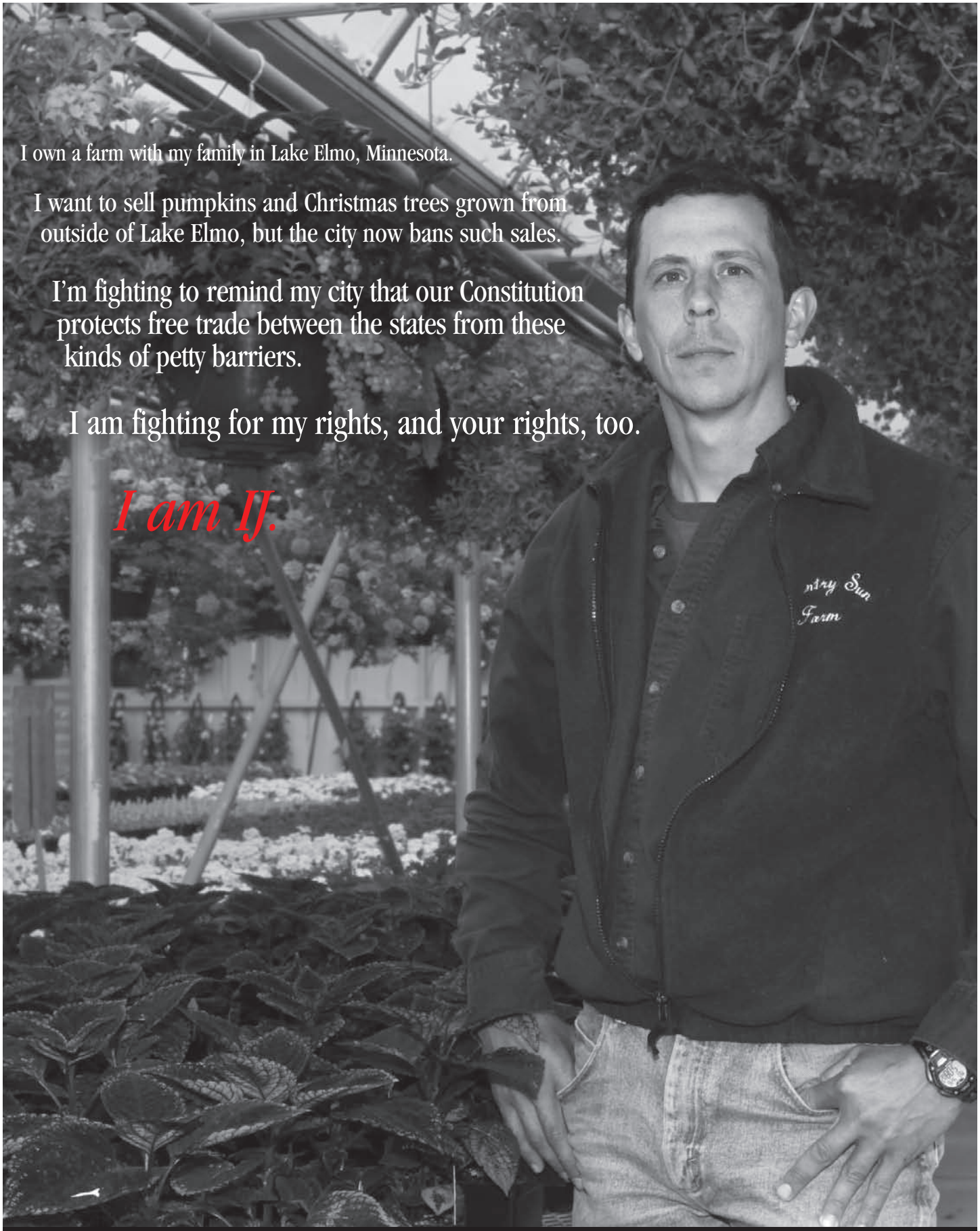

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cartoonists

Inside Liberty

October 2010
Volume 24, Number 9

4 Letters Liberty is a two-way street.

9 Reflections We hold our tongues, twist the knife, talk fast, use our heads, opt for evil, slam the brakes, and catch the bouquet.

Features

23 Don't Default on Me For some people, repudiation is the solution to government debt. *Bruce Ramsey* warns that it's not so simple.

25 Seeds of Liberty How close in origins are the libertarian and conservative movements? *Wayne Thorburn* examines the evidence.

31 Ends and Means What do libertarian ideas mean in practice, and how can you decide?

Reviews

39 Pearl Harbor How far was FDR prepared to go to guide America into World War II? *Jane S. Shaw* investigates.

44 The Beck Files Glenn Beck is a hit on TV, but according to *Robert Chatfield*, that doesn't mean he can write.

46 Away From It All *Bruce Ramsey* enjoys a good book about an impossible ideal.

48 Galt's Glitch The new "Atlas Shrugged" is likely to be a tremendous disappointment to libertarians. *Jo Ann Skousen* provides a preview.

50 Saline Dissolution *Jo Ann Skousen* appreciates Angelina Jolie's very special talents.

51 Thriller for the Thinker Occasionally there's a film that deserves its popularity. *Jo Ann Skousen* finds one.

52 Fun and French *Jo Ann Skousen* revels in a comedy of cast-offs.

42 Notes on Contributors Who we are, if not why.

55 Terra Incognita Excerpts from the official version of reality.

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Letters

Eternal Vigilance

In the October 1999 Terra Incognita, I found this blurb: "Advance in preventative epidemiology, from the Reuters wire:"

Welcome to America. Here in America we say "preventive" unlike the British who hold a propensity for extra syllables.

But the libertarian I am says do it your way, whether that way is British English, Canadian English, South African English, or even Indian English. If you want to give Webster the boot that's fine with me.

Bob Williams
Pittsfield Township, OH

Words Like Weapons

I was surprised to see Stephen Cox, wordsmith extraordinaire, politicizing a wonderful word like "liberal." Why call the enemies of liberty "liberal" or "progressive"? I like to think of myself as a liberal — progressive in my thinking, free from bigotry, generous with my wealth, liberal in my charitable work ("a liberal benefactor"), open to new ideas, tolerant of the views and behavior of others, a firm believer in the liberal arts and a liberal education. All these progressive meanings of liberal are taken from a standard dictionary. I say, let's take back the word liberal (and progressive) and return it to the camp of liberty where it belongs. Maybe it makes more sense to call those who are intolerant of new ideas and liberating policies "illiberal" and "reactionary."

I applaud the Mont Pelerin Society, the international society of thinkers created by F.A. Hayek, for bringing back some common sense to political terminology. I see the theme of their next meeting in Sydney, Australia, is "A 21st Century Liberal Enlightenment." No doubt Cox will choose not to attend, being under the impression that George Soros and Al Gore will be the keynote speakers.

I have even less patience with those who continue to use the tired old politically divisive terms "leftist" and "rightist." When you label people, thinking stops. We no longer listen to what the other person has to say, because, after all, he's a "left-wing nut." Equally, those who disagree with us stop listening because we are called "right-wing extremists." Dialogue quickly disintegrates like a Fox News debate. Professor Cox should discourage writers in Liberty from using these politically charged terms, just as we do at FreedomFest, the annual gathering of the true believers. We need to treat people as individuals, not groups. Isn't that the libertarian way?

Unfortunately, Cox is perpetuating the conventional wisdom. For example, misguided political language exists in economics, my profession. In the pendulum view of economic thought, Adam Smith, the advocate of laissez-faire, is on the right wing; Karl Marx, the socialist, is on the left wing. Both are viewed as "extremists." That leaves the "moderate" middle ground to John Maynard Keynes, supporter of big government and the welfare state. Is that

Letters to the editor

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really the ideal we want to teach our students?

In contrast, in my book "The Big Three in Economics," I proposed replacing the defective pendulum model with the Totem Pole. Here Adam Smith is on top, Marx is low man on the totem pole of economics, and Keynes in the middle. Thus, in my new classification system, Adam Smith's philosophy is #1, Keynes is #2, and Marx is last. As Ronald Reagan once said, "There's no left or right, only up or down."

Larry Abraham used to tell me, "Those who control the language win." When the advocates for liberty willingly yield the political language to its enemies, we have lost the war.

Mark Skousen
New York, NY

Cox responds: Mark Skousen is making several good points.

I myself tend to regard "libertarian" as virtually synonymous with "classical liberal" (think Madison, Acton, Paterson, and other people whose names end in "on"). When writing about "modern liberals" (think Obama), I sometimes get tired of posting the adjective, especially since readers can judge what I mean from the context. Yet in company with Isabel Paterson, Friedrich Hayek, Ludwig von Mises, and the founder of this journal, R.W. Bradford, I believe that libertarians should never give up our claim to be the legitimate heirs of liberalism. I can't think of a prouder political heritage.

But I also think there's something to Skousen's idea of omitting political labels and just talking to and about individuals. It would be fun, anyway. And I see reasons for not associating libertarianism with the Right. Bill Bradford often spoke to me about this, emphasizing the fact that "left" and

From the Editor

Like other libertarians, I enjoy speculations about a glorious future of individual freedom. I also take pleasure — a somewhat less reputable pleasure, granted — in speculations about how bad things will get if government continues to expand its coercive power, flouting the basic principles of politics and economics, and of human life. "That'll show 'em!" I muse.

From time to time, however, I succumb to the temptation of Omar's ancient verses: "Ah! Take the cash, and let the credit go, / Nor heed the rumble of a *distant* drum." In other words, enjoy the present; forget about the future.

A seductive idea. But then it occurs to me that all humans necessarily live in three worlds — the past, the present, and the future — and the best thing we can do is try to profit from them all: think about them, find our way in them, do our best to understand them — in memory, in presence, or in prospect.

It's like a bridge. As you travel up the great steel arc, you see farther and farther, both backward and forward. You see, with improved perspective, the old neighborhoods on one side of the water — the shabby wooden homes, the prevalence of ugly buildings erected by the state, the lights of emergency vehicles shuttling back and forth, and all the other sad indications of poverty, fear, and the oppression of the people by their rulers. Then you see, in front of you and coming closer, the beautiful region on the other side: wide streets, comfortable houses, flowering trees, docks full of pleasure boats, the marble temples of the many faiths.

At the middle of the bridge, you feel that strange thing called the present, the moment of suspense between past and future, the moment in which one sees both shores, and the harbor too — nothing neglected, but everything seen at once and known for what it is. It's all interesting; it's all a fascinating source of knowledge — and, to the extent that knowledge really can be power, of power too.

For almost a quarter of a century, that's what Liberty has tried to communicate: the problems of the past, the promise of the future, the perspective of the present. All of this, so long as we are free, represents a movement forward, as majestic as the transit of the world's biggest bridge. Hey! Let's go.

For Liberty,

Stephen Cox

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"right" originated at a time when anyone with what we would call libertarian ideas would have associated himself or herself with the "left." "Right" stood for the party of Church and State; "left" for an emphasis — often a dotty emphasis, but still a crucial one — on individual rights.

The quarrel back then was about the results of the various phases of the French Revolution. It's interesting to me that by the mid-1790s the "Right" was having a lot of critical but true things to say about the way in which ideas of liberty can transform themselves into violently statist ideas. Some on the "Left," such as Acton, learned a lot from the "Right."

Since then, Left and Right have taken innumerable forms, in innumerable situations, in innumerable parts of the earth. This may be a reason for desisting from such words.

Yet John Adams, writing in 1813 to Thomas Jefferson, noted that there seemed always to be two parties in human affairs. The ancient Greeks, he said, pictured Aristocracy and Democracy as "two Ladies . . . always in a quarrel, [who] disturbed every neighbourhood with their brawls. It is a fine Observation of yours that 'Whig and Torey belong to Natural History.' "

Quoting this, I'm not arguing, as Adams may have been, that the object of political debate is always essentially the same — only that political debate tends to shape itself into binary oppositions.

Nowadays, we don't call ourselves Whigs or Tories; but often we call ourselves Leftists or Rightists. The Left, right now, in this country, is identified with strong exertions of government. The Right is identified with the opposite. The fact that there are big exceptions on each side — the Right, for instance, still generally demanding idiotic morals laws and declaiming more strongly against drugs than the Left — doesn't mean that there aren't two ideological parties, or that the existence of these two parties isn't worthy of note. Neither does it alter the general balance of ideas within the parties, so as to justify the impression that there's no important difference between the two. There is.

I'll speak for myself: I'm not a rightist in the sense that I am a San Diegan, a speaker of English, an Episcopalian, or even a fan of "South Park," but I would never call myself a leftist or someone indifferent to the formations of Left and Right. I think decisions like this are important for individual people and cannot be wholly ignored.

Labels? Sure. All words are labels, and all words can mislead. It depends on context.

A Complex Challenge

Charles Barr's article, "Complexity and Liberty" (September), significantly broadened the discussion about what we humans and our cultures are really like and what that means for libertarians. I have often wondered why my fellow libertarians, usually so analytical, tend to stay away from this subject when "The Party of Principle" and other libertarian slogans such as "liberty" and "freedom" clearly have little traction with the voting public. Libertarians certainly cannot compete with the two major parties and remain libertarians. Similarly, libertarians cannot hope to join with and bring principles to parties whose nature is purely opportunistic. The question is what would it take to bring the voting public to libertarian principles? Or, to put it another way, will the voting public's motivations ever lead to a libertarian society? What motivates human beings in the first place? The article gives us many clues to help answer this last question, but stops short of the answer.

A complex system such as the economy and its surrounding culture has to have initial conditions. What are those initial conditions? They are most likely few and simple. In fact, I think there are only two. First is the instinct to group. Grouping leads to safety and the availability of sexual partners. The second is the instinct for stability. In other words, protect the group at all costs and keep changes to a minimum. Why? Because it takes about 15 years to find a mate, give birth, and raise a child to maturity so he can care for himself. Thus the culture formed by these two initial conditions is very sticky, very difficult to change no matter how dysfunctional it may appear to outside observers.

Politicians have used fear to successfully pander to these instincts for all of recorded history. In the present-day U.S., more government promises and more rules and regulations than can ever be paid for, or even understood, have emerged. With the total federal debt and liabilities at around $100 trillion and rules and regulations operative in their hundreds of thousands, a colossal debt liquidation and severe instability probably lie just ahead. Such events could trigger the first collapse on record of an industrial society and lead to where collapses always lead, into the arms of a great leader.

Like emergent behavior, libertarianism is counterintuitive. The idea that free people freely transacting with each other can form stable, secure societies is simply not a part of our instinct. Such thoughts are only held or even considered by libertarians and Austrian economists even though many others seem to sense that free markets maximize wealth. Can libertarians change and somehow become the mainstream? I think not. The mainstream is populated by expert opportunists and interest groups who will not be easily dislodged. These groups have, after all, emerged over the years through the action of complexity.

If all this is so, maybe the only libertarian strategy that has any hope of working is to stick with principles and get ready to offer an alternative to the approaching instinctual panic into totalitarianism (Barr describes this approach as "continually exploiting opportunities to enlarge the sphere of liberty, wherever and whenever such opportunities arise."). Just as the Founders took advantage of an historical opportunity to form a new kind of society, libertarians might soon get the chance to do it again. What is our program if the opportunity arises and why will it be accepted as offering more security and stability than the great leader alternative? In this context, promoting "principle," "liberty," or "freedom" has no meaning. These are intellectual constructs; security and stability are instinctual. Vowing to end or cut any government program is a losing proposition for the same reason.

Jim Kluttz
Lafayette, CO

Lincoln Logs

Norman Ball's idea that modern warmongers can gain a better perspective of their trade by studying Lincoln is suspect. The fact that this country's number one coffin-filler is consistently rated as the number one president is

telling of the spiritual and moral plane on which we operate. Obviously there is some message that to achieve greatness as a president, a lot of people must be killed — as long as the cause is just, be it slavery, terrorism, spreading democracy, or weapons of mass destruction.

As the sesquicentennial unfolds, libertarians and "conservatives" will continue to give Lincoln a pass when referring to totalitarian presidents and continue to genuflect at the altar of political correctness. The idea is that he "saved the Union" and "freed the slaves" and what he did for both was "worth it." Why recoil in horror at Madeleine Albright's famous remark that 100 thousand Iraqi children's deaths were "worth it?" Why object that 5 million Iraqis have been killed, maimed, or displaced? Lincoln accomplished his greatness with 600,000 deaths, the destruction of a self-sufficient agrarian culture, and the annihilation of the spirit of the Constitution. Later, his heirs would carry out the destruction of the letter of the document as well. The only rationalization that supports Lincoln's behavior is that the ends justify the means. As Thomas Sowell points out in a recent article: "If you believe that the ends justify the means, then you don't believe in constitutional government."

War wagers of today already take their lead from Lincoln's tactics. Sheridan devastated the Shenandoah Valley so that "a crow flying across it would have to carry his provisions," and Sherman said that he would "make Georgia howl," and that he would "bring every Southern woman to the washtub." They carried out pillage and destruction of civilians throwing civilization back into the Middle Ages. The side which most disregarded the rules of chivalric combat won Mr. Lincoln's war, and in so doing pioneered a field known as "total war" whose contribution to civilization is dubious. Dr. Moritz Busch in his "Bismarck: Some Secret Pages of His History" tells the story that General Sheridan attended a banquet given by Chancellor Bismarck in 1870. Sheridan, who had been with the Prussian staff as an unofficial observer, remarked that he favored treating noncombatants with the utmost severity. He expressed that "the people must be left nothing but their eyes to weep with over the war." From the military policies of Sherman and Sheridan, there is an easy step to the war conduct of the Nazis and an even easier step to the "shock and awe," "carpet bombings," drone bombings, and sanctions posted against many nations by the imperialistic government in our once-great country today.

I have not to date found a better explanation of Lincoln's handiwork than that of contemporary essayist and poet Wendell Berry in "Sex, Economy, Freedom & Community":

> The Civil War made America safe for the moguls of the railroads and of the mineral and timber industries who wanted to be free to exploit the countryside. The work of these industries and their successors is now almost complete. They have dispossessed, disinherited and moved into the urban economy almost the entire citizenry: They have defaced and plundered the countryside. And now this great corporate enterprise, thoroughly uprooted and internationalized, is moving toward the exploitation of the whole world under the shibboleths of "globalization," "free trade," and "new world order." . . . The aim is simply and unabashedly to bring every scrap of productive land and every worker on the planet under corporate control. The voices of the countryside, the voices appealing for respect for the land and for rural community, have simply not been heard in the centers of wealth, power, and knowledge. The centers have decreed that the voice of the countryside shall be that of Snuffy Smith or Li'l Abner, and only that voice have they been willing to hear.

David Ware
Yorktown, VA

Ball replies: Perhaps Mr. Ware is practicing his outrage for next year's Civil War sesquicentennial. Indeed he makes some compelling albeit peripheral points — though I suspect 4 million slaves (1860 census) would question the "self-sufficiency" of the "agrarian culture" to which they were compelled to offer their uncompensated labor.

But what overwrought Southern apologia it is to saddle Lincoln with time-zero status on the path to modern warfare, as Mr. Ware appears to do. War and its dubious "advancements" date at least to Sun Tzu. For example, in "Lincoln on Trial," Burrus M. Carnahan suggests Lincoln's 1861 authorization of the bombardment of Baltimore (in the eventuality Maryland seceded, which it did not) compelled Gen. Winfield Scott to consider reprising his Mexican-American War tactics, specifically the 1847 bombardment of Vera Cruz (during which, it was estimated, 80 Mexican soldiers and 100 civilians were killed.) In 1847, Lincoln was an Illinois congressman who, as it happened, opposed the Mexican-American War.

Gen. William Sherman, with Grant's acquiescence, made the grim calculation that, if the will of the people could be broken, their "organized armies would soon collapse" (Russell F. Weigley in "American Strategy from Its Beginnings through the First World War"; from "Makers of Modern Strategy," Princeton University Press, 1986.) The essence of Sherman's contribution to modern military science was this: by disrupting behind-the-lines infrastructure — including the collateral murder of women and children — fathers and husbands (who just happened to be soldiers too) would offer less spirited resistance on the battlefield: hardly one of mankind's more ennobling epiphanies. That Sherman's "hard war" tactics occurred on Lincoln's watch owes more to the inevitable "advances" of military science than to the occupant of the White House during those inevitable advances. Lincoln is a dependent variable at best.

Wendell Berry's point is well-cited: the governing arc of American history is economically determined. Indeed the 20th-century marriage of profit and war may have found its unholiest alliance yet in the modern military-industrial complex. Certainly Lincoln inhabited this arc. But what American historical figure hasn't? Why not implicate Lincoln in the siege of Leningrad while we're at it? He bears a modicum of historical responsibility for that too.

My piece had less to do with the deterministic nature of history than the contrast in temperaments between a circumspect, war-wearied Lincoln and a brashly impulsive George "bring it on" Bush (not to mention the ideological confusion of his successor, Obama) when, in fairness, the latter had the advantage of history to ponder the hard-

won forbearance of the former, and not vice versa. Mr. Ware and I might agree that the wisdom of leadership has not enjoyed the same advances as military science over the ensuing century-and-a-half.

Puncher's Chance

I so consistently agree with Bruce Ramsey that when I find him taking an opposite position on something my first thought is, where did I go wrong? But upon reflection — I remain in disagreement with his "Pick Two" (Reflections, August).

I am one of those LPers in Washington state who shouts outrage over a top-two primary system which has banished third parties from the final ballot. I do see his point that the new rules discourage protest votes and force all voters to make real-world choices. But is channeling the electorate toward the middle of the spectrum really a good thing? In his liberal Seattle congressional district, he points out, a November contest between an "entrepreneurial" and a liberal Democrat favored the moderate. But in rural areas, the final contest will often be between moderate and conservative Republicans, and the moderate is more likely to win here as well, picking up votes from disenfranchised Democrats and Greens. This may cut against rabid neocons and religious nuts . . . or against fiscal conservatives and Ron Paul supporters who are trying to make inroads. And what about the strategy of LP candidates running right or running left by emphasizing different ends of the agenda to defeat a bad liberal or conservative in a close election? We tried it at least twice, making the last governor's race a cliffhanger, and actually accomplishing it once, though to dubious effect (helping to elect Maria Cantwell).

At any rate, that option no longer exists. Currently out of favor in the LP is the view that our main good is to grasp the fickle eyeballs of the electorate every fourth November and do what we can in between. Actually winning elections is a chimera. But whether trying to win or just proselytize, being off the field for the main event is hardly a gain for liberty, and certainly no gain for free choice.

Scott Semans
Issaquah, WA

Feel Like a Number

In a September Reflection, Andrew Ferguson makes surprising accusations against Sheriff Joe Arpaio of Arizona. Let me say first that since I live in a determinedly statist society (and getting worse by the day), I prefer law enforcement to be conducted locally by an elected local official to any other real solution. I have come to like Sheriff Arpaio for his pragmatism and for his sense of humor. I also believe that prison should not be fun or comfortable. I think the idea of dressing violent offenders in pink is almost genius. Some of his ideas turn around and bite Arpaio on the backside, I know: after he bragged that he had the only female chain-gang in the world, there was so much competition to be on it that he had to discontinue the program.

I am astonished by the following sentence in Ferguson's contribution: "It's the sort of attitude that cheers on racist thugs like Maricopa County Sheriff Joe Arpaio when he 'gets tough on illegals' *detaining every Latino in sight even though half (or fewer) of the ones he pulls in are in the country illegally*." (Emphasis mine.)

If Ferguson has hard numbers — or even semi-hard numbers — on Arpaio's racial profiling, I wish he would divulge them, and their sources. It would certainly change my mind on the man and on his actions. I think evidence of any such actions occurring more frequently than rare accidental instances would also disgust many who, like me, don't want to line up with "racist thugs," in Ferguson's words. If Ferguson does not have any figures, his tirade is just gossipy slander and he should not have committed it.

Jacques Delacroix
Santa Cruz, CA

Ferguson responds: Hard numbers are difficult to obtain since Arpaio (sheriff of Maricopa County, not of all Arizona, no matter how he likes to style himself) shows as little concern with proper record-keeping as he does with the civil rights of those hoovered up in his expensive anti-illegal "sweeps." Arpaio vastly overstates his arrest numbers, seemingly adding on a couple thousand more every time he's in front of a camera. As of February, according to KPHO-CBS 5, he was claiming arrests of 37,000 illegals, but at least 31,000 of those were detained by other agencies and merely processed by detention centers in Maricopa County. A further 4,000 or more were taken by Arpaio's "human smuggling" task force, which aims at stopping coyotes rather than illegals; these immigrants, once released, will assuredly be on the next windowless van back over the border and thus potentially swell Arpaio's numbers even more.

According to that same KPHO report, of the "almost 700" arrests actually made during Arpaio's first 12 sweeps, "about half . . . were for immigration-related violations." A June 21 Arizona Republic article, meanwhile, notes that Arpaio's first 15 sweeps netted 932 arrests, of which 708 — regardless of what they were being arrested for — were unable to show documentation. Hence Mr. Delacroix is technically correct: during these sweeps, in which Sheriff Arpaio is able to cherrypick those locations he believes most saturated with illegals (fast food restaurants, Home Depot parking lots, Hispanic-dominated neighborhoods), he does not mistakenly arrest a citizen or legal immigrant in one out of every two cases. He does it one out of every four.

That distinction is, I suspect, scant consolation for the (at minimum) 224 who were arrested merely for being Latino while in Joe Arpaio's line of sight. This includes people such as Dan Magos, a citizen since 1967 who was pulled over, frisked, and berated by a hopped-up deputy; Sergio Martinez-Villaman, a Mexican national with ID card and proper visa jailed 13 days without bond; and Manuel Ortega, a legal immigrant pulled out of a car and cuffed four hours (aggravating a recently broken wrist) while the white driver of the car went free. It includes as well the entire staff of a Burlington Coat Factory raided just last month, shutting down the store for half a day to net a whopping three illegals (who were, obviously, holding down gainful employment). If these aren't enough "rare accidental instances" for Mr. Delacroix to forgive me the "gossipy slander" of my tirade, then I encourage him to turn to Google, where many, many more await his perusal.

Maybe that's why Sheriff Joe and

continued on page 53

Reflections

Hydrophobia — It just occurred to me that the same type of people who want national healthcare prefer drinking bottled water. Why do they trust the government to deliver healthcare, when they don't trust it to deliver simple clean drinking water? Shouldn't healthcare be left in the hands of the capitalists, the same people you trust to package the most crucial element of life? — Tim Slagle

Braking bad — Some months back, Toyota was crucified in the mainstream media and in hearings before Congress (led primarily by representatives who had accepted campaign money from the United Auto Workers), in part for inexplicable and uncontrollable acceleration in its cars. People tearfully recounted stories about their Toyotas accelerating even as they pushed their brake pedals as hard as they could. This was presented to the public as another obvious reason to buy cars from Government Motors.

A recent report by the U.S. Department of Transportation (DOT) shows that those reports of uncontrollable acceleration are dubious. The DOT went over the information contained in data recorders from dozens of Toyotas involved in accidents purportedly caused by sudden acceleration, and found that in all of them, the throttles were wide open and the brakes unused at the time of the crash. It appears that the drivers in these accidents were jamming down the accelerator, while thinking they were hitting the brakes.

This isn't a new phenomenon: 20 years ago, a similar rash of complaints was lodged against Audi, and the drivers were later found to have simply pushed the wrong pedal.

The DOT did the investigation, please note, with no advice from Toyota, either about the selection of the crashes to investigate or the interpretation of the data.

Do I have to add the punch line? The mainstream media largely ignored the report. — Gary Jason

Jersey fresh — This August, New Jersey did away with every aspect of car inspections except emissions testing. New Jersey inspections used to include checking brakes, tires, lights, turn signals, and windshield wipers, among other things. According to the New Jersey Motor Vehicle Commission, each of the old inspections cost the state (taxpayers) $21.95. For emissions only, inspections should now drop to a cost of $3.24 each.

The NJMVC claims that this, and a few other measures, will save the state $17 million. And New Jersey needs the savings. Like other states, after decades of endless spending, it can't make ends meet. Newark's mayor has even proposed eliminating toilet paper in city offices to meet the budget.

In an article describing the change, a NJMVC spokesman said, "When you're facing the kind of budget issues that we are facing, you have to look at every penny."

Really? Why not let New Jersey *taxpayers* look at every penny? No doubt, the state could cut the pennies that make up the spokesman's salary. Or the pennies that make up the cost of running the Motor Vehicle Commission itself. Why stop there? How about Health and Human Services? Housing? The Division of Youth and Family Services? Unfortunately, the list goes on and on. — Marlaine White

Eye of the beholder — Recently I came across the MSNBC.com headline " 'Double Dippers' could enable what they fear." Aha, I thought, this truculent news website is finally tackling the important story of malfeasant government employees who go on retirement pay (sometimes with added disability benefits), then take a different government job and collect both pension and salary.

But MSNBC.com operates under a different definition of "double dipper" than I do. The story — actually an Associated Press wire piece — focused on "politicians, economists and analysts who foresee back-to-back recessions." It blamed them for causing the country's and the world's economic woes by scaring "people into holding tightly onto their wallets."

Irreconcilable difference. — Jim Walsh

"Vote for me twice, shame on *you*!"

Path not taken — The iconoclastic Christopher Hitchens has been in the news, both because of his new autobiography, "Hitch-22," and because he was recently diagnosed with esophageal cancer. Since he is famed as an atheist, a debate has even erupted over whether people should pray for him.

Although I have not followed Hitchens' career closely, I admire him. That admiration began shortly after I met him in 1981.

I was a new "associate economics editor" at BusinessWeek magazine. The editor-in-chief had a fixation on industrial policy, the idea that the government can pump up the economy by selecting winners and subsidizing them. So one of my early assignments was to attend a conference on industrial policy sponsored by the Wharton School. It was a great experience (sharing a cab ride with Peter Drucker was a highlight), and I came up with a couple of suitable news items.

Christopher Hitchens was there, too, checking out the latest foibles of capitalism for The Nation. He and I attended a press conference given by Reginald Jones, the chairman of

General Electric. In the course of his comments, Jones discussed a transaction that GE was involved in, observing that the other company had tried to "jew us down" on the price.

I could not believe my ears. It violated every standard I had been taught from childhood. Although I was aware of the expression, I had never heard it stated, at least never publicly and certainly not by a titan of corporate America. Jones's stature, which had been modest before, sank precipitously. I was horrified but also embarrassed — for him, for his erstwhile impressive General Electric, and for American business in general.

But nothing was said about it at the press conference. And I didn't mention it in my writing. Mentally, I treated it as an awful mistake and pretended it had never happened. Christopher Hitchens, however, rose to the challenge.

In his article in The Nation, he coolly considered the expression at some length, as well as the significance of its use by a leading business executive in a public forum. Speaking as a visiting Brit, he mused that he had thought this kind of talk was frowned upon in America, but unfortunately, perhaps it was not.

I saw then that Christopher Hitchens and I, while both journalists, were moving in different directions — I, treading the beaten path; he, the trailbuster. And so it has been!

— Jane S. Shaw

No comment — Watching the way in which the mainstream media treats issues is a source of endless fascination. To say that the established media are biased to the Left falls far short of the truth. It is more accurate to say that the *Weltanschauung*, the worldview or mindset, of the establishment media is so deeply leftist that it literally cannot register anything that doesn't fit that mold. A recent case illustrates this bias anew.

It has to do with the John Cochran VA Medical Center in St. Louis, which mailed letters to over 1,800 past patients, giving them the fascinating news that they may have been exposed to HIV and hepatitis. It had to send out the warning notice after discovering that staff members had cleaned dental instruments improperly.

Now, this is amazing: many hundreds of people made to fear exposure to life-threatening diseases because of sanitary ineptitude — yet hardly any comment appeared in the mainstream media. Compare this to the ObamaCare debate, in which even one case of private healthcare screwing up could make the news. Whole stories were built around one person who claimed that she was driven to bankruptcy because of high medical bills, or a young man with tears in his eyes because his mother couldn't get health insurance.

This sort of journalism — the endless critique of private healthcare providers for minor or supposed failures — drove

Word Watch

by Stephen Cox

Cliches: you can't live with 'em, and you can't live without 'em.

That's a cliche, too. But some cliches have earned their right to exist. Think of all those expressions in the "too" series: "Too clever by half," "Too good to be true," "Too smart for his own good," "Too big for his britches," and so forth. And I can't imagine a world in which I wouldn't be able to respond to a difference of opinion by remarking, "That's what makes horse races."

The fact that many people fail to understand me when I produce that old chestnut only means that some cliches ought to be revived. When was the last time you heard "Who's going to bell the cat"? But nothing could be more useful than that expression for those meetings when somebody finally has to be chosen to do something hard — in current parlance, to "take one for the team."

Of course, even useful cliches should be employed sparingly. And there are a lot of cliches that have no business existing in the first place.

I've just been looking at a news report about the American geologist whom the Chinese communists (the Chicoms, to revive a good old cliche) tortured and sentenced to eight years in prison for "endanger[ing] our country's national security." The Associated Press described the victim as "a meticulous, driven researcher." "Meticulous" has never become a cliche, but "driven" now has. This summer, I even heard it in an ad for somebody running for Congress on the Republican ticket. This man is considered qualified because he is "driven."

Clearly, there's something unhealthy going on here. Until 2010, "driven" was never used in a morally complimentary sense. To call someone "driven" meant that he or she was a fanatic or borderline lunatic. It appeared in such expressions as "driven to commit crimes," "driven by his lust for alcohol," "driven by his political agenda," and "driven by his demons." Now, somehow, it's supposed to mean something good.

Why? Maybe it's because of the rough economic times we live in. Many people work two jobs, and many others work hard just to find work. So now it's an honorable thing to be "driven." But that doesn't mean it's a good thing. Actually, it makes good people look like cows or horses, and it transforms fanatics into angels of light.

But "driven" will continue to increase and multiply. So, unfortunately, will "MOU." No, that's not the sound that a cow makes; the thing is pronounced "em-oh-you," and it means "memo of understanding." You're lucky if you haven't heard it already; but now your luck has run out.

Before this summer started, I heard it only in connection with contracts between unions and my university. An MOU specified, sometimes in great detail, the practical effects of a contract. By late May, however, I was forced to listen to those three deadly syllables at every meeting I attended. Somebody would be talking about how the department of economics had worked out a new course in conjunction with the department of mathematics, and somebody else would ask, "Have they finished their MOU?" Then people would open the question of whether X committee had worked out an MOU with Y committee, and whether the vice chancellor's old MOU had yielded to a new MOU, and soon there was nothing but a chorus of MOUs.

the healthcare debate that allowed the Democrats to ram home ObamaCare. But when government healthcare had colossal failures, they never entered the debate.

Here's another story. Consider the curious case of J. Christian Adams. To understand it, take yourself back to the 2008 election. At a polling place in North Philly, members of the New Black Panther Party evidently harassed and intimidated voters. The Department of Justice's Civil Rights Division charged three members of the group with violating the federal Voting Rights Act. But after Eric Holder was installed as the nation's attorney general, the case was largely dropped.

This led Mr. Adams, a DOJ prosecutor, to resign and blow the whistle. He has claimed in interviews that the policy in Holder's DOJ is one of not pursuing complaints about violations of civil rights unless the alleged victims are minorities and the alleged perpetrators are whites.

From within the DOJ emerged a story that Adams was a disgruntled conservative ideologue unhappy with (and unpopular among) his colleagues. Adams has heatedly denied the charge, pointing to the fact that he was recently promoted.

Little of this has gotten play in the media. A story about a whistleblower who resigns and openly makes a serious charge about a controversial decision by the organization he was employed by, members of which then attack him personally, would be puffed up mightily if that organization were a business. But if it is a DOJ under neosocialist rule, no comment is made.

— Gary Jason

Signs of the apocalypse — I watch C-SPAN while getting dressed in the morning. Callers address comments and questions to an official or expert in some field. The listener gets fascinating insight into the state of economic understanding in this country, ranging from good down to aggressively ignorant. Some callers are articulate; others irrelevantly pad their ramblings with bits of autobiography.

Today (July 27), the guest was Transportation Secretary Ray LaHood. One caller asked him whether it is appropriate to spend government money on political advertising, specifically on signs along highways celebrating federal "stimulus" as paying for the construction work. LaHood replied that the signs are not compulsory on local authorities, that precedents for them exist, and, especially, that making the signs provides jobs in local businesses. Really! Jobs, the all-purpose justification! One might as well advocate government monitoring of right-wing talk shows on the grounds that it would create jobs for censors.

Jobs are not desirable for their own sake, or because they use up human effort and creativity. Jobs are an aspect of the great process whereby people specialize in producing particular goods and services to exchange them away for the products

A memo of understanding? Who's understanding what? Am I negotiating with you, or do you just want a description of what I intend to do on my own? This morning I got a request for "an MOU on the classes your program plans to teach next year." That meant, I supposed, that somebody wanted our list of courses; but I was afraid to answer, for fear of making a contract.

"MOU" is well on its way to replacing "mission statement," which was the last great bureaucratic mania. That may be progress. Some contracts are necessary and helpful, but nothing good ever came out of a mission statement. A few years ago, I walked into a church and saw, posted on the wall of the narthex, a thing that I instantly recognized as a mission statement. The plastic coating and the funky, self-conscious typography left no doubt. I didn't pause to read it; it might have been only a hundred words long, but there are some things you know you'll never be able to finish without a trip to the hospital. You'll fall into a coma before you get to the last full stop. So I confined myself to laughing about it. At that point, one of my companions revealed the horrible truth: she had not only served — for nine months! — on the Mission Statement Committee; she had actually enjoyed herself.

When you're faced with a declaration like that, your mind immediately summons an army of sarcastic remarks. "You must have enjoyed *yourself*; you couldn't have enjoyed that committee." "I guess it's better than being pregnant." "Purgatory is real after all." Et cetera. But I settled on a simple "Why?"

The answer amazed me. "Oh," she said, "it makes you think about what a church is for."

That silenced me. The only alternative to silence was to ask, "Why the *hell* were you frequenting a church, when you had no idea what a church is for? Did you think it was a movie theater or an art museum? Maybe a supermarket? How many hours of meditation did it take for your committee of sages to decide that a church is, after all, a church? And just how stupid do you think you are?"

I could have put the same kind of questions to the makers of mission statements about public schools, prisons, divisions of motor vehicles, and all the other organizations that are now on a Mission. A mission statement is an institution's confession that it has trouble justifying its own existence. An MOU, on the other hand, is at least a concession to the principle of contract. It's supposed to be an agreement, freely entered into. How libertarian an MOU can seem!

In practice, however, it's something else. The other day I complained to a university administrator about the sudden prevalence of MOUs. "Where did these things *come from*?" I asked. "Well," she explained, "people used to take each other's word. Now they want it all on paper."

I suppose she's right. But notice the context. MOUs, like mission statements, are creatures of bureaucracy. They are redundant evidence of what we already knew, that individuals can often be trusted, but bureaucracies, never. Redundant evidence — and desperate, hopeless remedies. How do we make certain that a church will act like a church? Get it to put up a mission statement. How do we get a lying bunch of labor leaders to keep their word? Negotiate a 9,000-word MOU, thus creating 9,000 words for them to interpret in any way they like. Mark my words, by the time you read this, the marriage counselors will be advocating that every couple create its own MOU.

The purpose, of course, would be to increase the couple's "transparency." And there's another ominous cliche: when you hear that word, you'd better run. Whoever advertises his progress toward "transparency" (A) knows that he's been fooling you; (B) intends to keep on doing it. He's the same kind of person who used to say, "Now, I'm going to be perfectly honest with you"

of other specialists. Production of some things constitutes demand for others. These exchanges take place, however, not by barter but through the intermediary of money and credit. When the money and credit system malfunctions, exchange, production, consumption, investment, and employment suffer.

Since, for good or ill, government dominates the money and credit system, it has a responsibility to understand and if possible remedy the malfunctioning. Nowadays, uncertainty and fear about government policy prompt business firms, banks, and even consumers to hang onto their money rather than invest, lend, and spend it. This disruption to the money and credit system and so to the great process of exchange is what requires understanding and remedy. To glorify, instead, the ad hoc creation of jobs is pathetically superficial.

— Leland B. Yeager

Take a number — According to an AP story, researchers have discovered that in all probability lines in emergency rooms will get longer as the new national healthcare plan takes effect. The AP claims that Medicare patients make up the majority of emergency room admissions, and the bill will expand Medicare enrollment.

This comes as no surprise to those of us who believe in simple economic theory. When something is perceived as free, a limit is removed on how much of it people will use. The cost of healthcare tends to keep a lot of hypochondriacs out of the doctor's office. (It has also been a boon to the vitamin and supplements market.) But once these people no longer have to pay for a doctor to listen to their fictional ailments, they will swarm the system. It has happened in Canada, and it has happened in Massachusetts, where a similar healthcare bill, passed in 2006, has overcrowded emergency rooms.

Massachusetts learned that just because doctor visits are paid for doesn't mean there will be a doctor to visit. Fixed prices alter the supply-demand curve, because busy doctors aren't allowed to charge more. Hence, increased demand will not increase the supply of doctors. So all the newly covered hypochondriacs resort to the emergency rooms.

But wasn't the crowding of emergency rooms one of the tenets that healthcare reform was sold on? Once more, Americans have bought something that the used-car salesmen and the ambulance chasing attorneys who make up the political class have sold to them. And much like other unscrupulous businessmen, the salesmen will disappear into the night, when we try to enforce the warranty. — Tim Slagle

Et tu, Janet? — On July 15, Janet Napolitano, head of Homeland Security for the Obama administration, made the ultimate betrayal of her own state in favor of national Democratic politics.

Obama, as you know, is suing Arizona because of its anti-illegal-alien law. Meanwhile, leftist groups throughout the nation are trying to organize a boycott against Napolitano's home state, Arizona.

Napolitano's betrayal came during an interview with Greta Van Susteren of Fox News.

"As a former governor of Arizona," Van Susteren asked, "do you think those boycotts should be ended?"

"That's up to those who are mounting them," Napolitano replied.

I've often wondered what Napolitano has on Obama. The whole country has been laughing at her for months, yet she continues her career of ridiculous gaffes — claiming, for instance, that all is well with homeland security every time a terrorist attack either happens or is thwarted by someone who has no relationship to her own agency, or saying that the southern border is better controlled than at any time in the

— indicating that he usually isn't honest at all, and thus strongly suggesting that there's no reason for you to believe that he's going to start being honest today.

By now, there probably isn't a bureaucrat or politician in the country who hasn't promised complete transparency in his own dealings or bitterly lamented its absence in others'. Obviously, somebody's not being transparent. And what exactly does "transparent" signify? One way of judging the value of an expression is to see whether you can visualize its meaning. If somebody tells you, as many small charitable organizations do, "Our books are open for inspection; stop in at our office any business day between 9 and 4," you can visualize yourself showing up and looking through the columns of figures. But if somebody tells you, "Our organization is fully transparent," what are you supposed to make of that? If he wanted you to understand it, why would he put it that way?

Besides, do you really want anybody's affairs to be fully transparent? What I picture when I hear that word is somebody living in a building with clear plastic walls, even for the bathrooms. And look. If you're a politician, I don't want to know all the silly things you do and say. I don't want to take my time to watch you through your plastic walls. I don't care to listen while you tell your chief of staff, "I'm really not in favor of repealing the drug laws, but I guess I'll have to vote for repeal, because Cox will attack me in Liberty if I don't." All I want you to do is repeal the drug laws. And I'm well aware that you may not be able to do that if your dealings are fully transparent. "Transparency" is therefore at the bottom of my agenda.

Well, maybe not right at the bottom. There are even worse cliches. I'm thinking, for instance, about "It's for the children!", the slogan of all people who want to raise taxes. This is one of a group of political cliches that includes "family values," "diversity," and "revenue enhancement" (a phrase synonymous with "taxes"). These cliches emanate from various circles, but I think of them all as members of the Obama class, because Obama's distinguishing political characteristic, like that of Bush, is to persevere in counterproductive causes. He'll keep maintaining that his "stimulus" plans are "growing" the economy and "creatin' jobs for all Americans" until his last day in office, and that will keep the associated cliches alive.

There's another class of cliches that Obama uses but that bears the name of a much more important man. I refer to the Orwellian cliche, the political cliche that means the opposite of what it's supposed to mean. Thus, "freedom" means slavery, "truth" means propaganda. For Obama (as for most politicians — why should he get all the credit?), "invest in America" is a good way of saying "give me all your money, and I'll throw it down a rathole." For him, "dialogue" means "listen to me"; and "comprehensive reform," as in "comprehensive immigration reform," means "keeping me in power" by "creating a path to citizenship" for people likely

past. But now I wonder what Obama has on her, if she's unwilling to express the slightest sympathy for her own state.

And by the way, can't we call a moratorium on the particular rhetorical ploy that Napolitano used? It's not just an evasion; it's an expression of disgusting arrogance. It's infuriating. Suppose your business were being picketed by a bunch of strikers, and you asked a friend, "Do you think they should be doing this?", and he replied, "That's up to them." Your husband is suing you for divorce? "That's up to him," your sister says. You're black, and you see your neighbor reading literature from the Klan. "I guess that's up to them," the neighbor comments. Pontius Pilate took the same line.

— Wayland Hunter

Life without the state — At FreedomFest this summer I took part in a debate where I was given five minutes to make a case for liberty without government, or the state. That's a challenge, but I think I can do it in even less time here.

The term "anarchy" means literally to be "without a ruler"; being without a ruler may be a cause of disorder, but disorder is not a part of the meaning of anarchy. So we should ask whether being without a ruler entails foregoing law, or foregoing the security of life, liberty, and property? The answer is, it depends. It depends on the presence or absence of other institutions, and those institutions generally do not depend on the state.

The state, the dominant form of rulership that has almost completely displaced the others over the whole planet, was canonically defined by Max Weber as "that human community which (successfully) lays claim to the monopoly of legitimate physical violence within a certain territory, this 'territory' being another of the defining characteristics of the state."

It is quite possible to think of order in the absence of this "state." Consider four arguments for stateless freedom and order.

1. Law and order have actually existed without states. You don't have to turn to obscure cases in medieval Iceland or Ireland or 19th-century Nevada mining camps. Most of the law and order we observe around us comes from nonstate initiatives. Commercial law is overwhelmingly the product, not of state legislatures, but of private parties ordering their affairs. Debts are overwhelmingly collected by private collection agencies, not by the state. The common estimate is that there are at least twice as many private police — security guards — as police employed and empowered by the state. The overwhelming majority of fugitives from the legal system who are returned to custody are caught by private citizens, bounty hunters employed by bail bondsmen, who are also private citizens. That happens with a tiny fraction of the violence routinely employed by state-empowered agents.

2. What incentives does a monopoly have to produce good products? Monopolies of any kind have little incentive to cut costs, lower prices, increase quality, and so on. Why should the producers of law and order be any different? Why should the state monopoly of violence produce order in a particularly efficient or effective way?

3. States systematically create crimes without victims. Indeed, the definition of a crime is an act against the state. If I were to assault someone, the aggrieved party in any resulting criminal case would be the state, not the person I assaulted. Observe that states systematically expand their powers to punish behavior for which there is no complaining victim. No one turns himself or herself in for smoking pot or having consensual sex or engaging in thoughtcrime. So states employ vast armies of spies, snitches, and surveillance teams to uncover that behavior and punish it. They get away with it by making the victims pay the bill. The costs of their

to vote Democratic.

Like "MOU," "path" is one of those cliches that emerged from a bureaucratic context, appearing to challenge it but actually reinforcing it. The idea is that modern bureaucratic life is so complicated that "paths" need to be laid out for the people blundering through it. They're like Dante's pilgrim, trying to get out of the wilderness of this world, except that their divinely appointed guides aren't Virgil and Beatrice; they're the bureaucrats themselves, topped by the Great and Wonderful Bureaucrat of Oz, Barack Obama; and of course the pilgrims never do get out. If I were an immigrant, I wouldn't trust Obama to plot my path to citizenship, or anywhere else. Be that as it may, I think we've heard more than enough of "comprehensive" — though we're certain to hear more of it throughout his tenure.

Well, this is a good, though decidedly pessimistic, place to end, but I have to mention two cliches that mean absolutely nothing, yet have stuck themselves to 2010 like pieces of gum adhering to a busy person's shoe. The words are "green" and "sustainable."

Ecological cliches are always lies. I mean, why is milk from Safeway less "organic" than milk from Whole Foods? It's all just cow juice, and if you don't keep your "organic" milk in the fridge, it will soon prove to your nostrils how very organic it is. I know that different things are done in feeding the cows or something, but why don't they find an expression that says *that*?

"Green" goes several steps farther. To me, a "green job" is cutting down trees so that people can make houses out of them. Literally, there's nothing greener than heaving a wad of paper or a past-prime sandwich out of your car window, so it can rot by the side of the road. I don't like that behavior, but don't tell me that it's "greener" to hire a bunch of losers to pick up the refuse and let it rot, if it can, in a landfill, instead of the lovely median strip of I-75.

"Sustainable"? Let me tell you about "sustainable." The cafeteria at my college decided to start winning "sustainability" awards. Its method was to forbid all plastic cups, saucers, wraps, etc. Also virtually everything made of paper. Only "sustainable" stuff was allowed — metal utensils and ceramic dishes.

Sustainable? Why? What was sustaining what, and for what purpose? If one wanted to take food out, which most people do, one had to take out the metal and ceramic as well. And that's what people did, although it's pretty hard to carry a ceramic bowl of hot soup across campus without a plastic cover, unless you don't mind getting medical bills. It didn't occur to anyone that all the artifacts of human sustainability that were taken from the cafeteria, hundreds a day, cost energy to produce. If they were returned, they cost energy to wash. If they were kept in offices or dorm rooms, or simply thrown away, it took more energy to replace them. Was that "sustainability"?

You tell me. And send me your own reports from the front — you've probably seen more sustainability than I have.

victimization are called "taxes." When you eliminate states you make it harder to prosecute or punish so-called crimes without victims. That's a big plus for a friend of liberty.

4. States systematically create the conditions that appear to legitimize their existence. Crises, wars, and the like are exploited by states to legitimate the expansions of their own powers. As Thomas Paine noted in "The Rights of Man," volume 1, "In reviewing the history of the English government, its wars and its taxes, a by-stander, not blinded by prejudice, nor warped by interest, would declare, that taxes were not raised to carry on wars, but that wars were raised to carry on taxes."

I would, of course, rather have a strictly limited state than the kind of state we have today. I also believe that we can do better. I prefer a world without wars, without taxes, without the systematic injustice that comes from any body of persons insisting that they are sovereign, that is, that they are above the laws. I prefer a world of ordered liberty, the rule of law, and peace. And in that world, there are no states.

A postscript on private versus state-empowered police:

How many people are killed by those different bodies of law enforcers? The incentives facing the different categories of parties are fairly clear, but data on this and related questions are very hard to come by. In the 2001 report of the Bureau of Justice Statistics of the Office of Justice Programs of the U.S. Department of Justice, "Policing and Homicide, 1976–98: Justifiable Homicide by Police, Police Officers Murdered by Felons" (Jodi M. Brown and Patrick A. Langan, March 2001, NCJ 180987), it is stated that "Police justifiably kill on average nearly 400 felons each year." It is very doubtful that private police have anything like that large a toll.

The definitions used by the authors of the Department of Justice Study are telling: "In this report, killings by police are referred to as 'justifiable homicides' and the persons that police kill are referred to as 'felons.' These terms reflect the view of the police agencies that provide the data used in this report."

The significance of defining all those killed by police as felons and all killings by police as justifiable homicides will not, I am sure, be lost on the readers of Liberty.

— Tom G. Palmer

Rating confusion — Of course we all know the law of unintended consequences, but some of us don't know that Robert Burns — Scotland's eternal poet laureate — said it better: "The best laid schemes o' Mice an' Men / Gang aft agley."

Example: the new Obama regulatory package that went into effect in late June makes rating agencies like Fitch, Moody's, and Standard & Poor's liable for bond ratings. In other words, they too can be called to the courtroom upon default or interest nonpayment of the bonds. God knows they're not angels; they are often paid by the bond issuer, which appears to beg for bias. And clearly they and their bloated ratings are partial perps of the housing bubble. But now they're scared witless by this new regulation. Consequently, says The Wall Street Journal, they refused to rate Ford's planned asset-backed bond issue. Ford naturally withdrew the issue.

Can you imagine the interest that would need to be paid on unrated bonds — packages of auto loans, in this case? And do you think that revived the Obama stimulus? Rather, it was an undertaker to the fiscal corpse. Bye, bye new jobs for salesmen, automotive assemblers, mechanics, and parts manufacturers.

Believe it or not, the SEC noticed the chaos with the Ford bonds and other issues. They are considering a temporary solution, by which bonds could be issued without ratings. No explanation was offered as to why this wouldn't affect interest rates. But don't worry; the SEC is charging to the rescue.

— Ted Roberts

VAT's all, folks — A fair description of President Obama's agenda is that it is "neosocialist." This means that his goal is not necessarily to nationalize all industries (though he has nationalized a few) but that he wants a European-style welfare state. He wants us to be like France or Italy, with massive taxes, a wide web of subsidies for individuals and companies, and such a stranglehold of regulation that the state virtually controls all industry, administering the whole by a Mandarin army of bureaucrats.

The goal of neosocialists is to dominate the economy and siphon off the lion's share of wealth and power for themselves, while leaving business owners the chore of actually running the day-to-day operations. Neosocialism is fun for the neosocialists: you get to rule and live well, and when anything goes wrong, you can just blame "Big Business" or "Wall Street."

Neosocialism explains what we see in Europe: slow growth, because socialized businesses are inefficient; technological stagnation, because entrepreneurs can't easily start innovative new enterprises; permanent high unemployment, because the hurdles that the state puts in the way of firing employees make companies reluctant to hire them to begin with; and an aging population, because people can't afford children in the face of confiscatory taxes, and feel that they don't need them since the state will take care of them in old age.

In terms of the growth of government, Obama has certainly advanced his agenda. ObamaCare was a milestone: it set in place the takeover of one-sixth of the economy. But so far, we haven't seen much growth in taxation. He has created programs and spent money like nobody before him, but he has financed it all by borrowing. However, the Taxman Cometh.

Obama has made no secret of his intention to let Bush's tax cuts die in December. But he well knows that income tax hikes won't bring in nearly the revenue needed to fund his neosocialist agenda. "Soaking the rich' — even if the government killed them all and confiscated all their wealth — can't generate that much revenue, for the simple reason that there aren't enough rich people.

The income tax tends to bring in about 19% of GDP, even when rates on upper income wage earners are high. But Obama has pushed spending to 25% of GDP. So he is adroitly maneuvering to put in place the welfare state's preferred tool, the value-added tax (VAT). Point man in this sneak VAT-attack is Obama's White House economic adviser, Paul Volcker, who started the ball rolling by saying that both the VAT and an energy tax have to be "on the table."

The VAT tax is common in Europe. It is a kind of sales tax, but one that is applied at every stage of the chain of production and distribution. Statists love it, because it is hard to evade, and even more because it is largely "invisible": the

citizen only notices that everything costs a lot, for which he blames business, not government.

Obama's pitch will be that a VAT tax of just 1 or 2% would be nothing to consumers. But his veracity is negligible, and anyway, what does observation show us? In the EU, VAT rates range from a low(!) of 15% to a high of 25%. The average rate throughout the EU zone is nearly 20%. European countries started implementing VAT taxes a half century ago, and in every case, the VAT rate only went in one direction — up.

And that is about where Obama would have to set it, to manage his enormous deficits. The latest estimates (which are low, because the full cost of ObamaCare has yet to be reckoned), is that the new deficits will total $12 trillion over the next decade, but an American VAT would bring in only about $250 billion a year at the 5% level. So we would need a VAT set at least at 20% (in addition to all the other existing taxes) to pay for the new deficits.

Now, some are suggesting that while the VAT is a painful solution to the deficits, if it is combined with spending cuts, it might be acceptable. But again the European history of VAT makes this very dubious. The countries that introduced a VAT tax did not use it to reduce deficits or to offset other taxes. Instead, governments used the new funds to increase spending programs, always spending more than the growth in new revenues. In fact, spending rose 45% faster in VAT nations than in those without a VAT. — Gary Jason

Bureaucratic undead — The financial reform bill that Congress passed into law this summer was Christmas in July for statist hacks. Three noxious examples:

1. The "reform" creates 20-plus offices of "minority and women inclusion" at various agencies of the Treasury Department, Federal Reserve, etc. These specious satrapies will demand that agencies hire more women and racial minorities and grant federal contracts first to women- and minority-owned businesses; they will also apply so-called "fair employment tests" to regulated banks and other financial institutions. Such programs are stale stuff — the legalistic two-stepping that enforces quotas without acknowledging them as such.

2. It crudely lumps the financial derivatives used by airlines, utilities, and other businesses to hedge against commodity price fluctuations together with Wall Street trickery. This adds insult to injury — some of the businesses that use derivatives legitimately lost money to shady investment banks during the past few years. Now, they are being regulated as if they were i-banks themselves.

3. It creates a new "consumer protection agency" whose mission and means have been defined only sketchily. Some observers have noted that this agency may essentially replace ACORN as the preferred haven for "social justice" activists and other low-rent partisans. While the agency was promoted as a champion for consumers against predatory mortgage lenders, its charter gives it oversight of almost any company that has a "financial relationship" with consumers.

This last item is typical of corrupt legislation. It's a sleeping monster: even if a future Congress reverses most of the reform's mechanics, the "consumer protection" tripe will be tough to eliminate. It will likely be left in place, as the Community Redevelopment Act was, through the 1980s and early 1990s, to lie in wait until some future opportunity to make trouble.

Reversing this sort of vampire law requires more than just legislative counterbalance. The only way to drive a stake into its heart is to eliminate it completely, word for word.

— Jim Walsh

Killing in the name of — I keep waiting for one of those reporters interviewing the latest captured Muslim terrorist to ask the obvious question: Why exactly do you think that murdering and maiming random victims is going to convince non-Muslims that they should convert to Islam? Is it that you think there is some undeniable appeal to the idea? You mean, I could get to murder and maim others, too? Wow! How can I resist an offer like that?

I guess that's why I would make a terrible news reporter. I would want to ask questions that actually question the logic of those I interviewed, maybe even make them admit that their only goal is (in this case) to use brute force to intimidate others to accede to their irrational demands — demands proven to be irrational by the fact that otherwise they would be supported by rational arguments rather than threats of violence.

Then there are those who say they want to kill Americans on American soil because other Americans have killed Muslims in Muslim countries. I would want to ask them: What about Muslims who kill other Muslims in Muslim countries? Do you want to kill them, too?

But then, no matter what the interviewee answered, my last question would be: admit it, isn't the whole purpose of your actions to force others to do what *you* want, regardless of whether they agree that *your* interpretation of Islam makes any sense? If not, how exactly do you think any rational person could conclude otherwise? — John Kannarr

The new trickle-down — Economic histories tell us that a principal difference between Herbert Hoover and FDR, in responding to continuing unemployment in the early 1930s, is that the latter believed that the federal government should directly support individuals working on public projects. This Hoover refused to do, instead bankrolling institutions with the expectation that such largesse would "trickle down" to those unemployed. It didn't work then.

So far Barack Obama has been redoing Hoover, not FDR, contrary to what some of his thoughtless admirers claim. For those still unemployed, statistics reveal that Obama's "stimulus" ain't working now. — Richard Kostelanetz

Pigs at the trough — On July 29, a commentator on Fox News responded to a question from Juan Williams about the amazing amount of money that the Clintons devoted to their daughter's wedding — reputedly $3 to 5 million. Invoking the spirit of American "free enterprise," she said, "They made it, let them spend it however they want. . . . It's nobody's business." No one, not even Williams, one of the smartest people on TV, contradicted her.

Look. Mr. and Mrs. Clinton did not make their money through free enterprise. They "made" it through politics. Specifically, he made it by getting immense fees for giving speeches, here and abroad, before audiences more interested in his political influence than in any wisdom he had to offer.

Our modern-day Trimalchios are signs, like their Roman

original, of a culture's decay. The vast, vulgar wedding — "complete," as a news report said, "with a vegan wedding cake" — is the best argument I've seen for the repeal of heterosexual marriage. — Stephen Cox

Pitchmen — I believe that a major turning point in the decay of the American political world came in the 1950s, when campaign managers shifted away from presenting politicians as statesmen and began selling them by using the techniques of commercial advertising, their idea being that a politician can be marketed and sold to consumers like a bar of soap.

In Connecticut I routinely see television ads, from both Democrats and Republicans, featuring vaguely defined, nondescript, average-Joe types talking about how their candidate is a real American who can get things done. I see rooms filled with crowds of smiling, enthusiastic people holding campaign signs. I see broad, generalized, meaningless slogans such as "change" or "experience" or "someone new" or "leadership" or "education" or "create jobs."

A recent TV ad for the campaign of the bland, boring Democrat Ned Lamont for governor of Connecticut featured the slogan "Education" along with vague promises such as "I will work with teachers" and photos of Mr. Lamont with children. What does such an ad accomplish except the demoralization of the voters? When was the last time a candidate actually stood in front of the camera in a simple, inexpensive ad and said what he believed and why — instead of trying to paint a dreamy, feel-good picture or featuring survey-tested buzzwords with subliminal associations, as if someone were using depth psychology to sell a brand of car?

If voters were presented with candidates' detailed views on the issues rather than the colorful advertising that their campaigns spew forth, the politicians with original, well-thought-out solutions would stand out. This would give libertarians an advantage (which is perhaps one reason why major-party candidates don't take this approach); it would also give the voters a break. It would make it easier for them to make rational choices, instead of gambling on the choice between vacuous sound bites and smiling faces trying to be all things to all people.

I would like to see the day when, instead of spending millions of dollars on colorful campaign ads, all candidates would simply fill out a questionnaire listing in detail their opinions on the important issues, post it on their websites, and let the people who care about voting read each questionnaire and choose whomever they agree with.

Connecticut Republican Senate candidate Linda McMahon is running on the slogan "create jobs," but she has actually posted on her website a fairly detailed plan for exactly how she means to accomplish this (e.g. lowering taxes, reducing government regulations). That certainly makes it easier for me to know what kind of politician she is — and the payoff for her is that it makes it easier for me to consider voting for her.

It is questionable whether voters must demand this approach from politicians or whether politicians must start adopting it in order to attract voters, but it would benefit both candidates and voters, and it would certainly benefit libertarians. — Russell Hasan

The ethics of opacity — The members of the Congressional Black Caucus (CBC) are seeing red. They are outraged — outraged! — that the independent Office of Congressional Ethics spent so much time investigating CBC members last year. CBC member Rep. Marcia Fudge (D-OH) was moved to introduce a resolution (co-sponsored by another 19 CBC members) that would prohibit the ethics office from releasing certain of its investigative reports to the public. The resolution also calls for barring the ethics office from starting its own inquiries unless someone with "personal knowledge" of wrongdoing submits a formal sworn complaint. No whistleblowers allowed!

Yeah, that will help keep the Congresspeople honest.

Rep. Fudge is very annoyed that the Office of Congressional Ethics nailed her own chief of staff, one Dawn Kelly Mobley, for improper action regarding corporate sponsorship of congressional trips to the Caribbean. But instead of trying to muzzle what few institutions there are to ensure ethical behavior in Congress, perhaps Fudge should try urging her colleagues to be more honest. Just a thought. — Gary Jason

Give generously, or we'll kill this dog — A few months ago I received a curious letter. I put it with some other junk mail and just recently had the chance to go through the pile and open it. To my surprise, it was Charles Schumer writing me on behalf of the Democratic Senatorial Campaign Committee, to tell me that he needed my help to stop the Republican Party — to stop "the party of NO." How about that!

To convince me of the need to act, and to buoy my confidence in the party's abilities, Schumer listed the Democrats' "accomplishments" since Obama's election. They "rescued our economy from the brink of collapse," they "continue to work to achieve a sustained and substantial recovery," they "took on the monumental challenge of fighting for meaningful healthcare reform," and they enacted important antitobacco legislation. Important, indeed!

Also included was a bullet-point list of "why [my] support for the DSCC matters NOW." Here are a few tidbits: the Supreme Court removed the spending cap for corporations' campaign contributions, the DSCC is the only organization dedicated to protecting and expanding the Democrats' Senate majority, and — most critical of all — "the *Tea Parties* have shown they can raise over a million dollars in under one day, and now they've established a *tax-exempt 501(c)(4) to funnel campaign cash to hyper-conservative candidates across the country*." Gasp!

Finally, they assure me, while Republicans focus on causing Obama to fail, Democratic senators are working *with* him. Still, they need contributions ranging from $15 to $1,000 — they kindly placed a star next to the $35 level — to meet their $767,000 goal.

Stopping the party of No — interesting. But I'm a libertarian. The Republicans are not saying "No" often enough for my taste. I'd rather stop the party of "yes, we can." And, although it is probably an exaggeration, if the Tea Parties have raised that much money, I'm ecstatic!

Besides, how dare Democrats ask more money of me or any other "fellow American" to whom they addressed these letters? They've wasted more taxpayer money since the 2008 election than any sitting government ever wasted in a similar

period of time.

I know that Schumer was not inspired to write me because he read my Reflections in Liberty. Not at all. I'll tell you why I got his letter, though I am loathe to admit it. . . . I subscribe to The Atlantic and (shame!) that pretentious, highbrow tabloid Vanity Fair. So, whatever marketing company the Democrats employ for mass support mailings naturally assumed that I'd be "one of them" and receptive to such a plea — though I think they would be hard pressed to find a household less receptive to their hysterical overtures than mine.

All this is good news, however. Because if the Democrats are so worried, and if this is how they are going about seeking popular and financial support, November 2010 is looking better than ever. — Marlaine White

Holding patterns — Greg Mortenson, author of the bestseller "Three Cups of Tea," and builder of schools for girls in Afghanistan and Pakistan, was our keynote speaker at this year's FreedomFest in Las Vegas. He is the most honored American in the Middle East, and the Taliban won't touch him. But his address was postponed because President Barack Obama made an unexpected trip to Las Vegas, keeping Mortenson's plane from landing. Obama came to counter Sharron Angle's talk at FreedomFest and to give support to a floundering Senate Majority Leader Harry Reid.

We quickly rescheduled Mortenson's talk for the next morning, which he gave before an SRO audience of over 2,000 people on the theme, "Stones into Schools: Promoting Peace with Books, not Bombs." His main idea was that there is no military solution in Afghanistan, but to quote an old African saying, "If you educate a girl you can educate a community" and change it for the better. His Central Asian Institute that builds schools for girls in Afghanistan and Pakistan received no federal funds. He got a standing ovation.

After his speech, he was supposed to catch a plane, but again was delayed because Obama was flying *out* of Vegas at that time. So Mortenson signed books for three hours and told us that he was so impressed with FreedomFest that he would come back next year to speak again. All's well that ends well. — Mark Skousen

Head counts — This is chapter 1,559,363 in the long-running serial, "Why Don't the Media Know What All the Rest of Us Do?"

On July 17, there was a parade in my town, San Diego — the annual Gay Pride parade. The parade starts in my neighborhood, in fact, directly in front of my dwelling. Sometimes I attend; sometimes I even take pictures; sometimes I sleep in and miss it. This year, I slept in, so I wasn't available to count the crowd.

I did notice, however, that the media reported that "150,000 people" were going to show up, or did show up. That was a somewhat higher estimate than I remember them reporting in earlier years. No matter: I responded to this as I always respond to crowd estimates, gay or straight, rightwing or leftwing, by calculating how that number of people could possibly fit into the space available. In this case, I figured that if you had a close-packed crowd all along the parade route, you'd need 14 ranks of spectators on both sides of the street, besides a very generously estimated number of people who actually participated in the parade.

My experience of this event is that two or three ranks, here and there, and a lot of stray people elsewhere, is a fair description of the crowd. Maybe at a major intersection you would have to stand on your toes to see over four or five people, but this is doubtful. A friend who did go out for the parade this year reports that "one could have easily ridden a bicycle up and down the sidewalks and not hit anyone."

That doesn't mean the parade wasn't a success. It just means that the media are not. — Stephen Cox

Info dump — Amid much hoopla, the Obama-backed financial regulation bill ("Finreg") finally passed Congress and was signed into law by a gloating president. Supposedly, it was crafted to make future mortgage meltdowns impossible by throwing a leash on the greedy, scheming Wall Street tycoons who caused the mess.

The mortgage mess was in part caused by the greed of Wall Street — and for that matter, by the greed of Main Street, i.e., by consumers who used NINJA loans (no income, no job or assets) to get into homes they couldn't afford, hoping to get rich quick. But this sort of greed is always with us. What specifically caused the disaster, what brought it on, was the massive moral hazard created by Fannie Mae and Freddie Mac, which bought all that toilet paper — not to mention the supply of cheapo money provided by the ever-generous Fed. But Fannie and Freddie aren't even mentioned in Finreg!

Instead we find, stuffed in next to a couple thousands of pages of onerous regulations, all kinds of garbage completely irrelevant to the mortgage mess, such as mandates for metastasizing racial and gender quotas and preferences.

Most interesting among the irrelevant garbage in the bill is a tidbit uncovered by Fox Business News (July 28). Besides doubling the funding of the SEC, the Democrats in Congress put in a provision that essentially exempts the SEC from public disclosure in the form of the Freedom of Information Act (FOIA). Yes, a sneaky provision of the new law will allow the SEC to turn down virtually all requests for release of information to the public or the news media. (Fox discovered the surprising clause when the SEC denied an FOIA request by one of its reporters immediately after the law was enacted.)

Why would the SEC want to end even this small amount of transparency? Could it be because the SEC clowns were watching porn on their government work stations while the mortgage fraud was growing and Bernie Madoff was continuing his Ponzi scheme?

Behold the face of "reform": regulations on everyone but the government agencies that caused the excess, and even more money for and less accountability from the agency that failed so miserably to do its job of stopping it. — Gary Jason

Shifting the balance — The 2010 November elections are going to be very important, and I believe that libertarians should vote for the Republican rather than the Libertarian Party.

It would be an ideal world if the LP could win elections. But it cannot. Its cause is hopeless. The reason has nothing to do with the stupidity of the American public or the incompetence of LP candidates. It arises from the fact that the LP is a third party in a two-party system.

In the United States candidates are elected from geographical regions and the regional winner is the one who reaches a

plurality of the votes, as opposed to a European parliamentary system in which seats are apportioned by percentage of votes. Therefore it makes sense for an American candidate to seek support from as broad a coalition as possible, to find common ground among a large number of interest groups in order to get the crucial plurality. No third party can succeed in a plurality system because the political dynamics motivate all special interest groups to align themselves with the largest majority interests they can tolerate. Hence, the libertarian special interest group must support Republican candidates if it wants to have any chance of challenging the now-dominant modern-liberal Democrats.

Even if a libertarian is pro-choice and antiwar (as I am) and dislikes pro-war, pro-life conservatives, he must concede that only a coalition that includes both conservatives and libertarians can challenge the labor union-backed liberal coalition. The LP will matter when, one day, the majority of Americans are libertarians, but in the meantime Republicans are generally much more pro-capitalist than Democrats. Under these conditions, it would be irresponsible not to vote Republican.

Of course, the counterargument is that the Republicans and Democrats are just alike, that they are destroying our democracy by giving the illusion of voter control without giving the voters a libertarian option, and that the LP provides this much-needed real choice. That argument is wrong. There is a vital difference between the two major parties. Even if, right now, the Republican politicians in Washington are fiscally irresponsible morons, the American public votes Republican because it still believes that Republicans are the party more devoted to free enterprise. The Republicans must appease libertarian voters or watch their coalition decay. Observe the Tea Party movement and its impact on the GOP.

The Republican Party really is our best shot at getting libertarian candidates elected. The Libertarian Reform Caucus' plan to make the LP capable of actually winning elections is motivated by a good intention, but in a plurality system it will only split the vote between the Libertarian Party and the Republican Party and cost us elections.

An unwise strategy is not ameliorated by a noble purpose. If we vote LP then our vote is meaningless, but if we vote Republican we become a crucial swing vote that can actually count for something. — Russell Hasan

Separated at birth? — A year and a half into the Obama presidency, I, as neither Republican nor Democrat, am struck by how much he resembles not Jimmy Carter, as conservatives like to say, or FDR, as liberals prefer, but his immediate predecessor — and not just in similarly pursuing certain unfortunate policies, such as ballooning our national indebtedness, "nation-building," and doomed military activities.

Both men have benefited from a highly biased core constituency, which regards its prez as "our kind of guy," who is thought to do no wrong, and from whom much is expected — until such fans realize that they have stuck themselves with supporting a president whose activities they judge profoundly disagreeable. Just as Dubya failed on his promise to reform Social Security, so Obama failed to pull American troops out of Iraq and violated his pledge against secret dealings. The principal beneficiaries of the "stimulus" have so far been stock-market investors, who mostly vote Republican.

In its comparable girth of over 2,000 pages, Obama's Health Care Reform Act resembles the Patriot Act in hiding a lot of government giveaways that would be objectionable if presented by themselves. (It was not for nothing that insurance-company stocks rose the day after it was passed.) Though commonly oblivious to (or protected from) dissent, both Obama and Dubya discovered that they lacked the political skills they thought they had, surviving not by their own genius but by the opposition's temporary insufficiencies.

The fact that Obama and Dubya are fairly similar — in physical height as well as the aura insulating them from acknowledging disappointment — makes them almost indistinguishable to me, other physical dissimilarities notwithstanding. More predisposed to Obama than Dubya, I surprised myself with this perception in April 2010.

— Richard Kostelanetz

Snakebit — A recent article in Popular Mechanics discussed what I see as the beginning of the end for modern medicine. The antivenom for coral snakes will pass its expiration date on October 31 of this year. After that, the only way to treat coral snake bites will be to put you on a ventilator for a couple weeks until the deadly neurotoxin works its way out of your system.

The reason for the lack of fresh antivenom is because it's been discontinued here in the United States. Production cost exceeds profitability, since there are fewer than 100 coral snake bites annually. So the manufacturer quit making it several years ago.

The FDA has twice extended the expiration date on existing supplies. That's an FDA power I did not know about: refreshing stale medicine with a wave of its magic pen. There is an antivenom being produced in Mexico — Coralmyn — which cannot be sold in the United States without going through FDA approval, an expensive process, which again nobody wants to pay for, because you won't get your investment back.

But the FDA seems unwilling to wave its magic pen about that, so 100 people a year will be put onto ventilators unnecessarily. This tale should dissuade anyone who thinks bureaucracy can actually trim healthcare costs, since one ride on the ventilator could easily buy every bitten American a round-trip ticket to Mexico.

The strangest part about this story is that zoos have access to Coralmyn, but have no mandate to share it outside of their network. According to the author Glenn Derene, "Zoos and aquariums have a special exemption from the FDA for antivenoms." So apparently the FDA isn't beyond waving the pen, just not for you.

Hence, a word of warning to anyone who might stumble across a coral snake: if you're going to get bitten, make sure it happens in a zoo. Otherwise, you'd better hope you have a couple weeks vacation time. — Tim Slagle

Nuclear family — An article by the always interesting Peter Huber in the excellent City Journal (Spring 2010) is well worth reading. It is about Stewart Brand, founder and editor of the Whole Earth Catalog, the Bible of the Green movement. Huber notes that Brand now admits that the Greens were wrong on a number of major issues. As Brand

writes, "Cities are Green. Nuclear energy is Green. Genetic engineering is Green."

Brand thus joins the list of prominent Greens who have flipped and now support nuclear power. The list includes Gwyneth Cravens, who went from the activist scaremonger who helped kill the Shoreham reactor to the author of "Power to Save the World," a massive, detailed defense of nuclear power. It also includes James Hansen, the NASA climatologist who has trumpeted global warming more than anyone else, as well as founders and other bigwigs of Green organizations such as Greenpeace and Friends of the Earth.

But Huber is rightly nervous about whether these Greens who now favor nukes will flip again, if global warming theory comes into disfavor. After all, their thinking seems still to be premised on the eco-faith idea that man's flourishing (reproducing and growing economically) is inherently sinful (now explained in terms of the production of carbon dioxide, but explainable in any number of other ways should the need arise). I share his anxiety. That is why I think the best case for nuclear power rests on the grounds of economic growth and national security. — Gary Jason

Weenies run amok — Some commentators have moaned that the public exposure of Journolist (a listserv group of snotty leftwing reporters, news producers, and other weenies) deals a mortal blow to the mainstream media's dying credibility. Those moans probably exaggerate. The mainstream media's death will probably continue slowly, as it has for many years.

The exposure of Journolist is probably more of a humorous embarrassment than a mortal blow. Ectomorphic Upper West Side intellectuals fantasizing, like so many internet tough guys, about smashing GOP heads through plate glass. Crunchy West Coast NPR producers dreaming orgasmically about Rush Limbaugh's death rattle.

My own favorite part was UCLA law professor Jonathan Zasloff's suggestion that the Federal Communications Commission should revoke Fox News Channel's license: "I hate to open this can of worms, but is there any reason why the FCC couldn't simply pull their broadcasting permit once it expires?"

Ah, professor, Fox News is a cable channel. It has no "broadcasting permit" for the FCC to pull.

In the end, the greatest damage caused by Journolist may be a kind of opportunity cost. The insecure elitists on the list made a process that could have been democratic and transparent into a petty clique — a hypocritical choice for self-styled "progressives" to make in response to the openness (some say *revolutionary* openness) of the internet. As left-leaning pundit Mickey Kaus has written: "It's as if they'd looked at our great national parks and said, 'Hey, what we really need is to carve out a private walled enclave for the well connected.' Invited to a terrific party, they immediately set up a VIP room."

Clearly, openness is not what they desire. Maybe Prof. Zasloff can look into the possibility of the FCC's pulling the internet's broadcast permit. — Jim Walsh

Burying Byrd — On July 2, 2010, Sen. Robert Byrd was laid to rest in Charleston, West Virginia, where President Bill Clinton delivered a eulogy that, for the most part, hit all the right notes. A clinker was struck, however, when he spoke of the many other eulogies for Byrd that had been in newspapers, saying:

> They mentioned that he once had a fleeting association with the Ku Klux Klan. And what does that mean? I'll tell what you it means. He was a country boy from the hills and hollers of West Virginia. He was trying to get elected. And maybe he did something he shouldn't have done, and he spent the rest of his life making it up. And that's what a good person does. There are no perfect people. There are certainly no perfect politicians.

There is an English proverb that advises us not to speak ill of the dead. President Clinton chose to ignore that advice, and now, in order to respond, so must I. Some things just need to be said.

The relevant facts of the senator's association with the Klan and his subsequent atonement will first be summarized. Then the ethical conclusions of the president will be assessed, and, finally, an attempt will be made to decipher the subtext of the eulogy.

In his June 19, 2005, Washington Post piece, "A Senator's Shame," Eric Pianin laid out the facts of Robert Byrd's time with the Klan, including the following:

(1) Byrd founded a chapter of the Klan in the early 1940s, recruiting 150 of his friends who unanimously elected him as Exalted Cyclops. They had to pay three dollars each for their hoods and sheets.

(2) It was after Byrd had joined the Klan that the regional Grand Dragon suggested that he enter politics.

(3) As late as 1946, Byrd wrote a letter to the Imperial Wizard of the KKK, saying that "the Klan is needed today as never before, and I am anxious to see its rebirth here in West Virginia."

So this was not a "fleeting association." Further, he was not "trying to get elected" when he joined, except to the office of Exalted Cyclops. It was only after he joined the Klan that his political ambition extended as far as the West Virginia legislature. In fact, it is fairly clear that he later distanced himself from the Klan primarily in order to further his political career.

But how did he go about trying to "make it up" after 1946? Pianin tells us that:

(1) He voted against the Civil Rights Act of 1964, after filibustering for 14 hours on the floor of the Senate.

(2) He voted against the Voting Rights Act of 1965.

(3) He voted against the Supreme Court nomination of Thurgood Marshall in 1967.

(4) He voted against the nomination of Clarence Thomas in 1989.

While these votes do not prove that Byrd was an unreconstructed racist, they do cast doubt on Clinton's hypothesis that he spent his post-Klan adulthood seeking atonement.

Now, what is a good person?

Is a good person someone who organizes a local chapter of the Ku Klux Klan, not because he is a white supremacist, but because he is "trying to get elected?" Is Clinton suggesting that Byrd was never anything as vile as a white supremacist but was, instead, merely a hypocritical opportunist?

Is a good person someone who leaves the Klan and, a generation later, votes against extending civil rights to African-Americans, votes against ensuring the voting rights

of African-Americans, votes against the Supreme Court nomination of, first, a liberal, and then, more than 20 years later, a conservative African-American?

If this is the definition of a good person, what do we call someone who did not found a chapter of the Ku Klux Klan, got elected anyway, voted for civil rights, voting rights, and the nomination of two African-Americans to the Supreme Court? In other words, what would we call the person who was, in these respects at least, the opposite of the former Exalted Cyclops? Evil?

I don't claim to know what a good person is, but I'm pretty sure that Clinton's definition is, at best, incomplete.

While delivering this odd part of the eulogy, Clinton displayed a strong emotion that seemed to be anger barely held in check. When he was in office, he would usually consciously emphasize a point with a bent index finger. Speech coaches will tell you that unrestrained gestures are not persuasive on television. During the Klan bit, however, Clinton's left forefinger was fully extended as he shook it. He seemed to be scolding the mourners. At that moment, he looked and sounded like a Southern Baptist preacher, all fired up.

Was he angry at the editorial writers who had brought up the Klan connection, sullying the reputation of the Senate's longest serving member? That makes no sense. The president himself was bringing it up, and not in print, but aloud, on television, and at the funeral itself, ensuring that the early chapters of the senator's life story would be once more in the news.

There is something surreal about Clinton's remarks, and there is something bizarre about the underlying anger. It is as though there are things going unsaid. Let's slowly read the last part of the passage again and see if, between the lines, there isn't another message.

"Maybe he did something he shouldn't have done, and he spent the rest of his life making it up. And that's what a good person does. There are no perfect people. There are certainly no perfect politicians."

Ah.

This is not a eulogy for Sen. Robert Byrd. This is not even about Robert Byrd. This is a cry of anguish from an impeached president who brought disgrace upon his office and himself. This is a cry of anger from a proud man who cannot have the one thing that he really wants: his reputation restored. This is a man reflecting on his own mortality and realizing that the Comeback Kid will not make that last comeback.

If it means anything, I forgive you, Bill. But please, don't go around using eulogies to vent your anger, whether it's at yourself or others. Does it really need to be said? When you give a eulogy, it's not supposed to be about you.

There is another English proverb that advises us not to hit a man when he is down. Okay, I promise I won't do it again, but you have to do your part. Stay down, Bill.

— Scott Chambers

Workers' paradise — "Raul Castro has made halting efforts to open the economy, while exhorting Cubans to work harder and stop depending on the state for everything" (AP, July 26).

The second exhortation, the one about not depending on the state, represents a refreshing new approach to communism. It's just too bad that the people will have to keep working harder and harder to support a state that gives them less and less.

— Stephen Cox

Debtor states — While the public is rightly growing alarmed at the explosion of national debt, another debt disaster is growing. As noted in The Wall Street Journal on June 14, other government debt is growing as well.

State and local government debt has soared from $1.4 trillion in 2000 to $2.2 trillion today. As a percentage of America's GDP, state and local borrowing went from 15% in 2000 to 22% today, and it is projected to hit 24% in just two years.

And much (if not most) of the money is used to finance projects of dubious value. For example, Charlotte, N.C., dumped $154 million into the NASCAR Hall of Fame, hoping to create jobs and draw tourists. But it only created 115 jobs (at well over a million dollars per job!) and attracts fewer tourists annually than does just one actual NASCAR race.

While voters are increasingly reluctant to vote for new bonds, there remains a serious problem: there has been a growth of special agencies, which are allowed to take on new debt without having to get voter approval. And they are borrowing money like mad. Now here is a form of democracy that statists can support!

— Gary Jason

Brownout — I used to admire UPS, or "Brown," as it calls itself ("What can Brown do for you?"). It seemed a model company, performing a good service, charging reasonable prices, and still managing to make a profit. But of late UPS has been acting like a classic sore loser, trying to use the government to destroy competitors that it cannot outcompete — something economists call (in their snappy patter) "rent-seeking."

To set the scene: UPS is of course a major player in package delivery services. It operates a massive fleet of trucks and airplanes. It is unionized, with its workers represented by the Teamsters. The union has increased the company's costs, naturally, but hey, that's what unions do — that's their *raison d'etre*, as the French say (in *their* snappy patter); and UPS management agreed to the union contracts.

This has no doubt helped UPS' main competitor, FedEx, another company that provides a great service, at decent prices, and still manages to grow and make a profit. Together, the two companies move about 23 million packages a year, and their rivalry goes back well over a decade. And here's the rub: FedEx has so far escaped the Teamsters' clutches, which enrages UPS management just as much as it does the Teamsters.

Now, part of the reason FedEx has been able to keep the Teamsters off its back is that FedEx Express (its delivery division) has been federally classified as an airline, whereas UPS is designated as a trucking company. Being designated as an airline means that a company is under the 1926 Railway Labor Act, which makes unionization more difficult.

So the bigwigs in UPS management and the Teamsters union came up with a crafty idea: they want Congress to switch the designation of FedEx Express to a trucking company as a way to "level the playing field." In other words, inflict the Teamsters on FedEx, so that its prices will rise, too! This is rather like a man with AIDS deliberately infecting another person — for money! It is a truly despicable plan.

But the plan is not so despicable that UPS hasn't been able to find a congressman willing to push it. Rep. James Oberstar (D-MN), chair of the House Transportation and Infrastructure Committee, has introduced a measure that would reclassify FedEx Express as a trucking company. And the Teamsters have started an ad campaign to push the measure.

Note that UPS isn't trying to use its lobbying power to get itself reclassified as an airline. That would be entirely ethical, but it tried that ploy in 1996, and lost. Moreover, if it tried it again, it would anger the Teamsters. No, what UPS wants to do is to use its clout in Congress to force unionization on its competitor. It wants to hurt FedEx, not help itself. This is what is so despicable, and justifies the FedEx dig that Oberstar's measure is a "Brown bailout."

FedEx and a number of companies that contract for FedEx are worried that if Oberstar's measure is enacted, costs will soar, and FedEx will have to shrink its operations. Since FedEx uses contracting companies in 19 states, we are talking about a major hit to employment. And the prices it charges would likely be affected as well.

So what can Brown do for you? It can corrupt your Congress, prostituting it to drive its competitor out of business. In so doing, Brown can cost you your job and jack up the prices you pay.

So what can you do to Brown? Rep. Oberstar has an opponent in the November election, Mr. Chip Cravaack, who may need help. And until UPS starts behaving ethically, no one has to trade with it. — Gary Jason

Hiring chill — Two hoary economic truths rediscovered by the Obama administration are not just that the state can't "create jobs" but also that it can, through one opportune policy or another, diminish employer enthusiasm for additional hiring.

That's one sure effect of halting drilling for oil in the Gulf of Mexico, of the new health plan, of extending unemployment benefits, and of many other superficially attractive policies. Nonetheless, the bullshitter-in-chief insists that new jobs are a top priority for his administration. How can he keep a straight face? — Richard Kostelanetz

Preparing to fail — On July 11, Robert Gibbs, the roly-poly, happy-go-lucky White House press secretary, told a television interviewer that his party might well lose the House in the November election — oh well.

His blase comment infuriated Nancy Pelosi, and one can understand her emotion. With her speakership trembling in the electoral balance, Gibbs appeared to be running up the white flag, four months before the battle happened.

There must have been an occasion like this in the past, but I can't think of one — an episode in American political history in which a top party leader said that the party might lose. Merely to imply something like this is regarded as a serious discouragement to political activity. On the other hand, even obvious lies, so long as they are optimistic, are regarded as good for the troops. Libertarian Party candidates, who are always being asked why they're running when they have no chance to win, keep saying things like, "I believe that the American people agree with our positions, and when they realize that we're here on the ballot, they're going to vote for us."

They say that on the morning news, on election day. So do the Democrats and Republicans, no matter what. But here's the spokesman for the White House, telling everyone that his party is likely to lose.

How do the troops in the field react to that? In the same way, I suspect, that General Lee's men would have reacted if he'd told the force assembled for Pickett's charge, "Gemmum . . . There's guhd reason t' blieve that you all are 'bout to lose yo' lahvs." Inspiring, right? Good strategic thinking, eh?

Yet according to the political sages at the Associated Press, Gibbs' comments can be viewed in two ways: (1) as "intended to light a fire under Democrats who are dispirited after about 18 months of Obama's presidency and motivate them to work hard to maintain their majorities in both the House and Senate"; (2) as an attempt "to lower expectations in case Democrats do lose the House majority."

So, choose your poison — the Democrats are dispirited now; the Democrats will be even more dispirited in November, and looking for someone to blame. Someone, perhaps, like the president. And his adviser, Robert Gibbs.

Many observers characterized Gibbs' statement as a cynical attempt to keep Democratic mobs from besieging the White House on Wednesday, November 3. True, no one actually said "cynical" or mentioned "mobs" — but that was the tenor of the analysis. Whatever middle-level Democratic leaders may say in public, they are desperately unhappy, and not with Republicans. They're unhappy with the president and his advisers — people who, they believe, have directed the affairs of the party from the isolation of a political spaceship, a ship in which they intend to escape the slaughter of their troops below.

Fun to watch — but these Democrats' opinions are perhaps not entirely fair. Virtually all of them supported the presidential programs that have made their party unpopular. They knew at the time that the programs were as unpopular as any in American history. They knew how those programs were formulated, and by whom. They were eyewitnesses of the tactics by which the White House enforced obedience. Few of them objected. Of those few, the great majority publicly withdrew their objections — sometimes, it appears, in exchange for political rewards; sometimes merely in response to political and personal pressures. At *that* point, who spoke up?

Certainly not the multitude of little first-term congresspersons whom Obama's victory helped to be elected in conservative districts. They owe their all to Obama, and it does not become them — now, and publicly — to denounce the president as the destroyer of their careers. And certainly not the multitude of safe-district Democratic congressmen, the people who will glide into their eighth, ninth, or tenth term, whatever happens to the party or Obama this November.

You might ask, Why didn't someone from the second group, understanding his or her own political immunity, step in to alert the party or the nation? I'm sure that many warnings circulated in the party, and they were ignored, both by the political fanatics who care more about their "issues" than about either the country or the party, and by Obama and his advisers, who are always sure that they are right. But as for warnings to the nation . . . that's not what party politicians do.

In general, I am sorry to say, this reflects the normal condition of American politics. For months and years, party loyalty, however obtained, obliterates all appearance of dissent. Intellectual honesty completely disappears; the public is led to believe that everyone in the ruling party is blissfully happy with its policies. That's bad. But there's a good side. Criticism, though delayed, comes massively when it finally comes. That's what happened in 1994. That's what happened in 2008. I suppose that's what's going to happen in 2010.

— Stephen Cox

Split decision — In Arizona, where I live, the battle over immigration law has become hysterical. People are flinging charges like "racist" at one another in the way orangutans at the zoo fling dung. When society is in "scream" mode, we pretty much scream at everything. But if words like "racist" are devalued to the point where they lose their meaning, can we be said to have abolished racism as a fact?

How can a country with no standards for citizenship survive? Are immigrants not coming here for a reason? If we destroy the very reasons for which they come, why should they bother? And if refugees from tyranny and corruption can't come to America any more, where can they go? Are we really even asking these questions?

Not everyone, of course, comes for the same reason. Those who retain faith in the human individual recognize this, and suggest withdrawing all the freebies, now given at taxpayer expense, and letting people come as long as they're here to work hard and contribute. For that, the Left thinks we're "mean," and the Right calls us "soft." But why not consider this option?

Two mothers came to Solomon to settle a dispute. One's baby was dead, the other's was still alive — and of course, both wanted the living baby, so each claimed it for her own. Solomon called for a sword, and ordered the living child cut in half, with one half given to each woman. The one to whom this solution seemed good showed she was not the baby's mother, whereas the real mother — whose primary concern was for the well-being of her offspring — agreed to let her rival have him so that he could live.

Those who care about this country's wellbeing want it healthy and whole. Those who don't are perfectly willing to see it pillaged by freeloaders, or starved of fresh and eager workers. Libertarians need to call for the proverbial sword. Those content with one half of a dead baby must be revealed for what they are.

As in the story of Solomon, the solution stands ready at hand. By all means, the baby must survive. This is the only way that our sad soap opera can be transformed into a story from which future generations can draw wisdom for the centuries to come.

— Lori Heine

Swamp on the Potomac — When Nancy Pelosi was campaigning two years ago, she kept screeching the mantra, "We will drain the swamp of corruption in Washington." This was an effective campaign slogan, given that several high-profile Republicans had been caught in ethical lapses. The public bought it and elected the most leftwing Congress in 70 years.

But the public forgot the first rule of draining swamps: don't ever turn the job over to the gators. The Red Congress, run by Pelosi and Reid, has been vastly more corrupt than the Congress it replaced, with more scandals and pork-barrel spending than ever before.

Two especially egregious cases — both involving figures upon whom I have reflected before — are now prominently in the news. The first is Rep. Charles Rangel (D-NY), who is looking at a public ethics trial for his numerous dubious dealings. These include submitting "inaccurate and incomplete financial disclosure statements," in the meek words of the House Ethics Committee (oxymoronic, no?), using a rent-controlled New York apartment for his campaign office, and — most outrageous — failing to report something like $600,000 in income, mainly from his rental properties in the Dominican Republic.

This last charge is particularly interesting because until he stepped aside earlier this year in the face of the ethics probe, Rangel was chair of the House Ways and Means Committee, which originates all tax legislation. And tax evasion — such as not stating your actual income — is the worst tax crime. This makes the irony complete: when Tim Geithner was selected to head the Treasury Department, it was revealed that he had evaded taxes as well. Great, isn't it? The dudes most responsible for writing tax law and enforcing it are both tax cheats! It is simply too delicious!

The second shoe to drop is that of the repugnant racebaiter, Rep. Maxine Waters (D-CA). She has also been brought before the ethics committee, charged with using her position as a member of the House Financial Services Committee to benefit her husband, one Sidney Williams. She is said to have arranged a meeting between government regulators and executives of OneUnited Bank, while failing to mention the fact that her hubby held at least a quarter million bucks worth of its stock and had served on its board. As I write, she is threatened with an ethics trial.

The prospect of two high-profile ethics trials going on simultaneously in the fall makes more than a few Dems very nervous. The pressure is growing on these two birds to resign, but given the level of their narcissism and self-righteousness, they will likely hang in.

— Gary Jason

Ancien regime — Yes, I do my share of mudslinging at the Democratic administration. And no, I don't think it's right for the Democrats to accuse the Republicans of being "the party of no" (we're likely to hear that a few million more times this year). I am still a vigorous advocate of voting for the lesser of the two evils, believing that to do otherwise is to vote for the greater of the two evils. And this year, my accolade for "greater" goes to the Democrats.

But I still haven't shaken off the horrors of the Bush administration. There's nothing like a big-spending, war-pursuing, morals-mongering, lying bunch of fatcats stuffed into thousand-dollar suits to depress you for a decade or so. And my rule for political good conduct is, when your party has been discredited, throw out the people who discredited it.

Bush and his closest advisers were, in effect, thrown out of the GOP. But the people who have taken their places in the party leadership appear virtually identical — with a few even more depressing exceptions. I do *not* regard Sarah Palin

continued on page 54

Don't Default on Me

by Bruce Ramsey

The national debt may be out of control —
but writing it off would be a catastrophe.

The Greek bond crisis prompted free-market fantasies of a Treasury default. On Forbes magazine's May 24 web page, columnist John Tamny suggested that default was coming. His message: let it happen! If the U.S. government defaults it won't be able to borrow any more, and that would be a good thing.

The idea resonated with some libertarians. A few had said it before, embracing not just "default" but the more radical idea of repudiation. In 2008, Jeffrey Rogers Hummel, associate professor of economics at San Jose State University and author of "Emancipating Slaves, Enslaving Free Men" (1996), had written, "I favor total repudiation of all government debt for the same reason I favor abolition of slavery without compensation to slaveholders."

Hummel said, "Treasury securities represent a stream of future tax revenues, and investors have no more just claim to those returns than to any investment in a criminal enterprise." Hummel also called repudiation "a balanced-budget amendment with real teeth."

Before him, libertarian economist Murray Rothbard had written in Chronicles (June 1992) that it would be good for government to be cut off from private credit:

> Why should more private capital be poured down government rat holes? It is precisely the drying up of future public credit that constitutes one of the main arguments for repudiation, for it means beneficially drying up a major channel for the wasteful destruction of the savings of the public. What we want is abundant savings and investment in private enterprises, and a lean, austere, low-budget, minimal government. The people and the economy can only wax fat and prosperous when their government is starved and puny.

That is one way of looking at it. But if you own a government bond, the rat hole is you. You may therefore find it strange that defenders of capitalism are proposing to let the government walk away from its contract obligations, thereby cheating people to whom it owes money.

Radicalism is such fun. A damn-the-consequences stance shows how bold you are. Sometimes boldness may be right, as in the case of boldness about slavery: just get rid of it! But comparing normal (even regrettably normal) political issues

to slavery is like comparing normal politicians to Hitler. There is a statement circulating in the blogosphere that in any argument, whoever brings up Hitler first, loses — because comparing almost any figure to Hitler is engaging in gross exaggeration. It is the same with slavery.

Radical libertarians like to compare taxes to slavery, and there is a philosophy-class sense in which they are right. But if it were a deep and valid comparison people would be under immediate compulsion to divest themselves of everything touched by the slave money, including San Jose State University.

The issue here is debt — the government's debt. The government has sold a bond. It takes the cash and proposes to repay it over 30 years. If you want to make a comparison, consider the man who takes out a mortgage. He takes the cash, and he proposes to repay it over 30 years. Now suppose he *repudiates* his mortgage. He walks away from it, even though he can pay it.

We don't celebrate this man, or what he does. It is a predatory thing. He is breaking his word, taking from others without giving back.

If you are the mortgage holder, at least you can get the property back. If a government repudiates its debt, you will get nothing. Of course, you can keep the government's bond. It is now a piece of paper that you can put on the wall, so that other people can laugh at it or admire its artistry.

I have one of those pieces of paper. It says: *"Imperial Chinese Government: 5% Hukuang Railways Sinking Fund Gold Loan of 1911."*

The bond has a red border that makes it look like paper money, a masthead image of a speedy black steam locomotive, some legal text in fancy cursive, and British and New York tax stamps. It is signed with the fist-sized chop of His Excellency the Kung-Pao Sheng Hsuan-Huai, minister of posts and communications. It is countersigned by a representative of J.P. Morgan & Co., New York. It promises to pay the bearer 2 pounds, 10 shillings, twice a year, until June 1951, whereupon the bearer will be paid 100 British gold pounds.

I bought the bond as a curiosity. But some poor guy, decades ago, bought it as an investment, and lost his money when the bond was repudiated. In those days, 100 pounds would have been worth about $10,000 in today's money.

"Instead of a medal, could you just give me a tax cut?"

What's being advocated by the let's-default-on-the-debt people is that all U.S. Treasury bonds and notes, representing more than *$13 trillion* in U.S. government debt, be turned into Hukuang Railways bonds. And what would be the consequences of that?

The most obvious consequence is the theft of that $13 trillion from the millions of people to whom it is owed.

About 28% of the debt is held by foreigners, much of it by central banks. Here are the totals, in billions, as of April 2010, listing only those in three digits:

China	$900.2
Japan	$795.5
UK	$321.2
Oil exporters	$239.3
Brazil	$164.3
Caribbean	$153.2
Hong Kong	$151.8
Taiwan	$126.9
Russia	$113.1

A second consequence readily appears. If all these assets were vaporized, the leaders in these alien lands would be really, really pissed off. God knows what they would do. The United States would have about as many friends as North Korea has. Imagine if you, an American, owned assets in those foreign countries, including any of their bonds, or worked for a company trying to sell them anything. Imagine what might happen to the assets you thought you had, or the business you thought you were developing.

A big chunk of the American national debt, more than $2 trillion, is held by the Social Security trust fund. To the government, its own bonds are promises to itself, not net assets. They are symbolic promises only. But the Treasury bonds held in a private pension fund may be the most solid assets in that fund. Imagine the effects of a repudiation.

Treasury bonds are also held by financial companies. What happens to the banking system, and the insurance system, when the largest class of triple-A assets goes *poof*? Recall the bank and insurance company panic of September 2008. It happened when a whole class of assets — mortgage-backed bonds — became of indeterminate value. The mortgage bonds were not gone, or repudiated. They were not all bad, either. But the uncertainty about them was enough to implode the financial system.

Who came to the rescue? The U.S. government. Imagine if the deadbeat were the government itself. Imagine a financial vacuum imposed on all these things — banks, insurance companies, the Social Security fund, the private pension funds, foreign central banks, and individual investors — all at once.

Enough of imagination. The U.S. government is not going to repudiate its debt. A U.S. Treasury bond is, as James Grant said in "The Trouble with Prosperity" (1996), "the promise to pay dollars by the very government that prints them." The Greeks, who borrow in euros, don't have the ability to print the material of repayment, but the United States does. The risk of a Treasury bond held to maturity is not of default but of inflation.

continued on page 38

Seeds of Liberty

by Wayne Thorburn

The history of the libertarian movement is still being written, but one important chapter is an event that happened 50 years ago.

It was a late summer day in September 1960 when 96 people gathered in Sharon, Connecticut to establish Young Americans for Freedom (YAF) and adopt a set of principles they called the Sharon Statement. Many leaders of the contemporary libertarian movement in the United States experienced their initial involvement in politics through membership in YAF. At this, the 50th anniversary of YAF's founding, it is interesting to look back at the significance of this organization and its role in preparing the way for a distinct, politically-involved libertarian movement in the United States.

Without question, libertarian ideas were espoused by many people before 1960, both by economists such as Friedrich Hayek and Ludwig von Mises and by literary writers such as Albert Jay Nock, Rose Wilder Lane, Isabel Paterson, and, especially, Ayn Rand. From 1946 onward, the Foundation for Economic Education had been promoting free-market economics. Other organizations, such as the Volker Fund, predated the '60s. But it was not until the Sharon conference in September 1960 that there was a vehicle for political involvement by young people who were dedicated to libertarian principles. YAF was not by any means an exclusively libertarian entity. It was intended to be a broad-based organization for young people on the political Right. But those who gathered in Sharon on September 9–11, 1960, determined to adopt an inclusive name that would allow the participation of libertarians and anticommunists who did not associate themselves with the conservative label.

The Sharon Statement concisely summarized a philosophical and ideological position on which there could be broad agreement: political freedom cannot long exist without economic freedom; government's purpose is to preserve internal order, provide for defense of the nation, and administer justice; the Constitution is the best document to ensure a balance between empowering and limiting government; the market economy maximizes individual freedom and produces goods more efficiently than any other economic system. Writing about this document a decade later, in the September 1970 issue of YAF's magazine, the main author of the Sharon Statement,

Stan Evans, explained the reasons behind its inclusiveness:

> In broad terms, the statement was meant to embrace both the 'traditionalist' and 'libertarian' schools within the conservative community. . . . The statement assumes these emphases are inter-dependent and that it is impossible to have one without the other.

Barry Goldwater's "The Conscience of a Conservative," William F. Buckley's "Up From Liberalism," and the novels of Ayn Rand influenced these early members of YAF. In Rebecca Klatch's "A Generation Divided" (1999), Sharon Presley recalled that she had been totally apolitical until she read Rand's "Atlas Shrugged":

> It was like, "Oh, my God, what a revelation!" . . . I read the book; it came along at just the right time. . . . What she did for me was get me thinking about . . . things in those kinds of philosophical terms that I never had.

Presley started attending groups that studied Rand's philosophy and also became active in YAF in California. In a similar manner, Louise Lacey was influenced by Rand's writings and helped start a YAF chapter in San Francisco. As she recalled in the 2008 YAF alumni survey, "I was having fun, stretching my mind in very large ways, and meeting people, some of whom I still know today."

Three thousand miles away, a number of followers of Ayn Rand's philosophy were active on campus. Robert Poole, who later became the publisher of the libertarian Reason magazine, was an engineering student at the Massachusetts Institute of Technology who joined YAF. "It helped steer me away from engineering to public policy," he said. "It was my introduction to grass-roots politics and one important source of my life-long commitment to libertarian principles." Poole recalls, "At MIT, the majority of us were libertarians, not conservatives, and mostly Objectivists [followers of Rand's philosophy]. We were very involved in the Goldwater for President effort, and had the largest campus Goldwater group in New England." One fellow member of the MIT YAF chapter was David Nolan. Nolan would go on to become a founder of the Libertarian Party in December 1971.

In "It Usually Begins with Ayn Rand" (1971), Jerome Tuccille claims that "many Objectivist students joined YAF for the simple reason that they had no place else to go in order to engage in political activities." Given their support for laissez-faire capitalism, their commitment to strong limits on the size of government, and the anticommunism inherent in Rand's philosophy, it is not surprising that these followers of Rand would join Young Americans for Freedom. An additional factor in the early years was the personal appeal of Goldwater, a political figure with whom many Objectivists could identify. Since YAF was closely identified with Goldwater and his likely presidential campaign in 1964, YAF was the place to be for political activity. While YAF never took an official position on Objectivism or Ayn Rand, her writings did stir up controversy within the organization as many, if not most, YAF members looked to William F. Buckley, Jr. as a mentor and philosophical spokesman; and Buckley's "National Review" had read Rand out of the conservative movement with a slashing attack on "Atlas Shrugged" in 1957.

The Sharon Statement concisely summarized a philosophical and ideological position on which there could be broad agreement.

In addition to those who identified themselves as Objectivists, a significant element of YAF's membership had from its beginning described itself as libertarian. Before and after the Goldwater campaign, some YAF members advocated a classical liberal position associated with Hayek, Mises, and Milton Friedman, and the people associated with the Foundation for Economic Education. A contingent of YAF members worked in support of the Liberty Amendment to the Constitution, which aimed at repeal of the 16th Amendment and abolition of the federal income tax. Some members joined YAF as conservatives, then moved closer to the libertarian position. Still others joined YAF as the only viable group for young people on the Right, bringing with them their strongly held libertarian or anarchist beliefs, and hoped to influence the organization ideologically. As Brian Doherty notes in his "Radicals for Capitalism" (2007), "most of the quasi-mass libertarian activism in the last years of the 1960s was conducted under the aegis of Young Americans for Freedom. . . . YAF attracted in the wake of Goldwater many liberty-loving individuals, among them many Randians, who found themselves leaning more libertarian than conservative." Throughout the '60s these people were willing to work together in a coalition with more traditionalist members, using Young Americans for Freedom as the appropriate vehicle. In fact, most YAF members supported what they viewed as a fusion of libertarian and traditionalist positions, an outlook advocated especially by Frank Meyer in his "In Defense of Freedom" (1962).

Though YAF members held divergent philosophical orientations, they could unite in opposition to the modern liberal orthodoxy that had been prevalent in the United States for at least the previous 30 years. A survey of YAF leaders in 1966 showed that 26% identified themselves as either libertarians or Objectivists, with about 40% calling themselves traditionalists and 34% fusionists (those who followed Meyer's attempted marriage of the two positions). One observer at the 1967 YAF National Convention asked various delegates about the survey and the accuracy of the results. Writing in the February 1968 issue of the national campus magazine Moderator, Philip Werdell reported that by the people he asked the survey was viewed as an accurate reflection of the relative strengths in YAF.

Libertarian David Nolan found some allies at that 1967 convention, claiming in a November 1974 issue of New Libertarian Notes, "I found that there were strong pockets of libertarian or crypto-libertarian YAFers in New York, Pennsylvania, and Ohio as well as in my then native Massachusetts." When the convention ended, Nolan and others attempted to form a Libertarian Caucus and held a meeting attended by 80 people. One of them was a new YAF national director and state chairman from Pennsylvania, David Walter. Writing in the same issue of New Libertarian Notes, Walter maintained that "1967 was the year that Libertarianism made breakthroughs in YAF. We became aware of each other . . . we became aware of the

other pockets of libertarianism in YAF and of other libertarian leaders such as Jarret Wollstein in Maryland, Dave Friedman in Illinois, Frank Bubb and Ted Frech in Missouri, Dave Nolan in Massachusetts, and many Californians." The list of the attendees at that 1967 post-convention meeting became the beginnings of a libertarian network at a time when there were few libertarian organizations or publications outside of YAF.

YAF had always advocated free-market economics. From 1967 forward its magazine, the New Guard, began featuring even more articles by libertarian writers. In fall 1967, Arnold ("Arnie") Steinberg followed David Franke as editor, soon after introducing a regular column called "The Radical," written by David Friedman, son of economist Milton Friedman, and another by Philip Abbott Luce called "Against The Wall." Friedman's column reflected a clear libertarian perspective on economic issues, while Luce was more representative of a social libertarian outlook. Jarret Wollstein had articles published in 1967 and '68, while the writings of Rod Manis and Jerome Tuccille appeared three times each during this period. Other articles by libertarians — Dana Rohrabacher, Alan Bock, Joseph M. Cobb, Tibor Machan, and Ron Kimberling — also appeared. Kimberling described himself in the magazine as "one of California's new crop of super-libertarians," but all these people were viewed as libertarians and known among YAF members as representative of the libertarian philosophical outlook.

An additional factor in the early years was the personal appeal of Goldwater, a figure with whom many Objectivists could identify.

Besides opposing the draft, some local YAF chapters began undertaking more clearly libertarian projects, including support for the decriminalization of marijuana and the abolition of Social Security. In spring 1969, Orange County, California, YAF members conducted a demonstration in which they burned Social Security cards. Ken Grubbs, chairman of the Cal State-Fullerton YAF and later editor of the New Guard, was quoted as saying that the Social Security system was a fraud and should at the very least be rendered voluntary. John Schureman and YAF State Chairman Dana Rohrabacher lit a Social Security card at the demonstration, while other YAF members looked on. In April, two other California YAF chapters cosponsored a Libertarian Action Conference that offered Mises as the featured speaker.

While libertarian writers and projects attracted new people to YAF, several interlocking developments contributed to a rise in libertarian sentiment among already existing members. Foremost was a more favorable attitude by some YAF members toward the counterculture that was becoming more dominant among mid-decade American youth. YAF had developed as a radical challenge to what was perceived as the modern liberal establishment. College professors and administrators were viewed as representative exponents of the modern liberal outlook. As the 1960s progressed and the Left began to attack those in power on campus, many in YAF joined in. Some adopted a general antiestablishment posture, supporting the counterculture and its supposed opposition to the establishment. Indeed, as Bill Rusher noted years later in "The Rise of the Right" (1993):

> the beauty of libertarianism was that it seemed congruent with many of the things that students of that generation were beginning to say and feel: Big is Bad. Do Not Fold, Spindle or Mutilate Me. Let Me Do my Own Thing. Stop The World — I Want to Get Off. It's My Life — Let Me Live It. Big Brother Will Get You. And so on.

One aspect of the counterculture was the use of marijuana and other drugs. While use of marijuana certainly wasn't limited to the libertarians in YAF, they saw the laws against marijuana possession as an example of government intervention that prevent the exercise of individual rights. From the beginning, some in YAF had advocated the decriminalization of the substance — a position subsequently advocated by Buckley. One of the people who attended the Sharon conference and served on the YAF National Board of Directors in its early days, Yale graduate Richard Cowan, has devoted his life to the legalization of marijuana.

There was also a wide range of other issues, such as the extent to which demonstrators should be restrained, the extent to which use of personal property should be restricted, and the extent to which government can properly make demands on its citizens. Beyond all specific issues was an identification with the music, clothes, and lifestyle of the counterculture. Belief in individual liberty led to a practical insistence on the freedom to "do your own thing." Libertarians were more open to these ideas than traditional conservatives. The difference in attitudes, values, and outlook would surface in practical political terms as YAF members gathered for another biennial national convention in St. Louis over Labor Day weekend in 1969.

David Friedman saw the difference as one that was also caused by a fundamental disagreement about strategy and target audiences. In an undated paper he circulated entitled "What are we fighting over?" he maintained that when you are selling an idea, how you sell it and what you label it are influenced by the values and outlooks of those you are trying to reach. He saw the fusionists and traditionalists in YAF as seeking "to convert and to organize people who wear ties, people who live in suburbia, people who live in the South — people who, however much they object to certain elements of present-day America, basically identify with it, and see their objective as the preservation of existing freedom." Libertarians, on the other hand, were attempting to reach a different audience, "those dissatisfied with our existing society, especially the young, [and who believe] that what is wrong is not too much capitalism but too little. [Their approach] is directed at those who seek, not to preserve freedom, but to gain it."

Though YAF members held divergent philosophical orientations, they could unite in opposition to the modern liberal orthodoxy.

Thus, according to Friedman, people's approach to the counterculture depended not just on the inherent value of that or any other cultural phenomenon but on whether people in the counterculture were the audience they were trying to reach. Libertarians and traditionalists reacted differently to changing attitudes among students and emphasized different issues when appealing to them. Friedman believed that "for the 'traditionalist,' anticommunism and support of the war are useful issues. For the 'libertarians' they are liabilities. The people we are trying to persuade are already strongly antiwar." For Friedman, one's stand on the counterculture could be seen as a marketing decision. What is the product you want to sell and who is your target audience?

For some in YAF, a logical extension of libertarian opposition to the state's involvement in the lives of its citizens was a move to anarchism or, as it was sometimes formulated, "anarchocapitalism." Should there be limited government, or no government at all? The debate was joined in companion articles that appeared in the April 1969 issue of the New Guard, a few months before the upcoming YAF National Convention. Leading off was Jerome Tuccille, who criticized radical libertarian Karl Hess for advocating anarchy as well as a wrongheaded view of the New Left as in some way libertarian. Tuccille maintained that any system that moved to anarchism would quickly be supplanted by a dictatorial order. In effect, he claimed that an anarchistic society could not long survive. Reflecting on Hess' fascination with an alliance between libertarians and the Students for a Democratic Society (SDS) and other elements of the New Left, Tuccille failed to discern any strains of libertarianism in these organizations.

In his own New Guard article, Hess maintained that those he labeled conservative libertarians or "reform statists" are pessimistic about Man (his capitalization) and optimistic about the state. For him, this constituted a reversal of reality. People who believed in individual liberty, in his opinion, must have a favorable view of mankind. Proper understanding of the individual leads to distrust of government and an understanding that it must be abolished: "Anarchy is the social 'yes' of every man who believes in Man and believes him fit to be fully free." From his discussions with people active in New Left organizations such as SDS, he developed the idea that common cause could be made with those who, while on the Left, shared a belief in individual liberty. He concluded his article by declaring, "I stand with those who stand with Man and against the state. If this means anarchy, I hope we all make the most of it, left and right."

"A lot of successful politicians *opposed* the Vietnam War, Senator, but if you were actually a *member* of the Viet Cong. . . ."

Hess became a regular feature of debates and discussions in YAF. In April 1969, at YAF's Mid-Atlantic regional conference in New York, he participated in a panel discussion with Tuccille, fusionist guru Frank Meyer, and Professor Henry Paolucci of St. John's University. The panel was a turning point in the process of separation between traditionalists and fusionists, on the one side, and libertarians and anarchists, on the other. Tuccille maintains that he became radicalized by the reaction of a predominantly antilibertarian audience of YAF members, although his recollection of a traditionalist-dominated gathering was not shared by a number of libertarians who were also present. According to Donald Meinshausen, "The debate made an impression on me and many others who later became libertarians. It was here that I first met Karl, and Murray Rothbard, the Karl Marx of Libertarianism. It was here that the East and West Coast leaders of YAF first met to plan to organize a libertarian caucus." Writing a few years after the meeting, David Walter remembers that "libertarian ideas carried [the] conference — laissez-faire and TANSTAAFL [There Ain't No Such Thing as a Free Lunch] banners hung on the walls, speeches were libertarian in tone, and the trads came off looking like a mob of slightly dimwitted high schoolers." (Both Meinshausen's and Walter's comments appeared in the November 1974 issue of New Libertarian Notes.)

In August 1969, just before the YAF National Convention, Hess debated Luce at the New Guard offices on the topic of anarchism, with a transcript subsequently published and distributed by YAF. While the vast majority of YAF members did not support anarchism, Hess had become a new political personality on the youthful Right. Being featured in the New Guard and taking part in YAF debates made Hess a draw to some YAF members, while also bringing to the organization some libertarians who were enamored of the Hess persona and philosophical position.

The next act of the drama was the 1969 National Convention at St. Louis. The Libertarian Caucus promoted a slate of candidates for the National Board. All were unsuccessful. But the critical event took place during the debate on the platform. While a strong majority of YAF members advocated a voluntary military, differences existed on how to express that opposition. Many libertarians maintained that opposition to the draft called for resistance, including going to Canada, a position deemed unacceptable to most conservatives in the organization. During the platform debate on draft resistance, one libertarian member, Dave Schumacher, lit a photocopy of a draft card on the convention floor, an action abhorrent to the more conservative members. There was now no turning back. For some libertarians the marriage with their more traditionalist partners in YAF had been broken. On Vietnam, draft resistance, the legalization of drugs, and other issues, the differences were perceived as too great for a continued coalition with the young conservatives who made up the majority of YAF.

A good argument can be made that it was from this event that a distinct politically active libertarian movement began. Samuel Edward Konkin, begins his "History of the Libertarian Movement," by saying, "Prior to 1969, there was no 'organized' Libertarian Movement." He cites the 1969 YAF convention as its origin. Likewise, in her "Roads to Dominion" (1995), historian Sara Diamond claims, "The pivotal event in the formation of the 1970s libertarian movement was the 1969 convention of Young Americans for Freedom." Two years after that YAF convention, the Libertarian Party was formed, and several new purely libertarian entities came into being.

But despite all the dispute and dissension that occurred at the 1969 National Convention, there continued to be a very important libertarian segment in the organization. Two additional surveys of the YAF leadership — one in 1969 before the YAF National Convention and the other in 1970 — indicate that YAF's philosophical distribution remained relatively stable. The percentage selecting "Libertarian" or "Objectivist" was 26% in 1966, 22% in 1969, and 29% in 1970. The similarities from 1966 to 1970 are striking, with a small increase among libertarians in the year following the divisive 1969 convention.

David Friedman's column, "The Radical," continued to appear in the New Guard into 1970. Contemporary with the events in St. Louis, Friedman had written Frank Meyer, an editor at National Review and the most prominent advocate of the fusionist position, about the value of interaction among the various components of the conservative movement:

> The libertarian-traditionalist alliance was useful to libertarians, if only as a restraint keeping them from the excesses of people like my friend Karl Hess. It was also useful in other ways. . . . I feel that there is much of value in the traditionalist view of man and society. The decision to be in favor of freedom does not answer all questions. If I, and those who agree with me are entirely cut off from contact with the traditionalist view, we will be the poorer.

In the 2008 YAF alumni survey Friedman recalled that his time in YAF "provided me an opportunity to improve my writing. Helped encourage me to write on political/economic/philosophical issues. Some of what I wrote for the New Guard ended up in my first book."

Luce also continued to write his column in the New Guard well into 1970 and remained on YAF's national staff as chapter director and featured speaker at chapter events and conferences. Nevertheless, to Jerome Tuccille and some others who had abandoned YAF, he was not a libertarian but only "an effective weapon for the New Right in its attempts to co-opt the libertarian Right and, in its desire to cloak its authoritarian nature with a façade of superficial libertarianism." To the dismay of critics such as Tuccille and his fellow radical libertarians and anarchists, associated with The Libertarian Forum, not all libertarians were leaving YAF. Those who stayed must therefore be declared outside the movement.

In addition to the Friedman and Luce columns, YAF kept publishing the works of libertarian writers in its monthly magazine, including Lowell Ponte, Tibor Machan, and David Brudnoy. Shortly after the national convention, California libertarian Ken Grubbs became editor of the New Guard. Two years later another libertarian, Jerry Norton, became editor. An associate editor during much of the 1970s was David Brudnoy, whose libertarian positions generated much discussion, including those evident in his 1973 cover article on "Victimless Crimes." Other libertarian writers also appeared in the pages of the New Guard; and in 1976, libertarian David Boaz became editor.

New York continued to have a significant libertarian segment among its campus members. At Baruch College, the YAF chapter proposed an alternative libertarian program in place of the national office's "Young America's Freedom Offensive." Basically, the proposal emphasized "Taxation is Theft," "Community Affairs and Community Control," and the legalization of abortion. The last objective was being promoted at a time when abortion remained an illegal procedure in New York state and the Supreme Court had not yet issued its landmark decision in *Roe* v. *Wade*. This was also a time when a significant portion of the YAF membership supported a woman's right to choose whether to terminate a pregnancy.

In spring 1969, Orange County, California, YAF members conducted a demonstration in which they burned Social Security cards.

Despite its differences with the national organization about the appropriate projects to be emphasized, the Baruch chapter wanted to become "the model for Young Americans for Freedom chapters throughout the country." Baruch YAF and its allies were committed to working within Young Americans for Freedom. Although the national organization never did adopt the proposed new projects, the autonomy of local chapters of YAF allowed them to choose, adopt, or adapt whatever was being emphasized nationally as well as undertake other projects, developed locally.

YAF's libertarian influence continued into the 1970s and well beyond. Eric Scott Royce, who became active in YAF at the University of Virginia after the 1969 convention, attended the 1973 convention and noted the presence of many fellow libertarians. Royce reported himself "amazed at the proceedings. There was a brand new libertarian caucus, small to be sure, but remarkably vocal and a definite thorn in the side of the National crowd." Four years after the St. Louis convention, "Libertarians and their allies made themselves felt both in the voting for officers and in floor discussion on platform planks such as [the Vietnam War draft] amnesty and pot." In later years, several libertarians served on YAF's national board or staff. In the '70s, David Boaz was a national director as well as (later) the editor of the New Guard. John Buckley was elected national chairman in 1977, and Roger Ream served on the national board. In the '80s, Tom Lizardo of New York (who until earlier this year was chief of staff to Ron Paul) served as a national board member, vice chairman, and executive director. In the early '90s, Jim Bieber of California was one of several libertarians on the YAF National Board.

A number of other people who were involved in the libertarian caucus campaign at the 1969 YAF National Convention went on to careers in politics. Some served in Republican administrations. William (Shawn) Steel is currently the

Republican National Committeeman from California. Dana Rohrabacher was elected to Congress in 1988 and continues to represent a California district. Joseph Michael Cobb served during the Reagan administration as Deputy Director of the White House Office of Policy Formation. C. Ron Kimberling was a presidential appointee in the U.S. Department of Education from 1981–88, then became the first executive director of the Ronald Reagan Presidential Foundation and is now president of the Chicago campus of Argosy University. Though he was a member of the California libertarian faction that challenged the fusionist leadership of the organization in St. Louis, he looks back with a belief that "time and the common enemy of collectivism have healed most" of the wounds from that convention. Retrospectively, it appears that YAF provided him with a base of lifelong friends and sharpened his political beliefs. He said in his YAF alumni survey,

The Libertarian Caucus promoted a slate of candidates for the National Board. All were unsuccessful.

> I owe my seven years of service in the 1980s Reagan Administration to those formative experiences, and I feel I know exactly where to turn for information and opportunities for political engagement as a result of those formative years. Most people I have met have episodic experiences with politics and political philosophy that leaves them largely uncertain about most issues. YAF in its heyday truly attracted the "best and the brightest," and many of its young leaders have made a major imprint on America and the world.

Considering YAF's strong emphasis on free-market economics, it is no surprise that some of its libertarian members would want to create nonprofit organizations and publications to advance an understanding and appreciation of laissez-faire. To this end, many went on to develop their own organizations with an appeal beyond students and youth.

The International Society for Individual Liberty came about in 1989 through a merger of the Society for Individual Liberty and the Libertarian International. Among its founders were Jarrett Wollstein, former YAF chairman at University of Maryland; David Walter, YAF national director from 1967–69; and Donald Ernsberger, YAF activist at Penn State.

Robert Poole started the Reason Foundation and was its chief executive officer from 1978–2001, continuing his involvement as the Searle Freedom Trust Transportation Fellow at the Reason Foundation. Llewellyn Rockwell, Jr., a YAF member while an undergraduate at Tufts University, founded the Ludwig von Mises Institute in 1982. Among its adjunct faculty are Harry Veryser, a professor at University of Detroit Mercy who was a Michigan YAF activist, and William Luckey, YAF chapter chairman at St. John's University and now professor of political science at Christendom College.

The executive vice president of the libertarian Cato Institute is David Boaz, former YAF Vanderbilt University chairman, Kentucky state chairman, national director, and editor of the New Guard. Serving as vice president for legal affairs and director of Cato's Center for Constitutional Studies is Dr. Roger Pilon, a YAF activist at the University of Chicago. Daniel Griswold, a YAF leader at the University of Wisconsin at Madison, is Cato's director of the Center for Trade Policy Studies. Griswold claimed in his YAF alumni survey that his time in YAF "made [him] more politically aware and more supportive of the ideals of the Reagan Revolution." Ted Galen Carpenter, a YAF chapter chairman while an undergraduate at the University of Wisconsin at Milwaukee, is Cato's vice president for Defense and Foreign Policy Studies. Both Doug Bandow, former Stanford YAF chairman, and Daniel J. Mitchell, former University of Georgia YAF chairman, are Senior Fellows at the Cato Institute.

The Future of Freedom Foundation was established in 1989 and has posted nearly 2,000 articles on its website. It is one of the most comprehensive libertarian economics resource banks on a wide range of issues. Serving as senior fellow is Sheldon Richman, YAF chapter chairman at Temple University in the late 1960s. Richman is also editor of The Freeman, a free-market periodical. It is sponsored by the Foundation for Economic Education, whose current president is Lawrence Reed, an active YAF member in high school and at Grove City College. Reed recalled his experiences in high school in the 1960s when he reported in his YAF alumni survey:

> In those days, YAF provided its new recruits with a wealth of books, magazines and articles — most notably for me, F.A. Hayek's "The Road to Serfdom," Henry Grady Weaver's "The Mainspring of Human Progress," Henry Hazlitt's "Economics in One Lesson," and a subscription to The Freeman, the monthly journal of the Foundation for Economic Education. The message was simple: If you want to be an effective anticommunist, you had better know something about philosophy and economics.

Reed went on to join the faculty at Northwood University and became president of the Mackinac Center for Public Policy before assuming his current position with FEE in 2008.

The Atlas Society promotes a culture that affirms and embodies the core Objectivist values of reason, individualism, freedom, and achievement. From 2005–08, the editor-in-chief of its publication the New Individualist was Robert James Bidinotto. While in high school in the mid-1960s, he became active in YAF. As he explained in an October 2007 issue of the New Individualist,

> I formed a local chapter of Young Americans for Freedom. Back then, YAF was *the* national organization for conservative and libertarian youth (I mean, there weren't enough of us to have even *two* national right-wing organizations). . . . I graduated from high school in June 1967. . . . That same summer, prior to starting my first year of college, I attended the national YAF convention in Pittsburgh, as an official voting member of the Pennsylvania delegation. It was a heady experience to meet hundreds of very smart kids who shared my political interests. I didn't feel quite so weird and alone anymore.

Bidinotto went on to be chairman of a YAF chapter at Grove City College, a chapter that also produced Dr. Camille Castorina, a former associate professor of business at Brewton-Parker College, Jeffrey Hummel, assistant professor of

continued on page 53

Ends and Means

by Stephen Cox

Vermillion College wanted a library. Calvin Brattle wanted to make a stand. But was he right?

The ball came bouncing down the sidewalk, and a yell came after it.

"Hey, Mr. Brattle! How 'bout a game?"

"Yeah, Mr. Brattle! Before you bulldoze the place!"

It was Jason Chang, the president of the History Club, and his buddy, Phil Hawkins, who wasn't president of anything but was a pretty good basketball player. Phil and Jason had been by far the nicest students in the Sophomore Seminar.

Calvin Brattle caught the ball and yelled back to them.

"Sure, guys. If you don't mind playing with the enemy."

"You're on, Mr. Brattle," Jason said. Then he took off his sunglasses and set them on the improvised bench near the improvised basketball court in the vacant lot that was soon to become the site of the new library of Vermillion College. He set the glasses neatly on the edge of the bench, so that no passerby would be denied a right to sit there. That was the way Jason was.

Calvin took off his coat and loosened his tie and prepared to shoot some baskets. When the end came, he was tired and happy. Nostalgic as well. "I'm getting old," he thought, watching Jason's swift, bashful motion as he scooped up his shades and nestled them back on his nose. Yet the sharp October air, the air that carried predictable memories of Calvin's first days in college, was also the air of progress.

"Sure you're not mad at me because of the library?" he asked.

"Nah," Jason said, and his buddy repeated, "Nah." "I like to read books, too," Jason added, wrinkling his brow like a thoughtful 60-year-old. "Anyway, I guess the college has a right to build a library on its own land." "I agree," Phil said, like another aging statesman.

"Thanks, guys," Calvin said, tossing the ball back. "If Vermillion doesn't have that right, nobody does. It's a crucial part of American history — private property."

The two boys grinned and nodded. Vermillion had always been a private college, and it had always been proud of the fact.

Calvin said goodbye and walked across the street behind the vacant lot, headed for the side door of what was already being called the Old Library. That door led to the archives section, where he had some work to do.

Calvin Brattle was Dean of Students. His title meant a number of things. Primarily it meant that he was not a professor, which he would have been if he had managed to parlay his Ph.D. into a real, tenure-track, academic job. But times were rough the year he graduated — that year, and the next year, and the year after that. Finally he decided to take what he called a "para-academic post."

He liked it, actually. Despite all the bureaucratic stuff, it let him teach a course or two in history, as long as he taught it on his own time. Last spring, he'd taught the Sophomore Seminar, which nobody else wanted to teach, because it meant that you had to grade 30 naive, badly written papers, each of them 50 pages long. His subject was The History of Liberty, because he was a libertarian.

He had to admit that it was a pretty good life for a 32-year-old — a perfect life, maybe, if he had only managed to maintain some kind of sexual relationship . . . But that wasn't a good thought for a beautiful Wednesday morning. The important thing, that morning, was to make some progress on the Groundbreaking Project.

On November 15 (Founders Day), construction would officially begin on the New Library. With that event in view, Calvin had been commissioned — by President Winslow, himself, in person — to provide a historical account of "the early days of Vermillion College . . . You know, pioneers, and so forth. And the library of course. Early hardships. . . . Make it, say, 30 pages. A 30-page brochure . . . Pictures. Plenty of pictures . . ."

Grantholm Blandish Winslow, known by his employees as the Great White Hope — or simply The Great White, or even more simply, GW, the Founder of Our Country — gazed persistently at the ceiling, as if Calvin's brochure had already been tacked to the pale-blue plaster. After two or three minutes the gaze remained fixed, yet the volume dropped off, and Calvin realized that he had been dismissed.

But he was a historian, after all. It wasn't everyone who got to enter the little door in the Old Library that was stenciled "Researchers Only." It wasn't everyone who was allowed to sit at the scarred oak table, waiting for a cranky librarian to deliver long gray document boxes for his inspection, rank on rank, like soldiers in uniform. "Vermillion College, History of, Libraries . . ." "Vermillion College, History of, Properties . . ." "Vermillion College, History of, Student life . . . "

"Student life" was the easiest. It was mainly pictures, most of them showing young men and (later) women, studying or pretending to study in various buildings that had long ago ceased to exist. Any of these shots would be good enough for the brochure. The more relevant "History of, Libraries" consisted mainly of two dogeared copies of "Rules for Patrons" (1874); some documents about computerization (1985); and floor plans for the New Library, now the Old Library (1913) — a dollhouse version of the libraries at Michigan and Berkeley, themselves reenactments of the library of the Sorbonne. He could get two pages out of that stuff, tops. There were also some small items, largely obituary, about the string of non-entities who had served as College Librarian. You'd think that the library, of all places, would squirrel away some important material about its history. No such luck.

"History of, Properties" was the long shot, but it had the only fat files in the bunch. Property records began with the so-called Bison Tract (donated by Edward T. Fenwick "for Support of the New College," 1833), and concluded with Vermillion's last land acquisition (the Donaldson Lot, 31 years ago), all apparently in good order. It was wonderful, he thought, this exacting concern with the rights of property. Year after year, generation after generation, ownership was contracted and recorded, with as much respect for an acre of Midwestern bottomland as Europeans once entertained for the Salic law. More, indeed. It was a wonderful thing, and a deeply satisfying thing to Calvin. He knew that there could be no personal rights without property rights; and here, in unbroken succession, was the evidence of a culture's devotion to ownership. So long as property was sacred, Vermillion's future was secure.

And then he saw it. It was an ordinary piece of paper, eight by eleven, more or less, but browned by age, as if some secret fire had been gnawing slowly, slowly inside it. Yet it was still sharply legible – still clear and conclusive evidence of a right to property.

Calvin held it in front of him. He turned it toward the light. He studied it, comparing it with the other papers. He transcribed it. Then he furrowed his brow and studied it again. Five minutes later, he had made his decision. He called for an appointment to speak with President Winslow.

Alexandra Nathan, Executive Vice President of Vermillion College, was the subject of many witticisms.

"Winslow is God, and Nathan is His Prophet."

"On the one hand, she doesn't like men. On the other hand, she doesn't like women, either."

"It's never safe to stand between a nickel and Alex Nathan."

"Question: What's the difference between hell and a visit to Dr. Nathan? Answer: Nothing."

If anyone was responsible for building the modern Vermillion College, Alexandra Nathan was that person.

It hadn't been easy. She was 61 years old, and she had seen a lot. When Calvin entered her office, she didn't bother to shake hands. Her time was valuable.

"So," she said, "you want to destroy the New Library?"

"Pardon me?" he said.

They sat for 30 seconds, facing each other. Thirty seconds can be a very long time.

"As I understand it," she continued, "you've found what you call a deed of property, and you intend to announce your discovery. This 'deed,' as you construe it, mandates the transfer of the land that we intend for the New Library at Vermillion College to someone other than Vermillion College. In fact, it mandates the transfer of this land to someone who couldn't care less about Vermillion College — or libraries, or knowledge, or anything else that you or I would remotely connect with education. It provides for the transfer of this land to someone who wants to destroy those things."

Calvin wasn't used to hearing statements like that. They were harsh, dogmatic statements. Angry statements. But fact spoke for itself; personalities had nothing to do with it. He kept calm.

"Here's what happened, Dr. Nathan. In the document I discovered, Amos P. Fenwick, grandson of the founder, grants 1.4 acres of land to Vermillion College to use as it pleases, provided that on some portion of the land a chapel be built and maintained, 'dedicated to the glory of God and to the eternal truth of the Protestant religion, according to the established creed of the Church of God of the Holy Inspiration.' The document directs that if such a chapel is not built, the land will revert to the donor, or to his heirs. Of course, the chapel was never built, so therefore . . ."

He paused. Dr. Nathan had not changed her expression. She was looking back at him, gravely but skeptically, like one of those allegorical goddesses gazing down from the ceiling of the Old Library. Goddesses, it occurred to him, usually demanded obedience.

"I'm sorry about this," he said. "I'm . . . I'm sorry about the trouble it might cause for . . . all of us. All of . . . you, I mean." It was an ungainly remark, but Dr. Nathan didn't react. She was sitting behind her desk, imperturbable. "In spite of that," he said, "I consider it my duty . . ."

"Your duty," she said, leaning forward. "You consider it your duty to announce this great archival discovery — is that right? Thereby returning the property to its rightful heirs?"

"Yes, Dr. Nathan. You see . . ."

"I do see. I even agree, in a sense. You believe in the right to property. I do too. So did the founders of Vermillion College."

She smiled. Calvin smiled in return.

"But that doesn't mean," she said, "that I'm prepared to surrender that land to Heather Fenwick Crosby."

Suddenly, there was another being in the room — spectral, yet vivid nonetheless. Calvin had never seen the famous HFC in the flesh. No one at Vermillion had. Her ancestors had founded the college, but for that very reason she had never visited the place and never, as she was proud to say, intended to — "except, perhaps, to tear it down." She had said that to Larry King. She had said that to Time magazine, when she appeared on its cover as "The Feisty Lady of Philanthropy." She had said that to Chris Matthews, immediately after confiding that her purpose in life was "the fulfillment of John Lennon's song 'Imagine' — the creation of a world in which all beings can live in peace. Imagination, you know, is very different from this hand-me-down stuff that some call education." She hadn't said that to Oprah, not exactly, but she had discussed with her "the ways — and I can tell you, they are countless — in which so-called private property, private enterprise, and private education are ruining our country. My goodness," she said coquettishly, "what would have happened to my own life if I'd insisted on my *privacy*?"

"Maybe," Oprah replied, with a sly little smile, "you wouldn't have met Bill Clinton."

Then the audience was on its feet, applauding, while Heather Fenwick Crosby buried her laughing face in her little hands, like an innocent girl who has said something "wicked." It was well known that she had slept with President Clinton.

"But seriously," she said, when the tumult died. "Education doesn't come from books. Education comes from the heart, from a heart that overflows with the spirit of giving." Then the applause broke out again, and as the commercials began, Oprah and HFC stood on center stage, locked in a philanthropic hug.

Calvin shuddered at the memory. In the bad days after grad school, the days of unemployment, he had watched a lot of daytime television. HFC was the kind of spectre that appeared to you when you were unemployed.

"The sole heir of the Fenwick estate," Dr. Nathan reminded him, "is Heather Fenwick Crosby."

"Yes," he said, wincing. "But that's not . . . I mean, that has no relevance to the moral issue . . ."

"Ah," she said. "I thought that would be your position. No relevance. No possible relevance to any issue of right or wrong. As far as you're concerned, it's just words on a piece of paper — correct? Isn't that correct, Mr. Brattle?"

"I'm sorry," he said. "I don't think I understand."

"No? You don't understand? But you understand so many other things. Well, never mind. Let's take a moment and discuss your own perspective on your discovery."

If you had looked at a picture of this scene, and studied the face of Vice President Nathan, you would have thought she was having a good time. She was relaxed. She was smiling — faintly yet pleasantly. But that's not what Calvin Brattle thought. What he thought was, "She's moving in for the kill." Then he thought, "That's ridiculous. Why should she want to kill me?

"Thank you," he said, pulling himself together. "The importance of the document is, at least in my view, that it gives us the opportunity to educate the public about the

"Gentlemen, we make money the old-fashioned way, and it's got to *stop*!"

nature of rights, including, and fundamentally including, the right to property. What I mean is . . ."

"Opportunity?" she interrupted. "Yes, we have many opportunities to educate people. We are a college, after all. But first, about the document itself — I mean the transcription you showed to President Winslow. I wanted to ask you, is there any possibility that this copy may not be a *fully accurate* reproduction of the original? You don't think there's any chance that . . . Well, mistakes are sometimes made, and mistakes of this kind can easily be forgiven. What's that sports expression — no harm, no foul?"

Calvin had never heard that the vice president possessed a sense of humor, but now, for some reason, she was smiling broadly, as if they were sharing a joke, a good joke, a joke meant for them alone. The problem was that he didn't understand this joke.

And then he understood it. She was trying to persuade him to destroy the deed. Destroy it, or refile and forget it. The same thing. That's what she was trying to do!

"Yes," he said. "I mean no! I mean, there's no possible, there isn't any possible way that I . . ." He stopped, astonished by what was happening. She wanted him to destroy a historical document — just for the sake of Vermillion College!

She nodded, as if Calvin were making progress on solving some obscure mathematical problem. "At present," she said, "there are only three people who know about the existence of that document: you, me, and the president. I'm sure that the president only had time to glance at it – at the transcription you made. That's why he asked me to speak with you. He wanted me to explore the significance of this issue with you."

"I . . . uh . . ." Their eyes locked. Calvin had never "explored the significance" of any issue, except in his speeches at the Libertarian Supper Club. It had all seemed so simple on those occasions.

"In my own view," she said, "the matter is fairly clear. See whether you agree. Unless we build a chapel on that land, a chapel dedicated to the doctrines of an insane Christian sect, which is probably extinct . . ."

"Not entirely," Calvin said. "I researched it. There's actually a congregation in . . . I think it's Elizabeth, New Jersey. In or near Elizabeth . . ." Even as he said that, he knew that he was missing the point.

I'm going out to forge an alliance."

"I repeat. Unless we build that chapel, for the use of an insane Christian sect — an action that would deprive Vermillion College of its intellectual integrity — the land will revert to the heirs of the estate. And it may be too late to build such a thing, even if we decided to forfeit all principle and do it. Which we will not. Furthermore," she continued, her voice rising, "as I've noted, the sole heir is Heather Fenwick Crosby."

"I . . . I don't know what to say . . ."

"I would think you'd have a good deal to say, given your actions so far. And you can go to the press and say it. You can tell them about the inviolate nature of property rights. You can tell them about the document you've found, a document that awards the last undeveloped land on or near our campus to a crazy person."

"Crazy?" he said. "There are so many definitions of insanity. . ."

His voice petered out.

"Now look here, Mr. Brattle," she said. "Have you ever read Hume's 'Of the Original Contract'?"

Most people would have been startled by this apparent change of subject. But to a libertarian like Calvin Brattle, it seemed perfectly natural.

"Yes, of course," he answered, with some relief.

"You'll recall Hume's argument," she said. "To put it plainly, he argues that time justifies crime. He observes that every piece of real property in the world was stolen at some time, but we can't overturn society in order to fix it. Liberty can't exist without a social structure that people can depend on. Invest in. Have their rights protected by. Abstract morality doesn't count." Her brow knitted. "Would we have more liberty if we turned the country back to the Indians?"

"It was stolen," he said.

"At this point," she said, "who cares?"

"Surely," he said, "you aren't arguing against the harmony of ends and means. You can't believe that we can defend people's rights if we're violating them at the same time?"

"No," she said. "Not if you put it that way. But I wouldn't put it that way. There are too many undefined terms. And there's no reason to talk about harmony if what you really mean is identity."

She wasn't sure he understood. No, it was obvious he didn't.

"Tell me," she continued, "what would you do if you had the chance to kill the 9/11 terrorists, a week before they did what they did?"

"That's a hypothetical question."

"I know it is."

"You want me to kill them?"

"Maybe. But suppose you just stole their money, so they couldn't get to those planes. Wouldn't that be worth it?"

"You can't calculate a thing like that. Ethics isn't a matter of calculation. Rights are indivisible."

The vice president looked at Calvin Brattle. He was an attractive young man. An idealistic young man. A pompous young man.

"So," she said, "you wouldn't care to calculate the difference between the investment that Vermillion College has

already made on what it assumed, for good reason, was its own property, and the amount of time, money, and effort that Heather Fenwick Crosby has invested on that property? Perhaps the difference is, in strict terms, incalculable. It's the difference between something and nothing."

It's very unfortunate, she thought, this pleasure I take in torturing him. It's like the pleasure Jesus must have gotten from his conversation with the Rich Young Ruler. I know it's hopeless, but I can't resist. It's idealists like Calvin Brattle who cause most of the trouble in this world.

"I remember," she said, "that when you were interviewed here, you made a point of mentioning that you were a follower of Ayn Rand."

"Follower? No. But I've certainly been influenced. Strongly influenced. I didn't want to interview under false pretenses."

"I thought so. Perhaps this excess of conscientiousness is why you are not, at present, occupying a position in some department of history?"

That, Calvin thought, was a mean thing to say. Mean. Nasty. Unfair. Everybody knew how much bias there was in the academic world. If you were honest about your principles, you couldn't get a decent job. But was that any reason not to be honest?

"Is that any reason not to be honest?" he said out loud.

"Is that any reason," she said, "not to appreciate how far out on a limb I went to give you the job you've got?"

Calvin looked at the old woman in her business suit, and he pitied her. It was one thing to be old, that was bad enough; but to be old and to have no principles, no intellectual legacy to bequeath to others — that was horrible, disgusting, almost inconceivable. Already she was talking like a craven bureaucrat, reminding him of the favors she had done for him. It was true, of course, that he wouldn't have a job if it hadn't been for her, but the idea that he should surrender, that he should pay her back by relinquishing every vestige of morality, of self-esteem . . .

"It's true," he said, looking down at his hands. "I know I wouldn't have a job if it hadn't . . . if you hadn't signed off on me. And it's a good job. I like it a lot. It's just that I can't . . . I can't give up my principles."

He didn't see that she looked at him with pity, too.

"Perhaps," she continued, "that's why you hired Joe White. Your principles."

Another cheap shot, Calvin thought.

"José Blanco," he said. "And I don't like him any better than you do."

"Then why did you hire him? Here was a man who had spent his life agitating for radical causes . . . "

"Radical by some definitions. Antiwar. Anti-imperialism. Immigrant rights. The rights of Native Americans . . . . "

"Indians, you mean. I'm exactly as native as they are. And so are you. We were both born right here in this country. But I suppose you're referring to those protests he started."

Calvin winced again. "You mean the ones about 'the absence on our campus'?"

"That's right. Every Thursday on the plaza. The 'absence' being 'the absence of Native Americans.' And, I suppose, of as many brains as Joe White can 'inspire' with his 'message of hope.' "

"People have a right to demonstrate."

"On private property?"

He had to admit that she had him there. "No," he said. "It's true, however, that Native Americans have, historically, been victims of the, of the . . . "

" 'The government,' I think you're about to say. Rather than 'Vermillion College.' But let's not rehash the history of North America. Let's talk about the history of your erstwhile assistant, Joseph White, as he called himself until he decided to revive his career as political agitator. You know as well as I do that he isn't an American Indian. He isn't a Mexican, either. His parents were as American as . . ."

"His grandmother was from Guatemala. At least I think so. When he changed his name, he told me . . ."

But a strange thing had happened to Dr. Nathan's face. It was turning red, with little flecks of white. "For Christ's sake!" she shouted. "What God damned difference does it make! Can't you see what's right in front of you? He's a troublemaker and a demagogue – it's obvious, and it always has been! And you hired him. That's why he's here. That's why he's leading these inane demonstrations. That's why he's giving us a black eye in the press."

"I know, I know!" Calvin yelled. Although he wasn't used to shouting, it turned out to be infectious. "But I'm sure he's sincere in his convictions!"

"Sincere? Is that why he changed his name? Is that why he organized a bunch of students to picket the president's office over 'the racist refusal of Vermillion College to hire people of color'? Disregarding himself, of course, the supposed person of color. Disregarding Danny Wong and Mirasol Sanchez and Ruby Jones. Admittedly, Ruby got married and is now Ruby Steinberg, so I guess that explains his adverse reaction to Ruby. And of course he hates Mirasol, because she is 'wearing a white mask.' And you, of course. His former boss. You can bet he hates you too."

That was a shock. "What do you mean?" Calvin said. "I'm not a person of color."

"No, you're not. I guess he's just decided that gays are entitled to affirmative action in the hatred department."

"Gays!"

"You're gay, aren't you?"

"Well . . . I mean . . . Yes, I guess I am. I mean, I am. But I don't see why . . ."

"I suppose," she said, "you're going to sue me now. What I said is contrary to the state labor code."

"What? I'd never do a thing like that. That would be wrong."

It was just an accident, just that word "gay" that cued it in, but suddenly Calvin remembered what Mike had said, the night they broke up. "Why does everything," he said, or rather, screamed, "have to be either right or wrong with you! Huh? It can't be *just* because you're a libertarian!" That was an unfortunate memory. You had to feel sorry for a guy like Mike, a guy with no moral consciousness.

"And anyway," Calvin said, "my sexuality is irrelevant to the issue."

"It isn't irrelevant to Joseph White. He was in my office yesterday, complaining about you. Seems you don't agree to the establishment of a gay, lesbian, bisexual, and transgendered dormitory."

"No, of course I don't. That's just another form of

discrimination and ghettoization."

"Of course it is. Nevertheless, he took offense. He believes you should be fired. Something about how 'we don't need no Uncle Toms round here.' You know how he sounds when he gets excited."

"I . . . I can't believe it!" Calvin said. "I hired that guy!"

The old face had calmed itself. It was no longer red. It was smiling again.

"Let me review," she said. "You hired this guy as your assistant. You said that he had the proper background. You said that he was 'articulate, intelligent, and very well versed in university policy and management.' You noted that 'his experience in the field' had 'already been extensive.' You see, while you've been reading records, so have I. Then you said that because he had the requisite institutional qualifications, we had no legitimate reason not to hire him. It was obvious that you didn't like him, but you took a principled stand. Didn't you?"

"Yes, I . . . yes I did."

"And I went along with you," she said, looking down at her hands. "And that was a mistake. A considerable mistake. I went along with your hiring a person who wrote his master's thesis on 'The Role of University Administrators in Blocking Social Change.'"

"Fuck!" Calvin thought. But what he said was, "That was his right. He had a right to choose that topic. That doesn't necessarily interfere with his ability to do his job."

"Somehow," the vice president said, "I knew you were going to say that. But what gave you — what gave us — the right to hire him to work here? What gave us the right to hire a guy who got into the news for three months running, telling people that Vermillion College — that's us — was desecrating Indian ceremonial grounds? A guy who made us appease the press and the donors and the man in the moon by creating two or three Programs for the Study of This and That, to atone for our so-called crimes. Despite the fact that somebody in the Anthro department finally discovered that the land where we put the Biology Building had been under water for 14,000 years, until Vermillion filled in the swamp. There couldn't have been any Indian ceremonies. But by then it was too late. And because of your colleague's magnificent effort at speaking truth to power, and the notoriety that ensued, we couldn't fire him. We had to transfer him out of your office and make a new job for him. That, as you know, is how he became Director of Multicultural Affairs, with a salary three times your own. There's national competition for these people, you know. We have to pay them a lot if we want to *keep* them."

"I need a small, temporary tax hike — I found a great investment opportunity in Nigeria."

"All right," Calvin said. "All right! But we had no legitimate reason to discriminate against him, just because he was interested in . . . ideas that you and I might not hold. After all, that's the way libertarians are discriminated against, all the time. Conservatives too," he added, hedging his bet.

"I am not a conservative," she announced, rearing up like F.A. Hayek. "I'm a classical liberal."

"Pardon me? I'm not sure I . . . "

"Never mind," she said. "Just listen." She leaned across her desk, looking as if she'd found an ugly spot on the carpet, exactly where he was sitting. "What I want to know is this: why do you insist on spending your time doing nothing but damaging the cause of liberty? Today there's this alleged deed that gravely damages one of the few truly private colleges in the country. Before that, there was Joe White, who's made us spend three million dollars on nothing, absolutely nothing, including himself, just because of the phony publicity he's generated. And you're the one who hired him, because you took a *principled* position that politics should be irrelevant in hiring."

"And so it should be. As I said, I don't believe we should practice the same kind of discrimination that's been practiced against us."

"But I do," she said. "If it's 'discrimination' not to hire people who want to destroy you, then I say, start discriminating."

"That's a slippery slope," he said. "You can't tell what will happen if you do that."

"Yes you can," she said.

"So you're basing your sense of right and wrong on 'what will happen'?"

"What else?"

"It's incalculable."

"You can calculate it. You know what will happen if HFC gets hold of that land. Or rather, you know what won't happen. Do you think she'll build a library? Do you think she'll build a gym? Do you think she'll do anything of value for our students? I don't think so. Neither do you. And you'll be responsible for whatever she does — the same way that you're responsible for whatever Joe White is doing right this moment, because you enabled him to do it."

"What's that? The myth of collective responsibility?"

"No. It's the truth of individual responsibility. Yours. It's you who hired that maniac. It's you who are determined to surrender our land to another maniac."

Even a nerd gets angry, sometimes. "Look," Calvin said. "I've had enough. I'm not responsible for Joe — I mean José. I'm not responsible for his politics. And I'm not responsible for this deed I found. If we don't own that land, we have a duty to return it to its rightful owner. Private property is the bedrock of liberty, and if we betray our trust, what can we tell our students? What can we . . . ?" He couldn't think of a way to end the sequence.

"Ah," she said, beneficently. "You actually don't mind using that word 'we.' Which in this context means the college and those who support it. The community that employs you. The community that gives its money to Vermillion because it

provides a traditional education — a libertarian education, if you will, because liberty is the tradition of our country."

"Yes," Calvin said. "But it's not just a matter of some collective tradition."

"No, it's not. So let's talk about the individual. Namely you. What are you doing for that tradition? What are you doing for the money you're paid?"

"Plenty," he said, thinking of Phil and Jason and the seminar and the basketball game and a lot of other things. But she was driving on, like a locomotive.

"In the name of liberty, you hire people who want to destroy liberty. In the name of liberty, you decide to give the resources of this college to a woman who wants to destroy both liberty and the college."

"I didn't decide that. All I've decided is to tell the truth about who owns the property."

"Yes, and if you tell the truth, Heather Fenwick Crosby will seize that land."

"*Her* land."

"She will seize that land, and use if for her own purposes. Which are far from being ours."

"I am not responsible for anyone else's conduct. We are all individuals."

"Yes we are, and it's your individual decision, either to give her that land, by publicizing the document you unearthed, or to keep her from getting it, by saying nothing."

It was true, he thought; he'd be giving her the land. But that was a strange way to put it, because the land was still hers to begin with.

"It's her land," he repeated.

"All right," said the vice president, very kindly. "If you insist on the release of that information I will make sure that you leave this college. Your contract runs till June, and we won't violate it. But we won't renew it, either. Our loyalty will expire eight months after yours did."

"I'm loyal to my principles."

"Go home and think about it."

"I've already thought about it."

He rose quickly to his feet, like a man defying slavery. Then he realized that it was a lie: he had never really thought about being fired; that had been nothing more than a hypothesis. He liked his job. He loved it! Still, there was a principle at stake. "I have to release the information," he said.

"You don't need to bother," she said. "If that's your decision, we'll do it ourselves. I wouldn't want you to claim the credit. Such as it's worth."

On the way back to his office, Calvin crossed the plaza. As usual at that hour, there was a group of students standing on the Old Library steps. They were dressed in black, wearing Día de los Muertos masks, and they were holding signs that said, "We Are the Absent Americans." As he passed, a student in black offered him a copy of José Blanco's latest manifesto.

It's a funny thing, Calvin thought, about boxes. You throw them away, and as soon as you do, you discover that you need to have them back again.

It was only yesterday, it seemed, that he'd moved into his office at Vermillion College. Now here he was, looking at stack after stack of cardboard boxes, each of them labeled "Storage." It would have been better, of course, if the labels had read "Harvard," or "Cornell," or even "Southeastern State Teachers College," but jobs for fired academic bureaucrats were few and far between. Nevertheless, he would survive. Mike and his new friend had certainly been generous, offering him a place to stay.

As soon as he turned the key on the office and walked down the steps, he noticed it was a beautiful day, after all, as beautiful as June should be. And here came Phil and Jason, striding along the sidewalk, passing a basketball back and forth between them.

"Hey guys," he said. "Looking for a game?"

"Hi, Mr. Brattle," Jason answered. "Guess not. The gym is full, and obviously we can't use *this* place any more." Calvin had never seen Jason make an angry gesture, but now there was no mistaking the tilt of his chin as he looked at the chain-link fence surrounding the construction site formerly designated for the New Library.

"Hey Mr. Brattle!" Phil interrupted. "I guess you know that Jason got Best Junior Scholar Award!" He put his arm on Jason's shoulder and rested it there, and Jason began to look happier. So, Calvin thought, that's the way it is with them now. I used to wonder.

"Congratulations!" he said. "Way to go, Jason! But listen. What I want to say is . . . I'm sorry I'm not going to be around next year. I'd always hoped I could teach the Senior Seminar."

"We're sorry too," Jason said, looking angry again. "About *what happened*." His eyes wandered back to the fence and the mounds of dirt and the concrete slabs, and the big sign hanging just under the razor wire: "Future Home of The Heather Fenwick Crosby School of Peace Studies. Dr. José Luis Blanco, Director and President. Trespassers Will Be Prosecuted."

"Believe me," Calvin said. "I'm sorrier than you are."

"I guess it wasn't your fault," Phil ventured. "I know you must have been, like, trying to do something, only they wouldn't let you do it."

I did do something, Calvin thought. I made sure that rights were maintained. You can't do more than that.

"You know," Jason said, in that newly embittered voice. "I really wouldn't mind if it was a library. But this . . ." He shrugged his free shoulder in the direction of the School of Peace. "This isn't anything we can use. And it's wrong, completely wrong."

"That's right," Phil said. "Besides, it's totally ugly. It's gonna be, like, seven stories high. And it's not like it was some . . . cathedral or something."

"No it's not," Jason said, looking at Phil in a way that Calvin found easy to interpret. "Phil and me, we were trying to figure out what they're gonna *do* in there. The only thing we came up with was, this Professor Blanco . . . "

"He isn't a professor," Calvin said.

"The newspaper said he was," Jason insisted. "That's right," Phil confirmed.

"But anyway," Jason went on. "Blanco said he wanted to get this law passed, so that every college in the state would have to start one of these Peace Studies places, or else they

couldn't be colleges or something. And he went up and saw the governor, and the governor must have agreed with him, because now they're talking like it's really gonna happen, because otherwise there will still be racism and so on. Which seems completely bogus to . . . us. So do you know anything about that, Mr. Brattle? Did you have anything to do with that?"

"Yeah, Mr. Brattle," Phil said. "Do you know anything about that?"

"Uh, yes," Calvin answered. "I think I did see something on the news . . . . But listen, about the library. I want to explain. I don't know exactly what you've heard, but what happened was this . . . "

So he talked, going through the whole story and discussing it, weighing both sides fairly but emphasizing, throughout, the importance of individual rights and responsibilities and the harmony of ends and means. "As a result," he concluded, "I found that I could no longer stay at Vermillion College."

Having finished, he expected a lively Q and A about property rights and other issues. Surprisingly, however, Jason got a skeptical look in his eyes, then stared down at his shoes and never glanced up, and Phil's gaze developed into something that Calvin was forced to recognize as pity — despite the fact that Calvin hadn't emphasized, in fact hadn't even said, in so many words, that he had been punished for his convictions.

"Well, thanks, Mr. Brattle," Phil said.

"Yeah, thanks," Jason said. "Thanks and . . . good luck."

"To you too, Jason." That was what Calvin replied. But what he thought was, "You, Jason, will go far in academic life. You've already mastered the polite dismissal — all surface, no sentiment." It was terrible to find that even his two best students couldn't see that individual rights went beyond anyone's self-interest, that you had to stand up for principle, whether anything "good" eventually resulted from it or not. But if they wanted to blame the victim, that was their responsibility. They could go on and enjoy their lives, untroubled by a moral thought.

So he told them goodbye. Afterwards, he turned to look at them. They were walking down the pathway, chatting and jostling each other and dribbling the ball between them, as happily as if they were the ones who had fought a great moral battle and had won their way to freedom. How sad! he thought. What a waste! Soon, though, their path disappeared behind the concrete and dirt of the Peace Studies building, and he never needed to think of them again. ❑

Don't Default on Me, *from page 24*

But the point of the matter is not to think about bonds. It is to think about a way of thinking. It is about the embracing of disaster.

The thing starts, perhaps, with forecasting disaster. There is a long history of this among libertarians. I first wrote about it in the 1970s, when I was on the mailing lists of the Inflation Survival Letter, the Ruff Times, et alia. I received piece after piece of mail warning me of the coming crash — double-digit inflation, *triple*-digit inflation, famine, and social chaos. Of course, it was a sales pitch to send them Federal Reserve Notes in exchange for their Krugerrands, and I may be unfair in taking it too seriously. But they did say it. They used that sales pitch over and over, which suggests that it worked. Bill Bradford used to say that there were libertarians who believed that when the crisis happened they could take a $20 gold piece and buy a block in midtown Manhattan.

In many cases, the people who took it seriously became the survivalists. To listen to some of them is to hear people who not only worry about disaster but would welcome it. Because they would be ready, which means that they would be right.

Much more common are the folks who embrace disaster in theory. I think of the argument over Social Security. Someone will propose that the system allow the payer to put his Social Security tax into a restricted private account. Then some libertarians will say, no, no, no; that's not acceptable. It's statism. The only thing a true libertarian can advocate is abolition. It's like slavery. You have to be an abolitionist.

What would happen to all the people who contributed to the system, planned on it and rely on it? They would be in the same position as the suckers holding Treasury bonds.

Absolutism is a strong wine, and occasionally I imbibe it myself. When asked about the occupation of Afghanistan, I say, "pull the plug." Few people I know who have been involved there agree with me, and sometimes I wonder if my answer is too simplistic. Still, I am sticking with it; it seems to me that for an unjustified war, which daily spreads wreckage and death, "pull the plug" is a good idea. But with problems such as public taxing and spending, retirement systems, welfare, and education, "pull the plug" is often too dire. It sounds good to no one except the already converted, sitting in the pews.

A few libertarians, envisioning a disaster, take the line "the worse, the better." To improve the current system by creating accounts within Social Security, or charter schools within the public schools, is to shore it up and preserve it, when what is wanted is to rip it down and start over. But "the worse, the better" is a Leninist line, and libertarians are not in that camp. We have a political philosophy that derives from classical liberalism. It is a bourgeois philosophy, a creed of people who work, save, and invest. We aren't people who wreck things except in the most grievous extremity.

As I write this, I can hear Bill Bradford say, "Liberty is a radical magazine." The idea of liberty is radical, and radical one's utopian vision may also be. But Liberty encompasses libertarians and classical liberals whose radicalism is of different amplitudes but whose methods are uniformly peaceful. They have fun arguing among themselves, as I am doing here. But what they propose to the public as a thing that could be done now has to be a step forward from the world that is. And that is the world of Social Security, Medicare, Medicaid, Temporary Assistance for Needy Families, farm subsidies, state universities, public schools, the postal monopoly, Pell Grants, property taxes, the FDIC, the IRS, the UN, Trident submarines, Delta Force, Guantanamo, marriage licenses, and zoning.

And United States Treasury bonds. ❑

Reviews

"The Pearl Harbor Myth: Rethinking the Unthinkable," by George Victor. Potomac Books, 2007, 355 pages.

The Pearl Harbor Problem

Jane S. Shaw

For nearly 70 years, a war of words has been fought over the question of whether President Franklin D. Roosevelt and his top associates, especially Army Chief of Staff George Marshall, withheld information about the attack on Pearl Harbor from the commanders on Hawaii. The accusations started almost immediately after the attack on December 7, 1941. They led to official inquiries, charges of lying by witnesses in those inquiries, the suppression of official reports, and a multitude of books, including John Toland's "Infamy" (1981), Robert Stinnett's "Day of Deceit" (2000), and now George Victor's "The Pearl Harbor Myth," in addition to the more standard versions of the story by Gordon Prange — "At Dawn We Slept" (1981) — and Roberta Wohlstetter, "Pearl Harbor: Warning and Decision" (1962).

Although I have no special expertise, my effort to understand what happened has become something of a personal hobbyhorse, one that began when I read John Toland's "Infamy."

So let me start with "Infamy," which I came across perhaps 15 years ago. I was struck by it for several reasons. This was Toland's third book about Japan and World War II, and, as he revealed, over the years he had changed his mind. Initially, he believed that the Japanese alone had been responsible for the surprise attack; later, he concluded that warnings had been ignored; finally, he decided that high officials in Washington, including the president, knew about the attack and withheld the information so that it would be a surprise and turn American public opinion toward entering the war.

What also struck me was that Toland didn't get the kind of favorable attention his analysis deserved. He had received a Pulitzer Prize for his 1971 book "The Rising Sun," and I usually saw at least one of his books about the European war on bookstore history shelves, but "Infamy" seemed to be ignored. (Wikipedia says that "Infamy" was "widely criticized.") Whether Toland's change of opinion, or the response to it, had anything to do with his having a Japanese wife, I don't know.

Over the years, more information came out about the circumstances surrounding Pearl Harbor, but I noticed that some prominent people still dismissed out of hand the idea that Roosevelt could have deliberately failed to warn the commanders. (Hans Trefousse's "Pearl Harbor: The Continuing Controversy" [1982] considers the idea and then rejects it.) One such skeptic was the editorial page director of The Wall Street Journal, Robert Bartley. To him, the possibility that the president would conceal such information was "wildly implausible; what commander would sacrifice most of a fleet to open a two-front war?" (Wall Street Journal, Dec. 3, 2001).

Now we have a relatively new book that delves into the question of "who knew what when," while setting it against the broader context of Roosevelt's strategy, the international

scene, including the attack on the Philippines and our allies' experiences, and the ways in which government officials generally act under pressure.

"The Pearl Harbor Myth: Rethinking the Unthinkable" is not actually the latest "revisionist" book on the subject. In June 2010, the Mises Institute published Percy Greaves' "Pearl Harbor: The Seeds and Fruits of Infamy." Greaves was chief of the minority staff during the congressional hearings on Pearl Harbor in 1945–46. Never satisfied with the outcome of those hearings (the majority report put the blame exclusively on the commanders in Hawaii), Greaves criticized the investigation and later in his life worked his findings (and additional research) into a book. He died in 1984, and his widow, Bettina Bien Greaves, a contributing editor of Liberty, has edited his work into the volume that was just released. It will undoubtedly enrich our understanding of some issues, although it does not appear to rely on sources revealed after Greaves' death.

What makes George Victor's book especially interesting is that while he presents an unorthodox view of what happened at Pearl Harbor and believes that Roosevelt's actions were duplicitous, he defends those actions. He sees FDR as one of the few government leaders at the time who recognized the menace of Hitler (Churchill was another), while also facing the fact that he could not persuade the public to accept what he regarded as a necessary war against Germany. Thus, he allowed the Japanese attack to occur, in order to embroil America in the world conflict.

While Victor believes that Roosevelt's actions were duplicitous, he defends those actions.

Victor not only accepts the necessity of the war, but he emphasizes that duplicity on the scale of Roosevelt's deception is routine at the highest national levels in times of crisis. He describes the deceptions of Abraham Lincoln, James Polk, and William McKinley, and he observes that the Roosevelt administration's failure adequately to defend the Philippines, in spite of promises to do so, resulted in the conquest and occupation of the Philippines, wreaking far greater havoc on the Philippines than on Pearl Harbor. The suggestion that a president would never do something so awful as to allow a surprise attack does not hamper Victor; he takes it off the table — in his view, and in mine.

In considering Victor's book, one should bear in mind that, in addition to the hundreds of significant books and articles that have been written about Pearl Harbor, the public record produced by the 1945–46 congressional inquiry alone consists of 40 volumes (one source says 39, but that's enough). And much of the relevant source material was classified until 1979, when President Carter made available many, though not all, Pearl Harbor records. Another way of measuring the volume of material is by years of research. Gordon Prange spent 37 years researching and writing. After he died, his manuscript, originally 3,500 pages, was edited into a more readable 873. Robert Stinnett spent 17 years on his book. Victor's book, easily accessible and a mere 355 pages long, is inevitably selective. It summarizes a lot of material and presumably omits a lot.

Only experts can accurately determine whether all the summaries are correct and all the selections judicious; and given the heat of the controversy, expert objectivity is somewhat doubtful. But let me illustrate how Victor deals with one issue — and deals with it fairly, I believe. That is the question of whether it was logical to assume that Pearl Harbor might be attacked. Could reasonable people have foreseen an attack by the Japanese on Pearl Harbor, or was it outside the realm of plausibility?

From the perspective of a novice (and from the perspective of the American people for many years, if not now), the attack has looked like a complete surprise: the Japanese might have been expected to attack the Philippines or Malaysia, but not Hawaii. After the bombing, a number of top leaders claimed that they never expected the U.S. fleet in Hawaii to be attacked.

But they may not have been telling the truth. "Most of those who testified [in the subsequent inquiries] that they had not expected an attack on Pearl Harbor had, however, written or said in the months preceding it that they did expect it," writes Victor. "And their reports and memos saying so were preserved." He backs that up with a quotation from the Army Pearl Harbor Board. The board wrote (sarcastically, Victor explains) that "all expected an attack on Pearl Harbor . . . [but] when testifying after the Pearl Harbor attack, they did not expect it." Another piece of evidence is the fact that in 1941 "there were three separate U.S. war games in which 'Japan' attacked the fleet in Hawaii."

The suggestion that a president would never deliberately allow a surprise attack doesn't hamper Victor.

What I have read in other books suggests that this is a fair assessment. Pearl Harbor was always considered a possible target, although as war drew near, an attack elsewhere in the Pacific may have been viewed as more likely. For over a generation, in fact, the American people had been periodically scared by the possibility that Japan would someday attack the west coast of the mainland.

In trying to piece together who knew what and when, Victor addresses several key questions, which I'll outline in this way:

Did decoded or deciphered radio messages from Japan indicate to Washington that an attack on Pearl Harbor was imminent?

If not, what other indications may there have been?

If there were such messages or other indications, why did they never reach Lt. Gen. Walter A. Short, commanding general for the Army in Hawaii, and Adm. Husband E. Kimmel, commander in chief of the U.S. fleet, also in Hawaii?

To answer these questions (and others), Victor goes back over a broad array of sources, from interviews to memoirs to the records of the many investigations (eight or nine, depending on

how you count them). His book is full of information. Even so, it must be said, one book is not enough. I have looked at other works, not only to assess their authors' viewpoints but also simply to clarify the cast of characters and the chronology of events.

Much of the debate over Pearl Harbor centers on what messages were intercepted and decoded in the last few days before December 7. Victor argues that there were many signs that the Japanese were going to strike Hawaii. For example, the British seem to have known about the course of the Japanese carriers and to have passed that information on to Washington (we may not know for sure; one possibly important message is sealed until 2060!). William Casey (later CIA director) wrote that the British informed Washington that the "Japanese fleet was steaming east toward Hawaii."

Other messages were the "bomb-plot messages" intercepted by U.S. intelligence. These were detailed descriptions of the location of ships that, Victor says, "provided information to be used in planning bombing runs at warships in Pearl Harbor." Pearl Harbor was only one of the spy locations that sent such information to Tokyo, but it rose in importance when an order sent from Tokyo on Sept. 24, 1941, sought "precise locations of warships at anchor" in Hawaii. This, Victor says, was a "serious warning of a combat attack" on the islands. But the message did not reach the American commanders. Victor writes that in October, "the outgoing director of ONI [the Office of Naval Intelligence], Capt. Alan Kirk, and his subordinate, Capt. Howard Bode, proposed sending to Kimmel the 'bomb-plot' messages, indicating that Pearl Harbor was a likely Japanese target." But the new director did nothing.

Whether the Washington leadership perceived such warnings correctly has always been the question. Victor cites the 1962 book by Roberta Wohlstetter, which emphasizes that too much "noise" can obscure perceptions that become clear only in hindsight. To an extent Victor agrees, and he discounts some fragmentary evidence. But he considers the number of credible messages as overwhelming.

Victor is not terribly concerned about the hotly debated question of whether Japanese naval messages had been decoded in time to give any warning. That was the assumption of the 2000 book by Robert Stinnett.

Stephen Budiansky, who has written a book, "Battle of Wits" (2000), about the decryption that enabled Americans to win the battle of Midway, disputes the idea that naval messages were read before December 7. In a persuasive article published in Cryptologia in April 2000, he reveals how complicated it was to decrypt the Japanese codes. Challenging Stinnett's interpretation of a memo indicating that the code had been solved, Budiansky says that the writer (Adm. Royal Ingersoll) meant merely that the code had been figured out, which was a far cry from actually being able to read any dispatches. Budiansky does not believe that any Japanese naval messages were understood before December 7.

Victor takes a middle position. He thinks that some naval messages may have been decoded, at least to the point of getting the general content. He reports that Cmdr. Joseph Rochefort, chief of the naval intelligence unit in Hawaii, said that his team could read one in ten messages. On the other hand, Victor says that "we may never know" whether relevant messages were decrypted in time.

But there were other signals, most spectacularly the "Purple" or "Magic" diplomatic codes. One of the most famous controversies surrounding Pearl Harbor, the furor over the "winds execute" message, stemmed from a decoded Purple message.

A diplomatic message, decoded in November 1941, laid out a plan: if Japan was about to go to war, the fact would be announced by means of a seemingly routine weather radio broadcast from Tokyo. If the weather report indicated "east wind, rain," it meant that war against the United States was imminent (other directions pointed to war with the Soviet Union and Great Britain). On December 4, an "east wind" message was intercepted, and Cmdr. Laurance F. Safford forwarded it to his superior officer.

The "winds execute" message has figured in most discussions of Pearl Harbor, for two reasons. First, it was based on a diplomatic intercept and an open radio broadcast, so the decryption question does not arise. Second, for many years it was one of the few pieces of evidence about pre-Pearl Harbor warnings that were publicly aired and known; it was discussed in the congressional hearing when the issue was still in the public consciousness.

Victor doesn't think this message was all that important — because he thinks that the White House already knew about the impending attack. Even so, he presents it as an illustration of the lengths to which top brass went to suppress information about the attack, even after the war ended.

The first of the eight or nine official inquiries into Pearl Harbor was conducted by the Roberts Commission, which Roosevelt authorized right after the attack. It was pretty clearly an effort to find a scapegoat, and it found two, Short and Kimmel. Later, but still during the war, the Army and Navy, motivated by rumors and by efforts by Short and Kimmel to exonerate themselves, held separate inquiries. The Navy concluded that Kimmel did nothing wrong, and the Army that Short was only partly at fault. He himself admitted that he should have had more experienced radar operators; the two who saw the Japanese planes arrive on December 7 mistook them for American bombers.

But the Army and Navy reports were suppressed during the war, and Victor shows that top-level administrators distorted the findings in their public statements about them. Other inquiries were essentially investigations by interested officials. It wasn't until 1945, after the war had ended (and the 1944 presidential election was over), that a joint congressional committee in the Democratic-controlled Congress agreed to initiate an investigation that led to what Victor calls "sensational" hearings. The investigation, Victor notes, provided a wealth of information and "some surprisingly

Could reasonable people have foreseen an attack by the Japanese on Pearl Harbor, or was it implausible?

candid testimony."

At the hearings, Safford testified that he had seen the "winds execute" message. But he did so at his peril — he wrote later that John Sonnett, counsel for Adm. H. Kent Hewitt, who had conducted his own investigation at the request of the Navy secretary, had tried to get him to change his story. He "attempted to make me believe I was suffering from hallucinations," said Safford.

Sonnett was unable to get Safford to change his story, but he may have been more successful with Cmdr. Alwin Kramer, who at the naval inquiry had stated firmly that he knew of the message and knew that it meant war. But during the war Kramer had two mental breakdowns (Victor doesn't say how severe they were). By the time of the congressional testimony his comments were, Victor says, "confused, vague, and self-contradictory." According to a friend, Kramer told him that he had been ordered to "speak right or undergo more mental treatment."

Victor reports that Hewitt and Sonnett worked to get other potential witnesses to change their testimony in preparation for the hearings. He also writes that some witnesses were simply prevented from testifying. One person who, according to Safford, knew about the "winds execute" message was Warrant Officer Ralph Briggs, a radio operator. Briggs had intercepted the message (or so he said), but his captain told him not to testify. Victor lists three other people who were reported to have known about the message but were not asked for their testimony.

As might be expected, the conclusions of the congressional inquiry divided mostly along party lines. The majority report, which two Republicans also signed, blamed mostly Short and Kimmel; the minority report also blamed Washington higher-ups. Victor does not name the higher-ups, but, according to Gordon Prange they included the president, for "failure to perform the responsibilities indispensably essential to the defense of Pearl Harbor."

The final, big question is not whether Short and Kimmel were informed about any of the warnings; it is pretty much undisputed that at least after November 27, they were not. The question is, why? The standard authors, such as Wohlstetter, take the position that the failures to communicate resulted from a perfect storm of accidental flukes and missteps. In contrast, Victor contends that many decisions not to inform Short and Kimmel were deliberate.

One of the most-discussed issues surrounds the warning sent to Short and Kimmel on November 27. It took the form of two slightly different messages dispatched to them by their superiors. These were warnings of war, but their instructions were ambiguous. Victor discusses the contents in great detail; I will focus on only one point. Short, whose responsibilities were the defense of Hawaii and of the fleet (Kimmel dealt with the offensive use of the fleet), replied that, in light of the message, he was taking action to avoid sabotage. Thus he was keeping most of the fleet in the harbor — exactly the wrong thing in the case of an impending air attack.

Short received no response from Chief of Staff Marshall to indicate that

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this policy was wrong. According to Victor, "By War and Navy Department procedures, when a report from the field was received and not responded to, that meant the report was approved." Furthermore, says Victor, Marshall and his staff had "ample opportunities to correct their error," since they saw intercepted reports from Japanese spies in Hawaii indicating that everything was normal at Pearl Harbor; it was not on "air or sea alert."

In congressional testimony after the war, Marshall was asked about Short's response. He at first said that he didn't recall seeing it — until he was shown that its cover sheet was stamped, "Noted — Chief of Staff." In addition, Marshall had sent a copy to Secretary of War Henry Stimson. Marshall never gave the committee a clear explanation of his reaction. He said, "The fact that it was merely sabotage did not register on anybody's mind." Yet according to a biography of Marshall, one of his staff members said, "For God's sake, do you suppose he means that he is only acting to prevent sabotage?"

As December 7 approached, there was mounting information suggesting that war was close and that the Pacific fleet should be on guard. Some intelligence officers were concerned that none of this information appeared to be reaching the commanders. Victor describes efforts by Safford, Adm. Arthur McCollum, and Adm. Theodore Wilkinson to persuade their superiors to make sure that Kimmel was aware of an impending Japanese attack. Even on the morning of December 6, Safford drafted a message for Kimmel announcing the imminence of war, but the message was watered down by Safford's superiors and didn't arrive until December 8.

The culmination of this seemingly deliberate quashing of information occurred in Washington on December 6 and December 7 (the attack occurred at 7:30 a.m. in Hawaii, which was almost 1 p.m. in Washington). These events are redolent with secrecy and deception.

One illustration involves Adm. Harold R. Stark, chief of naval operations, who went to the theater on the night of December 6. At the 1945–46 congressional hearings, Stark first said that he didn't talk with Roosevelt that evening. Later, at the end of the hearings, he changed his testimony, saying that they did speak on the phone, but not about anything important. However, after Stark's friend, Capt. Harold Krick, who had accompanied him to the theater (along with their wives), told him that his testimony had not been true, he changed his story again. Stark wrote to the committee that "Krick further stated that when I came downstairs after the phone call I said . . . the situation with Japan was very serious." This is quite a lot to slip one's mind, until a friend suggests that the record needs to be sanitized. This phone call was not listed in the White House logs. Further, there is evidence of a late-night (or early-morning) meeting at the White House, one that Stark attended.

The whereabouts and actions of George Marshall are particularly clouded. On Saturday, December 6, an initial "pilot message" from Tokyo was intercepted; it was translated by 2 p.m. on Sunday. It is called the pilot message because it announced that a much longer, 14-part message would follow, as it did. The pilot message led intelligence officials to believe that the longer message would break off negotiations with the United States and thus announce the start of war. A member of the Signal Intelligence Corps wrote later that "it was known in our agency that Japan would surely attack us in the early afternoon of the following day. . . . Not an iota of doubt."

In his congressional testimony, Marshall said that he did not see the pilot message until Sunday. Asked why he didn't, he said, "It was not brought to my attention." Victor points out that, given the importance of the message, his failure to receive it should have led to a reprimand or dismissal of Marshall's staff, but nothing like that happened.

According to Gen. Sherman Miles, Marshall received a "gist" (a short version) of the pilot message on Saturday afternoon. Miles said in congressional testimony, "I think he [General Marshall] is mistaken in saying he did not receive that message on the afternoon of the 6th." Col. Rufus Bratton, charged with delivering the messages to top officials, said later that he had orally informed Marshall of the content of the message on Saturday afternoon. Furthermore, Bratton said that he urged Marshall to send a "war alert." Marshall did not. He said he was going home and did not want to be disturbed. No one knows for sure where Marshall was, but there is evidence that he spent time that evening at the White House.

Marshall's conduct on Sunday morning, when he did get the full 14-part message (not just the pilot or a gist), is even more puzzling. He told the congressional committee that he had been out riding, as he normally did on Sunday morning, and he could not be reached. Victor says, however, that his route was known and his orderly could reach him. Furthermore, Victor cites three people who said that Marshall was not out riding on Sunday morning; he was in a series of meetings at the War Department.

Gen. Miles, who on Sunday morning brought Marshall the 14th part of the Japanese diplomatic message, announcing the end of negotiations, suggests that Marshall stalled for time. That happened an hour and a half before the 1 p.m. deadline for breaking off negotiations (stated in the intercepted message), which many viewed as the time of attack. Marshall read the message aloud and asked Bratton and Miles what they thought of it. When they urged that commanders in the Philippines, Hawaii, and other places be informed, Marshall called Adm. Stark, who said that additional warnings weren't necessary. Marshall then wrote out a warning for Short, discussed it, and proposed that perhaps it should be typed first (but it apparently wasn't). In the end, the message, Victor says, was "hardly worth sending" because of its obscurity; it includes the statement, "Just what significance the hour set may have we do not know." And it didn't reach Short until after the attack had started, anyway.

Did decoded radio messages from Japan indicate to Washington that an attack on Pearl Harbor was imminent?

Victor says that if Bratton and Miles are right, Marshall "performed an elaborate, time-consuming act, which delayed sending a warning," then

delayed it further by choosing to send it by a "secure conveyance," rather than simply calling Short on the phone. He did not even classify the warning as "urgent."

Marshall's conduct, and his vague responses when testifying, are probably the most convincing of all the evidence showing that the Roosevelt administration chose to allow the attack to occur without warning. (The decisive point for me came even before I read Victor's book. It occurred when I read a footnote in Toland's account. Toland wrote that Percy Greaves was told that Marshall had remarked "in the men's room at a social affair that he could not say where he was on the night of December 6 because it might get 'the Chief' in trouble." For me, that explained the vagueness of Marshall's testimony.) By the time he testified before Congress, Marshall was a war hero and the war itself was over. He got away with being hazy. But history should not be so deferential.

So there we are. It is often observed that Roosevelt wanted the nation to go to war, but faced massive opposition. No one can doubt either part of that statement. The question raised by Victor's book, and others, is how far Roosevelt was willing to go in order to bring America into the war. Victor argues that Roosevelt allowed the attack on Pearl Harbor to happen without alerting the commanders. He seems to believe that this was a useful, even a necessary, policy. The question at issue is whether that policy was carried out. I believe that it was.

Questions linger, of course. It is still somewhat hard to believe that Kimmel and Short could have been so totally in the dark. But Victor devotes some pages to discussing why they followed the policies they did.

He observes, for example, that Kimmel's predecessor, Adm. James Richardson, had ordered the fleet to take "full security measures," which meant giving training less priority than before. This violated his standing orders, which demanded that he concentrate on training, and the violation appears to have been the reason why Roosevelt removed him as commander, replacing him with Kimmel. (Victor also says that Richardson thought that the fleet was being used as a "lure" for a Japanese attack.)

The question of whether a president could heartlessly allow a surprise attack still nags at some. While the evidence amassed by Victor resolves that question to my satisfaction, he also offers a mitigating factor: The White House may have expected many fewer casualties. Victor notes that the battleship "Arizona" exploded because a bomb reached its magazine; that was an unlikely event, as was the capsizing of the "Oklahoma." Those two facts explain the deaths of 1,600 men (out of a total of 2,400 killed by the Japanese attack). Furthermore, it should be remembered that military leaders are usually inured to casualties.

All in all, I think that Victor has it about right. There is a myth surrounding Pearl Harbor, and he has dealt a major blow to it. ❑

"The Overton Window," by Glenn Beck. Threshold Editions, 2010, 336 pages.

The Beck Files

Robert Chatfield

Joe Overton was a well respected young leader at a Michigan-based thinktank. Tragically, he died in 2003 in an ultralight aircraft accident at the age of 43, but one of his enduring intellectual contributions was the development of a communications methodology to explain the role of free-market thinktanks.

Overton devised a simple scale to measure the level of freedom created or allowed by any particular public policy. In educational policy, for example, the least amount of freedom is represented by government-run schools with no parental choice, whereas the maximum freedom would be achieved if there was absolutely no government interference in the curriculum, teaching methods, or management of a school system.

For any policy issue, Overton observed that there is only a narrow "window of political possibilities" — everything else is literally outside a politician's view. The role of thinktanks is to produce credible research on policy issues that are outside the window, with the goal of moving the window up the scale of freedom. After Joe's death, the window became widely known as the "Overton Window," and it was noted that the concept could be applied across many platforms to explain shifts in public attitudes.

Because libertarians and our policy proposals are often regarded as outside the window, the concept should be of interest to us. My own curiosity was piqued by the appearance of a work of fiction entitled "The Overton Window," which claims that its protagonist must save both the woman he loves and "the individual freedoms he once took for granted." So far, what's not to like here?

In this case, however, the author is much more famous than the concept — although I must confess that before reading this book I had never read, seen, or heard anything by him. It's not that I live under a rock; I just rarely watch Fox News or listen to talk radio,

and I rarely read books by personalities who inhabit either of those airwaves. I therefore approached the book with no preconceived notions about its writer — only a great deal of historical background about the book's title. Call it my fair and balanced approach.

The protagonist is Noah Gardner, the son of a wealthy and powerful business owner. Noah works for his father at a giant public relations firm in New York. At the onset, Noah meets the strikingly beautiful Molly Ross in his firm's breakroom and is intrigued by her appearance, her attitude, and the bill she is posting on the breakroom wall inviting one and all to attend a radical libertarian event happening that evening.

Again, a matter of some interest to libertarians — despite the fact that Beck's prose reminded me of a bad junior high school creative writing assignment. The overuse of descriptors ("a lush abundance of dark auburn hair pulled back in a loose French twist") coupled with nonsensical emotive phrases ("though he'd been in her presence for less than a minute, her soul had locked itself onto his senses") almost caused an immediate return to the bookshelf.

Still, the first few chapters were short and, frankly, I wanted to find out more about the radical libertarian event, so I soldiered on. Beck turned out to be spot-on in describing an event that could easily be a transcript from any number of Tea Party rallies featuring fiery speeches given by rabble rousing patriots.

When Noah Gardner cleverly pointed out that the room was filled with a bunch of fringe fanatics, I was immediately transported back in time to my first Libertarian Party convention. One speaker expounded the ideas of "Jews for the Preservation of Firearm Ownership." The doors were open and passersby would stop to listen, but not enter the room. Each time that would happen, the speaker would say "militia" into the microphone, which usually caused the passerby to flee. Another speaker, Irwin Schiff, passionately made his case for why citizens are not obligated to pay federal income taxes. For pushing this case, Schiff is, of course, now residing in the Terre Haute Federal Correctional Institution at the tender age of 82. Finally, Bill Baird spoke on birth control and asked us all to join him in an attempt to get arrested by protesting in the streets. Protesting what? Nothing in particular, but Baird did mention that he needed a place to stay that night and he, too, considered prison a viable option. The room was filled with characters who would have been most at home in a comic book store. It was the best convention I ever attended.

But to return to Beck's book. We hear two speeches from characters who will play important roles in the story. One, Molly's mother, leads a (fictional) group called Founders' Keepers. The second runs an internet website called "Overthrow," which (guess what?) promotes radical change. We learn that he is Molly's former lover. Needless to say, he and Noah do not hit it off.

Given Noah's public relations acumen, it appeared that the story might be going in a useful direction. It would show libertarians how to craft messages that would be more likely to achieve public approval, moving the Overton Window so as to make libertarianism a politically acceptable choice.

Instead, we learn that a cabal of wealthy and powerful people is plotting to take over the world by shifting the Overton Window toward public acceptance of a totalitarian world run by wealthy and powerful people. I wouldn't want to spoil the ending for you, but Beck telegraphs this plotline by page 25.

And that's the biggest problem with the book: its cover claims it as "A Thriller," but it's not a thrilling book. Not only are the characters shallow, but there aren't many plot twists, and the action is minimal. The story is tightly wound; there are not a lot of superfluous characters. And while both Molly's mother and Molly's former lover play key roles, they meet with predictable endings.

There are some redeeming qualities that may be of interest to Liberty readers. Throughout the book, Beck intersperses facts that are meant to remind people of real world events that might foreshadow a new, but not better, global order. He even devotes an Afterword to providing sources and links for further reading. And his general approach is sympathetic to individual freedom; its protagonists are the heroes of his tale.

I liked Beck's nods to some of my own favorite stories. For instance, Founders' Keepers are a direct takeoff from Ray Bradbury's "Fahrenheit 451," in which the protagonist joins a group whose members have committed themselves to memorizing the classics in order to preserve them in an era in which books are being burned. In Beck's novel, the members each memorize a classic pamphlet, tract, or book from the American revolutionary period — in short, someone memorizes Thomas Paine, someone memorizes Thomas Jefferson, someone memorizes James Madison, etc., in case the powers that be destroy all current literature, and society must be started anew. Also, the movie "Ocean's Twelve" figures rather prominently in one of the story lines.

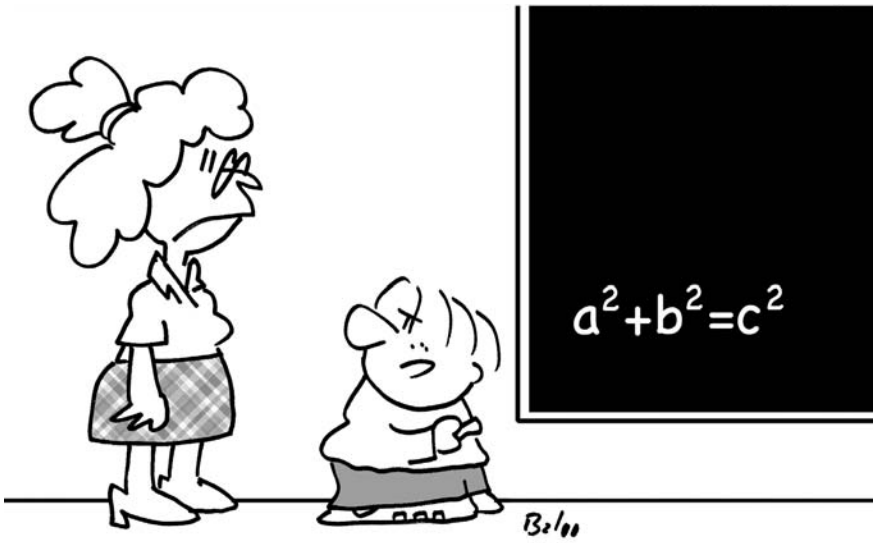

"Are you sure you're not just making this stuff up?"

But such occasional evidence of intelligence simply emphasizes, by contrast, Beck's lack of creativity and writing acumen. His inattention to detail refuses to allow the reader to suspend disbelief. For example, the story mentions an upcoming presidential election, but it appears to be set in 2010. And Beck's partisanship is annoying. His characters emphasize the idea that both major parties are unfriendly to individual freedom, but the Republicans get a free pass in this story, whereas popular Democrats become easy targets. Bill Clinton is identified as a past client of Gardner's public relations firm. Hillary and Bill are given some good natured ribbing, but Bill is described as particularly ruthless when faced with political opposition. Eliot Spitzer makes a cameo in predictable fashion, and the plot centers on a fictional attack on the federal building in the district of Harry Reid. It would seem that if any author wanted to create a plot featuring a new world order developed by a wealthy and powerful elite, the Bush clan would figure prominently; yet they are never alluded to or mentioned by name.

Conspiracy stories have been told many times before, and this book will remind some readers of a poorly written "X-Files" episode. Indeed, conspiracy theorists will probably be disappointed because the book covers no new ground for them. Libertarians will be disappointed because the book provides no insights, after all, about how they might move toward more public acceptance. And people who don't like Glenn Beck aren't going to read the book anyway.

Joe Overton deserved better. ❑

"Off the Grid: Inside the Movement for More Space, Less Government, and True Independence in Modern America," by Nick Rosen. Penguin, 2010, 304 pages.

Away From It All

Bruce Ramsey

As a boy, I had a fantasy of living off the land. It was an unformed idea, a mixture of Huckleberry Finn and making camps in the woods, and I never got far with it. I had a friend who held on to it longer, because his dad was planning to move to Alaska and live off the sea. His dad did it, too; he went to live on an island near Ketchikan, leaving his wife and kids, including my friend, back in the suburbs of Seattle.

It seemed a lonely thing to do.

At the university I met a libertarian who was living in squalor, smoking dope and living on pizza. His enthusiasm of the moment was to create a self-sufficient farm. He had never lived on a farm and knew nothing about it. He didn't even have a garden, and I thought if he wouldn't get off his butt to sweep the mat of dust under his furniture he wouldn't make it as a farmer. Even then I knew that self-sufficiency means work.

Some folks have done it. For water, they have rainwater tanks, wells, or a handy creek. For power, they have solar panels, windmills, diesel generators, or car batteries. For heat they have wood. For waste they have an outhouse or a composting toilet.

I can imagine the satisfaction of unplugging from the electric utility and turning on my own power. Independence! I remember the day I began telephone service over my internet cable and cut the wire that connected me to the telephone monopoly. It felt good, though it was only swapping one connection for another. What if I had moved *off the grid*?

In his new book by that name, journalist Nick Rosen (www.off-grid.net) sets out to find off-the-gridders and tell their stories. He has sympathy for them; he is attracted to ideas of radical simplification, and as he seeks out interview subjects he keeps an eye out for land for himself. Rosen is British, but he cannot do this in his home country: "In all areas of the UK, one simply cannot get permission to so much as pull a trailer onto a lot, never mind to reside there full-time in it."

In America you can do that, in some places. The places Rosen visits tend to remoteness — Maine, west Texas, New Mexico, Colorado, and the redwood country of northwestern California.

Much of the book is about reasons and motives. Rosen himself is an anti-corporate green who detests "the hyper-consumption of the past 30 years" and people's dependence on corporations and the state. "I want neighbors who solve their problems themselves instead of calling the police or county commissioners about every little thing," he writes.

He is emphatically not a communeist. He visits a commune in Maine, and the people are stuck in a meeting. "I must confess my heart sank. . . . Much as we may all rail against the impersonal State, to which we hand over so much of our individual power, the alternative requires that we exercise that power ourselves, and in a responsible way." In a commune, that means meetings and voting and rules. "I am not into cleaning schedules, interminable meetings and the need to reach a consensus with others about every aspect of my life. . . . I don't want to join a social experiment." He just wants to decouple.

Most of his subjects are "pro-market, pro-environment and pro-freedom, and merely want to live a decent life, free of debt, free of utility bills, growing some of their own food, and making a living according to whatever skills they have."

He sets out to find them.

Some are only part-time off-gridders. One is Denise, who works in Manhattan

as a tattoo artist, living in a tiny room. In her off time, she retreats to her ten acres in Connecticut, where she has a cabin and a treehouse in the woods along a river. Why has she bought the land? "Freedom," she tells Rosen. "Privacy. I want as little government involvement in my life as possible, and that sounds like a really Republican thing to say, but it's not. I've been trying to make a life where I can disengage from corporate and government serfdom as much as possible." "Serfdom" strongly suggests Friedrich Hayek's "The Road to Serfdom," but Rosen doesn't pick up that thread. He does say that this was "one of the most political statements" he heard. It is also one of the more rational.

Another subject is Jim, 50, a Ron Paul voter who moved out of Brooklyn to upstate New York. Jim is a scrounger whose life, Rosen says on his web page, "is dedicated to not paying the market price for anything." Jim has built his house from bricks of "papercrete," which is made of sludge from the local paper mill and 20% masonry cement. Jim worries about a societal "spiraling down" to collapse. He has stashed away a year's worth of rice, barley, and oats, and has plans to convert his car to fuel he can grow. He tells Rosen he "feels increasingly aligned with the Amish."

One of Rosen's subjects is Amon, an Old Mennonite who uses horses to power machines designed for electricity. Another is Jassen, a Colorado libertarian who lives out of his car. Rosen respects the Mennonite for his achievements but dislikes his clannishness. The car-dweller's lifestyle, he writes, "feels exciting to me, albeit slightly artificial."

Rosen puts much of himself into his book, which could be annoying but isn't. He is critical of his subjects but leaves the final judgment to the reader. At bottom, he is a reporter and writer, and lets the ills show through, along with the zeal.

Consider Carolyn Chute and her husband Michael, of Parsonsfield, Maine. Chute is the author of the novel, "The School on Heart's Content Road." It was reviewed in The New York Times, Nov. 21, 2008, which carried a photo of Carolyn and Michael dressed in country rustic and proudly carrying guns. The Times reviewer seems put off by the weaponry but likes the novel. She calls it a "depiction of contemporary American poverty: of the slow, relentless grind of never quite having enough."

Rosen visits the author and finds that the poverty she portrays is her own. Carolyn got no care during a pregnancy, and her baby died. She and Michael decided not to try for another child because "it's a mean world." Now they are getting old and will need looking after. They don't want to sell and are considering doing a deal with the Maine commune previously mentioned: in exchange for care, the commies can inherit her land. But there are more risks in this than in a simple capitalist sale.

Then there are Daniel and Kirstin, "urban homesteaders" in Springfield, Massachusetts, who live in a city house they have taken off the grid. They have no car and no TV. They eat mainly homegrown food, light their house with candles, and heat with wood. In the winter, they are cutting and hauling wood all the time. They don't have health insurance, life insurance, or a pension plan.

"Because of their purposely low income," Rosen says, "Daniel and Kristin know they will never put their kids through college. They have thought it through and are happy they are not subscribing to that particular con."

Will their daughter, 14, or their son, 6, ultimately appreciate this? Daniel and Kirstin are homeschooling them, sort of. The kids are learning by doing. As they teach their daughter to follow a recipe, they ask her to double it, "so math is incorporated as well."

Maybe college won't be an issue.

Reading stories like this, I ask: is this worth it? Bob and Wretha retreated to the Texas hills to be away from regulations and rules. Bob says, "I like being able to build what you want without having to get permission from Nanny." That's swell, but they live in a shack among "a mess of old appliances, salvaged lumber, and other junk," and they eat nothing but canned and dried food.

It is a lifestyle issue — but also an intellectual issue, an issue of consistency, if you care about that sort of thing. The rule that off-gridders are trying to follow is to be disconnected not just from the state and the regulated utility grid but also from the *economic* grid of global capitalism. And they can't do that.

Here is Melinda in Big Bend, Texas. She is off the utility grid — but she makes a living by doing research on a laptop, connected to the internet through the Wild Blue satellite service at $60 a month. She powers her laptop with a diesel generator. I draw a parallel to myself. I heat my house in Seattle with natural gas, which is piped from Alberta. I am *on the grid*. If I switched to fuel oil, as Melinda has switched to diesel, would I be in that respect *off* the grid? In the way Rosen uses the term, I would. But in my view, the fact that my fuel would come by truck rather than by pipe is not important. I am still on the economic grid, and so is Melinda.

Carolyn and Michael in Maine are living on the royalties from Carolyn's novels, which have been promoted by The New York Times. Is that being off the grid? Is the actor who makes a living in Hollywood and has a million-dollar house in the Rockies with its own power plant off the grid? His house may be disconnected from municipal water and power, but is that what matters? A Hollywood actor making a living from global film royalties is not *off the grid*.

And how about the scavenger? He is scavenging the castoffs of global capitalism. If mass consumerism weren't creating all this wonderful throwaway stuff, scavenging wouldn't pay.

Rosen recognizes this. He asks: is it a fatal flaw? "I don't think so," he says. "There will be avid consumers for years to come."

Surely he is right about that. But there will also be water and power companies for years to come.

The urban homesteaders, Daniel and Kirstin, are more fastidious. They refuse to scavenge or patronize thrift stores, because such acts are connections to global capitalism. Rosen remarks: "I am not sure if I agree with his logic, because if you take it all the way, if Daniel is seriously committed to severing his dependence on the global economy, shouldn't he have built his house himself?"

That's right. And if Rosen had refused to use petroleum-fueled vehicles and a laptop computer while researching this book, and had, instead, pedaled a bicycle from Maine to California and

taken his notes with a pencil — well then, where would the bicycle and the pencil have come from? As anyone who has read Leonard Read's famous essay, "I, Pencil," can attest, even a pencil is tied to the vast, encompassing network of world trade.

Rosen's answer is not to demand consistency, either of his subjects or of himself. And it is a sensible answer. Off-griddism is not an idea you can pursue consistently while living a modern life. Rosen couldn't make a living off this book if he refused to fly and rent cars and use a cellphone and a computer. So he does those things. He lives with the uncomfortable fact that his anticorporate book is published by Penguin, which is owned by Pearson plc, a London-based multinational corporation that also owns the Financial Times. And I don't complain either; but I do point it out. His ideas can be pursued only so far, beyond which lie the nuts.

And there are some of them in his book. My favorite is the dogged fellow who, after consuming a plate of food, picked up the plate and licked it "clean." "No doubt it saved both energy and water," Rosen comments, "but I'd never seen anyone do that before."

If Rosen were a fanatic, he wouldn't have reported that. But he does. He tells you what he sees. When he visits a "tent city" encampment in Sacramento, he does not push the lefty line about victims cast off by global capitalism. They are not. Some are in an illegal drug business. Some are "professional homeless" living in tents "for political reasons." Some are men sporadically working and saving their money by not paying rent. "The residents I spoke to were not people who had recently lost their stable homes and stable jobs."

I like Rosen. I like his honesty. I like the clarity of his writing. He brings an attitude, and I don't always agree with it, but I smiled when he called Boulder, Colorado, "the smuggest town in America," because it's full of government workers piously "buying organic veggies and recycling their wine bottles." Rosen has written a fun book, and one that libertarians will want to read.

As for his theory about our being subordinated to the economic machine — he has a point. We work, we are paid, and we lock ourselves in with what we buy. Detaching oneself does create a kind of freedom. But detach from what? I can understand detaching from an employer and working for yourself. I haven't done it, but I respect it. It is a capitalist right. I can understand turning off network TV; I have done that for most of my life. Finally, I can understand a revulsion against the culture of compulsive shopping. My parents, who married during the Depression, taught me to moderate my wants, and I thank them for it. But detach myself from municipal water and electricity? No.

I have detached myself from something much more important. Though my house is connected to water, sewer, electricity, gas, TV, telephone, internet, mail delivery, garbage pickup, and, through the property tax, the state, it is not connected to the bank. The heaviest load of all was the mortgage, and it is gone. The others I can live with. ❑

"Atlas Shrugged," directed by Paul Johansson. Strike Productions, unfinished.

Galt's Glitch

Jo Ann Skousen

Who is John Galt? Apparently he is not going to be Brad Pitt. After waiting nearly half a century for the perfect script, perfect cast, and perfect director, fans of "Atlas Shrugged" may now be asking "Who is Paul Johansson?" when they hear the news that this little known television actor has been tapped to star in and direct Ayn Rand's 1,200 page magnum opus. Like it or not, it's a done deal: filming began June 13, and it wrapped five weeks later.

Taylor Schilling, whose only credits include an indie film that didn't make it into wide release and a role on the canceled TV show, "Mercy," will play Dagny Taggart. Grant Bowler, who plays Henry Rearden, has appeared in films with names like "The Killer Elite," "True Blood," and "They Bleed on Both Sides." Johansson, who will direct and play John Galt, is another TV lightweight, whose credits include a long list of minor roles in minor TV shows and occasional movies over the past 20 years; his biggest film was "The Notebook," but he played "Allie's Mom's ex-boyfriend" for heaven's sake! Johansson's directing experience is limited to a few episodes of the cable show "One Tree Hill" and a couple of made-for-TV movies, one of which, to be fair — an after-school special called "The Incredible Mrs. Ritchie" — won two Daytime Emmys for writing and directing. These credentials are not very encouraging for a film that has been 50 years in the making.

What gives? Atlas has shrugged numerous times as this novel has made its fitful way to the screen. In 1972 Rand was approached by Albert S. Ruddy, who was riding high on the success of "The Godfather" (1972), to adapt her novel for the big screen. But when, as one might expect, Rand insisted on maintaining final approval of the script, Ruddy withdrew his offer. Six years later, when miniseries were all the rage, Henry and Michael Jaffe suggested an eight-week television deal with NBC (probably the best format for such a long and intricate plot), and this time Rand approved the script. But before production could begin, leadership at NBC changed hands, and new honcho Fred Silverman cancelled the deal.

Rand then called on her own skills as screenwriter (in the 1940s, she had written several scripts for Hollywood, including the adaptation of her novel "The Fountainhead") and started writing an adaptation of "Atlas." How far she got is unclear, but it is certain that when she died in 1982 it was much less than half finished. Leonard Peikoff, who inherited her estate, then optioned the book to Michael Jaffe, who was still interested in producing a cinematic version. But Peikoff would not approve Jaffe's script — exit Jaffe. Finally, in 1992, Peikoff sold the rights to John Aglialoro. Who is John A? He's CEO of Cybex, a company that manufactures and sells high-end treadmills and gym equipment — not the best credentials for producing a movie. Nevertheless, for a cool million dollars, Aglialoro was awarded full creative control.

Once again Albert S. Ruddy entered the picture, this time with plans to produce a four-part series for TNT. This was a great idea, and probably had the best chance for success in adapting Rand's story and philosophy to the screen. But once again the deal was cancelled, this time because TNT merged with AOL Warner. From there Aglialoro passed the project through a series of promising writers and producers, with big name actors like Russell Crowe, Charlize Theron, Julia Roberts, and the Brangelina darlings demonstrating interest in the major roles. Every time, Atlas shrugged, and the deals fell through. Recently the novel has enjoyed a new surge of popularity among young audiences who thrilled at Rand's ideas about personal liberty. The economic downturn of 2008 and the government's unpopular means of dealing with it — means similar in some respects to those used by the villains in "Atlas" — may also have played a part. Like the bachelor whose expectations for Miss Right increase the longer he waits, fans began to imagine the impossible from the anticipated movie version of "Atlas Shrugged." After all this time, nothing less than perfection would do. And for a while, it looked as if a match made on Olympus might come down to earth.

In 2008 Aglialoro told "The Atlasphere" that he intended to make the entire film in one two-and-a-half-hour film. At the time, Lionsgate, one of the biggest names in independent film production, was involved, as were the Baldwins (Howard and Karen, not Alec, Billy, and Stephen) of Baldwin Entertainment Group, who produced "Ray" and "Sahara." Russell Crowe and Angelina Jolie were close to signing contracts, and the project had a budget of $70 million.

Then suddenly, after nurturing and protecting the film for so many years, Aglialoro jumped into production, co-writing the script in May with Brian Patrick O'Toole in order to begin production on June 13. Yes, in May. After courting and rejecting perhaps dozens of potential screenwriters over the course of nearly two decades, he decided to do it himself in a single month. Now, it's true that Handel wrote "The Messiah" in less than four weeks, so it's possible that this script is fabulous. But I have my doubts, especially when one considers O'Toole's body of work: he has written or produced several horror films you've probably never heard of ("Necropolitan," "Evilution," "Basement Jack"), and little else. This may explain why so many of the cast have appeared in slasher films.

What was the rush? Some have suggested that this is just a quickie production (I hesitate to use the word "sham"), designed to protect the option rights while buying some more time. Aglialoro's option was due to expire June 15. He had to begin production, or the rights would revert back to Rand's estate, and his million dollar investment would be lost. There was no time left to bicker over the script, negotiate with actors' agents, or scout around for locations. It was now or never.

The current production, however, is reported as the first of a quadrilogy, and the budget is estimated at a mere $5 million — that's the price of a little indie flick, not a major motion picture backed by a studio. Even if, as friends of the movie say, the budget may be three or four times higher, and money was saved by not hiring enormous stars, that's still very little money for a film of epic scope involving enormous industries and continent-wide action. In fact, as far as I can tell there is no longer an outside production studio attached to the project. Strike Productions is the only company credit listed on IMDB, and "Atlas Shrugged" is Strike Productions' only project to date. ("The Strike" was an early title for Rand's book.)

All of this seems to point to a desperation play to buy time before the rights ran out. It's quite possible that Aglialoro is continuing to look for the perfect screenplay and the perfect cast, even while this version is being filmed. With any luck, the first installment could end up on the cutting room shelf, altruistically sacrificing itself for the greater good, while Atlas turns his head and shrugs once more. Episode two could be the only one to achieve wide release. One can only hope for the best. But if Ayn Rand still exists in some dimension where rolling over is possible, I can imagine that she must be wanting to come back and torch the whole project. Prometheus Enraged. ❑

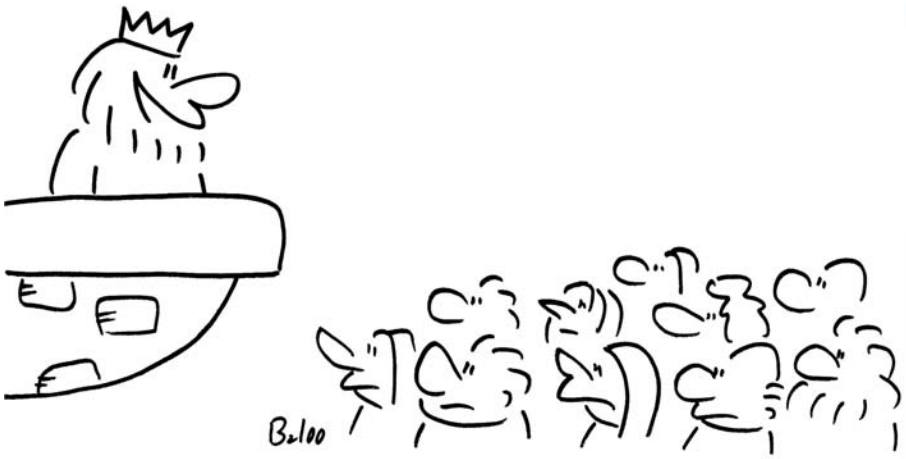

"It's not a crusade, you sillies! — I just want to maintain a *presence* in the Middle East."

"Salt," directed by Philip Noyce. Columbia Pictures, 2010, 99 minutes.

Saline Dissolution

Jo Ann Skousen

It's always fun when Angelina Jolie makes a new movie. I just love to trash her. Her self-righteous celebrity overshadows any chance of nuanced acting. It's impossible to separate her celebrity from her characters, or to think of her as anyone but Angelina Jolie. Yet she brazens on, dividing her time between "serious" "Oscar-worthy" performances and fluffy popcorn flicks such as this one, with an acting style at least as large and twice as broad as her ego.

There's a reason she keeps reverting back to action movies — she has the appearance, appeal, and intellectual capacity of a comic book character. But there's a market out there for comic book heroes, and there will always be a market for Angie. Just ask her.

The advertising campaign for "Salt," her latest film, is more mysterious than the film itself. It focuses mostly on Jolie's face and the question, "Who is Salt?" One can't help but make the connection with "Who is John Galt?" and Jolie's failed attempt to play Dagny Taggart in "Atlas Shrugged." Not that Taylor Schilling, whose acting accomplishments are hardly noteworthy, is likely to be much better than Jolie would have been in "Atlas." I may actually find myself yearning for Jolie when that film comes out.

But let's get back to "Who is Salt?" As the film opens we find that Salt is a CIA agent in a North Korean prison, being tortured in a lovely and seductive matching floral bra and panties ensemble. I don't mean that wearing the lingerie itself is torture; she's bloodied and beaten in the scene. But come on, does Jolie want to be seen as a serious spy in this film, or as a misplaced Victoria's Secret model?

Later, after she is rescued from North Korea, returns to Washington, and is accused of being a Russian mole, she quickly removes her black lace panties and uses them to cover a surveillance camera so her accusers can't see which way she is going. Wouldn't it have made more sense to cover it with one of the high-heeled shoes that she removes at the same time, so she can run faster? That black lace thong looked mighty peekaboo.

Speaking of running — shouldn't a spy who is able to leap from tall buildings with a single bound, fly through the air to land on a series of moving vehicles, and knock a policeman through an armored car door with a single shove of her shoulder, be able to run across the street without looking like a schoolgirl running to first base in gym class? Oh right — she isn't wearing any panties in this scene. Better keep the knees low. Regardless, Jolie should have buffed up a little for the role, and she certainly should have learned how to pick up her knees when she's running for her life. Later in the film, when the CGI magic kicks in and the stunt double takes over (beware when actors don caps and coats!), the action picks up. But the point is, director Philip Noyce seems not to have been able to decide how best to use his high-profile star — whether to make "Salt" a soft-porn froth or a high-action thriller. Evidently he opted for both.

So just who is Salt? She is a CIA agent accused of being a "K-A" (whatever that stands for), one of several children supposedly chosen and trained in Russia to infiltrate the United States, bide their time, and become killing machines when ordered to stir up trouble. Is she a K-A, or is she wrongly accused? We're not supposed to know her true motives or her true identity, but they're pretty easy to figure out within the first 15 minutes of the film, especially when she starts shooting up St. Patrick's Cathedral.

The film implies that "Lee Harvey Oswald" was a "K-A" who pulled the old switcheroo when the real Oswald was in Russia, where he assumed his identity in order to assassinate John F. Kennedy. Interesting idea — but that was 45 years ago. The Cold War is over! If the plot were changed to something about Arab jihadists, we might have had a timely film at least. But that might also have offended a few terrorists. And it certainly would have required a different set of actors.

The movie is mostly standard shoot 'em up fare, and a series of entertaining, if outlandish, action scenes. Most action thrillers today resemble video games, short on plot and long on body count, with protagonists shooting people indiscriminately around every corner. They make me long for the unwritten code of the Golden Age of film, when audiences' sensibilities required a certain standard of honor and morality from the hero. The heroic Sergeant Ryan (Frank Sinatra) had to die at the end of "Von Ryan's Express" (1965), to atone for the fact that he had killed a woman, even though his reason for killing her was justifiable. Heroes just didn't do those things. We've lost the shock, the shame, and the impact of killing.

Moreover, how many times over the past decade have we seen the likes of Bruce Willis and Tom Cruise leaping onto moving trucks, landing on airplane wings, and weaving in and out of oncoming traffic on hijacked motorcycles? It isn't as breathtaking as it used to be. Still, I suppose it's different to see a woman doing it.

"Salt" has a few interesting, if predictable, twists and turns, cleverly emphasized by Salt's clothes. After the initial rosebud bra and panties ensemble, she is costumed in various gray outfits, indicating the ambiguity of her character — neither black nor white,

but sometimes both. Her name also signifies her character; it's a throwback to the Cold War and its Strategic Arms Limitation Talks (SALT). But if you're looking for an engrossing mystery with an exciting "Aha!" moment, this is not it. We know who Salt is. We're not even very surprised by what she does. Unfortunately, a little bit of Salt goes a long, long way. I feel my blood pressure rising — and it isn't from the popcorn. ❑

"Inception," directed by Christopher Nolan. Syncopy-Warner Brothers, 2010, 148 minutes.

Thriller for the Thinker

Jo Ann Skousen

"Inception" is one of the most complex and intelligent films to come along in quite a while. On one level it is an intense and fascinating thriller, full of entertaining chase scenes and story twists. But on a much deeper level it examines our perception of reality and how beliefs are formed. How can we know anything for sure? "You keep telling yourself what you know," one character says, "but what do you believe? What do you feel?" Ultimately it requires a leap of faith, as several characters urge the protagonist to take throughout this film.

The conflict between knowing and believing forms the philosophical foundation of the film. The word "inception" refers to the planting of an idea in another person's mind in such a way that the person believes it to be true. "Once an idea has taken hold in the brain, it is almost impossible to eradicate," the protagonist, Dom Cobb (Leonardo DiCaprio) explains to a student intern (Ellen Page). "An idea is like a virus, resilient and contagious." This concept can have chilling implications when one thinks of the power that parents, teachers, priests, politicians, scientists, and celebrities have over the minds of those who look up to them. But it can also provide direction and hope for libertarians, for example, who want their ideas about liberty to become resilient and contagious in the minds of friends, family, and coworkers.

Libertarians can also learn from Cobb's declaration that "positive emotion is more powerful than negative emotion. The brain yearns for reconciliation." If we want to infect others with ideas of liberty, we must offer them more than a straw man to vote against. Al Gore could not win with his "Anyone but Bush" campaign, nor can conservatives and libertarians win with "Anyone but Obama" or "Anyone but Reid." Such oppositional tactics just breed resentment. We must seek reconciliation by offering ideas that resonate with truth.

Philosophy aside, "Inception" is an engaging, fast-paced visit to a futuristic world where neuropsychologists have learned how to enter people's subconscious minds through their dreams. Multiple people can enter the same dream, and "architects" are able to construct dream scenarios. To protect themselves and their secrets from mind control infiltration, people can be trained to create "security guards" inside their dreams to fight off the intruders. The resulting film resembles a high-tech video game that takes place inside the mind.

Like all good science fiction writers, writer-director Christopher Nolan provides rules that control the imaginary world he has created. For example, everyone knows that you can't die in a dream; you simply wake up. In Nolan's world, however, if a dreamer dies while sedated, he enters a state of limbo that appears to last for decades, "turning his brain into scrambled eggs." The danger of this happening allows the audience to worry about the safety of the protagonists, even when they are maneuvering through an imaginary dreamland. Another rule, Cobb explains, is that "in a dream you can cheat architecture to create impossible rooms, infinite loops and paradoxes." Nolan's rules also allow the viewer to accept sudden, exciting occurrences, such as a runaway freight train appearing in the middle of the street, or a city folding over on top of itself.

The plot of the film is both deliciously complicated and surprisingly unimportant. Cobb is a rogue dream architect hired by Saito (Ken Watanabe), a Japanese businessman, to plant an idea that will be profitable to Saito's company in the subconscious mind of another businessman, Robert Fischer, Jr. (Cillian Murphy). And since Fischer is about to inherit a conglomerate that will control all the energy in the world, we are manipulated to view Saito as a sympathetic hero even though he is invading an innocent man's mind.

To plant the idea, Cobb creates a dream with several layers of dreams within dreams — a dream that requires heavy sedation and thus, according to the "rules," is inherently unstable and dangerous to the dream infiltrators. Cobb employs a team of inception experts, played by some of the finest actors in the business doing their finest work — Joseph Gordon-Levitt as Arthur, the cool and resourceful sleep facilitator; Tom Hardy as Eams, the wry, wisecracking forger; Cillian Murphy as Fischer, the "mark" in whose mind they must plant the idea; Tom Berenger as the mark's "projection"; Ellen Page as the young, naive dream architect; and Marion Cotillard as Mal, Cobb's demon wife, who projects herself into his dreams and does her best to sabotage his jobs.

The real stars of the film, however, are the director, Christopher Nolan, and his wife, producer Emma Thomas, who spent ten years writing the script

and figuring out a way to put it on film. Unlike James Cameron ("Avatar") and George Lucas (Industrial Light and Magic), who seem to think, "Here's a cool computer technique, I wonder how I can use it in a film?", Nolan seems to have thought, "Here's an idea I want to convey — I wonder how I can portray it onscreen?" Nolan uses many amazing new film tricks, but he uses them to tell his story, instead of using the story to show off his cool movie-making techniques.

The result is a mind-boggling experience — from the Escher-like paradoxes demonstrated by the dream architect, to the collapsing dreamscapes that occur when the dreamer's conscious mind begins to intrude as the dreamer wakes up, to the hyper-emotional moments portrayed in the exchanges between Cobb and Mal. Particularly exciting is the story line that takes place in the middle layer of the dreams-within-dreams, when the characters experience weightlessness during a fast-paced fight scene. Part of this action was filmed in a rotating room, using a technique similar to that used by Fred Astaire when he danced on the ceiling in "Royal Wedding" (1951). Another part of it seems to have been filmed in the "vomit comet" used by astronauts to simulate weightlessness. (Ron Howard used such a device in "Apollo 13" [1995].)

The weightless scenes are simply thrilling. Grappling for a gun without gravity to ground them, the characters are thrown from ceiling to floor, and floor to wall . . . it's irresistibly involving. Gordon-Levitt's willingness to bang into walls and furniture and drop from rotating ceilings and floors to make a scene happen reminds me of the golden age of stunt acting, when Steve McQueen and other good actors eschewed the safety of a stunt double or a green screen and literally threw themselves into their roles.

Even after the film is over and the conversations begin, we never know quite what to think of Cobb. Is he a hero, determined to return to his family no matter what the cost? Or is he a self-absorbed man so addicted to his work and his mind games that he cannot tell what is real and what is imaginary? At one point he leans out a window to see his wife sitting on the ledge of a building across from him. Behind her is the room he is standing in — a logical impossibility, yet there it is. He urges her to come back inside the room behind him. Is he dreaming? Is he crazy? We never know for sure.

More importantly, Nolan challenges us to examine the root of our own beliefs, even as he entertains us with an action packed thriller. Are we, like many of the characters in this film, so certain of what we believe that we cannot see what is true? Nolan uses both inception and deception to plant his multitude of clues, but he leaves it to the audience to decide what we know, what we believe, and what we feel is real about the film, and about ourselves.

Hans Zimmer's brilliant musical score drives the emotional effect of the film, especially as the four layers of dream stories come together in the climax, much as four layers of history stories came together in the climax of D.W. Griffith's seminal "Intolerance." Zimmer isn't as well known as Danny Elfman and John Williams, but his body of work spans nearly three decades and is just as important. He has been nominated for eight Oscars, honoring scores for movies as diverse as "Gladiator" (2001), "The Thin Red Line" (1999), "The Preacher's Wife" (1997), and "Rain Man" (1989). He won an Oscar for his scoring of "The Lion King" (1994). "Inception" could easily provide his next Oscar.

Christopher Nolan has made a name for himself as a director of films about altered states of reality. His films are taut, exciting, and intellectually satisfying. "Memento" (2000), about a man with short-term memory loss (Guy Pearce), has one of the most memorable chase scenes I've ever seen, as the protagonist realizes he's running but can't remember whether he is the pursuer or the pursued. "Insomnia" (2002) is a murder mystery in which the detective (Al Pacino) begins to question his perception of reality when Arctic summer leads to sleep deprivation. "The Prestige" (2006) is one of the coolest magic tricks ever set to film. "Inception" is Nolan's best movie so far — but I hope it is not the best movie he will ever make. I can't wait to see what he does next. ❑

"Micmacs," directed by Jean-Pierre Jeunet. Epithete Films-Warner Brothers, 2009, 105 minutes.

Fun and French

Jo Ann Skousen

"Micmacs" is the latest film from the whimsical and often surreal imagination of Jean-Pierre Jeunet ("Amelie," "A Very Long Engagement," "Delicatessen"). Jeunet likes to explore the idea of how fate and coincidence control our lives, so his films often show how big events can be traced back to small occurrences.

"Micmacs" opens in the Sahara, where a group of soldiers is standing around watching one of their men try to disarm a landmine. Unfortunately he fails and is blown up. The news of his death sends his grieving wife to a sanatorium, where we never see her again, and his young son, Bazil, to a Catholic boarding school, where he is terrorized by the nuns. Years later, while working at a video store, Bazil (Dany Boon) is shot in the forehead by a gun that falls from a speeding car as he stands inside the shop. Debating whether to remove the bullet or leave it where it is, the doctor decides by literally flipping a coin,

and the bullet remains.

While he is in the hospital, Bazil loses his job to a pretty young girl, and he drifts around the city for a while. His experiences are punctuated by several Chaplinesque scenes of homelessness reminscent of the silent era of films, when sorrow was often tinged with comedy. Eventually he meets up with a group of mismatched junk dealers who live together as a quasi-family in a cavernous workshop built inside the scrap heap. Each of these strange characters has an unusual interest or talent. One is a contortionist; another can precisely calculate sizes and distances; yet another holds the Guinness record for distance shot from a cannon. They all look as if they'd run away from the circus. Bazil fits right in.

Through another series of coincidences Bazil discovers the identities of the manufacturers of both the landmine that killed his father and the bullet that hit him in the head. One is a greedy warmonger with a passion for antique cars. The other is a greedy munitions dealer who collects random body parts from historic figures such as Hitler, Churchill, Mussolini, and even Marilyn Monroe. Bazil devises a plan to gain revenge against both men and enlists his newfound friends to help him carry it out. The result is a delightfully unpredictable sting operation full of amusing characters and unexpected gags.

"Micmacs" is not as good as Jeunet's previous films, but fans of his style of cinematography and storytelling will certainly enjoy it. At times he lets his cinematic tricks and techniques overshadow the story, and his characters are often too cartoonish to evoke any true emotional connection. But his background details are delightful. Watch for the unusual gadgets designed by the junk dealers, for example, and the movie posters for "Micmacs" that appear on billboards during the chase scenes. Take a break from the big-budget action films, formulaic romantic comedies, and raunchy teen comedies of summer to enjoy this delightful little French pastry of a film. ❑

Seeds of Liberty, *from page 30*

economics at San Jose State University, and Lawrence Reed of FEE. Present-day trustees of the Atlas Society include Robert Poole and Frank Bubb, former Missouri YAF state chairman.

Belief in free-market economics and a respect for entrepreneurship led a number of YAF alumni to careers teaching business and economics. James Gwartney was Washington YAF state chairman while in graduate school at the University of Washington in the early '60s and since 1968 has been on the faculty at Florida State University. He is the co-author of "Economics: Private and Public Choice," a widely used textbook, now in its 12th edition. Warren Coats, one-time Hawaii YAF state chairman, taught at the University of Virginia, the University of Hawaii, and George Mason University. He is now working on the rehabilitation of the money and banking systems of Afghanistan and Iraq and is a director of the Cayman Islands Monetary Authority. H.E. (Ted) Frech was Missouri YAF state chairman and is now a professor of economics at the University of California, Santa Barbara.

From this brief review of the careers of a limited number of individuals who were active members in the 1960s and '70s it is clear that Young Americans for Freedom played an important part in the recruitment, education, training, and motivation of many people who helped to develop a libertarian movement in the United States.

During the half-century since the birth of YAF, the political and social environment has changed dramatically. There is no longer any one youth organization bringing together students and young adults on the Right. YAF continued training and educating young people, nearly dying out in the mid-1990s but it has had a rebirth of sorts in 2010, once again publishing the New Guard magazine. Today there are several other campus-oriented organizations, including Students for Liberty and Young Americans for Liberty as well as Young America's Foundation, a nonprofit that grew out of YAF and is led by YAF alumni. In addition, there is a multitude of thinktanks, publications, and organizations representative of various aspects of contemporary libertarianism.

This is a world that did not exist in the 1960s and early '70s. A hundred flowers have blossomed, but the seeds of those flowers can be traced in many ways to one organization, Young Americans for Freedom, and its founding at Sharon, Connecticut, 50 years ago. ❑

Letters, *from page 8*

his Maricopa County department were, according to the Phoenix New Times, named in some 2,700 lawsuits from 2004–7. That's 50 times more than the departments of New York City, Los Angeles, Chicago, and Houston combined, at a cost of more than $40 million to his county. Of course, some of those lawsuits related not to arrests, but to the acts of torture, wrongful deaths, and murders commonplace in Maricopa County's jails. Mr. Delacroix opines that "prison should not be fun or comfortable." Neither Arpaio's routine use of hog-tying and asphyxiation, nor his habit of webcasting female prisoners using the toilet are fun or comfortable for the prisoners; are they therefore within Mr. Delacroix's preferred parameters of prisoner care? Bear in mind that many of the prisoners in question have committed no offense more severe than crossing a line on the ground; indeed, in his rush to round up every undocumented immigrant in his bailiwick, Arpaio shows little concern about the potentially dangerous felons whose warrants he leaves unserved while devoting resources instead to his desperate need for camera time. Perhaps that's why violent crime, which since 2002 has declined 12% statewide, has in Maricopa County instead increased by 58%.

Under greater scrutiny, the points Mr. Delacroix chalks up for Sheriff Joe seem not so favorable. The popularity of the female chain-gangs? That was thanks to Arpaio's policy of refusing all privileges such as canteen access or reading material except to those who would "volunteer" for the shackles. And that pink underwear? It's not just for "violent" offenders; Arpaio puts those also on the members of his

juvenile chain gangs — kids aged 15 to 17, sentenced to one-year terms and sent out ankle-chained in groups of five not only to pick up trash but also to bury corpses.

Again, a Google search information on Arpaio from sources other than his army of PR flacks would reveal to Mr. Delacroix that the sheriff's distinguishing features are not "pragmatism" but rather total contempt for constitutional protections and the rule of law, and not "a sense of humor" but rather a mean streak a county wide. This is a man who gleefully pursues political vendettas, who has shielded an officer after his brazen theft of a defense file in the middle of a courtroom during trial, and who vociferously defended his officers after they broke a paraplegic's neck as well as his prison guards after they beat to death a mentally retarded man arrested for misdemeanor loitering. This is a man who has led the way in the increasing militarization of police work, a proud owner of his own armored troop carrier as well as a .50-caliber machine gun he regularly hauls into the desert to aid in his hunt for illegal immigrants.

If Delacroix truly bemoans the determined statism of our society, then he should recognize that there are few more determined statists than Sheriff Joe Arpaio.

Big Chill

In response to Michael J. Dunn (Letters, September) taking issue with my Reflection (August) on geoengineering: the possibilities for geoengineering climate change are very numerous, possibly infinite, and it is unscientific to dismiss them all, *a priori*, as unworkable. I mentioned the Pinatubo volcano only as an illustration of the general principle of aerosol effects; no one suggests it be literally imitated using volcanic ash or quartz particles. The aerosol some scientists suggest is sulfur. In this regard something might be achieved simply by not going to great lengths to remove sulfur from jet fuel.

The use of aerosols is not my "leading" proposal. One idea I find more plausible is the use of vapor-creating ships, as suggested by John Latham of the National Center for Atmospheric Research and Stephen Salter of the University of Edinburgh. One calculation suggests the expenditure of only $3 billion a year on such ships might be enough to counteract anticipated global warming (See: Samuel Thernstrom, "Could We Engineer a Cooler Planet?" Washington Post, June 13, 2009).

James L. Payne
Sandpoint, ID

Reflections, *from page 22*

as a breath of fresh air. When the Democrats talk about how dumb she is, they just remind me of how dumb they are; but then I hear her talk, and I realize that yes, she's just as dumb as *I* thought she was.

The Tea Party members? I'm glad they came to visit, but I hope they don't stay for supper. They'd either chug all the beer in my fridge or insist that I serve only lemonade. Then they'd requisition the TV for a few dozen hours of football and go through my DVDs hunting for something to censor. No, I don't trust their populism or their talk of rights. Some of them know that rights exist in every area of life; others just want them for themselves. In other words, they're normal human beings, and that's not nearly enough.

Less than normal are the congressmen who remain at the top of the Republican totem pole. Aren't you sick of them? They've been there forever, just like the Democrats, and what have they done that's right? Tell me. I hope there are a lot of things I've missed.

At this juncture, I could call for a great intellectual resurgence, for leaders who will stand up and talk, in the most affirmative and optimistic manner, about all the ways in which freedom ennobles and enriches everyone. But you can't have an intellectual resurgence without intellect, and you can't have decent talk without decent talkers. With the exception of a few young candidates — often, I'm happy to say, women and members of ethnic minorities — and a few cogent reasoners and talkers in the media and the thinktanks, I don't see many people who can lead the GOP toward a better future.

The best that can happen in 2010, I believe, is that the Democrats will be soundly defeated, and that the Republicans will then perform their function of blocking as many of the Democrats' big-government initiatives as they can. That would create some time and space for the republic to breathe, for economic investment to return, and for younger and brighter people to emerge.

This probably doesn't sound very cheerful. It isn't meant to sound cheerful. But if libertarians are right, and I'm sure that we are, a free society has immense powers of self-regeneration, so long as the clash of political and economic interests opens that vital time and space for individual thought and action.

— Stephen Cox

Yankee gone home — Unlike Hillary Clinton, I've been a lifelong Yankee fan. I have on my wall a poster with the signatures of every Yankee member of the 1961 world championship team. My favorite baseball is one signed "To Dr. S" by Mickey Mantle.

Long-time owner George Steinbrenner, who died on July 13 at the age of 80, was a true-blue Yankee. After all, he was born on the Fourth of July, 1930. Sure, "The Boss" was overbearing and sometimes uncivil (his language was so profane I couldn't read his latest biography), but he was an All-American winner who demanded success and a cleancut image for the Bronx Bombers (haircuts and covering up tattoos). And he wasn't apologetic for his riches.

He got the last laugh by dying after winning the World Series and then avoiding the dreaded federal estate tax. The death tax is dead for 2010, but I'm sure it will return with a vengeance next year. His heirs saved $500 million in federal estate taxes this year (he was worth more than $1 billion, according to Forbes magazine).

But there's a downside to the new estate tax law. In eliminating the estate tax in 2010, Congress also ended the stepped-up basis for heirs. One hand giveth and the other taketh away. So the Steinbrenner sons don't have to pay any taxes now, but when they sell their ownership in the Yankees and other assets, they will have to pay capital gains. Ben Franklin is still right: "There is nothing certain in this world except death and taxes."

— Mark Skousen

Terra Incognita

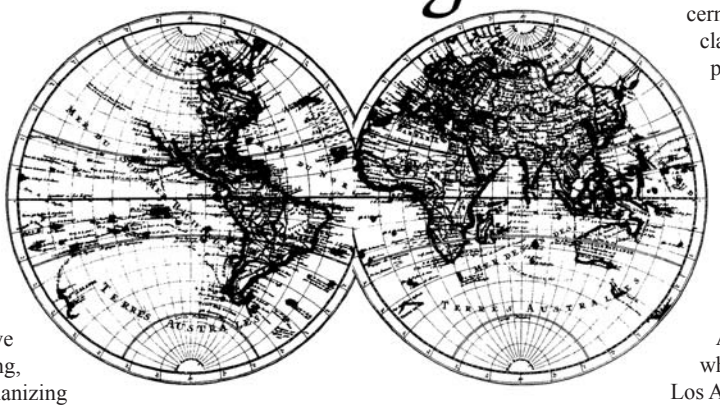

New York

Laudable devotion to stereotypical behavior, from the *New York Daily News*:

City councilman Dan Halloran, who spotted a traffic cop blow through stop signs while yakking on the phone, confronted the officer — and got slapped with a $165 ticket for blocking a crosswalk, the irate lawmaker said.

The councilman was on his way to his district office when he says he saw Officer Daniel Chu zoom by, talking on a cell phone with his lights blazing. "I know the traffic agents have no emergency they have to run to," Halloran said. "It immediately set my radar off."

He said he followed the car as it blasted through two stop signs while weaving in and out of traffic before illegally parking in front of a Dunkin' Donuts.

Washington, D.C.

Innovative call for separating church and state, from the *Washington Examiner*:

Andy Stern, the former head of the Service Employees International Union who now sits on President Obama's National Commission on Fiscal Responsibility and Reform, said the United States needs an economic plan that does not include "worshipping" the free market.

"America needs a 21st century economic plan because we now know the market-worshipping, privatizing, de-regulating, dehumanizing American financial plan has failed and should never be revived, worshipping the market again," Stern said in remarks at the annual conference of the activist group Campaign for America's Future.

Minneapolis, Minn.

The march of social progress continues ever on, from the *Minneapolis Star Tribune*:

For nearly two decades, Minnesota native Steve Horner has crusaded against what he considers a monumental injustice: Ladies' night.

The complaints he filed with Human Rights Departments in several states have earned him at least $6,000 in damages for being denied ladies' special prices at bars. The white, balding, bespectacled Horner has compared his quest to Rosa Parks' refusal to go to the back of the bus.

Beijing

A market for everything, spotted by CNN:

In China, white people can be rented.

For a day, a weekend, a week, up to even a month or two, Chinese companies are willing to pay high prices for fair-faced foreigners to join them as fake employees or business partners.

Some call it "White Guy Window Dressing." To others, it's known as the "White Guy in a Tie" events, "The Token White Guy Gig," or, simply, a "Face Job." And it is, essentially, all about the age-old Chinese concept of face. To have a few foreigners hanging around means a company has prestige, money and the increasingly crucial connections — real or not — to businesses abroad.

Tampa, Fla.

An idea whose time has come, from the *St. Petersburg Times*:

Jonathon "The Impaler" Sharkey wants to move to Washington, D.C. to become the nation's first vampire president.

"The Impaler" claims he's a direct descendent of Vlad II the Impaler, better known as Dracula.

He plans to file paperwork to run for President of the United States in 2012. He recently switched his party affiliation from Independent to Republican so he can run with the G.O.P.

"He does believe in Republican values," said A.J. Matthews, a state committeeman for the local Republican Party. "Is he going to make a big splash with his current identification of being a vampire? That's up to the voters to decide."

Culver City, Calif.

Interpretive differences, noted by the *Los Angeles Times*:

A graduation card sold at local Hallmark stores has been pulled from shelves after a civil rights group raised concerns about the content. The group claims the card's micro-speaker plays a greeting that's racist.

It is a graduation greeting that says, "Hey world, we are officially putting you on notice . . . you black holes, you are so ominous. Watch your back," the card vocalizes.

"That was very demeaning to African American women. When it made reference to African American women as whores," said Leon Jenkins of the Los Angeles NAACP. When Hallmark was reached by phone, they said the card is all a misunderstanding. The card's theme is the solar system and emphasizes the power of the grad to take over the universe, even energy-absorbing black holes.

But that's not what some people heard. "You hear the 'r' in there. 'Whores,' not, 'holes.' The 'r' is in there," said Minnie Hatley of the NAACP.

Columbia, S.C.

Curious perspective on comparative religion, noted in *The State* [S.C.]:

With a bead of sweat rolling down the side of his face outside a Columbia bar, Republican S.C. Sen. Jake Knotts called Lexington Rep. Nikki Haley, an Indian-American Republican woman running for governor, a "raghead" several times while explaining how he believed she was hiding her true religion from voters.

"She's a fucking raghead," Knotts said. He later clarified his statement. He did not mean to use the F-word.

Knotts says he believed Haley has been set up by a network of Sikhs and was programmed to run for governor of South Carolina by outside influences in foreign countries. "We got a raghead in Washington; we don't need one in South Carolina," Knotts said more than once. Knotts says he believes Haley's father has been sending letters to India saying that Haley is the first Sikh running for high office in America. He says her father walks around Lexington wearing a turban.

"We're at war over there," Knotts said. Asked to clarify, he said he did not mean the United States was at war with India, but was at war with "foreign countries."

Special thanks to Russell Garrard, Tom Isenberg, and Paul Michelson for contributions to Terra Incognita.

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Inside Liberty

November 2010
Volume 24, Number 10

4 Letters Our readers come first.

7 Reflections We quibble over lifeforms, observe Darwin in action, outsmart Tim Geithner, and put the check in the mail.

Features

21 Obama the Ordinary *Wayland Hunter* explains why Obama has fallen and can't get up again.

25 Drill Deep, Drill Smart In the aftermath of the BP debacle, *Gary Jason* offers some proposals about how to keep fuel in the machinery.

29 Slippery Slope *Jacques Delacroix* recounts a lesson learned beneath the Indian sun.

31 Working for Liberty *Tom Palmer* reflects on his life as writer, organizer, smuggler, troublemaker, and promoter of freedom.

37 The Importance of Being Ignorant Ignorance, argues *Aaron Ross Powell*, is the health of the coercive state.

43 I Was a Teenage Liberal If they're told that 2 plus 2 is 5, some people agree. *Robert P. Marcus* didn't.

Reviews

45 Starting a Movement *Stephen Cox* considers the history and the troubles of libertarian activism.

49 Grave Doubts You may learn a lot, *Jo Ann Skousen* suggests, if you have your funeral — literally or metaphorically — before you die.

50 Everything but "Think" *Jo Ann Skousen* endures a film that gives even love a bad name.

52 Selling Out If you can dance, wonders *Jo Ann Skousen*, why not make some money too?

53 Hambo *Jo Ann Skousen* finds the absolute zero of this year's films.

54 Filmnotes Not *a* comic — comic.

48 Notes on Contributors So many cooks.

55 Terra Incognita Such a broth.

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Letters

Gaming the System

Gary Jason's comments (Reflections, October) are not surprising to someone like myself who once worked for a railroad. They had craft unions. If the light over a machinist's bench went out, only an electrician could change it. If the machinist changed it, the electricians union might go on strike. Under those kinds of conditions, a "penalty payment" might actually be an improvement.

Likewise, sick days, overtime, vacations, etc., were all spelled out in the agreement, and it didn't take long for the smarter union members to figure out how to game the system.

Full privatization may not be the solution that reasonable union contracts are. However, it may be that only a private employer would be willing to take the heat to force the unions to be reasonable.

Robert Peirce
Pittsburgh, PA

Symposium

I couldn't agree more with Michael Christian's article "In Vino Veritas." Are not California cabs and Chardonnays — big (the bigger the better) and in your face, lacking in all subtlety — simply a reflection of the American character? If I want a blackcurrant drink, I'll buy Ribena.

Adrian Day
Baltimore, MD

Tooth and Claw

In the September issue of Liberty, Gary Jason posed the question: "Do Animals Have Rights?" We might ask, for that matter, whether men have rights. The Founding Fathers thought so. In the Declaration of Independence they proclaimed that "men are endowed by their Creator with certain unalienable rights, among these are Life, Liberty, and the Pursuit of Happiness." We have pretty much lived by that belief ever since. We may disagree about the nature of the Creator, whether it is a natural force as envisioned by evolutionists or a personal God as maintained by religionists, but, nevertheless, agree that men have a right to life. But what about animals? Might we not simply declare that animals are endowed by their creator with certain unalienable rights too?

Men have a right to life because they exist. It is no more logical to challenge whether men have a right to exist than it is to challenge whether the moon has a right to exist. Both men and the moon have a right to exist because they exist. It is not within our purview to question this. Those who advance the concept of animal rights may use the same reasoning: animals have a right to life because they exist. Well, fine. But if a lion kills a gazelle, what has happened to the gazelle's right to life? Similarly, if a lion kills a man, where is the man's right to life? Or, if a rock tumbling from a cliff kills a cat underneath, what has happened to the cat's right to life? From these observations might we conclude that the right to life of man, gazelle, or cat exists only if they can manage to exist? There does not appear to be any

Letters to the editor

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"right" beyond that. And if the right to life exists only if the parachute opens, what is to be said of its unalienability?

Evolution has shaped the nature of both man and beast so that they are tolerant of their own species (if they were not, they would not long exist). It is a natural compact which exists among members of every species. Among men we are conscious of it: It is in my interest to promote your right to life so you will promote my right to life. But these "compacts" exist only within each species. Outside of that and towards any other species there is generally a pitiless ferocity.

Behavior which promotes our existence is what we have termed morality. But whether morality can apply across species does not seem possible, because

From the Editor

I want to make an announcement about an important change in Liberty. After our next issue — December 2010 — Liberty will cease to be a print journal. Thereafter it will appear online, in a free, fully revised website that will carry features, reviews, reflections, comments from readers, and a complete archive of all the issues we have published since our founding in 1987.

This is a big change, and it brings both happy and unhappy thoughts. Unhappy, because we all value the printed word and the familiar appearance of Liberty. Happy, because online publication will enable our authors' contributions to appear more frequently, and closer to the events on which they comment. And I predict that an online site will bring us more readers.

My thoughts right now, however, are with the people who read and support Liberty today. One of the great things about editing Liberty is the opportunity to meet its readers. They are great people – and I don't even mind it when they yell at me. So I want all our readers to know why we're making the transition from print to online publishing.

One reason is that these are bad financial times, and especially bad for print publications. Like every other intellectual journal in the country, we lose money. Actually, we lose a lot less than most, because we have a tiny staff and we are very careful about what we spend. But unlike many other intellectual journals, we are not sponsored by a large institution. This is good, because we have retained our independence, or what some have called our eccentricity or "quirkiness." But it means that if we continue in print publication, we will have to stop in the easily foreseeable future. Online publication will allow us to continue indefinitely.

A second reason for the transition is the challenge that print publication presents to our very small and very busy staff. Some of its members have been with Liberty from the start, 23 years ago. But producing a print journal demands a tremendous commitment of time, and some of us find that this commitment has become impossible to sustain.

A third reason is simply that online publication appears to be the way to interest more readers. I myself spend large amounts of time reading news and commentary online, and much of what I read is very good. Our founder, R.W. Bradford, often spoke of the possibility that the day of online publication had come for virtually all intellectual journals. I think he would have wanted to see Liberty's tradition continue in a form that is immediately accessible to everyone, throughout the world.

So our next print issue will be our last — in that form. We will, of course, send refunds for the unused portions of subscriptions. (Please don't think you need to write and ask us about that!) In our next issue, I'll tell you more about our new online way of publishing.

But again, the important person is you. You've supported Liberty with your subscriptions, your donations, your praise, your criticism, and your friendship always. I hope you will continue to support us as we change our way of coming to your home.

For Liberty,

Stephen Cox

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the continuation of existence for a member of one species is for the most part dependent on the end of existence for a member of another. We eat each other, almost all of us.

But what has outraged the animal rights people most is the indifferent, unnecessarily cruel, and brutish treatment accorded stock animals. And, in this, they are right. Because morality is not wholly applicable one species to another does not mean that we as human beings should not be as humane towards other creatures as possible.

Frank Riccciardone
San Diego, CA

Debtor State

In "Don't Default on Me" (October), Bruce Ramsey says that writing off the national debt would be catastrophic. He cites Murray Rothbard who deplores pouring more private capital down government ratholes. But then he defends the ratholes. He says that if you own a government bond, the rathole is you.

Wait a minute! I already know this experience. In the '90s, millions of people cashed out bonds and T-bills and invested in the stock market. The actions of millions of investors moving their money from public debt issues to private stock did not sit well with the feds. It threatened the treasury with a need to increase the interest it paid on national debt or experience a default.

The government is broke. It cannot cash out a significant number of debt instruments at maturity or pay greater interest rates on them. So the feds bashed the stock market. Beginning in 2000, they bashed and they bashed the economy with interest rate hikes until the market crashed. The stock market suffered some $7 trillion in losses. The marketed federal debt was about $4 trillion at the time. So the feds essentially chose to trash stockholders instead of debt holders.

Look at the political motive. The government can blame private enterprise for the economic tragedy. And anyone who thinks that the government was fighting an overheated economy with interest rate hikes is just not aware of the depth of political lying and treachery.

Regardless, this writer does not suggest we default the debt, we should default interest payments on it. And simultaneously we must constitutionally freeze federal spending to a fixed amount of dollars per annum. If they cannot spend it, they will have no need to print it. A freeze is the economic equivalent of a gold standard. That could immediately appreciate the dollar and assuage debt holders. And debt notes could be held or traded as long-term appreciating assets while they are being methodically retired.

The default of interest payments on federal debt would allow income taxes to be cut in half. And that is an economic stimulus that could last indefinitely.

G. Peter Trygstad
Bremerton, WA

Leaving It on the Table

With regard to Bruce Ramsey's "Buying Consent" reflection (August), please consider the following:

Your friendly neighbor a few doors down tells you his new barbecue has been stolen. A few weeks later another neighbor offers you a barbecue, which looks strikingly similar to the stolen unit, at a ridiculously low price. Would you buy it? If you chose to make the purchase, then learned it was indeed the stolen barbecue, would you return it? A guess, based upon neighbors known: few would make the purchase, suspecting nefarious acquisition. Some who did might return the barbecue to its real owner, and with embarrassed guilt, take the purchase loss.

How different is the act of declining a tax-supported subsidy? You're a thoughtful libertarian, so you know the subsidy was forcibly taken from a taxpayer. Do you really want to be a party to a dirty deed?

Ramsey states that "almost everyone who qualifies for a subsidy is going to accept it. The government is giving out money: you're not going to take it?" Possibly this merely reflects his circle of friends? In another Reflection in the same issue Ramsey notes that he lives in an 85% Democratic district.

For the rest of us: how many people do you know who were eligible for a tax-funded subsidy but never applied? Because people often do not openly discuss this, one might suspect it occurs more frequently than we know. Yet I know many such cases just within my acquaintances. Laid-off working stiffs who quickly found less desirable employment rather than take government handouts; single mothers who held two jobs because they did not want their kids to be welfare cases; families sustaining large, uninsured losses who rebuilt on their own rather than invite the government bureaucracy to their table; budding entrepreneurs who declined SBA loans because they wanted to make it on their own. And without these noble individualists, where does the cycle end?

Frank Chodorov, in his thoughtful and refreshing book "One Is a Crowd," offered a succinct suggestion:

> The only "constructive" idea that I can in all conscience advance, then, is that the individual put his trust in himself, not in power; that he assume responsibility for his behavior and not transfer his personality to committees, organizations or, above all, to a super-personal State. Such reforms as are necessary will come of themselves when, or if, men act as intelligent and responsible human beings. There cannot be a "good" society until there are "good" people.

A simple example might be enlightening. An elderly couple (both in their 90s) of very modest means has never accepted either Social Security or Medicare. Oh yes, they've had some very painful medical expenses, and yes, their standard of living is low. Of course they paid the tax for both government programs during their working careers (the wife worked until she was 80, planning for sustaining them in retirement). They are aware both programs are unfunded; each dollar paid out for Social Security or Medicare must be taken from someone else.

When speaking of this issue, the husband remarked, "You can recognize us by the holes in our pants." To which the wife enthusiastically added, "And the smiles on our faces."

Dave Hendersen
Salem, OR

Bon Mot

Reading Jamie McEwan's "Psychology Grows Up" (July) I was reminded of something said by one of my philosophy profs in college: "Psychology is the art of trying to scientifically prove the obvious."

Dennis Dwinnell
Fairfield, IL

Reflections

Back scratching — General Motors, fresh from being taken over by the federal government, is making contributions to officials of the federal government.

According to the Washington Post (August 5), GM has resumed making donations to the Congressional Black Caucus Foundation — lately, a cool 36 grand. The CBC, of course, is home to such moral luminaries as Charles Rangel (D-NY) and Maxine Waters (D-CA). Eleven CBC members sit on the board of the so-called charity.

The Post story adds that other corporations have made donations to charitable foundations connected with political figures. But this one reeks of corruption. GM is now using the taxpayers' money to curry the favor of officials of the very government that is keeping it afloat. — Gary Jason

Caliph — Why is it, if President Obama is such a great communicator, about one-fifth of his audience thinks he's a Muslim, and about two-fifths aren't sure? And those are the results of a survey taken even before his comments about the 9/11 mosque. — Stephen Cox

Diminishing returns — Vice President Biden recently predicted a Democratic victory in the November elections, because America will not choose to return to Bush's policies. In 2008, the Democrats won with a very simple strategy: run against George W. Bush. In 2010, the Democrats have that same simple strategy: run against George W. Bush.

This time, however, it won't work, because the Democrats are not running against the incompetent incumbent; this time they are running against scrappy, impassioned Tea Party candidates, and this time they will be forced to run on their own record of the last two years, which has seen economic decay and ObamaCare's socialized medicine. Obama's socialism is as out of touch with reality as is his wishful thinking that the public still associates Bush with the Republican Party.

— Russell Hasan

"My records show that you haven't filed a tax return for 17 years!"

Garbage out — The little town near where I live recently added an employee to its meager workforce — a trash inspector. Township officials claim the town makes money from the recyclables it collects. They are worried the town is losing revenue from residents mingling recyclables with regular trash. So, the township committee has decided to pay someone to inspect the trash. The inspector's job is to cut open trash bags set out for collection that he suspects may have recyclables thrown in with the regular trash. It is, of course, a mere coincidence that the newly hired trash inspector is the mayor's close friend.

I strongly doubt that the cost of the trash inspector's salary will be outweighed by monies realized from 100% recycling compliance. Though I hate government mandates, I am not offended by recycling per se. I am offended about this potential intrusion on my own and other citizens' privacy. One's trash is one's private property until it reaches the jaws of the trash truck.

I am very good about recycling recyclables. I am also very good about picking up after my several canine dependents. I am especially good about disposing canine "pickups" in the regular trash bags. So, if the newly minted trash inspector decides he should inspect the bags I put out at the road, his experience will be most unpleasant. I expect that my trash will be inspected only once. — Marlaine White

Outlook not so good — The economy looks pretty bad. In late August, the Federal Reserve chairman, Ben Bernanke, announced with some bravado that he still had weapons in his arsenal — shortly after Keynesian economist Alan Blinder said in The Wall Street Journal that "the Fed has already spent its most powerful ammunition; only the weak stuff is left." The Journal wrote on August 28 that the Democrats are beginning to face the "inescapable conclusion" that the economy is not going to get better before election day.

For whom is this a surprise? Not me. From the start, our problems resembled those that turned the 1929 market crash into the Great Depression — scary government tactics that make anyone with money unwilling to invest in the future (and many people have a lot of money, probably under their mattresses at this point). Superficially, the Great Depression is different because then the Federal Reserve drastically reduced the money supply, and today's Federal Reserve is doing the opposite — expanding it to maintain liquidity. But with a raft of taxes about to rise, with healthcare costs impossible to predict, with deficits gigantic now and bigger ones looming (whether the Fed has options or not), it's natural that investors want to wait.

In his 2009 book "Intellectuals and Society," Thomas Sowell writes that for a year after the October 1929 stock market crash, unemployment "never went as high as 10%." But then the government started to intervene. "Once the unemployment rate rose into double digits in November 1930, an unemployment rate as low as 6.3% was not seen again for the remainder of the decade."

He contrasts that experience with the May 1987 stock market crash (admittedly, not as extended as the 1929 crash), after which the Reagan administration "did nothing." The market

quickly got back on track, and the nation experienced a period of economic growth that lasted 20 years. We should be so lucky.

— Jane S. Shaw

Face off — George W. Bush was famous for his infectious grin — it made the Left sick. Sometime during his first term it became the smirk that launched a thousand blogs. I still can't figure out exactly why, except perhaps that it reflected not only self-confidence and self-satisfaction but also, at some level, the fact that he knew it would irritate lefties, simply because he'd got his way. Somewhat puerile (he *was* referred to as a frat boy); still — whatever you think of his policies — Bush was patently transparent (not really cunning enough for successful guile), artless, and guardedly candid (as candid as a politician might dare).

I'll never forget his on-camera reaction to 9/11 while entertaining 6-year-olds. First, he listened to his aide without interrupting or reacting. Note that he didn't cut the cameras. That would have been an indication that he was more concerned with his image than with the substance of what was happening. Then, seemingly at a loss for reaction and continuing the task at hand, he came across as indecisive — mostly, I suspect, because he didn't react dramatically. However, I think his wheels were in overdrive as he digested the import of the news. Perhaps I'm too charitable, but I'd have reacted the same way. Impulsiveness during a crisis is no virtue.

Most refreshing about W's character was his self-deprecating sense of humor. Remember him crawling out from under a table declaring — with that infamous smirk on his face — "No WMD's here!"?

Lately, it seems as if each new president, after the honeymoon is over, makes the previous president — no matter how reviled he was at the end of his term — look oodles better. At the end of their second term the Clintons were widely despised. Then came George W., a breath of fresh air at the time. But by the end of W's second term, the Clintons were nearly rehabilitated. George W. isn't yet a George Washington, but Obama is certainly greasing the skids for him.

At the healthcare forum with Republicans, where Congressman Ryan stole the show, our current chief executive looked bored and dismissive — as if students in his law class had detoured into pointless, irrelevant error. That's when I first noticed Obama's smirk: a supercilious, arrogant, patronizing half-grin of condescending superiority.

He purses his lips, making them look unnaturally thin, displaying determination and resolve, deep in thought, implying an even deeper insight hidden somewhere inside; rolls his eyes, then looks around conspiratorially (to those in the know) and exudes the air of a teacher exercising endless patience with a bunch of students who "don't get it." Then — instead of persuading people or countering opposing arguments logically — he lectures his audience with an air of

Word Watch

by Stephen Cox

This column ordinarily watches a single type of verbal problem, but sometimes there are just too many problems. One is spotted — then another pops up. Readers spot them too, and want something to be done about them, pronto.

So, in response to popular alarm about the verbal invasions coming in from every point of the compass, this Word Watch will attack as many of them as humanly possible.

Let's start with a quotation sent in by one of our best word spotters, Carl Isackson. It's a passage from Margaret Chan, director-general of the World Health Organization, on the subject of swine flu: "This pandemic has turned out to be much more fortunate than what we feared a little over a year ago."

Well, if we're going to have a "pandemic," let us have a "fortunate" one.

Carl considered the excuse that Chan was born in Hong Kong and may not be a native English speaker, but he didn't think that was good enough. After all, native speakers say Chan-like things all the time. For instance, we are constantly "making problems better," aren't we? The issue isn't where you were born, but whether you have any sense.

Here's a phrase spotted by a friend who prefers to remain anonymous. It's from a corporate memo – although, these days, it could have been derived from anything. The memo refers to "a quagmire of things converging." My friend comments: "The mental image I produced was of what I assume Swamp Thing would look like when having sex. While very drunk."

Common speech and writing are now full of things going bump in the night. Here's another sample, unearthed from an after-dinner speech that someone thought worthy to be immortalized on the internet. The speaker is complimenting a colleague, claiming that the organization to which both of them are stuck, like bugs on flypaper, "is very lucky to have hit a time nexus where our needs and her ability and availability have collided." The anonymous friend who commented on this one exclaims: "Thank God no one was hurt! It could have been a black hole. Maybe aliens were involved."

Why are people drawn to these weird spatial images? The friend just quoted suggests the influence of science fiction. But perhaps what we're reading is merely the language appropriate to life in a modern office. Lost in the bureaucratic fog of war, no one really knows what's going on; it's all nexuses passing in the night. But when "converge" becomes "collide," it's time to look for the light switch.

And here's something that I found myself. It illustrates another, growing category of verbal mayhem, and it comes from an AP account (July 25) of the disaster that took place at the Love Parade concert at Duisberg, Germany. It's intended to answer everybody's question, "What the hell is Duisberg, Germany?", and it goes like this:

"Duisburg is a city of 500,000 in western Germany's highly industrialized Ruhr region known for its coal mining and steel production. The region's economy has declined in recent years and it has been trying to bolster its image on the cultural scene. The entire Ruhr region is the European capital of culture in 2010."

I won't worry about the difficulty of imagining a "bolster" pushing up an "image," perhaps to keep it from falling out of bed,

finality, as if only a crank might counter his summary words of wisdom. Finally, he looks around once more with a fastidious patience that dissembles a sneering impatience.

I just can't imagine a future president who might make me wish for the good old Obama days. — Robert H. Miller

Bread line — The July jobs report (released in early August) painted the picture of a continuing jobless recovery. The economy actually *lost* 131,000 jobs, total — a figure that reflected the ending of 143,000 temporary Census jobs that had inflated earlier numbers. The private sector created a feeble 71,000 jobs, quite below expectation. These were fewer than the reported 83,000 jobs in the June report, but even that number was revised downward to just 31,000.

Also interesting was the loss of 38,000 jobs in local government, a result of the continuing deficits being seen at the municipal level. Democrats in Congress rushed through another $26 billion in stimulus spending aimed at shoring up the municipal job market (public employees invariably vote Democratic).

The unemployment rate remained at 9.5%, but only because (as in earlier months) many thousands of unemployed gave up looking for work. It's obvious that the stimulus bills passed so far have failed to stimulate jobs.

President Obama's reaction was predictably narcissistic and delusional. He and his underlings started putting out the risible claim that the stimulus bills averted a depression and created "or saved" three million jobs. Not many people bought it. — Gary Jason

Blame it on the times — "The policy elite — central bankers, finance ministers, politicians who pose as defenders of fiscal virtue — are acting like the priests of some ancient cult, demanding that we engage in human sacrifices to appease the anger of invisible gods." — Paul Krugman, New York Times, August 21.

That is rich: a mainstream Keynesian economist accusing someone else of worshiping a false god. It led me to add Keyesian economics to my list of useless and often dangerous pseudosciences and superstitions — alongside management theory, psychology, environmentalism, education science, political science, and sociology. These scams resemble real sciences in that they advance theories, insights, and assumptions that try to explain phenomena, but the resemblance ends there.

Theories in real sciences inspire experiments; if these experiments don't provide support, then the theories are discarded. As Karl Popper taught us, scientific theories are falsifiable. An outgrowth of all this is that the results of experiments have to be reproducible and so can be used in engineering.

Pseudoscientists usually cite historical or anecdotal events to start forming their theories. We have no notion why they

like the bolster that my mom put on my own bed when I was small. Notice, however, that before you bolster something, you've already got to *have* it. What was Duisberg's image on the cultural scene before people started to bolster it? I guess I missed the whole thing. Maybe you did too. So the answer is kindly supplied: "The entire Ruhr region is the European capital of culture in 2010."

I don't want to know how this designation was awarded, or who awarded it. I refuse to look it up. It's just too silly. The silliness, indeed, is the interesting part. Everything about that last quoted sentence is hilarious. Whoever heard of a capital of culture? Whoever heard of an "entire region" (let alone the Ruhr!) being the capital of anything? And whoever heard of capitals changing year by year? Try this: "The Vienna region is the European capital of culture in 2010." See, it doesn't even work for Wien. Now try it for Youngstown, Ohio, which I take to be the American equivalent of Duisberg: "The entire northeastern Ohio region is the North American capital of culture in 2010." Ha. Ha. Ha, ha, ha.

How could anybody get this silly? My theory is that virtually all individual people now have resumes, padded with cheap euphemisms and bizarre awards — so why not cities? Why not regions? The Ruhr's moniker as "capital of culture" is simply the geographical equivalent of "Second Runner Up: The County-Wide Peer-Relations and Positivity Award, Council of Inter-Government Liaison Staff (2010)."

Hmmm . . . I see a theme emerging here. Something about bureaucratic words, bureaucratic systems . . .

No, let's move on to something else. Mehmet Karayel asks in despair, "Why do people insist on saying, 'He was traveling at a high rate of speed'?" My answer is, I don't know. Obviously, a high rate of speed is nothing more than a high speed. And "rate of" is funky in itself. I understand "rate of exchange," "rate of acceptance," and "rate of failure," but speed has nothing to do with discounts, odds, or percentages. Either you're going fast or you're not.

But look, Mehmet, I don't know a lot of things. I don't know why high-class authors say that "the colonists were fewer in number than the Indians." How else could they be "fewer"? Could they be fewer in space or fewer in time? Neither do I know why people refer to "my other co-workers, who work with me." Or why they talk about "sharing a meal in common." And I can't imagine why people discuss "my friend Kenny, and this other girl he works with." Maybe it's because they assume that the more words you stuff into a sentence, the clearer it's going to be. But no, it doesn't work that way.

Speeding along at a high rate of speed . . . there's an omnipresent TV ad, contrasting one phone company with another, in which dissatisfied customers of Company B are shown denouncing their "enormous, humongous" bills. So bills exist that are enormous but not humongous? And we must be careful to stipulate that some of them are both?

Analogously (now, how often have you seen *that* word as a transition — eh?), a distinguished scholar, W. Bruce Lincoln, writing the history of Nicholas I of Russia, mentions "the destructive termites of change [that] were gnawing at the underpinnings of the Nicholas system." Apparently there are termites that are not destructive – termites that build houses, rather than destroying them; and we must be careful to distinguish the bad termites from the good ones. Well, good. I'd like my termites to be building me a new room.

Unfortunately, what that example indicates is that the distinction between high verbal culture and low verbal culture is practically nonexistent, and has been for a long time. Lincoln's book was published in 1978.

On to the land of politics, where everything has at least two

selected some events and not others. Pseudoscientists love numbers and will generate "studies" of internally referential subjects, running the results through statistical analyses that, amazingly, always confirm the hypotheses. So "poof," they confer upon themselves the title of "scientists."

I like to think of them as shamans peddling superstitions that appeal to the gullible. What is so dangerous is that many opinion leaders buy into these belief systems, license them, give them authority to run their affairs, and pay them good money, as they would to a good engineer.

Among the economic pseudosciences, Keynesianism (turning gold into paper), which appeals to politicians who want to engineer better societies, is the largest. It has been in charge for about 75 years. Real scientists would have rejected the Keynesian theories decades ago because of their results — numerous embarrassingly false predictions of economic events ("correctly predicting 11 of the last 3 recessions"), not to mention the stagflation of the 1970s. And Keynesian economics dominated policy when the rest of us were plunged into the current financial unpleasantness.

Keynes lived at a time when fiat currencies were created by government printing presses. He did not foresee modern financial practices, in which money supplies or currency are increased by the private use of credit — debts that have to be repaid. He could not have anticipated the shrinkage of the money supply that will occur when folks won't spend "their" money, either because they are no longer credit worthy or are worried about paying off debts. Belief systems such as Keynesianism "work" as long as most people buy into the entire scheme — witness the glorious example of the medieval Church — but when the facade cracks, all hell breaks loose.

Japan illustrates what can happen. Keynesians were in charge when the Japanese real estate and stock market bubbles burst in 1990 and people lost huge amounts of equity along with the hope of making easy money. The Japanese have had deflation for 20 years now, despite the full Keynesian program of easy credit and fiscal stimulus. Many young people have not been able to find good jobs, and they can't afford to marry or have children. Keynesian economics is destroying Japan. Keynesian economists have no vocabulary to explain how this happened, and offer only more of the same to rescue the Japanese.

Other schools of economics offer little help. The Chicago school is a kind of squishy, wannabe Keynesian school that prescribes moderate inflation to "help manage" the economy; it's been tried to some extent in small developing economies with success. Krugman's editorial mocks "Austerians" who want us to return to a gold-based currency. Austrian economics has been tried only in sepia-colored recollections of the Victorian Age, never in contemporary large-scale economies. Objectively Austrians cannot obtain our loyalty simply by demanding that we choose among superstitions and so ought to pick the one we haven't tried before.

Nevertheless, we must have currencies, and fiat currencies have led to destabilizing cycles of boom and bust, as the Austrian economists understood. Austrian economics makes few passionate claims, beyond a hope of decency and peace that has earned my respect, for what it's worth.

As a result of Keynesian economics the western world now faces prolonged low-grade economic depression, diminished prospects for young people, and increasingly desperate measures by democratically elected governments that are expected to do something, anything. Libertarians who value truth should avoid making messianic promises for the success of other economic systems, but constantly emphasize the Keynesian source of our economic problems. — Erwin Haas

names, none of them the right one. The tendency to rename things is even more prevalent on the Left than it is on the Right — I suspect because Americans are more likely to be right-wingers than left-wingers, so it's the left-wingers who have the most reason to disguise themselves. Hence, the president is said to have been a "community organizer" — meaning left-wing activist, which is what he was, but it doesn't sound as good. Many of his friends are "healthcare advocates," "poverty advocates," and "environmental advocates" — in plain terms, left-wing activists. Odd, isn't it, that a healthcare advocate is one who advocates doing something for healthcare, and an environmental advocate is one who advocates doing something for the environment, but a poverty advocate is not supposed to be one who advocates doing something for poverty? Yet that's the one case in which the title fits.

Along these lines, more or less, consider the headline of a Yahoo! news report on the federal bailout of teachers and other unionized people, passed by the House of Representatives in early August: "House passes bill to help teachers, public workers." "Public workers"? You mean government employees? Yes, that's what you mean. But "public" sounds so much better than "government," doesn't it?

From a libertarian point of view, that renaming may actually be a good thing. It shows that even among the supporters of government, it's still embarrassing to label yourself with that word "government." Good, but maybe not quite good enough . . .

Another term for government employees — certain kinds of them — has surfaced amid Congress's mad attempts to bribe everyone in sight. It's a new name for cops and firemen: "first responders," as in "House votes funds for first responders."

This is enough to make any honest person shudder. It's like talking about dead people as "loved ones." Yes, I agree that if you're in trouble, the first person who reacts to your plight — after you notice that your heartbeat has become irregular, and you complain to your friend or spouse, and your friend or spouse calls 911, and the 911 person calls a fireman or some other rescue worker — can be called a "first responder." And in the same way, a minister can be listed in the phone book as a "soul saver," and a mother can be called a "child helper." Is this the smarmy stuff we want to see? Are normal people and normal job titles assumed to be worthless, so that their worthlessness needs to be disguised by phony names?

Time for another issue. Readers of Word Watch never stop complaining about the the ritual adjective "alleged." And it's not just you all who complain. Virtually everyone has had enough of Stalin being called "the alleged murderer of tens of millions." Enough already! He did it! Case closed!

But the universal disgust with "alleged" hasn't hurt its career. It's become like one of those alleged celebrities (there, I used the word correctly) whom nobody likes except the media: you can't get rid of it. It has lodged itself so firmly in our secular liturgy that the following headline is possible: "Panel hits Rangel with 13 alleged ethics charges" (AP, July 29). Quick! Tell the congressman not to worry; those charges are only *alleged*.

***Pensioners* —** On August 3, the Los Angeles Times ran a surprising story about my hometown. In just five years, the paper notes, L.A. may well be spending a third of its general fund just on pension and other retirement benefits for city employees. That's right — the cost of their benefits will grow by $800 billion over the next five years, bringing the total retirement benefits paid to retired "civil servants" from the current $1.4 to an astounding $2.2 billion in 2015. The general fund is that part of the total annual budget spent on *basic* services, such as public safety.

The report was issued by Miguel Santana, City Administrative Officer. Its results mirror what is happening throughout the state, as ever-increasing amounts of money get switched from providing parks, libraries, fire and police protection, and so on, to supporting past government employees. In this respect, the story is not surprising — nobody ever dreamed that L.A. was in better shape than the rest of California.

What is surprising is that the L.A. Times, long the house propaganda organ for the city's leftist ruling class, is even reporting it. The pension crisis must now be so obvious that the ideologically obtuse Times finally notices.

The culprits in the financial mess — i.e., the public employee unions — cautioned everyone not to overreact (by, say, making all employees henceforth set up private 401k plans, like most ordinary workers do in private industry). The top award for self-serving bullshit goes to Pete Reprovich, greedy director of the L.A. Police Protective League (the cops' union). He opined, "I highly recommend that we go very slow on this issue. It seems there's a lot of group-think going on across the state and nation." The cops, he said, don't want their pensions "tinkered with."

Of course they don't. Their pension and benefits went sky high over the last decade. They don't want to give up all that stolen loot. No, they undoubtedly want higher taxes on everyone else so they themselves can continue living high.

— Gary Jason

***The booboisie* —** A direct-mail appeal for funds to fight the large corporations reminded me of how *attitudes* enter into public policy.

José Ortega y Gasset diagnosed one destructive attitude in his "The Revolt of the Masses" (widely available in English, and available online in the original Spanish at http://bibliotecaliberal.tripod.com/labiblioteca/). Ortega's concept of the "mass-man" is not intended as a sneer at poor and ill-educated people: the mass-man is found in all social classes. One type, the "learned ignoramus," is inclined to think that his specialization and accomplishments in some narrow field entitle him to speak with special authority even on matters far outside that field.

The mass-man, wherever found, takes the marvels of modern civilization for granted. Ortega, writing in 1930, used automobiles and aspirin as his favorite examples. For the mass-man, these and other necessities and comforts of life just exist, like facts of nature, like sunlight and air. The mass-man scarcely thinks of the hard work, creativity, saving, risk-bearing, and failures as well as successes that were and are necessary to supply these marvels. He feels entitled to complain about just how they are produced or allocated. He expects the government to rectify whatever he complains about.

The fundraising letter that I mentioned makes much of BP's oil spill, calling on the government to punish that corporation and others. I make no excuses for BP, but I do remember that it performs other functions beyond ruining

But what are the students up to now? Up to no good, it seems. Jo Ann Skousen, a professional word spotter, wrote in a while ago to say, " 'Huge' is a huge problem for my students, and it gives me a huge headache." She also mentioned huge problems with "incredible." Naturally she would, because she is one of those odd people who think that words have meanings, and that the meaning of "incredible" is exactly that: not credible, not believable — in short, the opposite of "really, really good," which is what most Americans seem to think it means.

The problem with "huge" isn't quite the same. People aren't forgetting what it means; they're forgetting to ask themselves what picture it paints. "Huge" is ordinarily deployed in a complimentary way, but I find it hard to feel complimented when a student fills out a survey about my class and claims that "this prof is huge." I want to write back and inform my admirer that I weigh only 160 pounds. A huger problem is simply the overuse of words like this. Every generation overuses its "colorful" slang terms, but that doesn't make them colorful. Once such a word as "huge" (or, before it, "cool") gets loose, it behaves like an alligator in a duck pond; it soon annihilates all other forms of life.

And that's a good reason to object to the bureaucrats' favorite pair of terms, "negative" and "positive" ("I was negative about his presentation, but my boss was positive"). Just consider all the things that "negative" could mean: unhappy, disgusted, confused, disappointed, angry, outraged, or just mildly dissatisfied. You can expand the list as far as you want; "negative" obliterates every alternative concept, every shade of meaning, just as "positive" obliterates all the shades between "ecstatic" and "somewhat favorably impressed."

I can understand the bureaucrat's desire to obscure meaning, but most people who use "negative" and "positive" are trying to express strong emotions, which are the antithesis of obscurity. When someone says that the president's stimulus plan "had a negative impact," he or she wants to communicate something like "disastrous effects"; but somehow, the availability of "negative" and that other default term, "impact," banished all possible alternatives.

Yet there are worse things than "impact," worse things even than "huge." "Sweet" is worse. Fad words can spread downward, from older people to younger people (example: "negative"), or they can spread upward ("huge"). "Sweet" started somewhere in junior high school and has now floated upward into the minds of old guys over 40. It's disconcerting to hear your doctor call the inside of your colon "sweet." If he called it "huge," that would seem a little goofy, but "sweet" makes emotional demands that "huge" never thought of. Is this quack asking for a kiss, or what?

Even references to a "sweet" computer program strike me as unduly intimate. Am I a prude?

A special note: As explained in the Editor's Introduction to this issue, Liberty will continue online after its next, and last, print issue. Word Watch will continue with it.

the environment and destroying livelihoods — namely, producing oil. Other corporations, too, perform other than their destructive functions.

The corporation-bashers could hardly deny these other functions if reminded of them, but they otherwise just take them for granted. They note that if I and others should care to support an "ambitious, hard-hitting agenda" for "challeng[ing] corporate power," we can send money to Public Citizen, Washington, DC. I did not take up the invitation. — Leland B. Yeager

Leading the blind — Thomas E. Perez is the statist hack who heads the Department of Justice's Civil Rights Division. According to the DOJ's web site (employing no sense of irony or shame): "Perez has spent his entire career in public service."

Like the president, Perez attended a lesser Ivy League college for his undergraduate degree and then Harvard Law School. Also like the president, Perez is cagey about his academic performance at these schools — which allows the inference that he benefited from affirmative action admission and rentseeking. And, most significantly like the president, Perez has a poor grasp of the limits of government authority.

His latest adventure in statism is a war on the Amazon.com Kindle ebook reading device and the internet in general. His cudgel is the wretched Americans with Disabilities Act (ADA); his theory is that, since a Kindle requires sight to operate, it discriminates illegally against the blind. His solution is that, since blind people have trouble using Kindle, no one should.

Specifically, the peevish Perez threatened to sue a group of colleges if they tested letting students use Kindles for reading textbooks. (Kindle does have a "text to speech" function that allows users to listen to book content; but you have to see to start this app.) "We acted swiftly to respond to complaints we received about the use of the Amazon Kindle," Perez told a House committee. "We must remain vigilant to ensure that as new devices are introduced, people with disabilities are not left behind."

Beware of rentseekers who talk about remaining vigilant.

The Justice Department demanded that the colleges stop distributing Kindles under a pilot program sponsored by Amazon. If blind students couldn't use the devices, no one could. According to Perez, keeping the Kindles out of sighted students' hands was essential to "full and equal educational opportunities for everyone." The colleges capitulated — and agreed that the program would be shelved until Kindles had more text-to-speech features.

By the time the colleges issued their carefully-worded press releases, Perez had moved on to a new cause: declaring the internet a "public accommodation" under the ADA, which could require web sites to guarantee "disabled access" for everyone from manic depressives to halfwits with Attention Deficit Disorder.

There's a lot to dislike about the ADA. But two things stand out from the rest: first, it doesn't define "disability," so just about any physical or psychological condition can be considered one; second, its definition of "public accommodation" is poorly worded enough to allow Perez's Kafkaesque nonsense.

But reality counts for something. And watching Perez try to regulate the internet should be humorous. Maybe he'll sue me for laughing. Putz. — Jim Walsh

No takers — In May 2004, the price of a house in my hometown was going up by about 1% each month. At the time, my wife and I were living in a house we had bought only 30 months previously. The rate of increase puzzled us. We looked into it and decided that it was the result of mortgages being given to people on the assumption that the rate would continue for years. But, given that neither incomes nor rents were keeping pace with the rise in home prices, it seemed to us that the rate of increase was unsustainable.

Further, we decided that because so many mortgages were structured so that the payments were initially low but subsequently much higher, the increase in home prices would have to stop, and then turn into a decrease — sort of like musical chairs when the music stops. And from what we could tell, the trend was national. My wife and I are not economists, but we decided that a 50% increase in the value of a house in 30 months was a pretty good return. Since we had lived in it for more than two years, there was no capital gains tax. We sold the house and became renters.

A few months later, in summer 2004, Timothy Geithner bought a house in Larchmont, New York, for about $1.6 million. The mortgage was about $1 million. A few years later, he took out an equity line of credit on the house for an additional $400,000. In February 2009, when he was appointed secretary of the treasury, he put the house on the market for $1,635,000. After three months on the market with no takers, the asking price was lowered to $1,575,000. There were still no takers. He ended up renting the house for $7,500 per month. At 5%, the monthly payment on a $1.4 million mortgage is $7,515. That would not include insurance, property taxes, maintenance costs, or tax on the rental income. It is likely that the cash flow on the house was negative. Whether the house is now underwater — whether it is worth less than the mortgage — isn't clear, but it has not, to date, been a good investment.

It is not my intention to pick on Secretary Geithner. Neither am I gloating. There are two points that need to be underscored here.

The first, and more obvious of the two, is that Timothy Geithner had no idea in 2004 that a decrease in home prices was coming. You might say, well, neither did most people. But the information that was available to my wife and me was available to him, and unlike most people, he is *supposed* to know about these things, to understand them, isn't he? While I am sure that he is a very intelligent young man, the question needs to be asked: why in the world would you invite someone who bought a house near the peak of the housing bubble to become the Secretary of the Treasury?

The strategy selected by the federal government to deal with the bursting of that bubble was to shore up home prices. Given that they were artificially inflated by creative lending products in the first place, the task has not been easy. It included bailing out the banks that bought the creative mortgages, lowering interest rates so that homeowners in danger of foreclosure can refinance and lower their monthly payments, and buying up the bad mortgages wholesale and putting the taxpayer on the hook for the unavoidable losses. Now we hear

a proposal to have the feds guarantee mortgages if the banks will lower the principal of the loans by 10%.

In spite of all these efforts and more, the pile of bad paper grows. Trillions of dollars have been created out of thin air in an effort to shore up the prices of homes. This may be part of an overall effort to eventually inflate the dollar so that the old purchase prices seem cheap — the rising tide that sinks all anchored boats. Who knows? There have been many reasons given for the selection of this strategy of shoring up home prices.

I would like to add one more. But first, an alternative economic strategy: X borrows money from Y so that X can buy a house. If X fails to pay the money back as agreed, Y becomes the owner of the house. Y then sells the house to Z at whatever price Z is willing to pay.

Here, then, is the second point. I submit to you that Timothy Geithner, whether he knows it or not, has been trying to jack up house prices so that he can get $1,635,000 for his.

By the way, my wife and I just bought a house. No, not in Larchmont. — Scott Chambers

Psych experiment — The other day I was staying in a hotel when the fire alarm went off at 4:16 a.m.

Like most other people on the third (and top) floor, I put on some clothes, opened the door cautiously, and went into the hallway. No smoke, no flames. I looked out the window. No smoke or flames visible there, either — only 10 or 15 people standing around on the sidewalk below. Then the alarm died away, and I returned to bed.

Five minutes later, the alarm blasted again. Everyone, including me, concluded that there might be something we didn't know, and we all left the building. The people standing outside now numbered about 100. Half of them were young Japanese on some kind of tour; the other half were midwestern Americans, all middle class or working class (this was a cheap but decent hotel).

I detected no difference in behavior between the two national groups. Each might be described as stolid. They had started off as skeptical; they remained skeptical; but eventually they'd obeyed the official command of the fire alarm. They didn't like it, but they did it. Almost no one had anything to say. One old lady loudly claimed that she had smelled smoke three nights running, but no one paid any attention to her attempt at exposing the hostelry's hazards to health.

The surprise of the occasion was the fact that nobody except me took any possessions out of the place beyond the most basic clothing. We had all had plenty of time to establish that if there was a fire, it wasn't anywhere near us; we could all see at a glance from one end of the building to the other, noting clear escape paths at both ends; and we had all had time to pack something and take it out. When I finally decided to evacuate, I spent about a minute and a half putting my computer into its bag, adding money, my passport, and so on, and bearing the bag out of the building. My idea was that if even a small fire had broken out somewhere, there might be some official nonsense about not going back inside, once the fire was extinguished; and in that event I didn't want to be deprived of my most necessary possessions. Apparently no one else felt that way. Many people, including many who left when I did,

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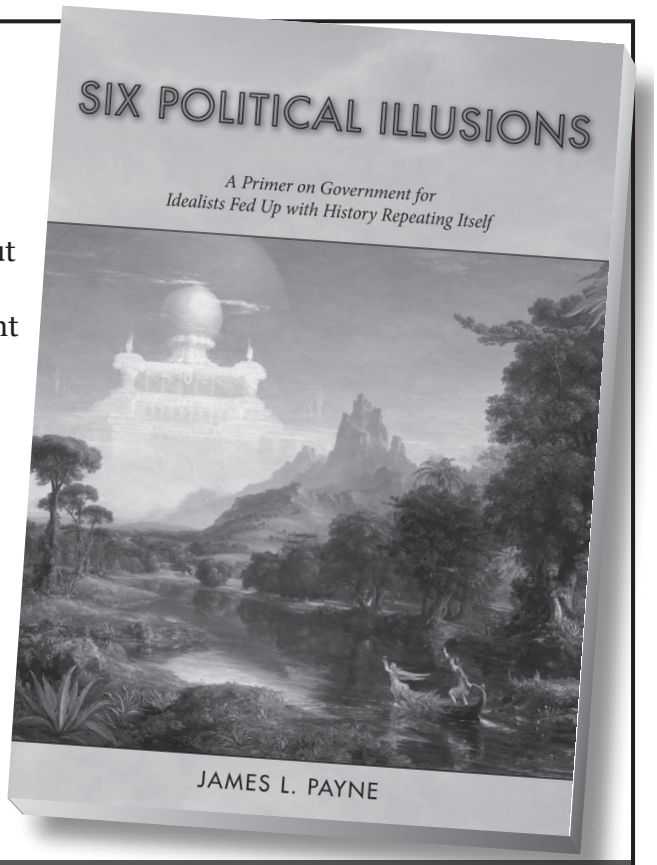

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hadn't even put on their shoes. It was cold outside, and they kept shifting miserably from one foot to another.

At about 4:30 a fire engine arrived and two firemen entered the building. Suspense built as the old lady kept exclaiming, "Why don't they *tell* us something?" Why not, indeed? From the solemnly disgusted looks on many faces, I guessed that many people agreed with her, but everyone remained silent. Even if she was right, none of us wanted to get stuck in her protest movement.

After 10 or 15 minutes of this, a white guy and a black guy came forward in the crowd, pushed open the main doors of the hotel, and peered inside, gathering their courage. Soon they had created a beachhead in the lobby — but the rest of us hung back. I know why I did; I didn't want to be caught and admonished by some boring fireman. I suppose that was the reason why the other 97 people acted like cowards, too.

Well, soon afterward, one of the firemen came out and proclaimed that there wasn't a fire and we might as well go back to our rooms. So we drifted into the building. The other fireman lingered in the lobby, explaining to a knot of interested persons that you can't always tell why an alarm goes off. And thus the party ended. It was a little experiment in what Americans are like (and Japanese too, apparently).

We hesitate, but we obey. That's our default position, especially when there's a possible threat to life, however remote the threat may be. After a while, we'll push back, or consider doing so. But we're remarkably bad about planning for our survival, or even our comfort. On the day of 9/11, mobs of congressmen and their flunkies fled the Capitol, running so fast that their shoes fell off, blanketing the grass on the east side of the structure. The people in my hotel didn't panic; their shoes didn't fall off; they just didn't consider the advisability of wearing them — much less the advisability of grabbing their valuables.

Americans are not fools, and we're not hysterics. We have the basic, unthinking good behavior on which civilization is built. But we're not as bright or as bold as we might be, that's for certain. — Stephen Cox

Opportunity lost — Libertarian businessman Peter Schiff recently suffered a dismal loss in the Republican primary for senator in Connecticut, after a heroic run in which he gathered enough petition signatures to get his name on the ballot. Schiff had a chance at winning, and his mistakes should serve as a blueprint for what not to do when libertarians run as Republicans.

Schiff's followers probably believe that the winner, Linda McMahon, did not play fair because she spent $16 million of her own money, whereas Schiff was only able to raise about $3 million. Schiff's first mistake was constantly complaining about McMahon's buying the election. It makes no sense for a libertarian to complain about the wealth of the rich when it is imperative to our success to get campaign contributions from them, and I think that Schiff sent the wrong message when he complained.

Schiff's second mistake was running a campaign in which he focused solely on economic issues such as lower taxes and deregulation. Regarding such social issues as abortion and gay marriage he said only that the federal government should not regulate them. States' rights is a nice philosophy, but it is a copout for a candidate not to take a stand on an issue as important as abortion. On purely political grounds, a libertarian running in the deep South needs to be pro-life, but Connecticut is a liberal state and in order to claim independent votes the Republican candidate should be pro-choice and pro-gay marriage. (Please note that I am advocating appealing to moderates and independents, not liberals.) Most libertarians are liberal on social issues and that could have been a huge asset for Schiff, but he failed to take advantage of it.

Schiff made his third and biggest mistake in the final two weeks of the campaign. McMahon had failed to put the race away, and if Schiff had spent all his remaining funds on a brilliant ad campaign he could have made a serious bid to win. What did he do? In a race where he was an almost total unknown, he ran a negative ad on McMahon featuring the slogan "Liberal Linda" with the claim that McMahon supported the bailouts, superimposed on the image of a pro wrestler kicking a man in the crotch, instead of doing what he should have done and running a positive campaign to introduce himself to voters as a libertarian. Voters are looking for something new, and an ad based on the slogan "libertarian" with an explanation of what that word means would have differentiated Schiff from McMahon.

McMahon countered with an ad saying that Schiff's ad was "politics as usual," and she was right: the claim that McMahon supported bailouts wasn't true. When libertarian Republicans run for office they will probably be underdogs, and the traditional campaign strategies will not work. A bold new alternative for a libertarian candidate would be to spend all of his or her resources introducing libertarian principles to the electorate, especially if libertarianism is the most important thing about that candidate. — Russell Hasan

Oil and water — In two recent stories, The Wall Street Journal has told us much about the Obama administration's current ban on deepwater oil drilling.

The first story (August 21) give us a glimpse into Obama's environmentalist mindset. The administration instituted a moratorium on offshore drilling in June (after the BP oil spill in late April), but a federal judge tossed it out shortly afterward because, among other reasons, it did not consider the economic effects of the moratorium on the Gulf Coast.

For you environmentalists, the "economic effects" of an institutional action are its environmental impact on a particular species, that is, homo sapiens. Admittedly, that species is not as noble and worth conserving as the spotted owl or the delta smelt, but it is still — you must admit — a lifeform.

The Obama regime, being devoutly Green, promptly reinstituted the ban. In the latest court battle over the new moratorium, the Justice Department filed 27,000 pages of documents in defense of it. These documents reveal that the Obama regime actually did finally condescend to do an economic study of the moratorium's costs to the Gulf region. The regime's own top regulator when it comes to offshore drilling told Interior Secretary Salazar that a deepwater-drilling ban would cost, in six months alone, at least 23,000 jobs. This was reported in a memo on July 10.

Right after the judge in the original case overruled the original moratorium, the Justice Department estimated that it would affect fewer than 33 wells, which would mean fewer

than 12,000 jobs. But upon reflection, it eventually doubled that estimate.

So the Obama regime, in the midst of nearly double-digit unemployment, deliberately chose to snuff out 24,000 well-paying jobs — and kept quiet about the figure. Astonishing.

The other story (August 7) concerns the response of the rest of the world to the BP disaster. It was, Drill, but with due caution.

Norway, for instance, has put a temporary moratorium on new deepwater drilling, but it is allowing its existing wells to keep pumping. Moreover, it has announced plans to push into the deep waters of the Barents and Norwegian Seas, putting nearly 100 blocks up for leasing.

Australia has instituted no moratoria on offshore drilling and has offered 31 new leases for wells at twice the depth of the BP well. New Zealand has opened the east coast of North Island for the first offshore drilling.

Brazil is moving full steam ahead. It intends to spend $200 billion over the next five years to exploit a huge, recently discovered reserve three miles down — a reserve containing perhaps 380 million barrels of oil. Petrobas is accordingly searching for 60 deep-sea rigs by 2017, and it is aggressively recruiting rig owners in the Gulf to sign agreements.

In short, other nations see that deepwater drilling is essential, although it needs careful monitoring. Would that we had a regime so realistic. — Gary Jason

Obstacle course — Ultra marathons are endurance-defying races of 50 or 100 miles. One of the toughest and most (in)famous of these races starts in Death Valley and goes 100 miles to the top of Mt. Whitney — the lowest and the highest points in the continental United States. They require a certain type of dedication and masochism.

So (don't ask why), I decided to run one to celebrate an upcoming landmark birthday. Not the Death Valley-Mt. Whitney death-fest, mind you, but the Grand Canyon Rim-to-Rim-to-Rim, a 48-mile run that drops 4,600 feet from the south rim to the Colorado River, then climbs 5,600 feet to the north rim, then reverses itself for a return to the south rim.

The Grand Canyon is an intimidating and dangerous place, with few water sources. Temperatures at the rim on a winter's morning may be in the teens, but in the 80s down at the Colorado River by midday — a 70-degree swing. But summertime can be the real killer. Morning rim temps of 50–60 degrees can lure the unsuspecting down trails to places where, by early afternoon, when the full intensity of the sun reflects off the painted walls, temperatures can top 120. Rescues are common, particularly of French and Asian tourists impulsively drawn in by the magnificence and ease of access.

Luckily, my birthday falls in November, when temperature extremes are lessened, so my wife and I planned our run during Thanksgiving break. We started our ultra at 4 a.m. and covered the six miles to the Colorado River by 6. It was still dark, but we were right on schedule. Still, we had 36 miles up to and back from the north rim, with a final six-mile climb back to the south rim.

Down by the river, at the Phantom Ranch ranger station, a ranger asked to see our permit. Now, although permits are required for overnight camping stays in the canyon, day hikes don't require a permit. So we told her we were "day hiking," which, by any reasonable definition, we were. She looked us over, eyeing our fanny packs and water supply, and asked, "Are you running Rim-to-Rim-to-Rim?"

We said we were, and she notified us that Rim-to-Rim-to-Rimming was prohibited. I hate confrontations with government bureaucrats, so I told her we'd reviewed all the public notices to ensure that we complied with all NPS regulations — and I told her so nicely — and said that we hadn't run across that particular prohibition. That's when the exchange got interesting.

She explained that publicizing such a rule might inspire the unqualified to attempt the feat, possibly resulting in an increased number of NPS rescues. Silence settled upon us. All the possible convolutions of twisted bureaucratic thinking, and all the possible counterarguments, flooded my mind. How could keeping a regulation secret deter anyone, much less be effective? I dreaded responding to such a catch-22 without starting an endless exchange that would worm-hole us into the middle of a Monty Python skit.

Fortunately our tight time schedule forced wisdom to prevail. I fixed her understandingly in the eye and said, "Well, if you're not going to arrest us, we'd better get going so we make it out in time and don't become part of the problem."

Seemingly at a loss for words, hoist on the horns of a dilemma, unable to reconcile regulations with facts on the ground — a decent person — she sighed and waved us on our way. — Robert H. Miller

Darwin waits — As we're going to press for this issue, there's a lively debate among economists about whether the United States is more likely to face deflation (the conventional wisdom) or inflation (the minority report) in the coming months. Both sides agree that, whichever is right, the outlook for 2011 is rough.

I think that the focus on inflation vs. deflation — like the popular media's focus on unemployment — is misplaced. The more urgent metric is the condition of our currency. The present recession seems to mark the beginning of a slide for the dollar. And that slide will be the most important political and economic factor in the coming months and years.

For a debtor nation, currency devaluation is like the dilution of equity value in a corporation's common stock. Long-time treasury bond investors are like shareholders. Bureaucrats, pensioners, and people on the dole are like employees with stock options; they're subordinates, in every sense of that word. But they have growing expectations. The interests of these groups — the long-time investors and the subordinates — are not aligned.

The challenge to executives: How do you satisfy the growing expectations of the subordinates without diluting the equity of long-time investors?

Venture capital lenders know the answer. You divide stakeholders (everyone with equity or options) into three groups: people you owe but don't care about, people you *want* to owe because you need to keep them around, and people you owe and care about. The smart VC guys then order a reverse-split of the corporation's shares. In government circles, politicians revalue the currency. Both moves debase the claims of stakeholders. In VC parlance, you "fuck 'em all."

Afterward, you still need two of the three groups; you

need to *un*fuck those. Your best tactic for keeping the people you want to owe is to offer them new compensation in the revalued currency; your best tactic for keeping the people you owe and care about is to offer them a fiat adjustment that restores some of the value of their long-time investments. Governments do this by "indexing" or otherwise increasing the value of specific sorts of Treasury securities.

The last group . . . well, they stay fucked. That's everyone over 65 at the time of the revaluation. Or government pensioners. Or active government workers. Or all of them. Hilarity will ensue when those groups figure out what's happening and fight like weasels and snakes to make sure *they're* not actually in the last group. Which brings us to another VC saying: sooner or later, everything gets down to Darwin.

— Jim Walsh

***Mail strippers* —** The latest news on the U.S. Postal Service is not happy news. In the most recent quarter, the USPS saw its losses increase to $3.5 billion. The problem is that revenues continue to decline, as mail volume continues to drop dramatically — yet expenses have increased. The revenue decline is a natural consequence of the continuing movement away from physical to electronic mail. The volume of snail mail has dropped 20% in the last three years, and nearly 2% in the past quarter alone.

Another problem is the fact that Congress passed a law in 2006 requiring the USPS to pay about $5.5 billion into its employee benefits fund every year. The Post Office's CFO is now arguing that it will not be able to pay these funds this coming year and still cover its costs.

Even after costcutting — including reducing work hours by the equivalent of 36,000 full-time workers — the company has lost $5.4 billion so far this year. It has estimated that it will lose about $238 billion over the next decade if it isn't allowed to change its "business model" by doing such things as cutting Saturday deliveries and exploring "new products."

Not mentioned is the possibility that the USPS could be privatized, given carte blanche to do as it sees fit, so long as it allowed other companies to deliver first-class mail as well.

— Gary Jason

***Slips of the tongue* —** I depart from Reflections about politics and economics to mention a couple of curiosities of English style that intrigue me.

The first curiosity is weakening intensifiers. While skimming an article in Architectural Digest (August 2010) about a luxurious home on Lamu Island, Kenya, I read: "Most of the island's streets aren't wide enough to accommodate cars, and as a result there aren't really any to be found." Without "really," the sentence would mean that there are no cars on the island, period; with it, the sentence concedes that, well, there are a few.

I have made up a couple more examples. In reply to "Where is Gingrich speaking tonight?", the answer, "Surely at the Elks' Lodge," or "At the Elks' Lodge, I'm sure," implies some doubt that is absent from the straightforward "At the Elks' Lodge."

"Surely you're not going to have another beer," especially if pronounced with a questioning tone, implies a suggestion or admonition, not a prediction or a resolve. Without the "surely," the sentence implies a statement of fact, something like "We [your companions] are cutting you off," or "We're driving you home right now."

More puzzling than weakening intensifiers is a style in use by docents at historical places. In a TV program about W.R. Hearst and his castle, a docent says: "Here is where Hearst would have stood to greet his dinner guests." Why not just "stood" or "used to stand"? The "would have" suggests to me something like: "Here is where Hearst would have stood to greet his guests if he hadn't died before his castle was completed."

In a tour of a pre-Revolutionary plantation, the docent says of the separate kitchen building, "Here the servants would have prepared the meals before carrying them into the big house." The "would have" suggests that the kitchen did not in fact serve as intended; perhaps the owner's bankruptcy left the plantation and its house and outbuildings unoccupied for many years.

In a tour of an early American village, the visitor hears: "This is the church where the townspeople would have held their annual town meetings." Well, did the townspeople in fact hold their meetings there, or somewhere else? Apparently it's a mystery, though not as mysterious as why our fellow Americans go so far out of their way to say things they don't literally mean.

— Leland B. Yeager

***Beer summit* —** My late father, a lifelong Democrat, sometimes to an absurd degree, told me two stories about presidents that illustrate why the current Democratic president is not beloved by all.

The first story is about Warren Harding. President Harding made a long trip to Alaska and the west coast, and near the start of this journey his train stopped briefly in Bridgeport, Illinois, my dad's hometown. My father (14 years old at the time) heard that the train was coming through at noon, so he got on his bike and went down to the station. And there was the train, with the president standing by himself on the back platform, intending to greet the assembled populace.

But for some reason, the populace had not assembled. Maybe people hadn't known that the train was going to stop. Anyway, there was my father, looking for the president; and there was the president, looking for the crowd, and finding only one teenage boy. The two spent a lonely moment, gazing at each other. My father stared at Harding, and Harding stared back at him. Then the president's face crinkled into a smile, and he waved, very friendly, as if there were no one else in the world besides my father, as if his presence was more than sufficient to make the president happy (as well it may have been, because Harding was a pretty good guy); and my father smiled and waved happily back at him. Then the train pulled out. "And that," as my father put it, "was his last trip, the one on which he died."

I've said that my dad was a more or less fanatical Democrat, but he was so impressed by the Republican President Harding's unpretentious friendliness that half a century later, when for some business purpose he had to visit Harding's hometown, Marion, Ohio, he sought out Harding's tomb, walked up to the barred gate, shook the bars, and called to the president, "Warren, I'm here!"

Can you imagine this happening with Obama and any stray fellow citizen? For one thing, Obama would never ap-

pear at any time without a crowd of guards and political handlers surrounding him. For another, the idea of having to waste time on a mere solitary, useless individual would put him in one of those nasty tempers we see whenever The President Is Disappointed. And perhaps his instincts are right; perhaps he can appear to advantage only in the midst of a cheering throng.

Well. My second story is about Franklin Roosevelt, my father's idol. It seems that during the 1932 campaign, Roosevelt's train stopped at some place near Bridgeport — I think it was Vincennes, Indiana — and FDR made a little speech from the back of the train. It was long after dark, but there was a throng, all right, some part of it very drunk and very concerned about getting rid of Prohibition. Roosevelt started his remarks, only to be interrupted by a group of men yelling, "We want beer! We want beer!" (And rightly so.)

Obama would have been stymied by this disruption. He wouldn't have been able to find a response on either of his teleprompters. Besides, his shtick is pretending that he's just a common guy, like the rest of us — so how could he object, or even pay attention, to anything that a bunch of common guys might say, or shout? Also, he's a stickler for the idea that he gets to lecture us; we don't get to lecture him — and being nothing more than a television figure, he can't allow for any dead air. "We want beer!" would blow his circuits; he couldn't imagine what to do with it.

But Roosevelt could. He had no conception, ever, of pretending to be the common man. Why should he? He was a phony, but he wasn't that much of a phony, or a phony in that obvious way. He knew that people wanted to get something out of politics besides a reflection of themselves, in their most ordinary moods.

So he paused deliberately, turned his head majestically in the direction of the disrupters, and announced, in his strange, slow, nasal, almost incredibly artificial voice, a voice that could never be mistaken for that of a common person: "*You'll. Get. Your. Beer*." He made a similarly definite gesture with one hand, extended toward the shouters. Then he went on with his speech.

Notice that he didn't say, as Obama certainly would have said (eventually), that, uh, his position had, uh, always been favorable toward the, uh uh, possibility that alcohol of, uh uh um, some variety or uh *type* might someday be, um, legalized, pending the, uh, report of a commission, um, appointed to consider . . . . Roosevelt wanted to do away with Prohibition, so why go on and on about it, as if he didn't want to abolish it after all? Indeed, a year or so later, Prohibition was dead.

But here's the point. Roosevelt wasn't a threatened person, trying to assert his authority in a high-school-principal way. He wasn't a puppet, crafted by the David Axelrods of this world, that can't depart from its script. He was capable of astonishing demagoguery (my words, not my dad's), but he was not the kind of demagogue who has trouble communicating with people who fail to appreciate the mystifying promises conveyed by such phrases as "the audacity of hope."

So those guys at Vincennes got their beer. They got it the very next year. What have Obama's voters gotten from Obama, the very next year? — Stephen Cox

Money pit — As President Obama set out on yet another vacation, news arrived of yet another of his triumphs.

On August 20, YahooFinance.com reported that Obama's $75 billion program to stop foreclosures is not working very well. About half of the 1.3 million homeowners once enrolled in the mortgage-relief program had dropped out. Only a third had actually received mortgage modifications and were now paying their mortgages on time. Many applicants were complaining that it is a bureaucratic nightmare to try to take advantage of the program.

Meanwhile, foreclosures are increasing. The country looks likely to have a million homes lost to foreclosure this year, up from the 900,000 last year. (By way of comparison: foreclosures were averaging about 100,000 per year before the mortgage meltdown.) Predictions are that the number of foreclosures and short-sales will hit 1.5 million next year.

It appears that by the time this massive program peters out, only about 500,000 people will have been helped. Just as massive stimulus programs have failed to stimulate the economy, the mortgage modification boondoggle has failed to result in the desired modifications. — Gary Jason

He gets his — Jerry Brown is seeking restoration to his throne in California. He's always counted on the loyalty of government-employee unions. And reciprocated. A new term as governor will surely worsen the Golden State's economic circumstances. *Apres lui, le deluge*!

Perhaps for that reason, Brown has been dogged throughout his campaign by rumors that he may have padded his own government-funded pension account.

In 1990, rightly disgruntled California voters passed Proposition 140, which ended several luxe special retirement funds designed for elected state officials. But Brown and a few other long-time California state employees are grandfathered into a remaining honeypot — the "Legislators' Retirement System" (LRS).

CalPERS, the state's big public-employee retirement fund, administers the LRS; and the conflicting public-disclosure and individual-privacy requirements that apply twist administrators into knots. But with few people in the plan, it's relatively easy to deduce who earns, contributes, and stands to collect what.

Making such deductions, media outlets including the Orange County Register have concluded that Brown may have accumulated more years of service toward LRS pension money than he actually served.

The discrepancy could be a simple error . . . or a complex accuracy. In either case, it highlights the statist obtuseness involved.

Some public pension experts have suggested that the LRS may have credited Brown for the time he served as mayor of Oakland and in other government positions (though this would seem to run against LRS guidelines). CalPERS spokespeople say they know how the LRS beneficiary likely to be Brown has earned his pension credits but are "prohibited by law" from sharing the answer with the public. Brown's campaign has hidden behind the law, too.

Here I'll add a personal impression of Brown's regal self-regard. Years ago, I was on an afternoon flight from Sacramento to Burbank with a few dozen tired lobbyists and state-employee types. One was a very attractive woman

whose looks and demeanor suggested that she (or her family) had come from India. She was seated across the aisle from me and smiled nicely as we settled in.

As soon as the 737 was in the air, Brown — who was then between government gigs and had recently spent time with Mother Teresa in Calcutta — beelined back from the first class cabin and stood over the attractive woman, breaking out some hoary pickup lines involving tandoori chicken and his fancy house in L.A. The flight attendants were in a rush to get their beverage service started on the short flight. One asked Brown to return to his seat. He asked the attractive woman to join him, but the flight attendant said that wasn't allowed. Brown's face fell, in a look of infantile disappointment. He complained that the rule was silly (to his credit, he didn't bust out, "Do you know who I am?"). He then asked the attractive woman what *she* wanted to do. She demurred to the flight attendant's reading of policy. So, Brown took the seat next to her and some intense, whispered conversation followed.

After downing my Diet Coke, I went to the restroom. When I got back to my seat, Brown and the woman were gone. Up to first class, no doubt, while the flight attendants were otherwise engaged. At the time, I thought, "Good for them." But the road to public profligacy is paved with a million small, selfish choices. — Jim Walsh

Pupal stage — I was recently browsing in my local Barnes & Noble bookstore, when I saw two interesting things on the magazine rack.

First, there was a cover story in National Review criticizing Ayn Rand. The essay began by quoting the famous "to a gas chamber — go!" line and then proceeded to argue that the scene in "Atlas Shrugged" in which the train full of looters crashes into the army train in the tunnel was Rand's gas chamber, a call for the deaths of Rand's enemies.

Second, I was amazed to see on the rack a physical copy of The Objective Standard, which to my understanding is a publication sanctioned by Leonard Peikoff's dogmatist excommunicate-the-infidels Randroid sect, the Ayn Rand Institute (which I sometimes call Orthodox Objectivism, in contrast to the various Reform Objectivism sects).

I have no interest in either refuting the National Review article (it is too silly to bother with) or critiquing Orthodox Objectivism (I would need a full-length essay to do that justice). But I will say that the resurgent popularity of Rand, and the fact that her recent book sales have jumped, bodes well for libertarianism.

It was Rand who first led me to libertarian ideas, and I represent a persistent pattern: a smart young person reads her novels and discovers a heroic vision of capitalism, then becomes disillusioned with the cult-like obedience that Orthodox Objectivism demands and leaves Orthodox Objectivism for the broader, more open-minded libertarian movement. This pattern is no coincidence: it is the nature of Objectivism to appeal to people who are highly intelligent, but it is precisely this type of person who chafes at intellectual closed-mindedness.

— Russell Hasan

Politician, heal thyself — California Attorney General Jerry Brown, former state governor and now candidate for the office once again, has set a new record for irony. Eager to score political points with the voters — and to keep the focus of the campaign on anything but his record of miserable failure — Brown grandly announced that he is investigating the scandal in Bell.

For those of you who are blessed with citizenship in some other state and may have missed the news, the fabled city of Bell is a small suburb of Los Angeles. It has a population of around 37,000, mainly poor and working class. Somehow the officials of the city found a way to loot this already impoverished berg. In what has to be the most hilarious existing illustration of public choice theory, the city manager, Robert Rizzo (yes, nicknamed "Ratso" Rizzo by his associates), was found to be earning $787,000 a year in salary, with obnoxious pension and health benefits to boot. The police chief is pulling down a tidy $457,000 a year, and the assistant city manager is receiving $376,000. Four of the five city council members "earn" six figures, too. All with great pension and healthcare coverage.

Brown has loudly demanded records regarding pay and pension benefits, issued subpoenas, and promised to depose all Bell officials "under oath." But this is really rich, coming from Brown. I'll explain.

To begin with, the fiscal crisis in California is in the main attributable to the outrageously high public employees' salaries, benefits, and pensions, which are in turn largely attributable to the well organized public employee unions. Because of the vast sums of money these unions extract from members, they are effective at getting people elected to offices both high and low. At bargaining time, unions control both sides of the table.

Now, in California, the governor who signed into law the permission for public employees to unionize was — Jerry Brown.

Adding another layer of irony is Jerry Brown's own pension situation. As mayor of Oakland, he earned $115,000 a year in salary, all the while pocketing a $20,000 pension for prior "public service." At present, because of all the time he's spent in public office (secretary of state, governor, attorney general), he's eligible for a nearly $75,000 pension, and it appears that he may be qualified under the special Legislators' Retirement System (a little-known special system for politicians) to get as much as $110,000.

Maybe he should subpoena himself. — Gary Jason

Heaven or hell — I have been meaning for several months to bring to our readers' attention a fascinating study published last year. It is "Tax Burden and Individual Rights in the OECD: an International Comparison," by economist Pierre Bessard, of the Institut Constant de Rebecque, in Lausanne, Switzerland. (The paper is downloadable gratis on the internet.)

Bessard's paper does two useful things. First, it very nicely articulates the benefits of international tax competition, that is, encouraging countries to keep separate tax regimes. Second, it develops a novel "Tax Oppression Index" to measure the real impact of any taxation regime.

Regarding tax competition, Bessard makes some strong points. In the Organization for Economic Cooperation and Development (OECD), pressure is building for action against "tax havens" (a pejorative term for countries low in taxes and high in financial privacy), so as to bring their taxes more in line

with those of the high-tax countries. As the secretary general of the OECD, Angel Gurrie, put it, "At a time when governments need every tax dollar legally due to combat the world recession, such practices can no longer be tolerated." Putting aside the ridiculous Keynesian notion that high taxes are the key to ending recessions, note that the goal of this bureaucrat is to shield high-tax countries from competition from low-tax ones. It is all an exercise in protectionism, with high-tax states such as France and Germany berating low-tax ones such as Luxembourg and Switzerland for offering more attractive environments for business.

But as Hayek made clear, competition is a heuristic (discovery) process. It is how we test things for quality. That is why governments seek to prevent monopolies in the private market. So why should they try to prevent other nations from competing when it comes to tax regimes? Bessard notes that even the OECD's own research shows a correlation between high taxes and low growth.

Still more interesting is the index Bessard has devised to rank countries in regard to the real severity of their tax regimes. Rather than simply looking at, say, the top marginal personal income tax rate or corporate tax rate, his metric uses 18 criteria in three broad categories: "tax attractiveness," "public governance," and "financial privacy."

Under his index, on a scale of 10 to 0, 10 being the highest in tax oppression (tax hells), and 0 being total lack of tax oppression (tax heaven), the most tax oppressive countries in the OECD are Italy and Turkey, at 6.0. Following closely are such countries as Poland, Mexico, and Germany, at 5.9. The Dutch come in at 5.8. France, Belgium, and Hungary score 5.6; Greece 5.5, and the UK 5.3. Australia, Portugal, and the Czech Republic score 5.1; Spain and Japan rate a 5.0; and Korea, Finland, and Sweden are all a surprising 4.9. Denmark stands at 4.8, New Zealand at 4.7, Ireland at 4.6, and Iceland and Slovakia at 4.5. Canada scores a surprising 4.4 and Austria 4.2. Luxembourg comes in at 3.4 and Switzerland at 2.0.

How does the U.S. score? Surprisingly badly, given how much politicians and pundits complain that Americans are undertaxed. We rate a 5.3 — tied with the UK, and only slightly better than Greece. — Gary Jason

Toxic relationship — This summer, the mainstream media spent much time and energy discussing the case of Shirley Sherrod, an Obama appointee in the Department of Agriculture (USDA) who spoke indiscreetly about racism and reverse-racism at that agency. Internet provocateur Andrew Breitbart posted a video of Sherrod's remarks (made to a regional NAACP convention); the video turned out to have been edited so that Sherrod seemed to be endorsing racist behavior. She insisted that the full context of her story was a lesson in learning *not* to judge people by the color of their skin.

Along the way, she was fired from her post, then offered another job, after President Obama concluded that her firing had been a mistake by poltroon USDA head Tom Vilsack.

The details of Sherrod's words and employment woes are unimportant. The critical lesson is that the USDA has become a cesspool of bad management.

Case in point: in 1997, a group of 400 black farmers sued the USDA, alleging that between 1983 and 1997 they had been systematically denied government loans because of racial discrimination. The black farmers won their case (called, in Dickensian fashion, *Pigford* v. *Glickman*) and, in 1999, the USDA agreed to pay $50,000 or more to *any* black farmer who'd been denied a loan during the period described in the lawsuit.

Lawyers for the farmers and the USDA agreed that many claimants would have trouble meeting the burden of proof in demonstrating that they'd been discriminated against illegally. So, they set up two "tracks" for claimants: one would require only minimal evidence ("Track A") and would result in a fixed $50,000 payout; the other ("Track B") would have to meet the standards of a civil case and had no cap on how much could be awarded in damages.

By the government's estimate, up to 2,000 farmers would qualify for settlement payments. True to form, this estimate was wrong. Wildly. Some 22,500 farmers applied for settlement money. Over the next decade, the USDA shelled out close to $1 billion to aggrieved agricolae.

That wasn't the end of it. More than 73,000 *additional* people applied for cash awards, but the USDA rejected their applications for various reasons, most often that the forms had been filed after a court-approved deadline. But an obscure provision in a 2008 farm bill allowed rehearing in civil court for any claimant whose application had been denied because of the deadline. So, earlier this year, the USDA agreed to pay *another* $1.25 billion.

One problem with these numbers: According to various editions of the USDA's "Status Report: Minority & Women Farmers in the U.S.," there were only 18,816 black farmers in 1992, and similar numbers during the years covered by the *Pigford* claims. So, how do fewer than 20,000 farmers end up multiplying into more than 90,000 claimants? Some call this "Chicago math" because, as a senator and presidential candidate, Barack Obama supported the extension of *Pigford* money to those who'd missed the original deadline. Others call it "slavery reparations under a different name."

Aside from highlighting continued managerial incompetence at the Department of Agriculture, what does the multi-billion-dollar *Pigford* settlement have to do with Shirley Sherrod?

Quite a bit. Sherrod and her husband received millions in settlement of *Pigford*-related claims they made on behalf of New Communities, an agricultural cooperative that they'd run unsuccessfully. After New Communities failed, the Sherrods claimed that its failure had been the USDA's fault. The group's $13 million "Track B" settlement included $150,000 each to Sherrod and her husband for the pain and suffering they experienced.

So, Shirley Sherrod began her tenure at the USDA after settling claims against it. Is it any surprise that this plaintiff-employee spoke indiscreetly about her adversary-employer? — Jim Walsh

Parasites — Two reports from unlikely sources suggest that the public is beginning to wake up to the lavish compensation our government workers enjoy.

USA Today (August 10) has divulged the fact that federal employees' average compensation (salary, bonuses, pensions, healthcare, etc.) is now more than twice the average for workers in private industry. As of last year, federal workers

averaged $123,000 in total compensation, compared to $61,000 for private workers. This disparity has grown during the last decade: total compensation for federal workers has increased nearly 37% since 2000, while for private workers it has risen less than 9%.

When this report hit, public employee union spokeswhores immediately put out the claim that federal workers have higher education and training. Yeah, right. As if postal workers, airport screeners, and ag department bureaucrats are all Ph.Ds.

The second story comes from an even more unlikely source, The New York Times (August 26). It notes that across the nation, cities have cut such services as policing and fire protection, because of budget shortfalls caused by the rapidly increasing costs of the pensions and health benefits that past public employees are receiving.

In particular, fire departments are starting to cut back on personnel and firehouses, and instituting "rolling brownouts" in which firehouses are closed on different days. The president of the International Association of Fire Fighters, Harold Schaitberger, says that he's "never seen it so widespread."

The story recounts (in typical Times style) the death of a two-year-old San Diego boy, Bentley Do, who choked to death less than a block away from a fire station that happened to be shuttered that day. (San Diego has hovered near bankruptcy for a number of years because of the costs of public employees.)

Cities are reporting that they are forced to cut services because the public employee unions are absolutely unwilling to make any concessions concerning the lavish pay and benefits their members receive. Certainly the aforementioned union president has said that his number one priority this year is to protect the pensions his members have won.

This all prompts the question of why the public allows public employees to unionize in the first place. — Gary Jason

Growing up — Beyond the entertainment value of its more childish expressions (think "The Jerry Springer Show"), disagreement is today generally avoided, in respectable society, as — well — disagreeable. It is viewed with suspicion, as something from which nice people should shrink. We realize that we will never agree about important issues, and the best we seem to be able to manage, in the interest of keeping the peace, is polite silence or a sanitized refusal to talk about anything controversial.

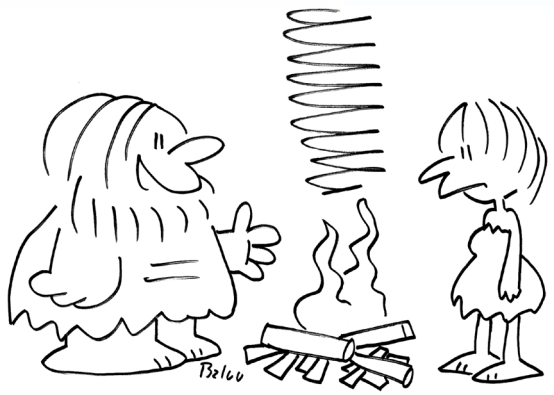

"Finally — an alternative source of energy!"

But if we can't talk about anything controversial — that is to say, anything interesting — can we learn anything new? In fact, a free society is based, at least partially, on our willingness to put up with the occasional loudmouth. Many of yesterday's crackpots are today hailed as visionaries. And today's crackpot notion may, tomorrow, save the world.

Libertarianism is a generous, mature philosophy. It treats citizens like grownups. It assumes that most people are capable of recognizing a good argument and coming to understand the truth. And it's willing to allow the same degree of freedom to everyone — even its enemies.

Too often, libertarians are caricatured as people who want the poor to starve and every individual to sink or swim alone. But we really believe in mutual respect, the power of voluntary cooperation, and the ability of the best in people to emerge. We know that coercion destroys this respect and cooperation, making enemies of those who might otherwise be friends.

No other issue can be settled before this one: what sort of a society will we be? Libertarians are sometimes accused of favoring a society dominated by contentiousness, overcompetitiveness, and winning at any cost. But this is what happens to society when people try to force their will on everybody else, as too many people in modern America do, using political means to accomplish their purposes. This has not happened because there are too many libertarians, but because there are not enough. Until the rules of the game change, the game will stay the same. And nobody will win.

If we can show that the rules themselves must change, and offer a blueprint for changing them, we can rebuild the entire arena. Again, it may be possible for ideas to be discussed on their own merits. Not every decision will be viewed as life-or-death, I-win-and-you-lose. Experiments will be permitted, rewarded if successful and, if not, then shelved in favor of better options. Indeed, is there any other way a free society can be saved? — Lori Heine

The new transparency — Escaping mainstream media notice was another case in which Obama violated his promise to create the most transparent administration ever. As noted in the Washington Examiner (August 12), he has now abolished the position he set up to push transparency in government. The so-called "ethics czar" job is gone, and the fellow who held the job is now going to be the U.S. ambassador to the Czech Republic. Most of the duties that the "ethics czar" was supposed to have performed will be shifted to the White House counsel, Bob Bauer.

Bauer is a partisan hack of the first water. His law firm represented John Kerry in 2004. It represented Obama in his race for the presidency. It represented the Democratic National Committee and the Democratic Congressional Campaign Committee. It even represented the infamous Sen. Robert "Rolex" Torricelli (D-NJ), whose legislative career was ended by a lobbying and contributions scandal. Bauer was a lobbyist (I know — Obama promised that he would not have ex-lobbyists in his administration), working on behalf of America Votes, Inc., a Dem 527 organization funded by the AFL-CIO and ACORN.

Yes, the most transparent administration *ever*.

— Gary Jason

Obama the Ordinary

by Wayland Hunter

What's the worst thing anyone can say about our president? That he's ordinary.

Throughout this summer, Democrats were groaning and Republicans were crowing over President Obama's miserable performance in the polls. Certainly Obama had no reason to celebrate the July 4th holiday, which began with 44% of voters strongly disapproving of him and only 24% strongly approving, according to the Rasmussen daily tracking poll. In the same poll, 45% approved of him to some degree, but 55% disapproved. Since then, his Rasmussen numbers have continued in the same way, though some other polls show him dipping even lower.

Obama has fallen far since his inauguration, when 65% approved, 44% strongly, and only 30% disapproved, 16% strongly. This is interesting, but still more interesting is the fact that Obama's slide corresponded with none of the major problems that began to worry even the mainstream media during the first months of 2010. I refer to the abject failure of the stimulus plan; the long slog toward a hopelessly unpopular healthcare bill; the attempt to claim responsibility for saving the Gulf Coast, while boodling most aspects of the salvation try; and the brilliant idea of suing Arizona over an immigration law that is wildly popular throughout the country.

No, as the Rasmussen people pointed out, the big slide had already happened. It happened during the first five months of Obama's administration. By mid-2009, his numbers were down pretty much to the place where they are right now. This can't be explained by the president's recent, disastrous failures. There's a much more important factor.

A hint at the right explanation comes from Wesley Pruden of the Washington Times, who recently referred to Obama's habit of being "puzzled" when his propaganda gets "no applause."

That was a good observation. Pruden correctly identified the weird woodenness of the Obama persona. The reason why Obama is puzzled that his propaganda doesn't work is that, strangely, he believes his own propaganda. Not every detail, of course — nobody could — but in general, he's convinced

that it's perfectly okay. He has no capacity for self-criticism or self-irony, and this is not a mark of intellectual distinction. Neither does it engender popularity with the American people. It's light years away from Fiorello LaGuardia, whom people still remember fondly for saying, "When I make a mistake, it's a beaut!"

A second hint can be found in a series of adjectives that the talking heads started to use this summer. When discussing the president they began, somewhat to their own surprise, using words like "predictable" (as in, "Such and such Obama nominee was a predictable choice"), "normal" (as in, "That's normal behavior for any White House"), "usual" (as in, "That's the usual thing for the presidential press secretary to say"), and finally, hesitantly, and with the air of a great theoretical discovery, "ordinary" (as in, "He's turned out to be an ordinary president").

It's that last word that's killing Obama. Yet it's a word that had occurred to normal Americans, more than a year before the pundits thought of it.

It's also the right word. Obama is a very ordinary man.

I don't mean that he's a cross-section of the American populace. No one gets to be president, these days, without a peculiar degree of ambition and baseless egotism. Peculiar because very few people actually consider themselves qualified to be president; people are more perceptive than that. Baseless because no one could possibly be qualified to assume the ridiculous degree of power that the president possesses. Obama is, and always has been, one of the most egotistical, self-centered, and gratuitously ambitious men on the planet.

His ambition, however, lacks any other quality that would make it interesting. Despite all the terms of abuse that the Right so easily finds for him, his ambition is not like Caesar's or Napoleon's or Franklin Roosevelt's. Neither is it similar to the ambition of an Albert Schweitzer or a Desmond Tutu. It's simply the amorphous, featureless, yet remorseless ambition one sees in anyone who always wants to be chosen for the highest post he has some chance of obtaining.

The intensity of Obama's ambition is peculiar, but its kind is not. It's the kind of ambition that makes someone crave to be the mayor of Akron or the CEO of a long-established firm, with lots of consultants to write reports and speeches and lots of people waiting for him to show up and chair the conference. It's the kind of ambition that makes someone who doesn't like research or teaching crawl up the administrative ladder until he becomes the president of some locally important college.

Obama is, and always has been, one of the most egotistical, self-centered, and gratuitously ambitious men on the planet.

You can picture Obama, can't you, in any of those jobs? And it's hard to imagine that he would perform really badly in them. They're fully within his range of competence. Even the college presidency would pose no problem. Like many other opponents of Obama, Jonah Goldberg, who is often right, pictures him as an "ivory tower intellectual." Oh no, he's not. If he were, he'd be living in an ivory tower right now. Nothing easier for a black man who went to Harvard. But Obama has no interest in assessing intellectual issues, or even in reading books. And he has no interest in being left alone in his tower. What he wants is to attend a lot of meetings, present a lot of official awards, make a lot of speeches, and hear that a lot of people he never met and cares nothing about hold him in high regard.

As a CEO, or a bush-league college president, he'd play golf and trade pleasantries with his buddies on the course. When he thought the worker bees needed cheering up, he'd read them a "dynamic" speech that some flack had written for him, and he'd deliver it with many gestures. If his enterprise got into trouble, he'd do what is fashionable for mayors or CEOs or college presidents to do in such circumstances — he'd blame the previous administration and make embittered remarks about people who disagreed with him. Sometimes his schemes would work, and he'd take credit for them; sometimes they wouldn't, and he'd contrast them favorably with those of other administrators, real or imagined.

So far, that's a pretty good description of what Obama has done. The difference is that the putative mayor or college president or whatever would be flirting with fewer dangers. His schemes would usually work — partly because they were devised by people who needed to think more practically than he did, just to keep their jobs, and partly because a mayor or a CEO or a college president manages an enterprise of contracted scope. He or she doesn't have the opportunity to screw up in as many ways as a president of the United States.

There are some presidents who, for bad or good, can't be pictured in any of the roles I've mentioned. Think of George Washington. Andrew Jackson. Lyndon Johnson. Ronald Reagan. But Obama is easy to picture that way.

And here's what I think happened. After a few months of watching Obama in action, the American people began picturing him in exactly the way I've stated. One by one, it occurred to them that he was a lot like their mayor or their college president or their boss' boss. Maybe like their priest, who's known for giving "inspiring" sermons but lets his secretary run the parish.

Once people pictured Obama in that perspective, they saw his limitations, and they turned away. In particular, they stopped listening to his speeches.

A while ago, someone commented in these pages about a news report indicating that few people, even those who profess to admire Obama's public speaking, can actually remember any specific words he says. But political enemies remembered his gaffes. Independent voters started to notice them too. Political friends remembered his response to forecasts of Democrat doom in the elections of 2010. He was reported as saying something like, "Don't worry; this time around, you have me speaking for you" — as if he actually believed the propaganda about his "soaring rhetoric." No one seemed capable of remembering any particular place to which the rhetoric soared — just that it was always soaring. Then, as I say, people ceased to care.

Obama's constant, seemingly compulsive public speaking became his mark of Cain, the infallible indication that he was just an ordinary pol. An extraordinary person speaks only when he has something important to say; an ordinary

person chatters away. Heard once or twice, Obama fitted the image of the inspiring preacher: you didn't need to remember the ideas, if any, that he intended to convey; you could just enjoy the feeling he aroused. Heard three or more times, Obama became the blowhard boss or the relentlessly pontificating uncle, the person whom you don't need to hear again, because you already know what he's going to come out with. It's predictable. It's normal. It's ordinary.

It's also very thin stuff, and thinner when you catch it *ex tempore*. Absent a manuscript and a teleprompter, Obama is a very poor talker: slow, hesitant, sometimes fumbling, and always deadly dull. He's the college president who's forgotten where he put the notes his assistant wrote for him. One of the few amusements you can look forward to on these occasions is the opportunity to count how many times he says "uh." It averages around 20 a minute. Sometimes it goes up to 24 or 25. And it's getting worse. Obama used to specialize in spatters of short, discreet noises — a leakage of brief little "uhs" that were almost as hard to count as the pulses in your forearm. It was more like a stutter than anything, and it presented a welcome relief from the sad, deep, rumbling "uhhhhs" of such servants of the public as his press secretary, Robert Gibbs. Now, however, Obama is increasing the frequency of his "uhs"; he's increasing the length and volume of what now amount to growls; and he's doubling or tripling up, sneaking in a second or third "uh" after the first one.

We all do this kind of thing from time to time. We do it when we're not sure of what we want to say, or when we're sure that we don't have anything to say and need time to make something up. We do it when we're afraid, consciously or unconsciously, that someone more articulate will break in on our discourse, and other people will prefer to listen to him or her. "Uh" is a mark of the ordinary person who isn't willing to concede the floor to anyone else. And it's the mark of a tedious blowhard — for that's what Obama is.

"Eighty- uh seven uh years ago the uh ancestors, men and women uh black and white uh of this country uh uh came together on uh uh uh this part of the country uh where we're uh standing today uh uh . . . " That would be Obama's version of Lincoln's speech.

It has been said that some people are born great, some achieve greatness, and some have greatness thrust upon them. To put this in slightly different terms, the members of that third group are ordinary, yet are changed by their reaction to extraordinary challenges. Their reactions may turn out well or badly, but they are significant reactions.

Harry Truman was an ordinary person, forced to make unprecedented decisions. He rose, or fell, to the occasion, and became of much more interest than the little machine politician he started out to be. The same can, perhaps, be said of John Tyler, an insignificant ticket-balancer ("Tippecanoe and Tyler *too*") who faced the great sectional disputes of the 1840s with a remarkable — almost a creepy — stubbornness. The same can be said of James K. Polk, an ordinary politician who wrested the empire of the West from Britain and Mexico (both potent enemies in those days) and emerged victorious from one of the most difficult wars that any politician ever fought.

There have also been presidents of unusual interest as personalities — Madison, Van Buren, Pierce, Buchanan – whose responses to their times were drearily predictable. These people's interest lies entirely in their personal character. But only a handful of presidents have been ordinary both by their character and by their reactions to the events of their time.

James Monroe was one of them. So were Benjamin Harrison, Chester Arthur, and William Howard Taft. The two Bushes fit in here. Faced with extraordinary circumstances — the collapse of communism, the attack of 9/11 — the Bush presidents took a predictable course. "Predictable" doesn't mean right or wrong. It means ordinary. They were ordinary people.

Now comes Barack Obama, whose birth and upbringing made him appear completely out of the ordinary, and whose circumstances required him to face unusually difficult economic, political, and diplomatic problems. Despite these challenges, however, he consistently achieved the ordinary.

Only one of his decisions has surprised me — his bizarre idea that it would somehow aid him politically to berate the Supreme Court in person, during his state of the union address.

Obama showed no better knowledge of history and economics than the normal office holder — which is to say, virtually none.

The idea was original; no one had thought of it before. Yet it was only a *divertissement*. Obama's major actions, however strange they may seem when compared to what might reasonably have been expected from a thoughtful person, aren't the least surprising for a contemporary American politician.

What's to be surprised about? Before coming to office, Obama showed no better knowledge of history and economics than the normal Democratic or Republican office holder — which is to say, virtually none. If you want to search his books for some extraordinary knowledge or insight, go ahead, and let me know when you find it. Good luck. Since then, he hasn't improved.

It's sometimes interesting to identify people's intellectual age: find the newest idea that's important to them, and that's how old they are, intellectually. (This can also be done with people's technological age. What's the last device or invention you really understand? Mine is the washing machine. That makes me about 100 years old, in technological terms.) In this connection, let's consider Obama's ensemble of economic ideas.

I believe that the last significant element of his economic ideology dates from the 1920s. I refer to the silly business about stimulating the economy, promoting consumer spending, guaranteeing mortgages, supporting badly managed enterprises with government bucks, and all the other stuff. This little package of false ideas was popular even before John Maynard Keynes.

So that makes Obama about 90 years old, intellectually. Time for retirement from the job of planning the economy.

You can calculate this stuff in another way, too. You can try to identify the earliest big idea that a person *missed*. That's harder to do with ordinary people — because, being ordinary, they miss almost all the big ideas. But again, let's stick

to economics. I'd say that Obama's innocent trust in the welfare state and the managed economy puts him back around Bismarck's time. (This is a generous calculation.) He isn't a Marxist; he obscurely realizes that Marxism must be wrong, for some reason — perhaps the contributions that wealthy capitalists make to his political campaigns. Yet he shows not the slightest awareness of any intellectual critiques of a government-managed economy, which means that he hasn't the slightest awareness that this argument was decided, conclusively, by the later 19th century. And that means that our president, the person who has by far the greatest influence on our $16 trillion economy, is actually more than 120 years old. Can we trust a man that old to make decisions for us?

Obama's personal management was taken over by a bully (Emanuel), a used car salesman (Axelrod), and a mouthpiece (Gibbs).

Right or wrong, Obama's decisions certainly *seem* perfectly ordinary, as viewed from inside the intellectual nursing home in which he and his friends reside. Jefferson observed, sarcastically, that ordinary people seldom have occasion to "revise their college opinions." Obama's college opinions consisted of a naive post-'60s leftism, coupled with an unwillingness to probe the implications of any idea he was taught. His politics operated, and continues to operate, entirely at the level of unexamined assumptions — a sure sign of the ordinary man. Thus, he became a "community organizer," but did virtually nothing in the job. Thus, he became a member of a leftist, black nationalist church, but did nothing special in that role, either. Martin Luther King Jr read books, thought about them, and tried to find his own way. He made difficult decisions. He went to jail. He was an extraordinary man. Contrast Obama. He cites books, joins a political machine, and runs for president.

But I mentioned Obama's friends. One of them was the Reverend Mr. Wright, a racial demagogue. Obama spent a long time lauding Wright as if he were a conventional Christian. When he was shown not to be, Obama lied, then shrugged him off. Wright became a nonperson. Many other Obama associates have suffered the same fate. But he hasn't thrown David Axelrod, Rahm Emanuel, or Robert Gibbs under the bus. Why not? Is this evidence of some principled, or at least unusual, loyalty?

Not at all. A more than ordinary politician would realize that these purported wizards were destroying his administration, and dismiss them. But Obama doesn't realize that. He knew that his association with Wright would destroy him if he didn't do something about it, but Wright was easy to sacrifice, because Obama was never really intimate with him, despite what he said. If he had been, we would have heard, by now, all the damaging details. But he wasn't. He never got carried away by an extraordinary religious enthusiasm. For a while, Wright was helpful to his political career; then he wasn't, and he disappeared. But other people's advice, operational *political* advice, has always been vital to him. He can't live without it — and in his case, the other people happen to be Axelrod, Emanuel, and Gibbs.

It's like the mystery of a failing corporation. After it's gone belly-up, you read its history and discover that the CEO kept relying on the same kind of surface-level experts who'd been wrongly advising the firm for years. Get rid of them? Not a chance. You can't expect him to manage things by himself, do you?

This is Obama's situation. There was nothing special about him. He was the kind of acceptable, superficially credentialed pretty boy whom political machines typically adopt as their figureheads. He was a little more respectable, a little more credentialed, a little prettier, a little more boyish — that was all. He didn't have an unpredictable idea in his head, and that was fine. Essential, in fact. So his personal management was undertaken by a predictable crew: a bully (Emanuel), a used-car salesman (Axelrod), and a mouthpiece (Gibbs). These people were so ordinary, so predictable, that they all looked exactly like their roles. There hadn't been people so typecast since the Nixon regime.

Obama was undoubtedly surprised when his trial-balloon presidential candidacy got real. The timing hadn't been entirely predictable. He had thought in terms of 2012. But living for nothing but ambition, he went for it, and won, because he seemed less ordinary than his opponent, George Bush. And he was . . . superficially.

Consider his inaugural address. Here's a passage, chosen at random from the White House Blog:

> Nor is the question before us whether the market is a force for good or ill. Its power to generate wealth and expand freedom is unmatched. But this crisis has reminded us that without a watchful eye, the market can spin out of control. The nation cannot prosper long when it favors only the prosperous. The success of our economy has always depended not just on the size of our gross domestic product, but on the reach of our prosperity, on the ability to extend opportunity to every willing heart — not out of charity, but because it is the surest route to our common good. (Applause.)

What does any of that mean? Nothing. A question is asked — Is the market good or bad? — in order for the question not to be answered. The market is said to generate wealth and expand freedom, which seems like a good thing; but it is also said to have an ability that other generators don't possess, which is to go spinning out of control. That seems like a bad thing. But how exactly does a market "spin"? No answer — only a non sequitur about how "the nation" (which appears to be the same as "the market") "favors only the prosperous." How does that contention comport with the preceding ones? Again, no answer.

The next sentence, the one about "success," is another benchmark of mediocrity. As anyone can see, "success" can mean an infinite number of things. To Fyodor Dostoyevsky, it meant the triumph of the Russian Orthodox Church. To Eleanor Roosevelt, it meant the triumph of niceness. To other people . . . Well, you get the point. Obama says that success depends on something called "the reach of our prosperity," which I suppose means the number of people who are

continued on page 42

Drill Deep, Drill Smart

by Gary Jason

Of all the failures before and after the Gulf oil spill, the worst would be failing to construct a sensible energy policy.

How did the Gulf oil disaster happen? What does it mean, and what should be our petroleum policy be in the future?

The blame for this fiasco is shared, in my view, by four parties: BP, naturally, but also the governmental regulatory agencies, the environmental movement, and the president of the United States.

BP has already admitted blame and taken responsibility for paying for the whole cleanup — although, to be fair, the corporate responsibility will likely extend beyond BP. The lease for the drilling site was partly owned by Anadarko Petroleum, the rig was owned by Transocean, the blowout protector was built by Cameron International Corporation, and work on the production was performed by Halliburton.

Nevertheless, BP workers missed something like 20 separate "anomalies," incidents just prior to the explosion that they should have explored, such as the fact that in a test hours before it happened, more fluid left the drill pipe than was expected during a standard test, and later tests showed higher than expected pressure. There appears to have been poor communication between BP employees and Transocean employees. BP apparently chose a cheaper well design than was prudent. Moreover, a supervisor for BP has testified that a month before the accident BP workers detected a leak in the hydraulic system that controlled the blowout preventer, a crucial collection of valves that is supposed to shut down the well in the case of an emergency, and corporate management failed to transmit that information to the regulators. A BP official overruled the Transocean employees by using seawater instead of protective mud.

Blame also accrues to various regulatory agencies, but most especially the Minerals Management Service (MMS), the agency that is directly responsible for monitoring the safety of the oil and gas industry and collecting revenues from it. At this point, it seems clear that the MMS was a classic case of "regulatory capture," meaning that it colluded with the

industry it was supposed to regulate. (The Obama administration was pretty well tied in with BP, too. BP was one of the biggest contributors to Obama's $750 million campaign in 2007–2008, and Obama's evil genius Rahm Emanuel lived rent-free for years in a deluxe D.C. apartment owned by a top BP adviser, Stanley Greenberg.)

A recent report by the Inspector General's (IG) office on the MMS charged that many MMS employees accepted gifts (such as free meals and tickets to sporting events) from oil and gas company executives. This IG report confirms a similar IG report of two years ago, which found "a culture of ethical failure" including not just accepting gifts from people in the oil industry but in some cases having sex with them. (Talk about being in bed with the industry you are supposed to regulate!) The MMS habitually ignored the warnings given by its own staff biologists and engineers.

It's not that government regulation is a cure for all problems, but regulation of this kind creates false confidence and a thick fog of ignorance. In a weird synergy of dysfunction, BP formulated its plan for dealing with oil spills on faulty data supplied by — the MMS! Actually, BP and the other oil companies are required to use computer models provided by the MMS. Yet these models were outdated, and they overstated the degree to which oil would evaporate or be dispersed by wave action.

Also worth noting is the role of the Coast Guard in the original sinking of the platform. It appears that in combating the initial fire, the Coast Guard failed to follow its own policies. It did not put a firefighting expert in charge of the half-dozen ships spraying salt-water on the fire. As a result, the water may have overrun the ballast system that kept the drilling platform upright, causing it to sink. It was the rig's sinking rather than the initial explosion that caused most of the damage that led to the spill.

The EPA deserves mention, too, for holding up the deployment of skimmer ships from other countries, on the ground that those ships removed less oil from the water than the ultra-tight EPA regulations call for. Common sense suggests that it is better to have ships removing (say) 85% of the oil spewing into the ocean than to wait three months for ships that can remove 99%. But common sense is scarce in a bureaucratic maze such as the EPA.

The Dutch offered free use of their ships to clean up the Gulf oil spill. Obama said no. He wanted to train union workers to do the job.

Not to be overlooked in the blame department is the role of environmentalist groups. Over a period of three decades, they blocked the building of new nuclear power plants, thus increasing our reliance on petroleum and the need to drill for more of it. They also succeeded in putting most of America's shallow waters and much of its land — including the safely exploitable ANWR — off-limits for drilling, thus making certain that drilling would be done more and more dangerously, in ever deeper waters.

From day one, the president's mistakes were legion. He was grotesquely slow in responding, and when he did respond he refused to work with local officials, such as Louisiana Governor Bobby Jindal and Plaquemines Parish president Billy Nungesser, who kept requesting permission to build protective barriers (sand berms) and kept being denied the necessary permits by the Army Corps of Engineers. Having assumed the role of universal regulator and rescuer, the administration refused to act.

It was likely because of political reasons, not just because of the EPA's obstruction, that Obama waited forever before accepting help from other nations, many of whom offered skimmer ships. Within three days of the spill, the Dutch offered their ships (each of which *by itself* had more clean-up capacity than *all* the ships we were then employing in the Gulf to clean up the spill). The Dutch also offered to prepare contingency plans for building berms to protect the Louisiana coastline — all for free. Twelve other nations offered assistance within days of the accident. Obama just said no. He wanted to give his supporters, the labor unions, time to train union workers to do the job.

Catering to labor is also the reason he waited so long to waive the Jones Act, which Bush waived within days of the Katrina disaster. (The Jones Act, more correctly called the Merchant Marine Act of 1920, regulates shipping in the U.S. territorial waters and between U.S. ports. It requires that all passengers and cargo carried between U.S. ports be conveyed by American-built and -flagged ships. Also, at least 75% of the crews must be American citizens, and ships must be refurbished almost entirely at domestic shipyards.) This made accepting foreign help impossible.

It should be noted that Obama never ran a business, not even a law firm, never administered a large institution, and never ran a municipal or state government. It is no surprise that in his first major test of emergency leadership, he failed as miserably as the defective blowout protector on that doomed oil well. His education hadn't prepared him to be of any real use during an engineering failure of this magnitude. After weeks of doing nothing, his first major act was — to appoint a group of attorneys!

Since then, his approach has been to bash BP and facilitate the flood of lawsuits it will inevitably (and deservedly) face. He obviously feels that a crisis of this nature and magnitude will be good for generating public opinion in favor of his environmental agenda, much of which involves replacing petroleum with so-called green sources of energy. During his campaign for president, his green agenda was put aside only when McCain used the spike in oil prices to push the idea of drilling — at which point Obama said that he, too, supported more domestic drilling. Once in office, however, he put all that aside and actually increased restrictions on domestic drilling.

After more than a year of this, rising gas prices again forced his hand, and he started making sweet promises and token concessions; but the Gulf disaster allowed him to promulgate a moratorium on domestic deep-water drilling. His first attempt was to impose a moratorium on all offshore drilling. It was quashed by a federal judge, but it showed the importance he places on taking environmentalism to the most radical extreme possible. (And he later reimposed a ban on drilling.) The moratorium, after all, was passionately resisted

by the people living closest to the spill, people who knew how many jobs it would cost. But there are many things more important to the president than the economic health of the people he claims to protect.

It has been noticed, by people who follow the media, that environmentalists have generally withheld criticism of Obama for the Gulf disaster. The reason, I would contend, is that they know he will use it to cut back on drilling.

The oil spill is a fascinating study in this country's failed energy and environmental politics. It is bad in itself, but it ought to lead us to consider still larger problems of America's energy policy.

Did you know that China has now overtaken the United States as the world's largest energy consumer? The International Energy Association announced that fact this summer, to practically no public notice. Yet competition for oil is a major feature of the world economic and political reality.

So let's talk about reality, in its various forms — physical reality, geopolitical reality, economic reality, and yes, military reality. Even with the most pacific intentions, the United States faces a world in which its security is endangered by its dependence on supplies of foreign fuel that might be suddenly withdrawn. Energy policies — good or bad, well meditated or imposed by hysteria — will be formed to respond to this fact. So the question is, What should an energy policy aim at?

Voices from many quarters, both Right and Left, argue for "energy independence." To be energy independent is either to import no energy fuels of any kind from abroad, or to export fuel roughly equal to what we import.

This is not the policy that I would urge.

While in theory energy independence is possible, it is both politically and economically unrealistic. It equates buying fuel supplies from enemies with buying them from allies, and it fails to limit costs. To see what I am getting at, consider the fact that Australia and Canada have the biggest known reserves of uranium, and it is highly unlikely that they will become enemies of the United States. Why should we go to the trouble and expense of trying to become uranium-independent of them?

On the other hand, buying crucial supplies of oil from the Russians and Iranians carries serious political costs. As it is, we import 60% of the oil we consume; and 42% of what we import (i.e., 25% of all the oil we consume) comes from OPEC countries — a tightly organized group, dedicated to keeping prices up. In this respect, we are sitting ducks. The fact that an embargo, organized by a cartel of oil exporters, would eventually be broken (all cartels eventually break up) is not reassuring. Under current conditions, an embargo of any significant length could be disastrous. And, under the same conditions, we are already paying immense military and diplomatic prices to keep would-be enemies from ganging up on us and disrupting our oil supplies.

This is simply a fact of life. We do not exist in a stable environment of free trade and are not likely to, so long as the trade in energy is vulnerable to noneconomic (i.e., religious and political) coercion.

As Frédéric Bastiat advised many years ago, when we assess the consequences of a policy or action, we need to look not only at the salient or striking costs and benefits but also at the hidden or "unseen" ones. In getting what you think is cheap oil from the Middle East and Russia, for instance, are you counting in the costs of the treasure and lives spent in keeping those sources open? And if we are embargoed again by OPEC, what will be the general economic and political costs of the resulting recession or depression?

Under these circumstances, the goal that I think is best — that is, realistically achievable, yet beneficial to national security and a functioning economy — is what I would call "energy immunity." Energy immunity is different from energy independence. Energy immunity means simply that our nation's energy supply is secure from major external threats such as oil supply cutoffs and massive wealth transfers to our enemies abroad. A coherent approach to energy would allow for production from many sources — petroleum, natural gas, coal, nuclear reactors, and the sun and wind. A satisfactory energy policy would be economically realistic — not costly in terms of lower national employment, lost economic growth, or high deficits.

After weeks of doing nothing about the Gulf oil spill, President Obama's first major act was to appoint a group of attorneys.

But to make any progress in this area, one must recognize certain things. One is that petroleum is not going away any time soon. Right now, 40% of all American energy comes from petroleum products.

The two largest uses for energy are transportation and the generation of electric power. While petroleum is used to some extent in electrical power generation (as in diesel-powered generating stations), it is mainly used (when refined into either diesel or gasoline) as fuel for engines employed in transportation. To some extent, petroleum's role in transportation can be replaced by electrical energy. Already, a fair number of hybrid vehicles (powered both by electricity and by a gasoline or diesel engine) are being sold; and every time the price of gas jumps up, hybrids get attractive again, despite their higher up-front costs and the inconveniences of charging their batteries.

More potentially game-changing are purely electric vehicles ("EVs"). Nissan is planning to introduce the Leaf, GM the Volt, and Tesla its Roadster. Mitsubishi is working on its own EV, called the i-MiEV. Honda is working on an EV (currently called the EV-N) for production within the next few years (though Honda has been researching EVs for two decades). Carlos Ghosn, Nissan's CEO, predicts that within the next two years his company will have the capacity to produce 500,000 EVs annually.

The Wall Street Journal recently ran an enthusiastic piece about the potential for EVs, pointing out that cities around the country are building the infrastructure to accommodate them, such as electrical charging stations. Utility companies are working to help ensure that people can charge cars at home, using the 220-volt outlets ordinarily used by washing machines.

All this sounds good, but for the next decade at least, it is unlikely that EVs will take off in a major way, or even that hybrids will come to dominate the motor vehicle market. EVs have short driving ranges — between 40 and 100 miles at best, and much less at high speeds, or if the temperature outside is hot or cold, or if the car is carrying a good deal of weight (such as today's bulky passengers). The batteries in EVs (and even hybrids) take a long time to charge. Tomohiko Kawanabe, chief of research and development at Honda, says that his company isn't particularly confident about EVs. "I can't say I wholeheartedly recommend them," he says, because "it is questionable whether consumers will accept the annoyances of limited driving range and having to spend time charging them."

The government has subsidized ethanol heavily; yet it still plays hardly any role in fueling cars.

Add to that the fact that EVs cost more than conventional cars of the same type. The Tesla roadster, for instance, will cost $100,000, and the Chevy Volt will cost $41,000 — about $24,000 more than the Chevy Cruze, the non-electric compact upon which the Volt is based. Add also the fact that these cars are smaller, hence less comfortable and more dangerous in a crash — and it appears that EVs will be at most only 1–2% of auto sales by 2020. Hybrids will continue to gain market share, but petroleum products will continue to be their primary fuel. All of this assumes the continuation of the substantial federal tax credits now given to people who buy such cars.

The problem lies in battery technology. Even the best available batteries (lithium ion) face problems in being scaled up to the size needed. Getting a really acceptable battery — meaning safe, reliable, durable, scalable, and cheap enough to sell widely — is still more promise than reality.

There is another fuel touted as a way to replace petroleum for transportation: ethanol (and biofuels more generally). Ethanol (ethyl alcohol) is that potent chemical found in all forms of booze. We get it by fermenting the sugar found in plants. It is combined with gasoline to fuel cars. Ethanol deserves an extended discussion in its own right, but let me be brief.

Suffice it to say that even Brazil — the country that made a large push decades ago to convert cars to partial or full ethanol — is now pushing expansion of its petroleum production past the present 2.8 million barrels a day. It produces about half a million barrels a day of ethanol and biodiesel, and about one-fifth of that is exported abroad. And Brazil is almost uniquely suited for ethanol production, since its tropical climate makes growing sugar cane easy. In the United States, we have mainly tried using corn, a plant with less than half the sugar content of sugar cane. This drives the price up, and as a result, the government has subsidized ethanol heavily; yet it still plays hardly any role in fueling cars. Ethanol is also harder to ship (because it easily combines with water), and it damages the rubber hoses in cars. Its near-term prospects, accordingly, are limited.

Natural gas is another option, and this is another major topic in its own right. For now, let me just note that while gasoline engines can easily be made to run on natural gas, storage is a problem — the gas has to be compressed in large tanks. Natural gas is therefore more of a solution for trucks and buses than for passenger cars.

So, what should be done in the near term — say, the next 15 years or so?

If I had to offer a slogan, it would be: "Still drill, baby, still drill — but do it carefully." Here are eight major recommendations. Some of them relate more to the issues directly raised by the Gulf disaster; others are larger in scope; all, I believe, would be helpful steps in the formulation of a realistic energy policy.

1. I would encourage the formation of an independent, nonpartisan group of engineers, economists, and physical scientists (*not* politicians, bureaucrats, or journalists), like the panel appointed to investigate the "Challenger" space shuttle disaster, to conduct a comprehensive investigation of the BP spill. The commission Obama set up to investigate is headed by an ex-governor and an ex-EPA head, precisely the sort of people who should never be on any such panel. This is hopeless. But a different kind of commission could be given the job of discovering what exactly caused the explosion, how it could have been prevented, why the blowout protector failed, how that can be prevented in the future, and what new reliable backup systems can be added.

Already some bright technological minds are working on ideas. An article published in the MIT Technology Review (July 10) reviewed some suggestions, such as requiring a linear design of well casing, in which a short string of casing is installed at the bottom of a well (allowing better monitoring for leaks and giving gas more time to release), instead of the continuous string of threaded casing pipes BP chose (apparently because it is cheaper). The article also suggests that deepwater response tools be created to stop spills, and better blowout protectors be designed. Just recently physicist Michio Kaku suggests that in the future, on deep wells, relief wells should be drilled at the same time the original one is. These seem to be good ideas. An independent panel would have the time and brainpower to examine such ideas, and winnow out the best for implementation.

2. I am not one to respond to cases in which regulators aren't doing their jobs or are behaving corruptly by passing new regulations and hiring new regulators. Instead, I prefer stiffer penalties for corruption and malfeasance. Additionally, since the government hasn't been able to police its own, let's throw open enforcement to private investigators and bounty hunters: any private eye who discovers a regulator engaged in criminal misconduct should be given a reward of, say, $50,000. Public choice theory tells us that regulatory capture is inherently a risk with all regulation, but maybe with Dog the Bounty Hunter on the case, the degree of such capture would be limited.

3. Congress should pass a law making rational cleanup procedures automatic, whenever (or if ever) there is a spill, and making it mandatory for legitimate offers of aid from allies

continued on page 36

Slippery Slope

by Jacques Delacroix

Virtue is a harsh mistress.

It happened a long time ago, right before my children began pretending they had no parents, that they had been raised by wolves, like Kipling's Mowgli.

I am taking a Christmas vacation in India with my Indian-born wife and our two children, the man-cubs. I hate everything about the Christmas season. India is a good place to be at that time of year because you easily miss Christmas altogether there. I especially dislike the false saintness of the Christmas season.

I know there is no such word as "saintness." So? There should be. "Sainthood" refers to an eternal condition, "saintliness" refers to a person, or to his actions, not to a collective mood, and "holiness" refers to a sacramental condition, or to a state of grace, rather than to the collective mood I have in mind. I wouldn't mind "factitious piety," but that's longer and more artificial. But to return to my story . . .

We are doing ordinary tourism — at least, I am. One day, in Agra, I decide to go and see a minor palace or fort, rather than the Taj Mahal. My wife wants to spend time at our hotel with her sister whom she has not seen for years. Besides, if truth be told, she does not enjoy India much; that's why she emigrated, after all. My children are still young. They are California-reared wimps. Of course, they will claim to want to visit with their aunt just so they can stay in the air-conditioned hotel. That is a major point of this story: Although we are in December, it's hot. It's always hot in the northern Indian plain anyway, very hot, extremely hot, or merely kind of hot.

As a refugee from the near-insularity of northern California, I am a dutiful tourist. (Look at the map: northern California is an island, for practical purposes. It costs a fortune to fly anywhere from the San Francisco area, except to Los Angeles or Las Vegas. I like Las Vegas — every five years or so. I have never been able to find L.A.) Anyway, when I am abroad, I do visit the sites; I really do.

When I was growing up in Paris, before global airline deregulation, it seemed that you could never afford to go anywhere

under your own power. You might travel on the government's dime as a public servant, or if you were in the military. Other than that, foreign countries seemed pretty much out of reach. The day I crossed the border into Switzerland with the Cub Scouts was a big day. I brought back white milk chocolate such as I had never seen before, and cool matches made of wax paper.

With the fabulous, unexpected jump in prosperity of the '60s and '70s, I became an experienced traveler. Of course, I take pride in my adaptability and my readiness for everything. So, in India that winter, I am wearing shorts (of decent length so I won't be barred from temples), which facilitate ventilation of a man's hottest parts, and a light, short-sleeved cotton shirt. My feet are shod in ankle boots with thick soles because the heated blacktop can burn your feet through thin soles. Also, I have been in India before. I really like that country, but the truth is, you can never be sure what you are going to step into. And when you are sure, it's even worse.

Since I am now a member of the old rickshaw-wallah's family, I feel obligated to add a big tip, equivalent to the fare. What the hell; I don't want my nephews and nieces to go wanting.

There are taxis waiting outside the hotel, but I don't want them. Indian taxis are ugly, hot, cramped, uncomfortable. They usually stink, and they have small windows. Also, it's a nice clear day, without much air pollution, and there are a dozen bicycle rickshaws, with their drivers, in the shade of a big neem tree. All the drivers make vigorous, enticing gestures — in my direction, of course. Middle-class Indians are usually bad tippers, and they tend to be harsh with working people. (That's an interesting lagging effect of caste. Unlike most prosperous Western adults, I would guess they have *never* performed menial work.) Compared to the locals who are financially able to take a taxi, a large, pink sahib looks like a gift from Ganesh. (That's the elephant-headed god of prosperity.) Most Westerners tip well. Americans tip generously and they are almost always nice and appreciative.

Whom to choose? Most of the rickshaw-wallahs are in their 20s. There is just one older guy sitting quietly by himself. He has gray hair and he is very thin under his off-white athletic shirt. He looks at me silently, with hopeful eyes. I motion to him and climb into his rickshaw.

"Taj Mahal?" he asks. (Of course.)

"No, I want to go to the Red Fort. Do you know where it is?"

"No English, Sahib."

No matter, he pedals right on ahead. Frankly, it does not matter when I get to the fort. But this is interesting. Perhaps the rickshaw guy knows something I don't know. After all, it's his job.

After a short ride, we stop at a street-side tea shop. Of course, I buy tea for both of us. He is staring at the samozas, so I order a few.

I ask around in English where the Red Fort is. Several men give me directions in the infuriating Indian way: vague on distance, vague on the time it takes; won't ever get you to the end of the trip, only to the general vicinity. Two of them more or less agree. I ask them to explain it to my rickshaw-wallah in Hindi. His eyes seem to say that he does not want to go there. Religious interdiction? Caste problem? I can't even ask him. I take out my wad of rupees to pay him off. His eyes darken with disappointment. "Okay," I tell him in California English, but with the help of my French hands, "I pay now or you go to where those guys said to go."

He gets back on his saddle with resignation written all over his face. I climb back into my own seat. After a short time, the road starts going up. Speed decreases to less than that of a man walking. What the hell, I figure, it's still reasonably cool; I can use the exercise; I have been eating too much greasy food; I can walk a while, for sure. I tell the guy, "Stop." He does. I get off and start walking alongside the rickshaw. He looks vaguely embarrassed but is doing much better without my 200 pounds in the back seat.

Then the slope becomes even steeper. (Forts are usually built on a hill, I realize then, not in a valley.) The thin man is wheezing. I have no choice: I start pushing the rickshaw from behind. I push for a good 15 minutes. It's now hot. My shirt is dripping with sweat. My forehead is burning. It gets so steep that the rickshaw is slipping back down, in spite of my thick shoes.

Finally, we reach the fort. There is a space under the shade of big trees where other rickshaws are waiting. I push mine in that direction and let go. The rickshaw-wallah is coasting. The rickshaw stops and I catch up. My man gets off his saddle and shakes both my hands with obvious emotion. He touches his heart several times with his closed fist and he repeats a word I recognize — at least I think I do — as "brother," in Hindi. (It sounds like the Sicilian "*paesano*." I know my movie classics.)

Of course, I have no choice but to pay him the full tourist fare he asks for. I don't usually bargain over services in poor countries, anyway. I am not keen to save three dollars at the moral risk of depriving someone of goat meat ("mutton" in Indian English, from the middle-French "*mouton*," sheep and sheep meat). Since I am now a member of the old rickshaw-wallah's family, I feel obligated to add a big tip, equivalent to the fare. What the hell; I don't want my new nephews and nieces to go wanting today.

By now, however, I am too tired to really visit the fort. It looks to be of mediocre interest anyway, as seen through the sweat burning my eyes. I need a shower, a meal, and a nap. I take a taxi, a motor-taxi, back to the hotel. It's less than 15 minutes away.

Every story has a moral, whether it's a moral one or not. Here's the moral of this one: virtuousness is a lot like criminality. It involves a slippery slope. Unlike any specific "virtue," it's a general disposition, one that prompts to action, almost automatically. You can't be too careful. You step on the top with insouciance, and then you begin sliding down. If you aren't careful you become very good and you turn into a stranger to your old, moderately evil self. I would guess that's what happened to Mother Teresa — in India, precisely.

Young people: think hard before you travel to poor countries. Temptation is everywhere in those places. ❑

Working for Liberty

by Tom G. Palmer

If you try to achieve liberty, you may find adventure too.

After spending many years in the libertarian movement, I'm enormously pleased to know that it has grown so large and that it continues to attract so many bright young people. It warms my heart to see so many wonderful people at libertarian gatherings all over the world. I'd like to muse a bit about what motivates us to do what we do, and about the various shapes that our action has taken over the years.

In the early 1970s, I was active in organizations and even causes that are no longer around. In late 1971 I joined the Young Americans for Freedom, read some libertarian works, and joined YAF's remaining libertarian faction. I became a state officer. In 1974, I ran a statewide Republican youth campaign on behalf of H.L. "Bill" Richardson's Senate candidacy, then quit the conservative movement and never looked back. Of much greater significance for my life was the fact that I managed to meet some libertarians who were more visionary than others and — this is really the key — more effective and more linear in their thinking.

One of those people was Ed Crane, whom I met at a libertarian meeting in 1973 in southern California. Ed went on to found the Cato Institute. It was at a libertarian meeting at UCLA shortly after that, I think, that I met R.A. Childs, Jr., a truly brilliant libertarian writer, as well as the economists David Henderson and Harry Watson, and others whom I admired greatly. That year I started my studies at the University of Southern California and had the honor of learning (if only a little and inadequately) from John Hospers, the philosophy professor who had been the 1972 presidential candidate of the then brand-new Libertarian Party. John served as campus adviser to our Campus Libertarian Society, which campaigned for tax cuts, marijuana legalization, and elimination of the draft, much to the confusion of leftists and rightists who couldn't quite "get" us. During my time in high school and then my early entry (at 16) to USC I met and became friends with such interesting people as the late Priscilla "P.K." Slocum, who was a pioneering libertarian

bookseller and a wonderful libertarian mentor, Tibor Machan, Murray Rothbard, George H. Smith, Manuel Klausner, Wendy McElroy, and others, most of them still very much alive and still valued friends.

It was an exciting time. The world seemed ready to embrace our ideas. The state was clearly on its last legs. To characterize some enthusiastic libertarians of the day, Murray Rothbard, the economist and libertarian political theorist, deployed the term *Luftmensch* ("air person"), which could be translated as "someone who floats through life without connection to anything substantial." The label was appropriate for more than a few. There were some rather colorful people around.

In any event, I pursued my passion for liberty as a youthful organizer, making trouble for "the state," and driving all over California to visit high school and college campuses, trying to spread the ideas of liberty and hasten the collapse of the welfare-warfare regime. I helped set up libertarian clubs, worked for marijuana decriminalization, campaigned against the draft and militarism, organized antitax rallies, and so on. In 1975, after a stint writing copy for an advertising agency, I started working full-time as one of two employees of the Libertarian Party — Linda Webb was the other. Our base was the party's national office at 550 Kearney Street, San Francisco. We were a convenient two blocks away from the office of Ed Crane, who was then party chairman. I had an apartment on Larkin Street for which I paid $100 a month. When I opened the bed, there was literally no place to stand.

What was the cause of my enthusiasm for the libertarian movement? Books were a major inspiration. I had read Lane and Rand and Rothbard, Bastiat and Hazlitt, and Mises and Hayek (but did not appreciate Hayek at the time as much as I did later), and I wanted to change the world, to rid it of communism, fascism, socialism, and all other forms of oppression. (I also tried to read various conservative and socialist books, but found the disconnection from basic principles of economics — indeed, of the ideas of cause and effect — too jarring.) In high school I had subscribed to The Freeman, from which I learned a great deal, and had also bought from its publisher, the Foundation for Economic Education, Mises' "Planned Chaos," "Human Action," and other works. I sent tons of money to Laissez Faire Books, Books for Libertarians, and Academic Associates — a book and audio recording review and sales service that Nathaniel Branden and others set up. I remember how impressed I was when I preordered George H. Smith's book "Atheism: The Case Against God" from Academic Associates; after my check was cashed, the firm went broke, but I got what I ordered and it came out of the individuals' own pockets. That devotion to paying their debts made an impression on me.

Nixon brilliantly combined many things for a friend of liberty to hate: prosecution of a pointless war, wage and price controls, fiat money and inflation, illegal exercises of power.

Loathing for Richard Nixon was another inspiration. He was the great political presence in the late 1960s and early '70s in America, and you loved him or hated him. By 1973–74, more and more people seemed to hate him. He brilliantly combined so many things for a friend of liberty to hate: prosecution of a pointless and destructive war; wage and price controls; fiat money and inflation; illegal and arbitrary exercises of power. The collapse of the GOP seemed the perfect moment for the growth of a new party, a new political alignment, and a libertarian movement that would put an end to coercion, war, theft, censorship, and oppression. Well, we made a good start, I think. The world might be a lot worse if we hadn't made our best effort.

Knowing the interesting people of the libertarian movement was also important. I worked with Ed Crane on a number of projects, including the presidential campaigns of Roger MacBride in 1976 and of Ed Clark in 1980. In 1982 I was statewide campaign manager of the Dan Dougherty for Governor campaign in California. In 1975 I was on the Libertarian Party's platform committee and got to work with a lot of interesting people — including Rothbard; Walter Grinder, then teaching economics and later involved with the Institute for Humane Studies and other organizations; Williamson M. (Bill) Evers, now at the Hoover Institution; and Robert Nozick, whose 1974 book "Anarchy, State, and Utopia" would have a huge influence on academic understanding of libertarian thought — to craft what we considered a definitive statement of libertarianism. (Rothbard in his newsletter had backhandedly congratulated Bob for winning the National Book Award for his "quasi-libertarian inquiry into political philosophy, 'Anarchy, State, and Utopia.' " Bob autographed his copy for me with the question whether autographing an unread copy of a book would induce the reader to read it. It did.)

I recall defeating a proposal to include a denunciation of circumcision, on the ground that outlawing religious communities didn't sit well with libertarian thinking, regardless of what one might think of the practice. But most of the topics covered were major issues of public policy, such as nuclear weapons, foreign policy, taxes, and even environmental policy, by establishing property rights in fisheries and oyster beds, for example — leading to the quip that we were defending the virtues of shellfishness.

Those attempts to formulate and, more significantly, to apply libertarian thinking to concrete issues were later much expanded and improved in the outstanding "White Papers" and position papers issued in 1980 by the Ed Clark for President campaign. The documents were edited by a team that included a number of thinkers who were later involved at Cato and other organizations, people such as Crane, Childs, David Boaz, Sheldon Richman, Tyler Cowen, Joan Kennedy Taylor, and Earl Ravenal (memory fails to provide the complete list). The documents were significant steps forward for the libertarian movement. Articulating libertarian principles is important, but not really very valuable if you can't show how to apply them, or if you can't produce any kind of roadmap to their implementation.

I knew all the founders of Cato, which was established in 1977. Ed had gotten acquainted with some businessmen who were devoted to liberty. There was, for instance, a remarkable circle of libertarians in Wichita, including many involved

with Coleman Lanterns, Love Box Company, and other firms, and they had put out some really radical antiwar libertarian publications in the 1960s. Notable among Ed's associates from the world of business was Charles Koch. Charles had been involved in libertarian activities for years. He was, and is, a passionate defender of liberty and foe of war, violence, and coercion. After his involvement with Cato, he has continued his support for liberty through the Institute for Humane Studies, the Mercatus Center, and other groups. Ed was fond of telling him, "Charles, with your money and your brains, you and I could go far."

Charles helped to launch Cato financially, with the idea that it would become independent of his funding. Ed realized that dream brilliantly, and created what I consider the single most important libertarian institution in the United States and quite probably the world. I was invited to work there in the summer of 1978, as one of the first three summer interns. We three, Ross Levatter, David Lips, and I, were known as the "Cato Clones." Our supposed clonishness caused some paranoia at the first Cato University Summer Seminar on Political Economy, held that summer. I remember one participant asking "Who are the Clones, and why are they here?"

I also recall sitting in the institute's fabulous conference room in San Francisco with Rothbard and others as we came up with the reading lists for the seminar — an absurd project that generated a gigantic stack of books and photocopied readings on everything from Earl Ravenal's writings on the contours of U.S. foreign policy, to Robert Carneiro's sociological theory of the formation of the state in the coastal valleys of Peru, to Ludwig von Mises' theory of the dynamics of interventionism, to a historian's description of the usurpation of the land rights of the mestizo population of New Mexico. All had to be included. None was too minor to be left out. The movement had to be informed . . . on everything! Stacked together, they were enough to fill a gigantic box for each participant. We've since learned how to be a bit more selective.

I later worked in Cato's academic affairs department, which was subsequently moved to the Institute for Humane Studies, then located in Menlo Park, California. (I ended up working at IHS in 1984, after it moved to George Mason University, and launched some adventures there.) After the MacBride for President campaign, I entered St. John's College in Annapolis, Maryland for an education. After tutorials and seminars and reading groups I spent hours standing at the pay phone at the end of the hall of my dormitory, calling libertarian students and professors around the country on behalf of Cato's campus speakers bureau, study guides, and other programs. That was before Facebook. Before the internet. Before the mobile phone. Before the personal computer. Before the fax. Before the era when students could have phones in their rooms. Put like that, it seems like a long time ago, but it really wasn't. It was just a few years ago — but technology has changed the world so much, and with it, both the means the state uses to coerce us and the means we use to fight against it.

Just to give you an idea of how primitive the world was then, let me tell you a little more about how we communicated. When I worked for the Clark campaign in 1979 and 1980 as assistant director for communications, we had a "Mailgram machine." It was huge. In those days, to send out a press release or to reach people quickly, you sent them letters. You typed a letter directly onto a piece of paper, folded it, put it in an envelope, added a stamp, then gave it to a uniformed agent of the U.S. government. Eventually, it might arrive at the right address. With this machine, however, you could actually send a letter over the phone lines to a Western Union office in or near the city of the intended recipient, and Western Union would print it out, fold it, put it in an envelope, add a stamp, and give it to a uniformed agent of the U.S. government. That cut delivery time down, so it was worth the effort.

The Mailgram machine had a big black-and-white screen with a blinking white cursor, and you would type on it — very laboriously — every name and address of every recipient, along with the letter you wanted to send. The machine had no memory — at all. So if you bumped it or jiggled the power cord, it would "lose" all the information you had so painstakingly entered. Hours and hours of work. Gone. Never to be retrieved. If anyone went near the power cord, he was in mortal peril.

Our attempts to apply libertarian thinking to concrete issues were later expanded and improved in the "White Papers" issued in 1980 by the Ed Clark for President campaign.

Here's another anecdote to tell you how far libertarian message work has come. Back in San Francisco, Cato had a really advanced IT department, as I suppose it would have been called, if the phrase had existed then. It had machines that allowed you to print out personalized letters, using either long paper tapes that had the letter content encoded in little holes punched in the paper that you would feed as a belt into a machine to control the sequence of keys striking the ribbon on the electric typewriter, or information that was encoded on magnetic cassette tapes of the kind used in Sony Walkman machines, which did the same thing. The manager worked two full-time jobs, of which this was one (he slept two or three hours a day).

One day when I was showing visitors around I introduced them and he told them, "Oh, it's a delight to work with Tom. He's one of our best content originators." This led me to consider the division of labor, and the role of pride in one's work, a bit more closely. He took pride in his work, without which mine would have been without effect, and he was generous to mine. Each colleague in the libertarian movement contributes to our common goals, whether as a writer, or building manager, or speaker, or data entry specialist, or accountant, or analyst, or editor, or receptionist, or petitioner, or conference organizer. And each should take pride in that contribution to our common goals.

Cato's San Francisco offices were cool and in one of the coolest cities in the world. I used to take the cable car to work, before they made it illegal to dangle by one hand on the post and swing out as the car quickly turned a corner. Working at Cato during the summer of 1978, I loved hanging out at the City Lights book store at night, reading anarchist beatnik poetry and having coffee at the Italian cafes in North Beach. Ed

didn't hang out at City Lights, but he also loved San Francisco and, after moving Cato to D.C. in 1981, he remarked that satellite photos of the U.S. landmass clearly showed his fingernail marks as he was dragged eastward. The national media, the Congress, the administration, and the Supreme Court are based in Washington, and if you want to influence public discussion and opinion, to put libertarian reforms on the national policy agenda, and to influence the courts, it certainly helps to be where the media are and the three branches of government deliberate.

After Ed Crane moved Cato from San Francisco to D.C., he remarked that satellite photos of the United States clearly showed his fingernail marks as he was dragged eastward.

After that cool summer, I did a lot of other things in the movement; but all that time, wherever I was, I kept in touch with Cato. I wrote lots of book reviews and studies on many topics: public goods, infrastructure and private roads, public choice analysis and regulatory policy, U.S. foreign policy in El Salvador and Chad, and so on and so forth. I edited a few publications (Dollars & Sense, the monthly paper of the National Taxpayers Union, Update, a political newspaper on the libertarian movement, and some others) and wrote articles for various libertarian mags, as well as the Washington Star, the Washington Post, The New York Times, and The Wall Street Journal. I had some fun focusing attention on "industrial policy," indicative planning, and national foresight capability.

You see, Rep. Newt Gingrich had proposed creating a special government office tasked with predicting future technologies — a job that, I pointed out in a Wall Street Journal article, was absurd, since if you know what knowledge you will have in the future, you already have it now. Warren Buffett wrote to the Journal to denounce me. I also caused a stir, and made a tiny footnote in the history of public choice, when I toted up for a piece I published in the Journal the number of full-time professional public relations specialists employed by the federal government to lobby the public for more money for their agencies; I think I got to over 1,000, almost all of them disguised under other job titles. I explained in an essay in The New York Times that taxation is legalized theft and that the IRS's claim of "voluntary compliance" is an absurdity.

I worked as a reporter, a lobbyist, an editor of newsletters on politics, government, tax policies, and the libertarian movement, a troublemaker, a political researcher and organizer, an academic organizer for the Institute for Humane Studies, a smuggler of books, fax machines, and photocopiers into communist states, and a few other jobs I've forgotten. I started working with European libertarians in the early 1980s and traveled to Austria a few times to collaborate with libertarians there, after which I moved to Vienna to work with the now defunct Carl Menger Institut to find and help libertarians in communist states hasten the demise of those states and — very importantly — to promote institutions and attitudes conducive to the realization of freedom. IHS supported my initiative to move to Austria and start the "Eastern European Outreach Program," in conjunction with many other groups. When I worked in Austria I helped Cato set up its first conference in the USSR, held in Moscow in 1990.

I helped to fund the translation into Russian of Mises' "Socialism," Hayek's "The Fatal Conceit," and many other books and essays by buying rubles from people leaving the USSR and giving them cash in the West. Instead of going by the absurd official rate (which was dangerous, in any case, as you had to show receipts for what you had spent your rubles on), I figured a better way. People leaving the USSR were allowed to take only a suitcase and 100 rubles with them, enough to buy a sandwich and a drink in Vienna. Some flights on Aeroflot from Moscow to Vienna would contain me and a lot of departing Jews. I remembered how Jews got their money out of the Third Reich — having foreign businessmen give them cash in the United States, or France, or England, and then having their relatives in Germany give them their Reichsmarks. So I made arrangements with a family of engineers (we had elaborate flow charts to show what money would go where) to deliver dollars to relatives in the United States, and their cousins would deliver their life savings of 30,000 rubles to me in Moscow. It worked.

I was in Prague during the collapse of the state and gave lectures at the universities when the students had expelled all of the professors. I assisted in the establishment of the still-functioning Liberalni Institute in Prague. I had smuggled out a single typed copy (on carbon paper) of a Czech translation of Hayek's "The Road to Serfdom" and made 100 stapled copies in Vienna, which I then smuggled back in, along with a photocopier and 5,000 sheets of paper. It was a bit unnerving, as I was detained by the Czech police and arrested at the border train crossing. I flourished my official invitation (with a red stamp) from the Academy of Sciences of the Czech and Slovak Federal Socialist Republic and insisted on talking to the chief. He listened, realized he didn't want problems in case Comrade Bruzek was disappointed to discover that his invited guest speaker was detained, and told the soldiers to load my luggage on the train, all carefully camouflaged with layers of gifts for Czech friends, mainly toys and ladies' cosmetics, which were scarce in communist countries.

As they oofed and grunted, lifting the heavy suitcases, I was pretty sure they were asking in Czech, "What the hell is in this?" Luckily, they didn't find out. I learned the same lesson when taking photocopy machines into the USSR: never admit anything; produce official documents — even if outdated — that have red stamps on them; and talk the officials to death. They will finally realize that this guy might have friends, and they don't want to end up reassigned to the Tajik-Afghan border. When asked why I had two photocopy machines, I said that I always traveled with two, as I had to make lecture notes for the students, since I had an official invitation from the Academy of Sciences of the USSR and would give lectures at Moscow State University.

I was in Bucharest right after the Ceaucescus were excecuted, and helped Maria Valeanu organize the first libertarian seminars in Bucharest and in Transylvania. I was on one of the first flights to Tirana from Budapest when the Albanian regime collapsed, and became deathly ill from the decaying,

slippery food that Albanians had to eat at that time. On that flight, I was befriended by the first Russian protocol officer to be sent to Tirana since the split between the USSR and Albania. He was very kind, gave me his card, and encouraged me to eat only in the Hotel Dajti, the "hard currency" hotel for foreigners. I asked why, and he said, "Well, I cannot really recommend the cuisine very highly, but under normal circumstances you can usually keep it down." I could not take his advice, but wished on a number of occasions that I had.

Speaking of dinners, after some lectures and seminars in Lublin, Poland, I invited the attendees to a dinner; we went to the poshest restaurant in town, at the Hotel Urania, which seemed primarily a state-run brothel for Arab clients to meet Polish women. I paid $5 to the cacophonous rock band to stop playing and go home, after which the various guests stood and introduced themselves. I recall a line of bearded professors who were identified by the dignified chairlady of the philosophy department in ways like this: "Professor X was in labor camp under the Nazis, then was free for a short time, and then was sent to labor camp under the communists, then was free, and was jailed again and was recently released, so we're pleased to have him with us this evening."

I spent a lot of time driving about Bulgaria in a tiny East German Trabi, with my knees under my chin. It ran out of gas on the way to the airport (there was a serious nationwide gas shortage), so I had to walk the rest of the way with my luggage. I had to be driven to the Tirana airport by the Minister of Light Industry, who later left the country, as there was no private transportation in the country and the public transportation had all broken down. I flew from Tirana to Bucharest on a little plane that had only a few big swivel seats; a chain-smoking Transylvania German lady from Hermannstadt (Sibiu in Romanian) was the only other passenger. We had two flight attendants with little 1960s flight attendant hats; instead of just talking to us about the flight, as they were only a few feet away, the attendant spoke into a microphone that issued in a malfunctioning little speaker that was dangling by wires from the ceiling. When we flew over Bucharest and I saw that it had electricity, which Tirana did not, it was like landing in Paris. That's how it was in those days.

One of my proudest accomplishments was arranging the publication of what was often the first non-Marxist economics textbook that some countries had seen since the communist takeovers, Paul Heyne's outstanding "The Economic Way of Thinking," which I arranged to have translated and published in Czech, Russian, Hungarian, Romanian, and Albanian. I also arranged publication of books by Hayek, Mises, and Friedman into Russian, Estonian, Czech, Hungarian, and several other languages. (Arranging translation and publication of such works remains a project of mine; lately, I've focused on getting the works of Frédéric Bastiat into publication in numerous languages, including Swahili, Hindi, Bahasa, Arabic, Kurdish, Persian, Russian, Japanese, Nepali, Azerbaijani, and Vietnamese.)

Upon returning in 1995 to the United States from England, where I was working on my doctorate in politics at Oxford, I was offered a very cool job: coming to work full-time at the Cato Institute as Director of Special Projects. I could tell you all the projects I worked, on, but, of course, I'd have to kill you later. One project that it's permissible to reveal was the internship program, with which I have been very proudly involved ever since. The other was Cato University, which I also still direct. I got to work on expanding Cato's influence worldwide, in Russian, Chinese, Arabic, Persian, and other languages. After we libertarians failed to stop the juggernaut to war, and the United States invaded Iraq, I decided to see what could be done to promote liberty there and gave lectures and held seminars and meetings in Iraq a number of times, as well as in other countries in the region. I made friends with some remarkable people. At the beginning of last year we moved those programs to the Atlas Economic Research Foundation, where they are flourishing. I'm Vice President for International Programs at Atlas and a Senior Fellow at Cato, and our programs at Atlas still work closely in partnership with Cato, but we've been able to expand them significantly at Atlas and to integrate them with the international network of classical liberal thinktanks and related organizations. It's very rewarding work.

I'm still on the road a lot. I just got back from Kabul, Mazar-e-Sharif, and Dushanbe, where I helped to launch two new libertarian thinktanks, Cato's granddaughters, in Afghanistan and Tajikistan. I met people in government, the media, and academia, and I gave lectures on individualism, civil society and pluralism, toleration, the political theories of limited government, property rights, externalities, economic development, the successes of the economic reforms in the Republic of Georgia, and how the Georgian libertarians helped to transform a nation from a disastrous failed state to a growing liberal democracy.

But I know that you do work like this, too. You make the case for liberty regularly with friends and family and coworkers. You know why you want to be free, and you know how to explain the benefits of liberty.

What is harder to explain is why we promote liberty for others, often at great cost to ourselves. We donate to causes and organizations. We work long hours. We rock boats. We're promoting a classic public good — even the paradigm case of a public good. Liberty is nonrivalrous in consumption: when you have more liberty, it doesn't mean that I have any less. And it's costly to exclude people from enjoying liberty: indeed, taking actions to exclude others is precisely the opposite of what a libertarian would do. But standard economic analysis tells us that public goods are underproduced, that no one has any incentive to produce them if everyone can free-ride on the efforts of others. So why do we do it?

I learned the same lesson when traveling in the USSR: never admit anything, produce official documents, and talk the officials to death.

It's a harder question than it might appear. But here's a stab at answering it.

We value our identity. Each of us wants to become and to be a certain kind of person. We establish our identity through our acts and our affiliations. Cato and Atlas sponsors whom I've met around the United States and the world typically identify themselves in this way: "I'm a member of

the Cato Institute" or "I'm a member of the Atlas Economic Research Foundation." To speak precisely, those groups don't have dues-paying "memberships," but that's one of the ways in which people have constituted their identities. They're the kind of people who stand up for freedom, who stand up for peace, who stand up for the persecuted, who not only live and let live but also want to persuade other people to do so. It's not only good; it's right. And that act of standing up for liberty as right is a part of their identity. It's who they are.

Liberty is our cause. It is our passion. We will live free. And we will die free. Our cause is the cause of justice. Of truth. Of peace. Of life itself.

I was introduced to the ideas of the Brazilian liberal abolitionist Joaquim Nabuco by former Cato intern and now Atlas colleague Diogo Costa. Nabuco dedicated his life to eradicating the evil of slavery from his country. Here is how he put the matter:

> Educate yourself, educate your children in love for the freedom of others, for only in this way will your own freedom not be a gratuitous gift from fate. You will be aware of its worth and have the courage to defend it. ❑

Drill Deep, Drill Smart, *from page 28*

abroad to be accepted. The intent here is to keep government officials from using the prospect of harm to enact their own political and environmental programs, as the Obama administration has done. And actually, if the government were ever to spend money on something . . . while the Europeans have very large and well-equipped fleets of state-of-the-art Oil Spill Response Vessels, we have pathetically few. The Taiwanese have developed a vessel that can collect an amazing 300,000 gallons of oil a day from the ocean. Having a few of those puppies would help.

4. Congress should repeal the archaic Jones Act. We have just seen how this law, meant to protect a few union jobs in shipyards and on the docks, costs the country vastly more jobs elsewhere — in tourism, fishing, and oil production, to name a few. As John McCain noted recently when he introduced legislation to repeal the Act, it "hinders free trade and favors labor unions over consumers"; it "only serves to raise shipping costs." It hasn't saved our domestic shipbuilding industry, which now only builds 1% of the world's ships; indeed, it is a major reason for that industry's virtual extinction. Relevant to the current issue, it interferes every time we need to get foreign ships to administer aid in a disaster.

5. We must keep offshore wells online. The moratorium on deep-sea wells must be lifted except on BP wells. All other companies have a clean record, so why punish them — especially when it costs the country jobs, raises the price of gasoline, and subjects us to the political and economic costs of dependence on other nations for fuel?

6. Rather than trying to limit private responsibility for oil spills, Congress should set up a mechanism for allowing the private insurance industry to insure against future spills. This could include setting up a special mechanism for rapid adjudication of contested claims — say, "oil courts." If a spill occurred, insurance companies would have their adjusters try to settle with all harmed parties. Any disputes would first go to a special federal court, where three judges (one lawyer, one engineer, and one economist) would review contested settlements. Appeals from the oil courts could go to the federal appellate courts, but in a strict "loser pay" setup. That would remove the incentive for lawyers to exploit disaster with endless, exorbitant lawsuits, and make it economically feasible for insurance companies to step up to the plate.

7. With private insurance thus able to play its role, the time would be ripe to open rich oil lands (such as ANWR) and the shallow waters off the continental shelf for drilling, subject to a new provision, which I call "All in, help." Under this provision, all oil and gas companies that get leases anywhere must allow their cleanup resources and technical personnel to help with any oil spill, no matter which company is responsible. This seems like a deal any company would be happy to make for access to easily exploitable resources, and it would make it more attractive for people with environmental interests to support drilling.

8. We should find ways to deal with the NIMBY ("not in my backyard") sentiment in states where new drilling would be permitted. The solution appears to lie with the Alaskans. Why have these people — even after the famous Exxon Valdez oil spill — supported oil production in their state, including ANWR? It's because they're paid. The environmental risks they take to supply the rest of us with oil are compensated by a fund that gives them a yearly share of the state proceeds from oil production. Called the Alaska Permanent Fund, it was set up in 1976, when voters approved a state constitutional amendment that puts 25% of all state proceeds from oil, gas, and other mineral lease and royalty payments, as well as federal revenue sharing payments, into a permanent trust fund. The purpose of the Fund, as clearly understood at the time, was "to stem the tide of state spending."

The fund's principal is a permanent resource invested in various financial instruments paying dividends and interest, which are then paid out every year to Alaska's residents, with each resident who has been in the state for over a year getting an equal share. In other words, the fund dispenses state money to the citizens. The current payout is about $1,300 a year, down from previous years, because the amount of oil from the North Slope is beginning to dwindle. The fund is beautifully transparent, with the agency that administers the fund, the Alaska Permanent Fund Corporation, keeping a website that lists all pertinent information about current investments, payouts, and management decisions. This is why Alaska residents strongly favor opening up ANWR as soon as possible.

Such a fund could be set up in every state in which new offshore or land leases are granted. As I put it in a reflection in Liberty a few years back, you fight NIMBY with MIMBP — "money in my back pocket." Certainly, this is not a completely laissez-faire, free-enterprise proposal. But it's the endorsement of a program that allows for more enterprise, less money lodging permanently in state government, and less control vested in the crazed environmentalists of the federal government.

It is time to take seriously the energy challenges that the country faces. Whether the Obama administration can do that remains to be seen. Observe how many of the proposals above are designed to get around the federal government's present mode of operation — a way of proceeding that, if it continues, will result in astronomical political and economic costs to this country, and to each of us. ❑

The Importance of Being Ignorant

by Aaron Ross Powell

When you're constructing a political philosophy, never forget how much you don't know — and even more, how much the government doesn't know.

Humans come into the world ignorant. We make a good effort at digging ourselves out of our pit of ignorance by accumulating knowledge through experience and education, but we never quite reach the surface. We learn things, of course. We can recall our home address and the names of our children. Most of us can say who the president is (though fewer the vice president, and fewer again our state governor). The truths of science are also accessible. Many know that force equals mass times acceleration and that fish breathe through their gills. But the world contains an awful lot to know, and none of us can approach grasping it all.

In fact, the mere existence of human ignorance creates the wonder of our world and the drive to explore. Ignorance is our intellectual blank canvas and, so long as we strive to fill it in, we should not lament its presence. Yet ignorance has its dark side too. It can be blamed for racism and homophobia, for religious violence and quack medicine. What is important is to limit its harmful effects while encouraging its motivational benefits.

How much damage a bad idea can do is a function not only of how bad it is but also of the power held by those who believe it. A plumber who has bad ideas about pipes can cause a lot of leaks in my house. He's unlikely, however, to destroy my children's future. But if a bad idea is held by someone in government, its reach can expand dramatically, along with its potential harm. This is not because the ideas of those in government are worse or their ignorance more pronounced, but because these people's power is greater. I can tell a plumber to leave me alone and never touch my sink again, but Congress is inescapable.

Thus we should be particularly concerned by the actions that those wielding state power may take, and limit their power to enact bad ideas. In other words, we should structure our state along libertarian lines. What follows is an argument for that idea. Much of it may seem intuitively true; certainly it may seem that way to libertarians. Yet one of the corollaries of

this idea is a truth that is often forgotten in the complexities of political life: the truth that we should be wary of the strength of our own convictions. Forcing the world to behave in accordance with our knowledge is one thing, when that knowledge turns out to be real, but quite another when it turns out to be false. Given how little we know for sure, it's best to err on the side of hesitancy and humility when implementing what we think we know. The precautionary principle is hard to accept, but here it is: while I may believe that X is true, X may very well be false. Therefore, I should be cautious when requiring others to act as if X were true.

Ignorance? Which Ignorance?

When discussing ignorance from a policy perspective, we often misunderstand the kind of ignorance at issue. Ignorance in comparison to others is given primacy and ignorance in comparison to the world is often ignored. We assume that, while any one of us may not be an expert, there are experts out there with knowledge great enough to tackle any problem. It is almost as if recognition of our personal ignorance blinds us to the existence of general ignorance. In other words, if I know less about climate change than Al Gore, then Al Gore knows everything there is to know on the topic. In effect, the fact that he knows more than I do makes it seem as if he were virtually without ignorance of the topic in his "field."

The result is the emergence of a cult of experts, people just as burdened by ignorance of a complex world as the rest of us but insulated from recognizing it by their comparative lack of ignorance on specific topics. Experts thus become a privileged problem-solving class. Yet given that all of us are ignorant, and given that this ignorance extends even to experts, what power should we give them to enact changes in the world?

Of course imperfect knowledge need not induce paralysis. If we had always been delivered to inaction by our lack of complete information, we would still be hunter-gatherers on the earth's savannahs. No, we are free to act while ignorant, but we must be careful — and the degree of caution demanded is directly proportional to the likelihood of ignorance, by experts or anyone else.

To demonstrate what I mean, imagine making a prediction about driving your car — a subject on which you are an expert. If you know it's been working well, you can confidently predict that you'll be able to back it out of your driveway tomorrow morning. Though you are making a prediction about future events, a prediction hampered by a certain degree of ignorance (you don't know that a meteorite won't fall through the car's engine block while you're asleep), the knowledge you do have easily trumps the knowledge you don't.

Given how little we know for sure, it's best to err on the side of hesitancy and humility when implementing what we think we know.

But what if I were to ask you if you'll be able to drive that same automobile three years from now? Suddenly the ignorance you bring to the question is a little greater. A lot more can happen in three years than in 24 hours: accidents, excessive wear and tear, a loss of the job that lets you make auto payments. That said, however, you'll probably still feel pretty good about betting that you'll drive the car three years from now.

But what about ten? Twenty? As the point predicted moves farther out, the number of possible occurrences about which you are ignorant increases. It quickly eclipses whatever real knowledge you have.

The concept is by no means limited to such simple questions as the longevity of an automobile. In the summer of 2008, as gas prices rose above four dollars, it was widely assumed that a crisis had come to America. Politicians fretted about how to solve the issue. Gas tax holidays were proposed, as were tax rebates. Many believed that prices would continue to rise, forcing people to drive less or buy more fuel efficient vehicles. But by early November 2008, the average cost for regular unleaded in the United States was $2.40 a gallon and falling rapidly. The predictions made by experts just four months before proved entirely wrong.

Prices are not alone in their long-term unpredictability. Even consensus science frequently goes wrong. In the 1970s, American scientists warned of the impending crisis of global cooling. Climatology researchers pointed to global trends demonstrating a significant and continuing drop in temperatures. In 1980, Carl Sagan, in an episode of his popular television show "Cosmos: A Personal Voyage," warned viewers that we were on the verge of a new ice age and the catastrophic danger resulting from the burning and clear cutting of forests. Of course, 30 years later, scientists know the global cooling theory was incorrect. They now warn of global warming. Politicians and environmentalists call for drastic changes in America's industry and economy to prevent rising seas and planet-wide extinctions.

It is crucial to understand that, just because scientists were wrong about global cooling, it does not follow that they are wrong about global warming. And just because the gas prices predicted in July 2008 didn't materialize in November, it doesn't follow that future predictions about the cost of gasoline are bound to fail. Incorrectly guessing nine coin tosses has no effect on the accuracy of a tenth guess.

No, the lesson to be learned from five-dollar-a-gallon gas and global cooling is that present certainty is often exaggerated. We don't like to admit our own ignorance, even as we are happy to point to ignorance in others. What we can do is deal with ignorance realistically, by operating within a governing structure that maximizes its benefits (the drive for discovery) while minimizing its detriments (the harm from bad ideas). This is where the question of state action and coercion becomes important.

Ignorance and Coercion

The forgotten fact of state action is this: legislation is a mandate for men employed by the state to point guns at our faces. This applies to all legislation, from statutes prohibiting rape to regulations keeping restaurants from allowing their patrons to smoke. The truth of this assertion is easy to demonstrate.

Imagine you have just committed murder. This is against the law, and now the police are after you. If you submit to their authority — if you act in accordance with the laws that

take effect after you've broken the statute prohibiting homicide — then guns don't have to be drawn. But if you don't submit, then men wearing uniforms will most assuredly draw their service revolvers. If you continue to resist, those guns will eventually be aimed and fired at you.

If this weren't the case, state legislation — which is not the self-enforcing laws of society, such as the rules against being rude to your neighbor or lying to your spouse — would have no effect. It would be merely a set of suggestions about how we ought to behave, not rules we are forced to conform to. This holds true even in cases a great deal less serious than murder.

Imagine that, instead of killing someone, you've just received a parking ticket. It's ridiculous, you think. Your car was nowhere near the fire hydrant. So you take the ticket, wad it up, and toss it on the curb. After months of not paying, your car is booted. Not willing to submit to the state's authority, you get a mechanic friend to remove the boot and continue driving. At some point, if you evade enforcement long enough, the state will seek to have you arrested — and resisting arrest will immediately bring those guns to bear.

What the two examples above have in common, however, is that they're both prohibitive laws. Don't murder. Don't park in front of the fire hydrant. It's easy to see how prohibiting citizens from taking certain actions necessitates the threat of force. But what about more positive state actions? What about grants for people to do cancer research?

If the federal government creates a grant for cancer research, providing a huge block of funds for public and private universities working to cure the disease, it certainly doesn't seem to be preventing anyone from taking any action. Indeed, it is facilitating the act of solving one of humanity's most pressing medical problems. Is even this act coercive?

If the money comes from taxing others, then yes, it is coercive. Not paying taxes for long enough will bring out the state's violence in pursuit of the delinquent taxpayer. Thus all of us are coerced into funding cancer research instead of using that money to pay for autism studies or big screen TVs, or cancer research funded in some other way.

What if, instead of taking money directly from taxpayers and transferring it to research institutions, the government granted tax incentives for private parties to donate to cancer research? No one would be forced to fund the universities. People would merely be encouraged to do so. But the trouble here is that the state places a burden on anyone choosing to engage in a non-incentivized activity. It is as if the state were telling us, "Oh, I'm not coercing you. But if you don't act in the way I'd like you to, you're going to pay for someone else to do it." If a company gives away money to cancer research, the government will demand only, say, 20% of each dollar that company earns. If it doesn't make the donation, the government will coerce away 30%.

But why should we be concerned about a coercive state? For many people, the answer is obvious and intuitive. Others have grown used to government coercion and don't realize that state sanction doesn't make an action moral, or prudent in the face of ignorance.

Indeed, we need only recast the state's actions as performed not by a duly elected governing body, but by an individual no different from ourselves, to see just how cautious we ought to be. Take the innocuous example discussed above. Most of us are happy with the state redirecting tax dollars to cancer research. It is a noble thing for society to do, using its resources to help those most in need. But what if the entity doing the redirecting wasn't Congress but the guy who lives across the street? What if he showed up at his neighbor's door one morning, brandishing a firearm, and demanded that the neighbor hand over her money so it might be used to find a cure for cancer?

It is crucial to understand that scientists being wrong about global cooling does not mean that they are wrong about global warming.

Chances are that these demands would not be greeted with as much good will as if they came from elected officials. At a fundamental level, we recognize that forcibly taking someone's property against his will is a moral wrong; we're just willing to look the other way when the aggressor is our own government. This is a type of willful ignorance.

Any action that makes us uncomfortable when performed by an individual, however, should also make us uncomfortable — though sometimes, perhaps, to a lesser degree — when performed by the state. And let us not forget that the state is, quite literally, just a collection of individuals to whom we've granted privileges. It does not exist as a thing in and of itself, exempt from the bounds of ignorance. An individual may donate all his money to inefficient medical research or a group of quacks; so may the state, and it may do so with a degree of impunity that private individuals usually do not possess.

This is not to argue that no coercive act by government is ever justified. Instead, we must recognize the moral troubles inherent in coercion, rather than neglecting to examine them just because the organization exercising coercive force is the product of a democratic system. All of us should see coercion as prima facie wrong and only change our view on a case-by-case basis — and only when we are presented with considerable evidence against our initial hunch, not simply relying on an ignorant assumption that the government, or the voters, must be right. Any system that assumes otherwise, any system that acts as if coercive force by a particular actor were prima facie right — should be viewed with deep suspicion.

Ignorance and Imperatives

As I have said, the existence of ignorance does not mean that we should refrain from action. It does, however, introduce the question of imperative action versus other kinds of action. Imperatives must be distinguished from preferences — and I would argue that only imperatives justify the use of force.

Not every want carries the same weight with the people around us. Not every want creates obligations or even demands respect. That I may want a candy bar does not, in any way, require you to give me one, nor should you particularly care about my preference for Snickers. But if I want medicine for my dying child or want not to get my head beaten in

by a soccer hooligan, then it may be more reasonable for me to expect you to take notice.

Much of what we take to be imperative ("We must do something about all these cars on the roads") is actually just preference ("I don't like all these cars on the roads."). And while it may be permissible, in some circumstances, to use the force of law to fulfill imperatives, the consequences are often undesirably grave when that same force is used in the service of preferences. The preference for expansive homeownership among low income Americans led to laws and programs that inflated the housing bubble and precipitated the financial crisis.

Forcibly taking someone's property is a moral wrong; we're just willing to look the other way when the aggressor is our own government.

The simple fact is that very few people agree on the imperatives for human behavior. We might all agree it's imperative that people not murder one another, that they not engage in rape, that they not burn down each other's homes. But all of these fall within a very specific category, the protection of rights in property. If I own my body, it is wrong for you to invade that property by rape or to deprive me of it by murder. The same logic applies to my home. Imperatives can exist in other categories, too, but they diminish quickly outside the generally recognized and understood private property context. Confining people to their homes during a plague outbreak is a likely imperative — supposing that we know, or think we know, that the quarantine will protect other people's lives. But a preference for a smoke-free environment, which often presents itself as an imperative to take action against deadly secondhand smoke — this is a matter on which serious debate exists about the extent of our understanding. The ban on smoking may be strictly a preference.

The confusion of the two — the ignorant assumption that our personal interests are, in fact, universal — is a common mistake. I prefer urban living. I love having the city close around me, with the option to do nearly anything at a moment's notice. The crush of humanity is comforting, both for its broad anonymity and for the availability of diverse and interesting personalities. So I might easily assume that all people should live in urban settings so as to enjoy the features I find so enticing. But I would be wrong to think so. Strange as it may appear to me, a great many of my fellow humans cherish the quaint tedium of suburbia. I may think they're crazy, but it's their right to be that way. Should I make the judgmental error of turning my preference for urban living into an imperative that all follow my example — and should I use the coercive power of the state to enact my worldview — I would be perpetrating a moral wrong, turning my own sense of "oughts" into the world's "is." Instead of learning more about the world that exists, I will be trying to impose my own world, with no moral sanction behind my actions.

The inability to recognize this distinction — between my preferences and the world's imperatives — is the root cause of many frustrations about freedom. Take so called "market failure." When the free market allows a situation that goes against a given preference, those who hold it are quick to claim that the market has failed them. But it is equally true that, while "failing" them, the market has benefited others — namely the people who don't hold the preference in question.

How to Change the World

How can we go about changing the world? All of us want to do that in some way or other, from making our upcoming dinner tastier than it might otherwise have been to ending the scourge of AIDS. Possible actions to change the world can be divided into three categories: design, experimentation, and evolution.

As is normal in human life, each of the three brings its own unique set of tradeoffs. Recognizing these tradeoffs is a crucial step toward understanding both the benefits and the harms of state action. If one method brings with it considerable costs, we ought to be more concerned if the state dictates its use.

In discussing design, experimentation, and evolution, I draw upon the four concepts that I emphasized before: ignorance, coercion, imperatives, and preferences. How these interact within the three methods exposes the risks and tradeoffs of government action.

Most state actors begin by believing that they are engaged in design work. This is a reasonable attitude, given the type of behavior typically called for by government — and, indeed, for most of the tasks each of us engages in every day.

Let's say that I want to drive my car to the store. If I'm at home, then I seek to change the state of the world from one less desirable (me at home) to one more desirable (me at the store). All that's left is for me to design my way between one worldly state and the other.

Why design? Because, presuming I've done this sort of thing many times before, I know every step that is necessary. I know I have to go to the garage, get in my car, start it, pull out (after opening the garage door, of course), and then follow a sequence of streets already memorized. The process is easy and, barring random and unlikely circumstances, foolproof. That is the crucial characteristic of design: the process and needs for success are known (almost) totally in advance. Design, then, is predicated on something close to perfect knowledge.

But any project of significance — any great change to the world — will almost never approach even the degree of "perfect" knowledge I have when making my crosstown drive. Design is ordinarily useful in implementing immediate individual preferences — not great moral or national imperatives.

Of course, this doesn't stop us from trying to design solutions to problems about which we have far from perfect knowledge, although this often turns puzzles into crises. We see a problem — too few people owning homes, say, or the thinning of bird eggs caused by DDT — and assume that, if we don't solve it now, with the tools we have, we'll never solve it. There is absolutely no way any one of us — or any group of us — can have perfect knowledge of the housing market or the global ecosystem, but compelled by our ability to ignore our own ignorance, we pretend that we do.

This leads to the policy equivalent of exorcisms and blood

lettings. Action takes place, but the patient is not made well. Instead, the housing market collapses and millions throughout Africa die from the malaria that returns with the banning of DDT. The risks of design failure grow in proportion to our ignorance. Without perfect knowledge, design will rarely work. For large-scale problems (the kind the state most often seeks to "solve"), we will never have anything close to perfect knowledge.

That's a large claim, but it has been borne out again and again in experience. We need only look to the failure of centrally planned economies to see an especially tragic example. For a more thorough look at the problems of imperfect knowledge, one can do no better than the work of Friedrich Hayek, whose economic arguments against socialism are hard to surpass. "Human reason can neither predict nor deliberately shape its own future," Hayek wrote in "The Constitution of Liberty." "Its advances consist in finding out where it has been wrong." While such advances are crucial to human progress, the effort of trial and error must be approached cautiously, with a recognition of its limits and a wariness of those who would use coercive power to direct it.

If design, which assumes near-perfect knowledge, is made impossible for most situations by the fact of our ignorance — and thus coercing us into participating in the process is wrong — then experimentation is the next method open to us. If we can't be sure how to get from point A to point B, then we can try something, see if it works, then try again, with variations if it doesn't.

This isn't a bad way of solving problems. It's responsible for the invention of airplanes, automobiles, and antibiotics. It's the cornerstone of the scientific method. The problem of ignorance remains, but experimentation offers us a way around it, by chipping away at what we don't know through a slow but steady increase in what we *do* know. The microchip took a long time to get from Geoffrey W.A. Dummer's proposal in 1952 to Steve Jobs' introduction of the iPhone 55 years later, but it works quite well. Couldn't the state do the same kind of thing?

One difficulty is that experimentation isn't cheap. Imagine that I want to bake a cake, but I don't have a recipe. I'm not entirely ignorant of the process: I know that eggs are involved, as are flour, sugar, oil, baking powder, chocolate, and heat. I concoct a combination of these and see what happens. Strangely, the result is not a cake, so I throw it out and try again. The second try is a little better — at least the object rises a bit — but it's not quite there. Obviously, a lot of ingredients will wind up in the trash before a cake results, if it ever does.

This may be acceptable when all that's wasted is flour and sugar, but when the experimenter is not a home chef but the state exercising its coercive power, then the experimental costs take the form of people's lives. To fix healthcare, for instance, we might propose the experiment of a single-payer approach. Clearly, the health of a nation is such a large system that a great deal of ignorance will be present. This rules out the design process, meaning that the state must turn to experiment, with all its wastes — in this case, not the waste of flour but the diminished health of millions, and, very likely, substantial loss of life.

It might be argued that if the eventual benefits of experimenting outweigh the accumulated costs, we are better off trying and failing than not trying at all. In the aggregate, such a claim sounds plausible. But it risks a perverse form of future-oriented utilitarianism: the wellbeing of potential future people is more important than the wellbeing of the real people who exist today. And we certainly cannot know what the eventual benefits may be; we cannot know whether, for every person whose life is made worse in 2010, some person's life will be made better in 2100. Our ignorance grows with the size and length of the experiment.

When a private party experiments, the basic costs are internalized to him and anyone who chooses to take part with him. If scientists want to live in Biosphere 2, experimenting with their own lives and the money of their sponsors, they are free to do so. But if the state enacted a policy requiring cities to be 100% ecologically neutral and self-sufficient, the people living there would have no choice about bearing the costs and accepting the benefits.

It is this lack of freedom that makes the distinction between preferences and imperatives so profound. Given the waste inherent in experimentation, it is morally repugnant to force people to give up their livelihoods — or their lives — for a simple preference that the victims may not even hold. Large political imperatives make coerced experimentation more palatable, but only barely. The potential for waste, and even ultimate failure, is so great when the state acts on the macro scale that only the most pressing of imperatives can justify the risks. Again, this is especially true the farther out the goal lies and the less information the state has when conducting its experiment. Thus we should be particularly concerned when the government exercises its coercive power to force us to participate in non-acute and far-from-settled "imperatives" such as alternative energy and aesthetic community restructuring.

Design and experimentation are teleological processes: the designer or experimenter begins with a result in mind and uses the tools available to make that result happen. While they differ in their efficiency and their ability to deal with systemic ignorance, each progresses toward some imagined conclusion.

Evolution, on the other hand, is an algorithm without a goal. In effect, it is experimentation without an experimenter and design without a designer.

Even in the social sphere, we see the dazzling success of evolution. It is difficult to imagine how a goal-oriented experimenter could have created something so lush as human culture. Yet evolution lacks something important. Because it cannot predict its own results, it cannot be used as a method for producing any specific change, whether preference or imperative. It is logically impossible to "evolve" the implementation of an imperative, for the state or anything else. The only options the state has are design and experimentation, both of which suffer from the problems associated with coercion and ignorance.

The confusion — the ignorant assumption that our personal interests are, in fact, universal — is a common mistake.

If what I have said so far is at all convincing, then the reader should come away not with an equation he can use to decide whether Government X should take action Y, but a general skepticism toward all actions, A through Z and beyond, that Government X might propose. How much skepticism is warranted depends on what kind of action the government is seeking to take, how much knowledge it can bring to bear, and what method it is adopting to execute its plans. These considerations should make us more or less willing to grant the government freedom of action.

The first step in critically examining a proposed state action is to ask whether it is in furtherance of a preference or an imperative. Because coercion is involved in any state action, we should allow the state to act only when it is advancing a true imperative. To do otherwise is to grant the state the ability to decide among competing preferences, effectively giving some citizens (those in control of the state) undue influence over others.

If, however, it is determined that an imperative is in play, we cannot simply give the state free rein. We must next look to the question of ignorance. The greater the government's ignorance in any situation, the greater our skepticism should be. It is always worse to be coerced along a path guided by deep ignorance than one illumined by some degree of knowledge. If you're going to be forced to make a cross-country trip, it's at least nice to know how to get there. Given that ignorance grows as plans are projected into the future, big changes, taking a long time — weaning America from fossil fuels, or fixing public education, for example — tend to be burdened with much more ignorance than short-term projects, and so should be approached with greater skepticism.

If the state were not ignorant to any significant degree, design would the best way to implement its imperatives. But state imperatives are almost always so large as to preclude design; the surrounding ignorance is too great. The only method remaining for accomplishing the goal is experimentation — which is, however, both uncertain and costly. The fact that most costs are paid not by the experimenters, but by people coerced into participating in the experiment, should again raise our skepticism about the permissibility of the state's action. The last thing any of us should want is for the state to coerce us into participating in an enormous experiment.

The skeptical attitude should lead us to err on the side of seeing proposed imperatives as actually preferences, and claims to design as masked experiments. The evidence against state ignorance and for a genuine imperative must be vast to overcome this attitude of doubt.

But suppose that doubt never is overcome. Suppose we act on our doubts and keep the state from acting. That doesn't prohibit further action. In the absence of state direction, the powerful force of evolution can work its magic, as successes spread and failures are abandoned by individual people seeking to get the best out of life. And private citizens, spending their own resources, free from coercion and not coercing others, will use the tools of design and experimentation to find individual paths to a better world. We need only look at the fabulous wealth the free market has created to see the value of a healthy skepticism about the ignorant and coercive state.❑

Obama the Ordinary, *from page 24*

prosperous. So what's an acceptable number? Seventy percent? One hundred percent? Still, no answer. And no answer is conceivable, given the next contention, that the success of an economy depends on its "ability to extend opportunity to every willing heart."

Every willing heart? I know a person who was a decent football player in a rural high school. He's five feet, eleven inches tall, and he weighs 180 pounds. This young man conceived the idea of starring in the NFL. To get there, he accepted sports scholarships from a series of small, obscure colleges — nonprofit institutions that gave him "opportunity." After many years of this he gave up and joined the Navy. His is the story of a willing heart that had every chance to participate in the great marketplace of American sports. According to President Obama, it is the kind of story that should inspire our nation's economic policy. According to me, it's a story of illusion and failure. It has precisely nothing to do with "our common good." Only the most mediocre, cliche-driven politico could mistake it for an account of the American economy as it ought to be.

Should I blame Obama for failing to test his cliches against such common examples as this? Indeed I should. You, and every other reader of Obama's speeches, can think of a hundred other proofs that his words are nothing but syllables. There are no ideas here — no historic truth, no inspiring wisdom, no insights gained from the experience of life — only the sort of abstractions that a bad writer (likely, more than one bad writer) can generate from the chance impressions of an ordinary politician.

Distinctive concepts, the fruits of long reflection and careful analysis? Obama has none. Among his political notions, we find the bailout, the stimulus, and government healthcare. These notions became giant initiatives, in terms of their economic expenditures and effects; but each of them entailed only a paltry expenditure of intellect, a mere endorsement of discredited notions. Weren't skill and intellect required to get them enacted? By no means. The first two happened quickly, because people were scared; the third happened with excruciating slowness, despite the fact that Obama's party held an immense majority in both House and Senate.

The important thing to remember is that this majority resulted from the people's disgust with the ordinariness of the preceding administration, which in its waning days maintained a popularity rating at the irreducible low of both American parties, 40%. And that's more or less where Obama is now.

Some of the 40% who like Obama are dumb enough to think that he is in fact a genius, simply because he is a member of their party. Some of them are smart enough to see him for what he is, while continuing to vote for him, as the exponent of policies they advocate. This also is ordinary and predictable.

But to another 40%, the people who wouldn't vote for a Democrat if he parted the Red Sea, belongs the choice of politicians who will oppose Obama. The question for them is: what extraordinary men and women do you have among you? And I don't mean extraordinarily stupid. ❑

I Was a Teenage Liberal

by Robert P. Marcus

No one is born a libertarian. We all have to start somewhere.

I admit it. Back in the '60s I went to Columbia University and emerged as a modern liberal. I had a belief in government by the best and brightest, though my politics were otherwise somewhat vague. In the cloistered halls of my college, I didn't meet many nonliberals. I assumed they were mainly denizens of totalitarian states and third-world sinkholes, plus a few misbegotten souls somewhere in the deep South.

Later, when I actually spent time in the South, I met people who styled themselves conservatives and who were, surprisingly to me, both compassionate and intelligent. This presented something of a conundrum, given my view that only modern liberals so qualified. I solved it by deciding that these people were really liberals; they just didn't like the word. How's that for logic — when confronted with facts that challenged my beliefs, I simply changed the facts. Liberal dogma stayed intact. As I was later to learn, I was not alone in my conceit *cum* political philosophy.

The term "liberal" does have *cache*. I sometimes discover people who are not really modern liberals in any ideological sense of the word but who are enamored of the label and refuse to see themselves differently. The very idea of doing so engenders a bad reaction; it's like waking up in a Kafkaesque nightmare to discover you are a giant cockroach.

Modern liberals derive their political philosophy not from classical liberalism but from late-19th-century progressivism, though they are typically unaware of this. Nevertheless, while vague on the provenance of their ideology, they are supremely confident of their compassion and intelligence, and often, like many modern conservatives, eager to force their political vision on those who do not share their mental and moral advantages. For a long time, I had no idea what liberalism really meant. I thought it was a political philosophy; I discovered it was a state of mind.

Ask modern liberals, "What is the purpose of government?" Almost invariably they will treat it as if it were a trick question. When pressed, their answer is usually some variation on "To make people healthy, wealthy, and wise." Fair enough, but that is not what the founders of our country had in mind. As they stated in the Declaration of Independence, governments are instituted to preserve our rights. That is the purpose of government, no more and no less. It's hard to understand how people can read the Declaration without realizing how far they have strayed from its precepts. It's almost as if they visualized a different Declaration, a Declaration of the Divine Right of Liberals:

"We hold these Truths to be self-evident, that some Men

are created more compassionate and intelligent than others, that they are endowed by their Creator with certain unalienable Rights, that among these are Welfare, Redistribution, and the Pursuit of Cosmic Justice. That to manifest their Paternalism, Governments are instituted among Men, basing their populism on the Politics of Envy; that whenever any Rule of Law becomes destructive of these Ends, it is the Right of Liberals to reinterpret it, and to institute new meaning, laying its Foundation on such Prejudices, and in such Form, as to them shall seem most likely to effect their Will over others."

Winston Churchill famously suggested that liberalism is an affliction of the young and idealistic, an affliction that in a healthy individual runs its course with age.

I was still in college when JFK issued his famous dictum, "Ask not what your country can do for you; ask what you can do for your country." Now, I was OK with the first clause; I had a long wishlist for my family, friends, and especially for my girlfriend, but little that I actually wanted from my government, other than to keep the streets safe. Okay, maybe subsidized student loans, but that was about it.

On the other hand, what was I supposed to do for my country, except to pay taxes on my small earnings and stand ready to put on a uniform when my student deferment was up?

I had volunteered for Civil Defense, though I was unimpressed with its leadership, its clarity of mission, and its pitiful resources. I remember being promised that in the event of a national disaster, civil defense wardens would be taken care of first. That made a kind of sense, but it left a bad taste in my mouth.

I thought of signing up for NROTC (the Navy version of ROTC), but I couldn't qualify because of my uncorrected vision. That seemed idiotic to me, since there would be plenty of room for my eyeglasses on a battleship, and even on a smaller vessel if such was my lot.

After I graduated I took an interest in the Foreign Service. I went through an inept screening process and met some very mediocre people. Doubts began to creep in. The final straw was a pamphlet entitled "Protocols for a Junior Foreign Service Officer." The chapter on seating people at a table expounded the various rules, but for groups of a certain size it was impossible to meet all of them. So it was suggested that one simply not have groups of those unfortunate sizes. What was one to do – not invite someone who should have been invited, or invite someone who shouldn't have been? I decided that perhaps this was not an organization in which I would prosper. I finally despaired of any job in the public sector. Noble as government service might be, I could best serve my country by being a good citizen, paying my taxes, and adding to the GNP.

I learned a lot about liberalism over the years, sometimes in surprising circumstances. I once attended a private showing of a film called "Prejudice." It was supposed to be a study of racial discrimination. It centered on a group of men of various races discussing how they were either the perpetrators (the whites) or the victims (everyone else) of prejudice. No one fitted into a neutral category. Just perps and victims. The group made short work of one man who steadfastly held that he was neither. I remember one black man complaining about how uncomfortable he felt walking through a certain community. Well, it just so happened that a few weeks earlier, I had found myself driving in that same forbidding community. I had locked my car doors, hunkered down in my seat, and fingered my can of Mace. And I'm not black. Some neighborhoods are just not that friendly. Prejudice? Sometimes a cigar is only a cigar.

The discussion period after the documentary was what I would label "a liberal guilt wallow." Virtually every attendee was beating his breast and confessing personal responsibility for racism, even slavery. A number of white-haired women who looked like Norwegian grandmothers confessed to all kinds of guilt, though always nonspecifically. When it was my turn — we were all expected to confess — I started by pointing out, no insult intended, that the overwhelming majority of the people there appeared to come from good peasant stock, like myself. I stated categorically that I owned no slaves, and neither had my father or his fathers before him. Otherwise, I'm sure someone would have mentioned the fact.

I tried to make clear that I was not insensitive to issues of prejudice, having, as a Jew, been on the receiving end of both subtle and unsubtle forms of it. Nevertheless, not all the problems in life are attributable to prejudice. The fault, dear Brutus, lies in ourselves sometimes. I even pointed out that I had black friends, and that my fraternity in college was the first to pledge blacks. I was Pledge Master at the time, and I might add that I scrupulously saw that they had to swallow exactly the same number of goldfish that everyone else did. *Disclaimer: No goldfish were harmed in this event*. No matter; thereafter I was treated like an unrepentant sinner at a revival meeting.

So what is modern liberalism? It has a murky history and it has a dark side — a willingness to force solutions on people who do not want them. A complete definition of modern liberalism might read as follows:

Modern liberalism . . . the heartfelt desire to impose one's values and choices on the powerless for their own good (cf. conservatism, which also sanctions coercion, but heartlessly); in politics . . . the belief that all human problems can be solved by wise government and tax dollars; in philosophy . . . the Platonic ideal of a government of the best and brightest, without a clue about how to achieve it; in economics . . . the belief that free markets are suspect and that capitalism is inherently immoral (cf. Marxism-lite); in psychology . . . the self-congratulatory delusion that one holds a monopoly on compassion and intelligence; in race relations . . . a modern belief in "the white man's burden"; in law . . . a belief that the Constitution is a mere collection of words, given meaning only by current political appointees, based on their social-political prejudices and without reference to original meaning or intent (cf. Newspeak); in morality . . . a belief that good intentions are more important than consequences; in government . . . a belief that any government program is workable, given good intent and more funding; in theology . . . the New Age belief that we can heal the world through wallowing in guilt; in public policy . . . a curious belief that consenting adults should be free of government interference in the bedroom but not in the workplace.

There you have it — not a pretty sight.

For a depiction of the darker side of modern liberalism,

continued on page 54

Reviews

"A Generation Awakes: Young Americans for Freedom and the Creation of the Conservative Movement," by Wayne Thorburn. Jameson Books, 2010, 558 pages.

Starting a Movement

Stephen Cox

Suppose you want to learn the history of the libertarian movement. What books should you read?

Before finding an answer to that question, you'd need to make a rough definition of what you mean by "libertarian movement." If you regard the Founding Fathers, or certain 19th-century abolitionists, or the ancient Stoics, or some obscure early Renaissance philosopher as essentially libertarian, you can go and read books about them; but it will take you a long time before you get to the libertarian movement that we know today. You can say, with Albert Jay Nock, that Rabelais was "one of the world's great libertarians," because he imagined a community in which the rule was "do as thou wilt," but it's very doubtful that the libertarian movement began in the 16th century.

Movements should be defined, not in terms of all their possible sources or distant predecessors, but in terms of the people and ideas that seem most likely to have given them their distinctive shape — in other words, in terms of their distinct and proximate influences.

I think this leads us to a definition of the libertarian movement as something that established an independent outline in the 1930–80 period, the period in which some conservatives and old-fashioned liberals stated their ideas in a way that made them different from those of most modern conservatives and most modern liberals — and, in the words of that sage of public relations, Dale Carnegie, began to win friends and influence people.

Now, because the dominant intellectual regime of America during the 1930–80 period was the kind of modern liberalism associated with the New Deal, and libertarians dissented from that regime, they usually found more friends among conservatives than liberals, and there was a great deal of mutual influence between libertarians and conservatives. Most of the old libertarians called themselves conservatives at one time or another and in one way or another. Even Ayn Rand, who among them became the greatest foe of conservatism, once classed herself with the conservatives. And the history of the modern conservative movement is inseparable from the history of the libertarian movement. Indeed, most authorities regard the formation of an institutionalized modern conservative movement, which is usually dated from the foundation of William F. Buckley's National Review in 1955, as an alliance of traditionalist conservatives, formerly liberal anticommunists, and libertarians.

To study this aspect of conservatism, one should start with the pathbreaking book by George H. Nash, "The Conservative Intellectual Movement in America, since 1945" (1976). More of Nash's book is devoted to people whom I would call conservatives than to people whom I would call libertarians, because the former were more numerous; but his book is still the indispensable introduction to the intellectual history of both movements. It

is an engaging study — a study of real people, of real personal interest. One should also read a good biography of Buckley. I think the best is still John B. Judis' "William F. Buckley, Jr." (1988). Judis is a left-liberal, but that doesn't hurt the story.

On the strictly libertarian side, continuing the history that Nash began is Liberty's contributing editor Brian Doherty, in "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement" (2007). The basic narrative is emphatically that of individualists with pungent views and unforgettable personalities. Continuing, then, with the early libertarians: Charles H. Hamilton's introduction to his fine collection of Nock's essays — "The State of the Union: Essays in Social Criticism" (1991) — remains the best biographical treatment of that figure. Liberty's senior editor Bruce Ramsey has written a beautifully researched biography of the financial and historical writer Garet Garrett, whose popularity was strong in the 1930s: "Unsanctioned Voice" (2008). William Holtz contributed a solid biography of Rose Wilder Lane, "The Ghost in the Little House" (1993). It is short on Lane's politics but long on her adventures, which were many, even if one doesn't believe all her stories about them. For Ayn Rand, one cannot do without Barbara Branden's "The Passion of Ayn Rand" (1986) and Anne Heller's new "Ayn Rand and the World She Made" (2009). I'm not hesitant to mention my own "The Woman and the Dynamo: Isabel Paterson and the Idea of America" (2004).

The basic narrative is emphatically that of individuals with pungent views and unforgettable personalities.

Now add to this list of basic histories the new book by Wayne Thorburn. It is a history not of an individual but of an organization, YAF — Young Americans for Freedom – once the premier youth organization on the Right. YAF began in 1960 and developed even more rapidly than its leftwing contemporary, Students for a Democratic Society. YAF was a conservative organization, but it included many libertarians. Mr. Thorburn has written on this subject for Liberty; his essay appears in our October 2010 issue. There he shows how many important libertarians were also important in YAF, and how significant YAF's internal debates between libertarians and conservatives were in defining what libertarianism meant to young people of the '60s and '70s.

This in no sense means, nor does Thorburn imply, that libertarians are merely a sect of dissident conservatives. Libertarians have their own history of ideas. Yet that history often crosses the history of conservatives, just as it crosses the history of modern liberals. It's not only that libertarians endorse many modern conservative positions, such as the idea of limited government and fastidious interpretation of the Constitution, and many modern liberal positions, such as the idea that drugs and sex should be fully legal for all adults. Modern libertarians, modern conservatives, and modern liberals are all branches of the great tree of liberalism, planted in the early 18th century and bearing rich and various fruit in the writings of Locke, Rousseau, Hume, Smith, Madison, Wollstonecraft, Jefferson, Burke, De Tocqueville, Macaulay, and Mill — all of whom began, at least, as "liberals," advocates of individual liberty.

So it's not surprising that many libertarians got their early political experience in a "conservative" political organization. It's not surprising, either, that the conservative organization, YAF, should also have been in a dither about so many completely nonlibertarian issues, most of them having to do with the religious and "moral" tone of the nation; or that young libertarians should have used the education in activism that YAF gave them to reject YAF and start their own ideological enterprises.

We need to know this history, and Thorburn gives it to us in an extraordinarily well researched book. He has fought his way through jungles of libertarian and conservative periodicals, many of them obscure or fugitive in their own time; he has read many books; he has conducted many interviews; he has ransacked the manuscript archives of many libraries; and he has clearly *organized* the important facts he has found. The result is a daunting work of scholarship, one of the most thorough ever conducted on a subject of this kind. It will never be surpassed; no one will ever do this work again.

I asked Thorburn about the history of his project, and this is what he said: "As one who spent a considerable amount of his youth involved in YAF, I wanted to ensure there was a complete history of the organization and the impact it had on creating both organizations and leaders who influenced late 20th-century American politics and society. I left a position in Texas state government in 2007 after ten years and had some time to devote to this project."

As someone familiar with archival research, I can testify that three years or so is a shockingly short time in which to assemble all the information that Thorburn presents. He must have been working night and day. And don't be misled by his reference to his youthful years with YAF. He is by no means a partisan. He is one of the coolest historians I have ever read.

One of the good things about his book is that it conscientiously presents all the opinions — or, to dignify them, "recollections" — that it can gather regarding important events; it notes the differences among them, which are often vast; and whenever possible it compares them with real and documented history. Thorburn insists on this as a principle of method: you can "remember" all you want, but if there's a document out there that contradicts you, he will bring it to the fore. He doesn't do so with an ironic purpose, as I might; he plays it straight and lets his readers make their own response. It seems to me that this is truly a libertarian performance. Thorburn's scholarship presents; it does not impose.

It's not surprising that the conservative organization YAF was in a dither about so many nonlibertarian issues.

Many libertarians hold the opinion that the 1969 convention of YAF was a kind of Armageddon at which self-identified libertarians and self-identified conservatives hurled lightning bolts at one another, then parted, never to meet again on this side of the grave; and thus the libertarian movement began. Thorburn isn't quite so sure. The more one considers the details, the more the drama ebbs away. Yes, there was a huge quarrel. Yes, the self-identified libertarians failed to win internal elections or get their views enacted as resolutions, and loud arguments broke out. Yet most libertarians appear to have continued in the organization, where their strength is reliably estimated at about 25%. That's a lot, though it is not everything. It's not true that "the conservatives stole the org from us."

Neither is it true, as some people may think, that YAF was the origin of the libertarian movement. It wasn't. It is true that YAF, just as Thorburn describes it, was the spearhead of anti-statist student activism in the 1960s; and it's probably not possible to find large numbers of libertarian *activists*, in the way that leftwingers were activists, existing before YAF. But the libertarian movement had existed, both as a set of ideas and as groups of people advocating them, for at least two generations prior. This intellectual movement had mounted organizations and periodicals, and its members had contributed very influentially to mainstream publishing. Many of its leading lights — Nock, Paterson, Garrett, Lane, Rand, John Chamberlain, H.L. Mencken, Friedrich Hayek — were known to the nation; they needed no activists to advertise their views. And if you go back to the '30s and read what the Liberty League published, you will see that a militant (adult) organization with essentially libertarian principles existed long before YAF.

As for "young Americans," let's face it: the 1960s could not have passed without activist organizations of every stripe. Rebellious youth will create rebellious groups. Among them, there was bound to be something like YAF, although YAF, remarkably, seems to have predated the rest of the '60s activist organizations (depending on how exactly you define them). There was also bound to be a libertarian activism — whether associated with YAF, or nurtured by rebellion from YAF, or oblivious to YAF.

I confess my own bias: I was alive back then, more or less, and I was oblivious to YAF. It looked to me like a bunch of young fogeys, dressed in suits and ties and shouting something about radical regression. That was a superficial view, as Thorburn shows; you could find every kind of person in YAF, even people after my own silly heart. But I think I was right in a way. YAF wasn't the origin of the libertarian movement, not just because Isabel Paterson had identified all of that movement's crucial ideas, three decades before, but because no organization of that kind could express libertarians' informal, individual, virtually anarchistic *style*. What I see in Thorburn's history is conservatives and libertarians writing manifestoes, circulating resolutions, and campaigning for in-group elections, as if this were something vital and important. Even the "anarchists" in YAF did that. It wasn't a libertarian style, and most of the young libertarians abandoned it.

I am not objecting to political organizations. If libertarians work effectively within the Libertarian Party, the Republican Party, or the Democratic Party, I commend them. I admire the long, excruciatingly boring hours they spend in committee meetings — bad work, if you can get it. But there's a difference between action and a parody of action. What I see in YAF, as in some organizations of libertarian activists, is too often a parody of political action — and a reality of political arrogance.

Both libertarians and conservatives have long lamented the nasty effects that political power can have on individual personalities. We see this constantly among employees of the state; we see it also among many of the militants who attack the state — people who, to paraphrase William Blake, have "become what they beheld."

I recall, from my own stints of student activism, how severely personalities can be deformed when they are presented with even the forms of power. I saw it in myself. I see it now in college kids involved in student government, where they scheme for votes, "forge alliances," cadge support for resolutions that no one else will ever read, and "take hard decisions" and "adopt firm positions" about issues they have thought about for at most a minute. Thorburn's history is loaded with intra-YAF politicking of this kind.

The assumption of every student organization in the 1960s was that everything it did would influence the course of the republic. If YAF or SDS passed a resolution or conducted a demonstration, something important was expected to happen as a result. It almost never did. Americans did listen, in a way, to certain leftwing demonstrators, because the American establishment was (and is) modern liberal, and the demonstrators were merely expressing, in dramatic form, the beliefs that their parents already held. (That last is Ayn Rand's point, and it's a good one. When I was a leftwing "activist," I never met any leader of the revolution who didn't come from a wealthy family, and usually from a politically influential family, of leftist principles.)

Both libertarians and conservatives have long lamented the nasty effects that political power can have on people.

But suppose that YAF's ideas were good (as many of them were) and deserved to be listened to. Why should a student organization assume that it ought to instruct the rest of the country? Historically, this is an un-American idea; it has almost never come up in America. There was the Young America movement in the 1850s, which incited the nation to annex foreign territory and generally behave in an aggressive manner, but the Young Americans were actually writers and politicians of quite adult years. There were leftist youth organizations, mainly socialist or communist, in the 1930s, but nobody except other far-leftists paid much attention to them, except occasionally to satirize them.

Even in the abstract, student activism is a peculiar idea. Why should students get active in telling other people what to do? The question answers

itself. Granted, one can hardly imagine a group of randomly selected college students who would have governed the country worse than Lyndon Baines Johnson and Robert Strange McNamara, but they're too easy a target.

Looking back, I can summon very little respect for student activism per se. I can — like Thorburn — summon a great deal of respect for the people who survived it, learned from it, and devoted years thereafter to productive work for liberty, as authors, researchers, leaders of movements that might actually win some battles, or just people willing to stand up to their neighbors and express the principles of liberty.

Principles of liberty . . . where do they come from? Were they ever originated by YAF, or the Libertarian Party, or any other organization, politically effective or politically ineffective? Give me an example. Until you do, I'm not going to believe that a committee or a party or any kind of Americans for X ever gave birth to an inspiring idea. What Thorburn's book suggests to me (I speak for myself, not Thorburn) is that there's a world of political ideas and a world of political people, and when we're lucky, the former gives birth to the latter; but never does the latter give birth to the former.

An example: Murray Rothbard, the economist and political leader (and senior editor of Liberty), was important in the libertarian movement because of his lucid and compelling expositions of economic thought, not because of his eager political activity. Rothbard the politician could never have generated Rothbard the intellectual. In the 1960s and '70s, a few young people read Rothbard and became, at least for the moment, political activists. Many more read Rothbard and thought, "Say, a lot of this makes sense," and gave their vote and their dollars to whatever "libertarian" or "conservative" or "liberal" cause appeared to serve the cause of liberty, as Rothbard had helped to clarify it.

Those people were true, though becomingly modest, libertarian "activists" — men and women who had, and have, strong, long-term, often influential libertarian principles. They became libertarians, not because they attended a convention, but because they read a book. It might have been a book by Rothbard. It might have been a book by Hayek, Or Ludwig von Mises. Or Paterson. Or Friedman. Or even Goldwater or Buckley. Later, it might have been a book by P.J. O'Rourke. All the hundreds of movement members whom Thorburn catalogues don't add up to even one good writer — although they sometimes turned into good writers, on their own.

Writers write. Voters vote. Capitalists invest and strive for profits. Organized researchers, such as those of the Cato Institute and the Mises Institute and the Institute for Humane Studies, do research and teach. Lobbyists meet people and introduce them to new ideas. What do activists do, in the throes of their self-conscious activism? In my experience, they don't do much, and that's probably a good thing. In my experience — and it may not be representative — the degree to which people are overt activists is generally proportional to the number of books they haven't read and the number of people they

Notes on Contributors

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haven't met. That's why activism is so appropriate to the young.

When I was a young libertarian — back in the days of YAF, though not in its early days — I read a few libertarian authors. I read Rand, Mises, and Rothbard, principally. From my reading I identified certain principles I called my own. The fact that my ideas kept changing as I went from one author to the next (just as they had when I had been a callow leftist) didn't keep me from regarding them as defining principles. From the existence of these principles I deduced the goodness or badness of the people who held or rejected them, people who, for the most part, I had never met. The fact that these people seemed to have been influenced by different books than I had read gave me the right to call them bitter names and grow upset by their existence.

This is a terrible thing to say about oneself. The only exculpation that occurs to me is that I engaged in very little actual activism, compared with Thorburn's young libertarians and conservatives. I wasn't morally opposed to doing so; I certainly didn't feel that I was too ignorant to direct the course of the nation (quite the contrary). I was just too shy and self-conscious, and I had to worry about keeping up with my classes and having enough money to stay in school.

Alas for those days! As the character in Chaucer says, the devil go therewith. Forgive me, and all of Thorburn's 20-year-olds. Yet some of his leading characters were not 20-year-olds at the time. Some of them were adults and should have known better than to fall victim to political trends in the way that callow young people did. Some of the crucial debates within YAF were between adults who believed that the libertarian movement stood for essentially the same things that the Black Panthers and SDSers did, and adults who believed that the conservative movement should be devoted to rooting out marijuana and keeping porn out of the hands of grandmothers. Adults should have known better, and done better.

Fortunately, both the libertarian and the conservative movements have, by and large, moved forward from there. The evidence that Thorburn presents shows clearly that most people in YAF moved forward also. They moved forward because of their own wider experience and wider reading, not because of any advice from a political organization.

The older I grow, the more I value the root of liberty, which is the individual heart and mind. Societies don't learn. Parties don't learn. Organizations don't learn. And people who define themselves in terms of societies, parties, and organizations don't learn either. Individuals learn, and in their learning lies the strength of all organizations, all parties, and all societies that deserve the name of human. ❑

"Get Low," directed by Aaron Schneider. Sony Pictures, 2009, 100 minutes.

Grave Doubts

Jo Ann Skousen

"Get Low" is about as close to perfect as a movie can get. It has mystery, romance, danger, comedy, beautiful cinematography, great characterization, and a wonderful story. Its muted sepia-brown palette and rich natural lighting contribute to its somber 1930s atmosphere. Most of all, it has Robert Duvall.

Duvall began his film career as Boo Radley, the ghostlike title character hiding behind the bedroom door in the final scene of "To Kill a Mockingbird" (1962). In the 1970s he hit the big time with roles in the award-winning "Godfather" series and big-budget films such as "Network" and "Apocalypse Now." Who can forget his iconic line, "I love the smell of napalm in the morning"? Duvall used the fame (and money) he earned from those films to produce films he really cared about — thoughtful, character-driven movies such as "Tender Mercies" (1983), "The Apostle"(1997), and "Crazy Heart" 2009 (see my review, April).

"Get Low" may be his best film yet. It is inspired by the true story of Tennessee hermit Felix "Bush" Brazeale, who threw himself a funeral party in 1938, five years before he actually died. The film also owes a little creative debt to Mark Twain. But the story created by Chris Provenzano goes far beyond the narcissistic desire to hear what others might say about one at one's own funeral. "Get Low" is a story of unresolved guilt, self-imposed atonement, and eventual redemption.

Felix Bush (Duvall) is a grizzled old codger living in self-imposed isolation in a one-room cabin he built for himself. The family graveyard is filled, not with people, but with the remains of his dogs, and he talks by choice only to his mule. Everyone in town has a story to tell about him, and not one of those stories is nice. They are afraid to tell him what they have heard about him, because his anger is swift and his retaliation is physical. "Gossip is the devil's radio," one resident explains.

Nevertheless, there is something endearing about this old coot. Like the grandfather in "Heidi" (1937), he is imprisoned by a dark secret that has broken his heart. We know there is

something more to him than the neighborhood gossips see. "People believe what they want to believe. They make it up most of the time. Nobody knows what's really true." Finding the courage to tell the true story is Felix's real reason for staging his funeral.

He first goes to the local preacher (Gerald McRaney) and asks to buy a funeral. Instead, Reverend Horton asks him, "Are you right with God?" "I've paid," Felix responds somberly. "You can't buy forgiveness," Horton tries to explain. "It's free. But you do have to ask for it." These are wise words that would give comfort to most sinners. But Felix doesn't want comfort. He has been carrying his guilt around like a penance for 40 years.

Felix next turns to the local undertaker, Frank Quinn (Bill Murray). Quinn's pragmatic approach to business and death and Murray's perfectly understated delivery provide many comic moments throughout the film. In his first scene he is lamenting how slow business has been. "Not a person has died in weeks!" he complains. "What are the odds of a funeral home going broke?" When his long-suffering assistant, Buddy (Lucas Black) tells him about seeing Felix with a wad of money at the church, Quinn responds gleefully, "Hermit money!", and the funeral party is underway.

Quinn is a great example of a good businessman. Yes, he is motivated by money, but not by greed. He understands that in the free market both the buyer and the seller gain. Whether he is selling cars or caskets, Quinn knows that in the end, the customer will value the product more, and he will value the cash more. Both walk away happy. Sometimes one or the other will regret his choice later, but that's part of the free market too. When Buddy worries that people won't show up for the funeral party and Bush will be disappointed, his wife wisely tells him, "You aren't responsible for what other people do. Just you."

While arranging the details of his funeral party, Felix reconnects with recently widowed Mattie (Sissy Spacek), the woman he courted 40 years ago. He hasn't seen her in all that time, yet she is still beautiful. Spacek is another perfectly cast character. We remember her youthful beauty in such films as "Carrie," "Coal Miner's Daughter," and "Crimes of the Heart," films we continue to see on television. Now suddenly she is 30 years older, gray-haired, wrinkled — and radiantly beautiful. We know what Felix sees and feels, because we see and feel it too.

We know that Mattie is somehow connected to Felix's secret, but not in the expected way; it isn't about their romance or unrequited love. The mystery of his secret unfolds slowly. He has carried this burden for 40 years, and he isn't going to reveal it easily. Perhaps, after all this time, he isn't entirely confident in his own memory. "Right and wrong, good and bad, truth and lie — it's all tangled up together," he says at one point. And he's probably right. Many of us harbor painful memories and stories that, if told from the perspective of other people and their memories, would be completely different. Who knows what is really true? The gradual revelation of Bush's sorrow allows us to step inside his heart and experience the anguish of his remorse, substituting our own secret sorrows in the process.

The title of this film has many possible meanings. The most obvious reference is to the funeral itself — getting six feet below the ground. In the church it means humbling oneself enough to seek and receive forgiveness. When Felix first meets with Quinn he says, "Let's get low — you know, let's get down to business," and they talk about the financial arrangements of the funeral party. In the end, I think it's all of these things. Felix needs to bury the guilt-ridden soul he has become, ask for forgiveness from the one he has wronged, and then get on with the business of life. It takes a wise man to realize this while he's still living. ❑

"Eat Pray Love," directed by Ryan Murphy. Columbia Pictures, 2010, 133 minutes.

Everything but "Think"

Jo Ann Skousen

Investment guru Howard Ruff used to joke about writing the perfect bestseller. It would be titled, "How I Found God and Lost Weight while Having Great Sex and Making a Million Dollars." That seemed to cover all the bases for self-help books. It might also explain the popularity of "Eat Pray Love," Liz Gilbert's chatty memoir about a year she spent traveling the world trying to find herself. In the film, her husband (Billy Crudup) pleads, "Why can't you find yourself in our marriage?" But evidently she thought she might have misplaced herself in Italy, India, or Indonesia, since that's where she went looking.

Notice that all of these countries begin with the letter "I." It says a lot about the source of Gilbert's angst and the scope of her search. The book and the movie on which it is based are less about self-discovery than about self-absorption. In the book she whines, she cries, she whines some more. But it's hard to feel sorry for someone who has the wherewithal to travel around the world for a year. Yes, her writing style is funny and open, with short, easy-to-read anecdotal chapters. But she

turns everyone into her own personal shrink. Moreover, she never seems to realize that she spends most of her time with expatriates instead of locals, so she never really engages with the local culture she sets out to embrace. Yes, she eats, she prays, and she loves, but she does it mostly with Europeans, Americans, and Brazilians.

The film based on her memoirs is less whiny, but it still lacks any depth of discovery. It ends where it begins, with Liz dabbling in meditation and in love with a man who requires that she completely change her style of life. As it begins, Liz (Julia Roberts) decides she doesn't want to be married any longer to her handsome, loving husband. The final straw-for her? She wants him to come with her on a business trip to Aruba, while he plans to return to college for a master's degree. That certainly sounds like grounds for separation to me!

I guess we are expected to admire her courage in being true to herself, except that her first step in that search is to move in with a handsome, loving actor (James Franco) and immediately embrace his own style of life, including his furnishings (Spartan), diet (vegan), and religion (he's a yogi). As she puts it, "I dove out of my marriage and into Dave's arms." So far, she hasn't learned a thing. You don't find yourself by embracing someone else's life.

Eventually Liz hits on a plan to spend a year abroad, where she will eat in Italy, pray in India, and find balance in Bali. As she tells us, "Americans know entertainment, but not pleasure." She takes pleasure in eating pizza and pasta, in bicycle rides around the countryside, and in the friendships she makes during her four months in Italy. It's almost insulting, however, when Liz self-righteously recommends saying a prayer before eating a feast in the home of a deeply traditional Italian family and teaches them to hold hands around the table. Director Ryan Murphy has the family matriarch react as though she had never prayed before, but come on — they're in the heart of Catholicism! If the grandmother is surprised by anything, it would be that they aren't making the sign of the cross.

When Liz arrives at the ashram in India, she is assigned to scrub floors as her "selfless devotional work required of everyone who stays here." I had to laugh; it sounded so much like Obama's oxymoronic "mandatory volunteer service" plan. If it's mandatory and it's unpaid, it's slavery. And if it's required of those who live there, it isn't selfless. It's an exchange.

Liz doesn't do well with meditation. In fact, she says, "Now I'm at the source but I feel more disconnected than ever." She falls asleep during meditation or uses the time to plan her day. After a fellow inmate (I'm not sure what else to call them) spends four weeks in silence, she ends her vow with a gushing babble of words about how healthy the experience was for her throat, but nothing about how it has affected her spirit. In short, Liz's time in India seems to be spent in an effort to empty herself, without filling herself with anything good.

In Bali she becomes more balanced — not too much God, not too much pleasure. She learns to embrace the stillness of meditation when it is by her choice and not by an imposed regimen. But she still hasn't found the courage to be herself. She needs alcohol to let go of her inhibitions, dance, and have fun. She also finds love again, this time in the form of a hunky Brazilian gem merchant, Felipe (Javier Bardem). Once again, it is all about the "I." In the book Gilbert writes luxuriously about Felipe's "growing into the role of being my attendant knight."

Felipe's life is in the Pacific; Liz's career is in New York. She writes, "I've been watching the expatriate society in Ubud, and I know for a stone-cold fact this is not the life for me." Nevertheless, when Felipe suggests that they divide their time between the two places, a compromise that seems to be a metaphor for the balance she is trying to achieve, she happily agrees. Cue music and sunset.

Finding the balance between satisfying physical and spiritual desires is nothing new. The ancient Greeks developed opposite philosophic camps: the Epicureans, who embraced physical pleasure, and the Stoics, who rejected it in search of a higher plane of spiritual enlightenment. Nearly all religions incorporate some form of physical denial in the search for faith and spirituality. Herman Hesse's "Siddhartha" is a modern example of a man who seeks fulfillment in sacrifice by living with ascetic monks, then travels to the world of business and gluttony, and finally returns to the middle ground where he finds peace of mind through a balanced serenity. In short, Gilbert's journey is nothing new, nor is her discovery of the importance of balance. Her book is successful because the quest itself resonates within the human psyche.

What did Liz Gilbert learn after all, and what do her readers find fascinating about the book? I'm still not sure. I suppose it's different for each reader. That's the nature of self-help books. To me, Liz's Italian landlady gives her the most valuable advice in the film when she says, "The only thing permanent in life is family." It's good to get away for a while, but it's also good to have someone to come back to. Falling in love is a heady, overwhelming experience, but *staying* in love—now there's the challenge. And the reward. ❑

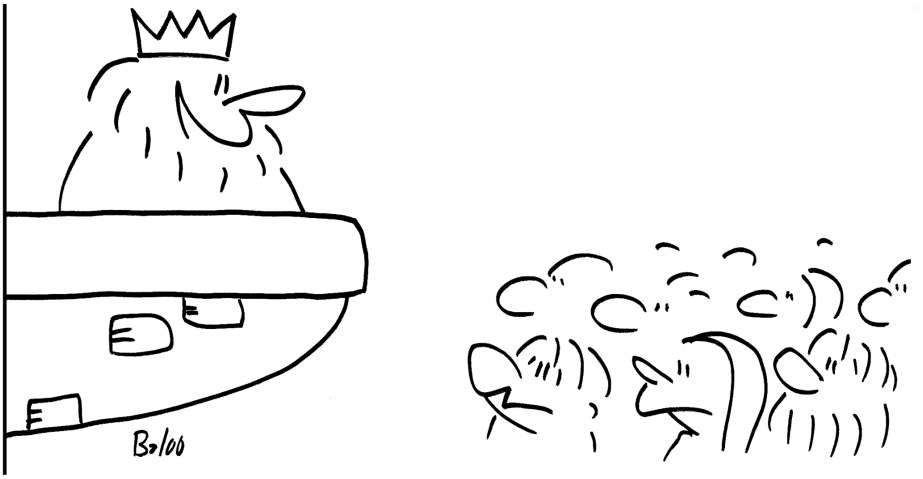

"I know it seems like a war, but it's actually an all-out struggle for peace!"

"Step Up 3D," directed by John Chu. Walt Disney Studios, 2010, 97 minutes.

Selling Out

Jo Ann Skousen

Sometimes it's the values filmmakers take for granted that reveal the most about cultural trends. Take "Step Up 3D," for example, the most recent of choreographer-producer Adam Shankman's films about street kids who dance. There's only one genuine reason to watch these films, and that's for the dancing. And wow, can these kids dance! But it's the things the kids don't do that reveal the most about this generation's attitudes toward work, play, and most importantly, pay.

The films borrow heavily from traditional story formulas to create a loose conflict around which the kids can perform their dances. The plot of this one is similar to those of the old Mickey Rooney-Judy Garland films: "Hey kids, let's put on a show to save the farm!" Here, the "farm" is a Manhattan warehouse that has been converted to a performance gym-flophouse-dance club. Luke's parents bought the building and renovated it, but they died in a car accident and now Luke (Rick Malambri) is struggling to pay the mortgage while opening the house to dozens of homeless dancers. Five months behind in the payments, he needs to win the World Jam Dance contest and its $100,000 prize money, or the house will be foreclosed and all the kids will be back on the streets. Julien (Joe Slaughter), the captain of a rival dance team, has threatened to buy the house as soon as it goes into foreclosure, using money he has inherited from his wealthy parents.

This story is a simple, useful vehicle for presenting an amazing array of contemporary street dances, including hip-hop, krump, b-boy, pop-n-lock, stepping, and some new moves so creative that they don't have official names yet. The 3D format works especially well, enhancing the audience's appreciation of the dance performances rather than focusing on 3D camera tricks that are becoming far too familiar.

Street dancing is one of the most liberating and libertarian of dance styles, as well as the most physically demanding. As with jazz, there are no rules per se, except to push the boundaries as far as they can go. Until recently, when TV shows like "So You Think You Can Dance" began to legitimize this style of dance, there were few formal classes in the style, beyond a watered-down version of hip-hop. Instead, street dancers have learned from one another, creating their own styles and techniques.

The athleticism and physical strength of these performers is often jaw-dropping, as they support their body weight on their fingertips, spin on their heads, rise up sideways using just the muscles in an ankle, and leap from the equivalent of a rooftop. They can isolate their body movements to create a ripple effect or appear to leave their heads hanging in midair while the shoulders gyrate. All this is performed in time to energetic music and in perfect sync with a "crew" of dancers who practice together in parking lots, basements, and gyms. The tone is often aggressive and in-your-face, but it is just as likely to be playful and even joyful. If you love dancing (and I do) these films are a great way to enjoy a couple of hours.

But back to our story, and my concern about how it resolves Luke's problem about how to save the group house and its dance studio. The film presents only two options for raising the money: win the dance jam prize, or inherit wealth from a rich relative. No one in this film works or appears to have a job. In fact, when Luke decides to get a job at a diner, he is criticized for "selling out" and ends up walking out in the middle of his shift, never to return. The one crew member who attends college is constantly encouraged to cut classes in order to attend dance practices. Supporting the community is vastly more important than supporting the individual.

Meanwhile, the filmmakers completely overlook two obvious (to me) free-market solutions. First, on the ground floor of the warehouse Luke operates a thriving, crowded, dance club where hip young people come to dance together and show off their moves. He appears to keep it open as a community center, however, with no tickets or remuneration of any kind. Imagine how much money he could raise if he simply charged admission!

A second possible solution involves a second storyline. It concerns a young NYU student, Moose (Adam G. Sevani) who majors in electrical engineering by day and dances with Luke's crew by night. Using his engineering skills, he creates a small light attached to a magnet that both provides its electromagnetic power and makes it instantly attachable to any steel surface. The other dancers love tossing the neon colored "fireflies" at wire cables and even give them a name, "neo-lights." I leaned over to a companion and said, "Aha! They'll market the neo-lights and save the day." But that thought never enters their minds. Yes, they use the neo-lights in the routine that leads to their winning the competition (forgive me if that gives away the plot, but you didn't seriously think it might end any other way, did you?). Yet they never think of packaging the lights and selling them to make a profit, even though everyone in my group walked away saying, "Wouldn't it be cool to have some of those?"

Nor do they think of other obvious possibilities, such as busking or coaching. Gambling goes on at the competitions, but the dancers don't seem to be involved. (And I was a bit put off by the fact that all the gamblers were middle-aged Asians. What a stereotype!)

Over the past several years we have seen film after film with overt commerce-bashing themes. "The Other Guys," a current buddy cop spoof starring Will Ferrell and Mark Wahlberg, presents a slimy, villainous CEO (Steve Coogan) who runs The Center for American Capitalism with the theme, "live for excess." I bristled at the stereotype, but laughed at it as well. At least the film's point of view was up front and in the open. But many of this year's films, especially those geared toward children, have been much more troubling, because their community-first, anticapitalism themes have not been an intentional message. The filmmakers simply take for granted that redistribution of wealth based on need rather than merit is the appropriate, acceptable way to raise money. Developing and marketing a product, or even getting a job, isn't presented as a bad choice; it just isn't presented as an option at all.

Perhaps this point of view comes from the fact that so many filmmakers have to rely on the good will (and deep pockets) of wealthy benefactors in order to fund their films. But it concerns me, as I'm sure it concerns most of Liberty's readers. ❑

"The Expendables," directed by Sylvester Stallone. Millenium Films, 2010, 103 minutes.

Hambo

Jo Ann Skousen

"The Expendables" should have been the best action film of the summer. Written and directed by Sylvester Stallone and rumored to star some of the best action heroes of the 20th century, its release was anticipated as the new "Dirty Dozen." Even Arnold Schwarzenegger came out of retirement for a cameo appearance. Nevertheless, the film is a real groaner, with barely sketched characters, stilted acting, and an incomprehensible plot. It is laughably bad, perhaps the worst of the season.

What went wrong?

Perhaps it was a problem of too many prima donnas, each demanding a certain share of screen time instead of letting the plot dictate their roles. It almost seems as if Stallone and his buddies sat around drinking beers, shooting the breeze, and imagining one last, great, action movie, with each building up his own character and virtually ignoring the others. Several actors dropped out of the project before it was even under way, including Jean-Claude Van Damme, Steven Seagal, Wesley Snipes, Forest Whitaker, and even rap star 50 Cent. Many of them cited scheduling difficulties for bowing out, but that is often a euphemism for problems with the plot. Van Damme came right out and said it: his character lacked substance. *Van Damme* complained about lack of substance!

Did somebody mention plot? I think it was MIA from this mission. Barney Ross (Stallone) is the leader of a band of highly skilled mercenaries who can be hired to rescue kidnapped businessmen, for example, or to "neutralize" dictators of banana republics. His crew includes the improbably monikered Lee Christmas (Jason Statham), Ying Yang (Jet Li, looking sadly middle-aged), Gunner Jensen (Dolph Lundgren), Dan Paine (Steve Austin), Toll Road (Randy Couture), and Tool (Mickey Rourke). Wesley Snipes was supposed to play a character named "Hale Caesar." Who came up with these corny names? Bruce Willis appears as the mysterious Mr. Church, who hires the men to fly to the fictional South American island of Vilena and take somebody out — it isn't really clear to the audience who or why, since most of this scene is spent mugging menacingly at the camera.

Nevertheless, off Barney goes with Christmas in tow, posing as anthropologists in order to get through customs. After shooting up the town they get back on their plane and fly away, having aborted the mission and leaving behind Sandra (Giselle Itié), the beautiful woman who has warned them that they are walking into a trap. She refuses to be rescued, however, saying "My place is here," although we never learn why. Does she have a child somewhere? Is she concerned about her paintings? (She makes pictures that look like the kind you see painted on velvet and sold on street corners in California.) Is it because she's a daddy's girl? (Her father is the dictator of Vilena.) We never find out her motivation, but Barney is hot to go back and try rescuing her again, this time with the whole crew.

A quick look at the film's official IMDb website provides a hint as to what was supposed to have happened. The trivia section indicates that Sandra is a member of INTERPOL and has been providing medical supplies and guns to the revolutionaries who are working to oust the military dictator. Wait a minute — isn't he her father? No wonder they left that out. None of this actually appears in the movie. Apparently the film underwent a hasty re-editing just before it was released, and the website wasn't updated to reflect the changes. Nevertheless, viewers should not be expected to go to a website to find out what a movie was supposed to be about.

"The Expendables" is another film that simply can't compete with the thrill of staying home and washing the dishes. It is thoroughly, utterly, and completely expendable. ❑

Filmnotes

Comic book comedy — I hate to tell you this, but you may be too old for "Scott Pilgrim vs. the World"(Universal Pictures, 2010, 112 minutes). It's a tongue-in-cheek romp through the world of comic books, videogames, garage bands, and young love. If Andy Warhol had been born in 1971 instead of 1921, this is the kind of film he would be making.

The film is based on a graphic novel. One of the challenges of transferring this genre to film is finding a way to project the atmosphere of the two-dimensional page. Director Edgar Wright does it effectively by using several techniques familiar to readers of graphic novels: inserting handprinted signs to identify characters, spelling out sound effects when a telephone or doorbell rings, and moving characters from place to place without transition, the way graphic novels move abruptly from panel to panel. The result is, as in Warhol's paintings, funny, funky, and fun.

The story is as simple as a video game narrative: in order to win the beautiful girl, Scott Pilgrim (Michael Cera) must defeat her seven evil exes, who appear in different settings. It's almost like entering new levels of a game. Scott is the bass player for a garage band and seems to have outgrown video games, but his past has prepared him well for battle. He even gets showered with golden coins after each victory, and earns a do-over with a second life when all seems lost. Anyone under 40 will recognize the music of "Zelda," one of the narrative video games that was popular in the '90s, as Scott moves down a hallway during a quest.

Scott is accompanied by bandmates Stephen Stills (Mark Webber), Young Neil (Johnny Simmons), and girl drummer Kim (Alison Pill); his gay roommate Wallace (Kieran Culkin); his cynical sister Stacey (Anna Kendrick); and the band's 17-year-old groupie Knives Chau (Ellen Wong).The supporting cast provides the film's most comedic moments.

"Scott Pilgrim vs. the World" is the funniest films I've seen all year — hip and cool, yet sweet and innocent. The dialogue is clever and witty, full of pop culture allusions. It is funny without being raunchy or simple-minded. You may be too old to get it, but go see it anyway. It's about time you found out what the latest generation is laughing at. — Jo Ann Skousen

I Was a Teenage Liberal, *from page 44*

there is none better than "Rabbit Proof Fence," a movie about Australian aborigines who were taken from their families to give them the putative advantages of white culture and, through selective breeding, white color. That was 1960s Aussie liberalism. The roads to hell are usually paved with good intentions. An inquisitor crams something down your throat (or up the other end) to save your soul; a conservative does it for the good of society; but a liberal does it for your own good.

Fortunately, as Churchill hoped would happen to all young people, my infatuation with liberalism ran its course. The decline began with a question I posed to myself while still in college: *If legislators are so smart, how do we get such bad laws?* I couldn't come up with an answer.

Admittedly, it was a complex question. The answer awaited my reading of Henry Hazlitt's treatise on concentrated benefits and distributed costs, "Economics in One Lesson," many years later. But that question was the first chink in my liberal belief in the concept of government by the best and brightest.

I had another *aha!* moment when I spent three months in the South on a training assignment. I shared an office with a Bircher. On the one hand, he had the most distorted worldview of anyone I had ever met. On the other hand, he was intelligent and willing to engage in discussions without rancor. I found that he had a consistent (if sometimes odious) belief system, he spoke with candor, and he possessed a lively wit and sense of humor. He referred to the new base metal coinage that had entered circulation under President Johnson as "LBJ slugs." Imagine that — a sense of humor on an ultra-conservative! Of course, the only thing really surprising was my surprise, but such was my own inexperience and prejudice. We parted, if not friends, then at least friendly.

I met a lot of other conservatives during that sojourn, people whose worldviews were very similar to my own, without the government intervention part — decent, hardworking, educated people. The oddity, to me, was that they rebelled in horror against the notion that they might actually be liberals. I was amused at the time. Here were liberals in all but name, but hating the name. Later, I came to realize that it was I who was bemused; I wasn't listening to the differences between us. I fell back on my prejudice that only liberals were intelligent and compassionate, and if you met people who measured up, then, well, they were liberals. I'm embarrassed just recalling this episode. Nonetheless, it was clear that conservatives were more varied and complex than I had imagined.

Then I discovered the Cato institute. From there it was all downhill: Ayn Rand, Milton Friedman, Thomas Sowell, F.A. Hayek. Funny how none of them was on my list of prescribed readings in college. I checked. There was a bit of Adam Smith, but only a small fraction of the pages devoted to Karl Marx. Really. (I still have the books; I counted the pages.) I should add that there was also a bit of Locke and Hume and other classical liberals who bore a similar name though otherwise no resemblance to modern liberals.

But it was with the classical liberals that I eventually found my roots: the sovereignty of the individual, self-ownership, individual responsibility, free association, free markets, voluntary exchange, limited government, inalienable rights, the rule of law. Heady stuff. A set of concepts worth living by — and fighting for. I had gained a political philosophy.

So now I can go to liberal guilt wallows with impunity — as if anyone would ask me back. ❑

Terra Incognita

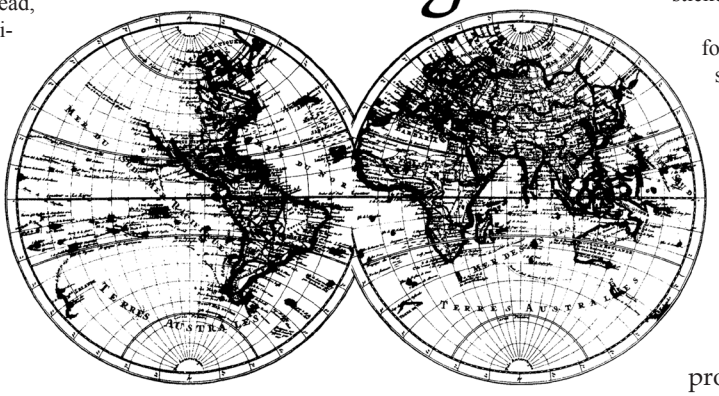

High Seas

Suspicious statement noted in a lede from the *London Telegraph*:

Sailors can note unusual sightings on the ocean waves in their ship's logs, the Navy said.

But they are not required to do so and none of the information is assembled in a central archive devoted to sea monsters.

Washington, D.C.

Looking for the union label, in *The Wall Street Journal*:

Billy Raye, 51-years-old and unemployed, is looking for work.

Fortunately for him, the Mid-Atlantic Regional Council of Carpenters is seeking paid demonstrators to march and chant in its picket line outside the McPherson Building, an office complex here where the council says work is being done with nonunion labor.

"For a lot of our members, it's really difficult to have them come out, either because of parking or something else," explains Vincente Garcia, a union representative who is supervising the picketing. So instead, the union hires people, at the minimum wage, to walk picket lines. Mr. Raye says he's grateful for the work, even though he's not sure why he's doing it. "I could care less," he says. "I am being paid to march around and sound off."

Mr. Garcia sees no conflict in a union that insists on union labor hiring nonunion people to protest the hiring of nonunion labor.

Guilford, N.C.

Testament to the importance of a public education, from the *Charlotte Observer*:

Crews painted "shcool" on the approach road to Southern Guilford High School. The road had been recently repaved and crews were working to mark out the school zones. The company responsible said it had "made a mistake" and it would be fixed. A spokesperson said the paint was "interim paint" that is used before the final paint is applied.

Almaty, Kazakhstan

Enlightened leadership is alive and well, according to *The Economist*:

Earlier this year Kazakhstan's president, Nursultan Nazarbayev, ordered his officials, on pain of dismissal, not to stage any festivities for his 70th birthday on July 6th. They should focus only on celebrating the city of Astana, which became the national capital in December 1997, but whose anniversary party Mr. Nazarbayev later shifted to, by a remarkable coincidence, July 6th.

This year's was a big bash, attended by several heads of state, including the presidents of Russia and Turkey. But the state-owned press, braving Nazarbayev's wrath, still managed to pay him tribute by publishing congratulatory letters sent by his peers, such as Bill Clinton, Nicolas Sarkozy, and Shimon Peres. Already last month the one-party parliament had bestowed on Nazarbayev the title "Leader of the Nation," granting him special powers for the remainder of his life. It includes immunity from prosecution and protection of all assets of the president's family. Nazarbayev opposed the bill, but failed to veto it, so it automatically became law.

Wilmington, N.C.

Is you is or is you ain't his constituency, in the *Wilmington Star-News*:

Political theater hit the mat at the Wilmington National Guard armory, site of a wrestling event for the United Pro Wrestling Association. There was over-the-top boasting, mud-slinging and a cheering crowd. It was not so unlike a campaign rally, except with spandex.

It all started when Republican House candidate Tristan Patterson and wrestling promoter and UPWA owner Donald Brower traded barbs on a talk radio show out of Whiteville. Patterson questioned the authenticity of pro wrestling, and Brower, who lives in New Jersey, knocked southeastern North Carolina. Brower challenged Patterson to a duel, with the Tabor City resident saying he would drop out of the race if he lost.

Following matches that included Big Dog vs. Crazy Ivan and Djinn (or big genie) vs. Cold Cash D, Patterson entered the ring, prepared for battle in a gray dress shirt, blue tie, and campaign sticker.

Naturally, it turned into a free-for-all, with wrestlers from both sides rushing the ring. A rogue Patterson supporter flew into the ring with the classic folding chair sneak attack, bringing it down over Brower's head and allowing the political hopeful to pin his opponent and declare victory.

Chesterfield, MO

Lamentable failure to protect children from jubilation, from KSDK-5 in St. Louis:

A ban on singing "Happy Birthday" lasted all of four days at Chesterfield Elementary School in Missouri after angry parents bombarded the school with complaints.

Kim Cranston, a spokesperson for the Rockwood School District, said the initial ban on the birthday song was meant to protect the students.

"One of the things that she (Principal Davidson) had explained to me is they always want to be sensitive to all children," Cranston said. "And there are some children in their school — as there are in many schools — who don't participate in holiday or birthday celebrations."

Washington, D.C.

Team America hits the books, from the *Washington Post*:

FBI Director Robert Mueller told Congress that he does not know how many of his agents cheated on an important exam on the bureau's policies, an embarrassing revelation that raises questions about whether the FBI knows its own rules for conducting surveillance on Americans.

The Justice Department inspector general is investigating whether hundreds of agents cheated on the test. Some took the open-book test together, violating rules that they take it alone. Others finished the lengthy exam unusually quickly, current and former officials said. The test was supposed to ensure that FBI agents understand new rules allowing them to conduct surveillance and open files on Americans without evidence of criminal wrongdoing.

Mueller told Congress that, despite the cheating investigation, the FBI understands the rules and is following them.

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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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Inside Liberty

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4 Letters Our cup runneth over.

7 Reflections We watch the butterfly, take a closer look, do the math, hoard our gold, purchase another palace, and read between the lines.

Features

13 Cuba: Change We Can Count On? The news is that Castro's brother is "changing course." *Robert H. Miller* reminds us that the ship has already sunk.

17 An Experiment in Apocalypse *Stephen Cox* explores Americans' curious yet intense devotion to cognitive dissonance.

23 The Queen of Africa Every teacher has students he will never forget. *Jacques Delacroix* calls one of them to mind.

25 Obamacare: The Fine Print Unlike other people who write about Obama's healthcare law, *Steve Murphy* has actually read it.

29 Whatever Happened to Integrity? *Jim Walsh* wonders what became of an essential element of political and social life.

Reviews

33 The Case for Free Trade Why are so many Americans opposed to free trade? *Gary Jason* searches for the answer.

42 The Way to Wealth *Bruce Ramsey* asks if the Protestant work ethic deserves the credit for the industrial revolution.

43 Greed Is Still Good But, as *Jo Ann Skousen* explains, self-interest is smarter.

46 Against the Grain *Gary Jason* considers a slate of films that tweak the noses of self-appointed cultural critics.

48 Tragedy on the Commons *Jo Ann Skousen* revisits an acclaimed tale of loss, longing, and eminent domain.

50 The Bogus Letter *Jo Ann Skousen* isn't fooled by the remake of an American classic.

51 The Boys of Boston *Jo Ann Skousen* enjoys a film in which crime and charm collaborate.

52 This Is Not a Pipe *Jo Ann Skousen* lauds a film that could not have been made ten years ago.

38 Notes on Contributors The prime movers.

55 Terra Incognita Exponentially odder.

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Letters

Same as the Old Boss

Russell Hasan declares libertarians "irresponsible" if they don't vote Republican ("Shifting the Balance," October) — not because Republicans are any less statist than Democrats, but because the body politic "perceives" Republicans as the party of free enterprise. Layered atop this ridiculous rationale is his guarantee that "Republicans must appease libertarian voters or watch their coalition decay."

This might be an intriguing overture if it were truly new out of the box — but the sad fact is that the Republicans have squandered and betrayed exactly this trust every time it has been granted in the past, as far back as when the original coalition decayed in 1971 with the founding of the LP itself. Once Republicans win their seats, what do they care if the coalition is disappointed — there will always be another Hasan to propose next cycle that those "irresponsible libertarians" give Republicans (yet another) chance.

That's not to say Hasan's efforts within the Republican Party are wasted — they are invaluable, and I hope he continues to hold Republican feet to the fire as a Republican Party member. My objection is that rewarding unprincipled candidates with libertarian votes is never a mechanism that creates more principled candidates. Principles are the horse; votes the cart. When Republican candidates actually deserve libertarian votes, believe me — libertarians won't fail to notice. Just ask Ron Paul.

C.D. Tavares
Morristown, AZ

Wedding Bills

Stephen Cox's Reflection "Pigs at the trough" (October) concerning Bill and Hillary Clinton spending several million dollars on daughter Chelsea's wedding was amazing. When my wife and I got married in 1997, we spent $14,000 on our wedding. This covered all the basics — invitations, flowers, photographer, video recording, music DJ, lunch, and an open bar. All of this took place on a boat. We cruised for four hours from the Flushing Marina down the East River to the Statue of Liberty and back. We and our 125 guests had

Erratum

An editorial error in Jane S. Shaw's "The Pearl Harbor Problem" (Reviews, October), may have confused careful readers. The Japanese "pilot message" — an intercepted message that indicated Japan's break-off of diplomatic relations with the United States, thus announcing war — was intercepted and translated by 2 p.m., Saturday, December 6, 1941 (not Sunday, December 7). Much of the cover-up involved the issue of whether this message was conveyed to top officials, especially Chief of Staff Marshall, on Saturday, the day of its arrival. All credible evidence suggests that it was. Liberty apologizes to its readers and to Jane S. Shaw for the error.

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity.

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the time of our lives.

In May 2008, President George and Laura Bush hosted a wedding for daughter Jenna at their Crawford, Texas ranch. For $100,000, several hundred guests enjoyed their day. Fast forward to Astor Courts — a private estate on the Hudson River in Rhinebeck, New York today. For the princely sum of several million dollars, Bill and Hillary Clinton hosted a wedding for their daughter Chelsea and 500 guests. Just how many speeches did the former president give to various special-interest groups at prices ranging from $50,000 to $500,000 a pop to pay for the event? This cost of the wedding by the Clintons did not include several hundred thousand dollars borne by taxpayers to enforce a "No Fly Zone" over the wedding along with security around the estate and in Rhinebeck. A combination of Secret Service, FBI, Coast Guard, state, county, and town law enforcement authorities assigned several hundred members to the festivities. You can imagine how much generous overtime pay was involved. In the middle of an economic recession with 10% unemployment rate, perhaps the Clintons should have toned it down a little. My wife and I along with the Bushes and most average Americans enjoyed our blessed day for far less money in more humble surroundings. Perhaps in lieu of gifts, Chelsea could have asked her guests to make a donation to the Clinton-Bush Haitian relief effort. I hope the Clintons donated all the leftover food, and refreshments to a local food bank or homeless shelter. How ironic that "liberal" Democrats like the Clintons live a decadent life style spending like the multimillionaires, fatcat Republicans, and greedy Wall Street investors they have historically always despised! "Do as I say, and not as I do" must be the Clinton family crest.

Larry Penner
Great Neck, NY

From the Editor

In our November issue, I announced that this would be the last print issue of Liberty. When you read these words, Liberty will have changed to an online journal. All of us will miss the look and feel of printed pages, but we at Liberty believe that we will not only lighten our costs but also increase our readership by going online.

The most important thing for us, however, is to keep our extraordinarily loyal readers with us. To make sure we do, I want to tell you more about Liberty online.

To start with, it will be free. No fees; just go to libertyunbound.com and you'll be at home again. By the way, if you subscribe to the print version of Liberty now, we'll be refunding the unused portion of your subscription.

The online version of Liberty will publish features, reviews, and reflections, just as we do now; but you won't have to wait a month to see them. They'll be posted as soon as they're ready for publication. The online version will also invite you to post your own comments. And don't worry about having to wade through a lot of irrelevant or obscene remarks, sent by people who have nothing better to do. We'll make sure that the posted comments, whatever views they express, make for civilized debate.

A special feature of Liberty online will be an archive of Liberty's quarter-century of print publication — not just a few articles, but the whole of each issue. It will be one of the largest libraries of libertarian writing ever assembled.

I recently spent a day just browsing through some of the thousands of items contained in this library. I wasn't surprised to find that Liberty has published virtually every important writer in the libertarian world. Nor was I surprised to find that every kind of writer is represented — statesmen, convicts, economists, historians, vagabonds, poets, philosophers — and every kind of subject. What struck me was how many things seemed new, enlightened, and enlightening. I found myself grinning with appreciation over the stunning arguments for ideas that I happen to favor, and worrying about the clever thrusts that good writers made against them. And always I was thinking, How great it is to read something that's truly individual! No tired op-eds here. Liberty has always spoken with a thousand voices, and none of them predictable.

Liberty represents and explains, as no other journal has, the history of the libertarian movement. It has published more about our history than any other journal, and even the strictly historical articles are as fresh as dawn. Don't take my word for it; go to libertyunbound.com and see for yourself.

In 1987, R.W. Bradford founded Liberty as a journal devoted to publishing the best libertarian writing available. For 23 years, we've done just that. We're continuing to do so, in our new online format. We thank you for your loyalty. We ask for your support, as always — the support of the liveliest and most discerning readers in the world for a journal written and produced for their enjoyment.

For Liberty,

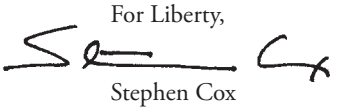

Stephen Cox

Know When to Walk Away

Bruce Ramsey ("Don't Default on Me," October) doesn't seem to know what a treasury bond is, a mortgage, or libertarianism.

Our government regularly "walks away from contract obligations," and "cheats people to whom it owes money," so defaulting on a bond is completely in character. Moreover, a bond is just gambling by another name. The buyers gamble that the government will not default in exchange for an interest rate that makes their gambling worthwhile. If they lose their gamble, it's tough, but they're not entitled to a bailout any more than someone who loses at the craps table in Las Vegas.

Ramsey attempts to scare us by saying gamblers in foreign lands would be "really, really pissed off" if the U.S. defaulted. Well, tough titty. Let them buy their own bonds.

He makes a false comparison to someone who walks away from a mortgage. "We don't celebrate this man. . . . It is a predatory thing. He is breaking his word." I celebrate him. He's doing what's best for his own family. The banks inflated property values, then securitized their mortgages. They don't

even have the right to foreclose — only the myriad owners of the securities do, and I haven't heard of a single one who is foreclosing. Is the man stiffing them? Oh yeah. But they're gamblers, too. They gambled on the value of mortgage securities. They lost. Tough. Do you feel sorry for gamblers who lose? I don't. Everybody gambled in their own best self-interest, like good little libertarians. It's a game of musical chairs, and the music stopped. I celebrate anyone who has sufficient good sense to walk from an underwater mortgage that the banks created.

Neil Elliott
Evanston,IL

Whose Debt?

It is a peculiar morality that Bruce Ramsey espouses when he writes that a default of government bonds would be "the theft of $13 trillion from the millions of people to whom it is owed." But whence comes that $13 trillion to repay these people? Why, it can only be repaid by the theft from millions of U.S. taxpayers and their children and grandchildren. Why is one theft acceptable but not the other? I, for one, did not borrow the money nor spend the money (nor did I authorize the people who did), so in what way am I responsible? There may be practical consequences to consider in a default, but any theft is decidedly a two-edged sword.

Of course, holders of U.S. debt will see the value of their loan "defaulted" through the deterioration in the value of the dollar. For moral reasons as well as investment ones, do not lend to the government. If you do, you might get what you deserve.

Adrian Day
Baltimore, MD

Let It Be

I plan to borrow $1,000 from Jeff Hummel and promise that Bruce Ramsey will repay the debt. Bruce Ramsey surely won't want me to default since he believes promises should be kept.

More interesting than Ramsey's absurd argument that we taxpayers are somehow obligated to make good on the debt incurred by past politicians and bureaucrats is his discussion of the likelihood of default and its probable effects.

Regarding likelihood, Ramsay repeats the standard belief that the government can always inflate its way out of debt. Prof. Hummel argues that because of the leverage in today's banking system and the discipline imposed by foreign borrowers, that is no longer a viable option. Stiff resistance to increased tax rates closes off that option, leaving default as the most likely outcome. Whether we libertarians celebrate it or not doesn't much matter.

A default would be an enormous financial upheaval, but not the end of the world. Expectations would be jolted back into line with reality, but real, tangible assets would remain. Equity investments as well as some private debt instruments would retain their value, and I suspect new monetary and financial institutions would evolve spontaneously and in fairly short order.

Warren Gibson
San Carlos, CA

Right of Refusal

Kudos to Tom Palmer for his articulate defense of anarcho-libertarianism, "Life Without the State" (October). My thoughts on how to work toward such a society of truly free men and women:

I am not holding my breath on 50.1% of the "representatives" effectively elected by a little as a single-digit percentage of the people residing in their district or state voluntarily relinquishing their grasp on power and giving back to me the natural rights I own simply by existing. One cannot expect slaveowners to voluntarily release their slaves from bondage — and let's not kid ourselves, the slaveholder-slave relationship is precisely the relationship that exists between almost every elected official and their "constituents."

So the only recourse, other than meek acceptance of that servitude, is for us serfs to quietly revolt and refuse to cooperate with the state as much as possible without provoking their retaliatory use of their monopoly of force in a geographic region. They will not give us our freedom. We must seize it every day, in every way we can. We should refuse to be involuntarily conscripted into armed forces, or into jury pools. We should evade or reduce the taxes that feed the state whenever possible. We should vote for people who reflect our perspective whenever possible, and leave the ballot blank in silent protest whenever no acceptable choice presents itself, even if that means turning in a ballot with no politicians voted for at all. We must either acquiesce to their illegitimate rule, or nonviolently refuse to cooperate whenever and however we can.

Jim Henshaw
Kailua, HI

Law and Order

I see Tom Palmer's defense of anarchism as an attempt at a pragmatist approach. As such I find it unsatisfying from a philosophical viewpoint (which is my preferred approach). Specifically it avoids the key question, "Does a free society require law?"

One could answer yes without requiring, I suppose, a single set of laws. Maybe one could argue for competing sets of laws, but I doubt it. You would be arguing, I would think, for competing ideas for the nature of a free society. But a free society means one in which normal mature men and women deal with one another by honest persuasion, not force or deception. If this is an idea with objective meaning (and I would hope libertarians subscribe to the tenet that the idea of a free society has an objective validity), then law must embody this idea and provide means of defining legal arrangements and adjudicating disputes. Competing venues for enforcing law might arise but it would seem that a single code of law and a single final arbiter (a Supreme Court in essence) is only practical — and reflects the notion that a free society can really only follow from a single basic idea.

Palmer might term this final arbiter a "ruler" (perhaps even the concept of a single code of law), but I would not view it as such in the usual sense (i.e., as having arbitrary powers). But in any case my approach results in a kind of monopoly, that which would exist in the sense of a single code of law and a single final arbiter. But this monopoly would only be recognizing the fact that a free society can really only be defined a single way and that way has, in some sense, objective truth with no competition.

Wendl Thomis
Acton, MA

Reflections

Keynesian Kool-Aid — Round after round of stimulus has done little more than give the president a reason for speeches about how the economy should start to respond this time, and really will start recovering any day now. At least in the former Soviet Union, they would wait for the better part of five years before announcing a new program.

If people were paying attention, there wouldn't be a single Keynesian left in this country. — Tim Slagle

Good news, everyone! — Well, the job numbers for August were released shortly before the Labor Day holiday, and the "recovery summer" that Uncle Joe Biden crowed about is now officially a bust.

The unemployment rate increased from 9.5 to 9.6%, and the U.S. lost jobs for the third straight month, some 54,000 in total. This was actually considered good news in some quarters, since estimates were that the losses would be on the order of 110,000. But private sector employment grew by an anemic 67,000 jobs. This was a disappointing report for any Labor Day.

Obama's response was predictable. First, he congratulated himself, calling the figures "good news," and proof that his programs are working. He then started pushing yet another stimulus bill, this one for "small businesses." Also under consideration is yet another stimulus bill for "infrastructure."

Second, after all this exhausting work — devising stimulus bills that don't stimulate takes real mental effort — Obama felt the need for rest. He promptly took off to Camp David for yet another well-deserved vacation. — Gary Jason

"The government says we have to list all ingredients — what's your Social Security number?"

In the bazaar — The Ground Zero mosque controversy must be the first time in history when politicians and bureaucrats have been afraid to interfere with a real-estate development. The reason seems to be an irrational fear of Muslims. So if you developers out there want to sail through environmental and zoning reviews, just put the word "mosque" in your permit applications. From now on, you're building "Joe's Bar and Grill and Mosque" or the "Colorado Strip Mine and Mosque." You can make room for a prayer rug, right? — Tom Isenberg

Stimuless — President Obama claims that the stimulus package was a rousing success, preventing the recession from getting much worse.

Now(!) we learn that the recession ended in June 2009. But at that time, only about 5% of the stimulus money had even been spent.

So if the recession was already over, after so little spending, is it reasonable to assume that expanding government debt had anything to do with ending it?

On the other hand, with the officially recognized jobless rate approaching 10%, and the unofficial rate arguably much higher, why should we believe any government claim that the recession is over, even now?

So which is it? Recession over, and all that government intervention unnecessary? Or recession not over, and all that government intervention basically useless? Or is the whole issue just an opportunity for Obama to crow about his massive expansion of government power over us at our (future) expense? — John Kannarr

Scanning for pleasure — The American Reinvestment and Recovery Act, intended to create jobs and promote investment and consumer spending, provided funds for 11 full-body scanners to be installed throughout the country. This will allow certain TSA agents to spend their eight hours of government service looking at naked people — an activity that several SEC regulators were fired for.

Now, while I usually count only about one in about ten airline passengers that I wouldn't mind seeing naked, I know there are some sickos who are begging for the assignment. I don't believe most Americans thought this is what the president was referring to, when he proposed stimulus. — Tim Slagle

Just another word — Many readers turn to Liberty's Reflections section first. I can understand why, though the very first bit I always read is the liberty quote at the bottom of the cover. Years ago I even contributed one, a saying by Antonio Maceo (1845-1896), a black patriot, general, and hero of the Cuban struggle for independence: "La libertad no se mendiga; se conquista con el filo de un machete," or, "You can't beg for liberty; it's won with the blade of a machete" — the weapon of choice in a 19th-century sugar economy, though now with terrible associations since the Rwandan massacre.

Recently, in preparation for a school presentation on Cuba, I watched the 2003 documentary "A Great Day in Havana," a series of sketches about modern Cuban artists — sculptors, painters, performance artists, poets, and musicians — along with their comments and reflections. Of course, modern Cuban artists are all state-sponsored (woe to the unlicensed!), live privileged lives, and refrain from biting the hand that feeds them. The best part of the film, for me, was the rich, elision-riddled Cuban Spanish saturated with local slang and mannerisms, a Spanish I seldom hear in Arizona and, to an American English speaker, akin to listening to the cadences of a rural Irish brogue. And the music.

Cuban music has always been world-renowned but under the Castro regime it has experienced the renaissance of

creativity, innovation, and excellence that hardship and loss of liberty often seem to generate. Think of literature under the Soviet regime: Solzhenitsyn, Rybakov, Grossman, Akhmatova, Pasternak (and yes, Ayn Rand). But there is a big difference between state-sponsored art and samizdat, though the difference is less in music, which is a less overtly political art, than it is in prose, where a writer can rant to his heart's content. Nonetheless, the closing composition of "A Great Day in Havana" stopped me cold and left my jaw agape.

Carlos Varela, a state sponsored singer and songwriter who fancies himself unconventional and achieved a genuine hit with a song entitled "Politics Doesn't Fit into a Sugar Bowl" (which includes the refrain, "Fuck your embargo!") ends the movie with a composition whose chorus is, "La libertad solo existe cuando no es de nadie" or, "Liberty only exists when no one has it."

Imagine that on the cover of Liberty. Wonder at how the Cuban psyche has changed in the 100 years from Antonio Maceo to Carlos Varela, half that time trapped in a people's paradise. Does the aphorism have such depth that I'm unable to plumb it? Is it postmodernism at its most abstruse? Have I lost my sense of irony, or is it post-post-ironic humor? No, it's brownnosing hypocrisy of the worst sort; it's Orwellian syntactical contortion disguised behind a grammatically correct string of words; it's what Mikhail Sholokov did when he declared Stalin's Belomor Canal — at the time communism's worst slave labor atrocity, with a death rate of 40 laborers per day, mounting to a total of 25,000 dead — a healthy rehabilitation program. Perhaps he should have rephrased that to "Life only exists when no one has it." — Robert H. Miller

Hollow ring — A few thoughts on the Patient Protection and Affordable Care Act, a.k.a. Obamacare. I can't resist kicking a bad law when it's down.

Even the federal government predicts that the unpopular law will add to the average American's annual healthcare ex-

Word Watch

by Stephen Cox

Over the years, I've received a lot of comments about this column. They've revealed the existence of two linguistic parties.

One party asserts that nothing will come of noticing the mistakes people make with language. "The offenders don't read you, anyway," these people say, with great plausibility. "Or maybe they do, but they don't understand that you're talking about them. Barbarians don't know they're barbarians." That's even more plausible. At my university, I get messages every day from people who don't have a clue that they're Vandals, or Visigoths at the best.

The other party doesn't believe in giving up. These are the people who squirm every time a politician compliments "senior citizens." They scream when it's chummily shortened to "seniors." "Senior to whom?" they demand. And when Republicans and Democrats debate who is better at "growing" jobs, their response is that both sides have already applied enough manure.

The members of this second party may be either 20 or 90 years old, but they've been afflicted this way throughout their thinking lives. They just can't stand to see the language debased. So every time a snoop like me uncovers another nest of abuses, they rejoice and applaud, as if they were on the winning side of the Hundred Years' War.

Who's right? I won't try to decide; I'm not an unbiased judge. But I do remember a time when I myself didn't know how to explain what is wrong — all the things that are wrong — with "senior citizens" — and I was glad when one of my mentors, Robert Koelz, came to my rescue by giving me the word "cant." He helped me gain control of the language I use. And let's face it, it's fun to be right, even if nobody else pays any attention. Besides, the fact that people have been making some of the same mistakes for generations only makes it more important to bring them up again.

So please keep me enrolled as an enthusiastic member of the second party, the party of linguistic remembrance, rebellion, and revenge.

Now, take the word "alleged." (Take it, please!) I brought that up in last month's column, referring to a headline that proclaimed: "Panel hits Rangel with 13 alleged ethics charges." It wasn't the first time I'd mentioned the guilty word. It's been sinning for a long, long time. But does that give it immunity? Hardly. There's no statute of limitations on murder, and this is the murder of brain cells.

There are thousands of habitual criminals that need to be brought to justice, no matter what their age. I fingered one of them just the other night, while watching a rerun of "Network" (1976) . There's a scene in which we see the villain sitting behind a nice big villain's desk, and there, resting prominently on the shiny surface, is a sign saying: "Thank You for Not Smoking." So that nauseating pretension to politeness has been going on for 34 years. Longer, if you're not thinking just about signs objecting to secondhand smoke. Have you ever been in an office — usually, this is the office of a lumberyard or a car repair place or some other useful enterprise — where there's a sign that says, "This Is My Busy Day"? It's an impolitely polite way of telling you to shut up and pay your bill. This one also goes way back. In Sinclair Lewis' best novel, "Babbitt" (1922), the protagonist visits his pastor's office and notices that there's a sign on the wall: "This is the Lord's Busy Day." Amusing satire, right? But that was *nine decades ago*, and the fad still hasn't stopped.

Neither has the "Kraze for K," which Louise Pound brought to notice in a famous essay of 1925. Her comments haven't stopped people named Christine from opening Kris' Kafé and Kookery, or Krissy's Kanine Kompound, or Kristina's Kaktus Korner.

Christine may not realize that she's being trite, but at least she's getting her message across. There isn't much ambiguity about a Kaktus Korner. But not everyone has been so lucky with creative spelling. My favorite is the young lady who appears in Mary Chesnut's Civil War diary, the girl who writes a letter in which she calls her sister a "mean retch." Who says great writing doesn't transcend the centuries? The memory of that idiotic girl has brightened many a sad hour for me.

Not so the locutions of California congresswoman Maxine Waters, who has her own problems with being understood. The main problem is that she doesn't understand what she herself is

penses. According to a report from Medicare's Office of the Actuary, released in September, Americans will spend an average of $13,652 per person per year on healthcare in 2019. Without Obamacare in place, they would spend $13,387. (At present, Americans spend $8,389 per person per year.) The difference is slight, but it's significant. The Feds are moving away from Obama's talk of "bending the cost curve down." And his promise that the law would pay for itself seems . . . unlikely to be true.

The Medicare actuaries also predict that healthcare spending will account for nearly 20% of the U.S. economy in 2019, up from 17%, currently. So the description of healthcare as "one-sixth of the economy" will have to be changed to "one-fifth."

The study also made two other noteworthy points:

1. Government is becoming the dominant player in healthcare even *without* the unpopular law. Federal, state, and local government spending will overtake private sources in 2011, three years before the main provisions of Obamacare take effect.

2. Two federal-state programs, Medicaid and children's health insurance (known as CHIP or S-CHIP in most states), will grow dramatically under Obamacare. Enrollment will jump 34% between 2013 and 2014, to more than 85 million people. And these increases are likely to start even sooner, as private-sector insurance companies stop offering child-only policies.

White House health reform director Nancy-Ann DeParle was Obama's point person on spinning these troubling numbers. DeParle acknowledged that spending would rise in the short run as uninsured people get government-subsidized coverage but insisted that the rate of growth would slow in the second half of the coming decade. Then she offered projections from a different agency, the Congressional Budget Office, that suggested some slight *savings* would occur instead.

Former CBO director Douglas Holtz-Eakin has done a lot

saying. As you know, Waters is in trouble for *allegedly* cadging a financial bailout for a bank in which her husband had an interest. Here's her defense, as quoted by the Associated Press on August 2: "The record will clearly show that in advocating on behalf of minority banks, neither my office nor I benefited in any way, engaged in improper action or influenced anyone."

It's refreshing to find a member of Congress who confesses that she has no influence. I wonder, however, what exactly Waters was "advocating." I know, she was "advocating on behalf of," but what exactly did she *advocate*?

This is a new problem: it used to be that people advocated ideas, solutions, proposals — something. But Waters just advocates on behalf of. So what did she *say*? We'll probably never know. Let's not even worry about the tenuous relationship between the adjective "minority" and the noun "banks." The words literally mean that the banks are in a minority, whatever *that* might mean. Of course we're supposed to understand that "minority" really means "African-American." I guess it sounds less self-serving if you gum up the phrasing in the way Waters did. Why is it, though, that America is filled with self-serving people who talk as if society should give them a medal for this commonplace trait?

But there are many linguistic problems that have nothing to do with politics or "influence," and these appear to be just as hard for our fellow citizens to solve, despite the fact that solutions to many of them are readily available.

Think, for example, about the problem of strong verbs, which is merely a problem of memorization and appreciation. A weak verb forms its past and past perfect by adding -ed; a strong verb changes something more basic. Thus, "she retches," "she retched," "she has retched" (weak verb), as opposed to "she takes," "she took," "she had taken" (strong verb). Strong verbs are archaic, interesting, and deeply inscribed in the structure of our language. Also, they usually sound very cool. Everyone who speaks English learns a lot of them: find-found-found, bind-bound-bound, write-wrote-written, sing-sang-sung . . .

So why, if you've learned sing-sang-sung, do you have trouble coming up with spring-sprang-sprung? I have no idea, but you will never hear a person on TV or radio say that somebody "sprang into action." Nor are you likely to find "sprang" in The New York Times. It will always be "sprung," as in a report in the Washington Examiner (Sept. 15): "On April 15, 2009, in honor of Tax Day, seemingly spontaneous tax protests sprung up across the country." Or try this one, which makes an attempt at an adjectival usage of the perfect form, and fails: "Indonesian Christians beat on their way to prayers" (AP headline, Sept. 13).

The second example is even worse than the first, because in that case it's so easy to find the right form. Finding it doesn't even require the minute amount of memorization that would clue you in to "sprang." It merely requires you to put the crucial word in a somewhat different context. "How many eggs have you beat today?" should sound strange enough to let you see your mistake about the Christians being "beat."

It should. Maybe it won't. But I'd like to believe that the tens of millions of our fellow English speakers who imagine that they are being super-correct when they say, very politely, "Just between you and I," would realize their mistake if they tried to reverse it: "Just between I and you." "'Just between I'? That's not English." Right! And why isn't it? Because "I" has the wrong case. It has to be "me," even though "me" may seem like a low, common word, compared with the classier "I." End of story.

Unfortunately, that method doesn't seem to occur to people naturally. But maybe if sixth-grade teachers tried to introduce it, we would hear fewer people asserting that "grammar can't be taught." Of course it can. Sometimes, it's just a matter of getting students interested in things like strong verbs and pronoun cases.

Aren't you appalled by the fact that professional writers ordinarily possess no such interests? They have now, almost universally, adopted the spurious word "snuck" as the past and perfect form of "sneak." This is something so goofy that it can stand as a complete demonstration of the lack of logic in contemporary writing. "Sneak" is a weak verb: sneak- sneaked- sneaked. I prefer strong verbs, but that's the way "sneak" is; too bad. At least it's easy to remember. Yet along comes an illiterate variation, "snuck," which is a spurious attempt to create a strong verb — obscure evidence (like "just between you and I") of a bad conscience about formal language. And "snuck" wins the day. It's everywhere in supposedly formal writing.

Word Watch, however, is one place where it will never win. And don't think that Word Watch is going away. It will continue in the online version of Liberty. Just go to libertyunbound.com, and you'll see it appear, very frequently.

of work explaining that CBO numbers should be taken with a grain of salt. Or several. Most critical of the many points he makes: CBO projections must assume that the policy goals of a bill or law will occur as stated. So, when Obamacare promises to make drastic cuts in certain pricey programs several years out, the CBO must assume those cuts in its projections — even if everyone agrees they're unlikely to take place. As Holtz-Eakin has said, "I like to think of this as CBO being in the position of pricing Congressional fantasies and precluded from pointing out reality."

Statists like that. Obama has been yabbering about CBO projections of unlikely savings all year. In a media op last spring, he said, "That [CBO projection] makes this legislation the most significant effort to reduce deficits since the Balanced Budget Act in the 1990s. This is but one virtue of a reform that will bring new accountability to the insurance industry and greater economic security for all Americans."

This is a hollow man talking. For hollow men, convenient delusion always trumps inconvenient, er, truth. — Jim Walsh

Becalmed — As the East Coast started preparing for the wrath of hurricane Earl, just a few days after the fifth anniversary of hurricane Katrina, it occurred to me what a calm five years we've had. There haven't been many storms of consequence over those years, and in this year (which was predicted by experts on both sides of the aisle to be quite active) Earl was only the fifth named storm.

We should all be grateful for the lack of storms over the last half of the decade. Not only were lives and property spared from devastation, but global warming is now only slightly more credible than UFOs and Sasquatch. It's hard to sell a climate crisis when the weather is calm.

If the past five summers had been a repeat of 2005, I'm certain that cap-and-trade would have passed the Senate, and we would be facing an inflationary energy tax that would make economic recovery in our lifetimes less likely a World Series victory by the Cubs. While there is a slim chance that the healthcare bill might be revoked if Congress changes hands, taxes do not disappear quietly into the night. The battle to eliminate the Spanish war tax raged for a century longer than the Spanish War. I predict that cap-and-trade would last through the next ice age. — Tim Slagle

Nuclear reprieve — A decade ago, bowing to public pressure, Germany's leftist government and its electric power companies agreed to a plan to shut down the country's 17 nuclear power plants by 2022. These few plants supply fully 25% of the nation's electricity; but the idea was to convert to "renewable" energy sources, such as wind and solar.

Now, because of the high cost of renewable energy, the need to rein in public spending, and Germany's desire to meet its targets for reducing greenhouse gas emissions, Angela Merkel's center-right government has announced that it will extend the nukes' life. The oldest reactors (designed over 30 years ago) will be allowed to continue operating for eight years past the original deadline, while newer plants will be allowed to operate for 14 years thereafter.

This decision is, of course, expected to be fiercely resisted by the unreasoning Greens. — Gary Jason

Hard times — We came out of our house and stepped into my truck. As we were driving off, my wife said, "Look at this guy. He walked to the end of the block and turned right around and walked back. He is going to rob our house as soon as we are gone." She was pointing at a short, neatly dressed, dark-skinned man with a thick mustache. I drove away and made a U-turn on our street, then another turn until I could stop right next to him.

"Are you lost?" I asked in Spanish.

"No," he said, "the thing is that I don't have work right now and I don't have anything to eat; I used to work at San Lorenzo Lumber." (This is an exact translation; every one of his words is printed in my mind.) He spoke clearly; his speech was not slurred; he seemed completely alert.

We were on our way to listen to a couple of friends playing music and singing in a local coffee shop. It was Sunday evening. I had on me a ten-dollar bill and four ones. My wife, like a real lady, had no money, of course. I peeled off a one-dollar bill and gave it to him.

The rest of my evening was filled with shame and a sad sense of missed opportunity, as if I had lost someone dear to me. In a way, I had.

Our left-liberal-run town of Santa Cruz often feels as if it has been overrun by thick crowds of the homeless. As is true everywhere, many are poor, mentally confused creatures who need both shelter and protection. Many more are substance abusers who are sometimes harmless, sometimes not. There is also a large minority of seemingly healthy young adult males with no perceptible handicap. Some are downright athletic-looking. They practice the fine art of switching from a plaintive, begging tone to a vaguely threatening one depending on the size, age, and sex of their target and also on the time of day or night.

On the one hand, I live downtown where their interruptions of your train of thought are endless. On the other hand, I recognize that living without working is an expression of individual freedom. It's protected by the Constitution. It even seems to be recommended by the Gospel. ("Look at the birds of the air, for they neither sow nor reap nor gather into barns . . . " — Matthew 6:26.)

On that evening, we were in a hurry and we only had what we had on us. One of the two advantages of advancing age is that often it allows you to trust your intuition. (I don't know what the second might be, but there has to be one.) My own considerable intuition, fed by many years of observation, told me that there was an honest man, a working man whom circumstances had driven to the edge of criminal behavior. Would I steal if I were really hungry? Almost certainly yes.

What I should have done and failed to do was obvious minutes after I drove off: I should have given him the four one-dollar bills, which would have bought him a hot dog-plus at the 7-Eleven. I felt the special taste of bitterness that comes up when one betrays oneself. Our ancestors used to call that "honor." The sense of loss was for my former, honorable self. I had missed an opportunity to make a modest investment in my ability to continue thinking of myself as an honorable man.

But that's not all. I blame for my downward transformation the left-liberals' climate in which I have lived for years. Their calf-like, all-encompassing, blurry compassion — always at others' expense — has made it difficult for me to

distinguish between criminal self-indulgence and simple hard luck. Breathing their air has turned me into a moral cripple — this, on a scale so small I am not even aware of it until reality knocks hard at my door. — Jacques Delacroix

Chaos in crisis — History happens, not as a matter of cause and effect, but because of the buildup of instability in a naturally self-organized chaotic system to the point of collapse. It is this collapse, which shows up as a sudden huge alteration from the status quo in response to a very minor incident, that appears to trigger major events in history. Wars, earthquakes, and forest fires all follow power laws of magnitude versus frequency because they are manifestations of the same fundamental mechanism — the self-organized system's critical instability.

If you haven't read the book "Ubiquity: Why Catastrophes Happen," by Mark Buchanan (Three Rivers Press, 2001), we highly recommend that you do. The book lucidly (and, amazingly, without mathematics) shows why cataclysmic events take place and why there is not and never will be a way to predict them. Otherwise it will be very hard to understand why small, otherwise completely unimportant events suddenly take on a large meaning and can appear to mark the start of huge historical events.

Take the murder of the archduke that occurred before the start of World War I. He was really of no importance. He just happened to be there at a time and a place when increasingly complex self-organized events had reached the point where a very small change could signal the collapse of a system on the edge. An interesting recent example of this is the way in which a nobody of a Florida pastor (with a congregation of 50!) created a worldwide uproar by intending to burn a Koran, with Obama, generals, and even Glenn Beck trying to head off this "world-threatening" event. Seeing that the instability in relations between Islam and the West has reached this ridiculous point, there is clearly no way to stabilize it, and a war cannot be far off.

The Koran-burning "crisis," following on the heels of the increasingly hostile arguments about the attempt to build a "peaceful" mosque at Ground Zero, is not going to end here. But, as in the case of predictions about earthquakes and forest fires (also explained in the book), there is no way to know for sure when it will happen.

Most history is composed of just-so stories, no matter how factual. No historian who doesn't understand the critical instability of self-organizing systems can understand the central issue of historical causation. — Durk Pearson and Sandy Shaw

Bon mot — Often discovering the right word to label an activity or situation or mindset helps in considering and discussing it. The word should be amenable to a fairly straightforward definition. Sometimes, though, finding it is a challenge.

A trivial but instructive example comes from TV Chile's "Pelotón." In that "reality show," ordinary people (not professional actors, although some are entertainers) undergo imitation military training. Recruits of both sexes sleep together in an austere barracks, use the same showers, and take part in physical competitions. The recruits vote their colleagues out one by one until one or two winners remain.

What Accounts for Government's Growth?

Politicians and the public succumb to illusions about government's abilities, says political scientist James L. Payne. These fallacies lead them to suppose government can solve problems even when the evidence keeps demonstrating that it can't.

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"*I wish someone had put such a book into my hands at age 20. It would have advanced my political sophistication by decades,*" says Payne, age 71, author of 15 books on government and politics.

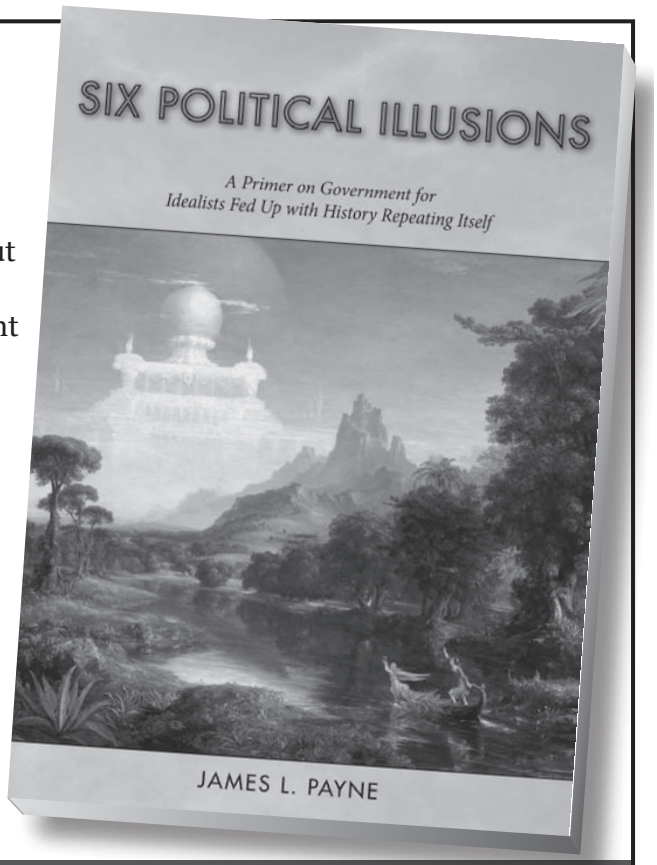

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In one episode a little girl in a little uniform gleefully puts the recruits through their drills and even asks personal questions of individual recruits. She commands them to lie on the ground, whereupon she jumps up and down on their stomachs. Now, what word labels such an offensive script? What comes to my mind is "cutesy-poo," a term that is cutesy-poo itself. Precisely defining that term is difficult, but, like "obscenity," you know the thing so labeled when you see it. (A related challenge, unmet by me so far, is how to describe the mind-set of someone who, like me, watches such stuff, even though only occasionally and desultorily.)

A more important challenge is finding a word for the mindset of people who look to government, especially the federal government, and even the president (see Gene Healy, "The Cult of the Presidency") to provide or subsidize everything good and suppress everything bad. Examples are comfortable retirement, healthcare, home ownership, wholesome food and drugs, adequate schools, broadband internet access, energy generation and conservation, transportation, and, on the other hand, obesity, addictive drugs, gambling (except in approved casinos or state lotteries), and even questionable practices in collegiate and professional sports.

A politician with such a mindset does not understand how millions of persons and companies, trading among themselves, can satisfy the wants that they themselves consider most intense. He does not appreciate the invisible hand. He does not understand self-adjusting processes, such as someone's decision to forgo a gas-heated swimming pool, or any pool at all, in view of the prices to be paid. Displaying alertness to problems and new technologies, he performs feats of routine originality in thinking of ways for a grandmotherly state to take charge — as by requiring that cars get 30 miles to the gallon, by imposing standards for building insulation, or by banning incandescent light bulbs, water-wasting toilets and laundry-washers, and pilot lights in gas appliances. He thinks up tax gimmicks to promote storm windows, solar heating, solar and wind power, and what not.

Just as Chanticleer thought that his crowing made the sun rise, so voters and politicians with that mindset can scarcely conceive of how good results can occur without being conspicuously sought and arranged for. If they should occur anyway, they do not count — not, anyway, as anything for which anyone deserves credit; they are like facts of nature. When a problem has become politically fashionable, to suggest leaving its solution to private initiative seems callous and "negative."

The term that occurs to me for such a mindset is "scientism," a term used by F.A. Hayek in "The Counter-Revolution of Science" (1952). Activist policy is considered scientific, the opposite of accidental and disorganized: it seeks scientifically planned social arrangements. Of course, this scientistic attitude misconceives actual science.

I have defined "cutesy-poo" and "scientism" and "scientistic" only by context and examples. Framing explicit definitions remains a challenge for the reader and for me.

— Leland B. Yeager

Failing marks — The latest data have arrived on the progress of American educational reform, and they are as depressing as they are predictable.

According to The Wall Street Journal (August 18), in this new world of the knowledge-based economy, the U.S. now ranks only 12th in the percentage of adults (aged 25–34) with a college degree. We are at 40.4%. Australia is at 40.7%, Belgium at 41.3, France at 41.4, Israel at 41.5, Norway at 42.7, Ireland at 43.9, and New Zealand at 47.3. At the top of the world rankings are Japan (53.7), South Korea (55.5), and Canada (55.8).

The problem lies in our K-12 system — specifically, our high schools. These latest data show that less than a quarter of the 2010 high school grads who took the ACT have the academic skills to perform adequately in entry-level college courses. The ACT officials put the blame squarely on high schools. Of the students who took the ACT, 70% took the core high school courses theoretically needed to bring them up to entry college level (four years of English and three years each of math, social studies and science), but only 24% actually met the college-ready level on all four of the relevant ACT exams. That is, the kids who are passing the requisite classes are failing to master the requisite material.

This strongly suggests that the high schools have either watered down the content of their courses or inflated their grades, or both.

Susan Traiman of the Business Roundtable nailed it when she said that this amounts to "false advertising" by high schools. Indeed, it is, but most of them are public institutions, so they can't be sued. Students and parents deceived by the education monopoly into thinking that the kids were prepared for college have no recourse. The taxpayers paid for a decent education, and the education complex ripped them off.

Traiman draws the obvious conclusion — that if and when this recession ever ends, businesses will once again face shortages of sufficiently educated workers. On that score, there is no doubt.

— Gary Jason

Mixed message — The Ground Zero mosque controversy is somewhat ironic, considering the fact that the city of New York claims it has no right to determine what happens on private property. Meanwhile, it is illegal in New York to smoke in a bar, drink in front of a naked dancing girl, or buy a slice of pie with a crust full of trans-fats.

— Tim Slagle

Surprise attack? — While I was writing my review of George Victor's book "The Pearl Harbor Myth" (October) I learned that Percy L. Greaves, Jr.'s book, "Pearl Harbor: The Seeds and Fruits of Infamy" had just been published. In 1945 and '46, Greaves was a consultant to the Republican minority members of the congressional committee that investigated the Pearl Harbor attack. He died in 1984, but his widow, Bettina Bien Greaves, a contributing editor of Liberty, edited his book, which is largely based on the committee's hearings. I ordered the volume right away, but wasn't able to read it until after my review was finished.

Let me begin by saying that it is a wonderful book, beautifully clear and lucid, thoroughly edited. For anyone interested in the key Pearl Harbor issue — which can be summarized as "what did FDR and his associates know and when?" — it is an extremely rich source of information. And in spite of its 937 pages, it is never boring. It gives detailed accounts of the many government investigations into Pearl Harbor, while

continued on page 28

Cuba: Change We Can Count On?

by Robert H. Miller

Big bucks for some, pennies for most — otherwise, don't count on it yet.

When Raúl Castro replaced his ailing brother Fidel as president of Cuba in 2008, nobody — except the press and those who prefer sizzle to steak — prepared for a change of direction. Hopes that the more sensitive and pragmatic Raúl might usher in reforms have been little more than, well, hopes. So long as Fidel, "the conscience of the revolution incarnate," remains incarnate — hovering and pontificating over all things large and small, and exercising a censoriously tempering judgment over events — little will change. But hope springs eternal, and recent events do hint at some adjustments in the course of the Cuban ship of state.

Previous deflections toward greater liberalization, such as legalizing small private businesses — B&Bs and restaurants, mostly — because of economic straits, have been little more than expedient intermissions, always reversed when state coffers start to be replenished. But now, the changes, so far subtle, appear to be systemic.

In early September, *el máximo líder* (still Fidel) announced first — in a reflective assessment of his accomplishments as he nears the end of his life — that he'd mishandled the Cuban Missile Crisis and rued his advocacy of nuking the United States. For good measure, he also added that he'd been wrong to persecute gays. And then — though he quickly said he'd been misunderstood — he bombshelled that the "Cuban model doesn't even work for us anymore."

Notwithstanding his unclarified qualification, the Cuban government announced, through the mouth of its official trade union confederation, that more than one million people, or a fifth of the workforce, will be given pink slips from state jobs over the next few years, in an attempt to privatize parts of the economy, and so invigorate it. As The Economist reports, "self-employment is to be [notice the future reference in both announcements] legalized in dozens of areas, from transport to construction. The reforms will also allow many

small state-owned businesses to become co-operatives, run by their employees. They will have to pay taxes, though how much has not yet been spelled out." One should note that in the past, temporary dispensations, reforms have been nullified by extortionate taxes that sometimes exceeded 100% of "profits."

Not all of the newly unemployed will be cast adrift; some will be repositioned in new government jobs, including tourism and security — in effect, a rearrangement of the chairs on the floundering ship of state. Another tranche of the fired will consist of those who receive remittances from family abroad. But will the shuffle work?

Newly laid-off workers, already entitled to free healthcare, education, housing, transport, and food rations, have little incentive to get a job, since most of the basics are already guaranteed. In effect, they'll differ little from the still-employed, who receive a $20 per month average wage from the state — a pittance that nonetheless proves useful in the large black market economy because the guaranteed essentials seldom materialize. Finally, the average Cuban is gunshy. How can Cubans trust a feckless state that, like Lucy in the "Peanuts" comic strip, never fails to move the football once Charlie Brown commits to the kick?

The government's plans still need enacting legislation and a restructuring of bureaucracies. This, considering the breadth of the reforms, might have a few uncrossed t's and undotted i's by the planned starting date of 2011. The details of the legislation — not as crucial for the long-suffering citizens (except in respect to avoiding arrest for illegal employment) — must be reasonably bombproof to attract foreign investment, an important goal of the reforms. In spite of authoritarian states' can-do approach to economic planning, foreign investors will require the reliability, predictability, and transparency of well-written laws.

The reforms are all about money — spending less and generating more. The Great Recession has highlighted the limits of the resort-hotel tourist model that has been in place since the Castros first opened for business. So, to attract more foreign investment and development, the tourism industry will be expanded in what for revolutionary Cuba will be new directions, including something resembling private property and ease of foreign exchange.

In the past, temporary reforms have been nullified by extortionate taxes that sometimes exceeded 100% of "profits."

The government plans sixteen 18-hole golf courses anchoring new, gated resort-residential communities, complete with standalone homes, condominiums, and mansions ranging from $150,000 to over a million dollars; hotels, apartments, and convention centers; shopping malls, fitness centers, movie metroplexes, and discotheques, all with their own water and power sources. Targeting the 3 million private yachts in the United States, construction of six giant luxury marinas, modeled on Monaco's, will begin in 2011.

Apparently, the British-based Esencia Hotels & Resorts has already committed $400 million for the first marina and golf course development, with 730 appurtenant residences. Canadian, Spanish, other British, and perhaps even American consortia (if that embargo bit can be finessed) are expected to pile in soon. The Cuban Ministry of Tourism is already rubbing its hands with glee, projecting 12,000 new homes (as a high target), including 800 mansions, by 2016.

One of the delicate points of the government's internal debate about crafting the new legislation focuses on property rights. At first, usufruct rights were to be limited to a 50-year lease with renewal rights extendable for another 50 years for leasers and their heirs. Now the debaters have settled on nonrenewable 99-year leases. Rights to sell or mortgage the leases are still under discussion, but the Cuban government says reassuringly that such issues will not be an impediment to investment. With an eye to the end of the U.S. embargo and to facilitate commercial transactions and the day-to-day necessities of residential foreigners, an invitation for U.S. banks to open franchises on the island is hoped to be formalized by December 2010.

Enabling legislation is also pending about the list of requirements for foreign residents contemplating the buying, selling, and use of cars, yachts, appliances, communication technology, and liquor and other luxuries, as well as the length of visas.

How will the new investment climate help the average Cuban? Aside from the ever-present trickle-down effect, effective even through the thickest Chinese wall, the effects will come only indirectly. An as yet unformalized protocol indicates that foreign developers will be required to build modest appurtenant service and residential complexes for ancillaries such as domestic staff and maintenance and repair crews, and also health clinics, daycare centers, and so forth, to facilitate routine necessities. Foreigners will have the right — already decided — to hire local domestics, gardeners, and staff (whom they may also bring from abroad). But none of the new economic rights for foreigners will apply to Cubans.

Aside from emphasizing the already well-established apartheid policy of separating ordinary Cubans from foreigners, the new programs will pour salt on Cubans' grievances by classifying expatriate Cuban-Americans who choose to reside in the new enclaves as foreigners, with all the new gilded rights.

So, what's it like living in a 21st-century socialist paradise? At the end of 2009, Eduardo Semtei Alvarado, an ex-director of the Venezuelan Electoral Council (CNE) — the organization in charge of presidential, party, and union elections — and a Chavista who now cohosts a radio talk show in Caracas, visited Cuba, unofficially, to find out what life is like on the island. He returned with a great deal of detailed information. Although I grew up in Cuba, I found his report very interesting. Most of the following description of today's Cuba is based on this timely account.

Unlike most other foreign visitors who express their opinions on Cuba, Semtei did not isolate himself in a hotel. He stayed in a B&B, where state security surveillance is laxer and visitors can come and go at will. The Cuban and Venezuelan dialects, variants of Caribbean Spanish, are very similar, and Semtei was able to converse freely with many Cubans on any topic except internal politics and Fidel.

Semtei reports that no one says anything, good or bad, about the Cuban *caudillo*. His timeless presence is taken for granted, with resignation and fear. Cubans trust no one. The CIA estimates that one-half million work for the Ministry of Interior as informers. Among younger Cubans there is total apathy and lack of hope; disenchantment with a regime that dates from their grandparents' era and promises no future, no fun, no nothing. "Each to his own" is the catchphrase on the streets. It's not for nothing that Cuba has the lowest birthrate in the Americas, 1.59. No one wants to be tied down in case there's an opportunity to emigrate. In 2008 the popular destination was Ecuador. Thousands left, paying $3,000 for black-market visas.

In his ramblings around the capital, Semtei found no bookstores with any current titles. The few libraries have a scarcely better selection. Practically the only newspapers — little more than propaganda rags — are Gramma and Juventud Rebelde, which carry prominently "The Reflections of Comrade Fidel" (also read at least three times daily on radio and TV). As he says, the promise and revolutionary dream of a country 100% illiteracy-free means nothing when there's nothing to read and nowhere to buy it if there were. On the other hand, businesses of every sort stock eyepopping quantities of tobacco and alcoholic beverages, especially Havana Club rum and Bucanero and Cristal beer, with 24/7 sales. Harmless drunks abound, nursing bottles of *chispa de tren* (train spark) or *planchado* (flattened, as in "when you drink this, you're flattened").

Though Cuba has cultivated a reputation for being crime-free, Semtei noticed more barbed wire and block-fenced houses than in Caracas, the undisputed crime capital of the world. He reports lots of petty filching — shoplifting, pocket picking, unauthorized borrowing, confidence rackets — mostly crimes of opportunity that get worse as conditions deteriorate.

Poverty is widespread. Not being tourist zones, neighborhoods such as San Miguel del Padrón and Guanabacoa have little police presence. They are destitute tragedies with rotten, potholed roads; peeling, crumbling buildings; burst sewers, and broken street lights. They are roamed by delinquents, vacant-eyed old folks, mumbling mental deficients, and drunks. Colonial Havana, *Habana Vieja*, is slowly being restored, with foreign aid. Venezuela's assistance to Cuba, which includes petroleum, food, machinery, etc., totals nearly $10 million *daily* (Semtei's estimate). Electricity and water are not dependable, with over half of the water lost to broken pipes and mains. But billboards with admonitions and wisdom from Marx, Lenin, Che, and Fidel abound.

Semtei reports that provincial towns are even more desolate, especially given the paucity of transport other than the *araña* (spider), the ubiquitous axle-mounted wagon with car tires pulled by a saggy-backed horse. There is decent public transportation for *yumas* (tourists). Otherwise, the best bets are *bicitaxis* (pedicabs) in Havana and hitchhiking in the rest of the island.

Cubans make do in their daily life by a system called *resolver* (resolve) and, without a hint of irony, *por la izquierda* (by the left), meaning bribes or unlawful enterprises. Everyone is trying to *resolver*. In schools, students' lunches are eaten by staff, and teachers sell grades; at health clinics and hospitals, doctors "ask" for gifts; on the streets, predatory cops take their cut, as does everyone in the food business. Semtei estimates that half the island's population does something illegal to procure food. Killing a cow, even your own — which it isn't, because there is little to no private property — draws a harsher penalty than killing a person.

Electricity and water are not dependable. But billboards with admonitions and wisdom from Marx, Lenin, Che, and Fidel abound.

In mid-2010, it finally became legal for farmers to own their own shovels and work boots. Homes, buildings, cars, and motorcycles are all state-owned. These are bartered interminably — and legally, so long as no convertible currency changes hands — for any number of reasons. The famous Cuban vintage cars are being sold to foreigners in under-the-radar, complicated deals that will be consummated when the Castros leave the stage — in effect, virtual commerce.

Cubans love TV, but satellite dishes are *verboten*, punishable by accelerated fines including jail. The people are especially fond of American series such as "CSI," game shows, and talent competitions, which are transmitted on government channels, though probably pirated because of the embargo. Pirated CDs of the latest Miami shows are available *por la izquierda*. Internet service is available at the hotels for $10 an hour, but a typical Google page takes five minutes to download and state security reviews whatever you write. Surprisingly, the service is available to Cubans but only after they fill out a lengthy security form. Cell phone saturation is the lowest in the Americas (including Haiti).

Many tiny, private repair shops for electronics, appliances, and cars operate overtime on the sly. A friend of Semtei's who lives in Cuba went to one but was turned away and told to return later, more discreetly; there were too many clients, which was suspicious and could be interpreted as incipient capitalism.

The much-touted Cuban doctors, once nicknamed *siete-mesinos* (literally, seven-monthers, or "premies," premature babies), practice without an internship or specialzation. The best of them are exported to work in other countries for foreign exchange at $1,300 monthly, with $300 going to the MD but $1,000 returning as a commission to the Cuban government.

Cuba has become a destination for sex, with places such as the Discoteca Johnny and El Delirio Habanero permitted and supervised by state security. *Jineteras* (literally, female jockeys — prostitutes) are many. In one night one of them can take in what five first-class doctors earn as government salary in a month. For the ladies there are also *jineteros*. On the Malecon — Havana's emblematic walled strand — and 23rd

Street, *pingueros* (dickers) satisfy gay tourists. Semtei reports the rumor that Fidel once quipped that Cuba has the most cultured whores in the world.

Taking their cue from Stalin, who used to pack the NKVD with Siberians, provincials with little sympathy, much envy, and even rougher manners for the capital's sophisticates, the Castros have packed Havana's police with hicks from the poorest and remotest parts of the island. These cops — nicknamed *palestinos* (Palestinians), are hated by the *Habaneros*, who perceive them as carpetbaggers looking only to line their pockets. They are everywhere, especially when rumors of dissent are brewing, at which time they're reinforced by the Revolutionary Militia. The state also offers a "private" security service, the Servicio Privado de Seguridad (SPS), for those who want to buy extra protection.

In schools, students' lunches are eaten by staff, and teachers sell grades; at health clinics and hospitals, doctors "ask" for gifts; on the streets, predatory cops take their cut, as does everyone in the food business.

Although central Havana, Marianao, El Cerro and all the areas usually visited by tourists are saturated with CCTV cameras gyrating 360°, the Venezuelan technicians whom Semtei talked to reported that these were mostly a Potemkin show, since the system lacked recording, archival, and supporting materials. Traffic, what little there is, punctiliously obeys traffic lights and laws.

Beef is generally available legally at $6 a pound, about half the monthly salary of an engineer. Blue jeans run about $30; tennis shoes about $100. Although prices are reasonable, no one has any money. A retired colonel receives a pension of 750 pesos monthly; a postgraduate, foreign-trained economist about 600 pesos. With the peso at about 20 to the dollar, those salaries translate to about $37 and $30 respectively. The most coveted and fought for job is driving tourist taxis, a position available only with connections and bribes through the tourist hotels. Although the dollar is no longer legal tender, it is the basis for convertible currency — a complicated system that includes convertible and non-convertible pesos, with stores that accept one but not the other.

The food rationing system, in the form of a booklet, entitles each citizen to 1.5 pounds of chicken per month, seven pounds of rice, one-half pound of cooking oil, one-half pound of pasta, six pounds of sugar, one pound of laundry soap, and ten eggs. Occasionally, one-half pound of ham per person per month is made available. There are no canned goods. Vegetables are available in pesos from *agros*, farmers' markets, which are few and far between. Mayonnaise and tomato sauce are available only from special stores, for hard currency. Razor blades, cosmetics, mouthwash, and such are virtually impossible to find. There are no general merchandise shops, and Semtei could not locate any bakeries. Plastic grocery bags are unavailable and in great demand. Semtei advises that if you visit Cuba, you should take at least 100 — you'll make someone's day.

In reality, Cuba produces nothing for export (with the exception of nickel) and imports 80% of its food. The 1925 sugar harvest weighed in at 5.16 million tons; the 2010 harvest, at about one million. Cuba now *imports* sugar. It survives on the generosity of Chávez, tourism, and foreign remittances.

Though Semtei remains a man of the Left, he now calls himself a "traditional socialist" instead of a "radical red," espousing democracy and freedom of expression. His disillusionment with Chávez is guarded.

A few years ago I ran into a recent Cuban refugee at a Phoenix gym. We struck up a conversation and, like all Cuban refugees everywhere, we exchanged our stories. Vladimiro was the son of Cuban diplomats, born in Prague, Czechoslovakia. He spoke Spanish, Czech, and a smattering of English. He'd been drafted for the Angolan War when Castro sent nearly 40,000 troops to aid the Marxist Front secure victory, a remarkable achievement for an island of 10.5 million.

But Vladimiro was a conscientious objector, a category unrecognized in Cuba, so he was thrown in jail for refusing to serve. While serving his time in La Cabaña prison, he resolved to emigrate if he were ever freed. Years later, after his release, he and his buddy Eusebio put a plan into action. Over many months they managed to acquire and patch four giant recycled truck tire inner tubes. With vines, slats, and cordage they stacked and lashed them together, fashioning a frame out of the stiff members and carved rough paddles.

A *balsero's* (rafter's) strategy for crossing the 90-mile-wide Florida Straits is not as hopeless as it may seem. Once well free of the Cuban coast, you'll find a favorable current trending toward Florida which, when finally caught, will carry your raft to freedom. Present U.S. policy gives asylum to those who make landfall, while those intercepted at sea by U.S. authorities are returned to Cuba. Those intercepted by Cuban authorities have sometimes been shot on the spot.

Vladimiro and Eusebio set adrift late on a moonless night. At dawn, they could still see the Cuban coast. Dispirited, Eusebio decided to swim back to shore. Vladimiro gave him "the courage talk," but Eusebio had had enough; so Vlad bade him farewell and promised to call as soon as he reached the United States. On the second night, sharks circled the raft.

Days later, it beached on Florida sands. As soon as he could get to a phone, Vladimiro rang Eusebio's family. There was no word of Eusebio, not even later, after many calls. Vladimiro assumes that he was eaten by sharks.

By the time I met Vladimiro, he'd been in the United States nearly a year and had been relocated to Phoenix. He was working as a short-order cook in a resort, but he still lacked his green card. His troubles with the immigration bureaucracy were probably typical, but one exchange stands out. His case worker, an unsympathetic black official, suggested that "perhaps he should go back to where he came from?"

Vladimiro, already sophisticated in dealing with officialdom replied, "Would that be Czechoslovakia, or Cuba?" ❑

An Experiment in Apocalypse

by Stephen Cox

A major religious network is about to reveal what people do when they're proved to be utterly wrong about something tremendously important to them.

If you travel around the country, you will see, from time to time, a billboard that proclaims, "Judgment Day: May 21, 2011." Or you may see one that says, in more detail: "The Rapture: May 21, 2011. The End of the World: October 21, 2011."

Early this summer, the Portuguese sailing ship "Sagres" visited my town, San Diego. At the wharf, swarms of middle-aged men and women materialized with stacks of pamphlets in English and Portuguese. "The End of the World Is Almost Here!" the pamphlets said. "Holy God Will Bring Judgment Day on May 21, 2011."

The same information is being dispensed in many parts of the world. In origin, however, this is an American phenomenon, and Americans are likely to see much more of it in the days ahead. It provides a rare opportunity to study what happens when prophecy fails.

Those words — "When Prophecy Fails" — are the title of a seminal work in social psychology, published in 1956. The authors, Leon Festinger and two colleagues, researchers from the University of Minnesota, learned that a flying saucer enthusiast in Oak Park, Illinois, had received messages from another planet informing her that the world would soon (in December 1954) be devastated by earthquakes and floods. They immediately organized a team of investigators to infiltrate her followers, observe what was happening, and document the results.

The message bearer, Dorothy Martin, whom Festinger and his colleagues call "Marian Keech," reacted to the initial failure of her prophecies by making further prophecies. When these also failed, she rationalized the disconfirmation by conveying messages indicating that the world had been saved because of the spiritual light shed by her disciples. For a while, the fervor of her inner circle actually increased. The authors attributed this to the heightened intensity of the believers' struggle to retain their faith and explain it to the world.

Yet within a short time the group dissolved. Some people simply lost their faith. Others succumbed to social pressures.

Martin's neighbors tried to get her arrested for disturbing the peace, and relatives tried to get some of her disciples declared insane and unfit to rear their children.

Martin fled her home, but she never gave up on self-invented spirituality. She continued to operate as a guru of eccentric spiritual groups until her death in 1992. (Her story is perceptively told by Jerome Clark in "Alien Worlds" [ed. Diana G. Tumminia, 2007].) This kind of faithfulness is perhaps to be expected of a woman so poignantly gullible that when a group of teenage pranksters visited her home in 1954, determined to make fun of her prophecies, she immediately recognized them as flying saucer pilots on a mission to test her resolve: "As soon as they had entered the house she had felt the force of their superhuman personalities, their strength, their intelligence."

The prophecies about May 21, 2011 emanate from a large, well-funded Christian institution veering into hyperspace.

Peace to Mrs. Martin. "When Prophecy Fails" remains the most influential study of why people believe in preposterous time prophecies, and why some of them continue to believe, even after the prophecies have been proven false. Yet it has to do with only a tiny group of outer space aficionados — about two dozen. That's a very small experiment. By contrast, the prophecies about May 21, 2011 (and collaterally, October 21, 2011), emanate from a large, well-funded Christian institution, formerly mainstream but now veering into hyperspace.

The institution is Family Stations, Inc., usually known as Family Radio. Based in Oakland, California, it is a worldwide network of AM, FM, and shortwave radio outlets (over 100 stations in the United States alone). No one can calculate how many steady adherents Family Radio has; doubtless, they are only a fraction of its millions of casual or chronic listeners (such as me). But however you figure it, Family Radio is a mass movement, the kind of movement that sometimes metastasizes from ordinary American ideas and institutions.

The interest of Family Radio's prophecies is doubled by the fact that it has predicted the end of the world *twice*. It did so in 1994, and it's doing so now — and if anything, the appeal of its ideas has grown. No apocalyptic messengers showed up at San Diego harbor in 1994. Now, they do.

But let's start with history.

Nothing is more American than predictions of the end of the world. One of the greatest mass movements in early American history was occasioned by William Miller (1782–1849), whose study of Bible prophecy led him to announce that Christ's second coming or "advent" would occur in 1843 or 1844. Various exact dates circulated among his followers, but when nothing happened on the last one, October 22, 1844, almost everyone gave up. This is called in American religious history the Great Disappointment.

But it was not the end. Out of Millerism grew other movements. Many people could not shake the idea that something about Miller's prophecies must, in some sense, have been true. A period of reinterpretation ensued, and from it emerged the adventist movement in its many, various, and populous forms. Chief among them are the Seventh Day Adventists, who have a mighty following throughout the world. Other adventist groups include the Worldwide Church of God and its offshoots, and the movement now called Jehovah's Witnesses, begun by the disciples of Charles Taze Russell, a major adventist reinterpreter.

One classic pattern of adventist reinterpretation is to retain an apparently falsified prophetic date and argue that something did happen then, but that it happened invisibly. The Seventh Day Adventists retained 1844 but interpreted it as a time when Christ invisibly began a process of "investigative judgment." Another group of adventists predicted a visible second coming in 1874, then decided that it had been an invisible event. Russell learned from this group about the invisible coming in 1874 and predicted that 1914 would bring the highly visible end of everything not subject to Christ's kingdom. Fortunately for his followers, World War I began in 1914, allowing them to maintain that he was astonishingly right in having predicted that year — which they interpreted as the (revised) date of Christ's still-invisible second coming. From time to time, they have assigned new dates for the end of the world. They issued predictions for 1925 and 1975, among other years, and lost large numbers of adherents thereafter. Yet their movement continued, fortified by the belief that Russell had actually predicted something true about 1914.

These are some of the shapes that prophetic disappointment can take. But the early adventist experiments, though large, were messy. The Family Radio experiment is cleaner. Family Radio's disciples are many, but they don't number in the millions, and its ideas don't leak out at irregular intervals from the depths of a Protestant Vatican. The prophecies of Family Radio issue from one man, who is on the air every day.

In his younger years, Harold Egbert Camping (born 1921) operated a construction company in northern California. His business was successful, but having made his money, he looked for something more intellectual to do. He began an earnest study of the Bible. In 1958, at a time when FM stations were not very expensive to acquire, he and some friends founded Family Radio. They started with one station, then went on to purchase others. The stations are very frugally operated, and Camping has never tried to make any money from them. There has never been a whiff of scandal about Family Radio. The salaries of its officers and directors are only about $80,000 a year, total — less than 1% of total wages and salaries. The organization ticks along with about $15 million in

contributions a year. Its net assets, in 2007, were $122 million.

Camping's current role in the organization is that of "Bible teacher." He is an active radio lecturer and conference speaker, but his primary means of teaching is his Monday–Friday call-in program "Open Forum," which began in 1961. (If you go to the Family Radio website, you can get a list of the stations that broadcast the show, as well as the texts of his recent publications.)

When you listen to "Open Forum," you will probably find it hard to conceive how Camping could ever have attracted a following. If there is such a thing as anti-charisma, Camping has it. He is the antithesis of the modern media personality. Dogmatic, repetitious, excruciatingly slow and digressive, he is also, very often, intolerably rude. When someone even hints at a disagreement or appears to introduce a term or concept that he considers erroneous, he begins shouting, "*Excuse me! Excuse me!*", until the annoying intervention ceases. "Open Forum" is neither "open" nor any kind of "forum." During the August 5 program, a hapless caller asked to be allowed to complete his comment: "Mr. Camping! May I please just finish what I was saying?" Camping replied, "Excuse me! This program is not designed to entertain just anybody and everybody's ideas!" It was a typical episode in the life of "Open Forum."

Camping has the annoying habit of preaching abject humility, while claiming that "we" (that is, he) have been favored by God with an understanding of Bible truth that was never vouchsafed to anyone before. Indeed, he constantly insists that the Bible was written *not* to be understood, until these latter days — that is, until a time when God enabled "us" to divine its meanings. It's a classic adventist idea — the idea that, as Russell put it in "The Time Is at Hand" (1889), "all these things have been *hidden* by the Lord" until the right Bible teacher is available to discover them.

Camping's theology is far from intuitive. He began life as a member of a Calvinist church — the Christian Reformed denomination, ordinarily a heritage church for the descendants of Dutch immigrants — and received from it a basic set of Calvinist doctrines to which he still assents. In his view, God decreed, before the foundation of the world, who would be saved and who would be damned, making his decision arbitrarily, not on the basis of the goodness or badness of the deeds that he foresaw his children would do. To believe anything else, Calvin thought, was to doubt God's supremacy, his freedom from all constraint. But Camping carries this theology to further extremes.

On June 13, 2010, in his "Bible Class of the Air" (part 92[!] in a series called "To God Be the Glory"), he asserted that "eternal life is a lottery prize." He then listed all the places in the Bible that refer to "lots" or "casting lots," as if that proved his point. On many occasions during 2010 he has maintained that only 200 million people will be saved (see Revelation 9:16, patently misinterpreted). He states, with great satisfaction in his numerology, that this number represents one-seventieth of the people who have ever lived on earth.

The inherent cruelty of such ideas must repel many potential converts, while bringing out the latent elitism in many others. But most of Camping's distinctive ideas are stranger still. His emphasis on what happened "from the foundation of the world" has led him to propose that Christ's redemptive sacrifice was not merely *foreseen* by God before the world began; it actually *took place* before the world began. (The poetic phrase comes from Revelation 13:8; the interpretation is confuted by Hebrews 9:26). Thus, Christ's death on the cross was merely a theatrical "demonstration" of the torture and death that had somehow happened before time began. I have never discovered anyone else who came up with this idea.

Most listeners probably become confused by doctrines like that and blank out on them. But Camping won't allow anyone to blank out on his prophecies about 2011: Christ will manifest himself on May 21, 2011; the last judgment will begin; the elect, "the true believers," will be "raptured" or caught up to heaven; the graves will cast out the dead, and birds of prey will feed on them. During the following five months, billions of the non-elect will live on, amid scenes of increasing violence and distress, repenting of their failure to believe Harold Camping. Then, on October 21, 2011, the entire physical universe will be destroyed.

How did Camping decide on these dates?

His ideas are extraordinarily hard to summarize logically. Camping is a man who is capable of arguing that the number 1,000 (in Revelation 20:2) symbolizes the 1,955 years from A.D. 33 to 1988 A.D. — one number "symbolizing" another number. Without trying to fill in the details, I'll sketch two lines of thought that have led him to 2011.

One begins with his interpretation of Daniel 8:13–14. There the question is asked, "How long shall . . . the sanctuary . . . be trodden under foot?", and the answer is given: "Unto two thousand and three hundred days; then shall the sanctuary be cleansed." I'll come back to that. Remember the number 2,300.

Another line of thought starts from Camping's unique understanding of the age of the world. A bizarre recalculation of the ages of the patriarchs in the book of Genesis leads him to the conclusion that the world was created in 11,013 B.C., not 4004 B.C., the traditional Old Testament date. Add 13,000 years to 11,013 B.C., and you get 1988 A.D. (keep in mind that there's no year 0), an important date for Camping's prophecies.

It isn't clear why 13,000 should be significant; 13 is by no means an important biblical number. It is clear, however, that the year 2011 is 7,000 years from Camping's date for Noah's flood (4990 B.C.). So what? Well, 7 is frequently emphasized in the Bible, and so (rarely) is 1,000. Further, it is 23 years from May 21, 1988 to May 21, 2011, and 2,300 days from May 21, 1988, to September 6, 1994. You recall the figure 2,300 from Daniel 8:13–14. According to Camping, 23 signifies "God's wrath or judgment," as illustrated by the presence of 23 in two exceptionally obscure places in the Bible, as well as by the 2,300 days in Daniel 8 — which brings us back to where we started.

Nothing is more American than predictions of the end of the world. From time to time, new dates are assigned.

Are you lost? I wouldn't be surprised. But I'll proceed.

What, if anything, happened in 1988? In 1988, Harold Camping left his Christian Reformed church in Alameda, California, because it intended to oust him from his job as Bible teacher. And what happened in 1994? Camping says now that 1994 was when the "horror" of the churches began, because God then started to save "multitudes" of people without the churches' help. This was another of the invisible events well known in adventist circles. The visible and relevant event, however, was the failure of Camping's first prophecy about the end of the world. He had identified the date as September 6, 1994, and estimated the probability as 99.9%.

Camping's book, "1994?", appeared in 1992 and became a bestseller in the religious field. For two years thereafter broadcasts on Family Radio insisted that 1994 would see Christ's second coming, and the end of the world.

September 6, 1994, came and went. Nothing happened to the universe, and nothing happened to Family Radio, either — although that was wonderful enough in its own way. "Open Forum" continued; all the other programs continued. The prophetic failure was not acknowledged. Camping experimented with other dates in the neighborhood of September 6, and these also failed. Months later, he began to entertain questions about what might conceivably have gone wrong. He answered, without a hint of repentance or self-doubt, that the question mark after "1994" in the title of his book showed that he hadn't been sure, that he had merely introduced a possibility.

Family Radio was damaged by 1994, but it survived. Obviously, it had a core constituency that cared a lot about prophecy but not very much about prophetic failure, at least in the first instance. There was probably an additional reason for its survival. Nineteen ninety-four was a little early for most people to be masters of the internet, and for the internet to have entries on almost every conceivable subject. Today, it's easy to find Christian websites that combat Camping's views; but if you were going to leave the Family Radio movement in 1994, your first thought would probably not be, "I'm going to start a website and expose this man's heresies!" You'd just leave, without broadcasting your opinions, and the way would be clear for Camping to offer his prophecies to people who had never heard of 1994.

The fact that every new religious interpretation represents itself as orthodoxy merely reflects Americans' invincible confidence.

There is a law, called Cox's Law of Institutional Fitness, that helps explain why churches and other voluntary organizations often survive ridiculous failures. The Law states: "Every preacher is good enough for the church he's in." In other words, the people who can't stand the preacher go away, and the people who remain keep filling out surveys saying that he's doing a terrific job. So the church (or the community center, or the libertarian caucus, or any other voluntary organization) continues as it is, no matter how ridiculous it makes itself. Of course, this allows crazy things to get crazier still. That process is richly exemplified by the recent history of Family Radio.

Camping appears to have taken several years to process the failure of 1994, but in 2001 he began to announce radical new teachings. One was a revised date for the end of the world: 2011. About this date, as he frequently proclaims, he is even more certain than he was about 1994. In fact, he is totally certain. As he said on his June 29 broadcast, "It is absolutely going to happen."

Another new teaching was the idea that in 1988 "the Church Age" had ended: God had withdrawn his authority from the churches and given them up to Satan. He did that on May 21, 1988; afterward, for 2,300 days, few or no souls were saved. Then, in 1994, a fresh harvest of souls began, under the exclusive auspices of Family Radio.

Camping never discusses the fact that 1988 was the date of his trouble with his local church, and 1994 was the date of his failed prophecy of the End. Obviously, however, visible failure was now being converted into invisible but glorious victory. Camping has said (in a talk broadcast on May 2, 2009, but recorded some years before) that he was in the hospital, "not knowing whether I was gonna live or die" (here he chuckled), when it suddenly occurred to him that the Church Age was over and there would be 23 years from its end till the end of the world. For him, "everything" then "locked into place."

From that curious inspiration, his movement received new life and energy.

For three centuries, free religious speculation has been a hallmark of American life. That is one reason why Americans have invented so many denominations, and why the current views of any given denomination are impossible to predict from the premises with which it started. The fact that every fanciful new interpretation represents itself as orthodoxy merely reflects Americans' invincible confidence in themselves.

This is not, in itself, an unattractive quality, although it often leads people to arrive at places that are quite different from those they aimed at, without understanding the significance of their journey.

There is nothing that Harold Camping more detests than the teachings of Jehovah's Witnesses and other eccentric adventists. Yet, like the two warring brothers in Swift's "Tale of a Tub," he has adopted some of their crucial views: he denies the existence of a literal hell and embraces the idea that there is no "soul" that survives one's physical death — if God intends to resurrect you, then he will give you a brand-new existence; if not, as Camping puts it, you're just "dead, dead, dead!"

In some respects, Camping's ideas are also mirror images of atheism. Many atheists read the Bible as if it were all of a piece, disregarding the various approaches of its various authors and the various periods and genres in which it was written. So if you find something brutal in Jeremiah or something antilibertarian in Leviticus, so much for the rest of the Bible, too. Camping agrees with the premise, while denying the implication. For him, the Bible is "one work, one meaning, and one author" ("To God Be the Glory," part 98). Defending his right to take some Bible numbers literally and some symbolically, he has said that they may be literal or symbolic, "depending on the context, which is the whole Bible" ("Open Forum," July 13). Of course, that's a prescription for interpreting any individual passage in exactly the way you choose, since there are millions of things in "the whole Bible" that can provide a "context." Thus he justifies another common atheist assumption: the Bible is an old fiddle, on which one can play any old tune.

But the oddest mirror effect is Camping's treatment of the conditions of salvation. The Calvinist doctrine with which he began is that there are no conditions: God saves whomever he wills to save. Accordingly, Camping fanatically opposes the plausible idea, which he thinks all churches are preaching, that people can do *something* to indicate that they want to be saved, and thereby help, at least, to procure their salvation. He is so concerned with the falseness of this idea as to insist that if you are sitting in a church that preaches it, you have no possibility of being saved. Last year, he declared that you can be saved in a mosque, but you cannot be saved in a church.

Be that as it may — as he stated in his June 7 broadcast, "If anyone thinks that he's accepted Christ as savior and that this means he's saved, he is automatically *not* saved." Filling out this logic: you cannot influence your own salvation — *except* if you believe you can influence your own salvation; then you'll find that there are limits to God's power to save you — which is precisely the point that Calvin denied, and Camping believes that he himself denies.

Camping's antichurch theology has had major institutional effects. In 2001, he started exhorting his followers to "depart out" of the churches, abandoning even the primary rituals of baptism and communion. For many years, his stations had told prospective donors, "First take care of your local church; then give to Family Radio" — which, besides "Open Forum," broadcast many sermons and other features by conservative Christian clergy. Now, Family Radio's listeners fled their churches, and the network cancelled a good share of its programming simply because it was sponsored by a pastor or a church, or even mentioned a pastor or a church.

The vacant air time was filled with new forms of ritual — incessant replays of Camping's lectures and comments; frequent, often arbitrarily selected, recitations of Scripture; program notes, pleas for funds, and music introductions gruesomely expanded into sermons about the End. Meanwhile, Family Radio put a great deal of effort into organizing local conferences and missionary campaigns, obvious surrogates for the work of local churches. Family Radio is evolving into the image of all it hates, a church — a particularly dry and boring church, but nevertheless a church.

This also is truly American. It's hard to imagine that in America you can have a distinctive Christian belief and not expect some kind of church to grow out of it. In this country, voluntary belief leads to voluntary organization. There is nothing to prevent it; it's just what happens.

In 1993, an anonymous Family Radio insider reported, "The majority of staff members here at Family Radio fear that the end just might be near . . . not for the world, but for Family Radio." Their fears were not realized. Since the failure of prediction in 1994, the institution has added many more stations, listeners, and activists. But the Depart Out message caused large internal disruptions. Prominent personalities, well known to the radio audience, departed out of Family Radio, some of them issuing public statements about how unreasonable and pigheaded Camping was. One claimed that his teachings were "an embarrassment to almost all FR employees," with "only a small percentage of staff hanging on every word he says."

Last year, Camping declared that you can be saved in a mosque, but you cannot be saved in a church.

Most dissenters appear to have remained, but they have learned to lie low. They have stopped talking with the press, even anonymously, although occasionally echoes of their feelings are heard on anti-Camping websites. They are said to be waiting it out till Camping dies.

If you tune in today, you will find a strange mix of programs — not only Campingite propaganda but standard Christian music and a variety of daily features about common human problems. Some of the most attractive radio personalities continue in their niches, never mentioning the end of the world. Their thoughts are a mystery. But it's a remarkable commentary on the audience of Family Radio that the network's overriding theme — the End comes next year! — is balanced by programs about child-rearing, preserving your health, reducing your weight, and dealing with the lifelong problems of marriage.

Apocalyptic sects often grow large in absolute numbers, but none has ever become the dominant religion in any considerable geographical area. Yet at least in America, their following does not consist of socially marginal people. The nice, reasonably dressed, well-disciplined people who attend Camping's conferences and pass out his literature are in every outward sense just normal Americans. Camping's movement developed out of a radio service that until recently billed itself

as "a conservative ministry."

I believe that many of the psychological mechanisms at work among Camping's followers are characteristic of enormous numbers of other Americans as well. Four of these mechanisms seem to me especially worth noticing.

1. Invincible Pessimism

How many times have you entered a conversation about some secular forecast of disaster — global warming, nuclear terrorism, the collapse of the world economy — and watched the participants become enraged when evidence was presented that things might turn out all right, after all? Often, I suspect. There is a sizable part of the population that wants to believe the worst.

I don't know why this is. Perhaps it has something to do with the desire to be different, to distinguish oneself from other citizens of a nation ideologically committed to the expectation of progress. (What does the Great Seal say? "Novus ordo seclorum" — a new order of the ages. New, and better.) That's a speculation. But notice: these invincibly pessimistic people don't really want to experience poverty, war, or the destruction of their friends and family by a vengeful God. They can believe in it; they can get angry when their belief is contradicted; but they don't actually want to see it. If they did, they would burn all their money and alienate all their friends right now. They have no more trouble planning for the future than anyone else. Like almost everyone else, they want the best from the future. You can call this:

2. Not Letting Your Left Brain Know What Your Right Brain Is Doing

It's a form of the self-entitlement to which Americans are now addicted. They want to believe that they know what other people don't — the economy is about to crash; the Lord is about to destroy the universe — but they also want to retire to a beautiful home in Hawaii after their children (now three and five years old) graduate from Princeton. So they believe in destruction and plan for success. This is what you see in the two types of programming, apocalyptic and domestic, on Family Radio, which is far from the only place where you can witness doublethink in contemporary America. Festinger thought that people try to dispel "cognitive dissonance." It might better be said that Americans cherish their cognitive dissonance; they keep it and guard it and try to make it bear fruit to them.

3. The Egotism of Expertise

I am not referring to the egotism of experts (a topic that can never be exhausted) but to the hand-me-down egotism of people who trust the experts — experts whom, for the most part, they don't have enough expertise to select, calmly and rationally, on their own. They know it, too. Nothing is more frequent among people who call into Family Radio or are interviewed at its conferences than statements to this effect: "I wanted to understand the Bible, but I couldn't make any headway. Then I stumbled on 'Open Forum,' and now I'm making so much progress, it's unbelievable." They're right; it's literally unbelievable. Figuring out the Bible is much easier than figuring out the discourse of Harold Camping. What people learn from him is chiefly pride in their association with a man so expert that nobody — including them — can understand what he says. Here is another tendency that isn't limited to adherents of the Depart Out movement. Popular economics and environmentalism would be nothing without it.

4. Boredom

The other thing that respondents to Family Radio constantly say is, "I used to go from one church to another, and somehow, none of them really spoke to me. It was all just, I don't know, just a lot of ceremonies and rituals. But I discovered Family Radio, and now I'm learning so much about the truth." People are bored, and boredom is for them the proof of falsehood. I would think that a few minutes of church ritual would bore them much less than a radio teacher droning by the hour about the churches' refusal to listen to his message, but I'm just recording another subjective preference. The point is: the common assumption that truth is known when it "speaks to me," when it keeps me awake, when it alleviates my chronic boredom, isn't just a problem for the traditional churches; it's a problem for us all. It's the operative principle of much of American life, including virtually all of America's political campaigns.

Those are four reasons why one should view the Depart Out movement as something more than a weird, irrational, and therefore unimportant episode. In many respects the movement is an accurate, though very unfortunate, reflection of the Americans with whom we live.

What will happen next?

One thing is certain: the Rapture will not take place on May 21. Nor will the total destruction of the physical universe occur on the following October 21. But what will happen to Family Radio?

Will the Depart Out movement collapse, like the Millerites? Will the Campingites try to reinterpret their message, as they did after the disappointment of 1994? Will they succeed? Or will there be a palace revolution?

I believe that the last is likeliest. People who have invested their careers in an organization are reluctant to part from it, no matter what happens, and in this instance there has been good reason for dissenters to stay and bide their time. Camping is the sole source of the sect's peculiar theology, and he is 89 years old. (Not that he is senile — he isn't. His method of argument is the same that it was 25 years ago, when I first found him on the dial.) It is difficult to imagine that Family Radio's internal proletariat hasn't made plans for what happens after his death — or even before it, when May 21 fails to justify his teachings. I look for a battle at Family Radio; and with luck, the battle will be public.

In any case, we are unlikely to see a more informative experiment in what happens when prophecy — definite, ceaselessly emphasized, widely disseminated prophecy — unmistakably and climactically fails. Every student of American civilization should plan to tune in to Family Radio on May 21 — not with the possibility of being caught up to heaven, but with the certainty of being caught up in a fascinating event. ❑

The Queen of Africa

by Jacques Delacroix

Strength finds a way to surface — but encouragement can help.

She was sitting two feet away, right in front of my desk, in the seat that only students who are both good and self-assured ever choose. That's the seat where you won't miss a word, and the seat whose occupant gets called on whenever everyone else in the class is baffled by a question.

Note that I am casting no aspersions on back-row sitters. I have learned that they include justifiably disdainful intellectuals as well as the expected lazy, good-for-nothing, aspiring bums. Even those will surprise you occasionally, though, with end-of-quarter projects that bowl you over with their compensatory inventiveness.

She was a black girl who looked foreign, I thought. When I called roll, she sounded as if she had a slight French accent. Her name was definitely from somewhere in West Africa. To my inquiries, she replied that she was from Dakar, the capital of Senegal.

I am a former Frenchman myself. All French people have a soft spot for Senegal, because it's one of their rare successful colonial ventures. It's a nearly impeccably democratic country in a continent of broad tyranny. In spite of its comparative poverty, Senegal has an artistically lively and even creative popular culture. What's more, a great many Senegalese have profited from a mercifully unreformed, old-style French school system. They are well-read and they speak beautiful French. I mean by this that I would rather listen to a Senegalese primary school teacher than to a French television anchor, any day.

The young woman turned out to be exactly the kind of good student she had announced herself to be by selecting the hot seat the first minute of the first hour. She was never late; she seemed always well-prepared; she asked questions when others were staring vacantly into space, or avoiding my gaze. Her big brown eyes sparkled with intelligence. Occasionally, she would even attempt to argue with me, right there in class. (I surmise that this has become rare among undergraduates because almost none of them does the required reading: so,

disagree with the professor; get caught. You might say I am a well-informed pessimist.)

I was teaching an introductory class in international business, a sort of amalgam course combining elementary notions of international trade with commercial technical terms and as small a dosage of "cultural differences" as I could get away with. Her objections were always in line with conventional left-liberal ideas of the horrors that "globalization" allegedly fostered on Third World populations. "Your French communist teachers did a job on you at the Dakar Lycée, Ms. X," I would assert. "Congratulations!" She would smile a big white smile and mutter something quick and attractively impertinent in French.

If you suspect by now that I am bragging again, you are right. I am bragging about my culturally on-the-dot, effective intervention.

She was the kind of student that makes teaching worthwhile, even after 20 years. Her presence was enough to erase the existence of two dozen obstinately brain-dead seat warmers. (I don't want to sound like an unredeemable curmudgeon; there are good students in every class.) She was also beautiful in the way that only women with dark skin can be: their good health is reflected in the shine of their skin and hair, in a manner that white women can only strive for. I was charmed.

Mine was a small campus where you bumped frequently into former students. Thus I became mildly curious when I did not see her anywhere for the whole of the next quarter. That was winter quarter, beginning just after Christmas break. I kept Aminata in the back of my mind and in the back of my heart. As if with a dual-tasking computer, one part of that same back of my mind was working out the puzzle of her disappearance from campus. I realize it's bragging, but I know quite a bit about Africa and especially about Senegal, where I had spent some time on two occasions and was seduced. Also, I had had several close friends from there over the years. Moreover, I have read mountains about the former French colonies. That's not because I am a nostalgic French colonialist but because some of these colonies nourished my tropical, warm-breeze-and-palm *trees reveries* when I was a child in cold, rainy Paris.

One day, at the end of March, for reasons I could not have explained, not even to myself, I picked up the phone and got Aminata's Dakar address from the registrar. I sent her a brief postcard in a closed envelope saying approximately, in French: "I wonder what happened to you. Why don't you send me an email if this card reaches you?" A week later, she replied.

Her mother, a prosperous businesswoman, had sent her a ticket to come and be with the family on the occasion of the winter break. Since the family was Muslim, there was no question of a Christmas celebration. Aminata thought of it as a family reunion after two long years of absence in America. Immediately after she reached home, her mother said, "Welcome home, my dear daughter; I am so proud of you. And here is the young man you will marry next week."

Aminata refused, stamped her foot, and made herself disagreeable until the prospective groom dropped out in disgust or fear. She managed to borrow money from a female relative (who may have been there, done that, herself; I don't know). She fled her own country and came back to the United States, where she found herself without resources for tuition, or for living expenses, because her mother had disowned the disobedient daughter.

Soon, however, she found the perfect live-in job with another immigrant, a wealthy Haitian woman who wanted a French-speaking nanny for her children. The agreement with the new employer seemed sweet, at first: room and board, time off for school and studying; the lady-boss even promised to pay for tuition or give Aminata a loan for that purpose. But after a while, the employer complained that Aminata was not spending enough time with the children. Soon, she imposed longer hours; soon, there was not enough time to do her school assignments. Then, Aminata was allowed time out of the house only for some of her classes, not all. In the end, the Haitian lady declined to give or lend tuition money.

The relationship with the Haitian slaver took several months to turn from a sweet dream into a nightmare. The disaster was so slow-moving as to be difficult to perceive clearly. Moreover, Aminata knew little about slavery. Few Africans actually do, I think. Those who believe they know something tend to be strikingly misinformed on the issue. In spite of her broad general culture, Aminata probably did not understand to what extent Haitian society was a pure product of slavery. It's a slave society that freed itself, expelling the slave owners by force of arms but never expelled slavery from its collective mind. Aminata did not see it coming. Besides, she did not perceive that she had any other option. She ended up overworked, not enrolled in school, desperate, and depressed.

One low, low day, Aminata called me in tears and begun telling me the story. She sounded at the end of her rope. She needed immediate shoring up. Unfortunately, word choice matters with intelligent people. You can't just tell them that everything will be all right. What makes the intelligent intelligent is that they distinguish between mere noises and meaningful utterances. So I tried to appeal to her pride.

I am sure that, not so long ago, Aminata's forefathers used to shoot an arrow point blank at a cow to drink blood directly from the vein.

I remembered the name of her tribal affiliation and, roughly, the place her tribe used to hold in the social ecology of her part of Africa. I ended up telling Aminata, "Don't forget where you come from. Your ancestors not so far removed used to beat lions with a small stick to keep them away from their precious cattle. You are one of the queens of Africa." I could almost see her smile through her tears, although we were on the phone.

continued on page 27

ObamaCare: The Fine Print

by Steve Murphy

The healthcare bill may be even worse than you thought.

I decided to read the new ObamaCare law. I started with the Patient Protection and Affordable Care Act (PPACA). It's 906 pages, and it reads like the legalese on my widescreen TV warranty. I think I understand what it covers, but my stomach tells me I won't know for sure until something breaks — when customer service starts reading things to me from the fine print section. So instead of trying to understand entire sections (or even paragraphs and sentences), I concentrated on certain individual words, whose importance became evident as I read, simply counting their occurrence. Although it did nothing for my indigestion, such a quasi-statistical approach greatly enhanced my understanding of the new law.

ObamaCare creates over 100 new government commissions. Some estimates are as high as 159; no one seems to know for sure. But judging by the 4,231 occurrences of the word "shall," the commissions will be very busy, whatever their number. And they will be everywhere, all the time.

According to the PPACA, commissions shall establish procedures; promulgate regulations; provide for efficient and non-discriminatory administration; prescribe regulations, rules, and guidance. They will be identifying health quality measures, monitoring outcomes, allotting money to states, awarding grants to entities, participating in rigorous federal evaluation of activities, ensuring that hospitals are representative of the spectrum, establishing a national strategy to improve healthcare, aggregating consistent data on quality, consulting with other commissions. They will be conducting demonstration programs, computing benchmarks, establishing geographically adjusted premiums, negotiating reimbursement rates, determining contingency margins, conducting competitive bidding processes. All this is barely the tip of a colossal, dizzying, and nebulous iceberg of healthcare command and control — so who needs the Public Option?

Luckily, someone had the good sense to include lots of studies (222 instances of "study" or "studies"). Besides, you can't have commissions without studies. Since ObamaCare

is a new program of unprecedented scale that will radically transform one-sixth of the economy and affect every citizen (not to mention up to 20 million noncitizens), studying it after enactment only makes good sense. Nancy Pelosi would, no doubt, consider it a corollary to her "we have to pass it to find out what's in it" advice.

And what good are studies without reports? Reports are needed to document the objective and unbiased findings of their lobbyist authors. They also document recommendations, including that one most unabashedly important recommendation, shamelessly common to any self-respecting government study — the one for more funding. With 1,037 instances of "report" or "reports" or "reporting," it looks like commissioners will have plenty of official-looking documents to make them look intelligent at healthcare meetings and hearings. And this will give them something to wave passionately above their big heads at their staged press conferences.

The frequency of the word "shall" is also an indicator of commission activity. But in many instances, it pertains to nongovernment healthcare participants — as do the words "require" (1,303 instances) and "comply" or "compliance" (143 instances). Consequently, doctors, patients, hospitals, insurance companies, and so forth are also going to be very busy. And they had better be meticulously compliant. If an investigation (57 instances) finds you to be in violation of ObamaCare, you will be subject to penalties (186 instances). Clearly, ObamaCare is serious about enforcement and tacitly urges compliance as a general rule to follow upon encountering a "shall" that may apply to you. That is obviously good advice when "shall" falls in the range from blatantly coercive to routinely coercive. For ambiguous "shalls" and seemingly innocuous ones, consult the nearest commission, the IRS, or a lawyer from the soon-to-be burgeoning ObamaCare litigation industry.

The early sections of the PPACA include many good words, but quickly switch to many not-so-good words in the "fine print" area. For example, Title I is called "Quality, Affordable Health Care For All Americans" — an excellent heading except for the "Quality," the "Affordable," and the "For All Americans" parts.

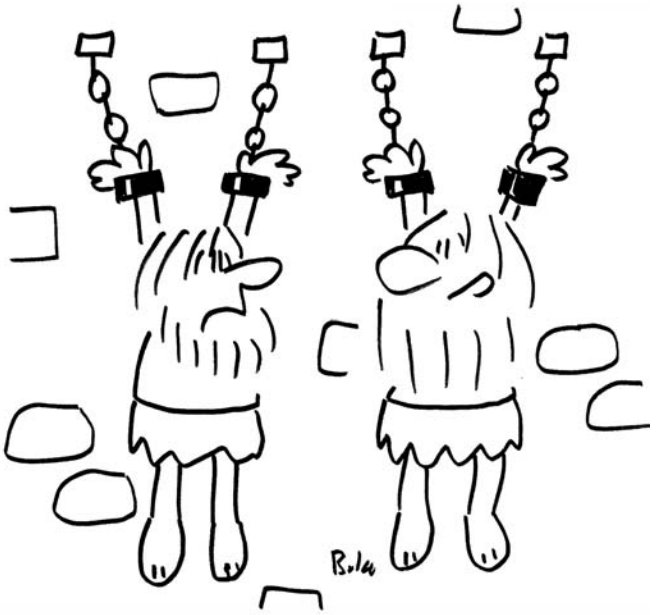

"If you think this is bad, just wait till they take away your *bathroom privileges!*"

Quality

Section 2717, "Ensuring The Quality Of Care," is illustrative of ObamaCare's innovative ideas. For example, reporting requirements and reimbursement structures will be developed to

> improve health outcomes through the implementation of activities such as quality reporting, effective case management, care coordination, chronic disease management, and medication and care compliance initiatives, including through the use of the medical homes model as defined for purposes of section 3602 of the Patient Protection and Affordable Care Act, for treatment or services under the plan or coverage.

Who knew that quality reporting would ensure quality healthcare? And isn't it about time doctors started managing cases effectively, coordinating care, and improving disease management? I bet they can't get away with inferior stuff in Cuba. Surprisingly, there was no mention of the "anger management" that will surely be needed for doctors whose intelligence, professionalism, and dedication are insulted by these and many other sophomoric attempts to coerce them into the ObamaCare way of medical practice.

Affordable

Apparently there will be savings (60 instances) that will make ObamaCare affordable. Indeed, there are provisions for excess savings. According to Section 2706:

> An accountable care organization that meets the performance guidelines established by the Secretary under subsection (c)(1) and achieves savings greater than the annual minimal savings level established by the State under subsection (c)(2) shall receive an incentive payment for such year equal to a portion (as determined appropriate by the Secretary) of the amount of such excess savings. The Secretary may establish an annual cap on incentive payments for an accountable care organization.

So, first you have to achieve savings in excess of some minimum (set by the Secretary), then wait for your incentive payment (set by the Secretary), all the while hoping a cap (set by the Secretary) isn't applied, siphoning off your portion to fund something else. Surprisingly, there was no mention of the armored trucks that will surely be needed for transporting all the savings to government counting houses.

Another source of savings will derive from increases in productivity. ObamaCare includes ingenious methods for getting slow and lazy doctors to treat patients at faster rates. For example, Medicare reimbursements will shrink to one-third of what private insurers pay. Such methods are sure to get patients flying out the door of hospitals and doctors' offices. It's one of those why-didn't-I-think-of-that ideas, except for two problems: (1) most doctors and hospitals will likely opt out of ObamaCare long before reimbursements fall that low, and (2) after waiting weeks or months to get into an affordable ObamaCare facility, only to be treated hastily in assembly line fashion, most patients flying out the door will be on their way to a quality non-ObamaCare facility.

For All Americans

ObamaCare promises healthcare for all Americans, but some more than others. There are groups that get special treatment: special populations, underserved populations, vulnerable populations, American Indians, and Washington DC, to name a few. Minorities even get their own office and a deputy secretary. As stated in Section 10334,

> . . . there is established in the Office of the Secretary, the Office of Minority Health, which shall be headed by the Deputy Assistant Secretary for Minority Health . . . for the purpose of improving minority health and the quality of health care minorities receive, and eliminating racial and ethnic disparities. In carrying out this subsection, the Secretary, acting through the Deputy Assistant Secretary, shall award grants, contracts, enter into memoranda of understanding, cooperative, interagency, intra-agency and other agreements with public and nonprofit private entities, agencies, as well as Departmental and Cabinet agencies and organizations, and with organizations that are indigenous human resource providers in communities of color to assure improved health status of racial and ethnic minorities, and shall develop measures to evaluate the effectiveness of activities aimed at reducing health disparities and supporting the local community. Such measures shall evaluate community outreach activities, language services, workforce cultural competence, and other areas as determined by the Secretary.

Such special populations have special rules. There are special rules for abortions, gender specific needs, children with special needs, widows and widowers, large group markets, low income individuals and families, individuals with disabilities, geriatric and pediatric patients, the homeless, victims of abuse or trauma, individuals with mental health or substance-related disorders, individuals with HIV/AIDS, and many more. As in the case of minority health, these special rules are, no doubt, required to reduce health disparities caused by the bigotry or incompetence of pre-ObamaCare medical professionals. Surprisingly, given such priorities and the availability of grants and contracts to promote the healthcare of special populations, there is no mention of "social justice," "SEIU," or "ACORN."

Not belonging to a special population may not be a problem. With the elimination of annual and lifetime limits, prohibition of exclusions for pre-existing conditions, prohibition of rescissions, extensions for dependents, reinsurance of early retirees, etc., there should be plenty of ObamaCare for non-special Americans.

On the other hand, this may very well be a problem. There are 1,082 instances of the words "eligible" or "eligibility" and 643 instances of "qualified" or "approved." Once I see a word such as "eligible," I start thinking about who might be ineligible. And that brings my thought process back to the fine print in my TV warranty. I guess I'll just have to hope that when I need my ObamaCare I'll be eligible for an approved treatment at a qualified facility. In the meantime, however, I'll be thinking, with more than a little concern, about the true meaning of more than a few ObamaCare words, as they play on my growing heartburn. ❑

The Queen of Africa, *from page 24*

Shortly afterward, Aminata dumped the Haitian slaver. She struggled, she persuaded, she cajoled, and this is America, after all. So she managed to return to the university. My wife and I helped a little. Others did too, because she is the kind of person who draws out helpfulness in people as others attract dislike. She graduated in good time and she is doing really well. She is single in America and happy about it. Thank you for asking.

You will want to know about the mother, of course. Well, a couple of months before Aminata was set to graduate, I took my best colonialist pen and did a job on her. I recalled the elaborate politeness formulas long defunct in the rudimentary French that today's French people speak. I laid them on thickly on a sheet of high-quality stationery. Since I was a perfect stranger, I began by apologizing humbly for intervening in a family's affair. Then, at length, I flattered Mom about her daughter's exceptional achievements and how they reflected on the superior upbringing that she, Mom, had given her daughter. That took a whole page. Then I mixed discreet threats of final abandonment with the slime of sycophancy to urge her to attend her daughter's commencement. Quickly, I received a short letter from Aminata's mother. She urged me tersely to mind my own business since I did not understand her people's customs.

But an email forwarded by her other daughter quickly followed. It announced the mother's arrival on such and such a date at such and such a time. Best seduction act at a distance ever! I was at the airport when Aminata picked up her mother. I kept away and caught the first glance the mother cast at her daughter. There was surprise and admiration at her glowing, forceful appearance. I thought the mother was even a little intimidated.

If you suspect by now that I am bragging again, you are right. I am bragging about my friendship with Aminata. I am bragging also about my culturally on-the-dot, effective intervention in her life. Yet it has created a problem between us, a small but persistent problem. She has the nerve to affirm that I am confused about African ethnography

As I said, Aminata comes from a herding people. That much is not in dispute. She and her family are thoroughly citified, of course. But I know from experience and observation that it matters psychologically what your great-grandparents did for a living and where. That's true even if you never knew them; that's true even if you have little idea of what it was they did; that's true even if you have never been where they did it. Something like cultural DNA must exist. Anyway, I am sure that, not so long ago, Aminata's forefathers used to shoot an arrow point blank at a selected cow to drink blood directly from the vein. Aminata insists that I am confusing her West African people with the East African Masai herders I have seen on television. Well, excuse me; it's true that I have always liked the television documentaries about the Masai. It proves nothing, though: Just because my neighbor to the left eats rabbits, it doesn't mean that my neighbor across the street does not.

I realize there is not much of a point to this story. It's just a sun-drenched slice of life. I thought you could use the sunshine. ❑

Reflections, *from page 12*

also placing the attack in its historical context (including descriptions of what Germany and Japan were doing before the war).

Like Victor's book, Greaves' book shows that top officials of the Army, Navy, and even the White House distorted, denied, and covered up information about what was known before the Pearl Harbor attack. Many inconsistencies appeared in the congressional investigation — some witnesses were pressured to change their stories; others were simply not called. Although other books, such as Victor's, have shown these inconsistencies, I don't think there has been as extensive a description of the investigations and the prevarications with which they are riddled.

Although almost all the information in the book is based on information available before Greaves died, in 1988 his widow interviewed Ralph T. Briggs, who had been a young radioman in Cheltenham, MD, on December 4, 1941. Briggs had intercepted the Japanese radio message called "Winds Execute," which indicated that war with the United States was about to begin. Briggs' superiors told him not to testify in the congressional hearing, and his absence — along with revised stories by others who had previously admitted seeing or knowing about the message — led the committee to deny the message's existence.

There is one interesting difference between the findings of Victor and Greaves. Both report extensive duplicity and cover-ups, which went at least as high in the administration as Army Chief of Staff George Marshall and probably included President Roosevelt as well. Indeed, the cover-ups are as plain as day. But Greaves does not seem to think that FDR actually expected the impending Japanese attack to be on Hawaii. Greaves suggests that the group huddling secretly in the White House late in the night of December 6 expected attacks on British territories in Southeast Asia and the Philippines, a U.S. territory — attacks that would also have led to war. While George Victor offers evidence that top officials knew the target was Hawaii, there is also evidence, as Greaves reports, that some officials were genuinely surprised about the actual bombing site.

In conclusion, those fascinated by the tragic Pearl Harbor story have a tremendous new resource, written by Percy Greaves, an eyewitness to the 1945–46 congressional investigation, a beautiful book edited by his wife, Bettina Greaves. How fortunate we are! — Jane S. Shaw

River card — Ron Paul has demanded that Fort Knox open its doors and show us how much gold is in the vault. This is the kind of showdown poker players dream of, the moment when we learn whether the whole run-up of the pot was a complete bluff.

I'm with Ron. Let's go all in and see their hand. I don't think many people would be surprised to learn that the gold went away long ago, and the stuff we've been calling "money" is nothing more than Dead President Trading Cards.

— Tim Slagle

And, of course, the Squirrels — A recent story that was rapidly ignored by the mainstream media points to an interesting fact: that while other sorts of terrorists get all kinds of media coverage, ecoterrorists are mentioned as little as possible. The case of James Jay Lee is illustrative.

Lee briefly made the news on September 1 when he took over the Discovery Communications building with a gun and what he described as a bomb strapped to himself. He held three people captive for about four hours, before being killed by the police.

Lee's animus towards the Discovery Channel went back a ways — he had long been a protester outside its offices, and was sentenced two years ago to six months probation for disorderly conduct while protesting.

But his motives were interesting. He posted a lot of messages online to the effect that humans are a blight on the planet. As he put it in one of his ravings, "Nothing is more important than saving . . . the Lions, Tigers, Giraffes, Elephants, Froggies, Turtles, Apes, Raccoons, Beetles, Ants, Sharks, Bears, and, of course, the Squirrels. The humans? The planet does not need humans." He was angry that Discovery Communications was not promulgating his message.

He also said that he experienced an "awakening" when he watched Al Gore's documentary, "An Inconvenient Truth."

Now, what is absolutely amazing is how fast this story died. Would it have died as quickly if Lee had said that he was "awakened" by (say) listening to Rush Limbaugh or reading the works of Ann Coulter? You know the answer. It would have been news for weeks, with angry demands from the media for an accounting by Limbaugh or Coulter.

You might defend the double standard by saying that terrorism by environmentalists is rare. But in fact it is not. The Earth Liberation Front and other such groups have committed numerous acts of terror over the years.

No, we may as well be honest. The mainstream media are interested in terrorism only when it fits their preferred narrative — which always casts people of the Right as villains.

— Gary Jason

Curtain call — It was March 20, 2003. The American Civil War film "Gods and Generals" had opened in only a few cities, and Manhattan was one of them. Since I lived just 20 miles north of there, I was asked to review the film. The trouble was, George Bush had issued an ultimatum to Saddam Hussein, and if Hussein did not surrender by 8 p.m. EST, the United States was going to begin its Shock and Awe campaign. Manhattan had suffered the most severe terrorist attack ever experienced in the United States, and it continued to be the prime target for retaliation. I looked at my watch and did a few quick calculations. The film started at 2:00; it would be over at 5:00. If I hurried, I could make the 5:20 train afterward and be home a little after 6:00. The war was scheduled to begin at 8:00. I had just enough time to watch my movie and write my review. Of course, nothing happened to New York that night, or any night. But we were constantly on our guard in those days.

That was the first review I wrote for Liberty. The movie wasn't very good, but the review was, and Liberty's founder and publisher, Bill Bradford, began publishing my reviews in nearly every issue. Libertarians aren't known for organization

continued on page 53

Whatever Happened to Integrity?

by Jim Walsh

It may be hard to define, but you can tell when it's missing — and it's missing now.

We don't hear much in today's popular discourse about integrity. That's too bad: integrity is an important matter in a republic with democratic institutions. The republic itself needs integrity, as do the people who would influence its institutions, as do their arguments and the data that back them up.

So, let's consider integrity.

Applied to people, "integrity" means consistency in principles, values, methods, and actions. It is generally considered the opposite of hypocrisy. For some thinkers, this consistency isn't a fundamental moral principle. In their version, a person with mistaken or flawed morals might act badly and still "have integrity" because his actions were consistent with his flawed principles. Others believe that integrity is a moral "first thing," that it means consistency between words and deeds but requires the deeds to be morally right. They see integrity as an essential "wholeness" in the person possessing it. They expect a person with integrity to understand the moral consequences of his actions. This second, deeper notion seems to be what most ordinary citizens have in mind when they speak of integrity.

Of course, the term "integrity" can also be applied to the purity or intactness of an object or system. Scientists will sometimes argue about the integrity of data in an experiment or supporting a conclusion. These arguments are often dismissed as "technicalities" when news of the experiment or conclusion makes its way into public discourse. This is a problem. Manipulation of data to the point where it no longer has integrity is a common practice among some activists.

The University of East Anglia is located in Norwich, England — about 80 miles north and east of London. In the hierarchy of British universities, UEA is in the third tier. There probably isn't a fourth tier. Schools like UEA struggle for academic and financial recognition in a marketplace where older, established players enjoy advantages that keep them on top. In the early 1970s, UEA developed a useful tool in this struggle: the Climate Research Unit (CRU).

The CRU started out with the dowdy mission of tabulating UK weather data. But, in the 1980s and early '90s, it broadened its mission to include such activities as compiling a "global near-surface temperature record" in conjunction with the more prestigious Hadley Centre for Climate Prediction and Research. This climate record turned out to be a big deal to the provincial university. The United Nations' Intergovernmental Panel on Climate Change (IPCC) used the record in its publications; this meant money and prestige. CRU staff would fly to Switzerland and the United States to explain datasets and consult with diplomats. The relationship was mutual in a way that CRU staff didn't understand. The IPCC, like many United Nations agencies, employed scientists and bureaucrats whose training and experience were not state-of-the-art. They hid these professional shortcomings behind the luster of a British university — no matter what tier it might be.

The CRU's operating budget increased steadily. It moved into a fashionable, cylindrical building designed by a trendy architect. Its staff made contacts with other climate scientists around the world. It was, by the standards of university budgets and politics, a big success. In 1998, Phillip D. Jones was appointed co-director (he would eventually take over as sole director). Jones cemented the CRU's relationship with the IPCC, contributing extensive data and analysis to several IPCC publications in the 2000s. He became a prominent man in climate science circles.

And then came Al Gore. After narrowly losing the 2000 U.S. presidential election, Gore set out to establish his bona fides as a public intellectual. To do this, he focused on the issue of anthropogenic global warming. And he wanted bold data to support what he fancied would be a populist crusade to protect Mother Earth from manmade pollution. The crusade relied on data provided by Jones and other climatologists to suggest scientific rigor and legitimacy.

In late 2009, an anonymous computer hacker (most likely, an employee of UEA) broke into the CRU's server, pulled out and released to the public a large number of emails and other documents which suggested that Phil Jones and several other climate scientists had manipulated global temperature data. Jones wrote of using "a trick" that may have exaggerated warming-trend data that the CRU provided to the IPCC.

Lithwick's critique was marked by shoddy logic, strident self-righteousness, and self-satisfied contempt.

But the manipulations discussed in the emails weren't very tricky. They were crude. The most common seemed to be omitting numbers from locations likely to report lower temperatures, such as places in high elevations or near coasts. A close second: ignoring (and, in some cases, erasing) legitimate questions from credentialed scientists about CRU data.

Faced with a growing scandal, Jones stepped aside temporarily as director of the CRU. He has since been cleared by the UK House of Commons of criminal wrongdoing and has very recently returned to a somewhat different post at CRU. The IPCC dug in, insisting that anthropogenic global warming is an "established fact" supported by "scientific consensus." Such ravings recall some tinhorn totalitarian from a banana republic; they are amusing rather than threatening — and typical of a United Nations agency.

The critical issue with regard to global warming is not only whether it exists (it may . . . or may not) but whether people are its *main* cause. The CRU's work, "tricks" and all, was intended to make a strong circumstantial case that human activity was the main cause. With the integrity of the CRU's data eroded, that case eroded also.

Gore has been cagey about acknowledging that the integrity of the data behind his climate change rhetoric has been compromised. Of course, in the midst of a complex daily life, people often have reasons to avoid resolving incompatible desires for such things as truth and convenience, or truth and power. But a slapdash resolution of such conflict, or an awkward withdrawal from it, is not consistent with most notions of integrity. To maintain his integrity, a public figure like Gore — so closely identified with the climate change issue — ought to make public statements thoroughly examining the relationship between the CRU's questionable data and the bold statements they were used to support.

Identity, personal and public, influences integrity. Some contemporary philosophers focus on the commitments people identify with most deeply, the things they consider their lives to be fundamentally "about." (The "identity" definition of integrity is associated most closely with British philosopher Bernard A.O. Williams.) Identity integrity recognizes the relevance of self-knowledge to acting with integrity.

Other philosophers argue that identity integrity isn't broad enough. To them, integrity requires you to have proper regard for your role in a community process of deliberation over what's valuable and what is worth doing. This means not only that you stand up for your best judgment but also that you have proper respect for the judgment of others. This respect (or its absence) explains why a fanatic does not have integrity. Fanatics remain true to their deepest commitments — much more than others usually do — but they lack respect for the deliberations of others and therefore to any method of checking their self-knowledge.

Dahlia Lithwick is a senior editor covering the Supreme Court beat for the internet magazine Slate.com, which is owned by the Washington Post Group; as a result, Lithwick's columns also appear in the Washington Post and Newsweek magazine. While critics dismiss her work as trivial and undone by vacuous references to pop culture (imagine *Kelo* v. *New London* explained by one of the women from "Sex in the City"), Lithwick has some influence in middlebrow circles. In early May, she dedicated a column to criticizing Virginia State Attorney General Ken Cuccinelli for investigating climatologist Michael Mann, a colleague of Jones in CRU projects and a former employee of the University of Virginia. Her critique was marked by shoddy logic, strident self-righteousness, and self-satisfied contempt. It presumed — not merited — reader agreement, which is a mark of inferior writing.

Lithwick set up Cuccinelli as a rube and a "darling of the Tea Party movement." She described the data Cuccinelli sought on "more than 10 years' worth of state-funded research." But she failed to acknowledge that state funding

was the critical point of Cuccinelli's investigation. "And who is this nefarious Michael Mann?," she asked. "A climate scientist who worked at UVa from 1999 to 2005 and now runs Penn State's Earth System Science Center." Having made a cartoon of Ken Cuccinelli, she ridiculed him for making a cartoon of Michael Mann.

Next, Lithwick (inadvertently, it seems) damned Mann with faint praise:

> In 2006, U.S. Rep. Joe Barton, R-Texas, commissioned an investigation into Mann's research that ended with statistician Edward Wegman of George Mason University concluding that he would have looked at the data differently but "saw no evidence that Mann committed any fraud or deception." A panel assembled by the National Academy of Sciences reached the same conclusion that year: "There are some things that he could have done better, but there's no fatal flaw." A 2006 National Research Council report found that Mann's conclusion "has subsequently been supported by an array of evidence."
>
> But Mann's hacked e-mails were at the center of the East Anglia 'Climategate' scandal, so more investigations ensued. A report by the British House of Commons' Science and Technology Select Committee concluded in March that there was no evidence of malpractice. . . . A Penn State panel also investigated Mann for allegations that he had manipulated or destroyed data to shore up his arguments and largely cleared him. (The investigation into one final allegation is still pending.)

These conclusions were no ringing endorsement of Mann's work — mainly carefully worded, legalistic answers. But Lithwick's aim was to create the impression that Mann has been the object of a political witch-hunt. And, surely, the debate over the existence of and best remedies for climate change brings out the fangs in many political animals. Academics who work on trendy subjects like climate change often operate in two worlds — activism as well as research. In the world of an activist, a witch-hunt can be a badge of honor; in the world of an academic research scientist, so many questions about a man's methods could be a career-stalling stain. Lithwick's catalogue of cautious or partial acquittals helps Mann the activist . . . but hurts Mann the scientist.

Lithwick stumbled on, trying to draw broader conclusions:

> It's not just Mann on the hook here. "With a weapon like this in Cuccinelli's hands, any faculty member at a public university in Virginia has got to be thinking twice about doing politically controversial research or communicating with other scholars about it," says Rachel Levinson, senior counsel with the American Association of University Professors. UVa environmental science professor Howard Epstein, a former colleague of Mann's, puts it this way: "Who is going to want to be on our faculty when they realize Virginia is the state where the A.G. investigates climate scientists?" If researchers are really afraid to do cutting-edge research in Virginia, the state's flagship university is in enormous trouble.

Cagey framing. Mann isn't being investigated because his work is politically controversial or cutting-edge or climate science. He's been investigated repeatedly because his methods are suspect. Lithwick and company assume that a "state's flagship university" is somehow obligated to finance academic research with no oversight or control of how that research is performed. This is a defect in the logic of most statists — a kind of tragedy of the commons for professional responsibility. They believe that government institutions should provide resources yet exact no obligations. The expectation that government employment comes with no strings is simply childish.

Lithwick implied that Cuccinelli's investigation is a repetition of Galileo's trial. In fact, it's something closer to the audit of an executive who may have been padding his expense account. Cuccinelli's investigation isn't interested in why Mann believes crackpot things about climate change; it is, according to Cuccinelli's office, interested in whether Mann applied for funding based on data that he'd manipulated or falsified. And, again, Mann's own boasts in the CRU email thread opened the door to this possibility. All in all, Lithwick's defense of Mann was logically specious and intellectually lazy.

Gore has been cagey about acknowledging that the integrity of the data behind his climate change rhetoric has been compromised.

Integrity means more than following a path of least resistance. Mark Halfon, a professor at Nassau Community College in New York and author of several popular books on philosophy, describes integrity in terms of a person's dedication to the pursuit of a moral life and his intellectual responsibility in seeking to understand the demands of such a life. He writes that persons of integrity "embrace a moral point of view that urges them to be conceptually clear, logically consistent, apprised of relevant empirical evidence, and careful about acknowledging as well as weighing relevant moral considerations. Persons of integrity impose these restrictions on themselves since they are concerned, not simply with taking any moral position, but with pursuing a commitment to do what is best."

In other words, there are some things a person of integrity will not do — even if he could play logical tricks to justify those actions. The philosopher and novelist Lynn McFall has expanded on this notion:

> A person of integrity is willing to bear the consequences of her convictions, even when this is difficult . . . A person whose only principle is "Seek my own pleasure" is not a candidate for integrity because there is no possibility of conflict — between pleasure and principle — in which integrity could be lost. Where there is no possibility of its loss, integrity cannot exist. Similarly in the case of the approval seeker. The single-minded pursuit of approval is inconsistent with integrity . . . A commitment to spinelessness does not vitiate its spinelessness — another of integrity's contraries. The same may be said for the ruthless seeker of wealth. A person whose only aim is to increase his bank balance is a person for whom nothing is ruled out: duplicity, theft, murder.

Halfon extends the list of hollow claims of principle to point out that there's more to intellectual integrity than having a fanatic commitment to truth and knowledge. Intellectual

integrity is often characterized as a kind of "openness" — to criticism and to the ideas of others — that's essential to the scientific process in the modern liberal sense. According to Halfon: "An account of intellectual integrity should recognize

Academics who work on trendy subjects like climate change often operate in two worlds — activism as well as research.

other sources of conflict and temptations that impede intellectual integrity, such as the temptations offered by the commercialization of research, self-deception about the nature of one's work, and the conflict between the free pursuit of ideas and responsibility to others."

Free pursuit of ideas — versus the wanton politicization of research. In May of this year, Peter Dreier, the pompously (and repeatedly) self-described "E.P. Clapp Distinguished Professor of Politics, Director of the Urban & Environmental Policy program, Occidental College," circulated an electronic memo soliciting contract workers to perform "paid activist research" for something he called the Cry Wolf Project, characterized as

> the fight to transform American politics and policy takes place on a battlefield in which ideas, narratives, and the construction of a politically driven conventional wisdom constitutes a set of highly potent weapons. Too often conservatives in the Congress and the media have captured the rhetorical high ground by asserting that virtually any substantial, progressive change in public policy, especially that involving taxes on the wealthy or regulation of business, will kill jobs, generate a stifling government bureaucracy, or curtail economic growth. But history shows that in almost every instance the opponents of needed social and economic change are "crying wolf." We therefore need to construct a counter narrative that demonstrates the falsity or exaggeration of such claims.

Do research — and make sure you know in advance how it will turn out.

The CRU's biases remained mostly oblique; but Dreier plainly states that the Cry Wolf Project's bought-and-paid-for partisanship "is sponsored by the San Diego-based Center on Policy Initiatives and funded by a grant from the Public Welfare Foundation." It represents a further debasement of intellectual integrity — and capitulation to the temptations of research-for-pay.

Ignoring all the associated pomposity, the Cry Wolf Project is a mess of small fry, just one more group of radical professors trying desperately to seem relevant. But these small fry indicate a larger issue, an erosion of integrity that is pervasive in American institutions, an erosion of integrity that affects bigger fish.

Last April, Barack Obama signed a presidential memorandum suggesting that hospitals receiving Medicare and Medicaid monies should liberalize their policies about patient visitation. Specifically, the memo stated that the Secretary of Health and Human Services would "initiate appropriate rule-making . . . to ensure that hospitals that participate in Medicare or Medicaid respect the rights of patients to designate visitors. It should be made clear that designated visitors, including individuals designated by legally valid advance directives (such as durable powers of attorney and health care proxies), should enjoy visitation privileges that are no more restrictive than those that immediate family members enjoy."

Durable powers of attorney (DPAs, in legal jargon) have become commonplace documents that well-organized people use to make clear their preferences about the healthcare services they receive. Perhaps most significantly — and depending on applicable state law — these documents can nominate a "legal representative" to speak for a person who has become physically incapacitated. The nomination of a legal representative is an important thing. Basically, if you're an unmarried adult, you should designate such a person because the law can be fuzzy about who speaks for you if you don't.

Why does the president care enough about the minutiae of hospital management to draft a presidential memo on the subject? The third paragraph of the document gets to its political raison d'etre. It charges the HHS Secretary to "provide additional recommendations to [the president], within 180 days of the date of this memorandum, on actions the Department of Health and Human Services can take to address hospital visitation, medical decision making, or other health care issues that affect LGBT patients and their families."

There's the rub. Obama had drawn heavily on money and political support from left-leaning gay and lesbian activist groups during his 2008 presidential campaign. In exchange, he'd implied that he would champion various issues important to these groups — including recognition of same-sex marriages and an end of the military's "don't ask, don't tell" policy on gay service-members. But, a year and a half into his presidency, he hadn't made significant headway on these issues. Hospital visitation *policy* seemed like a simpler matter.

Turned out it wasn't. Since hospital visitation policies are shaped mostly by state law, Obama was reduced to manipulating Medicare and Medicaid purse strings to get the changes he desired. As if to compensate for the weak practical effects of his memorandum, Obama layered on the rhetorical treacle:

> Every day, all across America, patients are denied the kindnesses and caring of a loved one at their sides — whether in a sudden medical emergency or a prolonged hospital stay. . . . Also uniquely affected are gay and lesbian Americans who are often barred from the bedsides of the partners with whom they may have spent decades of their lives — unable to be there for the person they love.

That's awful writing, from the redundancy of "all across America" to the meaningless vernacular of "be there for." It's writing that exemplifies the president's reputation for (false) eloquence. Then, glaringly and near the end of the memo, comes the all-important hedge: "This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person."

If the president wanted to make a public service announcement about the importance of DPAs and other estate-planning

continued on page 53

Reviews

"An Introduction to Business Ethics," 3rd edition, by Joseph Desjardins. McGraw-Hill, 2009, 281 pages.
"Mad About Trade: Why Main Street America Should Embrace Globalization," by Daniel Griswold. Cato Institute, 2009, 203 pages.

The Case for Free Trade

Gary Jason

A common topic in business ethics courses is international trade, which is typically covered under the rubric of "globalization." Rare is the student who doesn't have deeply unfavorable opinions about free trade. And rare is the business ethics text that takes a deeply favorable view of it. I want to explore the case for free trade and why it meets continuing resistance.

To put the discussion in context, let me briefly review the way in which a standard business text treats the issue. Let's look at Joseph Desjardins' book, a widely used text authored by a respected expert in the field. It is one of the texts I routinely use in my own business ethics classes.

Desjardins begins every chapter with a "discussion case" — almost always one in which some business or group of businesses is alleged to have behaved immorally. The "case study" approach is common among business ethics texts, but the cases selected almost always have to do with unethical business behavior. As such, they are invitations to hasty generalization: the student meets just a few examples of business behavior, and these are examples of unethical behavior. No text I know of mentions the fact that there are about 27 million businesses in America and that the vast majority of them provide valuable goods and services, meanwhile causing no harm. And no business ethics text I know of discusses cases of *governmental* malfeasance.

The case that Desjardins starts with concerns the practice, allegedly widespread among apparel retailers, of using sweatshops, mostly located abroad. (I should note that Desjardins never defines what he means by "sweatshop.") He notes that in August 1995 Los Angeles police arrested the operators of a shop employing 70 illegal Asian immigrants. These workers were paid much less than minimum wage, and forced to live in an apartment complex set up like a prison. In the same year, Desjardins notes, it was discovered that Kathie Lee Gifford's line of sportswear, sold at Wal-Mart stores, was manufactured by sweatshops in Honduras that employed teenagers working 14-hour days. And he discusses in detail the accusations that Nike has readily used foreign sweatshops to manufacture its shoes — observing, however, that by 1992 Nike had responded to bad publicity on this score by developing a code of conduct that requires its suppliers to meet high standards for wages and working conditions. So here we have three cases, all more than 15 years old.

This is the extent of the data he gives for this "case study," yet it informs all the rest of the chapter, inviting students to view all foreign trade as consisting of American industries cutting domestic production to use foreign sweatshops.

Desjardins then sketches two broad categories of ethical issues regarding international business: micro-level issues about the degree to which

managers should apply their own ethical standards in foreign business dealings, and macro-level issues surrounding globalization generally.

Desjardins' discussion of the first set of issues is brief. He admits that different countries seem to have different ethical systems — for example when it comes to bribery. He rightly stipulates that the fact that ethical norms may vary does not imply that they are all equally valid and none are ultimately right or wrong. He also rightly observes that customs may not vary as much as is generally supposed. For instance, when Indonesia was ruled by President Suharto, corruption was common and widely recognized. But that didn't mean the average people approved of it: Suharto was eventually overthrown and anticorruption laws enacted.

That said, of course the issue becomes, what universal values should bind all American countries doing business abroad? Here Desjardins is not very helpful. He quotes another philosopher, Tom Donaldson, who distinguishes between "minimalist" and "maximalist" answers to the question. The minimalist approach holds that a business is free to pursue its interests in another country so long as certain minimal rights are respected in the process. The maximalist approach holds that besides respecting certain basic rights, a company must actually produce benefits for the host country.

Donaldson takes a minimalist tack, listing universal rights that any company with operations abroad must respect: freedom of movement, ownership of property, freedom from torture, fair trials, nondiscriminatory treatment, physical security, freedom of speech and association, minimal education, political participation, subsistence. But Desjardins doesn't say whether these are to be taken as positive or merely negative rights (indeed, nowhere in his text does he even discuss the distinction), or whether "respect" means "provide" or merely "not interfere with." So the moral view is unclear: if I am opening a manufacturing plant in a dictatorship, am I to try to guarantee my employees the power to vote in that society (and how could I possibly achieve that without getting all of us killed?), or merely not stop them from voting? Or is doing business in countries without political freedom always immoral?

That demonstrators oppose globalization no more indicates that globalization is bad than the riots on Kristallnacht prove that Jews are bad.

Donaldson's account doesn't tell us to whom the catalogue of rights applies: is employing a 15-year-old to run a sewing machine, with her and her parents' consent, in a country where general education ends at the 14th year, violating her rights? Nor does it say exactly how the Donaldson list is to be reconciled with or proven superior to other lists of rights that other people may come up with. For example, nowhere on his list is a right that I hold dearly, the right to keep and bear arms. What is his rationale for excluding it? We aren't told.

Even more vague and questionable is the maximalist account that Desjardins cites, abstracted from another business ethicist, Richard DeGeorge. This requires that the company doing business in another country do no direct harm, produce more good than harm for the host country, contribute to the host country's development, and a number of other things. But how would a company know whether it is, on balance, benefiting the country on balance, other than the authorities in that country who have agreed to the operation? And why is it the obligation of a company to contribute to the host country's development over and above the fact that it brings jobs and money to that country?

Desjardins then takes up the macro-level issues of global trade and globalization. He recognizes that the term "globalization" is unclear, though it certainly brings out the demonstrators every time the G20 meets, sometimes causing millions of dollars in damages. So he proceeds to define it, in a loaded way: "*globalization* refers to a process of international economic integration. While international trade and cooperation have existed as long as there have been nations, this process of international economic integration has become increasingly more common . . ." He cites the General Agreement on Tariffs and Trade (GATT), the North American Free Trade Agreement (NAFTA), and the European Union (EU).

It is true that international trade has gone on for millennia, but there may have been, and we will soon find good evidence to suppose that there has been a recent, huge jump in its volume. But we shouldn't conflate simple free-trade associations, such as NAFTA, with more intense forms of association such as the EU. The EU was set up by its founders to be something like a United States of Europe, where the sovereign identity and powers of the member states would eventually be subsumed in political and economic union. In contrast, most free trade organizations are groups of countries that do not desire to integrate their economies, much less surrender their sovereignty and merge into one nation, but merely want to enjoy the benefits of increased trade.

Desjardins sketchily states the standard argument for free trade, the utilitarian idea that free movement of goods and capital among nations allows resources to be allocated in the most efficient manner, producing the greatest possible wellbeing for everyone. As corollaries, he notes (without crediting Adam Smith) that this line of thought suggests that free trade is the best way to eliminate poverty around the world, and (without crediting Frédéric Bastiat) that increased economic cooperation among nations decreases the likelihood of warfare. As Bastiat put it, "When goods do not cross borders, armies will."

Desjardins gives no data to support or even flesh out these arguments. He only says, "As we saw in the opening discussion case for the chapter [the one on sweatshops], a variety of public interest groups so disagree with these arguments that they have been willing to take to the streets to demonstrate against globalization." This is very feeble. To be precise, it is a howling *ad populum* fallacy. The fact that demonstrators, or even rioters, oppose globalization no more indicates that globalization is bad than the fact the riots occurred on Kristallnacht proves that Jews are bad.

Desjardins does rehearse three

common broad arguments against globalization: globalization hurts rather than helps the poor; globalization invites a "race to the bottom" of environmental and worker protections; globalization undermines equal rights and autonomy.

In respect to the question of whether globalization harms or helps the poor, he considers "market theory" from the "empirical," "conceptual," and "ethical" perspectives, to see whether free trade actually does improve living standards. Market theory (in his view) provides that in trade involving a more developed country and a less developed country, the likely result is that jobs will be "exported" from the developed country to the developing one, because labor costs will be lower there. This, in theory, will depress wages among workers in the developed country, and increase unemployment there. In time, however, economic growth in the developing country should increase demand for the more "industrialized" products of the more developed country, resulting in higher employment there.

Desjardins recommends a minimum wage in the host country roughly equivalent to that of the developed country.

Desjardins has doubts. He thinks it is "empirical" that specific, identifiable workers in the developed country will lose their jobs, but it is only "theoretical" that other workers will eventually get jobs elsewhere in the economy, and the ethical question is whether the benefits outweigh the costs. Framed in that way, the question would certainly be hard to answer.

His discussion here is breathtakingly tendentious. Nowhere does he mention the consumer. If prices drop in the developed country, consumers there obviously benefit.

And nowhere does he mention the existence of the host of "safety net" programs that are universal in the developed countries — unemployment insurance, universal education, healthcare systems, job training programs, and so on. Nor does it even occur to him to ask whether trade always or even typically involves companies in a developed country opening plants in developing countries, as opposed to other developed countries. This is hardly an empirically informed discussion.

Moreover, Desjardins has an impoverished view of what counts as "empirical." The fact that we can't always "identify" the jobs created in a developed economy when it expands trade abroad — although you sometimes can, as when foreign companies open affiliates here — hardly means that you can't empirically measure the effects. You can, for example, measure unemployment rates for a set period before trade expansion and then for an equal period after it, to see if unemployment goes up or down.

Again, "market theory" tells us that workers in newly opened plants in a developing country will be better off — after all, they chose the job, so clearly they feel themselves better off. But Desjardins argues that if desperately poor people only have the choice of working in sweatshops or starving, the choice is not really free. From that dubious assumption flow a variety of dogmatic moral demands. He recommends that economic indicators be used to set a minimum wage in the host country roughly equivalent to that of the developed country, and that companies not be allowed to employ contractors abroad without "taking full and direct responsibility for how those workers are treated," preferably by making them direct employees.

Other deductions proceed from the cliche "race to the bottom." Desjardins takes seriously the idea that competition induced by free trade results in countries lowering their environmental, labor, health, and safety regulations. For example, OSHA's extensive safety regulations make production more costly here, encouraging American manufacturers to move production lines to countries with less regulation. Desjardins ruefully notes that the WTO will not allow tariffs designed to punish countries with lower safety standards, as well as prohibiting tariffs against other countries that fail to protect against dolphins being caught while harvesting tuna, or countries that feed hormones to cattle. He admits that we don't see a lessening of regulations in the developed countries that allow free trade — indeed, quite the reverse — yet amazingly, he doesn't wonder if the developed countries may possibly have too many regulations to begin with, and whether many of those regulations may be bad. Yes, many European countries prohibit using hormones in cattle and the marketing of genetically modified grains, but it is quite disputable whether those regulations are scientifically defensible.

I turn now to the argument about globalization's threat to democratic or humane political values — the argument that institutions such as the WTO, the World Bank, and the IMF are undemocratic bureaucracies, in conflict with democracy and self-determination; and that the reach of international corporations threatens the world with cultural homogeneity. Desjardins takes this argument seriously. He feels comfortable imposing Western or American values (especially as embodied in business regulations) on other cultures, but he objects to the IMF and the WTO imposing their own values, such as free trade. But participation in these organizations is voluntary. It seems fair to say that if you want the benefits that membership gives you, you have to agree to the rules, annoying as they sometimes are. And while international corporations can get certain products adopted worldwide, the Coca-Cola market hardly amounts to the destruction of other cultures. If the modern consumer society is being adopted worldwide, perhaps that's because it appeals to most people in developing countries. Despite the fact that people — especially philosophy professors — in developed countries complain about shallow materialist consumerism, you seldom see them leaving developed countries to live in the developing ones.

Desjardins takes seriously the idea that free trade results in lower environmental, labor, health, and safety regulations.

In sum, the view of free trade offered by a typical, widely-used business ethics text is pretty unfavorable. Free trade is presented as a way to ship jobs abroad in pursuit of lower wages. Free trade is shown to result in sweatshops. It is said to lower wages and cost identifiable jobs, while any offsetting job gains are held to be theoretical. It is presented as leading to a "race to the bottom." It is claimed to involve rich nations exploiting poor ones. The suggested solution is to strongly limit trade by regulation. Support for these ideas comes not from detailed empirical data but from the moral intuitions of philosophy professors.

We are lucky to have a superb new book on the subject, written from a contrary point of view. Daniel Griswold's "Mad about Trade" is a comprehensive, yet crisp and spirited, consideration of the major defenses of free trade. It provides copious evidence that should surprise and interest even the most skeptical student.

Griswold, an economist at the Cato Institute who specializes in trade, starts with a brief survey of America's increasingly globalized economy. He shows, in a telling graph, that imports and import income payments as a portion of GDP hovered around 5% from 1900 until the early 1970s, when they went nearly linearly upward to about 23% in 2000. Exports and export income receipts as a portion of GDP are a slightly more complicated picture, essentially bouncing between 5% and 10% from 1900 till the early 1970s (but with spikes during WWI and WWII, when America exported a lot of munitions), then going steeply upward to about 18% in 2000.

These figures explain not only how much more globalized our economy has become over the last 35 years, but also why it has aroused increasing concern: it is growing explosively. Griswold explores the reasons for increased foreign trade, from free trade agreements (FTAs) to falling transportation costs (sealed container ships have cut losses from theft, jet aircraft are increasingly efficient, and so on).

But does free trade, on balance, help society, from consumers to workers? Griswold stresses the important point that free trade benefits consumers enormously, in the form of lower prices. No surprise there — that was Adam Smith's argument for supporting free trade in opposition to mercantilism. But Griswold gives substantial confirming data, showing, for instance, that the industries which saw the biggest price reductions from 2000 to 2007 were almost always the ones that faced foreign competition. A recent study indicates that by lowering prices, global trade has raised the real income of Americans by 3% (or about $5,000) from 1972 to 2001. (This is another point Desjardins didn't explore.)

Besides lowering prices, free trade provides greater product choice, greater product availability (e.g., fresh fruit in the middle of winter), and products of better quality. Griswold refutes the notions that our increased global trade is almost entirely with China (which accounts for only 15% of American imports), and that "big box" retailers are hurting the consumer (Wal-Mart alone saves consumers about $2,300 a year per household).

Less clear, of course, is whether the effect of free trade in the industries facing competition is so severe that America winds up with lower prices at the cost of higher unemployment or lower levels of worker compensation. Here Griswold argues that free trade doesn't so much significantly increase or decrease the overall level of employment (i.e., the net number of jobs) as shift people from worse (less productive) jobs to better (more productive) jobs. He denies the claim, heard from some exponents of free trade, that it dramatically increases the level of domestic employment. And he recognizes that competition from free trade puts some companies out of business, and eliminates some jobs. But he argues that any such temporary, specific job losses from trade don't lower the overall employment rate — for three reasons.

First, trade creates other jobs that quickly replace the ones lost. For example, lower prices for materials bought from foreign trade allow domestic producers to lower prices, thus increasing sales at home and abroad, and in turn creating new jobs. Also, the lower costs brought by trade increase the profits of domestic producers, inviting foreign investment and jobs expansion. Moreover, Griswold should have mentioned Bastiat's observation that with the money saved from trade-induced lower prices, consumers can buy more of other products made domestically, again increasing jobs.

Second — and here Griswold does mention David Ricardo — if we lose our competitive edge in one area (because of lower prices abroad, or for that matter, some change in technology at home), the other areas of our economy will likely have their competitive advantage enhanced.

Third, there are powerful economic factors, such as foreign exchange rates and government monetary policy, involved in trade. A rapid increase in imports would rapidly increase the amount of our currency in foreign banks, which would tend to weaken the dollar, thus lowering the price of American manufactured goods, resulting in increased foreign purchases of our products.

"Oh, I almost forgot — commandeer some bread and milk on your way home."

Griswold explores these concepts conceptually, but also adduces considerable empirical data to show that free trade does not increase unemployment over the long run. He also explores in detail a point often overlooked by critics of free trade — that normally the jobs lost because of foreign trade are a minor part of the general normal "job churn" the American economy experiences every year. Take a high estimate of jobs lost by trade (say, a figure put out by a thinktank tied to organized labor), and it is still only about 3% of the jobs lost in any given year. What "kills" the vast majority of jobs in America is technology, not trade.

And I would add that this is a good thing, too: the replacement of manual switchboards by computer switches killed tens of thousands of unproductive jobs but created new, more productive jobs, especially for women, who were the vast majority of those telephone operators. Women are now doctors, lawyers, professors, and scientists, rather than people who plug wires into boards. It is curious that Griswold doesn't mention Joseph Schumpeter and his theory of creative destruction, for it explains this process remarkably well.

Griswold also marshals evidence to rebut the theory that trade results in stagnating wages. Crucial to his discussion is a critique of the use of "average real hourly wage" as a measure of the wellbeing of workers, which is the normal practice of critics of free trade. For one thing, the real hourly wage doesn't reflect all compensation — it only looks at monetary compensation, not other forms of payment (such as healthcare benefits and 401k matching contributions). Yes, during the period from 1964 to 2006, real hourly wages remained essentially flat. But real hourly compensation rose by nearly 80%, with an upward spurt during the 1990s, when there was broad, bipartisan support for free trade. Griswold also notes that the Consumer Price Index doesn't adequately reflect the lower prices that trade brings, or the increased variety and quality of goods available to Americans.

He takes on the claim made by commentator Lou Dobbs and others, that we are losing our manufacturing base and with it our middle class. The key point is that while our manufacturing sector has lost jobs, we have gained more highly paid jobs elsewhere, in the service industry. (Griswold might have noted additionally that *all* the top manufacturing countries — including China, South Korea, and Mexico — have lost manufacturing jobs over the past decade.) Our level of manufacturing output has risen; we just manufacture more with fewer people. Simply put, automation is lowering manufacturing employment all around the world.

Moreover, from 1967–2007, median household income rose, and while the percentage of households with middle-class income went down, so did the percentage of poor households, leaving only the percentage of wealthy households going up.

But don't trade deficits harm society? Griswold observes that economists distinguish between the merchandise trade balance (which measures cross-border flows of agricultural goods, commodities, and manufactured goods), the trade balance (which measures the cross-border flows of all goods and services), and the current account balance (which measures cross-border flows of all goods and services, together with income earned from all investments and all transfers of money). Now, over the past several decades, we have experienced a large trade deficit. But this is not generally a problem, because the surplus money that flows abroad flows back in the form of investments in the United States, which create jobs here. Empirical data from 1982 to 2008 show that periods of rising trade deficits are periods in which there is faster job growth, and periods of shrinking deficits are periods in which there is slower job growth.

Griswold reviews in considerable depth the range of foreign companies' operations in America. About 4.6% of America's private workforce is now employed by foreign companies and affiliates — up by a third in 20 years. Workers for these foreign affiliates earn an average of $63,400 yearly, well above the average salary for American company employees ($48,200, 2006 figures). Foreign affiliates accounted for 19% of all U.S. exports, 26% of all U.S. imports, and 14% of all U.S. R&D spending (or about $34 billion annually).

Even when foreign investors don't open operations here, but just passively invest in stocks, corporate bonds, bank deposits, government bonds, and various derivatives, Americans still benefit. The $15.3 trillion in foreign passive investment, which represents an expanded pool of investment capital, has lowered the interest rates Americans have to pay on mortgages and other consumer and business loans. Lower mortgages and consumer loans mean more houses built and products made, and that means more jobs. Lower costs of borrowing for businesses and farmers mean expansion of operations and equipment, which again leads to more jobs.

Griswold stresses the point that free trade benefits consumers enormously, in the form of lower prices.

Does the $20 trillion in foreign-owned American assets constitute a threat to our sovereignty? Hardly. It is less than 20% of the total $110 trillion in American assets held by businesses (profit and nonprofit) and households. And only 3% of total American assets are held by foreign government agencies. If some big government holder of U.S. Treasury bills (such as China, which holds $600 billion of them) were to try to dump them in order to hurt our economy, it would be unlikely to harm us; it would be working with a small proportion of our sovereign debt and an even smaller proportion of our total asset base. Not to mention the fact that it would be wielding a double-edged sword, hurting the value of its own assets. (I would add that such an attempt to harm us would doubtless be met with an American embargo that would economically devastate the dumpers.)

More controversial, these days, is American investment abroad. Companies that set up operations on foreign shores are routinely demonized by leftist demagogues, such as Barack Obama and John Kerry (remember his anger at "Benedict Arnold CEOs"?). Certainly, there are a lot of

companies with foreign operations. Over 2,500 American firms own about 24,000 affiliates abroad – affiliates that in 2006 posted over $4 trillion in sales, employed 9.5 million foreign workers, and earned $644 billion in net income for the parent companies. Individual Americans owned $17 trillion in foreign assets, earning over $800 billion annually. So what does all this foreign investment do to American jobs?

The case that investment abroad does not cost domestic jobs starts with the fact that earnings from abroad are generally used to purchase American products, thus producing American jobs. The evidence shows that foreign and domestic operations of multinational corporations expand together, since more production and sales abroad require more home staff (managers, professionals such as accountants and lawyers, and R&D people such as engineers). If you graph U.S. parent company employment alongside foreign affiliate employment from 1982 to 2006, they track each other very closely.

Griswold makes an interesting point about those who wax demagogic about investment in China and Mexico (to take the cases most demonized by neomercantilist populists). Between 2003 and 2007, U.S. manufacturing companies invested a total of $10 billion in China and $9 billion in Mexico — but they invested $110 billion in Europe! You don't hear the neomercantilists ranting about jobs being shipped to England. Could there be some racism lurking on the left?

Further evidence showing that manufacturing jobs are not being "shipped" to China and Mexico: between 2000 and 2006, U.S. manufacturing lost 3 million jobs, net, but employment by American corporate affiliates abroad gained a minuscule 128,000 jobs (i.e., fewer than 22,000 jobs per year). Again, the jobs were not shipped abroad, they were lost to automation.

In rebutting the neomercantilist "race to the bottom" myth, it is important to note that in the years 2003–2007, over 70% of all American manufacturing investment abroad went to these wealthy countries: Australia, Canada, Japan, New Zealand, and the European states. This seems paradoxical, but it isn't: *pace* Desjardins, what companies want is not cheap labor but more profit, and a company can turn a profit in a rich country as easily as it can in a poor one. Rich countries have the wealthiest consumers, best-educated workers, most-open economies, and most-stable and transparent legal and political systems. As Griswold nicely puts it, "All that explains why more U.S. FDI [foreign domestic investment] flows to Ireland (population 4 million) than to the entire continent of Africa (population 700 million). More U.S. FDI flows to the tiny but rich European Low Countries of Belgium, the Netherlands, and Luxembourg (population 27.5 million) than to China, Mexico, and India combined (population 2.5 billion)" (106). None of these points is even mentioned by Desjardins' text, much less addressed.

Griswold considers in detail the history of free trade in America, arguing compellingly that the early tariff barriers didn't help the American economy on the whole, that there were more recessions per decade during the

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protectionist years than in the post-WWII period of globalization, that the American economy has performed better after NAFTA than before it, and that not only do FTAs not violate our sovereignty; they enhance it by giving us all the right to purchase from a greater number of places.

Griswold cites a study by Scott C. Bradford, Paul L.E. Grieco, and Gary Clyde Hufbauer, calculating the benefits of lowered trade barriers to the American economy since World War II. They estimate that about $1 trillion of America's current yearly GDP (or roughly $7,100 per typical household) comes from global trade. They further estimate that achieving full global free trade would add an additional $450 billion to our annual GDP (or as much as $4,000 per typical household).

What of the effects of globalization on the developing world? Griswold refers to a study by economists Kym Anderson and L. Alan Winters showing that opening a country up to trade increases its GDP growth by several points for many years. The impact of global free trade is astoundingly favorable. Over the past quarter century, during which trade as a share of world GDP went from about a third to well over a half, the percentage of the world's population living in profound poverty has been more than cut in half. Over the past 50 years, the average life span in the developing countries increased by 45%, from 45 to 65 years. Global infant mortality dropped by 60%. The percentage of children inoculated against measles, diphtheria, tetanus, and whooping cough increased by 75%. The share of people in developing countries who are undernourished has been cut by more than 50%. The rate of literacy in developing countries has risen from less than half to more than two thirds. The amount of schooling that girls receive as a percentage of what boys receive went from 56% to 73%. And (again *pace* Desjardins) the percentage of working children, ages 10–14, fell from 25% to less than 10%, and it continues to drop.

Griswold also makes the case that Mexico is better off after NAFTA than it was before, and cites Freedom House figures showing that over the past 30 years, the number of "Not free" countries declined by a third, while the number of "Free" countries doubled. All of this is hard to square with the neomercantilist rhetoric — such as that found in Desjardins' text — about globalization leading to poverty, sweatshops, and child labor abuse in developing countries.

Griswold concludes his argument by demonstrating that America is far from the free-trade Mecca that the neomercantilists portray. In the most recent Economic Freedom of the World Report, we are 27th among 140 nations ranked in terms of economic freedom, well behind places such as Hong Kong and Singapore. He shows in detail the crazy-quilt tariff system we currently have, and what it costs consumers. We have a trade-weighted average tariff on clothing and footwear of over 10%. Now consider sugar. Because of our subsidies and tariffs, American consumers have for decades paid two to three times the world price for sugar. Indeed, our trade barriers on agricultural products cost our consumers $12 billion a year.

And barriers extend well beyond food and clothing. We put tariffs on vehicles (2.5% on cars and 25% on trucks). We keep foreign-owned carriers from flying between one U.S. airport and another. Foreigners cannot own more than 25% of any domestic airline. And our law (the Jones Act) requires all ships carrying goods between American ports to be American built, registered, owned, and manned. All this drives up the cost of shipping and distribution enormously, impoverishing us all.

Griswold's book is unabashedly one-sided. But if it is used to balance business ethics texts that are unabashedly one-sided against free trade, it will do much good. It is a compendium of relevant facts and statistics that increase the specificity of the discussion. In those respects it is tremendously useful. As full a case as Griswold presents, however, there is even more to be said in defense of free trade.

Consider a point he touches on, in his brief discussion of the Smoot-Hawley tariffs, but doesn't elaborate in detail: what happens to a country when it indulges in protectionism? Of course, the usual result is retaliation by other nations — a trade war. The present administration presents a good illustration of this.

The Obama administration is by far the most anti-free-trade, protectionist regime since Hoover. Besides stalling the implementation of the three free trade agreements (with Colombia, Panama, and South Korea) that were negotiated by the Bush administration but not yet enacted when Obama took office, Obama hasn't done a thing about free trade. He hasn't negotiated one new treaty; he hasn't even shown any interest in doing so. Worse, his administration has enacted a number of protectionist measures that have drawn retaliatory measures from abroad.

To protect a couple hundred politically well-connected truckers, tens of thousands of workers are losing their jobs.

For example, under the terms of NAFTA, a small number of Mexican truckers were allowed access to the U.S. market on a tightly monitored basis. Furious at the prospect of foreign truckers competing with their members, the Teamsters union, big contributors to Obama, got him to cancel the program last year. The result was predictable: Mexico put steep tariffs (as high as 45%) on a wide range of U.S. goods, from paper to grapes. The tariffs have totaled $2.4 billion. As a consequence, workers in businesses from paper mills in Wisconsin to farms in Washington state — an estimated 25,000 people — have lost their jobs.

Thus, to protect a couple hundred politically well-connected truckers, hundreds of millions of consumers are paying higher prices, and tens of thousands of workers are losing their jobs.

Another example concerns Brazil. Lavish government subsidies to American cotton growers have in effect frozen Brazilian cotton growers out of our market. Not surprisingly, Brazil filed a case against us with the World Trade Organization and prevailed. Brazil now has the right to retaliate, and is now warning us that it is prepared to hit over a hundred categories of American exports with tariffs of up to 100%. The Obama administration is now proposing to subsidize the

Brazilian cotton growers to the tune of $147 million.

So to protect a relatively few American cotton growers, hundreds of millions of consumers must pay higher prices, and tens of millions of taxpayers must pay higher taxes.

If the case for free trade is so rationally and empirically compelling, why do people — including bright students and even some of their teachers — so often oppose it? I suggest that the reasons are not logical but psychological.

Start with the most obvious psychological motive for opposing free trade — greed, simple greed. The two groups most opposed to free trade are organized labor and inefficient business. Both spend enormous amounts of money running ads against free trade and trying to elect candidates who will enact laws to stop it. In the 2008 election alone, organized labor spent $450 million to elect candidates (well over 90% of the money flowing to Democrats), and as a result we have the most protectionist regime in nearly three quarters of a century. And many if not most industries have in the past lobbied for protection, with some (such as the auto and steel industries) becoming notorious for it.

The two groups most opposed to free trade are organized labor and inefficient business. Both groups spend enormous amounts of money trying to stop it.

But to understand why there is resistance to free trade among the public generally, we should turn to the psychology of persuasion and behavioral economics. Robert Cialdini's approach is instructive (as, for example, in his book "Influence: the Psychology of Persuasion" [Morrow, 1993]).

He notes that all animals (humans included) have a variety of built-in psychological mechanisms (or "fixed-action patterns"). A psychological mechanism is a pattern of behavior that occurs whenever a specific feature of the environment (the "trigger feature") is encountered. A female turkey will exhibit "mothering" behavior (such as warming, cleaning, and huddling chicks beneath it) whenever she hears a specific "cheep cheep" noise typically emitted by turkey chicks. This is not a rational response to observing a distressed chick. If a tape recorder buried on a stuffed skunk (a natural enemy of the turkey) emits the same noise, the turkey will exhibit the mothering behavior toward the stuffed skunk.

These mechanisms are wired into animals by evolution. They usually have worked well in the animal's environment — they have survival value. But they can occasionally prove dysfunctional. Other animals may learn to mimic the triggers, as when females of one firefly species mimic the mating signals of another species, luring males of that second species in, to become their food. Or the environment may change dramatically: humans evolved in conditions where food was scarce, so we crave sugar and fat, but that craving leads to obesity when food becomes plentiful.

Humans have many wired-in psychological mechanisms — and some of them are pertinent to the issue of free trade.

One is a weakness for *social proof*: people tend to judge what is proper by looking at what other people do. TV sitcoms have laugh tracks because when you hear other people laughing, you feel as if you should laugh as well. Then there is *association*: when two things occur together, people tend to think they are connected, even if there is no real causal connection between them — as when we associate favorable traits such as honesty and kindness with physical attractiveness. In addition, there is *salience*: people tend to notice what is novel or striking in a situation. In a robbery, they focus on the gun, rather than, for instance, the clothes that the robber may be wearing. *Sympathy* is also a factor: people tend to want to help others in need. Shown a picture of someone being pursued by wolves, we innately hope that he or she escapes. It's easy to see that people also practice *entrenchment*: once committed to a course of action, they prefer to stay in it, even if the consequences are unexpectedly bad. Behavioral economist (and Nobel laureate in economics) Daniel Kahneman has shown that people are loss-averse: they will risk more to keep the $200 they have than to earn $200 more. And, to complete this brief list of examples, there is the reaction to *scarcity*: people tend to value more what they perceive to be in short supply. For example, in times of gasoline shortage, people will tend to top off their gasoline tanks more quickly than in normal times.

Several of these mechanisms help explain the aversion people feel toward free trade. The mechanism of salience explains why we are so struck by the jobs that are lost when an industry fails, while not being struck by the new jobs created by more productive industries. In Bastiat's terminology, we see what is salient, and what is not salient remains unseen. Sympathy leads us to be concerned with salient images of workers laid off, perhaps because of foreign competition in their industry. Protectionists exploit that concern, arguing that we should protect what is salient, the workers employed by an inefficient company. The workers who could have been employed in more productive enterprises had the company been allowed to fail are unseen, so do not elicit the same sympathy.

Entrenchment explains why we want to cling to manifestly less productive jobs, rather than the more productive ones we get when we open our borders to trade. And association — to cite a third example — plays a big role in the protectionist's arsenal. I see an FTA signed, and plants close, so I assume the FTA caused the plant to close.

If it is indeed true that people resist free trade for reasons that are more often psychological than logical or empirical, it suggests two points for those who want to see free trade flourish.

First, any politician who seeks to advance free trade had better be prepared to make the case forcefully and often to the voting public, combating the forces of entrenchment and all the rest of the mechanisms. The best illustration of what I am getting at is Obama's immediate predecessor in the White House, George Bush.

Bush's record on free trade is arguably the best of any American president. He received "fast track authority," a power conferred by Congress to negotiate FTAs free from congressional

meddling, a full two years after he was inaugurated for his first term, and he had it taken away from him early by a deeply protectionist Democratic Congress five years later. But in those five years he negotiated more FTAs than all his predecessors combined. The list is long indeed: Australia, Bahrain, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Morocco, Oman, Panama, Peru, Singapore, South Korea. All but three of his agreements were ratified.

Bush tried to conclude an even farther-reaching agreement, proposing a Free Trade Area of the Pacific at the 2007 meeting of the Asia-Pacific Economic Cooperation Conference. The proposed free-trade zone would have included the United States and most of the other Pacific countries of the Western Hemisphere, along with China, Japan, South Korea, and most other Asian nations. Given the rising protectionist sentiment in Congress, and divisions among the Asian countries, this proved to be a bridge too far, but at least Bush tried to cross it.

Yet for all the effort he put into developing FTAs, he spent little time in explaining to the public just why free trade is so beneficial. He was the first president with an MBA, so he could have done this well, one supposes. But he rarely spoke on the matter. He let resistance to free trade grow (stoked by a lot of advertising money spent by organized labor, long the arch foe of free trade) without spending any time publicly and decisively refuting it. This was a failure to lead, and it should serve as an object lesson to proponents of free trade in the future.

Second, in making the case for free trade, political leaders would do well to use arguments for free trade that also tap into the psychological mechanisms I listed, besides providing the sort of data that Griswold supplies to rebut the arguments of the protectionist.

Consider an argument for free trade that Griswold doesn't happen to explore — the rapid growth of FTAs around the world. Unnoticed by American protectionists is the fact that most other countries, especially those in Asia and Europe, are increasingly embracing free trade.

Looking at the FTAs the WTO has recorded since 1995, we see that both their number and the pace with which they are being signed are increasing. From 1995–2003 there were on average seven FTAs signed per year. From 2004–09, the number rose to a yearly average of 15. There are now 266 bilateral or regional FTAs recorded with the WTO, and roughly another 100 of which the WTO hasn't yet been notified.

When you look at where these FTAs are being negotiated, it is obvious that Asia and Europe, rather than the United States, are moving farthest towards free trade. Of the 64 FTAs signed since 2005, America is party to only five (all signed by Bush), compared to eight to which the EU is party, and nine to which Japan is party. The EU now has a total of 30 FTAs, compared to the U.S. total of 17 (all pre-Obama).

The EU total includes a deal signed in May of 2010 with the Central American nations, as well as the one it concluded in late 2009 with South Korea. And the EU is close to signing an FTA with India. Still more impressive is the regional FTA signed in early 2010 between China and the Association of Southeast Asia Nations (ASEAN). This FTA eliminated more than 7,000 tariffs instantly, and created the world's third largest free-trade zone, a zone covering one third of the world's population, with a trading volume of $200 billion. At the same time, ASEAN signed a similar FTA with India, creating a free trade zone encompassing one and a half billion people with a trading volume of $50 billion. Even more potentially game-changing, China and India are negotiating an FTA which if concluded would cover nearly half the planet's population.

The result is that while we have buried our heads in protectionist sand, and go month over month with nearly 10% unemployment and anemic growth, the Asian countries have embraced free trade and continue to grow briskly, at annual rates from 6 to 10%.

Now, not only is such an observation empirically sound, but it touches on at least two of the mechanisms we discussed earlier: social proof and scarcity. It indicates to Americans who are skeptical about or hostile about free trade that the other nations are embracing it rapidly. So if free trade is as bad as Obama and politicians of his ilk say, then why is the rest of the world embracing it? And if we keep delaying the expansion of free trade, we may find ourselves frozen out. Better get while the getting's good.

Consider another argument for free trade, one recently given by the presidents of Uganda and Tanzania (see Yoweri Museveni and Jakaya Mrisho Kikwete, "Free Trade and the Fight Against Malaria," Wall Street Journal, July 26, 2010). Malaria is a vicious disease that is common in Africa. Over 200 million people suffer from it, and it kills 800,000 a year, disproportionately children. During the past decade, new diagnostic tests, drugs, and mosquito-proof netting have been developed. But as Kikwete and Museveni note, a lot of African nations still have high tariff and tax barriers to protect their domestic industries. When some of them eliminated trade barriers on antimalarial products, the cost of those products dropped, and usage correspondingly increased. So did the number of local entrepreneurs who create homegrown medical businesses producing antimalarial products.

Here is a good and forceful argument for free trade, forceful because it taps into our feelings of sympathy, especially toward children, and good because in this case those feelings are entirely appropriate.

Free trade is crucial to eliminating poverty and increasing global peace and prosperity. One can only hope that popular support for free trade will be increased by compelling arguments and cogent facts, especially those aimed at the same psychological mechanisms exploited by the neomercantilists. Plainly, however, it will take an endless repetition of those facts and arguments to overcome not only the greed of organized interests opposed to economic freedom but also the age-old mechanisms by which hominids respond to the realities they perceive. ❑

While we go month after month with nearly 10% unemployment, the countries that have embraced free trade grow briskly.

"Bourgeois Dignity: Why Economics Can't Explain the Modern World," by Deirdre McCloskey. University of Chicago Press, 2010, 504 pages.

The Way to Wealth

Bruce Ramsey

Economic historian Deirdre McCloskey sets out to undermine economists' explanations of the Industrial Revolution. She aims to leave standing her own theory, which has much to do with liberty.

McCloskey was educated in economics at the University of Chicago. She is a professor at the University of Illinois in economics, and also in history, English, and communications. She argues that causes relating to these other fields, not economics, triggered economic history's biggest event.

That event was the beginning of sustained growth. The world had seen growth before — in China and Egypt, among the Phoenicians and the Venetians — but it had always petered out, sapped by war or bureaucracy or population growth or some lack of essential fuel. Then, in Holland in the 1600s, things started to stir in a new way, and in England in the 1700s, things started really to happen. Industrial civilization birthed itself.

Why? Why there? Why then?

Capitalism was there. But as an explanation, it is not good enough. "It wasn't 'capitalism' that was new in 1700," McCloskey writes. "Markets and nonagricultural property and a town-living middle class in charge of them are very old. The market economy, contrary to what you might have heard, has existed since the caves."

Liberty? "My libertarian friends want liberty alone to suffice, but it seems to me that it has not," McCloskey writes. Liberty was part of it.

She calls the other part bourgeois dignity, or the creation of "a business-respecting civilization."

The thesis is not proven in this book. Then again, it is only the second of six projected books. Book one was "The Bourgeois Virtues: Ethics for an Age of Commerce" (2006). Book three will be "The Bourgeois Revaluation: How Innovation Became Virtuous, 1600–1848." Her attempt at proof comes later. The effort here is to consider the rival explanations and knock them down.

Some explanations are purely economic. Capital accumulation is one. Maybe the British just piled up more capital than any previous people, through either thrift or imperialism. Except that the records don't show that. In any case, the actual amount of capital needed to start the Industrial Revolution was small. "The first innovations of the Industrial Revolution," writes McCloskey, "relied on retained earnings, trade credit and modest loans from cousins and scriveners and solicitors."

So it wasn't capital. Nor was it trade, because trade had existed long before the Industrial Revolution. China had trade. Phoenicians had it. Rome had it. Venice had it. Canals? China had canals. Roads? Rome had roads. An island with easy access to the sea? Japan had that. Movable type? Korea had it before Gutenberg.

Many factors helped. Some might be necessary causes. Given all of them, what makes up the sufficient cause?

In 1905, sociologist Max Weber made a famous case for "The Protestant Ethic and the Spirit of Capitalism." McCloskey attacks that case for puritanical hard work by making hash of Weber's portrait of Benjamin Franklin as a dour workaholic — a complete misreading of Franklin's "Autobiography," she says. Weber imagined Franklin as a dour proponent of "a penny saved, a penny earned," which is not how Franklin lived his life.

Science is a better candidate as the match that lit the Industrial Revolution. But, McCloskey argues, the science of Newton and others "had practically no direct industrial applications" in the 1700s. The spinning jenny was not based on new science. The blast furnace was put to use well before anyone really understood the science of it. Many inventions followed this pattern.

Economist Douglass North and others have made a case for England's Glorious Revolution of 1688, which created a constitutional monarchy. McCloskey thinks that the revolution was important, not because it changed institutions (North's argument), but because it changed the political rhetoric about wealth creators. There was more focus on the needs, concerns, and problems of entrepreneurs — more attention to them, tending to elevate them relative to aristocrats or soldiers or priests. It was a public discourse more in their language and tending more toward celebrating their successes and value.

These are each parts of an explanation, and McCloskey moves past them too quickly. Steven Johnson's book about Joseph Priestley, "The Invention of Air: A Story of Science, Faith, Revolution and the Birth of America" (2009), shows the connections in the 1700s between the scientific dabblers and Protestant radicalism. Also political radicalism. The ferment of political, religious, and scientific ideas clearly had something to do with the "relentless experimentation" that quickened the pace of economic change after 1700.

None of these is an *economic* explanation. None focuses on the economists' prudential and utility-maximizing man, whom McCloskey calls "Max U." Max U acts on the rule of Prudence Only, and McCloskey argues that it took more than that to create the world's first Industrial Revolution.

"Prudence is a virtue," she writes. "It is a virtue characteristic of a human

seeking purely monetary profit — but also of a rat seeking cheese and of a blade of grass seeking light. Consider that temperance and courage and love and justice and hope and faith are also virtues, and that they are the ones defining of humans."

Those are all virtues involved in the great revolution. But what unleashed them all? "It was words," McCloskey writes.

What words? The words of the scientists and scientific tinkerers; of such writers as Defoe and Locke; of the religious dissenters; of the Levellers, who had argued during the English Civil War of the 1640s for religious toleration and natural rights; and of merchants who learned from Holland in the 1600s a new dignity of commerce and trade.

It was also the time when the discipline of economics was being invented. Around 1700, in several places in Europe, "strikingly modern defenses of free markets" were written.

"Nothing remotely like their thought can be found earlier in Europe," McCloskey maintains, "and only glimmers elsewhere."

All this is asserted and outlined, with most of the argument saved for a later book. Still, there is enough presented to be tantalizing.

"Bourgeois Dignity" has some fine arguments — and a lot of them. It has 46 chapters. Often it wanders to illustrate a point, or to inject a personal thing. For example, when talking about trade protection, and what a bad idea it is, McCloskey mentions former CNN journalist Lou Dobbs, a protectionist: "Dobbs majored in economics at Harvard College, but didn't understand; to be quite fair, though, I majored in economics, too, a couple of years earlier — and I also didn't understand, until returning to the same point in graduate school and then teaching it and then writing books about it: drink deep, or taste not the Pierian spring . . ."

"Taste not the Pierian spring" is a reference to Alexander Pope's "Essay on Criticism," a reference you have to get on your own; and there are a number of such references in the book. At one point McCloskey says, "Economists and historians who believe themselves to be quite exempt from any philosophical influences are usually the slaves of some defunct philosopher of science a few decades back — commonly a shaky logical positivist nearly a hundred years back." Here she is mimicking John Maynard Keynes famous statement that "practical men, who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist."

The quotations are many. McCloskey quotes economists Paul Collier, Robert Lucas, Israel Kirzner, F.A Hayek, Joseph Schumpeter, and Frédéric Bastiat; Leveller John Lilburne; Tammany Hall pol George Washington Plunkitt; anthropologist Marshall Sahlins; sociologist Ferdinand Tönnies; historians Christine MacLeod, Joyce Appleby, and Jack Hexter; novelist Jane Austen; essayist Michel de Montaigne; philosophers Alain de Botton, José Ortega y Gasset, John Stuart Mill, Friedrich Engels, and Karl Marx; and the Roman worthy Marcus Tullius Cicero. All this by page 25 — and she keeps it up to page 450.

Meanwhile, she takes jabs at rival academics. In arguing that the huge increase in output during the Industrial Revolution cannot be explained by capital investment, she writes, "Our economist colleagues . . . want very much to go on believing that the quantity of output depends not on ideas independent of material causes but mainly on the labor applied and most especially on the masses of physical and human capital present, Q=F(L,K) — so lovely is the equation, so tough and masculine and endlessly mathematizable."

This is a jab from a woman who famously used to be a man.

Some readers will get annoyed at her presumed indiscipline. One crabby fellow wrote at Amazon.com that McCloskey's first "Bourgeois" book was "rambling, confused (or, at least, confusing), idiosyncratic, grandiose and self-serving." I confess that I tried the first book and gave it up, and that some of those labels might be pasted on McCloskey's current book. It is not, however, "confused." If it occasionally rambles, it does so entertainingly. It is intelligent, and it is not dry. I enjoyed it, and am awaiting Book No. 3. ❑

"Wall Street," directed by Oliver Stone. 20th Century Fox, 1987, 126 minutes.

"Wall Street: Money Never Sleeps," directed by Oliver Stone. 20th Century Fox, 2010, 133 minutes.

Greed Is Still Good

Jo Ann Skousen

"Wall Street" (1987) was one of the first films focused on the inner workings of the financial markets, and is loosely based on the scandals involving junk bonds and insider trading in the 1980s. Michael Douglas won an Oscar for his performance as Gordon Gekko, the ruthless insider who takes down several companies before he is finally caught. His character's name has become so tied to Wall Street shenanigans that business schools reference him in their courses. Hedge fund manager Anthony Scaramucci called his investment memoir "Goodbye Gordon Gekko" (2010), knowing that no one would have any trouble understanding the title. Libertarian reporter John Stossel borrowed Gekko's most famous line, "Greed . . . is good" for the title of one of his best known TV specials (1998). As the sequel to this landmark film opens, it is worth taking another look at the original.

"Wall Street" (1987) begins with a sweeping panorama of downtown Manhattan and the Twin Towers of the World Trade Center. Seeing it today is eerie, since the Towers are now synonymous with terrorism. But it is a reminder that the Towers were once the greatest symbol of capitalism and finance. Symbols don't matter much, however, to Bud Fox (Charlie Sheen). He is a young, ambitious stockbroker making cold calls to potential clients and begging them to give him "just five minutes" of their time. He eventually gets sucked into the glamorous world of massive profits from insider trading. It starts innocently enough, when, in a casual conversation over a beer, his father (Martin Sheen) mentions that a lawsuit against the aviation company he works for, Bluestar, is about to be decided in the airline's favor. Desperate to impress Gordon Gekko with a good investment deal when he finally has that "five minutes" of his time, Bud blurts out that Bluestar is going to be getting some good news. "I just know," he says intensely, when Gekko asks for details. Gekko knows that look.

Gekko is right on both counts. Greed motivates people to work harder and produce more. Greed is good.

As Bud is pulled deeper and deeper into the web of deceit, we see how easily stocks can be manipulated through a whisper here, a nod there, a phone call to the Wall Street "Chronicle" to get a stock puffed in the news, even some old-fashioned detective work to figure out what a competitor is getting ready to do.

Gekko stands as the giant of confidence, swagger, and bravado, his name already synonymous with financial villainy. And maybe for good reason — he does use insider information that is technically off limits because it isn't available to the general public, and he often uses illegal means to obtain that information. He brags, "If you're not an insider, you're an outsider," and tells Bud, "The most valuable commodity I know of is information" (as he sends him out to ferret out some insider info).

Bud doesn't resist very hard being pulled into Gekko's world. When his father chides him because he is so focused on earning money instead of contributing to charity, he responds, "You gotta get to the big time first. Then you can be a pillar and do good works."

But the most famous speech in the movie (inspired by a commencement speech that Ivan Boesky gave in 1986) is delivered by Gekko, and it has actually suffered unfairly from bad press all these years. In fact, it's pretty sound. Having bought up a large percentage of a paper company, he addresses the shareholders to convince them that they should fire the 33 deadweight vice presidents, streamline the company, and make it profitable again. As he tells them, "I am not a destroyer of companies, I am a liberator of them!" It's an important point. Investing in stocks is not just a gamble in paper money. It is the way businesses raise capital and maintain their ability to produce, invest, and employ.

Gekko continues, "Greed, for the lack of a better word, is good. Greed is right. Greed works. Greed clarifies, cuts through, and captures the evolutionary spirit. . . . What's worth doing is worth doing for money. It's a bad bargain if nobody gains. And if we do this deal, everybody gains."

Gekko is right on both counts. Greed is good, and he does lack a better word. If greed motivates people to work harder and produce more, it's good. If it motivates real estate developers to buy decrepit buildings, fix them up, and sell them for a profit, the community gains. If it motivates a health food aficionado to build grocery stores that sell organic fruits and vegetables and expand the business around the world so that others can enjoy healthier food, that's good too. But "self-interest" might be the "better word" Gekko seems unable to find. Greed is good, but self-interest is a better brand.

Unfortunately, the word "greed" carries with it a sense of unfairness, of taking more than you should get, at the expense of others. Gekko contradicts himself when he later says, "It's a zero sum game. Somebody wins, somebody loses. Money isn't lost or made. It's simply transferred." That's a crowd-pleasing line, and it reveals Oliver Stone's own philosophical bias. It is also a falsehood. The idea that there is a finite amount of wealth in the world, and that the only way to gain wealth is by taking it from others, harks back to mercantilism, and was the basis for the colonialist drive to plunder other nations. Adam Smith blew that theory out of the water when he showed in "The Wealth of Nations" (1776) that wealth can indeed be created and expanded, simply by adding time, innovation, and labor to raw materials. A pound of iron may be worth 10 cents, but turn it into horseshoes and it's worth $10. Add coal, heat, and manufacturing to turn it into pins or knives or a toaster oven, and it's worth $100 or more. Capitalism is not a zero sum game. It is the vibrant process by which the Western economy has expanded to an almost incredible extent during the past two centuries.

"Wall Street" appears regularly on such cable stations as AMC and TNT, and is available on Netflix. It has held up well in the nearly quarter century since it was made. The story is compelling and the acting is superb, with the exception of Daryl Hannah as Bud's love interest. (Hannah won the Razzie for Worst Supporting Actress of 1987, and says she has never watched the film.) I like it better than the sequel.

The idea that there is a finite amount of wealth in the world harks back to mercantilism. It's a falsehood.

In some ways "Wall Street: Money Never Sleeps" (2010) feels more like a remake than a sequel. It begins with Gekko (Michael Douglas) being released from prison, so we know the time frame is 15 years later. But it all seems so familiar, as though we had been here before, as indeed we have. It opens with the same sweeping panorama of the New York skyline, though this time with the Twin Towers conspicuously absent. Once again the story focuses on a young, ambitious investment broker, Jake Moore (Shia LaBeouf), trying to break into the big

time and keep up with the pros. Once again we watch the ticker tape of the young broker's first big trade falling steadily until the thud of the closing bell at the end of the day. Once again the wise fatherly stockbroker is named Lou (perhaps because Oliver Stone' own father, Louis, was a stockbroker). Once again the young broker is trying to get funding for a company he believes in. We even see the same real estate broker (Sylvia Miles) that Bud Fox used in the original "Wall Street." And yes, Charlie Sheen does make a cameo appearance, with a babe on each arm, channeling his alter ego from the TV show "Two and a Half Men" more than the sadder but wiser Bud from the 1987 movie.

The story line is similar, too. Gekko wants revenge against a rival investor, and he uses the cocky young broker to help him get it. The details are different, but the story is essentially the same. While "Wall Street" focused on the junk bond-insider trading scandals of the mid-1980s, "Money Never Sleeps" focuses on the economic meltdown of 2008. Scaramucci acted as a technical adviser on the film, and the result is technically accurate, though sometimes to a fault. As the film moves from boardroom to boardroom and talking head to talking head, it is often difficult to understand and process their words before the next dialogue-heavy scene appears. At 2 hours and 13 minutes, the film is long, and the editing is a little too tight. We keep stumbling into conversations that have already started, between people who already know what is going on.

Often those conversations and talking heads are presented in split-screen projections, along with a graph or two, so while we're still listening to one speaker, the next one has already started. It's almost as though the editors knew they couldn't make the movie any longer, but they couldn't bear to throw anything out, so they presented it all at the same time. Some of the computer graphics are pretty cool, such as the one that outlines London's Tower Bridge in the background as it demonstrates a company's rise and fall. Yet I suspect that ten years from now, on cable TV, those graphics will look dated and hokey.

I happened to attend a private screening in Manhattan with a theater full of investment brokers and financial experts. They all loved the film, even those who said they seldom go to movies. I'm sure that for them, it was as simple as a primer. But at one point I just decided to stop trying to understand all the technojargon and focus instead on the storyline: something bad is happening, and those two attractive young lovers are caught up in it. That worked for me.

The two young lovers are Jake and Gekko's daughter, Winnie (Carey Mulligan), who hasn't seen or spoken to her father in several years. Jake wants to bring the two of them together again, ostensibly "to help her heal," but really to get closer to his idol, Gekko, who, despite being a jailbird, is still packing in the crowds on the lecture circuit, promoting his new book, "Is Greed Good?"

Once again, the film shines when Michael Douglas is on the screen. Yes, he is older, but he still has that great self-confident smile, that swagger. He's still talking about greed, and he's still just as flippant. He quips, "Once greed was good. Now it's legal . . . ," and everyone laughs cynically, as though greed was ever *il*legal. I wanted to counter, "Theft is illegal. Fraud is illegal. Greed is human nature."

Gekko continues, "Greed makes the bartender take out three mortgages he can't afford. . . . Greed makes parents buy a $200,000 house and borrow $250,000 against it to go shopping at the mall. . . . Greed got greedier with a little envy mixed in. . . . They took a buck and shot it full of steroids and called it leverage." He's right about those things happening. Many people who are underwater on their mortgages got there today by borrowing the equity out of their homes and using it to pay off credit cards, invest in businesses, or pay their children's college tuition. Or, yes, go to the mall. Others got there because they bought at the top of the market, expecting the bubble to continue rising. But they couldn't have done it without banks giving them outrageously unsubstantiated loans — or the government's encouraging such loans to be given. So why are we bailing them out? Greed was always legal. It just wasn't healthy for certain people.

And maybe the economy needed to get sick for us to learn that. Today people are using debit cards more and credit cards less. They've figured out that airline miles and rewards points aren't really free if they come with 18.6% interest rates. Learning some economic truths has required some belt tightening, but that's a good thing in times like these. We've learned, as Gekko says, that "money is a jealous lover. If you don't watch her carefully, in the morning she'll be gone," and that "speculation is a bankrupt business model." As private citizens we are becoming more frugal and setting our own houses in order. Many businesses are building up their cash reserves instead of borrowing money, so they will have more to spend on future investments. In this economic climate, it's in their best interest to do so. That's called capitalism. And it works. "Greed" is good, but self interest is better. ❑

"You're listening to the NPR pledge drive?" "Yes — I'm hoping to pick up some pointers!"

"God, Man, and Hollywood: Politically Incorrect Cinema from 'The Birth of a Nation' to 'The Passion of the Christ,' " by Mark Royden Winchell. Wilmington, DE: ISI Books, 2008, 451 pages.

Against the Grain

Gary Jason

One of America's major contributions to world culture is its cinema, the body of films produced, during more than a century, by an industry far larger than any other country's. American film at its finest has equaled the best products of the other great film producing countries. And it is the most popular art form: in any given week, far more people will go see a movie than will read a book, visit a museum, or attend a concert.

However, there is a curious anomaly in American cinema. America is, in colloquial political terms, a center-right country. Most Americans support private enterprise and at least the ideology of limited government. And they are — especially in comparison with the people of all other industrialized countries — extraordinarily religious. But the film industry has always, on the whole, been markedly left of center. The dominance of the Left in Hollywood became near absolute in the 1960s, with the demise of the studio system, which had usually been led by people on the Right.

As a consequence, most of the movies that come out of Hollywood are either politically neutral or politically correct. And the politically neutral movies tend to be PG types — which, as Michael Medved has often noted, bring in more money than the R-rated movies. But occasionally a movie sneaks through that, despite the critic's neglect or even disdain, is politically incorrect, and resonates with the public. Mark Royden Winchell has written a delightful book about popular, though politically incorrect, flicks. "God, Man, and Hollywood" reviews a good number of such movies and never fails to deliver new insights.

Winchell is an English professor at Clemson University, and heads its Great Works of Western Civilization program. He is much-published, with books of literary history and criticism, and many essays and reviews. He is thus unlike most movie reviewers in that he is well-versed in literature as well as film.

His book has four sections. In Part One, he reviews in depth six major movies produced before 1960: D.W. Griffith's "The Birth of a Nation" (1915); David O. Selznick's "Gone With the Wind" (1939); Walt Disney's "Song of the South" (1946); Clarence Brown's "Intruder in the Dust" (1949); and the two versions of "Ben-Hur," Fred Niblo's (1926) and William Wyler's (1959). I found Winchell's comments about the first four especially perceptive; he deals skillfully with the issue of race and racial stereotypes in the movies, and his strong literary background serves him well.

Of special interest is his deft defense and explanation of "Song of the South," a popular movie when it was released, but rarely visible now. Disney's movie was based on the books of Joel Chandler Harris (1848–1908).

Harris was born illegitimate and poor, and got his first job working on a plantation. From his fictionalized autobiography and other writings, it is clear that he empathized with African-Americans, slave and free, and was no naive defender of the plantation system. He is most famous for recording the folklore of African-Americans in his Uncle Remus books, from "Uncle Remus: His Songs and Sayings" (1880) to "Told by Uncle Remus" (1905). He uses a literary frame that was also used by his admirer Mark Twain in "Huckleberry Finn" (1884): he invents a lonely young white boy who finds friendship and support in an older black man. He dares to suggest that deep interracial fraternity is possible, and presents a black man as kind and supportive to young whites.

In the film, a man brings his wife and his son Johnny down to the plantation where he grew up and leaves them, apparently because of marital strains. Uncle Remus, who had told his tales to the father when the father was a child, takes Johnny under his wing. With his stories of the clever Br'er Rabbit, he helps Johnny become more confident and independent. His mother reacts by forbidding Uncle Remus from talking to her son, and the disheartened Remus leaves in a cart for Atlanta, where the father lives. Johnny chases after him but is knocked out by a bull. The father returns, but neither parent can awaken him. Only Uncle Remus can bring him back. The film ends with Johnny and his young friends walking up a hill with Uncle Remus, as a young black boy sings "Zip-a-dee-Doo-Dah" (a song that won the Academy Award in 1947). Interspersed in the movie are animated sequences of Br'er Rabbit and his associates, Br'ers Fox and Bear.

Movie critics complained about the movie's sentimentality, and a number suggested that it would have been better if it had been fully animated (as it stands, it is less than a third animated). But Uncle Remus caused the real controversy. The complaint was that he was an Uncle Tom stereotype — not a real man but a playmate of white boys (hence just a "boy"). Ironically, the movie put Harris' books into disrepute. Winchell helps to reestablish the value of the Uncle Remus story cycle.

In the second part of the book, he gives extended reviews of five major films of the '60s and '70s: John Ford's "The Man Who Shot Liberty Valance" (1962); Franklin Schaffner's

"Patton" (1970); Stanley Kubrick's "A Clockwork Orange" (1971); Sam Peckinpah's "Straw Dogs" (1971); and Michael Cimino's "The Deer Hunter" (1978).

His discussion of "Patton" rightly points out how great an anomaly it was — coming, as it did, during the unpopular Vietnam war. Hollywood and literary circles were churning out antimilitary works, with even World War II coming in for criticism (in books and movies such as Joseph Heller's "Catch-22" and Kurt Vonnegut's "Slaughterhouse-Five"). Though "Patton" was a fine bioflick, its popularity with people of the Left as well as the Right came as a surprise. But here is one subject on which I am not sure that Winchell, as insightful as his discussion is, has exactly the right take.

In Winchell's view, the Oscar-winning script (written by Francis Ford Coppola) portrays the general as a "maverick." Those who were protesting the war, being rebels themselves, could respect *this* general, a rebel himself. And, Winchell adds, the general's belief in reincarnation may have appealed to the counterculture's tendency toward mysticism and nontraditional religions. But I think there is a better reason for the film's popularity. The script is cleverly Janus-faced, showing the general in two opposing ways: as a brilliant and heroic general, a man who stands on top of a truck to fire his pistol at a Nazi fighter strafing near his headquarters; and as a man of incredible vanity, a warmonger (during a banquet celebrating victory over the Nazis, he deliberately and without any provocation insults a Soviet general), and a crank who harbors screwy beliefs in reincarnation (he knows he fought the Carthaginians, and can even locate the battlefield). Pro-military viewers saw the story of a war hero brought down by small-minded, namby-pamby people; antimilitary viewers saw a bloodthirsty wingnut finally brought to justice.

The third part of Winchell's book provides discussions of movies from the period 1989–2004: Bruce Beresford's "Driving Miss Daisy" (1989), Richard Attenborough's "Shadowlands" (1993), Ang Lee's "Ride with the Devil" (1999), Martin Scorsese's "Gangs of New York" (2003), and Mel Gibson's "The Passion of the Christ" (2004).

Winchell's treatment of Gibson's movie is especially worth commenting upon. He observes that critics and journalists generally heaped vicious insults on it, alleging that both it and its director were anti-Semitic. No doubt Mel Gibson's own behavior before (and after) the movie would give the average person the same kind of qualms. But what about the movie?

I certainly saw nothing anti-Semitic in the film, and I am not exactly a fundamentalist Christian — far from it. I'm an agnostic and completely indifferent to religion of any form. In the movie, of course, the people who condemn Jesus are Jews, but then so is Jesus, his disciples, and all the people who defend him. Really, the people portrayed most harshly are the Romans and the Devil (who is placed in a very bad light, indeed).

And Winchell notes that prominent (conservative) Jews defended the film — indeed, Michael Medved, a prominent film critic, political commentator, and observant Jew, used his good relationship with the Gibson team to try to bring them into a dialogue with the Anti-Defamation League. It was the ADL that refused. Medved was shown the pre-edited version of the film, and while he didn't see it as anti-Semitic, he did suggest a number of changes to make it less controversial and more palatable to Jewish audiences. Gibson incorporated these suggestions, but that didn't avert the critical whirlwind.

Why the fury? Some critics complained about the film's graphic violence. But those complaints were obviously both phony and fatuous. They were phony because for decades now even the most critically acclaimed movies, such as "Saving Private Ryan" and "The Godfather," have been laden with graphic violence, not to mention all the teenage horror flicks — consider "Saw" and "Nightmare on Elm Street" — that are even more packed with gore. And the complaints were fatuous because this is a movie that is precisely about one of the most violent ways to torture and kill a person — crucifixion.

No, I think that Winchell is spot on in his identification of what made this movie so offensive to the critics — its pure religiosity. It presents realistically the most important claim of Christianity, the idea that Jesus was crucified and resurrected. It is the most vivid and accurate rendition of that key piece of Christian theology as can be imagined, with most of the dialogue in Aramaic, and the rest in Hebrew and Latin. It is far more frankly and unequivocally Christian than all the religious movies that went before it, especially Biblical epics such as "The Ten Commandments." (Pope John Paul II was reported to have said after seeing it, "It is as it was.") This is what was so especially galling to many viewers, and most critics, especially those of secularist or liberal Christian outlook.

In the last part of his book, Winchell gives very short (three- or four-paragraph) synopses of and commentaries upon one hundred other politically incorrect movies. Many of them are well-known ("On the Waterfront," "The Chronicles of Narnia," "Braveheart"), and many rather obscure ("Destination Moon," "We the Living," "The Fanny Trilogy"). Again, his discussions are always interesting.

One film of great interest is "Dirty Harry," the 1971 movie directed by Don Siegel and starring Clint Eastwood, which spawned several sequels. Winchell points out that it was a popular hit because (like a movie he doesn't mention that appeared at about the same time and with the same number of sequels, "Death Wish," starring Charles Bronson), it tapped into the public's frustration at the explosion of violent crime. He recognizes that while a number of critics reacted hysterically to what they called "fascism," the title character was actually portrayed as an honest detective who defies the system to achieve justice. The critics' hysteria showed that they were part of the dominant power elite that was truly "soft on crime."

Most of the movies that come out of Hollywood are either politically neutral or politically correct.

Winchell's book is a learned but lightly written treat, one not to be missed by anyone who loves film and

is concerned about the reaction against films that violate some aspect of a dominant ideology. Perhaps in any future edition of the book Winchell will spend a few paragraphs on "Gran Torino," a 2009 movie that Eastwood directed. Here he stars as an aging Korean War veteran who confronts the local gangs in his ethnically changing neighborhood. It doesn't end in a politically incorrect way; it appears, in fact, to be an act of atonement by the now established, Oscar-winner Eastwood, a way of saying to the film community that he regretted those earlier, popular anti-crime flicks. ❑

"Shane," directed by George Stevens. Paramount, 1953, 118 minutes.

Tragedy on the Commons

Jo Ann Skousen

Jean Arthur was a charming actress, best known for her squeaky voice and comedic perfection in the screwball comedies in the 1930s. Recently I read an insightful biography of her: "Jean Arthur: The Actress Nobody Knew" (by John R. Oller, Limelight Editions, 1997). It led me to rewatch several of her films, including "The More the Merrier" (1943), "You Can't Take It with You" (1938), and her final and most serious film, "Shane" (1953).

"Shane" is ranked number 3 in the American Film Institute's list of the ten greatest films in the Western genre. Yet rankings like that mean nothing unless people watch and rewatch the movie, and pass it along to people who haven't watched it yet. And "Shane" provides a lot to watch and consider, much of it of special interest to libertarians.

Set in the 1880s, it chronicles the tension that arose between ranchers and farmers as families began to homestead in the west. The ranchers needed wide-open prairies to let their cattle graze, while the farmers needed fences to protect their crops. "Shane" vilifies the ranchers' position in the person of Rufus Ryker (Emile Meyer), who wants to drive away all the homesteaders; and it romanticizes the homesteaders in the starry-eyed Starrett family.

Shane (Alan Ladd) is the mythical hero who appears on the scene at a crucial moment to save the community of homesteaders, not unlike Oedipus arriving in Thebes just in time to save that community from the Sphinx. With his golden curls, his sleek physique, his masculine buckskins, and his pearl-handled pistol, Shane exudes a magnetism felt by men, women, and children alike. Even animals are drawn to him. But he is a former gunslinger trying to escape his past. When he meets the Starrett family, he takes off his gun, trades his buckskins for denim, and accepts their offer of hospitality and a job.

Everyone in the Starrett family takes to Shane. Joe (Van Heflin) sees a partner who can share both work and friendship. His wife Marian (Jean Arthur) is overwhelmingly attracted to him, and struggles to control her feelings. It is clear that she loves her husband, and that he adores and respects her. But she loves Shane too. Little Joey (Brandon de Wilde), idolizes Shane and his six-shooter with wild-eyed abandon. At one point little Joey confides in his mother, "I love Shane. Almost as much as I love Pa." His earnest expression of inner conflict reflects the confusion they all feel about their relationship with the mysterious visitor. This sub-story dominates the film and is one of the reasons "Shane" rises above the level of mere "horse opera" or "oater."

It's natural that in a film made in the '50s, the homesteaders should be portrayed as the good guys and the ranchers as the bad guys. The homesteaders are family men with wives and children; they shop at the dry-goods store and bring home candy and hats. The ranchers are unshaven, slovenly bachelors who spend their time at the saloon, drinking, spitting, and plotting how to get rid of the "sodbusters." Eventually Rufus Ryker hires Jack Wilson (Jack Palance, when he was still deciding whether to call himself Walter or Jack), a gunslinger from Cheyenne, to do their dirty work for them. When Ryker says of Starrett, "I'll kill him if I have to," Wilson quips cynically, "You mean *I'll* kill him if you have to."

But who is actually good or bad? If we look at the story a little more carefully, we discover that the plot of "Shane" is an early example of eminent domain.

In an impassioned defense of his position, Ryker tells Starrett:

> When I come to this country you weren't much older than your boy there. We had rough times. Men that are mostly dead now. I got a bad shoulder yet from a Cheyenne arrowhead. We made this country! We found it and we made it. With blood and empty bellies. Cattle we brought in were chased off by Indians and rustlers. They don't bother you much any more because we handled 'em. We made a safe range outta this. Some of us died doing it. We made it.

Of course, Ryker glosses over the fact that another group of people controlled the land before the Europeans arrived to push them off, but from his perspective, cattlemen risked their capital, and even their lives, to claim this land, when only fur trappers and adventurers were willing to go into the wild.

Then, when it was finally safe to live

there, the U.S. government decided it would be in the country's best interest to encourage whole families to move westward, building communities that would include schools, churches, and millinery stores, instead of just saloons and brothels. Under the Homestead Act of 1862, any natural-born or naturalized citizen of the United States who had "not taken up arms against the United States" (in other words, Confederates and Mexicans need not apply) could claim a parcel of public land that would be deeded to him if he resided on the land without interruption for five years. The deed could be revoked if he did not continue to reside there for another two more years. For the amount of time that Jacob worked for each of his wives in the book of Genesis, a man could own a farm outright. It was an effective way to lessen the population burden in the cities along the eastern seaboard, to move Yankees westward, and to maintain control over the vast interior of the continent against those pesky Indians who kept trying to reclaim their own property rights.

Ryker brings up another important issue when he continues:

> Then people moved in who never had a rawhide in their hands and fenced off my range and fenced me off from water. Some of 'em, like you, ploughed ditches and take [sic] out irrigation water, so the creek runs dry sometimes. I've got to move my stock because of it. And you say we have no right to the range! The men who ran the risks and did the work have no rights?

Starrett's response is weak: "You talk about rights. You think you have the right to say that nobody else has got any. Well, that ain't the way the government looks at it."

This is the public-works argument that is always used to defend the need for government regulation — or, in today's parlance, "cap and trade." How do we properly distribute natural resources? How do we properly control pollution? In this case, who owns the water? Does the person on whose property the spring or lake originates control all the water that flows from it? Or does it become the property of the person on whose land it flows? Is it okay to form a dam or a diversion in order to irrigate one's own crops effectively? Or is irrigation only acceptable if everyone agrees to share and take a turn? What if one person doesn't agree — does the majority have the right to force him to agree? These issues cause the libertarian in me to rethink the heroes and the villains in this fine movie, regardless of who wears a beard and who is clean-shaven, or who wears a white hat and whose hat is black.

Another libertarian issue arises in the fact that there is no representative of the law in this community. The nearest sheriff is hundreds of miles away, and laws are enforced by the willingness or unwillingness of the community to abide by them. Instead, a code of the West arises, with a specific set of morals and acceptable punishments. Don't put on a man's hat. Don't touch his horse. Don't hit a woman. Don't shoot an unarmed man. Don't draw unless he draws first. Lacking a lawman in town, injured parties can mete out immediate justice against violators of the code. Knowing this, Shane takes off his guns and tries to broker a peace based on detente. But no lasting solution to the conflict is offered or even discussed in the film.

For good or ill, the two groups resolve their issues without the intrusion of government or judicial system, beyond the Homestead Act that brought families to the area and the unseen Army that helped remove the land's previous inhabitants. Virtual anarchy reigns, but without chaos. Storekeepers provide goods, families provide education, and community activities such as an Independence Day celebration are sponsored and enjoyed by common consent. The farmers join together to form a common defense, while the rancher employs a mercenary security system. Nevertheless, at the end of the week, four men are dead, one homestead is burned to the ground (despite the efforts of the volunteer bucket brigade), a family has been left fatherless, and several people have been run out of town. Anarchy seems not to have all the answers. How can the farmer and the rancher coexist? Both need grain; both need meat. Couldn't they look for peaceful solutions, such as selling their goods to each other? Not in this film. The final shootout is inevitable from the moment Shane enters the picture.

And what an impressive entrance it is! Politics aside, this film is a work of art. In the very first scene, notice how the deer appears to be kissing itself in the water as it noses into the pond to drink. Then, as the buck lifts its mighty head, we see Shane arriving far in the distance, perfectly framed between the deer's antlers. How does a director get a wild animal to behave so perfectly on cue? And without cell phones to alert the actor? Simply amazing.

Jean Arthur, too, is superb in presenting the tension felt by a woman suddenly overwhelmed by passion for a man who is not her husband. Her acting is restrained, yet full of emotion, just as such a simple country woman would behave. When Joey openly declares his love for Shane, she cautions him, "Don't get to liking Shane too much. . . . He'll be moving on one day. . . . You'll be upset if you get to liking him too much." Of course, she is really cautioning herself. Perhaps because the story is told through the eyes of young Joey, the relationship between Marian and Shane remains completely chaste. They touch only twice: at the Independence Day dance, when they are pushed together by fate to dance a reel, and at their goodbye, when Marian bids him farewell in a formal handshake and says haltingly, "Please. . . . Please. . . . "

Several times, Marian speaks to Shane through the window of the family's cabin. Metaphorically, she is on the inside and he is on the outside, foreshadowing the ending when, although Shane has saved the community, he cannot stay in it. Like Oedipus, he is the tragic hero who sacrifices for his community and then is banished from it. "There's no living with a killing," he tells Joey. "There's no going back from one." As Shane rides away into the sunset, director Stevens uses an echo effect to drive home the force of Marian's unspoken longing. Joey calls after him, "Don't go! Mother wants you [wants you wants you wants you]! I know she does [she does she does she does]." This unresolved yearning (which exists in the whole family) lasts long after the movie ends, giving the film more power than any happy ending could have delivered. With this ending the film seems to suggest that civilization needs and longs for outsiders, not only to fight our battles, but to bring romance, wisdom, and wonder into our lives. ❑

"Easy A," directed by Will Gluck. Sony/Screen Gems, 2010, 93 minutes.

The Bogus Letter

Jo Ann Skousen

Here's a new twist on an old formula: boy pays girl to pretend she likes him, so other kids at school will think he's cool. It worked in "Can't Buy Me Love" (1987), when geeky Roland Miller (played by dreamy Patrick Dempsey) hired the lovely and popular Cindi Mancini (Amanda Peterson) to pretend she was his girlfriend. Cindi went along with it because she desperately needed $200, but she established strict rules governing their relationship, and it remained chaste until after the pseudo-romance blossomed inevitably into genuine love. That was a sweet movie about the superficiality of teenagers and the transformative power of a good haircut.

"Easy A," however, avoids the relationship and cuts to the chase. In this film we are expected to believe that geeky teenaged boys would pay a girl simply to let them *say* "I had sex with her" (as though boys ever had to ask permission to start rumors like that). Moreover, we are expected to believe that a pretty, witty, and seemingly intelligent girl would be willing to destroy her reputation just to help these poor slobs out. Even more, we are expected to believe that having a one-time-only roll in the hay with the high school tramp (read on) would make these boys seem anything other than pathetic. I just don't buy it.

As if that didn't require enough suspension of disbelief, we then have to buy the idea that, after the girl has destroyed said reputation, the guy of her real dreams would still want her, slutty reputation and all, no questions asked. I may be old, but I don't think human nature has changed that much since my dating days.

The film is presented episodically as Olive (Emma Stone) tells the story of her descent into infamy by means of her webcam journal. Supposedly Olive has been "invisible" and ignored by her peers, and this has caused her to give up on maintaining her good reputation. But she is friends with one of the coolest girls at school and is invited to her parties. She seems to be friends with the jocks and the cheerleaders as well. So I don't get this angle either: why should she agree to say she has slept with all the losers in the class?

It begins innocently enough, with Olive making up a date with an imaginary boyfriend to avoid going camping with the family of her best friend, Rhiannon (Alyson Mychalka). When Rhiannon asks for prurient details about the date, Olive goes overboard in describing a night of passion, unaware that Marianne (Amanda Bynes), the class prude, can overhear them. Marianne spreads the false story, and everyone at school starts talking about Olive and her mysterious college boyfriend. Instead of denying it or ignoring it, Olive embraces her new reputation by pretending to sleep with every boy who proffers a gift card, beginning with her gay friend Brandon (Dan Byrd) who wants to stay in the closet. Puh-leez!!

Coincidentally, Olive is studying Nathaniel Hawthorne's "The Scarlet Letter" at school, so to demonstrate her contempt for the way others are treating her (even though it's her own fault for lying to them), she buys an assortment of bustiers and corsets, adorns them all with deep red A's, and begins living the martyred life of Hester Prynne. (Or so we are led to believe.)

However, as anyone who has read "The Scarlet Letter" knows, Hawthorne's Hester is not a slut. She does not happily service every unhappy man in town — or pretend to. She falls in love — true love — with a man whom she cannot marry, and she becomes pregnant. Shunned by the community when her pregnancy begins to show, and forced to wear a letter A on her clothing as a brand, Hester lives a life of solitude and service to the community that has shunned her. She does it on her own terms, with her head held high. Through her actions, as time goes on, the "A" seems to transform itself from "Adulterer" to "Angel" in the eyes of many of the women in town, although they never lift the shunning. For Hester, the scarlet letter is not an "easy A." It comes at a high cost. In fact, she names her baby "Pearl" to acknowledge the "great price" she has paid.

Like Hester, who is persecuted by her community's puritanical leaders, Olive is persecuted by an overzealous Christian Club at school, led by Marianne. Members of the club are presented with typical Hollywood venom. They are self-righteous, cruel, vapid, and judgmental — and at least one is a sexual hypocrite (of course). By contrast, Olive's parents (Stanley Tucci and Patricia Clarkson) are presented as hip, witty, and cool. Olive banters with them, exchanging clever word plays and literary references. But they are too hip — or too hippie — to provide any actual parenting, rules, or guidelines. "You know we accept your choices," is all her mother says about the bizarre new wardrobe, providing a contrast to the judgmental Christian Club, but not much help.

School administrators are no better

— the principal gives her detention for using the British curse word for a female body part, but says nothing to her about wearing lingerie as a shirt. Olive's guidance counselor (Lisa Kudrow) is useless, giving Olive a handful of condoms when what Olive really wants is help figuring out how to undo the web of lies that entangles her.

Usually I enjoy teen films that borrow their plots from classic literature. I'm thinking of such films as "Clueless" (1995), based on Jane Austen's "Emma," and "10 Things I Hate about You" (1997), based on Shakespeare's "The Taming of the Shrew." These timeless stories translate well to modern settings, giving the films greater resonance and depth. But this one doesn't work. It's hard to root for a teenager who glorifies casual sex, teen drinking, and pal parenting, or a film that embraces stereotypes of any kind, whether Christian or gay. (Or business. When a Quiznos mascot shows up inexplicably at a Christian protest, Olive complains derisively, "The only thing that trumps religion is capitalism.") Oh, Hollywood. You are so predictable.

On the surface, the movie is a lot of fun. Emma Stone is a fine actress (if a bit old for this part). She is cute, sassy, smart, and fun, reminiscent of Lindsay Lohan in "Mean Girls" (before she was ruined by some of the same casual values portrayed in this film). Critics have almost universally praised the film for its high quality of acting, its humorous banter full of literary allusions, and its funny situations as the virginal Olive pretends to have sex. In the most memorable scene, Olive and Brandon stagger into a house party, feigning drunkenness, and ask for a bedroom where they can "finish what we started" in the car (wink, wink). Partygoers gather around the closed door to listen as the two jump on the bed, pound on the wall, moan and shout while they pretend to have sex. (He's gay, remember, and she's a virgin, so neither of them has any experience in "lemon-squeezing," as Brandon so delicately puts it.) A movie hasn't been this much fun since Harry met Sally.

So why do other reviewers find this film funnier than I do? I think they are blinded by the age of the actors. Emma Stone and Dan Byrd (Olive and Brandon) are both in their mid-20s. They're adults. It's easy to forget that they are portraying children. But if 16-year-old Dakota Fanning were playing 16-year-old Olive, I think audiences would have a completely different reaction to the film.

My biggest beef with "Easy A" is that it simply looks too easy. Olive ruins her reputation with a long list of pretend liaisons, and then restores it overnight, just by telling the boy of her dreams that it was all made up. But as any real girl will tell you, it ain't that easy when you're easy. If we learn anything from "The Scarlet Letter," it is that reputations are easily tarnished, but painfully restored. There is no such thing as an easy A. ❑

"The Town," directed by Ben Affleck. Warner Brothers, 2010, 125 minutes.

The Boys of Boston

Jo Ann Skousen

"The Town" tells the story of four childhood friends who have grown up to follow in their fathers' footsteps. Unfortunately, those footsteps have led in most cases to prison or death. In Charlestown, Massachusetts, we are told, "Bank robbery is passed down from fathers to sons like a family business."

The film opens in the middle of a well organized bank heist. The robbers, dressed in Halloween masks and toting AK-47s, sail through the bank with speed and confidence, disabling cell phones and computers as they head for the vault, where they coolly check for dye tags and take only the clean stuff. When one quick-thinking employee sets off the silent alarm, they decide to take the pretty young bank manager, Claire (Rebecca Hall), as a hostage.

Most of the gang members are typical thugs, but Doug (Ben Affleck) is the robber with the heart of gold who wants to break away but can't leave his friends. After they let Claire go (unharmed), Doug decides to track her down, ostensibly to find out what she might have told the FBI, but also to see how she's coping with the ordeal. He ends up falling for this pretty girl from the other side of town, despite the fact that he is already in a relationship with a local girl (Blake Lively), the sister of his best friend and partner, Jim (Jeremy Renner). Claire represents the life Doug might have had if he hadn't grown up in the projects of Boston. He is torn between loyalty to his pals and a desire for a different life.

The film has plenty of excitement, with a thrilling car chase down narrow Boston alleyways, and a shootout at Fenway Park. The robbers are cool, their plans are smart, and one of them has an itchy trigger finger that can get them all the death penalty if his bullets hit home. We especially feel sympathy for Doug, a good guy growing up in a bad situation.

The film doesn't praise or glorify

crime so much as it attempts to explain it. Life doesn't provide white picket fences for kids in the projects. Parents often end up dead or in prison, or they just walk away. Children learn to keep their eyes open and their mouths shut. They create their own code of right and wrong, with loyalty to friends at the top of the list.

The relationship between Doug and Jim, whose family took Doug in when his father went to prison, is best portrayed when Doug comes to Jim with a special request. Angry at some hoodlums who have been hassling Claire, Doug says to him, "I gotta ask ya to do something. I can't tell ya why. We gotta hurt somebody." Jim replies without question, "Let's go."

What happened in Charlestown? Why is it such a bastion of bank robbers and auto thieves? The film offers several reasons. As the FBI agents begin to close in on the robbers, Agent Frawley (Jon Hamm) comments dryly, "We won't get 24-hour surveillance unless one of these guys converts to Islam," suggesting that Homeland Security diverts funds away from hometown security. But it's more than that. In another telling scene, when the gang has outrun several police cars and crossed the bridge from Boston to Charlestown, they suddenly come eye to eye with a local policeman. He stares at them, and they stare at him. They're caught. Then the cop deliberately turns his head and looks the other way. It's hard to tell the good guys from the bad guys when they all grow up together.

Despite all this, or maybe because of it, the film is more than a typical bank heist flick; it is Ben Affleck's love letter to a town he adores. He grew up in the neighborhood of Boston, and he knows her seedy side as well as her beauty. He knows her accents and her moods, and he knows how to charm her into giving him exactly what he wants. Affleck's acting career has had its ups and downs, but Boston is clearly his lucky charm. He earned an Oscar (with Matt Damon) for the screenplay of "Good Will Hunting" (1997), set in Cambridge, where the two actors grew up. His directorial debut, "Gone, Baby, Gone" (2007), also set in Boston's seedy district, earned both critical accolades and box office success. "The Town" makes it a hat trick. Affleck is clearly back on top. ❑

"Catfish," directed by Henry Joost and Ariel Schulman. Rogue Pictures, 2010, 94 minutes.

This Is Not a Pipe

Jo Ann Skousen

There was a time when drama focused on the acts of the rich and legendary. From Sophocles to Shakespeare, plays were about kings and heroes, gods and generals. When Henrik Ibsen introduced realism in the 19th century, critics predicted that no one would spend money to see ordinary people talking about such ordinary subjects as middle-class marriages and household budgets. But the critics were wrong. Audiences embraced these plays with characters very much like themselves, facing problems very much like their own.

We are seeing a similar shift in entertainment today, with the proliferation of webcams, weblogs, social networks, and reality TV. I don't predict an end to scripted movies by any means, but I do see a growing interest in documentaries that chronicle what real people are doing. In fact, documentaries are the fastest growing film genre today. Close to 9,000 were submitted to Sundance for consideration last year alone.

Another reason for the growing popularity of documentaries is the recent advance in digital film technology, making it possible for virtually anyone to be a filmmaker. Leaving behind the graininess of video tape recorders, the new digital cameras produce images with the crisp clarity of film, at a fraction of the cost. Documentarians no longer have to worry about the cost of purchasing and developing 70mm film, or of renting expensive cameras worth tens of thousands of dollars. For a couple thousand bucks, anyone can own a good quality digital movie camera, and for a few hundred dollars more, can store hundreds of hours of footage. As a result, people have the luxury of keeping the cameras rolling and editing the stories later.

One trouble with real documentary work, however, is that the filmmakers have no control over the plot. They begin with an idea, but not a script. They're more like the hiker out for a walk than the adventurer out to scale Mt. Everest. They know the general area they plan to explore, but they don't know where specific trails will take them, until they go there. Often the story makes an unexpected turn, and they have to choose whether to pursue the original idea or detour down the new path.

Sometimes documentarians get extremely lucky, as did Byambasuren Davaa and Luigi Falorni when they filmed "The Story of the Weeping Camel" (2003) — how could they have anticipated that a rare white colt would be born while they were filming? The result was magical. Other times, documentarians end up creating the story;

Woodstock would have been just one of many music festivals in 1969, hardly remembered at all, if not for the award-winning documentary made of the event (and filmed in part by a young NYU film student named Martin Scorsese).

Fewer than 1% of those 9,000 documentaries submitted to Sundance last year were accepted. "Catfish" was one of them. In fact, it was all the buzz, and for good reason. The story is engaging, the main character good-looking and likable, and the suspense well-developed. The filmmakers also had the good fortune to stumble onto a story they could not have predicted when they began. And what a story!

The film starts simply enough. Shortly after photographer Yaniv Schulman has a dance photo printed in The New York Times, he receives a fan letter from a talented young artist, 8-year-old Abby, who sends him a remarkable painting of his photograph, followed by several additional paintings. Thus begins Yaniv's online friendship with Abby, her mother Angela, and her beautiful 19-year-old sister Megan. As Yaniv becomes more and more involved with Megan and her circle of Facebook friends, his brother Ariel and his friend Henry Joost, budding filmmakers, start filming. After several months, Yaniv begins to fall in love with the girl he knows only through texting, emails, and phone calls, and the filmmakers decide it's time for a road trip. The resulting film is fascinating, funny, charming — and chilling.

This film could not have been made 20 years ago, or even ten years ago. In many ways it is both a celebration and a condemnation of modern communications technology. GoogleEarth, Google search, youtube, g-chat, Facebook, iTunes, cyberstalking, texting, sexting, and even identity theft — all of these play a role in the telling of this story. It's a cautionary tale, as old as "Little Red Riding Hood" and as contemporary as the TV show "CSI"; as emotionally simple as a love story, but as psychologically complex as the movie "Three Faces of Eve" (1957).

And that's all I'm going to say about "Catfish," because I want you to enjoy the filmmakers' unexpected path as much as I did. Shocking yet strangely moving, "Catfish" will reel you in. ❑

Whatever Happened to Integrity?, *from page 32*

directives, he could have done so more effectively if he hadn't allowed his staff to bill the message as a major step forward for gay rights. It wasn't. The memo wasn't a sincere attempt by Obama to combat antigay bias; it was a cynical attempt to impress LGBT supporters that he's doing something for them when he isn't. Not much integrity there.

The antics of academic or political or journalistic operators resurrect an old philosophical question: Are political conditions in the great liberal societies conducive to acquiring the self-knowledge necessary for integrity and, more importantly, for *acting* with integrity? Maybe not. Because those societies may not be great or truly liberal any longer.

Integrity in fact and argument is consistent with straight talk, not cagey rhetoric. We expect straight talk from friends and family — and we should demand it from public figures too. If a friend spoke to us in the way that people too often speak to us in public, we'd sense that something was very wrong. Rational people shouldn't accept, as some pseudo-sophisticates do, being manipulated by people they are asked to trust.

We need to mind our own integrity as listeners and readers. Integrity has something to do with self-knowledge, the ability to assess ourselves in the context of a moral system that demands something of us. In this sense, are we people who expect to be manipulated? And, if we are, is that identity desirable? Does it allow us integrity? ❑

Reflections, *from page 28*

or synchronization, so often the movie reviews were spotty. We might not have any for a month or two, and then three of us would send reviews of the same movie at once. To ease the problem of feast or famine, I offered to take on the job of entertainment editor in 2006, and I've been reviewing movies, books, and Broadway shows for these pages ever since.

I use the phrase "these pages" nostalgically, for this is the final issue that will appear in print. Over the years I have enjoyed my position as movie reviewer. I love having a reason to go to the movies, and a reason to do more than just watch passively. Writing for Liberty has given me a voice, and it has also given me a reason to engage intellectually with the films I watch, whether they are good or bad. I hope my reviews have been helpful to our readers, but as a libertarian, I know that helping you is not my primary goal. I write these reviews because doing so pleases me, and if in the process it pleases you too, I am so much the happier for it. — Jo Ann Skousen

Coulda been a contender — Politics is only part policy. It's also a large part psychology. This is a point that policy-minded libertarians need to remember. We complain about the glaring elitism of Barack Obama and other establishment statists; but we fail to grasp the important aspirational quality of their elitism.

Just recently, at a cocktail party, I spent some time speaking with a small-town potentate. As the talk went on, he made some boozy boasts about his heavy connections with Democratic Party big shots in the state capitol. Now, generally speaking, this fellow had quite a bit to boast about. He is "self-made," having attended one good state university for his undergraduate degree and another for graduate school. (He doesn't understand . . . or doesn't readily admit . . .that government subsidies had a lot to do with his education and certification.) He's done well in his career — owning one of the finest houses in town and being appointed and subsequently elected to a high-profile local-government job.

Full of this, perhaps, he confided in me that the big people in the capitol were passing his name along for an appointment in the Obama Administration. A more sociable person would have let the boast slide; but I couldn't. In my wittiest tone, I said: "Really? But you don't fit the profile. You didn't go to

an Ivy League school and you've never worked at Goldman Sachs."

He was stunned for a moment. And then crestfallen. Literally, he looked at the ground. But when he looked up again, there was a sneer on his face. He muttered something indecipherable that included the word "fucking" and walked away.

Obama's political power — and Clinton's, before him — had a lot to do with the fact the petit bourgeois identified with him. He's like them. He made it "on his own." The student loans that he and his wife struggled to repay weren't a subsidy from a generous country; they were a hassle. If the Obamas made it all the way to the White House, well, maybe small-town potentates can, too.

I don't mean, entirely, to ridicule this aspirational identification. It's democratic, in the good sense. But it's also selective. And self-serving.

There's another mainstream American politician who taps into aspirational identification. That's why Sarah Palin drives the statists insane. She's encroaching on their psychological franchise. — Jim Walsh

Implant and entrap — Any notion that the Left is friendly to civil liberties should have been evaporated by a recent decision of the famously "liberal" 9th Circuit Court of Appeals.

The court refused an appeal by a marijuana grower who complained that his rights were violated when DEA agents hid a GPS on his vehicle. The DEA put the tracking device on his Jeep without a warrant, even though the police had to trespass on private property to get to it. Perfectly acceptable, claimed the court, since the police did nothing more than a child might do, retrieving a ball that had rolled under a car.

As these devices become cheaper with every round of electronic innovation, it is only a matter of time before we all will have one of them affixed to our undercarriage. — Tim Slagle

Liberty is dead; long live Liberty! — It is a bittersweet moment, writing reflections for the final print version of Liberty. While I feel that the transition to the internet is long overdue, there has always been something special here. I have cherished my contributions, and tortured the deadlines, for over 11 years now, ever since Bill Bradford invited me to join the eclectic group of writers he assembled here.

The simplicity of the magazine, its two-color cover filled with text, seemed like something from an era gone by. Liberty had the feeling of an underground newspaper, and I always felt as if I were writing for one. The subscribers of Liberty are like a private club; there is a freedom in writing things for an audience limited to the reader base of the magazine. There was also a kick going into bookstores across the country and picking up a copy just to see my name in a town I had never visited before. (I hate to admit I did that much more frequently than a humble man should.)

I am shocked that it's over, even though I knew the transition was bound to happen eventually. In the electronic age, when opinions flash across the internet within seconds of a news event, having to wait two months between the event and the magazine's publication seemed quite archaic. But for the same reason, the things I wrote here were forced into a depth that transcended the 24-hour news cycle. While I eagerly await the new era of Liberty, I cannot deny that a part of me grieves. — Tim Slagle

Shangri-LA — At the state level at least, the biggest area of wasteful spending is public education. On August 22 the AP reported a perfect illustration of such waste in the recent opening of what it calls a "Taj Mahal school" (a school costing more than $100 million to build) in LA-LA-Land. The LA Unified School District (LAUSD) has just opened the most expensive school in the country.

This edifice — the Robert F. Kennedy Community Schools campus — cost an astonishing $578 million. *Million*! It is a complex designed to house 4,200 K-12 students in style. It has murals (which will no doubt be covered in graffiti ere long — they should have just put up blank canvases), a large public park, a huge swimming pool, and a massive marble monument devoted to Robert Kennedy (the school was constructed on the site of the old Ambassador Hotel, where Kennedy was assassinated in 1968).

This isn't the only Taj Mahal school that LAUSD has built. Last year it opened the Visual and Performing Arts High School, which cost $232 million, and the year before it opened the $377 million Edward Roybal learning center (named after another Democratic politician).

The Roybal school is a real pip. The district cleared the land for the 2,400-student building, only to discover that it was building the school on an earthquake fault, over a methane gas field, and on polluted soil. It took 20 years to finish the place, which includes a dance studio with cushioned maple floors, a ten-acre park, a massive kitchen with a restaurant-quality pizza oven, and teacher "planning rooms" between the classrooms.

A big reason for the insanely high prices for such massive school boondoggles is the fact that the projects had to employ unionized labor.

How can the LAUSD afford to open these lavish new schools? I mean, it is one of the most incompetent bureaucracies in the world, with an aggregate 50% student dropout rate and a $640 million budget deficit. It laid off 3,000 teachers in the last two years alone.

The answer is simple. Some time back, the idiot voters of the state approved a $20 billion bond issue to build schools, so the education pigs have a big trough to feed in.

To be fair, Taj Mahal schools are not found only in LA-LA-Land. Dozens of such schools have been built nationwide, with every imaginable amenity (atriums, food courts, auditoriums with orchestra pits, and so on). For example, Newton North High School in Massachusetts cost nearly $198 million. But it figures that the record would be set by the LAUSD, a nearly bankrupt school district, in a nearly bankrupt city, in a nearly bankrupt state. — Gary Jason

States' rights — The administration contends that the insurance mandate required by the healthcare reform bill falls within broad powers conferred on Congress to regulate interstate commerce. That is interesting, considering that the Republicans were fighting for the right of Americans to purchase health insurance across state lines, and were rebuked. So, by law, health insurance is commerce that cannot be interstate. — Tim Slagle

Terra Incognita

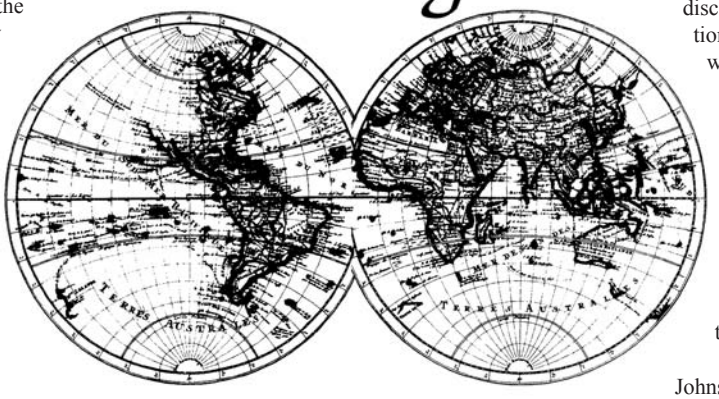

Philadelphia

Bold new constitutional theory, related by the *Philadelphia Daily News*:

In the last two years, Philadelphia police have confiscated guns from at least nine men — including four security guards — who were carrying them legally, and only one of the guns has been returned, according to interviews with the men.

Lt. Fran Healy, special adviser to the police commissioner, acknowledged that some city cops apparently are unfamiliar with some concealed-carry permits. But he said that it's better for cops to "err on the side of caution."

"Officers' safety comes first, and not infringing on people's rights comes second," Healy said.

South Bend, Ind.

Covert advertisement for private schooling, from WSBT-22, CBS:

If you ever wondered how much difference just one letter can make when it comes to a message, ask the thousands of people who recently drove by a digital billboard near the intersection of Ironwood and State Road 23.

The ad urged people to go to the "southbendon.com" website for a look at the "15 best things about our pubic schools." Once the error was pointed out, the letter "L" was restored to the word "public."

Washington, D.C.

Semantic revival of the Russo-Japanese War, spotted in the *Chicago Tribune*:

The White House has tapped a former leader of the Indiana Department of Natural Resources and the Indiana Wildlife Federation as the Asian carp czar to oversee the federal response to keeping the invasive species out of the Great Lakes.

President Obama's Council on Environmental Quality announced the selection of John Goss to lead the near $80 million, multi-pronged federal attack against Asian carp. "This is a serious challenge, a serious threat," Illinois Senator Dick Durbin said. "When it comes to the Asian carp threat, we are not in denial. We are not in a go-slow mode. We are in a full attack, full-speed ahead mode. We want to stop this carp from advancing."

Herndon, Va.

The high price of bar stunts, in the *Washington Examiner*:

Two fire-breathing bartenders face up to 45 years in prison each for performing flaming bar tricks.

Jimmy's Old Town Tavern owner Jimmy Cirrito said his bartenders have been entertaining his customers — by juggling bottles of alcohol and spitting out streams of flames using matchbooks and lighters — for more than a decade and no one's complained. But recently two of his longtime employees were hauled out of the Herndon bar in handcuffs and charged with three felonies each plus other misdemeanors.

Fairfax County fire investigators charged Tegee Rogers, 33, of Herndon, and Justin Fedorchak, 39, of Manassas, with manufacturing an explosive device, setting a fire capable of spreading, and burning or destroying a meeting house. They also were charged with several state fire code misdemeanors.

Medford, Ore.

Costly slip, noted by the *Medford Mail-Tribune*:

A three-letter word may cost one of the nation's oldest air ambulance operators a $30,000 fine. The word is "our" — the U.S. Department of Transportation says that was the wrong word for Mercy Flights of Oregon to use to describe a helicopter technically owned by another company.

The helicopter was purchased for Mercy Flights' exclusive use, but a separate company was formed for the deal, and it has ownership on paper. The DOT says Mercy Flights broke laws prohibiting unfair and deceptive practices in the sales of air transportation by saying it is "our helicopter."

The nonprofit will only have to pay half the fine if it avoids other pronoun violations for a year.

Phoenix

Potential new venue for litigation, from *The National Law Journal*:

An Arizona attorney may face disciplinary action after an investigation found that she told a client she was channeling his dead wife, then lied about it during an unrelated disciplinary proceeding.

Charna Johnson began representing the client in 1999 in divorce proceedings after meeting him in a ballroom dancing class. The client's wife committed suicide the following year and Johnson handled the probate matters.

Within days of the death, Johnson began telling her client that "his deceased wife Jan had 'come' to her and that Jan's 'spirit' was 'inside' her and that she could communicate Jan's thoughts," according to the report. The client testified that Johnson pressured him to have a sexual relationship, although she told the investigator that the references to sex were coming from the deceased wife, not herself.

San Jose

Educational mission, spotted by the *San Jose Mercury News*:

A top executive at the financially troubled San Jose/Evergreen Community College District earned a full salary while on sick leave — yet, during that same period, she earned a separate salary teaching at another nearby district.

Bayinaah Jones, whose title at SJECC is executive director of institutional effectiveness, earned $30,672 on sick leave there, but was apparently healthy enough to hold down a teaching position in the Foothill-DeAnza Community College District. The revelation follows a searing state audit of the SJECC District's books, which was critical of spending by former Chancellor Rosa Perez — whose live-in partner is Jones. Perez also took paid sick leave — for eight months, earning $25,000 each month — until retiring last Wednesday due to health reasons.

Jones took sick leave from her $123,000 position in April, May, and June of 2010. She remains sick "until further notice." However, during those same months, she commuted to a job teaching at DeAnza. In the last several years, the pair took 18 business trips together to places such as El Salvador, Scotland, and West Palm Beach — paid with district credit cards.

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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

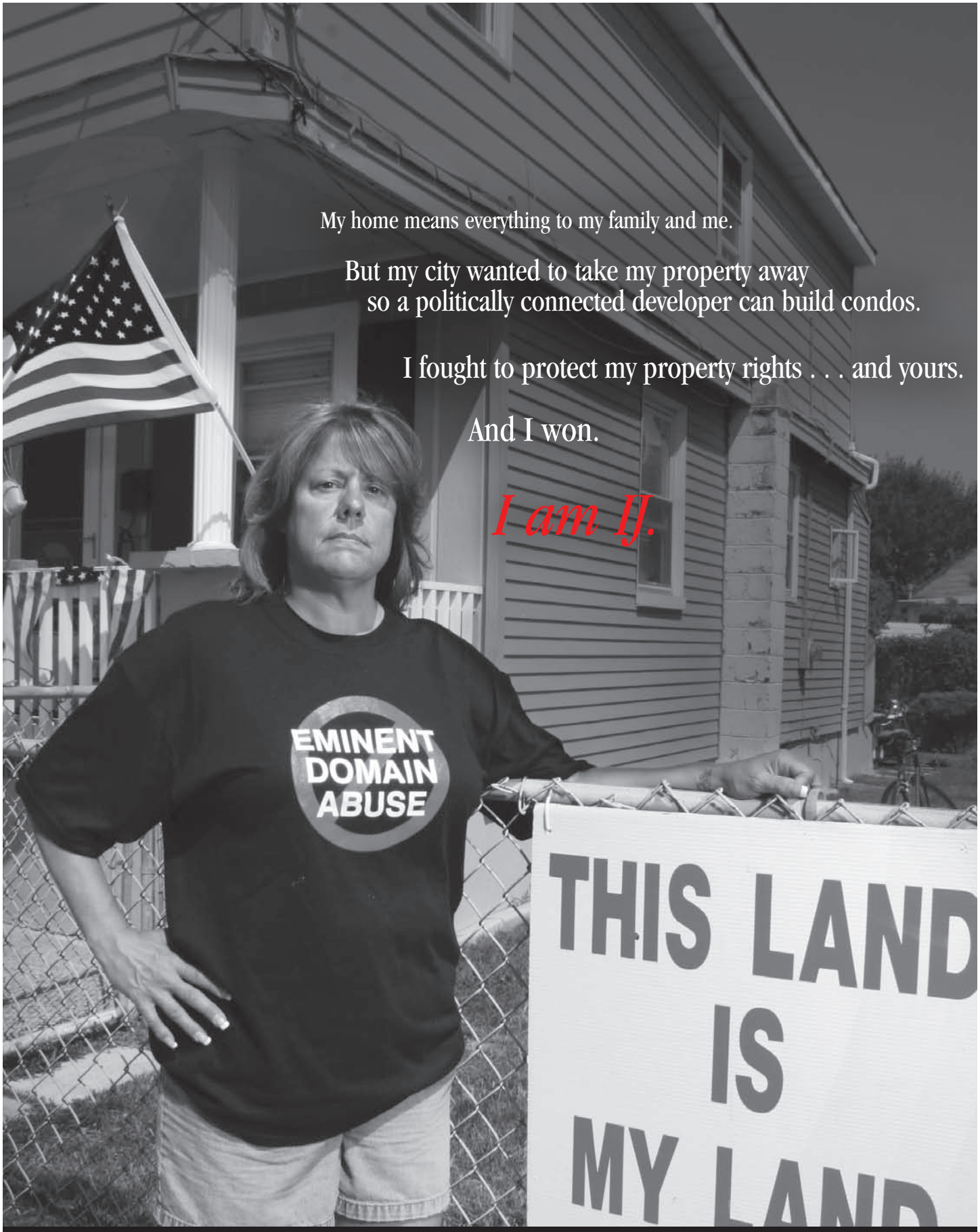

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